



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

## COMMON COUNCIL MEETING AGENDA

NOVEMBER 7, 2023

7:00 P.M.

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

### The City's Vision

*Oak Creek: A dynamic regional leader driving the future of the south shore.*

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance.
3. Approval of Minutes: 10/17/23.

### Recognition

4. **Resolution:** Consider Resolution No. 12440-110723, a Resolution of Appreciation to Robert D. Michalski, retiring Detective (by Committee of the Whole).
5. **Resolution:** Consider Resolution No. 12441-110723, a Resolution of Appreciation to Derick J. Slamka, retiring Police Officer (by Committee of the Whole).

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

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

6. **Conditional Use Permit:** Consider a request from Jeffrey Piejak, Ultimate Ninjas, for a Conditional Use Permit for an indoor health / athletic / recreation facility on the property at 400 W. Bell Ct. (6<sup>th</sup> District).
7. **Ordinance:** Consider Ordinance No. 3083, approving 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. (6<sup>th</sup> District).
8. **Conditional Use Permit Amendment:** Consider a request submitted by Skip Henderson, World Outreach Bible and Training Center, and LeTrisha Daniel, A Mothers' Heart Learning Center, for a Conditional Use Permit Amendment for a private school and daycare facility on the property at 6912 S. 27<sup>th</sup> St. (2<sup>nd</sup> District).

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

9. **Ordinance:** Consider Ordinance No. 3084, amending the Conditions and Restrictions in Ordinance No. 2851 to allow a private school and daycare facility on the property at 6912 S. 27<sup>th</sup> St. (2<sup>nd</sup> District).

## New Business

10. **Motion:** Consider a motion to concur with the recommendation of the Personnel and Finance Committee and amend Personnel Policy 5.13.3 (Holiday Pay), Personal Policy 7.10 Paid Time Off (PTO Full-Time and Regular Part-Time), and Personnel Policy 7.11 (Holidays) and establish a new Personnel Policy creating an Extended Paid Leave Bank for full-time non-represented employees. (by Committee of the Whole).
11. **Resolution:** Consider Resolution No. 12444-110723, Declaring the Necessity of Taking Blighted Property at 4301 East Depot Road and Authorizing the Taking of the Property (4<sup>th</sup> District).

## FIRE

12. **Resolution:** Consider Resolution No. 12445-110723, approving the Zone E Comprehensive Emergency Management Plan (CEMP) as the City of Oak Creek's emergency management plan (by Committee of the Whole).  
<https://www.oakcreekwi.gov/home/showdocument?id=18098&t=638346000931803960>

## COMMUNITY DEVELOPMENT

13. **Resolution:** Consider Resolution No. 12442-110723, approving a Minor Land Division / Lot Line Adjustment (Certified Survey Map) submitted by Ivan Vasiljevic, North Investments, LLC for the properties at 9810, 9840, and 9880 S. Ridgeview Dr. (5<sup>th</sup> District).
14. **Resolution:** Consider Resolution No. 12443-110723, approving a Minor Land Division / Lot Line Adjustment (Certified Survey Map) submitted by Richard Barrett, BLVD for the properties at 7951 and 7971 S. 6<sup>th</sup> St. (2<sup>nd</sup> District).

## LICENSE COMMITTEE

15. **Motion:** Consider a motion to approve the various license requests as listed on the 11/7/23 License Committee Report (by Committee of the Whole).

## VENDOR SUMMARY

16. **Motion:** Consider a motion to approve the November 1, 2023 Vendor Summary Report in the amount of \$509,704.58 (by Committee of the Whole).

## **Adjournment.**

### Public Notice

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

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

RESOLUTION NO. 12440-110723  
BY: COMMITTEE AS A WHOLE

RESOLUTION OF APPRECIATION  
TO  
ROBERT D. MICHALSKI

WHEREAS, Robert D. Michalski began his employment with the City of Oak Creek on July 14, 1997, as a full-time Police Officer; and

WHEREAS, during his twenty-six years and four months of service, Robert D. Michalski has been an integral part of the Police Department, serving as a patrol officer early in his career, serving as Acting Detective from June 1, 2011 through June 1, 2016 and promoted to the rank of Detective on June 11, 2018; and

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

WHEREAS, Robert D. Michalski received twenty-one combined Departmental Acknowledgements and Awards. Most notably are the Meritorious Service Award in 2004 from his actions of rescuing numerous residents from an active apartment fire, Awards of Excellence for solving several robberies, the sexual assault of a cold-case victim and an arson, all of which have impacted both the Oak Creek Police Department and the community as a whole; and

WHEREAS, Robert D. Michalski served with honor, passion and dedication on several sub-units of the Oak Creek Police Department: Emergency Response Team and Evidence Technician Unit. Through Robert D. Michalski's tenacity and dedication, the Oak Creek Police Department is more prepared, capable, and ready to serve the citizens of Oak Creek; and

WHEREAS, for sixteen years Robert D. Michalski served as a member of the Emergency Response Unit; achieving the rank of Master Operator and serving as an Explosive Breacher; and

WHEREAS, Robert D. Michalski was a member of our Evidence Technician Unit for fifteen years. During this time, he attained several certifications. He worked countless hours as an evidence technician assisting with many cases, but especially some of our most important and time-consuming events; furthermore, he has been a role model and mentor for all of the technicians; and

WHEREAS, Robert D. Michalski is retiring from the Oak Creek Police Department after completing twenty-six years and four months of full-time service to the City of Oak Creek.

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

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

Passed and adopted this 7<sup>th</sup> day of November, 2023.

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

Approved this 7<sup>th</sup> day of November, 2023.

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

ATTEST:

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

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

RESOLUTION NO. 12441-110723  
BY: COMMITTEE AS A WHOLE

RESOLUTION OF APPRECIATION  
TO  
DERICK J. SLAMKA

WHEREAS, Derick J. Slamka began his employment with the City of Oak Creek on January 15, 1996, as a full-time Police Officer; and

WHEREAS, during his twenty-seven years and nine months of service, Derick J. Slamka has been an integral part of the Police Department, serving as a patrol officer; and

WHEREAS, Derick J. Slamka has been a valuable employee during his years of dedicated service with the Oak Creek Police Department, always striving to enhance the quality of life for the citizens of the City; and has been a great teammate for those he has worked with, and his dedication to the department; and

WHEREAS, Derick J. Slamka received fourteen combined Departmental Acknowledgements and Awards. Most notably are the Medal of Valor and Lifesaving Award from his actions at the Sikh Temple in 2012, where his actions with his teammates saved lives and countless others from an active shooter, Award of Excellence in 2023 for his work on our Emergency Response Unit. Furthermore, he was honored as a "Top Cop" in Washington D.C. in 2013 for his actions at the Sikh Temple in 2012, all of which have impacted both the Oak Creek Police Department and the community as a whole; and

WHEREAS, Derick J. Slamka served with honor, passion and dedication on several sub-units of the Oak Creek Police Department: notably the Emergency Response Team and Drug Unit. Through Derick J. Slamka's tenacity and dedication, the Oak Creek Police Department is more prepared, capable, and ready to serve the citizens of Oak Creek; and

WHEREAS, for twenty-two years Derick J. Slamka served as a member of the Emergency Response Unit; achieving the rank of Master Operator and serving as a sniper; and

WHEREAS, Derick J. Slamka served as a full-time undercover Drug Unit officer from 2009 through 2011; further developing and creating the unit into what it has become today; and

WHEREAS, Derick J. Slamka is retiring from the Oak Creek Police Department after completing twenty-seven years and nine months of full-time service to the City of Oak Creek.

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

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

Passed and adopted this 7<sup>th</sup> day of November, 2023.

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

Approved this 7<sup>th</sup> day of November, 2023.

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

ATTEST:

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

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

TO BE PUBLISHED OCTOBER 18 & 25, 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 Jeffrey Piejak, Ultimate Ninjas, for a Conditional Use Permit for an indoor health/athletic/recreation facility on the property at 400 W. Bell Ct.

**Hearing Date:**

November 7, 2023

**Time:**

7:00 PM

**Place:**

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

**Applicant(s):**

Jeffrey Piejak, Ultimate Ninjas

**Property Owner(s):**

TOWER 9 COMMERCIAL - OAK CREEK LLC

**Property Location(s):**

400 W. Bell Ct.

**Tax Key(s):**

828-9024-000

**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.

The Common Council has scheduled other public hearings for November 7, 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: October 11, 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 6<sup>th</sup> Street, Oak Creek, Wisconsin 53154.

## COMMON COUNCIL REPORT

- Item:** Conditional Use Permit - 400 W. Bell Ct. - Jeffrey Piejak, Ultimate Ninjas Chicago, LLC
- Recommendation:** That the Council considers Ordinance 3083, an ordinance to approve 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. (6<sup>th</sup> Aldermanic District)
- Fiscal Impact:** Approval will allow for the occupancy of an existing vacant tenant space within the multitenant building on the property. Approval of the proposed use will yield positive fiscal impacts in terms of review and permit fees. This property is not currently part of a TID.
- Critical Success Factor(s):**
- Active, Vibrant and Engaged Community
  - Financial Stability and Resiliency
  - Thoughtful Growth and Prosperous Local Economy
  - Clean, Safe & Welcoming
  - Inspired, Aligned, and Proactive City Organization
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

**Background:** The Applicant is requesting Conditional Use approval for an indoor health/athletic/recreation facility within a portion of the existing multitenant industrial building on the property at 400 W. Bell Ct. Indoor health/athletic/recreation facilities are Conditional Uses in the M-1, Manufacturing district.

Ultimate Ninjas will provide an indoor obstacle course-style gym similar to the television series per the submitted narrative. Up to 10 employees are anticipated during weekends with parties scheduled. Details for typical weekday operations are shown below.

	Hours	Employees
Adult Fitness	5:30 AM – 11:00 PM	1
Lil' Ninjas	11:00 AM – 1:30 PM	3
Ultimate Ninjas	4:00 – 8:30 PM	4-5

Peak occupancy of approximately 20 kids plus adult guardians is between 4:00 and 7:00 weekdays, and up to 45 children with 45 adults for weekend parties (noon – 4:00 PM). No regular deliveries besides pizzas for parties are anticipated, and no exterior modifications to the site or building are proposed.

Plans originally approved in 2001 included 99 parking stalls to serve all tenants in the 51,600 square-foot building. Current parking requirements for indoor health/athletic/recreation facilities are one (1) stall for

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every three (3) patrons at maximum capacity, which equates to approximately 30 stalls for weekend party capacity. This does not take into consideration whether the facility is for adults, children, or a combination thereof, nor does it specify parking for employees. Per the submitted narrative, the employees are expected to parking in the loading dock area since deliveries are not required for the use. While staff do not have a complete list of the other tenants and their hours of operation, it can be reasonably assumed that night and weekend hours for the proposed use will not dramatically affect parking needs. Parking management for leased suites will be the responsibility of the landowner and/or their property management company.

After careful consideration at their September 26 and October 10, 2023 meetings, the Plan Commission recommended Common Council approval of the request subject to attached Conditions and Restrictions.

**Options/Alternatives:** Council has the discretion to approve or not approve the proposed Conditional Use Permit request. 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.

Should the Council determine that the proposed request for a Conditional Use Permit on the property at 400 W. Bell Ct. is acceptable, the suggested motion is to approve Ordinance 3083 as stated. The approval would allow the Applicant to proceed to permitting.

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



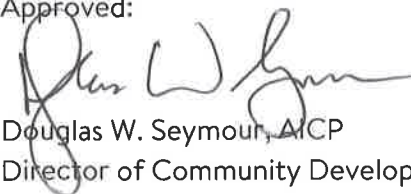
Kari Papelbon, CFM, AICP  
Senior Planner

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

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Attachments:

Location Map

Ord. 3083

Narrative (8 pages)

Email with additional info (1 page)

Alta Survey (1 page)

Floor Plan (1 page)

Draft Conditions and Restrictions (5 pages)

Excerpted Plan Commission Minutes (2 pages)



ORDINANCE NO. 3083

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

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR  
AN INDOOR HEALTH / ATHLETIC / RECREATION FACILITY AT 400 W. BELL CT.

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

WHEREAS, JEFFREY PIEJAK, ULTIMATE NINJAS, CHICAGO, LLC, has applied for a Conditional Use Permit that would allow for an indoor health / athletic / recreation facility on the property at 400 W. Bell Ct.; and

WHEREAS, the property is more precisely described as follows:

Parcel 2 of Certified Survey Map No. 7016, recorded on October 17, 2001, Reel 5181, Images 3054 to 3056 as Document No. 8152524, being a redivision of Parcel 1 of Certified Survey Map No. 6549 and Parcel 3 of Certified Survey Map No. 3011, all part of the Northeast 1/4 and the Southeast 1/4 of Section 17, Town 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

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

WHEREAS, the Common Council held a public hearing on this matter on November 7, 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 an indoor health / athletic / recreation facility on the property at 400 W. Bell Ct., which shall include the aforementioned conditions and restrictions (see Exhibit A).

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 indoor health / athletic / recreation facility on the property at 400 W. Bell Ct.

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 7<sup>th</sup> day of November, 2023.

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

Approved this 7<sup>th</sup> day of November, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

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

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

EXHIBIT A: CONDITIONS AND RESTRICTIONS

<b>City of Oak Creek – Conditional Use Permit (CUP) Conditions and Restrictions</b>		
<b>Applicant:</b>	Jeffrey Piejak, Ultimate Ninjas	<b>Approved by Plan Commission:</b> 10-10-23
<b>Property Address(es):</b>	400 W. Bell Ct.	<b>Approved by Common Council:</b> 11-7-23
<b>Tax Key Number(s):</b>	828-9024-000	(Ord. 3083)
<b>Conditional Use:</b>	One (1) Indoor Health/Athletic/ Recreation Facility	

**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:**

- |  |  |
|--|--|
| <p><b>1) General Development Plan</b></p> <ul style="list-style-type: none"><li>a) Detailed building/structure location(s) with setbacks</li><li>b) Square footage of all buildings/structures</li><br/><li>c) Area(s) for future expansion/phases</li><li>d) Area(s) to be paved</li><li>e) Access drive(s) (width and location)</li><li>f) Sidewalk location(s)</li><li>g) Parking layout and traffic circulation<ul style="list-style-type: none"><li>i) Location(s) and future expansion</li><li>ii) Number of employees</li><li>iii) Number of all parking spaces</li><li>iv) Dimensions</li><li>v) Setbacks &amp; buffers</li></ul></li><li>h) Location(s) of loading berth(s)<ul style="list-style-type: none"><li>i) Location of sanitary sewer (existing &amp; proposed)</li><li>j) Location of water (existing &amp; proposed)</li></ul></li><li>k) Location of storm sewer (existing &amp; proposed)</li><br/><li>l) Location(s) of wetlands (field verified)</li><li>m) Location(s) and details of sign(s)</li><li>n) Location(s) and details of proposed fences/gates</li></ul> | <p><b>2) Landscape Plan</b></p> <ul style="list-style-type: none"><li>a) Screening plan, including parking lot screening/berming &amp; buffer areas</li><li>b) Number, initial &amp; mature sizes, and types of plantings; tree inventory &amp; retention/replacement plan</li><li>c) Percentage open/green space</li></ul> <p><b>3) Building Plan</b></p> <ul style="list-style-type: none"><li>a) Architectural elevations (w/dimensions)</li><li>b) Building floor plans (w/dimensions)</li><li>c) Materials of construction (including colors)</li></ul> <p><b>4) Lighting Plan</b></p> <ul style="list-style-type: none"><li>a) Types &amp; color temperature(s) of fixtures</li><li>b) Mounting heights</li><li>c) Types &amp; color of poles</li><li>d) Photometrics of proposed fixtures</li></ul> <p><b>5) Grading, Drainage and Stormwater Management Plan</b></p> <ul style="list-style-type: none"><li>a) Contours (existing &amp; proposed)</li><li>b) Location(s) of storm sewer (existing and proposed)</li><li>c) Location(s) of stormwater management structures and basins/green infrastructure (if required)</li></ul> <p><b>6) Fire Protection</b></p> <ul style="list-style-type: none"><li>a) Locations of existing &amp; proposed fire hydrants</li><li>b) Interior floor plan(s)<ul style="list-style-type: none"><li>c) Materials of construction</li><li>d) Materials to be stored (interior &amp; exterior)</li></ul></li></ul> |
|--|--|

- 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**

## EXHIBIT A: CONDITIONS AND RESTRICTIONS CONT'D

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).

## EXHIBIT A: CONDITIONS AND RESTRICTIONS CONT'D

### 6. BULK AND DIMENSIONAL REQUIREMENTS, SETBACKS

<b>Lot Standards (Minimum)</b>	
Lot Area	1 acre
Lot Width	200 ft
<b>Yard Setbacks (Minimum) (1)</b>	
Front	40 ft
Street Facing Side	40 ft
Interior Side	20 ft
Rear	20 ft
<b>Building Standards (Maximum)</b>	
Height	55 ft
Building Coverage	70%
Lot Coverage	70%
<b>Parking</b>	
Transition & Required Landscape Areas	See Sec. 17.0505
Setbacks	See 9-25-01 Plans
<b>Notes:</b>	
(1) Setbacks from wetlands shall be a minimum of fifteen (15) feet with a five (5) foot undisturbed buffer.	

### 7. TIME OF COMPLIANCE

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

### 8. 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

EXHIBIT A: CONDITIONS AND RESTRICTIONS CONT'D

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. REVOCATION**

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

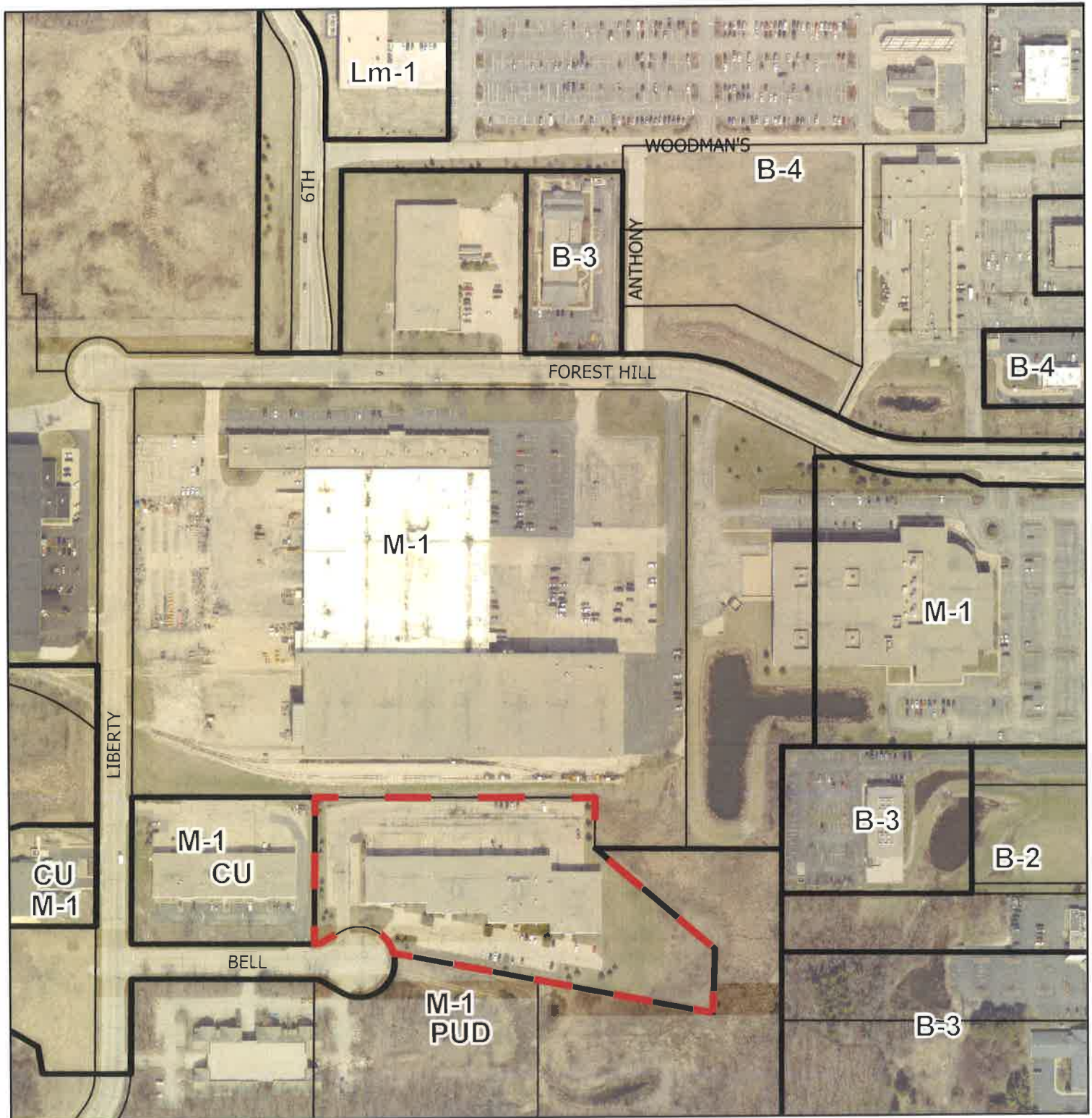
\_\_\_\_\_  
Owner / Authorized Representative Signature

\_\_\_\_\_  
Date

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

# Location Map

## 400 West Bell Court



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



Community Development



### Legend

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

**NARRATIVE:**

ULTIMATE NINJAS is a nationwide brand that operates several gymnasiums. There are gyms in Indianapolis, metropolitan Chicago and St Louis. The proposed Oak Creek site will be the first in Wisconsin. It has a direct relationship with the popular television show in that the facilities are run by actual contestants. And the courses mirror the show's courses. The gyms are set up as a series of obstacle courses and test full body fitness, balance and agility. They are "all ages" facilities. The majority of users are youth. They have been quite popular destinations for birthday parties. Previous locations have proven to be good neighbors in their locale and are assets to the communities in which they reside.

The primary busy hours are evenings and weekends. For many of the party events, children are dropped off and picked up at the end of the event. (The proximity to City Center and surrounding retail is one of the attributes of this site). In addition, observation areas are also provided for those who wish to remain present outside of the activity area.

Following is a point by point response to the conditions for conditional use.

**(e)**

Conditional use permit.

**(1)**

Applicability. Uses designated under the various zoning districts herein as conditional uses are so classified because they may have site-specific impacts that require the discretionary review of the Common Council. The following procedure is established to integrate the conditional uses properly with other land uses located in the district. These uses shall be reviewed and authorized or denied according to the following procedure. **The proposed use is a gymnasium which is listed as a conditional use in the zoning ordinance.**

**(2)**

Application. Applications for conditional use permits shall be submitted to the Community Development Director or their designee and shall include, but not be limited to the following where pertinent and necessary for proper review by the Plan Commission. **See form submittal.**

**a.**

Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record. **See form submittal**





# Bleck&Bleck Architects LLC

ARCHITECTURE • DESIGN • ENGINEERING

Architect- Bleck & Bleck Architects LLC, 200 E Church St, Libertyville, IL 60048 WI license No 8711-005

Contractor- TBA

**b.**

Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located. See attached ATLA survey dated 09-07-2016

**c.**

Site plan including the information required by the Community Development Director or their designee. See site plan submittal. Note there is no proposed sitework. Since this client is not likely to need shipping docks, we have designated an area in the shipping zone for employee parking. The number of spaces available there exceed the number of employees.

**d.**

Additional information as may be required by the Plan Commission, City Engineer, Building Commissioner, Plumbing Inspector, Electrical Inspector, or Fire Inspector. OK

**(3)**

Conditional use permit review criteria. A conditional use permit may be granted upon finding in the review of the application that all applicable use specific provisions per Article IV 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. OK

**a.**

The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare. All operations to occur within the structure.

**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. This activity will not have an adverse effect of the future development for the surrounding parcels.

**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. All necessary site needs and functions are in place.

**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. The parking and traffic flow are adequate for this use. The code states 1 space per 3 occupants. The user base is varied between adults (during early morning and evenings) and youth parties with a portion of the parents staying for observation while others do drop off / pick up. It should be noted that these activities occur outside of normal business hours.

Currently the site has 95 parking spaces. The subject space occupies approximately 15,600sf. The balance of the building is 34,000sf. Of that 34,000sf space assuming a generous mix of 35/65 split of office to manufacturing the result would be 11900sf office to 22100sf manufacturing. Using the M1 parking requirement of 1 space per 1500sf and 1 space per 300sf office would require 55 spaces. (40+15) That would leave 40 available spaces for this tenant which would accommodate 120 persons. Currently most of their facilities use about 20 spaces. Also note loading areas at the rear of the property can be utilized for employee parking (at least 8 additional spaces).

**e.**

The conditional use conforms to all applicable regulations of the district in which it is located. We believe this to be true.

**(4)**

First review and recommendation by the Plan Commission. At the first review and recommendation meeting, the Plan Commission shall review the conditional use permit application against the review criteria and all other provisions of this Zoning Ordinance and recommend that the application be advanced to the second review and recommendation meeting or be denied. **OK**

**(5)**

Second review and recommendation by the Plan Commission. At the second review and recommendation meeting, the Plan Commission shall establish the conditions by which the



conditional use permit shall be considered by the Common Council or recommend to the Common Council that the application be denied. **OK**

**(6)**

Review and action by the Common Council. The Common Council shall hold a public hearing on each application giving public notice as required by this article. The Council may subsequently approve, approve with conditions, or deny the issuance of the conditional use permit, or require the submittal of a modified application. The conditional use permit shall be granted or denied in writing. **OK**

**(7)**

Conditions and restrictions. The City may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the Plan Commission. **Understood**

**(8)**

Notice to DNR. The Plan Commission shall transmit a copy of each application for a conservancy conditional use in the C-1 Shoreland Wetland Conservancy District to the Wisconsin Department of Natural Resources (DNR) by certified mail at least 10 days prior to the public hearing. Final action on the application by the Common Council shall not be taken for 30 days from the date the DNR receives notice of public hearing by certified mail or until the DNR has made its recommendation, whichever comes first. A copy of all shoreland conservancy conditional use decisions shall be transmitted to the DNR within 10 days following the decision. **With no site work or unusual discharge from this user, this should be a moot point.**

**(9)**

Expiration of approval. The conditional use permit shall expire within no less than 12 months of the date of issuance of the permit if no work has commenced. The issuance of the building permit shall constitute commencement of work. The conditional use permit shall remain valid only so long as the building permit shall remain valid. The time period to commence work and to complete the project shall be determined by the Plan Commission; and both, if not complied with, shall warrant consideration for revocation of the conditional use permit in accordance with § 17.0804(e) of this article. **OK**

**(10)**

Amendments. Changes subsequent to the initial issuance of a conditional use permit which would substantially affect the conditions listed this article shall require an amendment to the



conditional use permit. The process for amending a permit shall generally follow the same procedures as those required for granting a conditional use permit as set forth in this section.

OK

**(11)**

Revocation of conditional use permit. Should a conditional use permit applicant, their heirs or assigns, fail to comply with the conditions of the permit issued by the Community Development Director or their designee or should the use, or characteristics of the use be changed without prior approval by the Common Council, the conditional use permit may be revoked. The process for revoking a permit shall generally follow the same procedures as those required for granting a conditional use permit as set forth in this section. OK

**(12)**

Existing conditional uses. All uses existing on the effective date of this article which would be classified as conditional uses in the particular districts concerned, if they were to be established after the effective date of this article, are hereby declared to be conforming conditional uses. Any proposed change or expansion, including signage and parking, of the existing operation shall be subject to the conditional use procedures and regulations in this section, as if such use were being newly established. OK



PHOTOS OF OTHER ULTIMATE NINJAS FACILITIES



# Bleck&Bleck Architects LLC

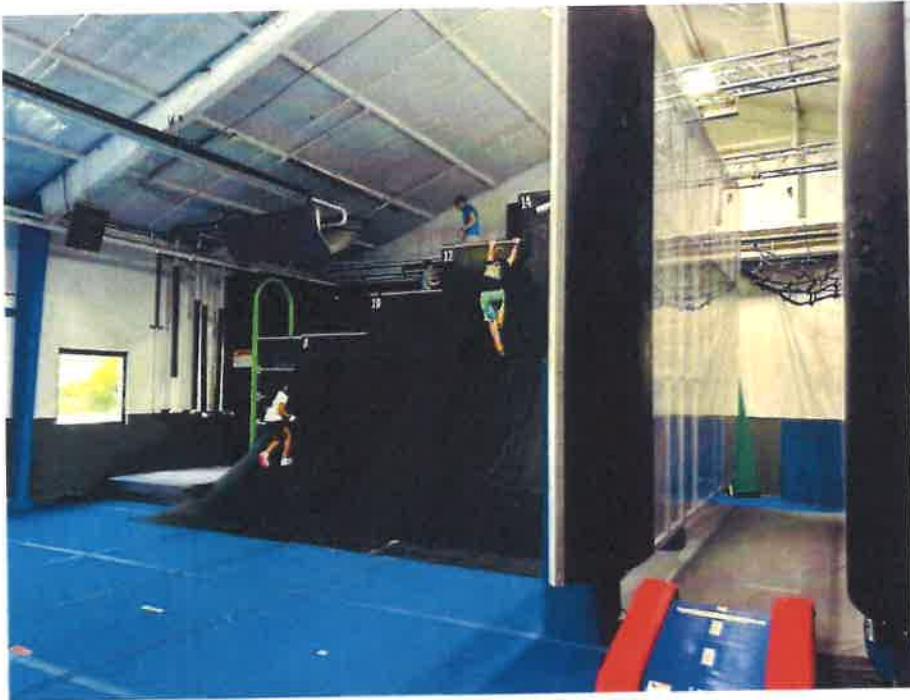
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©Bleck & Bleck Architects, LLC | 200 E. Church St. | Libertyville, IL 60048 | tel 847.247.0303 | fax 847.247.1737  
[cbleck@bleckarchitects.com](mailto:cbleck@bleckarchitects.com) | [rbleck@bleckarchitects.com](mailto:rbleck@bleckarchitects.com) | [www.bleckarchitects.com](http://www.bleckarchitects.com)

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[cbleck@bleckarchitects.com](mailto:cbleck@bleckarchitects.com) | [rbleck@bleckarchitects.com](mailto:rbleck@bleckarchitects.com) | [www.bleckarchitects.com](http://www.bleckarchitects.com)

## Kari Papelbon

---

**From:** Robert Bleck <rbleck@bleckarchitects.com>  
**Sent:** Monday, September 11, 2023 3:46 PM  
**To:** Kari Papelbon  
**Cc:** Mike Silenzi; Jeff Piejak  
**Subject:** RE: [EXTERNAL] NINJA gym

Kari,

The population load varies throughout the day/ week. Per the description below, peak times are birthday parties on the weekends. Moderate level of activity in late afternoon / evenings.

M-F  
Adult fitness 530am-11pm (1 employee)  
Lil ninjas 11am-130pm (3 employees) small children  
Ultimate ninjas 4-830pm(4-5 employees) youth and young adults

Sat/sun, birthday parties  
9am-8pm (8-10 employees)

Peak patron times, M-F, 4-7pm approximately 20kids in the gym, plus a handful of parents staying to watch with majority typically dropping off.

Busiest, patron opportunity is Sat/Sun from noon to 4pm. We could have up to 3 birthday parties in facility. Average size of 15 kids per party, 45 kids and approximately 45 adults.

No regular deliveries except pizzas for parties on Saturdays. The boxes for those are the primary trash generated.

### Robert Bleck

**P:** 847.247.0303  
**F:** 847.247.1737  
**C:** 224.522.8965

**Bleck&Bleck Architects** LLC  
ARCHITECTURE • DESIGN • ENGINEERING

200 E. Church Street, Libertyville, IL 60048

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[Facebook.com/BleckArchitects](https://Facebook.com/BleckArchitects)  
[Twitter.com/BleckArchitects](https://Twitter.com/BleckArchitects)

**From:** Kari Papelbon [mailto:kpapelbon@oakcreekwi.gov]  
**Sent:** Monday, September 11, 2023 11:51 AM  
**To:** Robert Bleck <rbleck@bleckarchitects.com>  
**Subject:** RE: [EXTERNAL] NINJA gym

Bob,



# ALTA/NSPS LAND TITLE SURVEY

**CLIENT:**  
The Eckhardt Company  
**NET ADDRESS:**  
400 West Bell Court, City of Oak Creek, Milwaukee County, Wisconsin

**LEGAL DESCRIPTION:**  
Parcel 2 of Certified Survey Map No. 7016, recorded on October 17, 2001, Reel 5183, Image 3004 to 3006 of Documents No. 813224, being a replacement of Parcel 1 of Certified Survey Map No. 6549 and Parcel 2 of Certified Survey Map No. 3013, all part of the Northwest 1/4 and the Southeast 1/4 of Section 17, Town 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

**TITLE COMMITMENT:**  
This survey was prepared based on Chicago Title Insurance Company Commitment No. CO-6646, effective date of March 31, 2017 which lists the following easements and/or restrictions from schedule B-II:

- 1, 5, 6, 7 & 8 visible evidence shown, if any.
- 2, 3, 4, 9, 11, 12 & 13, not survey related.
10. Easement(s) for the easement(s) and right incidental thereto, as granted in a document, granted to Wisconsin Electric Power Company, a Wisconsin corporation doing business as WE Energies, and Wisconsin Bell, Inc., a Wisconsin corporation doing business as SBC Wisconsin, for utility purposes, recorded on August 5, 2004, as Document No. 8837492, affect property by location shown.

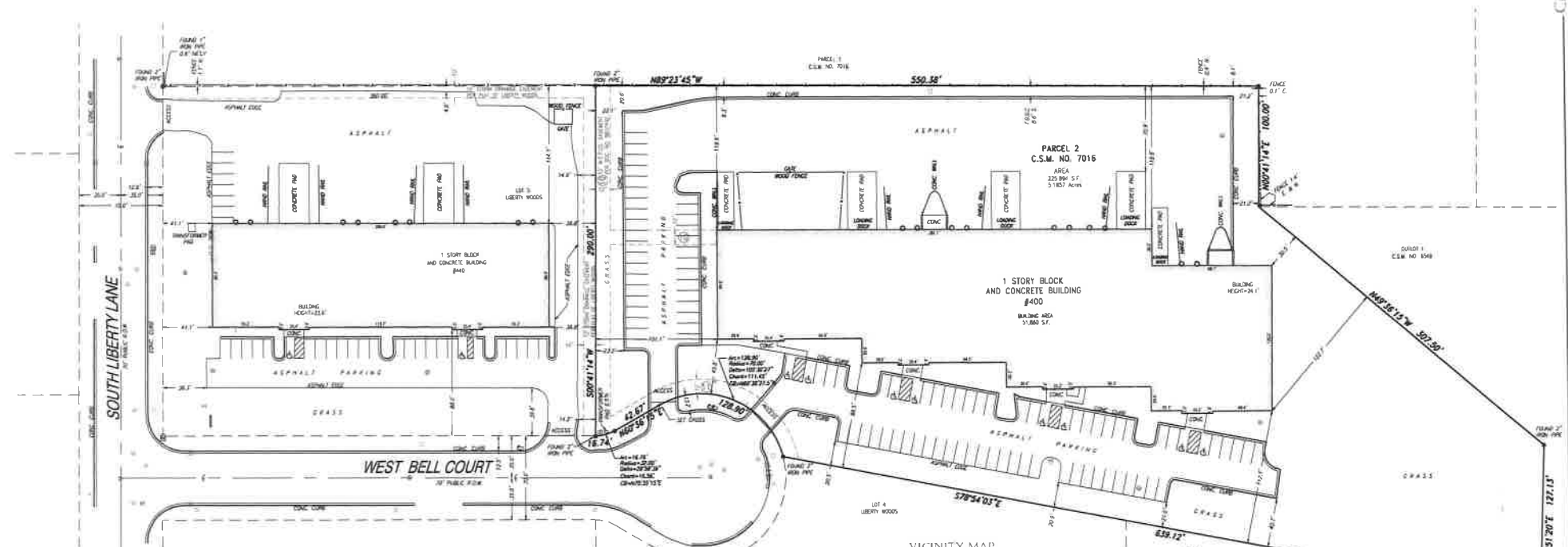
**BASIS OF BEARINGS:**  
Bearings are referenced to the East line of South Liberty Lane, which is assumed to bear North 00°41'34" East.

**LAND AREA:**  
The Land Area of the Parcel 1 subject property is 225,894 square feet or 5.1857 acres.

**PARKING SPACES:**  
There are 90 regular parking spaces and 8 handicap space marked on this site.

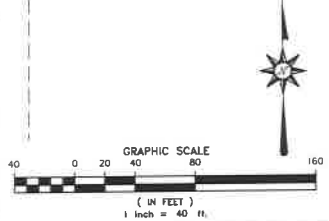
**FLOOD NOTE:**  
According to the Flood Insurance rate map of the County of Milwaukee, Community Panel No. 55027801682, effective date of September 26, 2008, this site falls in Zone X (Areas determined to be outside the 0.2% annual chance floodplain).

**MUNICIPAL ZONING:**  
Municipal Code Sec. 17.0317  
Site is zoned: M-3 (Manufacturing District)  
Building Height and Area:  
(1) No principal building or parts of a principal building shall exceed 15 feet (5) feet in height.  
(2) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed eighty (80) percent of the lot area.  
Setbacks:  
(1) There shall be a minimum front setback of forty (40) feet from the right-of-way of all streets.  
(2) There shall be a side setback on each side of all buildings of not less than twenty (20) feet. Side yards abutting a railroad right-of-way or storm water drainage channel at least twenty (20) feet in width may be reduced to fifteen (15) feet.  
(3) There shall be a rear setback for all buildings of not less than twenty (20) feet. Rear yards abutting a railroad right-of-way or storm water drainage channel that is at least twenty (20) feet in width may be reduced to ten (10) feet.  
(4) No building, structure or land within 200 feet of a residence district boundary line shall be used in connection with the operation of any establishment located off street parking and off-street loading may be located within this area in accordance with regulations set forth in Section 17.0422 and 17.0403 of the Chapter.



**LEGEND**

● INDICATES FOUND 1" IRON PIPE	○ SMALL INDICATOR VALVE	■ WETLANDS FLAG
○ INDICATES SET 1" IRON PIPE	⊕ POST INDICATOR VALVE	■ WASH
⊕ INDICATES FOUND CHARGED CROSS	⊕ LIGHT POLE	■ PARKING METER
○ SANITARY MANHOLE	⊕ SPOT/FLARE LIGHT	■ SIGN
○ SANITARY CLEANOUT OR VENT	⊕ UTILITY POLE	■ MAILBOX
○ M.S. MANHOLE	⊕ GUY POLE	■ RAILROAD CROSSING SIGNAL
○ LAUNDRY MANHOLE	⊕ GUY WIRE	■ HANDICAP SPACE
○ STORM MANHOLE	⊕ ELECTRIC MANHOLE	■ CONFEROUS TREE
○ INLET (ROUND)	⊕ ELECTRIC PEDESTAL	○ DECIDUOUS TREE
○ INLET (SQUARE)	⊕ ELECTRIC METER	
○ CURB INLET	⊕ TELEPHONE MANHOLE	
○ STORM FENDER DNO SECTION	⊕ TELEPHONE PEDESTAL	
○ GAS VALVE	⊕ CABLE PEDESTAL	
○ GAS METER	⊕ CONTROL BOX	
○ WATER VALVE	⊕ FIBER OPTIC SIGN	
○ HYDRANT	⊕ TRAFFIC LIGHT	
○ WATER MANHOLE	⊕ COMMUNICATION MANHOLE	
○ WATER SERVICE CURB STOP	○ BOLLARD	
○ WELL HEAD	○ SOL. BENCH/MONITORING WELL	
○ SAND PIPE	○ WATER SURFACE	



TO: Summit Real Estate Services, LLC  
Chicago Title Insurance Company  
Tower 9 Commercial - Oak Creek, LLC

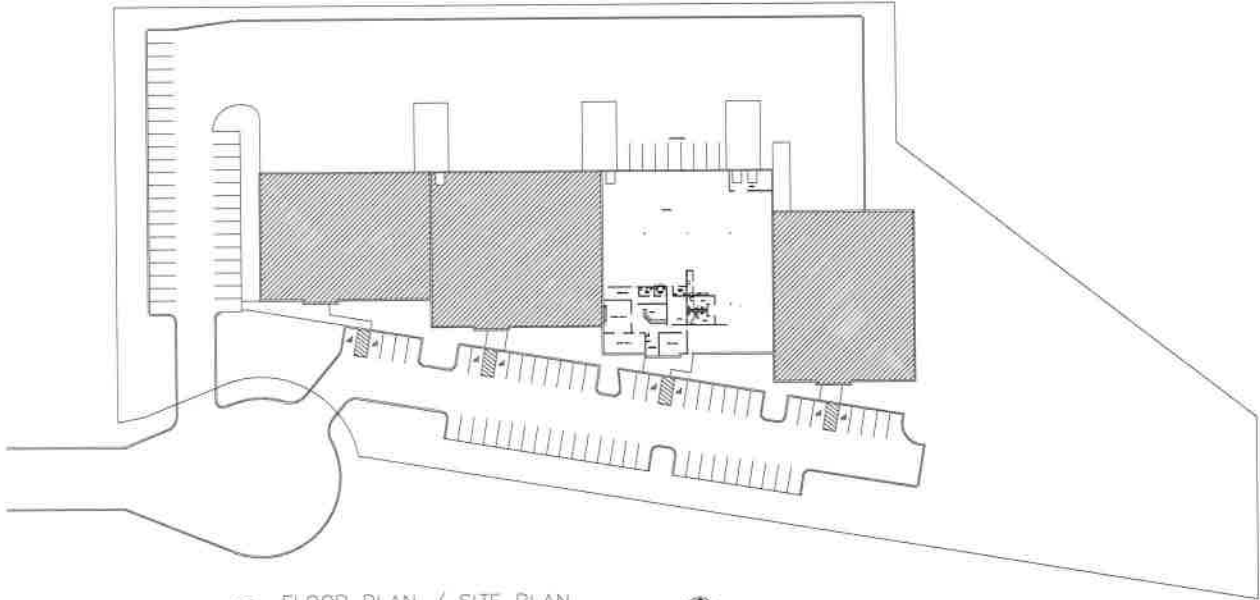
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and include items 1, 2, 3, 4, 7(a), 7(c), 8, 9, 20 and 22 of Table A thereto. The field work was completed on August 24, 2016.

Date of Map: September 7, 2016  
Revised: July 5, 2017

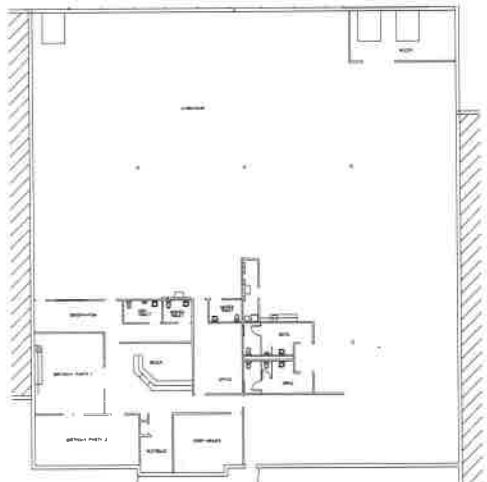
**CHAPPEL LAND SURVEYS, INC.**  
JAMES W. CHAPPEL, LICENSED PROFESSIONAL LAND SURVEYOR  
1111 201<sup>ST</sup> N. WISCONSIN  
OAK CREEK, WI 53069  
www.chappelandsurveys.com

**Donald C. Chappel**  
Professional Land Surveyor  
Registration Number 5-1218

Drawing No. 2294-09



1 FLOOR PLAN / SITE PLAN  
SCALE: 1"=40'-0"



2 FLOOR PLAN  
SCALE: 1/16"=1'-0"

**Bleck & Bleck  
Architects, LLC**  
WI License No. B711-005

200 East Church Street  
Libertyville, Illinois 60048  
Office 847-247-0303  
Fax 847-247-1737  
Email rbleck@bleckarchitects.com

**Ultimate Ninjas**  
400 West Bell Court  
Oak Creek, Wisconsin

**Remodeling and  
Alterations**

For Permit:  
August 28, 2023

Revisions:

Sheet:  
of:

Project No. 4077

**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:** 10-10-23  
**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

<b>Lot Standards (Minimum)</b>	
Lot Area	1 acre
Lot Width	200 ft
<b>Yard Setbacks (Minimum) (1)</b>	
Front	40 ft
Street Facing Side	40 ft
Interior Side	20 ft
Rear	20 ft
<b>Building Standards (Maximum)</b>	
Height	55 ft
Building Coverage	70%
Lot Coverage	70%
<b>Parking</b>	
Transition & Required Landscape Areas	See Sec. 17.0505
Setbacks	See 9-25-01 Plans
<b>Notes:</b>	
(1) Setbacks from wetlands shall be a minimum of fifteen (15) feet with a five (5) foot undisturbed buffer.	

7. TIME OF COMPLIANCE

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

8. 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. REVOCATION

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

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

**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.

ATTEST:

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

10-10-23  
\_\_\_\_\_  
Date



**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, OCTOBER 10, 2023**

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

**CONDITIONS AND RESTRICTIONS  
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 the 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. (see staff report for details).

Commissioner Siefert asked if the business would operate seven (7) days a week. Senior Planner Papelbon confirmed that is correct. Senior Planner Papelbon explained that the applicant did not specify that they will not be open on any particular day, and are anticipating parties on the weekends. The applicant is anticipating maybe 20 people to be in the gym from 5:30 am to 1:30 pm with up to four (4) employees.

Assistant Fire Chief Havey explained that this proposal was presented previously, and the Fire Department had discussions with the applicant. Modifications to the suppression system is the only acknowledgment to ensure the Code compliance is relevant to the occupancy type.

Commissioner Siefert moved 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.

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

ATTEST:



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

10-24-23

\_\_\_\_\_  
Date

TO BE PUBLISHED OCTOBER 18 & 25, 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 Skip Henderson, World Outreach Bible and Training Center, and LeTrisha Daniel, A Mother's Heart Learning Center, for a Conditional Use Permit Amendment for a private school and daycare facility on the property at 6912 S. 27<sup>th</sup> St.

**Hearing Date:**

November 7, 2023

**Time:**

7:00 PM

**Place:**

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

**Applicant(s):**

Skip Henderson, World Outreach Bible and Training Center, and LeTrisha Daniel, A Mother's Heart Learning Center

**Property Owner(s):**

WORLD OUTREACH AND BIBLE TRAINING CENTER INC.

**Property Location(s):**

6912 S. 27<sup>th</sup> St.

**Tax Key(s):**

737-9028-000

**Legal Description:**

CERTIFIED SURVEY MAP NO 5886 OUTLOT 1 (4.240 AC) SW 1/4 SEC 6-5-22.

The Common Council has scheduled other public hearings for November 7, 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: October 11, 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 6<sup>th</sup> Street, Oak Creek, Wisconsin 53154.

## COMMON COUNCIL REPORT

**Item:** Conditional Use Permit Amendment - 6912 S. 27<sup>th</sup> St. - Skip Henderson, World Outreach Bible and Training Center, and LeTrisha Daniel, A Mother's Heart Learning Center

**Recommendation:** That the Council considers Ordinance 3084, an ordinance to amend the Conditions and Restrictions in Ordinance 2851 to allow for private school and daycare facility on the property at 6912 S. 27<sup>th</sup> St. (2<sup>nd</sup> Aldermanic District)

**Fiscal Impact:** Approval will allow for the occupancy of a portion of an existing institutional (religious) building on the property. Approval of the proposed use will yield positive fiscal impacts in terms of review and permit fees. This property is not currently part of a TID.

**Critical Success Factor(s):**

- Active, Vibrant and Engaged Community
- Financial Stability and Resiliency
- Thoughtful Growth and Prosperous Local Economy
- Clean, Safe & Welcoming
- Inspired, Aligned, and Proactive City Organization
- Quality Infrastructure, Amenities, and Services
- Not Applicable

**Background:** The Applicant is requesting approval for 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. 27<sup>th</sup> St. Private schools and daycare facilities are Conditional Uses in the I-1, Institutional district. A copy of the Conditions and Restrictions for the establishment of a religious institution approved May 16, 2017 by Ord. 2851 is included with this report for Council reference.

Per the submitted information, the operations for a daycare facility will be established first and are anticipated to continue through August of 2025. At that point, the daycare facility will move offsite, and the school will be established in the same space. Details for each of the operations are in the table below.

	Staff	Classrooms	Children/Classroom	Hours
<b>Daycare</b> (2023-2025)	14 - 16	5 - 6	10	6:00 AM - 6:00 PM
2-year-olds		1		
3-year-olds		1		
4-year-olds		2		
5-year-olds		2		
<b>School</b> (2025 - 2029)	20	8	10	6:00 AM - 6:00 PM
3- & 4-year-olds		2		

3- & 4-year-olds		2		
5- & 6-year-olds		2		
7- & 8-year-olds		2		
9- & 10-year-olds		2		

No outdoor operations, including playground areas, are anticipated at opening; however, the option will be explored following the opening of the daycare facility. Should an outdoor play area be proposed, Site and Building Plan Review before the Plan Commission will be required. It is unclear whether there is an existing trash and recycling enclosure onsite, and no information on such has been submitted. Trash and recycling containers must be located within an approved and screened enclosure per Code.

While staff did not receive information on the operations for World Outreach and Bible Training Center, including the use of the remaining building areas, the submitted narrative states that the same classrooms will be utilized for their Sunday operations. All areas must comply with Fire Code, Building Code, and State licensure requirements.

Plans originally approved for the theater included more than 400 parking stalls. Current parking requirements are one (1) stall for every 250 square feet for daycare facilities, one (1) stall for every two (2) persons at maximum capacity for religious institutions, and as needed based on a parking demand study for private schools. Based on the estimated square footage for the daycare and school area, which includes hallways and restrooms, 24 parking stalls would be required for the daycare portion. No parking demand study has been submitted for the school portion, nor has a maximum capacity for the religious institution use been provided. It can be reasonably assumed that since the parking lot was originally designed for theater capacity that the proposed uses will not require parking beyond existing.

After careful consideration at their September 26 and October 10, 2023 meetings, the Plan Commission recommended Common Council approval of the request subject to attached Conditions and Restrictions.

**Options/Alternatives:** Council has the discretion to approve or not approve the proposed Conditional Use Permit request. 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.

Should the Council determine that the proposed request for a Conditional Use Permit on the property at 6912 S. 27<sup>th</sup> St. is acceptable, the suggested motion is to approve Ordinance 3084 as stated. The approval would allow the Applicant to proceed to permitting.

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



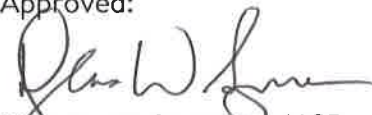
Kari Papelbon, CFM, AICP  
Senior Planner

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

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Attachments:

Location Map

Ord. 3084

Conditions and Restrictions, Ord. 2851 (7 pages)

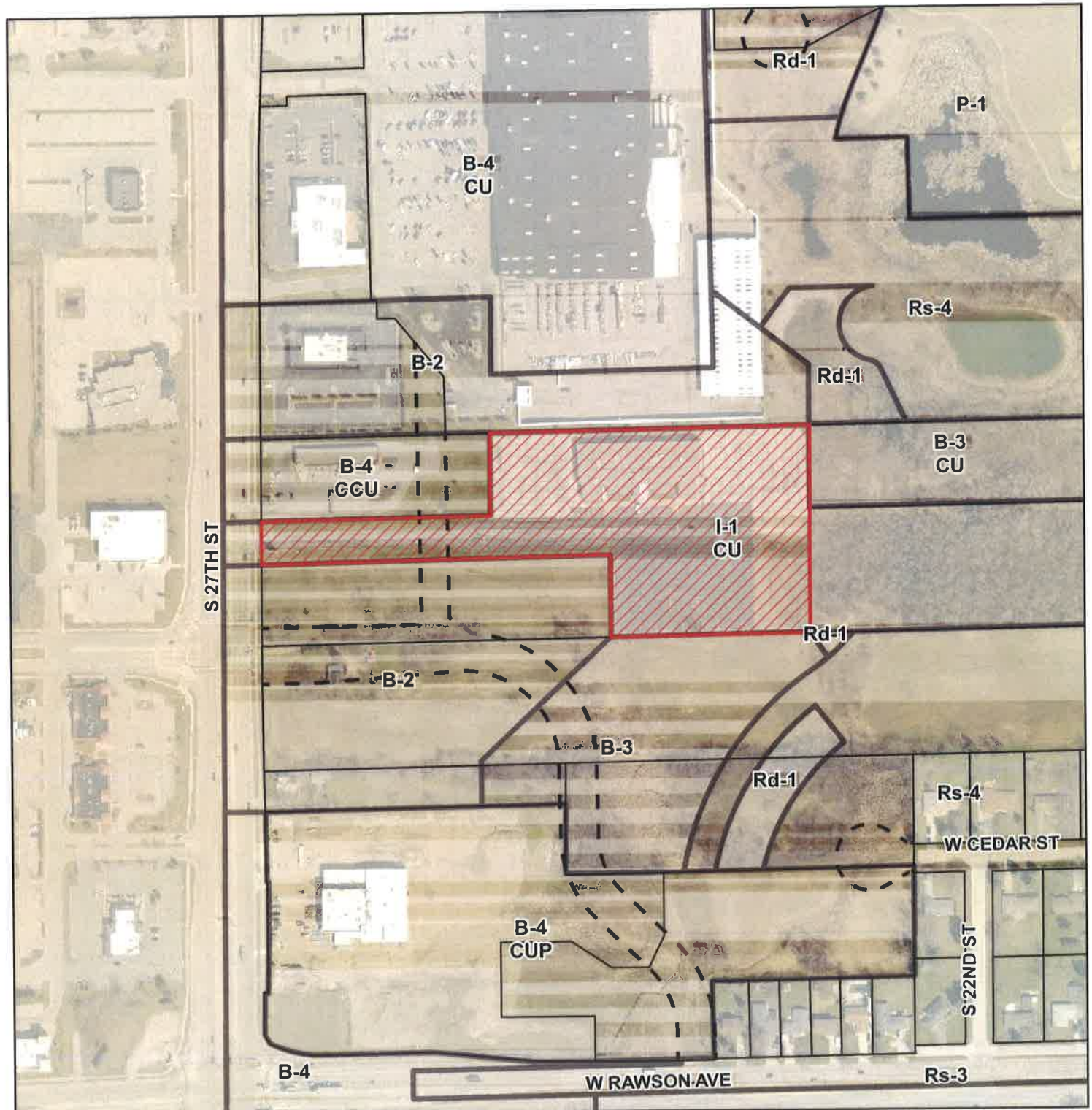
Narrative & Addenda (18 pages)

Draft Conditions and Restrictions (4 pages)

Excerpted Plan Commission Minutes (3 pages)

# LOCATION MAP

## 6912 S. 27th St.



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



Community Development

0 0.02 0.04 0.07 Miles



### Legend

Zoning

Official Map

Floodway

Flood Fringe

6912 S. 27th St.

ORDINANCE NO. 3084

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

AN ORDINANCE TO AMEND THE CONDITIONS AND RESTRICTIONS IN  
ORDINANCE NO. 2851 TO ALLOW A PRIVATE SCHOOL AND DAYCARE FACILITY  
ON THE PROPERTY AT 6912 S. 27<sup>TH</sup> ST.

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

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

WHEREAS, Ordinance No. 2851 (The "Ordinance"), which approved a rezone of the properties at 6912 and 6912R S. 27<sup>th</sup> to I-1, Institutional with a Conditional Use Permit for a religious institution was approved on May 16, 2017; and

WHEREAS, the Ordinance affected the following legally described property

PARCEL A, 6912 S. 27<sup>TH</sup> 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. 27<sup>TH</sup> 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.

WHEREAS, the Applicants, Skip Henderson, World Outreach Bible and Training Center, and LeTrisha Daniel, A Mother's Heart Learning Center, are requesting that the Ordinance be amended to allow a private school and daycare facility within a portion of the existing building at 6912 S. 27<sup>th</sup> St.; and

WHEREAS, a public hearing was held on this matter on November 7, 2023 to hear comments from all who were interested.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Conditions and Restrictions approved by the Ordinance affecting the Property are amended as per Exhibit A.

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

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

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

Passed and adopted this 7<sup>th</sup> day of November, 2023.

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

Approved this 7<sup>th</sup> day of November, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

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

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



## EXHIBIT A: CONDITIONS AND RESTRICTIONS

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

<b>Applicant:</b>	Skip Henderson, World Outreach Bible & Training Center	Approved by Plan Commission: 10-10-23 Approved by Common Council: 11-7-23 (Ord 3084, Amend Ord #2851)
<b>Property Address(es):</b>	6912 & 6912R S 27 <sup>th</sup> St.	
<b>Tax Key Number(s):</b>	737-9028-000 & 737-9028-000	
<b>Conditional Use:</b>	Religious Institution (1); Daycare Facility (1); Private School (1)	

#### 1. LEGAL DESCRIPTION

##### PARCEL A, 6912 S. 27<sup>th</sup> 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. 27<sup>th</sup> St.:

~~Parcel~~ 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/~~retention~~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

EXHIBIT A: CONDITIONS AND RESTRICTIONS CONT'D.

- 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
- 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) required)
- 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	8:00 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).

EXHIBIT A: CONDITIONS AND RESTRICTIONS CONT'D.

- 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

<b>Lot Standards (Minimum)</b>	
Lot Area	--
Lot Width	--
<b>Yard Setbacks (Minimum) (1) – Per Ord. 2851</b>	
Front	50 ft
Street Facing Side	50 ft
Interior Side	50 ft
Rear	50 ft
<b>Building Standards (Maximum)</b>	
Height	55 ft
Building Coverage	30%
Lot Coverage	70%
<b>Parking</b>	
Transition & Required Landscape Areas	See Sec. 17.0505
Setbacks – Per Ord. 2851	15 ft (all)
<b>Notes:</b>	
(1) Setbacks from wetlands shall be a minimum of fifteen (15) feet with a five (5) foot undisturbed buffer.	

7. TIME OF COMPLIANCE

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

EXHIBIT A: CONDITIONS AND RESTRICTIONS CONT'D.

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)

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

**Applicant:** Mark Weigt, The Ridge Community Church  
**Property Addresses:** 6912 & 6912R S. 27<sup>th</sup> St.  
**Tax Key Number(s):** 737-9026-000 & 737-9028-000  
**Conditional Use:** Religious Institution

**Approved by Plan Commission:** 4-25-17  
**Approved by Common Council:** 5-16-17  
(Ord. #2851)

1. LEGAL DESCRIPTION

PARCEL A, 6912 S. 27<sup>th</sup> 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. 27<sup>th</sup> 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. 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
- 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)
  - ii) Number of employees
  - iii) Number of parking spaces for all uses/users
  - 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 & floodplains (field verified)
- m) Location(s), square footage and height of sign(s)

2) **Landscape Plan**

- a) Screening plan
- b) Number, initial size and type of plantings
- c) Parking lot screening/berming

3) **Building Plan**

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

4) **Lighting Plan**

- a) Type(s) & color(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 (if required)

6) **Fire Protection**

- a) Locations of existing & proposed fire hydrants
- b) Interior floor plan(s)
- c) Materials of construction

- B. All plans for new buildings, additions, or exterior remodeling shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.
- C. For any new buildings or structures and additions, site grading and drainage, stormwater management and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- D. 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. PARKING, LOADING, AND ACCESS

- A. Parking for this project shall utilize the existing parking stalls. Any changes shall require Plan Commission review and be provided in accordance with Sections 17.0329, 17.0330, and 17.0403. The number of parking stalls shall be in accordance with Sections 17.0403(j)(6)(a).
- B. Where 90° parking is indicated on the site plans, individual-parking stalls shall be nine (9) feet in width by eighteen (18) feet in length. The standards for other types of angle parking shall be those as set forth in Section 17.0403(d) of the Municipal Code.
- C. Movement aisles for 90° parking shall be at least twenty-two (22) feet in width.
- D. All off-street parking areas shall be surfaced with an all-weather wearing surface of plant mix asphaltic concrete over crushed stone base subject to approval by the City Engineer. A proposal to use other materials shall be submitted to the Plan Commission and the Engineering Department for approval. All parking areas, garages, and private drives shall be in place in accordance with the signed Development Agreement.
- E. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
- F. All driveway approaches to this property shall be in compliance with all the standards set forth in Chapter 6 of the Oak Creek Municipal Code. Any off-site improvements shall be the responsibility of the property owner.
- G. All new or reconfigured off street parking areas shall be landscaped in accordance with Sections 17.0329, 17.0330, 17.0403, and 17.1010 of the Municipal Code.
- H. Adjustments to required parking may be made by the Plan Commission in accordance with Section 17.0404.

4. LIGHTING

All plans for new outdoor lighting for each stage of the development shall be reviewed and approved by the Plan Commission and Electrical Inspector in accordance with Sections 17.0329, 17.0330, & 17.0808 of the Municipal Code.

5. LANDSCAPING

A. Landscaping modifications shall be in accordance with Sections 17.0329, 17.0330, 17.0403(g), (h), & 17.1010.

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

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

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

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

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

C. Interior Landscape Area. All public off-street parking lots which serve five (5) vehicles or more shall be provided with accessory landscaped areas; which may be landscape islands, landscape peninsulas or peripheral plantings totaling not less than five (5) percent of the surfaced area. Landscape islands or peninsulas shall be dispersed throughout the off-street parking area. Landscape islands shall provide a minimum 30-inch clear area for vehicle overhang and snow storage. One shade tree shall be provided within the interior planting area for every 300 square feet of interior landscaping. For parking lots designed for twenty-five (25) parking spaces or more, interior parking lot landscaping shall be provided at the following rates:

<u>Total Paved Area</u>	<u>Required Interior Planting Area</u>
0-49,999 sq. ft.	5% of paved area
50,000 sq. ft. or larger	10% of paved area

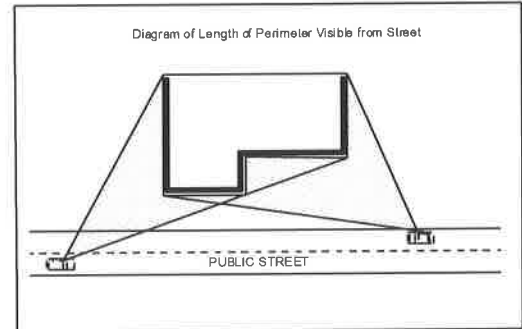
- D. **Perimeter Landscape Area.** In an effort to prevent adjacent parking lots from becoming one large expanse of paving, perimeter landscaping shall be required. The perimeter strip shall be a minimum 5 feet in width. A minimum of one tree and five shrubs is required for every 35 linear feet of the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



## 6. ARCHITECTURAL STANDARDS

A. All new or modified structures shall meet the requirements of Sections 17.0329 and 17.0330 (General 27<sup>th</sup> Street Overlay Districts Design Standards and Regional Retail Overlay district) as well as Section 17.1009. No building shall be permitted if the design or exterior appearance is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.

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



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

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

E. The Plan Commission may modify any of the above building design standards by a  $\frac{3}{4}$  vote of members in attendance, but only if supplemental design elements or improvements are incorporated into the project (over and above those which are otherwise required) which compensate for the modification of the particular standard. In support of the modification request, the applicant shall detail such supplemental design elements in written and graphical form, and provide an explanation as to the nature of the standards for which the modification is requested (Sections 17.0329(c)(2)(c)(1) and Sec. 17.0329(c)(2)(c)(2).

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

G. Buildings shall be designed in such a manner that long expanses of blank wall are broken up by the use of windows, articulation, or modulation of the building footprint and/or changes in building materials and colors. Visible building facades in excess of 100 feet in length must incorporate recesses and projections along the length of the façade. Windows, awnings, and arcades must be an integral part of the façade abutting a public street.

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

I. Sides of a building that are visible from adjoining residential properties and/or public streets should contribute to the pleasing scale features of the building by featuring characteristics similar to the front façade of the building. No overhead garage doors or loading docks shall face upon any street right-of-way or residential property unless otherwise modified by the Plan Commission pursuant to Section 17.1009(e) of the Municipal Code.

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

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

7. BUILDING AND PARKING SETBACKS\*

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure	50'	50'	50'
Accessory Structure**	50'	See §17.0318(f)(3)	See §17.0318(f)(3)
Off-street Parking	15'	15'	15'

\* These properties are located within the 27<sup>th</sup> Street & Regional Retail Overlay Districts.  
 \*\*No accessory structures shall be permitted in the front yard or in required buffer yards.

8. MAINTENANCE AND OPERATION

- A. The number, size, location and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan. Solid waste collection and recycling shall be the responsibility of the owner.
- B. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the owners.
- C. Regular hours of operation shall be:
- a. Between the hours of 8:00 AM and 9:00 PM Monday through Saturday.
  - b. Between the hours of 7:00 AM and 2:00 PM Sunday.

9. SIGNS

All signs shall conform to the provisions of Sections 17.0329, 17.0330, and 17.0706 of the Municipal Code.

10. PERMITTED USES

- A. All permitted uses in the I-1, Institutional zoning district.
- B. All permitted uses in the RRO, Regional Retail Overlay district.
- C. One (1) religious institution.
- D. Usual and customary accessory uses to the above listed permitted uses.

11. TIME OF COMPLIANCE

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

12. OTHER REGULATIONS

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

13. VIOLATIONS & PENALTIES

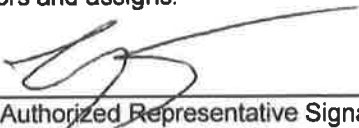
Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances. If the owner, applicant or operator of the Conditional Use is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the city shall have the right to revoke this Conditional Use Permit, subject to the provisions of paragraph 14 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Conditional Use Permit or to seek an injunction regarding any violation of this Conditional Use Permit or any other city ordinances.

14. REVOCACTION

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

15. ACKNOWLEDGEMENT

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

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

5-18-17  
\_\_\_\_\_  
Date

Mr Mark Weigt  
\_\_\_\_\_  
(please print name)



**A Mother's Heart Learning Center**  
*A Place Where LOVE Abounds*

RECEIVED  
SEP 16 2023  
CITY OF OAK CREEK

[www.amhlc-wi.com](http://www.amhlc-wi.com)  
[love@amhlc-wi.com](mailto:love@amhlc-wi.com)

September 18, 2023

To The Common Council of the City of Oak Creek:

A Mother's Heart Learning Center (AMHLC) proposes using the area highlighted in **Addendum A** to establish a child development facility, *A Mother's Heart Learning Center - 003*. AMHLC will serve children ages 2 through 5 years old. We will operate at 6912 South 27th Street, Oak Creek, WI 53154, from 6:00 am - 6:00 pm, Monday through Friday. AMHLC will operate out of 6912 South 27th Street in years 2023 through August 31, 2025. AMHLC will then move to an offsite facility (to be determined). On September 1, 2025, our school, *Wellspring Mastery Academy (WMA)*, will open and occupy the same space once utilized by AMHLC. Wellspring Mastery Academy will serve scholars ages 3 through 10 years. We will operate Monday through Friday, 6:00 am - 6:00 pm.

We have included a 6-phase rollout plan (**see Addendums B**) which details how AMHLC will utilize the property (during Phases 1 and 2) and WMA will use the space (during Phases 3 through 6). The same space/square footage will be occupied for each phase of our rollout plan. No changes to the foundation or structure of 6912 South 27th Street, Oak Creek, WI 53154 are needed. An outdoor play area will be investigated during Phase 1 and a separate application will be submitted. The identified square footage will be used by AMHLC or WMA Monday through Friday, and used by World Outreach Bible and Training Center on Sunday.

Respectfully Submitted,

*Le'Trisha Daniel*

Le'Trisha Daniel  
c/o A Mother's Heart Learning Center

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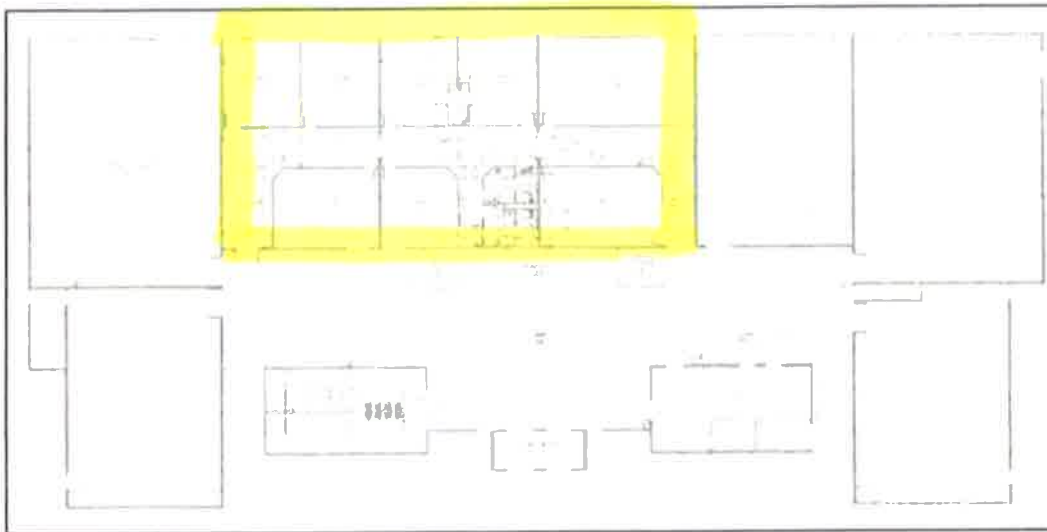
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CITY OF OAK CREEK

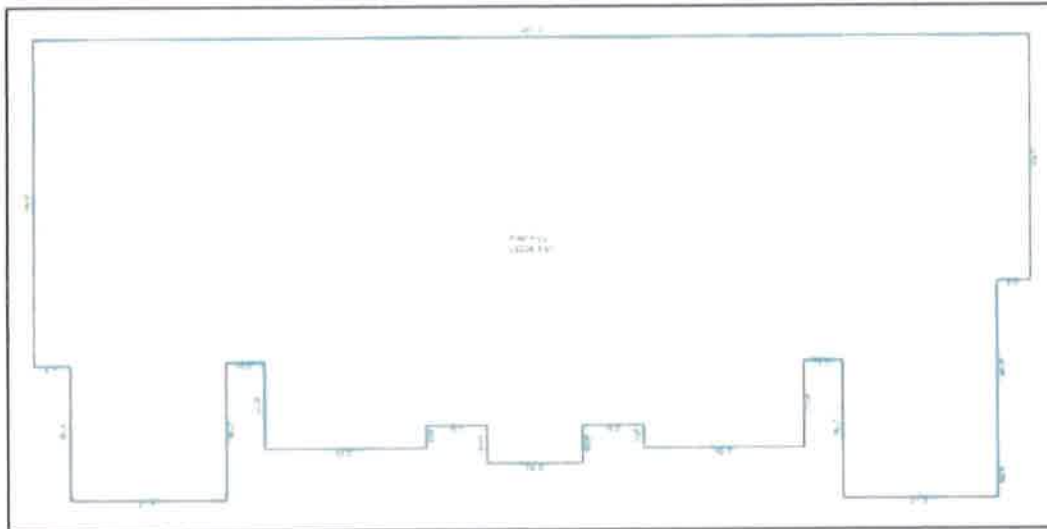
Addendum A p.1



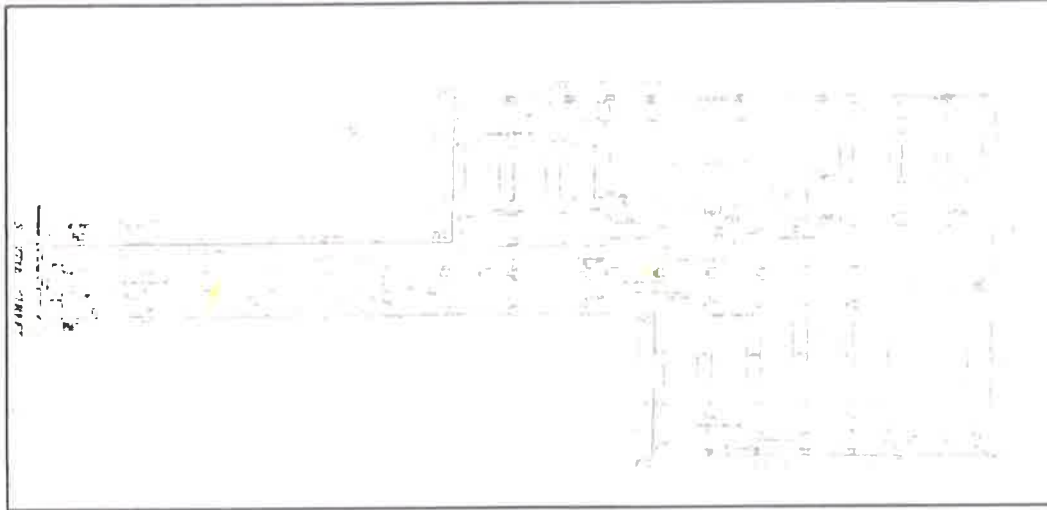
Appraisal Report  
49 | Page



*Building Floor Plan - First Floor*



*Building Sketch - Based on Measurements made during Inspection*



*Survey – Usable Portion of Site Only*

### PHOTOGRAPHS OF THE SUBJECT PROPERTY

*Additional Photographs of the Subject Property are included in the Addenda*

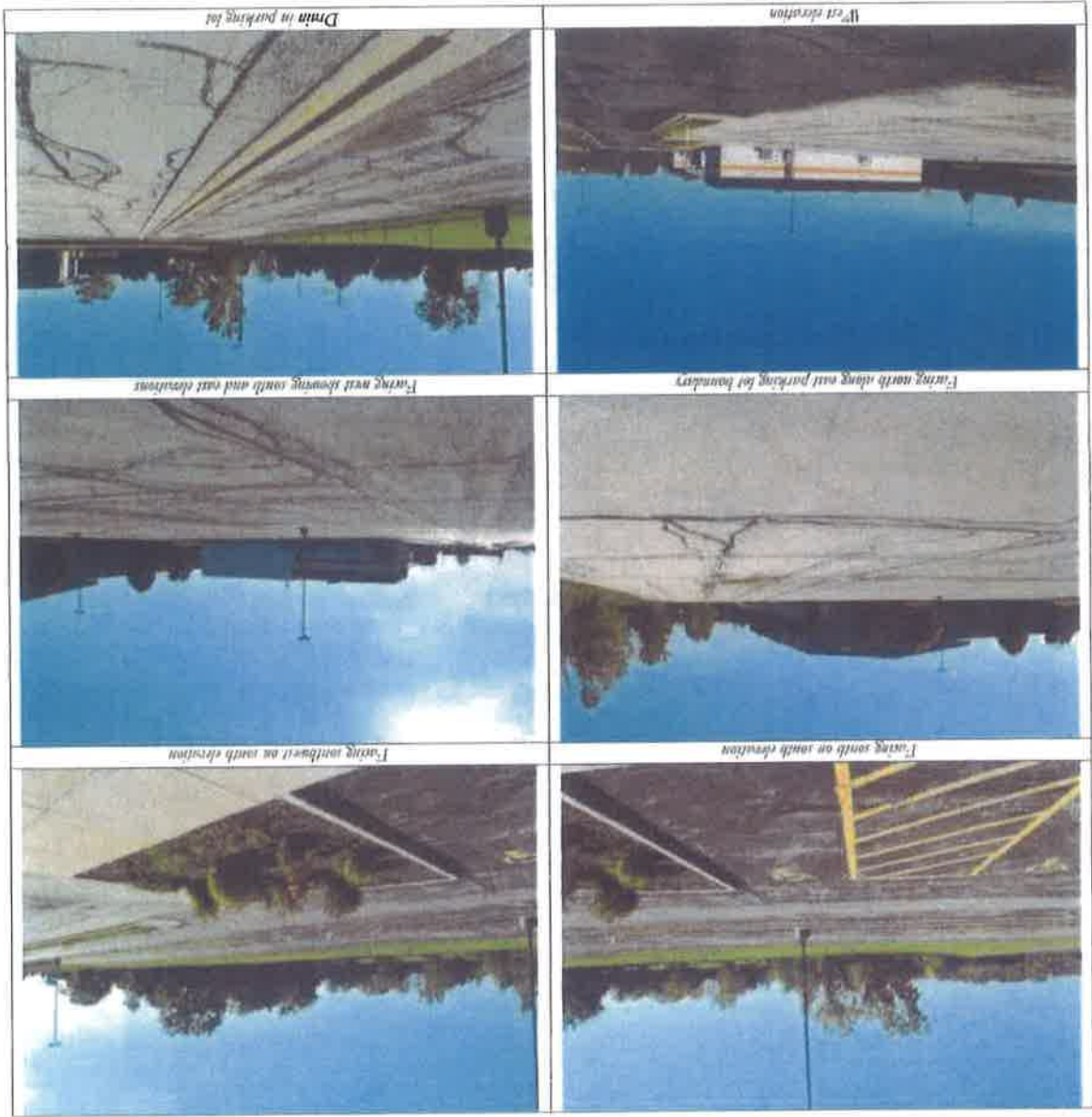


*South and east elevations*

*North (rear) elevation – facing west*

# Addendum A p.3



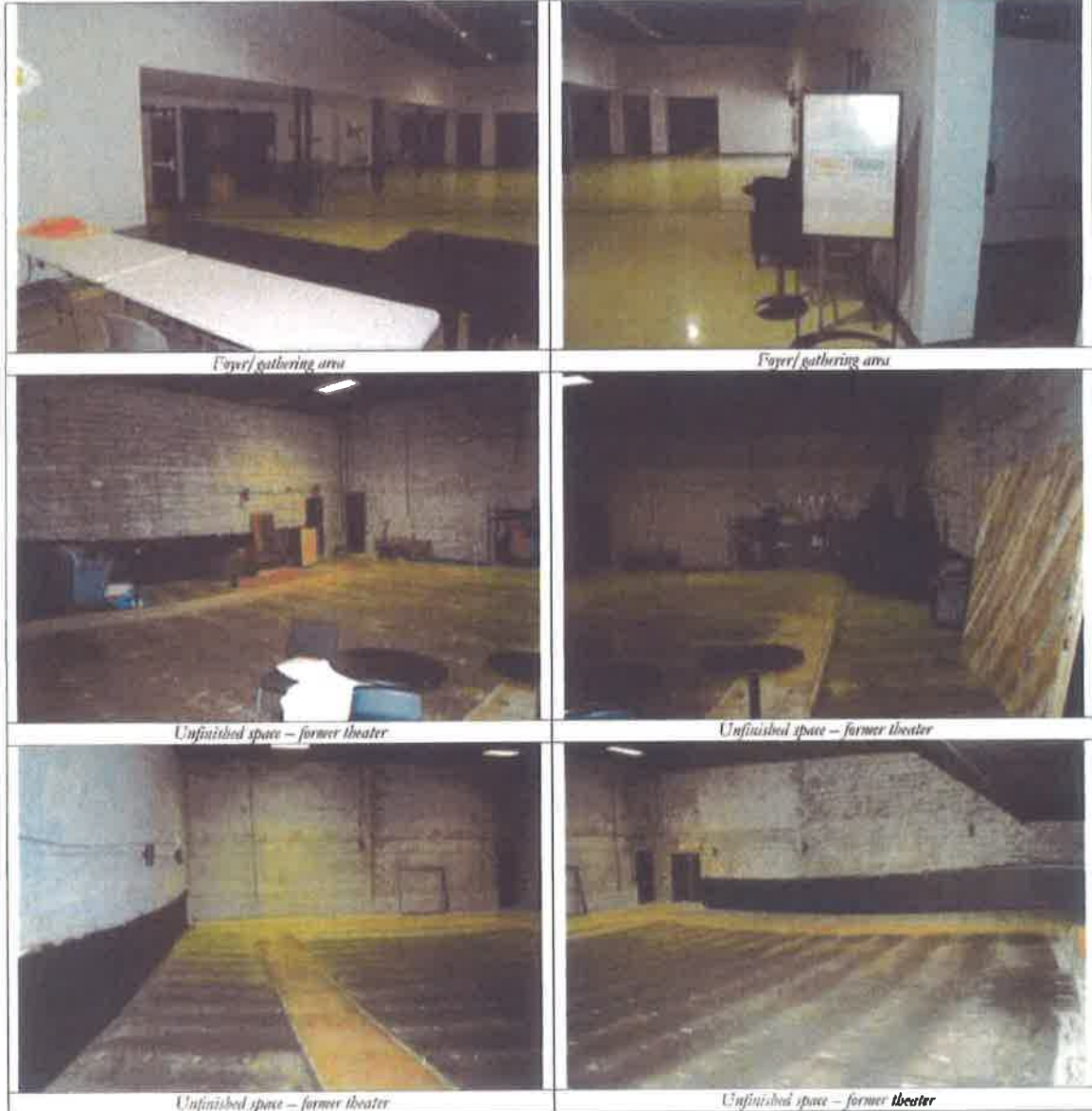




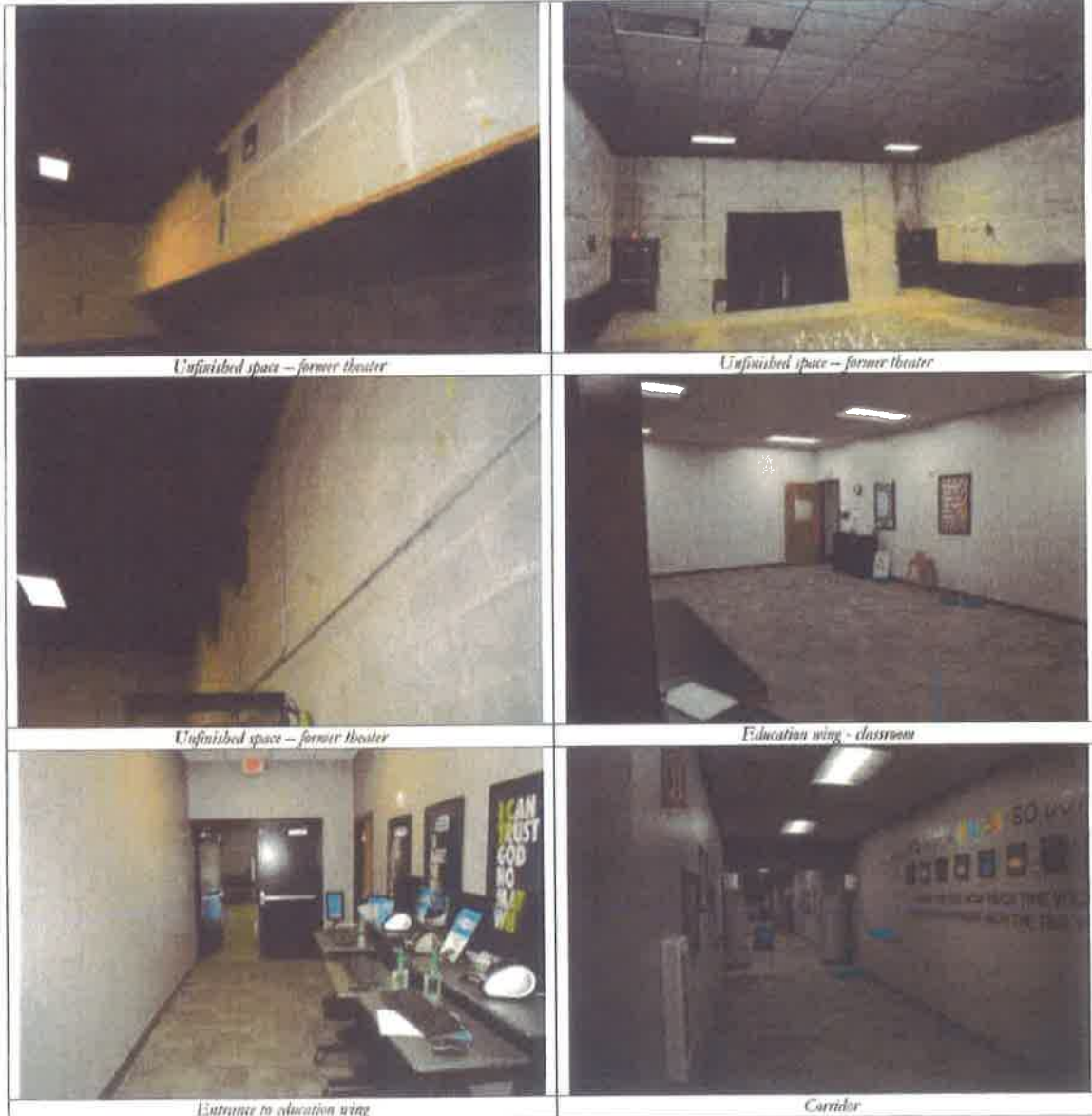
# Addendum A p. 5



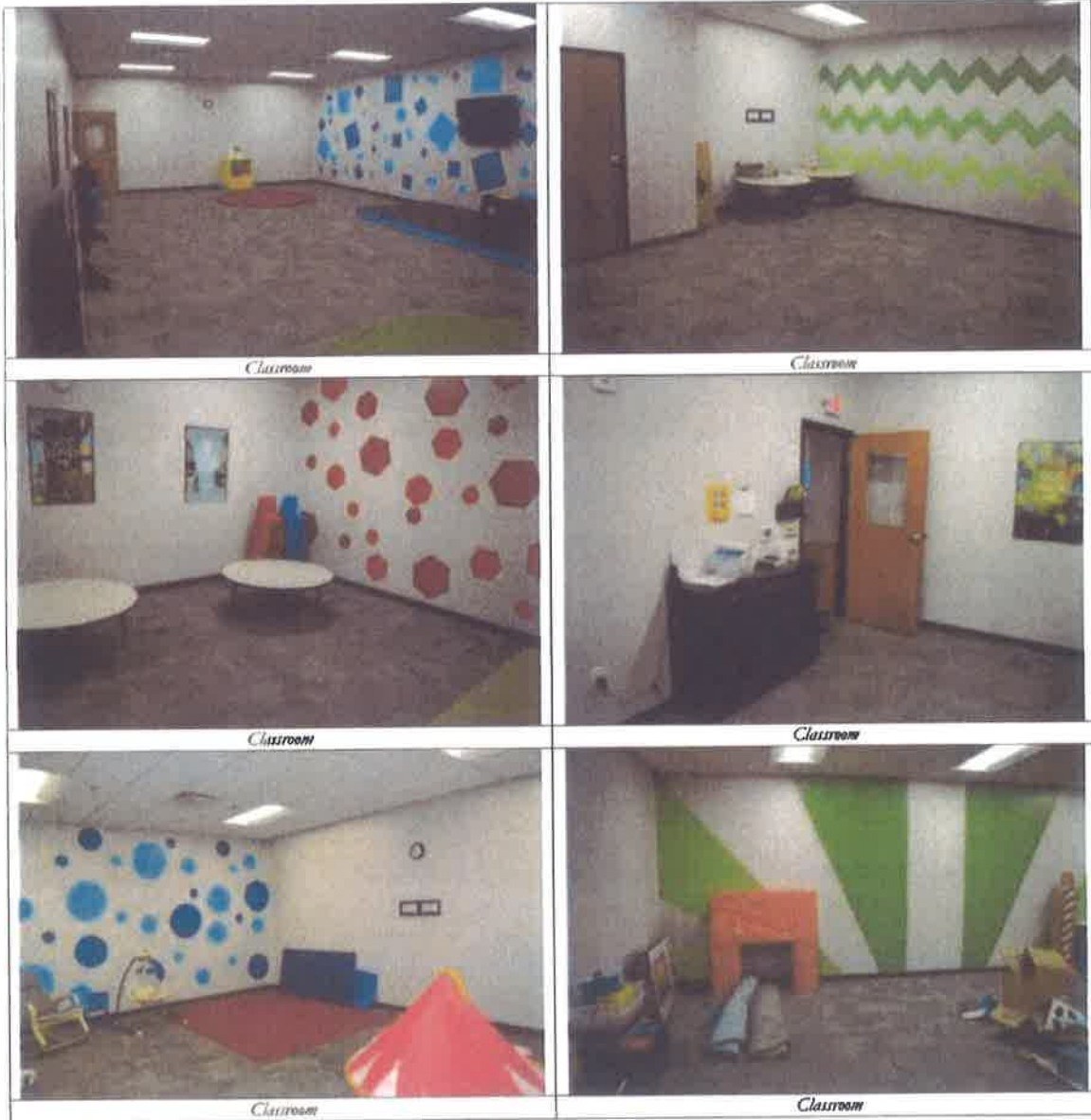
# Addendum A p.6



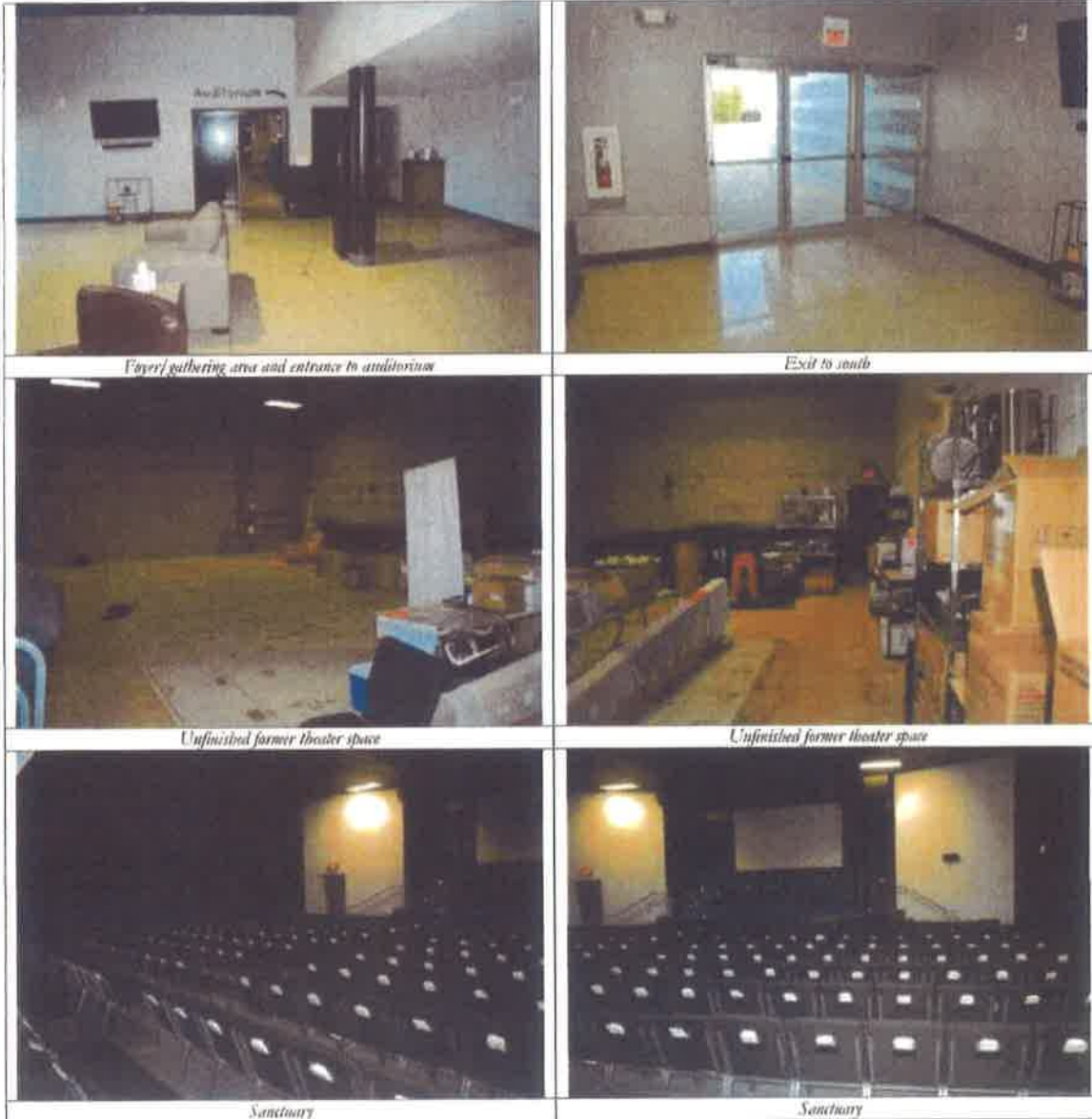
# Addendum A p.7



# Addendum A - p. 8



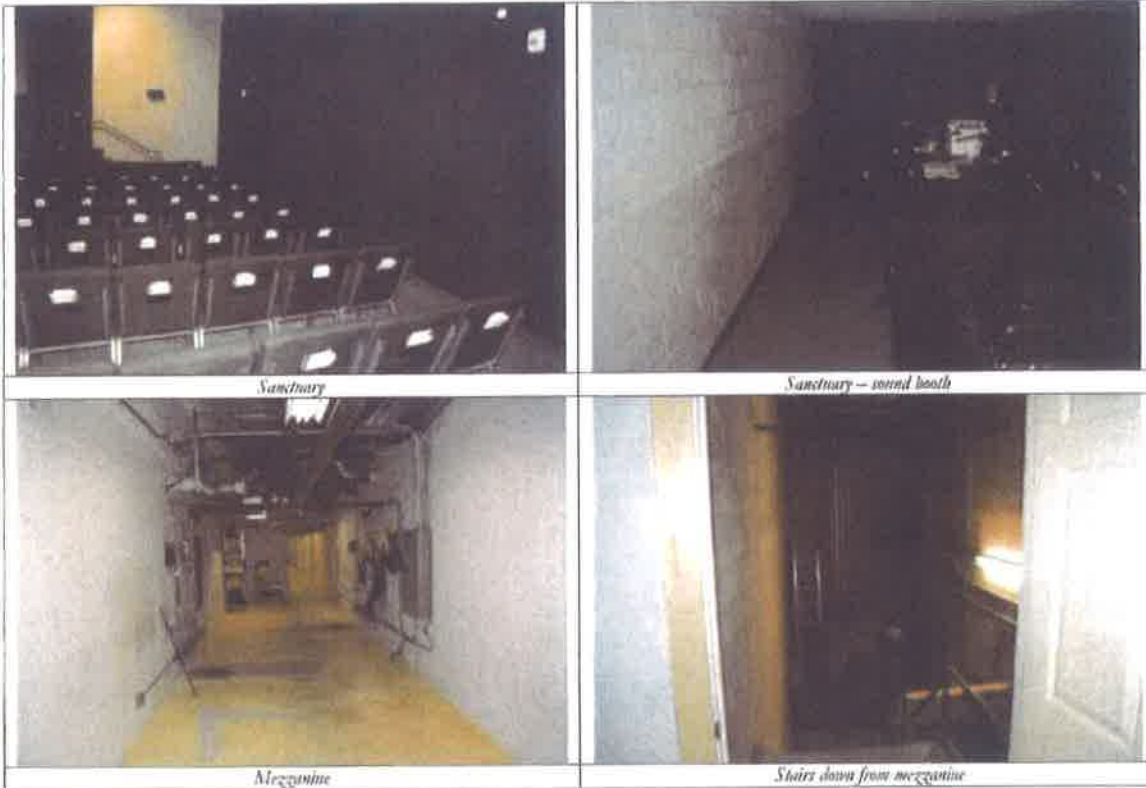
# Addendum A - p.9



# Addendum A - p. 10



Appraisal Report  
58 | P a g e



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**A MOTHER'S HEART LEARNING CENTER ~ 003**

**ADDENDUM B - p. 1**

**5 YEAR PROJECTIONS**

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SEP 16 2003

OAK CREEK



**A MOTHER'S HEART LEARNING CENTER**

**A PLACE WHERE LOVE ABOUNDS**

---

**A MOTHER'S HEART LEARNING CENTER**

*Although I am not their mother,  
I care for them each day.  
I cuddle, sing, and read to them  
And watch them as they play.  
I see each new accomplishment  
and help them grow and learn.  
I understand their language  
and listen with concern.  
They come to me for comfort  
And I soothe away their tears.  
They proudly show their work to me.  
I give the loudest cheers!  
No, I am not their mother,  
But my role is just as strong.  
I nurture them and keep them safe,  
though maybe not for long.  
I know someday the time may come  
When we will have to part.  
But I know each child I have cared for  
Is forever in my heart!*

-Author Unknown



## PHASE 1: CHILD DEVELOPMENT CENTER (2-4 YRS) ♥

We will establish **A Mother's Heart Learning Center - 003**. Our development center will serve children ages 2 through 4 years. We will have 5 classrooms, 1 for 2 year olds, 2 for 3 year olds, and 2 for 4 year olds. At full capacity, we anticipate employing fourteen staff members and educating ten children per classroom (i.e., a total of 64 persons on campus). Please note: room assignments may change based on enrollment.

## PHASE 2: CHILD DEVELOPMENT CENTER (2-5 YRS) ♥

We will continue growing **A Mother's Heart Learning Center - 003**. Our development center will expand service to children ages 2 through 5 years. We will have 6 classrooms, 1 for 2 year olds, 1 for 3 year olds, 2 for 4 year olds, and 2 for 5 year olds. At full capacity, we anticipate employing sixteen staff members and educating ten children per classroom (i.e., a total of 76 persons on campus). Please note: room assignments may change based on enrollment.

## PHASE 3: MASTERY ACADEMY (3-7 YRS) ♥

**A Mother's Heart Learning Center - 003** will move to another location (to be determined). We will found **Wellspring Mastery Academy**. WMA will be located at 6912 S 27th Street. Our academy will serve scholars ages 3 through 7 years. We will have 8 classrooms, 2 for 3/4 year olds, 2 for 4/5 year olds, 2 for 6 year olds, and 2 for 7 year olds. At full capacity, we anticipate employing twenty staff members and educating ten children per classroom (i.e., a total of 100 persons on campus). Please note: room assignments may change based on enrollment.

## PHASE 4: MASTERY ACADEMY (3-8 YRS) ♥

**Wellspring Mastery Academy** will serve scholars ages 3 through 8 years. We will have 8 classrooms, 1 for 3/4 year olds, 1 for 4/5 year olds, 2 for 6 year olds, 2 for 7 year olds, and 2 for 8 year olds. At full capacity, we anticipate employing twenty staff members and educating ten children per classroom (i.e., a total of 100 persons on campus). Please note: room assignments may change based on enrollment.

## PHASE 5: MASTERY ACADEMY (3-9 YRS) ♥

We will continue growing **Wellspring Mastery Academy**. WMA will serve scholars ages 3 through 9 years. We will have 8 classrooms, 1 for 3/4 year olds, 1 for 5/6 year olds, 2 for 7 year olds, 2 for 8 year olds, and 2 for 9 year olds. At full capacity, we anticipate employing twenty staff members and educating ten children per classroom (i.e., a total of 100 persons on campus). Please note: room assignments may change based on enrollment.

## PHASE 6: MASTERY ACADEMY (3-10 YRS) ♥

**Wellspring Mastery Academy** will serve scholars ages 3 through 10 years. We will have 8 classrooms, 2 for 3/4 year olds, 2 for 5/6 year olds, 2 for 7/8 year olds, and 2 for 9/10 year olds. At full capacity, we anticipate employing twenty staff members and educating ten children per classroom (i.e., a total of 100 persons on campus). Please note: room assignments may change based on enrollment.

# Addendum B - P.5

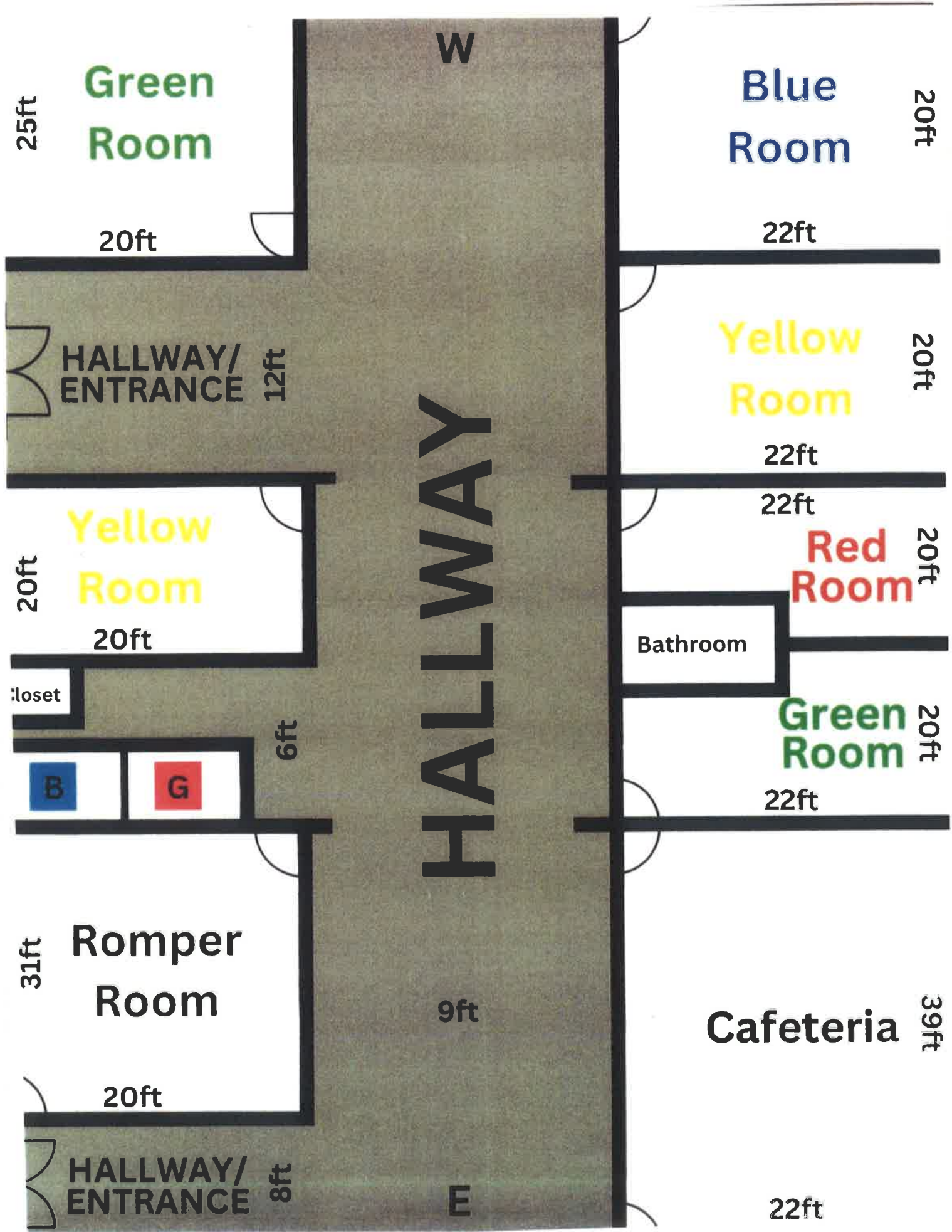
## 5 Year Projections - Expansion at World Outreach Bible & Training Center

Phase	Ages Served	# Classrooms	Breakdown by Age(s)	Est. # Staff (at Capacity)	Staff Breakdown	Est. # Students (at Capacity)
<b>I</b>	<b>2 - 4 years old</b>	<b>5</b>	2 yrs - 1 room	<b>14 Staff</b>	Administrator	<b>50 (10/room)</b>
<b>AMHLC</b>	<b>(2023 - 2024)</b>		3 yrs - 2 rooms		Director - Ed	
			4 yrs - 2 rooms		Director - Op	
					Admin Assistant	
					Educators (10)	
<b>II</b>	<b>2 - 5 years old</b>	<b>6</b>	2 yrs - 1 room	<b>16 Staff</b>	Administrator	<b>60 (10/room)</b>
<b>AMHLC</b>	<b>(2024 - 2025)</b>		3 yrs - 1 room		Director - Ed	
			4 yrs - 2 rooms		Director - Op	
			5 yrs - 2 rooms		Admin Assistant	
					Educators (12)	
<b>III</b>	<b>3 - 7 years old</b>	<b>8</b>	3/4 yrs - 2 rooms	<b>20 Staff</b>	Administrator	<b>80 (10/room)</b>
<b>WMA</b>	<b>(2025 - 2026)</b>		4/5 yrs - 2 rooms		Director - Ed	
			6 yrs - 2 rooms		Director - Op	
			7 yrs - 2 rooms		Admin Assistant	
					Educators (16)	
<b>IV</b>	<b>3 - 8 years old</b>	<b>8</b>	3/4 yrs - 1 room	<b>20 Staff</b>	Administrator	<b>80 (10/room)</b>
<b>WMA</b>	<b>(2026 - 2027)</b>		4/5 yrs - 1 room		Director - Ed	
			6 yrs - 2 rooms		Director - Op	
			7 yrs - 2 rooms		Admin Assistant	
			8 yrs - 2 rooms		Educators (16)	
<b>V</b>	<b>3 - 9 years old</b>	<b>8</b>	3/4 yrs - 1 room	<b>20 Staff</b>	Administrator	<b>80 (10/room)</b>
<b>WMA</b>	<b>(2027 - 2028)</b>		5/6 yrs - 1 room		Director - Ed	
			7 yrs - 2 rooms		Director - Op	
			8 yrs - 2 rooms		Admin Assistant	
			9 yrs - 2 rooms		Educators (16)	
<b>VI</b>	<b>3 - 10 years old</b>	<b>8</b>	3/4 yrs - 2 rooms	<b>20 Staff</b>	Administrator	<b>80 (10/room)</b>
<b>WMA</b>	<b>(2028 - 2029)</b>		5/6 yrs - 2 rooms		Director - Ed	
			7/8 yrs - 2 rooms		Director - Op	
			9/10 yrs - 2 rooms		Admin Assistant	
					Educators (16)	

# Addendum B - P.6

## 5 Year Projections - Floor Plan Key

Phase	Ages Served	# Classrooms	Breakdown by Age(s)	Classroom Assignment
<b>I</b> <b>AMHLC</b>	<b>2 - 4 years old</b> <b>(2023 - 2024)</b>	5	2 yrs - 1 room	Green Room - North
			3 yrs - 2 rooms	Red Room & Yellow Room - South
			4 yrs - 2 rooms	Blue Room & Green Room - South
<b>II</b> <b>AMHLC</b>	<b>2 - 5 years old</b> <b>(2024 - 2025)</b>	6	2 yrs - 1 room	Green Room - North
			3 yrs - 1 room	Red Room
			4 yrs - 2 rooms	Yellow Room - North Yellow Room - South
			5 yrs - 2 rooms	Blue Room & Green Room - South
<b>III</b> <b>WMA</b>	<b>3 - 7 years old</b> <b>(2025 - 2026)</b>	8	3/4 yrs - 2 rooms	Red Room Green Room - North
			4/5 yrs - 2 rooms	Yellow Room - North Yellow Room - South
			6 yrs - 2 rooms	Blue Room & Green Room - South
			7 yrs - 2 rooms	Romper Room Cafeteria
<b>IV</b> <b>WMA</b>	<b>3 - 8 years old</b> <b>(2026 - 2027)</b>	8	3/4 yrs - 1 room	Red Room
			4/5 yrs - 1 room	Green Room - North
			6 yrs - 2 rooms	Yellow Room - North Yellow Room - South
			7 yrs - 2 rooms	Blue Room & Green Room - South
			8 yrs - 2 rooms	Romper Room Cafeteria
<b>V</b> <b>WMA</b>	<b>3 - 9 years old</b> <b>(2027 - 2028)</b>	8	3/4 yrs - 1 room	Red Room
			5/6 yrs - 1 room	Green Room - North
			7 yrs - 2 rooms	Yellow Room - North Yellow Room - South
			8 yrs - 2 rooms	Blue Room & Green Room - South
			9 yrs - 2 rooms	Romper Room Cafeteria
<b>VI</b> <b>WMA</b>	<b>3 - 10 years old</b> <b>(2028 - 2029)</b>	8	3/4 yrs - 2 rooms	Red Room Green Room - North
			5/6 yrs - 2 rooms	Yellow Room - North Yellow Room - South
			7/8 yrs - 2 rooms	Blue Room & Green Room - South
			9/10 yrs - 2 rooms	Romper Room Cafeteria



25ft

Green Room

20ft

W

Blue Room

20ft

22ft

HALLWAY/  
ENTRANCE

12ft

Yellow Room

20ft

22ft

Yellow Room

20ft

20ft

22ft

Red Room

20ft

Bathroom

closet

Green Room

20ft

6ft

22ft

B

G

31ft

Romper Room

9ft

Cafeteria

39ft

20ft

HALLWAY/  
ENTRANCE

8ft

E

22ft

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

<b>Applicant:</b>	<b>Skip Henderson, World Outreach Bible &amp; Training Center</b>	<b>Approved by Plan Commission: 10-10-23</b> <b>Approved by Common Council: TBD</b> (Ord. TBD, Amend. Ord. #2851)
<b>Property Address(es):</b>	6912 & 6912R S. 27 <sup>th</sup> St.	
<b>Tax Key Number(s):</b>	737-9026-000 & 737-9028-000	
<b>Conditional Use:</b>	Religious Institution (1); <b>Daycare Facility (1);</b> <b>Private School (1)</b>	

1. LEGAL DESCRIPTION

PARCEL A, 6912 S. 27<sup>th</sup> 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. 27<sup>th</sup> 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

- 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:**

<b>Religious Institution Per Ord. 2851</b>	
Monday through Saturday	8:00 AM – 9:00 PM
Sunday	7:00 AM – 2:00 PM
<b>Daycare and Private School</b>	
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

<b>Lot Standards (Minimum)</b>	
Lot Area	--
Lot Width	--
<b>Yard Setbacks (Minimum) (1) – Per Ord. 2851</b>	
Front	50 ft
Street Facing Side	50 ft
Interior Side	50 ft
Rear	50 ft
<b>Building Standards (Maximum)</b>	
Height	55 ft
Building Coverage	30%
Lot Coverage	70%
<b>Parking</b>	
Transition & Required Landscape Areas	See Sec. 17.0505
Setbacks – Per Ord. 2851	15 ft (all)
<b>Notes:</b>	
(1) Setbacks from wetlands shall be a minimum of fifteen (15) feet with a five (5) foot undisturbed buffer.	

7. TIME OF COMPLIANCE

The operator of the Conditional Use Permit shall commence work in accordance with these Conditions and Restrictions within twelve (12) months from the date of adoption of the ordinance authorizing this Conditional Use Permit. This Conditional Use Permit approval shall expire twelve (12) months after the date of adoption



of the ordinance if building permits have not been issued for this use. The applicant shall re-apply for Conditional Use Permit approval prior to recommencing work or construction.

8. 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. 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)

**EXCERPTED 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.

**CONDITIONAL USE PERMIT AMENDMENT  
SKIP HENDERSON, WORLD OUTREACH BIBLE AND TRAINING CENTER, AND LETRISHA DANIEL, A MOTHER'S HEART LEARNING CENTER  
6912 S. 27<sup>TH</sup> 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. 27<sup>th</sup> 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. 27<sup>th</sup> 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 Siefert 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 27<sup>th</sup> 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. 27<sup>th</sup> 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.

ATTEST:

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

10-10-23  
\_\_\_\_\_  
Date

**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, OCTOBER 10, 2023**

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

**CONDITIONS AND RESTRICTIONS  
WORLD OUTREACH BIBLE AND TRAINING CENTER & MOTHER'S HEART LEARNING  
CENTER  
6912 S. 27<sup>TH</sup> STREET  
TAX KEY NO. 737-9026-000**

Senior Planner Papelbon provided an overview of the 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. 27<sup>th</sup> St. (see staff report for details).

Commissioner Hanna referenced the highlighted portion on page two (2) of four (4), and inquired about the overlap in hours of operation. Senior Planner Papelbon stated Ordinance 2851 is specifically for the religious institution, and this will be in addition to that use. Staff are not requesting to change anything for the religious institution itself; the day care and school are only using a portion of the facility, so they could also have religious institution operations at the same time as the school or daycare operations.

Commissioner Hanna asked if there are enough parking stalls for both the employees and parents during the religious services and the private school and daycare. Senior Planner Papelbon stated that staff does not have specifics for the religious institution, but the existing site has over 400 parking stalls because it was designed for a movie theater. Movie theater usage has more turnover and does require a lot more in terms of parking. Staff do not have any concerns about the number of parking stalls on the site to fulfill the needs of this particular use plus the religious institution.

Commissioner Hanna asked if the playground will be secured so it will be safe with the circulation of traffic. Senior Planner Papelbon stated that it will need to be reviewed at the time it is proposed.

Alderman Loreck moved to recommend 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. 27<sup>th</sup> St.

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

ATTEST:



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

10-24-23

\_\_\_\_\_  
Date

## COMMON COUNCIL REPORT

**Item:** Personnel Policy 5.13.3 (Holiday Pay), Personnel Policy 7.10 (Paid Time Off (PTO) – Full-Time and Regular Part-Time), Personnel Policy 7.11 (Holidays), and Personnel Policy (Extended Paid Leave Bank) Amendment.

**Recommendation:** The Personnel and Finance Committee recommends the Common Council amend Personnel Policy 5.13.3 (Holiday Pay), Personnel Policy 7.10 Paid Time Off (PTO Full-Time and Regular Part-Time), and Personnel Policy 7.11 (Holidays) and establish a new Personnel Policy creating an Extended Paid Leave Bank for full-time non-represented employees.

**Fiscal Impact:** There should be no fiscal impact.

**Critical Success Factor(s):**

- Active, Vibrant, and Engaged Community
- Financial Stability and Resiliency
- Thoughtful Growth and Prosperous Local Economy
- Clean, Safe, and Welcoming
- Inspired, Aligned, and Proactive City Organization
- Quality Infrastructure, Amenities, and Services
- Not Applicable

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**Background:** The 2023-2027 Strategic Action Plan’s “Inspired, Aligned and Proactive City Organization” critical success factor includes the objective to “Ensure policies on fringe benefits and work-life balance are competitive and align with today’s workforce.” In addition, the City conducted an “Employee Sentiment Survey” in the summer of 2022 and the results overwhelmingly revealed that employees feel our current paid time off (PTO) policy and schedule are inadequate. Specifically, only 32% of all employees surveyed and 20% of Civic Center employees surveyed felt their current PTO was adequate. As means to address and 2023-2027 SAP objective and validate the “Employee Sentiments Survey” finding, Human Resources compared our current PTO policy and schedule for non-represented employees to that of local and peer communities.

At the Personnel and Finance Committee meetings on June 13, 2023 and July 26, 2023, staff and the Committee discussed updating the PTO schedule for non-represented employees. The following conclusions were identified:

1. PTO levels are too low regardless of years of service in the organization. 34% of current employees have negotiated exceptions to the current accrual schedule.
2. It takes too long before PTO accruals increase.
3. PTO accrual amounts reach the maximum too late in a non-represented employee’s career with the City of Oak Creek. (For context, currently 24% of the workforce are at the maximum accrual amount. Currently employees must have 20 years of service to reach maximum PTO accrual.)

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4. The City of Oak Creek does not currently have a short-term disability program in lieu of sick leave, which often leads to non-represented employees with FMLA events going unpaid during their time off work.

Various PTO schedules options were analyzed by staff and discussed at Personnel and Finance Committee meetings on September 27, October 11, and October 25, 2023. At the October 25, 2023 meeting, the Committee recommended the Common Council amend the Personnel Policies as noted in the title as well as create a new Personnel Policy creating an Extended Paid Leave Bank for full-time non-represented employees.

A comparative analysis of the current PTO schedule versus the proposed PTO schedule for full-time non-represented employees can be found below:

	Current	Proposed
Employees at Minimum PTO Accrual	71	23
Employees at Minimum PTO Accrual (%)	42.0%	13.6%
Employees at Maximum PTO Accrual	41	88
Employees at Maximum PTO Accrual (%)	24.3%	52.1%
Increase in PTO Days from Current	N/A	814
Increase in PTO Days from Current (%)	N/A	17.4%
Employees with no Increase in PTO	107	47
Employees with no Increase in PTO (%)	63.3%	27.8%
Average Number of PTO Days per Year per Employee	22.83	27.64
Average Number of PTO Days per Year per Employee (Excluding employees at Maximum PTO Accrual)	20.71	25.20
Average Increase in PTO Days per Employee	0.40	4.82
Average Increase in PTO Days per Employee (Excluding employees at Maximum PTO Accrual)	1.08	6.75
Exceptions to PTO Policy	59	10
Exceptions to PTO Policy (%)	34.9%	5.9%

Additionally, the proposed Personnel Policy amendments address all the conclusions listed above.


Note – The Personnel Policy Manual may need to be renumerated once the amended Personnel Policies are incorporated into the Personnel Policy Manual to accommodate the new Personnel Policy creating the Extended Paid Leave Bank for full-time non-represented employees.

**Options/Alternatives:** The Common Council could direct staff to design alternative PTO proposals, or decline to update the Personnel Policies.

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Toni Vanderboom  
Human Resources Manager

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator / Comptroller

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Attachments:

- City of Oak Creek's Personnel Policy 5.13.3 Holiday Pay
- City of Oak Creek's Personnel Policy 7.10 – Paid Time Off (PTO)
- City of Oak Creek's Personnel Policy – Emergency Paid Leave Bank
- City of Oak Creek's Personnel Policy 7.11 - Holidays

### 5.13.3 Holiday Pay

#### **Paid Holiday Eligibility**

In order for full-time employees to be eligible for paid holidays, the employee must work the scheduled work day before and after the holiday, with the following exceptions:

- The days are the employee's normal days off from duty;
- The employee has received pre-approval of PTO during this time period;
- The employee provides a doctor's excuse to Human Resources within 48 hours of his/her return to work

Non-represented employees who were not scheduled to work a holiday but are required to work on a holiday will be paid twice their regular hourly rate of pay.

Holidays for non-represented employees will not be converted to pay. Employees who are on unpaid leave are ineligible to receive holiday pay.

## Section 7: Leave and Attendance Policies

### **7.10 Paid Time Off (PTO) – Full-Time and Regular Part-Time**

Paid time off (PTO) provides a bank of hours of sick days, vacation days, and personal days, and may be used as the need or desire arises. PTO will be pro-rated for new employees based on the date of hire. PTO days will be awarded on the following schedules:

Non-represented Fire Employees working a 24-hour shift (Battalion Chiefs)\*:

1-3	Years	276	hours per calendar year
4-6	Years	300	hours per calendar year
7-9	Years	336	hours per calendar year
10+	Years	360	hours per calendar year

\*Battalion Chiefs shall receive additional PTO per year to serve as floating holidays. For more information, please see 7.11 Holidays

All other non-represented full-time employees\*\*:

1-3	Years	184	hours per calendar year
4-6	Years	200	hours per calendar year
7-9	Years	224	hours per calendar year
10+	Years	240	hours per calendar year

\*\*Non-Represented Police employees shall receive additional PTO per year to serve as floating holidays. For more information, please see 7.11 Holidays.

All non-represented regular part-time employees:

Regular part-time employees receive PTO hours based on the hours they are regularly scheduled to work, rounded down to the nearest whole number. Hours worked may fluctuate without an increase in PTO hours per calendar year.



		23	24	25	26	27	28	29	Scheduled hours of work per week
1-3	Years	46	48	50	52	54	56	58	PTO hours per calendar year
4-6	Years	57.5	60	62.5	65	67.5	70	72.5	PTO hours per calendar year
7-9	Years	64.5	67.25	70	72.75	75.5	78.5	81.25	PTO hours per calendar year
10+	Years	69	72	75	78	81	84	87	PTO hours per calendar year

If a part-time employee is transferred or promoted into a full-time position, the employee will be paid out for all unused accrued PTO as of the date they are hired into the full-time position. The employee will not receive credit for hours worked as a part-time employee in the year they are hired as a full-time employee. The employee will be eligible for full-time PTO benefits as a new hire.

Full-time non-represented employees are permitted to carry-over eighty (80) PTO hours to the following calendar year. Full-time 24-hour shift employees are permitted to carry-over seventy-two (72) PTO hours. Regular part-time employee will be permitted to carry-over eight (8) hours. At the end of the year, PTO balances over the carryover limits will automatically roll over into the Extended Paid Leave Bank up to the maximum balance of 280 hours for full time employees. Exceptions to the carryover limits described above may be granted upon written request from the affected employee, upon approval from both the Department Director and City Administrator.

An employee who is separated from employment by termination, retirement, or resignation and who has used PTO which was advanced prior to being earned, shall repay the City for all advanced time. Any unused hours that the employee has earned will be paid on the employee's last payroll. For these calculations, PTO is earned on a monthly basis when an employee has retained employment beyond the 15<sup>th</sup> of the month.

An employee on an extended unpaid leave shall not accrue paid time off. An employee must work, or otherwise be on the City's payroll for more than 15 days per month to accrue paid time off.

**Add Handbook Section:**

**Extended Paid Leave Bank**

The City of Oak Creek funds long term disability coverage for full-time employees. The Extended Paid Leave Bank has been developed to allow the City and full-time, non-represented employees to proactively fund FMLA events until long term disability benefits can begin.

Employees may only utilize the Extended Paid Leave Bank for absences approved under the Federal or the Wisconsin Family Medical Leave Act. These absences include, but are not limited to parental leave, caregiver leave, and leave for the employees' own serious health condition. Please see 7.17 Family and Medical Leave Act for more information.

The Extended Paid Leave Bank will be loaded with 40 hours at time of hire for full-time, non-represented employees. Extended Paid Leave Banks are not eligible for payout upon separation.

At the end of the year, PTO balances over the carryover limit will automatically roll over into the Extended Paid Leave Bank up to the maximum balance of 280 hours. Employees may also elect to place all or a portion of the allowed PTO carryover into the Extended Paid Leave Bank.

Any remaining sick leave balances retained from the PTO conversion will be added to the employee's Extended Paid Leave Bank. Employees with a current sick leave balance exceeding the 280-hour maximum will receive an exception to ensure no sick leave will be lost.

### **71.11 Holidays**

The City has designated the following ten days as paid holidays:

- New Year's Day;
- Friday before Easter;
- Memorial Day;
- Independence Day;
- Labor Day;
- Thanksgiving Day;
- The day after Thanksgiving;
- Christmas Eve Day;
- Christmas Day;
- New Year's Eve Day.

If a holiday falls on a weekend, the holiday is observed on the closest preceding or subsequent weekday. Regular full-time employees shall be granted 8 hours of holiday pay, and regular part-time employees shall receive pro-rated holiday pay based upon their scheduled hours of work.

Non-represented employees must meet the criteria established under 5.13.3 to qualify for holiday pay, and holidays are not paid out upon separation.

Because of their work schedule, non-represented Police employees may be called upon to work holidays identified above as regularly scheduled days. These employees shall receive 80 hours of additional PTO per year to serve as floating holidays, in lieu of holiday pay. Similarly, Fire Battalion chiefs shall receive 168 hours of additional PTO to serve as floating holidays, in lieu of holiday pay.

The City will seek to reasonably accommodate individuals' religious observances. Employees who need time off to observe religious practices or holidays not already scheduled by the City should speak with their Department Director.

## COMMON COUNCIL REPORT

- Item:** Resolution Declaring the Necessity of Taking Blighted Property at 4301 East Depot Road and Authorizing the Taking of the Property (4<sup>th</sup> District)
- Recommendation:** That the Common Council adopt Resolution No. 12444-110723, a Resolution Declaring the Necessity of Taking Blighted Property at 4301 East Depot Road and Authorizing the Taking of the Property
- Fiscal Impact:** Appraisal and acquisition fees are estimated to be \$10,000, and if litigation is necessary there would be additional costs, undetermined at this time.
- Critical Success Factor(s):**
- Active, Vibrant, and Engaged Community
  - Financial Stability and Resiliency
  - Thoughtful Growth and Prosperous Local Economy
  - Clean, Safe, and Welcoming
  - Inspired, Aligned, and Proactive City Organization
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

---

**Background:** Per Wisconsin Statute Sections 66.1333, 66.22(1) and Chapter 32, the City of Oak Creek is allowed to undertake activities to carry out redevelopment, blight elimination, blight prevention and urban renewal programs and projects, and is authorized to take the necessary steps to effect adequate and comprehensive redevelopment, blight elimination and urban renewal programs. The property at 4301 East Depot Road (the "Property"), previously owned and operated by U.S. Fertilizer and Hynite corporation, was used for the manufacturing of nitrogen-based fertilizer. There is known environmental contamination and previously documented hazardous discharges on the Property.

On February 20, 2012, the Council approved the Lakefront Development Plan, which established a vision for the lakefront and overall development framework for the site by identifying general land uses, vehicular and pedestrian connections and ways to provide public access on the waterfront. On May 1, 2013, the Council approved an updated blight study as part of City of Oak Creek Redevelopment District No. 1 and made a finding that the area within the district was blighted. On May 16, 2017, the Council approved the TID 13 Project Plan, and as part of that Project Plan the Property was found to be blighted. With those approvals and by adoption of a resolution on November 15, 2022, the property was deemed blighted. On May 16, 2023, the Common Council approved the North Bluff Planning Study for the development of a public park along the City's lakefront. This study provides for the Property at 4301 East Depot Road to be included as part of the park.

With this resolution, the Council would determine that it is necessary to acquire the Property to eliminate its risks to public health, safety and welfare, and that it is in the public interest to remedy the blight through redevelopment, urban renewal and to create a public park.

**Options/Alternatives:** The Council could decide not to approve the resolution, and the City would then not be able to proceed with acquiring the Property for redevelopment and to include it in the creation of a public park.


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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Melissa L. Karls  
City Attorney

Fiscal Review:



Maxwell Gaggin, MPA  
Assistant City Administrator / Comptroller

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**Attachments:** Resolution No. 12444-110723

RESOLUTION NO. 12444-110723

RESOLUTION DECLARING THE NECESSITY OF TAKING BLIGHTED PROPERTY AT 4301  
EAST DEPOT ROAD AND  
AUTHORIZING THE TAKING OF THE PROPERTY  
(4<sup>th</sup> District)

WHEREAS Wis. Stat. Sec. 66.1333, the Blight Elimination and Slum Clearance Act (the “Act”), states that it is the policy of this state to protect and promote the health, safety and general welfare of the people of the state in which blighted areas exist by the elimination and preservation of such areas through the utilization of all means appropriate for the purpose, thereby encouraging well-planned, integrated, stable, safe and healthful neighborhoods, the provision of healthful homes, a decent living environment and adequate places for employment of the people of this state and its communities in such areas; and,

WHEREAS the Act allows the authority to undertake activities within the City of Oak Creek (the “City”) for the purpose of carrying out redevelopment, blight elimination, blight prevention and urban renewal programs and projects as set forth in the Act, together with all powers necessary or incidental to effect adequate and comprehensive redevelopment, blight elimination and urban renewal programs and projects; and

WHEREAS the property at 4301 East Depot Road (the “Property”) was previously owned and operated by U.S. Fertilizer and the Hynite Corporation for the manufacturing of nitrogen-based fertilizer on the Property; and

WHEREAS on May 1, 2012, the Common Council adopted Resolution No. 11246-050112 approving an updated blight study as part of City of Oak Creek Redevelopment District No. 1 and making a finding of the area within the district to be blighted; and

WHEREAS the Property was deemed blighted as a result of that blight study; and

WHEREAS by virtue of the adoption of Resolution No. 11812-051617 on May 16, 2017, the Common Council approved a Project Plan for TIF District 13 and as part of that Project Plan the Property was found to be blighted; and

WHEREAS the Property was further determined to be blighted by adoption of Resolution No. 12362-111522 adopted by the Common Council on November 15, 2022; and

WHEREAS the Property, by reason of age, obsolescence and known environmental contamination, is detrimental to the public health, safety, morals or welfare; and

WHEREAS, the Property, by reason of previously documented hazardous discharges and, together with other factors, substantially impairs its sound development, constitutes an economic or social liability and is a risk to public health, safety and welfare in its present condition; and

WHEREAS on February 20, 2012, the City of Oak Creek Common Council adopted Resolution No. 11220-022012 approving the Lakefront Development Plan, which established a vision for the lakefront and an overall development framework for the site by identifying general land uses, vehicular and pedestrian connections and ways to provide public access on the waterfront; and

WHEREAS on May 16, 2023, the Common Council approved the North Bluff Planning Study (the “Study”) prepared by Edgewater Resources for the development of a public park along Oak Creek’s lakefront, and the Study provides that the Property be included as part of the park.

WHEREAS Wis. Stat. Sec 66.22(1) and Wis. Stat. Chapter 32 provide the authority for a city to take, through condemnation and eminent domain, blighted properties and properties planned for public park purposes; and

WHEREAS a determination of necessity of the taking is required prior to initiating condemnation and eminent domain proceedings; and

WHEREAS the City of Oak Creek has determined that it is necessary to acquire the Property to eliminate the risks of public health, safety and welfare presented by the Property and that it is in the public interest to remedy the blight through redevelopment, urban renewal and to create a public park consistent with the Study ; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Oak Creek hereby direct staff to take the Property through the procedures set forth in Wis. Stat. Sec. 32.06, et seq. for the purposes of blight remediation, redevelopment, urban renewal and for development of a public park.

This Resolution shall be effective as of the date of publishing.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 7<sup>th</sup> day of November, 2023.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_.

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

Approved this \_\_\_\_ day of \_\_\_\_\_.

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

ATTEST:

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

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



## COMMON COUNCIL REPORT

- Item:** Adoption of Comprehensive Emergency Management Plan (CEMP)
- Recommendation:** That the Common Council adopts Resolution 12445-110723 approving the Zone E CEMP as the City of Oak Creek's emergency management plan.
- Fiscal Impact:** None
- 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 late 2022, work began on the update of the City of Oak Creek's emergency management plan. This project involved a restructuring of our current emergency management guidance document to better align with county and state plan documents. An additional driver behind this restructuring was the concept that although all emergency events begin as a local event (handled by local resources), large-scale emergency events can quickly expand past the capabilities of local resources. In these cases, we rely on help from our neighbors. With the concepts of resource-sharing and common operating models in mind, the restructuring of our emergency management plan was undertaken through the collaboration of the communities most likely to work together during a large-scale emergency event: Oak Creek, Cudahy, South Milwaukee, and St Francis (otherwise identified as the "Zone E" municipalities in Milwaukee County). This careful consideration of resource-sharing has resulted in the development of a Zone E Comprehensive Emergency Management Plan.

The CEMP, like the City's previous emergency management plan, has been developed using established emergency management principles. It's improved alignment with county and state plans, as well as its emphasis on collaboration with the other Zone E emergency management programs, represent the key changes when compared to past plans. A copy of this plan can be viewed at the following link:

<https://www.oakcreekwi.gov/home/showdocument?id=18098&t=638346000931803960>.

Oak Creek Municipal Code Sec 2.120(c) stipulates the requirement for Common Council approval of the City emergency operations plan. Pending this approval, the document will move through final revisions and edits. An exercise to test the functionality and capabilities of the CEMP is planned for the first half of 2024.

**Options/Alternatives:** Reject the proposed emergency management plan and continue with a revision to the city-specific plan.

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

Michael Kressuk, Jr  
Fire Chief



Fiscal Review:



Maxwell Gagin, MPA

Assistant City Administrator / Comptroller

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Attachments: Resolution 12445-110723

RESOLUTION NO. 12445-110723

RESOLUTION APPROVING  
THE ZONE E COMPREHENSIVE EMERGENCY MANAGEMENT PLAN  
AS THE CITY OF OAK CREEK'S EMERGENCY MANAGEMENT PLAN

WHEREAS the City of Oak Creek cooperates with other municipalities to maximize the efficiency and effectiveness of available resources to prepare for and respond to emergency management situations; and

WHEREAS for emergency management purposes the municipalities of Cudahy, Oak Creek, South Milwaukee and St. Francis collectively comprise "Zone E"; and

WHEREAS Section 2.120(c) of the City of Oak Creek Municipal Code provides, in part, that City of Oak Creek emergency management services shall operate in accordance with the City emergency operations plan which has been adopted by resolution of the Common Council;

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the Zone E Comprehensive Emergency Management Plan ("CEMP) for the City of Oak Creek is hereby approved.

BE IT FURTHER RESOLVED that, given other Zone E municipalities' review and approval of the CEMP, technical corrections or amendments to the CEMP that do not substantively change the terms and that are approved by the Chief of the Fire Department and City Attorney are hereby authorized.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 7<sup>th</sup> day of November, 2023.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2023.

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

Approved this \_\_\_\_ day of \_\_\_\_\_, 2023.

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

ATTEST:

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

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

## COMMON COUNCIL REPORT

**Item:** Minor Land Division/Lot Line Adjustment - 9810, 9840, and 9880 S. Ridgeview Dr. - Ivan Vasiljevic, North Investments, LLC

**Recommendation:** That the Council adopts Resolution No. 12442-110723, a resolution approving a Minor Land Division/Lot Line Adjustment (Certified Survey Map) submitted by Ivan Vasiljevic, North Investments, LLC for the properties at 9810, 9840, and 9880 S. Ridgeview Dr. (5th Aldermanic District).

**Fiscal Impact:** The proposal is to combine the properties into one (1) lot in the M-1, Manufacturing zoning district. Since all lots are currently developed, no immediate fiscal impact other than review fees is anticipated. This property is part of TID 7.

**Critical Success Factor(s):**

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

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**Background:** The Applicant is requesting approval of a Minor Land Division/Lot Line Adjustment to combine the properties at 9810, 9840, and 9880 S. Ridgeview Dr. All lots are currently located in the M-1, Manufacturing zoning district, and will continue to meet the dimensional requirements following consolidation. This request is directly related to a request for a Conditional Use Permit affecting the properties, and will serve to address several existing violations that have occurred since 2018. One (1) revision is required to the signature page to include the Plan Commission Secretary in the signature block.

The Plan Commission reviewed this request during their October 24, 2023 meeting, and recommended approval subject to the following conditions:

1. That the Plan Commission signature block includes the Plan Commission Secretary.
2. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording

**Options/Alternatives:** Council has the discretion to approve, and/or modify the condition(s) of Certified Survey Map approval, or deny the request.

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Prepared and Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Approved:



Kari Papelbon, CFM, AICP  
Senior Planner

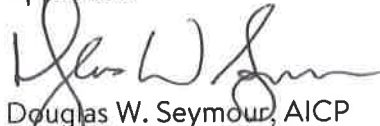
Fiscal Review:



Maxwell Gagin, MPA

Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP

Director of Community Development

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Attachments:

Res. 12442-110723

Location Map

Proposed CSM (4 pages)

RESOLUTION NO. 12442-110723

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

A RESOLUTION APPROVING A MINOR LAND DIVISION/LOT LINE ADJUSTMENT  
(CERTIFIED SURVEY MAP) FOR  
IVAN VASILJEVIC, NORTH INVESTMENTS, LLC

9810, 9840, and 9880 S. Ridgeview Dr.  
(5<sup>th</sup> Aldermanic District)

WHEREAS, IVAN VASILJEVIC, NORTH INVESTMENTS, LLC, hereinafter referred to as the subdivider, has submitted a Minor Land Division/Lot Line Adjustment (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 Minor Land Division/Lot Line Adjustment (Certified Survey Map) be approved, subject to the following conditions:

1. That the Plan Commission signature block includes the Plan Commission Secretary.
2. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

NOW, THEREFORE, BE IT RESOLVED that this Minor Land Division/Lot Line Adjustment (Certified Survey Map), in the City of Oak Creek, Wisconsin, is hereby approved by the Common Council subject to the following conditions:

1. That the Plan Commission signature block includes the Plan Commission Secretary.
2. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 7<sup>th</sup> day of November, 2023.

Passed and adopted this 7<sup>th</sup> day of November, 2023.

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

Approved this 7<sup>th</sup> day of November, 2023.

\_\_\_\_\_  
Mayor

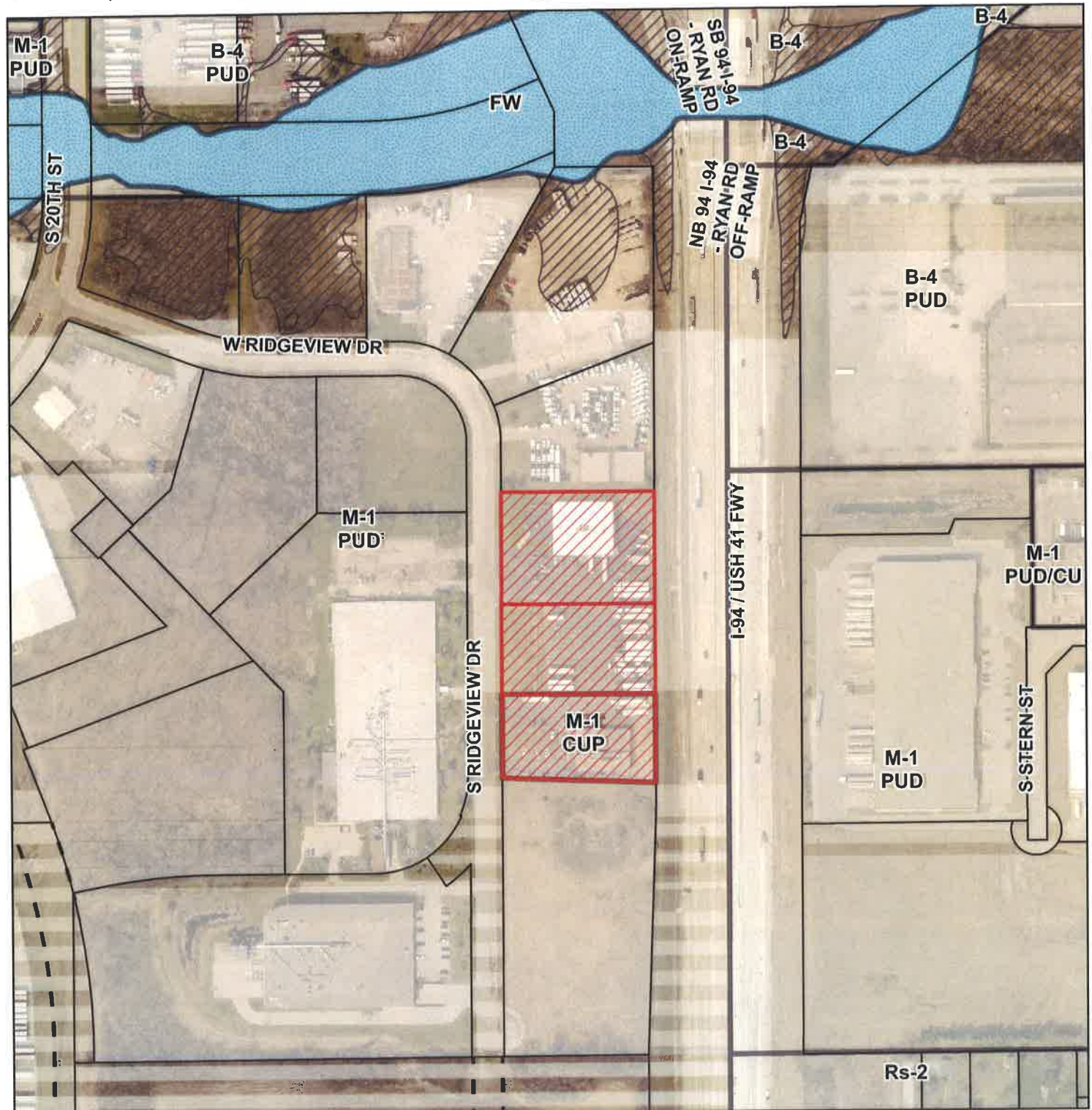
ATTEST:

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

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

# LOCATION MAP

## 9810, 9840, & 9880 S. Ridgeview Dr.



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



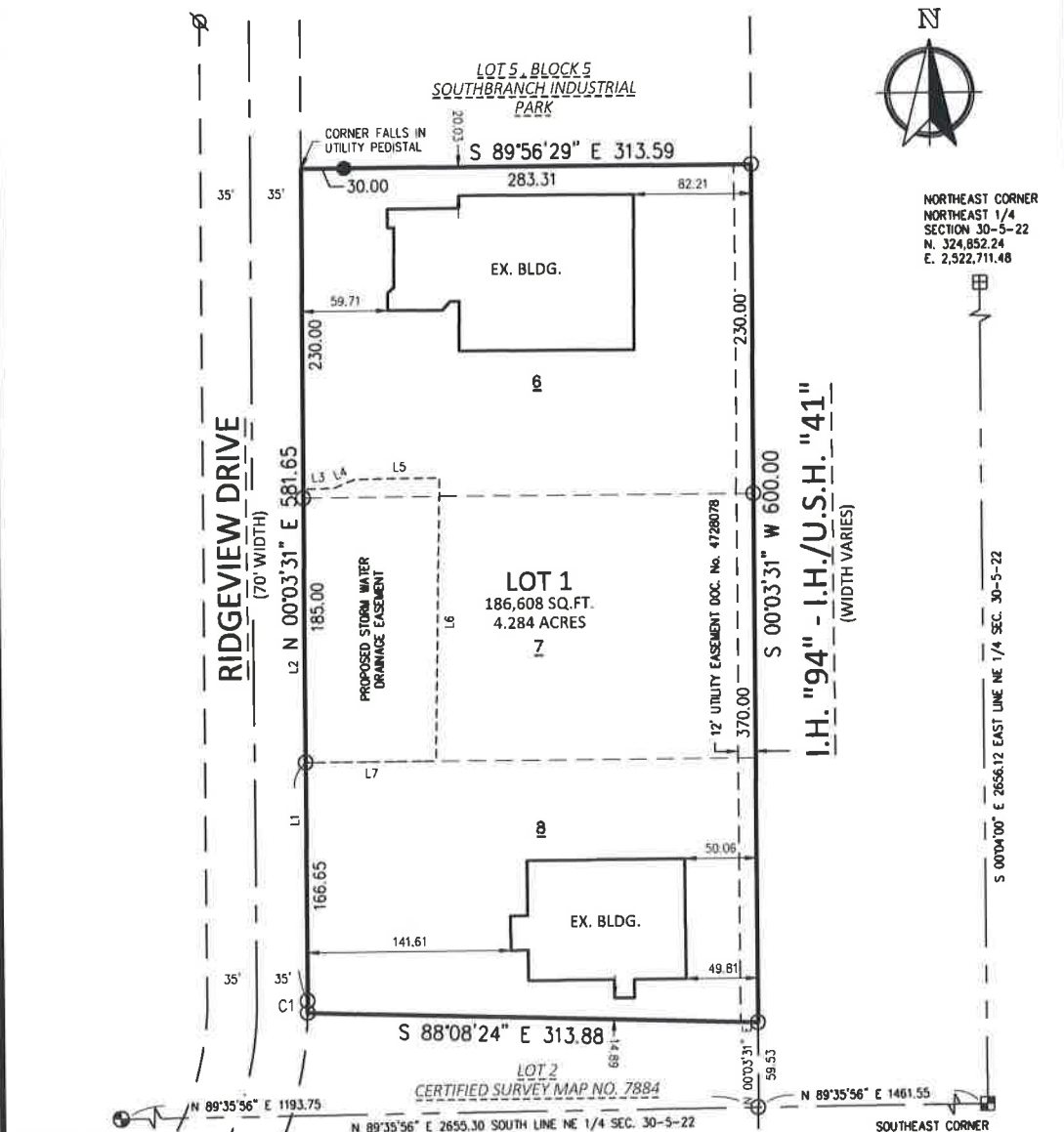
### Legend

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

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

LOTS 6, 7 AND 8 OF BLOCK 5 IN SOUTHBRANCH INDUSTRIAL PARK, BEING A PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 22 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN

RECORDING DATA

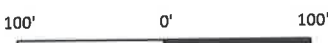


NORTHEAST CORNER  
NORTHEAST 1/4  
SECTION 30-5-22  
N. 324,852.24  
E. 2,522,711.48

SOUTHWEST CORNER  
NORTHEAST 1/4  
SECTION 30-5-22  
N. 322,177.68  
E. 2,520,059.46

SOUTHEAST CORNER  
NORTHEAST 1/4  
SECTION 30-5-22  
N. 322,198.27  
E. 2,522,714.56

NOTE:  
LEGEND AND  
LOCATION MAP ON  
SHEET 2



SCALE 1" = 100'

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

This Instrument was drafted by Mark R. Madsen June 30, 2023

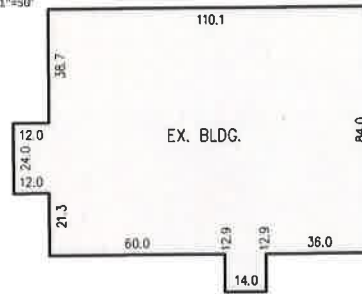
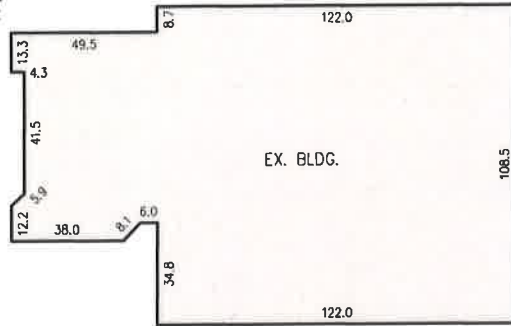
SHEET 1 OF 4  
2023.0068.01 CSM.dwg



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

LOTS 6, 7 AND 8 OF BLOCK 5 IN SOUTHBRANCH INDUSTRIAL PARK, BEING A PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 22 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

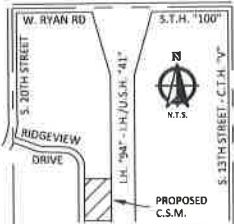
## BUILDING DETAILS



Curve Table							
Curve #	Delta	Radius	Arc	Tangent	Chord Direction	Chord Length	Tangent Bearing
C1	1°48'02"	270.00	8.48	4.24	N00° 57' 32"E	8.48	N01°51'32"E N00°03'31"E

Easement Line Table		
Line #	Length	Direction
L1	168.65	N00° 03' 31"E
L2	191.17	N00° 03' 31"E
L3	21.42	N88° 53' 58"E
L4	15.80	N87° 18' 10"E
L5	58.66	N89° 40' 04"E
L6	198.15	S01° 12' 10"W
L7	90.70	N89° 56' 28"W

### LOCATION MAP



NORTHEAST 1/4 SECTION 30-5-22

### NOTES:

ZONING OF LOT:  
M-1 PUD & M-1 PUD CUP

OWNER/LAND SPLITTER: IVAN VASILJEVIC  
ADDRESS: 5825 W. RYAN ROAD  
FRANKLIN, WI 53132

BEARINGS BASE: GRID NORTH, WISCONSIN COORDINATE SYSTEM, SOUTH ZONE. BASED UPON NAD 1983/2011. THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 30-5-22 IS ASSUMED TO BEAR N 89°35'56" E.

### LEGEND:

- ☒ FOUND 2" IRON PIPE
- FOUND 1-1/4" IRON PIPE
- SET 3/4" O.D. REBAR - 1.50 LBS. / LIN. FT.
- ⊕ FOUND CONC. MON. W / CITY OF OAK CREEK BRASS CAP
- ⊞ FOUND SEWRPC BRASS CAP IN CONC. PAVEMENT
- ⊞ FOUND CONC. MON. W / SEWRPC BRASS CAP

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

LOTS 6, 7 AND 8 OF BLOCK 5 IN SOUTHBRANCH INDUSTRIAL PARK, BEING A PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 22 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

SURVEYOR'S CERTIFICATE

I, Mark R. Madsen, hereby certify:

THAT I have prepared this Certified Survey Map at the direction of the Ivan Vasiljevic, Owner;

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

THAT such map is a true representation of all exterior boundaries of the land surveyed and the land division thereof made, described as:

Lots 6, 7 and 8 of Block 5 in Southbranch Industrial Park recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin on June 2, 1972, as Document No. 4686477, being a part of the Southwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 22 East of the Fourth Principal Meridian, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

Containing 186,608 square feet or 4.284 acres.

June 30, 2023

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

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

LOTS 6, 7 AND 8 OF BLOCK 5 IN SOUTHBRANCH INDUSTRIAL PARK, BEING A PART OF THE  
SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 22  
EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE CITY OF OAK CREEK, COUNTY OF  
MILWAUKEE, STATE OF WISCONSIN.

OWNERS' CERTIFICATE

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

\_\_\_\_\_  
Ivan Vasiljevic

\_\_\_\_\_  
Date

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } S.S.

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023, Ivan Vasiljevic, to me known to be the person who executed the foregoing instrument, and acknowledged that they executed the foregoing.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expiration

\_\_\_\_\_  
SEAL

CITY OF OAK CREEK PLAN COMMISSION APPROVAL

APPROVED as a Certified Survey Map by the Plan Commission of the City of Oak Creek, on \_\_\_\_\_, 2023

\_\_\_\_\_  
Daniel Bukiewicz, Chair

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

CITY'S RESOLUTION

RESOLVED that this Certified Survey Map located in the City of Oak Creek, is hereby approved by the Common Council of the City of Oak Creek, on \_\_\_\_\_, 2023, by Resolution No. \_\_\_\_\_

\_\_\_\_\_  
Daniel Bukiewicz, Mayor

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

## COMMON COUNCIL REPORT

- Item:** Minor Land Division/Lot Line Adjustment - 7951 & 7971 S. 6th St. - Richard Barrett, BLVD
- Recommendation:** That the Council adopts Resolution No. 12443-110723, a resolution approving a Minor Land Division/Lot Line Adjustment (Certified Survey Map) submitted by Richard Barrett, BLVD for the properties at 7951 & 7971 S. 6th St. (2nd Aldermanic District).
- Fiscal Impact:** The proposal is to adjust the shared lot line between the properties in anticipation of the development of Lot 3 with a multitenant residential building (Emerald Row Phase IV). Development of Lot 3 will yield positive fiscal impacts in terms of assessed value and increment for the District, review fees, permitting fees, and impact fees. This property is part of TID 11.
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

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**Background:** The Applicant is requesting approval of a Minor Land Division/Lot Line Adjustment to modify the shared lot line between the properties at 7951 & 7971 S. 6th St. Both lots are currently located in the DTSMUPDD zoning district, and will continue to meet the dimensional requirements following the adjustment. This request is directly related to a request for Site and Building Plan Review affecting the properties in the next agenda item. The following minor revisions are required prior to recording the CSM:

1. Clarification on the location of the storm sewer easement on Page 3.
2. Access easement for the benefit of both parcels should be shown on the map (and recorded with the easement document).
3. The Plan Commission Secretary on Page 6 must be updated.
4. The Common Council signature block on Page 6 must include an area for the approval resolution.

The Plan Commission reviewed this request during their October 24, 2023 meeting, and recommended approval subject to the following conditions:

1. That all easements are clearly shown and labeled on the map.
2. That the Plan Commission signature block is updated to the current Plan Commission Secretary.
3. That the Common Council signature block includes an area for the approval resolution number.

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4. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

**Options/Alternatives:** Council has the discretion to approve, and/or modify the condition(s) of Certified Survey Map approval, or deny the request.

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Prepared and Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Approved:



Kari Papelbon, CFM, AICP  
Senior Planner

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

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Attachments:

Res. 12443-110723

Location Map

Proposed CSM (6 pages)

RESOLUTION NO. 12443-110723

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

A RESOLUTION APPROVING A MINOR LAND DIVISION/LOT LINE ADJUSTMENT  
(CERTIFIED SURVEY MAP) FOR  
RICHARD BARRETT, BLVD

7951 & 7971 S. 6th St.  
(2<sup>nd</sup> Aldermanic District)

WHEREAS, RICHARD BARRETT, BLVD, hereinafter referred to as the subdivider, has submitted a Minor Land Division/Lot Line Adjustment (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 Minor Land Division/Lot Line Adjustment (Certified Survey Map) be approved, subject to the following conditions:

1. That all easements are clearly shown and labeled on the map.
2. That the Plan Commission signature block is updated to the current Plan Commission Secretary.
3. That the Common Council signature block includes an area for the approval resolution number.
4. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

NOW, THEREFORE, BE IT RESOLVED that this Minor Land Division/Lot Line Adjustment (Certified Survey Map), in the City of Oak Creek, Wisconsin, is hereby approved by the Common Council subject to the following conditions:

1. That all easements are clearly shown and labeled on the map.
2. That the Plan Commission signature block is updated to the current Plan Commission Secretary.
3. That the Common Council signature block includes an area for the approval resolution number.
4. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 7<sup>th</sup> day of November, 2023.

Passed and adopted this 7<sup>th</sup> day of November, 2023.

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

Approved this 7<sup>th</sup> day of November, 2023.

\_\_\_\_\_  
Mayor

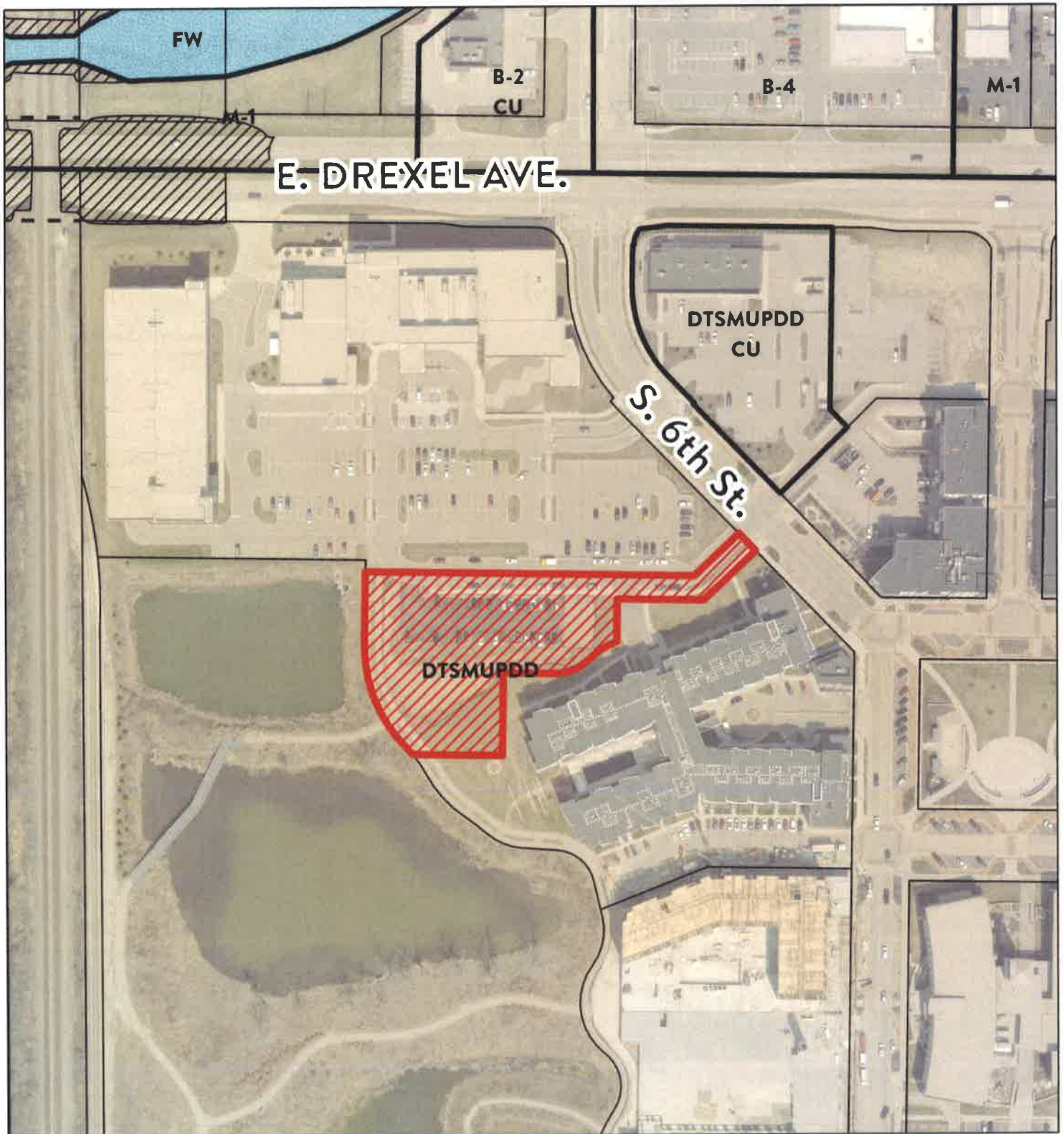
ATTEST:

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

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

# Location Map

## 7951 S. 6th St.



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



- Parcels
- Zoning
- Official Map

### Legend

- Flood Fringe
- Floodway
- 7951 S. 6th St.

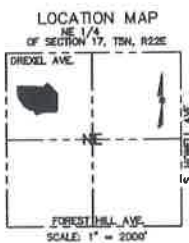
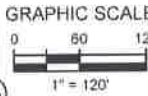
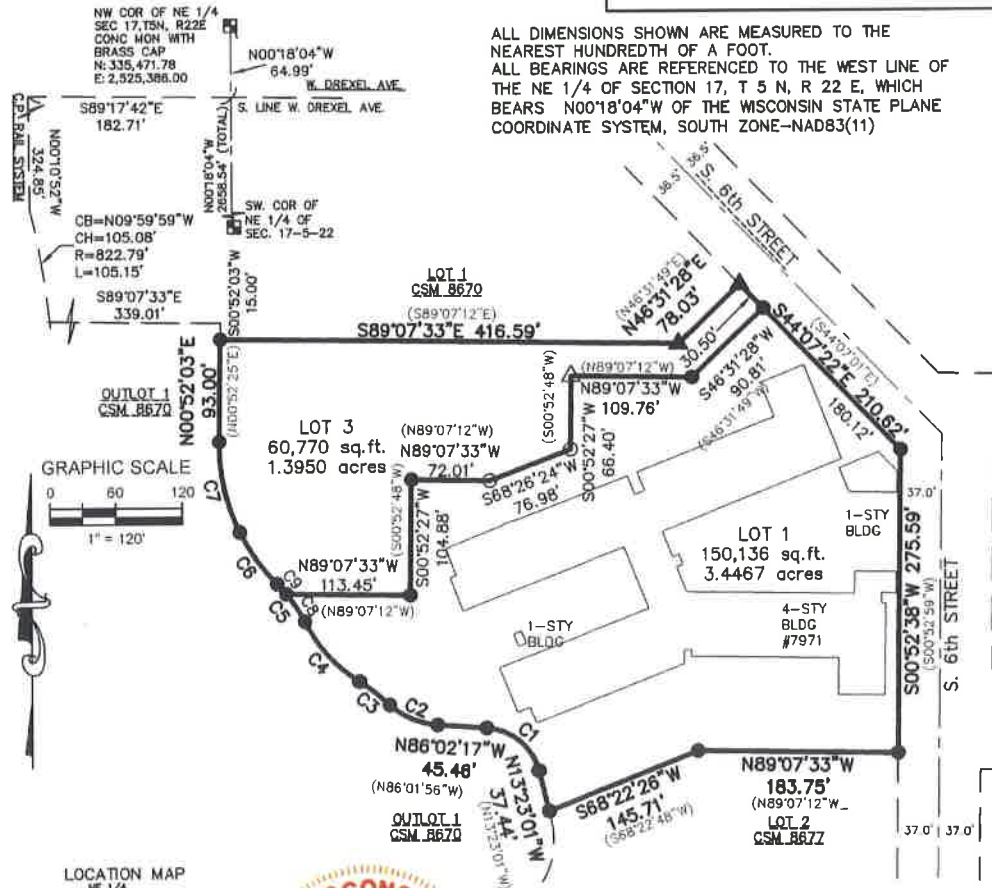


# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A division of Lot 1 and Lot 3 of Certified Survey Map No. 8713, being a part of the Northwest 1/4 of the Northeast 1/4 of Section 17, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

- ▲ INDICATES FOUND MAG NAIL
- △ INDICATES FOUND CHISELED CROSS
- INDICATES FOUND 1" IRON PIPE
- INDICATES SET 1.315" O.D. IRON PIPE AT LEAST 18" IN LENGTH, 1.68 LBS. PER LINEAL FOOT.

ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.  
 ALL BEARINGS ARE REFERENCED TO THE WEST LINE OF THE NE 1/4 OF SECTION 17, T 5 N, R 22 E, WHICH BEARS N00°18'04"W OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE--NAD83(11)



*John P. Casucci*  
 8/28/2023

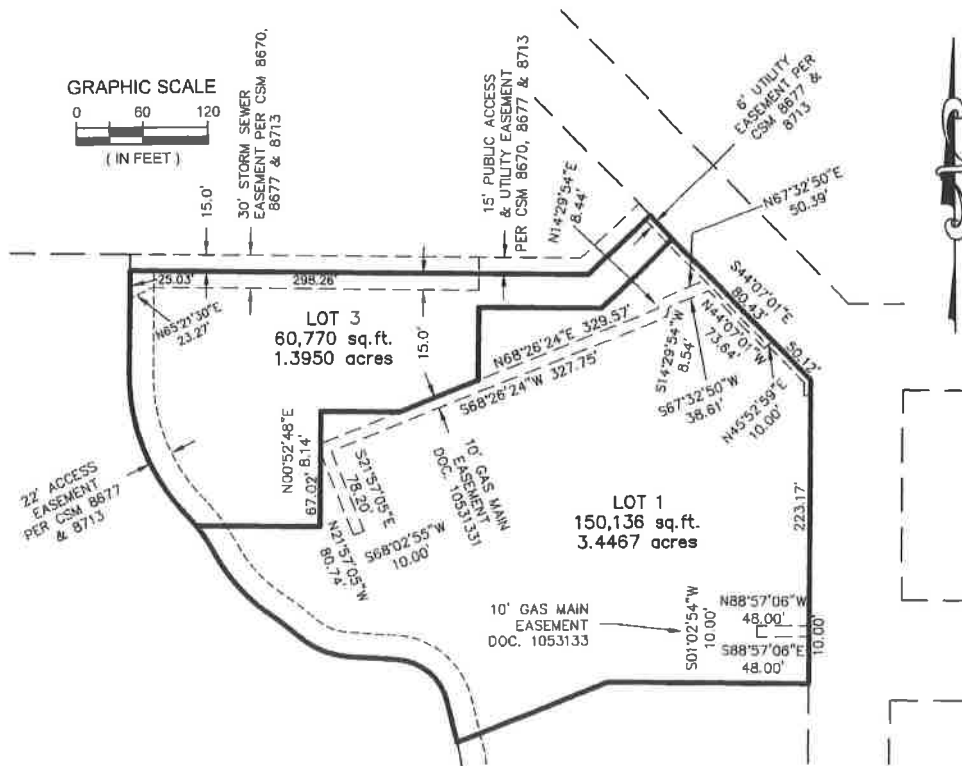


16745 W. Bluemound Road  
 Brookfield, WI 53005-5519  
 (262) 781-1000  
 rasmith.com

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

A division of Lot 1 and Lot 3 of Certified Survey Map No. 8713, being a part of the Northwest 1/4 of the Northeast 1/4 of Section 17, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

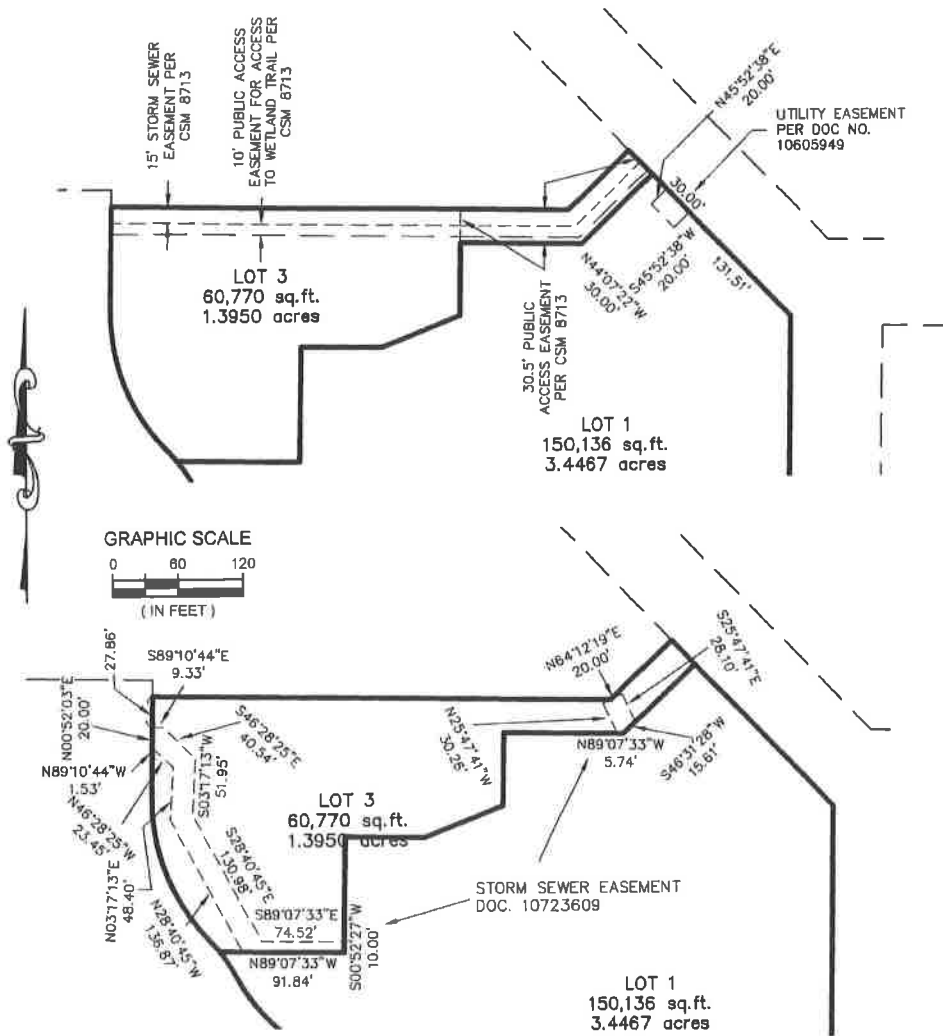
Curve Table								Recorded as
Curve #	Length	Radius	Chord Bearing	Chord	Tangent In	Tangent Out	Delta	Chord Bearing
C1	64.67	51.00	N49°42'50"W	60.42	N13°23'23"W	N86°02'17"W	72°38'54"	N49°42'29"W
C2	47.98	73.00	N67°12'29"W	47.12	N86°02'17"W	N48°22'40"W	37°39'37"	N67°12'07"W
C3	35.18	262.99	N52°12'37"W	35.16	N48°22'40"W	N56°02'34"W	7°39'54"	N52°12'16"W
C4	74.30	151.00	N41°56'48"W	73.55	N56°02'34"W	N27°51'03"W	28°11'32"	N41°56'27"W
C5	42.67	145.75	N36°14'16"W	42.52	N27°51'03"W	N44°37'30"W	16°46'28"	N36°13'55"W
C6	58.36	181.00	N35°23'17"W	58.11	N44°37'30"W	N26°09'04"W	18°28'26"	N35°22'56"W
C7	85.35	181.00	N12°38'31"W	84.57	N26°09'04"W	N00°52'03"E	27°01'08"	N12°38'09"W
C8	30.22	145.75	N33°47'29"W	30.17	N27°51'03"W	N39°43'56"W	11°52'53"	N33°47'08"W
C9	12.45	145.75	N42°10'43"W	12.44	N39°43'56"W	N44°37'30"W	4°53'34"	N42°10'22"W



Dimensioning of existing Easements are required by Wisconsin State Statute 236.20(2)(c) per 236.34(c). Easements dimensions are approximate, and are not intended to supersede the intent, location or varbiage as stated in the original Easement creation documents.

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

A division of Lot 1 and Lot 3 of Certified Survey Map No. 8713, being a part of the Northwest 1/4 of the Northeast 1/4 of Section 17, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.



Dimensioning of existing Easements are required by Wisconsin State Statute 236.20(2)(c) per 236.34(c). Easements dimensions are approximate, and are not intended to supersede the intent, location or verbiage as stated in the original Easement creation documents.

**raSmith**  
CREATIVITY BEYOND IMAGINING  
 16745 W. Bluemound Road  
 Brookfield, WI 53005-6938  
 (262) 781-1000  
[raSmith.com](http://raSmith.com)

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

A division of Lot 1 and Lot 3 of Certified Survey Map No. 8713, being a part of the Northwest 1/4 of the Northeast 1/4 of Section 17, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN }  
  :SS  
WAUKESHA COUNTY }

I, JOHN P. CASUCCI, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a division of Lot 1 and Lot 3 of Certified Survey Map No. 8713, being a part of the Northwest 1/4 of the Northeast 1/4 of Section 17, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

Said lands contain 210,906 square feet or 4.8417 acres.

THAT I have made the survey, land division and map by the direction of:  
Barrett/Lo Visionary Development LLC  
& Emerald II Row LLC

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

THAT I have fully complied with Chapter 236 of the Wisconsin Statutes and Chapter 14 of the City of Oak Creek Municipal Code in surveying, dividing, and mapping the same.

August 28, 2023  
Field date



*John P. Casucci* (SEAL)  
JOHN P. CASUCCI  
PROFESSIONAL LAND SURVEYOR S-2055

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

A division of Lot 1 and Lot 3 of Certified Survey Map No. 8713, being a part of the Northwest 1/4 of the Northeast 1/4 of Section 17, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

OWNER'S CERTIFICATE as to Lot 1 of this CSM

As owners, Emerald Row II LLC, hereby certify that we have caused the land described on this map, to be surveyed, divided and mapped as represented on this Certified Survey Map in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and Chapter 14 of the City of Oak Creek Municipal Code

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

Emerald II Row LLC  
By: [Signature]  
Rick Barrett, Manager

STATE OF WISCONSIN )  
                                  )SS  
MILWAUKEE COUNTY )

PERSONALLY came before me this 2nd day of October, 2023, the above named Rick Barrett, Manager of Emerald II Row LLC, to me known to be the person who executed the foregoing instrument.

(SEAL)  
Notary Public, State of Wisconsin

My commission expires 07/04/2026



OWNER'S CERTIFICATE as to Lot 3 of this CSM

As owners, Barrett/Lo Visionary Development LLC, hereby certify that we have caused the land described on this map, to be surveyed, divided and mapped as represented on this Certified Survey Map in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and Chapter 14 of the City of Oak Creek Municipal Code

Barrett/Lo Visionary Development LLC, as owner, does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of Oak Creek

Barrett/Lo Visionary Development LLC  
By: [Signature]  
Rick Barrett, Manager

STATE OF WISCONSIN )  
                                  )SS  
MILWAUKEE COUNTY )

PERSONALLY came before me this 2nd day of October, 2023, the above named Rick Barrett, Manager of Barrett/Lo Visionary Development LLC, to me known to be the person who executed the foregoing instrument.

(SEAL)  
Notary Public, State of Wisconsin

My commission expires 07/04/2023



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

A division of Lot 1 and Lot 3 of Certified Survey Map No. 8713, being a part of the Northwest 1/4 of the Northeast 1/4 of Section 17, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

PLAN COMMISSION APPROVAL

Resolved, that this Certified Survey Map, in the City of Oak Creek, is hereby approved by the Plan Commission of the City of Oak Creek on this \_\_\_\_\_, day of \_\_\_\_\_, 2023.

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

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

COMMON COUNCIL APPROVAL

RESOLVED, that this Certified Survey Map, located in the City of Oak Creek, is hereby approved by the Common Council of the City of Oak Creek, on this \_\_\_\_\_, day of \_\_\_\_\_, 2023.

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

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

THIS INSTRUMENT WAS DRAFTED BY JOHN P. CASUCCI  
PROFESSIONAL LAND SURVEYOR S-2055

S:\5168952\dwg\168952 CSM 20-S 6th ST.dwg \ SHEET 6

**raSmith**  
CREATIVITY BEYOND ENGINEERING

16735 W. Bluemound Road  
Brookfield, WI 53005-5938  
(262) 781-1000  
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Sheet 6 of 6 Sheets



## COMMON COUNCIL REPORT

**Item:** License Committee Report

**Recommendation:** That the Common Council grant the various license requests as listed on the 11/7/23 License Committee Report.

**Fiscal Impact:** License fees in the amount of \$11,939.10 were collected.

- Critical Success Factor(s):**
- Active, Vibrant and Engaged Community
  - Financial Stability and Resiliency
  - Thoughtful Growth and Prosperous Local Economy
  - Clean, Safe & Welcoming
  - Inspired, Aligned, and Proactive City Organization
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

### Background:

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

* Cecilia S. Muro (Woodman's)	* Meghan N. Wagner (Woodman's)
* Luis Aponte Castro (Homewood Suites)	* Lynette J. Naumann (Walgreens)
* Megan A. Bowen (Walgreens)	* Fiona C. Welch (Pick 'n Save)
* Emily M. Rusk (Pick 'n Save)	* David R. Wubker (Pick 'n Save)
* Steven A. Valvo (Walgreens)	* Ashley A. Cook (The Cellar)
* Cameron C. Botsch (Walgreens)	* Michael D. Dorband (Charcoal Grill)
* Logan W. Juneau (Kwik Trip)	* Cara B. Rightmire (Route 41)
  
2. Grant a Change of Agent for the Class A Combination alcohol license issued to Aldi Inc. (Wisconsin) dba Aldi 01, 6810 S. 27<sup>th</sup> St., from Jared Eggold to Dave Peglow.
  
3. Grant a Change of Agent for the Class A Combination alcohol license issued to Aldi Inc. (Wisconsin) dba Aldi 91, 410 W. Drexel Ave., from Olivia Marrero to Jared Eggold.
  
4. Grant a 2023-24 Reserve Class B Combination alcohol license to First Watch Restaurants, Inc., dba First Watch #6010, Bryce Kingbury, Agent, 120 W. Town Square Way, #200, with release of license subject to departmental approvals.

**Options/Alternatives:** None

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

Christa J. Miller CMC/WCMC  
Deputy City Clerk

Fiscal Review:

*Maxwell Gagin*

Maxwell Gagin, MPA

Assistant City Administrator / Comptroller

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Attachments: none



## COMMON COUNCIL REPORT

**Item:** Vendor Summary Report

**Recommendation:** That the Common Council approve the November 1, 2023 Vendor Summary Report in the total of \$509,704.58.

**Fiscal Impact:** Total claims paid of \$509,704.58.

**Critical Success Factor(s):c**

- Active, Vibrant and Engaged Community
- Financial Stability and Resiliency
- Thoughtful Growth and Prosperous Local Economy
- Clean, Safe & Welcoming
- Inspired, Aligned, and Proactive City Organization
- Quality Infrastructure, Amenities, and Services
- Not Applicable

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

1. \$10,269.35 to ADK Design Inc. (pg #1) for bond refund.
2. \$10,832.50 to Baker Tilly US, LLP (pg #3) for services in connection with 2022 financial and single audits.
3. \$25,529.96 to E. H. Wolf & Sons, Inc. (pg #6) for fuel inventory.
4. \$103,502.88 to GFL Environmental (pg #8) for October trash and recycling.
5. \$7,054.00 to Godfrey & Kahn S.C. (pg #8) for legal services regarding F Street, Emerald Row, and redevelopment of lakefront site.
6. \$21,385.27 to Hein Electric Supply Co. (pg #9) for supplies for building & grounds maintenance and street lighting. Project #17024.
7. \$5,000 to La Macchia Holdings, LLC (pg #11) for humanworks8 Core Values. Project #17027.
8. \$39,408.87 to Lake Chevrolet Inc (pg #11) for 2024 Chevy Blazer.
9. \$6,335.00 to Library Furniture International (pg #12) for chairs, slat wall, children's coat hooks, and children's foot stools.
10. \$26,294.06 to McKesson Medical Surgical Government Solutions LLC (pg #13) for covid vaccines.
11. \$17,276.93 to Miller-Bradford & Risberg, Inc. (pg #13) for vehicle repair.
12. \$11,894.98 to Ramboll US Consulting Inc. (pg #15) for professional services related to Lakeshore Commons and Beazer & Connell.
13. \$7,536.55 to Rock River Arms, Inc. (pg #16) for ERU rifles.
14. \$20,600.00 to Spielbauer Fireworks Co., Inc (pg #17) for 4th of July firework display.

- 
15. \$74,162.00 to WE Energies (pgs #22 & 23) for street lighting, electricity & natural gas.
16. \$8,501.01 to WI Court Fines & Surcharges (pg #19) for October court fines.
17. \$12,496.34 to WI Dept. of Revenue (pg #19) for 2023 municipal fee for assessment of manufacturing property.

Options/Alternatives: None

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Rory T. Vircks  
Staff Accountant

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator/Comptroller

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Attachments: 11/01/2023 Invoice GL Distribution Report