



PLAN COMMISSION

December 12, 2023

6:00 P.M.

Common Council Chambers

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

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

The City's Vision

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

Find more information on agenda items at oakcreek.zoninghub.com.

1. Call Meeting to Order
2. Roll Call
3. Approval of Minutes – November 14, 2023 & November 28, 2023
4. Review and Discuss Report on Recent Common Council Actions
5. Review and Discuss Report on Recent Board of Housing and Zoning Appeals Actions – NONE
6. Review and Discuss Report on Recent Quarterly Parks & Recreation Commission Actions – Next report January 23, 2024
7. New Business
 - a. CONDITIONS AND RESTRICTIONS – Review conditions and restrictions as part of a request submitted by Rod Carter, AVG Intermediate Holdings d/b/a UrgentVet, for a Conditional Use Permit for a veterinary facility at the existing multitenant building on the property at 8907 S. Howell Ave. (Tax Key No. 859-9042-001, 3rd Aldermanic District)
More info at ZoningHub: <https://s.zoninghub.com/VKNNNYAHLD>
 - b. TEMPORARY USE PERMIT – Review a request for a temporary use permit submitted by Mark McClain, for the House of Harley-Davidson to use the Colder's parking surface for a Wisconsin State Approved Motorcycle Training Site on the property at 9725 S. 13th St. (Tax Key No. 904-9011-001; 5th Aldermanic District).
More info at ZoningHub: <https://s.zoninghub.com/CCEQRK46TJ>
 - c. OFFICIAL MAP AMENDMENT – Review a proposed amendment to the Official Map submitted by John Schlueter, Frontline CRE, affecting the parcels at 9900 S. Ridgeview; 9970, 10020, and 10040 S. 20th St.; 1800 and 1850 W. Oakwood Rd., parcel described as part of the NW ¼ of the SE ¼ and part of the SE ¼ of Section 30 (Tax Key No. 926-9977-001, 926-9978-001, 926-9979-000, and 926-9036-000; 5th Aldermanic District).
More info at ZoningHub: <https://s.zoninghub.com/PNCXRIKW5>

Visit our website at www.oakcreekwi.org for the agenda and accompanying Plan Commission reports.

- d. REZONE AND PLANNED UNIT DEVELOPMENT AMENDMENT – Review a request submitted by John Schlueter, Frontline CRE, to rezone a portion of the property at 1850 W. Oakwood Rd. (part of Lot 1 of a CSM to be recorded) to M-1, Manufacturing, with amendments to the existing Planned Unit Development affecting the properties at 9970, 10020, and 10040 S. 20th St., and a portion of 1850 W. Oakwood Rd. (Tax Key No. 926-9977-001, 926-9978-001, 926-9979-000, and 926-9036-000; *5th Aldermanic District*).
More info at ZoningHub: <https://s.zoninghub.com/RSLHULYGJQ>
- e. ADOPTION OF 2024 MEETING SCHEDULE – The Plan Commission will review and adopt the meeting schedule for calendar year 2024.

Announcements & Adjournment.

Dated this 7th day of December, 2023

Posted 12/7/2023 ad

Public Notice

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

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

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, NOVEMBER 14, 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, Alderman Kurkowski, and Assistant Fire Chief Mike Havey.

Minutes of the October 24, 2023, meeting

Alderman Guzikowski moved to approve the minutes of the October 24, 2023, meeting. Commissioner Hanna seconded. On roll call: Alderman Loreck and Commissioner Siefert abstained; all others voted aye. Motion carried.

**CONDITIONAL USE PERMIT
NORTH INVESTMENTS, LLC
9810, 9840, AND 9880 S. RIDGEVIEW DR.
TAX KEY NOS. 903-0010-000, 903-0011-000, AND 903-0012-000**

Alderman Loreck moved to hold item 7a to the January 23, 2024, Plan Commission meeting. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

Senior Planner Papelbon explained that holding the item would allow the applicants additional time to address some of the issues that came up during discussions with the Fire Department. Senior Planner Papelbon also stated there are some issues regarding what the uses will be within the building at 9880.

**CONDITIONS AND RESTRICTIONS
UW-MADISON EXTENSION MILWAUKEE COUNTY
1800 E. FOREST HILL AVE.
TAX KEY NO. 816-9989-000**

Senior Planner Papelbon provided an overview of the Conditions and Restrictions as part of a request for a Conditional Use Permit for proposed garden plots for rent on the property at 1800 E. Forest Hill Ave (see staff report for details).

Thomas Fons, 2000 E Forest Hill Ave:

"I'm the first house to the east of the existing plat. What I'm asking for, could you give me about 30 feet, keep the woods for privacy, for holding down the dust, and you guys installed five (5) electrical type units that help for the life of our underground sewer, they're there, they're 10 by 10 they were put in last year. They're right now, they're hidden from the woods. If you go with a garden all the way toward my house, I'm going to have them out and you're just going to totally take away the forest hill. I mean I've been there 26 years and I want to live my life here; I grew up in Oak Creek. Did construction right on the lot line of five (5) units, I was told they're an electrical unit that goes to the underground sewers and it maintains corrosion."

Mayor Bukiewicz stated they will remain.

Mr. Fons:

“I’m not asking for them, but right now the way that was mapped out if you go with a garden all the way to that end of the red line, you’re going to have them exposed, you’re going to have our neighborhood changed.”

Martin Ventura, 3415 N 55th Street, Milwaukee, explained this is a process that the organization is looking to return to compliance in the good graces of Oak Creek. Mr. Ventura stated they are not proposing any alteration of the forest line, simply permitting existing use. The site as it has existed for more than ten (10) years will remain unchanged per these plans.

Comments were made off the microphone.

Commissioner Siepert asked if the applicant would control who goes on the property or maintains the property throughout the season. Mr. Ventura stated the terms with the Milwaukee County Parks Department stipulate that the applicants will provide maintenance to the property in exchange for their occupancy there. Mr. Ventura said they conduct mowing, invasive species removal, and trash removal as needed. Mr. Ventura explained safety is a concern for everyone and they have historically offered gardeners an annual sticker that they can put on their car and that signifies those who have paid the program fee and are entitled to use that space.

Commissioner Siepert inquired what the fee is for people to use a plot. Mr. Ventura stated the fee for a 30x30 square foot plot is \$56 for the season and there are smaller denominations that will be rented out.

Comments were made from the audience that were not audible.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for garden plots for rent on the property at 1800 E. Forest Hill Ave.

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

**CONDITIONS AND RESTRICTIONS
ST. JOHN PROPERTIES, INC.
517 E. RAWSON AVE.
TAX KEY NO. 766-9012-000**

Senior Planner Papelbon provided an overview of the conditions and restrictions as part of a request submitted by Jason Atkielski, St. John Properties, Inc. to rezone the property at 517 E. Rawson Avenue from A-1, Limited Agricultural to Lm-1, Light Manufacturing PUD. (see staff report for details).

Senior Planner Papelbon explained the City has a policy that all properties within 300 feet of the property boundaries of a proposal are given notice of any public item, however the alderperson for the district can request an increase in the 300-foot boundary to 600 feet. With this proposal in District 1 that was the request of the alderman of the district so all properties within 600 feet of the property boundaries of 517 E Rawson Avenue were provided with notice of the Plan Commission meeting.

Becky Encalada, 7366 S Quincy Ave:

“As I stated before, our concern was the letters that have come within reference to 600 feet of our property for the building that is already under way on Rawson Avenue. While we support growth of Oak Creek, we have no issue or no problem with that, with stores or whatever exactly is going to be going in there, but we did not want it in any way shape or form obviously to affect our property, as do none of the other people that live on our block, have that same concern. So, it didn’t make any sense to us, it wasn’t clear, the 600 feet made no sense, at least not in the letter. So like I said, while we support the growth of Oak Creek, we just don’t want anything to disrupt where we live because we live in a very peaceful, quiet neighborhood and we’re far enough away from Rawson Avenue still where we have quiet, but yet we can access it to obviously go shopping, and do things like that so we have no problem with the growth on Rawson Avenue, we just don’t want roads being chopped up or traffic coming through there to make different access to Rawson Avenue and those were our questions and our concerns to have that clarified.”

Mayor Bukiewicz stated the Plan Commission will cover that, however at this point, Ms. Encalada’s subdivision does not tie into the proposed development, it dead ends at Missouri.

Ms. Encalada:

“Okay, so that helps because like I said the letter just wasn’t exactly clear and that was really the only thing we wanted to mostly clarify and then just be part of the growth and the other things that you’re going to be discussing in the rest of this meeting and any future meetings coming up. So, that’s actually all we had concerns about.”

Commissioner Hanna asked the applicant what type of businesses are being proposed for the development. Jason Atkielski, 2000 Pewaukee Road, Suite A, Waukesha, explained the buildings are speculative multitenant buildings, so any businesses that come within the Zoning Code would be allowed.

Commissioner Hanna inquired if they would be small businesses. Mr. Atkielski confirmed it would be small businesses. Commissioner Hanna asked to confirm that it would not be a big shopping mall or anything large like that, that will attract more traffic. Mr. Atkielski stated it would not.

Alderman Loreck asked Mr. Atkielski if he anticipates this development will be like the one that is across Rawson. Mr. Atkielski said yes.

Commissioner Siefert asked if there would be any truck traffic in the proposed development. Mr. Atkielski said it would be minor, it would not be like a shipping hub or distribution. Mr. Atkielski also said it would be just small deliveries if tenants needed them.

Commissioner Chandler asked what the planned height of the building is. Mr. Atkielski stated 24 feet. Commissioner Chandler inquired if it would be two (2) stories. Mr. Atkielski clarified that it would be one story.

Commissioner Chandler asked Senior Planner Papelbon if there are any items in the Conditions and Restrictions for noise regulations or requirements. Senior Planner Papelbon stated there is a noise ordinance that is effective throughout the City and this development would need to comply with that ordinance.

Mayor Bukiewicz said regardless of what businesses go in the development there will be some type of trash pickup and he would like to keep it located as far away from the neighborhood as possible. Mayor Bukiewicz stated he is not sure if there will be central dumpsters or if they will be at each business. Mr. Atkielski stated there are dumpster corrals noted on the plans, there will be enclosures behind screen walls and then the trucks [*inaudible*].

Mayor Bukiewicz stated the Plan Commission should really limit pickup times. Senior Planner Papelbon explained the current noise Ordinance does not include trash pickup because it is understood that trash pickup is not a sustained noise activity, it is exempt from the Noise Ordinance.

Senior Planner Papelbon clarified that the site and building plan review will be back before the Plan Commission once the Planned Unit Development is approved by the Common Council.

Alderman Kurkowski thanked Senior Planner Papelbon for expanding the mailing of notices to 600 feet. Alderman Kurkowski said that the applicant had a neighborhood meeting about two (2) months earlier and there was about 30 people in attendance. The applicant laid out the plans. Alderman Kurkowski continued by stating the applicant has agreed to remove rentable space from each building to create a setback of 85 feet from the subdivision with berms and trees. Alderman Kurkowski explained Ms. Encalada called him earlier with concerns about flooding. Alderman Kurkowski assured her that the development is not allowed to make the flooding worse, they can only make it better or stay the same.

Commissioner Siefert moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Lm-1, Planned Unit Development for the property at 517 E. Rawson Avenue after a public hearing.

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

PLAN REVIEW
BLVD
7951 S. 6TH ST.
TAX KEY NO. 813-9063-000

Senior Planner Papelbon provided an overview of the site, building, and related plan review for a proposed multifamily residential building (see staff report for details).

Commissioner Hanna asked what the reason is for the metal panels that are proposed by the applicant. Senior Planner Papelbon deferred to the applicant for answer.

Craig Pryde, KTG Y, 217 N Jefferson St, Suite 400, Chicago, Illinois stated the design is following similar characteristics to Emerald Row 1 and 2. Mr. Pryde explained the panels are more in the contemporary vein of architecture. Mr. Pryde continued by explaining to enclose the parking garage and to create an elevation to not emphasize the two-story base throughout the entire site they have taken the liberty of providing an artistic approach. Mr. Pryde also stated they chose the metal panels to try to work with the verticality of the building in other areas and the two different types of metal panel that have been selected or indicated gives a slightly artistic approach to breaking down the overall size of that wall.

Commissioner Hanna stated metal panels typically cost a little more, maintenance wise, than other materials. Commissioner Hanna asked if the applicants have considered a stone style brick to help blend the building into the nature preserve. Mr. Pryde stated they have looked at a number of different opportunities for the building and stated this one element of the building needs to be cohesive with the entire structure. Mr. Pryde explained some metal panels depending on the color may show some oxidation or slight change in color. Mr. Pryde stated they have selected whites and grays, which does not really show the deterioration in a metal panel. Mr. Pryde said they are trying to use the lightness of the color selection to de-emphasize the heaviness of a two-story base. Mr. Pryde also stated there will be some plantings at the base of the building that over time will soften the base of the building. Mr. Pryde explained that as someone moves around the base of the building, through the promenade or fire lane, and access to that, the building becomes a backdrop, not a focal point.

Commissioner Hanna recommended shielding the base with some trees that blend in with the rest of the preserve. Mr. Pryde said it would be difficult to plant shade trees in the available space adjacent to the fire lane.

Alderman Loreck asked if the Plan Commission is allowed to mandate specific types of landscaping. Senior Planner Papelbon stated the Plan Commission has the authority to approve landscape plans. Senior Planner Papelbon continued by stating in this proposal the building is right up against the path except more a small portion that she highlighted on the screen.

Alderman Loreck inquired if there is a type of ivy that could be planted that will cover the wall in green to help it blend in. Mr. Pryde stated in his 35 years as an architect doing a lot of projects like this, he does not think he has had one successful project of getting the ivy to grow up a wall more than five (5) feet.

Alderman Loreck asked if there are plans to put any type of retail in the proposed building. Senior Planner Papelbon clarified that storefront refers to the aluminum frame with the windows.

Alderman Loreck questioned what the ratio is of parking spots to units and if there is a plan for visitor parking. Mr. Pryde said he does not believe there is a requirement for visitor

parking, and he does not recall if they submitted a parking ratio for phase one with the 12 spots. Senior Planner Papelbon explained the parking ratio for phase one, including the 12 spots from this proposal, is 1.2 stalls per unit and the ratio for the proposed building is 1.43 stalls per unit when the on-street parking is included.

Alderman Guzikowski stated he is not really opposed to the look of the building materials on the back side.

Commissioner Siefert asked about the height of the building and the airport runway approach. Senior Planner Papelbon stated the proposed building is not as tall as the tower with the spire on the City Hall building.

Commissioner Siefert inquired if the proposed building would blend in with the sidewalk in the nature preserve. Mr. Pryde stated the path as it exists today is how the applicants envision it to be existing upon completion of the project, with the exception of tying in a sidewalk on the north side of the building to the north end of the path.

Commissioner Chandler asked if the proposed building will be apartments or condos. Mr. Pryde said they are apartments.

Commissioner Chandler inquired if the two levels of parking will cover all the tenants. Mr. Pryde confirmed that was correct and stated 1.43 is the ratio of parking spaces provided to the number of units in the building.

Commissioner Chandler asked to confirm that there is no plan for visitor parking. Mr. Pryde said yes, with the exception of the ones that would be on the street. Mr. Pryde stated he cannot speak for the developer, but it is not uncommon that the applicant can count those spots as a requirement, but they may not rent those spots.

Commissioner Chandler asked how many apartments there will be. Mr. Pryde replied 101 units and 140 bedrooms, so it is basically one parking space per bedroom.

Commissioner Chandler inquired why the building has two stories of parking above ground instead of one level underground or both underground. Mr. Pryde responded expense, it is far more expensive to take the same parking and dig a two-story hole.

Commissioner Chandler asked what the plan is for snow removal. Mr. Pryde stated he cannot speak specifically about that, but he suspects the plan that is in place for ER 1 and ER 2 will be the same for this proposal. Mr. Pryde also stated the amount of snow removal will be less than what is currently removed because the building will be replacing a surface parking lot, and the building will handle its own snow load and not have a removal process.

Commissioner Chandler questioned what the plan is for the temporary parking area and construction parking. Mr. Pryde said he believes the plan for the temporary parking spaces is to have them be absorbed back into ER 1 and ER 2 surface lots that are currently not being utilized. Mr. Pryde continued by stating the parking for construction employees is something the contractor will have to deal with. Mr. Pryde stated it is common for the contractor to work with adjoining property owners or areas and designate an area for contractors to park on.

Commissioner Chandler asked what the plan is for the mechanicals. Mr. Pryde said the intent is for the mechanicals to be on the roof of the building and screened. Mr. Pryde also stated he does not believe there is a plan to put any mechanical equipment on grade.

Commissioner Chandler noted the transformer identified on the plans. Mr. Pryde clarified that a transformer is not a piece of mechanical equipment, it is the location where the electrical company provides the main service to the building.

Senior Planner Papelbon asked the applicant if he brought material samples for the two metal panels. Mr. Pryde stated he did not. Mr. Pryde apologized and said he does not think they got the request in time to satisfy it.

Mayor Bukiewicz stated he would not go with ivy on that wall. Mayor Bukiewicz also stated a mural on the wall would not enhance the nature of that preserve and if anything, it would cheapen it up. Mayor Bukiewicz said he thinks the wall as it is presented, he likes it. Mayor Bukiewicz also said he thinks it is a very nice-looking building given the site and the challenges that came along with it.

Commissioner Chandler asked if the Plan Commission would be able to see the material samples before proceeding with the actual use of the material. Mayor Bukiewicz stated it would have to be an approved material. Senior Planner Papelbon said if the Plan Commission has questions about the materials and wants to see samples, the only option is to hold the item so the material can be brought in for review. Senior Planner Papelbon also stated if the Plan Commission is fine with it, staff can look at the material and see if there is any concern, but it is for the Plan Commission to determine.

Mayor Bukiewicz said in his opinion the Plan Commission has approved metal panels on other buildings. Senior Planner Papelbon clarified that staff were concerned because the materials said perforated, and they were unsure what that meant and did not have an example from a real-world installation.

Mayor Bukiewicz inquired if the motion could have a condition added for the approval of the acceptable metal panels by staff. Senior Planner Papelbon stated acceptable is at the discretion of the Plan Commission.

Mayor Bukiewicz stated if it is an approved building material, the Plan Commission has been through that. Senior Planner Papelbon clarified that it is an architectural element, so it is not necessarily an architectural material.

Mayor Bukiewicz inquired what was done on Forge and Flare. Senior Planner Papelbon said they used fiber cement.

Mr. Pryde clarified that the intent of the metal panel is to enclose the garage because it is not an open garage. Mr. Pryde stated he thinks as they are working through the design of the building it is going to be an insulated metal panel to provide some tempering for the garage interior, but the intent of the design and the perforation just creates a panel that is slightly darker.

Commissioner Hanna asked the applicant if he has used the panels on a similar building to show how the panels were used and what it looks like now. Mr. Pryde said he is sure they have, but he does not have anything with him.

Mayor Bukiewicz stated he is sure the panels have been used elsewhere in the City, but cannot think of an example off the top of his head. Senior Planner Papelbon said architectural metal panels are not unusual in the City, but the perforated one is the accent material, the decorative material and that is the part that staff has a question on because we do not have that in the City. Senior Planner Papelbon continued by stating staff would like to know what it looks like when it is installed, what does it look like after it has been installed for a couple of years, how the product wears, those are the types of things that staff is unfamiliar with, with this material and would like to have that kind of information and it is up to the Plan Commission to determine whether they would like to see that as well.

Mayor Bukiewicz said in his opinion based on what has been done at Emerald Row and Parterre he would not expect it to be a cheap build out and would be willing to say these panels are going to work okay for what they intend on.

Mr. Pryde asked if the Plan Commission would feel differently if it was a solid panel and not a perforated panel. Mayor Bukiewicz said he could not tell, and he thought they were solid panels by the rendering. Mr. Pryde said it makes it look darker and gray.

Mayor Bukiewicz asked if the Plan Commission can approve the wall calling it panels and then they bring in a choice of panels between perforated and solid. Senior Planner Papelbon said it is still going to be the Plan Commission's purview as to which one is approved. Senior Planner Papelbon continued by stating she does not want to take the Plan Commission's approval away by allowing staff to approve the materials.

Mayor Bukiewicz suggested approving the plan review with panels and when the panels come in later, the Plan Commission could then approve the type of panels. Senior Planner Papelbon clarified that is still an action item that would need to be brought before the Plan Commission to make an actual choice.

Commissioner Hanna inquired how long it would delay the project to require the applicant to come back for approval. Mr. Pryde stated the panels would not be ordered for a year, but the process to get to a panel order is what the approval pushes back.

Mayor Bukiewicz said he likes the quality of the first two products, and he trusts the third. Alderman Guzikowski stated he agreed with Mayor Bukiewicz.

Alderman Loreck moved that the Plan Commission approves the site and building plans submitted by Richard Barrett, BLVD, for the property at 7951 S. 6th St. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. No signs are included in this approval. Detailed plans for signage must be reviewed and approved by the Plan Commission prior to submission of sign permit applications.

3. That all parking lot lights meet the DTSMUPDD-approved specifications (pole, pole height, fixture, color), that all light sources are shielded and directed downward, and that the color temperature of the fixtures are limited to a maximum of 3,500 Kelvins. All lighting plans shall be reviewed and approved by the Electrical Inspector prior to issuance of permits.
4. That the landscape plans are revised to incorporate staff comments and Code requirements.
5. That the plans are revised to include locations for all mechanicals, transformers, and utilities. All mechanical equipment, transformers, and utility boxes (ground, building, and rooftop) shall be screened from view.
6. That the plans are revised to show the public sidewalk and easement connection to the public path (Emerald Preserve) on the west per staff comments. The revised easement shall be reflected on the Certified Survey Map and any easement documents prior to recording.
7. That all detailed, revised, and finalized plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.

Alderman Guzikowski seconded. On roll call: Commissioner Chandler and Commissioner Hanna voted no; all others voted aye. Motion carried.

**LAND ACQUISITION
CR DEVCO/HEYDAY
8830 S. 27TH ST.
TAX KEY NO. 857-9016-000**

Senior Planner Papelbon provided an overview of a proposal by CR Devco/Heyday for City acquisition of the property at 8830 S. 27th St.

An individual giving an address of 8810 S 27th Street, asked what the plans are for the property at 8830 S 27th Street. Senior Planner Papelbon stated the intention for the property is to be utilized for natural resource park purposes and it will not be developed into anything other than recreational or walking trails.

Barbara Linder, 2411 W Puetz Road:

“Now if this would become a park and you would want what? Anything that was zoned there before? I mean as far as what we had put in place, like at the back of our properties, we had it accessible, now if anything would be built and I know at certain points and times sometimes the parks are not kept and then they’ll use the resources. Is there any way that you can keep where we had put in place, where there is access to the back of our property, so we are not land locked in the back because that’s what would happen if you did that. So, we know if for any reason that land would become something else besides a park back there, we would have access. See we’ve got right now, we’ve got access, that we had put in place a place where each of our properties would have access to a road at some time if a road would decide to go through there and would those be taken off then?”

Senior Planner Papelbon stated this item is not a proposal to amend the Official Map, it is only for the City to acquire the property. Senior Planner Papelbon also stated there is no

plan for any change to the Official Map or future access in the area.

Mayor Bukiewicz said if he remembers correctly there is so much wetland on the property it is so hard to develop that the owners are asking the City to take the property. Mayor Bukiewicz reiterated that at this time it will be nothing more than woods and possibly walking trails.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council accepts the dedication of land at 8830 S. 27th St.

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

**MASTER SIGN PLAN REVIEW
F STREET OCLV, LLC
4005 E. LAKE VISTA PKWY AND 9116 & 9300 S. 5TH AVE.
TAX KEY NOS. 868-9005-000, 868-9006-000, AND 868-9994-002**

Senior Planner Papelbon gave an overview of a proposed Master Sign Plan for the Lakeshore Commons development (see staff report for details).

Alderman Loreck asked if the Master Sign Plan approval has anything to do with the leasing signage and the amount of time. Senior Planner Papelbon stated it is signage for the leasing office within the building.

Alderman Loreck referenced the retail sign types in the staff report and asked if it can be any of the sign types and inquired if the City typically tries to have similar sign types on the same building. Senior Planner Papelbon stated it allows for a little bit of flexibility with retail. Senior Planner Papelbon also stated that in this case she does not think there is necessarily a requirement for the retail signs to match the apartment or residential signs.

Alderman Loreck asked the applicant if they are pushing for a certain type of sign or if tenants would have different sign types. Katie Monachos, Rinka, 756 N Milwaukee St, Milwaukee explained there is no necessary plan for retail space in that building, there was just early discussions that, that would be the corner identified for retail space, so the applicant just wants the future flexibility. Ms. Monachos clarified it is not likely that there will be more than one retail space, if any.

Commissioner Siepert requested the total number of signs that would be installed. Ms. Monachos referenced the proposed wayfinding signs slide and stated it shows all the potential places the applicant would put the signs, but the reality is it would be about five (5) or six (6) signs throughout the development.

Commissioner Chandler asked the applicant if the wayfinding signs would have lights associated with them as well. Ms. Monachos stated the proposed signs do not have lights associated with them.

Alderman Loreck moved that the Plan Commission approves the Master Sign Plan submitted by Nick Jung, F Street OCLV, LLC, for the Lakeshore Commons development at 4005 E.

Lake Vista Parkway, and 9116 & 9300 S. 5th Ave., with the following conditions:

1. That all relevant Code requirements and conditions of the Traditional Neighborhood Development Planned Unit Development (TND PUD) remain in effect.
2. That all signs meet the minimum 10-foot setback requirement to the public rights-of-way and property lines.
3. That the Master Sign Plan is revised to eliminate all roof-mounted signage allowances.
4. That landscaping plans are provided for each monument sign in compliance with Code and PUD requirements and the Master Landscape Design Guide, and submitted for review by the Department of Community Development prior to submission of permit applications.
5. That lighting plans are provided to the Department of Community Development for each monument sign prior to submission of permit applications.
6. That all signs obtain permits prior to installation.
7. That all revised plans (site, building, landscaping, etc.) are submitted in digital format for review by the Department of Community Development prior to the submission of building permit applications.

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

**TEMPORARY SIGN PLAN REVIEW
F STREET OCLV, LLC
4005 E. LAKE VISTA PKWY.
TAX KEY NO. 868-9005-000**

Senior Planner Papelbon provided an overview of a request for temporary signs for the Lakeshore Commons development (see staff report for details).

Katie Monachos, Rinka, 756 N Milwaukee St, Milwaukee, referenced the cluster of four (4) - A type signs at the main entrance and clarified that the intention is not to have all four (4) signs be up at the same time, but to allow flexibility during construction of the A8 buildings with no more than two (2) signs displayed at one time. Senior Planner Papelbon suggested that be included in the motion.

Commissioner Chandler asked what the end date would be for the proposed temporary signs. Ms. Monachos stated they propose that the end date be when construction is complete.

Commissioner Chandler inquired when the construction is scheduled to be completed. Ms. Monachos explained that phase one has two multi-family buildings that are not under construction yet; every other building type is under construction or complete. Ms. Monachos also stated if the A8 buildings are started in the spring it may be another year after that. Ms. Monachos said it is hard to say before they break ground when the end of construction would be.

Commissioner Chandler asked what phases the signage is for. Ms. Monachos said it is for phase one.

Commissioner Chandler asked the applicant to provide details about the size of the proposed signs. Ms. Monachos said the ground mounted signs would be a maximum of 4 feet by 8 feet and the other signs would be on the construction fencing and not restricted.

Alderman Loreck inquired what the signs are being used for. Ms. Monachos stated the signs would be to promote and share information about the single-family homes, future coming projects like the club house, and to amp up the future development and the draw for the development for future homeowners.

Alderman Loreck asked Senior Planner Papelbon if condition 2 would no longer be needed. Senior Planner Papelbon suggested that number 2 state, "that a maximum of two (2) of the A ground mounted banners 4'x8' at the intersection of Breakwater and Lake Vista Boulevard are approved". Alderman Loreck asked if it could be a maximum of three (3) so the other A. Senior Planner Papelbon explained the Plan Commission will make sure the two (2) are called out, two (2) in any of the locations at the intersection. Senior Planner Papelbon also stated the third one is fine as long as it meets the setback requirements.

Alderman Loreck asked Senior Planner Papelbon if there needs to be a specific date listed in the conditions of the motion. Senior Planner Papelbon stated she is still working on it, but at this time she has it as "that the temporary signs shall be removed within five (5) days of the end of construction for phase one".

Senior Planner Papelbon stated there are no changes to condition number 1. Senior Planner Papelbon said her suggestion for condition number 2 reads, "That a maximum of two (2) 4'x8' ground-mounted signs at the intersection of Breakwater and Lake Vista Boulevard and one (1) 4'x8' ground-mounted sign on the private development road, which we believe is called Cypress, as shown on the map are approved." Senior Planner Papelbon also stated for condition number 5 she came up with, "within five (5) days of the end of construction" and is open to suggestions.

Commissioner Hanna inquired what the completion date is for phase one. Senior Planner Papelbon stated the applicant is asking for an end date of the completion of all of phase one. Senior Planner Papelbon explained phase one still needs the club house, two more buildings, plus the townhomes on the north, and several of the residential buildings.

Commissioner Hanna asked to confirm the applicant is asking to keep the signs for all subphases until the entire phase one is complete. Senior Planner Papelbon confirmed that is correct. Commissioner Hanna asked when phase one is set to be complete. Senior Planner Papelbon stated she does not know, but predicted there is probably still at least two (2) years of construction.

Commissioner Hanna asked if there was a schedule provided. Ms. Monachos stated if construction of the two (2) A8 buildings starts in the spring some time, it will be about 12 to 15 months of construction and at that point the only building types that will be future construction will be single-family and attached villa homes.

Mayor Bukiewicz stated as construction finishes the construction fence, and the sign will come down.

Commissioner Hanna asked what schedule was provided to the contractor. Ms. Monachos said it depends on when the construction starts. Ms. Monachos also said it is very hard to say because some buildings have not started construction and the single-family and villas will depend on need and purchase.

Alderman Loreck moved that the Plan Commission approves the Temporary Sign requests submitted by Nick Jung, F Street OCLV, LLC, for the Lakeshore Commons development at 4005 E. Lake Vista Parkway with the following conditions:

1. That all relevant Code requirements and conditions of the Traditional Neighborhood Development Planned Unit Development (TND PUD) remain in effect.
2. That a maximum of two (2) 4 by 8 ground-mounted signs at the intersection of South Breakwater Boulevard and Lake Vista Boulevard and one (1) 4 by 8 ground-mounted sign on the private development road as indicated on the map as Cypress Drive are approved.
3. That all signs meet the minimum 10-foot setback requirement to the public rights-of-way and property lines.
4. ~~That Temporary Sign Permits with detailed locations are obtained for all non-construction fence-mounted signs prior to installation. One (1) permit may be issued for all wayfinding/information signs per construction phase.~~
5. That the temporary signs shall be removed within five (5) days of the end of construction.

Senior Planner Papelbon clarified that the “one permit for all wayfinding signs” is no longer relevant and suggested striking that portion of Condition 4. Alderman Loreck stated he would strike that portion as stated by Senior Planner Papelbon.

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

**CERTIFIED SURVEY MAP
FRONTLINE COMMERCIAL REAL ESTATE
9970, 10020, & 10040 S. 20TH ST AND 1850 W. OAKWOOD RD
TAX KEY NOS. 926-9977-001, 926-9978-001, 926-9979-000, AND 926-9036-000**

Senior Planner Papelbon provided an overview a Certified Survey Map request to divide and reconfigure the properties at 9970, 10020, and 10040 S. 10th St. & 1850 W. Oakwood Rd (see staff report for details).

John Schlueter, 7265 S. 1st Street, explained he owns the properties to the north and wanted a conservancy area which includes a pond and trees on the property to the south and would be happy to have that written into the PUD. The conservancy would be the sole use and they will provide screening and it would help with noise from the freeway.

Stacey Siekert, 10132 S Judith Pl:

“I guess now that you offered that, when you say the south property, what does that mean on this map. Looking at this map, when you say south property, what is considered south? What does south property mean to you?”

Mr. Schlueter showed on the map what he meant by south property.

Ms. Siekert:

“So, when you say south that’s all of the land behind our homes? As they exist.”

Senior Planner Papelbon drew on the map on the screen where the south portion is.

Ms. Siekert:

“We’re all concerned right? Like this is in my backyard, so I’d love to hear, what is the plan for my backyard?”

DJ Hamilton, 1850 W Oakwood Rd:

“That Lot 2, is still my property and I’m going to stay there.”

Ms. Siekert:

“Here? Like what we’re looking at right here? You’re in this house?”

Ms. Hamilton:

“Yes, I’m in this house, so this whole thing here, that’s still me, it’s just right here, is where it is.”

Ms. Siekert:

“Okay, so you’re going to sell this to them?”

Ms. Hamilton:

“Just that L-shape.”

Ms. Siekert:

“and then combine this corner with this.”

Ms. Hamilton:

“but to John’s point it’s all going to be trees except there will be a retention pond here.”

Ms. Siekert:

“and then the building will be in Lot 1?”

Ms. Hamilton:

“It will be in the back section, where the trucking company wanted to go. I put a tremendous amount of thought into this. When John came to me and proposed the idea of what he wanted to do out here, I wasn’t sure. My goal was just to build our house and retire and we wanted to stay there and we’re very close to that retirement right now. So, we still want to stay there, we want to retire, we don’t plan on moving

at all in the future, but what his thought is, is I don't want to see a trucking firm back there, I don't want to see what we saw, what we went through that last time over there. I would like to see something quiet back there, something that's going to be private and what he's offering up to us, all of us. Is that he is going to, the retention pond is something that he has to have. I had the luxury three times now, of going to his plant and checking it all out and everything, very quiet, there's really no noise going on out back at his plant there, but he's also in addition to that retention pond, he's going to be putting a lot of trees, I mean so like 100 trees or better up in that area, in that 3 and a half acres, that's going to give everyone that it's going up against a lot more privacy than what they currently have right now, nothing is going to be built there it's just going to be trees and that retention pond. It's going to be up at the top section. Who is in the very last house? Okay, Kailee and who is in the house next to you, Kailee? Okay, it's going to be right around in that area, but it's not going to be up against your property, so to speak there's going to be definitely a distance from you."

Comments were made from the audience, off the microphone.

Senior Planner Papelbon clarified that all public comments need to be on the microphone and the proposal for review is for the Certified Survey Map only; specific plans for the review of the development would come at a different meeting.

Ms. Siekert:

"No, that's fine, I think they go hand in hand. Like for me, if there was going to be a warehouse in my backyard, it's a deal breaker. So for me, I want to make sure we came to the first one to hear what it was before it was just a warehouse right against my swimming pool. Thank you."

Bob Tupper, 10218 S Judith Pl:

"Okay folks, I've been sitting here, two hours and 15 minutes. May I suggest something to you folks, if you don't mind. When you hold a meeting like this have like your proposals, eight proposals, say proposal 1, how many people are here? Three? Okay three. Proposal two, how many people are here? Two."

Mayor Bukiewicz:

"Okay, Bob let me stop you. We have to publish this agenda beforehand, and we have no idea how many people are going to be here on any given subject."

Mr. Tupper:

"Right, but this is how you find out how many people are here. Go through the list. 14 people for this particular proposal, let's do that first."

Mayor Bukiewicz:

"Who are we going to call two (2) weeks in advance?"

Mr. Tupper:

"No, not two (2) weeks in advance; do it tonight."

Mayor Bukiewicz:

"We have to post this publicly beforehand, sir. We don't have a magic crystal ball, so I'm sorry you've been waiting for two hours and 15 minutes."

Mr. Tupper:

"I know. No, but what I'm saying is, why couldn't you have started with your proposals and said we got 14 people for proposal G, let's do that first. Those people come up, talk, leave, now you got two, three people."

Mayor Bukiewicz:

"Sir, you could have been in and out of here in an hour depending on how things went. I can't help how the meetings go sometimes."

Mr. Tupper:

"Right. That's just my comment, I'm just, I just think it's"

Mayor Bukiewicz:

"I understand you're frustrated, believe me,"

Mr. Tupper:

"it's common sense."

Mayor Bukiewicz:

"We're sitting here for two hours and 15 minutes too."

Mr. Tupper:

"I understand that, but these are your jobs."

Mayor Bukiewicz:

"Everybody gets their podium and their time so thank you."

Mr. Tupper:

"Okay, thank you very much."

Wayne Modjeski, 10220 S Judith Pl:

"I see three different maps up there, what are we trying to do? Are we trying to do map 1, map 2, or map 3. I see the one map eliminates some houses on the end and stuff too. So, what is your proposal? Are you going to go bigger back there and take some of the houses away or because I see now, there's some houses that are available on that other lot and stuff. What are you guys going to do back there? Did

you guys buy this from Truck Country? How many buildings are you guys planning on putting back there just more like noise area, lighting, and stuff like that?"

Senior Planner Papelbon explained it is the same map with different areas that are highlighted and enlarged so people can see them. Senior Planner Papelbon continued by stating the blue box is just highlighting one area of the map and the orange box is highlighting the other lot that will be created. Senior Planner Papelbon also stated the other lots are in existence and developed with single-family homes. Lot 1 would be the proposed development lot if the item moves forward.

Mr. Modjeski:

"Alright, so that map on the left there, these are the houses?"

Senior Planner Papelbon stated the houses along Judith are existing, they are not part of the map, it is just showing the existing lots as adjacent to the proposal.

Mr. Modjeski:

"We have a major water problem back there on Judith Place and in back there by her house and stuff. When she built back there and stuff the City said that they're going to maybe do something about trenching out the pond back there for the holding pond and stuff and then we were going to see if we can get some of that water to run over to Oakwood Road and ever since she built the house and stuff back there, there's nothing that got done. It's nothing against her, but nothing with the City. I've been working with Kevin, I talked to Kevin numerous times and stuff and he was supposed to get some people out there to try to figure out how we can flow this water and stuff over there, it is a major water issue."

Mayor Bukiewicz stated he cannot speak to what went on and he is not sure which Kevin Mr. Modjeski spoke to, but usually when someone builds, they need to have a stormwater management plan. Mayor Bukiewicz also stated with Mr. Schlueter putting the pond in he would suspect it would get better.

Mr. Modjeski:

"Well because on Judith Place three quarters of the way up the road, all that water runs all the down to my house. All the way from the second house over to Oakwood Road all that water runs over to my house, and it goes back into a ditch, and it goes, it's supposed to be a holding pond back, which is overgrown, full of garbage and once it gets full, it floods her out back there. She couldn't do her basement and her garage floor because she had three (3) and a half feet of water back there in her driveway. I'm just saying that I think we should try to figure out what we can do about the water issues and stuff for that area."

Mayor Bukiewicz clarified that the agenda item for the Plan Commission to discuss is the Certified Survey Map. Mayor Bukiewicz continued by explaining that usually when a development like this takes place it is probably going to get better. Mayor Bukiewicz stated he cannot speak to how it got developed in the past or whose responsibility it is.

Janice Sleeth, 10190 S Judith Pl:

"I can tell you what happened. Across the street from us, somebody owned that property and while some of us were on vacation they had somebody dig a great big line of ditches and they put that holding pond back there because they owned in front of us and behind us at the time, she did not own it, she had nothing to do with it. Those people lost their contract because they were going to build all kinds of houses and the alderman at the time and I think it was the planning commissioner guy, they got fired. Okay, because that happened, you can go back and check, I might not have the right names or the exact position, but the alderman okayed that guy doing that and we had no idea, there was no paperwork sent to us or nothing. It's not your fault."

Mayor Bukiewicz reiterated that he cannot speak to who the former property owner spoke to. Mayor Bukiewicz also stated items like that have to be brought before plc and then move on to the Common Council if they proceeded, it was done of their own accord.

Ms. Sleeth:

"That's also eliminated the two (2) roads we were supposed to have in front of our house. We were supposed to have two (2) roads, instead of just the one little skinny one and the ditches was supposed to be in the middle. So, none of that happened. And then on Wayne's property. Okay, but that's what happened, that's why this is all bad water."

Ms. Hamilton:

"We're going to table this topic, my husband and I would like to bring this forward at another time."

Mayor Bukiewicz reiterated that the proposal is for the map and discussion needs to stick to the subject.

Ms. Hamilton:

"Exactly, so I'm going to ask the neighbors that, let's table that for now and we can do it another time."

Philip Haerle, 10255 S Judith Pl:

"I'm the second house on the residential across from the wetlands, which they're all kind of concerned about that in the first place and apparently the houses across from me, that's supposed to be a residential area. Is that correct? That's right across the road from his house, that was just speaking, it's behind his house. That's all wetlands that goes all the way to 94, so we all got this problem with water problems."

Mayor Bukiewicz:

"Okay, we're not going to go on about the water problems right now, we're going to stick to the map, to the CSM to redo it. Eventually, Mr. Schlueter, if this moves forward, will have to address his property,"

Mr. Haerle:

"I understand that."

Mayor Bukiewicz:

"So he can't have negative effects on your property. Whatever he does has to be engineered not to affect your property. What's happening now may help solve the issue"

Mr. Haerle:

"or make it worse."

Mayor Bukiewicz:

"No, he can't make it worse. Our engineers, they do what they do, Engineers do what they do, why it's that way now, unfortunately, it is that way now and it's not really his responsibility to completely clean it up, but make sure it doesn't get worse and to control what he does to make sure more flooding doesn't happen."

Mr. Haerle:

"I'm saying if he buys this other land behind that across from us is going to get worse because that's a wetland."

Mayor Bukiewicz:

"It's going to stay the same, if anything he's going to put a pond in and it make get better, but I'm not an engineer, I can't state that, but always the intent of doing this, is to make things better because if he is going to put a warehouse building and some parking lot, that's impervious, water is not going to absorb so we have to find a way to contain that water and then release it slowly, properly to where it's supposed to go."

Mr. Haerle:

"because the wetlands actually solve problems unless they try to reconstruct it or change it."

Mayor Bukiewicz:

"correct, but he wants to acquire the land to keep it natural, so he's not intending to build behind the homes."

Mr. Haerle:

"I got the understanding that he's going to, if he acquires that land, he's going to put a parking lot there."

Mayor Bukiewicz:

"No, on Lot 1 he will put the building, but he'll acquire that land from Ms. Hamilton."

Mr. Haerle:

"Where are the people going to park their cars?"

Mayor Bukiewicz:

"We're not there yet because there is a building and adequate parking has to be there, unfortunately, you had to sit here for two hours and 15 minutes to listen to parking issues here in the square. Every building that comes through, we examine parking, size of it, the use, and how many parking spots will be utilized."

Mr. Haerle:

"I understand that."

Kailee Kujac, 10108 S Judith Pl:

"I promise not to talk about water. At this point I understand we are just working on zoning. I just wanted to introduce myself and let you know that I would be the actual direct neighbor. I stood up here pregnant, I believe somebody offered me a chair, I had a baby on the way, I have two-year-old and I'm pleased to know that there won't be a tall building with people looking into my yard watching my kids play, or me, or anything like that. I do have concerns about pond, but I do understand water has to flow somewhere. At this point I just want to be able to be in contact with guys, I have open invitation on any information you can share with me to help this process go because I do understand this is going to get developed eventually, one way or another, and giving us the opportunity to have say in what is going to happen, my concern, we talk about that, where there's going to be trees, that's beautiful, I'm slightly concerned what will be next to me, but I know that will come at a future date."

Mayor Bukiewicz stated that is correct and there will be berms and things of that nature. Mayor Bukiewicz clarified that the proposed item is for a Certified Survey Map, not zoning. Mayor Bukiewicz also stated the intent is never to lessen the value of neighboring properties.

Ms. Kujac:

"Pretty much, I just really at this point, since everything happened, just introducing myself. We're literally like a family, we're all always looking out for each other, and these people came to me in my darkest times, the loss of my significant other, who is not looking, but he took his life on this property, so it's very concerning for me what's going to happen because it was the last place his soul touched this earth. I just appreciate you guys listening and I wasn't going to say all that, but I'm ripping the band-aid off, so I don't have to say it again."

Senior Planner Papelbon explained there are two options in the staff report for a motion. The first option is to hold the item based on the fact that typically the Official Map Amendment would occur prior to the Plan Commission reviewing a Certified Survey Map. Senior Planner Papelbon stated the second option would be to recommend approval to the Common Council with the suggested conditions of approval which includes that the Official Map is shown on the map prior to recording.

Senior Planner Papelbon reiterated there are two options. Senior Planner Papelbon explained the Official Map needs to be shown on the CSM before it is recorded. Senior Planner Papelbon continued by stating the Official Map shows the future street pattern, which as of right now is affecting Lot 1 and it needs to be shown. Senior Planner Papelbon also stated if the proposal is to amend the Official Map, that process needs to be completed before this map can be recorded. Typically, the Official Map Amendment process is completed before the Certified Survey Map is reviewed.

Mayor Bukiewicz moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by John Schlueter, Frontline Commercial Real Estate, for the properties at 9970, 10020, and 10040 S. 20th St. & 1850 W. Oakwood Rd. be approved with the following conditions:

1. That the Official Map is shown on the map prior to recording.
2. That all wetlands and delineation information are included on the map prior to recording.
3. That all easements are shown on the map prior to recording.
4. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin State Statutes, are made prior to recording.

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

Commissioner Siefert moved to adjourn the meeting. Alderman Loreck seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:35 PM.

ATTEST:

Kari Papelbon, Plan Commission Secretary

Date

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, NOVEMBER 28, 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, Commissioner Oldani. Alderman Guzikowski, Commissioner Siefert, and Commissioner Chandler were excused. Also present: Senior Planner Kari Papelbon, Planning Intern Melanie Perez, and Assistant Fire Chief Mike Havey.

Minutes of the November 14, 2023, meeting

Alderman Loreck moved to approve the minutes of the November 14, 2023, meeting. Commissioner Hanna seconded. On roll call: Commissioner Carrillo and Commissioner Oldani abstained; all others voted aye. Motion will be reconsidered at the December 12, 2023, meeting.

**CONDITIONAL USE PERMIT
AVG INTERMEDIATE HOLDINGS D/B/A URGENT VET
8907 S. HOWELL AVE.
TAX KEY NO. 859-9042-001**

Senior Planner Papelbon provided an overview of the request for a Conditional Use Permit for a veterinary clinic/animal hospital within the existing multitenant commercial building on the property at 8907 S. Howell Ave. (see staff report for details).

Rod Carter and Dimitri Zografis, attorneys with Husch Blackwell, 511 N. Broadway, Suite 1100, Milwaukee, WI 53202, representing the applicant stated their happiness to answer any questions and that staff correctly articulated the intent and framework of the proposed operation.

Commissioner Hanna asked how many veterinarians will be on call during operating hours to which Senior Planner Papelbon explained staffing amounts were not included in the presentation. Att. Zografis stated at least one staff and one doctor would be available, but the exact number is unknown. Commissioner Hanna stated the importance of that information as time is limited. Att. Zografis further explained, the proposed online scheduling system allows for the appropriate number of patients to be seen given the number of staff available that day. Commissioner Hanna then asked how a situation in which a patient needs to be seen but there is only one doctor available would be handled to which Att. Zografis explained the online scheduling portal will show wait time and suggested time to be seen by the doctor, but staffing information can be provided at the next Commission meeting.

Alderman Loreck stated his approval for the use in the area, there is a need for an urgent care veterinary clinic. Alderman Loreck went on to express a concern regarding the location of the pet relief area, as it is very close to a pedestrian sidewalk and Howell Avenue, going on to acknowledge the provided baggies for pet owners to use and asked if the clinic will be monitoring the area to ensure the area remains picked up. Att. Zografis answered in the affirmative, both the facility and the landlord will be expected to ensure the area remains clean. Mayor Bukiewicz mirrored Alderman Loreck's concerns and suggested a second pet-

relief area to which Att. Carter explained that location would be difficult place to get to for the animals in urgent situations. Senior Planner Papelbon stated the proposed relief area is where the monument sign is located and a street yard so fencing will not be allowed. Mayor Bukiewicz restated his concern for the area being properly maintained.

Alderman Loreck moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit to allow a veterinary clinic on the property at 8907 S. Howell Avenue after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (December 12, 2023).

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

**CERTIFIED SURVEY MAP
LAURIE HELGASON P.R., ON BEHALF OF THE ESTATE OF THERESA AGHBASHIAN
3444 E. RYAN RD.
TAX KEY NO. 870-9968-000**

Senior Planner Papelbon provided an overview of the certified survey map submitted dividing the property at 3444 E. Ryan Rd. (see staff report for details).

Dave Glaz, 3435 E. Ryan Rd.:

"I am directly across the street from the property. Been a resident here for 40 years, bought this property about 12 years ago. So, we have seven (7) acres directly across the street as well as everybody on E. Ryan Rd. on the south side of street there and we all purchased this property with expectations that we were going to have, be in the older part of Oak Creek but can have quite extensive property to enjoy. The more houses they keep putting up in subdivisions we are getting crowded in and going against what we thought was a nice country atmosphere. Also, on the north side of that property, you said there was no flooding but she does have water, had water problems. So, Theresa, the past owner, she did have water problems in her basement in there on the north, northeast corner I believe it was. So, I don't know if that's all from that property going forward. So, I'm kind of against it, otherwise I think everybody on E. Ryan Rd. is going to stand up and start going, I want to sub-divide my lot and I want to sub-divide my lot and their all typically two (2), three (3), four (4), five (5) acre lots all the way back to the original Ryan Rd."

Andrea Gedemer, 3454 E. Ryan Rd.:

"I am here on behalf of myself and my husband who is a firefighter and is unable to make it. I am against this also. With the flooding that he had mentioned, we live at 3454 E. Ryan Rd., which is just to the east of where this lot is. There is flooding in the back, and I'm concerned that if they build on that property, that is going to be raised, which is then going to cause the flooding to come into our yard also. Right now, where we are at is kind of on a down-slope, and so it kind of collects in that area - and if that gets built up, to be built on, then that is all going to pool right there and then we are also going to have issues with the flooding. I am also concerned, part of the reason that we got this lot was because that was open in the back. Our lot has a detached garage that we use and that was a big selling point on the house that we have. We

use that for a lot of machining, my husband has a lot of equipment that he uses – it's loud. We don't want to be disruptive to other people, we just- that was a big thing, we are really concerned about that. Noise complaints, them having to worry about disrupting us, us having to worry about disrupting them. The construction for while it is built, I'm a nurse, he is a fire fighter, we work very odd hours – sleep during the day, I'm concerned about construction. If I don't get good sleep that affects patient care – that's not safe. So, I am really concerned about that. But yeah, we just – we would – both of us are against.”

Cynthia Fleischman, 3469 E. Ryan Rd.:

“I live across the street on the south side. I've been there about 12 years – also, I bought my property because it's got three (3) acres and I agree with Mr. Glaz, I would like to keep the area in a country setting. So, I oppose this. Thank you.”

Andy Glende, 9420 S. Kinney Ln.:

“I live at the property directly north of 3444 E. Ryan Rd. I would agree with my neighbors. There is a flooding issue in that northwest corner of that lot number two (2) – proposed lot number two (2). My house sits at a low point – mid/low point of a subdivision, right there, Northbrook. We have a drainage sewer in the back of our yard with my neighbor to the north that drains to the sewer line. But then our property then slopes down, slopes – it would be our south side of our property slopes down to this current property. At times there has been standing water when there have been extreme rain situations, two (2), three (3), four (4) inches in that corner of that lot. So, I just wanted to let you know I agree with what they have come to the table with.”

Judith Beilke, 3455 E. Ryan Rd.:

“I'm across the street from Theresa and when you look at this map, I have a question here – I can show you this. Right at the bottom, here point that out to them, ok you see? Now here's my driveway and here's Dave's driveway across the street. Now look at how the line, going down Hwy. 100 it's like we've got a backset.”

Senior Planner Papelbon made comments that were inaudible.

Mrs. Beilke:

“Well, instead of the girl going across then you got me and neighbor Dave with the setback too.”

Senior Planner Papelbon made additional comments that were inaudible.

Mrs. Beilke:

“Okay and as far as me being out right across the street, I have all these acres. Three and a half (3.5) acres and when I bought it, it was all the way back but then you let a house, Dave's house be built next to me. What they did, the property was divided. He got seven and a half (7.5) acres, and I got three and a half (3.5) acres, and we went

back up to Hwy. 100. So now, Dave is right next to my property line, he went to get an easement and you would not let him have that because his house – we’re twelve feet apart. Back then, that’s the way it was. I’ve been there 40 years. So, again, if it’s going to be quiet - if I can’t sell my back land then you know the neighbors over there on Kinney Ln, why? And look what you did on Ryan Rd., you let that house, that new house that is being built by the Oak Creek High School students – how are they going – there must be 15 feet on either side, right? Is that the rule? Property line, property line?”

Mayor Bukiewicz confirmed that is usually the case.

Mrs. Beilke:

“So, without seeing the (inaudible) line they would have to drive right along their house to get to their back property. I think the property was sold for an acre of land. And then they put this house right there and barely no room on the other side. But you know, whoever owned it has the right to sell it. But you know, it’s also (inaudible). Thank you.”

Dace Glaz, 3435 E. Ryan Rd.:

“Which is right across the street from Theresa’s house and from the southern most entrance of Kinney Lane. I’ve lived in Oak Creek for 22 years and my husband and I moved our family to our home from a subdivision in Oak Creek because we did not want sub-division living, we wanted a country style life but still in Oak Creek. It was primarily to avoid the extra noise that comes with each additional home. I’m particularly concerned about safety issues as my neighbor Andrea Gedemer said, she works different shifts. My son works second shift and comes home after midnight, I’ve lived next to home construction sites and the noise is awful. There is no sleep, no rest during construction and we don’t want the additional possibility of having such issues with new neighbors in yet another house that doesn’t even exist and doesn’t have to exist. And of course, Andrea pointed out that her husband is a firefighter, she’s a nurse so that’s not a good thing for people to lose sleep – people who work those types of jobs. I also believe that those of us who live in and pay taxes to the City of Oak Creek should have more say as to our neighborhoods than people who don’t live here and I’m specifically referring to the current owner of Theresa’s property who, after she gets what else she can sell off from Theresa’s estate, will move right back to Minnesota. So, all the issues, everything about the neighborhood, she doesn’t even live here, she’ll never live here, she won’t ever have to deal with them, but we will. I have great respect for all my neighbors, several of whom are right here behind me, and I know that our family and our neighbors feel the same way about – there’s a reason we moved to this neighborhood, and we would really appreciate if it remained that country setting. Thank you.”

Mrs. Beilke:

“No, I thought she was selling an acre lot and did you not say that the purchase would be for three quarters of an acre?”

Mayor Bukiewicz stated no talk of purchase was had and explained the applicant is splitting the land to change the official map from one (1) lot to two (2).

Mrs. Beilke:

“Two parcels from the back of her house?”

Mayor Bukiewicz clarified the existing lot will become two (2).

Mrs. Beilke:

“I was just wondering, I thought I heard (inaudible).”

Senior Planner Papelbon stated the three quarters of an acre would be the size of the lot where the existing house is located. Mayor Bukiewicz reiterated the general sizes of the two (2) proposed parcels.

Assistant Fire Chief Havey stated if the proposed second lot were to be developed, the water supply will be from Water Utility and the existing infrastructure will serve the possible needs.

Alderman Loreck asked if the proposed division meets current code requirements to which Senior Planner Papelbon answered in the affirmative, going on to say any drainage issues will be addressed at the time of development, but the lots are not located within a designated FEMA floodplain. Alderman Loreck asked to confirm that any residential development would not allow for the regrading of the property to make the land higher to which Commissioner Kiepczynski explained a grading plan would need to be submitted for approval with the engineering department. Commissioner Kiepczynski thanked the residents for bringing the drainage issues to attention. Commissioner Hanna stated her understanding of the residents' concerns, stating the request to split the land into two (2) lots follows the code.

Mr. Glaz:

“So just on that note, listening to the – everybody talk then that would give me the opportunity to take my seven (7) acres and split it into one (1) acre lots and then if the council approved a home to be built there at a later time, then I feel like I would get the same right, right? I could subdivide mine and I'd get the same backing from you to split my property up into one (1) acre lots, sell it and I'd get your approval to have people build houses back there too. Along with my other neighbors then.”

Mayor Bukiewicz confirmed that would be correct, stating accessibility for utilities and emergencies is also considered.

Mr. Glaz:

“But I'm asking because I'm hearing you, and it sounds like you're ready to say, well they are just breaking off a piece of property and zoning it as a separate property. And we all know what comes after that, then they are going to sell that lot and then

someone is going to want to build on it and then you're going to have the rest of the neighborhood up in arms again and that is what we are trying to avoid. Versus, all of us saying the heck with it and packing up, selling ours and making it even worse by dividing our properties."

Mayor Bukiewicz stated the owner may do that with the property as it is their right, but that is unknown.

Mr. Glaz:

"They inherited the property, they live in Minneapolis, they're not in the neighborhood, they are not a part of Oak Creek."

Mayor Bukiewicz stated his understanding for the residents being upset and reiterated it is the property owners right to divide the land, explaining the process and standards a residential development will have to go through.

Mr. Glaz:

"Just, I'm sorry I don't mean to interrupt you but like I stated on the north side of that property that floods down in there so being set back (inaudible) not affecting his property you would have to raise the elevation of the building just so that didn't flood and you said you would try to keep it the same if they did build, which is going to cause-"

Mayor Bukiewicz stated again that any development would have to come to the city with certified plans from a surveyor and an architect and would not be allowed to impact any surrounding property.

Mr. Glaz:

"Ok. Alright, I understand. I guess what it is, is – I'm trying to say I think there is a lot of people in the neighborhood that are ready then, if you're going to do that, they are ready to sell their big pieces of property and have someone come in and divide it all up."

Mayor Bukiewicz reiterated that would be their right.

"The other point I wanted to make too was, on that property – can you (inaudible) picture – so if you look on the, is that the southwest corner, they had that open part of the property so the garage would be on the north side of the house there. At one time they wanted to put a deck and pool back there and the city said no, they can't build anything on that corner. And I don't understand the details around it, I was just told by the previous homeowner that the city would not let them build anything on that corner which, subsequently, lowers the value of that house and property in that state. Thanks."

Mrs. Beilke:

"I just want to give you a little FYI. Back in the day, when State Highway 100 came through, I don't know if all you know, well you're much younger (inaudible). We were supposed to get a frontage road. Hwy. 100 came through, took our back lands, you know they got the easement for that and then they said that they were going to run a frontage road from 15 to 32 because what they did was land locked all of us from 15th Avenue all the way to 32. We all have beautiful acreage, lots of lands, and it'll be sold as is. Thank you."

Mayor Bukiewicz stated there is no way to know what will happen with the empty lot, but as presented, the commission has no reason to deny to division of the lot.

Mr. Glaz:

"Why do you even send these forms out to inform the neighbors that you're going to do this so that they can come and have a voice if you are just going to do it anyway?"

Mayor Bukiewicz stated the notices are sent to keep residents informed as to what is going on in their neighborhoods, stating again the owner of the property has the right to do what they want with the property.

Mr. Glaz:

"I just feel like we have no representation in the neighborhood."

Mayor Bukiewicz explained that is why the notices get sent out, concluding the owner can do with the property what they want as long as it meets code.

Commissioner Oldani moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Theresa Aghbashian for the property at 3444 E. Ryan Road be approved with the following condition:

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.

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

Commissioner Carrillo moved to adjourn the meeting. Alderman Loreck seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 6:40 PM.

ATTEST:

Kari Papelbon, Plan Commission Secretary

Date



Recent Common Council Actions

December 5, 2023

ITEM: 4

DATE: December 12, 2023

- **APPROVED** - Resolution No. 12456-120523, approving a Certified Survey Map submitted by Laurie Helgason P.R. on behalf of the estate of Theresa Aghbashian for the property at 3444 E. Ryan Rd.

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

Kari Papelbon, CFM, AICP
Senior Planner



PLAN COMMISSION REPORT

Proposal: Conditions and Restrictions – Veterinary Clinic

Description: Review draft conditions and restrictions for a Conditional Use Permit for a proposed veterinary clinic within a portion of the existing multitenant retail building on the property at 8907 S. Howell Avenue.

Applicant(s): AVG Intermediate Holdings, LLC d/b/a UrgentVet

Address(es): 8907 S. Howell Avenue (3rd Aldermanic District)

Suggested Motion: That the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit to allow a veterinary clinic on the property at 8907 S. Howell Avenue.

Owner(s): GP-PCD Partners, LLC

Tax Key(s): 859-9042-001

Lot Size(s): 2.57 ac

Current Zoning District(s): B-4, General Business

Overlay District(s): N/A

Wetlands: Yes No Floodplain: Yes No

Comprehensive Plan: Commercial

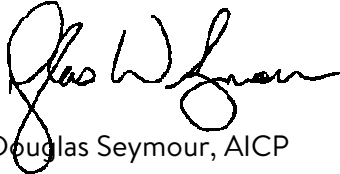
Background:

At the November 28, 2023 meeting the Plan Commission recommended Common Council approval of a Conditional Use Permit for a veterinary clinic within a portion of the existing multitenant retail building on the property at 8907 S. Howell Avenue. Staff have prepared draft Conditions and Restrictions for the Commission’s review. If the Commission is comfortable with the Conditions and Restrictions, the appropriate action would be to recommend that the Common Council approve them as part of the Conditional Use Permit. Note that approval of the Conditional Use Permit and Conditions and Restrictions

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

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

Prepared and Respectfully submitted:



Douglas Seymour, AICP
Director of Community Development

Prepared:



Kari Papelbon, CFM, AICP
Senior Planner

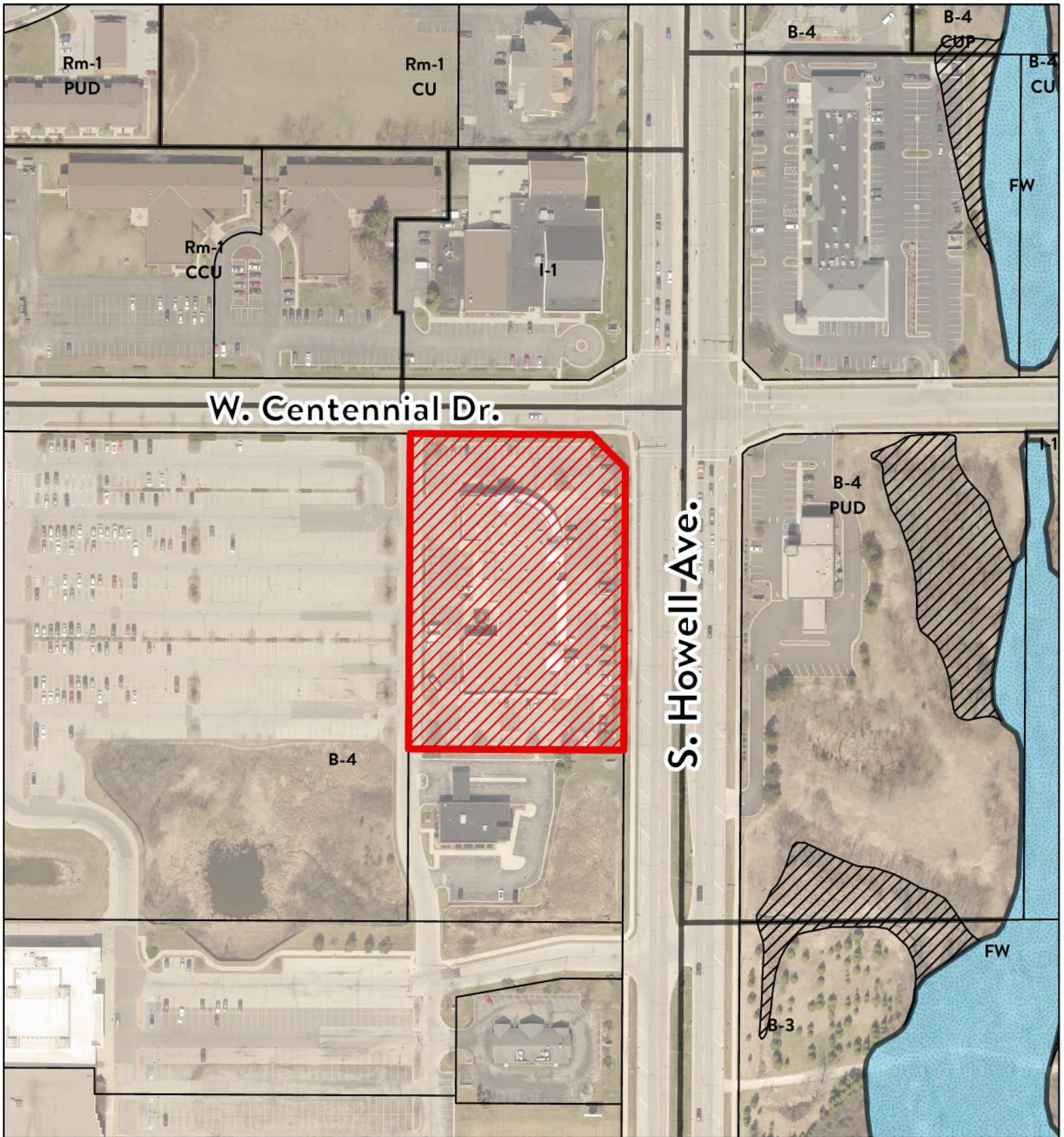
Attachments:

Location Map

Draft Conditions and Restrictions

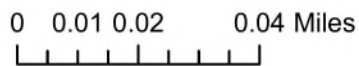
Location Map

8907 S. Howell Ave.



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

Legend



- Parcels
- Zoning
- Official Map

- Flood Fringe
- Floodway
- 8907 S. Howell Ave

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

Applicant: AVG Intermediate Holdings, LLC d/b/a UrgentVet	Approved by Plan Commission: TBD
Property Address(es): 8907 S. Howell Ave.	Approved by Common Council: TBD
Tax Key Number(s): 859-9042-001	(Ord. TBD)
Conditional Use: One (1) veterinary clinic	

1. LEGAL DESCRIPTION

CSM NO 7627 NE 1/4 SEC 20-5-22 PARCEL 1 (2.5704 ACS) EXC PTS CONV TO DOT IN DOC NO 10306978 FOR ST.

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. All requirements of Ord. 3041 (as amended) are in effect.

C. 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 B-4, General Business zoning district, Ord. 3041 (as amended), these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).
- B. There shall be no 24/7 operations per Ord. 3041 (as amended).
- C. One (1) pet relief area shall be provided. The location shall meet all applicable Code requirements and shall not result in the net loss of required landscaping. Landscaping shall be maintained per Ord. 3041 (as amended).
- D. There shall be no outdoor storage, rental, sale/display of equipment, vehicles, merchandise, or any other materials on the property.
- E. All parking areas shall be striped, screened, and landscaped in conformance with Ord. 3041 (as amended), approved site plans, and Sec. 17.0505 of the Municipal Code (as amended).
- F. All signs shall conform to the requirements of Ord. 3041 (as amended), the Master Sign Plan approved July 26, 2005, and Sec. 17.0601 – 17.0609 of the Municipal Code (as amended).
- G. The number, size, location and screening of appropriate solid waste collection units shall be in conformance with plans approved by the Plan Commission.
- H. Solid waste collection and recycling shall be the responsibility of the owner.
- I. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

Access and parking for this development shall be provided in accordance with Ord. 3041 (as amended), Sections 17.0403 & 17.0404 of the Municipal Code (as amended), and the Site Plans approved by the Plan Commission February 22, 2005.

5. LIGHTING

All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector in conformance with Ord. 3041 (as amended) and Sec. 17.0509 of the Municipal Code (as amended).

6. BULK AND DIMENSIONAL REQUIREMENTS, SETBACKS

Lot Standards (Minimum)

Lot Area	30,000 sf
Lot Width	150 ft
Yard Setbacks (Minimum) (1)	
Front (per Ord. 3041)	25 ft
Street Facing Side (per Ord. 3041)	25 ft
Interior Side (per Ord. 3041)	20 ft
Rear (per Ord. 3041)	25 ft
Building Standards (Maximum)	
Height	50 ft
Building Coverage	40%
Lot Coverage	70%
Parking	
Setbacks (per Ord. 3041)	10 ft front / 5 ft other
Notes:	
(1) Setbacks from wetlands shall be a minimum of fifteen (15) feet with a five (5) foot undisturbed buffer.	

7. TIME OF COMPLIANCE

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

8. DURATION OF CONDITIONAL USE PERMIT

This Conditional Use Permit is limited in duration to **ten (10) years** from the date of issuance of the Conditional Use Permit. The owner may apply for an extension of this Conditional Use Permit. The process for extension of the Conditional Use Permit shall follow the procedures for approving Conditional Use Permit as set forth in Section 17.1007 of the Municipal Code (as amended).

9. OTHER REGULATIONS

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

10. VIOLATIONS & PENALTIES

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

11. 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



PLAN COMMISSION REPORT

Proposal: Temporary Use Permit – House of Harley-Davidson Motorcycle Training

Description: Temporary Use Permit request for the operation of a motorcycle operator training site on the Colder’s site.

Applicant(s): Mark McClain, One Head Light Power Sports, LLC (d/b/a House of Harley-Davidson)

Address(es): 9725 S. 13th St. (5th Aldermanic District)

Suggested Motion: That the Plan Commission approves the Temporary Use Permit request submitted by Mark McClain, One Head Light Power Sports, LLC (d/b/a House of Harley-Davidson), for the operation of a motorcycle operator training site on the property at 9725 S. 13th St. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That all course activities shall be located within the south portion of the parking lot as per the proposed map.
3. That operations related to the training course be limited to between 7:00 AM and 8:00 PM Monday through Sunday.
4. That there shall be one (1) cargo container for the temporary storage of the course equipment and materials. The cargo container shall be removed within seven (7) days of the last training course.
5. That signage for the operation is limited to two (2) 4’ x 8’ (32 square feet each) temporary signs on the cargo container.
6. That the Temporary Use Permit shall be valid between March 26, 2024 and November 5th, 2024.

Owner(s): Investment 9725 LLC

Tax Key(s): 904-9011-001

Lot Size(s): 15.618 acres

Current Zoning District(s): B-4, General Business FW, Floodway

Overlay District(s): PUD FF, Flood Fringe

Wetlands: Yes No Floodplain: Yes No

Comprehensive Plan: Industrial, Floodway

Background:

The Applicant is requesting a Temporary Use Permit approval for a motorcycle operator training site on the property at 9725 S. 13th St. Plan Commissioners may recall that the Applicant was granted Temporary Use Permits for this training course on the property in June 2018, December 2019, November 2020, November 2021 and December 2022.

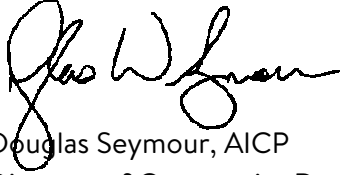
As with the previous requests, the proposal is to provide a WisDOT-approved motorcycle training site for operators to obtain their permits. The location of the courses will take place within the southern portion of Colder’s parking lot. Courses would be held seven (7) days per week March 26th through November 5th, 2024, although the narrative provided by the Applicant indicates that advertised and scheduled days would be Wednesday, Thursdays, Saturdays and Sundays. The additional days allow for rescheduling due to inclement weather or for student re-testing. Hours of operation are proposed to be during sufficient daylight, with the most extensive hours during summer (7:00 AM – 8:00 PM).

Included with this report are exhibits the type of motorcycles used for training, and a narrative. As the training course provides the vehicles and equipment, the Applicant is requesting the use of an onsite cargo container for storage during the term of the permit. Two (2) 4’ x 8’ (32 square feet each) signs are requested to be displayed on the shipping container to promote the program. Since the signs are part of the Temporary Use Permit request, staff have no objection to an additional sign (permits will be required).

All of the above were approved in the previous Temporary Use Permits proposals for the operation, and staff is unaware of any complaints from those previous training courses.

Options/Alternatives: The Plan Commission has the discretion to approve the Temporary Use Permit as presented, approve with specified conditions, or disapprove the proposal. Should the request not be approved, Plan Commissioners must provide the Code sections upon which the denial is based so that the Applicant may revise and resubmit (if necessary).

Respectfully submitted:



Douglas Seymour, AICP
Director of Community Development

Prepared:



Melanie Perez
Planning Intern

Attachments:

Location Map

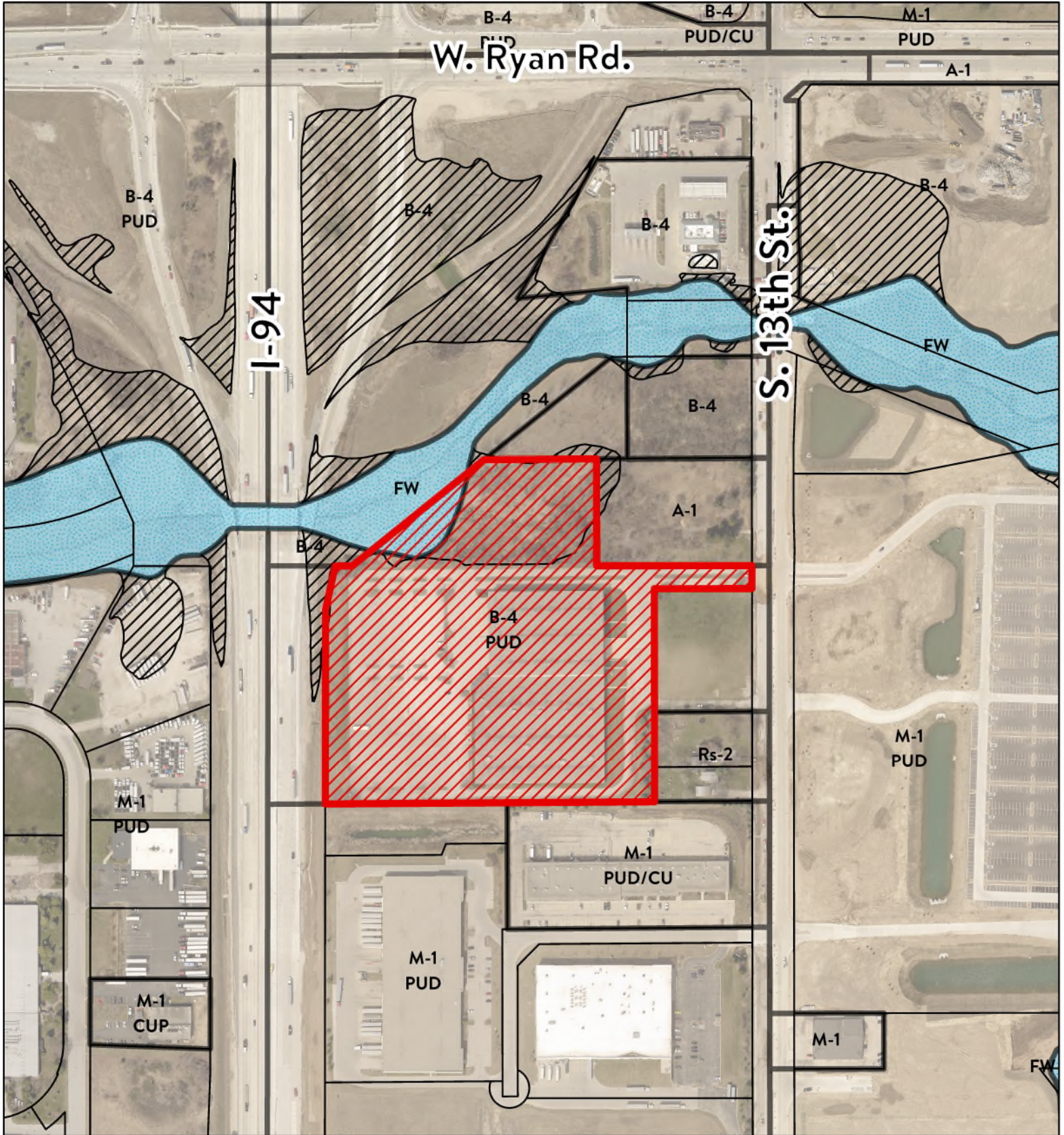
Narrative

Property Owner Permission

Exhibit A-D

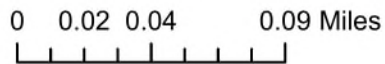
Location Map

9725 S. 13th St.






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

Legend



-  Parcels
-  Zoning
-  Official Map

-  Flood Fringe
-  Floodway
-  9725 S. 13th St



RECEIVED

NOV 06 2023

CITY OF OAK CREEK

November 2nd, 2023

City of Oak Creek
c/o: Kari Papelbon, CFM, AICP
8040 S 6th Street
Oak Creek, WI 53154

To: Oak Creek Planning Commission

This letter is to request a Temporary Use Permit for the Colder's Oak Creek Store (9725 S 13th St. Oak Creek, WI 53154) Parking Surface to be utilized for a Wisconsin State Approved Motorcycle Training Site. The House of Harley-Davidson has received approval from WI DOT to operate the course. The curriculum is based on the MSF (Motorcycle Safety Foundation) program utilized nationally for obtaining a motorcycle operator Permit to a Wisconsin driver's license.

Enclosed in the folder you will find the necessary documents, plot layout, image of the Street 500 (motorcycle used on the range) and photo of the site location along.

The dates for the WI DOT Course are March 26th through November 5th, 2024 which we offer annually. The temporary container holds items required for the course to operate such as: motorcycles, class items, safety equipment and paperwork showing site approval, insurance confirmation and related items.

Thank you for your consideration to this request.

Regards,

Mark A. McClain
Director of Business of Development, House of Harley-Davidson





Furniture • Appliances • Mattresses

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NOV 06 2023

CITY OF OAK CREEK

November 2, 2023

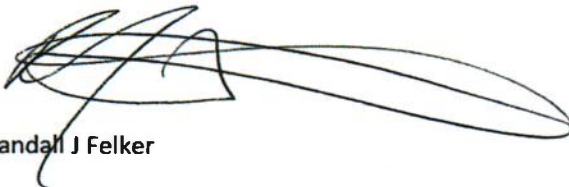
City of Oak Creek
c/o: Kari Papelbon, CFM, AICP
8040 S 6th Street
Oak Creek, WI 53154

To: Oak Creek Planning Commission

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The dates for the WI DOT Course are March 25th through November 5th 2024 which we offer annually. The temporary container holds items required for the course to operate such as: motorcycles, class items, safety equipment and paperwork showing site approval, insurance confirmation and related items.

Thank you for your consideration to this request.
Regards,



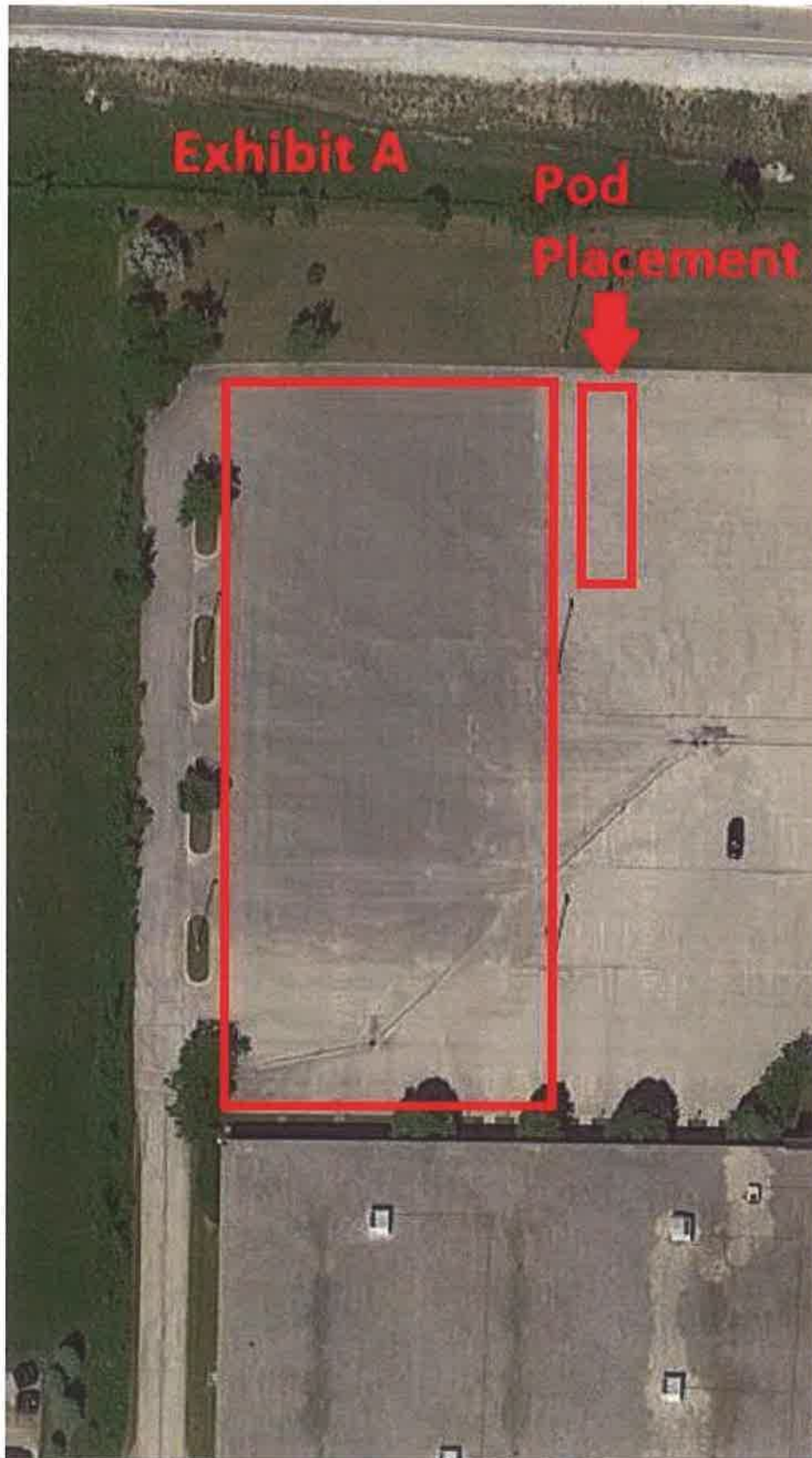
Randall J Felker

333 South Highway 100
West Allis, WI 53214
(414) 476-1574

9725 South 13th Street
Oak Creek, WI 53154
(414) 778-6666

3325 Hillside Dr.
Delafield, WI 53018
(262) 695-2222

2600 Washington St.
Grafton, WI 53024
(262) 376-1574



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NOV 06 2023

CITY OF OAK CREEK

Exhibit B

Street 500, model used for Riding Academy



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NOV 06 2023

CITY OF OAK CREEK

Exhibit C (Days & Hours of Operation, and Signage)

- Days and Hours of Operation
 - a) Monday through Sunday, with the scheduled days being Wednesday, Thursday, Saturday and Sunday as the advertised days. However at times due to in-climate weather or for students to come back for a minimal amount of time for re-testing the Mondays, Tuesdays, Fridays might occasionally be optioned
 - b) Hours: daylight from 7am till 8pm during summer hours, less during the fall when daylight decreases

- Signage
 - a) 4ft. x 8ft. for a total of 32 sq. ft.
 - b) We would be requesting (2) 32 sq. ft. signs to be placed on the sides of the container for the north and southbound traffic to promote the WI DOT Motorcycle Safety Program

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NOV 06 2023

CITY OF OAK CREEK

Exhibit D (40ft. temporary container)



PLAN COMMISSION REPORT

Proposal: Official Map Amendment

Description: Review a request by John Schlueter, Frontline Commercial Real Estate, to reconfigure portions of the future street pattern on the Official Map the properties at 9900 S. Ridgeview Dr.; 9970, 10020, and 10040 S. 20th St.; & 1800 and 1850 W. Oakwood Rd.

Applicant(s): John Schlueter, Frontline Commercial Real Estate

Address(es): 9900 S. Ridgeview Dr.; 9970, 10020, and 10040 S. 20th St.; & 1800 and 1850 W. Oakwood Rd. (5th Aldermanic District)

Suggested Motion: That the Plan Commission recommends to the Common Council that the Official Map for a portion of the mapped, unimproved future rights-of-way affecting properties at 9900 S. Ridgeview Dr.; 9970, 10020, and 10040 S. 20th St.; & 1800 and 1850 W. Oakwood Rd. be amended **as presented** after a public hearing.

Owner(s): SEVILLE FLEXPACK CORPORATION; RIDGEVIEW DRIVE, LLC; ANTHONY LUIS LOPEZ; & DEBRA J HAMILTON

Tax Key(s): 926-9029-000, 926-9977-001, 926-9978-001, 926-9979-000, 926-9984-000, 926-9036-000

Lot Size(s): N/A

Current Zoning District(s): M-1, Manufacturing Rs-3, Single Family Residential

Overlay District(s): PUD

Wetlands: Yes No Floodplain: Yes No

Comprehensive Plan: Industrial, Business Park (Flex Overlay), Single-Family Attached (Flex Overlay)

Background:

The Applicant is requesting amendments to the future road pattern on the Official Map as it relates to the properties at 9900 S. Ridgeview Dr.; 9970, 10020, and 10040 S. 20th St.; & 1800 and 1850 W. Oakwood Rd. Plan Commissioners may recall that the properties at 9970, 10020, and 10040 S. 20th St. were subject to an

Official Map Amendment in 2021. Below is brief historical summary of the Official Map pertaining to these properties, which will provide the necessary context for consideration of this request.

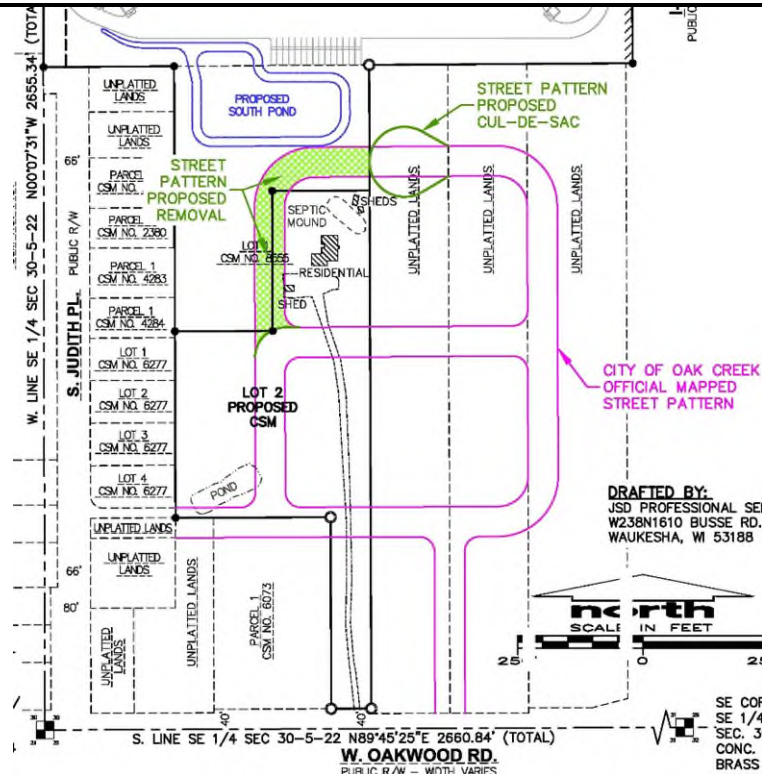
Oak Creek Manor subdivision was platted in 1957/1958. These three properties were included in the plat for single-family residential development, including public streets, but the only portion constructed was on the east side of I-94 (Lois Lane and Daniel Lane between S. 15th Street and S. 13th Street). Part of Oak Creek Manor subdivision was vacated by the courts, and discussions of the Official Map occurred at the local level when the properties were purchased and proposed for non-residential development in the late 1980s. Several reconfiguration options were presented for Plan Commission and Common Council consideration, all of which intended to maintain the future public street connections within Southbranch. Ultimately, the configuration that showed a connection between Ridgeview Drive and S. 20th St. was adopted by Ord. 1300 in 1988.

Development proposals in the more recent past have attempted to address connecting S. 20th Street to S. Ridgeview Drive as previously depicted on the Official Map. Topography, environmental features (e.g., wetlands), and ownership of multiple parcels affected by the Official Map have all contributed to the existing condition – the subject properties remained vacant and the road connections were never constructed. Staff have had multiple conversations over the years with prospective developers interested in the subject properties and adjacent properties along the future extension of S. 20th Street regarding these challenges. Connecting S. 20th Street to S. Ridgeview Drive was determined to be impractical given the economics of development and the diverse ownership. Therefore, the previous property owner (Truck Country) proposed the termination of S. Ridgeview Drive in a cul-de-sac, designed in conformance with local requirements, on the property at 9970 S. 20th Street. This configuration was adopted by the Common Council (Ord. 3005) in 2021.

Frontline Commercial Real Estate is proposing two (2) changes to the Official Map in this area related to their proposals for a Certified Survey Map (reviewed at the November 14, 2023 meeting) and future development of the 20th Street properties.

Amendment 1 – Future Residential Road (see Exhibit B)

As part of the division and reconfiguration of the property at 1850 W. Oakwood Rd., the Applicant is proposing to remove the future street pattern along the shared property lines and around the existing home (green hatched area). Instead of the “figure-8” pattern, the road is proposed to terminate in a cul-de-sac on the northern portion of the property at 1800 W. Oakwood Rd. Connections to Judith Place and Oakwood Road, and through the middle of the affected properties, remain unchanged in the proposal. No feedback from the affected neighbors regarding the proposal has been received as of writing this report.



Amendment 2 – Ridgeview Drive Cul-de-Sac (see Exhibit B)

Most pertinent to the development of the Frontline parcels, however, affects Ridgeview Drive. As approved by Ord. 3005, a public cul-de-sac would provide access to and terminate on the property at 9970 S. 20th St. The Applicant is proposing that the future cul-de-sac be constructed on the property immediately to the north at 9900 S. Ridgeview Drive. While a temporary cul-de-sac is currently located on this property, it is not constructed to public street standards nor has it been dedicated to the City for public street purposes. Per CSM 7884, the easement was only for a temporary cul-de-sac.

Should the proposed amendment to the Official Map be approved as presented and the development move forward, the following would be required:

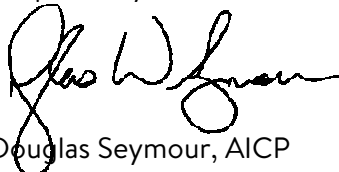
1. Acquisition of, or coordination with the owner of, the property at 9900 S. Ridgeview Drive by the Applicant. A CSM would be required to dedicate the public right-of-way for the cul-de-sac in addition to any division of the lot.
2. Construction of the permanent cul-de-sac to public street standards by the developer (Applicant and/or Seville Flexpack Corporation). This will likely require a Development Agreement with the Engineering Department.
3. Acceptance of the public right-of-way by the City following completion of the cul-de-sac.

When considering a proposal to amend the Official Map, the Commission should consider the impact on the ability to logically develop adjacent properties in accordance with the existing Official Map. Nearby property owners may have an interest in maintaining certain aspects of an Official Map if it provides them the future opportunity to subdivide their property in a cost-effective manner. If a person is proposing to remove this opportunity, or to alter it, they need to demonstrate that any adverse effects on the property owners involved would be offset by the benefit to the neighborhood. In other words, a property owner should not be able to amend the Official Map to maximize the development potential of their property at the detriment of surrounding properties.

Should the Plan Commission determine that the proposed amendments to the Official Map are acceptable, a motion is provided above.

Options/Alternatives: The Plan Commission has the discretion to recommend or not recommend Common Council approval of the Official Map Amendment requests. Should one or both of the requests not be recommended for Council approval, Plan Commissioners must provide the Code Sections upon which the denial is based. Alternatively, the Plan Commission may direct staff to change the proposal to incorporate specific comments.

Respectfully submitted:



Douglas Seymour, AICP
Director of Community Development

Prepared:



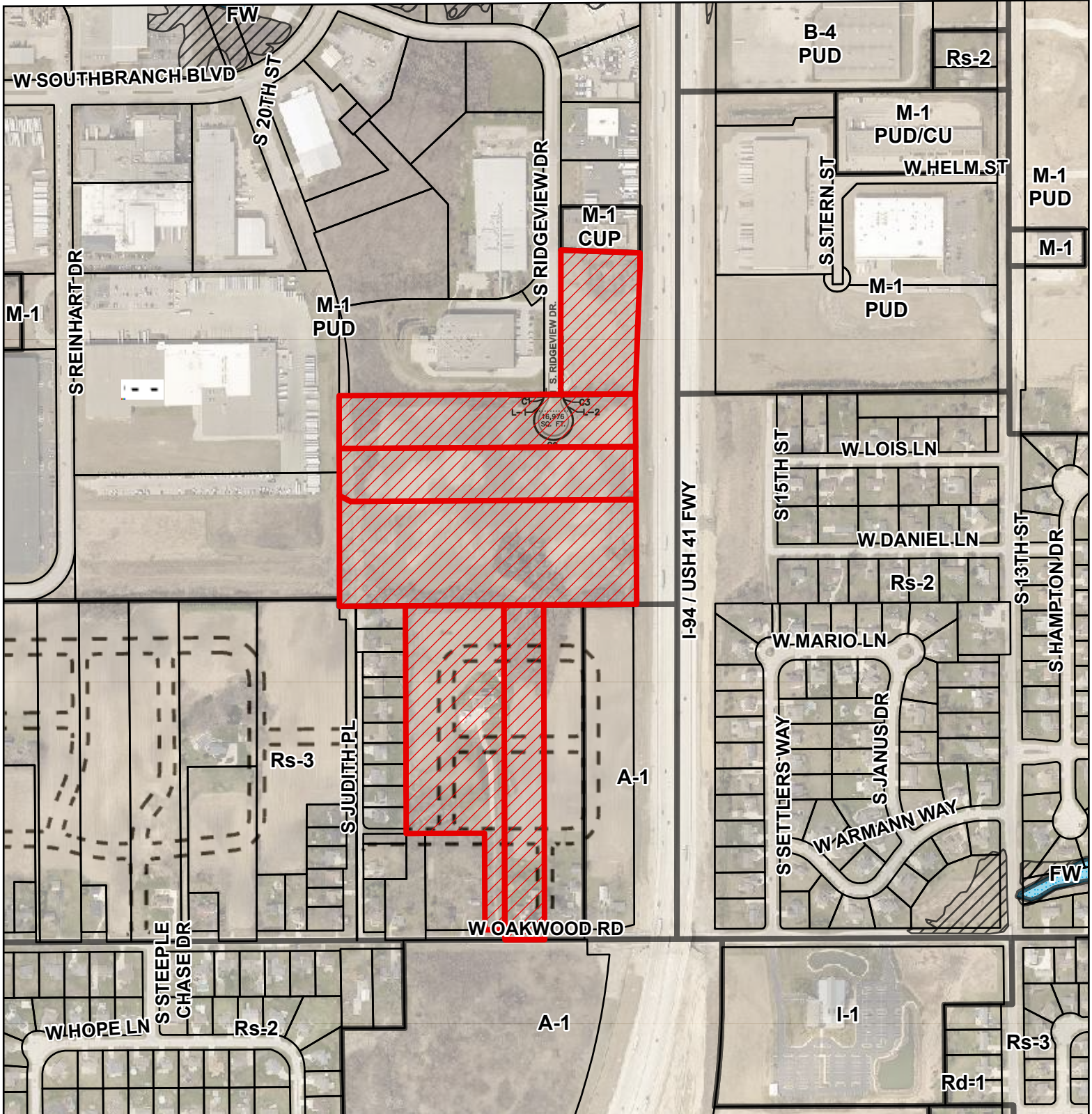
Kari Papelbon, CFM, AICP
Senior Planner

Attachments:

- Location Map
- Narrative (3 pages)
- Proposed CSM (1 page)
- Exhibit A (1 page)
- Exhibit B (1 page)
- CSM 7884 (4 pages)

LOCATION MAP

9900 S. Ridgeview Dr.; 9970, 10020, & 10040 S. 20th St.; 1800 & 1850 W. Oakwood Rd.



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



Community Development

0 0.04 0.07 0.14 Miles



Legend

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



Attachment to Plan Commission Application (Narrative Description of Project) for Official Map Amendment

November 20, 2023

This Attachment to the Plan Commission Application (Narrative Description of Project) is submitted by Frontline Commercial Real Estate, LLC (the “Applicant”) through its attorneys Amundsen Davis, LLC, architects Stephen Perry Smith Architects, Inc., and civil engineers JSD Professional Services, Inc., in support of its application for an Official Map Amendment (the “OMA”) pursuant to § 6.01(c), Oak Creek Municipal Code.

The OMA is applicable to the parcels located at **9970 South 20th Street** (Tax Key No.: 9269977001), **10020 South 20th Street** (Tax Key No.: 9269978001), **10040 South 20th Street** (Tax Key No.: 9269979000), and **1850 W. Oakwood Road** (Tax Key No.: 9269036000). All of the subject parcels will be reconfigured by Certified Survey Map filed separately but concurrent hereto. CSM Lot 1 will be the “Development Property” totaling 1,139,135 square feet (26.1509 acres) and CSM Lot 2 will remain and be the “Residential Property” totaling 230,536 square feet (5.2924 acres).

The Applicant will develop Lot 1 consistent with the M-1/ PUD zoning (the “Project”) but the new building to be constructed will be limited to the northern portion of Lot 1. The Residential Property will be retained by the current owner for residential use

I. History of the Properties

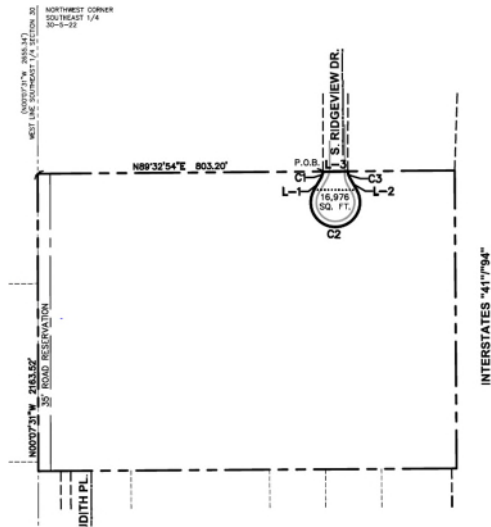
The northern portion of Lot 1 is located in the Southbranch Industrial Park at the end of Ridgeview Drive along the western side of I-94/41. Frontline purchased that land in 2023 and it will purchase the southern portion of Lot 1 to become part of the Development Property.

II. Request for Official Map Amendment

The OMA will reconfigure the now-obsolete future road pattern. The OMA will reflect the as-built current configuration of Lot 2 and its use as a residence. Further, because the road pattern shown on the Official Map will not be built, the OMA will remove certain of the now-obsolete elements of the future road pattern as they still exist on the 1850 W. Oakwood Road parcel.

a. Amending the Ridgeview Drive cul-de-sac (Ordinance 3005)

As shown on the graphic from Exhibit A to Ordinance 3005, below, the current Official Map depicts Ridgeview Drive terminating in a cul-de-sac on the Development Property.



This OMA will remove the future cul-de-sac from the Development Property such that Ridgeview Drive will terminate at the north property line.

b. Amending the Oakview Road Now-Obsolete Street Grid

According to the City’s Geographic Information System Map (*see GIS graphic, below*), a street grid of roadways appears on the 1850 W. Oakwood Road parcel from east to west before curving south through the parcel (affecting both CSM Lot 1 and CSM Lot 2).



This OMA will remove the now-obsolete street grid from the properties since such roadways will never be constructed.

III. CONCLUSION

The Official Map Amendment will promote the development of the Development Property. Specifically, the new building to be constructed will be limited to the northern portion of Lot 1 but the southern portion of Lot 1 will be subject to use restrictions by the PUD. *See PUD Amendment application, on file.* However, the Official Map Amendment will not affect the residential use of

the Residential Property. Frontline Commercial Real Estate respectfully requests approval of the Official Map Amendment.

Respectfully Submitted,

Frontline Commercial Real Estate, LLC
John Schlueter, President

Stephen Perry Smith Architects, Inc.
Matthew Mano, AIA, LEED AP

Architects for Frontline

Amundsen Davis, LLC
Brian C. Randall, Esq.
Katherine M. Hampel, Esq.

JSD Professional Services, Inc.
Rizal W. Iskandarsjach, P.L.S., P.E.
Andrew Mertz, P.E.

Attorneys for Frontline

Civil Engineers for Frontline

CERTIFIED SURVEY MAP No. _____

BEING A REDIVISION OF ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8555; VACATED BLOCKS 1, 2, AND 3 IN OAK MANOR SUBDIVISION; VACATED LOIS LANE; VACATED DANIEL LANE; VACATED SOUTH 17TH STREET; AND VACATED SOUTH 20TH STREET; LOCATED IN THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

SURVEYED FOR:

FRONTLINE COMMERCIAL
REAL ESTATE
7265 S. 1ST ST.
OAK CREEK, WI 53154

SURVEYED BY:

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

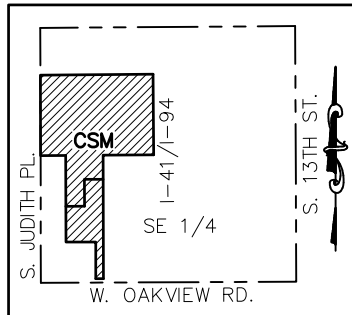
WETLAND:

DELINEATED BY D. MEYER (ASSURED WDNR WETLAND DELINEATOR) OF WETLAND & WATERWAY CONSULTING, LLC, DATED OCTOBER 23, 2020.

LEGEND:

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

I-41" / I-94"
PUBLIC R/W - WIDTH VARIES



VICINITY MAP

SE 1/4 SEC. 30-5-22
SCALE: 1"=2000'

NOTES:

CERTIFIED SURVEY MAP NO. 8555 RECORDED ON OCT. 8, 2013 AT MILWAUKEE CO. REGISTER OF DEEDS OFFICE AS DOC. NO. 10301651.
OAK CREEK MANOR SUBDIVISION RECORDED ON MAY 16, 1958 AT MILWAUKEE CO. REGISTER OF DEEDS OFFICE AS DOC. NO. 3656643.

PROPERTY IS LOCATED WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 1% ANNUAL CHANCE OF FLOOD), PER FEMA MAP PANEL NO. 55079C0227E, MAP DATE SEPT. 26, 2008.

BEARING BASIS:

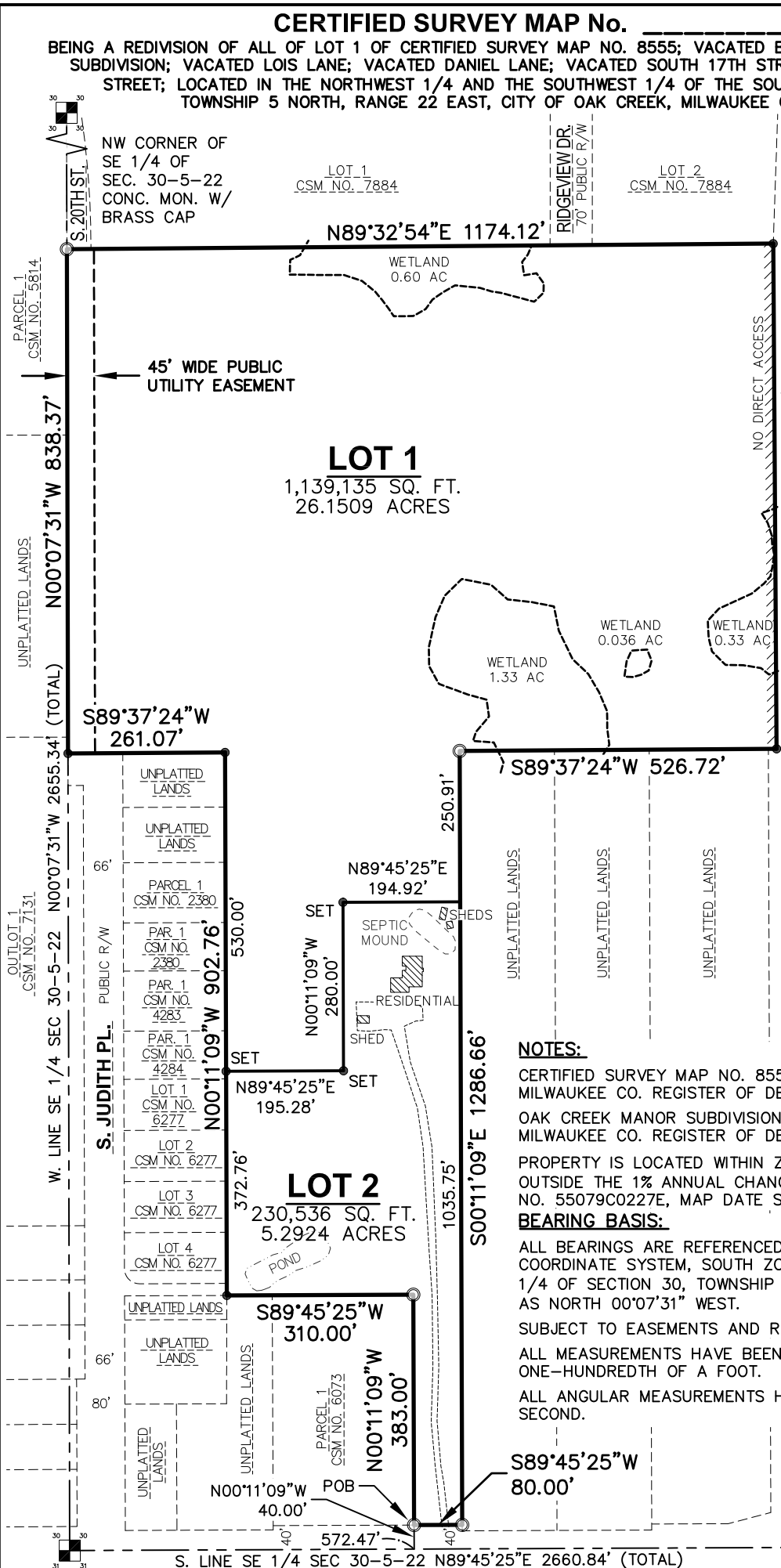
ALL BEARINGS ARE REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE. THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 22 EAST, WAS USED AS NORTH 00°07'31" WEST.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

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

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

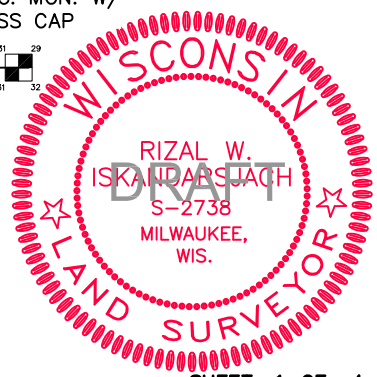
SE CORNER OF
SE 1/4 OF
SEC. 30-5-22
CONC. MON. W/
BRASS CAP



SW CORNER OF
SE 1/4 OF
SEC. 30-5-22
CONC. MON. W/
BRASS CAP
N: 319,511.78
E: 2,551602.04



DATED THIS _____ DAY OF NOVEMBER, 2023
THIS INSTRUMENT WAS DRAFTED BY RIZAL W. ISKANDARSJACH, S-2738

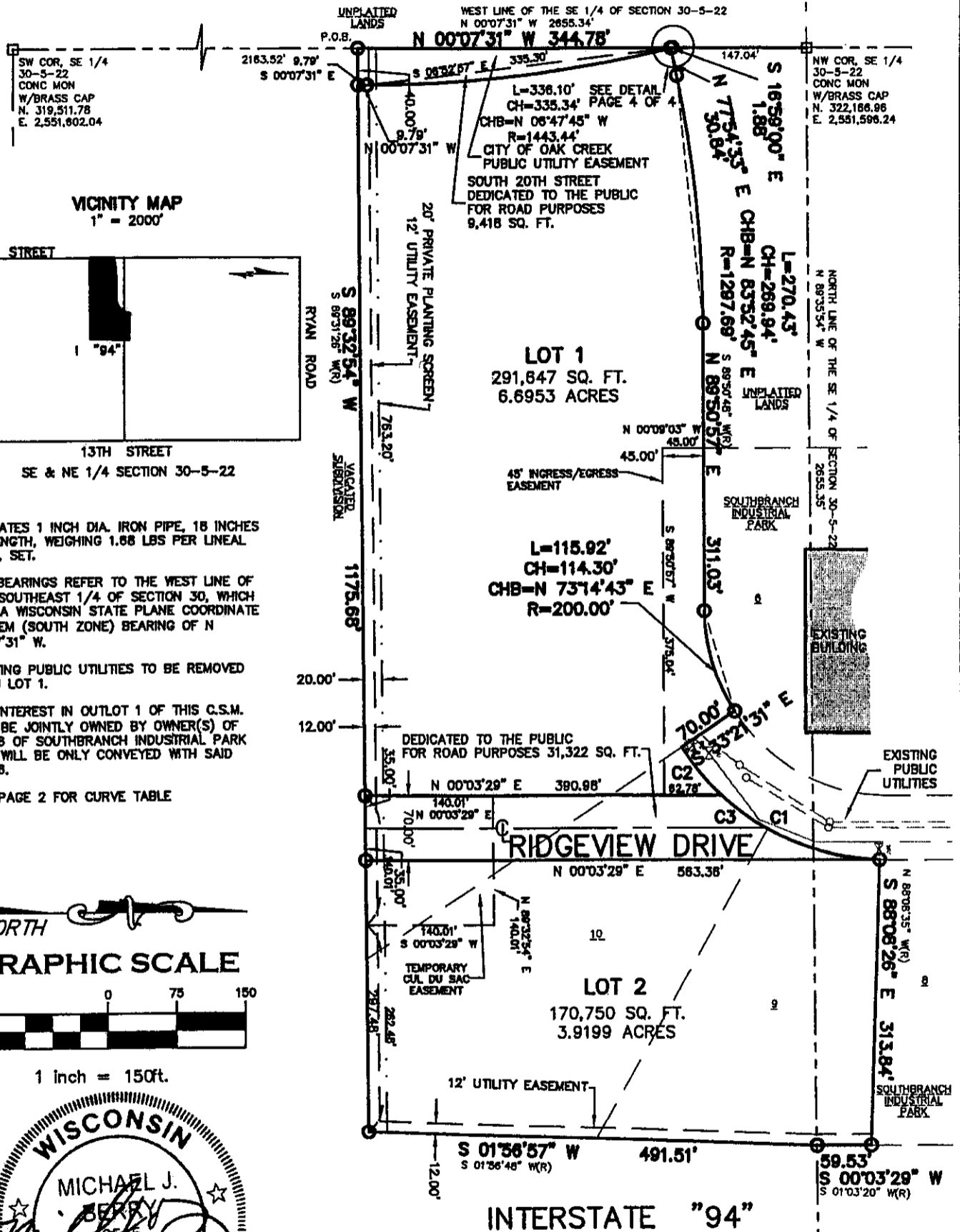


R:\2022\2211890\DWG\22-11890_CSM.dwg

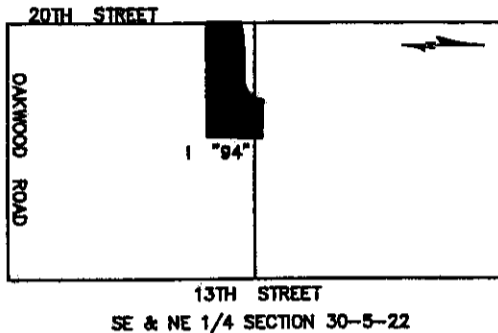
#7884

CERTIFIED SURVEY MAP NO. 7884

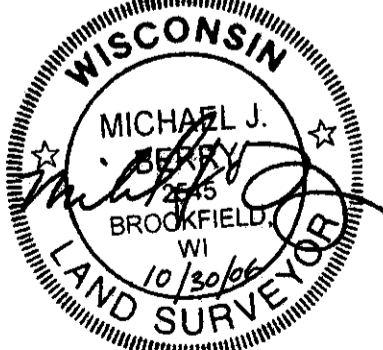
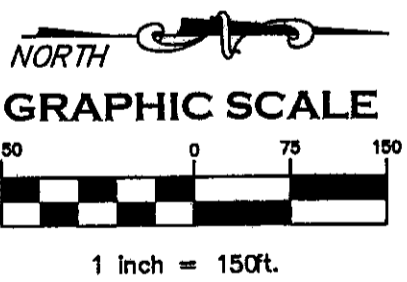
A REDIVISION OF LOTS 9 AND 10 IN BLOCK 5 IN SOUTHBRANCH INDUSTRIAL PARK, THAT PORTION OF VACATED RIDGEVIEW DRIVE AND LANDS IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.



VICINITY MAP
 1" = 2000'



- INDICATES 1 INCH DIA. IRON PIPE, 18 INCHES IN LENGTH, WEIGHING 1.66 LBS PER LINEAL FOOT, SET.
- ALL BEARINGS REFER TO THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 30, WHICH HAS A WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE) BEARING OF N 00°07'31" W.
- EXISTING PUBLIC UTILITIES TO BE REMOVED FROM LOT 1.
- ALL INTEREST IN OUTLOT 1 OF THIS C.S.M. WILL BE JOINTLY OWNED BY OWNER(S) OF LOT 6 OF SOUTHBRANCH INDUSTRIAL PARK AND WILL BE ONLY CONVEYED WITH SAID LOT 6.
- SEE PAGE 2 FOR CURVE TABLE



PREPARED FOR:
 WALTER J. YAKICH REVOCABLE TRUST
 1640 E. ELM ROAD
 OAK CREEK, WI 53154

CSE
 CAPITOL SURVEY & ENGINEERING
 11430 W BLUEMOUND ROAD, SUITE 11
 WAUWATOSA, WISCONSIN 53226
 PH: (414) 302-4580
 FAX: (414) 302-8905
 WWW.CAPTOLSURVEY.COM

REVISED 11/07/06
 REVISED 1/10/07
 REVISED 1/18/07
 REVISED 2/7/07

CERTIFIED SURVEY MAP NO. 7884

A REDIVISION OF LOTS 9 AND 10 IN BLOCK 5 IN SOUTHBRANCH INDUSTRIAL PARK, THAT PORTION OF VACATED RIDGEVIEW DRIVE AND LANDS IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

I, MICHAEL J. BERRY, A REGISTERED LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED, MAPPED AND DEDICATED A REDIVISION OF LOTS 9 AND 10 IN BLOCK 5 IN SOUTHBRANCH INDUSTRIAL PARK, THAT PORTION OF VACATED RIDGEVIEW DRIVE AND LANDS IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4; THENCE N 00°07'31" W ALONG THE WEST LINE OF SAID 1/4 SECTION 2163.52 FEET TO THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE CONTINUING N 00°07'31" W 344.78 FEET; THENCE S 16°59'00" E 1.88 FEET; THENCE N 77°54'33" E 30.84; THENCE EASTERLY 270.43 FEET ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE SOUTH, WHOSE RADIUS IS 1297.69 FEET AND WHOSE CHORD BEARS N 83°52'45" E 269.94 FEET THENCE N 89°50'57" E AND ALONG THE SOUTH LINE OF SOUTHBRANCH INDUSTRIAL PARK 311.03' TO THE SOUTHERLY END OF RIDGEVIEW DRIVE; THENCE S 33°21'31" E 70.00 FEET TO A POINT ON THE EASTERLY LINE OF SAID DRIVE; THENCE NORTHEASTERLY 258.15 FEET ALONG SAID DRIVE AND THE ARC OF A CURVE WHOSE CENTER LIES TO THE NORTHWEST, WHOSE RADIUS IS 270.00 FEET AND WHOSE CHORD BEARS N 29°15'04" E 248.43 FEET; THENCE S 88°08'26" E ALONG THE SOUTH LINE OF LOT 8 OF SAID INDUSTRIAL PARK 313.84 FEET; THENCE S 00°03'29" W 59.53 FEET; THENCE S 01°56'57" W 491.51 FEET; THENCE S 89°32'54" W ALONG THE SOUTH LINE OF SAID INDUSTRIAL PARK AND ITS EXTENSION 1175.68 FEET TO THE POINT OF BEGINNING.

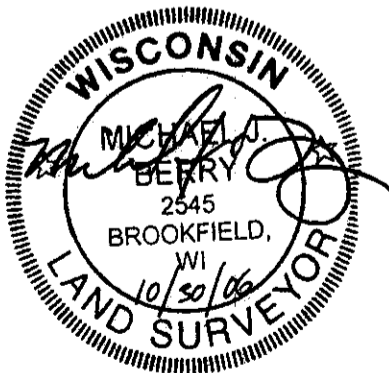
LANDS CONTAINING 503,138 SQUARE FEET OR 11.5505 ACRES.

THAT I HAVE MADE SUCH SURVEY, LAND DIVISION AND MAP BY THE DIRECTION OF WALTER J. YAKICH REVOCABLE TRUST, OWNER OF SAID LAND.

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

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE STATUTES OF THE STATE OF WISCONSIN AND CHAPTER 14 OF THE CITY OF OAK CREEK MUNICIPAL CODE IN SURVEYING, DIVIDING, AND MAPPING THE SAME.

DATED THIS 30TH DAY OF OCTOBER, 2006.



MICHAEL J. BERRY
REGISTERED LAND SURVEYOR, S-2545
STATE OF WISCONSIN

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	258.15'	270.00'	248.43'	N29°15'04"E
C2	67.61'	270.00'	67.43'	N49°28'05"E
C3	190.54'	270.00'	186.61'	N22°04'39"E

REVISED 11/07/06
REVISED 1/10/07
REVISED 1/18/07
REVISED 2/7/07

CERTIFIED SURVEY MAP NO.

1884

A REDIVISION OF LOTS 9 AND 10 IN BLOCK 5 IN SOUTHBRANCH INDUSTRIAL PARK, THAT PORTION OF VACATED RIDGEVIEW DRIVE AND LANDS IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

CORPORATE OWNER'S CERTIFICATE

WALTER J. YAKICH REVOCABLE TRUST, DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, CERTIFY THAT SAID COMPANY CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, MAPPED AND DEDICATED AS REPRESENTED ON THIS MAP IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCES OF THE CITY OF OAK CREEK.

WITNESS THE HAND AND SEAL OF WALTER J. YAKICH, PRESIDENT, ON THIS 9 DAY FEBRUARY 2007


WALTER J. YAKICH

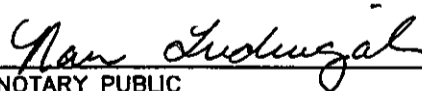
STATE OF WISCONSIN)
COUNTY) SS

ON THIS 9 DAY OF February, 2007, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SUCH COUNTY AND STATE, PERSONALLY APPEARED WALTER J. YAKICH, KNOWN OR IDENTIFIED TO ME TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SUCH INSTRUMENT IS A FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT THEY ARE AUTHORIZED TO EXECUTE SUCH INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL HERETO, AFFIXED THE DAY, MONTH AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

DATED THIS 9 DAY OF February, 2007




NOTARY PUBLIC
STATE OF WISCONSIN
MY COMMISSION EXPIRES: 12-30-2007

REVISED 11/07/06
REVISED 1/10/07
REVISED 1/18/07
REVISED 2/7/07

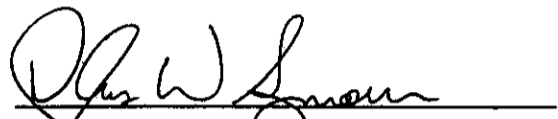
CERTIFIED SURVEY MAP NO. 1984

A REDIVISION OF LOTS 9 AND 10 IN BLOCK 5 IN SOUTHBRANCH INDUSTRIAL PARK, THAT PORTION OF VACATED RIDGEVIEW DRIVE AND LANDS IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

PLANNING COMMISSION APPROVAL

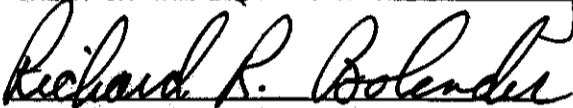
APPROVED BY THE PLANNING COMMISSION OF THE CITY OF OAK CREEK ON THIS 14 DAY OF November, 2006


RICHARD R. BOLENDER, CHAIRMAN
CITY OF OAK CREEK

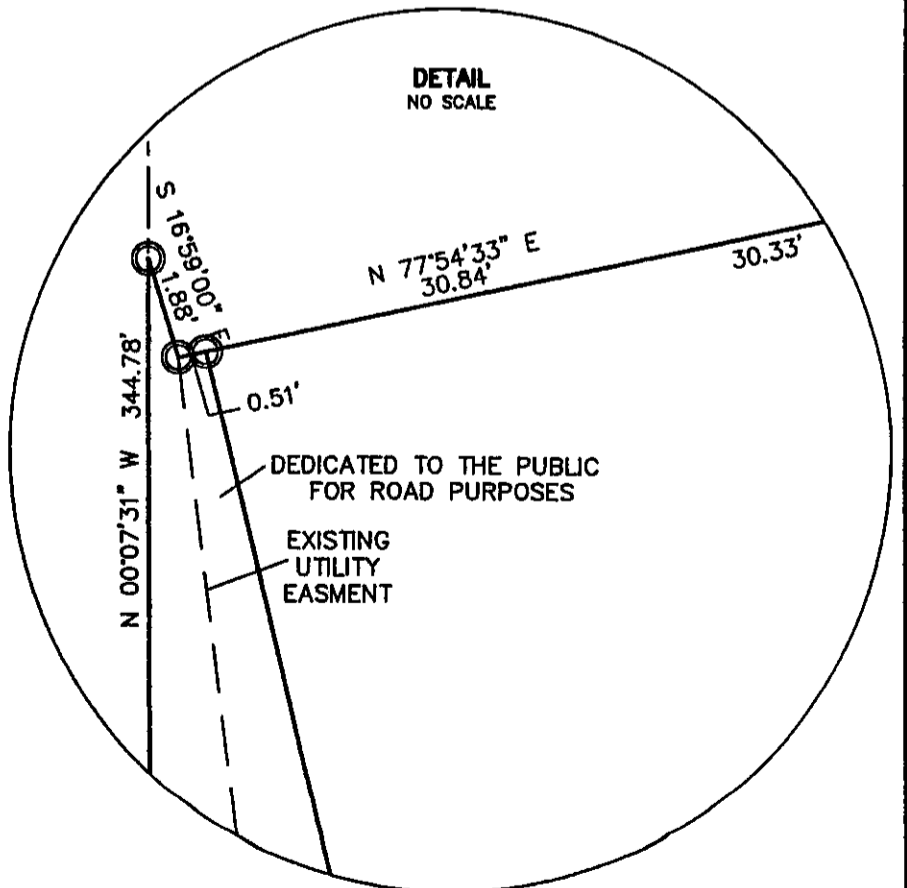
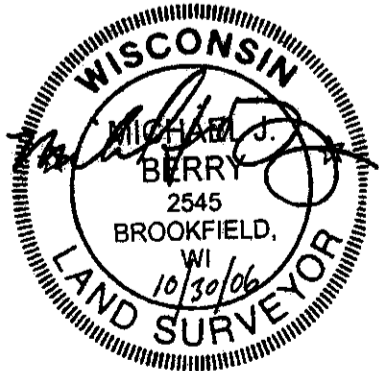

DOUGLAS SEYMOUR, SECRETARY
CITY OF OAK CREEK

COMMON COUNCIL APPROVAL

THIS CERTIFIED SURVEY MAP, AND THE DEDICATION OF RIDGEVIEW DRIVE AND SOUTH 20TH STREET, BEING A REDIVISION OF LOTS 9 AND 10 IN BLOCK 5 IN SOUTHBRANCH INDUSTRIAL PARK, THAT PORTION OF VACATED RIDGEVIEW DRIVE AND LANDS IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN, HAVING BEEN APPROVED BY THE PLANNING COMMISSION BEING THE SAME, IS HEREBY APPROVED AND ACCEPTED BY THE COMMON COUNCIL OF THE CITY OF OAK CREEK ON THIS 16 DAY OF February, 2007 per resolution No. 10733-020607


RICHARD R. BOLENDER, MAYOR
CITY OF OAK CREEK


BEVERLY A. BURETTA, CITY CLERK
CITY OF OAK CREEK



REVISED 11/07/06
REVISED 1/10/07
REVISED 1/18/07
REVISED 2/7/07

that a CSM reconfiguring the properties at 9970, 10020, and 10040 S. 20th St. and 1850 W. Oakwood Rd. was recommended for Common Council approval at the November 14, 2023 meeting. The PUD, affecting the properties at 9970, 10020, and 10040 S. 20th St., was approved in 1988 by Ord. 1294 (see attached).

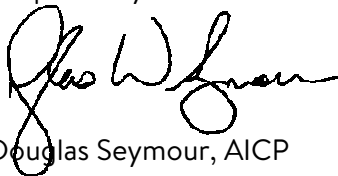
In addition to adding the portion of 1850 W. Oakwood Rd. that will become part of Lot 1 to the PUD, the following amendments are proposed:

- Format of the Conditions and Restrictions to the current standard.
- Update of parking and access requirements current standards, including the Ridgeview Drive cul-de-sac. Note that reductions of the parking setbacks to property lines and streets have been requested.
- Clarification of allowed and prohibited uses, and maintenance and operation requirements.
- Inclusion of current landscaping, lighting, and sign standards.
- Addition of the Time of Compliance, Violations & Penalties, Revocation, & Acknowledgement sections.

Included with this report for Plan Commission consideration are amended Conditions and Restrictions incorporating the recommended amendments to the existing PUD. Should the Plan Commission determine to be reasonable, a motion has been provided above.

Options/Alternatives: The Plan Commission has the discretion to recommend or not recommend Common Council approval of the requests, or to amend the proposed Conditions and Restrictions. Should the requests not be recommended for approval, Plan Commissioners must provide the Code Sections upon which the denial is based so that the Applicant may revise and resubmit (if necessary). However, disapproval would likely result in the existing vacant and underutilized condition of the properties to remain.

Respectfully submitted:



Douglas Seymour, AICP
Director of Community Development

Prepared:



Kari Papelbon, CFM, AICP
Senior Planner

Attachments:

Location Map

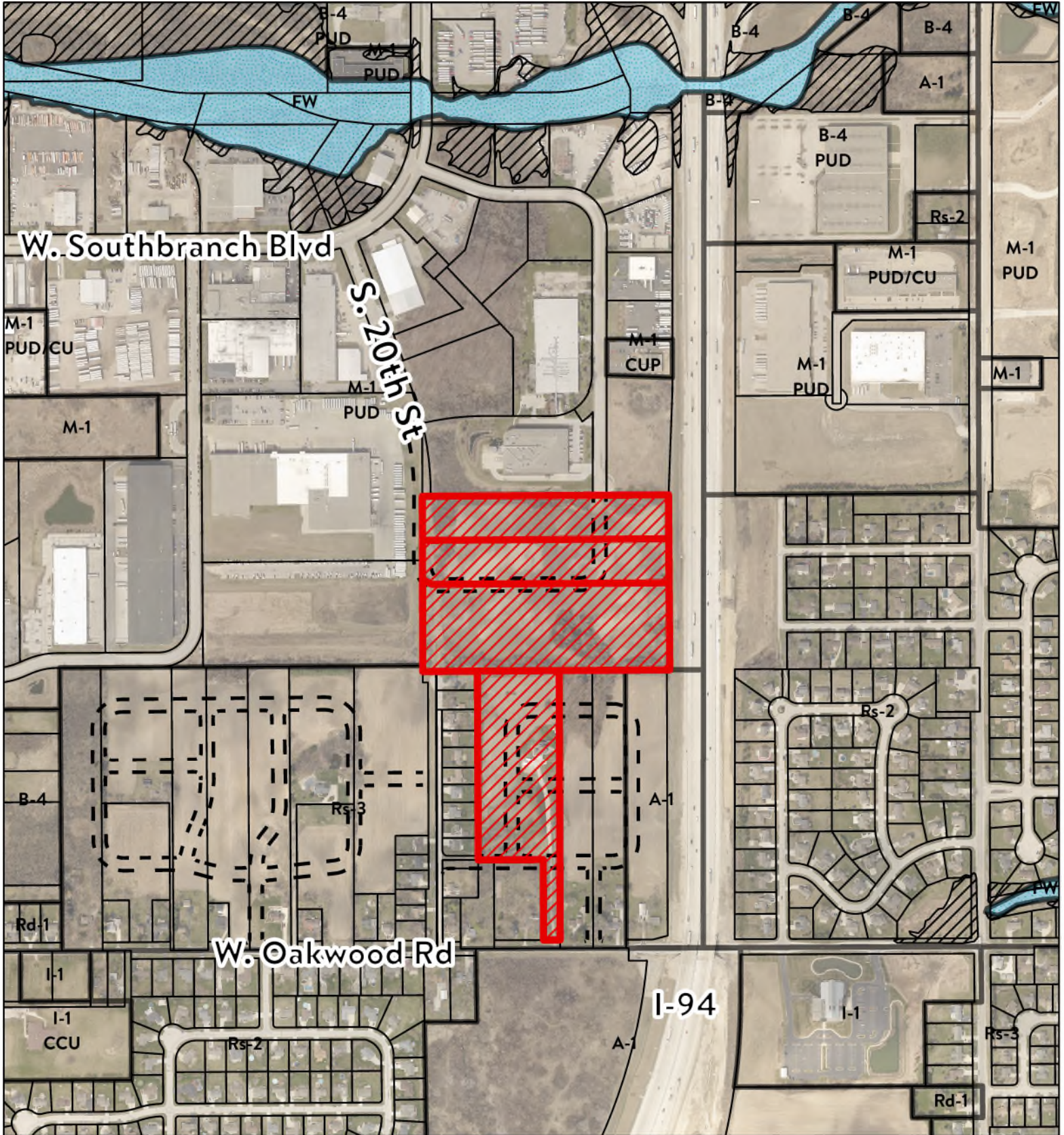
Narrative & Ord. 1294 (10 pages)

Concept Plan/General Development Plan (1 page)

Draft Conditions & Restrictions

Location Map

9970, 10020, 10040 S. 20th St & 1850 W. Oakwood Rd



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

Legend



0 0.04 0.09 0.17 Miles



- Parcels
- Zoning
- Official Map

- Flood Fringe
- Floodway
- Subject Properties



Attachment to Plan Commission Application (Narrative Description of Project) for PUD Amendment

November 20, 2023

This Attachment to the Plan Commission Application (Narrative Description of Project) is submitted by Frontline Commercial Real Estate, LLC (the "Applicant") through its attorneys Amundsen Davis, LLC, architects Stephen Perry Smith Architects, Inc., and civil engineers JSD Professional Services, Inc., in support of its application for an amendment to Ordinance 1294 adopted May 17, 1988 as the "M-1, PD-Limited Manufacturing/Planned Development" zoning district (hereinafter, the "PUD") pursuant to Article VII (§§ 17.0701 et seq.), Oak Creek Municipal Code.

The subject parcels are located at **9970 South 20th Street** (Tax Key No.: 9269977001), **10020 South 20th Street** (Tax Key No.: 9269978001), **10040 South 20th Street** (Tax Key No.: 9269979000), and **1850 W. Oakwood Road** (Tax Key No.: 9269036000) all of which will be reconfigured by Certified Survey Map filed separately but concurrent hereto. CSM Lot 1 will be the "Development Property" totaling 1,139,135 square feet (26.1509 acres) and CSM Lot 2 will remain and be the "Residential Property" totaling 230,536 square feet (5.2924 acres).

The Applicant will develop Lot 1 consistent with the M-1/ PUD zoning (the "Project") but the new building to be constructed will be limited to the northern portion of Lot 1. The Residential Property will be retained by the current owner for residential use.

I. History of the Properties

The northern portion of Lot 1 is located in the Southbranch Industrial Park at the end of Ridgeview Drive along the western side of I-94/41. Frontline purchased that land in 2023 and it will purchase the following described property to become part of the Development Property:

Being a part of Lot 1 of Certified Survey Map No. 8555; located in the Northwest 1/4 and the Southwest 1/4 of the Southeast 1/4 of Section 30, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the southwest corner of the Southeast 1/4 of said Section 30; thence North 00°07'31" East along the west line of said Southeast 1/4 section, 1325.15 feet to the north line of South Judith Place; thence North 89°37'24" East, 261.07 feet to the northwest corner of Lot 1 of said Certified Survey Map No. 8555 and the point of beginning;

Thence continuing North 89°37'24" East along the north line of said Lot 1, 390.00 feet to the northeast corner of said Lot 1; thence South 00°11'09" East along the

east line of said Lot 1, 250.91 feet; thence South 89°45'25" West, 194.92 feet; thence South 00°11'09" East, 280.00 feet; thence South 89°45'25" West, 195.28 feet to the west line of said Lot 1; thence North 00°11'09" West, along said west line, 530.00 feet to the point of beginning.

Containing in all 152,355 square feet (3.4976 acres) of lands, more or less (hereinafter the "Southern Portion of Lot 1").

II. PUD Amendment

As set forth in detail below, an amendment to the PUD is necessary to rezone the Southern Portion of Lot 1 for the Project, add important use restrictions to the PUD for the Southern Portion of Lot 1, align the PUD with the uses set forth in the base M-1 Manufacturing District, and adopt minor modifications to certain setbacks in the northern portion of Lot 1.

a. PUD Parcel

The parcel of land subject to the PUD as set forth in the second WHEREAS of Ordinance 1294 (*see* PUD p. 1, attached hereto) shall be replaced with the following:

Lot 1 of Certified Survey Map No. _____, recorded on _____, 202__ at Milwaukee County Register of Deeds Office as Document No. _____, being a redivision of all of Lot 1 of Certified Survey Map No. 8555; vacated Blocks 1, 2, and 3 in Oak Manor Subdivision; vacated Lois Lane; vacated Daniel Lane; vacated South 17th Street; and vacated South 20th Street; located in the Northwest 1/4 and the Southwest 1/4 of the Southeast 1/4 of Section 30, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

Containing in all 1,139,135 square feet (26.1509 acres) of lands, more or less.

See also Lot 1 of CSM application, on file.

b. Building and Parking Setbacks

The following setbacks set forth in Section 5, "Building and Parking Setbacks" of Ordinance 1294 (*see* PUD p. 5, attached hereto), shall be replaced with the following:

Surface Parking Front Setback: 15 ft. (previously 40 ft.; applicable to north property line)

Surface Parking Rear Setback: 15 ft. (previously 40 ft.; applicable to south property line)

Surface Parking Side Setback Abutting a Street¹: 25 ft. (previously 40 ft.; applicable to east property line)

¹ This setback does not need to be amended if I-94/41 is not considered a "street" as defined by the Oak Creek Code of Ordinances because the Project complies with a 15 ft. Surface Parking Side Setback in the northeast corner.

c. Permitted Uses

The permitted uses set forth in Section 7, “Permitted Uses” of Ordinance 1294 (*see* PUD p. 6, attached hereto), shall be amended to include the following:

H. Stormwater management facilities, including, but not limited to, underground detention facilities and water quality features designed to reduce the amount of stormwater runoff to surrounding properties.

I. Undeveloped greenspace that does not contain any principal structures, surface parking, or any vehicle loading or unloading areas.

J. Any use listed as a permitted use in the M-1 Manufacturing District.

K. Unless otherwise permitted by this Section 7 of this ordinance, any use listed as a conditional use in the M-1 Manufacturing District that is granted a conditional use permit.

d. Use Restrictions

The permitted uses for the Southern Portion of Lot 1 shall be restricted to the uses set forth in Sections 7.H. and 7.I., “Permitted Uses” of Ordinance 1294, as amended.

III. CONCLUSION

The foregoing PUD amendments will rezone the Southern Portion of Lot 1 for consistent PUD zoning of the Development Parcel, to limit the uses of the Southern Portion of Lot 1 for the Project as intended (for undeveloped greenspace and stormwater management purposes), and adjust the setbacks for the Project. Frontline Commercial Real Estate respectfully requests approval of the PUD Amendment.

Respectfully Submitted,

Frontline Commercial Real Estate, LLC
John Schlueter, President

Stephen Perry Smith Architects, Inc.
Matthew Mano, AIA, LEED AP

Architects for Frontline

Amundsen Davis, LLC
Brian C. Randall, Esq.
Katherine M. Hampel, Esq.

JSD Professional Services, Inc.
Rizal W. Iskandarsjach, P.L.S., P.E.
Andrew Mertz, P.E.

Attorneys for Frontline

Civil Engineers for Frontline

ORDINANCE NO. 1294

BY Ald. Daily

AN ORDINANCE TO REZONE A PARCEL OF LAND
FROM R-2 RESIDENTIAL DISTRICT
TO M-1, PD - LIMITED MANUFACTURING/PLANNED DEVELOPMENT

(Hattie Czerwinski and Bruce Tate)
(10030-10070 Block of S. 20th St. and E. to I-94)
(6th Aldermanic District)

WHEREAS, Hattie Czerwinski and Bruce Tate have petitioned the Common Council of the City of Oak Creek to change the zoning on a parcel of land located in the 10030-10070 Block of future South 20th Street and East to I-94, Oak Creek, Wisconsin; and,

WHEREAS, more specifically, the petitioners have requested the following described parcel of land be rezoned from its present zoning to the zoning hereinafter set forth, to-wit:

Lot 1-9, Block 1, Lots 1-2, Block 2, Lots 1-9, Block 3, Lots 10-18, Block 2 of the Oak Creek Manor Subdivision, being a part of the SE 1/4 of Section 30, Town 5 North, Range 22 East.

and,

WHEREAS, in accordance with Section 66.23(7) Sub (3)(d) Wisconsin Statutes the Common Council had referred the request to the Plan Commission for its recommendation and report and the City Clerk had advertised the matter for a public hearing; and,

WHEREAS, the Common Council held a public hearing on said matter on April 18, 1988 at which time all persons interested appeared and were heard; and,

1. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

1. Detailed locations, shapes and dimensions of all existing or proposed buildings or structures.
2. Proposed building elevations.
3. Off-street parking arrangements.

4. Proposed pedestrian and vehicular circulation within the special use.
 5. Proposed utility services.
 6. Areas proposed for hard surfacing.
 7. Points of access (i.e. driveways) to the special use.
 8. Signs.
- 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, a site grading and drainage plan shall be submitted to the City Engineer for approval. 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 and the City so as to ensure the construction of installation of public or other improvements required in Item 1D 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, watermain, storm sewer, etc.) shall be subject to approval by City Engineer.
 - F. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer, and watermain 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. If there are any future land divisions, a plat or certified survey map shall be prepared, submitted for approval and recorded. If required by the Common Council, a development agreement also shall be completed between the owner and the City prior to approval of said land division document, so as to ensure the construction or installation of public improvements required in these conditions and restrictions and Chapter 18 of the Municipal Code.

- H. All electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- I. For each stage of development, a precise plan shall be submitted to the Plan Commission for approval showing detailed building locations, proposed building elevation drawings and off-street parking arrangements.
- J. For each stage of development, architectural drawings or sketches showing the exterior elevations, floor plan and materials of construction of all principal and accessory buildings shall be submitted to the Plan Commission for approval.
- K. For each stage of development, detailed landscaping plans showing locations, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, artforms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval.

2. PARKING AND ACCESS

- A. 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 17.43 (6) of the Municipal Code.
- B. Movement aisles for 90° parking shall be at least twenty-two (22) feet in width.
- C. 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 and private drives, within a phase, shall be in place prior to the issuance of an occupancy permit for any building in that phase.
- D. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
- E. All driveway approaches to this property shall be in compliance with all the standards set forth in Chapter 23 of the Municipal Code and the standards of Milwaukee County.

- F. Storage areas shall be screened from view of the street and adjoining buildings by barrier fences or trees and shrubs. Buildings may be erected for storage purposes subject to approval of site and architectural plans as required for principal buildings.

3. LIGHTING

- A. All plans for outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector. For each stage of the development, the plan shall show the location of all lights, type of fixture, mounting height and photometrics of the fixture and shall be in accord with the following:
1. All designated parking areas, access drives and the approach aprons from the public right-of-way shall be illuminated when natural light value is reduced to one (1) candela.
 2. Illumination shall be maintained on the surface at an average of one (1.0) candela with a minimum uniformity ratio of 5 to 1 through the access drives and a minimum of 0.05 candela/square foot in the parking area.
 3. All luminaires shall be designed and mounted at a sufficient elevation above the surface to insure adequate control of glare, interreflected and relective light to abutting property, the abutting public roadways, access drives and to maintain the minimum uniformity ratio. A luminaire controlled cut-off of 72° will effectively minimize glare which interferes with vision and cause eye discomfort.
 4. Plans shall be submitted for approval with the manufacturers descriptive literature showing photometrics and design of proposed luminaire. Plans shall include location of poles, foundations, wire size, circuit protection, controller, equipment grounding and luminaire elevation above grade.

4. LANDSCAPING

- A. As part of the site plan, a landscape plan indicating the size, location and type of plantings shall be submitted to the Plan Commission for approval and shall address the following concerns:
1. The forty (40) foot front setback area along any street shall, at a minimum, be seeded or sodded.

2. All landscaping shall be installed prior to the issuance of an occupancy permit, unless a financial guarantee such as a cash deposit, bond, or other acceptable method has been deposited with the City of Oak Creek. Said financial guarantee shall be returned upon completion of landscaping in accordance with approved plans.
3. Yards abutting residential areas shall be landscaped with evergreen trees and deciduous shrubs so as to present a permanent visual screen between such residential district and industrial activities. Tree spacing to be 10 feet on center; shrub spacing to be 5 feet on center.
4. At least five (5) percent of the parking lot areas shall be landscaped.
5. All grass, trees, shrubbery must be maintained at all times. Grass must be cut whenever necessary or the City may serve notice to perform the needed work.

5. BUILDING AND PARKING SETBACKS

	<u>Front Setback</u>	<u>Rear Setback</u>	<u>Side Setback</u>	<u>Side Setback Abutting A Street</u>	<u>Setback From Residential District</u>
Principal Structure	40 ft.	40 ft.	20 ft.	40 ft.	100 ft.
Accessory Structure	40 ft.	20 ft.	15 ft.	30 ft.	100 ft.
Surface Parking	40 ft.	20 ft.	15 ft.	40 ft.	---

Minimum Separation Between Structures: 25 feet

6. OPERATION

- A. All waste by-products shall be disposed of off premises at appropriate facilities licensed and/or approved by the State of Wisconsin. On-site disposal of solid, liquid, noxious, toxic or hazardous wastes is prohibited.

7. SIGNS

- A. One (1) free-standing business sign per use having a maximum area of 48 square feet shall be permitted within the front setback area; but no closer than 20 feet from the right-of-way line of any street.
- B. Plans for all signs shall be submitted to the Plan Commission for their approval prior to the issuance of any building permit for said signs.

- C. All applicable regulations for business signs as set forth in Section 17.39(5) shall be incorporated by reference.

7. PERMITTED USES

All uses permitted in this planned development require Plan Commission approval; except the following uses do not need such prior approval.

- A. Mail order houses.
- B. Labor organization offices.
- C. Manufacturing, fabricating, storing, cleaning, testing, assembling, disassembling, repairing or servicing establishments provided operations conform with performance standards for M-1 Districts as set forth in Chapter 17 of the Municipal Code.
- D. Business and professional offices.
- E. Printing and publishing establishments.
- F. Warehousing and distribution centers, provided that there is no outdoor storage of product.
- G. Salvage, recycling, junk yards or outdoor contractor storage yards are prohibited.

8. OTHER REGULATIONS

Compliance with all other applicable City, Milwaukee Metropolitan Sewerage District Milwaukee County, State and Federal regulations, not heretofore stated or referenced, is mandatory.

WHEREAS, following said public hearing and upon the favorable recommendation of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the lands hereinabove described were rezoned from their present use to the requested use.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek the lands hereinabove described are hereby rezoned from R-2 Residential District to M-1, PD - Limited Manufacturing/Planned Development, and the rezoning of Chapter 17 of the Municipal Code is hereby amended to reflect the rezoning.

SECTION 2: The rezoned lands are subject to the conditions and restrictions hereinabove set forth for the design, location, construction and operation of the M-1, PD - Limited Manufacturing/Planned Development.

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: In all other respects, except as above amended, said Chapter 17 together with amendments and map thereto shall remain in full force and effect.

SECTION 5: The several sections of this ordinance are declared to be severable. If any section shall be declared by decision of a court of competent jurisdiction to be invalid such decision shall not effect the validity of other provisions of this ordinance.

SECTION 6: The authorization and approval of the M-1, PD - Limited Manufacturing/Planned Development shall take place contemporaneously with the enactment of this ordinance which shall take effect immediately upon its passage and publication.

Passed and adopted this 17th day of May, 1988.

Elizabeth J. Kopplin
President, Common Council

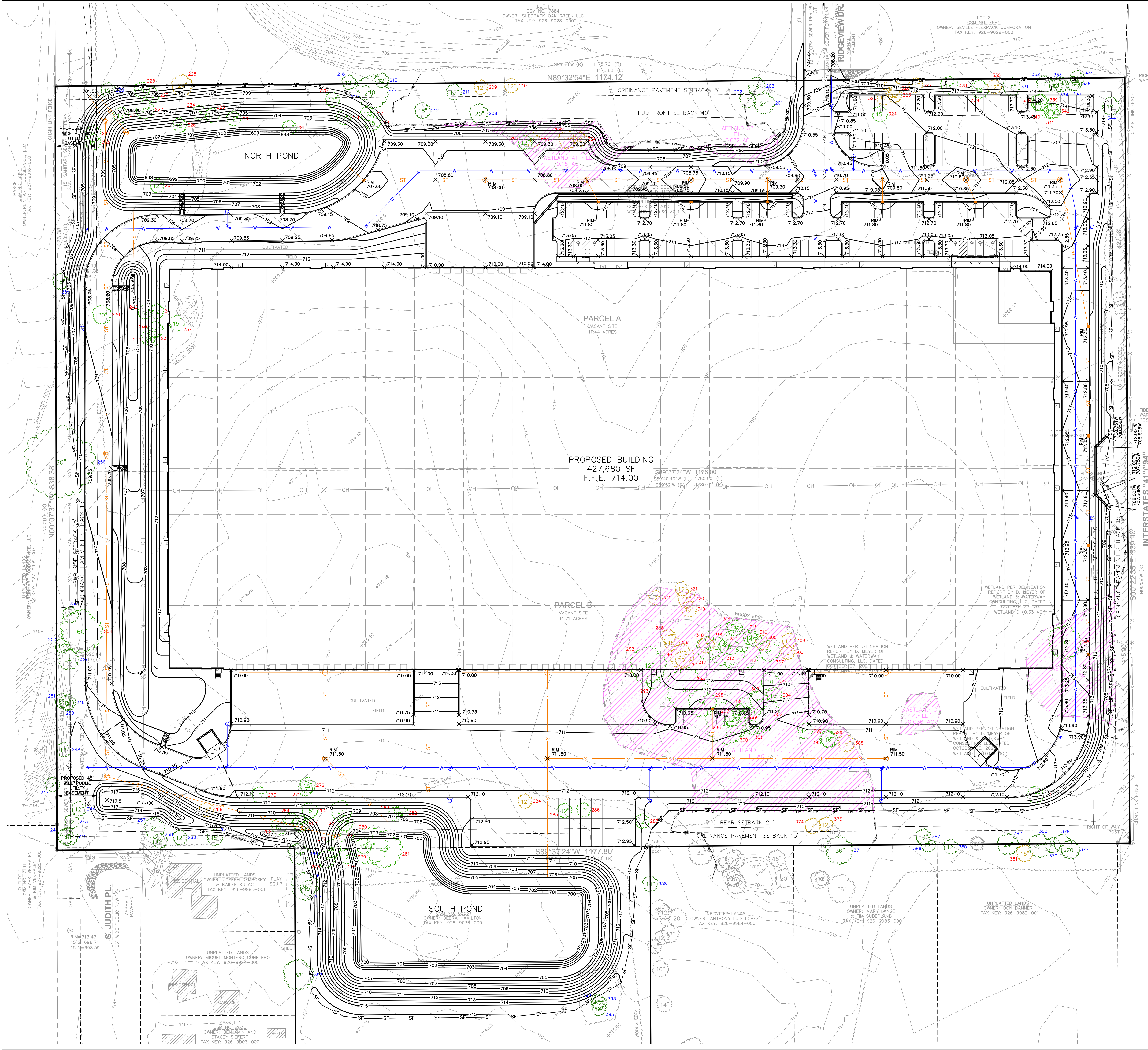
Approved this 18th day of May, 1988.

Christine B. Bastian
Mayor

ATTEST:

Beverly G. Purcell
City Clerk

VOTE: Ayes 4 Noes 2



PRE-DEVELOPMENT:
 PERVIOUS - 1,061,090 SF (100.0% GREEN SPACE)
 IMPERVIOUS - 0 SF

POST-DEVELOPMENT:
 PERVIOUS - 358,854 SF (33.8% GREEN SPACE)
 IMPERVIOUS - 702,236 SF (427,680 SF BUILDING)
 182 STALLS + 6 ADA STALLS

WETLAND FILL: 68,765 SF (1.579 AC)
 WDNR INDIVIDUAL PERMIT APPLICATION _____ DATED 2023
 WDNR IP PERMIT NO.: _____
 USACE ACKNOWLEDGMENT LETTER, DATED _____
 COMMUNITY ACKNOWLEDGMENT LETTER, DATED _____

TOTAL ON-TREES > 12" DBH: 165 TREES
 TREES TO BE REMOVED/DEAD: 29 TREES
 TREES TO BE SAVED: 53 TREES
 TREE TO BE REMOVED: 83 TREES

12" - 24" DBH: 71 TREES
 24" - 36" DBH: 12 TREES
 36" - 48" DBH: 8 TREES
 TOTAL TREES REPLACEMENT = 261 TREES

270 ON-SITE TREES TO BE REMOVED
 284 ON-SITE DEAD TREES TO BE REMOVED
 266 ON-SITE TREES TO BE SAVED



CREATE THE VISION TELL THE STORY

jsdinc.com
MILWAUKEE REGIONAL OFFICE
 W236 N1610 BUSSIE ROAD, SUITE 100
 WALKERSHA, WISCONSIN 53188
 P. 262.513.0666



CLIENT ADDRESS:
PO BOX 170107
MILWAUKEE, WI 53217

PROJECT:
FRONTLINE OAK CREEK

PROJECT LOCATION:
RIDGEVIEW DRIVE
OAK CREEK WI, 53154

PLAN MODIFICATIONS:

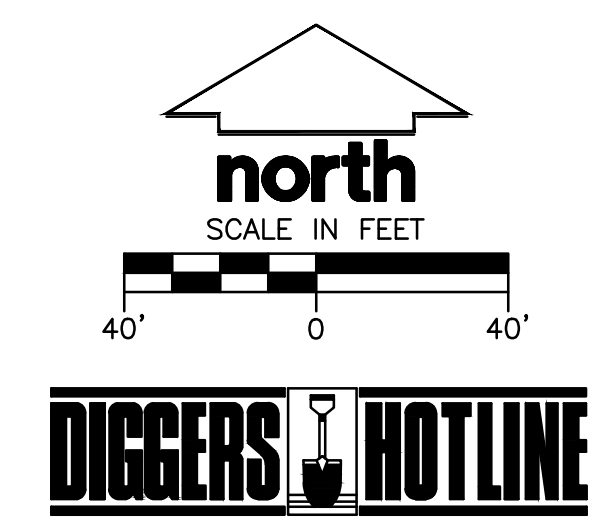
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Designed By: APH 11-20-2022
 Reviewed By: APH 11-20-2022
 Approved By: JLI 11-20-2022

CONCEPTUAL SITE PLAN EXHIBIT

SHEET NUMBER:
EX-1

JSD PROJECT NO.: 22-11699



File: R:\2022\21186\W252-1186\Sheet\CONCEPT Planning Layout_EKA1 User: amate Printed: Nov 17, 2022 10:48am XHP.dwg

City of Oak Creek – Planned Unit Development (PUD)
DRAFT AMENDED Conditions and Restrictions

Applicant:	Frontline Commercial Real Estate	Approved by Plan Commission: TBD
Property Address(es):	9970, 10020, & 10040 S. 20 th St., 1850 W. Oakwood Rd. (Lot 1 of a proposed CSM)	Approved by Common Council: TBD (Ord. TBD, Amend. Ord. 1294)
Tax Key Number(s):	926-9977-001, 926-9978-001, 926-9979-000, 926-9036-000 (portion)	

1. LEGAL DESCRIPTION

Lot 1 of Certified Survey Map No. (to be recorded), being a redivision of all of Lot 1 of Certified Survey Map No. 8555; vacated Blocks 1, 2, and 3 in Oak Manor Subdivision; vacated Lois Lane; vacated Daniel Lane; vacated South 17th Street; and vacated South 20th Street; located in the Northwest 1/4 and the Southwest 1/4 of the Southeast 1/4 of Section 30, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

Containing in all 1,139,135 square feet (26.1509 acres) of lands, more or less.

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 Planned Unit Development shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building permits for each phase. This plan shall be in substantial conformance with the adopted General Development Plan (see Exhibit A) and 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)
- f) Parking layout and traffic circulation
 - i) Location(s) and future expansion
 - ii) Number & type(s) of buildings/structures
 - iii) Number of all parking spaces
 - iv) Dimensions
 - v) Setbacks & buffers
- g) Location(s) of loading berth(s)
- h) Location of sanitary sewer (existing & proposed)
- i) Location of water (existing & proposed)
- j) Location of storm sewer (existing & proposed)
- k) Location(s) of wetlands (field verified)
- l) Location(s) and details of sign(s)
- m) 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 of fixtures
- a) Mounting heights
- b) Types & color of poles
- c) 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 permit.
- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- E. A Development Agreement shall be completed between the owner(s) and the City if deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.
- F. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- G. All future land divisions shall follow subdivision plat, and/or condominium plat, and/or certified survey map procedures. If required by the Common Council, a development agreement shall be completed between the owner and the City prior to approval of said land division document to ensure the construction/installation of public improvements required in these Conditions and Restrictions, Chapter 14 (as amended), and all other applicable Sections of the Municipal Code (as amended).
- H. A tree preservation and preservation/replacement plan with pre-development inventory shall be submitted to the Plan Commission for approval in conformance with the requirements of Sec. 17.0505(d) (as amended).
- I. A Master Landscaping Plan for the overall development shall be submitted to the Plan Commission for approval prior to the review of and permit issuance for any project within the Planned Unit Development. For each stage of development, detailed landscaping plans in conformance with the requirements of Sec. 17.0501 and Sec. 17.0505 (as amended) shall be submitted to the Plan Commission for approval prior to the issuance of a building permit. Landscaping, in accordance with the approved plan, shall be installed for each phase prior to the issuance of occupancy permits for that phase.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses within this Planned Unit Development shall be limited to those allowed in the M-1, Manufacturing zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended). Any use listed as Conditional in the M-1 district shall require a Conditional Use Permit.
- B. There shall be no outdoor storage, rental, or sale of equipment, merchandise, parts, supplies, vehicles, or any other materials on the property. Outdoor storage shall be limited to semi-trucks and trailers in loading dock areas and any striped stalls as approved by the Plan Commission as part of the review of site and building plans. Truck and trailer docks and parking areas shall be landscaped and screened in accordance with site and landscaping plans approved by the Plan Commission.
- C. 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).
- D. Drive aisles for the facility shall be designed in conformance with Sec. 17.0414(g) of the Municipal Code (as amended).

- E. Exterior building materials and design shall conform to the requirements of Sec. 17.0511 of the Municipal Code (as amended).
- F. All signs shall conform to the requirements of Sec. 17.0601 – 17.0609 of the Municipal Code (as amended).
- G. The number, size, location, and screening of appropriate solid waste collection units shall be in conformance with Sec. 17.0506 of the Municipal Code (as amended) and plans approved by the Plan Commission.
- H. All solid waste and recycling shall be the responsibility of the property owner.
- I. Removal of snow from off-street parking areas, walks, public sidewalks, private roads, and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

- A. Access to the property from Ridgeview Drive shall require the construction of a permanent cul-de-sac in conformance with all City design standards and requirements. Acquisition of, and/or coordination with the property owner of, the property on which the cul-de-sac is to be constructed, construction of the cul-de-sac, and dedication of the public right-of-way shall be the responsibility of the developer.
- B. The number, design, and location of off-street parking and loading for this Planned Unit Development shall meet the standards of Sections 17.0501 and 17.0502 of the Municipal Code (as amended).
- C. Screening of loading and parking areas, including truck and trailer parking areas, shall be in conformance with Sec. 17.0505 of the Municipal Code (as amended) and plans approved by the Plan Commission.

5. LANDSCAPING

- A. A tree preservation and preservation/replacement plan with pre-development inventory shall be submitted to the Plan Commission for approval in conformance with the requirements of Sec. 17.0505(d) (as amended).
- B. A Master Landscaping Plan for the overall Planned Unit Development shall be submitted to the Plan Commission for approval prior to the review of and permit issuance for any project within the Planned Unit Development.
- C. Minimum transition areas and design standards, in accordance with Section 17.0505(b)(4) (as amended), shall be incorporated into the overall landscaping plan and detailed landscaping plans for each phase of the Planned Unit Development. Transition Zone D shall be required along the south property line and truck/trailer parking area as approved by the Plan Commission.
- D. Detailed landscaping plans for each phase of the development shall be approved by the Plan Commission, or their designee, prior to the issuance of building permits for that phase.
- E. Landscaping shall be installed for each phase prior to the issuance of occupancy permits for that phase in accordance with City policy.

6. LIGHTING

- A. All plans for outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector in accordance with Sec. 17.0509 of the Municipal Code (as amended).
- B. All light sources, with the exception of architectural accent wash lighting, garden/pathway lighting, and well lighting, shall be full cutoff fixtures with the light source fully shielded and directed downward.
- C. The color temperature of parking lot fixtures adjacent to a single-family residential district line (south) shall be limited to a maximum of 3,500 Kelvins.
- D. Architectural accent wash lighting and well lighting, including wall-mounted lighting and ground-mounted lighting located within three feet of a building/structure, shall be integrated with the architectural character of the building/structure and shall use low-luminosity lamps, with 2,000 source lumens or less. The illumination on any vertical surface shall not exceed 0.5 maintained footcandle and shall not spill over roof lines or building edges.
- E. Building-mounted lighting shall not be mounted higher than the highest point of the building.

7. IMPACT FEES

Buildings constructed as part of this Planned Unit Development shall be subject to the collection of impact fees as required by Section 3.40 of the Municipal Code (as amended).

8. BULK AND DIMENSIONAL REQUIREMENTS, SETBACKS

Lot Standards (Minimum)	
Lot Area	1 acre
Lot Width	200 ft
Yard Setbacks (Minimum) (1)	
Front (north)	40 ft
Side (east) / Interior Side (west)	20 ft
Rear (south)	20 ft
Building Standards (Maximum)	
Height	55 ft
Building Coverage	70%
Lot Coverage	70%
Parking (Minimum) (2)	
Transition Zones (See Sec. 17.0505)	Zone D (south)
Front (north) / Side (east) / Interior Side (west)	15 ft
Rear (south; Transition Zone D)	20 ft
Notes:	
(1) Setbacks from wetlands shall be a minimum of fifteen (15) feet with a five (5) foot undisturbed buffer.	
(2) No parking or loading area shall be located closer than 20 ft to a single-family residential district line. Transition Zone D shall be required along the south property line and around any parking, truck/trailer parking, or loading area adjacent to a single-family residential district line.	

9. TIME OF COMPLIANCE

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

10. 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.

11. VIOLATIONS & PENALTIES

Any violations of the terms of this Planned Unit Development 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 Planned Unit Development 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 Planned Unit Development, subject to the provisions of paragraph 10 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Planned Unit Development or to seek an injunction regarding any violation of this Planned Unit Development or any other City ordinances.

12. 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 Planned Unit Development approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Planned Unit Development as set forth in Section 17.1007 of the Municipal Code (as amended).

13. ACKNOWLEDGEMENT

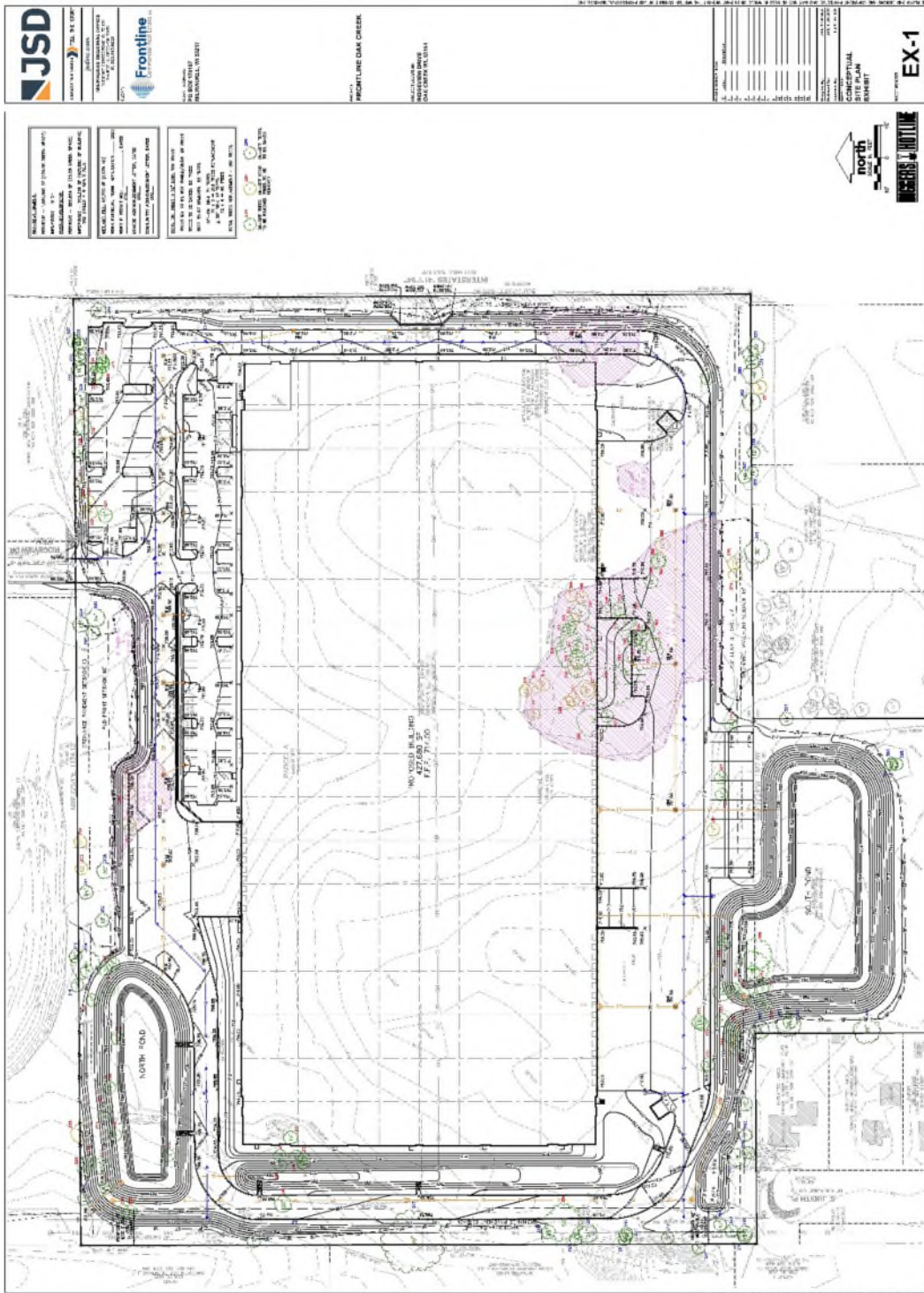
The approval and execution of these conditions and restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these conditions and restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their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

Owner / Authorized Representative Signature

Date

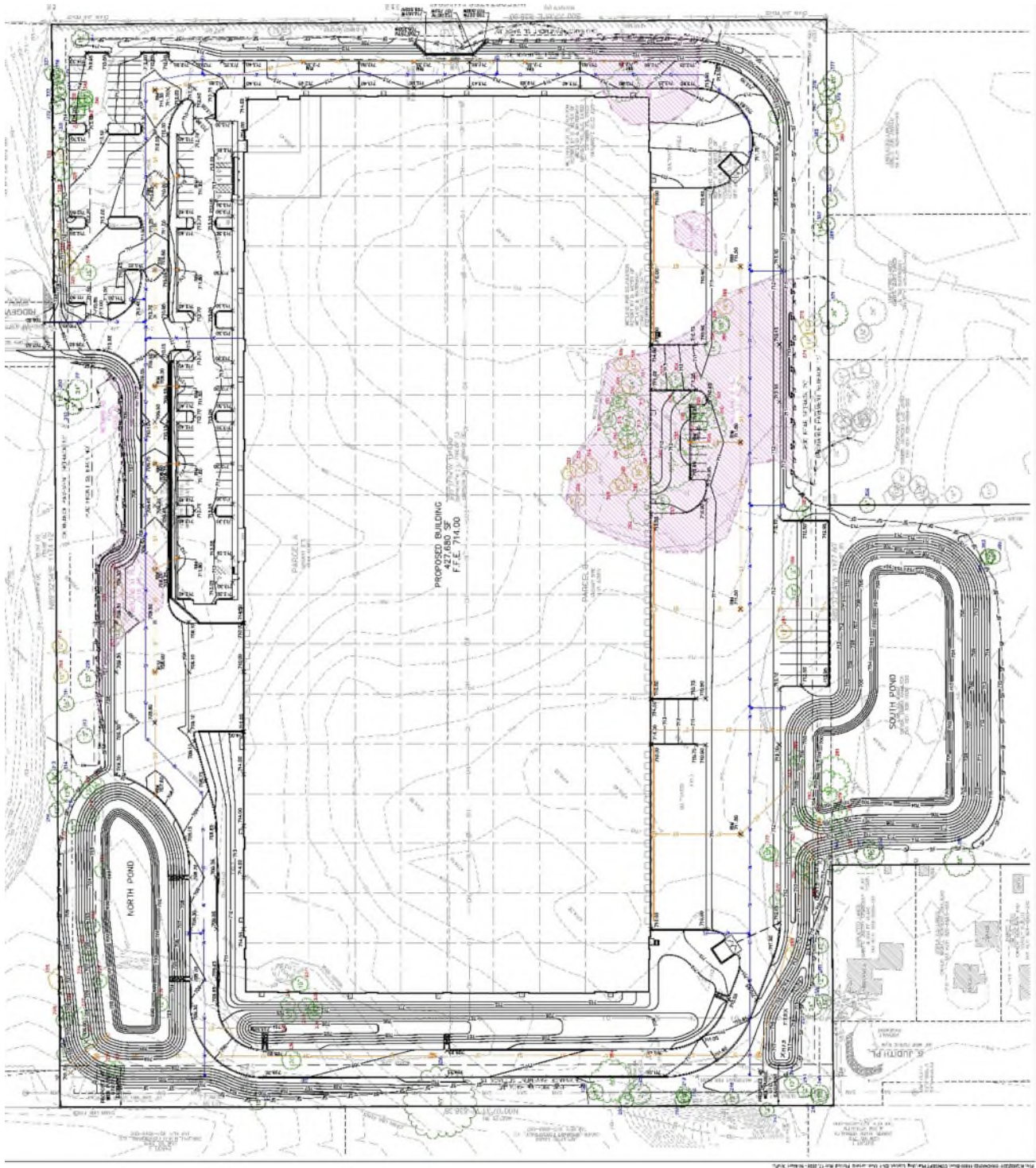
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EXHIBIT A: GENERAL DEVELOPMENT PLAN¹



¹ (For illustrative purposes only. Detailed plans in accordance with these conditions and restrictions and the City of Oak Creek Municipal Code must be approved by the Plan Commission.)

**EXHIBIT A:
GENERAL DEVELOPMENT PLAN²
(Enlarged)**



² (For illustrative purposes only. Detailed plans in accordance with these conditions and restrictions and the City of Oak Creek Municipal Code must be approved by the Plan Commission.)

2024

Plan Commission Meeting Dates

January						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February						
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March						
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31						

April						
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May						
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July						
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August						
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September						
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December						
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