



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

## COMMON COUNCIL MEETING AGENDA

MAY 21, 2024  
7:00 P.M.

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

### The City's Vision

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

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance.
3. Approval of Minutes: 5/7/24.

### Recognition

4. **Resolution:** Consider Resolution No. 12495-052124, a Resolution of Appreciation to Kelly R. Romel, retiring Police Officer (by Committee of the Whole).
5. **Resolution:** Consider Resolution No. 12496-052124, a Resolution of Appreciation to David S. Ashenhurst, retiring Police Captain (by Committee of the Whole).
6. **Mayoral Proclamation:** Amyotrophic Lateral Sclerosis Awareness Month, May 2024.
7. **Motion:** Consider a motion to concur with the Mayor's appointment of Marcia Wayer, Director of Marketing and Public Relations (by Committee of the Whole).

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

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

8. **PUD Amendment:** Consider a request submitted by Michael Faber, Creek Two Land, LLC, for amendments to the existing Planned Unit Development for Creekside Corporate Park affecting the property at 9955 S. 13<sup>th</sup> Street (5<sup>th</sup> District).
9. **Ordinance:** Consider Ordinance No. 3099, approving amendments to the Planned Unit Development for Creekside Corporate Park affecting the property at 9955 S. 13<sup>th</sup> St. (5<sup>th</sup> District).

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

10. **Floodplain Amendment:** Consider a request submitted by Michael Faber, Ryan Business Park, LLC, and the City of Oak Creek, to amend portions of the FW, Floodway and FF, Flood Fringe districts affecting the properties at 9514 S. 13<sup>th</sup> St. (aka 1293 W. Ryan Rd.); 9554, 9556, 9600, 9654, and 9700 S. 13<sup>th</sup> St.; 9512 and 9601 S. Bartel Ct.; and 741, 835, 901 and 913 W. Ryan Rd., and to update the Zoning and Sign Code to reflect the amendments (5<sup>th</sup> District).
11. **Ordinance:** Consider Ordinance No. 3100, rezoning portions of the properties at 9514 S. 13<sup>th</sup> St. (aka 1293 W. Ryan Rd.); 9554, 9556, 9600, 9654, and 9700 S. 13<sup>th</sup> St.; 9512 and 9601 S. Bartel Ct.; and 741, 835, 901 and 913 W. Ryan Rd. to reflect the FW, Floodway and FF, Flood Fringe boundaries approved by FEMA, and to amend Section 17.0306(e)(2)(b) of Chapter 17 – Zoning and Sign Ordinances of the Municipal Code (5<sup>th</sup> District).
12. **Comp Plan Amendment:** Consider a request to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020, last amended December 20, 2022) as it relates to the properties at 800, 812, and 910 W. Oakwood Rd. (5<sup>th</sup> District).
13. **Ordinance:** Consider Ordinance No. 3101, adopting amendments to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020; last amended December 30, 2022) for the properties at 800, 812 and 910 W. Oakwood Rd. (5<sup>th</sup> District).
14. **Rezone and PUD Amendment:** Consider a request submitted by Ryan Janssen, Janssen Bruckner LLC, to rezone to Rd-1, Two-Family Residential (NO CHANGE TO FW, Floodway or FF, Flood Fringe Districts) and to amend the Planned Unit Development affecting portions of the properties at 641 and 819R E. Drexel Ave. (1<sup>st</sup> District).
15. **Ordinance:** Consider Ordinance No. 3102, approving a rezone to Rd-1, Two-Family Residential (NO CHANGE TO FW, Floodway or FF, Flood Fringe Districts) and to amend the Planned Unit Development (PUD) affecting portions of the properties at 641 and 819R E. Drexel Ave. (1<sup>st</sup> District).
16. **Resolution:** Consider Resolution No. 12498-052124, approving a Certified Survey Map submitted by Ryan Janssen, Janssen Bruckner, LLC, for the properties at 641 and 819R E. Drexel Ave. (portions) (1<sup>st</sup> District).
17. **Resolution:** Consider Resolution No. 12499-052124, approving a Condominium Plat submitted by Ryan Janssen, Janssen Bruckner, LLC, for the Stonebrook on the Park Condominium on the properties at 641 and 819R E. Drexel Ave. (portions) (1<sup>st</sup> District).

## New Business

18. **Motion:** Consider a motion to concur with the Mayor's appointment of Donald Garcia-Dwyer, 7705 S. Manitowoc Ave., to Zoning Board of Appeals / Housing Board of Appeals for a 3-year term to expire 4/2027 (by Committee of the Whole).
19. **Motion:** Consider a motion to designate NOW Media Group (parent company for the Milwaukee Journal Sentinel – SOUTH NOW edition) to serve as the official City newspaper for the next 12 months (by Committee of the Whole).

## ENGINEERING

20. **Resolution:** Consider Resolution No. 12497-052124, approving a Funding Agreement with MMSD for Green Solutions – Oak Creek Police Station Porous Pavement Phase 2 (5<sup>th</sup> District).

## **INFORMATION TECHNOLOGIES**

21. **Motion:** Consider a *motion* to approve the purchase of audio-visual equipment and technical services from Metro Sound & Video in the amount of \$71,104 (by Committee of the Whole).

## **LICENSE COMMITTEE**

22. **Motion:** Consider a *motion* to approve the various license requests as listed on the 5/21/24 License Committee Report (by Committee of the Whole).

## **VENDOR SUMMARY**

23. **Motion:** Consider a *motion* to approve the May 15, 2024 Vendor Summary Report in the amount of \$691,824.78 (by Committee of the Whole).

## **MISCELLANEOUS**

24. **Motion:** Consider a *motion* to convene into closed session pursuant to Wisconsin State Statutes Section 19.85, to discuss the following:
- (a) Section 19.85(1)(g) to discuss Setzer Properties MKE, LLC vs. City of Oak Creek (Milwaukee County Case No. 2023CV006017).
  - (b) Section 19.85(1)(e) and (g) to consider the subrogation claim of Foremost Insurance Group on behalf of their insured, William Janisch, regarding a March 22, 2024 automobile accident involving a City vehicle
25. **Motion:** Consider a *motion* to reconvene into open session.
26. **Motion:** Consider a *motion* to take action, if required.

## ***Adjournment.***

### **Public Notice**

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

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

RESOLUTION NO. 12495-052124  
BY: COMMITTEE AS A WHOLE

RESOLUTION OF APPRECIATION  
TO  
KELLY R. ROMEL

WHEREAS, Kelly R. Romel began her employment with the City of Oak Creek on July 22, 1991, as a full-time Police Officer; and

WHEREAS, during her thirty-two years and ten months of service, Kelly R. Romel has been an integral part of the Police Department, serving as a patrol officer; and

WHEREAS, Kelly R. Romel has been a valuable employee during her years of dedicated service with the Oak Creek Police Department, always striving to enhance the quality of life for the citizens of the City; and has been a great teammate for those she has worked with, and her dedication to the department and co-workers as a pillar of support through her roles on the Use of Force Training Unit and Evidence Technician Unit; and

WHEREAS, Kelly R. Romel received fourteen combined Departmental Acknowledgements and Awards. Most notably are the Medal of Valor and Lifesaving Award from her actions at the Sikh Temple in 2012, where her actions with her teammates saved lives and countless others from an active shooter. Furthermore, she was honored as a "Top Cop" in Washington D.C. in 2013 for her actions at the Sikh Temple in 2012, all of which have impacted both the Oak Creek Police Department and the community as a whole; and

WHEREAS, Kelly R. Romel served with honor, passion and dedication on several sub-units of the Oak Creek Police Department: notably serving as a Bike Patrol Officer and Field Training Officer helping to prepare new officers for their careers in law enforcement. Kelly R. Romel also served as a D.A.R.E Officer early in her career and later as a School Resource Officer establishing a connection with the youth of Oak Creek and strengthening our connection to the community. She also served as an Evidence Technician and on our Career Survival Unit where she promoted officer wellness and a positive mindset. Through Kelly R. Romel's tenacity and dedication, the Oak Creek Police Department is more prepared, capable, and ready to serve the citizens of Oak Creek; and

WHEREAS, in 2005 Kelly R. Romel was a part of small group of Oak Creek Officers, and some of the first in the State of Wisconsin, to become Crisis Intervention Officers. This training was critical for officers to successfully resolve instances of citizens in a mental health crisis, which was on rise; and

WHEREAS, Kelly R. Romel served as our full-time Training Officer from 2020 through 2024; ensuring Oak Creek Police staff receive the highest quality training and further developing the unit into what it has become today; and

WHEREAS, Kelly R. Romel is retiring from the Oak Creek Police Department after completing over thirty-two years and ten months of full-time service to the City of Oak Creek.

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

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

Passed and adopted this 21<sup>st</sup> day of May, 2024.

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

Approved this 21<sup>st</sup> day of May, 2024.

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

ATTEST:

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

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

RESOLUTION NO. 12496-052124  
BY: COMMITTEE AS A WHOLE

RESOLUTION OF APPRECIATION  
TO  
DAVID S. ASHENHURST

WHEREAS, David S. Ashenhurst began his employment with the City of Oak Creek on December 2, 1996, as a full-time Police Officer; and

WHEREAS, during his twenty-seven years and six months of service, David S. Ashenhurst has been an integral part of the Police Department, serving as a patrol officer early in his career, then rising through the ranks as Sergeant, Lieutenant, and Captain of Administration; and

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

WHEREAS, David S. Ashenhurst received 15 combined Departmental Acknowledgements and Awards. Most notably are three lifesaving awards to include rescuing and reviving a person who hanged themselves, grabbing onto and preventing a person from jumping off the I94 overpass at Ryan Rd and assisting in the prevention of a person from hanging themselves. Captain Ashenhurst received an award of excellence in his critical role as the police department liaison and support person for Lt. Brian Murphy and his family following the Sikh Temple shooting, and the Career Achievement Award; and

WHEREAS, David S. Ashenhurst served with honor, passion and dedication on several sub-units of the Oak Creek Police Department: Crisis Negotiations Unit, Career Survival Unit, Evidence Technician Unit, Honor Guard, Recruitment Team, Field Training Officer, Awards Committee, and Command Post Operator. Through David S. Ashenhurst's leadership and dedication, the Oak Creek Police Department is more capable and ready to serve the citizens of Oak Creek; and

WHEREAS, David S. Ashenhurst served as a School Resource Officer establishing a connection with the youth of Oak Creek and strengthening our connection to the community as well as being instrumental in creating and promoting our special needs program; and

WHEREAS, during David S. Ashenhurst's career with the Oak Creek Police Department, he attended and graduated from the School of Police Staff and Command through Northwestern University in 2011. Furthermore, he was instrumental in his contributions to the National Night Out Committee, working on career survival family programs, and promoting the staff's mental health. He constantly utilized the knowledge and training he received throughout his career and willingly shared it with all members of the Oak Creek Police Department; and

WHEREAS, David S. Ashenhurst is retiring from the Oak Creek Police Department after completing over twenty-seven years and six months of full-time service to the City of Oak Creek.

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

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

Passed and adopted this 21<sup>st</sup> day of May, 2024.

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

Approved this 21<sup>st</sup> day of May, 2024.

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

ATTEST:

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

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

**MAYORAL PROCLAMATION  
AMYOTROPHIC LATERAL SCLEROSIS  
AWARENESS MONTH  
MAY 2024**

WHEREAS, Amyotrophic lateral sclerosis (ALS), known by many as Lou Gehrig’s disease, is a progressive fatal neurodegenerative disease in which a person’s brain loses connection with the muscles, slowly taking away their ability to walk, talk, eat, and eventually breathe; and

WHEREAS, every 90 minutes someone is diagnosed with ALS and someone passes away from ALS; and

WHEREAS, on average, patients diagnosed with ALS only survive two to five years from the time of diagnosis; and

WHEREAS, ALS has no cure; and

WHEREAS, people who have served in the military are more likely to develop ALS and die from the disease than those with no history of military service; and

WHEREAS, securing access to new therapies, durable medical equipment, and communication technologies is of vital importance to people living with ALS; and

WHEREAS, clinical trials play a pivotal role in evaluating new treatments, enhancing quality of life, and fostering assistive technologies for those living with ALS; and

WHEREAS, we celebrate the 10th Anniversary of the Ice Bucket Challenge through a renewed commitment to galvanize public awareness and support funding leading to significant investments in ALS research; and

WHEREAS, the ALS Association, as the largest philanthropic funder of ALS research globally, has committed over \$154 million to support more than 550 projects across the United States and 18 other countries; and

WHEREAS, our commitment to accelerating the pace of discovery remains unwavering, fueled by the hope that one day, ALS will be a livable disease for everyone, everywhere, until we can cure it.

WHEREAS, ALS Awareness Month increases the public’s awareness of people with ALS’ dire circumstances, and acknowledges the terrible impact this disease has, not only on the person but on his or her family and the community, and recognizes the research being done to eradicate this disease;

Now, therefore, I, Mayor Daniel J. Bukiewicz, do hereby proclaim the month of May 2024 in the City of Oak Creek as ALS Awareness Month. I call upon all Americans to join in supporting ALS research, advocating for increased funding, and standing in solidarity with those affected by this relentless disease.

Dated this 21<sup>st</sup> day of May, 2024.

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

ATTEST:

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

TO BE PUBLISHED MAY 1 & 8, 2023

OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING  
BEFORE THE OAK CREEK COMMON COUNCIL**

**PURPOSE:**

The purpose of this public hearing is to consider a request submitted by Michael Faber, Creek Two Land, LLC, for amendments to the existing Planned Unit Development for Creekside Corporate Park affecting the property at 9955 S. 13<sup>th</sup> St.

**Hearing Date:** May 21, 2024

**Time:** 7:00 PM

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

**Applicant(s):** Michael Faber, Creek Two Land, LLC.

**Property Owner(s):** CREEK TWO LAND LLC, 13TH STREET OAK CREEK LLC, BCORE CORRIDOR 13TH STREET LLC, CREEKSIDE CORPORATE PARK PROPERTY OWNERS CORP, EG MILWAUKEE CAPSTONE, LLC

**Property Location(s):** 9955, 9801, 9905 S. 13<sup>th</sup> St. and 9809 & 9875 S. Stern St.

**Tax Key(s):** 926-9037-000, 904-9015-000, 926-9030-000, 904-9018-000, 904-9017-000

**Legal Description of the PUD:**

9955 S. 13<sup>th</sup> St. - CERTIFIED SURVEY MAP NO. 9366, SE 1/4 SEC 30-5-22, LOT 1

9801 S. 13<sup>th</sup> St. - CSM 6875 PARCEL 1 NE 1/4 SEC 30-5-22 (4.85 ACS)

9905 S. 13<sup>th</sup> St. - CSM NO 8285 LOT 1 NE & SE 1/4 SEC 30-5-22 (5.6069 ACS)

9809 S. Stern St. - CSM NO 7261 OUTLOT 1 NE 1/4 SEC 30-5-22 (1.3638 ACS)

9875 S. Stern St. - CSM NO 7261 LOT 1 NE 1/4 SEC 30-5-22 (6.436 ACS)

The Common Council has scheduled other public hearings for May 1, 2024 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

Any person(s) with questions regarding the proposed change may call the Department of Community Development at (414) 766-7000, during regular business hours.

Date of Notice: April 22, 2024

CITY OF OAK CREEK COMMON COUNCIL

By: Daniel J. Bukiewicz, Mayor

**PUBLIC NOTICE**

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



## COMMON COUNCIL REPORT

**Item:** Planned Unit Development Amendment - Creekside Corporate Park

**Recommendation:** That the Council considers Ordinance 3099, an ordinance to approve Amendments to the Planned Unit Development for Creekside Corporate Park affecting the property at 9955 S. 13<sup>th</sup> St. (5<sup>th</sup> District)

**Fiscal Impact:** Approval of the Amendments will correct inconsistencies in the existing Planned Unit Development for Creekside Corporate Park, allowing for the development of the final parcel as approved by the Plan Commission to proceed. The properties within the PUD are no longer located in a TID (TID 6 terminated April 1, 2024).

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

**Background:** At the December 13, 2022 meeting, the Plan Commission conditionally approved site, building, and related plans for the property at 9955 S. 13th St. Condition #9 required the following: “That an amendment to the Planned Unit Development is reviewed and approved by the Common Council prior to submission of permit applications.” The December 13, 2002 staff report for Plan Commission consideration explained that the Planned Unit Development (PUD) approved in Ord. 2541 required “the southerly parking lot should be designed so that the aisle is closest to the berm and that no parking spaces directly abut the south property line.” This statement is in conflict with the adopted General Development Plan, which shows double-loaded employee parking along the south side of the building adjacent to the berm. It is also in conflict with the plans that were conditionally approved for the remaining lot in the business park. The attached draft Amended Conditions and Restrictions remove this requirement, and recognize the plans conditionally approved by the Plan Commission. Other amendments include the legal descriptions for the lots in the PUD, references to current Code Sections where applicable, and updated legal language. No other substantive changes are proposed.

After careful consideration at the April 23, 2024 meeting, the Plan Commission recommended approval subject to the attached Conditions and Restrictions.

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



Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Kari Papelbon, CFM, AICP  
Senior Planner

Fiscal Review:



Maxwell Gagin, MPA  
Deputy City Administrator / Finance Officer

Approved:



Kristi Laine  
Community Development Director

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Attachments:

Ord. 3099

Location Map

Narrative (2 pages)

Site Plan Conditionally Approved December 13, 2022 (1 page)

Draft Conditions & Restrictions (8 pages)

Ord. 2514 (9 pages)

Excerpted Plan Commission Minutes (2 pages)

ORDINANCE NO. 3099

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

AN ORDINANCE TO APPROVE AMENDMENTS TO THE PLANNED UNIT DEVELOPMENT (PUD) FOR CREEKSIDE CORPORATE PARK AFFECTING THE PROPERTY AT 9955 S. 13TH ST.

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

WHEREAS, on September 7, 1999, the Oak Creek Common Council adopted Ordinance No. 2028, creating the M-1, Planned Unit Development for the Creekside Corporate Park; and

WHEREAS, on June 18, 2000, the Oak Creek Common Council adopted Ordinance No. 2080, amending the M-1, Planned Unit Development for the Creekside Corporate Park; and

WHEREAS, on December 16, 2003, the Oak Creek Common Council adopted Ordinance No. 2287, amending the M-1, Planned Unit Development for the Creekside Corporate Park; and

WHEREAS, on September 21, 2004, the Oak Creek Common Council adopted Ordinance No. 2328, amending the M-1, Planned Unit Development for the Creekside Corporate Park; and

WHEREAS, on January 20, 2009, the Oak Creek Common Council adopted Ordinance No. 2541, amending the M-1, Planned Unit Development for the Creekside Corporate Park; and

WHEREAS, the above ordinances affected the following legally described properties;

CSM 6875 Parcel 1 and Parcels 1 and 2, and Outlot 1 of CSM 7261 (NE ¼ SEC 30-5-22).

Further described as:

9801 S. 13th St. - CSM 6875 PARCEL 1 NE 1/4 SEC 30-5-22 (4.85 ACS).

9809 S. Stern St. - CSM NO 7261 OUTLOT 1 NE 1/4 SEC 30-5-22 (1.3638 ACS).

9875 S. Stern St. - CSM NO 7261 LOT 1 NE 1/4 SEC 30-5-22 (6.436 ACS).

9905 S. 13th St. - CSM NO 8285 LOT 1 NE & SE 1/4 SEC 30-5-22 (5.6069 ACS).

9955 S. 13th St. - CERTIFIED SURVEY MAP NO. 9366, SE 1/4 SEC 30-5-22, LOT 1.

WHEREAS, conditions and restrictions were adopted pursuant to Ord. 2028 and amended by Ords. 2080, 2287, 2328, and 2541 to further regulate development of the lands within the Planned Unit Development; and

WHEREAS, the applicant, Michael Faber, Creek Two Land, LLC, is now requesting amendments to the Conditions and Restrictions adopted pursuant to Ordinance No. 2541 to allow for the development of the property 9955 S. 13<sup>th</sup> St. in conformance with plans conditionally approved by the Plan Commission on December 13, 2022; and

WHEREAS, the Plan Commission reviewed the application and recommended that the requested amendments, incorporated by reference into this ordinance be approved; and

WHEREAS, the Common Council held a public hearing on said application on May 21, 2024, at which time all interested parties appeared and were heard; and

WHEREAS, following said public hearing and upon 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 amendments to the Planned Unit Development were approved and authorized for the lands hereinabove described, subject, however, to the imposition of certain conditions and restrictions on the design, construction, location and operation of the Planned Unit Development as incorporated by reference into this ordinance.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Conditions and Restrictions adopted pursuant to Ordinance No. 2541 affecting the lands hereinabove described, are amended as follows: Section 1 is revised to read

1. LEGAL DESCRIPTION

9801 S. 13th St. - CSM 6875 PARCEL 1 NE 1/4 SEC 30-5-22 (4.85 ACS).

9809 S. Stern St. - CSM NO 7261 OUTLOT 1 NE 1/4 SEC 30-5-22 (1.3638 ACS).

9875 S. Stern St. - CSM NO 7261 LOT 1 NE 1/4 SEC 30-5-22 (6.436 ACS).

9905 S. 13th St. - CSM NO 8285 LOT 1 NE & SE 1/4 SEC 30-5-22 (5.6069 ACS).

9955 S. 13th St. - CERTIFIED SURVEY MAP NO. 9366, SE 1/4 SEC 30-5-22, LOT 1.

SECTION 2: Section 2 is revised to read

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

A. All requirements of the City of Oak Creek Municipal Code, as amended, and

approvals by the Plan Commission are in effect.

B. These Conditions and Restrictions, except where otherwise noted, supersede Ord. 2541.

C. A General Development Plan (see Exhibit A) for the Planned Unit Development shall be approved by the City of Oak Creek Common Council upon recommendation of the Plan Commission. Any addition or substantive change to a Planned Unit Development subsequent to construction and occupancy shall be considered a new and separate proposal, and shall be required to comply with all of the review and approval requirements of this district, including the requirement for submittal of development plans and the conduct of public hearings.

D. A precise detailed site plan for each developable parcel within the Planned Unit Development shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall be in substantial conformance with the adopted General Development Plan (see Exhibit A) and the plan conditionally approved by the Plan Commission on December 13, 2022 (see Exhibit B), 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)
- g) 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
- h) Location(s) of loading berth(s)
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Location(s) of wetlands (field verified)
- m) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates

**2) Landscape Plan**

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

**3) Building Plan**

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

**4) Lighting Plan**

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

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

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

**6) Fire Protection**

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

E. 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.

- F. 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.
- G. 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(D) above, and/or as specified by these Conditions and Restrictions.
- H. Plans and specification for any necessary public improvements within developed areas (e.g., sanitary sewer, water main, storm sewer, etc.) shall be subject to approval by the City Engineer.
- I. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer, and water main shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees, or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted, provided there is access to each of the aforementioned systems and their appurtenances.
- J. 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).
- K. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- L. An overall landscaping plan for the entire Planned Unit Development shall be approved by the Plan Commission prior to the approval of detailed site and building plans for each phase.
- M. For each stage of development, detailed landscaping plans showing location, types, and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit.

SECTION 3: Section 3 is revised to read

### 3. PARKING AND ACCESS

- A. Off-street parking for sites within this Planned Unit Development shall be provided based on applicable Sections of the Municipal Code (as amended), and plans approved by the Plan Commission.
- B. All parking areas shall be designed in accordance with Section 17.0501 of the Municipal Code (as amended), the City of Oak Creek Engineering Design Manual, and plans approved by the Plan Commission.

- C. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
- D. All off-street parking areas shall be landscaped in accordance with Section 17.0505 of the Municipal Code (as amended), and all site and building plan approvals by the Plan Commission.

SECTION 4: Section 4 is revised to read

#### 4. LIGHTING

- A. All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission or their designee. For each stage of the development, the plans shall show the location of all lights, type of fixture and poles, mounting height and photometrics of the fixture, and shall be in accordance with Sec. 17.0509 of the Municipal Code (as amended) and plans approved by the Plan Commission.
- B. Wooden light poles may not be used.
- C. Light fixtures are not permitted within required buffer yards.

SECTION 5: Section 5 is revised to read

#### 5. LANDSCAPING

See Ord. 2541 Conditions and Restrictions (Exhibit C). All Code Sections referenced as amended, and all landscaping requirements shall be in accordance with plans approved by the Plan Commission.

SECTION 6: Section 6 is revised to read

#### 6. ARCHITECTURAL STANDARDS

See Ord. 2541 Conditions and Restrictions (Exhibit C). All Code Sections referenced as amended, and all architectural requirements shall be in accordance with plans approved by the Plan Commission.

SECTION 7: Section 7 is revised to read

#### 7. BUILDING AND PARKING SETBACKS

See Ord. 2541 Conditions and Restrictions (Exhibit C). All Code Sections referenced as amended, and all building and parking setbacks shall be in accordance with plans approved by the Plan Commission.

SECTION 8: Section 8 is revised to read

#### 8. MAINTENANCE AND OPERATION

- A. The number, size, location, and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required

site plan. Solid waste collection and recycling shall be the responsibility of the owner.

- B. Removal of snow from off-street parking areas, walks, and access drives shall be the responsibility of the owners.
- C. There shall be no outdoor storage or display of merchandise permitted as part of this Planned Unit Development.

SECTION 9: Section 9 is revised to read

#### 9. SIGNS

- A. All signs shall conform to the provisions of Sec. 17.0601 – 17.0609 of the Municipal Code (as amended), and plans approved by the Plan Commission.
- B. No pole signs shall be permitted as part of this Planned Unit Development.
- C. No signs shall be permitted on or in any part of the buffer yard.

SECTION 10: Section 10 is revised to read

#### 10. PERMITTED USES

- A. All permitted uses in the B-3, Office and Professional Business; B-4, General Business; and M-1, Manufacturing zoning districts.
- B. Usual and customary accessory uses to the above listed permitted uses.

SECTION 11: Section 11 is revised to read

#### 11. TIME OF COMPLIANCE

The operator of the Planned Unit Development shall begin installing or constructing the elements required in these Conditions and Restrictions for the Planned Unit Development within twelve (12) months from the date of adoption of the Ordinance authorizing the Planned Unit Development. The approval of the General Development Plan shall expire within forty-eight (48) months after commencing construction if the structure(s) for which an approval has been issued are not substantially completed. The applicant shall re-apply for approval of the General Development Plan prior to recommencing work or construction. (Note that this language is directly copied from Ord. 2541.)

SECTION 12: Section 12 is revised to read

#### 12. 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.

SECTION 13: Section 13 is created to read

#### 13. VIOLATIONS & PENALTIES

Any violations of the terms of this Planned Unit Development shall subject an owner, applicant, operator, or governing entity, whichever applies, to enforcement and the issuance of citations in accordance with the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant, operator, and/or governing entity of the Planned Unit Development is convicted of two or more violations of these conditions and restrictions or any other applicable municipal ordinances within any 12-month period, the City shall have the option to revoke this Planned Unit Development, subject to the provisions of paragraph 10 herein and following all other available methods of enforcement. 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 applicable City ordinances.

SECTION 14: Section 14 is created to read

#### 14. REVOCATION

Should the owner, applicant, operator, and/or governing entity fail to comply with the conditions and restrictions of the approval issued by the Common Council, the City shall have the option to revoke this Planned Unit Development, subject to the provisions of paragraph 10 herein and following all other available methods of enforcement. 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).

SECTION 15: Section 15 is created to read

#### 15. ACKNOWLEDGEMENT

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

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

SECTION 3: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

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

Passed and adopted this 21st day of May, 2024.

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



Approved this 21st day of May, 2024.

\_\_\_\_\_  
Mayor

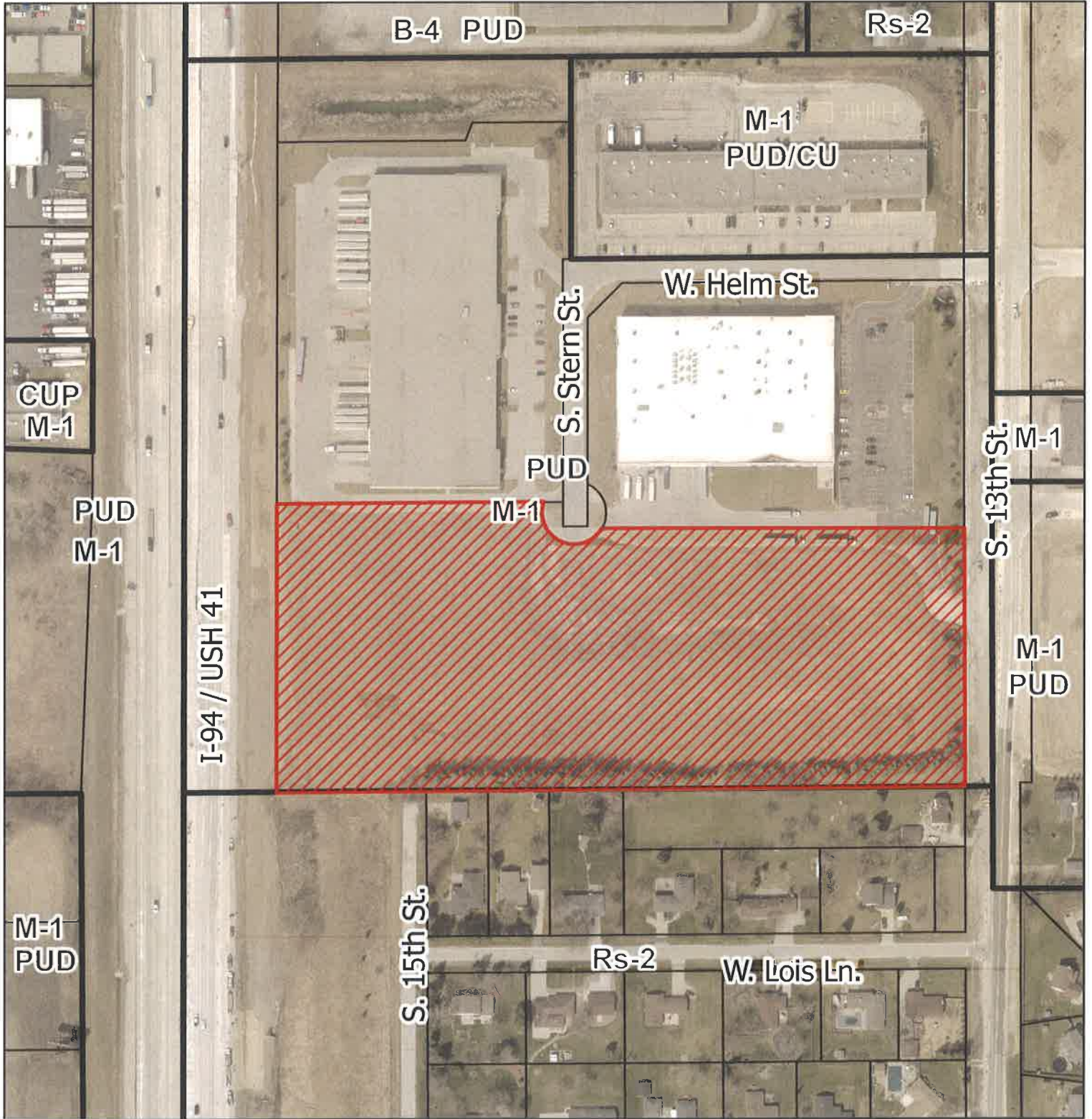
ATTEST:

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

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

# Location Map

## 9955 S. 13th St.



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

### Legend

- Zoning
- Flood Fringe
- Official Street Map
- Parcels
- Floodway
- 9955 S. 13th St.

0 0.04 0.07 Miles



Community Development



## Narrative Description of requested PUD Amendment Creekside Corporate Park

27 March 2024

**Background:** In December 2022, during Plan Commission approval of the building and site plan for Creek Two Land LLC on Lot 1 of CSM 9366 (recorded 11/19/2021), with an address of 9955 S. 13<sup>th</sup> Street, Tax Key 926-9037-000, it was discovered that there is an internal discrepancy within the recorded language of the PUD overlay for the Creekside Corporate Park.

**Purpose:** This application requests an amendment to the PUD in order to eliminate the discrepancy and provide clarity, to conform to the Plan Commission approval of the site plan for Creek Two Land LLC's building designed for said Lot 1.

The discrepancy, which has existed since Ordinance 2541 was approved January 20, 2009, is based on the following two aspects of the PUD:

- a. **Section 2 (E) states:** *"The southerly parking lot should be designed so that the aisle is closest to the berm and that no parking spaced directly abut the south property line"*. This language implies single-loaded parking configuration, and is inconsistent with the Site Plan approved by the Plan Commission.
- b. Exhibit "A" **General Development Plan** to the PUD shows double-loaded parking on the south side of the Proposed Facility 2, with the aisle in the center of parking spaces, with the southern row of parking spaces closer to the south property line than the aisle.

It should be noted that neither the approved Site Plan nor the General Development Plan have parking actually directly abutting the south property line (to "abut" is to touch along an edge). There is an earth berm and very mature and dense landscaping within Creekside Corporate Park along the southern edge, buffering the residential homes to the south. The parking of the Site Plan is approximately 45' to 50' north of the property line.

Following staff and applicant discussion and commentary from a resident of the neighborhood to the south of Creekside Corporate Park (Mrs. Siira, who spoke in support of the proposed Site Plan and development) the Plan Commission approved the Site Plan for Lot 1 (Creek Two Land LLC) with double loaded auto parking south of the proposed building and north of the berm, consistent with the Exhibit "A" General Development Plan, subject to applicant and staff working to amend and resolve the discrepancy in the PUD (implying to be consistent with the Site Plan for Lot 1)

**Method.** The proposed approach to resolve the discrepancy is a revision to the language of Section 2E, by deleting the existing language and replacing it with the following revised language:

*The southerly parking lot should be designed so that parking spaces are not closer than 40 feet from the south property line nor materially disturb existing mature landscape plantings on the berm immediately to the north of the south property line. The Civil and Grading plans for Lot 1 of*

*CSM 9366 dated 12/8/2022 as approved by the Plan Commission are deemed to comply with these requirements.*

**Request.** As Developer and Declarant for Creekside Corporate Park Property Owners Corporation, we request that the Plan Commission and Common Council approve the PUD Amendment by amending Section 2 (E) of the PUD as proposed above.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Faber".

Michael Faber  
Director, Creekside Corporate Park Property Owners Corporation  
Manager, Creek Two Land LLC (Declarant)



**City of Oak Creek – Planned Unit Development (PUD)**  
**AMENDED Conditions and Restrictions**  
**Creekside Corporate Park**

<b>Applicant:</b>	Mike Faber, Creek Two Land, LLC	<b>Approved by Plan Commission:</b> TBD
<b>Property Address(es):</b>	9801 S. 13 <sup>th</sup> St., 9809 S. Stern St., 9875 S. Stern St., 9905 S. 13 <sup>th</sup> St., & 9955 S. 13 <sup>th</sup> St.	<b>Approved by Common Council:</b> TBD (Ord. 3099, Amend. Ord. 2541)
<b>Tax Key Number(s):</b>	904-9015-000, 904-9018-000, 904-9017-000, 926-9030-000, & 926-9037-000	

1. LEGAL DESCRIPTION

9801 S. 13<sup>th</sup> St. - CSM 6875 PARCEL 1 NE 1/4 SEC 30-5-22 (4.85 ACS).

9809 S. Stern St. - CSM NO 7261 OUTLOT 1 NE 1/4 SEC 30-5-22 (1.3638 ACS).

9875 S. Stern St. - CSM NO 7261 LOT 1 NE 1/4 SEC 30-5-22 (6.436 ACS).

9905 S. 13<sup>th</sup> St. - CSM NO 8285 LOT 1 NE & SE 1/4 SEC 30-5-22 (5.6069 ACS).

9955 S. 13<sup>th</sup> St. - CERTIFIED SURVEY MAP NO. 9366, SE 1/4 SEC 30-5-22, LOT 1.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

A. All requirements of the City of Oak Creek Municipal Code, as amended, **and approvals by the Plan Commission** are in effect.

**B. These Conditions and Restrictions, except where otherwise noted, supersede Ord. 2541.**

C. A General Development Plan (see Exhibit A) for the Planned Unit Development shall be approved by the City of Oak Creek Common Council upon recommendation of the Plan Commission. Any addition or substantive change to a Planned Unit Development subsequent to construction and occupancy shall be considered a new and separate proposal, and shall be required to comply with all of the review and approval requirements of this district, including the requirement for submittal of development plans and the conduct of public hearings.

D. A precise detailed site plan for each developable parcel within the Planned Unit Development shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall be in substantial conformance with the adopted General Development Plan (see Exhibit A) and the plan conditionally approved by the Plan Commission on December 13, 2022 (see Exhibit B), 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)
- g) Parking layout and traffic circulation
  - i) Location(s) and future expansion
  - ii) Number & type(s) of buildings/structures
  - iii) Number of all parking spaces

2) **Landscape Plan**

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

3) **Building Plan**

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

4) **Lighting Plan**

- a) Types & color of fixtures
- b) Mounting heights

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

- c) Types & color of poles
- d) Photometrics of proposed fixtures
- 5) Grading, Drainage and Stormwater Management Plan**
  - 1. Contours (existing & proposed)
  - 2. Location(s) of storm sewer (existing and proposed)
  - 3. Location(s) of stormwater management structures and basins (if required)
- 6) Fire Protection**
  - a) Locations of existing & proposed fire hydrants
  - b) Interior floor plan(s)
  - c) Materials of construction
  - d) Materials to be stored (interior & exterior)

- E. 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.
- F. 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.
- G. 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(D) above, and/or as specified by these Conditions and Restrictions.
- H. Plans and specification for any necessary public improvements within developed areas (e.g., sanitary sewer, water main, storm sewer, etc.) shall be subject to approval by the City Engineer.
- I. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer, and water main shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees, or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted, provided there is access to each of the aforementioned systems and their appurtenances.
- J. 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).
- K. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- L. An overall landscaping plan for the entire Planned Unit Development shall be approved by the Plan Commission prior to the approval of detailed site and building plans for each phase.
- M. For each stage of development, detailed landscaping plans showing location, types, and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit.

3. PARKING AND ACCESS

- A. Off-street parking for sites within this Planned Unit Development shall be provided based on applicable Sections of the Municipal Code (as amended), **and plans approved by the Plan Commission.**
- B. All parking areas shall be designed in accordance with Section 17.0501 of the Municipal Code (as amended), the City of Oak Creek Engineering Design Manual, **and plans approved by the Plan Commission.**
- C. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
- D. All off-street parking areas shall be landscaped in accordance with Section 17.0505 of the Municipal Code (as amended), **and all site and building plan approvals by the Plan Commission.**

4. LIGHTING

- A. All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission or their designee. For each stage of the development, the plans shall show the location of all lights, type of fixture and poles, mounting height and photometrics of the fixture, and shall be in accordance with Sec. 17.0509 of the Municipal Code (as amended) **and plans approved by the Plan Commission.**
- B. Wooden light poles may not be used.
- C. Light fixtures are not permitted within required buffer yards.

5. LANDSCAPING

**See Ord. 2541 Conditions and Restrictions (Exhibit C). All Code Sections referenced as amended, and all landscaping requirements shall be in accordance with plans approved by the Plan Commission.**

6. ARCHITECTURAL STANDARDS

**See Ord. 2541 Conditions and Restrictions (Exhibit C). All Code Sections referenced as amended, and all architectural requirements shall be in accordance with plans approved by the Plan Commission.**

7. BUILDING AND PARKING SETBACKS

**See Ord. 2541 Conditions and Restrictions (Exhibit C). All Code Sections referenced as amended, and all building and parking setbacks shall be in accordance with plans approved by the Plan Commission.**

8. MAINTENANCE AND OPERATION

- A. The number, size, location, and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan. Solid waste collection and recycling shall be the responsibility of the owner.
- B. Removal of snow from off-street parking areas, walks, and access drives shall be the responsibility



of the owners.

- C. There shall be no outdoor storage or display of merchandise permitted as part of this Planned Unit Development.

9. SIGNS

- A. All signs shall conform to the provisions of Sec. 17.0601 – 17.0609 of the Municipal Code (as amended), **and plans approved by the Plan Commission.**
- B. No pole signs shall be permitted as part of this Planned Unit Development.
- C. No signs shall be permitted on or in any part of the buffer yard.

10. PERMITTED USES

- A. All permitted uses in the B-3, Office and Professional Business; B-4, General Business; and M-1, Manufacturing zoning districts.
- B. Usual and customary accessory uses to the above listed permitted uses.

11. TIME OF COMPLIANCE

The operator of the Planned Unit Development shall begin installing or constructing the elements required in these Conditions and Restrictions for the Planned Unit Development within twelve (12) months from the date of adoption of the Ordinance authorizing the Planned Unit Development. The approval of the General Development Plan shall expire within forty-eight (48) months after commencing construction if the structure(s) for which an approval has been issued are not substantially completed. The applicant shall re-apply for approval of the General Development Plan prior to recommencing work or construction. **(Note that this language is directly copied from Ord. 2541.)**

12. 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.

13. VIOLATIONS & PENALTIES

Any violations of the terms of this Planned Unit Development shall subject an owner, applicant, operator, or governing entity, whichever applies, to enforcement and the issuance of citations in accordance with the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant, operator, and/or governing entity of the Planned Unit Development is convicted of two or more violations of these conditions and restrictions or any other applicable municipal ordinances within any 12-month period, the City shall have the option to revoke this Planned Unit Development, subject to the provisions of paragraph 10 herein and following all other available methods of enforcement. 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 applicable City ordinances.

14. REVOCACTION

Should the owner, applicant, operator, and/or governing entity fail to comply with the conditions and restrictions of the approval issued by the Common Council, the City shall have the option to revoke this

Planned Unit Development, subject to the provisions of paragraph 10 herein and following all other available methods of enforcement. 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).

15. ACKNOWLEDGEMENT

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

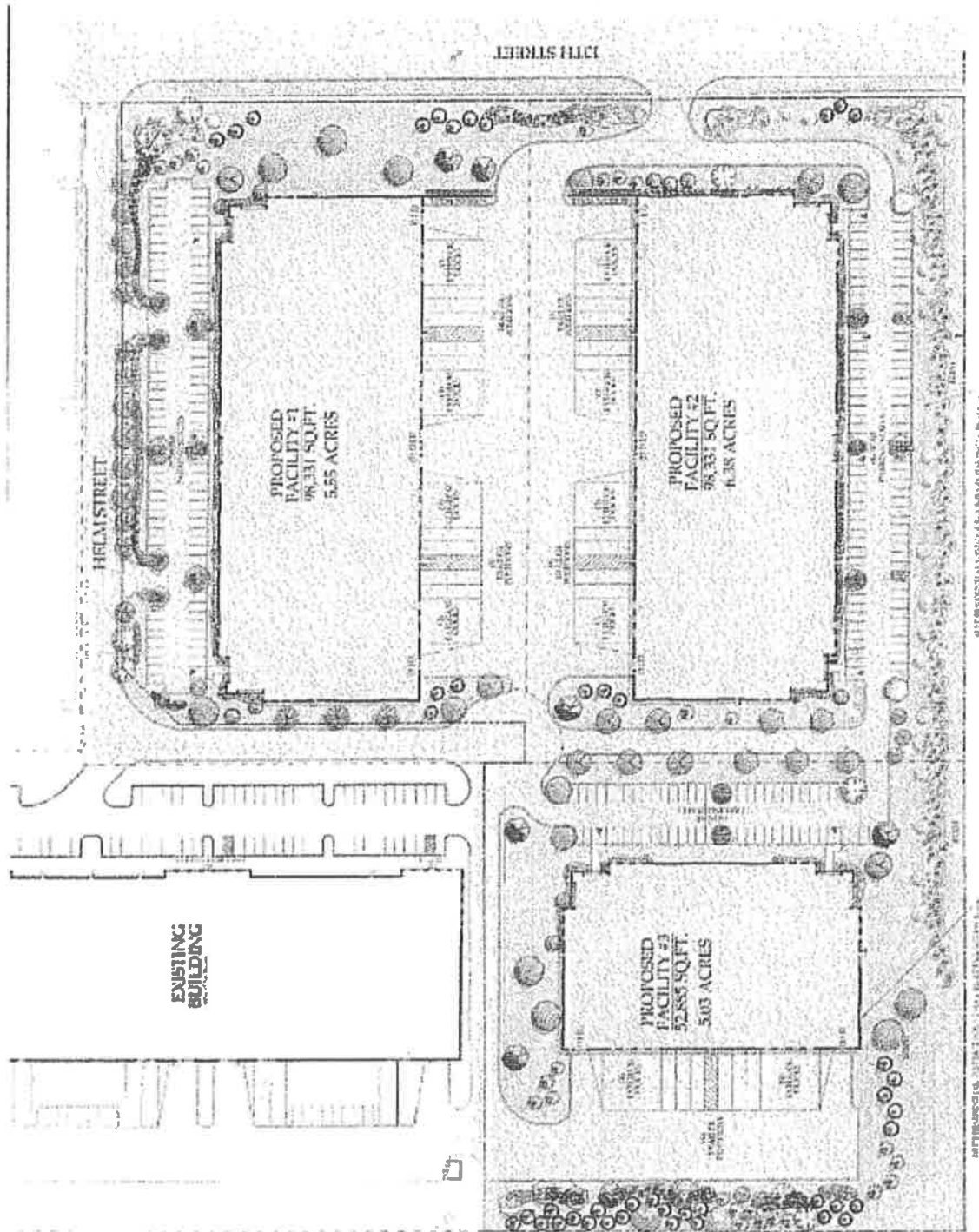
\_\_\_\_\_  
Owner / Authorized Representative Signature

\_\_\_\_\_  
Date

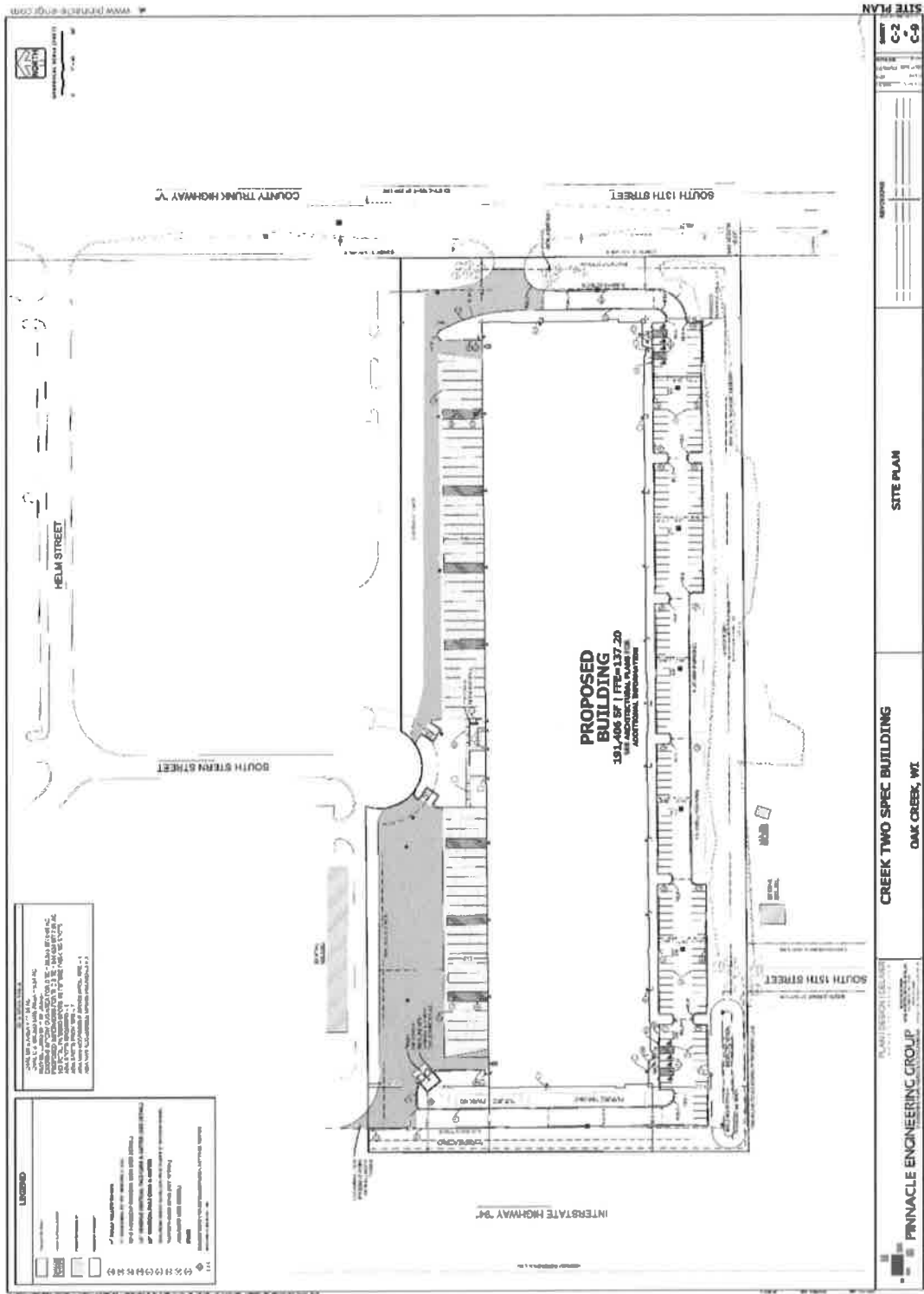
\_\_\_\_\_  
(Print Name and Title)

DRAFT

**EXHIBIT A:  
AMENDED GENERAL DEVELOPMENT PLAN (ORD. 2541)**



**EXHIBIT B:  
SITE PLAN CONDITIONALLY APPROVED 12-13-22**



**EXHIBIT C:  
ORD. 2541 CONDITIONS AND RESTRICTIONS**

**See Attached.**

DRAFT



City of Oak Creek --M-1 Planned Unit Development  
Amended Conditions and Restrictions for the  
Creekside Corporate Park

Applicant: CenterPoint Properties  
Property Address: 9801 & 9841 S. 13<sup>th</sup> Street  
Tax Key Number: 926-9025, 904-9018, 904-9015, and 904-9017  
Approved by Plan Commission: November 25, 2008  
Approved by Common Council: January 20, 2009 – Ordinance No. 2541

1. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

- A. A General Development Plan (see EXHIBIT "A") for the planned unit development shall be approved by the City of Oak Creek Common Council upon recommendation of the Plan Commission. Any addition or substantive change to a planned unit development subsequent to construction and occupancy shall be considered a new and separate proposal, and shall be required to comply with all of the review and approval requirements of this district, including the requirement for submittal of development plans and the conduct of public hearings.
- B. A precise detailed site plan for each developable parcel within the planned unit development shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:
- 1) **Site Development Plan**
    - a) detailed building locations with setbacks
    - b) square footage of building
    - c) areas for future expansion
    - d) area to be paved
    - e) access drives (width and location)
    - f) sidewalk locations
    - g) parking layout and traffic circulation
      - i) number of employees
      - ii) number of spaces
      - iii) dimensions
      - iv) setbacks
    - h) location of loading berths
    - i) location of sanitary sewer (existing and proposed)
    - j) location of water (existing and proposed)
    - k) location of storm sewer (existing and proposed) including detention/retention basins if needed
    - l) location of outdoor storage
    - m) location of wetlands (field verified)
    - n) location, square footage and height of signs
  - 2) **Landscape Plan**
    - a) screening plan for outdoor storage
    - b) number, initial size and type of plantings
    - c) parking lot screening/berming
  - 3) **Building Plan**
    - a) architectural elevations
  - b) building floor plans
  - c) materials of construction
  - 4) **Lighting Plan**
    - a) types of fixtures
    - b) mounting heights
    - c) type of poles
    - d) photometrics of proposed fixtures
  - 5) **Grading, Drainage and Stormwater Management Plan**
    - a) contours (existing and proposed)
    - b) location of storm sewer (existing and proposed)
    - c) location of stormwater management structures and basins (if required)
  - 6) **Fire Protection**
    - a) location of existing and proposed fire hydrants (public and private)
    - b) interior floor plan
    - c) materials of construction

- C. 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.
- D. For any new buildings or structures and additions, site grading and drainage, stormwater management and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits. The owner/developer shall provide for the long-term maintenance of the detention basins.
- E. A Development Agreement shall be completed between the owner and the City, if deemed necessary by the City Engineer, so as to ensure the construction or installation of public or other required improvements.
- F. Plans and specifications for any necessary public improvements within developed areas (e.g. sanitary sewer, water main, storm sewer, etc.) shall be subject to approval by the City Engineer.
- G. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer and water main shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted; provided there is access to each of the aforementioned systems and their appurtenances.
- H. If there are any future land divisions, a plat or certified survey map shall be prepared, submitted for approval and recorded.
- I. All electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- J. An overall landscaping plan for the entire planned unit development shall be approved by the Plan Commission prior to the approval of detailed site and building plans for each phase.
- K. For each stage of development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit.

## 2. PARKING AND ACCESS

- A. Off street parking for sites within this planned unit development shall be provided based on Section 17.0403(b) and (d) of the Municipal Code.
- B. All parking areas shall be designed in accordance with Section 17.0403(j) of the Municipal Code and the City of Oak Creek Engineering Design Manual.
- C. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
- D. All off street parking areas shall be landscaped in accordance with Sections 17.1010 of the

Municipal Code.

- E. *The southerly parking lot should be designed so that the aisle is closest to the berm and that no parking spaces directly abut the south property line.*

### 3. LIGHTING

All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission or their designee. For each stage of the development, the plan shall show the location of all lights, type of fixture and poles, mounting height and photometrics of the fixture and shall be in accord with Section 17.0808 of the Municipal Code. Wooden light poles may not be used. Light fixtures are not permitted within required buffer yards.

### 4. LANDSCAPING

- A. **Parking Lot Screening.** Those parking areas for five (5) or more vehicles if adjoining a residential zoning district line or public right-of-way shall be screened from casual view by an earth berm, a solid wall, fence, evergreen planting of equivalent visual density or other effective means approved by the City Plan Commission. Such fence or berm and landscaping together shall be an average of three (3) feet in height between the parking and the street right-of-way and six (6) feet in height between the parking and any adjacent residential property line. All screening materials shall be placed and maintained at a minimum height of three (3) feet. The Plan Commission may require greater screening requirements for parking of large trucks, semi-trailers and large equipment.
1. At least one ornamental deciduous tree, no less than 2.5" caliper, shall be incorporated into the design for every 35 linear feet of public street frontage.
  2. At least 25% of the total green space area shall be landscaped utilizing plant materials, other than maintained turf, that contribute to ground coverage.
  3. For purposes of determining the number of plants necessary to meet the minimum 25% ground coverage requirement, plant types are categorized by their general size and potential mature at-grade coverage area.

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

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

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



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

PERCENTAGE OF PARKING LOT TO  
BE COVERED BY INTERIOR PLANTINGS

Total paved area of lot	Percent of the total paved area which must be interior planting area
0-49,999 sq. ft	5%
50,000 sq. ft. or larger	10%

C. Perimeter Landscape Area.

- (1) In an effort to prevent adjacent parking lots from becoming one large expanse of paving, perimeter landscaping shall be required. The perimeter strip shall be a minimum 5 feet in width. A minimum of one tree and five shrubs is required for every 35 linear feet of the perimeter of the parking area and located within the perimeter landscape area.
- (2) *The existing tree line along the southerly property line shall be retained as a part of the buffer yard for the residential properties to the south.*
- (3) *Enhanced landscaping, in the front setback area along South 13<sup>th</sup> Street, shall be shown on the approved landscaping plan and shall be installed in accordance with that plan.*

D. Landscaping Adjacent to Buildings. There shall be a minimum three-foot landscaped area provided between the edge of pavement and the entrance elevation of the building.

E. Screening of Trash. Trash receptacles shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.

F. Screening of Ground Mounted Mechanical Equipment. Ground mounted mechanical equipment shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.

G. Screening of Roof Mounted Mechanical Equipment - Roof mounted mechanical equipment shall be screened from casual view.

H. Retaining Walls. No retaining wall shall exceed four (4) feet in height unless it has been designed and its construction supervised by a Professional Engineer. A retaining wall may be stepped to achieve greater height. Each step of the wall shall be no more than four (4) feet in height and shall be set back a minimum of three (3) feet from the previous step. Acceptable materials for retaining walls are: segmental masonry type, timber, railroad ties, or concrete.

If the retaining wall is constructed of concrete, landscaping must accompany the design of the retaining wall.

- I. Berms. Side slopes of berms shall not exceed a gradient of 1-ft. vertical to 3-ft. horizontal unless approved by the City Engineer. *The berm along the south property line shall be unbroken, so as to provide a continuous screening for the residential properties to the south. This berm shall be in place prior to the issuance of a building permit in the second phase (the Sagan properties).*
- J. Buffer Yards. Appropriate buffers shall be provided between dissimilar uses as set forth in Section 17.0205 (d) of the Municipal Code.
- K. Submittal Requirements. A Landscape Plan (to scale) must be submitted which includes details of all proposed landscaping, buffering and screening, including the estimated cost of the landscaping. These plans shall be prepared by a landscape professional and show the location and dimensions of all existing and proposed structures, parking, drives, right-of-ways and any other permanent features, and all other information required by the Plan Commission, including but not limited to the following:
  - (1) A plant list and coverage chart showing the location, quantity, size (at time of planting and at maturity), spacing and the scientific and common names of all landscape materials used.
  - (2) The location and type of existing trees over four (4) inches in diameter (measured six (6) inches above the ground) within the area to be developed.
  - (3) The location and percent of slope of all proposed berms using one (1) foot contours.
  - (4) Detailed sections showing elevations of all proposed architectural features, such as walls, lighting or water features.
  - (5) Methods used in staking, mulching, wrapping or any other early tree care used.
  - (6) The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule; as well as the approved protection of the identified wetlands and woodlands on the approved plan.
- L. Maintenance. All landscaping installed to implement the approved landscaping plan shall be continuously maintained.

## 5. ARCHITECTURAL STANDARDS

- A. No building shall be permitted if the design or exterior appearance is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- B. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades of surrounding properties and presents an attractive appearance to the public. Predominant exterior building materials must be of high quality. These include, but are not limited to brick, stone and

tinted/textured concrete masonry units (CMU's). Smooth-faced concrete block, EIFS products (such as Dryvit) or pre-fabricated steel panels are not permitted as a primary exterior building material.

- C. The facade of a manufacturing, commercial *or* office, building shall be finished with an aesthetically pleasing material. *Their total exterior wall surface* shall be finished with glass, brick or decorative masonry material.
- D. Material and color samples shall be submitted to the Plan Commission for review and approval.
- E. The Plan Commission has the discretion to adjust this minimum for building additions.
- F. The relative proportion of a building to its neighboring buildings or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
- G. The visual continuity of roofs of neighboring buildings and their contributing elements (parapet walls, coping, and cornices) shall be maintained wherever possible in building development and redevelopment. A flat roof appearance is not permitted in commercial or office and professional business zoning districts. There must be some type of visible roof form (parapets, overhanging eaves, sloped roofs) incorporated into the design of the building.
- H. Buildings shall be designed in such a manner that long expanses of blank wall are broken up by the use of windows, articulation or modulation of the building footprint and/or changes in building materials and colors. Visible building facades in excess of 100 feet in length must incorporate recesses and projections along the length of the facade. Windows, awnings, and arcades must be an integral part of the facade abutting a public street. This provision applies to building facades abutting S. 13<sup>th</sup> Street, I-94 and the main interior private street.
- I. Each principal building shall have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters.
- J. Sides of a building that are visible from adjoining residential properties and/or public streets should contribute to the pleasing scale features of the building by featuring characteristics similar to the front façade of the building.
- K. Each retail or service establishment in excess of 25,000 square feet gross floor area must contribute to the establishment or enhancement of community and public spaces by providing a community amenity on the premises such as a patio/seating area, water feature, clock tower, or pedestrian plaza with benches. Retail establishments in excess of 100,000 square feet gross floor area must provide at least two of these amenities.
- L. Sidewalks shall be provided along all sides of the lot that abut a public street, and a continuous internal pedestrian walkway must be provided from the perimeter public sidewalk to the principal customer entrance. The internal pedestrian walkways must be distinguished from driving surfaces through the use of contrasting materials to enhance pedestrian safety. Examples of acceptable materials include, but are not limited to special pavers, bricks, or scored concrete.
- M. Dumpsters and other trash receptacles shall be *provided in an appropriate number and location and they shall be fenced and/or screened* from view from street rights-of-way and adjacent residential uses.

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

6. BUILDING AND PARKING SETBACKS

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure	40 ft.	20 ft.	20 ft.
Accessory Structure	40 ft.	5 ft.	5 ft.
Off-street Parking	40 ft.	5 ft.	5 ft.

- A. No building, structure or land within 100 feet of a residence district boundary line shall be used in connection with the operation of any establishment except off-street parking and off-street loading may be located within this area in accordance with regulations set forth in Section 17.0402 and 17.0403 of this ordinance.
- B. A Buffer Yard shall be created and maintained around all business and manufacturing districts that abut upon residential zoning districts. Buffer yards shall be a minimum of 20 feet in width; shall be in addition to the required street setbacks, side setbacks, and rear setbacks; and shall screen business or manufacturing uses from adjoining lands in such a manner that:
- (1) If the buffer yard is composed entirely of plant materials, it shall be of sufficient initial depth and height and of such varieties as to provide adequate visual screening within no more than two years and during all seasons of the year.
  - (2) Where architectural walls or fences are used, sufficient landscaping shall be used in conjunction with such wall or fence to create an attractive view from the residential side, and all walls and fences shall be maintained in a structurally sound and attractive condition. Any wall or fence shall be not less than four (4) feet nor more than six (6) feet in height.
  - (3) All landscaping shall be maintained by the owner or operator to the satisfaction of the Building Commissioner.
  - (4) Where the land adjacent to the buffer yard is a parking lot, the buffer yard shall be sufficiently opaque to prevent the penetration of headlight glare. Overhead lighting installed adjacent to a buffer yard shall not throw any rays onto adjacent residential properties.

7. MAINTENANCE AND OPERATION

- A. The number, size, location and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan. Solid waste collection and recycling shall be the responsibility of the owner.
- B. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the owners.
- C. There shall be no outdoor storage or display of merchandise permitted as part of this planned

unit development.

8. SIGNS

- A. All signs shall conform to the provisions of Sec. 17.0706 of the Municipal Code.
- B. No pole signs shall be permitted as part of this planned unit development.
- C. No signs shall be permitted on or in any part of the buffer yard.

9. PERMITTED USES

- A. All permitted uses in the B-3, Office and Professional Business, B-4, Highway Business and M-1 Manufacturing zoning districts.
- B. Usual and customary accessory uses to the above listed permitted uses.

10. TIME OF COMPLIANCE

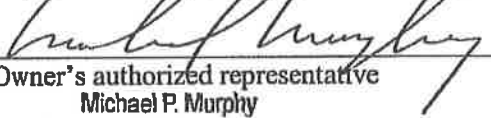
The operator of the planned unit development shall begin installing or constructing the elements required in these conditions and restrictions for the planned development within twelve (12) months from the date of adoption of the ordinance authorizing the planned unit development. The approval of the General Development Plan shall expire within forty-eight (48) months after commencing construction, if the structure(s) for which an approval has been issued are not substantially completed. The applicant shall re-apply for approval of the General Development Plan prior to recommencing work or construction.

11. OTHER REGULATIONS

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

12. ACKNOWLEDGEMENT

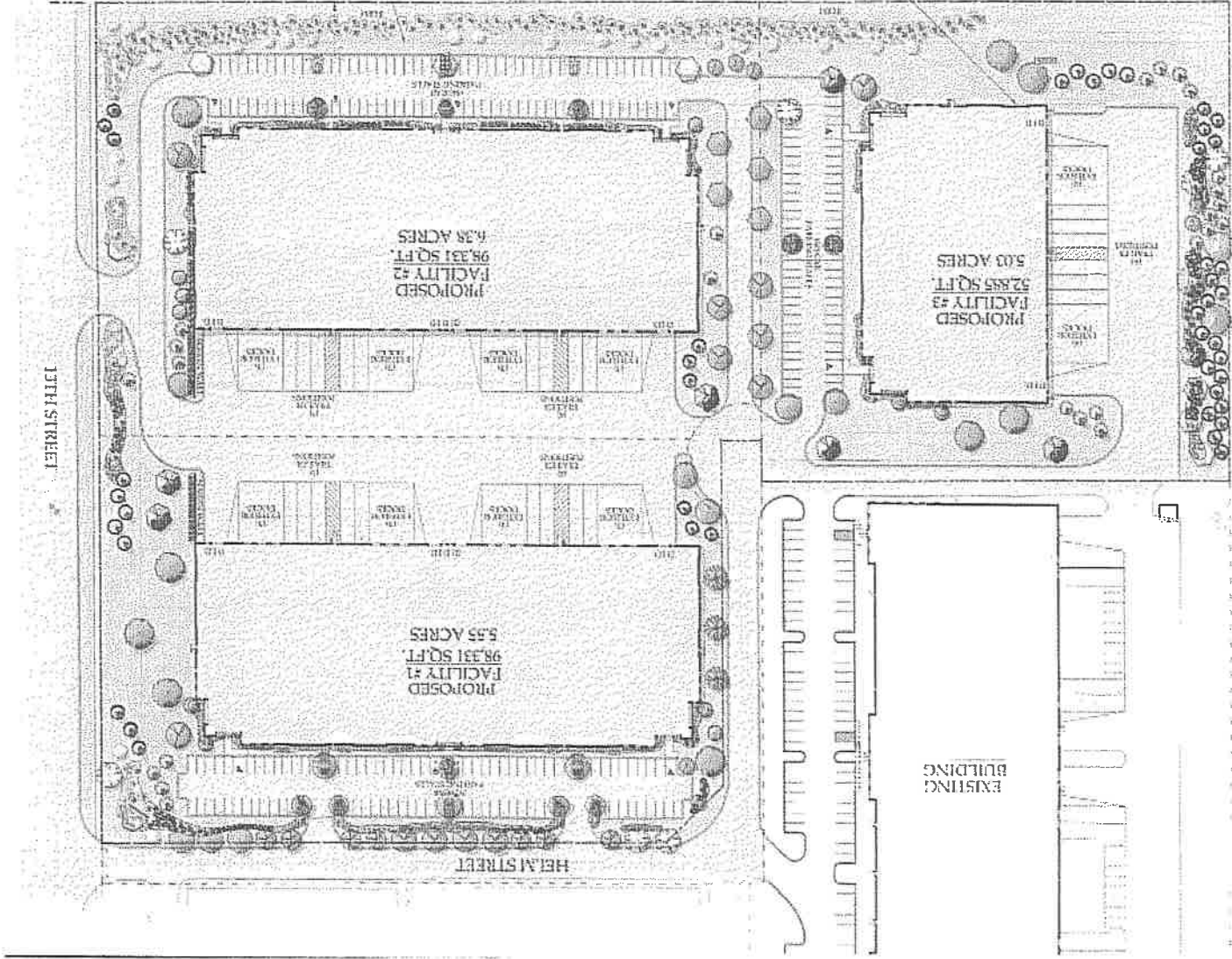
The approval and execution of these conditions and restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these conditions and restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their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

  
\_\_\_\_\_  
Owner's authorized representative  
Michael P. Murphy  
Executive VP. Development

2-27-09  
\_\_\_\_\_  
Date

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

EXHIBIT "A"  
GENERAL DEVELOPMENT PLAN



**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, APRIL 23, 2024**

Alderman Loreck 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, Alderman Guzikowski, Commissioner Siefert, and Commissioner Chandler. Mayor Bukiewicz and Commissioner Oldani were excused. Also present: Senior Planner Kari Papelbon and Assistant Fire Chief Mike Havey.

**PLANNED UNIT DEVELOPMENT AMENDMENT  
MICHAEL FABER, CREEK TWO LAND, LLC  
9955 S. 13<sup>TH</sup> ST.  
TAX KEY NO. 926-9037-000**

Senior Planner Papelbon provided an overview of the request for amendments to the existing Planned Unit Development affecting the property at 9955 S. 13<sup>th</sup> St. (see staff report for details).

A copy of the amended Conditions and Restrictions for this project was provided and discussed:

- Section 2
  - A. All requirements of the Code, as amended and approvals by the Plan Commission, are in effect.
  - B. These Conditions and Restrictions, except where otherwise note, supersede Ord. 2541.
  - D. A detailed general development plan will be Exhibit A and the plan conditionally approved by the Plan Commission on December 13, 2022 will be Exhibit B.
- Section 3(A), (B), & (D) - Off-street parking, all parking areas, and parking landscaping plans shall be approved by the Plan Commission.
- Section 4 - All plans must meet Code compliance and Plan Commission approval.
- Sections 5, 6, & 7 - See Ord. 2541 Conditions and Restrictions (Exhibit c). All Code Sections referenced as amended, and all landscaping, architectural, and building and parking setbacks shall be in accordance with plans approved by the Plan Commission.
- Section 9 - All sign plans shall be approved by the Plan Commission.
- Section 11 - Time of compliance language is directly copied from Ord. 2541.
- Section 14 - References existing Code Section 17.0701 – Section 17.0709 specifically noted.

Commissioner Kiepczynski asked for an update on the anticipated construction and permitting schedule.

Michael Faber, Capstone Development Company, N17 W24222 Riverwood Dr., Suite 160, Waukesha, WI 53188, stated they would like to begin construction around late summer, but may

be pushed to the next construction season.

Commissioner Oldani asked if the proposed parking on the south side of the development was present on the plans from 2022. Senior Planner Papelbon answered in the affirmative.

Alderman Guzikowski moved that the Plan Commission recommends to the Common Council that the existing Planned Unit Development for the properties at 9801, 9905, and 9955 S. 13<sup>th</sup> St., and 9809 and 9875 S. Stern St. is amended after a public hearing.

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

ATTEST:

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

5-14-24  
\_\_\_\_\_  
Date



TO BE PUBLISHED MAY 1 & 8, 2024

OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING  
BEFORE THE OAK CREEK COMMON COUNCIL**

**PURPOSE:**

The purpose of this public hearing is to consider a request submitted by Michael Faber, Ryan Business Park, LLC, and the City of Oak Creek to amend portions of the FW, Floodway and FF, Flood Fringe districts affecting the properties at 9514 S. 13<sup>th</sup> St. (aka 1293 W. Ryan Rd.), 9554, 9556, 9600, 9654, 9700 S. 13<sup>th</sup> St.; 9512 & 9601 S. Bartel Ct.; 741, 835, 901, & 913 W. Ryan Rd., and to update the Zoning and Sign Code to reflect the amendments.

**Hearing Date:**

May 21, 2024

**Time:**

7:00 PM

**Place:**

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

**Applicant(s):**

Michael Faber, Ryan Business Park, LLC, and the City of Oak Creek

**Property Owner(s):**

RYAN BUSINESS PARK LLC; MILWAUKEE COUNTY; COMMERCE 94 PROJECT, LLC; CITY OF OAK CREEK WI; CHARLES KOEHLER & DEBORAH MEYER; NORMAN C BARTEL REVOCABLE TRUST & BERNICE M BARTEL REVOCABLE TRUST; STEVE BRASCH

**Property Location(s):**

9514 S. 13<sup>th</sup> St. (aka 1293 W. Ryan Rd.), 9554, 9556, 9600, 9654, 9700 S. 13<sup>th</sup> St.; 9512 & 9601 S. Bartel Ct. and 741, 835, 901, & 913 W. Ryan Rd.,

**Tax Key(s):**

905-9013-000, 905-9005-000, 905-9006-000, 905-9009-001, 905-9003-000, 905-9011-000, 905-9015-000, 905-9014-000, 905-9001-000, 905-9998-001, 905-9997-001, & 905-9996-001

**Legal Descriptions:**

9514 S. 13<sup>th</sup> St. – CERTIFIED SURVEY MAP NO. 9242, NW & SW 1/4 SEC 29-5-22, LOT 7

9554 S. 13<sup>th</sup> St. – CSM NO 9076, NW 1/4 SEC 29-5-22, OUTLOT 3

9556 S. 13<sup>th</sup> St. – CSM NO 9076, NW 1/4 SEC 29-5-22, OUTLOT 4

9600 S. 13<sup>th</sup> St. - CSM NO 9085, NW & SW 1/4 SEC 29-5-22, LOT 3, EXC PTS CONV IN DOC NO 10885211 FOR ST

9654 S. 13<sup>th</sup> St. - CSM NO. 9074, NW 1/4 SEC 29-5-22, OUTLOT 1

9700 S. 13<sup>th</sup> St. - CERTIFIED SURVEY MAP NO. 9242, NW & SW 1/4 SEC 29-5-22, LOT 5

9512 S. Bartel Ct. - CERTIFIED SURVEY MAP NO. 9265, NW & SW 1/4 SEC 29-5-22, OUTLOT 5

9601 S. Bartel Ct - CERTIFIED SURVEY MAP NO. 9265, NW & SW 1/4 SEC 29-5-22, LOT 8  
741 W. Ryan Rd. - CSM NO 9074, NW 1/4 SEC 29-5-22, LOT 1

835 W. Ryan Rd. - E 100 FT OF W 300 FT OF THAT PART OF E1/2 OF NW1/4 SEC. 29-5-22 LYING N OF OAK CREEK, EXC N 80 FT FOR HWY. CONT. 1.76 ACS.

901 W. Ryan Rd. - E 100 FT OF W 200 FT OF THAT PART OF E1/2 OF NW1/4 SEC. 29-5-22 LYING N OF OAK CREEK EXC N 75 FT FOR HWY. CONT. 1.76 ACS. & EXC N 5 FT CONV TO DOT IN DOC NO 10303512 FOR ST

913 W. Ryan Rd. – W 100' OF THAT PART OF E1/2 OF NW1/4 SEC. 29-5-22. LYING N OF OAK CREEK EXC. N 75' FOR HWY. CONT. 1.85 ACS. & EXC PTS CONV TO DOT IN DOC NO 10306425 FOR HWY

The Common Council has scheduled other public hearings for May 21, 2024 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

Any person(s) with questions regarding the proposed change may call the Department of Community Development at (414) 766-7000, during regular business hours.

Date of Notice: April 22, 2024  
CITY OF OAK CREEK COMMON COUNCIL  
By: Daniel J. Bukiewicz, Mayor

### **PUBLIC NOTICE**

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



## COMMON COUNCIL REPORT

**Item:** Rezone and Zoning Text Amendment - 9514 S. 13th St. (aka 1293 W. Ryan Rd.), 9554, 9556, 9600, 9654, 9700 S. 13th St.; 9512 & 9601 S. Bartel Ct.; 741, 835, 901, & 913 W. Ryan Rd.

**Recommendation:** That the Council considers Ordinance 3100, an ordinance to rezone portions of the properties at 9514 S. 13th St. (aka 1293 W. Ryan Rd.), 9554, 9556, 9600, 9654, 9700 S. 13th St.; 9512 & 9601 S. Bartel Ct.; 741, 835, 901, & 913 W. Ryan Rd. to reflect the FW, Floodway and FF, Flood Fringe boundaries approved by FEMA, and to amend Section 17.0306(e)(2)(b) of Chapter 17 - Zoning and Sign Ordinance of the Municipal Code. (5<sup>th</sup> District)

**Fiscal Impact:** No direct fiscal impact. These properties are located in TID 16.

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

**Background:** In 2021, as part of the development of Ryan Business Park, several amendments to the floodway and flood fringe were proposed. According to the notice sent to adjacent landowners, the project proposed to

"...revise the FIRM to reflect expanding the existing bridge structure at South 13th Street, installing a new ConSpan bridge culvert at South Bartel Court public roadway, and grading within the floodplain and floodway for habitat enhancement to the Oak Creek as part of the Ryan Business Park Development..."

"The project ... will, in part, revise the following flood hazards along Oak Creek.

1. The floodway will be revised from 13th Street to approximately 1, 500 feet upstream of West Ryan Road along Oak Creek.
2. The 1-percent-annual-chance water surface elevations will increase and decrease along Oak Creek.
3. The 1-percent-annual-chance floodplain will widen and narrow along Oak Creek."

Due to the proposed impacts to the flood hazard areas on the properties, the project was required to obtain a LOMR from FEMA in addition to other requirements. FEMA approved of the changes and issued the LOMR in 2022; however, partly owing to the COVID-19 pandemic, the final changes were not formally adopted through the Rezone and Zoning Text Amendment processes per Code and State regulations. This review completes that process requirement, and is limited to those changes approved by FEMA. Included with this report are maps and additional information indicating the location of the approved amendments.

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After careful consideration at their April 23, 2024 meeting, the Plan Commission recommended Common Council approval of the rezone and text amendment.

**Options/Alternatives:** None. This is a requirement for compliance with FEMA, State, and local floodplain requirements.

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Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

  
Karri Papelbon, CFM, AICP  
Senior Planner

Fiscal Review:

  
Maxwell Gagin, MPA  
Deputy City Administrator / Finance Officer

Approved:

  
Kristi Laine  
Community Development Director

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Attachments:

Ord. 3100

Location Map

Narrative (1 page)

FEMA LOMR dated August 25, 2022 (6 pages)

Exhibit (1 page)

Excerpted Plan Commission Minutes (1 page)

ORDINANCE NO. 3100

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

AN ORDINANCE TO REZONE PORTIONS OF THE PROPERTIES AT 9514 S. 13TH ST. (AKA 1293 W. RYAN RD.), 9554, 9556, 9600, 9654, 9700 S. 13TH ST.; 9512 & 9601 S. BARTEL CT.; 741, 835, 901, & 913 W. RYAN RD. TO REFLECT THE FW, FLOODWAY AND FF, FLOOD FRINGE BOUNDARIES APPROVED BY FEMA, AND TO AMEND SECTION 17.0306(e)(2)(b) OF CHAPTER 17 – ZONING AND SIGN ORDINANCE OF THE MUNICIPAL CODE

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

WHEREAS, MICHAEL FABER, RYAN BUSINESS PARK, LLC, AND THE CITY OF OAK CREEK have applied for rezoning portions of the properties at 9514 S. 13<sup>th</sup> St. (aka 1293 W. Ryan Rd.), 9554, 9556, 9600, 9654, 9700 S. 13<sup>th</sup> St.; 9512 & 9601 S. Bartel Ct.; 741, 835, 901, & 913 W. Ryan Rd. to reflect the FW, Floodway and FF, Flood Fringe boundaries approved by FEMA; and

WHEREAS, the properties are more precisely described as follows:

9514 S. 13th St. – CERTIFIED SURVEY MAP NO. 9242, NW & SW 1/4 SEC 29-5-22, LOT 7

9554 S. 13th St. – CSM NO 9076, NW 1/4 SEC 29-5-22, OUTLOT 3

9556 S. 13th St. – CSM NO 9076, NW 1/4 SEC 29-5-22, OUTLOT 4

9600 S. 13th St. - CSM NO 9085, NW & SW 1/4 SEC 29-5-22, LOT 3, EXC PTS CONV IN DOC NO 10885211 FOR ST

9654 S. 13th St. - CSM NO. 9074, NW 1/4 SEC 29-5-22, OUTLOT 1

9700 S. 13th St. - CERTIFIED SURVEY MAP NO. 9242, NW & SW 1/4 SEC 29-5-22, LOT 5

9512 S. Bartel Ct. - CERTIFIED SURVEY MAP NO. 9265, NW & SW 1/4 SEC 29-5-22, OUTLOT 5

9601 S. Bartel Ct - CERTIFIED SURVEY MAP NO. 9265, NW & SW 1/4 SEC 29-5-22, LOT 8

741 W. Ryan Rd. - CSM NO 9074, NW 1/4 SEC 29-5-22, LOT I

835 W. Ryan Rd. - E 100 FT OF W 300 FT OF THAT PART OF E1/2 OF NW1/4 SEC. 29-5-22 LYING N OF OAK CREEK, EXC N 80 FT FOR HWY. CONT. 1.76 ACS.

901 W. Ryan Rd. - E 100 FT OF W 200 FT OF THAT PART OF E1/2 OF NW1/4 SEC. 29-5-22 LYING N OF OAK CREEK EXC N 75 FT FOR HWY. CONT. 1.76 ACS. & EXC N 5 FT CONV TO DOT IN DOC NO 10303512 FOR ST

913 W. Ryan Rd. – W 100' OF THAT PART OF E1/2 OF NW1/4 SEC. 29-5-22. LYING N OF OAK CREEK EXC. N 75' FOR HWY. CONT. 1.85 ACS. & EXC PTS CONV TO DOT IN DOC NO 10306425 FOR HWY.

WHEREAS, State and local regulations require that the Zoning Code also be amended to incorporate any changes to the Special Flood Hazard Area; and

WHEREAS, the Plan Commission reviewed the application and recommended that the rezoning and amendment to Section 17.0306(e)(2)(b) be approved; and

WHEREAS, the Common Council held a public hearing on said application on May 21, 2024, at which time all interested parties appeared and were heard; and

WHEREAS, following said public hearing and upon 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 rezoning was approved for the lands hereinabove described, and that Section 17.0306(e)(2)(b) was amended.

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

SECTION 1: § 17.0306(e)(2)(b) of the Municipal Code is hereby amended to read as follows:

(b) Maps Based on Other Studies

(1) Letter of Map Revision-Based on Fill for the North Branch of the Oak Creek completed by JSD Professional Services, Inc. and approved by FEMA on (date).

(2) Letter of Map Revision-Based on Fill for the West Brank Crayfish Creek completed by Pete L. Bailey, RLS of American Surveying Co., and approved by FEMA on January 15, 2009.

(3) Letter of Map Revision for the Oak Creek completed by Pinnacle Engineering Group, and approved by FEMA on August 25, 2022.

SECTION 2: To promote the general welfare, public safety and general planning within the City of Oak Creek, the lands hereinabove described are hereby rezoned to reflect the flood fringe boundaries approved by FEMA, and the Zoning Map of Chapter 17 of the Municipal Code is amended to reflect the rezoning.

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

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

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

Introduced this 21st day of May, 2024.

Passed and adopted this 21st day of May, 2024.

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

Approved this 21st day of May, 2024.

ATTEST:

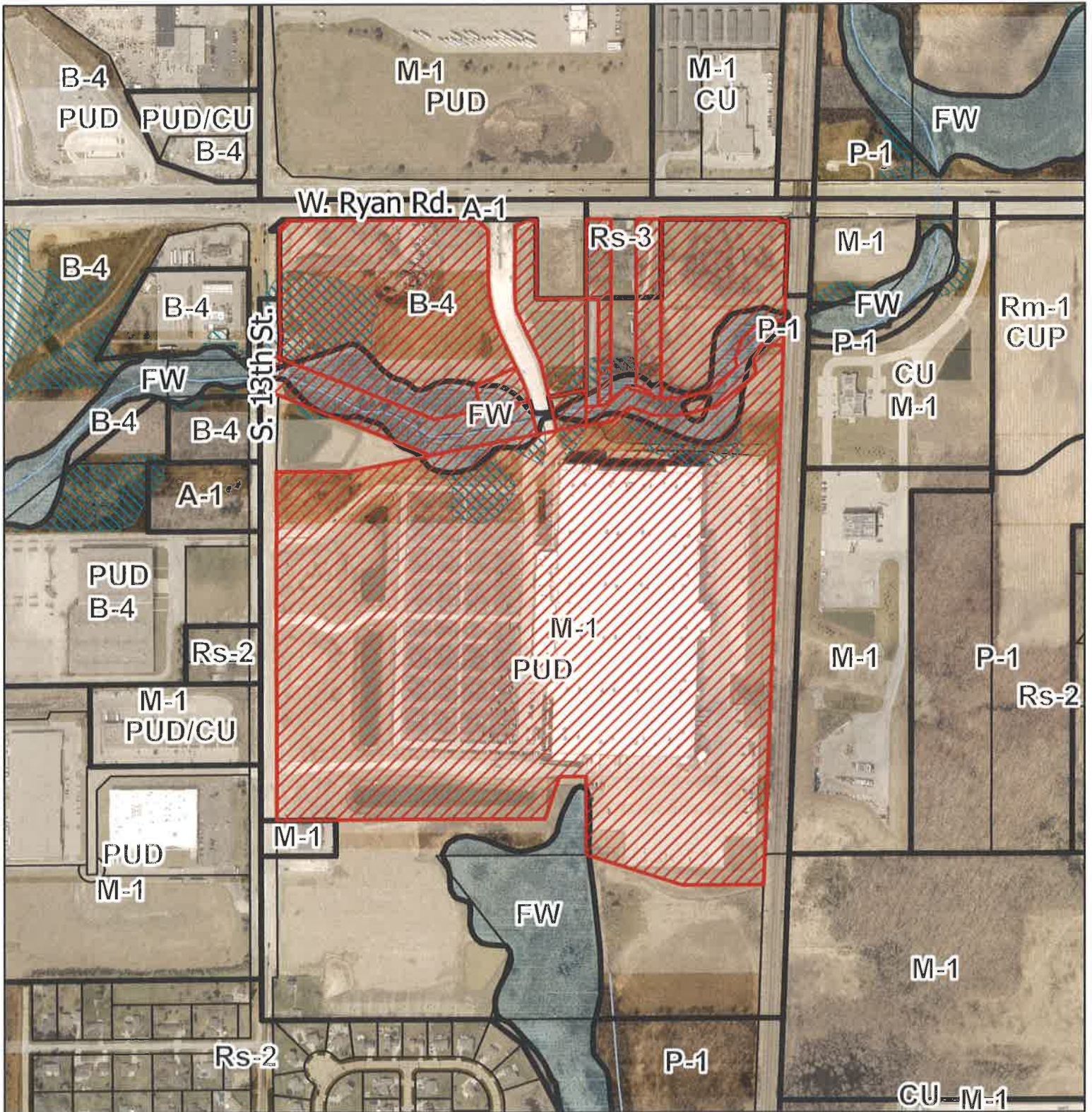
\_\_\_\_\_  
Mayor

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

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

# Location Map

## Various



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

### Legend

- Zoning
- Flood Fringe
- Official Street Map
- Parcels
- Floodway
- 9514 S. 13th St.



0 0.09 0.18 Miles







## Narrative Description of Rezoning Request

### Ryan Business Park: Lot 7 of CSM 9242

20 March 2024

**Parcel:** This vacant Parcel in Ryan Business Park in the SE corner of Ryan Road and S. 13<sup>th</sup> Street generally sits at the north end of the 114 acre Ryan Business Park, along the south edge of Ryan Road (Highway 100) between 13<sup>th</sup> Street (CTH V) on the west and Bartel Court on the east, and on the north edge of the south branch of the Oak Creek. The Parcel is Lot 7 of CSM 9242 (recorded 7/15/2020), with an address of 9514 S. 13<sup>th</sup> Street, Tax Key 905-9013-000.

**Purpose:** This application requests a rezoning to update the Floodplain Overlay on the Parcel, to bring the zoning into conformity with the revised floodplain boundaries to reflect FEMA's recent Letter Of Map Revision (LOMR) to the Flood Insurance Rate Map (FIRM) 55079C0231E. This results in the floodplain (all floodway and flood fringe) zoning being removed from Lot 7.

The application package includes a revised floodway map, the FEMA letter to Mayor Bukiewicz approving the LOMR, a Plan Commission application with fee, and a Change of Zoning Application.

The regrading, improvement, and stabilization of the Parcel and all other parcels included in the LOMR, consistent with the LOMR, has been accomplished. These efforts improved flood storage in the creek corridor including both public and private lands flanking the Creek, improved habitat of the creek environment by installing riffles and outcrops, removed invasive species of plants and installed native species of plants.

Due to FEMA's finalized approval of the LOMR, we believe this rezoning is straightforward. We are happy to answer any questions. In addition to me being present, please advise if you would like us to have our civil engineers at the meetings with the Plan Commission and Common Council.

**Request.** Ryan Business Park, LLC requests that the Plan Commission and Common Council approve the rezoning to remove the Floodplain zoning overlay from the Parcel, leaving the base zoning B4 intact.

Sincerely,

Michael Faber  
Ryan Business Park, LLC



# Federal Emergency Management Agency

Washington, D.C. 20472

April 11, 2022

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

The Honorable Daniel Bukiewicz  
Mayor, City of Oak Creek  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154

IN REPLY REFER TO:

Case No.: 21-05-0691P  
Community Name: City of Oak Creek, WI  
Community No.: 550279  
Effective Date of  
This Revision: **August 25, 2022**

Dear Mayor Bukiewicz:

The Flood Insurance Study Report and Flood Insurance Rate Map for your community have been revised by this Letter of Map Revision (LOMR). Please use the enclosed annotated map panel(s) revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals issued in your community.

Additional documents are enclosed which provide information regarding this LOMR. Please see the List of Enclosures below to determine which documents are included. Other attachments specific to this request may be included as referenced in the Determination Document. If you have any questions regarding floodplain management regulations for your community or the National Flood Insurance Program (NFIP) in general, please contact the Consultation Coordination Officer for your community. If you have any technical questions regarding this LOMR, please contact the Director, Mitigation Division of the Department of Homeland Security's Federal Emergency Management Agency (FEMA) in Chicago, Illinois, at (312) 408-5500, or the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP). Additional information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

Sincerely,

Patrick "Rick" F. Sacbibit, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration

List of Enclosures:

Letter of Map Revision Determination Document  
Annotated Flood Insurance Rate Map  
Annotated Flood Insurance Study Report

cc: Ms. Laurie Miller  
Zoning Administrator  
City of Oak Creek

Mr. Brian Cunningham  
NFIP State Coordinator  
Wisconsin Department of Natural Resources

Mr. Dylan Crisp  
Senior Project Engineer  
Pinnacle Engineering Group

Mr. Matt Carey, P.E.  
Project Manager  
Pinnacle Engineering Group



**Federal Emergency Management Agency**  
Washington, D.C. 20472

**LETTER OF MAP REVISION  
DETERMINATION DOCUMENT**

COMMUNITY AND REVISION INFORMATION		PROJECT DESCRIPTION	BASIS OF REQUEST
COMMUNITY	City of Oak Creek Milwaukee County Wisconsin	BRIDGE CULVERT FILL	FLOODWAY 1D HYDRAULIC ANALYSIS UPDATED TOPOGRAPHIC DATA
	COMMUNITY NO.: 550279		
IDENTIFIER	Ryan Business Park	APPROXIMATE LATITUDE & LONGITUDE: 42.870, -87.929 SOURCE: Other      DATUM: NAD 27	
ANNOTATED MAPPING ENCLOSURES		ANNOTATED STUDY ENCLOSURES	
TYPE: FIRM*	NO.: 55079C0231E      DATE: September 26, 2008	DATE OF EFFECTIVE FLOOD INSURANCE STUDY: September 26, 2008 PROFILES: 125P and 126P FLOODWAY DATA TABLE: 5	

Enclosures reflect changes to flooding sources affected by this revision.

\* FIRM - Flood Insurance Rate Map

**FLOODING SOURCE(S) & REVISED REACH(ES)**

Oak Creek - From approximately 400 feet upstream of CP Railroad to approximately 400 feet upstream of 13th Street

**SUMMARY OF REVISIONS**

Flooding Source	Effective Flooding	Revised Flooding	Increases	Decreases
Oak Creek	BFEs*	BFEs	NONE	YES
	Floodway	Floodway	YES	YES
	Zone AE	Zone AE	YES	YES
	Zone X (shaded)	Zone X (shaded)	YES	YES

\* BFEs - Base (1-percent-annual-chance) Flood Elevations

**DETERMINATION**

This document provides the determination from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) regarding a request for a Letter of Map Revision (LOMR) for the area described above. Using the information submitted, we have determined that a revision to the flood hazards depicted in the Flood Insurance Study (FIS) report and/or National Flood Insurance Program (NFIP) map is warranted. This document revises the effective NFIP map, as indicated in the attached documentation. Please use the enclosed annotated map panels revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals in your community.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-338-2827 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

Patrick "Rick" F. Sacbitt, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration



**Federal Emergency Management Agency**  
Washington, D.C. 20472

**LETTER OF MAP REVISION  
DETERMINATION DOCUMENT (CONTINUED)**

**COMMUNITY INFORMATION**

**APPLICABLE NFIP REGULATIONS/COMMUNITY OBLIGATION**

We have made this determination pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended, communities participating in the NFIP are required to adopt and enforce floodplain management regulations that meet or exceed NFIP criteria. These criteria, including adoption of the FIS report and FIRM, and the modifications made by this LOMR, are the minimum requirements for continued NFIP participation and do not supersede more stringent State/Commonwealth or local requirements to which the regulations apply.

We provide the floodway designation to your community as a tool to regulate floodplain development. Therefore, the floodway revision we have described in this letter, while acceptable to us, must also be acceptable to your community and adopted by appropriate community action, as specified in Paragraph 60.3(d) of the NFIP regulations.

NFIP regulations Subparagraph 60.3(b)(7) requires communities to ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. This provision is incorporated into your community's existing floodplain management ordinances; therefore, responsibility for maintenance of the altered or relocated watercourse, including any related appurtenances such as bridges, culverts, and other drainage structures, rests with your community. We may request that your community submit a description and schedule of maintenance activities necessary to ensure this requirement.

**COMMUNITY REMINDERS**

We based this determination on the 1-percent-annual-chance flood discharges computed in the FIS for your community without considering subsequent changes in watershed characteristics that could increase flood discharges. Future development of projects upstream could cause increased flood discharges, which could cause increased flood hazards. A comprehensive restudy of your community's flood hazards would consider the cumulative effects of development on flood discharges subsequent to the publication of the FIS report for your community and could, therefore, establish greater flood hazards in this area.

Your community must regulate all proposed floodplain development and ensure that permits required by Federal and/or State/Commonwealth law have been obtained. State/Commonwealth or community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction or may limit development in floodplain areas. If your State/Commonwealth or community has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP requirements.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

Patrick "Rick" F. Sacbibl, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration



## Federal Emergency Management Agency

Washington, D.C. 20472

### LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

We will not print and distribute this LOMR to primary users, such as local insurance agents or mortgage lenders; instead, the community will serve as a repository for the new data. We encourage you to disseminate the information in this LOMR by preparing a news release for publication in your community's newspaper that describes the revision and explains how your community will provide the data and help interpret the NFIP maps. In that way, interested persons, such as property owners, insurance agents, and mortgage lenders, can benefit from the information.

This revision has met our criteria for removing an area from the 1-percent-annual-chance floodplain to reflect the placement of fill. However, we encourage you to require that the lowest adjacent grade and lowest floor (including basement) of any structure placed within the subject area be elevated to or above the Base (1-percent-annual-chance) Flood Elevation.

We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Ms. Mary Beth Caruso  
Director, Mitigation Division  
Federal Emergency Management Agency, Region V  
536 South Clark Street, Sixth Floor,  
Chicago, IL 60605  
(312) 408-5500

#### STATUS OF THE COMMUNITY NFIP MAPS

We will not physically revise and republish the FIRM and FIS report for your community to reflect the modifications made by this LOMR at this time. When changes to the previously cited FIRM panel(s) and FIS report warrant physical revision and republication in the future, we will incorporate the modifications made by this LOMR at that time.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

A handwritten signature in black ink, appearing to read "Rick Sacbibit".

Patrick "Rick" F. Sacbibit, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

### PUBLIC NOTIFICATION OF REVISION

A notice of changes will be published in the *Federal Register*. This information also will be published in your local newspaper on or about the dates listed below, and through FEMA's Flood Hazard Mapping website at [https://www.floodmaps.fema.gov/fhm/bfe\\_status/bfe\\_main.asp](https://www.floodmaps.fema.gov/fhm/bfe_status/bfe_main.asp)

#### LOCAL NEWSPAPER

Name: *South NOW*

Dates: April 20, 2022 and April 27, 2022

Within 90 days of the second publication in the local newspaper, any interested party may request that we reconsider this determination. Any request for reconsideration must be based on scientific or technical data. Therefore, this letter will be effective only after the 90-day appeal period has elapsed and we have resolved any appeals that we receive during this appeal period. Until this LOMR is effective, the revised flood hazard determination presented in this LOMR may be changed.

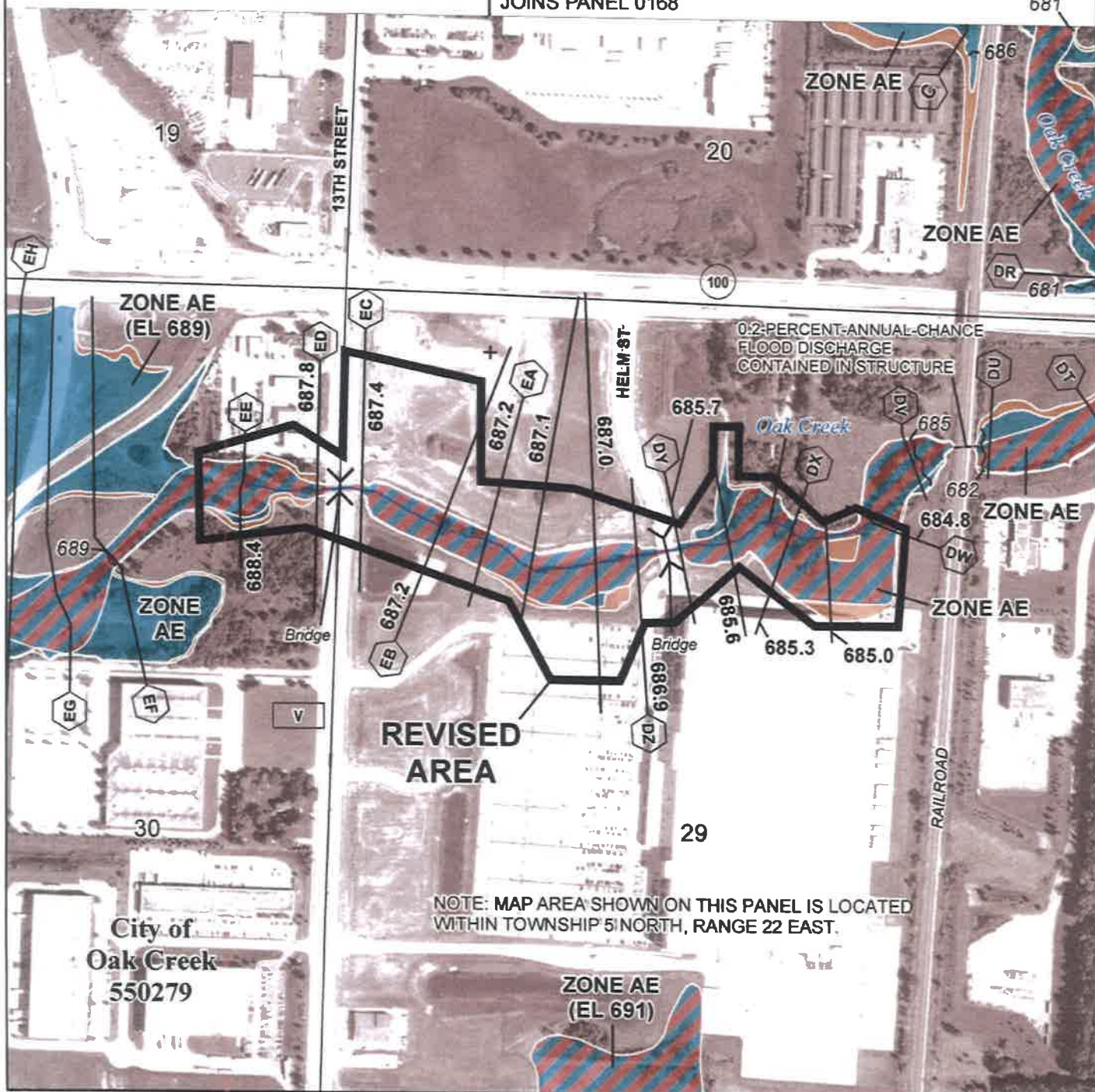
This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2827 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

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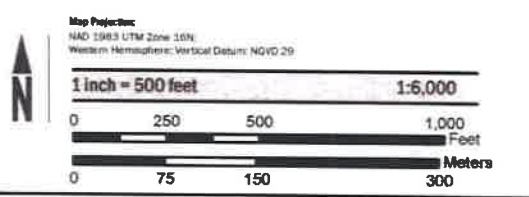
Patrick "Rick" F. Sacibit, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration

424000mE

JOINS PANEL 0168



SCALE



FEMA National Flood Insurance Program

**NATIONAL FLOOD INSURANCE PROGRAM**  
 FLOOD INSURANCE RATE MAP  
 MILWAUKEE COUNTY, WISCONSIN  
 and Incorporated Areas

**Panel 231 of 300**

Panel Contains:	NUMBER	PANEL	SUFFIX
COMMUNITY	550279	0231	E
OAK CREEK, CITY OF			

**REVISED TO REFLECT LOMR EFFECTIVE: August 25, 2022**

VERSION NUMBER  
2.1.3.0

MAP NUMBER  
55079C0231E

EFFECTIVE DATE  
SEPTEMBER 26, 2008



WEST RYAN ROAD  
STATE TRUNK HIGHWAY "100"

UNPLATTED LANDS

LOT 7  
C.S.M. NO. 9242

BARTEL COURT

FLOOD WAY  
LOMR 21-05-0691P  
AUGUST 25, 2022

FLOOD WAY PER FEMA  
MAP NO. 55079C0231E  
SEPTEMBER 26, 2008

OUTLOT 5  
C.S.M. NO. 9265

FLOOD WAY  
LOMR 21-05-0691P  
AUGUST 25, 2022

LOT 8  
C.S.M. NO. 9285

SOUTH 13TH STREET  
COUNTY TRUNK HIGHWAY "V"

C/L OAK  
CREEK

OUTLOT 1  
C.S.M. NO. 9074

UPLAND

LOT 3  
C.S.M. NO. 9085

OUTLOT 3  
C.S.M. NO. 9076

OUTLOT 4  
C.S.M. NO. 9075

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD

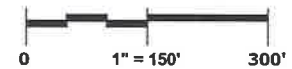
FLOOD WAY  
LOMR 21-05-0691P  
AUGUST 25, 2022

FLOOD WAY PER FEMA  
MAP NO. 55079C0231E  
SEPTEMBER 26, 2008

FLOOD WAY PER FEMA  
MAP NO. 55079C0231E  
SEPTEMBER 26, 2008

LOT 5  
C.S.M. NO. 9242

GRAPHICAL SCALE (FEET)



# EXHIBIT

PINNACLE ENGINEERING GROUP

20725 WATERTOWN ROAD | SUITE 100 | BROOKFIELD, WI 53186 | WWW.PINNACLE-ENGR.COM

PLAN | DESIGN | DELIVER

03/26/2024

PEG JOB#146.01



**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, APRIL 23, 2024**

Alderman Loreck 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, Alderman Guzikowski, Commissioner Siepert, and Commissioner Chandler. Mayor Bukiewicz and Commissioner Oldani were excused. Also present: Senior Planner Kari Papelbon and Assistant Fire Chief Mike Havey.

**REZONE/ZONING TEXT AMENDMENT**

**RYAN BUSINESS PARK, LLC**

**9514 S. 13<sup>TH</sup> ST. (AKA 1293 W. RYAN RD.), 9554, 9556, 9600, 9654, 9700 S. 13<sup>TH</sup> ST.; 9512 & 9601 S. BARTEL CT.; 741, 835, 901, & 913 W. RYAN RD.**

**TAX KEY NOS. 905-9013-000, 905-9005-000, 905-9006-000, 905-9009-001, 905-9003-000, 905-9011-000, 905-9015-000, 905-9014-000, 905-9001-000, 905-9998-001, 905-9997-001, & 905-9996-001**

Senior Planner Papelbon provided an overview of the request to amend portions of the FW, Floodway and FF, Flood Fringe districts affecting the properties listed above (see staff report for details). There were no comments or concerns.

Commissioner Siepert moved that the Plan Commission recommends to the Common Council that portions of the properties at 9514 S. 13<sup>th</sup> St. (aka 1293 W. Ryan Rd.), 9554, 9556, 9600, 9654, 9700 S. 13<sup>th</sup> St.; 9512 & 9601 S. Bartel Ct.; 741, 835, 901, & 913 W. Ryan Rd. are rezoned to reflect the floodway and flood fringe boundaries approved by FEMA, and that Chapter 17 – Zoning and Sign Ordinance of the Municipal Code be amended to incorporate the changes to the floodway and floodplain following a public hearing.

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

ATTEST:

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

5-14-24  
\_\_\_\_\_  
Date

Publish April 10, 2024

OFFICIAL NOTICE

NOTICE OF PUBLIC HEARING  
BEFORE THE OAK CREEK COMMON COUNCIL

**PURPOSE:** The purpose of this public hearing is to consider an amendment to the Comprehensive Plan, City of Oak Creek (Adopted March 3, 2020, last amended December 20, 2022) as it relates to the properties at 800, 812, and 910 W. Oakwood Rd.

**Date:** May 21, 2024  
**Time:** 7:00 p.m.  
**Place:** Oak Creek Civic Center (City Hall)  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154  
Common Council Chambers

**Applicant:** William Nelson & City of Oak Creek  
**Property Owner(s):** William Nelson & Kay Halkowski and Mark Hurley  
**Tax Key Nos.** 925-9991-000, 925-9005-000, 925-9004-000  
**Property locations:** 800, 812, and 910 W. Oakwood Rd.

**Proposal:**  
The proposed amendment would change the Land Use Plan and category for the properties at 800 & 812 W. Oakwood Rd. from "Single-Family Attached" to "Commercial" (no change to the Floodway category), and would change the Land Use Plan and category for the property at 910 W. Oakwood Rd. from "Single-Family Attached" to "Single-Family Detached" (no change to the Floodway category).



**Legal Descriptions:**  
800 W. Oakwood Rd. - THAT PART OF THE SE1/4 OF SW1/4 SEC. 29-5 22 LYING W OF THE WLY LI OF CMSTP&P RR ROW EXC. COM 897.30 FT W OF THE SE COR OF SD 1/4 SEC TH W 408 FT TO SW COR OF SE1/4 OF SD 1/4 SEC N 533.83 FT E 408 FT TH S 533.83 FT TO BEG. CONT. 14.3794 ACS.

812 W. Oakwood Rd. - CERTIFIED SURVEY MAP NO. 3014 PARCEL 2 SW1/4 SEC. 29-5-22.

910 W. Oakwood Rd. - CERTIFIED SURVEY MAP NO. 3014 PARCEL 1 SW 1/4 SEC. 29-5-22.

The Common Council has scheduled other public hearings for May 21, 2024 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

Any person(s) with questions regarding the proposed change(s) may call the Department of Community Development at (414) 766-7027 during regular business hours.

Dated this 16<sup>th</sup> day of April 3, 2024.

Date of Notice: March 26, 2024  
CITY OF OAK CREEK COMMON COUNCIL  
By: Daniel J. Bukiewicz, Mayor

**Public Notice**

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

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.



## COMMON COUNCIL REPORT

**Item:** Comprehensive Plan Amendment – 800, 812, & 910 W. Oakwood Rd.

**Recommendation:** That the Council considers Ordinance 3101, an ordinance adopting amendments to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020; last amended December 20, 2022) for the properties at 800, 812, & 910 W. Oakwood Rd.

**Fiscal Impact:** The amendment to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020; last amended December 20, 2022) is the first of several steps in the entitlement process to allow for the potential consolidated development of the properties at 800 & 812 W. Oakwood Rd. Approval would allow the Council and Plan Commission to review any proposed land use changes and development proposals affecting the properties at 800 & 812 W. Oakwood Rd. Amending the Comprehensive Plan for the property at 910 W. Oakwood Rd. recognizes the existing and historical use of the property for residential purposes, which is not likely to change given environmental factors affecting the property. No immediate fiscal impact is anticipated from the proposal. Review and permit application fees for development of the properties at 800 and 812 W. Oakwood Rd. would provide additional positive fiscal impact for the City. The properties are not currently part of a TID.

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

**Background:**

The Applicant is requesting that the Land Use Plan in the *Comprehensive Plan* (adopted March 3, 2020; last amended December 20, 2022) be amended from Single-Family Attached to Commercial for the properties at 800 & 812 W. Oakwood Rd. Council will note that the property at 812 W. Oakwood Rd. is currently developed with a restaurant. Amending the Land Use Plan in the *Comprehensive Plan* would recognize the historic commercial use of the property outside of floodplain areas, and may allow the Applicant to proceed with plans for an expansion that includes parking on the property at 800 W. Oakwood Rd.

It should be clearly understood that consideration of the proposed amendment to the *Comprehensive Plan* does not constitute endorsement of any concept plan that has been submitted for the property. If the amendment to the *Comprehensive Plan* were to be adopted, there remain steps involved in an entitlement process for any development of the property. This includes, but may not be limited to: a Lot Line Adjustment

(CSM) to combine the properties; rezoning the property at 800 W. Oakwood Rd. outside of the floodplain and C-1, Shoreland Wetland Conservancy areas; and site, architectural, landscape, lighting, and related plans for the proposed building and parking lot additions.

The Comprehensive Plan describes the Commercial Land Use category thus:

This land use comprises commercial structures with businesses selling goods and services. These uses can range in size from individual businesses on dedicated properties to shopping centers with multiple tenants. Commercial development in Oak Creek should continue to be primarily concentrated along major transportation corridors; however, the development of commercial nodes integrated into residential areas serving the neighborhood should be encouraged.

While previous conditions or approvals for the properties do not preclude future amendments, particularly in light of neighborhood and market changes, they provide insight into how the Land Use Plan in the current *Comprehensive Plan* was determined. Both of the properties, and the property at 910 W. Oakwood Rd., are between the English Aire subdivision and the railroad tracks on the north side of Oakwood Rd. Southwest of the parcels lies the Oakwood Terrace subdivision, and several properties that have transitioned to mixed residential and commercial uses over the years. North of the subject properties is a parcel of open land reserved for a future public park, and to the west is a mix of manufacturing (FedEx, AirProducts, OakView Business Park) and residential parcels. Land Use categories for these areas are specified in the map below.



### Staff Evaluation

The existing developments in the surrounding area as previously described were considered during the update of the current *Comprehensive Plan*. While staff have reservations for amending the *Comprehensive Plan* after thoughtful input over a nearly 2-year period, particularly for two (2) parcels that would leave a single parcel in the Single-Family Attached category, staff also recognize that the subject properties have not been used for purely residential purposes for decades. In the case of 800 W. Oakwood Rd., there has never been a formal development. Within the context of the *Comprehensive Plan* (and the Zoning Code), the more appropriate use category for the properties at 800 & 812 W. Oakwood Rd. may be Commercial.

---

Given the historical use of the property at 812 W. Oakwood Rd. as a commercial business serving the neighborhood, and the nexus to parcels currently utilized for mixed commercial and residential uses, staff provided two (2) options for Plan Commission consideration:

1. Amendment of the *Comprehensive Plan* limited to the properties at 800 & 812 W. Oakwood Rd. (Applicant's request).
2. Amend the parcel to the west of the property at 812 W. Oakwood Rd. (910 W. Oakwood Rd.) outside of the floodplain area, to Single-Family Detached. This property is currently utilized for single-family residential purposes, and is potentially not large enough to accommodate a non-residential redevelopment outside of the floodplain areas.

Per Wis. Stats. 62.23(3)(b), adoption of any amendment must be by a majority approval of the entire Plan Commission and Common Council. The State of Wisconsin Smart Growth Law requires that all local land use decisions after January 1, 2010 must be consistent with the objectives, goals, and policies contained within the *Comprehensive Plan*. Approval of the amendment(s) to the *Comprehensive Plan* would bring the *Comprehensive Plan* in line with the intent and goals for future commercial development and use of the properties at 800 & 812 W. Oakwood Rd., and would recognize the existing, and likely future, use of the property at 910 W. Oakwood Rd. for residential purposes.

After thoughtful consideration at the March 26, 2024 meeting, and by unanimous vote, the Plan Commission recommended approval of the following proposed amendments to the Land Use Plan in the *Comprehensive Plan*

1. From Single-Family Attached to Commercial outside of floodway areas for the properties at 800 & 812 W. Oakwood Rd.
2. From Single-Family Attached to Single-Family Detached outside of floodway areas for the property at 910 W. Oakwood Rd.

**Options/Alternatives:** This is the first step in allowing additional reviews to occur for the properties at 800 & 812 W. Oakwood Rd. Should the request not be approved, the Applicant may choose to substantially amend the request for reconsideration. Disapproval would not change the existing Single-Family Attached designation of the properties, and may result in conflicting zoning district requirements for the properties.

---

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Kari Papelbon, CFM, AICP  
Senior Planner

Fiscal Review:



Maxwell Gagin, MPA  
Deputy City Administrator / Finance Officer

Approved:



Kristi Laine  
Community Development Director

---

**Attachments:**

Ord 3101

Location Map

Narrative (2 pages)

Comprehensive Plan Amendment Map Options (2 pages)

PC Resolution 2024-01

---

ORDINANCE NO. 3101

BY:

AN ORDINANCE ADOPTING AMENDMENTS TO THE COMPREHENSIVE  
PLAN, CITY OF OAK CREEK  
(ADOPTED MARCH 3, 2020; LAST AMENDED DECEMBER 20, 2022)

800, 812, & 910 W. OAKWOOD RD.

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

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

SECTION 1: Pursuant to Sections 62.23(2) and 66.1001(4) of the Wisconsin Statutes, the City of Oak Creek is authorized to prepare and adopt a comprehensive plan and an amendment to a comprehensive plan as defined in Sections 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

SECTION 2: The Common Council, by the enactment of Ordinance No. 2963, formally adopted the document titled *Comprehensive Plan, City of Oak Creek* on March 3, 2020.

SECTION 3: The Common Council, by the enactment of Ordinance No. 2988, formally adopted an amendment to the *Comprehensive Plan, City of Oak Creek* on November 17, 2020.

SECTION 4: The Common Council, by the enactment of Ordinance No. 3029, formally adopted an amendment to the *Comprehensive Plan, City of Oak Creek* on March 1, 2022.

SECTION 5: The Common Council, by the enactment of Ordinance No. 3030, formally adopted an amendment to the *Comprehensive Plan, City of Oak Creek* on March 1, 2022.

SECTION 6: The Common Council, by the enactment of Ordinance No. 3050, formally adopted an amendment to the *Comprehensive Plan, City of Oak Creek* on August 16, 2022.

SECTION 7: The Common Council, by the enactment of Ordinance No. 3062, formally adopted an amendment to the *Comprehensive Plan, City of Oak Creek* on December 20, 2022.

SECTION 8: The Plan Commission, by a majority vote of the entire Commission at a meeting held on March 26, 2024, adopted Resolution No. 2024-01, amending the adopted *Comprehensive Plan, City of Oak Creek* from "Single-Family Attached" to "Commercial" (no changes to the Floodway) for the properties at 800 and 812 W. Oakwood Rd., and from "Single Family Attached" to "Single Family Detached" (no changes to the Floodway) for the property 910 W. Oakwood Rd., and recommending that the Common Council adopt the amendment to the *Comprehensive Plan* by ordinance.



SECTION 9: The City of Oak Creek published a Class 1 public notice on April 10, 2024, and held a public hearing before Common Council on May 21, 2024.

SECTION 10: The Common Council hereby adopts the proposed amendment to the *Comprehensive Plan, City of Oak Creek* from "Single Family Attached" to "Commercial" (no changes to the Floodway) for the properties at 800 and 812 W. Oakwood Rd. and from "Single Family Attached" to "Single Family Detached" (no changes to the Floodway) for the property at 910 W. Oakwood Rd.

SECTION 11: Except as herein modified, the *Comprehensive Plan, City of Oak Creek* adopted March 3, 2020 and amended November 17, 2020, March 1, 2022, August 16, 2022, and December 20, 2022 shall remain in full force and effect.

SECTION 12: The City Clerk is directed to send a copy of this ordinance and the Comprehensive Plan amendment to the parties listed in Section 66.1001(4)(b) of the Wisconsin Statutes.

SECTION 13: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced this 21<sup>st</sup> day of May, 2024.

Passed and adopted this 21<sup>st</sup> day of May, 2024.

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

Approved this 21<sup>st</sup> day of May, 2024.

\_\_\_\_\_  
Mayor

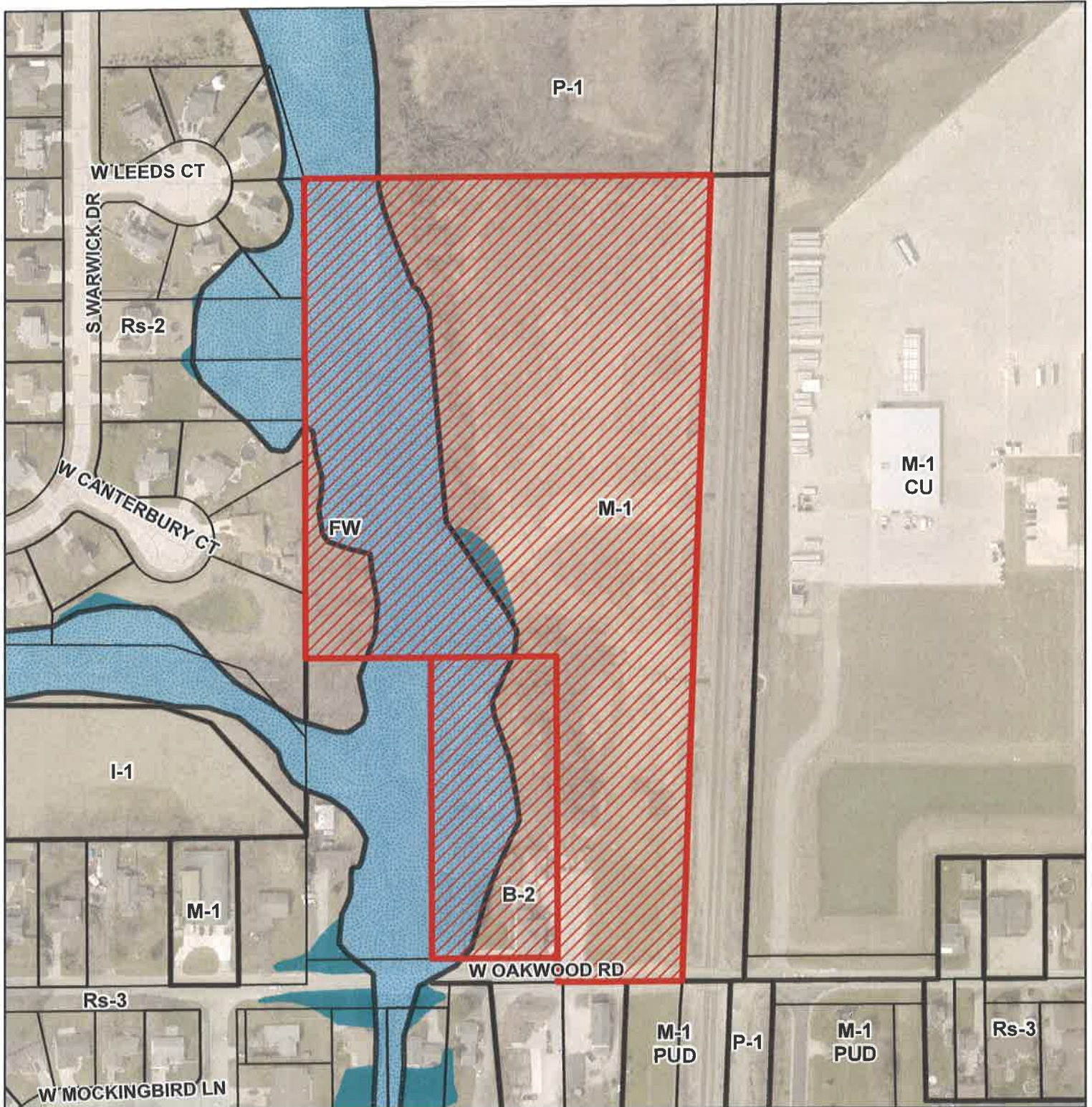
ATTEST:

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

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

# LOCATION MAP

## 800 & 812 W. Oakwood Rd.



### Legend

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

# **The Cellar Building Addition and Parking Lot Project Narrative**

The Cellar Pub & Grill appreciates the opportunity to bring forward plans for your approval of a comprehensive plan amendment and rezoning request. The goal would be to join the properties at 800 & 812 W. Oakwood Road creating a singular lot for The Cellar Pub & Grill with uniform zoning and planned land use.

## Project Description

The Cellar is a bar and grill located at 812 W. Oakwood Road in Oak Creek consisting of their primary structure, a patio area with a detached bar, and roughly 21,000 s.f. of gravel for customer parking that extends onto the adjacent property, 800 W. Oakwood Rd, that they also own.

The Cellar is proposing a 1,140 s.f. building addition to expand their kitchen space as well as paving their existing gravel parking area. These improvements will provide more space for the business, increase available parking for their customers, and provide a cleaner view of the site from the road. There will be no impacts to the existing wetlands or floodplain on the property. Green infrastructure will be provided with these improvements. There will be approximately 29,400 s.f. of disturbance, resulting in a 9,801 s.f. increase in impervious area. A small rain garden has been included with the proposed improvements to satisfy the green infrastructure requirements for a redevelopment project like this. The Cellar is also proposing to combine the two parcels to eliminate setback issues.

## Floodplain

The proposed improvements to The Cellar have been designed to not encroach on the floodplain boundary on the west side of the property. Per the current FEMA maps the floodplain is called out at an elevation of 689.7. All proposed grading has been called out to not disturb anything below that elevation. We have included the FEMA FIRMette for additional reference.

## Wetlands

The Cellar hired Thompson and Associates Wetland Service to delineate the wetland on the properties. They completed their delineation on September 22<sup>nd</sup>, 2023, and we have verified that there will be no wetland disturbance associated with this project. Their report has also been included with our submittal documents.

## Comprehensive Land Use Amendment Request

As stated above, the current land use for 812 W Oakwood is commercial (restaurant) and the current land use for 800 W Oakwood is open space. The Comprehensive Land Use Plan calls for these parcels to be Single Family Attached. We are requesting that the Comprehensive Land Use Plan be amended to call for the combined parcel to be commercial. Commercial is the existing land use and will be the land use for years to come.

Both properties are located near wetlands and FEMA's floodway boundary. These environmental factors could limit potential development in the area. Amending the plan to show these properties as being used for commercial purposes would not only allow for this existing small business to expand slightly, provide adequate parking for their patrons, and a cleaner aesthetic from the roadway, but, with the limited scope and no plans for further expansion, all of the wetland area would be persevered, and a natural buffer would be maintained between the adjacent residential and industrial properties. Also, given the large wetlands and floodplain in the northern part of 800 W Oakwood, this parcel will never make a good single family residential subdivision.

## Rezoning Request

812 W Oakwood is currently zoned B-2 and FW and 800 W Oakwood is zoned M-1 and FW. We are requesting that the new combined parcel be zoned all B-2 to match the commercial land use.

Certified Survey Request

We are requesting that the two parcel be combined into one to eliminate setback issues for the existing, proposed and any future improvements to the restaurant.

We thank you for your time and consideration in amendment and rezoning request. Feel free to reach out with any questions or to discuss further,

Thank you,

Bill Nelson  
The Cellar Pub & Grill

# PROPOSED LAND USE PLAN MAP - OPTION 1

## 800 & 812 W. Oakwood Rd.



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



Community Development



### Legend

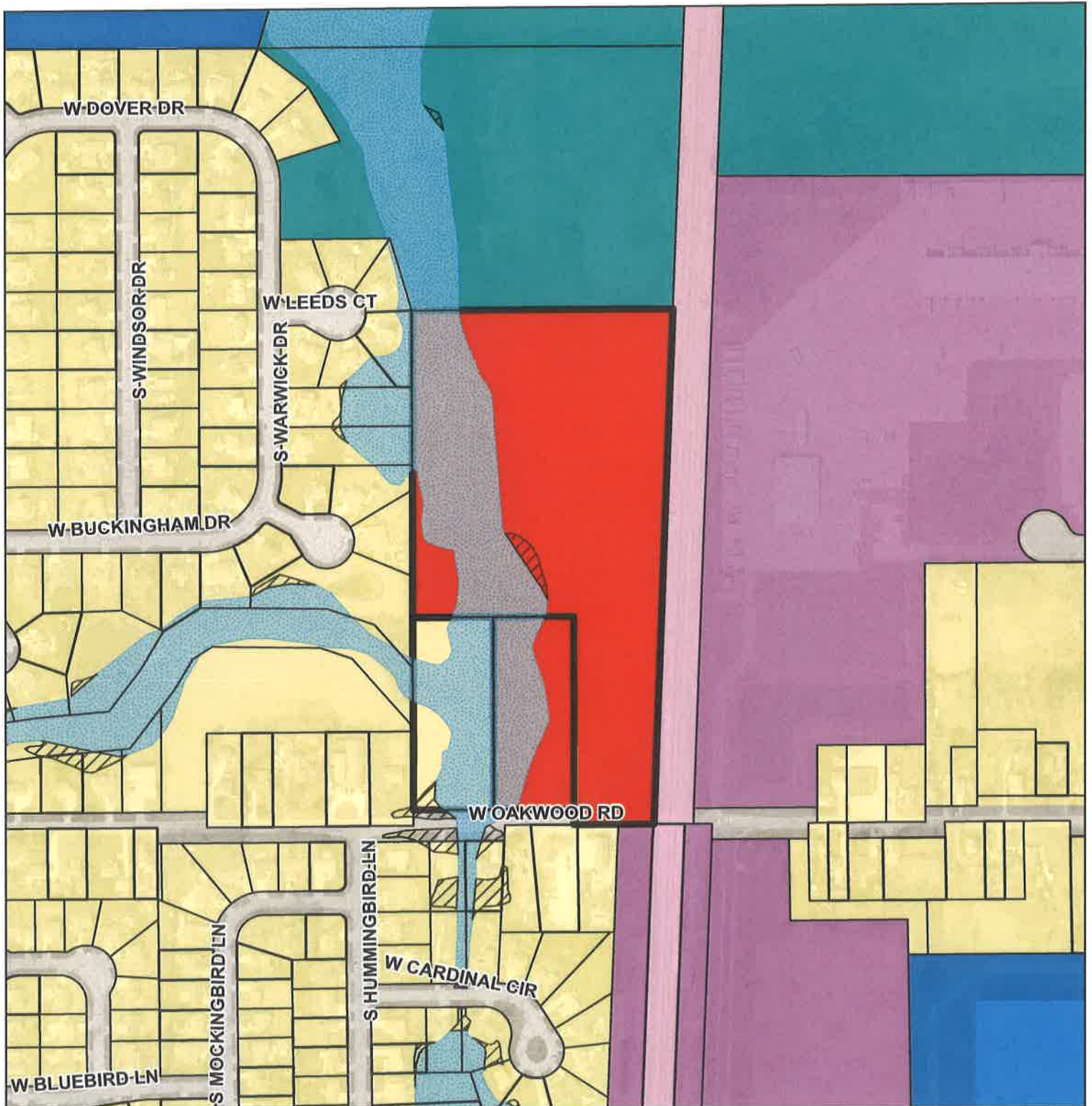
Land Use Category	
AG	MF
AIR	MU
BP	POS
C	PSP
I	SFA
	SFD

U
Floodway
Flood Fringe
Subject Properties

# PROPOSED LAND USE PLAN MAP - OPTION 2

## 800, 812, 910 W. Oakwood Rd.



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



Community Development

0 0.020.04 0.07 Miles



### Land Use Category

- AG
- AIR
- BP
- C
- I

### Legend

- MF
- MU
- POS
- PSP
- SFA
- SFD
- U
- Floodway
- Flood Fringe
- 800 & 812 W. Oakwood Rd.
- 910 W. Oakwood Rd.

**RESOLUTION NO. 2024-01**

**A RESOLUTION ADOPTED BY THE PLAN COMMISSION AMENDING THE  
ADOPTED COMPREHENSIVE PLAN FOR THE  
CITY OF OAK CREEK, IN MILWAUKEE COUNTY, WISCONSIN**

WHEREAS, Sections 62.23 and 66.1001 of the Wisconsin Statutes establish the required procedure for a local government to adopt a Comprehensive Plan; and

WHEREAS, the City of Oak Creek Plan Commission has the authority to amend the Comprehensive Plan by resolution, and also to recommend that the Common Council adopt the Comprehensive Plan; and

WHEREAS, WILLIAM NELSON, THE CELLAR, AND THE CITY OF OAK CREEK have proposed an amendment to the *Comprehensive Plan, City of Oak Creek* (adopted March 3, 2020, last amended December 20, 2022) designating the properties at 800 & 812 W. Oakwood Rd. as "Commercial" and the property at 910 W. Oakwood Rd. as "Single-Family Detached;" and

WHEREAS, the Plan Commission reviewed the aforementioned amendment to the *Comprehensive Plan, City of Oak Creek* (adopted March 3, 2020, last amended December 20, 2022) at a public meeting on March 26, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Plan Commission of the City of Oak Creek hereby adopts an amendment to the Comprehensive Plan from "Single-Family Attached" to "Commercial" for the properties at 800 & 812 W. Oakwood Rd., and from "Single-Family Attached" to "Single-Family Detached" for the property at 910 W. Oakwood Rd. per Exhibit A, and recognizing that the Common Council must also adopt the amendment to the Comprehensive Plan for it to become effective; and

BE IT FURTHER RESOLVED that the Plan Commission does hereby recommend that the Common Council adopts the amendment to the Comprehensive Plan by ordinance.

Passed and adopted this 26th day of March, 2024.

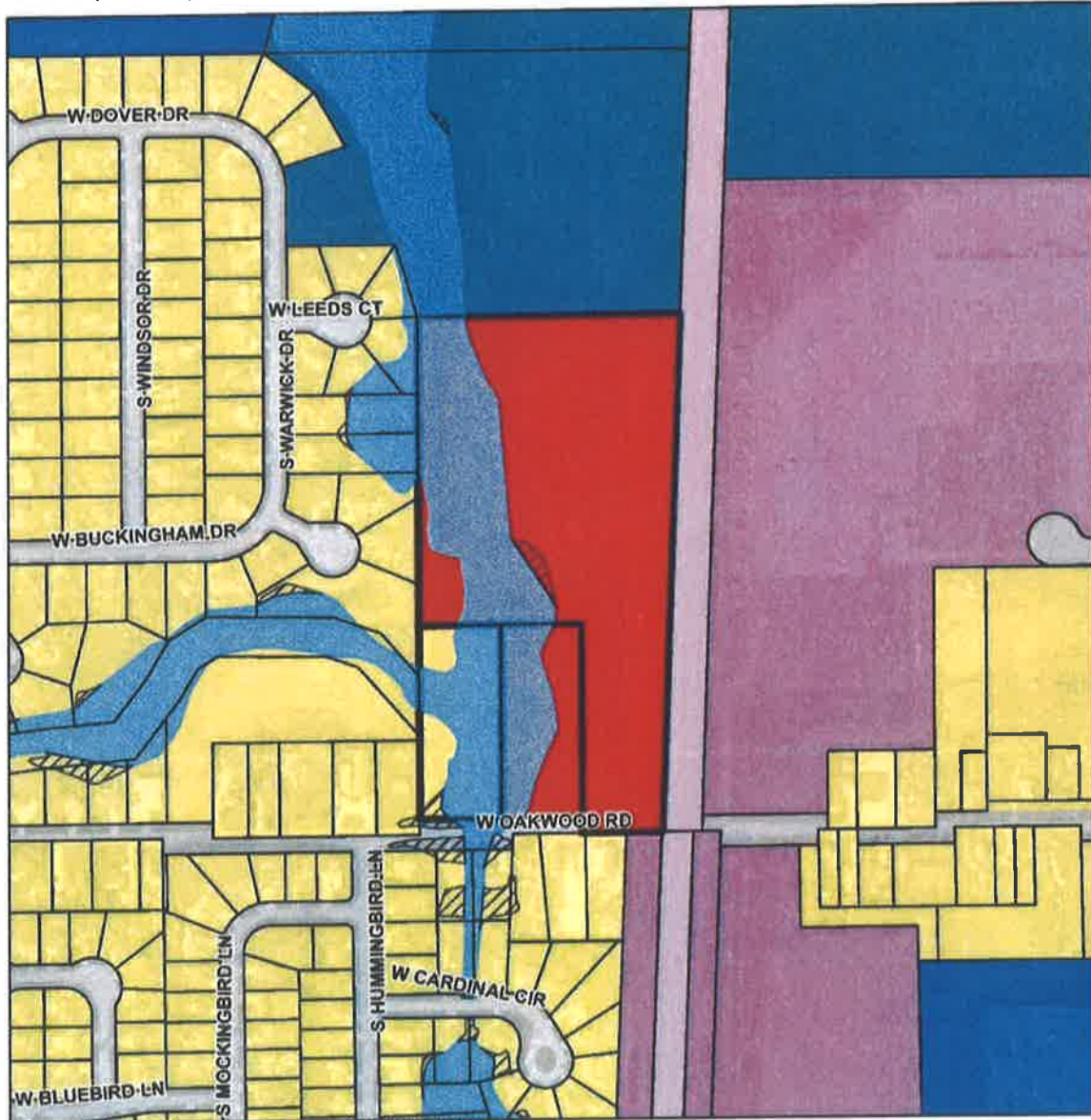
  
\_\_\_\_\_  
Plan Commission Chair

Attest:

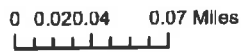
  
\_\_\_\_\_  
Secretary of the Plan Commission

EXHIBIT A

PROPOSED LAND USE PLAN MAP - OPTION 2  
800, 812, 910 W. Oakwood Rd.



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



Land Use Category

AG
AIR
BP
C
I

Legend

MF
MU
POS
PSP
SFA
SFD
U
Floodway
Flood Fringe
800 & 812 W. Oakwood Rd
910 W. Oakwood Rd



TO BE PUBLISHED MAY 1 & 8, 2024

OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING  
BEFORE THE OAK CREEK COMMON COUNCIL**

**PURPOSE:**

The purpose of this public hearing is to consider a request submitted by Ryan Janssen, Janssen Bruckner LLC, to rezone to Rd-1, Two-Family Residential (NO CHANGE TO FW, Floodway or FF, Flood Fringe Districts) and to amend the Planned Unit Development affecting portions of the properties at 641 & 819R E. Drexel Ave.

**Hearing Date:** May 21, 2024

**Time:** 7:00 PM

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

**Applicant(s):** Ryan Janssen, Janssen Bruckner LLC

**Property Owner(s):** JANSSEN BRUCKNER LLC, A WI LLC

**Property Location(s):** 641 & 819R E. Drexel Ave. (portions)

**Tax Key(s):**  
814-9075-000; 814-9076-000; 815-9027-000; 815-9028-000; 815-9029-000

**Legal Description:**

CERTIFIED SURVEY MAP NO. 9417, NW 1/4 SEC 16-5-22, LOT 2

CERTIFIED SURVEY MAP NO. 9417, NW 1/4 SEC 16-5-22, LOT 3

CERTIFIED SURVEY MAP NO. 9418, NE 1/4 SEC 16-5-22, LOT 2

CERTIFIED SURVEY MAP NO. 9418, NE 1/4 SEC 16-5-22, LOT 3

CERTIFIED SURVEY MAP NO. 9418, NE 1/4 SEC 16-5-22, LOT 4

The Common Council has scheduled other public hearings for May 21, 2024 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

Any person(s) with questions regarding the proposed change may call the Department of Community Development at (414) 766-7002, during regular business hours.

Date of Notice: April 22, 2024  
CITY OF OAK CREEK COMMON COUNCIL  
By: Daniel J. Bukiewicz, Mayor

**PUBLIC NOTICE**

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



## COMMON COUNCIL REPORT

- Item:** Rezone and Planned Unit Development Amendment - 641 & 810R E. Drexel Ave. (portions) - Stonebrook on the Park
- Recommendation:** That the Council considers Ordinance 3102, an ordinance to rezone to Rd-1, Two-Family Residential (NO CHANGE TO FW, Floodway or FF, Flood Fringe Districts) and to amend the Planned Unit Development (PUD) affecting portions of the properties at 641 & 819R E. Drexel Ave. (1<sup>st</sup> District)
- Fiscal Impact:** Approval of the Amendments will allow for the single-family attached Planned Unit Development for Stonebrook on the Park to proceed as presented. Development will yield positive fiscal impacts in terms of assessed value, review fees, permitting fees, and approximately \$263,736 in impact fees. The properties are not located in a TID.
- Critical Success Factor(s):**
- Active, Vibrant and Engaged Community
  - Financial Stability and Resiliency
  - Thoughtful Growth and Prosperous Local Economy
  - Clean, Safe & Welcoming
  - Inspired, Aligned, and Proactive City Organization
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

**Background:** This proposal was approved by the Plan Commission previously in 2022. Due to several extenuating circumstances, staff are proposing Amended Conditions and Restrictions for Plan Commission review. A Certified Survey Map and Condominium Plat affecting these properties are also on the agenda for Council review. The following amendments are incorporated into the Amended Conditions and Restrictions for consideration:

1. Correction of an error in the road name for Section 2(F).
2. Clarification in Section 2(J) regarding landscaping requirements.
3. Clarification of Section 3(D) regarding Condominium Plat requirements. Note that the previous requirement for the Condominium Plat and Declaration to be reviewed and approved prior to issuance of any permits for the development has been removed.
4. Update to the current Code for Section 5(A).
5. Update to Section 8 for compliance with Statute.

Following Plan Commission review and recommendation of approval, the Applicant and their counsel presented additional modification requests and clarifying details. The additional requests are related to the maximum percentage of the primary (front) façade of the home an attached garage may comprise. Per Sec. 17.0403(d)(4)(g)(1) of the Zoning Code, garages located on and set ahead of the primary façade of the home shall not exceed 45% of the façade's total width. The request is for garages on 26 of the buildings to comprise 55% of the width of the primary façade, and for garages to comprise 63% of the façade on the

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remaining seven (7) buildings. To compensate for this modification request, the Applicant is proposing to install split-rail fence around the wetlands on the properties. It should be clarified that the proposal for installation of the split-rail fence is specific to the modification request for the garages only. The modification request for the reduction in the width of the stone/masonry material requires separate compensation, for which the Applicant's counsel offered the installation of an additional tree per lot during Plan Commission review.

Although installing fence on the required 5-foot undisturbed buffer line for wetlands has been a requirement in recent developments, it was not required for this particular PUD. Should the Council determine that the proposal is acceptable, staff recommend that the ownership and maintenance responsibility for the fence be included in all Condominium Association documents and deeds.

After careful consideration at the April 23, 2024 meeting, the Plan Commission recommended approval subject to the attached Conditions and Restrictions.

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

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Karl Papelbon, CFM, AICP  
Senior Planner

Fiscal Review:



Maxwell Gaggin, MPA  
Deputy City Administrator / Finance Officer

Approved:



Kristi Laine  
Community Development Director

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Attachments:

Ord. 3102

Location Map

Modification Request (3 pages)

Draft Conditions & Restrictions (25 pages)

Excerpted Plan Commission Minutes (3 pages)

ORDINANCE NO. 3102

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

AN ORDINANCE TO REZONE TO RD-1, TWO-FAMILY RESIDENTIAL (NO CHANGES TO FW, FLOODWAY OR FF, FLOOD FRINGE DISTRICTS) AND TO AMEND THE PLANNED UNIT DEVELOPMENT (PUD) AFFECTING PORTIONS OF THE PROPERTIES AT 641 & 819R E. DREXEL AVE.

(1<sup>st</sup> Aldermanic District)

WHEREAS, on April 19, 2022, the Oak Creek Common Council adopted Ordinance No. 3033, rezoning portions of the properties at 641 and 819R to Rd-1, Two-Family Residential (no change to the FW, Floodway or FF, Flood Fringe districts) Planned Unit Development (PUD); and

WHEREAS, the above ordinance affected the following legally described properties:

Parcel 1, 641 E. Drexel Ave. - That part of the East 25 acres of the North East ¼ of the North West ¼ of Section 16, Township 5 North, Range 22 East, in the City of Oak Creek, formerly the Town of Oak Creek, (also known as a part of School Section Lot 3) lying Easterly of the right-of-way of the Chicago and Milwaukee Rail Road Company, now known as the Chicago North Shore and Milwaukee Rail Road Company. More particularly described as follows, to-wit: Beginning at the NE corner of said NW ¼ of Section 16, Town 5 North, Range 22 East, thence S 89° 09' 31" W along the North line of said ¼ Section 469.08 ft. to a point on the Easterly Right of Way line of the Chicago North Shore and Milwaukee Railroad; thence S 21° 11' 45" E and along said Easterly Right of Way line 1280.05 ft. to a point on the East line of said ¼ Section; thence N 00° 17' 45" E along said East line of said ¼ Section 1200.38 ft. to place of beginning, containing 6.462 acres of land. Lot 2 & a portion of Lot 3 (excepting future Lots 3 & 4 per Exhibit B) of a Certified Survey Map to be recorded.

Parcel 2, 819R E. Drexel Ave. – The West ½ of the West ½ of the North ½ of the North East of Section 16, in Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee and State of Wisconsin. Lots 2, 3, & 4 of a Certified Survey Map to be recorded.

To be further described as Lot 3 of CSM 9418, and Lots 3 & 4 of a CSM to be recorded (Lot 2 and a portion of Lot 3 of CSM 9417, and Lots 2, 3 and 4 of CSM 9418).

WHEREAS, the developer, Ryan Janssen, Janssen Bruckner, LLC, is now requesting amendments to the Conditions and Restrictions adopted pursuant to Ordinance No. 3033; and

WHEREAS, the Plan Commission reviewed the application and recommended that the requested amendments, incorporated by reference into this ordinance as Exhibit A, be approved; and

WHEREAS, the Common Council held a public hearing on said application on May 21, 2024, at which time all interested parties appeared and were heard; and

WHEREAS, following said public hearing and upon 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 amendments to the Planned Unit Development were approved and authorized for the lands hereinabove described, subject, however, to the imposition of certain conditions and restrictions on the design, construction, location and operation of the Planned Unit Development as incorporated by reference as Exhibit A into this ordinance.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Conditions and Restrictions adopted pursuant to Ordinance No. 2541 affecting the lands hereinabove described, are amended as follows: Section 1 is revised to read

1. LEGAL DESCRIPTION

Parcel 1, 641 E. Drexel Ave. - That part of the East 25 acres of the North East ¼ of the North West ¼ of Section 16, Township 5 North, Range 22 East, in the City of Oak Creek, formerly the Town of Oak Creek, (also known as a part of School Section Lot 3) lying Easterly of the right-of-way of the Chicago and Milwaukee Rail Road Company, now known as the Chicago North Shore and Milwaukee Rail Road Company. More particularly described as follows, to-wit: Beginning at the NE corner of said NW ¼ of Section 16, Town 5 North, Range 22 East, thence S 89° 09' 31" W along the North line of said ¼ Section 469.08 ft. to a point on the Easterly Right of Way line of the Chicago North Shore and Milwaukee Railroad; thence S 21° 11' 45" E and along said Easterly Right of Way line 1280.05 ft. to a point on the East line of said ¼ Section; thence N 00° 17' 45" E along said East line of said ¼ Section 1200.38 ft. to place of beginning, containing 6.462 acres of land. Lot 2 & a portion of Lot 3 (excepting future Lots 3 & 4 per Exhibit B) of a Certified Survey Map to be recorded.

Parcel 2, 819R E. Drexel Ave. – The West ½ of the West ½ of the North ½ of the North East of Section 16, in Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee and State of Wisconsin. Lots 2, 3, & 4 of a Certified Survey Map to be recorded.

To be further described as Lot 3 of CSM 9418, and Lots 3 & 4 of a CSM to be recorded (Lot 2 and a portion of Lot 3 of CSM 9417, and Lots 2, 3 and 4 of CSM 9418).

SECTION 2: Section 2(C) is revised to read

Homes constructed within this planned unit development shall be in conformance with the approved designs in Exhibit C and these Conditions and Restrictions. Building designs for individual homes do not require additional Plan Commission review provided they conform to the approved General Development Plan and these Conditions and Restrictions.

SECTION 3: Section 2(F) is revised to read

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 (e.g., S. Quincy Ave., E. Quietwood Pl., E. Trailside Ct., utilities, etc.) required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.

SECTION 4: Section 2(J) is revised to read

A Master Landscaping Plan for the overall development shall be submitted to the Plan Commission for approval prior to the review of any project within the Planned Unit Development. For each stage of development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit. Landscaping in accordance with the Master Landscape Plan approved by the Plan Commission on January 10, 2023, and incorporating additional landscaping at a minimum of one (1) tree per building to compensate for the reduction in masonry thickness in Section 3(C)(1) below, shall be installed for each building and associated buffer area(s) prior to the issuance of an Occupancy Permit for the requested building. Split-rail fences shall be installed along the 5-foot undisturbed buffer around all remaining wetlands. All landscaping around common areas, including, but not limited to, landscaping around the stormwater pond and installation of the split-rail fences around all remaining wetlands, shall be installed prior to issuance of the final Occupancy Permit for the development. Requests for Occupancy Permits between November 1 and April 30 shall provide a landscape escrow in conformance with local policy requirements.

SECTION 5: Section 3(C) is revised to read

- C. Exterior building materials shall be traditional, time- and weather-tested materials and techniques.
  - a. Exterior building materials utilized on the ground floor shall be limited to wood, masonry, stucco, fiber cement, or stone veneer systems. Masonry and stone veneer systems utilized on the ground floor shall have a minimum thickness of 1.5 inches, and shall be structurally integrated into the façade of the building.
  - b. Exterior building materials utilized on upper floors may include all materials permitted on the ground floor as well as vinyl siding, EIFS, stone veneer systems, or precast panels with inlaid or stamped brick texture. Vinyl siding shall be, at minimum, a standard residential grade thickness of 0.44 mm. All other materials utilized on upper floors shall have a minimum thickness of one inch, and shall be structurally integrated into the façade of the building.
- D. Deed restrictions (private) and condominium bylaws/declarations, while not enforceable through the City, (to the extent they do not violate Municipal Code or these conditions and restrictions) shall be reviewed and approved by the Plan Commission as part of the required local review process for any Condominium Plat. Any Condominium Plat with associated deed restrictions and condominium bylaws/declarations shall be recorded with the Milwaukee County Register of Deeds prior to issuance of an Occupancy Permit for any unit in this Planned Unit Development.

- E. All solid waste and recycling collection units shall be screened and sited in conformance with Municipal Code requirements.
- F. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

SECTION 6: Section 5(A) is revised to read

- A. All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector in accordance with Section 17.0509 of the Municipal Code (as amended).

SECTION 7: Section 8, Time of Compliance is revised to read

The operator of the Planned Unit Development shall commence work in accordance with these Conditions and Restrictions within five (5) years from the date of adoption of the ordinance authorizing this Planned Unit Development (April 19, 2022). This Planned Unit Development approval shall expire five (5) years after the date of adoption of the ordinance (April 19, 2027) if a building permit has not been issued for this use. The applicant shall re-apply for Planned Unit Development approval prior to recommencing work or construction.

SECTION 8: Exhibit C: Approved Home Models are updated with renderings and Sheet A1, Stonebrook on the Park Model 1 (last revised 2-3-23); Sheet A2, Stonebrook on the Park Model 1 (last revised 2-3-23); Sheet A3, Stonebrook on the Park Model 1 (last revised 2-3-23); Sheet A1, Stonebrook on the Park Model 2 (last revised 3-9-23); Sheet A2, Stonebrook on the Park Model 2 (last revised 3-9-23); Sheet A3, Stonebrook on the Park Model 2 (last revised 3-9-23); Sheet A1, Stonebrook on the Park Model 3 (last revised 2-6-23); Sheet A2, Stonebrook on the Park Model 3 (last revised 2-6-23); Sheet A3, Stonebrook on the Park Model 3 (last revised 2-6-23); Sheet A4, Stonebrook on the Park Model 4 (last revised 3-13-23); Sheet A2, Stonebrook on the Park Model 4 (last revised 3-13-23); Sheet A3, Stonebrook on the Park Model 4 (last revised 3-13-23); Sheet A1, Stonebrook on the Park Model 5 (last revised 3-13-23); Sheet A2, Stonebrook on the Park Model 4 (last revised 3-13-23); Sheet A3, Stonebrook on the Park Model 4 (last revised 3-13-23).

SECTION 9: The several sections of this ordinance are declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other provisions of this ordinance

SECTION 10: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

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

Passed and adopted this 21st day of May, 2024.

President, Common Council

Approved this 21st day of May, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

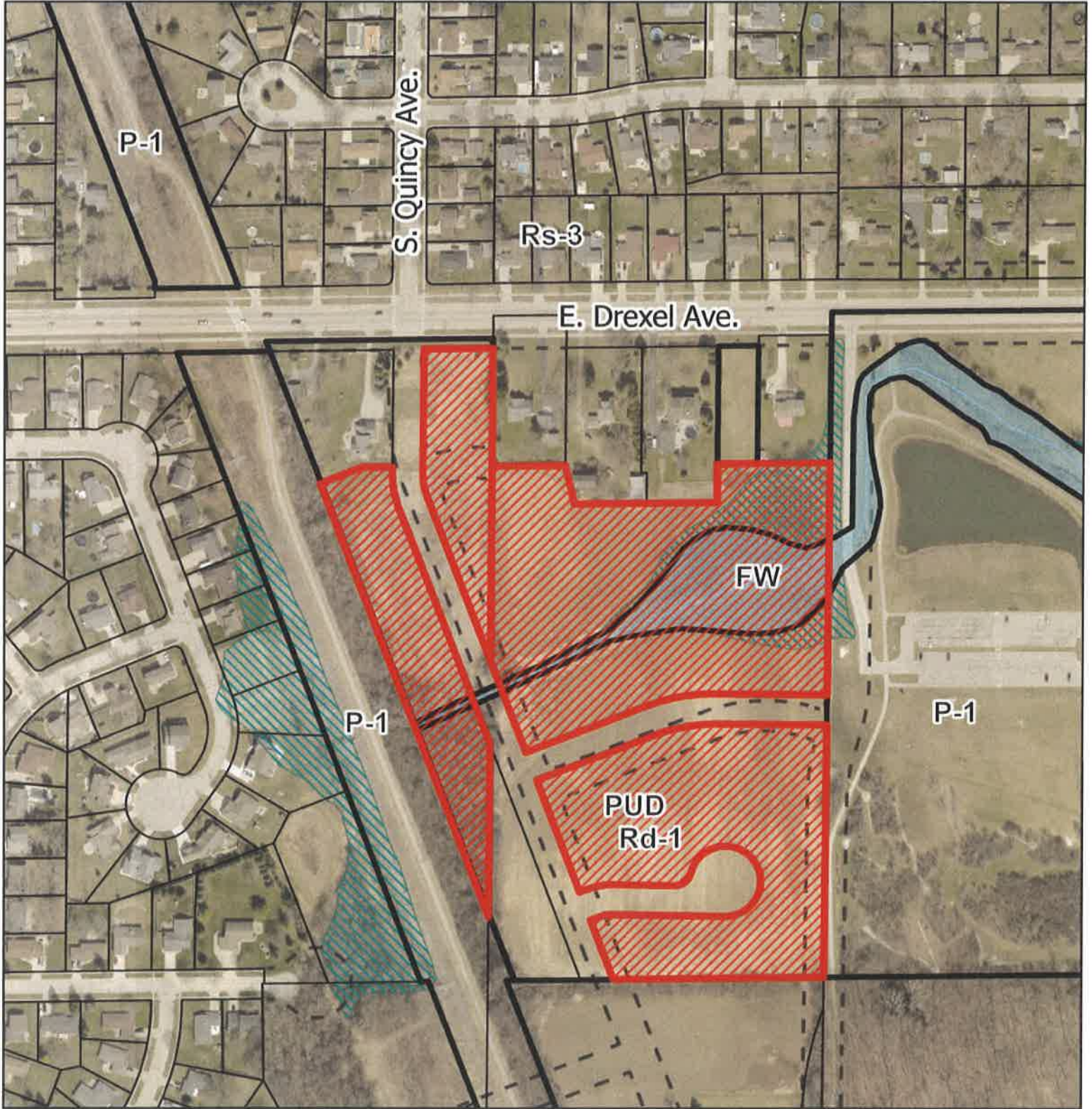
\_\_\_\_\_  
City Clerk

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



# Location Map

## 641 & 819 E. Drexel Ave.



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

### Legend

- Zoning
- Flood Fringe
- Official Street Map
- Parcels
- Floodway
- 641 & 819 E. Drexel Ave.

0 0.04 0.09 Miles



Community Development

*Via Email*

May 13, 2024

Melissa L. Karls  
City Attorney  
City of Oak Creek  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154  
mkarls@oakcreekwi.gov

Kari Papelbon  
Senior Planner  
City of Oak Creek  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154  
kpapelbon@oakcreekwi.gov

Re: **Request For Site Development Allowances Regarding Garages**  
Our File: 31357.103797

Dear Attorney Karls and Ms. Papelbon:

Thank you for the meeting and assistance today. It was very constructive. As per Section 17.0704 of the City's Ordinances, Janssen Bruckner is submitting this written request for site development allowances to modify the total percentage of the front facade that may be the garages of each building to 55% for buildings 1, 3, 4, 6-11, 13-21, 23-25, 27-29, and 31-32, and to 63% for buildings 2, 5, 12, 22, 26, 30, and 33. The planned width of the garages exceeds the total front façade for single-family homes under Section 17.0403(d)(4), which are 45%, 50%, and 55%, depending on the style of home and garage. Janssen Bruckner would install split rail fencing around the existing wetlands to supplement the development to offset the site development allowances. The split rail fencing will significantly enhance the development's aesthetics while safeguarding the existing wetlands.

### History

Janssen Bruckner filed its Planned Unit Development (PUD) application in February 2022. The City was in the process of finalizing its current version of the Zoning Code, which it adopted on March 15, 2022. In its submission, Janssen Bruckner included detailed site plans showing the footprint of the attached two-unit condominium buildings with garages, the floor plans for each two-unit condominium building type showing the precise dimensions of the buildings and garages, and elevations that accurately depicted the buildings and garages.

The building plans for the units complied with the Zoning Code that was in effect when Janssen Bruckner filed its application for the PUD. The current zoning standards were working through the approval simultaneously with Janssen Bruckner's approvals. In 2022, the City approved the PUD, which included the floor plans for each two-unit condominium building type, showing the precise footprint of the buildings and garages and the elevations accurately showing the buildings and garages.

Regrettably, Janssen Bruckner was unaware that the garages shown on the approved floor plans and the approved elevations did not align with the requirements of the new zoning ordinance. The approved floor plans depict 26 buildings with garages that make up 55% of the front facades and seven buildings with garages that make up 63% of the front facades.

Due to economic conditions, Janssen Bruckner did not begin construction of the buildings after the 2022 PUD approval. As Janssen Bruckner geared up to begin construction, the project was recently brought back to the city with two revisions. First, Janssen Bruckner requested a slight change to the main roof line from gable to hip style. Second, Janssen Bruckner requested that the stone veneer system be reduced from a width of three inches to 1 to 1.5 inches. The floor plans, which show the exact dimensions of the buildings and garages, were not changed, nor were the elevations, which accurately show the buildings and garages. They are the same plans and elevations in the original application from 2022.

### **Request and Application of Standards**

Janssen Bruckner requests that the City grant Site Development Allowances regarding the percentages of the façade of the building that may be garages to match the building footprints on the condominium plat, the floor plans, and the elevations.

Janssen Bruckner proposes to build 33 buildings with 66 owner-occupied condominium units, which will likely sell for between \$425,000 and \$500,000. Each garage is approximately 22 feet, near the minimum size of a two-car garage. Most higher-end homes have 24-foot garages for two cars. The existing planned garages are not large two-car garages.

This modification is necessary for the proper development of the site. Janssen Bruckner cannot shrink the garages and continue to provide for two cars. Janssen Bruckner cannot increase the size of the units without redesigning the product into larger, more expensive homes. Since these exact floor plans are part of the condominium plat, Janssen Bruckner would need to scrap the plat and start over without this modification.

This site development, which aligns with the surrounding development, offers significant advantages. The current plans ensure it can be built within the \$425,000 to \$500,000 range, making it accessible to many potential homeowners. This type of housing is a crucial bridge within the City, catering to various demographics. It offers young professionals a stepping stone into property ownership, fostering stability and investment. It supports aging in place, allowing older residents in the surrounding neighborhoods to remain within familiar surroundings as their needs evolve. Empty nesters benefit from downsizing opportunities while maintaining a sense of community and connection. This type of housing provides opportunities to individuals at different life stages in the surrounding neighborhoods to find owner-occupied housing.

Janssen Bruckner firmly believes that the requested site development allowances benefit the city. Installing split rail fencing will enhance the development's aesthetics and protect the wetlands. This, in turn, will allow the development to proceed with the current plans, creating much-needed opportunities for owner-occupied housing.

Sincerely,

Axley Brynelson, LLP



Robert C. Procter

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

**Applicant:** Janssen Bruckner, LLC  
**Property Address(es):** 641 & 819R E. Drexel Ave.  
(portions)  
**Tax Key Number(s):** 814-9999-000 & 815-9995-002  
(portions)

**Approved by Plan Commission:** 4-23-24  
**Approved by Common Council:** TBD  
(Ord. #3102, Amend. Ord. #3033)

**1. LEGAL DESCRIPTION**

Parcel 1, 641 E. Drexel Ave. - That part of the East 25 acres of the North East ¼ of the North West ¼ of Section 16, Township 5 North, Range 22 East, in the City of Oak Creek, formerly the Town of Oak Creek, (also known as a part of School Section Lot 3) lying Easterly of the right-of-way of the Chicago and Milwaukee Rail Road Company, now known as the Chicago North Shore and Milwaukee Rail Road Company. More particularly described as follows, to-wit: Beginning at the NE corner of said NW ¼ of Section 16, Town 5 North, Range 22 East, thence S 89° 09' 31" W along the North line of said ¼ Section 469.08 ft. to a point on the Easterly Right of Way line of the Chicago North Shore and Milwaukee Railroad; thence S 21° 11' 45" E and along said Easterly Right of Way line 1280.05 ft. to a point on the East line of said ¼ Section; thence N 00° 17' 45" E along said East line of said ¼ Section 1200.38 ft. to place of beginning, containing 6.462 acres of land. Lot 2 & a portion of Lot 3 (excepting future Lots 3 & 4 per Exhibit B) of a Certified Survey Map to be recorded.

Parcel 2, 819R E. Drexel Ave. – The West ½ of the West ½ of the North ½ of the North East of Section 16, in Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee and State of Wisconsin. Lots 2, 3, & 4 of a Certified Survey Map to be recorded.

To be further described as Lot 3 of CSM 9418, and Lots 3 & 4 of a CSM to be recorded (Lot 2 and a portion of Lot 3 of CSM 9417, and Lots 2, 3 and 4 of CSM 9418).

**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. 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)
- g) Parking layout and traffic circulation
  - i) Location(s) and future expansion
  - ii) Number & type(s) of dwellings
  - iii) Number of all parking spaces
  - iv) Dimensions
  - v) Setbacks
- h) Location(s) of loading berth(s)
- i) Location of sanitary sewer (existing & proposed)

**2) Landscape Plan**

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

**3) Building Plan**

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

**4) Lighting Plan**

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

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

- 1. Contours (existing & proposed)

- 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. Location(s) of storm sewer (existing and proposed)
  - 3. Location(s) of stormwater management structures and basins (if required)
- 6) Fire Protection**
- a) Locations of existing & proposed fire hydrants
  - b) Interior floor plan(s)
  - c) Materials of construction
  - d) Materials to be stored (interior & exterior)

- C. Homes constructed within this planned unit development shall be in conformance with the approved designs in Exhibit C and these Conditions and Restrictions.** Building designs for individual homes do not require additional Plan Commission review provided they conform to the approved General Development Plan and these Conditions and Restrictions.
- D. All plans for additions, site modifications, and landscaping shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.
- E. 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.
- F. 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 (e.g., **S. Quincy Ave., E. Quietwood Pl., E. Trailside Ct., utilities, etc.**) required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.
- G. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- H. 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).
- I. Prior to the issuance of any permits for any portion of the development, the Applicant/landowner shall submit all City-approved Certified Survey Maps for recording.
- J. A Master Landscaping Plan for the overall development shall be submitted to the Plan Commission for approval prior to the review of any project within the Planned Unit Development. For each stage of development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit. **Landscaping in accordance with the Master Landscape Plan approved by the Plan Commission on January 10, 2023, and incorporating additional landscaping at a minimum of one (1) tree per building to compensate for the reduction in masonry thickness in Section 3(C)(1) below, shall be installed for each building and associated buffer area(s) prior to the issuance of an Occupancy Permit for the requested building. Split-rail fences shall be installed along the 5-foot undisturbed buffer around all remaining wetlands. All landscaping around common areas, including, but not limited to, landscaping around the stormwater pond and installation of the split-rail fences around all remaining wetlands, shall be installed prior to issuance of the final Occupancy Permit for the development. Requests for Occupancy Permits between November 1 and April 30 shall**

**provide a landscape escrow in conformance with local policy requirements.**

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

A. There shall be a maximum of 33 single-family attached buildings, and a maximum of 66 single-family attached units. Each unit shall have an attached garage.

B. Attached garages shall

1. Be subordinate to the principal building.
2. Not exceed fifty (50) percent of the livable area of the principal building.
3. Share a common wall and roof with the principal building.
4. Provide internal access to the principal building.
5. Not exceed the height of the principal building.
6. Not include doors that exceed eight (8) feet in height.
7. Meet the following standards (see graphic):

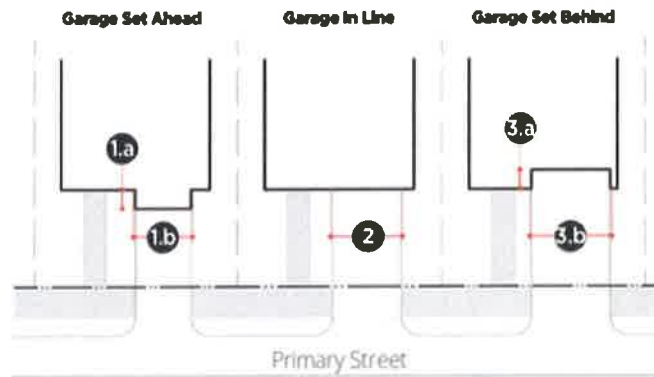
i. **Garage Set Ahead.**

1. The garage may be set ahead a maximum of five (5) feet from the front façade of the home, inclusive of porches, bay windows, or other minor projections.
2. If the garage is set ahead from the front façade of the home, as detailed in (1) above,
  - a. A maximum of 23 buildings may include garages that are a maximum 55% of the total width of the primary façade.
  - b. A maximum of 7 buildings may include garages that are a maximum of 63% of the total width of the primary façade.

ii. **Garage In Line.** If the garage is in line with the front façade of the home, exclusive of porches, bay windows, or other minor projections, it shall not exceed fifty (50) percent of the façade's total width.

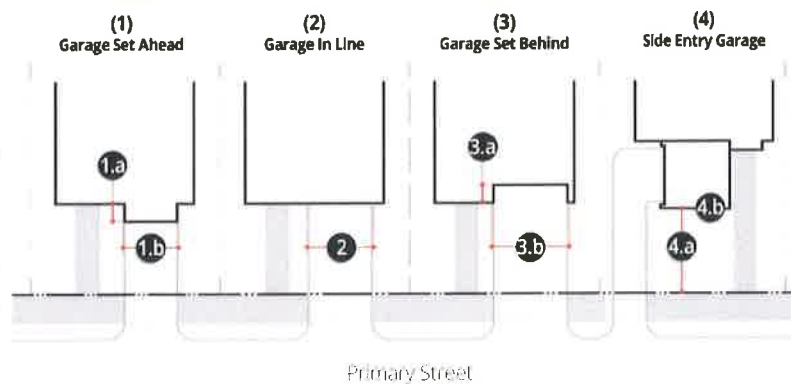
iii. **Garage Set Behind.**

1. The garage may be set behind the front façade of the home, exclusive of porches, bay windows, or other minor projections, a minimum of one (1) foot.
2. If the garage is set behind the front façade of the home, as detailed in (1) above, it shall not exceed fifty-five (55) percent of the façade's total width.



iv. **Side-Entry Garage.**

1. Side-entry garages shall meet the district setback and building standards in Table 17.0301(a) of the Municipal Code (as amended).
2. The garage may be set ahead of, but considered part of, the primary façade of the home
  - a. If the garage utilizes the same exterior building materials and design as the dwelling.
  - b. If the garage incorporates a window on the same side as the primary facade of the home.
  - c. If all driveway, garage access, and parking pad requirements of Sec. 17.0503 of the Municipal Code (as amended) are met.



C. Exterior building materials shall be traditional, time- and weather-tested materials and techniques.

1. **Exterior building materials utilized on the ground floor shall be limited to wood, masonry, stucco, fiber cement, or stone veneer systems. Masonry and stone veneer systems utilized on the ground floor shall have a minimum thickness of three 1.5 inches, and shall be structurally integrated into the façade of the building.**
2. **Exterior building materials utilized on upper floors may include all materials permitted on the ground floor as well as vinyl siding, EIFS, stone veneer systems, or precast panels with inlaid or stamped brick texture. Vinyl siding shall be, at minimum, a standard residential grade thickness of 0.44 mm. All other materials utilized on upper floors shall have a minimum thickness of one inch, and shall be structurally integrated into the façade**



**of the building.**

- D. Deed restrictions (private) and condominium bylaws/**declarations**, while not enforceable through the City, (to the extent they do not violate Municipal Code or these conditions and restrictions) shall be reviewed and approved by the Plan Commission **as part of the required local review process for any Condominium Plat. Any Condominium Plat with associated deed restrictions and condominium bylaws/declarations shall be recorded with the Milwaukee County Register of Deeds prior to issuance of an Occupancy Permit for any unit in this Planned Unit Development.**
- E. All solid waste and recycling collection units shall be screened and sited in conformance with Municipal Code requirements.
- F. 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. Each residential unit shall have, at a minimum, an attached two-car garage in accordance with Section 3 above. Parking for additional vehicles on the driveway shall not obstruct the sidewalk or roadway.
- B. Driveway widths shall not exceed 20 feet at the right-of-way.

5. LIGHTING

- A. All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector in accordance with **Section 17.0509** of the Municipal Code (as amended).
- B. Pole type, color, height, and placement in public rights-of-way shall be in accordance with all applicable requirements of the Municipal Code.
- C. Fixture type and color on light poles in public rights-of-way shall be in accordance with all applicable requirements of the Municipal Code.

6. IMPACT FEES

Single-family attached residential 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.

7. BUILDING AND PARKING SETBACKS

	Front and Public ROW Setback	Rear Setback	Side Setback	To Wetlands
Principal Structures	30 ft	25 ft	10 ft	15 ft / 5 ft undisturbed
Accessory Structure*	30 ft	10 ft	5 ft	15 ft / 5 ft undisturbed
Off-street Parking	5 ft	5 ft	5 ft	N/A

*\*No accessory structures shall be permitted in the front yard nor shall any structures be permitted in required buffer yards.*

8. TIME OF COMPLIANCE

The operator of the Planned Unit Development shall commence work in accordance with these Conditions and Restrictions **within five (5) years** from the date of adoption of the ordinance authorizing this Planned Unit Development (**April 19, 2022**). This Planned Unit Development approval shall expire **five (5) years** after the date of adoption of the ordinance (**April 19, 2027**) if a building permit has not been issued for this use. The applicant shall re-apply for Planned Unit Development approval prior to recommencing work or construction.

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 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.

11. REVOCACTION

Should an applicant, their heirs, successors or assigns, fail to comply with the conditions and restrictions of the approval issued by the Common Council, the 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).

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

\_\_\_\_\_  
(Print Name and Title)

# EXHIBIT A: GENERAL DEVELOPMENT PLAN

(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 B: PLANNED UNIT DEVELOPMENT LOTS

(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.)



**SITE PLAN**  
**641 Drexel Avenue**  
City of Oak Creek, WI



**EXHIBIT C:  
APPROVED HOME MODELS**

(For illustrative purposes only. Detailed plans in accordance with these conditions and restrictions and the City of Oak Creek Municipal Code must be submitted for and receive building permits.)



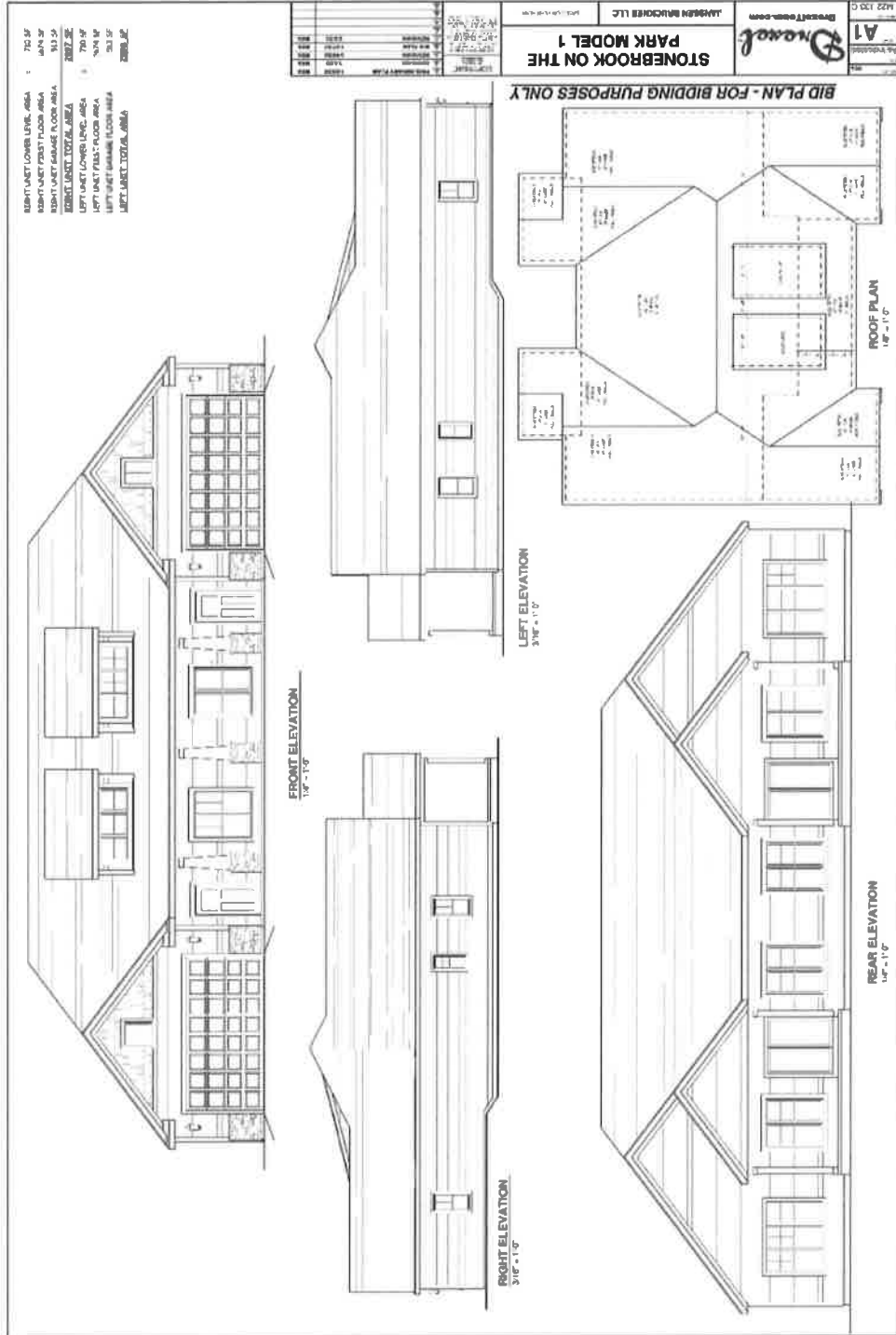
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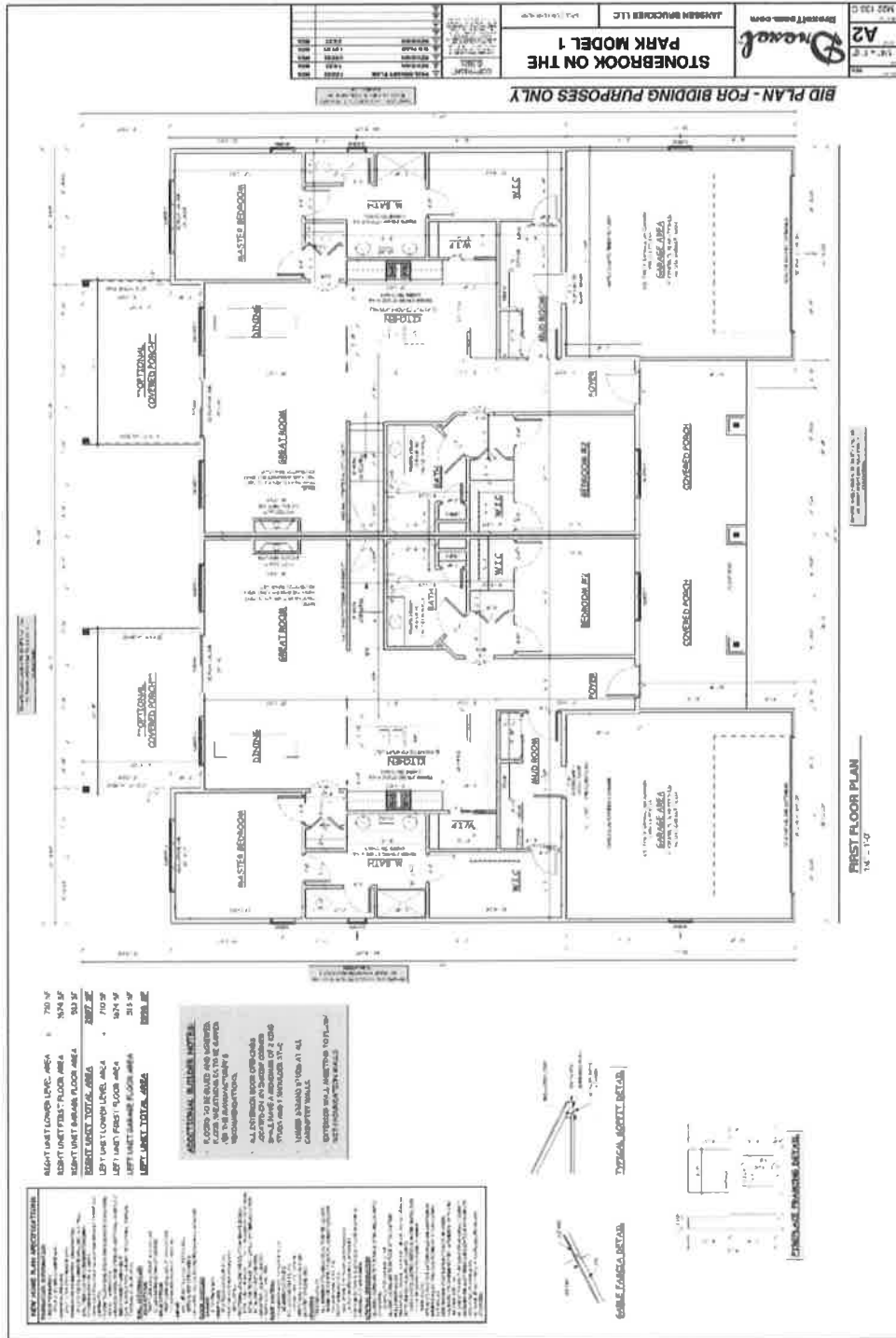
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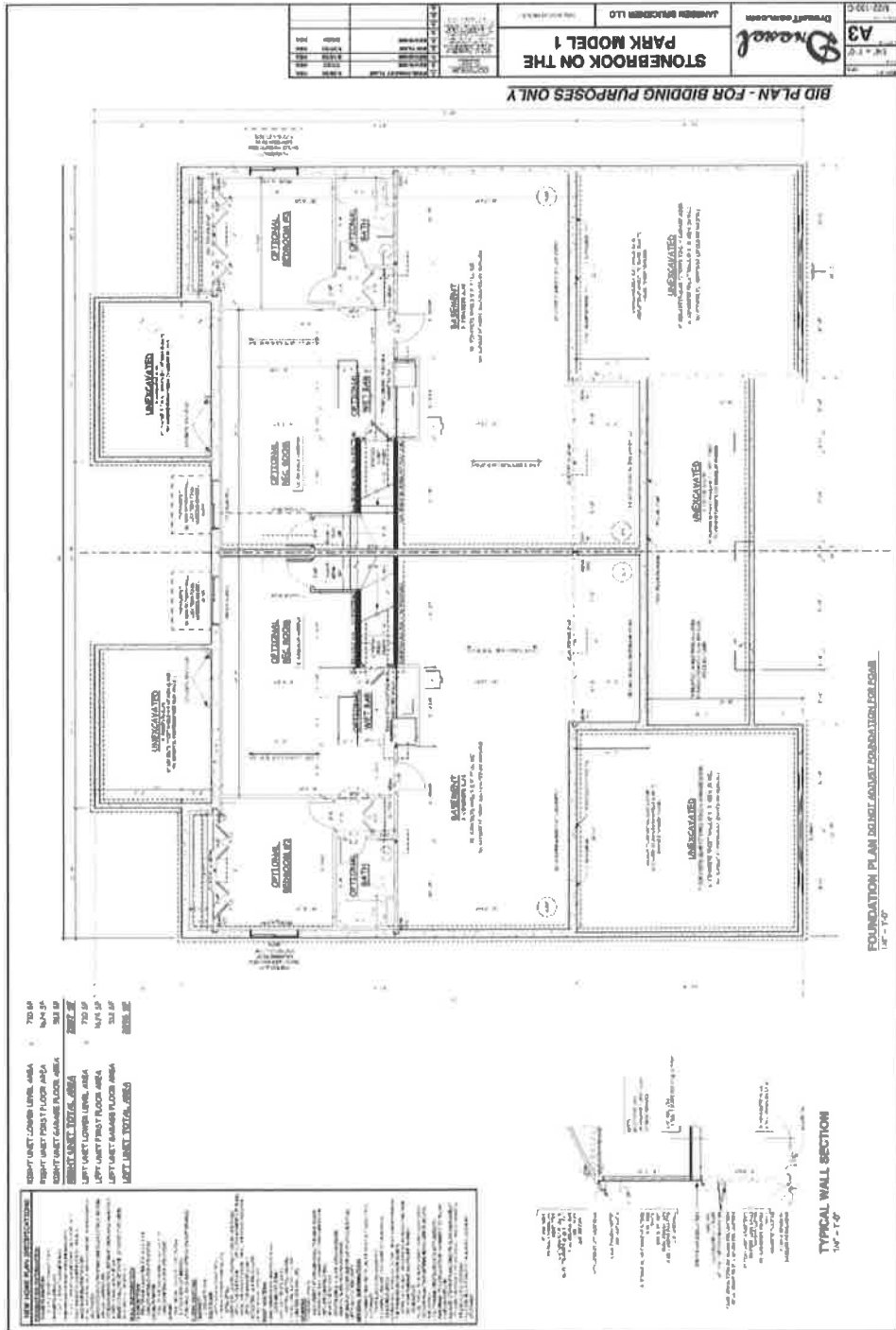
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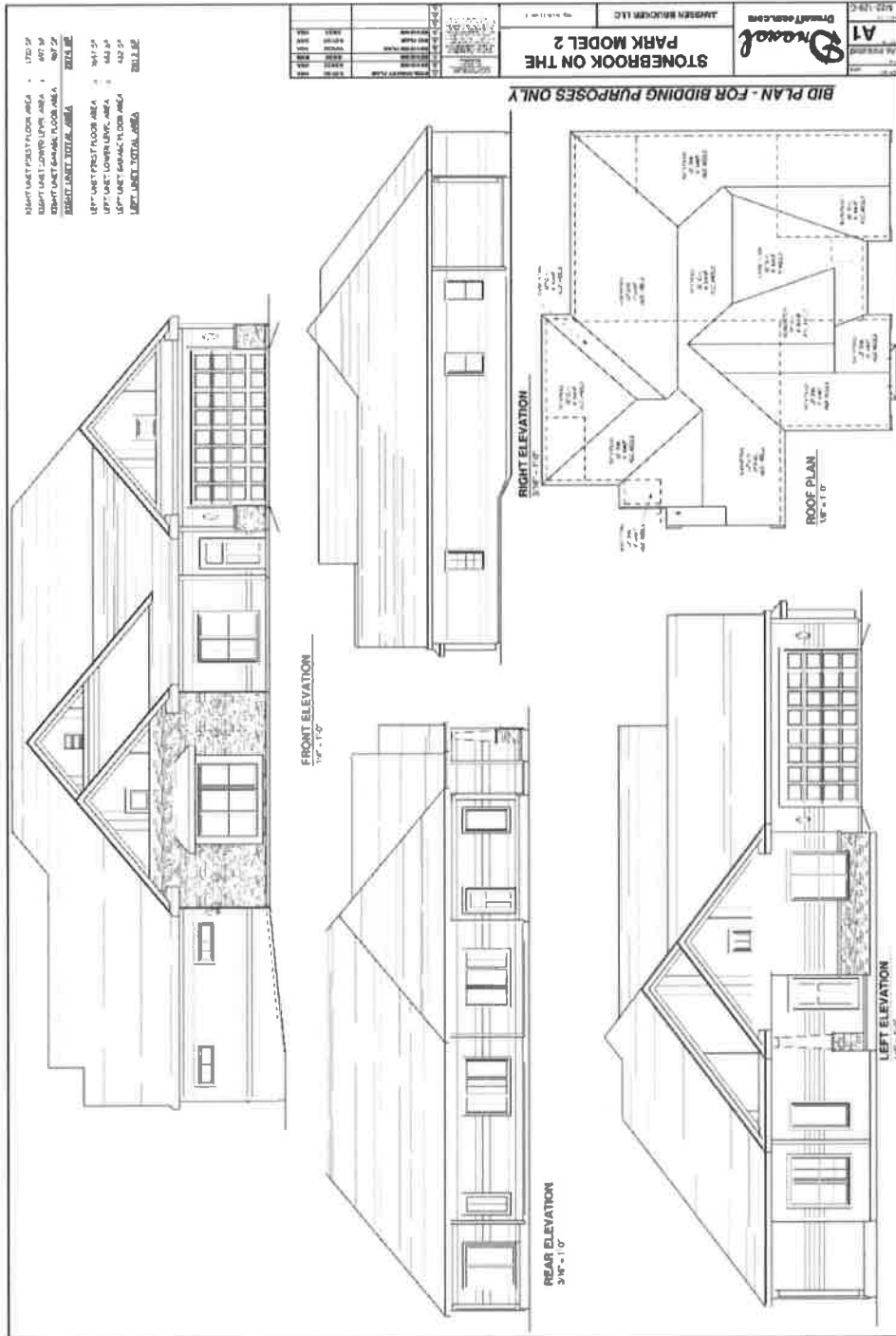
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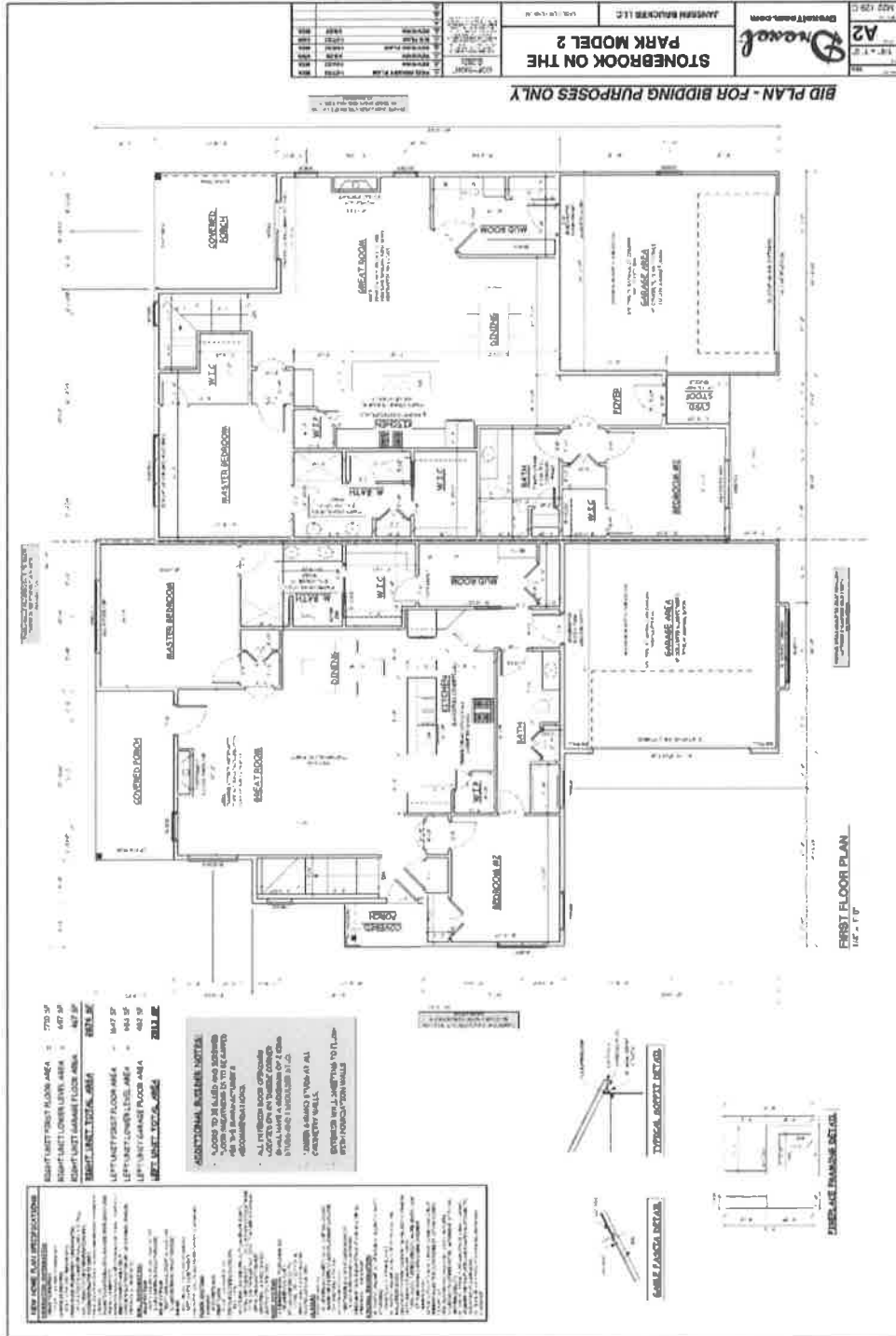
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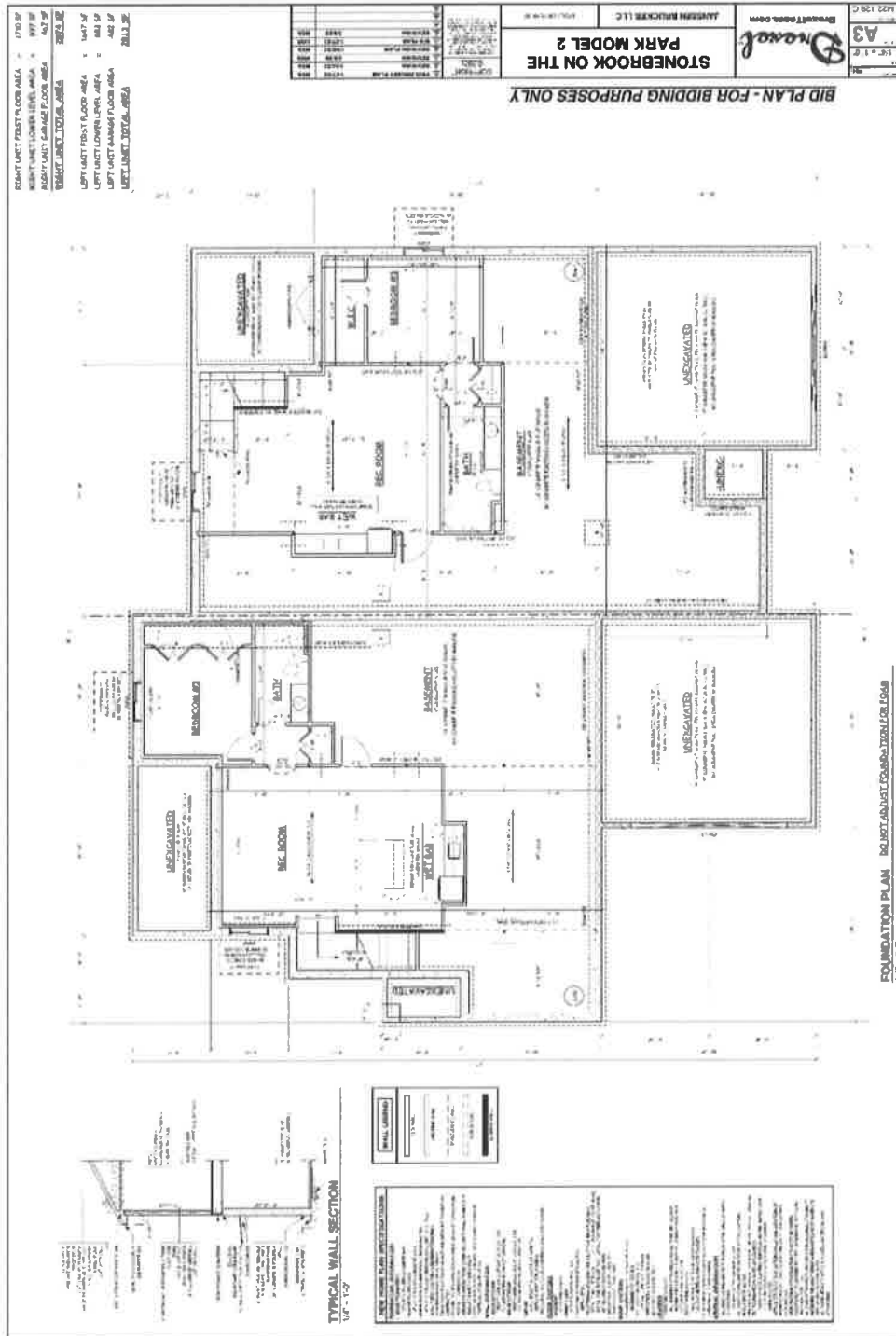
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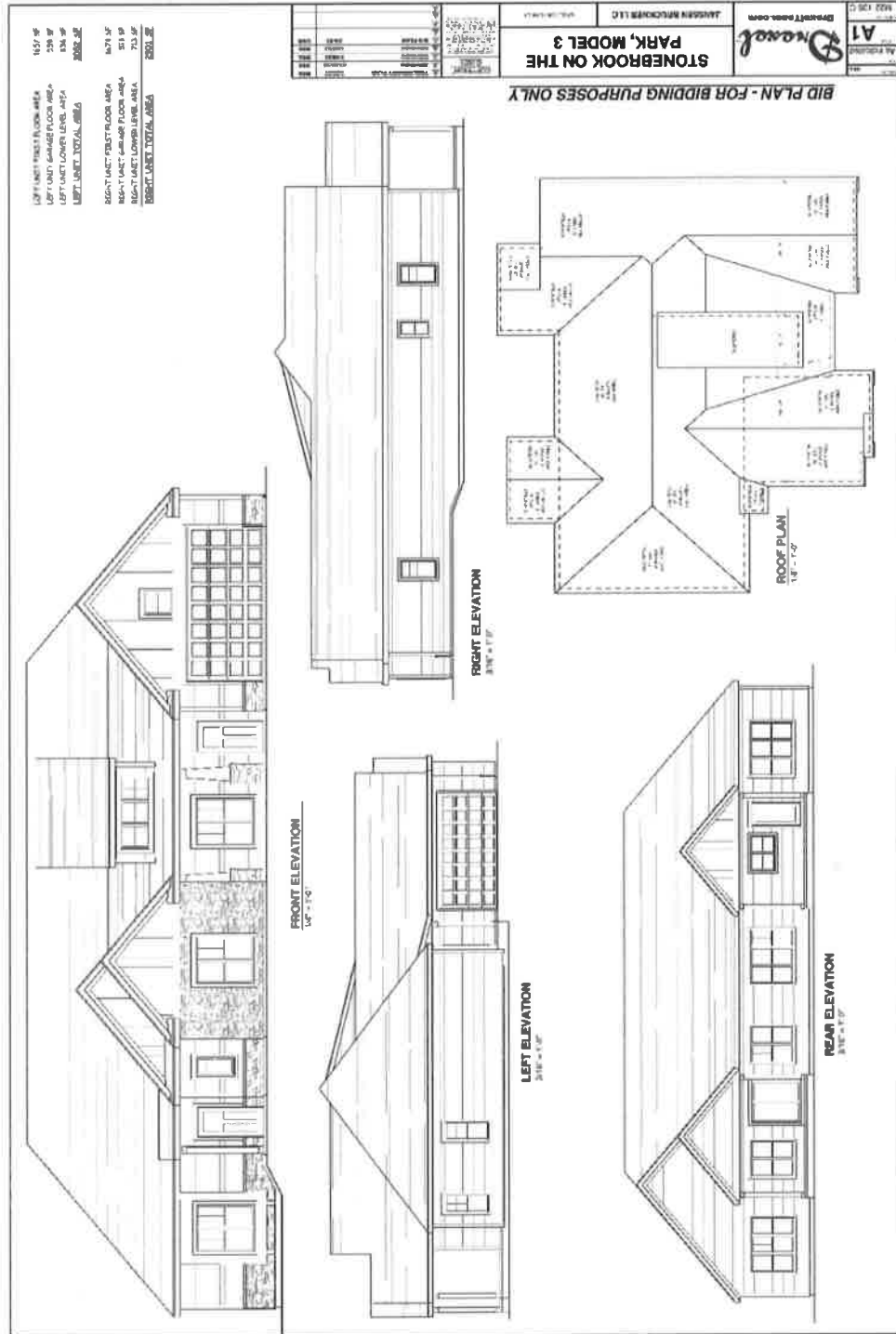
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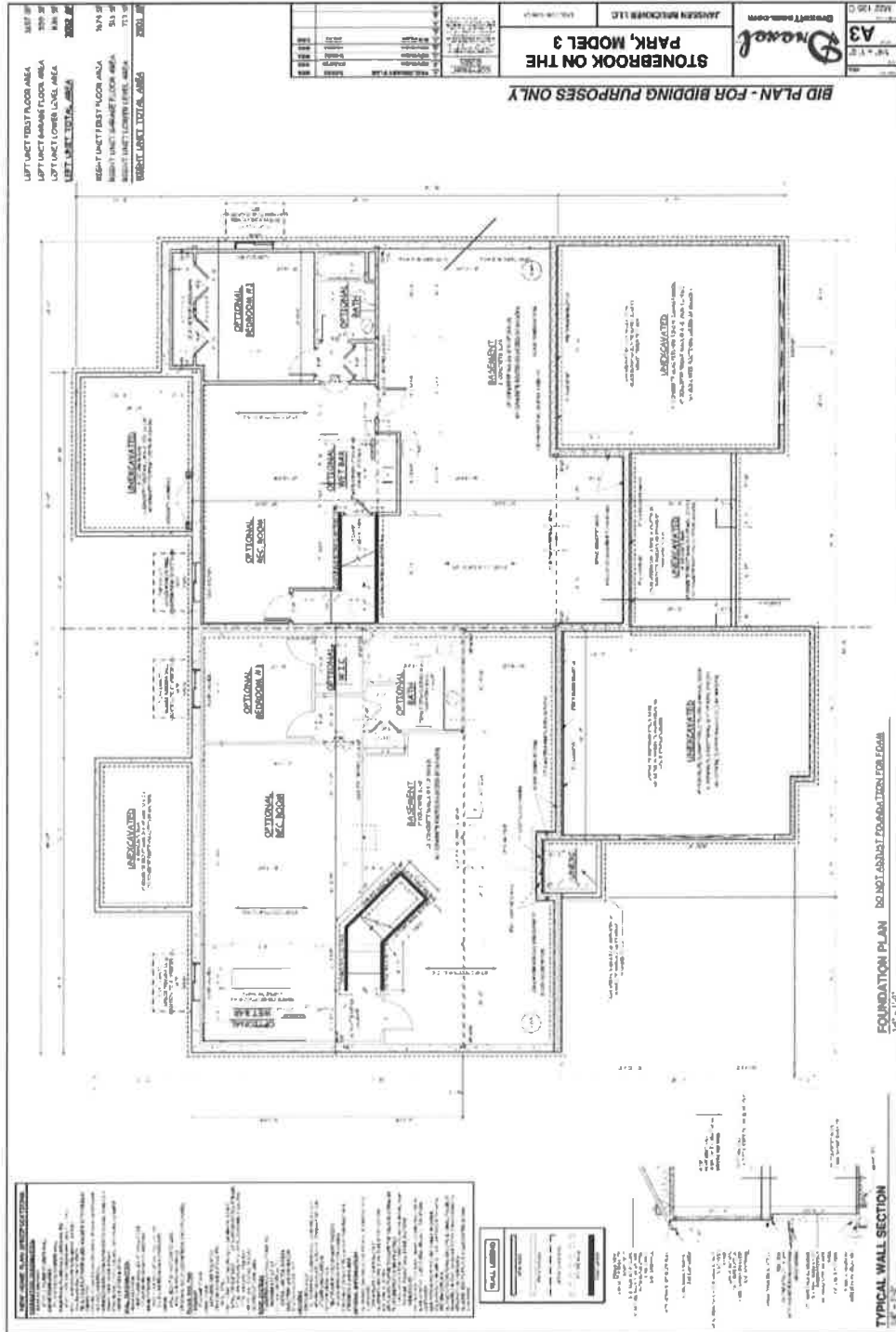
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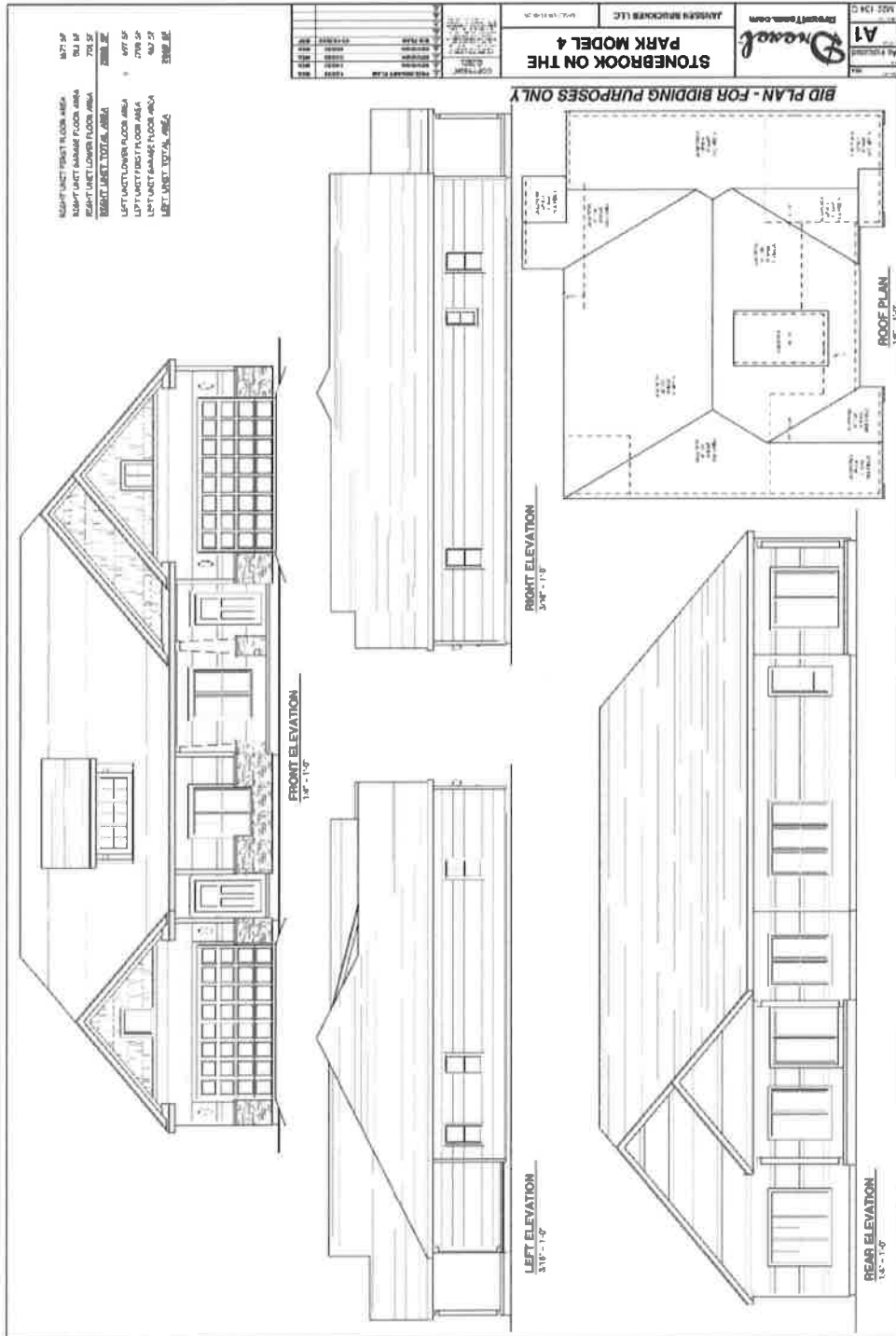
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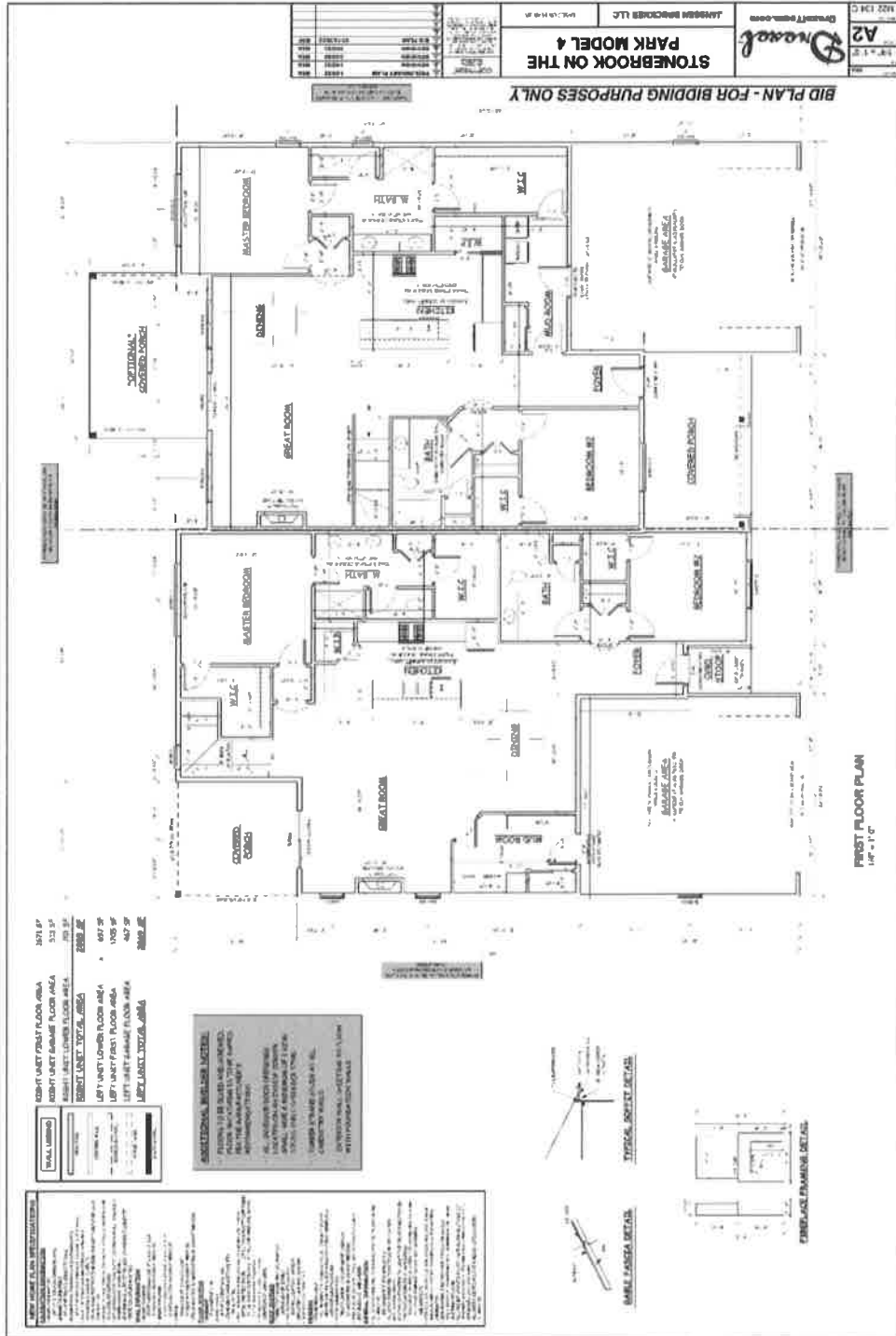
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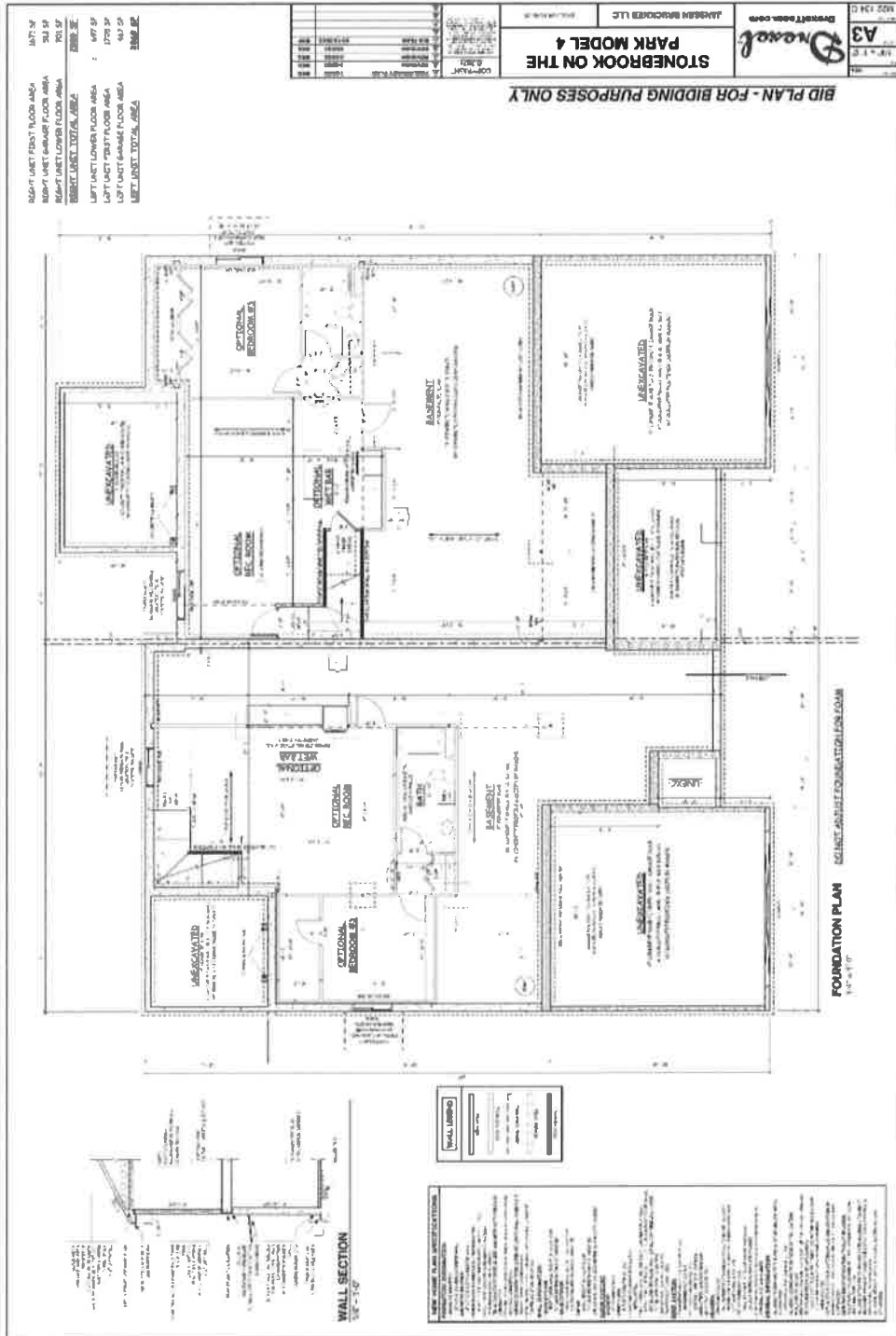
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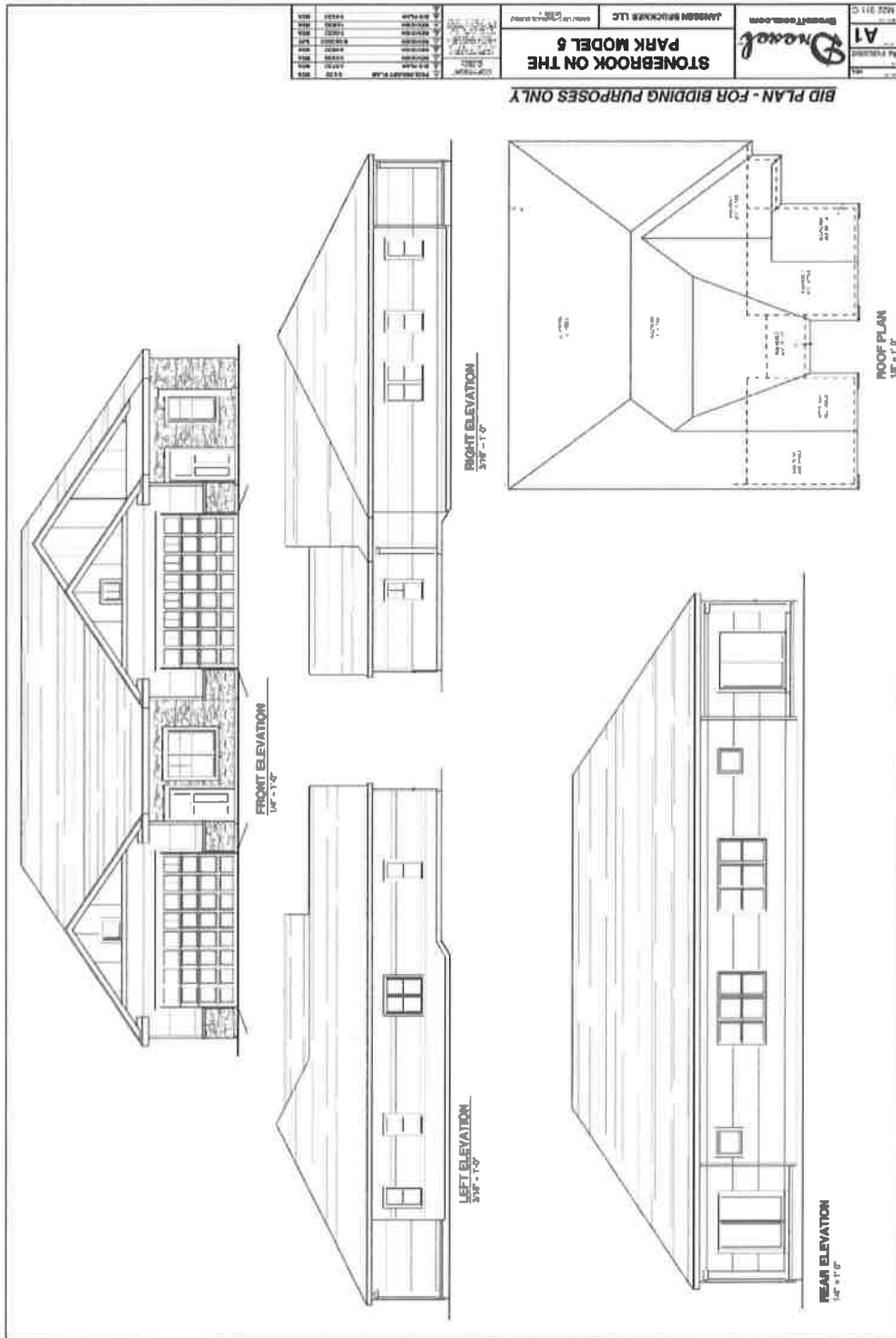
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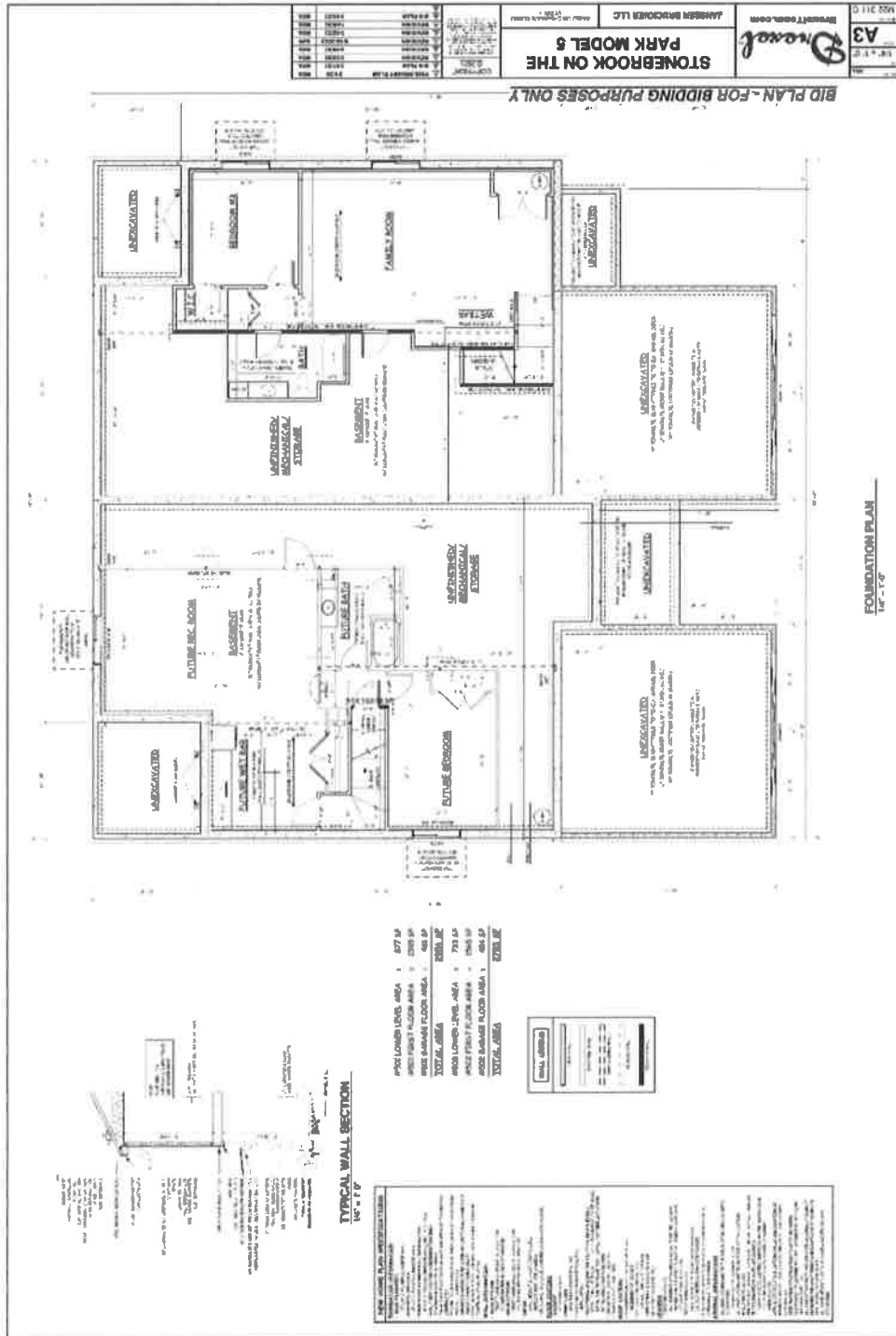
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**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, APRIL 23, 2024**

Alderman Loreck 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, Alderman Guzikowski, Commissioner Siefert, and Commissioner Chandler. Mayor Bukiewicz and Commissioner Oldani were excused. Also present: Senior Planner Kari Papelbon and Assistant Fire Chief Mike Havey.

**REZONE / PLANNED UNIT DEVELOPMENT**

**RYAN JANSSEN, JANSSEN BRUCKNER**

**641 AND 819 E. DREXEL AVE.**

**TAX KEY NOS. 814-9075-000, 814-9076-000, 815-9027-000, & 815-9028-000.**

Senior Planner Papelbon provided an overview of a request to rezone to and establish a Planned Unit Development on the portions of the properties at 641 and 819R E. Drexel Ave. (see staff report for details).

An amended copy of the Conditions and Restrictions for this project was provided and discussed.

- Section 2
  - Updated home models.
  - Corrected road name error.
  - Clarified landscape requirements.
- Section 3
  - Request for materials modification update to current Code.
  - Clarified Condominium Plat and Declaration requirements.
  - Removed Condominium Plat requirements prior to permitting.
- Section 5
  - Updated to current Code Sections.
- Section 8
  - Updated to five (5) years from original approval for compliance with Statute.
- Exhibit C
  - Updated with new home models.

Attorney Proctor sought confirmation from the City that the five (5) proposed designs are approved. Senior Planner Papelbon confirmed that they were assuming conformance with the Conditions and Restrictions. A stone veneer sample was brought for Commission review.

Commissioner Chandler asked what the Code requirement is for stone exterior material and thickness. Senior Planner Papelbon replied that stone veneer systems utilized on the ground floor shall have a minimum thickness of three (3) inches, and explained the Applicant is requesting to use a stone veneer material that is one (1) to one and a half (1.5) inches thick.

Commissioner Chandler asked where the stone veneer would be placed on the exterior of the homes.

Nicole Bruckner, W339 S9767 Redberry Dr. Mukwonago, WI 53149, explained that the stone will be from the ground up to whatever height the design calls for.

Commissioner Siefert asked if the proposed layout of the garages being so far in front of the face of the home would need to be modified to fit the current Code, if the units will have basements, and if parking would be allowed on the street.

Senior Planner Papelbon explained that the garage requirement is listed in the Conditions and Restrictions.

Ms. Bruckner explained that the units will have basements.

Atty. Proctor stated that the Declaration of Condominium ownership can state the only guaranteed parking will be in the garage and driveways and not on the street.

Ms. Bruckner added that some of the models have side-entry garages. Senior Planner Papelbon stated requirements per Code for that style will be added to the amended Conditions and Restrictions.

Alderman Guzikowski asked if the Applicant is requesting a landscaping escrow before installing the final landscaping, to which Atty. Proctor clarified the intent is to finish the landscaping, gain occupancy, and avoid the landscape escrow.

Alderman Loreck asked if the type of stone veneer presented has been approved in other projects. Senior Planner Papelbon explained different thicknesses of a stone veneer have been approved, but stated that she could not recall if anything thinner than one-and-a-half (1.5) inches had been approved.

Alderman Loreck stated his hesitation for approving the material at one (1) inch thick without supplemental elements added to the proposed design.

Senior Planner Papelbon asked if it were feasible to have the three- (3) inch thick material at the bottom three (3) feet of the designs, and transition to the thinner material for any of the designs showing a full wall of stone veneer.

Ms. Bruckner stated that the transition would not be feasible.

Alderman Guzikowski stated his support for the material being three (3) inches thick.

Senior Planner Papelbon stated staff would support a material that would be one-and-a-half (1.5) inches, not one (1) inch, with a tree in each yard as proposed by Atty. Proctor being an acceptable supplemental element.

Ms. Bruckner asked if the landscaping can be completed per building instead of all at once, to which Senior Planner Papelbon answered in the affirmative.

Alderman Guzikowski moved that the Plan Commission recommends to the Common Council that portions of the properties at 641 & 819R E. Drexel Ave. be rezoned to Rd-1, Two-Family

Residential (NO CHANGE TO FW, Floodway or FF, Flood Fringe Districts) with amendments to the Conditions and Restrictions as part of the Planned Unit Development after a public hearing.

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

ATTEST:

  
\_\_\_\_\_  
Karl Papelbon, Plan Commission Secretary

5-14-24  
\_\_\_\_\_  
Date





## COMMON COUNCIL REPORT

- Item:** Certified Survey Map – 641 & 819R E. Drexel Ave. (portions) – Ryan Janssen, Janssen Bruckner, LLC
- Recommendation:** That the Council adopts Resolution No. 12498-052124, a resolution approving a Certified Survey Map submitted by Ryan Janssen, Janssen Bruckner, LLC, for the properties at 641 & 819R E. Drexel Ave. (portions) (1<sup>st</sup> Aldermanic District).
- Fiscal Impact:** The proposal is to combine and reconfigure the properties into four (4) conforming residential lots for a single-family attached Planned Unit Development (previously-approved). Development of the properties would yield positive fiscal impact in terms of assessed value, permit fees, and impact fees. These properties are not currently part of a TID.
- Critical Success Factor(s):**
- Active, Vibrant, and Engaged Community
  - Financial Stability and Resiliency
  - Thoughtful Growth and Prosperous Local Economy
  - Clean, Safe, and Welcoming
  - Inspired, Aligned, and Proactive City Organization
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

### Background:

The Applicant is requesting approval of a Certified Survey Map (CSM) for the properties at 641 & 819 E. Drexel Ave. This CSM is directly related to proposed amendments to the Planned Unit Development and a proposed Condominium Plat also on the agenda for the Common Council’s review. As proposed, two (2) new single-family residential lots would be created: Lot 1 = 0.283 acres, and Lot 2 = 0.278 acres. Lots 3 and 4 are combining parcels that had previously been separate in CSM 9417 & CSM 9418.

Following the division, the proposed Lot 1 and Lot 2 will become two (2) separate building sites. All the lots will meet minimum lot size and frontage requirements for Rs-3, Single-Family Residential zoning district. Dedication of the 60-foot-wide right of way for the future public road through the parcel, which will provide access from Drexel Ave. to the proposed lots and adjacent lot to the east has been included in the map. The applicant intends to rezone Lot 3 and Lot 4 to Rd-1, Planned Unit Development. Lot 3 and Lot 4 will meet the minimum lot size and frontage requirements for the Rd-1, Two-Family Residential District.

The Certified Survey Map is missing a Sanitary Easement on the southern part of the property. This will need to be shown on the map prior to recording. Staff also recommends changing the symbology used for the drainage ditch to allow for more visibility. These two suggestions have been included in the recommended conditions of approval above.

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

---

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Melanie Pérez  
Planner

Fiscal Review:



Maxwell Gagín, MPA  
Deputy City Administrator / Finance Officer

Approved:



Kristi Laine  
Community Development Director

---

Attachments:

Res. 12498-052124

Location Map

Proposed CSM (4 pages)

RESOLUTION NO. 12498-052124

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

A RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR  
RYAN JANSSEN, JANSSEN BRUCKNER, LLC

641 & 819R E. Drexel Ave.  
(1<sup>ST</sup> Aldermanic District)

WHEREAS, RYAN JANSSEN, JANSSEN BRUCKNER, LCC of 641 & 841R E. Drexel Ave., hereinafter referred to as the subdivider, has submitted Certified Survey Map in compliance with all statutory requirements; and

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

WHEREAS, the Plan Commission has recommended that this Certified Survey Map be approved, subject to the following conditions:

1. That the Sanitary Easement on the south is shown on the map prior to recording.
2. That the symbology used for the drainage ditch is changed for clarity prior to recording.
3. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

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

1.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this day of \_\_\_\_\_, 2024.

Passed and adopted this day of \_\_\_\_\_, 2024.

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

Approved this day of 2024.

\_\_\_\_\_  
Mayor

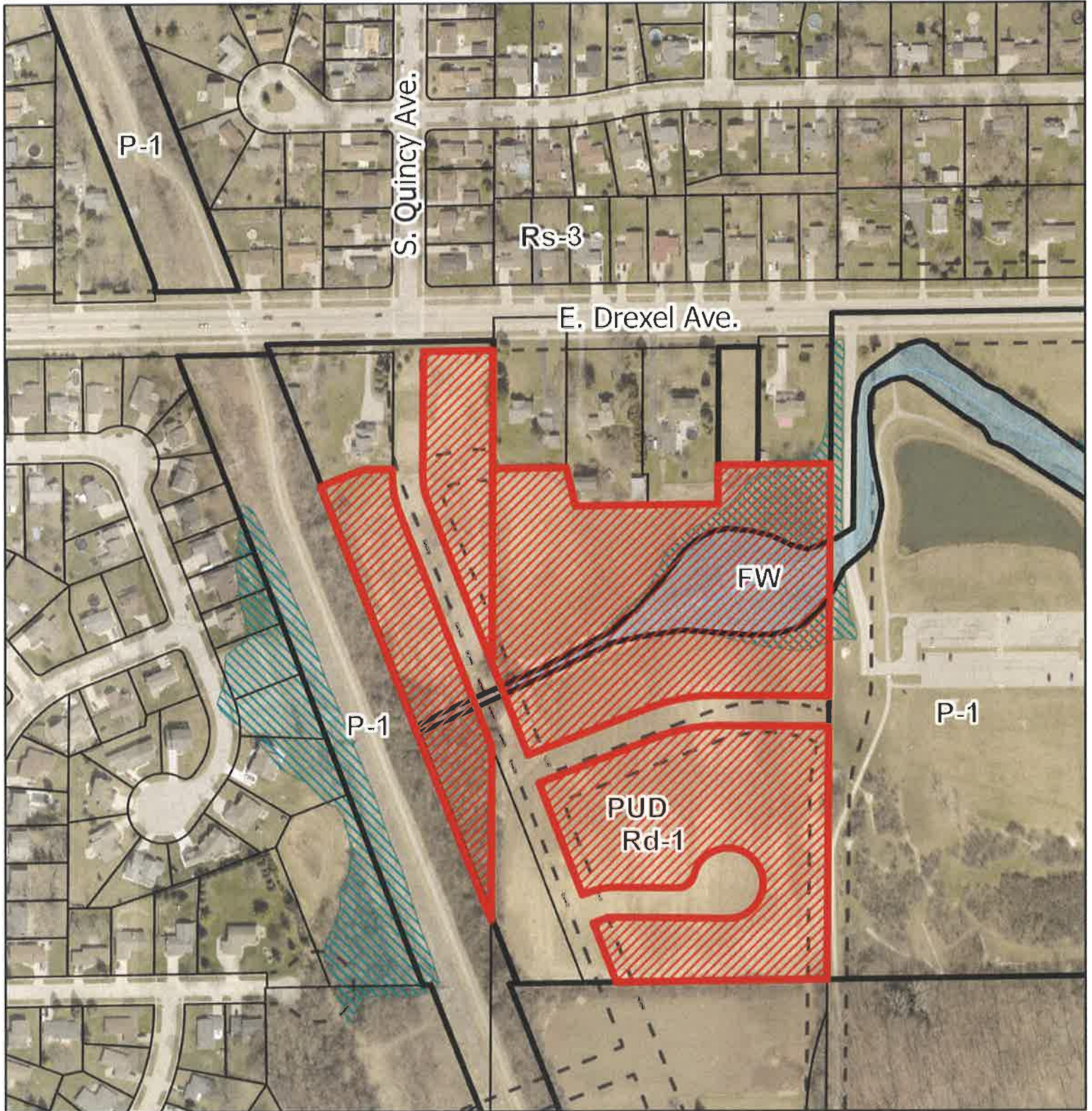
ATTEST:

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

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

# Location Map

## 641 & 819 E. Drexel Ave.



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



Community Development

0 0.04 0.09 Miles



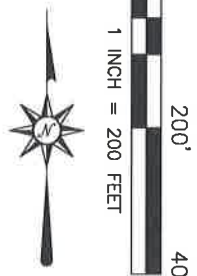
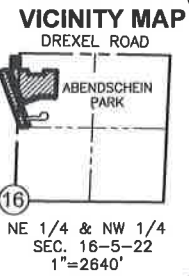
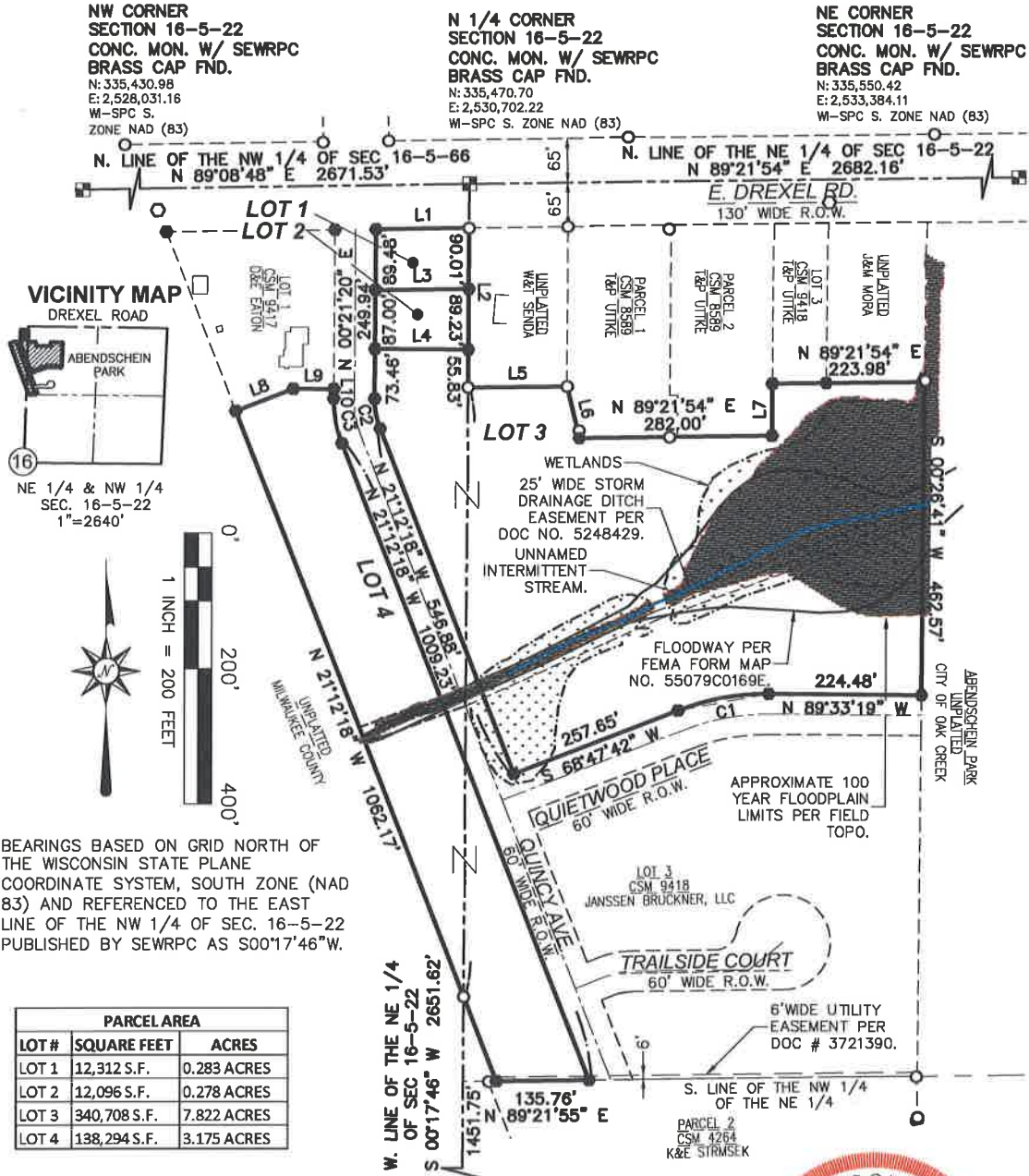
### Legend

- Zoning
- Official Street Map
- Floodway
- Flood Fringe
- Parcels
- 641 & 819 E. Drexel Ave.

**PRELIMINARY**

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

LOT 2 AND LOT 3 OF CSM 9417 RECORDED IN THE MILWAUKEE COUNTY REGISTER OF DEEDS JUNE 21, 2022, AS DOCUMENT NUMBER 11258440, AND LOT 2 AND LOT 4 OF CSM 9418, BEING PART OF THE NE 1/4 OF THE NW 1/4 AND PART OF THE NW 1/4 OF THE NE 1/4 OF SECTION 16, TOWN 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.



BEARINGS BASED ON GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD 83) AND REFERENCED TO THE EAST LINE OF THE NW 1/4 OF SEC. 16-5-22 PUBLISHED BY SEWRPC AS S0017'46"W.

PARCEL AREA		
LOT #	SQUARE FEET	ACRES
LOT 1	12,312 S.F.	0.283 ACRES
LOT 2	12,096 S.F.	0.278 ACRES
LOT 3	340,708 S.F.	7.822 ACRES
LOT 4	138,294 S.F.	3.175 ACRES

**CENTER OF SECTION 16-5-22 CONC. MON. W/ SEWRPC BRASS CAP FND.**  
 N: 332,819.05  
 E: 2,530,688.53  
 WI-SPC S. ZONE NAD (83)

**LandTech**  
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 LAND SURVEYING • LAND PLANNING  
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 UAUWATOGA, WI 53066  
 WWW.LANDTECHWI.COM  
 (262) 367-7599

**WISCONSIN**  
 MATTHEW T. O'ROURKE  
 S-2771  
 NEOSHO, WI  
 SURVEYOR

PREPARED FOR:  
 JANSSEN BRÜCKNER, LLC  
 PO BOX 486  
 MUKWONAGO, WI 53149

DATED 03/08/2024  
 JOB# 21279

MILWAUKEE CO. CERTIFIED SURVEY MAP NO. \_\_\_\_\_

LOT 2 AND LOT 3 OF CSM 9417 RECORDED IN THE MILWAUKEE COUNTY REGISTER OF DEEDS JUNE 21, 2022, AS DOCUMENT NUMBER 11258440, AND LOT 2 AND LOT 4 OF CSM 9418, BEING PART OF THE NE 1/4 OF THE NW 1/4 AND PART OF THE NW 1/4 OF THE NE 1/4 OF SECTION 16, TOWN 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

**SURVEYOR'S CERTIFICATE:**

I, MATTHEW T. O'ROURKE, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED AND MAPPED A DIVISION OF LAND BEING LOT 2 AND LOT 3 OF CSM 9417 RECORDED IN THE MILWAUKEE COUNTY REGISTER OF DEEDS JUNE 21, 2022, AS DOCUMENT NUMBER 11258440, AND LOT 2 AND LOT 4 OF CSM 9418, BEING PART OF THE NE 1/4 OF THE NW 1/4 AND PART OF THE NW 1/4 OF THE NE 1/4 OF SECTION 16, TOWN 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN DESCRIBED AS FOLLOWS:

LOT 2 AND LOT 3 OF CSM 9417, AND LOT 2 AND LOT 4 OF CSM 9418 BEING PART OF THE NE 1/4 OF THE NW 1/4 AND PART OF THE NW 1/4 OF THE NE 1/4 OF SECTION 16, TOWN 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

LANDS AS DESCRIBED HAVING AN AREA OF 503,410 SQUARE FEET OR 11.558 ACRES.

THAT I HAVE MADE SAID SURVEY BY THE DIRECTION OF THE JANSSEN BRUCKNER, LLC OWNER OF SAID LANDS.

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

THAT I HAVE FULLY COMPLIED WITH PROVISIONS OF S. 236.34 OF THE WISCONSIN STATUTES AND THE SUBDIVISION CONTROL ORDINANCE OF MILWAUKEE COUNTY AND THE CITY OF OAK CREEK IN SURVEYING, DIVIDING AND MAPPING THE SAME.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
MATTHEW T. O'ROURKE, S-2771

**CURVE TABLE**

CURVE #	RADIUS	DELTA	ARC DIST	CHORD DIST	CHORD BEARING	TANGENT IN	TANGENT OUT
C1	360.00'	21°38'59"	136.03'	135.22'	S 79°37'11" W	N 89°33'19" W	S 68°47'42" W
C2	120.00'	21°33'38"	45.16'	44.89'	N 10°25'29" W	N 21°12'18" W	N 00°21'20" E
C3	180.00'	21°33'38"	67.73'	67.34'	N 10°25'29" W	N 21°12'18" W	N 00°21'20" E

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	N 89°08'48" E	137.17'
L2	S 00°17'46" W	235.06'
L3	N 89°21'57" E	137.25'
L4	S 89°42'11" E	137.31'
L5	N 89°32'48" E	145.32'
L6	S 13°19'19" E	78.38'
L7	N 00°17'38" E	76.97'
L8	N 68°47'42" E	90.01'
L9	S 89°46'36" E	58.88'
L10	N 00°21'20" E	13.95'

**LEGEND**

- SECTION CORNER MONUMENT
- FOUND 3/4 REBAR" OR NOTED
- FOUND 1" IRON PIPE OR NOTED
- SET 0.75" O.D. X 18" REBAR WEIGHING 1.502 LBS/FT.

**NOTES:**

- WETLANDS ARE SHOWN PER A DELINEATION COMPLETED BY HEARTLAND ECOLOGICAL GROUP, INC. DATED 06/25/2021, AND 06/10/2022.
- FLOODPLAIN SHOWN PER APPROXIMATE 100 YEAR FLOODPLAIN LIMITS DELINEATED BY LANDTECH SURVEYING FIELD SURVEY.
- FLOODWAY IS SHOWN PER FEMA FIRMETTE MAP NO. 55079C0169E, EFF. 09/26/2008.
- THIS PARCEL IS SUBJECT TO ALL OTHER EASEMENTS, INCLUDING UTILITY EASEMENTS AND RESTRICTIONS, EITHER RECORDED OR UNRECORDED, IF ANY.
- REFERENCE CSM 9418 AND CSM 9417 FOR RECORD BEARINGS AND DISTANCES.

MILWAUKEE CO. CERTIFIED SURVEY MAP NO. \_\_\_\_\_

LOT 2 AND LOT 3 OF CSM 9417 RECORDED IN THE MILWAUKEE COUNTY REGISTER OF DEEDS JUNE 21, 2022, AS DOCUMENT NUMBER 11258440, AND LOT 2 AND LOT 4 OF CSM 9418, BEING PART OF THE NE 1/4 OF THE NW 1/4 AND PART OF THE NW 1/4 OF THE NE 1/4 OF SECTION 16, TOWN 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

**CORPORATE OWNER'S CERTIFICATE:**

JANSSEN BRUCKNER, LLC, A WISCONSIN LIMITED LIABILITY COMPANY (LLC), DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED ON THIS PLAT.

JANSSEN BRUCKNER, LLC, DOES FURTHER CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: CITY OF OAK CREEK.

IN WITNESS WHEREOF, THE SAID JANSSEN BRUCKNER, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY:

\_\_\_\_\_, ITS AUTHORIZED MEMBER, AT \_\_\_\_\_ WISCONSIN,  
THIS \_\_\_\_\_, DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

IN THE PRESENCE OF:

TITLE: \_\_\_\_\_  
PRINT NAME: \_\_\_\_\_  
SIGNED: \_\_\_\_\_

**CORPORATE OWNER'S NOTARY CERTIFICATE**

STATE OF \_\_\_\_\_ )  
\_\_\_\_\_(COUNTY)SS

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ AS AUTHORIZED MEMBER OF JANSSEN BRUCKNER, LLC, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE SUCH AUTHORIZED MEMBER, AND ACKNOWLEDGED THAT HE EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICER AS THE DEED OF SAID LLC, BY ITS AUTHORITY.

NOTARY SIGNATURE \_\_\_\_\_  
PRINT NAME \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

MILWAUKEE CO. CERTIFIED SURVEY MAP NO. \_\_\_\_\_

LOT 2 AND LOT 3 OF CSM 9417 RECORDED IN THE MILWAUKEE COUNTY REGISTER OF DEEDS JUNE 21, 2022, AS DOCUMENT NUMBER 11258440, AND LOT 2 AND LOT 4 OF CSM 9418, BEING PART OF THE NE 1/4 OF THE NW 1/4 AND PART OF THE NW 1/4 OF THE NE 1/4 OF SECTION 16, TOWN 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

**CONSENT OF CORPORATE MORTGAGEE**

\_\_\_\_\_, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, MORTGAGEE OF THE ABOVE DESCRIBED LAND, DOES HEREBY CONSENT TO THE SURVEYING, DIVIDING AND MAPPING OF THE LAND DESCRIBED ON THIS PLAT, AND DOES HEREBY CONSENT TO THE ABOVE CERTIFICATE OF JANSSEN BRUCKNER, LLC, OWNER.

IN WITNESS WHEREOF, \_\_\_\_\_  
HAS CAUSED THESE PRESENTS TO BE SIGNED BY, \_\_\_\_\_ ITS \_\_\_\_\_,

AT \_\_\_\_\_ WISCONSIN, AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

IN THE PRESENCE OF:

\_\_\_\_\_  
CORPORATE NAME

\_\_\_\_\_  
PRINT TITLE: \_\_\_\_\_ DATE \_\_\_\_\_

**CORPORATE MORTGAGEE NOTARY CERTIFICATE**

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY)SS

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_,  
\_\_\_\_\_ OF THE ABOVE NAMED CORPORATION, TO ME  
KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE SUCH  
\_\_\_\_\_ OF SAID CORPORATION, AND ACKNOWLEDGED THAT THEY EXECUTED THE  
FOREGOING INSTRUMENT AS SUCH OFFICERS AS THE DEED OF SAID CORPORATION, BY ITS AUTHORITY.

NOTARY SIGNATURE \_\_\_\_\_  
PRINT NAME \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

**CITY OF OAK CREEK PLANNING COMMISSION**

THIS LAND DIVISION AND ROADWAY DEDICATION IS HEREBY APPROVED BY THE CITY OF OAK CREEK PLAN  
COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
DANIEL BUKIEWICZ, CHAIRMAN \_\_\_\_\_ KARI PAPELBON, SECRETARY

**CITY OF OAK CREEK COMMON COUNCIL**

THIS LAND DIVISION AND ROADWAY DEDICATION IS HEREBY APPROVED BY THE CITY OF OAK CREEK COMMON  
COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
DANIEL BUKIEWICZ, MAYOR \_\_\_\_\_ CATHERINE ROESKE, CITY CLERK





## COMMON COUNCIL REPORT

**Item:** Condominium Plat – 641 & 819R E. Drexel Ave. (portions) – Stonebrook on the Park

**Recommendation:** That the Council adopts Resolution No. 12499-052124, a resolution approving a Condominium Plat submitted by Ryan Janssen, Janssen Bruckner, LLC, for the Stonebrook on the Park Condominium on the properties at 641 & 819R E. Drexel Ave. (portions) (1<sup>st</sup> Aldermanic District).

**Fiscal Impact:** The proposal is to approve a Condominium Plat for the single-family attached Planned Unit Development to be named Stonebrook on the Park. Although no direct fiscal impacts are anticipated with the proposed Condominium Plat, development of the properties would yield positive fiscal impact in terms of assessed value, permit fees, and impact fees. These properties are not currently part of a TID.

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

### Background:

The Applicant is requesting approval of an expandable Condominium Plat for Stonebrook on the Park on portions of the properties at 641 & 819R E. Drexel Ave. Council will note that the plat covers the entirety of the Stonebrook on the Park PUD reviewed in the previous agenda item, but identifies two (2) areas as “Expansion Lands.” While the Declaration for the condo identifies the common areas, ownership and maintenance responsibilities, and structure of the Association, it is not enforced by the City. However, compliance with all local Ordinances, policies, and permits is required. Staff also recommends that the responsibility for the maintenance and ownership of the stormwater infrastructure be specified as part of the common elements of the Condominium. (Report originally drafted by Senior Planner Kari Papelbon).

The Plan Commission reviewed this request during their April 23, 2024 meeting, and recommended approval subject to the following conditions:

1. That all relevant Code requirements and conditions of the Planned Unit Development remain in effect.
2. That all required easements are included on the plat and within the condominium declaration prior to recording.
3. That all revisions to the plat and declaration are submitted to the Department of Community Development prior to submission of permit applications.

---

4. That all reviewing agency comments, if any, are incorporated as required.

**Options/Alternatives:** Council has the discretion to approve the Plat with conditions, modify the conditions, or deny the request.

---

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Melanie Pérez  
Planner

Fiscal Review:



Maxwell Gagin, MPA  
Deputy City Administrator / Finance Officer

Approved:



Kristi Laine  
Community Development Director

---

Attachments:

Res. 12499-052124

Location Map

Condominium Plat (9 pages)

RESOLUTION NO. 12499-052124

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

A RESOLUTION APPROVING THE CONDOMINIUM PLAT FOR STONEBROOK ON THE PARK

641 & 819R E. Drexel Ave.  
(1<sup>st</sup> Aldermanic District)

WHEREAS, it appears that the condominium plat submitted by Ryan Janssen, JANSSEN BRUCKNER, LLC, hereinafter referred to as the developer, for the condominium know as STONEBROOK ON THE PARK, is in compliance with all statutory requirements; and

WHEREAS, letters of no objection of said condominium plat by the reviewing agencies per Wisconsin Statutes and Municipal code shall be received prior to recording; and

WHEREAS, on April 23, 2024, the Plan Commission conditionally approved the condominium plat for the condominium know as STONEBROOK ON THE PARK;

NOW, THEREFORE, BE IT RESOLVED that the condominium plat for STONEBROOK ON THE PARK is hereby approved subject to the following conditions:

1. That all relevant Code requirements and conditions of the Planned Unit Development remain in effect.
2. That all required easements are included on the plat and within the condominium declaration prior to recording.
3. That all revisions to the plat and declaration are submitted to the Department of Community Development prior to submission of permit applications.
4. That all reviewing agency comments, if any, are incorporated as required.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 18<sup>th</sup> day of July, 2023.

Passed and adopted this day of , 2024.

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

Approved this day of , 2024.

\_\_\_\_\_  
Mayor

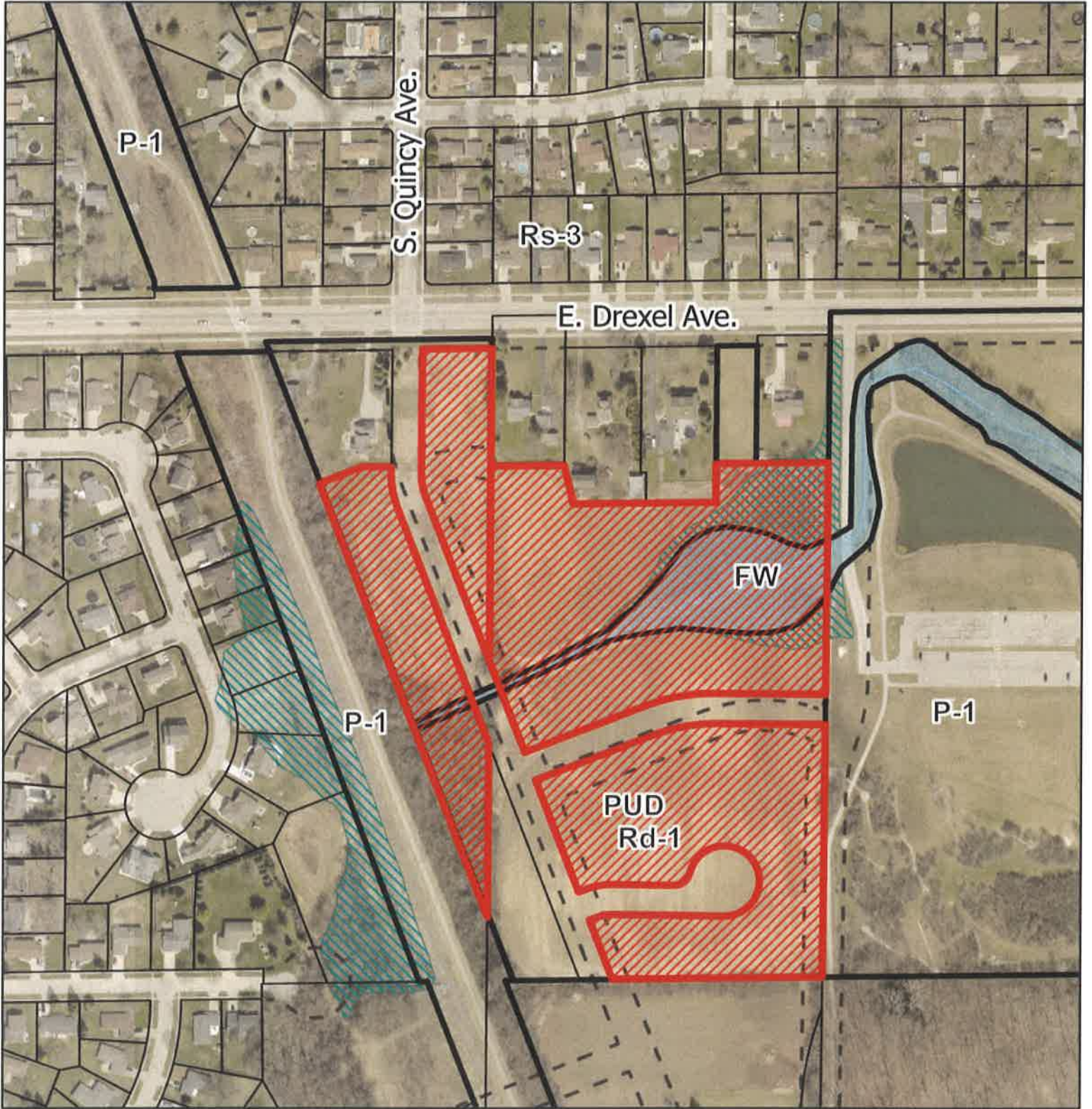
ATTEST:

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

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

# Location Map

## 641 & 819 E. Drexel Ave.



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



Community Development



### Legend

- Zoning
- Flood Fringe
- Official Street Map
- Parcels
- Floodway
- 641 & 819 E. Drexel Ave.

# STONEBROOK ON THE PARK CONDOMINIUM

ALL OF LOT 3 AND LOT 4 OF CSM \_\_\_\_\_, AND LOT 3 OF CSM 9418, BEING A PART OF THE NW 1/4 OF THE NE 1/4 AND PART OF THE NE 1/4 OF THE NW 1/4, SECTION 16, T5N, R22E, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN

STATE OF WISCONSIN)ss  
COUNTY OF DODGE)

I, JOHN D. DOWNING, CERTIFY AND STATE AS FOLLOWS:

1. THAT I AM A DULY LICENSED AND PROFESSIONAL LAND SURVEYOR IN THE STATE OF WISCONSIN AND THIS CONDOMINIUM PLAT COMPLY WITH THE PROVISIONS OF CHAPTER 703 AND A-E 7 OF THE WISCONSIN STATUTES.
2. THAT SHEET 1, IS AN ACCURATE COPY OF THE CONDOMINIUM AS PLANNED AND DEVELOPED AND AS FILED WITH THE APPROPRIATE GOVERNMENTAL AND PUBLIC AGENCIES HAVING JURISDICTION OVER THE ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF BUILDINGS, WHERE APPLICABLE, IN SAID CONDOMINIUM.
3. THAT SHEET 4 SHOWS THE LEGAL DESCRIPTION OF STONEBROOK ON THE PARK CONDOMINIUM.
4. THAT SHEET 5-9 SHOW THE FLOOR PLANS OF THE RESPECTIVE UNITS AND THAT THE UNIT NUMBERS SHOWN ON SHEET 4 ARE THE UNIT NUMBERS DESIGNATING FOR EACH UNIT.
5. THAT THE PLAT IS A CORRECT REPRESENTATION OF THE CONDOMINIUM DESCRIBED AND THE IDENTIFICATION AND LOCATION OF EACH UNIT AND THE COMMON ELEMENTS CAN BE DETERMINED FROM THE PLAT.

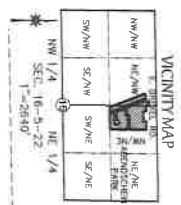
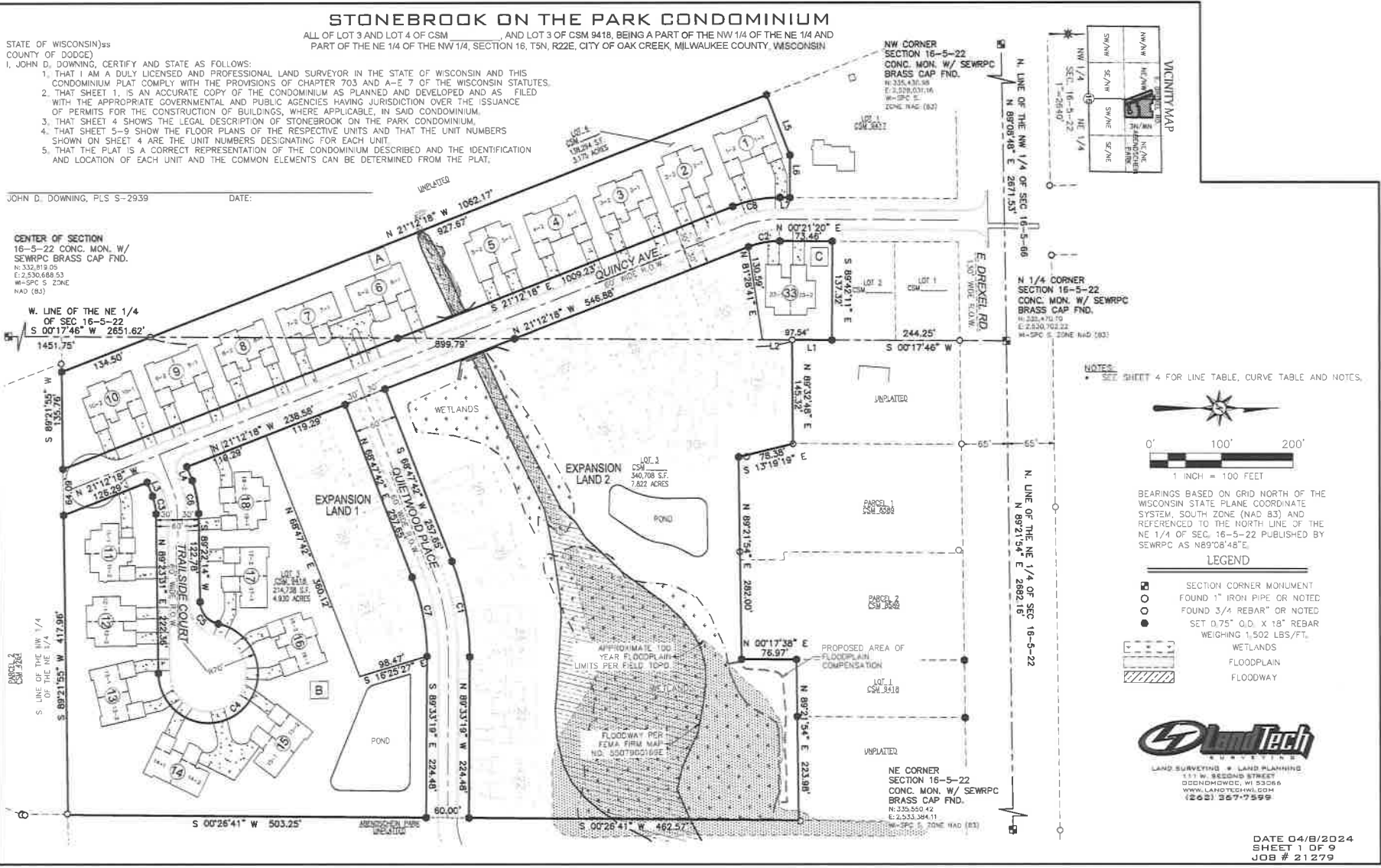
JOHN D. DOWNING, PLS S-2939

DATE:

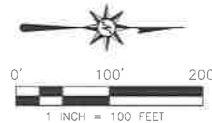
CENTER OF SECTION  
16-5-22 CONC. MON. W/  
SEWRPC BRASS CAP FND.

N: 335,819.85  
E: 2,535,669.53  
W-SPC S 22NE  
NAD (83)

W. LINE OF THE NE 1/4  
OF SEC 16-5-22  
S 00°17'46" W 2651.62'



NOTES:  
SEE SHEET 4 FOR LINE TABLE, CURVE TABLE AND NOTES.



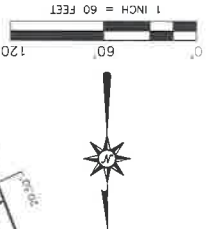
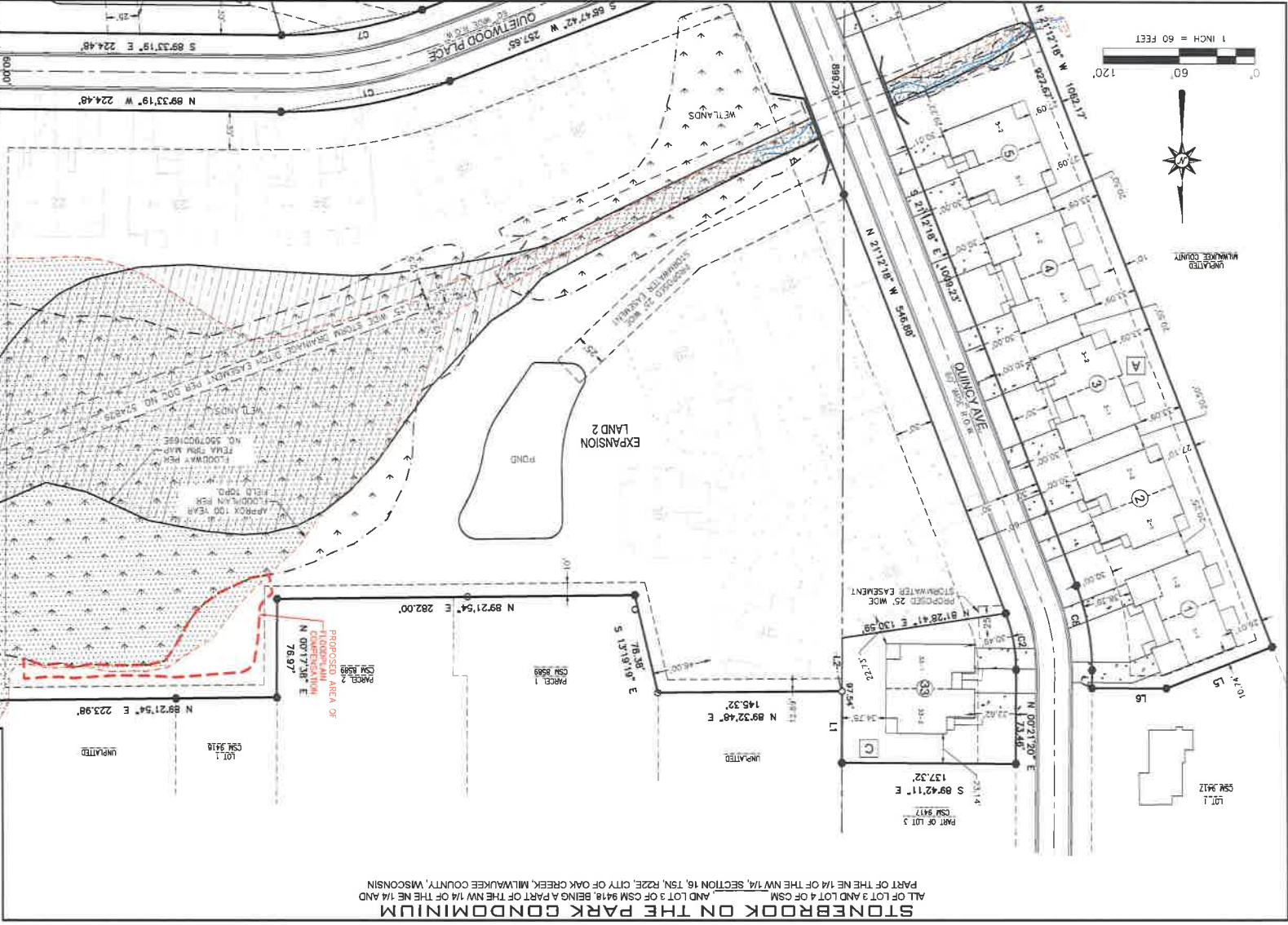
BEARINGS BASED ON GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD 83) AND REFERENCED TO THE NORTH LINE OF THE NE 1/4 OF SEC. 16-5-22 PUBLISHED BY SEWRPC AS N89°08'48"E.

- LEGEND**
- SECTION CORNER MONUMENT
  - FOUND 1" IRON PIPE OR NOTED
  - FOUND 3/4" REBAR OR NOTED
  - SET 0.75" O.D. X 18" REBAR WEIGHING 1.502 LBS/FT.
  - WETLANDS
  - FLOODPLAIN
  - FLOODWAY

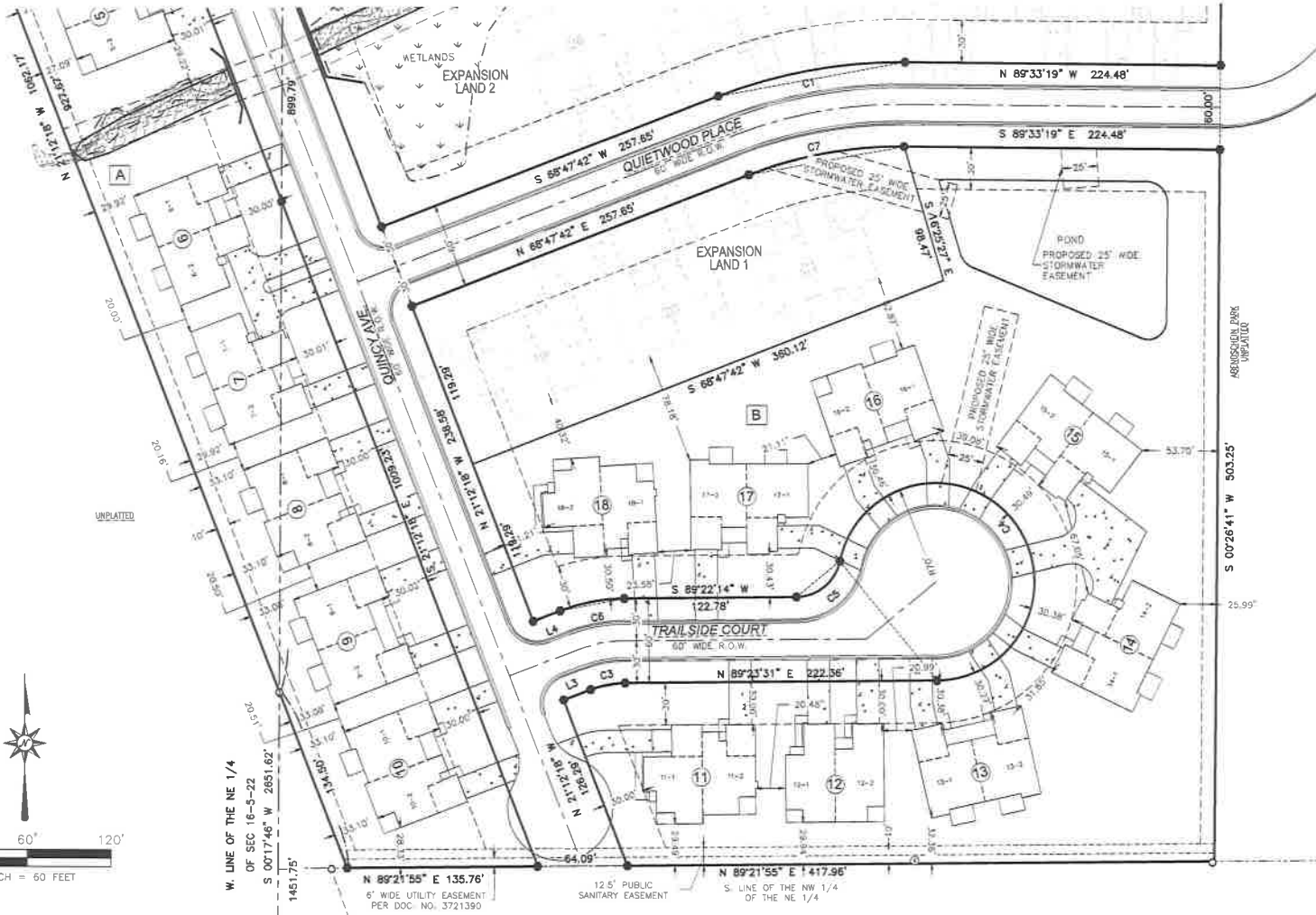
**LandTech**  
LAND SURVEYING & LAND PLANNING  
111 W. SECOND STREET  
DODDHWOC, WI 53066  
WWW.LANDTECHWI.COM  
(262) 367-7599

DATE 04/8/2024  
SHEET 1 OF 9  
JOB # 21279

**STONEBROOK ON THE PARK CONDOMINIUM**  
 ALL OF LOT 3 AND LOT 4 OF CSM 9418, AND LOT 3 OF CSM 9418, BEING A PART OF THE NE 1/4 AND  
 PART OF THE NE 1/4 OF THE NW 1/4, SECTION 16, T5N, R22E, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN



**STONEBROOK ON THE PARK CONDOMINIUM**  
ALL OF LOT 3 AND LOT 4 OF CSM \_\_\_\_\_ AND LOT 3 OF CSM 9418, BEING A PART OF THE NE 1/4 AND  
PART OF THE NE 1/4 OF THE NW 1/4, SECTION 16, T9N, R22E, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN



**STONEBROOK ON THE PARK CONDOMINIUM**  
 ALL OF LOT 3 AND LOT 4 OF CSM \_\_\_\_\_ AND LOT 3 OF CSM 9418, BEING A PART OF THE NW 1/4 OF THE NE 1/4 AND  
 PART OF THE NE 1/4 OF THE NW 1/4, SECTION 16, T5N, R22E, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN

**LINE TABLE**

LINE	BEARING	DISTANCE	INITIALS
L1	S 00°17'46" W	55.83	
L2	S 00°17'46" W	43.71	
L3	S 00°17'46" W	70.65	
L4	N 88°44'05" E	20.58	
L5	N 68°47'42" E	100.01	
L6	S 89°44'58" E	58.88	
L7	N 00°21'20" E	113.95	

**CURVE TABLE**

CURVE	RADIUS	ARC DIST	CHORD DIST	CHORD BEARING	DELTA	TANGENT IN	TANGENT OUT
C1	360.00	136.03	136.22	N 79°37'11" E	21°33'58"	N 21°12'18" W	N 08°47'52" E
C2	120.00	45.16	44.89	S 10°25'29" E	21°33'58"	N 21°12'18" W	N 00°21'20" E
C3	70.00	25.21	25.08	S 79°03'09" W	20°38'09"	N 89°22'14" W	S 68°44'25" W
C4	70.00	214.29	109.18	S 68°44'25" E	20°38'09"	N 11°52'27" E	S 89°42'14" W
C5	37.00	43.28	40.50	N 57°37'21" E	77°29'47"	N 89°22'14" E	N 11°52'27" E
C6	130.00	46.82	46.37	N 79°37'11" E	20°38'09"	N 68°44'05" E	N 89°22'14" E
C7	300.00	113.95	112.88	S 79°37'11" W	21°33'58"	N 68°47'42" E	S 89°44'58" E
C8	180.00	87.73	87.34	S 10°25'29" E	21°33'58"	N 21°12'18" W	N 00°21'20" E

**NOTES:**

- FLOODPLAIN IS PER FEMA FIRM MAP NO. 55079C0169E, EFF. 9/26/2008.
- WETLANDS ARE SHOWN PER A DELINEATION COMPLETED BY HEARTLAND ECOLOGICAL GROUP, INC. DATED 06/25/2021 AND 06/10/2022.
- FOR RECORD BEARINGS SEE CSM 9418 & 9417.
- LIMITED COMMON ELEMENTS (L.C.E.) CONSIST OF THE DRIVEWAYS, WALKS, DECKS, PATIOS, OR PORCHES, IF ANY, IMMEDIATELY ADJACENT AND APPURTENANT TO THE GARAGE DOOR TO EACH UNIT. L.C.E. SHALL BE RESERVED FOR THE EXCLUSIVE USE OF THE UNIT TO WHICH THEY ARE APPURTENANT.
- ALL AREAS WITHIN THE CONDOMINIUM AND OUTSIDE THE UNITS ARE COMMON ELEMENTS, PROPOSED EASEMENTS BY SEPARATE DOCUMENTS.

**LEGAL DESCRIPTIONS:**

**BUILDINGS 1-10: [A]**

LOT 4 OF CSM \_\_\_\_\_ RECORDED IN THE MILWAUKEE COUNTY REGISTER OF DEEDS \_\_\_\_\_, 2024, AS DOCUMENT NUMBER \_\_\_\_\_, BEING A PART OF THE NW 1/4 OF THE NE 1/4 AND PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 16, T5N, R22E, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

**BUILDINGS 11-18: [B]**

PART OF LOT 3 OF CSM 9418, RECORDED IN THE MILWAUKEE COUNTY REGISTER OF DEEDS JUNE 21, 2022, AS DOCUMENT NUMBER 11258441 BEING A PART OF THE NW 1/4 OF THE NE 1/4 AND PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 16, T5N, R22E, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

COMMENCING AT THE SOUTHWEST CORNER OF LOT 3 OF CSM 9418 ALSO BEING THE POINT OF BEGINNING, THENCE N 21°12'18" W, ALONG THE EAST RIGHT-OF-WAY OF QUINCY AVENUE, 128.29 FEET TO THE SOUTH RIGHT-OF-WAY OF TRAILSIDE COURT; THENCE ALONG THE RIGHT-OF-WAY OF TRAILSIDE COURT FOR THE FOLLOWING 8 COURSES: 1: THENCE N 68°44'05" E, 20.65 FEET; 2: THENCE ALONG A TANGENT CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 25.21 FEET, A RADIUS OF 70.00 FEET, A DELTA ANGLE OF 20°38'09", AND A CHORD BEARING N 79°03'09" E, 25.08 FEET; 3: THENCE N 89°23'31" E, 222.36 FEET; 4: THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 314.59 FEET, A RADIUS OF 70.00 FEET, A DELTA ANGLE OF 257°29'47", AND A CHORD BEARING N 39°22'39" W, 109.19 FEET; 5: THENCE ALONG A REVERSE CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 43.28 FEET, A RADIUS OF 32.00 FEET, A DELTA ANGLE OF 77°29'47", AND A CHORD BEARING S 50°37'21" W, 40.06 FEET; 6: THENCE S 89°22'14" W, 122.76 FEET; 7: THENCE ALONG A TANGENT CURVE TO THE LEFT HAVING AN ARC LENGTH OF 46.82 FEET, A RADIUS OF 130.00 FEET, A DELTA ANGLE OF 20°38'09", AND A CHORD BEARING S 79°03'09" W, 46.57 FEET; 8: THENCE S 68°44'05" W, 20.58 FEET TO THE EAST RIGHT-OF-WAY OF QUINCY AVENUE; THENCE N 21°12'18" W, ALONG THE EAST RIGHT-OF-WAY OF QUINCY AVENUE, 119.29 FEET; THENCE N 68°47'42" E, 360.12 FEET; THENCE N 16°25'27" W, 98.47 FEET TO THE SOUTH RIGHT-OF-WAY OF QUIETWOOD PLACE; THENCE S 89°33'19" E, ALONG THE SOUTH RIGHT-OF-WAY OF QUIETWOOD PLACE, 224.48 FEET TO THE NORTHEAST CORNER OF LOT 3 OF CSM 9418; THENCE S 00°26'41" W, ALONG THE EAST LINE OF LOT 3 OF CSM 9418, 503.25 FEET TO THE SOUTHEAST CORNER OF LOT 3 OF CSM 9418 AND THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16; THENCE S 89°21'55" W, ALONG THE SOUTH LINES OF LOT 3 OF CSM 9418 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16, 417.96 FEET TO THE POINT OF BEGINNING.

DESCRIBED LANDS HAVING AN AREA OF 171972 SQUARE FEET OR 3.948 ACRES

**BUILDING 33: [C]**

PART OF LOT 3 OF CSM \_\_\_\_\_ RECORDED IN THE MILWAUKEE COUNTY REGISTER OF DEEDS \_\_\_\_\_, 2024, AS DOCUMENT NUMBER \_\_\_\_\_, BEING A PART OF THE NW 1/4 OF THE NE 1/4 AND PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 16, T5N, R22E, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

COMMENCING AT THE NORTHWEST CORNER OF LOT 3 OF CSM \_\_\_\_\_ ALSO BEING THE POINT OF BEGINNING, THENCE S 89°42'11" E, ALONG THE NORTH LINE OF LOT 3 OF CSM \_\_\_\_\_ 137.32 FEET TO THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 16; THENCE S 00°17'46" W, ALONG THE NORTH LINE OF LOT 3 OF CSM \_\_\_\_\_ AND THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 16, 97.54 FEET; THENCE S 81°28'41" W, 130.59 FEET TO THE EAST RIGHT-OF-WAY OF QUINCY AVENUE; THENCE ALONG THE EAST RIGHT-OF-WAY OF QUINCY AVENUE ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 45.16 FEET, A RADIUS OF 120.00 FEET, A DELTA ANGLE OF 21°33'36", AND A CHORD BEARING N 10°25'29" W, 44.89 FEET; THENCE N 00°21'20" E, ALONG THE EAST RIGHT-OF-WAY OF QUINCY AVENUE, 73.46 FEET TO THE POINT OF BEGINNING.

DESCRIBED LANDS HAVING AN AREA OF 14,738 SQUARE FEET OR 0.338 ACRES.

**EXPANSION LANDS 1:**

PART OF LOT 3 OF CSM 9418, RECORDED IN THE MILWAUKEE COUNTY REGISTER OF DEEDS JUNE 21, 2022, AS DOCUMENT NUMBER 11258441 BEING A PART OF THE NW 1/4 OF THE NE 1/4 AND PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 16, T5N, R22E, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

COMMENCING AT THE NORTHWEST CORNER OF LOT 3 OF CSM 9418 ALSO BEING THE POINT OF BEGINNING, THENCE N 68°47'42" E, ALONG THE SOUTH RIGHT-OF-WAY OF QUIETWOOD PLACE, 257.65 FEET; THENCE ALONG THE SOUTH RIGHT-OF-WAY OF QUIETWOOD PLACE ALONG, A TANGENT CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 113.36 FEET, A RADIUS OF 300.00 FEET, A DELTA ANGLE OF 21°38'59", AND A CHORD BEARING N 79°37'11" E, 112.68 FEET; THENCE S 16°25'27" E, 98.47 FEET; THENCE S 68°47'42" W, 360.12 FEET TO THE EAST RIGHT-OF-WAY OF QUINCY AVENUE; THENCE N 21°12'18" W, ALONG THE EAST RIGHT-OF-WAY OF QUINCY AVENUE, 119.29 FEET TO THE POINT OF BEGINNING.

DESCRIBED LANDS HAVING AN AREA OF 42,766 SQUARE FEET OR 0.982 ACRES.

**EXPANSION LANDS 2:**

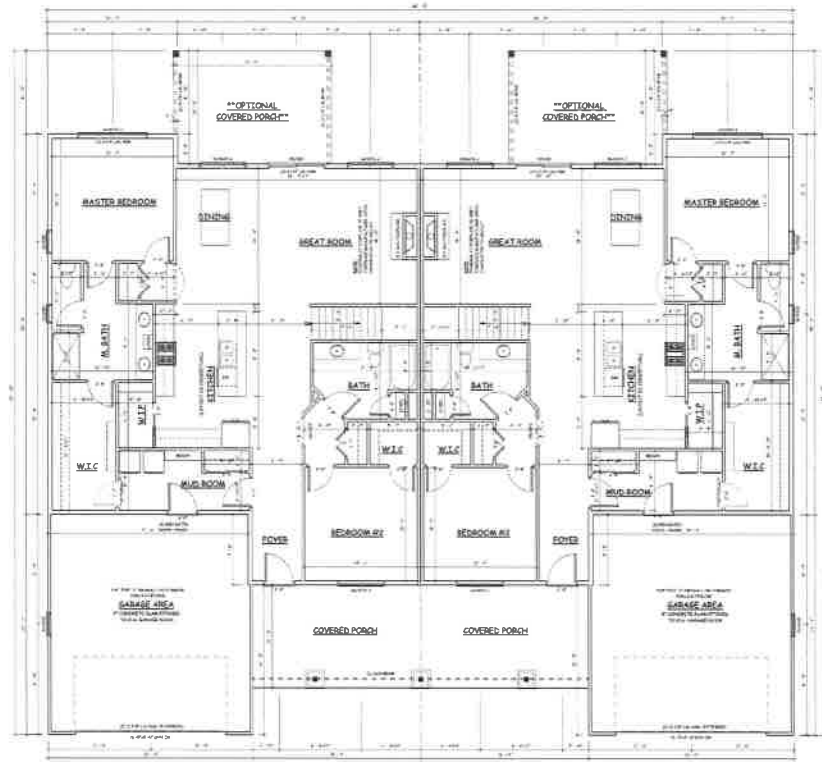
PART OF LOT 3 OF CSM \_\_\_\_\_ RECORDED IN THE MILWAUKEE COUNTY REGISTER OF DEEDS \_\_\_\_\_, 2024, AS DOCUMENT NUMBER \_\_\_\_\_, BEING A PART OF THE NW 1/4 OF THE NE 1/4 AND PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 16, T5N, R22E, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

COMMENCING AT THE NORTHEAST CORNER OF LOT 3 OF CSM \_\_\_\_\_ THENCE S 00°26'41" W, ALONG THE EAST LINE OF LOT 3 OF CSM \_\_\_\_\_ 462.57 FEET TO THE NORTH RIGHT-OF-WAY OF QUIETWOOD PLACE; THENCE ALONG THE NORTH RIGHT-OF-WAY OF QUIETWOOD PLACE FOR THE FOLLOWING 3 COURSES: 1: THENCE N 89°33'19" W, 224.48 FEET; 2: THENCE ALONG A TANGENT CURVE TO THE LEFT HAVING AN ARC LENGTH OF 136.03 FEET, A RADIUS OF 360.00 FEET, A DELTA ANGLE OF 21°38'59", AND A CHORD BEARING S 79°37'11" W, 135.22 FEET; 3: THENCE S 68°47'42" W, 257.65 FEET TO THE SOUTHWEST CORNER OF LOT 3 OF CSM \_\_\_\_\_, AND EAST RIGHT-OF-WAY OF QUINCY AVENUE; THENCE N 21°12'18" W, ALONG THE EAST RIGHT-OF-WAY OF QUINCY AVENUE, 546.88 FEET; THENCE N 81°28'41" E, 130.59 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 16; THENCE N 00°17'46" E, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 16, 41.71 FEET TO THE NORTH LINE OF LOT 3 OF CSM \_\_\_\_\_; THENCE ALONG THE NORTH LINE OF LOT 3 OF CSM \_\_\_\_\_ FOR THE FOLLOWING 5 COURSES: 1: THENCE N 89°32'48" E, 145.32 FEET; 2: THENCE S 13°19'19" E, 78.38 FEET; 3: THENCE N 89°21'54" E, 282.00 FEET; 4: THENCE N 00°17'38" E, 76.97 FEET; 5: THENCE N 89°21'54" E, 223.98 FEET TO THE POINT OF BEGINNING.

DESCRIBED LANDS HAVING AN AREA OF 325,971 SQUARE FEET OR 7.463 ACRES.

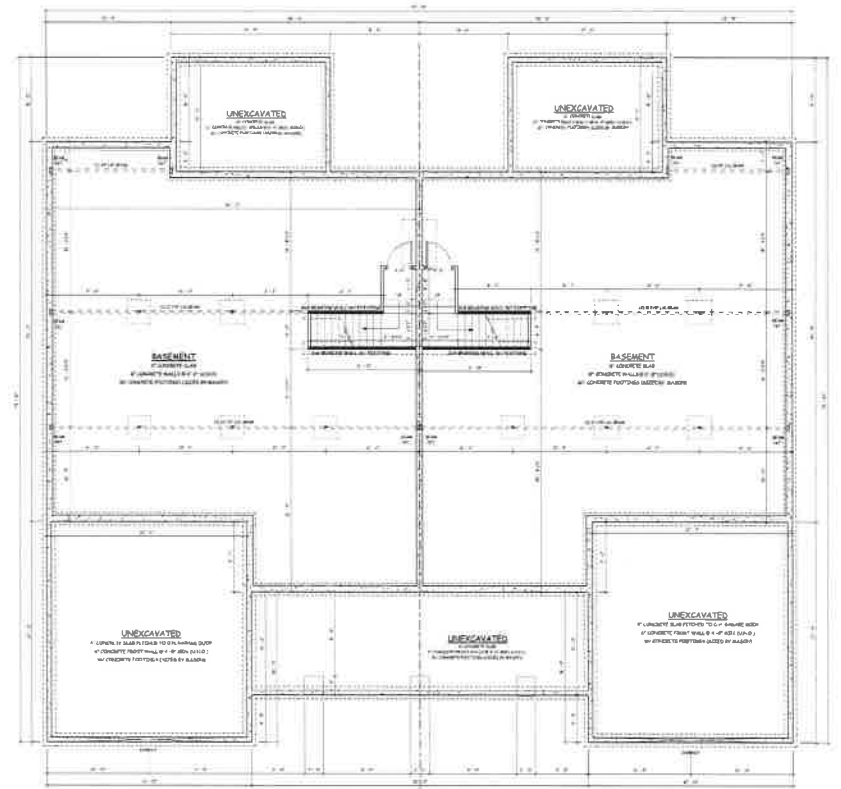


**STONEBROOK ON THE PARK CONDOMINIUM**  
 ALL OF LOT 3 AND LOT 4 OF CSM \_\_\_\_\_, AND LOT 3 OF CSM 9418, BEING A PART OF THE NW 1/4 OF THE NE 1/4 AND  
 PART OF THE NE 1/4 OF THE NW 1/4, SECTION 16, T5N, R22E, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN



**FIRST FLOOR PLAN**

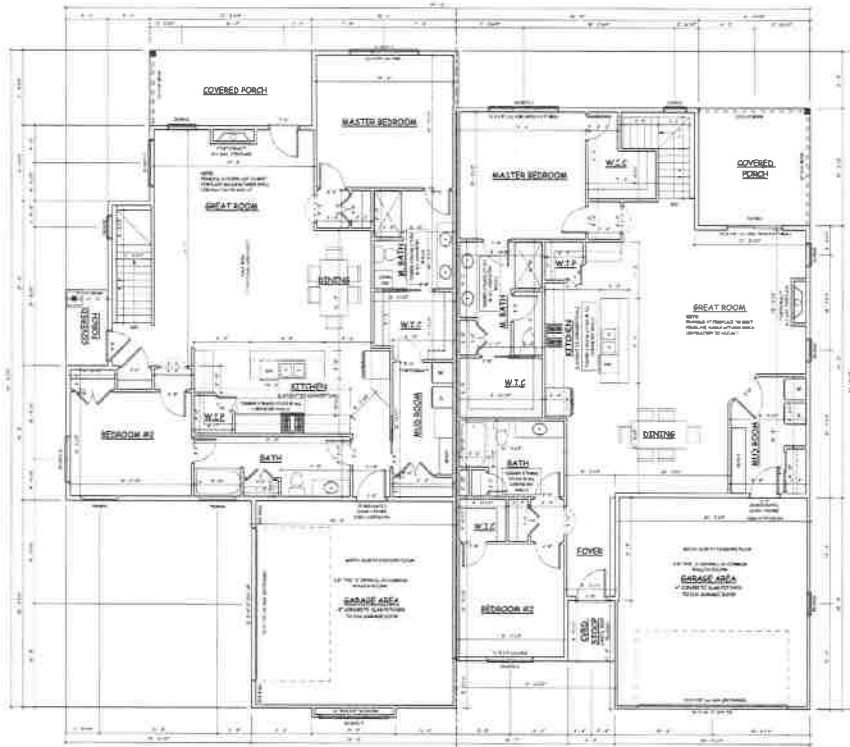
LEFT UNIT FIRST FLOOR AREA = 1,674 S.F.  
 LEFT UNIT GARAGE FLOOR AREA = 513 S.F.  
 LEFT UNIT LOWER LEVEL AREA = 710 S.F.  
 LEFT UNIT TOTAL AREA = 2,898 S.F.  
 RIGHT UNIT FIRST FLOOR AREA = 1,674 S.F.  
 RIGHT UNIT GARAGE FLOOR AREA = 513 S.F.  
 RIGHT UNIT LOWER LEVEL AREA = 710 S.F.  
 RIGHT UNIT TOTAL AREA = 2,897 S.F.  
 TOTAL AREA = 5,795 S.F.



**FOUNDATION PLAN**

BUILDING PLANS ARE NOT TO SCALE  
 AND FOR REFERENCE ONLY

**STONEBROOK ON THE PARK CONDOMINIUM**  
 ALL OF LOT 3 AND LOT 4 OF CSM \_\_\_\_\_ AND LOT 3 OF CSM 9418, BEING A PART OF THE NW 1/4 OF THE NE 1/4 AND  
 PART OF THE NE 1/4 OF THE NW 1/4, SECTION 16, T5N, R22E, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN



**FIRST FLOOR PLAN**  
1/4" = 1'-0"



**FOUNDATION PLAN**

LEFT UNIT FIRST FLOOR AREA = 1,647 S.F.  
 LEFT UNIT GARAGE FLOOR AREA = 482 S.F.  
 LEFT UNIT LOWER LEVEL AREA = 683 S.F.  
 LEFT UNIT TOTAL AREA = 2,813 S.F.

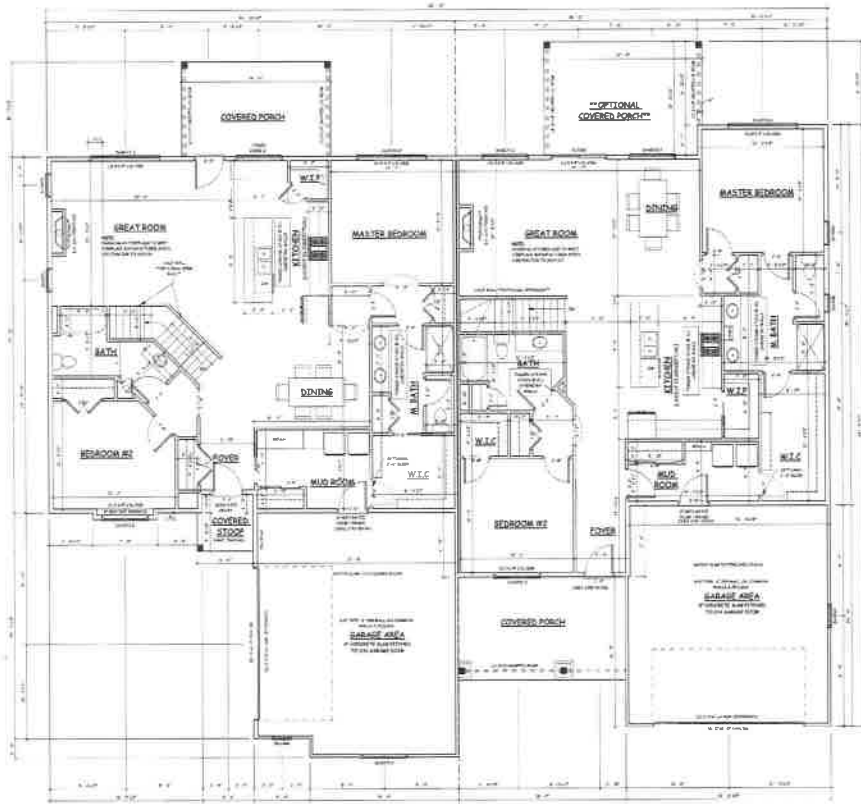
RIGHT UNIT FIRST FLOOR AREA = 1,710 S.F.  
 RIGHT UNIT GARAGE FLOOR AREA = 467 S.F.  
 RIGHT UNIT LOWER LEVEL AREA = 697 S.F.  
 RIGHT UNIT TOTAL AREA = 2,874 S.F.

TOTAL AREA = 5,687 S.F.

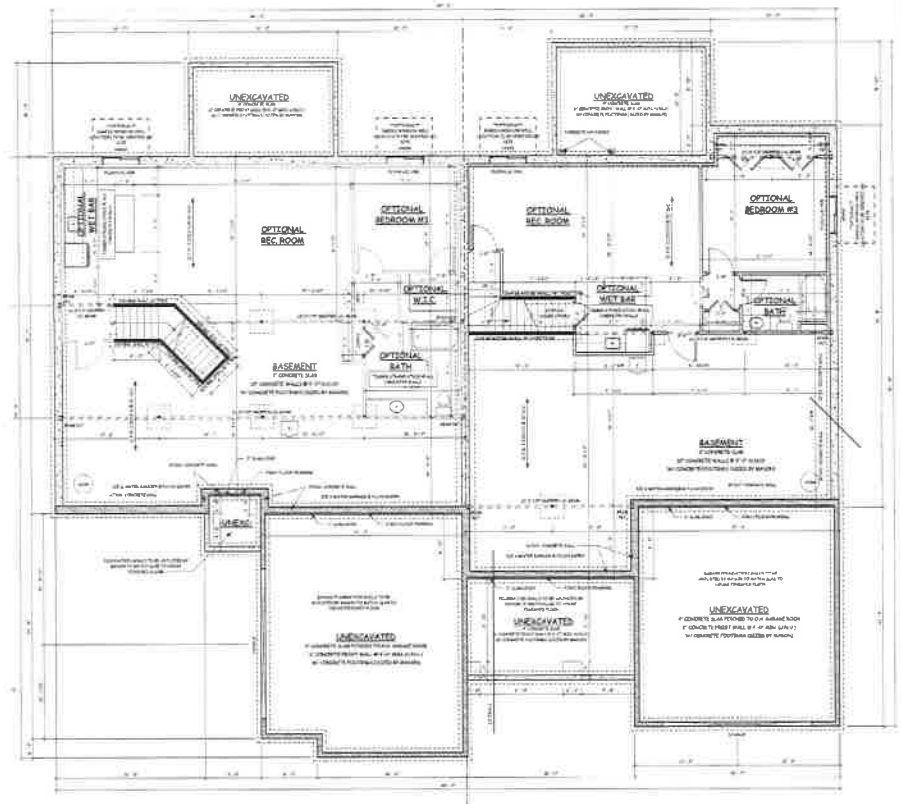
BUILDING PLANS ARE NOT TO SCALE  
 AND FOR REFERENCE ONLY

BUILDING NUMBERS 11\*, 18  
 \* DENOTES MIRRORED BUILDING PLAN \*

**STONEBROOK ON THE PARK CONDOMINIUM**  
 ALL OF LOT 3 AND LOT 4 OF CSM \_\_\_\_\_, AND LOT 3 OF CSM 9418, BEING A PART OF THE NW 1/4 OF THE NE 1/4 AND  
 PART OF THE NE 1/4 OF THE NW 1/4, SECTION 16, T5N, R22E, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN



**FIRST FLOOR PLAN**



**FOUNDATION PLAN**

LEFT UNIT FIRST FLOOR AREA = 1,657 S.F.  
 LEFT UNIT GARAGE FLOOR AREA = 559 S.F.  
 LEFT UNIT LOWER LEVEL AREA = 836 S.F.  
 LEFT UNIT TOTAL AREA = 3,053 S.F.

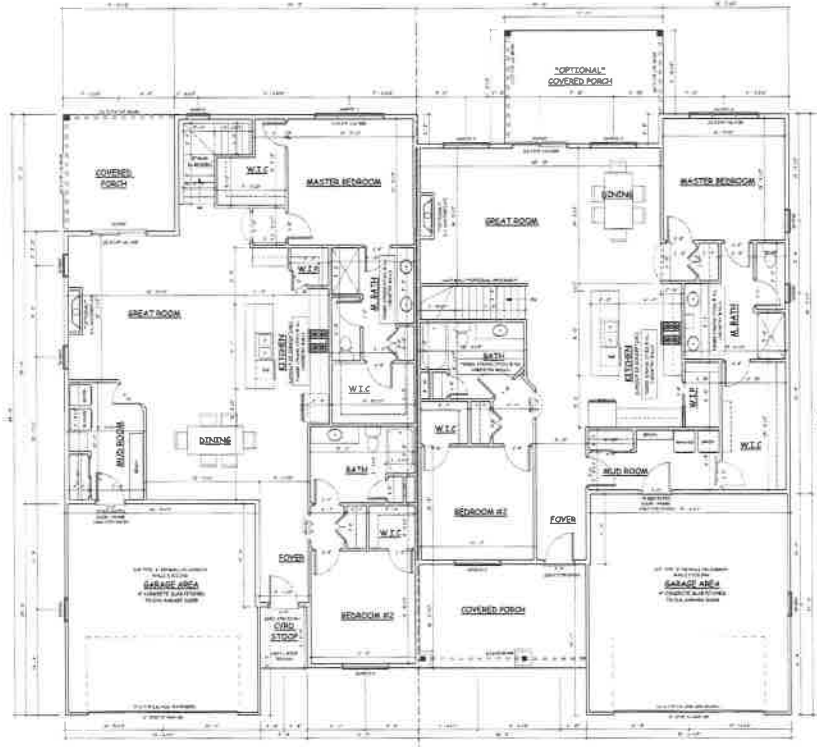
RIGHT UNIT FIRST FLOOR AREA = 1,674 S.F.  
 RIGHT UNIT GARAGE FLOOR AREA = 513 S.F.  
 RIGHT UNIT LOWER LEVEL AREA = 713 S.F.  
 RIGHT UNIT TOTAL AREA = 2,901 S.F.

TOTAL AREA = 5,954 S.F.

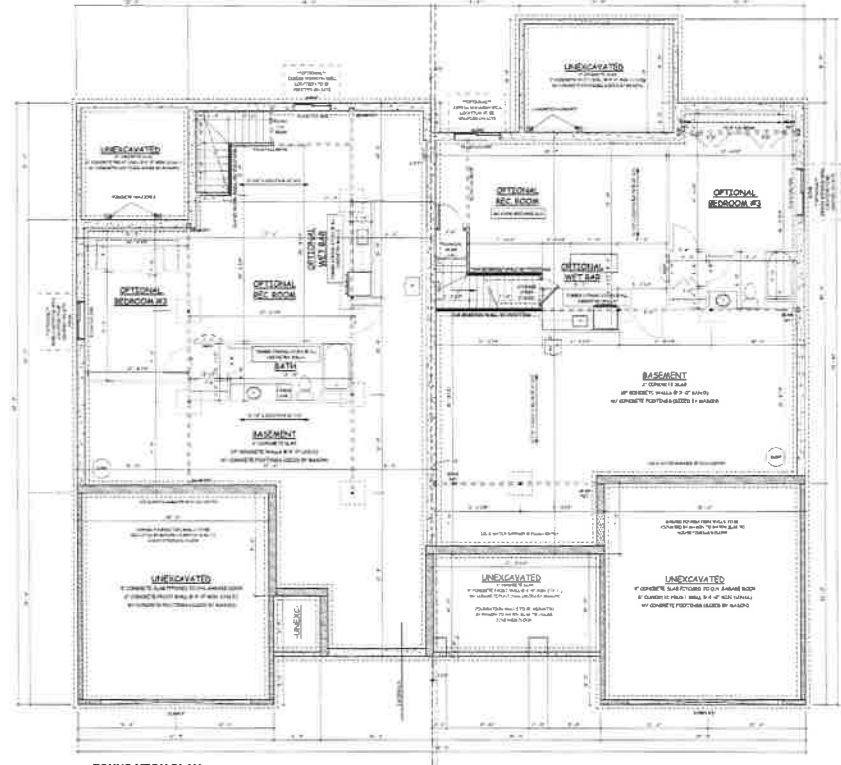
BUILDING NUMBERS 6, 7\*, 14, 15\*, 17\*  
 \* DENOTES MIRRORED BUILDING PLAN \*

BUILDING PLANS ARE NOT TO SCALE  
 AND FOR REFERENCE ONLY

**STONEBROOK ON THE PARK CONDOMINIUM**  
 ALL OF LOT 3 AND LOT 4 OF CSM \_\_\_\_\_, AND LOT 3 OF CSM 9418, BEING A PART OF THE NW 1/4 OF THE NE 1/4 AND  
 PART OF THE NE 1/4 OF THE NW 1/4, SECTION 16, T5N, R22E, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN



**FIRST FLOOR PLAN**



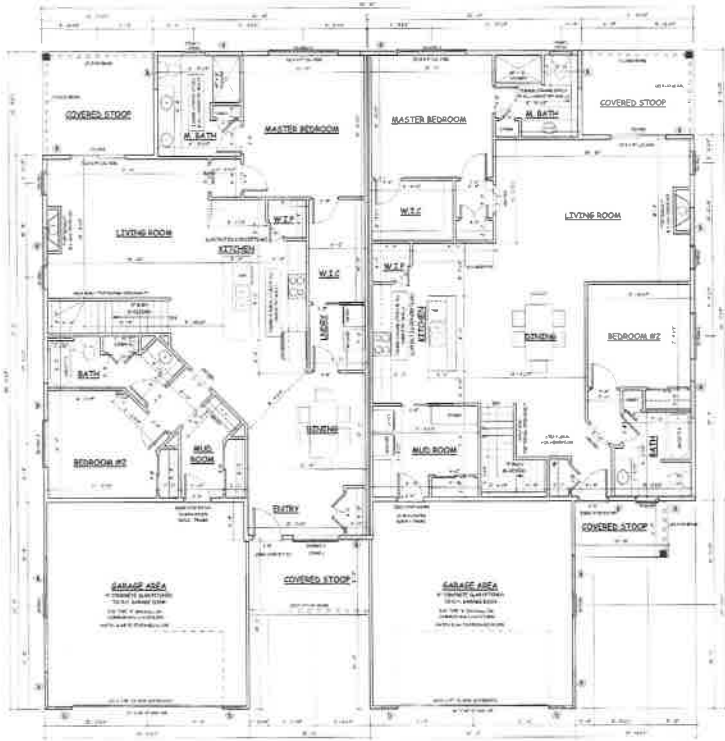
**FOUNDATION PLAN**

LEFT UNIT FIRST FLOOR AREA = 1,705 S.F.  
 LEFT UNIT GARAGE FLOOR AREA = 467 S.F.  
 LEFT UNIT LOWER LEVEL AREA = 697 S.F.  
 LEFT UNIT TOTAL AREA = 2,869 S.F.  
 RIGHT UNIT FIRST FLOOR AREA = 1,6741 S.F.  
 RIGHT UNIT GARAGE FLOOR AREA = 513 S.F.  
 RIGHT UNIT LOWER LEVEL AREA = 701 S.F.  
 RIGHT UNIT TOTAL AREA = 2,885 S.F.  
 TOTAL AREA = 5,754 S.F.

BUILDING PLANS ARE NOT TO SCALE  
 AND FOR REFERENCE ONLY

BUILDING NUMBERS 3, 8, 10, 16

**STONEBROOK ON THE PARK CONDOMINIUM**  
 ALL OF LOT 3 AND LOT 4 OF CSM \_\_\_\_\_, AND LOT 3 OF CSM 9418, BEING A PART OF THE NW 1/4 OF THE NE 1/4 AND  
 PART OF THE NE 1/4 OF THE NW 1/4, SECTION 18, T5N, R22E, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN

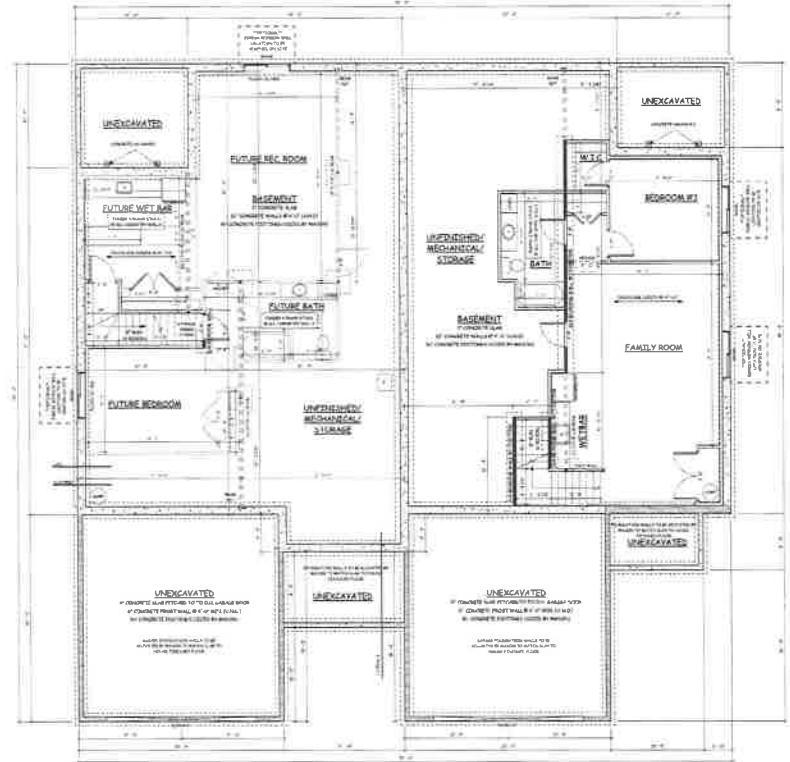


**FIRST FLOOR PLAN**

LEFT UNIT FIRST FLOOR AREA = 1,595 S.F.  
 LEFT UNIT GARAGE FLOOR AREA = 481 S.F.  
 LEFT UNIT LOWER LEVEL AREA = 877 S.F.  
 LEFT UNIT TOTAL AREA = 2,954 S.F.

RIGHT UNIT FIRST FLOOR AREA = 1,565 S.F.  
 RIGHT UNIT GARAGE FLOOR AREA = 484 S.F.  
 RIGHT UNIT LOWER LEVEL AREA = 733 S.F.  
 RIGHT UNIT TOTAL AREA = 2,783 S.F.

TOTAL AREA = 5,737 S.F.



**FOUNDATION PLAN**

BUILDING PLANS ARE NOT TO SCALE  
 AND FOR REFERENCE ONLY

BUILDING NUMBERS 2, 5, 12, 33\*  
 \* DENOTES MIRRORED BUILDING PLAN \*



## COMMON COUNCIL REPORT

**Item:** 2024-25 Official Newspaper

**Recommendation:** That the Common Council designate NOW Media Group (parent company for the Milwaukee Journal Sentinel - SOUTH NOW edition) to serve as the official City newspaper for the next 12 months.

**Fiscal Impact:** Funds to cover the cost of the official notices in 2024 have been budgeted in the General Government-Legal Notices Account.

In the past twelve months, these publications have amounted to a total cost of \$17,297.92. This amount is a decrease of \$1,273.19 from the prior 12 month period.

It should be noted that as of 1/1/2022, the City has billed back public hearing publication costs. Since this inception, we have invoiced \$8,213.27 in publication costs. Two invoices from 2022 remain in collections (\$437.37). All other invoices have been paid in full.

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

**Background:** As a third class city, one of the state requirements we have is an annual bid process for an official City newspaper. An official notice was published on April 3, 2024, inviting bids to be publicly opened at noon on May 7, 2024.

The only bid received was from NOW Media Group (parent company of the Milwaukee Journal Sentinel).

2024 rates are listed below and show an increase from 2023 rates (in parenthesis).

	1st insertion per line	2nd insertion per line
Council Proceedings / Legal Notices	\$0.8788 (\$0.8466)	\$0.6938 (\$0.6688)
	1st insertion per column inch	2nd insertion per column inch
Display ads, sample ballots and other matter set in display format	\$10.54 (\$10.16)	\$8.33 (\$8.03)
Affidavit	\$1.00	

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Christa J. Miller, CMC/WCMC  
Deputy City Clerk

Fiscal Review:



Maxwell Gagin, MPA  
Deputy City Administrator/Finance Officer

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Attachments: 2023-24 Billing totals; 2024 Invitation for Bid

## South NOW

Billing totals for required publications

### 2023

Jan	\$989.41	
Feb	\$1,081.97	
Mar	\$2,915.58	
Apr	\$2,085.22	
May	\$1,948.94	
June	\$1,154.69	
July	\$1,077.44	
Aug	\$675.90	
Sept	\$1,828.96	
Oct	\$2,283.92	
Nov	\$1,949.02	
Dec	\$1,950.68	\$19,941.73

### 2024

Jan	\$1,023.97	
Feb	\$864.24	
Mar	\$797.78	
Apr	\$1,742.38	\$4,428.37

Current 12 months total:	\$17,297.92
Previous 12 months total:	\$18,571.11
Decrease of:	-\$1,273.19

2023 Public Hearing Bill Back Amount	\$3,976.66
2023 Amount Recovered	\$3,895.18
Amount Sent to Collections	\$0.00
Amount Recovered by Collections	\$0.00
Amount Waived (BOZA)	\$81.48





April 27, 2024

CITY OF OAKCREEK  
OFFICIAL NEWSPAPER BID  
ATTN: CITY CLERK  
8040 S. 6<sup>th</sup> STREET  
OAK CREEK, WI 53154

### Invitation for Bid – 2024

The below information is the state certified information for the SOUTH NOW publication for legal advertising.

Name of Type: Arial Classified

Type size: 6

Indicate Line Rates:	1 <sup>st</sup> Insertion	Subsequent Insertion	Column Width (pica)
1 column	\$.8788	\$.6938	9.17

Display Rates, per column inch:

1<sup>st</sup> Insertion: \$10.54

Subsequent Insertion: \$8.33

Paid Newspaper Subscriptions to be circulated in this geographic area: 14,137

Affidavit Cost: \$1.00 Affidavits shall be mailed within 10 days of publication.

Dates of Publication: Every Wednesday

Deadline for Display advertisement is Tuesday week prior by noon

Deadline for Liner advertisement is prior Thursday noon (system deadline – please submit in time to allow for processing and proofing)

Vendor: SOUTH NOW

Authorized Signature: /s/ Tara Hamm

Print Name & Title: Tara Hamm, Director, Public Notices | Obituaries

Address: 333 W. State Street, Milwaukee, WI 53203

Telephone: 414-224-2121

Fax: 877-943-0443

Email: [MJS-legal@gannett.com](mailto:MJS-legal@gannett.com)



## COMMON COUNCIL REPORT

**Item:** Funding Agreement with MMSD for a Green Solutions Project

**Recommendation:** That the Common Council adopts Resolution No. 12497-052124, a resolution approving a Funding Agreement with MMSD for Green Solutions - Oak Creek Police Station Porous Pavement Phase 2. (5th Aldermanic District)

**Fiscal Impact:** The City would front the costs of the Green Solutions project and be reimbursed by MMSD.

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

**Background:** The City of Oak Creek has \$496,564 of grant funding available as part of the MMSD Green Solutions Program. The City can utilize this funding for the installation of green infrastructure such as bioswales, porous pavement/permeable pavers, and rain gardens.

The Oak Creek Police Department parking lot has areas of severe deterioration that are in need of reconstruction. The City accepted a funding agreement with MMSD in 2023 to reconstruct Phase 1 of the parking lot with porous asphalt. Phase 1 work is expected to be completed in summer and fall of 2024. Phase 2 would include reconstruction of the remaining deteriorated asphalt parking areas at the police department with porous asphalt. This system would function similarly to the permeable pavers that were installed at Drexel Town Square and Lake Vista Park. The porous asphalt pavement will capture and detain stormwater from the parking lot and surrounding area providing a reduction in the peak runoff release rate and water quality benefits.

The proposed Funding Agreement outlines that the City would advertise for public bid and hire a contractor to perform the construction of the green infrastructure, pay the construction costs, and then apply for 100% cost reimbursement from MMSD. This project would utilize \$482,625 of the available MMSD Green Solutions grant funding.

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

It is anticipated that the project will be advertised for bids in Early 2025. Reimbursement would be requested after the project is completed during the 2025 construction season.

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

---

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Andrew Ledger, PE  
Design Engineer

Fiscal Review:



Maxwell Gaggin, MPA  
Deputy City Administrator / Finance Officer

Approved:



Matthew J. Sullivan, PE  
Assistant City Administrator/City Engineer

---

Attachments:

- Resolution Number 12497-052124, MMSD Green Solutions Funding Agreement
- Green Solutions Funding Agreement G98005P156 Green Solutions - Oak Creek Police Station Porous Pavement Phase 2

RESOLUTION NO. 12497-052124

BY: Ald. Gehl

**RESOLUTION APPROVING A FUNDING AGREEMENT WITH MMSD FOR GREEN SOLUTIONS – OAK CREEK POLICE STATION POROUS PAVEMENT PHASE 2**

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

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

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

WHEREAS, \$496,564 of Green Solutions grant funding is currently available to the City for green infrastructure projects, and;

WHEREAS, the City plans to utilize \$482,625 of the available funding to install a porous asphalt pavement as part of Phase 2 of the Oak Creek Police Department parking lot reconstruction to reduce stormwater runoff and improve stormwater quality, and;

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

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

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

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 21<sup>st</sup> day of May, 2024.

Passed and adopted this 21<sup>st</sup> day of May, 2024.

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

Approved this 21<sup>st</sup> day of May, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

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

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



## Green Infrastructure Funding Agreement G98005P156

### **Green Solutions – Oak Creek Police Station Porous Pavement Phase 2**

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

This Agreement is between the Milwaukee Metropolitan Sewerage District (District), located at 260 West Seeboth Street, Milwaukee, Wisconsin 53204-1446, and the City of Oak Creek (Oak Creek), located at 8040 South 6<sup>th</sup> Street, Oak Creek, Wisconsin 53154.

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

- A. Wisconsin law authorizes any municipality to establish an intergovernmental cooperation agreement with another municipality for the furnishing of services (Wis. Stats. § 66.0301).
- B. The District is responsible for collecting and treating wastewater from locally owned sewerage systems in the District's service area.
- C. During wet weather, stormwater enters the sewerage system, increasing the volume of wastewater the District must collect and treat.
- D. During wet weather, stormwater directly enters surface water, increasing pollution levels in those waterways and increasing the risk of flooding.
- E. Green Infrastructure (GI) such as constructed wetlands, rain gardens, green roofs, bioswales, and porous pavements, works to reduce the volume of stormwater in the sewerage system and the amount of pollutants discharged to surface waters.
- F. The District's Wisconsin Pollutant Discharge Elimination System (WPDES) permit includes a goal of fifty million gallons of GI capture capacity.
- G. The District wishes to expedite the amount of GI installed in its service area and this Agreement includes plans to install GI that supports the District's GI goals.

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

This Agreement becomes effective immediately upon the date of last signature below and ends when Oak Creek receives final payment from the District under this Agreement or when the parties terminate this Agreement according to Section 14 of this Agreement.

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

The District will reimburse Oak Creek for the cost of the Project described in the attached project description (Project), up to \$482,625. The District will provide funding after the District receives the Baseline Report and the Conservation Easement.

#### **5. Location of Project**

The Project will be installed in the parking lot of the Oak Creek Police Station, located at 301 West Ryan Road, Oak Creek, Wisconsin 53154 as defined in the Project description as attached.

## **6. Baseline Report**

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

- A. A site drawing and topographical map showing the Project as completed with GI assets defined;
- B. Design specifications for the Project, including rainwater capture capacity (maximum per storm) and other information regarding runoff rate reduction or pollutant capture;
- C. A tabulation of the bids received, including bidder name and price;
- D. A copy of the executed construction contract(s) and a list of all permits collected during the Project construction process;
- E. A legal description of the property where the Project is located, including parcel identification numbers, if a conservation easement is required;
- F. Photographs of the Project during construction and upon Project completion;
- G. An operations and maintenance plan including details on funding for operations and maintenance;
- H. An outreach and education strategy, including a description of events or activities completed or planned;
- I. An itemization of all construction costs, with supporting documentation;
- J. A Small, Veterans, Women, and Minority Business Enterprise (SWMBE) and Equal Employment Opportunity (EEO) Report as attached and made part of this Agreement;
- K. An Economic Impact Report showing the total number of people and the estimated number of hours worked on the design and construction of the Project by Milwaukee, and any of its consultants, contractors, and/or volunteers that worked on the Project; and
- L. Lessons Learned.

## **7. Procedure for Payment**

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

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

Andy Kaminski, Senior Project Manager  
Milwaukee Metropolitan Sewerage District  
260 West Seeboth Street  
Milwaukee, Wisconsin 53204-1446  
AKaminski@mmsd.com

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

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

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

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

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

#### **10. Project Maintenance**

Oak Creek will maintain the Project for at least ten (10) years. If the Project fails to perform as anticipated or if maintaining the Project is not feasible, then Oak Creek will provide a report to the District explaining the failure of the Project or why maintenance is not feasible. Failure to maintain the Project will make Oak Creek ineligible for future District funding until Oak Creek corrects any maintenance problems associated with the Project.

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

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

#### **12. Procurement**

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

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

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

The District will not provide any insurance coverage of any kind for the Project or the Oak Creek as related to this Agreement.

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

#### **14. Terminating this Agreement**

The District may terminate this Agreement at any time before the commencement of construction. After the commencement of construction, the District may terminate this Agreement only for good cause-including, but not limited to, breach of this Agreement by Oak Creek. Oak Creek may terminate this Agreement at any time, but Oak Creek will not receive any payment from the District if Oak Creek does not complete the Project. District reserves the right to pursue any other remedies available under the law in the event of such termination.

#### **15. Conservation Easement**

After the completion of construction of the Project, the District shall receive a Conservation Easement from Oak Creek. The Conservation Easement will be limited to the Project. The term

of the Conservation Easement will be 10 years. Oak Creek will cooperate with the District to prepare the Conservation Easement.

**16. Exclusive Agreement**

This Agreement is the entire agreement between Oak Creek and the District for the Project other than the Conservation Easement to be provided to the District upon completion of the construction of the Project.

**17. Severability**

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

**18. Applicable Law**

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

**19. Resolving Disputes**

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

**20. Notices**

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

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

**21. Independence of the Parties**

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

**22. Assignment**

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

**23. Public Records**

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



**MILWAUKEE METROPOLITAN  
SEWERAGE DISTRICT**

**CITY OF OAK CREEK**

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

Kevin L. Shafer, P.E.  
Executive Director

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

Daniel J. Bukiewicz  
Mayor

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

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

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

Catherine A. Roeske  
City Clerk

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

Approved as to Form

\_\_\_\_\_  
Vincent R. Bauer  
Attorney for the District

## Green Infrastructure Funding Agreement G98005P156

### Green Solutions – Oak Creek Police Station Porous Pavement Phase 2

#### Project Description

The Green Infrastructure Improvements will be constructed at the City of Oak Creek Police Department. The Project includes repaving approximately 35,841 SF of the existing conventional asphalt parking lot at the police station with a porous asphalt system.

Oak Creek will reconstruct the existing conventional asphalt parking lot with porous asphalt pavement. The project includes 35,841 square feet of porous asphalt pavement providing a capacity to capture 107,523 gallons per storm.

#### Schedule

Oak Creek will complete the project by December 31, 2025.

#### Budget

The total budget for this project is \$482,625.00.

Item	Units	Unit Price	Total
Porous Asphalt 12.5 mm	920 Ton	\$125.00	\$115,000.00
Base Bedding Stone	1395 Ton	\$40.00	\$55,800.00
Base Stone No. 57	3255 Ton	\$45.00	\$146,475.00
Geotextile Fabric Type SAS	4485 SY	\$5.00	\$22,425.00
Pipe Underdrain 6-Inch	950 LF	\$25.00	\$23,750.00
Common Excavation	3765 CY	\$20.00	\$75,300.00
		Subtotal	\$438,750.00
		Contingency 10%	43,875.00
		Total	\$482,625.00

#### Outreach and Education

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

Educational materials will acknowledge District funding for the Project.

Signage will:

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

**Figure 1**  
**Green Solutions – Oak Creek Police Station Porous Pavement Phase 2**



**OAK CREEK  
POLICE DEPARTMENT  
POROUS ASPHALT PARKING LOT  
CONSTRUCTION-PHASE 2**

**Legend**  
Proposed Green  
Infrastructure  
POROUS ASPHALT

**SWMBE / EEO Data Report**

**Green Solutions – Oak Creek Police Station Porous Pavement Phase 2**

It is the District’s policy to encourage equal employment opportunity practices on the part of its suppliers of goods and services. Please use this form to provide employment data for your firm.

**Number of Employees**

*(Report employees in only one category)*

<b>Race/Ethnicity</b>	<b>Male</b>	<b>Female</b>
Asian		
Black or African American		
Hispanic or Latino		
Native American		
Other		
White		
<b>Total</b>		

**Local Market Availability**

State the percent of minorities and females that are available in the labor market from which you draw your workforce. These figures may be obtained from your local Job Service, State Labor Department, or the U.S. Census Bureau.

*The labor market availability figures for the Milwaukee-Waukesha Primary Metropolitan Statistical Area (PMSA) for 2024 are: Minorities 26%, Females 52%.*

Local Market Availability: Minorities \_\_\_\_\_ % Females \_\_\_\_\_ %



**Firm Name** \_\_\_\_\_

**Address** \_\_\_\_\_

**City/State/Zip** \_\_\_\_\_

**Contact Person** \_\_\_\_\_

**E-mail Address** \_\_\_\_\_

## COMMON COUNCIL REPORT

**Item:** Civic Center Multi-Purpose Room Audio-Visual Equipment

**Recommendation:** That the Common Council consider a motion to approve the purchase of audio-visual equipment and technical services from Metro Sound & Video in the amount of \$71,104.

**Fiscal Impact:** The Civic Center Multi-Purpose Room equipment and technical services cost \$71,104 and will be funded with the Health ARPA Grant.

**Critical Success Factor(s):**

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

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**Background:** The City installed audio-visual equipment in the Multi-Purpose Room back in 2015 when the Civic Center was built. The current equipment is aging and no longer supported by the vendor, which makes sourcing replacement parts challenging when equipment breaks. Originally, the equipment was built to only display a screen for meetings. Over the years, the City has since expanded the use of this room to include hybrid (combination in-person and virtual) meetings because of the room size. However, the equipment in this room is not conducive for this use case and results in a subpar meeting experience. The City is looking to expand the usefulness of this room by adding additional meeting technology capabilities. The project includes cameras in the room with overhead microphones that can be integrated to a vendor agnostic meeting platform (i.e. Zoom, Teams, Webex). Additionally, we are looking to add recording and streaming capabilities in the room as it has been requested over the years.

**Options/Alternatives:** The City can continue to operate in the Multi-Purpose Room as is with a degraded virtual meeting space and continue to try and source replacement equipment as needed.

---

Prepared and Respectfully Submitted:



Andrew J. Vickers, MPA  
City Administrator

Reviewed:



Thomas Kramer  
IT Director

Fiscal Review:



Maxwell Gaggin, MPA  
Deputy City Administrator / Finance Officer



August 25, 2023

PROPOSAL FOR

## CITY OF OAK CREEK

TOM KRAMER

Prepared By:

**Correen Oestreich**

Senior Technology Advisor

262-353-0229

correen.oestreich@marconet.com

Quote Number: 164180



Managed Services



Copiers & Printers



Audio Visual



Business IT Services



IT - Counsel Chambers -- CITY OF OAK CREEK



Prepared by:  
**Marco - Little Chute**  
 Correen Oestreich  
 262-353-0229  
 correen.oestreich@marconet.com

Prepared for:  
**CITY OF OAK CREEK**  
 Oak Creek, 54154  
 Tom Kramer  
 414.766.7048  
 tkramer@oakcreekwi.org

Ship To:  
**CITY OF OAK CREEK**  
 8040 S 6TH ST  
 OAK CREEK, WI 53154-2313  
 Tom Kramer  
 414.766.7048  
 tkramer@oakcreekwi.org

Quote Information:  
**Quote #: 164180**  
 Version: 1  
 Date Issued: 08/25/2023  
 Expiration Date: 09/24/2023

Products

Description	One-Time	Qty	Ext. One-Time
<b>Video Equipment</b>			
Owner Furnished Equipment - Ceiling Mounted Sony Projector		2	
Owner Furnished Equipment - Recessed Projection Screen with LVC Controller		2	
Owner Furnished Equipment - Council 24" Monitor		6	
Owner Furnished Equipment - Cart Mounted Presenter Display		1	
Owner Furnished Equipment - Streaming/Recording Confidence Monitor		1	
Crestron - DM NVX™ 4K60 4:4:4 HDR Network AV Encoder	\$1,021.43	5	\$5,107.15
Crestron - DM NVX® 4K60 4:4:4 HDR Network AV Encoder/Decoder	\$1,627.14	10	\$16,271.40
Owner Furnished Equipment - Airtame		1	
Owner Furnished Equipment - Bluray Player		1	
QSC - Q-SYS PoE Camera for AV-to-USB Bridging. 12x Optical Zoom 80° Horizontal FOV	\$3,964.29	4	\$15,857.16
Vaddio - Suspended Ceiling Mount for Vaddio Cameras (QSC Cameras)	\$119.94	4	\$479.76
QSC - Q-SYS PoE Bridging Endpoint for AV-to-USB Bridging - Delivers Driverless USB 2.0 Connection - Includes Dual LAN Connections and HDMI Output	\$1,785.71	2	\$3,571.42
Owner Furnished Equipment - Extron - SMP351 - 60-1324-01		1	
Decimator - HDMI / SDI Cross Converter with Scaling and Frame Rate Conversion	\$327.78	2	\$655.56



**SCHEDULE A - SCHEDULE OF PRODUCTS TO PRODUCT AGREEMENT(S)**

Marshall Electronics - 4-Input 3G SDI Switcher with Quad Mode and Ethernet Control	\$777.77	1	\$777.77
Crestron - DM Lite® 4K60 4:4:4 Transmitter for HDMI® Signal Extension over CATx Cable	\$285.71	3	\$857.13
Crestron - DM Lite® 4K60 4:4:4 Receiver for HDMI® Signal Extension over CATx Cable, Wall Plate, Black	\$321.43	3	\$964.29
Crestron - 1:8 HDMI® Distribution Amplifier w/4K60 4:4:4 & HDR Support	\$785.71	1	\$785.71
Liberty - Council Chambers Custom Media Plate	\$339.47	1	\$339.47
<b>Audio Equipment</b>			
Owner Furnished Equipment - Core110f		1	
Owner Furnished Equipment - CXD 4.2 Q		1	
Owner Furnished Equipment - In Ceiling Speaker		16	
Owner Furnished Equipment - In Ceiling Sub Woofer		2	
Owner Furnished Equipment - Listen Technologies - Assisted Listening System		1	
Owner Furnished Equipment - Shure Microflex Conference System - Wired		1	
Shure - Handheld Transmitter with SM58 Microphone	\$579.50	2	\$1,159.00
Shure - Bodypack Transmitter with Integrated Omnidirectional Microphone and 4-Pin Mini Connector (TA4M) (Includes one SB901 Battery)	\$593.07	2	\$1,186.14
Shure - Microflex® Cardioid Lavalier Microphone	\$122.14	2	\$244.28
Shure - Four-channel Access Point Transceiver	\$2,798.43	1	\$2,798.43
Shure - Four-channel Networked Charging Station	\$1,464.36	1	\$1,464.36
<b>Control Equipment</b>			
Crestron - Computer with Crestron Virtual Control Server Software	\$2,142.86	1	\$2,142.86
Crestron - Offline Licensing USB Dongle for Crestron Virtual Control	\$107.14	1	\$107.14
Crestron - USB-to-Ethernet Adapter	\$34.00	1	\$34.00
Crestron - Wired Ethernet Moduel with 4 Relay Ports	\$291.43	1	\$291.43
Crestron - 10.1" Tabletop Touch Screen, Black Smooth	\$2,592.86	2	\$5,185.72





SCHEDULE A - SCHEDULE OF PRODUCTS TO PRODUCT AGREEMENT(S)

Cisco - Business Series 350-48FP-4G - 48-Port Gigabit PoE+ Managed Switch - 48 x 10/100/1000 (PoE+) + 4 x Gigabit SFP - Layer 3 Supported - 1U Rackmount- 740 Watt PoE Power Budget	\$1,708.10	1	\$1,708.10
<b>Rack Equipment</b>	<b>\$1,833.19</b>	<b>1</b>	<b>\$1,833.19</b>
Owner Furnished Equipment - 35 RU Middle Atlantic ERK Floor Standing Rack and PDU		1	
Middle Atlantic - 1 RU Select Series UPS Backup power, 500VA		1	
Middle Atlantic - Rackmount Power, 9 Outlet, 15A with Series Surge Protection		1	
Middle Atlantic - Mounting Rackshelf, 1 RU, 10" D		4	
Middle Atlantic - 2 Space Clamping Rackshelf		2	
Middle Atlantic - 2 Space Rackmount Blank Panel - Steel - Black - Pack of 12		1	
Middle Atlantic - Brush Grommet Panel, 1 RU		1	
Middle Atlantic - 10-32 Truss-Head Rack Screws with Washers - 100 pc		1	
<b>Cables and Miscellaneous Installation Materials</b>	<b>\$8,908.86</b>	<b>1</b>	<b>\$8,908.86</b>
Liberty - Cat6 Twisted Pair Cable - Unshielded - Plenum Rated - Black		1	
Liberty - Serial Digital RG6 Dual Shield 4.5 GHz Coaxial Cable - Plenum Rated - Black		1	
Liberty - C-Tec2 RG6 BNC Plug for Plenum Single, Dual, Tri or Quad Shield Cable Formats - Bag of 25		2	
Liberty - Commercial Grade 16 AWG 2-Conductor Unshielded Plenum Cable - Black		1	
Liberty - Commercial Grade 22 AWG 2-Conductor Shielded Plenum Cable - Black		1	
Liberty - High Speed HDMI with Ethernet Cable - 18.0 Gbps Bandwidth to Support 4K60 4:4:4 - Supports ARC, eARC and all HDCP Levels - Black Jacket with Blue Heads and L-Grip High Retention Connectors - Includes Orbit ID Bands - 1m / 3.28 ft		7	
Liberty - High Speed HDMI with Ethernet Cable - 18.0 Gbps Bandwidth to Support 4K60 4:4:4 - Supports ARC, eARC and all HDCP Levels - Black Jacket with Blue Heads and L-Grip High Retention Connectors - Includes Orbit ID Bands - 2m / 6.56 ft		7	
Liberty - High Speed HDMI with Ethernet Cable - 18.0 Gbps Bandwidth to Support 4K60 4:4:4 - Supports ARC, eARC and all HDCP Levels - Black Jacket with Blue Heads and L-Grip High Retention Connectors - Includes Orbit ID Bands - 3m / 9.84 ft		5	



**SCHEDULE A - SCHEDULE OF PRODUCTS TO PRODUCT AGREEMENT(S)**

Liberty - High Speed HDMI with Ethernet Cable - 18.0 Gbps Bandwidth to Support 4K60 4:4:4 - Supports ARC, eARC and all HDCP Levels - Black Jacket with Blue Heads and L-Grip High Retention Connectors - Includes Orbit ID Bands - 4m / 13.1 ft		5	
Liberty - Zero-G Mega Flex Series Ultra Flexible High Speed HDMI Cable - 18.0 Gbps Bandwidth to support 4K60 4:4:4 - Supports ARC and HDCP - Black Jacket with Gray Heads - Includes Orbit ID Bands - 3m / 9.84 ft		3	
Liberty - Cat6 Patch Cable - Black - 1 ft		6	
Liberty - Cat6 Patch Cable - Black - 3 ft		6	
Liberty - Cat6 Patch Cable - Black - 5 ft		6	
Liberty - Cat6 Patch Cable - Black - 7 ft		6	
Liberty - Cat6 Patch Cable - Black - 10 ft		6	
Liberty - Cat6 Patch Cable - Black - 15 ft		6	
Liberty - USB 2.0 A-B Cable - USB-A Male to USB-B Male - Black - 6 ft		2	
Liberty - USB 2.0 A-B Cable - USB-A Male to USB-B Male - Black - 10 ft		2	
Liberty - DigitaLinx HDMI Adapter Ring 2.0 with Base Security Clamp & Security Cable and Five HDMI (F) Adapters: DisplayPort, Mini-DisplayPort, USB-C, Apple Lightning, and Apple USB Type-C		3	
Installation Materials		1	

Subtotal: **\$72,730.33**

**Professional Services Labor**

Description	One-Time	Qty	Ext. One-Time
Marco Professional Services - Fixed Fee - Installation	\$38,035.00	1	\$38,035.00

Subtotal: **\$38,035.00**



SCHEDULE A - SCHEDULE OF PRODUCTS TO PRODUCT AGREEMENT(S)

Quote Summary - One-Time Expenses

Description	Amount
Products	\$72,730.33
Professional Services Labor	\$38,035.00
<b>Total: \$110,765.33</b>	

Payment Options

Description	Payments	Interval	Amount
One-Time Payment			
<b>One-Time Payment</b>	<b>1</b>	<b>One-Time</b>	<b>\$110,765.33</b>

Summary of Selected Payment Options

Description	Amount
<b>One-Time Payment: One-Time Payment</b>	



SCHEDULE A - SCHEDULE OF PRODUCTS TO PRODUCT AGREEMENT(S)



Metro Sound & Video  
17028 West Victor Road  
New Berlin, Wisconsin 53151  
United States

(262) 784-6060  
brenna@metro-sound.com  
www.metro-sound.com  
Brenna Pollak  
brenna@metro-sound.com

# Conference Room AV System Proposal #2



## **Oak Creek City Hall**

8040 South 6th Street  
Milwaukee County  
Oak Creek, Wisconsin 53154  
United States

**tkramer@oakcreekwi.gov**

Presented By  
**Metro Sound & Video**

Presented On  
**Apr 18, 2024**

Version  
**2**

## Disclosure

*The enclosed system design and proposal remains the property of Metro Sound & Video. It is proprietary information obtained from our years of experience and expertise in the design, installation, and service of audio and video systems. The information contained herein may not be duplicated or distributed by anyone without written permission from Metro Sound & Video.*

## Welcome!

Dear Tom,

Based on our email correspondence, enclosed is the revised Comprehensive AV System Proposal (#2) that you requested, now including a 2-port USB switcher to accommodate a permanent computer in the rack as well as a wall plug option for external entities (as requested).

This proposal includes a three-camera streaming system with an improved AV matrix infrastructure - all of which will be easily controlled via a fully-integrated Extron control interface.

Thank you, Tom, for the opportunity to work with you in serving the AV system needs at Oak Creek City Hall! Please feel free to contact us at your convenience if you have any questions or when we can further assist you with this project.

Grace and Peace,



Brenna (Kujak) Pollak

## Audio System Infrastructure and Ceiling Array Microphones

A Symetrix 8x8 Digital Signal Processor (DSP) is specified to serve as the "heart" of the audio system, accommodating up to (8) analog audio sources (e.g. existing Shure ULXS wireless mics, audio from video, etc.) as well as providing a 64x64 Dante digital audio networking interface for the specified Dante-enabled ceiling array microphones and for future expansion. The DSP offers an incredible amount of processing power, allowing our team of skilled audio engineers to individually tune the microphones and music sources for optimal sound quality, as well as precisely dial in the speakers in accordance with the acoustics of the room.

A pair of intelligent Dante-enabled ceiling array microphones will be installed in the drop-tile ceiling grid to ensure uniform, intelligible audio capture of participants throughout each half of the conference room space.

The (2) existing Shure ULXS (one lapel and one handheld) wireless microphone systems are functioning properly and therefore will be reused with the new system.

Audio from video presentation media will be integrated into the DSP to enable high quality audio reinforcement throughout the conference room audio system.

*As discussed, the existing speakers and amplifiers will be reused with the new system infrastructure upgrade.*

## PTZ Optics Move 4k PTZ Cameras with AI Auto-tracking

A total of (3) 4K PTZ cameras will be installed to capture a variety of angles throughout the Multipurpose Room. As discussed, two of the cameras will be situated near the projection screens (above each screen or just to the left/right) and the third will be centered on the rear wall.

The camera positioning and presets will be controlled via the provided 12" touchpanel controller, or any wireless tablet device via the PTZ Optics and Extron Control applications.

The advanced AI auto-tracking of the specified cameras feature single button-push activation and are ideal for presenter tracking with minimal operation.

An Extron HDMI wallplate with an integrated DTP transmitter will be installed at each of the three cameras, and will send a 4K video signal to the DTP CrossPoint matrix switcher later specified in this proposal.

## Integrated Streaming and Recording

The Extron SMP351 streaming media processor will handle real-time streaming and recording. It features preset layouts for simple switching between full-screen or Picture-in-Picture presentations. Easily manage the recording destinations and stream encoding via the built-in web UI.

## Seamless Video Switching

The specified Extron DTP CrossPoint Matrix offers optimal flexibility in video routing throughout the system. Along with DTP transmitter/receiver kits (also made by Extron), video from the cameras and presentation media sources will be discretely routed to the projection in the Multipurpose Room and Council Chambers, streaming system, and outgoing USB video conferencing as desired.

A customized graphical user interface will be configured to offer an intuitive user interface on the Extron touchpanel.

*As discussed, the existing video projectors and screens will be reused with the newly upgraded system infrastructure.*

## Simple BYOD USB-C Connectivity

A USB Type-C wallplate connection is provided for seamless integration into the user's laptop, offering a BYOD solution.

The Extron MediaPort 300 bridges the room AV sources into soft-codec platforms such as:

- Microsoft Teams
- Zoom
- Google Meet
- OBS

An Extron 2-port USB switcher is provided to interconnect into the MediaPort 300 to accommodate both a built-in PC at the rack for internal employees as well as the wall plug for external entities, as you requested.

## Sharelink Wireless Collaboration and Content Sharing

The specified Extron ShareLink 1100 provides simple wireless connectivity from virtually any device, and includes several beneficial features:

- WebShare™ shares content via a Web browser
- Provides full screen mirroring for all devices
- Supports Mac® and Windows® computers as well as Apple® and Android™ tablets and smartphones

## Integrated Extron Control System

An Extron 12" Touch-panel interface with custom graphical interface and real time video previewing will be configured to ensure the most intuitive user experience.

An Extron IPCP control processor offers comprehensive hardware integration, and allows for room functions to occur simultaneously with a single button push (e.g. lower projection screens, power projectors on, recall AV routing presets, and more!).

## Warranty & General Information

Metro Sound and Video is a full-service design/build contracting firm that has proudly served thousands of Government Facilities, Houses of Worship, businesses, and schools to date. We maintain complete capability to provide design, installation, service and support for all audio, video and acoustic systems.

All Metro Sound and Video systems are installed by our own technicians to exacting standards. This proposal includes all labor, low-voltage wiring, hardware, and connectors necessary to provide a complete, functioning system.

Metro Sound & Video provides low voltage AV electronics integration only. This proposal does not include electrical work of any kind. City of Oak Creek is responsible for providing clean AC power to the AV system electronics, including dedicated circuit at the AV equipment rack.

*Our experienced AV technicians are prepared to work alongside the City's internal IT personnel in order to properly integrate the streaming system in the Conference Room; however, Metro Sound & Video does not provide IT networking services beyond configuring our provided devices. This proposal assumes that the internal network meets the specifications as required for the system equipment prior to our installation, including:*

- *dedicated network line from network infrastructure to AV equipment rack*
- *adequate internal network UPLOAD speed to support live-streaming in the Conference Room*
- *third-party stream host account (YouTube Live) created and activated at least 48 hours prior to installation*

Normal payment terms are 50% down payment upon acceptance of proposal and the balance upon completion.

We provide a guarantee against defective new equipment and workmanship for a period of one year. This guarantee covers the newly installed low-voltage materials, labor for service, and travel time. Any repair costs necessary for existing equipment are not included in this proposal and warranty. This warranty does not include repair of damage caused by misuse, abuse, or other acts of God.






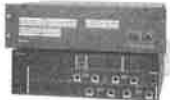
***This system design and proposal remains the property of Metro Sound & Video. It is proprietary information obtained from our years of experience and expertise in the design, installation, and service of audio and video systems. The information contained herein may not be duplicated or distributed by anyone without written permission from Metro Sound & Video.***



# Equipment List

## Conference Room AV Equipment

\$55,524.00

ITEM	QTY
 <p><b>Symetrix</b> 8x8 Digital Signal Processor (DSP) with 64x64 Dante</p>	1
 <p><b>Shure</b> Ceiling Array Microphone, Square, White, 24 inch</p>	2
 <p><b>Windy City Wire</b> 23 AWG 4 Pair Bare Copper, Non-Shielded Non-Plenum Rated Category 6 - WHITE</p>	2
 <p><b>PTZ Optics</b> HD/4K PTZ Camera with MOVE Auto-tracking Features - 20x Optical Zoom</p>	3
 <p><b>PTZ Optics</b> Wall Mount for camera, white</p>	3
 <p><b>Extron</b> SMP 351 - Standard Version 80 GB SSD</p>	1
 <p><b>Extron</b> DTP CrossPoint 108 4K - 10x8 Seamless 4K Scaling Presentation Matrix Switcher (no control processor included)</p>	1



**Extron**

4

DTP T HWP 4K 231 D - DTP Transmitter for HDMI - Decorator-Style Wallplate, White - 230 feet (70 m)

**Windy City Wire**

4

23 AWG 4 Pair Bare Copper, Shielded Non-Plenum Rated Category 6e [White]



**Extron**

4

DTP HDMI 4K 230 Rx - HDMI Twisted Pair Receiver - 230 feet (70 m)



**Extron**

3

DTP HDMI 4K 230 Rx - HDMI Twisted Pair Receiver - 230 feet (70 m)



**Extron**

1

DTP HDMI 4K 330 Rx - Long Distance HDMI Twisted Pair Receiver - 330 feet (100 m)



**Extron**

1

Two-Input 4K/60 Floor Box Transmitter - 330 feet



**Extron**

1

MediaPort 300 - 4K HDMI to USB bridge for integrating Pro AV systems with software codec conferencing applications



**Extron**

1

Two Input SuperSpeed USB 10G Switcher





**Extron**  
ShareLink Pro 1100 Wireless Collaboration Gateway

1



**Monoprice**  
40' Heavy Duty HDMI Cable

1



**Extron**  
USB Type-C; White

1



**Kramer Electronics**  
USB 3.1 GEN2 Optical USBC (M) to USBC (M) Cable Plenum Rated, 35 Feet

1



**Extron**  
12" Wall Mount TouchLink Pro Touchpanel

1



**Extron**  
IP Link Pro Control Processor

1







**Middle Atlantic**  
24Space /17D Wallrack Black

1






**Furman**  
15A Commercial-grade Sequential Power Panel

1

	<b>Extron</b> RSB 129 - 1U 9.5" Deep Basic Rack Shelf	3
	<b>Extron</b> PS 128 - 12V, 8A Power Supply, Captive Screw	1
	<b>TP-LINK</b> JetStream 28-Port Gigabit Smart Switch with 24-Port PoE+	1
	<b>Shipping/Freight Charges</b>	1

**Technician Labor and Travel** **\$15,580.00**

ITEM		QTY
	<b>Design and Engineering</b> Design and Engineering	1
	<b>Technician Time for Installation</b> Technician Labor for System Installation and Configuration	1
	<b>Control System - Custom GUI Programming</b>	1



**DSP Configuration and System Tuning/Equalization** 1  
Configuration of Digital Signal Processor (DSP) Site File with System Tuning and Equalization



**Operator Training Session** 1



**Technician Travel Time** 1

## Summary

Conference Room AV Equipment	\$55,524.00
Technician Labor and Travel	\$15,580.00
<b>Subtotal</b>	<b>\$71,104.00</b>
Tax	\$0.00
<b>Total Price</b>	<b>\$71,104.00</b>

# Payment Terms

Amount

## 50% Down Payment Due upon Proposal Acceptance

~ Monthly Progress Payment(s) - if applicable - for equipment installed and work completed to date ~

## Remaining Balance Due upon Project Completion

Please contact Metro Sound & Video prior to acceptance to discuss approximate timeframe for Installation, which we hope to be within 60-90 days after the down payment is received. Due to unforeseen shipping delays and backordered equipment that is out of our control, this may fluctuate.

*Thank you for the opportunity to work with you on this exciting project at the City of Oak Creek!*

	<b>Deposit (50%)</b>	\$35,552.00
	<b>Upon Completion (50%)</b>	\$35,552.00

# Signature

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Signature

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Date

## COMMON COUNCIL REPORT

Item No.

**Item:** License Committee Report

**Recommendation:** That the Common Council grant the various license requests as listed on the 5/21/24 License Committee Report.

**Fiscal Impact:** License fees in the amount of \$6,965.00 were collected.

**Critical Success Factor(s):**

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

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**Background:** (Department approval and favorable background reports received for all items listed).

1. Grant a Change of Premise on the 2023-24 Class B Combination license to BelAir Cantina Oak Creek, Inc. dba BelAir Cantina, 410 W. Town Square Way, to add extension of premises for the following events: Drexel Beer Garden-6/13/24, Brews and Brawls-6/16/24, and Fare in the Square-6/26/24.
2. Grant an Operator's license to:
  - \* Andrew R. Petty (Charcoal Grill)
  - \* Ryan R. Brown (Kwik Trip)
  - \* Ashley Zulka (Charcoal Grill)
  - \* James T. Walls (Love's)
  - \* Angie Cerda (Kwik Trip)
  - \* Mark Konrath (TownePlace Suites)
3. Grant a 2024 Transient Merchant solicitor license to the following solicitors selling roofing and siding home improvement products for Duration Exteriors, LLC (company license was approved 5/7/24):
  - \* Peter Balew
  - \* Daniel Rodriguez
4. Grant a 2024 Transient Merchant Company license to C & E Wurzer Construction, 200 Regency Ct., Brookfield, WI, 53045, selling interior and exterior home remodeling and repair products and services, and to the following solicitor:
  - \* Anthony Montes de Oca
5. Grant a 2024 Transient Merchant Company license to 123 Exteriors, 2110 Pewaukee Rd., Waukesha, WI, 53188, selling roofing and siding products and services, and to the following solicitors:
  - \* Mitchel Pfaff
  - \* Nathan Gureki
  - \* Seth Harelson
  - \* Dylan Christman
6. Grant a 2024 Transient Merchant solicitor license to the following solicitors selling windows and roofing home improvement products and services for Mad City Roofing (company license was approved 2/6/24):
  - \* Nathaniel Kscinski
  - \* Kingsley Woji
  - \* Scott Koscak

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7. Grant a 2024 Transient Merchant Company license to AmeriPro Roofing, 150 S. Sunnyslope Rd., #108, Brookfield, WI 53005, selling home exterior remodeling and repair products and services, and to the following solicitors:
- \* Elizabeth West
  - \* Sarah Amaya
  - \* Rachel Greer
8. Grant a 2024 Transient Merchant Company license to Hucke Exteriors, Inc., 21000 W. Capitol Dr., Brookfield, WI 53072, selling home exterior remodeling and repair products and services, and to the following solicitors:
- \* Christopher Rivera
  - \* Zak Hedstrom
  - \* Trey Ernest
  - \* Joseph Price
  - \* Noah Brown
  - \* Daniel James
9. Grant a 2024 Transient Merchant Company license to Advocate Construction, 3695 N. 126<sup>th</sup> St., Unit M, Brookfield, WI 53005, selling roofing and siding home improvement products and services, and to the following solicitors:
- \* Brady Baker
  - \* Jarin Thryselius
  - \* Jonathan Rimkus
  - \* Blake Allen
  - \* Jason Joyner
  - \* Stephen Rodriguez
10. Grant a 2024 Transient Merchant Company license to RJI Professionals, 566 Grand Canyon Dr., Madison, WI 53719, providing home inspections and home improvement products and services, and to the following solicitors:
- \* Kristopher Martinson
  - \* Matthew Williams
  - \* Taylor Stussy
  - \* Tony Fudge
  - \* James Karkosh
11. Grant a 2024-25 Amusement Device Operator and Amusement Devices License(s) to:
- \* Jennifer Hoon, Natioanl Entertainment Network, 246 S. Taylor Ave., Louisville, CO 80027
  - \* Michael Weigel, Wisconsin P & P Amusement, 12565 W. Lisbon Rd., Brookfield, WI 53005

**Options/Alternatives:** None


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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

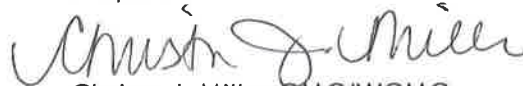
Fiscal Review:



Maxwell Gagin, MPA  
Deputy City Administrator / Finance Officer

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Prepared:



Christa J. Miller CMC/WCMC  
Deputy City Clerk

Attachments: none



## COMMON COUNCIL REPORT

**Item:** Vendor Summary Report

**Recommendation:** That the Common Council approve the May 15, 2024 Vendor Summary Report in the total of \$691,824.78

**Fiscal Impact:** Total claims paid of \$691,824.78

**Critical Success Factor(s):**

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

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

1. \$9,031.10 to AT&T (pgs #1 & 2) for VOIP, ADI, and monthly usage.
2. \$5,502.00 to Aurora Health Care (pg #2) for Fire & Police Department physicals.
3. \$67,091.03 to Bestco UA (pg #2) for June retiree insurance.
4. \$13,500.00 to Briohn Building Corp. (pg #3) for BD Bond Refund.
5. \$8,093.50 to Buelow Vetter (pg #3) for legal services.
6. \$6,370.00 to Craig D. Childs, PhD (pg #3) police evaluations.
7. \$23,171.12 to E. H. Wolf & Sons, Inc. (pg #5) for fuel inventory.
8. \$6,285.11 to E-S Press, Inc. (pg #4) for emotional survival presentation.
9. \$14,056.50 to Godfrey & Kahn S.C. (pg #6) for legal services regarding F Street and redevelopment of lakefront site.
10. \$159,711.59 to Jefferson Fire & Safety, Inc. (pg #7) for safety gloves and turnout gear. Project #20009.
11. \$14,115.14 to Kansas City Life Insurance Co. (pg #8) for June disability insurance.
12. \$41,492.00 to Karl Ford (pg #9) for new squad car.
13. \$18,000.00 to M.M. Schranz Roofing, Inc. (pg #9) for Station #1 roof maintenance.
14. \$8,878.54 to Mariani Plants (pgs #9 & 10) for trees. Project #20018.
15. \$43,358.83 to Oak Creek Water & Sewer Utility (pg #11) for water/sewer quarterly fees and special assessment payoff.

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16. \$5,128.00 to R.A. Smith (pg #12) for consulting and inspection services relating to The Oaks, Broadacre, and Royal Estates projects.
  17. \$35,096.80 to SHI (pg #13) for computer equipment and MFA annual license. Project #21023.
  18. \$17,375.00 to Tyler Technologies, Inc. (pg #15) for consulting services.
  19. \$50,186.20 to US Bank (pgs #18-26) for equipment and vehicle maintenance, travel and training, supplies, building maintenance, dues and publications, license fees, data lines, Verizon phone services, legal notices, and office supplies.
  20. \$25,726.00 to Vanguard Computers, Inc. (pg #15) for 2024 laptops. Project #21023.
  21. \$11,906.19 to WE Energies (pg #25) for street lighting, electricity & natural gas.
  22. \$7,175.32 to WI Dept. of Transportation (pg #16) for construction services relating to design of 6th St. Bridge. Project #23008.

Options/Alternatives: None

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Rory T. Vircks  
Staff Accountant

Fiscal Review:



Maxwell Gagin, MPA  
Deputy City Administrator / Finance Officer

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Attachments: 05/15/2024 Invoice GL Distribution Report