



## PLAN COMMISSION MEETING AGENDA

TUESDAY, March 8, 2016  
6:00 PM

- 
- 1) ROLL CALL
  - 2) Minutes of the February 9, 2016 meeting
  - 3) Minutes of the February 23, 2016 meeting
  - 4) Significant Common Council Actions
  - 5) OLD BUSINESS
    - a) ZONING TEXT AMENDMENT – Continue discussion of proposed amendments to Section 17.0808, Outdoor Lighting, of the Zoning Ordinance to add requirements for architectural element lighting under Approval Procedures. Follow this item on Twitter [@OakCreekPC#OCPCTextAmend](https://twitter.com/OakCreekPC#OCPCTextAmend).
  - 6) NEW BUSINESS
    - a) TEMPORARY USE - Review a request for a temporary use permit submitted by April Bargar, Continental 77 Fund, for a seasonal flower mart/garden center on the property at 9035 S. Howell Ave. (Tax Key No. 859-9035). Follow this agenda item on Twitter [@OakCreekPC#OCPCStein](https://twitter.com/OakCreekPC#OCPCStein).
    - b) REZONE - Review a request submitted by Jac and Joan Cole to rezone the property located at 1610 E. Puetz Rd. from Rs-3, Single Family Residential, to A-1, Limited Agricultural (Tax Key No. 826-9027-000). Follow this item on Twitter [@OakCreekPC#OCPCCole](https://twitter.com/OakCreekPC#OCPCCole).
    - c) CERTIFIED SURVEY MAP - Review a certified survey map submitted by the Oak Creek Water & Sewer Utility combining the properties at 9175, 9235, & 9325 S. 5th Ave. and 3953 & 3975 E. American Ave. (Tax Key Nos. 869-9997-001, 869-9006-000, 869-9995-004, 869-9995-003, 869-9998-003). Follow this item on Twitter [@OakCreekPC#OCPCUtilityCSM](https://twitter.com/OakCreekPC#OCPCUtilityCSM).
    - d) REZONE / CONDITIONAL USE PERMIT AMENDMENT – Review a request by the Oak Creek Water & Sewer Utility to rezone the property at 3953 E. American Ave. from Rs-4, Single Family Residential, to I-1, Institutional, and to amend the legal description in the existing Conditional Use Permit to include 3953 E. American Ave. (Tax Key Nos. 869-9997-001, 869-9006-000, 869-9995-004, 869-9995-003, 869-9998-003). Follow this item on Twitter [@OakCreekPC#OCPCUtility](https://twitter.com/OakCreekPC#OCPCUtility).
  - 7) ADJOURN

### 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. There is the potential that a quorum of the Committee of the Whole will be present at this meeting. Copies of staff reports and other supporting documentation are available for review at Oak Creek City Hall, 8040 South 6<sup>th</sup> Street during operating hours (7:30 am-4 pm weekdays).

MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, February 9, 2016

Mayor Scaffidi called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Carrillo, Alderman Guzikowski, Commissioner Correll, Commissioner Siefert, Commissioner Chandler and Alderman Bukiewicz. Commissioner Johnson and Commissioner Dickmann were excused. Also present: Kari Papelbon, Planner.

Commissioner Siefert moved to approve the January 26, 2016 meeting minutes. Commissioner Guzikowski seconded. On roll call: Commissioner Correll abstained, all other Commissioners voted aye.

**Sign/Building Plan Review**  
**Steve Ignarski, Prairie Sign and Lighting, LLC,**  
**for MattressFirm**  
**320 W. Town Square Way**  
**Tax Key No. 813-9048**

Mayor Scaffidi referred to Kari Papelbon for her confirmation that the applicant has answered all Commission questions and concerns, and have come back with a proposal that the Commission will be satisfied with. Ms. Papelbon agreed this has been met including the swoosh element that was discussed. Proposed signs are smaller than the PetSmart signs, and no sign on the north elevation is proposed. The signs meet the requirements.

The applicant could not attend this meeting and was excused by Mayor Scaffidi.

Commissioner Chandler asked if one of the sign pillars had been removed or eliminated. Ms. Papelbon clarified that the change was in the initial proposal on the north elevation. This is no longer being proposed, and there is no change to the building itself.

Commissioner Correll moved that the Plan Commission approves the Sign Plan Review submitted by Steve Ignarski, Prairie Sign & Lighting, on behalf of MattressFirm for the property at 320 West Town Square Way with the following conditions:

1. That one (1) wall sign on the west elevation (maximum height of primary sign = 40 inches) and one (1) wall sign on the east elevation (maximum height of primary sign = 37.8 inches) in the locations shown on the plans approved April 28, 2015 are approved.
2. That one (1) internally-illuminated secondary monument sign (6'0" x 6'0") on the south portion of the property as shown on the plans approved April 28, 2015 with panels for both tenants is approved.
3. That a permit application for all signs is submitted to the Inspection Department.

Alderman Bukiewicz seconded. Roll call: all voted aye. Motion carried.

**Plan Review**  
**Blair Williams, Wired Properties**  
**7979 S. Main St.**  
**Tax Key No. 813-9053**

Ms. Papelbon explained the proposed building materials for the proposed canopy structures, wall, and planter boxes, which include wood slats and beams, translucent polycarbonate roof panels, and steel tube columns and outriggers. Polycarbonate panels are not specifically listed in the approved General Development Plan for Drexel Town Square; however, "other creatively used high quality and durable building materials" that enrich the pedestrian experience are encouraged. A three-quarter majority approval by the Plan Commission is required for the use of the polycarbonate material, and staff recommends full approval of that use.

Ms. Papelbon stated that there have been changes to the original approved plans. Landscaping has been reduced to allow an expansion of the outdoor dining area and the pocket park. A revised detailed plan will be required showing the modifications. Pedestrian access was relocated and will cut through the dining area. Staff has expressed concerns for the pedestrian access in this location - if restricted by a podium, gate, or some other obstruction, this will cause confusion. Staff has proposed a condition that the access path remains open and unobstructed at all times.

The lighting plan proposed for the outdoor seating area includes recessed downlighting and clear (not colored) string lights. There will also be recessed downlighting on the underside of the large canopy structure. Staff recommends that the exterior lighting be reduced or turned off during non-business hours.

One parking lot island that is directly across from the outdoor seating area has been changed to pavers. If the paver area is approved by the Plan Commission, staff recommends that they incorporate a bicycle parking area to complement the existing bike and pedestrian infrastructure in Drexel Town Square.

Commissioner Chandler asked the applicant if he could provide more information about the pedestrian access and bike path.

Blair Williams, 2237 Lake Dr., President of Wired Properties, explained that the expectation will be that the pedestrian access points from the parking lot to 6<sup>th</sup> St. remain unencumbered. It is intended to be a public access point to get to the urban grid. Our expectation is that it will remain free and unencumbered from a gate or any condition. The path will bisect the two seating areas.

Alderman Bukiewicz commented that he has no problem with the polycarbonate materials being used, and that he likes the idea of adding the bike racks.

Mr. Williams clarified that the pedestrian walk has been pushed back so it will be under a covered canopy. There should be no gate, and the path between the dining areas is estimated to be 8-10 feet versus a traditional 5-foot sidewalk. This will divide the dining into two sections and clearly establishes a route for the public to identify.

Ms. Papelbon brought to the Commission's attention that BelAir's Water Street location also has an outdoor seating area that is bisected by a pedestrian path leading to an apartment building. The only concern is that this area stays unencumbered to avoid pedestrians being confused on whether they can pass through this area, and to avoid any congestion it may cause by placing a podium or staff there. Mr. Williams shared that there will be three different ways to enter the restaurant, and has assured that the public has ready means to access the building.

Commission Siefert questioned some of the landscaping plans, to which Mr. Williams stated that they will be submitting a full landscaping plan to the Commission as needed with all the details. These details may include space in the pocket park for games and additional ways to keep the area active around the square. Details are still in the works and will be presented for approval.

Alderman Guzikowski commented that this building will be a complement to the location and a good mix to be put at the Square. He also agreed with the building material proposal listed.

Alderman Bukiewicz questioned the pitch on the roof and what they're doing for rain runoff. Steve Morales, Rinka-Chung Architecture, 756 N. Milwaukee St., Milwaukee, explained that there are gutters on the facility, and water will shed to the sides and run to the back, which will then hit the storm sewers.

Commissioner Chandler asked for information on the landscaping change, which Mr. Williams addressed as turning passive landscaping into activation of space that can be used by the public.

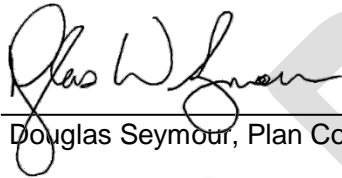
Alderman Bukiewicz moved that the Plan Commission approves the site and building plans submitted by Blair Williams, Wired Properties, for modifications to a portion of the building and exterior dining area at 7979 S. Main St., with the following conditions:

1. That the pedestrian access path between the public sidewalk and parking lot remain open and unobstructed at all times.
2. That the proposed paver area immediately across from the outdoor dining area incorporates bicycle parking.
3. That lighting in the exterior dining area and pocket park be reduced or turned off during non-business hours.
4. That all revised plans (site, building, landscaping, etc.) are submitted in digital and paper formats for review and approval by the Department of Community Development prior to the submission of building permit applications.
5. That all mechanical equipment (ground, building, and rooftop) is screened from view.
6. That all building and fire codes are met.
7. That updated detailed lighting plans are submitted for review and approval by the Department of Community Development, upon recommendation of the Electrical Inspector, prior to the issuance of building permits.
8. That detailed plans for signage are reviewed and approved by the Plan Commission.

Alderman Guzikowki seconded. Roll call: All voted aye. Motion carried.

Commissioner Carrillo moved to adjourn. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 6:23 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

2-16-16

Date

MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, FEBRUARY 23, 2016

Alderman Dan Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Johnston, Commissioner Carrillo, Alderman Bukiewicz, Alderman Guzikowski, and Commissioner Siefert. The following members were absent and excused: Mayor Scaffidi, Commissioner Correll, Commissioner Chandler, and Commissioner Dickmann. Also present: Doug Seymour, Director of Community Development; Kari Papelbon, Planner; and Pete Wagner, Planner/Zoning Administrator.

Commissioner Siefert moved to approve the February 9, 2016 meeting minutes. Commissioner Guzikowski seconded. On roll call: All voted aye except for Commissioner Johnston who abstained.

Ms. Papelbon stated that since only four members voted on the Minutes, they will have to be held until the next meeting so that there is a majority vote. Alderman Bukiewicz noted this.

#### **Significant Common Council Actions**

Ms. Papelbon reported there were no significant council actions.

#### **Exchange of City Owned Land 7600 S. 6<sup>th</sup> Street (portion) & 600 W. Drexel Ave. (portions) Tax Key No. 782-9996-002 & 782-9000**

Ms. Papelbon introduced this item and explained that it is in relation to the property at 7600 S. 6<sup>th</sup> Street, which is owned by the City, and 600 W. Drexel Avenue. During the review of site plans for the development of 600 W. Drexel Avenue, the developer learned that additional right of way would be obtained along 6<sup>th</sup> Street and Drexel Avenue, which necessitated the reconfiguration of the lot. The City offered to pursue an exchange of a portion of the adjacent land for the right-of-way purposes so that the project could proceed. Ms. Papelbon explained that the City-owned property contains floodway and flood fringe, and due to its unique shape and presence of floodway, the lot could not support compliant private development if sold to a non-adjacent landowner.

Ms. Papelbon presented a visual exhibit that showed the portion of City-owned property that would be given to 600 W. Drexel in exchange for the fifteen-foot-wide right-of-way along 6<sup>th</sup> Street, and the ten-foot-wide right-of-way along Drexel Avenue. The floodway and flood fringe would be unaffected by the exchange. The additional land is for compliance with building and parking setbacks, as well as safe access to Drexel Avenue.

Ms. Papelbon explained that this would further the objectives of the City by allowing for the redevelopment of an underused corner lot. The proposed use was previously

reviewed and approved by the Plan Commission and the Common Council earlier this year, and this exchange would support that project. Being that the land is City-owned, the Plan Commission is required to make a recommendation to the Common Council. The rezone of the additional land and incorporation into the existing conditional use permit for 600 W. Drexel Avenue will be the next item on the agenda.

Alderman Bukiewicz asked if there were any people wishing to make public comment on this item.

Arden Degner, 8540 S. Pennsylvania Avenue, Oak Creek, WI, inquired if there would be sidewalks in this area due to its proximity with Drexel Town Square.

Ms. Papelbon responded that part of the reason for the exchange was for additional right-of-way for sidewalks at a future date.

Director of Community Development Doug Seymour wanted to thank the Commission and Jason Luther for working with the City on this plan. He advised that it took great foresight by staff and property owner to plan for the future. The opportunity to secure this right-of-way allows for the proper planning for Drexel Avenue, which will include sidewalks. He advised that timing on this may be a little different because you would not want to see the investment go in only to see it get ripped up a year or two later for a much more comprehensive sidewalk system.

Alderman Bukiewicz opened up the discussion to Plan Commission members for comment.

Commissioner Siepert asked how much of the property being given to the developer is floodplain, and how much is usable land. He asked if there is anything the developer can use for expansion.

Ms. Papelbon responded that all of the land being exchanged and given to 600 W. Drexel is outside of floodplain boundaries, all usable land.

Alderman Bukiewicz commented that this is a case where the developer and the City got together and cooperated greatly, not only for the benefit of the developer, but the City on the whole.

Alderman Bukiewicz moved that the Plan Commission recommend to the Common Council that they favorably consider the exchange a portion of the City-owned land at 7600 S. 6<sup>th</sup> Street with portions of 600 W. Drexel Avenue.

Commissioner Siepert seconded. Roll call: All voted aye. Motion carried.

**Rezone/Conditional Use Permit Amendment – City of Oak Creek & Drexel Partners, LLC**  
**7600 S. 6<sup>th</sup> & 600 W. Drexel Ave.**  
**Tax Key No. 782-9996-002 & 782-9000**

Ms. Papelbon explained that, as mentioned in the previous item, the first three items on the agenda are related. This item is for rezoning the portion of the land to be combined with 600 W. Drexel Ave. from M-1, Manufacturing to B-2, Community Business, and including that portion in the legal description portion of the existing conditional use permit. This will add approximately 9,454 square feet to the legal description.

Alderman Bukiewicz opened the floor to public comment. No comments provided. Alderman Bukiewicz asked if any Plan Commission members had any comments, and seeing none, asked for a motion.

Commissioner Siefert moved that the Plan Commission recommends to the Common Council that a portion of the property at 7600 S. 6<sup>th</sup> St. be rezoned from M-1, Manufacturing, to B-2, Community Business, and that the legal description in Section 1 of the Conditional Use Permit for 600 W. Drexel is amended to include the rezoned property, after a public hearing.

Alderman Guzikowski seconded. Roll call: All voted aye. Motion carried.

**Certified Survey Map – City of Oak Creek & Drexel Partners, LLC  
7600 S. 6<sup>th</sup> St. & 600 W. Drexel Ave.  
Tax Key No. 782-9996-002 & 782-9000**

Ms. Papelbon explained that intent of the proposed CSM is to show the exchange of land for the public right-of-way, and the new lot sizes. Following the reconfiguration, Lot 1, which is the City-owned property, will be 1.599 acres, and 600 W. Drexel Avenue will be increased to 0.787 acres. No portion of the floodway is included in or affected by the exchange.

Alderman Bukiewicz stated that this is a related item, and the City is working with the developer to get this completed. Seeing no comments from the audience, he opened discussion to the Commission.

Alderman Guzikowski applauded the efforts by the Planning Department for handling the complexity of these three items, and trying to get the best use out of this small corner of land.

Commissioner Johnston moved that the Plan Commission recommends to the Common Council that the Certified Survey Map for the properties at 7600 S. 6<sup>th</sup> St. and 600 W. Drexel Ave. be approved with the following condition:

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

Commissioner Siefert seconded. Roll call: All voted aye. Motion carried.

**CONDITIONAL USE PERMIT AMENDMENT – CLASSIC LANES (GARY DAROSZEWSKI)**

**7501 S. HOWELL AVE.**  
**TAX KEY NO. 782-9036**

Alderman Bukiewicz advised the Commission and audience members that this item would be held per the applicant's request.

### **Zoning Text Amendment – Exterior Lighting Ordinance Revision**

Mr. Wagner explained that Staff has observed, over the last six-to-nine months, additions to some of the businesses when it comes to the lighting of their buildings. Staff has been looking internally if such should be regulated, and, if so, how it should be done. Mr. Wagner referenced a Milwaukee Journal article on LED lighting of windows and buildings - it seems to be a new cost-efficient way to stand out from everyone else. After doing research, Staff is bringing this to the Commission to ask for the direction that should be taken for regulating this type of lighting. He then provided information on what the City is proposing for a text amendment to the exterior lighting code.

Mr. Wagner stated that at this time the City does not regulate this type of accent lighting. This is something that should be done before the Plan Commission and reviewed by them to see if it fits in the character of the City of Oak Creek.

Mr. Wagner stated that one of the items they are proposing is that the lights be clear or white LEDs. He explained that these lights come in a rainbow of colors. For example, Pineapple Café has used green and purple LED lights. Staff's thought is that there should be a consistent look.

Staff feels that the lighting should only be installed horizontally, such as the roof's edge or canopy, to accent the building. The goal is to prevent lights accenting all the glazing on the property or business, which serves as another opportunity to light up the façade of the building without adding character to the neighborhood.

Mr. Wagner stated that the proposed Section 5 (f) was modeled after a community in Colorado that adopted a similar ordinance in 2012. He explained that there are other communities around the country that are looking at regulating this type of lighting. None of our neighboring communities have ordinances on the books regarding this style of lighting. West Allis and Greenfield are in the process of reviewing a possible code ordinance for regulating these lights.

Mr. Wagner explained that the other Section of Code that needs to be modified is in the electrical section that deals with the type of outdoor lighting fixtures. When the Code was last revised, LED was just a concept. The Electrical Inspector wanted to update the Code to include LEDs as a permitted lighting type.

Mr. Wagner explained that the last amendment is with regard to photometric plans. Part of the conditions of approval for a project is that the lighting plan be approved by the Electrical Inspector. Photometric plans depict the numbers calculated showing the number of lumens as it spreads out across the site. The firms that conduct these tests can show these numbers at a pretty small scale, so they get a lot of zeroes on the



perimeter. The average includes these zeroes, which then incorrectly shows that the proposal is well below a half foot candle. To close that loophole and to help minimize over lighting of sites, Staff is proposing to include the phrase “a point of zero on the photometric data test report shall not be used in calculating illumination levels of uniformity.”

An additional change is proposed to Section 17.0808(d)(6), pertaining to the maximum illumination level under an outdoor canopy. Mr. Wagner explained that there is a State law that relates to the regulation of refueling canopies, so this section will be updated to reflect that.

Alderman Bukiewicz asked if anyone in the audience would like to speak on this item.

Arden Degner, 8540 S. Pennsylvania Avenue, Oak Creek, WI 53154, wanted to know why there wasn't a maximum foot candle listed. He also stated that businesses are using these lights as advertising. He stated that the LED lights are a distraction when driving.

Alderman Bukiewicz responded that calculations of foot candles vary based on the use. What they are currently doing is taking the entire surface area, calculating in the zeroes, and it's not spreading and they are saying they are using less lighting.

Mr. Wagner responded that for the Section on building accent lighting, 300 lumens is the maximum. He explained that there is another Section in the Code pertaining to this, and it is a half foot candle.

Alderman Bukiewicz opened the discussion to the Commission.

Alderman Guzikowski inquired as to some of the businesses in the City that are using LED lights, and how the City would propose to enforce this.

Mr. Wagner provided the following: Pineapple Café, New Spice II on 27<sup>th</sup> and Rawson, a nail salon in the strip mall to the south of Pick N Save, Novo Gym, Wyss Auto, a hair salon on Howell and Ryan, the strip mall on West Ryan Road, Oak Creek Plumbing, and Subway on Oakwood and 32.

Mr. Wagner explained this is why it needs to be addressed. Staff does not want to ban it, they would like to make it uniform, make it horizontal lighting with clear lights, and limit the brightness of it. For enforcement purposes, an inventory of existing business with these lights would be taken and would be considered legal, not conforming once the ordinance is effective. Any other business who installs the lights after the ordinance is effective would receive a notice of violation letter noting this Section of Code, and they would have so many days to comply or they could come before the Plan Commission to request approval for what they are proposing.

Commissioner Siepert stated that he did not have an issue with it.

Commissioner Carrillo stated that she would like to ban the lighting as it acts like signage and should come before the Plan Commission. She stated that the white LED lights are the worst, that they are definitely distracting, and provided an example of a strip of buildings in Racine that are lighted in this fashion (looks cheap). She stated that the requests should be reviewed, the lighting should be kept horizontal, and they should not be given the option to wrap the windows of the business.

Commissioner Johnston explained that a few years ago when Buffalo Wild Wings came in they had the LED lighting around their building, and the City did not want that type of distraction along Howell Avenue. He stated that he sees this as a distraction, he is not in favor of it, and agreed with Commissioner Carrillo to get rid of it now.

Director of Community Development Doug Seymour stated that there are legal non-conforming rights and status afforded to those who have already placed light. There may be an option similar to what was done with signs several years back in several communities (not Oak Creek) where you can still kind of amortize the cost of those who have already done these types of lighting systems, and sunset so that these don't go on towards infinity. Director Seymour stated that he would like to see some provision in the ordinance such that if a business does utilize these LED lights, even as non-conforming uses, then the business is not able to have signs in the window as that creates billboards.

Alderman Bukiewicz stated that it's difficult to call it accent lighting as accent lighting is something that he considers to be a wash on a building, similar to what was done on City Hall. He stated that he is not in favor of any of it, and agreed with Commissioner Carrillo that it cheapens the whole look of everything. He provided an example scenario of a strip mall where some tenants place the horizontal LED lights and others don't - there will be a strip left dark. Alderman Bukiewicz stated that this lighting is considered "after-market" lighting, and is concerned about the installation and maintenance. He added that if a business wants to do something with the lighting in their windows, he is not against doing something that gently washes down the window with a diffuser but does not provide a bright light. Alderman Bukiewicz suggested that Staff take this item back and provide even more restrictions. As far as the changes the Electrical Inspector requested, as long as they are within standards, he stated that he trusts the judgment on that.

Mr. Wagner explained that while this is the first discussion on the LED lighting, the Commission could still go forward with the other proposed amendments and not include Section 5 of the proposed ordinance. Mr. Wagner suggested that they could make a recommendation approving text amendments to 17.0808(c) (1), (c)(3), and staff take the comments that were provided this evening, discuss the proposal further, and come back at a later date with a proposed text amendment for the accent lighting.

Alderman Guzikowski asked if there was a consensus with the Commission in attendance this evening to get rid of it all together.

Commissioner Siefert stated that he believed this should be held until the full Commission is back.

Alderman Bukiewicz concurred with Commissioner Siefert, but also stated he would not be opposed to doing the few Sections of Municipal Code on foot candles.

Mr. Wagner advised the Commission on the option to make a recommendation that the Common Council approve the text amendments for subsections (c)(1), (c)(3), (d)(6), and (e)(1)e. Mr. Wagner advised that they could move forward with those Sections as they are more technical clarifications of the Code. Staff will then research how successful any other community has been in prohibiting this type of use of lighting, and confer with the City Attorney on how to proceed. This item can be brought back in March for further discussion.

Alderman Bukiewicz moved that the Plan Commission recommends amending Sections 17.0808(c)(1)c, (c)(3), (d)(6), and (e)(1)(e).

Alderman Guzikowski seconded. Roll call: All voted aye. Motion carried.

Alderman Bukiewicz directed Staff to bring this item back to the next Plan Commission meeting to discuss when the full Commission is present.

**Rezone – City of Oak Creek (Milwaukee County Parks Properties)**

**709 & 725 E. Oak St.; 7312 S. 27th St.; 7951, 8067, 8210, 8245, 8290, 8310, 8351 S. 20th St.; 1741, 1901, 2211, 2305, 2319, and 2361 W. Drexel Ave.**

**TAX KEY NO: 733-0017-000, 733-9999-000, 762-9008-000, 810-9016-000, 810-9024-000, 811-9018-002, 810-9014-000, 811-9018-003, 830-9021-000, 831-9033-000, 811-9024-000, 811-9991-002, 810-9992-001, 810-9017-000, 810-9020-000, 810-9022-000**

Ms. Papelbon provided an overview of the request by the County that affects the Runway Dog Exercise Park and several parcels that are part of Falk Park. Only those portions of the parcels outside of the FW, Floodway District will be rezoned, and no overlay districts (e.g., C-1, Shoreland Wetland Conservancy, FF, Flood Fringe, etc.) will be amended by the proposed change.

The staff recommendation is that the Plan Commission recommends to the Common Council that the properties at 709 & 725 E. Oak St.; 7312 S. 27th St.; 7951, 8067, 8210, 8245, 8290, 8310, 8351 S. 20th St.; 1741, 1901, 2211, 2305, 2319, and 2361 W. Drexel Ave. be rezoned outside of FW, Floodway Districts and not affecting any overlay districts to P-1, Park District, after a public hearing.

Alderman Bukiewicz opened the item up to the audience for discussion.

Teig Whaley-Smith, Director of Administrative Services for Milwaukee County, 909 N. 9<sup>th</sup> Street, Milwaukee, WI 53233 - Mr. Whaley-Smith introduced himself as the Director of Administrative Services serving for County Executive Abele. He explained that during County Executive Abele's administration over 150 acres of parkland has been added, and part of the overall exercise with parks is to make sure that they are all appropriately zoned. He explained that the Milwaukee County Parks Department went over their inventory of parks to identify with municipalities if there were portions of any

park that were not currently zoned as parks. He stated that this is a cleanup of the zoning code to reflect the actual use of a park. Mr. Whaley-Smith stated that there is no proposal to change the land, and it will continue to be used as parkland. This is strictly a technicality to be sure that the lands are only used for this purpose.

Alderman Bukiewicz asked if anyone had any questions for Mr. Whaley-Smith.

Commissioner Siefert responded that the changes were pretty clear.

Arden Degner, 8540 S. Pennsylvania Avenue, inquired if it was going to be the City's responsibility for the upkeep of the parks.

Ms. Papelbon responded that the zoning is changing to reflect that is it parkland; the ownership and the ownership responsibility are not changing. The ownership of the property continues to be with Milwaukee County, who is responsible for the maintenance of this land.

Alderman Bukiewicz added that this item came at the request of County Executive Abele to make sure that parkland is protected and remains parkland. There is no intention to sell it off or to push it off to the municipalities.

Jeanette Balistreri 2120 W. Orchard Way, Oak Creek, WI 53154, inquired about the property at 8351 S. 20<sup>th</sup> Street that is zoned as Rm-1, Multi-Family, and asked if it has always been zoned that way.

Alderman Bukiewicz replied that when the three-way land swap with the County, Northwestern Mutual, and the City took place there could have been a piece of land that had been part of Colonial Woods, and it might have been zoned that way at one time. That is why the County Executive wants to clean this up and make sure it remains parkland.

Ms. Papelbon responded that what is under the current zoning is being changed to parkland. Anything that has a slash (in the notice) means that there are multiple zoning districts, which will all change to P-1 except for those areas that are Floodway, Flood Fringe, or Shoreland Wetland Conservancy.

Urbain Boudjou, 2110 W. Orchard Way, Oak Creek, WI 53154, questioned the RM-1 zoning and wanted to know how this would affect property values.

Ms. Papelbon reiterated that all of the current zoning districts will go away except for Floodway, Flood Fringe, and C-1 Shoreland Wetland Conservancy. Anything zoned manufacturing, agricultural, or residential will all go away and be P-1, which is Park District.

Community Development Director Doug Seymour reiterated that this only applies to the properties that are owned by the County. For example, a parcel zoned Rm-1 outside of the identified area is not changing.

Commissioner Johnston moved that the Plan Commission recommends to the Common Council that the properties at 709 & 725 E. Oak St.; 7312 S. 27th St.; 7951, 8067, 8210, 8245, 8290, 8310, 8351 S. 20th St.; 1741, 1901, 2211, 2305, 2319, and 2361 W. Drexel Ave. be rezoned outside of FW, Floodway Districts and not affecting any overlay districts to P-1, Park District, after a public hearing.

Commissioner Siepert seconded. Roll call: All voted aye. Motion carried.

Commissioner Carrillo moved to adjourn.

Clarence Schmidt, 1820 W. Drexel Avenue, Oak Creek, WI 53154, commented that there appeared to be a lot of people missing from the Plan Commission, and questioned how many people are on it.

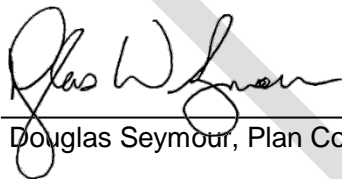
Alderman Bukiewicz explained the composition of the Plan Commission, and while there were a limited number of Commissioners in attendance, they were still able to conduct business as there was a quorum. He added that if Commissioners are unable to attend, they have the option to provide comments prior to the meeting.

Ms. Papelbon explained that the votes were unanimous, so even if the other members had been at the meeting, the majority approved the items (no different outcome). If there had been any other vote, they would have had to address that. She also explained that these are recommendations for the Common Council, who make final decisions on these requests.

Commissioner Carrillo moved to adjourn. Alderman Guzikowski seconded. Roll call: All voted aye.

Meeting adjourned at 6:55 p.m.

ATTEST:



---

Douglas Seymour, Plan Commission Secretary

3-3-16

---

Date

## Summary of Significant Common Council Actions

1. **APPROVED** - Ordinance No. 2792, rezoning the property at 7518 S. Howell Ave. from Rd-1, Two Family Residential to B-4, Highway Business, (1<sup>st</sup> District).



Kari Papelbon, CFM, AICP  
Planner



# Plan Commission Report

ITEM: 6a

DATE: March 8, 2016

**PROJECT:** Temporary Use – Stein Just Plants – Kohl’s Parking Lot

**ADDRESS:** 9035 S. Howell Avenue

**TAX KEY NO:** 859-9035

**STAFF RECOMMENDATION:** That the Plan Commission approves the temporary use permit for the temporary garden center at 9035 S. Howell Avenue, subject to the following conditions:

1. That all building and fire codes are met.
2. That the temporary use shall expire on July 8, 2016.

**Ownership:** Continental 77 Fund LLC

**Size:** 9.92 acres

**Existing Zoning:** B-4, Highway Business District

**Adjacent Zoning:** north – Rm-1, Multifamily Residential  
 east – B-2, Office Professional  
 south – Rm-1, Multi-family, I-1, Institutional  
 west – Rm-1, Multi-family PUD

**Comprehensive Plan:** Planned Business

**Wetlands:** No

**Floodplain:** No

**Official Map:** No officially mapped streets affect this parcel.

**Commentary:** Stein Gardens & Gifts is requesting a temporary use permit that would allow them to operate a temporary garden center, Stein Just Plants seasonal flower mart, in the Kohl’s parking lot at 9035 S. Howell Avenue. Stein has received landowner permission to operate in 2016.

The garden center would be located in the southeast corner of the parking lot using approximately 16 parking spaces (highlighted on the site plan). The garden center will consist of one tent, multiple metal racks of garden products, small shed and other garden supplies (photo included in your packet). The garden center will be enclosed by a wood picket fence to provide a barrier between traffic and customers. Electricity, water, trash, restroom facilities, signage, security concerns and other business operations are addressed in your packet. Staff received no complaints about the operation of Just Plants in 2015.

If granted, the garden center will be installed in April and operate from the last week in April through the first week in July. Before the applicant can open the garden center, they will need to receive a tent permit.

Prepared by:

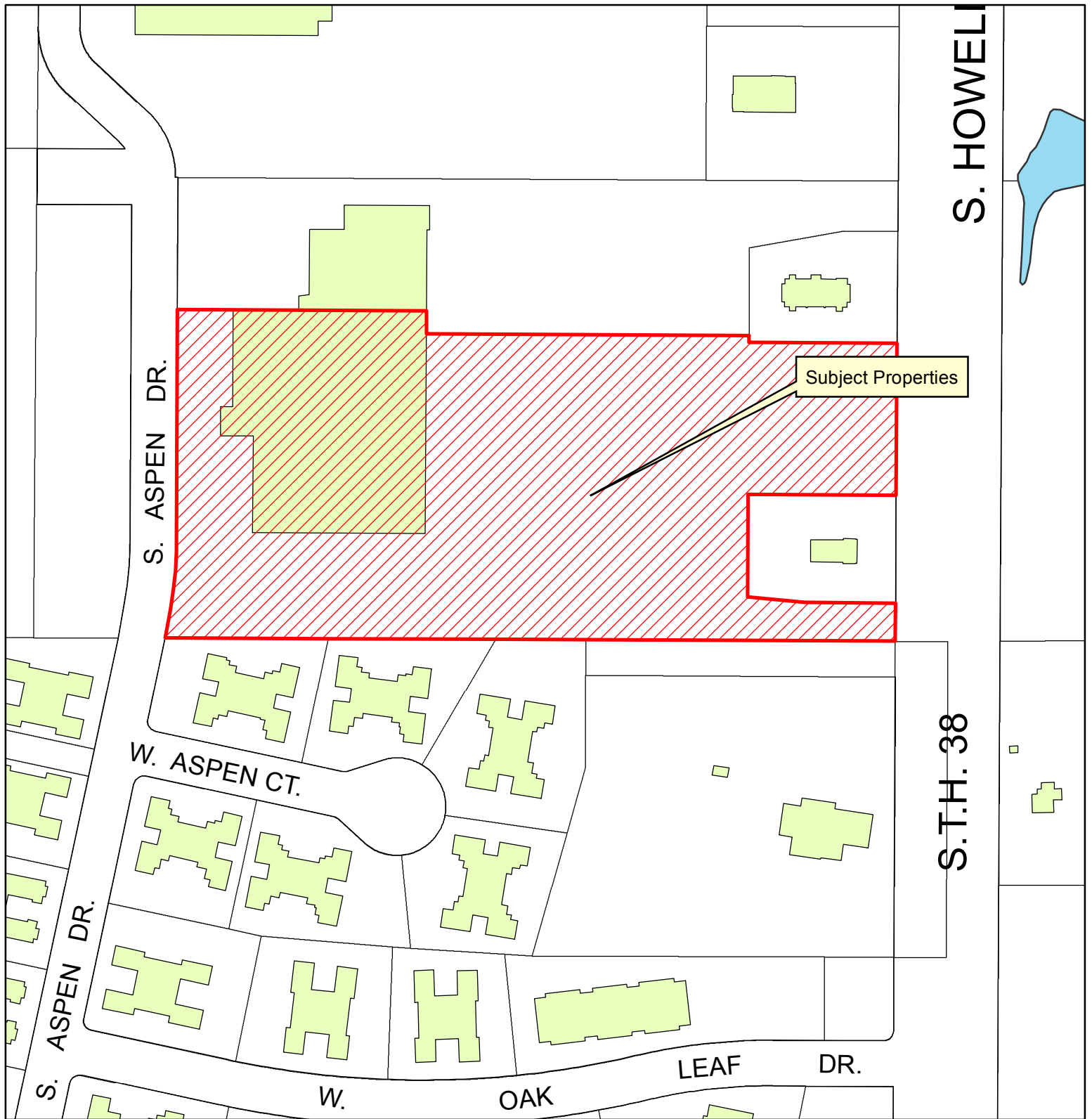
Peter Wagner  
Zoning Administrator/Planner

Respectfully Submitted by:

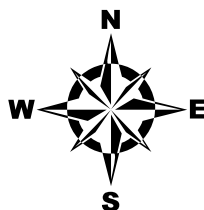
Douglas Seymour, AICP  
Director of Community Development

# Location Map




## 9035 S. Howell



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



**Legend**

-  9035 S Howell
-  Floodfringe
-  Floodway





February 1, 2016

Plan Commission  
City of Oak Creek  
8040 6<sup>th</sup> Street  
Oak Creek, WI 53154

Stein's Garden and Home is seeking a Temporary Use Permit to operate a Stein's Just Plants seasonal flower mart located in the City of Oak Creek again in the spring 2016. Stein's Garden and Home has secured permission from Kohl's Department Store (Continental 77 Fund, LLC) located at 9035 S. Howell Ave to use a portion of the parking lot for our seasonal flower mart much the same as in 2015. Our intent is to operate the seasonal flower mart from the end of April through the first week of July upon approval of the Temporary Use Permit.

Attached is the *Stein's Just Plants* proposal which includes operational information, specifications and site plans and the plot of survey.

If you are in need of any additional information in advance of the Plan Commission meeting, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "BL", with a small flourish at the end.

Bryan Linstroth  
Stein's Garden and Home  
5400 S. 27<sup>th</sup> Street  
Milwaukee, WI 53221  
414-761-5404 Ext. 30031  
Fax: 414-761-5413  
Email: [bryan@mailsteins.com](mailto:bryan@mailsteins.com)

# KOHL'S

expect great things

---

January 25, 2016

City of Oak Creek  
8640 S. Howell Avenue  
Oak Creek, WI 53154

RE: Declaration of Reciprocal Easement and Operating Agreement by Continental 77 Fund, LLC dated November 13, 1997, as amended (the "Declaration")  
Kohl's Store #109, Oak Creek, Wisconsin (the "Shopping Center")

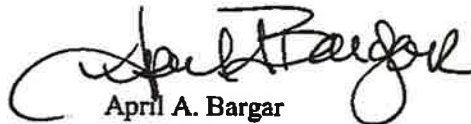
Dear Sir or Madam:

Kohl's Approval Committee has reviewed the Stein Gardens and Gifts request to use a portion of the parking lot at 9035 South Howell Avenue, Oak Creek, Wisconsin for a "Just Plants" seasonal garden market in 2016. Kohl's has conditionally approved said request contingent upon the parties agreeing to final terms and conditions. Please be advised that this conditional consent shall not be deemed a waiver of any other provisions contained in the Declaration for the Shopping Center.

This conditional approval is exclusive to Stein Gardens and Gifts as it operates a majority of its locations on the date hereof, and does not constitute an approval for any other seasonal use in the Shopping Center.

If you have any questions or concerns regarding the approval request, please do not hesitate to contact Lu Ann Lipke, Property Administration Paralegal, at (262) 703-1637 or via email at [luann.lipke@kohls.com](mailto:luann.lipke@kohls.com).

Sincerely,



April A. Bargar  
Senior Manager, Property Administration









**Stein's Garden and Home  
Stein's Just Plants  
Seasonal Garden Center Proposal  
9035 S. Howell Ave  
Oak Creek, WI 53154**

## About Us

Stein's was founded in 1946 by Maurice Stein. His son, Jack Stein, took over the business and through his vision and commitment to the customer built Stein's into one of the leading independent garden centers in the country. Today, with 16 locations throughout Wisconsin, Stein's continues to be owned and operated by the Stein family and remains focused on providing customers with superior products and great service.

In 2010 *Stein's Garden and Home* launched its first *Stein's Just Plants* seasonal flower mart concept at 76<sup>th</sup> and Good Hope Road in Milwaukee, WI. This first location was adjacent to a Pick'n Save location in a former Home Depot lawn and garden area. This first operation was a success. In 2016, *Stein's Garden and Home* plans to open 5 *Stein's Just Plants* locations throughout the greater Milwaukee area.



*Stein's Just Plant-Oak Creek*

## Proposal-Stein Just Plants 2016

In 2016 *Stein's Garden and Home* is proposing to set up a *Stein's Just Plants* seasonal location in several communities in southeastern Wisconsin including repeating the location in Oak Creek at the Kohl's Department Store at 9035 S. Howell Ave. These locations will provide the residents a local garden center in their community as well as attract customers from the nearby communities. In addition *Stein's Garden and Home* is scheduling a direct mailing in the area of each *Stein's Just Plants* location to further attract customers to the *Stein's Just Plants* and the local community.

The *Stein's Just Plants* seasonal locations will consist of a 21' x 36' Poly-Tex Garden Mart greenhouse and approx. 1920 sq. ft. of additional display space adjacent to the greenhouse. This total of approx. 2700 sq. ft. of seasonal garden center will take up approximately 14-16 parking spaces. The proposed display area would be fenced in with a picket style fence. Display benching will consist of a combination of Poly-Tex metal benching. The 'checkout' area would consist of a small "shed" which will house and protect our POS and communication equipment from the elements.

The *Stein's Just Plants* locations will stock exclusively plant material (annuals, perennials and vegetable plants) along with only a handful of gardening accessories (soils, fertilizer and hand tools). None of the giftware, home decor traditionally available at *Stein's Garden and home* will be available at the *Stein's Just Plants* locations.

For 2016 the locations being considered are:

- **Oak Creek (5<sup>th</sup> year)**
- Burlington (2<sup>nd</sup> year)
- Neenah (proposed)
- Muskego (5<sup>th</sup> year)
- Watertown (proposed)
- Cedarburg (5<sup>th</sup> year)
- Germantown (proposed)

# Advertising – Direct Mail Spring 2015

**Just Plants NOW OPEN!**  
Blooming in 5 convenient locations.

**CHIEF JEFF'S**  
Premium Vegetable Plants  
Pick your 3 FOR 6.50  
or 2.27 each. \*Pick 3 or 30 New and exciting varieties.

Nature's Finest Fresh, Full & Flowering Hanging Baskets  
15.99 Your Choice And up  
\*Pick 1 basket. \*Pick 10 baskets.

Halfroom Vegetable Plants  
Pick your 3 FOR 7.00  
or 2.33 each.  
Choose from 20 varieties for and more! \*Pick 3 or 30.

Stein Moisture-Pro Potting Mix 5.88  
14 Quart. Reg. 6.99

Stein Premium Potting Mix 4.88  
14 Quart. Reg. 5.99

**JUMBO 50** Garden Color SPECIAL  
Impatiens Flats  
11.99 with our care  
\*Pick 1 flat. \*Pick 10 flats.

**Locations:**  
Oak Creek: 9530 S. Howell Ave. \*Kohl's Department Store Parking Lot.  
Waukesha: 530 W24836 Sunset Drive \*W. Sunset Dr. & S. Prairie Ave.  
Pewaukee: 601 Ryan Street \*Pick 'n Save Parking Lot.  
Muskego: 568 W15388 Janesville Road \*Kohl's Department Store Parking Lot.  
Cedarburg: N49 W6337 Western Ave. \*Western Rd. & Hanover Ave.

Weekdays & Sat. 8 A.M. - 9 P.M.  
Sundays 8 A.M. - 7 P.M.  
Steingg.com

**Just Plants GRAND OPENING**  
GORGEOUS PLANTS ARRIVING DAILY!  
5 convenient locations: \*Oak Creek \*Cedarburg \*Waukesha \*Pewaukee \*Muskego

**Best Buy!**  
Packs of Flowering Annuals 1.19  
3 Plants per pack or 17.99 per flat  
54 plants per flat  
Reg. 1.49 per pack  
\*Pick 1 pack. \*Pick 10 packs.

**Best Buy Geraniums**  
1.00 each  
When you buy 12 or more!  
12 in. pots  
\*Pick 12 each. \*Pick 100 each.

**Perennials**  
1.77  
\*Pick 1 plant. \*Pick 10 plants.

**Annual Pack**  
FREE  
\*Pick 1 pack. \*Pick 10 packs.

**Gourmet Vegetable Plants**  
1.22  
\*Pick 1 plant. \*Pick 10 plants.

**Herb Plant**  
FREE  
\*Pick 1 plant. \*Pick 10 plants.

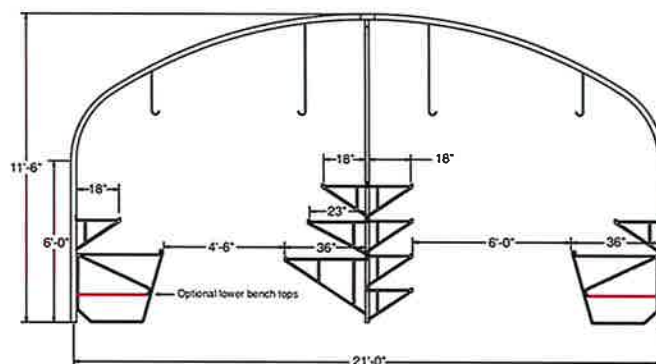
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Muskego: 568 W15388 Janesville Road \*Kohl's Department Store Parking Lot.  
Cedarburg: N49 W6337 Western Ave. \*Western Rd. & Hanover Ave.

Weekdays & Sat. 8 A.M. - 9 P.M.  
Sundays 8 A.M. - 7 P.M.  
Steingg.com

- 1 Direct Mail piece is planned for 2016 and will be mailed to residents within a 5 mile radius of each Stein's Just Plants location. Additional advertising will be handled through social media, bill boards (if applicable), and the use of other Stein's Garden and Home media outlets.



# 21' Wide Poly-Tex Garden Mart® Greenhouse



Width	21 feet	Door	6 foot wide by 6 foot 8 inches tall
Length	24 to 96 feet (in 6-foot increments)	Roof cover	clear or white 6 mil. UVI treated polyethylene
Sidewall height	6 feet	End wall cover	clear 6 mil. UVI treated polyethylene
Height at apex	11 foot 4 inches	Frame	2" O.D. 14 gauge galvanized steel tubing
Frame spacing	6 foot	Ventilation	Slide-Side or Roll up sidewalls



# Additional Information

## Proposed Period of Operation

- Monday April 25<sup>th</sup> through Friday July 1<sup>st</sup> (approximately)

## Setup and Take Down

- Approximately 12-16 hours for setup and 12-16 hours for take down
- Display area to be restored to existing condition including any patching of holes needed to anchor the greenhouse.

## Proposed Hours of Operation

- Weekdays 9 am to 8 pm
- Saturdays 8 am to 8 pm
- Sundays 9 am to 6 pm

## Staffing

- Stein's Garden and Home seeks to employ local residents, avid neighborhood gardeners & retirees
- 2 to 3 employees on site at all times during business hours
- 10-12 total employees

## Product Selection

- Annual flowers
- Flowering hanging baskets
- Pre-planted containers
- Vegetable Plants
- Perennials
- Planting Mixes
- Garden Fertilizers
- Miscellaneous gardening accessories (gloves, hand tools)

## Deliveries

Product will be delivered to the *Stein's Just Plants* location during normal business hours by tractor/trailer as well as by straight trucks equipped with lift gates – dropping off carts of product. Carts would be removed from the property on a regular basis

After hours deliveries only if permitted by the local ordinances.

# Utility Requirements

*Stein's Just Plants* does require both electricity and water for its operation.

- Electrical
  - Two POS (Point of Sale) registers
  - Communication equipment (router/switch/cellular transmitter)
  - Maximum 15 amp 110 volt circuit.
  - Electrical needs during the business day only – not 24 hours per day.
  - Source an on-site generator (Honda Super Quiet EU1000i) has been used since 2011.
  - Power ramps provided where needed
  
- Water
  - Minimum requirements would be a single faucet connection.
  - Product hand watered during the course of the business day as needed using hoses (stored on hose reels) and water wands. No automatic watering equipment will be necessary.
  - Source to be adjacent private fire hydrant used since 2011.



## Security

All monies would be removed from the site daily and taken off premise with no overnight storage of cash. POS equipment would be locked in an outdoor booth along with any 'product' that needs to be protected in the event of inclement weather.

## Trash Disposal

A small trash container will be available for staff to dispose of debris and it will be emptied as needed.

## Recycling

In 2010 *Stein's Garden and Home* initiated its 'Let's Recycle Together' program and recycled over 46,000 pounds of plastic in 2014. Recyclable plastics will be returned to one of the 16 Stein store locations for recycling. 2015 numbers are not yet available.

## Restrooms

When permitted by the property owner, staff would have access to the restroom facilities available on the property.

# Signage

Stein's Just Plants signs would consist of (depending on local zoning code):

- 1 – 48" x 96" sign located on the rear of the cashier stand
- 5 – 24" 36" Banners signs on the fencing with the Stein's Just Plants logo

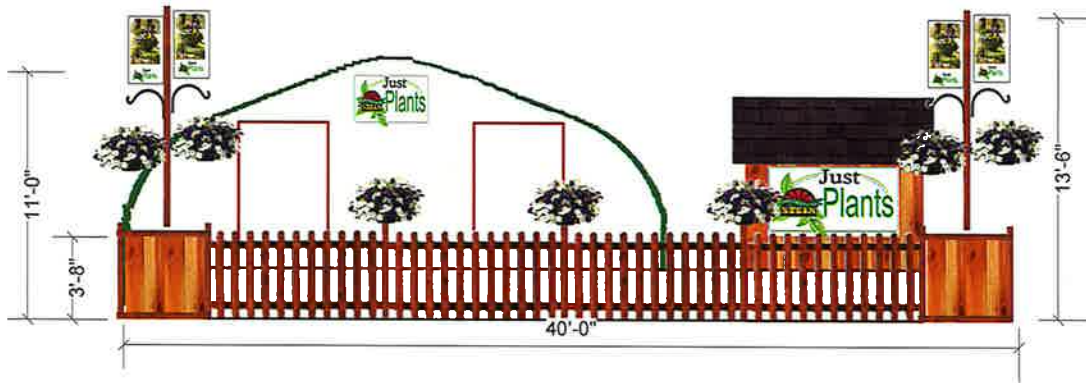
Product signage will consist of 8 ½" x 11" card signs both in the greenhouse display and the display area immediately outside of the greenhouse.

*\*Updated logo to be used in 2016 which resembles logo used on cover of proposal.*

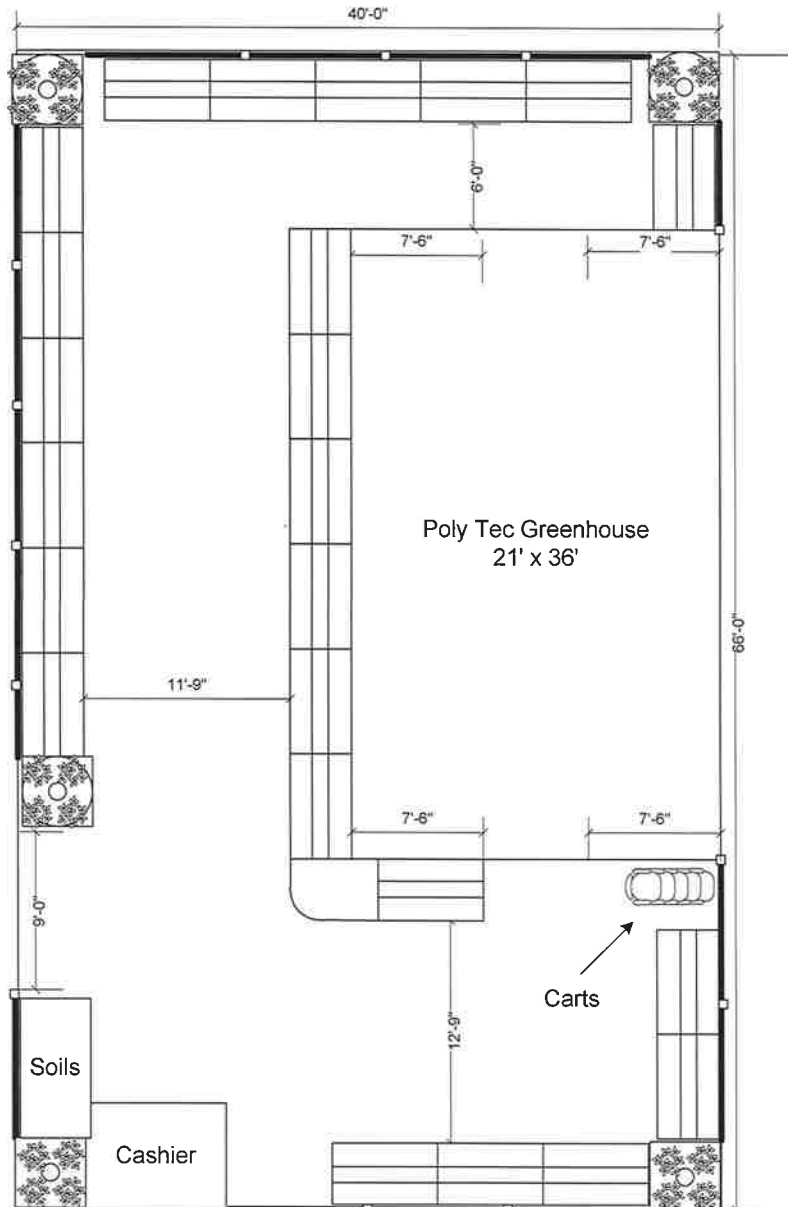


CHEF JEFF'S		
Chef Jeff Vegetables		
Gourmet Spring Green Pots	4 Inch Pots Premium Tomato Cuts Pots	Heirloom Egg Coated Pots
3/\$6.00	3/\$6.50	3/\$7.00
Or \$2.00 May 15-17	Or \$2.20 May 15-17	Or \$2.40 May 15-17

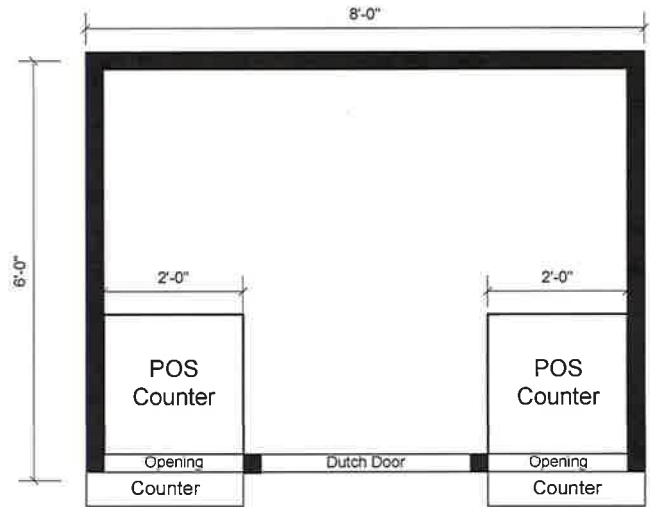
# Site Plans



Oak Creek



# Cashier Stand





# Plan Commission Report

ITEM: 6b

DATE: March 8, 2016

**PROJECT:** Rezone 1610 E. Puetz Road from Rs-3, Single-Family Residential District to A-1, Limited Agricultural District – Jac & Joan Cole

**ADDRESS:** 1610 E. Puetz Road

**TAX KEY NO:** 826-9027-000

**STAFF RECOMMENDATION:** That the Plan Commission recommends to the Common Council that the property at 1610 E. Puetz Road be rezoned from Rs-3, Single Family Residential to A-1, Limited Agricultural after a public hearing.

**Ownership:** Jac & Joan Cole

**Size:** 5.0725 acres

**Existing Zoning:** Rs-3, Single-Family Residential, FW, Floodway, FF, Flood Fringe

**Adjacent Zoning:**  
North – Rs-3, Single-Family Residential, FW, Floodway, FF, Flood Fringe  
East – A-1, Agricultural, FF, Flood Fringe  
South – R-3, Single Family Residential; FF Flood Fringe  
West – Rs-3, Single-Family Residential, FW, Floodway, FF, Flood Fringe

**Comprehensive Plan:** Resource Protection Area

**Wetlands:** Yes. Located on the north and eastern portions of the property.

**Floodplain:** Yes. See location map for details.

**Official Map:** N/A.

**Commentary:** The applicant is requesting that the portions of the property at 1610 E. Puetz Road that are not located in the FW, Floodway zoning district, be rezoned from Rs-3, Single Family Residential to A-1 Limited Agricultural District. This request is in part a result of a drainage improvement project in 2014 along the west side of the railroad tracks extending from E. Puetz Road to the Oak Creek Channel, north of E. Forest Hill Avenue resulting in lowering of the regulatory floodplain. The floodplain was remodeled to reflect the installed improvements and submitted to the DNR and FEMA for approval. FEMA issued a Letter of Map Revision (LOMR) effective December 31, 2015. This zoning request will not affect the existing FW, Floodway, and FF, Flood Fringe Districts.

This remodeling created a “hole” in the zoning layer where the floodway designation was removed from the map. This is illustrated in the LOMR Map included in this report. This “hole” in the zoning map would have been rezoned to Rs-3 to match the existing zoning on the property, but the property owners requested a change to A-1, Limited Agricultural. Included in this report is Jac & Joan’s rationale as to why they are requesting this zoning change.

The parcel meets the minimum size requirement for the A-1 Agricultural of five acres and the minimum parcel width of 150 feet. The planned land use for the property is Resource Protection Area which agriculture is a compatible use. Although the property to the north is zoned floodway and single family residential, it is currently farmed. The property to the east is zoned agriculture, but currently not farmed. There are single family homes to the west and south.

Prepared by:

Peter Wagner, AICP  
Zoning Administrator/Planner

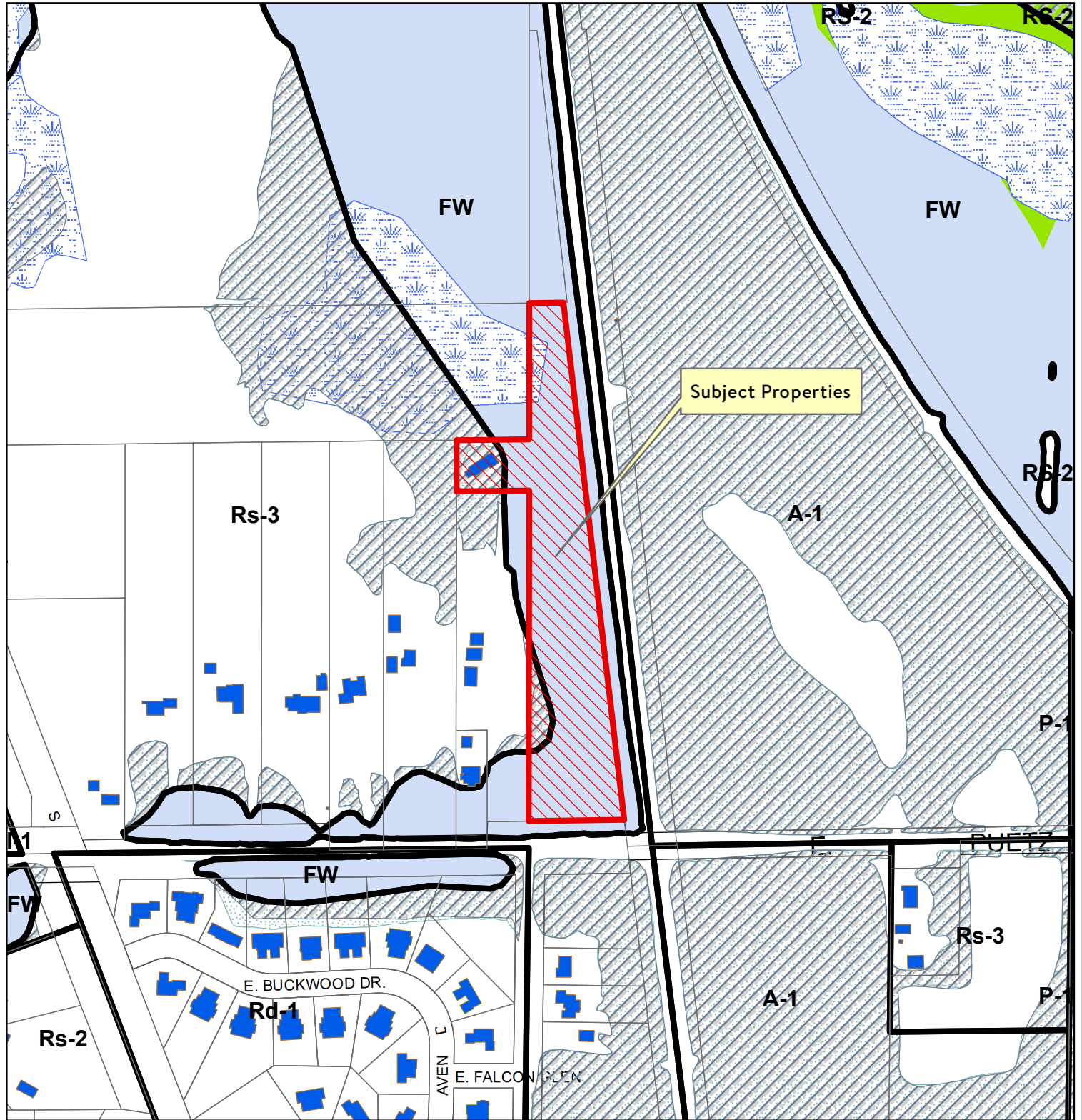
Respectfully Submitted by:

Douglas Seymour, AICP  
Director of Community Development

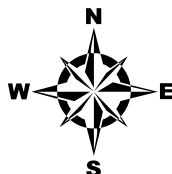


# Location Map

## 1610 E. Puetz Rd.

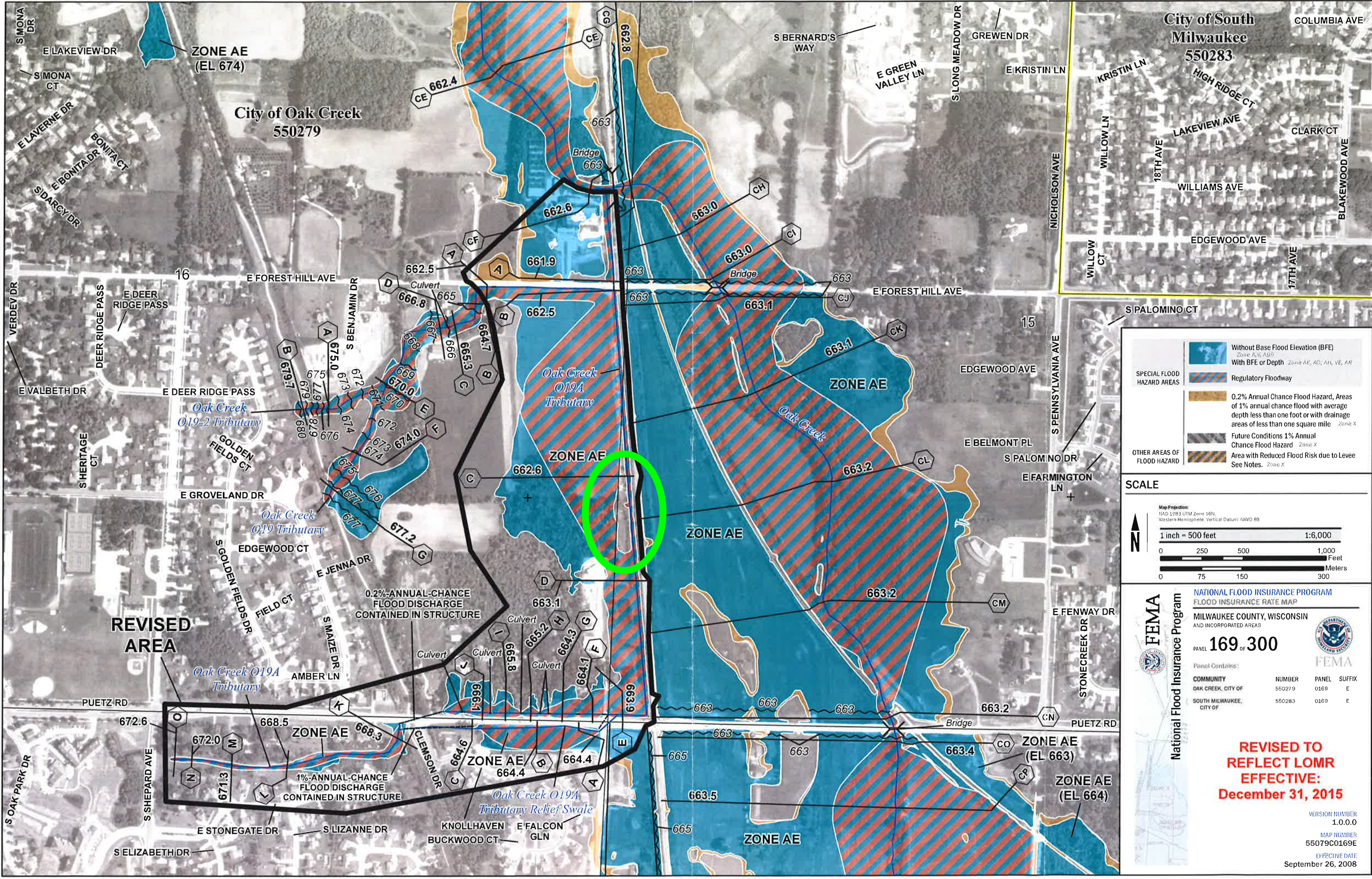


This map is not a survey of the actual boundary of any property this map depicts.



Legend	
	1610 E. Puetz Rd.
	Floodfringe
	Floodway

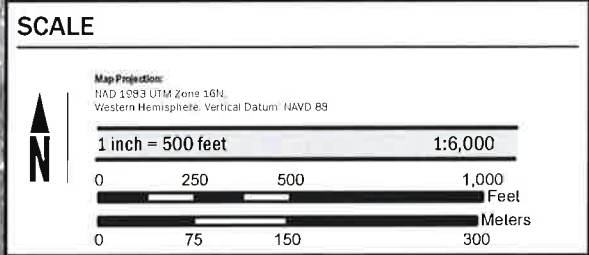




City of South Milwaukee  
550283

City of Oak Creek  
550279

- SPECIAL FLOOD HAZARD AREAS**
- Without Base Flood Elevation (BFE)  
Zone AE, AS9
  - With BFE or Depth Zone AE, AD, AH, VE, AR
  - Regulatory Floodway
  - 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
  - Future Conditions 1% Annual Chance Flood Hazard Zone X
  - Area with Reduced Flood Risk due to Levee See Notes. Zone X



**FEMA National Flood Insurance Program**

**NATIONAL FLOOD INSURANCE PROGRAM**  
FLOOD INSURANCE RATE MAP

MILWAUKEE COUNTY, WISCONSIN  
AND INCORPORATED AREAS

PANEL **169** OF **300**

Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
OAK CREEK, CITY OF	550279	0169	E
SOUTH MILWAUKEE, CITY OF	550283	0169	E

**REVISED TO REFLECT LOMR EFFECTIVE: December 31, 2015**

VERSION NUMBER  
1.0.0.0

MAP NUMBER  
55079C0169E

EFFECTIVE DATE  
September 26, 2008



## Request for the Re-zoning of 1610 East Puetz Road

We, Jac and Joan Cole have requested a change of zoning for our 5.0725 acres located at 1610 East Puetz Road from RS-3 residential to A-1 agricultural. The reasons for this request are as follows:

\* To provide for a more conforming use of the property relative to the conditions and other properties that surround it, taking into consideration that the properties to the West , North and Southeast of our property are all currently being farmed and are of higher acreage (40 acres to the north for example).

\* Our intent is by no means to run a full scale farming operation, as we only sit on five acres, instead, to utilize our acreage in the way that we originally envisioned it, and that is to have enough room to do things that we have an interest in, such as gardening with the ability to have numerous plots scattered on the property, processing/canning the crops that we grow, growing trees to enhance the property, observing the wildlife, and in essence be able to do some of the things that A-1 zoning allows for that are appealing to us.

In short, we feel that we have our own little quiet corner in the busy city of Oak Creek, and we would like to keep it quiet. There is very little chance of development on most of the properties that surround us due to environmental issues. We find ourselves comfortable here, and know that this property possesses the potential to satisfy our "quiet little farm" lifestyle. We've tried the residential/subdivision lifestyle, and quickly came to realize that it wasn't a fit for us, not only because the lack of space and privacy, but also the limitations. We now own this larger parcel but still have basically the same limitations under the RS-3 zoning and thus we ask you to consider our request as we feel A-1 zoning would be a better fit into this area, and would allow us to better pursue our interests.

Thank You.  
Jac & Joan Cole



# Plan Commission Report

ITEM: 6c

DATE: March 8, 2016

**PROJECT:** Certified Survey Map – Ron Pritzlaff, Oak Creek Water and Sewer Utility

**ADDRESSES:** 9175, 9235, & 9325 S. 5th Ave.; 3953 & 3975 E. American Ave.

**TAX KEY NOs:** 869-9006-000, 869-9995-004, 869-9995-003, 869-9997-001, 869-9998-003

**STAFF RECOMMENDATION:** That the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Ron Pritzlaff, Oak Creek Water and Sewer Utility, for the properties at 9175, 9235, and 9325 S. 5th Ave., and 3953 and 3975 E. American Ave. be approved, with the following condition:

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

**Ownership:** City of Oak Creek, 8040 S. Howell Ave., Oak Creek, WI 53154

**Size:** 15.52568 acres (following combination)

**Existing Zoning:** I-1 (CU), Institutional; Rs-4, Single Family Residential

**Adjacent Zoning:** North – Rs-4, Single Family Residential; M-1, Manufacturing  
East – B-4, Highway Business; A-1, Limited Agricultural; I-1, Institutional  
South – Rs-4, Single Family Residential; I-1, Institutional  
West – M-1, Manufacturing; Rs-4, Single Family Residential

**Comprehensive Plan:** Institutional, Two Family/Townhouse Residential.

**Wetlands:** Yes, see map.

**Floodplain:** N/A.

**Official Map:** N/A.

**Commentary:** The Oak Creek Water and Sewer Utility is requesting approval of a Certified Survey Map that will combine the properties located at 9175, 9235, and 9325 S. 5th Ave., and 3953 and 3975 E. American Ave. Plan Commissioners will recall that the properties at 9175 S. 5th Ave., 9235 S. 5th Ave., and 3975 E. American Ave. were rezoned to I-1, Institutional with a Conditional Use for water treatment facility water storage and high service distribution pump facilities in January of 2015. A request to rezone the property at 3953 E. American Ave. and add that to the existing Conditional Use Permit for the Utility are next on the agenda for the Plan Commission's review.

Prepared by:

Kari Papelbon, CFM, AICP  
Planner

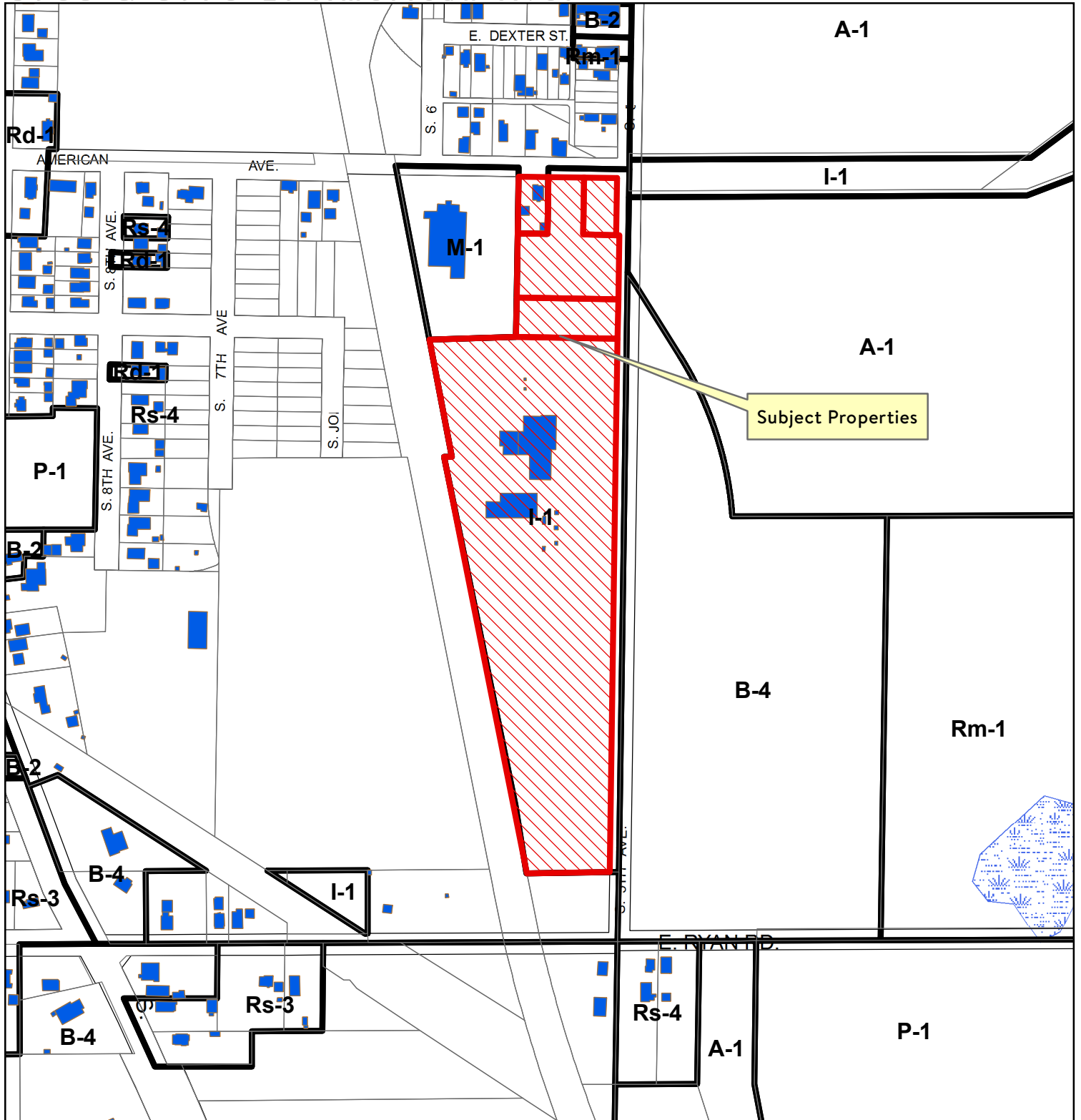
Respectfully Submitted by:

Douglas Seymour, AICP  
Director of Community Development

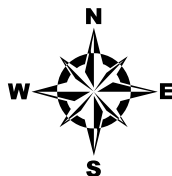
# Location Map

9175, 9235, & 9325 S. 5th Ave.

3953 & 3975 E. American Ave.



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



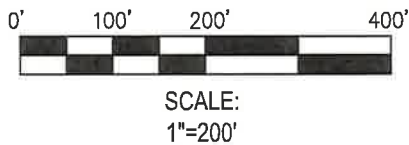
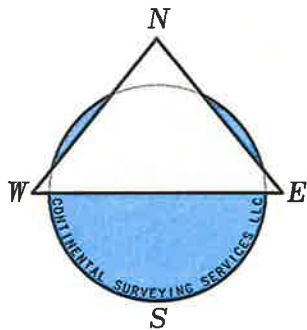
**Legend**

-  Subject Parcels
-  Wetland

# Certified Survey Map

Unplatted Lands together with A re-division of Certified Survey Map No.: 1120 and unplatted lands being a part of the Northeast 1/4 of the Southeast 1/4, and also other unplatted lands being a part of the Southeast 1/4 of the Southeast 1/4, All in Section 23, Township 5 North, Range 22 East, Located in the City of Oak Creek, Milwaukee County, Wisconsin.

**E. AMERICAN AVE.**



## Curve Data

RAD. = 5680.15'  
 ARC = 185.17'  
 CHD. = 185.16'  
 BRG. = N 11°43'50" W  
 TAN. BRG. = N 12°39'52" W  
 TAN. BRG. = S 10°47'48" E



NOTE: All bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone, in which the East line of the SE 1/4 of Section 23, Township 5 North, Range 22 East bears S 00°52'00" W.

This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 18th day of November, 2015 Sheet 1 of 7

**CONTINENTAL SURVEYING SERVICES LLC**

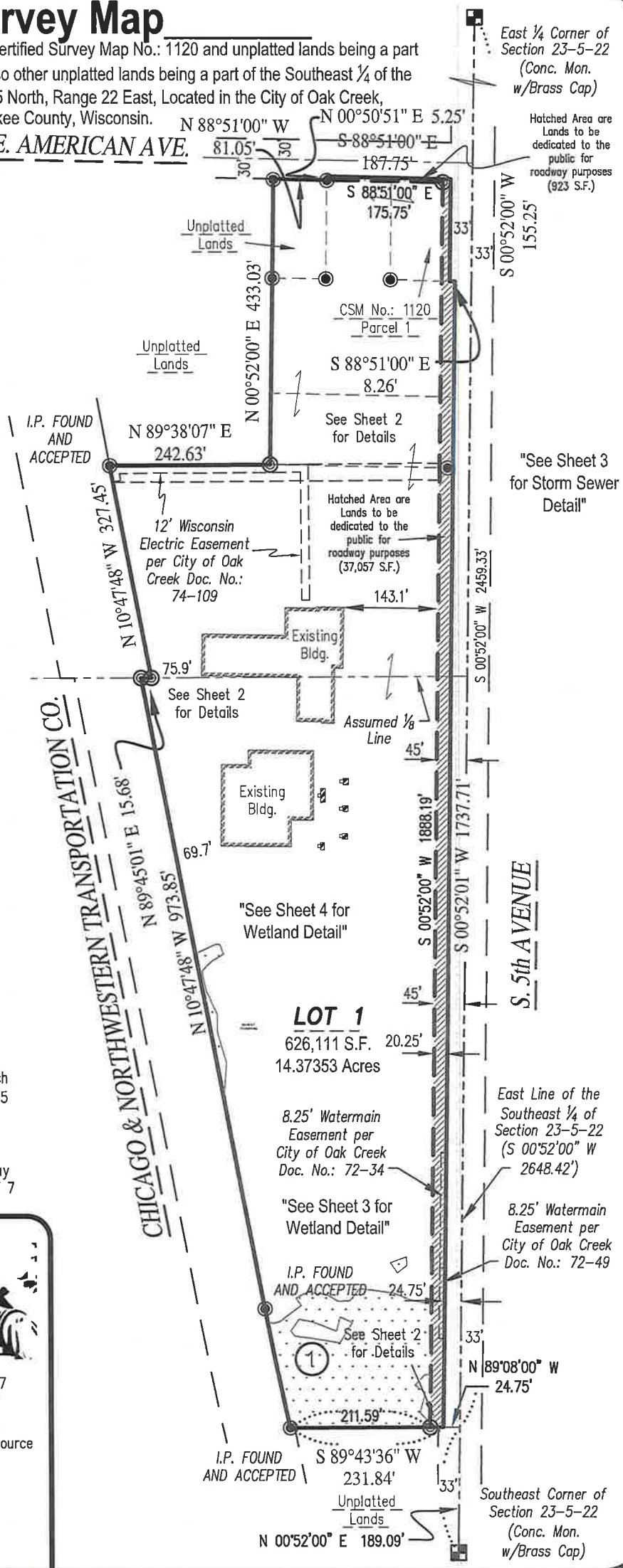


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East 1/4 Corner of Section 23-5-22 (Conc. Mon. w/Brass Cap)

Hatched Area are Lands to be dedicated to the public for roadway purposes (923 S.F.)

"See Sheet 3 for Storm Sewer Detail"

"See Sheet 4 for Wetland Detail"

**LOT 1**  
 626,111 S.F.  
 14.37353 Acres

East Line of the Southeast 1/4 of Section 23-5-22 (S 00°52'00" W 2648.42')

"See Sheet 3 for Wetland Detail"

8.25' Watermain Easement per City of Oak Creek Doc. No.: 72-49

I.P. FOUND AND ACCEPTED 24.75'

See Sheet 2 for Details

N 89°08'00" W 24.75'

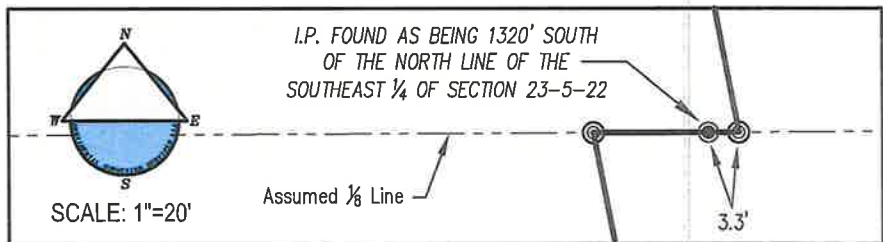
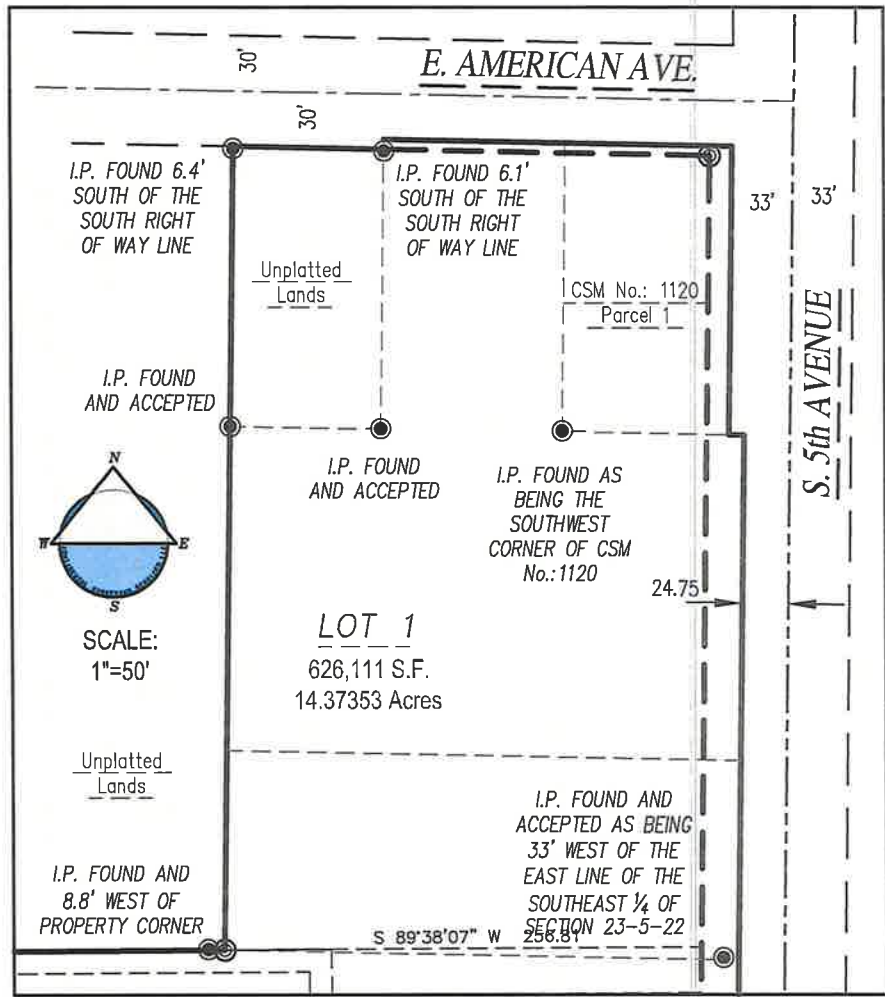
I.P. FOUND AND ACCEPTED 231.84'

Unplatted Lands

Southeast Corner of Section 23-5-22 (Conc. Mon. w/Brass Cap)

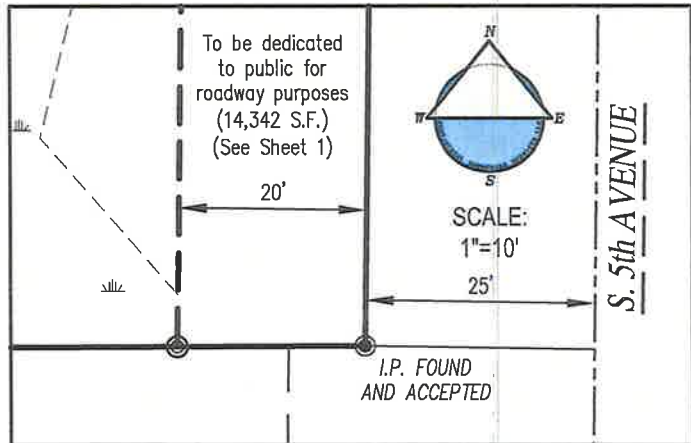
# Certified Survey Map

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**LEGEND**

- 1" Iron Pipe Found
- ◎ 20"x 1" Iron Pipe Set (1.13 lb/foot)



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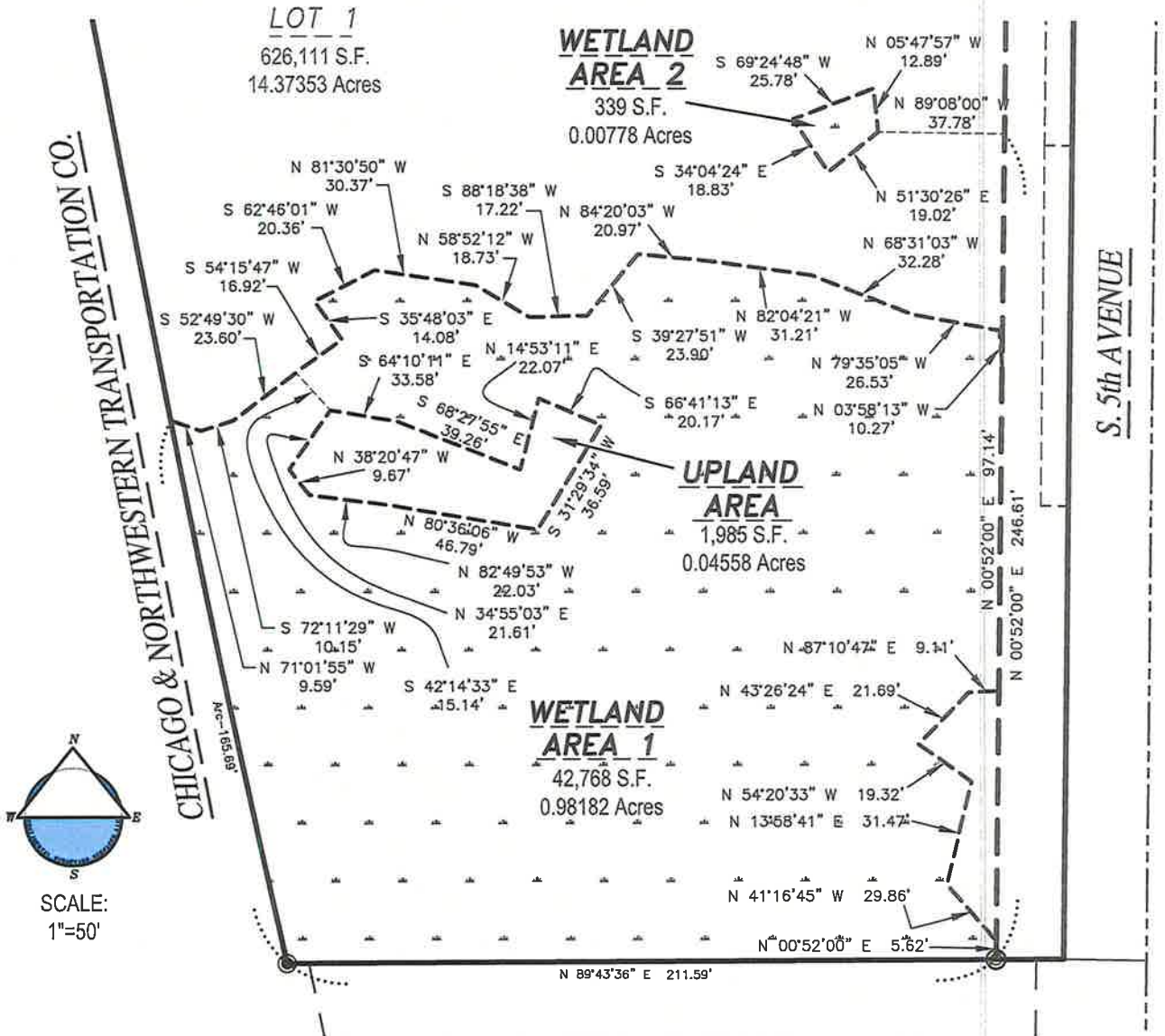
This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 18th day of November, 2015  
 Sheet 2 of 7



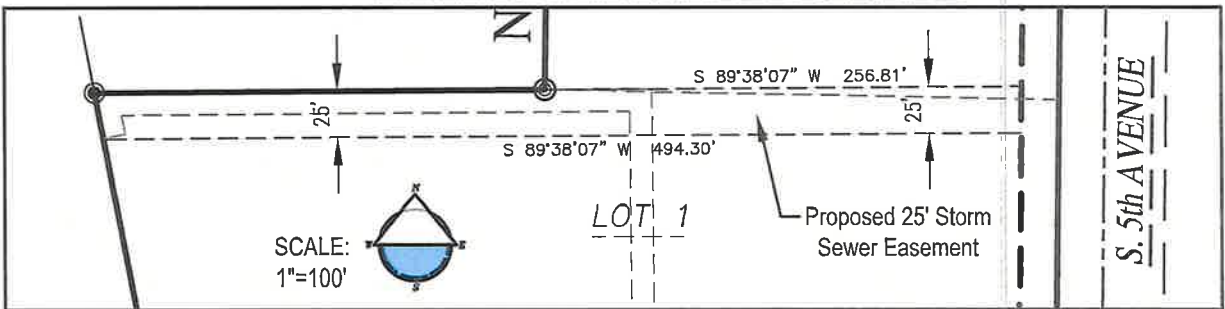


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## STORM SEWER EASEMENT DETAIL



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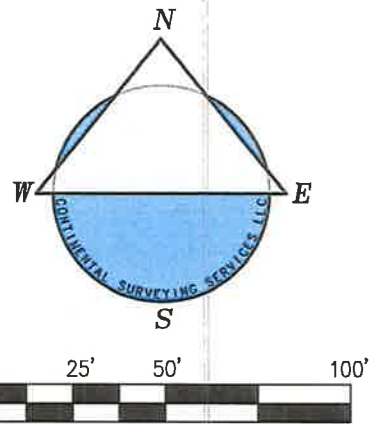
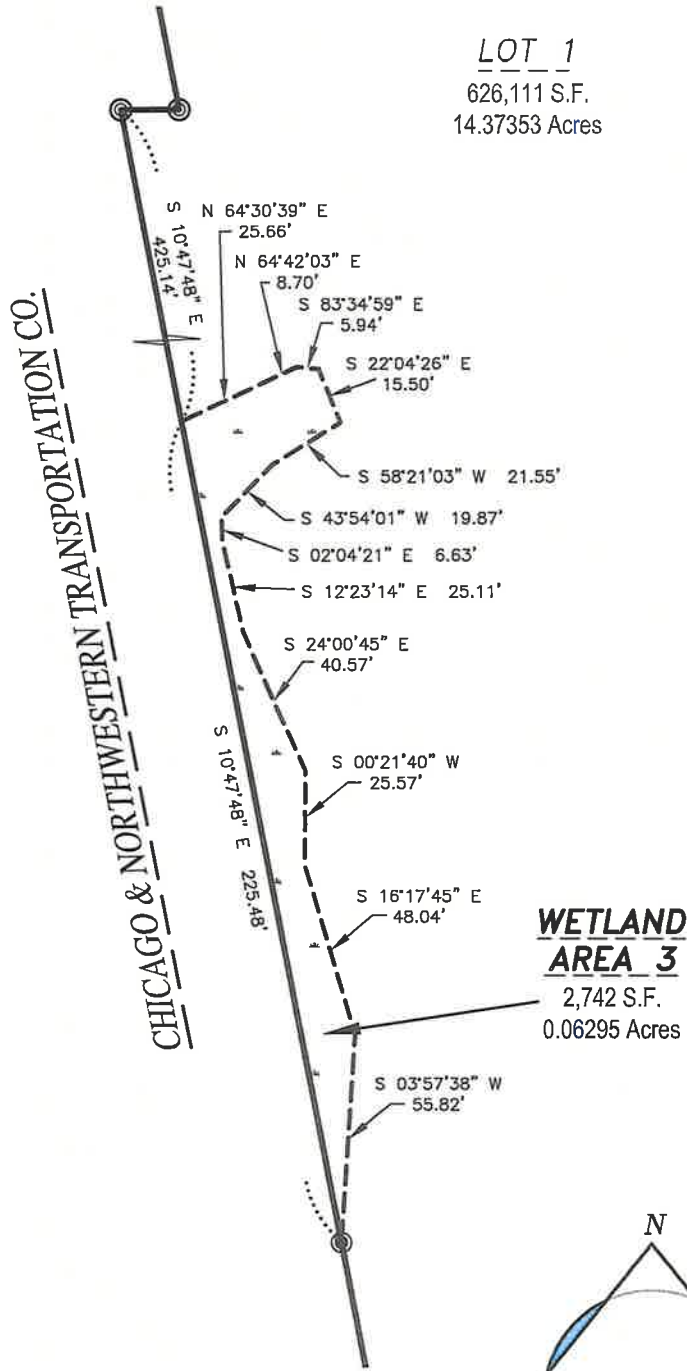
NOTE: All bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone, in which the East line of the SE ¼ of Section 23, Township 5 North, Range 22 East bears S 00°52'00" W.

This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 18th day of November, 2015 Sheet 3 of 7



# Certified Survey Map

Unplatted Lands together with A re-division of Certified Survey Map No.: 1120 and unplatted lands being a part of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , and also other unplatted lands being a part of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , All in Section 23, Township 5 North, Range 22 East, Located in the City of Oak Creek, Milwaukee County, Wisconsin.



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This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 18th day of November, 2015  
 Sheet 4 of 7



# Certified Survey Map

Unplatted Lands together with A re-division of Certified Survey Map No.: 1120 and unplatted lands being a part of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , and also other unplatted lands being a part of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , All in Section 23, Township 5 North, Range 22 East, Located in the City of Oak Creek, Milwaukee County, Wisconsin.

## SURVEYOR'S CERTIFICATE:

I Rick R. Hillmann, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped a parcel of land being a re-division of Certified Survey Map No.: 1120 and unplatted lands being a part of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , and also other unplatted lands being a part of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , All in Section 23, Township 5 North, Range 22 East, Located in the City of Oak Creek, Milwaukee County, Wisconsin, now being more particularly bounded and described and follows:

Commencing at the Southeast Corner of said Section, thence North  $00^{\circ}52'00''$  East on and along the East Line of said  $\frac{1}{4}$  Section, 189.09 feet to a point; thence North  $89^{\circ}08'00''$  West, 24.75 feet to the Point of Beginning of lands hereinafter described;

Thence South  $89^{\circ}43'36''$  West, 231.84 feet to a point on the East Right of Way Line of Chicago & Northwestern Transportation Company; thence Northwesterly on and along said East Line and along an Arc, 185.17 feet, whose Center lies Northeasterly, whose Radius is 5680.15 feet, whose Chord bears North  $11^{\circ}43'50''$  West, 185.16 feet to a point; thence North  $10^{\circ}47'48''$  West on and along said East Line 973.85 feet to the assumed  $\frac{1}{8}$  line; thence North  $89^{\circ}45'01''$  East 15.68 feet to a point; thence North  $10^{\circ}47'48''$  West, 327.45 feet to a point; thence North  $89^{\circ}38'07''$  East, 242.63 feet; thence North  $00^{\circ}52'00''$  East, 433.03 feet to a point on the South Line of East American Avenue; thence South  $88^{\circ}51'00''$  East on and along said South line, 81.00 feet to a point; thence North  $00^{\circ}50'51''$  East, 5.25 feet to a point on the South Line of East American Avenue; thence South  $88^{\circ}51'00''$  East on and along said South line 187.75 feet to the West line of S. 5th Avenue; thence South  $00^{\circ}52'00''$  West on and along said West line, 155.25 feet to a point; thence South  $88^{\circ}51'00''$  East on and along said West line, 8.25 feet to a point; thence South  $00^{\circ}52'00''$  West on and along said West line 1737.71 feet to the place of beginning of this description.

The gross area of said parcel contains 676,299 Square feet or 15.52568 Acres of land more or less.

That I have made such survey, land division and map by the direction of the City of Oak Creek, owner of said land. That such map is a correct representation of all exterior boundaries of land surveyed and land division made thereof. That I have fully complied with the provision of chapter 236 of the Wisconsin Statutes and the Platting ordinance of the City of Oak Creek in surveying, dividing and mapping same.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Rick R. Hillmann PLS  
Professional Land Surveyor S-3005



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This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 18th day of November, 2015  
Sheet 5 of 7





# Certified Survey Map \_\_\_\_\_

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## CORPORATE OWNER'S CERTIFICATE:

(Name of Corporation), a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, certifies that said corporation caused the land described on this map to be surveyed, divided, mapped, and dedicated as represented on this Certified survey Map.

(Name of Corporation), does further certify that this Certified Survey Map is mapped as represented on this map in accordance with the provisions of Chapter 236 of the Wisconsin State Statutes and requirements and ordinances of the {City, Village, Town} of {Municipality}, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
{First name, Last Name} {Title}

\_\_\_\_\_  
{First name Last Name} {Title}

In the presence of:

(Name of Corporation)

{First name Last Name} {Title}

{First name Last Name} {Title}

STATE OF WISCONSIN)

)ss.

County of {County} )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, {First Name Last Name}

{Title} and {First Name Last Name} {Title} of the above named corporation, to me known as the person(s) who

executed the foregoing instrument, and to me known to be the {Title and Title respectively} of the corporation, and acknowledged that {they, he, or she} executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Print Name \_\_\_\_\_

Notary Public, \_\_\_\_\_ County, WI.

My Commission Expires: \_\_\_\_\_

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This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 18th day of November, 2015 Sheet 6 of 7



# Certified Survey Map \_\_\_\_\_

Unplatted Lands together with A re-division of Certified Survey Map No.: 1120 and unplatted lands being a part of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , and also other unplatted lands being a part of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , All in Section 23, Township 5 North, Range 22 East, Located in the City of Oak Creek, Milwaukee County, Wisconsin.

## CITY OF OAK CREEK PLAN COMMISSION APPROVAL:

Approved by the Plan Commission of the City of Oak Creek on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Stephen Scaffidi, Mayor & Chairman

\_\_\_\_\_  
Peggy Dlapa, Secretary

## COMMON COUNCIL CERTIFICATION OF APPROVAL:

I hereby certify that this Certified Survey Map was approved under the Resolution File No. \_\_\_\_\_ adopted by the Common Council of the City of Oak Creek on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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

\_\_\_\_\_  
Stephen Scaffidi, Mayor

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This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 18th day of November, 2015  
Sheet 7 of 7





# Plan Commission Report

ITEM: 6d

DATE: March 8, 2016

**PROJECT:** Rezone/Conditional Use Permit Amendment – Ron Pritzlaff, Oak Creek Water & Sewer Utility

**ADDRESSES:** 9175, 9235, & 9325 S. 5th Ave.; 3953 & 3975 E. American Ave.

**TAX KEY NOS:** 869-9006-000, 869-9995-004, 869-9995-003, 869-9997-001, 869-9998-003

**STAFF RECOMMENDATION:** That the Plan Commission recommends to the Common Council that the property at 3953 E. American Ave be rezoned from Rs-4, Single Family Residential, to I-1, Institutional, and that the legal description in Section 1 of the Conditional Use Permit for 9175, 9235, & 9325 S. 5th Ave.; & 3975 E. American Ave. is amended to include 3953 E. American Ave., after a public hearing.

**Ownership:** City of Oak Creek, 8040 S. Howell Ave., Oak Creek, WI 53154

**Size:** 15.52568 acres (following combination from Item 6d)

**Existing Zoning:** I-1 (CU), Institutional; Rs-4, Single Family Residential

**Adjacent Zoning:** North – Rs-4, Single Family Residential; M-1, Manufacturing  
East – B-4, Highway Business; A-1, Limited Agricultural; I-1, Institutional  
South – Rs-4, Single Family Residential; I-1, Institutional  
West – M-1, Manufacturing; Rs-4, Single Family Residential

**Comprehensive Plan:** Institutional, Two Family/Townhouse Residential.

**Wetlands:** Yes, see map.

**Floodplain:** N/A.

**Official Map:** N/A.

**Commentary:** The Oak Creek Water and Sewer Utility is requesting approval of a request to rezone the property at 3953 E. American Ave. from Rs-4, Single Family Residential to I-1, Institutional, as they have just purchased the property. As part of the rezone request, the Utility is seeking approval for inclusion of the parcel into the existing Conditional Use Permit. Other than inclusion of the property in the legal description section, no changes to the Conditional Use Permit are proposed.

Prepared by:

Kari Papelbon, CFM, AICP  
Planner

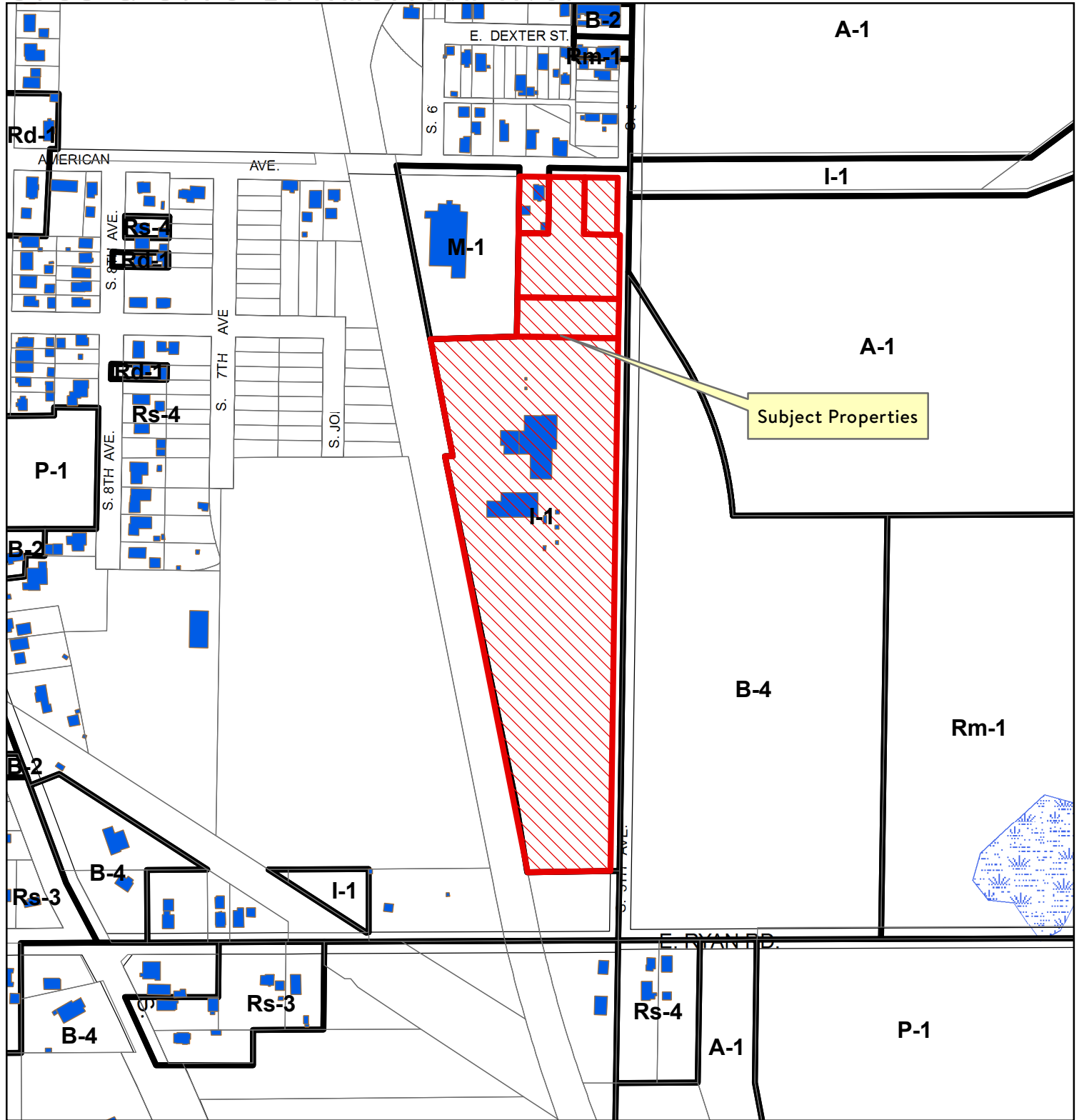
Respectfully Submitted by:

Douglas Seymour, AICP  
Director of Community Development

# Location Map

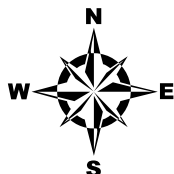
9175, 9235, & 9325 S. 5th Ave.

3953 & 3975 E. American Ave.



Subject Properties

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



**Legend**

- Subject Parcels
- Wetland

## Project Details

### Purpose

The Oak Creek Water and Sewer Utility (Utility) would like to construct improvements to the existing water treatment facility. In order to accomplish these improvements, the Utility requests that the subject property north of the existing treatment facility as outlined in the Application for Change of the Zoning Map of the City of Oak Creek, currently zoned Rs-4, be changed to I-1 CU. The residence on the property will be used for a field office during construction and eventually be demolished as part of the construction project. In its final state, the property will be graded and landscaped so as to provide a sight barrier from north to south in order to block a direct view of the new above ground reservoir.

The Utility is requesting that the existing conditional use permit for the property be amended to include the property at 3953 East American Avenue.

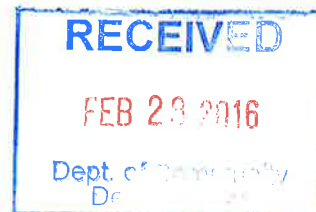
### Background

The Oak Creek Water and Sewer Utility provides retail drinking water service to the City of Oak Creek. Drinking water is sold wholesale to the City of Franklin as well as to the Caledonia Utility District.

The source of drinking water is Lake Michigan. A pump station near the lake conveys raw water to the treatment plant. Water is treated in a conventional surface water treatment plant with a treatment capacity of 35 million gallons per day. The filtered water passes through a baffled chlorine contact tank to create finished water. This water is then pumped to customers. The chlorine contact tank provides primary disinfection in accordance with the surface water treatment rule.

Wisconsin Department of Natural Resources (WDNR) has stated that the chlorine contact tank does not meet current codes, and that this must be addressed within 10 years (by 2018). The Oak Creek water plant does not store finished water at the water plant site. This reduces operational flexibility and reliability as water demands change or if treatment capacity is reduced.

The Utility uses chlorine as the primary disinfectant, and distribution system disinfectant. The Utility meets all drinking water regulations and produces high quality water. Most water utilities along the western shore of Lake Michigan employ a second barrier to pathogens, particularly *Cryptosporidium*. Second pathogen barriers used by other Lake Michigan water utilities include ozone, membrane filtration, and ultraviolet light (UV) disinfection.



Project Description

This project includes the construction improvements to the Oak Creek Water Treatment Plant (WTP) that entail constructing a new high service pump facility, new intermediate pump facility, ultraviolet light (UV) disinfection, additional storage, and related appurtenances such as yard piping and electrical distribution. Additionally, the existing high service pump room will be converted to allow for stand-by electric power generation. The existing chlorine contact tank will be bypassed and remain in place off-line.

WDNR Safe Drinking Water Loan Program (SDWLP) funds will be used to finance the project. Construction is expected to begin in April 2016.





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

Applicant: Oak Creek Water & Sewer Utility	Approved by Plan Commission: TBD
Property Addresses: 9175, 9235, 9325 S. 5th Ave., 3953 & 3975 E. American Ave.	Approved by Common Council: TBD (Ord. #TBD, Amending Ord. #2748)
Tax Key Numbers: 869-9006-000, 869-9995-004, 869-9995-003, 869-9997-001, 869-9998-003	
Conditional Use: Water storage and high service distribution pump facilities.	

1. LEGAL DESCRIPTION

9175 S. 5th Ave: CERTIFIED SURVEY MAP NO. 1120 PARCEL 1 SE1/4 SEC 23-5-22 CONT. 0.32 ACS.

9235 S. 5th Ave.: COM 896.50 FT S & 24.75 FT W OF NE COR SE1/4 SEC. 23-5-22 TH S 107.68 FT W 277 FT N 107.68 FT TH E 277 FT TO BEG. CONT. 0.685 ACS.

9325 S. 5<sup>th</sup> Ave.: COM 1004.18 FT S OF NE COR OF SE1/4 SEC 23-5-22 TH W 519.63 FT TO E ROW LI OF C&NW RR TH SLY ALG SD E ROW LI TO S1/4 SEC LI E TO SE COR OF SD 1/4 SEC TH N ON E1/4 SEC LI TO BEG., EXC THE S 189.75 FT THEREOF & EXC PART FOR AVE. CONT. 13.400 ACS.

3953 E. American Ave.: COM 566.50 FT S & 222.75 FT W OF NE COR SE1/4 SEC 23-5-22 TH S 155.25 FT W 81 FT N 155.25 FT TH E 81 FT TO BEG. CONT. 0.288 ACS.

3975 E. American Ave.: S 330 FT OF N 896.50 FT OF E 301.75 FT OF SE1/4 SEC. 23-5-22 EXC: COM 566.50 FT S & 220.75 FT W OF NE COR OF SD 1/4 SEC TH S 155.25 FT W 81 FT N 155.25 FT TH E 81 FT TO BEG. & EXC E 24.75 FT THEREOF & CSM NO. 1120. CONT. 1.488 ACS.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

1) **General Development Plan**

- a) Detailed building 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) location
  - ii) number of employees
  - iii) number of spaces
  - iv) dimensions
  - v) setbacks
- h) Location of loading berths
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Precise location of outdoor storage
- m) Location of wetlands (field verified)
- n) Location, square footage and height of signs
- o) A description of the vehicles, materials and equipment to be stored at the site

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) Types of poles
- d) Photometrics of proposed fixtures

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

- a) Contours (existing & 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
- b) Interior floor plan
- c) Materials of construction

- B. All plans for new buildings, additions, or exterior remodeling shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.
- C. For any new buildings or structures and additions, site grading and drainage, stormwater management and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- D. 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.
- E. 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.
- F. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- G. 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. Parking requirements for this project shall be provided in accordance with Section 17.0403(j)(6)(f) of the Municipal Code.
- B. Where 90° parking is indicated on the site plans, individual-parking stalls shall be nine (9) feet in width by eighteen (18) feet in length. The standards for other types of angle parking shall be those as set forth in Section 17.0403(d) of the Municipal Code.
- C. Movement aisles for 90° parking shall be at least twenty-two (22) feet in width.
- D. All off-street parking areas shall be surfaced with an all-weather wearing surface of plant mix asphaltic concrete over crushed stone base subject to approval by the City Engineer. A proposal to use other materials shall be submitted to the Plan Commission and the Engineering Department for approval.
- E. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
- F. All driveway approaches to this property shall be in compliance with all the standards set forth in Chapter 6 of the Oak Creek Municipal Code. Any off-site improvements shall be the responsibility of the property owner.
- G. All off street parking areas shall be landscaped in accordance with Sections 17.0330 & 17.0403 of the Municipal Code.

### 4. LIGHTING

All plans for new outdoor lighting shall be reviewed and approved by the Electrical Inspector in accordance with Section 17.0808 of the Municipal Code.

### 5. 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. All screening materials shall be placed and maintained at a minimum height of three (3) feet.

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

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

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

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

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.

C. Perimeter Landscape Area. In an effort to prevent adjacent parking lots from becoming one large expanse of paving, perimeter landscaping shall be required. The perimeter strip shall be a minimum 5 feet in width. A minimum of one tree and five shrubs is required for every 35 linear feet of the perimeter of the parking area and located within the perimeter landscape area.

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.

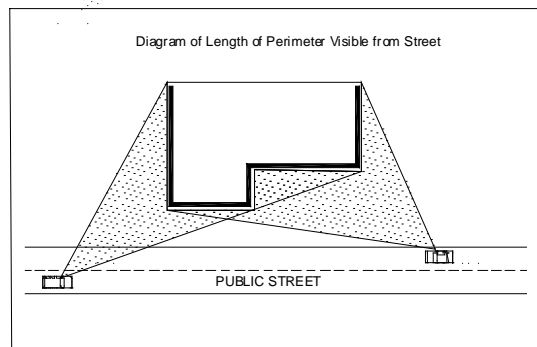
F. Screening of Ground Mounted Mechanical Equipment. Ground mounted mechanical equipment shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.

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
- 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.
- 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.

6. 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 (CMUs). 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, office, institutional, or park building shall be finished with an aesthetically pleasing material. A minimum of seventy-five (75) percent of the visible perimeter (see diagram) shall be finished with 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. 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.
- H. 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.
- I. Dumpsters and other trash receptacles shall be fenced and/or screened from view from street rights-of-way and adjacent residential uses.
- J. The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule; as well as the approved protection of the identified wetlands and woodlands on the approved plan.

7. BUILDING AND PARKING SETBACKS

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure	30'	15'	15'
Accessory Structure*	30'	15'	15'
Off-street Parking	15'	15'	15'

*\* No accessory structures shall be permitted in the front yard.*

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.

9. SIGNS

All signs shall conform to the provisions of Sec. 17.0706 of the Municipal Code.

10. PERMITTED USES

- A. All permitted uses in the I-1, Institutional zoning district.
- B. Water storage and high service distribution pump facilities in the locations depicted on the concept plan approved by the Plan Commission on January 13, 2015.
- C. Usual and customary accessory uses to the above listed permitted uses.

11. TIME OF COMPLIANCE

The operator of the conditional use shall commence work in accordance with these conditions and restrictions for the conditional use within eighteen (18) months from the date of adoption of Ordinance #2748 authorizing the issuance of a conditional use permit. This conditional use approval shall expire within eighteen (18) months after the date of adoption of Ordinance #2748 if a building permit has not been issued for this use. The applicant shall re-apply for a conditional use approval, prior to recommencing work or construction.

12. OTHER REGULATIONS

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

13. VIOLATIONS & PENALTIES

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

14. REVOCAION

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

15. ACKNOWLEDGEMENT

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

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

\_\_\_\_\_  
Date

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