



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

COMMON COUNCIL MEETING AGENDA

TUESDAY, MARCH 7, 2017

7:00 P.M.

Kenneth Gehl – Acting Mayor
Steven Kurkowski – 1st District
Daniel Bukiewicz – 2nd District
Mark Verhalen – 3rd District
Michael Toman – 4th District
Christopher Guzikowski – 6th District

The City's Vision

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

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance
3. Approval of Minutes: 2/20/17.

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

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

4. **Conditional Use:** Consider a request submitted by Chris McGuire, Kwik Trip, Inc. for a Conditional Use Permit allowing outdoor display / storage of retail merchandise on the property at 2040 W. Ryan Road (6th District).
5. **Ordinance:** Consider Ordinance No. 2843, approving a conditional use permit for the property at 2040 W. Ryan Road allowing for the outdoor display of ice and propane retail merchandise (6th District).

New Business

MAYOR & COMMON COUNCIL

6. Appointment by the Common Council to fill a vacancy in the office of Mayor, as a result of the resignation of the Honorable Stephen Scaffidi, to complete his term of office which expires on April 17, 2018 (by Committee of the Whole).
7. **Informational:** Summarized Treasurer's Report on investment and banking accounts for the month ending January 31, 2017.
8. **Motion:** Consider a motion to approve the Vendor Summary Report in the amount of \$389,921.77 (by Committee of the Whole).

COMMUNITY DEVELOPMENT

9. **Ordinance:** Consider Ordinance No. 2844, approving the conditions and restrictions for a Conditional Use Permit for the property at 500 W. Opus Drive allowing for the development of a freight terminal with two (2) underground fuel storage tanks in excess of 5,000 gallons and outdoor storage of dolly equipment as accessory uses (5th District).
10. **Resolution:** Consider Resolution No. 11799-030717, authorizing staff to apply to the State of Wisconsin Department of Natural Resources for an Open Space Acquisition Project in the adopted Parks and Open Space Plan & Abendschein Community Park Master Plan for an Abendschein Community Park expansion (by Committee of the Whole).

ENGINEERING

11. **Motion:** Consider a motion to award the 2017 Road Improvements unit price contract to the lowest responsive, responsible bidder, Payne & Dolan, Inc., at the estimated cost of \$921,787.80, and to add two more road segments to the contract work for an additional estimated \$65,000 based on contract unit prices (for a total estimated cost of \$986,787.80) (Project No. 17019) (Various Districts).

LICENSE COMMITTEE

License Committee did not meet prior to the Council meeting. Tentative recommendations are as follows:

12. **Motion:** Consider a motion to grant an Operator's license to the following (*favorable background report received*):
 - Christine M. Cefalu, 225 W. Sunnyview Dr., Oak Creek, WI 53154 (Meijer)
 - Mandeep K. Mann, 5080 W. Cardinal Ln., Franklin (Walgreens)
 - Joshua P. Medley, 6230 S. Packard Ave., Cudahy (Water Street Brewery)
 - Heath A. Klopp, 1226 Drexel Blvd., South Milwaukee (BelAir Cantina)
 - Lisa A. Kern, 3763 E. Somers Ave., Cudahy (Kwik Trip)
13. **Motion:** Consider a motion to grant a Reserve Class B Combination to Shawn M. Vollmer, Agent, Three Cellars, LLC dba Three Cellars, 7228 S. 27th St. (former Rafters location), with issuance subject to final Fire and Inspection Department approvals and release of an Occupancy Permit.
14. **Motion:** Consider a motion to grant a Class B Beer / Class C Wine license to Robbin Kashevarof, Agent, Valentine Café, LLC dba Valentine Café, 7981 S. 6th Street, with issuance subject to final Sanitarian and Inspection Department approvals and release of an Occupancy Permit.

Adjournment.

Public Notice

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

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

OFFICIAL NOTICE

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

PURPOSE: The purpose of this public hearing is to consider a request by Chris McGuire, Kwik Trip, Inc., for a Conditional Use Permit allowing outdoor display/storage of retail merchandise on the property at 2040 W. Ryan Rd.

Hearing Date: March 7, 2017
Time: 7:00 PM
Place: Oak Creek City Hall
8040 South 6th St.
Oak Creek, WI 53154
Common Council Chambers

Applicant: Chris McGuire, Kwik Trip, Inc.
Property Owner: Kwik Trip, Inc.
Property Location: 2040 W. Ryan Rd.
Tax Key(s): 878-9003-004

Legal Description:

Parcel 3 except the East 63 feet thereof, of certified survey Map No. 4780, being a part of the southwest Quarter of the Southeast Quarter and also a part of the Southeast Quarter of the Southwest Quarter, all in Section 19, town 5 North, Range 22 East, City of Oak Creek, county of Milwaukee, State of Wisconsin.

The Common Council has scheduled other public hearings for March 7, 2017 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

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

Date of Notice: February 2, 2017
CITY OF OAK CREEK COMMON COUNCIL
By: Steve Scaffidi, Mayor

PUBLIC NOTICE

PLEASE NOTE: Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible, preferable 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 6th Street, Oak Creek, Wisconsin 53154.

City of Oak Creek Common Council Report

Meeting Date: March 7, 2017

Item No.: 5

Recommendation: That the Council adopts Ordinance No. 2843, approving a conditional use permit for the property at 2040 W Ryan road allowing for the outdoor display of ice and propane retail merchandise.

Background: Kwik Trip is requesting a Conditional Use approval for outdoor storage and display of ice and propane retail merchandise at 2040 W. Ryan Rd. Outdoor storage and display of retail merchandise is considered a Conditional Use in the B-4, Highway Business district. To be consistent with other approvals in the City for similar uses, staff is recommending that the outdoor storage and display of retail merchandise be expressly limited to ice within a storage container and propane within a locked cage in the location identified on the submitted plan. No other retail merchandise will be allowed to be stored or displayed outside of the retail store, including, but not limited to, under the fueling canopies.

The Plan Commission has reviewed this request and has recommended that it be approved subject to the included conditions and restrictions.

Fiscal Impact: The additional County and State sales tax generated by the outdoor display of ice and propane retail merchandise will have a marginal fiscal impact, albeit not on the City directly.

Prepared by:



Doug Seymour, AICP
Director of Community Development

Respectfully Submitted,



Andrew J. Vickers, MPA
City Administrator

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller

ORDINANCE NO. 2843

By: _____

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR THE PROPERTY AT 2040 W RYAN ROAD ALLOWING FOR THE OUTDOOR DISPLAY OF ICE AND PROPANE RETAIL MERCHANDISE

(6TH Aldermanic District)

WHEREAS, CHRIS MCGUIRE, KWIK TRIP INC., has applied for a Conditional Use Permit that would allow for the outdoor display/storage of retail merchandise on the property at 2040 W Ryan Road (the Property); and

WHEREAS, the Property is more precisely described as follows:

Parcel 3 except the East 63 feet thereof, of certified survey Map No. 4780, being a part of the southwest Quarter of the Southeast Quarter and also a part of the Southeast Quarter of the Southwest Quarter, all in Section 19, town 5 North, Range 22 East, City of Oak Creek, county of Milwaukee, State of Wisconsin.

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

WHEREAS, the Common Council held a public hearing on this matter on March 7, 2017, at which time all interested parties appeared and were heard; and

WHEREAS, the Plan Commission had recommended that the application for a Conditional Use be approved and authorized subject, however, to the imposition of certain conditions and restrictions upon the design, construction, location and operation of this Conditional Use and which conditions and restrictions are incorporated by reference into the amended Conditional Use Permit; and

WHEREAS, following said public hearing and upon recommendation of approval of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the Conditional Use were approved and authorized for the lands hereinabove described, subject, however, to the imposition of certain conditions and restrictions on the design, construction, location and operation of the Conditional Use.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Building Commissioner is hereby authorized to grant a Conditional Use Permit for the outdoor display of ice and propane retail merchandise located at 2040 West Ryan Road, which shall include the aforementioned conditions and restrictions.

SECTION 2: The Conditional Use is subject to the aforementioned conditions and restrictions on the design, location, construction and operation of the Conditional Use for the outdoor display of retail merchandise.

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

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

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

Passed and adopted this 7th day of March, 2017.

President, Common Council

Approved this 7th day of March, 2017.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

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

Applicant: Kwik Trip
Property Address: 2040 W. Ryan Rd.
Tax Key Number: 878-9003-004
Conditional Use: Outdoor storage and display of ice and propane retail merchandise

Approved by Plan Commission: 1-24-17
Approved by Common Council: TBD
(Ord. #TBD)

1. LEGAL DESCRIPTION

Parcel 3 except the East 63 feet thereof, of certified survey Map No. 4780, being a part of the southwest Quarter of the Southeast Quarter and also a part of the Southeast Quarter of the Southwest Quarter, all in Section 19, town 5 North, Range 22 East, City of Oak Creek, county of Milwaukee, State of Wisconsin.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

1) General Development Plan

- a) Detailed building location(s) with setbacks
- b) Square footage of building(s)
- a) Area(s) for future expansion
- d) Area(s) to be paved
- e) Access drive(s) (width & location)
- f) Sidewalk location(s)
- g) Parking layout & traffic circulation
 - i) Location
 - ii) Number of employees
 - iii) Number of spaces
 - iv) Dimensions
 - v) Setbacks
- h) Location of loading berth(s)
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed) including detention/retention basins (if needed)
- l) Precise location of outdoor storage
- m) Location of wetlands (field verified)
- n) Location, square footage, & height of signs

2) Landscape Plan

- a) Screening plan for outdoor storage
- b) Number, initial size & type of plantings
- c) Parking lot screening/berming

3) Building Plan

- a) Architectural elevations
- b) Building floor plans
- c) Materials of construction

4) Lighting Plan

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

5) Grading, Drainage, & Stormwater Management Plan

- a) Contours (existing & proposed)
- b) Location of storm sewer (existing & proposed)
- c) Location of stormwater management structures & basins (if required)

6) Fire Protection

- a) Location of existing & proposed fire hydrants (public & private)
- 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 the existing Planned Unit Development (Ord. 1150), plans approved by the Plan Commission on November 22, 2016, and Section 17.0403(j)(6)(f) of the Municipal Code. Any modifications will require additional review and approval by the Plan Commission.
- B. Where 90° parking is indicated on the site plans, individual-parking stalls shall be nine (9) feet in width by eighteen (18) feet in length. The standards for other types of angle parking shall be those as set forth in Section 17.0403(d) of the Municipal Code.
- C. Movement aisles for 90° parking shall be at least twenty-two (22) feet in width.
- D. All off-street parking areas shall be surfaced with an all-weather wearing surface of plant mix asphaltic concrete over crushed stone base subject to approval by the City Engineer. A proposal to use other materials shall be submitted to the Plan Commission and the Engineering Department for approval. All parking areas and private drives, within a phase, shall be in place prior to the issuance of an occupancy permit for any building in that phase.
- 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 the existing Planned Unit Development (Ord. 1150), plans approved by the Plan Commission on November 22, 2016, and Sections 17.0330, 17.0403, and 17.1010 of the Municipal Code. Any modifications will require additional review and approval by the Plan Commission.

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. Landscaping shall be provided in accordance with the existing Planned Unit Development (Ord. 1150), plans approved by the Plan Commission on November 22, 2016, and the following sections. Any modifications will require additional review and approval by the Plan Commission.
- B. Parking Lot Screening. Those parking areas for five (5) or more vehicles if adjoining a residential zoning district line or public right-of-way shall be screened from casual view by an earth berm, a solid wall, fence, evergreen planting of equivalent visual density or other effective means approved by the City Plan Commission. Such fence or berm and landscaping together shall be an average of three (3) feet in height between the parking and the street right-of-way. All screening materials shall be placed and maintained at a minimum height of three (3) feet.
 - 1. At least one ornamental deciduous tree, no less than 2.5" caliper, shall be incorporated into the design for every 35 linear feet of public street frontage.
 - 2. At least 25% of the total green space area shall be landscaped utilizing plant materials, other than maintained turf, that contribute to ground coverage.
 - 3. For purposes of determining the number of plants necessary to meet the minimum 25% ground coverage requirement, plant types are categorized by their general size and potential mature at-grade coverage area.

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

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

- 4. To assure a diversity of color, texture and year-round interest, the total number of plant materials must be comprised of a minimum 25% evergreens, but no more than 70%.
- C. Interior Landscape Area. All public off-street parking lots which serve five (5) vehicles or more shall be provided with accessory landscaped areas; which may be landscape islands, landscape peninsulas or peripheral plantings totaling not less than five (5) percent of the surfaced area. Landscape islands or peninsulas shall be dispersed throughout the off-street parking area. Landscape islands shall provide a minimum 30-inch clear area for vehicle overhang and snow storage. One shade tree shall be provided within the interior planting area for every 300 square feet of interior landscaping.
- D. Perimeter Landscape Area. In an effort to prevent adjacent parking lots from becoming one large expanse of paving, perimeter landscaping shall be required. The perimeter strip shall be a minimum 5 feet in width. A minimum of one tree and five shrubs is required for every 35 linear feet of the perimeter of the parking area and located within the perimeter landscape

area,

- E. Landscaping Adjacent to Buildings. There shall be a minimum three-foot landscaped area provided between the edge of pavement and the entrance elevation of the building.
- F. Screening of Trash. Trash receptacles shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
- G. Screening of Ground Mounted Mechanical Equipment. Ground mounted mechanical equipment shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
- H. Screening of Roof Mounted Mechanical Equipment - Roof mounted mechanical equipment shall be screened from casual view.
- I. Screening of utility meters. New utility meters shall be screened with a mix of plantings and a screening fence or wall, which shall be approved by the Community Development Department prior to the issuance of building permits. Said screening shall be installed prior to final occupancy.
- J. 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
- K. Berms. Side slopes of berms shall not exceed a gradient of 1-ft. vertical to 3-ft. horizontal unless approved by the City Engineer.
- L. Buffer Yards. Appropriate buffers shall be provided between dissimilar uses as set forth in Section 17.0205 (d) of the Municipal Code.
- M. 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.

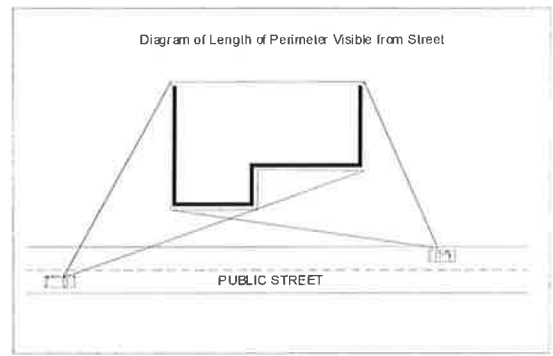
6. The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.

N. The Plan Commission may modify any of the standards in Section 5 above by a $\frac{3}{4}$ majority vote of those Commissioners present at a meeting, but only if supplemental design elements or improvements are incorporated into the project which compensate for the modification of the particular standard.

6. ARCHITECTURAL STANDARDS

A. 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 façade is not constructed or faced with a finished material which is aesthetically compatible with the other façades 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 primary exterior building materials (Section 17.1009(a)(2)).



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 (Section 17.1009(a)(2)(ii)).

D. Material and color samples shall be submitted to the Plan Commission for review and approval (Section 17.1009(a)(2)(iii)).

E. The Plan Commission has the discretion to adjust the 75% minimum requirement in Section 6(C) above for building additions (Section 17.1009(a)(2)(iv)).

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.
- K. The Plan Commission may modify any of the standards in Section 6 above by a ¾ majority vote of those Commissioners present at a meeting, but only if supplemental design elements or improvements are incorporated into the project which compensate for the modifications of the particular standard (Section 17.1009(e)).

7. BUILDING AND PARKING SETBACKS

	**Front and Street Setback	**Rear Setback	**Side Setback
Principal Structure	25'	20'	25'
Accessory Structure*	25'	20'	25'
Off-street Parking	25'	0'	25'

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

**Note: the lot at 2040 W. Ryan Rd. is a corner lot in a Planned Unit Development. See Ord. 1150 & Section 17.0605.

8. MAINTENANCE AND OPERATION

- A. The number, size, location and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan. Solid waste collection and recycling shall be the responsibility of the owner.
- B. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the owners.
- C. Fire department connections on the building shall not be blocked with any fencing, signage, or landscaping.

9. SIGNS

All signs shall conform to the provisions of the existing Planned Unit Development (Ord. 1150) and Sec. 17.0706 of the Municipal Code.

10. PERMITTED USES

- A. All permitted uses in the B-4 (PUD), Highway Business zoning district.

B. Outdoor storage and display of retail merchandise limited to one (1) ice receptacle and one (1) propane cage along the south side of the building. No other outdoor storage or outdoor display of any retail merchandise is allowed.

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

12. OTHER REGULATIONS

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

13. VIOLATIONS & PENALTIES

Any violations of the terms of this conditional use permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances. If the owner, applicant or operator of the Conditional Use 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

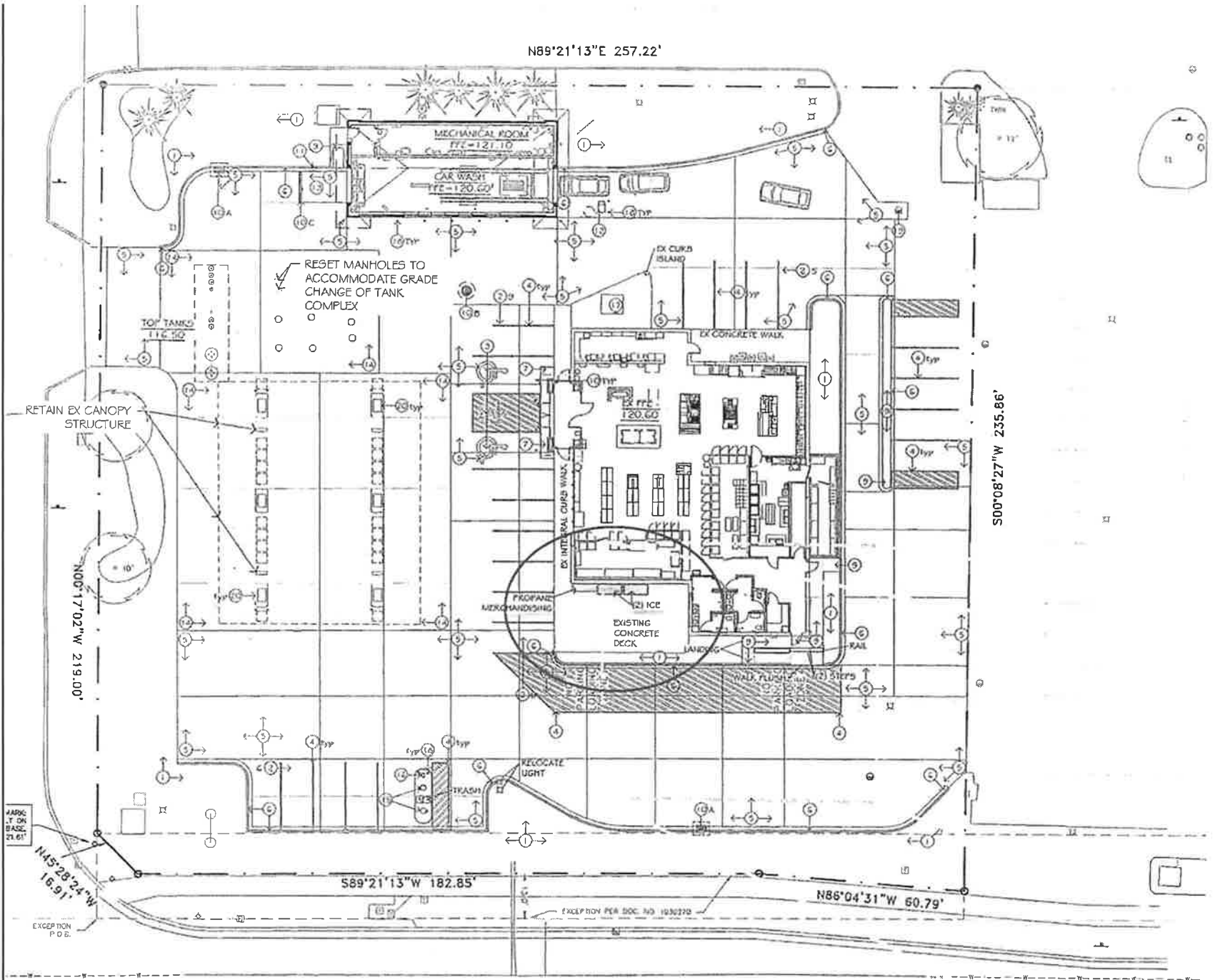
The approval and execution of these conditions and restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these conditions and restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their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

Owner / Authorized Representative Signature

Date

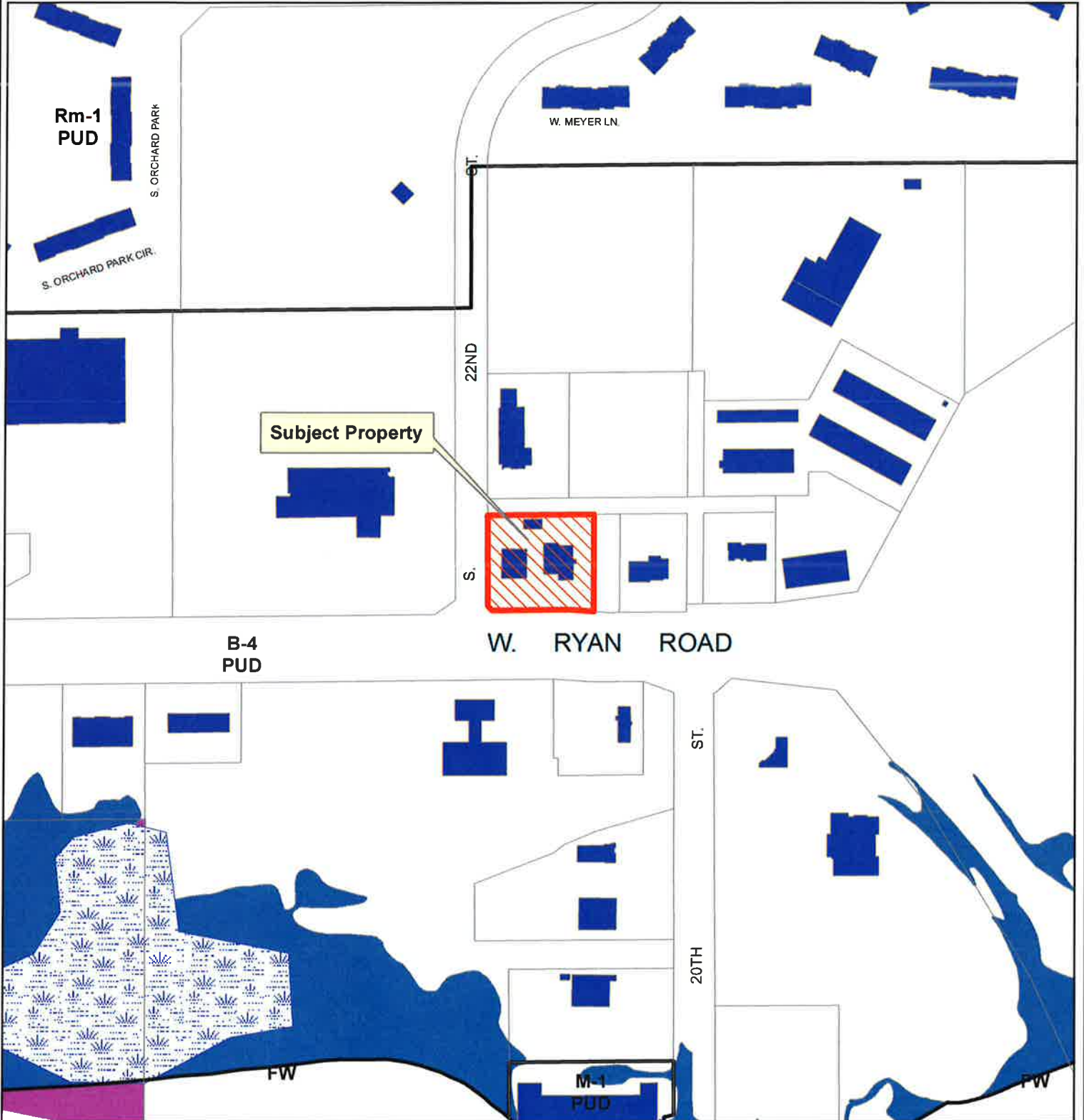
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EXHIBIT B: LOCATION OF OUTDOOR STORAGE

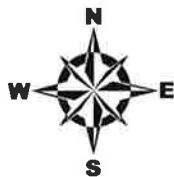


Location Map




2040 W. Ryan Rd.



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



Legend

-  2040 W. Ryan Rd.
- Zoning Overlays**
-  C-1-Shoreland Wetland
-  FF-Flood Fringe
-  Lakefront Overlay
-  NO-Mixed Use Neighborhood
-  OO-Mixed Use Office
-  RR-Regional Retail

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JANUARY 24, 2017

CONDITIONS AND RESTRICTIONS

KWIK TRIP, INC.

2040 W. RYAN RD

TAX KEY NO. 878-9003

City Planner Kari Papelbon provided a summary of the Conditional Use Permit and proposed Conditions and Restrictions.

Mayor Scaffidi asked if this is consistent with the outdoor storage of the other two Kwik Trip locations in the City. City Planner Papelbon responded that the Conditions and Restrictions for the location at 10th and Drexel are the same. The Conditional Use Permit for the other locations may be silent on outdoor display. Technically, per Code, outdoor display of retail merchandise would need a Conditional Use. If one does not exist, there should be.

Commissioner Bukiewicz stated it looks good and the location is great. It is not in front of the building and it is appropriately set where it should be.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council adopts Conditions and Restrictions as part of the Conditional Use Permit allowing outdoor storage and display of ice and propane retail merchandise on the property at 2040 W. Ryan Road after a public hearing. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

ATTEST:



Douglas Seymour, Plan Commission Secretary

1/25/2017

Date

MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JANUARY 10, 2017

**CONDITIONAL USE PERMIT
KWIK TRIP, INC.
2040 W. RYAN RD.
TAX KEY NO. 878-9003-004**

City Planner Papelbon provided an overview of the request for a conditional use permit for outdoor storage and display of ice and propane on the south elevation of the convenience store. To be consistent with other approvals in the City for similar uses, staff is recommending that the outdoor storage and display of retail merchandise be expressly limited to ice within a storage container and propane within a locked cage in the location identified on the submitted plan. No other retail merchandise will be allowed to be stored or displayed outside of the retail store, including, but not limited to, under the fueling canopies.

Commissioner Chandler asked what items they are interested in storing outside. Mark Clark, 2040 W. Ryan Road, responded that they are only interested in outside storage of ice and propane. They may ask for a firewood display at some point. City Planner Papelbon stated that staff talked to the applicant prior to their submission for this conditional use request. Staff has recommended against any other outdoor storage. They are limiting outdoor storage to propane and ice. Mr. Clark stated he would be fine with that.

Commissioner Siepert asked if the south side of the building is the best location for that rather than the west. Mr. Clark responded that the south side of the building is facing Ryan Road. However, there is going to be some landscaping, which won't be seen from Ryan Road. Mr. Clark stated that these items are the least visible for the guests as they approach the store.

Alderman Guzikowski (Aldersperson for this district) stated that he doesn't have any opposition to this.

Commissioner Dickmann asked if each gas station is restricted to only what was approved at Plan Commission. City Planner Papelbon responded that there are some gas stations that may be doing things as part of their typical operations but may not have permission to do so. Conditional use permits going forward state the specific things that can be displayed outside, and the locations where they can be displayed. Displaying merchandise under the fueling canopies is also a concern for the Fire Department.

Commissioner Bukiewicz stated that he is fine with the location of the outside storage. He is fully in support of it.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for outdoor storage and display of ice and propane retail merchandise on the property at 2040 W. Ryan Rd. after a public hearing and subject to conditions and restrictions that will be prepared for the Commission's review at the next meeting (January 24, 2017). Commissioner Chandler seconded. On roll call: all voted aye, except Commissioner Correll, who abstained. Motion carried.

ATTEST:



Douglas Seymour, Plan Commission Secretary

1/24/2017

Date

City of Oak Creek Common Council Report

Meeting Date: 03/07/2017

Item No.: 7

Communication: Attached please find the summarized Treasurer's Report for the City of Oak Creek investment and banking accounts, for the month ending January 31, 2017.

Background: I have created a monthly Treasurer's Report for the purpose of providing the City of Oak Creek Common Council and the public with the current condition of the City's treasury, to be presented at their first meeting of each month. This report summarizes the investment and banking accounts end of the month balances. It is not intended to infer available funds for general purpose spending since some funds are allocated for specific uses such as Tax Incremental Districts, large projects, distribution of tax collection to other underlying taxing jurisdictions etc.

This monthly report, along with an additional comprehensive report, will be reviewed by the Finance Committee to assist with investment decisions and other financial strategies. The attached report is for the month ending January 31, 2017 as highlighted below:

<u>Investment/Banking:</u>	<u>Beginning Bal</u>	<u>Ending Bal</u>	<u>Interest Earned</u>	<u>Rate</u>
• Tri City Bank	\$15,018,073.95	\$11,278,367.01	\$ 835.59	0.67%
• DANA Investments	\$ 6,659,963.92	\$ 6,664,014.44	\$11,336.13	1.08%
• BMO Global	\$ 4,818,540.50	\$ 4,826,917.82	\$ 5,240.25	1.48%
• American Deposit	\$22,478,658.74	\$21,767,175.94	\$ 9,545.90	0.53/1.50%
• LGIP	<u>\$14,891,574.62</u>	<u>\$15,500,997.45</u>	<u>\$ 6,948.13</u>	0.53%
• Total Treasury	\$63,866,811.73	\$60,037,472.66	\$33,906.00	
<u>Tax Collections:</u>				
• Collections at City Hall (Tax Acct 2)		\$14,508,274.22		
• Collections At Bank/Lockbox		<u>\$ 8,786,650.21</u>		
• Total Tax Collections		\$23,294,924.43		31% of Tax Levied

Fiscal Impact: Presenting the monthly condition of the treasury at an open meeting of the Common Council will provide additional financial data to decision makers while enhancing transparency to the public.

Prepared by:



Barbara Guckenberger, CMTW
City Treasurer

Respectfully submitted by:



Andrew J. Vickers, M.P.A.
City Administrator

Fiscal Reviewed by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller

City of Oak Creek								
Treasurer Report on Investment and Banking								
Name of Account	Beginning Balance	Additions	Subtractions	Account Ending Balance	Actual Interest Earned	Interest Rate	Percentage of Total Invested	
Tri City National Bank	15,018,073.95	65,183,037.34	(68,922,744.28)					
General Fund	4,927,544.96	41,248,996.88	(42,175,757.33)	4,000,784.51				
Title 125	58,938.53	20,805.32	(17,732.33)	62,011.52				
Police Credit Card	38,973.21	25,488.40	(501.64)	63,959.97				
Parks & Rec Counter Credit Card	1,917.56	7,769.04	(46.28)	9,640.32				
Tax Payment Account #2	5,293,613.73	14,508,574.22	(15,800,300.00)	4,001,887.95				
Parks & Rec Online Credit Card	1,253.34	6,691.50	(274.53)	7,670.31				
Health Insurance	134,287.19	289,690.27	(411,355.04)	12,622.42				
Tax Payment Account	4,489,181.50	8,903,427.34	(10,516,777.13)	2,875,831.71				
EMS	72,363.93	171,594.37		243,958.30				
DANA Investment Advisors	6,659,963.92	11,336.13	(7,285.61)	6,664,014.44	11,336.13	1.08%	11.10%	
BMO Global Asset Management	4,818,540.50	8,377.32		4,826,917.82	5,240.25	1.48%	8.04%	
American Deposit Management (ADM)	22,478,658.74	13,709,545.90	(14,421,028.70)	21,767,175.94	9,545.90	0.53%	36.26%	
*ADM General Account Balance	17,000,861.69	13,707,242.51	(14,000,000.00)	16,708,104.20	7,242.51	0.50%		
Local Government Investment Pool (LGIP)	14,891,574.62	1,209,422.83	(600,000.00)	15,500,997.45	6,948.13	0.53%	25.82%	
*LGIP General Account Balance	8,659,456.30	606,420.95	(600,000.00)	8,665,877.25	3,946.25			
								0.00%
Total Balance	63,866,811.73	80,121,719.52	(83,951,058.59)	60,037,472.66	33,906.00			
*General Account Balance shown separately and is also part of the total account listed above; although it is used for cash flow purposes, a portion may be allocated for specific purposes and not available for general purpose spending;								
Excludes Police Forfeiture Account;								
Tri City Interest is an analyzed credited from previous month earnings;								
Additions and subtractions on investment accounts may include market adjustments for realized and unrealized gains(losses) or change in accrued income, as well as interest, management fees, deposits, transfers, returned payments or withdrawals								
Tax Collection Deposits								
Tax Payment Account #2								
City Deposit (Counter, Drop Box, Mail)				13,627,327.68				
Gov Tech				726,063.20				
Credit Card				154,883.34				
Total Tax Payment Account #2				14,508,274.22				
Tax Payment Account								
Tri City Payments (At Bank, Lockbox)				8,786,650.21				
Total Tax Collection Deposits				23,294,924.43			31% of Total Tax Levied	
Please note the City uses two bank accounts for tax collection; one for payments processed by the City (account #2) and the other for payments processed by our bank								
Prepared for Common Council; cc Finance Committee								
Barbara Guckenberger, CMTW								
City Treasurer								

City of Oak Creek Common Council Report

Meeting Date: March 7, 2017

Item No.: 8

Recommendation: That the Common Council approves payment of the obligations as listed on the March 1, 2017 Invoice GL Distribution Report.

Background: Of note are the following payments:

1. \$63,601.50 to Benistar (pg #2) for March Medicare supplement insurance.
2. \$6,189.50 to Buelow Vetter (pg #3) for legal services.
3. \$82,347.00 to Burkhart Construction Corp. (pg #3) for EOC construction.
4. \$6,867.12 to General Fire Equipment CO. Inc (pg #6) for equipment in squad #5 and #6: rear prisoner seats, sound speaker and mirror equipment.
5. \$10,355.40 to Kansas City Life Insurance Co (pg #8) for March disability insurance.
6. \$12,645.92 to Northern Equipment Company, Inc. (pgs #10-11) for Hunter TCX57 tire changer.
7. \$6,934.13 to Securian Financial Group, Inc. (pg #16) for employee life insurance.
8. \$13,987.50 to Short Elliott Hendrickson, Inc (pg #13) for bridge maintenance.
9. \$8,852.39 to Vandewalle & Associates, Inc. (pg #15) for TIF #13 creation, amendment and Blight study.
10. \$63,290.64 to WE Energies (pgs #15-16) for street lighting, electricity and natural gas.
11. \$11,214.00 to Wheaton Franciscan Medical Group (pgs #16-17) for nurse practitioner services and supplies.
12. \$12,870.51 to WI Court Fines & Surcharges (pg #16) for January court fines.

Fiscal Impact: Total claims paid of \$389,921.77

Prepared by/Fiscal Review by:


Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Respectfully submitted,


Andrew J. Vickers, M.P.A.
City Administrator

City of Oak Creek Common Council Report

Meeting Date: March 7, 2017

Item No.: 9

Recommendation: That the Council consider Ordinance No. 2844 approving conditions and restrictions for a conditional use permit for the property at 500 W. Opus Drive allowing for the development of a freight terminal with two (2) underground fuel storage tanks in excess of 5,000 gallons and outdoor storage of dolly equipment as accessory uses

Background: At their meeting of January 17, 2017 the Common Council adopted Ordinance No. 2837 approving a conditional use permit that would allow for the development of a freight terminal with includes two (2) underground fuel storage tanks in excess of 5,000 gallons (20,000 gallons each) and outdoor storage of dolly equipment as accessory uses within the M-1, Manufacturing zoning district at 500 W. Opus Drive.

Typically, conditions and restrictions would have been adopted as part of the initial ordinance approving the conditional use permit. However, since the Plan Commission originally recommended against approving the conditional use permit they were never drafted nor included in the original ordinance. As such, the Council upon approval of Ordinance 2837, directed the Plan Commission to prepare conditions and restrictions for consideration at this meeting.

Those conditions and restrictions, which were recommended for approval by the Plan Commission at their meeting of February 28th, are attached to this staff report.

Fiscal Impact: Based on information provided by the applicant, the appraised value of the development would be \$31.9 million dollars. The City's experience has been that assessed values often do not equal construction or appraised values, although there is some correlation. Preliminary discussions with the Assessor have indicated a projected assessed value of approximately \$12 million dollars. Based on the City's most recent net tax rate (all taxing jurisdictions) of \$22.25 per \$1000, this development is expected to generate \$267,000 (based on \$12 million value) to \$709,775 (based on the appraised value of \$31.9 million).

This development is within the boundaries of TID 8, which includes the Oakview Business Park, but has not received any assistance through the district, nor is any being requested at this time. Once the District is closed, this development would be expected to contribute \$79,200 - \$210,540 in local taxes to the general fund an annual basis. The additional increment generated by this development may allow an expedited closure of this District.

Impact fees of approximately \$49,000 would be generated by this development.

Prepared by:



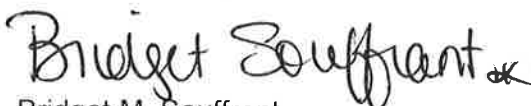
Doug Seymour, AICP
Director of Community Development

Respectfully Submitted,



Andrew J. Vickers, MPA
City Administrator

Fiscal Review by:



Bridget M. Souffrant
Finance Director / Comptroller

ORDINANCE NO. 2844

By: _____

AN ORDINANCE TO APPROVE CONDITIONS AND RESTRICTIONS FOR A CONDITIONAL USE PERMIT FOR THE PROPERTY AT 500 W. OPUS DRIVE ALLOWING FOR THE DEVELOPMENT OF A FREIGHT TERMINAL WITH TWO (2) UNDERGROUND FUEL STORAGE TANKS IN EXCESS OF 5,000 GALLONS AND OUTDOOR STORAGE OF DOLLY EQUIPMENT AS ACCESSORY USES

(5th Aldermanic District)

WHEREAS, THE OPUS DEVELOPMENT COMPANY, LLC, has applied for a Conditional Use Permit that would allow for the development of a freight terminal with includes two (2) underground fuel storage tanks in excess of 5,000 gallons and outdoor storage of dolly equipment as accessory uses within the M-1, Manufacturing zoning district at 500 W. Opus Drive; and

WHEREAS, the property is more precisely described as follows:

Lot 1 of Certified Survey Map No. 8597, recorded in offices of the Milwaukee County Register of Deeds on March 24, 2014, as Document No. 10345266, being all of Lot 1 Certified Survey Map No. 8287, being a part of the Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, Northwest $\frac{1}{4}$, and Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin, as corrected by Affidavit of Correction recorded on May 8, 2014, as Document No. 10357557.

WHEREAS, the Common Council held a public hearing on said request on January 17, 2017, at which time all interested parties appeared and were heard; and

WHEREAS, following said public hearing the Council adopted Ordinance No. 2837, granting a Conditional Use Permit for a freight terminal with two (2) underground fuel storage tanks in excess of 5,000 gallons and outdoor storage of dolly equipment as accessory uses located at 500 W. Opus Drive and ; and directed the Plan Commission to prepare and approve conditions and restrictions consistent with past practices of the City and upon review of the conditions and restrictions by the Plan Commission this ordinance shall be further reviewed by the Common Council for the purpose of incorporating the conditions and restrictions; and

WHEREAS, the Plan Commission has reviewed these proposed conditions and restrictions at its meeting of February 28, 2017 and has recommended that the conditions and restrictions be approved; and

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Building Commissioner is hereby directed to incorporate the conditions and restrictions attached hereto and identified as Exhibit A as part of the Conditional Use Permit approved by Ordinance 2837 for a freight terminal with two (2) underground fuel storage tanks in excess of 5,000 gallons and outdoor storage of dolly equipment as accessory uses located at 500 W. Opus Drive.

SECTION 2: All ordinances or parts of ordinances and Zoning District Maps made a part of Chapter 17 of the Municipal Code of the City of Oak Creek in conflict herewith are hereby repealed.

SECTION 3: The several sections of this ordinance are declared to be severable. If any section shall be declared, by a decision of a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of other provisions of this ordinance.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Passed and adopted this ____ day of _____, 2017.

President, Common Council

Approved this ____ day of _____, 2017.

Mayor

ATTEST:

City Clerk

VOTE: Ayes ____ Noes ____

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

Applicant: Opus Development Company, LLC
Property Address: 500 W. Opus Dr.
Tax Key Number: 924-9012-000

Approved by Plan Commission: 2-28-17
Approved by Common Council: TBD
(Ord. #2844, Amending Ord. #2837)

Conditional Use: Freight terminal facility, two (2) underground fuel storage tanks in excess of 5,000 gallons, & outdoor storage of dolly equipment

I. LEGAL DESCRIPTION

Lot 1 of Certified Survey Map No. 8597, recorded in offices of the Milwaukee County Register of Deeds on March 24, 2014, as Document No. 10345266, being all of Lot 1 Certified Survey Map No. 8287, being a part of the Southeast ¼, Southwest ¼, Northwest ¼, and Northeast ¼ of the Southeast ¼ of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin, as corrected by Affidavit of Correction recorded on May 8, 2014, as Document No. 10357557.

II. 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 Site Plan
 - a) detailed building/structure location(s) with setbacks
 - b) dimensions of building(s) & structures
 - c) area(s) for future expansion
 - d) area(s) to be paved
 - e) easements (existing and proposed)
 - f) access drive(s) (width and location)
 - g) sidewalk locations
 - h) parking layout and traffic circulation
 - i) location
 - ii) number of employees
 - iii) number of spaces
 - iv) dimensions
 - v) setbacks
 - i) location of loading berths
 - j) location of sanitary sewer (existing and proposed)
 - k) location of water (existing and proposed)
 - l) location of storm sewer (existing and proposed)
 - i) including detention/retention basins if needed
 - m) location of outdoor storage area(s)
 - n) location of wetlands (field verified)
 - o) location, square footage and height of signs
 - p) location, height, and details of proposed fence/gate(s)
2. Landscape Plan
 - a) screening plan for outdoor storage/trash
 - b) number, initial size and type of plantings
 - c) parking lot screening/berming
3. Building Plan
 - a) architectural elevations
 - b) building floor plans
 - c) materials of construction
4. Lighting Plan
 - a) types of fixtures
 - b) mounting heights
 - c) type of poles
 - d) photometrics of proposed fixtures
5. Grading, Drainage, Erosion Control, and Stormwater Management Plan
 - a) contours (existing and proposed)
 - b) location of storm sewer (existing and proposed)
 - c) location of erosion control measures, stormwater management structures and basins (if required)
6. Fire Protection
 - a) location of existing and proposed fire hydrants (public and private)
 - b) interior floor plan
 - c) materials of construction
 - d) containment plan for fuel tanks

B. All plans for new buildings, additions, structures, exterior remodeling, or site layout modifications shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.

- C. For each phase of development and any new buildings or structures and additions, site grading and drainage, public streets and easements, 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 and the Oak Creek Water and Sewer Utility. Any public improvements required to serve this property shall be the sole cost of the property owner.
- E. If required by the City of Oak Creek, public easements for cross access, 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. A public access and trail easement, minimum 20 feet in width, on the west property line shall be granted for the proposed Class 1 bikeway as depicted on Map 9 of the City of Oak Creek Park and Open Space Plan.
- 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.
- H. All intersection improvements including traffic signals at the intersection of Opus Drive and Oakwood Road shall be designed, upgraded, and installed per the approved Development Agreement(s). Costs for such design, upgrades, and installation shall be the responsibility of the Applicant and/or property owner(s).

III. PARKING, LOADING, AND ACCESS

- A. Parking for this development shall be sited and provided in accordance with Section 17.0403 of the Municipal Code. Additionally, one (1) designated space (within an approved structure or surface lot) for each trailer, tractor, truck, maintenance vehicle, and dolly shall be provided as approved by the Plan Commission. Parking of vehicles, trailers and equipment shall be confined to areas specifically designated on the approved site plan.
- 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. Parking areas and driveways adjacent to a residential zoning district line shall, at a minimum, provide buffer yards as required by Section 17.0205 of the Municipal Code.
- E. All off-street parking areas shall be surfaced with an all-weather wearing surface of plant mix asphaltic concrete over crushed stone base subject to approval by the City Engineer. A proposal to use other materials shall be submitted to the Plan Commission and the Engineering Department for approval. All parking areas and private drives, within a phase, shall be in place prior to the issuance of an occupancy permit for any building in that phase.
- F. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
- G. All off-street parking areas shall be landscaped in accordance with Sections 17.0205, 17.0403, and 17.1010 of the Municipal Code.

- H. Adjustments to required parking may be made by the Plan Commission in accordance with Section 17.0404 of the Municipal Code.
- I. Loading areas shall be provided in accordance with Section 17.0402 of the Municipal Code. At no time shall any part of a truck or van be allowed to extend into the right-of-way of a public thoroughfare while the truck or van is being loaded or unloaded.
- J. 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(s).
- K. A second point access to West Oakwood Road shall be provided to this site for the use of emergency vehicles only.
- L. Trucks utilizing this facility shall adhere to all posted traffic signs and regulations. Trucks entering and exiting this site shall not utilize West Oakwood Road west of its intersection with South Opus Drive if and until such time as the posted traffic signs and regulations are altered.

IV. LIGHTING

- A. All plans for outdoor lighting for each phase in this development shall be reviewed and approved by the Plan Commission and by the Electrical Inspector in accordance with Section 17.0808 of the Municipal Code.
- B. Pole Height. The height of parking lot light poles shall not exceed 25 feet as measured from grade.
- C. Light Shielding. Light sources shall be shielded or installed so that there is not a direct line of sight between the light source or its reflection and at a point five (5) feet or higher above the ground of adjacent propert(ies) and public streets (Section 17.0808(c)(1)(b)).
- D. Location. Light fixtures shall not be permitted within required buffer yards.
- E. Light Reduction/Extinguishment. Exterior lights shall conform to the requirements specified in Section VIII(E) below.

V. LANDSCAPING

- A. Parking Lot Screening. Those parking areas for five (5) or more vehicles if adjoining a 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 50 linear feet of public street frontage.
 - 2. At least 25% of the total green space area shall be landscaped utilizing plant materials, other than maintained turf, that contribute to ground coverage.
 - 3. For purposes of determining the number of plants necessary to meet the minimum 25% ground coverage requirement, plant types are categorized by their general size and potential mature at-grade coverage area.

<u>Plant Type</u>	<u>Area of Coverage Provided</u>
-------------------	--------------------------------------

Evergreen Tree (>8' Dia.)	75 sq. ft.
Large Shrub (6-8' Dia.)	38 sq. ft.
Medium Shrub (4-6' Dia.)	20 sq. ft.
Small Shrub (2-4' Dia.)	12 sq. ft.
Perennial (4.5" Pot)	6 sq. ft.

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

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

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

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

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 Loading Docks. Loading docks shall be screened from adjacent residentially-zoned or residentially-utilized properties through the use of landscaping, berming, fencing, or other means approved by the Plan Commission.

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

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

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

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

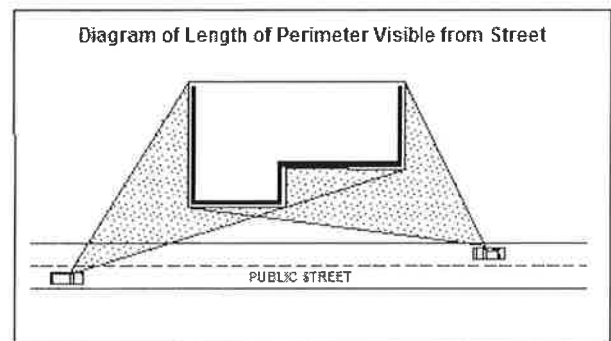
J. Berms. Side slopes of berms shall not exceed a gradient of 1-ft. vertical to 3-ft. horizontal unless approved by the City Engineer. Landscaped berms at heights to shield headlights shall be incorporated into the landscape plans for the southwest portion of the property along the residential properties to the east and Oakwood Road to the south. Landscape plans shall incorporate one (1)

tree and five (5) shrubs for every 35 linear feet of fencing along and adjacent to the proposed 20-foot-wide public access and trail easement on the west property line.

- K. Buffer Yards. Appropriate buffers shall be provided between dissimilar uses as set forth in Section 17.0205(d) of the Municipal Code.
- L. Submittal Requirements. A Landscape Plan (to scale) must be submitted which includes details of all proposed landscaping, buffering and screening, including the estimated cost of the landscaping. These plans shall be prepared by a landscape professional and show the location and dimensions of all existing and proposed structures, parking, drives, right-of-ways and any other permanent features, and all other information required by the Plan Commission, including but not limited to the following:
 - 1. A plant list and coverage chart showing the location, quantity, size (at time of planting and at maturity), spacing and the scientific and common names of all landscape materials used.
 - 2. The location and type of existing trees over four (4) inches in diameter (measured six (6) inches above the ground) within the area to be developed.
 - 3. The location and percent of slope of all proposed berms using one (1) foot contours.
 - 4. Detailed sections showing elevations of all proposed architectural features, such as walls, lighting or water features.
 - 5. Methods used in staking, mulching, wrapping or any other early tree care used.
 - 6. The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.
- M. The Plan Commission may modify any of the above standards by a $\frac{3}{4}$ majority vote of those Commissioners present at a meeting, but only if supplemental design elements or improvements are incorporated into the project which compensate for the modification of the particular standard.
- N. Landscaping and screen fence(s) shall be installed and maintained in accordance with the approved landscape plan and executed Development Agreement. The screen fence shall be installed on the south side of the property immediately across from the entrance to the site to shield vehicle headlights from the residential properties to the south.

VI. 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 façade is not constructed or faced with a finished material which is aesthetically compatible with the other façades 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 primary exterior building materials (Section 17.1009(a)(2)).

- 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 (Section 17.1009(a)(2)(ii)).
- D. Material and color samples shall be submitted to the Plan Commission for review and approval (Section 17.1009(a)(2)(iii)).
- E. The Plan Commission has the discretion to adjust the 75% minimum requirement in Section 6(C) above for building additions (Section 17.1009(a)(2)(iv)).
- 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.
- K. The Plan Commission may modify any of the standards in Section 6 above by a ¾ majority vote of those Commissioners present at a meeting, but only if supplemental design elements or improvements are incorporated into the project which compensate for the modifications of the particular standard (Section 17.1009(e)).

VII. BUILDING AND PARKING SETBACKS

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure(s)	40'	20'	20'
Accessory Structure(s)*	40'	20'	20'
Off-street Parking**†	30'	15'	15'

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

***Manufacturing parking lots and driveways shall be located no closer than fifteen (15) feet to a residential zoning district line. Residential zoning district lines are along the southern portions of the property.*

†Manufacturing parking lots and driveways adjacent to a residential zoning district line shall, at a minimum, provide buffer yards as required by Section 17.0205 of the Municipal Code. Buffer requirements are in addition to setbacks.

VIII. MAINTENANCE AND OPERATION

- A. The number, size, location and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan. Solid waste collection and recycling shall be the responsibility of the owner.
- B. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the owners.
- C. Fire department connections on the building shall not be blocked with any fencing, signage, or landscaping.
- D. Hours of operation - Operations may occur 24 hours per day, 7 days per week. However, between the hours of 10:00 PM and 6:00 AM, outdoor activities shall be restricted to those deemed essential for continued operations.
- E. Exterior lights shall be extinguished or reduced to a maximum of 50% in areas not actively in use, and reduced to levels deemed essential for safety and security in areas in active use.
- F. No outdoor paging systems shall be used.
- G. The use and volume of back-up alarms shall be limited to the minimum required by federal law.
- H. At no point on the boundary of a Residence or Business district shall the sound intensity level of any individual operation (other than the operation of motor vehicles or other mobile equipment) exceed 58 and 62 dBA, respectively, during normal operations. (Section 17.0810)
- I. Idling of equipment or vehicles shall be limited to a maximum of five (5) minutes in any one-hour period. Exceptions are limited to the following:
 - 1. Idling necessary for diagnostic or inspection purposes. Unless an emergency exists, idling for diagnostic or inspection purposes shall only occur between the hours of 7:00 AM and 9:00 PM.
 - 2. Idling to operate defrosters, heaters, or air conditioners to prevent a safety or health emergency.
 - 3. Vehicles may idle up to 15 minutes in a one hour period if the outside air temperature is 32 degrees Fahrenheit or below, or 80 degrees Fahrenheit and above.
 - 4. The Zoning Administrator, or designee, shall be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by the City to ensure compliance with these Conditions and Restrictions. If, however, the Zoning Administrator or designee is refused entry after presentation of their identification, a special

inspection warrant may be procured in accordance with Section 66.122 of the Wisconsin Statutes (as amended).

- J. Air pollution controls shall be instituted in accordance with Section 17.0802 of the Municipal Code, and in conformance with all State and Federal regulations.
- K. Security fences and associated gates
 - 1. Shall be subject to Plan Commission approval for location, material, and opacity;
 - 2. Shall not exceed 10 feet in height;
 - 3. Shall not incorporate barbed wire on any portion adjacent to a residential district line or residential use;
 - 4. Shall be maintained in a structurally sound, safe, and attractive condition.
- L. Outdoor storage of equipment shall be limited to dolly equipment in designated parking areas as approved by the Plan Commission. No other outdoor storage, excluding vehicles and semi-trailers used in conjunction with the operation of the business parked in designated parking areas approved by the Plan Commission, is permitted.
- M. Fuel tanks shall be installed, maintained, inspected, and closed/removed per State (e.g., Department of Agriculture, Trade and Consumer Protection; Wisconsin Department of Natural Resources; Fire Codes; etc.) and Federal regulations. A containment plan shall be submitted to the City for review and approval prior to installation. The City shall be provided 48 hours' advance notice of installation, annual or required State and Federal inspection(s), maintenance which requires State and/or Federal permitting, replacement, or closure/removal, and shall be provided access to the site for observation of such activities.

IX. SIGNS

- A. All signs shall conform to the provisions of Sections 17.0704, and 17.0706-17.0714 of the Municipal Code.
- B. No pole signs shall be permitted as part of this development.
- C. Traffic directional signs shall be located solely for the purpose of relieving traffic congestion and promoting the safe flow of traffic within the development. Traffic directional signs shall have a maximum height of five (5) feet above the established grade and shall not exceed six (6) square feet.

X. PERMITTED USES

- A. All permitted uses in the M-1, Manufacturing District.
- B. One (1) freight terminal facility, with two (2) underground fuel storage tanks in excess of 5,000 gallons.
- C. Outdoor storage of dolly equipment (subject to plan approval by the Plan Commission).
- D. Usual and customary accessory uses to the above listed permitted uses.

XI. TIME OF COMPLIANCE

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

XII. OTHER REGULATIONS

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

XIII. 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.

XIV. REVOCAATION

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

XV. ACKNOWLEDGEMENT

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

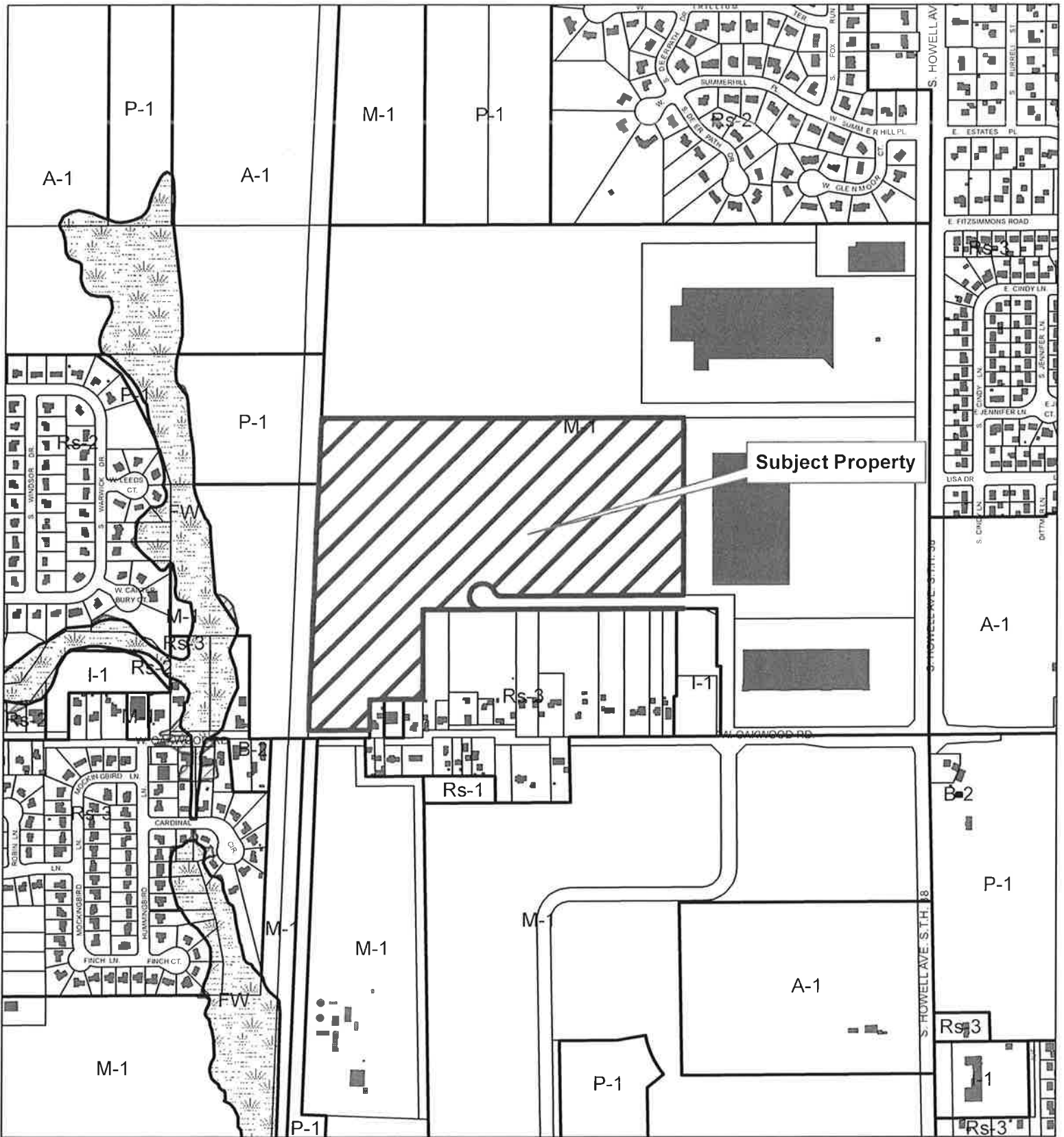
Owner's authorized representative

Date

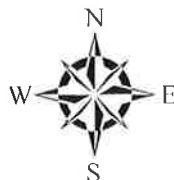
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Location Map

500 W. Opus Dr.



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



Legend

- 500 W. Opus Dr.
- Floodway
- Floodfringe

City of Oak Creek Common Council Report

Meeting Date: March 7, 2017

Item No.: 10

Recommendation: That the Council adopt Resolution No. 11799-030717, authorizing staff to apply to the state of Wisconsin Department of Natural Resources for open space acquisition project in the adopted parks and open space plan and Abendschein community park master plan.

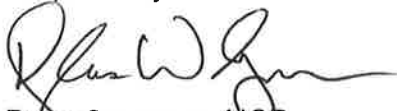
Background: In 2008 the Common Council adopted the Abendschein Community Park Master Plan. This plan was created to guide the full development of the City's community-scale park and to ensure that a wide range of recreational needs was served by the park. This plan also envisioned the acquisition of a 12.25 acre area adjacent to the park. The owner of this property has expressed an interest in selling this land to the City. In order to assist in funding this acquisition City Staff would like to apply for a Wisconsin DNR parkland acquisition grant.

If the City is successful in receiving funding from this acquisition, we will be required to provide a fifty percent match. Funds to cover those costs are available through the use of the community park impact fee money, as well as funds that have been budgeted for open space acquisition over the past several years.

The City is not committing to any course of action by virtue of their application for these funds. If the project(s) are funded, the City still has the choice of whether they wish to accept that funding, and the fulfillment of any obligations that are part of that agreement.

Fiscal Impact: There is approximately \$500,000 in community park impact fees that are available to fund the City's 50% match for any grant received.

Prepared by:



Doug Seymour, AICP
Director of Community Development

Respectfully submitted,



Andrew Vickers, MPA
City Administrator

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

RESOLUTION NO. 11799-030717

BY: _____

RESOLUTION AUTHORIZING STAFF TO APPLY TO THE STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES FOR OPEN SPACE ACQUISITION PROJECT IN THE ADOPTED PARKS AND OPEN SPACE PLAN AND ABENDSCHEIN COMMUNITY PARK MASTER PLAN

WHEREAS, the City of Oak Creek has adopted a Parks and Open Space Plan for the City of Oak Creek, and

WHEREAS, the City of Oak Creek has adopted the Abendschein Community Park Master Plan, and

WHEREAS, the City of Oak Creek is interested in implementing the recommendations of the adopted Parks and Open Space Plan and the Abendschein Community Park Master Plan, and

WHEREAS, the City of Oak Creek is interested in acquiring lands for outdoor recreation and open space and natural areas preservation purposes as described in the application for outdoor recreation aids, and

WHEREAS, financial aid is required to carry out the projects,

NOW, THEREFORE, BE IT RESOLVED that the City of Oak Creek will have budgeted a sum sufficient to complete the projects, and HEREBY AUTHORIZES Douglas W. Seymour, AICP, Director of Community Development to act on behalf of the City of Oak Creek to submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available; sign documents; and take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that the City of Oak Creek will comply with state or federal rules for the programs to the general public during reasonable hours consistent with the type of facility; and will obtain from the State of Wisconsin Department of Natural Resources or the National Park Service approval in writing before any change is made in the use of the project site.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 7th day of March, 2017.

Passed and adopted this ____ day of _____ 2017.

President, Common Council

Approved this _____ day of _____, 2017

Mayor

Approved this _____ day of _____, 2017.

ATTEST:

Mayor

City Clerk

VOTE: Ayes _____ Noes _____



Proposed Acquisition Area

**ABENDSCHEIN COMMUNITY PARK
Master Plan Update**

Oak Park, Il. August

Scale: 1" = 30' (0' 0" to 300')

North Arrow

Legend:
 - Existing Features
 - Proposed Features
 - Vegetation & Site Conditions

City of Oak Creek Common Council Report

Meeting Date: March 7, 2017

Item No.: | (

Recommendation: That the Common Council considers a motion to award the 2017 Road Improvements unit price contract to the lowest responsive, responsible bidder, Payne & Dolan, Inc., at the estimated cost of \$921,787.80; and to add two more road segments to the contract work for an additional estimated \$65,000 based on contract unit prices. (Project No. 17019)

Background: The Common Council adopted Resolution No. 11771-120616, selecting and authorizing the road improvements on December 6, 2016. The Engineering Department prepared plans and specifications for the project, and the work was advertised for public bids. The following two bids were received:

Contractor	Bid
Payne & Dolan, Inc.	\$921,787.80
Stark Asphalt, Inc.	\$943,815.90

This is a unit price contract, so bids have been evaluated based on estimated quantities. City payments to the contractor will reflect actual installed and measured quantities.

The bids reflect costs for completion of the road segment Nos. 1 - 11 in the table below. Resolution No. 11771-120616 also provided that the alternate road segments listed below as Alt-1 and Alt-2 could be added to the road contract work if the bids came in favorable enough to allow this. This is indeed the case, so the further request is to proceed with these two additional road segments under the contract. The estimate to complete the two additional road segments based on the contract unit prices would be \$65,000.

No.	Street	From	To	Length (Feet)	Treatment Type
1	Intersection – Puetz/Liberty				Intersection Improvements
2	Pennsylvania Ave	Hwy 100	Oakwood Rd	3746	Mill & asphalt surfacing
3	Puetz Rd	Chicago Rd	5 th Ave	2631	Mill & asphalt surfacing
4	Oakwood Rd	Howell Ave	Nicholson Rd	5298	Mill & asphalt surfacing
5	Forest Hill Ave	Howell Ave	Verdev Dr	1679	Water Main Project
6	Carollton Dr	3363 E Carrolton Dr	Madiera Dr	849	Repair & asphalt surfacing
7	Carollton Dr	Madiera Dr	N P/L 9100 Carollton Dr	744	Repair & asphalt surfacing
8	11 th Ave	N P/L 10046	Hillview Ave	388	Repair & asphalt

No.	Street	From	To	Length (Feet)	Treatment Type
		11 th Ave			surfacing
9	Mary Ln	Shepard Ave	Cul-de-sac	655	Mill & asphalt surfacing
10	Jessica Dr	Mary Ln	Kyle Ct	728	Mill & asphalt surfacing
11	Andrew Ct	Jessica Dr	Cul-de-sac	380	Mill & asphalt surfacing
Alt-1	11 th Ave	O'Brien Rd	N P/L 10046 11 th Ave	861	Repair & asphalt surfacing
Alt-2	Farmdale Dr	Mary Ln	200' north of Mary Ln	165	Repair & asphalt surfacing

Based upon the above-listed work under this contract there would be a significant remaining balance. Discussion at the CIP meeting included a desire to have City Street Department personnel utilize available surplus funding to undertake various known larger areas of concrete road patching.

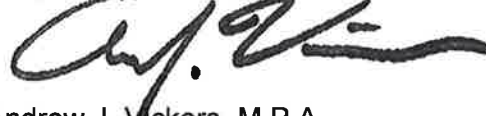
Fiscal Impact: There was \$648,937 reserved in the 2016 budget and \$653,437 in the 2017 budget. This brings the total available funding to \$1,302,374 for the proposed road projects.

Prepared by:



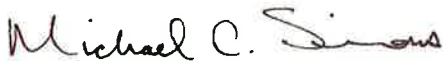
Matthew J. Sullivan, P.E.
Design Engineer

Respectfully submitted:



Andrew J. Vickers, M.P.A.
City Administrator

Approved by:



Michael C. Simmons, P.E.
City Engineer

Fiscal review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller