



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

November 20, 2023

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

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

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

I. History of the Properties

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

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

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

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

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

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

II. PUD Amendment

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

a. PUD Parcel

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

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

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

See also Lot 1 of CSM application, on file.

b. Building and Parking Setbacks

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

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

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

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

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

c. Permitted Uses

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

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

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

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

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

d. Use Restrictions

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

III. CONCLUSION

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

Respectfully Submitted,

Frontline Commercial Real Estate, LLC
John Schlueter, President

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

Architects for Frontline

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

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

Attorneys for Frontline

Civil Engineers for Frontline

ORDINANCE NO. 1294

BY Ald. Daily

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

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

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

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

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

and,

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

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

1. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

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

4. Proposed pedestrian and vehicular circulation within the special use.
 5. Proposed utility services.
 6. Areas proposed for hard surfacing.
 7. Points of access (i.e. driveways) to the special use.
 8. Signs.
- B. All plans for new buildings, additions or exterior remodeling shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.
- C. For any new buildings or structures and additions, a site grading and drainage plan shall be submitted to the City Engineer for approval. The City Engineer's approval must be received prior to the issuance of any building permits.
- D. A Development Agreement shall be completed between the owner and the City so as to ensure the construction of installation of public or other improvements required in Item 1D and/or as specified by these conditions and restrictions.
- E. Plans and specifications for any necessary public improvements within developed areas (e.g. sanitary sewer, watermain, storm sewer, etc.) shall be subject to approval by City Engineer.
- F. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer, and watermain shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees, or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted; provided there is access to each of the aforementioned systems and their appurtenances.
- G. If there are any future land divisions, a plat or certified survey map shall be prepared, submitted for approval and recorded. If required by the Common Council, a development agreement also shall be completed between the owner and the City prior to approval of said land division document, so as to ensure the construction or installation of public improvements required in these conditions and restrictions and Chapter 18 of the Municipal Code.

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

2. PARKING AND ACCESS

- A. Where 90° parking is indicated on the site plans, individual parking stalls shall be nine (9) feet in width by eighteen (18) feet in length. The standards for other types of angle parking shall be those as set forth in Section 17.43 (6) of the Municipal Code.
- B. Movement aisles for 90° parking shall be at least twenty-two (22) feet in width.
- C. All off-street parking areas shall be surfaced with an all weather wearing surface of plant mix asphaltic concrete over crushed stone base subject to approval by the City Engineer. A proposal to use other materials shall be submitted to the Plan Commission and the Engineering Department for approval. All parking areas and private drives, within a phase, shall be in place prior to the issuance of an occupancy permit for any building in that phase.
- D. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
- E. All driveway approaches to this property shall be in compliance with all the standards set forth in Chapter 23 of the Municipal Code and the standards of Milwaukee County.

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

3. LIGHTING

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

4. LANDSCAPING

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

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

5. BUILDING AND PARKING SETBACKS

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

Minimum Separation Between Structures: 25 feet

6. OPERATION

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

7. SIGNS

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

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

7. PERMITTED USES

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

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

8. OTHER REGULATIONS

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

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

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

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

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

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

SECTION 4: In all other respects, except as above amended, said Chapter 17 together with amendments and map thereto shall remain in full force and effect.

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

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

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

Elizabeth J. Kopplin
President, Common Council

Approved this 18th day of May, 1988.

Christine B. Bastian
Mayor

ATTEST:

Beverly G. Purcell VOTE: Ayes 4 Noes 2
City Clerk