



## PLAN COMMISSION

November 12, 2019

6:00 P.M.

### Common Council Chambers

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

Daniel Bukiewicz - Chair  
Dawn Carrillo  
Chaucey Chandler  
Donald Oldani  
Chris Guzikowski  
Matt Sullivan  
Gregory Loreck  
Fred Siepert  
Christine Hanna  
Vacant - ex-officio  
Doug Seymour - ex-officio

### The City's Vision

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

Find more information on agenda items at [oakcreek.zoninghub.com](http://oakcreek.zoninghub.com).

1. Call Meeting to Order
2. Roll Call
3. Approval of Minutes – October 22, 2019
4. Significant Common Council Actions
5. New Business
  - a. REZONE - Review a request submitted by Mike Kaerek, East Brooke LLC, to rezone the properties at 9343, 9352, 9357, and 9365 S. Arbor Creek Dr. and 9349 S. Nicholson Rd. to remove portions of the FF, Flood Fringe District (Tax Key Nos. 873-1037-000, 873-1038-000, 873-1036-000, 873-1035-000, 873-9998-003).  
ZoningHub: <https://s.zoninghub.com/SU9INGSJ8C>; Twitter @OakCreekPC#OCPCEBRezone
  - b. CERTIFIED SURVEY MAP - Review a certified survey map submitted by Mike Kaerek, East Brooke LLC, converting the properties at 9343, 9352, 9357, and 9365 S. Arbor Creek Dr. from outlots to building lots (Tax Key Nos. 873-1037, 873-1038, 873-1036, 873-1035).  
ZoningHub: <https://s.zoninghub.com/NV830SK9KU>; Twitter @OakCreekPC#OCPCEBCSM

Adjournment.

Dated this 8th day of November, 2019

Posted 11-8-2019 SD

#### 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. 6<sup>th</sup> Street, Oak Creek, Wisconsin 53154. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

Visit our website at [www.oakcreekwi.org](http://www.oakcreekwi.org) for the agenda and accompanying Plan Commission reports.

**MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, OCTOBER 22, 2019**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Simmons, Commissioner Carrillo, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siepert, and Commissioner Chandler. Also present: Kari Papelbon, Planner.

**Minutes of the October 8, 2019 meeting**

Alderman Guzikowski moved to approve the minutes of the October 8, 2019 meeting. Commissioner Siepert seconded. On roll call: all voted aye, except Commissioner Simmons and Alderman Loreck who abstained. Motion carried.

**PLAN REVIEW  
VISION PROPERTIES GROUP, LLC  
10148 S. 27<sup>TH</sup> STREET  
TAX KEY NO. 927-9995-000**

Planner Papelbon provided an overview of the proposed site, building, and landscaping plans for an ambulatory surgery clinic (see staff report for details).

Curt Penny, Architect/Engineer, Eckert Wordell, explained this is a three operating room facility, with potential future plans of adding a fourth operating room. He continued by stating the additional parking spots are to accommodate the overlapping surgery times. The architects and engineers have no objections to the additional recommended landscaping. The two-story waiting area is to meet some of the requirements for a taller structure in that zoning district. This space also allows more natural light to enter the building. Spandrel glass is used on a portion of the view to the north and the east to conceal the air handling units that are visible from that view. There is also a band of spandrel glass where the canopy attaches to the building. The architects attempted to provide a mix of natural materials and tones to blend the building into the site. They also tried to highlight the south elevation of the building because that is where the parking, entrance, and the most visibility from 27<sup>th</sup> Street. It is hard to get a view from the north due to the utility building, existing hotel, and tree line. There is an intention to keep part of the tree line on the north side of the property. Plantings that will not affect the utilities along the north lot line will be selected. The exterior insulation and finish system (EIFS) was used as an attempt to highlight portions of the building. The east side is facing the rear of the property. The north side is going to be heavily screened with the tree line. Mr. Penny has also been working with staff to potentially add more landscaping there. This was an effort to mix the design palette and provide some cost savings to the building.

Commissioner Simmons asked the applicant what the purpose is of the building on the northwest corner of the property.

Mr. Penny stated it is an electrical utility building.

Mark Madsen, Nielsen Madsen and Barber, 1458 Horizon Boulevard, Mount Pleasant, explained this is a permanent easement for that structure.

Commissioner Simmons stated the plans show planting to help screen it.

Mr. Penny agreed it is not in the best shape, the designers are planning to do some screening of it to limit the view of it.

Commissioner Chandler asked the applicant to provide more information on the entrance and exit of this property.

Mr. Penny explained with this type of facility, ambulatory surgery center, they are required to have a main entrance and a discharge. The discharge comes from the pre-op and post-op area so patients do not go back through the waiting room. This is a Code requirement. The canopy covers the main entrance and the discharge door. There is a space between the canopy and the building to allow natural light. The canopy is required for Medicare reimbursement and by state health codes, but the designers wanted to make it a feature.

Commissioner Chandler asked the applicant to also provide information about the entrance and exit for the parking lot.

Mr. Penny explained most of the patient parking is along the south lot line. Doctor and staff parking will be behind the building. There is a small drive area that comes up to the canopy for people to pickup patients.

Commissioner Chandler inquired if there was only one entrance and exit on 27<sup>th</sup> Street.

Mr. Penny confirmed there is only one access point to the site. The site is 580 feet long by 181 feet wide; therefore, the architecture and design of the building became very long to meet all the requirements of the overlay district. The parking got pushed to the side and the architects tried to enhance the two-story affect on the 27<sup>th</sup> Street side.

Commissioner Chandler asked how many individuals will be at the property at one time.

Mr. Penny stated the maximum would be 15 employees, but could have up to 12 people in the pre-op and post-op areas. There could be another three people in surgery and usually there is one or two people with the patient.

Commissioner Siepert asked the applicant to give a little more explanation about the use of spandrel glass.

Mr. Penny explained on the north east side there are rooftop units that will be screened with metal and EIFS. The glass will be used to prevent that view of the roof tops. Where the canopy intersects the building at the entrances there will also be spandrel glass to give a different aesthetic for the interior verses the exterior. The spandrel glass will have the same tint and glazing as the other windows.

Alderman Loreck inquired if there is a medical group attached to this project yet.

Mr. Penny confirmed there is a group of at least ten doctors right now. It will be a partnership of doctors that will own the property and the real estate and several other doctors will operate out of the facility, but will not be part of the property group. This is a central location for the doctors with practices to the north, west, and south.

Alderman Loreck asked if the materials and designs were made to match across the street.

Mr. Penny stated they were not made to match because it is a different organization.

Alderman Guzikowski stated this is in his District, and he likes the design so far.

Mayor Bukiewicz asked Acting Fire Chief Kressuk if there are any fire issues or requirements, particularly getting to the north side of the building.

Acting Fire Chief Kressuk stated it is a smaller structure, so what they designed around it is adequate for the fire department's needs. Acting Fire Chief Kressuk already discussed fire hydrant placement and turn arounds with the engineer. There are no outstanding concerns at this time.

Mayor Bukiewicz asked to confirm the building would be fully sprinklered.

Acting Fire Chief Kressuk confirmed.

Mayor Bukiewicz asked Planner Papelbon to confirm that no more than 25% of the exterior can be EIFS, but overall at least 75% has to be stone, glass, or brick.

Planner Papelbon stated that is true, with the exception of the overlay district requirements. The overlay district does not allow EIFS at all. The modification request would be for the use of EIFS on the building as an accent material in the overlay district, but the excess of 25% on the north elevation of the building would also be a modification request.

Mayor Bukiewicz inquired if the overlay district is what is throwing the curveball.

Planner Papelbon stated the overlay district is much more stringent in the standards for building materials, site layout, circulation, and parking. It is also a requirement that the building be two stories, or appear to be two stories. This requirement has led to some of the modification requests. Staff worked closely with the consultants to ensure the building met the spirit of the Code.

Mayor Bukiewicz is not concerned with the EIFS on the north side as long as the landscaping is added. He continued by stating it would be a good fit there across from the hospital. Mayor Bukiewicz asked if the dumpster would be in an enclosure similar to the generator enclosure.

Planner Papelbon clarified that it is one brick enclosure to match the building, and that the dumpster and generator are separated by an interior wall. Staff would have to ask if the Plan Commission is satisfied with the plan for the building, and whether there are any other requirements that will be placed on the property or the building to make up for the modification requests. If it is just landscaping, then staff will need to be directed on the landscaping portion. If there is something else that the Plan Commission will be directing, that will need to be stated.

Planner Papelbon continued by referencing the letter dated October 17, 2019 from Eckert Wordell that was provided in the staff report. The letter states what modifications are being requested and why (see staff report). Planner Papelbon is asking the Plan Commission to determine if the plans as proposed, including the EIFS, are something they are satisfied with, and whether the modification requests can be made up for with enhanced landscaping on the site. If there are other requirements that the Plan Commission is going to be submitting for enhancements to the site or building to make up for the use of EIFS or any other modification requests for the property,

staff will need to know what those are.

Mayor Bukiewicz asked Commissioners to read over the document and ask any questions for clarification.

Planner Papelbon referenced the overlay district design standards that are applicable to the site and building (see pages four and five of the staff report). If the Plan Commission approves the plans as presented, there will be requirements for those portions that will be modifications - the Plan Commission would need to determine if there are supplemental design standards. Planner Papelbon provided examples of supplemental design standards that go above and beyond what is normally required in Code. If the Plan Commission only requires landscaping to do that, that is what staff needs direction on.

Commissioner Siepert asked Planner Papelbon if the 25% only applied to EIFS.

Planner Papelbon confirmed in this case it would be for the EIFS only. The spandrel glass is not mentioned in the underlying Code requirements, and within the overlay district, the only mention of any type of glass other than the normal tinted glazing is dark or mirrored glass. Spandrel glass is not touched on in either portion of the Code - the Plan Commission just needs to know where it is.

Alderman Guzikowski asked Planner Papelbon if the Plan Commission is satisfied with the plans and just wants to ask for supplemental landscaping, could it be added in [to the conditions of approval].

Planner Papelbon stated if Condition #6 needs enhanced language she can do that. Planner Papelbon continued by explaining if the Plan Commission would like the landscape plan to come back for review and approval, that can be done as well. If desired, the Plan Commission can also direct staff to work with the consultant for additional landscaping on the north, around the sign, and any other areas the Plan Commission would like to see.

Alderman Guzikowski is in favor of having staff work directly with the consultants.

Mayor Bukiewicz stated the north side is a little barren.

Planner Papelbon agreed, and stated there will be some restrictions with regard to utility easements. Enhanced landscaping up against the building on the north side would probably be the easiest. Low landscaping, with no trees or tall shrubs, would be allowed in the utility easement. The landscaping around the monument sign is a requirement, but if there are any other spots around the site that the Plan Commission would like to see, that should be stated.

Mayor Bukiewicz stated that the wall could be broken up with landscaping between the windows shown. There is a utility easement, so most of the landscaping will have to stay tight to the wall.

Planner Papelbon explained landscape plans are the jurisdiction of the Plan Commission. The approvals should be coming from the Plan Commission.

Commissioner Oldani inquired if the Plan Commission could approve the use of the EIFS with a future approval of landscaping as worked with the staff and brought back.

Planner Papelbon stated that is an option to have the landscape plans brought back as a

condition.

Commissioner Oldani continued by stating as a condition of approving the EIFS use.

Planner Papelbon confirmed that is an option.

Commissioner Simmons asked Planner Papelbon to confirm if the Plan Commission can state the applicant can work with staff, and the applicant does not need to come back to the Plan Commission.

Planner Papelbon confirmed if the directions are specific enough, the Plan Commission can approve that. If the Plan Commission would rather have the landscape plan as a whole come back, that is the other option.

Commissioner Chandler asked the applicant to provide an explanation as to why the percentage of EIFS is so high.

Mr. Penny explained that the overall percentage of EIFS on the building is 24%; however, on that side of the building most of it will not be seen so they chose to add more in that area.

Commissioner Chandler asked for clarification as to why the applicant is choosing to use EIFS and not stone or brick.

Mr. Penny stated EIFS was introduced to break up the façade and to reduce cost. There will be bands and reveals to break up the EIFS.

Commissioner Chandler asked which part of the building the EIFS would be on.

Mr. Penny referenced 3D View 7 in the staff report. The gray part on the far east side is EIFS.

Commissioner Chandler explained she is unclear about the reasoning provided in the staff report because the staff reports states the designers were unable to find a lighter color brick for that portion.

Mr. Penny explained the EIFS is being used here and on part of the screen. EIFS is being used on the screen due to the height of the structure. EIFS is a lighter material and requires less structural support. Using EIFS is also to help reduce cost.

Commissioner Chandler inquired what the alternative plan is if this plan is not approved.

Mr. Penny stated the backup plan would be for the architects to go back to the doctors and recommend putting brick around that area, adding more cost.

Mayor Bukiewicz stated the color combinations tend to break it up.

Mr. Penny explained the landscape plan will also help to break up the façade. Mr. Penny explained he will also suggest more shrubs around the utility building.

Mayor Bukiewicz stated the colors go together well and it is well broken up.

Planner Papelbon reiterated that Condition #6 would presume that the Plan Commission is going

to instruct staff to work with the applicant. If the Plan Commission wants to see the landscape plan come back, then Condition #6 would need to be changed to say the revised plan comes back to the Plan Commission for approval.

Commissioner Oldani moved that the Plan Commission approves the site and building plans submitted by Robert McCarville, Vision Properties Group, LLC, for the property at 10148 S. 27<sup>th</sup> St. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That copies of all access approvals shall be provided to the City prior to the submission of building permit applications.
3. That the exterior brick and stone veneer meet the minimum 4-inch thick requirement per Code.
4. That the color of the spandrel windows shall not be a dark or mirrored glass per Overlay District standards, and shall be specified on the final plans.
5. That the plans are revised to include locations for all mechanicals, transformers, and utilities. That all mechanical equipment, transformers, and utility boxes (ground, building, and rooftop) are screened from view.
6. That the landscape plan is revised to incorporated plantings on the north portion of the property, around the proposed monument sign location, and as necessary for compliance with Code requirements. Plants used to screen parking areas from rights-of-way must be installed and maintained at a minimum height of 3 feet.
7. That all revised plans (site, building, landscaping, etc.) are submitted in digital format for review by the Department of Community Development prior to the submission of building permit applications.

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

**TEMPORARY USE  
BARRETT LO VISIONARY DEVELOPMENT  
7951 S. 6<sup>TH</sup> ST.  
TAX KEY NO. 813-9063-000**

Planner Papelbon provided an overview of the request for a temporary use permit for temporary parking for the ParTerre apartment construction at 7951 S. 6<sup>th</sup> St.

Bradley Hoffman, Rinka, 756 North Milwaukee Street Ste. 250, Milwaukee, explained there are two purposes of the parking lot. It will help alleviate parking concerns during construction, and help maintain safety of everyone and limit damage to vehicles.

Commissioner Siepert asked what the timeline would be for installing the proposed parking lot.

Mr. Hoffman stated the applicant would like to get the parking lot in as soon as possible after approval. If approval is granted, they would like to start constructing the parking lot within a week.

Commissioner Chandler asked how long the parking spaces would be installed.

Mr. Hoffman stated per the condition that was set the spaces would have to be removed within 6 weeks of final occupancy of the ParTerre project.

Commissioner Chandler asked when that is scheduled to be.

Mr. Hoffman stated it is scheduled to be complete in July 2021.

Commissioner Chandler asked Planner Papelbon if this is the same scenario or different from a previous proposal from another applicant.

Planner Papelbon stated this is different. The main difference is this proposed parking will be on an adjacent property owned by the applicant, and the parking stalls will be paved. This is also in direct relation to a construction project for a second phase of an existing apartment building.

Alderman Loreck asked if this would be a private lot.

Mr. Hoffman stated it will be a private lot for tenant use. Similar to the lot on the south side of the current project.

Alderman Loreck asked if the street parking will be lost during construction.

Paul Hackbarth, Greenfire Management, stated that the parking stalls in front of the site, 3 north stalls, would be removed for public use while they are creating the entrance to the main building. There will be curb cuts and a new approach being built. That should be the only impact to the public parking across from the library.

Commissioner Simmons wanted to acknowledge that the added temporary parking will give the displaced cars of residents a place to park during construction so they are not using the street parking spaces. He continued by stating staff would work with them to get pedestrian access to the parking lot.

Mayor Bukiewicz stated he is in favor of this and it is necessary. This is a very expensive alternative for construction, normally it is just dirt or gravel.

Commissioner Siepert moved that the Plan Commission approves the Temporary Use Permit for the temporary parking lot at 7951 S. 6<sup>th</sup> St. with the following conditions:

1. All applicable building and fire codes are in effect.
2. A minimum 5-foot setback shall be maintained from the right-of-way and all property lines.
3. There shall be a maximum of 40 parking stalls provided per the approved site plan.
4. All vehicles shall be parked on 3 inches of asphalt over 8 inches of compacted stone base per Engineering Department requirements.
5. There shall be no stockpiling of materials on this site.
6. All vehicles and temporary parking materials shall be removed, the site restored to its pre-construction condition, and vegetation reestablished within 6 weeks following the issuance of an Occupancy Permit for the ParTerre apartment construction project.



7. Prior to construction of the temporary parking lot, the Applicant shall submit to the City a cash escrow to assure removal/restoration of the lot and affected area in the timeframe outlined in the Temporary Use permit. The cash escrow amount shall be 1.2 times the cost of the calculated cost of the restoration work.

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 6:56 p.m.

ATTEST:

\_\_\_\_\_  
Douglas Seymour, Plan Commission Secretary

11-7-19

\_\_\_\_\_  
Date

DRAFT

## Summary of Significant Common Council Actions

November 5, 2019

- **APPROVED** Ordinance No. 2950, an ordinance to approve a Conditional Use Permit for a physical and occupational therapy clinic in a portion of the multi-tenant building (C) on the property at 140 E. Rawson Ave.
- **APPROVED** Ordinance No. 2951, an ordinance to amend the Official Map for a portion of the W ½ of the W ½ of the N ½ of the NE ¼ of Section 16 (mapped, unimproved rights-of-way affecting the properties at 819, 819R, and 901 E. Drexel Ave.)
- **APPROVED** Ordinance No. 2952, an ordinance to amend the Conditions and Restrictions in Ordinance No. 2911 for a Conditional Use Permit for a Community Based Residential Facility (CBRF) with a capacity of at least nine (9) but no more than twenty (20) persons on the property at 7801 S. Pennsylvania Ave.
- **APPROVED** Ordinance No. 2953, an ordinance to repeal and recreate Sections of the Municipal Code Regarding Place of Assembly and Religious Institutions.
- **APPROVED** Resolution No. 12106-110519, opposing the development of a Postal Service Processing and Mail Distribution Facility at 2209 E. College Ave., 6405 and 6469 S. Pennsylvania Avenue, 2000R E. Birch Drive, 1900R E. Poplar Drive, and 1920A E. Rawson Ave.
- **APPROVED** Resolution No. 12100-110519, approving the Tax Incremental District No. 12 Finance Development Agreement (Highgate Development)



Kari Papelbon, CFM, AICP  
Planner



## PLAN COMMISSION REPORT

Proposal: Rezone

Description: Review of a request to rezone the properties at 9343, 9352, 9357, and 9365 S. Arbor Creek Dr. and 9349 S. Nicholson Rd. to remove portions of the FF, Flood Fringe district.

Applicant(s): Mike Kaerek, East Brooke LLC

Address(es): 9343, 9352, 9357, and 9365 S. Arbor Creek Dr. and 9349 S. Nicholson Rd.

**Suggested Motion:** That the Plan Commission recommends to the Common Council that portions of the properties at 9343, 9352, 9357, and 9365 S. Arbor Creek Dr. and 9349 S. Nicholson Rd. be rezoned to remove the FF, Flood Fringe district after a public hearing.

Owner(s): East Brooke, LLC

Tax Key(s): 873-1037-000, 873-1038-000, 873-1036-000, 873-1035-000, 873-9998-003

Lot Size(s): Multiple

Current Zoning District(s): Rs-3, Single Family Residential  
FW, Floodway

Overlay District(s): FF, Flood Fringe

Wetlands:  Yes  No      Floodplain:  Yes  No

Comprehensive Plan: Single Family Residential; Limited Development Area; Resource Protection Area

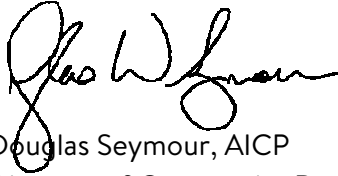
### Background:

The Applicant is requesting that the properties at 9343, 9352, 9357, and 9365 S. Arbor Creek Dr. and 9349 S. Nicholson Rd. be rezoned to remove portions from the FF, Flood Fringe district. The change is being requested following a FEMA Letter of Map Revision (LOMR) that recognizes portions of the properties have been raised at least 2 feet above the floodplain elevation by fill. Following the rezone, the Plan Commission will be asked to review a Certified Survey Map that will change Outlots 3-6 to building lots. Staff have been aware of the proposed change, and have no objections to the rezone request.

**Options/Alternatives:** The Plan Commission may recommend Common Council approval of the proposed rezone, or that the Common Council not approve of the proposed rezone. Disapproval of the rezone would potentially result in incompatible district standard applications based on a FEMA-approved project, and affect the development potential of the parcels in a single-family residential subdivision identified as a priority site in the Strategic Plan.

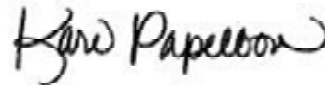
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Respectfully submitted:



Douglas Seymour, AICP  
Director of Community Development

Prepared:



Kari Papelbon, CFM, AICP  
Planner

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Attachments:

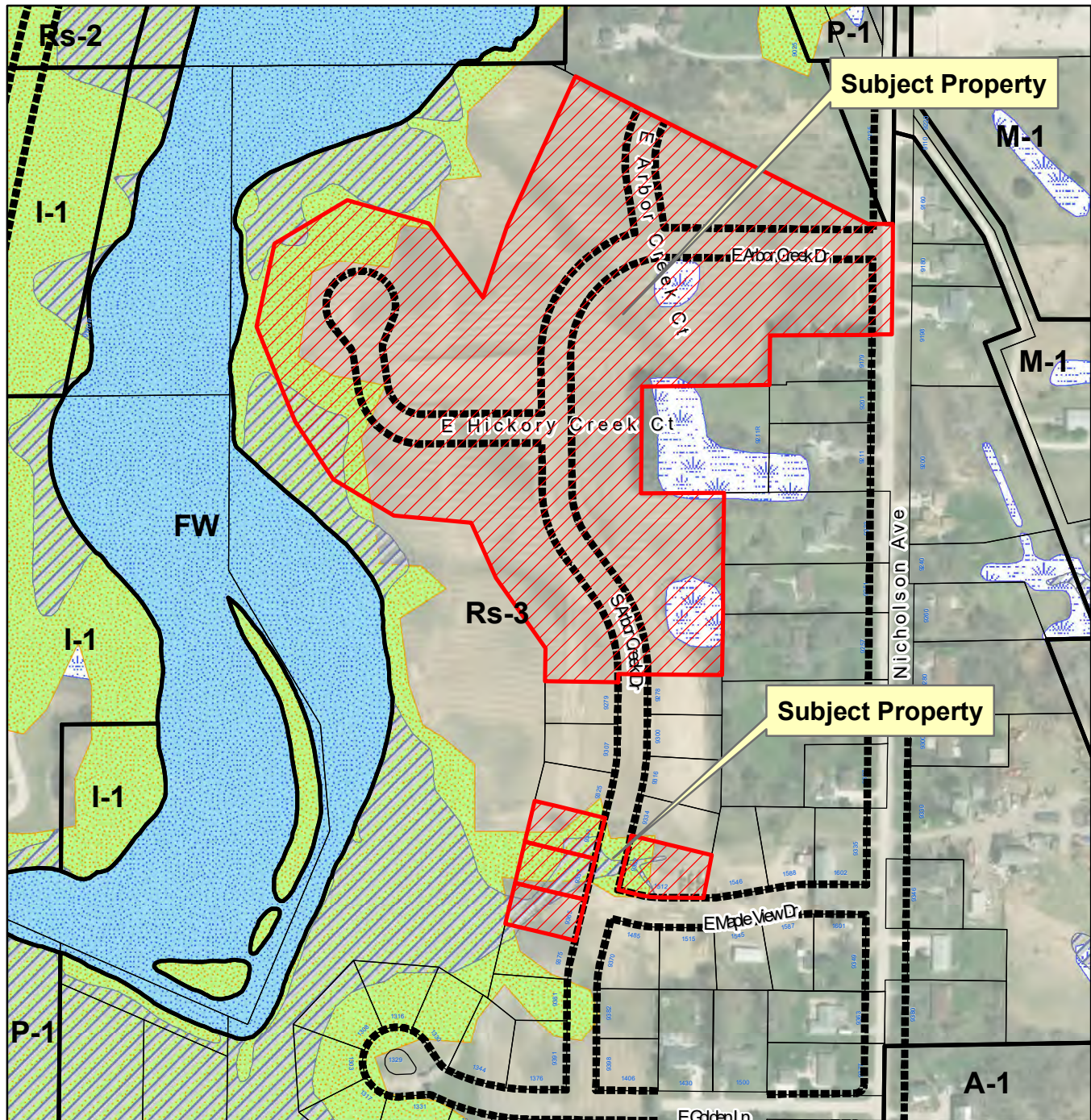
Location Map

Rezoning Exhibit 1 (1 page)

Rezoning Exhibit 2 (1 page)

# Location Map

Unplatted Lands-9349 S. Nicholson Rd. &  
9365, 9357, 9343, 9352 S Arbor Creek Dr.



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









**OAKCREEK**  
— WISCONSIN —

Department of Community Development



## Legend

-  Parcel selections
-  Officially Mapped Streets
-  Flood Plain (2008)
-  Floodway (2008)
-  Environmental Corridor
-  DNR Wetlands Inventory

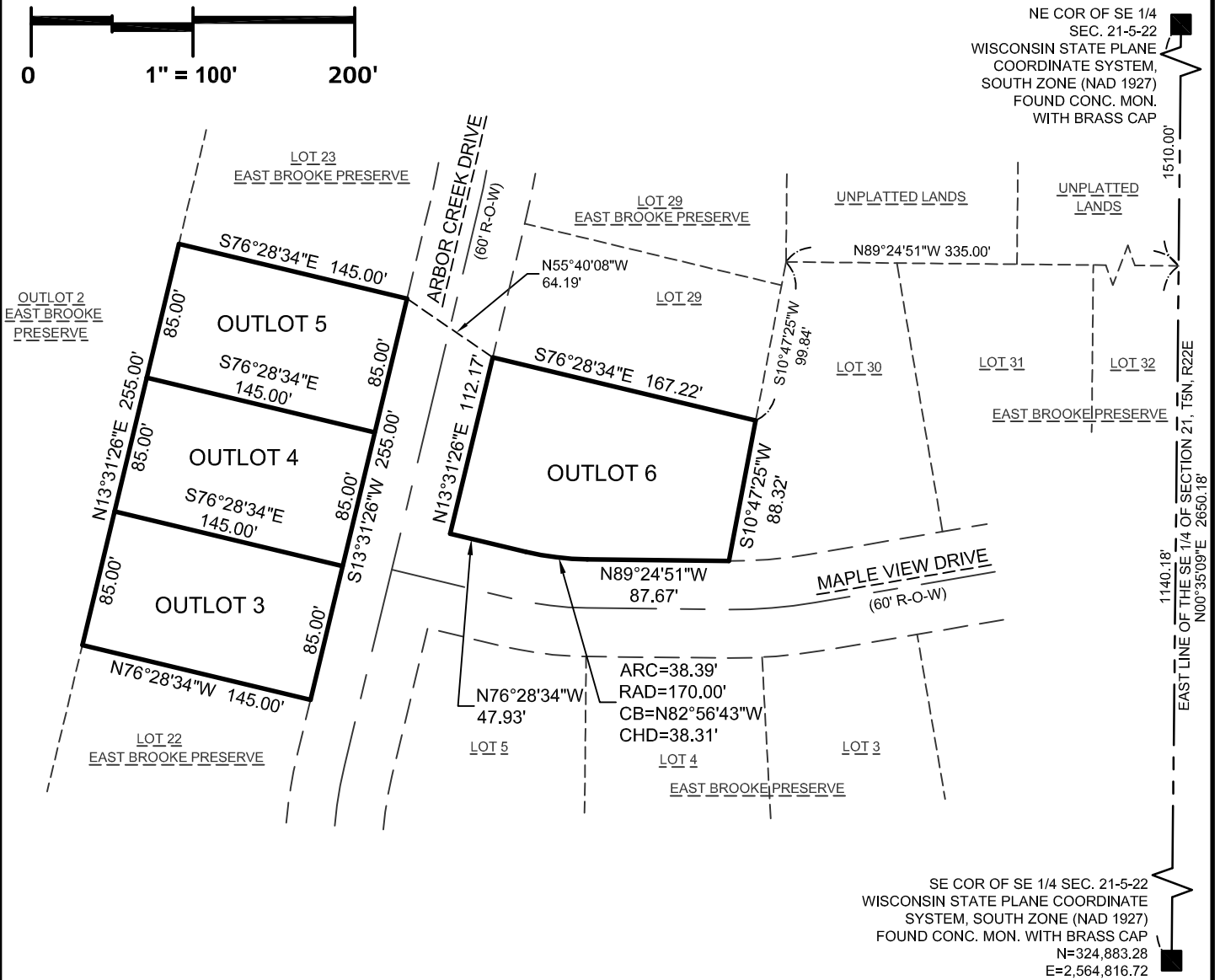
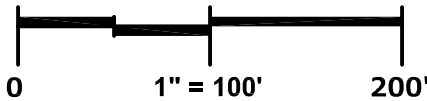
# REZONING EXHIBIT #1

## OUTLOTS 3 THROUGH 6 OF EAST BROOKE PRESERVE

NOTE: ALL THE LAND WITHIN OUTLOTS 3 THROUGH 6 IS GREATER THEN TWO-FEET ABOVE THE 100-YEAR FLOODPLAIN. THE FLOODFRINGE (FF) OVERLAY IS PROPOSED TO BE REMOVED ENTIRELY FROM THE OUTLOTS. UNDERLYING RS-3 ZONING WILL REMAIN.



### GRAPHICAL SCALE (FEET)

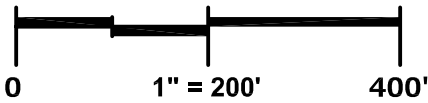


Prepared By:  
**PINNACLE ENGINEERING GROUP**  
 20725 WATERTOWN ROAD I SUITE 100  
 BROOKFIELD, WI 53186  
 OFFICE: (262) 754-8888

Prepared for:  
 EAST BROOKE LLC  
 7900 Durand Avenue, Bldg 10  
 Mount Pleasant, WI 53177

**DATE: OCTOBER 23, 2019**  
**PEG JOB#994.00**

GRAPHICAL SCALE (FEET)



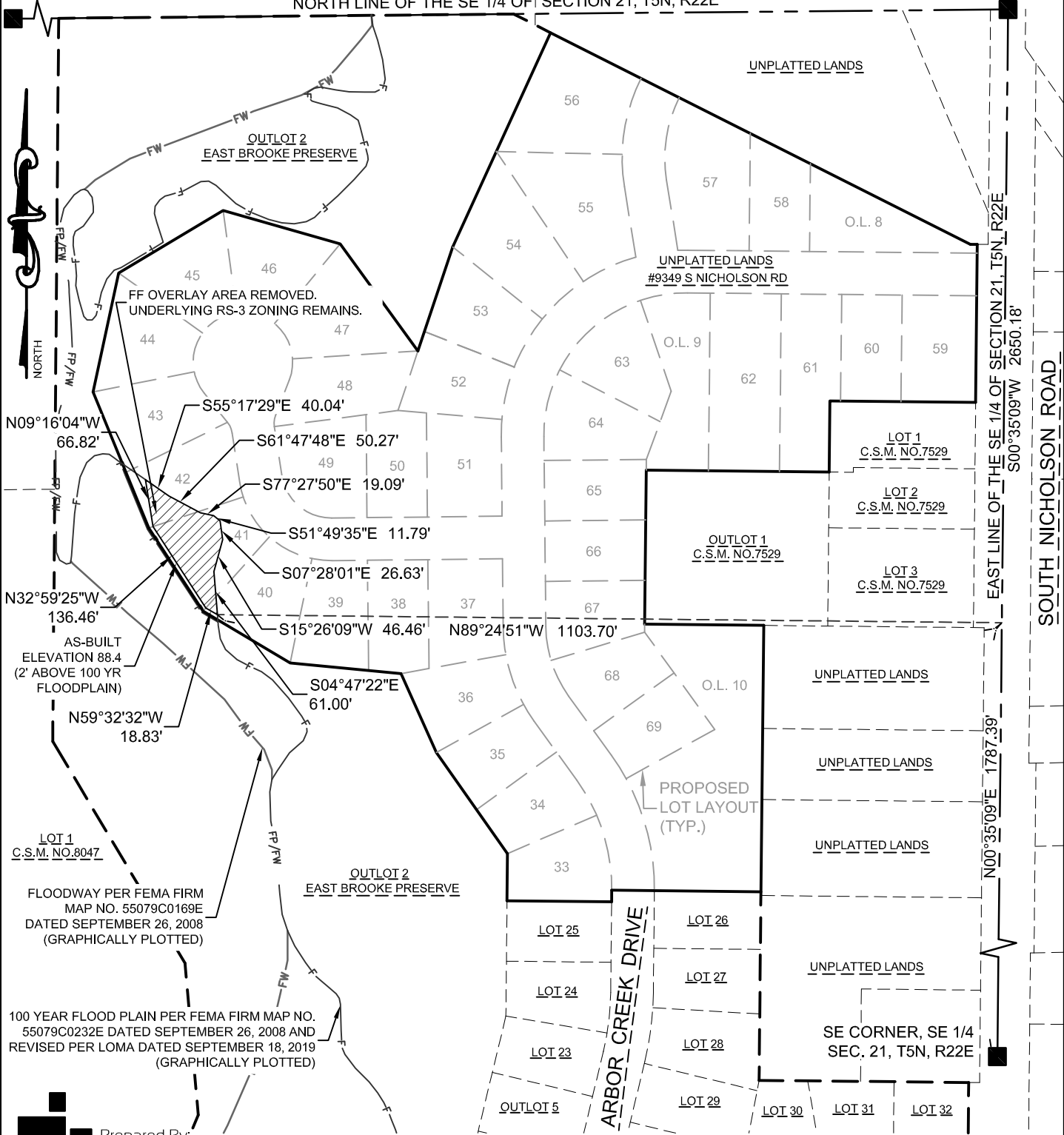
# REZONING EXHIBIT #2

## UNPLATTED LANDS - 9349 S. NICHOLSON ROAD

NW CORNER, SE 1/4  
SEC. 21, T5N, R22E

NE CORNER, SE 1/4  
SEC. 21, T5N, R22E

N89°28'08"E 2671.82'  
NORTH LINE OF THE SE 1/4 OF SECTION 21, T5N, R22E



LOT 1  
C.S.M. NO. 8047  
FLOODWAY PER FEMA FIRM  
MAP NO. 55079C0169E  
DATED SEPTEMBER 26, 2008  
(GRAPHICALLY PLOTTED)

100 YEAR FLOOD PLAIN PER FEMA FIRM MAP NO.  
55079C0232E DATED SEPTEMBER 26, 2008 AND  
REVISED PER LOMA DATED SEPTEMBER 18, 2019  
(GRAPHICALLY PLOTTED)

Prepared By:  
**PINNACLE ENGINEERING GROUP**  
20725 WATERTOWN ROAD | SUITE 100  
BROOKFIELD, WI 53186  
OFFICE: (262) 754-8888

Prepared for:  
EAST BROOKE LLC  
7900 Durand Avenue, Bldg 10  
Mount Pleasant, WI 53177

DATE: OCTOBER 23, 2019  
PEG JOB#994.00



## PLAN COMMISSION REPORT

Proposal: Certified Survey Map – East Brooke Preserve Phase I

Description: Review of a Certified Survey Map request to change the properties at 9343, 9352, 9357, and 9365 S. Arbor Creek Dr. and 9349 S. Nicholson Rd. from outlots to building lots.

Applicant(s): Mike Kaerek, East Brooke LLC

Address(es): 9343, 9352, 9357, and 9365 S. Arbor Creek Dr.

**Suggested Motion:** That the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Mike Kaerek, East Brooke LLC, for the properties at 9343, 9352, 9357, and 9365 S. Arbor Creek Dr. be approved.

Owner(s): East Brooke, LLC

Tax Key(s): 873-1037-000, 873-1038-000, 873-1036-000, 873-1035-000

Lot Size(s): Multiple (no change)

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

Overlay District(s): FF, Flood Fringe

Wetlands:  Yes  No      Floodplain:  Yes  No

Comprehensive Plan: Single Family Residential; Limited Development Area; Resource Protection Area

### Background:

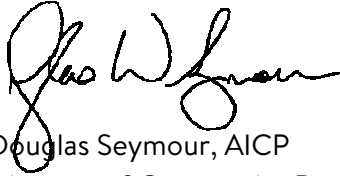
The Applicant is requesting recommendation of approval of a Certified Survey Map (CSM) for the properties at 9343, 9352, 9357, and 9365 S. Arbor Creek Dr. As mentioned in the staff report for the previous rezone request, the CSM proposes to change the outlots impacted by the FEMA Letter of Map Revision (LOMR) (which recognizes portions of the properties have been raised at least 2 feet above the floodplain elevation by fill) to building lots. Staff have been aware of the proposed change, and have no objections to the request.



**Options/Alternatives:** The Plan Commission may recommend Common Council approval of the proposed Certified Survey Map (CSM) with or without specified conditions, or that the Common Council not approve of the proposed CSM. Disapproval of the CSM would potentially result in incompatible district standard applications based on a FEMA-approved project, and affect the development potential of the parcels in a single-family residential subdivision identified as a priority site in the Strategic Plan.

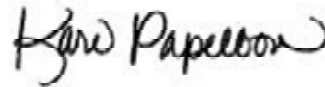
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Respectfully submitted:



Douglas Seymour, AICP  
Director of Community Development

Prepared:



Kari Papelbon, CFM, AICP  
Planner

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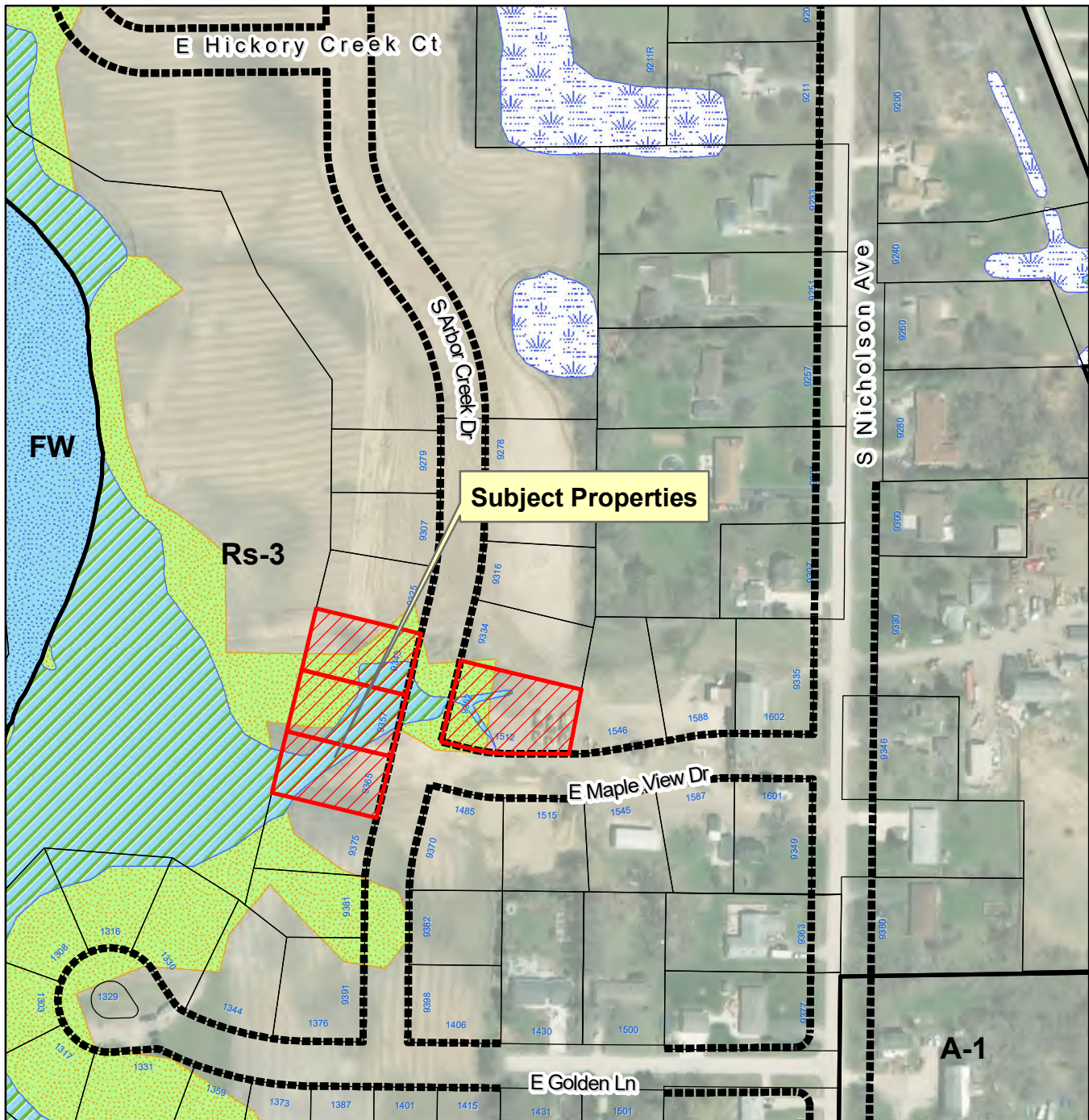
Attachments:

Location Map

Proposed Certified Survey Map (4 pages)

# Location Map

## 9365, 9357, 9343, 9352 S Arbor Creek Dr,



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









**OAKCREEK**  
— WISCONSIN —

Department of Community Development



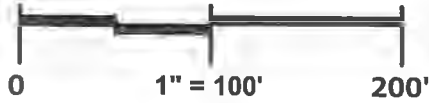
### Legend

-  Parcel selection selection
-  Officially Mapped Streets
-  Flood Plain (2008)
-  Floodway (2008)
-  Environmental Corridor
-  DNR Wetlands Inventory

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

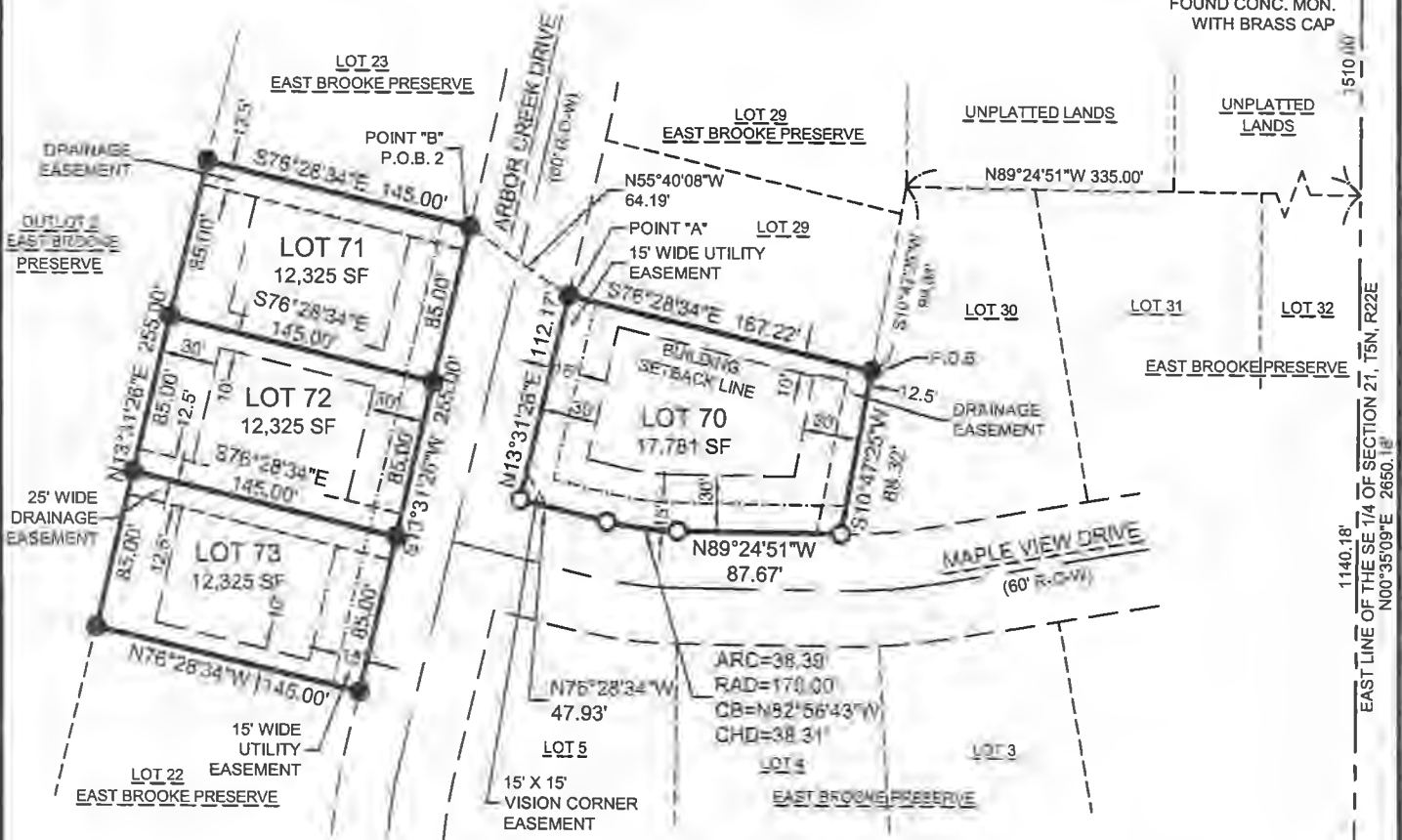
Being a redivision of Outlots 3 through 6 of East Brooke Preserve, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 21, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin

## GRAPHICAL SCALE (FEET)



SEPTEMBER 23, 2019

NE COR OF SE 1/4  
SEC. 21-5-22  
WISCONSIN STATE PLANE  
COORDINATE SYSTEM,  
SOUTH ZONE (NAD 1927)  
FOUND CONC. MON.  
WITH BRASS CAP



1510.00'  
1140.18'  
EAST LINE OF THE SE 1/4 OF SECTION 21, T5N, R22E  
N00°35'09\"/>

SE COR OF SE 1/4 SEC. 21-5-22  
WISCONSIN STATE PLANE COORDINATE  
SYSTEM, SOUTH ZONE (NAD 1927)  
FOUND CONC. MON. WITH BRASS CAP  
N=324,883.28  
E=2,564,816.72

### VICINITY MAP

SE 1/4 SEC. 21, T5N, R22E  
SCALE: 1"=2000'



### LEGEND:

- - Denotes Found 1-1/4" Iron Rebar
- - Denotes Found 3/4" Iron Rebar
- SF - Denotes lot areas to the nearest square foot.

### NOTES:

- All measurements have been made to the nearest one-hundredth of a foot.
- All angular measurements have been made to the nearest one second.
- Bearings referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The west line of the Southeast 1/4 of Section 21, Township 5 North, Range 22 East has a bearing of N00°35'09"E.
- All easements and building setbacks shown are per the plat of East Brooke Preserve.
- All drainage easements are granted to the City of Oak Creek.

Prepared for:  
EAST BROOKE LLC  
7900 Durand Avenue, Bldg 10  
Mount Pleasant, WI 53177

Prepared By:

**PINNACLE ENGINEERING GROUP**

20725 WATERTOWN ROAD | SUITE 100  
BROOKFIELD, WI 53186  
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#994.00  
SHEET 1 OF 4

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a redivision of Outlots 3 through 6 of East Brooke Preserve, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 21, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin

## SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)  
WAUKESHA COUNTY) SS

I, John P. Konopacki, Professional Land Surveyor, do hereby certify:

That I have surveyed, mapped and divided Outlots 3 through 6 of East Brooke Preserve, a subdivision recorded on February 1, 2019 as Document No. 10845146, Milwaukee County Register of Deeds office, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 21, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin described as follows:

Commencing at the southeast corner of the Southeast 1/4 of said Section 21; Thence North 00°35'09" East along the east line of said Southeast 1/4, 1140.18 feet;  
Thence North 89°24'51" West, 335.00 feet;  
Thence South 10°47'25" West, 99.84 feet to the northeast corner of said Outlot 6 and the Point of Beginning;  
Thence continuing South 10°47'25" West along east line of said Outlot 6, 88.32 feet to the southeast corner of said Outlot 6 and the north right of way line of Maple View Drive;  
Thence North 89°24'51" West along the south line of said Outlot 6 and said north right of way line, 87.67 feet to a point on a curve;  
Thence northwesterly 38.39 along said south line of said Outlot 6 and said north right of way line and the arc of a curve to the right, whose radius is 170.00 feet and whose chord bears North 82°56'43" West, 38.31 feet;  
Thence North 76°28'34" West along said south line of said Outlot 6 and said north right of way line, 47.93 feet to the southwest corner of said Outlot 6 and the east right of way line Arbor Creek Drive;  
Thence North 13°31'26" East along the west line of said Outlot 6 and said east right of way line, 112.17 feet to the northwest corner of said Outlot 6 and Point "A";  
Thence South 76°28'34" East along the north line of said Outlot 6, 167.22 feet to the Point of Beginning.

ALSO

Commencing at the aforesaid Point "A";  
Thence North 55°40'08" West, 64.19 feet to Point "B" and the northeast corner of said Outlot 5 and the east right of way line of Arbor Creek Drive and the Point of Beginning 2;  
Thence South 13°31'26" West along the east line of said Outlots 5 through 3 and said west right of way line, 255.00 feet to the southeast corner of said Outlot 3;  
Thence North 76°28'34" West along the south line of said Outlot 3, 145.00 feet to the southwest corner of said Outlot 3;  
Thence North 13°31'26" East along the west line of said Outlots 3 through 5, 255.00 feet to the northwest corner of said Outlot 5;  
Thence South 76°28'34" East along the north line of said Outlot 3, 145.00 feet to the Point of Beginning 2

Containing 54,756 square feet (1.2570 acres) more or less.

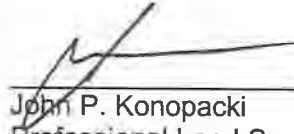
That I have made such survey, land division and map by the direction of EAST BROOKE LLC, owner of said land.

That such plat is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the requirements of Chapter 236 of the Wisconsin State Statutes and the City of Oak Creek Land Division Ordinance in surveying, mapping and dividing the land with in this certified survey map.

Date: SEPTEMBER 23, 2019



  
John P. Konopacki  
Professional Land Surveyor S-2461

Prepared By:

**PINNACLE ENGINEERING GROUP**

20725 WATERTOWN ROAD | SUITE 100

BROOKFIELD, WI 53186

OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#994.00  
SHEET 2 OF 4

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a redivision of Outlots 3 through 6 of East Brooke Preserve, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 21, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin

## OWNER'S CERTIFICATE

EAST BROOKE LLC, a Limited Liability Company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said limited liability company caused the land described on this certified survey map to be surveyed, divided and mapped as represented on this certified survey map.

EAST BROOKE LLC, as owner, does further certify that this certified survey map is required by Chapter 236 of the Wisconsin State Statutes to be submitted to the following for approval or objection:

1. City of Oak Creek

IN WITNESS WHEREOF, the said **EAST BROOKE LLC** has caused these presents to be signed by \_\_\_\_\_, its member, at (city) \_\_\_\_\_ County, Wisconsin, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

In the presence of: EAST BROOKE LLC

\_\_\_\_\_  
(signature)

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

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, \_\_\_\_\_, member, of the above named **EAST BROOKE LLC**, to me known to be the person who executed the foregoing instrument, and to me known to be such member of said limited liability company, and acknowledged that they executed the foregoing instrument as such officer as the deed of said limited liability company, by its authority.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_  
State of Wisconsin  
My Commission Expires: \_\_\_\_\_

## CONSENT OF CORPORATE MORTGAGEE

\_\_\_\_\_, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dedication and mapping of the land described in the forgoing affidavit of John P. Konopacki, surveyor, and does hereby consent to the above certification of owners.

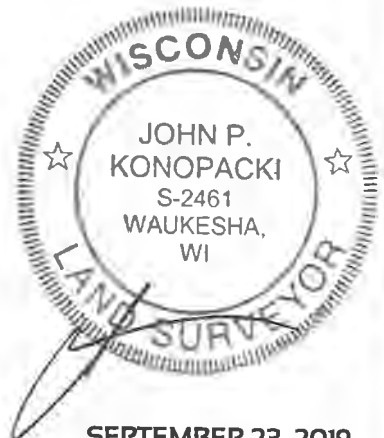
IN WITNESS WHEREOF, the said \_\_\_\_\_, has caused these presents to be signed by \_\_\_\_\_ its President, and its corporate seal to be hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Date  
\_\_\_\_\_  
President

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

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, \_\_\_\_\_, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said corporation and acknowledged the same.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_  
State of Wisconsin  
My Commission Expires: \_\_\_\_\_



SEPTEMBER 23, 2019

Prepared By:  
**PINNACLE ENGINEERING GROUP**  
20725 WATERTOWN ROAD | SUITE 100  
BROOKFIELD, WI 53186  
OFFICE: (262) 754-8888

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PEG JOB#994.00  
SHEET 3 OF 4

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a redivision of Outlots 3 through 6 of East Brooke Preserve, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 21, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin

## PLAN COMMISSION APPROVAL

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Daniel Bukiewicz, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Douglas W. Seymour, Secretary or Clerk

## COMMON COUNCIL APPROVAL

Approval by the Common Council of the City of Oak Creek, per Plan Commission recommendation on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by Resolution No. \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Daniel Bukiewicz, Mayor

\_\_\_\_\_  
Date

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



SEPTEMBER 23, 2019

Prepared By:

**PINNACLE ENGINEERING GROUP**

20725 WATERTOWN ROAD | SUITE 100

BROOKFIELD, WI 53186

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SHEET 4 OF 4