



PLAN COMMISSION

April 9, 2024
6:00 P.M.

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

Daniel Bukiewicz - Chair
Dawn Carrillo
Chaucey Chandler
Donald Oldani
Chris Guzikowski
Ashley Kiepczynski
Gregory Loreck
Fred Siepert
Christine Hanna
Matt Sullivan – ex-officio
Kari Papelbon – ex-officio

The City's Vision

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

Find more information on agenda items at oakcreek.zoninghub.com.

1. Call Meeting to Order
2. Roll Call
3. Approval of Minutes – March 26, 2024
4. Review and Discuss Report on Recent Common Council Actions – NONE
5. Review and Discuss Report on Recent Board of Housing and Zoning Appeals Actions
6. Review and Discuss Report on Recent Quarterly Parks & Recreation Commission Actions – Next report April 23, 2024
7. New Business
 - a. CONDITIONS AND RESTRICTIONS – Review conditions and restrictions as part of a request submitted by Ally Arnett, Creative Dance Studios, for a Conditional Use Permit for an indoor health/athletic/recreation facility on the property at 7040 S. 13th St. (Tax Key No. 735-9038-000; 1st Aldermanic District).
More info at ZoningHub: <https://s.zoninghub.com/TIILTMWT6J>
 - b. CONDITIONS AND RESTRICTIONS – Review conditions and restrictions as part of a request submitted by Rich Hanson, CitySwitch-II-A, LLC, for a Conditional Use Permit for a telecommunications tower on the property at 1805 E. College Ave. (Tax Key No. 712-8992-000; 1st Aldermanic District).
More info at ZoningHub: <https://s.zoninghub.com/2GSOGN5VEW>
 - c. REZONE/ZONING TEXT AMENDMENT – Review a request submitted by Jay Craig, MSI General, to remove portions of the FF, Flood Fringe district from the property at 200 W. Drexel Ave., and to update the Zoning and Sign Code to reflect the amendment (Tax Key No. 782-9040-000; 1st Aldermanic District).
More info at ZoningHub: <https://s.zoninghub.com/I9Z4HOMNND>

- d. REZONE/ZONING TEXT AMENDMENT – Review a request submitted by Brian and Traci Kotecki to remove portions of the FF, Flood Fringe district from the property at 1830 E. Elm Rd., and to update the Zoning and Sign Code to reflect the amendment (Tax Key No. 958-9030-000; *5th Aldermanic District*).

More info at ZoningHub: <https://s.zoninghub.com/J3U0UBXMBM>

Announcements & Adjournment.

Dated this 4th day of April, 2024

Posted 4/4/2024 ad

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.

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, MARCH 26, 2024**

Mayor Bukiewicz called the meeting to order at 6:00 PM. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Assistant City Administrator / Engineer Sullivan, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siepert, and Commissioner Chandler. Also present: Senior Planner Kari Pappelbon, Planner Melanie Perez, and Assistant Fire Chief Mike Havey.

Minutes of the February 27, 2024, meeting

Commissioner Siepert moved to approve the minutes of the February 27, 2024 meeting. Alderman Loreck seconded. On roll call: Commissioner Carrillo, City Administrator / Engineer Sullivan, and Commissioner Oldani abstained; all others voted aye. Motion carried.

**PUBLIC HEARING
SIGN APPEAL
WILLIAM GUST, MILWAUKEE YARD
7727 S. LONGWATER DR.
TAX KEY NO. 784-9034-000**

Planner Perez read the public hearing notice into record, and provided an overview of the request for variances to allow the applicant to install one (1) 18-foot-tall monument sign on the property at 7727 S. Longwater Dr. (see staff report for details).

Mayor Bukiewicz made the first, second, and third calls for public comment. Seeing none, he closed the public hearing.

**PUBLIC HEARING
SIGN APPEAL
WILLIAM GUST, MILWAUKEE YARD
7727 S. LONGWATER DR.
TAX KEY NO. 784-9034-000**

Commissioner Carrillo asked if the top-most image shown on the monument sign will move or be video.

Scott Boese, Bauer Sign and Lighting, 17414 W. Cleveland Ave., New Berlin, WI 53151, stated that the image will not move, but could be digitally updated to show events taking place in the building.

Commissioner Carrillo asked if the image will be changed periodically and would not digitally rotate. Mr. Boese confirmed that the sign will be updated and will not have a rotating movement within the screen.

Commissioner Carrillo asked if there are other tenants in the four (4) available rentable spaces of the building, and if not, whether filling those spaces is still planned. A representative from Milwaukee Yard stated that the spaces are not leased yet, but they are still planned on being leased.

Alderman Loreck stated his opinion that the sign is an appropriate height, and asked if both sides of the sign will be lit. Mr. Boese answered in the affirmative.

Alderman Loreck asked if the Milwaukee Yard building will block the light that will come from the north side of the sign, facing the existing apartments (Hub13). Mr. Boese stated that the building will block the light to that community.

Commissioner Siepert asked if the sign will be illuminated all the time. Mr. Boese stated that the top-most image will be, but the illuminated tenant panels could be turned off.

Commissioner Chandler asked for more information regarding why the location for the monument sign was chosen. Mr. Boese explained that the original planned location for the sign was further south, by the parking lot, but that the location was not within the property boundaries. The new location, between the fence and the edge of the parking lot, was then chosen so parking spaces in the lot would not be removed, and access to power at this location would be much easier.

Mayor Bukiewicz stated his approval for the height variance, and that he was not concerned about the light affecting the residential community to the north.

Commissioner Siepert moved that the Plan Commission approves a sign variance allowing the installation of one (1) 18-foot-tall monument sign on the property at 7727 S. Longwater Dr.

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

**TEMPORARY USE PERMIT
CASIE ERTL, CE FARMS
7501 S. HOWELL AVE.
TAX KEY NO. 782-9036-000**

Planner Perez provided an overview of a request for a Temporary Use Permit for a temporary garden center in the parking lot at 7501 S. Howell Ave. (see staff report for details).

Commissioner Oldani moved that the Plan Commission approves the Temporary Use Permit request submitted by Casie Ertl, CE Farms, for the operation of a garden center in the parking lot on the property at 7501 S. Howell Ave. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That all garden center activities shall be located within the portion of the parking lot as per the proposed map.
3. That operations shall occur between 9:00 AM and 6:00 PM Monday through Saturday, and between 9:00 AM and 4:00 PM Sunday.
4. That signage for the operation is limited to one (1) 32 square-foot sign and one (1) 12 square-foot sign. Each sign shall meet setback requirements, shall be placed so that drive aisles and parking stalls remain unobstructed, and shall be stored within the tent area during non-business hours.
5. That a tent permit is obtained prior to operation.
6. That the Temporary Use Permit shall be valid between April 15, 2024 through July 15, 2024. The property shall be restored to its pre-temporary use condition by no later than July 17, 2024.

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

**CONDITIONAL USE PERMIT
ALLY ARNETT, CREATIVE PRODUCTIONS DANCE STUDIO
7040 S. 13TH ST.
TAX KEY NO. 735-9038-000**

Senior Planner Papelbon provided an overview of a request for a Conditional Use Permit for an indoor health/athletic/recreation facility on the property at 7040 S. 13th St. (see staff report for details).

Commissioner Chandler asked what the security measures are for kids and adults coming in and out of the building.

Melony Pederson, 2816 E. Texas Ave., Milwaukee WI, 53207, explained that there will be a manned reception desk at the entrance of the space to keep track of who is coming and going.

Commissioner Siefert stated his concern about not enough parking for the patrons when the building has more occupants, or the dance studio is at a peak time. Ms. Pederson stated that at the studio's existing location there are fewer parking spaces available, and are shared with even more tenants. Parking at that location is not an issue for any tenant. Any large events will be held at schools, not in this space.

Alderman Guzikowski asked what types of activities will be happening in the space. Ms. Pederson answered that mostly children's dance classes will take place, with some adult barre or yoga classes.

Assistant Fire Chief Havey stated further evaluation will still be needed to ensure the use and occupancy load of the dance studio will match the existing fire suppression system. Mayor Bukiewicz asked if the evaluation would delay the applicant from occupying the space, to which Assistant Fire Chief Havey answered that it may. The use in the building is changing from a business to an assembly and that the type of fire suppression system needed will have to be based on the new occupancy load.

The Plan Commission ruled in the affirmative for the following Findings of Fact:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
3. Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, and other necessary site improvements have been or are being provided.
4. Measures have been or will be taken to provide adequate ingress and egress and designed to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.

5. The conditional use conforms to all applicable regulations of the district in which it is located.

Alderman Loreck moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for an indoor health/athletic/recreation facility on the property at 7040 S. 13th St., after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (April 9, 2024).

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

**CONDITIONAL USE PERMIT
RICH HANSON, CITYSWITCH-II-A, LLC
1805 E. COLLEGE AVE.
TAX KEY NO. 721-8992-000**

Senior Planner Papelbon provided an overview of a request for a Conditional Use Permit for a telecommunications tower on the property at 1805 E. College Ave. (see staff report for details).

Commissioner Chandler asked if the proposed chain-link fence would need any screening, to which Senior Planner Papelbon answered in the negative.

Commissioner Siefert asked if the facility will be on the railroad's property or easement.

Rod Carter, Esq., Hush Blackwell, 511 N. Broadway, Milwaukee WI, 53202, confirmed that the facility is on railroad property, and that the Applicant will be leasing the proposed space from the railroad.

Alderman Loreck asked how close to College Ave. the fence and monopole will be. Atty. Carter stated his belief the correct address of the project should be 1850 E. College Ave., to which Senior Planner Papelbon stated the address will be verified.

Commissioner Hanna asked if there is any concern about the monopole from the surrounding residents.

Andrew Flowers, Senior Real Estate and Construction Manager with AT&T, 1000 Commerce Drive, Oak Brook IL, 60523, stated that the correct address is 1805 E. College Ave., and that the location is by the mail facility and the railroad tracks. There are no residential properties in the area.

Commissioner Hanna asked if the proposed fence and barbed wire designating the area will be enough to deter people. Mr. Flowers explained that the barbed wire is usually enough - the pole itself has no climbing pegs for the first 20-25 feet, and the equipment at the base is locked. If the locks are opened, an alarm will sound, and the authorities will be automatically notified.

Commissioner Oldani confirmed with the applicant and Senior Planner Papelbon the address of the facility will be 1805 E. College Ave., and asked where along the property will the pole be located. Mr. Flowers provided a more detailed description.

The Plan Commission ruled in the affirmative for the following Findings of Fact:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
3. Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, and other necessary site improvements have been or are being provided.
4. Measures have been or will be taken to provide adequate ingress and egress and designed to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.
5. The conditional use conforms to all applicable regulations of the district in which it is located.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit to allow a telecommunication tower and associated equipment on the property at 1805 E. College Ave., after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (April 9, 2024).

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

**COMPREHENSIVE PLAN AMENDMENT
WILLIAM NELSON, THE CELLAR
800 & 812 W. OAKWOOD RD.
TAX KEY NO. 733-9991-001**

Senior Planner Papelbon provided an overview of the proposed amendment to the *Comprehensive Plan, City of Oak Creek* (adopted March 3, 2020, last amended December 20, 2022) that would change the Land Use Plan and category from Single-Family Attached to Commercial for the properties at 800 & 812 W. Oakwood Rd. (see staff report for details).

Richard Grams, 980 W. Canterbury Ct.:

"My property abuts this. Where are they going to get in to address that little piece they want to keep residential?"

Senior Planner Papelbon explained that the property is currently developed with a home.

Mr. Grams:

"Okay. This is zoning..."

Senior Planner Papelbon explained that the request is to change the Comprehensive Plan category to guide what the parcel could be used for in the future.

Mr. Grams:

“So, it is now and we are leaving it. I didn’t understand that. Because there is a detention pond right next to me and there is some land in there the City owns, right? That’s not up for this. Okay, thank you.”

Commissioner Chandler asked if the properties identified as Single-Family Detached have been built or are planned. Senior Planner Papelbon explained that the area is already developed with single-family homes.

Commissioner Chandler asked if there would be buffers in place if a commercial use wanted to move into the area. Senior Planner Papelbon gave a brief overview of the options, stated that the presence of floodway on the properties limit what can be built.

Commissioner Oldani, Alderman Guzikowski, Mayor Bukiewicz, and Assistant City Administrator / Engineer Sullivan stated their support for staff’s recommendation to change 910 W. Oakwood Rd. to Single-Family Detached.

Alderman Loreck asked if the proposal to extend the parking lot [onto 800 W. Oakwood Rd.] is to pave the grass and gravel that is already parked on by customers. William Nelson, 811 E. Elm Rd., confirmed that such will be the plan.

Alderman Loreck asked if there are plans for the back, northern portion of the property, to which Mr. Nelson answered in the negative.

Alderman Loreck moved that the Plan Commission adopts Resolution 2024-01, amending the Land Use Plan category in the *Comprehensive Plan, City of Oak Creek* (adopted March 3, 2020; last amended December 20, 2022) from Single-Family Attached to Commercial (no change to the Floodway category) for the properties at 800 & 812 W. Oakwood Rd., and from Single-Family Attached to Single-Family Detached (no change to the Floodway category) for the property at 910 W. Oakwood Rd., following review and adoption by the Common Council.

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siefert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 6:58 PM.

ATTEST:

Kari Papelbon, Plan Commission Secretary

4-4-24

Date



Recent Board of Housing and Zoning Appeals Actions

April 1, 2024

ITEM: 5

DATE: April 9, 2024

- **VARIANCE GRANTED** – Case No. 24-0003, a request by Brian Kotecki, 1830 E. Elm Rd. (5th Aldermanic District), for the following:
 - A variance from Oak Creek Municipal Code 17.0403(d)(4)(g)(1)(a), which states: “The garage may be set ahead a maximum of five (5) feet from the front façade of the home, inclusive of porches, bay windows, or other minor projections.”

As proposed, the garage would be set ahead of the front porch by 9.5 feet.

The appellant requested relief from the above Code Section due to the proposed home location being in excess of 700 feet from the Elm Road right-of-way, with existing and proposed homes being more than 200 feet from the west property line. Permits had been issued for the home design in 2011, but due to unforeseen circumstances, the home was not constructed. Following extensive deliberation, the Board of Zoning Appeals upheld the appeal, and granted the variance.

A handwritten signature in black ink that reads "Kari Papelbon".

Kari Papelbon, CFM, AICP
Senior Planner

PLAN COMMISSION REPORT

Proposal: Conditions and Restrictions – Indoor Health / Athletic / Recreation Facility

Description: Review draft conditions and restrictions for a Conditional Use Permit for a proposed Indoor Health / Athletic / Recreation Facility (dance studio) within a portion of the existing multitenant building on the property at 7040 S. 13th St.

Applicant(s): Ally Arnett, Creative Dance Studio

Address(es): 7040 S. 13th St. (1st Aldermanic District)

Suggested Motion: That the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for an indoor health/athletic/recreation facility on the property at 7040 S. 13th St.

Owner(s): TDW INVESTMENTS, INC

Tax Key(s): 738-9038-000

Lot Size(s): 0.864 acres

Current Zoning District(s): B-2, Community Business

Overlay District(s): N/A

Wetlands: Yes No **Floodplain:** Yes No

Comprehensive Plan: Commercial

Background:

At the March 26, 2024 meeting, the Plan Commission recommended Common Council approval of a Conditional Use Permit for an indoor health/athletic/recreation facility (dance studio) within a portion of the existing multitenant commercial building on the property at 7040 S. 13th St. Staff have prepared draft Conditions and Restrictions for the Commission's review.

If the Commission is comfortable with the Conditions and Restrictions, the appropriate action would be to recommend that the Common Council approve them as part of the Conditional Use Permit. Note that approval of the Conditional Use Permit and Conditions and Restrictions does not preclude or eliminate

requirements for other related processes, permits, and Code compliance.

Options/Alternatives: The Plan Commission has the discretion to recommend Common Council approval of, or require modifications to, the draft Conditions and Restrictions. Should the Conditions and Restrictions not be recommended for Council approval, Plan Commissioners must provide the criteria per Code upon which the denial is based, and the Applicant may choose to request Council approval without recommendation. In that case, the Council would have the authority to approve the request, including Conditions and Restrictions.

Respectfully submitted:



Kristin Porter
Community Development Director

Prepared:



Melanie Perez
Planner

Approved:



Kari Papelbon, CFM, AICP
Senior Planner

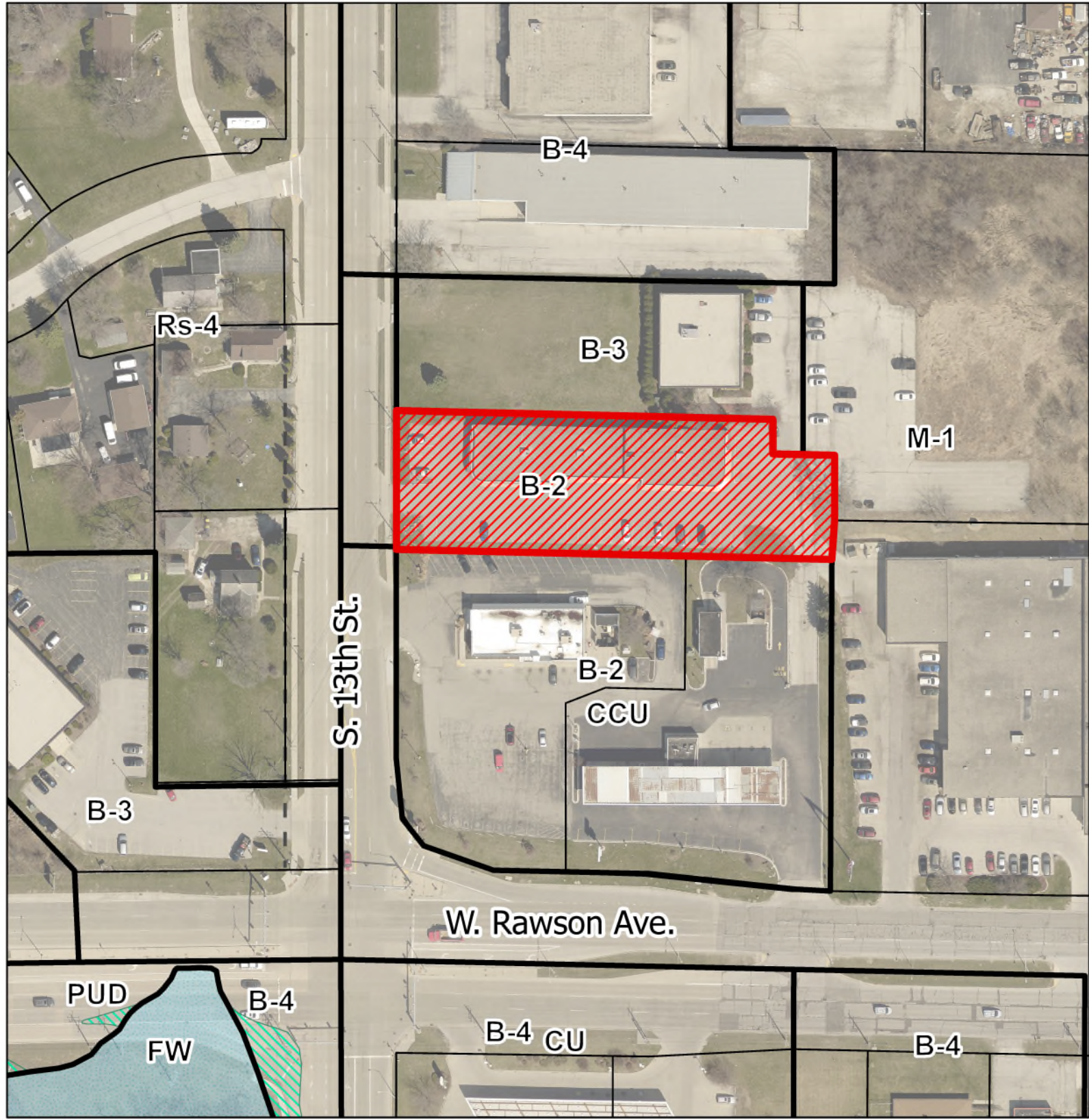
Attachments:

Location Map

Draft Conditions and Restrictions (4 pages)

Location Map

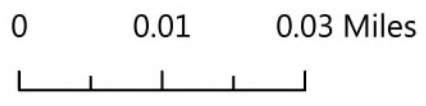
7040 S. 13th St.



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

Legend

- Zoning
- Flood Fringe
- Official Street Map
- Parcels
- Floodway
- 7040 S. 13th St.



**City of Oak Creek – Conditional Use Permit (CUP)
Conditions and Restrictions**

Applicant: Ally Arnett, Creative Dance Studios	Approved by Plan Commission: TBD
Property Address(es): 7040 S. 13 th St.	Approved by Common Council: TBD
Tax Key Number(s): 735-9038-000	
Conditional Use: Indoor Health/Athletic/ Recreation Facility (Dance Studio)	

1. LEGAL DESCRIPTION

CSM NO. 5598 PARCEL 1 SW 1/4 SEC 5-5-22

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

- A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.
- B. A precise detailed site plan for the area affected by the Conditional Use Permit 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) General Development Plan

- a) Detailed building/structure location(s) with setbacks
- b) Square footage of all buildings/structures

- c) Area(s) for future expansion/phases
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Sidewalk location(s)
- g) Parking layout and traffic circulation
 - i) Location(s) and future expansion
 - ii) Number of employees
 - iii) Number of all parking spaces
 - iv) Dimensions
 - v) Setbacks & buffers
- h) Location(s) of loading berth(s)

- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)

- k) Location of storm sewer (existing & proposed)

- l) Location(s) of wetlands (field verified)
- m) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates

2) Landscape Plan

- a) Screening plan, including parking lot screening/berming & buffer areas
- b) Number, initial & mature sizes, and types of plantings; tree inventory & retention/replacement plan
- c) Percentage open/green space

3) Building Plan

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

4) Lighting Plan

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

5) Grading, Drainage and Stormwater Management Plan

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

6) Fire Protection

- a) Locations of existing & proposed fire hydrants
- b) Interior floor plan(s)

- c) Materials of construction
- d) Materials to be stored (interior & exterior)

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

- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for

approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.

- E. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed on this property shall be limited to those allowed by the B-2, Community Business zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).
- B. Hours of operation shall be between 4:00 PM and 9:00 PM.
- C. There shall be no outdoor storage, rental, or sale of equipment, vehicles, merchandise, or any other materials on the property.
- D. All parking areas shall be striped, screened, and landscaped in conformance with approved site plans and Sec. 17.0505 of the Municipal Code (as amended).
- E. All signs shall conform to the requirements of Sec. 17.0601 – 17.0609 of the Municipal Code (as amended).
- F. The number, size, location and screening of appropriate solid waste collection units shall be in conformance with plans approved by the Plan Commission.
- G. Solid waste collection and recycling shall be the responsibility of the owner.
- H. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

Access and parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended). Any change to the existing access or parking configuration shall require Plan Commission approval as part of Site and Building Plan Review.

5. LIGHTING

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

6. BULK AND DIMENSIONAL REQUIREMENTS, SETBACKS

Lot Standards (Minimum)	
Lot Area	10,000
Lot Width	75 ft
Yard Setbacks (Minimum) (1)	
Front	25 ft
Street Facing Side	25 ft
Interior Side	20 ft
Rear	25 ft
Building Standards (Maximum)	
Height	45 ft
Building Coverage	40%
Lot Coverage	70%
Parking	
Transition & Required Landscape Areas	See Sec. 17.0505
Notes:	
(1) Setbacks from wetlands shall be a minimum of fifteen (15) feet with a five (5) foot undisturbed buffer.	

7. TIME OF COMPLIANCE

The operator of the Conditional Use Permit shall commence work in accordance with these Conditions and Restrictions within twelve (12) months from the date of adoption of the ordinance authorizing this Conditional Use Permit. This Conditional Use Permit approval shall expire twelve (12) months after the date of adoption of the ordinance if building permits have not been issued for this use. The applicant shall re-apply for Conditional Use Permit approval prior to recommencing work or construction.

8. DURATION OF CONDITIONAL USE PERMIT

This Conditional Use Permit is limited in duration to ten (10) years from the date of issuance of the Conditional Use Permit. The owner may apply for an extension of this Conditional Use Permit. The process for extension of the Conditional Use Permit shall follow the procedures for approving Conditional Use Permit as set forth in Section 17.1007 of the Municipal Code (as amended).

9. OTHER REGULATIONS

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

10. VIOLATIONS & PENALTIES

Any violations of the terms of this 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 (as amended). 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 11 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.

11. REVOCATION

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 Permit approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use Permit as set forth in Section 17.0804 of the Municipal Code (as amended).

12. ACKNOWLEDGEMENT

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

Owner / Authorized Representative Signature

Date

(please print name)



PLAN COMMISSION REPORT

Proposal: Conditions and Restrictions – Telecommunication Tower

Description: Review Conditions and Restrictions related to a request for a Conditional Use Permit for a proposed 100-foot-tall multi-carrier wireless communications monopole tower and associated equipment on the property at 1805 E. College Ave.

Applicant(s): Rich Hanson, CitySwitch-II-A, LLC

Address(es): 1805 E. College Ave. (1st Aldermanic District)

Suggested Motion: That the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit to allow a telecommunication tower and associated equipment on the property at 1805 E. College Ave., after a public hearing.

Owner(s): C & NW TRANS CO

Tax Key(s): 721-8992-000

Lot Size(s): 5.843 acres

Current Zoning District(s): A-1, Limited Agricultural

Overlay District(s): N/A

Wetlands: Yes No Floodplain: Yes No

Comprehensive Plan: Utility and Railroad

Background:

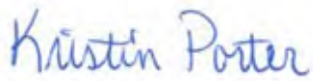
At the March 26, 2024 meeting, the Plan Commission recommended Common Council approval of a Conditional Use Permit for a 95-foot-tall multi-carrier wireless communications monopole tower (with 5-foot lightning rod) and associated equipment on the property at 1805 E. College Ave. Staff has prepared draft Conditions and Restrictions for the Commission’s review.

All site, landscaping, and related plan reviews required by the Conditional Use Permit will be conducted by staff and the Plan Commission subsequent to the issuance of the Conditional Use Permit and accompanying Conditions and Restrictions by the Common Council.

If the Commission is comfortable with the Conditions and Restrictions, the appropriate action would be to recommend that the Common Council approve them as part of the Conditional Use Permit.

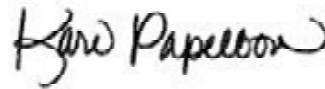
Options/Alternatives: The Plan Commission has the discretion to recommend Common Council approval of, or require modifications to, the draft Conditions and Restrictions.

Respectfully submitted:



Kristin Porter
Community Development Director

Prepared:



Kari Papelbon, CFM, AICP
Senior Planner

Approved:



Kari Papelbon, CFM, AICP
Senior Planner

Attachments:

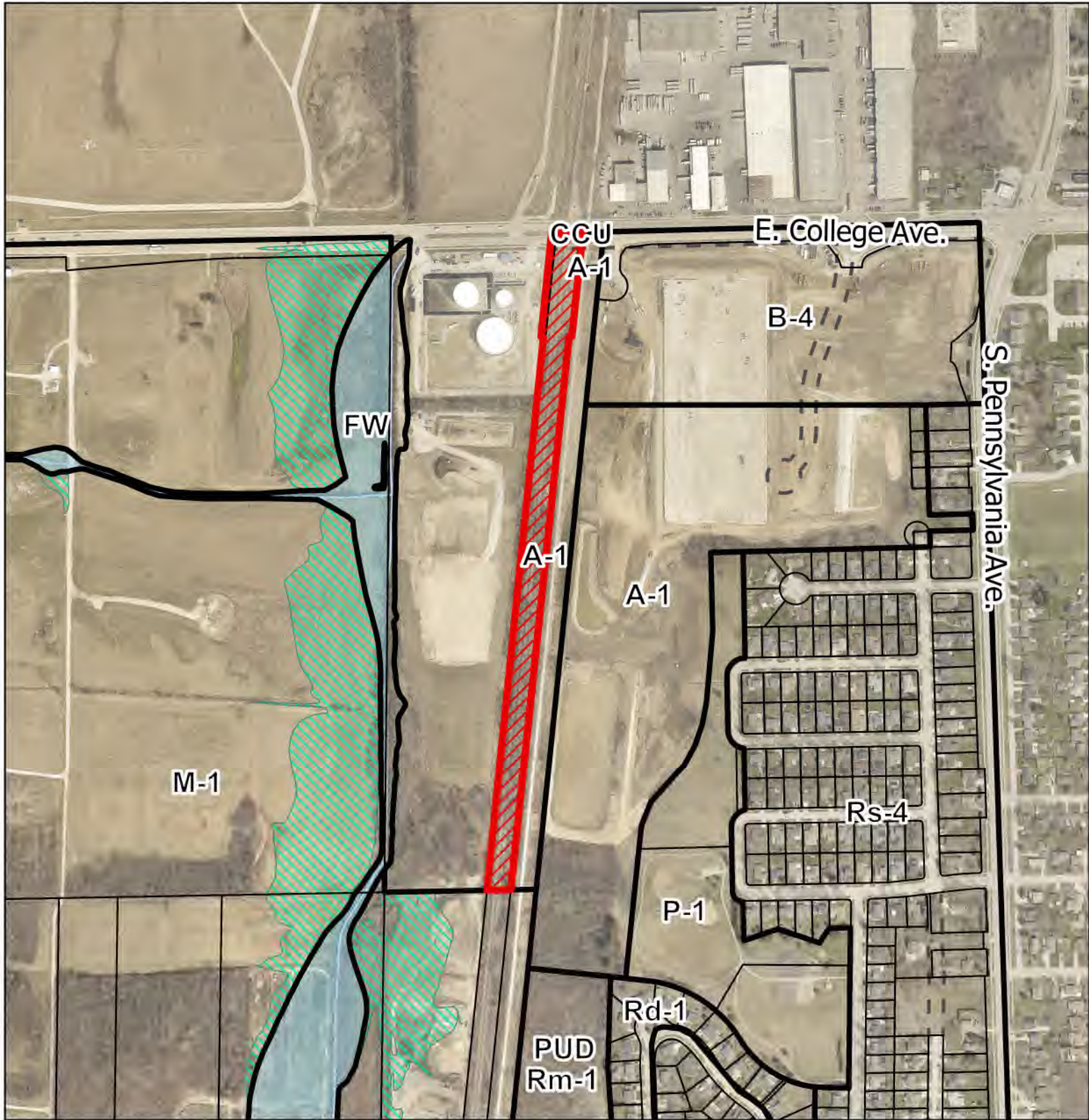
Location Map

Wis. Stats. 66.0404 (3 pages)

Draft Conditions and Restrictions (5 pages)

Location Map

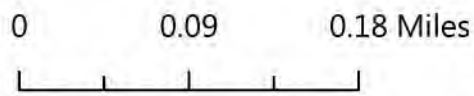
1805 E. College Ave.



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

Legend

- Zoning
- Official Street Map
- Floodway
- Flood Fringe
- Parcels
- 1805 E. College Ave.



2. A permit affecting the property is terminated under sub. (9).
3. An agreement affecting the property is filed under sub. (10).

(b) A permit holder is entitled to an injunction to require the trimming of any vegetation which creates or would create an impermissible interference as defined under sub. (1) (f). If the court finds on behalf of the permit holder, the permit holder shall be entitled to a permanent injunction, damages, court costs and reasonable attorney fees.

(8) **APPEALS.** Any person aggrieved by a determination by a municipality under this section may appeal the determination to the circuit court for a review.

(9) **TERMINATION OF SOLAR OR WIND ACCESS RIGHTS.** (a) Any right protected by a permit under this section shall terminate if the agency determines that the solar collector or wind energy system which is the subject of the permit is:

1. Permanently removed or is not used for 2 consecutive years, excluding time spent on repairs or improvements.

2. Not installed and functioning within 2 years after the date of issuance of the permit.

(b) The agency shall give the permit holder written notice and an opportunity for a hearing on a proposed termination under par. (a).

(c) If the agency terminates a permit, the agency may charge the permit holder for the cost of recording and record a notice of termination with the register of deeds, who shall record the notice with the notice recorded under sub. (6) (b) or indicate on any notice recorded under sub. (6) (b) that the permit has been terminated.

(10) **WAIVER.** A permit holder by written agreement may waive all or part of any right protected by a permit. A copy of such agreement shall be recorded with the register of deeds, who shall record such copy with the notice recorded under sub. (6) (b).

(11) **PRESERVATION OF RIGHTS.** The transfer of title to any property shall not change the rights and duties under this section or under an ordinance adopted under sub. (2).

(12) **CONSTRUCTION.** (a) This section may not be construed to require that an owner obtain a permit prior to installing a solar collector or wind energy system.

(b) This section may not be construed to mean that acquisition of a renewable energy resource easement under s. 700.35 is in any way contingent upon the granting of a permit under this section.

History: 1981 c. 354; 1983 a. 189 s. 329 (14); 1983 a. 532 s. 36; 1993 a. 414; 1995 a. 201; 1999 a. 150 s. 82; Stats. 1999 s. 66.0403; 2007 a. 97; 2009 a. 40.

Discussing the common law right to solar access. *Prah v. Maretti*, 108 Wis. 2d 223, 321 N.W.2d 182 (1982).

The owner of an energy system does not need a permit under this section. Barring enforceable municipal restrictions, an owner may construct a system without prior municipal approval. This section benefits and protects the owner of the system by restricting the use of nearby property to prevent an interference with the system. *State ex rel. Numrich v. City of Mequon Board of Zoning Appeals*, 2001 WI App 88, 242 Wis. 2d 677, 626 N.W.2d 366, 00–1643.

Wisconsin Recognizes the Power of the Sun: *Prah v. Maretti* and the Solar Access Act. Grunow. 1983 WLR 1263.

66.0404 Mobile tower siting regulations. (1) DEFINITIONS. In this section:

(a) “Antenna” means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

(b) “Application” means an application for a permit under this section to engage in an activity specified in sub. (2) (a) or a class 2 collocation.

(c) “Building permit” means a permit issued by a political subdivision that authorizes an applicant to conduct construction activity that is consistent with the political subdivision’s building code.

(d) “Class 1 collocation” means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing sup-

port structure for the facility but does need to engage in substantial modification.

(e) “Class 2 collocation” means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.

(f) “Collocation” means class 1 or class 2 collocation or both.

(g) “Distributed antenna system” means a network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.

(h) “Equipment compound” means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

(i) “Existing structure” means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with a political subdivision.

(j) “Fall zone” means the area over which a mobile support structure is designed to collapse.

(k) “Mobile service” has the meaning given in 47 USC 153 (33).

(L) “Mobile service facility” means the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

(m) “Mobile service provider” means a person who provides mobile service.

(n) “Mobile service support structure” means a freestanding structure that is designed to support a mobile service facility.

(o) “Permit” means a permit, other than a building permit, or approval issued by a political subdivision which authorizes any of the following activities by an applicant:

1. A class 1 collocation.
2. A class 2 collocation.
3. The construction of a mobile service support structure.

(p) “Political subdivision” means a city, village, town, or county.

(q) “Public utility” has the meaning given in s. 196.01 (5).

(r) “Search ring” means a shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

(s) “Substantial modification” means the modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:

1. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
2. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.
3. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.
4. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

(t) “Support structure” means an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

(u) “Utility pole” means a structure owned or operated by an alternative telecommunications utility, as defined in s. 196.01 (1d); public utility, as defined in s. 196.01 (5); telecommunications utility, as defined in s. 196.01 (10); political subdivision; or cooperative association organized under ch. 185; and that is

designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in s. 182.017 (1g) (cq); for video service, as defined in s. 66.0420 (2) (y); for electricity; or to provide light.

(2) NEW CONSTRUCTION OR SUBSTANTIAL MODIFICATION OF FACILITIES AND SUPPORT STRUCTURES. (a) Subject to the provisions and limitations of this section, a political subdivision may enact a zoning ordinance under s. 59.69, 60.61, or 62.23 to regulate any of the following activities:

1. The siting and construction of a new mobile service support structure and facilities.

2. With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.

(b) If a political subdivision regulates an activity described under par. (a), the regulation shall prescribe the application process which a person must complete to engage in the siting, construction, or modification activities described in par. (a). The application shall be in writing and shall contain all of the following information:

1. The name and business address of, and the contact individual for, the applicant.

2. The location of the proposed or affected support structure.

3. The location of the proposed mobile service facility.

4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

(c) If an applicant submits to a political subdivision an application for a permit to engage in an activity described under par. (a), which contains all of the information required under par. (b), the political subdivision shall consider the application complete. If the political subdivision does not believe that the application is complete, the political subdivision shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(d) Within 90 days of its receipt of a complete application, a political subdivision shall complete all of the following or the applicant may consider the application approved, except that the applicant and the political subdivision may agree in writing to an extension of the 90 day period:

1. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

2. Make a final decision whether to approve or disapprove the application.

3. Notify the applicant, in writing, of its final decision.

4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(e) A political subdivision may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under par. (b) 6.

(f) A party who is aggrieved by the final decision of a political subdivision under par. (d) 2. may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.

(g) If an applicant provides a political subdivision with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the political subdivision provides the applicant with substantial evidence that the engineering certification is flawed.

(h) A political subdivision may regulate the activities described under par. (a) only as provided in this section.

(i) If a political subdivision has in effect on July 2, 2013, an ordinance that applies to the activities described under par. (a) and the ordinance is inconsistent with this section, the ordinance does not apply to, and may not be enforced against, the activity.

(3) COLLOCATION ON EXISTING SUPPORT STRUCTURES. (a) 1. A class 2 collocation is a permitted use under ss. 59.69, 60.61, and 62.23.

2. If a political subdivision has in effect on July 2, 2013, an ordinance that applies to a class 2 collocation and the ordinance is inconsistent with this section, the ordinance does not apply to, and may not be enforced against, the class 2 collocation.

3. A political subdivision may regulate a class 2 collocation only as provided in this section.

4. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.

(b) If an applicant submits to a political subdivision an application for a permit to engage in a class 2 collocation, the application shall contain all of the information required under sub. (2) (b) 1. to 3., in which case the political subdivision shall consider the application complete. If any of the required information is not in the application, the political subdivision shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(c) Within 45 days of its receipt of a complete application, a political subdivision shall complete all of the following or the applicant may consider the application approved, except that the applicant and the political subdivision may agree in writing to an extension of the 45 day period:

1. Make a final decision whether to approve or disapprove the application.

2. Notify the applicant, in writing, of its final decision.

3. If the application is approved, issue the applicant the relevant permit.

4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(d) A party who is aggrieved by the final decision of a political subdivision under par. (c) 1. may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.

(4) LIMITATIONS. With regard to an activity described in sub. (2) (a) or a class 2 collocation, a political subdivision may not do any of the following:

(a) Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.

(b) Enact an ordinance imposing a moratorium on the permitting, construction, or approval of any such activities.

(c) Enact an ordinance prohibiting the placement of a mobile service support structure in particular locations within the political subdivision.

(d) Charge a mobile radio service provider a fee in excess of one of the following amounts:

1. For a permit for a class 2 collocation, the lesser of \$500 or the amount charged by a political subdivision for a building permit for any other type of commercial development or land use development.

2. For a permit for an activity described in sub. (2) (a), \$3,000.

(e) Charge a mobile radio service provider any recurring fee for an activity described in sub. (2) (a) or a class 2 collocation.

(f) Permit 3rd party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.

(g) Disapprove an application to conduct an activity described under sub. (2) (a) based solely on aesthetic concerns.

(gm) Disapprove an application to conduct a class 2 collocation on aesthetic concerns.

(h) Enact or enforce an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.

(i) Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the political subdivision which fall into disuse. There is a rebuttable presumption that a surety requirement of \$20,000 or less complies with this paragraph.

(j) Prohibit the placement of emergency power systems.

(k) Require that a mobile service support structure be placed on property owned by the political subdivision.

(L) Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.

(m) Condition approval of such activities on the agreement of the structure or mobile service facility owner to provide space on or near the structure for the use of or by the political subdivision at less than the market rate, or to provide the political subdivision other services via the structure or facilities at less than the market rate.

(n) Limit the duration of any permit that is granted.

(o) Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.

(p) Disapprove an application based on an assessment by the political subdivision of the suitability of other locations for conducting the activity.

(q) Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.

(r) Impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures.

(s) Consider an activity a substantial modification under sub. (1) (s) 1. or 2. if a greater height is necessary to avoid interference with an existing antenna.

(t) Consider an activity a substantial modification under sub. (1) (s) 3. if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.

(u) Limit the height of a mobile service support structure to under 200 feet.

(v) Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the political subdivision in connection with the political subdivision's exercise of its authority to approve the application.

(w) Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the political subdivision to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, a political subdivision or an entity in which a political subdivision has a governance, competitive, economic, financial or other interest.

(4e) SETBACK REQUIREMENTS. (a) Notwithstanding sub. (4) (r), and subject to the provisions of this subsection, a political subdivision may enact an ordinance imposing setback requirements related to the placement of a mobile service support structure that applies to new construction or the substantial modification of facilities and support structures, as described in sub. (2).

(b) A setback requirement may apply only to a mobile service support structure that is constructed on or adjacent to a parcel of land that is subject to a zoning ordinance that permits single-family residential use on that parcel. A setback requirement does not apply to an existing or new utility pole, or wireless support structure in a right-of-way that supports a small wireless facility, if the pole or facility meets the height limitations in s. 66.0414 (2) (e) 2. and 3.

(c) The setback requirement under par. (b) for a mobile service support structure on a parcel shall be measured from the lot lines of other adjacent and nonadjacent parcels for which single-family residential use is a permitted use under a zoning ordinance.

(d) A setback requirement must be based on the height of the proposed mobile service support structure, and the setback requirement may not be a distance that is greater than the height of the proposed structure.

(5) APPLICABILITY. If a county enacts an ordinance as described under sub. (2) the ordinance applies only in the unincorporated parts of the county, except that if a town enacts an ordinance as described under sub. (2) after a county has so acted, the county ordinance does not apply, and may not be enforced, in the town, except that if the town later repeals its ordinance, the county ordinance applies in that town.

History: 2013 a. 20, 173; 2019 a. 14.

An ordinance that prohibits a mobile service support structure where the structure is not compatible with the adjacent land's current use does not violate sub. (4) (c). *Eco-Site, LLC v. Town of Cedarburg*, 2019 WI App 42, 388 Wis. 2d 375, 933 N.W.2d 179, 18–0580.

Denial of a conditional use permit on the basis of lost property values and the detrimental effect on public health and safety and general welfare does not equate to a denial based on aesthetic concerns, which is prohibited by sub. (4) (g) if it is the sole reason. *Eco-Site, LLC v. Town of Cedarburg*, 2019 WI App 42, 388 Wis. 2d 375, 933 N.W.2d 179, 18–0580.

66.0405 Removal of rubbish. Cities, villages and towns may remove ashes, garbage, and rubbish from such classes of places in the city, village or town as the board or council directs. The removal may be from all of the places or from those whose owners or occupants desire the service. Districts may be created and removal provided for certain districts only, and different regulations may be applied to each removal district or class of property. The cost of removal may be funded by special assessment against the property served, by general tax upon the property of the respective districts, or by general tax upon the property of the city, village or town. If a city, village or town contracts for ash, garbage or rubbish removal service, it may contract with one or more service providers.

History: 1993 a. 246; 1999 a. 150 s. 119; Stats. 1999 s. 66.0405.

66.0406 Radio broadcast service facility regulations.

(1) DEFINITIONS. In this section:

(a) "Political subdivision" means any city, village, town, or county.

(b) "Radio broadcast services" means the regular provision of a commercial or noncommercial service involving the transmis-

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

Applicant: Rich Hanson, CitySwitch-II-A, LLC
Property Address: 1805 E. College Ave.
Tax Key Number(s): 712-8992-000
Conditional Use: **Telecommunication tower
& appurtenances**

Approved by Plan Commission: TBD
Approved by Common Council: TBD
(Ord. TBD)

1. LEGAL DESCRIPTION

LANDS OWNED AND USED FOR ROW BY C&NW TRANSPORTATION CO THROUGH NW1/4 SEC. 3-5-22 CONT. 5.843 ACS.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

- A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.
- B. A precise detailed site plan for the area affected by the Conditional Use Permit 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/structure location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion/phases
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Sidewalk location(s)
- g) Parking layout and traffic circulation
 - i) Location(s) and future expansion
 - ii) Number of employees
 - iii) Number of all parking spaces
 - iv) Dimensions
 - v) Setbacks & buffers
- h) Location(s) of loading berth(s)
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Location(s) of wetlands (field verified)
- m) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates

2) **Landscape Plan**

- a) Screening plan, including parking lot screening/berming & buffer areas
- b) Number, initial & mature sizes, and types of plantings; tree inventory & retention/replacement plan
- c) Percentage open/green space

3) **Building Plan**

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

4) **Lighting Plan**

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

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

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

6) **Fire Protection**

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

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

- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- E. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed on this property shall be limited to those allowed by the A-1, Limited Agricultural zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).
- B. There shall be no outdoor storage of vehicles, equipment, merchandise, parts, supplies, or any other materials on the property unrelated to and outside of the wireless telecommunications site.
- C. No signs, other than those required by law, are allowed for this use.
- D. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

4. ACCESS AND PARKING

Access shall be via the existing shared curb cut on College Avenue. No new curb cuts or access points are allowed. A copy of the shared access agreement with the property at 1815 E. College Ave. shall be provided to the City prior to the issuance of permits.

5. LIGHTING

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

6. BULK AND DIMENSIONAL REQUIREMENTS, SETBACKS

Lot Standards (Minimum)	
Lot Area	5 acres
Lot Width	150 ft
Yard Setbacks (Minimum) (1)	
Front	30 ft
Street Facing Side	30 ft
Interior Side	10 ft
Rear	100 ft
Building Standards (Maximum)	
Height	35 ft
Building Coverage	10%
Lot Coverage	N/A
Use (Maximum)	

Pole Height (inclusive of lightning rod)	100 ft
Fence Height (inclusive of barbed wire)	10 ft
Parking (Minimum)	
Stalls and pavement to property lines	5 ft
Notes:	
(1) Setbacks from wetlands shall be a minimum of fifteen (15) feet with a five (5) foot undisturbed buffer.	

7. TIME OF COMPLIANCE

The operator of the Conditional Use Permit shall commence work in accordance with these Conditions and Restrictions within twelve (12) months from the date of adoption of the ordinance authorizing this Conditional Use Permit. This Conditional Use Permit approval shall expire twelve (12) months after the date of adoption of the ordinance if building permits have not been issued for this use. The applicant shall re-apply for Conditional Use Permit approval prior to recommencing work or construction.

8. OTHER REGULATIONS

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

9. 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 (as amended). 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 11 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.

10. REVOCACTION

Should an applicant, their heirs, successors or assigns, fail to comply with the Conditions and Restrictions of the approval issued by the Common Council, the Conditional Use Permit approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use Permit as set forth in Section 17.0804 of the Municipal Code (as amended).

11. ACKNOWLEDGEMENT

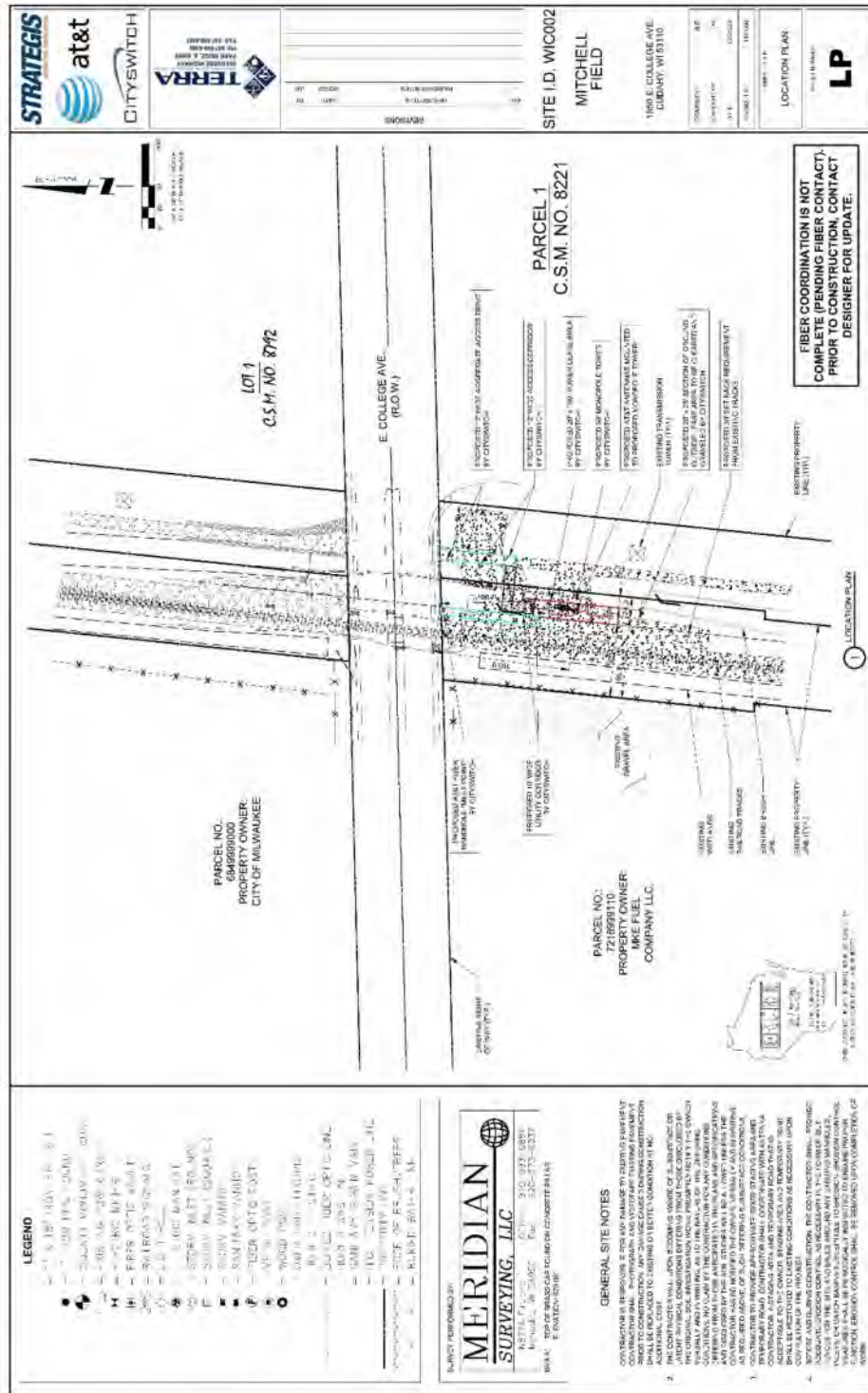
The approval and execution of these Conditions and Restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these Conditions and Restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their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

Owner / Authorized Representative Signature

Date

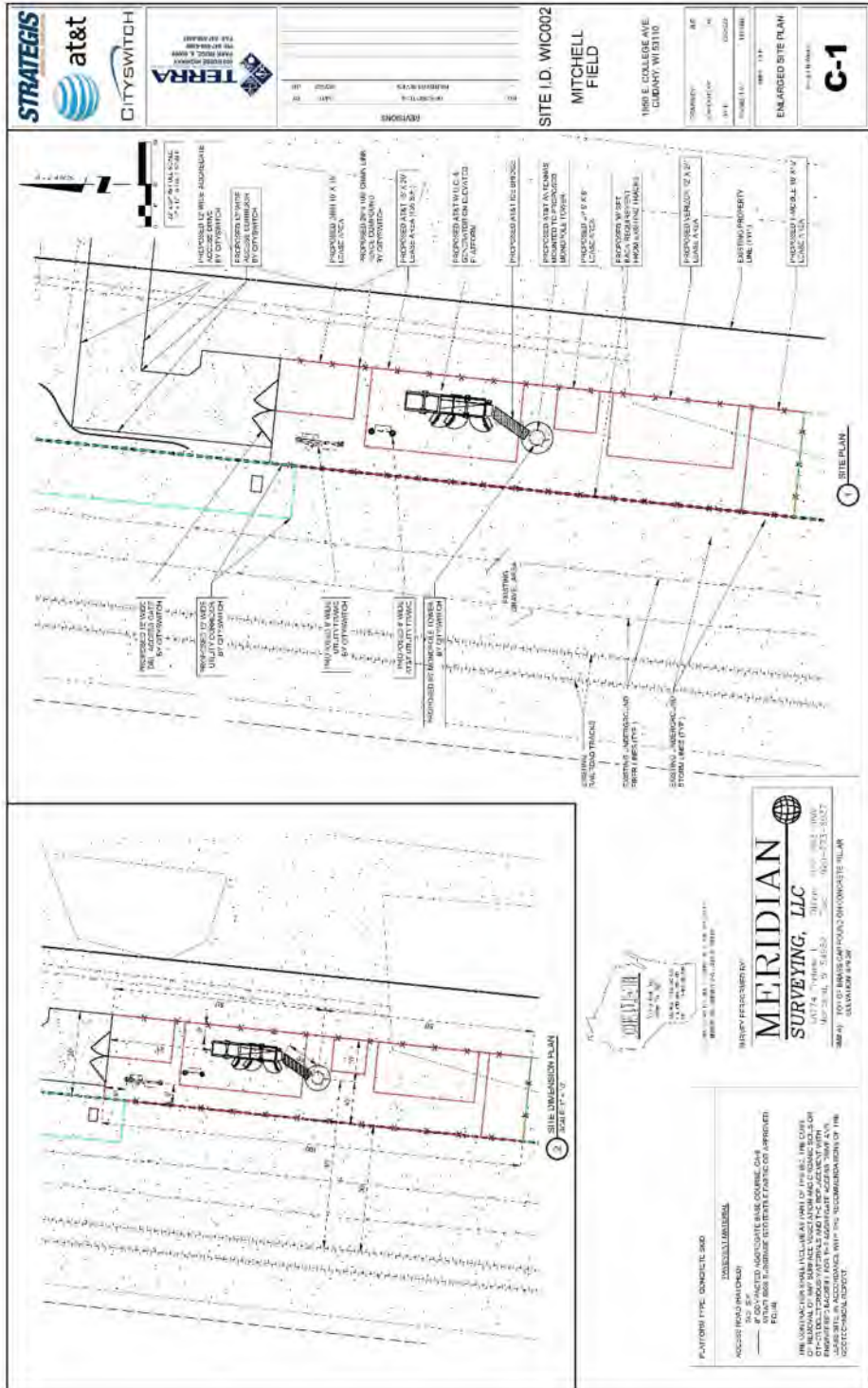
(please print name)

EXHIBIT A: CONCEPTUAL SITE PLAN¹



¹ (For illustrative purposes only. Detailed plans in accordance with these conditions and restrictions and the City of Oak Creek Municipal Code must be approved by the Plan Commission.)

EXHIBIT A: CONCEPTUAL SITE PLAN (ENLARGED)²



² (For illustrative purposes only. Detailed plans in accordance with these conditions and restrictions and the City of Oak Creek Municipal Code must be approved by the Plan Commission.)



PLAN COMMISSION REPORT

Proposal: Rezone & Zoning Text Amendment – Flood Fringe

Description: Review a request to remove portions of the FF, Flood Fringe district from the property at 200 W. Drexel Ave., and to update the Zoning and Sign Code to reflect the amendment.

Applicant(s): Jay Craig, MSI General (on behalf of North Shore Bank)

Address(es): 200 W. Drexel Ave. (1st Aldermanic District)

Suggested Motion: That the Plan Commission recommends to the Common Council that portions of the property at 200 W. Drexel Ave. are rezoned to reflect the flood fringe boundaries approved by FEMA, and that Chapter 17 – Zoning and Sign Ordinance of the Municipal Code be amended to incorporate the changes to the floodplain following a public hearing.

Owner(s): NORTH SHORE BANK, FSB

Tax Key(s): 782-9040-000

Lot Size(s): 1.53 acres

Current Zoning District(s): B-2, Community Business FW, Floodway

Overlay District(s): FF, Flood Fringe

Wetlands: Yes No Floodplain: Yes No

Comprehensive Plan: Commercial

Background:

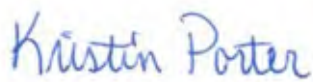
In July of 2020, the Plan Commission reviewed and approved plans for a new North Shore Bank facility on the property at 200 W. Drexel Ave. Due to the proposed impacts to the flood hazard areas on the property, the applicant was required to obtain a LOMR-F from FEMA in addition to other requirements. While FEMA did issue the CLOMR-F (Conditional Letter of Map Revision based on Fill), and WI DNR approved of their portion of the floodplain study, the changes to the flood fringe must be formally adopted through the Rezone and

Zoning Text Amendment processes per Code and State regulations. This review is limited to those changes approved by FEMA.

Included with this report are maps indicating the location of the approved amendments. Information from the WI DNR regarding language to incorporate into the Zoning Code is forthcoming.

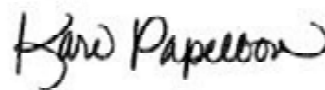
Options/Alternatives: None. This is a final requirement as part of the official FEMA, WI DNR, and local floodplain regulation process.

Respectfully submitted:



Kristi Porter
Community Development Director

Prepared:



Kari Papelbon, CFM, AICP
Senior Planner

Approved:



Kari Papelbon, CFM, AICP
Senior Planner

Attachments:

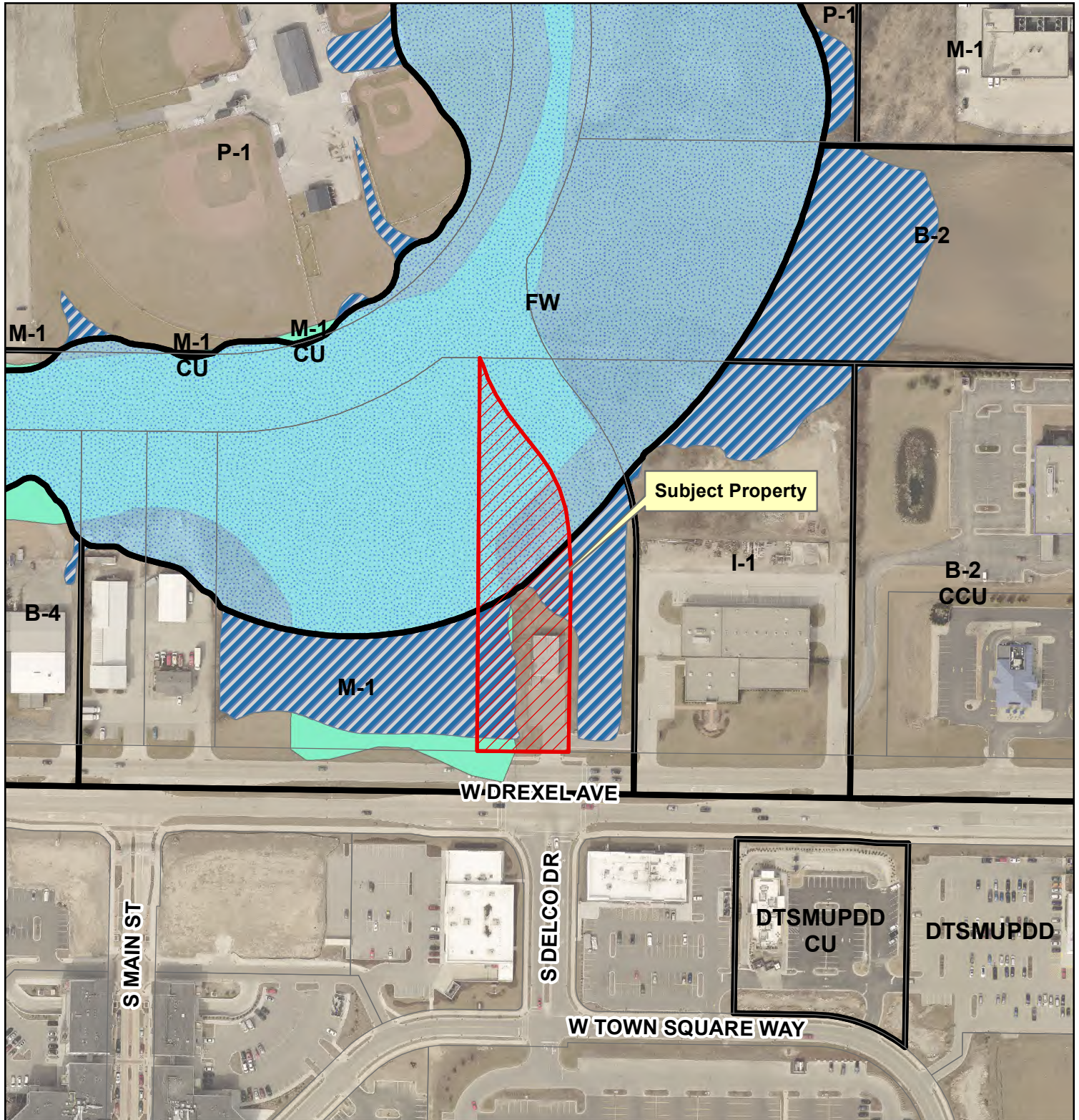
Location Map

Narrative (1 page)

Pre-Development FIRM (1 page)

As-Built Plan (1 page)

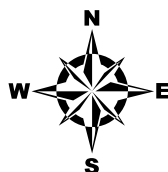
Location Map 200 W. Drexel Ave.



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



Department of Community Development



Legend

- | | |
|--------------------|----------------------------|
| 200 W. Drexel Ave. | Zoning Overlays |
| Flood Fringe 2008 | C-1, Shoreland Wetland |
| Floodway 2008 | FF, Flood Fringe |
| | Lakefront Overlay |
| | NO, Mixed Use Neighborhood |
| | OO, Mixed Use Office |
| | RR, Regional Retail |



March 4, 2024

North Shore Bank
Narrative of Proposal
City of Oak Creek, Wisconsin

North Shore Bank is a financial institution located at 200 W. Drexel Avenue. The site is zoned B-2 Community Business and is bordered by W. Drexel Avenue on the south, the City of Oak Creek Water Department on the east, a wetland/floodplain on the west, and the North Branch of the Oak Creek on the north.

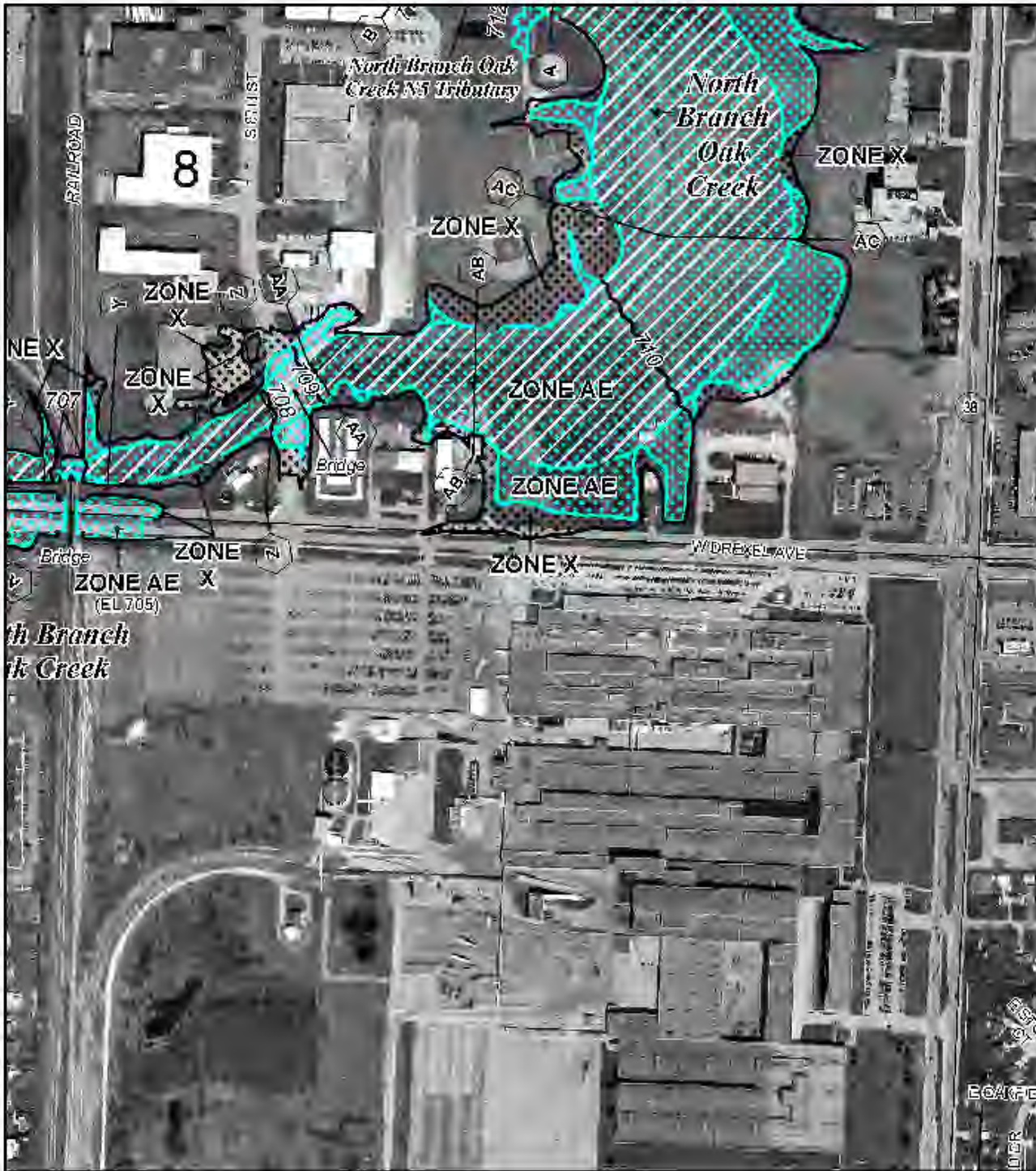
North Shore Bank was constructed in 2023 and early 2024. The development consists of a bank building with drive-thru lanes, along with asphalt drives, parking areas, and concrete sidewalks. An infiltration trench was also constructed at the north end of the site to provide stormwater management. The site includes 18 parking stalls. The plan of operation states that a maximum of eight (8) employees will be onsite during any shift. Hours of operation are shown below.

	Monday-Friday	Saturday	Sunday
Lobby / Building	9:00am – 5:00pm	9:00am - 2:00pm	Closed
ITM (Video Teller)	8:00am – 7:00pm	8:00am – 5:00pm	10:00am – 4:00pm
ATM	24 hours	24 hours	24 hours

Construction of the building and parking lot required a portion of floodplain along the west side of the site to be filled. Therefore, a Conditional Letter of Map Revision (CLOMR-F) was obtained from the Federal Emergency Management Agency (FEMA) in 2023. Following completion of construction, a Letter of Map Revision (LOMR-F) was submitted to FEMA on February 27, 2024 showing the 100-year and 500-year base flood elevations have not increased after construction of the North Shore Bank compared to the elevations approved for the 2023 CLOMR-F.

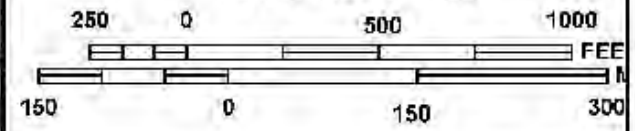
At this time, North Shore Bank is requesting a change of the City’s zoning map due to the revised floodplain boundary resulting from the post-construction conditions.





1688E

MAP SCALE 1" = 500'



NATIONAL FLOOD INSURANCE PROGRAM
 FEDERAL EMERGENCY MANAGEMENT AGENCY

PANEL 0168E

FIRM
 FLOOD INSURANCE RATE MAP

MILWAUKEE COUNTY,
 WISCONSIN
 AND INCORPORATED AREAS

PANEL 168 OF 300
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS

COMMUNITY	INSURANCE	STATUS	DATE
440000	1000	1000	1000

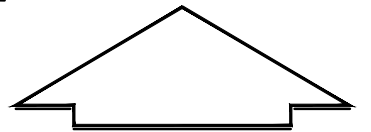
Notes to User: The Map Number shown below should be used when placing map orders. The Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
 55079C0168E
 EFFECTIVE DATE
 SEPTEMBER 26, 2008

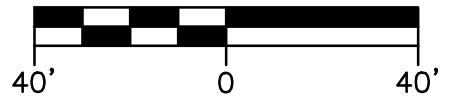
Federal Emergency Management Agency

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title-block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.



north

SCALE IN FEET



ARC=146.68'
 RAD=350.00'
 CH BRG=S30°56'19"E
 CH L=146.68'
 Δ=24°00'45"

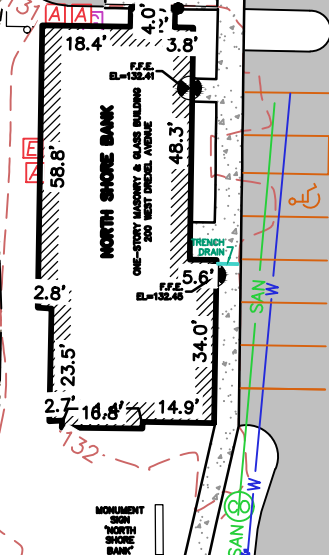
ARC=178.70'
 RAD=235.00'
 CH BRG=S21°09'35"E
 CH L=174.43'
 Δ=43°34'09"

PARCEL 1
 CSM NO. 786
 OWNER: CITY OF OAK CREEK
 TAX KEY: 782-9023

WETLAND AS DELINEATED
 BY RA SMITH NATIONAL INC.
 ON SEPTEMBER 4, 2015

PARCEL 4
 CSM NO. 5698
 66,660 SQ. FT.
 1.5303 AC.

OUTLOT 1
 CSM NO. 5698
 OWNER: CITY OF OAK CREEK
 TAX KEY: 782-9042



File: R:\2019\19-9380 NSB OakCreek\DWG\19-9380 BaseMap_FEMA.dwg Layout: EX-1 User: jsimon Plotted: Mar 04, 2024 - 11:07am

JSD Professional Services, Inc.
 Engineers • Surveyors • Planners
 MILWAUKEE REGIONAL OFFICE
 N22 W22931 NANCY'S COURT SUITE 3
 WAUKESHA, WISCONSIN 53186
 262.513.0666 PHONE | 262.513.1232 FAX

PROJECT:
**NORTH SHORE BANK
 OAK CREEK**
 200 W. DREXEL AVENUE, OAK CREEK, WI

SHEET TITLE:
AS-BUILT TOPOGRAPHIC MAP

JSD PROJECT NUMBER:
 19-9380
 DRAWN BY: CHECKED BY
 DHS JJS
 DATE:
 03-04-2024

SHEET NUMBER:
EX-1



PLAN COMMISSION REPORT

Proposal: Rezone & Zoning Text Amendment – Flood Fringe

Description: Review a request to remove portions of the FF, Flood Fringe district from the property at 1830 E. Elm Rd., and to update the Zoning and Sign Code to reflect the amendment.

Applicant(s): Brian & Tracy Kotecki

Address(es): 1830 E. Elm Rd. (5th Aldermanic District)

Suggested Motion: That the Plan Commission recommends to the Common Council that portions of the property at 1830 E. Elm Rd. are rezoned to reflect the flood fringe boundaries approved by FEMA, and that Chapter 17 – Zoning and Sign Ordinance of the Municipal Code be amended to incorporate the changes to the floodplain following a public hearing.

Owner(s): Brian and Tracy Kotecki

Tax Key(s): 958-9030-000

Lot Size(s): 6.076 acres

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

Overlay District(s): FF, Flood Fringe C-1, Shoreland Wetland

Wetlands: Yes No **Floodplain:** Yes No

Comprehensive Plan: Commercial

Background:

In May of 2005, the Southeastern Wisconsin Regional Planning Commission (SEWRPC) conducted a floodplain delineation for West Branch of Crayfish Creek, which indicated that the property at 1830 E. Elm Rd. was located in the flood fringe. In 2008, Flood Insurance Rate Maps (FIRMS) were issued by FEMA for the City. Also in 2008, the Applicants applied for a Letter of Map Revision Based on Fill (LOMR-F) from FEMA to remove portions of the property from the flood fringe. FEMA approved the LOMR-F in 2009, and the WI

DNR provided an acknowledgement letter with next steps in May of 2010. In January of 2011, the Applicants submitted a Certified Survey Map to divide the property at 1830 E. Elm Rd. into three (3) lots, which shows the area of the property where the future home is proposed to be located outside of the flood fringe. The CSM was approved and recorded. However, due to unforeseen circumstances, the Applicants did not proceed with the home construction project, and the LOMR-F was not formally adopted into the Zoning Ordinance.

As the Applicants now wish to complete the home construction project, the changes to the flood fringe must be formally adopted through the Rezone and Zoning Text Amendment processes per Code and State regulations. This review is limited to those changes approved by FEMA. Included with this report are copies of the aforementioned letters and approvals, and maps showing the grading of the property. Information from the WI DNR regarding language to incorporate into the Zoning Code is forthcoming.

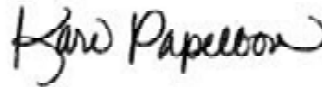
Options/Alternatives: None. This is a final requirement as part of the official FEMA, WI DNR, and local floodplain regulation process.

Respectfully submitted:



Kristin Porter
Community Development Director

Prepared:



Kari Papelbon, CFM, AICP
Senior Planner

Approved:



Kari Papelbon, CFM, AICP
Senior Planner

Attachments:

Location Map

Narrative (1 page)

LOMR-F (3 pages)

WI DNR Letter Dated May 18, 2010 (2 pages)

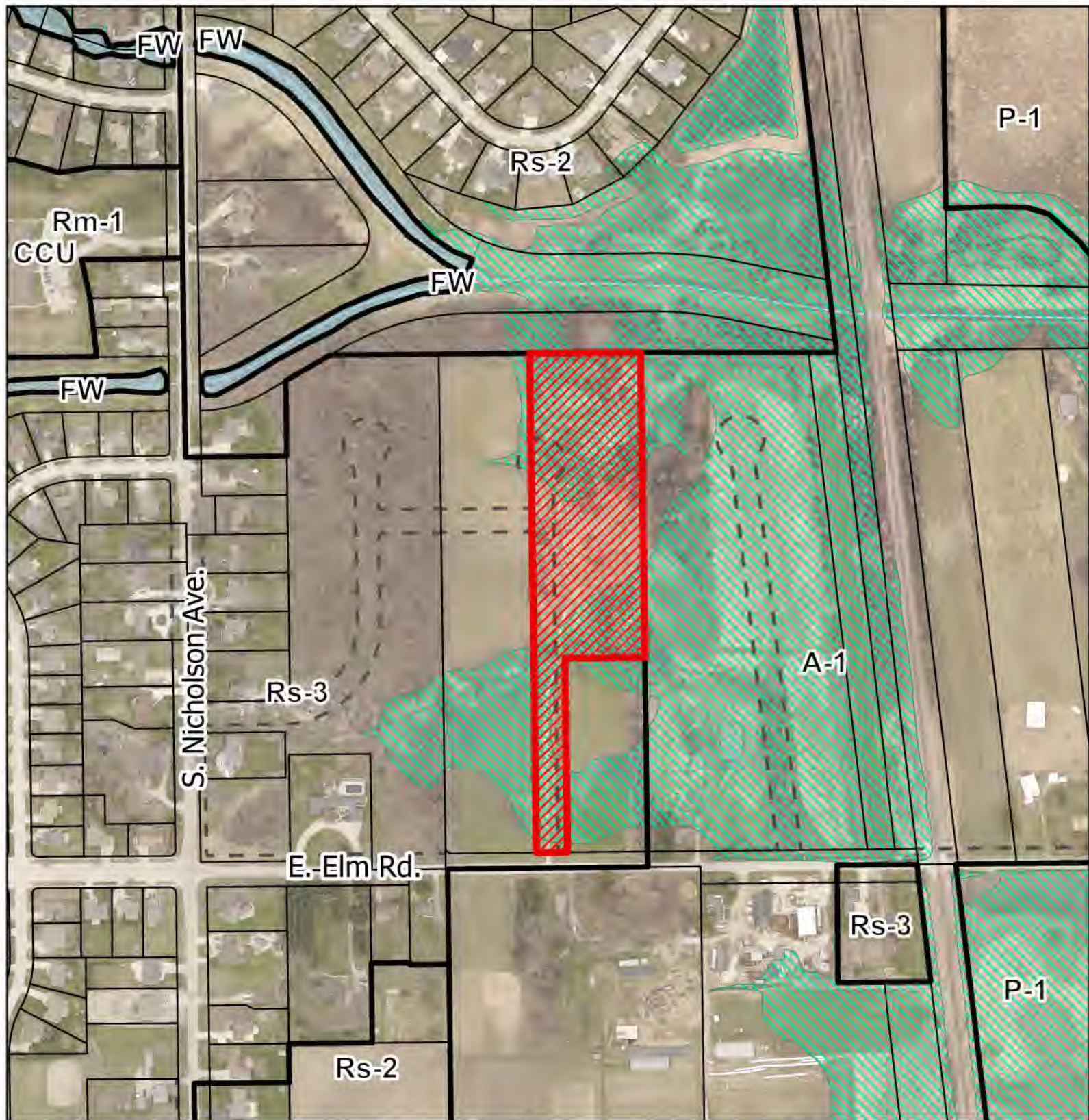
Pre-Development FIRM (1 page)

CSM 8351 (7pages)

Plat of Survey & Grading Plan (2 pages)

Location Map

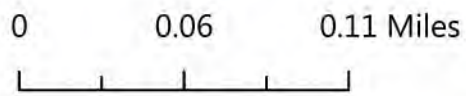
1830 E. Elm Rd.



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

Legend

- Zoning
- Official Street Map
- Floodway
- Flood Fringe
- Parcels
- 1830 E. Elm Rd.



11-Mar-2024

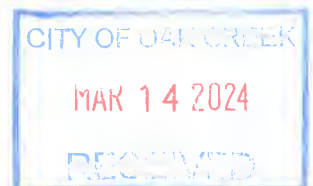
Dear City of Oak Creek,

We are requesting that the SFHA (Special Flood Hazard Area) map be adjusted to reflect the LOMR-F FEMA determination that was completed in 2008. At the time of completing the LOMR-F and determination, there was no clear guidance for how the maps would get adjusted. At the time it was stated by the city to wait until the next map cycle and they would be changed. That never happened. We are in the process of requesting a building permit for a new construction on 1830 E. Elm Rd and one of the requested items is to amend the maps. I was unaware it was something that needed to be done from my end and that is the basis for my request. I have attached the LOMR-F determination letter as well as a pdf of a plat of survey.

I am also requesting that the common council to waive or significantly reduce the fee for this change. I completely understand the need for a fee, but believe that a normal Re-zoning fee should not apply for this map change.

Sincerely,


Brian and Tracy Kotecki





Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN	A portion of Section 34, Township 5 North, Range 22 East, shown as Parcel 1 on Certified Survey Map No. 5768 recorded as Document No. 6692128, on Reel 2911, Images 1625 to 1628, in the Office of the Register of Deeds, Milwaukee County, Wisconsin. The portion of property is more particularly described by the following metes and bounds:
	COMMUNITY NO.: 550279	
AFFECTED MAP PANEL	NUMBER: 55079C0232E DATE: 9/26/2008	
FLOODING SOURCE: WEST BRANCH CRAYFISH CREEK		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 42.850, -87.889 SOURCE OF LAT & LONG: PRECISION MAPPING STREETS 4.0 DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NGVD 29)	LOWEST ADJACENT GRADE ELEVATION (NGVD 29)	LOWEST LOT ELEVATION (NGVD 29)
1	--	--	1830 East Elm Road	Portion of Property	X (shaded)	--	--	669.9 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION ZONE A
FILL RECOMMENDATION STATE LOCAL CONSIDERATIONS
PORTIONS REMAIN IN THE SFHA

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document revises the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

William R. Blanton Jr.

William R. Blanton Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

BEGINNING at the Southeast corner of Parcel 1; thence South 89°26'05" West, 220.17 feet; thence North 46°04'15" West, 79.25 feet; thence North 49°14'42" West, 58.88 feet; thence North 40°34'11" West, 56.67 feet; thence North 45°01'09" East, 32.68 feet; thence North 87°46'32" East, 115.88 feet; thence North 82°46'11" East, 36.20 feet; thence North 72°39'25" East, 17.15 feet; thence South 70°59'46" East, 38.30 feet; thence North 74°22'04" East, 21.24 feet; thence North 57°26'36" East, 17.48 feet; thence North 81°44'46" East, 12.82 feet; thence North 84°07'05" East, 19.95 feet; thence South 87°43'45" East, 25.80 feet; thence South 17°49'24" East, 16.39 feet; thence South 02°23'03" East, 48.75 feet; thence South 15°15'13" East, 116.89 feet to the POINT OF BEGINNING.

FILL RECOMMENDATION (This Additional Consideration applies to the preceding 1 Property.)

The minimum NFIP criteria for removal of the subject area based on fill have been met for this request and the community in which the property is located has certified that the area and any subsequent structure(s) built on the filled area are reasonably safe from flooding. FEMA's Technical Bulletin 10-01 provides guidance for the construction of buildings on land elevated above the base flood elevation through the placement of fill. A copy of Technical Bulletin 10-01 can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <http://www.fema.gov/mit/tb1001.pdf>. Although the minimum NFIP standards no longer apply to this area, some communities may have floodplain management regulations that are more restrictive and may continue to enforce some or all of their requirements in areas outside the Special Flood Hazard Area.

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

ZONE A (This Additional Consideration applies to the preceding 1 Property.)

The National Flood Insurance Program map affecting this property depicts a Special Flood Hazard Area that was determined using the best flood hazard data available to FEMA, but without performing a detailed engineering analysis. The flood elevation used to make this determination is based on approximate methods and has not been formalized through the standard process for establishing base flood elevations published in the Flood Insurance Study. This flood elevation is subject to change.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

A handwritten signature in black ink, reading 'William R. Blanton Jr.' with a stylized flourish at the end.

William R. Blanton Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

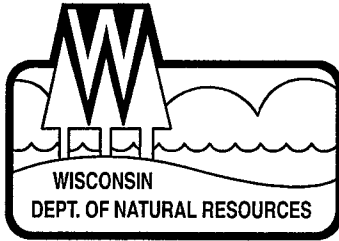
STATE AND LOCAL CONSIDERATIONS (This Additional Consideration applies to all properties in the LOMR-F DETERMINATION DOCUMENT (REMOVAL))

Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

A handwritten signature in black ink that reads "William R. Blanton Jr." with a stylized flourish at the end.

William R. Blanton Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-3128
FAX 414-263-8606
Telephone 414-263-8500
TTY Access via relay - 711

FILE REF: 3550

May 18, 2010

Mr. Pete Wagner, Zoning Administrator/Planner
City of Oak Creek
8640 S. Howell Avenue
Oak Creek, WI 53154

Subject: LOMR-F application – 1830 E. Elm Road, City of Oak Creek

Dear Mr. Wagner:

The Department of Natural Resources has reviewed the Federal Emergency Management Agency (FEMA) Letter of Map Revision Based on Fill (LOMR-F) application for 1830 E. Elm Road in Oak Creek. The analysis was submitted by Mr. Brian Kotecki on September 8, 2008 and the elevation form was certified by Mr. Pete L. Bailey, RLS of American Surveying Co. The following comments summarize the Department's review:

1. A portion of the parcel is located within the West Branch Crayfish Creek 100-year floodplain on the FEMA Flood Insurance Rate Map, as adopted in the City's Floodplain Zoning Ordinance. At this location, the 100-year floodplain is a Zone A, approximate study area where flood elevations are not available. Zone A areas are assumed floodway until shown otherwise.

Southeastern Wisconsin Regional Planning Commission (SEWRPC) provided Mr. Phil Beiermeister, Oak Creek Environmental Engineer with floodplain delineations for West Branch of Crayfish Creek on May 18, 2005. The delineations indicate the property is located in the floodfringe area and the Regional Flood Elevation (RFE) is 669.9 feet, National Geodetic Vertical Datum, 1929 (NGVD29).

2. FEMA issued the LOMR-F and the parcel is removed from the floodplain for insurance purposes.
3. If the applicant also wants the lands removed from the floodplain for zoning purposes, additional standards adopted in the Oak Creek Floodplain Ordinance and in Wisconsin Administrative Code Chapter NR116 would need to be met. The lands would need to be filled at least two feet above the RFE to 671.9 feet (NGVD 29). The fill would also need to be contiguous to land outside the 100-year floodplain. It appears the lands have dryland access, south of the parcel.

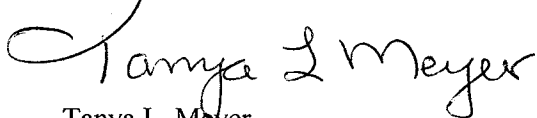
After the additional rezoning standards are met, the City would need to amend the Floodplain Ordinance to adopt the new information and submit the amendment to the Department for approval.

4. If the applicant elects to not remove the lands from the floodplain for zoning purposes, then floodfringe development standards in the City's Ordinance would still apply.

5. If Oak Creek has more restrictive requirements than NR116 such as compensatory storage, then those requirements must also be met.
6. In the correspondence to Mr. Beiermeister, SEWRPC mentioned that they intend to update the floodplain evaluation for the Root River Watershed, including the West Branch of Crayfish Creek. Please note that this could affect the floodplain mapping in this location.

Thank you for the opportunity to review the LOMR-F submittal. If you have any questions, please contact me at (414) 263-8641 or Tanya.Meyer@wisconsin.gov.

Sincerely,



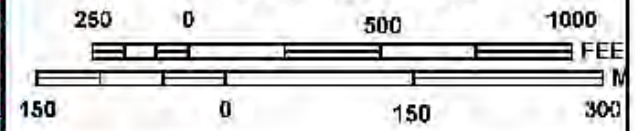
Tanya L. Meyer
Water Management Engineer
Milwaukee Service Center

cc: Mr. Brian Kotecki – 8451 S. Griffin Ave, Oak Creek, WI 53154
Mr. Phil Beiermeister, Environmental Engineer – City of Oak Creek



UNCLASSIFIED

MAP SCALE 1" = 500'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0232E

FIRM

FLOOD INSURANCE RATE MAP

MILWAUKEE COUNTY,
WISCONSIN
AND INCORPORATED AREAS

PANEL 232 OF 300
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	BASE FLOOD ELEVATION	SEVERITY	SURF. X
000000-000000	0000	000	000

Notes to User: The Map Number shown below should be used when placing map orders. The Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
55079C0232E
EFFECTIVE DATE
SEPTEMBER 26, 2008

Federal Emergency Management Agency

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title-block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.

CERTIFIED SURVEY MAP NO. **8351** SHEET 1 OF 7
 BEING A REDIVISION OF PARCEL #1 OF CERTIFIED SURVEY MAP NO. 5768, BEING A PART
 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, TOWN 5 NORTH, RANGE 22
 EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

PREPARED BY:
 AMERICAN SURVEYING COMPANY, INC
 12207 COUNTY ROAD "K"
 FRANKSVILLE, WI. 53126-9693
 (262) 835-4774

LEGEND:
 o- Denotes No. 6 Rebar, 24" Long, 3/4" Dia., 1.50 Lbs/LnFt
 W/cap
 ●- Denotes Iron Rod/Pipe found and accepted.

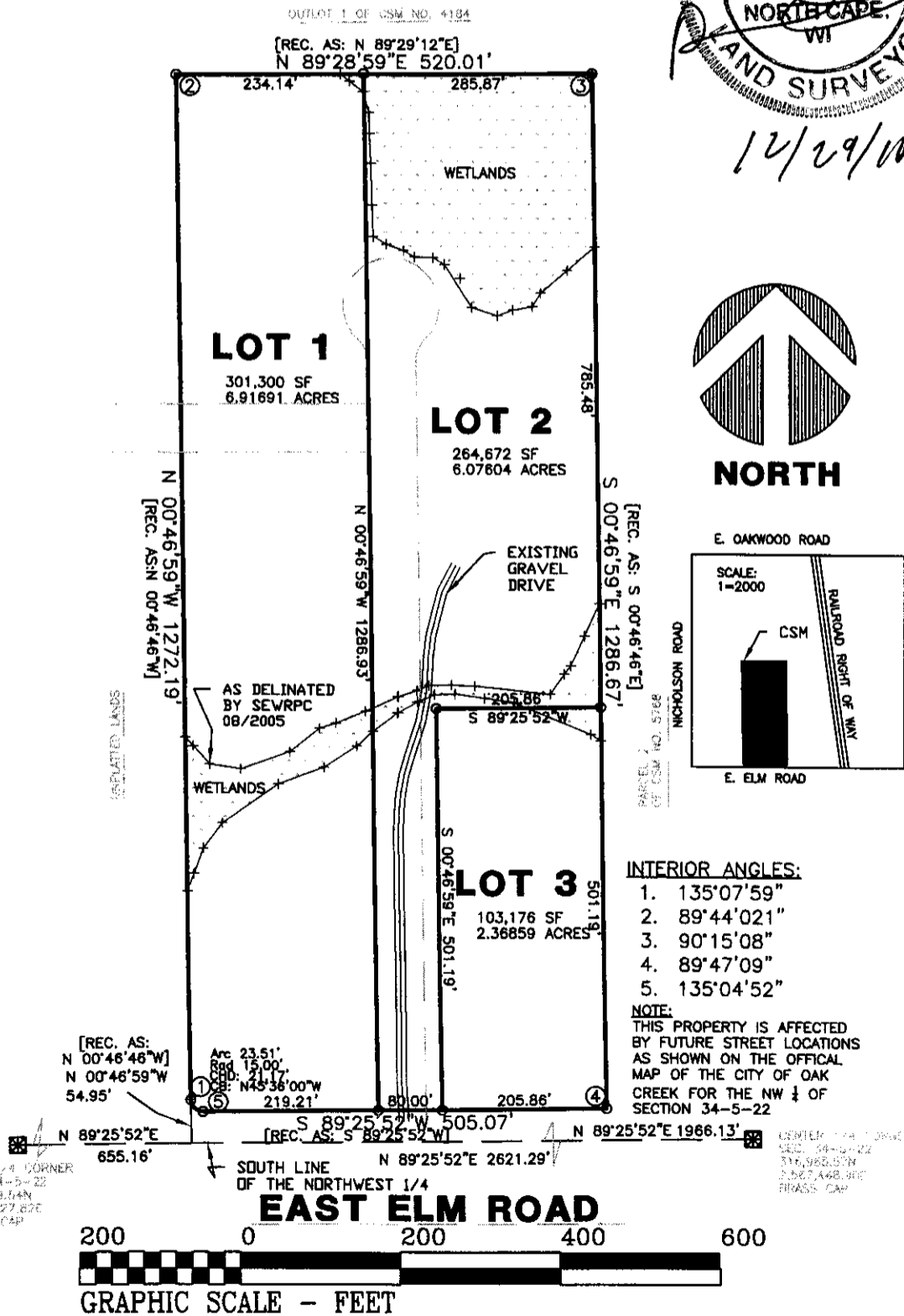
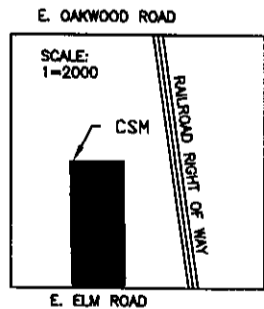
OWNERS:
 BRIAN J. & TRACY L. KOTECKI
 8451 SOUTH GRIFFIN AVENUE
 OAK CREEK, WI. 53154

All Bearings are referenced to Grid North of the Wisconsin State
 Plane Coordinate System, Southern Zone. The South line of the
 Northwest 1/4 published to bear N89°25'52" E.

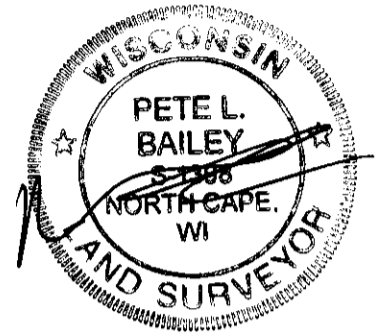
#8351



12/29/10

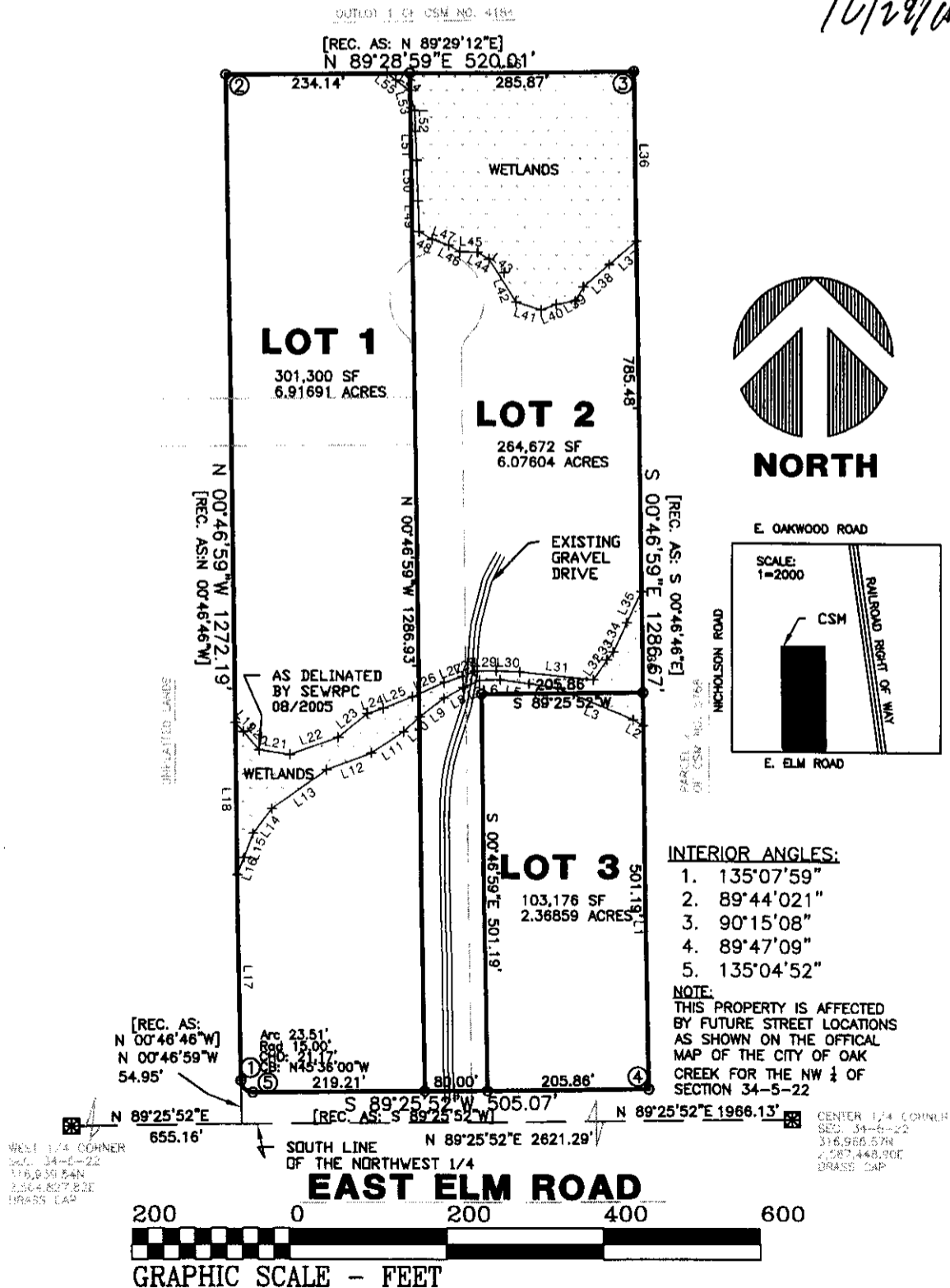


CERTIFIED SURVEY MAP NO. **8351** SHEET 2 OF 7
BEING A REDIVISION OF PARCEL #1 OF CERTIFIED SURVEY MAP NO. 5768, BEING A PART
OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 34, TOWN 5 NORTH, RANGE 22
EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

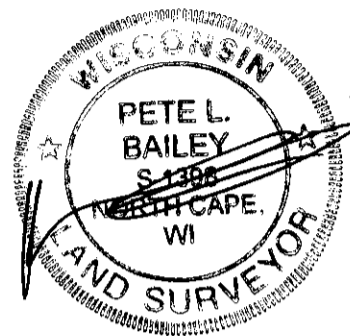


11/29/00

WETLANDS DETAIL

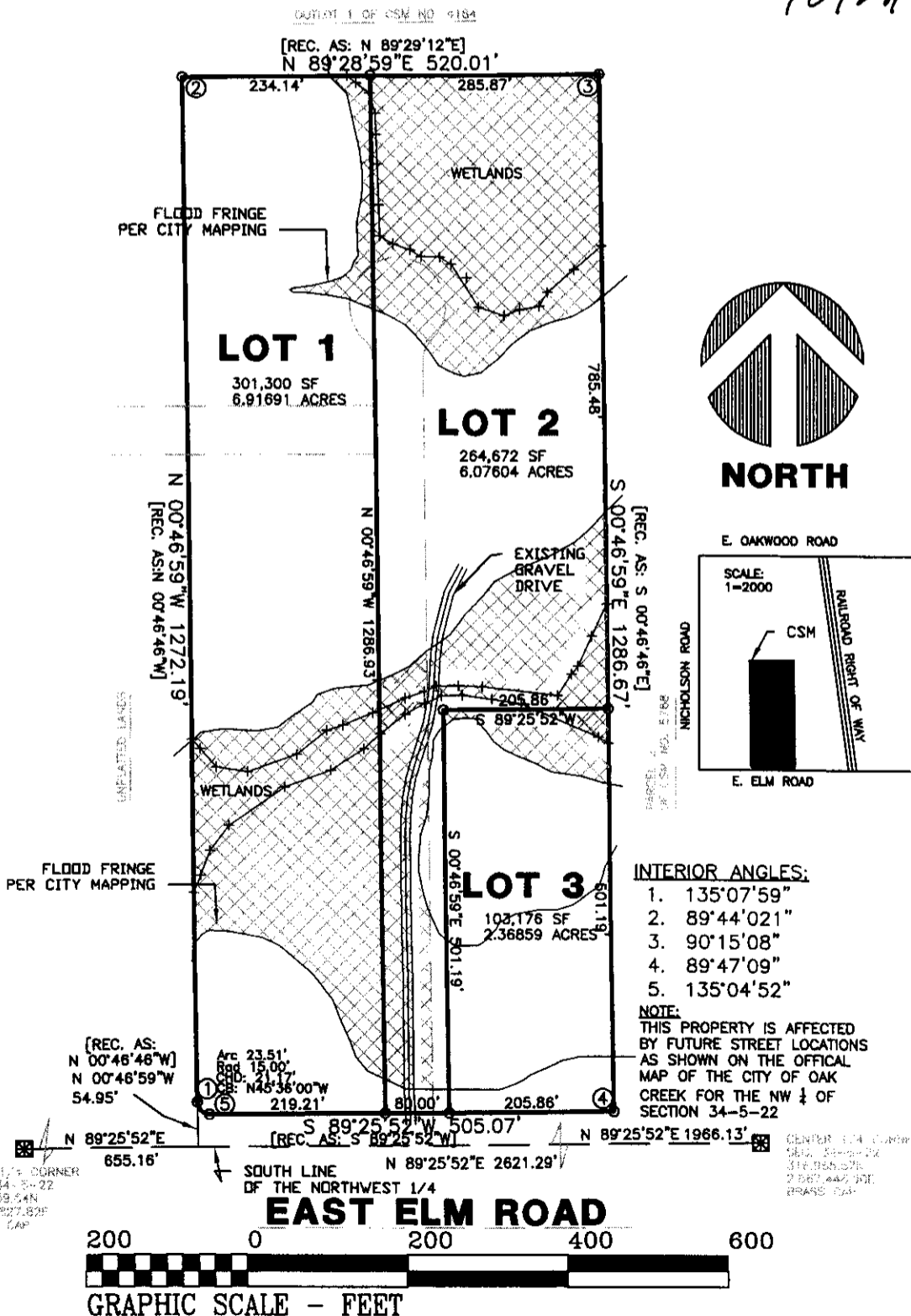


CERTIFIED SURVEY MAP NO. **8351** SHEET 3 OF 7
BEING A REDIVISION OF PARCEL #1 OF CERTIFIED SURVEY MAP NO. 5768, BEING A PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.



12/29/10

FLOOD FRINGE DETAIL



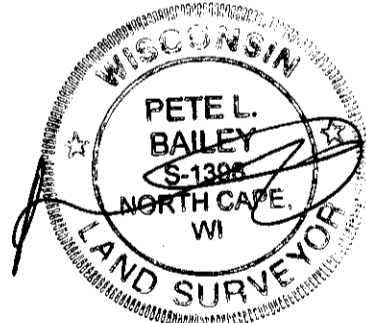
CERTIFIED SURVEY MAP NO. 8351 SHEET 4 OF 7
 BEING A REDIVISION OF PARCEL #1 OF CERTIFIED SURVEY MAP NO. 5768, BEING A PART
 OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 34, TOWN 5 NORTH, RANGE 22
 EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

SOUTH WETLAND CALLS

Course	Bearing	Distance
L1	N 00°46'59" W	458.67'
L2	N 59°09'41" W	14.73'
L3	N 67°02'30" W	104.43'
L4	N 81°30'39" W	37.56'
L5	N 81°52'18" W	37.26'
L6	S 87°20'53" W	26.05'
L7	S 65°38'09" W	22.91'
L8	S 60°33'34" W	28.32'
L9	S 52°14'20" W	39.25'
L10	S 47°03'12" W	27.75'
L11	S 57°06'52" W	49.37'
L12	S 69°59'02" W	60.42'
L13	S 55°04'02" W	85.16'
L14	S 36°34'02" W	39.46'
L15	S 20°38'05" W	33.40'
L16	S 20°38'05" W	23.84'
L17	S 00°46'59" E	258.95'
L18	N 00°46'59" W	192.10'
L19	S 41°54'22" E	15.15'
L20	S 41°54'22" E	30.29'
L21	S 81°27'58" E	39.39'
L22	N 70°26'49" E	65.10'
L23	N 50°51'06" E	47.57'
L24	N 72°03'32" E	21.49'
L25	N 67°30'13" E	40.24'
L26	N 65°38'08" E	44.95'
L27	N 71°09'14" E	24.97'
L28	N 65°25'49" E	16.36'
L29	N 89°15'48" E	27.87'
L30	S 87°54'26" E	29.67'
L31	S 83°57'39" E	94.98'
L32	N 34°18'17" E	30.81'
L33	N 37°32'14" E	12.95'
L34	N 24°59'32" E	40.76'
L35	N 24°59'32" E	44.19'
L36	S 00°46'59" E	171.76'

NORTH WETLAND CALLS

Course	Bearing	Distance
L36	S 00°46'59" E	214.43'
L37	S 49°38'33" W	45.26'
L38	S 49°38'33" W	43.45'
L39	S 58°09'54" W	40.61'
L40	S 69°26'05" W	21.11'
L41	N 71°51'55" W	33.53'
L42	N 21°46'41" W	39.39'
L43	N 49°24'34" W	25.96'
L44	N 59°47'56" W	16.49'
L45	N 88°14'36" W	23.02'
L46	N 60°17'38" W	16.06'
L47	N 71°11'12" W	22.74'
L48	N 59°03'33" W	19.06'
L49	N 02°03'46" W	38.30'
L50	N 01°52'21" W	51.19'
L51	N 02°18'08" W	36.52'
L52	N 01°24'13" W	26.67'
L53	N 16°09'14" W	26.80'
L54	N 52°53'06" W	20.89'
L55	N 52°53'06" W	14.77'
L56	N 89°28'59" E	315.28'



12/29/18

CERTIFIED SURVEY MAP NO. 8351

SHEET 5 OF 7

BEING A REDIVISION OF PARCEL #1 OF CERTIFIED SURVEY MAP NO. 5768, BEING A PART OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 34, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

SURVEYOR'S CERTIFICATE:

STATE OF WISCONSIN)

STATE OF WISCONSIN)^{SS}


I, PETE L. BAILEY, Registered Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped a tract of land being a Redivision of Parcel #1 of Certified Survey Map No. 5768, being a part of the Southwest ¼ of the Northwest ¼ of Section 34, Town 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows: Commence at the West ¼ Corner of said Section; thence North 89°25'52" East [recorded as N89°26'08"E] for a distance of 655.16 feet, along the South line of said ¼ Section, to a point; thence North 00°46'59" West [recorded as N00°46'46"W] for a distance of 54.95 feet, to the point of beginning; thence North 00°46'59" West [recorded as N00°46'46"W] for a distance of 1272.19 feet, along the West line of said Parcel #1, to a point; thence North 89°28'59" East [recorded as N 89°29'12"E] for a distance of 520.01 feet, along the North line of said Parcel #1, to a point; thence South 00°46'59" East [recorded as: S00°46'46"E] for a distance of 1286.67 feet, along the East line of said Parcel #1, to a point; thence South 89°25'52" West [recorded as S89°26'08"W] for a distance of 505.07 feet, along the North line of East Elm Road and the South line of said Parcel #1, to a point; thence Northwesterly along a curve to the right with a radius of 15.00 feet and an arc length of 23.51 feet, being subtended by a chord of North 45°36'00" West [recorded as N45°40'19"W] for a distance of 21.17 feet, along the North line of East Elm Road and the South line of said Parcel #1, to the point of beginning. Contains 15.36154 acres.

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

THAT I have made such survey, land division and map at the direction of the owner's of said lands.

THAT I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and the requirements of the City of Oak Creek in surveying, dividing and mapping the same.

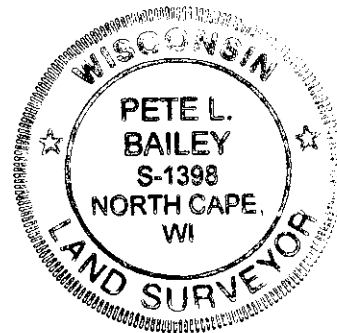


AMERICAN SURVEYING COMPANY, INC.

PETE L. BAILEY, RLS #1398

DATE THIS 29TH DAY OF DECEMBER, 2010.

RW: 03/09/11



CERTIFIED SURVEY MAP NO. 8351

SHEET 6 OF 7

BEING A REDIVISION OF PARCEL #1 OF CERTIFIED SURVEY MAP NO. 5768, BEING A PART OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 34, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

OWNER'S CERTIFICATE OF DEDICATION:

WE, AS OWNERS, hereby certify that we caused the land described on this map to be surveyed, divided, dedicated and mapped as represented on this map. We also certify that this map is required by s.236.34 to be submitted to the following for approval or objection: City of Oak Creek.

WITNESS the hand and seal of said owners this 18th day of April, 2011.

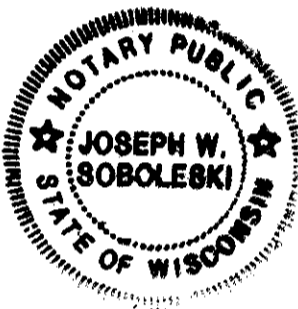
Brian J. Kotecki
BRIAN J. KOTECKI

Tracy L. Kotecki
TRACY L. KOTECKI

STATE OF WISCONSIN)
COUNTY OF MILWAUKEE)SS

Personally came before me this 18th day of April, 2011, the above named Brian J. Kotecki and Tracy L. Kotecki, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Brian J. Kotecki personally
Tracy L. Kotecki personally
came before me.
Joseph W. Soboleski
Milwaukee, NOTARY PUBLIC
COUNTY OF MILWAUKEE, STATE OF WISCONSIN
My commission expires 2/15/15



PLANNING COMMISSION APPROVAL:

APPROVED by the Planning Commission of the City of Oak Creek, on this 25th day of January, 2011.

Richard R. Bolender
CHAIRMAN

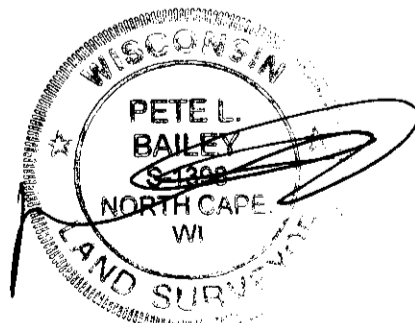
Glen W. [Signature]
PLANNING COMMISSION SECRETARY

COMMON COUNCIL APPROVAL:

APPROVED by the Common Council of the City of Oak Creek, by Resolution No. 11102-03011 this 1st day of March, 2011.

Richard R. Bolender
MAYOR

Janet S. Bauer
CITY CLERK



12/29/10

CERTIFIED SURVEY MAP NO. 8351 SHEET 7 OF 7
BEING A REDIVISION OF PARCEL #1 OF CERTIFIED SURVEY MAP NO. 5768, BEING A PART OF THE SOUTHWEST ¼
OF THE NORTHWEST ¼ OF SECTION 34, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, COUNTY
OF MILWAUKEE, STATE OF WISCONSIN.

CONSENT OF CORPORATE MORTGAGEE:

THE EQUITABLE BANK, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of land described on this map, and does hereby consent to the above certificate of BRIAN J. KOTECKI & TRACY L. KOTECKI, owners.

IN WITNESS WHEREOF, the said THE EQUITABLE BANK has caused these presents to be signed by John P. Matter, its President and countersigned by Thomas Sattler, its Vice President, at Wauwatosa, WI, and its corporate seal to be hereunto affixed this 18th day of April, 2011.

In Presence of:

Sammy Snyder
Alan Lissila

THE EQUITABLE BANK

[Signature]
[Signature]

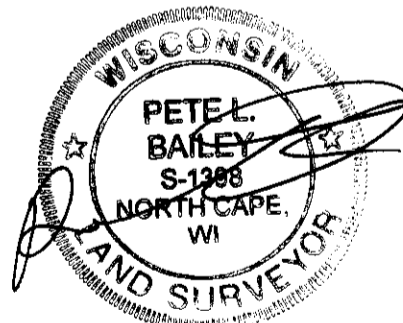
STATE OF WISCONSIN)
COUNTY OF MILWAUKEE) SS

Personally came before me this 18th day of April, 2011, John P. Matter, President and Thomas Sattler, Vice President of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such President and Vice President of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

Joseph W. Soboleski
Joseph W. Soboleski NOTARY PUBLIC
COUNTY OF Milwaukee STATE OF WISCONSIN.
My commission expires 2/15/15



This instrument was drafted by Pete L. Bailey
G:\MYFILES\LEGALS\KOTECKI



12/29/10

L66 N 89°29'12" E 315.28'

N 00°46'46" W 1272.19'

Course	Bearing	Distance
L1	N 00°46'46" W	258.95'
L2	N 20°38'18" E	23.84'
L3	N 20°38'18" E	33.40'
L4	N 36°34'15" E	39.46'
L5	N 55°04'16" E	85.16'
L6	N 69°59'16" E	60.46'
L7	N 57°07'06" E	49.37'
L8	N 47°03'25" E	27.75'
L9	N 52°14'34" E	39.25'
L10	N 60°33'47" E	28.32'
L11	N 65°38'23" E	22.91'
L12	N 87°21'06" E	26.05'
L13	S 81°52'05" E	32.28'
L14	S 81°30'25" E	37.56'
L15	S 67°02'16" E	104.43'
L16	S 59°09'27" E	14.73'
L17	S 00°46'46" E	458.67'
L18	N 00°46'46" W	171.76'
L19	S 24°59'45" W	44.19'
L20	S 24°59'45" W	40.78'
L21	S 37°32'27" W	12.95'
L22	S 34°18'36" W	30.81'
L23	N 83°57'25" W	94.99'
L24	N 87°54'12" W	29.67'
L25	S 89°16'01" W	27.87'
L26	S 65°26'00" W	16.36'
L27	S 71°09'27" W	24.97'
L28	S 65°39'21" W	44.95'
L29	S 67°30'26" W	40.24'
L30	S 72°03'46" W	21.49'
L31	S 50°51'19" W	47.57'
L32	S 70°27'02" W	65.10'
L33	N 81°27'45" W	39.39'
L34	N 41°54'09" W	30.29'
L35	N 41°54'09" W	15.15'
L36	S 00°46'46" E	192.10'

LOT 1

LOT 2

LOT 3

-SUGGESTED YARD GRADE, FRONT: 678.00
 -SUGGESTED YARD GRADE, EXPOSURE: 673.00
 -SUGGESTED GARAGE SLAB: 678.33
 -SUGGESTED TOP OF WALL: 678.67
 -SUGGESTED FIRST FLOOR: 679.87
 -SUGGESTED TOP OF FOOTING: 669.68
 -SUGGESTED BASEMENT FLOOR: 669.93
 -BASED ON 9 FOOT POURED WALL

Proposed building is staked on actual corner with 10 foot offsets on the longest house line dimension prior to construction. The contractor will be responsible to field verify all stakes for location and to construction. If any discrepancies should arise, notify this office at once.

DENOTES PROPOSED STAKED EROSION CONTROL

DENOTES PROPOSED SPONGE STICKS LOCATION ESTABLISHED BY EXCAVATOR

DENOTES PROPOSED DRIVEWAY TO EXCAVATION SLOPE VARIES

LOT 2 OF CERTIFIED SURVEY MAP NO. BEING A PART OF THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN

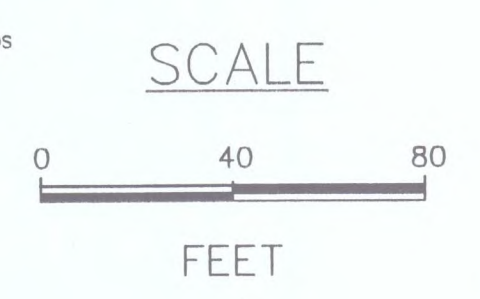
SITE BENCH MARKS:
 WEST 1/4 CORNER: 673.60
 CENTER 1/4 CORNER: 667.24

STATE OF WISCONSIN
 COUNTY OF RACINE

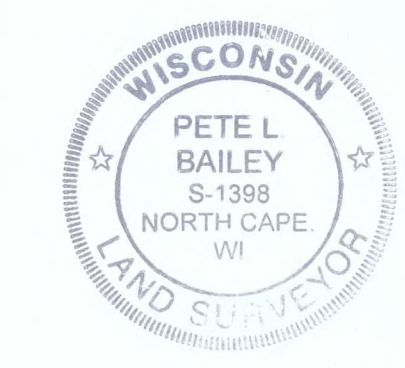
The above-described property has been surveyed under my direction and the above map is a correct representation thereof.

DATED AT NORTH CAPE, THIS 19TH DAY OF SEPTEMBER, 2011.

Pete L. Bailey
 AMERICAN SURVEYING COMPANY, INC.
 PETE L. BAILEY, RLS NO. 1396
 RECERTIFIED this ___ day of _____, 2011.



NOTE: SUGGESTED YARD GRADE MUST BE APPROVED BY THE OWNER AND MUNICIPALITY.



DRAWN BY:	PLB	REVISIONS:	DATE
CHECKED BY:	PLB	06/04/09:	REVISED PER OWNER
PLOT SCALE:	1 = 40		
DATE:	07/12/2009		
JOB NO.:	2005098A		
DWG. FILE:	JN205178B	CLIENT NO.:	03311

CITY OF OAK CREEK
 PROJECT:
PLAT OF SURVEY/STAKEOUT SURVEY
 PREPARED FOR: BRIAN KOTECKI

Sheet
1
 of
2

AMERICAN SURVEYING COMPANY, INC.
 12207 C.T.H. "K" FRANKSVILLE, WISCONSIN 53126
 TEL: (262) 835-4774 FAX: (262) 835-2379
 beaufordbailey@hotmail.com

L58 N 89°29'12" E 315.28'

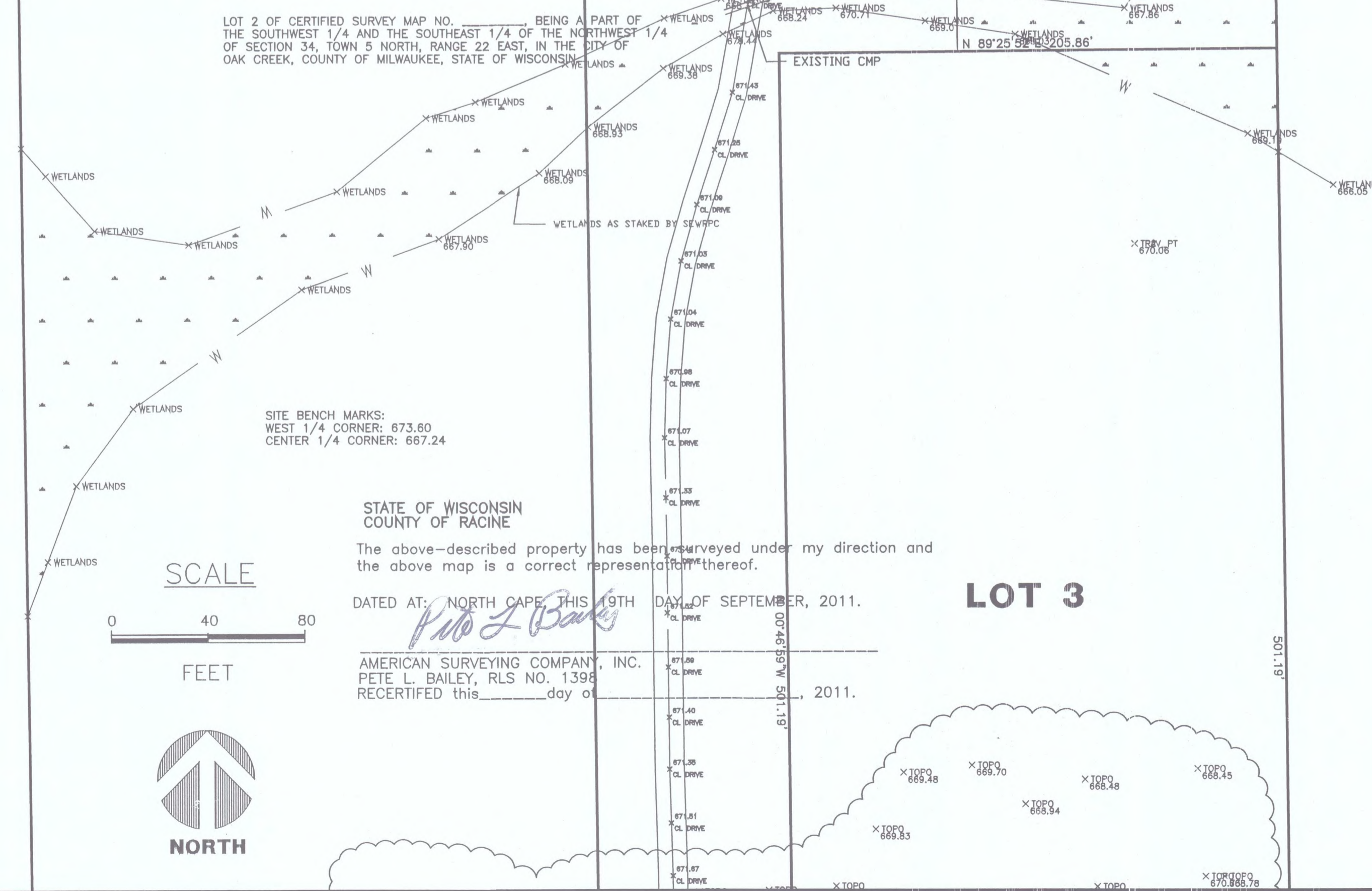
Course	Bearing	Distance
L1	N 00°46'46" W	258.95'
L2	N 20°38'18" E	23.84'
L3	N 20°38'18" E	33.40'
L4	N 36°34'15" E	39.46'
L5	N 55°04'16" E	85.16'
L6	N 69°59'16" E	60.42'
L7	N 57°07'06" E	49.37'
L8	N 47°03'25" E	27.75'
L9	N 52°14'34" E	39.25'
L10	N 60°33'47" E	28.32'
L11	N 65°38'23" E	22.91'
L12	N 87°21'06" E	26.05'
L13	S 81°52'05" E	37.26'
L14	S 81°30'25" E	37.56'
L15	S 67°02'16" E	104.43'
L16	S 59°09'27" E	14.73'
L17	S 00°46'46" E	458.67'
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L19	S 24°53'45" W	44.19'
L20	S 24°59'45" W	40.76'
L21	S 37°32'27" W	12.95'
L22	S 34°13'30" W	30.91'
L23	N 83°57'25" W	94.98'
L24	N 87°54'12" W	29.67'
L25	S 89°15'01" W	27.87'
L26	S 65°28'03" W	15.35'
L27	S 71°09'27" W	24.97'
L28	S 65°38'21" W	44.95'
L29	S 67°30'26" W	40.24'
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L32	S 70°27'02" W	65.10'
L33	N 81°27'45" W	39.39'
L34	N 41°54'09" W	30.29'
L35	N 41°54'09" W	15.15'
L36	S 00°46'46" E	192.10'

LOT 1

N 00°46'46" W 1272.19'

N 00°46'46" W 1288.83'

S 00°46'46" E 1288.67'



LOT 2 OF CERTIFIED SURVEY MAP NO. _____ BEING A PART OF THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

SITE BENCH MARKS:
WEST 1/4 CORNER: 673.60
CENTER 1/4 CORNER: 667.24

SCALE
0 40 80
FEET



STATE OF WISCONSIN
COUNTY OF RACINE
The above-described property has been surveyed under my direction and the above map is a correct representation thereof.
DATED AT NORTH CAPE, THIS 9TH DAY OF SEPTEMBER, 2011.
AMERICAN SURVEYING COMPANY, INC.
PETE L. BAILEY, RLS NO. 1398
RECERTIFIED this _____ day of _____, 2011.

LOT 3

BASED ON SEPTIC DESIGNERS DIRECTION.
TOP OF MOUND ELEV: 675.0
NO FILLING IS ALLOWED ON TOP OF MOUND*
NO FILLING UNTIL MOUND CONSTRUCTION IS COMPLETED*
SLOPES TO BLEND INTO MOUND CONSTRUCTION

NOTE: SUGGESTED YARD GRADE MUST BE APPROVED BY THE OWNER AND MUNICIPALITY.



AMERICAN SURVEYING COMPANY, INC.
12207 C.T.H. "K" FRANKSVILLE, WISCONSIN 53126
TEL: (262) 835-4774 FAX: (262) 835-2379
beauforbailey@hotmail.com

DRAWN BY:	PLB	REVISIONS:	DATE
CHECKED BY:	PLB	08/04/09: REVISED PER OWNER	
PLOT SCALE:	1" = 40'	10/11/11: REVISED PER OWNER	
DATE:	07/12/2009	10/23/11: REVISED PER OWNER	
JOB NO.:	2005098A		
DWG. FILE:	JN205178B	CLIENT NO.	03311

CITY OF OAK CREEK
PROJECT:
GRADING PLAN
PREPARED FOR: BRIAN KOTECKI

Sheet
2
of
2