



PLAN COMMISSION REPORT

Proposal:	Preliminary Subdivison Plat– Millwood Glen
Description:	Review a preliminary subdivision plat for Millwood single-family residential subdivision.
Applicant(s):	Benjamin Lang, Veridian Homes, Inc. and Neil & Noreen Miller, Miller Living Trust
Address(es):	3521 E. Oakwood Road (5 th Aldermanic District)
Suggested Motion:	That the Plan Commission approves the Preliminary Subdivision Plat for Millwood Glen single-family residential subdivision to be located at 3521 E. Oakwood Road, with the following conditions: 1. That all relevant Code requirements remain in effect. 2. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility. 3. That all required Development and Stormwater Agreements are coordinated with the Engineering Department. 4. That a Non-Federal Wetland Exemption letter from the Wisconsin Department of Natural Resources is provided to the Engineering and Community Development Departments prior to Development and Stormwater Agreements being presented to the Common Council for approval. 5. That all technical corrections, including, but not limited corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording. 6. That all revisions to the preliminary subdivision plat are submitted electronically to the Department of Community Development prior to submission of permit applications.

Owner(s):	Miller Living Trust
Tax Key(s):	960-9999-001
Lot Size(s):	38.268 ac
Current Zoning District(s):	Rs-4, Single Family Residential
Overlay District(s):	N/A

Wetlands: ☒ Yes ☐ No Floodplain: ☒ Yes ☐ No

Comprehensive Plan: Single-Family Detached

Background: The Plan Commission recommended that the Common Council approve a rezone of the 38.3 acre site at its July 8, 2025 meeting, from Rs-2 Single-Family Residential District to Rs-4 Single-Family Residential District. The Common Council subsequently approved the rezone at its August 19, 2025 meeting through Ordinance No. 3130. The Applicant is now seeking approval of a Preliminary Subdivision Plat known as Millwood Glen on the property at 3521 E. Oakwood Rd.

Proposed Preliminary Plat: The proposed preliminary plat consists of 44 developable lots designated for single-family detached homes, with lot sizes ranging from 9,020 to 16,409 square feet (average lot size of 11,251 square feet). The lots are arranged along two (2) north-south streets ending in permanent cul-de-sacs and connected perpendicularly by one east-west street to form a general U-shaped street layout. In addition to the residential lots, the subdivision includes three (3) outlots. Outlot 1 wraps around the single-family lots to the west and south creating a significant buffer to the properties to the west and south. Outlot 1 consumes approximately 50% of the site and will contain two (2) stormwater ponds and open space, which also contains environmentally sensitive areas including wetland, woodlands, and floodplain (floodfringe). Outlots 2 and 3 contain islands for the two (2) cul-de-sacs.

Lot Design, District Specific Standards, & Land Use: The proposed Preliminary Subdivision Plat includes 44 lots on a 24 net acre site (net acreage is the total area of the lot, not including wetlands or floodplains), resulting in a residential density of approximately 1.83 dwelling units per net acre. This density is well within the limits of the Rs-4 Single-Family Residential District, which allows a maximum density of 5.4 units per net acre. Lot sizes exceed the minimum area and dimensional standards for the Rs-4 Single-Family Residential District established in Section 17.0301(a) of the Municipal Code, which require a minimum lot area of 8,000 square feet and a minimum lot width of 60 feet.

The proposed layout complies with the intent, standards, and requirements of both the City's Zoning Ordinance and the Rs-4 Single-Family Residential District. Lot area, width, and setbacks are consistent with the bulk and dimensional standards outlined in Chapter 17 of the Municipal Code. Additionally, Section 14.122(b) requires a minimum lot depth of 115 feet, along with adequate lot dimensions to accommodate off-street parking, service, and loading areas appropriate for single-family residential use. The proposed subdivision also aligns with the land use goals and policies outlined in the City's Comprehensive Plan.

Lighting: Street lamps are required per Section 14.108 of City Code. As shown on the Civil Plans, the Applicant is proposing the installation of 13 pole-mounted street lamps within the subdivision. All street lamps must conform to the City of Oak Creek's Department of Public Works decorative residential lighting standard.

Engineering and Utilities: The Applicant will be required to comply with all applicable regulations and requirements.

Access: The proposed subdivision will have two (2) access points from E. Oakwood Rd. The internal street is designed with two (2) north-south streets ending permanent cul-de-sacs and connected perpendicularly by one east-west street to form a general U-shaped street layout. Additionally, sidewalks are shown as required per Section 17.0504 of the Municipal Code.

Signage: No new or additional signage is being proposed as part of this review. Any future signs must comply with the Municipal Code, and the owner or tenant will need to apply for the necessary permits before installing any signs on the site.

Environmental: The site contains a significant amount of wetland and floodplain (floodfringe). In total, there are six (6) individual areas of wetland (14.09 acres) that have been delineated on the site (Per Evergreen Engineering LLC delineation report dated July 2, 2025). Wetland Areas 1 & 2 (1.8 acres combined), as shown on site plans are located within areas designated for stormwater management. Wetland Areas 3-5 (0.63 acres combined), as shown on site plans, are located at proposed sites for roads, associated infrastructure, and buildable areas of proposed residential lots. Wetland Area 6 (13.28 acres) takes up much of the southern half of the development site to the south of the proposed lots. A significant amount of the southern half of the site is also floodplain (floodfringe). None of proposed development will encroach or impact Wetland Area 6 or existing floodplains.

The proposed development would require filling of multiple Wetland Areas. Filling of wetlands requires a Non-Federal Wetland Exemption from the Wisconsin Department of Natural Resources (WDNR). The Applicant is working with Evergreen Consultants, LLC, who provided a letter (attached) regarding the Wisconsin Non-Federal Exemption Process. As of the date of the letter (October 3, 2025), Evergreen Consultants has submitted an Approved Jurisdictional Determination (AJD) request to the U.S. Army Corps of Engineers (USACE) for isolated cropped wetlands. This AJD request is the initial step in the Non-Federal Exemption process. If the USACE issues the AJD, an exemption request will be submitted to the WDNR. If the WDNR confirms that the official exemption request has met all eligibility requirements, the WDNR shall presume that the wetland is eligible for the exemption.

As noted above, the Applicant has not received the Non-Federal Wetland Exemption from the WDNR required to allow for filling of wetlands for development. Without this exemption staff does not support this proposal. Staff has included a condition of approval that states that Non-Federal Wetland Exemption from the WDNR shall be provided to the Engineering and Community Development Departments prior to Development and Stormwater Agreements being presented to the Common Council for approval.

Landscaping: Per the landscape plan provided, both proposed cul-de-sacs will be landscaped with a seeded lawn a single shade tree. No existing trees on site are proposed to be removed.

Fire Department: The Fire Department indicated no concerns. The Applicant must comply with all regulations and requirements of the City of Oak Creek Fire Department.

Options/Alternatives: The Plan Commission has the discretion to approve or disapprove of the Preliminary Subdivision Plat. Should the request not be approved, the Applicant may submit a revised application package that addresses the specific reasons for the disapproval. Disapproval may ultimately result in the existing condition of the property to remain.

Respectfully submitted & approved by:



Kristi Laine
Community Development Director

Prepared by:



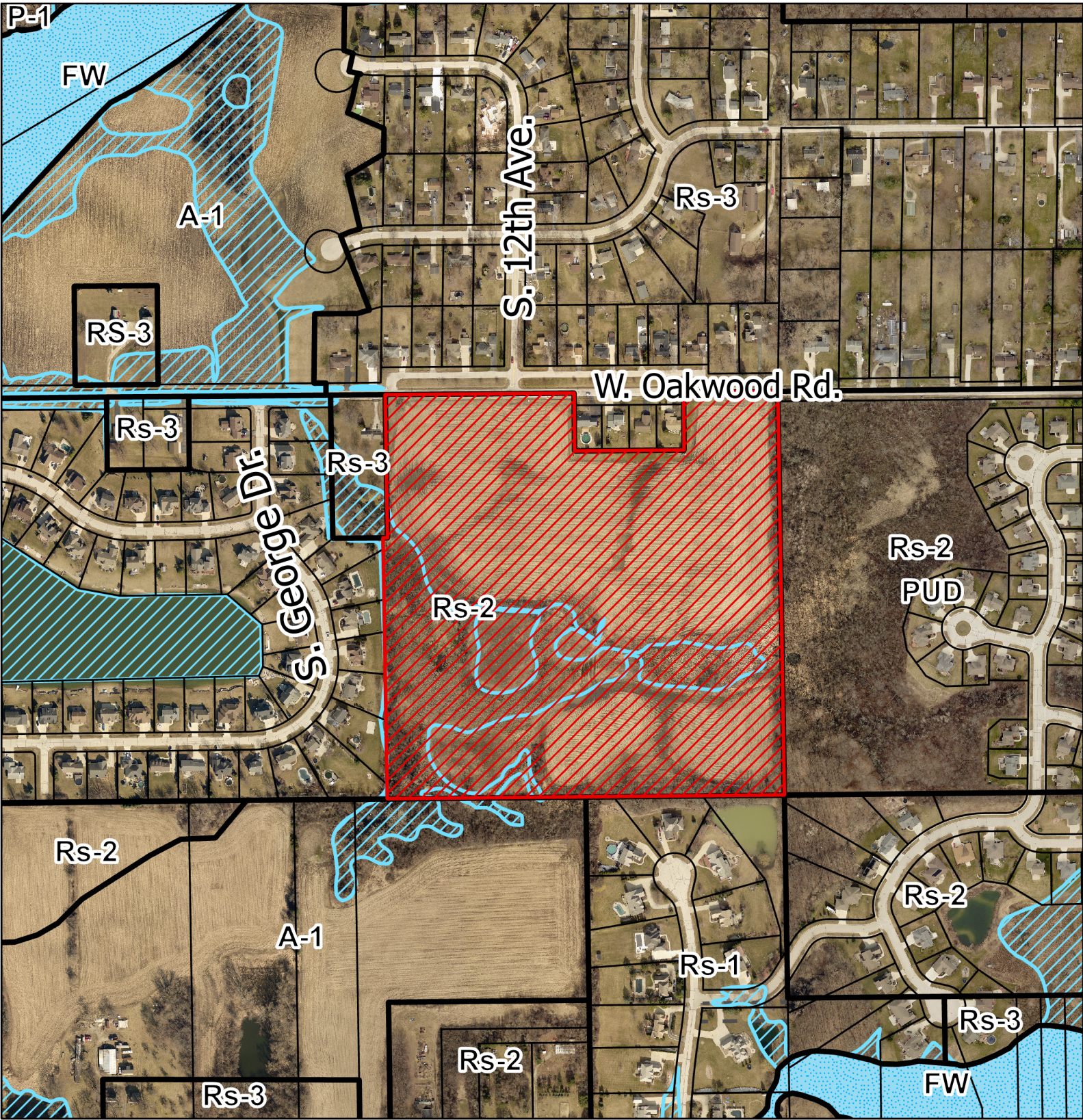
Todd Roehl
Senior Planner

Attachments:

Location Map
Narrative (3 pages)
Letter from Evergreen Engineering LLC (2 pages)
Existing Site Plan (1 page)
Preliminary Plat (1 page)
Landscape Plan (1 page)

Location Map

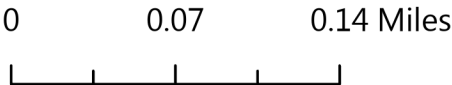
3521 E. Oakwood Rd.



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



Community Development



Legend

- Zoning
- Official Street Map
- Parcels
- FloodFringe2024
- Floodway2024
- 3521 E. Oakwood Rd.



PRELIMINARY PLAT NARRATIVE: MILLWOOD GLEN

Veridian Homes is pleased to present the proposed Preliminary Plat of Millwood Glen (3521 East Oakwood Rd) for the City's consideration. The subject property consists of approximately 38.11 acres of undeveloped land, currently used as agricultural and open spaces. The Comprehensive Plan supports conservation style residential development on the property. At the time of writing there is a pending application to amend the zoning of the subject property from RS-2 to RS-4.

The proposed preliminary plat is consistent with the RS-4 standards – a summary of pertinent proposal data is included in the "General Site Data" table below:

GENERAL SITE DATA

<u>Category</u>	<u>Value</u>
Total Acreage	38.11
Net Acreage*	24
Total Homes	44
Gross Density	1.15 du/gross acre
Net Density	1.83 du/net acre*
<i>Required Max Net Density</i>	<i>5.4 du/net acre max</i>
Min Proposed Lot	9,020 sf
Avg. Proposed Lot	11,251 sf
<i>Required Lot Area</i>	<i>8,000 sf min.</i>
<i>Required Lot Width</i>	<i>60 ft</i>
<i>Required Street Setback</i>	<i>25 ft</i>
<i>Required Rear Setback</i>	<i>25 ft</i>
<i>Required Side Setback</i>	<i>8 ft</i>

*Net acreage as defined in ord. 17.1012(p)



DEVELOPMENT CHARACTER

The comprehensive plan envisions the subject property as a conservation or cluster style neighborhood. The proposed preliminary plat creates a 44-lot subdivision on the northern half of the property while minimizing impacts to the wetlands on property. It is important to note that the proposal features a range of lot sizes, while limiting the number of lots which approach the RS-4 minimum area and width requirements, in consideration of the suburban single-family context of the property. The proposed plan features an overall net density of 1.83 du/net acre vs. 5.4 du/net acre which would be allowed by the RS-4 zoning district.

The preliminary plat contemplates a disturbed area of just 18-19 acres, yielding approximately 19-20 acres (about 50% of the property) in preserved open space.

Context:

- The subject property is primarily surrounded by existing single-family neighborhoods, with substantive natural buffers to the south, east, and west, effectively protecting those existing neighborhoods from views of the proposed development. The following are separations between rear lot lines and the closest residential lot in each direction per the provided Preliminary Plat:
 - East: >400' minimum separation (lot to lot)
 - South: >575' minimum separation (lot to lot)
 - West: 200' minimum separation (lot to lot)
- The proposed homesites adjacent to the existing homes fronting Oakwood Road feature oversized rear yards in consideration of the neighboring properties.

Veridian Standards and Homeowner's Association (CCR's):

Veridian prides itself in providing high-quality neighborhoods and homes, acknowledging that homeownership is the largest investment most families may ever make and is representative of a "dream come true." We want to ensure that families can come home each day to a neighborhood and home they are proud of.

- The following are examples of ways that Veridian ensures that the neighborhoods and homes it constructs are of the highest quality, in addition to compliance with the municipality's use specific standards:
 - **Fully integrated** – Veridian will develop, construct, and sell each home in its neighborhoods, creating accountability that no single homeowner is left "holding the bag"

VERIDIAN HOMES



Dream. Build. Live.

- **Turn-Key Approach** – Driveways, sidewalks, landscaping, and appliances are included within the sales price of each home, ensuring a finished, truly turnkey turnover to buyers, and guaranteeing a consistent aesthetic within the neighborhood.
- **Minimum Specifications** – The following finishes are included in our minimum specifications for each home Veridian builds:
 - Custom cabinetry including soft close hinges and drawers.
 - Granite or Quartz kitchen countertops.
 - All cabinets and millwork are maple – no MDF or composite materials.
- **HOA/CCR Restrictions** – The following are notable restrictions recorded in each neighborhood:
 - Professional Management – The CCR's require the HOA to retain a professional property management company to perform the duties of the Association in perpetuity.
 - Architectural Control – CCR's establish an Architectural Control Board and standards to ensure that any future improvements or modifications are in harmony with the original development.
 - Landscaping – A point system is established to ensure minimum lot landscaping standards are met in perpetuity. Lawn care and landscaping obligations of homeowners are defined along with provisions for HOA "step-in" rights.
 - Exterior storage – Storage of boats, campers, RV's etc. is restricted on lots.
 - Anti-Monotony – Restriction on the use of the same floorplan/elevation combination for 6 degrees of separation (lots or ROW). The proposed lot configurations may allow up to 22 unique floorplans, and over 100 unique elevation combinations, pending customer selections and demand.

VERIDIAN HOMES



PO Box 680 • Pulaski, WI 54162

Phone: 920.615.0019 • Website: www.evergreenwis.com

October 3, 2025

City of Oak Creek Staff, Plan Commission, & City Council
Attn: Kristi Laine, Andrew Vickers, Matt Sullivan
8040 S 6th Street
Oak Creek, WI 53154

Re: Approval Request for Millwood Glen Subdivision – Wisconsin Non-Federal Exemption Process

Hello Ms. Laine, Mr. Vickers, and Mr. Sullivan,

At the request of Veridian Homes, I am providing technical and statutory information regarding the Wisconsin Department of Natural Resources (DNR) Non-Federal Exemption process, specifically as it pertains to Veridian's proposed Millwood Glen subdivision at 3521 E. Oakwood Road. As one of the drafters of 2017 WI Act 183 (WI Statute 281.36) and with Evergreen Consultants being a prolific submitter of wetland exemptions, permits, and delineations, we are widely considered subject matter experts on this topic. I have outlined detailed guidance on the requirements of the wetland exemption process as it relates to the subdivision plat approval process.

Evergreen Consultants has submitted an Approved Jurisdictional Determination (AJD) request to the U.S. Army Corps of Engineers (USACE) for isolated cropped wetlands. This AJD request is the initial step in the Non-Federal exemption process. Once the USACE issues the AJD, we can then submit the exemption request to the DNR. Whether the USACE takes jurisdiction of a wetland is dictated by surface water connections to Waters of the U.S. Evergreen has determined that no surface water connections exist between the cropped wetlands and the adjacent agricultural drainage ditch, confirming that the cropped wetlands are isolated features under 33 CFR Part 328.

Under state statute 281.36 (4n)(b), the proposed project is eligible for up to one acre of wetland exemption impact per parcel. Wetland mitigation is required if the total wetland exemption impact for a parcel exceeds 10,000 square feet. Prior to the issuance of an exemption letter or approval, the purchase of mitigation credits from the nearest mitigation bank or through the DNR in-lieu fee program is required for wetland exemptions over 10,000 square feet.

To meet eligibility requirements, projects must satisfy the following criteria:

- The project must be within an incorporated urban area. Since the proposed project is in Oak Creek, it meets this requirement.
- The discharge must not affect more than one acre of wetland per parcel. This project will impact approximately 0.72 acres.
- The requested discharge to the wetland must not affect a rare and high-quality wetland; farmed wetlands meet this requirement.
- The development related to the discharge must comply with any applicable stormwater management zoning ordinance or stormwater discharge permit. The City of Oak Creek has strict stormwater management requirements that surpass state regulations. Given that the project is in Oak Creek and Excel Engineering has completed a detailed stormwater management plan in

accordance with Oak Creek standards, we are confident that the stormwater management plan addresses this requirement and complies with DNR requirements, which are much less stringent (s. 283.33, NR 216).

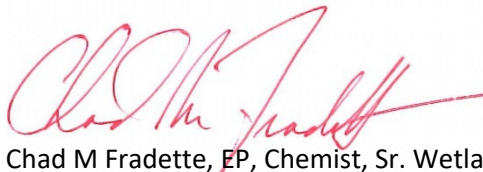
Once the DNR confirms that the official exemption request has met all eligibility requirements, the DNR shall presume that the wetland is eligible for the exemption. If the DNR does not respond within 15 business days, the exemption shall be presumed to meet eligibility requirements. As detailed above, the project meets all DNR eligibility requirements.

To file for a Non-Federal Wetland Exemption with the Wisconsin DNR, there must be a concrete project, and impacts need to be precisely quantified to the square foot. To compile the required data with sufficient specificity, a development plan is necessary. For subdivisions, we submit these exemptions after a preliminary or final plat has been approved by the municipality and, in many cases, following the issuance of new parcel numbers by the County. A typical plat approval process often results in layout modifications and changes to wetland impacts. The DNR aims to avoid wasting wetland mitigation credits on projects that have a perceptible risk of failing to proceed or will be modified, such as those with outstanding discretionary approvals. Wetland mitigation is costly to project proponents, typically exceeding \$120,000 per mitigated acre of wetlands, and there is high demand with limited supply for credits in the Southeast Region.

State statute s. 281.36 (12m) also includes strict regulations for government entities. Other governmental entities are prohibited from interfering in this process, and any related ordinances they have concerning wetlands that receive an exemption are preempted and considered null and void. State Statute 236.13, which discusses the basis of approval for preliminary or final plats, does not list wetland exemptions or permits as a requirement for plat approval. Furthermore, the City of Oak Creek Municipal Ordinances and application checklists do not require a wetland exemption or permit as a requirement for the preliminary plat application or approval. It is our opinion that requiring an exemption prior to the approval of a preliminary plat is not acting in conformance with the referenced statute s. 281.36.

Please feel free to contact me if further information is needed or if the city has additional questions regarding the Wisconsin DNR Non-Federal Wetland Exemption Process or the wetlands identified at this property.

Sincerely,



Chad M Fradette, EP, Chemist, Sr. Wetland Scientist
Wisconsin DNR Professional Assured Wetland Delineator





EXCEL

Always a Better Plan

100 Camelot Drive
Fond du Lac, WI 54935
920-926-9800
excelengineer.com

COLLABORATION



**VERIDIAN
HOMES**

PROJECT INFORMATION

PROPOSED RESIDENTIAL SUBDIVISION
MILLWOOD GLEN
E OAKWOOD RD • OAK CREEK, WI

PROFESSIONAL SEAL

PRELIMINARY DATES

JULY 29, 2025
AUG. 8, 2025

NOT FOR CONSTRUCTION

JOB NUMBER

250124800

SHEET NUMBER

C3.0

EXISTING SITE PLAN

PRELIMINARY PLAT OF
MILLWOOD GLEN

PART OF THE NE 1/4 OF THE NW 1/4 OF
SECTION 35, TOWNSHIP 5 NORTH, RANGE 22 EAST,
CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

I, Ryan Wilgreen, Professional Land Surveyor, hereby certify that this preliminary plat is a true and correct representation of all the adjacent existing land divisions and of the boundary of the preliminary plat and features.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and Chapter 14 of the City of Oak Creek Subdivision Ordinance in surveying, dividing and mapping of the same.

Ryan Wilgreen, P.L.S. S-2647
ryan.wilgreen@excelengineer.com
Excel Engineering, Inc.
Fond du Lac, Wisconsin 54935
Project No. 250124800

NOTES:

FLOODPLAIN

Based upon a review of the Federal Emergency Management Agency Flood Insurance Rate Map No. 55079C0251F with an effective date of October 24, 2024, a portion of the subject property falls within Zone "AE" (areas determined to be subject to the 1% annual chance flood hazard), the remainder of the property falls within Zone "X" (areas determined to be outside the 0.2% annual chance flood hazard).

WETLANDS

Wetlands shown on this plat were delineated by Evergreen Consultants, LLC in July 2025.

OUTLOTS

Outlot 1 is to be used for stormwater management purposes and open space. Outlots 2 and 3 are to be used for landscape purposes. All owners of the plat of Millwood Glen have an equal and undivided fractional ownership of all of the stormwater facilities. Milwaukee County shall not be liable for any fees or special charges in the event they become the owner of a lot or outlot in the subdivision by reason of tax delinquency. The City of Oak Creek is authorized to access Outlot 1 to conduct necessary stormwater inspections and maintenance.

EXISTING UTILITIES

Surface indications of utilities along with Digger's Hotline markings per ticket no. 20252109955 have been shown. Sizes and elevation of underground utilities shown hereon are based on field measurements of visible structures in combination with available data provided to Excel Engineering. Excel Engineering makes no guarantee that all the existing utilities in the surveyed area have been shown nor that they are in the exact location indicated. Contractor shall be responsible for verifying the location of all utilities prior to construction. This plan is in no way a substitute for utility locating at the time of excavation.

DATUMS

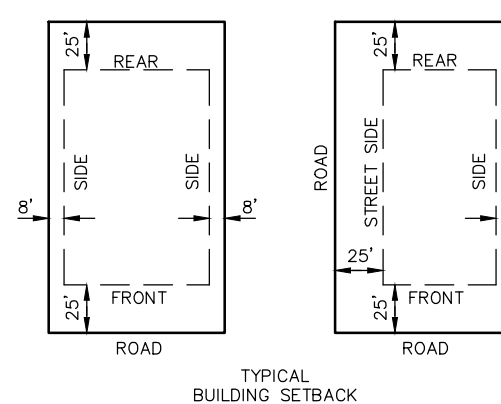
Elevations shown on this survey are based on North American Vertical Datum 1988 (NAVD88). Horizontal coordinates are based on the Wisconsin State Plane Coordinate System, South zone. (North American Datum 1983).

EASEMENT KEYNOTES

1 PROPOSED STORM SEWER & DRAINAGE EASEMENT

TOTAL AREA
38.114 ACRES
1,660,228 SQ. FT.

CURRENT ZONING:
RS-2 Single-Family Residential 2
PROPOSED ZONING:
RS-4 Single-Family Residential 4
RS-4 Building Setbacks:
Front: 25 feet
Interior Side: 8 feet
Street Side: 25 feet
Rear: 25 feet



LEGEND:

- | | | |
|-------------------------------|-----|-------------------------------------|
| WATER VALVE IN BOX | ST | STORM SEWER AND MANHOLE |
| ROUND CATCH BASIN | SA | SANITARY SEWER AND MANHOLE |
| LIGHT POLE | W | WATER LINE AND HYDRANT |
| UTILITY POLE WITH GUY WIRE | OU | OVERHEAD UTILITY LINE |
| ELECTRIC PEDESTAL | --- | WIRE FENCE |
| GAS METER(S) | --- | PROPERTY LINE |
| SIGN | --- | RIGHT-OF-WAY LINE |
| SOIL BORING | --- | ADJACENT PROPERTY LINE |
| 3/4" REBAR SET | --- | EASEMENT LINE |
| 3/4" REBAR FOUND | --- | EXISTING GROUND CONTOUR |
| 2" IRON PIPE FOUND | --- | PROPOSED GROUND CONTOUR |
| 1" IRON PIPE FOUND | --- | PROPOSED SANITARY SEWER AND MANHOLE |
| 800 SPIKE FOUND | --- | PROPOSED WATER LINE AND HYDRANT |
| SECTION CORNER MONUMENT FOUND | --- | |
| "RECORDED AS" INFORMATION | --- | |

BEARINGS ARE REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD83). THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 35-5-22 HAS A BEARING OF NORTH 89°30'42" EAST.

OWNER:
TIELE MILLER &
NOREN M. MILLER,
TRUSTEES OF MILLER LIVING TRUST
8145 S. MONA COURT
OAK CREEK, WI 53154

DEVELOPER/SUBDIVIDER:
VIA ACQUISITIONS LLC
6801 S. TOWNE DRIVE
MADISON, WI 53713
ENGINEER & SURVEYOR:
EXCEL ENGINEERING, INC.
100 CAMELOT DRIVE
FOND DU LAC, WI 54935



Always a Better Place
100 Camelot Drive
Fond du Lac, WI 54935
920-926-9800
excelengineer.com

PROJECT INFORMATION

PRELIMINARY PLAT
MILLWOOD GLEN
3521 OAKWOOD ROAD • OAK CREEK, WI 53154

PROFESSIONAL SEAL

SHEET DATES

ISSUE DATE JULY 29, 2025

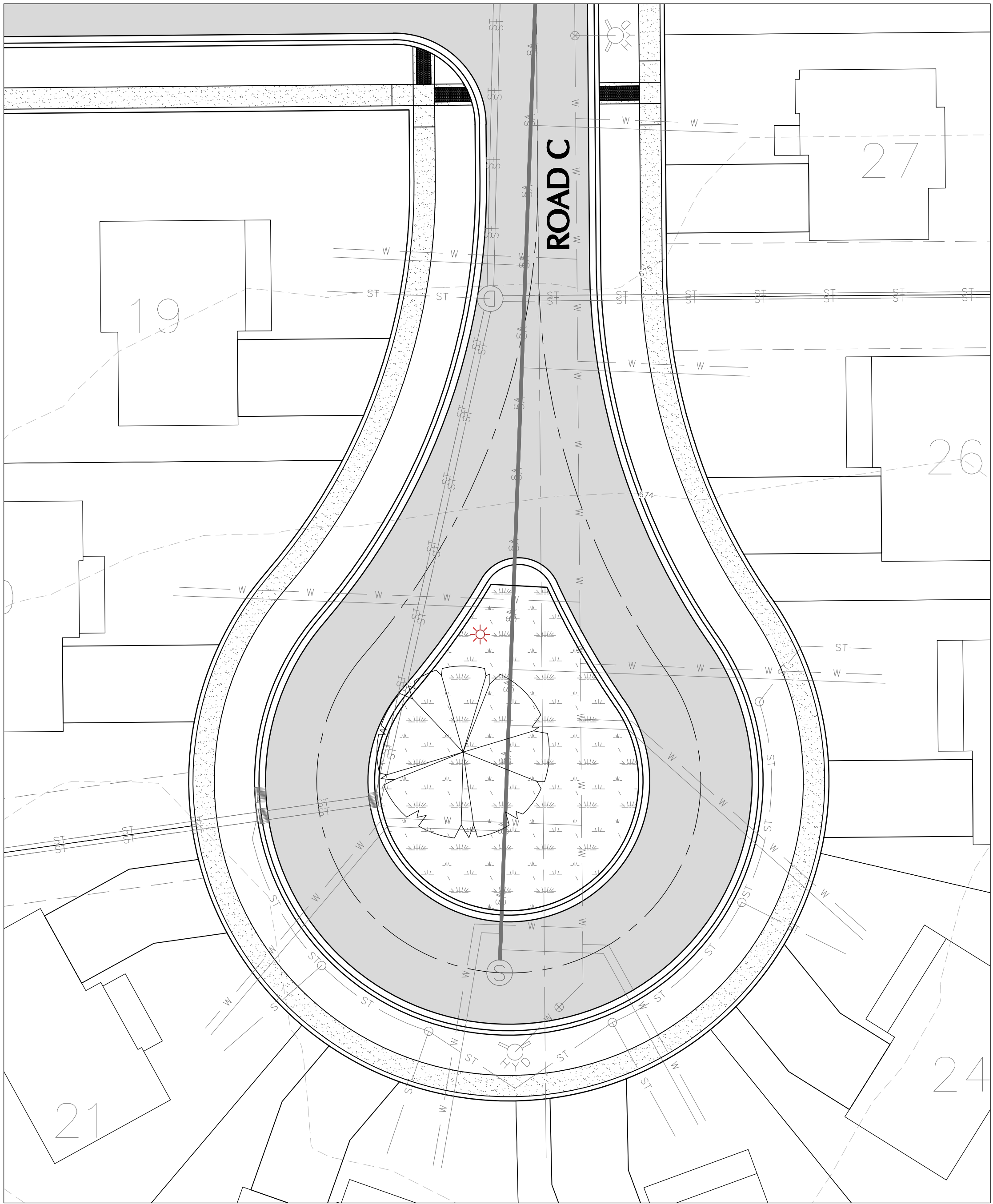
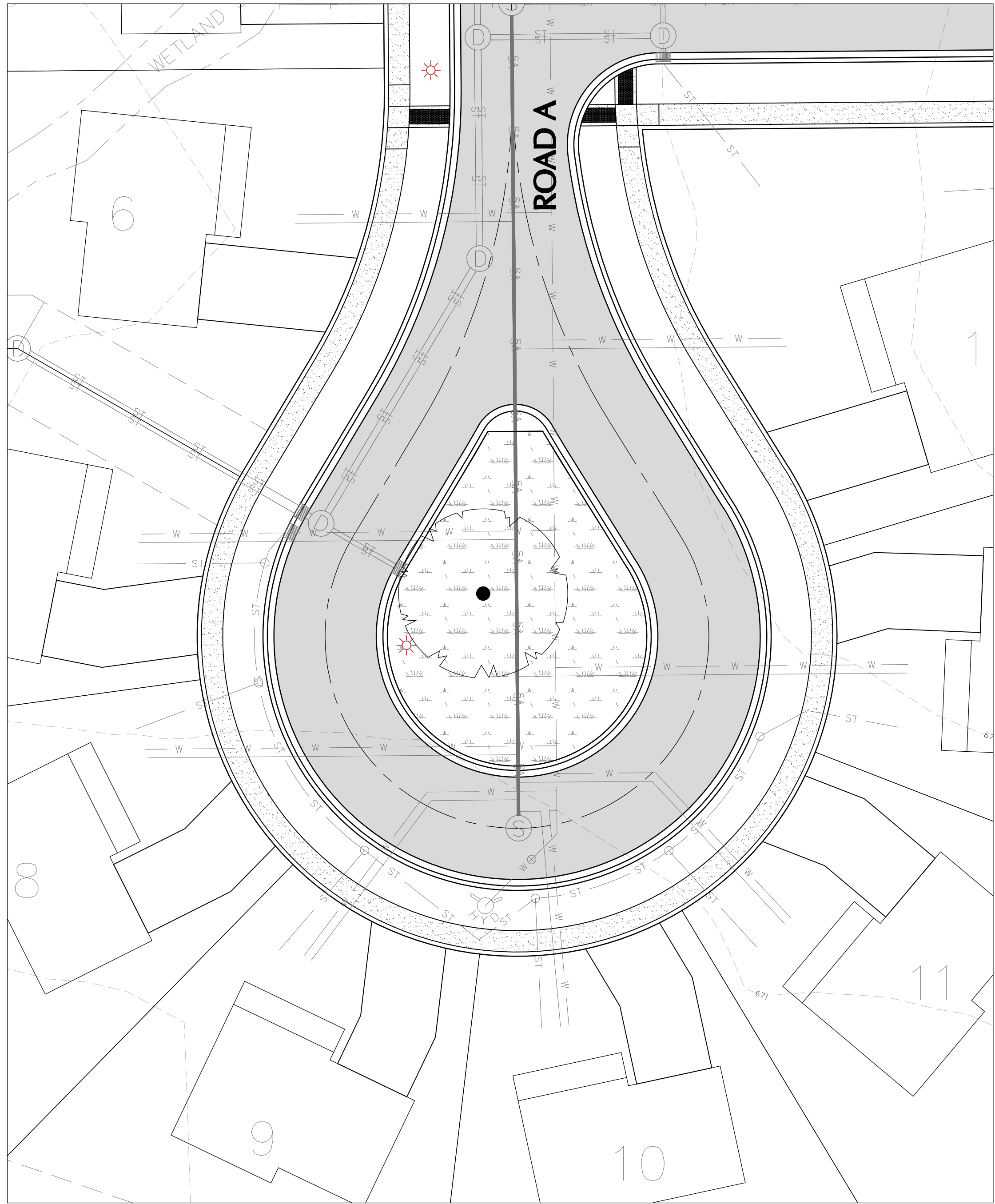
REVISIONS

JOB NUMBER

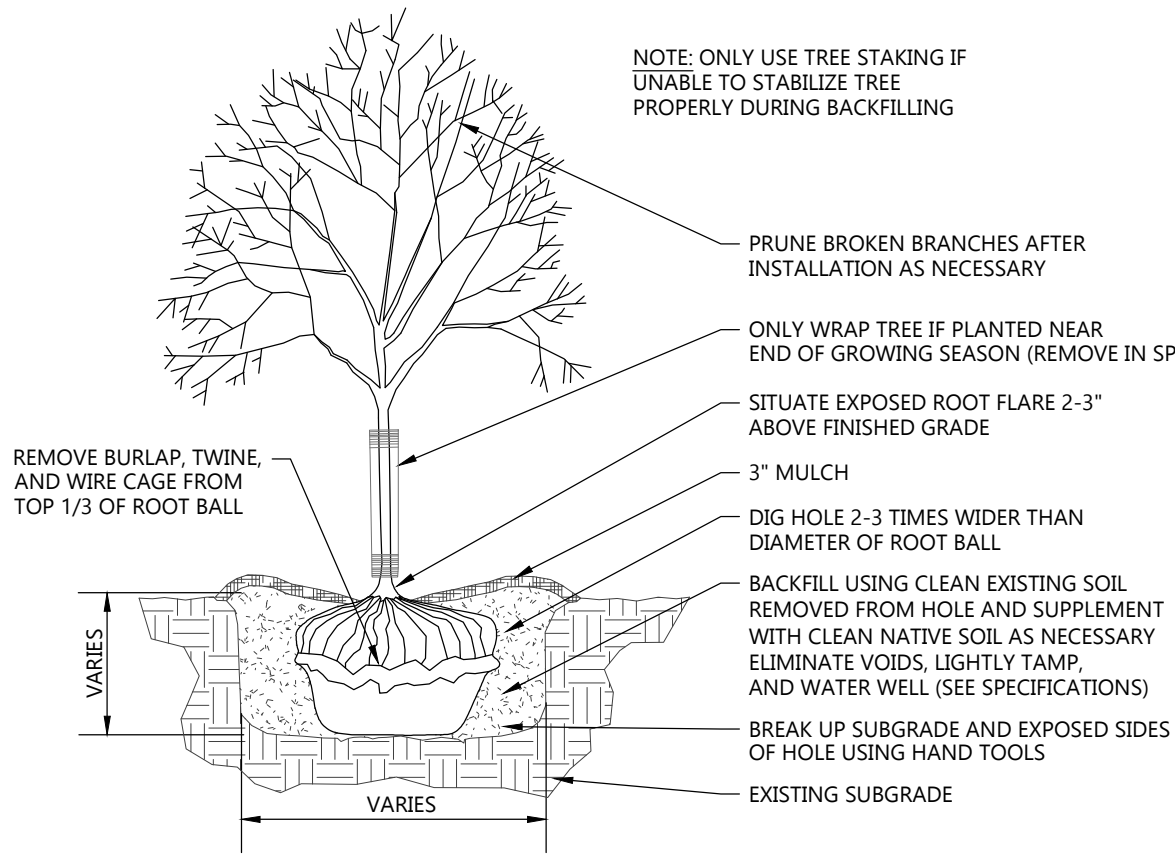
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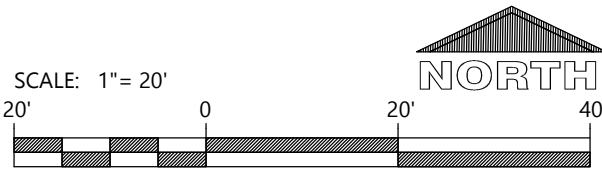


PLANT SCHEDULE					
SYMBOL	COMMON NAME	BOTANICAL NAME	QUANTITY	PLANTED SIZE	ROOT
SHADE TREES					
	Hackberry	Celtis occidentalis	1	2" CAL	B&B
	Red Oak	Quercus rubra	1	2 CAL	B&B



HATCH KEY:	
HATCH	LANDSCAPE MATERIAL
	SEEDING LAWN

DECIDUOUS TREE PLANTING DETAIL
NOT TO SCALE



CUL DE SAC LANDSCAPE PLAN

Excel

Always a Better Plan

100 Camelot Drive
Fond du Lac, WI 54935
920-926-9800
excelengineer.com

COLLABORATION

VERIDIAN
HOMES

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PROPOSED RESIDENTIAL SUBDIVISION

MILLWOOD GLEN

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