

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, AUGUST 10, 2021**

Mayor Bukiewicz called the meeting to order at 6:03 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski and Commissioner Siefert. Commissioner Chandler and Commissioner Oldani were excused. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development; and Mike Havey, Assistant Fire Chief.

Minutes of the July 27, 2021 meeting

Commissioner Siefert moved to approve the minutes of the July 27, 2021 meeting. Commissioner Hanna seconded. On roll call: Alderman Guzikowski and Alderman Loreck abstained, all others voted aye. Motion carried.

BOARD OF HOUSING AND ZONING APPEALS

Director of Community Development Seymour gave a brief summary of the August, 10, 2021 Board of Housing and Zoning Appeals (BOZA) meeting. The official report will be presented to the Commission on August 24, 2021.

CONDITIONS AND RESTRICTIONS

REVEL INVESTMENTS

441 W. RYAN RD.

TAX KEY NO. 906-9028-001

Planner Papelbon provided a review of the draft Conditions and Restrictions as part of a request for a Conditional Use Permit for multifamily residential dwellings in excess of four (4) dwelling units per structure on the property at 441 W. Ryan Rd. (see staff report for details).

Mark Draeger, 320 W. Trillium Terrace:

"I was trying to follow along with Kari as she was talking, but I did not get the beginning. I heard something about access to the south and to County property, I believe. I didn't see where you were reading that from."

Planner Papelbon referred to Section 4 of the Conditions and Restrictions, stating access to Ryan Road along the north line is prohibited, and access to the property shall be from Eagle Summit Drive. There is nothing in the Conditions and Restrictions indicating that Eagle Summit Drive must be extended; however, the Fire Department has indicated they would require such an extension for secondary access to the development. The road will not necessarily extend to the property line, but would allow future access to the County property. The County is not proposing any development at this time.

Mark Draeger, 320 W. Trillium Terrace:

"I understand, just an access road, not coming through all the way to the subdivision."

Mayor Bukiewicz added Eagle Summit Drive would simply be extended further to the south for secondary Fire Department access.

Mark Draeger, 320 W. Trillium Terrace:

“To get to the rear or southern units?”

Planner Papelbon drew a line on the site map to indicate a possible point of access.

Mark Draeger, 320 W. Trillium Terrace:

“That is a good visual, that helps.”

Assistant Fire Chief Havey reiterated that the extension of Eagle Summit Drive was simply for access to the rear units in the development.

Commissioner Hanna moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for multifamily residential dwellings in excess of four (4) dwelling units per structure on the property at 441 W. Ryan Rd. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

ZONING CODE UPDATE DISCUSSION

Planner Papelbon began the Zoning Code update discussion by asking for Commissioners' input on how to address attached versus detached garages.

- Should there be specific language in the Code limiting the size of attached garages similar to what has been established for detached garages?
- Is the language in the Code stating that an attached garage must be subordinate to the house sufficient?
- Should there be no language in the Code other than that the garage must be set back from the front plane of the house so that it “appears” to be subordinate to the house?
- There is already a height limitation that applies to attached garages, but does there need to be a square footage limitation?

The following points were discussed by the Plan Commission:

- Commissioner Hanna expressed her opinion that the size of attached garages for existing homes should be limited so that the garage would be a reasonable size.
- Planner Papelbon asked for direction on what those size limitations would be -- a maximum square footage, or a percentage of the size of the existing home? As drafted, the Code does not make such a limitation for an attached garage clear.
- Mayor Bukiewicz provided an example of a home he had seen with two (2) two-car attached garages.
- Planner Papelbon explained the cumulative maximum in place for detached accessory structures is dependent on both the size of the lot and the size of the house. If detached structures have these limitations, should there be the same limitations for attached structures?
- Planner Papelbon noted there is a limit to the size of the garage doors, which in theory, should limit the size of the garage.

- Planner Papelbon expressed the need to narrowly define “attached” to avoid future loopholes. Planner Papelbon provided the example of a detached garage, “attached” to the house with a long, covered walkway.
- Mayor Bukiewicz said he would define “attached” as a structure sharing either a roof or a wall with a common door to the house.
- Commissioner Hanna said at least one wall of the garage should be shared with the principal structure to be considered attached.
- Mayor Bukiewicz expressed the need to limit the distance a covered walkway could extend from the house to the garage while still considering the garage to be “attached.”
- Commissioner Loreck expressed reservations about placing too many limitations on the size of the garage, saying the wording “subordinate” in conjunction with setback requirements would already limit the size of the structure.
- Planner Papelbon offered the example of an existing home with a detached garage. If the residents were to extend a covered walkway from the home to the detached garage, would it now be considered “attached”? Would they then be able to increase the size of the “attached” garage, where previously, its size would have been limited by the parameters of a detached garage?
- Planner Papelbon pointed out that homes with attached garages are still allowed to have detached structures. There is the potential a 3,050 square-foot home could have a 3,000 square-foot attached garage, and still be allowed to have two (2), 1,200 square-foot cumulative detached structures. Should there be a more robust definition of what “subordinate” means?
- Mayor Bukiewicz said he understood Planner Papelbon’s point.
- Commissioner Siepert stated that using a percentage of the existing home was an appropriate way to limit the size of an attached garage and keep it proportional.
- Planner Papelbon referenced the limitations on accessory structures in the Code update which state that on lots less than one-half acre, the aggregate maximum area of all accessory buildings shall not exceed 1,000 square feet or 75 percent of the livable area of the principal building, whichever is less, and on lots greater than one-half acre, the maximum aggregate area increases to 1,200 square feet or 75 percent of the livable area, or whichever is less.
- Mayor Bukiewicz questioned whether limiting the size of attached garages to 75 percent of the livable space would be appropriate.
- Director of Community Development Seymour said Code currently limits the width of a garage door to 24 feet. Was it the intent of the Commission to limit garages to no more than two (2) cars, or is it acceptable to have a third garage with a 10-foot door?
- Planner Papelbon added that the garage door(s) cannot exceed 45 percent of the total width of the garage façade. So, in essence, no single door can exceed 24 feet, but cumulatively another door is allowed so long as together the doors do not exceed the 45 percent maximum threshold.
- Commissioner Carrillo expressed her reservations about size limitations, saying the visual was a more important determining factor. The right windows and placement of the attached garage could potentially conceal a very large structure if the lot allowed for it.
- Planner Papelbon noted that the Code does not define many particular architectural features for attached garages.
- Commissioner Carrillo asked if an existing one-story home could build a two-story attached garage.
- Planner Papelbon answered that in the Code update, the height of the attached garage could not exceed the height of the principal structure. If, however, the house was to be

expanded, the attached garage could also be expanded if the Code does not set any limitations.

- Commissioner Hanna questioned if a range of attached garage size options was appropriate, based on a combination of house size and lot size.
- Planner Papelbon stated with detached accessory structures, it is the size of the lot that dictates the allowed size of the structure, not the size of the house.
- Director of Community Development Seymour asked if any Commissioners thought it was appropriate to have an attached garage larger than the living area of the house.
- Commissioner Carrillo answered that a 10-car garage could be camouflaged such that it did not appear to be larger than the home.
- Mayor Bukiewicz gave an example of a standard width garage that was actually double deep, so it had much more square footage than it appeared from the front.
- Planner Papelbon pointed out the risks of large garage spaces being used for unapproved rental space or home occupations.
- Director of Community Development Seymour suggested a scale of 250 square feet per single-car space was a generous estimate, so a four-car garage would be approximately 1,000 square feet. Typically, any home with more than a four-car garage is a larger home by scale.
- Alderman Loreck noted Director of Community Development Seymour's estimates were basically the same as the 75 percent of living space limitation for detached garages, when applied to a 1,300 square-foot home. Director of Community Development Seymour concurred, but stated he was more in favor of an attached garage being less than 50 percent of the livable area of the house.
- Commissioner Sullivan said a typical three-car garage is 700 square feet. A typical new home being built in Oak Creek is generally over 2,000 square feet. So at the 75 percent limitation, that would equate to a four-car garage or larger.
- Director of Community Development Seymour added that the Code should be written to cover the typical needs of the community, not for the outliers who have the option to request a variance. Commissioner Sullivan and Mayor Bukiewicz stated their agreement.
- Planner Papelbon asked whether the percentages for the size of attached garages and detached garages should be the same to avoid future conflict.
- Mayor Bukiewicz stated that applying a 50 percent limitation for attached garages would not appear to negatively impact a typical new home build.
- Commissioner Carrillo noted that some neighborhoods have homeowners' associations which limit the accessory structures that can be built.
- Planner Papelbon stated that a house can have an extra 800 square feet for an accessory dwelling unit, or "mother-in-law suite," and asked if that should be counted as part of the home's total livable space. The Commissioners concurred.
- Alderman Loreck stated that he wanted to make sure that a 50 percent threshold would not prohibit individuals from seeking a variance.
- Planner Papelbon reiterated the potential for future conflict because of the discrepancy between the size limitations for attached and detached garages.
- Commissioner Hanna said she felt that size limitations for attached and detached structures should be consistent.
- Planner Papelbon offered to speak to Houseal Lavigne Associates to see how much conflict would be created if the size of attached garages was limited to 50 percent of livable area, and the size of detached garages was limited to 75 percent.
- Director of Community Development Seymour asked the Commission to consider if the limitations being proposed allow enough reasonable storage between attached and detached options to accommodate most residents of Oak Creek.

Planner Papelbon provided a summary of the Commission's discussion of attached versus detached garages.

- Attached garage size should be no more than 50 percent of the principal structure's living space.
- Attached garage should be subordinate to the principal structure.
- Attached garage should incorporate a shared wall, a shared roof, and a common door to the house.
- Attached garage should be no taller than the principal dwelling.

Mayor Bukiewicz asked if living space above the garage was allowable if it was connected to the house.

Planner Papelbon and Director of Community Development Seymour said it was permissible as long as all Building and Fire Code requirements were met.

Planner Papelbon asked for Commissioner's input on food truck parks (permanent facilities).

- A requirement was added for those food trucks be inspected.
- Food trucks at temporary events (not City-sponsored events) will require a license and an inspection from the City Inspection Department.
- Food truck events on private property fall under the Section of Code dealing with Temporary Use Permits.

The following points were discussed by the Plan Commission:

- Commissioner Hanna asked if there was anything in the current Code addressing permanent food trucks. Planner Papelbon stated there is not, adding the City has never had a permanent food truck park.
- Planner Papelbon noted permanent food truck parks are becoming more common. A permanent food truck park could be anything from a gravel parking lot with a few picnic tables, to a more established location with pavement and electrical hook-ups. There could even be a pavilion with permanent restrooms and food trucks parked around it.
- Alderman Guzikowski asked if this Section of Code applied to permanent beer gardens. Planner Papelbon responded that it did not.
- Mayor Bukiewicz noted that a permanent food truck park requires electricity and asked if they also required water hook-ups. Planner Papelbon stated they did. Mayor Bukiewicz asked if sewer hook-up was also a requirement. Planner Papelbon said yes, due to the need to provide permanent restrooms.
- Mayor Bukiewicz asked if food truck spaces would be rented seasonally, and if the cumulative cost of the rental space would equal the tax revenue a brick and mortar store might generate.
- Director of Community Development Seymour responded there was no way to answer that question.
- Mayor Bukiewicz expressed that the food trucks would potentially take customer base from the brick and mortar businesses with roots in the City.
- Director of Community Development Seymour said in one sense that may be true; however, the food truck park would not be allowed to erect a permanent indoor eating space that would compete with a restaurant. Planner Papelbon said many of the food

trucks looking for permanent space are start-ups that cannot afford a brick and mortar store.

- Director of Community Development Seymour pointed out that someone is still making a brick and mortar investment in the food truck park. A food truck park is not the same as a food hall, where tenants operate out of an actual brick and mortar dining space.
- Mayor Bukiewicz stated his opinion of a double standard of allowing food trucks and not wanting to allow a business who sells fruit from the back of their truck because it affects local produce sellers.
- Planner Papelbon noted the fruit sellers would be welcome at a food truck park.
- Alderman Loreck pointed to a shift in the market, stating that Aqua Salon closed because they were unable to compete with the business model of salons offering individual chairs for rent.
- Director of Community Development Seymour and Mayor Bukiewicz commented on the emergence of mobile salon businesses.
- Mayor Bukiewicz indicated the City was seeing a much larger appetite for outdoor dining from residents.
- Alderman Loreck asked about the parking requirements for a food truck park. Planner Papelbon replied a permanent food truck park would require a Conditional Use Permit, so issues like parking would be addressed by the restrictions.

The following points were discussed by the Plan Commission regarding outdoor events covered by Temporary Use or Conditional Use Permits:

- Planner Papelbon provided several examples of potential issues. When a business wants to add outdoor dining, do they currently have sufficient parking? Should the outdoor space be counted as square footage against the overall parking count? Is the outdoor event or dining space temporary or permanent? If temporary, how many events are allowed? At what point does it become a permanent event for which a Conditional Use Permit is required? How many extra parking stalls are required?
- Mayor Bukiewicz drew a distinction between a business that had an acoustic guitar player for an hour a week, for which he did not think extra parking would be necessary, versus a business that sets up a full stage with equipment for a band to play an event, where parking needed to be considered.
- Planner Papelbon noted that small interior events were not as big of an issue as large, exterior events. Mayor Bukiewicz agreed that the large, outdoor events are much more problematic.
- Commissioner Hanna suggested such events be capped by a maximum occupancy.
- Mayor Bukiewicz commented that maximum capacity is ineffective in an outdoor setting, as the capacity is normally set for the existing indoor space. Planner Papelbon asked if Code should piggyback on that point, by counting the outdoor capacity in conjunction with the indoor capacity in order to enforce parking accommodations. Should the parking allotment for outdoor capacity be calculated the same as for indoor capacity?
- Mayor Bukiewicz said any parking on surface streets should involve a plan approved by the Police Department.
- Director of Community Development Seymour said business owners should give thought to their plans for outdoor events, and provide the City the opportunity to review and approve them.
- Mayor Bukiewicz stated the ultimate goal was to allow businesses to grow. Director of Community Development Seymour agreed, adding the City would simply like to curb those

unilateral decisions by business owners who decide to proceed with events and uses not approved by the City.

- Planner Papelbon referred to the section of Code dealing with permanent outdoor activities and dining. Planner Papelbon asked Commissioners to think about what the maximum number of allowable events per year should be, if the size or the type of the event mattered, and what those restrictions or requirements might look like.
- Alderman Loreck asked if permanent events should have decibel level limits attached to them. Planner Papelbon responded that would require someone to be on site taking the decibel readings in order to enforce. The Noise Ordinance is in place to impose a time limit on when the noise, whatever the decibel reading may be, can occur.
- Planner Papelbon stated she is more concerned with the temporary events than the permanent events, as the permanent events can be conditioned upon a Temporary Use Permit.

Planner Papelbon directed the Zoning Code update discussion to the section on Temporary Uses dealing specifically with temporary food trucks.

- Food trucks at temporary events will require a license and an inspection from the City Inspection Department.
- Temporary food trucks will not be allowed to locate within 300 feet of the front door of any restaurant without written permission from said restaurant.

Planner Papelbon asked whether Commissioners had any questions about The Zoning Code update pertaining to driveways, and if Commissioners understood that vehicular access needed to be provided if a detached garage (not an accessory structure) was built.

The following points were discussed by the Plan Commission:

- Director of Community Development Seymour noted that a 24-foot driveway was the maximum width allowed at the road. Director of Community Development Seymour added there would be many legal, non-conforming uses grandfathered in when the new Code is implemented.
- Commissioner Hanna asked what Code requirements in neighboring communities were for the size of allowable garages. Director of Community Development Seymour said he suspected they did not have specific language addressing garage size.
- Commissioner Hanna stated that it would be nice for Oak Creek to conform with the neighboring communities.
- Planner Papelbon said she did not know what was in Franklin's Code, but thought Waukesha had a limitation on the size of detached structures. Houseal Lavigne did look at other standards in Wisconsin and throughout the country to assess what the trends were.

Planner Papelbon continued the Zoning Code update discussion by addressing the Single-Family Fence Standards.

- Single-family fence standards must have a minimum opacity of 50 percent.
- Permitted materials in front or side yards shall only be materials which are designed for use in fence installations and shall be limited to vegetation, wood, wood composite, aluminum, vinyl/PVC, wrought iron or as approved by the Plan Commission.
- Electric fences would not be allowed, excluding invisible fences.

The following points were discussed by the Plan Commission:

- Director of Community Development Seymour asked whether there was a difference between aluminum and chain link fence. Planner Papelbon responded that aluminum fencing is in panels. Commissioner Hanna confirmed by providing a screenshot of an aluminum fence.
- Alderman Loreck questioned the wording “no material that conducts electricity.” Planner Papelbon said that referred specifically to electric fences in residential areas, and was not meant to exclude invisible fencing.
- Mayor Bukiewicz asked about stone, brick or masonry fences. Planner Papelbon stated they could be allowed as approved by the Plan Commission.
- Mayor Bukiewicz questioned whether a garden or vegetation utilized for screening would be prohibited. Planner Papelbon replied that those treatments are not perimeter fences.
- Commissioner Sullivan noted chain link fences can be made of aluminum. Planner Papelbon stated that only coated chain link fencing is allowed in a rear yard, so an uncoated aluminum chain link fence should not be an issue of concern.
- Director of Community Development Seymour asked if a permit was required for vegetative barrier fencing. Planner Papelbon answered that it was not, and perhaps that should be clarified in the Code update language. Fencing, vegetative or otherwise, is allowed to be placed on the property line.
- Commissioner Hanna questioned fences or vegetation which obstruct views of traffic. Planner Papelbon responded there was language in the Code addressing street facing side yards or corner lots, stating they cannot exceed four feet and they cannot extend into the vision clearance triangle.
- Commissioner Hanna asked about enforcement of the fence restrictions. Planner Papelbon responded that a permit would be required.
- Commissioner Hanna mentioned a neighbor with tall trees that obstruct the view of traffic. Planner Papelbon answered that the City does not regulate trees.
- Commissioner Sullivan stated the City will respond to complaints of such trees, but they do not go out and actively look for them.

Planner Papelbon asked if Commissioners understood allowable signs, what the restrictions were, and how they will be measured.

The following points were discussed by the Plan Commission:

- Mayor Bukiewicz stated his support of the way in which square footage would be measured for a sign without backing.
- Planner Papelbon stated the way in which the City will now measure signs is designed for ease, and is consistent with the way in which most sign companies measure them.
- Mayor Bukiewicz questioned if there were a simpler way to measure arched signs rather than just drawing a box around them. Planner Papelbon answered that there really was not, and that measuring the signs by “boxing” them, was designed for the ease of all parties involved.
- *Mayor Bukiewicz’s comments were inaudible related to one of the sign images in the proposed Code.* Planner Papelbon stated that the triangle was probably just the logo, in which case there would be channel letters with it which would be boxed.

- Alderman Loreck asked about creating separate, smaller boxes around individual lines of signage on a singular sign. Planner Papelbon responded that would unnecessarily complicate things.
- Mayor Bukiewicz asked if hours of operation on a glass doorway count as a sign. Planner Papelbon said typically it was not a concern unless the lettering was excessive and covered a significant portion of the door. Signage on windows was a much larger concern.
- Director of Community Development Seymour said he expects there will be quite a few appeals in the first year or so after the Code update.
- Mayor Bukiewicz asked whether a business replacing an existing sign with the same size sign would be grandfathered. Director of Community Development Seymour stated that, generally, if the refacing was not making the existing sign any more non-conforming, it should not be problematic.
- Planner Papelbon noted the awning and canopy sign section did not distinguish freestanding canopies, such as gas station canopies, from cloth canopies, and that language addressing this would be added.
- Mayor Bukiewicz asked whether umbrella logos would be regulated. Planner Papelbon answered definitively not.

Planner Papelbon closed the Zoning Code update discussion by asking the Commissioners to digest what they had been presented with, and respond to her with any comments before the end of the month. Planner Papelbon added there will be a public information and comment period before the final Zoning Code is published.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:53 pm.

ATTEST:



 Kari Papelbon, Plan Commission Secretary

8-24-21

 Date