

**MINUTES OF THE  
OAK CREEK SPECIAL PLAN COMMISSION MEETING  
TUESDAY, NOVEMBER 23, 2021**

Mayor Bukiewicz called the meeting to order at 5:06 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siepert, and Commissioner Chandler. Also present: Kari Papelbon, Planner; Laurie Miller, Zoning Administrator/Planner; and Doug Seymour, Director of Community Development.

**ZONING CODE UPDATE DISCUSSION**

Planner Papelbon stated that this is a work session with no presentation. The Zoning Code updates will be presented to the Plan Commission for action at the December 14, 2021 meeting, so this is the time to ask questions or provide comments. Houseal Lavigne Associates are working to incorporate any questions or comments during this public comment period. The Draft Zoning Code was posted last week on our website and to the project website. Stakeholders were asked to provide their comments by email, via the online form, or on the project website. All comments from that project website will go directly to Houseal Lavigne Associates. This is the last opportunity for the Plan Commission to make changes in the draft language. The Plan Commission must be comfortable with the Code before the final draft is presented for approval. Once the Zoning Code receives Plan Commission approval, the Common Council will then schedule a hearing in January to take action. It may not get adopted at the first meeting, but it could get adopted at a subsequent meeting.

The following points were discussed by the Plan Commission:

- Mayor Bukiewicz stated there seems to be a lot of discussion on recreational vehicles, garages and fences. He requested that they recap the basic changes to the fence code.
- Planner Papelbon responded that the major changes had to do with residential fencing. Some of the changes are:
  - Vinyl-coated chain link fence would only be allowed in non-street yards and the rear yard.
  - Approved materials for single family district fences are wood, wood composites, stone, brick, wrought iron, aluminum, vinyl, PVC, or hedge row. Coated chain link fence is allowed in the rear yard only.
  - They have to be of non-site barrier construction and have a minimum opacity of 50 percent.
  - That fence materials in front yards, and/or exterior side yards shall only be the materials which are designed and intended for use in fence installations: vegetation, wood, wood composite, aluminum, vinyl/PVC, wrought iron, and other as approved by the Plan Commission. There is some discretion to approve of specific material as brought before Plan Commission that may not be in here.
  - The face of the fence that contains posts, poles, rails, hardware, and other similar features shall be directed inward.
  - Fences are prohibited in front yards. Street facing side yard fences on corner lots shall not exceed a height of four (4) feet and shall not extend into the vision clearance triangle if located on the property line.
  - Fences in the street-facing yards of corner lots shall not exceed a height of six (6) feet if located a minimum of 10 feet from the property line and improved with a landscape area between the fence and right-of-way.

- Commissioner Hanna stated her concerns regarding enforcement of the Code and preventing non-compliance. Does the City check the community for violations and the impact they may have on the community?
- Planner Papelbon responded that fences require permits, and within the permit there are height, material and location requirements. A fence without a permit or a fence that does not comply with our requirements would be addressed by our Neighborhood Preservation Officer and Zoning Administrator. If the fence is not reported or seen by the Neighborhood Preservation Officer or Zoning Administrator, the fence violations would remain until discovered. This is the same for any violation within the City. Once we know of the violation, we will initiate action. This is what the Neighborhood Preservation Officer will be doing when the program begins in January. The Neighborhood Preservation Officer is already getting acquainted with the City, and has identified violations and is fielding complaints. It will continue to be a complaint-based process.
- Director Seymour responded that this program philosophy is to first and foremost educate and try to meet compliance on the front end. There is information available for residents who are putting up a fence. The Neighborhood Preservation Officer will not be out specifically looking for violations, but in the course of doing business, if they come across one, they will investigate and address the violation(s). For those rare occasions where people do it without a permit and we are aware of it, that would be something the Neighborhood Preservation Officer and Zoning Administrator would pursue.
- Commissioner Siepert asked if there are setback requirements for where the fence will go in relation to the utility easements. They do not have any dimensions listed to stay outside the easement.
- Planner Papelbon stated that there are no specific setbacks to easements, but fences must remain outside of easements with some exceptions. When allowed, the landowner must sign, as a Condition of Approval, a waiver stating that if the fence needs to be removed for any reason, the City is not responsible for its replacement. In some cases, locating a fence in an easement is not an issue, as long as it is not over the infrastructure. This depends on the easement and is somewhat decided on a case-by-case basis.
- Mayor Bukiewicz moved the discussion to detached and attached garages. He requested a recap of the basic changes to the Code.
- Planner Papelbon stated that the Code treats both similarly. The Code does specify the maximum width of the garage doors and a maximum percentage of the front façade. Article 4, Section 17.0403(e) reads as follows:
  - Single-family detached dwelling units may have attached garages if the following conditions are met:
    - The attached garage shall be subordinate to the principal building.
    - The maximum size of the attached garage shall not exceed fifty (50) percent of the livable area of the principal building.
    - The attached garage shall share a common wall and roof with the principal building.
    - The attached garage shall provide internal access to the principal building.
    - The height of the attached garage shall not exceed the height of the principal building.
  - Single family detached dwelling units may have garage doors located on the primary façade but:
    - The garage door(s) shall not exceed forty-five (45) percent of the corresponding façade's total width.
    - The garage door(s) shall not exceed twenty-four (24) feet in width.


- The garage door(s) shall be recessed from the primary front façade of the house (not including porches, bay windows, or other minor projections) a minimum of one (1) foot.
- Director Seymour stated that there needs to be more discussion on the following:
  - Garage door size. Are they talking about a single set of doors or the total number of garage doors? The way it is stated - that if the garage door maximum is 24 feet - residents will no longer be able to have a 3-car garage facing the street.
  - “The garage door(s) shall be recessed from the primary front façade of the house (not including porches, bay windows, or other minor projections) a minimum of one (1) foot.” A lot of home sales right now have a garage door facing the street in front of the house. This would no longer be allowed.
  - “The garage door(s) shall not exceed forty-five (45) percent of the corresponding façade’s total width.” Director Seymour provided his home as an example of a 2-car garage in front of the house. A similar situation, with a garage up 60 percent of the façade of the house, will no longer be allowed.
  - These are drastic changes and very different from our current code. Before proceeding to considering, staff want to ensure that the Plan Commission is comfortable with the Code language.
  - Mayor Bukiewicz provided an example of a ranch home where the garage is five (5) or six (6) feet in front of the primary structure. This will eliminate some building modules.
  - Commissioner Oldani stated that, throughout the community, there are a lot of homes where the garage is in front of the house. He said that there are also homes with garages flush (e.g., Colonial styles).
  - Planner Papelbon stated that there are styles that have garages flush with the façade, including split-levels. In the 1980s and 1990s, the trend was for garages to “stick out” in front of the houses, and that became commonplace. People see and get used of this. What the Code is trying to do is emphasize the house as the principal structure, that this is a walking community where the porch and house face the street. This is trying to reinforce the concept that people live here and not cars. This is what a traditional neighborhood is.
  - Zoning Administrator Miller asked the Plan Commission to review the text for Residential Vehicle garages. As written, the code does not have a maximum height for the garage door. Planner Papelbon stated that the garage cannot exceed the height of the house. Director Seymour stated that it is the garage door height that is a concern. Mayor Bukiewicz stated that they do not want a 16-foot industrial-looking door. Zoning Administrator Miller responded that this is a growing trend. They seem to be getting more applications for detached garages. Most recently she had to decline a request because of the maximum roof height.
- Planner Papelbon asked if there were any other topics to be discussed. Commissioner Chandler requested they review Section 17.0506 on screening to confirm that Code requires nonflammable materials. Planner Papelbon reviewed the Code: “Trash and recycling receptacles shall be screened on three (3) sides with an opaque masonry wall or fence.”
- Commissioner Chandler requested review of the signs portion of the Code.
  - Lots can have an additional two (2) signs during elections. So, that is a total of three (3) signs.

- Planner Papelbon responded that the Code allows residential lots to have two (2) temporary yard signs, but during the election cycles two (2) more signs are allowed as long as they meet the size requirements.
- Commissioner Carrillo stated the Code lists a time requirement to take these signs taken down.
- Planner Papelbon stated that there is a deadline to take the signs down of 48 hours post-election.
- Director Seymour stated that it doesn't have to be election signs because they cannot regulate content of signs. They are allowed two (2) temporary signs and the content can only be regulated is if the signs are threatening, obscene, or something similar.
- Planner Papelbon stated that the additional two (2) yard signs hints to elections, meaning you are allowed two (2) additional signs during the election cycle.
- Commissioner Sullivan stated that wetland setbacks are not discussed.
  - Planner Papelbon responded that is in the Code. Staff are working on setbacks and incorporating best management practices for the 30% open space requirement. Staff will be proposing a 15-foot wetland setback, five (5) feet of which would be undisturbed. This is to allow for grading around buildings to extend into the buffer area while providing wetland protection at the 5-foot setback. They will continue to have setbacks based on type. The new setback language is being drafted.
  - Planner Papelbon stated that there will continue to be a minimum open space requirement of 30%. Staff is working on language to allow flexibility if a project cannot meet the 30% minimum. A request for a project to go below the 30% requirement, up to a maximum, may be considered if specific items are incorporated. As an example, if a project has 25% open/green space, there would be a request for modification for the remaining 5%. Now if the plans incorporated pervious pavers to make up for that 5% reduction, the plans could be complying with Code.
  - Commissioner Sullivan advised that Engineering agrees and had a discussion on this internally - how to make sure this is maintained and how to quantify best management practices. The concern is the enforcement. Engineering suggested that the Code remain, and if applicants cannot meet this, Engineering could have a blanket statement to allow for compensation.
  - Planner Papelbon responded that the 30% open space requirement applies, and modification requests will have to come before the Plan Commission. This only applies to commercial, manufacturing, and multifamily residential. All site, landscaping, and maintenance plans have to come before the Plan Commission. Any modification criteria request would have to go back through the Plan Commission.

Planner Papelbon requested that the Plan Commission email their comments by next Friday so they can be included in the draft for consideration.

Commissioner Oldani moved to adjourn the meeting. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 5:56 pm.

ATTEST:

  
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Kari Papelbon, Plan Commission Secretary

12-14-21  
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Date