

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, MARCH 14, 2023**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Carrillo, Commissioner Kiepczynski, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siefert, and Commissioner Chandler. Commissioner Hanna arrived at the end of item 7a. Also present: Senior Planner Kari Papelbon and Assistant Fire Chief Mike Havey.

Note: Audio recording was unavailable until around 6:03

Minutes of the February 28, 2023, meeting

Commissioner Siefert moved to approve the minutes of the February 28, 2023 meeting. Alderman Guzikowski seconded. On roll call: Commissioner Chandler abstained; all others voted aye. Motion carried.

PLAN REVIEW

HAND AND STONE

7978 S. MAIN ST. (TENANT ADDRESS: 7956 S. MAIN ST.)

TAX KEY NO. 813-9050-000

Senior Planner Papelbon provided an overview of the Site and Building Plan review for a proposed building modification to change the clear glazing of the north windows to opaque with a graphic covering at 7956 S. Main St. (see staff report for details). *****Audio began during Senior Planner Papelbon's overview.*****

Tom Piazza, 1245 Humbracht Circle, Bartlett, Illinois, explained they are presenting four (4) different options in order, from the applicant's most preferred to least preferred.

Commissioner Chandler asked Senior Planner Papelbon if options three (3) and four (4) would be over the maximum allowed square footage of 250 square feet. Senior Planner Papelbon stated that both options are for the same bank of windows.

Commissioner Oldani stated his preference for options three (3) or four (4), and asked Senior Planner Papelbon if the Plan Commission needs to pick between them. Senior Planner Papelbon stated she thinks it is within the Plan Commission's authority to specify that options three (3) or four (4) are approved, rather than picking one (1) of the two (2) options.

Mr. Piazza explained that the difference between options three (3) and four (4) is more than just a color change. Option four (4) is a drywall constructed wall, which will make it tougher for construction, whereas option three (3) includes millwork panels that go in front of the wall that give more texture and matches the color scheme of the studio.

Commissioner Oldani stated he would like option three (3).

Alderman Guzikowski stated his agreement with Commissioner Oldani, and that he would choose option three (3).

Alderman Loreck stated his agreement, and that he would select option three (3).

Commissioner Kiepczynski stated her agreement with option three (3).

Commissioner Carrillo stated that she thinks option three (3) also if it matches the inside.

Mayor Bukiewicz thanked the applicant for working with staff. Mayor Bukiewicz asked the applicant if there are little shelves in option three (3) to display items. Mr. Piazza stated that is correct.

Mayor Bukiewicz stated that he thinks the applicant can enhance his business with this display, and that he would choose option three (3) as well.

Alderman Loreck moved that the Plan Commission approves the site and building plans submitted by Sean Phelan, DTS Mixed Use, LLC, for exterior building modifications on the north elevation of the tenant space at 7956 S. Main St. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That option three (3) is approved.
3. That a maximum of 250 square feet of the windows on the north elevation in the location depicted on the approved plan is approved for the window treatment.
4. That all approved window treatments are installed on the interior of the tenant space.
5. That all revised plans (site, building, etc.) are submitted in digital format for review by the Department of Community Development prior to the submission of building permit applications.

Alderman Guzikowski seconded. On roll call: Commissioner Hanna abstained; all others voted aye. Motion carried.

**PLAN COMMISSION CONSULTATION
ST. JOHN PROPERTIES, INC.
140 E. RAWSON AVE.
TAX KEY NO. 733-9991-001**

Kristen Parks, St. John Properties, 2000 Pewaukee Road, Waukesha and Megan Duersteler, Microbial Discovery Group, 7420 S Howell Ave. presented their concept.

Ms. Parks explained that Microbial Discovery Group already has a space in Oak Creek, are looking to expand into one (1) of the buildings at 140 East Rawson Avenue, and would like to install a semi-permanent greenhouse behind the building and the parking. Ms. Parks stated that she is not sure if they will occupy Building B or C, but the greenhouse would be by the loading docks.

Mayor Bukiewicz asked Ms. Parks which building has the ambulance tenant. Ms. Parks stated it is Building C, the building furthest to the east.

Mayor Bukiewicz asked if the greenhouse would be seen from Howell Ave. if the tenant was in Building C. Ms. Parks explained that if it was in Building C it would abut to the far east end,

and if it was in Building B it would face Howell Avenue, but when Building A is built it would block that view.

Ms. Parks explained that other tenants in the building do use the parking spaces in the rear.

Senior Planner Papelbon stated that before this item can move forward it would require a text amendment. This is a consultation to see if there is non-binding direction from the Plan Commission as to whether staff should prepare something like that, should a text amendment request be received. Senior Planner Papelbon stated that, in staff's opinion, this is something that would qualify for a Conditional Use Permit since it is unique. The item is before the Plan Commission to determine if it should move forward and whether it would require a Conditional Use Permit with a text amendment.

Commissioner Hanna asked what agricultural research concept is. Ms. Duersteler explained that Microbial Discovery Group is a bacterial manufacturing fermentation company. Their headquarters is based in Oak Creek, and they make beneficial bacteria for different applications, such as human probiotics, animal feed, environmental applications, and waste treatment. They are trying to get in the business of using the beneficial bacteria as a soil amendment to enhance crop growth and help produce more food. Ms. Duersteler explained that in order to develop those products, the research and development (R&D) team needs to be able to grow plants. They will need more space to do that, and would be looking to build a greenhouse, like what is built at schools or universities, to be able to conduct the research of whether their products are enhancing the growth of crops like corn or tomatoes.

Commissioner Kiepczynski asked for clarification regarding the location of the greenhouse. Ms. Parks stated that it would be in the rear parking area, not the public parking area, where there is a screen wall and the loading docks.

Alderman Loreck asked how wide the space is where they are proposing to put the greenhouse, and whether it will fill the space. Ms. Parks stated that the leased space is 30 feet wide, and the applicant's proposal is for a 24 feet wide by 36 feet deep [greenhouse].

Alderman Loreck asked if this would be the northernmost tenant, or if a lane would need to be added around the greenhouse to get to the more northern tenants. Ms. Parks state that it should not interfere with traffic. The landowners would not want it to interfere with traffic because other tenants could be coming in and out with trucks. The greenhouse would fit within the applicant's parking area in the rear part of the building.

Alderman Guzikowski stated that he is in favor of this idea.

Commissioner Oldani stated that it sounds like a good idea to him as well.

Commissioner Siefert asked if this would help speed up the growth of plants and help them grow healthier. Ms. Duersteler said yes, grow faster and produce more yields, bigger tomatoes, and better use of nutrients to reduce the amount of fertilizer needed.

Commissioner Siefert asked how the product would be applied. Ms. Duersteler explained that the product is a dry powder that would usually be mixed in with the irrigation system and applied into the soil that way.

Commissioner Chandler asked what is meant by “semi-permanent.” Ms. Parks stated that when the tenant leaves, she assumes the applicant will take it [the greenhouse] with them and it will not remain a part of the building, but it is strong enough to withstand storms and snow. Ms. Parks also stated that it will be a commercial-grade structure.

Commissioner Chandler asked how long this structure is planned to be on the property. Ms. Parks stated that they are in the very early stages of this proposal. Ms. Duersteler stated that they are hoping to move in sometime in 2023, but that she is not sure how long they will be tenants - several years at least.

Commissioner Chandler asked how long the testing cycle is. Ms. Duersteler stated that it will depend on the crop, but it is a long-term research project.

Commissioner Chandler whether, once one crop has provided the specific micro-organisms that are wanted, new plants are planted to investigate another focus area. Ms. Duersteler clarified that they are testing products that are applied to the plant, and that there will be several iterations. This is ongoing research and developing new products, so it will be several years of repeating that similar process.

Commissioner Chandler asked if there will be some sort of system built into the greenhouse to make sure the plants are fed, watered, etc. Ms. Duersteler stated that there will likely be an irrigation system for watering, but there will be staff on site monitoring the greenhouse and plants to make sure everything is working properly and collecting data.

Commissioner Hanna asked if this is an organic type of research material. Ms. Duersteler stated it is organic - it is microbes/live organisms.

Commissioner Hanna asked if it is university or business-based research. Ms. Duersteler stated Microbial Discovery Group is a business, developing commercial products, but there is a lot of research in this area of using live microorganisms for this purpose.

Commissioner Hanna asked if these microorganisms have been approved to be processed or researched. Ms. Duersteler stated that in order to sell these products, states require registration, which they are not at that point yet, but they have prototype product that is approved for use in certain states. All the species they work with are considered safe by the CDC, and are often used in animal feed or human probiotics.

Commissioner Hanna asked who is funding this research. Ms. Duersteler stated that it is funded by the business.

Assistant Fire Chief Havey stated that the fire department has not seen a site plan yet; however, once that is received, they can analyze what the impact would be for access, but there are no immediate concerns.

Mayor Bukiewicz asked if there will be grow lights on 24 hours. Ms. Duersteler stated that she does not believe so. There would be some heating systems in the greenhouse, but the plants would usually use the natural light cycle.

Mayor Bukiewicz stated that he would have some concerns regarding lighting.

Senior Planner Papelbon asked the Plan Commission to keep in mind that the property is zoned B-4, so staff and the Plan Commission would need to think about the limitations. When a proposal comes up that is a more robust R&D type situation, it needs to be put in the correct zoning district, which would be Lm-1 or M-1. Senior Planner Papelbon explained that a Conditional Use Permit would be a likely requirement. Because the site is being altered with the addition of a building, a site and building plan review would be required.

Mayor Bukiewicz whether the structure would not have full footings due to the temporary nature. Senior Planner Papelbon stated that even though it is called “temporary” it would still require Plan Commission approval because it is being proposed for longer than staff can approve on a temporary basis.

Mayor Bukiewicz made comments that were inaudible.

Senior Planner Papelbon stated that anything beyond a year is not temporary in the eyes of the City in terms of permitting. Anything beyond 30 days is the purview of the Plan Commission because that is all staff can approve at the administrative level.

Commissioner Oldani stated his recommendation to move forward, and that he does not see a reason not to.

Commissioner Chandler asked to clarify that this type of use is acceptable in a Light Manufacturing District. Senior Planner Papelbon stated that R&D is allowed in Lm-1.

Commissioner Chandler asked to confirm that this property is B-4. Senior Planner Papelbon stated that is correct. The way the Code is written, the Lm-1 District is intended to facilitate R&D, where the basis of the business is actual research and development. R&D that is purely agricultural would be allowed in the Agriculture District with some parameters. Senior Planner Papelbon explained that this is a unique situation because it is a small-scale operation, and it is R&D for a very specific purpose. That is why, when we move forward with a text amendment, it will be considered a Conditional Use. If it grows or gets larger, it is something the City would want to make sure is in the correct zoning district.

The Commissioners all gave the opinion that they are okay with the proposal to move forward.

**CONDITIONAL USE PERMIT
NEXT BEST PLACE CHILD CARE & PRESCHOOL
150 W. RYAN RD.
TAX KEY NO. 875-9004-002**

Senior Planner Papelbon provided an overview of the request for a Conditional Use Permit for an outdoor recreation facility/private playground on the property at 150 W. Ryan Rd. (see staff report for details).

Kathy Smigielski, 3701 W. Holmes Ave., Greenfield, WI, explained that one (1) area would have nine (9) inches of mulch, and it would be connected with a gate to the asphalt area where kids could ride scooters, play ball, and run around more.

Commissioner Siepert asked if the asphalt area and the mulch area would be fenced in. Ms. Smigielski stated that it would be.

Commissioner Siepert asked to confirm it would be a six (6)-foot-tall fence. Ms. Smigielski stated that it would.

Alderman Loreck asked Senior Planner Papelbon what the Code states regarding chain-link fences. Senior Planner Papelbon stated that because this is a commercial district, it is not subject to the residential standards. So chain-link would be considered a security fence unless the Plan Commission otherwise determines.

Commissioner Carrillo asked if there would be only one (1) access to both areas. Ms. Smigielski stated that, from the building, there is one (1) door, and then there will be an exit to the parking lot. Ms. Smigielski stated that at the end of the day if parents are coming to pick up their kids and they are outside, there would be a gate for the parents to enter the play area. There would be a lock on the gate to the parking lot, but there would be a teacher standing there at the time of pickup.

Commissioner Hanna asked if there was any concern of the kids climbing the fence. Ms. Smigielski stated that she has been in childcare for many years, and, no - there are rules, and the children need to follow the rules. There would always be a supervisor with the children.

Mayor Bukiewicz asked whether metal slats should be included in the fence so people cannot see the children. Senior Planner Papelbon stated that the play area is on the back of the building, and she is not sure the play area would be seen from the road. It is more of a matter if the Plan Commission wants to require that. Senior Planner Papelbon stated that her only recommendation would be to require vinyl coated chain-link.

Mayor Bukiewicz asked where the trash enclosure is, and if there will be any traffic on the road on the west of the play area. Ms. Smigielski said yes, it would be one-way to go around it. Ms. Smigielski stated that the play area will be in the area where the grass is already, and the fencing would be on the whole perimeter of the parking lot. She stated that she will measure to make sure the fence is in the drive-through area, and can add cones to make sure drivers can make the turn.

Mayor Bukiewicz asked if the garbage truck will be driving by there. Ms. Smigielski nodded her head yes.

Mike Smigielski, 3701 W. Holmes Ave., Greenfield, WI, stated that they made contact with GFL, and they were not aware of anything regarding fenced-in disposal for garbage pickup. Mr. Smigielski stated that, if needed, the garbage could be moved to the far northwest corner of the parking lot.

Senior Planner Papelbon stated that the property owner was made aware that the trash containers need to be in an enclosure per Code, so the applicant should work with the landowner to get that provided.

Mayor Bukiewicz stated that he is concerned about the garbage truck backing up and hitting the fence. Mr. Smigielski explained that the parking lot is one-way, and if the trash was put in the far northwest corner, the truck would be pulling in forward and backing to the north.

Mayor Bukiewicz stated that he does not think they need to go as far as a guardrail, but maybe adding some decorative planters around the fence.

Commissioner Hanna stated that Mayor Bukiewicz brought up a good point, and maybe some additional protective barriers could be added to protect the asphalt.

Ms. Smigielski asked if she could use the big cement barriers. Commissioner Hanna stated it could be more decorative, and any landscaper could help her get some.

Alderman Loreck moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit allowing an outdoor recreation facility/playground on a portion of the property at 150 W. Ryan Rd. after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (March 28, 2023).

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

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

Senior Planner Papelbon provided an overview of a Temporary Use Permit request for the outdoor display/sale of merchandise as part of the operation of a garden center in the Classic Lanes 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 5:00 PM Sunday.
4. That signage for the operation is limited one 32 square-foot temporary sign.
5. That a tent permit is obtained prior to operation.
6. That the Temporary Use Permit shall be valid between April 15, 2023 and July 15, 2023. The property shall be restored to its pre-temporary use condition by no later than July 17, 2023.

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

**PLANNED UNIT DEVELOPMENT
OAK CREEK RESIDENCES, LLC
9102, 9120, AND 9140 S 27TH ST.**

TAX KEY NOS. 878-9999-000, 878-9998-000, AND 878-997-000

Senior Planner Papelbon provided an overview review a request by Chandra Sekhar Vasireddy, Oak Creek Residences, LLC, to establish a Planned Unit Development on the properties at 9102, 9120, 9140 S. 27th St. (see staff report for details).

Commissioner Hanna stated that she likes the idea that the applicant is leaving the wetland untouched and not modified, and that she supports the idea of separating the wetlands and the condominiums with potentially a decorative fencing.

Alderman Loreck stated that he would support some type of simple fencing to separate that area [wetlands].

Alderman Guzikowski stated his agreement, and that he would support some type of simple fencing.

Commissioner Siefert stated that he has concerns about parking, especially around the holidays, and asked where the visitors will park.

Jason Christensen, Nielsen Madsen & Barber, 1458 Horizon Boulevard, Racine, WI, stated that there will be a two (2) car garage with room for two (2) additional spaces in front of each unit. There may be times when a resident needs more parking, and hopefully the neighbors will be friendly enough to accommodate the resident.

Commissioner Siefert stated that a lot of people use garages as storage because there are no basements. Mayor Bukiewicz stated that is a personal choice - garages are meant to house a vehicle.

Mayor Bukiewicz made a comment regarding condos that was partially inaudible.

Mr. Christensen clarified that these units would have unfinished basements.

Commissioner Chandler asked the applicant for feedback on the potential fence in the buffer area. Mr. Christensen stated that there are no concerns with providing that, and that he thinks a wood split-rail fence would look pretty nice in that area. It would give a visual barrier away from the wetlands, but does not take away from the feel of the wetlands.

Commissioner Chandler referenced the material that was provided to Commissioners, stated there was a request for a maximum façade relating to the garages, and asked for more information. Senior Planner Papelbon stated that the modification request that was submitted was for the overall width of the front façade that the garages are proposed to comprise. Within the Code are specific limitations with regard to garages set in front, inline, or behind. In these configurations, they would exceed what would be allowed by Code, and therefore the modification request is asking the Plan Commission for leniency. Other items are being incorporating into the overall plans to supplement the Code requirements elsewhere.

Commissioner Chandler asked if the request is for the applicant to meet garage requirements. Senior Planner Papelbon clarified that the request is for the Plan Commission to consider allowing them to exceed what is allowed by Code.

Commissioner Chandler asked the applicant for feedback on exceeding the Code. Mr. Christensen explained that the developer believes two (2) car garages are necessary for these condo units, but due to the site limitations, the garages take up a fair amount of the front façade. Mr. Christensen explained that if they were to widen the units to meet the Code requirements, they would lose four (4) units.

Commissioner Hanna asked how the road would be maintained. Mr. Christensen stated that it would be maintained by the association.

Assistant Fire Chief Havey stated the development has come a long way, and the Fire Department is satisfied with the development and the site layout.

Mayor Bukiewicz asked if the buildings will be sprinkled. Assistant Fire Chief Havey stated that is correct, the units will have an automatic suppression system.

Mayor Bukiewicz asked to confirm that there will be fire hydrants in the development. Assistant Fire Chief Havey said that is correct, the utilities will be provided by the Water Utility Department.

Mayor Bukiewicz asked if there was a concern about only having one (1) entrance in. Assistant Fire Chief Havey stated that the reliability of that area of road is not a large concern for the Fire Department at this point. There were concerns with previous proposals, but with how the section of road was moved and shortened, it should not be an issue.

Marvin Hunt, 2537 W. Hilltop Lane:

"I just had a question on where that buffer zone is there. I think at one time it started that it was 25 or 30 feet away our existing south property line or am I mistaken on that?"

Mayor Bukiewicz stated that, with the current proposal, he is seeing a 20-foot-wide preservation easement and goes to 30 feet.

Mr. Hunt:

"Okay, so that's taking in the ten (10) foot easement from our property line to the existing property and so forth, right? And I know she said it went through and there's trees that they're keeping?"

Mayor Bukiewicz explained that the applicant is doing a tree preservation plan as part of the new Code. The applicant will go through the trees, and if there is a tree that is dead, dying, or some type of ash tree, it will go, the rest will stay, but be enhanced to City standards.

Mr. Hunt:

“Well, I’d like to talk to that gentleman when he comes around there, and just show him a few things that I’ve learned through working”

Mayor Bukiewicz state that it would be up to the applicant to hire a certified arborist to go through the trees.

Mr. Christensen explained that in the 20-foot tree preservation area there are some dead trees and invasive trees, but they will be supplemented with new plantings in that area. Towards the end of the project, if there are some bare spots, they will plant additional trees to fill in those areas.

Mark Verhalen, 9330 S. Nicholson Road:

“As most of you know, I’ve sat on commissions and alderman for a while and whatever here, but on a lot of the other developments similar to this have come before various bodies in the past we always required, if there wasn’t any room for a second egress and access we always, for safety purposes, put a divided entrance in and there’s multiple places where this was done in Oak Creek, where they couldn’t conform to having the two (2) and basically it gives anybody that’s got to come in for emergency it’s just got median strips so there’s a lane in and lane out so if one happens to be blocked they can still have access and get into the development. That’s the only thing I was hoping that maybe could be done for this too. Make it a lot safer for everybody involved, I think.”

Mayor Bukiewicz stated that the City could take a look at that.

Commissioner Kiepczynski stated that they would have to work with the State on that as well because they have restrictions on entrance widths.

Mr. Christensen explained that because this is a private roadway, it will be a permit for a driveway connection to the State highway, so the options might be limited.

Mayor Bukiewicz stated that he thinks the proposal is a creative use of the land. He asked if the street lighting will meet City Code, and whether it will have to match what the City does. Senior Planner Papelbon stated that the developer does not need to match City lightpoles, but will need to meet requirements for fixtures.

Mayor Bukiewicz asked if there would be sidewalks. Senior Planner Papelbon stated that there are no proposed sidewalks in the development, but there are walking paths.

Senior Planner Papelbon requested that when the applicant comes back for the site and building plan review, they identify mailbox locations.

Mayor Bukiewicz asked if there would be a monument sign. Senior Planner Papelbon stated that there is one (1) monument sign location that has been identified, and as long as it meets all the setback requirements and design requirements per Code, that is something that would be handled at a permit level.

Mary Hunt, 2537 W. Hilltop Lane:

“When we met with them, we’d asked about paving that path instead of woodchips and then we suggested the doggy place, for the people that walk their animals there’s some place to put their trash instead of out on the street. The little wastepaper baskets for dogs and that the lighting just be [inaudible] and we’d like cedars behind our house, so we don’t have to look at buildings.”

Mayor Bukiewicz asked Ms. Hunt if she was aware that the walking path would not be for public use and would only be open to the residents of the development.

Ms. Hunt:

“He told us it was open to all of us.”

Mr. Christensen stated that this is a private development, and the walking path is intended for the residents of the Condo Association. That does not mean the Association will not be generous to the neighbors.

Ms. Hunt:

“When we met with them, he said it was open to the public. The walking paths to the wetlands.”

Mayor Bukiewicz reiterated that it is a private development.

Ms. Hunt:

“Well, I understand that, but now they’re changing their mind again. Ya know, just like 30 feet is down to 20 feet from our property.”

Rajani Yepuri, 420 Woodland Chase Lane, Vernon Hills, IL, explained that if the property is owned by him and rented out, then it will be his call. But if it is homeowner-occupied property, the developer cannot control. Mr. Yepuri stated that if it is controlled by the applicants, they will let everyone come in. But if the Homeowner’s Association is controlling, that is private property and they must take care of the path.

Alderman Loreck moved that the Plan Commission recommends to the Common Council that a Planned Unit Development is approved on the properties at 9102, 9120, 9140 S. 27th St. after a public hearing and subject to conditions and restrictions that will be prepared for the Commission’s review at their next meeting (March 28, 2023).

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

ZONING TEXT AMENDMENT CITY OF OAK CREEK

Senior Planner Papelbon provided an overview of a proposal for amendments to Sec. 17.0403(b) – (e) of Chapter 17 – Zoning and Sign Ordinance related to residential exterior building materials (see staff report for details).

Mark Verhalen, 9330 South Nicholson Road:

“No comments, on the vinyl siding part of it. I think it’s pretty much covered with what Kari has put forward, but I’m still wondering if it includes steel and aluminum siding as well because that’s not mentioned in the Code.”

Senior Planner Papelbon stated no, steel and aluminum are not included per what staff has been directed to do. So this would only incorporate vinyl siding.

Mr. Verhalen:

“And the reason I’m asking is I don’t know if it was just an oversight and it wasn’t put in the language, but I’d appreciate if it would be put in. My previous home that I had built in one of our subdivisions here, I put vinyl coated steel on that house and it was one of the most expensive siding projects that ABC Supply had seen in a long time because it’s something that a lot of people won’t look into and it’s got the wood grain effect on it and it’s really a sturdy, expensive, but it’s a sturdy and pleasing to the eye type of exterior for homes, so I’d kind of appreciate it if aluminum and steel would be included. It’s not the old type of aluminum siding and steel siding where they have just the flat panels. Ya know, but there’s a lot of homes in Oak Creek right now that have that type of siding and if it’s not included in the Code, if you wanted to replace siding, say you had a hail storm or something you can’t replace the siding because it’s not allowed in the Code anymore. So that’s two reasons why, I mean it’s something that’s resilient to the weather and something that’s been used in Oak Creek for a long time and like I said if there’s any storm damage or anything it kind of precludes it from using the same type of material on a house as what exists. So, appreciate it if you’d look at putting it in the Code as well. Thanks.”

Mayor Bukiewicz asked Senior Planner Papelbon if that is something the Plan Commission should be looking at. Senior Planner Papelbon stated that is not something that staff was directed to look at, so it was not included in the proposed amendment.

Mayor Bukiewicz state that he thought it was. Senior Planner Papelbon said it was not something that was included previously or was part of the previous discussion.

Mayor Bukiewicz stated that he would say most of the houses are probably aluminum in this city, and that staff should look at it. Senior Planner Papelbon said she is not prepared to speak on that at this meeting.

Alderman Guzikowski stated that he put steel siding on a house he previously owned.

Commissioner Hanna asked why the City would not allow it, and asked what Franklin allows. Senior Planner Papelbon stated she cannot speak to what is allowed in the surrounding areas because the discussion was to be about vinyl siding, and that is what staff prepared information for.

Commissioner Hanna stated that she is recommending staff do some investigation. Senior Planner Papelbon state that, under the previous Code materials allowed in the A-1, ER, Rs-1, Rs-2, -3 and -4 districts were “wood, wood clapboards, wood shakes, vinyl steel or aluminum beveled siding, brick, stone or other masonry-type veneer materials or other similar

materials.” Senior Planner Papelbon stated that EIFS and fiber cement were not allowed in the previous Code.

Mayor Bukiewicz stated that he thinks someone made a point, and the Plan Commission discussed vinyl and stated he would look at steel and aluminum.

Mr. Verhalen:

“Just one comment, I think what was in the old Code covers pretty much of anything and the reason some of the products aren’t mentioned is probably they weren’t on the market when that Code was adopted, 30 years ago, our products weren’t as wide ranging as they are now.”

Senior Planner Papelbon stated that the exterior building materials were incorporated into the Code somewhere in the 2000’s, especially when it came to commercial, manufacturing, and multifamily residential. Senior Planner Papelbon stated that she is not prepared for consideration of other materials at the current meeting, and asked if the Plan Commission wished to incorporate other materials into the Code and any minimum standards.

Mayor Bukiewicz stated that there should be a thickness to the siding.

Mr. Verhalen:

“Most of the materials that are on the market now are vastly improved from even stuff that was on the market ten (10) years ago, whether it’s vinyl, steel, aluminum, or whatever. All that stuff has come a long, long way. In my opinion I don’t think there’d be any problem with aluminum, steel, or vinyl as far as what products are out there. They’re way better products than.”

Commissioner Oldani inquired if this proposal was a result of all the vinyl talk the Plan Commission has had. Senior Planner Papelbon stated that if the City is going to be opening it up to all materials that can be on a residential building, in order to give the most comprehensive update, she would appreciate knowing if there are any other materials that the Plan Commission would like to include. Commissioner Oldani agreed, and stated that he does not want Senior Planner Papelbon to do all the work and then have another material be brought up when it is presented. He suggested the Plan Commission should have the discussion.

Commissioner Hanna stated that she is not a siding expert, and she is not sure what other materials are out there. Mayor Bukiewicz explained that the common ones are the aluminum and steel (*the remaining portion of the comment was inaudible*).

Mr. Verhalen:

“I understand this a different question so if the vinyl question could be answered tonight it’d be fine and then bring back the other materials, like what was suggested at a later meeting and cover all the rest of it. Gives Kari a chance to do a little research.”

Mayor Bukiewicz asked Senior Planner Papelbon if that was how she would like to proceed. Senior Planner Papelbon stated that it is up to the Plan Commission and the Common Council, and it can be brought back as many times as need-be to make modifications to the Code.

Mayor Bukiewicz asked Senior Planner Papelbon what the cleanest way to do the Code is. Senior Planner Papelbon explained that having multiple updates is not ideal, but having a giant update was incredibly cumbersome for everyone involved.

Commissioner Oldani stated that he understands not wanting a lot of little updates as a plan, but this proposal for the vinyl siding seems very close to being done. Senior Planner Papelbon stated it is, but asked if the Plan Commission really wants to keep revising the same section of Code. Commissioner Oldani said not by design, but Senior Planner Papelbon already went through all the work and said it would be up to Senior Planner Papelbon and staff.

Mayor Bukiewicz explained that once the Plan Commission adopts the change it goes to the Common Council, and once the Council adopts it all the Code books, the website, and everything needs to get updated. Mayor Bukiewicz stated that the changes should probably be made all at once.

Commissioner Kiepczynski asked whether plans submitted tomorrow would be approved with vinyl proposed. Senior Planner Papelbon stated that they would not.

Commissioner Kiepczynski stated that is something to consider - if the vinyl is going to be allowed and how long it takes to come back to the Plan Commission for approval.

Mr. Verhalen:

"If I can just comment. And the only reason this came to Plan Commission in the first place is because I discovered this because my son is right now in the process of having a modular home delivered here."

Senior Planner Papelbon corrected that the Plan Commission discussed and considered adding vinyl in September of 2022 because it was recognized as an issue then.

Mr. Verhalen:

"But whatever it was brought to light when my son was going to bring a house here. And then found out that aluminum siding, steel siding, and vinyl siding was no longer allowed anywhere in the City Code. So, I guess I'm kind of the reason, the main reason why it's here. For whatever it's worth I drove around the City a little while ago and there's three (3) or four (4) homes right now that are having vinyl siding installed on them and the Code was passed last year, this year in March, and the building permits were not even pulled until August because I asked the people that were building the house when they pulled the permits and they said it was August. So, there's probably three (3) or four (4) houses right here, right now, that if you'd want to be sticking right to the word of the Code you could go there and tell them, put a stop work on it and have them take the siding back off the houses because they're being built in violation of the Code."

Senior Planner Papelbon asked Mr. Verhalen if he knows the locations of the homes.

Mr. Verhalen:

“Yea, Midwest Homes is doing a bunch of them down on Howell Avenue and Kaerek has a couple of them going in right across from my house right now. I looked at the development agreement for Kaerek and there’s nothing in there that says anything about referencing any building materials or sidings in the development agreement. I don’t want to press the issue here, but it’s something that’s being overlooked for whatever reason and there’s stuff going on right now in Oak Creek that’s in violation of the Code because the Code was passed March 22 and some of the building permits for these places weren’t pulled until August. It’s something that should be looked into, it’s not that the building materials that are being used are shotty and they don’t stand up to the weather because there’s probably 90-95% of the homes in Oak Creek right now have siding on them, whether it’s full aluminum, vinyl, or steel at some point in time, something was overlooked here when the Code was redone and it’s got to be relooked at and fixed. That’s the only reason it’s before you guys because it’s something that’s got to be looked at and straightened out.”

Mayor Bukiewicz stated that is what the Plan Commission is doing now.

Commissioner Chandler asked Senior Planner Papelbon if there is a way to incorporate pre-existing materials. Senior Planner Papelbon stated no, it is clearer and more equitable if the Code lists allowed materials.

Mayor Bukiewicz made comments that were not audible.

Senior Planner Papelbon continued to review the proposal for amendments to Sec. 17.0403(e)(2)(a) and (b) (see staff report for details).

Mr. Verhalen:

“Just another FYI because I did a little bit of looking around before I got involved in this, but the 44-millimeter grade vinyl siding is the thickest residential siding that you can purchase. So, it’s the highest end. I think they go 30 and 42, and 44, 44 is the highest-grade stuff you can get.”

Senior Planner Papelbon clarified that the information she was using lists builders’ grade is 0.4 [mm], thin residential grade is 0.42 [mm], standard residential grade is 0.44 [mm], thick residential grade is 0.46 [mm], super thick grade is 0.5 [mm], and premium is 0.52 to 0.55 [mm]. It is possible that different opinions on the materials are causing the difference in what the thicknesses are. Mayor Bukiewicz stated that he thinks the Code is safe with the 0.44 [mm].

Alderman Loreck asked if it is written anywhere that there is a threshold. Alderman Loreck clarified his question and asked if a homeowner has to replace one (1) side of the siding on their house, is there a threshold as to replacement and what would fall under the Code.

Senior Planner Papelbon stated that she doubts anyone would notice if a property owner did not have 0.44 grade for replacement siding. Senior Planner Papelbon also stated she is not sure a permit is required even if the whole house was resided, and stated people would need to check with the Inspection Department. The Code is trying to get at something that is equitable for everyone to point to for a standard, so when someone comes in for a building permit, they are all told the same thing.

Alderman Loreck moved that the Plan Commission recommends to the Common Council that Sec. 17.0403(b) – (e) of Chapter 17 – Zoning and Sign Ordinance of the Municipal Code be amended as proposed after a public hearing.

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

Commissioner Carrillo moved to adjourn the meeting. Alderman Loreck seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:36 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

3-28-23

Date