

Minutes
Village of East Troy
Plan Commission & Architectural Review Board
February 8, 2016

1. **Call to order** - President Timms called the meeting to order at 6:30 pm
2. **Verification of open meeting notice** - Administrator Suhm verified the meeting had been posted according to open meetings laws.

3. Roll call

Present: President Timms, Trustee Seager, Commissioners Edward Arendt, John Grudnowski, Anna Mack, Kirk Nelson

Excused:

Absent: Commissioner Serafin

Others: Zoning Administrator Tim Schwecke, Building Inspector Scott Johnson and Administrator Suhm

4. Approve Plan Commission minutes of January 11, 2016

Motion by Trustee Seager, second by Commissioner Arendt to approve the minutes dated January 11, 2016. Motion carried.

5. Citizen participation - None

6. Conditional use for preexisting business (boat storage and repair, landscaping materials and related uses in Highway Business zoning district) located at 1948 Byrnes Street; Complete Pier & Lifts (Ryan Niegelsen); (application 2015-33)

A. Public hearing (adjourned at the meeting on November 9, 2015, December 14, 2015, and January 11, 2016)

President Timms opened the public hearing at 6:32 p.m. Ryan Niegelsen, W2435 St. Peter's Road, spoke as the applicant for 1948 Byrnes Street. He stated he is seeking a conditional use to continue his existing business. He has worked with the Zoning Administrator on the application.

Zoning Administrator Schwecke reviewed his staff reported dated February 3, 2016. He attached an updated version for the conditional use, dated February 3, 2016. The conditional use was revised based on discussions with Mr. Niegelsen. He pointed out page two of the conditional use order authorizes a limit of 40,000 square feet for indoor boat storage and 35,000 square feet for indoor/outdoor storage of piers. These two items had been blank during prior Plan Commission review. The other item he pointed out was on page three, item 4(a), which requires the owner to remove the batch plant within six years of the date of the conditional use approval or when building #6 is constructed, whichever is first. Zoning Administrator Schwecke also explained Mr. Niegelsen initially proposed a temporary poly

structure for storage, however, he is now looking to build the first building as a permanent structure and not asking for approval of a poly structure. In addition, Mr. Niegelsen originally depicted four buildings on his plans, but has now reduced the number of buildings to three. Zoning Administrator Schwecke informed the Commission public notice had been provided. The non-comforming conditional use will remain with the property, regardless of owner.

Commissioner Arendt questioned if the property owner could be required to remove the batch structure prior to the six years if there is a fire or storm that damage the batch structure. Building Inspector, Scott Johnson, explained if the structure becomes unsafe it would be required to be removed at that time.

B. Possible recommendation to the Village Board

Motion by Trustee Seager, second by Commissioner Arendt to recommend to the Village Board approval of the conditional use as drafted. Motion Carried.

7. Site plan for preexisting business (boat storage and repair, landscaping materials and related uses in Highway Business zoning district) located at 1948 Byrnes Street; Complete Pier & Lifts (Ryan Niegelsen); (application 2015-34)

Zoning Administrator Schwecke reviewed the proposed site plans included with his staff report dated February 3, 2016. He stated by going from four to three buildings there is more of a separation between the buildings, which is good for emergency access. He pointed out building six indicates it is over a water service line. When constructed, they will be required to relocate the private water service line. The current site plan approval is for the first building. When Mr. Niegelsen is ready to construct buildings six and seven the Plan Commission will be looking at site plans at that time. The water line issue can be further addressed at that time. Building Inspector, Scott Johnson, clarified the water line is a private line and they cannot construct a building over a water line.

Zoning Administrator Schwecke listed and explained the nine conditions of approval for the site plan in his staff report dated February 3, 2016.

President Timms asked Zoning Administrator Schwecke for clarification regarding the maintenance of required landscaping. He inquired if the required elements of the landscaping plan later die what recourse the Village has, if any. Zoning Administrator Schwecke stated the landscaping section of the code does require that it be maintained.

Commissioner Nelson questioned how the required landscaping points are

determined for a site. Zoning Administrator Schwecke explained there are a certain number of points per 1,000 square feet of building footprint as well as points per lineal foot. He confirmed he will get the applicant more information regarding what would constitute landscaping to meet the required point calculation.

Motion by Trustee Seager, second by President Timms to approve the site plan subject to the nine items pertaining to site plan approval listed in the staff report dated February 3, 2016. Motion carried.

8. Potential amendment of zoning code with regard to truck-trailer rental operations (e.g., U-haul) and towing operations and other matters

A. Possible decision to schedule a public hearing

Zoning Administrator Schwecke clarified the proposed ordinance would allow a towing operation as an accessory use to vehicle sales in a highway business district. If towing is the only operation for a business it would not be allowed in highway business, but is permissible in light and general industrial. Commissioner Grudnowski questioned if the ordinance is approved could it allow an existing vehicle sales business to add towing. Zoning Administrator Schwecke stated they could if they are granted a conditional use. General discussion occurred regarding vehicle sales being a permitted use in the code currently versus a conditional use.

Motion by Trustee Seager, second by Commissioner Mack to direct the Zoning Administrator Schwecke to schedule a date for public hearing to consider the proposed ordinance as drafted.

President Timms questioned if item three in section two could be clarified. He stated the intent of the 10 trucks and trailers limit did not seem clear as to whether it allowed 10 trucks and 10 trailers or a maximum of 10 regardless of the combination of trucks and trailers. After discussion the consensus of the Commission was to change this limit to 15 total units, regardless of the combination of trucks and trailers. President Timms questioned item 4 in section 2, limiting trucks and trailers to no more than two axels. Zoning Administrator Schwecke explained the intent was to ensure they would be consumer-grade truck rentals and would work to clarify this item in the ordinance. President Timms questioned in section 12, who would be responsible for making the determination that a building or property is considered dilapidated. Discussion occurred regarding a dilapidated unsafe building versus the aesthetics of a building in need of painting. It was questioned how this type of concern could be addressed. Zoning Administrator Schwecke stated he would work with the Building Inspector to revise this section and address concerns prior to the public hearing.

Motion by President Timms, second by Trustee Seager to amend the motion to state that section 2, item 3 be limited to no more than 15 total units, and for the Zoning Administrator and Building Inspector to find suitable language for section 12, item Q a. Motion carried.

Vote on original motion – Motion carried.

9. Potential amendment of zoning code with regard to sign regulations

A. Possible decision to schedule a public hearing

Zoning Administrator Schwecke reviewed the draft ordinance dated February 3, 2016. He pointed out the differences from the first draft were highlighted in the current draft. He also discussed on page 4 he struck the definition of nit, page 5 the definition of windows signs was modified slightly and page 6 he added detail to the section dealing with electronic message displays.

General discussion occurred regarding measurements of nits versus footcandles. Meters to measure footcandles are more common and less costly. Zoning Administrator Schwecke distributed “Electronic Message Display Brightness Recommendations” from the International Sign Association. He used this standard in the proposed ordinance, allowing a sign to project a certain number of footcandles above ambient light. He did clarify, in 510-131(B)(6) the reference to the number of footcandles at the property line would be right at the window for a business on the square since the property line is their building front. The Commission discussed concerns with the ability to enforce the brightness and business owner’s cooperation to turn off a sign when measuring ambient light without the sign. The Commission agreed to leave footcandles in the ordinance and address the topic later if it becomes an issue.

Zoning Administrator Schwecke pointed out he did add 510-134(B)(7) allowing an electronic message display not to exceed 5 square feet as a window sign. The last item that needs to be addressed is the maximum square footage that will be allowed for commercial properties. The residential limit has been set at 14 square feet. Zoning Administrator Schwecke will return to the Commission with a proposal for this.

A brief discussion occurred regarding the prohibition of inflatable signs. The consensus was to leave them prohibited in the ordinance.

10. Update on consideration of official map as recommended by the Plan Commission

The public hearing on the official map is scheduled for the next Village Board meeting, February 15, 2016.

11. Demonstration of eCode360 and zoning website (time permitting)

Zoning Administrator Schwecke performed a brief demonstration for Plan Commission members showing them how to access the zoning code electronically and how to use the Village of East Troy Zoning Code Portal.

12. Recommendations for future agendas

No recommendations were made.

13. Adjourn

Motion by Trustee Seager, second by Commissioner Arendt to adjourn at 8:06 p.m. Motion carried.

Respectfully Submitted,

Eileen Suhm
Administrator