

**Minutes
Village of East Troy
Plan Commission & Architectural Review Board
January 11, 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 December 14, 2015

Motion by Trustee Seager, second by Commissioner Nelson to approve the minutes dated December 14, 2015. Motion carried with Commissioner Arendt abstaining.

5. Citizen participation

Andrea Frank, 2925 Elm Street, was present to address the Plan Commission. She distributed handouts. Ms. Frank stated she had concerns regarding the Contract Comestibles building, which had a site plan amendment approved at the December 14, 2015, meeting. She stated early the prior week they began erecting the walls, which exceed the approved 14 feet height by the Plan Commission. She stated the walls being erected are 21 feet in height, which does not include the peak. She also expressed concerns that she believed after the building inspector issued a stop work order she continued to see construction work taking place. It was necessary for the building inspector to visit the site again on Friday and issue another stop work order. She also expressed concerns regarding the completeness of their application to the Plan Commission stating she felt the hours of operation listed were incorrect, the applicant was listed incorrectly and the lots on the northeast side of the property were not included. Finally, she stated there is a bay door framed in at the site that did not exist on the plan approved by the Plan Commission.

Mark Rhode, owner of Rhode's Towing, was present to discuss agenda item number eight. He explained he had met with the zoning administrator to

discuss whether or not a towing operation and U-Haul rental would be allowed in a highway business district due to their interest in the Lynch Dealership Property (2606 Main Street). He stated he felt the U-Haul rental would fall under the zoning code description of vehicle rentals, citing the definition of a vehicle is anything that would carry goods or people. Referring to the Zoning Administrator's staff report dated, January 6, 2016, he stated he disagreed with the statement that a tow truck business and U-Haul rental would not depend on drive-by business.

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 and December 14, 2015)

President Timms opened the public hearing for the conditional use. With no comments he adjourned it at 7: 46 until February 8, 2016.

B. Possible recommendation to the Village Board

No action taken.

Note: The applicant has submitted a written request asking to adjourn the public hearing to the February 8, 2016 meeting.

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)

No discussion or action taken.

Note: The applicant has submitted a written request asking to table action on this item to the February 8, 2016 meeting.

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

Zoning Administrator Schwecke reviewed his staff report dated January 6, 2016. He concluded the towing and U-Haul rental did not fit into any specific category after a review of the zoning code and was asking if the plan commission wanted to consider amending the code to allow for these uses.

Trustee Seager questioned if an amendment was necessary and wondered if it could be addressed as a conditional use. Zoning Administrator Schwecke explained the zoning code can be amended to allow for this use, defining where the land uses are allowed and defining if they are allowed as a conditional use or permitted use. Without the amendment a conditional use cannot be issued. Zoning Administrator Schwecke explained it is a policy issue the Plan

Commission will need to address.

Discussion occurred amongst Plan Commission members regarding concerns that this would be allowed in a highway business district as well as a gateway to the community. Concerns included where the towed vehicles will be stored and visibility of towed or junk vehicles.

Motion by Trustee Seager, second by President Timms to allow Mark Rhode to address the plan commission. Motion carried.

Mr. Rhode addressed the Plan Commission stating it was not his intent to store damaged vehicles outside. He stated they typically do not store a lot of wrecked vehicles and anything of this nature would be placed in the storage building on site. Any of the vehicles stored outside would be there for sale or repair. President Timms questioned if the storage building on the Lynch site is larger than the fenced-in area on their current property, as they appear to have outgrown that storage area. Mr. Rhode stated he estimated the storage building was approximately three times the size of the fenced in area. He also explained they also own a trucking operation that would remain at the current site because he understands that operation would not be in compliance with the highway business zoning district and the current fenced-in area to serve as overflow storage if that were to become necessary.

Commissioner Grudnowski expressed concerns regarding the visibility of the towing operation. He also stated he felt a large fence on the property would not be appealing. Mr. Rhode stated if more storage became necessary, the intent would be to erect another building at that site

Zoning Administrator Schwecke explained according to the code retail vehicle sales needs to be the principal use and repair needs to be incidental to vehicle sales. He stated the question to consider is where in the Village the Commission would want to allow towing operations. He explained in an industrial district towing is not a problem because there can be outside storage. He explained if they were inclined to allow towing operation in highway business zoning it could be a conditional use and they could limit the operation to a specific scope.

President Timms questioned if the Plan Commission supported the idea of working with the applicant to come to an agreement as to how to proceed with the type of amendment proposed. Commissioner Mack stated she would support that, adding she would prefer it to be a conditional use. Commissioner Grudnowski stated he was not so sure about the proposal because it is a

gateway to the community, which was concerning to him. Commissioner Nelson stated the property could sit vacant for a long period of time. He felt if the Village has an applicant with a viable business and following the rules it would benefit the community with a thriving appearance rather than a vacant property coming into the village.

Trustee Seager questioned if it would be possible to see a very simple site plan so the Commission had a better understanding of what was being proposed. Zoning Administrator Schwecke proposed he could begin working on an ordinance so the Plan Commission can review the simple site plan in conjunction with the proposed ordinance. This would assist with expediting the timing of approvals based on the property owner's desire to finalize this by March. He did caution it was likely everything would not be finalized until April, if a conditional use is required for the towing operation. Mr. Rhode indicated he understood and would consider only opening the dealership aspect at that time if the other items had not been finalized.

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

Zoning Administrator Schwecke reviewed his staff report dated January 6, 2016, along with the draft ordinance. He explained the purpose of the amendment was to be in compliance with a U.S. Supreme Court ruling that determined local sign regulations must be content neutral. This means they cannot regulate the message or establish regulations based on the type of message. In addition to address this he stated he did add language to provide for projecting signs that hang over the public sidewalk.

Discussion occurred regarding electronic message displays and how nits are measured to ensure signs are in compliance. Commissioner Mack questioned how the nit levels in the current ordinance were determined and expressed concerns related to the look of the electronic message displays on the Square. It was also questioned how this level would be controlled or measured on the television monitor type of electronic signs that are being used. Zoning Administrator Schwecke stated he would do more research on the nits. An electronic message sign is typically controlled through a computer, where the nit level can be set. He stated if the Plan Commission desired they could set different standards to each of the different zoning districts.

Discussion occurred regarding the maximum combined square feet for residential signs of 14 square feet. President Timms asked that the ordinance be modified to provide clarity as to whether the maximum square footage counted one or both sides of a double-sided sign.

Zoning Administrator Schwecke stated on page 16, subsection Y regarding window signs should not have been stricken. That will remain in the ordinance.

Zoning Administrator Schwecke stated sign permits will need to be explicit regarding the maximum number of square feet for commercial purposes. He explained it will be necessary to inform applicants that a sale or real estate sign would be counted in the maximum square footage allowed. Therefore, it would be prudent to reserve a certain amount of square footage to allow for these types of temporary signs.

10. Recommendations for future agendas

No recommendations were made. President Timms informed the Plan Commission that Commissioner Serafin had submitted his resignation due to work-related conflicts with meetings.

11. Adjourn

Motion by Commissioner Arendt, second by Commissioner Grudnowski to adjourn at 8:07 p.m. Motion carried.

Respectfully Submitted,

Eileen Suhm
Administrator