

**DRAFT MINUTES**

**CALL TO ORDER**

Chair Maddy called the meeting to order at 7:01 P.M.

**ROLL CALL**

Present: Chair Maddy; Commissioners Eggenberger, Riedel, Huskins and Holker; Planning Director Darling; Planning Technician Jason Carlson; and Council Liaison Siakel

Absent: None

**1. APPROVAL OF AGENDA**

Commissioner Eggenberger suggested that agenda items 4 and 5 be reversed because the public hearing item may get lengthy.

**Eggenberger moved, Riedel seconded, approving the agenda for April 5, 2022, as amended by reversing items 4 and 5. Motion passed 5/0.**

**2. APPROVAL OF MINUTES**

- **March 1, 2022**

Chair Maddy noted that the minutes denoted that the meeting was held in Council Chambers; however the meeting was held virtually.

**Riedel moved, Holker seconded, approving the Planning Commission Meeting Minutes of March 1, 2022, as amended. Motion passed 5/0.**

**3. MATTERS FROM THE FLOOR - NONE**

**4. NEW BUSINESS**

**A. Site Plan Amendment Review for Commercial Building Modification**

**Applicant: Mikan Homes**

**Location: 24275 Smithtown Road**

Planning Director Darling stated that the applicant proposed to remodel the building and site to accommodate their office and storage needs. She noted that the City does not do many of this type of review and gave a brief explanation of what is involved in a Site Plan Review. She explained that the applicant is proposing to re-side and re-roof the building. They will convert the car repair area on the south side of the building to a storage area and interior parking and the north side will become the office and conference room areas. She noted that they have plans to remove much of the bituminous in the front of the building but leave enough for two parking spaces. The applicant has proposed to remove much of the gravel storage area in the back but reserve enough space for 5 additional parking spaces plus maneuvering area so they can still get

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the trailers and vehicles inside the building in the back. She stated that they are proposing 5 parking spaces in the back, 2 in the front and 2 inside the building which is more than what code requires. She stated that staff recommends approval with a few conditions as noted in the staff report. She explained that Site Plan Reviews do not require notification for the adjacent property owners or a public hearing, but the Commission could take public testimony.

Commissioner Eggenberger asked if they will need a sign permit in order to place their sign on the building.

Planning Director Darling stated that this was correct.

Chair Maddy stated that it appears that the curb cut driveway onto County Road 19 is split between the two buildings and asked if there was an easement where they both have access to the full width.

Planning Director Darling stated that she will defer that answer to the applicant.

Commissioner Riedel stated that the existing building was legally non-conforming and asked if this proposal would reduce the non-conformity.

Planning Director Darling stated that the building position would stay the same. She explained that the non-conformity is just a small amount of the northwest corner of the building plus the entire east side of the building because it is set too close to the east property line.

Chair Maddy noted that they are improving the impervious surface because they are substantially reducing it.

Commissioner Holker asked where the access would be to the two indoor parking spaces.

Planning Director Darling explained that would be around the back and noted that is where the old repair shop space was located.

Commissioner Huskins confirmed that the Commission was not here to make any comments related to ADA requirements.

Planning Director Darling explained that is not really a land use decision as the ADA regulations are required by the building code and they have to conform to them as part of their building permit review. She stated that the applicant has done considerable research on the topic and the Commission can ask questions about them if they like.

Ryan Jones, 6105 Seamans Drive, applicant, stated that related to the easement on the side of the property for the parking, their property line goes up to the side of the computer store. He explained that there is an existing gate that attaches to the back side of their property which is ample width for their trucks to pull down that side. He stated that there was an engineer recommendation on the labeled gravel portion on the front side of the building because right now, the parking spots protrude past where the curb cut is located. He stated that the plan is just to tilt the entrance into the front and pull those parking spots all the way so they are protected by the curb that is there. He stated that there are 4 tall bays on the back side of the building and they will be getting rid of two of them to allow for some pallet racks so they can store building materials. He noted that they will be reducing the impervious surface amount from about 88% to 60% and explained that their goal is to decrease the runoff outside of their property and increase the aesthetic from the front side of the building. He stated that related to ADA comments, the parking

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spot closest to the back side of the building is the ADA parking. He noted that they have standard swing doors and they are proposing to have a wheelchair lift in the back that would bring any client that may need it up to the office level.

Commissioner Huskins stated that he was just curious as to why it was in the rear of the building rather than the front.

Mr. Jones explained that it is because of the way the building is situated because when you walk in the front, there are about three steps down to the landing.

Commissioner Holker asked if there would be any vehicles in the building overnight.

Mr. Jones stated that they were not planning to. He noted that the vehicles are their personal vehicles which are driven around regularly. He stated that there will be steadily 3 people at the office, but they are usually not in the office all at the same time and expects there will only be 1 or 2 people at the office at one time.

Commissioner Riedel asked about the gravel area because that will be reduced quite a bit and asked if the usage would be changing.

Mr. Jones stated that it will probably will not change outside if they don't plan to store trailers and boats back there. He noted that he thinks there was some concern about run off of the impervious surfaces that were coming down into the park and into the City's property. He stated that they thought there was kind of a middle ground where they could remove some of the material, but still get 4 parking spots and the trailer back up area.

Commissioner Riedel asked if they would ever be pulling an excavator in that space.

Mr. Jones stated that outside of getting the work done, they do not own one so he would not see the need to bring one in there. He stated that the material that they would maybe bring in would be things like doors and windows that they would load into the storage area until they were needed for a specific job.

Chair Maddy asked about the curb cut off of 19 and asked if Mr. Jones would have access to the full curb cut.

Mr. Jones stated that something happened when the survey was done and it looks like the curb cut is further towards the north. He explained the actual location of the curb cut and stated that there was plenty of space to pull in and out on 19.

Chair Maddy stated that in one of the renderings there was an American flag flying but there is no pin spot in their electrical lighting plan for the flag and asked if they intended to fly a flag and if they would be putting in a spotlight.

Mr. Jones stated that was a drawing that their architect had done and believes that he was trying to 'pretty things up' for them.

Commissioner Huskins asked about timing for this project if it is approved.

Mr. Jones stated that their biggest hurdle to overcome is getting the windows ordered and would guess that it will be about 5 or 6 months if they can get their materials. He noted that he expects that they will be able to get the interior portion of the remodel started right away.

Chair Maddy opened this item for public comment at 7:22 p.m., being there were no comments, he closed the public comment portion of the meeting.

**Eggenberger moved, Huskins seconded, recommending approval of the Site Plan Amendment Review at 24275 Smithtown Road, with the staff recommendations. Motion passed 5/0.**

Planning Director Darling noted that this will go before the City Council on April 25, 2022.

**5. PUBLIC HEARINGS**

Chair Maddy explained the Planning Commission is comprised of residents of the City of Shorewood who are serving as volunteers on the Commission. The Commissioners are appointed by the City Council. The Commission's role is to help the City Council in determining zoning and planning issues. One of the Commission's responsibilities is to hold public hearings and to help develop the factual record for an application and to make a non-binding recommendation to the City Council. The recommendation is advisory only.

**A. PUBLIC HEARING – City Code Amendments for Campaign and Non-Commercial Speech Sign Amendment Discussion**

**Applicant: City of Shorewood**

**Location: City-Wide**

Chair Maddy confirmed that the City had only received one item of correspondence for this matter.

Planning Director Darling stated that she had only received one. She explained that this is a proposed code amendment to amend regulations pertaining to campaign and non-commercial speech signs. She stated that the amendments are proposed to make the language clearer and more enforceable, consistent with State statute, move the City closer to content neutral language, and protect City against challenges based on content specific signage language. She gave an overview of some of the proposed ordinance amendments. She stated that the City received one letter from Mr. Alan Yelsey, 26335 Peach Circle that had been distributed to the Commission prior to the meeting and will be included as part of the public record for the meeting.

Chair Maddy suggested that the Commission go over the two concerns that had been raised in the correspondence. He stated that one of the concerns regarding being allowed to post anything they want during non-election season which he believes is covered in another section.

Planning Director Darling explained that currently, the zoning ordinance does not allow you to post signage in any number, anywhere you may want. She stated that you are allowed to post some signs on your property and noted that the language right now in the code is content specific so they are proposing to add a substitution clause so for any allowed sign, you may substitute a non-commercial speech on that sign and have it in the same locations that would otherwise be allowed. She noted that most signs have a 5-foot setback from front property lines and a 5 foot setback from side property lines.

Commissioner Riedel confirmed that the substitution clause only applies to signs on your own property and not within easements. He stated that he believes the intent is for these amendments to serve as a bridge and the intent is to revisit this ordinance following the election season.

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Planning Director Darling stated that they could not look at revisions for the entire sign code in time for the election campaign season, so they are proposing targeted amendments specifically for campaign and election signage.

The Commission discussed details of the substitution clause, right-of-way, setbacks, what portions of the Code are intended to be revisited and suggested some additional language changes to make things clearer.

Commissioner Eggenberger noted under General Provisions #11 it appears to exempt flags but sometimes what is on a sign is also what is seen on a flag. He asked what 'political unit' meant.

Planning Director Darling stated that she would take that to mean a County, City, or a district.

Commissioner Eggenberger asked what is meant by the term 'integral signs'.

Planning Director Darling explained that she was not sure what that term meant when this was written and noted that this is a paragraph that will take some amendment when the code is rewritten.

Commissioner Eggenberger stated that he was just trying to make sure they understood because he feels people will try to get around it.

Chair Maddy noted that he had just checked the dictionary and it stated, 'necessary to make a whole, complete, essentially, or fundamental'.

Commissioner Riedel stated that he would read it as a sign that is in one piece and not presented in several pieces.

Planning Director Darling noted that she found a definition for it within the zoning regulations which is, 'a sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets, and the like when carved into stone, concrete or similar material, or made of bronze, aluminum or other permanent type of construction and made an integral part of the structure.'

Commissioner Holker clarified that this is a portion of the Code that they are planning to revisit post-election period.

**Huskins moved, Holker seconded, recommending approval of the Draft Text Amendments for Campaign Signs and Non-Commercial Speech Signs with the amendment under General Provisions C, #6 to explicitly state the exceptions. Motion passed 5/0.**

**6. OLD BUSINESS – NONE**

**7. REPORTS**

- **Council Meeting Report**

Council Liaison Siakel noted that due to spring break, the Council did not meet last week and gave an update on the discussions and actions taken at the March 14, 2022 City Council meeting.

- **Draft Next Meeting Agenda**

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Chair Maddy noted that he will not be in attendance at next month's Planning Commission meeting.

Planning Director Darling stated that there is an application for a rezoning, PUD and preliminary plat for 9 units on the east side of Lake Como, just north of Radisson Road, but noted that she wasn't sure if that would be ready in time for the May meeting. She stated that she will keep the Commission informed because they may end up cancelling the next meeting.

- **Liaison to Council for June, July, and August**

June – Commissioner Riedel

July – Commissioner Holker

August – Chair Maddy

**8. ADJOURNMENT**

**Riedel moved, Huskins seconded, adjourning the Planning Commission Meeting of April 5, 2022, at 7:56 P.M. Motion passed 5/0.**