

**CITY OF PORT WASHINGTON
PLAN COMMISSION
MINUTES
THURSDAY, DECEMBER 18, 2008**

- 1. ROLL CALL:** Mayor Huebner called a duly convened meeting of the Plan Commission to order at 6:30 p.m. Members present were: Commissioners Kelley, Sova and Voigt. Also present were: City Planner Randy Tetzlaff and City Engineer Rob Vanden Noven. Absent and excused: City Administrator Mark Grams, City Building Inspection Dennis Wiese, Commissioners Becker and Haacke.
- 2. APPROVAL OF MINUTES OF NOVEMBER 20, 2008. MOTION BY COMMISSIONER VOIGT AND SECONDED COMMISSIONER KELLEY to approve as presented. Motion carried unanimously.**
- 3. PUBLIC APPEARANCES AND COMMENTS:** There was none.
- 4. SPECIAL EXCEPTION TO ALLOW A REPLACEMENT SIGN FOR AURORA ADVANCED HEALTHCARE LOCATED AT 1777 WEST GRAND AVENUE:** City Planner Randy Tetzlaff reviewed this item with the Plan Commissioners. He stated that Poblocki Sign is proposing to replace the pole mount Advanced Healthcare sign with a new monument sign for Aurora-Advanced Healthcare. They are requesting a sign exception because the new sign will be higher and larger than what is permitted in the sign ordinance. The new sign will also be moved closer to the building as a result of the reconstruction of STH 33. The existing Advanced Healthcare sign is 18 feet high. The items or parameters where a sign exception is required: 1) The proposed sign will be 16 feet high; identical to the Aurora sign located on the east side of the CTH LL bridge; 2) It will be 16 square feet larger than permitted; and 3) The masonry base will constitute 24% of the sign as opposed to 40% as required. The Design Review Board found that the proposed sign would not impact the neighborhood and that a special exception was warranted for height, size, and masonry base requirements. **MOTION BY COMMISSIONER SOVA AND SECONDED BY COMMISSIONER VOIGT to approve granting a special exception for the replacement sign for Aurora Advanced Healthcare as submitted. Motion carried (4 Ayes; 1 Nay (Kelley)).**
- 5. NEW OZAUKEE COUNTY PARK LOCATED ON THE NORTHEAST CORNER OF NORTH MILWAUKEE AND WEST WASHINGTON STREETS:** City Planner Tetzlaff reviewed the this item with the Plan Commissioners. He stated that over the past few years, the county has erected a retaining wall in its north parking lot and re-graded the hillside and planted trees, shrubs, and native grasses. Similar to the corner lot on Jackson and Milwaukee, this corner too has a magnificent view overlooking the downtown and the lake. The proposed park improvements would be a wonderful addition to both the downtown area and the community. The Plan Commission does not need to take action on designating the land area for a park since it has already been included on the Land Use Plan: 2035. Similar to the Possibility Playground, the Commission should review and approve the proposed site plan and other proposed improvements. **MOTION BY COMMISSIONER SOVA AND SECONDED BY COMMISSIONER KELLEY to approve the Northeast corner of North Milwaukee**

Street and West Washington Street as a County Park and to approve the site plan as presented.

- 6. REZONE COUNTY-OWNED LANDS IN THE DOWNTOWN AREA FROM B-4, CENTRAL BUSINESS DISTRICT TO PUL, PUBLIC AND UTILITY LAND:** City Planner Tetzlaff reviewed this item with the Plan Commissioners. He stated that the county land parcel is zoned B-4, Central Business and needs to be rezoned PUL, Public and Utility Land. In fact, all of the county lands downtown including the parking lot and the Administration Center needs to be rezoned to PUL. **MOTION BY MAYOR HUEBNER AND COMMISSIONER VOIGT to recommend approval to the Common Council the rezoning of the county owned lands to PUL, Public and Utility Land District as presented. Motion carried unanimously.**
- 7. NEW ROOFTOP RESIDENTIAL SOLAR COLLECTOR FOR DOMESTIC WATER HEATING SYSTEM LOCATED AT 537 N MONTGOMERY STREET:** City Planner Randy Tetzlaff reviewed this item with the Plan Commissioners. He stated that the Design Review Board, while supportive of this type of alternative energy system, was also concerned about neighborhood aesthetics. As proposed, the collector unit would sit a top the roof peak and be very visible from the street. The Board discussed placing the unit behind the roof peak and the installer agreed that would work because the angle would still receive sunlight. The installer agreed to bring revised copies of the collector unit on the backside of the roof. The installer did not attend the Plan Commission meeting. The Design Review Board went on to recommend approving the installation of the rooftop collector as long as it was not visible for a 6' tall person standing on the sidewalk. **MOTION BY COMMISSIONER VANDEN NOVEN AND SECONDED BY COMMISSIONER VOIGT to approve the new rooftop residential solar collector for domestic water heating system located at 537 North Montgomery Street as presented with the Design Review Board's recommendations. Motion carried unanimously.**
- 8. NEW REVIEW AND APPROVAL STANDARDS FOR SOLAR AND WIND ENERGY SYSTEMS:** City Planner Randy Tetzlaff reviewed this item with the Plan Commissioners. He stated that the previous agenda item was the second solar collector project approved by the Plan Commission. It is evident that more alternative energy systems will be proposed. The question is: How will we handle the review and approval of those systems. After the first project, we asked that the installer/seller come back to the Commission to discuss this issue. Wisconsin State Statute 66.041(1) provides that "No county, city, town, or village may place any restrictions, either directly or in effect, on the installation or use of a solar energy system or wind energy system, unless the restriction satisfies one of the following: 1) serves to preserve or protect public health or safety; 2) does not significantly increase the cost of the system or significantly decrease its efficiency; or 3) allows for an alternative system of comparable cost and efficiency. The statute does two things: first, zoning ordinances are drafted to protect the public health, safety, and general welfare. It is the latter term that gives communities the right to impose aesthetic standards, protect property values, etc. In this case, the statute specifically excludes general welfare. Some communities ignore this and still review these alternative energy systems like traditional development projects and await legal action to challenge them. Still others prefer to follow strict wording of the statute and pretty much ignore the review of these energy systems. The second thing this statute does is to place the burden of proof on the communities to show that the proposed energy systems are public health or safety problems, and not on the applicant to disprove. This reverse in responsibility is a significant departure in

the way that zoning approvals are normally dealt with. What we need to resolve is: 1) Do we continue to review all alternative energy systems in the future (like now); 2) Do we review just some, just those that may impact the neighborhood; or 3) Do we just ignore all of them? Perhaps we may consider using our previous agenda item as a model. We recognize that as a community, we cannot prohibit them and we cannot impede their efficiency. But, we are also concerned with community acceptance and neighborhood impact. As long as the units are not visible from the street, they are permitted without review. If not, both the DRB and Plan Commission would need to weigh-in and work with the applicant to make them less visible, knowing that in some instances, some parts of the units will be visible. Hopefully, we can get some further input and suggestions from folks at GreenSky and the manufacturer of the solar collector we previously approved for the home on Sumac Court. The Plan Commissioners reviewed this item and agreed that more information is needed.

- 9. SPECIAL EXCEPTION FOR DIRECTIONAL SIGNS FOR MOLDED DIMENSIONS, INC. LOCATED AT 701 SUNSET ROAD:** City Planner Randy Tetzlaff reviewed this item with the Plan Commissioners. Molded Dimensions located at 701 Sunset Road has built a new building at this location. They are requesting permission from the Plan Commissioners to place some new directional on their property. The signs are approximately 6 feet in height and 6 feet wide. **MOTION BY MAYOR HUEBNER AND SECONDED BY COMMISSIONER VANEDN NOVEN to grant a special exception for the new directional signs as submitted.**
Motion carried unanimously.

- 10. SPECIAL EXCEPTION FOR A MONUMENT SIGN FOR KIDS PORT DAY PRESCHOOL AND DAYCARE LOCATED AT 1505 SUNSET ROAD:** City Planner Randy Tetzlaff reviewed this item with the Plan Commissioners. He stated that the Building Inspector Dennis Wiese was working with the applicant for a new sign at 1505 Sunset Road. He explained the design and size of the sign to the Commissioners. This sign will not be lit. This sign will need to have landscaping around it. The Commissioners suggested that this sign should go back to the Design Review Board for more input. The sign should be more attractive. **MOTION BY COMMISSIONER VOIGT AND SECONDED BY COMMISSIONER KELLEY to send this application back to the Design Review Board.**
Motion carried unanimously.

- 11. REVIEW ALTERNATIVES FOR IMPROVED SIGNAGE FOR BUSINESSES AT THE NORTHPORT SHOPPING CENTER:** City Planner Randy Tetzlaff reviewed this item with the Plan Commissioners. He stated he put this on the agenda because the owner of the Subway Shop would like more signage. The Plan Commissioners discussed various ideas and also discussed the large pylon sign. The Commissioners would really like to see a multi-tenant monument sign at this location and possibly two monument signs. The owner of the property should be consulted about different signage at that location. This is information only.

- 12. NEW LCD SIGNS FOR CHARTER BOATS:** City Planner Randy Tetzlaff reviewed this item with the Plan Commissioners. He stated that the Harbormaster has been contacted by one of the charter boat captains requesting whether LCD digital signs at the slips would be permissible. Currently, the signs there are made of wood and the size and placement is approved by the Marina. The signs must be no larger than 3' x 2' in size. It is likely that if these new signs are approved, gradually all of the wood signs would be replaced. Wood signs are gradually being replaced by such LCD or digital signs elsewhere. They are generally maintenance-free and allow for flexible text. Each sign requires access to a 110V receptacle.

The questions before the Plan Commission are: 1) Does the City want to allow such digital signage? and 2) Should the Plan Commission review each sign, or should it continue to let the Marina approve and monitor the signage? The Plan Commissioners reviewed this item and recommended to deny it. **MOTION BY COMMISSIONER VANDEN NOVEN AND SECONDED BY MAYOR HUEBNER to deny LCD lighted signs at the Marina. Motion carried (4 Ayes, 1 Nay (Voigt)).**

13. PUBLIC APPEARANCES AND COMMENTS: There was none.

14. FORTHCOMING EVENTS: Commissioner Vanden Noven informed the Plan Commissioners that on Wednesday, January 7, 2009 at 5:00 p.m., there will be a Public Workshop on the Coal Dock Project at City Hall. The public is invited to attend.

15. ADJOURNMENT: MOVED BY COMMISSIONER VANDEN NOVEN AND SECONDED BY COMMISSIONER VOIGT to adjourn the meeting at 7:28 p.m. Motion carried unanimously.