

## PLAN COMMISSION MEETING SEPTEMBER 29, 2009

The Regular Plan Commission Meeting was called to order at 7:00 p.m. by Chairman Jeff Roth. Members present: Alan Theis, Jeff Roth, Wanda Gosa, Dave Jennings, Patrick Hess, Wilfredo Barreto, Jeff Flaws, Larry Rigden, and John Meyer

Also Present: Deputy Clerk Wigderson; Village Building Inspector Scott Hussinger; Village Attorney Daniel Habeck; Roger Duchow of Tenby Harbor Development; Russel Stewart N12 W26860 Milkweed Lane Pewaukee, 53072; Linda and Brain Bautz W297 S3185 Boettcher Rd Waukesha, 53189; Jeff Decora 7509 Kenwood Ave Wauwatosa 53221; and Kim Sook-Thuman 210 Wales Road; Robert Hamilton; Jim Young; Wade Kolman 300 East Summit Ave; Richard Kummrow 205 Kummrow Court; Alan Deutch; Jay Cavaiani 825 Brandybrook Road; Robert Dunn 1025 Lochtyr Ridge; and Bob Kraus of Bauer Sign.

Excused: Wayne McStrack

The Plan Commission Chairman noted that proper notice of this meeting had been posted in accordance with the open meeting laws of the State of Wisconsin.

Plan Commission Members acknowledged receipt of the minutes of the Plan Commission meeting of August 25, 2009. Motion by Wilfredo Barreto to approve the amended minutes and waive the requirement of reading same, second by Alan Theis, motion passed.

### PUBLIC COMMENT

No public comment.

### REQUEST FOR APPROVAL SIGNAGE FOR KOLMAN FAMILY CHIROPRACTIC 300 WEST SUMMIT AVENUE

**REQUESTED BY:** Wade Kolman  
300 West Summit Avenue  
Wales, WI 53183

**PRESENTED BY:** Wade Kolman

**DISCUSSION:** The proposed signage will be consistent with the existing signage on the building for the other units. The signage will be internally illuminated and will be turned off by 11:00 p.m. The dimension of the sign will be 2' 6" by 19' 1" and will be illuminated with red LEDs.

**MOTION:** Motion by Alan Theis to recommend approval of the signage with the signage to be turned off by 11:00 p.m., as submitted, second Larry Rigden. Motion passed unopposed.

## PLAN COMMISSION MEETING SEPTEMBER 29, 2009

### REQUEST FOR APPROVAL NAME CHANGE FOR TENBY HARBOR DEVELOPMENT SIGNAGE

**REQUESTED BY:** Roger Duchow & Peter Odgen  
Hwy 18 & 83  
Wales, WI 53183

**PRESENTED BY:** Roger Duchow

**DISCUSSION:** A review of the Developer's Agreement found that there is no provision to require that the Development have a "Welsh" name. The Developer's are requesting the name be changed to "Tenby Harbor Town Bank Center" as a compromise for both parties.

**MOTION:** Motion by John Meyer to recommend approval of the of name change to the monument signage, the number 2 choice that has all the lettering at the same size, as submitted, second Jeff Flaws. Motion passed. Wanda Gosa and Wilfredo Barreto opposed.

### REQUEST FOR APPROVAL BUSINESS PLAN OF OPERATION & SITE PLAN ALPHA COLLISION CENTER 210 NORTH WALES ROAD

**REQUESTED BY:** Linda Bautz  
W297 S3185 Boettcher Rd  
Waukesha, WI 53189

**PRESENTED BY:** Allen Deutch

**DISCUSSION:** The Deputy Clerk contacted the WI DNR about the wetland concerns raised at the last meeting. The DNR stated that as long as everything kept inside the building and a required holding tank is installed, that they had no problem with the business at this location. The business owner submitted an Environmental Assessment letter that will be included with these minutes. Letters have been received from the Village Building Inspector/Zoning Code Administrator Scott Hussinger, Plan Commission member Wayne McStrack, and proposed business owner Linda Bautz, all these letters will be attached to the final minutes. The Building Inspector reviewed the building plans that were submitted for the August meeting and had contacted the proposed business owner's general contractor and asked for a more detailed plan and to date has not received anything. He has concerns about the building being in compliance with the new codes; because the proposed business is a change of use from the old business. Linda Bautz has stated through the submitted letter that, "She deeply apologizes for any misunderstanding of what they were able to do at the proposed business site prior to any approvals being granted by the Village of Wales." Attorney Allen Deutch stated, "We would like request a straw vote to see if the Plan Commission members would be in favor of this type of operation and if not then the request would be

## **PLAN COMMISSION MEETING SEPTEMBER 29, 2009**

then modified, changed or withdrawn, and to allow the materials to be kept in the unit until the end of October." A Business Plan of Operation was submitted by Kim Sook Thuman for the rental of storage space in her building. This item cannot be decided on at this meeting as it was not on the agenda, but can be placed on the Village Board agenda for Monday October 5, 2009. Ms. Thuman has stated, "That she was unaware that permission was required to allow the space in her building to be rented out." The building owner is moving out of the business and was trying to get the new tenant moved in. They are asking for some consideration on the storage of the parts and equipment for the proposed business through October 2009. If they are granted the temporary occupancy through the end of October 2009 by the Village Board, the Building Inspector will perform inspections and if they are found to be in violation of anything, citations will be issued starting from the September 22, 2009 date when the violations originally occurred. The proposed business is a change of use from what is currently in the building and different codes would be applied. The Building Inspector stated that with the amount of petroleum products that are being stored in the space, that a 2 hour fire wall would have to be installed. The question was raised that the Fire Department said that products were stored in the proper way. The Building Inspector stated that, "It does not meet the standards of the commercial building code." The realtor for the owner questioned if petroleum products were to be removed would the fire wall be required? The Village Building Inspector said, "Then no, a fire wall would not be required." Plan Commission members have stated that they do not have a problem with the business storing their property in the building through October 2009 as long as all of the paint, petroleum products, and the vehicles are to be removed. No work is to be performed on any vehicles. Attorney Habeck stated that the straw vote on the general appropriateness of the use of the property as proposed was requested by and was for the benefit of the applicant. He further stated that the criteria for consideration of the application actually before the commission are strictly as stated in Chapter 17 of the Zoning Code, and that while the commission could take the straw vote as requested by the applicant, the two issues should not be confused. A "straw vote" was taken by the Plan Commission; Jeff Roth, John Meyer, David Jennings, and Alan Theis voted yes, but with certain conditions to be placed on the business. Jeff Flaws, Patrick Hess, Wilfredo Barreto, Wanda Gosa, Larry Rigden, and Wayne McStrack voted no. Attorney Allen Deutch requested the Business Plan of Operation for Alpha Collision Repair Center be withdrawn from consideration from the Plan Commission agenda and would like to have consideration for using the storage space at 210 N Wales until October 31, 2009. The Plan Commission cannot act on this item, but it will be reviewed at the October 5, 2009 Village Board meeting.

**MOTION:** No motion from Plan Commission, because applicant withdrew application.

### **REQUEST FOR APPROVAL BUSINESS PLAN OF OPERATION AND SIGNAGE FOR GREAT MISSION CHURCH 308 OAK CREST DRIVE**

**REQUESTED BY:** Jay Cavaiani  
823 Brandybrook Road  
Wales, WI 53183

## PLAN COMMISSION MEETING SEPTEMBER 29, 2009

**DISCUSSION:** This building will be used for the business office/ administrative services, various training, and occasionally early morning bible studies. There will be 1 full time employee, 2 part-time employees, and 11 offsite employees. Office hours will be Monday – Sunday 8:00 a.m. to 9:00 p.m. There will not be any church services in this building; they will be held Wales Elementary School. The occupancy of this building must stay under 49 persons or new building codes come into affect because it will be consider a place of assembly. There are 42 available parking spaces in the front of the building and there are more spaces in the rear of the building. Signage will be submitted at a later date for approval.

**MOTION:** Motion by Alan Theis to recommend approval the Business Plan of Operation, with signage to be approved at a later date and the building occupancy of 49 maximum, as submitted, second Wanda Gosa. Motion passed unopposed.

### REQUEST FOR APPROVAL BUSINESS PLAN OF OPERATION AND SIGNAGE FOR GREAT MISSION CHURCH 219 OAK CREST DRIVE

**REQUESTED BY:** Jay Cavaiani  
823 Brandybrook Road  
Wales, WI 53183

**DISCUSSION:** This is the business plan for the church services to be held at Wales Elementary School. The School is zoned I1 which allows for church services. The school offers plenty of parking. Services will be held on Sundays and possibly some special events on Saturday evening. Signage will be presented at a later date for approval. Sandwich boards will not be allowed for temporary signage.

**MOTION:** Motion by Jeff Flaws to recommend approval the Business Plan of Operation, with signage to be approved at a later date, as submitted, second Wanda Gosa. Motion passed unopposed.

### REQUEST FOR APPROVAL GRADING PLAN FOR 1025 LOCHTYN RIDGE

**REQUESTED BY:** Robert Dunn  
1015 Lochтын Ridge  
Wales, WI 53183

**DISCUSSION:** Mr. Dunn would like to fill and grade the property around the west side of the duplex to slope the water away from the duplex. He would also like to install a farm lane with a culvert to get to his hay field. In the beginning of September fill was dumped at his property, but it was the wrong type and more than he wanted. He has removed most of the fill, but would like to remove more. He would like to keep the fill on his property until the project is completed, and then remove any remaining fill. The

## **PLAN COMMISSION MEETING SEPTEMBER 29, 2009**

proposed new grades and culvert sizing needs to be done by a professional to make sure that the run-off is taken care properly. The plan needs to show current grades and proposed future grades. Mr. Dunn cannot do any more grading until this new plan is submitted to the Plan Commission for approval. He may push or shove the current fill to a holding area, but it cannot be pushed any further to the south than it already is and he cannot disturb any more land. He would like to add three berms to the property with the height of them being 3 – 4 feet tall. The farm lane is 2 feet above the existing grade and should be lowered.

**MOTION:** Motion by Alan Theis to recommend that Mr. Dunn get a professional grading plan and submit it to the Plan Commission, before any more work is done to the site, second Larry Rigden. Motion passed unopposed.

### **DISCUSSION RUMMAGE SALES**

**DISCUSSION:** Sample ordinances from other communities in Wisconsin were reviewed. The Deputy Clerk will work on a draft ordinance for review at the next Plan Commission meeting.

### **DISCUSSION HISTORIC VILLAGE CENTER COMMITTEE**

**DISCUSSION:** John Meyer submitted a mission statement for review. Pauline Wigderson submitted a draft letter that can be sent to the residents in the next couple of months. Pauline will work on the letter and send to Jeff Flaws to review for the next meeting.

### **NEXT MEETING DATE**

Tuesday October 27, 2009

### **ADJOURNMENT**

Motion by Alan Theis to adjourn, second by Larry Rigden, motion passed, unopposed. This meeting was adjourned at 9:16 p.m.

Submitted by  
Pauline Wigderson, Deputy Clerk