

TOWN OF WILSON PLAN COMMISSION

September 13, 2010 Plan Commission APPROVED Meeting Minutes

CALL TO ORDER & DECLARATION OF OPEN MEETING:

Meeting was called to order by Chair Fuller at 7:02 PM and declared an open meeting.

PRESENT: Chair Doug Fuller, Commissioners MaryAnn Bergin, Jim Kummer, David Schleicher, June Spoerl, Rich Ternes, **Absent:** Fred Goebel, Guy Jones. **Also Present:** Mark Raush, Michael Whitcomb, Larry Hilbelink, and Dave Gartman.

APPROVAL OF DRAFT MINUTES:

- 1.) September 14, 2009
- 2.) August 9, 2010 – Approval Of Draft Minutes section, Amend Cheryl's minutes (document with box in lower right-hand corner); Adjourn Section should read seconded by "Kummer" versus "Ternes".

Motion by Kummer; seconded by Schleicher to approve September 14, 2009 and August 9, 2010 minutes as amended; motion carried with no nay votes and no abstentions.

APPOINTMENT:

- 3.) Michael Whitcomb, Plan Commission's review regarding Clear Channel Communication's Sign Permit Application for 4210 CTH OK, Sheboygan -- Mr. Whitcomb, the Attorney for Clear Channel Outdoor representing Mark Raush, was present to answer any questions the Plan Commission had regarding the structure, future plans, and its history in the Town of Wilson.

NEW BUSINESS:

- 4.) Sign Permit Application for 4210 CTH OK, Sheboygan -- Clear Channel Outdoor is applying for a permit to change the face of the sign from a flat vinyl face to digital face. It is a north face visible to southbound traffic and will be no larger or smaller than what is already there. The sign's original construction was in 1984 with reconstruction changing the size in 2001. The Town's Sign Ordinance (29.05.9) language was rewritten prohibiting variable message signs and louvered signs under State Statute 84.30. No documentation was available showing if the area was zoned Commercial in 1959. Fuller questioned the map presented by Clear Channel. There was no lineage or dimensions showing the sign location. It does not show where the Clear Channel sign is relative to what this map is showing. He questioned whether or not the sign exists on an area that was actually Commercial or Industrial in 1955. Attorney Whitcomb offered his office to undertake retaining a title search company to title search this property to find a map to convince the Town that the location where the sign is now located was zoned Commercial in 1955 prior to 1959. No origin of this map also raised issues. There are discrepancies in parcel maps. There is no 1955 or 1959 zoning map on record. There may be a zoning ordinance from that era, but no map. Discussions continued regarding the zoning issue between Clear Channel and the Plan Commission. Fuller felt he cannot support what they are asking for; because there is no clear cut that the sign was in the proper zoning in 1955. Attorney Whitcomb stated they will use their best efforts to try to establish the actual zoning of that parcel where the sign was in 1955 and feels it is not their burden, but the town's. More discussions continued. Fuller still questioned whether this sign positioned in an area that was acceptable for signs of that nature in 1955. Was it zoned Commercial or Industrial as of 1959? If it wasn't, then it cannot be grandfathered, and cannot be improved. Town to look back through their records. It was noted that the DOT does not issue permits for digital signs. It is the Town's Sign Ordinance that brings Clear Channel before us.

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A permit is required by the Town. The Town Legal Counsel felt the Permit Applicant bear the burden of proving the parcel was zoned Commercial prior to 1959. Another legal issue brought up was whether or not a municipality (town, village, or city) has standing to raise the 84.30 issue, because that is a state issue. But, per the 84.30 statute, the local jurisdiction may be more restrictive. When we rewrote our Sign Ordinance, we knew that and we did it. The town has a different view of the underlying facts than the DOT. The town is looking into it more carefully. It should be noted that the research needs to address not the zoning of the property, **but ZONING OF THE LAND THAT THE SIGN IS SITTING ON**. Discussions continue between Clear Channel and the Plan Commission.

Motion by Fuller, seconded by Kummer, that the Plan Commission recommend denial of the sign permit application that we have before us from Clear Channel Outdoor regarding their sign on the C&R property on the west side of I-43 north of CTH OK and the basis for that is the fact that there is question as to whether the property that the sign is sitting on now zoned properly in 1959, because the map that we have is questionable; motion carried with no nay votes and abstention by Ternes.

- 5.) Zoning for Institutional Use, Larry Hilbelink, Town's Building Inspector – An inquiry was received about building a CBRF, a County Based Residential Facility for mentally challenged or physically challenged adults and children on Shircel Road. There is no Town zoning ordinance regulating them. He is asking the Plan Commission recommend the Town's Legal Counsel write an ordinance regulating the amount of this type of occupancy. The state allows someone to build a single family home under residential construction standards, and put a maximum of 8 mentally challenged people in that building. He suggests a Land Use Permitted as A Special Use, not Conditional Use. Without an ordinance, we cannot manage anything. Our ordinance does not mention this at all and should. We need an ordinance to manage them, not prohibit them. Keep in mind the rights of the disabled and discrimination rights/civil rights. Add language for functionality. Start with Wisconsin State Statute 46.03(22) community living arrangement land uses. Mr. Hilbelink is asking this body to recommend to the Town Board to get legal counsel to draft an Institutional Use ordinance or modification to an existing ordinance so we can address these special uses.

Motion by Fuller; seconded by Ternes to recommend the Town Board have Town Counsel draft some language relative to rezoning for institutional use such as CBRF's; motion carried with no nay votes and no abstentions.

OLD BUSINESS:

No Old Business Items

CORRESPONDENCE:

None

FUTURE AGENDA TOPICS:

- 6.) Request for Rezoning and Certified Map – Jeff Berglund, 7225 Shircel Road, Sheboygan
- 7.) Upcoming – Swimming Pool Ordinance

***The next Plan Commission Meeting will be held October 11, 2010, at 7 PM.**

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ADJOURN:

Motion by Kummer; seconded by Schleicher to adjourn; motion carried with no nay votes and no abstentions; and meeting adjourned at 8:42 PM.

Minutes Submitted By: MaryAnn Bergin, Secretary
Reviewed by Cheryl Rostollan, Clerk

APPROVED