



**Plan Commission
Meeting Minutes
January 26, 2016**

3930 N. Murray Ave Village of Shorewood, WI 53211

1. Call to order.

The meeting was called to order at 6:35 p.m.

2. Roll call.

Chair Guy Johnson	present
Tim Hansmann	present
Susan Buchanan	not present
Leah Blankenship	present
Nate Piotrowski	present
Barbara Kiely Miller	present
Michael Maher	present
Chris Gallagher	not present

Chair Johnson announced that commissioner Tom Hagedorn resigned from the commission effective immediately.

3. Approval of November 24, 2015 meeting minutes.

Maher moved to approve the minutes seconded by Kiely Miller with two changes. Vote 6-0 to approve with changes.

4. Statement of Public Notice.

Meeting was posted but no item required public hearing notices.

5. Discussion and possible recommendation of staff request to create outdoor lighting ordinance within the zoning chapter.

Planning Director Ericka Lang introduced the item. This is the third plan commission meeting to discuss creating a lighting ordinance for commercial districts. The packet included a staff memo, draft ordinance, various pictures, a Kelvin scale and information on LED light strips. Revisions were reviewed and discussions were focused on glare and light intensity and determining average footcandles. Staff requested the definition of lumens is added to the draft ordinance.

Piotrowski moved to recommend approval of the ordinance to the Village Board per discussion, subject to staff amendment to average footcandles, seconded by Maher. Vote 6-0.

6. Discuss and possible recommendation to amend zoning code on solar panels.

Village Attorney Bill Dineen reviewed the current zoning code for solar panels and wind energy systems and the impact of Wis. Stats. 66.0401 and 66.0403.

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At the last Plan Commission meeting November 18, 2015, staff asked the commission to further review the approval process for solar panels. Commissioners requested staff to provide examples of other municipal approval processes for communities in Wisconsin.

January 2015 Shorewood's zoning code was amended to reflect the state's decision to limit local municipalities' ability to restrict solar panel and wind energy systems. Shorewood's zoning code requires approval of solar panels by conditional use per Sec. 535-30D. It states that the plan commission may only restrict solar panels if one of the following conditions is satisfied:

- [1] Serves to preserve or protect the public health or safety.
- [2] Does not significantly increase the cost of the system or significantly decrease its efficiency.
- [3] Allows for an alternative system of comparable cost and efficiency.

Staff reviewed 12 Wisconsin communities' codes on solar panels. Most of those codes adopted language directly from §66.0403 that is about permits for solar and wind energy.

Wis. Stat. 66.0401 allows municipalities to require a conditional use for solar panels. Wis. Stat. 66.0403 is about granting permits for solar panels. These two sections are independent of each other. Stat. 66.0403 is for the benefit of the permit holder, granting them the right to full solar access to their panels, denying adjacent property owners the ability to obstruct that access, whether by structure or tall vegetation.

In a memo by Village Attorney Nathan Bayer dated December 9, 2014 to the Village and provided to the Plan Commission at the January 27, 2015 meeting, it is explained why it was not recommended to adopt this section of the Wis. Stats. Planning Director Lang recommends keeping solar panels as a conditional use.

Shorewood Conservation Committee Chair Josh Liberatore was present, requesting a simpler process knowing that the City of Milwaukee is coordinating another solar group buy that includes homes in Shorewood. Milwaukee has an expedited system with one day approval and one application if solar panels meet certain requirements. Staff provided commissioners information on how Milwaukee reviews and issues permits for solar panels.

Commissioners agreed that if there were multiple applications, items could be put under a consent agenda and fees for solar panels lowered. The plan commission could meet outside of their regular scheduled meetings as well. Attorney Dineen will verify if Wis. Stats requires conditional use applications as a class 1 public notice which requires meeting publication 10 days prior to the meeting date.

Piotrowski stated that the conditional use process is unnecessarily burdensome.

Maher moved to recommend to the Village Board the conditional use application fee lowered to seventy-five dollars from its current fee of one-hundred-and-twenty-five dollars for solar panels and wind energy systems, seconded by Kiely Miller. Vote to approve 5-1. Piotrowski voted against.

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Materials provided to commissioners include: staff memorandum, code comparison table of 12 communities; Wis. Stat 66.0104-0403; Village Attorney memo from December 2014; various materials from City of Milwaukee.

7. Consider recommendation to amend vision triangle language within the village code.

Lang introduced and said that Shorewood's sign chapter and zoning code chapters differ in the definition of a vision triangle. Staff proposed changes for street corners, driveways and alleys; however, negated consideration of commercial build-to lines for zoning front yard setbacks.

Some commissioners do not want to see regulations for driveways and/or alleys or corners or residential properties.

Staff will further review the proposed code and bring it back to the commission at a future date.

Materials provided to commissioners: staff memorandum, memo from Building Inspector Justin Burris and draft ordinance.

8. Schedule next meeting.

The next meeting is Tuesday February 23, 2016.

9. Future agenda items.

Staff will bring back discussion of amending the zoning code for front yard porches. There's also a conditional use application for a massage business.

10. Adjournment.

Maher moved to adjourn the meeting at 8:04 p.m., seconded by Piotrowski. Vote 6-0.

Recorded by,



Ericka Lang
Planning Director