



MINUTES OF AN OFFICIAL MEETING:

Regular / Special Meeting: **Board of Zoning Appeals**
Date and Time: August 13, 2020, at 7:00 PM
Location: City Hall, 2000 N. Calhoun Road, Brookfield, Wisconsin

Members Present: Rod Carter, Gordon Rozmus, Frank DeGuire, Dean Marquardt, Mark Krause

Members Excused: Ald. Bill Carnell, Ald. Jenna Meza

Others Present: Zoning & Building Administrator Larry Goudy

1. ROLL CALL

Gordon Rozmus called the Board of Appeals to order at 7:05 pm. He stated that the notice of hearing has been duly published pursuant to the State open meetings law and explained the procedure to present the appeals to the Board this evening. Mr. Rozmus indicated that a quorum was present and that the request for variances must receive the affirmative vote of three members of the Board in order for a request to be granted.

2. MINUTES OF THE JULY 9, 2020, BOARD OF APPEALS

The minutes were not available for approving at this time.

Public Hearing & Consideration of Appeal: *Certain requests for building and sign permits have been submitted to the City of Brookfield and have been denied by the Zoning & Building Administrator because they did not comply with the Zoning, Building or Sign Code of the City of Brookfield. There will be a Public Hearing held on August 13, 2020, at 7:00 pm at the Common Council Chambers for the express purpose of considering the following request(s) for variance. Please note that following the public hearing(s), the Board intends to take action by considering the request indicated.*

New Business

3A. WIMMER COMMUNITIES, TWO WALL SIGNS AND ONE MONUMENT SIGN, 765 PINEHURST DRIVE AND THE LINX/RESIDENCE INN COMPLEX

The request of Wimmer Communities, Lots 2 & 3 CSM #11622 Being a Redivision of Lot 1 of CSM #5395 of the NW ¼ and SE ¼ of SE ¼ of Sec 34 T7N R20E, and Lot 1 CSM #11622 being a Division of Lot 1 of CSM #5395 of the NW ¼ and SE ¼ of SE ¼ of Sec 34 T7N R20E, to appeal Sections 15.16.190 (formerly 15.16.080) and 15.16.110 (formerly 15.16.220), to permit two wall signs and one monument sign at 765 Pinehurst drive and the Linx/Residence Inn complex. The request is also to allow bases of monument signs which do not match principal materials or have the minimum width.

New Business (cont.)

Nick Wimmer and Mark Wimmer appeared before the Board. Larry Goudy, Zoning and Building Administrator, stated this is a request for multiple variances at a commercial complex. Wimmer Communities has an existing complex on the location. There used to be Residence Inn, which was 14 different individual buildings. That has been removed. In place of that, there are two projects – the Residence Inn Hotel and the Linx Apartments. The Linx is four different apartment buildings, plus a clubhouse. The Residence Inn is a new hotel complex that is on the far north end of the project (closest to I-94). This is all internal and placed within the golf course. Access is off of Moorland Road or from Greenfield thru the other complex as well, but the main entrance is off of Moorland Road and Pinehurst Drive. One of the variance requests is for the style and construction material of the monument sign at the corner of Pinehurst and Moorland Road. It is an existing sign that they wish to reface. The sign code requires the base of the sign be constructed of masonry or aluminum products, the tone and texture of base shall reflect the principal building construction as close as possible, color scheme shall follow the existing color scheme of the building, and the base of the sign must equal the width to the sign face. The request has a problem with the base not equaling the width of the sign face. The base issue is the internal Residence Inn sign has an aluminum shroud that is not really consistent with the construction materials of the building. The remaining variance request is regarding the total signage for the Residence Inn. Permitted signage may be proportioned between two wall signs or a wall sign and a monument sign. They have a monument sign in front of the Residence Inn and they are requesting two wall signs. One on the north side of the building which would be facing I-94 and one on the east side of the building which is the entrance to the building. Staff sent out notices and have received no comments regarding this request.

Nick Wimmer, of Wimmer Communities, stated there are temporary marketing signs in place for the Residence Inn facing I-94 and one currently at the Moorland Road and Pinehurst location. The location of the entry monument sign is just past the Brookfield Hills Clubhouse. The sign proposed is the Marriott Residence Inn brand standard. It has a metal panel base and not the masonry base as the City code requires. Marriott has declined the proposed sign with a masonry base, because it does not fit the brand standard. Mr. Wimmer showed a picture of the proposed sign. It will set on a small boulder wall so there will be a stone material at grade at that location with the metal base sitting on top of that. The base is 3'9" which is sitting on top of the boulders. The boulders would be exposed about 2' to 2 ½' of the entirety of the Residence Inn monument sign is sitting on top of the boulders. That small boulder wall was required in order to create drops off in that location. It brings it up to the same elevation as the curb adjacent to the sign.

Mr. Marquardt asked if he was compelled to use masonry, what would he choose. Mr. Wimmer replied he has proposed a cut stone, similar as to what is on the buildings. Unfortunately, Marriott has rejected that because it's not on their brand standard and they try to keep their signage as close as to the brand standard as they possibly can. Mr. Wimmer added this sign won't be visible to any public roads and would only be visible to patrons of the Linx and Residence Inn.

Mr. Carter asked what the Marriott's plan is if the sign is rejected. Mr. Wimmer asked that would be up for further discussion. Mark Wimmer added that Residence Inn was caught in an identify issue. Their scheme is new. The use of metal is new to the building in arched band roofs. It does integrate with the color and materials on the building. It's not something that stands out that is different, but is a contemporary expression of it.

Mr. Marquardt stated he is not arguing for or against it, but he predates the sign code and was here when the Sign Code went into place. When you drive Bluemound Road, most signage has masonry which means high quality signage. He also knows that it's on the busiest highway in the State of

Wisconsin. Most likely, a driver is going to that destination at the Linx and Residence Inn before they see that sign.

New Business (cont.)

Mr. Mark Wimmer clarified that Marriott wants a change to the Residence Inn. The current sign has been grandfathered in, but they are trying to reduce the square footage on the face. The height is the same. He would like to modify it but have less size and make it more contemporary. The pylon sign is the only signage at the main public road entry. The address for the property is a Pinehurst address but it is accessed off of Moorland Road. The address was intentionally left off.

Mr. Marquardt asked if the Sign Code allows for a legal nonconforming sign to be modified. Mr. Goudy replied that is why this sign is before you. If they were just simply going with the existing legal nonconforming sign, it would be allowed to continue with the same scheme. However, when the sign is modified, then you have to comply with the existing code. That is where the width issue comes into play. It was asked if just the lettering could be changed. Mr. Goudy replied maybe if it was just at a minimum change in a font style, we could allow that. The base is the issue.

Mr. Carter stated he is less concerned about interior signs. Mr. Marquardt concurred.

Mr. Nick Wimmer stated there is a lot of landscaping around the base of the sign. It is also right next to Best Western which is a competing entity. He wonders if a masonry base would be lost in the landscaping. The landscaping requirements are part of the Code.

Mr. Rozmus felt that the pole sign really stands out. He felt it was difficult to make it conform. He doesn't like the existing sign. Mr. Marquardt agrees with the signage in the interior, but the Moorland Road signage is different.

Mr. Wimmer asked what constitutes a masonry base and if there were any suggestions. Mr. Goudy replied we accept brick columns on either side of the sign face. Mr. Wimmer asked if there were other sign companies denied this that would have an issue. Mr. Goudy replied we don't have many signs like this anymore because Residence Inn existed before the Code changes and there was no need to change it. Most of the signs with that style have been removed. They are replaced with lower monument style signs. This particular request has not been before the Board in the past. Mr. Wimmer stated he is looking for a compromise. Marriott may change again in a few years. It gets them their brand standard and gets more code compliant but not 100%.

Mr. Marquardt asked if a variance is granted for a sign, does it go with the property. Mr. Goudy replied yes. Mr. Marquardt stated that is a huge problem for him because everyone else comes in with compliant signs and then forever, the Residence Inn/Marriott etc. and it will never go away. The City's position is better off saying keep your old sign and when it falls apart, it will be changed to a compliant sign. Mr. Carter stated he is concerned about setting precedent. They must face this issue elsewhere. Mr. Nick Wimmer stated he needs signage at that location because he is next to a Best Western. There is another monument on the other side of the road that covers up this sign. Mr. Marquardt replied a drop in height would cover the sign.

There was discussion on the chain link fence which needs to be 8' tall for the golf course.

Mr. Krause asked would they object to having a column on each side. Mr. Nick Wimmer replied that is not a brand standard of that type. Mark Wimmer added that Marriott would prefer no sign to a non-brand standard sign. They give you a pattern book to strictly follow. Mr. Krause asked if other communities have similar laws like this that had to be complied. Mr. Rozmus asked if the nonconforming sign remains, does it affect any other permits on the property. Mr. Goudy replied no. Mr. Carter added that the nonconforming sign makes the analysis unique. Mr. Mark Wimmer felt the

same but he thought he could make it less nonconforming. He needs the height and the exposure. The old sign doesn't represent the quality of the hotel. The wall signs can only be seen from the golf course and freeway. The signs are illuminated.

Moved by Dean Marquardt, seconded by Frank DeGuire, to grant a variance for the interior signage but deny the Moorland Road monument sign. Motion carried 5-0.

4. ADJOURNMENT

Motion by Frank DeGuire, seconded by Dean Marquardt, to adjourn the meeting at 7:41 pm.

Motion carried unanimously 5-0.

RESPECTFULLY SUBMITTED:

RENEE J. TADYCH, DEPUTY CITY CLERK
CITY CLERK'S OFFICE