

Meeting of the: **JOINT MEETING OF THE VILLAGE PLAN COMMISSION AND JOINT TOWN & VILLAGE EXTRATERRITORIAL ZONING COMMITTEE**

Members:

Plan Commission Loren White (Chair); Fred Schuster (Vice-Chair); Dave Diesen; Mike Stenstrom; Hooshang Zeyghami; Tina Kollmansberger; and Marty Johnson

Joint Town & Village Extraterritorial Zoning Committee Milton Olson (T); Mark Hull (T); Randy Christiansen (T); Mike Stenstrom (V); Dave Diesen (V); and Tina Kollmansberger (V)

Location: Weston Municipal Center (5500 Schofield Ave) – Board Room

Date/Time: **Monday, May 11, 2015 @ 6:30 P.M.**

MINUTES

1. Call to Order of Plan Commission by Chairman White

White called the meeting to order at 6:30 p.m. Members present were: White, Schuster, Stenstrom, Kollmansberger, Johnson, and Zeyghami. Diesen was excused. Staff Present: Director of Planning & Development Higgins, Director of Public Works Donner, Building Inspector Tatro, Assistant Planner, Wehner, SAFER Fire Inspector, Marty Christiansen, and Recording Secretary Parker.

- A. Acknowledgement of President Ermeling’s Appointment of Trustee White as Weston Plan Commission Chairperson.**
- B. Acknowledgement of President Ermeling’s Appointment of Trustee Schuster as Plan Commission Vice Chairperson.**
- C. Appointment by Chairman White of Administrative Specialist Valerie Parker as Plan Commission Secretary.**

**M/S/P Schuster/Zeyghami: to Acknowledge and Approve Items A, B, and C.*

2. Call to Order of Joint Town and Village of Weston Extraterritorial Zoning (ETZ) Committee by Jennifer Higgins, Director of Planning and Development/Zoning Administrator.

Higgins called the meeting to order at 6:32 p.m. Members present were: Olson, Christiansen, Stenstrom, and Kollmansberger. Hull and Diesen were excused. Staff Present: Director of Planning & Development Higgins, Director of Public Works Donner, Building Inspector Tatro, Assistant Planner, Wehner, SAFER Fire Inspector, Marty Christiansen, and Recording Secretary Parker.

A. Selection of Chairperson of Joint ETZ Committee.

**M/S/P Stenstrom/Kollmansberger: to appoint Olson as ETZ Chairperson.*

B. Selection of Vice-Chairperson of Joint ETZ Committee.

**M/S/P Olson/Stenstrom: to appoint Diesen as ETZ Vice-Chairperson.*

C. Appointment by Chairperson of Administrative Specialist Valerie Parker as Secretary of Joint ETZ Committee.

**M/S/P Stenstrom/Kollmansberger: to appoint Parker as ETZ Secretary.*

3. General Comments from the Public on items on the agenda.

4. Public Hearing on Ordinance No. 15-005 – An Ordinance Repealing Section 94.6.02(3)(d) Entitled D-WC Weston Center Overlay and Renaming and Recreating Section 94.6.02(03)(d) Entitled D-WM Weston Marketplace Overlay.

White read the public hearing notice.

A. Action by Plan Commission on Director’s recommendation to approve Ordinance No. 15-005 per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration.

Higgins spoke in favor, explaining how at the last PC Meeting, PC approved the name change to Lokre’s property from “Weston Center” to “Weston Marketplace”. Because this affects the name of an overlay zoning district within our zoning code, we have to change the ordinance.

There was no opposition.

White closed the public hearing at 6:40 p.m.

**M/S/P Johnson/Schuster: to approve Ordinance No. 15-005 per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration.*

B. Action by ETZ Committee on Director’s recommendation to approve Ordinance No. 15-005 per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration.

Olson closed the public hearing at 6:42 p.m.

**M/S/P Stenstrom/Kollmansberger: to approve Ordinance No. 15-005 per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration.*

5. Public Hearing on Ordinance No. 15-006 – An Ordinance Amending Section 94.17.04 Definitions.

A. Action by Plan Commission on Director’s recommendation to approve Ordinance No. 15-006 per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration.

Higgins spoke in favor, explaining there are new definitions for “Street”, “Street Arterial”, and “Street Collector”, which coincides with the new Chapter 71 (approved in April). The Village Attorney would like these definitions and terms to be consistent between the chapters. We also want the terms to match the Functional Classification System used by the Village and the Wausau Metropolitan Planning Organization (MPO).

White closed the hearing at 6:44 p.m.

****M/S/P Stenstrom/Johnson: to approve Ordinance No. 15-006 per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration.***

- B. Action by ETZ Committee on Director's recommendation to approve Ordinance No. 15-006 per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration.**

Olson closed the hearing at 6:45 p.m.

****M/S/P Stenstrom/Christiansen: to approve Ordinance No. 15-006 per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration.***

6. Adjournment of the Joint Town & Village Extraterritorial Zoning Committee.

****M/S/P Stenstrom/Kollmansberger: to adjourn the ETZ Committee Meeting at 6:45 p.m.***

7. Public Hearing on REZN-5-15-1506 a Rezoning Request from MF Multiple Family Residential Zoning District to SF-S Single Family Residential-Small Lot Zoning District, Filed by Village of Weston, on Behalf of Property Owners Michael and Danette Gilbertson, for Property Addressed as 2807 Jelinek Avenue, to Correct a Mapping Error.

- A. Action on Director's recommendation to approve application REZN-5-15-1506 and rezone 2807 Jelinek Avenue to SF-S Single Family Residential – Small Lot per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration.**

Higgins spoke in favor of this request, explaining how this is essentially a mapping error. She explained how she spoke with Danette Gilbertson last year, when Ed Prohaska was in the process of rezoning the surrounding properties for the then proposed Pine View Subdivision. At that point Gilbertson discussed and expressed concern of her single-family residential lot which was zoned residential two-family to Higgins. Higgins stated when the new zoning map was created, this lot was meant to be single-family residential-small lot, but remained classified as multiple family residential. This omission was noticed when Gilbertson's submitted an application for a home business, and within the new zoning code, a home business is not a permitted use in the multiple family residential zoning district, and would need to obtain a conditional use permit. This home business is a permitted use within the single-family residential-small lot district.

White closed the hearing at 6:52 p.m.

****M/S/P Zeyghami/Schuster: to approve application REZN-5-15-1506 and rezone 2807 Jelinek Avenue to SF-S Single Family Residential – Small Lot per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration.***

Higgins pointed out to the Plan Commission that in June there will be more requests like this, as staff has found several dual-zoned properties in the Town, and one in the Village, which were divided by roads, but are still considered the same parcel. She explained a situation at the Lewis Construction property located on Camp Phillips Road and Shorey Avenue.

8. Approve the Minutes of the April 11, 2015, Plan Commission Meeting.

****M/S/P Schuster/Johnson: to approve the minutes of the April 11, 2015, Plan Commission Meeting.***

9. Discussion and Action on Plan Commission Code of Conduct.

10. Discussion and Action on Plan Commission Rules of Procedure.

Higgins explained these two agenda items go together. She explained how whenever a new Plan Commission Member is appointed these documents would be shared with them. She stated these documents were put together using sample documents provided by the UW-Extension and the Center for Land Use Education (CLUE). These documents describe the roles of Plan Commissioners, authority, purpose, processes, actions that they take, etc. She further explained these documents to the Commissioners and indicated that she would like to have these two documents adopted by Plan Commission.

Schuster stated that he would prefer to have another chance to review these in more detail at a later time, prior to adopting these. He asked Higgins if she could send these two individual documents under a separate email to the commission for their review.

Stenstrom questioned if the Village Attorney should review the Code of Conduct.

Johnson asked a question, regarding "Ex Parte Contact". He stated as they do their due diligence and go to a site to review an upcoming issue, if the owner comes out and wishes to speak with them, if that is considered Ex Parte Contact. After discussion, Higgins recommended if there is enough interest on a matter when a site visit should occur, that we schedule an open meeting where the Plan Commission as a whole goes on a site visit, versus individually. If a Plan Commission member has Ex Parte contact with someone, should publicly state it at the meeting.

Zeyghami questioned if there are other committees who follow these procedures. Higgins stated Plan Commission has certain statutory powers (quasi-judicial) that other committees do not have. She commented the Zoning Board of Appeals would be the closest committee to follow similar procedures.

Donner pointed out with Plan Commission being a 7-member commission, that 4 members present is a quorum, resulting in just 2 members together being a negative quorum. He said with this in mind, there should never be any discussion taken outside of a Plan Commission meeting between any Plan Commission members.

White polled the Plan Commission Members on whether to adopt these documents or hold off. A majority indicated they would prefer to postpone any action on these until next month.

****M/S/P Schuster/Zeyghami: to postpone action on Agenda Items 9 and 10, until the June Plan Commission Meeting, giving Planning & Development staff an opportunity to send it to the members in a separate document for their individual review.***

11. Discussion of Sec. 14.318 Moving Permits and the Plan Commission's Preferred Role in the Approval and Permitting Process.

Higgins explained how while going through Section 14 – Buildings and Building Regulations, of the Municipal Code, staff found that under Sec. 14.318 it requires that any buildings (small shed, mobile home, house, etc.) moving into the Village can only do so through a public hearing process before the Plan Commission. She stated as long as she has worked for the Village, that she does not believe we have put any moved buildings through the public hearing process. She is looking for Plan Commission's opinion on how they would like to handle this going forward. She stated that staff is in agreement that we do not want to make someone, bringing a small shed in to the Village, go through the public hearing process. Would Plan Commission want this to be based on the type of building or the size of building moving in? Higgins gave an example of in a brand new neighborhood, if someone wanted to move an old farmhouse into that neighborhood, that the residents would be up in arms.

Stenstrom feels there should be a defined difference between a moved house and a manufactured home. Wehner commented that our zoning code does require certain design standards to be met for single-family homes.

Schuster feels staff is capable of approving these, versus their coming to Plan Commission.

Higgins referred the Plan Commission to the policy choices she has suggested to them in her report. After further discussion, the Plan Commission members were in agreement to Policy Option #1, however, not including mobile homes: *Amend the ordinance to only require residential single- and two-family homes, ~~mobile homes~~, and garages over 500 square feet, being moved into the Village, to have a public hearing before the Plan Commission and receive Plan Commission approvals prior to being placed within a lot within the Village. Sheds and garages under 500 square feet could be reviewed and approved by staff as they are currently being done today.*

****M/S Johnson/Stenstrom: to direct staff to amend Section 14.318 to include the policy described in Option #1, but striking the words "mobile home", and forward the amended ordinance on to the Village Board for their consideration and approvals. Q: White questioned this means mobile homes would not need a permit to come in to Weston. Higgins explained there is a mobile home permit to obtain either way. Mobile homes are only allowed in Mobile Home Parks. Motion carried.***

12. Report from Planning and Development Director/Zoning Administrator

A. Update on new Zoning Ordinance Implementation Progress

Higgins explained that staff is working on updating all the permit applications, and when sending them out, explaining to the people the new processes.

B. Update on Comprehensive Plan Update Project

Higgins explained staff met with Consultant, Mark Roffers, today. Staff received for review the Community Facilities and Utilities chapter. Staff finalized the Natural Resources and Transportation chapters, which will be sent out to Plan Commission for

their comments shortly, which then we will start the process of public hearing and Board adoption. The Economic Development chapter is on hold for a bit. Roffers had received The Retail Coach Study, but we are waiting for the CWED issues to settle before we continue that. Higgins explained what is going on with CWED. She then explained the Village is waiting to hear the outcome of our special TIF legislation request with the State. We probably will not know until June or July. She said that if we do receive the TIF legislation, then we will need to update our TIF Plan, which she believes would be done through Plan Commission. Higgins stated during our meeting with Roffers, we reviewed the Camp Phillips Corridor Plan. We now have a final draft along with five maps, which will be shared with Plan Commission for their individual review, prior to going out to the public. We plan to hold an informational meeting for residents prior to the public hearing.

C. April Issued Building Permit

D. Staff Report on Staff-Approved Site Plans, CSM's, Sign Permits, Commercial Zoning & Occupancy Permits, and Other Issues

Higgins explained from this point forward, this is where we will put the above-mentioned permits and minor site plan approvals for Plan Commission to be aware of what is going on. Schuster questioned if these need to be acknowledged by Plan Commission. Higgins stated it is not necessary, as these are items staff has the authorization to approve and the permits have already been issued.

Higgins explained that Plan Commission will start receiving, from Parker, copies of minor site plans that come in for their individual review. With the new zoning code, Plan Commission is part of the review process, where they basically act as a member of staff.

Higgins brought up an issue with the Erickson Contractor Condos that Plan Commission will be seeing in the future. White questioned the status of the Randow building on Transport Way. Tatro and Higgins gave an update to the Plan Commission on the status of the building on Transport Way, along with the building foundation within the Weston Ridge Development.

13. Remarks from Plan Commissioners.

None.

14. Set next meeting date, and discuss items to be included for next Plan Commission agenda: Monday, June 8, 2015, 6:00 p.m.

Higgins explained the two documents discussed on Agenda #9 & 10, will be brought back next month. Higgins also stated there will be a public hearing on the Lewis Construction property, along with the dual-zoned Town and Village properties.

15. Adjourn

****M/S/P Stenstrom/Schuster: to adjourn at 7:30 p.m.***

Respectfully,

Valerie Parker

**Valerie Parker,
Recording Secretary**