

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, June 8, 2015 @ 6:0 P.M.**

MINUTES

1. Call to Order of Plan Commission by Chairman White

White called the meeting to order at 6:00 p.m. Members present were: White, Schuster, Diesen, Stenstrom, Kollmansberger, Johnson, and Zeyghami. Staff Present: Director of Planning & Development Higgins, Director of Public Works Donner, Building Inspector Tatro, Assistant Planner, Wehner, and Recording Secretary Parker.

2. Call to Order of Joint Town and Village of Weston Extraterritorial Zoning (ETZ) Committee by Chairman Olson.

Olson called the meeting to order at 6:01 p.m. Members present were: Olson, Christiansen, Diesen, Stenstrom, and Kollmansberger. Hull was excused. Staff Present: Director of Planning & Development Higgins, Director of Public Works Donner, Building Inspector Tatro, Assistant Planner, Wehner, and Recording Secretary Parker.

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

None.

4. Approve the Minutes of the May 11, 2015, Plan Commission and Joint Town & Village of Weston ETZ Meeting.

**M/S/P Diesen/Schuster: to approve the Minutes of the May 11, 2015, Plan Commission and Joint Town & Village of Weston ETZ Meeting.*

5. Public Hearing on Ordinance No. 15-009 – An Ordinance Amending Section 94.15.02(2) Entitled Development of Nonconforming Lots – Residential, RR, and AR Zoning Districts.

A. Action by Plan Commission on Director’s recommendation to approve Ordinance No. 15-009 per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration.

White opened the public hearing.

Wehner explained the purpose to this request, and how this ordinance amendment will allow any existing non-conforming flag lots to make improvements to their properties

without having to go through the variance process. This affects existing flag lot properties within both the Village and the ETZ area of the Town.

Higgins commented that our new zoning code does not allow any new flag lots to be created, so this ordinance is only addressing those flag lot properties already in existence.

Ron Andreas, new property owner of 3516 Northwestern Avenue, was present and spoke in support of the amendment.

There was no opposition.

Johnson confirmed the minimum 33 feet will cover all of the existing flag lot properties. Higgins stated this will cover the majority, there may be a few in existence with smaller accesses.

White closed the public hearing at 6:10 p.m.

****M/S/P Diesen/Schuster: to approve Ordinance No. 15-009, 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. 15-009 per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration.

Olson opened the public hearing.

There were no further comments.

Olson closed the public hearing at 6:11 p.m.

****M/S/P Diesen/Stenstrom: to approve Ordinance No. 15-009, per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration.***

6. Public Hearing on Zoning Map Corrections where Parcels Inadvertently Consisted of Dual-Zoning through Land Hooks (Ordinance No. 15-010 and Ordinance No. 15-011).

A. Action by ETZ Committee on Director's recommendation to approve Ordinance No. 15-010 to rezone those parcels listed below, per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration.

a) 082-2808-112-0998 / 7610 Kozlowski Street, Town of Weston (Gary Kozlowski):

AR & SF-L to AR

b) 082-2808-144-0997 / 8604 Riverview Lane, Town of Weston (Peter & Tamara Holmes): RR-5 & SF-L to RR-5

c) 082-2808-111-0995 / Kersten Rd & Tamarack Ln, Town of Weston (Renee Radcliffe): RR-5 & AR to RR-5

d) 082-2808-131-0991 / County Rd J & Roble Ln, Town of Weston (Mabel Witz): To RR-2

- e) **082-2808-132-0981 / County Rd J, Town of Weston (Edward & Lucille Roble): RR-5 & AR to RR-5**
- f) **082-2808-134-0995 / River Rd, Town of Weston (Maryanne Peterson): AR & RR-5 to AR**

Olson opened the public hearing.

Wehner explained after the new zoning map was created, staff discovered these land hook properties with dual zoning classifications. Dual zoned parcels are no longer allowed per our new zoning ordinance. This request will correct and make the zoning district classifications consistent for each land hook tax parcel.

Olson closed the public hearing at 6:13 p.m.

****M/S/P Diesen/Kollmansberger: to approve Ordinance No. 15-010, per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration.***

B. Action by Plan Commission on Director's recommendation to approve Ordinance No. 15-011 to rezone those parcels listed below, per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration.

- a) **192-2808-092-0980 / 3113 Camp Phillips Road, Village of Weston (Iozzo Real Estate, LLC): 2F & SF-L to 2F**
- b) **192-2808-172-0931 / 4545 Alderson Street, Village of Weston (Greenheck Fan Corp): GI & 2F to GI**
- c) **192-2808-143-0948 / Willard Ln & Ski Ln, Village of Weston (Ann Kostuck): SF-L & 2F to SF-L**
- d) **192-2808-164-0093 / Weston Comm. Park, Village of Weston (Village of Weston): B-3 & LI to INT**
- e) **192-2808-204-0968 / Ministry Parkway & Camp Phillips Rd, Village of Weston (Putnam Capital Mgt): INT & B-2 to INT with D-CC Overlay**
- f) **192-2808-294-0986 / Camp Phillips Rd, Village of Weston (Marathon County): INT & AR to INT**

White opened the public hearing.

Higgins explained we have one more outstanding land hook zoning correction to make, which is the Lewis Property on Shorey Avenue. That will come through at a later meeting as they did not have time to complete a Certified Survey Map of the parcels in time for the meeting. She stated this should take care of all these issues.

White closed the hearing at 6:14 p.m.

****M/S/P Diesen/Zeyghami: to approve Ordinance No. 15-011, per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration.***

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

****M/S/P Stenstrom/Diesen: to adjourn the ETZ Committee Meeting at 6:15 p.m.***

8. Public Hearing on REZN-5-15-1511 a Rezoning Request from AR Agriculture and Residential Zoning District to RR-5 Rural Residential-5 Acre Zoning District, Filed by Matthew Hable, 7102 Brehm Street, for a 10.5 Acre Illegal, Non-Conforming Lot, Located on Nick Avenue, West of Heeren Street (PIN 192-2808-334-0985).

White opened the Public Hearing.

Matt and Jacqueline Hable, 7102 Brehm Street, and James Esker, 10506 Heeren Street, were all present in support.

Higgins explained the applicant is requesting a rezone from AR to RR-5 so that they can build a home on their parcel, which was created via a deed (metes and bounds description by attorney), not through our land division ordinances (CSM through a surveyor).

Matt Hable read a letter to the Plan Commission (attached) which explained they purchased 10.5 acres of land from his father-in-law, James Esker, and how Esker worked with his attorney (Attorney Peter Hittner) on getting the land split (read a letter).

Schuster questioned Hable on what was the reaction of the attorney when he received the notice from Higgins. Hable stated he did not know, as it was Esker that informed Hittner.

Zeyghami questioned why the County even accepted this. Higgins explained the issue with the County Register of Deeds office. She explained the County followed State statutes, but Municipalities can be more restrictive, as allowed by the State. Higgins stated she had not known this land division took place, until after receiving a letter from the County CPZ Department on the septic system situation. Higgins stated staff met with County CPZ to discuss these issues. She stated she cannot issue a building permit without this property being rezoned.

Diesen questioned the number of residential lots created in this area. Higgins stated the neighboring lots were all properly created through rezoning and CSM.

There was discussion of the order of the things that should have occurred. Prior to splitting the land, they should have applied for a rezone, as the current zoning district this land falls within requires a minimum of 20 acres. Higgins stated that our Village Attorney recommended they reverse the sale and land division and start the process over. Higgins stated if we allow this rezone, we will be setting precedence for others to do the same.

There was discussion of the septic system issue, where the area they want to build does not perk, and would require a mound system; and how Hable was hoping to get an easement to the neighboring lot to put a septic system in. It was pointed out a holding tank would require a variance through Zoning Board of Appeals.

Jacqueline Hable explained how they were told by Attorney Hittner if they had 10 acres or more of land, they would not have to go through CSM. She stated that they were not trying to skirt the Village regulations. They want to have land here with her father's, so that they can continue to share in the family land.

Schuster explained the attorney should have known better, and this issue is really something between Hable's and Hittner, not Village.

Stenstrom commented this document was created by an attorney and accepted and recorded at the County. Stenstrom feels we can fix this particular issue for the future, if they will be coming back through this same process anyways.

Schuster and Diesen feels they should reverse the process and start over.

White commented the process that was taken does not follow either the current or the previous zoning codes. He also commented that family members may not remain owners of either of these properties forever.

White read an e-mail message, dated May 31, 2015, written by William Skarie, to the Plan Commission Secretary indicating he is in favor of rezone.

Higgins stated staff recommends denial due to Village processes and land use regulations not being followed to create the parcel. Diesen feels they should make an appointment with staff and come in and work something out.

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

A. Action by Plan Commission on Application REZN-5-15-1511.

****M/S/P Diesen/Schuster: to deny application REZN-5-15-1511. Stenstrom voted – nay.***

Higgins explained to Hable's this will be going before the Village Board of Trustees at their June 15th Board Meeting. Hable's can request to be placed on the Board agenda if they would like to speak at the meeting. She will email them the contact information to get put on the agenda and to determine a time/date to meet to discuss further as Diesen requested.

9. Unfinished Business – Discussion and Action on Plan Commission Code of Conduct.

****M/S/P Schuster/Stenstrom: to approve Plan Commission Code of Conduct.***

10. Unfinished Business – Discussion and Action on Plan Commission Rules of Procedure.

****M/S/P Zeyghami/Kollmansberger: to approve Plan Commission Rules of Procedure.***

11. Discussion and Acknowledgement of Recently Approved Resolution No. VW-15-14 A Resolution of the Board of Trustees Providing for a Complete Streets Policy.

****M/S Schuster/Diesen: to acknowledge approved Resolution No. VW-15-14. Q: A question came up about the “dig once” policy in new subdivisions. Donner stated we can strongly encourage the dig once policy, but we cannot require it. He would be in favor of the principal, but there is some difficulty in following and expecting others to follow. Stenstrom asked if we could require how utilities install their services (directional bore only). Donner stated it is difficult. Johnson asked if we***

are notifying utilities of dig once. We are in the process of revising our subdivision ordinance, and we can try to require utilities be installed up front with subdivision code. Motion carried.

12. Discussion and Action on Resolution No. VW-15-15 A Resolution of the Plan Commission Providing a Bi-Annual Amendment Cycle for the Comprehensive Plan

Higgins stated in Article 16, there is a section that Plan Commission will adopt a comprehensive plan amendment cycle and procedure. Staff is proposing a spring and fall (biannual) cycle. Ordinance requested we show a timetable, which will be included in the application. Comprehensive Plan Amendments are reviewed by the Plan Commission and approved via public hearing and ordinance by the Village Board.

**M/S/P Schuster/Zeyghami: to approve Resolution No. VW-15-15.*

13. Discussion and Action on Assistant Planner's Recommendation to Approve the Request (ADDB-6-15-6007) from Dan Arndt to Exceed the "Maximum Accessory Structure Floor Area" as Defined in Figure 5.01(1) in Chapter 94 of the Municipal Code, per the specifications, conditions, and limitation of the submitted staff report.

Dan Arndt, 7303 Fountain Circle, would like to build a garage on the new vacant lot that he just purchased, and had connected to his existing residential parcel.

Wehner explained the proposed garage size exceeds the square footage limitation, and the zoning code requires these come before Plan Commission for approval. There was brief discussion of the second driveway Arndt is planning, and has staff approval from Planning & Development and Public Works on.

**M/S/P Diesen/Kollmansberger: to approve ADDB-6-15-6007.*

14. Report from Planning and Development Director Zoning Administrator.

A. Update on new Zoning Ordinance Implementation Progress

Higgin stated staff is still working on applications, and the applications page on the website is now up and live. Tatro has new input hours. She explained how the applications are fillable and once the Beehive software is up and running, the applications will be dropped into the software.

B. Update on Comprehensive Plan Update Project

Higgins stated this is temporarily on hold, as her attention has been shifted to some special economic development projects with Guild. We will be bringing the Camp Phillips Road Corridor Plan forward soon and would like to hear the Commission's thoughts on the SE Quad area designed as a master plan site, and not allowed to be piecemealed developed. Still working out the wetland and ANR in the SE Quad area.

Higgins explained the Village has started legal proceedings against Roth and his salvage yard.

There was discussion of the hearing process as explained in the Plan Commission Handbook.

C. May 2015 Issued Building Permits

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

4. Remarks from Plan Commissioners.

None.

5. Set next meeting date, and discuss items to be included for next Plan Commission agenda: Monday, July 13, 2015, 6:00 p.m.

15. Adjourn

**M/S/P Diesen/Stenstrom: to adjourn at 7:08 p.m.*

Respectfully,

Valerie Parker

**Valerie Parker,
Recording Secretary**

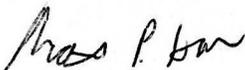
To whom it may concern,

My wife Jacqueline S. Hable and I purchased 10.5 acres (the South 948 feet of the West 500 feet of the SW 1/4 of the SE 1/4 of Section 33, Township 28 North, Range 8 East, in the Village of Weston, except the South 33 feet thereof used for public highway purposes) from my father in law James Esker. During this process my father in law said he would take care of creating this lot and changing the name over with his attorney Peter Hittner. It should be noted that Attorney Hittner owns 10 acres to the west of my father in laws property in the Village of Weston.

Sometime during the middle of December 2014 I received a letter from Village of Weston employee Jennifer Higgins about creating this property. Since my father in law was handling this with an attorney I gave him this letter to give to Attorney Hittner. A week or so later Attorney Hittner created this property.

We did not go behind anyone's back or the Village of Weston's back to create this property as we would not have had anything to gain by doing so. We entrusted in Attorney Hittner and thought all laws were being followed. It is our dream to build a house on this property as it has been in the Esker family for generations and in order to get a building permit we need this property zoning changed from AR Agricultural Residential to RR-5 Rural Residential.

Thank you,



Matthew P. Hable

Valerie Parker

From: William Skarie <wskarie@gmail.com>
Sent: Sunday, May 31, 2015 7:37 AM
To: Valerie Parker
Subject: application for rezone #REZN-5-15-1511

Village of Weston Plan Commission
Valerie Parker
Plan Commission Secretary

Ms. Parker:

I am writing in support of the application for rezoning the property from AR agriculture and Residential to RR5 Rural Residential by Matthew Hable.

Please provide this letter of support to the Plan Commission.

Thank you.

William R Skarie
10603 Heeren Street
Weston, WI 54476
715.359.0391