

Village of Weston, Wisconsin
OFFICIAL PROCEEDINGS OF THE PLAN COMMISSION AND
JOINT TOWN & VILLAGE EXTRATERRITORIAL ZONING COMMITTEE
held on Monday, August 8, 2016 at 6:00 p.m., in the Board Room, at the Municipal Center
Chairman White Presiding.

A. OPENING OF SESSION AT 6:00 P.M.

1. **Joint Town & Village of Weston Extraterritorial Zoning Committee meeting called to order by Olson.**
2. **Plan Commission meeting called to order PC Chairman White.**
3. **Clerk will take attendance and roll call.**

Roll call indicated 5 Joint Town & Village of Extraterritorial Zoning Committee members present.

<u>Member</u>	<u>Present</u>
Christiansen, Randy	NO
Diesen, Dave	YES
Hull, Mark	YES
Kollmansberger, Tina	YES
Olson, Milt	YES
Zeyghami, Hooshang	YES

Roll call indicated 6 Plan Commission members present.

<u>Member</u>	<u>Present</u>
Diesen, Dave	YES
Johnson, Marty	YES
Kollmansberger, Tina	YES
Lawrence, Dennis	NO
Schuster, Fred	YES
White, Loren	YES
Zeyghami, Hooshang	YES

Village Staff in attendance: Higgins, Donner, Wehner, Tatro, Maguire, and Parker. There were about 30 audience members present.

4. **Requests for Silencing of cellphones and other electronic devices.**

B. VISITORS

5. **Charles Newby, Newby's Evergreen Farms, 2910 County Road J, Wausau, Request for zoning ordinance amendment to allow off-premise signs for Christmas Tree farm.**

Charles Newby was present and gave history of how he started out his Christmas tree business. He commented on 25% of sales are from Weston, Kronenwetter, and Rothschild residents. They put up their directional signs throughout out municipalities to get customers to their location. He stated about 5 years ago a change was made to the Weston Zoning, which allowed their signs, but under the new Zoning has changed again, now not allowing these (off-premise) signs.

Diesen questioned the typical locations of Newby's signs, here in Weston. Newby stated the signs in Weston are installed by Kluck's bar and by the Aspirus YMCA. These are installed around Thanksgiving, and removed about the second week in December.

Higgins pointed out the staff briefer, which was included in the packet for further background. She explained what prompted the change back in 2015 was the Plan Commission members not wanting off premise signs. There are also recent legal cases that affect signage and how you regulate them that we now need to take into consideration if we want to entertain Mr. Newby's request. We have to treat every sign the same (cannot base on text). However, Attorney Yde suggested we can base these on size. We do not want off-premise signs popping up all over the Village. We have to either allow all or none of them. We can only regulate the size and duration.

Higgins stated if we were to allow these off-premise signs, this would require us to amend our zoning code, including most likely rewriting the entire sign code Article. Higgins stated staff would like PC to give staff direction; however, with the current department staff workload, there are limitations to when this could be accomplished if the amendment is what PC desires, and

most likely would not occur in time for when Newby would like his signs posted. Johnson questioned the enforcement procedures. Higgins stated it would initially be a phone call, followed by a letter, followed by the sign removal by the Village. Most times if they are smaller signs in the right of way, staff just removes them.

Schuster supports Newby’s business, but realizes if we allow him to post his off-premise signs, we would be opening ourselves to everyone else posting their off-premise signs. Schuster stated he is not in favor of changing the zoning code. Higgins stated the Village offers e-news, so we can help spread the word that way for Mr. Newby and have compiled lists in the past of Christmas Tree and pumpkin/orchards in the past that we have shared on our website, social media and e-news outlets.

Schuster/Kollmansberger to continue the code as is. Diesen opposes.

Motion by Schuster, second by Kollmansberger, to continue with the Zoning and Sign Code as is. Diesen opposes. Motion carried.

Yes Vote: 5 No Votes: 1 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Voting</u>
Diesen, Dave	NO
Johnson, Marty	YES
Kollmansberger, Tina	YES
Lawrence, Dennis	NO
Schuster, Fred	YES
White, Loren	YES
Zeyghami, Hooshang	YES

No action was taken by ETZ.

C. UNFINISHED BUSINESS BEFORE VILLAGE PLAN COMMISSION AND JOINT TOWN & VILLAGE EXTRATERRITORIAL ZONING COMMITTEE

- 6. Ordinance No. 16-032 An Ordinance Creating Section 94.4.10(14) of the Zoning Ordinance Entitled Temporary Asphalt, Batch or Concrete, Stone Crushing and/or Processing Operations and Adding this New Temporary Land Use to the Temporary Land Use Category Within the Charts Displayed in Figures 3.04 and 3.05 of the Village Zoning Ordinance.** Higgins stated staff took changes as suggested at the July 11th public hearing and placed those suggestions into the ordinance. Wehner summarized the changes that were made.

Hull questioned if a Temporary Use Permit would be issued to a property within the ETZ, without a Conditional Use Permit, if the duration would be less than 6 months. Wehner answered no. ETZ properties would require a Conditional Use Permit regardless of length of time.

Hull questioned if under #1 of the Performance Standards, if “a” and “b” only apply to the ETZ area. Hull feels this first section should be restructured, as any resident reading this may interpret the main text in #1 to apply to them (ETZ properties), not realizing ETZ properties would be the exception, and follow “a”. Hull feels the language pertaining to the ETZ should be written first, or separated more clearly.

PC members felt this was clear that ETZ properties fall under exception “a”. Hull is fine, then, but just wants to be sure this is clear. Diesen questioned if this have been reviewed by our legal counsel yet? Higgins answered that these are not normally given to our attorney for review.

- 7. Discussion and Action by Joint Town & Village of Weston Extraterritorial Zoning Committee on Director’s recommendation to approve the Zoning Ordinance Amendment, Ordinance No. 16-032, per the specifications, conditions, and limitations of the submitted staff reports, and forward to the Board of Trustees for their consideration and final approval.**

Motion by Diesen, second by Hull, to approve Zoning Ordinance Amendment Ordinance No. 16-032, subject to legal counsel approval, and per the specifications, conditions, and limitations of the submitted staff reports, and forward to the Board of Trustees for their consideration and final approval.

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Present</u>
Christiansen, Randy	NO
Diesen, Dave	YES
Hull, Mark	YES
Kollmansberger, Tina	YES
Olson, Milt	YES
Zeyghami, Hooshang	YES

8. **Discussion and Action by Village Plan Commission on Director’s recommendation to approve the Zoning Ordinance Amendment, Ordinance No. 16-032, per the specifications, conditions, and limitations of the submitted staff reports, and forward to the Board of Trustees for their consideration and final approval.**

Motion by Schuster, second by Diesen, to approve Zoning Ordinance Amendment Ordinance No. 16-032, subject to legal counsel approval, and per the specifications, conditions, and limitations of the submitted staff reports, and forward to the Board of Trustees for their consideration and final approval. Q: Hooshang clarified this Section 94.4.10 is within Village zoning.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Voting</u>
Diesen, Dave	YES
Johnson, Marty	YES
Kollmansberger, Tina	YES
Lawrence, Dennis	NO
Schuster, Fred	YES
White, Loren	YES
Zeyghami, Hooshang	YES

D. PUBLIC HEARINGS BEFORE VILLAGE PLAN COMMISSION AND JOINT TOWN & VILLAGE EXTRATERRITORIAL ZONING COMMITTEE

White and Olson Opened the Hearings at 6:32 p.m.

9. **Ordinance No. 16-034 An Ordinance Amending Section 94.4.09(2) of the Zoning Ordinance Entitled *Detached Accessory Structure (For Residential Use)***

No one spoke in favor or opposition.

Wehner explained when trying to regulate these across the board as the same, we found it difficult to regulate when you get into the agricultural district, with larger parcels. Staff clarified the restriction of one principal structure, one detached garage, one utility shed, and one gazebo to mean the residential district including the RR-2 district. This will allow in the RR-5 and AR districts to allow up to 5 detached accessory structures (such as like a farm). Also raised the maximum size of the accessory structures, and if the structure is over 2,000 sq. ft., and in the AR or RR-5 zone, it would be considered a principal structure, and must follow those setbacks.

10. **Ordinance No. 16-035 An Ordinance Amending Figure 5.01(1) of the Village Zoning Ordinance Entitled *Rural, Open Space and Residential District Lot Dimension and Intensity Standards.***

No one spoke in favor or opposition.

Wehner explained staff added a clarifier for total square footage of accessory structures floor area, which he came up with 2,500 sq. ft. Plan Commission can approve anything larger than what is allowed (not having to get a variance) in the figure.

Johnson questioned how many principal structures can be on a lot. Wehner stated zoning code does not limit the number of principal structures.

11. Ordinance No. 16-036 An Ordinance Amending Section 94.3.05: Figure 3.05 of the Village Zoning Ordinance Entitled Allowable Uses in Non-Residential and Mixed Use Zoning Districts.

No one spoke in favor or opposition.

Wehner commented in reaction to a lot of properties across from the Municipal Center, in the old Weston Commercial development, wanting to have more light industrial uses, we are changing the B-3 district to allow more indoor storage or wholesaling as a permitted use, along with adding light industrial activities, incidental to indoor sales or service, as a permitted use in the B-3 District.

12. Ordinance No. 16-037 An Ordinance Creating Section 94.16.18(5) of the Zoning Ordinance Entitled Parkland Fees.

No one spoke in favor or opposition.

Higgins stated this was brought up a few months ago. Within Chapter 74 Subdivision, we did not have a way to collect parkland dedication fees, or parkland, without there being a land division. If approved, during a site plan, rezone, or new apartment complex (who will put needs on our park system) is proposed, we can collect the fees or obtain the needed parkland land through dedication. White confirmed apartments do impact our park systems.

Olson and White closed the public hearings, Items #9 – 12, at 6:45 p.m.

13. Discussion and Action by Joint Town & Village of Weston Extraterritorial Zoning Committee on Director’s recommendation to approve the following Zoning Ordinance Amendments, per the specifications, conditions, and limitations of the submitted staff reports, and forward to the Board of Trustees for their consideration and final approval.

a. Ordinance No. 16-034 An Ordinance Amending Section 94.4.09(2) of the Zoning Ordinance Entitled *Detached Accessory Structure (For Residential Use)*.

Motion by Kollmansberger, second by Diesen, to approve Ordinance No. 16-034, per the specifications, conditions, and limitations of the submitted staff reports, and forward to the Board of Trustees for their consideration and final approval. Q: Hull questioned #1, uses the term “Lot”, then #2 uses the term “Parcel”, and confirmed this was Wehner’s intent. Hull is okay with this. Motion carried.

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Present</u>
Christiansen, Randy	NO
Diesen, Dave	YES
Hull, Mark	YES
Kollmansberger, Tina	YES
Olson, Milt	YES
Zeyghami, Hooshang	YES

b. Ordinance No. 16-035 An Ordinance Amending Figure 5.01(1) of the Village Zoning Ordinance Entitled Rural, Open Space and Residential District Lot Dimension and Intensity Standards.

Motion by Hull, second by Kollmansberger, to approve Ordinance No. 16-035, per the specifications, conditions, and limitations of the submitted staff reports, and forward to the Board of Trustees for their consideration and final approval.

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Present</u>
Christiansen, Randy	NO
Diesen, Dave	YES
Hull, Mark	YES
Kollmansberger, Tina	YES
Olson, Milt	YES
Zeyghami, Hooshang	YES

- c. Ordinance No. 16-036 An Ordinance Amending Section 94.3.05: Figure 3.05 of the Village Zoning Ordinance Entitled *Allowable Uses in Non-Residential and Mixed Use Zoning Districts*.

Motion by Kollmansberger, second by Zeyghami, to approve Ordinance No. 16-036, per the specifications, conditions, and limitations of the submitted staff reports, and forward to the Board of Trustees for their consideration and final approval.

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Present</u>
Christiansen, Randy	NO
Diesen, Dave	YES
Hull, Mark	YES
Kollmansberger, Tina	YES
Olson, Milt	YES
Zeyghami, Hooshang	YES

- d. Ordinance No. 16-037 An Ordinance Creating Section 94.16.18(5) of the Zoning Ordinance Entitled *Parkland Fees*.

Motion by Diesen, second by Kollmansberger, to approve Ordinance No. 16-037, per the specifications, conditions, and limitations of the submitted staff reports, and forward to the Board of Trustees for their consideration and final approval.

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Present</u>
Christiansen, Randy	NO
Diesen, Dave	YES
Hull, Mark	YES
Kollmansberger, Tina	YES
Olson, Milt	YES
Zeyghami, Hooshang	YES

14. Discussion and Action by Village Plan Commission on Director’s recommendation to approve the following Zoning Ordinance Amendments, per the specifications, conditions, and limitations of the submitted staff reports, and forward to the Board of Trustees for their consideration and final approval.

- a. Ordinance No. 16-034 An Ordinance Amending Section 94.4.09(2) of the Zoning Ordinance Entitled *Detached Accessory Structure (For Residential Use)*.
- b. Ordinance No. 16-035 An Ordinance Amending Figure 5.01(1) of the Village Zoning Ordinance Entitled *Rural, Open Space and Residential District Lot Dimension and Intensity Standards*.
- c. Ordinance No. 16-036 An Ordinance Amending Section 94.3.05: Figure 3.05 of the Village Zoning Ordinance Entitled *Allowable Uses in Non-Residential and Mixed Use Zoning Districts*.
- d. Ordinance No. 16-037 An Ordinance Creating Section 94.16.18(5) of the Zoning Ordinance Entitled *Parkland Fees*.

Motion by Schuster, second by Diesen, to approve the Zoning Ordinance Amendments 16-034, 16-035, 16-036, and 16-037, per the specifications, conditions, and limitations of the submitted staff reports, and forward to the Board of Trustees for their consideration and final approval.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Voting</u>
Diesen, Dave	YES
Johnson, Marty	YES

Kollmansberger, Tina	YES
Lawrence, Dennis	NO
Schuster, Fred	YES
White, Loren	YES
Zeyghami, Hooshang	YES

E. PUBLIC HEARING BEFORE THE JOINT TOWN & VILLAGE EXTRATERRITORIAL ZONING COMMITTEE

15. Conditional Use Permit (CU-7-16-1599) Paul and Sylvia Legenza, 7505 Gusman Road, Tourist Rooming House Land Use Within the RR-5 Zoning District.

Olson opened the public hearing at 6:55 p.m.

Sylvia & Paul Legenza, 7505 Gusman Road, were present in support. It was explained they have lived here for 20 years, and their house is in the middle of 5 acres. They have a 6-bedroom home, and they would like to open their home up to travelers, such as nursing professionals doing short-term stays in Wausau who have a contract with the hospital, they can provide the lodging. She stated their home has 3 bathrooms. This would be an option to those people, versus a hotel stay.

Kollmansberger questioned this being a 6-bedroom home, when the staff report indicates there are only 4 bedrooms. Legenza confirmed there are 6 bedrooms. The bedrooms are upper and lower, currently no one else resides there with the Legenza's.

Olson confirmed Legenza's will remain living in the home. Also confirmed parking would not be an issue.

Diesen questioned the minimum and maximum length of stays for their guests. Legenza stated the minimum stay would be an overnight. The maximum would be up to 13 week contracts or longer. Legenza stated they have a large kitchen with 2 refrigerators, and guests would be able to use the kitchen as they like.

Zeyghami questioned if the septic system is designed to handle more people in the home. Legenza stated when the house was built, it was built for their family with 3 children.

Legenza explained to Diesen the maximum number of guests would be 8. She does not necessarily see this many guests here at a time, but possible for a couple of days if there is an overlap.

Legenza confirmed this will be offered year round.

It was confirmed to Johnson that there are two exits to all bedrooms, as all bedrooms include an egress window along with the doorway. It was explained that there are three accesses into this home. The main front entrance, an entrance to the lower level through the garage, and entrance to kitchen through garage also.

There was discussion that once this receives approval here, they would then apply for a license through the County. It was also brought up that Legenza's would be subject to all sales taxes. Olson asked about Room Taxes, which Higgins explained the Town does not have this capability in place at this time. It would require the Town adopting a Room Tax Ordinance.

Kollmansberger asked how Legenza's are advertising. Legenza stated she will be advertising through Air B&B. She explained that though she could take in weekend travelers, she would prefer longer stay guests. Diesen questioned any other amenities that are being offered. Legenza stated private bedroom, but common areas for kitchen, living room, and laundry.

Olson closed the hearing at 7:06 p.m.

a. Discussion and Action by ETZ on Director's recommendation to approve the Conditional Use Permit per the specifications, conditions, and limitations of the submitted staff report.

Higgins pointed out the draft states the performance standards Legenza's will be required to meet, under #1. This includes staff's recommendations. They would not be able to have more than 8 guests.

Motion by Diesen, second by Zeyghami, to approve CU-7-16-1599, per the specifications, conditions, and limitations of the submitted staff reports, and forward to the Board of Trustees for their consideration and final approval. Q: Kollmansberger questioned if there is a limit to the length of stay they can have before this turns into a regular rental. Higgins stated ETZ could place a limit. Hull questioned if the definition in the ordinance on the period of time 30 days or less, same as State

code? Wehner commented the Administrative code changed, and we should be consistent. It was confirmed that they would have to have 30-day contracts, and renew for another 30 days, if longer. Olson commented about going to legal counsel for room tax. Higgins stated she believed you needed to have it in place already to collect. Hull questioned the enforcement. Nuisances would come to Village, and Health Department would be responsible for licensing issues. White stated if the Town were to pass a room tax ordinance, a majority of that goes to the CVB. Higgins commented CU runs with the applicant in this case. If the use ceases for 12 months than it expires. If a transfer of ownership, they would have to come back through. Olson questioned placing a condition that the owners must reside on premises? Higgins stated this would not be a requirement under the definition of a Tourist Rooming House, but ETZ can place that requirement. Higgins confirmed to Zeyghami that 8 is the maximum number of guests that can stay here.

Kollmansberger motioned, second by Hull, to make an amendment to the original motion to add the requirement that the owners need to reside on the premises, and to approve Option #1 within the Staff Report. Q: Legenza questioned if this would affect their traveling to Florida for a month during the winter. It was explained that since their primary residence is here, they would not be affected. Diesen feels it is not necessary to restrict the owners to residing here. He said he knows others in a similar situation in Kronenwetter, where the owners live across the road, and with them living so close by, the home basically manages itself. He feels this is a popular trend now, and sees this coming up again. Diesen voted nay.

Motion to approve the conditional use permit, with Staff's option #1, with the amendment that the owners need to reside on the premises. Diesen voted nay.

Motion carried.

Yes Vote: 4 No Votes: 1 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Present</u>
Christiansen, Randy	NO
Diesen, Dave	NO
Hull, Mark	YES
Kollmansberger, Tina	YES
Olson, Milt	YES
Zeyghami, Hooshang	YES

F. PUBLIC COMMENT – ETZ.

16. Comments from the public on issues, which the ETZ has oversight, or on business items that might be recommended to the Board of Trustees.

None.

G. CONSENT ITEMS – ETZ.

17. Approve previous meeting(s) minutes from the ETZ, July 11, 2016.

Motion by Kollmansberger, second by Hull, to approve previous meeting(s) minutes from the ETZ, July 11, 2016. (Diesen stepped out of room during this motion).

Yes Vote: 4 No Votes: 0 Abstain: 0 Not Voting: 2 Result: PASS

<u>Member</u>	<u>Present</u>
Christiansen, Randy	NO
Diesen, Dave	NO
Hull, Mark	YES
Kollmansberger, Tina	YES
Olson, Milt	YES
Zeyghami, Hooshang	YES

H. ADJOURN ETZ

18. Adjourn ETZ Committee.

Motion by Hull, second by Kollmansberger, to adjourn at 7:22 p.m.

I. PUBLIC HEARINGS BEFORE VILLAGE PLAN COMMISSION

White opened the hearings at 7:23 p.m.

19. Conditional Use Permit (CU-7-16-1603), Lewis Properties, LLC, 9309 Camp Phillips Road, Solid Waste Disposal, Composting, an/or Recycling Facility Use within the LI Zoning District.

Dan Higginbotham, PGA Inc., 7306 Zinser Street, Weston, and Steve Lewis, 6611 Peninsula Lane, Weston, were present in support. Mitch King, 6205 Municipal Street, was also present.

Higginbotham stated they have contracted with Lewis construction to clean up and process the accumulated concrete (accumulated over the past 15 years) on the Lewis property. He explained that Lewis had recently received a letter from the Village, requiring them to cease their operations. Lewis has no intentions of operating out of this site, and have contacted PGA to help clean up the site. Higginbotham stated PGA vessel for clean-up and cause the material to be crushed and exported from the site. It was explained the crusher has magnets built in, so any metal rods within the concrete will be separated and then recycled at Yaeger Auto Salvage. Crushing process will take about 3 weeks. Higginbotham stated Mitch King's son, Jeremy King, will do the crushing, which is not scheduled yet. Higginbotham stated once crushed, the material will be made into base course and removed from the site over a period of time. He is anticipating the crushing would take place this fall. There most likely will be no work taking place late this fall until spring, and then they can remove the material during next construction season.

Lewis commented how all the existing concrete on their property has been pushed into one pile. The goal now is to take that pile and crush it into a usable product, and into a road base that PGA can use on their projects. What is left over was from a 20-year operation, which they no longer plan to bring and place material there in the future. Zeyghami questioned how they will keep the dust and noise down. Higginbotham stated they can water down the area.

Higginbotham stated there may be days where they take two truckloads out, and other days where they take 50 truckloads out of there. Higginbotham stated based on their calculations, looking at the existing pile, they are anticipating about 12,000 cubic yards of material. It was brought up the application stated 8,000 yards. Higginbotham stated what is on the application was based on Lewis's measurements, but they think it may be closer to 12,000 cubic yards.

Higginbotham stated they may have to bring some sand in to the site, only for blending purposes, to allow them to meet the State's 305 requirements. He stated they have American Engineering and Testing at their project sites doing periodic testing of the material to be sure it is blended right. Higginbotham confirmed they would not be hauling anything else in, other than sand for blending. King stated his son plans to crush in September. Once they start the crushing they will continue until it is completed. Higgins stated they only get 30 consecutive days to perform the crushing, from 7am – 5pm, Monday – Friday and 7am to noon on Saturday. They need to inform us when they start and when they finish the crushing project. Higgins stated the noise and dust standards and enforcement all fall under Article 12, of Chapter 94, so if there are complaints that is where we would regulate from.

Higginbotham brought up that in his application, he meant 12 trucks in rotation, not 12 trucks per day.

Johnson questioned if December 1, 2017, would be sufficient for completing this project and having it all removed.

No one spoke in opposition.

White closed the hearing at 7:36 p.m.

a. Discussion and action by PC on Director's recommendation to approve the Conditional Use Permit per the specifications, conditions, and limitations of the submitted staff report.

Donner confirmed the material they are bringing in is sand for road base. Higginbotham stated since they do not know what material is under the pile, they will not know until they start the work. Higginbotham stated when they performed the crushing operations at Ministry in Wausau, there was a total of 15,000 cubic yards of pure rock, and they had to bring in about 1,000 yards of sand. Zeyghami questioned the amount of waste. Higginbotham anticipates everything will get trucked off. White confirmed staff needs to make changes to the final conditional use permit, based on tonight's discussion. Donner suggested to change within (a), from no more than +-8,000 cubic yards to instead state to "limit to material on the site, an estimated quantity of between 8,000 – 12,000 cubic yards", and add a letter to indicate an amount of material to be brought on site strictly for blending.

Higgins briefly summarized changes that staff can make, based on the main points PC would like to see:

- *Adding “limit to material on the site, an estimated quantity of between 8,000 – 12,000 cubic yards”
- *Change (h) from 12 trucks per day to 12 truck rotations.
- *Bringing in ancillary material to make an acceptable road base.

Diesen suggested staff can adjust the ordinance. There was discussion that once the crushing operations begins is the only time when blending material will come in, as they do the blending with the crushing. There would be no reason to bring material in after the crushing is completed.

Motion by Schuster, second by Diesen, to approve CU-7-16-1603, based on staff adding language on amount of material there, and amount of material coming in, per the specifications, conditions, and limitations of the submitted staff report.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Voting</u>
Diesen, Dave	YES
Johnson, Marty	YES
Kollmansberger, Tina	YES
Lawrence, Dennis	NO
Schuster, Fred	YES
White, Loren	YES
Zeyghami, Hooshang	YES

20. REZN-7-16-1597 Jennifer Higgins, Village of Weston, 5500 Schofield Avenue, Weston, requesting a rezoning from B-2 (Highway Business) with WHP-A (Wellhead Protection Zone – A) to MF (Multiple Family) with WHP-A (Wellhead Protection Zone – A), on property along Neupert Avenue, Described as Outlot 1 of Certified Survey Map No. 15481, Volume 70, Page 63, and consists of 0.178 acres.

Wehner stated he and Parker noticed that this property was zoned in error to B2. It was previously zoned under the old zoning code as B-3, then when this lot was split (west half to Kwik Trip, east half to apartments), and never correctly zoned to MF with the zoning ordinance update project in 2015.

White closed the hearing at 7:37 p.m.

- a. Discussion and action by PC on Director’s recommendation to approve REZN-7-16-1597, per the specifications, conditions, and limitations of the submitted staff report.**

Motion by Johnson, second by Zeyghami, to approve REZN-7-16-1597, per the specifications, conditions, and limitations of the submitted staff report.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Voting</u>
Diesen, Dave	YES
Johnson, Marty	YES
Kollmansberger, Tina	YES
Lawrence, Dennis	NO
Schuster, Fred	YES
White, Loren	YES
Zeyghami, Hooshang	YES

21. REZN-7-16-1600 – State Highway “29” and County Highway “J” Interchange – South, Rezone from B-2 (Highway Business) to B-3 (General Business)

Wehner stated this was prompted by the use table changing. This is in the outer limits of the Village and staff is proposing a change to B3 to allow for more industrial uses (the majority through the conditional use process). Also in properties along the TIF district, this counts as industrial in TIF 1.

Wehner stated with general business, all storage is contained inside, with the exception of outdoor display. Anything that would be industrial in use would require a conditional use permit and strict performance standards, and also strict performance standards if next to a residential use. This area of rezone is south of STH-29. If there is a residential neighbor in another township, there still needs to be a buffer. A resident questioned if this includes areas south of Weston Avenue. Staff responded yes, the buffer applies along Weston Avenue. Higgins stated this area used to be M1 in our old zoning code which allowed for a heavy industrial, with the new zoning code it went to B2, Highway Business.

Lee & Gretchen Kluz, R10530 Weston Avenue, Ringle, were concerned how this will impact residential uses just outside of the municipal boundary.

Helen Champaign, 2812 E. Neupert Avenue, was present, and expressed her concern for the residents in the Highway J area. She does not want to see a 24-hour bar or hotel. She would prefer to see a store that closes at 9:00 p.m.

Higgins clarified the difference between the two public hearings tonight. White commented Schofield Avenue is meant for commercial, not industrial, in the future land use plan.

Sharon Ruhl, 2711 E. Neupert Avenue, was present as a concerned resident. She confirmed Schofield Avenue is going from B3 – B2. She is concerned that some retail businesses are causing issues, such as at Target there was a forklift from a tractor trailer that was beeping at 4:30 a.m. She also gave an example of issues with noise at Wendy’s at 1:30 a.m., where equipment was being used to drain out old cooking oil.

White closed the hearing at 7:51 p.m.

a. Discussion and Action by Plan Commission on Director’s Recommendation to approve Ordinance No. 16-040, An Ordinance to Approve the Rezoning of Land from B-2 (Highway Business) to B-3 (General Business), at the Intersection of Weston Avenue and County Road J, and on Adventure Way, Sections 24 and 25, Village of Weston, Marathon County, Wisconsin, per the specifications, conditions, and limitations of the submitted staff report and forward to the Board of Trustees for their consideration and final approval.

Motion by Diesen, second by Kollmansberger, to approve REZN-7-16-1600, per the specifications, conditions, and limitations of the submitted staff report.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Voting</u>
Diesen, Dave	YES
Johnson, Marty	YES
Kollmansberger, Tina	YES
Lawrence, Dennis	NO
Schuster, Fred	YES
White, Loren	YES
Zeyghami, Hooshang	YES

22. REZN-7-16-1602 – Schofield Avenue Corridor Rezone from B-3 (General Business) to B-2 (Highway Business).

Wehner clarified the changes between the B3 and B2, and how the B2 does not allow for any industrial uses.

Ruhl stepped forward again and asked if there is a particular project coming forward that is prompting this? Higgins stated there are currently no planned projects in the area prompting this zoning change. She stated this came about with the new code, through that process, we remapped the Village. Wehner stated General Business in the old code and the new code serve different very different purposes. The vision was for Schofield Avenue to be commercial, where the old code industrial uses were more prominent. Ruhl confirmed the allowed uses would be more resident friendly.

Ark Rhomine, John Prey, and Brandon O'Connor, of Habitat Humanity, 1810 Schofield Avenue, were present. They are closing next week on the 1810 Schofield Avenue property for their new office and Recycled Building Materials (RBM) facility. They are in support of these changes, but want to verify they are still within the legal limits with their proposed use. Higgins stated staff can send them a response on their planned use at this time and when the code changes would take effect, and explained this rezone request is not final until the Board approves the change by ordinance and the ordinance is published.

Bob Arndt, 5703 Camp Phillips Road, wanted to clarify this will not negatively affect this business on Camp Phillips Road. He stated he would prefer the zoning on his properties stay the same.

White closed the hearing at 8:09 p.m.

- a. **Discussion and Action by Plan Commission on Director's recommendation to approve Ordinance No. 16-039, an Ordinance to Approve the Rezoning of Land from B-3 (General Business) to B-2 (Highway Business), on Schofield Avenue, from Business Highway 51 to Von Kanel Street of Sections 16, 17, and 18; and on Business Highway 51, from Schofield Avenue to South of Post Avenue, Village of Weston, Marathon County, Wisconsin, per the specifications, conditions, and limitations of the submitted staff report and forward to the Board of Trustees for their consideration and final approval.**

8:22 Motion by Schuster, second by Johnson, to approve REZN-7-16-1600, per the specifications, conditions, and limitations of the submitted staff report.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Voting</u>
Diesen, Dave	YES
Johnson, Marty	YES
Kollmansberger, Tina	YES
Lawrence, Dennis	NO
Schuster, Fred	YES
White, Loren	YES
Zeyghami, Hooshang	YES

J. PUBLIC COMMENT – PC

23. Comments from the public on issues, which the PC has oversight, or on business items that might be recommended to the Board of Trustees.

None.

K. CONSENT ITEMS – PC

24. Approve previous meeting(s) minutes from the Plan Commission July 11, 2016, regular meeting.

Motion by Diesen, second by Johnson, to approve the Plan Commission July 11, 2016 regular meeting minutes.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Voting</u>
Diesen, Dave	YES
Johnson, Marty	YES
Kollmansberger, Tina	YES
Lawrence, Dennis	NO
Schuster, Fred	YES
White, Loren	YES
Zeyghami, Hooshang	YES

I. NEW BUSINESS - PC

25. Discussion and Action by Plan Commission on Director’s Recommendation to approve the Camp Phillips Corridor – South Neighborhood – SE Quadrant General Plan, per the specifications, conditions, and limitations of the submitted staff report and forward to the Board of Trustees for the consideration and final approval.

Higgins stated the Plan was presented to them at the June meeting via a presentation by Justin Frahm of JSD. The presentation and maps shown were now placed in a formal document. This document will get used going forward in the Camp Phillips Corridor Plan Mark Roffers (MDRoffers) is preparing for us, and will also be used in working with the DOT, DNR, and Marathon County to get the wetland crossing for the extension of Westview Blvd.

Motion by Schuster, second by Johnson, to approve Camp Phillips Corridor – South Neighborhood, per the Specifications, Conditions, and Limitations of the Submitted Staff Report and Forward to the Board of Trustees for their Consideration and Final Approval.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Voting</u>
Diesen, Dave	YES
Johnson, Marty	YES
Kollmansberger, Tina	YES
Lawrence, Dennis	NO
Schuster, Fred	YES
White, Loren	YES
Zeyghami, Hooshang	YES

26. Discussion on Draft Camp Phillips Corridor Plan.

Higgins stated we need to schedule a special meeting to go through these and schedule a public hearing. It was suggested to send out a Doodle Poll for a Wednesday night meeting. Some members agree 5:00 p.m. would be preferred, though Johnson prefers 6:00 p.m. Johnson stated regardless, he will not be able to meet next Wednesday, August 17th.

Higgins will talk to Roffers on the process, as she feels we need to have another public meeting on these plans and be in touch with the members for a plan for the approval process and potential meeting needs.

27. Discussion on Draft Comprehensive Plan – Volume 1 and Volume 2

a. Discussion on Figure 11-1: Priority Initiatives from Volume 2 of the Village of Weston Comprehensive Plan.

The members did not discuss. A similar approval process will be planned with the members following Higgins discussion with Roffers.

M. REPORTS FROM STAFF

28. Report from Planning and Development Director.

Higgins will send her report to everyone by the end of the week. She then pointed out the site plans that staff has either approved or is working on. She reported on the Broadband Phase 2 project, which should hopefully be wrapping up in the next few weeks.

29. Staff Report on staff-approved CSM’s, Site Plans, Sign Permits, Commercial Zoning Permits, and Certificate of Occupancies issued since last reported of 07/01/2016.

N. REMARKS FROM COMMISSIONERS.

Zeyghami is still looking for traffic report and plans he requested 60 days ago from Guild and JSD. Higgins thought Guild had already sent this to him through e-mail twice. A paper copy would be best to provide to Zeyghami. Higgins will relay this to Guild and will have the appropriate items copied and made available for Zeyghami.

O. DISCUSS ITEMS TO BE INCLUDED FOR NEXT AGENDA.

None.

P. SET NEXT REGULAR MEETING DATE FOR MONDAY, SEPTEMBER 12, 2016, AT 6:00 P.M.

The next regular meeting is set for September 12th, and a special Wednesday night meeting will be scheduled at a later date following Higgins discussion with Roffers.

Q. ADJOURN.

13. Adjourn Plan Commission.

Motion by Johnson, second by Kollmansberger to adjourn at 8:37 p.m.

Loren White, Chairman
Jennifer Higgins, Director of Planning & Development
Valerie Parker, Recording Secretary