

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, October 12, 2015 @ 6:00 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, Johnson, and Zeyghami. Kollmansberger was excused. Staff Present: Director of Planning & Development Higgins, Director of Public Works Donner, Building Inspector Tatro, Assistant Planner, Wehner, Fire Inspector, Christiansen, and Recording Secretary Parker.

2. Approve the Minutes of the September 14, 2015, Plan Commission Meeting.

****M/S/P Schuster/Diesen: to approve the Minutes of the September 14, 2015, Plan Commission Meeting.***

3. 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, Diesen, Hull, and Stenstrom. Kollmansberger and Christiansen were excused. Staff Present: Director of Planning & Development Higgins, Director of Public Works Donner, Building Inspector Tatro, Assistant Planner, Wehner, and Recording Secretary Parker.

****M/S/P Stenstrom/Diesen: to approve the Minutes of the September 14, 2015, ETZ Meeting.***

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

There were 14 audience members present.

Mark Sowinski, 5108 Janice Avenue, expressed his concerns about the public hearing tonight for Oldcastle Building Envelope. Higgins explained how the zoning has changed on some properties with our new zoning code, to make them more compatible with their use or surrounding uses. She explained this project is for an office build-out, that the use of the property will not be changing, and there will be more discussion when we reach this topic on the agenda.

5. **Public Hearing on Ordinance No. 15-021 An Ordinance Amending Section 94.4.10(d) Entitled *Garage, Yard, Estate, and In-Home Sale*; Section 94.13.02(8) Entitled *Signs Allowed Without Permit*; Section 94.13.03(1) Entitled *Sign Purposes*; Section 94.13.04(1) Entitled *Sign Prohibitions and Limitations*; Section 94.13.04(2) Entitled *Community Information Signs*; Section 94.13.05(4) Related to Temporary Sign Regulations for Residential and RR Zoning Districts; Section 94.13.07(5) Related to Temporary Sign Regulations for Non-Residential, Agricultural, PR and N Zoning Districts; Section 94.13.08 Entitled *Temporary Signs*; and Section 94.13.09(3) Related to Structural Requirements for Temporary Signs of the Zoning Ordinance**

Higgins explained staff has been working with Attorney Yde on this issue. This came up after a recent Supreme Court decision, Reed v. Town of Gilbert, 135 S. Ct. 2218 (2015). Yde sent Higgins a letter with the suggested changes needed to our sign ordinance to ensure it was still legal and enforceable. Higgins commented we have to be sure any restrictions placed on signs are due to size and not based on the content written on the sign.

No one spoke in opposition.

White closed the hearing at 6:09 p.m.

6. **Discussion and Action by ETZ Committee on Director's recommendation to approve Ordinance No. 15-021 per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration and approval.**

**M/S/P Stenstrom/Diesen: to approve Ordinance No. 15-021 per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration and approval.*

7. **Discussion and Action by Plan Commission on Director's recommendation to approve Ordinance No. 15-021 per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration and approval.**

**M/S/P Schuster/Johnson: to approve Ordinance No. 15-021 per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration and approval.*

8. **Public Hearing on Ordinance No. 15-022 An Ordinance Amending Figure 5.01(1) of the Village Zoning Ordinance Entitled *Rural, Open Space and Residential District Lot Dimensions and Intensity Standards*.**

Higgins explained the draft ordinance addresses the Rural, Open Space and Residential District Lot Dimension and Intensity Standards, with respect to the AR zoning district, to allow for a nominal 20 acres, in the case of someone dividing 40 acres in half, but there is a slight loss of acreage when the parcel abuts a street ROW. She explained our previous code addressed this, but this was not carried forward into our new code.

No one spoke in opposition.

White closed the hearing at 6:11 p.m.

- 9. Discussion and Action by ETZ Committee on Director's recommendation to approve Ordinance No. 15-022 per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration and approval.**

**M/S/P Hull/Stenstrom: to approve Ordinance No. 15-022 per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration and approval.*

- 10. Discussion and Action by Plan Commission on Director's recommendation to approve Ordinance No. 15-022 per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration and approval.**

**M/S/P Johnson/Zeyghami: to approve Ordinance No. 15-022 per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration and approval.*

- 11. Public Hearing on Ordinance No. 15-023 An Ordinance Amending Section 94.16.11(7) of the Zoning Ordinance Entitled *Criteria for Grant of a Variance*.**

Higgins explained this deals with the criteria for the granting of a variance. She stated this amendment was a suggestion made by Administrator Guild. In the previous community he worked in there was a criteria which states that loss of profit or pecuniary hardship shall, not in and of itself, be grounds to approve the variance. She further explained that loss of profit cannot meet the hardship requirement for the granting of a variance.

Stenstrom questioned if (e) conflicts with (a). Wehner commented that the property has to have a specific unique situation, when bringing money into it. The money should not be part of the issue when going through the variance. Schuster then questioned if (e) should instead be part of (a)?

White commented how currently someone could try to request a variance from the brick requirement due to the cost of brick. Higgins gave the example of the Kersten Road property in the Town, with the construction of a home, which was built too close to the property line. The owner tried to argue the cost factor in moving the home, ZBA denied the request as it was a hardship brought on by the owner. If we have this proposed language in our ordinance, it would remove that argument from even being made.

No one spoke in opposition.

White closed the hearing at 6:17

- 12. Discussion and Action by ETZ Committee on Director's recommendation to approve Ordinance No. 15-023 per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration and approval.**

****M/S Diesen/Hull: to approve Ordinance No. 15-023 per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration and approval. Stenstrom voted nay. Motion passed.***

- 13. Discussion and Action by Plan Commission on Director's recommendation to approve Ordinance No. 15-023 per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration and approval.**

****M/S Schuster/Diesen: to approve Ordinance No. 15-023 per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration and approval. Stenstrom voted nay. Motion passed.***

- 14. Adjournment of the Joint Town & Village Extraterritorial Zoning Committee.**

****M/S/P Diesen/Stenstrom: to adjourn the Joint Town & Village Extraterritorial Zoning Committee Meeting at 6:20 p.m.***

- 15. Discussion and Action by Plan Commission on Public Works Director's recommendation to approve the Development Agreement with William and Mary Lewis, 9309 Camp Phillips Road.**

Donner this is a request for a recommendation that the development agreement to include a clause to permit a contribution of up to \$24,999 towards oversizing of the sewer main that is required for this development, in order to serve property beyond the boundaries of the Lewis property. He pointed out the diagram, within the meeting packet, which shows a future service scenario which would enable us to eliminate a lift station within the Heritage Hills Subdivision, at some point, and would also enable some other development to the lots that front Camp Phillips Road.

Donner explained the reason this came up was due to the land use being brought in to compatibility with the new zoning. Lewis' have a residence to the south of their commercial property, and the goal is to get public water and sewer furnished to both their properties. Donner explained the pre-bid estimate indicates that due to rock, the cost could be as much as \$30,000. By law, we would not be able to contribute more than \$24,999 through public funds, unless there was a public bidding process. He stated it would be up to the developer if they want or need this to go through a publicly bid project.

Donner stated staff recommends Plan Commission approve the developer agreement with this clause. He stated the language in here has been reviewed by Attorney Yde, and is similar to the recent Reedy and Tappe development agreements.

Donner discussed further how this would allow us to eliminate the lift station, which our goal is to eliminate as many lift stations as possible.

****M/S/P Schuster/Diesen: to approve the Development Agreement with William and Mary Lewis, per staff recommendation including the additional verbiage as requested by Donner.***

16. Public Hearing on REZN-9-15-1543 Mike Korpela, 2079 Sundial Avenue, Kronenwetter, Requesting a Rezone from RR-5 (Rural Residential-5 Acre) to RR-2 (Rural Residential-2 Acre) on Property Described as Lot 1 of Proposed Certified Survey Map, Drawn up by Vreeland Associates, Inc., Dividing Property Currently Addressed as 4203 Howland Avenue (PIN 192-2808-333-0991).

Higgins explained this is property which was owned by Myron Stankowski. The applicant, Mike Korpela, is purchasing all 17+ acres. He plans to divide the existing home with two acres, and to then build a new home on the remaining 15+ acres. This rezone will allow for the CSM to be completed, then rezoning the 2-acre property. She explained the CSM meets all requirements. Higgins stated we have talked with Korpela about possibly putting proposed new home back further on the property. This 15+ acres could be divided again in the future, but only as long as they make street access available.

Mike Korpela, 2079 Sundial Avenue, Kronenwetter, was present in support. Schuster questioned if public sewer and water were available. Higgins stated the nearest connection is too far back yet (by Heritage Hills Subdivision). Donner is working with the County on updating the sewer service boundary. He stated we need to fine tune the future sewered areas.

No one spoke in opposition.

White closed the hearing at 6:30 p.m.

17. Discussion and Action by Plan Commission on Director's recommendation to approve REZN-9-15-1543 (Korpela) per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration and approval of the rezone request by Ordinance No. 15-024.

Diesen confirmed staff is okay with this request.

**M/S/P Diesen/Zeyghami: to approve REZN-9-15-1543 per the specifications, conditions, and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration and approval of the rezone request by Ordinance No. 15-024.*

18. Public Hearing on CU-9-15-1545 Randy Thiel, Oldcastle Building Envelope, 930 Single Avenue, Wausau, requesting a conditional use permit on parcels being combined and addressed as 5103 Janice Avenue (PIN 192-2808-161-0967) and 5010/5012 Mesker Street (192-2808-161-0963), to allow for the existing heavy industrial use within the LI (Limited Industrial) zoning district.

Wehner explained Oldcastle Glass has existed here, as a manufacturer of glass, since the 1970's (originally as Hoffer's Glass). With our new zoning code, when assigning new zoning districts to properties, we did not want to zone this property to heavy industrial (which previously it was M1), because they are adjacent to residential neighborhoods. Previously (under the M1 District), if Oldcastle were to sell their property, any other heavy industrial type use could move in there with no public input. Within the LI zoning district, Oldcastle can continue to operate their business, but under a Conditional Use permit. Any changes to the property would then be done through a conditional use hearing, which will give opportunity for public input. Wehner stated he met with representatives of Oldcastle this morning, and based on that meeting, he would recommend changes to the recommendations that are listed in the conditions. Wehner stated Oldcastle had installed a

privacy fence (required in their 2014 project), and Option 1 requires them to construct a fence that continues, from the existing fence, to the southern tip of building on property. This requirement is being recommended because Oldcastle is adjacent to the residents along Corozalla Drive, and the future extension of the Mountain-Bay Trail. Wehner stated the other requirement (with all industrial uses) is to identify the general outdoor storage and semi storage on their plans. Wehner stated semi storage is screened, which neighbors are happy with (per Oldcastle). Wehner stated he initially did not put a timeline on the fence, and based on his meeting with Oldcastle this morning, they are requesting a 3 – 5 year timeline for the installation, to allow them to get finance and budget approvals for the fence. It was clarified that if Option 1 is approved, to include the 3 – 5 year timeline for installation. Higgins had Wehner display the proposed building elevation for their upcoming project, which will be done through staff review.

Pat Tuttle, General Manager of Oldcastle Building Envelope, 5103 Janice Avenue, explained this is about updating an old 70's tin building and making it more habitable. He said there were some water issues which required the renovation. Currently, this office is working out of a different building until this project is done. Tuttle explained it truly is a funding issue, as far as the request to fence the south side of the property, as it would be above their \$10,000 limit in capital funding. He explained their budget cycle. He stated if they can be given a 3 – 5 year window to construct the fence, he feels they will be able to then meet this request.

Diesen feels 5 years would be too long.

There was some discussion as to where the building addition will be (which will be on the north side, facing Janice Avenue). Wehner confirmed where the fence would go (along the south side facing the Mountain-Bay Trail).

Wehner stated Oldcastle did express concerns about potential vandalism from the neighborhoods.

Keith Maahs, Urban Construction Co., 5905 N. 39th Avenue, Wausau, was present in support (as the contractor). He explained the project, and how the footprint of the new building will be similar, but 5 feet wider.

Sowinski questioned why this hearing has come up, if all they are doing is this addition in the back. Higgins stated with this being within the LI district, the conditional use gives them the right to continue operating as a glass manufacturing company, and the ability to expand the facility. Sowinski is concerned that this allows Oldcastle to increase their business. He commented there is a lot of semi traffic coming past his property, along Janice Avenue, and they now have a new speaker system, which when they page people, it goes off all hours of night and is heard outside. He stated the glass dumping that occurs is quite loud. He said he complained once, where they then agreed to only dump during certain hours, and he talked to other residents have also heard the dumping occurring as early as 5:00 a.m. It was also brought up that their fan system is very loud.

Tom Grawey, 4907 Mesker Street, concurred with Sowinski, and the noise issues.

Chris Jahnke, 5011 Ross Avenue, stated how Oldcastle operates 7 days a week, with 3 shifts. He stated he heard noise at 11:00 a.m. on a Sunday.

Tuttle commented he only heard a complaint on their fans, and was unaware of the glass noise issues. Sowinski is concerned about that this conditional use will allow them to keep growing. Traffic is heavy and people speed on Janice Avenue. He is also concerned about his property value.

Higgins stated this property and the Scott's Enterprises were previously zoned M1, she explained why this is now under the LI zoning district, as opposed to the GI district. She clarified to the audience this is not a rezoning, there is no change in the use. They are a legal non-conforming business. Higgins stated we can work with the owners on the noise issues. Tatro commented if Oldcastle were to expand again, they would come in again through a public hearing. Higgins stated since they are adjusting the structure, they are now coming in for the conditional use. Schuster commented the noise concerns can be dealt with at a different time than this.

The tenant of 5204 Mesker Street commented how she is attending this meeting, as she wanted to learn what is happening. She is concerned with the heavy traffic on Mesker Street.

Schuster recommended Sowinski, and the neighbors, to contact the site manager directly about the noise concern and employee traffic concern.

Grawey questioned if they go to speak with Oldcastle, and they do nothing, what do they do next? Higgins stated we have staff that can assist if they can't resolve the issues after talking to the owner. She said a lot of business owners are not aware of the issues so it is best to talk to them first to give them the opportunity to rectify the situation without the village getting involved.

Tuttle stated they have had sound tested their equipment, and have signs posted making employees aware of the allowed times glass can be dumped. He stated they moved trailers and planted bushes to help with sound. He does not want to be a bad neighbor to anyone, but was unaware of these issues.

Higgins explained to the audience how back in the 70's, Hoffer (the developer) developed the homes surrounding the business, to house the employees.

White closed the hearing at 7:00 p.m.

19. Discussion and Action by Plan Commission on Director's recommendation to approve the Conditional Use Permit CU-9-15-1545 (Thiel/Oldcastle Building Envelope) per the specifications, conditions and limitations of the submitted staff report.

Higgins stated to make a change to option #1, to include the timeline. Higgins also pointed out the general language that needs to also be added "The construction of any facilities upon the property described above shall be in accordance with the building site and operational plans previously approved by the Village. Any additions, modifications or changes in said site plan, operational plan and/or building plan must be approved by the Village in advance of any construction."

****M/S Diesen/Johnson: to approve CU-9-15-1545 (Thiel/Oldcastle Building Envelope) per the specifications, conditions and limitations of the submitted staff report, with the addition of a 4-year timeline for installing the fence, and including the additional language as stated from Higgins. Q: Schuster stated there should be something to the effect of maintaining fence. Higgins stated there are already requirements of this within property maintenance and zoning codes. Zeyghami questioned the cost of the fence and proposed height. Maahs confirmed the height is 8' and length is 250'. They do not have the cost estimate yet. Motion carried.***

20. Discussion and Action by Plan Commission on Director's recommendation to approve the Draft Lower Eau Claire River Water Trail Vision Document per the specifications, conditions and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration and approval.

Higgins stated this came from Osterbrink, and is a product from MDROffers. Want to add future access to the Eau Claire River corridor, particularly an access point near the Riverside Elementary School. Higgins pointed out that this is for sites already being utilized on the river. Want to take this to the County to pitch a water trail system. Would like the support from the Plan Commission, prior to this going to the Village Board.

****M/S/P Schuster/Diesen: to approve the Draft Lower Eau Claire River Water Trail Vision Document, per the specifications, conditions, and limitations of the submitted staff report, and forward to the Board of Trustees for their consideration and approval.***

21. Discussion and Action on Departments Draft Strategic Plan.

Higgins explained Guild wanted each department's strategic plan to go before their committees. We will see the other department's plans at a later date. Will talk about these plans at the budget workshops scheduled for Oct. 21st and Oct. 28th, then there will be the budget hearing in November. Will see pieces of the plans through the budget and projects in the coming year. Higgins explained how she is talking to Donner, Wodalski, and Osterbrink about creating a Services Division. This is something to be taken to Personnel and the Budget workshops. We are trying to position ourselves to be prepared for construction projects which may occur if the southeast quadrant area takes off.

20. Discussion and Review of Comprehensive Plan Draft Chapters

- A. Chapter 2 Community Vision**
 - a) Community Vision Graphic**
- B. Chapter 4 Camp Phillips Road Corridor**
- C. Chapter 6 Housing and Neighborhoods**
- D. Chapter 7 Natural, Agricultural and Cultural Resources**
- E. Chapter 10 Community Facilities and Utilities**
- F. Chapter 11 Transportation**
 - a) Official Map – Map 11-1: Future Transportation (Official) Map**

Higgins explained this was just left from the previous meeting. White confirmed this will eventually come back in final form. There was some brief discussion on the Comprehensive Plan bill.

21. Reports from Public Works Director

None.

22. Report from Administrator

None.

23. Report from Planning and Development Director/Zoning Administrator.

A. Update on Beehive Software System Implementation

B. September 2015 Issued Building Permits

C. September 2015 Code Violations Issued

D. Staff report on staff-approved site plans, CSM's, sign permits, commercial zoning permits, certificate of occupancy permits, and other issues.

Higgins commented still working on Beehive. Staff is hoping to start fresh on 01/01/16.

24. Remarks from Plan Commissioners.

None.

25. Set next meeting date, and discuss items to be included for next Plan Commission agenda: Monday, November 9, 2015, 6:00 p.m.**26. Adjourn.**

White adjourned the meeting 7:20 p.m.

Respectfully,

Valerie Parker

**Valerie Parker,
Recording Secretary**