

**Village of Weston, Wisconsin  
OFFICIAL PROCEEDINGS OF THE PLAN COMMISSION**

held on Monday, April 8, 2019, at 6:00 p.m., in the Board Room, at the Municipal Center

**AGENDA ITEMS.**

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**1. Meeting called to order by Plan Commission Chair & Village President Barb Ermeling.**

**2. Roll Call of Village Plan Commission by Secretary Parker.**

Roll call indicated 7 Plan Commission members present.

<u>Member</u>	<u>Present</u>
Ermeling, Barb	YES
Gau, Duane	YES
Jordan, Joe	YES
Kollmansberger, Tina	YES
Mumper, Roy	YES
White, Loren	YES
Zeyghami, Hooshang	YES

Village Staff in attendance: Donner, Higgins, Wodalski, Wehner, Tatro, and Parker.

Village Trustees Sparks and Maloney were present. There were 4 people in the audience.

**3. Opportunity for citizens to be heard.**

Joe Muzynoski, of 5803 Mary Lane was present. He asked to speak later in the agenda when the vacation of Dominika Street discussion comes up.

**4. Written communications received.**

None.

**5. Approval of minutes from the March 11, 2019 – Regular PC meeting.**

***Motion by Gau, second by Jordan: to approve the March 11, 2019, PC Meeting minutes.***

Yes Vote: 7      No Votes: 0      Abstain: 0      Not Voting: 0      Result: PASS

<u>Member</u>	<u>Voting</u>
Ermeling, Barb	YES
Gau, Duane	YES
Jordan, Joe	YES
Kollmansberger, Tina	YES
Mumper, Roy	YES
White, Loren	YES
Zeyghami, Hooshang	YES

**6. Acknowledge Report re: Staff-approved CSM's, Site Plans, Sign Permits, Commercial Zoning Permits, and Certificate of Occupancies.**

***Motion by White, second by Zeyghami: to acknowledge the Reports - Staff-approved CSM's, Site Plans, Sign Permits, Commercial Zoning Permits, and Certificate of Occupancies.***

Yes Vote: 7      No Votes: 0      Abstain: 0      Not Voting: 0      Result: PASS

<u>Member</u>	<u>Voting</u>
Ermeling, Barb	YES
Gau, Duane	YES
Jordan, Joe	YES
Kollmansberger, Tina	YES
Mumper, Roy	YES
White, Loren	YES
Zeyghami, Hooshang	YES

**7. Acknowledge Report re: March 2019 Building Permits.**

***Motion by Zeyghami, second by Gau: to acknowledge the Reports – March 2019 Building Permits.***

Yes Vote: 7      No Votes: 0      Abstain: 0      Not Voting: 0      Result: PASS

<u>Member</u>	<u>Voting</u>
Ermeling, Barb	YES
Gau, Duane	YES
Jordan, Joe	YES
Kollmansberger, Tina	YES
Mumper, Roy	YES
White, Loren	YES
Zeyghami, Hooshang	YES

**8. Public Hearing – Discussion and Action on Conditional Use Permit Request Filed by Rick Drewek, Requesting a Conditional Use Permit at 4702 Ross Avenue, Pursuant to 94.4.09(2)11, to Allow for a Proposed Accessory Structure (for Residential Use) Exceeding Both the Maximum Accessory Structure Floor Area and Maximum Accessory Building Height, on a Property Within MF (Multiple Family Residential) Zoning District, D-RT (Design – Rail-to-Trail) Overlay Zoning District, and the WHP-B (Wellhead Protection-Zone B) Overlay Zoning District (Project 20191292).**

**a. Open Public Hearing.**

Ermeling opened the PC public hearing at 6:03 p.m.

**b. Presentation by Applicant.**

Rick Drewek, 2094 Pasque Flower Place, Kronenwetter, was present in support. He explained this application is to allow him to construct a garage there that is taller and larger than the code allows. Drewek stated this garage will house his personal RV and grounds-keeping equipment.

Wehner stated this CUP is required because this accessory structure is proposed to be larger than the maximum 800 square foot accessory structure that the code allows. Wehner stated the garage is proposed to be 1,584 square feet.

Gau questioned if this CUP includes the other buildings on the plan. Wehner answered this is only for the accessory structure. Wehner explained Drewek will be constructing a duplex and this accessory structure initially, and that this will be a multi-phased development. He stated currently this is one parcel and there will be a CSM created later to separate the parcels. He stated this parcel is zoned MF, and how by Drewek planning for duplexes, that those will actually be a step down in zoning (as Drewek could do apartment buildings). Wehner explained that by building duplexes, Drewek is foregoing some of the benefits of a multi-family development, but he would not be required to go through the site plan process.

Drewek explained to Mumper he is only planning to construct a couple duplexes per year, so this development will take about 4 years to complete.

Gau questioned why the plan shows "future drive" along the west side of the property. Wehner explained that area is a utility easement. Drewek stated that is text that was meant to be removed, that he has no intentions of constructing a drive there.

Zeyghami confirmed the utility easement is 50 feet each side.

Ermeling confirmed this is currently one parcel and asked what the size of the lots will be. Wehner stated they will be about 100-foot x 150-foot size lots.

Mumper confirmed when he further develops, he will have to deal with the multi-family standards and how it gets plowed. Gau questioned if any issues with proposed driveways. Wodalski stated there are no issues with the proposed driveways.

White confirmed the north side abuts the Mountain-Bay Trail, and that northeast of this is Kelly Club and a duplex property.

Gau questioned if Drewek will live in one half of the duplex. Drewek stated he will be renting both sides out.

Zeyghami questioned if driveway will be paved. After some discussion, it was stated that a tracking pad will need to be constructed to prevent dirt and gravel coming from this site onto Ross Avenue. Once the project is completed, the entire driveway (up to the garage) will need to be paved.

Higgins stated when applying for building permits, Drewek will need to meet the requirements of code for the garage and duplex.

Zeyghami questioned where 800 square feet maximum accessory structure comes from. Wehner stated the code used to state no more than 60% of the size of the home; then, when re-writing the code, we came up with a maximum 800 square feet instead. This is based on a standard garage size.

**c. Public Hearing/Public Comment Period.**

No public comments.

**d. Close Public Hearing.**

Ermeling closed the PC public hearing at 6:23 p.m.

**e. Discussion by Plan Commission.**

No more comments by Plan Commission.

**f. Recommendation from Staff.**

Wehner stated this meets the CUP requirements of the code. Staff does not see any impacts on the neighborhood. He read and explained the 10 staff-recommended conditions that are included in the attached Conditional Use Determination report. If Plan Commission agrees with those, they will be included in the recorded Conditional Use Permit document.

**g. Action by Plan Commission.**

***Motion by Gau, second by Kollmansberger: to approve the Conditional Use Permit for Rick Drewek, at 4702 Ross Avenue (Project 20191292), subject to the conditions as listed in the Conditional Use Determination Report.***

Yes Vote: 7      No Votes: 0      Abstain: 0      Not Voting: 0      Result: PASS

<u>Member</u>	<u>Voting</u>
Ermeling, Barb	YES
Gau, Duane	YES
Jordan, Joe	YES
Kollmansberger, Tina	YES
Mumper, Roy	YES
White, Loren	YES
Zeyghami, Hooshang	YES

**9. Public Hearing – Discussion and Possible Recommendation to Board of Trustees on Approving a Rezone Request Filed by Riverside Land Surveying, on Behalf of Herbert and Joyce King, Requesting to Rezone Vacant Land from SF-S (Single-Family – Small Lot) Zoning District to SF-L (Single-Family – Large Lot) Zoning District, with WHP-B (Wellhead Protection-Zone B) Overlay District, for Property Access Purposes. (Project 20191293)**

**a. Open Public Hearing.**

Ermeling opened the PC public hearing at 6:28 p.m.

**b. Presentation by Applicant.**

Mitch King, of 6205 Municipal Street, was present to speak on behalf of his parent's property. He stated his parents have owned this property for over 50 years. In 2005, they tried to protect property and worked with an attorney to put the property into a trust. Through a deed, the attorney created single-family lots, and during that time, the attorney did not leave access out to Von Kanel Street, inadvertently creating a land-locked parcel. King stated they need this to sell. He stated his father had passed away, and his mother is staying at a nursing facility.

Higgins said during the re-write of the zoning code and rezoning of parcels, the parcel zonings were based off of size. The main parcel with the home was zoned to SF-L, and all the smaller lots along Von Kanel Street, were rezoned to SF-S. She stated while a CSM takes care of this, because the two parcels are different zonings, we have to take this through the rezone process prior to the CSM being able to be recorded. The small vacant parcel to be rezoned is being rezoned to SF-L to be connected to the main large parcel with the home and will give legal access for the existing home.

It was discussed that this is another example of the County accepting a deed without the Village knowing anything about it which creates parcels which do not conform to code and would not be allowed to be created had the Village been asked to approve the deed or CSM. Higgins stated back in the late 90's there was a plan for a cul-de-sac here, but never went through. Now looking at creating 3 lots and selling Joyce King's house.

Zeyghami inquired if all interested parties (owners) have been notified and are in agreement. Wehner confirmed this is the case. A number of the trustees are listed on the CSM and must sign off on it before it is recorded.

**c. Public Hearing/Public Comment Period.**

No public comment.

**d. Close Public Hearing.**

Ermeling closed the PC public hearing at 6:33 p.m.

**e. Discussion by Plan Commission.**

No further discussion was had by Plan Commission.

**f. Recommendation from Staff.**

Staff recommends approval.

**g. Action by Plan Commission.**

***Motion by Zeyghami, second by Mumper: to Recommend Approval of the Rezone (Project 20191293) to the Village Board.***

Yes Vote: 7      No Votes: 0      Abstain: 0      Not Voting: 0      Result: PASS

<u>Member</u>	<u>Voting</u>
Ermeling, Barb	YES
Gau, Duane	YES
Jordan, Joe	YES
Kollmansberger, Tina	YES
Mumper, Roy	YES
White, Loren	YES
Zeyghami, Hooshang	YES

**10. Discussion Transport Way Right-of-Way Plat.**

Donner handed out and discussed the Summary of Actions/Events Related to Transport Way Connecting Street (attached), explaining the process that started back in 2015 with passing of the Street Access Control Ordinance, followed by the adoption of the Official Map, in 2016. Following this, efforts were underway to create a connecting street from Transport Way up to Weston Avenue (as shown on the Official Map). There was also a proposal to create an access street along the back (south) side of the lots that front Weston Avenue, for the first quarter mile, from County Road X to the 40-line to the east.

Donner stated with the thought being as Weston Avenue traffic picks up over time, and with the point being that Weston Avenue is an arterial street in the urban-classified urban-functional system, that we would want to control access from individual parcels by limiting them as much as possible to individual street intersections. As part of this comprehensive planning process and looking forward, the Village adopted the Access Control ordinance, that spelled it out that as development were to occur along these arterial streets, that we would try

to limit the access to street intersections, spaced a quarter-mile apart, with the goal that we would limit the amount of private accesses.

Donner explained when this subdivision (Stone Ridge Phase 3) was developed (or subdivided) by Dean Prohaska, back around 1999, those lots on the north side were known to have the access was going to be off of Weston Avenue. Irrespective of what may happen in other parts of this immediate vicinity (such as Camp Phillips Centre to the north), whether or not that development does occur, there are still concerns that we will have long term, of the individual access points, with unrestricted left/right turns out, those parcels would cause conflicts with traffic congestion. The goal was to try to avert that, or to get ahead of that well in advance of what may happen down the line.

Donner stated we had been working towards advancing this to the point of putting together a proposal to adopt a relocation order to the Village Board, back on March 18<sup>th</sup>, of this year, and at that time one of the property owners, Steve Meinel (who owns Lot 6 and 7) raised some concerns. Donner stated he and Meinel met on Thursday, and during that meeting, Meinel brought up some points that Donner had not thought about, as far as looking at different alternatives. Donner stated he tried to explain to Meinel, from his perspective, that with the Right-of-Way Plat we can still make modifications, or we can explore making modifications before we even get to that point. Donner pointed out the Official Map that is included in the meeting packet, which shows the layout currently being proposed to be used in the Relocation Order for the configuration of the streets. Donner stated he wanted to open this up to the Plan Commission, as we have not talked about the detail on this with this Commission or other Committees, other than the Public Works Committee. His desire would be to go back to the Board next week and talk about where we are and how we might want to proceed with this. Donner stated he is interested in receiving feedback from Plan Commission at this point; he also still intends to contact property owners, as we have throughout this process. We have sent letters at various times and tried to give a chronology of what has happened. Donner stated we had intended to send a letter out, about a year ago in May. Donner stated he has a copy of a letter that was supposedly sent, but does not have a list of all the properties it was sent to (which in all other cases, we have that documentation). Donner stated unfortunately, in this case, we don't have proof that it was sent out. He stated he is committed to our sending out a new letter now to all property owners explaining where we are at in this process.

Zeyghami questioned if the DNR has any issues with this proposed road extension encroaching into a portion of wetland? Donner explained the DNR made it clear that they do not want to see any disturbance with the construction to the wetlands. Zeyghami commented if we have right-of-way in there that we may have the right of disturbance.

Donner stated the owner of Lot 4 has been actively marketing his lot, and he has to abide by what we show on our Official Map, as he tries to sell this lot. Donner stated if we are going to rethink this and not go forward with this, then we need to make an amendment to the Official Map and take this off and allow the owners to do what they want with their property. We have not gone into this with the perspective, or thought, that we might be able to talk about acquiring the properties ourselves, which that possibility was mentioned. It has been his thought that we need to try to limit the traffic congestion that could happen when not doing this, or if there is some other option we should be looking at. Donner stated a frontage road would be another option, but that still takes property from the lots along Weston Avenue.

Mumper questioned if we know what the approximate values of the lots that are affected. Donner stated the assessed value on the Village's tax roll is \$487,400 (14.8 acres total). Donner told Zeygami that he does not have the Fair Market Value numbers off hand. Donner stated the owner of Lot 4 is marketing his lot at double that money. Mumper asked if it would be worth investing \$1.7 million for an assessed value of \$487,400. Mumper commented when looking at the cost of improvements compared to the Fair Market Value of the land, which is potentially 3 or 4 times more that we would be investing.

Gau confirmed that all lots have all been subdivided? Donner stated all lots have been subdivided, with the exception of Lot 9. Higgins stated the lots along Weston Avenue are zoned B2, and the lots along Transport

Way are zoned LI. Gau stated controlling those access points are very paramount for the Village, and we don't want to see the access on Weston Avenue.

White questioned why the cul-de-sac on the west end of that proposed roadway is rotated and not just straight off of the end road the new road? Donner stated there is a large drop-off from the Cummins property. Donner said we can look at whether it could be relocated a bit. White stated that proposed cul-de-sac does take quite a bit off of Lot 6, and does not even touch the Cummins property. Donner stated it eliminates us from having to get another appraisal on another piece of property, and all the implications of that; but it could be modified to make any proposed taking more equitable. The other thing is there may be no chance of Lots 2, 3, and 4 having some kind of remnant that could be combined into another lot, that could push the whole right-of-way below the south property line of Lots 5, 6, and 7. The current layout was made to be equitable among all the different lot owners there.

White confirmed that Lot 4 would be transected by a new right-of-way. Donner stated part of the issue is resolving what is going to happen to this road, that property owner (Lot 4), along with the other property owners. If we are going to move forward with this, then we will have to make some decisions on this. The appraisal process will identify whether there is marketable upland, or a buildable lot of any kind left there.

Gau confirmed Lots 2 and 3 already have existing facilities on them and that all the lots along Weston Avenue are vacant. Gau feels with the proposed right-of-way, there would be enough buildable space on Lot 4 to meet the zoning, for a building. Gau stated if this is the case, then when doing this Right-of-Way Plat, it would not be considered a forced-takings on that lot (or the others).

Zeyghami questioned if we still need the existing cul-de-sac on Transport Way, if the extension is done. Donner stated we would not, and that there would have to be some kind of vacation of the bulb to clean up the access area. That vacated area could be deeded to Lot 1 (Nova Truck Wash).

Steve Meinel, 8303 Alderson Street, stated he owns two of the lots (6 and 7) on Weston Avenue, and stated he has not received any of the notices mentioned tonight, unless those were sent to his son. He stated when he met with Donner last week, he questioned the need for the road. Meinel stated a right-hand turn in/out for him would be just fine. He stated the access to the corner lot was okay when Prohaska did the development. Meinel questions the need for a loop, and questions why we would want to spend money coming off of Transport Way. Meinel stated he was told by the owner of Lot 4 that Laidlaw had offered to buy Lot 4 for about \$199,000. He feels for the small amount of development here, for the Village to spend \$1.7 million does not make sense. Meinel stated as a landowner, he just wants to be left alone and be able to put his storage units on here, as he originally intended to do 7 years ago when he bought this land. As a taxpayer spending this amount of money and the access control on Weston Avenue does not make sense to him. He was hoping to see some other alternative plans. He stated the owner of Lot 5 already knew they would have restricted access, where they access their lot through his. Meinel stated he met with the DNR last month, and the DNR representative stated he was not aware this road through the wetlands was even being proposed. Meinel stated he would like to see some other alternatives. Meinel stated he does not see the traffic issues as being a problem, and he would not have a problem if there was a concrete median strip along Weston Avenue, restricting ingress/egress to right-hand turn only.

Donner stated this land was originally owned by Tigerton Lumber Company, who then sold to Dean Prohaska. Donner stated the access control was already put into place at the time Prohaska purchased this. Prohaska then subdividing these lots, and this is how the access easement got put in between Lots 5 and 6. Donner stated that back then, Donner had suggested that Transport Way should come up to Weston Avenue. Donner stated just because this was not done back then does not mean we should not consider it. He feels controlling access along Weston Avenue is very important for the future.

Meinel stated people purchased their land with the intentions to use it the way it was approved back then. He questions why the Village wants to put a cul-de-sac on his land so the owner of Lot 5 can have access to it.

When the Village talks about amending or changing the map, he is not seeing any flexibility being shown. He feels this is his time to say something before the map is permanent. Meinel stated this stuff was not discussed specifically with the property owners, that he is aware of.

Donner stated there may have been a gap in the last year, but there has been correspondence mailed to the residents over the years. There was the permission slips sent asking owners for permission to do a preliminary wetland review. Donner stated we received Meinel's letter back denying our ability to do that on his land. Donner stated that communication came in one of the letters he is referring to. Donner stated that was probably a couple years ago, and he resolves to follow-up with all property owners with communications, but he want to see what the Plan Commission thought of that and will update the Village Board next week. Meinel stated he would like the Village to come up with some other reasonable alternatives.

White questioned the necessity to connect this down to Transport Way, and why to have a cul-de-sac on the west end of the new road. Gau stated the cul-de-sac would be needed for plowing. Donner stated there is a need for connectivity, and this prevents there being two dead-ends created.

Meinel stated in the past there have been discussions of whether lots 2 and 3 would be subdivided, and he encourages the members to take a drive over there to see the elevation issues, and how with the slopes it is not real user friendly. Meinel questioned if there will be assessments for what is going in, and if they will be assessed, and how that should be documented that these will not be assessed. Donner stated it is not up to Plan Commission to determine if there will be special assessments. Donner stated he would make a recommendation that we not special assess, but that this is also an issue that comes up during negotiations for land acquisitions. Donner stated he thinks that would be factored in to the value of the property. Meinel stated right now he has full access onto Weston Avenue, and that he does not want to have to pay assessments for a street and curb & gutter for a street that he does not want.

Wodalski stated regarding White's questions on the connecting roads and wetlands, and how staff met with the DNR and Army Corps. of Engineers out there last May, and the right-of-way shows it touching the wetlands but the construction of it will not touch the wetlands, and how the DNR and Army Corps made it very clear that we need to avoid that wetland finger, since there is adequate room to avoid it. If there would not have been room to avoid it, the DNR and Army Corps. would have allowed it, as there would have been no other way. So, as far as the wetland issue, we have met with them and there are no issues. Wodalski stated people keep referring to \$1.7 million, and how that dollar amount includes improvements to the road going east to Von Kanel Street. Wodalski stated the estimate for just this section is actually about \$947,000. Donner stated this is the amount we included in our TIF project plan and Capital Improvement Plan.

Ermeling questioned for the expense and cutting up Lot 4, why do we have to bring this road down to Transport Way, as she does not see why traffic would go that way? Wodalski stated for emergency access. He stated a few years ago when we reconstructed Transport Way, we were able to keep one lane of traffic open; however, if there were to be a watermain break tomorrow, and if we had to dig up that entire road, there would be 4 businesses that may not have access for a couple days. Also factoring in, if while that road is dug up, and there were to be an emergency, we would not be able to get an ambulance or fire truck back there, which is why we try to have two points of access in and out for people. He stated this is similar to residential subdivisions, where in 20-30 years when we start reconstruction projects, there will be a lot of lengths of street where people will have no access. This is part of the purpose to have connecting streets and why we do not promote dead ends.

There was discussion that Lot 5 has access through Lot 6. Gau stated the access for Lots 5 and 6 would have to come from Lot 7.

Trustee Mark Maloney, 5207 Riverfront Place, was present and questioned if we are trying to take care of one cul-de-sac, why we would create another cul-de-sac. Wodalski stated with this plan, fire trucks could still reach the properties from Weston Avenue. Maloney commented for us to spend nearly \$1 million on this project, where the need is not there, he feels we should stall this and come up with another solution.

Mumper stated he would like to know from a cost benefits standpoint, if anyone has looked at the future economic benefits to the Village in creating this access versus buying the properties at fair market value and doing nothing. He stated it sounds like it would be cheaper for the Village to buy those properties and do nothing, and then there would not be any access problem since the Village would own it. He questions the economic viability of doing this road project.

Donner stated we went into this with the perspective of controlling the access and how to have better access control on Weston Avenue. He stated this may not be an issue in the present, but it will be an issue in the future. Donner stated if we don't do this now, it will cost a lot more later down the line.

Gau questioned what the expectation was of Plan Commission tonight. Donner stated the need to update the property owners is where we are going, and to get an understanding from the Board on how they would like us to proceed, but with Plan Commissions comments on this for next Monday's Board meeting.

Gau stated based on what he heard from staff, landowners, and elected officials, he feels the cost is something the community needs to look at, and other alternatives should be discussed. Gau gave some suggestions:

1. Not extending Transport Way, as there will be low industry in this area, he would like to see this option.
2. Moving the access back from Camp Phillips Road, and looking at the future of Weston Avenue. If we are looking at such a large development from the north, and an expansion of Weston Avenue, we definitely have to control that access to the point we are proposing.
3. When looking at just one access from that location, and when looking at the geographic region, could that cul-de-sac bulb be flipped.

Gau stated there is a cost that needs to be considered, but he will not go along with not doing anything, because of the future expansion of Weston Avenue. He stated if we do nothing, we are just passing the problem on.

Mumper stated he would like to know what the cost would be to purchase those lots at Fair Market Value, so the Village now owns the land, and access is permanently restricted; and what is the cost of doing that versus the cost in putting in this road. He stated while we would lose future tax base, he questions whether this is really a viable project.

Gau stated we would then be taking land off tax roll and how this would be considered a "taking" and we have to have reason for that, which he is strongly against. Gau stated he would like to see something happen here for the long-term. Gau stated we would have to have a reason, such as for a park, and that "access control" may not legally qualify for a "taking".

Gau confirmed this land is in the TIF. Higgins stated this project is also a project in the TIF plan.

Zeyghami questioned if we considered a possible frontage road for Lots 5, 6, 7, and 8. Donner stated a frontage road takes more land from owners, and makes it less equitable. Zeyghami stated while it would take more land from the owners, it would solve the problem and be better economically. Donner stated from an engineering standpoint this would create a sharp left turn.

Meinel questioned if the right-of-way needs to go all the way to the 40-line, if it could move west some (between Lots 7 and 8). Donner stated this was being planned to meet up with the right-of-way intersection to the north.

Gau stated looking at future land use planning to the north, we also need to look at Weston Avenue, along with developments north and south. He feels there will be traffic issues on Weston Avenue regardless. Look at the overall area (corridor study), and then look back at this.

Jordan stated with Weston Avenue planned to be a major corridor, he does not support a frontage road.

Wodalski pointed out for an example to Mumper, the land that Brews Brothers is on, the land and improvement value is assessed at just under \$2.1 million (on 1.9 acres), and asked if Mumper is asking for estimated values of the land and future build-outs? Mumper stated yes.

Ermeling stated that the property owners need to know that we are looking at these layouts. She questioned how long the Weston Avenue Corridor Study would take. Higgins stated we are still working on the Schofield Avenue Corridor Study which began over a year ago. She stated sometimes these planning projects take some time draft and go through the review process. She commented there is the Wayfinding Study coming back, and also there will be a Housing Study Needs and Analysis soon that needs to be done. Ermeling stated that she agrees with the access issues but questioned how long we can continue doing this without coming up with a solution, and the property owners need to know what's going on.

Ermeling asked the Commission if they would like to make a motion. Zeyghami stated staff will be coming back with alternatives. White stated staff has heard comments and can come back with alternatives.

## **FUTURE ITEMS**

### **11. Next meeting date(s):**

- a. Monday, May 13 @ 6pm**
- b. Monday, June 10 @ 6pm**
- c. Monday, July 8 @ 6pm**
- d. Monday, August 12 @ 6pm**
- e. Monday, September 9 @ 6pm**
- f. Monday, October 14 @ 6pm**
- g. Monday, November 11 @ 6pm**
- h. Monday, December 9 @ 6pm**

### **12. Topics for future meetings.**

Ermeling stated we will need to discuss the Transport Way topic at a future meeting.

#### **a. Unfinished Business – Discussion and Recommendation to BOT on future Planning & Building Permit Fee Philosophy & Policies. (PC/ETZ).**

None.

#### **b. Unfinished Business – Discussion and Possible Recommendation to BOT on the petition to vacate an unimproved portion of the Dominika Street right-of-way laying south of Mary Lane.**

Joe Muzynoski, 5803 Mary Lane, was present. He stated he filed the papers to vacate the Dominika Street right-of-way that crosses over his property. He re-explained the issue that occurred where his home was not built in the right location, resulting from it not meeting setbacks, which makes it impossible for him to sell. He explained that he recently received a letter from Wehner explaining that the Village is not in favor of vacating the right-of-way. He stated the letter suggested Muzynoski work with this neighbor to the west to see if the neighbor would be willing to give up some of his land to allow the right-of-way to shift to the west, which would then resolve the problem. Muzynoski stated his neighbor has indicated that he will not give up land. The neighbor has said he would be willing to forfeit receiving additional land if the Village vacated that right-of-way.

Muzynoski stated he and his wife put their faith into the builder and the building inspector that the home was built according to the approved plan. He feels the building inspector should have caught the error. Muzynoski stated he is requesting the Village consider vacating the right-of-way, as there are already two access points to

the land to the south of him, which he feels would be sufficient. He stated he has no problems if the Village would want to put a utility easement through his land for utilities to serve the south.

Wehner stated our subdivision ordinance requires there be access every 800 feet. Wehner showed a future land use map showing this access here.

Gau stated when looping of watermain, that could go down through an easement, through Muzynoski's property.

Donner stated the 60' right-of-way shown was based on discussion from Plan Commission. Muzynoski stated his neighbor will not sell. But would forfeit the added area if vacated. Gau stated we want to meet our ordinances, we can't change our ordinances for 1 case. Zeyghami stated we need to look at the best interest of the Village.

It was discussed if Muzynoski can work with staff's recommendation, he would have 23 ½ feet of frontage. Wodalski stated this would be to edge of right-of-way, not the road. Muzynoski questioned what if neighbor won't sell. Jordan feels Muzynoski should have known this was happening.

There was discussion on what the permit application and site plan looked like back in 2004 when it came in, and how it is simply hand-drawn and not to scale. Higgins explained back then, those were the kind of site plans we used to get.

Muzynoski was questioned if he talked to the builder yet. He stated that he has not talked to the builder yet, as he was hoping to take care of this here.

Ermeling stated no action is being taken on this. Gau stated it is good to know Muzynoski's position and good to know Muzynoski neighbor will not sell. Gau stated he feels Muzynoski's pain, and this is not done yet.

**c. Kennedy Park Memorial Site Plan.**

None.

**13. Remarks from Staff.**

None.

**14. Remarks from Commission Members.**

Zeyghami questioned the status of the Wayfinding Sign project. Higgins stated we received a preliminary draft for staff review. We will bring this back before PC and CDA after staff's final review, most likely in the next month or so.

Ermeling stated it was her pleasure serving as the Chair of the Plan Commission and is not sure if she will be appointed to stay on the Plan Commission or not.

Zeyghami stated this is his last Plan Commission meeting as a Trustee and enjoyed his time on this Commission.

**15. Announcements.**

None

**16. Adjournment of Village Plan Commission.**

**Motion by Gau, Second by Mumper to adjourn at 7:57 p.m.**

Barb Ermeling, Plan Commission Chair & Village President

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

## Summary of Actions/Events Related to Transport Way Connecting Street

1. **April 22, 2015**, the Village adopted Chapter 71 of the Municipal Code, Street Access Control.
2. Village adopted the **Official Map (Ordinance No. 16-002, effective 2/17/16)**, as part of its comprehensive planning process (**Ordinance 16-042, effective 10/05/16**). The Official Map shows the connection from Weston Avenue to Transport Way and rear access via a street parallel to Weston Avenue, for lots within Stone Ridge Phase III Development.
3. **March 21, 2016**, the Board of Trustees adopts Resolution 2016-004, to limit access to Weston Avenue and notify property owners of the means in which this can be accomplished.
4. **April 28/29, 2016**, the Village mailed a letter to all property owners on Weston Avenue discussing planning efforts. Included with the mailing was the Village Official Map and Chapter 71 of the Municipal Code. The letter included background on the various topics.
5. **April 28/29, 2016**, the Village mailed a letter to all the property owners in the Stone Ridge Phase III Development and abutting it on the south side of Weston Avenue with the same information as that for the property owners on Weston Avenue. This letter included more specific discussion about the connecting street and a permission form for the Village to obtain topographic survey and wetland delineation on private property. The letter also included a copy of the brochure titled, "Rights of Landowners Under Wisconsin's Eminent Domain Law." There were numerous telephone conversations regarding the initiation of this activity.
6. **September 26, 2016**, cooperating landowners were updated on the schedule for completing preliminary wetland delineation.
7. **December 21, 2016**, the Village was furnished a copy of a preliminary wetland report and options for the street configuration.
8. **June 6, 2017**, the Village sent another letter to property owners within, and abutting the Stone Ridge Phase III Development. The letter included a copy of previous correspondence from April 2016, a copy of the proposed street layout, and a copy of the "Rights of Landowners Under Wisconsin's Eminent Domain Law."

9. **2018** – Mi-Tech completes a preliminary plan for the connecting street and access road.
10. **February 18, 2019** – the Village Board of Trustees approves a contract amendment with Mi-Tech to complete the preliminary right-of-way plat to be included in a relocation order for the project.
11. **March 18, 2019** – the Board of Trustees defers action on adoption of a R.O.W. plat.