

Village of Weston, Wisconsin
OFFICIAL PROCEEDINGS OF THE PLAN COMMISSION

held on Monday, August 13, 2018, at 6:00 p.m., in the Board Room, at the Municipal Center

AGENDA ITEMS.

- 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 6 Plan Commission members present.

<u>Member</u>	<u>Present</u>
Ermeling, Barb	YES
Gau, Duane	NO - EXCUSED
Jordan, Joe	NO - UNEXCUSED
Kollmansberger, Tina	YES
Mumper, Roy	YES
White, Loren	YES
Zeyghami, Hooshang	YES

Village Staff in attendance: Higgins, Donner, Wehner, Tatro, Maguire, and Parker. There was about 7 audience members present.

3. Opportunity for citizens to be heard.

None.

4. Written communications received.

None.

5. Approval of minutes from the previous meetings:

- a. **July 9, 2018 – Regular Meeting**
- b. **July 16, 2018 – Joint Meeting with Board of Trustees and Community Development Authority (CDA)**
- c. **July 17, 2018 – Joint Meeting with CDA**

Motion by Zeyghami, second by Mumper: to approve the minutes.

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 2 Result: PASS

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

6. Public Hearing – Discussion and possible action on approving proposed floodplain zoning ordinance and/or map revisions, *Chapter 94 Zoning Article 7 Floodplain Overlay Zoning Ordinance*, that are required by state and federal law.

a. Open Public Hearing.

Ermeling opened the hearing at 6:01 p.m.

b. Presentation by Applicant.

Higgins stated we were notified by FEMA that our flood insurance study and two flood insurance rate maps (FIRM) have been updated. Higgins stated we have been directed to update our floodplain ordinance to reflect these new documents. Changes made have been minor. In 2015 we adopted the DNR Model Floodplain Ordinance so minimal changes were required this time around and only changes to the flood study and two FIRM map documents referenced in the ordinance.

Because our floodplain ordinance is part of our Zoning Code, a public hearing is required.

c. Public Hearing/Public Comment Period.

None.

d. Close Public Hearing.

Ermeling closed the public hearing at 6:04 p.m.

e. Discussion by Plan Commission.

None.

f. Recommendation from staff.

Higgins staff recommends approval as recommended.

g. Determination and Action by Plan Commission.

Motion by Zeyghami, second by Kollmansberger: to recommend approval of Proposed Floodplain Zoning Ordinance and/or Map Revision. Q: White commented the header to be fixed, as it refers to 2015.

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 2 Result: PASS

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

7. Public Hearing – Discussion and possible action on approving a conditional use permit request filed by Anna Anderson, of The Palm Supper Club, 5912 Business Highway 51 to allow for the Outdoor Alcohol Area land use (as described in 94.4.09(16)) within the B-2 (Highway Business) District. (Project 20180055)

a. Open Public Hearing.

Ermeling opened the hearing at 6:05 p.m.

b. Presentation by Applicant.

Wehner stated the deck was installed in 2015 and the new owners now want to utilize it to serve dinner outdoors. Because they are proposing to serve alcohol outside on this deck, they have to go through the Conditional Use process. This is just for dinner service, they are not planning for an outdoor bar. This is currently a 15' x 25' deck now. Next year they would like to expand their deck to fit more tables out there.

c. Public Hearing/Public Comment Period.

Chris Connor, of McDonalds, 5100 Business Highway 51, Schofield, was present to learn more. He stated he was worried this would turn into an outdoor bar with bands. Wehner stated they would have to follow our noise ordinance for any outdoor entertainment. Wehner stated regarding the deck, if they come back within 2 years for the deck improvements, they would not need to come back for a new CUP.

Connor stated if their deck results in noise levels affecting their business, then he would have some objections. Ermeling stated if that were the case, he should speak with the business directly, and if that doesn't work, then contact the Everest Metro Police Department (EMPD).

David & Judy Weber, 2112 Volkman Street, Schofield, are concerned about possible loud music and other loud sound; concerned about the hours the business will be serving outside, questioned if this will be a seasonal thing; questioned if there will be a complaint number for them to register any noise complaints; concerned about too bright of lighting; and concerned about trash that may start blowing into his yard from people eating outside. He discussed the issues he was having with continuously blowing food wrappers and paper cups into their yard from McDonalds. If there will be more outdoor dining, will they be taking care of trash. Since there will be alcohol involved, will there be supervision? He feels this will be like living next to a beer garden (such as Balloon Fest, Log Jam, etc.).

White questioned how long Weber has resided there. Weber stated since 1992. Zeyghami questioned how the garbage is cleaned up now. Weber stated the employees from McDonalds are coming across the street and picking up any garbage that they find. Weber then described past situations he has had with McDonalds, but how by contacting them directly, the garbage problems have been resolved. Weber stated he was thinking about coming to the Village's next Board meeting to complain about the garbage issues from McDonalds. Higgins explained that McDonalds is in Schofield, not Weston. Weber stated he is also concerned about the trash from the Palms. Higgins stated the owners of the Palms are working with Parker to get their enclosure up soon and that should address his concerns.

Weber stated his greatest concern is if the patrons of the Palms will get loud and unruly, can he call the Palms. If a call to the Palms does not work, and if there were enough Police calls, would the Village revoke the CUP. Tatro stated they are a supper club and their dinner service is likely to be done by 10pm or 11pm. Wehner stated the CUP does not give them free reign, that they still have to follow the noise ordinance. Kollmansberger pointed out the operational plan says they are open until 2am. She would like a time restriction placed on the patio area. Wehner looked at the ordinance, and it states the outdoor alcohol area can't be open later than 11 p.m.

Higgins stated there is a process within the CUP ordinance language for revocation of a CUP if that becomes necessary. Higgins suggested they add in the conditional use permit certain hours allowed for use of the deck.

Connor questioned if dining is allowed outside, can they utilize it for smoking. He feels that may be where smokers currently go, and if they aren't allowed to smoke there, the smokers may end standing closer to his restaurant. Higgins stated they have to be so far away from any exists with smoking and would not be able to utilize the deck if it is being used for dining. Higgins stated EMPD enforces the no smoking law.

d. Close Public Hearing.

Ermeling closed the public hearing at 6:25 p.m.

e. Discussion by Plan Commission.

White commented many years ago Palms had outdoor dining, people seemed quiet and respectful. White verified we are talking no outside music speaker and no patrons after 10:00 p.m.

f. Recommendation from staff.

Higgins pointed out the staff recommendation in the draft CUP and stated PC can request additions.

g. Determination and Action by Plan Commission.

Motion by White, second by Kollmansberger: to recommend approval of the Conditional Use Permit for The Palms Supper Club, Project 20180055, contingent on the hours of operation for the exterior area cease after 10:00 p.m., and no outdoor entertainment is allowed.

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 2 Result: PASS

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

8. Public Hearing – Discussion and possible action on approving a conditional use permit request filed by Steve Winkels, of CWWC, 6155 Mesker Street, Weston, WI 54476, for Fletcher & Fletcher, 6155 Mesker Street, Weston, WI 54476, to allow for addition of 3 outdoor dust collectors (Heavy Industrial land use) within the LI (Limited Industrial) Zoning District. (Project 20180053)

Kollmansberger asked to recuse herself from this discussion, due to conflict of interest and took a seat in the audience for the discussion.

a. Open Public Hearing.

Ermeling opened the hearing at 6:31 p.m.

b. Presentation by Applicant.

Steve Winkels, of CWWC, 6155 Mesker Street, was present to answer questions.

Zeyghami asked if the DNR has been made aware of this. Winkels stated no, but that he does not believe the DNR would need to be involved in this.

Winkels described the project, stating this will be located on the northeast side of the building. Presently they are planning 1 dust collector, with the potential for 2 additional ones in next two years. Winkels stated they have a sawdust trailer they utilize to collect the sawdust. When the trailer is full, they would take the sawdust either to a landfill or to Kaufka Granite, in Marathon.

Mumper questioned the fire prevention measures. Winkels confirmed this will be 4-5 feet from the building, and there will be a spark arrestor system in place. Mumper feels the State would require there be a board gate. Mumper feels they may need to be about 20 feet from the building. There was further clarifications on the type of system planned and what Mumper was referring to. Winkels will check into it.

White confirmed there is a filter system inside the building. White confirmed the hours of operation would be 6:30 a.m. – 4:30 p.m., Monday – Friday.

c. Public Hearing/Public Comment Period.

Mitch King, 6205 Municipal Street, Weston, was present. He pointed out he is the closest resident to this proposed dust collector system. Most of his questions have been answered. He was concerned if they would have a 3rd shift operation. He is in support of this project as he feels any potential future noise issues will be covered under the Village's ordinances.

Wehner pointed out the language in the CUP which requires them to meet vibration and noise standards outlined in the code. Zeyghami questioned if there are DNR standards they need to meet? Mumper feels if the air was going in the atmosphere, then it would need something.

d. Close Public Hearing.

Ermeling closed the public hearing at 6:43 p.m.

e. Discussion by Plan Commission.

None.

f. Recommendation from staff.

Staff recommends approval.

g. Determination and Action by Plan Commission.

Motion by Zeyghami, second by Mumper: to approve Conditional Use Permit for CWWC, Project 20180053, assuming there are no requirements to be met by the DNR.

Yes Vote: 4 No Votes: 0 Abstain: 1 Not Voting: 2 Result: PASS

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

9. Project Updates

a. Camp Phillips Centre

b. Entryway/Wayfinding Signage Plan

c. Schofield Avenue Corridor Plan

d. TID #1 Project Plan Amendment

e. Zoning Code Update – Act 67

Higgins stated these are the major projects staff is working on that directly impact the PC. She stated we received a response from the DNR asking for more information on the wetland permit application. There are 44 questions from DNR, and staff has 45 calendar days to respond.

Higgins stated we continue to work with Roffers on the Entryway/Wayfinding signage plan and he is expecting to give us a draft plan and sign designs by the end of month. The Schofield Avenue plan will take a bit longer due to the work needing to be done with TIF#1. She pointed out tonight's JRB meeting regarding TIF#1. CDA will meet next Monday, with the hopes for a public hearing on the Plan Amendment in September. Higgins suggested PC members attend the 9/17 Public Hearing if they can. If all goes as planned, we are hopeful to have the plan amendment in place this fall.

She brought up the Zoning code update and has discussed this with Zeyghami and will be meeting with White later this week.

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

Motion by Mumper, Second by Zeyghami to acknowledge the July staff approvals.

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 2 Result: PASS

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

11. Acknowledge Report re: July 2018 Building Permits.

Motion by Kollmansberger, Second by Zeyghami to acknowledge the July staff approvals.

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 2 Result: PASS

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

FUTURE ITEMS

14. Next meeting date(s):

- a. **Friday, August 24 @ 8a.m. – Budget Workshop**
- b. **Monday, September 10 @ 6pm**
- c. **Monday, September 17 @ 4:30 p.m. – TIF #1 Public Hearing - Tentative**
- d. **Monday, October 8 @ 6pm**
- f. **Monday, November 12 @ 6pm**
- g. **Monday, December 10 @ 6pm**

15. Topics for future meetings:

16. Remarks from Staff

None.

17. Remarks from Commission Members

Mumper will be excused from the September 17th meeting.

Ermeling will not be in attendance at the August 24th meeting.

White commented on State Department of Revenue preliminary report, with the changes in evaluation, how our TIF #1 has increased in valuation by 8% change, and TIF #2 has increased by 4%.

18. Announcements.

None.

19. Adjournment of Village Plan Commission

Motion by Zeyghami, second by Mumper, to adjourn at 6:54 p.m.

Barb Ermeling, Plan Commission Chair & Village President
Jennifer Higgins, Director of Planning & Development
Valerie Parker, Recording Secretary

VILLAGE OF WESTON
PUBLIC HEARING COMMENT

This form is to be completed and submitted before the start of the hearing.

PLEASE PRINT

Date: 8-13-18
Name: Chris Conner
Address: 500 Hwy 51
Issue: Palm Supper Club

Do you wish to make an oral statement? Yes No
Position In Support In Opposition Undecided

Representing (If someone other than yourself) McDonald's

Comments _____

VILLAGE OF WESTON
PUBLIC HEARING COMMENT

This form is to be completed and submitted before the start of the hearing.

PLEASE PRINT

Date: 8/13/18
Name: David Weber
Address: 2112 Volkman St., Schotfield, WI.
Issue: Palm Conditional use.

Do you wish to make an oral statement? Yes No
Position In Support In Opposition Undecided

Representing (If someone other than yourself) wife Judith and myself.

Comments ffours, capacity, supervision, music/speakers, lighting, front or back, fencing, trash pickup, security/bouncers, How often?/all summer, complaint phone #, Beer + alcohol, Revoke if complaints, distance from ?

VILLAGE OF WESTON
PUBLIC HEARING COMMENT

This form is to be completed and submitted before the start of the hearing.

PLEASE PRINT

Date: _____

Name: MITCH KING

Address: 6205 MUNICIPAL ST.

Issue: CWWC CONDITIONAL USE

Do you wish to make an oral statement? Yes No

Position In Support In Opposition Undecided

Representing (If someone other than yourself) _____

Comments _____
