



Village of Weston, Wisconsin

**Meeting of the PLAN COMMISSION & THE JOINT
TOWN AND VILLAGE OF WESTON
EXTRATERRITORIAL ZONING COMMITTEE**

**During the 23rd legislative session of the elected
Board of Trustees (2019 – 2020)**

**Monday, March 9, 2020
@ 6:00 P.M.**

**Packet Prepared By:
Jennifer Higgins, Director of Planning and Development**



It's Right Here.

**Village of Weston, Wisconsin
MEETING NOTICE**

- Meeting of:** VILLAGE PLAN COMMISSION (PC) AND JOINT TOWN & VILLAGE EXTRATERRITORIAL ZONING (ETZ) COMMITTEE
- PC Members:** Maloney {c}, Sparks {vc}, Gau, Guerndt, Jordan, Meinel, and White
- ETZ Members:** White {c}, Hull {vc}, Christiansen, Guerndt, Meinel, and Olson
- Staff:** Jennifer Higgins, Director of Planning & Development
- Date/Time:** Monday, March 9, 2020, @ 6:00 P.M.
- Location:** Weston Municipal Center (5500 Schofield Ave) – Board Room
- Agenda:** The agenda packet will be sent out at least 3 days prior to the meeting.
- Attendance:** All Village officials are encouraged to attend. Commissioners, Committee Members, Department Directors, and guests, please indicate if you will, or will not, be attending so we may determine in advance if there will be a quorum by sending an RSVP to the assigned Administrative Support person:
- RSVP:** Valerie Parker, Plan Commission Secretary
(715) 241-2613
vparker@westonwi.gov
- Questions:** Jennifer Higgins, Director of Planning & Development
(715) 241-2638
jhiggins@westonwi.gov

This notice was posted at the Municipal Center and was e-mailed to local media outlets (Print, TV, and Radio) on 3/03/2020.

A quorum of members from other Village governmental bodies (boards, commissions, and committees) may attend the above-noticed meeting in order to gather information. No actions will be taken by any other board, commission, or committee of the Village, aside from the Village Plan Commission and Extraterritorial Zoning Committee. Should a quorum of other government bodies be present, this would constitute a meeting pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis.2d 553,494 N.W.2d 408 (1993).

Wisconsin State Statutes require all agendas for Committee, Commission, or Board meetings be posted in final form, 24 hours prior to the meeting. Any posted agenda is subject to change up until 24 hours prior to the date and time of the meeting.

Any person who has a qualifying disability as defined by the Americans with Disabilities Act requires that meeting or material to be in accessible location or format must contact the Weston Municipal Center, by 12 noon, the Friday prior to the meeting, so any necessary arrangements can be made to accommodate each request.



**VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN
OFFICIAL MEETING AGENDA OF THE PLAN COMMISSION & JOINT VILLAGE & TOWN
EXTRATERRITORIAL ZONING COMMITTEE.**

TO THE HONORABLE TRUSTEE MARK MALONEY AND PRESIDENT SPARKS AND THE FIVE (5) APPOINTED MEMBERS OF THE PLAN COMMISSION; AND SIX (6) APPOINTED MEMBERS OF THE JOINT VILLAGE & TOWN EXTRATERRITORIAL ZONING (ETZ) COMMITTEE: The following items were listed on the agenda in the Village Clerk's Office, in accordance with Chapter 2 & Chapter 62 of the Village's Municipal Code and will be ready for your consideration at the next regular meeting of the Plan Commission and Joint ETZ Committee which has been scheduled for **Monday, March 9, 2020, at 6:00 p.m.**, in the Board Room, at the Weston Municipal Center, 5500 Schofield Avenue, Weston.

A quorum of members from other Village governmental bodies (boards, commissions, and committees) may/might attend the above-noticed meeting to gather information. Should a quorum of other government bodies be present, this would constitute a meeting pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis.2d 553,494 N.W.2d 408 (1993). No official actions other than those of the Plan Commission shall take place.

Wisconsin State Statutes require all agendas for Committee, Commission, or Board meetings be posted in final form, 24 hours prior to the meeting. Any posted agenda is subject to change up until 24 hours prior to the date and time of the meeting.

1. Meeting called to order by Plan Commission (PC) Chair & Village Trustee Mark Maloney.
2. Meeting called to order by Extraterritorial Zoning (ETZ) Committee Chair Loren White
3. Roll Call and declaration of a quorum by Secretary Parker of Plan Commission – MARK MALONEY {C}, WALLY SPARKS {VC}, DUANE GAU, GARY GUERNDT, JOE JORDAN, STEVE MEINEL, LOREN WHITE.
4. Roll Call and declaration of a quorum by Secretary Parker of Joint Village & Town ETZ Committee – LOREN WHITE {C}, MARK HULL {VC}, RANDY CHRISTIANSEN, GARY GUERNDT, STEVE MEINEL, MILT OLSON.
5. [Approve minutes from the January 13, 2020 Regular Meeting.](#) (PC)
6. [Approve minutes from the October 14, 2019 Regular Meeting.](#) (ETZ)

COMMUNICATIONS

7. Opportunity for citizens to be heard.
8. Written communications received.

UNFINISHED BUSINESS

9. [Unfinished Business - Discussion and possible recommendation to the BOT on the petition to vacate an unimproved portion of the Dominika Street right-of-way laying south of Mary Lane.](#) (PC)



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN
OFFICIAL MEETING AGENDA OF THE PLAN COMMISSION & JOINT VILLAGE & TOWN
EXTRATERRITORIAL ZONING COMMITTEE.

REVIEW OF REZONING & CONDITIONAL USE PERMIT PETITIONS

10. [Public Hearing – Discussion and recommendation to the Board of Trustees \(BOT\) on Adoption of 2020 Official Zoning Map and Official Extraterritorial Zoning Map for the Village of Weston. \(PC & ETZ\)](#)
 - a. Open Public Hearing.
 - b. Presentation by Staff.
 - c. Public Hearing/Public Comment Period. – If public wishes to speak at the hearing, please fill out a [Public Comment form](#) (external web link) and turn into Clerk Parker prior to the start of the meeting.
 - d. Close Public Hearing.
 - e. Discussion by Plan Commission and ETZ Members.
 - f. Recommendation from Staff.
 - g. Action and Recommendation to the BOT by Plan Commission.
 - a. Action and Recommendation to the BOT by the ETZ Committee.

11. [Public Hearing – Discussion and recommendation to the Board of Trustees \(BOT\) on an amendment to Chapter 94 Zoning, Figure 5.01\(1\) *Rural, Open Space, and Residential District Lot Dimensions and Intensity Standards* in regards to decreasing the minimum lot area required per dwelling unit in a MF Multiple Family Residential Zoning District and Figure 5.01\(2\) *Rural, Open Space and Residential District Setback and Height Standards* in regards to increasing the maximum building height in a MF Multiple Family Residential Zoning District.](#)
 - a. Open Public Hearing.
 - b. Presentation by Staff.
 - c. Public Hearing/Public Comment Period. – If public wishes to speak at the hearing, please fill out a [Public Comment form](#) (external web link) and turn into Clerk Parker prior to the start of the meeting.
 - d. Close Public Hearing.
 - e. Discussion by Plan Commission and ETZ Members.
 - f. Recommendation from Staff.
 - g. Action and Recommendation to the BOT by Plan Commission.
 - a. Action and Recommendation to the BOT by the ETZ Committee.

NEW BUSINESS

12. [Weston Avenue Corridor Plan Project.](#)
 - a. [Workorder and Scope of Services.](#)
 - b. [Meeting and Milestones.](#)



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN
OFFICIAL MEETING AGENDA OF THE PLAN COMMISSION & JOINT VILLAGE & TOWN
EXTRATERRITORIAL ZONING COMMITTEE.

STAFF REPORTS

13. [Acknowledge Report re: January & February 2020 Staff-approved Certified Survey Maps and Site Plans. \(PC\)](#)
14. [Acknowledge Report re: January & February 2020 Building Permits. \(PC\)](#)
15. [Acknowledge Report re: January & February 2020 New Business Occupancy Permit Issuance. \(PC\)](#)
16. [Update on 2020 projects/tasks for Plan Commission.](#)

MISCELLANEOUS

17. Next meeting date
 - a. Tuesday, March 10, 2020 @ 5pm – Special Joint Meeting with CDA & BOT.
 - b. Monday, April 13, 2020 @ 6 p.m. – Regular Meeting.
18. Future Meeting Topics
 - a. Continued discussion of needed amendments to Chapter 94 Zoning
 - i. [Chapter 94 Article 13 Signs](#)
 - b. Chapter 14 Ordinance Amendment re: Addressing Flag Signs.
 - c. Schofield Avenue Corridor Plan Adoption
19. Remarks from Staff, Committee and Commission Members.

ADJOURNMENT

20. Adjournment of ETZ.
21. Adjournment of PC.

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

held on Monday, January 13, 2020, at 6:00 p.m., in the Board Room, at the Municipal Center

AGENDA ITEMS.

1. Meeting called to order by Plan Commission Vice Chair & President Sparks.

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

Roll call indicated 5 Plan Commission members present.

<u>Member</u>	<u>Present</u>
Maloney, Mark	NO – Excused
Sparks, Wally	YES
Gau, Duane	YES
Guerndt, Gary	NO – Excused
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

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

There were about 15 people in the audience.

3. Approval of minutes from the December 9, 2019 – Regular PC meeting

Motion by White, second by Jordan: to approve the December 9, 2019, Regular PC Meeting minutes.

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

<u>Member</u>	<u>Voting</u>
Maloney, Mark	---
Sparks, Wally	YES
Gau, Duane	YES
Guerndt, Gary	---
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

COMMUNICATIONS

4. Opportunity for citizens to be heard.

None.

5. Written communications received.

None.

UNFINISHED BUSINESS

6. None

REVIEW OF REZONING & CONDITIONAL USE PERMIT PETITIONS

7. **Public Hearing – Project #20191407 Dan Higginbotham, of PGA, Inc, 7306 Zinser Street, for Gary Guerndt, of PGA, Inc., on behalf of property owner, Terry & Teresa Sudut, 2827 E 48th Avenue, Anchorage, AK 99507, requesting a rezone from SF-S (Single-Family Residential - Small Lot) Zoning District and WHP-A (Wellhead Protection – Zone A) Overlay District to MF (Multiple-Family Residential) Zoning District and WHP-A (Wellhead Protection – Zone A) Overlay District to allow for multi-family housing project. The properties to be rezoned are described as all of Volume 12 of Certified Survey Maps, Page 210, as recorded in Document 809248, of Marathon County Records. The parcels are addressed as 5510 Willow Street (PIN 192-2808-187-0135), 5506 Willow Street (PIN 192-2808-184-0136), and 5420 Willow Street (PIN 192-2808-187-0137).**

a. Open PC Public Hearing.

Sparks opened the public hearing at 6:15 p.m.

b. Presentation by Applicant.

Dan Higginbotham, of PGA, Inc., 7306 Zinser Street, Weston, representing Gary Guerndt, of PGA, Inc., was present and stated they are looking to rezone property in the area where the Village is looking at Schofield Avenue business corridor. He stated there is multi-family to the north, and single-family around also. He stated this is a logical location to expand multiple family housing. He brought up the report by NCWRP who has identified a need for more affordable housing. He pointed out they have done a generic layout of property, but it is not representative to what is going in there. PGA is doing some projects in the Stevens Point area for housing. He stated they are encouraged by the Thomas Street and 3rd Street projects in Wausau. He stated the trend in the metro area is for nice rentals and the need for it.

White commented on the housing study done and the missing middle and questioned will these aim towards the “missing middle”. Higginbotham stated this is not known until they have secured the rezone.

c. Public Hearing/Public Comment Period.

Dick Bunkelman, 5328 Willow Street, who represents the Town & Country Condo Association, and is present in opposition. He brought up several items to discuss:

- 1) Water run-off concerned about where water runoff will go if filling in on Willow Street. When building water will be running down street, not sure where the storm drain is on their part of road.
- 2) Wondering about sewer and water mains. Will those need to be redone? They have a lift station on their property. Will this affect their sewer system? Same with water line.
- 3) Decrease in value of property. Their age groups are 60 - 90 years old. How will it affect their property values?
- 4) Concerned about how to get out if comp plan shows Willow Street getting closed off.
- 5) Worried about the traffic increase on their street.
- 6) Is curb and gutter planned to be built, if not they will be washed away.
- 7) Water run off on buildings, how do they take care of that?
- 8) What is the setback that they can get to their property line?
- 9) How tall will their building be?

Mike Nezworski, 2206 Bloedel Avenue, present in opposition. He stated he has some general questions and asked how many units will go in there. Higgins stated they can't exceed 33 units with the current zoning regulations. The code has a height restriction, but it could be a two-story. It was stated that Guerndt is not certain yet what they want – mix of duplexes, row houses, etc. She explained how the condo development is considered multi-family. Higgins stated the Future Land Use Map shows this entire area as commercial and multi-family. Nezworski asked if this could end up being low income housing? Higgins stated most of the rentals constructed in our area have been expensive. She stated our missing middle is \$800 – \$1,200. She stated we are not looking at low income, just affordable to draw in the younger people and provide housing for those boomers wanting to downsize. Higgins stated our vacancy rate is practically zero for multi-family housing. Nezworski commented on the Bloedel Avenue apartments, and how Everest Metro is there all the

time. Higgins feels these will not be low income. Most likely people 20-30 years old who are working here and need a place to live. This is basically an infill development. She stated how Kennedy Park Nursing home will be remodeled into multi-family housing. Donner stated there is no proposal to close Willow Street, not sure where that came from. Nezworski asked PC if this was in their back yard if they would want this. He would not be against more condos.

d. Written Correspondence.

Sparks acknowledged the E-mail from Richard Bunkelman previously sent and attached to the meeting packet.

e. Close Public Hearing.

Sparks closed the public hearing at 6:23 p.m.

f. Discussion by Commissioners.

White commented the comprehensive plan, future land use map, and housing report all support this type of development. He pointed out how these 3 lots have been empty for years. He feels younger people do not want to own homes and have the maintenance costs that go with them. He said the traffic problems will be there regardless. As far as fitting into the neighborhood, new homes are tending to the very small to very large. We need the infill.

Jordan asked Donner to speak on stormwater runoff and utilities. Donner feels there is a spring over by Post Avenue and Ferge Street, and this may be a connection to that system. Meinel is curious what the water requirements will be for those 3 lots. Donner stated he will talk to the Developer to have a study for onsite detention and storm sewer done here. They would have to meet the not discharging any more runoff than what is there now standard. This would be the responsibility on the new development.

Gau commented this is actually a street with no curb & gutter. The street is deteriorated and no stormwater, he would like to know more about the runoff issues. He is concerned about Willow Street and Bloedel Avenue. Not much traffic now and would like to see the existing infrastructure.

Donner stated as far as size for water and sewer main, 6" water, 8" sewer, which is regular size. Gau is concerned about onsite stormwater.

Meinel questioned once rezoned isn't the water runoff something developer has to take care of. If no place for water, wouldn't the end use require looking at stormwater retention. Higgins stated a stormwater management plan would be required to be done, along with a utility plan and landscape plan. Higgins stated this will have to go back through the whole site plan review. They are asking for the rezone before spending the time and money to develop the final site plan. The Developer has said he is open to discussing the types of housing on the study (row houses, smaller single-family, etc.). She stated we have not had luck with condos as people do not want to be in associations and developers do not want to build them. Higgins stated these could be row houses. This could also be partial condo, partial rental.

Penny Christiansen, 5417 Willow Street, was present in opposition. She stated she lives across the street from the condos, saying how they are the only single-family homeowner, others are rentals. She stated how her neighbor on the right's home was purchased by Abby Bank, who is using that property to add a parking lot. She stated if you come down Willow Street, it is really quiet. She has had no problems with condos. She feels there are no issues with these condos being sold. She commented on how snow storage is occurring on the empty lots right now and wondered what will happen to that. She does not have a problem with building but requests a condo type of building. She commented on how Bloedel Avenue is busy, and you can't get through. She commented how the apartments on Bloedel Avenue does not have enough parking and park on the street.

Gau questioned if rezone is approved, the site plan comes back to PC or staff. Higgins stated can be reviewed by staff, if they meet all requirements; however, PC can request it come back before them. Gau stated this is on a narrow street and there are stormwater issues.

Meinel is in favor of the rezone. Higginbotham and Guerndt have done a lot of good projects. He does not see them doing a bad development.

White questioned the number of acres the lots amount to together, which is almost 3 acres. White feels those lots are too big for single-family homes.

Jordan questioned how old this subdivision is? A resident, Leslie Hewitt, spoke up stating originally a house was located on the south lot. The elderly woman owned all the property. She explained how Jim Siedow wanted to build on those lots, but the lady would not sell. When she passed, the children then sold the lots to the current owner. Hewitt stated she is an original owner of condos, and feels they sell fast. The covenants of the condos limits the number of occupants and no rentals. Higgins found the plat and stated it is from 1909.

Sparks stated the issue seems to be people do not want this in their backyard (NIMBY). We have to take into consideration our zoning code. This is in the comprehensive plan and the zoning change is consistent to what's laid out. The housing study shows we are lacking multi-family. Concerns will come out of site plan review (stormwater water run-off, sewer & water issues, etc). We can't make decisions on people not wanting this in their back yard. We have to plan for the future on how to develop and fill needs. He is in favor of the rezone.

g. Recommendation from Staff.

Higgins stated staff report recommends approval and this is consistent with the Future Land Use Map, the housing study, and Comprehensive Plan.

h. Action and Recommendation to the BOT by Plan Commission.

Motion by White, second by Meinel : to approve the rezone request for Project #20191407, contingent on coming back before PC for final review.

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

<u>Member</u>	<u>Voting</u>
Maloney, Mark	---
Sparks, Wally	YES
Gau, Duane	YES
Guerndt, Gary	---
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

NEW BUSINESS

8. None.

STAFF REPORTS

- 9. Acknowledge Report re: December 2019 Staff-Approved Certified Survey Maps and Site Plans.
- 10. Acknowledge Report re: December 2019 Building Permits.
- 11. Acknowledge Report re: December 2019 New Business Occupancy Permit Issuance.

Motion by White, second by Gau: to Acknowledge Items 9 – 11.

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

<u>Member</u>	<u>Voting</u>
Maloney, Mark	---
Sparks, Wally	YES
Gau, Duane	YES
Guerndt, Gary	---
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

12. Update on 2020 Project/Tasks for Plan Commission.

Higgins stated this is just a carryover from 2019. She will continue to update the work plan. She stated we will be busy in first quarter. She stated there are changes to be made to the zoning code and also a couple sections of the Comprehensive Plan based off of the Schofield Avenue Corridor Plan and the housing study. Still need to bring the Schofield Avenue Corridor Plan back to be added to the Comp. Plan. This already went through the public hearing process, but Roffers has fine-tuned it and we need to bring back for final approval.

White commented on Camp Phillips Centre project. Higgins stated this is still waiting. He questioned the steel towers, and Higgins stated those are sitting at Ryan Street.

Sparks commented on the sports complex and their looking at \$13 - \$14 million, plus If Village does on own out of its operations it would be about \$170,000 per year. He feels she can take this topic off the report, or place on an agenda to be taken off. White feels the Village should market that land. Higgins feels that would be a good topic for the Comprehensive Plan Future Land Use Map discussion. She stated Donner wants to discuss the Weston Avenue Corridor Plan yet this year too.

MISCELLANEOUS

13. Next meeting date

a. Monday, February 10, 2020 @ 6pm – Regular Meeting.

14. Future Meeting Topics

a. Continued discussion of needed amendments to Chapter 94 Zoning.

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

c. Chapter 14 Ordinance Amendment re: Addressing Flag Signs.

15. Remarks from Staff and Commission Members.

Higgins stated we offered the Assistant Planner position to a candidate, who has accepted and will start here in a few weeks.

No remarks from Plan Commission.

ADJOURNMENT

16. Adjournment of PC.

Motion by Meinel, Second by Gau: to adjourn at 6:57 p.m.

Wally Sparks, Plan Commission Vice 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: JAN 13, 2020
Name: DICK BUNKELMAN
Address: 5328 WILLOW ST

Issue: Zone change on Willow St

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

Representing (If someone other than yourself) Town and Country Estates

Comments We feel that problems might threaten our 8 unit condo family

VILLAGE OF WESTON
PUBLIC HEARING COMMENT

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

PLEASE PRINT

Date: 1-13-20
Name: MIKE NEZVORSKI
Address: 2206 BROOK AVE

Issue: RE-ZONING TO COMMERCIAL PROPERTY ON WILLOW ST

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

Representing (If someone other than yourself) _____

Comments _____

VILLAGE OF WESTON
PUBLIC HEARING COMMENT

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

PLEASE PRINT

Date: _____

Name: Penny Christensen

Address: 5117 Willow St.

Issue: TRAFFIC, NOISE, WATER ISSUE

Do you wish to make an oral statement? Yes No

Position In Support In Opposition Undecided

Representing (If someone other than yourself) _____

Comments _____

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

held on Monday, October 14, 2019, at 6:00 p.m., in the Board Room, at the Municipal Center

AGENDA ITEMS.

- 1. Meeting called to order by Plan Commission Chair & Trustee Mark Maloney.**
- 2. Meeting called to order by Extraterritorial Zoning (ETZ) Committee Chair Loren White.**
- 3. Roll Call of Village Plan Commission by Secretary Parker.**

Roll call indicated 6 Plan Commission members present.

<u>Member</u>	<u>Present</u>
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	YES - Arrived Late
Guerndt, Gary	YES
Jordan, Joe	NO
Meinel, Steve	YES
White, Loren	YES

- 4. Roll Call of Joint Village & Town ETZ Committee by Secretary Parker.**

Roll call indicated 5 Plan Commission members present.

<u>Member</u>	<u>Present</u>
White, Loren	YES
Hull, Mark	YES
Christiansen, Randy	YES
Guerndt, Gary	YES
Meinel, Steve	YES
Olson, Milt	NO

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

There were about 9 people in the audience.

- 5. Approval of minutes from the September 16, 2019 – Regular PC and ETZ meeting**

Motion by Guerndt, second by Meinel: to approve the August 12, 2019, Regular PC Meeting minutes.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 2 Result: PASS

<u>Member</u>	<u>Voting</u>
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	---
Guerndt, Gary	YES
Jordan, Joe	---
Meinel, Steve	YES
White, Loren	YES

Motion by Meinel, second by Hull: to approve the August 12, 2019, Regular ETZ Meeting minutes.

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

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Hull, Mark	YES
Christiansen, Randy	YES
Guerndt, Gary	YES
Meinel, Steve	YES
Olson, Milt	---

COMMUNICATIONS

6. Opportunity for citizens to be heard.

None.

7. Written communications received.

None.

UNFINISHED BUSINESS

8. Public Hearing – Project #20191337 – David Junion request to rezone approximately 31 acres at 228297 Camp Phillips Road in the Town of Weston within the Extraterritorial Zoning Jurisdiction of the Village from RR-5 (Rural Residential – 5 Acre) to RM (Rural Mixed) and grant a Conditional Use Permit to allow for an Artisan Studio, within the RM (Rural Mixed) District. (ETZ) – Deferred from September 9, 2019 Meeting – Withdrawn by Applicant.

White confirmed applicant withdrew his application. Higgins stated just a reference for ETZ. The applicant will be coming back with a Conditional Use permit.

9. Unfinished Business – Discussion and possible recommendation to the 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 and read a letter (attached) that summarized this issue.

Donner pointed out he has met with and had discussions with Muzynoski about this. Donner pointed out how we brought this issue up with our attorney, and our attorney suggested Muzynoski find us a resolution that would involve acquiring the property on the west side from his neighbor to move the lot line and narrow the ROW to 60 feet. This suggestion came after this was first heard by Plan Commission, and Plan Commission did not feel it would be in the Village's best interest to vacate the right-of-way entirely, that it should be maintained for Village purposes. Donner stated recently, a potential developer approached staff about the land to the south, and during our discussions it was realized that the two outlots that are on the far sides, the east and the west, of the Wandering Springs Plat, have notation that states the outlots shown here are reserved for possible street extensions. Donner then pointed out an article, included in the packet, from Claire Silverman, of the League of WI Municipalities, that talks about what constitutes a dedication of right-of-way. Donner stated we have since shared what we have found with the attorney, and he believes those outlots would be considered dedications. Donner stated the question on the developer's note on the plat is whether those were in fact explicit dedications. Donner stated both of these outlots remain in the ownership of the original developer, Stan Budleski (who constructed Muzynoski's house). Donner stated there have been no taxes paid on the eastern outlot, off of Old Costa Lane, since the plat was adopted; however, the taxes have been paid on the outlot to the west. The west 33-feet of the west outlot has been connected to a lot now owned by Joe Buska. Donner stated he met with Budleski (present in the audience) today. Donner stated from his discussion with Budleski, it seems Budleski's perspective is that those two outlots were intended to be dedicated. Donner stated staff can do some additional follow-up with the two parties (Budleski & Buska) involved to see if we can make sure we have those two accesses. Currently, we cannot recommend vacating the right-of-way for Muzynoski because this has not been resolved yet.

Meinel questioned how it was possible for Buska to acquire that 33 feet? Higgins stated she believes it was from a deed transfer through Marathon County Register of Deeds that did not come through as a CSM (as it is supposed to be). Higgins gave some background on how Buska's overall lot was created from Mitch King. She stated we have had issues in the past where people have combined or reconfigured properties via a deed through Marathon County Register of Deeds.

Meinel confirmed that Buska would have to sell that 33 feet he got by mistake. Higgins stated we have not talked to him yet. Donner stated Budleski's perspective is those are to be dedicated to right-of-way. Donner stated the taxes need to be paid for the eastern outlot and discussions have to be made with Buska.

Meinel confirmed if two outlots were to come in, with Buska selling the 33 feet, the length of road would be 1,200 feet in length, and pointed out our Subdivision Ordinance only allows a maximum length for a block to be 800 feet. Donner stated in keeping in the letter of the code the road length, that right-of-way (west of Muzynoski) could be a pedestrian path, amounting to a partial vacation. Higgins stated when vacating in the past, we typically leave as an easement for sewer & water.

Maloney questioned with Option 3 in the Staff Report, would his driveway need to be altered, and if there would be enough room for a walking path. Donner stated it would be determined at the time of subdivision development through a survey.

Meinel questioned if we just maintain the easement for utilities, Muzynoski would have a conforming lot then. Meinel confirmed we would just need to get the two outlots transferred. Donner stated the building permit will meet setbacks.

Duane Gau arrived at 6:20 p.m.

Donner stated the petition to vacate would be through the Village Board. Maloney feels we should try to figure out the east and west accesses first.

Meinel feels if we can tie up the two outlots, he would be okay with vacating and deeding over, but retaining the utility easement. Guerndt questioned whose expense on driveway when utilities come through. Donner stated this would need to be negotiated and feels if a path goes in, this would be the opportunity to move the driveway over. Meinel questioned if a path is needed. Donner stated paths make neighborhoods more desirable.

Guerndt questioned if we need an access in the middle, if we can have those connections points on the east and west ends. Donner stated if we could get those two access points tied up and confirmed, it would be accessible to not pursue the street connection in the middle.

White stated we would have to modify our ordinance on the block lengths allowed. He feels we should not deed anything until we know for sure the other points will work, and then we need to modify our ordinance.

Meinel confirmed Budleski's intention is not to retain that outlot.

Guerndt questioned if we feel the Mary Lane extension would ever happen. Guerndt stated we could negotiate swapping of land. Higgins stated she felt the King's would want to keep the Mary Lane access. Donner stated the utility service could be a negotiation point to Buska. Wodalski stated watermain stubbed west of there, and sewer has a dead-end manhole at the property line.

Meinel questioned if we could table this for now. Higgins stated they can defer. The board will need to eventually act on the vacation but we didn't want to bring it to them the way things currently are as they would have to deny. Meinel confirmed that staff will work towards resolving the two outlots. Higgins stated she has

to look into the process the County would require for those outlots to be dedicated. She believes it can be done through a resolution through the Board.

Maloney questioned who drew the concept map for the subdivision to the south. Wodalski & Wehner indicated that they did, but developers and Mitch King have looked into this too and have similar layouts. Maloney questioned Tatro & Maguire if this, the home being built at the incorrect setbacks, is something that could happen again today. Tatro stated it is possible, but most likely would not as they verify setbacks in the field.

Motion by Meinel, second by Sparks: to defer this request. Q: White questioned the timeline for this deferral. Meinel stated just to have staff move along with the two outlots getting dedeed. Sparks agreed and feels if we can get those two access points locked up, it will give us room to work with. Meinel offered to contact Buska. Gau reminded that we will have to revise the subdivision ordinance. Motion passed.

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

<u>Member</u>	<u>Voting</u>
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	YES
Guerndt, Gary	YES
Jordan, Joe	---
Meinel, Steve	YES
White, Loren	YES

Higgins stated staff will keep Muzynoski updated.

REVIEW OF REZONING & CONDITIONAL USE PERMIT PETITIONS

10. Public Hearing – Project #20191342 SC Swiderski Land Compancy, LLC, request to rezone a 2-acre parcel (PIN 192-2808-154-0979) of land in the Village from SF-L (Single-Family Residential – Large Lot) with WHP-B (Wellhead Protection – Zone B) Overlay District to MF (Multiple Family Residential) with WHP-B Wellhead Protection – Zone B) Overlay District (PC)

a. Open PC Public Hearing.

Maloney opened the public hearing at 6:35 p.m.

b. Presentation by Applicant.

Higgins stated they are asking for a rezone of this parcel from SF-L to MF. The Single-family home is existing, and they have no plans to incorporate this parcel into the development to the east. They may sell as a single-family home later.

c. Public Hearing/Public Comment Period.

No one present.

d. Close Public Hearing.

Maloney closed the public hearing at 6:37 p.m.

e. Discussion by PC Members.

White commented we all knew this was going to come. Higgins explained how she forwarded a housing research study recently. The study in the packet shows some of our zoning practices are hindering the developers with our lack of multi-family zoned property available and everyone wanting a ½ acre lot. White stated he lives next to multi-family, and is fine with what surrounds him, as he has just as much issues with single-family neighbors as he has with his multi-family neighbors.

f. Recommendation from Staff.

Staff recommends approval.

g. Action and Recommendation to the BOT by Plan Commission.

Motion by White, second by Gau: to approve the rezone request for Project #20191342.

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

<u>Member</u>	<u>Voting</u>
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	YES
Guerndt, Gary	YES
Jordan, Joe	---
Meinel, Steve	YES
White, Loren	YES

11. Public Hearing – Project #2191348 – Riverside Land Surveying request to rezone 14,899 sq. ft. of 6303 Von Kanel Street (PIN 192-2808-211-0951) from SF-L (Single-Family Residential – Large Lot) with WHP-B (Wellhead Protection – Zone B) Overlay District to SF-S (Single-Family Residential – Small Lot) with WHP-B (Wellhead Protection – Zone B) Overlay District.

h. Open PC Public Hearing.

Maloney opened the public hearing at 6:41 p.m.

i. Presentation by Applicant.

Chris King-Wilcoz was present and explained she is buying that piece of land to add to their property.

j. Public Hearing/Public Comment Period.

None.

k. Close Public Hearing.

Maloney closed the public hearing at 6:42 p.m.

l. Discussion by PC Members.

None.

m. Recommendation from Staff.

Staff recommends approval.

n. Action and Recommendation to the BOT by Plan Commission.

Motion by Guerndt, second by Meinel: to approve the rezone request for Project #20191348.

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

<u>Member</u>	<u>Voting</u>
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	YES
Guerndt, Gary	YES

Jordan, Joe	---
Meinel, Steve	YES
White, Loren	YES

Higgins stated will go to the Board of Trustees meeting on Monday.

NEW BUSINESS

12. Discussion and action on request to construct a new detached accessory structure (for residential use) between the principal building and the street right-of-way at 227011 Clearview Drive, per Section 94.4.09(2)10 (ETZ).

Maguire stated this request is to build an accessory structure for this lawn tractor, but to be located in front of the house. He stated the colors will match the house.

White confirmed this is the size building he wants (not bigger).

Maguire explained the setbacks and what was originally shown on the plan.

Maloney questioned why not just being issued a permit by staff. Higgins stated because the garage is being located in front of the house. This review is required by the ETZ Zoning Code. Prior to changes in the Code, this would have required a conditional use permit but now just needs ETZ approval.

Christiansen stated he has no issues, and this is no different than other town properties.

Hull pointed out north of this lot is Renee Radcliffe's property, and how she built her home up over the hill with farm structures in between. There is still a need to show the lot line from the structure to the north, to be sure there is the 15 feet setback. He is concerned they will not meet the setback on the (north) interior side property line. Hull pointed out how ETZ would be approving this based on an approved site plan of what's being built.

Hull brought up the Muzynoski issue that came before us tonight, and how this could turn into the very same thing. He is nervous with not having a to-scale drawing. Hull stated he has no issues with the location of the structure, just nervous about not having the exact lines and having some guarantees on where this building will be placed. Hull stated if he approves this tonight, it will be with a contingency of building dimensions shown along with actual setbacks, that staff signs off on, stated they looked at this, and it meets setbacks. Hull stated the north line needs to be greater than 15 feet; they should stick with the 60 feet to the front line (as being represented in the drawing); and having a site plan that staff approves before the permit goes out.

Meinel agrees with Hull, that we should have a better handle on this, as to him this is a "napkin" drawing. White also agrees with Hull. Higgins clarified ETZ is basically approving their being allowed to place this structure in the front yard, and then the building inspectors will get the proper plans submitted before the permit is issued.

Motion by Hull, second by Meinel: to approve the building permit application to construct the accessory structure as proposed by the applicant at 227011 Clearview Drive, contingent on a site plan to scale, that shows a setback of at least 15 feet to the north property line and at least 60 feet to the right-of-way. Q: Christiansen question the finished floor elevation and if there are any requirements on that. Tatro and Maguire both confirmed there is not a requirement on the finished floor elevation for an accessory structure. Christiansen stated that the water runoff does drain in that direction. Christiansen stated he is concerned if we get similar rain this coming March as this past spring, where the ground is still frozen, and then all of a sudden it becomes a municipal problem. He stated if the builder follows the lay of the land there, it will be too low and water will run through it. Tatro stated that typically when they pour the slab, they will berm the ground up first to keep the drainage away from it, and probably will be swaled behind or in front. Wodalski stated looking at the contours it

appears everything slopes to the front. Guerndt questioned if we want to add the drainage concern in on the motion. Hull stated if there is not a requirement, he is not sure how we can add that. It was stated as long as this is verbalized to the contractor and owner. Guerndt pointed out how Christiansen does not want to get that call 6 months or a year from now how there was nothing in writing stating the drainage needs to be planned to go away from the building. Hull stated staff will have to relay this to them. Christiansen stated ultimately it will be the contractor and owner's problem. Tatro pointed out the proper motion here is to approve or not approve the location. Motion carried.

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

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Hull, Mark	YES
Christiansen, Randy	YES
Guerndt, Gary	YES
Meinel, Steve	YES
Olson, Milt	---

13. Presentation by North Central Wisconsin Regional Planning Commission (NCWRPC) on Housing Study (NCWRPC).

Dennis Lawrence and Carrie Edmondson, of NCWRPC, were present to give a presentation on the Weston Housing Assessment Report (Housing Study).

Lawrence stated that Act 243 requires all municipalities with a population of 10,000 or more to do a Housing Assessment Report. He stated there is also a Fee Report, but that is basically just to be sure the fees being assessed related to the land use regulations are online and posted. Lawrence stated this housing assessment report looks at a variety of trends over the last several years and doing a projection for the future by looking at what the current demands are and future demands are. He stated this report shows many different statistics and demographics, then gets into the review of the development process (and possibility of streamlining it) that the Village goes through, cost of housing and affordability issues, and housing stock.

Edmondson then went through the report (included in the packet) explaining the statistics given.

White stated that people who own rental property are pretty happy, as they are not having a hard time filling their units. Guerndt stated this also indicates that there is still room for growth. Guerndt commented on when the Village was not allowing any more multi-family. Higgins stated that is probably part of where we are at now, but there has been a shift and the board has been more open to multi-family. Higgins explained a meeting Donner and ED Coordinator Chartrand had recently with Mark Matthiae, of Crystal Finishing, and how Matthiae is having a hard time finding housing for his workers. Guerndt commented on how Abbyland Foods is building their own housing for their employees.

Lawrence stated Weston is uniquely situated, being a fairly new village with a lot of new housing stock. He questioned with regard to the development process side, if PC is hearing from the developers any issues, such as too long to get subdivision approved, rules being hard to understand, or fees being too high, etc.

Sparks those issues are things we have been discussing for the past year, and are trying to streamline the process and reach out to developers and promote things that have been changed. White commented on the report from WRA. Guerndt commented on the costs to develop.

White commented this report discusses an appeals process that goes to the State not the Municipality. Lawrence stated if municipalities can streamline the process then the developers will be less likely to go to the State.

Higgins stated the subdivision ordinance is something that will need to be updated based on Act 243, which will come to the Plan Commission. She stated we had to do a park facilities needs assessment for parkland dedication fees. She stated staff met on this last Friday with Mark Roffers and in next few months will have something to bring before Plan Commission and Parks & Recreation Committee. Higgins pointed out that staff typically meets with a potential developer ahead of their application to work with them on what is required. Guerndt stated he was happy with the quick review on his subdivision, his only issue was the requirements and the expense. Maloney confirmed Guerndt is referring to the Parkland Dedication Fee. Maloney questioned if Parks are being utilized anymore? Higgins stated the need for parks is the quality of life issue that we are hearing about from some of the business owners. Their workers want amenities, such as parks, close to where they live. Higgins clarified that the Parkland Dedication Fees collected are to be used only to purchase park land, not for maintenance or anything like that. Donner commented how he has heard people talking about their children wanting to go to parks in other communities because we do not have enough parks and park amenities that appeal to them.

Donner pointed out through his discussions with Matthiae, that to bring people here, they need things to do. Donner stated Matthiae also commented to him how employees do not want to drive any further than 12 or 15 miles.

Lawrence stated he will be back in December with the final draft of the Study.

14. Discussion on future process for providing feedback on permits and site plans.

Sparks stated he requested this topic be placed on the agenda, based on feedback he has received. He would like to see more two-way communication when it comes to contacting applicants on their permits. If there is an issue with a permit, he would like staff to first place a phone call explaining the issue to the applicant, prior to sending the e-mail, which could then document the discussion.

Higgins stated we typically bring the contractor or project manager in to discuss the project. We have found issues come up when the owner inadvertently gets copied in on the e-mails, as they are not typically part of the submittal/review process and therefore have no idea what the emails mean. Guerndt stated he feels the process can be confusing. Higgins stated if something is confusing the applicant should ask for clarification.

Guerndt stated he has heard some positive things from contractors lately. Higgins stated how she used to write up the review letter based on everyone's comments to her, but now with Evolve, each person is responsible to add their own comments in before the review letter is sent out.

Roman commented with the Clearview Drive submittal, how he tried calling the contractor three times. Because we did not want to delay this particular project, we chose to keep it on the agenda hoping to receive contact from the contractor. The contractor did finally contact him, and they were able to sit down and discuss the plans this morning. Maguire stated we are working with people on the issues we come across.

Higgins stated sometimes, like the Clearview garage situation, we have issues with getting correct plans from the contractors. Donner stated there are also cases where we do not have phone numbers, where e-mail is the only contact information we have.

STAFF REPORTS

15. Acknowledge Report re: September 2019 Staff-Approved Certified Survey Maps and Site Plans.

16. Acknowledge Report re: September 2019 Building Permits.

17. Acknowledge Report re: September 2019 New Business Occupancy Permit Issuance.

Motion by White, second by Gau: to acknowledge Reports #15, 16, & 17.

Yes Vote: 6

No Votes: 0

Abstain: 0

Not Voting: 1

Result: PASS

<u>Member</u>	<u>Voting</u>
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	YES
Guerndt, Gary	YES
Jordan, Joe	---
Meinel, Steve	YES
White, Loren	YES

18. Update on 2019-2020 projects/tasks for Plan Commission.

Higgins stated this is just a standard monthly update.

MISCELLANEOUS

19. Next meeting date

a. Monday, November 11, 2019 @ 6pm – Regular Meeting.

20. Future Meeting Topics

a. Continued discussion of needed amendments to Chapter 94 Zoning.

b. Unfinished Business – Discussion and Action on Planning & Development Department Draft Customer Service Survey

21. Remarks from Staff, Committee, and Commission Members.

None.

ADJOURNMENT

22. Adjournment of ETZ.

Motion by Guerndt, Second by Meinel to adjourn at 7:36 p.m.

23. Adjournment of PC.

Motion by Sparks, Second by Meinel to adjourn at 7:36 p.m.

Mark Maloney, Plan Commission Chair & Village Trustee

Jennifer Higgins, Director of Planning & Development

Valerie Parker, Recording Secretary

Hello, My name is Joe Muzynoski. My wife Laurie and I own the home at 5803 Mary Lane which is the address affected in this issue. I would like to give you all a short summary of why we decided to file a petition to vacate the southern extension of Dominika Street.

This home was built in 2005 by Budleski Builders. A little over a year ago we decided that it was time to downsize. After contacting a real estate agent, he pulled up a map showing a satellite picture of our home with an overlay of the lot lines. We hadn't seen these images before and were shocked to see that our home had been built without proper setback guidelines to the Dominika Street extension on the west side of the house. In fact, our home is sitting only 3.5 feet away from the lot line which puts nearly our entire driveway onto this right of way.

We have been trying to find a solution for over a year now with no success. All I have heard is that it is my problem is somehow our fault. It seems that everyone wants to pass the buck and hope this problem magically goes away. I have talked with the builder and he doesn't know how this could have happened.

It was proposed that I try to buy land from my neighbor to the west so that a potential new road could be shifted a few feet in that direction. This idea will not work because my neighbor to the west is not interested in selling any of his property. Even if he would, this plan would only give our home a 20 foot setback on the driveway side, which is usually considered the front of the home. A typical parking space is 20 feet.

We have spoken with three different lawyers to discuss our legal options. We are told that there are options we could take, but to be prepared for a very long court battle which could even take years to settle.

The lot is simply not big enough for the home to be built on, and permits should never have been issued in the first place. With timely inspections, there were many opportunities for this error to be caught and construction halted. This simply did not happen.

When buying a home, one puts faith in the professionals to be sure permits and laws are followed, and then you have the assurance that if mistakes are made, the municipality has inspectors whose job it is to check and correct these types of errors before an unsuspecting buyer purchases a home that is in noncompliance.

Without placing blame on anyone at this time, the fact is that even in this era of planning and zoning, checks and cross checks, mistakes are still made. When they are, those who have the authority, need to correct them so innocent people are protected.

We have been counting on the equity we have earned all these years to be able to afford to downsize, but now, while we are still expected to pay full value in property taxes, this problem greatly devalues our home, and in fact, makes it unsellable.

We decided to petition for vacating the Dominika Street right of way because we felt it can be a viable solution to this problem. This currently unimproved extension to Dominika Street had been put into the design of this neighborhood in the event that it possibly would be needed someday for access to the south. However, should the area to the south ever be developed, there are two other main access roads planned for southern access. Old Costa road on the east end, and Municipal street on the west end.

The area to the south consists of about 33 acres, much of which consists of wetland. There are suitable building sites for at most a few dozen homes, which lends one to believe that the main arteries on the east and west ends, would adequately serve this potential subdivision.

If this unimproved extension to Dominika Street is vacated, then half of it would go to 5803 Mary Lane (my address) and half would go to my neighbor to the west. My neighbor has indicated in a letter to the village that while he has no interest in selling any of his existing property, he would be willing to forfeit any portion of his half that is currently being used for my driveway.

It has been 16 months now since this issue was discovered, it has been on the agenda of these meeting twice before with no clear solution. You all have the power to make this problem go away and move on with the stroke of a pen. We hope that you will decide that Old Costa Street on the east and Municipal street, 300 yards to the west are sufficient, and to vacate this right of way in the middle. This would allow our driveway and home to remain unchanged.

If you plan to vote against vacating this right of way, please don't do so without offering a solution that you would feel is fair if this were your home. Thank you.

REQUEST FOR CONSIDERATION

Public Mtg/Date:	Plan Commission, March 9, 2020
Description:	Unfinished Business - Discussion and possible recommendation to the Board of Trustees on the petition to vacate an unimproved portion of the Dominika Street right-of-way laying south of Mary Lane.
From:	Keith Donner, Village Administrator Jennifer Higgins, Director of Planning and Development
Question:	Should the Plan Commission recommend to the Board of Trustees the approval of a resolution to initiate the process to vacate an unimproved portion of the Dominka Street right-of-way laying south of Mary Lane?

Background

The homeowner of 5803 Mary Lane originally approached the Village in 2018 to correct a situation with his home being setback only 5.5 feet from the Dominika Street right-of-way. He had requested a street vacation to create a larger lot and comply with the minimum setback. The building permit that was submitted showed the house would fit on the lot with a 32 ft setback but, the house encroached on the street side yard setback by 24.5 feet (per the zoning code at the time of construction). Today's code has a reduced setback of 20 feet (an encroachment of 14.5 feet).

The Plan Commission asked staff to look at possible remedies. The item was discussed at meetings of the Plan Commission in January and February 2019 and most recently in October 2019. The staff report for the issue from October 2019 summarizes the main issue.

After following up on documents obtained related to the Wandering Springs West Plat and a lot created abutting the southwest corner of the plat, staff has discovered the following:

1. Outlot 1 was set aside for future possible street extensions. Outlot 1 is actually 2 outlots, one at the southeast corner and another at the southwest corner. A legal article by Claire Silverman in the League of Municipalities Newsletter, November 2017, addressed the issue of dedication of right-of-way. Interpretation of the intent for Outlot 1 is that it/they can be considered to be dedicated.
2. The west 33 feet of Outlot 1 at the southwest appears to have been conveyed to the current owner in error and should have remained in the ownership of the Subdivider of the Wandering Springs Plat. This is something staff just realized in the past few days. The current owner is agreeable to reconfiguring Outlot 1 to its original configuration but, doesn't want to incur cost in the process.

Staff would support the recommendation to adopt a resolution for the Village Board to conduct a public hearing to vacate Dominika Street south of Mary Lane provided the 2 access points provided for in the Wandering Springs West Plat are explicitly dedicated to the Village. This would assure public street access to lands south of the Wandering Springs West Plat.

Staff is not in favor of vacating the entire right-of-way; i.e. a partial vacation (the east half) would preserve right-of-way for pedestrians and bicycles and possibly for emergency vehicles.

The Administrator has contacted County Land and Title to revisit the creation of the deed for the lot off the southwest corner of the plat. It is possible correcting the conveyance of the west 33 feet of Outlot 1 at the southwest corner of the plat can be corrected at no cost to any of the parties involved. However, staff feels the costs to reconfigure and convey the future R.O.W. should not be the Village's responsibility.

REQUEST FOR CONSIDERATION

Attached Docs: A packet containing the chronological history of events.

Committee Action: Direction in October 2019 was to contact adjacent landowner

Fiscal Impact: Unknown

Recommendation: Recommend deferring action to forward a resolution to vacate the east half of Dominika only after Outlot 1, as configured on the Plat of Wandering Springs West is explicitly dedicated to the Village to assure access to the south.

Recommended Language for Official Action

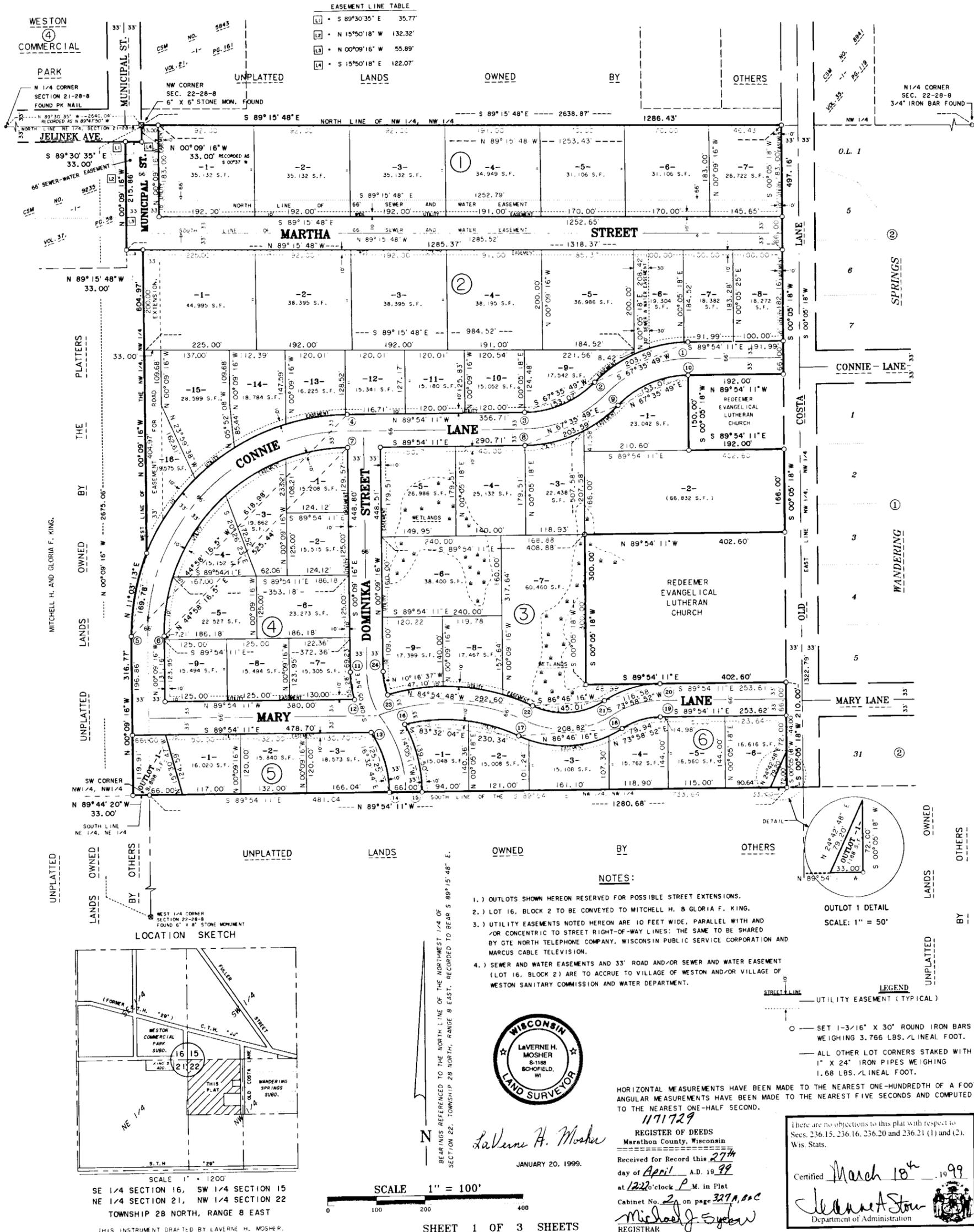
I move to recommend deferring action to forward a resolution to vacate the east half of Dominika until after Outlot 1, as configured on the Plat of Wandering Springs West is explicitly dedicated to the Village to assure access to the south.

Something else

Additional action: Staff facilitate actions by landowners to obtain the necessary dedications

WANDERING SPRINGS WEST ADDITION

A SUBDIVISION LOCATED IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, AND IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 21, ALL IN TOWNSHIP 28 NORTH, RANGE 8 EAST, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN.



EASEMENT LINE TABLE

1	S 89°30'35" E	35.77'
2	N 15°50'18" W	132.32'
3	N 00°09'16" W	55.89'
4	S 15°50'18" E	122.07'

- NOTES:**
- 1.) OUTLOTS SHOWN HEREON RESERVED FOR POSSIBLE STREET EXTENSIONS.
 - 2.) LOT 16, BLOCK 2 TO BE CONVEYED TO MITCHELL H. & GLORIA F. KING.
 - 3.) UTILITY EASEMENTS NOTED HEREON ARE 10 FEET WIDE, PARALLEL WITH AND/OR CONCENTRIC TO STREET RIGHT-OF-WAY LINES; THE SAME TO BE SHARED BY GTE NORTH TELEPHONE COMPANY, WISCONSIN PUBLIC SERVICE CORPORATION AND MARCUS CABLE TELEVISION.
 - 4.) SEWER AND WATER EASEMENTS AND 33' ROAD AND/OR SEWER AND WATER EASEMENT (LOT 16, BLOCK 2) ARE TO ACCRUE TO VILLAGE OF WESTON AND/OR VILLAGE OF WESTON SANITARY COMMISSION AND WATER DEPARTMENT.



Laverne H. Mosher
JANUARY 20, 1999.

HORIZONTAL MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE-HUNDREDTH OF A FOOT. ANGULAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST FIVE SECONDS AND COMPUTED TO THE NEAREST ONE-HALF SECOND.

1171729
REGISTER OF DEEDS
Marathon County, Wisconsin
Received for Record this 27th day of April A.D. 1999 at 12:22 o'clock P.M. in Plat Cabinet No. 2 on page 327A, 80C
Michael J. Sykes
REGISTRAR

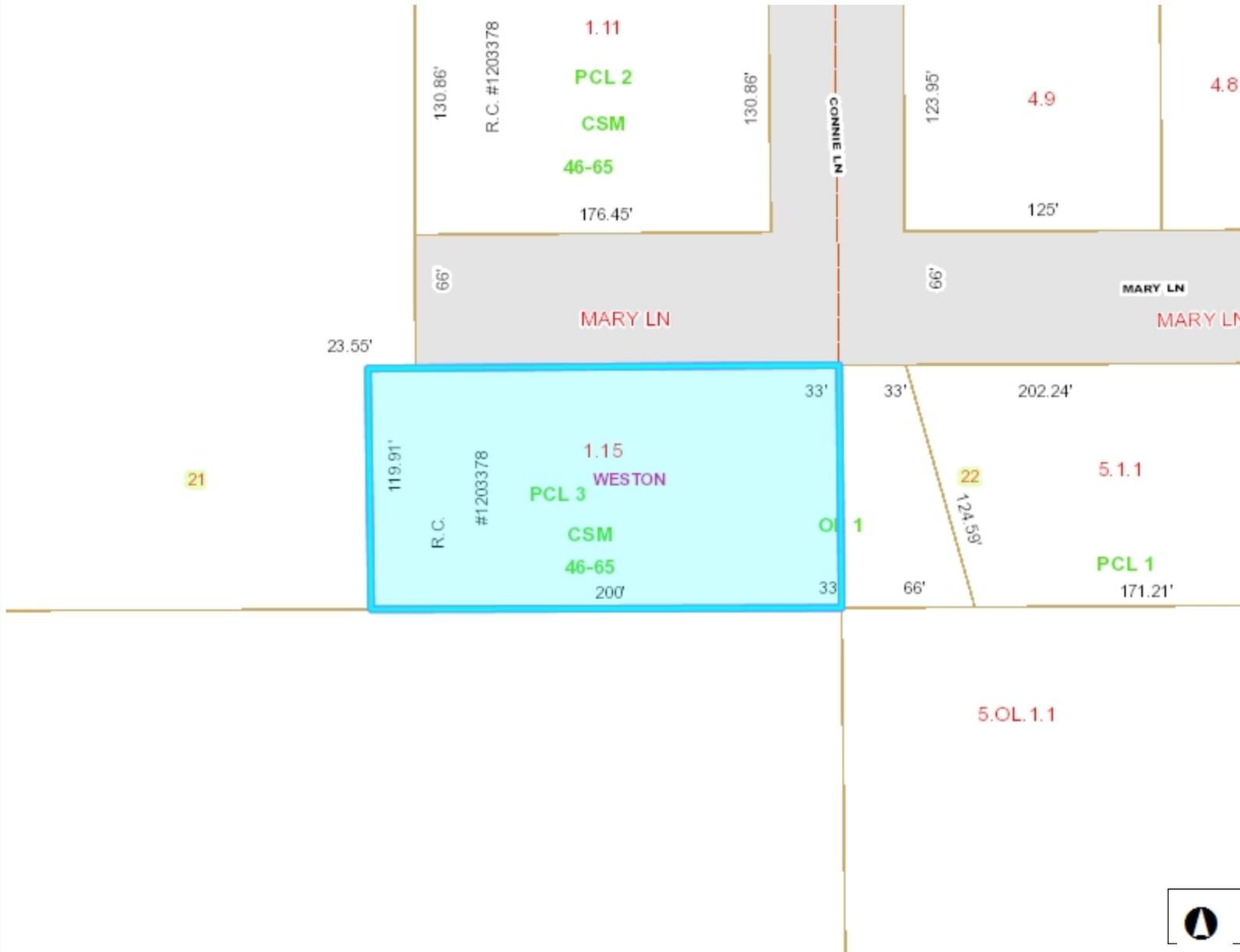
There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21 (1) and (2), Wis. Stats.
Certified March 18th 1999
Laverne A. Stone
Department of Administration

SCALE 1" = 1200'
SE 1/4 SECTION 16, SW 1/4 SECTION 15
NE 1/4 SECTION 21, NW 1/4 SECTION 22
TOWNSHIP 28 NORTH, RANGE 8 EAST
THIS INSTRUMENT DRAFTED BY LAVERNE H. MOSHER.

SCALE 1" = 100'
0 100 200 400



Land Information Mapping System



Legend

- Parcel Annotations
- Parcels
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Municipalities
- Surrounding_Counties
 - CLARK
 - LANGLADE
 - LINCOLN
 - PORTAGE
 - SHAWANO
 - TAYLOR
 - WAUPACA
 - WOOD

36.82 0 36.82 Feet



NAD_1983_HARN_WISCRS_Marathon_County_Feet

DISCLAIMER: The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Marathon County-City of Wausau will not be responsible for any damages which result from third party use of the information and depictions herein or for use which ignores this warning.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

DOCUMENT NO.

STATE BAR OF WISCONSIN FORM 2
WARRANTY DEED

1292773
KING/BUSKA JR
REGISTER'S OFFICE
MARATHON COUNTY, WI
OCT 11 2002 2:11 PM

Mitch King conveys and warrants to Joseph Buska Jr. the following described real estate in Marathon County, State of Wisconsin:

Michael J. Sydnor
REGISTER

RETURN TO
Joseph Buska Jr.
903 Grand Avenue
Rothschild, WI 54474

5/3 - M.C.K.T.T 985.50 pl. ch

Tax Parcel No. 27-124-4-2808-211-0971

192.4.2808.211.0971

See Exhibit A attached hereto and made a part hereof.

TRANSFER

\$ 85.50
FEE

This is not homestead property.
(is)(is not)

Together with all and singular hereditaments and appurtenances thereunto belonging;
And Grantor, **Mitch King**, warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except municipal and zoning ordinances and agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use restrictions and covenants, and general taxes levied in the year of closing and will warrant and defend the same.

Dated this 09-18-02

(SEAL)

*

(SEAL)

*

Mitch King

*Mitch King (SEAL)

(SEAL)

*

AUTHENTICATION

Signatures authenticated this _____ day of _____, 2002

* _____

TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____
authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Paul E. Duerst

Attorney at Law

(Signatures may be authenticated or acknowledged. Both are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN

Marathon County

Personally came before me this _____ day of September, 2002 the above named **Mitch King** who is known to be the person who executed the foregoing instrument and acknowledge the same.

Michael J. Sydnor

* _____

Notary Public Marathon County, Wis.
My Commission is permanent. (If not, state expiration date: 5/29/05)

*Names of persons signing in any capacity should be typed or printed below their signatures.

WARRANTY DEED

Exhibit A

11-90730

Parcel I:

The West thirty-three (33) feet of Outlot one (1) in Block five (5) of Wandering Springs West Addition, in the Village of Weston, Marathon County, Wisconsin.

PIN No.: ~~37.192.4.2808.222.01015~~ ⁰¹⁰⁵ ✓

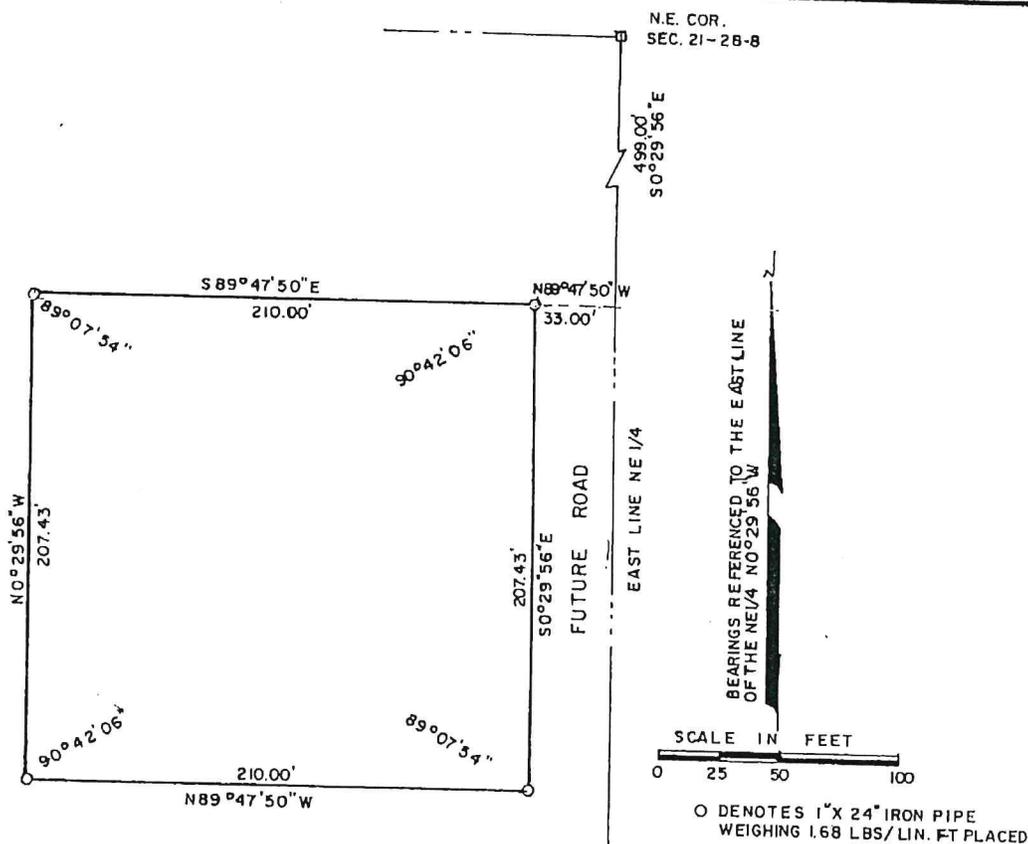
Tax Key No.: ~~62.0789.005.00L.01~~

Parcel II:

Lot three (3) of Certified Survey Map No. 11013 recorded in the office of the Register of Deeds for Marathon County, Wisconsin in Volume 46 of Certified Survey Maps on Page 65; being a part of the Northeast quarter (NE 1/4) of the Northeast quarter (NE 1/4) of Section twenty-one (21), Township twenty-eight (28) North, Range eight (8) East, in the Village of Weston, Marathon County, Wisconsin.

PIN No.: 37.192.4.2808.211 ⁰⁹¹¹ ~~01015~~

Tax Key No.: 62.212808.001.012 ¹⁵



CERTIFIED SURVEY MAP FOR HERBERT KING

I, Chester J. Nowaczyk, registered land surveyor, hereby certify: that I have surveyed and mapped by the order of Herbert King, a parcel of land located in the NE 1/4 of the NE 1/4 of Section 21, Township 28 North, Range 8 East, Town of Weston, Marathon County, Wisconsin, described as follows:

Commencing at the NE Corner of said Section 21; thence 50°29'56"E, 499.00 feet; thence N89°47'50"W, 33.00 feet to the point of beginning; thence 50°29'56"E, 207.43 feet; thence N89°47'50"W, 210.00 feet; thence N0°29'56"W, 207.43 feet; thence S89°47'50"E, 210.00 feet to the point of beginning. Parcel contains 1 acre, also an easement for egress and ingress over the East 33.00 feet of the North 506.43 feet of the NE 1/4 of the NE 1/4 of Section 21.

That such plat is a correct representation of all exterior boundaries of the land surveyed.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes.

Prepared By:
 WISCONSIN VALLEY SURVEYORS
 415 West Thomas Street
 Wausau, Wisconsin 54401

Chester J. Nowaczyk
 Chester J. Nowaczyk
 S-1143
 8/21/80





When Is a Street a Street?

Claire Silverman, Legal Counsel, League of Wisconsin Municipalities

When is a street a street? Although the question posed by this title may sound like a riddle or the lead-in to a joke, being unable to answer that question is no laughing matter when the outcome is important to those with a stake in the issue. An article with this same title appeared in the January 1952 issue of *The Municipality*. It was written by Robert D. Sundby, who was then League Assistant Legal Counsel, later League Legal Counsel and, eventually, a Wisconsin court of appeals judge whom I had the honor and pleasure of serving as law clerk for following my graduation from law school.

The article noted that “[m]unicipal officials are continually faced with problems requiring a determination of whether or not a street is a street or whether or not land has been effectively reserved for street purposes.” The article summarized legal factors governing the existence of municipal streets and also discussed when a street ceases to be a street. Although the law in this area has not changed dramatically since then, it’s worth revisiting this important topic since it remains relevant and some laws discussed in that 1952 article (e.g., provisions in Chapter 236 which governs platting and subdivisions) were newly enacted¹ while other laws cited

in the article (e.g., Chapters 80 and 81 governing highways) have since been repealed, recodified, and renumbered.²

I. Creation and Existence of Streets

In Wisconsin, village boards and common councils have authority to acquire property for streets by gift, purchase, or condemnation,³ and have management and control of municipal streets.⁴ A municipality may own a street in fee simple, meaning it owns it completely, or it may have only a right-of-way or an easement for the benefit of the public. Property for streets that is not acquired by purchase or condemnation is typically acquired by dedication or prescription. Both are briefly discussed below.

a. Dedication

Most village and city streets are acquired through dedication by the owner to the public. The term “dedication” implies a complete act which consists of an offer of appropriation on the part of an owner of land or an interest therein for public use, and an acceptance thereof.⁵ Wisconsin recognizes two distinct types of dedication – statutory and common law.⁶ Intent to dedicate to the public use is an essential component of either statutory or common law dedication, since the municipality cannot accept that which is not offered in the first instance.⁷

1. Statutory Dedication

A statutory dedication is made pursuant to the terms of a statute, and is almost universally created by the filing and recording of a plat.⁸ Pursuant to sec. 236.13, municipalities can require subdividers to dedicate streets as a condition of plat approval. Where required by law, it is also necessary that all applicable statutes and ordinances be complied with before statutory dedication may occur.⁹ The name of the street shall be printed on the plat and roads or streets not dedicated to the public use shall be clearly marked private. Sec. 236.13. Certified survey maps may be used for the dedication of streets. Sec. 236.34. A statutory dedication vests fee simple (complete ownership) to the property in the name of the municipality to be held by the municipality in trust for use by the public for the use intended. Wis. Stat. sec. 236.29(1).

When a final plat of a subdivision has been approved by the governing body of the municipality in which the subdivision is located and all other required approvals are obtained and the plat is recorded, that approval constitutes acceptance for the purpose designated on the plat of all lands shown on the plat as dedicated to the public including street dedications. Wis. Stat. sec. 236.29(2). The acceptance

1. Wis. Laws of 1951, Chapter 520.

2. See 2003 Wis. Act 214.

3. See Wis. Stat. sec. 61.34(3) and 62.22(1). “Street” is a generic term for a public thoroughfare and, as used in this article, includes public alleys. The 2017-19 biennial budget, 2017 Wis. Act 59, creates sec. 32.015 which prohibits municipalities from using eminent domain to establish or extend recreational trails, bike lanes, and pedestrian walkways.

4. See Wis. Stat. secs. 62.11(5) (cities) and 61.34 (villages).

5. *Cohn v. Town of Randall*, 247 Wis. 2d 118, 2001 WI App 176, 633 N.W.2d 674 (Ct. App. 2001); *City of Beaver Dam v. Cromheecke*, 222 Wis. 2d 608, 587 N.W.2d 923 (Ct. App. 1998); *Galewski v. Noe*, 266 Wis. 7, 62 N.W.2d 703 (1954).

6. *Galewski v. Noe*, 266 Wis. 7, 15, 62 N.W.2d 703 (1954).

7. *Cohn v. Town of Randall*, 2001 WI App 176, ¶ 6, 247 Wis. 2d 118, 123-24, 633 N.W.2d 674, 677.

8. *Id.*; *Vande Zande v. Town of Marquette*, 2008 WI App 144, 314 Wis. 2d 143, 758 N.W.2d 187.

9. *Cohn*, *supra*.

of a plat does not require that a municipality open all the streets and alleys shown on the map for immediate use and failure to use or occupy the same until the necessity arises does not abandon the public right. The governing body is the judge of the public necessity for opening its streets and alleys as discussed below.

2. Common-law Dedication

Unlike a statutory dedication where the owner demonstrates his intention to dedicate streets by the filing of a plat, in a common-law dedication the owner may demonstrate his intention to dedicate streets by any act, no matter how informal. A common-law dedication may be accomplished by deed, or from an oral declaration on the part of the owner, or from an incomplete or defective statutory dedication.¹⁰ Common-law dedication requires an explicit or implicit offer to dedicate land, and an acceptance of the offer by the municipality or by general public use. *Galewski*, 266 Wis. at 12, 62 N.W.2d 703. A dedication is express when the intent is manifested by oral or written words, and is implied when the intent must be gathered from the

acts of the dedicator. However, it is clear that a dedication is an unequivocal act shown by affirmative evidence and the burden of showing that act falls upon the party asserting the dedication.¹¹ It is vital to a dedication of property to public use that it be forever and irrevocable after acceptance. *City of Beaver Dam v. Crombeecke*, 222 Wis. 2d 608, 587 N.W.2d 923 (Ct. App. 1998).

Effect of Reservation or Exception in Conveyance Whenever an executed and recorded deed, land contract, or mortgage of lands abutting on an existing public street, highway, or alley or a projected extension thereof contains language reserving or excepting certain lands for street, highway, or alley purposes, the reservation or exception constitutes a dedication for such purpose to the public body having jurisdiction over the same unless the language of the reservation or exception plainly indicates an intent to create a private way. Any reservation or exception is not effective until accepted by a resolution of the governing body having jurisdiction over such street, highway, alley, or projected extension thereof.¹²

Curative Provisions for Defects: Wis Stat. sec. 66.1033 contains curative provisions for defects, omissions, informalities in the proceedings of or execution of a plat, deed of dedication, order or resolution by a city or village. The kind of protection afforded depends on whether the execution was before or after January 1, 2005. See the statute for additional details.

b. Prescription

Prescription is a method of acquiring an easement by use. This is distinguished from the use that constitutes acceptance of an offer of dedication. In prescription, there is no offer to dedicate. The easement is established by a use by the public for such a period of time that a conclusive presumption arises that the street was laid out and established by competent authority or a valid easement was granted by the owner.¹³ The use necessary to establish a street by prescription must be under a claim of right, must be open and notorious, and must have continued uninterrupted by the rightful owner for a long period of time (20 years in Wisconsin).¹⁴

10. 11A McQuillin, *The Law of Municipal Corporations*, sec.33.33 (3d ed.).

11. *Cohn, supra*.

12. Wis. Stat. sec. 66.1024, formerly sec. 80.01(5) as affected by 2003 Wis. Act 214 which repealed Chapters 80 and 81.

13. Sundby, R. *When is a Street a Street? The Municipality* at p. 16 (1952)

14. *Ruchti v. Monroe*, 83 Wis.2d 551, 266 N.W.2d 309 (1977).

Wisconsin Rapids

The City of Wisconsin Rapids has 150 centerline miles of roads.

The City has done 0 miles of overlay in the last five years.

The City has averaged 0.8 miles of reconstruction per year over the last five years.

“Obviously, this practice is unsustainable as our streets cannot last 187 years. The City should be reconstructing or overlaying about three miles of streets every year to be sustainable. The soil conditions are such that maintenance practices are very effective, and many local streets can be maintained for 50–60 years.

Wisconsin Rapids performs about 7.5 miles of chip seal maintenance on local and collector streets each year in the five years. The City should be doing around 11 miles of chip seal per year to be fully sustainable.”



II. Opening, Widening, Extension or Change of Streets.

Opening:

The governing body is the judge of the necessity of opening streets and as to whether any public convenience or use will be subserved thereby and in most cases, failure to use or occupy the same until the necessity arises does not abandon the public right.¹⁵

Minimum/Excess Street Widths:

Wis. Stat. sec. 236.16(2) states that all streets shall be of the width specified on the master plan or official map or of a width at least as great as that of the existing streets if there is no master plan or official map, but no full street shall be less than 60 feet wide unless otherwise permitted by local ordinance. Section 66.1031 governs establishing excess widths.

Official maps

The official map procedure provides a means by which the municipality can reserve land for future street purposes thereby reducing the cost of eventually opening a street.

Establishment: Where a city council or village board has created an official map of the city or village or any part thereof by resolution or ordinance pursuant to Wis. Stat. 62.23(6)(b)¹⁶ showing, among other things, the location of streets¹⁷ the map is conclusive with respect to the location and widths of streets. However, the placing of the street on the official map does not constitute the opening or establishment of the street or the taking or acceptance of any land for street purposes. Sec. 62.23(6)(c). The ordinance or resolution shall require the clerk at once to record a certificate with the register of deeds of the county or counties in which the city or village is

situated showing that the municipality has established an official map.

Amendment: The governing body may amend the official map to establish, among other things, the exterior lines of planned new streets or to widen, narrow, extend, or close existing ones. No such change is effective until after a public hearing concerning the proposed change before the governing body or a committee appointed by the governing body from its members, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the public hearing shall be published as a class 2 notice under ch. 985. Before amending the map, the governing body must refer the matter to the plan commission for report, but if the plan commission does not make its report within 60 days, it forfeits the right to further suspend action. When adopted, amendments become a part of the official map and are conclusive with respect to the location and width of the streets shown on the map. As with the adoption of the official map initially, the placing of any street upon the official map does not constitute the opening or establishment of any street, or the taking or acceptance of any land for these purposes. Sec. 62.23(6)(c).

The locating, widening, or closing, or the approval of the locating, widening, or closing of streets by the municipality under provisions of law other than sec. 66.23 shall be deemed to amend the official map, and are subject to 66.23, except that changes or additions made by a subdivision plat approved by the city under ch. 236 do not require the public hearing specified in 66.23(6)(c) if the changes or additions do not affect any land outside the platted area.

Protections Afforded by Official Map:

No permit may be issued to construct or enlarge any building within the limits of any street shown or laid out on the

official map except as provided under sec. 62.23(6)(e). Streets shown on the official map may be shown as extending beyond the boundaries of a city or village a distance equal to the municipality's extraterritorial plat approval jurisdiction under sec. 236.10(1)(b)2. Any person desiring to construct or enlarge a building within the limits of a street so shown as extended may apply to the authorized official of the city or village for a building permit. Any person desiring to construct or enlarge a building within the limits of a street, shown on the official map within the incorporated limits of the municipality shall apply to the authorized official of the city or village for a building permit. This is significant because unless an application is made, and the building permit granted or not denied within 30 days, the person is not entitled to compensation for damage to the building in the course of construction of the street shown on the official map. Before taking action, the zoning board of appeals or governing body if there is no zoning board of appeals must hold a hearing. In municipalities that have established an official map pursuant to sec. 62.23(6), sub (h) prohibits construction of any public sewer or other municipal street utility or improvement in any street until such street is duly placed on the official map.

Opening, Widening and Extension of Streets

Wisconsin Stat. sec. 61.36 authorizes village boards to, without limitation because of enumeration, lay out, open, change, widen or extend among other things, roads, streets, alleys, and improve, repair or discontinue the same or any part thereof and to build, alter, repair or otherwise improve or vacate or discontinue sidewalks and crosswalks and build and maintain roads and sidewalks required to connect the village with

15. See *Klinkert v. Racine*, 177 Wis. 200, 188 N.W. 72 (1922) and *Jefferson v. Eiffler*, 61 Wis. 2d 123, 113 N.W.2d 834 (1962).

16. Wis. Stat. sec. 62.23 is applicable to villages by virtue of Wis. Stat. sec. 61.35.

17. Sec. 62.23(6)(b) refers to streets, highways, parkways, and other things so, again, street is used generically in this article.

any transportation terminal or village property outside of its limits.

In cities, Wis. Stat. sec. 62.22(4)(a) provides the method by which “resident freeholders”¹⁸ in a particular aldermanic district can petition the common council for the opening, widening, extension, or change of any street in that district. A similar provision in sec. 62.22(4)(b) authorizes the owner or owners of one-third or more of the land in a block in which an alley or proposed alley is situated, without regard to residency, to petition the council for the opening, widening, extension, or change of an alley. Section 62.22(4)(c) governs how such petitions are handled after being presented to the council. Finally, sec. 62.22(4)(d) authorizes the council to take action in the absence of a petition.

Lis Pendens (Notice to others required)

Under sec. 840.11(1), every person who applies to any court or governing body to lay out, widen, vacate, or extend any street must, at or before filing the same with the proper officer, present for recording in the office of the register of deeds of each county in which the affected land is situated a *lis pendens*, as provided in s. 840.10, containing the person’s name and a brief statement of the object thereof and a map and description of the land to be affected thereby. No final order, judgment, or decree or final resolution or order taking or affecting such land, based upon any application therefor, is notice to any subsequent purchaser or encumbrancer unless a certified copy thereof, containing a legal description, as defined in s. 706.01 (7r), of the land affected thereby, and accompanied with a map showing the location thereof, is recorded in the office of the register of deeds of the county in which the land is situated. However, see curative provisions contained in Wis. Stat. sec 66.1033.

III. When Does A Street Cease to Be a Street?

Vacation and Discontinuance of Public Ways

Wisconsin Stat. sec. 62.73 governs discontinuance of public grounds in first class cities (Milwaukee). In other cities and villages, discontinuance of public ways is governed by Wis.Stat. sec. 66.1003 and Wis. Stat. sec. 236.43 and, in limited instances sec. 66.22(4). Because these statutes and the procedures for discontinuing or vacating streets and alleys are discussed at length in a November 2004 legal comment available from the League and on the League’s Legal CD (Platting 144R1 and 145R1, Streets and Alleys 620R1), they will not be detailed here.

Reversion:

When any highway or public ground acquired or held for highway purposes is discontinued, the land where the highway or public ground is located shall belong to the owner or owners of the adjoining lands. If the highway or public ground is located between the lands of different owners, it shall be annexed to the lots to which it originally belonged if that can be ascertained. If the lots to which the land originally belonged cannot be ascertained, the land shall be equally divided between the owners of the lands on each side of the highway or public ground. Wis. Stat. sec. 66.1005(1). Whenever any public highway or public ground acquired or held for public purposes has been vacated or discontinued, all easements and rights incidental to the easements that belong to any county, school district, town, village, city, utility, or person that relate to any underground or overground structures, improvements, or services and all rights of entrance, maintenance, construction, and repair of the structures, improvements, or services shall continue,

unless the owner of the easements and incidental rights gives written consent to the discontinuance of the easements and rights as a part of the vacation or discontinuance proceedings and the vacation or discontinuance resolution, ordinance or order refers to the owner’s written consent; or the owner of the easements and incidental rights fails to use the easements and rights for a period of 4 years from the time that the public highway or public ground was vacated or discontinued. Sec. 66.1005(2) (a). The easements and incidental rights may be discontinued in vacation or discontinuance proceedings in any case where benefits or damages are to be assessed if either the interested parties fail to reach an agreement permitting discontinuance of the easements and incidental rights or the owner of the easements and incidental rights refuses to give written consent to their discontinuance. Sec. 66.1005(2)(b).

Platting 172; Streets and Alleys 649

About the author:

Claire Silverman is Legal Counsel for the League of Wisconsin Municipalities. Claire’s responsibilities include supervising the legal services provided by the League, answering questions of a general nature for officials and employees of member municipalities, writing legal articles for the League’s magazine and amicus briefs in appellate cases involving issues of statewide concern to municipalities, organizing an annual institute for municipal attorneys, and educating local officials on a variety of topics pertaining to their duties. In addition, she coordinates legal material for the League’s web page. Claire joined the League staff in 1992. Contact Claire at cms@lwm-info.org

18. Freeholders own property outright but sec. 62.22(4)(a) provides that a person in possession of land under a contract of purchase and sale or a bond for a deed shall be deemed a freeholder.

CSM Quotes

Buska/Keystone ROW Dedication (Westernmost access)

- Vreeland – Quote received 2/27 with not to exceed \$1000. Would include ROW dedication for both Stan and Joe’s property. Additional \$400 if can be on same map or not to exceed \$800 if two maps. Plus \$30 or \$60 for recording **\$1,860 max**
- Riverside – Quote received 2/28 - the two Certified Survey Maps is \$1,375.00 plus \$60 for the recording of them **\$1,475 max**

Street Vacation Process

Petitioner submits the Right-of-Way Vacation Application, along with \$500.00 review fee, and a copy of a registered surveyor’s legal description (which petitioner would have to pay for and supply that).

This request is processed into our Planned Development System (Energov), a resolution is drafted and brought before Village Board at the next coming scheduled Village Board Meeting. If approved, then a Lis Pendens document is signed and recorded at Marathon County, and the full process begins.

Public Hearing notice is drafted and mailed out to surrounding property owners and is published in the Wausau Daily Herald 3 times (Class 3 Notice) over the course of 30 days.

Information submitted to both the Property & Infrastructure Committee and Plan Commission for their review and comments, prior to the Public Hearing Meeting Date.

Public Hearing held at Village Board level (no sooner than 30 days from date of Public Hearing notice), and upon approval by the Board, an Order for Discontinuance is signed and recorded at Marathon County. Once this document is recorded, the street is officially vacated.

Depending on when the initial application is submitted this process generally takes about 2 months

- Documents needed to be drafted
 - Legal Description
 - Resolution – to be adopted by BOT
 - Public Hearing Notice – Class 3 Notice – Hearing must be at least 40 days after resolution adopted.
 - Service of Notice of Hearing – must be completed at least 30 days before hearing.
 - Lis Pendens
 - Order for Discontinuance
- Joe M paid the \$500 application fee for the street vacation on 1/3/19.
- Other fees:
 - Public Hearing Notice Publication in Wausau Daily Herald -
 - Certified Mail of Adjacent Property Owners – (could be 2 property owners with applicant)
 - Order of Discontinuance recorded at MCROD (Recording Fee) - \$30



**VILLAGE OF WESTON
NOTICE OF PUBLIC HEARING**

**ADOPTION OF 2020 OFFICIAL ZONING MAP AND OFFICIAL EXTRATERRITORIAL
ZONING MAP FOR THE VILLAGE OF WESTON**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Village of Weston Plan Commission and Joint Town and Village of Weston Extraterritorial Zoning (ETZ) Committee, on **Monday, March 9, 2020, at approximately 6:00 p.m.**, or shortly thereafter, in the Village Board Room, at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476, to hear testimony relative to the adoption of the Official Zoning Map and the Official ETZ Map for the Village of Weston. All persons owning property, and all interested parties in the Village of Weston and ETZ Area of the Town of Weston, are invited to attend the public hearing. Persons may file written or verbal statements concerning discrepancies with the proposed Official Zoning Map and Official ETZ Map at, or prior to, the public hearing. No decision will be made at the public hearing on these discrepancies until a rezoning application is filed with the Village, and neighboring property owners are properly notified of a future public hearing for the specified property before the Village Plan Commission.

The hearing notice and applicable application materials are also available for public inspection on the Village of Weston website located at <http://westonwi.gov/421/Public-Hearing-Notices>.

Written testimony may be forwarded to the Village of Weston Plan Commission, Valerie Parker, Plan Commission and ETZ Committee Secretary, 5500 Schofield Avenue, Weston, WI 54476, or emailed to vparker@westonwi.gov, by noon, on Tuesday, March 3, 2020, to be included in the meeting packet. All interested persons will be given an opportunity to be heard. Any person with questions or planning to attend needing special accommodations in order to participate should call Valerie Parker, Planning Technician, Planning and Development Department, at 715-241-2607.

Dated this 20th day of February 2020

Valerie Parker
Plan Commission and ETZ Committee Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, February 24, 2020, and Monday, March 2, 2020.

REQUEST FOR CONSIDERATION

Public Mtg/Date:	Plan Commission/ETZ Committee, March 9, 2020
Description:	Discussion and recommendation to the Board of Trustees on Adoption of 2020 Official Zoning Map and Official Extraterritorial Zoning Map for the Village of Weston.
From:	Jennifer Higgins, Director of Planning & Development/Zoning Administrator
Question:	Should the Plan Commission/ETZ recommend approval to the Board of Trustees the annual update to the Official Zoning Map for 2020?

Background

Annually, the Village adopts the Official Zoning Map for both the Village and the Extraterritorial Zoning District, so we have a historical record depicting the zoning as close to 1/1 of that year (or as close to it as we can get). This helps for record keeping purposes as we will only have to go back to this map/ordinance for historical purposes until we adopt the map again in 2021, not all the previous rezone applications on file.

Attached Docs:	Draft 2020 Zoning Map
Committee Action:	None
Financial Impact:	None
Recommendation:	Staff recommends approval.

Recommended Language for Official Action

I move to recommend [approval / denial] to the Board of Trustees the annual update to the Official Zoning Map for 2020.

Additional action:	Forward recommendation to the Board of Trustees (Staff) Adoption of Ordinance (Board) Publication of Ordinance (Staff) Posting of new Zoning Map (Staff)
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VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 20-0XX

AN ORDINANCE ADOPTING THE 2020 OFFICIAL ZONING MAP AND OFFICIAL EXTRATERRITORIAL ZONING MAP FOR THE VILLAGE OF WESTON.

WHEREAS, the Village of Weston is authorized to prepare, amend and adopt a zoning ordinance under Wis. Stats. §§ 62.23 and 61.35; and

WHEREAS, the Village adopted a new Chapter 94 in March 2015, to serve as the Village's general zoning ordinance and the Village's extraterritorial zoning ordinance for the portions of the Town of Weston defined as the extraterritorial zoning area; and

WHEREAS, the Plan Commission has recommended enactment of the Zoning Ordinance amendments set forth below, for applicability within the Village limits; and

WHEREAS, the Joint Town and Village Extraterritorial Zoning Committee has recommended enactment of the Zoning Ordinance amendments set forth below, for applicability within the Extraterritorial Zoning limits of the Town of Weston; and

WHEREAS, the Joint Village and Town of Weston Extraterritorial Zoning Committee and Village Plan Commission have held a joint public hearing on this ordinance on March 9, 2020, in compliance with Wis. Stat. § 62.23, and following such hearing the Board considered public comments and the recommendation of the Village Plan Commission and Joint Village and Town of Weston Extraterritorial Zoning Committee; and

WHEREAS, the Village Board finds the proposed amendment is reasonable, consistent with the Village Comprehensive Plan, and in the public interest;

NOW, THEREFORE, the Village Board of Weston, Marathon County, Wisconsin, do ordain as follows:

SECTION 1: Adoption of the Official Zoning Map and Extraterritorial Zoning Map 2020. This ordinance shall be deemed to incorporate and adopt the zoning of each district in the Village and Town of Weston in the manner consistent with and as shown on the official zoning maps. Any ordinance or resolution in conflict therewith is hereby repealed. The Village of Weston Official Zoning Map and Official Extraterritorial Zoning Map of the Village of Weston, presented with this ordinance as Exhibit A and made a part thereof, is hereby adopted, and supersedes and replaces in its entirety the previous official maps, adopted in 2019.

SECTION 2: Display. The Village Zoning Administrator is hereby authorized and directed to display the Official Zoning Maps in a prominent place, in public view. The Village Zoning Administrator shall also transmit copies of the adopted Official Zoning Maps to the Village Clerk. A copy of the Official Zoning Maps hereby adopted shall be permanently on file and open to public inspection in the office of the Village Clerk.

SECTION 3: The amendment effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.

SECTION 4: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 5: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication. The following will no longer be effective as of the date of adoption of this ordinance: the existing Official Zoning Maps for the Village of Weston and within its extraterritorial zoning jurisdiction in the Town of Weston. The new Zoning Maps created by this ordinance shall be applicable to all discretionary projects that are not yet filed with or deemed complete by the Village of Weston prior to the date the ordinance goes into effect. For all other projects this ordinance shall apply on the date the ordinance goes into effect, regardless of whether an application has been filed or is complete.

Dated the 16th day of March 2020.

BOARD OF TRUSTEES

By: _____
Wally Sparks, its President

Attest:

Sherry Weinkauff, its Clerk

APPROVED: _____

PUBLISHED: _____

OFFICIAL ZONING MAP

Map Date: 3/4/2020
 Adoption Date (Village): XX/XX/2020
 Adoption Date (ETZ): XX/XX/2020
 Adoption Date (Town): 1/23/2016

DRAFT

Map by Nathan Crowe of the Technology Services Department
 Village of Weston



LEGEND

MUNICIPAL FEATURES

-  Village of Weston Incorporated Boundary
-  ETZ Extraterritorial Zoning Boundary
-  Town of Weston Unincorporated Boundary
-  Right-of-Way
-  Wetland Presence
-  Surface Water

ZONING DISTRICTS

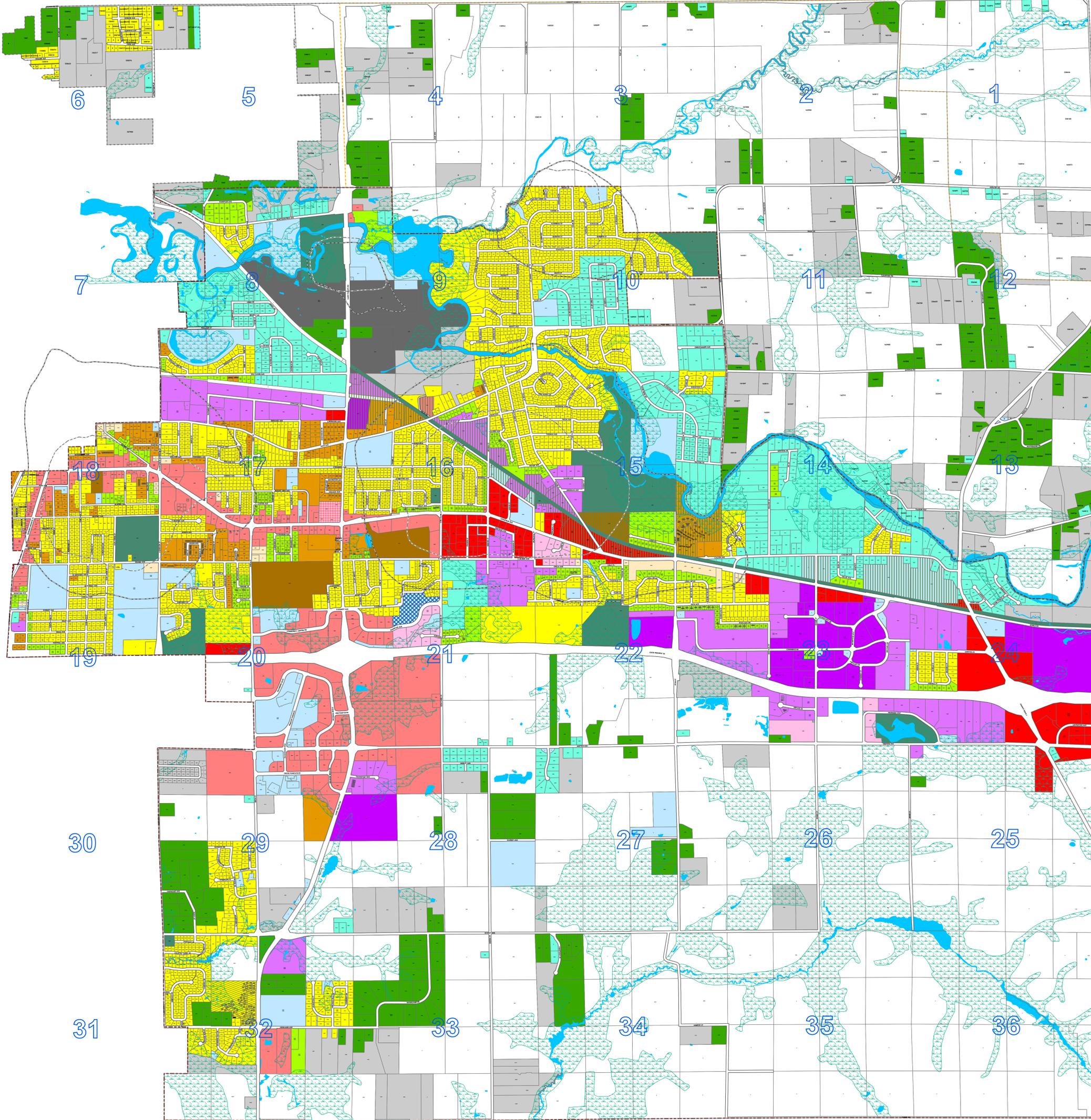
-  AR - Agriculture and Residential
-  PR - Parks and Recreation
-  RR-2 - Rural Residential-2 Acre
-  RR-5 - Rural Residential-5 Acre
-  SF-L - Single Family Residential-Large Lot
-  SF-S - Single Family Residential-Small Lot
-  2F - Two Family Residential
-  MF - Multiple Family Residential
-  MH - Manufactured Home
-  INT - Institutional
-  B-1 - Neighborhood Business
-  B-2 - Highway Business
-  B-3 - General Business
-  BP - Business Park
-  LI - Limited Industrial
-  GI - General Industrial
-  RM - Rural Mixed

OVERLAY ZONING DISTRICTS

-  D-CONDO Design: Condominium Overlay
-  D-R Design: Renaissance Overlay
-  D-RT Design: Rail-to-Trail Overlay
-  D-WM Design: Weston Marketplace Overlay

WELLHEAD PROTECTION OVERLAY

-  Zone A 1-Year Municipal Well Recharge Area
-  Zone B 5-Year Municipal Well Recharge Area





VILLAGE OF WESTON NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Village of Weston Plan Commission and Joint Town and Village of Weston Extraterritorial Zoning Committee, on Monday, March 9, 2020, at approximately, or shortly after, 6:00 p.m., at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476, to take testimony relative to an amendment to Chapter 94 Zoning, Figure 5.01(1) *Rural, Open Space, and Residential District Lot Dimensions and Intensity Standards* in regards to decreasing the minimum lot area required per dwelling unit in a MF Multi Family Residential Zoning District and Figure 5.01(2) *Rural, Open Space and Residential District Setback and Height Standards* in regards to increasing the maximum building height in a MF Multi Family Residential Zoning District.

The hearing notice and applicable application materials are also available for public inspection on the Village of Weston website located at <http://westonwi.gov/421/Public-Hearing-Notices>.

Written testimony may be forwarded to the Village of Weston Plan Commission, Valerie Parker, Plan Commission and ETZ Committee Secretary, 5500 Schofield Avenue, Weston, WI 54476, or emailed to vparker@westonwi.gov, by noon, on Tuesday, March 3, 2020, to be included in the meeting packet. All interested persons will be given an opportunity to be heard. Any person with questions or planning to attend needing special accommodations in order to participate should call Valerie Parker, Planning Technician, Planning and Development Department, at 715-241-2607.

Dated this 20th day of February 2020

Valerie Parker
Plan Commission and ETZ Secretary

VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN
5500 SCHOFIELD AVENUE, WESTON, WI 54476
REQUEST FOR CONSIDERATION

Public Mtg/Date: Plan Commission/ETZ – 3/9/2020

Description: Public Hearing - Discussion and recommendation to the Board of Trustees (BOT) on an amendment to Chapter 94 Zoning, Figure 5.01(1) *Rural, Open Space, and Residential District Lot Dimensions and Intensity Standards* in regards to decreasing the minimum lot area required per dwelling unit in a MF Multiple Family Residential Zoning District and Figure 5.01(2) *Rural, Open Space and Residential District Setback and Height Standards* in regards to increasing the maximum building height in a MF Multiple Family Residential Zoning District.

From: Jennifer Higgins, Director of Planning & Development

Question: Should the Plan Commission recommend to the Board of Trustees to change the density requirements in Multiple Family Zoning Districts to allow for higher density development?

Background

The Village was required by State law to complete a Housing Assessment Report which we did last year with the help of the North Central WI Regional Planning Commission (NCWRPC). One of the recommendations of the Report was to “*Modify zoning to encourage higher density housing*”. The proposed amendment change is an effort to do this. MDRoffers assisted staff in determining what was the norm in other comparable sized communities. We are suggesting a change in the Multiple Family Residential to 1,600 sf/studio dwelling unit + 400 sf per each bedroom. So a 1 bedroom would require 2,000 sf/dwelling unit and 2 bedroom 2,400 sf and so on. Currently the code requires 3,000 sf/dwelling unit regardless of number of bedrooms. Creating more dense MF regulations will lower costs for the Village to maintain infrastructure and better utilize land, especially in infill projects which are close to shopping and other services.

It was also suggested that we change the maximum principal building height and floors allowed in the MF Zoning District from 40 to 50 feet and 3 to 4 stories. Mark Roffers said this is the maximum height that you can do without going to steel beam construction.

Attached Docs: Draft Ordinance Amendment.

VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN
5500 SCHOFIELD AVENUE, WESTON, WI 54476
REQUEST FOR CONSIDERATION

[Housing Assessment Report](#) (2019)

Committee Action: None to date.

Fiscal Impact: TBD.

Recommendation: Director recommend approval.

Recommended Language for Official Action

I move to recommend Approval/Denial of the proposed ordinance amendments.

Additional action: Ordinance Adoption (Board of Trustees)
Ordinance Publication (Staff)
Update Chapter 94 with amendments (Staff)



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 20-XXX

AN ORDINANCE TO AMEND CHAPTER 94 ZONING, FIGURE 5.01(1) *RURAL, OPEN SPACE, AND RESIDENTIAL DISTRICT LOT DIMENSIONS AND INTENSITY STANDARDS* IN REGARDS TO DECREASING THE MINIMUM LOT AREA REQUIRED PER DWELLING UNIT IN A MF MULTIPLE FAMILY RESIDENTIAL ZONING DISTRICT AND FIGURE 5.01(2) *RURAL, OPEN SPACE AND RESIDENTIAL DISTRICT SETBACK AND HEIGHT STANDARDS* IN REGARDS TO INCREASING THE MAXIMUM BUILDING HEIGHT IN A MF MULTIPLE FAMILY RESIDENTIAL ZONING DISTRICT

WHEREAS, the Village of Weston is authorized to prepare, amend and adopt a zoning ordinance under Wis. Stats. §§ 62.23 and 61.35; and

WHEREAS, the Village adopted a new Chapter 94 in March 2015, to serve as the Village's zoning ordinance and the Village's extraterritorial zoning ordinance for the portions of the Town of Weston defined as the extraterritorial zoning area; and

WHEREAS, a recommendation of the 2019 Housing Affordability Report was to look at the density allowed in the Multiple Family Zoning Districts; and

WHEREAS, the Joint Town and Village of Weston Extraterritorial Zoning Committee and the Village Plan Commission held a joint public hearing on this ordinance, on March 9, 2020, in compliance with Wis. Stat. § 62.23; and

WHEREAS, following such hearing, the Village Plan Commission has recommended enactment of the zoning ordinance amendments contained herein for applicability within the Village limits; and

WHEREAS, following such hearing, the Joint Town and Village of Weston Extraterritorial Zoning Committee has recommended enactment of the zoning ordinance amendments contained herein for applicability within the extraterritorial zoning area; and

WHEREAS, following such hearing the Village Board considered public comments and the recommendations of said Commission and Committee; and

WHEREAS, the Village Board finds the proposed amendments contained herein are reasonable, consistent with the Village Comprehensive Plan, and in the public interest.

NOW, THEREFORE, the Village Board of Weston, Marathon County, Wisconsin, does ordain as follows:

SECTION 1: Chapter 94 Zoning Ordinance is hereby amended to provide as follows:

Figure 5.01(1): Rural, Open Space and Residential District Lot Dimension and Intensity Standards

Zoning District	Minimum Lot Area	Minimum Lot Width (ft)	Minimum Public Street Frontage (ft)	Maximum Total Building Coverage	Maximum Accessory Structure Floor Area (sf) (a)	Minimum Landscape Surface Ratio (LSR)
(1) FP Farmland Preservation	20 acres	300	60	N/A	N/A	N/A
(2) AR Agriculture and Residential	20 acres(f)(g)	300(f)	60	N/A	1,600 ^(h)	N/A
(3) RR-2 Rural Residential 2 Acres	2.0 acres	150	60	20%	1,600	N/A
(4) RR-5 Rural Residential 5 Acres	5.0 acres	200	60	20%	1,600 ^(h)	N/A
(5) PR Parks and Recreation	N/A	N/A	N/A	10%	N/A	75%
(6) SF-L Single Family – Large Lot	20,000 sf	100	50	30%	1,000	50%
(7) SF-S Single Family – Small Lot	10,000 sf	80	40	40%	800	40%
(8) 2F Two Family Residential (c)	10,000 sf	80 (b)	40	40%	800	40%
(9) MF Multi Family Residential (d)	3000 1,600 sf/ <u>studio-dwelling unit + 400 sf per each bedroom</u>	100 (b)	40	40%	10% of Lot Area	30%
(10) MH Manufactured Home	5,000 sf/home (e)	50	N/A	40%	350	30%

- (a) Maximum Accessory Structure floor area may be increased by Conditional Use Permit as provided under Section 94.16.06 and per the standards in Section 94.4.09(2).
- (b) For zero lot line structures, each separate lot must be at least 50 feet in width.
- (c) Single-Family Detached Residences within the 2F district shall comply with the SF-S district requirements.
- (d) Single-Family Detached Residences within the MF district shall comply with the SF-S district requirements. Two-family Residences within the MF District shall comply with 2F district requirements.
- (e) Total area of each “Manufactured Home Community” shall be a minimum of 10 acres.
- (f) Instead of a 20-acre minimum lot size, land in the AR district may be developed at a density of one residential lot per 20 acres and a minimum lot size of 2.0 acres and minimum lot width of 150 feet. See Section 94.5.08 for further description and method of calculation for regulating at a one residential lot per 20-acre density in the AR district.
- (g) Parcel size in the AR district to be calculated based on gross acreage, including roads and navigable waters within the deeded parcel. Each such parcel meets the 20-acre minimum, even if net acreage is less than 20 acres following the removal of roads and navigable waters, if such removal does not reduce the gross acreage by greater than 15% for corner parcels or 10% for all other parcels.
- (h) Maximum Accessory Structure Floor Area is increased to 2,500 square feet on parcels that exceed 10 acres.

[Amended via Ord. 15-022, 10/21/2015; Ord. 16-014, 4/20/2016; Ord. 16-035, 8/18/2016; Ord. 17-038, 12/20/2017; Ord. 19-001, 1/23/19]

Figure 5.01(2): Rural, Open Space and Residential District Setback and Height Standards

Zoning District	Minimum Setbacks (ft) (b)								Minimum Building Separation (ft)	Maximum Building Height			
	Principal Residential Building including Attached Garage				Detached Accessory Building (a)		Hard or Gravel Surface (d)			Principal Building		Accessory Building	
	Front (a)	Street Side (a)	Interior Side	Rear	Interior Side (c)	Rear	Interior Side or Rear	Front or Street (a)		Feet	Floors	Feet	Floors
FP	50	30	20	40	15	15	15	10	10	NA	NA	NA	NA
AR	50	30	20	40	15	15	15	10	10	35	2.5	35	2.5
RR-2	50	30	20	40	15	15	15	10	10	35	2.5	35	2.5
RR-5	50	30	20	40	15	15	15	10	10	35	2.5	35	2.5
PR	30	30	12	20	12	12	6	10	10	35	2.5	25	2
SF-L	50	30	12	20	6	6	6	10	10	35	2.5	15	1
SF-S	30	20	8	20	6	6	6	10	10	35	2.5	15	1
2F (e)	30	30	8	20	6	6	6	10	10	35	2.5	15	1
MF (f)	30	30	8	20	6	6	6	10	10	40 50	3 4	15	1
MH	20(g)	20(g)	6	10	6	6	6	10	10 ^(h)	20	1	15	1

(a) See Section 94.4.09(2) for standards related to detached accessory buildings located within front yard areas, minimum separation requirements associated with detached accessory buildings, and other standards associated with detached accessory structures.

(b) Additional setbacks may be required along zoning district boundaries for bufferyards, if required for the particular land use under Article 4 or Section 94.11.02(3)(d).

(c) Minimum street side yard setbacks are equal to the minimum street side setback for the principal structure.

(d) Includes all gravel and hard surfaces as defined in Section 94.17.04, along with recreational vehicles. This setback excludes intrusions required for driveway entrances and permitted or required for cross access driveways and pedestrian ways; shared driveways; and shared parking lots.

(e) Single-Family Detached Residences shall comply with the requirements for the SF-S district.

(f) Single-Family Detached Residences shall comply with requirements of the SF-S District. Two-Family Residences shall comply with the requirements for the 2F district.

(g) A minimum 100-foot wide buffer must be provided around the perimeter of each “Manufactured Home Community.”

(h) See Section 94.4.09(2) for further requirements regarding setbacks for Detached Accessory Structures (for Residential Use).

[Amended via Ord 17-026, 8/23/2017]

SECTION 2: The amendment effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.

SECTION 3: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 16th day of March 2020

WESTON VILLAGE BOARD

By: _____
Wally Sparks, its President

Attest:

Sherry Weinkauf, its Clerk

APPROVED: _____

PUBLISHED: _____

REQUEST FOR CONSIDERATION

Public Mtg/Date:	Plan Commission, March 9, 2020
Description:	Weston Avenue Corridor Plan Project.
From:	Keith Donner, Administrator Michael Wodalski, Director of Public Works Jennifer Higgins, Director of Planning and Development
Question:	Item is on for informational purposes. It's a future project the PC will be working on so staff is introducing it to the PC.

Background

The [2018 TID 1 Project Plan Amendment](#) outlined several future TIF eligible reconstruction projects for Weston Avenue in Table 1: *Potential Infrastructure and Related Project Costs Assignable to TID #1* of the TID Plan Amendment. As part of the reconstruction of the street, a corridor plan looking at future transportation needs and future land uses is needed. The Weston Avenue Corridor Plan is needed to be completed regardless of what happens with Camp Philips Centre as it will help the Village Board set the future development along this corridor so the PC and staff can implement that future vision.

MDRoffers has been retained to complete the Corridor Plan. It includes AECOM on the project as a sub to MDRoffers. AECOM (lead employee Ryan Barz) will be specifically working on Task 6 Conceptual Roadway Alternatives and Task 7 Preferred Weston Avenue Roadway Concept but will be involved in most other tasks as well.

The project is expected to start this month with March-May being a time where MDRoffers will assemble base information for the Plan. Staff is scheduled to meet to discuss in April 2020. Public Kick off meeting with PC will be in May. Mark Roffers will also conduct stakeholder interviews at the

Attached Docs:	Work Order #16: Weston Avenue Corridor Plan Meeting and Milestones
Committee Action:	PC/CDA/BOT approved Project in TID 1 Project Plan Amendment – 2018 BOT approved the Project Workorder and Scope at their meeting on 2/17/2020
FISCAL IMPACT:	Not to exceed \$50,000 – will be funded through TIF 1 as Weston Ave reconstruction was listed as a project in the TID 1 project plan amendment from 2018
Recommendation:	No action needed. Item is on agenda for informational purposes only.

Recommended Language for Official Action

REQUEST FOR CONSIDERATION

No action needed. Item is on agenda for informational purposes only.

Additional action: Begin working with MDRoffers on Corridor Plan. (Staff (April 2020) and Plan Commission (May 2020))

Resolution to recommend adoption of Plan as Volume 3 of Comp Plan (Plan Commission) – Dec 2020 or Jan 2021

Public Hearing and final approval and adoption as a Supplemental Plan in Volume 3 of the Comprehensive Plan (Board of Trustees) – Feb or March 2021



January 31, 2020

Work Order Number 16: Weston Avenue Corridor Plan

This Work Order is made under the terms and conditions established in the Agreement for Current Planning Services dated January 8, 2015 ("Agreement") between the Village of Weston, Wisconsin and MDRoffers Consulting LLC, with MDRoffers Consulting's hourly rates per the September 10, 2018 letter from Mark Roffers to Jennifer Higgins. All capitalized terms contained herein have the meaning set forth in the Agreement.

Section A Scope of Services

MDRoffers Consulting LLC agrees to provide the Consultant Services described in Attachment A, subcontracting required engineering services in Attachment A to a civil engineering firm approved by the Director of Public Works. The Village will provide the Village Services described in Attachment A.

Section B Schedule

Services in this Work Order commence from date of execution and are in effect for 18 months thereafter.

Section C Costs

All Consultant Services described in Section A will be completed on a time and materials basis with the budget for this Work Order not to exceed \$50,000.

IN WITNESS WHEREOF, the parties entered this Work Order as of the latest date noted below.

Village of Weston, Wisconsin

By:

2-17-2020

Signature of Authorized Representative

Date

WALLY SPARKS

VILLAGE PRESIDENT

Printed Name

Title

MDRoffers Consulting LLC

By:

1/31/2020

Mark Roffers, Member

Date

Attachment A
Scope of Services
Weston Avenue Corridor Plan

Consultant Services

- Task 1. **Joint Committee Meetings.** The Consultant will attend, facilitate, and provide digital materials for up to four meetings of a Village committee, which will provide policy direction and oversight. The purposes of these meetings will be to advise the scope of the project, present draft materials and gather input, hear public comments, consider different conceptual road design and land use options, and recommend and approve the Weston Avenue Corridor Plan. The meetings will be held in conjunction with other Consultant trips to Weston whenever practical. The Village may form an ad hoc committee with members from the Public Works and Utility Committee, Plan Commission, Community Development Authority, and Parks and Recreation Committee.
- Task 2. **Stakeholder Interviews.** The Consultant will conduct up to 12 hours of interviews including major property and business owners, transportation agencies, and utilities. The purpose of the interviews will be to discuss the overall approach to this Project, gain a more detailed understanding of future development interests and opportunities, uncover transportation and utility issues and opportunities, and obtain input on the draft corridor plan concepts. The consultant will work with Village staff to arrange interviews. Interviews will be scheduled in conjunction with the project kick-off/brainstorm meeting or another Consultant visit.
- Task 3. **Public Meetings.** The Consultant will attend, facilitate, and provide digital materials for a project kick-off/brainstorm meeting, preliminary results/feedback meeting, and public hearing. Meetings will be supported by a digital PPT presentation/summary that evolves over course of project. One or more of these meetings may be part of a special joint committee meeting, beyond those included in Task 1. The Consultant will provide invitation letters and notices on Village letterhead to be distributed by Village staff.
- Task 4. **Complete Inventory Work and Integrate Past Plans and Studies.** The Consultant will understand and incorporate into conceptual options and the plan the following issues: wastewater collection, water distribution, hydrology, geotechnical, and other technical studies; drainage issues (particularly from about ¼ mile west of Zinser Road

to Highway J); and Village and developer plans including those for Camp Phillips Centre, the Transport Way extension, Business and Technology Park South, and all elements of the village Comprehensive Plan. The idea is to integrate and build from such work and identify gaps to fill, rather than to duplicate or replace such efforts (except where necessary).

- Task 5. Conceptual Corridor Development Opportunities. The Consultant will explore and relay economic, community development, land use, recreation, transportation, and other options and opportunities relative to the position of the Weston Avenue corridor in the village and region. The Consultant will then refine land use, (re)development, and urban design advice for the Weston Avenue corridor, using its maps and illustrations, and with reference to conceptual design alternatives for the roadway developed under Task 6. The corridor planning area will generally be between and incorporate Highways 29, Highway X, the eastern village limits, and a line generally ¼ mile south of Weston Avenue.
- Task 6. Conceptual Weston Avenue Roadway Alternatives. The Consultant will explore, analyze, and illustrate up to three different alternative design options for Weston Avenue within the corridor planning area, reflecting different future function and levels of improvement. Each option will include at least one roadway cross-section and consider environmental conditions, right-of-way needs, roadway design, “urban” vs. “rural” solutions, bike and pedestrian accommodations, lighting, landscaping, other issues and enhancements. The Consultant will prepare one draft and one final version of each option in digital format. The Consultant will also suggest basic design parameters for Ryan Street, including recommend right-of-way width and access control.
- Task 7. Preferred Weston Avenue Roadway Concept. Based on technical evaluation and stakeholder and joint committee input, the Consultant will identify and refine a preferred conceptual design for Weston Avenue. This preferred conceptual design will recognize engineering opportunities and limitations, but will not be to the level of engineering design for future bidding or construction of the improvements. The preferred design will be included in the corridor plan.
- Task 8. Corridor Plan Preparation. The Consultant will prepare one staff review draft, one joint committee review draft, one public hearing draft, and one final draft of the Weston Avenue Corridor Plan document to include the results of the above plus an implementation strategy. Format, graphic design, and maps will be similar to the

Schofield Avenue Corridor Plan. The Weston Avenue Corridor Plan will also include, or be supplemented with, a detailed scope, cost estimate, phasing, and potential funding for the next recommended steps for engineering design and reconstruction of Weston Avenue and Ryan Street.

Task 9. Project Management. The Consultant will engage in village staff communications and up to four village staff meetings, coordination among the consultant team, and minor “firefighting” assignments. The Consultant will prepare, maintain, and manage execution of a detailed and customized schedule for required meetings, hearings, and document production, as well as required public notices and approval resolution and ordinance. The Consultant will also advise village staff on the preparation of base maps for the corridor plan, and on the provision of other “Village Services” as listed below.

Village Services

To support the completion of this Project and the Consultant Services listed above, the Village will complete the following:

1. Provide digital base mapping for the consultant to complete opportunities, options, and concept and development plan maps for the Weston Avenue Corridor Plan.
2. Make copies and distribute all materials, with the advice of the Consultant. The Consultant to provide digital versions of required documents, which at the end of the project will be provided in original file format.
3. Mail and post all required hearing and meeting notices and assist the Consultant as requested with meeting logistics, including agendas, locations, invitations, and minutes.
4. Review and advise changes to all draft and final plan materials.
5. Process approval of the Weston Avenue Corridor Plan as a detailed element of the village’s Comprehensive Plan.
6. Complete other assignments as indicated as “village staff” assignments in the Consultant Services section of this attachment.



Meetings & Milestones

Weston Avenue Corridor Plan

Prepared: 3/2/20

Inventory: *March-May 2020*

- Assemble base and environmental/soil mapping, including drainage west of Zinser to J
- Assemble prior plans and studies related to development, land use, TID, transportation, utility systems, stormwater, hydrology, geotechnical, recreation, wayfinding and related
- Prepare planning area and district map
- Prepare typical cross-section of existing Weston Avenue right-of-way and improvements

Staff/Consultant Meeting #1: *April 2020*

- Review project work program, including interviews and other outreach
- Discuss inventory information; development/preservation focus areas; key issues, goals, and priorities; and preliminary options for Weston Avenue redesign

Stakeholder Interviews: *May 2020*

- Interview owners/developers in Weston Ave corridor, County Highway Dept, utilities

Public Kick-off Meeting/Joint Committee Meeting #1: *May 2020 (same visit as interviews)*

- Review project intent and work program
- Gather input on substantive plan goals, priorities, and options
- Precede meeting by notice to corridor property owners

Staff/Consultant Meeting #2: *July 2020*

- Discuss initial draft plan vision, development plan maps, and roadway redesign options

Joint Committee Meeting #2: *August 2020*

- Discuss revised draft plan vision, development plan maps, and roadway redesign options
- Recommend preferred roadway redesign option

Staff/Consultant Meeting #3: *September 2020*

- Discuss draft Weston Avenue Corridor Plan, including preferred roadway redesign option
- Consider advancing Transport Way acquisition and design
- Identify possible 2021 budget needs, including for detailed design for Weston Avenue

Public Information/Input & Joint Committee Meeting #3: *October or November 2020*

- Share and receive input on revised draft Weston Avenue Corridor Plan
- Committee advises adjustments to draft Corridor Plan based on review and public input

Joint Committee Meeting #4: *December 2020 or January 2021*

- Recommend public hearing draft of Weston Avenue Corridor Plan

Plan Commission Recommendation: *January or February 2021 (could combine with #4 Committee meeting if practical)*

- Recommend Corridor Plan as a component of Village's Comprehensive Plan

Village Board Public Hearing & : *February or March 2021*

- Adopt Corridor Plan as a component of Village's Comprehensive Plan
- Authorize detailed engineering design for Weston Avenue reconstruction



**VILLAGE OF WESTON, WISCONSIN
AGENDA ITEM COVER SHEET / REQUEST FOR CONSIDERATION**

DESCRIPTION: January & February Staff-approved Certified Survey Maps and Site Plans.

FROM: Jennifer Higgins, Director of Planning & Development
Valerie Parker, Planning Technician

FOR REVIEW BY: Plan Commission, 03/09/2020

POLICY QUESTION: Should the PC acknowledge the staff approvals as submitted by the Department?

ISSUE-IN-BRIEF: January & February Staff-approved Certified Survey Maps and Site Plans.

FISCAL IMPACT: TBD.

GUIDANCE: Director of Planning & Development recommends the PC acknowledge the report and place on file.

PRIOR REVIEW: No previous public review.

REQUEST: Acknowledge and place on file.

Is there an additional briefer with this agenda item?

Are there additional documents which have been attached to this report?

List of CSM's and Site Plans Approved by Staff Since the last PC Meeting:

Certified Survey Maps –

None.

Site Plans –

None.



**VILLAGE OF WESTON, WISCONSIN
AGENDA ITEM COVER SHEET / REQUEST FOR CONSIDERATION**

DESCRIPTION: Report re: January & February 2020 Building Permits

FROM: Jennifer Higgins, Director of Planning & Development
Scott Tatro, Building Inspector
Roman Maguire, Property Inspector

FOR REVIEW BY: Plan Commission, 3/9/2020
CDA, 3/10/2020
Board of Trustees, 3/16/2020

POLICY QUESTION: Should the PC, CDA & BOT acknowledge the January & February 2020 building permits issued as submitted by the Department?

ISSUE-IN-BRIEF: Monthly report from the Planning & Development Department – Building Inspections Division.

FISCAL IMPACT: **2020 Building Permits to date**
52 total permits issued (110 Village, 0 Town, 0 Rothschild)
\$23,814 in permit fees received
In the Village of Weston-
\$23,814 in permit fees received
\$1,571,172 in permit valuation

GUIDANCE: Director and Inspectors recommend the PC, CDA & BOT acknowledge the report and place on file.

PRIOR REVIEW: No previous public review.

REQUEST: Acknowledge and place on file.

Is there an additional briefer with this agenda item?

Are there additional documents which have been attached to this report?

January & February 2020 Building Permits Issued Report

January & February 2020 Permit Total Report Code

Permits Issued

Date From 01/01/2020 and Date To 02/29/2020 and Jurisdiction Village of Weston

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation
Village of Weston								
202000090	Accessory	3507 MOUNT VIEW AV, WESTON	1922808174091 7	RICHARD N KORT SHERRY L KORT			02/20/2020	\$6,600 \$60.00
202000105	Accessory	3802 POWERS ST, WESTON	1922808103001 0	CHAD SCHMIDT			02/24/2020	\$10,000 \$184.40
202000054	Commercial Building	8951 ENTERPRISE WAY, WESTON	1922808231096 5	HOXIE ENTERPRISES LLC (J & D TUBE BENDERS INC)	Wanta & Sons		02/06/2020	\$15,000 \$100.00
202000106	Commercial Building	3910 SCHOFIELD AV, WESTON	1922808174089 4	3910 SCHOFIELD AVEUE LLC	JAS Construction, LLC		02/25/2020	\$52,000 \$370.00
202000043	Electrical	2106 SCHOFIELD AV, WESTON	1922808181093 6	YAZDI LLC	K&M Electric, Inc		01/30/2020	\$330.00
202000087	Electrical	1401 KECK AV, WESTON	1922808183096 5	CARLYJEAN PROPERTIES LLC	Haggen Electric LLC		02/19/2020	\$100.00
202000037	Electrical	3808 SCHOONOVER RD, WESTON	1922808103097 6	KELLY FERMANICH LORI FERMANICH	CURRENT TECHNOLOGI ES INC		01/28/2020	\$55.00
202000040	Electrical	5904 ALTA VERDE ST, WESTON	1922808184000 4	KEITH C GAYKEN SHERRY L GAYKEN	New Leaf Building & Remodeling		01/29/2020	\$55.00
202000036	Excavation	2714 ROSS AV, WESTON	1922808172092 2	MATTHIAE PROPERTIES LLC (CRYSTAL FINISHING SYS)	Wisconsin Public Service Corporation		01/27/2020	\$75.00
202000080	Excavation	6906 JANELLE ST, WESTON	1922808243001 1	KENNETH L WILK	Wisconsin Public Service Corporation		02/19/2020	\$75.00
202000081	Excavation	5502 HEWITT AV, WESTON	1922808094010 9	JAMES P ALBRIGHT GERALDINE S ALBRIGHT	Wisconsin Public Service Corporation		02/19/2020	\$75.00
202000082	Excavation	5707 TRICIA AV, WESTON	1922808152003 5	DAVID W THAO PA HOUA LOR	Wisconsin Public Service Corporation		02/19/2020	\$75.00
202000083	Excavation	1712 ROSSENBACH AV, WESTON	1922808181097 8	KATHLEEN L SHAFFER	Wisconsin Public Service Corporation		02/19/2020	\$75.00

Permits Issued

Date From 01/01/2020 and Date To 02/29/2020 and Jurisdiction Village of Weston

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation
202000022	Excavation	3215 NORTHWESTERN AV, WESTON	1922808082001 9	EDWIN W JAEGER SHARON L JAEGER	Wisconsin Public Service Corporation		01/14/2020	\$75.00
202000109	Excavation	9306 WESTON AV, WESTON	1922808243099 2	RC ENTERPRISES LLC	Frontier Communicati ons		02/26/2020	\$75.00
202000021	Excavation	2502 HARWOOD AV, WESTON	1922808293098 0	GERALD W GRIM C S GRIM	Wisconsin Public Service Corporation		01/13/2020	\$75.00
202000119	Excavation	5907 MUNICIPAL ST, WESTON	1922808164014 6	MITCHEL H KING	Wisconsin Public Service Corporation		02/28/2020	\$75.00
202000113	Excavation	1515 EVEREST AV, WESTON	1922808192000 4	TIMOTHY ALAN GOSSE DONNA MAE GOSSE	Wisconsin Public Service Corporation		02/28/2020	\$75.00
202000115	Excavation	7303 FEITH AV, WESTON	1922808232005 1	CHANG YANG	Wisconsin Public Service Corporation		02/28/2020	\$75.00
202000114	Excavation	5703 VOLKMAN ST, WESTON	1922808183005 4	HABECK RENTALS WESTON	Wisconsin Public Service Corporation		02/28/2020	\$75.00
202000116	Excavation	3203 CECIL ST, WESTON	1922808082001 3	SAMANTHA FEDROWITZ OLIVER POST	Wisconsin Public Service Corporation		02/28/2020	\$75.00
202000122	Excavation	5305 FULLER ST, WESTON	1922808153094 1	BRIAN K PENDELTON	Wisconsin Public Service Corporation		02/28/2020	\$75.00
202000121	Excavation	1603 DALEY AV, WESTON	1922808192001 6	JOSHUA J WOOD	Wisconsin Public Service Corporation		02/28/2020	\$75.00
202000118	Excavation	1507 DALEY AV, WESTON	1922808192002 5	APRIL A HOMMERDING	Wisconsin Public Service Corporation		02/28/2020	\$75.00
202000117	Excavation	1715 FOOTHILL AV, WESTON	1922808191013 6	CHRISTOPHER A WOODWARD	Wisconsin Public Service Corporation		02/28/2020	\$75.00
202000120	Excavation	3721 EAU CLAIRE AV, WESTON	1922808171096 8	ANNA R KING	Wisconsin Public Service Corporation		02/28/2020	\$75.00

Permits Issued

Date From 01/01/2020 and Date To 02/29/2020 and Jurisdiction Village of Weston

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation	
202000084	Excavation	5301 ROXANN DR, WESTON	1922808094014 0	JOHN DIVJAK VICKI DIVJAK	Wisconsin Public Service Corporation		02/19/2020		\$75.00
202000085	Excavation	6707 ALTA VERDE ST, WESTON	1922808191012 1	JANE E BORCHARDT	Wisconsin Public Service Corporation		02/19/2020		\$75.00
202000086	Excavation	4207 E EVEREST AV, WESTON	1922808212098 3	MORRIS O ROBERTS	Wisconsin Public Service Corporation		02/19/2020		\$75.00
202000099	Excavation	3910 SANDY LN, WESTON	1922808094016 9	VANG YANG NENG THAO	Wisconsin Public Service Corporation		02/24/2020		\$75.00
202000100	Excavation	5502 LOUANN DR, WESTON	1922808094015 8	FLOYD STAHL BARBARA LAPORTE	Wisconsin Public Service Corporation		02/24/2020		\$75.00
202000101	Excavation	4907 FULLER ST, WESTON	1922808152001 8	XUE LEE MAI LEE	Wisconsin Public Service Corporation		02/24/2020		\$75.00
202000102	Excavation	6305 RANDY JAY ST, WESTON	1922808212004 0	GREGORY L FALKOWSKI CHERYL E FALKOWSKI	Wisconsin Public Service Corporation		02/24/2020		\$75.00
202000103	Excavation	4314 E EVEREST AV, WESTON	1922808212007 0	SY APHAYRATH DANE APHAYRATH	Wisconsin Public Service Corporation		02/24/2020		\$75.00
202000112	Excavation	6211 LAWDALE ST, WESTON	1922808191007 2	PAUL A NELSON JANICE M NELSON	Wisconsin Public Service Corporation		02/28/2020		\$75.00
202000111	Excavation	1720 HEUSS AV, WESTON	1922808191001 0	ARLENE J ZENDER	Wisconsin Public Service Corporation		02/28/2020		\$75.00
202000104	Excavation	1826 EVEREST AV, WESTON	1922808191009 1	ALBERT H BRADFORD JR BEVERLY MAE BRADFORD	Wisconsin Public Service Corporation		02/24/2020		\$75.00
202000044	General	5500 SCHOFIELD AV, WESTON	1922808164098 2	VILLAGE OF WESTON	Village of Weston		02/11/2020	\$1,000	\$0.00
202000034	General	3725 WESTON PINES LN, WESTON	1922808174090 1	WESTON PINES APTS-WAUSAU DBA PREMIER REAL ESTATE	Dominion Title Exchange		01/23/2020	\$0	\$100.00
202000001	General	5107 WESTFAIR AV, WESTON	1922808164010 3	COLUMBIA PIPE AND SUPPLY	Global Zoning LLC		01/03/2020	\$0	\$100.00

Permits Issued

Date From 01/01/2020 and Date To 02/29/2020 and Jurisdiction Village of Weston

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation
202000078	General	3400 MINISTRY PKWY, WESTON	1922808204095 9	ASCENSION WISCONSIN ATTN: FINANCE 5700	First American Title Insurance Company		02/17/2020	\$0 \$200.00
202000075	Home Improvement	5306 ROSS AV, WESTON	1922808161099 7	JACOB B ANDERSON			02/14/2020	\$2,000 \$105.00
202000023	Home Improvement	6611 PENINSULA LN, WESTON	1922808241000 5	PAUL GERNAND KELLY GERNAND	Titan Builders		01/15/2020	\$7,000 \$105.00
202000024	Home Improvement	1818 DALEY AV, WESTON	1922808191010 0	JAMES P DUHAIME BRENDA K DUHAIME	Red Oak Builders LLC		01/15/2020	\$20,000 \$125.00
202000020	Home Improvement	5904 ALTA VERDE ST, WESTON	1922808184000 4	KEITH C GAYKEN SHERRY L GAYKEN	New Leaf Building & Remodeling		01/13/2020	\$35,000 \$135.00
202000076	Interior Remodel	6405 RICHARDS AV, WESTON	1922808103001 7	THOMAS E YOUNGER ELAINE R YOUNGER	Northstar Restoration Services		02/14/2020	\$5,073 \$110.00
202000066	Interior Remodel	2016 BLOEDEL AV, WESTON	1922808184022 5	PETER T ZASTROW LYNN M ALBRECHT-ZASTROW	RestorU		02/13/2020	\$15,000 \$230.00
202000007	Interior Remodel	9910 SIBERIAN DR, WESTON	1922808322004 8	ALICIA M TRANTOW	Engman Construction LLC		01/08/2020	\$24,000 \$210.00
202000068	Lateral	2904 WEILAND AV, WESTON	1922808172006 3	DENYON HOMES INC	Denyon Homes, LLC.		02/14/2020	\$545.00
202000069	Lateral	5106 LOOK ST, WESTON	1922808172006 4	DENYON HOMES INC	Denyon Homes, LLC.		02/14/2020	\$545.00
202000067	Lateral	2906 BARCLAY WAY, WESTON	1922808172005 6	DENYON HOMES INC	Denyon Homes, LLC.		02/14/2020	\$545.00
202000070	Lateral	2902 WEILAND AV, WESTON	1922808172006 2	DENYON HOMES INC	Denyon Homes, LLC.		02/14/2020	\$545.00
202000017	Minor Home Improvement	5307 CAMP PHILLIPS RD, WESTON	1922808163000 2	PAUL F WADZINSKI LAURIE K WADZINSKI			01/08/2020	\$9,000 \$50.00
202000088	Minor Home Improvement	4307 DEER ST, WESTON	1922808083006 4	RICHARD E CRUMP BETTY K CRUMP	Dun-Rite Exteriors		02/19/2020	\$20,490 \$50.00
202000031	Mobile Home	6300 BIRCH ST, WESTON	1922808201099 6	MHWI COLONIAL GARDENS OF WESTON LLC	Colonial Gardens MHP LLC.		01/20/2020	\$30,000 \$200.00
202000026	Mobile Home	6300 BIRCH ST, WESTON	1922808201099 6	MHWI COLONIAL GARDENS OF WESTON LLC	Colonial Gardens MHP LLC.		01/17/2020	\$35,000 \$200.00

Permits Issued

Date From 01/01/2020 and Date To 02/29/2020 and Jurisdiction Village of Weston

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation
202000027	Mobile Home	6300 BIRCH ST, WESTON	1922808201099 6	MHWI COLONIAL GARDENS OF WESTON LLC	Colonial Gardens MHP LLC.		01/17/2020	\$35,000 \$200.00
202000028	Mobile Home	6300 BIRCH ST, WESTON	1922808201099 6	MHWI COLONIAL GARDENS OF WESTON LLC	Colonial Gardens MHP LLC.		01/17/2020	\$35,000 \$200.00
202000029	Mobile Home	6300 BIRCH ST, WESTON	1922808201099 6	MHWI COLONIAL GARDENS OF WESTON LLC	Colonial Gardens MHP LLC.		01/17/2020	\$35,000 \$200.00
202000032	Occupancy	3103 SCHOFIELD AV, WESTON	1922808173098 5	XP PROPERTY GROUP LLC	XP Property Group, LLC		01/20/2020	\$0.00
202000041	Occupancy	7005 RICKYVAL ST, WESTON	1922808233095 4	B&D WAREHOUSE, INC.	B&D Warehouse, Inc.		01/29/2020	\$0.00
202000038	Occupancy	5810 SCHOFIELD AV, WESTON	1922808153000 5	RAJ SHAYAMAJI LLC	Weston Inn & Suites		01/28/2020	\$0.00
202000046	Occupancy	3406 SCHOFIELD AV, WESTON	1922808174098 7	JACOB ROTH			02/03/2020	\$50.00
202000108	Occupancy	4710 CAMP PHILLIPS RD, WESTON	1922808171098 1	WAPITI PROPERTIES LLC	National Coatings and Supplies		02/25/2020	\$0.00
202000097	Plumbing	4204 DOUGLAS LN, WESTON	1922808212005 2	RANDY N JACKSON DONNA J MAYER	Mad City Windows		02/21/2020	\$30.00
202000063	Plumbing	9921 SIBERIAN DR, WESTON	1922808322000 8	NICOLE D KAMPS	Tundraland Home Improvements		02/11/2020	\$30.00
202000030	Plumbing	5515 ROSE ST, WESTON	1922808173003 7	THOMAS G KITTEL	Tundraland Home Improvements		01/20/2020	\$30.00
202000002	Plumbing	3204 BEVERLY LN, WESTON	1922808083001 1	FRANK M SHAFRANSKI DEBRA L SHAFRANSKI	Tundraland Home Improvements		01/06/2020	\$30.00
202000005	Sign	4810 ROSS AV, WESTON	1922808162099 8	BIG DAN & SPACE'S KELLY CLUB LLP	Kelly Club		01/07/2020	\$600 \$25.00
202000004	Sign	3409 SCHOFIELD AV, WESTON	1922808174005 4	RJFC HOLDINGS LLC	Super Lettering & Signs Inc		01/07/2020	\$600 \$50.00
201901443	Sign	2809 SCHOFIELD AV, WESTON	1922808173094 8	AZ & NP LLC	Weston Wine & Spirits		01/02/2020	\$1,809 \$100.00

Permits Issued

Date From 01/01/2020 and Date To 02/29/2020 and Jurisdiction Village of Weston

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation
202000015	Special Assessment	3109 FOXTAIL CT, WESTON	1922808202017 7	INTERCITY STATE BANK	County Land and Title Co.		01/08/2020	\$40.00
202000016	Special Assessment	3205 FOXTAIL CT, WESTON	1922808202017 8	INTERCITY STATE BANK	County Land and Title Co.		01/08/2020	\$40.00
202000039	Special Assessment	2010 BLOEDEL AV, WESTON	1922808184007 4	DBS PROPERTIES LLC	WOLFGRAM GAMOKE & HUTCHINSON		01/28/2020	\$40.00
202000018	Special Assessment	4102 RIVER BEND RD, WESTON	1922808103012 2	BRANDON H CRAWFORD ASHLEY N CRAWFORD	County Land and Title Co.		01/10/2020	\$40.00
202000019	Special Assessment	5911 MORNING VIEW LN, WESTON	1922808152012 7	BRADLEY S GAST ELISABETH A LEMMER	County Land and Title Co.		01/10/2020	\$40.00
202000013	Special Assessment	5211 LEE AV, WESTON	1922808164009 2	FORREST TAPPE	County Land and Title Co.		01/08/2020	\$40.00
202000014	Special Assessment	3702 SCHOFIELD AV, WESTON	1922808174088 3	MITRA MIDWEST ACQUISITIO	County Land and Title Co.		01/08/2020	\$40.00
202000008	Special Assessment	4902 QUIRT SANN DR, WESTON	1922808172004 8	DENYON HOMES INC	County Land and Title Co.		01/08/2020	\$40.00
202000009	Special Assessment	5803 THOMAS AV, WESTON	1922808152001 4	ANTHONY J MARTINO SHILOH L MARTINO	County Land and Title Co.		01/08/2020	\$40.00
202000010	Special Assessment	3010 BARCLAY WAY, WESTON	1922808172005 1	DENYON HOMES INC	County Land and Title Co.		01/08/2020	\$40.00
202000011	Special Assessment	1803 HEUSS AV, WESTON	1922808191011 6	BRENDA L WILSON	County Land and Title Co.		01/08/2020	\$40.00
202000012	Special Assessment	3305 BELLAGIO DR, WESTON	1922808322017 2	DEAN HOIDA	County Land and Title Co.		01/08/2020	\$40.00
202000055	Special Assessment	6206 SHAWNA ST, WESTON	1922808221004 5	ERIC J KOLLMANSBERGER	County Land and Title Co.		02/10/2020	\$40.00
202000056	Special Assessment	5303 CATHY DR, WESTON	1922808094012 3	WILLIAM J BIRKENMEIER	County Land and Title Co.		02/10/2020	\$40.00
202000003	Special Assessment	3725 WESTON PINES LN, WESTON	1922808174090 1	WESTON PINES APTS-WAUSAU DBA PREMIER REAL ESTATE	CHICAGO TITLE INSURANCE COMPANY		01/06/2020	\$40.00
202000058	Special Assessment	4302 RIVER BEND RD, WESTON	1922808103007 8	SHARI L MARKOFSKI	County Land and Title Co.		02/10/2020	\$40.00
202000059	Special Assessment	3907 HOWLAND AV, WESTON	1922808324098 9	YAUO YANG MAYLA T YANG	County Land and Title Co.		02/10/2020	\$40.00

Permits Issued

Date From 01/01/2020 and Date To 02/29/2020 and Jurisdiction Village of Weston

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation
202000060	Special Assessment	6206 VON KANEL ST, WESTON	1922808212014 5	DANIEL SHINE	County Land and Title Co.		02/10/2020	\$40.00
202000057	Special Assessment	5706 CONNIE LN, WESTON	1922808222013 4	JANELLE J OSTROWSKI	County Land and Title Co.		02/10/2020	\$40.00
202000061	Special Assessment	3705 RIVER MEADOW DR, WESTON	1922808094022 4	JEANETTE W HINS DILL	County Land and Title Co.		02/10/2020	\$40.00
202000049	Special Assessment	6112 BIRCH ST, WESTON	1922808202014 4	RICK W SCHLAPMAN PATRICIA E SCHLAPMAN	Knight Barry Title - QTax		02/03/2020	\$40.00
202000048	Special Assessment	2802 JOSEPH AV, WESTON	1922808173000 4	GREGORY J DAHLKE	Knight Barry Title - QTax		02/03/2020	\$40.00
202000052	Special Assessment	8405 LEEDS CT, WESTON	1922808293003 4	SCOTT E DOLL JENNIFER DOLL	Knight Barry Title - QTax		02/06/2020	\$40.00
202000053	Special Assessment	3403 MIRAGE LN, WESTON	1922808322014 0	GORDON SCHLAFMANN	Knight Barry Title - QTax		02/06/2020	\$40.00
202000062	Special Assessment	4802 FELCH DR, WESTON	1922808162099 3	DEANNA F ECKARDT	County Land and Title Co.		02/10/2020	\$40.00
202000092	Special Assessment	5906 FLAMBEAU ST, WESTON	1922808102016 5	AARON W MULL	County Land and Title Co.		02/20/2020	\$40.00
202000091	Special Assessment	6214 RODNEY ST, WESTON	1922808212004 9	ROBERT F TALBERT SONYA B SEEHAFFER	County Land and Title Co.		02/20/2020	\$40.00
202000094	Special Assessment	4711 CHADWICK ST, WESTON	1922808162001 0	MATTHEW KERSWILL	County Land and Title Co.		02/20/2020	\$40.00
202000095	Special Assessment	5205 PINE ST, WESTON	1922808181005 6	GERALDINE L KROLIKOWSKI	County Land and Title Co.		02/20/2020	\$40.00
202000093	Special Assessment	5507 RAE JAMES ST, WESTON	1922808163013 2	MARK A FULLER KELLY R FULLER	County Land and Title Co.		02/20/2020	\$40.00
202000110	Special Assessment	5107 WESTFAIR AV, WESTON	1922808164010 3	COLUMBIA PIPE AND SUPPLY	First American		02/28/2020	\$40.00
202000096	Special Assessment	4404 CEDAR AV, WESTON	1922808163008 1	MATTHEW W WENDLAND	County Land and Title Co.		02/20/2020	\$40.00
202000107	Special Event	Right of Way	1000 Machmueller St, Weston, WI 54476		Run to Remember		02/25/2020	\$0.00
202000047	Temp Sign	3406 SCHOFIELD AV, WESTON	1922808174098 7	JACOB ROTH			02/03/2020	\$25.00
202000074	WUBPA	2902 WEILAND AV, WESTON	1922808172006 2	DENYON HOMES INC	Denyon Homes, LLC.	1,405	02/14/2020	\$147,000 \$2,525.00

Permits Issued

Date From 01/01/2020 and Date To 02/29/2020 and Jurisdiction Village of Weston

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation	
202000072	WUBPA	2904 WEILAND AV, WESTON	1922808172006 3	DENYON HOMES INC	Denyon Homes, LLC.	2,118	02/14/2020	\$197,000	\$2,755.00
202000071	WUBPA	2906 BARCLAY WAY, WESTON	1922808172005 6	DENYON HOMES INC	Denyon Homes, LLC.	2,252	02/14/2020	\$215,000	\$2,785.00
202000073	WUBPA	5106 LOOK ST, WESTON	1922808172006 4	DENYON HOMES INC	Denyon Homes, LLC.	2,192	02/14/2020	\$217,000	\$2,755.00
202000042	WUBPA	2503 HARWOOD AV, WESTON	1922808293095 0	NATHAN C JOHNSON ALEXIS A JOHNSON		2,694	01/30/2020	\$400,000	\$3,215.00
								Village of Weston Permits	110
								Village of Weston Permits	\$23,814
								Village of Weston Permits	\$1,571,172
								Total Permits Issued	110
								Total Permits Fees	\$23,814
								Total Permits Valuation	\$1,571,172
								Total Finished Sq Ft	10,661

Permit Total Report Code

Issued From 01/01/2020 and Issued To 02/29/2020

Type	Report Code	Jurisdiction	No of Permits	Total Valuation	Fees Paid
<i>Accessory</i>					
	101 - Residential Accessory Building	Village of Weston	2	\$16,600	\$244.40
<i>Commercial Building</i>					
	202 - Commercial Addition/ Build Out/ Remodel	Village of Weston	2	\$67,000	\$470.00
<i>Electrical</i>					
	700 - Commercial Electrical	Village of Weston	2		\$430.00
	702 - Residential Electrical	Village of Weston	2		\$110.00
<i>Excavation</i>					
	300 - Excavation	Village of Weston	29		\$2,175.00
<i>General</i>					
	403 - Face Copy Replacement	Village of Weston	1	\$1,000	\$0.00
	759 - Zoning Verification	Village of Weston	3	\$0	\$400.00
<i>Home Improvement</i>					
	105 - 1&2 Family Interior Remodel	Village of Weston	4	\$64,000	\$470.00
<i>Interior Remodel</i>					
	902 - Residential Non-Structural Remodel	Village of Weston	3	\$44,073	\$550.00
<i>Lateral</i>					
	503 - Residential Lateral	Village of Weston	4		\$2,180.00
<i>Minor Home Improvement</i>					
	901 - Residential Exterior Remodel	Village of Weston	2	\$29,490	\$100.00
<i>Mobile Home</i>					
	114 - Manufactured Home Installation	Village of Weston	5	\$170,000	\$1,000.00
<i>Occupancy</i>					
	750 - Non-Residential Zoning	Village of Weston	5		\$50.00
<i>Plumbing</i>					
	502 - Residential Plumbing	Village of Weston	4		\$120.00
<i>Sign</i>					
	400 - Permanent Sign	Village of Weston	3	\$3,009	\$175.00
<i>Special Assessment</i>					

Permit Total Report Code

Issued From 01/01/2020 and Issued To 02/29/2020

Type	Report Code	Jurisdiction	No of Permits	Total Valuation	Fees Paid
	910 - Special Assessment	Village of Weston	32		\$1,280.00
<i>Special Event</i>					
	302 - Special Event on Public Property	Village of Weston	1		\$0.00
<i>Temp Sign</i>					
	401 - One Time Use Sign	Village of Weston	1		\$25.00
<i>WUBPA</i>					
	100 - New Home Construction	Village of Weston	5	\$1,176,000	\$14,035.00
Total			110	\$1,571,172	\$23,814.40



**VILLAGE OF WESTON, WISCONSIN
AGENDA ITEM COVER SHEET / REQUEST FOR CONSIDERATION**

DESCRIPTION: Report re: January & February 2020 New Business Occupancy Permit Issuance

FROM: Jennifer Higgins, Director of Planning & Development

FOR REVIEW BY: PC, 3/9/2020

POLICY QUESTION: Should the PC acknowledge the January & February 2020 Occupancy Permits issued to businesses as submitted in the report by the Department?

ISSUE-IN-BRIEF: Monthly report from the Planning & Development Department

FISCAL IMPACT: TBD

GUIDANCE: Director recommends the PC acknowledge the report and place on file.

PRIOR REVIEW: No previous public review.

REQUEST: Acknowledge and place on file.

Is there an additional briefer with this agenda item?

Are there additional documents which have been attached to this report?

January & February 2020 Occupancy Permits Issued Report

Permits Issued

Date From 01/01/2020 and Date To 02/29/2020 and Template Occupancy and Jurisdiction Village of Weston

Permit #	Templates	Permit Address	Parcel ID	Owner Name	Contractor	Finished Sq Ft	Issue Date	Valuation
Village of Weston								
202000032	Occupancy	3103 SCHOFIELD AV, WESTON	1922808173098 5	XP PROPERTY GROUP LLC	XP Property Group, LLC		01/20/2020	\$0.00
202000041	Occupancy	7005 RICKYVAL ST, WESTON	1922808233095 4	B&D WAREHOUSE, INC.	B&D Warehouse, Inc.		01/29/2020	\$0.00
202000038	Occupancy	5810 SCHOFIELD AV, WESTON	1922808153000 5	RAJ SHAYAMAJI LLC	Weston Inn & Suites		01/28/2020	\$0.00
202000046	Occupancy	3406 SCHOFIELD AV, WESTON	1922808174098 7	JACOB ROTH	Evelia's Restaurant, LLC		02/03/2020	\$50.00
202000108	Occupancy	4710 CAMP PHILLIPS RD, WESTON	1922808171098 1	WAPITI PROPERTIES LLC	National Coatings and Supplies		02/25/2020	\$0.00
							Village of Weston Permits	5
							Village of Weston Permits	\$50
							Village of Weston Permits	
							Total Permits Issued	5
							Total Permits Fees	\$50
							Total Permits Valuation	
							Total Finished Sq Ft	



Jennifer Higgins
Planning & Development Director

MEMORANDUM

To: Plan Commission

Date: March 4, 2020

Re: Plan Commission Projects & Tasks

1. Community Entryway and Wayfinding Plan (*Complete*) Plan was adopted as part of Comp Plan in October 2010. The RFP for the Wayfinding Signs was released on 2/27/2020. To date we do not have any proposals back. Due date is March 20, 2020.
2. Schofield Avenue Corridor Plan (*in progress*) In progress. MDRoffers is the consultant helping us. Draft plan was presented to CDA/PC on 8/13/19. It was well received by the CDA/PC and public. Document is proposed to be adopted as part of the Comp Plan – Volume 3 Supplemental Plans. PC and CDA recently endorsed the Plan and directed staff to start the public hearing process with the PC/BOT. Public Hearing has not been set yet. Staff has received but has not had time to review the final public hearing draft received from MDRoffers due to other pressing issues.
3. Comprehensive Plan Update
4. Camp Phillips Centre Project (*stalled*) – FDG met with the BOT on 3/2/2020 and said they are suspending work on the project in its current form. As FDG explained in their presentation to the Village Board, the conclusion to suspend further work on the Camp Phillips Centre retail development is due to:
 - Wetland impacts which have resulted in an impasse to obtain the DNR and Army Corps permits
 - Reduced acreage for the development
 - Extraordinary infrastructure costs
 - Unsupportable land acquisition costs
 - The changing retail landscape.

FDG indicates they may explore other options for development in the Village and are expected to bring those back to the Board in April or May.



Jennifer Higgins
Planning & Development Director

5. Zoning Code Update – We are slowly making changes to the code where needed and as time allows. Chair Maloney has requested the Sign Ordinance be discussed at Monday’s meeting as he has heard some issues from the business community. Assistant Planner Wheaton has done a great job explaining the issues and how the code has been relaxed over the years and is less restrictive. We have added the special exception permit process to the code to allow for the PC to approve some of our older non-conforming signs. I think its just a case of the sign companies and business owners needing some additional education on our code. Staff is attempting to do this as the issues arise, however it seems that they do not want to go through the process.

6. Transport Way Connection to Weston Ave (*Will be addressed in the Weston Ave Corridor Plan*)
 - i. Preliminary Construction Plan
 - ii. ROW Plat
 - iii. ROW Acquisition

7. Municipal Facilities (*in progress*)
 - i. Administration Building and Public Works Garage
 - ii. Public Safety
 - iii. Aquatic Center
 - iv. Ryan Street

Staff has been meeting with the consultant bi-weekly. All the sale contingencies for the G&B Produce property have been met. Sale of the property will be completed later this month. I have the CSM ready to go and the PC will be asked to amend the Comp Plan and rezone the property this spring. An open house of the current Municipal Center is scheduled for the evening of March 19.

8. County Road X Corridor Plan Implementation – no further progress.

9. Park Impact Fee Needs Assessment & Subdivision Ordinance Amendments – *in progress MDRoffers – needs to be completed to comply with WI Act 243. MDRoffers provided us the draft needs assessment. Staff met on this on 10/11. It’s in the cue to begin the approval process so hopefully it can be early in 2020.*

10. Weston Avenue Corridor Study and possible Corridor Reconstruction (County Road X to County Road J) – *in progress. Plan has been budgeted for in 2020*



**Jennifer Higgins
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Budget. MDRoffers and AECOM are working on it. Board approved the project scope on 2/17/2020. It will be introduced to the PC at the meeting on Monday (3/9/2020). Projected to take a year to complete.

11. Sewer and Water Crossing of Eau Claire River at Ryan Street – DPW is working on.
12. Construction of Well #7 at Yellow Banks Park – DPW working on.
13. Utility Planning Studies
 - a. Paul's Farm – Master Planning & Traffic Study –
 - b. Main Extension Policy
14. Alpine Mobile Home Trailer Park redevelopment –*To date we have not received any proposals.*
15. Tourism Plan – working on this *plan has been shelved due to other more pressing projects.*

Economic Development – New/Potential Projects

TIF 1

1. Barnett Property Residential Subdivision – Met with a residential home builder to discuss this site in August. Nothing new to report. We are still working with area landowners to make sure that we have two access points to the potential development. I have quotes for CSMs to be done to dedicate road right of way from Stan Budleski and Joe Bushka. Dominika Street vacation is on the agenda again on to discuss on Monday. Staff does not support vacating the entire Dominika St road right of way.
2. Fernwood Development – this is the old Prohaska residential subdivision project that never materialized due to the recession of the early 2000's. Intercity Bank has had the property in recent years, and it was just purchased at the end of February by Eau Claire River LLC. We met with them on 3/2/2020 and they plan to resurrect this as a single-family subdivision. There could be some multi-family along the highway.



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Final plans will most likely not be submitted until closer to the end of the Weston Ave Corridor Plan adoption.

3. PGA Multi-tenant building on Mashuda property – Staff met with the developer on 3/2/2020 to discuss the project. It had been fully approved for site plan in 2019. The yard needs to be bigger for a planned tenant so the developer may be asking to buy additional land from the Village for this.

TIF 2

1. Markovich Outlot – I was contacted the end of February about the outlot in front of Pizza Ranch/Goodwill/Dollar Tree. There are tentative plans for a 3-tenant strip mall at this location. The architect is in the process of designing it.
2. Tommy Car Wash. – Opened in February. Ribbon Cutting was held this past Tuesday.
3. Schofield Oriental Market – business owner inquired in August 2019 about how they could help implement the Schofield Avenue Corridor Plan as they were part of a location called out in the plan for redevelopment. Nothing new to report
4. LaPorte Property – We have been talking to an interested party on this site. They have fine-tuned the site plan so it does not look like an amendment of the TIF 2 Plan will be needed for them to proceed. Have not heard from the prospective business since around Christmas time. Ms. LaPorte has inquired about moving the home present on the lot to a vacant lot on Joseph St. This would require a public hearing and Plan Commission approval prior to the move.
5. Layne Northwest Property – no new progress.

Outside TIF

1. Kennedy Park Nursing Home Redevelopment Project – Lokre has purchased the old nursing home and would like to redevelop the property into a unique multi-family project. The first step was to rezone the property which was completed in December 2019. Staff met with Riverside Land Surveying in late February to discuss a CSM being done on the site to rearrange the 3 lots into 2. They are



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currently working on the nursing home building plans interior plans. It sounds like they are looking at 60 1-bedroom units with a few added garages.

2. Metro Animal Hospital – new construction – Birch St – sounds like they have switched architects on this project. I was contacted in February by Andrew Halverson from Ellis Construction in Stevens Point. They have the design build contract for the project. He said the new wetland delineation has been completed and they are currently working on a new site plan and civil drawings. He hopes to submit in April for site plan and begin construction in May. Sounds like the original design has not changed.
3. DC Everest School Bldgs. – *The High School, Junior High and Weston Elementary are all under construction. They will be submitting Phase 3 of the High School project which is to add a new entrance/vestibule to the building and re-arrange the front drop off/parking area. Staff attended the ribbon cutting at the Tech Ed wing in February. All I can say is WOW! It is very nice. The kids in the district are lucky to have access to all this. If you get a chance, I would suggest visiting for a tour. Very impressive. A number of local businesses made some significant donations to make it happen too so we thank them!*
4. Denyon Homes Bldg Addition – *under construction*. Met on 8/12 to discuss parking and landscape changes from original approval. They have not re-submitted to date. Wheaton is following up with them.
5. Crane Meadows – *building addition and sewer and water extension – Sewer and Water extension construction completed in fall 2019. Have not received any building plans to date.*
6. U-haul – 7701 Schofield Avenue – BOT authorized legal action against them for not getting site plan approvals and the CUP required to expand the use. Staff and Attorney are still working through this as the attorney is denying work was done. Tatro is in process of issuing citations. The citations need to be personally served so we are trying to determine who that is. Attorney Yde's office is assisting us with this.
7. Swiderski Multi-family Development – Callon Avenue Properties – Preliminary site plan received for addressing purposes in Feb. This site will have 26 units total. There will be 3 buildings total – 1 6-unit, 1 8-unit and 1 12-unit. They will have a mix of 2- and 3-bedroom units with attached garages. All buildings are



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single level townhome/rowhouse style (Bedford). Swiderski has told us they have room in their construction schedule to start this project this year. They plan to open one building at this site in 2020 and the rest will be open in 2021.

8. Swiderski Multi-family Department – Metz Property – Camp Phillips Rd – Rezone request approved in November. Proposing to construct 120-unit apartment complex (5 – 20-unit buildings (Ashton) and 2 10-unit buildings (Cambria)). The 5 Ashton buildings will have 2-bedroom units. The two Cambria building will have all 3-bedroom units. They are showing on the preliminary plans two recreational areas; a 24,000 SF and a smaller 12,000 SF adjacent to the pond. SAFER is requiring two access points. Marathon County has approved one cross access that will be shared with the property to the south. – [side note – staff met with a realtor who is looking to market the property to the south so this development could expand or be developed by another developer.] Swiderski has told us they have room in their construction schedule to start this project this year. All buildings would open in 2021.
9. Willow Street Apartments – rezone received in January. Staff met with the developer on 3/2 to start discussions on project. They are planning 3 12-unit buildings for a total of 36 units.
10. Hoffman Personal Storage Facility Building and Office – 6005 Mesker Street – received a CUP from the PC in September. The personal storage facility will be marketed to motorhomes and those with larger storage needs. Maguire and Wheaton have met with Hoffman to get his building plans finalized.
11. Drewek Duplexes – received a CUP from the PC last year which will be expiring in April since he did not start construction yet. Wheaton will be sending a reminder in hopes that he gets his building permit and starts the project in time.
12. Everest Hilltop Addition Plat - Horseshoe Dr off of Alderson – Ryan Development has owned this property for quite some time. It has also been on the market for quite some time but now has some interested buyers. It was platted but the roads were never installed and there is quite a lot of wetlands on site, so it doesn't look like the plat is viable as platted. MTS is looking at some new options for the potential buyers but it looks like it will need to be vacated and redesigned.



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13. Lewis Construction – staff met with REI the end of Feb to discuss getting sewer and water to a new building they are proposing at Lewis Construction. It sounds like it is cost prohibitive, so they plan to build the building as cold storage instead. Site plans should be submitted for approvals soon.

REQUEST FOR CONSIDERATION

PUBLIC MTG/DATE:	PLAN COMMISSION, MARCH 9, 2020
DESCRIPTION:	FUTURE DISCUSSION OF SIGN ORDINANCE
FROM:	EMILY WHEATON, ASSISTANT PLANNER
QUESTION:	SHOULD THE PLAN COMMISSION CONSIDER RECOMMENDING TO THE BOARD OF TRUSTEES TO ADJUST THE SIGN ORDINANCE?

BACKGROUND

SEVERAL VILLAGE TRUSTEES HAVE BEEN APPROACHED BY BUSINESSES RELATED TO RECENT CONVERSATIONS WITH STAFF PERTAINING TO THE REPLACEMENT OR ALTERNATING OF EXISTING SIGNS ON THEIR PROPERTY. IT WAS REQUESTED STAFF BRING THIS TO THE PLAN COMMISSION FOR REVIEW OF THE SIGN CODE.

I SPOKE WITH TWO DIFFERENT BUSINESSES REGARDING CHANGING OUT EXISTING FREESTANDING SIGNS ON THEIR PROPERTIES. ONE WANTED TO REPLACE A CONFORMING SIGN WITH A SIGN THAT DID NOT MEET THE SIGN ORDINANCE. THE OTHER WANTED TO REPLACE A NON-CONFORMING SIGN. BOTH BUSINESSES WERE PROVIDED OPTIONS WITHIN THE CODE THAT WOULD HELP THEM ACCOMPLISH THEIR GOALS OF A NEW SIGN.

THE PLAN COMMISSION COULD LOOK TO AMEND THE SIGN ORDINANCE TO MAKE IT EVEN EASIER FOR BUSINESSES TO INSTALL ANY SIGN THEY WOULD LIKE, OR THEY COULD CONSIDER KEEPING THE ORDINANCE AS IS.

ATTACHED DOCS:	MEMORANDUM
COMMITTEE ACTION:	NONE
FISCAL IMPACT:	TBD. WILL DEPEND ON IF ORDINANCE IS AMENDED.
RECOMMENDATION:	NONE

RECOMMENDED LANGUAGE FOR OFFICIAL ACTION

NONE

ADDITIONAL ACTION:	NONE.
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Memorandum

Date: 3/2/2020

To: Plan Commission

From: Emily Wheaton, Assistant Planner

Subject: Sign Ordinance

In the last couple weeks, I have had discussions with two different businesses regarding changing out existing freestanding signs on their properties. Below are brief overviews of my discussions with the business. Further in the memo, I layout a comparison of the existing sign code compared with the previous sign code of 2014, See Table 1.

Tommy's Car Wash

A representative of Tommy's Car Wash, Jay Clark, reached out to the Village about replacing the existing monument sign. The existing sign is 31 square feet, 5 feet from the lot line, and 4 feet high. This sign received approval and a permit within the last few months and is considered conforming. The proposed sign would be 20 feet height and would like to be in the same location as the existing sign. I informed them that in order for a taller sign to be located in the same location of the existing sign, a special exemption would need to be applied for to allow for an exception from the code.

Klasinski Insurance

I spoke with Kevin Klasinski on the phone at the end of February. He was looking to replace his existing pole sign with a new sign. As his sign is too close to the lot line, his sign is considered non-conforming. I informed him he would need to relocate the sign to meet the setback. Kevin reached out to me shortly after about just replacing the top portion of his existing sign, like the business across the street. As long as he replaced the sign with exactly the same dimensions of his existing sign, he would be permitted to replace the sign.

Table 1: Comparison of sign code of 2014 and existing code of 2020, based on the B-3 General Business Zoning District standards for freestanding signs.

	Previous Code (2014)	Existing Code
Area	10% of façade*	64 sq ft
Setback	5 feet	Equal to sign height
Height	20-35 feet	20
Quantity	1	1 per public street frontage
Change of nonconforming sign	Shall be brought into conformity	Can maintain exact dimension of previous nonconforming sign

*For a building with a 45-foot façade (ie, Tommy's Car Cash), a 4.5 square foot freestanding sign would be permitted.

Special Exceptions

The existing sign code allows for applicants to apply for a special exception to deviate from almost all requirements of the sign code. This includes height, area, ground clearance, setback, and quantity. The process is handled similarly to a conditional use permit. This process requires a public hearing, notice be mailed to neighboring parcels within 300 feet of the property, and Plan Commission determination. This process can add at least an extra month on the sign permit process. Special Exceptions would not apply directly to a non-conforming sign but to a new sign that would be proposed to be similar to the existing non-conforming sign.

Conclusions

The existing code does allow for less restrictions for commercial signs compared to its predecessor (ie square footage). One of the large differences between the codes is the setback requirement. With the potentially smaller signs allowed (10% of façade) in the 2014 code, a smaller setback would have made sense as the signs would have imposed less of a threat on the right-of-way where traffic and pedestrians would be traveling. The current code also allows for Special Exceptions to request a deviation from the sign code as well as permits non-conforming signs to be replaced as long as the area is not increased or decreased. The 2014 code did not offer any of these options.