

**PLANNING COMMISSION MINUTES
5500 SCHOFIELD AVENUE
WESTON, WI 54476
MONDAY, APRIL 9, 2007 - 6:00 P.M.**

I. CALL TO ORDER

Village President Vilas Machmueller called the meeting to order at 6:00 p.m. Members present were DPW Keith Donner, Steve Meinel, George Oberlander, Mary Hancock, Kim Fischer, and Mike Stenstrom. Village Administrator, Dean Zuleger, Community Development Director, Jennifer Higgins, Building Inspector, Scott Tatro, and Recording Secretary, Valerie Parker were present. About 15 audience members were also present.

Machmueller read the notices and opened the hearings.

A. OPEN HEARING – (RZ2007-002 & CU2007-004) BART ISAACSON, 9104 CALLON AVENUE REZONING REQUEST FROM RR TO RE & SR AND A CONDITIONAL USE REQUEST TO ALLOW A TEA HOUSE BUSINESS IN A SR ZONING DISTRICT

Bart Isaacson, 9104 Callon Avenue, & Jason Burns, 219 Ross Avenue #102, Schofield, were present in support. Isaacson stated that they want to rezone with a goal to sell off lots 1 & 2 to begin with. Lot 3 will stay as is, but potentially taking down the existing home and rebuilding a home for his family on Lot 4. As far as the conditional use regarding the tea business, he said that the tea business has been successful and going well. Their tea business is currently open from 10:00 a.m. to 4:00 p.m., Tuesday – Saturday, serving tea, serving lunches, and sometimes special events, such as wedding showers, baby showers. In order for them to operate the way they want to they need to get into something other than what they are now, which is residential business, because things have gone well. He said that the best fit for what they want to do is to get the conditional use permit. He stated that they have not received any complaints from their neighbors, this is a quiet business. They just want to get within the realm of operating the way it should be. The way to do this is to get the conditional use permit.

Bill Wagner (E.W. Wagner), 9010 Callon Avenue, was present. Joe Barnett, 7908 Kostuck Lane, and Paul Gajewski, 9003 Callon Avenue, were present with Wagner. Wagner stated that he is not necessarily in opposition. He stated that last time they did this, with Bob Stone, they zoned it and they changed it back, you could build within 10 feet from the lot line. They agreed at the time that they would not build within 50 feet from the lot line. He asked if that would still hold true? Zuleger stated this was probably done back in the “Town” days, and that now we are operating under our new zoning code. Wagner felt that this agreement was made since we were a Village. He commented that this occurred after Bob Stone was chairman and during the period when Bob Stone got divorced. Barnett & Gajewski stated that they were present at that meeting also. Zuleger & Machmueller clarified that this was still a number of years ago (at least 7 years). Zuleger was going to check in old Planning Commission meeting minutes to see if he can find any restrictions that may have been placed on this property.

Higgins clarified that the restriction that Wagner was referring to was a 50-foot building setback from the property line. Higgins stated that currently our zoning code states a 20-foot building setback from the principal drive side (which is the property line on the west side between Wagner & Isaacson). Wagner stated that his home sits about 25 feet from the lot line. He stated that what they (Stone’s) did, was they split the land up when they got divorced, and then later on after the divorce she bought it back from him and they changed it back again.

Burns commented that he could not imagine that anyone building on this lot would want to build right by the lot line, that this is a large lot and they would probably put their home more in the center so that they would not be real close to any neighbors. Machmueller asked Isaacson, if we can find something in previous meeting minutes stating this 50-foot restriction, if this would adversely affect what he is doing here. Isaacson stated that it would all depend on what future owners would want here.

Zuleger stated that we will look into the records to see if there is anything in previous minutes, that would have been passed in a formal motion. If we cannot find anything to prove this, the normal setbacks would apply.

Donner questioned if Wagner is stating the 50-foot restriction was placed the last time this property was rezoned? Wagner stated that first the property was rezoned, the 50-foot setback agreement was made, she (Carol Stone) bought it back from him (Bob Stone) after the divorce, and then the property was rezoned again.

Zuleger stated that in light of the setback issue, Wagner is present in opposition.

B. OPEN HEARING – (CU2007-003) VILLAGE OF WESTON CONDITIONAL USE REQUEST TO ALLOW M1 USES IN BP ZONING DISTRICT: BP ZONED PROPERTIES IN WESTON BUSINESS & TECHNOLOGY PARK

Higgins stated this issue came up with the site plan for Custom Glass Products. A few years back the business districts were changed somewhat. She said that the wording within the BP district, because BP zoning is also in the hospital area, was changed so that any manufacturing uses would have to be approved by conditional grant, and the purpose of the Weston Business & Technology Park is for the light manufacturing uses. She stated that Zuleger requested that staff look at putting a conditional use on the business park properties that would allow the M1 uses, listed as permitted uses by right. They would be listed as being allowed within these areas of the business park. She stated that essentially all of the lots in the business park are already built on, with the exception on #1, which will be the future site of Extended Season Sports complex.

Higgins clarified to Meinel this will not allow outside storage, just allowing the M1 uses permitted by right. She stated that if someone wanted to come in for a use that is permitted by conditional grant under M1, they would still have to come before Planning Commission for a conditional use permit.

Oberlander questioned if we would run into similar issues like we have on Ross Avenue with Crystal Finishing and the residential neighbors. He is afraid that people would misinterpret what we are allowing here and we would lose control. He would feel more comfortable to give this grant on an individual basis. Higgins stated that an issue we have is when the businesses change hands and there are existing buildings on the lot, we don't see the business change that occurs. We only see the businesses (at Planning Commission) when it is a new building on vacant land. That is how this (Custom Glass Products) glass manufacturing plant came before us. This type of use is permitted by right in the M1 district. Higgins clarified to Oberlander that because the BP zoning is still there, outside storage would not be permitted. Oberlander feels that we keep compromising our standards and he gave examples of things that we have allowed, that are not normally allowed there. He reiterated that he would prefer we look at conditional uses on a case-by-case basis out here rather than a blanket conditional use permit for everyone. Higgins stated that we mainly need it for the Custom Glass Products building.

Hancock commented that the notice and memo are worded differently. Higgins re-explained how the BP uses have changed. Higgins stated that Zuleger's request is to put the conditional use for allowing M1 uses, that are within the permitted uses under the M1, on all of these pieces of land within the Business Park. Hancock clarified the parcels that this affects.

No one spoke in opposition.

C. OPEN HEARING – (RZ2007-001) VILLAGE OF WESTON ZONING REQUEST TO B3: VOLKMAN STREET (RECENTLY VACATED RIGHT-OF-WAY)

Machmueller described where this parcel is located. Higgins stated that this piece of land is currently being used as parking space for the small business strip there. This brings the zoning of this parcel in line with what is out there (General Commercial). Lokre wanted us to vacate this parcel to expand their parking. Since it was right-of-way it was not zoned, now that it is vacated, it needs a zoning classification. Other zoning in this area is B3. This piece of land is staying within the Village of Weston boundary.

No one spoke in opposition.

D. OPEN HEARING – VILLAGE OF WESTON ORDINANCE REPEALING SECTION 94.200 OFF FLOODPLAIN OVERLAY DISTRICT

Higgins explained that last year we had received a letter of map amendment request from a resident in the Sandy Meadow Subdivision. Essentially, they wanted us to sign off that they did not build in the flood plain. It got down to the County and was sent to FEMA. FEMA now has a consultant or contractor, who is doing all of their work for them. They realized, after 10 years, that we are a Village and can no longer fall under the jurisdiction of the County. Years passed, in the late 90's, where they were trying to contact the Village in joining the National Flood Insurance Program (NFIP), which entitles Village residents to actually purchase flood insurance. She stated that lenders are actually requiring this more often, so we are getting more calls. She said that the County informed her that we were not certified. The first step in getting certified is getting a DNR approved flood plain ordinance. She said that we did this a year too late and they revised their model ordinance. We had adopted their first model ordinance that they did years ago. This is the revision that brings us into compliance with the DNR. We have to go through and adopt this ordinance, the DNR will sign off on this, and then we can apply to be a FEMA certified community. This is the first step, the Village Board will also have to adopt a resolution stating that we want to do this.

Meinel stated that he can not believe that this is just now coming out, that we fell through the cracks.

No one spoke in opposition.

**II. CONSIDERATION OF PLANNING COMMISSION MINUTES
A. MARCH 12, 2007 MINUTES**

**M/S/P Meinel/Hancock: to approve the Planning Commission Minutes of March 12, 2007.*

III. VISITORS

A. GERALD HEISLER – DISCUSS FUTURE PLANS FOR DUPLEX PROPERTY LOCATED AT 4919 & 4923 ALDERSON STREET (SE CORNER OF ROSS AVENUE AND ALDERSON STREET)

Gerald Heisler, 1156 County Road J, Hatley, was present as the owner of 4919 & 4923 Alderson Street. This property is currently zoned RTF and he is thinking of selling and rezoning this property to B2. Higgins stated that the future land use plan shows this parcel as future residential. She is wondering if we would actually want it planned for commercial (since the properties across the street are all zoned M1). She said that there are provisions that the Planning Commission and Village Board can start the map amendment process now. It was discussed that neighborhood retail is allowed in the B2 zoning.

What are their thoughts on that corner. Neighborhood retail is allowed in B2 zoning (also anything permitted in B1). Higgins read the B2 district section of the zoning code. It was discussed that gas stations would only be allowed in B3 zoning. Machmueller stated that he would not be in favor for a gas station-type business to be there with the neighbors there being residential. Machmueller stated that he could accept B1 or B2. The members agreed with Machmueller. It was also agreed that this is not consistent with the long-range plans, and would not be fair to the residents. Machmueller pointed out to Heisler that B1 would allow you to have a mix of residential and business.

**IV. RESIDENTIAL BUSINESS/HOME OCCUPATION PERMITS
A. NONE**

V. SITE PLAN REVIEW

A. ERIC REEDER/WANTA & SON, INC. – CUSTOM GLASS PRODUCTS BUILDING: 7515 VENTURE CIRCLE

Eric Reeder, President of Custom Glass Products, PO Box 590, Weston and Randy Wanta, Wanta & Sons, Inc. 6405 Highway C, Hatley, were present.

Higgins stated this will be a 65,000 square foot glass manufacturing plant on Venture Circle, along State Highway 29. The site plan meets the requirements of Article V on landscaping and lighting. There has been a change to the site plan where they are now putting the curbing in and are paving the

west side future parking area. They have requested that the west and east sides of the building not have the 60% brick. The East side will be expanded on in the near future. The west side has proposed landscaping along that entire side. They have also requested to not have the 60% brick on the north side, where the loading docks will be. Zuleger stated that they are going for curb appeal on the State Highway 29 side. Tatro stated that they submitted another lighting plan and they have all of their light plotting right where we wanted it, so that it does not shine out on other properties.

Stenstrom questioned if a storm water management plan was turned in. Higgins explained they have an approved storm water management plan and that they are applying for a credit that will go through the public works department. There is a provision in the stormwater ordinance that requires that the maintenance and operational plans for the storm water management pond be recorded at the Register of Deeds. She stated that this should be a contingency placed on the approval. Higgins stated that Tim Vergara, Stormwater Manager/Project Engineer, is drafting this document and they will have to show us that it has been recorded, prior to them taking out a building permit. Higgins stated that this is something that we will see now for new buildings. Donner stated if they have a facility on site, they could get a credit if on-site storage (as opposed to using our storm water system).

****M/S/P Meinel/Hancock: to approve the site plan for Eric Reeder/Wanta & Son, Inc. – Custom Glass Products Building: 7515 Venture Circle. contingent on the storm water management plan agreement being recorded at the Marathon County Register of Deeds.***

VI. CLOSE HEARING

A. CLOSE HEARING – (RZ2007-002 & CU2007-004) BART ISAACSON, 9104 CALLON AVENUE REZONING REQUEST FROM RR TO RE & SR AND A CONDITIONAL USE REQUEST TO ALLOW A TEA HOUSE BUSINESS IN A SR ZONING DISTRICT

Zuleger stated that he found two rezoning requests, one by Bob Stone, in 1996. He stated that the minutes do not reflect Mr. Wagner and any 50-foot setback agreement. He stated the next rezoning request from R1 to RR, in 1995 [*Clerks Note – the correct year is 2005, not 1995*], and the minutes don't reflect that either. Zuleger commented that the minutes, back in 1996, were not very detailed. Zuleger stated that the 1996 minutes reflect Barnett & Gajewski being present, but nothing about Wagner's concerns were there. Zuleger stated that the divorce took place a year or so later, but no rezoning or reconfiguring of lots took place then. Zuleger stated that there are motions and approvals reported, but nothing on the contingency. It was stated that under the current zoning the setback is 20 feet, which puts him 45 feet away. Zuleger stated that with the amount of frontage, chances are they would want to build more in the center of the lot. Zuleger stated that perhaps Wagner & Isaacson could work out an agreement on the setbacks.

Meinel questioned if Wagner could buy a sliver of Isaacson's land to combine to his. Higgins stated there is enough space. Wagner said this would never happen.

Zuleger stated that there would have to be a recorded easement for any agreement to be legal.

Machmueller closed the hearing at 7:03 p.m.

B. CLOSE HEARING – (CU2007-003) VILLAGE OF WESTON CONDITIONAL USE REQUEST TO ALLOW M1 USES IN BP ZONING DISTRICT: BP ZONED PROPERTIES IN WESTON BUSINESS & TECHNOLOGY PARK

Machmueller closed the hearing at 7:03 p.m.

C. CLOSE HEARING – (RZ2007-001) VILLAGE OF WESTON ZONING REQUEST TO B3: VOLKMAN STREET (RECENTLY VACATED RIGHT-OF-WAY)

Machmueller closed the hearing at 7:03 p.m.

D. CLOSE HEARING – VILLAGE OF WESTON ORDINANCE REPEALING SECTION 94.200 OFF FLOODPLAIN OVERLAY DISTRICT

Machmueller closed the hearing at 7:03 p.m.

VII. NEW BUSINESS**A. DISCUSSION AND ACTION ON HEARING – (RZ2007-002 & CU2007-004) BART ISAACSON, 9104 CALLON AVENUE REZONING REQUEST FROM RR TO RE & SR AND A CONDITIONAL USE REQUEST TO ALLOW A TEA HOUSE BUSINESS IN A SR ZONING DISTRICT**

The members then went through the Finding of Fact & Recommendation by the Village of Weston Planning Commission form for the Conditional Use Permit Request. 1) Donner stated this business does not have any detrimental impact on the neighborhood. The only opposition was with a concern with a setback issue. Donner stated that unless we put provisions on hours of operation, we are not contrary to the Comprehensive Plan. 2) Yes, as long as we have the proper conditions placed on the use. 3) No. 4) Lot 4 is where the new house will be located. Isaacson said if any growth would occur, maybe a small addition on the east side. Their current capacity is 20 people. If they clear out tables and host a shower, 25-30 people. Planning for possibly a small meeting room to the east, maybe a second level on top of that, but those plans are not definite. He stated that there is an unpaved lot that will hold 8 – 12 vehicles. They have not had a need to expand the parking so far. The business is on Lot 4. Oberlander is concerned with traffic. Higgins clarified that this business has been in operation for over a year and we have not had any complaints. Higgins stated for the Village to keep control of the type of business, we would just do a conditional use, versus rezoning this parcel to a business district. Donner does not see this being detrimental as long as conditions for adequate off-street parking. Barnett & Gajewski have seen cars parked on the road. 5) It will not be a problem, and will not impede, any water soaks in the ground. 6) The size of the lots are compatible for private systems. Donner brought up that public utilities are currently not out in this area, but is always a possibility for the future. 7) Adequate measures for ingress/egress.

**M/S/P Meinel/Stenstrom: to grant the Conditional Use Permit #CU2007-004 for Bart Isaacson, 9104 Callon Avenue, to allow a tea house business in SR zoning district (on proposed Lot 4), contingent upon regular business hours being 10:00 a.m. – 4:00 p.m., Tuesday – Saturday with occasional evening and Sunday hours for special events, with Village staff monitoring any complaints that may come in. Q: Donner questioned how staff is to monitor complaints. Meinel stated by complaints received called in to our office and received by staff. Motion carried.*

**M/S/P Donner/Meinel: to approve the rezoning request from RR to SR (on proposed lots 1,3, & 4) and from RR to RE (on proposed lot 2) for Bart Isaacson, 9104 Callon Avenue. Q: Donner commented that part of this area had at one point in time been zoned R1, then went back to RR. He said they are all residential uses within the Comprehensive Plan, regardless. Lot sizes do not mandate going to public utilities. Donner stated that he spoke with Isaacson previously, about the future prospect of municipal sewer & water out there. Motion carried.*

B. DISCUSSION AND ACTION ON HEARING – (CU2007-003) VILLAGE OF WESTON CONDITIONAL USE REQUEST TO ALLOW M1 USES IN BP ZONING DISTRICT: BP ZONED PROPERTIES IN WESTON BUSINESS & TECHNOLOGY PARK

Meinel confirmed that this will not allow outside storage.

**M/S/P Meinel/Fischer: to approve (CU2007-003) Village of Weston Conditional Use Request to Allow M1 Uses (permitted uses by right), Without Outside Storage, in BP Zoning District: BP Zoned Properties in Weston Business & Technology Park. Oberlander voted – nay. Motion carried.*

C. DISCUSSION AND ACTION ON HEARING – (RZ2007-001) VILLAGE OF WESTON ZONING REQUEST TO B3: VOLKMAN STREET (RECENTLY VACATED RIGHT-OF-WAY)

**M/S/P Hancock/Oberlander: to approve (RZ2007-001) Village of Weston Zoning Request to B3: Volkman Street (Recently Vacated Right-of-Way).*

D. DISCUSSION AND ACTION ON HEARING – VILLAGE OF WESTON ORDINANCE REPEALING SECTION 94.200 OF FLOODPLAIN OVERLAY DISTRICT

**M/S/P Oberlander/Meinel: to approve Village of Weston Ordinance Repealing Section 94.200 OFP Floodplain Overlay District.*

E. STAN BUDLESKI/MIKE MOSHER – RINGLEWOODS FINAL PLAT REVIEW (TOWN OF RINGLE): MILES LANE

**M/S/P Hancock/Oberlander: to approve Stan Budleski/Mike Mosher – Ringlewoods Final Plat Review (Town of Ringle): Miles Lane.*

F. DISCUSSION OF PROPOSED COUNTY ROAD L PROJECT ALTERNATIVE ROUTES

Machmueller stated this is a county project that affects Weston, Rothschild, and Kronenwetter. He stated that the Village Board recently passed a resolution opposing two of the alternates that they had proposed.

Zuleger stated that we spoke with the Highway Commissioner on what they want to do with the proposed extension of County Road L. Zuleger feels this is Rothschild-driven to provide for more direct traffic to the Cedar Creek area. He described the four concept locations. Zuleger stated that we passed a resolution opposition using Howland Avenue as a corridor for County Road L. He said that Kronenwetter passed a similar resolution, though, they would like concept #1. He stated that it seemed that Rothschild favors concept #2. Zuleger stated we favor concepts 1 & 2. We concur with Rothschild & Kronenwetter that we all oppose concepts 3 & 4. Zuleger stated we had a lot of residents come in and there was good cooperation with the other townships. He stated that due to issues with the Army Corps. of Engineers & DOT this proposed County Road L project is on hold.

G. CSM#04-07 MIKE MOSHER/CHRIS KING-WILKOSZ: 6303 VON KANEL STREET

Bob Becker, Becker Communications, 5303 E. Jelinek Avenue, was present in support.

Higgins stated that since there is an extension of Mesker Street, this CSM comes here for Planning Commission approval. They will be coming in for a rezone from R1 to M1 soon. Staff recommends approval with the condition that no building permit be issued on parcel 1 until an easement is recorded for a vehicle turnaround and snow storage, so this will be a dead end at their property. Zuleger stated that this property will be for Chris King-Wilkosz's future art studio. Becker deeded the right-of-way to us. This is the first step in extending the road.

**M/S/P Meinel/Hancock: to approve CSM#04-07 Mike Mosher/Chris King-Wilkosz: 6303 Von Kanel Street, contingent on no building permit being issued on parcel 1 until an easement is recorded for a vehicle turnaround and snow storage.*

H. CSM#05-07 DAVE RENAUD/BART ISAACSON: 9104 CALLON AVENUE

Higgins stated that we just received the septic easement for this. She stated that there is no street extension, but there is an issue with the fact that the home and teahouse share the septic field. They will work with the County on that easement. Higgins stated that because there is no road dedication that staff can review, and that upon staff approval, this will be brought back at the next Planning Commission meeting as a consent agenda item.

I. APPOINTMENT OF CITIZEN PLANNING COMMISSION MEMBER TO TOWN/VILLAGE OF WESTON JOINT EXTRA-TERRITORIAL ZONING COMMITTEE

Machmueller appointed Mike Stenstrom.

**M/S/P Hancock/Fischer: to appoint Mike Stenstrom to the Town/Village of Weston Joint Extra-Territorial Zoning Committee. Stenstrom abstained.*

J. STAFF APPROVED CSM'S – #06-07

Higgins stated that we are still working on this item, no action is needed.

K. STAFF APPROVED SIGNS PERMITS – #SP2007-0012 to SP2007-014

**M/S/P Meinel/Hancock: to acknowledge by consent the staff-approved sign permits.*

VIII. UNFINISHED BUSINESS

A. NONE

IX. FUTURE MEETING TOPICS

NONE

XI. ADJOURN

**M/S/P Meinel/Stenstrom: to adjourn at 7:32 p.m.*

Respectfully,

Valerie R. Parker
Recording Secretary