

**PLAN COMMISSION MINUTES
5500 SCHOFIELD AVENUE
WESTON, WI 54476
MONDAY, APRIL 14, 2008 – 6:00 P.M.**

I. CALL TO ORDER

Village President, Fred Schuster called the meeting to order at 6:00 p.m. Members present were Village Trustee Mark Maloney, DPW Keith Donner, Mike Stenstrom, and John Evans. Kim Fischer and Mary Hancock were excused. Village Administrator, Dean Zuleger, Community Development Director, Jennifer Higgins, Building Inspector, Scott Tatro, and Recording Secretary, Valerie Parker were present. Trustees Loren White and Karen Schmutzler were present. About 10 audience members were also present.

II. PUBLIC HEARINGS – 6:00 P.M.

A. PUBLIC HEARING – APPLICATION #CU2008-001 BY LAMAR OF CENTRAL WI, MARSHFIELD, REQUESTING A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF AN OFF-PREMISE BILLBOARD SIGN WHICH WILL CONTAIN LED TECHNOLOGY – 8702 PROGRESS WAY

Zuleger spoke on behalf of the Village and pointed out the piece of land, located in the new Weston Business Park – South, for this proposed off-premise billboard sign to be located. He stated that we had another piece of property, owned by the Village, that was being looked at for this sign, but it was not zoned properly. He stated this sign will be similar to the billboard sign out in front of Total Rental. He stated that we have not received any complaints from residents on that new sign in front of Total Rental. Zuleger stated through an agreement made with Lamar, we have had public service announcements posted on it. He stated that this sign is not as bright as other billboards and that it is dark sky friendly.

It was explained to the Plan Commission that this proposed sign will be bigger than the current sign out in front of Total Rental. They said this is because the sign is out on the highway and requires more visibility. This proposed sign will be 14' x 28' whereas the sign in front of Total Rental is 12' x 25'. Zuleger stated that there is a proposed lease agreement, but that is nothing that Plan Commission gets involved in.

Rich Reinart and Bill Mitchell, Lamar Advertising, 9237 US Highway 10 E, Marshfield, were present. Reinart stated that this sign will be 14' x 28' size because it is further away and on a 4-lane highway. First month will be public announcements, similar to what was on the other billboard. The digital side will be 14' x 28', and the backside will be 10'6" by 36'. They already have 7 regular billboard signs on the highway. They can make both sides digital, but due to costs they only have one side digital (similar to the one by Total Rental). The backside will be the traditional billboard with lights shining on it. Donner clarified that the west face will have the traditional board and lighting. Mitchell stated that at some point in the future, they could still make the west face-side digital. Right now it is set for the traditional style due to cost factors.

No one spoke in opposition.

1. CLOSE HEARING/DISCUSSION AND ACTION ON APPLICATION #CU2008-001

Schuster closed the hearing at 6:10 p.m.

****M/S/P Evans/Maloney: to approve the Conditional Use request Application #CU2008-001 by Lamar of Central WI, Marshfield, to allow the construction of an off-premise billboard sign which will contain LED technology – 8702 Progress Way, as presented. Q: Donner commented that for the past 10 years Plan Commission has taken the stance***

not to entertain off-premise sign applications and installations, and he questioned if there are other locations where a sign like this could then be located. Higgins stated the other properties where they have current leases, are zoned agriculture, and the State and our code requires any off-premise signs to be on business/industrial zoned property. Zuleger stated that this site seems to be the most compatible for this. Stenstrom pointed out that if this gets approved, that we will actually have a net gain of two signs. One of which is of the new technology, with the LED lights (he is in approval of that one); but the second sign (back side) will be a standard old face-board sign with wash-uplights that will have an overall impact on that corridor. His concern is that he does not want to add any more of those billboards out there, without eliminating one of the current billboards in that area. He does not want to add anymore of those billboards to the overall picture of the Village. Donner questioned if the Total Rental board is a future candidate of the digital board (on the east side). They answered no, because of cost factors. Donner commented that he is getting a sense that Plan Commission is taking a new philosophy on approving off-premise signs. Zuleger commented that as the sign technology improves, our sign ordinance will be changing to keep up with the technology. If we are looking at the dark sky resolution (we have had for the past few years) this technology is more sky friendly. He stated if we want, we could tell them that they can only put the LED face up and not the standard face on the west side. Zuleger gave examples of the differences in signs that are allowed, versus the signs in other communities. Roll Call Vote: Donner and Stenstrom voted nay; Maloney, Evans, and Schuster voted aye. Motion carried 3 to 2.

Zuleger informed the applicants that this still needs to go to Village Board for final action. Higgins suggested placing the same three conditions on this approval as was placed on the other LED sign (located by Total Rental). Maloney stated that his impression of this approval was based on all those same conditions still being applied here. Zuleger suggested to pass a separate motion that those same things are part of the use. Higgins stated it would basically be the same conditional use permit (as the LED Billboard sign located out by Total Rental), but at this location.

[Clerks Note: The three conditions that were placed on the LED technology billboard sign out in front of Total Rental consisted of the following: 1) Village reserves the right to require Lamar of Central Wisconsin to adjust the speed and timing of spots or ads displayed on the billboard sign; 2) Village reserves the right to require Lamar of Central Wisconsin to adjust the lighting levels and lighting intensity if the Village receives complaints or finds the levels and intensity are in violation of Village ordinances; 3) Village and Lamar of Central Wisconsin will execute a Memorandum of Understanding with regard to Village use of the sign for public service announcements outlined in the Memorandum of Understanding.]

****M/S/P Maloney/Evans: to apply the same three conditions that were placed, per the conditional use permit, on the LED billboard placed in front of Total Rental. Q: Donner stated that with respect to this motion, that is his discomfort with the first motion. He wanted to clarify the lighting of the west-face or traditional side, his fear would be on future complaints on the lighting.***

****M/S/P Donner/Evans: to amend the motion to eliminate the lighting on the west-face/traditional side of this proposed billboard (to add a 4th condition to not illuminate the west-face/traditional side). Q: Zuleger asked Reinart and Mitchell if they would still be interested in placing that sign. Mitchell stated that if they have to eliminate the lighting on the traditional side, that they would still be interested in placing this sign out there. Mitchell questioned if they instead could do the illumination from above (have***

the lights “wash down” the sign). Maloney questioned Donner if his concern is in anticipation of future lighting problems/complaints or if there currently is a problem. Donner stated that he is anticipating problems. The members would prefer the lights to be “washing down” on all the traditional billboards located out there. Donner stated that if the applicant is willing to accept a contingency that if there were complaints, that the lighting can then be eliminated at that point. Mitchell stated that, absolutely yes, they would discuss that option with us at that point. Evans stated that he would vote against that, because he does not think that we can motion on something that may or may not happen in the future. Zuleger pointed out that Donner and Stenstrom seem to be in agreement with respect to the backside of the LED panel. Zuleger stated the question is whether or not we want that illuminated and if they would be open to having the lighting “down-washed”, versus “up-shot”, if that would satisfy their concerns; or if just the addition of another face is the issue. Stenstrom is concerned about the extra face, that he feels we do not need the extra billboard along the highway. Evans feels that to leave the backside of the LED side open, it would be a bigger eyesore. Stenstrom pointed out that with this one application, we will get an extra two billboards. Stenstrom stated that the LED makes up for the potential of turning this into a billboard corridor, because they are attractive, but he has a problem with adding another face. Maloney confirmed that Stenstrom’s concern is not necessarily only for the immediate neighborhood, but also for the overall appearance of the corridor. Donner stated that with respect to any lighting pollution a downward-directed lighting would be less invasive and less chance of pollution into the night sky. Zuleger then discussed as a point of information, that Higgins has a best management practice directive from the American Planning Association, with respect to sign codes, and read information given in a recent news article. Stenstrom stated that in this case we are adding a new billboard, he would feel better if they were replacing an existing sign. He is concerned with the number of billboards. If we are going to allow a traditional billboard on the one side, there should be lighting and the lighting should shine downward. Schuster questioned if there was a chance that Lamar would be willing to remove a sign in order to put this one in. They said no. Maloney stated that perhaps we could ask them to change the lighting on their other boards to wash down the lighting on the boards. Zuleger stated we could ask them if in exchange for the approval tonight, that we ask Lamar to change the lighting on their existing 7 traditional billboards so that the lighting is shining down, or “washing down” on the signs. Mitchell stated that they would be willing to change the lighting on the existing signs. Zuleger confirmed, as a point of order, that the 4th condition be that the backside (traditional west-face side) be “down-washed”; and the lighting on other 7 billboards signs along this corridor be converted to “down-washed” to reduce the illumination in the sky. The motion to amend (to eliminate any lighting on the west-face traditional side) the original motion was unanimously denied.

**M/S/P Donner/Evans: to amend the original motion to allow the illumination to the west-face (traditional) side from the top side of the sign, provided that all the remaining signs on the STH-29 corridor, within the Village of Weston, owned by Lamar, are also illuminated from the top, as well. Motion to the amendment was carried. The original motion was carried.*

2. SP#2008-024 LAMAR PERMANENT SIGN PERMIT FOR LED BILLBOARD – 8702 PROGRESS WAY (OFF-PREMISE SIGN)

**M/S/P Maloney/Stenstrom: to approve SP#2008-024 Lamar permanent sign permit for LED Billboard – 8702 Progress Way (Off-Premise Sign), per working out the lease.*

III. CONSIDERATION OF PLAN COMMISSION MINUTES**A. MARCH 10, 2008**

**M/S/P Maloney/Evans: to approve Plan Commission minutes of March 10, 2008.*

IV. CONSENT AGENDA ITEMS**A. STAFF APPROVED CSM#05-08 THROUGH #10-08**

**M/S/P Maloney/Donner: to acknowledge the staff-approved CSM#05-08 through #10-08.*

B. STAFF APPROVED SIGN PERMITS: #SP2008-023 THROUGH #SP2008-028

**M/S/P Maloney/Evans: to acknowledge the staff-approved sign permits #SP2008-023 through #SP2008-028.*

C. STAFF APPROVED OCCUPANCY CERTIFICATES: #000810-#000811

**M/S/P Maloney/Stenstrom: to acknowledge the staff-approved occupancy certificates #000810-#000811.*

V. NEW BUSINESS**A. REVISED LANDSCAPE PLAN GET OUT AND DANCE – 6307 SCHOFIELD AVENUE (GILBERTSON/OUTDOOR ENTERPRISES, INC.)**

Higgins stated this has been removed from the agenda.

B. ARCHITECTURAL REVIEW OF PROPOSED EXTERIOR REMODEL COIN-OP LAUNDROMAT – 1419 NEUPERT AVENUE (TESCH)

Victoria and Scott Tesch, Owners of Coin-Op Laundry & Car Wash, 1419 Neupert Avenue, were present. They want to take down the car wash and revise the exterior and interior. They plan to convert the car wash section into a fitness center. They are in the process of getting the State approved plans. This building was constructed in 1979 and has not been updated since. They would like to improve the looks of this area. They asked if we could waive the 60% brick requirement.

Zuleger reminded of the other businesses along Business Highway 51 and how they have upgraded. This will be a Laundromat and athletic club mix. Car wash side will be the athletic side, the laundromat will have just an interior. She stated that it is not quite 60% brick, but is hoping that we will work with them on it.

**M/S/P Evans/Maloney: to approve to waive the 60% brick requirement on the façade for the proposed exterior remodel of the Coin-Op Laundromat – 1419 Neupert Avenue (Tesch). Q: Donner confirmed this is to waive the 60% brick requirement on the façade. Motion carried.*

C. ARCHITECTURAL REVIEW OF PROPOSED EXTERIOR REMODEL MOM'S CAFÉ – 3406 SCHOFIELD AVENUE (ROTH/AHM SERVICES, LLC)

Art Heubner, AHM Services, LLC, H11618 STH-52, Wausau, and Marjorie Roth, 606 County Road J, Hatley, were present. They are remodeling the inside of the Mom's Café, primarily the cooking area of the restaurant, to bring it up to code. Heubner stated that they had to replace some brickwork (stucco) on the outside that is just falling apart. They are estimating that this building on this lot size probably will not be here in the next 10 years, that it will most likely be bought out by a developer. They now want to re-side only the restaurant portion of the building

(south, west, & east sides), due to the cost. They plan to leave the garage as it is right now. Evans asked if we could at least get them to paint the garage to match the siding. Heubner said that he can do that. Zuleger suggested that if we agree to not require any masonry be put on here, they should paint the garage the same color as the siding, get the dumpster within an enclosure, and no longer hold the perpetual garage sale (traveling rummage sale) that the rear-side tenant holds. Zuleger stated that because he puts on a re-sale, it is not classified as a rummage sale. Heubner stated that the future restaurant tenant has requested to not allow the rummage sale. He said that the dumpster enclosure would not be immediate, but would be there by the time the summer is through. Zuleger re-stated that as a condition of our waiving the brick requirement for the remodel we should ask that the whole traveling rummage sale that occurs there every year (that we have been fighting the last couple of years with the surrounding neighbors who are very upset about that), has to cease. *Roth requested that the Village send her brother a letter explaining this, because her brother (David Roth) will not listen to her on this issue. She stated that she needs back-up by the Village to help enforce the disallowance of the perpetual garage sale that is put on by her brother.* There was discussion on the location of where the new siding will be. The members agreed that the siding should extend along the entire building (south, east, and west sides), but that the garage can be just painted, but the same color as the new siding.

****M/S/P Stenstrom/Evans: to approve waiving the 60% brick requirement, contingent on the entire east, west, and south sides of this building are sided with the new siding, the stucco garage is painted to match the color on the new siding, and by August 1, 2008, there is to be an enclosure around the dumpster. Q: Stenstrom stated that he will not include disallowing the perpetual sale on this property (he does not believe this is a decision for Plan Commission). Stenstrom stated that although he agrees that this perpetual sale should not occur here (this is not a licensed business under this zoning), he stated that we have code enforcement and that we have a very capable police department who can help enforce this issue. Evans stated for the record that the Plan Commission is very concerned about the perpetual sale that goes on there, and requested that get our police department actively involved there.***

D. DISCUSSION OF POSSIBLE ROAD DEDICATION AND LAND DIVISION BY CSM – REEDY PROPERTY SHOREY AVENUE – SECTION 34 (FORMERLY KNOWN AS CARISBROOKE ESTATES SUBDIVISION) (CHRIS & GUY REEDY)

Chris Reedy, 8904 Birch Street, and Guy Reedy, 5907 Shorey Avenue, were present. They are looking at getting a concept plan of creating a street where the existing driveway is to create 4 lots by CSM. Donner stated that the original proposal was that a subdivision (Carisbrooke Estates) go in there. The subdivision plat was not filed. The driveway here actually followed the proposed road alignment on the west side. The house that is currently there, is on what was going to be one of the parcels of this subdivision. This plat goes back to April, 2004. There is a lot in the northeast corner there that was going to be part of the subdivision, but is now in separate ownership. So, the subdivision that was proposed is never going to happen. The first question here is if a subdivision now by CSM acceptable. Donner stated that we need some conditions applied here.

One of the issues we had at the time this was returned was the shallow bedrock in this area, and a proposal to put this on private septic and water systems was not a good idea. But knowing what is the right lot size, no one can tell. The zoning was set up assuming this was going to have public water services. So the lot size that the current zoning permits is smaller than what he would feel comfortable with. What we had talked about, is that if we do go, allow this to go ahead 1) the lots on the north part of this be limited in size by deed restriction to two acres; 2) if we were to approve, the condition of a CSM that a public street be dedicated and

built by the subdivider so that each of those lots (parcels created) have access from a street; 3) the zoning on the remaining property (south 24 acres of the north parcel and the south 40 acres) could revert back to RR zoning, to limit that lot size at 3 acres (nominal 120,000 square feet). The Reedy's stated they do not have an issue with this. Donner stated that 4) the terms of completion of the road, under subdivision ordinance, is that the road needs to be completed or suitable security filed with the Village to allow the road to be completed without obligating the Village or making the Village responsible to finish that. So, the subdivider either has to build the road himself or give us a suitable security to allow that to happen, should something else occur. Donner stated that the two issues we discussed with our attorney were 1) can the lot sizes be restricted by deed (Attorney Weber indicated that we could), Reedy's agreed to include language on the deed that would say if there was a proposal to subdivide these northern four lots that they would be okay with coming up with language to that affect; 2) can they, in lieu of a letter of credit or a bond (which are the traditional forms of security aside from finishing this road up front), could there be an alternate form of security that would involve a land parcel. Weber informed him that because, most likely, there will be some mortgage on any property, that would complicate the issue. Even if there wasn't a mortgage on the property, we would have to hold a mortgage. Donner stated Weber's advice was that we not get ourselves involved in a situation that we would have to be involved in a foreclosure proceeding.

Chris Reedy stated that they proposed to do the blacktop, but they are looking for a way to not have to come up with the money right away. They could possibly leave the road gravel until they sell a few lots, where they could then afford to pay for the blacktopping.

Evans stated that a letter of credit allows you to put a time on completion and cost. Use the land as collateral with the bank. The properties that they do not have a mortgage on would be their collateral. Donner stated they could use a bond also. Donner stated that Reedy could finish the road with gravel and breaker-run, that was what his intention was. What ever part is not completed, they would need the security on. Chris Reedy stated that most of the road (up to mid part of lot 34) was built to Village specifications. Donner stated we would do a developer's agreement, just like any other subdivision, even though this is not technically a plat of subdivision; but it is a different way of dividing the land and involves a road or street dedication.

No action needed tonight, they have to come back with a CSM. It was stated that when this issue comes to hearing again for rezoning, the Village will not charge Reedy's again (since the Village would be the party initiating this rezone)

E. DISCUSSION OF POSSIBLE NEW BUILDING PERMITS AND CHANGES TO EXISTING BUILDING PERMITS

Tatro started this discussion by introducing the proposed "early-start permit". This fee would allow contractors to get started with footings and frost walls until conditional approval is given. If anything would need to change, they will then have to alter the footings. This is a very limited purpose. Some of the other communities do this.

****M/S/P Evans/Maloney: to approve the early start permit.***

Higgins explained that the Village Board has already taken action on the first two (early start & street privilege permits), and those have been added. Tatro explained the "street privilege permit".

1. UNDER-GROUND LAWN SPRINKLER/IRRIGATION SYSTEM INSTALLATION PERMIT – (NEW – PROPOSED FEE \$75)

Register the installation for plumbing inspection, because these systems do have to have backflow prevention. This would also point out to installers that they can not install in the right of way, due to possible damage from construction/snowplowing. There was discussion on people putting things in the right of way. We should say we do not want things in there and that we will not be liable.

2. YARD SHEDS UNDER 65 SQ FT – (CHANGE – EXEMPTION FROM PERMIT – STILL REQUIRED TO MEET SETBACK REGULATIONS)

People have to get a permit for a yard shed that is very small and temporary, which does not increase the value of the property. They should still need to be set within the setbacks. He wants to limit the maximum size for a yard shed. People are building a shed almost the size of a small garage. Evans feels we should encourage people (on the permit) to put a slab down. We should not allow the metal or plastic-type sheds. Evans feels that staff should look this over again. Reduce the size of the yard sheds, possibly 150 square feet. Look at what other Villages have done.

3. SEC. 94.154(A)(4) DETACHED GARAGES – CLEARER DEFINITION OF 60% OF DWELLING UNITS FOOTPRINT

Tatro wants to use the footprint of the house for the square footage, versus floor space. Stenstrom stated we should just reduce to 40%. Schuster stated 60% of footprint and exclude the attached garage. It was explained that AG and RR zoning districts have exemptions to this.

4. SEC. 94.127(4) SWIMMING POOLS – (CHANGE – PORTABLE AND WADING POOLS EXEMPT FROM PERMIT – STILL REQUIRED TO MEED SETBACK AND SAFETY REGULATIONS)

Tatro stated that our ordinance states that portable pools have to pay the \$50.00 permit fee. Evans does not like pools that stay out all summer. Tatro stated that it needs to be in the backyard. Tatro stated to look at what is considered portable by manufacturers listing. Evans is concerned about the term “portable”. It was suggested that we should clarify in the next newsletter about the fencing around the inflatable pools, and removal of ladders, and a reminder to be careful and responsible.

VI. FUTURE MEETING TOPICS

A. DRAFT REVISIONS TO CHAPTER 10 ANIMALS

Higgins stated she met with the Humane Society who really likes our ordinance and especially the breeding section. The struggle is on the number of animals. Stenstrom wants this to be up to the landowners and that it should not be a special ordinance for rental properties.

The members want to pass on their own comments to Jen, within the next two weeks or by the first of the month, to get this issue to Public Safety Committee.

B. ARTICLE IX SIGNS – DISCUSSION OF CHANGES THE PLAN COMMISSION WOULD LIKE STAFF TO INCLUDE IN UPCOMING SIGN ORDINANCE REVISION

Zuleger stated staff wants Plan Commission to think about this issue. Look at the existing signs, and understand the technology. Technology will always put our sign ordinance behind. Zuleger stated that we are going to do an inventory on street signs we have in the Village. Zuleger would like us to have latitude to use, as technology evolves, we can handle the issues. Evans requested some reading information on the wattages in lighting (commercial) that is available.

Evans questioned with the information on building permits issued, he asked if we could have 2007 listed below to be used as a comparison.

VII. ADJOURN

****M/S/P Maloney/Stenstrom: to adjourn at 7:46 p.m.***

Respectfully submitted,

Valerie R. Parker,
Recording Secretary