

**PLAN COMMISSION MINUTES
5500 SCHOFIELD AVENUE
WESTON, WI 54476
MONDAY, AUGUST 8, 2011 – 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 John Evans, Mark Maloney, Mike Stenstrom, Karen Schmutzler, Dave Diesen, and Dan Froelich. Village Administrator, Dean Zuleger, Community Development Director, Jennifer Higgins, Director of Public Works, Keith Donner, Building Inspector, Scott Tatro, and Recording Secretary, Valerie Parker were present. There were 20 audience members present.

Two Boy Scout members of Troop 439 were present to observe a Village meeting as a way to earn their communication merit badges.

II. PUBLIC HEARINGS

A. PUBLIC HEARING – APPLICATION REZN-7-11-1216 AMENDMENT TO OPERATIONAL PLAN FOR OME (OVERLAY MINING EXTRACTION) AT 3810 CAMP PHILLIPS RD (EAU CLAIRE RIVER, LLC)

1. OPEN HEARING AND SOLICIT PUBLIC COMMENT

Gary Guerndt, 8201 Ryan Street, present in support. He stated that it was not their intentions to be back in here before Plan Commission asking for an amendment to their operational plan, but an opportunity with the new Biomass Plant has come before them, and this project will significantly shorten the time expectancy down in their pit off of Camp Phillips Road. The bid for the Biomass Project is for another 32,000 tons of road base, which would shorten up the time needed (for next year and the following year) for Christiansen's and County Concrete for the need to get rid of the aggregate, and they could finish up with the aggregate this year in the front where the highway is coming through. They were awarded the bid for the Biomass Project, and it is a matter of coming back in here and see if they can bring some more rock in to crush for road base with their aggregate that is towards the front of the property, so that they can get that frontage area cleaned up. He stated that with the sand that they got off this project, it would significantly shorten their time. Guerndt pointed out that if they are not able to crush on their site, that they would be crushing in Christian's site and would continue traveling along Village roadways (Ross Avenue, Alderson Street); whereas, if they are allowed to crush on their site, the haul route would be CTH-X to STH-29, and not on Village local roads. Guerndt explained to Schuster that their existing contract ends in 2014. Schuster questioned if Guerndt has a tentative time on when he would be finished. Guerndt stated he can't give an exact date at this time. He explained that the bid for the Biomass Plant originally came in at 62,000 tons of sand required for the project (about 90,000 yards). After doing some borings into the ground, they found that more material would be needed. When the bid was put together, it was for about 150,000 yards. He stated that it would all depend on how this project goes. He stated that he would certainly be done with the back of the pond and all of the frontage by the end of this year. By the time the 4-lane road is opened back up, the land will probably be to the point of being seeded. They would not be disturbing any more of the frontage area once the road opens up.

Joe Jordan, 4102 Camp Phillips Road, was present in support. He stated that he is very satisfied with the way this project has been going. The opportunity for Guerndt to possibly finish up the frontage area this season (earlier) by allowing him to take the aggregate out of there would go a long way as far as the appearance and the neighbors goes.

Diesen questioned if the crushing does not get done on his site (on Camp Phillips Road), it would be getting done at Christiansen's pit (the old Babl pit) on Grossman Drive.

Stenstrom questioned on how the crushing is being done now (portable crushing machine) and thought that Guerndt was limited to 21 days for crushing. Higgins stated that there is crushing occurring on Guerndt's site for the highway also. Donner stated that when Merrill Gravel was discussing their mobilization to do the work on Camp Phillips Road, and the fact that it was a Federal Aid Highway Project, they would have the right to do the crushing right there on the highway right-of-way. Because of neighborhood concerns, we talked to the contractor, and the tradeoff was to allow Guerndt to do the crushing on his property. Donner stated that we tried to limit this to 21 days. Donner pointed out that if they did the crushing in the right-of-way, they would have been allowed to do their crushing for an unlimited time. Stenstrom questioned that if the crusher is portable, why they could not relocate the crusher to the Domtar site instead. Guerndt stated that was not possible, that there is not enough room there.

Evans stated that this is not fair to the neighbors. He is against an amendment to the operational plan, unless a brand new contract that is a firm agreement was made. Evans commented that he would, however, prefer this project to be finished sooner than later.

Mitch King, 5607 E. Jelinek Avenue, was present in opposition. He is against this amendment for the same reason as Evans. King does not feel that amendments should be made to these mining operational plans. He pointed out that he is considering a mining project (for a pond) on his own property, and questioned why would his neighbors ever approve of it, if he could simply come in and make amendments to his plans. King mentioned that if Guerndt's request is denied it only means that he will continue hauling this year to Christiansen's pit on Ross Avenue (which King commented is a truck/haul road that can handle heavy trucks) and the north onto Alderson Street (which King said will be getting constructed this next year anyway). King pointed out that this request does not mention where the 6,000 yards of rock are coming from.

Maloney questioned if this operation is a direct competition to him. King answered yes.

2. CLOSE HEARING

Schuster closed the hearing at 6:20 p.m.

3. DISCUSSION AND ACTION ON REZN-7-11-1216

Schuster stated that he understands King's and Evans' comments and positions, he stated that if we had a definitive date, he would like to see this happen this year, while Camp Phillips is under construction. Schuster stated that he is opposed to hauling to the Christiansen site. He reiterated that the definitiveness of the date would be a priority to him. Maloney stated he is in favor.

Stenstrom questioned where the 6,000 yards are coming from. Guerndt stated from out on County Highway N, the Primrose project. Guerndt stated that depending on when the bridge would be open, which October 14th is the current predicted date, they would probably come right down Camp Phillips Road from County Road N, directly to their site.

****M/S/P Maloney/Schmutzler: to approve application REZN-7-11-1216, on the thought that this could possibly get done sooner. Q: Evans suggested that there should at least be a definite end date set, and lessen that period substantially, otherwise we are not doing any justice to the neighbors. Maloney and Schmutzler voted – aye; Evans, Froelich, Stenstrom, and Diesen voted – nay. Motion fails, the application is denied.***

B. PUBLIC HEARING – APPLICATION REZN-7-11-1217 REQUEST TO REZONE 6205 ALDERSON STREET AND 2616 & 2708 PARK RIDGE DRIVE FROM R-1 (SINGLE-FAMILY RESIDENTIAL-15,000 SQ FT MINIMUM LOT SIZE) TO R-1 (SINGLE-FAMILY RESIDENTIAL-15,000 SQ FT MINIMUM LOT SIZE) WITH OIP (INSTITUTIONAL AND PUBLIC SERVICE OVERLAY DISTRICT. (MOUNT OLIVE LUTHERAN CHURCH)

1. OPEN HEARING AND SOLICIT PUBLIC COMMENT

Rev. Raymond Conner, 9406 Woodland Drive, Senior Pastor of Mount Olive Lutheran Church, stated the overlay will help them in their future plans, because they will be required to put a master plan together, which will come back before the Plan Commission. It was clarified to Stenstrom that this request tonight is for the entire property (owned by the church), not just the house.

Schuster read a comment submitted from John Fischer, Emmerich and Associates, who is in favor of this request tonight.

Mark Berg, 2608 Park Ridge Drive, was present in opposition. He stated that currently when he looks out his back kitchen window, his view is of the back entrance of the new church. He is opposed because he is not sure that with an overlay that it will adequately protect the neighboring homeowners from the future changes, as far as receiving public input on future changes to the church property. Any changes that are requested should come through a conditional use, rather than an overlay district. He commented that having an overlay is great from the perspective of them needing a master plan, but the way he sees it as a homeowner, the Park Ridge Subdivision was there before the church was built. He stated that many long term residents have paid in property taxes, based on a certain fair market value. Because of changes that the church may adopt (whether parking lots, driveway, Boys & Girls club, etc.), if those changes will impact the property values of the local neighborhood, he feels the neighbors should be given adequate input. It is not just the property values, it is also the aesthetics of the original residential neighborhood that they bought in. He feels that if they do eventually put another driveway out to Park Ridge Drive that it will affect the residents on Park Ridge Drive and on Shepherd Lane. He circulated a petition to his neighbors along Park Ridge Drive and Shepherd Lane with regard to their opinions of the church's plan to construct a parking lot along the Park Ridge Drive side of the church property and/or their opinions on the church's plan to construct a driveway off of Park Ridge Drive. Berg pointed out that of the 27 homeowners/neighbors that he spoke to, 24 were against (and signed the petition) the driveway coming off of Park Ridge Drive. Berg questioned if the overlay is approved, what type of public input would the resident receive? He feels there will be no mechanism for property owners to be compensated if values go down. Schuster pointed out that the church was there prior to Berg purchasing his home. Berg stated that the screening (hedge) that was supposed to go in along his property never was put in properly, which is why he put up a temporary privacy fence (which he intends to take down once the church's landscape screening is tall and full enough). Berg stated that he would like to see a 6-foot high privacy fence put in on the church's side by the church. Berg stated that snow plowing has been kind of a nuisance. He feels the parking would be better if it came off the main entrance on Alderson Street and had angled parking there.

Stenstrom explained to Berg that tonight's meeting is for the OIP request only, not the driveway or parking lot. Stenstrom stated that the OIP gives Mount Olive the right to be a church or religious institution on their property. Stenstrom stated that any changes that Mount Olive does to their property then would still come before Plan Commission. Higgins clarified to Diesen that if this OIP is approved, that any changes that Mount Olive wants to do to their property would be through site plan, which does not require public notification. Only public

hearings (rezones, conditional use requests) require public notification. Higgins stated that this OIP would allow (by right) Mount Olive to have the church and (as permitted accessory uses) off-street parking and loading areas. This all goes back to being subject to approval by Plan Commission of building site and operational plans. Currently, with their being zoned straight R1, which requires a conditional use permit each time Mount Olive wants to make a change to their property.

Zuleger questioned if we adopt the OIP, could we include in the language that any substantial changes being made to the property, the neighbors be notified? Higgins stated no, because this creates conditional zoning. Berg questioned if during site plan reviews by Plan Commission if public input is allowed, and it was answered yes. Stenstrom questioned Connor if the OIP is allowed, if he would be willing to notify the neighborhood when changes are going to occur on the church's property. Connor stated that he would be willing to do that. Berg feels that if additional drive off of Park Ridge is allowed, and the Alderson Street driveway is an "entrance only", then there will be a lot of traffic coming onto Park Ridge Drive, and he feels this will affect the character of the residential neighborhood, and because of this the neighbors should be made aware of changes and allowed to speak. Schuster explained to Berg that if this OIP request is passed tonight, that Connor had just agreed to notify the neighbors so that they could attend the meetings and speak.

Steve Vissers, 2705 Park Ridge Drive, was present in opposition. He pointed out that he is a long-time resident there for 25 years. He stated that when he bought his property, it was all residents along his road. Since the church put in their driveways on Park Ridge Drive, traffic on Sundays is very high, also on Wednesdays during other church activities. He is concerned that they already removed other homes around their church that they took ownership, and is worried that they will remove all the remaining homes that they can purchase and change the use. He has 5 grandchildren who play and bicycle in the neighborhood, and he is concerned about their safety with the heavy traffic. He feels there should be some type of contract where the church will notify the neighbors, not just a verbal agreement. He questioned who will pay for the apron/sidewalk when the new entrance is constructed. He stated the church was not near as big in building size when he moved there. There was a buffer of homes between him and the church, and that buffer is going away.

Joseph Zylka, 2605 Park Ridge Drive, was present in opposition. He agrees with Visser's comments. He lives directly across the street from the church, and is concerned that if a new driveway is allowed, it will be directly across from his house. He stated this will make for a very different environment. Many events occur there in that parking lot. He feels restrictions should be placed if the OIP is approved (he did not give any suggestions).

2. CLOSE HEARING

Schuster closed hearing at 6:53 p.m.

3. DISCUSSION AND ACTION ON REZN-7-11-1217.

Evans stated this is a classic case of balance in rights of neighbors. He pointed out that the church has been extremely successful and is expanding. He stated the church has worked well with Village Board; however, if we approve this, it will be a long-term agreement and is concerned about notification of the neighbors. Evans stated that we do not know what the future will hold with the church (as far as staffing). He sides with the neighbors as far as being able to receive public notification on changes made to the church property.

Maloney stated that the church needs to be able to change and make improvements as they grow. Maloney feel that people have the option to buy more property and sees no problem

with this. Froelich feels the neighbors should be notified of changes. Diesen sides with Evans and Froelich. Schmutzler feels neighbors should be notified, although churches and schools are generally good neighbors.

****M/S/P Diesen/Evans: to deny application CPMA-7-11-1217. Maloney and Schmutzler voted – nay, Evans, Froelich, Stenstrom, and Diesen voted – aye. Motion to deny carries.***

It was clarified that with this motion to deny, the zoning will remain R1, and any changes that the church makes with respect to site plan and setbacks, etc., will need to be done through conditional use. Higgins explained that when Mount Olive is ready to bring in their parking lot plan, it will need to come before Plan Commission for a conditional use permit.

C. PUBLIC HEARING - APPLICATION CU-7-11-1218 REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE THE DC EVEREST CHARTER SCHOOL IN AN M1 MANUFACTURING AND WAREHOUSING DISTRICT AT 4704 CAMP PHILLIPS ROAD (BANK OF WAUSAU/DC EVEREST AREA SCHOOL DISTRICT)

1. OPEN HEARING AND SOLICIT PUBLIC COMMENT

Zuleger pointed out Jack Stoskopf, the DC Everest Superintendent of Finance, who was present. Zuleger stated the School District is in favor of this, and we are going to get their charter school moved there (a building that has been vacant for a number of years). He stated that this will be a good use for this site, and with the upcoming pedestrian path that will be constructed here. Staff supports this type of use for this facility. Evans verified that as long as the School District is leasing this building, this property will stay on the tax roles.

No one spoke in opposition.

2. CLOSE HEARING

Schuster closed hearing at 7:00 p.m.

3. DISCUSSION AND ACTION ON REZN-7-11-1218.

****M/S/P Maloney/Stenstrom: to approve application CPMA-7-11-1218.***

III. PUBLIC COMMENT

None

IV. CONSIDERATION OF PLAN COMMISSION MINUTES

A. JULY 11, 2011

****M/S/P Diesen/Froelich: approve Plan Commission Minutes of July 11, 2011.***

V. CONSENT AGENDA ITEMS

A. STAFF-APPROVED SIGN PERMITS

B. STAFF-APPROVED CERTIFIED SURVEY MAPS

****M/S/P Diesen/Maloney: to acknowledge the staff-approved sign permits and staff-approved certified survey maps.***

VI. NEW BUSINESS**A. DISCUSSION OF PROPOSED CHANGES TO CHAPTER 94 ZONING ARTICLE III
GENERAL REGULATIONS**

1. Amend Sec. 94.123 (d) Temporary Uses
2. Amend Sec. 94.124.1 (d) Areas where telecommunication facilities may be allowed or prohibited.
3. Create of Sec. 94.127 (c) Minimum Standards for Single-family Detached Dwellings and Duplexes. (includes metal canopy and tent-like structure regulations)
4. Amend Sec. 94.128 (e) Animal husbandry permitted.
5. Create Sec. 94.128 (f) Bees.

Zuleger stated this is more of a clean-up issue with the zoning code. Her memo asks for Plan Commission to review the changes and be ready to act on this at the next regular Plan Commission meeting (September 12th).

Higgins explained some of the changes and stated this will clearly list what is allowed and what is not allowed, so that it is clear to residents (and staff when confronted with questions).

VII. FUTURE MEETING TOPICS**A. SPECIAL MEETING REMINDERS**

1. **AUGUST 15, 2011 SPECIAL MEETING (5:30 P.M.)**
Maloney may have a conflict with this meeting.
2. **AUGUST 29, 2011 SPECIAL MEETING (5:30 P.M.)**

VIII. ADJOURN

**M/S/P Diesen/Stenstrom: to adjourn at 7:05 p.m.*

Respectfully submitted,



Valerie R. Parker,
Recording Secretary

VILLAGE OF WESTON
PUBLIC HEARING COMMENT

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

PLEASE PRINT

Date: 8-8-11

Name: MITCH KING

Address: 5607 E. JELINEK AVE

Issue: OPERATIONAL PLAN FOR ONE

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: 8/18/11
Name: John H. Fischer (Emmerich Assoc)

Address: owner of 2603-2619 Zelnet

Issue: Rezone G205 Abersom to 2616 & 2708 Park Ridge

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: Aug 8, 2011

Name: Mark Berg

Address: 2608 Park Ridge Drive

Issue: Mount Olive rezone from R-1 to R-1 with OIP.

Do you wish to make an oral statement? Yes No

Position In Support In Opposition Undecided

Representing (If someone other than yourself) _____

Comments _____

To: Village of Weston Plan Commission

From: Concerned Residents on Alderson Street, Park Ridge Drive, and Shepherd Lane
Residents were asked to adopt Statement A or Statement B, or both.

Re: Mount Olive Church- Parking Evaluation – Preliminary Site Plan (revised 7-6-2011)

STATEMENT A:

I/we object to the construction of a church parking lot on Park Ridge Drive (proposed location is at the corner of Alderson Street & Park Ridge Drive), as I/we believe that said parking lot is *not* compatible with our residential area.

STATEMENT B:

I/we object to the construction of a driveway onto Park Ridge Drive to access/service the above-mentioned proposed parking lot, as I/we believe that said driveway location is *not* compatible with our residential area. Any additional driveway, if approved by the Plan Commission, should be constructed off of Alderson Street.

6311 Alderson Street

Randy Samuels (B)

Park Ridge Drive

2510 *Charles Beilke A + B,* *Barbara Beilke A + B*

2604 *declined discussion*

2608 *Mark Berg A and B* *Jean Berg A + B*

2616 owned by church

2704 *declined to adopt A or B*

2708 owned by church

2808 *UNABLE TO CONTACT*

2812 Jerry Pangel B Steven Pangel B

2912 ~~Thompson~~ B

2605 Joseph W. Zylka A + B

~~2607 no such address on Park Ridge Drive~~

2613 Patrick Priere B Carol J Priere - B

2705 ~~Steve Priere~~ A + B Leneta Usseau A + B

Shepherd Lane

2716 ~~Steve Priere~~ A + B ~~Steve Priere~~ A + B

PARK RIDGE

2803 Mary Ross A + B Vang Thao A + B
~~UNABLE TO CONTACT~~

2807 EMPTY LOT (CREEK ON PROPERTY)
~~UNABLE TO CONTACT~~

2811 Mary Ann Jones D.

2815 Vicki A. Bruner A + B

2913 Keith Gayher A + B
~~NO RESPONSE~~

Shepherd Lane

2609 Peter A. Phillips A + B Kay B. Phillips A + B

2607 Ted D. Zidler A + B Lois A. Geidner A + B

- 2611 VACANT/ FOR SALE
- 2612 Nancy Edmes B
- 2615 ~~ERROR was made~~ ~~declined to adopt A or B~~ declined to adopt A or B
- 2616 UNABLE TO CONTACT
- 2617 marla wisoff A+B Kenneth Wiloff A&B
- 2704 Steven Lee B
- 2705 Ron Yulik B
UNABLE TO CONTACT
- 2708 UNABLE TO CONTACT
- 2709 Queen Dickerson A+B
- 2712 Diane Shope B John H Shope B
- 2713 ~~UNABLE TO CONTACT~~ Jim Cunningham A+B
- 2716 entry on page 2 (under Park Ridge Drive addresses)
- 2717 VACANT/ FOR SALE
- 2721 Helene Splitt A+B
- 2725 Harry Patten B
May Ann B
- 2727 UNABLE TO CONTACT (out gone on vacation)

ORIGINAL

To: Village of Weston Plan Commission

From: Concerned Residents on Alderson Street, Park Ridge Drive, and Shepherd Lane
Residents were asked to adopt Statement A or Statement B, or both.

Re: Mount Olive Church- Parking Evaluation – Preliminary Site Plan (revised 7-6-2011)

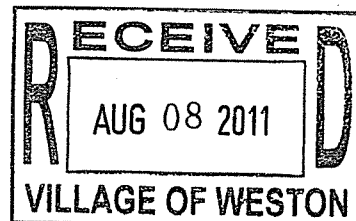
STATEMENT A:

I/we object to the construction of a church parking lot on Park Ridge Drive (proposed location is at the corner of Alderson Street & Park Ridge Drive), as I/we believe that said parking lot is *not* compatible with our residential area.

STATEMENT B:

I/we object to the construction of a driveway onto Park Ridge Drive to access/service the above-mentioned proposed parking lot, as I/we believe that said driveway location is *not* compatible with our residential area. Any additional driveway, if approved by the Plan Commission, should be constructed off of Alderson Street.

Total # of private residences	33
Adopted Statement A <u>and</u> B	14
B only	10
Unable to contact	4
For sale/vacant	2
Neither A or B declined discussion	2 1
<u>24 of 27 Homeowners object^{to} the driveway.</u>	



VILLAGE OF WESTON
PUBLIC HEARING COMMENT

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

PLEASE PRINT

Date: 8.5.11

Name: Steve Vissers

Address: 2705 Park Ridge Dr

Issue: Rezoning on Park Ridge Dr

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: 8-8-11

Name: JOSEPH W. ZYLKA

Address: 2605 Park Ridge Dr.

Issue: Driveway

Do you wish to make an oral statement? Yes No

Position In Support In Opposition Undecided

Representing (If someone other than yourself) _____

Comments _____