

**PLAN COMMISSION MINUTES
5500 SCHOFIELD AVENUE
WESTON, WI 54476
MONDAY, SEPTEMBER 8, 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 Trustee Mark Maloney, DPW Keith Donner, Mike Stenstrom, and Mary Hancock. Kim Fischer and John Evans were excused. Community Development Director, Jennifer Higgins, Building Inspector, Scott Tatro, and Recording Secretary, Valerie Parker were present. Trustees Loren White and Karen Schmutzler were also present. There were about 20 audience members present.

II. PUBLIC HEARINGS

A. APPLICATION #CPMA-7-08-1020 HAVING BEEN FILED WITH THE VILLAGE CLERK BY THE VILLAGE OF WESTON, 5500 SCHOFIELD AVENUE, WESTON, WI 54476, REQUESTING A COMPREHENSIVE PLAN MAP AMENDMENT TO CHANGE THE FUTURE LAND USE DESIGNATIONS ON THE FUTURE LAND USE MAP FROM RESIDENTIAL TO RECREATIONAL FOR 2202 AND 2210 JELINEK AVENUE. IT IS THE INTENT OF THE VILLAGE TO ADD THESE PROPERTIES TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP AS FUTURE RECREATIONAL LANDS TO THAT SOMEDAY THESE PROPERTIES MAY BE ADDED TO THE ADJACENT KENNEDY PARK.

Higgins spoke in support on behalf of the Village, explaining that the Weston Park Department purchased the Midlikowski Property (2210 Jelinek Avenue) last week, and the Park Department is looking into purchasing the other property (2202 Jelinek Avenue) in the future. Their future plan is to also purchase the second property and add both of these properties to the park. This request is to change the Comprehensive Plan map to allow these two properties to be purchased and used as park area.

1. CLOSE HEARING/DISCUSSION AND ACTION ON APPLICATION #CPMA-7-08-1020

Schuster closed the hearing at 6:30 p.m.

**M/S/P Maloney/Hancock: to approve Application #CPMA-7-08-1020.*

B. PUBLIC HEARING – CONSIDER AN ORDINANCE AMENDING SECTION 94.175(B)(2) OF THE ZONING CODE (PERMITTED USES BY RIGHT IN AN AG (AGRICULTURE DISTRICT))

Higgins stated this amendment was recommended by the Village Attorney. We had someone come in who had an 80-acre piece of land; and there was this provision in the code that allowed for them to break this small lot. It had to be at least an acre and had to be just over 3 acres to create this lot. It required that they put a deed restriction on the title. The attorney did not think it was a good thing to be putting restrictions on people's titles, and that the best thing would be to rezone and not have this provision in there. The attorney suggested we remove this from the code. Higgins stated that we did have to approve a CSM like this, which it will be coming back through Plan Commission for a rezone (we will be initiating the rezone for them), for the parcel in question. She said that if they want to subdivide, they will have to come in for a rezone first. We do not want to get in the way of a title, so we are removing this provision language, so that a person would have to rezone first before subdividing an AG parcel.

1. CLOSE HEARING/DISCUSSION AND ACTION ON ORDINANCE AMENDING SECTION 94.175(B)(2)

Schuster closed the hearing at 6:30 p.m.

**M/S/P Stenstrom/Maloney: to approve Ordinance Amending Section 94.175(b)(2).*

C. APPLICATION #REZN-8-08-1032 HAVING BEEN FILED WITH THE VILLAGE CLERK BY THE FOLLOWING PROPERTY OWNERS, REQUESTING REZONING OF THE PROPERTIES DESCRIBED BELOW TO THE FOLLOWING ZONING DISTRICTS:

Higgins explained that the owner of 1803 Rossenbach Avenue (Carol Gavitt) has a single family home on a large lot, were going to subdivide the property and sell off the home and keep the remainder of the lot for a future home. Since this is zoned R3 they would have to put a duplex on it. It was noticed that a number of the properties on this block are zoned R3 and have single family homes on them, and these owners did not realize they were zoned R3. Gavitt contacted the other neighbors, who also have single family homes, and they all want to be rezoned so that they can keep the use of their property to single family.

Kathleen Shaffer, 1712 Rossenbach Avenue, was present in support. She stated that she and her neighbor, Randy Braun, 1710 Rossenbach Avenue, would also like to be included. Higgins stated that because any rezones to properties need to be published in a hearing notice that we could do another petition at next month's meeting to include anyone else that would like to be rezoned that were not able to be included in tonight's rezone.

Schuster read into the record a letter (attached) from John Fischer, HelpRent, Co., 453 Grand Avenue, Schofield, who owns property on Rossenbach Avenue, and is in opposition to this rezone.

1. 1803 ROSSENBACH AVENUE (GAVITT) – REZONE FROM R-3 (RESIDENTIAL MULTIPLE FAMILY) TO R-2 (SINGLE FAMILY RESIDENTIAL – 10,000 SQ. FT. MINIMUM LOT SIZE)

Carol Gavitt, 1803 Rossenbach Avenue, was present in support and stated that she is the one who started this petition. She said that they did not realize that they could not build a single-family home on that property because of the current zoning. She stated that she only had a certain number of copies of the petition available; otherwise she would have gone to the remainder of the homes in her neighborhood.

2. 1711 ROSSENBACH AVENUE (GOYTOWSKI) – REZONE FROM R-3 (RESIDENTIAL MULTIPLE FAMILY) TO R-2 (SINGLE FAMILY RESIDENTIAL – 10,000 SQ. FT. MINIMUM LOT SIZE)

Rose Goytowski, 1711 Rossenbach Avenue, was present in support and questioned when this area was changed from single-family to multi-family. She stated that the single-family homes were there before John Fischer's multi-family building. She is concerned over the idea that if her home were to burn down that she would not be able to rebuild.

Higgins explained that about 5 years ago, there was a provision put into the code that allowed an existing single-family home to be rebuilt, in the case of a fire or some other catastrophe. Higgins stated that in the case of 1803, with them being zoned R-3, we could not let them subdivide and then build a single family home – they would have to build a duplex or something between 2 – 8 units. Higgins explained that there was a Village-wide rezone back in 1991. Schuster explained that there was a massive rezone based on what they felt that area would be. He stated that, although property owners may not have received individual notifications, it was published in the newspaper. Stenstrom stated that Board would have published the notice in the paper and posted the notice on the (then) Town bulletin boards.

Stenstrom told the audience that their property values are worth more being zoned the way currently are, and that the moment this rezone is approved, their property value will decrease. Stenstrom stated that multiple family zoned properties are worth more than

single family when you consider the simple land value. Stenstrom told Goytowski that the value of her property and everyone else who has signed up with the owner of 1803 Rossenbach are going to lose value the minute this is approved.

Higgins stated that these are all rather small lots, and someone would have to come in and buy up a bunch of them in order for this to be re-developed as multi-family. Goytowski questioned whether this decreased property value would show up on her property taxes then. Higgins stated that because the current use of these properties is residential, they have all been assessed as residential.

Higgins brought up that we have adopted a new zoning map in 2006, here we did send out a map to all property owners in the Village of Weston. Hancock stated that in 1991, she probably received a notice, but did not look at the notice that was sent out. Schmutzler stated that she remembers everyone getting a letter during the mass rezone.

Brad Kortbein, Cornerstone Architects, stated that there would appear to be spot zoning if we rezone these properties to single family residential. Higgins stated spot zoning is going from different uses – residential to commercial. Higgins stated that there are a number of areas that have this same situation. Higgins brought up other similar situations within the Village.

3. **1706 ROSSENBACH AVENUE (BOUSHLEY) – REZONE FROM R-3 (RESIDENTIAL MULTIPLE FAMILY) TO R-2 (SINGLE FAMILY RESIDENTIAL – 10,000 SQ. FT. MINIMUM LOT SIZE)**
4. **1702 ROSSENBACH AVENUE (OELKE) – REZONE FROM R-3 (RESIDENTIAL MULTIPLE FAMILY) TO R-2 (SINGLE FAMILY RESIDENTIAL – 10,000 SQ. FT. MINIMUM LOT SIZE)**
5. **1804 ROSSENBACH AVENUE (SITKO) – REZONE FROM R-3 (RESIDENTIAL MULTIPLE FAMILY) TO R-2 (SINGLE FAMILY RESIDENTIAL – 10,000 SQ. FT. MINIMUM LOT SIZE)**

Susan Sitko, 1804 Rossenbach Avenue, was present in support and stated that she bought this property for her son.

These lots are large by way of acreage, but very narrow. Higgins read the lot sizes for Donner. Higgins stated that they do not meet the R1 minimum lot sizes. They do not meet the (width) size for R1 or R3. They would meet the R2.

Sitko wanted to know if there is a developer interested in purchasing these lots. Schuster stated we have no way of knowing that.

Donner stated with the question on rebuilding or adding on, Tatro found a provision in our code where an existing single-family home can be rebuilt if there is a need. There was nothing written as far as adding on. Tatro stated it can be repaired or rebuilt – but not expanded. You can not expand a non-conforming use.

A. CLOSE HEARING/DISCUSSION AND ACTION ON APPLICATION #REZN-8-08-1032.

Schuster closed this hearing at 6:30 p.m.

****M/S/P Hancock/Stenstrom: to approve Application #REZN-8-08-1032.***

Higgins explained that this is just a recommendation, and that the Village Board will have to adopt this by ordinance if they approve it at their meeting on September 15, 2008.

III. CONSIDERATION OF PLAN COMMISSION MINUTES

A. JULY 21, 2008 SPECIAL MEETING

B. AUGUST 11, 2008

****M/S/P Maloney/Hancock: to approve Plan Commission minutes of July 21, 2008 (special meeting), and Plan Commission minutes of August 11, 2008.***

IV. CONSENT AGENDA ITEMS

A. STAFF APPROVED CSM'S

B. STAFF APPROVED SIGN PERMITS

C. CERTIFICATES OF OCCUPANCY ISSUED

Stenstrom questioned for clarification if a business expands if they have to go through the certificate of occupancy. Higgins stated if they take out a building permit and if they have a change of use, then they would have to go through the certificate of occupancy.

****M/S/P Maloney/Hancock: to acknowledge the staff-approved CSM's, staff-approved sign permits, and certificates of occupancy issued by staff.***

V. UNFINISHED BUSINESS

A. TABLED REQUEST FOR TWO PERMANENT FREESTANDING MONUMENT SIGNS AT CHANG GARDEN, 4215 BARBICAN AVENUE – (SEC. 94.157(B)(4)) (CHANG GARDEN/GRAPHIC HOUSE) (SIGN-8-08-1431 AND SIGN-8-08-1432)

Schuster stated Chang Garden is requesting two signs, one on the highway side (south side of building) and a smaller pylon-type sign on the north side.

****M/S/P Stenstrom/Hancock: to take this issue off the table.***

Higgins stated that last month this was briefly discussed when we were given the original sign permit, at that time Chang's have changed sign companies to Graphic House. Higgins stated that she relayed to Keller Plan Commission's concerns on the additional pylon sign along STH-29. Code reads in order to have two pylon signs on a property it must have Plan Commission approval. Higgins stated that they still want the pylon in the back (south side facing STH-29) and a small pylon sign in front (north side facing Barbican Avenue).

Mike Johnson, Graphic House Signs, 9204 Packer Drive, Wausau, stated that since the last discussion, the sign on the building has been eliminated. He stated that the sign out front (along Barbican Avenue) will be smaller and more of an entrance. He said the sign out by STH-29 will meet all Village requirements. He pointed out that the sign along the highway will not be the same size and type as a large billboard sign. This sign will be 30 feet tall.

Hancock stated this was tabled because we needed more information. Johnson explained to Maloney that you would be able to read the sign from Camp Phillips Road, and you would be able to see the sign when travelling west on STH-29. He stated that traffic going east would not be able to see the sign until they were past the Camp Phillips Road Exit. Donner stated that we do not want to set a precedence. It was confirmed that the front sign will be a monument sign that will be approximately 6-feet tall. Stenstrom stated that part of the reason for this being tabled was because he is concerned about all the signs along STH-29. Stenstrom does not feel the pylon sign to the highway will not serve a purpose of getting

people's attention to exit the highway to get to the restaurant. Higgins stated that Evans had concerns also because he is afraid of setting a precedent of having a lot of pylon and billboard signs along STH-29. Maloney was concerned about how Chang Gardens will advertise their business, if we deny this sign. Johnson said an entrance sign in front of the restaurant (on Barbican Avenue) alone would be fine, but would serve no purpose for advertising to people traveling nearby. He stated that the sign along the highway would be more to let people know they are there. Donner questioned about having an off-premise sign where all business get listed. There was some discussion on Saint Clare's signs. Higgins stated that there are some issues with the off-premise sign that Schierl's have, that we will be reviewing in the next month. Johnson feels that if we were to only allow one sign, he would suggest remove the proposed sign on Barbican Avenue, not the proposed entrance sign along the highway.

***Motion- Hancock: to approve both signs. Since there was no second, the motion died.**

Johnson explained that the pylon sign will be visible from STH-29, and that they are well aware that it would not be visible in time to get traffic to exit. He stated that the main purpose of putting a sign along the highway is just to make travelers aware that they are there, so that at a future date travelers may stop there.

Higgins commented that back when the Damon Farber Guidelines were adopted, we wanted the smaller signs out front along Barbican Avenue. Stenstrom does not think it would be in the interest of the Village to allow the sign along STH-29, because we would be setting a precedent. Higgins questioned if we could talk to Martins on putting up a development sign along the highway. Johnson stated that this would then be an off-premise sign, and he feels they may have issues with the DOT. Higgins stated they would have to go through a conditional use hearing with the Village. She said this is just a suggestion and would have to talk to the Martins.

Higgins clarified to the Plan Commission that the applicant could actually just come in for the single pylon sign to be placed along the highway, and staff could approve it. She said that alone, a single pylon sign there would meet the requirements of our code. The only reason this is coming before Plan Commission is because they are requesting two freestanding pylon signs.

Stenstrom stated that the location of the sign has been approved with site plan, and the sign plan has changed a few times now. Higgins corrected that they have always shown a pylon at this location (by the highway); however, Plan Commission does not look at the signage until the actual sign permit is submitted.

Hancock questioned Johnson what would happen if we were to approve the 30 foot sign (and up to 35 feet to the top is allowed per our code). Johnson stated that the pylon sign out by the highway would be really important, and the front entrance sign would go away, and they would put the name of the business on the building. Hancock would still prefer a small sign out in front.

***Motion- Stenstrom: to deny this application. Since there was no second, the motion died.**

Maloney questioned if we could approve the highway sign and have the second sign come back at the next meeting to discuss. Higgins stated that the code does not differentiate between the ground signs and pylon signs in Sec. 94.157(b)(4).

***M/S/P Maloney/Hancock: to approve this application, with the contingency that the second sign (entrance sign) be no larger than 6 feet. Roll Call Vote: Maloney – aye, Hancock – aye, and Schuster – aye. Donner – nay and Stenstrom – nay. Motion carried.**

VI. NEW BUSINESS

A. RESOLUTION VW-12-08 ADOPTION OF THE RECOMMENDED AMENDMENTS TO THE COMPREHENSIVE PLAN AS PREPARED BY THE VILLAGE OF WESTON PLAN COMMISSION.

Higgins stated this is the resolution recommending the Comprehensive Plan amendments to the Board for approval. The Board will hold a public hearing on the amendments at a later date. These are the two Jelinek Avenue properties.

****M/S/P Stenstrom/Donner: to approve the Resolution VW-12-08 Adoption of the recommended amendments to the Comprehensive Plan as prepared by the Village of Weston Plan Commission.***

B. ZILLMAN ANIMAL FANCIER LICENSE REQUEST (SHOW DOGS) – 7 DOGS (3-SHELTIES, 3-COLLIES, AND 1-BOARDER COLLIE)

Higgins stated this is the first animal fancier license we received. This license is for people with show dogs, agility training dogs, or breeders that exceed the number of dogs allowed. In this case (with the two residentially zoned properties) the normal number of dogs allowed would be three.

Higgins stated that Zillman has seven dogs. Higgins stated that we could have either had a public hearing or just notify the property owners. Higgins stated that due to time constraints, she chose to notify the property owners. The Humane Society does have to sign off on this and the Humane officer inspected both sites and suggested a fence be put up on the property.

Roger Carr, 6207 Kayak Drive, was present in opposition. He pointed out that his house would be directly behind Zillman if she locates on Portage Street. He works third shift and is concerned with the noise and is also concerned with the feces and possible odor. He is concerned that this may lower the values of their homes. He stated that dogs can dig holes to get out of their kennels and there are a lot of children in this area. He is concerned that if we approve this, there could be more of these requests in their area.

Schuster stated that if we were to receive a lot of complaints, that we could revoke their license.

Heather McMillan-Hehir, 6307 Becky Boulevard, was present in opposition. Higgins received a letter (attached) from McMillan-Hehir on September 2nd. She is also concerned about the number of dogs. Those dogs will need exercise. She is concerned that if the dogs are barking that her daughter would be too afraid to be outside. There is no reason that her daughter should not be able to play out in her own yard.

Todd Roehl, 6402 Jacquelyn Road, was present in opposition, stating that there is no good reason for someone to have that many dogs in such a small area.

Schuster read an e-mail received (attached) by Lyle and Pam Schield, 6206 Jacquelyn Road, giving their support of this license for the Becky Boulevard property.

Higgins stated that she received an e-mail (attached) from Brad Soley, 6207 Becky Boulevard, who is in opposition.

Scott Dreihaup, 6205 Kayak Drive, was present in opposition and feels this would have a negative impact on their neighborhood. He has a small child and is concerned for her safety if any of the dogs got loose. He turned in some pictures (attached) of the back yard of the Portage Street property to give the members an idea of the size of the back yard.

Ryan Mihalus, 6205 Canoe Street, was present in opposition and he does not see any place for 7 dogs in a residential place. His wife is a vet technician and feels the same way.

Higgins explained the difference between the fancier license and a kennel license and explained where kennels are allowed. Higgins explained the process that staff has gone through over the past several months with this ordinance. Higgins stated that there is a grandfather clause in this code, until October, where people can apply to have their currently licensed extra dogs be allowed to stay with them.

Higgins explained to Stenstrom that the applicant is looking to purchase one of the two properties based on the feelings of the neighborhoods and receiving approval from the Village. There was discussion that the owner wanted to do this right, that is why she got to this point, prior to purchasing a property.

1. 3302 PORTAGE STREET (.4 acres)
2. 6403 BECKY BOULEVARD (+.5 acres)

****M/S/P Maloney/Hancock: to deny the Zillman Animal Fancier License Request (Show Dogs) – 7 dogs (3-Shelties, 3-Collies, and 1-Border Collie) at either property (3302 Portage Street or 6403 Becky Boulevard).***

C. SITE/OPERATIONAL PLANS TO ADD THE OUTSIDE STORAGE OF NORTH STAR PORTABLE BUILDINGS TO BE SOLD BY SCHOFIELD COLLISION CENTER AT THEIR LOCATION AT 6201 SCHOFIELD AVENUE (ZONING PERMIT #ZONE-8-08-1428)

Steve Nelsen, 6201 Schofield Avenue, was present.

It was discussed that there were similar portable buildings for sale over at the old Rattlesnake Jakes business. Higgins stated there will be a maximum of five of these buildings stored. Higgins stated this will be a change from the use of the property, since there will be outside storage. Nelsen stated that he has a small impound yard that is fenced in. This property is zoned B3. Stenstrom questioned if the dumpsters will be shielded by these buildings, which Nelsen answered no. Stenstrom asked if he plans to pave, which Nelsen answered no because he works on trucks and the trucks would chew up the pavement. Schuster questioned if Nelsen would be willing to put garbage enclosures around his dumpsters. Nelsen agreed that he will enclose the dumpsters.

****M/S/P Maloney/Stenstrom: to approve the site/operational plans to add the outside storage of North Star Portable buildings to be sold by Schofield Collision center at their location at 6201 Schofield Avenue (Zoning Permit #Zone-8-08-1428), contingent on the existing dumpsters being enclosed.***

D. ARCHITECTURAL TESTING, 5906 SAXON AVENUE, FAÇADE UPGRADE (URBAN CONSTRUCTION) (CSIT-8-08-1033)

Higgins stated that they are requesting a facade change. In their 2005 building addition they were supposed to add landscaping, which was never completed. At that time staff was not

following up as closely on the plans, which we do now. We will charge the \$5,000 completion surcharge and make them put in the landscaping that they did not put in before.

****M/S/P Stenstrom/Donner: to approve Architectural Testing, 5906 Saxon Avenue, façade upgrade (Urban Construction) (CSIT-8-08-1033), contingent on the \$5,000.00 completion surcharge being paid, and the landscaping being completed to plan.***

E. HOMETOWN LIVING, LLC, 2 – 6-UNIT APARTMENT BUILDINGS 5852, 5854, 5856, 5858, 5860, 5862 DELIKOWSKI STREET AND 5906, 5908, 5910, 5912, 5914, AND 5916 DELIKOWSKI STREET (CHERRY DRYWALL/CORNERSTONE ARCHITECTS, LLC) (FUFS-9-08-1036)

Brad Kortbein, 27459 Holland Avenue, Tomah, was present. He showed the property plan that was submitted in 2005 (OPD was approved) for the assisted living facility complex and apartment building. They are now looking at constructing two apartment buildings with landscaping. They are planning to match the brick on these buildings with the existing building. Staff would like enclosures built around the existing dumpster area, which was supposed to be completed with the previous approval.

****M/S/P Maloney/Hancock: to approve the Hometown Living, LLC, 2 – 6-unit apartment buildings 5852, 5854, 5856, 5858, 5860, 5862 Delikowski Street, and 5906, 5908, 5910, 5912, 5914, & 5916 Delikowski Street (Cherry Drywall/Cornerstone Architects, LLC) (FUFS-9-08-1036), contingent on enclosures being constructed around the dumpsters and landscaping being put in.***

F. HOLIDAY INN, 4210 BARBICAN AVENUE – REQUEST TO CHANGE FAÇADE LIGHTING FROM CLEAR TO BLUE

Higgins stated that Holiday Inn went through a nationwide re-branding. They are changing the lights from white to blue. Tatro stated they are changing some of their fixtures and adding some lights to shine up the building.

****M/S/P Hancock/Maloney: to approve the Holiday Inn, 4210 Barbican Avenue – Request to change façade lighting from clear to blue.***

Stenstrom questioned if the lighting was in compliance. It was stated the lighting is in compliance.

G. PROPOSED REVISION TO MULTI-FAMILY SITE PLAN – 6-UNIT APARTMENT BUILDING AT 3104 JELINEK AVENUE (DOUG HALL/SOBEK ARCHITECTS, LLC) (MUFS-6-08-1007)

Higgins stated Hall is just changing around the parking lot. He still has the same number of parking spaces, they are just being reconfigured. He will need to adjust his landscape plan to provide landscaping in the front and in the back.

****M/S/P Stenstrom/Hancock: to approve the proposed revision to multi-family site plan – 6-unit apartment building at 3104 Jelinek Avenue (Doug Hall/Sobek Architects, LLC) MUFS-6-08-1007), contingent on the applicant working with staff on the landscaping.***

H. DISCUSSION OF ORDINANCE TO AMEND SECTION 50.102(D) OF THE MUNICIPAL CODE RELATING TO “PROPERTY MAINTENANCE CODE DEFINITIONS”

Tatro stated this will better define what a blighted condition is. The code does not explain what a blighted property looks like. Since this is the nuisance code, it does not require a public hearing.

****M/S/P Hancock/Stenstrom: to approve an ordinance to amend Section 50.102(d) of the Municipal Code relating to "Property Maintenance Code Definitions".***

I. DISCUSSION OF SUSTAINABILITY AND ENERGY ORDINANCES

Higgins stated that since Evans requested this topic, we should wait until he is present at the next meeting.

****M/S/P Stenstrom/Maloney: to table the discussion of sustainability and energy ordinances.***

VII. FUTURE MEETING TOPICS

Higgins stated that Lamar has changed the lighting on the regular sign (located on the back side of the new digital billboard out on STH-29) to meet our requirements of having the down-washed lighting. Before they go through and change the rest of their billboard signs to this down-washed lighting, they would like Plan Commission to drive out there to look at this sign, to be sure the changed lighting is what was wanted.

Maloney stated at future meetings, we should be looking at this STH-29 corridor as far as lighting, signage, etc.

VIII. ADJOURN

****M/S/P Stenstrom/Maloney: to adjourn at 7:55 p.m.***

Respectfully submitted,

Valerie R. Parker,
Recording Secretary