

**PLAN COMMISSION MINUTES  
5500 SCHOFIELD AVENUE  
WESTON, WI 54476  
MONDAY, OCTOBER 13, 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, Mary Hancock, John Evans, and Dave Diesen. 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 also present. There were about 15 audience members present.

**II. INTRODUCTION OF NEW PLAN COMMISSIONER – DAVE DIESEN**

Schuster introduced Dave Diesen to the Plan Commission members.

**III. APPOINTMENT OF TOWN/VILLAGE OF WESTON EXTRA-TERRITORIAL ZONING COMMITTEE MEMBER TO REPLACE KIM FISCHER**

Schuster appointed Evans to the Town/Village of Weston Extra-Territorial Zoning Committee.

*\*M/S/P Maloney/Diesen: to appoint Evans to the Town/Village of Weston Extra-Territorial Zoning Committee.*

**IV. PUBLIC HEARINGS**

**A. APPLICATION #REZN-9-08-1041 HAVING BEEN FILED WITH THE VILLAGE CLERK BY THE VILLAGE OF WESTON PLAN COMMISSION, 5500 SCHOFIELD AVENUE, WESTON, WI 54476, REQUESTING REZONING OF THE 3 ACRE PARCEL KNOWN AS 6507 WESTON AVENUE FROM AG (AGRICULTURE) TO RR (RURAL RESIDENTIAL).**

No one spoke in support or opposition on this request.

**1. CLOSE HEARING/DISCUSSION AND ACTION ON APPLICATION #REZN-9-08-1041**

Schuster closed the hearing at 6:05 p.m.

*\*M/S/P Hancock/Diesen: to approve Application #REZN-9-08-1041.*

**B. PUBLIC HEARING – APPLICATION # REZN-9-08-1042 HAVING BEEN FILED WITH THE VILLAGE CLERK BY THE FOLLOWING PROPERTY OWNERS, REQUESTING REZONING OF THE PROPERTIES DESCRIBED BELOW TO THE FOLLOWING ZONING DISTRICTS:**

**1. 5106 Pine Street (Straseske) – Rezone from R-3 (Residential Multiple Family) to R-2 (Single Family Residential - 10,000 sq. ft. minimum lot size)**

No one spoke in favor or opposition to this request.

**2. 5112 Pine Street (Rossenbach) – Rezone from R-3 (Residential Multiple Family) to R-2 (Single Family Residential - 10,000 sq. ft. minimum lot size)**

Duwayne Rossenbach, 6300 Birch Street #119, Weston, was present in support. He stated that he owns this home and is in favor of the rezoning request. No one spoke in opposition.

**3. 1710 Rossenbach Avenue (Braun) – Rezone from R-3 (Residential Multiple Family) to R-2 (Single Family Residential - 10,000 sq. ft. minimum lot size)**

No one spoke in favor or opposition to this request.

**4. 1712 Rossenbach Avenue (Shaffer) – Rezone from R-3 (Residential Multiple Family) to R-2 (Single Family Residential - 10,000 sq. ft. minimum lot size)**

Sara Hebb, 1712 Rossenbach Avenue, was present in support. She stated that her mother (Kathleen Shaffer) owns this property and they are in favor of this rezoning request. No one spoke in opposition.

**1. CLOSE HEARING/DISCUSSION AND ACTION ON APPLICATION #REZN-9-08-1042**

Schuster closed the hearing at 6:05 p.m.

*\*M/S/P Maloney/Evans: to approve Application #REZN-9-08-1042.*

**V. CONSIDERATION OF PLAN COMMISSION MINUTES**

**A. SEPTEMBER 8, 2008 MEETING**

*\*M/S/P Diesen/Maloney: to approve Plan Commission minutes of September 8, 2008.*

**VI. CONSENT AGENDA ITEMS**

- A. STAFF APPROVED CSM'S**
- B. STAFF APPROVED SIGN PERMITS**
- C. CERTIFICATES OF OCCUPANCY ISSUED**
- D. CERTIFICATES OF COMPLETION ISSUED**

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

**VII. NEW BUSINESS**

**A. RESIDENTIAL BUSINESS PERMIT – CARE-EASE-KIDS DAYCARE, 7707 CALLON AVENUE (MAKI-LOULA) (RBUS-9-08-1512)**

**1. PUBLIC/NEIGHBOR INPUT ON RBUS-9-08-1512.**

Higgins stated the owner is just taking in a couple of school-age children. The owner had put up a business sign, which is how staff found her business. Higgins stated that the owner did not know she needed a permit. Higgins stated that staff does not have any issues with her having a daycare there. She does not need to be certified because she is not going over the 4 children limit. Higgins stated that the owner took down the sign.

*\*M/S/P Diesen/Maloney: to approve the residential business permit – Care-Ease-Kids Daycare, 7707 Callon Avenue (Maki-Loula) (RBUS-9-08-1512).*

**B. RESIDENTIAL BUSINESS PERMIT – WINDOW PRO, 6410 HUNT STREET (TRUMP) (RBUS-9-08-1529)**

**1. PUBLIC/NEIGHBOR INPUT ON RBUS-9-08-1529.**

William Trump, owner of Window Pro, currently located at 721 S. Third Avenue, Wausau, was present. Maloney confirmed that they are moving their business from Third Avenue in Wausau to Hunt Street here in Weston. Maloney is in objection to a business sign in this neighborhood. He is not in approval of semi traffic in this neighborhood either. Stenstrom discussed the truck traffic issues in this area already. Zuleger stated that residents are concerned on the amount of traffic and there is history with truck traffic issues here. Evans is not in approval for a business going into a residential district with so much commercially zoned areas available in the Village. Hancock agrees.

*\*M/S/P Maloney/Diesen: to deny the residential business permit – Window Pro, 6410 Hunt Street (Trump) (RBUS-9-08-1529).*

**C. SITE PLAN FOR CONTROL CONCEPT TECHNOLOGY, 5507 SCHOFIELD AVENUE – 9,000 SQ FT BUILDING ADDITION & FAÇADE UPGRADE ON EXISTING 6,000 SQ FT BUILDING (CDR PROPERTIES/MTS) (CSIT-9-08-1038)**

Randy Wanta, Wanta & Sons, 6405 County Road C, Hatley, and Nick Bancuk, MTS Consultants, 2000 Lester Street, Weston, were present to discuss this proposed project. He stated that this is for an expansion on the existing building located at 5507 Schofield Avenue. There will be some additional parking, curb & gutter, and greenspace islands.

Higgins stated the stormwater maintenance agreement will need to be submitted and reviewed by staff yet. Higgins stated that there was an easement found on the back of the property, but it appears that it was not recorded. Higgins stated that she just received the revised driveway plans, which need to be reviewed by staff yet. Zuleger stated that there is a 60% masonry issue. Evans wants to see the 60% requirement met, especially the side that faces Schofield Avenue. Wanta stated that they had done another rendering that showed masonry on the front, and apparently Village staff must not have received that. Wanta stated that they intended to show the masonry all the way up the front. Evans suggested that they may want to expand the side door (facing Schofield Avenue) to make it look more visually pleasing.

***\*M/S/P Stenstrom/Maloney: to approve the site plan for Control Concepts Technology, 5507 Schofield Avenue – 9,000 square foot building addition and façade upgrade on existing 6,000 square foot building (CDR Properties/MTS) (CSIT-9-08-1038), contingent on 1) stormwater maintenance agreement being submitted and reviewed by staff; 2) an easement for the storm sewer depicted on the site plan will need to be recorded; 3) a cross section of the revised driveway plans to be submitted for staff review and approval; 4) all outside mechanical and electrical equipment, including air conditioning units, must be properly screened; 5) the building permit must be pulled within 1 year of the site plan approval or the site plan must be submitted for reconsideration; and 6) staff approves the 60% revised façade to be in place.***

**D. SITE PLAN FOR ASPIRUS WESTON CLINIC, 4005 COMMUNITY CENTER DRIVE – 45 STALL PARKING LOT ADDITION AND 164 SQ FT VESTIBULE ADDITION (ASPIRUS/REI) (CSIT-9-08-1040)**

Jim Borysenko, REI, 4080 N. 20<sup>th</sup> Avenue, was present. Borysenko explained the changes. He said the parking layout will be along the west side of the building. He said that he spoke with Donner previously on revising the entrance area to allow two-way traffic in and out of that site, now that Community Center Drive has taken its final form. He pointed out where additional lighting poles will be installed and where the additional landscaping will be.

Higgins stated we received a revised landscape plan from them recently, so they now meet our requirements. Borysenko explained the new employee entrance and pointed out there area for a future garage for an ambulance will be located.

***\*M/S/P Maloney/Hancock: to approve the site plan for Aspirus Weston Clinic, 4005 Community Center Drive – 45 stall parking lot addition and 164 square foot vestibule addition (Aspirus/REI) (CSIT-9-08-1040).***

**E. SITE PLAN FOR STINE EYE CENTER/FIRST IMPRESSIONS DENTAL CLINIC, 4009 COMMUNITY CENTER DRIVE (EYETEETH LLC/CWEA) (CSIT-10-08-1046)**

Dave Grutzik, CWEA, 5707 Schofield Avenue, was present. Grutzik explained this will have a two-story exposed front (south side), which faces the Aspirus Clinic. He pointed out that the Aspirus Clinic location is lower in elevation from this proposed building. He stated that with the lower exposed building area, it will blend in nicely with the Aspirus Clinic. He stated that the

clinic activity will be on the main first floor. The bottom story will be used for storage and mechanical. Will be some retaining wall along south wall. The parking lot slopes to the storm sewer. This will be a sprinklerd building, so there will be an 8" watermain from Community Center Drive and reduced to 6" in the building. He stated there will be a 6" sanitary connection on the north end of the building. There will be some draintile around the footings of the building on the lower level. The stormwater will be totally contained on this site. They will submit landscaping in at a later date. They wanted to get approval on the building so that they can get the foundation in.

Donner confirmed that they are not planning to discharge water to the next site (Aspirus Clinic site). Grutzik stated that the water should be contained in the parking lot to the storm sewer. Donner stated that the ductile iron to be used on water services larger than 2" (it should be cable bonded), will need a bacteriological test and a pressure test. They will need to make sure that there is a way to flush that out on the interior before installed. It was explained to Diesen that signage will come in at a later date. Higgins stated this (staged) approval will be without landscaping and lighting.

***\*M/S/P Diesen/Hancock: to approve the site plan for Stine Eye Center/First Impressions Dental Clinic/4009 Community Center Drive (Eyeteeth LLC/CWEA) (CSIT-10-08-1046), contingent on the landscaping and lighting plans to be approved at a later date.***

**F. SITE PLAN FOR 150' X 125' (18,750 SQ. FT.) ADDITION AT APPLIED LASER, 8404 VENTURE CIRCLE (APPLIED LASER TECHNOLOGIES/UNITED STRUCTURES INC.) (CSIT-10-08-1045)**

Higgins stated they do not have 60% brick shown on the addition area right now, because they have another addition area planned, and they are not sure as to when that addition area will be added. Higgins suggested putting a 5-year deadline for the addition of 60% brick to the building, if the building expansion has not been completed. Stenstrom question if we could make them put the 60% brick on the south side that faces the highway. Higgins stated that the addition is not on that side, that it is on the west side. Evans suggested to bring the deadline down to 3 years. Diesen clarified that they have to be starting the addition within 3 years of the date of approval.

***\*M/S/P Evans/Stenstrom: to approve the site plan for 150' x 125' (18,750 sq. ft.) addition at Applied Laser, 8404 Venture Circle (Applied Laser Technologies/United Structures, Inc.) (CSIT-10-08-1045), contingent on the deadline for the addition of the 60% brick to the building, if the final building addition is not started within 3 years; a pond is created at the northwest corner of the site to minimize water backing up in the parking lot; and any lighting that is added to the building must utilize cutoff fixtures and must meet dark sky friendly guidelines.***

**G. REVISED SITE PLAN FOR MOUNTAIN BAY APARTMENTS (2 STALL ADDITION TO APPROVED 12 STALL GARAGE), 3902 & 3904 MOUNT VIEW AVENUE (DREWEK/MTS) (MUFS-10-08-1047)**

Higgins stated they are planning to put a 2-car garage on the east side of the approved 12-stall garage.

***\*M/S/P Maloney/Stenstrom: to approve the revised site plan (received by staff on 10/13/08) for Mountain Bay Apartments (2-stall addition to the approved 12-stall garage), 3902 & 3904 Mount View Avenue (Drewek/MTS) (MUFS-10-08-1047).***

**H. DISCUSSION OF STAFF AUTHORITY TO PROCESS COMPREHENSIVE PLAN MAP AMENDMENTS/REZONE REQUESTS ADJACENT TO TIF DISTRICTS (EVANS)**

Evans asked that we bring this up, since we tend to receive a lot of requests from outside the TIF Districts to make changes to the Comprehensive Plan map, so that Plan Commission can make policy to allow staff to state the Plan Commission position to applicants that until such time that we can cash flow the TIF District, no changes to the Comprehensive Plan map will be allowed.

Zuleger stated that in 2009 we will be at 99.4% of cash flow on increment developed within TIF#1. With the letters of credit, it puts us at 101.2%. That is roughly \$1.15 million collected in TIF#1 in tax increment. Zuleger clarified that Plan Commission wants to be at 110% prior to allowing any Comprehensive Plan Map changes to land adjacent to the TIF. In 2010, we will be collecting (with a debt service requirement of \$4,364,000) \$4,542,000; and with the letters of credit, we will be at 105.3%. Zuleger stated that we will not be at 110% in TIF#1 until 2011.

Zuleger stated that with TIF#2 (there has been some pressure to put another building behind the day care center on Normandy Street), we are going to close out that TIF#2 in 2013. He stated that we are well beyond 100% cash flow for a 25-year TIF. He stated that if we want to do some fringe developments along TIF#2, we are above cash flow there (about 180% - 200%).

Evans would like to see staff relay their (Plan Commission's) position on not allowing applicants (requesting to make Comprehensive Plan map changes to properties adjacent to TIF#1) to come before Plan Commission with their request until our TIF #1 district is at the 110%. Zuleger stated that we do not want to deny anyone the opportunity to come in front of the Plan Commission, though. Zuleger stated that when we got our bond rating increase for TIF#1, TIF#2, and our G.O. (General Obligation) debt, that particular discipline that Plan Commission put in place for the TIF District (what we call "poaching on the TIF District") was not only recognized as one of the reasons we got the bond rating increase in our CDA TIF district rating, but it was also used as a model for other communities to use. Plan Commission's policy has been incorporated into Moody's rating formula on TIF districts with respect to developing on the fringe until there is cash flow.

Zuleger explained to Stenstrom that we are probably at about 43%-44% occupied on available land in TIF#1. He stated that this is an economic development TIF, so there is still a lot of land available in that TIF to be developed. Zuleger stated with respect to TIF#2 (redevelopment TIF), lots that could meaningfully be converted into some kind of commercial space, we have about 15 – 17 lots that have redevelopment possibility along Schofield Avenue.

Zuleger discussed other sites in the Village, such as the Life is Good site (on Weston Avenue and Birch Street), that is zoned BP, and under the new TIF law, we can expend funds if it materially helps the TIF district. Zuleger stated that our goal with the TIF is to use our amendments to withdraw. Once we get to the 110-115% stage of cash flow, then we can start piecing out parts from the TIF and placing them back on the tax roll.

Evans wants to give staff the authority to state the Plan Commission's position. Staff can tell people to come back in 2011, to try to amend/rezone properties on the fringe of the TIF. Hancock stated that we do not want to definitely say no to people. Zuleger stated that if there is a possible project that could bring our TIF over the ratio (such as a \$10 million office building), that staff could let Plan Commission know about it; but if it is just a \$500,000-\$1 million office building would not do that. Zuleger stated that this is now close to a \$100-105 million TIF. No action is needed, staff will note this policy.

**I. DISCUSSION OF SUSTAINABILITY AND ENERGY ORDINANCES (EVANS)****1. DRAFT OF SEC. 94.124.2 SMALL WIND ENERGY ORDINANCE**

Higgins stated that in a previous Plan Commission meeting, it was discussed that we wanted to be sure that we will be set and ready for changes. Higgins stated that it has been known that people want to move here because the Village of Weston is progressive, and just making sure that we continue to be progressive in relation to these topics.

Evans stated that we want to be ready with our ordinances so that we are on top and current with our ordinances when requests come in on energy and sustainability. Zuleger stated that we have a certain competency on solar and geothermal right now. The wind issue, because the turbines are coming out in different configurations (and there is a backlog of turbines), if we wanted to get a 90-kilowatt (and perhaps a few of them) out in our Business Park, we would be waiting about 4 years right now to get those turbines in. Zuleger told Evans that with respect to the Business Park, if someone were to come in and request to have 3 wind turbines put in, we would be prepared to answer them now. He stated that we do have enough sustained wind speed, because we have been doing studies with Applied Laser and the National Weather Service. Zuleger stated that the one issue that we do not have experience on is the environmental impact, with respect to two factors: 1. The bird issue – the Finch and Wren population that would most likely be affected; 2. We have a pretty healthy bat population – we are finding that when bats fly in that suction area of the fan, they get the “bends” and die. Zuleger stated that our big issues with wind turbines are noise, killing birds and animals, and whether you can generate enough wind to run your operation and sell back to the grid. Zuleger stated to Evans that we know what the emerging issues are, but that we (staff) are not quite competent on the issues yet. Zuleger stated that we are prepared for solar and geothermal.

Stenstrom discussed his recent education on wind farms (from a field trip over in Minnesota that he recently took), he learned that noise is not too much of an issue, except for when the wind turbine throttles back or when it is foggy. The biggest thing that these residents, that live next to the wind turbines, are suggesting to people (who are interested in putting in a wind turbine) is to analyze how many days of fog you have, because fog will increase the noise quite a bit. Stenstrom stated that Northstar Energy is working hard on bat mitigation, which will be in the form of low flying bugs, to try to get the bats to fly around the vortex. Zuleger showed Stenstrom the kind of wind turbine that the Village has been looking at, which are about a 75-90 kilowatt, and these are the kind that we could use in our Business Park, that would produce enough to sell back to the grid. Zuleger stated that our concern is when people request to put in the kind that you mount on top of buildings. Stenstrom stated that those smaller turbines really do not pay. Unless you can sell back to the grid, it is not worth it. There was more discussion on the Village possibly putting in three wind turbines. Zuleger stated that we would be looking at a cost of \$250,000 per wind turbine. Hancock confirmed we could use TIF money for this then (10-15 year borrow).

Higgins stated that she would like to get something adopted soon and in our code, we do have a small business owner who is interested in a wind turbine. She figures that we will see something this spring from this person. Higgins stated that she could provide them a draft in November, unless they are ready for a public hearing then. The basic draft that is in the packets tonight covers the basics. Hancock wants to see something about the “environment” added in the purpose (“public health, safety, and environment”). Stenstrom wants some requirements on the rooftop models that may sway people from them, unless it is for a new building. Donner stated that staff does not perform any structural review on buildings, this would be the responsibility of the owner. Evans wants to see a hearing by next year. Schuster requested a paper copy of the next draft.

**VIII. FUTURE MEETING TOPICS**

**SET DATE/TIME OF EXTRA-TERRITORIAL ZONING COMMITTEE (ETZ) PUBLIC HEARING FOR TOWN ETZ AREA REZONE REQUEST**

It was decided that the date and time of the Extra-Territorial Zoning Committee (ETZ) Public Hearing for Town ETZ area rezone request will be on Monday, November 10, 2008 at 5:30 p.m.

**IX. ADJOURN**

***\*M/S/P Maloney/Diesen: to adjourn at 7:03 p.m.***

Respectfully submitted,

Valerie R. Parker,  
Recording Secretary