

**PLAN COMMISSION MINUTES
5500 SCHOFIELD AVENUE
WESTON, WI 54476
MONDAY, NOVEMBER 10, 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 8 audience members present.

II. INTRODUCTIONS/ROLE ON PLAN COMMISSION

A. FUTURE WESTON GRADUATES ASSIGNED TO PLAN COMMISSION

1. DAN FROELICH, NATALIE PFEIFFER, JENNIFER KISLOW, AND TOM KISLOW

Dan Froelich and Tom Kislow were present. Schuster explained that though we will be asking for their input on agenda items, they will not be taking action.

III. PUBLIC HEARINGS – 6:00 P.M.

A. APPLICATION #REZN-10-08-1049 HAVING BEEN FILED WITH THE VILLAGE CLERK BY DARREN KRZANOWSKI, CENTRAL STAKING, INC., 2523 POST ROAD, STEVENS POINT, WI 54481, ON BEHALF OF PROPERTY OWNER CHESTER CHEREK, 7101 KMIECIK STREET, WESTON REQUESTING REZONING OF A 33.62 ACRE PARCEL KNOWN AS 7101 KMIECIK STREET FROM AG (AGRICULTURE) TO RR (RURAL RESIDENTIAL).

Darren Krzanowski, Central Staking, Inc., 2523 Post Road, Stevens Point, was present. Krzanowski stated that the property owner, Chester Cherek, would like to divide this up and change the zoning (as shown on the certified survey map), in order for his son Kurt Cherek to buy lot 1. Then, Chester Cherek will retain lot 2. It was stated that Kurt Cherek plans to build on lot 1 sometime in the future.

Bob Pils, 2717 Sheperd Lane, Weston, owns 40 acres just southwest of Cherek, and wants to know if the rezoning and splitting of this lot will impact his ability to hunt. Higgins stated that only if Pils were to split or rezone his own land, would he be impacted.

1. CLOSE HEARING/DISCUSSION AND ACTION ON APPLICATION #REZN-10-08-1049.

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

**M/S/P Diesen/Maloney: to approve Application #REZN-10-08-1049.*

B. APPLICATION #REZN-10-08-1051 HAVING BEEN FILED WITH THE VILLAGE CLERK BY THE PROPERTY OWNER, FORREST TAPPE BUILDERS, 3410 SANDY LANE WESTON, WI 54476, REQUESTING REZONING OF A 1.5 ACRE PARCEL, KNOWN AS 3505 SANDY LANE FROM RR (RURAL RESIDENTIAL) TO R-1 (RESIDENTIAL SINGLE-FAMILY).

Dan Higginbotham, Plover River Land Company, P4225 Pine View Road, Birnamwood, was present. Higginbotham explained that they are proposing a 3-lot certified survey map on this parcel. At the time the Sandy Meadow area was developed, there was already curb cuts and water and sewer laterals placed on this property, in a configuration that it could be used in the future.

Higginbotham clarified to Maloney that the sewer/water lateral and curb cut on lot 1 faces Sandy Lane, the other two are along Alex Street.

No one spoke in opposition.

1. CLOSE HEARING/DISCUSSION AND ACTION ON APPLICATION #REZN-10-08-1051.

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

**M/S/P Hancock/Stenstrom: to approve Application #REZN-10-08-1051.*

C. CONSIDERATION OF AN ORDINANCE CREATING SECTION 94.124.2 OF THE ZONING CODE RELATED TO SMALL WIND ENERGY SYSTEMS.

Higgins stated that since the last time Plan Commission met she added a few items and addressed a few things that she found in a different ordinance. She added a provision for noise; added an addition for compliance of FAA regulations; in the documents that are required for permitting, she added requirements under I, J, & K. She could not find information on wind turbines that are placed on buildings. She stated that as far as issues on building-mounted wind turbines, staff would not be reviewing those, but will have a requirement that a structural engineer sign off.

Zuleger stated this will give an opportunity for people who want these to start working on their plans. Zuleger stated we covered our bases on what a small alternative energy generator is.

Stenstrom requested that with No. 2 on the noise, that the sound measurement be taken downwind from the wind turbine, to get a more accurate reading. Higgins stated that she and Donner are looking into people have a study done to show that wind energy will even work here, to make it worth while for someone to put one in. Zuleger explained there are studies that are done to determine that there is enough wind, and where we know it would work. Evans feels that the person interested in putting in a wind generator should conduct the study on their own and prove to us that it would work. Zuleger stated areas in the U.S. that do the studies and that we should make it the petitioner's responsibility. Zuleger stated that we figured out what the methodology is to conclude if there is enough wind to put in a wind generator.

Schuster stated under permit requirement #F, #4, "a permit issued pursuant to this ordinance shall expire..." the word "when" should be inserted after the word "expire".

Donner stated that with respect to other development or building that goes on around an existing wind turbine, how do we address if a new building blocks the wind from the existing wind turbine that would normally be there. Evans stated that it would be at the wind turbine owner's own risk. Zuleger stated we could add a catch-all clause that says ultimately that "all small wind energy systems are located and shall be preserved by the discretion of the Plan Commission". This way if someone comes in with a 4-story office building, we could let them know that there is a small wind energy system on the neighboring site, that we will not allow them to have that particular height of a building, because they would be blocking their wind. We would have to keep a registry of where these systems are. Stenstrom requested that within that same paragraph that we put in some type of mandate that the future wind turbine owner prove that this will be a viable energy source, and to let them know that we do not control the wind, and making them aware that someone could come in and build a building right next to them.

****M/S/P Evans/Maloney: to table the ordinance creating Section 94.124.2 of the Zoning Code related to small wind energy systems, for modifications and recess the hearing until next month.***

The Plan Commission then moved on to discuss the Linden Grove Subdivision topic, under New Business, B.

IV. PLANNED DEVELOPMENT PROJECT PRE-PETITION CONFERENCE (SEC. 94.146(A))
A. PRE-PETITION CONFERENCE – PROPOSED PLANNED DEVELOPMENT PROJECT ON A 2.336 ACRE VACANT PARCEL WEST OF 3710 MOUNT VIEW AVENUE – SENIOR APARTMENT COMPLEX (MOUNT VIEW ESTATES, LLC)

Guy and Nancy Fredel, 2240 Ruby Drive, Kronenwetter, were present. Mark Thompson, MTS Consultants, 2000 Lester Street, was present also. Guy Fredel stated that Nancy Fredel is one of the two principal's the other principal is Leroy Laska, who could not attend tonight. Mount View Estates would like to develop a senior housing community on this 2.336 acre parcel. The nature and scope of the project is apartments for active adults whose ages would be 55 years and older. This would be similar to Birchwood Highlands. The setting and layout of this project are intended to be a good fit for the neighborhood and Village. He said this will have a park-like setting with mature trees, which will shelter the residents from the neighborhood. He pointed out that Thompson has a few potential

building layout designs to show tonight, and that no one concept has been decided on yet, that will be determined later after Mount View Estates received input by their architect. He stated that if the Village would approve a rezone from R3 to R4 with an OPD, Mount View Estates would develop a 48 to 50-unit senior housing community, with underground parking. This will be one building, but done in stages.

Thompson stated that the concept is to do this in wings. He stated that the OPD will allow them to have the density they are looking for. They do not have the numbers of parking per apartment for underground parking figured out yet. Thompson discussed the neighborhood layout and the concept of this proposed facility. There would be some surface parking. This is not for assisted living, but for active adults. He pointed out the neighborhood zoning. They are looking at different building shapes and may go to three stories. One layout that was discussed was a t-shaped triangular building with a large gathering area in the center. Evans questioned the parking, and commented on how some "staged" buildings tend to look un-done until all stages are completed. Fredel stated there will be a mixture of 1 and 2 bedroom units in this building. Fredel discussed further what kind of housing this will be. There was some discussion on low-income assistance units.

Schuster questioned if they are looking for some type of action. Thompson stated that the purpose is to introduce this plan to the Plan Commission. This way, if Plan Commission sees any major issues, they can be addressed at this time.

Stenstrom expressed his concern for the developer to be sure there is access for emergency vehicles. Thompson stated that at site plan review stage they will address this issue. Diesen stated that he thinks people would prefer 2 bedrooms. Fredel stated that they will do a market study to find what the needs are as far as space. There was discussion on the difference of impervious surface areas on these plans.

Froehlich questioned where in the Village there are other 3-story buildings. He said if there are none, he would suggest staying away from the 3-story building size.

V. CONSIDERATION OF PLAN COMMISSION MINUTES
A. OCTOBER 13, 2008 MEETING

**M/S/P Diesen/Hancock: to approve Plan Commission minutes of October 13, 2008.*

VI. CONSENT AGENDA ITEMS
A. STAFF APPROVED SIGN PERMITS

**M/S/P Stenstrom/Maloney: to acknowledge the staff-approved sign permits issued by staff.*

VII. NEW BUSINESS
A. DISCUSSION TO REOPEN THE COMPREHENSIVE PLAN AMENDMENT CYCLE PER SECTION 94.237(B)(4) TO ALLOW HPI PROPERTIES TO APPLY FOR A COMPREHENSIVE PLAN AMENDMENT AND REZONE ON THE PROPERTY KNOWN AS 5402 PINE PARK STREET.

1. VISITORS – PAUL JOHNSON, HPI (PROPERTY OWNER) AND MARV ANDERSON, PDM CONSTRUCTION

Marv Anderson, PDM Construction, 5705 Memorial Court, Weston, and Dawn Paglini, operator of Wonderfully Made Child Development, 5403 Normandy Street, were present. Anderson explained that they are looking to expand their facility by using the property directly behind their existing building. There will be two buildings with the playground located in the center.

Paglini explained that they are the only center that also provides daycare for special needs children, and that they have a long waiting list. Another option she had was to move, but they did not want to do that. She stated that they have to have exits and windows in each classroom, so this makes it easier. Zuleger stated that this is adjacent to TIF#2 and the cash flow in TIF#2 exceeds the 110%. Their daycare is not specific for only special needs children.

Higgins stated that we are asking to allow staff to open up the comprehensive plan map amendment process during the winter months while things are slow here. Higgins explained the reasons that allow us to do special comprehensive map amendments. Higgins stated this will go through comprehensive plan amendment and then a rezone, and all neighbors will be notified.

****M/S/P Maloney/Diesen: to allow HPI Properties to apply for a comprehensive plan map amendment and rezone on the property known as 5402 Pine Park Street, outside the normal amendment cycle.***

B. LINDEN GROVE SUBDIVISION – REQUEST TO PROCEED WITH SUBDIVISION USING PRIVATE WELL AND SEPTIC INSTEAD OF EXTENDING SEWER AND WATER TO SITE.

Karl Matthews, current owner of this development, 5807 Weston Avenue, was present.

Zuleger stated that previously Plan Commission has supported this development with the notion that public sewer and water would be extended to this site and would be installed. He stated that the Village has plans on hold right now for bringing public sewer and water across the highway, largely due to current costs. He stated that the development has changed hands and the developer would like to move on building homes on this lot using private wells and holding tanks, which have been approved in part by the County. Because Plan Commission thought that this development was going to occur with public utilities, we needed to bring this back to Plan Commission as new business so that the developer can get going with the different water and wastewater provisions. He stated that we have tried to work this out with them in different ways. The developers have been real patient with us and that we thought that things in the Village would break a different way, but they have not. Zuleger stated that now we do not want the developer to have to wait, that they would like to get going. Zuleger asked that the Plan Commission recognize that there will be a change in the way the utilities will be provided on this site. Zuleger stated that staff did not want to go ahead and allow them to develop with private utilities without the Plan Commission knowing about it first.

Evans questioned what will happen if in a few years the development moves enough economic activity that we bring public utilities across, would the property owners be grandfathered in, that it will not be mandatory for them to hook up to public utilities? Zuleger stated that actually it will be the opposite, that the developer will be willing to install the public utilities at that time. Zuleger stated that right now it is just not economically viable for either the developer or the Village to extend the public water and sewer to this site. The developers would like to create a little cash flow on this development, but if the utilities ever extend to this point, there is willingness of the developer to extend the public utilities into this development.

Matthews stated that when the utilities do come past the property it would just be assessed like any other development, when you extend sewer and water. Evans then questioned Matthews if we are passing on this assessment, that there will be no financial deal that we are going to lower the assessment to these properties if public water and sewer gets extended. Diesen clarified that they are selling these lots and building these homes, and the owners are aware that if public water and sewer gets extended that they will be assessed and forced to hook up. Maloney clarified, even if the holding tank and private well are only a few years old that these properties will be hooking up to public utilities, when they get extended.

Zuleger and Evans clarified for the record, that the representative (Matthews) of the developer has noted that the lots will be sold with the knowledge that if public sewer and water are provided (extended) along Weston Avenue to this development, that they will be asked to hook up and that they will be assessed appropriately.

Diesen questioned if there was any way that we could add that to the language, so that the property owners or future property owners will know that up front. Diesen stated that although this will be in these meeting minutes, he wants this added to the purchase agreement or deed.

Zuleger stated that what we are looking for tonight is a motion from Plan Commission to allow this development to occur with private wells and holding tanks, and we could add as a contingency on this

motion, as an exchange for this change in the provision of the utilities, Plan Commission wants the developer to duly note to the potential new property owners who buy lots that when public water and sewer comes out to this development, they will be required to hook up and that they will be special assessed.

Donner commented to Matthews on all of the public improvements that were estimated for this project, there is still a requirement to put a public street in here. Donner pointed out that there will still be a cost of \$240,000.00, which if asphalt prices continue to increase, this cost will be higher, we are still looking at a range of \$250,000 - \$280,000 public improvement requirement here. Donner stated that this cost does not include public sewer and water costs, which if those were included there would be an estimated cost of about \$400,000 - \$480,000. Donner commented that staff has not talked to Matthews on the possibility of bringing public water in only, where they would still have holding tanks then (which would reduce the cost by about \$100,000). Donner questioned Matthews if there was a reason that this option was not explored. Matthews stated that this option would still be such a great expense. Donner clarified with Matthews that knowing all of these costs, that Matthews is still willing to have the new property owners of lots within this development, pay the extra costs for whatever the special assessment is going to be, to replace the street. Diesen clarified that when public water and sewer gets extended, even if it is only a few years out, that they are willing to pay for a brand new road plus the public water and sewer.

Schuster questioned how the Village will handle the costs if public water and sewer goes in, because typically when new utilities goes in to an existing area, the Village pays for about 1/3 of the costs in a reconstruction project. Schuster stated that this means if public utilities goes in within the next 2 – 5 years, the Village will end up paying for 1/3 of the costs that the developer should have paid in the beginning. Matthews stated that the new owner is willing to accept no public sewer and water to help the cost of the overall project. He is understanding that they will accept the assessment for sewer and water if it goes in 5 years from now.

Zuleger stated that unless we want to stipulate that by us allowing them to jump start this development without public water and sewer that the Village will not pay 1/3 of the cost later (the development will pay 100% of the installation of public water and sewer and street reconstruction costs). Evans stated that something has to be put on the deeds so if a new developer/property owner comes in and sells lots, this is still a requirement and they will be made aware of it.

Hancock is afraid that we will be setting precedent by allowing this, and that we did not allow this option for a similar development. Zuleger stated that with the Reedy development (Carisbrooke Estates), we did not have the commitment from the developer to pick up the cost to extend the public sewer & water. Evans thinks we need to place a lien on the property so that the title insurance company can be aware of this, or have the developer file a letter of credit. We do not know how many years it will be until utilities gets put in there. Matthews stated that he does not know how long a letter of credit can be held and Evans stated that we do not know how many years it will be before public water and sewer will be extended there.

Stenstrom and Diesen questioned if they could at least place the water & sewer lines in under the roadway and the stubs to the properties, even though they are not hooking up yet. Thompson stated that in the past the DNR has not allowed people to place non-used lines in the road.

Zuleger stated that it sounds like Plan Commission is not in favor of changing the provision of utilities to holding tanks and private wells. The Plan Commission is affirming its previous recommendation that the Linden Grove Subdivision goes ahead with public sewer and water, and it can not develop it until they extend public sewer and water from Von Kanel Street to this development. Evans stated that the developer has heard Plan Commission's concerns, and if the developer can work with someone to alleviate these concerns, with a letter of credit or deed restrictions, or some type of assurance that the property owners knows what will be done.

Zuleger clarified that the concerns of Plan Commission is that the buyer(s) of the lot(s) be aware that somewhere down the road there is going to be a 100% special assessment for public sewer and water if it comes down Weston Avenue, and the Village will not contribute. There was discussion that this

could possibly be done by either a deed restriction or a waiver of consent. Zuleger stated that now Matthews can go back and talk to his partners of this development, and let them know that in order for this notion (private holding tanks and private wells) to advance, we need to see something in a waiver of consent or in either a deed restriction in the covenants, that basically states that the buyer(s) of the lot(s) will be aware that they will be 100% responsible for any special assessments that will occur, including the rebuilding of the road, when public sewer and water is provided.

Donner stated there is another option, and clarified that the difference between this development and the Carisbrooke Estates development, we said that they should have public water, but they could take care of their wastewater/sanitation needs with private systems. Donner stated that we have not talked about this option with this development. He stated that with public water supply and private holding tanks, some of the concerns on potential impacts down the line – contamination or failure of systems will go away, that they will not have to worry about well contamination. He pointed out that they are in a shallow bedrock area, there are private well logs from within a quarter mile away in each direction of this development that indicate the bedrock is only 20 feet deep, so these wells are very deep. It was stated that they would have to have holding tanks for all lots (not conventional).

****M/S/P Stenstrom/Evans: to deny the request (Linden Grove Subdivision) to proceed with the subdivision using private well and septic instead of extending sewer and water to site, with the following: the developer can explore public water being installed, and explore the covenants & deed restrictions that should satisfy the concerns discussed tonight, and that when the developer does reapply for a new development approval, it will be without fee. Diesen voted nay, because he is not in favor of one public utility going in without the other; that if one public utility comes in, they should both come in together. Motion Carried.***

C. REVISED LIGHTING PLAN FOR ASPIRUS WESTON CLINIC, 4005 COMMUNITY CENTER DRIVE – 45 STALL PARKING LOT ADDITION AND 164 SQUARE FOOT VESTIBULE ADDITION (CSIT-9-08-1040).

Higgins stated this is only due to the lighting plan being brought in again due to changes. Staff approves and this is fine per code.

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

D. PROPOSED PHASING SCHEDULE OF APPROVED SITE PLAN FOR ASPIRUS WESTON CLINIC, 4005 COMMUNITY CENTER DRIVE – 45 STALL PARKING LOT ADDITION AND 164 SQUARE FOOT VESTIBULE ADDITION (CSIT-9-08-1040).

Higgins stated that she was contacted by REI and they informed her that Aspirus looked at their budget and found it to be too expensive to build a parking lot in the Village (due to our requirements). They are now looking at a phasing plan. Phase I is the portion next to the building, and Phase II includes all the screening that we need per code. The main issue she sees is that they do not want to give us a timeline on finishing up Phase II.

Evans suggested we re-review this lot in one year, it is too soon to simply allow them to just do this when they are able to. This area has been just field grass. There was discussion on all of the noxious weeds within this corridor area that the businesses are not taking care of. Diesen does not want an open ended agreement. We should give a timeline of 1 or 2 years from now. Higgins stated that their original landscaping plan was toned down enough to still meet code.

Zuleger stated that he requests the Plan Commission put standards in place that we can give to Ghidorzi and REI, so that we are not dealing with the after-the-fact issues, as we have in the past. Evans would like to see how these tie together with the new building to the north (Eye-Teeth). Zuleger stated October 15, 2009, deadline to have all phases completed by then. If they do not meet the deadline citations will be issued.

****M/S/P Hancock/Evans: to approve the proposed phasing schedule of approved site plan for Aspirus Weston Clinic, 4005 Community Center Drive – 45 stall parking lot addition and 164 square foot vestibule addition (CSIT-9-08-1040), contingent on all being completed by October 15, 2009. Q: Donner questioned the curb, if it will be done with the second phase of the parking lot. It was clarified that this motion includes the requirement of curb on the west side by the October 15, 2009, deadline. Motion carried.***

E. DISCUSSION OF DRAFT SECTION 50.104 CHRONIC NUISANCE PREMISES ORDINANCE

Zuleger stated this was requested by the EMPD, and is similar to a Wausau ordinance. We have tried to get people to clean up their properties with publishing the “dirty dozen list”. Weber has made this fit our code at the request of the EMPD. A lot of nuisance issues fall under public safety issues, so we would like this to go to the Safety committee.

No one has a problem with the policy. The fine goes to the owner of the property. If they do not pay the fine it goes on their tax bill. This ordinance does not require a hearing. Appeals will then go to the Weston Public Safety committee.

****M/S/P Stenstrom/Diesen: to approve the adoption and change - draft Section 50.104 chronic nuisance premises ordinance.***

F. REVISION TO VILLAGE FEE SCHEDULE

1. SMALL WIND ENERGY SYSTEM (NEW)

- A. PLAN COMMISSION SITE PLAN REVIEW FEE - \$200.00 (NEW)**
- B. BUILDING PERMIT FEE - \$100.00 (NEW)**
- C. ELECTRICAL INSPECTION PERMIT FEE - \$60.00 (NEW)**

****M/S/P Evans/Hancock: to approve the revision to Village fee schedule to include the small wind energy system and related fees.***

VIII. FUTURE MEETING TOPICS

A. DISCUSSION OF MAJOR REMODELING COMMERCIAL SITE PLAN REVIEW

Zuleger stated that when WISH did their remodeling, there were a lot of things that they felt they should have known with respect to our zoning. Because they were remodeling an existing building, they did not necessarily have to come through Plan Commission. When we get buildings that are going to be going through a major remodeling (due to change of use or addition) staff would like to bring these to Plan Commission. Staff will create a checklist, similar to what is given to people developing a new building site, to give to these people undergoing the major remodeling. The specific issue with WISH was curb and drainage of their parking lot. When they bought their site, they thought that they would not have to make those modifications, which they found from their clientele that they wanted WISH to redo their parking lot. When they went to redo their parking lot, they had to follow the requirements that we have with parking spaces, landscaping, curb and gutter, and that was a surprise to them. Zuleger stated that we found a loophole in our review when someone goes under a major remodel of an existing structure.

Gerald Hoffman, 4104 E. Everest Avenue, thanked Plan Commission for their acknowledging the weed issues on Ghidorzi property, which is directly south of his home.

IX. ADJOURN

****M/S/P Evans/Diesen: to adjourn at 7:30 p.m.***

Respectfully submitted,

Valerie R. Parker,
Recording Secretary