

**PLAN COMMISSION MINUTES
5500 SCHOFIELD AVENUE
WESTON, WI 54476
MONDAY, DECEMBER 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, 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. Trustee Loren White was also present. There were about eight audience members present.

II. UNFINISHED BUSINESS

A. TABLED PUBLIC HEARING – CONSIDERATION OF AN ORDINANCE CREATING SECTION 94.124.2 OF THE ZONING CODE RELATING TO SMALL WIND ENERGY SYSTEMS

**M/S/P Diesen/Maloney: to take this public hearing off the table.*

Higgins explained that she attempted to make all the changes as requested, in November, by the Plan Commission. She had Attorney Shane VanderWaal review the draft ordinance and he recently informed Higgins that we could not make all changes based on State Statutes. Higgins explained that the local restrictions are permitted only if they serve the public health or safety, do not significantly increase the cost or decrease the efficiency of the system, or allow for an alternative system of comparable cost and efficiency. She explained that by our asking for a wind study, we are getting to the point where we could be increasing the cost of the project for the applicant. She stated that VanderWaal advised that we stick as close to the model ordinance as possible.

Zuleger pointed out that there is a piece of policy within this ordinance with respect to the liability. There is a liability section that states the Village is not liable in the event that someone comes out and puts an obstruction in the way of the wind. Zuleger stated that he understands why we would want to do this, but after talking to a lot of communities who have adopted a similar ordinance, if you are going to adopt an alternative energy (wind turbines, solar, etc.), you are kind of making a policy statement that you are encouraging energy use that way. He stated that a lot of communities have forgone that liability clause. Zuleger stated that the question tonight is whether we want to adopt this policy and risk having issues, by allowing another obstruction to getting in the way. Evans questioned how will we know if a new building will become an obstruction in the way of the wind. He stated it would become to expensive for the Village to do a wind study for all potential wind turbine locations. He stated that he found the policy appropriate; however, he would not want to deny a large employer opportunities to locate somewhere, based on a wind turbine next door. Diesen questioned areas in the Village that have a lot of wind, to make it worth while for the Village. Zuleger explained where the prevailing wind seems to be, which the Business Park is in that path. He stated that he has worked with Chris Oswald, Applied Laser, on a study. Saint Clare's Hospital is not in prevailing wind area, plus if there were, there would be issues with the helicopter.

**M/S/P Stenstrom/Maloney: to approve ordinance creating Section 94.124.2 of the Zoning Code relating to small wind energy systems.*

III. CONSIDERATION OF PLAN COMMISSION MINUTES

A. NOVEMBER 10, 2008 MEETING

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

IV. CONSENT AGENDA ITEMS

A. STAFF APPROVED CSM'S

B. STAFF APPROVED SIGN PERMITS

C. CERTIFICATES OF OCCUPANCY ISSUED

**M/S/P Stenstrom/Diesen: to acknowledge the staff-approved CSM's, sign permits, and Certificates of Occupancy Issued by staff.*

V. NEW BUSINESS**A. SITE PLAN FOR 8-UNIT COMMUNITY BASED RESIDENTIAL FACILITY – 3405 SPRING CREST CIRCLE (EMERY ART DEVELOPMENT) (CSIT-11-08-1055)**

Merlin Brown, Emery Art Development, 228 W. 52nd Street, Minneapolis, MN, 55419, and Terry Howard, owner of Brown's Assisted Living, 8203 County Road T, Arpin, WI 54410, who will be contracting out the management for this project, were present.

Brown stated they are proposing to build a community based residential facility (CBRF) here. They are looking at this location because of the level of care at this facility would be higher than an average CBRF. They found this to be more appropriate in a mixed-use area. Howard has been in contact with the County and Community Care of Central Wisconsin, because there is a need for a facility like this in this area. Howard stated that he operates four facilities in the Marshfield/Wisconsin Rapids area. He has been in this business for 35 years, and he is a licensed health care administrator. He has been operating this business in Wisconsin for about 8 years. He stated that he was approached by Portage County to provide this specialized service.

Brown stated the goal is to make it like a large home. Because of the type of residents, this will allow more privacy so that they do not have to interact with each other, if they do not want to. There will be 8 bedrooms. There will be three separate lounge areas by the bedrooms. Howard stated there is a centralized community room.

Higgins stated she is working with architect on the drainage plan, working on adding a swale on the east side, requested garbage details, still looking for utility plans on how they will be hooking up to the public sewer and water system, and landscaping on east parking area and around the garbage enclosure. Donner stated the only question he had was on location of the connecting utilities, which staff will be working with them. Howard and Brown confirmed that they plan to start construction this winter. Maloney questioned the 12-foot driveway. Higgins stated that this is a one-way driveway.

****M/S/P Maloney/Diesen: to approve site plan for 8-unit community based residential facility – 3405 Spring Crest Circle (Emery Art development) (CSIT-11-08-1055), contingent on receiving revised drainage and landscaping plans, and providing staff with garbage enclosure details and utility plans.***

B. HOME OCCUPATION PERMIT REQUEST FOR SLICED BREAD CLEANING, 5110-½ ALDERSON STREET (HARTL) (HOCC-12-08-1655)

Higgins stated this is right off of Alderson Street, along the fringe of the commercial area, where a husband and wife will be operating a home/office cleaning business. Staff has no objections.

****M/S/P Diesen/Stenstrom: to approve home occupation permit request for Sliced Bread Cleaning, 5110-½ Alderson Street (Hartl) (HOCC-12-08-1655). Q: Schuster questioned if the applicants own this property. Higgins stated they are tenants, but our code does not specify if applicants need to be the owner of the property. Schuster questioned how we would regulate this? Zuleger stated we could regulate the owners. Higgins stated that we sent the owners an agenda and have not received a response. Stenstrom stated that with this being a cleaning service, this location is probably more of a mailing address if anything. Evans gave an example of an issue in another community where a business permit like this was turned down because they had 11 employees who were coming and going to the residence, and the neighbors did not like the extra traffic. Higgins stated that they ran through as home occupation because only family members will be operating this business. This permit is good for that residence and business. We do not have an annual license. Higgins stated that if this business were to expand, it would no longer be considered a "home occupation". Motion carried.***

C. UPCOMING FEMA FIS (FLOOD INSURANCE STUDY) AND NEW DFIRM (DIGITAL FLOOD INSURANCE RATE MAPS) APPROVAL PROCESS

Higgins stated this process is starting, but our 90 day review period has not started yet. We are getting new flood insurance rate maps. Staff sometimes has to deal with this when residents live along these areas and are trying to get loans. She stated that we were going through the NFIP process, because

we were not a certified community. We were not certified on the flood plain. We will have to update the flood plain ordinance again through this process. She stated that she and Nate Crowe went to the initial meeting in September of 2006. FEMA will hold another meeting on this, where they will inform us when to adopt this, and that she and Crowe will attend.

Stenstrom questioned if this will affect properties within the ETZ area. Higgins thinks the County would administer the program for the Town.

D. REVISION TO VILLAGE FEE SCHEDULE

1. PARKING LOT EXPANSION/RECONSTRUCTION REVIEW FEE - \$50 (NEW)

The review will be when they come before Plan Commission, in the past we had not charged for these. We want people to come in so we can catch drainage and landscaping.

**M/S/P Diesen/Maloney: to approve the parking lot expansion/reconstruction review fee - \$50.00 (new).*

2. PARKING LOT EXPANSION/RECONSTRUCTION PERMIT - \$30 (NEW)

**M/S/P Stenstrom/Diesen: to approve the parking lot expansion/reconstruction permit - \$30.00 (new).*

E. 2009 PLAN COMMISSION MEETING SCHEDULE AND AGENDA ITEM SUBMITTAL DEADLINES

No comments or questions were made.

VII. FUTURE MEETING TOPICS

Zuleger stated next Monday is the hearing on the smoking ordinance. He stated this is now in final draft, with all three members agreeing. This provides no exceptions. He stated this is a land issue, however we have been running this through the Public Health and Safety, because we have been approaching this issue from a second-hand smoker perspective. We have had some really productive meetings on this. This ordinance will have a January 1, 2010, implementation date.

VIII. ADJOURN

**M/S/P Maloney/Stenstrom: to adjourn at 6:25 p.m.*

Respectfully submitted,

Valerie R. Parker,
Recording Secretary