

**PLANNING COMMISSION MINUTES
5500 SCHOFIELD AVENUE
WESTON, WI 54476
MONDAY, DECEMBER 12, 2005 - 6:00 P.M.**

I. CALL TO ORDER

Vilas Machmueller called the meeting to order at 6:00 p.m. Members present were Mark Strobel, Steve Meinel, George Oberlander, Ted Banholzer, Mary Hancock, and DPW Keith Donner. Village Administrator, Dean Zuleger, Community Development Director, Jennifer Higgins, Building Inspector/Zoning Administrator, Al Breu, and Recording Secretary, Valerie Parker were present. Trustees Fred Schuster, Dave Diesen, Barb Ermeling were present. About 35 audience members were also present.

Machmueller read the notice and opened the hearing.

A. OPEN HEARING – VILLAGE OF WESTON TO CONSIDER AMENDING CHAPTER 14, SECTIONS 14.101.5, 14.101.6, 14.101.8, & 14.101.9, THE CREATION OF SECTION 14.101.7, AND THE RE-NUMERATION OF SECTION 14.101.7 THROUGH 14.101.13 OF THE MUNICIPAL CODE OF THE VILLAGE OF WESTON ENTITLED “COMMERCIAL ELECTRICAL CODE AND REGULATIONS”

Higgins stated this was brought back due to a few minor changes to be made per Scott Tatro, Village's contracted commercial electrical inspector. She explained the changes to this chapter along with the re-numeration.

No one spoke in opposition.

**II. CONSIDERATION OF PLANNING COMMISSION MINUTES
A. NOVEMBER 14, 2005 MINUTES**

**M/S/P Meinel/Donner: to approve the Planning Commission Minutes of November 14, 2005.*

III. VISITORS

A. JOHN TAPPE AND JEFF TREDO – DISCUSSION OF CONCEPT SITE PLAN FOR ST. PETER LUTHERAN CONGREGATION, CHILD CARE AND CHRISTIAN DEVELOPMENT CENTER: PROPERTY ON THE SOUTHEAST CORNER OF ALAN LANE AND SANDY LANE

John Tappe & Jeff Tredo could not make the meeting, so Tim Skala, 4028 Alpine Road, Marathon, WI 54448, & Pastor Joel Heckendorf, 5405 Alex Street, Weston, spoke. Heckendorf discussed that they are just looking for feedback and suggestions from Planning Commission so that they can proceed and bring a site plan in next month.

Donner pointed out that this development is in conformance based on submittals from earlier this year. There will be a lot of trees preserved there for screening. Banholzer questioned if there was an agreement for a fence with neighbors. Heckendorf stated there was no formal agreement, but they would look into it, if it is needed.

Skala had several questions for the Planning Commission regarding changes to the covenants. He first asked if they could hold off on the detention pond until further development. Donner stated it depends on how much land is disturbed on their first phase. Skala then asked if with the amount of brick, if they could use less brick for the initial phase, and instead use a combination of partial brick and masonry siding. Breu stated the code calls for natural materials, so a combination of wood and brick or wood and stone are okay. Skala then asked about the parking lot requirements for islands and berms, and whether they could

just have the center island landscaped instead. Donner stated that we have been pretty flexible on the landscaping islands. He feels this would be a reasonable thing to consider. Skala then questioned with the amount of future development to occur, if they could not put the curb and gutter in where the future expansion area will be, since they will have to replace it when the future development would occur. Donner stated that with phased developments, we have worked with applicants but also have held to the code on it. It depends on the timeline of the phasing. Meinel pointed out that special considerations for curb & gutter (for snow removal) have been made in the past in the business park. Banholzer confirmed the location of the future phasing.

B. GLENN ASCHBRENNER, 5322 WILLOW STREET – DISCUSS THE MICHAEL DESCISCIO REZONE/CONDITIONAL USE

Glenn Aschbrenner, 5322 Willow Street, was present in support of the Michael DeSciscio rezone and conditional use, but had questions for the Planning Commission. He asked about the zoning districts, and asked if Planning Commission members were appointed or elected. He stated that he is in favor of DeSciscio's request and does not feel it would create a nuisance to the condos.

C. MARK THOMPSON AND SUSAN MURPHY – CONCEPT LANDSCAPING PLAN OF THE PI PROPERTIES PROPOSED CALLON AVENUE DEVELOPMENT

Paul Johnson, HPI Properties, PO Box 116, Rothschild, Mark Thompson, 2000 Lester Street, Weston, and Susan Murphy, 6106 Babl Lane were present in support.

Thompson introduced Murphy and indicated that she would discuss the landscape detail with the Planning Commission and he will have a response for any of the Commissioners' questions.

Murphy handed out pictures taken of the landscaping job she did at Greenwood Hills, and stated that this is the style of plan that she will put together for the HPI development. Zuleger commented that Murphy does great work and that he is confident that she will do a great job here. She discussed with the residents the options that can be done as far as screening, whether it be berming, fencing, trees, shrubs, etc.

Thompson then read his handout (see attached: HPI – Callon Ave. – Referral back to Plan Commission 12-12-05).

Banholzer commented (with respect to the neighbors responses) that he is not sure if condos are appropriate, and would like to hear comments from other members. Oberlander commented that this property will develop at some time, but probably not high-end homes. A transition has to work, he thinks condos would work because of the association. He feels this is a good transition. Strobel does not have further input, other than a transition is necessary. Meinel is okay with the density. He thinks this will be a nice project. Meinel stated that they started out with 48 lots and agreed with neighbors to 35 lots. It was clarified that there will not be lots (in the traditional sense), they will be condo units with various common elements. Donner stated it was known that the density would be an issue. He feels the transition here is good. Donner stated that some areas in the village do not have the adequate infrastructure (public utilities) nearby, but this site does. Thompson stated that the private street would have the same standards as the public streets. Thompson stated they added 6 visitor parking spaces, per the request of the fire chief. The setbacks currently meet the R1 zoning. The OPD could allow a deviation for the rear yard setbacks. Banholzer questioned the common space. Most of these buildings will be single-story homes. They can address fencing along the east side for screening if necessary.

D. DARROW MOORE, 7404 CALLON AVENUE – OPPOSITION FOR CALLON AVENUE DEVELOPMENT

Darrow Moore, 7404 Callon Avenue, who was present in opposition, commented that HPI should have informed the residents in this area about their plans. He commented that the Village should not be involved in making sure developer projects can cash flow. He questioned the sewer & water plans. Donner stated two possible routes for sewer and water: 1) from Callon Avenue, 2) from the Weston Ridge Development. Moore stated that the policy on public water & sewer installation requires curb & gutter, sidewalk, & storm sewer to be installed also and asked why ponds were needed. Donner stated that whether there is curb and gutter or a ditch, DNR regulations require ponds regardless (DNR and Federal Clean Water Regulations). Donner explained the procedure of hooking up after installation of public sewer & water for a developer run project versus the Village. For a developer financed project, it was explained that residents along the way have the option to hook up or not, but if they do, they have to pay an equivalent assessment. Moore commented that HPI should have known what the zoning was when they purchased the land. If they can't rezone and make the property cash flow, the Village should not be responsible to help them out. He then questioned if there is any reason this land can't be developed without sewer and water. Donner stated from a common sense standpoint, he does not endorse new development here without public sewer and water. Zuleger questioned Moore if they are opposed to this development because they think this will bring sewer and water in their area sooner? Moore answered that their only argument is the density (lot sizes and that many houses on that size property). Higgins stated this is a density issue or issue of the number of homes proposed. She explained that it is 18 acres with 13 acres of buildable land that they are proposing 35 units on.

Kerry Lintner, 7508 Callon Avenue, Weston, spoke up in opposition. He discussed that his parents at one time owned all of the 40 acres of properties that surround Willard Lane, but then in the 80's split it off into smaller lots. He commented that he appreciates the transition that this development would make from the Weston Ridge Development. He commented that they should be considering only 10 homes in RE zoning. He feels it is inappropriate for a developer to plead with the village that they cannot make a profit unless this is approved. He feels if we let them develop smaller lots that this will create a domino affect where people along Willard Lane will start splitting their lots off as well.

IV. CSM APPROVAL**A. NONE****V. SIGN PERMITS****A. SCHOFIELD AVENUE SHELL, LLC/WAUSAU SIGNS, INC. – QUIZNOS SUBS PERMANENT SIGN: 3001 SCHOFIELD AVENUE**

**M/S/P Meinel/Banholzer: to approve the Schofield Avenue Shell, LLC/Wausau Signs, Inc. – Quiznos Subs Permanent Sign: 3001 Schofield Avenue.*

B. PREMIER PROPERTY/GSF MORTGAGE/FASTSIGNS OF WAUSAU – GSF MORTGAGE PERMANENT SIGN: 5503 SCHOFIELD AVENUE

**M/S/P Meinel/Hancock: to approve the Premier Property/GSF Mortgage/Fastsigns of Wausau – GSM Mortgage Permanent Sign: 5503 Schofield Avenue.*

C. JEFF MACCO/JONES SIGN COMPANY – MACCO’S FLOOR COVERING CENTER PERMANENT SIGN: 3111 SCHOFIELD AVENUE

Meinel questioned if this is the same sign. Higgins pointed out that it will actually be smaller and that it will not block vision of traffic.

**M/S/P Oberlander/Banholzer: to approve the Jeff Macco/Jones Sign Company – Macco’s Floor Covering Center Permanent sign: 3111 Schofield Avenue.*

D. ABBY BANK/SUPER LETTERING & SIGNS – ABBY BANK TEMPORARY SIGN: 2405 SCHOFIELD AVENUE

Higgins pointed out that since this is a temporary sign it should include the usual contingencies of a temporary sign.

**M/S/P Strobel/Hancock: to approve the Abby Bank/Super Lettering & Signs – Abby Bank Temporary Sign: 2405 Schofield Avenue, contingent on a sunset date for the removal of the sign of one year from the Village Board’s approval or at the time construction is complete and the bank opens for business, whichever occurs first.*

VI. RESIDENTIAL BUSINESS/HOME OCCUPATION PERMITS

A. NONE

VII. SITE PLAN REVIEW

A. NONE

VIII. CLOSE HEARING

A. **CLOSE HEARING – VILLAGE OF WESTON TO CONSIDER AMENDING CHAPTER 14, SECTIONS 14.101.5, 14.101.6, 14.101.8, & 14.101.9, THE CREATION OF SECTION 14.101.7, AND THE RE-NUMERATION OF SECTION 14.101.7 THROUGH 14.101.13 OF THE MUNICIPAL CODE OF THE VILLAGE OF WESTON ENTITLED “COMMERCIAL ELECTRICAL CODE AND REGULATIONS”**

Machmueller closed the hearing at 7:55 p.m.

IX. NEW BUSINESS

A. **DISCUSSION AND ACTION ON HEARING – VILLAGE OF WESTON TO CONSIDER AMENDING CHAPTER 14, SECTIONS 14.101.5, 14.101.6, 14.101.8, & 14.101.9, THE CREATION OF SECTION 14.101.7, AND THE RE-NUMERATION OF SECTION 14.101.7 THROUGH 14.101.13 OF THE MUNICIPAL CODE OF THE VILLAGE OF WESTON ENTITLED “COMMERCIAL ELECTRICAL CODE AND REGULATIONS”**

**M/S/P Meinel/Strobel: to approve the amendment of Chapter 14, Sections 14.101.5, 14.101.6, 14.101.8, & 14.101.9, the creation of Section 14.101.7, and the re-numeration of Sections 14.101.7 through 14.101.13 of the Municipal Code of the Village of Weston entitled “Commercial Electrical Code and Regulations”.*

B. 2006 PLANNING COMMISSION MEETING SCHEDULE AND DEADLINES FOR AGENDA ITEM SUBMITTAL

Higgins stated that every December we set the next year’s schedule, and we are just taking it a step further to include agenda item submittal due dates. She explained that we will provide this deadline schedule to all developers and businesses this would affect. There was a concern brought up by the Board of all of the contingencies that get placed on approvals, this should help alleviate those.

Hancock feels we should raise the late turn in fee, that \$100.00 does not cover the cost to hold a meeting. Higgins and Zuleger agreed with Hancock and stated the fee should be a minimum of \$280.00 (\$40.00 is paid to each Planning Commission Member & the Recording Secretary per meeting). This increase will be on the Village's schedule of fees. Banholzer questioned what we can do for revised plans that come in last minute. Higgins stated with this deadline, we should be able to get revisions out in time. Zuleger stated that it is staff's goal to get packets out to the committee at least a week in advance. Banholzer stated that there should be some written policy about revisions of drawings that come in to Planning Commission members. Zuleger confirmed that they want us to create a policy that states when staff meets (who normally meets 2 – 3 weeks out from the Planning Commission meeting), and that revisions have to be turned in or concerns need to be met prior to that staff meeting. He reiterated the process where plans get turned in by the specified due date; staff reviews the plans on an individual basis; the planning commission staff meeting is held, where Higgins takes notes on what needs to be revised on the plans; she contacts the developer (or engineer) on what needs to be revised, then gives them up to a week before the meeting to get us the revisions or we bump their plans to the next following meeting.

Strobel questioned if staff generally has enough time to review the revisions that come in after the staff meeting is held. Higgins explained that staff tends to work with the developers/engineering firms.

****Hancock moved to approve the schedule and that the fee for late submission of agenda items will be charged \$500.00. No second was made, motion dies.***

Higgins stated this deadline pertains mainly to site plans and plats (because these require a lot of review), not sign permits or CSM's. Zuleger stated that we want to be sure the fee at least covers our costs. Zuleger stated that \$350.00 would be appropriate. Meinel feels \$500.00 would be excessive.

****M/S/P Meinel/Oberlander: to approve the proposed schedule as stated, but coming back later with the final fee amount. Hancock-nay. Motion Carried.***

X. UNFINISHED BUSINESS

A. KEN KOSKY – K & S FUEL INJECTION ALTERNATE LANDSCAPING PLAN: 6007 MUNICIPAL STREET

Ken Kosky, K&S Fuel Injection, 6007 Municipal Street, was present.

Higgins stated in October we approved the building addition, contingent on a 10-foot landscaping strip along the west property line between K&S Fuel Injection and Budget Building Supply. It was discovered that due to the tracked vehicles that K&S works on and the semi's that come in Budget Building's loading dock, landscaping and paving that part of the parking lot would be a problem. It was discussed that K&S would add a landscaping strip on the north & south side of this property, and that they share the parking area with Budget Builders. Oberlander stated that Budget Builder's property is a mess.

****M/S/P Meinel/Donner: to approve Ken Kosky – K&S Fuel Injection Alternate Landscaping Plan: 6007 Municipal Street. Q: Banholzer questioned the landscaping that will be there. Higgins stated it would just be a greenspace toward the road and to the north side of the property. Kosky explained that a long time ago he made a gentleman's agreement with the owner of Budget Builders where they would use each others parking lot. He stated that some time ago, Budget Builders got a variance to not put in greenspace. Banholzer questioned the drainage. It was stated that this has been***

looked at. Higgins stated that there is a drainage easement there. Breu stated that Kosky will put in as much drainage as needed. Motion carried.

B. WESTON PARTNERS LLC – WESTON RIDGE PHASE I FINAL PLAT REVIEW: NE CORNER OF RYAN STREET AND SCHOFIELD AVENUE

Higgins stated that they have met all requirements of the preliminary plat review. Phase I of this final plat includes 48 units (4 duplexes, 4-four unit buildings, 1-eight unit building, and one-16 unit building) and a clubhouse with a gathering room, fitness center, and indoor pool. Parkland dedication fees will be required to be collected on this property prior to the plat being released to the developer for recording, if approved today. She discussed we are also waiting on a signed and recorded easement for the Village drainage ditch at the end of Ryan Street and information on building materials and colors used. Donner stated this should also be contingent on a sanitary sewer and water easement to potentially serve the properties to the east.

**M/S/P Meinel/Donner: to approve Weston Partners, LLC – Weston Ridge Phase I Final Plat Review: NE Corner of Ryan Street and Schofield Avenue, contingent on an easement for Village drainage ditch at the end of Ryan Street, payment in full parkland dedication fees, and a sanitary sewer and water easement be on the property and extend across to the property adjacent on the east side of this. Q: Donner clarified that the motion states the easement would be on the property and extend to the abutting property to the east. It was then discussed that they would have to come back in with the second phase. Easements must be provided before they can record the plat. There was discussion that the water and sewer are in and some paving or concrete work may need to be done. Higgins stated there will be a total of 160 units here. Hancock-nay. Motion carried.*

C. PLANNING COMMISSION DENIED/VILLAGE BOARD REFERRED BACK TO PLANNING COMMISSION: MICHAEL DESCISCIO REZONE FROM R3 TO B2 AND REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A SECOND FLOOR RESIDENTIAL APARTMENT UNIT AT: 5312 WILLOW STREET

Machmueller stated that this property does adjoin business property and feels this is the right way to go. It was discussed that as a conditional use, there can be a residential dwelling upstairs. Higgins pointed out that the future land use map currently shows this area to be residential. Depending on the decision tonight, the land use map may have to be changed. Strobel questioned if land use map shows combined uses. He stated that depending on how this is handled, this could set precedence. Machmueller stated that since those condos are there, anything beyond the condos would be spot zoning. There was discussion on the properties in that neighborhood that front Alderson Street. Higgins stated they are all double-length lots that could go commercial some day.

Mike DeSciscio, 8405 Southridge Drive, Rothschild, stated that he bought this property in August, knowing that it was zoned multi-family. He stated that at the time he purchased this home, he had no intentions of running a business out of it. He stated that Dr. Knutson was already located in this building when he purchased it, and did not realize that Knutson was in violation by being in there. He stated that Knutson is only in there temporarily until he can find a permanent place to locate his business, and that he is currently renting from DeSciscio on a month-to-month basis. DeSciscio then explained that since then, circumstances have changed for him and he now has to relocate his business and would like to relocate his dental lab business in the basement of this home (duplex). His new plans were to run his dental lab business in the basement, allow Knutson to run his eye clinic business (until he finds a permanent home) on the first floor, and rent out the third floor as a residential dwelling (which

is the reason for the conditional use permit request). He also stated that renting out the third floor is not necessary, he just mainly wants to be able to run his dental lab in the basement.

Banholzer is concerned because this is a home that was converted into a duplex and not a commercial structure. If DeSciscio leaves this location after the rezone gets approved, someone else could come in and run their business in there.

There was discussion on why DeSciscio could not just apply for a Home Occupation Permit. Higgins explained that with a home occupation permit, you have to live there (primary residence). There was discussion of possible provisional zoning. There was discussion on the surrounding zoning. Meinel & Banholzer are concerned with the structure of the building.

There then was discussion on why DeSciscio could not just apply for a Residential Business Permit. After Higgins read to the Planning Commission the definition of a residential business permit, it became apparent that DeSciscio's situation would fall into that category. *Residential business means a home office or household occupation conducted principally by members of the family but may permit up to one employee not a resident on the premises, entirely within buildings of the place of residence, does not exceed half the area of the floor, and where the presence of the customer or client may involve his being on the premises while the service is being performed, provided that no more than two (other than those already exempt by "household occupation") are to be on the premises at once, that off-street parking, if required, is located and screened so as to be compatible to the surrounding residential area, that any sign is limited to a nameplate not in excess of three square feet in area, and that a zoning permit for such a use shall not be issued until the planning commission has reviewed the proposed use and determined that the use will meet the above conditions. A Family day care home is considered a residential business and therefore requires a residential business permit to operate, even though more than two clients may come to the premises (See Family day care home).*

Strobel confirmed that by this, if he does not live there, then he has to be the only employee. Zuleger stated that in this case, we need to deny the request to rezone and authorize the residential business permit.

****M/S/P Meinel/Strobel: to deny Michael DeSciscio rezone from R3 to B2: 5312 Willow Street, but to grant the residential business permit. Q: Higgins questioned the members what they want done with Knutson still being in this building? Machmueller stated that we will have to give Knutson a vacation period (deadline). The board can give him a time period to vacate and that he should receive a fine for operating his business in a home. Higgins stated discussion on how the previous landowner should receive the fine, not the tenant. Meinel does not know how to get the previous owner the fine. Staff should notify Knutson that he is in violation and give him 60 days to remove his business from this premises. The members decided that we should give Knutson 90 days to vacate. Motion carried.***

****M/S/P Meinel/Strobel: to deny Michael DeSciscio a Conditional Use permit to allow a second floor residential apartment unit at: 5312 Willow Street.***

D. PLANNING COMMISSION APPROVED/VILLAGE BOARD REFERRED BACK TO PLANNING COMMISSION: MARATHON TECHNICAL SERVICES & HPI PROPERTIES REZONE FROM SR AND WPD TO R1 AND WPD WITH OPD: 7304 CALLON AVENUE

Banholzer stated it would not be feasible to put \$250,000 houses in high density. Banholzer brought up Lintner's statement that the developer purchased this property knowing the current zoning of that property. Banholzer feels it is a benefit to the neighbors that the developer is looking at landscaping, etc. He stated that a condo development is not a bad idea, just the density is what concerns him. He wonders about the setbacks and if the developer could move the setbacks over and further from the property lines in the back (east side of the property). He also suggested that HPI could consider cutting out proposed lots 18, 19, & 24 to get a longer setback. There was discussion on the setbacks from RE, SR, and R1. Banholzer questioned if the residents would be okay with 100% landscaping and their lowering the density by 3 – 4 houses. Banholzer stated the residents have to take into consideration that condos may go in, but that there will be covenants, landscaping, and someone taking care of the property. These things would not happen if this is in single family residential.

A resident who resides on Willard Lane stated that they are not against the development, just the density. He stated that they want to see a number of units in the 20's. He discussed the assessed value of his home and land and does not understand how these condos could sell for a large amount of money. Zuleger explained how the cost or the value of condos work. A question that was raised to the residents was if we can get that 100% landscape screen, would density be an issue to the residents yet?

Thompson stated that they could consider leaving the west side of the property SR, but that we would have to allow them to reconfigure their lots and not specify how many units they could have. Hancock wants to decide on the number of units first. Strobel agrees with Banholzer on the idea of taking a few homes out of this plan, but at the same time this plan does not look too bad either. Meinel commented that the Johnson's have done nice projects in the past, he is okay with the 35 lots proposed. He is also okay if we need to address the landscaping. Donner agrees with Banholzer and feels this is a matter of making this plat compatible (with the intent of the Zoning Code). It was discussed that the residents realize this will get developed, but that they do not want this many units. Donner stated that this should be redrawn to show the number of units that would be there by keeping part of this property SR. Johnson stated that as the unit numbers drop, something else has to give.

Donner stated the developer will want to know what we want for the underlying zoning. We should have the developer bring back a revised plan. There was discussion on the Weston Ridge plat and how the Village required them to reduce their density from 160 to 112 (*Clerk's note: this is not a correct statement, Weston Ridge Development is at 160 units*). Ermeling commented that they all knew that development would happen, but just that they did not think at this density. She pointed out the high bank that is there, which creates a natural buffer already (between Weston Ridge and this property).

****M/S/P Donner/Banholzer: to table the Marathon Technical Services & HPI Properties Rezone from SR and WPD to R1 and WPD with OPD: 7304 Callon Avenue, to come up with a proposal on a 40 foot setback on eastern property line, showing the number of units that would be resulting from that. Meinel, Hancock, Oberlander – nay; Donner, Banholzer, & Strobel- aye; Machmueller chose not to vote. Tied vote, motion dies.***

Oberlander wants some kind of resolution tonight, rather than tabling it and putting it off for another month or two. He is not sure about the 40-foot setback. We are currently looking at a 25-foot setback. He then asked Thompson if he could quickly calculate a

number or if they could give us some information, if we are going to go back to the motion, to give us some reason on why we want to do that.

Thompson stated that we could use the 40-foot setback and not impact the development significantly. There is enough greenspace within the development that they could provide the 40-foot on the east, and still have a total of 35 units. Hancock would be happier with 30 units. Banholzer stated that he feels the neighbors would like the condos in this development better. Lintner reiterated what was brought up by the residents earlier. Oberlander assured that the Village will make the right decisions on what gets approved here. Zuleger read to the Commission the Section 94.218 (b), entitled "Planning commission review and recommendations", and Sections 94.104 "Intent" & 94.105 "Purposes in view".

Meinel questioned if we approve the rezoning tonight, and they were to lose 1 or 2 lots because of the setback thing, does that make it acceptable. He commented that the final plat still has to come in for our review anyways. Tonight we are just looking at the zoning. Donner stated that we should state the maximum units though.

**Hancock moved to limit the maximum units to 30. There was no second, motion dies.*

Higgins stated that 30 units would fall under the R1 zoning (straight R1 = maximum 33). Donner then explained the Density Comparisons for Overlay Planned Developments chart (attached).

Oberlander questioned if we approve the R1 with the OPD, what happens if Johnson does not develop & sells the property? Higgins explained to Oberlander that the chart shows that in R1 zoning they can have up to 33.49 units with no density increase. She stated that the members have to approve the extra steps, the density increases are based on the commission's approval of the OPD. Depending on which section of the code they decide to use, that gives them their increases up to a maximum housing units of the 47.56, if you use the density increase based on the wetland percent times the 1.1. Higgins stated that if Johnson sells, and if the new owner wants to do a development like this, they would need to come in for the OPD and show us their plans; but if they just wanted to do the R1 development, they could proceed with the platting process.

Thompson suggested that this could be a provisional rezoning with the OPD, giving them a three-year window. This way, if they do not develop within 3 years, the zoning reverts back to SR. Higgins stated with the OPD, if any dramatic changes occur to the plan, it would have to come back before Planning Commission again.

**M/S/P Meinel/Strobel: to provisionally rezone the Marathon Technical Services & HPI Properties from SR and WPD to R1 and WPD with OPD: 7304 Callon Avenue, based on this plan with a 40-foot setback on the easterly lot line for this plat. Q: It was clarified that this is to rezone to the R1 and WPD with OPD, with the 35 lots as proposed, and with the provision that development must occur within 3 years or it reverts back to SR.*

**M/S/P Donner/Strobel: to amend the motion to include the provision of sewer and water being extended to this plat. Banholzer & Hancock-nay. Motion carried.*

**Motion as amended: Banholzer & Hancock-nay. Motion carried. Banholzer stated for the record that he is opposed because the density is not what the residents want.*

E. DISCUSSION OF SIGN ORDINANCE – SIGN AESTHETICS

Higgins explained that the last time we discussed the sign ordinance, height was not an issue, just aesthetics. She would like direction on if there was anything Planning Commission liked in the sample ordinances they received. She pointed out some aspects of different ordinances. The members agreed to leave this ordinance as it is, and just to have all signs come before them to be reviewed on an individual basis.

****M/S/P Meinel/Hancock: to leave the Sign Ordinance as it is currently written.***

F. CONTINUED DISCUSSION OF ENVIRONMENTAL SENSITIVE AREA OVERLAY STUDY

Higgins stated that this issue was brought up at our last meeting. She stated that Julie Farnham has provided a cost estimate and a scope of services. She will need to meet with the Commission to refine the scope of services. Donner discussed Chris Knots, Army Corps., could do the study, provided that we contact property owners ahead of time. He would evaluate the quality of the wetlands and if they are worth (special) protecting or not. Higgins explained that Farnham's cost estimate was about \$14,000. Banholzer feels more comfortable making land use decisions based on actual studies.

****M/S/P Banholzer/Oberlander: to approve the environmental study being done using the \$30,000.00 grant money from the County comprehensive plan grant.***

Higgins pointed out that we may not be utilizing some of our zoning districts to the best of our ability. She also stated that we have to get the Comprehensive Plan adopted before construction season.

XI. FUTURE MEETING TOPICS**XII. ADJOURN**

****M/S/P Strobe/Meinel: to adjourn at 8:45 p.m.***

Respectfully,

Valerie R. Parker
Recording Secretary