

Village of Weston, Wisconsin
OFFICIAL PROCEEDINGS OF THE PLAN COMMISSION AND
JOINT VILLAGE & TOWN EXTRATERRITORIAL ZONING COMMITTEE

held on Monday, January 11, 2021, at 6:00 p.m., in the Board Room, at the Municipal Center

AGENDA ITEMS.

- 1. Meeting called to order by Plan Commission (PC) Chair & President Mark Maloney at 6:30 p.m.**
- 2. Meeting called to order by Extraterritorial Zoning (ETZ) Committee Chair Milt Olson at 6:30 p.m.**
- 3. Roll Call of Village PC by Secretary Parker.**

Roll call indicated 7 Plan Commission members present.

<u>Member</u>	<u>Present</u>
Maloney, Mark	YES
Cronin, Steve	YES
Gau, Duane	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

- 4. Roll Call of Joint Village & Town ETZ by Secretary Parker.**

Roll call indicated 6 ETZ members present.

<u>Member</u>	<u>Present</u>
Olson, Milt	YES – ZOOM
Meinel, Steve	YES
Christiansen, Randy	YES
Cronin, Steve	YES
Guerndt, Gary	YES
Hull, Mark	YES – PHONE

Village Staff in attendance: Donner, Higgins, Wodalski, Crowe, Raczkowski, Wheaton, Chartrand, Tatro, and Parker.

There were 1 audience member present.

- 5. Approve minutes from the December 14, 2020 PC/ETZ Meeting. (PC & ETZ)**
Motion by Cronin, second by White: To approve the December 14, 2020 PC Meeting Minutes.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
Maloney, Mark	YES
Cronin, Steve	YES
Gau, Duane	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES

White, Loren YES

Motion by Hull, second by Guerndt: To approve the December 14, 2020 ETZ Meeting Minutes.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
Olson, Milt	YES
Meinel, Steve	YES
Christiansen, Randy	YES
Cronin, Steve	YES
Guerndt, Gary	YES
Hull, Mark	YES

COMMUNICATIONS

6. Opportunity for citizens to be heard.

Wheaton stated pointed out Tryggvi Magnusson is present for Agenda Item #12.

7. Written communications received.

None.

PUBLIC HEARING – ETZ & PC

8. Public Hearing – Discussion and recommendation to the BOT on a proposed amendment to Chapter 94 Article 10, affecting building and site design standards for commercial and industrial buildings. (PC & ETZ)

a. Open Public Hearing.

Maloney opened the public hearing at 6:34 p.m.

b. Presentation by Staff.

Higgins stated at the last meeting, we went through this section of the code. She then went through those changes.

Guerndt commented that he has a facility that faces State Highway 29, if the front meets the 50-60%, do they need to meet 40% on the sides, if they need to wrap around sides. Higgins read (7)(a)2., which states needing 20 feet or 10 percent for new construction. Guerndt stated he is okay with this, just wanted to confirm.

c. Public Hearing/Public Comment Period.

None online or audience.

d. Close Public Hearing.

Maloney closed the hearing at 6:38 p.m.

Higgins stated Wheaton went through and did a comparison of what Wausau and Rib Mountain requires. Wheaton stated how Wausau is fairly similar to ours, with the biggest difference is they do not allow exposed metal roofs.

e. Discussion by Plan Commission and ETZ Members.

None.

f. Recommendation from Staff.

Staff recommends approval.

g. Action and Recommendation to the Village Board by Plan Commission.

Motion by White, second by Jordan: to recommend approval on proposed amendment to Chapter 94 Article 10.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
Maloney, Mark	YES
Cronin, Steve	YES
Gau, Duane	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

h. Action and Recommendation to the Village Board by the ETZ Committee.

Motion by Guerndt, second by Meinel: to recommend approval of the proposed amendment to Chapter 94 Article 10.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Voting</u>
Olson, Milt	YES
Meinel, Steve	YES
Christiansen, Randy	YES
Cronin, Steve	YES
Guerndt, Gary	YES
Hull, Mark	YES

ADJOURN ETZ

9. Remarks from ETZ Members.

None.

10. Adjourn ETZ.

Motion by Christiansen, second by Cronin to adjourn ETZ at 6:41 p.m.

UNFINISHED BUSINESS

11. None.

NEW BUSINESS

12. Architectural Review of From the Forest Building Addition Elevations, 9004 Progress Way.

Donner stated he talked to the Board recently on the approaching deadline for From The Forest (FTF) to exercise their option to purchase the lot next to their existing facility in Business Park - South. They are required to either exercise their option or notify us by the 15th of this month of their intent to purchase. They then need to close within 30 days of that, but the closing is contingent on an approved site plan by the Plan Commission. He stated the issue that came up on Friday is this is an industrial building for a manufacturing facility, and therefore has some long walls. We do not have any color renderings to judge this by. Donner pointed out Magnussen, Manager/Owner of FTF, is present tonight to get the Plan Commission's perspective

on building elevations so they can move forward with site plan submittals for February's meeting. Donner pointed out the building elevations within the packet and pointed out how this tie in with the changes to the zoning code that were just approved tonight. In effort to get this site plan approved, working out the elevations is a critical issue.

Magnussen explained how he built the existing building in 2007. Now they are expanding the building with the intention to keep the same look. He feels the facade looks decent for a manufacturing facility.

Higgins stated the original building was done under a different code. She stated the new code is actually more relaxed. Higgins is guessing the front façade had to be 60% brick because of facing State Highway 29. She said that you did not see anything behind, and now a lot more of the manufacturing part of the building will be visible. At the time this originally was constructed, the PC and BOT did not require anything on the back side, facing Progress Way, because that side is where the dust collectors were, which took up a lot of the building. Now with the expansion, you will see the long side of the building.

Magnussen stated that he worked with his builder and an architect this morning, and in order for them to put on brick, wood, or other material on the north and south sides, it will cost them between \$100,000 to \$150,000. He is asking PC to grandfather his property in under the old code. He stated that he respects codes, and feels they are very important. He stated that as a way to get out of the requirement, he could have just added 50% with metal, and then another 50% with metal, and then another 50% of metal (where doing the size of expansion now, requires him to comply with the current code), but that is not how he wants to do this. [Director Note: he would not be able to do this per the offer to purchase he is required to have a 60,000 sq ft addition.] He mentioned he would be willing to compromise and put different colors of steel on the building. He stated how no one drives along Progress Way. He said the only people that come by are his truck drivers and employees.

Higgins stated we have a general site plan right now. The final site plan materials will come back next month to PC. When we saw the elevations, we thought it was important to bring it to you now for discussion so they could make any changes for the final submittal.

Guerndt stated there is a line of trees along the State Highway, which could stay and block the view of the building. Donner asked if their site plan shows the trees remaining on the property. Magnussen is in total support of keeping those trees there to block the view from the highway.

Higgins stated that their building addition will primarily be on their existing property. They are only using the extra lot for their truck turn-around, and only goes over the lot line by about 38 feet.

Magnussen pointed out on the screen to the members where the expansion will be going.

Wheaton stated currently, they are at 36% elevated material on the north side (Highway 29), and with the new code, they will need to be at 50%, and along the south side (Progress Way), they can be at 40%, and they are currently at zero percent. She read that any additions that value over 50% of the existing building, is reviewed as "new construction" in the zoning code standards.

Jordan stated we could require the tree line along Highway 29, with the exception of the office addition area, but then with the south side, that is where he is put his dust collectors and other equipment, that there is no point in putting a higher-end finish on the south side of the building, when it is not there already. Maloney agrees.

Wheaton stated 36% on elevated on 29 side. Currently 0 along progress way. more than 50% of value is "new construction". Jordan stated to continue to establish tree line. There is no point in higher end finish on south side of building.

Cronin confirmed nothing on south side. Jordan stated as long as continue screening along 29, and okay with south, as long as it is the same.

Guerndt stated this is a manufacturing plant, and he is trying to beautify as much as he can, but with a budget.

Higgins stated is not going to meet the new code. Maloney stated it will meet the existing building. He stated this is very common sense, and questioned why we would want something else there. Higgins stated with small additions, they could still do this, but for large additions, over the 50%, that is where all the rules come in to play. Maloney stated if we are fine with the building now, and they are just making it bigger (even double or triple) why would we make them do this. Higgins stated that right now (on the front side) you can't see that part of the building, and the expansion area along the north side will be visible to State Highway 29, and does not meet code as present. Guerndt stated that if there was a fence it would be okay, so we could have an agreement that those trees along there will not be cut down, and if so, then it is a different story.

Maloney stated that he does not care if the trees are there to block the view or not. He feels if the new expansion will match the existing, it is okay. He stated that sure it will have more exposure, and it is a manufacturing facility. He stated the taxpayers/citizens and businesses of this Village run this Village. He stated that government and staff does not run this Village.

Higgins stated we should probably change the code then.

Donner stated when changing something beyond 50% of the value, the current code (which was written and approved to what the Board wants), that is the time when the property should be brought into conformance. If we don't want to follow the current code, then we need to do something to change it.

Magnussen stated how he respects staff, and as Donner suggested, the Commission should make changes to the code if they don't like something; and if the Village does not want manufacturing here in Weston, then it needs to be looked over. He stated how they started small, and now are adding on, as the economy is better. He feels our code does not cover manufacturing facilities.

Cronin questioned the 50% expansion rule, and confirmed that Magnussen could choose to add less than 50%, and then add another 50% to get around this, where the building would essentially look like what's presented. [Director note: FTF's current agreement with the Village would not allow staged construction. 60,000 sq ft is needed.]

White stated at our previous meeting, the Plan Commission came to a consensus on the 50%, and perhaps we did not make it small enough. Guerndt stated if we want to have an industrial park, then perhaps we need to create a new zoning district. Maloney questioned how we can handle this issue. Higgins clarified that the official site plan review and approval is not scheduled until the next meeting, and confirmed PC is asking us to create a district that does not require any elevated materials, basically turning this into an industrial park. She stated when she started working here, the business park was intended to be a business and technology park, and how it was zoned BP, the same as the hospital. She stated how it was hard, because no one was following the zoning district, and everyone was getting waivers. She stated staff has discussed how this should be an industrial park. If this is what the Board wants, then this area will look different, stating it could end up looking like Wausau's old industrial park with all metal buildings, or like the old industrial area across Schofield Avenue from the Municipal Center. She stated there is an extreme and we have to talk about what we want. She stated with the code change, we were addressing the street façade, and how the code use to require more. She pointed on the zoning map stating how anything LI and GI could look different, and they need to be sure that is what they want to see in those areas.

Wheaton read Section 94.10.03(16) Waiver or Modification of Standards, and pointed out they would have to meet one of 3 certain circumstances listed.

Higgins stated if PC simply wants all of these to come to PC as an out, we could do that, but it then makes things very difficult for staff, because we have to tell them what is in the code, versus what PC may or may not allow.

Higgins explained to Cronin that Magnussen just has to state to the Village that he plans to execute the agreement by Jan. 15th, that the full site plan still has to come before PC next month, and Magnussen has 30 days from the 15th to have an approved site plan and close on the land.

Wheaton confirmed to Guerndt that the code change for elevations went from 60% to 50% (these plans show 36.6%). Guerndt asked if we could agree to move forward with what we have tonight, and PC look at the classification for LI, and consider this Industrial Park.

It was clarified to Gau that the reason for the strict 30 days, is because that is what is in the agreement. She stated it can be extended, but Magnussen does not want to extend it. Maloney is having a hard time with why we can't just allow this. Higgins stated we have to be careful because this could fall into a legal situation, where if they approve something that is not allowed in the code, and someone in the Village does not like that, it can go all the way through the Courts. Maloney asked how do we get past this so we can help him tonight, asking if we can we make some kind of assurance.

Donner referred back to Section 94.10.03(16)(a) *"Supplemental design elements or improvements that exceed normal standards are incorporated into the project"*. Donner asked if we could ask for additional landscaping or other things, in lieu of this whole façade issue. Higgins stated right now their landscaping does not cover anything. Magnussen stated it would not be cost effective.

Gau stated how he agrees with PC, but when listening to staff, they are just trying to protect so that we can get an agreement between the two parties, and not end up in court with someone else. He stated we need to put the Village and the property owner in the right position so that we, the Village, does not have a lawsuit that could occur.

Motion by Guerndt, second by Jordan: to approve with a landscaping buffer in the front, along State Highway 29, and that he keeps his landscaping in there. If he does not keep the landscaping in there, he will be required to replant it. Question – Wheaton pointed out this does not take care of the Progress Way side. Guerndt pointed out that is the back of the building. Maloney and Cronin asked who would possibly bring a lawsuit against this. Wheaton stated it could come from other business owners or citizens. Maloney stated we will fix this issue by then. Maloney stated our intent is good and is to help. He stated we are trying to fix this and not do something underhanded or non-transparent. Higgins stated with the zoning code, you are supposed to treat everyone the same. That is why the provisions are in there. She stated when you start adding things in there, where it comes to PC, it basically becomes the "good old boy club" where people don't know what they are getting until they get in here, and it depends on if PC likes them or not. Maloney stated back in the day, it was the "good old boy club" with Machmueller and Nimz, and assured he is not a "good old boy", he said he is fair and common sense. Higgins stated, this is why the code is here, to protect everyone and make sure there is consistency in how it is applied to applicants. Gau commented on how the Progress Way side was brought up by staff, and PC is saying that the back side is okay, but it does not meet our code. Gau stated we addressed the front side in this motion, but there is nothing about the backside. Wodalski pointed out that on the south elevations, where it shows the docks, that is existing, the rest is all new. Higgins read 94.10.03(7)(a)3. it states the requirements can be reduced down to 40% if the side is not along Schofield Avenue, Camp Phillips Road, Weston Avenue, Ross Avenue and/or State Highway 29, which means there should be at least 40% here.

Yes Vote: 5 No Votes: 2 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
Maloney, Mark	YES
Cronin, Steve	YES
Gau, Duane	NO
Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	NO

Wheaton suggested PC go back to the Agenda Item 8, and either change the motion or do something, as she feels it is not worth taking that code change to the BOT and codify it, when PC is going to be making another amendment to it.

It was brought up that ETZ is no longer hear, Maloney suggested we call ETZ back. White stated to try to recall a meeting would be out of order, as we would be holding a meeting without a posted agenda.

Higgins pointed out there are other sections of our zoning code that gets called out differently for PC versus ETZ.

White stated we could have a motion to reconsider the action taken by PC, on the changes to the ordinance. He stated then someone, who either voted in favor or who made the motion, or seconded, would need to restate the ordinance, and make a motion to reconsider it, and then reconsider what you want to make different about it.

Motion by White, second by Jordan to reconsider the motion made in Agenda Item #8, to reconsider the ordinance as presented by staff.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
Maloney, Mark	YES
Cronin, Steve	YES
Gau, Duane	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

Jordan suggested we change (7)(a)2 from 40% to 35%, and after some discussion offered to change (7)(a)3 from 40% to 0%. Jordan commented on how the Business and Technology Park is changing to more of an Industrial Park, and how we need to recognize that we are in a good place to attract these type of businesses, and what we need right now in this community is jobs. Jordan stated that at Wausau Supply they recently changed to where their starting wage is \$18/hour. He said that if Magnussen is going to attract employees, he will need to be willing to pay up. Jordan stated that it is more important for him to see Magnussen be able to make his facility as big as he can, as opposed to making it look fancy. Gau asked if we need to make any other adjustments to the code based on this. It was stated that this will only apply to LI and GI zoning districts.

Motion by Jordan, second by Gau: to amend 94.10.03(7)(a)2. to change the proposed 50% to 35%, and on 94.10.03(7)(a)3. to change from 40 percent to 0 percent, and to leave the other proposed changes, as presented by staff. Gau questioned if ETZ needs to make this change too. Higgins stated this will be just PC now, and ETZ can change later.

STAFF REPORTS

13. Acknowledge Report re: December 2020 Staff-Approved Certified Survey Maps and Site Plans.

Motion by Gau, Second by Cronin: To Acknowledge Item 13.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
Maloney, Mark	YES
Cronin, Steve	YES
Gau, Duane	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

14. Acknowledge Report re: December 2020 Building Permits.

Motion by Guerndt, Second by Gau: To Acknowledge Item 14.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
Maloney, Mark	YES
Cronin, Steve	YES
Gau, Duane	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

MISCELLANEOUS

15. Project Updates:

a. Unfinished Business – Discussion and possible recommendation to the BOT on the petition to vacate an unimproved portion of the Dominika Street right-of-way laying south of Mary Lane.

Guerndt asked if there is a deadline on this. Donner stated that the CSM that shows the plat with the two outlots, and we will have those two outlots quit claimed by the two people who still have interest in those. Donner stated the quit claims have been prepared. Donner told Guerndt that we hope by the next meeting to have this resolved. Donner stated that would be the point that we would then allow PC to entertain that question and recommend to the Board to vacate that right-of-way on Dominika.

b. Continued Discussion of Needed Amendments to Chapter 94 Zoning.

i. Planned Unit Development Language.

Higgins stated not in there yet. She would have to give them a copy of the full code to include this.

Maloney stated we should first tackle the sections that give us the most grief. Higgins suggested going through multi-family.

c. Park Impact needs Assessment.

Higgins stated Items c, d,e, are all plans that are in motion.

She commented with the Park Impact Needs Assessment, Roffers sent her information when this was presented to PC, where PC asked to split the fees. Roffers is working with Osterbrink and Wodalski to come up with the reasoning behind the two different fees. Rather than one parkland dedication fee, it will be split into how we utilize it for maintenance.

d. Schofield Avenue Corridor Plan.

Higgins stated she just has to get back to Roffers with some minor changes, and then will schedule the public hearing.

e. Weston Avenue Corridor Plan.

Higgins stated Roffers may have a final draft of the Weston Avenue Corridor Plan, which may come in next month. He will present the draft, and then we make comments, those will get incorporated, and then we'll do the final hearing. The project scope was to have it done by the end of fall. This will get added into the Comprehensive Plan, which we have to follow the set guidelines for that.

Guerndt asked when Weston Avenue will be done. Donner stated sometime before 2026. Guerndt stated the road is very bad right now and asked if there is a way to push it sooner. He stated this is also going to hold up some residential development property on Weston Avenue that needs to be done sooner.

Higgins stated we can have a certain number of acreage as residential, and think the percentage of planned residential is within the allowance of this industrial TIF. She stated we will need to look at the Future Land Use Map. Donner stated we need to get the corridor plan adopted, and then we can look at land uses. Higgins stated we should have a draft in February or March.

Meinel stated how there are other communities using their utilities to bring in development, and how we should look at something similar to what the Village of Howard did. Donner stated they used their stormwater utility to cash flow the project, where they developed and sold lots to developers. Donner stated using the cash reserves to buy property and basically be the bank. Higgins stated this discussion was brought up with CDA and BOT a year ago or so. Meinel would like to have this topic placed on the next meeting agenda for discussion, and that we should talk to consultants to see what we can do.

16. Next Meeting Date

a. Monday, February 8, 2021 @ 6pm – Regular Meeting.

17. Remarks from Staff and Commission Members.

Chartrand gave an update on his discussions with the small business community. From what he is being told, many of them are doing pretty bad, even with things picking up, some will still close.

ADJOURNMENT

18. Adjournment of PC

Motion by Gau, Second by Meinel, to adjourn at 7:59 p.m.

Mark Maloney, Plan Commission Chair and Village President
Jennifer Higgins, Director of Planning & Development
Valerie Parker, Recording Secretary