

Village of Weston, Wisconsin
OFFICIAL PROCEEDINGS OF THE PLAN COMMISSION

held on Monday, January 14, 2019, at 6:00 p.m., in the Board Room, at the Municipal Center

AGENDA ITEMS.

- 1. Meeting called to order by Plan Commission Chair & Village President Barb Ermeling.**
- 2. Meeting called to order by Extraterritorial Zoning Committee Chair Loren White.**
- 3. Roll Call of Village Plan Commission by Secretary Parker.**

Roll call indicated 6 Plan Commission members present.

<u>Member</u>	<u>Present</u>
Ermeling, Barb	YES
Gau, Duane	YES
Jordan, Joe	NO - Excused
Kollmansberger, Tina	YES
Mumper, Roy	YES
White, Loren	YES
Zeyghami, Hooshang	YES

- 4. Roll Call of Joint Village & Town Extraterritorial Zoning Committee by Secretary Parker.**

Roll call indicated 5 Joint Village & Town Extraterritorial Zoning Committee members present.

<u>Member</u>	<u>Present</u>
White, Loren	YES
Hull, Mark	YES
Christiansen, Randy	YES
Kollmansberger, Tina	YES
Mumper, Roy	YES
Olson, Milt	NO - Excused

Village Staff in attendance: Donner, Higgins, Wehner, Tatro, and Parker. Mark Roffers, MDRoffers, attended via phone conference. There were 5 audience members present.

- 5. Opportunity for citizens to be heard.**

Dan Drexler, of Stratford Sign Company, was present to speak on the Agenda Item #16, regarding the CBD Store sign.

- 6. Written communications received.**

None.

7. Approval of minutes from the December 10, 2018 – Regular PC meeting.

Motion by Kollmansberger, second by Zeyghami: to approve the December 10, 2018, PC Meeting minutes.

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

<u>Member</u>	<u>Voting</u>
Ermeling, Barb	YES
Gau, Duane	YES
Jordan, Joe	---
Kollmansberger, Tina	YES
Mumper, Roy	YES
White, Loren	YES
Zeyghami, Hooshang	YES

8. Approve minutes from the December 10, 2018 – Regular ETZ meeting.

Motion by Mumper, second by Hull: to approve the December 10, 2018, ETZ Meeting minutes.

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Hull, Mark	YES
Christiansen, Randy	YES
Kollmansberger, Tina	YES
Mumper, Roy	YES
Olson, Milt	---

9. Approval of minutes from the December 18, 2018 – Special PC/CDA meeting.

Motion by Zeyghami, second by White: to approve the December 18, 2018, Special PC/CDA Meeting minutes.

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

<u>Member</u>	<u>Voting</u>
Ermeling, Barb	YES
Gau, Duane	YES
Jordan, Joe	---
Kollmansberger, Tina	YES
Mumper, Roy	YES
White, Loren	YES
Zeyghami, Hooshang	YES

10. Acknowledge Report re: Staff-approved CSM's, Site Plans, Sign Permits, Commercial Zoning Permits, and Certificate of Occupancies.

Motion by White, second by Zeyghami: to acknowledge the Report.

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

<u>Member</u>	<u>Voting</u>
Ermeling, Barb	YES
Gau, Duane	YES
Jordan, Joe	---
Kollmansberger, Tina	YES
Mumper, Roy	YES
White, Loren	YES
Zeyghami, Hooshang	YES

11. Acknowledge Report re: December 2018 Building Permits.

Motion by Kollmansberger, second by Mumper: to acknowledge the Report.

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

<u>Member</u>	<u>Voting</u>
Ermeling, Barb	YES
Gau, Duane	YES
Jordan, Joe	---
Kollmansberger, Tina	YES
Mumper, Roy	YES
White, Loren	YES
Zeyghami, Hooshang	YES

12. Public Hearing – Discussion and possible action on approving An Ordinance to Amend Various Provisions Within Chapter 94 (Zoning Ordinance) to Address Recent Changes in State Law, Respond to Village Land Development Review Services Audit, and Make Other Miscellaneous Zoning Ordinance Changes.

a. Open Public Hearing.

Ermeling opened the PC public hearing at 6:05 p.m.

White opened the ETZ public hearing at 6:05 p.m.

b. Presentation by Staff.

Higgins stated this public hearing is for both ETZ and PC. Roffers is present on the phone to assist staff and answer any questions the Commission/Committee may have.

Higgins stated staff has been working with Roffers to make changes to the Zoning Code over the past year. Last month we brought draft changes to PC and ETZ, and following the feedback received, worked with Roffers to put together an amendment for tonight. Roffers put together a synopsis to explain the changes. Most changes to the Zoning Code are in response to Wisconsin Acts 67 and 243, and out of the Land Development Review Services audit.

It was explained there are changes to some of the tables, and to some land uses that tend to be more contentious (multi-family, mining, etc.).

Higgins explained we decided for the multi-family land uses to break those into size of project, versus all together, as an 8-unit apartment would not need to meet as high of standards as a larger development. The proposed ordinance separates multi-family housing into three sections: 3-8 units, 9-32 units, and then

33+ units. Each one has different performance standards that must be met depending on the size of the project.

Roffers explained to the members the draft changes that were made, based on our last meeting. He also explained that some changes were made to the sign ordinance, to allow more flexibility. He explained we created a special exception process for situations where a business can not meet the sign regulations, which would be set up similar to a conditional use process. He feels this is a reasonable process to keep people from having to go through ZBA.

Hull pointed out that on page 51 of the meeting packet, the Performance Standard numbering in Figure 4.02(2) is off, where the numbering goes 1 – 8, and then starts over at 1 again.

Hull pointed out under Section 14 (starting on page 59 of the meeting packet), there are some paragraphs that are not numbered. He pointed out this starts after paragraph 15, and again after paragraph 17.

Hull then questioned the CUP process, specifically under proposed 94.16.06(11)(b)1. (or page 83 of the meeting packet), where it states “...and the conditional use has not commenced operation, within two years of final site plan approval,...”. He is concerned that if an appeal were to arise, there may be some questions as far as when the permit is officially effective. Following some discussion, it was agreed that the CUP permit should be based on the PC or ETZ approval date, not based on the site plan approval date.

Roffers stated he will change the language to state “within 2 years of the granting of the Conditional Use Permit”.

Christiansen questioned if there is a definition of the Rural Mix definition. Higgins stated there is already a definition for this, but when this district was created, it was not added to the Abbreviations chart.

c. Public Hearing/Public Comment Period.

None.

d. Close Public Hearing.

Ermeling closed the PC public hearing at 6:25 p.m.

White closed the ETZ public hearing at 6:25 p.m.

e. Discussion by Plan Commission and ETZ Members.

No further discussion.

f. Recommendation from Staff.

Higgins stated staff recommends approval with changes discussed tonight.

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

Motion by White, second by Zeyghami: to endorse an ordinance to amend various provisions within Chapter 94, including the corrections/changes discussed tonight.

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

<u>Member</u>	<u>Voting</u>
Ermeling, Barb	YES
Gau, Duane	YES
Jordan, Joe	---

Kollmansberger, Tina	YES
Mumper, Roy	YES
White, Loren	YES
Zeyghami, Hooshang	YES

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

Motion by Mumper, second by Hull: to endorse an ordinance to amend various provisions within Chapter 94, including the corrections/changes discussed tonight.

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Hull, Mark	YES
Christiansen, Randy	YES
Kollmansberger, Tina	YES
Mumper, Roy	YES
Olson, Milt	---

13. Discussion and recommendation to Board of Trustees (BOT) on proposed changes for 2019 Planning & Development Department Fee Schedule.

Higgins stated this was previously brought to the Commission in December; however, at the December Village Board Meeting, some questions and requested changes were brought up by Trustee Ostrowski. She stated some of the requested changes pertained to SAFER, and some pertained to our department.

White commented those of us who have done remodeling work, know the amount of work that goes into these projects and some of the knowledge that you need to have. White stated he would be fine with even a small fee, just so people make contact with us and are then made aware of what is required.

There was some discussion about the concerns that were previously brought up on the SAFER fees.

Ermeling stated her question was on the remodeling language, where a project is structural or non-structural. Tatro stated when changing the air flow, you are changing the structure. Tatro suggested he can simply change this to "interior remodel". Higgins commented it is hard to list every kind of project on the Fee Schedule. It is best to be general and talk to the owner to find out what they are doing. If a permit is not needed, we would let them know. Whether work is properly done to meet the UDC code, can have an effect on the future sales of these homes. Tatro stated a lot of regulations in the UDC that need to be followed.

White commented on homes prior to the permit process, owners could do their own work. Tatro stated the codes have changed and there now are more restrictions.

Motion by White, second by Mumper: to recommend approval to BOT on proposed changes for 2019 Planning & Development Department Fee Schedule, as originally proposed by staff.

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

<u>Member</u>	<u>Voting</u>
Ermeling, Barb	YES
Gau, Duane	YES
Jordan, Joe	---
Kollmansberger, Tina	YES

Mumper, Roy	YES
White, Loren	YES
Zeyghami, Hooshang	YES

Motion by Hull, second by Christiansen: to recommend approval to BOT on proposed changes for 2019 Planning & Development Department Fee Schedule, as originally proposed by staff. Question - Hull confirmed the Board has discussed this, and that the Board deferred action. Higgins stated the Board deferred the action, and staff are now bringing it back through committees. Higgins explained some of the other changes Ostrowski requested. Motion Carried.

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Hull, Mark	YES
Christiansen, Randy	YES
Kollmansberger, Tina	YES
Mumper, Roy	YES
Olson, Milt	---

14. Remarks from ETZ Committee Members.

None.

15. Adjournment of ETZ Committee.

White adjourned the ETZ Committee at 6:41 p.m.

16. Discussion and possible action on the wall sign application for The CBD Store within the Weston Marketplace, 4020 Schofield Avenue, Suite 3.

Drexler stated he was present on behalf of Jacob Trone, owner of The CBD Store. He stated they are proposing 2 signs on this building, north and south sides. The situation is the store space here is small and narrow, and the Cricket store sign is large and centered over its door, not its store space. He stated the signs for The CBD Store that they are proposing, is nothing extravagant. The size of this proposed sign fits the sizing of the other signs there, though is a bit smaller. They feel the size sign they are proposing is what is needed to be effective; however, in order to meet the sign code, would need to be much smaller.

Motion by White, Second by Gau, to approve the sign for The CBD Store, as submitted and presented by Stratford Sign.

Question: White questioned if it will be this sign that is shown in the drawing? He feels it fits the layout of the other signs. Higgins stated we have issues with strip malls, and how this unit in this building was not originally planned to be here, and staff determined the maximum allowed sign sizes on this building based on three tenants. Higgins stated we have asked for sign plans previously for each building. We also asked for the layout of the new sign on the building with all existing signs, which we received after the meeting packet was sent out. This proposed sign exceeds what the code allows (as far as total allowable signage square footage on this building), and the maximum size sign that they could have here, based on the 16-foot width of the store frontage, is 16 square feet. Originally, she asked for both a 16-square foot sign and a 24-square foot sign. She stated this presented plan, which she received Friday night, is more on the scale of a 32-square foot sign. She explained the way our sign ordinance is, when measuring the sign, you draw a box around the entire sign to come up with the square footage, rather than measuring individual sections. If this proposed sign were to be looked at as two pieces, it would only be about 17-square feet.

It was stated if the Cricket sign could move over, it would not be as bad.

Higgins stated the reason the staff report refers to “XX Square Feet”, and not an actual number was because she had not received the drawing in time for the packet, and was not sure how big the proposed sign would be.

Kollmansberger confirmed that the required parking is still okay for this added store. Wehner stated the store will be 16’ x 20’, or about 300 square feet, which then only requires 1 parking space.

Wehner stated he wrote his recommendation to include future occupants of that same space, so that this will not be an issue, if a different retailer moves here sometime in the future. Motion passed.

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

<u>Member</u>	<u>Voting</u>
Ermeling, Barb	YES
Gau, Duane	YES
Jordan, Joe	---
Kollmansberger, Tina	YES
Mumper, Roy	YES
White, Loren	YES
Zeyghami, Hooshang	YES

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

Wehner stated the property owner, Joe Muzynoski, 5803 Mary Lane, is present. Option 3 gives more space.

Gau questioned the land south of this area. Higgins stated that is all vacant land, but people have been looking to subdivide and develop this area. This potential road (Dominika Street) could serve as an access. Wehner stated the future land use map shows Municipal Street extending south, along with Old Costa Lane to extend south, and these two roads could potentially wind down, running adjacent to the highway and connecting.

Muzynoski stated he is the original owner of this home. He explained how they discovered his home being only 5.5 feet from the west property line, adjacent to this potential future road right-of-way, when they put their house up for sale. Now, until this gets resolved they can't sell their property. He commented back when they were planning for their home, how the builder (Stan Budleski) told him this house size and layout would fit on this lot. He is hoping the other access (Municipal Street and Old Costa Lane) would be adequate so that they could just have this right-of-way vacated.

White stated he has issue with abandoning any right-of-way. He does not support our vacating the street. Zeyghami questioned if the option presented by staff, reducing the right-of-way to 40 feet, would leave enough space. Donner stated if this were done, leaving 40 feet, this right-of-way would then just be used for extending utility facilities and creating a bicycle and pedestrian access, not a street.

Wehner stated there are several of these type of paths in the Village, and this option still provides for pedestrian flow.

Gau questioned the option showing re-aligning the 66-foot right-of-way. Wehner stated the owner of 5707 Mary Lane is not in favor of moving their property line to give more square footage for Muzynoski.

Gau questioned if the recommended alternative is for an easement for utility and pedestrians, what will happen with the existing driveway? Would the owner want people walking down that driveway? Gau stated we need to look at this for future use, as to what do we want here for the future.

Donner stated the existing driveway was not considered, there would be a conflict of a driveway being within the 40-foot strip.

Mumper feels the person who made the error (builder) is walking away, and potentially at the cost of the Village. Mumper feels at some point in time the driveway will need to be re-done.

Ermeling questioned if his driveway could be moved further east along Mary Lane, so that it would be out of 40- right-of-way strip.

Gau questioned where the 31.5-foot distance came from. Wehner stated the required minimum is 30 feet. Gau questioned what the minimum width is needed for utility installation. Donner stated it depends on the depth. Donner stated a 30-foot easement would be the minimum he would consider.

Gau stated he wants to maintain the access here to the south. He would prefer the 66-foot right-of-way remain for a future road. Gau feels by our trying to help meet setbacks, we are destroying what we put in place for the future.

Kollmansberger questioned if the owner considered moving his driveway. Donner stated that option would only be available upon partial right-of-way vacation.

Ermeling feels the only alternative is to do the partial right-of-way vacation and have Muzynoski move his driveway east.

Gau commented if we retain the 66' right-of-way, and Muzynoski moves his driveway over to the east, it would just leave the setback issue. Wehner pointed out there is not enough space for Muzynoski to move his driveway, and maintain the 66-foot right-of-way.

Wehner stated these drawings are just concept and not to scale. Ermeling would like to see something more to scale.

Wehner stated because this is a street vacation request, he wrote the recommendation in a way so PC can see the options and make their own recommendation. He stated that the Board of Trustees will take the recommendations submitted by PC and Public Works and make a final decision.

Wehner explained how the house is currently only 5.5 feet away from the right-of-way, and a road going through would bring traffic real close to this house.

Gau feels we should not send a recommendation to the Board of Trustees without comments. White stated PC could choose not to take action.

Gau stated he would like to see more drawings and alternatives, besides just approving the 40-foot option presented. He feels if they are going to recommend something, they would have to recommend vacating the right-of-way, and if vacating the right-of-way, does half go back to each party? He stated this should be explained more. He questioned or if we are going to vacate all of the right-of-way, but keep 40 feet, that is a value that we are losing, what is the compensation value. He stated if we are going to vacate the right-of-way, there should be conditions on it that the driveway is going to be no more than an easement of 40 feet. Gau stated these questions need to be answered before we forward this to the Village Board.

Motion by White, Second by Gau, to defer until next PC Meeting. Question: Gau stated he would like staff to provide better information to the Plan Commission, to show only the minimum amount of setback we need to have, take a look at the grades and grade elevations to see what the driveway would be when put on private property (not public right-of-way), and look at the whole parcel to the

south and an analysis to see what kind of grades and elevations are needed for the parcel to the south. Motion carried.

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

<u>Member</u>	<u>Voting</u>
Ermeling, Barb	YES
Gau, Duane	YES
Jordan, Joe	---
Kollmansberger, Tina	YES
Mumper, Roy	YES
White, Loren	YES
Zeyghami, Hooshang	YES

18. Discussion and possible recommendation to BOT on a request from Badgerland Overhead Door to modify the exterior material on the building façade, 8808 Progress Way.

Wehner stated they had the approved siding installed, but are now having issues, as the siding is warped. He stated they would like to change from vertical to horizontal siding. This is the metal siding located along the west side of the building. This will be similar in color, but pretty close.

Jerry Drewa, owner of Badgerland Overhead Door, was present. He explained the issue he is having with this material and the issues that came up during the installation during the hot summer, and discussions he had with the manufacturer. He explained the material in question is 22-gauge steel. He stated the material he wants to get will also be 22-gauge steel, but the horizontal style should be stronger than the vertical style. He stated his manufacturer is guaranteeing that this horizontal style will hold up.

Mumper commented his concern is that 22-gauge is very thin, and temperature and sun will impact it. Mumper feels if Drewa is using the same gauge metal he may have same issues. Drewa stated McElroy is the manufacturer, and how the application will be different, and with 4 bends on the sheet, it will make it stronger. Drewa referred to the new Mosinee Brewery who has the same material.

White questioned what Drewa will do if the next step does not correct problem. Drewa said he will work to get it right.

Zeyghami commented on the materials and design used on the Applied Laser building, and how Drewa should take a look at that for an option.

Motion by Zeyghami, Second by Mumper, to recommend approval of this request to the Board of Trustees. Zeyghami commented the only thing changing is the orientation of the paneling.

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

<u>Member</u>	<u>Voting</u>
Ermeling, Barb	YES
Gau, Duane	YES
Jordan, Joe	---
Kollmansberger, Tina	YES
Mumper, Roy	YES
White, Loren	YES
Zeyghami, Hooshang	YES

FUTURE ITEMS

19. Next meeting date(s):

- a. **Monday, February 11 @ 6pm**
- b. **Monday, March 11 @ 6pm**
- c. **Monday, April 8 @ 6pm**
- d. **Monday, May 13 @ 6pm**
- e. **Monday, June 10 @ 6pm**
- f. **Monday, July 8 @ 6pm**
- g. **Monday, August 12 @ 6pm**
- h. **Monday, September 9 @ 6pm**
- i. **Monday, October 14 @ 6pm**
- j. **Monday, November 11 @ 6pm**
- k. **Monday, December 9 @ 6pm**

20. Topics for future meetings.

Higgins stated staff will be bringing back the Dominika right-of-way topic.

21. Remarks from Staff.

None.

22. Remarks from Commission/Committee Members.

None.

23. Announcements.

Ermeling reminded the Commissioners to let staff know if you will be gone from any upcoming meetings.

24. Adjournment of Village Plan Commission.

Motion by Gau, Second by Zeyghami to adjourn at 7:37 p.m.

Barb Ermeling, Plan Commission Chair & Village President

Jennifer Higgins, Director of Planning & Development

Valerie Parker, Recording Secretary