

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

held on Monday, February 8, 2021, at 6:00 p.m., in the Board Room, at the Municipal Center

**AGENDA ITEMS.**

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- 1. Meeting called to order by Plan Commission (PC) Chair & President Mark Maloney at 6:00 p.m.**
- 2. Meeting called to order by Extraterritorial Zoning (ETZ) Committee Chair Milt Olson at 6:00 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	NO
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, Wheaton, Chartrand, Tatro, Falkowski, and Parker. There were 8 audience member present.

- 5. Approve minutes from the January 11, 2021 Joint PC/ETZ Meeting. (PC & ETZ)**

***Motion by Guerndt, second by Cronin: To approve the January 11, 2021 Joint PC/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

**6. Approve minutes from the January 11, 2021 Joint BOT, PC, & PW&U Meeting. (PC)**

**Motion by White, second by Jordan: To approve the January 11, 2021 Joint BOT, PC, and PW&U Meeting Minutes.**

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

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

**COMMUNICATIONS**

**7. Opportunity for citizens to be heard.**

None.

**8. Written communications received.**

None.

**PUBLIC HEARING – PC & ETZ**

**9. Public Hearing – Adoption of 2021 Official Zoning Map and Official Extraterritorial Zoning Map for the Village of Weston**

**a. Open Public Hearing.**

Maloney opened the public hearing at 6:02 p.m.

**b. Presentation by Staff.**

Higgins stated this is just adopting the map for 2021.

Olson confirmed there are no changes to ETZ area.

Higgins stated a previous County Zoning Administrator suggested on municipalities adopt their zoning maps on an annual basis.

**c. Public Hearing/Public Comment Period.**

None.

**d. Close Public Hearing.**

Maloney closed the hearing at 6:04 p.m.

**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 ETZ Committee.**

***Motion by Christiansen, second by Meinel: to recommend approval on the adoption of the 2021 Official Zoning Map and Official Extraterritorial Zoning Map.***

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

**h. Action and Recommendation to the Village Board by the Plan Commission.**

***Motion by Cronin, second by Guerndt: to recommend approval on the adoption of the 2021 Official Zoning Map and Official Extraterritorial Zoning Map.***

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

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

**PUBLIC HEARING – ETZ**

**10. Public Hearing – Project #20210017 Jim Erdman, 1211 Cedar Street, Wausau WI, 54401, on behalf of property owners Peter Erdman and Kirk Erdman, requesting a rezone of property at 161510 Ross Ave from RR-2 (Rural Residential-2 Acre) Zoning District to RR-5 (Rural Residential- 5 Acre) Zoning District in order to be combined with neighboring property. The property is described as: Lot 1 of CSM #5421 VOL 20 PG 14 (DOC #906964); Part of the NE ¼ of the SE ¼ of Section 10, T28N, R8E, Town of Weston, Marathon County, Wisconsin. (PIN 082-2808-104-0974).**

**a. Open Public Hearing.**

Maloney opened the public hearing at 6:06 p.m.

**b. Presentation by Applicant.**

Peter Erdman was present, via Zoom. He explained both his parents passed in 2020, they are now dividing up and reconfiguring the family's land. He stated eventually Kirk Erdman will be buying additional land (from Peter Erdman) resulting in 11 acres. Basically, they are dividing up what is left of their parents' estate.

**c. Public Hearing/Public Comment Period.**

None.

**d. Close Public Hearing.**

Maloney closed the hearing at 6:07 p.m.

**e. Discussion by ETZ Members.**

Olson explained that they are ultimately creating one new lot. He stated that Lot 3 is being created, and Lots 4 and 5 are increasing in size. Lot 2 is getting smaller.

Wheaton pointed out on an existing aerial the lot that is getting rezoned, so that it matches the zoning of the other parcels, which will allow them to be reconfigured.

**f. Recommendation from Staff.**

Staff recommends approval.

**g. Action and Recommendation to the Village Board by ETZ**

***Motion by Christiansen, second by Meinel to approve the rezone (Project #20210017), subject to one Parkland Dedication Fee being paid first.***

Higgins stated this goes to the Village Board for approval on Monday.

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

**ADJOURN ETZ**

**11. Remarks from ETZ Members.**

None.

**12. Adjourn ETZ.**

***Motion by Christiansen, second by Meinel to adjourn ETZ at 6:10 p.m.***

**PUBLIC HEARING – PC**

**13. Public Hearing – Project #20210008 Dan Higginbotham, of Plover River Land Co., 2625 Northwestern Ave Wausau WI 54403, on behalf of property owner, Abby Bank, PO Box 648 Abbotsford, WI 54405, requesting a rezone of 5415 Willow Street from 2F (Two Family Residential) Zoning District to B2 (Highway Business) Zoning District to allow for the expansion of a commercial parking.**

**a. Open Public Hearing.**

Maloney opened the public hearing at 6:12 p.m.

**b. Presentation by Applicant.**

Dan Higginbotham, of 2625 Northwestern Avenue, and Phil Pesenka, of Abby Bank, were present.

Higginbotham gave the history of this project, explaining how about a year ago, PGA removed the house that was on this parcel, 5415 Willow Street. When the economy improved, and prior to COVID, there was a high

demand for parking around the Abby Bank building for the tenants. They want to create some overflow parking to the south. There will be a connection from the parking lot to the south to the south side of the Abby Bank building. He commented on how the Schofield Avenue Corridor Plan talks about supporting local businesses along the corridor.

Guerndt asked if there is a proposed plan. Higginbotham stated there will be about 22 parking spaces. Guerndt asked about the access to this parking lot. Higginbotham stated there won't be a throughway, it will just be for snowplowing, where they will be able to come from the existing parking lot down.

**c. Public Hearing/Public Comment Period.**

None.

**d. Close Public Hearing.**

Maloney closed the hearing at 6:14 p.m.

**e. Discussion by Plan Commission Members.**

None.

**f. Staff Report.**

Staff recommends approval.

**g. Action and Recommendation to the Village Board by PC.**

***Motion by White, second by Meinel to recommend to the Village Board approval of Project #20210008.***

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

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

**14. Public Hearing – Project #20210019 Alliance Construction, 1050 Broadway Street Wrightstown WI 54180 on behalf of Americo Real Estate Co, 2727 N Central Ave Phoenix AZ 85004, requesting a Conditional Use Permit to allow a Personal Storage Facility within the B3 (General Business) Zoning District at 7701 Schofield Ave. (PC)**

**a. Open Public Hearing**

Maloney opened the public hearing at 6:16 p.m.

**b. Presentation by Applicant**

Ken Heitman, President of Northern WI U-Haul, was present representing Alliance Construction and Americo Real Estate. He stated they are trying to straighten out things that were done with U-Haul in the past. He is looking to re-establish the greenspace that was taken out and clean up the doors on the storage units, and taking care of things that were requested to bring their property into compliance.

**c. Public Hearing/Public Comment Period**

None.

**d. Close Public Hearing**

Maloney closed the hearing at 6:19 p.m.

**e. Discussion by Plan Commission**

None.

**f. Staff Report**

Wheaton gave the background on this project. Wheaton stated they are now adding extra units within the buildings, not adding buildings, but still expanding the use, which is why the CUP is required. They are not required to add additional landscaping or paving, as they are not adding new buildings.

Maloney confirmed the electrical issues have been addressed. Tatro stated an electrical contractor was hired and put everything back to code.

**g. Action by Plan Commission**

***Motion by White, second by Cronin, to approve Project #20210019, with conditions as included in the staff report.***

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

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

**UNFINISHED BUSINESS**

15. None

**NEW BUSINESS**

**16. Project #20210019– Alliance Construction on behalf of Americo Real Estate Co, 2727 N Central Ave, Phoenix, AZ 85004, requesting a Special Exception to allow an additional sign panel on an existing non-conforming freestanding sign within the B3 (General District) Zoning District at 7701 Schofield Ave (PIN 192 2808 232 0962).**

Wheaton stated they would like to add a U-Haul sign panel onto the existing Playful Paws sign. She stated the sign is only 6 feet from the property line, and 15 feet tall. Code requires a sign be set back from the property line at least the same distance as the height of the sign, which makes this existing sign legal non-conforming. They are requesting the special exception permit to allow for this change.

Maloney confirmed just adding the U-Haul portion. Maloney questioned the snow thrown from Schofield Avenue, how it will affect this sign.

Heitman clarified this U-Haul sign will take the place of current manual message board sign.

Guerndt questioned if any restrictions on view for pulling out. Guerndt wants to be sure not impeding on vision. Tatro stated there is a planting mound there, and this should not impede vision.

Wheaton stated staff recommends approval.

**Motion by Guerndt, second by Cronin: to approve Project #20210019.**

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

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

**17. Project #20200439 – From the Forest Site Plan – Building Addition at 9004 Progress Way.**

Wheaton discussed the elevations, stating that it meets zoning code. She stated we are still waiting for updated refuse/recycling site plan application, making sure they have recycling service contracted for.

**Motion by White, second by Jordan: to approve Project #20200439, subject to the submission of the updated Refuse and Recycling application. Q: Guerndt questioned the CUP for the dust collector. Donner stated that staff was not made aware of the planned additional dust collector, even after asking if there would be additional dust collectors planned, or we would have instructed them about applying for a CUP initially. Donner stated the CUP application for the additional dust collector will be brought to PC at the next meeting. He stated staff is proposing to charge the reduced fee that we would typically charge when a site plan and CUP are brought together.**

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

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

**18. Project #20210048 – Mitch King & Sons – 6205 Municipal Street – Acknowledgement of Truck Scale Being Placed on Property**

Mitch King was present on Zoom.

Wheaton stated in 2017 a CUP was approved for the material processing and recycling operation that occurs there with several conditions. King wants to put a truck scale on property so more accurate measurement on how much material is being hauled. She stated this scale would be portable, as King would use this on other locations also. She stated this is just being brought to PC for acknowledgement for documentation purposes.

Maloney confirmed this is a drive-through scale.

**Motion by Guerndt, second by Meinel to acknowledge and approve Project #20210048.**

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

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

**19. Introduction to Proposed Amendments to Chapter 14, Building and Addressing Regulations.**

Higgins stated this is being brought forward due to amendments that need to be made as the code is quite antiquated. She stated this is the part of the Municipal Code that guides Tatro and Maguire and UDC building codes, etc. She stated this has a lot of State Statute references. She stated this includes moving and demolition permits and a property addressing section.

Higgins discussed that addressing issue with the resident up in Maloney's neighborhood, where modifications to the code requirement were made, but not all included in the update. Higgins stated these changes will be looked at by Attorney Yde, as there are other sections of our Municipal Code that will have to change to reflect this too. Maloney stated if staff orders more signs, he would like to receive one. There was further discussion on the issue from that resident. Higgins stated this ordinance will allow us to adjust the location of the sign.

Higgins asked PC to look over the proposed changes, and share with her their feedback. Jordan questioned how different this is from what is in place today. Higgins pointed out the memo explains the changes.

Tatro stated this takes into account the changes made with State building code requirements.

Higgins confirmed that our current Chapter 14 is 30 years old. She said there was a change last year, on the addressing, but nothing else. She went through some of the changes described in Roffers memo.

Tatro explained how the DNR has certain requirements on demolition, as it relates to asbestos, lead, dust control, etc. Guerndt explained to Jordan how there are different requirements based on if the building to be demoed is residential or commercial. Where commercial properties have to follow State regulations and be handled differently at landfill.

Jordan asked if you need a permit for water heater. Tatro stated the State code allows owner to do the replacement on their own, but if done by a contractor, must be licensed. Guerndt stated Wausau requires a permit. Tatro stated Antigo requires it too. Guerndt stated the positive side of the required permit, is it guarantees it is being installed correctly. Tatro stated some people will take out a permit, so that they can have their work inspected. Jordan is concerned about the expense to the residents this will create. Guerndt asked what the \$30 fee is going towards. Jordan would be more in favor of the requirement licensed contractors doing the work, if we allow the permit to be taken out after the fact. Tatro stated if emergency, then an after-the-fact permit would be standard.

Tatro stated this is about safety and convenience, and not meant to burden people. We want to keep the installations safe where if something wrong is found, it can be fixed.



Meinel feels we are just making extra work with the permit requirement. Jordan feels more regulation means needing more staff. He agrees to have legitimate people doing service. It was confirmed that if a homeowner installs their own water heater, they do not need a permit, just if using a contractor. This is following the State regulations.

Cronin brought up the rental properties who have their own maintenance staff. The maintenance staff is not necessarily licensed and will replace these things. Tatro stated State law requires with plumbing, heating, and electrical on commercial properties (which includes 3+ unit apartments), this be done by a licensed contractor.

Higgins stated this is just for discussion tonight.

Donner stated this same discussion comes up whenever we talk about what permits we require, and ultimately, we don't want to be on the receiving end of something that was done wrong.

There was discussion on how things get found during property sales.

Meinel stated you will never stop Menards from selling appliances to residents, and then the residents get fined for doing the work. Cronin stated the homeowner should not be forced to go with a licensed contractor who will be twice as much as your local handyman.

Tatro confirmed that when Cronin had his basement finished, that during the inspection, he was able to find an issue with the plumbing, that was able to get fixed. Guernadt stated once the drywall is up, you can't see the issues.

Cronin agrees that if it is a large job, it should be permitted, but if it is just replacing something that is already existing, then not.

Meinel questioned requirement for anything 100 sq. ft. or more being demoed needing a permit. Tatro stated that is a local requirement. Meinel Feels a 100 sq. ft. is not worth the time.

Higgins was going to bring this next month, she stated we will also be discussing both the Schofield Avenue and Weston Avenue Corridor Plans.

Higgins stated will e-mail out tomorrow a copy of the draft ordinance for the PC to mark up and send to her.

Maloney stated will come back next month. White suggested to red line their document to share with staff.

## **20. Update on Political Campaign Sign Removal**

Maloney stated people driving around looking for campaign signs and calling him about it. Maloney commented he talked to resident who has a lot of signs around the Village from the November election, and that person is now taking them down, as she is getting ready for April election.

Donner pointed out Yde's recommendation in his memo within the packet, recommending that we not require people to remove their political signs after the elections are completed.

Higgins stated there are some needed changes to the sign code, based on the Supreme Court case from 2015. We can't regulate the signs based on content, just size, location, and time period. State law only addresses election signs in residential areas, and commercial properties should get permits.

It was agreed that we can explain our stance, based on our attorney's advice, in the upcoming newsletter.

## STAFF REPORTS

### 21. Acknowledge Report re: January 2021 Staff-Approved Certified Survey Maps and Site Plans

*Motion by White, second by Jordan to acknowledge Item #21.*

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

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

### 22. Acknowledge Report re: January 2021 Building Permits

*Motion by Cronin, second by Guerndt to acknowledge Item #22.*

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

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

## MISCELLANEOUS

### 23. Project Updates

#### a. Unfinished Business – Discussion and Possible Recommendation to BOT on the Petition to Vacate an Unimproved Portion of Dominika Street Right-of-Way, laying south of Mary Lane.

Donner stated Joe Buska has an easement agreement and CSM ready to be signed. He is meeting with him tomorrow to cover all concerns. He stated his discussions with Stan Budleski has now come to Budleski's wanting to discuss potentially trading land the Village owns for this. Donner stated the public hearing for the Dominika Street right-of-way will be taken up once the other outlots are dedicated.

Donner stated our intention now, if he does not get a response from Budleski this week, is to file with the court to declare a judgement on the fact that those outlots are reserved for dedication of right-of-way.

Meinel stated if they won't sign off on those outlots, we should go after the title company, and then go to court.

Guerndt confirmed Budleski has been paying taxes on the outlots. He should have known and questioned the taxes on those outlots. Donner stated we offered to pay for the taxes. The one on the east is not taxed. The one on the west is taxed.

Higgins stated the owner on Dominika knows he could go after Budleski as the builder but does not want to. Guerndt feels the owner should go after Budleski.

Donner stated he is meeting with Buska tomorrow. He will contact Budleski again to find the status. If he hears nothing, then will discuss at closed session at Board of Trustees meeting.

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

### **i. Planned Unit Development Language**

Higgins stated will come soon, and will be reviewed as the whole code, as PUD falls within many sections of the code.

### **c. Park Impact Needs Assessment**

Higgins stated this is still be worked on.

### **d. Schofield Avenue Corridor Plan**

Higgins stated this corridor plan will give the Village tools for TIF 2.

Higgins discussed we will be meeting with the owner of the old Alpine Trailer Court next week about possible mixed-use development.

Higgins discussed the property that Josh Finke, of Central WI Powersports is purchasing, to allow him to reconfigure his lots.

Higgins discussed that Lokre is looking at purchasing a group of properties for development on Schofield Avenue.

Guerndt asked about Stillwater Landing. Higgins stated we are having a lot of issues with them. Tatro stated there is lack of management. Tatro stated this area was getting better with the previous owner.

### **e. Weston Avenue Corridor Plan**

Higgins stated staff will get an update for review from Roffers soon, and then will share with Plan Commission.

Guerndt brought up the idea of putting in a round-a-bout at Ryan Street.

## **24. Next Meeting Date**

### **a. Monday, March 8, 2021 @ 6pm – Regular Meeting.**

Donner stated he will not be present at this meeting.

## **25. Remarks from Staff and Commission Members.**

Higgins stated the Board will be meeting next Wednesday (Feb. 17<sup>th</sup>) to talk about development in the Village. Donner stated he is working with Greg Johnson on that meeting agenda. Maloney stated he will not be present for this meeting. Guerndt questioned what all will be discussed at the Feb. 17<sup>th</sup> meeting. Guerndt would like his Weston Avenue property and the Nick Avenue property discussed at this meeting. Meinel thought this meeting was talking just in general, not about specific properties. Higgins stated since PC does all the planning and the BOT ultimately writes the checks for TIF Development, we need to get an idea of what the

Board wants to see, so that we are all on the same page. There was discussion on the TIF timeline and development inside versus outside of the TIF.

Cronin asked about food vendor issue that recently came up. He asked about what is moving forward on the food vendor permit. Higgins stated Clerk Weinkauff is working on an update to that. Our previous ordinance followed the City of Wausau. Higgins stated this is not something Planning & Development really needs to be involved, as this is a license through the Clerks' Department. Donner stated Pinsonneault has offered and is assisting Weinkauff in making changes to the ordinance, as there was some conflicting information that Pinsonneault found.

Maloney explained his conversation he had with Pinsonneault regarding his behavior and requests of Village staff. Maloney stated how he was upset over Pinsonneault accusing the Village of not supporting veterans.

Guerndt brought up Pinsonneault's question on the Ace Hardware storage building, how he thought our ordinance did not allow for metal buildings. Higgins stated much of the Ace Hardware site was constructed under the previous zoning ordinance. The new structure was considered an accessory structure and was permitted through the Building Permit process.

Guerndt stated he thinks Pinsonneault's issue with the permit, is that Pinsonneault feels he is being attacked. Cronin questioned if food vendor needs a permit or license if non-profit. Higgins stated we still require a permit; we just do not charge. It was stated that with food vendors its all about public safety. The responsible party needs to be known in case something happens.

Guerndt stated most of vendors should know they need permits/licenses. Cronin questioned if we could talk about the Ace building at the next meeting.

## **ADJOURNMENT**

### **26. Adjournment of PC**

**Motion by Jordan, 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