

**Village of Weston, Wisconsin
OFFICIAL PROCEEDINGS OF THE PLAN COMMISSION**

held on Monday, April 12, 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 6:00 p.m.**
- 2. Roll Call of Village PC by Secretary Parker.**

Roll call indicated 6 Plan Commission members present.

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

Village Staff in attendance: Donner, Higgins, Wodalski, Wheaton, Tatro, and Raczkowski were present in person. Osterbrink and Parker were present on Zoom. There were 5 audience members present in person, and 7 audience members present via Zoom.

- 3. Approve minutes from the March 8, 2021 Special Joint Plan Commission and Public Works & Utility Committee Meeting.**

Motion by Guerndt, second by Meinel: To approve the March 8, 2021 Special Joint Plan Commission and Public Works & Utility Committee Meeting.

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

- 4. Approve minutes from March 8, 2021 Regular Plan Commission Meeting.**

Motion by Cronin, second by White: To approve the March 8, 2021 Regular Plan Commission Meeting.

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

5. Opportunity for citizens to be heard.

None

6. Written communications received.

None

UNFINISHED BUSINESS

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

Donner explained he is working on filing the Declaratory Judgement on the Budleski outlots. He explained how his discussion with Buska seems to have broken down, and Buska found recently that in order to quit claim, his wife would have to sign, as it is not in a Trust as he thought. At this time, Buska is not motivated to sign. Donner stated he is now considering bringing both properties to the Circuit Court for the Declaratory Judgement.

Maloney questioned if we make a recommendation to have the owner deal with the developer on his own, how will Budleski rectify the situation? Higgins stated that would be something for the court. Higgins stated the decision should have been made back in 2018. We thought we had this taken care of, but we do not. Donner stated the attorney feels we went above and beyond what we should have. Higgins stated this should have been between the owner and builder from the beginning. There is insurance for these situations. The plans we had showed the right setbacks, but the house was built in error, and it was not found out in time, and now the owner can't sell.

White feels we need to make sure we have other access to the land to the south before we look at Dominika Street. White feels we should not back off, not just for the Dominika Street, but for access into southern property. Maloney questioned if this is the Village's issue or the landowner's issue?

Guerndt stated that Budleski built the building and it should be his responsibility. He commented that Budleski has been paying taxes on one of those outlots, and asked if we are responsible for compensating him for that. Donner stated that is for the court to decide if Budleski is to be compensated. Guerndt feels if we pay Budleski the back taxes he would give the land. Donner feels it has been about \$8,000 that have been paid over the years.

Meinel questioned if we can still facilitate something, or if there are other access points. Guerndt feels the Village should not be responsible or involved.

Meinel commented that part of the plat Buska bought was from Mitch King. Donner stated King owned everything west of that 40-line, and had to sign off on the plat.

Donner stated the way the plat was laid out, there was 66'. White feels we should not vacate Dominka Street.

Motion by White, second by Cronin: To deny the vacation of Dominka Street. Donner feels we should go forward and declare declaratory judgement on those outlots owned by both Buska and Budleski. Guerndt questioned if the 33 acres King sold to Buska. Donner stated part of that was the outlot. The plat does state 33' reserved for street.

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

NEW BUSINESS

8. Location Change of Hedy Yaeger Memorial Bench at Kennedy Park.

Maloney questioned if family requested this. Higgins stated yes family requested it be moved to a new location. It was explained staff proposed a new location, that the family approved, for the bench.

Motion by White, second by Guerndt: to approve the location change of the Hedy Yaeger Memorial Bench at Kennedy Park.

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

9. Project # 20210109 – Stratford Sign on behalf of Tommy’s Express Car Wash, requesting a Special Exception to allow a larger monument sign located only 5 feet from the lot line within the B2 (Highway Business) Zoning District, at 1611 Schofield Avenue (PIN 192-2808-183-0005).

Wheaton explained that someone hit the Tommy Car Wash sign, and now the owner wants to replace it with a larger sign that is 15’ high. Technically, this sign should be placed 15 feet from the property line, but the existing base is only 5’ from the property line, and they are using that. She stated they are also going over the allowed square foot. For both reasons, this request is coming through via Special Exception.

Maloney stated he talked to the owner who asked him if the Village would pay for costs of the first sign. Maloney stated he told the owner no. Wheaton stated Public Works Department is okay with this location.

Motion by White, second by Guerndt: to approve Project # 20210109.

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

10. Project # 20210040 – Tommy Docks Site Plan – New Building at 8608 Progress Way.

Wheaton stated this site plan is for the new Tommy Docks warehousing and assembly facility. Because they are proposing this on Village-owned property, it is required that it come before PC for review. She stated there is a TIF agreement with the property. This is for a 26,080 square foot building. Planning a small section of the building for retail, but mostly warehousing and assembly. A patio is proposed with a dock for showcasing. She pointed out they are planning a future expansion to the west, which will meet zoning code. They have requested a few waivers for this property.

They are requesting a reduction of elevated material from 35% to 32%, and not have dumpsters within a 4-sided enclosure, as they are proposing a 6-foot high shielded fence, and are requesting to extend the landscaping into 2 phases, where around the parking lot and building will be Phase 1 and landscaping around general yard and pond would be Phase 2, with a plan to be completed by 2023. She stated the development agreement was approved already, and this will go before Village Board, and will not hold up their construction at all.

Motion by White, second by Jordan: to approve Project #20210040, with the following waivers with changes to be made to the development agreement, where applicable: reduce the elevated materials from 35% to 32.7% along Progress Way; not have dumpsters located in a four-sided enclosure; and extend the time for the installation of landscaping into two phases. Question – Guerndt asked for clarification on what is included for landscaping. Wheaton explained it is the building foundation, hard surface, street trees and green space. Guerndt questioned why the landscaping is going all the way around the pond. Wheaton stated that is the greenspace requirement. Cronin stated that pond has sat undeveloped for many years and the Village has owned it for so many years and did not do anything with it. Higgins explained the Village has not owned this lot for that long, and how in our code, the greenspace gets developed once the property gets developed. Maloney questioned why at From the Forest (FTF) they have a large empty lot, and we did not require landscaping there. Higgins stated that is because Plan Commission recently waived the requirement. Wheaton commented that FTF is using a lot of the existing trees as their landscaping. Higgins stated with the Tommy Docks site plan, this is what the landscaper proposed. She said there are actually a lot of options to be used, but trees count for more points. Guerndt asked the owner of Tommy Docks, who was present, to step forward and explain the landscaping costs/fees. Maloney and White pointed out the owner had not requested any kind of a waiver on the landscaping. Wheaton stated she shared with the project manager and owner the landscaping code, and all that was asked was for this to be in two phases. Owen Jones, owner of Tommy Docks, who resides at 7003 Executive Court, Weston, spoke up saying his goal was just to do around the building and parking lot area. He understands if the addition goes on, then there would be additional landscaping there. Jones stated that his intention actually was to not do this in two phases, but to just do the landscaping around his building and parking lot. He stated that he certainly plans to do things with the pond, such as he will be putting in a fountain and some other things that he plans to do, but not something that is required of him within a certain timeframe. White stated that due to the confusion, he motions to withdraw his original motion, and Jordan seconded to withdraw the original motion. Jones explained he would like to have the freedom to make the pond his own over the next few years, and does not want to be restricted to a certain timeline or be beholden to specific plants and a layout before he even knows what it will become. He stated his intent was to buy the pond to add a “wow” factor, not just to the facility but to also do R & D and have a method of presenting docks. He stated he wants this to look really good, he just does not want it to be on a certain timeline with specific plants before the ground-breaking even occurs. Guerndt asked Jones to state what the estimated cost would be to follow this specific plan. Jones stated it was estimated on the full landscape plan submitted to be about \$200,000, with almost \$30,000 of that being in plants. He said to just do the landscape plan he submitted for just around the building and parking lot would be at least half of the cost. Maloney stated how we have been looking at this existing pond the way it has been for the past 30 years or so, and feels Jones will make it look much better than it is. Higgins stated this is a unique situation, and pointed out the closest comparison in the Weston area would be around the

hospital campus, where they put their nature area and walking paths. Guerndt asked if this could be viewed as two parcels. Wheaton stated it would have to be divided first. Maloney feels we should leave it as one. Guerndt stated he is just throwing this out there as an option where we can treat it differently. Guerndt stated that he understands Jones' objective, and he has talked to Jones about what can be done with the pond to dress it up. Higgins stated it would be best to just ask for a waiver on the landscaping requirements. Higgins pointed out if we start discussing dividing the parcel, it will cause problems with their construction schedule. Jones stated he wants to get rid of the berm around the pond and dress up the shoreline, and add a fountain or two, and a have a dock. He assured he wants to make this look good. Maloney agrees with Jones going the waiver route. Higgins stated Jones will want to talk to Wodalski about what they are planning with the berm around the pond, as there are things with stormwater, and how Jones would not want to affect Guerndt's property, along with whoever will be purchasing the land to the south (who would also drain to the pond). Wheaton explained to Guerndt the Zoning code offers waivers for impracticality such as for stormwater management areas, where full compliance, the landscaping would cause interference to the stormwater management. White feels there should be a formal request from the applicant. Wheaton would like to see an updated landscaping worksheet, as the one she has is based on the full landscaping plan submitted. Wheaton explained to Meinel that they could approve with a condition that the landscaping plan worksheet be updated. Higgins stated this is going before the Board next Monday, and could be put on as an advisory with Plan Commission's recommendation, and we can updated it then. This would give us record of this.

Motion by Cronin, second by Guerndt, to approve Project #20210040, with following waivers: 1) reduce the elevated material from 35% to 32.7% along Progress Way; 2) not require the dumpsters to be enclosed on all four sides; 3) allow an updated landscaping plan with reduced landscaping around the pond be submitted in the next week ahead of the Board of Trustees meeting;

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

11. Project #20210115 – New Municipal Center Site Plan – New Building at 4707 Camp Phillips Road

Wheaton explained this site plan has been reviewed. With this being a large project, it is being shared with Plan Commission for review and recommendation to the Board. This is approximately a 96,000 square foot building for new Municipal Center offices, Public Works garage, and Parks Department, along with an accessory building for the brine and salt shed to the rear of the property. She explained the Building Committee met this past Thursday (April 8th) and looked at the bids and made a recommendation to move this forward to the Board of Trustees for a bid. She stated this will all be contingent upon the Board approving the bid. She stated we are bringing this now, as if we don't, then it would have to wait a month to go before the Board again, so we are trying to tighten up the timelines.

Maloney confirmed that if a private business submitted something like this in the same stage that we would act the same way. Higgins pointed out the private businesses are usually going out for bids when we see their plans, and we would not know the details. Higgins stated we were asked to review the plans, and this meets the site plan requirements. She pointed out how we have reviewed and approved site plans for businesses that never moved ahead (like the KFC plan from years ago). Maloney wants to be sure we are being

consistent with this review compared to private reviews. Higgins stated this is the same for when a business submits their site plan for approval.

Motion by White to approve and forward a recommendation of Project #20210115, as presented to the Board of Trustees.

Higgins pointed out to the Commission that they have to have a reason to deny the site plan and pointed out this site plan meets all the requirements of the code. Higgins pointed out that the way the Zoning Code is written, staff can approve this and move it forward, without PC review. She stated we are bringing this to Plan Commission to see, and how Plan Commission can't deny a site plan just because they don't support the project.

Maloney commented that he and Donner had a discussion earlier in the day about a comment Meinel brought up at the Building Committee Meeting. Maloney stated there is a document that is signed by our former President and architect, that it says the building will be 87,160 square feet, and staff's report tonight shows 96,432 square feet. Maloney stated we are supposed to be following what is laid out in the signed document, and questioned how we can approve this building that is larger in size. Donner pointed out that was the minimum square feet pointed out in the document. Donner stated that was based on a preliminary design, and now we are looking at final design when incorporating the economies of things like a standard size beam. He said you can design it for less, but you are still going to pay for the 20-foot beam when you put it into the project. Donner stated there were still details to still be finished before this was fully drawn. Meinel stated that since this document was signed, in February of 2020, and questions how did we get from 87,000 to 96,000. He commented on the timeline and how COVID and the Building Committee slowed the project down a bit, but we are not that far off from the original schedule, where the bids were originally going to be due in February 2021, and got pushed to March 2021. Maloney questioned if Plan Commission can approve a plan that is not reflected in the signed document. Higgins stated that will be the Board's decision.

Higgins explained that just like any other business, the Planning & Development Department received a submitted site plan and we reviewed it. We took this review through our normal procedures like we would everything else, and this completed site plan meets Code. Maloney confirmed Plan Commission has to have a reason to put it up on the floor and approve this. He confirmed staff can actually approve on their own. Higgins stated that technically because there is no rezone or conditional use permit tied to this, or no TIF monies or waivers from the Code, staff can make the approval. She gave the example of Joe Jordan's recently submitted site plan for the Wausau Supply Corporate Office building, where it just went through staff for approval. She pointed out that Plan Commission would not necessarily know this approval even took place unless they review the Site Plan & CSM Staff Approval Report that gets included in the monthly Plan Commission Meeting Packet, where it lists the commercial site plans that were approved by staff. Higgins stated staff is bringing this before Plan Commission because it is a Village project (for transparency reasons).

Maloney clarified if this motion gets a second, but is denied through the vote, staff can still approve this. Higgins stated this will still be forwarded on to the Board. She stated from a legal standpoint there is technically no basis for denial of this site plan.

There was some discussion on why the Tommy Docks site plan has been shown to them several times now. Higgins stated that was a different situation, as there was also a development agreement involved in that one. Meinel questioned why something like Tommy Docks got spread out over a longer period of time, and then the Municipal Facility site plan gets done in one day.

White called a point of order, stating there is no second then the motion fails. Maloney then called for a second to White's motion. No one spoke up, so the motion died.

Higgins stated this will now go to the Board, with the notation that Plan Commission did not give a recommendation. She stated the Board can still approve the site plan.

Jordan explained he does not intend to challenge whether or not staff reviewed this plan. His issue, as he started to look through this, is he has not taken the time review it himself. He stated the reason he did not take the time to review the Municipal Facility site plan is because the project has not been officially approved by the Board. He feels staff is getting the cart before the horse here. Higgins stated from her standpoint, is the Board is going to be spending a lot of money to get this built. She stated this would be no different than reviewing a preliminary site plan.

Higgins stated we have completed plans now, as that was done in order to get the bids. Maloney questioned if this failed vote tonight will elongate the project, as far as if it will have to come back to Plan Commission. Higgins stated she will have to see if this has to come back before Plan Commission. Maloney commented on how in any situation, Plan Commission could approve something, and then the Board could deny it, or vice versa.

12. Review of proposed amendments to Chapter 94 Zoning and Chapter 74 Subdivision Regulations by the creation of a Planned Development District.

Higgins stated most zoning codes have Planned Unit Development (PUD) Districts, and we used to have something similar called an Overlay Planned Development (OPD) District. She stated how Weston Marketplace and Renaissance were both done as OPD's. She stated when the 2015 Zoning Code was adopted, the OPD was taken out.

Higgins stated the PUD's are used to allow us to look at a project with a unique situation, like Weston Marketplace (with the way the buildings are all situated on one lot). However, these require going through more hoops, creating basically a masterplan for their development, and it can be amended if something with the plan changes; but it always has to come back through Plan Commission. PUD's are marked separately on the zoning map so they are easily identifiable. We are looking at creating this special zoning district category. She brought up the Neighborhood District and how that is being amended along with this one. She explained the Neighborhood District allows for mixed uses of residential and commercial, and institutional, land uses.

She explained how some of the proposed changes will help with townhome situations. White feels this allows for more flexibility. Higgins stated with Renaissance, they were allowed to move closer to the street. She stated this allows for those unique developments without having to change the entire code. She stated how this would allow for someone to put in a building with higher stories than allowed.

Higgins stated this is just introducing this to the Plan Commission, and how it has to go through public hearing yet. She was planning for the public hearing next month.

Cronin confirmed if Plan Commission directs staff tonight to schedule the public hearing for May, that they can still suggest changes. Higgins pointed out the proposed ordinance is available on the website for the general public to see, and pointed out the links that were available that take you to the proposed changes.

Higgins stated there are also some minor required changes to the Subdivision Ordinance, which were shared in the packet, that will be included at the public hearing.

Motion by White second by Jordan: to direct staff to schedule the public hearing in May, 2021, for Chapters 74 and 94, as presented.

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

STAFF REPORTS

13. Acknowledge Village of Weston 2021 Housing Assessment Report

Higgins explained this is a document that that RPC helped us with, which was approved last year. We are required to update this annually as we are over 10,000 in population. This is all 2020 data. We need to do an update to our fee assessment, though no fees have changed.

Motion by Cronin, second by Guerndt: to acknowledge Item #13.

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. Acknowledge Report re: March 2021 Staff-Approved Certified Survey Maps and Site Plans

Motion by White, second by Jordan: to acknowledge Item #14.

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

15. Acknowledge Report re: March 2021 Building Permits

Motion by Guerndt, second by Meinel: to acknowledge Item #15.

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

16. Project Updates

a. Continued Discussion of Needed Amendments to Chapter 94 Zoning

i. Planned Unit Development Language

Higgins meant to take this off from this portion of the agenda, as it was listed above.

b. Park Impact Needs Assessment

Higgins stated this is basically done, and will come back, but the Schofield Avenue and Weston Avenue Corridor Plans are taking precedence.

c. Schofield Avenue Corridor Plan

Higgins stated this plan is now updated and online.

d. Weston Avenue Corridor Plan

Higgins will put this up on the website tomorrow.

Higgins stated she will send both plans out to Plan Commission for review. We are working on scheduling a public hearing for these for either May 24th or May 27th. Parker is contacting Weston Lanes for availability. We are planning for the hearings to run at 5pm and 7pm, which will give 2 hours for each. She said this will be a joint meeting with Plan Commission and Village Board for sure, and possibly with Public Works too.

e. Proposed Amendments to Chapter 14 Building and Addressing Regulations.

Higgins stated she is still working on this. She stated Meinel had some questions for her on this, but she has not been able to meet with Tatro and Maguire to discuss those questions.

f. Amendments to Chapter 94, Article 13 Signs

Higgins stated the main thing with this is the political signs, and making sure we meet the Supreme Court ruling. Higgins stated we can't look at sign content, but can regulate based on size. Higgins stated with political signs, how the Village received a lot of complaints on it this year. She explained that political signs are only guided in residential districts, not commercial districts. She stated technically, people should be taking out a temporary sign permit to post political signs in the commercial districts, and the signs would then only be allowed to be out for 30 days. She stated how most communities do not pay attention to those, as in most people are good about taking the signs down within a certain amount of time. The last few years the issue has been about the signs staying up so long after the election.

She stated this has been such a touchy, political issue, and the Village tends to be caught in the middle no matter what we do. Maloney stated the issue was the signs staying up after the election. Higgins stated staff and Everest Metro moved some of the signs that were located in right-of-way.

17. Next Meeting Date

a. Monday, May 10, 2021 @ 6pm – Regular Meeting.

18. Remarks from Staff and Commission Members.

Donner announced that Chartrand has left employment with the Village.

Higgins will let Plan Commission know when the public hearing is set in May.

Guerndt questioned if they were going to receive Chapter 14 for review for changes. Higgins stated she sent that out a few months ago. He asked if he could receive a red-lined copy. She stated due to the age of that document, she can't red-line it on the computer, that it will have to be done by hand, which is going to take some time. She stated she was waiting to do that until after the update to the PUD ordinance and Weston Avenue Corridor documents were done. She stated she still needs to meet with Tatro and Maguire, as Meinel had some questions about numbers of permits and costs. She stated she has not had a chance to meet with them yet, as they have been busy dealing with an issue with one of our mobile home parks.

White suggested Guerndt download Chapter 14, and go through it and mark changes. Higgins stated she will get the proposed changed ordinance to them in advance for review. Cronin asked if we could break these up into a couple meetings. Higgins stated we could break it up into sections, like addressing, and the building sections which include electrical and UDC.

Jordan appreciates staff approving the site plan for the Wausau Supply Corporate Office.

ADJOURNMENT

19. Adjournment of PC

Motion by Guerndt, Second by Cronin, to adjourn at 7:10 p.m.

Mark Maloney, Plan Commission Chair and Village President

Jennifer Higgins, Director of Planning & Development

Valerie Parker, Recording Secretary