

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

held on Monday, July 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 Chair & Village Trustee Loren White at approximately 6:20 p.m.**

**2. Roll Call of Village Plan Commission (PC) by Secretary Parker.**

Roll call indicated 7 PC members present and 2 Alternates were present.

<u>Member</u>	<u>Present</u>
White, Loren	YES
Meinel, Steve	YES
Cronin, Steve	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Marshall, Gayle	YES
Mumper, Roy	YES
Maloney, Mark (Alt. 1)	YES
Zeyghami, Hooshang (Alt. 2)	YES

**3. Roll Call of Joint Village & Town of Weston Extraterritorial Zoning Committee (ETZ) by Secretary Parker.**

Roll call indicated 6 ETZ members present. [Clerk Note: it was determined following the meeting Loren White is not a member of the ETZ and Steve Cronin should be listed as the member going forward.]

<u>Member</u>	<u>Present</u>
Christiansen, Randy	YES
Hull, Mark	YES
Guerndt, Gary	YES
Olson, Milt	YES
Meinel, Steve	YES
White, Loren	<del>YES</del> [Does not count as a vote due to note a member]

Village Staff in attendance: Donner, Higgins, Wodalski, Tatro, Wheaton, and Parker. There were about 6 audience member present in person, and 1 present via Zoom.

**4. Nominations & Election of Joint Village & Town ETZ Committee Chair, Vice Chair, and Secretary. (ETZ)**

***Motion by Christiansen, second by White: To Nominate Olson as ETZ Committee Chair.***

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

<u>Member</u>	<u>Voting</u>
Christiansen, Randy	YES
Hull, Mark	YES
Guerndt, Gary	YES

Olson, Milt	YES
Meinel, Steve	YES
White, Loren	<del>YES</del> [Does not count as a vote due to note a member]

**Motion by Hull, second by Guerndt: To Nominate Meinel as ETZ Committee Vice Chair.**

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

<u>Member</u>	<u>Voting</u>
Christiansen, Randy	YES
Hull, Mark	YES
Guerndt, Gary	YES
Olson, Milt	YES
Meinel, Steve	YES
White, Loren	<del>YES</del> [Does not count as a vote due to note a member]

**The consensus was for Parker to remain as ETZ Committee Secretary.**

**5. Announcement of any possible perceived conflicts of interest.**

None.

**6. Adoption of 2021-2022 Plan Commission Rules of Procedure. (PC)**

Higgins stated that she brought up last month. She updated the document based on last month's discussion. She stated this comes from the Plan Commissioner's handbook.

White stated it mentions Roberts Rules of Order, but not which edition. He stated the Village is working on a Parliamentary Procedure. He stated this document should reflect which edition of Roberts Rule or if using Parliamentary Procedure. Higgins stated that Plan Commission is unique as it has its own procedures and how this would be up to them.

Marshall questioned what they do differently. Higgins stated the order of business. Meinel asked what the goal is of this. He feels by adding these rules, it is just adding another layer of bureaucracy. He questioned if we follow State Statutes, why do we need to follow or agree to this.

Higgins stated this gives guidance, such as on attendance, conflict of interest, how to replace members if someone leaves, or we have to replace members, etc. Jordan confirmed the official signature lines have been eliminated. He feels the rest of rules are good operating procedures.

**Motion by Jordan, second by Cronin: To Adopt the 2021-2022 Plan Commission Rules of Procedures, as presented. Question: Meinel questioned that this document states site inspections by staff. Tatro stated depends on what the inspection is for. He is credentialed for one & two family dwellings, and electrical for commercial. Higgins stated the inspections are in reference for rezones and CUP's, things that come before PC. Tatro stated no trades involved in these referenced inspections. White stated PC is not going to inspect plumbing HVAC, etc., it is to go and inspect the site to see the**

conditions for the rezone, CUP, etc., to help with PC decision-making. Meinel would like more clarification on that verbiage. Higgins stated this is regarding the duties of what PC does. Meinel stated if he was submitting an application as a business, he would want someone licensed. Higgins stated how at last meeting, certain members did not know what their roles were, this document helps explain that. Jordan stated he went through the video presentation. Jordan stated this is more about PC members being able to go out and determine if something is a good use. Higgins stated gives Zoning Department authority for site inspection. Jordan stated with a quasi-judicial commission looking at things on the agenda. Marshall brought up the 24-hour notice on meeting and feels that is too short of notice. Higgins stated that is guided by State Statutes. It is only in a special circumstance that we need 24-hour notice. She stated that is something that occurs more at Board level. Cronin stated this document is more like laying out a procedure on what members can do. Donner stated this is a case where staff will be the eyes. He gave an example of CUP next to Vortex on the King property, and how a site visit was conducted by staff and certain PC members. He feels a properly certified person would accompany in these site visits. Jordan commented that it allows individual members to do a drive-by. Meinel reiterated that he does not understand why we have to have this, if we are covered under State Statutes. Guerndt confirmed we are not signing anything. Meinel questioned the potential conflicts that, for example, Guerndt or Jordan may have on any business regarding the Business Park and TIF funds, by agreeing to this document. White stated if someone has had direct monetary impacts, then they would need to recuse themselves or announce potential interest, and then it is up to this Commission to decide if the matter is important enough to keep that member in the discussion. Meinel stated he is not comfortable with the uncertainty. Higgins stated this basically outlines their roles so they are aware. It was stated that technically, everyone has a conflict, when something affects taxes, and it is a matter of making a decision for the good of the Village, not a particular person or property.

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

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Meinel, Steve	YES
Cronin, Steve	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Marshall, Gayle	YES
Mumper, Roy	YES
Maloney, Mark (Alt. 1)	-
Zeyghami, Hooshang (Alt. 2)	-

**7. Approve minutes from the May 10, 2021, Joint PC/ETZ Meeting. (ETZ)**

**Motion by Olson, second by Guerndt: To approve the May 10, 2021, Joint PC/ETZ Meeting Minutes.**

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

<u>Member</u>	<u>Voting</u>
Christiansen, Randy	YES
Hull, Mark	YES
Guerndt, Gary	YES
Olson, Milt	YES
Meinel, Steve	YES
White, Loren	<del>YES</del> [Does not count as a vote due to

note a  
member]

**8. Approve minutes from the June 14, 2021, Plan Commission Meeting (PC)**

***Motion by Meinel, second by Mumper: To approve the June 14, 2021, Plan Commission Meeting Minutes.***

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

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Meinel, Steve	YES
Cronin, Steve	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Marshall, Gayle	YES
Mumper, Roy	YES

**PUBLIC HEARINGS**

**Referrals from the Board of Trustees**

**9. Public Hearing and action on a request from the Board of Trustees to amend Section 94.4.10 Temporary Land Use Types within Chapter 94 Zoning, of the Municipal Code. (PC & ETZ)**

**a. Open Public Hearing.**

White opened the public hearing at 6:38 p.m.

**b. Presentation by Staff.**

Higgins stated this has been referred to PC by the Board of Trustees. Higgins pointed out that we have recently switched to a new online site for our Municipal and Zoning Codes, called MuniCode. She stated that now when we make updates to our code, we are able to do it online. The discussion for tonight, Section 94.4.10, has to do with Temporary Land Use Types, relating to Temporary Mobile Food Vendors. Since when making proposed changes in MuniCode, it brings up the entire section, staff decided this would be a good time to look at the full section and look also at changes to the portable storage containers.

Higgins stated with the mobile food vendors, a change in the text was made to remove “or any adjacent parcel”, as that text prohibited mobile food vendors to operate near brick and mortar stores who sell similar items. Higgins stated mobile food vendor licensing goes through the Clerk’s office, but also follows Zoning Code, so we need to match the language between the Business Licensing Code and Zoning Code. Higgins stated we are proposing now to still require mobile food vendors get the license/permit. There is no permit fee for non-profits, but they still need a permit. We primarily want contact information; in case something happens to a customer and the vendor needs to be notified.

Guerndt questioned if the issue with portable containers includes non-residential. Higgins stated residential pods are where most issues are. She stated the City of Wausau updated their code on this, and they had language regarding the non-residential. She stated we only allow 30 days; she is suggesting in this change to allow 90 days. She stated we don’t typically have problems with 30 days but made the suggestion if the PC wanted to be consistent with Wausau.

There was discussion that in the industrial areas, a lot of businesses use the containers to hold stored material until it ships out, and then is filled with new material. Higgins stated if using temporary in nature, then it would be limited to the 30 or 90 days, and if needed for a longer period, treated as an accessory structure through the Outdoor Storage or Wholesaling land use. Higgins stated if the container is behind a privacy fence, then we don't do anything. She stated part of the permit allows us to be sure the container is being placed in an appropriate location on the property.

Guerndt asked how this will impact properties within the ETZ, as he sees a lot of farmers using those to store feed and equipment.

White announced Meinel recused himself from this discussion at 6:42 p.m.

Hull questioned if we issue permits for these containers now, and/or if we are getting requests. Higgins stated in the industrial areas, they are just there. For residential areas, sometimes they call, or if those are in place too long, people complain. Higgins stated if staff sees these, Tatro and Maguire will let them know about the permit requirement. Hull questioned if a current owner is moving and has a pod for stuff being moved out, how long can they keep it. Higgins stated it would be 30 or 90 days, whichever they want allowed in the code. Hull questioned then if the new owner turns around and wants a pod, do they get the same amount of time. Higgins stated the permit goes with the applicant/owner.

Hull questioned how this affects ETZ, and if we are talking about land uses or zoning districts. Higgins stated the temporary uses go with the zoning districts. Guerndt commented that he would rather see rural areas be able to put their feed and equipment in the containers, versus leaving outside.

Marshall stated she prefers to leave the time limit of the storage pods in residential districts to 30 days. She also asked about the temporary rooming houses (Air B-N-B), and it was explained that is not part of the discussion tonight.

Cronin questioned if the code states what kind of surface the containers need to be parked on. He stated we have businesses with them on gravel.

Jordan stated with commercial uses, and questioned if staff need a tool to manage this? He asked if a lot of people abusing the use of outdoor storage. He brought up the container and outdoor storage used at First Supply, and how it is neat and orderly. Higgins stated right now those are not regulated.

Marshall questioned if we are getting complaints. She stated if a business needs it, we should allow them to use those, and she does not feel people are as concerned about those in commercial. Jordan stated it would be more appropriate to regulate on appearance, and not timing. Wheaton stated this will allow staff to be more business friendly, as it is not allowed in the code.

Maloney stated during holidays, grocery stores would use those containers to store and rotate out frozen turkeys and hams. Maloney questioned how this item came to PC. Wheaton stated this was brought to staff, as the code did not allow. It was not a complaint.

Higgins stated the 2<sup>nd</sup> page of RFC is the language. Wheaton stated PC does not have to decide tonight, they can defer.

### **c. Public Comment Period.**

Steve Meinel, 8303 Alderson Street, spoke from the audience. He stated this issue came up as a result of the USSAM property he purchased in 2017, as they started using containers for storage units. He stated they were asked to get a CUP. He stated he is not afraid of changes to the code, but feels we are setting up a lot of extra work. He stated a lot of industrial and farmers use these things.

Higgins stated the use for his USSAM business does not fall under this land use. His business is a personal storage facility land use. It was stated, Meinel was the person who brought the others around the Village to our attention during discussions on his property with staff.

**d. Close Public Hearing.**

White closed the hearing at 7:13 p.m.

**e. Recommendation from Staff.**

Staff chose not to make a recommendation and is bringing to PC's attention for their recommendation.

**f. Discussion & Recommendation to the Village Board by Plan Commission.**

Marshall stated she would like to see in the residential areas a maximum of 30 days.

Olson stated with the surface part, he asked if we could add gravel as an option, though he does not support allowing on grass.

There was discussion on what parts of the code the PC will be recommending changes to. The discussion has been related to Temporary Outdoor Sales/Food Vendors, temporary storage containers in residential, and storage containers in non-residential.

Jordan stated he is fine taking action on the temporary food vendor item and not the temporary storage container items.

Higgins stated they could just take action on the mobile food vendor and leave the others out for now.

***Motion by Jordan, second by Guerndt: to recommend amendment to 94.4.10(13) as it relates to Temporary Food Vendors, and to delete the words "or any adjacent parcel".***

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

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Meinel, Steve	ABSTAIN
Cronin, Steve	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Marshall, Gayle	YES
Mumper, Roy	YES

**g. Discussion & Recommendation to the Village Board by ETZ.**

***Motion by Hull, second by Christiansen: to recommend same changes from PC.***

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

<u>Member</u>	<u>Voting</u>
---------------	---------------

Christiansen, Randy	YES
Hull, Mark	YES
Guerndt, Gary	YES
Olson, Milt	YES
Meinel, Steve	ABSTAIN
White, Loren	<del>YES</del> [Does not count as a vote due to note a member]

Jordan asked if PC should direct staff to not move forward on other two issues. He feels we do not need to pursue those issues.

***Motion by Jordan, second by Marshall, that at current time no other changes to this ordinance, as it relates Temporary Outdoor Storage Containers within residential or nonresidential.***

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

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Meinel, Steve	ABSTAIN
Cronin, Steve	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Marshall, Gayle	YES
Mumper, Roy	YES

***Motion by Hull, second by Christian, to make same motion at PC.***

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

<u>Member</u>	<u>Voting</u>
Christiansen, Randy	YES
Hull, Mark	YES
Guerndt, Gary	YES
Olson, Milt	YES
Meinel, Steve	ABSTAIN
White, Loren	<del>YES</del> [Does not count as a vote due to note a member]

Meinel returned back to PC/ETZ at about 7:20 p.m.

**Zoning Map Amendments, Conditional Uses, & Related Requests**

**10. Project #20210209 – Request from Kwik Trip for a Rezone of 5603 and 5601 Business Highway 51, from B-2 (Highway Business) Zoning District to PD (Planned Development) District and requesting a Conditional Use Permit to allow a new facility consisting of automobile fueling service, car wash, and underground petroleum product storage tanks within WHP-A (Wellhead Protection Area – Zone A) Overlay District, per Section 94.6.03.4. (PC)**

**a. Open Public Hearing.**

White opened the public hearing at 7:24 p.m.

**b. Presentation by Staff.**

Wheaton explained this rezone request is using the new Planned Development ordinance. Wheaton explained the project and stated that the rezone request for Planned Development will allow them to work with lesser setbacks on all lot lines. She explained the site plan comes along with the rezone request. She stated they are asking for a waiver on the 25-foot vegetative buffer along the east property line. She stated this is an allowable waiver by PC. They are also asking for a reduced setback along Business Highway 51. She stated her staff report had indicated some deficiencies, but since the timing of her report, those deficiencies have all been met. She stated the reason for the CUP request is due to the proximity of the underground fuel storage tanks and car wash to the Wellhead Protection District.

Wodalski explained how the proposed location of the underground fuel tank and the car wash are just inside the WHP-A Overlay District.

Zeyghami confirmed car wash discharged into sanitary sewer. Wodalski stated we are asking for an environmental assessment to be done. Wheaton stated also requiring contingency plan and liability insurance and environmental study, which are all similar to what was required of Tommy Wash. Wheaton stated the only difference is on the requirement for sediment inspection.

Wheaton explained that staff did not complete the Determination, as the PC expressed, they wanted to answer those from now on.

There was discussion on the existing underground storage tanks, which it was discussed would be overseen by the DNR.

Wheaton explained that there will be landscaping and a retaining wall along the east side of the property, that will serve as a buffer. Wheaton stated she has not heard anything from the neighboring landowners.

**c. Public Comment Period.**

Troy Mlezia Real Estate Development Agent for Kwik Trip, 1626 Oak Street, was present and went over the plan. He pointed out their Business Highway 51 setback issue due to angular nature of the property layout. He stated the PD overlay will allow the site to be designed and built for safe circulation, and flexibility to set up close to Business Highway 51, and enough space for stormwater and greenspace. He stated this will be a multi-million-dollar development. The fuel storage tanks will be replaced and follow State requirements.

Donner stated there will be engineering controls on underground fuel tanks. Troy Mlezia stated it will be a modern fueling system with double-wall tanks, computer monitors in the store and computer monitors from their central office in La Crosse. He stated Kwik Trip follows all Best Management Practices with their facilities.

Meinel commented about possible current contamination, and Mlezia stated the best time to take care of this is now. Donner stated as they are taking out the existing underground tanks, there will be oversight by the State Fire Marshal, who monitors to see if any soil contamination.

White commented that most of the concern is for the nearby wells.

No other comments.

**d. Close Public Hearing.**

White closed the hearing at 7:42 p.m.

**e. Recommendation from Staff.**

Wheaton explained the Determination Form that PC needs to go through and answer.

**f. Discussion & Recommendation to the Village Board by Plan Commission on the Rezone Request and General Development Plan.**

The answers given on the Determination:

- 1. Yes.
- 2. Yes.
- 3. Number 3. Due to growth patterns.
- 4. Yes.

***Motion by Cronin, second by Guerndt to move recommend approval to the Village Board on the Rezone Request and General Development Plan.***

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

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Meinel, Steve	ABSTAIN
Cronin, Steve	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Marshall, Gayle	YES
Mumper, Roy	YES

**g. Discussion & Action on the Conditional Use Permit Request.**

The answers given on the Determination:

- 1. Yes.
- 2. Yes.
- 3. Yes.
- 4. Yes.
- 5. Yes.

***Motion by Guerndt, second by Mumper: to recommend approval of the CUP, with conditions (#1-10) in Staff Report.***

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

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Meinel, Steve	YES
Cronin, Steve	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Marshall, Gayle	YES
Mumper, Roy	YES

It was explained that the rezone goes to Board of Trustees on Monday, July 19<sup>th</sup>, and the Conditional Use Permit will be signed after the rezone is approved.

**11. Project #20210209 – 20200230 – Public Hearing and action on a request from Mount Olive Lutheran Church requesting the Official Zoning Map and Future Land Use Map be amended to change the zoning designation and land use designation, at 2809 Jelinek Avenue, from SF-S (Single-Family Residential – Small Lot) Zoning District to INT (Institutional) Zoning District, and land use designation from Single-Family Residential – Sewered to Institutional. (PC)**

**a. Open Public Hearing.**

White opened the public hearing at 7:51 p.m.

**b. Presentation by Staff.**

Wheaton stated Mount Olive has purchased 2809 Jelinek and are looking to do a development for a celebration of life and funeral home. They are requesting a rezone to the INT district, and as part of the rezone request they need to go through a Comprehensive Plan amendment. She stated the Comprehensive Plan Amendment will go to Board of Trustees in August. She pointed out the concept plan is in the packet.

Higgins stated PC makes a recommendation to the BOT on the Comprehensive Plan Amendment, and then the BOT is who will hold the actual public hearing and take final action.

**c. Public Comment Period.**

Tom Radenz, REI, 4080 N. 20<sup>th</sup> Avenue, Wausau, was present and introduced Pastor Lance and Mike Tice and who were present in support. Radenz stated they are there to represent what the congregation is putting forward. He stated should the congregation decide to move forward following an approval, they will then bring forward a site plan. Radenz stated this development will further the work of Mount Olive Church, and explained what they want to do and gave history of how this church property has grown. They would like to change to INT. He stated there is a navigable stream and wetlands that splits the two properties. He stated the wetlands were delineated in 2019 by Starzinski. They are not proposing to combine the two properties at this time. The property is currently accessed off of Jelinek Avenue, with 150 feet of frontage. He stated Jelinek Avenue is a collector street. He stated there is a secondary access off of Setter Road, but they are not proposing to use that access. They are planning a 25-foot buffer setback around the perimeter. The funeral home will consist of 7,000 square feet, and the spiritual center will consist of 10,000 square feet. They are proposing a pedestrian bridge between the two properties, over the wetlands. He stated they will meet stormwater management requirements.

Zeyghami asked if they will be expanding the parking. Radenz explained the concept parking lot plan. Radenz stated this concept plan shows about 50. Higgins stated will have to go through site plan review yet.

No one else spoke.

**d. Close Public Hearing.**

White closed the hearing at 8:00 p.m.

**e. Recommendation from Staff.**

Wheaton stated recommend approval.

**f. Discussion & Recommendation to the Village Board by Plan Commission on the Comprehensive Map Amendment.**

**i. Adoption of Resolution No. 2021-PC-005**

Cronin confirmed Board of Trustees will hold a hearing on this next month.

**Motion by Mumper, second by Meinel: to recommend Board of Trustees adopt the Comprehensive Plan map amendment.**

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

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Meinel, Steve	YES
Cronin, Steve	YES
Guernadt, Gary	YES
Jordan, Joe	YES
Marshall, Gayle	YES
Mumper, Roy	YES

**g. Discussion & Recommendation to the Village Board by the Plan Commission on Rezone Request.**

The answers given on the Determination:

1. Yes
2. Yes
3. Number 3
4. Yes
5. Yes

**Motion by Jordan, second by Cronin: to recommend to the Village Board approval of the Rezone Request.**

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

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Meinel, Steve	YES
Cronin, Steve	YES
Guernadt, Gary	YES
Jordan, Joe	YES
Marshall, Gayle	YES
Mumper, Roy	YES

Per request of Cronin, White called for brief recess at 8:05 p.m.

Maloney requested we move Agenda Item #16 up upon recess.

**COMMUNICATIONS**

**12. Public Comment.**

None.

**13. Written Communications Received.**

None.

**NEW BUSINESS**

**14. Proposed Changes to Chapter 94, Article 13, Signs (PC & ETZ)**

Wheaton explained her report, and how she took a stab at revising the sign code. The biggest issue was on the temporary signs and explained the different types (political, real estate, etc.), and how we can't regulate these differently. She stated how it became a difference between temporary residential and temporary

commercial. She is looking to see if she can put some content requirements back in. She stated temporary signs are regulated to size and number of signs. She stated they are looking at regulating realty signs by timing of sales, and all other temporary signs to 30 days.

Higgins stated we have to look at how much we want to open ourselves up to someone challenging us. Some of this may affect businesses and the Supreme Court Case ruling is making it where we can't do anything about it. We are not intending to overregulate but the Supreme Court Case is making us do it. She stated how the Realtor Association got involved when the Supreme Court Ruling first came out in 2015. She stated we have received a lot of complaints due to political signs staying up so long. She stated the way our code is written is commercial should not have out for more than 30 days.

Marshall questioned if any signs out there in the Village are illegal? Higgins stated anything temporary that are not removed. Wheaton stated if the proposed changes are approved, we would send a letter to the businesses and let them know the new regulations. White suggested to send a letter to the sign companies too.

Wheaton stated we were looking at limiting residential to 2 temporary signs. Cronin asked if a temporary sign on commercial property will affect the amount of signs allowed on a building. Higgins stated permanent signs are separate from the temporary signs. Wheaton stated someone could have a permanent election sign, but would limit allowable space for them to advertise their business.

Guerndt asked about the Trump signs. Wheaton stated right now would need a 30-day permit, proposed change is 30-days with no permit.

Wheaton stated this is not a public hearing, so action is not necessarily required tonight.

Maloney questioned how we handle hiring signs, there we may want to look at quantity. Higgins stated we have not been enforcing the sign code since COVID as strictly, then issues came up with political signs. She stated we don't want to hurt businesses. Maloney feels the hiring signs are too much right now. Maloney questioned the employees who carry a sign for the business. The members felt that is not an issue.

There was discussion on number of signs to allow, and Wheaton stated suggesting limiting to two signs in residential areas. Marshall feels by limiting residential signs to 2 signs is limiting freedom of speech. Marshall asked about any complaints outside of political signs? Higgins stated we are trying to match our sign code with the Supreme Court Case Ruling.

Cronin feels in residential, two signs is not enough, for when you have big elections with multiple election positions. Marshall feels the most election signs on a property she has seen is 5. Meinel questioned if we could see if the League has any recommendations?

Wheaton stated currently there is no limit on political signs. Wheaton stated they would be allowed to have up for 30 days, then down for 30 days, then up for 30 days. It was discussed, as a loop hole, someone could do minor changes to their sign in order to continuously keep it up.

Tatro stated they will pull any signs found in the right-of-way.

Christiansen questioned how the political flags play? Wheaton stated we could add something, but it is not recommended. She stated we do regulate flutter flags but not other types of flags.

Wheaton stated trying to bring the code into content neutral to meet the Supreme Court Ruling. Jordan feels it is senseless to make regulations that someone can easily work around.

Mumper questioned if we could limit signage to dates before and after election?

Wodalski asked if we could look at a longer timeframe that makes it more acceptable, like 120 days.

Meinel stated whether political or not, they should be removed within so many days of being erected. Meinel is concerned we are going to create something and spend a lot of time with all the documenting. Wheaton stated could change the time limit from 30 to 120.

Cronin feels we should defer this discussion to a time where Yde can be here to discuss with us.

***Motion by Cronin, second by Mumper, to defer for the next 3 months until when staff can arrange to have Yde can come in. Question: Guerndt asked if anyone has ever threatened a lawsuit. Wheaton stated we could leave this as is. Olson questioned if we could remove the temporary sign language all together, if we can't enforce it. Higgins stated that would take us backwards 20 years.***

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

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Meinel, Steve	YES
Cronin, Steve	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Marshall, Gayle	YES
Mumper, Roy	YES

***ETZ did not make a motion on this matter.***

Olson moved for ETZ to adjourn at 8:52 p.m. (see Adjournment)

**15. Project #20210040 – Tommy Docks Site Plan – Amendment to Lighting Plan (PC)**

Wheaton stated this is more administrative, as they are just removing two light poles on south side of lot, and their electrical contractor does not want to go across the ANR line. Staff is okay with this.

***Motion by Guerndt, second by Cronin, to approve the amendment to the Tommy Docks lighting plan.***

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

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Meinel, Steve	YES
Cronin, Steve	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Marshall, Gayle	YES
Mumper, Roy	YES

**16. Project #20210225 – Emmanuel Castillo Requesting a Special Exception to allow the use of a non-conforming sign within the B2 (Highway Business) Zoning District at 3406 Schofield Avenue (PIN 192-2808-174-0987). (PC)**

Wheaton stated the Zoning code states any non-conforming signs that have not been used for 12 months are no longer allowed to be used; however, can request a special exception. Wheaton stated this sign would have needed to be located 15 feet from property line, to be in compliance, as it is 15 feet in height. The sign currently sits about 5 feet from the right-of-way.

Wheaton stated staff recommends approval, but that the reader board be removed. Higgins added that in 2004, the Village had many of the temporary reader boards removed from the business properties. A few businesses repurposed them onto existing signs like this property did. They are no longer using it as it is just the frame up.

**Motion by Meinel, second by Guerndt, to approve the Special Exception request, with the condition of the reader board being removed.**

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

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Meinel, Steve	YES
Cronin, Steve	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Marshall, Gayle	YES
Mumper, Roy	YES

White then moved the meeting back up to Agenda Item #14, at 8:14 p.m.

**17. Project #20210077 – Discussion and action on a proposed Final Plat for Hinner Springs Subdivision (PC)**

Wheaton stated this is coming forward as a phased approach. It is platting only the southern half of the original preliminary plan, with just the single-family homes. The Board will adopt at their meeting by Resolution. PC is to make a recommendation on the plat adoption. This is for less lots, as this is now going to be a “phased” development. She said the rest may come back next year.

**Motion by Guerndt, second by Mumper, to recommend Resolution #2021-021 to the Board for approval. Question: White confirmed sidewalks will be on both sides, and 24-foot back-to-back.**

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

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Meinel, Steve	YES
Cronin, Steve	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Marshall, Gayle	YES
Mumper, Roy	YES

**18. Authorization to Set Public Hearing for Proposed Project Plan Amendments for Tax Incremental District (TID) #2 (PC)**

Donner stated on Friday, the JRB (the body of taxing authority in the boundaries of our TID’s) met. Donner stated at this meeting, they discussed moving forward with an amendment to TID #2, which is Schofield Avenue from Business Highway 51 to Birch Street. He stated 2 years ago, under President Sparks, we looked at the impact of retiring it. Following review, it was realized the debt to be paid off, and the realization of financing availability we have to take on projects. We talked to the Board in late 2020, and looked at potential of using TID financing to do projects. Originally, the main things in TID #2 was towards aesthetics in landscaping. In order for us to go the direction of the Board is to amend the TID project plan. This will give us the authority to fund certain projects in TID 2. He stated a project plan amendment is not considered a formal amendment (though we can’t amend the boundaries). We can make a subtraction from TID’s.

Donner stated our next step, following JRB, is to conduct a public hearing to propose an amendment. The intent was to have a plan ready before the notice goes out. There is a 14-day public review period. The amendment would include potential infrastructure projects and the need to include the ability to purchase land and offer incentives for redevelopment. This would make properties more feasible for development. Donner stated there will be less projects than what is on this document, but wanted more opportunities for future (so what all that is listed on the plan may not occur). We are not committed to any expenditure or any project.

Donner stated the initial financial analysis showed to keep TID 2 open until its closure in 2031, though we can only expend funds through 2026.

Higgins stated we are looking at a potential change to the boundary to remove some properties where it makes sense. Higgins explained Lokre's issue where they want to combine a portion of a neighboring parcel that is not in TID, but can't. She mentioned the LaPorte property, where a gas station was looking to purchase, but the additional land needed was outside TID. She stated we can do a PD for those. Higgins stated there is language that allows those properties to still use TIF. She stated all property owners along this area will be noticed of the Plan Amendment.

Marshall commented financial impact to be determined, what will the impact be to the average taxpayer. Donner stated very minimal impact on tax roll. White stated money goes back to tax jurisdictions, and we get 30% of that. Higgins stated PC does not have to take action on this tonight. Meinel would like to see the proposed projects and financial impact. Cronin asked if there is a list of projects. Donner stated we have a draft list.

White commented on how we can assist property owners/developers in demolition, utilities, CSM's, etc.

Meinel stated without knowing projects, he is not comfortable moving forward with this. Donner stated he can bring a list and delay the hearing.

Donner pointed out there are a lot of old properties that are for sale, but they are not being sold because of what a developer would have to spend, or a buyer would have to spend to improve. White stated we can approve the project plan, but it does not mean we are required to spend the money on those.

***Motion by Marshall, second by Meinel, to defer until we have financials. Question: Marshall questioned if we closed the TIF, what would it mean to the average taxpayer? She feels if we close the TIF early, we can pass some of that savings on to the taxpayers. Donner questioned if we don't amend, what are their thoughts on us being a player in development along Schofield Avenue. He stated we can't add land to the TIF. Cronin stated he respects what we have, but feels we should not spend money just because we can. Higgins stated this is the perfect use of TIF money, for redeveloping; and if we don't help here now, these properties will just sit there. She stated the direction from the Board was to redevelop. Higgins stated this TID was originally put together for redevelopment but ultimately was used for façade and landscaping grants, etc. Cronin thought we have double the amount of land, and Donner stated it amounts to 20% equalized value. Jordan stated as he looks at Schofield Avenue, and how some property owners are in a negative position, as the Village changed the zoning, and they now can't sell for fair value or use for what it was originally intended for. Higgins stated the zoning on those was changed many years ago. Jordan brought up the Sliwicki & Morice properties and how the zoning has changed. Higgins stated there used to be a lot of industrial uses along there when it was Highway 29. Those properties are/were auto repair which is a conditional use along the corridor. Jordan feels they would have greater use for industrial. Higgins gave an example of due to the life of the building, how it was more feasible for Pinsonneault to move and build new than put an addition on the building.***

Yes Vote: 7

No Votes: 0

Abstain: 0

Not Voting: 0

Result: PASS

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Meinel, Steve	YES
Cronin, Steve	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Marshall, Gayle	YES
Mumper, Roy	YES

## STAFF REPORTS

**19. Acknowledge Report re: June 2021 Staff-Approved Certified Survey Maps and Site Plans**

**20. Acknowledge Report re: June 2021 Building Permits**

***Motion by Guerndt, second by Mumper, to acknowledge Items #19 - 20.***

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

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Meinel, Steve	YES
Cronin, Steve	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Marshall, Gayle	YES
Mumper, Roy	YES

## MISCELLANEOUS

**21. Project Updates**

**a. Chapter 14 Building**

**b. Park Impact Needs Assessment**

Higgins stated just standing items.

**22. Next Meeting Date**

**a. Monday, August 9, 2021 @ 6pm – Regular Meeting.**

**23. Remarks from Staff**

Donner stated there will be some clearing activity occurring this week on the new Municipal Center property, and the groundbreaking is set for next Tuesday, at 5pm.

**24. Remarks from Commission/Committee Members.**

None.

There was some discussion about the timing of meetings. It was acknowledged that during the construction season, there is a lot more to discuss at meetings. Suggestions were made to consider moving the dates and times of meetings, and not holding back-to-back Public Works and Plan Commission Meetings.

## ADJOURNMENT

**25. Adjournment of ETZ**

***Motion by Olson, Second by Christiansen, to adjourn at 8:52 p.m.***

## 26. Adjournment of PC

***Motion by Cronin, Second by Mumper, to adjourn at 9:31 p.m.***

Loren White, Plan Commission Chair and Village Trustee  
Jennifer Higgins, Director of Planning & Development  
Valerie Parker, Recording Secretary