

**PLAN COMMISSION MINUTES
5500 SCHOFIELD AVENUE
WESTON, WI 54476
MONDAY, JULY 14, 2008 – 6:00 P.M.**

I. CALL TO ORDER

Village President, Fred Schuster called the meeting to order at 6:00 p.m. Members present were Trustee Mark Maloney, Mike Stenstrom, and Mary Hancock. DPW Keith Donner, Kim Fischer, and John Evans were excused. Village Administrator, Dean Zuleger, Community Development Director, Jennifer Higgins, Building Inspector, Scott Tatro, and Recording Secretary, Valerie Parker were present. Trustee Loren White was present also. About six audience members were also present.

II. CONSIDERATION OF PLAN COMMISSION MINUTES

A. JUNE 9, 2008

**M/S/P Stenstrom/Maloney: to approve Plan Commission minutes of June 9, 2008.*

III. CONSENT AGENDA ITEMS

A. STAFF APPROVED CSM'S

**M/S/P Maloney/Hancock: to acknowledge the staff-approved CSM'S.*

B. STAFF APPROVED SIGN PERMITS

**M/S/P Maloney/Hancock: to acknowledge the staff-approved sign permits.*

C. CERTIFICATES OF OCCUPANCY ISSUED

**M/S/P Maloney/Hancock: to acknowledge the certificates of occupancy issued.*

D. CERTIFICATES OF COMPLETION ISSUED

**M/S/P Maloney/Hancock: to acknowledge the certificates of completion issued.*

IV. NEW BUSINESS

A. COMMERCIAL SITE PLAN #CSIT-6-08-1015 – REVISION TO SITE PLAN – RECONFIGURATION OF PARKING LOT – BLUE GREEN GALLERY, 6202 MESKER STREET (KING-WILKOSZ)

Higgins stated that the owner has requested to revise their parking lot to place pea gravel in an area to be used for outdoor art classes. Higgins stated that they do currently have enough parking for the business.

**M/S/P Maloney/Stenstrom: to approve the commercial site plan #CSIT-6-08-1018 – revision to site plan – reconfiguration of parking lot – Blue Green Gallery, 6202 Mesker Street (King-Wilkosz).*

B. RESIDENTIAL BUSINESS PERMIT #RBUS-7-08-1204 – LICENSED FAMILY DAYCARE HOME – 5113 ELM STREET (LAO)

Mee Lao and her daughter, Chao Lao, 5113 Elm Street, were present. Higgins stated that Lao has complied with our requirements and Marathon County has issued Lao her certification.

**M/S/P Maloney/Hancock: to approve the residential business permit #RBUS-7-08-1204 – licensed family daycare home – 5113 Elm Street (Lao). Q: Marie Betka, 5110 Elm*

Street stated that she lives across the street, and has concerns on our issuing this permit. She stated that when the Lao's own kids were little, they were allowed to play in the street and she is worried the same would happen here to the daycare children. She stated there is a lot of traffic in and out of that property. She is concerned about the children's safety and pointed out that the yard is not fenced in. Lawrence Brzezinski, 5115 Elm Street was present with the same concerns. Lao's daughter stated that they will only be taking in 3 children right now. The children will be ages 5, 4, & 3. Lao's daughter said that the client is okay with the kids not having a fenced in yard. She said if they are required, they will put a fence. Zuleger suggested they put a fence in the back yard (Clerks Note: this was not a requirement in the motion). Higgins stated that they could have up to 8 children in their daycare. Schuster stated that if problems occur, the Village would deal with them at that time. It was stated that our Residential Business Permits are not renewable yearly, but that the County requires day care facilities to get re-certified and re-inspected each year. Stenstrom commented that obviously Lao's have passed their home inspection since they have their certification. He stated that if the neighbor's notice issues that it would probably be best to go through the County. He stated that the County would have the ability to tell Lao to either put a fence in or that they would revoke their certification, that we (Village) can not require the fence, we are just approving the residential business permit. Motion carried.

C. FOLLOW-UP ON JUNE AGENDA ITEM – PROPERITES OUT OF COMPLIANCE WITH PREVIOUS PLAN COMMISSION DECISIONS

1. FIELD CREST CONDOMINIUMS, CALLON AVENUE – JUNE 1, 2008 LANDSCAPE & BERM INSTALLATION DEADLINE – EXTENDED TO JULY 1, 2008

Higgins stated that she talked to Paul Johnson this morning and he told her that they have moved all the dirt pile (they moved out 7,500 yards of dirt). The reason that they have not seeded yet is because next week the sprinklers will be installed; so the week after that they will put in all the landscaping.

She stated that since they are making progress, she has not issued a citation. She also commented that we have not received any complaints from the neighbors lately.

2. WESTON LIFESTYLE CENTER, 3910 & 4002 SCHOFIELD AVENUE – JUNE 1, 2007 DEADLINE FOR SEEDING & LANDSCAPING ENTIRE LOT – EXTENDED TO JULY 1, 2008

Higgins stated they have complied with everything and finished the landscaping around the detention pond in the back. Zuleger stated by the end of the summer there will be two tenants in the second building.

D. PROPOSED AMENDMENTS TO VILLAGE FEE SCHEDULE

1. PERMANENT SIGN PERMIT - \$0.75/SQ FT OR FRACTION THEREOF, MINIMUM FEE OF \$40.00 AND PERMIT FEE SHALL BE COMPUTED ON EACH FACE OF SUCH SIGN (OLD FEE \$125.00/SIGN)

Higgins stated that staff does not think we should be charging the same fee for small signs as what people with big signs would be charged.

**M/S/P Maloney/Stenstrom: to approve Permanent Sign Permit – \$0.75/SQ FT or fraction thereof, minimum fee of \$40 & Permit fee shall be computed on each face of such sign (old fee \$125/sign).*

2. FACE REPLACEMENT SIGN PERMIT - \$0.75/SQ FT OR FRACTION THEREOF, MINIMUM FEE OF \$40.00 & PERMIT FEE SHALL BE COMPUTED ON EACH FACE OF SUCH SIGN (OLD FEE \$75.00)

Higgins stated this is for face replacements. Maloney questioned if this also pertains to a business who has an old sign and just wants to put up a more current face on the existing sign? After some discussion, the members agreed that if it is a new business with a new face, they would be charged. If it is an existing business that is just putting a new face on the same sign, they would not be charged.

****M/S/P Maloney/Stenstrom: to approve Face Replacement Sign Permit – \$0.75/SQ FT or fraction thereof, minimum fee of \$40 & Permit fee shall be computed on each face of such sign (old fee \$75/sign). This does not apply to existing businesses who are just updating the face of their sign (no name change, change in size, or structural change).***

3. YARD SHEDS – UNDER 150 SQ FT – N/C NO PERMIT REQUIRED (OLD FEE \$50.00)

Tatro stated that most of the yard sheds that are less than 150 square feet are ones that are brought in off of the back of a truck and just set in the back yard. He stated that they really do not add any value to the home, that they could be portable. Higgins stated that there are regulations in our ordinance that still guide people as far as the setbacks for yard sheds. Stenstrom questioned how we know when one gets put up. Tatro stated we find out when neighbors call.

****M/S/P Maloney/Stenstrom: to approve Yard Sheds – Under 150 sq. ft. – N/C No Permit Required (Old Fee \$50.00).***

4. YARD SHEDS – 150 SQ FT UP TO 200 SQ FT - \$50.00 – (OLD FEE \$50.00)

****M/S/P Maloney/Stenstrom: to approve Yard Sheds – 150 Sq. Ft. up to 200 Sq. Ft. - \$50.00 – (Old fee \$50.00).***

5. GARAGES – 200 SQ FT AND OVER - \$100.00 (NO FEE CHANGE ONLY A SIZE CHANGE)

Hancock questioned if we need to have the words “detached garages” added. After some discussion, it was decided that would not be necessary.

****M/S/P Maloney/Stenstrom: to approve the Garages – 200 sq. ft. and over - \$100.00 (no fee change only a size change).***

6. SWIMMING POOLS (OLD FEE \$50.00)

Stenstrom questioned what determines if a pool is permanent or not? Higgins stated that if they never come down, then they are permanent. Tatro stated that typically, the permanent pools have metal around it and would have a pump that circulates the water, whereas the portable pools are basically the blow-up pools.

Higgins stated that we still regulate them by ordinance as far as where all pools should be located on a property (backyard). Stenstrom suggested staff to insert a reminder in our newsletter telling people to pull the ladders out of their pools each night, and informing them that covers do not keep kids out of pools. Tatro stated that there are pool alarms. Hancock stated that there are ways to still get into a pool without setting off the alarm.

Dave Edens, 5103 Elm Street, questioned if there is a regulation on fencing around pools. Tatro stated any pool more than 32" has to have a fence around it. Unless neighbors call us, we are not able to catch these.

- A. ABOVE GROUND – PORTABLE & WADING – REMOVED ANNUALLY – N/C – NO PERMIT REQUIRED**
- B. ABOVE GROUND – PERMANENT \$50.00**
- C. IN-GROUND - \$100.00**

**M/S/P Stenstrom/Hancock: to approve Swimming Pools (Old Fee \$50) items.*

7. CERTIFICATE OF OCCUPANCY – (OLD FEE \$25.00)

Higgins explained that originally, we had a zoning permit that got charged for everything. It was at \$150.00, which then we dropped it down to \$75.00 (which we are requesting in #8 below to have zoning permit fee included in the certificates of occupancy). The way that the code reads, we are supposed to give a zoning permit and a certificate of occupancy for every building permit. She said that we have some building permits that are only \$40.00, and we were supposed to charge the \$150.00 fee for the zoning permit. She said that we are supposed to check the zoning on every property requesting a building permit, because there are some out there that are non-conforming uses that can not be expanded beyond a certain point. Really the certificate of occupancy is where staff spends all of their time. When it comes to a site plan, when the certificate of occupancy and the certificate of completion come in, they are done with the site, the building is finished, and Tatro then has verified that this building can be habitable. She said that the completion comes in when the entire site plan is done (landscaping, drainage, parking lot, etc.). She said when it comes to looking into the zoning on a single family lot, it does not take much time at all. She stated this is based on commercial and industrial, staff is spending a lot of time on those to be sure everything is completed (a lot of times staff has to go out on site twice).

A. NEW CONSTRUCTION

- 1. ONE FAMILY RESIDENTIAL - \$50**
- 2. TWO FAMILY RESIDENTIAL (DUPLICATE) - \$75**
- 3. MULTIPLE FAMILY RESIDENTIAL (3+ UNIT BUILDINGS) - \$100 PER BUILDING**
- 4. COMMERCIAL & INDUSTRIAL**

B. EXISTING STRUCTURES

- 1. ONE & TWO FAMILY RESIDENTIAL BUILDING ADDITION - \$10**
- 2. MULTIPLE FAMILY RESIDENTIAL BUILDING ADDITION - \$25 PER UNITS INVOLVED IN BUILDING PERMIT**
- 3. COMMERCIAL & INDUSTRIAL**
 - I. CHANGE OF USE/OWNER - \$25**
 - II. BUILDING ADDITION - \$100**

**M/S/P Maloney/Stenstrom: to approve Certificate of Occupancy – (Old Fee \$25) items.*

8. ZONING PERMIT – INCLUDED IN CERTIFICATE OF OCCUPANCY FEE (OLD FEE \$75)

**M/S/P Maloney/Stenstrom: to approve Zoning Permit – Included in Certificate of Occupancy Fee (Old Fee \$75).*

9. ZONING COMPLIANCE LETTER – (OLD FEE \$50)

Higgins feels we should not be charging so much for this fee for residential.

A. ONE & TWO FAMILY RESIDENTIAL - \$25

B. MULTIPLE FAMILY RESIDENTIAL, COMMERCIAL AND INDUSTRIAL - \$50

**M/S/P Hancock/Stenstrom: to approve Zoning Compliance Letter – (Old Fee \$50) items.*

10. OCCUPANCY SURCHARGE – DELETE (REPLACED BY COMPLETION SURCHARGE)

A. RESIDENTIAL - \$1,000 - DELETE

B. COMMERCIAL - \$5,000 - DELETE

**M/S/P Stenstrom/Hancock: to approve Occupancy Surcharge – Delete (Replaced by Completion Surcharge) items.*

11. COMPLETION SURCHARGE (NEW – REPLACED OCCUPANCY SURCHARGE)

A. RESIDENTIAL - \$1,000

B. COMMERCIAL & INDUSTRIAL - \$5,000

**M/S/P Maloney/Stenstrom: to approve Completion Surcharge (New – Replaced Occupancy Surcharge items. Q: Tatro explained that sometimes businesses want to take occupancy, and the building is up to code, but the site plan is not completed yet, this allows us to hold onto their surcharge until the site is completed. Motion carried.*

12. HOME OCCUPATION PERMIT - \$10 (OLD FEE \$100)

**M/S/P Maloney/Stenstrom: to approve Home Occupation Permit - \$10 (Old Fee \$100).*

13. RESIDENTIAL BUSINESS PERMIT - \$25 (OLD FEE \$200)

Higgins stated that she did not charge Lao yet for the residential business fee, since it was going to be changing.

**M/S/P Maloney/Stenstrom: to approve Residential Business Permit - \$25 (Old Fee \$200).*

VI. FUTURE MEETING TOPICS**A. REZONING LEGAL NON-CONFORMING SINGLE FAMILY HOMES IN B-3 & R-3 ZONING DISTRICT ALONG CUT-OFF ROAD TO R-1 AND R-2**

Higgins stated back in the 90's during the Village master plan the zoning was re-done, and they turned a number of properties (especially along Schofield Avenue and in this area) to legal non-conforming (business zoned when they were still residential uses). She said there is a person who had issues buying a property on Cut-Off Road because the property is zoned business even though there is still a home. She wants to know if we want to start correcting some of these properties. Zuleger stated we may be bringing at a future meeting these corrections to make some of these legal non-conforming properties back to conforming.

B. SEC. 94.124.2 SMALL WIND ENERGY SYSTEM DRAFT ORDINANCE

Tatro stated he received a request from a Town of Weston resident. Tatro stated that a business here in the Village has expressed interest in putting up a wind generator. Stenstrom stated that we need to look at the size (generation capacity) and look at what would fit in residential or commercial districts. He discussed his research in Shawano County's ordinance. Look into them feathering when they are shut down to keep out the noise. Zuleger stated there are different types being made now. We are looking for two out in our Business Park. Stenstrom commented about you having to blast through bedrock in order to install these, which can affect the ground water. Zuleger stated that Higgins will discuss energy at the Board Retreat. Zuleger stated that Focus on Energy would prefer we get electric. White commented about possible future issues on cutting off people's access to sunlight.

VII. ADJOURN

**M/S/P Stenstrom/Maloney: to adjourn at 6:45 p.m.*

Respectfully submitted,

Valerie R. Parker,
Recording Secretary