

**PLAN COMMISSION MINUTES
5500 SCHOFIELD AVENUE
WESTON, WI 54476
MONDAY, NOVEMBER 12, 2007 – 6:00 P.M.**

I. CALL TO ORDER

Trustee Mark Maloney called the meeting to order at 6:00 p.m. Members present were Village DPW Keith Donner, Kim Fischer, Mary Hancock, Mike Stenstrom, and John Evans. Village President, Vilas Machmueller was excused. Community Development Director, Jennifer Higgins, Village Administrator, Dean Zuleger, Building Inspector, Scott Tatro, and Recording Secretary, Valerie Parker were present. Trustee Loren White was also present. About 20 audience members were also present.

II. CONSIDERATION OF PLAN COMMISSION MINUTES

A. OCTOBER 8, 2007 MEETING

**M/S/P Stenstrom/Hancock: to approve the Plan Commission Minutes of October 8, 2007.*

B. OCTOBER 22, 2007 – SPECIAL MEETING ON EDGES AND FRINGES WORKSHOP

**M/S/P Evans/Stenstrom: to approve the Plan Commission Minutes of October 22, 2007 – Special Meeting on Edges and Fringes Workshop.*

III. CONSENT AGENDA ITEMS

A. STAFF-APPROVED CSM #23-07 to #34-07

**M/S/P Hancock/Donner: to acknowledge the staff-approved CSM's #23-07 to #34-07.*

B. STAFF-APPROVED SIGN PERMITS: #SP2007-059 to #SP2007-064

**M/S/P Fischer/Hancock: to acknowledge the staff-approved Sign Permits #SP2007-059 to #SP2007-064.*

IV. NEW & UNFINISHED BUSINESS

A. REQUEST TO ALLOW A PRIVATE ATTACHED GARAGE TO HAVE A FLOOR AREA PROVIDING FOR MORE THAN THREE PARKING SPACES IN A RESIDENTIAL (RR – RURAL RESIDENTIAL) ZONING DISTRICT (SEC. 94.154 (B) (6)) – 7103 TROTZER LANE (WILLIAM & CAROLINE ZOROMSKI/JOHN OHRMUNDT CONSTRUCTION)

Scott Ohrmundt, 3103 Terrier Lane, and William & Caroline Zoromski, 5203 Arrow Street, were present. William Zoromski stated that they want to add a 2-car garage onto the already planned 3-car garage. Evans questioned their two options and asked if there is a hardship. Evans stated that he prefers option 2. Fischer questioned the acreage, which they have 7.5 acres. It was stated that their house will be set about 200 feet from the street, so you really would not see this. Ohrmundt stated that he feels option 1 would work best. Stenstrom questioned how this will affect stormwater assessment, which it was explained to him that because this is residential there would be no increase in the fees. Zoromski agreed that they would not make any plans for other future outbuildings if they are allowed to build the garage with 5 stalls.

**M/S/P Hancock/Fischer: to approve the request (for option 1) to allow a private attached garage to have a floor area providing for more than three parking spaces in a residential (RR – Rural Residential) zoning district (Sec. 94.154 (b) (6)) – 7103 Trotzer Lane (William & Caroline Zoromski/John Ohrmundt Construction), with the stipulation of no further outbuildings to be built on this property.*

B. STAFF AND COMMISSION COMMENTS ON NOVEMBER 7, 2007 SIDEWALK FOCUS GROUP MEETING

Zuleger discussed the sidewalk meeting, which was held on November 7th. Zuleger stated from the outcome of the meeting, it appeared that residents want some kind of work done on Ross Avenue, at Village expense (without any special assessments), and residents living on Sternberg Avenue were looking for a rebate on their sidewalk project that was completed about 5 years ago, if we change our

funding policy. He stated that next steps will focus on what we have to do to complete connectivity and safety pathways throughout the Village. Ross Avenue appears to be where people want us to go next with a painted bike lane, multi-use path, or sidewalk. Zuleger commented that most of the requests come from the younger-generation residents (35-45 age range), but none of those people ever make the meetings. Zuleger thanked the committee members that have been in attendance. Zuleger stated the main issue is the Ross Avenue corridor.

C. STAFF AND COMMISSION COMMENTS ON OCTOBER 22, 2007 EDGES & FRINGES WORKSHOP

Zuleger discussed this meeting that was held where guest speaker Kevin Pomeroy spoke. Zuleger commented that not a lot resulted in terms of specifics with respect to what the neighborhood wants to do. Zuleger stated that when we asked folks how many thought the neighborhood will stay the same, that not a lot of people raised their hands. Zuleger stated that the Village received high marks from the 1000 Friends of Wisconsin group on how we rehabilitated an old State highway and made it into our thoroughfare. He stated that Kevin Pomeroy will be sending us a report on his thoughts. Zuleger commented on Higgins' working hard on screening issues in fringe areas, especially where commercial butts up to residential.

D. TABLE TOP DISCUSSION E. EVEREST NEIGHBORHOOD PLAN

Zuleger stated that this topic and the next topic (E) go hand in hand. He stated that we want an idea on what we want to do to be proactive. Zuleger pointed out a map that was handed out, which shows improvements and their values. He pointed out that the yellow shaded parcels are undeveloped land that is zoned commercial. He read the percentages shown on the map.

Zuleger stated that another consideration that we had talked about is whether or not we should set a financial ratio for cash flow in the TIF. We had set that number at 110% or 125% cash flow (1.1 or 1.25 of ration for cash flow in the TIF). Currently, we are at about 1.03. We are cash flowing TIF #1 right now and TIF #2 will cash flow when that property goes on the books in January 2008. With the way our debt service payment works, we will drop back down to 97.8% (or .978) next year as we accelerate our principal payments in TIF #1. We will drop below the 1.0, but really we are looking for a 1.1 or a 1.25 (to be 10% or 25% above our cash flow needs to pay off our debt service). Zuleger stated that we will drop below our principal payments next year unless we have something big come in TIF#1. If we did not accelerate our debt service we would be right at 1.0, but we are accelerating it by about \$58,000 because we have a callable note coming. We try to remove debt whenever we can, we will also be using our letters of credit to accelerate our debt payment. He stated that we are right at cash flow in the TIF, which is what we projected. He stated that we projected 2007, about this time of year, when we would cash flow TIF#1. He stated that TIF#2 is fine and is cash flowing as expected. He stated that TIF#2 will be close to \$20 million by January 1, 2008, where we projected that to be a \$14 million TIF, so it is doing way better than expected, and we now have more land coming into play in that TIF district. TIF #1 is right about cash flow, and we will drop underneath as we accelerate our debt service. We will not be quite at 1.0, but we will use some capitalized interest and some of the letters of credits that we have in place to make up that difference. Zuleger pointed out that we do put the developers under a letter of credit that is equal to the face value of the borrowing, and we give them an increment goal that we believe, based on the combined rate of taxes – all of the taxing authorities rate combined, they have to reach that increment goal in order to cash flow the TIF before we will let their letter of credit to be removed. He stated that after January 1, 2008, we will be collecting on three letters of credits (Cross Pointe Corporate Park, Commerce Crossing, and Valdres Springs). Zuleger stated that after January 1, 2008, everything in the Business Park, north of STH-29 will be sold out, and one lot in the Business Park, south of STH-29 is sold.

Donner stated that in the past we have talked about concerns brought up by members of the Plan Commission about development right on the boundary of the TIF. He stated that the concern was whether or not we are making a negative impact on the TIF and the investment made by the public in infrastructure, by rezoning right on the boundary. He stated that concerns have been why bring in more commercial.

E. TABLED DISCUSSION AND POSSIBLE ACTION ON COMMUNITY DEVELOPMENT AUTHORITY RECOMMENDED REZONING THRESHOLD POLICY FOR POTENTIAL COMMERCIAL DEVELOPMENT ALONG FRINGE LAND ADJACENT TO VILLAGE TIF DISTRICTS

**M/S/P Stenstrom/Hancock: to take this item off the table and to combine with "D".*

Zuleger stated that this topic will dictate whether we continue on in the agenda here or not. Evans stated that we were not going to go outside of the TIF to rezone until the TIF is cash flowing. He stated there are a lot of available acres within the TIF district.

Stenstrom questioned on the recommended threshold policy, on what exactly we are trying to set – if we are trying to set a minimum level of development on the acreage that we already have in the TIF by dollar value or are we trying to set it up so that the developers or owners are going to be developed at a certain dollar level. Zuleger stated there is a spatial way of looking at it, that is available parcels in the TIF, and we could set a threshold based on the percentage of the TIF that is already developed. He stated or there was a cash flow threshold, which is the TIF has to be cash flowing – plus, to then zone specifically around the TIF. Essentially, what incentive would anyone have to develop in the TIF if they can go outside, or on the fringe, of the TIF and take advantage of the TIF, but without being part of the payment mechanism to make it cash flow. Zuleger stated that the improvements made on E. Everest Avenue were essentially paid for by three developers (Ghidorzi, Martins, and Arndts). They put up a letter of credit against the borrowing that we used to build Barbican Avenue and East Everest Avenue extended. Zuleger stated should someone who did not take any of the risk, or letter of credit, be able to poach upon the TIF District, just outside of the TIF to zone some land commercial (there is a fairness issue). Therefore, in order to make sure this a percentage of lots available or whether it should be a financial consideration (where we would be at cash flow or cash flow-plus). He stated therefore, those people who invested in the TIF district are not being penalized. Evans stated that we want the TIF district to cash flow because that is how we pay back our debt service. Zuleger stated that Moody's, who is our bond-rating agency (who rates the stability of our debt), likes the cash flow method. Zuleger stated that really this is a matter of whether we want to take the financial cash flow approach or a spatial approach, of if we want to consider the TIF District as moving along well, that is up to us.

Donner questioned if the financial threshold is something that the CDA is going to discuss or is making a recommendation on or is the Plan Commission to decide this. Zuleger stated that because of these items being near the 90-day tabled limit, it is being pushed onto the Plan Commission to decide. Zuleger stated that CDA is not looking at this as much as a zoning issue, but are looking at this as a financial security issue. Zuleger stated that we have no TIF borrowing next year and we think we will be in good shape for 2009. Zuleger stated that he thinks we can restructure some debt that we took on back in the late 1990's and early 2000's at a better rate, but we are trying to be really disciplined with the TIF debt. He stated that out of the 8 or 9 letters of credit only 3 are active, the rest are not active anymore. Zuleger explained that when a developer creates the increment, we draw off the letter of credit until the developer creates an increment large enough to sustain the debt service payment. If the developer goes beyond that, we then pay the developer back for the draw. It is one of the disciplines that we put in place with the help of Putnam Capital Management. He stated that we have put \$170 million taxable in the TIF in seven years.

Zuleger stated the question is do we want to take action on a rezoning threshold policy or do a table top on agenda item #D, and look at how we think based on what we heard form the edges and fringes workshop and how we might be able to do a corner treatment on E. Everest Avenue and Camp Phillips Road. He pointed out that Higgins prepared a plan for possible future development.

Stenstrom brought up what Pomeroy said at our meeting on this intersection making a statement as you come in to the Village. Stenstrom stated that he feels the statement you see there is the clinic, hotels, and the Ghidorzi building are what makes the statement there. Maloney feels that it is hard to pick a specific place to create the "main entrance" or "gateway" into Weston, because there could be many such places. Zuleger stated what he is hearing is while the Plan Commission ponders the threshold question, we would not mind talking about a transition into that neighborhood.

Zuleger presented a map that he showed the audience and the Plan Commission, with an idea for that corner based on resident feedback at the informational meeting with Pomeroy. If rezoning would be allowed here, the map showed greenspace on the corner, buildings close to the road, parking in the back, and a fence along the backsides. He stated that this map is just a staff opinion of what we heard at that previous meeting.

Evans stated that those do not answer the question for the other residents as far as what the neighbors should do. Maloney questioned why could we not just move this onto the other side of E. Everest within the TIF districts. Mark Hull, Putnam Capital Management, stated the average price is \$6 to \$8 per square foot of land.

Emma Hoffman, 4104 E. Everest Avenue, stated she has to get off of that corner. She feels you could not ask for anything better than what is being shown. Evans stated for the Village to buy out the corners and make a green space, there has to be a budget for that and does not know if it would be feasible. He said that if we were to go and spot zone their corner, now everyone else around them would want the same. Zuleger asked Maloney and White for their opinions on the Village purchasing the land. Maloney stated that even if we were to buy, other people will make the same request. White stated that we are pretty tight with our taxing already. White questioned where would this money come from. Zuleger stated it would have to be capital borrowing. Zuleger stated the finance committee wants to make 2008 a low-debt year. He stated there are no plans for TIF borrowing next year.

Mike Sislo, 6102 Randy Jay Street, stated his feelings from the meeting were that change should be made, but there were no agreements to rezone the parcels. He is afraid that once rezoned that the new owner could turn around and sell to someone else for a use different from what was proposed. He stated we need to look at the entire corner, and not spot zone. He then discussed what they were told and what occurred years back. He feels there should be a neighborhood comprehensive plan where the neighborhood as a whole gets to decide.

Hoffman stated that the current strip malls are asking \$24.00 per square foot, which is why the dentist wants to come here. Heath Tappe, 101 Grand Avenue, Suite 300, Schofield, stated he now owns two properties on the west side of Camp Phillips Road, and one property just north of Hoffman's. He stated that he realizes that it is going to be a while before any change occurs, and that feels offices would be a great opportunity there. He feels that with the four-lane corridor land use there should not be residential. Evans pointed out that Bridge Street, in Wausau, is a four-lane corridor with residential. Zuleger stated that looking at the current assessed value (\$112,000) of the Hoffman's property, we would typically offer 5% above the fair market value price. Higgins stated we have a comprehensive plan, which has this area shown as future residential. She clarified that Hoffman's main request is to change the comprehensive plan from residential to commercial.

Zuleger polled the audience to see how many people, who are present in the room, want to keep this area residential. Most people raised their hand to keep it residential. Zuleger stated that although a lot of residents would like to see this area made into a park, it just is not feasible. Maloney feels to rezone would cause a lot of problems down the road. Gerald Hoffman questioned if we can add land to the TIF. He stated that you can add up to 12% of the Village, but that we are all TIF'd out.

Zuleger pointed out that staff has provided Plan Commission with a spatial look, shared with them that we are at about cash flow level, but we are not at 110% as suggested by the CDA. Zuleger questioned if Plan Commission wants to take action on a threshold policy for commercial land adjacent to the TIF district being rezoned commercial. Donner commented that we do have other land in the TIF district that has not been developed, such as the southeast quadrant of the STH-29 and Camp Phillips Road interchange. Donner questioned if we were to make a recommendation here on a threshold, 110% of the investment, how would a development of an area like that affect this threshold? Zuleger stated that the financial threshold might be dynamic, in that if someone comes in to do a project in the southeast quadrant and requires some significant letter of credit borrowing, that would drop us underneath the 100% threshold until they put increment in there, so that would be a dynamic threshold that we would set. Perhaps we would want to look specifically at the parcels in the TIF, that would probably be the best definition that we could have for a threshold, in terms of where there is increment in terms one of

using improved value raises. For example, 50% of the TIF improved at \$50,000 to \$1 million. Evans stated that back in August the CDA made the recommendation of 110% cash flow. Zuleger explained the process to Stenstrom how this is dynamic.

Higgins stated that when we were developing the Comprehensive Plan, we knew that this area was here and we planned this area to remain residential. She explained to Stenstrom that the Comprehensive Plan is under review every 5 years, even though it is a 20-year plan.

****M/S/P Evans/Fischer: Before any residential, rural residential, or agricultural land directly adjacent to a Village of Weston Tax Incremental Financing District (TIF) can be rezoned to a commercial status, the adjacent TIF District must have achieved a 110% surplus of tax increment above the current debt service obligation. Evans stated that this was the CDA's position back in August of 2007. Stenstrom opposes. Motion carried.***

It was stated that since the following tabled requests do not meet the criteria, they need to be each taken off the table and denied.

- F. TABLED HEARING – (#CPA2007-001 & #RZ2007-005) GERALD & EMMA HOFFMAN, 4104 E. EVEREST AVENUE, REQUEST COMPREHENSIVE PLAN MAP AMENDMENT FROM FUTURE RESIDENTIAL TO FUTURE COMMERCIAL AND REZONING REQUEST FROM R1 (RESIDENTIAL SINGLE FAMILY) TO B2 (COMMUNITY RETAIL AND SERVICE) – 4104 E. EVEREST AVENUE**

****M/S/P Stenstrom/Hancock: to take this item off the table.***

****M/S/P Evans/Fischer: to deny (#CPA2007-001 & #RZ2007-005) Gerald & Emma Hoffman, 4104 E. Everest Avenue, request for a Comprehensive Plan map amendment from future residential to future commercial and rezoning request from R1 (Residential single family) to B2 (Community Retail and Service) – 4104 E. Everest Avenue.***

- G. TABLED HEARING – (#CPA2007-002 & #RZ2007-006) JOHN & PATRICIA RAYMOND, 6410 ROBIN STREET, REQUEST COMPREHENSIVE PLAN MAP AMENDMENT FROM FUTURE RESIDENTIAL TO FUTURE COMMERCIAL AND REZONING REQUEST FROM R1 (RESIDENTIAL SINGLE FAMILY) TO B2 (COMMUNITY RETAIL AND SERVICE) – 6410 ROBIN STREET**

****M/S/P Stenstrom/Hancock: to take this item off the table.***

****M/S/P Fischer/Donner: to deny #CPA2007-002 & #RZ2007-006) John & Patricia Raymond, 6410 Robin Street, request for a Comprehensive Plan map amendment from future residential to future commercial and rezoning request from R1 (Residential Single Family) to B2 (Community Retail and Service) – 6410 Robin Street.***

- H. TABLED HEARING – (#CPA2007-005 & #RZ2007-010) PDM CONSTRUCTION, REQUEST COMPREHENSIVE PLAN MAP AMENDMENT FROM RESIDENTIAL TO COMMERCIAL AND REZONING REQUEST FROM R1 (RESIDENTIAL SINGLE FAMILY) TO B3 (GENERAL COMMERCIAL) – 4004 AND 4010 E. EVEREST AVENUE**

****M/S/P Hancock/Fischer: to take this item off the table.***

****M/S/P Hancock/Evans: to deny (#CPA2007-005 & #RZ2007-010) PDM Construction, request for Comprehensive Plan map amendment from residential to commercial and rezoning request from R1 (Residential Single Family) to B3 (General Commercial) – 4004 and 4010 E. Everest Avenue.***

- I. RESOLUTION #VW22-07 ADOPTION OF THE RECOMMENDED AMENDMENTS TO THE COMPREHENSIVE PLAN AS PREPARED BY THE VILLAGE OF WESTON PLAN COMMISSION (CPA2007-001, CPA2007-002 AND CPA2007-005)**

It was explained that no action was needed for this item.

V. FUTURE MEETING TOPICS

Zuleger stated information on sidewalks to come in soon. Stenstrom questioned if there will be any right-of-way issues on Ross Avenue. Zuleger stated no right-of-way issues, but possible utility problems. Zuleger discussed possible State grants for sidewalk or a multi-use path on Ross Avenue.

VI. ADJOURN

**M/S/P Fischer/Stenstrom: to adjourn at 7:20 p.m.*

Respectfully submitted,

Valerie R. Parker
Recording Secretary