

PLANNING COMMISSION MINUTES
5500 SCHOFIELD AVENUE
WESTON, WI 54476
MONDAY, APRIL 11, 2005 - 6:00 P.M.

I. CALL TO ORDER

Vilas Machmueller called the meeting to order at 6:00 p.m. Members present were Ted Banholzer, George Oberlander, Mary Hancock, Mark Strobel, and DPW Keith Donner. Steve Meinel was excused. Village Administrator, Dean Zuleger, Community Development Director, Jennifer Higgins, Building Inspector/Zoning Administrator, Al Breu, Trustee Fred Schuster, and Recording Secretary, Valerie Parker were present. About 20 audience members were present.

A. OPEN HEARING – VILLAGE OF WESTON, SECTIONS 94.113, 94.174 – 94.176, 94.178, 94.182 – 94.186, 94.188, 94.190, AND 94.194 OF THE MUNICIPAL CODE, ORDINANCE AMENDMENTS

Higgins explained that back in the February 2005 Focus newsletter, there was an article stating that there is a conditional use permit requirement to run a day care in the Village of Weston. With this revision to the code (basically the definition sections), what we did was get rid of “child care center” and instead create definitions for “family day care home” and “large group day care center”. She stated that these definitions are based on State Statutes, which then differentiate between a large day care center and an in home day care center, while our Village Code did not do. It also goes further to update some old terms; and when we get into the zoning districts, as to (what we are now going to call) a family day care home (which would be the smaller day care centers), it would require that instead of having a conditional use permit in a residential area, that they be permitted as accessory uses and that they are required to have a residential business permit. Higgins then clarified that instead of the \$250.00 conditional use fee, it would be a one-time \$50.00 residential business permit fee.

Zuleger stated that we have consulted with Marathon County Social Services on this. He stated that their concern was by having the \$250.00 conditional use permit fee, we would be discouraging day cares. Zuleger stated that we do not want to discourage day cares, but we do want them to be compliant with our zoning code. He stated that we are also working with Marathon County Social Services to maintain a current list of all day cares that they regulate, so that we know if we get some of these nuisance complaints from residents what the issues might be. Zuleger commented that this revision to our zoning code is working out to be a nice intergovernmental cooperation with Marathon County Social Services to make sure we have a good handle on what is going on with day care here in the Village.

Banholzer questioned the definition of family day care homes “...children regardless of age for less than 24 hours...”, if that is 24 hours day care for anybody or 24 hours per person? Higgins stated that this came directly from the definition listed in State Statues 48.65. Zuleger commented that he believes this means hours of operation.

Lisa Friese, 5407 Camp Phillips Road, was present and stated that you can get a license through the State for a variance which will allow you to watch a child for 24 hours.

Leann Montag, 4006 Shorey Avenue, was present and questioned the definition of home-based business. Higgins read the definition of a residential business to Montag. Montag questioned what area required of the residents who sell (out of their homes) Avon, Pampered Chef, PartyLite Candles, etc., if they are considered home-based businesses? Breu answered yes, and that they should have permits. Montag feels that we are targeting the day care

providers all of a sudden. Zuleger explained that our code was antiquated and did not deal with day care and did not allow day care in certain zoning. What we are doing now is cleaning up our code to allow day care as a permitted use, not a conditional use. This will actually open up day cares to be provided in more of our zoning districts. Zuleger stated that we would like to catch all of the other home businesses (Avon, Pampered Chef, PartyLite Candles, etc.) and make them get their permits. Since there is another regulatory agency, namely Marathon County Social Services or the State of Wisconsin, it is a little easier for us to get a handle on day care (as compared to other home businesses). Zuleger explained that this ordinance was basically generated by a large number of nuisance complaints that we received from neighbors, because of a day care in their neighborhood that was operating. It was a good chance for us to be able to allow day care to happen as a permitted use, where it could not before, and to let day care providers know that just because you are watching children by running a day care business in a residential neighborhood, you still have to operate as if you are living in a residential neighborhood. Your business does not pre-empt the conditions of what a neighborhood quality of life is. Montag stated that just because there are people who run 24-hour day cares, the ones that do it for 9 hours a day should not be punished. Zuleger explained to Strobel that foster care is not regulated as day care. Foster care is treated as those children being part of your family.

II. CONSIDERATION OF PLANNING COMMISSION MINUTES

A. MARCH 14, 2005 MINUTES

**M/S/P Oberlander/Donner: to approve Planning Commission Minutes of March 14, 2005.*

III. VISITORS

A. AUDREY & LEONARD HABECK, 4006 HOWLAND AVENUE – REEDY REZONING REQUEST

Audrey Habeck, 4006 Howland Avenue, was present in support of the Reedy R1 rezoning request. The members acknowledged a list of residents who signed their names in support of the rezone and proposed subdivision for Reedy's (this list is attached and titled Heritage Hills Subdivision). Habeck pointed out that these signatures are coming from residents who reside directly across the street from this proposed subdivision on Howland Avenue and each resident has read the planned covenants for this proposed subdivision.

IV. CSM APPROVAL

A. #05-05 MOSHER/LEWIS: 5810/5814/5816 FERGE STREET

Emery Lewis, 3236 Pyke Road, Mosinee, was present.

Breu stated this does not meet any of the setback requirements, including the minimum 15,000 setback requirements. Staff recommends denying this CSM.

**M/S/P Hancock/Oberlander: to deny CSM #05-05 Mosher/Lewis: 5810/5814/5816 Ferge Street. Lewis stated that the houses located to the north and the south of these parcels are smaller than these proposed lots on this CSM. Lewis explained that his three houses here were built back in 1950/1960, and that there is no reason that they should not be grandfathered in under those clauses. Breu stated that by today's standards, we should not be approving this. Breu stated that we cannot do anything about the setbacks, the lots are already there. Lewis stated that the permits to build those houses were issued with the setbacks back then. Machmueller stated that with the CSM, those*

lots have to meet today's requirements. The laws have changed and we have to follow today's laws. We cannot approve a CSM unless it meets the requirements of the zoning today, even though the houses are already there. Zuleger explained that this is State Law. Zuleger explained to Lewis the problem with this is that he is resurveying this property under current law. Under current law we have to go by our current zoning code. The issue is that by the existing zoning code, this CSM that he is proposing is not in compliance. Lewis feels that the Planning Commission should have the ability to override this. Zuleger explained that there is a Supreme Court ruling that does not allow us to do this. Higgins clarified to the members that the zoning of this property is R1. Motion Carried.

- B. #06-05 HIGGINBOTHAM/RENNES: LOTS 1, 2, 3, & 4 IN THE VALDRES SPRINGS PLAT**
Staff did not see any non-compliance issues. Higgins stated this CSM combines the first 4 lots in the Valdres Springs Plat into one lot. She discussed that the site plan was approved last month. This is for the Renaissance Assisted Living Center.

**M/S/P Oberlander/Strobel: to approve CSM #06-05 Higginbotham/Rennes: Lots 1, 2, 3, & 4 in the Valdres Springs Plat.*

- C. #07-05 HIGGINBOTHAM/TAPPE: CONDO PLAT FOR LOT 17, 7409/7411 RYAN AMY DR.**
Breu stated that all three of these next CSM's were done as condo plats. The construction for all three was done with condo requirements. This is just following through with their condo plans.

Donner pointed out the reference on this CSM to define a common element, which he believes is for the utility easement for the laterals to each unit, he does not see that common element outlined or identified on the map itself. It is referred to on the legend, but the common element and the limited common element are not shown on the map. The intent was to have the common element located down the middle of the lot for the sanitary sewer and water laterals.

**M/S/P Donner/Banholzer: to approve CSM #07-05 Higginbotham/Tappe: Condo Plat for Lot 17, 7409 Ryan Amy Drive, contingent on the inclusion of the identification of the common element on the map itself.*

- D. #08-05 HIGGINBOTHAM/TAPPE: CONDO PLAT FOR LOT 18, 7405/7407 RYAN AMY DR.**
Donner stated that the common element needs to be noted on the map. He pointed out another note on this map stating that the curb stops were not visible on this lot. Donner suspects that the curb stops were paved over, and he would stipulate that the builder take care of exposing those curb stops and getting them up to grade.

**M/S/P Donner/Strobel: to approve CSM #08-05 Higginbotham/Tappe: Condo Plat for Lot 18, 7405/7407 Ryan Amy Drive, with the condition that the common element be identified on the map and that the builder expose and raise to grade the curb boxes for the water services for both units.*

- E. **#09-05 HIGGINBOTHAM/TAPPE: CONDO PLAT FOR LOT 19, 7401/7403 RYAN AMY DR.**
Donner stated that they need to identify the common element on this CSM.

**M/S/P Donner/Banholzer: to approve CSM #09-05 Higginbotham/Tappe: Condo Plat for Lot 19, 7401/7403 Ryan Amy Drive, with the condition that the common element be identified on the map.*

V. **SIGN PERMITS**

- A. **BANK OF WAUSAU – ONE YEAR TEMPORARY SIGN PERMIT RENEWAL: SE CORNER OF SCHOFIELD AVENUE & ALDERSON STREET**

Higgins stated this is for a temporary sign on the southeast corner of Alderson Street & Schofield Avenue. This was approved last year and is due now for its one-year renewal. Higgins stated that this should be contingent on the sign being mounted to posts in ground. This approval shall be good with a sunset of one year from the date of Village Board approval, or at the time that the bank opens, whichever occurs first.

Zuleger pointed out that the Bank of Wausau is allowing us to use their land on this corner as a staging area for the 2005 Schofield Avenue Beautification Project.

**M/S/P Hancock/Strobel: to approve the temporary sign permit renewal for Bank of Wausau: SE corner of Schofield Avenue & Alderson Street. Contingent on the sign being mounted to posts that are in the ground and contingent on a sunset date of 1-year from the date of Village Board approval or at the time the bank opens, whichever occurs first.*

- B. **UNITED SIGN/HPI PROPERTIES – PAYDAY LOANS: 2809 SCHOFIELD AVENUE**

Breu stated this meets our requirements.

**M/S/P Oberlander/Banholzer: to approve the permanent sign permit for United Sign/HPI Properties – PayDay Loans: 2809 Schofield Avenue.*

- C. **VILLAGE OF WESTON FARMERS MARKET TEMPORARY SIGN PERMIT: NE CORNER OF SCHOFIELD AVENUE & JAMAR STREET**

Higgins stated this is for a 2-sided temporary Farmer's Market sign. There will be a permanent sign, which is currently being designed by our sign crew now. This temporary sign is just to draw interest and attention to growers to the upcoming Farmer's Market. Higgins stated that the Farmer's Market will begin on June 4th then be open on all Saturday mornings. She mentioned that already they have 21 of the 30 available spots reserved. Higgins went into detail on what the Farmer's Market will be and that it will be located just west of our Municipal Center.

**M/S/P Oberlander/Strobel: to approve the temporary sign permit for the Village of Weston Farmers Market: NE Corner of Schofield Avenue & Jamar Street.*

VI. **RESIDENTIAL BUSINESS/HOME OCCUPATION PERMITS**

- A. **NONE**

VII. SITE PLAN REVIEW**A. UNITED STRUCTURES, INC./CRYSTAL FINISHING SYSTEMS, INC. – BUILDING ADDITION: 4807 BAYBERRY STREET**

Mark Matthie, owner of Crystal Finishing, 2610 Ross Avenue, and John Morache, United Structures, PO Box 527, Weston, were present.

Zuleger stated this is the Crystal Finishing/Color Coatings building that Matthie purchased. Zuleger pointed out that they are proposing an addition on the north side of this building. Just north of this proposed addition is a dirt road that goes in between Crystal Finishing and the Window Accessory building. He stated that we need to approve this today with two contingencies. These include an easement from USSAM to allow some parking to occur on the north side and to get the greenspace needed there. We would like to see some of the noise issues resolved on the current Crystal Finishing building with baffling. He described the noise issues. Zuleger stated that Matthie has resolved 90% of his previous issues. We want a no-build easement with USSAM and Matthie. Zuleger stated that this easement has not been done yet due to the USSAM owner being out of state. Zuleger stated that this is a critical component for Matthie's Mercury Marine project, which will bring in a lot of jobs to the Village. Zuleger stated that we are working with the Chamber of Commerce to help Matthie get the oxidizer online. Zuleger re-explained that the contingencies consist of Matthie getting the proper greenspace through the acquisition of an easement and getting the noise issue fixed over on the other plant.

Higgins listed other contingencies on this site plan being that they need to submit a drainage plan; if they move the parking lot, we need to see that with curb & gutter and screened; and we need lighting specs and photometrics. Zuleger confirmed with Morache that this will not be a problem to take care of.

****M/S/P Oberlander/Hancock: to approve the site plan for United Structures/Crystal Finishing Systems – Building Addition: 4807 Bayberry Street, contingent on their submitting a drainage plan; if they move the parking lot, they need to show the parking lot with curb & gutter and it being screened; and their submitting lighting specs and photometrics; also contingent on greenspace through easement & noise issue. Q: Zuleger explained that with the greenspace easement, we are trying to obtain an easement from USSAM, because USSAM actually owns that land back there. USSAM's concern is that they want some kind of arrangement with Crystal Finishing or us to allow USSAM to get access to that property, off of Bayberry Street. We think that there are other solutions that we can work out with them, but one of USSAM's owners is out of state right now. USSAM has a second entrance by the Window Accessory building. This easement will be used mainly for greenspace. Donner questioned if that land is something they could acquire. Zuleger stated to see with the owners. USSAM's waterline runs from Bayberry Street to their building. Motion carried.***

B. LISA FRIESE & JR TRANTOW – LITTLE BEARS CHILD CARE: DRIVEWAY EXPANSION 5407 CAMP PHILLIPS ROAD

Breu explained that they want to create a parking area in the front of their house and add a parking area next to the garage on the south side of the property. They plan to do this by adding concrete to those areas. Breu stated that as long as they have the proper setbacks, their parking addition by the garage is okay, but we do not want them blacktopping the front lawn.

JR Trantow explained their reason for this request is due to their having neighbors on both sides who have their own turn around. They want to also have a turn around for the parents and their family to use to safely get onto Camp Phillips Road without having to back out of their driveway. By blacktopping these areas, it will keep parents vehicles off of their lawn.

Zuleger stated that while looking at site plan review here that we have had compliance issues here with Friese and her property. There have been a lot of complaints from residents. Zuleger stated that in the past, Friese has not been cooperative with Higgins or the police officers. Zuleger stated that we have talked to Marathon County and the State on these issues. We are hoping that she would be more cooperative with the Village and respect the fact that she is running a business in a residential area.

Friese stated that she is unaware of what she has done that is not compliant. She has never had complaints come to her from her neighbors. She commented that her neighbor put up a fence without a permit and the wrong side of the fence is facing her property. Friese stated that the only time she was uncooperative is when she got the fine for someone parking on her lawn. She pointed out residences across the street with similar issues that we have not enforced. She stated that they do not have inoperable cars parked there. She commented on her family size and what they have for vehicles themselves.

****M/S/P Hancock/Oberlander – approve concrete addition next to garage and along southern lot line, and to deny the concrete addition in front of their house. Q: There was discussion that the curb cut onto Camp Phillips Road will not change. JR Trantow clarified that this addition will be concrete not asphalt. Motion carried.***

VIII. CLOSE HEARING

A. CLOSE HEARING – VILLAGE OF WESTON, SECTIONS 94.113, 94.174 – 94.176, 94.178, 94.182 – 94.186, 94.188, 94.190, AND 94.194 OF THE MUNICIPAL CODE, ORDINANCE AMENDMENTS

Machmueller closed the hearing at 6:45 p.m.

IX. NEW BUSINESS

A. ACTION ON HEARING – VILLAGE OF WESTON, SECTIONS 94.113, 94.174 – 94.176, 94.178, 94.182 – 94.186, 94.188, 94.190, AND 94.194 OF THE MUNICIPAL CODE, ORDINANCE AMENDMENTS

****M/S/P Hancock/Strobel: to approve the Village of Weston, Sections 94.113, 94.174-94.176, 94.178, 94.182-94.186, 94.188, 94.190, and 94.194 of the Municipal Code, Ordinance Amendments.***

B. FORESIGHT DEVELOPMENT/HIGGINBOTHAM – FERNWOOD PRELIMINARY PLAT REVIEW: NORTH AND WEST OF 6304 WESTON AVENUE

Higgins stated this is the preliminary plat for Fernwood. There will be 79 lots in this area. This is zoned R1, and is provisional that sewer and water is extended to the site. The items that they need before final plat review: documentation that ANR is granting them permission to cross the ANR pipeline with road right-of-way, documentation of a release of easement rights from ANR, construction details from ANR on how ANR would like the right-of-way to cross the ANR easement, a signed developers agreement, utility infrastructure plans, storm water management plan (drainage plan), erosion control plan, and that the wetlands are to be permanently staked.

Banholzer is concerned that there are so many contingencies upon ANR can impact the preliminary layout here, and feels they should be resolved before approval. It was stated that the homes are going to be about 1,500 to 2,000 square feet in size.

Donner stated that ANR has historically allowed crossing, it is just a matter of their engineering criteria for crossing. Donner discussed a situation on Stone Ridge Drive where easement rights were not formally released. This is just their acknowledgement of street right-of-way. Donner stated that if ANR were to object, this plat will not go. Donner commented the 66-foot wide outlot for possible extension going to the east. We are not expecting them to build that street at this time. There is a cul-de-sac on the west of this plat in case there is any development to the west. Donner stated that we did not necessarily need the road pointing to the south built now, but we will work out during the construction plan preparation as to how access to Lot 33 will be taken care of.

Higginbotham stated that ANR has a copy of the preliminary plat and have informed him that they have no issues.

****M/S/P Oberlander/Donner: to approve the Fernwood Preliminary Plat Review for Foresight Development/Higginbotham: North and West of 6304 Weston Avenue. Contingent on our receiving documentation that ANR is granting permission to cross the ANR pipeline with road right-of-way, documentation of a release of easement rights from ANR, construction details from ANR on how ANR would like the right-of-way to cross the ANR easement, a signed developers agreement, utility infrastructure plans, storm water management plan (drainage plan), erosion control plan, and that the wetlands are permanently staked.***

C. HIGGINBOTHAM/WILL – ARROWHEAD ESTATES EXTRATERRITORIAL FINAL PLAT REVIEW: TOWN OF RINGLE, NORTH OF RINGLE AVENUE, EAST OF RIVER POINTE SUBDIVISION

****M/S/P Banholzer/Oberlander: to approve the Extraterritorial Final Plat Review – Higginbotham/Will: Arrowhead Estates: Town of Ringle, North of Ringle Avenue, East of River Pointe Subdivision.***

D. RETTLER CORP./CROSS POINTE, INC. – CROSS POINTE CORPORATE PARK FINAL PLAT REVIEW: SW CORNER OF WESTON AVENUE & CAMP PHILLIPS ROAD

Higgins stated this final plat was approved last summer, but did not get recorded at the County within the 6-month requirement time. Some of the hold-up had to do with access and possible sale of the Rodney Metz property, south of this plat. Higgins stated that the Schierl's are in the process of purchasing the Metz property. We have not received a signed agreement yet between Metz and Schierl. This approval should be contingent on our receiving a signed copy of the agreement. Higgins stated that the County probably will not record this plat without that signed agreement either. We would like to see the wetlands permanently staked after they have completed the road grading. The developer needs to agree to adhere to the Damon Farber guidelines and include in their covenants that buyers within their development adhere to the guidelines also. Also the Village reserves the right to close the median break at the intersection of Weston Avenue and Meadow Rock Drive if traffic flow becomes an issue.

Donner explained the wetland delineation done on Lot 10. Donner stated that the developer has been working to cross the wetland to get access to Lot 10. They have indicated the no access restriction to Camp Phillips Road and Weston Avenue.

Donner clarified that Metz's attorney spoke with him and had stated that they closed on the sale as of last Friday (04-08-05). He would like to add to the contingency that access to newly acquired property come from Meadow Rock Drive through a CSM at a Planning Commission meeting at a later date. We were advised by our attorney that with the access restrictions shown on the plat, this approval should be contingent on there being some specific language, that is referred to in the State Statutes, which makes it expressly clear that the developer is giving up access rights along the streets as indicated, so there is no question in the future. It was discussed that our attorney was not satisfied with Schierl just having the notations on the map about no access. Donner explained to the members that this was never submitted to the County for approval, but that Rettler was working out other issues before doing so.

****M/S/P Donner/Strobel: to approve the Cross Pointe Corporate Park Final Plat Review for Rettler Corp./Cross Pointe, Inc.: SW Corner of Weston Avenue & Camp Phillips Road, contingent on the wetlands being permanently staked, the developer adheres to Damon Farber Guidelines, the Village reserves the right to close the median break at Weston Avenue & Meadow Rock Drive if traffic flow becomes an issue, the access to the newly acquired property south of Lot 13 coming off of Meadow Rock Drive, language expressly giving up access to Weston Avenue, Camp Phillips Road, and Birch Street be added to plat, and also that we receive a release of easement rights from both ANR Pipeline and ATC Transmission Company.***

****M/S/P Strobel/Oberlander: to amend the motion for them to include in their deed restrictions and covenants the adherence to the Damon Farber Guidelines.***

All in favor of the amendment.

X. UNFINISHED BUSINESS

A. CONTINUED DISCUSSION WITH TOM GERTSCHEN, LEWIS CONSTRUCTION: OFFICE BUILDING ADDITION IN AG DISTRICT

Steve Lewis and Tom Gertschen, Lewis Construction, 9307 Camp Phillips Road, were present. Gertschen stated that they just want to put a small office addition onto their office building. He commented that everything is well screened. They have no intention of moving in the near future.

Machmueller commented that this is a unique situation. He has no objection to this office building addition. Machmueller stated that he would not be open for a zoning change, because that would create even more issues. The business has been there a long time, this property is well screened, and it is strictly an office building. Machmueller stated that if this was for storage of equipment, he would feel differently. He saw the concept of their addition and is okay with it.

Banholzer stated his concern being that our proposed future land use map shows this area as being residential, and that this is not the right use. He feels that Steve Lewis should look for a new area if he wants to add on. Oberlander stated that he is not in favor of a large expansion.

Higgins explained to the Planning Commission that this property is zoned AG, which in our zoning code defines it as a holding district for a future zoning change at the time that the Planning Commission deems that to be the time to change it. Higgins explained that per our zoning code the current use cannot be expanded, it is a non-conforming use. She explained that if we want to let them go forward with site plan review, they have to apply to rezone this property. Per code, a non-conforming use cannot be expanded.

Strobel & Hancock had no comments. Donner stated he agrees with Banholzer. The only way we should consider a site plan for a building addition is through a property rezone.

Zuleger noted that zoning this B3 or BP, based on current zoning, would be spot zoning. Zuleger explained that he feels the reason that we allowed them to build their storage shed was because we felt it met the spirit of the AG land. Zuleger pointed out the CSM for Emery Lewis that we just denied, because it does not meet the code. This is a similar situation where we need to follow our code and be consistent.

Machmueller questioned if they could remodel by building a second story rather than expanding on one side. Higgins explained that the code states a non-conforming use cannot be expanded or remodeled beyond 50% of its current assessed value. Steve Lewis pointed out that with the expansion that they are requesting, the expansion area is smaller than the size of our Board Room.

It was discussed that combined, this property amounts to about 22 acres. Donner questioned if this is a large enough piece of property if it could be considered for a planned overlay district (OPD), in which case we have some flexibility in terms with our land use, as long as it does not conflict with or become a nuisance to others. It was discussed that there needs to be about 5 acres minimum to do an OPD. It was explained that this would be the same process as a rezone. This way the underlying zoning would not necessarily change. It was discussed that we did a similar overlay for the hospital. Donner stated that we do not want to harm the neighborhood, but the operation has been there. Zuleger read the code to the commission and to Lewis on an OPD. The OPD would be applicable to the current owner and if the property changed hands, the zoning would revert back to AG. Steve Lewis had some concerns on if his father retires and his father selling the land to him. Higgins stated to list all names on a deed.

Machmueller got a consensus of the commission: Banholzer is opposed; Oberlander, Hancock, and Strobel are okay. Donner stated this is the only option for them to explore. This will occur on the entire 22 acres. Zuleger agreed the OPD is the best.

B. REZONING RR TO R1 REQUEST FOR REEDY ENTERPRISES: PROPERTY LOCATED WEST OF 4006 HOWLAND AVENUE (VILLAGE BOARD SUGGESTS REZONING FROM RR TO RE)

Higgins stated the Village Board took this up at their March meeting and referred this back to us to consider RE zoning. If we decide to stay with R1, it will then go on to the Village Board; if we choose to go the route of RE zoning, Reedy's would have to file a new application and have a new hearing. Higgins explained a conversation she and Donner had with the Village attorney where he advised them that we changed our RE requirements to the 25,000 square feet for a reason, and that this would be a contingent contractual rezoning, which we cannot do. Zuleger commented that we do not enforce deed restrictions and covenants, we just make sure the base-line zoning is correct. Higgins stated that Weber advised them that Reedy's

would not be entitled to a variance because this would be a self-created hardship. This is basically looking at what we think in that area is the best size for the lots.

Banholzer discussed what the future land use plan is for this area. He stated that when looking at the lots to the east, they are larger lots. This will be developed whether they like it or not, but feels we should consider the RE over the R1. Banholzer stated that with drainage and all the basements that will be in there, there will be a lot of pumps pumping water out. He is also concerned with traffic. Banholzer feels this will be the best area for residential, being next to the YMCA, but suggests the RE zoning.

Oberlander discussed that if we go RE, we may be setting precedence on all lots in that area being zoned RE. Strobel likes the idea of larger lots, but is undecided on this issue, and brought up previous discussion of the Village having larger lots the further you go out towards the Village border. Donner has mixed feelings also, and feels new subdivisions should be served with at least public water, but by doing this we are forcing onto the developer a larger cost. Donner explained that after hearing the Village Board's comments and their sending it back to us for consideration of RE, he reviewed section 94.105 of the code, which list things that we are supposed to consider when rezoning; traffic congestion, wetlands, woodlands, etc. Donner brought up the community survey that was sent out a few years ago where a big concern with residents was the preservation of woodlands and wetlands in the southeast. We would not be adhering to that with R1 zoning. Larger lots are not as efficient for public utilities. If sanitary sewer is provided, it could be done by a pressurized sewer system with individual pumps in the homes. Donner stated that he would like to see some kind of economic analysis done for the RE zoning versus the R1 zoning. Donner stated that based on the natural resource issue here in terms of the code, he would be in favor of RE over the R1. Machmueller stated that prior to 1990, he believes that R1 zoning was 20,000 square feet. He feels that if R1 was that much, he would be in favor of the R1 zoning.

Zuleger is concerned about contractual contingent zoning. Now we are dealing with an issue of where we are developing land on the periphery, areas that don't represent traditional neighborhood developments. What we have heard from Planning Commission, staff, and even developers, the idea of increasing the R1 size. Zuleger stated that it may not be a bad idea, under the public interest criteria, that we need to consider, increasing the size of R1. Zuleger stated that we could also do some grand fathering language with some of the available lots. Zuleger reminded the members of a provision in the code that states in making your recommendation the commission shall always be guided by finding that a change, amendment, decision, or rezone would be in the public interest and not solely for the benefit of the applicant. He then read what the Planning Commission needs to consider when taking in the public interest. Some of those things were compliance the Village plan adopted by the Commission, and compliance with the intent and purpose as detailed in Section 94.104 and 94.105 of the code. Zuleger stated that from what he has heard from the members, we are ready to look at our square footage size in our residential zoning districts. He also stated that we should keep in mind that public interest has to outweigh the applicant's point of view.

Reedy explained with his proposed Heritage Hill Estates conceptual subdivision plan, that all of the lots are a minimum of 20,000 square feet in size. The minimum for R1 is 15,000 square feet and the minimum for RE is 25,000. He stated the problem he would have with RE zoning is the minimum of 150 feet for road frontages. The members then corrected him, stating that the minimum for road frontages is 120 feet, and that the requirement is 150 for SR, and 100 for R1. He commented that most of the lots are at the 120-foot road frontage. He stated that

the main issues come in when going from minimum lot sizes of 20,000 square feet to 25,000 square feet. Reedy stated they have located the wetlands, but they are not staked. They added with the side lot lines they went with 12 feet & 15 feet rather than the standard 8 feet & 12 feet. This is something that they would add to the covenants to be sure there is plenty of space between the houses.

Banholzer is looking at the environmental impact and the master plan, and feels that R1 is not appropriate here. Oberlander likes the idea of Reedy's proposing 20,000 square foot lots, but is concerned that if we rezone, and if someone else buys the land they can create smaller lots to fit the R1 requirement. There was discussion that public water would be going in there and that this area is located in the 208 Boundary. Higgins stated that when the R1 recommendation went to the Board it was provisional that sewer and water be brought in before the R1 would be in effect. It was discussed that with RE zoning the road right-of-way setback is 40 feet and the side-yard setback is 20 feet. It was discussed that with irregular shaped lots, they do not need to meet the road frontage requirement, if that requirement is met at the building setback line.

Zuleger discussed that there is interest in having larger lots in the periphery of the Village. We are discussing possibly changing the lot sizes. This is in the public interest and we are starting to make policy.

A resident in the audience commented that he is not necessarily against Reedy building there, but against how close the houses will be, all of the trees coming down, wetlands being affected, etc. Oberlander stated that no matter who gets the property, they can cut down all the trees they want on their property. He discussed with the larger lots, we are setting policy, because this is going to affect every other parcel out there, and feels that we need to revisit the R1 size before moving forward. Zuleger stated that in May we were going to bring to the Planning Commission some cleanup on some of the other zoning districts that got lost or changed during the 1991 mass rezone. Zuleger stated that we were going to re-establish the B1 district along with some others.

The members discussed holding a special Planning Commission meeting date to discuss options for Reedy. They scheduled a special meeting to be held on Tuesday, April 19th, at 6:00 p.m.

It was discussed that rather than changing the size requirements on the zoning districts, we may want to create a new zoning district. By changing the size requirement, we may be forcing properties into non-compliance. It was discussed to possibly create a district that would be between the R1 and RE districts, but also similar to the SR district.

Reedy wants to continue with his plans and keep things moving as quickly as they can. Donner explained that the surest way for Reedy to continue with his plans is to come back with an RE rezone request.

****M/S/P Hancock/Oberlander: to table this rezoning request from RR to R1 by Reedy Enterprises: Property located west of 4006 Howland Avenue.***

C. KWIK TRIP, 3207 SCHOFIELD AVENUE: MESSAGE BOARD PYLON SIGN

Higgins stated that Zietlow has agreed to go with the amber lights, but is still proposing the pylon sign, which holds the digital gas price sign and the message board sign, which does not meet the Damon Farber guidelines. Banholzer feels when looking at public interest, we should permit the digital gas price sign (with amber lights) and omit the message board sign. It was pointed out that we need to look at height of the sign also. Hancock stated that as long as the sign is not blinking and has amber lights, she is okay. Strobel is okay with digital gas price sign. Donner confirmed the display of the gas prices would be complying with the Village Code, just not the Damon Farber guidelines.

There was discussion on the existing properties and how they will change to meet the guidelines. Zuleger stated as the redevelopment occurs in this TIF #2 area, properties will have to be brought into compliance.

****M/S/P Hancock/Banholzer: to allow Kwik Trip to have a digital gas price sign with amber lights, but not the message board sign. Q: It was discussed that the height requirement will need to be addressed. Breu discussed the maximum height of a sign can be 20 feet, 5 feet from the property line. As you go higher, you need to move the sign back further. Higgins stated that the maximum height is 30 feet. Breu stated that this approval is just for permission to have the digital gas price sign, that there needs to be a sign permit approved yet from the Planning Commission and the height and location can be covered then. Oberlander – opposed. Motion Carried.***

XI. FUTURE MEETING TOPICS

Donner pointed out that on April 25th there will be a special Planning Commission meeting to cover the sewer service boundary amendment.

Oberlander questioned how to address issues in the B3 zoning. Etched In Stone has their products displayed on the corner in front of the Green Acres Mobile Home Park, and he feels it looks terrible. Zuleger stated that he can get him to get the area cleaned up. Zuleger stated the Body & Hoist business in the Business Park needs to be cleaned up also. It was discussed that there is a difference between outside storage and product display.

XII. ADJOURN

****M/S/P Hancock/Banholzer: to adjourn at 8:30 p.m.***

Respectfully,

Valerie R. Parker,
Recording Secretary