

PLANNING COMMISSION MINUTES
5500 SCHOFIELD AVENUE
WESTON, WI 54476
MONDAY, MAY 9, 2005 - 6:00 P.M.
****REVISED (SEE PAGE 10)****

I. CALL TO ORDER

Trustee Steve Meinel 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. President Vilas Machmueller was excused. Village Administrator, Dean Zuleger, Community Development Director, Jennifer Higgins, Building Inspector/Zoning Administrator, Al Breu, Trustee Fred Schuster, Storm Water Manager/Project Engineer, Tim Vergara, Village Attorney, Dick Weber, and Recording Secretary, Valerie Parker were present. Over 50 audience members were present.

A. OPEN HEARING – VILLAGE OF WESTON, SECTIONS 94.185 AND 94.187 OF THE MUNICIPAL CODE, ORDINANCE AMENDMENTS

Higgins spoke in support of this ordinance amendment and stated this is an amendment to the ordinance of the zoning code. This will add single-family dwellings as a permitted use by right in the B1 neighborhood convenience retail and service district. Because anything that is permitted to be a use by right in the B1 and B2 is allowed as a use by right in the B3 district, we had to adjust the B3 general business district to single out that single-family dwellings were not an allowed use in the B3 district.

No one spoke in opposition.

B. OPEN HEARING – VILLAGE OF WESTON, CREATION OF ORDINANCES TO BE CALLED DIVISION 2 CREATING SECTIONS 86.300 THROUGH 86.315 RELATING TO THE POST-CONSTRUCTION STORMWATER MANAGEMENT, AND DIVISION 3 CREATING SECTIONS 86.400 THROUGH 86.414 RELATING TO THE CONTROL OF CONSTRUCTION SITE EROSION RESULTING FROM LAND DISTRIBUTING CONSTRUCTION ACTIVITIES, ALL OF THE MUNICIPAL CODE

Vergara spoke in support of this ordinance creation and discussed that these are steps that we are taking to meet the requirements of NR 216 that were federally mandated and passed on to the WDNR. He stated that these are for post-construction storm water management and erosion control ordinances for construction sites.

No one spoke in opposition.

C. OPEN HEARING – STEVE LEWIS, LEWIS CONSTRUCTION REZONING REQUEST FROM AG TO AG WITH OPD: 9307 CAMP PHILLIPS ROAD AND 9205 CAMP PHILLIPS ROAD

Steve Lewis and Tom Gertschen, both of Lewis Construction, Inc., 9307 Camp Phillips Road, were present in support of this request.

Larry Jenks, 6013 Normandy Street, was present in opposition of this request, and questioned what the OPD will allow, and what the purpose for this is. Meinel explained that this would allow Lewis to put an addition onto his existing office building. Jenks is concerned about this because he owns property, which adjoins Lewis' property. Gertschen explained the addition they are proposing to build. Gertschen explained to Jenks that their long-term plans right now are just to add on to their office space. Lewis then explained that there is 25 acres, and a majority of that is a wetland area. They do not plan to construct on or disrupt the wetlands.

There were no further comments.

D. OPEN HEARING – POLISH PONDZ, LLC, REZONING REQUEST FROM AG TO RR: 8410 RYAN STREET

Michael Dorski, Partner in Polish Pondz, LLC, PO Box 91, Rothschild, and Dan Higginbotham, Plover River Land Co., P4225 Pineview Road, Birnamwood, were present in support of this request.

Dorski stated that they just want to split up the eastern 20 acres of this 39-acre parcel into 3 to 4 lots along Ryan Street, and the lots will be about 3 to 5 acres in size.

No one spoke in opposition.

E. OPEN HEARING – RC PAVERS, LLC, CONDITIONAL USE PERMIT REQUEST: 9306 WESTON AVENUE AND 9308 WESTON AVENUE

Due to conflict of interest, Zuleger instructed Strobel to temporarily remove himself from the Planning Commission and enter the audience during this discussion.

Randy Christiansen and Ryan Christiansen, owners of RC Pavers, LLC, 9306 Weston Avenue, and Attorney Joseph Mella, Ruder, Ware, & Michler, LLSC, 500 Third Street, Wausau, were all present in support of the conditional use permit request.

Randy Christiansen stated their site is zoned M1 (Manufacturing & Warehousing). They have an asphalt plant that they would like to put out there. He stated that a preliminary permit has gone through to the DNR and they do not have a problem with it at this point. He stated that they have been in the paving business for about 6 years, and this will be an addition to their scope of work that gives them a lot more leeway on what they can do, or more opportunity on how they can grow. They will be adding about 10 – 12 jobs. They currently have 12 employees now, and are hoping to continue to grow in this area.

Rock Larson, 7006 Janelle Street, spoke in opposition by pointing out the bad odor nuisances that his neighborhood will have to deal with. Ryan Christiansen stated that the scent additives that they are looking to put in it will mask the smell, or basically deodorize the asphalt cement which is the part that leaks the smell. They have some specifications on the scent additives.

Deidre Andrzczyzak, 9915 Weston Avenue, was present in opposition stating that she is concerned about the extra truck traffic going in front of her house. She is also concerned about noise and air pollution that this will create. She stated that this is going to be unsightly if it is similar to American Asphalt in Wausau. She stated that they were here before Christiansen's were, she feels that the Planning Commission needs to consider the residents' needs.

Mella stated that they submitted to the Planning Commission information that addresses all of the performance standards that have been brought up. With respect to the odor, it is already addressed that they are specifying some specific additives to the process to deodorize the smell. He then stated with respect to the truck traffic, he also submitted to the Planning Commission what they estimate the additional truck traffic that will be occurring on Weston Avenue that would be traveling either to or from that location. Their anticipated number of trucks is approximately 50 trucks per day that would be traveling in and out. He commented that there has already been a substantial amount of truck traffic on Weston Avenue because that was the primary thoroughfare for all of the construction that was coming in and out of the hospital construction, so they don't anticipate that the load on Weston Avenue would be any

greater than there already has been during that construction process. With respect to the size and unsightliness of the project, this is nowhere near as large as the American Asphalt facility. This is much smaller, more self-contained, quieter, fewer air emissions, not as tall, and operates differently. He discussed the pictures of what this plant would look like. He pointed out this is not a plant, it is a piece of equipment. With respect to the location, they have a greenspace designated behind the property to the south, because ANR Pipeline has a 50-foot wide easement that goes across their property that they cannot build on. There is a greenspace area on the north side of their property because of the STH-29 setback that is in place on their property that they cannot build on. They are planning on planting some trees in front of the property as well when they install this equipment.

David Hollman, 6907 Brianna Street, was present in opposition of this request. He stated that about 15-20 years ago he worked in an area near an asphalt plant. While working near there, everyday when he went home, his clothes smelled, if he got near anybody, they could smell it. He stated the odor was horrible and he could not wash it out. He stated that if this plant goes in, the odors will get into their houses, onto their clothing, carpets, and furniture. He questioned on how the Christiansen's are claiming that they will be adding the additives to eliminate the odors, which sounds good here during this meeting, but how about when the plant is up and running and it does start to smell, what will be done then? He stated that the truck traffic will increase from this business, and continue to increase as their business expands. He commented on how unsightly this plant will look and that he can't imagine why the Village would want this here if we are trying to promote the area. He stated that with the trucks hauling in sand and gravel everyday that there will be a lot of dust. He then commented on the dust nuisances there are from County Concrete. He stated that when he moved out to this subdivision, he was told that County Concrete was going to be relocating, but they are still here. He stated that County Concrete has trucks moving in and out of there each morning prior to 6:00 a.m., which creates a noise issue where you can hear the beeping and banging sounds of trucks backing up. It is not fair to their neighborhood to make them live with the nuisances of asphalt plants on both sides of their subdivision.

Randy Christiansen stated that as far as smell, you would have to be pretty much in direct contact with the paving materials or asphalt. He also commented that as far as noise and dust, dust is controlled by the DNR and there is an observer that has to be on the site at all times when the plant is running to monitor the area. As far as noise, the noise issue is already a factor with STH-29. He stated that as far as the limit of hours of operation, they will follow that as strictly as possible. It was discussed that hours of operation are limited to 7:00 a.m. to 10:00 p.m.

Tama Gehrke, 6907 Janelle Street, was present in opposition pointing out that when she first moved out there about 18 years ago that County Concrete was a smaller operation and now is really large. She is afraid of Christiansen's plant getting that large also.

Bob Barr, 4804 Indigo Drive, Rib Mountain, has property in this subdivision and was present in opposition of this request. He is concerned on how this may affect the value on his property.

Sabine Schroeder, 6902 Brianna Street, was present in opposition of this request. She is concerned about safety, smell, and noise nuisances that will come out of this.

Aaron Hoffman, 6202 Danielle Drive, was present in opposition of this request. He teaches at DC Everest Middle School and is concerned with the air quality.

Mella pointed out that the Village has planned for uses of this nature to occur in that area. This area is currently zoned M1, which is for manufacturing.

Larson commented that this neighborhood was here first. He stated that they all pay taxes and should be treated accordingly. He stated that if Christiansen's want to have this, they should go 5 or 6 miles east of here.

Hollman stated that if we look back into the records of neighborhood meetings when the business park was first developing, they would show that the neighborhood residents were promised this was the type of business that would not go in there.

Meinel read four letters (all are attached) from Lyle Brehm, 4837 Timber Ridge Road, Schofield, Donald & Kristine Rasmussen, 6906 Brianna Street, Cecelia Smith, 9002 Weston Avenue, and from Terry Holmes, 8912 Scenic Drive, who were all in opposition and sharing the same comments as the present audience members who are in opposition of this request.

Zuleger clarified a statement that was written in the newspaper, by clarifying that he did not mean the Brehm's subdivision was poor planning, but that he meant the entire area where there is a mixture of residential and commercial so close together. He described things that he has done to make things better for the Brehm's neighborhood. Zuleger explained that Christiansen's have the right to petition for this use, the zoning is right, but that Planning Commission has to make a decision yet.

Russ Decker, 6803 Lora Lee Lane, questioned if anyone can give an example of any similar asphalt operations of this size as to performance data (dust, odor, noise, etc).

Andrzczyzak asked if this is already an approved thing, because Christiansen's are already moving dirt. Meinel stated that this has not been approved yet, that is what this meeting is for.

Mella stated that they have submitted some supplemental information to support the petition, in addition, REI should have dropped off a site plan and drainage plan. Breu and Zuleger explained that both these things have been received in our office, but because of the lateness in these being turned in, staff has not reviewed them yet.

Lisa Szews, 7107 Janelle Street, was present in opposition of this request. She stated that she is from out-of-state and has a friend who lived close to a similar plant, which she stated was very small. She stated that her friend has black dust everywhere and her friend's home does smell.

Mella added that he hopes whatever situation we have had with County Concrete does not have any impact on the decision the Planning Commission makes for them. He pointed out that County Concrete is a different type and much larger operation than what this will be. He stated that Christiansen's bought this site because they were told that they could do what they wanted to do here. He reiterated that the Village told them that they could come here and set this thing up. He commented that the Christiansen's have jumped through a lot of hoops already to try to accomplish every thing that the Village has asked them to accomplish as well as what the State of Wisconsin has asked them to accomplish. He stated that if the Planning Commission denies this that we will be putting Christiansen's in the situation where they have invested money, time, and effort into a process, and now we would be taking away their right that they have with respect to this.

Hollman commented that as homeowners, they have invested time, effort, and money into their properties and they expect that the Village will consider that, with the respect for them as homeowners, to have a decent place to live.

Meinel clarified to the audience the correction to the hearing notice where the legal description reads "... Southwest quarter (SW1/2)...", that it should be corrected to read "...Southwest quarter (SW1/4)...".

Weber commented that after looking at the ordinances, it seems to follow here, as he hears the discussion, that everyone seems to think this is either permitted use or conditional use in an M1-manufacturing & warehousing district. He then read out of the code what the permitted uses by right are in an M1 District, which he does not feel the applicant qualifies for under those permitted uses. He then read the definition of a conditional use and the nine subsections that are under that, which state what are permitted under a conditional grant. He commented that nowhere in the M1 District, in the Conditional Use or Permitted Use sections, is there mention made of the concrete batching plant or an asphalt paving production plant. However, when looking at the OME (Mineral Extraction Overlay) District, we find that under permitted uses by right there are quarry and removal of sand and gravel, including washing, crushing, etc., but then farther down in subsection 3, it says the following only in conjunction with a permitted use by right, which shall cease upon completion of the principle operations, it describes three things being a.)concrete mixing, b.)cement concrete products manufacturing, and c.)asphalt paving production. He stated that this leads him to conclude that the only way you can have an asphalt paving production facility is upon the same premises that you remove the material that you are using to mix your concrete or your asphalt with, namely quarrying and removal of sand and gravel. He does not see where it is appropriate, in the M1 District, as a permitted use or a conditional use to allow an asphalt production paving plant. Where that seems to him would require an OME District application in the given district. If that were done than you can only permit the asphalt paving production plant in an area that is also the place where you mine the raw material. Weber stated that he believes when American Asphalt first located in Kronenwetter that a lot of their material that they used for their asphalt mixing plant originally came off of that site. He stated that when looking at the code if you want a conditional use or permitted use to do this type of thing in an M1 zoning, that should have been stated. It is stated under the OME District, and only there, even if you have a quarry permit, can you have an asphalt paving plant, which has to be onsite with the place where you are mining it. Weber clarified that the fact that they list "concrete batching plants" and "asphalt production plants" under another category in the zoning code leads him to conclude that it was not intended to be included under M1 zoning. Mella thinks that Christiansen's impression was that processing, based on what they are talking about doing here, is broad enough to include this type of activity. Mella stated that what they are talking about doing here is bringing asphalt/concrete in from another site, bringing in the crushed rock from another site, and storing that crushed rock on site for only enough time that is necessary to put into the drum that is going to be mixing the asphalt/cement. Once it is mixed in that drum, it is immediately heated and dumped into trucks and taken to the sites that it will be used for (people's driveways, streets, etc.). All they are really doing is processing the materials that they are bringing in from offsite. Weber stated that in his past experience, with statute construction, he was always taught that if there was specific section dealing with a subject matter, which we have here, that is what it is meant for. Mella stated that the only other precedent that they have under these circumstances is other uses that are currently permitted in the M1 zoning area, and County Concrete is also in an M1 zoning area. Weber stated that County Concrete was established under the old zoning code. Weber gave history of when County Concrete got

their permit. Mella stated that they initially met with Village staff when applying for this, Village staff told them to apply for a conditional use permit pursuant to their existing zoning, because they wanted Christiansen's to meet the performance standards needed to be met for a conditional use permit. Christiansen's have proceeded on that basis with the understanding that the Village thought this to be an acceptable use, subject to a conditional use permit.

Donner stated that this is not a permitted use by right. Regardless of whether this were to be a conditional grant hearing or if we should have gone through the OME overlay process, we would be going through this same public hearing process. He then stated that we do not need to focus on whether this should be a conditional grant or OME at this point, but that we need to focus on the land use issue. Weber went into further discussion of what the code allows.

Strobel returned to his Planning Commission member duties.

II. CONSIDERATION OF PLANNING COMMISSION MINUTES

A. APRIL 19, 2005 MINUTES

**M/S/P Oberlander/Banholzer: to approve Planning Commission Minutes of April 19, 2005.*

III. VISITORS

A. NONE

IV. CSM APPROVAL

A. NONE

V. SIGN PERMITS

A. LANDSCAPING EXPERTS/D&L SIGNS – LANDART: 7701 SCHOFIELD AVENUE

Breu stated sign meets the zoning code requirements and staff recommends approval.

**M/S/P Hancock/Strobel: to approve the permanent sign permit for Landscaping Experts/D&L Signs – LandArt: 7701 Schofield Avenue.*

B. VENTURE OF WAUSAU/DOUGLAS CRAVILLION/SIGNS THAT SELL – DJ AUTOMOTIVE: 2206 SCHOFIELD AVENUE

Breu stated this is just changing the nameplate on the sign; it will be the same size and in the same place. Someone else is taking over the car lot. He stated that this meets zoning code requirements and staff recommends approval. The property is zoned properly for car sales.

**M/S/P Hancock/Oberlander: to approve the permanent sign permit for Venture of Wausau/Douglas Cravillion/Signs That Sell – DJ Automotive: 2205 Schofield Avenue.*

C. RUETHER/D&L SIGNS – ALPINE MOBILE HOME PARK: 1919 SCHOFIELD AVENUE

Breu stated this is just replacing the face on that sign, this will be the same size and same location. He stated that this meets zoning code requirements and staff recommends approval.

**M/S/P Strobel/Hancock: to approve the permanent sign permit for Ruether/D&L Signs – Alpine Mobile Home Park: 1919 Schofield Avenue.*

D. KORTBEIN/CORNERSTONE ARCHITECTS/UMBRELLA PROPERTIES OF WESTON – DELIKOWSKI STREET HOUSING: 5855 DELIKOWSKI STREET

Breu stated that the sign's site plan shows they meet the minimum setback of 5 feet from the property line. He stated that this meets zoning code requirements and staff recommends approval.

****M/S/P Oberlander/Hancock: to approve the permanent sign permit for Kortbein/Cornerstone Architects/Umbrella Properties of Weston – Delikowski Street Housing: 5855 Delikowski Street. Q: Higgins clarified to Banholzer the location of this sign. Motion carried.***

E. GHIDORZI CONSTRUCTION CO./TD FISCHER – TEMPORARY SIGN TO ADVERTISE PROFESSIONAL & COMMERCIAL SPACE AVAILABLE ON THE EAST SIDE OF CTH-J NEAR STH-29

Breu stated this is a temporary sign, which meets the zoning code requirements. Staff recommends approval, but contingent on a sunset date of 1 year from Village Board approval or at the time all lots are developed, whichever occurs first. Higgins and Zuleger clarified to Oberlander the location of this property.

****M/S/P Oberlander/Hancock: to approve the temporary sign permit for Ghidorzi Construction Co./TD Fischer – temporary sign to advertise professional & commercial space available on the east side of CTH-J near and south of STH-29, contingent on a sunset date of 1 year from Village Board approval or at the time all lots are developed, whichever occurs first.***

F. GHIDORZI CONSTRUCTION CO./BG ADVENTURES/TD FISCHER – TEMPORARY SIGN TO ADVERTISE VILLAGE STATION CONVENIENCE STORE, CAR WASH, & RESTAURANT COMING SOON, ON THE EAST SIDE OF CTH-J NEAR STH-29

Zuleger stated that this sign basically tells people what will be going in there (a Shell convenience station with a restaurant). Higgins stated that this should be contingent on having a sunset date of 1 year from Village Board approval or at the time that the building opens, whichever occurs first.

****M/S/P Oberlander/Hancock: to approve the temporary sign permit for Ghidorzi Construction Co./BG Adventures/TD Fischer – temporary sign to advertise a village station convenience store, car wash, and restaurant coming soon, on the east side of CTH-J, near and south of STH-29, contingent on having a sunset date of 1 year from Village Board approval or at the time that the building opens, whichever occurs first.***

G. RICK WANTA BUILDERS – EDGEWOOD ESTATES ENTRANCE SIGNS: OUT LOTS 1 & 2 OF EDGEWOOD ESTATES ON ESTATE DRIVE

Breu stated that staff has looked at this location and the sign plans. He feels the signs are very tastefully done. One sign is hiding a detention pond, and they will be placed in a woods-like setting, which looks good. This meets staff approval.

****M/S/P Hancock/Strobel: to approve the permanent sign permit for Rick Wanta Builders – Edgewood Estates entrance signs (two): Out lots 1 & 2 of Edgewood Estates on Estate Drive. Q: Higgins explained to Meinel that a homeowner's association will be maintaining these signs, which is listed in the subdivision covenants. Motion carried.***

H. ROBERT MIKLESH/D&L SIGNS – MIDWEST DENTAL: 5702 MEMORIAL COURT

Breu stated this is a small sign, for the size of the lot, advertising Midwest Dental. This meets the zoning code requirements and staff recommends approval.

**M/S/P Banholzer/Oberlander: to approve the permanent sign permit for Robert Miklesh/D&L Signs – Midwest Dental: 5702 Memorial Court.*

VI. RESIDENTIAL BUSINESS/HOME OCCUPATION PERMITS**A. CHRISTOPHER PLANSKY – RESIDENTIAL BUSINESS PERMIT FOR ELECTRICAL DRAFTING (CAD): 3404 ROSS AVENUE**

Breu stated this type of business falls within the realm of requirements of the residential business permit. Staff recommends approval.

**M/S/P Oberlander/Hancock: to approve the residential business permit for Christopher Plansky – Electrical Drafting (CAD): 3404 Ross Avenue.*

B. KEVIN MCKENNA – HOME OCCUPATION PERMIT FOR MCKENNA JANITORIAL SERVICES: 4509 HOLLY AVENUE

Kevin McKenna, 4509 Holly Avenue was present.

Breu stated this meets requirements of the residential business permit. He will not be doing any work on site, storing any materials there, and will not have any customer walk-in traffic. Staff recommends approval.

**M/S/P Hancock/Oberlander: to approve the residential business permit for Kevin McKenna – Janitorial Services: 4509 Holly Avenue. Q: McKenna clarified to Strobel that all chemicals will be delivered to the customer's address, that there will be none going to his home. Motion carried.*

VII. SITE PLAN REVIEW**A. DAVID & DANA SAFT – CLEARVIEW NURSERY: 6414 SCHOFIELD AVENUE**

Higgins stated this will be for a nursery to be located on Schofield Avenue. They are taking a home, which is zoned B3, and turning it into a seasonal nursery. They are proposing three greenhouses that will be temporary structures (only up from Spring to Fall). She stated that the state does not require state approved plans if the structures are up for less than 6 months. We are working with them on drainage. Since they are expanding their parking lot, they are proposing to do curb & gutter, with no curb in back to allow customers to go in back to the greenhouses to pick things up. They are looking to open fall, 2006. No lights are being added since this business will not be open in the evening hours.

**M/S/P Banholzer/Donner: to approve the site plan for David & Dana Sanft – Clearview Nursery: 6414 Schofield Avenue. Q: Higgins stated to Hancock that Dinomotive and Salzman Paving are located west of this property. Motion carried.*

B. KORTBEIN/CORNERSTONE ARCHITECTS/UMBRELLA PROPERTIES OF WESTON – DELIKOWSKI STREET HOUSING: VACANT PROPERTIES ON DELIKOWSKI STREET

Higgins stated this property is zoned R3 with OPD. They are proposing to do this project in phases. The first phase will be for a 16-unit CBRF. Kortbein will be reconstructing Delikowski Street and will be extending sewer and water down this street. She stated that there will be two 16-unit CBRF's on the east side of the road and will have three apartment buildings on the

west side. They have submitted drainage plans for the entire site and have staff approval. They are looking for approval on the northern most 16-bed CBRF which will be addressed 5855 Delikowski Street. Staff would like to see this approval contingent on a signed developer's agreement, and completion of utility work and the application of gravel roadway surface be done, prior to the construction of the CBRF. Donner explained that the typical requirements in developer's agreements within any development are that no building permits are issued until they have completed the utilities and completed the streets to the point that they are at least passable with vehicles. He commented that in this case, traffic may travel on Joseph Street to this development, and he does not think this would be a good idea.

****M/S/P Donner/Hancock: to approve the site plan for Kortbein/Cornerstone Architects/Umbrella Properties of Weston – Delikowski Street Housing: vacant properties on Delikowski Street, subject to the execution of a development agreement, including a condition that no building permit is issued until the utilities have been completed and gravel has been placed on the street.***

C. ABBYBANK/DESIGN UNLIMITED – ABBYBANK: SOUTHWEST CORNER OF SCHOFIELD AVENUE AND ALDERSON STREET

Chris Hellwig, Design Unlimited, 303 West Upham Suite 100, Marshfield, and Pat McCrackin, AbbyBank, 401 E. Spruce Street, Abbotsford, were present.

Hellwig displayed some exterior color renderings on the planned building for the Planning Commission to see. Higgins stated we have been working with AbbyBank on this site plan for a few weeks now, and we received the plans last Friday. She stated that this area where they are going to be building is part of the Village's Schofield Avenue streetscape project. In reviewing the plans, staff noticed that they are planning a lot of landscaping, lighting, and irrigation that were in contrast to what the Village is planning, as they did not acquire the plans of the streetscape project. There are a few contingencies that we would like to see the Planning Commission give staff some flexibility in working with them on, because they were adding things that they did not need to. Examples that Higgins gave were that their sign to be placed may end up being blocked by future trees that we will plant; some of the trees that they are proposing they may not need due to what we are already going to be planting; and we noticed that they were going to be putting in irrigation, where we were already going to be putting it in. So we will need to work with them to alter their landscaping, lighting, and irrigation plans. Hellwig stated that they plan to work with us to take care of these items over the next month. He commented, with respect to their screening on the south side of their property (south of their staff parking area), it was brought to their attention that they need to have 50% evergreen screening abutting that residential property, which they plan to modify their plans to include that. Higgins stated that they already worked out drainage with staff, and the mechanical equipment will be screened.

****M/S/P Oberlander/Hancock: to approve the site plan for AbbyBank/Design Unlimited – AbbyBank: Southwest corner of Schofield Avenue and Alderson Street, contingent on their working with Village staff to meet the landscaping, lighting, & irrigation standards.***

Due to conflict of interest, Hancock temporarily removed herself from the Planning Commission and entered the audience during the next two DC Everest discussions.

D. DC EVEREST ELEMENTARY SCHOOL – GRADING & DRAINAGE PLANS: 8602 SCHOFIELD AVENUE

Dave Grutzik, Central Wisconsin Engineers & Architects, 5707 Schofield Avenue, and Howard Hoeft, DC Everest School District, 6300 Alderson Street, were present.

Higgins discussed our receiving the plans today. Higgins stated that she and Donner have been working with the school district on plans for the new elementary school that they will be building just west of the middle school. She stated that Machmueller has been involved in these meetings also and has requested that a traffic impact analysis (TIA) is completed for that intersection. We received a summary on the TIA last Friday from Ayres & Associates. She stated that we were advised by Machmueller that after the analysis has been done, that we would allow staged approvals starting with the grading & drainage plans.

Donner stated that the memo that was submitted last Friday is not a completed TIA. It is only an update on the whole TIA itself. The conclusions that the consultant has found at this point in this report were times during the morning peak traffic that traffic entering the middle school grounds off of Schofield Avenue was backing up into the intersection of Schofield Avenue and Enterprise Way. By noting that, their feeling is that there is inadequate storage on the site to allow those vehicles to get into the site and clear this intersection. Two ways to address this: 1. creating an entrance onto Callon Avenue, which the Village has expressed a strong desire not to do; 2. somehow create the extra storage on the site. Donner stated with this issue still to be figured out, he is not comfortable acting on this site plan tonight. He then questioned Hoeft on if there would have to be some reconfiguration of the roads or driveways within the site, to add this storage to somehow re-route traffic on this site, is the building staying where it is shown regardless of what happens? Hoeft answered that to the best of his knowledge, the building would stay in the same location. Grutzik confirmed that the Village does not want a second access onto Callon Avenue. ****Donner stated that this property has to be accessed off of Schofield Avenue, no matter what (the Village will not grant the DC Everest School District access off of Callon Avenue for this elementary school)**.** Donner stated that we should consider looking at other alternatives. Grutzik addressed the traffic flow and congestion to the members. The intersection of Schofield Avenue and the driveway leading to the school, he stated that the analysis has shown a queuing problem for buses turning to the left getting out of the middle school site. He pointed out from a site plan where the issues are and some possible solutions. Donner stated that the concerns were more for the traffic entering the site, than for the traffic exiting. Donner stated that if the building stays where it is, we can consider taking action on the grading and drainage plans, without the TIA. Zuleger stated that they need to get going with their plans. He then commented on the entrance radius to the school needs to be widened so that the buses can make that turn. It was discussed that traffic comes in to this property at staggered times.

Donner questioned where the water from the detention pond drains to and confirmed with Grutzik that the pond has no drain. Donner stated that we are concerned on what would happen with a large runoff event during snowmelt and that there really should be an outlet from that detention pond. We do not want flooding onto adjacent properties. Donner stated with the current storm water project on Schofield Avenue, there is a potential for them to hook into our storm sewer system with a storm sewer pipe outlet from that pond. Donner then discussed his concern on how the middle school site and now the elementary school site will get along together as far as drainage. We would like a comfort level of knowing that drainage on both sites is being handled. They can do this easily with some additional calculations or supporting documentation. We have not had an opportunity to review that yet and this is

something that needs to be done. Grutzik stated that they have a detention site that is designed appropriately to handle the 100-year storm event. He stated that during a spring thaw any runoff would pond or collect in a ditch area near the Mountain Bay Trail, which could be connected to the storm sewer. He confirmed that Village staff would like to see a drainage plan on the entire campus area, rather than just on the elementary school site.

Zuleger stated that we have promised to keep the traffic off of Callon Avenue. Banholzer questioned if the school board ever consider doing any studies on whether the schools should be located so close together, with respect to a possible "Columbine" situation. Hoeft stated when the middle school was built, the site plan showed this future elementary school on this site. Hoeft stated that the reason the building is located where it is, is to keep it as far away from the homes as possible, and that they plan to berm and landscape to keep the noise down.

****M/S/P Donner/Oberlander: to approve the grading & drainage plan for DC Everest Elementary School: 8602 Schofield Avenue, contingent on the provision of drainage calculations for the two combined sites (middle school & elementary school), that the drain be provided for a pipe from the detention basin to the storm sewer on Schofield Avenue, and that the driveway configuration may be subject to change based on the results of the traffic impact analysis to be received from Ayres Associates.***

- E. DC EVEREST SENIOR HIGH SCHOOL – STORAGE GARAGE: 6500 ALDERSON STREET**
Zuleger stated this is for a storage garage put up behind the outfield fence by the senior high. Our main concern was the drainage. Operations Manager, Don Smith looked at the area and informed him that it will drain to a catch basin that is there. This will be just an equipment garage to be put up behind the fence.

****M/S/P Banholzer/Oberlander: to approve the storage garage for DC Everest Senior High School: 6500 Alderson Street.***

Hancock returned to her Planning Commission member duties.

VIII. CLOSE HEARING

- A. CLOSE HEARING – VILLAGE OF WESTON, SECTIONS 94.185 AND 94.187 OF THE MUNICIPAL CODE, ORDINANCE AMENDMENTS**
Meinel closed the hearing at 7:44 p.m.
- B. CLOSE HEARING – VILLAGE OF WESTON, CREATION OF ORDINANCES TO BE CALLED DIVISION 2 CREATING SECTIONS 86.300 THROUGH 86.315 RELATING TO THE POST-CONSTRUCTION STORMWATER MANAGEMENT, AND DIVISION 3 CREATING SECTIONS 86.400 THROUGH 86.414 RELATING TO THE CONTROL OF CONSTRUCTION SITE EROSION RESULTING FROM LAND DISTRIBUTING CONSTRUCTION ACTIVITIES, ALL OF THE MUNICIPAL CODE**
Meinel closed the hearing at 7:44 p.m.
- C. CLOSE HEARING – STEVE LEWIS, LEWIS CONSTRUCTION REZONING REQUEST FROM AG TO AG WITH OPD: 9307 CAMP PHILLIPS ROAD AND 9205 CAMP PHILLIPS ROAD**
Meinel closed the hearing at 7:45 p.m.

D. CLOSE HEARING – POLISH PONDZ, LLC, REZONING REQUEST FROM AG TO RR: 8410 RYAN STREET

Meinel closed the hearing at 7:45 p.m.

E. CLOSE HEARING – RC PAVERS, LLC, CONDITIONAL USE PERMIT REQUEST: 9306 WESTON AVENUE AND 9308 WESTON AVENUE

Andrzczyzak expressed her concerns with regard to the truck traffic on CTH-J & Schofield Avenue, and how this would affect the school.

Hoffman expressed his concerns about truck traffic and possible health concerns on air quality.

Ron Weinkauf, 7013 Brianna Street, was present in opposition. He stated that in the winter they have strong winds from the north, and in the summer they have strong winds from the south. He stated that their subdivision needs a buffer between STH-29 and their subdivision. He commented that his wife has asthma. He feels that a batch plant should be done in the same location that the materials are mined.

Meinel closed the hearing at 7:59 p.m.

IX. NEW BUSINESS

A. ACTION ON HEARING – VILLAGE OF WESTON, SECTIONS 94.185 AND 94.187 OF THE MUNICIPAL CODE, ORDINANCE AMENDMENTS

**M/S/P Oberlander/Strobel: to approve the Village of Weston Sections 94.185 and 94.187 of the Municipal Code, Ordinance Amendments.*

B. ACTION ON HEARING – VILLAGE OF WESTON, CREATION OF ORDINANCES TO BE CALLED DIVISION 2 CREATING SECTIONS 86.300 THROUGH 86.315 RELATING TO THE POST-CONSTRUCTION STORMWATER MANAGEMENT, AND DIVISION 3 CREATING SECTIONS 86.400 THROUGH 86.414 RELATING TO THE CONTROL OF CONSTRUCTION SITE EROSION RESULTING FROM LAND DISTRIBUTING CONSTRUCTION ACTIVITIES, ALL OF THE MUNICIPAL CODE

Hancock stated that in this ordinance in Section 86.302 Purposes and Intent, (2) INTENT, there is a statement that reads "...This ordinance may be applied on a site-by-site basis." She feels that if we do on site-by-site basis, that there is no need for this ordinance. She would like this sentence removed. With it being included, we are going to have requests coming in from people turning in their plans for us to make exceptions. Vergara clarified what this is referring to is that sometimes we have situations where we have wetlands or exempted soils involved. Donner suggested that we change the statement to read "...This ordinance will be applied on a site-by-site basis." rather than "...may be applied...". Donner stated that when a site is over a certain size, it must comply with the ordinance in terms of erosion control or runoff. Donner stated that this language comes directly from a DNR model ordinance. Donner recommends that this be adopted as it currently is. Weber stated that this is very specific and very detailed. Vergara stated that we have a representative from Earth Tech review this also.

****M/S/P Donner/Oberlander: to approve the Village of Weston, creation of ordinances to be called Division 2 Creating Sections 86.300 through 86.315, relating to the post-construction stormwater management; and Division 3 creating Sections 86.400 through 86.414, relating to the control of construction site erosion resulting from land distributing construction activities, all of the Municipal Code as drafted. Hancock – opposed. Motion carried.***

C. ACTION ON HEARING – STEVE LEWIS, LEWIS CONSTRUCTION REZONING REQUEST FROM AG TO AG WITH OPD: 9307 CAMP PHILLIPS ROAD AND 9205 CAMP PHILLIPS ROAD

Donner commented, with respect to Jenk's earlier question, on if this OPD would give free reign to the property owner to continue to expand the activity on this site. Donner stated that it actually would require that the same process is followed if a change were to be made. The process also was to put in place some conditions to protect the adjacent properties. Banholzer discussed his feelings on how by approving this OPD district that we are not following our smart growth plans. He stated that although Lewis' are good residents in our community, our smart growth plans do not show this areas use for any manufacturing or any storage, it is predominately residential. Meinel stated that he does not see how we can go back on them and make them move, when a few years ago we allowed them to construct and invest money into a building there. Banholzer then questioned why we are considering the OPD for the entire 30+ acres, rather than just the area that their building is on. Hancock stated that a large portion of the parcels are wetland. Lewis stated about 4 acres are not in the wetlands. Higgins described the layout of this property, how the map shows that there are four parcels when there really are only two. Donner feels we should keep this as one district/use versus doing a portion of the parcel. He then stated that if the use changes, they would have to go through a conditional grant. Weber stated the OPD should state that the plan would go along with the permit. Donner commented that we received the requested photos from Lewis which shows us different perspectives. He stated that the only way you can even see this operation is when on site. You cannot see the business activity from off site. Donner feels this is not detrimental to the neighborhood, but questions if we should have considered rezoning to Residential Estate (RE). Banholzer stated that by approving this we are making an exception. Banholzer and Hancock went into further discussion of this area.

****M/S/P Donner/Hancock: to approve the application for Steve Lewis, Lewis Construction rezoning request from AG to AG with OPD: 9307 Camp Phillips Road and 9205 Camp Phillips Road. Banholzer – opposed, Oberlander abstains.***

Higgins stated that they still have to come in for site plan approval if this gets approved by Village Board.

D. ACTION ON HEARING – POLISH PONDZ, LLC, REZONING REQUEST FROM AG TO RR: 8410 RYAN STREET

Higgins stated they are rezoning the 20 acres along side Ryan Street. Higgins stated that staff feels that the owner will be doing CSM's here, because of the 3-acre lot minimum request. With 20 acres they could do 6 lots at the most. She stated that the owner is proposing 3 to 4 lots in 3-5 acres lot sizes. She stated that they could do a small subdivision also. Dorski stated that there is a farmhouse out there now. He stated that they want to keep it at 3-acre lots, at the most there would be 5 lots. It was stated that you can only do 4 CSM's every 5 years. Dorski stated that the land is currently used for 4-wheeling and hunting. They plan to keep a sliver property (easement possibly) to get access to the back property to the west of

this. Higgins clarified to Hancock as far as holding tanks, that the owner will have to do a survey of the soils to see if the soils will perk. Higgins stated that Smith feels they would only get holding tanks there because of the wetlands in the area and the pond across the street. Oberlander questioned the difference in a development and what he is doing. Oberlander questioned what the difference is between doing a CSM and a subdivision and when to allow holding tanks. Higgins stated that staff and the Board has never really come to a conclusion as to when to require sewer and water or septic systems. Donner stated that part of this decision has to do with the soils in the area and how shallow the bedrock is. Donner does not know of any examples of any septic system failures that have occurred. Holding tanks are regulated at the County. Donner stated this is another area that we look at long-term to be residential. Meinel questioned if this is more pertinent when subdividing. Higginbotham stated that working with the owner and after looking at this site, they decided that this was a good use to just put 3 - 4 lots along Ryan Street, since the back area is considerably wet. Higginbotham stated the soils are marginal and will need mound systems or holding tanks.

****M/S/P Banholzer/Strobel: to approve the rezoning request for Polish Pondz, LLC, from AG to RR: 8410 Ryan Street.***

Due to conflict of interest, Strobel temporarily removed himself from the Planning Commission and entered the audience during the RC Pavers, LLC, Conditional Use Permit Request Action.

E. ACTION ON HEARING – RC PAVERS, LLC, CONDITIONAL USE PERMIT REQUEST: 9306 WESTON AVENUE AND 9308 WESTON AVENUE

Banholzer stated that he appreciates the opinion from the neighbors and also appreciates what Christiansen's put together. He would feel better if there was a more comparable report on sites such as this. He also is uncomfortable with the traffic counts. They stated 50-75 trucks taking material out, now you have to add the number of trucks coming in.

Randy Christiansen stated the way their operation works is they cannot haul out as much as they are hauling in. He stated that right now they are just projecting the 50-75 trucks at this time. Banholzer stated that with dust, they can probably maintain that, but sound will be an issue. Banholzer stated that we have to take into consideration the appropriate use for that land and consider the residents living nearby.

Randy Christiansen then brought up the Polish Pondz rezone that Planning Commission just approved and how the residents there will have nuisance issues from the Village's property just north of there. Banholzer stated that with regard to smart growth, we are looking at the big picture on what we want to see in the future, our plan does not show us having a rock crushing operation and portable rock quarry's either. Banholzer then concluded that we have to respect the wishes of the residents.

Hancock discussed their plans stating that it is not anticipated for hours of operation will occur from 10:00 p.m. to 7:00 a.m. Hancock stated with regard to truck traffic on Weston Avenue, that although the hospital construction used Weston Avenue and it was heavy, it was temporary, where this will be permanent and steady. She stated that in terms of County Concrete, they came into this community where anybody could build anything anywhere. She stated that we should not exacerbate an existing problem by adding another plant right there.

Donner agreed with Hancock by stating that just because County Concrete is located in this area, this does not necessarily give the right to put another one in the vicinity. He understands that there are limited resources for asphalt, but does not think this should be located here in the location it is proposed. He does not want this to be the impression people get when coming into the Village. Donner commented that there has been a considerable amount of truck traffic going down Weston Avenue, but does not think it was not fair to say that all truck traffic for the construction around the hospital went down Weston Avenue, between Camp Phillips Road and CTH-J. There would be additional traffic here that in some way would need to be addressed through a permit ultimately if this were approved. He does not feel this is an appropriate use for this property.

Meinel commented that he is a big advocate on land use, and being able to use your land for acceptable purposes. He has similar issues by his house (rock crushing & compost across the street). He does not like this type of use here. He is concerned on what will happen to the roads there. This is a premature use of this.

Zuleger stated on our site on Ryan Street, we crush twice a year. We moved our site out there because residents did not want the unsightly piles behind our Municipal Center. When the park goes in on Ryan Street, we will manage that site differently. We are trying to figure out a better way to deal with our compost. He stated that the DNR looks at this site and tells us what we can and cannot do there.

Mella questioned if there was a staff recommendation to the Planning Commission made on this application. Higgins stated that there was no staff recommendation. Meinel stated that staff was waiting for some information that they just received today at 4:00 p.m. Mella questioned if the Planning Commission would consider tabling this item until staff has a chance to review what was submitted. Zuleger commented to the Planning Commission, since we received their information so late today from Ruder Ware, staff review of this was incomplete.

Hancock questioned why we would want to table this issue until next month, when it sounds as if Planning Commission is opposed to this.

****M/S/P Hancock/Banholzer: to deny RC Pavers, LLC, Conditional Use Permit Request: 9603 Weston Avenue and 9308 Weston Avenue. Oberlander abstains.***

Strobel returned to his Planning Commission member duties.

F. RP ACQUISITIONS/TDI ASSOCIATES – WESTON RIDGE PLANNED RESIDENTIAL DEVELOPMENT PRELIMINARY PLAT REVIEW: NE CORNER OF SCHOFIELD AVENUE & RYAN STREET

Bob Williams, TDI Associates, Inc., N8W22350 Johnson Drive, Waukesha, and James Derrick, Weston Partners, LLC/RP Acquisition, 17035 W. Wisconsin Avenue, Brookfield, were present.

Williams displayed and discussed the condo development layout, which includes 18 acres of developable land and 10 acres of wetland. They are proposing 160 units, which consist of 144 2-bedroom units and 16 1-bedroom units. They are intending to have two stormwater detention basins on site. A lot of areas have walk out basements. They have adjusted the design so that where they will have their road will not conflict with where the lift station is

located on the north end of Ryan Street. Their development will have two accesses on Ryan Street. They have a two-loop configuration with a cul-de-sac. They designed this with the sewer and water, such that it is set up to serve a possible future development to the east. There is a small clubhouse available that only residents in this development will have keys for.

Donner commented that there has been past discussion on extending sewer and water utilities to the east. Right now we are just looking at the overall site, and when we get to the detail this will need to be addressed. With roads being private, they will need to be described as easements for all the sanitary sewer and water facilities. He questioned if their intention for the storm sewer is to be mains that would be owned and taken care of by the Village or not, which has not been addressed yet. We will need to see some additional detail on the overall density. They have provided a schedule on the land building area. Williams discussed that of 18 acres, 52% of that site is green. There was discussion of the area in the 100-year flood plain, which is not included in those 18 acres. There was discussion on the difference between Lokre's plan and this one. It was discussed that the underlying zoning here is R3. They are trying to make it more of a community. It was discussed that the berm will stay, but they will landscape it. This will be a landscaped community, not gated. All will have 2-car garages. The 16 units will have underground parking with the number of stalls determined by the number of bedrooms. State & Federal code requires that 2% of units have handicapped parking, which they plan to exceed that requirement with by having four units. Hancock commented they may want even more handicapped units. He stated that half of their units are ground floor units.

Higgins explained to Banholzer on the contingencies that staff needs to work with them on, such as drainage. Zuleger stated that we are comfortable with the 12 contingencies. The contingencies need to be addressed by final plat review.

****M/S/P Strobel/Hancock: to approve RP Acquisitions/TDI Associates – Weston Ridge Planned Residential Development preliminary plat review: NE corner of Schofield Avenue and Ryan Street, contingent on the following 12 items: 1. an approved drainage/storm water management plan including storm water calculations; 2. wetlands need to be delineated and permanently staked; 3. provide maintenance access for the Village's lift station; 4. signed easement for the Village drainage ditch at the end of Ryan Street; 5. appears that there will be ponding of water at the entrances to the underground parking areas of buildings 29-32, and staff suggests that inlets be used that go across the entire width of the driveway; 6. on the grading plan, they need to differentiate between existing contours and proposed contours; 7. will need to revise the utility and infrastructure plans, provide engineering plans of utility and proposed infrastructure, all utility lines will need to be labeled and include pipe sizes, and need to show how building #31 will be served; 8. need lighting plan; 9. need landscaping plan; 10. provide information on building materials and colors used; 11. signed developer's agreement; and 12. parkland dedication fees will be due at time Village signs off on plat prior to recording.***

G. PROHASKA/MOSHER – RIDGEVIEW SUBDIVISION FINAL PLAT REVIEW: SW CORNER OF E. JELINEK AVENUE AND VON KANEL STREET

Higgins stated this is the final plat. A contingency that was placed last year was their working out the drainage on the site. Donner discussed that the developer spoke to the DNR about the issues related to drainage. Vergara tried to find out whether all conditions have been met, but does not have confirmation on if DNR agrees with the drainage here yet.

****M/S/P Donner/Oberlander: to table Prohaska/Mosher – Ridgeview Subdivision final plat review: SW Corner of E. Jelinek avenue and Von Kanel Street, until we have confirmation that the DNR's concerns on drainage have been addresses.***

H. PROHASKA/MOSHER – FOXTAIL SUBDIVISION FINAL PLAT REVIEW: SOUTH OF SUN GARDENS PLAT, WEST SIDE OF BIRCH Street, NORTH OF STH-29

Higgins stated this is Foresight's 10-duplex lot, subdivision zoned RTF, across from Birch Gardens on Birch Street. The last contingency here was on the drainage. A basin study was done and everything came out showing that the development would not add to the drainage problems in the neighboring areas. It was discussed that this property may be a candidate for a detention pond, but is too small. The drainage issues have been okay. Zuleger confirmed that this will not back up water into Colonial Gardens. It was discussed that the grading on their property at Colonial Gardens is a big part of the problem; they can do additional ditching to help their drainage problems. Higgins questioned if a developer's agreement was done.

****M/S/P Donner/Strobel: to approve Foresight/Mosher – Foxtail Subdivision final plat review: south of Sun Gardens plat, west side of Birch Street, north of STH-29, contingent on the parkland dedication fees being paid in full, permanent staking of the wetlands, and a executed development agreement.***

I. FIRST ADDITION TO WESTON BUSINESS & INDUSTRIAL PARK FINAL PLAT (VILLAGE OF WESTON)

Zuleger mentioned one change that will need to be made to this plat. First he discussed the layout of this plat. He pointed out the 28-foot outlot which will be bermed and landscaped between the neighborhood and the business park. Zuleger stated that we need to amend Lot 15 to move the lot line to the east to make it a 7.5-acre lot, which will then make Lot 16 a 4.8-acre lot. He stated that this is based on some tenancy issues. He stated that 8 lots are already sold. Lot 7 will have a detention pond on it.

****M/S/P Oberlander/Hancock: to approve the First Addition to Weston Business & Industrial Park final plat, contingent on Outlot 1 being used for berming, Lot 7 being used for a detention pond, moving the west line of Lot 15 east to give Lot 15 7.5 acres and Lot 16 4.8 acres.***

Zuleger pointed out the restrictive covenants that were supposed to be on the agenda. He stated that we were going to take the same covenants from the first business park and tack that onto this business park.

The members then went to take action agenda item **X. Unfinished Business, A.**

J. REEDY ENTERPRISES/HIGGINBOTHAM – HERITAGE HILLS ESTATES PRELIMINARY PLAT REVIEW: LOCATED NW OF 4006 HOWLAND AVENUE

Chris Reedy, 8904 Birch Street, Guy Reedy, 5915 Shorey Avenue, and Mark Thompson, MTS Consultants, 2000 Lester Street, were present.

Higgins read all of the contingencies listed in the Planning Commission Memo that staff have on this preliminary plat. Reedy stated that he plans to keep the pond. There was discussion that the 33 feet to the northwest, above lot 1, is being reserved for a road or outlot. The plat will be named Heritage Hills Estates. Donner discussed a cul-de-sac should be in Lots 1 and 12. There was discussion on Lot 35 that it did not need a cul-de-sac because it will have access to the right-of-way. Outlot 1 will be used for storm water detention purposes. Higginbotham does not think they will be ready for final plat by June. Banholzer confirmed that the covenants will be changed to reflect the new zoning and setback requirements. Banholzer is concerned about the pond. Are there requirements where the house has to be built a certain distance from the pond. Banholzer stated to protect the Village, we need to look at that. Reedy questioned if they could show as a temporary cul-de-sac, and when the road goes through it would become a through road again. Donner stated there needs to be a cul-de-sac on the northwest corner of the plat.

****M/S/P Donner/Strobel: to approve the Reedy Enterprises/Higginbotham – Heritage Hills Estates Preliminary Plat Review: Located NW of 4006 Howland Avenue, contingent on the following 10 items: 1. Lot 19 being reconfigured to a minimum of 25,000 square feet; 2. a cul-de-sac be provided on the NW corner of the plat on the western road; 3. wetland boundaries being permanently staked and labeled on the plat, prior to final plat; 4. labeling the water body between Lots 18 & 19; 5. Street names provided and approved by County and the Village; 6. the street intersection at lots 21, 22, 31, & 41 be reconfigured to a right-angle intersection; 7. a stormwater drainage & stormwater management plan be submitted to Village staff and approved; 8. labeling of the 33 ft strip of the land to the north as an outlot (north of Lot 1) and the outlot being dedicated to the Village; 9. the subdivision name & north arrow be clearly shown with a scale bar; and 10. that a copy of the wetland delineation for the plat is certified by the Army Corps. of Engineers. Q: Banholzer questioned the liability on those Lots 18 and 19, if we are concerned about those. Donner stated that there is going to have to be reconfiguration of those lots anyway. Ultimately that question will be the responsibility of the developer. Donner stated we can discuss this at final plat stage. Motion carried.***

X. UNFINISHED BUSINESS

A. RE-REFERRAL TO PC TO AMEND APPLICATION TO CONSIDER RECOMMENDATION OF VILLAGE BOARD TO REZONE RE INSTEAD OF R1 FOR REZONING REQUEST FOR REEDY ENTERPRISES: PROPERTY LOCATED WEST OF 4006 HOWLAND AVENUE

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

Higgins stated the board looked at the Planning Commission recommendations, and they referred this issue back to us to consider the RE zoning. Per the code, this does not have to be reheard, we can just consider the RE versus R1 zoning. Staff recommends RE zoning with half-acre lots.

Three area residents were present in the audience against this rezoning, stating that they moved out to this area because of how much space there is between properties. They were

also concerned about the noise that will occur from traffic and people living nearby. They were also concerned about how the wildlife will not be as populated in their area as they currently are now when that subdivision occurs. They were concerned about the wetlands being affected also. They would be more in favor if Reedy proposed a minimum of 1-acre lots. Zuleger discussed a petition that we received from Audrey Habeck with nearby landowner's signatures on it stating that they are in favor of this.

Zuleger discussed the events that have occurred to this point with respect to this issue and how Planning Commission held a meeting to discuss the possibility of a new zoning classification. Higgins stated we are looking at the best use for this property. It was stated that Reedy's proposed about 44 lots in this proposed subdivision. Oberlander discussed that people are going to sell, we are looking at what is the best land use. Higginbotham commented on the land use here and that he feels the 25,000 square feet is a good land use. Banholzer commented that the board adhered to the residents by making Reedy's come back with larger lots, now he has done this. Thompson discussed possible conventional gravity systems and a possible location for a lift station. Reedy stated these will be between 1,800 to 2,200 square foot homes.

****M/S/P Banholzer/Strobel: to approve the rezoning request for Reedy Enterprises to rezone from RR to RE: property located west of 4006 Howland Avenue.***

XI. FUTURE MEETING TOPICS

Higgins discussed there being a Sub Area meeting (with the HWY 51 group) for the Comprehensive Plan on Wednesday, May 25th, at 7:30 p.m. She also has a one-on-one scheduled for Planning Commission and the consultant on Thursday, May 26th, at 6:00 p.m., and needs to know who can attend. Banholzer commented that he would be able to make it.

Higgins then stated that Kwik trip called her to say that if they cannot have the entire sign that they proposed (with the digital gas price and electronic message board) they would like to leave the existing sign up. She stated that an issue that may come up is that some gas stations get price breaks if they display product signs. Oberlander feels we should have addressed ground-based signs in the TIF#2 area. He stated that Kwik Trip is the biggest offender of product display signs, and we need to do something about this. He feels that we have to stop making concessions and stick to our standards and be consistent. Banholzer confirmed that she should tell them no on leaving the existing sign up.

Banholzer stated that he is not having enough time to read through his packet; Strobel concurred. The members all agreed that staff needs to be more strict on deadlines so that packets can get to Planning Commission members at least a week in advance.

XII. ADJOURN

****M/S/P Oberlander/Strobel: to adjourn at 9:55 p.m.***

Respectfully,

Valerie R. Parker,
Recording Secretary