

PLANNING COMMISSION MINUTES
5500 SCHOFIELD AVENUE
WESTON, WI 54476
MONDAY, NOVEMBER 14, 2005 - 6:00 P.M.

I. CALL TO ORDER

Vilas Machmueller called the meeting to order at 6:00 p.m. Members present were Mark Strobel, Steve Meinel, George Oberlander, and DPW Keith Donner. Ted Banholzer and Mary Hancock were excused. Village Administrator, Dean Zuleger, Community Development Director, Jennifer Higgins, Building Inspector/Zoning Administrator, Al Breu, and Recording Secretary, Valerie Parker were present. About 40 audience members were also present.

Machmueller read the notices and opened the hearing.

A. OPEN HEARING – VILLAGE OF WESTON & PUTNAM CAPITAL MANAGEMENT REZONE FROM B3 TO PUL: LOTS 1 & 2 OF CSM #14084 (WESTON AVENUE)

Higgins explained that the Village is requesting to rezone to PUL (Public Utility Lands) and are in the process of purchasing land here to allow for the construction of a future water tower. This is one of the pieces to be rezoned.

Mark Hull, Putnam Capital Management, 7611 Birch Street, who was present in support, commented that the other parcel will be used for updating and expansion of the gas facility for Wisconsin Public Service. As part of the updating, they will be doing some aesthetic enhancements with landscaping and fencing at that corner (Weston Avenue & Franciscan Way).

No one spoke in opposition.

B. OPEN HEARING – MARATHON TECHNICAL SERVICES & AGNES KRAUSE REZONE FROM AG TO RE: 5807 WESTON AVENUE

Mark Thompson, Marathon Technical Services, 2000 Lester Street, and Karl Matthews, 5810 Connie Lane, were present in support of this rezone.

Thompson explained that they are proposing a large lot subdivision, on an approximately 19-20 acre parcel on the south side of Weston Avenue, midway between Von Kanel Street & Ryan Street. He discussed because the Village trend for the SE quadrant of the Village has been RE, they are requesting the RE zoning district. He explained the surrounding area zoning. He stated that they are proposing 11 lots at 1.5 acres each. He stated that staff felt it would be more appropriate for this proposed development to be zoned SR rather than RE, due to the proposed size of the lots.

Mike McMahon, 8105 Heeren Street, was present in opposition. McMahon feels it would be detrimental to put a subdivision next to commercial land. He stated that 5 years ago, this land was put into the TIF District and thinks this development would break the TIF District. Donner stated that just because these properties are located in the TIF District, it does not mean that it was intended to be commercial. McMahon stated that he was told the TIF District should be contiguous. He then asked if this will have public sewer and water. Donner answered that the applicant has stated his intention to have this proposed development served with public sewer and water. Donner stated we are working with the applicant to see if it would be better served from the east (Fernwood Development) or whether to bring utilities down Weston Avenue from Von Kanel Street.

C. OPEN HEARING – MICHAEL DESCISCIO REZONE FROM R3 TO B2 AND REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A SECOND FLOOR RESIDENTIAL APARTMENT UNIT AT: 5312 WILLOW STREET

Mike DeSciscio, 8405 Southridge Drive, Rothschild, was present in support. He explained that he purchased this property in August of this year, and that this property is zoned multi-family (R3). His main idea is to put his dental lab in the basement. He stated that currently the main floor is rented by Knutson Vision Clinic. He stated that after speaking with Village staff, he realized that this property is not properly zoned for what it is being used for now (with the vision clinic in there). DeSciscio explained that he currently has his business (International Dental Orthotic, Inc.) located on North Sixth Street in Wausau, across from Burger King. He stated that if this request were to be approved, his plans would be to have his dental lab in the basement, Dr. Knutson's Vision Clinic on the main floor, and to rent out the apartment on the upper floor. If Knutson relocates in the future, DeSciscio would use the main floor for his dental lab or some other type of retail. DeSciscio does not think that this use would negatively impact this neighborhood. The only traffic here would be UPS delivering and picking up packages.

Glenn Aschbrenner, 5322 Willow Street, was present in support and stated that he has no objection.

No one spoke in opposition.

D. OPEN HEARING – LADONNA HALL & IVAN FRAAZA REZONE FROM M1 TO R1 AND REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A COMMUNITY LIVING FACILITY ON A: PARCEL ON THE NW END OF JANICE AVENUE

Doug Hall, 9901 Maplewood Drive, was present in support. He stated that their intent with this property is to rezone to R1 with a conditional use permit for a community-based residential living facility. Their intent would be to build a 6 to 8 bedroom facility that would serve the developmentally disabled and/or elderly people. This would be a residential working facility, single-story facility built with a residential flavor. The idea of changing this property to R1 makes sense to him, because this property borders 5 residentially zoned lots, which face Ross Avenue. They feel they can meet the R1 setbacks with their proposed facility.

Deborah Perrin, 5005 Ross Avenue, was present in opposition. She has concerns about the location of this proposed facility. She stated that with as busy as the Co-op and Old Castle Glass are this would be dangerous to the residential of the new facility.

Joanne Woodrich, 10405 County Road Z, Wausau, was present in opposition. She stated that she owns land adjacent to this on the east side. She does not think this is conducive for residential living.

Machmueller then read two letters (attached) from Tom Beese, Vice President and General Manager of Old Castle Glass, and from George Woodrich (Joanne Woodrich's husband). Both were in opposition of this request.

E. OPEN HEARING – MARATHON TECHNICAL SERVICES & HPI PROPERTIES REZONE FROM SR AND WPD TO R1 AND WPD WITH OPD: 7304 CALLON AVENUE

Dan & Paul Johnson, HPI Properties, PO Box 116, Rothschild, were present in support.

Thompson explained this proposed planned unit development to be located north of Callon Avenue, just west of Hunt Street and east of Willard Lane. There will be 45 single-family units. He discussed the surrounding zoning. He said that there will be 45 units, which equates to 3.7

units per acre, compared to the 11 units per acre in the Weston Ridge Subdivision. The units will have about 1,500 square feet each, with attached garages. He pointed out on his map the proposed green space. He also discussed the storm water management plan (swales & detention basins).

Darrow Moore, 7404 Callon Avenue, present in opposition. He stated that this does not fit in with the existing neighborhood. He stated his concern with there only being one entrance on to this property. He questioned if these will be on slabs or basements? Thompson stated that although he is not the developer, he is guessing that they will have basements

Paul Hantz, 5810 Willard Lane, present in opposition. His property abuts this proposed subdivision. He feels this will be too many houses for this area, it does not fit their area. They would like to see this stay zoned for 1 acre. The people in this area want to keep the country setting that they have. It will be too congested and too many cars for that area.

Joyce Bronk, 5808 Willard Lane, present in opposition. She agrees with Hantz and also feels that these homes should have basements.

Wayne Slagoski, 5910 Willard Lane, present in opposition. He stated that they moved out here for the existing setting, and to see the wildlife here. The development is getting carried away.

Delmar Gumz, 5710 Willard Lane, was present in opposition. He supports the neighbors.

Cherryl Jonas, 5908 Willard Lane, was present in opposition. They have a 3-acre parcel, and do not want 45 new homes in her back yard.

Brad Nelson, 5604 Willard Lane, was present in opposition. Agrees with the other neighbors.

II. CONSIDERATION OF PLANNING COMMISSION MINUTES
A. OCTOBER 31, 2005 MINUTES

**M/S/P Meinel/Oberlander: to approve the Planning Commission Minutes of October 31, 2005.*

III. VISITORS

A. GERALD & EMMA HOFFMAN – DISCUSSION OF POSSIBLE REZONE OF 4104 E EVEREST AVENUE FROM RESIDENTIAL TO COMMERCIAL ZONING DISTRICT

Emma & Gerald Hoffman, 4104 E. Everest Avenue, were present. Mrs. Hoffman discussed that although they are the ones here tonight to discuss the possible rezone of their property, that the two homes (Pleins & Raymonds) east of them still want to rezone also, but they are a little discouraged. Mrs. Hoffman explained that Attorney Jokela is only interested in their property and does not feel the need to be present unless this property will get rezoned. She explained that his plans are to renovate their property to make it an office area.

Higgins stated the B2 zoning district is what they would probably want to be rezoned to. Oberlander is still opposed and brought up the idea of converting a home; he said that if there were actual plans, he would feel better. Strobel is not in favor of the one lot, possibly 3 lots, being rezoned. If it were all 6, he would be in favor.

Mrs. Hoffman stated that they are the only corner left of the four corners that is residentially owned (the other three corners are either commercial development or owned by a commercial

developer and residentially rented out). Mr. Hoffman feels that they were thrust into a bad situation here. He stated that they are landlocked due to the median strip. Mrs. Hoffman stated that they are not going to put money into drawing up plans if they are not sure that they can get rezoned. The Hoffmans strongly expressed how living on this corner is no longer a pleasant thing for them due to traffic and noise. They want to be able to sell their property so that they can move. Mr. Hoffman stated that others along Camp Phillips Road are looking to sell also now.

Meinel discussed that he has a problem with rezoning property that is adjacent to the TIF. He stated that although this property will eventually be commercial, he does not feel that this is the right time. Donner stated that since there was a change in the configuration of the roadway and the access to their property, that this is a circumstance that they should take into consideration. Donner restated that he sees the roadway as a mitigating circumstance. He explained that originally, there was going to be a road between E. Everest Avenue and STH-29, that even received an initial DOT approval. The additional intersection was ultimately not approved because of possible car stacking issues on the ramps, which then caused the new reconfiguration of E. Everest Avenue. Mrs. Hoffman said that back during those meetings with the DOT, they did not come in and attend those because they thought they were safe, that their road would become a cul-de-sac. Oberlander stated that he feels if we allow this (rezoning), everyone on Camp Phillips Road will come in for the same reason.

The consensus of the Planning Commission is no. Machmueller suggested that Hoffmans see if Jokela can get another company to buy the other properties east of the Hoffmans.

Hoffmans stated that everyone that has contacted them have stated that they will not purchase their property unless it is rezoned. She said that the three houses to the north of them do not care if their (Hoffmans') property gets rezoned to commercial.

B. LEXINGTON HOMES (JEFF MARLOW) – CONCEPT PLAN FOR PROPOSED APARTMENT DEVELOPMENT: WHITE PINE LANE

Jeff Marlow, Lexington Homes, 1300 Kimps Court, Green Bay, was present to discuss the revised concept plan. They changed their concept plans to show 8-unit buildings and this project will be done in 2 phases. Some of the buildings will have attached garages and some will have detached garages. He stated that with this plan, there will be 56% green space and 118 units. They have done a turn-around style parking lot to help with getting fire apparatus in and able to turn around. He discussed the detention ponds for drainage. They will have complete curb & gutter though-out this entire project. There will be two locations for dumpster & recyclables. He pointed to the utility easement area. He commented that they will be able to save a lot of the trees in the entrance area of the property. There will be 267 parking stalls.

Machmueller explained to Strobel what has taken place to this point. These are two-story units. Strobel's concern is there only being one entrance onto Camp Phillips Road. He explained the direction of traffic coming in and out of this area. Zuleger stated that the split roadway will help out as far fire protection. He stated that by the 6 units, we may need more room to turn the trucks around. Zuleger stated we will run this concept plan by the fire chief to get his perspective. Donner confirmed that the density matches the R3 district, and maximizes the use with 8-unit and 6-unit buildings. Donner stated that sanitary sewer would have to flow to the north with an easement. Donner commented on them possibly trying to loop the water main by the other apartment complex in Weston Pines (assuming public water & sewer mains).

The consensus from Planning Commission is for Marlow to come back with a site plan.

Zuleger then commented to the Planning Commission on Trustee Barbara Ermeling's opposition on the HPI property rezone on Callon Avenue.

IV. CSM APPROVAL

A. #28-05 MOSHER/MITCH KING: 3818 WESTON AVENUE

Breu stated this is just a boundary survey and meets all requirements.

**M/S/P Strobel/Meinel: to approve CSM #28-05 Mosher/Mitch King: 3818 Weston Avenue.*

B. #29-05 HIGGINBOTHAM/RICHARD WANTA: PARCELS 7, 8, & 9 OF EDGEWOOD ESTATES

Breu stated this is just changing the description of the parcels. Wanta is concerned that people will get confused with the lot 1 and 2 and the parcel 1 and 2 that he has for sale. So, he is just calling these parcels 7 and 8.

**M/S/P Meinel/Strobel: to approve CSM #29-05 Higginbotham/Richard Wanta: Parcels 7, 8, & 9 of Edgewood Estates.*

C. #30-05 GOSLIN/PDM CONSTRUCTION: A PARCEL WEST OF CAMP PHILLIPS ROAD/E. JELINEK AVENUE INTERSECTION

Breu stated this is just a boundary survey for Lexington Homes, which we discussed this area earlier tonight. This meets the code.

**M/S/P Meinel/Strobel: to approve CSM #30-05 Goslin/PDM Construction: A parcel west of Camp Phillips Road/E. Jelinek Avenue Intersection.*

D. #31-05 MOSHER/MOUNT OLIVE LUTHERAN CHURCH: 6205 ALDERSON STREET

Breu stated they are combining 6 lots with the parent parcel for the future expansion of the church. This meets the requirements of the code. Zuleger stated that staff recommended this boundary delineation because some of the issues that some homeowners were having with the construction of the new facility. We wanted to be sure the lot lines were delineated.

**M/S/P Strobel/Meinel: to approve CSM #31-05 Mosher/Mount Olive Lutheran Church: 6205 Alderson Street.*

V. SIGN PERMITS

A. LOWELL BOSTROM/GRAPHIC HOUSE, INC. – ACE HARDWARE PERMANENT SIGN PERMIT: 2606 SCHOFIELD AVENUE

Higgins stated they have taken down pieces of the existing sign and will be replacing those with two new signs showing the new business name. They are not changing and will still be using the existing message board sign. If they were to remove the message board sign, we would not allow it to go back up. This approval should be contingent on their conforming with the current zoning code. There should be no scrolling or flashing, and if possible, to change the color of the message from red to amber. A man in the audience stated that the color (of the message) cannot be changed.

**M/S/P Meinel/Strobel: to approve the Lowell Bostrom/Graphic House, Inc. – Ace Hardware Permanent Sign Permit: 2606 Schofield Avenue, contingent that the message board no longer flash or scroll.*

VI. RESIDENTIAL BUSINESS/HOME OCCUPATION PERMITS**A. NONE****VII. SITE PLAN REVIEW****A. MITCH KING/RIVER HOUSE ARCHITECTS – BUSINESS/FOOD SERVICE: 3818 WESTON AVENUE**

Tharen Gorski, River House Architects, Inc., 1009 River Street, Schofield, and Mitch King, 5607 E. Jelinek Avenue, were present in support.

Gorski pointed out this being located on Weston Avenue. The building will consist of 3,250 square feet, with 33 parking stalls. They will be working off the existing utilities. There was discussion that there is a shared driveway between the two parking areas shown. Donner stated that Gorski & King were directed to do the access this way. They are not going to curb & gutter the (the east side of the) entrance, due to future redevelopment. Donner stated that there is a median opening in Weston Avenue that lines up with this entrance. Donner stated that staff can look into getting the electronic file with the median opening for this area. Higgins stated that there were a few things needed yet. We still need lighting with photometrics & lighting specs, and there were a few changes that needed to be made on the landscaping plan. Higgins stated that we want them to be able to work with staff on those items.

****M/S/P Meinel/Strobel: to approve the Mitch King/River House Architects – Business/Food Service: 3818 Weston Avenue, contingent on their working with staff on the lighting plan (with photometrics & lighting specs) and their landscaping plan.***

Oberlander excused himself from the meeting at 7:10 p.m.

B. WESTVEST/RETTLER CORPORATION – RETAIL/SERVICE DEVELOPMENT: SW CORNER OF WESTON AVENUE & STONE RIDGE DRIVE PHASE II

Fritz Schierl, Schierl Tire, 2201 Madison Street, Stevens Point, was present and stated this is actually just a continuation of phase I. Higgins explained the items that staff is waiting on yet: lighting plan (specs & photometrics), location of handicapped parking, location of refuse & recycling areas, locations of service & utility areas and rooftop mechanical equipment. Drainage questions will be forwarded on to Dan Rossiter or Rettler Corporation.

Zuleger stated this may come back again, pending the developer's covenants being met.

****M/S/P Meinel/Strobel: to approve the Westvest/Rettler Corporation – Retail/Service Development: SW Corner of Weston Avenue & Stone Ridge Drive Phase II, contingent on their turning in a lighting plan (specs & photometrics), drainage, location of handicapped parking, location of refuse & recycling areas, locations of service & utility areas and rooftop mechanical equipment, and contingent their possibly coming back for review if changes occur for them to meet covenants.***

VIII. CLOSE HEARING/ACTION ON HEARING**A. CLOSE HEARING – VILLAGE OF WESTON & PUTNAM CAPITAL MANAGEMENT REZONE FROM B3 TO PUL: LOTS 1 & 2 OF CSM #14084 (WESTON AVENUE)**

Machmueller closed the hearing at 7:16 p.m.

B. CLOSE HEARING – MARATHON TECHNICAL SERVICES & AGNES KRAUSE REZONE FROM AG TO RE: 5807 WESTON AVENUE

Machmueller closed the hearing at 7:16 p.m.

C. CLOSE HEARING – MICHAEL DESCISCIO REZONE FROM R3 TO B2 AND REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A SECOND FLOOR RESIDENTIAL APARTMENT UNIT AT: 5312 WILLOW STREET

Machmueller closed the hearing at 7:16 p.m.

D. CLOSE HEARING – LADONNA HALL & IVAN FRAAZA REZONE FROM M1 TO R1 AND REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A COMMUNITY LIVING FACILITY ON A: PARCEL ON THE NW END OF JANICE AVENUE

Machmueller closed the hearing at 7:16 p.m.

E. CLOSE HEARING – MARATHON TECHNICAL SERVICES & HPI PROPERTIES REZONE FROM SR AND WPD TO R1 AND WPD WITH OPD: 7304 CALLON AVENUE

Machmueller closed the hearing at 7:16 p.m.

IX. NEW BUSINESS

A. ACTION ON HEARING – VILLAGE OF WESTON & PUTNAM CAPITAL MANAGEMENT REZONE FROM B3 TO PUL: LOTS 1 & 2 OF CSM #14084 (WESTON AVENUE)

**M/S/P Meinel/Strobel: to approve the Village of Weston & Putnam Capital Management Rezone from B3 to PUL: Lots 1 & 2 of CSM #14084 (Weston Avenue).*

B. ACTION ON HEARING – MARATHON TECHNICAL SERVICES & AGNES KRAUSE REZONE FROM AG TO RE: 5807 WESTON AVENUE

Thompson announced that they have decided to amend the rezoning request from RE to the SR zoning district, per staff recommendation. There was discussion on the differences in the setbacks between the RE and SR zoning districts. Their concern is that some of the lots will have more land than others and they do not plan to subdivide (or someone else to subdivide) this more than what they are currently planning. Higgins & Zuleger looked into the State Statutes and Village Code to be sure that Planning Commission can amend the zoning district being requested or if it needs to be at Village Board level.

Donner discussed our looking at the option of public utilities coming from Von Kanel Street. Strobel suggested to modify this request from RE to SR

**M/S/P Strobel/Meinel: to approve the rezoning request change from AG to SR. Q: Donner stated the reason for their making the change is because the density matches the SR zoning district and the Village has moved toward having larger lots in the southeast quadrant of the Village. Motion Carried.*

C. ACTION ON HEARING – MICHAEL DESCISCIO REZONE FROM R3 TO B2 AND REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A SECOND FLOOR RESIDENTIAL APARTMENT UNIT AT: 5312 WILLOW STREET

Donner questioned how a business use was started in this building as it is (current R3 zoning). Zuleger stated we have a non-code complying business running out of this home. It was discussed that Knutson moved his vision clinic business in this building when the Abby Bank construction started. Breu stated that this building was remodeled into a duplex. Higgins explained that DeSciscio purchased the building in August, 2005, and Knutson was already moved in there. Breu stated this was recently remodeled into a duplex. Machmueller questioned how the eye clinic business went into this R3 zoned building, Higgins & Breu responded that they just went ahead and moved in there. There were no permissions given by the Village. Meinel & Donner are not in favor.

****M/S/P Meinel/Donner: to deny Michael DeSciscio's rezoning from R3 to B2 and his request for a Conditional Use permit to allow a second floor residential apartment unit at: 5312 Willow Street. Q: Higgins pointed out that the draft future land use map shows this property as being residential, not commercial. Motion carried.***

<<Zuleger stated that we will need to write DeSciscio and Knutson a letter saying that they are not in compliance.>> Meinel confirmed that DeSciscio does not have his business in there yet, just Knutson.

There was discussion that with Oberlander now being excused from the meeting tonight, if we still have quorum. Zuleger explained that we need "simple majority" to vote on issues (Robert's Rules of Order).

D. ACTION ON HEARING – LADONNA HALL & IVAN FRAAZA REZONE FROM M1 TO R1 AND REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A COMMUNITY LIVING FACILITY ON A: PARCEL ON THE NW END OF JANICE AVENUE

Hall requested to speak, which Zuleger explained (as a point of order) that allowing Hall to speak now would be out of order, now that the hearing is closed. Zuleger explained to the Planning Commission that we need to adhere to Robert's Rules of Order; and once the hearing is closed, we need to make a motion, then have discussion (with a motion on the table).

Donner stated that he noticed there were no comments in support of this rezone. Donner was questioning whether or not it would be appropriate to put a residential use in there anyway, and he does not feel that this would be an appropriate rezone.

****M/S/P Donner/Meinel: to deny Ladonna Hall & Ivan Fraaza's rezone from M1 to R1 and request for conditional use permit to allow the operation of a community living facility on a Parcel on the northwest end of Janice Avenue. Q: Machmueller allowed Hall to make a statement, but informed him that his statement shall have no bearing on the testimony. Hall explained from a safety standpoint, this facility would be licensed and be fully staffed, 24-hours per day. Zuleger confirmed that this would be a CBRF and not a senior assisted living facility. The members discussed that a CBRF can go in any residential district.***

E. ACTION ON HEARING – MARATHON TECHNICAL SERVICES & HPI PROPERTIES REZONE FROM SR AND WPD TO R1 AND WPD WITH OPD: 7304 CALLON AVENUE

Meinel commented that the neighbors are certainly all against this. Strobel confirmed with Zuleger that they cannot discuss this before a motion is made. Zuleger answered that if we are going to do this (meeting procedures) the right way, we closed the hearing, and now the **New Business** says "Action". So we need to have a motion on the floor before you can consider discussion, because the hearing is closed.

****M/S/P Meinel/Donner: to approve Marathon Technical Services & HPI Properties Rezone from SR and WPD to R1 and WPD with OPD: 7304 Callon Avenue. Q: Donner brought up a question on the density. He stated that we knew density would be an issue. He discussed that the proposal is using R1 density on the overlay to determine the total number of units. He stated that in going through the calculations, he disagrees that 45 would be the number, but he believes it would be somewhere between 40 and 45 (he thinks 43). He thinks they do need to deduct something for the roads and the detention ponds; they cannot presume that they are going to put houses on that property that would be used for roadways and such. Thompson stated that the***

descriptions give a minimum lot area and then the planned unit development allows them to make the adjustment for the building zone and the WPD, which accounts for about 29% of the lot area. He commented that the ordinance allows them to increase the density by 29%. The calculation that he took was the minimum lot area divided into the acreage and increased it by 29%, which worked out to a maximum of 48, which did not include the (deduct for) roads. He stated that they have no objection to working in the range of 40 – 45, but that the code is not very well defined as to what the density can be or how to calculate it. He reiterated that if you take the R1 district and increase the density by 29%. The normal yield of R1 is about 2.5 lots per acre. He stated that increasing that with the 29% you get a little over 3 lots per acre. They have 13-some acres there. He commented that the minimum that they would have is 40.

Donner stated that assuming R1 is the underlying zoning on that property, (knowing that SR is the surrounding zoning) is that (R1) the appropriate density to go to. He feels the overlay concept is great for this piece of property and the best way to maximize the lot layout and the infrastructure that is going to be needed. Donner discussed that in the past, they talked about whether or not there is a lesser density that might be doable in this. Thompson commented that with Weston Ridge at the density of almost 11, their development would be a good transition to from 11 to 1 (existing single family lots).

Hantz raised his hand to speak; Zuleger explained to Hantz that the reason Thompson was allowed to speak was because he was answering a question of a Planning Commission member about the density of the property.

It was explained that if this zoning change gets approved, a final plan and density will then come back to Planning Commission for approval at a later date. Higgins pointed out that they have a pre-concept plan next on our agenda, which we can look at here. She commented that they originally wanted preliminary plat review, but since staff knew that density would be an issue, staff felt that this issue is too premature to go to preliminary plat review, which is why the next issue is just their pre-concept plan. Strobel confirmed with Thompson that with their density calculation that a lesser density would not work (such as RE). Thompson stated that staff's recommendation, based on the size of homes that they are looking at in the density, would typically be in R1 (Note: Staff did not recommend R1 zoning. Staff merely indicated that the applicant should seek an underlying zoning that allowed the proposed density by code).

Zuleger stated that it would be appropriate now, while the motion is still on the floor, for Higgins to discuss the concept for provisional zoning on this. He also added that from the public input standpoint, with the exception of the applicant, that we have not received one call in favor of this rezone. Higgins stated that she is concerned with rezoning to R1, because if the development does not go through, we will then be stuck with a piece of property that is zoned R1, that right now is not currently serviced with public water & sewer. She commented that we put provisional zoning on the Thirion property, which makes it, if nothing is done after 3 years, revert back to current zoning (since sewer and water is not there). This development would further the sewer and water down Callon Avenue. It was discussed that Saint Agnes has shown past interest in getting public sewer and water. Zuleger stated that based on the sewer and water survey that was recently done, that most of the people along here do not want public sewer and water. Meinel discussed some of the Johnson's other developments and how they did a nice job on those. Donner questioned if underlying zoning was RE, there could still be about 35 units. Thompson stated that he did not run the numbers with the RE zoning. Zuleger commented that there are other options.

****M/S/P Strobel/Machmueller: to table this issue. Strobel – aye, Donner & Meinel – nay. Motion fails.***

Zuleger pointed out that the original motion (to approve) is still on the floor. Meinel commented that he would like the final plat to show the correct number of total lots. Higgins pointed out to him that this is just a concept plan and an OPD requires a concept plan be shown. Meinel & Donner – aye, Strobel – nay. Motion carried.

F. HPI PROPERTIES/MARATHON TECHNICAL SERVICES – CONCEPT PLAN FOR PROPOSED CONDO DEVELOPMENT: 7304 CALLON AVENUE

Zuleger commented that now that it is zoned appropriately, we should consider this concept plan. Higgins stated that the main issue is that they are proposing 45 lots, and that Donner thinks their proposal of 45 lots is too high, that it should be at most 43 lots. Higgins stated that we can approve the concept plan with modifications. Essentially, this will be giving them direction of how we want them to proceed with their development. Zuleger stated that he personally feels since we have approved the rezone to R1 & WPD with OPD, the concept plan we have here meets the R1 zoning. Donner stated that the concept here is that we are allowing the property owner to put more units on the property. He stated that the unusable area of the property will be used as open space. Donner strongly feels the maximum density should be 43 lots. Donner stated that they could take the 29% increase to allow for those extra units. He also thinks there should be a deduction taken then for the roadways and detention pond, that are not going to be able to be used. Thompson stated that they can work with staff on the calculations for density.

It was discussed that no action needs to be taken. Higgins stated the Police Chief, Dan Vergin, had no issues, that there will be no traffic impact. She then stated that she has not received comments back from Fire Chief, Mike Pierce, to date. These will be private roads with public utilities. Thompson discussed the cul-de-sacs will have a minimum of 50 foot radius'. They will work with staff to find the best route for utilities. The green space that is shown, will be commonly owned through a homeowner's association. She commented that this is the closest to a conservation subdivision that we have seen here yet.

<<It was advised to Thompson that they should resubmit density plans to the Village prior to the upcoming Village Board Meeting.>>

X. UNFINISHED BUSINESS

A. TABLED STAN BUDLESKI/LHM SURVEYING – CLEARVIEW HEIGHTS PRELIMINARY PLAT REVIEW: EAST OF CLEARVIEW DRIVE, WEST OF CTH-J, AND NORTH OF SKRZYPCHAK LANE (TOWN OF WESTON)

Higgins stated that we received a copy of meeting minutes from Town of Weston Planning Commission Meeting of September 20, 2005, where they discussed this issue. She reminded our members that we have extraterritorial review of this plat. She stated that according to the minutes, they are still working on getting the road right-of-way from Mr. Skrzypchak. She stated that the Town also discussed their possibly providing a temporary cul-de-sac. Higgins explained that this issue was tabled for more information to be giving to the Village Planning Commission. With this being a preliminary plat, per State Statutes, they have to meet all our conditions at final plat review before we will sign the final plat. Higgins advised the members to approve the preliminary plat with the conditions that were taken up at our last Planning Commission meeting, so that the Village will not give final plat approval until documentation is received for the wetland crossing with roads and agreements with other landowner(s) for ROW acquisition and/or land swaps for another access point out of the subdivision.

****M/S/P Meinel/Strobel: to approve the Stan Budleski/LHM Surveying – Clearview Heights Preliminary Plat Review: east of Clearview Drive, West of CTH-J, and North of Skrzypchak Lane (Town of Weston), contingent on documentation being received for the wetland crossing with roads and agreements with other landowner(s) for ROW acquisition and/or land swaps.***

XI. FUTURE MEETING TOPICS

Higgins discussed and read information she received from Julie Farnham of URS concerning the SE Quadrant study (see attached e-mail).

XII. ADJOURN

****M/S/P Meinel/Strobel: to adjourn at 8:05 p.m.***

Respectfully,

Valerie R. Parker
Recording Secretary