

Village of Weston, Wisconsin
OFFICIAL PROCEEDINGS OF THE PLAN COMMISSION

held on Monday, January 9, 2023, at 6:00 p.m., in the Board Room, at 4747 Camp Phillips Road

AGENDA ITEMS.

- 1. Meeting called to order by Plan Commission Chair and Village Trustee Steve Cronin at approximately 6:00 p.m.**
- 2. Roll Call of Village Plan Commission (PC) by Secretary Parker.**

Roll call indicated 7 PC members present and 2 Alternate members present.

<u>Member</u>	<u>Present</u>
Cronin, Steve {Chair}	YES
Zeyghami, Hooshang {Vice Chair-1}	YES
Ermeling, Barbara {Vice Chair-2}	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Mumper, Roy	YES
Pinsonneault, Jim	YES
Maloney, Mark {Alternate 1}	YES
Diesen, Dave {Alternate 2}	YES

Village Staff in attendance, in-person: Donner, Higgins, Wodalski, Maguire, and Parker. There were no staff members in attendance via Zoom. Attorney Matt Yde was present in person. Trustee, Jamie Weiland, Attorney, Matt Yde, and SAFER Fire Marshal, Marty Christiansen, were also present.

There were 7 audience members present in-person. There was 1 audience member present via zoom.

PUBLIC COMMENT

No public comment.

MINUTES FROM PREVIOUS MEETINGS [0:01:03 Zoom Meeting Recording]

- 3. Approve minutes from the December 12, 2022, Regular Plan Commission Meeting**
- 4. Approve minutes from the December 12, 2022, Joint Board of Trustees & Plan Commission Meeting**

Motion by Zeyghami second by Pinsonneault: To approve both of the December 12, 2022, meeting minutes.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 2 Result: PASS

<u>Member (PC)</u>	<u>Voting</u>
Cronin, Steve {C}	YES
Zeyghami, Hooshang {VC-1}	YES
Ermeling, Barbara {VC-2}	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Mumper, Roy	YES
Pinsonneault, Jim	YES
Maloney, Mark {Alt. 1}	-----
Diesen, Dave {Alt. 2}	-----

COMMUNICATIONS, DISCLOSURES, AND RECUSALS

5. Written Communications Received.

None.

PUBLIC HEARINGS [0:02:10 Zoom Meeting Recording]

Zoning Map Amendments, Conditional Uses & Related Requests

6. Project #20220443 – Intercity State Bank requesting a rezone of 2900 Schofield Avenue, from B-2 (Highway Business) to PD (Planned Development) (PIN 192-2808-173-0162)

a. Open Public Hearing.

Cronin opened the hearing at 6:04 p.m.

b. Presentation by Applicant and/or Staff.

Vern Nystrom, of Keller, Inc., 224575 Lilac Avenue, Wausau, and Christopher Pfender, of Intercity State Bank (ISB), 962 Grand Avenue, Schofield, were present in support of the rezone.

Nystrom explained the General Development Plan (GDP) that was submitted, which shows the plans for the new facility for Intercity State Bank on the south side of the property, along with a planned use for the northern part of the land which is being shown as multi-family. Nystrom pointed out the current required building and hard surface setback lines shown on the plan, and explained the purpose of them requesting to rezone from B-2 to PD is to allow them to bring their hard surface area out further and within the hard surface setback (closer to the property line than what is currently allowed in B-2) and have the multi-family use within the GDP. He stated currently the existing bank building is situated in the center of the entire lot, making the use of the property inefficient. Their goal is to situate the new building further south on this property and essentially create an outlot to the north for future development.

Nystrom confirmed to Maloney that the new building can be built with the current building in place.

Higgins stated they are looking at this as a mixed-use site, shifting the bank to the front and the use in the back will be multi-family, which is a good buffer (between commercial and residential) to the single-family uses across the road. She explained the existing building use to be a church, which is why it was placed adjacent to the single family neighborhood. Tonight, they are here to present their General Development Plan. Plan Commission needs to decide if they are okay with the two uses on the site and the way it is planned to be laid out. She stated approving the GDP will allow for them to move forward with a Specific Implementation Plan (SIP) for the site. Their plan is to come back in next with the SIP for the new bank building. She explained the ask tonight is to rezone to PD and approve the GDP to allow for the two uses and reduced parking setbacks to the south.

Jordan questioned the timing of the multi-family structure and if they are asking if they can build it or intending to build it. Higgins stated there is a timeframe of 5 years for them to submit the SIP after the GDP approval.

Pfender stated that they do not have a specific plan yet for the remnant 1-acre parcel to the north. He stated the apartment building is there to conceptually show what could go there. He stated at this time they have no formal offers or plans. He explained the idea would be to proceed with new bank construction as early as this spring, so that the project will wrap up by about this time next year, then tear down the existing bank building. He stated their goal is to then actively try to sell the parcel to the north, to have that area ready for the 2024 build season.

Pfender explained to Maloney that the Schofield location will be considered their corporate “headquarters”, and this new building here will become their “main retail” location. He stated their goal with this is to have more modern facilities with room for expansion.

Pfender explained to Pinsonneault that it is not their plan, or preference, to own the apartment. He stated they looked at different options, including mixed use. The way they envision the lot being divided, with the access point off of Fox Street for both sides. He stated it would be their preference to sell to a developer. He stated they do not have any firm developers for this yet, just discussions.

Pfender clarified that there is just over 2 acres of land here total, and just over 1 acre (about 45,000 square feet) would be the remnant parcel.

Pfender explained to Guernndt he does not see the median, on Schofield Avenue, to be an inconvenience. He stated that customers wanting to head east on Schofield Avenue, typically will come out on Fox Street, and turn left from there; though, he has seen people cut across, in front of the median to go east. Pfender stated the access to Mount View Avenue will be removed. Guernndt suggested that when Schofield Avenue is reconstructed in the future, perhaps the median there can be shortened up to allow customers to turn both ways onto Schofield Avenue from the site. Zeyghami pointed out that on Schofield Avenue, U-Turns are allowed.

Higgins confirmed to Pinsonneault that this does not need to be two separate parcels. She explained to Pinsonneault that the owner will need to come back in when they develop the site. She stated that if they change the use (to something other than what is being presented, such as from multi-family to commercial), they would have to come back in with a new GDP for the site.

Maloney confirmed that before it gets built and sold, they would have to separate the lots. Higgins stated they could do this a number of ways, such as they could condo this, but it could be divided into lots also.

Pfender stated they would still prefer to have a developer lined up for this parcel, as they do not prefer to own and develop that area, and they do not have someone for that yet. He stated right now, they want to be able to move ahead with the new bank project. Maloney feels once the new bank is built, it will draw someone in. Pfender pointed out the concept exterior building plans, and how they are not final, but what they are looking towards.

Diesen questioned if there will be retail space within this new building also. Pfender stated there will be an unfinished interior portion of the building on the west side of the building. He stated they are designing this so it could potentially accommodate a tenant, but they are not necessarily planning for that.

c. Public Comment Period [0:19:30 Zoom Recording]

Eugene Lamphier, of 3004 Mount View Avenue, was present (whose property is across the road from this). He stated he does not begrudge ISB to build a new building (as he feels the old church should have come down a long time ago), but would like the Village to keep this property zoned like it is so they don't have a 4-story apartment across from his house. He pointed out the plan states 48 "single family" apartments, which he understands to mean no kids. He stated this means 2 people at the most in each apartment, maybe transients and not good residents of the Village. He stated all the current residents across the street are all elderly. He stated, while he may not be around the next 5 years, he has concern for his house value and the values of his neighbors' houses. He is concerned about the high amount of traffic this will create.

Laura Slizewski, of 3007 Mount View Avenue, was present (whose property is along the east side of the laundromat). She stated while she appreciates the proposed new bank building, she has concerns about the outlot and potential development. Her concerns are of the size of the complex and the potential number of tenants that could be in there, and the transient nature of people going in there. She stated she moved here to live in an established residential neighborhood. She stated that while they support development, they don't want to see the traffic problems that can come with this, along with the parking issues, as people already park up and down the street. She stated when the plan is put together, she will come back to this meeting.

No further comments.

d. Close Public Hearing.

Cronin closed the public hearing at 6:25 p.m.

e. Recommendation from Staff.

Higgins stated staff recommends approval.

f. Discussion & Action to the Board of Trustees by the Plan Commission. [0:24:40 Zoom Recording]

Higgins explained to Zeyghami that they are proposing 38 underground parking stalls. She stated when the plans for this come in, they will have to come back with their SIP. The number of units will need to be listed within this Plan. She stated this concept plan shown does not mean whoever purchased this will put this type of multi-family development in. She stated we typically use multi-family to buffer the single-family from the commercial corridor.

Higgins stated to Guerndt that they can still come back with a different land use plan, and if so, would have to come back with an amended GDP, followed by a SIP. Otherwise, they are locked in with the apartment, but just need to come back with the Specific Implementation Plan to include size, setbacks, parking, etc.

Ermeling stated she is not in favor of the apartment being right there.

Higgins explained to Pinsonneault if they do not build in 5 years, they would have to come back through this process, or rezone back to B-2 or to a zoning classification that matches what they are planning.

Guerndt stated by building a new building further south, it allows them to build and stay in their existing building at the same time. He pointed out they are removing the driveway off of Mount View Avenue, which alleviates some of the traffic in there.

Maloney stated this project takes care of all the needs, as far as housing, etc.

There was discussion that tonight they are just showing the General Development Plan. They have to come back with a Specific Implementation Plan (for both the bank building and future multi-family building).

Guerndt questioned, once the existing bank building is taken down, where will the asphalt start. Higgins stated once the new building is built and old building removed, per the code, the future development area will need to be made into greenspace, unless they have a plan to build the rest of the development by then. Nystrom stated it is their intent to remove the driveway to Mount View Avenue at that time. He stated the next step for them is to onboard a site engineer to work through those details with ISB and the Village. Pfender stated the plan is to primarily utilize the Fox Street entrance, but until there is a buyer for the northern area, they would keep the driveway at Mount View Avenue open. He feels the bank traffic would not use Mount View Avenue. He stated when they come back with a site plan, the remnant area will be set up as green space (construction ready).

Maloney questioned where the property line would be. Wodalski showed that it would run west to east just north of the Fox Street driveway. Higgins stated they would just need to meet the sideyard setback. She stated there would have to be some type of cross access easement between the two properties for the shared access.

Cronin confirmed there is sidewalk around the property, along Fox Street and Schofield Avenue.

Mumper feels there won't be a lot of overlap between the bank hours and apartment tenants.

Higgins stated they have to come back with a SIP for both projects. This is just the GDP that we are seeing tonight.

Determination:

- 1 Yes
- 2 Yes
- 3 #2 applies
- 4 Yes

Motion by Jordan, second by Guerndt: To recommend approval of the rezone request and the General Development Plan and forwards on to the Village Board 01/16/2023 meeting agenda.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 2 Result: PASS

<u>Member (PC)</u>	<u>Voting</u>
Cronin, Steve {C}	YES
Zeyghami, Hooshang {VC-1}	YES
Ermeling, Barbara {VC-2}	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Mumper, Roy	YES
Pinsonneault, Jim	YES
Maloney, Mark {Alt. 1}	-----
Diesen, Dave {Alt. 2}	-----

ITEMS REFERRED FROM THE BOARD OF TRUSTEES

7. Discussion and recommendation to the BOT on the following questions: [0:47:15 Zoom Recording]

a. Is the public interest served by the complete discontinuance vacation of Dominika Street ROW south of Mary Lane?

b. Is the public interest served by an alteration of the Dominika Street ROW south of Mary Lane?

Donner explained at the December 19th meeting of the Board, there was a desire expressed with a draft resolution to move forward with a public hearing on a proposed partial or full discontinuance of Dominika Street. He explained that prior to tonight's Plan Commission Meeting, the Board held a special meeting and rescinded that resolution.

Donner stated the resident (Joe Muzynoski) who is proposing the discontinuance, circulated a petition to all the neighbors for the discontinuance (Statutes requires signatures from all abutting property owners around the portion of right-of-way), and was unsuccessful to obtain a signature from Heath Tappe, Denyon Homes, who now owns and plans to develop the land south of Muzynoski. He is now asking the Board to consider introducing this resolution to discontinue, on the basis that it is in the public interest. Donner stated one part of this is to introduce this to the Plan Commission for their recommendation to the Board.

Yde explained the two ways to do this 1) Neighborhood Petition or 2) Initiation by the Board. Yde explained the second option is where if the Board feels this platted and unbuilt road is not necessary to discontinue it. He stated the Statute basically states the Board can only do this if they fully believe this would be in the best interest of the public.

Donner stated there was some additional information submitted last week, after meeting with Tappe, where Tappe indicated he will not sign a petition right now, but is willing to discuss it further. Donner stated this is why staff has made the recommendation we not go forward with this right now.

Higgins stated how Tappe has provided 5 different versions of a concept plan and that he plans to do a wetland delineation there yet, and how that area has not been favorable for delineations. She stated Tappe

does not want to make it so that he is landlocked, in the event the one or both of the other two ROW points can't be used. She stated Tappe has asked that we wait until he has his wetlands delineated later this September, and a plan can be brought forward.

It was clarified to Pinsonneault when it talks "interest of public interest", it is referring to the Village as a whole, not just the adjacent properties.

Yde stated if the Board decides to discontinue the entire right-of-way, and if anyone objects, then it goes to the Board for a public hearing on "what's in the best public interest", and the Board needs to vote 2/3 in favor of the discontinuance, in order to accomplish that. He stated if we only do 16 feet (partial), the same thing happens. He stated the neighbor across the road from Muzynoski may not be in favor of a partial discontinuance, as it would move the right-of-way closer to his home then. He stated then there is Tappe to the south, who does not want to lose his ability to have a road there. Yde stated that Tappe is very likely to object to a discontinuance of the entire right-of-way. Yde stated the focus should be on why it is in the public interest to be upheld, if the Board does make a decision.

Mumper stated he does not see a reason to make a recommendation, other than one to defer until the property owner to the south decides how he will develop. Cronin feels that, since this has been going on since 2018, Muzynoski needs an answer.

Higgins stated staff received an e-mail from Muzynoski's attorney, stating they are okay with waiting until Tappe gets the delineation done. Higgins stated that a decision should not be made by the Village until after the delineation is done, as if Tappe can't use those access points, he will need this right-of-way. If it turns out he can use those access points, then there is no need for that right-of-way, and the Plan Commission and Board can then begin the vacation process.

Cronin asked if we should put some kind of deadline on Tappe to get the delineation done, and if Tappe does not meet that deadline, then the Village would make a decision.

Guernndt brought up how the house was drawn up and constructed in 2006, knowing that the road right-of-way was there.

Pinsonneault stated the house was not built where the plan said it would be built. He pointed out the, then, building inspector was there 4 times for inspections, and questioned if some of the responsibility should fall on the Village inspector. Yde stated there could be an adverse position claim made against the municipality, but there is typically a 10-year statute of repose when it comes to pursuing a claim, and it is a matter of if the owner knew about the issue before that time period. He stated there are more issues that need to be looked into on this matter. If anyone felt the Village would be at fault here, he would need to see the evidence of that, and would need to find out what the builder and owner knew and at what times. Higgins stated Stan Budleski took the permit out in October 2004, and Muzynoski purchased the property during construction in March 2005, and Building Inspector, Al Breu, gave final occupancy in June of 2006. Higgins stated Muzynoski came in, in 2018, with a boundary survey (which showed the discrepancy between the submitted hand-drawn site plan and the survey). There was some discussion on how the builder should be at fault, and how for whatever reason Muzynoski will not go after Budleski.

Ermeling agrees nothing should be done until the delineation is completed.

Mumper stated the owner at the south is also at disadvantage if we take action.

Donner stated garage is non-conforming to the 20-foot setback (it is only 5.5-feet from right-of-way line), and has been for the past 20 years. He stated if we did the partial 16-foot discontinuance, it would eliminate the garage setback issue. Regarding the driveway issue, we could put together an agreement that states once

that roadway is improved, then the driveway comes out to the next street. He feels Muzynoski could sell his property this way, as title insurance policies can have conditions noted on them.

Guerndt stated that he believes Muzynoski has stated he wants his driveway from Mary Lane, not the side road (Dominika Street) *[If Dominika Street were improved, even with the 16-foot discontinuance, Muzynoski's driveway would technically be off of Dominika Street].*

Maloney stated that he believes it was stated in the past that if the full right-of-way was discontinued, the neighbor to the west would give his half of the discontinued right-of-way to Muzynoski.

Cronin suggested we do a partial discontinuance now, to make Muzynoski's property conforming, and revisit this discussion after the wetland delineation has been done.

Guerndt questioned what responsibility would the Village have, if we discontinue the right-of-way, and then later Tappe finds out following wetland delineations that he needed that right-of-way to have access to his land. Yde stated in that case we would have to go through eminent domain to take back what we gave up.

Cronin stated if we do a partial discontinuance, then Tappe would still have access. Guerndt stated the issue with that is the pavement section of the right-of-way would get moved closer to that neighbor's property (as it needs to be centered within the right-of-way). Guerndt and Maloney feel the neighbor would not be in favor of that.

Yde stated the best route is for the neighborhood to write up what they agree on and sign a petition, and then the Village would decide whether it makes sense.

Guerndt stated both owners should have known, when they purchased their properties, that there was a right-of-way in there, if they looked at the subdivision plat. It was stated the two owners are not paying taxes on that right-of-way area.

Yde stated the Village does not have to do anything right now, but if we do, we could have both resolutions prepared: 1) 16-foot discontinuance and 2) full 66-foot discontinuance, schedule public hearing.

Ermeling suggested we give Tappe time to have wetlands delineated and plat drafted, and if he does not do this by fall, move forward with the discontinuance.

Mumper does not want us to halt the opportunity for the new subdivision Tappe is creating, by discontinuing the road. He feels the new subdivision would be in the best interest of the Village as a whole.

Cronin pointed out from an e-mail ([attached](#)) Tappe's sent, where he states "Regarding a partial ROW vacation... If this partial helps the Village, Joe, and makes sense for future development options, then I can support it."

Yde stated in the e-mail from Attorney Runde (Muzynoski's attorney), that they would like to set up a meeting with them, Tappe, and a Village representative, to discuss options before taking this to public hearing. Higgins suggested Runde/Muzynoski should take a petition for partial discontinuance to Tappe to sign, as then the Village would not have to go through all the steps. She stated there would still be a hearing, just not as much Village involvement, and the Village does not have to make the "public interest" decision. However, the neighbor to the west would have to sign the petition.

Maguire stated how we make sure properties are fully staked out before construction starts to prevent a situation like this to happen; plus, we do not accept hand-drawn plans.

Motion by Pinsonneault, second by Mumper: To recommend to defer any action on full or partial vacation of Dominika Street right-of-way at this time. Ermeling is opposed. Motion carried.

Yes Vote: 6 No Votes: 1 Abstain: 0 Not Voting: 2 Result: PASS

<u>Member (PC)</u>	<u>Voting</u>
Cronin, Steve {C}	YES
Zeyghami, Hooshang {VC-1}	YES
Ermeling, Barbara {VC-2}	NO
Guernndt, Gary	YES
Jordan, Joe	YES
Mumper, Roy	YES
Pinsonneault, Jim	YES
Maloney, Mark {Alt. 1}	-----
Diesen, Dave {Alt. 2}	-----

8. Discussion of possible modifications to the zoning code to allow fabric buildings for bulk storage.

[1:29:30 Zoom Recording]

Cronin read an e-mail ([attached](#)) he received from SAFER Chief, Josh Finke, on behalf of his business, Central Wisconsin Powersports, 3412 Schofield Avenue.

Donner stated that we do not want to be in a position that we are not complying with our own ordinances. He stated we are not asking for this to only be in our zoning district (INT – Institutional), that we are also asking the Commission what other districts they feel we should allow these in along with what conditions and standards we would want to place on those. Staff is suggesting these would only be allowed as an accessory structure (not principal structures).

Mumper questioned if this would need to be a zoning change or if it can be a conditional use. Higgins stated right now, these are only allowed in the AG districts, and she does not feel the performance standards are enough to use them in other areas of the Village.

Higgins stated tonight we want to get PC's thoughts on this before we move forward with any proposed changes. She stated staff needs to know if PC would allow these in the business parks or along Schofield Avenue, such as at Finke's business. She stated we want to know if they want to allow these in the B-2, B-3, GI, LI districts, and what kind of standards (setbacks, buffer, colors, materials, etc.), and if allowed via permitted or conditional use permit.

Mumper agrees these should not be allowed as a primary structure and he does not want to see this in a residential area.

Wodalski stated to Zeyghami we are looking for a structure like this at our new Municipal Center site, and we would be looking at changing the language in the Zoning Code to allow these structures in the INT and certain other districts of the zoning code (versus rezoning).

Ermeling stated she would not want to see this on Schofield Avenue or in the Business Park. She stated she is in support of a salt shed here, but is concerned we will be accused of changing the rules to benefit us; though it does benefit the Village as a whole.

Jordan agrees they should not be in residential areas, and stated the quality of these buildings now, where they can be of such where they make sense in other parts of the Village. He stated he thinks these are appropriate in commercial areas. He stated he would not want to see these on Schofield Avenue as a principal structure, but maybe as an accessory structure. He brought up about horse arenas that have these.

Ermeling feels if we allowed these, it would have to be very limited.

Wodalski then went through the different types of structures, as shown in his report within the packet. He explained to Maloney how often the trucks need to access the current salt shed. There was some discussion on potentially continuing to use the existing salt shed at the old Municipal Center, or to place a shed at the EMPD property, or place a shed at the Ryan Street yard waste site. It was explained that we have to keep equipment near the shed to load trucks, and then someplace to house the equipment, which is why it would be best to have the shed here. We also only have one plow route south of the Village so the Ryan St site does not make sense logistically. Wodalski stated we are looking at a smaller size building than what we currently have.

The Plan Commission Members agreed they would like to see prices for all three types of structures.

Wodalski stated if we bid in April, the building will be ready for September/October.

Cronin agrees these should be considered an accessory use, not a principal use. He stated he feels there is room for this use in Industrial Park. Cronin stated he is not in favor of allowing these on Schofield Avenue or on residential lots.

Wodalski stated a salt shed would be placed along the northeast side of the property, which abuts commercial and multi-family.

Wodalski stated to Ermeling that we could allow these in all districts via Conditional Use permit, with the exception of AG districts, where they are permitted. Higgins feels it would be best to look at LI, GI, and INT, as B-2 and B-3 are spread out throughout the Village and mostly in our higher end commercial corridors like Schofield Avenue. Cronin stated these could then be by CUP.

Maloney segued into a discussion of cases of enforcement issues and certain requirements of the zoning code that he feels affects businesses, and how we need to be mindful of what we are changing for the Village.

Cronin stated if we put a structure like this up in our INT district, who are we to say no to a school or a church.

Cronin commented that perhaps the Village just needs to pay the extra \$600,000 and build a regular salt shed structure here.

Wodalski explained that most salt sheds are wood structures with concrete bases, and how metal buildings housing salt, will rust out. He stated the framing for the fabric structures are hot-dipped galvanized, which protects those from rusting.

It was explained that lumber prices have come down and how the Village should re-bid a structure.

Higgins stated the standards for outdoor warehousing is a conditional use in INT. She stated there are some allowances in the B-3, LI, and GI. She stated we could put together some type of performance standard for this type of structure, and then just not include it in the B-3.

Cronin suggested to allow in those districts but limit the size of the structure. Could be based on principal structure and one per property. It was suggested to use earthtone colors.

STAFF REPORTS [2:10:35 Zoom Recording]

9. Report re: December 2022 Staff-Approved Certified Survey Maps and Site Plans.

10. Report re: December 2022 Building Permits.

11. Acknowledge Quarterly Development Agreements Report.

Motion by Ermeling, second by Mumper: To acknowledge Items #9 – 11.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member (PC)</u>	<u>Voting</u>
Cronin, Steve {C}	YES
Zeyghami, Hooshang {VC-1}	YES
Ermeling, Barbara {VC-2}	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Mumper, Roy	YES
Pinsonneault, Jim	YES
Maloney, Mark {Alt. 1}	-----
Diesen, Dave {Alt. 2}	-----

MISCELLANEOUS [2:10:55 Zoom Recording]

12. Project Updates

a. Kristen Fish-Peterson – TID #2 Activity Update and Status of 5500 Schofield Avenue site.

Donner stated Fish is traveling, so could not be here in person tonight. She provided a synopsis of what she has been involved in, which was included in the meeting packet.

Pinsonneault asked for what we paid Fish for services in 2022. Donner stated it is hourly and he can provide Pinsonneault a summary.

Higgins commented that Lokre may be bringing back his multi-use project near the Caribou Coffee. She pointed out the owner of the Wendy's site is bringing in a new chain, called Fuzzy's Taco Shop (franchise out of Texas). She stated the Board should see a liquor license soon for this project as staff met with their team on building upgrade plans.

13. Announcements & Commissioner Remarks. [2:16:50 Zoom Recording]

a. Next Regular Meeting Date – Monday, February 13, 2023, at 6pm

None.

ADJOURNMENT

Motion by Zeyghami, second by Guerndt, to adjourn the PC meeting at 8:19 p.m.

Steve Cronin, Village Trustee and Plan Commission Chair
Jennifer Higgins, Director of Planning & Development
Valerie Parker, Recording Secretary

From: [Heath Tappe](#)
To: [Keith Donner](#); [Joe Muzynoski](#)
Cc: [Mark Maloney](#); [Michael Wodalski](#); [Jennifer Higgins](#); [Matt Yde](#); [Lani Kukulka](#)
Subject: RE: Meeting to Discuss Dominika Street ROW
Date: Friday, January 6, 2023 9:14:45 AM
Attachments: [image003.png](#)

Good morning,

Thank you Keith for working on this ROW issue. This is certainly a complex situation. To be clear, we want to be a good neighbor and do what is in the best interest of all parties, including the public. Some of the complexities for development are there are current only 3 options for ingress/egress to our property(Denyon Homes) and the property adjacent to the west(Joe Buska), there is a house built too close to 1 of these right of ways(Joe Muzynoski), there are wetlands that have not been delineated, there is a future highway crossing, and the county and city are looking at bike paths and connections just to name a few.

At this time it seems premature to vacate an ROW. Denyon Homes does not support vacating a right of way now. We will not sign any documents doing this, and we will hire an attorney if an ROW is removed without our support and approval. This seems the best course of action, as the village has an attorney reviewing these this as well as the party attempting to remove the ROW. T

Regarding a partial ROW vacation, this seems like a reasonable temporary alternative. I'm not sure this is in the publics best interest, because there is lots of time and energy being spent for creating a partial ROW vacation, and everyone hopes that when this gets developed that the smaller ROW can be completely vacated. If this partial helps the village, Joe and makes sense for future development options, then I can support it. The drawings are great and make sense to help Joe especially. There are still questions remaining for us to support this option, but it seems logical and a good compromise for all parties. I appreciate Keith and Joe communicating with me and working to make something work.

Our plans are to develop the land we own, and we want written assurance that any changes to this ROW will not hinder our ability to develop the land. We also have done 5 concepts for development and none of our concepts are using the Dominika ROW. So we are sensitive to this neighbors desire to not have a road go thru. Next steps for development are a wetland delineation. The soonest we plan to do this is summer of 2023.

My suggestion is to table this discussion until September 2023, and if we don't have wetland delineations complete and a preliminary plat approved at a September meeting that we move forward with something similar to what Keith has prepared as a partial release. I also don't understand how to make this equitable to the adjacent land owners. 1 land owner is getting the entire vacation of land for his lot, 1 land owner is getting nothing accept potentially more traffic closer to his/her home and 1 land owner is losing access to there property. I look forward to working together and hearing what everyones thoughts are,

Thank you,

Heath



HEATH TAPPE

President

T [715-574-6005](tel:7155746005)

M [715-409-1110](tel:7154091110)

5309 Schofield Ave

Weston, WI 54476

[Website](#) | [Email](#)

From: Keith Donner <kdonner@westonwi.gov>

Sent: Thursday, December 8, 2022 8:07 AM

To: Joe Muzynoski <joemuzy@gmail.com>

Cc: Mark Maloney <mmaloney@westonwi.gov>; Heath Tappe <heath.tappe@denyonhomes.com>; Michael Wodalski <mwodalski@westonwi.gov>; Jennifer Higgins <jhiggins@westonwi.gov>; Matt Yde <yde@ydelawfirm.com>; Lani Kukulka <lanik@ydelawfirm.com>

Subject: RE: Meeting to Discuss Dominika Street ROW

BCC: Steve Cronin

Hi Joe:

Attached are 3 items:

1st and 2nd are 2 conceptual versions of how future public improvements could fit in the Dominika Street ROW to extend from Mary Lane to the south. The drawings are meant to illustrate that partial discontinuance of the R.O.W. (a 16 foot strip from the east side) could result in modifying your lot line by narrowing the 66 foot R.O.W. to 50 ft. This partial discontinuance and reconfiguration of your lot would result in achieving the required 20 foot minimum setback from nearest corner of your home (northwest) to the revised R.O.W. (setback would be 21.5 feet based on a previous survey map you furnished to the Village)

3rd is the staff report from the 11/21/2022 meeting of the Village of Weston Board of Trustees regarding your request for the Board to proceed with a discontinuance process for the unimproved R.O.W. of Dominika Street south of Mary Lane following the procedure prescribed in §66.1003(4) Wis. Stats.

The staff report includes a memo from Village Attorney Matt Yde's office describing 2 processes under which the unimproved public R.O.W. of Dominika Street could be considered for discontinuance following §66.1003 (2) or (4) Wis. Stats. As outlined in the staff report, you were not successful in obtaining the required signatures to follow the petition process according to §66.1003 (2). I understand this was for a complete discontinuance proposal. **Most importantly for the petition process to be successful the signatures of all owners of land abutting the R.O.W. to be discontinued must be obtained**, plus other signatures as described in the statute. As stated in the staff report the Village is aware that Heath Tappe/Denyon Homes is not willing to sign such a petition (for complete discontinuance) until it is known whether the R.O.W. will be needed as part of a future development which has yet to be defined by a preliminary or final plat.

You have retained legal counsel through Attorney Mark Sauer and/or Davis Runde of the firm Weld Riley to represent you in this matter. At the 11/21/2022 meeting of the Village Board of Trustees, the question before the Board was to resolve to conduct a public hearing for the proposed discontinuance following §66.1003 (4). This is based on the proposed discontinuance being in the public interest. I am aware you attended the 11/21/2022 meeting accompanied by Attorney Runde and a decision by the Board to initiate the process you seek was not made.

This e-mail string includes a suggestion from Attorney Runde that there be additional meetings with Mr. Tappe, yourself and Village representatives. My initial reaction to the this suggestion was that additional meetings, aside from the required public hearing, cannot be productive since any decisions about a discontinuance must involve all Village Trustees and allow interested property owners the opportunity to be heard as prescribed in the statute.

As I indicated earlier, the proposal to this point has been under the assumption that a complete discontinuance is requested. If the partial discontinuance can be accomplished by the petition process a Village public hearing would not be needed. The petition process requires signatures of all abutting landowners and the owners more than 1/3 of property frontage within ½ mile of the proposed discontinuance. We discussed the number of signatures of other frontage owners being based on measured frontage and not the number of parcels. I do not know if the prospect of a partial discontinuance requires all the same signatures as would the complete discontinuance.

If the petition process can be followed for a partial discontinuance it would be preferred and would not require a public hearing. Petition signers would need to be made aware of the proposal for partial discontinuance as compared to complete discontinuance I would think. I must defer to Attorney Yde for an opinion on this.

If you wish to request the Board initiate the public hearing process, they will need to adopt a resolution at a future meeting of the Board, as was proposed at the 11/21/2022 meeting. This could again be brought back at the upcoming December 19, 2022 meeting, unless there is a path to follow the petition process. With the petition process, you would be responsible to circulate and obtain signatures as you attempted previously. There will be publication costs to you for the notices required by either process.

I have copied Village Attorney Matt Yde with this e-mail so he is aware of the desire for a meeting. If you wish to involve your legal counsel we must also include Village legal counsel. Please forward this to your own legal counsel at your choice/discretion. A meeting with you, Mr. Tappe, and Village staff could be arranged but, we should not involve multiple Village Trustees based on open meetings laws.

Please let us know your thoughts as to how you wish to proceed.

Keith E. Donner, P.E.

Administrator

Village of Weston
5500 Schofield Ave.
Weston, WI 54476

Telephone 715-241-2610;
kdonner@westonwi.gov

From: Mark Maloney <mmaloney@westonwi.gov>
Sent: Saturday, December 3, 2022 8:09 AM
To: Davis J. Runde <drunde@weldriley.com>
Cc: Mark Sauer <msauer@weldriley.com>; joemuzy@gmail.com; Steven Cronin <scronin@westonwi.gov>; Keith Donner <kdonner@westonwi.gov>; Jennifer Higgins <jhiggins@westonwi.gov>; Michael Wodalski <mwodalski@westonwi.gov>
Subject: Re: Meeting to Discuss Dominika Street ROW

Good morning, I have discussed with Village staff and will have more info this coming week, thoughts on a resolution and “win” for all parties. Intentions are to have on December Village Trustee’s agenda. I will communicate fix this next week allowing questions or concerns prior to Trustees meeting.

Thank you,
Mark Maloney - President
Board of Trustees
Village of Weston

mmaloney@

westonwi.gov
1-715-410-2756 / cell



On Dec 2, 2022, at 9:43 AM, Davis J. Runde <drunde@weldriley.com> wrote:

Dear President Maloney,

I hope all is well with you and that you had a relaxing Thanksgiving holiday.

I have spoken with Mr. Tappe regarding the Dominika Street ROW once again and he indicated you had spoken to him as well. Joe and I are wondering if you would be willing to sit down with us and Mr. Tappe to discuss this issue and make sure we all understand each other’s position on this matter. We think that would be a helpful exercise going into the next Board Meeting.

Please let us know if you would be willing to have such a conversation. We look forward

to hearing from you.

Thank you,

Davis Runde



Davis J Runde

Attorney

500 Third Street | Suite 800

P.O. Box 479

Wausau, WI 54402-0479

Main: 715.845.8234 | Fax: 715.848.1085

Email: drunde@weldriley.com

Website: www.weldriley.com

January 3rd 2023

Dear Village of Weston Plan Commission and Village Board,

Recently I attended a Village board meeting, as part of that meeting there was a discussion regarding the salt shed. I am aware the village has received some very high quotes for this structure and the village staff has looked at other options to save costs. The proposal that was brought to the board, which did seem to have some support was a fabric, hoop type structure. First off I would like to say that I do not have any concern with that type of structure, I personally feel it is appropriate, however I do have a concern regarding the current code.

It was mentioned in the meeting that current code would not allow for that type of structure to be built. At that time it was said that this would be taken to a Plan Commission meeting to change the code, but only for institutional. I own a business on Schofield Ave, since I have owned it I have expanded my current building twice and purchased two adjacent properties. Each time I put additions on, I of course followed all of the codes. These codes required me to do things on both additions that I did not want to do but also caused the buildings to be significantly more expensive. Since these structures were then assessed at an even higher rate it also results in higher property taxes.

Last summer I met with village staff in regards to constructing a new storage shed on the back part of my property, well off Schofield ave. I just wanted to construct an inexpensive building to house my overstock inventory as well as trailers etc. Basically I wanted to construct a pole shed with a gravel floor. I was told this could not be done, that the building would have to match the current structures and it would need to have a concrete floor etc.

So from the perspective of a business owner it appears that we must follow all of the rules, even if it costs more than we can afford. However, if the Village wants to construct a building and it is more than they can afford the rules are just changed. I am full support of changing the code so the Village can construct the building they are asking for but at the same time I would ask that the rules for other business in the Village are relaxed at the same time. I can understand not wanting every homeowner in the village to have a cheap menards tarp shed in the back yard but I think there is some middle ground.

Sincerely,



Joshua J. Finke
Central Wisconsin Powersports