

**Village of Weston, Wisconsin**  
**OFFICIAL PROCEEDINGS OF THE VILLAGE PLAN COMMISSION AND**  
**JOINT TOWN & VILLAGE EXTRATERRITORIAL ZONING COMMITTEE MEETING**

held on Monday, July 10, 2023, at 6:00 p.m., in the Board Room, at 4747 Camp Phillips Road

**AGENDA ITEMS.**

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**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.

<u>Member</u>	<u>Present</u>
Cronin, Steve {Chair}	YES
Pinsonneault, Jim {Vice Chair-1}	YES
Diesen, Dave	YES
Guerndt, Gary	YES
Hoffman, Travis	YES
Jordan, Joe	YES
Mumper, Roy	YES

**3. Roll Call of Joint Village & Town of Weston Extraterritorial Zoning Committee (ETZ) by Secretary Parker.**

Roll call indicated 6 ETZ members present.

<u>Member</u>	<u>Present</u>
Olson, Milt {Chair}	YES
Cronin, Steve {Vice Chair}	YES
Christiansen, Randy	YES
Guerndt, Gary	YES
Hull, Mark	YES
Mumper, Roy	YES

Village Staff in attendance, in-person: Donner, Higgins, Wodalski, Anklam, Maguire, Meverden, and Parker. SAFER Fire Marshal Christiansen was present.

Village Staff in attendance, via Zoom: None

Audience Members in attendance, in-person: There were 2 audience members present, in-person.

Audience Members in attendance, via Zoom: There were 0 audience members present, via Zoom.

**PUBLIC COMMENT**

No public comment.

**MINUTES FROM PREVIOUS MEETINGS [0:01:00 Zoom Meeting Recording]**

**4. Approve minutes from the May 8, 2023, Joint PC & ETZ Meeting. (ETZ)**

***(ETZ) Motion by Olson, second by Guerndt: To approve the May 8, 2023, Joint PC & ETZ meeting minutes.***

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

<u>Member (ETZ)</u>	<u>Voting</u>
Olson, Milt {Chair}	YES
Cronin, Steve {Vice Chair}	YES
Christiansen, Randy	YES
Guerndt, Gary	YES
Hull, Mark	YES
Mumper, Roy	YES

**5. Approve minutes from the June 12, 2023, PC Meeting. (ETZ)**

***(PC) Motion by Jordan, second by Diesen: To approve the June 12, 2023, PC meeting minutes.***

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

<u>Member (PC)</u>	<u>Voting</u>
Cronin, Steve {Chair}	YES
Pinsonneault, Jim {Vice Chair-1}	YES
Diesen, Dave	YES
Guerndt, Gary	YES
Hoffman, Travis	YES
Jordan, Joe	YES
Mumper, Roy	YES

**COMMUNICATIONS, DISCLOSURES, AND RECUSALS**

**6. Written Communications Received.**

None.

**PUBLIC HEARINGS**

None

**NEW BUSINESS**

**7. Project #20230085 – Revision to Site Plan Approval for 3200 & 3202 Schofield Avenue, ABC Weston, LLC (19228081730982) (PC) [0:02:20 Zoom Meeting Recording]**

Higgins explained in their original submitted and approved site plan, the north fence was shown as being offset from the property line. They now would like to place the fence on the property line, as shown in the revised plans.

She also pointed out their proposed future sign location has moved to where snow storage is planned, and staff will review that once the sign permit is submitted.

**Motion by Mumper, second by Pinsonneault: To approve the revised site plan for 3200 & 3202 Schofield Avenue, ABC Weston, LLC. Question: Guerndt confirmed they are just acting on the fence location, and not the future sign.**

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

<u>Member (PC)</u>	<u>Voting</u>
Cronin, Steve {Chair}	YES
Pinsonneault, Jim {Vice Chair-1}	YES
Diesen, Dave	YES
Guerndt, Gary	YES
Hoffman, Travis	YES
Jordan, Joe	YES
Mumper, Roy	YES

**a. 8. Discussion of Possible Future Updates to Chapter 94 Zoning Code (PC/ETZ) [0:04:36 Zoom Recording]**

Higgins explained these items are either items that were referred from Plan Commission or the Village Board. She explained these are only for discussion from PC and ETZ.

**b. Amendments to Sec. 94.12.09(14) Bicycle Parking. [0:05:40 Zoom Recording]**

Higgins explained this came up with the Project Timberwolf site plan review last month. She stated Pinsonneault had asked staff to put this on the agenda for PC to look at to make this easier for staff. She explained she did some preliminary review of other municipal codes in the area. She pointed out she included copies of our current code, along with other municipal codes, in the meeting packet for comparison. She explained she is looking for some direction from PC, so that she has an idea of which way to draft the revision.

Pinsonneault questioned the “Inverted-U” shaped racks that are referred to in our code, and why we are specifically calling out this particular style. Higgins thinks that reference is more of a suggestion.

Hoffman questioned if the bike rack needs to be permanently installed. Higgins stated it just states that you have to provide bicycle parking spaces.

Cronin questioned if we need to require these at all, which Higgins stated we don’t have to. She stated the big area these should be included is within the Schofield Avenue Corridor, and how places, like the Industrial Park, may not need these.

Diesen commented on how nice the bike rack that Aldi has looks.

Hull questioned if there is one here, which Higgins stated there is one out front by the main entrance.

Pinsonneault explained why he brought this item up and suggested we just remove the “maximum”.

After some discussion, Cronin suggested modifying the code to not count parking spaces for delivery vehicles.

Jordan suggested that bike racks may be a requirement based on staff recommendation. He agrees to have these on the checklist for things to be on a site plan, and to allow this to be subject to staff review and approval. Higgins suggested “providing space for bike racks”. There was some discussion on when a property changes use. Higgins stated at the time of Occupancy permit, we check for available parking. Jordan stated we should still have the authority to expect these included on a plan, but with the flexibility to negotiate what is needed, based on what makes sense.

Hull commented how when certain businesses do not offer racks, they may lose business from those riding expensive bikes there, and who do not want to take a risk of their bikes being stolen. He stated how along the Schofield Avenue Corridor, this is where we want to be welcoming and bike-friendly.

**b. Amendments to Parking Regulations. [0:23:15 Zoom Recording]**

Higgins stated this also came about because of the Project Timberwolf site plan review. She stated we could consider some type of general “catch-all” or perhaps some type of transportation use (such as semis, delivery trucks, etc.).

Pinsonneault stated how places where the business-type requires two vehicles at the property: business vehicles and the employees personal vehicle, whereas, if it were a retail business where you just need one parking spot for employees and customers. He feels the regulations should be use-specific, almost to exempt those delivery business vehicles.

**c. Creation of Chicken Regulations on Residential Zoned Properties. [0:26:30 Zoom Recording]**

Anklam stated, currently, chickens are allowed in the RR-2 and RR-5 (also FP, AR, RM, and INT). These districts allow up to 8 chickens (and ducks). He stated since January, he has had at least 25 calls from people asking to have chickens on their residential single-family small or large lot (SF-S and SF-L). He explained resident, Ryan Cortright, is looking to apply to amend the zoning code to allow for chickens; however, Anklam figured he would first find out PC’s stance. Anklam pointed out the spreadsheet he included in the packet, of what other municipalities allow. He also pointed out the “Questions to Consider” document in the packet, for PC’s discussion tonight. He brought up a community survey that Marshfield did, and how it may be helpful for Weston to do something similar.

Cronin asked who would enforce this and if staff has enough time to enforce this. Higgins stated this basically would become an “animal issue”, which would fall under our Humane Officer, at EMPD, though our department is still involved in a way. Higgins stated there could be a one-time permit, or an annual licensing involved, the latter which would then go through our Clerk’s Department. She stated we can have lots of involvement or very little.

Cronin explained his negative experience he had with neighbors having chickens next to him at his previous residence. He described the chickens living quarters (being a child playset), and how on hot days, since the owners were not cleaning up after their chickens regularly, the smell was bad, where the odor carried into his backyard.

Higgins stated if we receive a complaint, we send a letter to the property owner explaining chickens are not allowed. She gave examples of some of the complaints and issues that have come up. Higgins stated how a number of years ago, a resident requested the Village to allow chickens on smaller lots, and how at that time PC denied the request. She pointed out how Kronenwetter did previously allow it through CUP, but then stopped allowing it. She pointed out the municipalities that do allow them.

Mumper commented how we allow dogs. Dogs bite, can kill, and can bark and make noise, versus chickens may peck people, but don't pose a safety hazard. He stated if it were a public safety issue, he would choose chickens over dogs. Some people keep dogs outside, and is not sure what level of regulations we have as far as what kind of shelter they need to have. He stated we can look at how we handle those who don't get a license for their dog. If you remove roosters, chickens are more quiet.

Maguire stated how chicken complaints are low on the totem pole currently, and how there are at least 50 residents in the Village with chickens. He clarified we only send letters if we receive complaints. Hoffman suggested requiring a coop inspection/permit prior to having chickens, with there being an annual license renewal. He stated we need to regulate this so that the living conditions are humane. Maguire explained the accessory structure regulations and setbacks.

Cronin stated his issue is not so much with the noise, it was the smell. Hull commented on how the noise ordinance should apply here. Hull questioned if staff has had much experience with the DATCP Premises Registration (flyer attached or <https://wiid.org/>), and how it has been a State Law since 2004 (the purpose being able to track livestock movements within 48 hours in case of an animal disease outbreak). He stated if there is a way to see how many people have registered their livestock in the Village, we could compare to the number of people who have licensed their chickens. He stated if staff is requiring licensing, if they will check with DATCP to see if their chickens are registered there too.

Diesen questioned the number allowed, if it is based on type? It was stated it would most likely be based on overall number of birds. Diesen commented about noise and odor concerns. Cronin commented about diseases possible when mixing people and chickens.

Jordan commented on the noise the chickens they have on their farm (RM zoning). He commented how at night, the chickens go into roost and are quiet. He agrees the coop does have an odor, and if you are downwind within a certain distance, you can smell it.

Olson suggested allowing 2 chickens per 10,000 square feet, and require an annual license; then if complaints, then non-renewal.

It was pointed out that there are some larger birds, such as peacocks and ostriches to keep in mind.

Higgins stated we will be working on a draft ordinance (from Ryan Cortright). She pointed out how Cortright is over by the high school.

Cronin and Diesen would leave the ordinance as is. Pinsonneault would support allowing these, under a strict 1-year license, and basing the number by lot size, as some lots are situated differently.

Higgins suggested requiring a Conditional Use Permit, as then the neighbors would be notified, and how a coop and property inspection could be part of the performance standards.

Mumper stated he is on the fence on this issue, and would like to know how many problems have been noticed by communities that allow them have.

Jordan stated how there are already people in the Village, who have chickens illegally, and how this resident wants to do this legally. Jordan stated he is not in favor of allowing chickens, unless there is a way to intelligently enforce it. He would like further review of the issue.

Guerndt stated he struggles with lot size.

Hull suggested a survey to get public feedback from Village residents. Guerndt added to ask residents for both pros and cons.

Christiansen feels this should be left as is, and he is not in favor of chickens in small lots and feels it would be an enforcement issue.

Higgins pointed out the resident will be putting the request in, and we'll have to do something with that. She then pointed out there will be a newsletter going out in September, where a survey could be conducted there along with a notice that this topic may come up at the October meeting. She will ask the Board next week about this.

Anklam stated how Cortright has presented him a lot of insight on raising chickens. He also commented that Ashley Bishop has indicated she would be happy to come and talk to PC.

There was discussion on some of the complaints that have come in, and Maguire stated the most recent was about a neighbor who has a rooster.

Hoffman left the meeting at 7:09 p.m.

Guerndt is only concerned about keeping the chicken areas clean and odors down, or he would be in favor, based on lot size.

#### **d. Creation of Electric Vehicle Charging Station Regulations (Referred from Board of Trustees)**

*[1:09:30 Zoom Recording]*

Higgins stated this came up as we learned that Birchwood Highlands was looking to put in a charging station in their underground parking area. She commented that today, she received a message from Birchwood Highlands that they are no pursuing this anymore at this time.

Higgins stated there are three different kinds of Electric Vehicle (EV) Charging Stations:

Level 1 – Something that would be found in a home, requires 120-volt power, and takes 24 hours to charge a battery.

Level 2 – Most common (what Target is putting in), and found in parking garages, parking lots, etc., and requires 240-volt power, and requires less than 50% of the time to charge than Level 1.

Level 3 – Can fill a battery in 30 minutes, is far more expensive, requires 480-volt power.

Higgins referred to the PAS Quicknotes document within the packet, which gave a more overview of the different kinds of EV Charging Stations.

Higgins stated we could base the allowance of these on land use, and designate the areas based on accessibility, etc.

Marty Christiansen explained how within buildings, a sprinkler system will put out a general fire in the building, but for vehicle fires, it takes thousands of gallons of water to put those out. He commented how Birchwood Highlands does already have an EV Charging Station in one of their underground garages. Guernndt commented Birchwood Highlands wanted the station tucked around a corner so it would be out of sight, but they did not do that, as it was make it harder for SAFER to locate it in an emergency.

Mumper commented how he is not as worried about the Level 1 and 2 stations, but is worried about the Level 3 ones, and feel those would be the ones to regulate. He pointed out all the safety precautions that are in place just for gasoline tanks.

Pinsonneault commented on how the Level 3 is more commercial, where they would be investing over \$100,000 into the system, and how WPS would need to facilitate additional power to that site alone, and may not allow it for that reason.

Pinsonneault stated his primary concern is with the large batteries and potential for fires.

Wodalski stated how EV cars do not need to be charging all the time. There could still be an issue where it is just parked, and is another vehicle next to it starts on fire, and spreads to this one, it is not because of a charging station.

Cronin stated do not need to act on this now.

Hull commented about funding from government coming out for EV Charging Stations, called Charging Forward (<https://www.transportation.gov/rural/ev/toolkit>). He commented on how the focus is on rural communities and suburbs where there is a need, but are less opportunities for chargers. He stated that the Hilton Gardens has fast chargers installed. He stated that his concern is that they are meeting all federal and state requirements.

Cronin stated we can wait and see what the Feds do.

Randy Christiansen commented that in 7 years we'll be figuring out how to dispose of the batteries.

Marty Christiansen commented on the e-bikes that are being kept in the buildings.

Guernndt stated this should be discussed again in the future, and for staff to see what other municipalities are doing.

Pinsonneault commented this could be looked at as an "appliance", and how we don't regulate appliances. A comment came that the main concern is for public garages/apartment garages versus private home garages.

**e. Amendment to Section 94.4.10(3) Outdoor Assembly or Special Event (Referred from Board of Trustees) [1:30:20 Zoom Recording]**

Higgins stated this was referred from the Board, following the recent Arrow Sports Club parking lot party. She explained her report (within the meeting packet). She explained how we received a lot of phone calls following Arrow's event, and how some of the complaints did not make sense, as one complaint came from a resident who lives at Jelinek Avenue/Labrador Road, claiming he could hear the music; but on the other hand, Meverden, who lives nearby Arrow, did not hear anything. She explained how the people that called EMPD were told that since Arrow received a permit, they were allowed to do this.

Pinsonneault explained his intent for having this item placed on the agendas was not to put an end to these events, but instead to create community awareness. He feels most people would not have an issue with this situation if they had a heads up about it in advance, and perhaps those people would go and take part in the event. He feels when we receive a special event permit, we could at least post about it on our social media sites.

Higgins explained the timeline of what occurred. She pointed out how the Village has a 10-day window to process submitted applications, but most are submitted at the last minute.

Hunter Tesmer, 302 Frances Street, Rothschild, and Lori La Porte, 3939 Martin Road, Kronenwetter, were present, representing Arrow Sports Club.

Tesmer stated he usually books bands 8 – 12 months in advance. Pinsonneault stated if he provided enough notice (like 30 days) it would allow staff enough time to review the permit and notify the public. Higgins commented this may appear as the Village advertising for the event.

Cronin stated he does not want to be in a situation where we are turning away events that could be happening because we do not allow music to play past 10:00 p.m. He stated this is not a nightly occurrence. Higgins stated our ordinance should be revised to say that an event can run later than what the noise ordinance allows, provided a permit is approved. She explained the people complaining were reading our ordinance, which currently limits noise to 10:00 p.m.

Cronin suggested we revise the ordinance to allow for these late-night outdoor events to occur on Friday and Saturday nights.

Higgins pointed out that when Parker assisted Tesmer with the application, at the time of billing the permit, she notified police and fire about the event. Because the permit was not issued previous to the event occurring, the public could not see the permit in Evolve.

Pinsonneault questioned Tesmer if he would be opposed if the Sunday before, the Village posts about his event on their social media (following an approved permit). Donner stated the Village Board needs to discuss a policy on how these are handled. Higgins stated the events that Parker has been sharing on the Village's social media are ones that have gone through a different level of review (Special Events on Public Property permit versus a Temporary Use/Special Event Permit), and how those are Village-sponsored events. Cronin suggested we are not necessarily posting about events because the Village is supporting it, but instead posting about those to notify the public about the potential noise.



Guerndt questioned if we could just amend the noise ordinance to allow noise until 11:00 p.m., on Fridays and Saturdays. Higgins stated if we are just revising the noise ordinance, she can propose this before the Board of Trustees next week as an ordinance amendment, since the Noise Ordinance is not part of the Zoning code.

Parker posed the question of if we allow for these events to run until 11:00 p.m. every Friday and Saturday, how those elderly residents who live in the vicinity, who do not go on social media, and simply want to sit outside to a quiet campfire on a Friday or Saturday, would now potentially be subject to the loud events every single weekend.

Higgins stated they would have to take out the permit in order to have loud noise past 10:00 p.m., and the ordinance restricts the event to no more than 14 days per quarter.

Tesmer commented he would not hold these outdoor events every single weekend, as they would lose their appeal to the public.

**STAFF REPORTS** [1:50:47 Zoom Recording]

**9. Report re: June 2023 Staff-Approved Certified Survey Maps and Site Plans.**

**10. Report re: June 2023 Building Permits.**

***Motion by Pinsonneault, second by Mumper: To acknowledge Items #9 and #10.***

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

<u>Member (PC)</u>	<u>Voting</u>
Cronin, Steve {Chair}	YES
Pinsonneault, Jim {Vice Chair-1}	YES
Diesen, Dave	YES
Guerndt, Gary	YES
Hoffman, Travis	YES
Jordan, Joe	YES
Mumper, Roy	YES

**MISCELLANEOUS** [1:51:04 Zoom Recording]

**11. Project Updates**

Higgins gave an overview of her report, which includes an update of where Planning & Development staff are at in their projects.

Guerndt questioned Maguire and Meverden the status of the Stillwater Landings Mobile Home Park. Maguire gave an overview. He stated how Sara Brown, of Marathon County, regularly visits that park also. He explained how the Village need to give the Park owners the due process prior to revoking their license.

Pinsonneault questioned the status on moving the fire hydrant line at the senior high school. Donner stated he and Jason Jablonski, of DCE, will be meeting to discuss that.

Maguire explained Ryan Street Rentals is starting to remove the old fence, and explained the timeline there, and how they are still planning to meet the November deadline.

Donner stated Kristen Fish is in contact with someone who is interested in purchasing and developing the Alpine Mobile Home Park land.

Donner stated there is no new TIF progress at this time.

## **12. Announcements & Committee/Commissioner Remarks/Staff Referrals**

Cronin questioned how the NFPA requirements may affect Project Timberwolf's temporary structure. He stated how that rule regulates how long temporary structures can be in place (180 days). Higgins stated the only place in the zoning code that requires NFPA rules has to do with exterior storage standards and that they must be at least 10 feet from other structures.

**a. Next Regular Meeting Date – Monday, August 14, 2023, at 6pm.**

### **ADJOURNMENT**

***Motion by Diesen, second by Mumper, to adjourn the PC meeting at 8:08 p.m.***

***Motion by Christiansen, second by Hull, to adjourn the ETZ meeting at 8:08 p.m.***

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