

Village of Weston, Wisconsin
OFFICIAL PROCEEDINGS OF THE VILLAGE PLAN COMMISSION MEETING

held on Monday, August 14, 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.

<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	EXCUSED
Mumper, Roy	YES

Village Staff in attendance, in-person: Donner, Higgins, Wodalski, Anklam, Maguire, Meverden, and Parker.

Audience Members in attendance, in-person: There were 9 audience members present, in-person.
Audience Members in attendance, via Zoom: There were 2 audience members present, via Zoom.

PUBLIC COMMENT

No public comment.

MINUTES FROM PREVIOUS MEETINGS [0:01:05 Zoom Meeting Recording]

- 3. Approve Minutes from the July 10, 2023, Joint PC & ETZ Meeting. (PC & ETZ)**

Motion by Guerndt, second by Diesen: To approve the July 10, 2023, Joint PC & ETZ meeting minutes.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 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	-----
Mumper, Roy	YES

COMMUNICATIONS, DISCLOSURES, AND RECUSALS

4. Written Communications Received.

None.

PUBLIC HEARINGS [0:01:28 Zoom Meeting Recording]

Zoning Map Amendments, Conditional Uses & Related Requests

At 6:02 p.m., Cronin pointed out there has been a request made to move Agenda Item #7 up as the first hearing.

5. Project #20230201 – Village of Weston requesting a rezone from MH (Manufactured Home) Zoning District to B-2 (Highway Business) Zoning District, on a 3.8890-acre property located at 1919 Schofield Avenue, Weston. The property being rezoned is currently vacant land that used to be known as the Alpine Mobile Home Park. (PIN 192-2808-184-0998) [0:32:05 Zoom Meeting Recording]

a. Open Public Hearing.

Cronin opened the hearing at 6:32 p.m.

b. Presentation by Staff.

Higgins explained how this property was purchased by Tad Keszy, of KC Evergreen, after the Park closed. She stated how Keszy has cleared the property for new development, and has had this marketed for commercial development for a while.

Higgins stated how one developer who is currently looking at this site for development, would need a planned development zoning to do what they want to do. She stated there are no concrete plans yet, however. She stated that we felt the best thing to do for now is to initiate a rezone of the property from MH (Manufactured Home) to B-2 (Highway Business). She stated the B-2 Zoning District allows for mixed-use developments.

Guernndt stated the property owner is okay with this change. Higgins stated the owner has been notified about the Village-initiated rezone, and has not responded one way or another about the rezone. She stated the owner has been marketing this land as commercial, not manufactured home, for some time so it would just make any sale easier for him.

There was some discussion about the residential house, at 1925 Schofield Ave, adjacent to this from the east (Ted Pyke, Sr. home). Higgins stated this home is on B-2-zoned property, and is considered legal non-conforming. She stated this may be a property where the Village may want to talk to the property owner about (and using TIF money), and how this property has ruined some deals for development of the Alpine property recently. It was stated that Pyke recently passed, due to an accident, but how the son still lives there. Higgins stated how at one point the owner of Wiggly Field was looking at possibly purchasing the house, but the owner was asking too much.

c. Public Comment Period [0:38:43 Zoom Recording]

Russ Forbess, of 5417 Pine Park Street. He stated, given the discussion tonight of fencing between commercial and residential properties, if there would be a fence requirement to restrict access to his

property. Higgins stated there are buffer yard requirements, which come in at the time of site plan review. She stated how the code allows for a fence or landscaping to be used as buffer yards. Forbess is concerned about people dumping trash, like what has happened before. There was some discussion on if he will be notified when something is planned to occur here. Higgins explained that if the future developer adds a use that is permitted by right, that there would be no public hearing, just site plan review. She stated if they need a Conditional Use Permit or a Rezone (includes Planned Development special district), then the neighbors would be notified of a public hearing. She stated if plans for a permitted by right project require waivers on standards by Plan Commission, then the project would come before Plan Commission, but would not require notices be sent to neighbors. Higgins suggested Forbess sign up to receive meeting announcements, or contact Parker to be placed on her meeting notice e-mail list.

Donner brought up the original intention for bringing this forward is to prevent another Mobile Home Park from going in there.

d. Close Public Hearing.

Cronin closed the public hearing at 6:51 p.m.

e. Recommendation from Staff.

Staff recommends approval.

f. Discussion & Action by the Plan Commission. [0:51:05 Zoom Recording]

Motion by Mumper, second by Diesen: To approve the rezone request and forward a recommendation to the Village Board of Trustees for approval at their 08/21/2023 meeting.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 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	-----
Mumper, Roy	YES

At 6:51 p.m., the Plan Commission moved down to Agenda Item #8.

6. Project #20230083 – Cory Schlosser, on behalf of owner Stainless Holdings, LLC, requesting a Conditional Use Permit to allow for the construction of a Personal Storage Facility (Sec.94.4.06(3)) on a 6.39-acre property located at 4305 Transport Way (PIN 192-2808-282-0007) [0:14:40 Zoom Meeting Recording]

b. Open Public Hearing.

Cronin opened the hearing at 6:15 p.m.

b. Presentation by Applicant and/or Staff.

Anklam stated this came in, back in March. Back then, it was pending an updated wetland delineation. The delineation is now done, along with the approved NOI from the WIDNR. He stated, this will require a waiver of the 25' buffer yard, which is required along any residentially zoned properties and right-of-way. Currently, this plan shows the buffer yard ranging from 12' – 15', and how Plan Commission can approve a reduction in the buffer yard requirement.

Josh Wiesman, of Stainless Holdings, 109 Aspen Road Ln, Wausau, was present.

c. Public Comment Period [0:17:19 Zoom Recording]

Hoffman questioned if on right-of-way side if needing to meet same building façade percentage requirements as other buildings. It was stated the front elevations, facing the right-of-way will need to meet that.

After some discussion, it was noticed that the plans for this project indicate the buildings will be all steel. Tonight's decision is based on the CUP, and how at the time of site plan and building permit approvals, Wiesman will need to update the building elevations shown to meet the design requirements.

No public comment.

d. Close Public Hearing.

Cronin closed the public hearing at 6:22 p.m.

e. Recommendation from Staff.

Higgins discussed how under the Building Design Standards of the Zoning Code, the façade percentage would need to meet 35% of approved materials; however, the code does allow the PC to reduce this requirement to 0%, as long as the property is not abutting Schofield Ave, Camp Phillips Rd, Weston Ave, Ross Ave, or State Highway 29.

Wiesman stated his plan is for the building to be red steel with slate steel to offset the colors. The PC discussed how all the other buildings along Transport Way have some brick to dress it up, and asked Wieseman if he would be fine with that. Which Wieseman stated he would.

Wieseman stated he plans to have security cameras and a front fence with a gate for security.

Maguire pointed out the significant elevation change along the back side of the property.

Pinsonneault stated staff can work with Wieseman to bring the front façades (that face the right-of-way) up to 35%. Pinsonneault confirmed all is stored inside, not outside.

f. Discussion & Action by the Plan Commission. [0:27:30 Zoom Recording]

The Plan Commissioners went through the Determination (attached).

- #1 – Yes
- #2 – Yes
- #3 – Yes
- #4 – Yes
- #5 – Yes

Motion by Diesen, second by Mumper: To approve the Conditional Use Permit #20230083 and the accompanying site plan, with the buffer yard reduction, to construct a personal storage facility within the LI (Limited Industrial) Zoning District, at 4305 Transport Way. Pinsonneault confirmed that this includes the reduction of the buffer yard requirement, and that staff will work with Wieseman on the required building elevations. Guerndt confirmed the portion of the two eastern-most buildings that are set back but face the radius of Transport Way and Nova Truck Wash, would not have to meet building elevation requirements. Motion carried.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 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	-----
Mumper, Roy	YES

At 6:31 p.m., the Plan Commission moved back up to Agenda Item #5.

7. Project #20230188 – Dustin Vreeland, on behalf of owners Clarence and Suzanne Kersemeier and Weston Mini-Max Storage, requesting a Conditional Use Permit to allow for the construction of a Personal Storage Facility (Sec.94.4.06(3)) on a 4.96-acre property located at 8211 Schofield Avenue. (PIN 192-2808-231-0955) [0:02:13 Zoom Recording]

a. Open Public Hearing.

Cronin opened the hearing at 6:02 p.m.

b. Presentation by Applicant and/or Staff.

Anklam stated this location consists of two parcels which were recently combined, and the proposed buyer is applying for the Conditional Use Permit to allow for personal storage units. He stated the applicant is not requesting any waivers on the site plan project, and how this is pretty straight forward.

Higgins stated the only thing missing was WIDNR NOI (Notice of Intent).

Dustin Vreeland, of Vreeland Associates, 6103 Dawn Street, Weston, was present on behalf of the buyer. Owen Jones, of Jones Real Estate Group, represented as the buyer was also present.

c. Public Comment Period [0:04:00 Zoom Recording]

None.

d. Close Public Hearing.

Cronin closed the public hearing at 6:04 p.m.

e. Recommendation from Staff.

Anklam stated staff recommends approval, contingent on the WIDNR approving the NOI.

Pinsonneault confirmed the lighting plan is good. Maguire stated “yes”.

Pinsonneault brought up security cameras. Vreeland stated the owner is planning security cameras and a security gate. Jones stated it will only be gated against the roadway. Higgins and Anklam confirmed the Performance Standards do not require fencing all around. Anklam stated they do need to meet the 25’ buffer around the property.

Pinsonneault questioned outside storage. Higgins read the Performance Standards and explained that outside storage is not allowed and how in this type of use alone, we do not require the refuse/recycling containers, as those just become a dumping ground. Higgins clarified that everything here has to be indoor storage per the use performance standards.

Jones stated they will have gates and are not concerned about pedestrians walking on site. Jones explained the key fobs that will be used, which can be deactivated for people who do not pay.

f. Discussion & Action by the Plan Commission. [0:34:04 Zoom Recording]

The Plan Commissioners went through the Determination (attached).

- #1 – Yes
- #2 – Yes
- #3 – Yes
- #4 – Yes
- #5 – Yes

Motion by Guerndt, second by Pinsonneault: To approve Conditional Use Permit #20230188 and accompanying site plan with the condition that the NOI is approved by the WIDNR, to construct and operate a personal storage facility within the B-3 (General Business) Zoning District, at 8211 Schofield Avenue. [0:13:35 Zoom Recording]

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 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	-----
Mumper, Roy	YES

[Following action on this public hearing, it was noticed that the plan within the packet shows the building to be all steel. It was confirmed that this should have been noticed during the CUP and Site Plan application review, but how this technically is just for the CUP, and how at the time of final site plan and building permit approvals, the owner will need to show the correct percentage of elevated materials. The Plan Commission agreed, no additional action is needed. Staff will reach out to the applicant tomorrow.]

At 6:13 p.m., the Plan Commission moved back up to Agenda Item #6.

NEW BUSINESS [0:51:57 Zoom Recording]

8. Project #20230021 – Specific Implementation Plan (SIP) Amendment #1 Approval for 6207 Business Highway 51, Tidal Wave Auto Spa, CAGE Engineering, Inc./TWAS Properties LLC/Kensington Development Partners, on behalf of owner, MKB Weston II, Inc. (PIN192-2808-192-0987).

Higgins stated this was approved by Plan Commission earlier this year, but then the developer was notified by the WIDNR that they had to make some changes to the stormwater and move the building closer to the south.

Brad Hovanec, Project Engineer/Manager, from CAGE Engineering, was present via Zoom. He explained the building was shifted 5 feet closer to the south. He explained how then during State review, he was informed the building needed to be 10-feet from that (north) side, or the entire side needed to be fire rated. Since they are planning for that side to consist of 70% - 80% glass, they moved the building another 5 feet to the south.

Pinsonneault confirmed the full-height curbing along the south side is what they want there. Hovanec stated full-height curb is a standard for Tidal Wave, from a stormwater and drainage standpoint. He pointed out there are a couple areas where they are planning for mountable curb, to allow for easier turning points for customers. Cronin commented using mountable curb would make snowplowing a little easier for those tighter areas. Hovanec stated he could bring this up to Tidal Wave.

Motion by Guerndt, Second by Pinsonneault: to approve the amendment of the Specific Implementation Plan (SIP) for Tidal Wave Auto Spa, based on the submitted plans.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 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	-----
Mumper, Roy	YES

9. Discussion on the Development Review & Permitting Process Using Evolve. [0:58:00 Zoom Recording]

Pinsonneault stated he has some negative feedback from developers and residents that think our Evolve system can be improved. He stated he did a search of other municipalities who have similar software, and how the appearance is different.

Higgins explained the municipalities that Pinsonneault was referring to are new to Evolve, and received the newest version of the software. She explained how Weston, Wausau, and Oshkosh are all the same version. She stated Evolve offers an update/revision once per year, and when we are at our revision time, we will have the option to have ours updated with the new layout, or to leave the same. Higgins stated Crowe has a date set up to meet with Evolve to discuss this. Higgins discussed how during COVID, municipalities had to find a way to offer permits online, and how there

are only a certain number of companies that offer this. We were ahead of the rest as we already had this in place for our residents.

Hoffman shared his experience and asked how many applicants the Village sees that are able to apply for permits themselves online, versus contacting staff to help them with the application. Higgins stated how a lot of residents are able to apply for their permits themselves, and how staff will send them the step-by-step instructions on how to apply for certain permits, if they ask; and how staff will sit down and help residents (in-person) with filling out permits, if the resident needs assistance (in some cases can assist right over the phone). Higgins stated that typically, with commercial projects, the engineering firm, such as MTS or REI, will submit the application on behalf of the property owner. They are familiar with these types of programs because they use them in multiple communities to apply for projects. Many also are repeat users here so they are familiar with it.

Higgins stated most people would access Evolve through the Village's website, under the Permits Applications page. She stated how COVID created the opportunity for our building inspectors to go as far as doing "Facetime" inspections. She pointed out how Maguire had made some You Tube "how to" videos for Evolve, that can be found on our website.

Donner stated the Village is in the process of a website update too.

Marshfield's website was brought up and there was discussion on their Evolve landing page.

Cronin suggested PC give staff some time to meet with Evolve to discuss updating the site. Higgins stated she has been going through a paper checklist so that developers know what needs to be submitted, but how in Evolve there is a checklist at the beginning of applications that let you know what needs to be submitted. Pinsonneault commented about how sometimes there are checklist boxes for items that do not apply. He feels the application should know if you are in a place where public water/sewer is located.

Wodalski commented on the recent staff meeting held on our Evolve program, regarding the handling of Special Assessment Letters and Lateral Permits. He discussed the changes that will be made, that came out of that meeting, to help streamline the review process.

10. Request to remove the requirement for Development Agreements on permitted use, non-TIF Funded projects. [1:18:20 Zoom Recording]

Higgins stated she placed this item on the agenda. She explained how last year, we removed the completion surcharge fee due to pushback from some of the development community. The decision then was to instead have signed and recorded Developer Agreements in place for all commercial projects.

Higgins stated now that we have been utilizing the Development Agreements for all commercial projects, she has found that it slows down the approval process, and creates a lot of added paperwork and record keeping for staff. She pointed out also how anything that goes to the County for recording takes some time (sometimes a month) to get recorded, where then if the County notices something that needs to be fixed on the document, there is an even longer delay in the start of a project. She stated we have had some struggles in receiving the signed agreements from developers, which causes more staff time in following up.

Higgins stated she reached out to Kristin Fish and Attorney Matt Yde for their suggestions, and they both suggested only using Developers Agreements for projects that require a Conditional Use Permit (CUP) or that are using TIF funding. Higgins stated how if someone does not follow-through on a site plan requirement, whether there was an agreement in place or not, she would have to take the issue to court to get it resolved, anyways, if they weren't cooperating.

Higgins request tonight is to change the requirement where there is no surcharge fee and no developer agreement (unless CUP or TIF funding). She explained how the site plan approval letter that goes out the developers/owners explains what is required to complete their project.

Cronin asked if a Developers Agreement was in place for Gold Key project, over on Stella, or (if not) if that would have helped in the matter. Higgins reiterated that we still would have had to go to court, and pointed out the PC minutes back then captured Budleski agreeing to requirements. Guerndt feels there should be something to hold over them for their projects.

Maguire stated there are checks and balances in Evolve, where if it drags out more than 2 years (and no inspections have been recorded within Evolve within 6 months), the permit is automatically placed into an "Expired" status, where the applicant is required to submit a new permit. It was stated the primary items that do not get put in are landscaping and the final lift of asphalt, and a surcharge would not cover either of those costs. Some of the developers out there do not care if they get \$5,000 back or not, as to some, that amount is inconsequential when considering the overall project costs.

There was some discussion on the open projects out there. Higgins brought up how depending on the time of the year of the project, the owner has a year to finish installing their landscaping and pavement.

Guerndt suggested we put a term on projects that states if you don't finish landscaping or parking lot, we start fining and withhold the surcharge.

A question came up on if we could just issue Temporary Occupancy, to allow the business to move in the building and start operating, and final occupancy once all external work is completed. Higgins stated the problem with that is the way some of the loans are set up with the banks, is the business owner can't get the loan released until we issue final occupancy.

There was a question on if we could put a lien on a property to get the project done. Higgins explained the process of when we need to take a project through court. We would have to go through the abatement process with Circuit Court to complete the project ourselves and then can place costs on owner's tax bill.

Higgins stated businesses get an occupancy permit to move in, but a "site completion" when their site is fully developed, per their approved plan.

Guerndt brought up the storage unit properties to the west of his business, on Service Lane, who never completed their parking lot.

Cronin stated if we have to go through the court system regardless, then he is fine with what Higgins is requesting.

Pinsonneault suggested we motion to have staff draft an amendment to the Zoning Code for the next PC meeting to allow temporary occupancy of all new buildings contingent on any incomplete or missing items being completed at the time of final site inspection.

Higgins stated we have been compiling a list of properties that still have things to complete, and how we are working towards notifying those businesses of the incomplete items that need to be taken care of. Guerndt would like to see something in place so that staff does not have to deal with playing catch-up on these issues in the future, such as requiring them to come back before PC, or risk losing occupancy. Guerndt suggested some kind of calendar reminder that notifies staff when deadlines approach, where staff would be alerted to check the status and notify the business then.

Higgins stated commercial projects have 2 years from site plan approval to begin their project. Building permits are then 2 years from issuance.

Mumper questioned if we could incorporate an inspection fee that increases with each re-inspection. He suggested that then if they don't pay those fees, we could place on tax bill.

Higgins pointed out City of Oshkosh will charge any time they have to send a nuisance violation letter.

Cronin stated that while he is all for us doing all that we can to work with developers and businesses on the front end to get their projects going, but when the developer or business does not follow through with what was required, that is then on them and they should deal with the consequences.

Some of the members agreed that issuing a temporary occupancy is not the correct procedure, as it would hold up the financing and/or possibly have an impact on the loan interest rate. Guerndt suggested we issue occupancy, but then issue stiff fines for when the project is not done on time.

Mumper stated that any solution which causes a developer to not develop is a bad answer. Diesen agreed and said if there are extenuating circumstances that prevent someone from finishing on time, they can come in and discuss the issue.

Guerndt asked Higgins if she could look into what other municipalities are doing, and what they do for occupancy when the site plan is not completed. Mumper would like to see if there is a way to put a fee on the tax bill. Higgins can bring more information to the next meeting. She then read the sunset clause found in the zoning code.

Higgins stated we now have a memorandum gets recorded which states there is a Development Agreement on file. This helps with any site plan changes that come up and need to be changed. They can just be filed in house with the document and not have to resend to the County for recording.

Higgins confirmed to Hoffman that whether a business has a Developers Agreement or not, the same path is taken when the project is not completed as required. The difference is, in the beginning stages for approvals, an agreement can create delays for signing and recording, and when the project is completed, it could cause delays in closing out the site plan review.

Mumper stated he in in favor of allowing Higgins to make the requested changes, but then for her to come back with how we can increase enforcement or what potential pathways are there to keep up with those who are creating the problems.

Motion by Cronin, second by Guerndt: to recommend the BOT remove the requirement for development agreements on permitted use projects, unless those projects are receiving a conditional use permit for TIF funding.

Yes Vote: 5 No Votes: 1 Abstain: 0 Not Voting: 1 Result: PASS

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

Cronin requested that staff bring the Fee Schedule before the Board of Trustees to review.

STAFF REPORTS [2:07:25 Zoom Recording]

11. Report re: July 2023 Staff-Approved Certified Survey Maps and Site Plans.

12. Report re: July 2023 Building Permits.

Higgins pointed out the Agenda reflected “June” reports, when #11 and #12 should have stated “July”. She pointed out both reports in the packet were for July.

Motion by Guerndt, second by Hoffman: To acknowledge Items #11 - #12.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 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	-----
Mumper, Roy	YES

MISCELLANEOUS [2:08:20 Zoom Recording]

13. Project Updates

Higgins gave an overview of her report.

Maguire stated how Project Timberwolf is starting to stage the project, and are leasing some land from Fabick to stage some of their material and job trailers. It was pointed out the permit fees and valuation in the July building permits reflects the Timberwolf project.

Maguire stated that Budleski is having Zilisch take care of their parking lot.

Higgins pointed out we just received a site plan application from CTech for a building addition they are looking at.

Donner stated how Fish is working with a potential buyer of the Alpine property. He stated there has been no further contact with Lokre. He stated our 5500 property is being marketed and will be discussed next Monday at the Board meeting.

14. Announcements & Commissioner Remarks. [2:17:14 Zoom Recording]

Pinsonneault commented on the storage facilities coming in. He stated at a future meeting, we will need to look at the handling of outside storage (boats, campers, etc.).

Hoffman commented we may need to discuss what is allowed on the inside (as people are storing motorized vehicles, gasoline, propane, etc., inside those). He commented on how he was required by the State to put in an air-makeup system, within his storage unit facility.

Higgins stated we would have to make a code change to allow the outdoor storage use, within the personal storage facility land uses. She discussed where outdoor storage is allowed. She pointed out there is another personal storage facility looking to go in on County Road J, by Dollar General.

a. Next Regular Meeting Date – Monday, September 11, 2023, at 6pm

ADJOURNMENT:

Motion by Diesen, second by Guerndt, to adjourn the PC meeting at 8:25 p.m.

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



Application for Conditional Use Permit
**CONDITIONAL PERMIT DETERMINATION BY THE VILLAGE OF WESTON
PLAN COMMISSION**

Application/Petition No.: **20230083** Hearing Date: **August 14, 2023**
Applicant: **Cory Schlosser on behalf of property owner STAINLESS HOLDINGS LLC.**
Location: **4305 Transport Way, Weston, WI 54476**
Description: **A conditional use permit application proposing to construct and operate a personal storage facility within the LI (LIMITED INDUSTRIAL) zoning district per Sec. 94.4.06(3) at 8211 Schofield Ave.**

The Department of Planning and Development of the Village of Weston, pursuant to the Village of Weston Zoning Code, Article 16 Processes, Section 94.16.06 Conditional Use Permits, hereby makes the following findings and evaluation to the Village of Weston Plan Commission:

GENERAL INFORMATION:

- Zoning: **Limited Industrial (LI) Zoning District**
- Definition: 94.2.02(3)(f) The LI district accommodates primarily light industrial, storage, office, and other compatible businesses and support uses. Allowable uses are geared toward activities which are not associated with high levels of noise, odor, particulate emissions, outdoor activities, and other potential nuisances. Development within this district is served by public sanitary sewer and water services. This district is intended for mapping in areas planned for industrial uses within the Comprehensive Plan.
- Definition: 94.4.06(3) **Personal Storage Facility.** Includes indoor storage of items entirely within partitioned buildings with individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also known as mini-warehouses.
- Performance Standards:
- In addition to the building design standards in Section 94.10.03, buildings and facility shall be designed to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and other structures shall complement surrounding development and be consistent with any building design standards within the Comprehensive Plan.
 - A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property and public rights-of-way.
 - The proposed bufferyard does not meet the required 25 feet. Sec. 94.11.02(3)(d)(i) states that the site plan approval authority may approve a lesser width.**
 - The Plan Commission or Extraterritorial Zoning Committee may restrict or limit unit doors facing a public street right-of-way or property not in an industrial zoning district, or may otherwise require that any such doors be screened from view with berms, landscaping, and/or opaque fencing.
 - Facility shall be limited to indoor storage of household items and similar durable goods. No live animals, perishable items, odor producing materials (see Section 94.12.15), flammable or explosive materials (see Section 94.12.17), toxic or noxious materials (see Section 94.12.18), or hazardous materials (see Section 94.12.20) shall be stored on site.
 - No storage unit may have any other function aside from storage, including but not limited to any retail, wholesale, workshop, hobby shop, manufacturing, residential, lodging, or service use.
 - No outdoor storage of materials shall be permitted on site, with the exception of an outdoor trash or recycling receptacle, if proposed and approved as part of the site plan and screened in accordance with Section 94.12.06.
 - To prevent unauthorized access, each storage unit shall be outfitted with quality commercial locks and the Plan Commission or Extraterritorial Zoning Committee may require gated access to the facility and/or security fencing.

- h. The Plan Commission or Extraterritorial Zoning Committee may require that the project be equipped with a digital security camera(s) that records site activity, with footage made available to the Everest Metro Police Department upon suspicion of criminal activity.
- i. All storage units shall gain access from the interior of the building or site, as opposed to direct access from units to public streets.
- j. The Plan Commission or Extraterritorial Zoning Committee may deny or limit a conditional use permit, where required, if it determines that the location, size, quantity, job or tax base creation, or other applicable characteristics of the proposed facility are incompatible with the economic development goals and objectives of the Village, including those within the Comprehensive Plan and any approved tax incremental district project plan.
- k. Minimum Required Off-Street Parking: one space for each employee on the largest work shift.

DETERMINATION (To be completed by the Plan Commission):

If the applicant meets, or agrees to meet, all of the applicable requirements specified in this Chapter and conditions imposed by the Plan Commission or the Extraterritorial Zoning Committee, the Commission or Committee shall under Wis. Stats. § 62.23(7)(de)2.a. grant the conditional use permit. The Village may require written agreement from the applicant in a form prescribed by the Village Attorney.

Any decision to grant or deny the conditional use permit must be supported by substantial evidence, as that term is defined in Wis. Stats. § 62.23(7)(de)1.b. Any condition or modification must be related to the purpose of this Chapter, reasonable, measurable to the extent practicable, and based on substantial evidence.

To the extent consistent with Subsections (a) and (b), no conditional use permit shall be granted unless the Plan Commission or the Extraterritorial Zoning Committee finds that the use authorized thereby meets the following criteria:

1. Is the proposed conditional use consistent with the Comprehensive Plan, this Chapter, and all other plans, programs, and ordinances adopted by the Village

YES

2. The proposed conditional use, in its proposed location and as depicted on the required site plan, will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or all other plans, programs, and ordinances adopted by the Village.

YES

3. Does the proposed conditional use will maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

YES

4. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property.

YES

5. Do the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

YES

BACKGROUND INFORMATION:

This project was first brought to staff back in March of 2023. At the time, there were missing plans, along with needing an updated wetland delineation. The project was delayed until now. A full plan set has been submitted along with an updated wetland delineation that meets all DNR standards. The NOI has also already been submitted to staff.

A waiver for the required bufferyard is needed. Performance standard (b) states that a bufferyard of 25 feet along the right-of-way is required. The applicant is requesting a reduction in the bufferyard width. Currently proposed, the bufferyard ranges from 12 feet to 16.5 feet. A reduction in the bufferyard may be granted according to Sec. 94.11.02(3)(d)(i):

i. The minimum width of a bufferyard shall be 25 feet, unless reduced by the site plan approval authority if it determines that a lesser width is adequate to separate incompatible uses/activities or is necessary owing to site constraints beyond the control of the owner.

CURRENT PROPERTY CONDITIONS:

The property is a 6.39-acre vacant lot, located next to NOVA Truck Wash. Wetlands are present on the property.

PLAN COMMISSION ACTION OPTIONS:

*Sec. 94.16.06(6) Review and Action by the Plan Commission or Extraterritorial Zoning Committee. Within 60 days after the public hearing, or an extension of said period requested in writing or electronic format by the applicant and granted by the Commission or Committee, the Plan Commission or Extraterritorial Zoning Committee shall take final action on the conditional use permit request. Prior to acting on a conditional use permit application, the Plan Commission or the Extraterritorial Zoning Committee may request further information and/or additional reports from the Zoning Administrator, the applicant, outside experts and/or any other source. **The Commission or Committee may approve the conditional use as originally proposed, may approve the proposed conditional use with conditions or modifications, or may deny approval of the proposed conditional use and include reasons for denial. Any action to approve or amend the proposed conditional use permit requires a majority vote of Commission or Committee members in attendance.** Nothing in this Chapter requires town plan commission or town board action on proposed conditional use permits in the ETZ Area.*

- 1) Defer Action on the Conditional Use Permit to September or October (*per ordinance have 60 days following hearing*) to obtain more information.**
- 2) Approve the Conditional Use Permit, with the following conditions: *Please note the below are standard conditions applied to CUPs. PC may also add others. This option requires a majority vote of Commission members in attendance.***
 1. The construction of the structure thereon shall be for those uses defined within, and shall be constructed per the attached site plan and building plans, as attached as "Exhibit A;" (see attached docs)
 2. Upon the use expanding beyond the terms listed within the site plan and building plans, attached as "Exhibit A," then the owner/applicant of said use shall resubmit a new Conditional Use Permit application;
 3. The construction of the personal storage facility shall be in accordance with the building site plan approved by the Village Approval Authority within 2 years of the signing of this conditional use permit. Any future additions, modifications or changes in said site plan and/or building plan must be approved by the Village Approval Authority, in advanced of any construction;
 4. No use is hereby authorized unless the use is conducted in a lawful, orderly, and peaceful manner. Nothing herein shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption, or exception to any law, ordinance, order or rule by the Village, Marathon County, State of Wisconsin, United States or other duly constituted authority, except only to the extent that it authorizes the use of the Subject Property in any specific respects described herein.

5. Should any paragraphs or phase of herein be determined by a court of competent jurisdiction to be unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the remainder of this conditional use and the remainder shall continue in full force and effect.

3) Deny the Conditional Use Permit. Reasons for denial are(must list reasons for denial).



Application for Conditional Use Permit
**CONDITIONAL PERMIT DETERMINATION BY THE VILLAGE OF WESTON
PLAN COMMISSION**

Application/Petition No.: **20230188** Hearing Date: **August 14, 2023**
Applicant: **Dustin Vreeland and Weston Mini-Maxi on behalf of property owner Clarence & Suzanne Kersemeier.**
Location: **8211 Schofield Ave, Weston, WI 54476**
Description: **A conditional use permit application proposing to construct and operate a personal storage facility within the B3 (General Business) zoning district per Sec. 94.4.06(3) at 8211 Schofield Ave.**

The Department of Planning and Development of the Village of Weston, pursuant to the Village of Weston Zoning Code, Article 16 Processes, Section 94.16.06 Conditional Use Permits, hereby makes the following findings and evaluation to the Village of Weston Plan Commission:

GENERAL INFORMATION:

Zoning: **General Business (B3) Zoning District**

Definition: 94.2.02(3)(d) The B-3 district accommodates a wide range of commercial uses, along with compatible wholesale, light industrial, and outdoor storage and display uses. Development within this district is served by public sanitary sewer and water services. This district is intended for mapping (i) along major highway corridors; (ii) outside of the Village's neighborhood areas; and (iii) in areas planned for commercial uses, and occasionally in areas planned for industrial uses, within the Comprehensive Plan. (Predecessor district B-3 General Commercial)

Definition: 94.4.06(3) **Personal Storage Facility.** Includes indoor storage of items entirely within partitioned buildings with individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also known as mini-warehouses.

Performance Standards: **See Applicant, Dustin Vreeland's, answers to the below performance standards in attached pdf.**

- a. In addition to the building design standards in Section 94.10.03, buildings and facility shall be designed to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and other structures shall complement surrounding development and be consistent with any building design standards within the Comprehensive Plan.
- b. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property and public rights-of-way.
- c. The Plan Commission or Extraterritorial Zoning Committee may restrict or limit unit doors facing a public street right-of-way or property not in an industrial zoning district, or may otherwise require that any such doors be screened from view with berms, landscaping, and/or opaque fencing.
- d. Facility shall be limited to indoor storage of household items and similar durable goods. No live animals, perishable items, odor producing materials (see Section 94.12.15), flammable or explosive materials (see Section 94.12.17), toxic or noxious materials (see Section 94.12.18), or hazardous materials (see Section 94.12.20) shall be stored on site.
- e. No storage unit may have any other function aside from storage, including but not limited to any retail, wholesale, workshop, hobby shop, manufacturing, residential, lodging, or service use.
- f. No outdoor storage of materials shall be permitted on site, with the exception of an outdoor trash or recycling receptacle, if proposed and approved as part of the site plan and screened in accordance with Section 94.12.06.

- g. To prevent unauthorized access, each storage unit shall be outfitted with quality commercial locks and the Plan Commission or Extraterritorial Zoning Committee may require gated access to the facility and/or security fencing.
- h. The Plan Commission or Extraterritorial Zoning Committee may require that the project be equipped with a digital security camera(s) that records site activity, with footage made available to the Everest Metro Police Department upon suspicion of criminal activity.
- i. All storage units shall gain access from the interior of the building or site, as opposed to direct access from units to public streets.
- j. The Plan Commission or Extraterritorial Zoning Committee may deny or limit a conditional use permit, where required, if it determines that the location, size, quantity, job or tax base creation, or other applicable characteristics of the proposed facility are incompatible with the economic development goals and objectives of the Village, including those within the Comprehensive Plan and any approved tax incremental district project plan.
- k. Minimum Required Off-Street Parking: one space for each employee on the largest work shift.

DETERMINATION (To be completed by the Plan Commission):

If the applicant meets, or agrees to meet, all of the applicable requirements specified in this Chapter and conditions imposed by the Plan Commission or the Extraterritorial Zoning Committee, the Commission or Committee shall under Wis. Stats. § 62.23(7)(de)2.a. grant the conditional use permit. The Village may require written agreement from the applicant in a form prescribed by the Village Attorney.

Any decision to grant or deny the conditional use permit must be supported by substantial evidence, as that term is defined in Wis. Stats. § 62.23(7)(de)1.b. Any condition or modification must be related to the purpose of this Chapter, reasonable, measurable to the extent practicable, and based on substantial evidence.

To the extent consistent with Subsections (a) and (b), no conditional use permit shall be granted unless the Plan Commission or the Extraterritorial Zoning Committee finds that the use authorized thereby meets the following criteria:

1. Is the proposed conditional use consistent with the Comprehensive Plan, this Chapter, and all other plans, programs, and ordinances adopted by the Village

YES

2. The proposed conditional use, in its proposed location and as depicted on the required site plan, will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or all other plans, programs, and ordinances adopted by the Village.

YES

3. Does the proposed conditional use will maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

YES

4. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property.

YES

5. Do the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

YES

BACKGROUND INFORMATION:

Staff have received all the required plans for this project. Staff are still awaiting an approved NOI from the DNR for this project. Approval of the NOI will need to be listed as a condition on approval.

This 4.96-acre lot is currently vacant. The proposed development includes 9 storage unit buildings totaling 230 individual units. 2 size units will be offered (mini & maxi). The proposed development also includes an asphalt drive area, curbed approach, landscaping, and a stormwater area.

CURRENT PROPERTY CONDITIONS:

The property is a 4.96-acre vacant lot, located next to Trail Side Sports Bar & Grill.

PLAN COMMISSION ACTION OPTIONS:

*Sec. 94.16.06(6) Review and Action by the Plan Commission or Extraterritorial Zoning Committee. Within 60 days after the public hearing, or an extension of said period requested in writing or electronic format by the applicant and granted by the Commission or Committee, the Plan Commission or Extraterritorial Zoning Committee shall take final action on the conditional use permit request. Prior to acting on a conditional use permit application, the Plan Commission or the Extraterritorial Zoning Committee may request further information and/or additional reports from the Zoning Administrator, the applicant, outside experts and/or any other source. **The Commission or Committee may approve the conditional use as originally proposed, may approve the proposed conditional use with conditions or modifications, or may deny approval of the proposed conditional use and include reasons for denial. Any action to approve or amend the proposed conditional use permit requires a majority vote of Commission or Committee members in attendance.** Nothing in this Chapter requires town plan commission or town board action on proposed conditional use permits in the ETZ Area.*

- 1) **Defer Action on the Conditional Use Permit to September or October (per ordinance have 60 days following hearing) to obtain more information.**
- 2) **Approve the Conditional Use Permit, with the following conditions: Please note the below are standard conditions applied to CUPs. PC may also add others. This option requires a majority vote of Commission members in attendance.**
 1. The construction of the structure thereon shall be for those uses defined within, and shall be constructed per the attached site plan and building plans, as attached as "Exhibit A;" (see attached docs)
 2. Upon the use expanding beyond the terms listed within the site plan and building plans, attached as "Exhibit A," then the owner/applicant of said use shall resubmit a new Conditional Use Permit application;
 3. The construction of the personal storage facility shall be in accordance with the building site plan approved by the Village Approval Authority within 2 years of the signing of this conditional use permit. Any future additions, modifications or changes in said site plan and/or building plan must be approved by the Village Approval Authority, in advanced of any construction;
 4. No use is hereby authorized unless the use is conducted in a lawful, orderly, and peaceful manner. Nothing herein shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption, or exception to any law, ordinance, order or rule by the Village, Marathon County, State of Wisconsin, United States or other duly constituted authority, except only to the extent that it authorizes the use of the Subject Property in any specific respects described herein.

5. Should any paragraphs or phase of herein be determined by a court of competent jurisdiction to be unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the remainder of this conditional use and the remainder shall continue in full force and effect.

3) Deny the Conditional Use Permit. Reasons for denial are(must list reasons for denial).