Town of Weston, Wisconsin
OFFICIAL PROCEEDINGS OF THE TOWN PLAN COMMISSION MEETING
held on Tuesday, March 19, 2024, at 5:30 p.m., in the Court Room,
Weston Safety Building, 5209 Mesker Street

AGENDA ITEMS.

1. Meeting called to order by Plan Commission Member and Town Supervisor Dave Phelps at approximately 5:30 p.m.

2. Roll Call of Town Plan Commission (PC) by Secretary Parker.

Roll call indicated 6 PC members present.

Member	Present
MILTON OLSON	YES (PHONE)
RANDY CHRISTIANSEN	YES
RENEE RADCLIFFE	YES
MARK HULL	YES
DAVE PHELPS	YES
CONNIE CONRAD	EXCUSED

Village of Weston Staff in attendance: Village Administrator Jami Gebert, Director of Planning & Development Jennifer Higgins, Assistant Planner Aaron Anklam, and Recording Secretary Valerie Parker.

Town of Weston Representatives in attendance: Town Supervisor Tom Salzman

3. Opportunity for Citizens to be Heard.
No public comment.

4. Written Communications Received.

5. Approval of Minutes from the Previous Regular Meeting.

a. September 19, 2023 – Regular Meeting
Motion by Hull, second by Radcliffe: To approve the September 19, 2023, PC meeting minutes.

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

Member (PC)	Voting
Milton Olson	YES
Randy Christiansen	YES
Renee Radcliffe	YES
Mark Hull	YES
Dave Phelps	YES
Connie Conrad	------

6. Public Hearing – Discussion and possible action on a rezone request by Nathan Wincentsen, 5310 Willow Street, Weston, WI 54476, on behalf of HSU Family, LLP, 152736 Oriole Lane, Wausau, WI 54401, requesting a rezone of 4.2 acres from AR (Agriculture and Residential) to RR-2 (Rural Residential – 2 Acre) Zoning District, to allow for a 4.2-acre lot to be created via Certified Survey map, along Poplar Lane.

a. Open Public Hearing
Phelps opened the public hearing at 5:33 p.m.

b. Presentation by Applicant/Staff
Higgins stated Hsu Family, LLP, owns the field by Greenwood Hills. She stated they would like to carve off 4.2-acres of this land to be sold for a new home to be built.

c. Public Hearing/Public Comment Period
None.

d. Close Public Hearing
Phelps closed the hearing at 5:34 p.m.

e. Discussion by Plan Commission
No comments, and no issues were brought up.

f. Recommendation from Staff
Higgins stated staff recommends approval.

g. Recommendation and Action by Plan Commission to Town Board
Higgins read through the Determination form, and pointed out the answers to the questions are as:

1. Yes
2. Yes
3. Yes
4. Yes
5. Yes

Higgin stated Maguire has already received the plans for the house. She stated this would then go to County Board (ERC) for approval next month. However, the recommendation from Plan Commission would be for a recommendation to the Town Board at their meeting tonight and for the Town Board to forward their approvals to ERC for County approval.

Motion by Hull, second by Christiansen: to recommend to the Town Board of Supervisors, approval of Draft Ordinance TW 2024-01, as requesting by the applicant. Also, adopting the Determination as outlined and discussed by staff. Question: Higgins stated to Olson we will charge the builder the parkland dedication fee for the new home when the building permit is issued. Motion carried.

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

Member (PC)	Voting
Milton Olson	YES
Randy Christiansen	YES
Renee Radcliffe	YES
Mark Hull	YES
Dave Phelps	YES
Connie Conrad	------

7. Discussion and provide direction to staff on proposed direction Town would like to take regarding proposed future development ideas for the Bed & Breakfast, at 2625 Northwestern Avenue (Higginbotham)

Anklam explained how Higginbotham currently has a Conditional Use Permit (CUP) to allow him to operate a Bed & Breakfast out of his home. He stated that Higginbotham then submitted a request to amend his CUP to allow him to add two ~600 sq. ft. Tourist Rooming Houses (Tiny Houses) to his property, but how that request was withdrawn, following discussions amongst him, staff, and the Town.

Anklam explained the discussions he has since had with Mark Roffers, the consultant who assisted in the re-write of our zoning codes, as far as the interpretation on Tourist Rooming Houses. Anklam pointed out, however, that the code requires a Tourist Rooming House to meet the single-family dwelling performance standards, meaning they would have to be a minimum of 1,000 sq. ft. each, which means what Higginbotham is proposing would not be allowed unless we proceeded with a code change. He pointed out that Higginbotham had recently brought up the idea of using the D-RT (Design – Rail-to-Trail) Overlay as an option.

Higgins explained how the D-RT Overlay came about in the Village.

Christiansen commented on how there is a portion of railway that is still actively used, and there are wetlands to the west. He is not sure how bicyclists would access the new trail from Higginbotham's property.

Phelps stated Higginbotham's property is the only parcel in that vicinity within the Town of Weston, and only connected to the rest of the Town by a very narrow strip of land.

Hull read from the code (94.6.02(b)(3)) D-RT District does not allow any greater range of land uses than that allowed within the underlying standard zoning district. Hull stated if Higginbotham's property is in the RR-5 Zoning District, he does not think this gets him to where he wants to be approval-wise.

Hull pointed out that Higginbotham's property and the use he is requesting is very unique. Higgins stated an option would be to create a special land use just for this, but she is not sure that this is the direction the Town or Village would want to take.

Hull commented that it sounded like there are some people within the State who hold both the Tourist Rooming House and Bed & Breakfast licenses, and how it would be helpful to find out from the State who those people are and how they are doing with that.

Anklam stated the way the codes are written now, with Tourist Rooming Houses (allowed for 15 days) and Bed & Breakfasts (allowed for only 7 days), they kind of contradict themselves. He talked to Sarah Brown at Marathon County Health and Human Services (who is responsible for licensing these).

Hull stated from what he understands, this would fall under two separate licenses. He stated the issue is who is going to check for compliance, based on all the different requirements for each one. He stated if there are examples out there, we should look at those first before we try to change our codes.

Gebert stated her experience with Health and Human Services is that, for example, when looking at a well and septic system, it would be one permit/license for each. They would also be checking the condition of the living quarters, such as smoke and carbon monoxide detectors, safe water, working septic, etc., where all of those things are covered under one license.

Christiansen questioned the access across the Mountain-Bay Trail. He stated there is an access point there, but was not sure if that was only to the YMCA property. Higgins stated there is most likely a cross-access agreement in place. Salzman stated that the YMCA utilizes Higginbotham's access to get to their property. Christiansen pointed out the amount of traffic coming in and out of there for both Higginbotham's property and the YMCA, and how railroads have always been pretty strict about crossing over. Salzman stated that Higginbotham is looking to have that access point widened, and is working with the railroad on that. Phelps stated he is not sure that Higginbotham has 80 feet of frontage. Higgins stated frontage requirements are based on zoning district.

Anklam stated he can research other places that have a similar set up for next Town meeting.

Radcliffe questioned if these are being built like single family homes, what happens if Higginbotham is not doing this anymore. Can these be used as a residence. If changed anything, would it allow him to go down to 600 square feet, as right now it has to meet 1,000 square feet and have a garage. Anklam does not advise changing.

Radcliffe stated if we change the code to allow, and Higginbotham no longer is operating his business, than there is nothing the Town can do, with what is left there.

Higgins questioned how much do they want Village staff to work on this. Higgins stated we aren't comfortable making a zoning code change without more guidance. Radcliffe does not feel comfortable with this.

Gebert commented the issue is going to be with enforcement, as far as the different length of stay allowances for the uses, and who monitors how long guests stay.

Olson stated a decision needs to be made tonight, as to whether we want to go through all the effort to make this feasible, or say "no" this is just not going to work. He stated Higginbotham wants to know now. Olson would prefer a vote tonight, yes or no.

Motion by Olson, second by Radcliffe: To not go ahead and change the code to allow the extra houses, following tonight's discussion, as there are too many complications, and that it does not fit in with our zoning code. The Town does not need to go through all the time and expense to change the code to accommodate this. Question: it was confirmed this motion is to not change the zoning code to allow this. Motion carried.

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

Member (PC)	Voting
Milton Olson	YES
Randy Christiansen	YES
Renee Radcliffe	YES
Mark Hull	YES
Dave Phelps	YES
Connie Conrad	------

Olson asked staff to let Higginbotham know.

8. Discussion on Proposed Amendments to Town of Weston Zoning Ordinance.
Anklam stated at the September Town Plan Commission meeting, Village staff went through the zoning code changes that have taken effect since 2020. The goal tonight is to determine if these changes apply to the Town or not. Anklam summarized the changes that were previously discussed. Notes on any changes that apply to the Town. He pointed out the summary points out what changes affect the Town and which ones do not.

Phelps confirmed this brings us to conformity with the Village and ETZ Zoning Codes. Higgins explained some of the changes, and stated this will make the zoning codes (Village, ETZ, Town) all consistent.

Higgins stated Village staff will set up a public hearing for all the changes.

9. Set Public Hearing date for Town Zoning Ordinance changes.
It was stated this will be scheduled for a special day in advance of the next Town Board meeting, as the next regular date is the Spring Election.

Olson stated to schedule for a May meeting (3rd Tuesday), as their April Town Board meeting is their Annual Town meeting.

Motion by Olson, second by Hull: to move all amendments to be heard in May for a public hearing.

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

Member (PC)	Voting
Milton Olson	YES
Randy Christiansen	YES
Renee Radcliffe	YES
Mark Hull	YES
Dave Phelps	YES
Connie Conrad	------

Higgins will suggest a date. Olson will be back in Wisconsin by April 8th, or so.

10. Adjournment of Town Plan Commission.

Motion by Hull, second by Radcliffe: to adjourn at 6:15 p.m.

Milton Olson, Town Chairman and Town Plan Commission Chair
Jennifer Higgins, Director of Planning & Development
Valerie Parker, Recording Secretary