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VILLAGE OF WEBSTER

PUBLIC HEARING & JOINT PLAN COMMISSION AND VILLAGE BOARD MEETING MINUTES

Thursday, April 4, 2024 @ 4:00 p.m.

Webster Village Office

7461 Main Street West, Webster, WI

- I. **CALL TO ORDER** – Village President, Bill Summer called the Public Hearing to order at 4:00 p.m.
- II. **PRESENT** – Village President and Plan Commission Chair, Bill Summer; Village Trustees, Aaron Sears; Ed Dedman; Kelsey Gustafson; Tim Maloney; Matt Stuart and Trustee and Plan Commission Member, Charlie Weis. Village Citizen Plan Commission Members, Gaylen Brown and Greg Widiker. Village Surveyor and Plan Commission Member, Mark Krause. Village Zoning Administrator, Joe Atwood; Village Clerk-Treasurer, Debra Doriott-Kuhnly. Others present: Village Residents Russ Burford. Maria and Kenneth Erickson and Kim Flodin-Wambolt. Absent: Public Works Operator and Plan Commission Member, Dean Phernetton and Village Citizen Plan Commission Member, Gaelyn Sears.
- III. **PUBLIC NOTICE OF AGENDA, DELETIONS/CORRECTIONS** – Motion made Trustee, Dedman to approve the agenda as presented; seconded by Trustee, Sears. **Motion carried, by Plan Commission and Village Board, 10-0.**
- IV. **PUBLIC COMMENTS ON CONDITIONAL USE PERMIT APPLICATION FOR 26363 Lakeland Av S, PETITION FOR CONDO PLAT REVIEW FOR 26601 LAKELAND AV N, REVISIONS AND AMENDMENTS TO VILLAGE ORDINANCE ARTICLE VII SIGNS §298-52 THROUGH §298-57, REVIEW PROPOSED ORDINANCE ADDRESSING THE USE OF SHIPPING CONTAINERS IN THE VILLAGE, ARTICLE II §298-13** – President, Summer opened the floor for public comments. Resident, Russ Burford commented on the proposed changes to the sign ordinance. He provided an overview of his challenge, last fall, on a variance and permit granted for the V-shaped sign being erected on Lakeland Av N and Oak St W. The Village Board revoked the sign permit because it was in violation of Village Ordinances 298-54 L and 298-54 T. He stated the proposed revisions remove these two. He then read these sections of the current sign ordinance and opposes the proposed removal because they provide protection for local businesses in the Village and would prevent a sign or billboard advertising non-Webster businesses. He also brought up proposed ordinance 298-54 C: Ground Signs. This would allow off -premises signs in Commercial and Industrial Districts. In addition, Russ questioned why the Commission and Board would allow such large ground signs as indicated in the proposed ordinance. He then cited size regulations in sign ordinances for City of Chetek, Villages of Frederic, Grantsburg and Siren, and Burnett County. He said the proposed sign ordinance size changes would make the Village of Webster an extreme outlier compared to the surrounding communities. He urged the Committee and Board to take time to investigate and review the proposed changes before voting on the proposed sign ordinance changes.
- V. **ADJOURNMENT OF PUBLIC COMMENTS** – With no other public comments, motion made by President, Summer to adjourn the public comments and Public Hearing at 4:12 p.m.; seconded by Trustee, Dedman. **Motion carried, by the Plan Commission and Village Board, 10-0.**
- VI. **CALL TO ORDER** – Village President, Bill Summer called the Joint Plan Commission & Village Board meeting to order at 4:12 p.m.
- VII. **ROLL CALL AND PUBLIC NOTICE OF AGENDA** - Roll Call same as Public Hearing. Motion made Trustee, Maloney to approve the agenda as presented; seconded by Trustee, Stuart. **Motion carried, by the Plan Commission and Village Board, 10-0.**
- VIII. **PUBLIC COMMENTS** – None.
- IX. **CONDITIONAL USE PERMIT APPLICATION: 26363 LAKELAND AV S** – Mark Krause spoke on behalf of Rick Estridge, owner of Wayne’s Foods Plus. A copy of the Petition for Conditional Use Permit (CUP) and packet was

provided to all members of the Plan Commission and Village Board for the proposed expansion of Wayne's Foods Plus. Krause reminded everyone that the plans were presented and discussed last month. It is a non-conforming building (but the board approved the ordinance change last month). Dedman asked if anything changed from last month. Krause said no. Wayne's is asking for approval of the CUP and for Wayne's to purchase land from the Village to make it compliant, resulting in the loading dock being on Wayne's property. Wayne's would continue to take the liability for any water and sewer issues, as the responsible party. They will also look to widen the blacktop 20-30 feet. Kim Flodin-Wambolt said the reason for the expansion and remodeling of the store is to create more sales floor. Joe Atwood stated that in March, the Village adopted Non-Conforming Structure Ordinance 298-57D which would allow this addition, he suggests combining the parcels. Krause said yes, the CMS will be done and will include the purchased wedge of land from the Village. Atwood also said a document regarding water and sewer easement signed by both the Village and Wayne's. Maloney stated this should be in the Deed- Krause confirmed and suggests this be included in the purchase offer, too. Plan Commission Member, Weis made a motion to forward a favorable recommendation to the Village Board to approve Petition #2024-01 Conditional Use Permit as requested by Wayne's Foods Plus; seconded by Plan Commission Member, Widiker. **Motion carried, by the Plan Commission, 4-0. (Krause recused himself.)** Motion made by Village Trustee, Maloney to approve Petition #2024-01 Conditional Use Permit: Wayne's Foods Plus expansion and sale of the portion of the land to Wayne's; seconded by Village Trustee, Gustafson. **Motion carried, by the Village Board, 7-0.**

X. APPLICATION FOR CONDO PLAT REVIEW: 26601 LAKELAND AV N— Mark Krause spoke on behalf of Ken and Maria Erickson regarding their application for preliminary plat review to construct Erickson Commercial Condominium at 26363 Lakeland Av S. Maps and documents were provided in the meeting packet. These were also shown and discussed with the Plan Commission at a previous meeting. Erickson is looking to build units 5 and 6 right away and units 3 and 4 in the future. Krause spoke of the concept of commercial condominiums. Discussion took place on the location of water and sewer main/lines, manholes, hydrants, the alley and required parking spaces (16 spots per building). Maloney reiterated the Village needs to maintain access to water and sewer- Erickson and Krause agreed. Gustafson asked about the plan for stormwater- Krause spoke on this and the greenspace, culvert, ditches, etc. The alley will not change. Erickson stated the units will be the same design and same signage as the existing building/Edward Jones units. Krause further explained commercial condominiums and gave local examples. Atwood said condo plats are unique for Plan Commissions and there are some extra things/questions to talk about and so far, they have been covered in this meeting. Krause explained the process: 1st they would do a CSM and then start the condominium plat; present both to the board for approval. Atwood said only the Plan Commission technically needs to approve the condo plats but since both at meeting tonight-nothing wrong with both approving. Widiker asked for clarification on water/sewer lines. Krause said these are some of the outstanding questions that need answering before the digging/building would begin. Discussion took place on locations of the driveways and the three entities (Village, County and State) involved and possible development on parcel 1 of Erickson's properties. Motion made by Plan Commission Member, Brown to approve Erickson's Preliminary Commercial Condominium Plat Review, with the understanding that all applicable State and Village Codes must be met; seconded by President, Summer. Widiker asked for clarification as to what this allows next. Krause stated the following steps would be to create a 2 parcel CSM to have division of properties into commercial portion and residential portion and then continuing with final condominium plat review to go before the Plan Commission and Village Board. Tonight's vote would mean accepting the preliminary proposed plan and Widiker confirmed Erickson cannot start digging at this time. **Motion carried, by the Plan Commission, 4-0. (Krause recused himself.)**

XI. REVISIONS AND AMENDMENTS TO VILLAGE ORDINANCE ARTICLE VII: SIGNS §298-52 THROUGH §298-57 – President, Summer gave the floor the Village Zoning Administrator, Joe Atwood. Atwood stated he was asked to review the current sign ordinance and propose changes. There are a few significant changes: purpose, license and insurance requirements, more types of signs not requiring permits, ground signs, off-on premises signs and nonconforming signs. The proposed ordinance was included in the meeting packet. Atwood then read through the revised/amended portions of the ordinance. Atwood explained the reason he added 'off-premises' to §298-54C: Ground Signs – other municipalities have been challenged by 1st amendment protection rights. He then shared the Reid Vs Gilbert case. A municipality was challenged by a business owner, over not allowing off-premises sign. The outcome was the ordinance was found unconstitutional and municipality lost the lawsuit. Atwood stated off-premises signs are not uncommon. They do run the risk of businesses from outside the municipality advertising. He said Webster has many big signs. Atwood said he measured all the signs in the Village, that Mr Burford sent him (was concerned about) and he determined the recommended 320 square feet for ground signs based on village's existing signs. All exceed the current ordinance. Under the proposed ordinance, only 2 would be non-conforming

because of their size. If adopting the proposed ordinance, the sign that Mr Erickson started to build (on Lakeland and Oak) would need to be reduced by 150 square feet; height would be ok. Widiker asked about existing off premise signs and their size. Atwood said they currently violate the current ordinance. By law, the village can grandfather them in and if they change the sign, in any way (including advertisement), they will need to come before the Plan Commission OR could make them change the size. Yet, making them change would be very unpopular. Atwood proposes grandfathering in the existing (non-conforming) signs. Wikider questioned what would be wrong with reducing the size to be more aligned with surrounding municipalities but then he answered this would make most of the current signs non-conforming and the next time they made any adjustments to their signs, they would need to make it conforming - it would be unpopular. Atwood admitted his proposal is a big number but, again, it is based on current signage in the village and serves as a starting/talking point. Wikider asked for some examples of current non-conforming signs. Atwood shared that Wayne's is currently 530 square feet (current ordinance states 120) and the signs by Lucky Seven are also over the allowable square footage. Questions asked how these were allowed to be put up. Atwood shared the big signs along the freeways are billboards but in towns they are considered ground signs. Brown asked if any causing obstruction or complaints. Atwood said none of the signs are obstructing vision and only 1 resident complaint. Burford said his specific complaint is that the village approved most of the signs in violation of current ordinance §298-54 L & T so they should have never been granted. He further explained that initially it was not the size he was objecting to; it was the violation of the ordinance. Krause asked if there is a process to take a staggered approach (go from here to here to here over time) that the Village can take for the sign owners to reduce the size and get in compliance. Atwood said that is where the Plan Commission steps in; since they are non-conforming they would come to the Commission. Need to stay consistent and treat everybody the same. Krause brought up the fact that the owners have investments in these signs and potential leases and there might be legal ramifications if terminated. He would like the village to work with the sign owners. Atwood answered the question that current signs can be grandfathered in but need to remember that they would be non-conforming structures and would need to come to Plan Commission (with any changes in the future.) Stuart asked Burford how he felt about grandfathering in as non-conforming. Burford said he would need to wait until he saw the final language. Krause asked Burford to offer his suggestion. Burford said he wants them (signs) to go away but would be ok with Chetak or Grantsburg's size in their ordinances. Atwood continued with the other proposed changes. He reiterated removal of L and T (from current) as it is unconstitutional. §298-55 was changed to Insurance and License Requirements and Signs resembling traffic control devices moved to §298-54P. Stuart suggested that all business/sign owners be contacted to get their opinion on size of ground signs. Widiker asked for clarification of different roles of the Plan Commission, Zoning Board of Appeals (ZBA) and Village Board and tonight's joint meeting. Widiker stated he is uncomfortable with a 4-person quorum (note from Clerk: 5 members were in attendance) of the Plan Commission arbitrarily picking a number (allowable size of sign) and would like time to come to some reasoning before approving. Atwood explained he put that number (320 sq ft) to start conversation. Motion made by Plan Commission Member, Brown to table the proposed revisions and amendments to Village Ordinance Article VII Signs §298-52 through § 298-56 until input is obtained by business/sign owners to determine a reasonable sign size; Krause agreed that getting opinions would help with decision and a compromise may be needed so it is workable for all parties. Motion seconded by Plan Commission Member, Widiker (after Krause rescinded his 2nd). Widiker asked the history of Erickson's V shaped sign permit and revocation. Erickson would need to reapply and under current ordinance, bring before the Village ZBA. Weis said the Village could get 10 different opinions (from owners) and the Commission will still need to come to an allowable size. Atwood asked for a timeframe and who will be contacting business/sign owners. Summer suggested within the next 30 days. Sears shared that will get many different opinions on the size and will delay the process/decision. Widiker clarified with Kuhnly that the Public Hearing was published. Stuart volunteered to contact the owners. **Motion carried, by the Plan Commission, 4-1. (Plan Commission Member, Weis nay.)**

XII. PROPOSED ORDINANCE §298-13: SHIPPING CONTAINERS – Zoning Administrator, Joe Atwood stated that the proposed shipping containers will fall under the Accessory Buildings portion of Ordinance §298-13. He also pointed out the definitions 1,2 and 3 will be added to the definition section in §298-87 Article XIV Definitions. Atwood then read through the proposed ordinance. Weis stated he doesn't have a problem with shipping containers in Business and Industrial Districts but does in Residential District. Summer (as a Village business owner and resident) stated he had 2 at his business but he is building a garage. He owns 2 residential lots and plans to move one from his business and place it behind his house (for storage for his business). Atwood said he would be in violation. Stuart asked what if container matched the color of the primary structure, roof, well-maintained and in good shape ('dressed-up' vs rusty eye sore) to look like an accessory structure. Krause asked about placing a conditional use permit in/for residential districts. Motion made by Plan Commission Member, Weis to table the proposed ordinance until the revisions discussed are included. Atwood said he would make changes discussed; well

maintained, color compatible with principle structure, no rust, rear-yard only, etc. Motion seconded by Plan Commission Member, Krause. **Motion carried, by the Plan Commission, 4-0. (Summer recused himself.)**

- XIII. AMENDMENTS TO SMITH PINES COVENANTS** - Zoning Administrator, Joe Atwood stated he was asked to change the roof pitch from 6/12 to 5/12 in the Smith Pines Covenants to allow a home be moved in with a 5/12 roof pitch. This home is not a mobile home or on a chassis. The intent of the initial covenant on roof pitch was to keep mobile homes out of the development. Trustee, Maloney suggests changing the roof pitch to 4/12 as there are a lot of houses in the village that are already 4/12. Also, there is a lady putting in a bid for the Tiger Tech house and it is a 4/12 pitch, as well as the houses for affordable housing would probably be 4/12. Item #2, in the covenants, already states no mobile homes are allowed. Discussion held on the proposed addition of "including homes on chassis and wheels." Motion made by Trustee, Maloney to approve the change from 6/12 to 4/12 roof pitch on #3 of the Smith Pines Covenants and striking the proposed addition of 'including homes on chassis and wheels' on #2; seconded by Trustee, Dedman. **Motion carried, by the Village Board, 7-0.**
- XIV. ADJOURNMENT.** Motion was made by Trustee, Dedman to adjourn at 6:48 p.m., seconded by Trustee, Sears. **Motion carried, by the Village Board and Plan Commission, 10-0.**

Respectfully submitted,

Debra Doriott-Kuhnly

Debra Doriott-Kuhnly, Clerk-Treasurer

April 4, 2024

***These minutes are subject to approval at next month's Regular Meeting.