



Meeting Date: 3/10/2014
Agenda Item: 2.a) & 5.a)

STAFF REPORT

REPORT FOR: Chairman White and Plan Commissioners

REPORT PREPARER: Jennifer Higgins, Director of Planning & Development

ITEM DESCRIPTION: Recommendation from Director of Planning & Development to approve the report entitled: "Finding of Fact and Recommendation by the Village of Weston Plan Commission" regarding REZN-2-14-1423, a request to rezone from RR (Rural Residential) Zoning District to R1 (Residential Single Family) Zoning District, to allow Marcell to purchase 1 acre of land from Autio and add it to his property on Shorey Avenue, and forward to the Board of Trustees for their consideration.

STAFF'S COMMENT: This action item is being presented to the Plan Commission to consider the Director of Planning & Development's recommendation that the following motion be approved: "The Plan Commission approves the *Finding of Fact and Recommendation by the Village of Weston Planning Commission* as its written finding of fact per Sec. 94.219.1 of the zoning code for rezone request REZN-2-14-1423 and forwards this document on to the Village Board for final approvals."

ACTION ITEM: Ordinance Resolution Motion File

DATE OF REPORT: Sun, March 2, 2014

DATE OF MEETING: Mon, March 10, 2014

FISCAL SUMMARY:

Budget Line Item: _____
 Budget Line Item: _____
 Budgeted Expenditure: _____
 Budgeted Revenue: _____

STATUTORY REFERENCE:

Wisconsin Statue: Chapters 61.35,
62.23
 Administrative Code: _____
 Municipal Code: Chapter 94
 Judicial Ruling: _____

Policy Question / Issue:

Should the Plan Commission make a motion to recommend approval of the proposed rezone request to the Village Board to rezone a 1 acre piece of the Autio property from RR (Rural Residential) Zoning District to R1 (Residential Single Family) Zoning District to allow the

applicant to sell the one acre parcel to a neighboring property owner who would like to add the lands to their existing parcel at 3102 Shorey Avenue by approving the Director of Planning & Development's report entitled *Finding of Fact & Recommendation by the Village of Weston Planning Commission*?

Background:

The Autio's have submitted a CSM (Certified Survey Map Application #RCSM-12-13-1415), also on the agenda for approval, which shows a one acre portion of their current Lot 2 of CSM Volume 63 Page 82 and adds it to the Dave Marcell parcel at 3102 Shorey Avenue. The Marcell parcel is zoned R-1 and the area to be added from the Autio parcel is zoned RR. Therefore, a rezone to R-1 is required before this can happen. Based on this, the Autio's submitted an application for rezoning which resulted in the 3/10/14 public hearing being scheduled.

Recommendation following Staff Review:

The request was reviewed by staff at our recent Plan Commission Staff Meeting. No issues with the rezone were brought forth by staff at this meeting. This property is located adjacent to other R-1 zoned property and will be added to an existing neighboring R-1 property owned by Dave Marcell.

It is therefore my recommendation, as the Director of Planning & Development, that if no unforeseen issues arise at the public hearing Monday night, the Plan Commission make a motion to approve my report, *Finding of Fact and Recommendation by the Village of Weston Planning Commission*, included in your packet. I have completed the document to give you a starting point. Please feel free to make any additions and/or subtractions prior to adoption. This document will serve as the Commission's written finding of fact, per Sec. 94.219.1, for rezone request REZN-2-14-1423 and then be forwarded on to the Village Board at their meeting on March 17th along with the ordinance that is needed to be adopted and published prior to making the rezone a permanent change.

Purpose:

The purpose of this recommendation is as follows: to regulate areas in which various land uses may be conducted; regulate the location and operation of economic development areas; regulate the location, bulk, height, and similar features of structures, including the overall population density of the community; establish zoning districts to accomplish these purposes; Regulate the regulations to the character of the neighborhood and its suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

Policy Alternatives:

- 1) Approve the Finding of Fact document with changes/additions as determined by the Plan Commission.
- 2) Defer action on the request until the April 14th PC meeting and refer the request back to staff for additional study/review prior to the April meeting.
- 3) Deny the request.

Future Deliverables:

- 1) Ordinance to approve Rezone Request REZN-2-14-1423 at the March 17th Village Board Meeting

Additional Items:

- 1) *Finding of Fact and Recommendation by the Village of Weston Planning Commission*

- 2) Rezoning Application Materials (REZN-2-14-1423) - Full Rezoning Application submittal is available online at <http://www.westonwi.gov/421/Public-Hearing-Notices>



Application for Rezoning
**FINDING OF FACT & RECOMMENDATION BY THE VILLAGE OF WESTON
PLANNING COMMISSION**

Application/Petition #: **REZN-2-14-1423**

Hearing Date: **March 10, 2014**

Applicant: **Allen & Kathy Autio, 9003 Buska Street, Weston, WI 54476**

Request: **Rezone from RR (Rural Residential) to R-1 (Residential Single Family)**

Location: **One acre of land (being split from Lot 2 of CSM#14255, Vol. 63, Pg. 82) beginning at the northwest corner of Lot 1, of CSM #8575, Volume 33, Pg 143 (also described as 3102 Shorey Ave, consisting of 1.248 acres or 54,361 sqft.) running west 18.36 feet along, then north 194.23', then south 194.14', then west 226.42', to the point of beginning. This one acre of land is to be combined with 3102 Shorey Avenue.**

The Plan Commission of the Village of Weston, having heard the application for rezoning described above, and all opposition from parties claiming to be adversely affected thereby, has considered the request based on the provisions of Wisconsin law and forwards the following findings and recommendation to the Village of Weston Board of Trustees:

1. The request is consistent with the Village of Weston Comprehensive Plan because this parcel is shown as future residential on the Comprehensive Plan Future Land Use Map.
2. The request is consistent with the current conditions and character of structures and uses in each zoning district.
3. The request is consistent with the most desirable use for which the land in each district is adapted. The one acre parcel would not be able to be created without being rezoned and added to 3102 Shorey Avenue because we do not allow landlocked parcels to be created.
4. The request is consistent with the conservation of property values throughout the jurisdiction.
5. The request is consistent with responsible growth and development. The one acre parcel would not be able to be created without being rezoned and added to 3102 Shorey Avenue because we do not allow landlocked parcels to be created.
6. The request is in compliance with the intent and purposes of Chapter 94 as set forth in sections 94.104 and 94.105.
7. The proposed rezone is in the public's best interest, and is not solely for the benefit of the applicant.

Based on the findings described above, the Commission hereby forwards a favorable recommendation to the Village Board. So ordered this 10th day of March, 2014.

Village of Weston Planning Commission

By: _____
Loren White, its Chairman

Attest: _____
Valerie Parker, its Secretary

Sec. 94.104. Intent.

It is the intent of this chapter to carry out the statutory purposes enumerated in Wis. Stats. §§ 61.35 and 62.23(7), including but not limited to:

- (1) Regulate areas in which various land uses may be conducted;
- (2) Regulate the location of community facilities;
- (3) Regulate the location and operation of economic development areas;
- (4) Regulate the location, bulk, height and similar features of structures, including the overall population density of the community;
- (5) Establish zoning districts to accomplish these purposes;
- (6) Regulate land use along natural watercourses to protect such courses;
- (7) Regulate development and natural growth near airport runways;
- (8) Regulate land use for the protection of groundwater resources;
- (9) Provide for the preservation of burial sites;
- (10) Regulate so as to preserve areas with historic or aesthetic value;
- (11) Provide for special planned development districts pursuant to Wis. Stats. §62.23(7)(b).

(Ord. of 11-18-1991)

Sec. 94.105. Purposes in view.

(a) In accordance with Wis. Stats. § 62.23(7)(c), the regulations of this chapter shall be made and administered in accordance with a comprehensive plan as authorized in Wis. Stats. §62.23(3).

(b) In accordance with Wis. Stats. § 62.23(7)(c) and the related areas of the statutes cited in the authority of subsection (a) of this section, the regulations of this chapter are designed to:

- (1) Lessen congestion in the streets.
- (2) Secure safety from fire, panic and other dangers, including flooding and soil erosion.
- (3) Provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems.
- (4) Prevent the overcrowding of land and the destruction of natural resource areas such as wetlands and woodlots.
- (5) Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

(6) Relate the regulations to the character of the neighborhood and its suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

(Ord. of 11-18-1991)



**VILLAGE OF WESTON
NOTICE OF PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN a public hearing will be held before the Village of Weston Plan Commission on Monday, March 10, 2014, at 6:00 p.m., at the Village Municipal Center located at 5500 Schofield Avenue, Weston, Wisconsin, to hear comments and concerns related to the following requests:

REZN-2-14-1423 – Allen and Kathy Autio, 9003 Buska Street, Weston, and David Marcell, 3102 Shorey Avenue, Weston, requesting a rezone from R-R (Rural Residential) Zoning District to R1 (Residential Single Family) Zoning District, to allow for 1 acre of land, zoned RR, to be combined to 3102 Shorey Avenue, which is currently zoned R1. The 1-acre property to be rezoned is described as: That part of the Southeast 1/4 of the Southwest 1/4, of Section 29, Township 28 North, Range 8 East, in the Village of Weston, Marathon County, Wisconsin, more particularly described as follows:

One acre of land (being split from Lot 2 of Certified Survey Map #14255, Volume 63, Page, 82) beginning at the northwest corner of Lot 1, of Certified Survey Map #8575, Volume 33, Page 143 (also described as 3102 Shorey Avenue, consisting of 1.248 acres or 54,361 sq. ft.), running west 18.36 feet along, then north 194.23', then east 226.42', then south 194.14', then west 226.42', to the point of beginning. This one acre of land is to be combined with 3102 Shorey Avenue.

Individual application materials are available on the Village of Weston website, located at: <http://westonwi.gov/421/Public-Hearing-Notices>. Written testimony may be forwarded to the Village of Weston Plan Commission, Valerie Parker, Plan Commission Secretary, 5500 Schofield Avenue, Weston, WI 54476, or e-mailed to vparker@westonwi.gov, **by noon on the day of the public hearing**. All interested persons will be given an opportunity to be heard. Any person with questions or planning to attend needing special accommodations in order to participate should call Valerie Parker, Administrative Specialist, Planning and Development Department, at 715-241-2607.

Dated this 18th day of February, 2014

Sherry L. Weinkauff
Village Clerk

Published as a legal ad in the Wausau Daily Herald on Monday, February 24, 2014, and Monday, March 3, 2014.

Rezoning Application

Planning and Development
Village of Weston
Date: 1/22/14

Permit No.: REZN-2-14-1423
Payment: Cash Check No. 7509



5500 Schofield Avenue
Weston, WI 54476
(715) 359-6114

Rezone \$300.00 FEE [48/4870]

-- ALL FIELDS MUST BE FILLED OUT TO BE PROCESSED PLEASE PRINT LEGIBLY --

Applicant Information:

Business Name: _____
Contact Name: DAVID MARCELL
Mailing: 3107 Shorey Ave
Address: Weston Schofield WI 54476
Phone Number: 715-359-8161
Email Address: dave@marcellinsurance.com
Office: 715-359-9330
Applicant is: Owner Agent Other: _____

Owner Information:

Business Name: _____
Contact Name: AI AUTIO
Mailing: 9003 BUSKA ST.
Address: Weston Schofield WI 54476
Phone Number: 715-574-2835
Email Address: aautio@frontier.com

If applicant is not the owner, a Letter of Authorization from ALL PROPERTY OWNERS must be provided.

Property Information:

Property Site: SOUTH PART OF LOT 2 PIN: _____
Address: of Vol. 63 p. 82 Parcel Size: 1 ACRE
Acquisition Date: _____ Existing Zoning: RR

Existing Use of Property: None

Future Land Use of Property: Residential.

Proposed Zoning Change: R1

Surrounding future land use/Zoning Classification/
Existing Use: North: RR
South: R1
East: R1
West: RR

Is the property planned to be improved? Yes No Start Date: _____

Please provide the following on separate documents:

- One copy of a registered surveyor's plat of survey or legal description.
- The complete details of the rezone and the reasoning behind the request.
- Detailed site operational plan and the plan for site improvements along with timeframes.

I hereby depose and say that all the above statements and all accompanying statements and drawings are correct and true.

Signature: [Signature] Date: 1/22/14

APPLICANT ATTENDENCE AT THE HEARING IS MANDATORY.

**Rezone Application
Review**

Planning and Development
Village of Weston
Date: 1-22-14

Permit No.: REZN-2-14-1423

Payment: Cash Check No. 7509
Payment Received: \$300.00



5500 Schofield Avenue
Weston, WI 54476
(715) 359-6114

Hearing Notice Published in WDH on 2-24-14 and 3-03-14

Hearing Notice Mailed to Surrounding Property Owners on 02/26/14

Forwarded to the Plan Commission on: 03/05/14

Public Hearing Date: 03/10/14

Recommendation of the Plan Commission: _____

Forwarded to the Village Board on: _____

Village Board
Action: _____

Rezone Request: Approved Denied

Date Approved Rezoning Ordinance recorded at the County Register of Deeds: _____

Hearing Notice Publication Date: _____

Chairperson Signature

2-3-14

TO: Valerie Parker

RE: CSM and Rezone

I, Allan Autio, authorize the rezoning of a one acre portion of lot 2 known as South 194 feet of Volume 63 CSM Page 82 comprising 43,708 SF or 1,003 Acres, for the purpose of selling that portion of land.

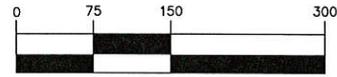
A handwritten signature in cursive script that reads "Allan Autio".

Allan Autio
9003 Buska St
Weston WI 54476

CERTIFIED SURVEY MAP NO. _____ VOL _____ PAGE _____

OF ALL OF LOTS 1 AND 2 OF VOLUME 63 CERTIFIED SURVEY MAPS, PAGE 82
AND ALL OF LOT 1 VOLUME 33 CERTIFIED SURVEY MAPS, PAGE 143
BEING LOCATED IN PART OF THE SOUTHWEST 1/4 AND PART OF THE
SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29. TOWNSHIP
28 NORTH, RANGE 8 EAST, VILLAGE OF WESTON,
MARATHON COUNTY, WISCONSIN

GRAPHIC SCALE



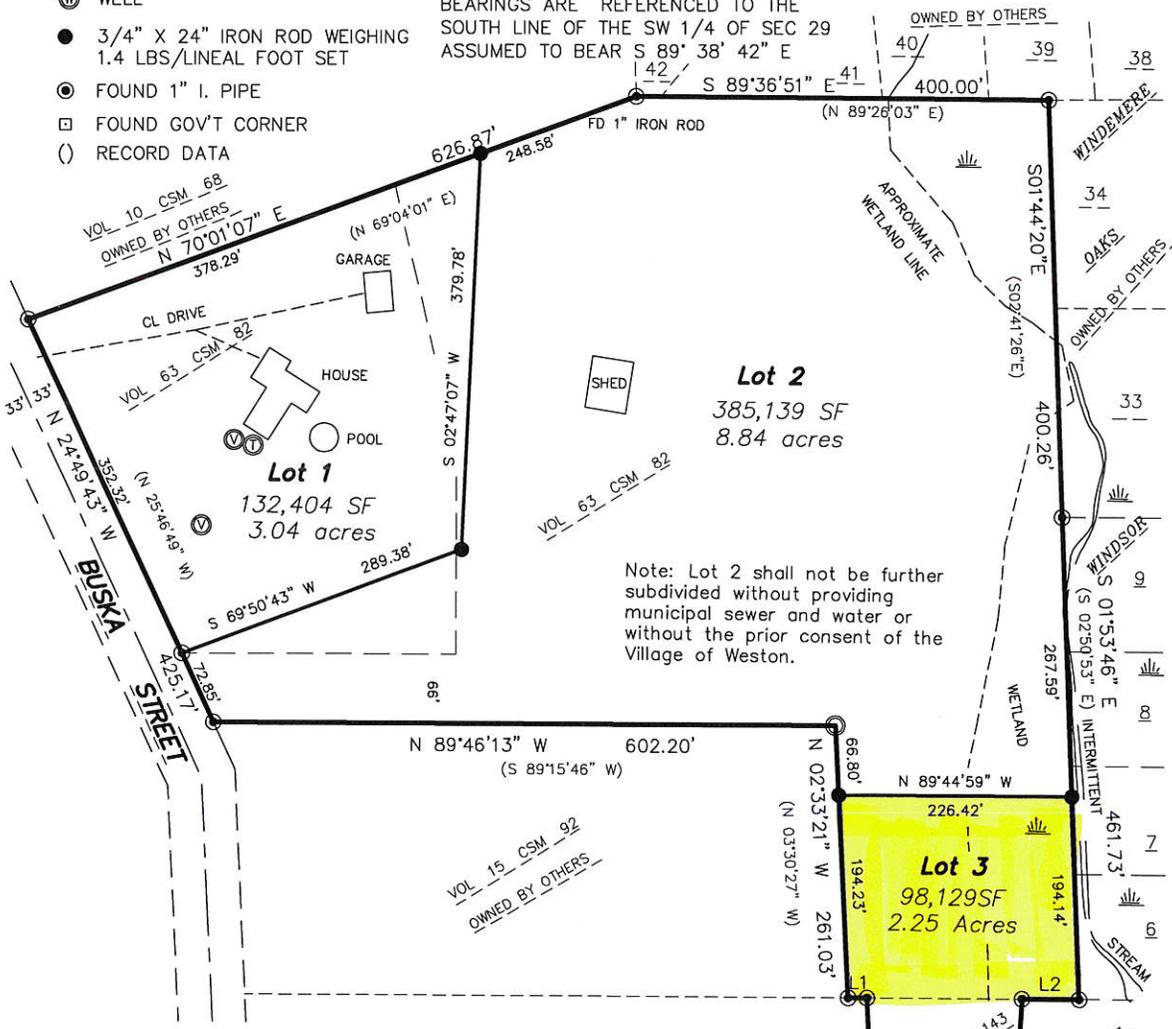
NORTH

1 inch = 150 ft.

SHEET 1 OF 2

- Ⓧ SEPTIC VENT/TANK
- Ⓢ WELL
- 3/4" X 24" IRON ROD WEIGHING 1.4 LBS./LINEAL FOOT SET
- ⊙ FOUND 1" I. PIPE
- FOUND GOV'T CORNER
- () RECORD DATA

BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE SW 1/4 OF SEC 29 ASSUMED TO BEAR S 89° 38' 42" E



Note: Lot 2 shall not be further subdivided without providing municipal sewer and water or without the prior consent of the Village of Weston.

LINE	BEARING	DISTANCE
L1	N 89°44'59" W	18.36'
L2	N 89°44'59" W	55.45'
L3	N 89°37'02" W	100.35'

SW COR
FD SMP NAIL

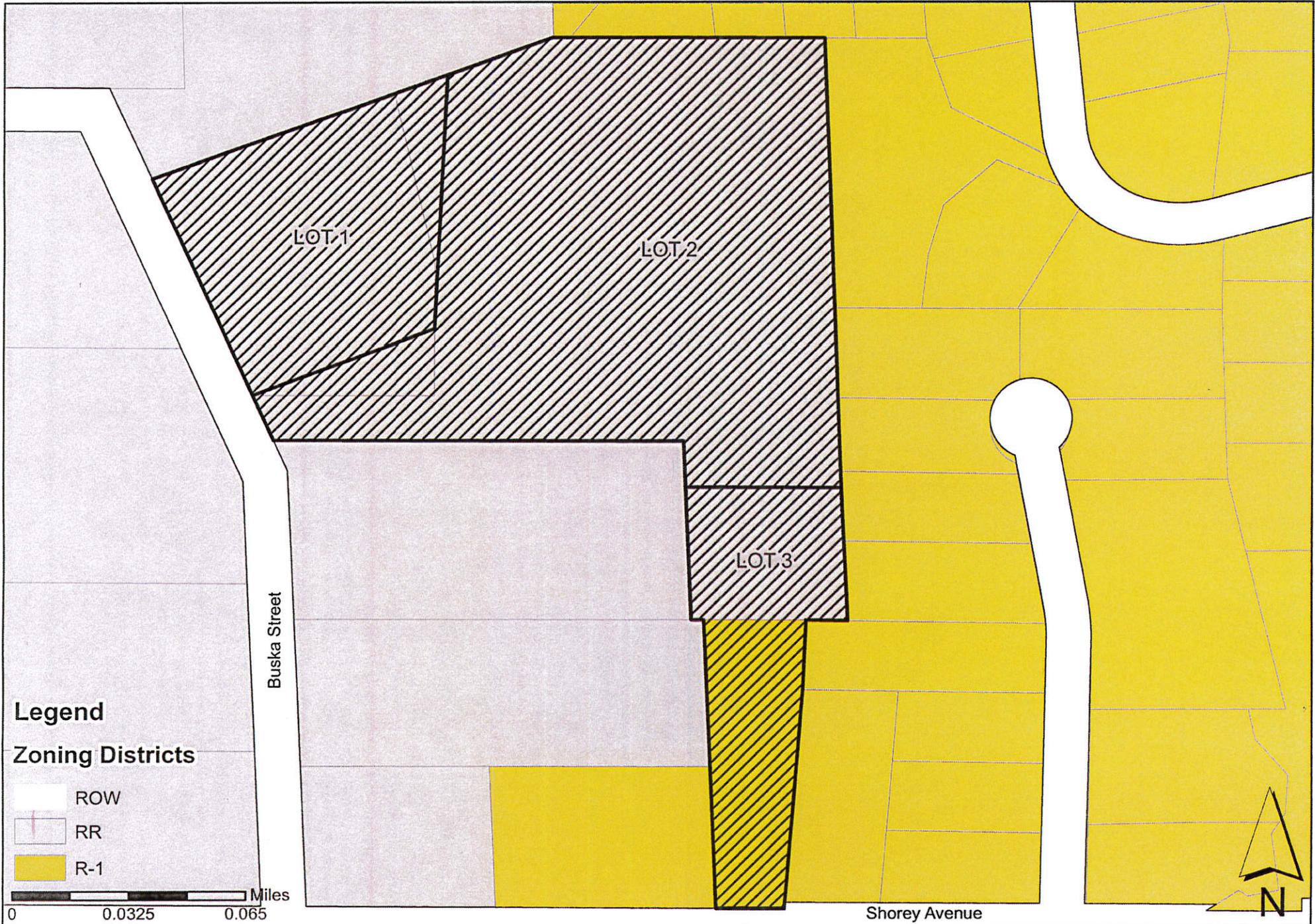
SHOREY AVENUE

SURVEY PROVIDED BY:

PLOVER RIVER LAND CO., INC. 156 KENT STREET WAUSAU, WI 54403 (715)449-2229

S 1/4 COR
FD SMP NAIL

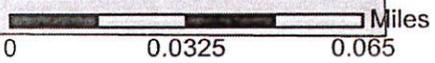
Autio-Marcell CSM Zoning



Legend

Zoning Districts

- ROW
- RR
- R-1

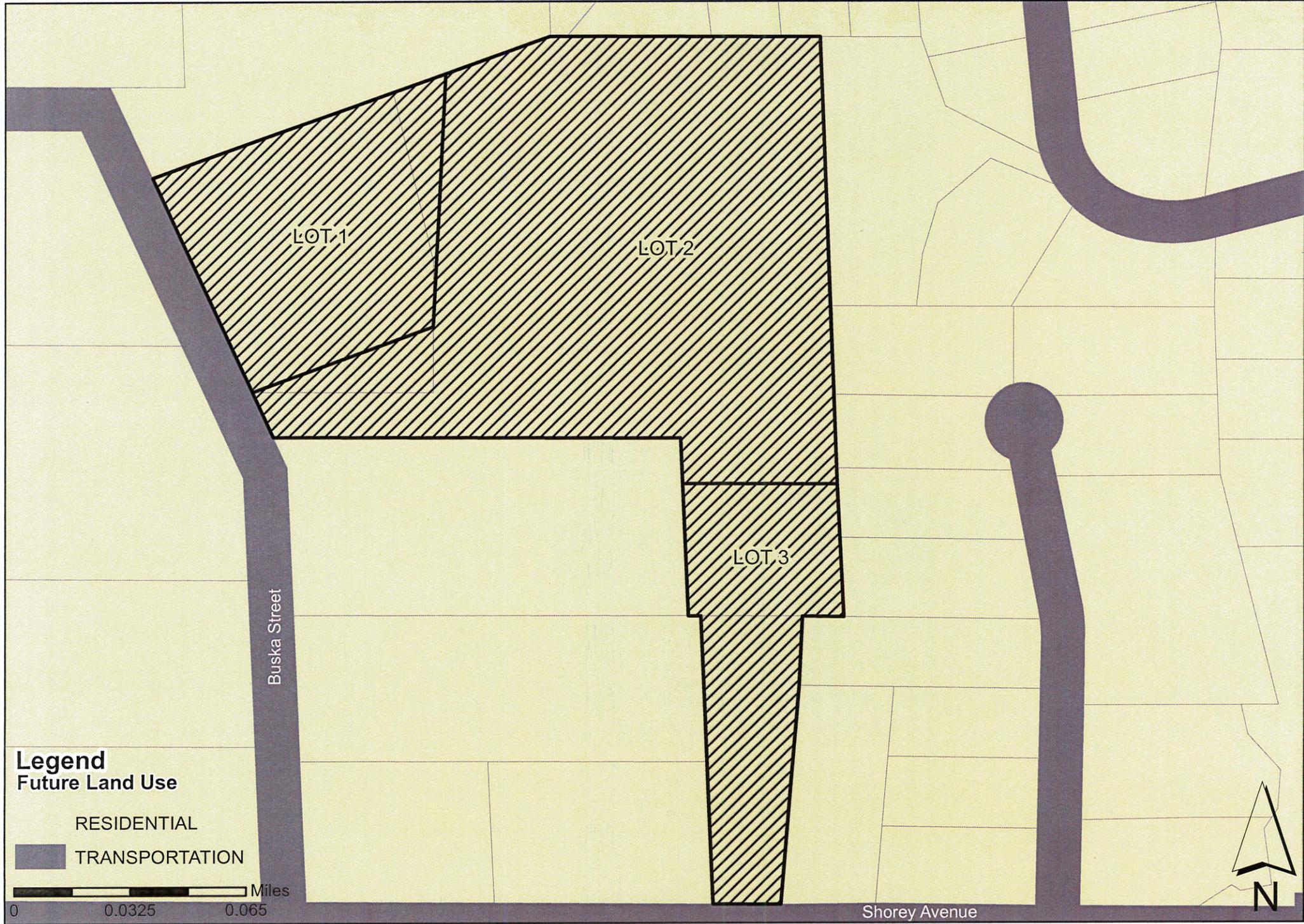


Shorey Avenue



Autio-Marcell CSM

Future Land Use



LOT 1

LOT 2

LOT 3

Buska Street

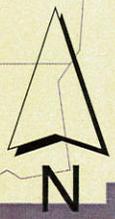
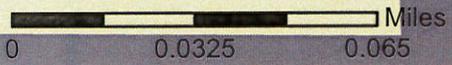
Shorey Avenue

Legend

Future Land Use

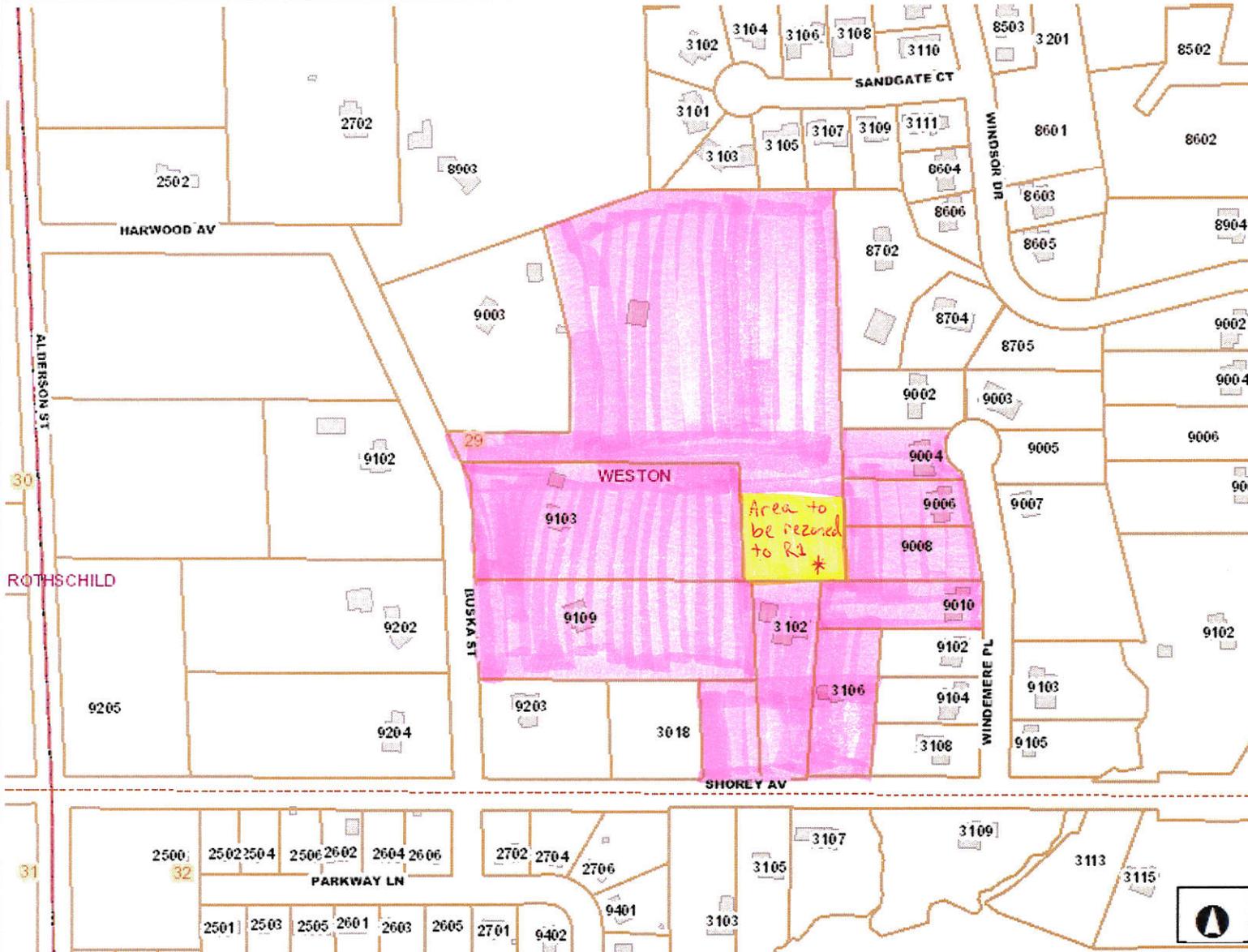
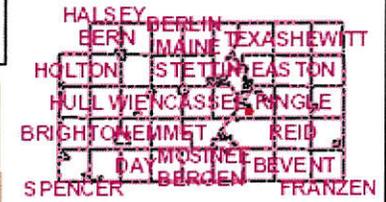
RESIDENTIAL

TRANSPORTATION





Land Information Mapping System



- Legend**
- Parcels
 - Land Hooks
 - Address Points
 - Section Lines/Numbers
 - County-wide Buildings
 - Road Names
 - Named Places
 - Municipalities

**Rezoning from RR to R1 to allow owner of 3102 shorey to purchase and attach that land to his.*

Properties Notified

162.74 0 162.74 Feet



User_Defined_Lambert_Conformal_Conic

DISCLAIMER: The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Marathon County-City of Wausau will not be responsible for any damages which result from third party use of the information and depictions herein or for use which ignores this warning. THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

ALLAN & KATHY AUTIO
9003 BUSKA STREET
WESTON WI 54476

DAVID MARCELL
3102 SHOREY AVENUE
WESTON WI 54476

BRIAN SCHMIDT
HEIDI SCHMIDT
R4801 TIMBER LANE
RINGLE WI 54471

PAUL WOLDVOGEL
DAWN WALDVOGEL
9109 BUSKA STREET
WESTON WI 54476

LYNN MITCHELL
9103 BUSKA STREET
WESTON WI 54476

JULIE CHEYKA-SAWYER
9004 WINDEMERE PLACE
WESTON WI 54476

GERALD PETSKA
LYNN PETSKA
9006 WINDEMERE PLACE
WESTON WI 54476

SCOTT DOESCHER
LIND DOESCHER
9010 WINDEMERE PLACE
WESTON WI 54476

JEROME PILECKY
WENDY PILECKY
3106 SHOREY AVENUE
WESTON WI 54476

PLOVER RIVER LAND CO
DAN HIGGINBOTHAM
156 KENT STREET
WAUSAU WI 54403

Valerie Parker

From: Wehner, Kelley <KWEHNER@Wausau.Gannett.com>
Sent: Wednesday, February 19, 2014 3:04 PM
To: Valerie Parker
Subject: RE: Public Hearing Notice to be Published as a Legal Ad

Hi Valerie – I have the below mentioned notice set to run on the 24th and 3rd. Thanks much, Kelley

Kelley Wehner

Regional Preprint Coordinator
Daily Herald Media | Stevens Point Media
News Herald Media | Rapids Tribune Media
800 Scott St., Wausau, WI 54403
Ph. (715) 845-0712 | Fax (715) 842-7462
kwehner@wdhprint.com



From: Valerie Parker [mailto:vparker@westonwi.gov]
Sent: Tuesday, February 18, 2014 12:12 PM
To: Wehner, Kelley
Cc: Jennifer Higgins; Sherry Weinkauff; Jessica Trautman
Subject: Public Hearing Notice to be Published as a Legal Ad

02/18/14

Hi Kelley,

We would like the attached public hearing noticed published in the Wausau Daily Herald as a legal ad on the following dates:

Monday, February 24, 2014, and Monday, March 3, 2014.

Please reply to my e-mail letting me know that you were able to open the attachment and that this will be published as requested.

Thanks and have a great afternoon,

Valerie Parker
Administrative Specialist
Planning & Development Department
Village of Weston
5500 Schofield Avenue
Weston, WI 54476
PH: (715) 241-2607
FX: (715) 359-6117
vparker@westonwi.gov
www.westonwisconsin.org