

**Village of Weston, Wisconsin
AGENDA ITEM COVERSHEET
Requested for Official Consideration and Review**

REQUEST FROM: **JENNIFER HIGGINS; DIRECTOR OF PLANNING AND DEVELOPMENT**

ITEM DESCRIPTION: **RESOLUTION NO. 15-022 A RESOLUTION ADOPTING ROAD RIGHT-OF-WAY DEDICATION FOR WESTON AVENUE IDENTIFIED IN THE PROPOSED CERTIFIED SURVEY MAP FOR 9902 AND 9908 WESTON AVENUE, PIN 192 2808 244 0996 AND 192 2808 244 0997 (CCSM-9-15-1541)**

DATE/MTG: **BOARD OF TRUSTEES; MONDAY, SEPTEMBER 21, 2015**

POLICY QUESTION: Should the Board of Trustees accept the dedication of additional road right-of-way for Weston Avenue by adopting Resolution No. 15-022?

RECOMMENDATION TO: I make a motion to approve Resolution No. 15-022 as recommended and presented by the Village Plan Commission.

LEGISLATIVE ACTION:

- | | | |
|---|------------------------------------|--|
| <input type="checkbox"/> Acknowledge/Approve | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Proclamation |
| <input type="checkbox"/> Administrative Order | <input type="checkbox"/> Policy | <input type="checkbox"/> Reports |
| <input type="checkbox"/> Expenditure | <input type="checkbox"/> Procedure | <input checked="" type="checkbox"/> Resolution |
-
-

FISCAL IMPACT ANALYSIS:

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

STATUTORY / RULEMAKING / POLICY REFERENCES:

- WI Statute: Chapter 236 (Wis. Stat. §236.34)
- WI Administrative Code: _____
- Case Law / Legal: _____
- Municipal Code: Chapter 74 Subdivision Regulations
- Municipal Rules: _____
-
-

PRIOR REVIEW: Reviewed and recommended for approval by the Plan Commission at their meeting on September 14, 2015

BACKGROUND: Country Fresh Meats is looking to expand their current retail location at 9902 Weston Avenue and some of the improvements will be made on neighboring parcel 9908 Weston Avenue therefore they need to combine the parcels via CSM. After discussions with Village Staff, the applicant agreed to a ROW dedication along their southern lot line for additional ROW along Weston Avenue which could be used to expand the road to 4 lanes as shown in the draft Official Map.

- Supplemental Briefer for Agenda Items under Consideration?
- Attachments?
-
-

Village of Weston, Wisconsin
AGENDA ITEM LEGISLATIVE ANALYSIS
Supplemental Briefer for Agenda Items under Consideration

From: Jennifer Higgins, Director of Planning and Development
Date/Mtg: Monday, September 21, 2015/Board of Trustees
Re: Country Fresh Meats Request For Certified Survey Map Approval And Weston Avenue Road Right Of Way Dedication, 9902 and 9908 Weston Avenue. (CCSM-9-15-1541/Resolution 15-022)

1. Policy Question:

Should the Village Board accept the road dedication of additional road right-of-way for future expansion of Weston Avenue?

2. Purpose:

The purpose of asking this question is to receive guidance and feedback from Village policymakers regarding adding additional road right-of-way along Weston Avenue.

3. Background:

Country Fresh Meats is looking to expand their current location at 9902 Weston Avenue and some of the improvements will be made on neighboring parcel 9908 Weston Avenue. 9908 Weston Avenue still contains the original home which was on the parcels prior to Country Fresh Meats purchasing the property and building their retail store on it. Since the original home was on the southern parcel it was never added under the conditional use permit (CUP) they received back in 2012 when they did their last addition and added the livestock slaughtering pen to the property. Now that they plan to expand on the southern parcel, they need to combine they need to expand their CUP and then combine the parcels together so they can proceed with site plan approvals.

While meeting with M. Bayer to discuss the project, Village staff asked if he would be willing to dedicate additional road right-of-way (ROW) to the Village along Weston Avenue. The Village is planning to include acquiring additional ROW along Weston Avenue in the future on the draft Official Map that will be coming before the Trustees along with the Comp Plan Transportation Chapter. He agreed as it will benefit his customers if we are able to make improvements to Weston Avenue such as widening it to 4 lanes in the future. Once the Official Map is adopted, anyone subdividing along Weston Avenue will be required to do this at time of CSM approvals.

4. Issue Analysis:

As stated above, staff requested the ROW dedication. We feel that this is in the best interest of the Village to begin acquiring the additional ROW along Weston Avenue when the opportunity arises.

Since there is a ROW dedication on the CSM this is required, per Chapter 74 to receive Plan Commission and Village Board approvals. The Draft Resolution the Board will need to adopt is included in the packet for your information. Staff has included in the Resolution the conditions we feel should be added to the approvals. The PC did not make and changes to the draft resolution. The Village Board can adopt as presented or make any deletions or additions prior to the document being signed.

5. Fiscal Impact:

None at this time.

6. Statutory References:

Wis. Stat. §236.34

7. Prior Review:

Staff met with the applicant on 8/19/15 to discuss the proposed expansion project. Staff has also reviewed the CSM. Staff conferred with Renee Powers at WDOA regarding the best approach to showing the ROW acquisition on the CSM. Her recommendation has been shown on the attached CSM.

8. Policy Choices:

1. Recommend approval with the conditions as presented by staff/PC and stated in draft Resolution No. 15-22.
 - That a conditional use permit has been successfully obtained to include the parcel at 9908 Weston Avenue to allow the Agriculture-Related Uses on the property. (NOTE: This was achieved on 9/15/15 at the Plan Commission meeting and will be effective upon recording at the MCROD).
 - That the associated CSM attached hereto (photocopy), be and the same is hereby approved; and
 - That the Village President and Village Clerk, upon full payment of, if applicable, all fees, taxes, and special assessments are directed to execute signatures on behalf of the Village of Weston upon the Certified Survey Map documents as required.
2. Recommend approval with the conditions as presented by staff/PC and stated in draft Resolution No. 15-22 plus additional conditions as defined and added by the PC.
3. Recommend approval with no conditions.
4. Recommend approval of the CSM without the ROW dedication for Weston Avenue.
5. Recommend denial of the CSM and the ROW dedication for Weston Avenue.

9. Recommendation:

I recommend that the Village of Weston Board of Trustees approves the CSM and accepts the dedication of Weston Avenue as displayed on the CSM via Resolution 15-022, subject to the following conditions:

1. That a conditional use permit has been successfully obtained to include the parcel at 9908 Weston Avenue to allow the Agriculture-Related Uses on the property. (NOTE: This was achieved on 9/15/15 at the Plan Commission meeting and will be effective upon recording at the MCROD).
2. That the associated CSM attached hereto (photocopy), be and the same is hereby approved; and
3. That the Village President and Village Clerk, upon full payment of, if applicable, all fees, taxes, and special assessments are directed to execute signatures on behalf of the Village of Weston upon the Certified Survey Map documents as required.

10. Legislative Action:

I recommend that the Village of Weston Board of Trustees approves the CSM and accepts the dedication of Weston Avenue as displayed on the CSM via Resolution 15-022, subject to the following conditions:

1. That a conditional use permit has been successfully obtained to include the parcel at 9908 Weston Avenue to allow the Agriculture-Related Uses on the property. (NOTE: This was achieved on 9/15/15 at the Plan Commission meeting and will be effective upon recording at the MCROD).
2. That the associated CSM attached hereto (photocopy), be and the same is hereby approved; and

3. That the Village President and Village Clerk, upon full payment of, if applicable, all fees, taxes, and special assessments are directed to execute signatures on behalf of the Village of Weston upon the Certified Survey Map documents as required.

11. Attachments:

1. Resolution No. 15-22 A *RESOLUTION ADOPTING ROAD RIGHT-OF-WAY DEDICATION FOR WESTON AVENUE IDENTIFIED IN THE PROPOSED CERTIFIED SURVEY MAP FOR 9902 AND 9908 WESTON AVENUE, PIN 192 2808 244 0996 AND 192 2808 244 0997 (CCSM-9-15-1541)*



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

RESOLUTION NO. 15-022

A RESOLUTION ADOPTING ROAD RIGHT-OF-WAY DEDICATION FOR WESTON AVENUE IDENTIFIED IN THE PROPOSED CERTIFIED SURVEY MAP FOR 9902 AND 9908 WESTON AVENUE, PIN 192 2808 244 0996 AND 192 2808 244 0997 (CCSM-9-15-1541)

WHEREAS, Matthew Bayer, M&S LLP, as co-owner of parcels located at 9902 and 9908 Weston Avenue, (PIN 192 2808 244 0996 and 192 2808 244 0997) presented a certified survey map (hereafter the “associated CSM”, attached hereto as Exhibit A) to the Village of Weston Board of Trustees as prepared by Donald J. Buza, a registered land surveyor; and

WHEREAS, the Village of Weston Plan Commission met on September 14, 2015 and did review and determined the associated CSM meets the requirements of Chapter 74 Subdivision Regulations and Chapter 94 Zoning; and

WHEREAS, at this same meeting, the Village of Weston Plan Commission recommend in favor of adoption of said associated CSM; and

WHEREAS, the Village of Weston Plan Commission does recommend approval of said associated CSM, subject to the following conditions:

1. That a conditional use permit has been successfully obtained to include the parcel at 9908 Weston Avenue to allow the Agriculture-Related Uses on the property.
2. That the associated CSM attached hereto (photocopy), be and the same is hereby approved; and
3. That the Village President and Village Clerk, upon full payment of, if applicable, all fees, taxes, and special assessments are directed to execute signatures on behalf of the Village of Weston upon the Certified Survey Map documents as required.

WHEREAS, a majority of the full Village Board of Trustees find the associated CSM is found to be in the public interest.

NOW, THEREFORE, BE IT RESOLVED, the Board of Trustees for the Village of Weston hereby adopts the recommendation of the Plan Commission to approve the associated CSM, subject to the following conditions:

1. That a conditional use permit has been successfully obtained to include the parcel at 9908 Weston Avenue to allow the Agriculture-Related Uses on the property.
2. That the associated CSM attached hereto (photocopy), be and the same is hereby approved; and
3. That the Village President and Village Clerk, upon full payment of, if applicable, all fees, taxes, and special assessments are directed to execute signatures on behalf of the Village of Weston upon the Certified Survey Map documents as required..

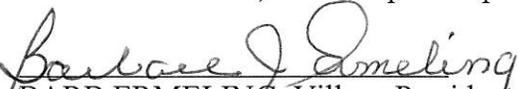
and by doing so also confirms the dedication of Weston Avenue as identified in Exhibit A as dedicated Village right of way.

BE IT FURTHER RESOLVED, per Sec. 74.131(d) and (e) the associated CSM shall be recorded by the subdivider or the subdivider’s agent at the Marathon County Register of Deeds within six (6) months of

BE IT FURTHER RESOLVED, per Sec. 74.131(d) and (e) the associated CSM shall be recorded by the subdivider or the subdivider's agent at the Marathon County Register of Deeds within six (6) months of the date of approval and shall file one copy of the recorded associated CSM with the Village Planning and Development Department within thirty (30) days of recording at the Marathon County Register of Deeds.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WESTON, at a regular meeting thereof, this 21st day of the month of September, 2015.

VILLAGE OF WESTON, a Municipal Corporation of the State of Wisconsin.

By: 
BARB ERMELING, Village President

ATTEST:

By: 
SHERRY WEINKAUF, Village Clerk

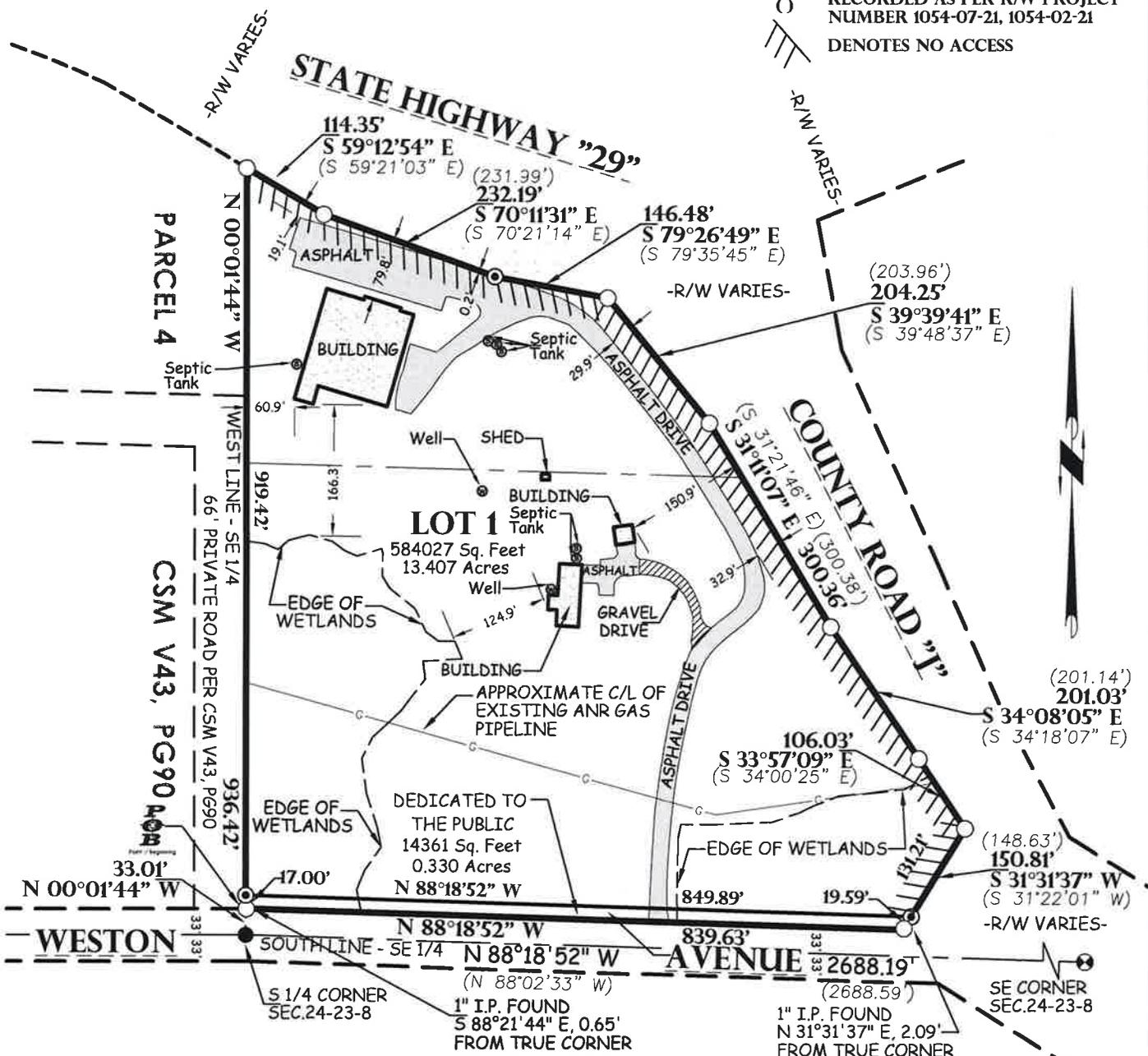
MARATHON COUNTY CERTIFIED SURVEY MAP

OF PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 28 NORTH, RANGE 8 EAST, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN.

PRELIMINARY

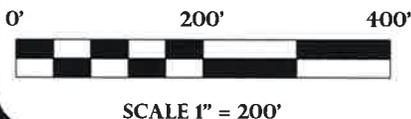
LEGEND

- ⊙ 3/4" O.D. X 18" IRON BAR SET WEIGHING 1.50 LBS/LIN. FT.
- 1-1/4" O.D. IRON PIPE FOUND
- 3/4" O.D. IRON BAR FOUND
- ⊗ BERNTSEN NAIL FOUND
- RECORDED AS PER R/W PROJECT NUMBER 1054-07-21, 1054-02-21
- ⊘ DENOTES NO ACCESS



BASE FOR BEARING

IS THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 23 NORTH, RANGE 8 EAST. ASSUMED TO BEAR N 88°18'52" W,



Point of Beginning

Civil Engineering
Land Surveying
Landscape Architecture
Donald J. Buza, RLS #2338
5709 Windy Drive, Suite D
Stevens Point, WI 54482
715.344.9999(PH) 715.344.9922(FX)

THIS INSTRUMENT WAS DRAFTED BY DONALD BUZA AND DRAWN BY TRAVIS PLANTICO

FIELD BOOK 60 PAGE 5
JOB # 15.489

SHEET 1 OF 3 SHEETS

MARATHON COUNTY CERTIFIED SURVEY MAP

I, Donald J. Buza, Professional Land Surveyor, hereby certify:

That I have surveyed, divided, dedicated and mapped that part of the Southwest ¼ of the Southeast ¼ of Section 24, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin, described as follows:

Commencing at the Southeast corner of Section 24, Township 23 North, Range 8 East; thence N 00°01'44"W along the West line of the Southeast ¼ of said Section 8, 33.01 feet to the North line of Weston Avenue and the point of beginning (POB) of the parcel to be described; thence N 00°01'44"W along said West line of the Southeast ¼ of said Section 8, 936.43 feet to the South line of State Highway "29"; thence S 59°12'54"E along said South line of State Highway "29", 114.35 feet; thence S 70°11'31"E along said South line of State Highway "29", 232.19 feet; thence S 79°26'49"E along said South line of State Highway "29", 146.48 feet to the West line of County Road "J"; thence S 39°39'41"E along said West line of County Road "J", 204.25 feet; thence S 31°11'07"E along said West line of County Road "J", 300.36 feet; thence S 34°08'05"E along said West line of County Road "J", 201.03 feet; thence S 33°57'09"E along said West line of County Road "J", 106.03'; thence S 31°31'37"E along said West line of County Road "J", 150.81 feet to the North line of Weston Avenue; thence N 88°18'52"W along said North line of Weston Avenue, 839.63 feet to the point of beginning.

Subject to (if any) covenants, conditions, restrictions, right-of-ways and easements of record.

That I have made such survey, land division and plat by the direction of Keller, Inc.

That such plat is a correct representation of all exterior boundaries of the land surveyed and the subdivision thereof made.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes in surveying, dividing and mapping the same.

Dated this 24th day of August, 2015.

PRELIMINARY

Donald J. Buza
PLS No. S-2338

VILLAGE OF WESTON APPROVAL

Approved for recording under the terms of the Village of Weston Land Division Regulations.

By: _____

Date: _____

Village of Weston Zoning Department

Prepared by:

Point Of Beginning, Inc.
5709 Windy Drive, Suite D
Stevens Point, WI 54482

Prepared for:

Matt Bayer
9902 Weston Avenue
Weston, WI 54476

Job # 15.489

MARATHON COUNTY CERTIFIED SURVEY MAP

OWNERS CERTIFICATE OF DEDICATION

As owner, I hereby certify that I caused the land described on this certified survey map to be surveyed, divided, mapped and dedicated as represented on the map. I also certify that this certified survey map is required by s236.34 to be submitted to the following for approval or objections:

- 1) Village of Weston

Witness the hand and seal of said owner this _____ day of _____, 2015.

Owner

STATE OF WISCONSIN)
COUNTY OF Marathon)

Personally came before me this ____ day of _____, 2015, the above named _____, to me known to be the person who executed the foregoing instrument and hereby acknowledge the same.

_____, Notary Public, _____, Wisconsin.

My commission expires _____.

PRELIMINARY

Prepared by:

Point Of Beginning, Inc.
5709 Windy Drive, Suite D
Stevens Point, WI 54482

Prepared for:

Matt Bayer
9902 Weston Avenue
Weston, WI 54476

Job # 15.489

**Village of Weston, Wisconsin
AGENDA ITEM COVERSHEET
Requested for Official Consideration and Review from Plan Commission**

REQUEST FROM: JENNIFER HIGGINS, PLANNING AND DEVELOPMENT DIRECTOR.

ITEM DESCRIPTION: COUNTRY FRESH MEATS REQUEST FOR CERTIFIED SURVEY MAP APPROVAL AND WESTON AVENUE ROAD RIGHT OF WAY DEDICATION, 9902 AND 9908 WESTON AVENUE. (CCSM-9-15-1541)

DATE/MTG: PLAN COMMISSION, MONDAY, SEPTEMBER 14, 2015

REQUESTED ACTION: Applicant would like to combine their two lots and dedicate additional ROW on Weston Avenue to the Village and make it part of the Village road right-of-way/street network by the recording of the proposed CSM CCSM-9-15-1541.

POLICY QUESTION: Should the Plan Commission recommend the Village Board accept CSM and the additional Weston Avenue Road Right-of-Way?

RECOMMENDATION: I make a motion to endorse approval, and recommend to the Trustees, subject to the following conditions and stipulations for the Zoning Administrator listed in the attached staff report and supplemental materials.

APPLICANT: Matthew Bayer, M&S LLP, R1526 Lodholz Road, Ringle, WI

PROPERTY OWNER: Matthew Bayer, M&S LLP, R1526 Lodholz Road, Ringle, WI

PROPERTY DESCRIPTION: 9902 and 9908 Weston Avenue. PIN 192 2808 244 0996 AND 192 2808 244 0997. Located in Section 24, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin.

ZONING: B-2 Highway Business with a D-CC Commercial Corridor Overlay.

SURROUNDING LAND USES: Manufacturing and Highway business and retail uses (gas station)

CRITERIA FOR REVIEW:

Section 207-6	Meets Criteria?	Notes
1. All standards of this chapter and other village regulations are met.	Yes	The request is consistent with the Village Comprehensive Plan and Village ordinances.
2. Adequate public facilities and utilities are provided.	Yes	Sewer and water is already available at the site.
3. Adequate stormwater and erosion control measures.	N/A	The site is currently compliant. This will be re-addressed at time of the site plan approvals and staff will review the plans to ensure that they continue to meet this requirement.

Village of Weston, Wisconsin
AGENDA ITEM LEGISLATIVE ANALYSIS
Supplemental Briefer for Agenda Items under Consideration

From: Jennifer Higgins, Director of Planning and Development
Date/Mtg: Monday, September 14, 2015/Plan Commission
Re: Country Fresh Meats Request For Certified Survey Map Approval And Weston Avenue Road Right Of Way Dedication, 9902 and 9908 Weston Avenue. (CCSM-9-15-1541)

1. Policy Question:

Should the Plan Commission recommend the Village Board accept the road dedication of Weston Avenue?

2. Purpose:

The purpose of asking this question is to receive guidance and feedback from Village policymakers regarding adding additional road right-of-way along Weston Avenue.

3. Background:

Country Fresh Meats is looking to expand their current location at 9902 Weston Avenue and some of the improvements will be made on neighboring parcel 9908 Weston Avenue. 9908 Weston Avenue still contains the original home which was on the parcels prior to Country Fresh Meats purchasing the property and building their retail store on it. Since the original home was on the southern parcel it was never added under the conditional use permit (CUP) they received back in 2012 when they did their last addition and added the livestock slaughtering pen to the property. Now that they plan to expand on the southern parcel, they need to combine they need to expand their CUP and then combine the parcels together so they can proceed with site plan approvals.

While meeting with M. Bayer to discuss the project, Village staff asked if he would be willing to dedicate additional road right-of-way (ROW) to the Village along Weston Avenue. The Village is planning to include acquiring additional ROW along Weston Avenue in the future on the draft Official Map that will be coming before the Trustees along with the Comp Plan Transportation Chapter. He agreed as it will benefit his customers if we are able to make improvements to Weston Avenue such as widening it to 4 lanes in the future. Once the Official Map is adopted, anyone subdividing along Weston Avenue will be required to do this at time of CSM approvals.

4. Issue Analysis:

As stated above, staff requested the ROW dedication. We feel that this is in the best interest of the Village to begin acquiring the additional ROW along Weston Avenue when we can.

Since there is a ROW dedication on the CSM this is required, per Chapter 74 to receive Plan Commission and Village Board approvals. The Draft Resolution the Board will need to adopt is included in the packet for your information. Staff has included in the Resolution the conditions we feel should be added to the approvals. The PC and Board can delete or add to this list if they so choose.

5. Fiscal Impact:

None at this time.

6. Statutory References:

Wis. Stat. §236.34

7. Prior Review:

Staff met with the applicant on 8/19/15 to discuss the proposed expansion project. Staff has also reviewed the CSM.

8. Policy Choices:

1. Recommend approval with the conditions as presented by staff and stated in draft Resolution No. 15-22.
 - That a conditional use permit has been successfully obtained to include the parcel at 9908 Weston Avenue to allow the Agriculture-Related Uses on the property.
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5. Recommend denial of the CSM and the ROW dedication for Weston Avenue.

9. Recommendation:

I recommend that the Village of Weston Plan Commission recommends approval of the CSM and accept the dedication of Weston Avenue as displayed on the CSM, subject to the following conditions:

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10. Legislative Action:

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