

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

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

ITEM DESCRIPTION: **ORDINANCE NO. 15-020 AN ORDINANCE TO APPROVE THE REZONING OF LAND FROM RR-2 RURAL RESIDENTIAL-2 ACRE TO SF-L SINGLE FAMILY RESIDENTIAL – LARGE LOT, 3.55 ACRES AT 5907 SHOREY AVENUE, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN. (REZN-8-15-1527)**

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

POLICY QUESTION: Should the Board of Trustees rezone the two lots to SF-L Single Family Residential – Large Lot by adopting Ordinance No. 15-020?

RECOMMENDATION TO: I make a motion to approve Ordinance No. 15-020 as recommended and presented by the Village Plan Commission.

LEGISLATIVE ACTION:

- | | | |
|---|---|---------------------------------------|
| <input type="checkbox"/> Acknowledge/Approve | <input checked="" 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 type="checkbox"/> Resolution |
-

FISCAL IMPACT ANALYSIS:

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

STATUTORY / RULEMAKING / POLICY REFERENCES:

- WI Statute: Chapter 61 and Wis. Stat. § 62.23 (7)(d)
- WI Administrative Code: _____
- Case Law / Legal: _____
- Municipal Code: Sec. 94.16.04(8)
- Municipal Rules: _____
-

PRIOR REVIEW: Reviewed and recommended by the Plan Commission, following a public hearing, on September 14, 2015

BACKGROUND: Please see the attached *REZONE DETERMINATION BY THE VILLAGE OF WESTON PLAN COMMISSION* provided in your packet.

The Plan Commission has unanimously recommended approval of the rezone to SF-L. Please note per Section 94.16.04(8)(b) *The Village Board may approve an amendment by a simple majority of a voting quorum, except that if the Board action is opposed to or alters a recommendation of the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area), and/or an official protest against the requested amendment to the Official Zoning Map meeting the requirements of Wis. Stat. § 62.23(7)(d)2m.a is filed, then approval of the amendment to the Official Zoning Map shall*

require an affirmative vote from three-fourths or greater of the full Village Board. Therefore, if the Board wishes to modify the PC recommendation or deny the request, a vote of $\frac{3}{4}$ or greater of the full Village Board is required.

Please also note that the rezone is required to take action on the CSM and road right of way dedication (RCSM-5-15-1512) which is also on the agenda for approvals via Resolution 15-021.

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



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 15-020

AN ORDINANCE TO APPROVE THE REZONING OF LAND FROM RR-2 RURAL RESIDENTIAL-2 ACRE TO SF-L SINGLE FAMILY RESIDENTIAL – LARGE LOT, 3.55 ACRES AT 5907 SHOREY AVENUE, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN.

WHEREAS, Village Planning and Development Staff conditionally approved the Land for division via a certified survey map (hereafter the “associated CSM”, attached hereto as Exhibit A); and

WHEREAS, Village Property Infrastructure Committee (PIC) recommended the acceptance of the proposed road, Anastasia Drive, as dedicated Village road right of way at their meeting on August 3, 2015; and

WHEREAS, Village Plan Commission conditionally approved the Land for division and dedication of Anastasia Drive as Village road right of way via the associated CSM; and

WHEREAS, the Plan Commission of the Village of Weston having held a public hearing on the 14th day of September 2015, to consider the rezoning of the Land, with proposed zoning districts indicated in Exhibit A; and

WHEREAS, the Plan Commission having thereafter filed its written recommendations and findings with the Village Board, and the said Board having received and approved the recommendation of said Committee;

NOW THEREFORE, the Village Board of the Village of Weston do ordain as follows:

SECTION 1: On the application (REZN-8-15-1527) of property owner Chris Reedy, Reedy Builders, LLC., 5907 Shorey Avenue, Weston, WI 54476, for the following territory now comprising a part of the RR-2 Rural Residential – 2 Acre zoning districts, located in Section 34, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin, is hereby amended as indicated within Exhibit A and as follows:

1. Lot 1 of the associated CSM, from RR-2 Rural Residential – 2 Acre to SF-L Single Family Residential – Large Lot.
2. Lot 2 of the associated CSM, from RR-2 Rural Residential – 2 Acre to SF-L Single Family Residential – Large Lot.
3. Lots 3 and 4 of the associated CSM will remain RR-2 Rural Residential – 2 Acre.

BE IT FURTHER RESOLVED that the foregoing amendments to the zoning district designations shall take effect only upon the recording of the associated CSM. If the rezoning of any lands by this Ordinance does not take effect within nine (9) months of the date hereof, this Ordinance shall become null and void and the zoning for such lands shall remain unchanged.

SECTION 2: The Clerk shall make necessary alterations upon the official map of the Village of Weston to reflect the changes in the zoning classifications of the property described herein.

SECTION 3: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 21st day of September, 2015

VILLAGE BOARD OF WESTON

By: Barbara J. Ermeling
Barbara Ermeling, its President

Attest: Sherry Weinkauf
Sherry Weinkauf, Village Clerk

APPROVED: 9/21/15
PUBLISHED: 9/23/15

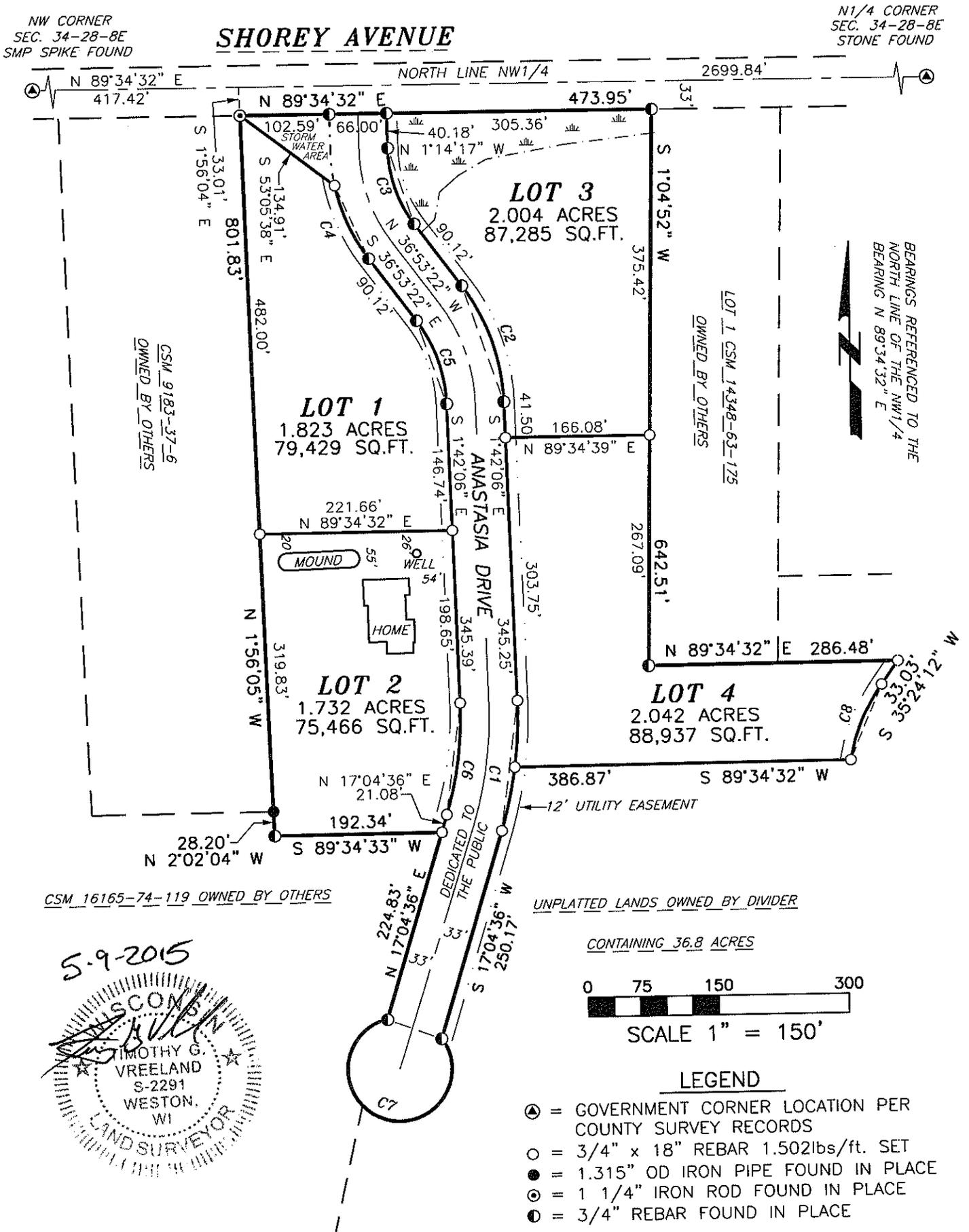
CERTIFIED SURVEY MAP

MARATHON COUNTY NO. _____ VOL. _____ PAGE _____

PART OF THE NW1/4 NW1/4, SECTION 34, TOWNSHIP 28 NORTH,
RANGE 8 EAST, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN.

VREELAND ASSOCIATES, INC. 6103 DAWN STREET WESTON, WI. 54476 PH (715) 241-0947 OR TOLL FREE (866) 693-3979 FAX (715) 241-9826 vreeland@dwave.net	PREPARED FOR: <h2 style="text-align: center; margin: 0;">CHRIS REEDY</h2>
FILE #: R-247 REEDY 4 LOTS	DRAFTED AND DRAWN BY: TIMOTHY G. VREELAND

SHEET 1 OF 3 SHEETS



5-9-2015

WISCONSIN
 LAND SURVEYOR
 TIMOTHY G. VREELAND
 S-2291
 WESTON, WI

CERTIFIED SURVEY MAP

MARATHON COUNTY NO. _____ **VOL.** _____ **PAGE** _____

PART OF THE NW1/4 NW1/4, SECTION 34, TOWNSHIP 28 NORTH,
RANGE 8 EAST, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN.

SHEET 2 OF 3 SHEETS

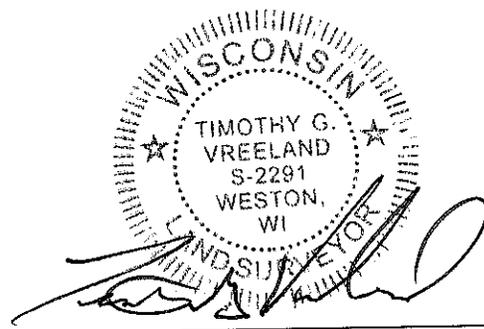
SURVEYORS CERTIFICATE

I, TIMOTHY G. VREELAND, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIRECTION OF CHRIS REEDY, I SURVEYED, MAPPED AND DIVIDED THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 28 NORTH, RANGE 8 EAST, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 34; THENCE N 89°34'32" E ALONG THE NORTH LINE OF THE NORTHWEST QUARTER 417.42 FEET; THENCE S 1°56'04" E 33.01 FEET TO THE SOUTH LINE OF SHOREY AVENUE AND TO THE POINT OF BEGINNING; THENCE N 89°34'32" E ALONG THE SOUTH LINE OF SHOREY AVENUE 473.95 FEET; THENCE S 1°04'52" W ALONG THE WEST LINE OF CERTIFIED SURVEY MAP NUMBER 14348 642.51 FEET; THENCE N 89°34'32" E 286.48 FEET; THENCE S 35°24'12" W 33.03 FEET; THENCE 95.89 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST WHOSE RADIUS IS 216.00 FEET, WHOSE CENTRAL ANGLE IS 25°26'05" AND WHOSE CHORD BEARS S 22°41'09" W 95.10 FEET; THENCE S 89°34'32" W 386.87 FEET; THENCE 74.92 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE WEST WHOSE RADIUS IS 466.00 FEET, WHOSE CENTRAL ANGLE IS 9°12'41" AND WHOSE CHORD BEARS S 12°28'16" E 74.84 FEET; THENCE S 17°04'36" W 250.17 FEET; THENCE 307.04 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH WHOSE RADIUS IS 60.00 FEET, WHOSE CENTRAL ANGLE IS 293°12'15" AND WHOSE CHORD BEARS N 69°20'18" W 66.05 FEET; THENCE N 17°04'36" E 224.83' FEET; THENCE S 89°34'33" W 192.34 FEET; THENCE N 2°02'04" W 28.20 FEET; THENCE N 1°56'05" W ALONG THE EAST LINE OF CERTIFIED SURVEY MAP NUMBER 9183 801.83 FEET TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD AND USE.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION AND THE CERTIFIED SURVEY MAP THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH SECTION 236.34 OF THE WISCONSIN STATUTES IN SURVEYING, MAPPING AND DIVIDING THE LANDS, CHAPTER A-E 7 OF THE WISCONSIN ADMINISTRATIVE CODE AND THE LAND DIVISION ORDINANCE OF THE VILLAGE OF WESTON, ALL TO THE BEST OF MY KNOWLEDGE AND BELIEF IN SURVEYING, DIVIDING AND MAPPING THE SAME.



DATED THIS 18TH DAY OF SEPTEMBER, 2013
REVISED THIS 9TH DAY OF APRIL, 2015

TIMOTHY G. VREELAND P.L.S. 2291

CURVE DATA

CURVE	LOT	RADIUS	CHORD	I ANGLE	ARC
C1	-	466.00'	S 7°41'15" W 152.05'	18°46'42"	152.73'
	BOUND	" "	S 12°28'16" E 74.84'	9°12'41"	74.92'
	4	" "	S 3°04'55" W 77.72'	9°34'01"	77.81'
C2	3	233.00'	S 19°14'07" E 141.32'	35°18'30"	143.59'
C3	3	147.00'	S 18°39'24" E 91.99'	36°28'00"	93.56'
C4	1	213.00'	S 24°17'36" E 92.90'	25°11'35"	93.66'
C5	1	167.00'	N 19°14'07" W 101.29'	35°18'30"	102.91'
C6	2	400.00'	N 7°41'15" E 130.51'	18°46'42"	131.10'
C7	BOUND	60.00'	N 69°20'18" W 66.05'	293°12'15"	307.04'
C8	4	216.00'	S 22°41'09" W 95.10'	25°26'05"	95.89'

CERTIFIED SURVEY MAP

MARATHON COUNTY NO. _____ VOL. _____ PAGE _____

PART OF THE NW1/4 NW1/4, SECTION 34, TOWNSHIP 28 NORTH,
RANGE 8 EAST, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN.

SHEET 3 OF 3 SHEETS

OWNERS CERTIFICATE OF DEDICATION

REEDY BUILDERS LLC, A LIMITED LIABILITY CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED ON THIS MAP. REEDY BUILDERS LLC., DOES FURTHER CERTIFY THAT THIS MAP IS REQUIRED TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: VILLAGE OF WESTON. IN WITNESS WHEREOF, THE SAID REEDY BUILDERS LLC., HAS CAUSED THESE PRESENTS TO BE SIGNED BY CHRIS REEDY, AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED ON THIS _____, DAY OF _____, 2015.

CHRIS REEDY
REEDY BUILDERS LLC.

STATE OF WISCONSIN)
MARATHON COUNTY) SS
PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2015, THE ABOVE NAMED CHRIS REEDY TO ME KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC, MARATHON COUNTY, WISCONSIN

MY COMMISSION EXPIRES _____

VILLAGE BOARD RESOLUTION

RESOLVE, THAT THIS MAP IN THE VILLAGE OF WESTON, REEDY BUILDERS LLC., OWNER, IS HEREBY APPROVED BY THE VILLAGE BOARD.

DATE _____ APPROVED _____
VILLAGE PRESIDENT

DATE _____ SIGNED _____
VILLAGE PRESIDENT

I HEREBY CERTIFY THAT THE FOREGOING IS A COPY OF A RESOLUTION ADOPTED BY THE VILLAGE BOARD OF THE VILLAGE OF WESTON.

DATE _____
VILLAGE CLERK





Application for Rezone
**REZONE DETERMINATION BY THE VILLAGE OF WESTON
PLAN COMMISSION**

Application/Petition No.: **REZN-8-15-1527** Hearing Date: **September 14, 2015**
Applicant: **Chris Reedy, Reedy Builders, LLC., 5907 Shorey Avenue, Weston, WI 54476**
Location: **5907 Shorey Avenue. Just east of Heeren Street on the south side of Shorey Avenue. Was the location of the old proposed Carisbrooke Subdivision.**
Description: **Rezone 3.55 acres of land from RR-2 Rural Residential – 2 Acre to SF-L Single Family Residential – Large Lot to allow a 4 lot CSM with road right of way dedication to be created as proposed in the attached Vreeland preliminary certified survey. The parcels can be found in Section 34, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin.**

The Department of Planning and Development of the Village of Weston, pursuant to the Village of Weston Zoning Code, Article 16 Processes, Section 94.16.03 Amendments to the Official Zoning Map (Rezoning), hereby makes the following findings and evaluation to the Village of Weston Plan Commission:

GENERAL INFORMATION:

Current Zoning: **RR-2 Rural Residential – 2 Acre**
Definition: 94.2.02(1)(c) **The RR-2 Rural Residential – 2 Acre** is intended for mainly single family detached residential development on minimum two acre sized rural lots, along with compatible home occupations, small-scale institutional and recreational uses, and low-intensity agricultural uses. Development within this district may be served by private on-site wastewater treatment systems (POWTS), and roadways within a rural cross section. The RR-2 district is intended for areas planned for rural residential development within the Comprehensive Plan. (Predecessor districts: RR Rural Residential; SR Suburban Residential).
Proposed Zoning **Proposed Lots 1 and 2 to SF-L Single Family Residential – Large Lot. Lots 3 and 4 will remain RR-2 Rural Residential – 2 Acre**
Definition: 94.2.02(2)(a) **The SF-L Single Family Residential – Large Lot** is intended for mainly single family detached residential development, along with compatible home occupations and small-scale institutional and recreational uses. New development within this district shall be served by public sanitary sewer and water services, but may have roadways with a rural cross section (e.g., roadside swales). The SF-L district generally requires a minimum lot size between those required in the RR and SF-S districts. The SF-L district is intended for areas planned for single family residential development, or for portions of areas planned for neighborhood development, within the Comprehensive Plan. (Predecessor district: S-R Suburban Residence and R-E Residential Estate).
Future Land Use: **Single Family Residential - Unsewered**
FLU Description: **Single Family Residential - Unsewered - Single family residences, home occupations, small-scale institutional, recreational, and agricultural uses, all served by private waste treatment systems.**

Development Policies:

- 1. Minimize mapping this future land use designation in the Village and in areas intended or desirable for future urban expansion.**
- 2. Promote interconnection in road and trail networks within and among neighborhoods.**
- 3. Encourage use of group treatment systems with proper design/management.**

1. Is the proposed rezoning consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?

The property is shown as Single Family Residential – Unsewered on the newly approved Village Future Land Use map.

2. Does the rezoning further the purpose and intent of this Chapter?

Yes.

3. Does rezoning address any of the following that are not properly addressed on the current Official Zoning Map?

No.

4. Does the proposed zoning district maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

Yes.

BACKGROUND INFORMATION:

Developer, Reedy Builders, has proposed a 4 lot land division by Certified Survey Map on property accessed from Shorey Avenue approximately 1/3 mile east of Heeren. The developer originally acquired the property to develop as a platted subdivision, Carisbrooke Estates, but the cost of extending municipal utility service made the more dense development cost prohibitive. The smaller development with large lots must still be served by a public street which the developer is obligated to construct at their cost. Complete streets considerations have been met to the extent that they are applicable to this situation. A ghost plat has been also provided to show how the temporary cul-de-sac could be removed at a later date and Anastasia Dr could become a through street along with Elizabeth Way.

On Monday, August 3rd the PIC Committee made a recommendation, following staff reviews and approval, to approve the proposed infrastructure plans as submitted for the right of way shown on the CSM. The Board approved their recommendation the same evening. The infrastructure plans were brought to the PC for acknowledgement last month in anticipation of this rezone request and the request for the Village to accept the street as Village right-of-way via the CSM approval process.

This rezone request is only for a small portion of the overall property and is being done to allow for the two smaller (under 2 acres) parcels to be able to be created via the CSM. Prior to the 2015 rezone of the Village, this entire parcel was zoned SR Suburban Residential which would have allowed for the owner to create 1 acre lots. This is why the original lot with the existing home was created in such a way to make two 1 acre lots. The Plan Commission will also be making a recommendation on the acceptance of Anastasia Drive as Village Road Right of Way during the consideration of RCSM-5-15-1512 on Monday night. The PIC recommended taking on the street as a Village street by the approvals of the infrastructure plans at their August 3rd meeting. Staff sees no issues with accepting the road right of way or for the rezone as long as the provisions set forth by Public Works related to the street construction are followed in the Development Agreement.

If recommended for approvals by the PC, the Board will be asked to adopt Resolution No. 15-21 and Ordinance No. 15-020 at their meeting on 9/21. The CSM would not be signed and recorded until Public Works signs off that the road has been constructed to Village standards. The Draft Development Agreement for this project was reviewed and approved by PIC on 9/8/15 and is also on the PC agenda on 9/14/15 prior to going to the Village Board for final approvals.

CURRENT PROPERTY CONDITIONS:

Presently, the proposed Lot 2 contains a single family home on it which is lived in by Mr. Reedy's parents. The remaining lots are vacant and new homes are proposed to be built on them in the future by Reedy Builders. The proposed road is currently a private drive which has been constructed to Village standards.

PLAN COMMISSION ACTION OPTIONS:

- 1) **Plan Commission recommends approval of the rezone request per the conditions listed in the draft ordinance, which would allow for the proposed CSM to be approved, signed by staff and recorded.**

- 2) **Plan Commission recommends denial of the rezone. They would also need to deny the CSM request which would result in a denial of the Village accepting the road right of way dedication.**

Village of Weston Official Zoning Map

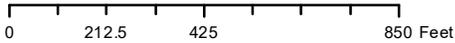


Reedy Rezone and CSM

Map Date: 09/02/2015



Created by the Village of Weston
Technical Services Department



Legend

- Reedy - Shorey Avenue
- Village of Weston
- ROW
- Wetlands
- Surface Water
- Parcel Boundary

Zoning District Designations

- AR - Agriculture and Residential
- PR - Parks and Recreation
- RR-2 - Rural Residential-2 Acre
- RR-5 - Rural Residential-5 Acre
- SF-L - Single Family Residential-Large Lot
- SF-S - Single Family Residential-Small Lot
- 2F - Two Family Residential
- MF - Multiple Family Residential
- MH - Manufactured Home
- INT - Institutional
- B-1 - Neighborhood Business
- B-2 - Highway Business
- B-3 - General Business
- BP - Business Park
- LI - Limited Industrial
- GI - General Industrial

