

**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: HABLE/ESKER REQUEST TO REZONE 10.358 ACRES WEST OF 10506 HEEREN STREET FROM RR-5 RURAL RESIDENTIAL-5 ACRE TO AR AGRICULTURE AND RESIDENTIAL. (REZN-11-15-1554)

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

REQUESTED ACTION: Applicant would like the property rezoned to allow them to proceed with proposed Certified Survey Map and construct a new home on the new Lot 1.

POLICY QUESTION: Should the Plan Commission recommend approval of the rezone request with the conditions defined in the staff report and draft ordinance?

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: Jacqueline and Matthew Hable, 7102 Brehm Street, Weston, WI 54476

PROPERTY OWNER: James and Carol Esker, 10506 Heeren Street, Weston, WI 54476

PROPERTY DESCRIPTION: The parcel being rezoned is a 10.358 acre parcel on Nick Avenue (PIN 192-2808-333-0988), located adjacent on the west side of 10506 Heeren Street. This parcel is described as Part of the SE 1/4 of the SW 1/4, Lot 1, of CSM #16212, Vol. 75, Pg. 11, Doc. #1611333, Section 33, Township 28 North, Range 8 East, Village of Weston, Marathon County.

ZONING: RR-5 Rural Residential – 5 Acre

SURROUNDING LAND USES: Large Lot single family Residential and Agricultural land

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 not readily available nearby. The owner is combining the two lots so they can install a mound system as the original parcel would only perk for a holding tank which is prohibited by the zoning code for new construction.
3. Adequate stormwater and erosion control measures.	N/A	



**VILLAGE OF WESTON
NOTICE OF PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Village of Weston Plan Commission, on **Monday, December 14, 2015, at 6:00 p.m.**, at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476 to take testimony relative to the following:

REZN-11-15-1554 Jacqueline and Matthew Hable, 7102 Brehm Street, for James and Carol Esker, 10506 Heeren Street, Weston, WI 54476, requesting a rezoning from RR-5 (Rural Residential – 5 Acre) to AR (Agricultural & Residential), on a vacant 10.358 acre parcel on Nick Avenue (PIN 192-2808-333-0988), located adjacent on the west side of 10506 Heeren Street, to allow for the combination of this parcel and the western 349.86 ft. wide x 1,293.34 ft. long section of 10506 Heeren Street (which is currently zoned AR) This parcel is described as Part of the SE 1/4 of the SW 1/4, Lot 1, of CSM #16212, Vol. 75, Pg. 11, Doc. #1611333, Section 33, Township 28 North, Range 8 East, Village of Weston, Marathon County.

The hearing notice and applicable application materials are available for public inspection 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 emailed to vparker@westonwi.gov, by noon on the day of the 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 17th day of November, 2015

Valerie Parker
Plan Commission Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, November 30, 2015 and Monday, December 7, 2015.



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

Application/Petition No.: **REZN-11-15-1554** Hearing Date: **December 14, 2015**
Applicant: **Jacqueline and Matthew Hable, 7102 Brehm Street on behalf of James and Carol Esker, 10506 Heeren Street**
Location: **10.358 acre parcel on Nick Avenue (PIN 192-2808-333-0988), located adjacent on the west side of 10506 Heeren Street. This parcel is described as Part of the SE 1/4 of the SW 1/4, Lot 1, of CSM #16212, Vol. 75, Pg. 11, Doc. #1611333, Section 33, Township 28 North, Range 8 East, Village of Weston, Marathon County.**
Description: **Rezone 10.35 acres of land from RR-5 Rural Residential – 5 Acre to AR Agriculture and Residential to allow for the combination of this parcel and the western 349.86 ft. wide x 1,293.34 ft. long section of 10506 Heeren Street (which is currently zoned AR).**

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-5 Rural Residential – 5 Acre**
Definition: 94.2.02(1)(d) **The RR-5 Rural Residential – 5 Acre** is intended for mainly single family detached residential development on minimum five 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-5 district is intended for areas planned for rural residential development within the Comprehensive Plan. (Predecessor districts: RR Rural Residential; SR Suburban Residential).
Proposed Zoning **AR Agriculture and Residential**
Definition: 94.2.02(1)(b) **The AR Agriculture and Residential** is primarily intended to preserve agricultural, forested, and other open lands until ripe for non-agricultural development, including residential, commercial, and industrial development, and to allow for very low density residential development. The AR district is also intended for areas planned for denser development in the Comprehensive Plan, but not yet suited for such denser development due to lack of public utilities or services in the area, inadequate roads, a sufficient supply of lands zoned for development elsewhere, and other factors. (Predecessor districts: AG, RR-10)
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:

The owners of this property have been trying to construct a new home on family owned property along Nick Avenue for about a year. A previous rezone request back in June was denied, as it was done after a non-conforming parcel was created via deed. Staff met with the applicants back in August 2015 to detail the potential options they could take to make the parcel and their building project conforming to present Village ordinances.

They are requesting to rezone a 10.358 acre parcel from RR-5 to AR to allow for it to be added to a neighboring AR parcel they own and then are proposing via CSM RCSM-11-15-1555 to combine parcels and create two new parcels equaling 20.488 acres and 27.733 acres in size. Through the CSM they will also be dedicating 33 feet of additional road right of way for Nick Avenue. The ROW in this area of the Village was under 66' in size so the additional 33 feet will bring the road up to normal ROW widths.

Village staff have no issues with the rezone request or CSM as proposed. We have not received any calls from neighboring property owners on the request. We did hear from the Village of Kronenwetter who were concerned about the ROW and wanted to make sure we were acquiring additional ROW in this area as the current width was only 33' in Kronenwetter.

If the Rezone request is recommended for approvals by the PC, the Board will be asked to adopt Resolution No. 2015-048 and Ordinance No. 15-031 at their meeting on 12/21.

CURRENT PROPERTY CONDITIONS:

Vacant. There is an existing shed on the property that will be combined with this parcel requesting the rezone.

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 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, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 15-031

AN ORDINANCE TO APPROVE THE REZONING OF LAND FROM RR-5 RURAL RESIDENTIAL-5 ACRE TO AN AGRICULTURE AND RESIDENTIAL, 10.35 ACRES LOCATED ON NICK AVENUE WEST OF 10506 HEEREN STREET, 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 Plan Commission conditionally approved the Land for division and dedication of Nick Avenue 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 December 2015, on the application described below for the zoning of the property described herein; 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-11-15-1554) of property owners Jackie Hable, James Esker and Carol Esker, for the following territory now comprising a part of the RR-5 Rural Residential – 5 Acre zoning districts, located in Section 33, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin, is hereby designated to be and become hereafter part of the following zoning district:

AR Agriculture and Residential - described as Part of the SE 1/4 of the SW 1/4, Lot 1, of CSM #16212, Vol. 75, Pg. 11, Doc. #1611333, Section 33, Township 28 North, Range 8 East, Village of Weston, Marathon County. 10.358 acre parcel on Nick Avenue (PIN 192-2808-333-0988), located adjacent on the west side of 10506 Heeren Street.

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 December, 2015

VILLAGE BOARD OF WESTON

By: _____
Barbara Ermeling, its President

Attest: _____
Sherry Weinkauf, Village Clerk

APPROVED: _____

PUBLISHED: _____

DRAFT

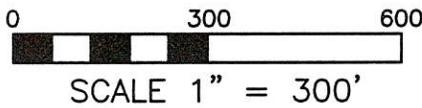
CERTIFIED SURVEY MAP

MARATHON COUNTY NO. _____ VOL. _____ PAGE _____

ALL OF LOT 1 OF CSM #16212 LOCATED IN THE SE1/4 OF THE SW1/4 AND THAT PART OF THE SW1/4 OF THE SE1/4 OF SECTION 33, 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 tim@vreelandassociates.us		PREPARED FOR: JACKIE HABLE JAMES & CAROL ESKER	
FILE #: E-134 HABLE	DRAFTED BY: TIMOTHY G. VREELAND	DRAWN BY: JASON J. PFLIEGER	

SHEET 1 OF 3 SHEETS



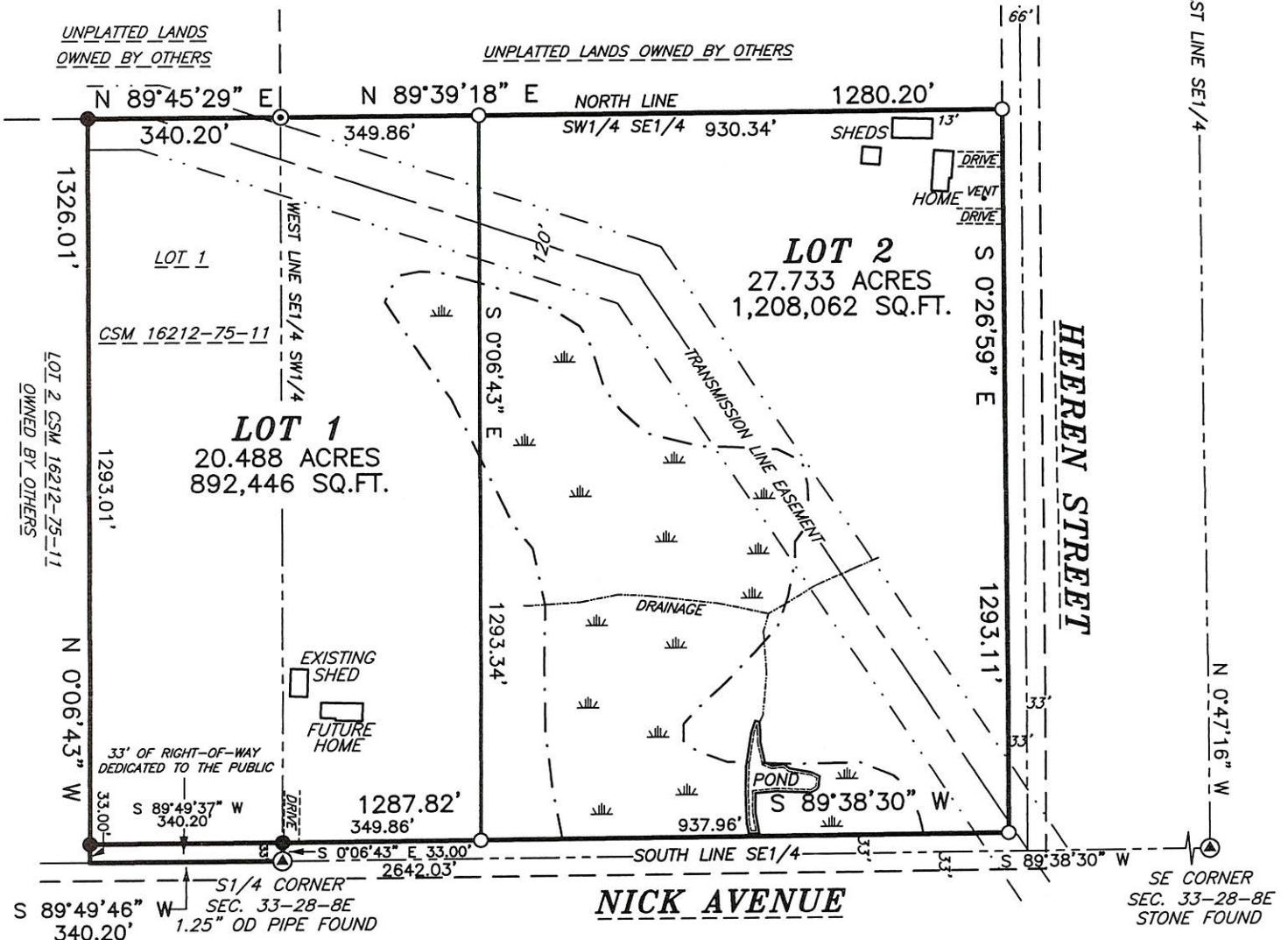
E1/4 CORNER
SEC. 33-28-8E
STONE FOUND

- LEGEND**
- ⊙ = GOVERNMENT CORNER LOCATION PER COUNTY SURVEY RECORDS
 - = 1.315" OD x 24" IRON PIPE 1.68lbs/ft. SET
 - = 1.315" OD IRON PIPE FOUND IN PLACE
 - ⊙ = 1 1/4" IRON ROD FOUND IN PLACE
 - - - = APPROXIMATE LOCATION OF WETLANDS PER DNR INVENTORY MAPPING. DELINEATION WOULD BE NEEDED TO VERIFY THE LOCATION.



BEARINGS REFERENCED TO THE SOUTH LINE OF THE SE1/4 BEARING S 89°38'30" W PER WCCS(MARATHON) NAD83 (2011)

2651.66'
EAST LINE SE1/4
N 0°47'16" W



CERTIFIED SURVEY MAP

MARATHON COUNTY NO. _____ VOL. _____ PAGE _____

ALL OF LOT 1 OF CSM #16212 LOCATED IN THE SE1/4 OF THE SW1/4 AND THAT PART OF THE SW1/4 OF THE SE1/4 OF SECTION 33, TOWNSHIP 28 NORTH, RANGE 8 EAST, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN.

SHEET 2 OF 3 SHEETS

SURVEYORS CERTIFICATE

I, TIMOTHY G. VREELAND, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIRECTION OF JACKIE HABLE, I SURVEYED, MAPPED AND DIVIDED ALL OF LOT 1 OF CERTIFIED SURVEY MAP NUMBER 16212 AND THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 28 NORTH, RANGE 8 EAST, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 33; THENCE S 89°49'46" W ALONG THE SOUTH LINE OF LOT 1 OF CERTIFIED SURVEY MAP NUMBER 16212, 340.20 FEET; THENCE N 0°06'43" W ALONG THE WEST LINE OF SAID LOT 1, 1326.01 FEET; THENCE N 89°45'29" E ALONG THE NORTH LINE OF SAID LOT 1, 340.20 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE N 89°39'18" E ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER 1280.20 FEET TO THE WEST LINE OF HEEREN STREET; THENCE S 0°26'59" E ALONG THE WEST LINE OF HEEREN STREET 1293.11 FEET TO THE NORTH LINE OF NICK AVENUE; THENCE S 89°38'30" W ALONG THE NORTH LINE OF NICK AVENUE 1287.82 FEET; THENCE S 0°06'43" E ALONG THE EAST LINE OF SAID LOT 1, 33.00 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 3RD DAY OF NOVEMBER, 2015

TIMOTHY G. VREELAND

P.L.S. 2291

CERTIFIED SURVEY MAP

MARATHON COUNTY NO. _____ VOL. _____ PAGE _____

ALL OF LOT 1 OF CSM #16212 LOCATED IN THE SE1/4 OF THE SW1/4 AND THAT PART OF THE SW1/4 OF THE SE1/4 OF SECTION 33, TOWNSHIP 28 NORTH, RANGE 8 EAST, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN.

SHEET 3 OF 3 SHEETS

OWNERS CERTIFICATE OF DEDICATION

AS OWNER, I HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED ON THE MAP. I ALSO CERTIFY THAT THIS MAP IS REQUIRED BY s.236.10 OR s.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: VILLAGE OF WESTON.

James Esker
JAMES ESKER

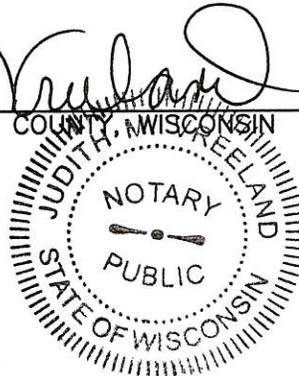
Carol Esker
CAROL ESKER

STATE OF WISCONSIN)
MARATHON COUNTY) SS

PERSONALLY CAME BEFORE ME THIS 9th DAY OF Nov., 2015, THE ABOVE NAMED JAMES ESKER AND CAROL ESKER TO ME KNOWN TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

Judith M. Vreeland
NOTARY PUBLIC, MARATHON COUNTY, WISCONSIN

MY COMMISSION EXPIRES Nov. 15, 2015



VILLAGE BOARD RESOLUTION

RESOLVE, THAT THIS MAP IN THE VILLAGE OF WESTON, JAMES ESKER AND CAROL ESKER, OWNERS, IS HEREBY APPROVED BY THE VILLAGE BOARD.

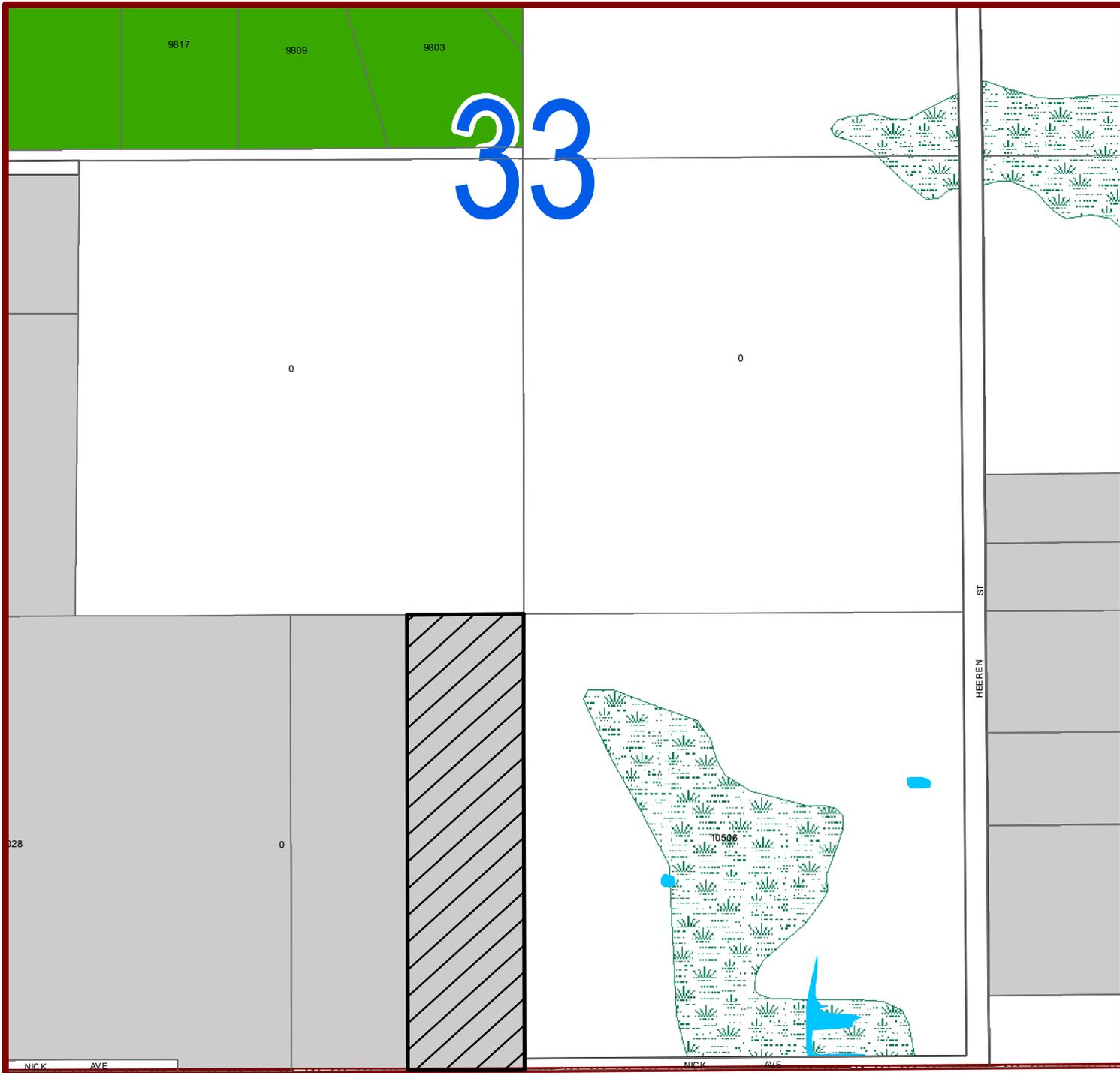
DATE _____ APPROVED _____
VILLAGE PRESIDENT

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





Village of Weston

Marathon County, Wisconsin

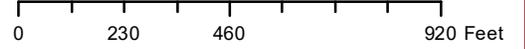


OFFICIAL ZONING MAPS

Map Date: **11/20/2015**
 Adoption Date (Village): **3/18/2015**
 Adoption Date (ETZ): **3/18/2015**



Map by the Technology Services Department,
 Village of Weston



LEGEND

- 19228083330988
- Village of Weston
- Right-of-way
- Parcel Boundary
- Wetland
- Surface Water

ZONING DISTRICTS

- 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

OVERLAY ZONING DISTRICTS

- Design - Commercial Corridor
- Design - Condominium
- Design - Renaissance
- Design - Rail-to-Trail
- Design - Weston Marketplace

9817

9809

9803

33

0

0

028

0

10506

NICK AVE

NICK AVE

HEEREN ST

Village of Weston Marathon County, Wisconsin



FUTURE LAND USE

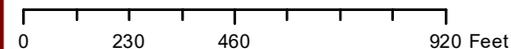
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Adoption Date (ETZ): 3/18/2015



Map by the Technology Services Department,
Village of Weston



LEGEND

- 19228083330988
- Village of Weston
- Right-of-way
- Parcel Boundary
- Wetland
- Surface Water

FUTURE LAND USE

- Single Family Residential - Unsewered
- Single Family Residential - Sewered
- Two Family Residential
- Multiple Family Residential
- Planned Neighborhood
- Commercial
- Business/Office Park
- Mixed Use
- Industrial
- Institutional
- Parks and Recreation
- Agriculture
- Environmental Corridor

Valerie Parker

Subject: Hable/Esker Rezoning Application

-----Original Message-----

From: jackie esker [mailto:jksesker@yahoo.com]
Sent: Tuesday, November 17, 2015 6:18 PM
To: Valerie Parker <vparker@westonwi.gov>
Subject: Re: Rezoning Application

Yes, please rezone the 10 acre parcel from RR-5 to AG and combine it with the other 10 acre parcel so we will have a 20 acre parcel zoned AG.
My father, James Esker, is authorizing this rezoning.

Thank you,
Jackie Hable

On Tue, 11/17/15, Valerie Parker <vparker@westonwi.gov> wrote:

Subject: Rezoning Application
To: "jksesker@yahoo.com" <jksesker@yahoo.com>
Cc: "Jennifer Higgins" <jhiggins@westonwi.gov>, "Jared Wehner" <jwehner@westonwi.gov>, "Scott Tatro" <statro@westonwi.gov>
Date: Tuesday, November 17, 2015, 8:35 AM

11/17/2015

Hi Jackie,

I am in the process of putting together the application materials and public hearing notice for the rezoning of that vacant ~10 acre parcel, to allow it to be combined with the ~10 acres from your father's property. We are recommending a rezoning of that vacant parcel from RR-5 (Rural Residential-5 acre) to AR (Agricultural & Residential).

We are going ahead and completing the rezoning paperwork for you, and will not be charging you the rezoning application/publication fee. However, could you please at least e-mail me confirming that you are in agreement of rezoning that vacant parcel from RR-5 to AR, and that your father is authorizing this rezoning.

Please let me know if you have any questions.

Have a great day!!

Sincerely,

Valerie Parker
Planning Technician
Planning & Development Department
Village of Weston, Wisconsin
d. 715.241.2607