



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 16-038

AN ORDINANCE TO APPROVE THE REZONING OF LAND FROM B-2 HIGHWAY BUSINESS WITH WHP-A WELLHEAD PROTECTION ZONE A TO MF MULTIPLE FAMILY WITH WHP-A WELLHEAD PROTECTION ZONE A, ON OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 15481, VOLUME 70 PAGE 63.

WHEREAS, the Plan Commission of the Village of Weston having held a public hearing on the 8th day of August, 2016 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 recommendations of said Plan Commission;

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

SECTION 1: On the application (REZN-7-16-1601) of Jennifer Higgins, Zoning Administrator for the Village of Weston, on behalf of the Plan Commission and property owner S.C. Swiderski, LLC, 401 Ranger Street, Mosinee, WI 54455, for the following territory now comprising a part of the B-2 Highway Business with WHP-A Wellhead Protection Zone A zoning districts, located in Section 18, 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:

MF Multiple Family with WHP-A Wellhead Protection Zone A – Outlot 1 of Certified Survey Map No. 15481, Volume 70, Page 63 also known as part of Lot 10, Block 3 of Mylrea Acre Lots, located in Section 18, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin. This area to be rezoned consists of 0.178 acres.

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 15th day of August, 2016.

VILLAGE BOARD OF WESTON

By: Barbara Ermeling
Barbara Ermeling, President

Attest: Sherry Weinkauf
Sherry Weinkauf, Village Clerk

APPROVED: 8/15/16

PUBLISHED: 8/18/16

Village of Weston, WI
Notice of Newly Enacted Ordinance No. 16-038

Please take notice that the Village Board of Weston, Wisconsin enacted Ordinance No. 16-038:
“Ordinance No 16-038 *An Ordinance to Approve the Rezoning of Land from B-2 Highway Business with WHP-A Wellhead Protection Zone A to MF Multiple Family with WHP-A Wellhead Protection Zone A, on Outlot 1 of Certified Survey Map No. 15481, Volume 70 Page 63*” on Monday, August 15, 2016.

The full text of Ordinance No. 16-038 may be obtained at the office of the Village Clerk at the Weston Municipal Center, 5500 Schofield Avenue, Weston, Wisconsin or through the Village’s website at <http://www.westonwi.gov/499/Adopted-Ordinances>.

Dated this 18th day of August, 2016
Sherry Weinkauf, Village Clerk

Published: 8/18/16

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. 16-038: AN ORDINANCE TO APPROVE THE REZONING OF LAND FROM B-2 HIGHWAY BUSINESS WITH WHP-A WELLHEAD PROTECTION ZONE A TO MF MULTIPLE FAMILY WITH WHP-A WELLHEAD PROTECTION ZONE A, ON OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 15481, VOLUME 70 PAGE 63 (REZN-7-16-1601)**

DATE/MTG: **BOARD OF TRUSTEES; MONDAY, AUGUST 15, 2016**

POLICY QUESTION: Should the Village Board approve the Plan Commission recommendation to rezone an 0.0178 Acre along Neupert Avenue from B-2 with WHP-A to MF with WHP-A.

RECOMMENDATION TO: I make a motion to approve the rezone of 0.0178 Acre along Neupert Avenue from B-2 with WHP-A to MF with WHP-A by the adoption of Ordinance No. 16-038.

LEGISLATIVE ACTION:

- | | | |
|--|---|---------------------------------------|
| <input checked="" 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:

- | | |
|--|------|
| <input type="checkbox"/> Budget Line Item: | None |
| <input type="checkbox"/> Budget Line Item: | None |
| <input type="checkbox"/> Budgeted Expenditure: | None |
| <input type="checkbox"/> Budgeted Revenue: | None |
-

STATUTORY / RULEMAKING / POLICY REFERENCES:

- | | |
|---|---------------------------|
| <input checked="" type="checkbox"/> WI Statute: | Wis. Stat. § 62.23 (7)(d) |
| <input type="checkbox"/> WI Administrative Code: | |
| <input type="checkbox"/> Case Law / Legal: | |
| <input checked="" type="checkbox"/> Municipal Code: | Sec. 94.16.03 |
| <input type="checkbox"/> Municipal Rules: | |
-

PRIOR REVIEW: Public Hearing - Plan Commission 8/8/16

BACKGROUND:

This is a mapping error. This parcel was originally zoned MF (R-3) in 2009. This lot was split in half and the western half was rezoned to B-3 to allow it to be connected to Kwik Trip's lot, and the remaining eastern half was to remain zoned R-3 to be used for the apartment complex. This lot was accidently rezoned to B-3 in 2015 when we did the zoning ordinance/map update project. Currently the garage for the Ferge Street apartments is located on this lot. The next step will be to add the outlot to the appropriate lot next door so the apartment and garage are on the same lot. In order to do this, the zoning needs to be changed on the outlot to make it the same MF zoning district as the lot next door.

Supplemental Briefer for Agenda Items under Consideration? Attachments?

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

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

ITEM DESCRIPTION: **REZONE OF 0.178 ACRES OUTLOT ON NEUPERT AVENUE, JUST WEST OF 5606 FERGE STREET, AND EAST OF 5603 BUSINESS HIGHWAY 51 FROM B-2 WITH WHP-A TO MF WITH WHP-A (REZN-12-15-1558)**

DATE/MTG: **PLAN COMMISSION, AUGUST 8, 2016**

POLICY QUESTION: Should the Plan Commission make the recommendation to the Village Board to rezone an 0.0178 Acre along Neupert Avenue from b-2 with WHP-A to MF with WHP-A.

RECOMMENDATION TO: I make a motion to endorse approval, and recommend to the Trustees the rezone of 0.0178 Acre along Neupert Avenue from b-2 with WHP-A to MF with WHP-A.

LEGISLATIVE ACTION:

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

FISCAL IMPACT ANALYSIS:

- | | |
|--|------|
| <input type="checkbox"/> Budget Line Item: | None |
| <input type="checkbox"/> Budget Line Item: | None |
| <input type="checkbox"/> Budgeted Expenditure: | None |
| <input type="checkbox"/> Budgeted Revenue: | None |
-

STATUTORY / RULEMAKING / POLICY REFERENCES:

- | | |
|---|---------------------------|
| <input checked="" type="checkbox"/> WI Statute: | Wis. Stat. § 62.23 (7)(d) |
| <input type="checkbox"/> WI Administrative Code: | |
| <input type="checkbox"/> Case Law / Legal: | |
| <input checked="" type="checkbox"/> Municipal Code: | Sec. 94.16.03 |
| <input type="checkbox"/> Municipal Rules: | |
-

PRIOR REVIEW: None.

BACKGROUND:

This is a mapping error. This parcel was originally zoned MF (R-3) in 2009. This lot was split in half and the western half was rezoned to B-3 to allow it to be connected to Kwik Trip's lot, and the remaining eastern half was to remain zoned R-3 to be used for the apartment complex. This lot was accidently rezoned to B-3 in 2015 when we did the zoning ordinance/map update project. Currently the garage for the Ferge Street apartments is located on this lot. The next step will be to add the outlot to the appropriate lot next door so the apartment and garage are on the same lot. In order to do this, the zoning needs to be changed on the outlot to make it the same MF zoning district as the lot next door.

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



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

Application/Petition No.: **REZN-7-16-1601** Hearing Date: **August 8, 2016**
Applicant: **Jennifer Higgins, Village Zoning Administrator, on behalf of the Village Plan Commission and property owner SC Swiderski, 401 Ranger Street, Mosinee, WI 54455**
Location: **Neupert Avenue, Weston, WI 54476**
Description: **Outlot 1 of Certified Survey Map No. 15481, Volume 70, Page 63 also known as part of Lot 10, Block 3 of Mylrea Acre Lots, located in Section 18, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin. This area to be rezoned consists of 0.178 acres.**

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: **B-2 Highway Business with WHP-A Wellhead Protection Zone A**
Definition: 94.2.02(3)(c) **B-2 Highway Business.** The B-2 district accommodates a range of large- and small-scale office, retail, commercial service, restaurant, and lodging uses. Development within this district is served by public sanitary sewer and water services. This district is intended for mapping (i) along major highway corridors; (ii) outside of the Village's neighborhood areas; and (iii) in areas planned for commercial uses within the Comprehensive Plan. (Predecessor district: B-2 Community Retail and Service)

Proposed Zoning **MF Multiple Family with D WHP-A Wellhead Protection Zone A**
Definition: 94.2.02(2)(d) **MF Multiple Family.** The MF district accommodates a range of housing types, including multiple family residences (e.g., townhouses, apartment buildings, multi-plexes), two family residences, and single family residences, along with compatible institutional and recreational uses. Development within this district is served by public sanitary sewer and water services, and roadways with an urban cross section (e.g., curbs, storm sewer). The MF district is intended for areas planned for multiple family residential development, or portions of areas planned for neighborhood development at the Village's discretion, within the Comprehensive Plan. (Predecessor district: R-3 Multiple Family, Garden Apartments and R-4 Multiple Family, Apartments)

Future Land Use: **Single Family Residential—Sewered**
FLU Description: **Single family residences, home occupations, and small-scale institutional and recreational uses, all served by a public sanitary sewer system**

Development Policies:

- 1. Promote interconnection in road and trail networks within and among neighborhoods.**
- 2. Where smaller lots are permitted, pay careful attention to home quality, variety, design, setbacks, and garage placement through zoning, covenants, and development agreements.**
- 3. Pursue single family residential infill opportunities where feasible.**

Typical Implemented Zoning Districts: SF-S – Single Family Residential-Small Lot, SF-L – Single Family Residential-Large Lot and N – Neighborhood.

Please note the location is adjacent to commercial and the comprehensive plan future land use map is not parcel specific. Please see the note on the attached future land use map.

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

Yes. This lot serves the apartment complex to the east and in the draft version (going to PC and Board for approval this fall) shows the property in this area to be multi-family as it is adjacent to a commercial corridor on Business Highway 51.

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?

Yes, this rezone is addressing a mapping error. This parcel was originally zoned MF (R-3) in 2009. This lot was split in half and the western half was rezoned to B-3 to allow it to be connected to Kwik Trip's lot, and the remaining eastern half was to remain zoned R-3 to be used for the apartment complex. This lot was accidentally rezoned to B-3 in 2015 when we did the zoning ordinance/map update project.

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. This rezone will allow for the outlot to be added to the neighboring lot via CSM.

BACKGROUND INFORMATION:

This is a mapping error. This parcel was originally zoned MF (R-3) in 2009. This lot was split in half and the western half was rezoned to B-3 to allow it to be connected to Kwik Trip's lot, and the remaining eastern half was to remain zoned R-3 to be used for the apartment complex. This lot was accidentally rezoned to B-3 in 2015 when we did the zoning ordinance/map update project.

CURRENT PROPERTY CONDITIONS:

Currently the garage for the Ferge Street apartments is located on this lot. The next step will be to add the outlot to the appropriate lot next door so the apartment and garage are on the same lot. In order to do this, the zoning needs to be changed on the outlot to make it the same MF zoning district as the lot next door.

PLAN COMMISSION ACTION OPTIONS: (Process is outlined in Sec. 94.16.03(6))

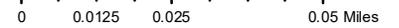
- 1) **Plan Commission recommends approval of the rezone request and forwards the recommendation on to the Village Board at their 8/15/16 meeting.**
- 2) **Plan Commission recommends denial of the rezone request and forwards the recommendation on to the Village Board at their 8/15/16 meeting.**
- 3) **Plan Commission takes no action and the request moves on to the Village Board at their 8/15/2016 meeting with no recommendation.**

OFFICIAL ZONING MAPS

Map Date: 7/27/2016
Adoption Date (Village): 4/20/2016
Adoption Date (ETZ): 4/20/2016
Adoption Date (Town): 1/23/2016



Map By: Technology Services Department, Village of Weston



Legend

-  19228081831013
-  Village of Weston
-  Extraterritorial Zoning (ETZ) Boundary
-  Town 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
-  Village of Weston Shoreland Zoning
-  Marathon County Shoreland Zoning - Town and ETZ only
- WELLHEAD PROTECTION ZONES**
-  Zone A
-  Zone B

