



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 16-033

AN ORDINANCE TO APPROVE THE REZONING OF LAND FROM AR AGRICULTURE RESIDENTIAL TO LI LIMITED INDUSTRIAL, ON 3.857 ACRES OF LAND LOCATED IN THE SW ¼ OF THE SE ¼ OF SECTION 23, 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, the Plan Commission of the Village of Weston having held a public hearing on the 11th day of July, 2016, 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-6-16-1597) of property owned by the Village of Weston, 5500 Schofield Avenue, Weston, WI 54476, for the following territory now comprising a part of the AR Agriculture Residential zoning district, located in Section 23, 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:

LI Limited Industrial – Lot 2 of Volume 83 Certified Survey Maps, Page 95 being part of the Southwest ¼ of the Southeast ¼ of Section 23, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin.

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 18th day of July, 2016.

VILLAGE BOARD OF WESTON

By: Barbara Ermeling
Barbara Ermeling, President

Attest: Sherry Weinkauff
Sherry Weinkauff, Village Clerk

APPROVED: 7-18-16

PUBLISHED: 7-21-16

Village of Weston, WI
Notice of Newly Enacted Ordinance No. 16-033

Please take notice that the Village Board of Weston, Wisconsin enacted Ordinance No. 16-033:
“An Ordinance to Approve the Rezoning of Land from AR Agriculture Residential to LI Limited
Industrial, on 3.857 Acres of Land Located in The SW ¼ of the SE ¼ of Section 23, Village of
Weston, Marathon County, Wisconsin” on Monday, July 18, 2016.

The full text of Ordinance No. 16-033 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>.

Sherry Weinkauf, Village Clerk

Published: 7/21/16

Lot 1: 192.4.2808.234.0990

Lot 2: 192.4.2808.234.0989

STATE OF WISCONSIN - MARATHON COUNTY
CSM FILED VOL 83 PAGE 95
06/22/2016 1:41:45 PM
MICHAEL J. SYDOW, REGISTER OF DEEDS

017438

Michael J. Sydow

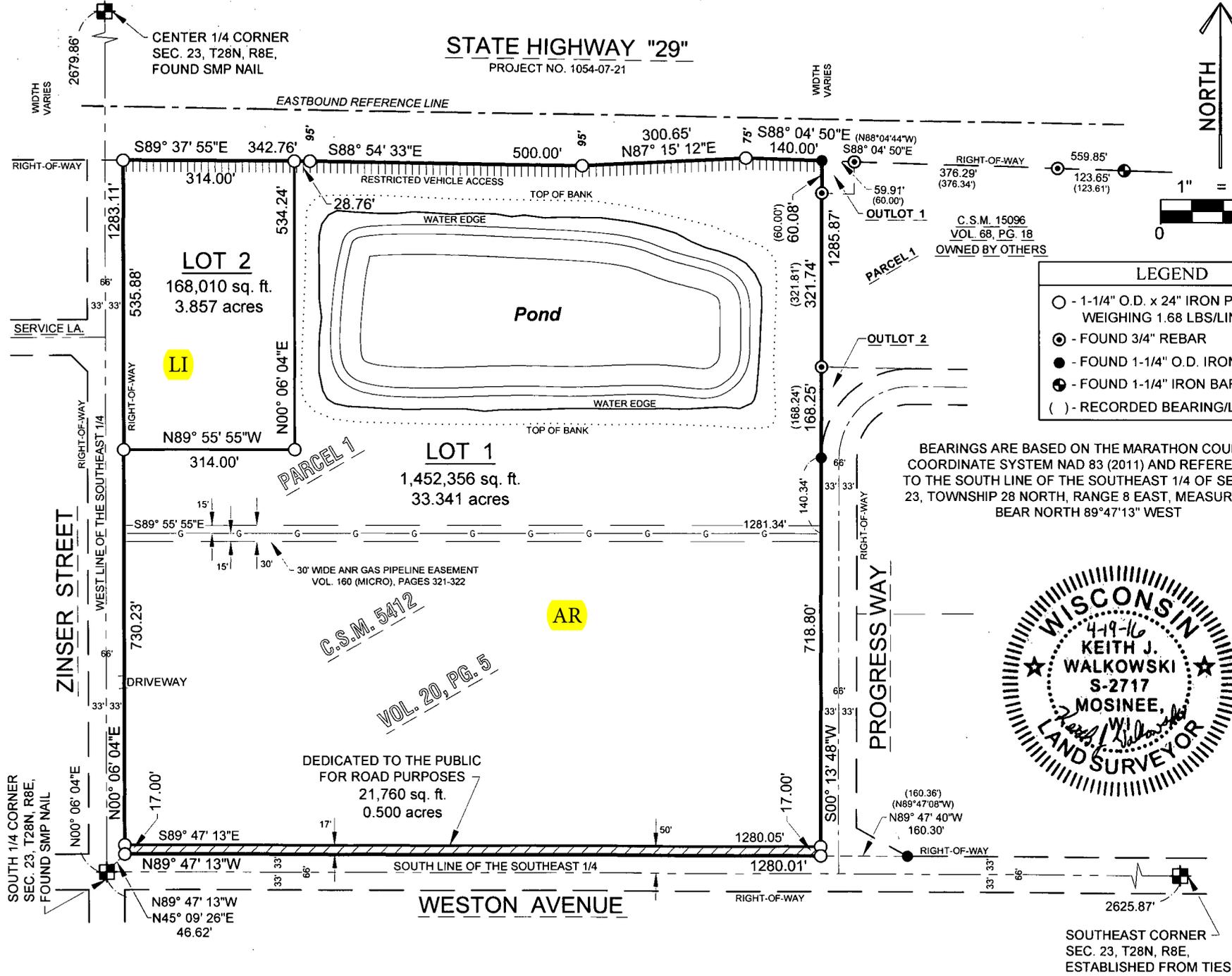
DOC# 1715999



Chy 30.00

MARATHON CO. CERTIFIED SURVEY MAP NO. 17438

Of Parcel 1 of Certified Survey Map Number 5412 recorded in Volume 20 of Certified Survey Maps on Page 5 located in part of the Southwest 1/4 of the Southeast 1/4 of Section 23, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin.



SHEET 1 OF 3

DATE	APRIL 18, 2016
DRAWN BY	M.F.L.
CHECKED BY	K.J.W.
PROJECT NO.	2419
PREPARED FOR:	VILLAGE OF WESTON

RIVERSIDE LAND SURVEYING LLC
6304 KELLY PLACE WESTON, WI 54476
PH 715-241-7500 - FAX 715-355-6894
email - mail@riversidelandsurveying.com



DOC# 1715999

MARATHON CO. CERTIFIED SURVEY MAP NO. 17438

Of Parcel 1 of Certified Survey Map Number 5412 recorded in Volume 20 of Certified Survey Maps on Page 5 located in part of the Southwest 1/4 of the Southeast 1/4 of Section 23, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin.

I, Keith J. Walkowski, Professional Land Surveyor S-2717, hereby certify to the best of my knowledge and belief: That I have surveyed, mapped and divided Parcel 1 of Certified Survey Map Number 5412 recorded in Volume 20 of Certified Survey Maps on Page 5 located in part of the Southwest 1/4 of the Southeast 1/4 of Section 23, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin, described as follows:

Commencing at the South 1/4 corner of said Section 23; Thence North 45°09'26" East, 46.62 feet to the Southwest corner of said Parcel 1 of Certified Survey Map Number 5412 and the East right-of-way line of Zinser Street and the point of beginning; Thence North 00°06'04" East along said East right-of-way line, 1283.11 feet to the South right-of-way line of State Highway "29"; Thence South 89°37'55" East along said South right-of-way line, 342.76 feet; Thence South 88°54'33" East along said South right-of-way line, 500.00 feet; Thence North 87°15'12" East along said South right-of-way line, 300.65 feet; Thence South 88°04'50" East along said South right-of-way line, 140.00 feet to the West line of Outlot 1 of Certified Survey Map Number 15096 recorded in Volume 68 of Certified Survey Maps on Page 18; Thence South 00°13'48" West along said West line and the West line of Parcel 1, the West line of Outlot 2 of said Certified Survey Map Number 15096 and the West right-of-way line of Progress Way, 1285.87 feet to the North right-of-way line of Weston Avenue; Thence North 89°47'13" West along said North right-of-way line, 1280.01 feet to the point of beginning.

That the above described parcel of land contains 1,642,126 square feet or 37.698 acres, more or less;

That said parcel is subject to all easements, restrictions and right-of-ways of record including an ANR gas pipeline easement per Volume 160 (Micro), Pages 321-322 and a General Telephone Company easement recorded in Volume 72, Page 648;

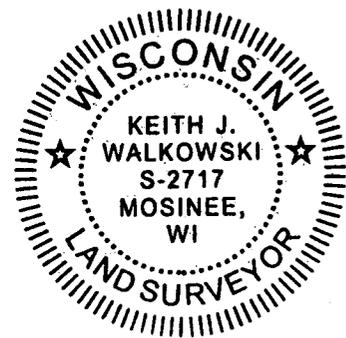
That I have made this survey, division and map thereof at the direction of Village of Weston, Agent of said parcel;

That I have fully complied with the provisions of Section 236.34 of the Wisconsin Statutes, Chapter A-E7 of the Wisconsin Administrative Code and the subdivision regulations of the Village of Weston in Surveying, Mapping and Dividing the same.

That said map is a correct and accurate representation of the exterior boundaries of said parcel and the division thereof.

Dated this 19TH day of APRIL, 2016

Keith J. Walkowski
Riverside Land Surveying LLC
Keith J. Walkowski
P.L.S. No. 2717



Village of Weston Approval Certificate:
Reviewed and Approved under Chapter 74 of the Village of Weston Ordinance.

By Jennifer L Higgins
Date 6-21-2016
Village of Weston Zoning Department

 RIVERSIDE LAND SURVEYING LLC 6304 KELLY PLACE WESTON, WI 54476 PH 715-241-7500 - FAX 715-355-6894 email - mail@riversidelandsurveying.com	DRAWN BY M.F.L.	DATE APRIL 18, 2016
	CHECKED BY K.J.W.	PROJECT NO. 2419
	PREPARED FOR: VILLAGE OF WESTON	

MARATHON CO. CERTIFIED SURVEY MAP NO. 17438

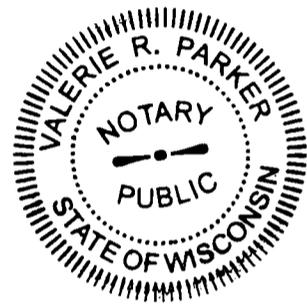
Of Parcel 1 of Certified Survey Map Number 5412 recorded in Volume 20 of Certified Survey Maps on Page 5 located in part of the Southwest 1/4 of the Southeast 1/4 of Section 23, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin.

Owners Certificate of Dedication

Village of Weston, as owner, does hereby certify that we have caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated, including those portions of Weston Avenue as represented on this Certified Survey Map. We also certify that this Certified Survey Map is required by s.236.10 or 236.12 to be submitted to the following for approval: Village of Weston

Witness the hand and seal of said owner this 20th day of June, 2016.
in presence of:

Barbara J. Ermeling
Barbara Ermeling - Village President



State of Wisconsin)
SS
Marathon County)

Personally came before me this 20th day of June, 2016,
the above named Barbara Ermeling to me known to be the same person who executed the foregoing instrument and acknowledged the same.

(Notary Seal) Valerie Parker Notary Public, Marathon County, Wisconsin

MY COMMISSION EXPIRES 05-17-2019

Village Board Resolution:

Resolved, that this Certified Survey located in the Village of Weston, Village of Weston, as owner, is hereby approved by the Village Board of the Village of Weston.

Date 6/20/16 Approved Barbara J. Ermeling
Village President

Date 6/20/16 Signed Barbara J. Ermeling
Village President

I hereby certify that the foregoing is a copy of a resolution adopted by the Village Board of the Village of Weston.

Sherry Weimbaum
Village Clerk



RIVERSIDE LAND SURVEYING LLC
6304 KELLY PLACE WESTON, WI 54476 PH 715-241-7500 - FAX 715-355-6894
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DRAWN BY M.F.L.	DATE APRIL 18, 2016
CHECKED BY K.J.W.	PROJECT NO. 2419
PREPARED FOR: VILLAGE OF WESTON	



**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 16-033: AN ORDINANCE TO APPROVE THE REZONING OF LAND FROM AN AGRICULTURE RESIDENTIAL TO LI LIMITED INDUSTRIAL, ON 3.857 ACRES OF LAND LOCATED IN THE SW ¼ OF THE SE ¼ OF SECTION 23, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN.**

DATE/MTG: **BOARD OF TRUSTEES, JULY 18, 2016**

POLICY QUESTION: Should the Village Board approve the rezone of Lot 2 of Volume 83 Certified Survey Maps, Page 95, 3.857 acres off of Zinser Street, from AR to LI via Ordinance No. 16-033?

RECOMMENDATION TO: I make a motion to approve the rezone of Lot 2 of Volume 83 Certified Survey Maps, Page 95, 3.857 acres off of Zinser Street, from AR to RR-2 via Ordinance No. 16-031.

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 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 at 7/11/16 Plan Commission Meeting

BACKGROUND:

The Village recently purchased this property, known as the Cliff Mashuda property, earlier this month. Last month a 2 lot CSM was completed and approved by the PC and Board which also dedicated additional ROW along Weston Avenue per the Official Map. Currently Lot 2 is a non-conforming AR parcel due to not meeting the minimum lot size. The Village is currently in negotiations with PGA owner Gary Guerdnt to purchase Lot 2 and add it to his PGA property next door to be used for building addition space. In order to do this, we need to first rezone Lot 2 to LI. No one spoke in opposition of the rezone at the 7/11/16 Plan Commission Public Hearing. The Plan Commission recommended approval of the Ordinance. Staff concurs. Attachments



**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, July 11, 2016, at 6:00 p.m.**, or as soon thereafter as possible, in the Board Room of the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476 to take testimony relative to the following:

REZN-6-16-1597 Jennifer Higgins, Village of Weston, 5500 Schofield Avenue, Weston, requesting a rezoning from AR (Agriculture and Residential) to LI (Limited Industrial), on property along Zinser Street described as Lot 2, CSM #17438, Volume 83, Page 95, Document #1715999, and consists of 3.857 acres.

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, Planning Technician, Planning and Development Department, at 715-241-2607.

Dated this 23rd day of June, 2016

Valerie Parker
Plan Commission Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, June 27, 2016 and Monday, July 4, 2016.



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

Application/Petition No.: **REZN-6-16-1597** Hearing Date: **July 11, 2016**
Applicant: **Jennifer Higgins, Village of Weston, 5500 Schofield Avenue, Weston, WI 54476**
Location: **Zinser Street, Weston, WI 54476**
Description: **A parcel of land being part of Lot 2 of Volume 83 Certified Survey Maps, Page 95 being part of the Southwest ¼ of the Southeast ¼ of Section 23, 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: **AR Agriculture Residential**
Definition: 94.2.02(1)(b) **AR Agriculture Residential.** The AR district 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)

Proposed Zoning **LI Limited Industrial**
Definition: 94.2.02(3)(f) **LI Limited Industrial.** The LI district accommodates primarily light industrial, storage, office, and other compatible businesses and support uses. Allowable uses are geared toward activities which are not associated with high levels of noise, odor, particulate emissions, outdoor activities, and other potential nuisances. Development within this district is served by public sanitary sewer and water services. This district is intended for mapping in areas planned for industrial uses within the Comprehensive Plan. (Predecessor district: LMD Light Manufacturing Distribution)

Future Land Use: **Business/Office Park**
FLU Description: **Office, indoor light industrial, research, and other compatible and support uses in a controlled business park, office park, and setting, where allowable uses and activities include those associated with low levels of noise, odor, vibrations, and particulate emissions. All served by a public sewer system.**

Development Policies:

1. Design developments within Business Park areas to result in higher-end “office park” or “office/research campus” setting.
2. Encourage warehousing and manufacturing uses to locate away from lands planned for Business Park use, except where designed to blend within an office/research setting.

Typical Implemented Zoning Districts: BP Business Park (preferred)

LI Light Industrial or B-2 or B-3 districts may also be appropriate where the range of uses, impacts, and aesthetics is otherwise controlled (such as through deed restrictions).

1. Is the proposed rezoning consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?
Yes. LI is listed as a typical implementation zoning district in the approved Land Use Chapter of the Comp Plan.
2. Does the rezoning further the purpose and intent of this Chapter?
Yes. LI is listed as a typical implementation zoning district in the approved Land Use Chapter of the Comp Plan.
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 new or changed factors or growth patterns.
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. The rezone will allow for the expansion of the adjacent business onto this lot.

BACKGROUND INFORMATION:

The Village recently purchased this property, known as the Cliff Mashuda property, earlier this month. Last month a 2 lot CSM was completed and approved by the PC and Board which also dedicated additional ROW along Weston Avenue per the Official Map. Currently Lot 2 is a non-conforming AR parcel due to not meeting the minimum lot size. The Village is currently in negotiations with PGA owner Gary Guernndt to purchase Lot 2 and add it to his PGA property next door to be used for building addition space. In order to do this, we need to first rezone Lot 2 to LI.

CURRENT PROPERTY CONDITIONS:

Currently the property to be rezoned is vacant. Until recently, the property was being farmed with crops.

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 7/18/16 meeting.**
- 2) **Plan Commission recommends denial of the rezone request and forwards the recommendation on to the Village Board at their 7/18/16 meeting.**
- 3) **Plan Commission takes no action and the request moves on to the Village Board at their 7/18/2016 meeting with no recommendation.**

Village of Weston Marathon County, WI



OFFICIAL ZONING MAPS

Map Date: 6/28/2016
 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

- 19228082340989
 - 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

