



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 17-027

AN ORDINANCE TO APPROVE THE REZONING OF LAND FROM RR-5 RURAL RESIDENTIAL-5 ACRE TO RM – RURAL MIXED AT 3601 CAMP PHILLIPS ROAD, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN.

WHEREAS, the Plan Commission of the Village of Weston having held a public hearing on the 17th day of July, 2017, 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-6-17-1647) of property owner, Scott and Mary Turner, 3601 Camp Phillips Road, Weston, WI 54476, for the following territory now comprising a part of the RR-5 – Rural Residential-5 Acre zoning district, located in Section 9, 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:

RM – Rural Mixed - described as Lot 1 of Certified Survey Map No. 8095 as recorded in the Office of the Register of Deeds for Marathon County, Wisconsin, in Volume 31 of Surveys on Page 48 as Document No. 1029615; being part of the northwest quarter of the southwest quarter of Section 9, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin. The property described consists of 13.16 acres, and is located at 3601 Camp Phillips Road, Weston, WI 54476.

BE IT FURTHER RESOLVED that the foregoing amendment to the zoning district designations shall take effect only upon the combination with the adjacent parcel to the north, identified by PIN 19228080930985 and the publication of this ordinance. If the rezoning of any lands by this Ordinance does not take effect within 180 days 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 24th day of July, 2017.

BOARD OF TRUSTEES

By: Barbara Ermeling
Barbara Ermeling, its President

Attest:

Sherry Weinkauf
Sherry Weinkauf, its Clerk

APPROVED: 7/24/17

PUBLISHED: 7/20/17

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted on July 24, 2017, the following Ordinances:

- Ordinance No 17-014: An amendment to Section 94.4.02(3): to allow the construction of a Townhome, create performance standards and allow the use within the 2F zoning District as a Conditional Use and establishing a prohibition on the construction of new carports for multi-family residence land uses.
- Ordinance No 17-016: An amendment to Section 94.4.02(2): to establish a prohibition of construction of new carports for two-family residence land uses.
- Ordinance No. 17-023 Amending Article II., Licenses and Fees, Sec. 6.103, Retail Liquor and Beer License Fees and Renumbering that Section of the Municipal Code.
- Ordinance No. 17-024 Amending Article II., Licenses and Fees, Sec. 6.104(e), Issuance of Alcohol Beverage Licenses and Renumbering that Section of the Municipal Code.
- Ordinance No 17-025: An amendment to Section 94.4.05(2): to prohibit the use of a “Payday Lender” or “Payday Loan Business” as defined by Wis. Stat. §§138.14 in pursuant to Wis. Stat. §§62.23(hi).
- Ordinance No. 17-027: An Ordinance to Approve the Rezoning of Land From RR-5 Rural Residential-5 Acre to RM – Rural Mixed at 3601 Camp Phillips Road, Village of Weston, Marathon County, Wisconsin.
- Ordinance No. 17-028 An Ordinance Repealing Section 10.126 Dogs and Cats Not to Run at Large and Amending, Renaming and Recreating Section 10.126 Animals Not to Run at Large

The full text of the above Ordinances may be obtained at the office of the Village Clerk, 5500 Schofield Avenue, Weston, Wisconsin or through the Village’s website at <http://www.westonwi.gov>.

Dated this 25th day of July, 2017
Sherry Weinkauff, Village Clerk

Published: 7/26/2017

DAILY HERALD media

A GANNETT COMPANY

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- Ordinance No. 17-024 Amending Article II., Licenses and Fees, Sec. 6.104(e), Issuance of Alcohol Beverage Licenses and Renumbering that Section of the Municipal Code.
- Ordinance No 17-025: An amendment to Section 94.4.05(2): to prohibit the use of a "Payday Lender" or "Payday Loan Business" as defined by Wis. Stat. §§138.14 in pursuant to Wis. Stat. §§62.23(hi).
- Ordinance No. 17-027: An Ordinance to Approve the Rezoning of Land From RR-5 Rural Residential-5 Acre to RM - Rural Mixed at 3601 Camp Phillips Road, Village of Weston, Marathon County, Wisconsin.
- Ordinance No. 17-028 An Ordinance Repealing Section 10.126 Dogs and Cats Not to Run at Large and Amending, Renaming and Recreating Section 10.126 Animals Not to Run at Large
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Dated this 25th day of July, 2017
Sherry Weinkauff, Village Clerk
RUN: July 26, 2017 WNAXLP

STATE OF WISCONSIN
BROWN COUNTY

WESTON VILLAGE OF
5500 SCHOFIELD AVE
WESTON

WI 544764333

VOUCHER APPROVAL

Account Number:

10-06-56910 -321-000

Description: WDH publication Ord
No 17-014, 17-016, 17-025, 17-027

Approved by [Signature] 8/11/17
Initials Date

\$12.73

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number: GWM-WES425
Order Number: 0002300785
No. of Affidavits: 1
Total Ad Cost: \$35.64
Published Dates: 07/26/17

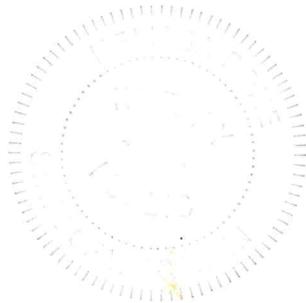
10-01-51420-321-000
WDH publication Ord No
17-023, 17-024 + 17-028
\$15.27

10-01-56925-321-000
WDH publication Ord No
17-014, 17-016, 17-025
\$7.64

(Signed) [Signature] (Date) 7/28/2017
Legal Clerk

Signed and sworn before me
 [Signature]

My commission expires 1-12-2021



WESTON VILLAGE OF
Re: Newly Enacted Ord



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

Application/Petition No.: **REZN-6-17-1647** Hearing Date: **July 17, 2017**
Applicant: **Scott and Mary Turner, 3601 Camp Phillips Road, Weston, WI 54476**
Location: **3601 Camp Phillips Road, Weston, WI 54476**
Description: **Lot 1 of Certified Survey Map No. 8095 as recorded in the Office of the Register of Deeds for Marathon County, Wisconsin, in Volume 31 of Surveys on Page 48 as Document No. 1029615; being part of the northwest quarter of the southwest quarter of Section 9, 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-5 – Rural Residential-5 Acre**
Definition: 94.2.02(3)(f) The RR-5 district 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.

Proposed Zoning **RM – Rural Mixed**
Definition: 94.2.02(3)(g) The RM district is intended to allow for a range of low density residential, general agricultural and forestry, and related on-site processing, storage, and rural business uses that are appropriate for certain larger rural parcels. The RM district is generally shown over areas planned for residential and/or agricultural uses in the Comprehensive Plan. The RM zoning district is available for mapping within the Village limits only; it may not be mapped within the extraterritorial zoning jurisdiction because the associated Extraterritorial Zoning Committee has not recommended its use there.

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 and SF-L Single Family Residential**
- **N Neighborhood, where the village approves a unique design, layout, theme, or lot sizes**

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

Yes, the proposed zoning change is still within the non-residential and mixed use districts zoning category, which fits within the future industrial category as defined in the Comprehensive Plan.

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?

1. **A mistake was made in mapping on the Official Zoning Map. That is, an area is or has developed in a manner and purpose different from that for which it is mapped. If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Village may intend to stop an undesirable land use pattern from being perpetuated.**
2. Factors have changed, such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes, making the subject property more appropriate for a different zoning district.
3. Growth patterns or rates have changed, thereby creating the need for a rezoning.

Yes, there was a new zoning district created due to the unique land use activities that are occurring within that area of the Village. At the time the district was created and the zoning districts implemented, the property did not meet the minimum lot size and was not able to be combined since the parcels were not under the same ownership.

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 not affect the density of the current development. The impact of the rezone will not deviate from the future land use map, as the properties are not being developed as a result of the rezone.

BACKGROUND INFORMATION:

In December of 2016, the Village adopted a new zoning district. The "Rural Mixed" zoning district is designed to accommodate rural business and related land use activities. At the time of the introduction of the zoning district and its assignment to property, Scott Turner's property did not meet the minimum lot size requirement. At this time, Mr. Turner is able to modify and expand upon his property to meet the minimum lot size of the new zoning district and is petitioning the Village for a rezone. Mr. Turner's property is being combined with a parcel directly adjacent to the north via Certified Survey Map. The rezone will not be fully completed until the combination is completed.

CURRENT PROPERTY CONDITIONS:

The property is currently used for a single family residential use. There is a home and a number of outbuildings located on the property.

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 7/24/17 meeting.**
- 2) **Plan Commission recommends approval of the rezone request with modifications and forwards the recommendation on to the Village Board at their 7/24/17 meeting.**
- 3) **Plan Commission recommends denial of the rezone request and forwards the recommendation on to the Village Board at their 7/24/17 meeting.**
- 4) **Plan Commission takes no action and the request moves on to the Village Board at their 7/24/17 meeting with no recommendation.**

ACTION:

Plan Commission Determination on 7/17/17:

Approve 6-0

VILLAGE BOARD POLICY CHOICES: (Process is outlined in Sec. 94.16.03(8))

- 1) Board approves the rezone request per the PC recommendation by adopting Ord. No. 17-027 as written. (simple majority required)
- 2) Board approves the rezone request with modifications to Ord. No. 17-027. – Sec. 94.16.03(8)(b) Requires affirmative vote of $\frac{3}{4}$ or greater of the full Village Board.
- 3) Board denies the rezone request. – Sec. 94.16.03(8)(b) Requires affirmative vote of $\frac{3}{4}$ or greater of the full Village Board.

Board of Trustees Determination on 7/24/17:

Approve / Deny

6-0

**VILLAGE OF WESTON, WISCONSIN
AGENDA ITEM COVER SHEET**

MTG/DATE: Board of Trustees – 07/24/17

FROM: Jennifer Higgins, Director of Planning and Development

DESCRIPTION: Ordinance No. 17-027: An Ordinance to Approve the Rezoning of Land From RR-5 Rural Residential-5 Acre to RM – Rural Mixed at 3601 Camp Phillips Road, Village of Weston, Marathon County, Wisconsin.

ACTION:	<input checked="" type="checkbox"/> Approve	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Proclamation
	<input type="checkbox"/> Deny	<input type="checkbox"/> Policy	<input type="checkbox"/> Report
	<input type="checkbox"/> Expenditure	<input type="checkbox"/> Procedure	<input type="checkbox"/> Resolution

QUESTION:

Should the Board of Trustees adopt the zoning change via Ordinance No. 17-027 as recommended by the Plan Commission?

BRIEF:

In December of 2016, the Village adopted a new zoning district. The “Rural Mixed” zoning district is designed to accommodate rural business and related land use activities. At the time of the introduction of the zoning district and its assignment to property, Scott Turner’s property did not meet the minimum lot size requirement. At this time, Mr. Turner is able to modify and expand upon his property to meet the minimum lot size of the new zoning district and is petitioning the Village for a rezone. Mr. Turner’s property is being combined with a parcel directly adjacent to the north via Certified Survey Map. The rezone will not be fully completed until the combination is completed. Plan Commission held a hearing on the rezone on 7/17/17. No one spoke in opposition. The Plan Commission recommends approval 6-0

RECOMMEND: Director recommends approval.

COMMITTEE: Endorsed by the Plan Commission 6-0 (7/17/17)

REQUEST: Approve Ordinance No. 17-027 under Consent

-
- Is there an additional briefer with this agenda item?
 - Are there additional reference documents which have been attached to this report?

**VILLAGE OF WESTON, WISCONSIN
AGENDA ITEM BRIEFER**

1. Policy Question:

Should the Board of Trustees approve the rezone request by adoption of Ordinance No. 17-027?

2. Purpose:

The purpose of asking this question is to receive guidance and feedback from the Board following their review of the Ordinance and the Zoning Determination Form submitted by the Plan Commission following the Public Hearing on 7/17/17.

3. Background:

In December of 2016, the Village adopted a new zoning district. The "Rural Mixed" zoning district is designed to accommodate rural business and related land use activities. At the time of the introduction of the zoning district and its assignment to property, Scott Turner's property did not meet the minimum lot size requirement. At this time, Mr. Turner is able to modify and expand upon his property to meet the minimum lot size of the new zoning district and is petitioning the Village for a rezone. Mr. Turner's property is being combined with a parcel directly adjacent to the north via Certified Survey Map. The rezone will not be fully completed until the combination is completed.

4. Issue Analysis:

Please see the attached *Rezone Determination by the Village Plan Commission, General Information* section.

5. Fiscal Impact:

N/A.

6. Legal Impact:

No legal impact. It is consistent with past policy practice. Public Hearing Notices have been published per State Statute requirements. The hearing was held per State Statutes.

7. Prior Review:

Planning and Development Department Staff review.

8. Policy Choices:

- 1) Board approves the rezone request per the PC recommendation by adopting Ord. No. 17-027 as written. (simple majority required)
- 2) Board approves the rezone request with modifications to Ord. No. 17-027. – Sec. 94.16.03(8)(b) Requires affirmative vote of $\frac{3}{4}$ or greater of the full Village Board.
- 3) Board denies the rezone request. – Sec. 94.16.03(8)(b) Requires affirmative vote of $\frac{3}{4}$ or greater of the full Village Board.

9. Recommendation:

I recommend the Board approve the rezone request via Ordinance No. 17-027 (attached).

10. Attachments:

Rezone Determination by the Village Plan Commission
Ordinance No. 17-027



**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 17, 2017, at 6:00 p.m.**, at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476 to take testimony relative to the following:

REZN-6-17-1647 Scott Turner, 3601 Camp Phillips Road, WI 54476, requesting a rezoning from RR-5 (Rural Residential – 5 Acre) Zoning District to RM (Rural Mix) Zoning District, on his parcel addressed as 3601 Camp Phillips Road (PIN 192-2808-093-0987) consisting of 13.16 acres. This request is to allow him to combine 3601 Camp Phillips Road to the vacant lot surrounding this property to the north and east (PIN 192-2808-093-0985), which consists of 36.162 acres, and currently owned by Scott L. and Mary R. Turner Revocable Trust. Within the RM Zoning District, the minimum lot size is 20 acres.

CU-6-17-1646 John Davel, of Davel Engineering & Environmental, Inc., 1811 Racine Street, Menasha, WI 54476, requesting a conditional use permit to allow for a Multi-Family Residence (9+ Unit Building) land use within the B-1 (Neighborhood Business) Zoning District, on vacant properties addressed as 6905 Schofield Avenue (PIN 192-2808-221-0991), 7103 Schofield Avenue (192-2808-221-0976), 7205 Schofield Avenue (192-2808-221-0992), and an unaddressed strip of land south of those (PIN 192-2808-221-0971). These parcels are currently owned by Theodore Will Trust, and are proposed to be combined into one parcel through a Certified Survey Map. The overall acreage of parcels to be combined is 7.1341 acres. The proposal is to construct four 12-unit, 2-bedroom each, apartments on the land.

The hearing notice with 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 29th day of June, 2017

Valerie Parker
Plan Commission Secretary

DAILY HERALD media

A GANNETT COMPANY

STATE OF WISCONSIN
BROWN COUNTY

WESTON VILLAGE OF
5500 SCHOFIELD AVE
WESTON

WI 544764333

VOUCHER APPROVAL

Account Number:

10-06-56910 - 321 - 000

Description: July REZN-6-17-1647

CU-6-17-1647 hearing notice

Approved by

JLH
Initials

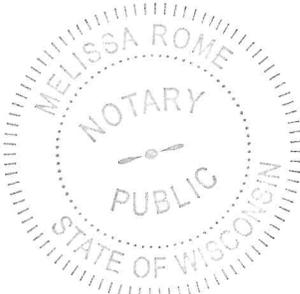
7/20/17
Date

\$86.56

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number: GWM-WES425
Order Number: 0002249172
No. of Affidavits: 1
Total Ad Cost: \$86.56
Published Dates: 07/03/17, 07/10/17

(Signed) *[Signature]* (Date) 7/10/2017
Legal Clerk



Signed and sworn before me

[Signature]

My commission expires

1/12/2021

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Valerie Parker
Plan Commission Secretary
Run: July 3 & 10 WNAXLP

WESTON VILLAGE OF
Re: Village of Weston Public Hearing