VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 17-031

AN ORDINANCE TO APPROVE THE REZONING OF LAND FROM BP BUSINESS PARK TO LI LIMITED INDUSTRIAL AT 8808 PROGRESS WAY, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN.

WHEREAS, the Plan Commission of the Village of Weston having held a public hearing on the 14th day of August, 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-7-17-1652) of Jennifer Higgins, Director of Planning and Development for the Village of Weston, on behalf of the Village of Weston, 5500 Schofield Avenue, Weston, for the following territory now comprising a part of the BP Business Park 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** - described Lot Four (4) of Weston Business and Technology Park – South, in the Village of Weston, Marathon County, Wisconsin, consisting of 3.769 acres; subject to easements and restrictions of record.
> PIN 192-2808-234-0018.

BE IT FURTHER RESOLVED that the foregoing amendment to the zoning district designation shall take effect upon 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 21st day of August, 2017.

BOARD OF TRUSTEES

By: Barbara Ermeling
Barbara Ermeling, its President

Attest:
Sherry Weinkauf
Sherry Weinkauf, its Clerk

APPROVED: 8/21/17

PUBLISHED: 8/23/17

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted on August 21, 2017, the following Ordinances:

- Ordinance No. 17-026: An Ordinance to amend Figures 5.01(2) and 5.02(2) to remove "Principal" from "Minimum Principal Building Separation (ft)" and modify the "Minimum Building Separation (ft)" in all the zoning districts to 10 feet; and to amend Figure 5.02(1) to modify the "Minimum Lot Area" in the INT zoning district from 30,000 square feet to 20,000 square feet.
- Ordinance No. 17-029: An Ordinance to amend Figure 4.09(2) Detached Accessory Structure (for Residential Use) Allowances to add the FP zoning district and decrease the "Minimum Distance from Other Buildings" from 30 feet to 10 feet for the FP, RM, AR and RR-5 zoning districts.
- Ordinance No. 17-030: An Ordinance to Approve the Rezoning of Land from INT Institutional to GI General Industrial on the West 135 Feet of Lot 1 of Parcel 1 of Certified Survey Map No. 9813 Recorded in Volume 40 of Certified Survey Maps on Page 36 Located in Part of The Southeast ¼ of the Northwest ¼ of Section 23, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin.
- Ordinance No. 17-031: An Ordinance to Approve the Rezoning of Land from BP Business Park to LI Limited Industrial at 8808 Progress Way, Village of Weston, Marathon County, Wisconsin CU-7-17-1653 Gerald Drewa, Badgerland Overhead Door, LLC.

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 22nd day of August 2017
Sherry Weinkauf, Village Clerk

Published: 8/23/2017

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: Publication of Ord 17-026
17-029 through 17-031
Approved by JZH 9/11/17 $25.17
Initials Date
10-06-56925-321-000
ETZ publication of 17-026 + 17-029
$8.59

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 advertisment of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number:	GWM-WES425
Order Number:	0002361295
No. of Affidavits:	1
Total Ad Cost:	$33.56
Published Dates:	08/23/17

(Signed) _____ **(Date)** 8/25/17

Legal Clerk

MELISSA ROME NOTARY PUBLIC STATE OF WISCONSIN

Signed and sworn before me _____

My commission expires 1-12-2021

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Dated this 22nd day of August 2017
Sherry Weinkauf, Village Clerk
RUN: Aug. 23, 2017 WNAXLP

WESTON VILLAGE OF
Re: Newly Enacted Ord.

GANNETT WI MEDIA
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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, August 14, 2017, at approximately, 6:00 p.m., or shortly thereafter, at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476 to take testimony relative to the following:

CU-5-17-1637 Mitch King, M & G Properties, LLC, 6205 Municipal Street, Weston, requesting a Conditional Use Permit to allow for the continued operation of a recycle and material storage site (Solid Waste Disposal, Composting, and/or Recycling Facility land use), on properties within the LI (Limited Industrial) Zoning District, and WHP-B (Wellhead Protection-Zone B) Overlay District, described as:

1) 192-2808-211-0954, Lot 2 of Certified Survey Map #16731, Volume 78, Page 80, Document #1663956. This parcel is located directly west of 6205 Municipal Street, and consists of 11.651 acres.
2) 192-2808-211-0957, addressed as 6205 Municipal Street, and described as Section 21, Township 28 North, Range 8 East, part of the NE 1/4 of the NE 1/4 - Parcel 2, CSM #10224, Vol. 42, Pg. 47, DOC# 1137052. Excepting Wandering Springs West Addition. Excepting CSM #11013, Vol. 46, Pg. 65, DOC# 1190730. Excepting Mary Lane. Excepting CSM #12217, Vol. 52, Pg. 105, DOC# 1263949. Excepting beginning 30' N of the SW Corner of Lot 1, CSM #15859, Vol. 72, Pg. 130, DOC# 1575123, N 135.01' W 65' S 135.17' E 65' to the point of beginning, including the S 30' of Lot 1, CSM #15859, Vol. 72, Pg. 130, DOC# 1575123.

REZN-7-17-1651 Randy Worden, WRJ Properties, LLC, R7505 Hines Road, Ringle, on behalf of the Village of Weston, requesting a rezoning from INT (Institutional) Zoning District to GI (General Industrial) Zoning District, on the West 135 feet of Lot One (1) of Parcel One of Certified Survey Map No. 9813 recorded In Volume 40 of Certified Survey Maps on Page 36 located in part of the Southeast ¼ of the Northwest ¼ of Section 23, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin. The parcel is located directly east of 8008 Technology Drive, Weston WI 54476 (PIN 192 2808 232 0951).

REZN-7-17-1652 Jennifer Higgins, Village of Weston, requesting a rezoning from BP (Business Park) Zoning district to LI (Limited Industrial) Zoning District, on Lot 4, of Weston Business and Technology Park – South, addressed as 8808 Progress Way, Village of Weston, Marathon County, Wisconsin. This parcel consists of 3.769 acres.

CU-7-17-1653 Gerald Drewa, Badgerland Overhead Door, 667 South County Road Y, Hatley, on behalf of the Village of Weston, requesting a Conditional Use Permit to allow for Indoor Sales & Service and Outdoor Storage or Wholesaling land uses within the LI (Limited Industrial) Zoning District, on Lot 4, of Weston Business and Technology Park – South, addressed as 8808 Progress Way, Village of Weston, Marathon County, Wisconsin. This parcel consists of 3.769 acres.

CU-7-17-1655 Mike Mohr, REI Engineering, 4080 N. 20th Avenue, Wausau, on behalf of Troy Galster, Greenheck Fan Corporation, 400 Ross Avenue, Schofield, requesting a Conditional Use Permit to allow for the Outdoor Storage or Wholesaling land use in a LI (Limited Industrial) Zoning District, with WHP-B (Wellhead Protection – Zone B) Overlay District. This parcel is addressed as 4545 Alderson Street, and consists of 13.07 acres, and described as Section 17, Township 28 North, Range 8 East, part of the NW ¼ of the NW ¼, - Parcels 2 & 3 of CSM #3488, Vol. 13, Pg. 83, DOC #818264. Also Parcel 1 of CSM #8783, Vol. 34, Pg. 161, DOC #1058597. This parcel includes Parcel 1, of CSM #10968, Vol. 46, Pg. 20, DOC #1187962.

CU-7-17-1657 Irvin Rybacki, Rybacki Properties, LLC, 4101 Schofield Avenue, Weston, requesting a Conditional Use Permit to allow for an Outdoor Alcohol Area accessory use within the B-2 (Highway Business) Zoning District, at property addressed as 4103 Schofield Avenue (Crafties, LLC). This parcel is also described as Parcel 1 of CSM #6943, Vol. 26, Pg. 136, DOC #974167, and contains .8 acres.

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 must be submitted 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 Tuesday, August 8, 2017 to be included in the Plan Commission Meeting Packet. All interested persons attending the Public Hearing 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 27th day of July, 2017

Valerie Parker
Plan Commission Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, July 31, 2017 and Monday, August 7, 2017.

DAILY HERALD media
A GANNETT COMPANY

STATE OF WISCONSIN
BROWN COUNTY

VILLAGE OF WESTON

5500 SCHOFIELD AVE
WESTON WI 544764333

VOUCHER APPROVAL
Account Number:
10-06-56910 -321 -000
Description: August PC WDH hearing notice pub. fees
Approved by JLH JLH
Initials Date
$175.83

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 advertisment of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number:	GWM-1081606
Order Number:	0002310392
No. of Affidavits:	1
Total Ad Cost:	$175.83
Published Dates:	07/31/17, 08/07/17

(Signed) _____ **(Date)** 8/11/2017
Legal Clerk

Signed and sworn before me
_____

My commission expires 4-12-2021

MELISSA FORE NOTARY PUBLIC STATE OF WISCONSIN

VILLAGE OF WESTON
Re: Public Hearings

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VILLAGE OF WESTON
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Dated this 27th day of July, 2017
Valerie Parker
Plan Commission Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, July 31, 2017 and Monday, August 7, 2017.
RUN: July 31 & Aug. 7, 2017 WNAXLP

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

Application/Petition No.:	**REZN-7-17-1652**	Hearing Date:	**August 14, 2017**
Applicant:	**Jennifer Higgins, Director of Planning and Development, on behalf of the Village of Weston.**		
Location:	**8008 Progress Way, Weston, WI 54476**		
Description:	**Lot Four (4) of Weston Business and Technology Park – South, in the Village of Weston, Marathon County, Wisconsin, consisting of 3.769 acres; subject to easements and restrictions of record.** **PIN 192-2808-234-0018.**		

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:	**BP – Business Park**
Definition: 94.2.02(3)(e)	The BP district accommodates office, light industrial, and other compatible businesses and support uses in a controlled business or office park setting. Allowable uses and activities include those associated with low levels of noise, odor, vibrations, and particulate emissions. Development within this district is served by public sanitary sewer and water services. This district is intended for mapping in areas planned for commercial uses, and occasionally in areas planned for industrial uses, within the Comprehensive Plan. (Predecessor district: B-P Business Park and B-4 Office)
Proposed Zoning	**LI – General Industrial**
Definition: 94.2.02(3)(f)	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/Industrial**
FLU Description:	**Business Office Park** Office, indoor light industrial, research, and other compatible and support uses in a controlled business park or office park 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 Implementing 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)**

Industrial, storage, office, and other compatible businesses and support uses, all served by a public sewer system. Certain areas may be appropriate for a broader range of manufacturing, assembling, fabrication and processing, bulk handling, storage, warehousing, trucking, and utility uses with significant off-site impacts such as heavy truck traffic, noise, and odors. Served by a public sewer system.

Development Policies:

1. **Require performance standards as necessary to avoid placing excessive demand on municipal utilities and roads, or creating environmental hazards or unwanted neighborhood impacts.**
2. **Meet design requirements in the zoning ordinance.**
3. **Encourage relocation of older industrial uses that have outgrown their sites or that are located in residential areas to a modern Industrial area.**

Typical Implementing Zoning Districts:

- **LI Limited Industrial (where narrower range of industry/impacts preferred)**
- **GI General Industrial (where wider range of industry/impacts acceptable), or**
- **B-3 General Business (for mix of light industrial and commercial uses).**

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.

   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. This rezone will not affect the density of development.

BACKGROUND INFORMATION:

Badgerland Overhead Door is an overhead door installation company out that has been working out of Hatley, WI for the last 25 years. The developer, Badgerland Overhead Doors, proposes to construct a 10,000 square foot building along with associated parking and storage areas for a commercial business use. The development will be completed with the intent to use the property for Indoor Sales and Service, Indoor Storage or Wholesaling, and Outdoor Storage or Wholesaling. The

project will bring 12 jobs to the Village. The developer proposes to use the building for a show room, offices, and indoor storage of product. They have plans to add on another 10,000 sq ft in a phase 2 expansion so they are asking a brick waiver for the east facade. They are asking the expansion to be allowed to happen within 7 years. Village staff thinks that 7 years is too long and should be shortened to 5 years. If the expansion does not happen in 5 years the east façade would need to be finished and brought up to code and the landscaping on the eastern portion of the lot completed.

Most client interaction is currently done offsite and little onsite sales is expected. The parking accommodates customers as well as employees. Currently, employees drive company vehicles and do not leave personal vehicles at the business. This practice is not anticipated to change. The proposed development has two loading docks and four overhead doors for loading and unloading of product by employees only. A fenced storage yard is proposed for the storage of work trailers as well as refuse and recycling containers.

A rezone and conditional use are required to allow for the Outdoor Storage and Warehousing. This activity is not permitted in the Business Park zoning. With the parcel being bordered on the east and north with Limited Industrial zoning, this rezone is consistent with the neighboring properties. Further, the developer only proposes to store work vehicles outdoors and not sales product.

CURRENT PROPERTY CONDITIONS:

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 8/21/17 meeting.**

2) **Plan Commission recommends approval of the rezone request with modifications and forwards the recommendation on to the Village Board at their 8/21/17 meeting.**

3) **Plan Commission recommends denial of the rezone request and forwards the recommendation on to the Village Board at their 8/21/17 meeting.**

4) **Plan Commission takes no action and the request moves on to the Village Board at their 8/21/17 meeting with no recommendation.**

PLAN COMMISSION ACTION:

The Plan Commission chose option 1 above recommending approval of the rezone request to the Village Board.

Plan Commission Determination on 8/14/17:	**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. 17-031 as written. (simple majority required)**

2) **Board approves the rezone request with modifications to Ord. No. 17-031. – Sec. 94.16.03(8)(b) Requires affirmative vote of ¾ or greater of the full Village Board.**

3) **Board denies the rezone request. – Sec. 94.16.03(8)(b) Requires affirmative vote of ¾ or greater of the full Village Board.**

Board of Trustees Determination on 8/21/17:	**Approve 7-0**

VILLAGE OF WESTON, WISCONSIN
AGENDA ITEM COVER SHEET

MTG/DATE: Board of Trustees – 08/21/17

FROM: Jennifer Higgins, Director of Planning and Development

DESCRIPTION: Ordinance No. 17-031: An Ordinance to Approve the Rezoning of Land from BP Business Park to LI Limited Industrial at 8808 Progress Way, Village of Weston, Marathon County, Wisconsin.

ACTION:	☒ **Approve**	☒ **Ordinance**	☐ **Proclamation**
	☐ **Deny**	☐ **Policy**	☐ **Report**
	☐ **Expenditure**	☐ **Procedure**	☐ **Resolution**

QUESTION:
Should the Board approve the rezone request for Ordinance No. 17-031 (draft attached) at their meeting on 8/21/17?

BRIEF:
Mr. Drewa has been negotiating with staff to purchase one of the remaining lots (Lot 4) in Business and Technology Park - South. At last month's meeting, the Trustees approved moving forward with a Draft Purchase and Development Agreement as long as the Plan Commission approved the building, site and operational plans of the new proposed development. A condition of the sale is for the Village to rezone the property to LI to meet the land use needs of the operational plan for the new business. This rezone request will meet that condition. As part of his conditions of the sale, Mr. Drewa also has requested and received a conditional use permit and building, site and operational plans review and approval from the Plan Commission on 8/14/17. The PC put additional conditions on the site plan approvals at the PC meeting. Many of those items have been addressed, however there are still a few items which need to be received prior to the issuance of a building permit.

RECOMMEND: Director recommends approval of the rezone if the Board agrees to sell Badgerland Overhead Door LLC Lot 4 in Business Park South.

COMMITTEE: Trustees approved draft Purchase & Development Agreement (7/24/17)
Plan Commission endorsed approval contingent on site plan being revised per the conditions placed on it at the 8/14/17 meeting.

REQUEST: Approve Ordinance No. 17-031 under New Business

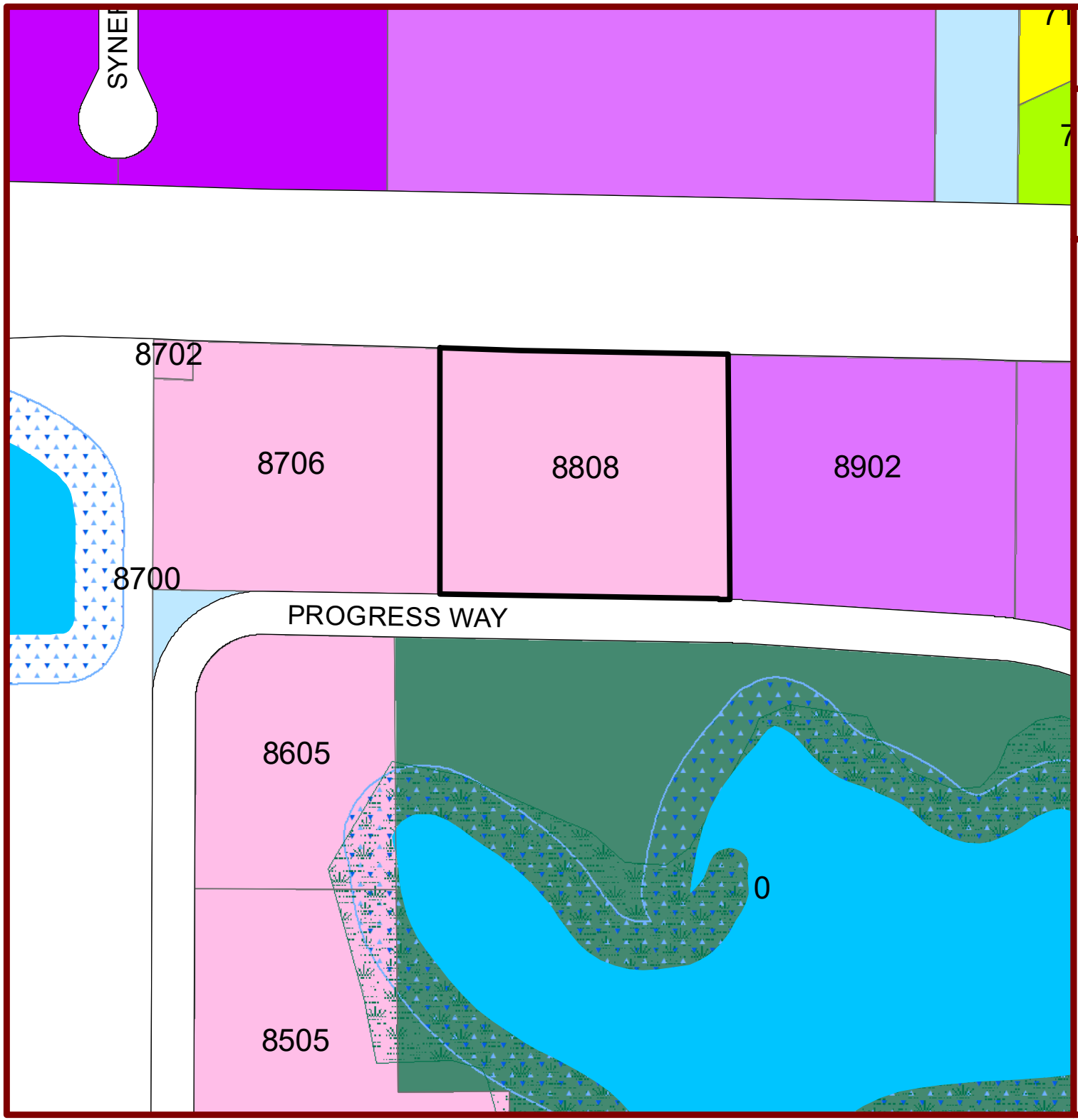
☒ Is there an additional briefer & reference documents which have been attached to this report?

Village and Town of Weston
Marathon County, Wisconsin

OFFICIAL ZONING MAPS

Map Date:	7/27/2017
Adoption Date (Village):	2/22/2017
Adoption Date (ETZ):	2/22/2017
Adoption Date (Town):	1/23/2016

0 0.02 0.04 0.08 Miles



LEGEND

- 8808 Progress Way
- Village of Weston
- Right-of-way
- Parcel Boundary
- Surface Water
- Wetland

ZONING DISTRICTS

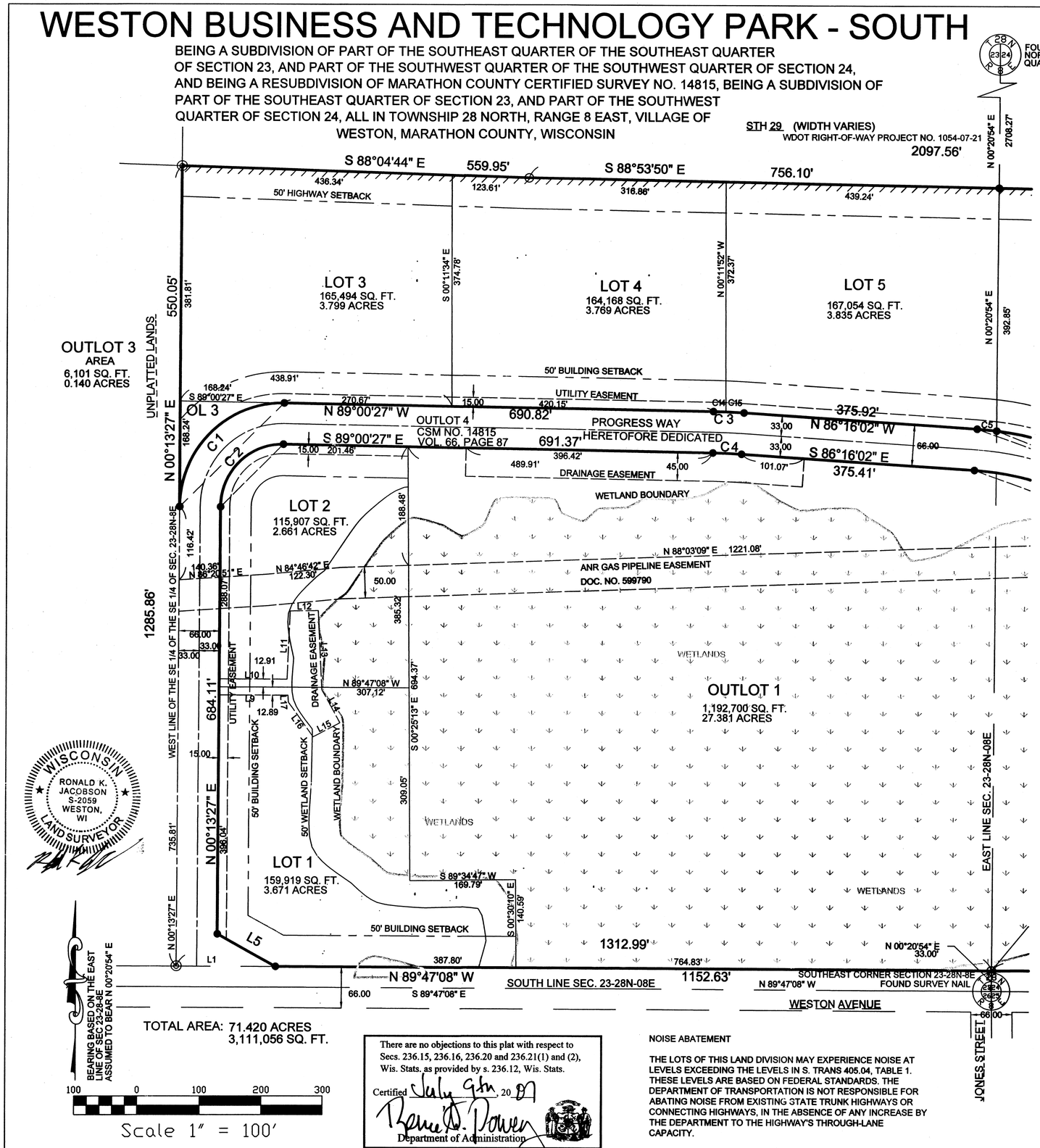
- PR - Parks and Recreation
- SF-S - Single Family Residential-Small Lot
- 2F - Two Family Residential
- INT - Institutional
- BP - Business Park
- LI - Limited Industrial
- GI - General Industrial
- VIllage of Weston Shoreland Overlay Zoning

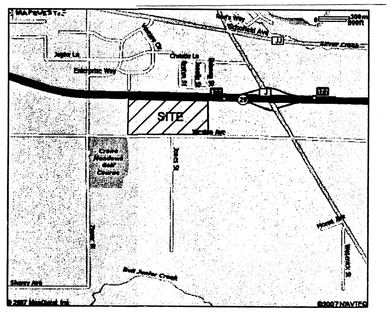
REGISTER OF DEEDS
Marathon County, Wis.
Received for Record this 11th day of July, A.D. 2007 at 11:14 o'clock A.M. in Plat Cabinet No. 3 on page 495 A,B,C
Michael J. Sydow
REGISTRAR

STATE OF WISCONSIN - MARATHON COUNTY
RECORDED
07/11/2007 11:14:58 AM
MICHAEL J. SYDOW, REGISTER OF DEEDS
DOC# 1483321

WESTON BUSINESS AND TECHNOLOGY PARK - SOUTH

BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, AND BEING A RESUBDIVISION OF MARATHON COUNTY CERTIFIED SURVEY NO. 14815, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 23, AND PART OF THE SOUTHWEST QUARTER OF SECTION 24, ALL IN TOWNSHIP 28 NORTH, RANGE 8 EAST, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN





VICINITY MAP
NOT TO SCALE

LEGEND

- ○ FND. 2" INCH IRON ROD
- ● FND. 1 1/4" IRON PIPE
- ◎ FND. 1 1/4" OD IRON PIPE
- ○ SET 1.25" O.D. X 18" IRON ROD 3.65 LBS./LIN.FT.
- ( ) AS RECORDED
- CSM CERTIFIED SURVEY MAP
- P.O.B. POINT OF BEGINNING
- OL 3 OUTLOT 3
- ACCESS RESTRICTION
- EXISTING BUILDING TO BE REMOVED

TOTAL AREA: 71.420 ACRES
3,111,056 SQ. FT.

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.
Certified July 9th, 2007
Department of Administration

NOISE ABATEMENT

THE LOTS OF THIS LAND DIVISION MAY EXPERIENCE NOISE AT LEVELS EXCEEDING THE LEVELS IN S. TRANS 405.04, TABLE 1. THESE LEVELS ARE BASED ON FEDERAL STANDARDS. THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR ABATING NOISE FROM EXISTING STATE TRUNK HIGHWAYS OR CONNECTING HIGHWAYS, IN THE ABSENCE OF ANY INCREASE BY THE DEPARTMENT TO THE HIGHWAY'S THROUGH-LANE CAPACITY.

ACCESS RESTRICTION

ALL LOTS AND BLOCKS ARE HEREBY RESTRICTED SO THAT NO OWNER, POSSESOR, USER, LICENSE OR OTHER PERSON MAY HAVE ANY RIGHT OF DIRECT VEHICULAR INGRESS FROM OR EGRESS TO ANY HIGHWAY LYING WITHIN THE RIGHT-OF-WAY OF S.T.H. "29"; IT IS EXPRESSLY INTENDED THAT THIS RESTRICTION CONSTITUTE A RESTRICTION FOR THE BENEFIT OF THE PUBLIC AS PROVIDED IN S. 236.293, STATS., AND SHALL BE ENFORCEABLE BY THE DEPARTMENT OR ITS ASSIGNS. ANY ACCESS SHALL BE ALLOWED ONLY BY SPECIAL EXCEPTION. ANY ACCESS ALLOWED BY SPECIAL EXCEPTION SHALL BE CONFIRMED AND GRANTED ONLY THROUGH THE DRIVEWAY PERMITTING PROCESS AND ALL PERMITS ARE REVOCABLE.

SURVEYOR: RONALD K. JACOBSON

FLOOD PLAIN

THIS PARCEL IS DESIGNATED AS BEING OUTSIDE OF THE 500 YEAR FLOOD PLAIN BY THE FLOOD INSURANCE RATE MAP HAVING A COMMUNITY PANEL NO. 550245 0400 B DATED AUGUST 3, 1981.

HIGHWAY SETBACK RESTRICTION

NO IMPROVEMENTS OR STRUCTURES ARE ALLOWED BETWEEN THE RIGHT-OF-WAY AND THE SETBACK LINE. IMPROVEMENTS INCLUDE BUT ARE NOT LIMITED TO SIGNS, PARKING LOTS, PARALLEL DRIVEWAYS, WELLS, SEPTIC SYSEMS, DRAINAGE FACILITIES, ETC., IT BEING EXPRESSLY INTENDED THAT THIS RESTRICTION SHALL CONSTITUTE A RESTRICTION FOR THE BENEFIT OF THE PUBLIC ACCORDING TO SECTION 236.293, WISCONSIN STATUTES AND SHALL BE ENFORCEABLE BY THE DEPARTMENT OF TRANSPORTATION. CONTACT THE WISCONSIN DEPARTMENT OF TRANSPORTATION DISTRICT OFFICE FOR MORE INFORMATION. THE PHONE NUMBER MAY BE OBTAINED BY CONTACTING YOUR COUNTY HIGHWAY DEPARTMENT.

CWEA
CENTRAL WISCONSIN ENGINEERS & ARCHITECTS
5707 SCHOFIELD AVENUE
WESTON, WISCONSIN
54476
PHONE: (715) 359-9400
FAX: (715) 355-4199
general@cwengineers.com
http://www.cwengineers.com

PROJECT:
PLAT OF SUBDIVISION
WESTON BUSINESS AND TECHNOLOGY PARK - SOUTH
VILLAGE OF WESTON
MARATHON COUNTY, WISCONSIN

REVISIONS:
REVISED PER DOA COMMENTS 6/26/07

CWEA Project No.: 37170600
DRAWN BY: R.K.J.
CHECKED BY: R.N./K.E.
APPROVED BY: R.K.J.
DATE: 6/7/2007

SHEET: 1 OF 3

VILLAGE OF WESTON, WISCONSIN
AGENDA ITEM COVER SHEET

MTG/DATE: Plan Commission – 07/14/17

FROM: Jennifer Higgins, Director of Planning and Development

DESCRIPTION: Public Hearing - REZN-7-17-1652 Jennifer Higgins, Village of Weston, requesting a rezoning from BP (Business Park) Zoning district to LI (Limited Industrial) Zoning District, on a vacant parcel located at 8808 Progress Way.

ACTION:	☒ **Approve**	☒ **Ordinance**	☐ **Proclamation**
	☐ **Deny**	☐ **Policy**	☐ **Report**
	☐ **Expenditure**	☐ **Procedure**	☐ **Resolution**

QUESTION:
Should the Plan Commission recommend approval of the rezone request application as presented and forward it on to the Board of Trustees to adopt the zoning change via Ordinance No. 17-031 (draft attached) at their meeting on 8/21/17?

BRIEF:
Mr. Drewa has been negotiating with staff to purchase one of the remaining lots (Lot 4) in Business and Technology Park - South. At last month's meeting, the Trustees approved moving forward with a Draft Purchase and Development Agreement as long as the Plan Commission approved the building, site and operational plans of the new proposed development. A condition of the sale is for the Village to rezone the property to LI to meet the land use needs of the operational plan for the new business. This rezone request will meet that condition. As part of his conditions of the sale, Mr. Drewa also has requested a conditional use permit and building, site and operational plans review and approval from the Plan Commission at Monday's meeting. The approvals for this project have been grouped together on the agenda so that discussion can be had on the Purchase and Development Agreement, rezone, CUP and site plan at the same.

RECOMMEND: Director recommends approval of the rezone if the Plan Commission grants the CUP and Site Plan approvals.

COMMITTEE: Trustees approved draft Purchase & Development Agreement (7/24/17)

REQUEST: Approve REZN-7-17-1652 under Plan Commission Business

☒ Is there an additional briefer & reference documents which have been attached to this report?

VILLAGE OF WESTON, WISCONSIN
AGENDA ITEM BRIEFER

1. Policy Question:

Should the Plan Commission recommend approval of the rezone request?

2. Purpose:

The purpose of asking this question is to receive guidance and feedback from the Plan Commission regarding the rezone request following any testimony they receive during the public hearing.

3. Background:

Mr. Drewa has been negotiating with staff to purchase one of the remaining lots (Lot 4) in Business and Technology Park - South. At last month's meeting, the Trustees approved moving forward with a Draft Purchase and Development Agreement as long as the Plan Commission approved the building, site and operational plans of the new proposed development. A condition of the sale is for the Village to rezone the property to LI to meet the land use needs of the operational plan for the new business. This rezone request will meet that condition. As part of his conditions of the sale, Mr. Drewa also has requested a conditional use permit and building, site and operational plans review and approval from the Plan Commission at Monday's meeting. The approvals for this project have been grouped together on the agenda so that discussion can be had on the Purchase and Development Agreement, rezone, CUP and site plan at the same.

4. Issue Analysis:

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

5. Fiscal Impact:

Provide additional tax base and additional monies to the Village Budget due to the lot being sold, taken off the tax rolls and developed.

6. Legal Impact:

No legal impact. It is consistent with past policy practice.

7. Prior Review:

Request has been vetted through the Village's Site Plan Review Team. Staff comments were given to the applicant on 8/2/17. Revisions were received on 8/4. Some items were not revised by the applicant as they wish to speak with the PC on them. The Board approved the draft Purchase and Development Agreement for this property at their 7/24/17 meeting. Staff is working with Attorney Yde to add some additional verbiage to the document concerning the timeline for the completion of the building façade and landscaping as the applicant is wishing for a waiver on this due to a proposed building expansion.

8. Policy Choices:

1) **Plan Commission recommends approval of the rezone request and forwards the recommendation on to the Village Board at their 8/21/17 meeting.**

2) **Plan Commission recommends approval of the rezone request with modifications and forwards the recommendation on to the Village Board at their 8/21/17 meeting.**

3) **Plan Commission recommends denial of the rezone request and forwards the recommendation on to the Village Board at their 8/21/17 meeting.**

4) **Plan Commission takes no action and the request moves on to the Village Board at their 8/21/17 meeting with no recommendation**.

9. Recommendation:

I recommend the Plan Commission approve the rezone request and forward the attached *Rezone Determination by the Village Plan Commission* document to the Village Board with the recommendation that they approve the rezone request via the draft Ordinance No. 17-031 (attached) **[Note: CUP and Site Plan should also be approved or there is no need for the rezone at this time.]**

10. Attachments:

Rezone Determination by the Village Plan Commission
Rezone Request Application Materials
Draft Ordinance No. 17-031