



Meeting Date: 11/11/2013
Agenda Item: 2)f. and 5)h.

STAFF REPORT

REPORT FOR: Chairman White and Plan Commissioners

REPORT PREPARER: Jennifer Higgins, Director of Planning & Development

ITEM DESCRIPTION: Recommendation from Director of Planning & Development to approve the report entitled: "Finding of Fact and Recommendation by the Village of Weston Plan Commission" regarding REZN-10-13-1395, a request to Adopt the Official Zoning Map for the Village of Weston and forward to the Board of Trustees for their consideration.

STAFF'S COMMENT: This action item is being presented to the Plan Commission to consider the Director of Planning & Development's recommendation that the following motion be approved: "The Plan Commission approves the *Finding of Fact and Recommendation by the Village of Weston Planning Commission* as its written finding of fact per Sec. 94.219.1 of the zoning code for rezone request REZN-10-13-1395 and forwards this document on to the Village Board for final approvals."

ACTION ITEM: _____ Ordinance _____ Resolution X Motion _____ File

DATE OF REPORT: Tues, November 5, 2013

DATE OF MEETING: Mon, November 11, 2013

FISCAL SUMMARY:

Budget Line Item: _____
Budget Line Item: _____
Budgeted Expenditure: _____
Budgeted Revenue: _____

STATUTORY REFERENCE:

Wisconsin Statue: Chapters 61.35,
62.23
Administrative Code: _____
Municipal Code: Chapter 94
Judicial Ruling: _____

Policy Question / Issue:

Should the Plan Commission make a motion to recommend approval of the proposed request to adopt the proposed zoning map as the Official Village of Weston Zoning for 2013 by approving the Director of Planning & Development's report entitled *Finding of Fact & Recommendation by the Village of Weston Planning Commission*?

Background:

The last time that we adopted the zoning map as a whole was January 2011. We had been meaning to do this again in early 2013 once we received the new parcels from the County but never got around to it with all the computer and service upgrades that occurred earlier this year. I thought now would be a good time to do this again, since we currently are in the process of going through a zoning code re-write which will also require us to update the zoning map. By doing this now it allows for us to have a clean slate to start from for zoning purposes. We can then archive the rezone requests from 2011 through the present. We are in need of getting an updated map upon the website and having a clean map in the conference room that is up to date. Both will be helpful at the time we start rolling out the new zoning map from the code update. People will be able to have a map of the old zoning districts to compare with the new proposed map that staff will put together with Consultant Mark Roffers assistance.

No changes have been made to the map other than those that have been approved by the Village Board from 2011 to the present. Any requests by the public brought up for rezoning at the Public Hearing should be referred to staff to proper processing and notification via the rezoning application process.

Recommendation following Staff Review:

Staff has been reviewing the proposed map to the rezones that have been processed and approved since the last zoning map approval in 2011 and we feel that the map before you is a representation of all the approved zoning changes from 2011 through the present. We have even included on the map, the proposed changes that the Plan Commission will be considering on the 11/11/13 agenda and they have already been incorporated into the map. We will remove any that do not receive final approvals from the Village Board on 11/18/13 prior to publishing the new map.

It is therefore my recommendation, as the Director of Planning & Development, that if no unforeseen issues arise at the public hearing Monday night, the Plan Commission make a motion to approve my report, *Finding of Fact and Recommendation by the Village of Weston Planning Commission*, included in your packet. I have completed the document to give you a starting point. Please feel free to make any additions and/or subtractions prior to adoption. This document will serve as the Commission's written finding of fact, per Sec. 94.219.1, for request REZN-10-13-1395 and then be forwarded on to the Village Board at their meeting on November 18th along with the ordinance that is needed to be adopted and published prior to making the rezone a permanent change.

Purpose:

The purpose of this recommendation is as follows: to regulate areas in which various land uses may be conducted; regulate the location and operation of economic development areas; regulate the location, bulk, height, and similar features of structures, including the overall population density of the community; establish zoning districts to accomplish these purposes; Regulate the regulations to the character of the neighborhood and its suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

Policy Alternatives:

- 1) Approve the Finding of Fact document with changes/additions as determined by the Plan Commission.
- 2) Defer action on the request until the December 9th PC meeting and refer the request back to staff for additional study/review prior to the November meeting.
- 3) Deny the request.



Application for Rezoning
**FINDING OF FACT & RECOMMENDATION BY THE VILLAGE OF WESTON
PLANNING COMMISSION**

Application/Petition #: **REZN-10-13-1395**

Hearing Date: **November 11, 2013**

Applicant: **Village of Weston**

Request: **Adoption of the Official Zoning Map for the Village of Weston**

Location: **Village wide**

The Plan Commission of the Village of Weston, having heard the application for the adoption of the Official Zoning Map for the Village of Weston, and all opposition from parties claiming to be adversely affected thereby, has considered the request based on the provisions of Wisconsin law and forwards the following findings and recommendation to the Village of Weston Board of Trustees:

1. The request is consistent with the Village of Weston Comprehensive Plan. No zoning districts are proposed to be changed. We are just requesting to the adopt the map as a whole to have a starting point to proceed with the zone code text update and the resulting zoning code map update that will follow.
2. The request is consistent with the current conditions and character of structures and uses in each zoning district.
3. The request is consistent with the most desirable use for which the land in each district is adapted.
4. The request is consistent with the conservation of property values throughout the jurisdiction.
5. The request is consistent with responsible growth and development.
6. The request is in compliance with the intent and purposes of Chapter 94 as set forth in sections 94.104 and 94.105.
7. The proposed rezone is in the public's best interest, and is not solely for the benefit of the applicant.

Based on the findings described above, the Commission hereby forwards a favorable recommendation to the Village Board. So ordered this 11th day of November, 2013.

Village of Weston Planning Commission

By: _____
Loren White, its Chairman

Attest: _____
Valerie Parker, its Secretary

Sec. 94.104. Intent.

It is the intent of this chapter to carry out the statutory purposes enumerated in Wis. Stats. §§ 61.35 and 62.23(7), including but not limited to:

- (1) Regulate areas in which various land uses may be conducted;
- (2) Regulate the location of community facilities;
- (3) Regulate the location and operation of economic development areas;
- (4) Regulate the location, bulk, height and similar features of structures, including the overall population density of the community;
- (5) Establish zoning districts to accomplish these purposes;
- (6) Regulate land use along natural watercourses to protect such courses;
- (7) Regulate development and natural growth near airport runways;
- (8) Regulate land use for the protection of groundwater resources;
- (9) Provide for the preservation of burial sites;
- (10) Regulate so as to preserve areas with historic or aesthetic value;
- (11) Provide for special planned development districts pursuant to Wis. Stats. §62.23(7)(b).

(Ord. of 11-18-1991)

Sec. 94.105. Purposes in view.

(a) In accordance with Wis. Stats. § 62.23(7)(c), the regulations of this chapter shall be made and administered in accordance with a comprehensive plan as authorized in Wis. Stats. §62.23(3).

(b) In accordance with Wis. Stats. § 62.23(7)(c) and the related areas of the statutes cited in the authority of subsection (a) of this section, the regulations of this chapter are designed to:

- (1) Lessen congestion in the streets.
- (2) Secure safety from fire, panic and other dangers, including flooding and soil erosion.
- (3) Provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems.
- (4) Prevent the overcrowding of land and the destruction of natural resource areas such as wetlands and woodlots.
- (5) Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

(6) Relate the regulations to the character of the neighborhood and its suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

(Ord. of 11-18-1991)

Future Deliverables:

- 1) Ordinance to approve Request REZN-10-13-1395 at November 18th Village Board Meeting
- 2) New Official Zoning Map for 2013

Additional Items:

- 1) *Finding of Fact and Recommendation by the Village of Weston Planning Commission*
- 2) Application Materials (REZN-10-13-1395) - Full Rezoning Application submittal is available online at <http://www.westonwi.gov/421/Public-Hearing-Notices>
- 3) Official Zoning Map for 2013



**VILLAGE OF WESTON
NOTICE OF PUBLIC HEARING**

ADOPTION OF VILLAGE WIDE OFFICIAL ZONING MAP

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Village of Weston Plan Commission on Monday, November 11, 2013, at 6:00 p.m., at the Village of Weston Municipal Center, 5500 Schofield Avenue, to hear testimony relative to the adoption of the Official Zoning Map (Application #REZN-10-13-1395). All persons owning property and all interested parties in the Village of Weston are invited to attend the public hearing. Persons may file written or verbal statements concerning discrepancies with the proposed Official Zoning Map at or prior to the public hearing on November 11, 2013. No decision will be made at the November 11, 2013, public hearing on these discrepancies until a rezoning application is filed with the Village, and neighboring property owners are properly notified of a future public hearing for the specified property before the Village Plan Commission.

For advance viewing of the official zoning map before November 11, 2013, persons may visit the Village Municipal Center during regular business hours, 7:30 a.m. – 5:00 p.m., Mon.-Fri., or access a pdf of the official zoning map on the Village 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 e-mailed to vparker@westonwi.gov, by noon on the day of the public hearing. All interested persons will be given an opportunity to be heard. Any person with questions or planning to attend needing special accommodations in order to participate should call Valerie Parker, Administrative Specialist, Planning and Development Department, at 715-241-2607.

Dated this 23rd day of October, 2013

Sherry L. Weinkauff
Village Clerk

Published as a legal ad in the Wausau Daily Herald on Mon., Oct. 28, 2013, and Mon., Nov. 4, 2013

Valerie Parker

To: Kelley Wehner - Wausau Daily Herald (kwehner@wdhprint.com)
Cc: Jennifer Higgins (jhiggins@westonwi.gov); Sherry Weinkauff; Jessica Trautman
Subject: Additional Legal Notice to be Published
Attachments: REZN-10-13-1395 Village Official Map Hearing Notice.doc

10/23/13

Hi Kelley,

We have one more legal notice to be published in the Wausau Daily Herald, on the same dates as the previous one sent (Monday, October 28th, and Monday, November 4th).

Similar to the other request, please reply letting me know you received this document okay and that it will be published as requested.

Have a good evening,

Valerie

From: Valerie Parker
Sent: Wednesday, October 23, 2013 9:34 AM
To: Kelley Wehner - Wausau Daily Herald (kwehner@wdhprint.com)
Cc: Jennifer Higgins (jhiggins@westonwi.gov); Sherry Weinkauff; Jessica Trautman
Subject: Legal Notice to be Published

10/23/13

Hi Kelley,

We would like the attached hearing notice published as a legal notice in the Wausau Daily Herald on the following dates:

Monday, October 28th, and Monday, November 4th.

Please reply to this message letting me know that you received the hearing notice and that it will be published as requested.

Thanks and have a great day,

Valerie Parker
Administrative Specialist
Planning & Development Department
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