

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

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REQUEST FROM: **JARED WEHNER, ASSISTANT PLANNER**  
**JENNIFER HIGGINS, DIRECTOR OF PLANNING AND DEVELOPMENT**

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ITEM DESCRIPTION: **CONDITIONAL USE PERMIT (CU-9-15-1551) INDOOR STORAGE OR WHOLESALE IN B-3 – GENERAL BUSINESS DISTRICT AT 5702 WESTFAIR AVENUE.**

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DATE/MTG: **NOVEMBER 9, 2015 - PLAN COMMISSION**

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POLICY QUESTION: Should the Plan Commission approve the conditional use permit as requested by Thomas Krautkramer, Copper Halo 2, LLC., owner of the above stated property to allow the expanded use of Indoor Storage or Wholesaling within the B-3 zoning district at the 5702 Westfair Avenue?

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RECOMMENDATION TO: I make a motion to endorse approval, of **Option 1** as stated on the Conditional Grant Determination (see attached).

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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   |
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FISCAL IMPACT ANALYSIS:

- |  |       |
|--|-------|
| <input type="checkbox"/> Budget Line Item:     | N/A   |
| <input type="checkbox"/> Budget Line Item:     | _____ |
| <input type="checkbox"/> Budgeted Expenditure: | _____ |
| <input type="checkbox"/> Budgeted Revenue:     | _____ |
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STATUTORY / RULEMAKING / POLICY REFERENCES:

- |  |          |
|--|----------|
| <input type="checkbox"/> WI Statue:              | _____    |
| <input type="checkbox"/> WI Administrative Code: | _____    |
| <input type="checkbox"/> Case Law / Legal:       | _____    |
| <input type="checkbox"/> Municipal Code:         | 94.16.06 |
| <input type="checkbox"/> Municipal Rules:        | _____    |
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PRIOR REVIEW: None

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BACKGROUND: This property was formerly owned by Lincoln Contractor Supply Company, which has since moved to its new location on Country Road J in 2014. Tom Krautkramer purchased the building in 2014, under Copper Halo 2, LLC., and has used it for indoor storage and wholesaling as Ironworker LLC., which started prior to the adoption of the current zoning code. Krautkramer has an interested tenant, Fastenal, who is across the street, to lease the unused space for storage and pick-up of additional product.

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Attachments

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Application for Conditional Use Permit  
**CONDITIONAL GRANT DETERMINATION BY THE VILLAGE OF WESTON  
PLAN COMMISSION**

Application/Petition No.: **CU-9-15-1551** Hearing Date: **November 9, 2015**  
Applicant: **Tom Krautkramer, Copper Halo 2, LLC., 5207 Westfair Avenue, Weston, WI 54476**  
Location: **5207 Westfair Avenue**  
Description: **Lot 4 of Block 2 of the Weston Commercial Park Plat**

The Department of Planning and Development of the Village of Weston, pursuant to the Village of Weston Zoning Code, Article 16 Processes, Section 94.16.06 Conditional Use Permits, hereby makes the following findings and evaluation to the Village of Weston Plan Commission:

**GENERAL INFORMATION:**

Zoning: **B-3 – General Business**

Definition: 94.2.02(3)(d) The **B-3 district** accommodates a wide range of commercial uses, along with compatible wholesale, light industrial, and outdoor storage and display 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, and occasionally in areas planned for industrial uses, within the Comprehensive Plan.

Proposed Land Use: **Indoor Storage or Wholesaling.** Uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples include warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with this use shall be considered accessory uses, which are separately listed and regulated.

Section 94.4.06(1)

Performance Standards: 1. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.

2. Minimum Required Off-Street Parking: one space per 2,000 square feet of Gross Floor Area.

Future Land Use: **Future Commercial**

FLU Description: Retail, commercial service, restaurant, and office uses, all served by public sanitary sewer and water services. Where along major highway corridors or outside of the Village’s neighborhood areas, the scale and range of uses may expand, including lodging, large-scale retail, wholesaling, and outdoor display land uses.

**DETERMINATION:**

1. Is the proposed conditional use in harmony with the Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted by the Village?  
**Yes, the use of Indoor Storage or Wholesaling within the B-3 district is in alignment with the zoning code, as primary activity of the use is occurring within an enclosed structure and will have very little negative impact on the surrounding land uses and/or property values.**
2. Does the proposed conditional use, in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as

a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted by the Village?

**No, due to the majority of the activity associated with this use occurring within an enclosed structure. This type of indoor store and wholesaling is more closely associated with commercial activity than industrial activity.**

3. Does the proposed conditional use 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 current use of the property is currently determined to be indoor storage or wholesaling. The area, which is formerly the Weston Commercial Park, is shifting from light industrial uses to commercial uses. This use is considered a transitional use from industrial to commercial.**

4. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property?

**Yes, there are adequate improvements, facilities, utilities and services for the property. The site currently is served by sewer and water. This site is also adjacent to a larger stormwater management system.**

5. Do the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts?

**Yes, the conditional grant will allow the applicant to continue the use and maintain a successful business and lease space for this tenant and future tenants.**

#### **BACKGROUND INFORMATION:**

This property was formerly owned by Lincoln Contractor Supply Company, which has since moved to its new location on Country Road J in 2014. Tom Krautkramer purchased the building in 2014, under Copper Halo 2 LLC., and has used it for indoor storage and wholesaling as Ironworker LLC., which started prior to the adoption of the current zoning code. Krautkramer has an interested tenant, Fastenal, who is across the street, to lease the unused space for storage and pick-up of additional product.

#### **CURRENT PROPERTY CONDITIONS:**

Presently, the property is utilized for indoor storage and wholesaling. There is a fenced in yard that has been left from Lincoln Contractor. There is not any outdoor storage there at this time.

#### **PLAN COMMISSION ACTION OPTIONS:**

- 1) **Approve the Conditional Use Grant for the use of Indoor Storage and Wholesaling at 5207 Westfair Avenue with the following conditions:**
  - a. **Outdoor storage shall only occur at a 30-day temporary basis and shall be screened from the view of the right-of-way and neighboring parcels.**
  - b. **The construction of any facilities upon the property described above shall be in accordance with the building site and operational plans previously approved by the Village. Any additions, modifications or changes in said site plan, operational plan and/or building plan must be approved by the Village in advance of any construction.**
- 2) **Approve the Conditional Use Grant for the use of Indoor Storage and Wholesaling at 5702 Westfair Avenue with the following conditions:**
  - a. **The construction of any facilities upon the property described above shall be in accordance with the building site and operational plans previously approved by the Village. Any additions, modifications or changes in said site plan, operational plan and/or building plan must be approved by the Village in advance of any construction.**
- 3) **Deny the Conditional Use Grant for the use of Indoor Storage and Wholesaling at 5207 Westfair Avenue.**

**VILLAGE OF WESTON, MARATHON COUNTY, WI**  
**CONDITIONAL USE PERMIT #CU-9-15-1545**

This CONDITIONAL USE PERMIT is issued as of the 9<sup>th</sup> day of November, 2015, by the PLAN COMMISSION of the Village of Weston to COPPER HALO 2, LLC., property owner.

WHEREAS, COPPER HALO 2, LLC. is the owner of the property described below in the Village of Weston, and said owner intends to use thereon INDOOR STORAGE OR WHOLESALING related uses. The said properties upon which said activity is to take place is more particularly described as follows:

Lot 4 of Block 2 of the Weston Commercial Park Plat; part of the southwest ¼ of the southeast ¼ of Section 16, Township 28 north, Range 8 east, Village of Weston, Marathon County, Wisconsin; more commonly known as 5207 Westfair Avenue

WHEREAS, the properties described above are in the B3 – GENERAL BUSINESS ZONING DISTRICT with WHP – WELLHEAD PROTECTION OVERLAY DISTRICT-ZONE A of the Village, which permits the use of INDOOR STORAGE OR WHOLESALING in said district only by conditional grant; and

WHEREAS, COPPER HALO 2, LLC. has requested a conditional grant use of the property, per Section 94.3.05, so as to allow the use of INDOOR STORAGE OR WHOLESALING (94.4.06(1)) on said premise; and

WHEREAS, a petition for a conditional use permit having been duly filed with the Village Zoning Administrator, and placed on the Plan Commission agenda after first being assured by Village professional staff review that the application is complete, and following staff review and Commission review, investigation and a public hearing which was held November 9, 2015, the Plan Commission after giving full consideration to the criteria and standards of for granting a conditional use, as set forth in the Village Ordinance, including Section 94.16.06, approve said application in writing.

NOW, THEREFORE, BE IT RESOLVED, the PLAN COMMISSION of the Village of Weston, in Marathon County, Wisconsin, hereby grant the COPPER HALO 2, LLC. a conditional grant for the property described above, for the use of INDOOR STORAGE OR WHOLESALING as defined in Sec. 94.4.06(1) of the Village Zoning Ordinance. The conditions for the issuance of the conditional grant are as follows:

- 1) Outdoor storage shall only occur at a 30-day temporary basis and shall be screened from the view of the right-of-way and neighboring parcels.
- 2) The construction of any facilities upon the property described above shall be in accordance with the building site and operational plans previously approved by the Village. Any additions, modifications or changes in said site plan, operational plan and/or building plan must be approved by the Village in advance of any construction.

Dated this 9<sup>th</sup> day of November, 2015

WESTON PLAN COMMISSION

By: \_\_\_\_\_  
Loren White, its Chair

ATTEST:

\_\_\_\_\_  
Valerie Parker, Plan Commission Secretary

STATE OF WISCONSIN)

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COUNTY OF MARATHON)

Personally came before this \_\_\_\_\_ day of November, 2015, the above named Loren White, Chair, and Valerie Parker, Secretary, to me known to be the persons who execute the forgoing instrument and acknowledge the same.

\_\_\_\_\_  
Notary Public

My Commission expires on \_\_\_\_\_.

THIS INSTRUMENT DRAFTED BY:  
Jared M. Wehner, Village of Weston  
Assistant Planner, Planning and Development  
Weston, WI 54476