

**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-12-15-1560) INDOOR STORAGE OR WHOLESALE IN B-3 – GENERAL BUSINESS DISTRICT AT 5302 SCHOFIELD AVENUE.**

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DATE/MTG: **JANUARY 11, 2016 - PLAN COMMISSION**

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POLICY QUESTION: Should the Plan Commission approve the conditional use permit as requested by Statewide Development Inc., owner of the above stated property to allow the expanded use of Indoor Storage or Wholesaling within the B-3 zoning district at the 5302 Schofield 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: The owner of the building was contacted by a distribution company to utilize the empty half of the facility to distribute a line of products. The distribution company already has a presence within the Central Wisconsin market, but to meet increasing demands and in order to stay competitive the company needs a warehouse and distribution center in the market.

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Attachments

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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, January 11, 2016, at 6:00 p.m.**, at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476 to take testimony relative to the following:

**CU-12-15-1560 Travis Novotny, of Statewide Development, Inc., W6483 Design Drive, Unit A, Greenville, WI 54942, requesting a Conditional Use Permit, on property addressed as 5302 Schofield Avenue (PIN 192-2808-164-0977), to allow for uses such as Indoor Storage or Wholesaling within the B-3 (General Business) zoning district, which are only allowed through a Conditional Use Permit. This parcel is described as Lot 1 of CSM #6381, Vol. 23, Pg., 209, Doc. #946406, and consists of 2.510 acres.**

REZN-12-15-1558 Mark Thompson, of MTS LLC, 404 Franklin Street, Wausau, WI 54403 for Katie Ripp, 5410 Pine Park Street, Weston, requesting a rezoning from SF-S (Single-Family Residential – Small Lot) to B-3 (General Business), with D-CC (Commercial Corridor Overlay), on vacant land being split from 5410 Pine Park Street and proposed to be attached to 5403 Normandy Street for the purpose of an expanded parking lot. The land in question is described as the west 85 feet of Lot 4, Block 1, Pine Park Addition, and consists of 0.25 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](mailto: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, Administrative Specialist, Planning and Development Department, at 715-241-2607.

Dated this 22<sup>nd</sup> day of December, 2015

Valerie Parker  
Plan Commission Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, December 28, 2015 and Monday, January 4, 2016.



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

Application/Petition No.: **CU-12-15-1560** Hearing Date: **January 11, 2016**  
Applicant: **Statewide Development, Inc., W6483 Design Drive, Unit A, Greenville, WI 54942**  
Location: **5302 Schofield Avenue**  
Description: **Lot 1 of Certified Survey Map No. 6381 filed with the Register of Deeds of Marathon County, Wisconsin in Volume 23 Page 209, excluding Document No. 1200666 (hwy); part of the east ½ of the southeast ¼ of Section 16 T28N R8E.**

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 adjacent to the former 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 expand a successful distribution service in the Central Wisconsin market.**

#### **BACKGROUND INFORMATION:**

The owner of the building was contacted by a distribution company to utilize the empty half of the facility to distribute a line of products. The distribution company already has a presence within the Central Wisconsin market, but to meet increasing demands and in order to stay competitive the company needs a warehouse and distribution center in the market.

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

Currently, half of the building is occupied by Omni Glass. The other half of the building is vacant. There is not any outdoor storage on the site besides a parking lot for vehicles. There is a "gravel" driveway extension on the west side of the building that was installed at some point, but was not approved by the site plan approval authority.

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

- 1) **Approve the Conditional Use Grant for the use of Indoor Storage and Wholesaling at 5302 Schofield Avenue with the following conditions:**
  - a. **The "gravel" driveway extension be removed, restored and maintained as green space;**
  - b. **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; and**
  - c. **Upon the use expanding beyond the terms listed within the Operation Plan, then the owner/applicant of said use shall resubmit a new Conditional Use Permit application;**
  - d. **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 5302 Schofield 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.**

- b. Upon the use expanding beyond the terms listed within the Operation Plan, then the owner/applicant of said use shall resubmit a new Conditional Use Permit application.**
- 3) Deny the Conditional Use Grant for the use of Indoor Storage and Wholesaling at 5302 Schofield Avenue.**



Imagery ©2016 Google, Map data ©2016 Google 50 ft

# Village of Weston Marathon County, Wisconsin

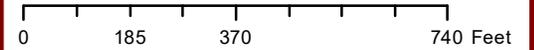


## OFFICIAL ZONING MAPS

Map Date: 12/29/2015  
 Adoption Date (Village): 3/18/2015  
 Adoption Date (ETZ): 3/18/2015



Map by the Technology Services Department,  
 Village of Weston



### LEGEND

- 5402\_Schofield\_Ave
  - Village 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

#### WELLHEAD PROTECTION ZONES

- Zone A
- Zone B



# Village of Weston

## Marathon County, Wisconsin

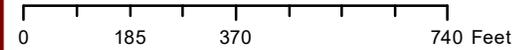


### FUTURE LAND USE

Map Date: 12/29/2015  
 Adoption Date (Village): 3/18/2015  
 Adoption Date (ETZ): 3/18/2015



Map by the Technology Services Department,  
 Village of Weston



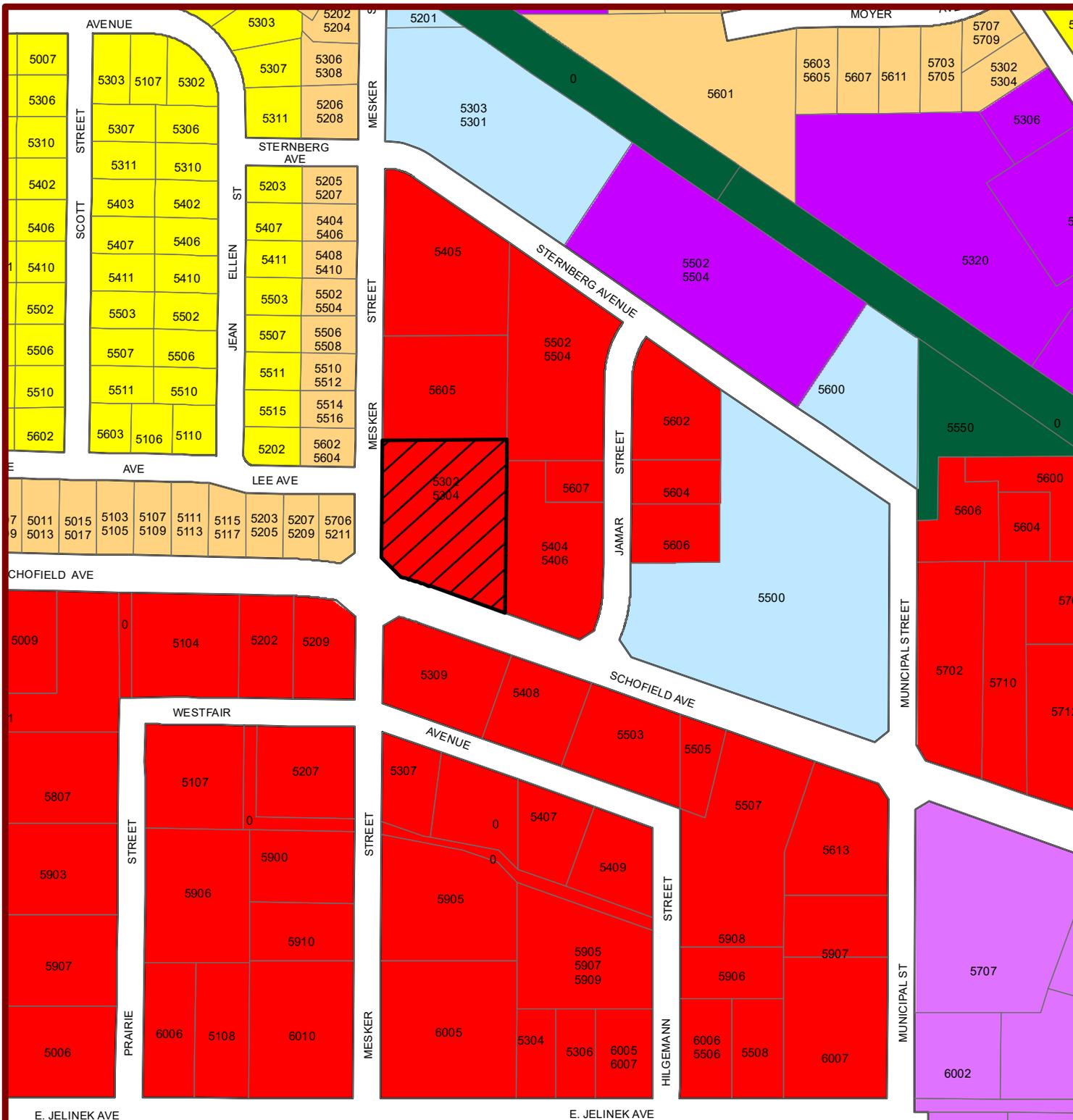
### LEGEND

- 5402\_Schofield\_Ave
- Village of Weston
- Right-of-way
- Parcel Boundary
- Wetland
- Surface Water

### FUTURE LAND USE

- Single Family Residential - Unsewered
- Single Family Residential - Sewered
- Two Family Residential
- Multiple Family Residential
- Planned Neighborhood
- Commercial
- Business/Office Park
- Mixed Use
- Industrial
- Institutional
- Parks and Recreation
- Agriculture
- Environmental Corridor

NOTE: The designations on this map are for general recommendations for the future land use. Actual boundaries between different land use types and associated zoning districts may vary from what is represented on this map. Designations shown on this map may not be immediately appropriate for development, rezoning, annexation, utility service expansion and/or subdivision.



## **Weston, WI Red Bull Distribution Company Operations Plan:**

- Primary Use: Warehousing and Wholesale local distribution of pre-packaged, palletized Red Bull Beverages, and related Administrative Offices.
- Materials being stored on site: Red Bull Product, pre-packaged, palletized and shrink-wrapped. Small display coolers. Other Brand marketing material. Delivery vehicles will be parked inside the facility overnight. Standard warehouse equipment (electric forklift, floor scrubber), Office furniture and office equipment (copier, etc).
- No hazardous materials will be stored on site.
- Number of Vehicles to be parked at the facility: 4 Mercedes Benz Sprinter Vans
- Frequency of use: Sprinter Vans will leave the facility in the morning by 7:00 AM. The Sales Associates will be on routes all day and return to the facility around 4:00 PM for restocking and storage for the next day's delivery. Monday thru Friday only.
- Size and type/configuration of vehicles: Mercedes Benz Sprinter Vans. 170" wheelbase, 90" high, 10,100 lbs., 2 ton payload capacity, Diesel engine
- Normal Business Hours of Operation: 7:00 AM to 6:00 PM Monday thru Friday. No weekend or after-hours operations.
- Number of tractor shipments and deliveries /week: 3 per week, during normal business hours
- Number of employees on site: 6 total. 2 employees physically on site throughout most of the day. An additional 4 Route Salespersons will be onsite early in the morning to retrieve their trucks for daily deliveries, and will return to the site around 5:00 PM with their trucks for reloading and overnight parking.
- Site will require no exterior storage.
- Red Bull Distribution Company will procure a local business license for this site

Statewide Development, Inc.  
W6483 Design Dr., Unit A  
Greenville, WI 54942

Village of Weston  
Attn: Jared Wehner  
5500 Schofield Ave.  
Weston, WI 54476

RE: Written Justification

Statewide Development, Inc. is submitting a conditional use permit application, in the hopes of being able to lease 9,800 sq ft of space located at 5302 Schofield Ave. We have been working with Red Bull Distribution Company, Inc., who wishes to use the space to receive, wholesale, repackage and deliver its product to local vendors. This would be a very low impact use for the facility and surrounding area, as there is no outdoor storage, only 2-3 semis per week, 6 total employees and operating hours of Monday – Friday 7:00 am to 6:00 pm.

We have had this property available for lease for the past two years, and to this point have been unable to procure a tenant, even after aggressive price drops. We are hopeful that the Village will approve this application expeditiously so we can move forward and execute a Lease.

We appreciate your consideration.

Regards,

Travis Novotny  
Statewide Development

**Conditional Use/Rezone/Comprehensive Plan Amendment**

Permit Application  
Village of Weston/ETZ  
Date: 12/14/2015

Permit No. : CU-12-15-1560

Payment: Cash Check No. 1089



5500 Schofield Ave  
Weston, WI 54476

**FULL COMPLETION OF THIS FORM IS REQUIRED FOR PROCESSING**

**PROPOSALS AND FEES**

<input type="checkbox"/>	Conditional Use (Residential)		\$ 250.00
<input checked="" type="checkbox"/>	Conditional Use (Non-Residential)	\$250.00 + \$10.00/Acre over 10 Acres =	\$ 250.00
<input type="checkbox"/>	Conditional Use Amendment		\$ 250.00
<input type="checkbox"/>	Rezone (Official Zoning Map Amendment)		\$ 250.00
<input type="checkbox"/>	Conditional Use and Rezone (Residential)		\$ 400.00
<input type="checkbox"/>	Conditional Use and Rezone (Non-Residential)	\$400.00 + \$10.00/Acre over 10 Acres =	
<input type="checkbox"/>	Comprehensive Plan Map Amendment		\$ 350.00
<input type="checkbox"/>	Comprehensive Plan Map Amendment with Rezone		\$ 500.00
<input type="checkbox"/>	Comprehensive Plan Text Amendment		\$ 200.00
<b>TOTAL:</b>			<b>\$ 250.00</b>

**APPLICANT INFORMATION**

Applicant Name: Statewide Development, Inc.  Agent\*  Property Owner  
Mailing Address: W6483 Design Dr. Unit A Phone: (920) 954-5554  
Greenville, WI 54942 Email: travis@midwest-prop.com

\* Agents must have a LETTER OF AUTHORIZATION from all property owners at the time of filing.

Property Owner: Statewide Development, Inc. Contact Name: Travis Novotny  
Mailing Address: W6483 Design Dr. Unit A Phone: (920) 954-5554  
Greenville, WI 54942 Email: travis@midwest-prop.com

**PROJECT SITE SPECIFICATIONS**

Project Address: 5302 Schofield Ave. Lot Size(ft<sup>2</sup>): 109335.60 sqft  
(or PIN if no address) Weston, WI 54476 Acres: 2.51 acres  
Property Zone: B-3 Proposed Rezone: \_\_\_\_\_  
Current Future Land Use Designation: \_\_\_\_\_ Proposed Future Land Use Designation: \_\_\_\_\_  
Legal Description: SEC 16-28-08 PT OF E 1/2 SE 1/4 - LOT 1 CSM VOL 23 PG 209 (#6381) (DOC #946406) EX DOC #1200666 (HWY)

**PUBLIC HEARING REQUIRED FOR CONDITIONAL USE AND REZONE**

**CONDITIONAL USE:** Following acceptance of a complete application, the Village Clerk shall schedule a public hearing before the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area) to be held within 45 days after acceptance of a complete application. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 2 Notice in conformance

with the requirements of Wis. Stat. § 62.23(7)(d). The Village Clerk shall also send said notice to the applicant, owners of record of all lands within 300 feet of the boundaries of the subject property, and the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter at least ten days prior to the date of such public hearing. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section.

**REZONE:** The Plan Commission (or Extraterritorial Zoning Committee) shall hold a public hearing on all proposed amendments to the Official Zoning Map. Following the public hearing, and after consideration of comments provided therein, the Plan Commission or Committee shall review the proposed amendment to the Official Zoning Map and shall within 45 days of the public hearing make a recommendation to the Village Board that the application be granted as requested, modified, or denied. If the Commission or Committee fails to make a recommendation within this timeframe, the proposed amendment shall be forwarded to the Village Board without recommendation. Such deadline may be extended by written or electronic agreement from the applicant. Nothing in this Chapter requires Town Plan Commission or Town Board action on proposed amendments to the Official Zoning Map in the ETZ Area.

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### CONDITIONAL USE REQUIREMENTS

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Maps showing the current location and current zoning and future land use of all lands for which the conditional use permit is proposed, the location and current zoning of all lands within 300 feet, and the jurisdiction(s) within the subject property lies (Village of Weston or Town of Weston) will be provided by Village Staff.

A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations is required to be attached to this application.

Has the written description and location been attached?  Yes  No

Written justification is required for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria set forth below.

Has the written justification been attached?  Yes  No

Does the Conditional Use Permit involve exterior building or site improvements?  Yes  No

If yes to the above stated question, then a separate site plan application must be filed concurrently with this application. Failing to include a site plan application will deem the status of this application as incomplete.

**Comparison of Proposed Conditional Use with Required Review Criteria (complete below or on an attached sheet as needed):**

1. Is the proposed conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the Village of Weston Comprehensive Plan; zoning ordinance; and any other plan, program or ordinance adopted or under consideration? Explain how, or why not. (Consult with Zoning Administrator as necessary on applicable plans.)

Yes, this is a non-industrial business that would consist of small scale wholesaling, distribution and office work.

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2. Will the proposed conditional use in this location, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, the natural environment, traffic, 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? Explain how, or why not.

The proposed use will have a minimal impact on the area. There is no outside storage, reasonable hours of operation, few employees, and little to no signage. During the day, the only distinguishable difference from as it sits now is that there will be a few cars parked in the front lot.

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3. Will the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environments of the subject property? How?

The building footprint will remain unchanged.

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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? Explain how this has been evaluated.

Yes, the services that are at the building now will be adequate for this proposed use. There are few employees and customers, and the operation will consume little water.

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5. What are the public benefits of this proposal? Do the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use?

The public benefit is additional employment opportunities. This is a new venture and some staffing will likely be required.

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**Issuance and Recording of Permit.** Within 30 days following the granting of a conditional use permit, the Zoning Administrator shall issue to the applicant a written conditional use permit enumerating the details of the conditional use permit, including what land use(s) and/or development was approved and any conditions of approval. The Zoning Administrator shall record the conditional use permit against the property, assigning all costs thereof to the applicant, and shall make record of the conditional use permit on the Official Zoning Map.

**Effect of Denial.** No conditional use permit application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

**Termination of an Approved Conditional Use.** Once a conditional use permit is granted, no erosion control permit, site plan approval, certificate of occupancy, zoning permit, or building permit shall be issued for any development that does not comply with all requirements of the conditional use permit and this Chapter. Any conditional use found not to be in compliance with the terms of this Chapter or the approved conditional use permit shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. A conditional use permit may be revoked for such a violation by the Plan Commission, following the procedures outlined for original granting of a conditional use permit.

**Time Limits on the Development of Conditional Use.** The start of construction of any and all conditional uses shall be initiated within 365 days of approval of the associated conditional use permit and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use permit. For the purposes of this Section, "operational" shall be defined as occupancy of the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area) and shall be based upon a showing of acceptable justification.

**Discontinuing an Approved Conditional Use.** Any and all conditional uses that have been discontinued for a period exceeding 365 days shall have their conditional use permit automatically invalidated. The burden of proof shall be on the property owner to conclusively demonstrate that the conditional use was operational during this period.

**Change of Ownership.** All requirements of the approved conditional use permit shall be continued regardless of ownership of the subject property and shall run with the land, except as otherwise limited by this Chapter or by a specific condition attached to the conditional use permit. Modification, alteration, or expansion of any conditional use in violation of the approved conditional use

permit, without approval by the Plan Commission (or Extraterritorial Zoning Committee), shall be considered a violation of this Chapter and shall be grounds for revocation of said conditional use permit.

Uses Now Regulated as Conditional Uses That Were Legal Land Uses (Permitted-by-Right or as Conditional Uses) Prior to the Effective Date of This Chapter. A use now regulated as a conditional use that was a legal land use--either permitted-by-right or as a conditional use--prior to March 18, 2015 shall be considered as a legal, conforming land use so long as any previously approved conditions of use and site plan are followed. Any substantial modification of such use or any previously approved condition of such use, in the determination of the Zoning Administrator, shall require application and Village consideration of a new conditional use permit under this Section.

**REZONE REQUIREMENTS**

Maps showing the current location and current zoning and future land use of all lands for which the conditional use permit is proposed, the location and current zoning of all lands within 300 feet, and the jurisdiction(s) within the subject property lies (Village of Weston or Town of Weston) will be provided by Village Staff.

Written justification is required for the proposed rezone consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria set forth below.

Has the written justification been attached?  Yes  No

Does the rezone involves exterior building or site improvements?  Yes  No

If yes to the above stated question, then a separate site plan application must be filed concurrently with this application. Failing to include a site plan application will deem the status of this application as incomplete. Incomplete applications will not be reviewed and shall be discarded within 30-days if the application status remains incomplete. Any fees collected will not be refunded.

**Comparison of Proposed Rezone with Required Review Criteria (complete below or on an attached sheet as needed):**

1. Is the proposed rezoning consistent with the recommendations of the Comprehensive Plan? Explain how, or why not.

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2. Does the proposed rezoning further the purpose and intent of the zoning ordinance, as expressed in Section 94.1.03 of the Village's zoning ordinance? Explain how, or why not.

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3. Does the proposed rezoning address a mistake that was made in mapping on the Village's zoning map? In other words, is the subject property developed in a way that is not allowed under its current zoning? If yes, please explain.

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4. Does the proposed rezoning address factors that have changed that make the property more appropriate for a different zoning district? Such factors may include the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, new plans, or other zoning changes in the area. If yes, please indicate the relevant factors.

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5. Have growth patterns or rates changed since the land was zoned as it is now? If yes, please provide supporting data and indicate how changed patterns or rates suggest the need for this rezoning.

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6. Will the proposed rezoning maintain a desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property? How?

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**Village Board.** The Zoning Administrator shall schedule the proposed amendment for potential Village Board action. After careful consideration of all comments, the Village Board shall within 120 days of submittal of a complete application, act to approve or reject the proposed amendment, unless extended by written or electronic agreement of the applicant. Failure of the Board to act within 120 days of submittal of a complete application (unless said deadline is extended by agreement of the applicant) shall constitute approval of the application as presented.

The Village Board may approve an amendment by a simple majority of a voting quorum, except that if the Board action is opposed to or alters a recommendation of the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area), and/or an official protest against the requested amendment to the Official Zoning Map meeting the requirements of Wis. Stat. § 62.23(7)(d)2m.a is filed, then approval of the amendment to the Official Zoning Map shall require an affirmative vote from three-fourths or greater of the full Village Board.

**Effect of Denial.** No application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

**COMPREHENSIVE PLAN AMENDMENT REQUIREMENTS**

By August 1st of each year, the Zoning Administrator shall obtain Plan Commission approval of a Comprehensive Plan amendment schedule, with the intent to adopt any Comprehensive Plan amendments in that annual amendment cycle by February of the following year.

Applications for Comprehensive Plan amendments shall be submitted to the Zoning Administrator in writing each year by the annual application deadline established in the approved amendment schedule, using a Village provided application form, in order to be considered in that year's amendment cycle. Only complete applications will be processed.

In addition to such applications, Village staff, the Village Plan Commission or any member thereof, or the Village Board or any member thereof may request amendments to the Comprehensive Plan, by the annual application dateline or another date if established in the approved amendment schedule.

The Zoning Administrator shall refer all proposed amendments under subsections (a) and (b) to the Plan Commission, within 30 days following the latest required date of submittal.

The Commission shall advise Village staff as to which proposed amendments should be considered for further review, providing an opportunity for public comment. Depending upon the number and nature of the proposed amendments, the Commission may hold a public hearing before it decides which proposed amendments should be recommended for consideration. Notice of such hearing shall be given by publication of a Class 1 Notice. In the case of a site-specific Future Land Use map amendment, the Zoning Administrator shall also provide written notification to all property owners within 100 feet of the site.

After consideration of the proposed amendments and no later than January in the annual amendment cycle, the Plan Commission shall recommend the approval of any proposed amendment to the Village Board. The Commission is under no obligation to recommend approval of any requested amendment, and may recommend the amendment with modification. Such Commission action shall be via adoption of a resolution.

Following the Commission recommendation by resolution, and after a required 30 day public hearing notice period under Wisconsin Statutes, the Village Board shall hold a public hearing for the purpose of receiving public comment regarding the merits of the proposed amendments that have been recommended by resolution of the Plan Commission.

Following the public hearing, the Village Board may adopt all or some of the recommended Comprehensive Plan amendments by ordinance, either as recommended or with modifications.

**Comparison of Proposed Comprehensive Plan Amendment with Required Review Criteria (complete below or on an attached sheet as needed):**

1. Is the proposed Comprehensive Plan Map Amendment consistent with the Comprehensive Plan? Explain how, or why not.

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2. Has the amendment been reviewed and denied during a previous comprehensive plan amendment cycle?  Yes  No

3. Would the amendment or projected development that would result will not create an adverse impact on public services and facilities, unless such impact will be successfully mitigated? Explain how, or why not.

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4. Would the projected development that would result from the amendment create an undue or adverse impact on surrounding properties, and will it be consistent with or upgrade the character of the site and the surrounding neighborhood? Explain how, or why not.

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5. Would the amendment or projected development that would result create an adverse impact on the following, unless such impact will be successfully mitigated: public facilities; public services; the natural environment including trees, slopes, and groundwater; any landmarks or other historically significant structures or properties? Explain how, or why not.

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6. Is the amendment justified by a change in Village actions or neighborhood characteristics? Explain how, or why not.

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7. [MAP AMENDMENT ONLY] Does the change correct a mapping error of the Future Land Use Map? If so, explain.

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8. Is there a community or regional need identified in the Comprehensive Plan for the proposed land use or service? Explain how, or why not.

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9. Is the proposed amendment consistent with other Village plans, policies, and regulations? Explain how, or why not.

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10. Does the amendment respond to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies? Explain how, or why not.

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11. [MAP AMENDMENT ONLY] Does the amendment better implement applicable Comprehensive Plan polices than the current map designation? Explain how, or why not.

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12. Does the amendment address a deficiency in the Comprehensive Plan as identified by the Plan Commission or Village Board? Explain how, or why not.

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**Revocation.** Any approved Comprehensive Plan amendment may be reversed by the Village Board outside the regular amendment period upon the findings of any of the following:

- (a) The approval was obtained by fraud or other intentional or misleading representations, or
- (b) The amendment is being implemented contrary to the intended purpose of the amendment or other provisions of the Comprehensive Plan or Village ordinances, or
- (c) The amendment is being implemented in a manner that is detrimental to the public health or safety.

STATEMENT OF UNDERSTANDING AND SIGNATURES

By signing and dating below, I acknowledge that I have reviewed and understand the Village of Weston zoning ordinance and its standards of approval related to this application; read, understand, and accept my responsibilities under the reimbursement section above; submitted an application that is true, correct, and complete to the best of my knowledge; acknowledge that Village officials and/or employees may, in the performance of their functions, enter upon the subject property to inspect or gather information necessary to process this application; understand that all meeting dates are tentative and may be postponed by the Village for the reason of incomplete submittals or other administrative reasons; if this application is approved, agree to abide by this application, approved plans, and required conditions associated with plan approval in the development of the subject property; and understand that the Village's zoning ordinance and/or the conditions of development approval may specify timeframes within which I must take certain actions related to the development of the subject property, or risk having the approval being nullified. **Failing to attach all the required components will deem the status of this application as incomplete. Incomplete applications will not be reviewed and shall be discarded within 30-days if the application status remains incomplete. Any fees collected will not be refunded.**

*[Handwritten Signature]*

12/14/15

Signature of Applicant

Date

Trent Novotny, Authorized Partner Statewide Development

Print Applicant Name

Property Owner     Agent (Agents must have a LETTER OF AUTHORIZATION from all property owners)

STATE OF WISCONSIN            )  
  ) ss.  
COUNTY OF MARATHON        )

Personally appeared before me this 14<sup>th</sup> day of December 20 15, the above named individual, to me known to be the person who executed the foregoing instrument and acknowledge the same.



My Commission Expires:

3/14/17

**STAFF REVIEW**

PIN: 192-2808-164-0977

Zoning: B3 w/WHP-A  Village  ETZ

Filed After the Fact:  Yes  No

Fine Imposed:  Yes  No

Amount: \_\_\_\_\_

Publication of Notice Date 1: 12-28-15

Publication of Notice Date 2: 01-04-16

**Conditional Use Permit Review:**

PC/ETZ Meeting Date: 01-11-16

CUP No.: CU-12-15-1560

Approved  Approved w/ Conditions  Denied

Site Plan No.: \_\_\_\_\_

Adoption Date: \_\_\_\_\_

**Conditional Use Permit Review (Outdoor Commercial Entertainment Only)**

Name of Establishment: _____	License Number: _____
CLPS Meeting Date: _____	<input type="checkbox"/> Recommend <input type="checkbox"/> Recommend w/ Conditions <input type="checkbox"/> Denied
VB Meeting Date: _____	<input type="checkbox"/> Approved <input type="checkbox"/> Approved w/ Conditions <input type="checkbox"/> Denied

Recorded Date: \_\_\_\_\_

Document No.: \_\_\_\_\_

**Rezoning and Comprehensive Plan Amendment Review:**

Public Hearing Date: \_\_\_\_\_

Rezoning/CPA No.: \_\_\_\_\_

Proposed Zoning: \_\_\_\_\_

Proposed FLU: \_\_\_\_\_

Approved  Approved w/ Conditions  Denied

Adoption Date: \_\_\_\_\_

Ordinance No.: \_\_\_\_\_

Publication Date: \_\_\_\_\_

**VILLAGE OF WESTON, MARATHON COUNTY, WI**  
**CONDITIONAL USE PERMIT #CU-12-15-1560**

This CONDITIONAL USE PERMIT is issued as of the 11<sup>th</sup> day of January, 2016, by the PLAN COMMISSION of the Village of Weston to STATEWIDE DEVELOPMENT INC., property owner.

WHEREAS, STATEWIDE DEVELOPMENT INC. 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 1 of Certified Survey Map No. 6381 filed with the Register of Deeds of Marathon County, Wisconsin in Volume 23 Page 209, excluding Document No. 1200666 (hwy); part of the east ½ of the southeast ¼ of Section 16 T28N R8E; more commonly known as 5302 Schofield 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, STATEWIDE DEVELOPMENT INC. 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 January 11, 2016, 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 STATEWIDE DEVELOPMENT INC. 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) The “gravel” driveway extension be removed, restored and maintained as green space;
- 2) 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;
- 3) Upon the use expanding beyond the terms listed within the Operation Plan, attached as exhibit “A,” then the owner/applicant of said use shall resubmit a new Conditional Use Permit application; and
- 4) 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.



Village of Weston  
CU-12-15-1560

# **Exhibit "A"**

Operational Plan

## **Weston, WI Red Bull Distribution Company Operations Plan:**

- Primary Use: Warehousing and Wholesale local distribution of pre-packaged, palletized Red Bull Beverages, and related Administrative Offices.
- Materials being stored on site: Red Bull Product, pre-packaged, palletized and shrink-wrapped. Small display coolers. Other Brand marketing material. Delivery vehicles will be parked inside the facility overnight. Standard warehouse equipment (electric forklift, floor scrubber), Office furniture and office equipment (copier, etc).
- No hazardous materials will be stored on site.
- Number of Vehicles to be parked at the facility: 4 Mercedes Benz Sprinter Vans
- Frequency of use: Sprinter Vans will leave the facility in the morning by 7:00 AM. The Sales Associates will be on routes all day and return to the facility around 4:00 PM for restocking and storage for the next day's delivery. Monday thru Friday only.
- Size and type/configuration of vehicles: Mercedes Benz Sprinter Vans. 170" wheelbase, 90" high, 10,100 lbs., 2 ton payload capacity, Diesel engine
- Normal Business Hours of Operation: 7:00 AM to 6:00 PM Monday thru Friday. No weekend or after-hours operations.
- Number of tractor shipments and deliveries /week: 3 per week, during normal business hours
- Number of employees on site: 6 total. 2 employees physically on site throughout most of the day. An additional 4 Route Salespersons will be onsite early in the morning to retrieve their trucks for daily deliveries, and will return to the site around 5:00 PM with their trucks for reloading and overnight parking.
- Site will require no exterior storage.
- Red Bull Distribution Company will procure a local business license for this site