



**VILLAGE OF WESTON
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Village of Weston Plan Commission, on Monday, February 12, 2024, at approximately, 6:00 p.m., or shortly thereafter, at the Weston Municipal Center, 4747 Camp Phillips Road, Weston, WI 54476, to take testimony relative to the following:

Project #20240013 – Keith Walkowski, Riverside Land Company, on behalf property owner Christopher Barnett, requesting a rezone from RR-2 (Rural Residential 2-Acre) Zoning District to AR (Agriculture and Residential) Zoning District, to allow for the reconfiguration of two parcels, addressed as 5802 and 5810 Weston Avenue. The portion of land to be rezoned is legally described as follows:

Of part of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and part of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 22, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin, described as follows;

Commencing at the West $\frac{1}{4}$ corner of Section 22; Thence South $79^{\circ}55'59''$ East along the South right-of-way line of State Highway 29, 228.35 feet; Thence North $88^{\circ}44'13''$ East along said South right-of-way line, 158.93 feet to the West line of a parcel of land described in Document Number 953493 and the point of beginning; Thence continuing North $88^{\circ}44'13''$ East along said South right-of-way line, 198.4 feet to the East line of a parcel of land described in Document Number 953493; Thence South $00^{\circ}07'40''$ East along said East line, 1288.36 feet; Thence South $00^{\circ}06'00''$ East along said East line, 853.73 feet; Thence South $89^{\circ}16'04''$ West, 198.01 feet to said West line; Thence North $00^{\circ}06'00''$ West along said West line, 853.86 feet; Thence North $00^{\circ}07'40''$ West along said West line, 1286.40 feet to the point of beginning.

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 submitted by noon on the date of the hearing to the Village of Weston Plan Commission, Valerie Parker, Plan Commission Secretary, 4747 Camp Phillips Road, Weston, WI 54476, or emailed to vparker@westonwi.gov, will be brought to the hearing and entered into the hearing record.

All interested persons wishing to provide oral or written testimony during the Public Hearing will be given an opportunity to be heard.

Any person with questions or planning to attend needing additional special accommodation in order to participate, should call Valerie Parker, Planning Technician, Planning and Development Department, at 715-241-2607.

Dated this 25th day of January 2024

Valerie Parker
Plan Commission Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, January 29, 2024 and Monday, February 5, 2024.

REQUEST FOR CONSIDERATION

Public Mtg/Date:	Plan Commission, February 12, 2024
Description:	Public Hearing: Project # 20240013 – Keith Walkowski, Riverside Land Company, on behalf of property owner Christopher Barnett, requesting a rezone from RR-2 (Rural Residential 2-Acre) Zoning District to AR (Agriculture and Residential) Zoning District, to allow for the reconfiguration of two parcels, addressed as 5802 and 5810 Weston Avenue.
From:	Jennifer Higgins, Planning & Development Director/Zoning Administrator Aaron Anklam, Assistant Planner
Question:	Should the Plan Commission recommend to the Board of Trustees to approve an ordinance for a rezone of a portion of 5810 Weston Ave?

BACKGROUND

Christopher Barnett owns both 5802 & 5810 Weston Ave. 5802 is zoned AR and 5810 is zoned RR2. Both properties have Single-Family Homes on them. The proposed rezone takes 9.733 acres from 5810 and leaves 5810 with 2.002 acres. The 9.733 acres will then be rezoned to AR and combined with 5082. After the rezone and combination, both properties will meet the lot size requirements of their associated zoning districts which includes after the Village acquires more ROW in the future.

Attached Docs:	Hearing Notice, Draft Determination Form, Current Zoning Map, Map of Area to be Rezoned.
Committee Action:	None
Fiscal Impact:	TBD.
Recommendation:	Staff report provided in the Rezone Determination Document included. Based on the information we have received to date, Staff recommends approval.

RECOMMENDED LANGUAGE FOR OFFICIAL ACTION

- 1) RECOMMEND APPROVAL:** Plan Commission recommends approval of the rezone request and forwards the recommendation on to the Village Board 2/19/24 meeting agenda.
- 2) RECOMMEND DENIAL:** Plan Commission recommends denial of the rezone request and forwards the recommendation on to the Village Board 2/19/2024 meeting agenda.
- 3) NO RECOMMENDATION:** Plan Commission takes no action, and the request moves on to the Village Board 2/19/2024 meeting agenda.
- 4) DEFER ACTION:** Plan Commission can defer action until the next meeting date. The Plan Commission has 45 days following the public hearing per code to take action.

ADDITIONAL ACTION:	Forward recommendation to the Board of Trustees for 2/19/24 meeting Consideration of Ordinance to Amend Zoning Map Notify Applicant (Staff)
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Application for Rezone
**REZONE DETERMINATION BY THE VILLAGE OF WESTON
PLAN COMMISSION**

Application/Petition No.: **20240013** Hearing Date: **February 12, 2024**
Applicant: **Keith Walkowski, Riverside Land Company**
Property Location: **5810 Weston Ave.**
Property Owner: **Christopher Barnett**
Description: **A rezoning of 9.733 acres of 5810 Weston Ave from RR-2 to AR. This piece of property will be added to 5802 Weston Ave.**

The Department of Planning and Development of the Village of Weston, pursuant to the Village of Weston Zoning Code, Article 16 Processes, Section 94.16.03 Amendments to the Official Zoning Map (Rezoning), hereby makes the following findings and evaluation to the Village of Weston Plan Commission:

GENERAL INFORMATION:

Current Zoning: **RR-2 Rural Residential 2 Acres**
Definition: 94.2.02(1)(c) The RR-2 district is intended for mainly single family detached residential development on minimum two acre sized rural lots, along with compatible home occupations, small-scale institutional and recreational uses, and low-intensity agricultural uses. Development within this district may be served by private on-site wastewater treatment systems (POWTS), and roadways within a rural cross section. The RR-2 district is intended for areas planned for rural residential development within the Comprehensive Plan. (Predecessor districts: RR Rural Residential; SR Suburban Residential)
Proposed Zoning **AR Agriculture and Residential**
Definition: 94.2.02(1)(b) The AR district is primarily intended to preserve agricultural, forested, and other open lands until ripe for non-agricultural development, including residential, commercial, and industrial development, and to allow for very low-density residential development. The AR district is also intended for areas planned for denser development in the Comprehensive Plan, but not yet suited for such denser development due to lack of public utilities or services in the area, inadequate roads, a sufficient supply of lands zoned for development elsewhere, and other factors. (Predecessor districts: AG, RR-10)
Future Land Use: **Mixed Use/Flex**
FLU Description: A carefully designed blend or option of commercial services, retail, lodging, business/office park, multiple family residential, and/or institutional land uses, including mixed-use sites and/or buildings. Compared to the "Planned Neighborhood" future land use category, "Mixed Use/Flex" areas typically are denser, more focused on non-residential development, do not typically include single family housing, and are generally located along major roadway corridors. All served by a public sewer system.

Typical Implementing Zoning Districts:

- B-1 or B-2 Business, BP Business Park, MF Multiple Family, INT Institutional, N Neighborhood, or combinations of the above in a larger area planned for Mixed Use development.

Development Policies:

1. Design areas according to a plan that skillfully mixes different uses on the same site and/or building and creates amenities and "place."

2. Use policies associated with each land use designation that makes up the Mixed Use/Flex area, described elsewhere in this figure.
3. Integrate multiple family residential components in Mixed Use areas with the fabric of the area through design, pedestrian connections, landscaping, and scale.
4. Require developments to address traffic, environmental, and neighborhood impacts.

Lot Size and/or Density Range:

- Minimum lot sizes per the associated zoning district.
- Non-residential uses should comprise a minimum of 50% of the land area within each Mixed-Use area on the Future Land Use map.

DETERMINATION (To be Completed by Plan Commission):

1. Is the proposed rezoning consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?
2. Does the rezoning further the purpose and intent of this Chapter?
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.
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?

BACKGROUND INFORMATION:

Christopher Barnett owns both 5802 & 5810 Weston Ave. 5802 is zoned AR and 5810 is zoned RR2. Both properties have Single-Family Homes on them. The proposed rezone takes 9.733 acres from 5810 and leaves 5810 with 2.002 acres. The 9.733 acres will then be rezoned to AR and combined with 5082. After the rezone and combination, both properties will meet the lot size requirements of their associated zoning districts which includes after the Village acquires more ROW in the future.

CURRENT PROPERTY CONDITIONS:

The property to be rezoned is undeveloped and has areas of wetlands. The property to be rezoned is behind the home located on the property.

STAFF RECOMMENDATION:

Staff recommends approval based on the submittal and information currently available to us.

PLAN COMMISSION ACTION OPTIONS: (Process is outlined in Sec. 94.16.03(6))

- 1) **RECOMMEND APPROVAL:** Plan Commission recommends approval of the rezone request and forwards the recommendation on to the Village Board 2/19/24 meeting agenda.

- 2) **RECOMMEND DENIAL:** Plan Commission recommends denial of the rezone request and forwards the recommendation on to the Village Board 2/19/24 meeting agenda.
- 3) **NO RECOMMENDATION:** Plan Commission takes no action and the request moves on to the Village Board 2/19/24 meeting agenda.
- 4) **DEFER ACTION:** Plan Commission can defer action until the next meeting date. The Plan Commission has 45 days following the public hearing per code to take action.

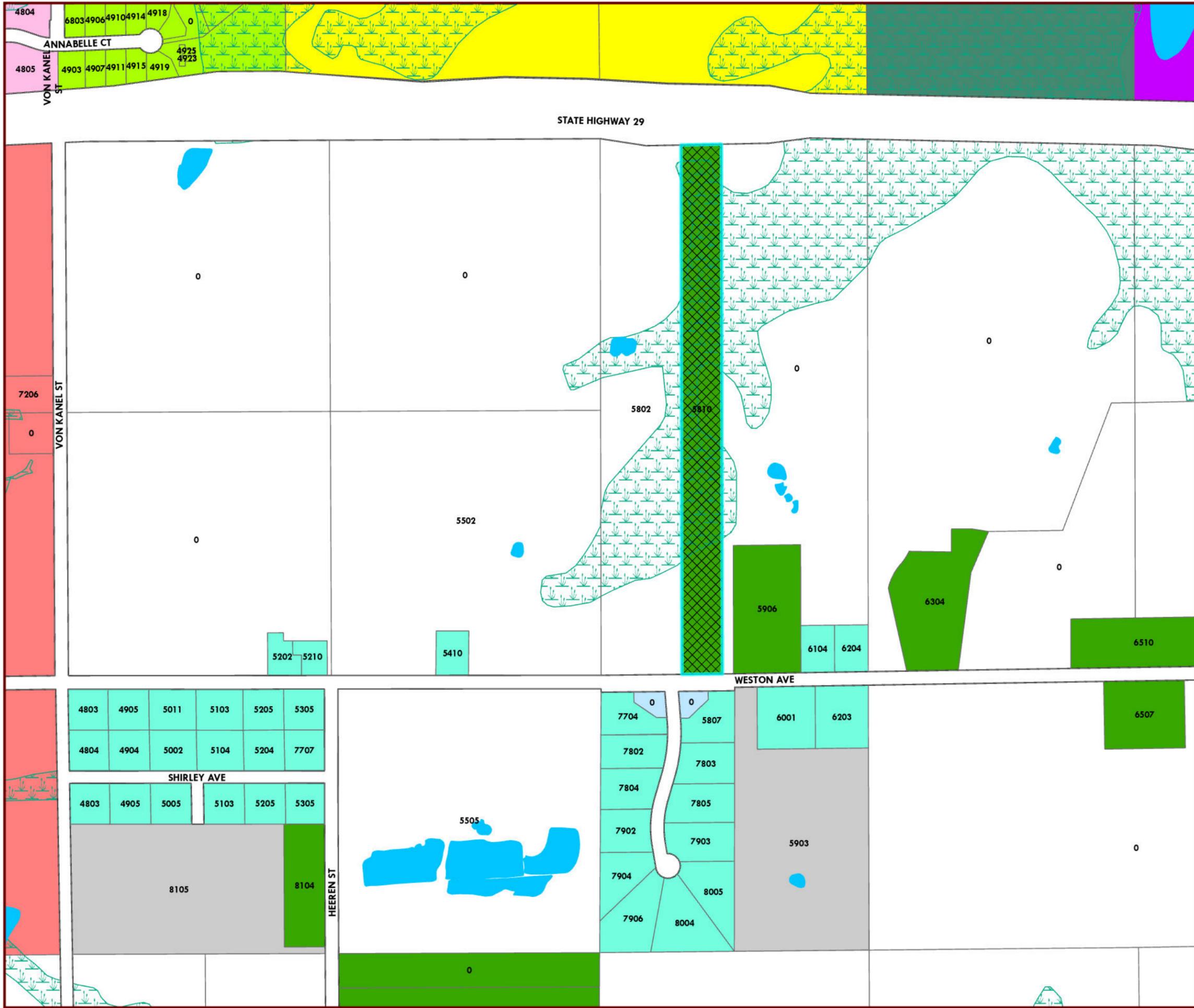
ACTION:

Plan Commission Determination on 2/12/2024:	RECOMMEND APPROVAL/DENIAL
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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. 24-0XX as written. (simple majority required)
- 2) Board approves the rezone request with modifications to Ord. No. 24-0XX – 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 2/19/24:	APPROVE / DENY
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Village and Town of Weston
Marathon County, Wisconsin



OFFICIAL ZONING MAP



Map Date: 1/16/2024
 Adoption Date (Village): 4/XX/2018
 Adoption Date (ETZ): 4/XX/2018
 Adoption Date (Town): 1/23/2016



LEGEND

- 5810 Weston Ave
- MUNICIPAL FEATURES**
- Village of Weston Incorporated Boundary
- Right-of-Way
- Wetland Presence
- 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
- RM - Rural Mixed
- PD - Planned Development
- OVERLAY DISTRICTS**
- D-CO
- MUNICIPAL FEATURES**
- Wetlands (Town)
- AR-Cluster (Number of building symbols equals maximum units allowed)

