

**NOTICE OF PUBLIC HEARING BEFORE THE JOINT TOWN & VILLAGE OF WESTON
EXTRATERRITORIAL ZONING (ETZ) COMMITTEE**

NOTICE IS HEREBY GIVEN that an application has been filed by Dan Higginbotham, of Plover River Land Company, on behalf of property owner, Alan Flood, requesting a rezone from AR (Agriculture and Residential) to RR-2 (Rural Residential – 2 Acre) on a 27.8220-acre property located directly east of 163905 River Road. [Project #20250154]

The area of land to be rezoned is described as:

A part of the Southwest 1/4 of the Southeast 1/4 and a part of the Southeast 1/4 of the Southwest 1/4, all located in Section 13, Township 28 North, Range 8 East, Town of Weston, Marathon County, Wisconsin, described as follows:

That portion of the Southwest 1/4 of the Southeast 1/4 lying South of River Road, and that portion of the Southeast 1/4 of the Southwest 1/4 lying South of River Road and North of the Eau Claire River, excluding Certified Survey Map recorded in Volume 40, Page 124, as Document No. 1117015, Marathon County Register of Deeds.

Subject to all easements, restrictions, and reservations of record.

The affected overall parcel is also known as PIN 082-2808-134-0971.

Notice is hereby given that the Joint ETZ Committee will hear said request at a public hearing to be held at its meeting, scheduled to begin at 6:00 p.m., on Monday, May 12, 2025, in the Village of Weston Municipal Center Board Room, 4747 Camp Phillips Road. Dated April, 23, 2025. Valerie Parker, Commission Clerk

Legal Ad Run: April 28, 2025 and May 5, 2025.

**VILLAGE OF WESTON
NOTICE OF PUBLIC HEARING**



NOTICE IS HEREBY GIVEN that the Village of Weston Plan Commission and Joint Village & Town of Weston Extraterritorial Zoning Committee will hold a public hearing on Monday, May 12, 2025, at 6:00 p.m., in the Board Room of the Weston Municipal Center, 4747 Camp Phillips Road, to take testimony relative to the following:

Project #20250171 – Brian Kuehl, requesting a Conditional Use Permit at 163725 Kersten Road, to allow for the construction of a 1,500 square foot accessory building, that is 17 feet tall, for personal use, within the SF-L (Single-Family Residential – Large Lot) Zoning District, where the maximum allowed accessory building size within the SF-L District is 1,000 square feet, and the height 15 feet. The property is described as: Lot 3 of Certified Survey Map No. 16894, recorded in Volume 79 of Certified Survey Maps on Page 95, as Document No. 1676457, in the Office of the Register of Deeds for Marathon County, Wisconsin; being a part of the Northeast 1/4 of the Northwest 1/4 of Section 12, Township 28 North, Range 08 East, in the Town of Weston, Marathon County, Wisconsin. The affected overall parcel is also known as PIN 082-2808-122-0988.

Project #20250154 – Alan Flood, requesting a rezone from AR (Agriculture and Residential) to RR-2 (Rural Residential – 2 Acre) on a 27.8220-acre property located directly east of 163905 River Road, to allow for future residential land divisions. The area of land to be rezoned is described as: A part of the Southwest 1/4 of the Southeast 1/4 and a part of the Southeast 1/4 of the Southwest 1/4, all located in Section 13, Township 28 North, Range 8 East, Town of Weston, Marathon County, Wisconsin, and described as that portion of the Southwest 1/4 of the Southeast 1/4 lying South of River Road, and that portion of the Southeast 1/4 of the Southwest 1/4 lying South of River Road and North of the Eau Claire River, excluding Certified Survey Map recorded in Volume 40, Page 124, as Document No. 1117015, Marathon County Register of Deeds. Subject to all easements, restrictions, and reservations of record. The affected overall parcel is also known as PIN 082-2808-134-0971.

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 April 2025

Valerie Parker
Plan Commission Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, April 28, 2025, and Monday, May 5, 2025.

REQUEST FOR CONSIDERATION

Public Mtg/Date:	Extraterritorial Zoning Committee (ETZ), November 11, 2024
Description:	Public Hearing – Project #20250154 –Rezone a 27.8220-acre property located directly east of 163905 River Road from AR (Agriculture and Residential) to RR-2 (Rural Residential – 2 Acre) – PIN 082-2808-134-0971 (Higginbotham/Flood)
From:	Jennifer Higgins, Planning & Development Director/Zoning Administrator
Question:	Should the ETZ recommend to the Board of Trustees to approve the rezone on a +- 27.8220-acre portion of the vacant parcel located east of 163905 River Rd.

BACKGROUND

The subject property is roughly 28 acres along the Eau Claire River in the Town of Weston and is owned by Alan Flood. Mr. Flood is in the process of building a house on the west end of the 28 acres. He wants to separate a parcel now for a home he is planning to build and wants to have the option to create and sell some lots along River Road in the future. He is seeking RR-2 Zoning as it is similar to many of the developed lots on the north side of the Eau Claire River and much larger than the SF-L lots on the south side of the River in the Village. A draft CSM has been included with his application. Planned lot sizes range from 3.92 to 5.08 acres.

CURRENT PROPERTY CONDITIONS:

The parcel has never been developed and is currently vacant.

Attached Docs:	Hearing Notice, Draft Determination Form, Draft CSM
Committee Action:	None
Fiscal Impact:	TBD.
Recommendation:	Staff report provided in the Rezone Determination Document included. Staff recommend approval based on the submittal and information currently available to us.

The change is consistent with the Comprehensive Plan as this is in an area of the Village & Town where residences need to be serviced by private wastewater treatment systems. The Village does not have plans to expand sewer and water into this area anytime soon so larger lots make sense at this time.

RECOMMENDED LANGUAGE FOR OFFICIAL ACTION

- 1) RECOMMEND APPROVAL:** ETZ recommends approval of the rezone request and forwards the recommendation on to the Village Board 5/19/25 meeting agenda.
- 2) RECOMMEND DENIAL:** ETZ recommends denial of the rezone request and forwards the recommendation on to the Village Board 5/19/25 meeting agenda.
- 3) NO RECOMMENDATION:** ETZ takes no action, and the request moves on to the Village Board 5/19/25 meeting agenda.

REQUEST FOR CONSIDERATION

4) DEFER ACTION: ETZ can defer action until the next meeting date. The ETZ has 45 days following the public hearing per code to take action.

ADDITIONAL ACTION: Forward recommendation to the Board of Trustees for 5/19/25 meeting
Consideration of Ordinance to Amend Zoning Map
Notify Applicant (Staff)



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

Application/Petition No.: **20250154**

Hearing Date: **May 12, 2025**

Applicant: **Dan Higginbotham, of Plover River Land Company, on behalf of property owner, Alan Flood**

Property Location: **A part of the Southwest 1/4 of the Southeast 1/4 and a part of the Southeast 1/4 of the Southwest 1/4, all located in Section 13, Township 28 North, Range 8 East, Town of Weston, Marathon County, Wisconsin, described as follows:**

That portion of the Southwest 1/4 of the Southeast 1/4 lying South of River Road, and that portion of the Southeast 1/4 of the Southwest 1/4 lying South of River Road and North of the Eau Claire River, excluding Certified Survey Map recorded in Volume 40, Page 124, as Document No. 1117015, Marathon County Register of Deeds.

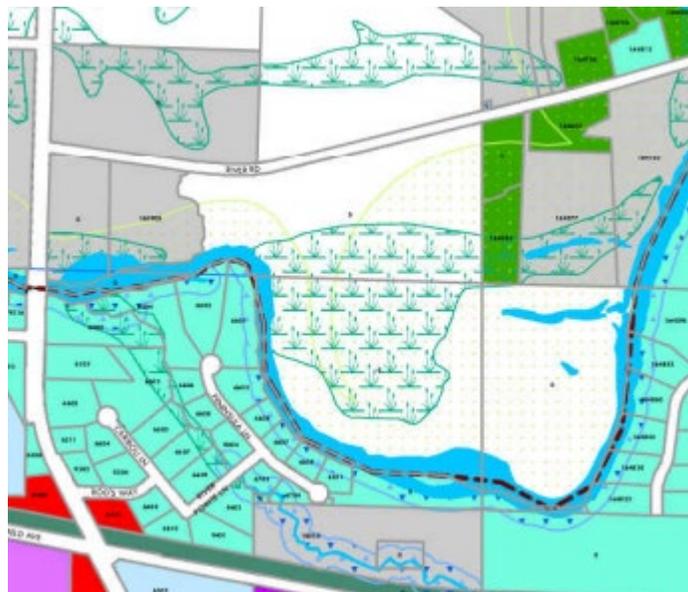
Property Owner: **Alan Flood**

Description: **A rezoning of 27.8220-acre acres from AR (Agriculture and Residential) to RR-2 (Rural Residential – 2 Acre).**

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), which has been adopted as the ETZ Code for the Joint Town and Village of Weston Extraterritorial Zoning Committee (ETZ), hereby makes the following findings and evaluation to the Village of Weston ETZ Committee:

GENERAL INFORMATION:

Current Zoning: **AR (Agriculture and Residential)**



Definition: 94.2.02(1)(b) *AR Agriculture and Residential.* 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)

Proposed Zoning

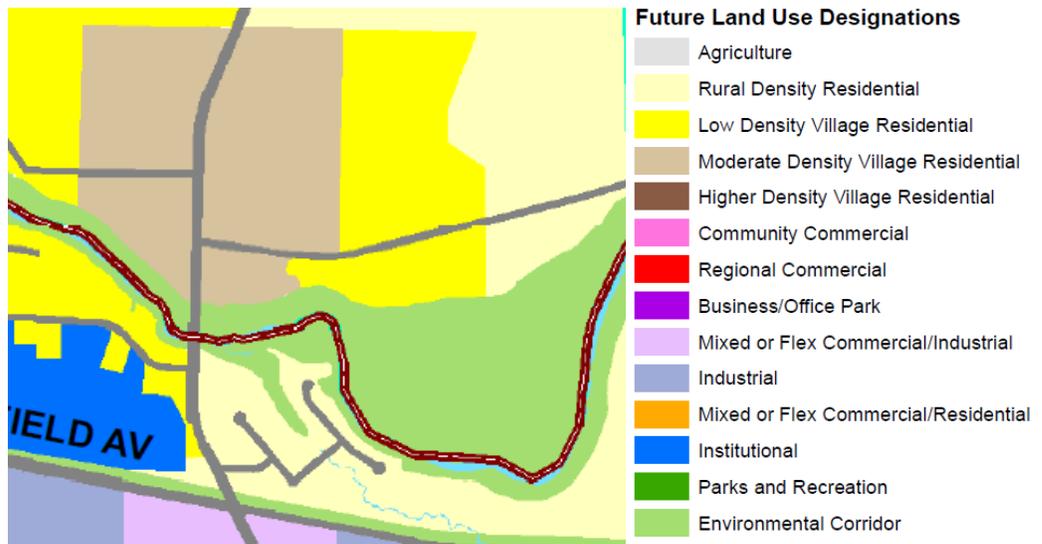
RR-2 (Rural Residential – 2 Acre)

Definition: 94.2.02(1)(c)

RR-2 Rural Residential 2 Acres. 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)

Future Land Use:

Rural Density Residential or Low-Density Village Residential



Note 1: The designations on this map are the village's general recommendations for future land use. Actual boundaries between different land uses and associated zoning districts may vary somewhat from representations on this map. Future land uses shown on this map may not be immediately appropriate for associated development approvals. See Land Use chapter of Vision and Directions volume for more information.

FLU Descriptions:

Rural Density Residential

Single family detached residences served by private wastewater treatment systems; also include home occupations, small community facilities, parks, and agricultural uses.

Typical Implementing Zoning Districts:

- RR-2 and RR-5 Rural Residential
- SF-L Single Family Residential

Development Policies:

1. Minimize mapping this future land use category in the village, and in areas marked as Potential Long Term Growth Areas on Map 3-1.
2. Promote interconnection in road and trail networks within and among neighborhoods.
3. Allow lots less than one acre only where soil conditions demonstrate suitability for private on-site waste treatment systems, or where a group waste treatment system is used.
4. Regardless of lot size, encourage use of group treatment systems where soil conditions or other factors do not support individual systems, with such systems

subject to professional design and restrictions assuring their shared maintenance over time.

Lot Size and/or Density Range:

Minimum lot sizes per associated zoning districts

Low-Density Village Residential

Predominately single family detached residences, but may also include two family, townhome, and accessory dwelling units where the overall development falls within density range to the right. May also include home occupations, family childcare, small community facilities, parks, and other compatible uses allowed in associated zoning districts.

Typical Implementing Zoning Districts:

- Predominately SF-S and SF-L Single Family Residential, or N Neighborhood where the village approves a unique design, layout, theme, or lot sizes.
- May also include limited 2F Two Family Residential zoning and possibly MF Multiple Family zoning at village discretion where development gross density to right is maintained.

Development Policies:

1. Map Low Density Village Residential areas throughout the village, particularly adjacent to natural resources and away from intensive industrial and commercial areas.
2. Where small single family lots and attached housing units are permitted, attend to home quality, variety, design, setbacks, and garage placement through zoning, covenants, and development agreements.
3. Assure that housing that is not single family detached, and community uses, are carefully woven into the fabric of each predominately single family residential neighborhood.
4. Promote a system of interconnected streets developed according to Complete Streets principles (see Transportation chapter) and parks where planned..

Lot Size and/or Density Range:

Fewer than 5 units per gross acre in each development.

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 surroundings of the subject property?

BACKGROUND INFORMATION:

The subject property is roughly 28 acres along the Eau Claire River in the Town of Weston and is owned by Alan Flood. Mr. Flood is in the process of building a house on the west end of the 28 acres. He wants to separate a parcel now for a home he is planning to build and wants to have the option to create and sell some lots along River Road in the future. He is seeking RR-2 Zoning as it is similar to many of the developed lots on the north side of the Eau Claire River and much larger than the SF-L lots on the south side of the River in the Village. A draft CSM has been included with his application. Planned lot sizes range from 3.92 to 5.08 acres.

CURRENT PROPERTY CONDITIONS:

The parcel has never been developed and is currently vacant.

STAFF RECOMMENDATION:

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

The change is consistent with the Comprehensive Plan as this is in an area of the Village & Town where residences need to be serviced by private wastewater treatment systems. The Village does not have plans to expand sewer and water into this area anytime soon so larger lots make sense at this time.

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

- 1) **RECOMMEND APPROVAL:** ETZ recommends approval of the rezone request and forwards the recommendation on to the Village Board 5/19/25 meeting agenda.
- 2) **RECOMMEND DENIAL:** ETZ recommends denial of the rezone request and forwards the recommendation on to the Village Board 5/19/25 meeting agenda.
- 3) **NO RECOMMENDATION:** ETZ takes no action and the request moves on to the Village Board 5/19/25 meeting agenda.
- 4) **DEFER ACTION:** ETZ can defer action until the next meeting date. The ETZ has 45 days following the public hearing per code to take action.

ACTION:

ETZ Determination on 5/12/25:	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 ETZ recommendation by adopting Ord. No. 25-0XX as written. (simple majority required)
- 2) Board approves the rezone request with modifications to Ord. No. 25-0XX – 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.

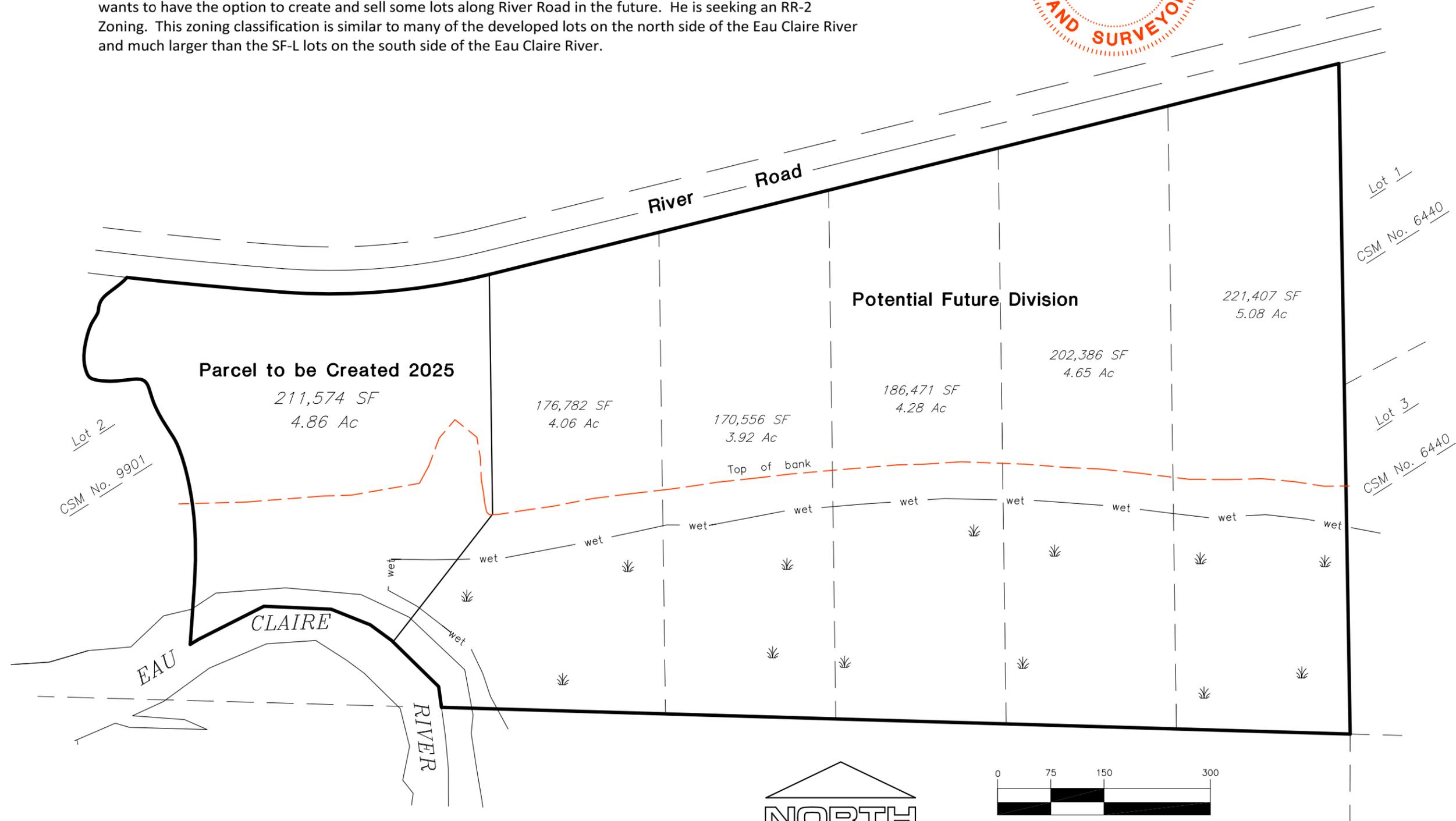
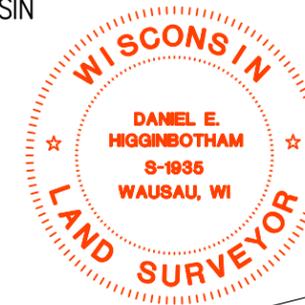
Board of Trustees Determination on 5/19/25:	APPROVE / DENY
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Sketch for Re-zoning May 2025

PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 13,
TOWNSHIP 28 NORTH, RANGE 8 EAST, TOWN OF WESTON, MARATHON COUNTY, WISCONSIN

Narrative for Alan Flood Rezoning parcel 08228081340971:

The subject parcel contains roughly 28 Acres along the flood plain of the Eau Claire River. He is in the process of building a house on the West end of the 28 Acres. Alan wants to separate a parcel for the home he is building and wants to have the option to create and sell some lots along River Road in the future. He is seeking an RR-2 Zoning. This zoning classification is similar to many of the developed lots on the north side of the Eau Claire River and much larger than the SF-L lots on the south side of the Eau Claire River.



SURVEY PROVIDED BY:
PLOVER RIVER LAND CO. 2625 NORTHWESTERN AVENUE WAUSAU, WI 54403 (715)449-2229

1 inch = 150 ft.

