



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

STAFF REPORT

REPORT FOR: Chairman White and Plan Commissioners

REPORT PREPARER: Jennifer Higgins, Director of Planning & Development

ITEM DESCRIPTION: Recommendation from Director of Planning & Development to approve the report entitled: "Finding of Fact and Recommendation by the Village of Weston Plan Commission" regarding REZN-9-13-1374, a request to rezone from B-4 (Office) Zoning District to B-P (Business Park) Zoning District, to allow for the development of a 64-unit memory care facility, on Lot 4 of the Shadow Ridge Plat (3404 Community Center Drive), and forward to the Board of Trustees for their consideration.

STAFF'S COMMENT: This action item is being presented to the Plan Commission to consider the Director of Planning & Development's recommendation that the following motion be approved: "The Plan Commission approves the *Finding of Fact and Recommendation by the Village of Weston Planning Commission* as its written finding of fact per Sec. 94.219.1 of the zoning code for rezone request REZN-9-13-1374 and forwards this document on to the Village Board for final approvals."

ACTION ITEM: Ordinance Resolution Motion File

DATE OF REPORT: Mon, November 4, 2013

DATE OF MEETING: Mon, November 11, 2013

FISCAL SUMMARY:

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

STATUTORY REFERENCE:

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

Policy Question / Issue:

Should the Plan Commission make a motion to recommend approval of the proposed rezone request to the Village Board to rezone Lot 4 of the Plat of Shadow Ridge from B-4 (Office) to B-

P (Business Park) by approving the Director of Planning & Development's report entitled *Finding of Fact & Recommendation by the Village of Weston Planning Commission*?

Background:

The applicant would like to rezone the property to allow for the construction of a 34 unit, expandable to 68 units total, memory care facility on the site. The site plan (CSIT-10-13-1398/ERU-10-13-1399) is also on this meeting agenda for approval. Planning & Development staff has been working with the applicant since earlier this year when we received an information request through MCDEVCO looking for land near the hospital for this facility. I provided a number of sites around the Village that I thought would work with this use. Originally, they were looking at the Valdres Springs development near the Renaissance but recently switched gears and placed an offer to purchase on the Austin Shadow Ridge development. The applicant is from the Chippewa Falls area and we are told that they have similar facilities in that community.

Recommendation following Staff Review:

The request was reviewed by staff at an October 28, 2013 Plan Commission staff meeting. No issues with the rezone were brought forth by staff at this meeting.

It is therefore my recommendation, as the Director of Planning & Development, that if no unforeseen issues arise at the public hearing Monday night, the Plan Commission make a motion to approve my report, *Finding of Fact and Recommendation by the Village of Weston Planning Commission*, included in your packet. I have completed the document to give you a starting point. Please feel free to make any additions and/or subtractions prior to adoption. This document will serve as the Commission's written finding of fact, per Sec. 94.219.1, for rezone request REZN-9-13-1374 and then be forwarded on to the Village Board at their meeting on November 18th along with the ordinance that is needed to be adopted and published prior to making the rezone a permanent change.

Purpose:

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

Policy Alternatives:

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

Future Deliverables:

- 1) Ordinance to approve Rezone Request REZN-9-13-1374 at November 18th Village Board Meeting

Additional Items:

- 1) *Finding of Fact and Recommendation by the Village of Weston Planning Commission*
- 2) Rezoning Application Materials (REZN-9-13-1374) - Full Rezoning Application submittal is

available online at <http://www.westonwi.gov/421/Public-Hearing-Notices>



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

Application/Petition #: **REZN-9-13-1374**

Hearing Date: **November 11, 2013**

Applicant: Curt Crotty, representing Weston Memory Care, LLC, 5131 175th Street, Chippewa Falls, WI 54729, and on behalf of property owner, Richard Austin, of Austin Living Trust, PO Box 897, Wausau, WI 54402

Location: Lot 4 of the Plat of Shadow Ridge

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

1. The request is consistent with the Village of Weston Comprehensive Plan because the property is shown as future commercial on the Village of Weston Future Land Use Map. It also meets the objective of encouraging development of assisted living facilities in the Village (Housing Element – Goal 3 Provide a variety of housing types and affordability in the Village.)
2. The request is consistent with the current conditions and character of structures and uses in each zoning district because the use as a memory care assisted living facility is residential in nature and the property is on the edge of the commercial area adjacent to some single family homes and the Colonial Gardens Mobile Home Park.
3. The request is consistent with the most desirable use for which the land in each district is adapted because use as a memory care assisted living facility is residential in nature and will provide a buffer to the residential neighborhoods to the north and west from the Shadow Ridge Commercial area.
4. The request is consistent with the conservation of property values throughout the jurisdiction.
5. The request is consistent with responsible growth and development because the Village is looking to combine the B-4 and BP zoning districts into one district following the completion of the Village Zoning Code update. When that is done there will be no B-4 zoning district and the Village will need to rezone those properties to the new combined B-P district. This change is just occurring prior to the adoption of the new code.
6. The request is in compliance with the intent and purposes of Chapter 94 as set forth in sections 94.104 and 94.105.
7. The proposed rezone is in the public’s best interest, and is solely for the benefit of the applicant.

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

Village of Weston Planning Commission

By: _____
 Loren White, its Chairman

Attest: _____
 Valerie Parker, its Secretary

Sec. 94.104. Intent.

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

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

(Ord. of 11-18-1991)

Sec. 94.105. Purposes in view.

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

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

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

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

(Ord. of 11-18-1991)



**VILLAGE OF WESTON
NOTICE OF PUBLIC HEARING
ON APPLICATION FOR REZONE
#REZN-9-13-1374**

NOTICE IS HEREBY GIVEN that on **Monday, November 11, 2013, at 6:00 p.m.**, the Village of Weston Plan Commission will hold a public hearing at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476 to take testimony relative to an application REZN-9-13-1374, having been filed with the Village Clerk by Curt Crotty, representing Weston Memory Care, LLC, 5131 175th Street, Chippewa Falls, WI 54729, and on behalf of property owner, Richard Austin, of Austin Living Trust, PO Box 897, Wausau, WI 54402, requesting a rezone from B-4 (Office) Zoning District, to B-P (Business Park) Zoning District, to allow the future development of a memory care facility, on the 10.083 acre property described as:

Lot 4 of the Plat of Shadow Ridge, as recorded in the Register of Deeds Office for Marathon County, Wisconsin. Located in Section Twenty (20), Township Twenty Eight (28) North, Range Eight (8) East, in the Village of Weston. This parcel is also addressed as 3404 Community Center Drive.

The hearing notice and applicable application materials are available 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, 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 22nd day of October, 2013

Sherry L. Weinkauff
Village Clerk

Date Filed 9/16/13
 Amount Paid \$300
 Check No. 113105
 Revised 1/1/2012

VILLAGE OF WESTON
 MARATHON COUNTY, WI
APPLICATION FOR REZONING



Fees: Total Fee Submitted \$ 300.⁰⁰

- Application Fee – \$300
- Late Agenda Fee – add additional \$100
- Special Meeting Fee – add an additional \$250

REZN-9-13-1374

*****Please note that applicant will also be responsible for all applicable public notice fees and required ordinance publication fees. These fees will be billed following completion of the application process.

One copy of a registered surveyor's plat of survey must accompany application. Applicant will be notified of the date and place of a public hearing.

1. Applicant Weston Memory Care, LLC Telephone 715-726-9330

Address 5131 175th St., Chippewa Falls, WI 54729

Email address ccrotty@innovativecm.net

2. Owner AUSTIN LIVING TRUST Telephone 715-693-1403

Address P.O. Box 897, WAUSAU, WI 54402-0897

Email address raustin811@aol.com

3. Applicant is (Check one): Owner () Agent () Other ()
 (If Applicant is not the owner, provide letter of Authorization from Owner) (Specify)

4. The present Owner acquired legal title to the subject property on 20+ YEARS AGO
 (Date)

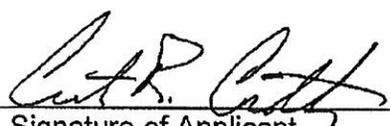
5. Location, address and acreage of property: N.E. CORNER OF BIRCH STREET
AND COMMUNITY CENTER DRIVE - LOT 4 SHADOW RIDGE
DEVELOPMENT - 10.083 A.

6. Legal description of subject property: LOT 4, SHADOW RIDGE -
PIN # 192-2808-201-0025

7. Present Zoning: B-4 OFFICE
8. Proposed Zoning change: B-P BUSINESS PARK
9. Has the present applicant previously sought to rezone the subject site or part of it? NO
10. When? N/A
11. To what district classification? N/A
12. Existing Use of Property: VACANT LAND
13. Future Land Use Map Designation of Property: _____
14. Proposed Future Land Use (by Applicant): _____
15. Is the subject property planned to be improved? YES When? IMMEDIATELY
16. What will be the actual use of the improvement? Develop a 60 unit memory care facility

17. Please provide name and address of where the bill for publication and/or recording fees should be sent:
ICM, 5131 175th St, Chippewa Falls, WI 54729

I hereby depose and say that all the above statements and all accompanying statements and drawings are correct and true.



Signature of Applicant

Applicant attendance at this hearing is not mandatory, but is strongly recommended.

Forwarded to the Village Planning Commission

Date of Public Hearing: 10-14-13

Hearing Notice Published on: 9-30-13 and 10-07-13

Cost for Hearing Notice Publication: _____

Recommendation of the Village Planning Commission: _____

NOTE: This is only a recommendation. It requires action by the Village Board to become effective.

Forwarded to the Village Board

Date: _____

Map Amendment: (Adopted / Denied)

Date: _____

Ordinance Publication Date: _____

Cost for Ordinance Publication: _____

Applicant billed for Hearing Notice and Ordinance Publications on _____ in the amount of

_____.

Village President

)
)
July 19, 2013

To: Jennifer Higgins – Village of Weston
From: Richard J Austin
Subject: Rezoning Application

Jennifer:

Please be aware that I am authorizing an application for rezoning from B-4 Office to B-P Business Park for the following parcel of land, owned by Austin Living Trust, located in the Village of Weston, WI:

PIN# 192-2808-201-0025
Lot 4, Shadow Ridge
NE Corner of Birch Street and Community Center Drive

Feel free to contact me with any questions.

Austin Living Trust



Richard J Austin, Owner Trustee

October 21, 2013

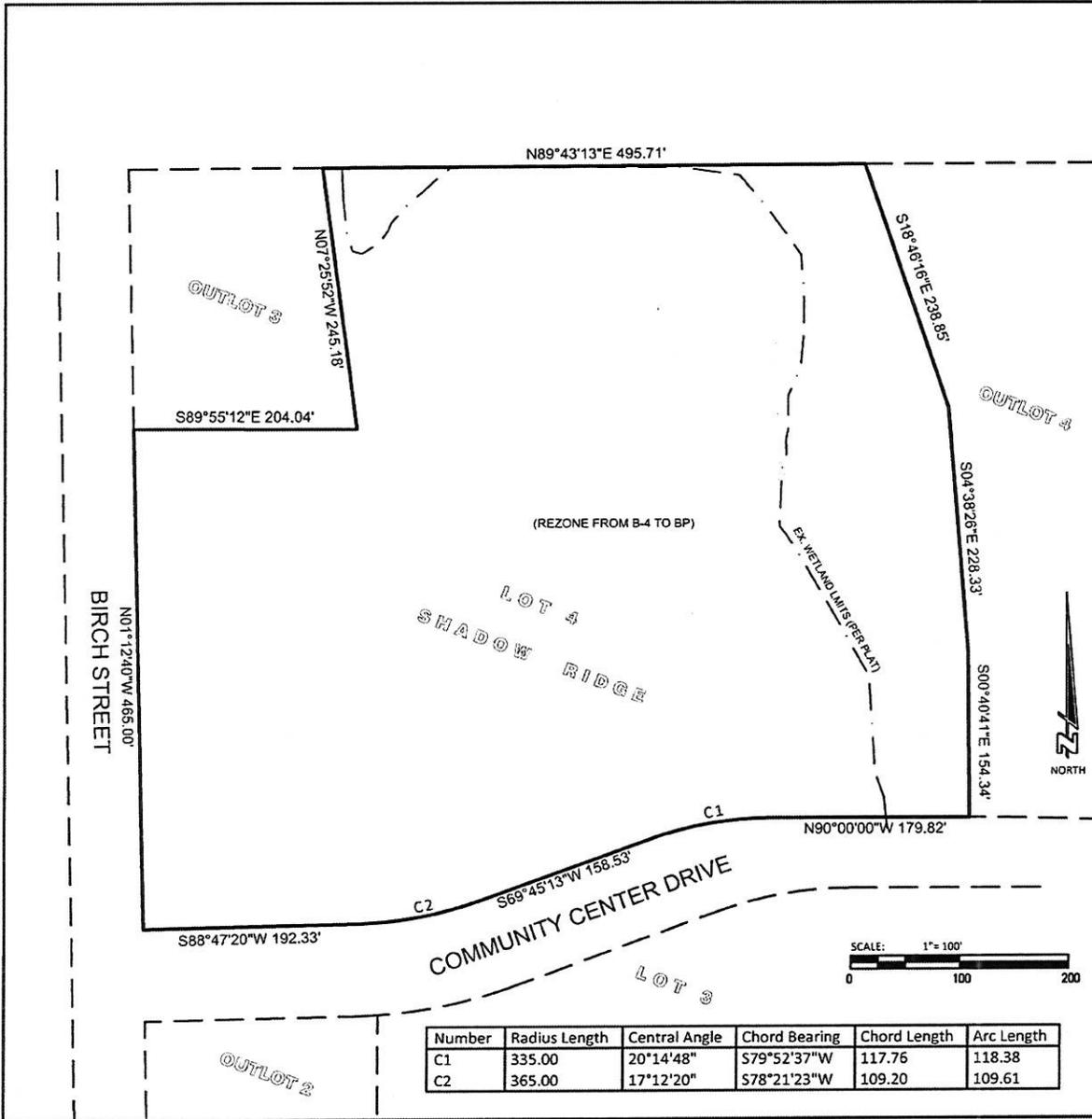
Jennifer:

This addendum to the above letter is to verify and continue my authorization of this request for the rezoning of the Property Site in Weston, WI identified as PIN # 192-2808-201-0025 from B-4 Office to B-P Business Park.

Austin Living Trust



Richard J. Austin, Owner Trustee



PARCEL TO BE REZONED:

Part of the Southwest Quarter of Northeast Quarter (SW ¼ of NE ¼) of Section Twenty (20), Township Twenty Eight (28) North, Range Eight (8) East, in the Village of Weston, described as follows:

Lot 4 of the Plat of SHADOW RIDGE as recorded in the Register of Deeds Office for Marathon County, Wisconsin.

Containing 10.083 acres.

Number	Radius Length	Central Angle	Chord Bearing	Chord Length	Arc Length
C1	335.00	20°14'48"	S79°52'37"W	117.76	118.38
C2	365.00	17°12'20"	S78°21'23"W	109.20	109.61

PROJECT: LOT 4, SHADOW RIDGE
 VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN
 SHEET NO. 1 OF 1

REZONING MAP

Auth - Consulting/associates

S&L Land Surveying

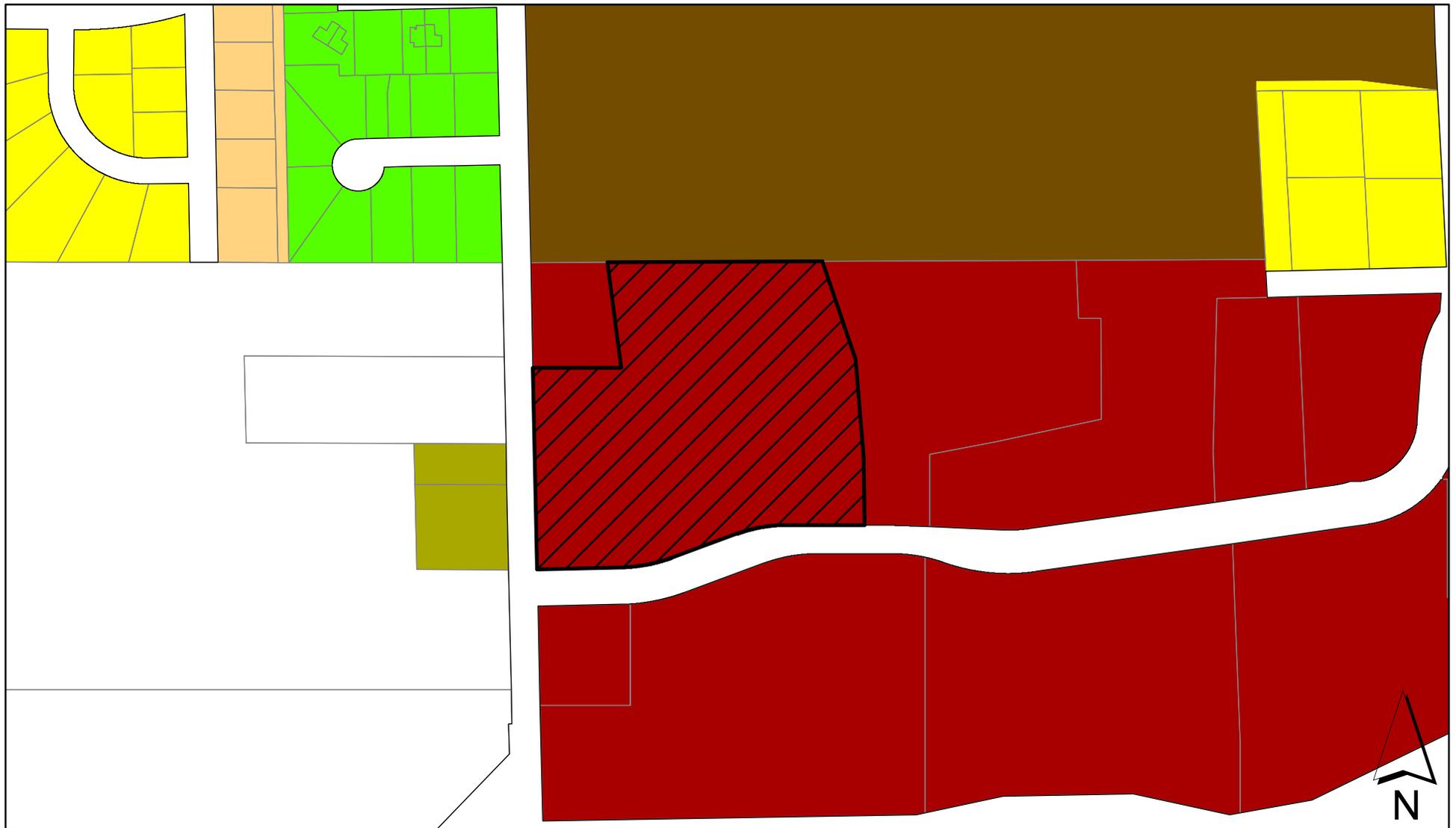
DATE: 02/13/23
 DRAWN BY: BTF-001
 FOR MAPS: 2314-000

RECORD LEGAL DESCRIPTION: SEE PLAT

DATE: 02/13/23
 DRAWN BY: BTF-001
 FOR MAPS: 2314-000

Current Zoning

Shadow Ridge - Lot 4



Legend: Zoning Districts

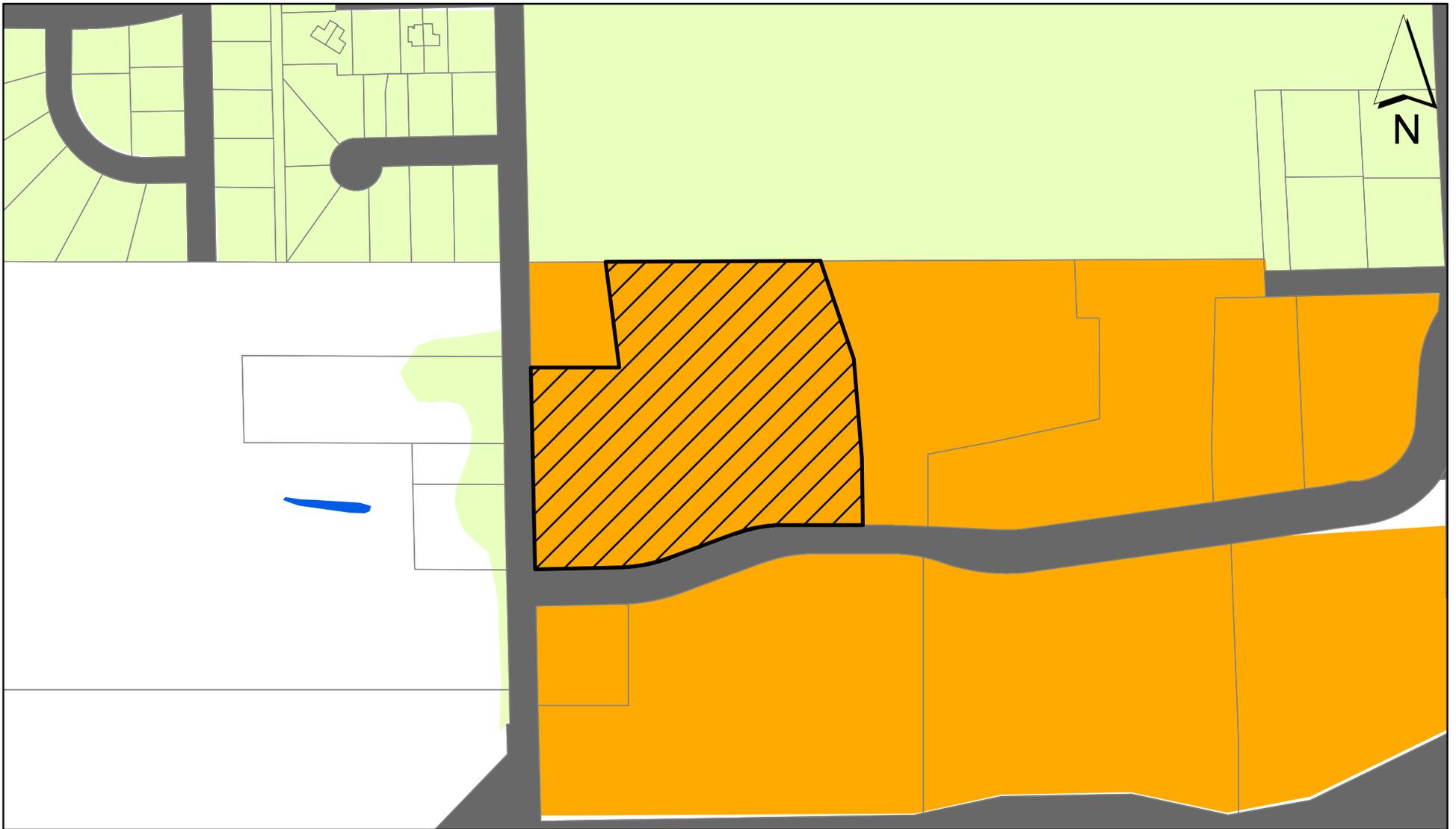
 R-1	 AG
 R-2	 B-4
 R-3	 ROW
 R-5	 ShadowRidge_Lot4

0 0.05 0.1 Miles



Future Land Use

Shadow Ridge - Lot 4



Legend Future Land Use Weston

- | | |
|---|--|
|  AGRICULTURE/FORESTRY |  RECREATIONAL |
|  COMMERCIAL |  RESIDENTIAL |
|  INDUSTRIAL |  TRANSPORTATION |
|  PUBLIC/QUASI-PUBLIC |  WATER |
-  ShadowRidge_Lot4

0 0.05 0.1 Miles



LRS10801
LRS108I

Land Records
Browse

9/24/13
07:32:26

PIN 192 2808 201 0025
Parcel 62 072000 000 004 00 00
Adr 0
Own 1 AUSTIN SANDRA J P

Village of WESTON

Status: **ACTIVE**

General Parcel Information:

PIN. : 37 192 4 2808 201 0025 Village of WESTON
Parcel Number : 62 0720 000 004 00 00 Parcel Status: ACTIVE
Sale Date. . . : 4/20/2011 Sale Type. . : ADDITIONAL PARCELS
Sale Amount. . : 1,200,000 Transfer Tax : 3,600.00
Deed Type. . . : Quit Claim
Deed Reference: M325-1063 1151102 M667-1314 1595705
MAILING ADDRESS RICHARD J AUSTIN
SANDRA J AUSTIN
PO BOX 897

WAUSAU WI 54402 0897 USA

Parcel Descriptions:

1 Description(s) on File

Year	Acres	Front	Depth	Flood Line	Description
2004	10.083				1 SHADOW RIDGE 2 LOT 4

Zoning

2 Zoning Records on File.

Year	Flood Plain Wetlands	Zoning	Zone Use	Ordinance
2009		1) B-4 2) 3) 4)	OFFICE	
2008		1) B-4 2) 3) 4)	OFFICE	



Lot 4 Shadow Ridge Development (NE Corner of Community Center Drive and Birch Street)
 Weston Memory Care, LLC

AUSTIN LIVING TRUST
PO BOX X897
WAUSAU WI 54402

WESTON MEMORY CARE/INNOVATIVE CM
CURT CROTTY
5131 175TH STREET
CHIPPEWA FALLS WI 54729

PHILIP WINDORSKI
6512 BIRCH STREET
WESTON WI 54476

WISCONSIN MHP 6 LLC
PO BOX 457
CEDAREIDGE CO 81413

COLONIAL GARDENS MOBILE HOME PARK
6300 BIRCH STREET
WESTON WI 54476

CORY SCHREIBER
6606 BIRCH STREET
WESTON WI 54476

JEROME GLATCZAK
CAROL GLATCZAK
7507 ALDERSON STREET
SCHOFIELD WI 54476

SOUTH BOUND INVESTMENTS
RON HASE
9080 S COUNTY ROAD K
MERRILL WI 54452

Valerie Parker

To: Kelley Wehner - Wausau Daily Herald (kwehner@wdhprint.com)
Cc: Jennifer Higgins (jhiggins@westonwi.gov); Sherry Weinkauff; Jessica Trautman
Subject: Legal Notice to be Published
Attachments: 2013 11-11 Public Hearing Notice to WDH.doc

10/23/13

Hi Kelley,

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

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

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

Thanks and have a great day,

Valerie Parker
Administrative Specialist
Planning & Development Department
Village of Weston
5500 Schofield Avenue
Weston, WI 54476
PH: (715) 241-2607
FX: (715) 359-6117
vparker@westonwi.gov
www.westonwisconsin.org