



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

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## STAFF REPORT

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**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-10-13-1391, a request to rezone from M-1 (Manufacturing and Warehousing) Zoning District, to B-3 (General Commercial) Zoning District, to allow combining a 16.5 foot strip of land to the parcel to the north, addressed as 6606 County Road J, also described as the south 16.5 feet of the southeast 1/4 of the northwest 1/4, of Section 24, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin, lying south of CSM #753, recorded in Vol. 3 of CSM's on Page 223, as Doc. #680696, except those portions used for highway purposes, 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-10-13-1391 and forwards this document on to the Village Board for final approvals."

**ACTION ITEM:** \_\_\_\_\_ Ordinance \_\_\_\_\_ Resolution   X   Motion \_\_\_\_\_ File

**DATE OF REPORT:** Mon, November 4, 2013

**DATE OF MEETING:** Mon, November 11, 2013

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**FISCAL SUMMARY:**

Budget Line Item: \_\_\_\_\_  
 Budget Line Item: \_\_\_\_\_  
 Budgeted Expenditure: \_\_\_\_\_  
 Budgeted Revenue: \_\_\_\_\_

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**STATUTORY REFERENCE:**

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

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***Policy Question / Issue:***

Should the Plan Commission make a motion to recommend approval of the proposed rezone request to the Village Board to rezone the remnant lot along Christie Ln from M-1 (Manufacturing and Warehousing) Zoning District, to B-3 (General Commercial) Zoning District by approving the Director of Planning & Development's report entitled *Finding of Fact & Recommendation by the Village of Weston Planning Commission*?

***Background:***

Originally this little strip was owned by the DOT and then sold to County Concrete which explains why the strip is zoned M-1. Abby Bank recently acquired the strip to add it to the existing property to the north so it can be sold for redevelopment. Currently the property to the north (old Fish Tank lot) does not have access to Christie Lane. The bank acquired the property through foreclosure and now have a two buyers for the site. They have submitted a Certified Survey Map [CCSM-10-13-1392](#) which is being reviewed by staff (available online via the link) and cannot be approved by staff until the rezone request is approved. In the CSM they plan to divide the current Fish Tank lot in half and then add this small strip to the southern lot created. They have a buyer for this lot already who is looking to put up a building on the new lot.

***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. [CCSM-10-13-1392](#) cannot be approved by staff unless the rezone request is approved by the Village Board on 11/18/13. DPW staff also had some questions on whether the DOT had any access restrictions on Christie Lane as the strip used to be owned by the DOT before it was acquired by County Concrete. Staff has an email into the surveyor so that they have time to contact the DOT concerning the access restrictions, if any, that they hold on the strip so that they can be added to the CSM if necessary.

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-10-13-1391 and then be forwarded on to the Village Board at their meeting on November 18<sup>th</sup> 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 9<sup>th</sup> 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-10-13-1391 at November 18<sup>th</sup> Village Board Meeting
- 2) Staff approved CSM – CCSM-10-13-1392

***Additional Items:***

- 1) *Finding of Fact and Recommendation by the Village of Weston Planning Commission*
- 2) Rezoning Application Materials (REZN-10-13-1391) - Full Rezoning Application submittal is available online at <http://www.westonwi.gov/421/Public-Hearing-Notices>
- 3) Certified Survey Map CCSM-10-13-1392 – can be found online at <http://www.westonwi.gov/431/CSMs-and-Plats>



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

Application/Petition #: **REZN-10-13-1391**

Hearing Date: **November 11, 2013**

Applicant: **Nathan Wincentsen, of Becher Hoppe Associates, PO Box 8000, Wausau, on behalf of property owner, AbbyBank, 2405 Schofield Avenue, Weston**

Location: **A 16.5 ft strip of land to the parcel to the north, addressed as 6606 County Road J, also described as *The south 16.5 feet of the southeast 1/4 of the northwest 1/4, of Section 24, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin, lying south of CSM #753, recorded in Vol. 3 of CSM's on Page 223, as Doc. #680696, except those portions used for highway purposes.***

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 this parcel is shown as future commercial on the Comprehensive Plan Future Land Use Map.
2. The request is consistent with the current conditions and character of structures and uses in each zoning district.
3. The request is consistent with the most desirable use for which the land in each district is adapted.
4. The request is consistent with the conservation of property values throughout the jurisdiction.
5. The request is consistent with responsible growth and development.
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 not 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 11<sup>th</sup> 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-10-13-1391**

**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-10-13-1391, having been filed with the Village Clerk by Nathan Wincentsen, of Becher Hoppe Associates, PO Box 8000, Wausau, on behalf of property owner, AbbyBank, 2405 Schofield Avenue, Weston, requesting a rezone from M-1 (Manufacturing and Warehousing) Zoning District, to B-3 (General Commercial) Zoning District, to allow combining a 16.5 foot strip of land to the parcel to the north, addressed as 6606 County Road J, also described as:

The south 16.5 feet of the southeast 1/4 of the northwest 1/4, of Section 24, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin, lying south of CSM #753, recorded in Vol. 3 of CSM's on Page 223, as Doc. #680696, except those portions used for highway purposes.

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](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 October, 2013

Sherry L. Weinkauff  
Village Clerk

Date Filed 10-18-13  
Amount Paid \$300.00  
Check No. 54944  
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-10-13-1391

**\*\*\*\*\*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 Becher Hoppe Associates, Inc Telephone 715-845-8000

Address 330 Fourth St. P.O. Box 8000 Wausau, WI 54402-8000

Email address nwincentsen@becherhoppe.com

2. Owner AbbyBank Telephone 715-241-6336

Address 2405 Schofield Ave Suite 100, Weston, WI 54476

Email address jwojtasiak@abbybank.com

3. Applicant is (Check one): Owner ( ) Agent (x) 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 3/01/2013  
(Date)

5. Location, address and acreage of property: 16.5' strip of land, +/- 520' long  
lying North of Christie Lane and West of County Road J

6. Legal description of subject property: Document No. 1642940

The South 16.5' of the SE 1/4 of the NW 1/4 of Sec. 24, T28N, R8E,  
Village of Weston, Marathon Co., Wisconsin, lying South of CSM NO. 753  
recorded in Vol. 3 of CSM's on Page 223, as Doc. No. 680096; except

those portions used for highway purposes.

7. Present Zoning: M-1
8. Proposed Zoning change: B-3
9. Has the present applicant previously sought to rezone the subject site or part of it? No
10. When? NA
11. To what district classification? NA
12. Existing Use of Property: Vacant
13. Future Land Use Map Designation of Property: Commercial
14. Proposed Future Land Use (by Applicant): NA, applicant is a agent for AbbyBank
15. Is the subject property planned to be improved? Yes When? Unknown
16. What will be the actual use of the improvement? Commercial. AbbyBank owns the property  
to the North which is zoned B-3 and would like to combine the two parcels.
17. Please provide name and address of where the bill for publication and/or recording fees should be sent:  
AbbyBank, Attn. Joe Wojtasiak, 2405 Schofield Ave. Ste 100  
Weston, WI 54476

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: 11-11-13

Hearing Notice Published on: 10-28-13 and 11-04-13

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



October 18, 2013

Village of Weston  
Attn: Jennifer Higgins

RE: Rezoning application

Dear Jennifer;

This letter does hereby authorize Becher Hoppe Associates, Inc. to act on the behalf of AbbyBank for the rezoning request of the property located at 6606 County Road J, Weston WI 54476. Thank you.

Sincerely

A handwritten signature in black ink, appearing to read "Joe Wojtaslak". The signature is fluid and cursive, with a large loop at the end.

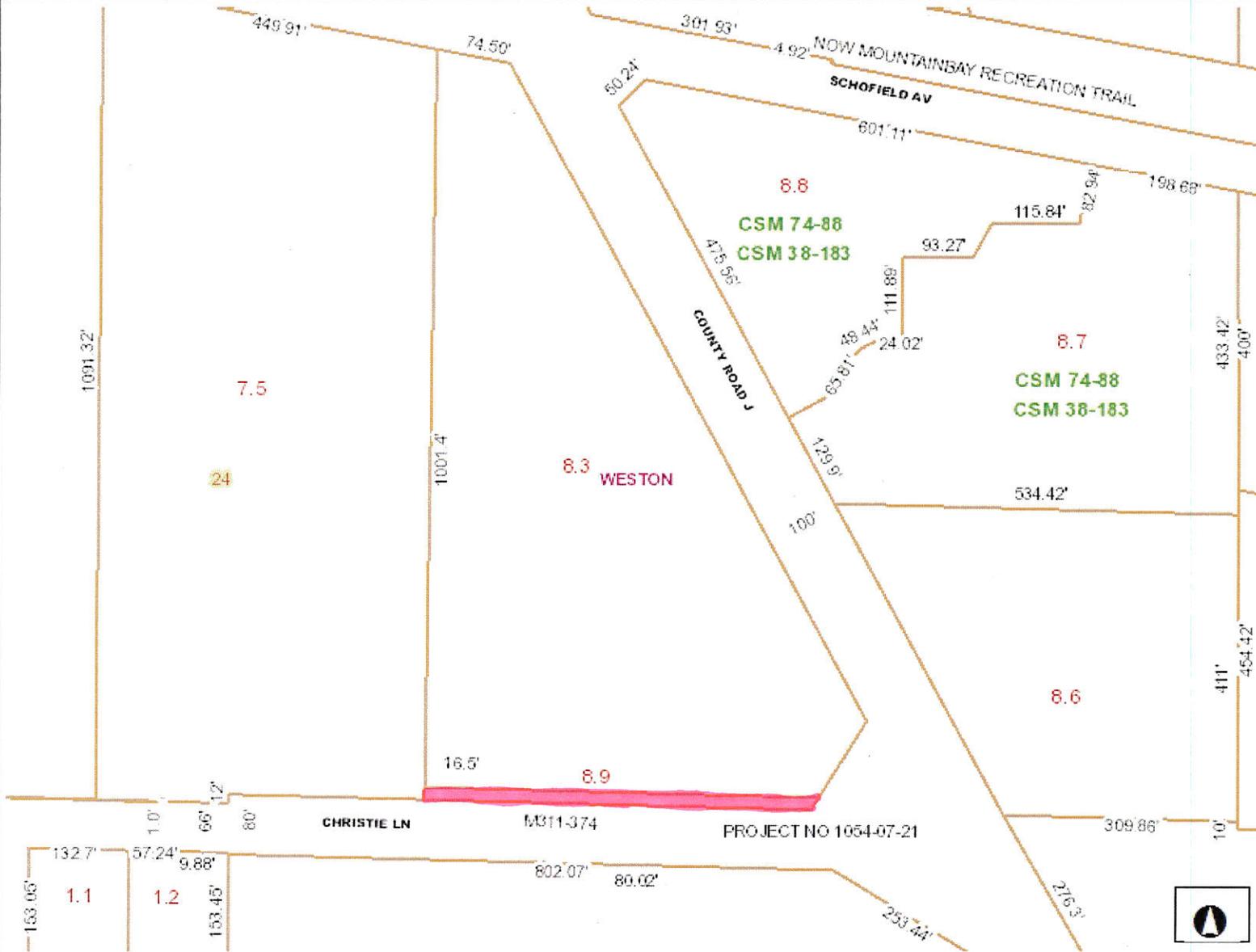
Joe Wojtaslak  
Vice President-Loss Mitigation

2405 Schofield Avenue Suite 100 ▪ Weston, WI 54476

715-241-6336 ▪ 800-288-2229 ▪ Fax 715-241-6337 ▪ [www.abbybank.com](http://www.abbybank.com)



# Land Information Mapping System



- ### Legend
- ▭ Parcels
  - Land Hooks
  - ▭ Section Lines/Numbers
  - Road Names
  - ▭ Named Places
  - ▭ Municipalities

99.12 0 99.12 Feet



User\_Defined\_Lambert\_Conformal\_Conic

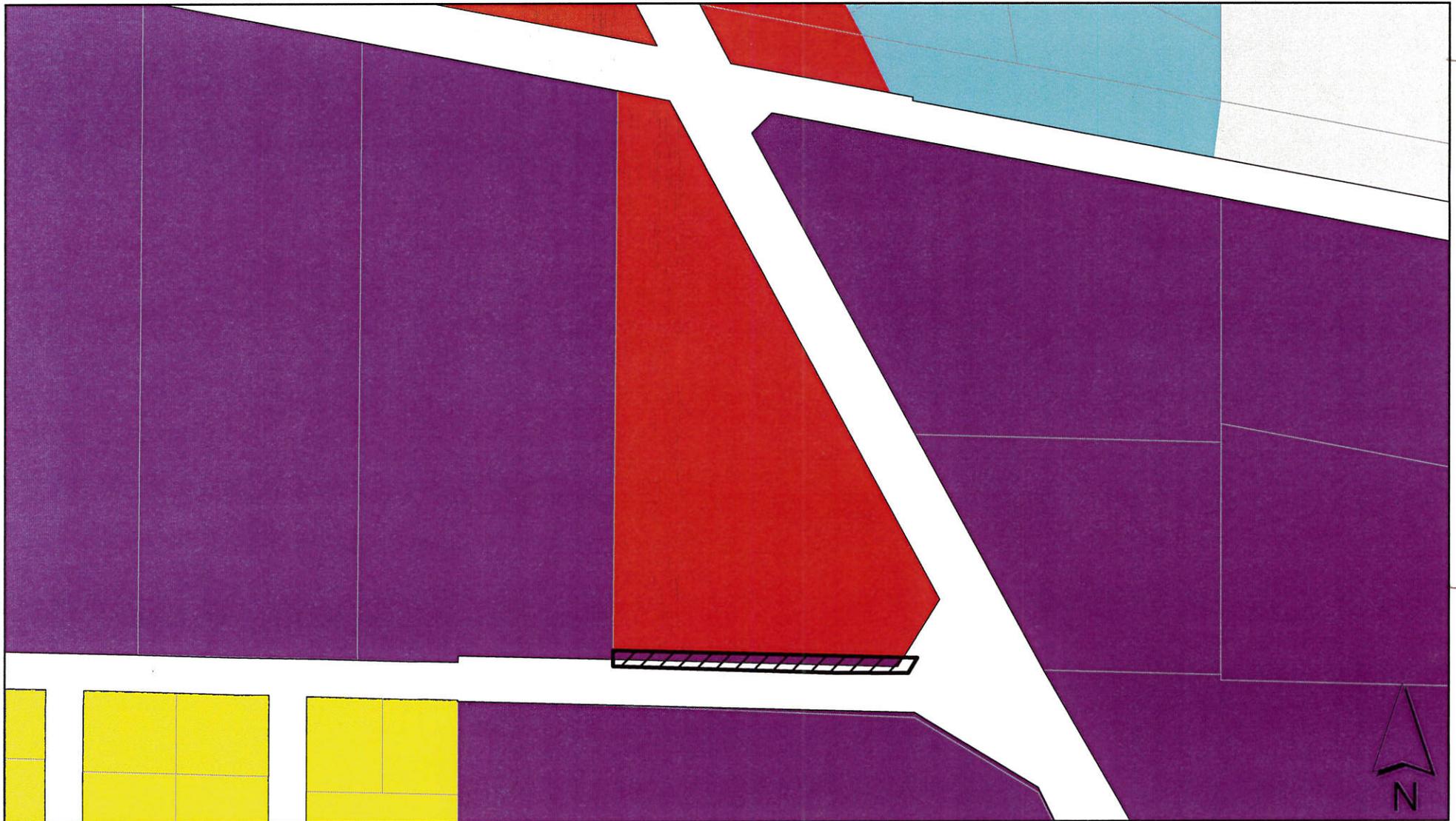
**DISCLAIMER:** The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Marathon County-City of Wausau will not be responsible for any damages which result from third party use of the information and depictions herein or for use which ignores this warning.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

### Notes

# Zoning Districts

## Christie Lane Strip



### Legend: Zoning Districts

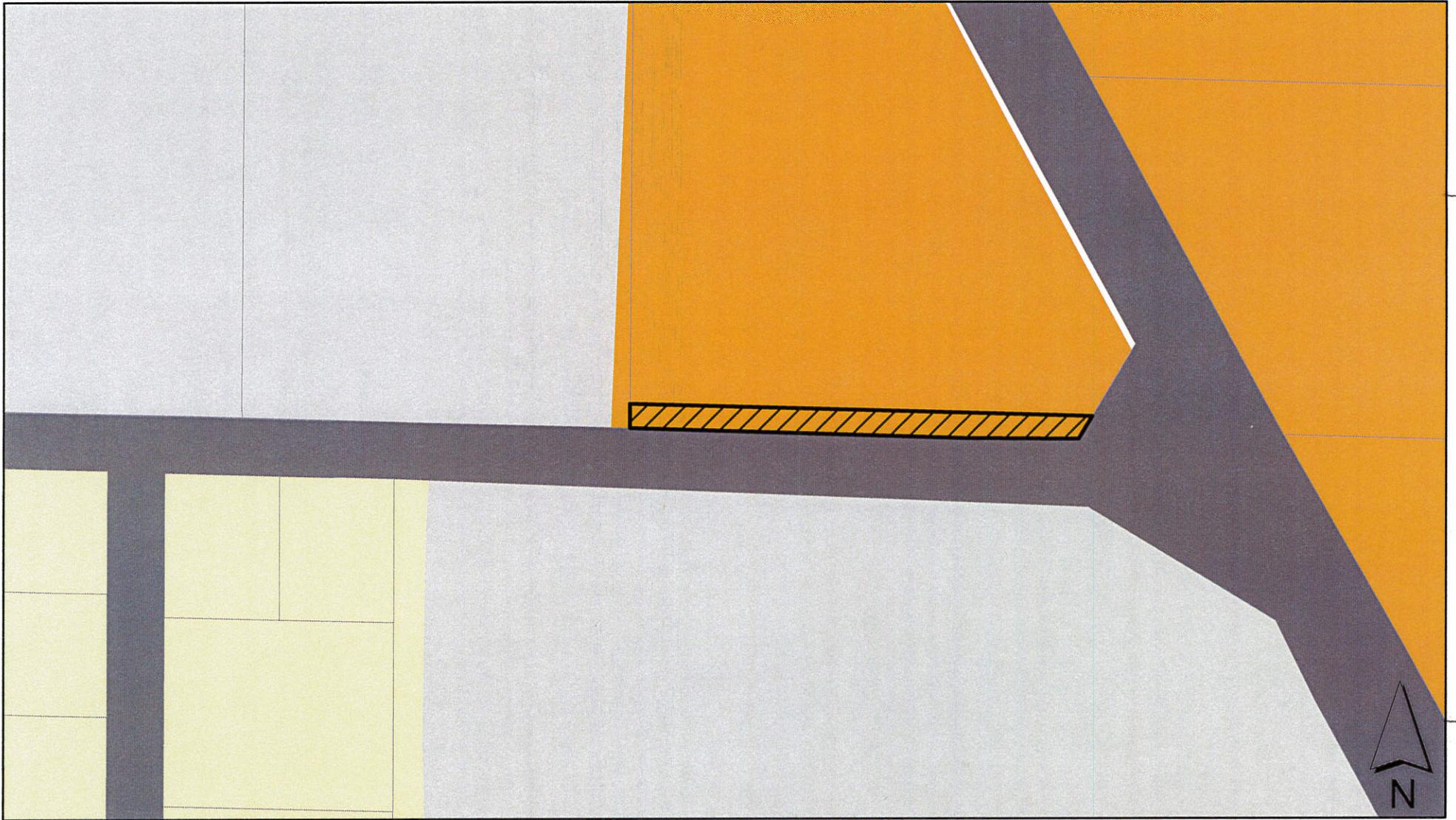
- |   |   |
|---|---|
|  B-3                  |  RE  |
|  M-1                  |  ROW |
|  R-1                  |  RR  |
|  Christie Lane Strip |   |

0 0.05 0.1 Miles



# Future Land Use

## Christie Lane Strip



### Legend: Future Land Use

- |   |  |
|---|--|
|  AGRICULTURE/FORESTRY |  RECREATIONAL   |
|  COMMERCIAL           |  RESIDENTIAL    |
|  INDUSTRIAL           |  TRANSPORTATION |
|  PUBLIC/QUASI-PUBLIC  |  WATER          |
-  Christie Lane Strip

0 0.045 0.09 Miles



PIN 192 2808 242 0979 Village of WESTON  
Parcel 62 242808 008 003 00 00 Status: **ACTIVE**  
Adr 1 6606 COUNTY ROAD J WESTON 54476 0000  
Own 1 ABBYBANK B

General Parcel Information:

PIN. . . . . : 37 192 4 2808 242 0979 Village of WESTON  
Parcel Number : 62 242808 008 003 00 00 Parcel Status: ACTIVE  
Sale Date. . . : 4/27/2011 Sale Type. . : Blank  
Sale Amount. . : 600,000 Transfer Tax : .00  
Deed Type. . . : Sheriff Deed  
Deed Reference: 1595993

MAILING ADDRESS ABBYBANK  
2405 SCHOFIELD AVE  
WESTON WI 54476 0000 USA

Parcel Descriptions:

3 Description(s) on File

Year	Acres	Front	Depth	Flood Line	Description
2014	8.130				1 SEC 24-28-08 2 PT OF SE 1/4 NW 1/4 3 CSM VOL 3 PG 223 (#753) 4 DOC# (680096) EX M478-581 5 (HWY) EX DOC# 1174726 (HWY)
2000	8.220				1 SEC 24-28-08 2 PT OF SE 1/4 NW 1/4 3 COM AT W 1/4 COR OF SEC N 4 89 DEG E 1594.42' N 16.5' 5 TO POB N 89 DEG E 642.63' 6 TO WLY LN HWY 'J' N 29 DEG 7 W 1140.45' TO SLY LN HWY 8 'JJ' N 80 DEG W 90.8' S 9 1013.7' TO BEG A/D/A CSM 10 VOL 3 PG 223 EX VOL 11 478M-581 (HWY) M487-954 EX 12 1174726 (HWY)

Zoning

3 Zoning Records on File.

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

PIN 192 2808 242 0962

Village of WESTON

Parcel 62 242808 008 009 00 00

Status: **SPLIT** ..

Adr 0

Own 1 ABBYBANK

B

General Parcel Information:

PIN. . . . . : 37 192 4 2808 242 0962 Village of WESTON  
Parcel Number : 62 242808 008 009 00 00 Parcel Status: SPLIT  
Sale Date. . . : 2/28/2013 Sale Type. . : Blank  
Sale Amount. . : 21,200 Transfer Tax : 63.60  
Deed Type. . . : Warranty Deed  
Deed Reference: 1642940  
MAILING ADDRESS ABBYBANK

PO BOX 648

ABBOTSFORD WI 54405 0648 USA

Parcel Descriptions:

1 Description(s) on File

Year	Acres	Front	Depth	Flood Line	Description
2013	.200				
					1 SEC 24-28-08
					2 PT OF SE 1/4 NW 1/4- S 16.5
					3 FT LYG S OF CSM VOL 3 PG
					4 223 (#753) (DOC# 680696) EX
					5 RD



WAUSAU

# Land Information Mapping System



### Legend

- Parcels
- Land Hooks
- Section Lines/Numbers
- Road Names
- Named Places
- Municipalities

198.11 0 198.11 Feet



User\_Defined\_Lambert\_Conformal\_Conic

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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

### Notes

)  
)  
ABBYBANK  
JOE WOJTASIAK  
2405 SCHOFIELD AVE #100  
WESTON WI 54476

ABBYBANK  
PO BOX 648  
ABBOTSFORD WI 54405

NATIONWIDE LIMITED PTN  
PO BOX 100  
MARATHON WI 54448

COUNTY MATERIALS  
9303 SCHOFIELD AVENUE  
WESTON WI 54476

FABCO EQUIPMENT  
9601 CHRISTIE LANE  
WESTON WI 54476

FABCO EQUIPMENT  
11200 W SILVER SPRING RD  
MILWAUKEE WI 53225

ANTHONY MORICE  
DIANE MORICE  
710 W AZALEA DRIVE  
CHANDLER AZ 85248

PEOPLE'S STATE BANK  
1905 W STEWART AVE  
WAUSAU WI 54401

HIGHLAND COMM CHURCH  
1005 N 28<sup>TH</sup> AVENUE  
WAUSAU WI 54401

## Valerie Parker

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**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 28<sup>th</sup>, and Monday, November 4<sup>th</sup>.

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](mailto:vparker@westonwi.gov)  
[www.westonwisconsin.org](http://www.westonwisconsin.org)