



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

## 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-10-13-1394, a request to rezone from R-1 (Residential Single Family) to RTF (Residential Two Family) Zoning District to create a single-zoned parcel, on the west 66 feet of Lot 1, Volume 2, CSM Page 245, also known as 2807 Jelinek Avenue, 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-10-13-1394 and forwards this document on to the Village Board for final approvals."

**ACTION ITEM:**  Ordinance  Resolution  Motion  File

**DATE OF REPORT:** Tues, November 5, 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 a portion of 2807 Jelinek Avenue from R-1 (Residential Single Family) to RTF (Residential Two Family) by approving the Director of Planning &

Development's report entitled *Finding of Fact & Recommendation by the Village of Weston Planning Commission*?

***Background:***

Back in 2009 the Pineview Nursery site on Jelinek Avenue was rezoned to R-1 and RTF based on a preliminary plat layout that they were proposing at the time. The final plat was never submitted for final approvals and recording, instead a few CSMs were done and 4 lots were created off of the preliminary plat layout. With the rezone, the lots that would be adjacent to Jelinek were allowed to be rezoned to RTF. In the preliminary plat from 2009, they had shown a lot that was in the middle of the plat that was zoned R-1 but had a driveway out to Jelinek. Just this year, they decided to resurrect the plat. Unfortunately, the three year window allowed for state statutes had expired so they needed to start the process over. During the preliminary plat approvals, it was noticed that they had redesigned the plat, creating a different lot layout. This new layout was proposing a lot that had dual zonings (RTF and R-1). In order to move forward with the plat, they would need to rezone this small portion to RTF. This was listed as a condition of final plat approvals.

***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-10-13-1394 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-10-13-1394 at November 18<sup>th</sup> Village Board Meeting
- 2) Final Plat for Pineview Subdivision

***Additional Items:***

- 1) *Finding of Fact and Recommendation by the Village of Weston Planning Commission*
- 2) Rezoning Application Materials (REZN-10-13-1394) - Full Rezoning Application submittal is available online at <http://www.westonwi.gov/421/Public-Hearing-Notices>
- 3) Preliminary Plat of Pineview Subdivision
- 4) Current Zoning map



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

Application/Petition #: **REZN-10-13-1394**

Hearing Date: **November 11, 2013**

Applicant: **Ed Prohaska, of 9218 Reed Road, Rothschild, for property owners Michael and Danette Gilbertson, 2807 Jelinek Avenue**

Request: **Rezone from R-1 (Residential Single Family) to RTF (Residential Two Family)**

Location: **West 66 feet of Lot 1, Volume 2 CSM Page 245, all located in the northwest quarter of the northwest quarter, of Section 20, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin. More commonly known as the west 66' of 2807 Jelinek Avenue. This area to be rezoned consists of .390 acres**

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 residential 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-10-13-1394**

**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-10-13-1394, having been filed with the Village Clerk by Ed Prohaska, of 9218 Reed Road, Rothschild, for property owners Michael and Danette Gilbertson, 2807 Jelinek Avenue, requesting a rezone from R-1 (Residential Single Family) to RTF (Residential Two Family), to create a single-zoned parcel on lands described as:

West 66 feet of Lot 1, Volume 2 CSM Page 245, all located in the northwest quarter of the northwest quarter, of Section 20, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin. More commonly known as the west 66' of 2807 Jelinek Avenue. This area to be rezoned consists of .390 acres.

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 \_\_\_\_\_  
 Amount Paid \_\_\_\_\_  
 Check No. \_\_\_\_\_  
 Revised 1/1/2012

Billed out

VILLAGE OF WESTON  
 MARATHON COUNTY, WI  
APPLICATION FOR REZONING



Fees: Total Fee Submitted \$ \_\_\_\_\_

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

REZN-10-13-1394

\*\*\*\*\*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 Ed Prohaska Telephone 715-571-8992  
 Address 9218 Reed Road, Rothschild  
 Email address \_\_\_\_\_

2. Owner Michael + Danette Gilbertson Telephone \_\_\_\_\_  
 Address 2807 Jelinek Avenue, Weston  
 Email address \_\_\_\_\_

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 03-02-1992  
 (Date)

5. Location, address and acreage of property: 2805 Jelinek Avenue → now addressed as 2807 Jelinek Avenue. Consisted of .390 acres → now consists of .650 acres.

6. Legal description of subject property: Area to be rezoned, is described as: Part of the NW 1/4 of the NW 1/4 - West 1/2 of Parcel 1, CSM #495, Volume 2, Page 245, excepting 3.55 feet.

7. Present Zoning: RI
8. Proposed Zoning change: RTF
9. Has the present applicant previously sought to rezone the subject site or part of it? -
10. When? -
11. To what district classification? \_\_\_\_\_
12. Existing Use of Property: Residential
13. Future Land Use Map Designation of Property: Residential
14. Proposed Future Land Use (by Applicant): Residential
15. Is the subject property planned to be improved? - When? -
16. What will be the actual use of the improvement? This lot was combined with  
2807 Jellinek Avenue
17. Please provide name and address of where the bill for publication and/or recording fees should be sent:  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_

Hearing Notice Published on: \_\_\_\_\_ and \_\_\_\_\_

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

I, Danette Gilbertson give permission

to rezone ~~2805~~ <sup>Jelinek</sup> 2805 from R1 to

RTF.

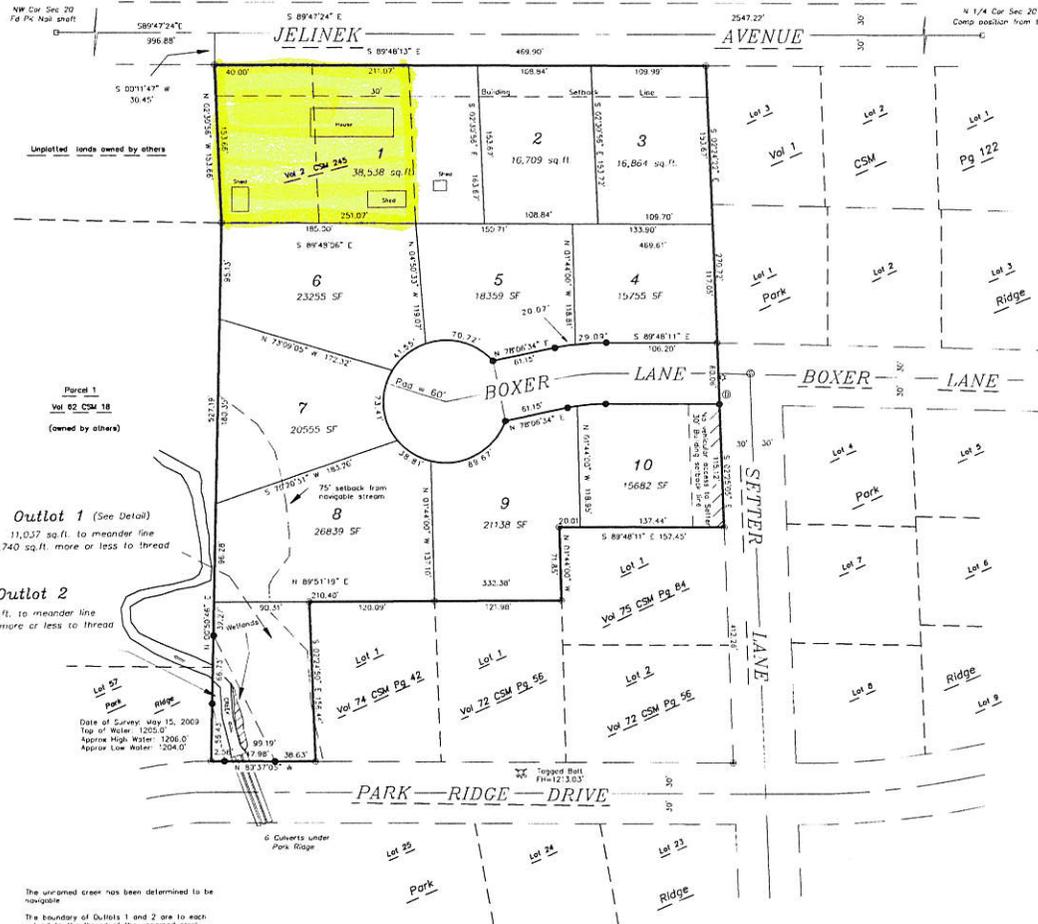
Danette Gilbertson

11-01-13

# PINE VIEW

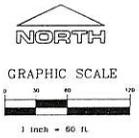
RECEIVED  
By Jennifer Higgins at 4:22 pm, Sep 16, 2013

OF ALL OF VOLUME 2 CERTIFIED SURVEY MAPS PAGE 245 LOCATED IN PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 AND IN PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 20, TOWNSHIP 28 NORTH, RANGE 8 EAST, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN



Owner:  
CJ and Debra, Prushnik Trust  
9218 Reed Rd  
Northwood, WI 54474  
(715) 531-5950

Surveyor:  
Plover River Land Co., Inc.  
84225 Pine View Rd  
Brimmaroon, WI 54414  
(715) 449-2229



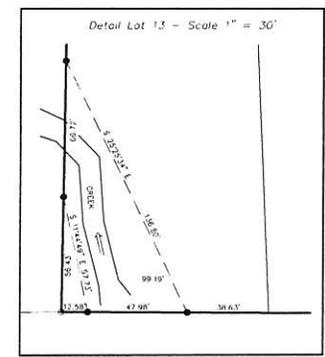
**Outlot 1** (See Detail)  
71,037 sq. ft. to meander line  
12,740 sq. ft. more or less to thread

**Outlot 2**  
355 sq. ft. to meander line  
1,228 sq. ft. more or less to thread

- ⊗ Fire Hydrant
- ⊙ Street Light
- ⊖ French Drain
- ⊕ Sanitary Manhole
- ⊗ PK NAIL OR RR SPIKE SET
- 1-1/4" X 24" IRON ROD WEIGHING 3.76 LBS/LINEAL FOOT SET
- ⊖ FOUND 1" PIPE
- ⊗ FOUND PK NAIL OR RR SPIKE
- ⊙ FOUND GOVT CORNER
- ⊖ FOUND DATA
- ⊗ 3/4" X 24" IRON ROD WEIGHING 1.50 LBS/LN FT SET AT ALL OTHER LOT CORNERS AND OUTLOT CORNERS

The unnamed creek has been determined to be navigable.  
The boundary of Outlots 1 and 2 are to each extend to the thread of the unnamed creek.

BEARINGS ARE REFERENCED TO THE NORTH LINE OF THE NW 1/4 OF SEC. 20 ASSUMED TO BEAR S 89° 47' 24" E

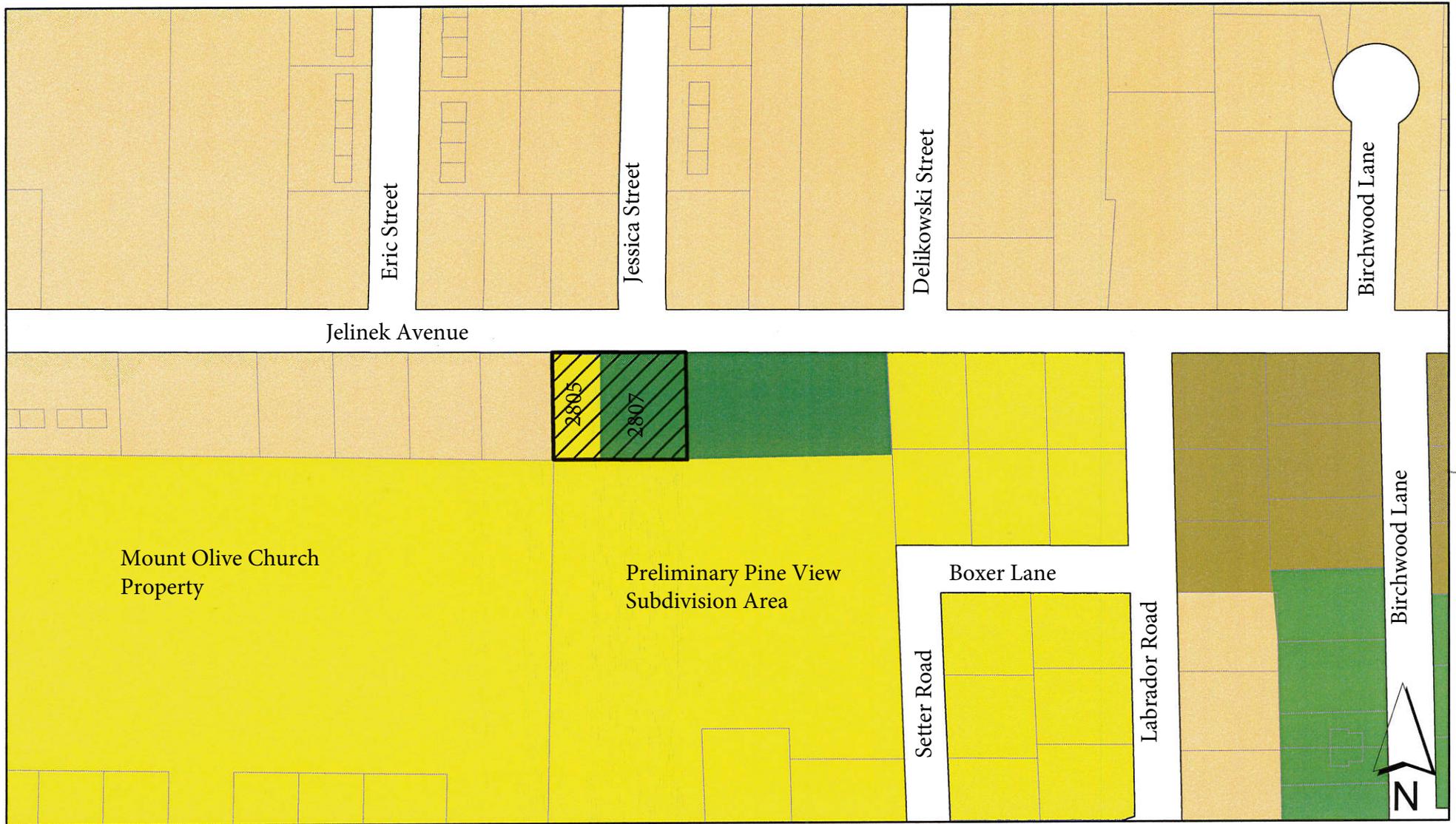


SHEET 1 OF 2

PINE VIEW	
Preliminary Plat	
DRAWN BY: DM	CHECKED BY: DM
DATE: Sept. 5, 2013	APP. NO.
REVISION DATE:	
PLOVER RIVER LAND CO. INC. P.O. BOX 128010, WISCONSIN 54414 TEL: 715.449.2229	

# Zoning Districts

## 2805- 2807 Jelinek Avenue



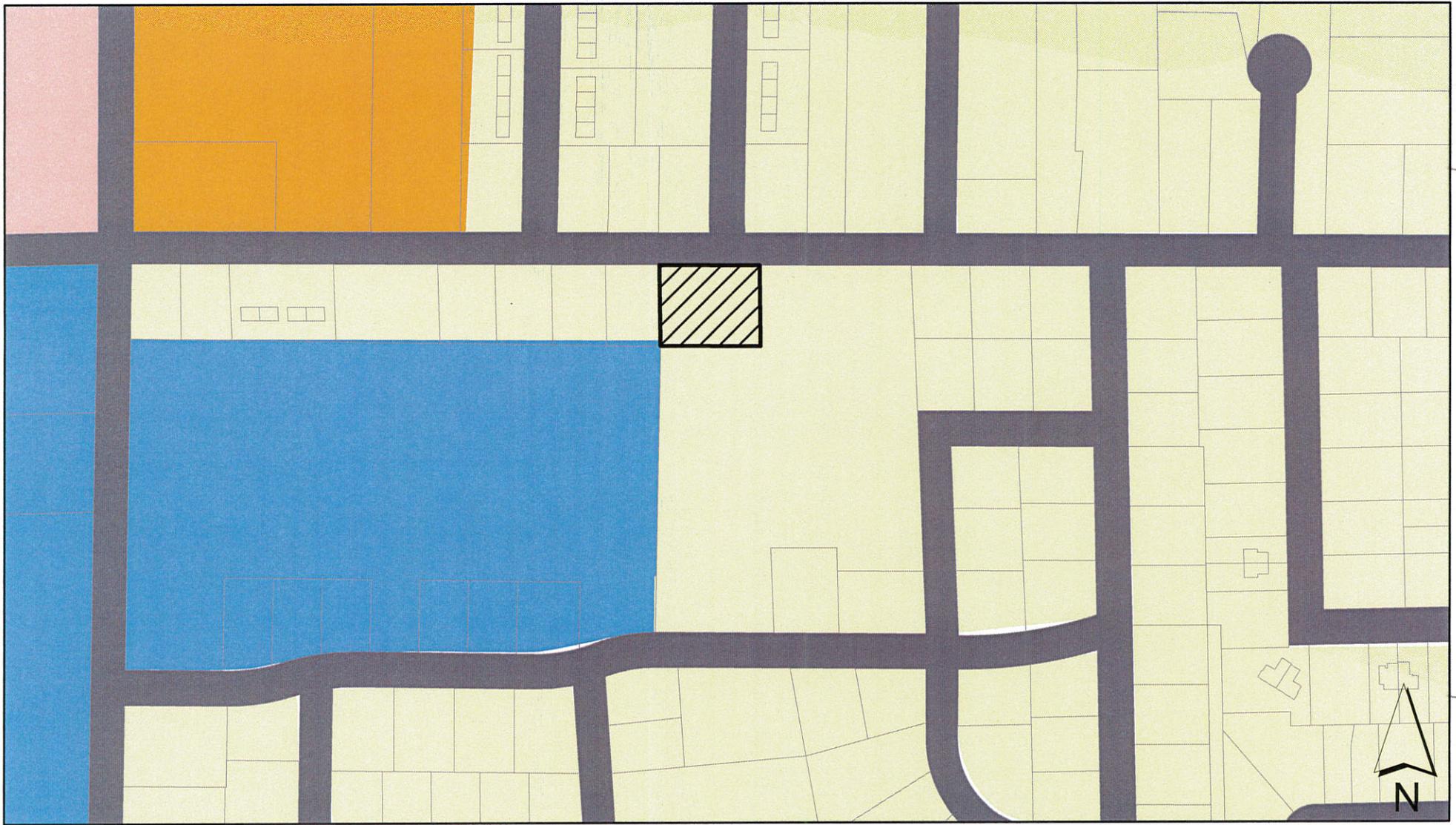
### Legend: Zoning Districts

	B-2		R-1		
	B-P		R-2		ROW
	PUL		R-3		2807 Jelinek Avenue
	S-R		RTF		



# Future Land Use

2807 Jelinek Avenue



## Legend: Future Land Use

- |  |  |
|--|--|
|  COMMERCIAL          |  RECREATIONAL   |
|  INDUSTRIAL          |  RESIDENTIAL    |
|  PUBLIC/QUASI-PUBLIC |  TRANSPORTATION |
|  |  WATER          |

 2807 Jelinek Avenue

0 0.05 0.1 Miles



PIN 192,2808,202,0985 Village of WESTON  
 Parcel 62,202808,006 010 00 00 Status: DELETED  
 Adr 1 2805 JELINEK AVE WESTON 54476 0000  
 Own 1 GILBERTSON MICHAEL C P

General Parcel Information:

PIN. . . . . : 37 192 4 2808 202 0985 Village of WESTON  
 Parcel Number : 62 202808 006 010 00 00 Parcel Status: DELETED  
 Sale Date. . . : 3/02/1992 Sale Type. . : Blank  
 Sale Amount. . : 0 Transfer Tax : .00  
 Deed Type. . . : Quit Claim  
 Deed Reference: M581-201  
 MAILING ADDRESS MICHAEL C GILBERTSON  
 DANETTE M GILBERTSON  
 2807 JELINEK AVE

Parcel Descriptions:

2 Description(s) on File

Year	Acres	Front	Depth	Flood Line	Description
1995	.390				
					1 SEC 20-28-08
					2 PT OF NW 1/4 NW 1/4 - W 1/2
					3 OF PCL 1 CSM VOL 2 PG 245
					4 (#495) EX S 3.55'

F2=Assessments

F3=Exit F4=Prompt F7=Previous F8=Next F24=More

LRS10801  
LRS108I

Land Records  
Browse

10/22/13  
09:26:14

PIN 192 2808 202 0971 Village of WESTON  
Parcel 62 202808 006 016 00 00 Status: **ACTIVE**  
Adr **1** 2807 JELINEK AVE WESTON 54476 0000  
Own 1 GILBERTSON MICHAEL C P

General Parcel Information:

PIN . . . . . : 37 192 4 2808 202 0971 Village of WESTON  
Parcel Number : 62 202808 006 016 00 00 Parcel Status: ACTIVE  
Sale Date . . . : Sale Type . . : Blank  
Sale Amount . . : 0 Transfer Tax : .00  
Deed Type . . . : Blank  
Deed Reference: M416-1005 M581-201  
MAILING & PARCEL MICHAEL C GILBERTSON  
DANETTE M GILBERTSON  
2807 JELINEK AVE

WESTON WI 54476 0000 USA

F2=Owners F3=Exit F4=Prompt F7=Previous F8=Next F24=More

LRS10801 Land Records 10/22/13  
LRS108I Browse 09:26:26

PIN 192 2808 202 0971 Village of WESTON  
Parcel 62 202808 006 016 00 00 Status: **ACTIVE**  
Adr **1** 2807 JELINEK AVE WESTON 54476 0000  
Own 1 GILBERTSON MICHAEL C P

Parcel Descriptions:

1 Description(s) on File

Year	Acres	Front	Depth	Flood Line	Description
2008	.650				
					1 SEC 20-28-08
					2 PT OF NW 1/4 NW 1/4 - PCL 1
					3 CSM VOL 2 PG 245 (#495) EX
					4 S 3.55'

F2=Assessments F3=Exit F4=Prompt F7=Previous F8=Next F24=More



MICHAEL GILBERTSON  
DANETTE GILBERTSON  
2807 JELINEK AVENUE  
WESTON WI 54476

ED & DOLORES PROHASKA  
9218 REED ROAD  
ROTHSCHILD WI 54474

MOUNT OLIVE CHURCH  
6205 ALDERSON STREET  
WESTON WI 54476

MARATHON SAVINGS BANK  
500 SCOTT STREET  
WAUSAU WI 54403

MARATHON SAVINGS BANK  
OR CURRENT RESIDENT  
2806 JELINEK AVENUE  
WESTON WI 54476

STUART KELLER  
JEANETTE KELLER  
PO BOX 370  
MINOCQUA WI 54548

STUART KELLER  
OR CURRENT RESIDENT  
2808 JELINEK AVENUE  
WESTON WI 54476

STUART KELLER  
OR CURRENT RESIDENT  
2802 JELINEK AVENUE  
WESTON WI 54476

STUART KELLER  
OR CURRENT RESIDENT  
2710 JELINEK AVENUE  
WESTON WI 54476

MICHAEL MANLEY  
DEBORAH MANLEY  
1059 MONDROSKI LANE  
MOSINEE WI 54455

MICHAEL MANLEY  
OR CURRENT RESIDENT  
2711 JELINEK AVENUE  
WESTON WI 54476

## 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)