

**VILLAGE OF WESTON, WISCONSIN  
AGENDA ITEM COVER SHEET**

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**MTG/DATE:** Plan Commission – 06/12/17

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**FROM:** Jennifer Higgins, Director of Planning and Development

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**DESCRIPTION:** Public Hearing - REZN-5-17-1640 Randy Worden, WRJ Properties, LLC, R750 Hines Road, Ringle, WI 54471, on behalf of property owner, Cynthia Wittke, Wyndam Properties, LLC, 1555 Sumner Street, Wausau, WI 54403, requesting a rezoning from LI (Limited Industrial) Zoning District to GI (General Industrial) Zoning District, to allow for Outdoor Storage or Wholesaling to occur on property zoned LI. The property address is 8008 Technology drive, Weston.

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<b>ACTION:</b>	<input checked="" type="checkbox"/> <b>Approve</b>	<input checked="" type="checkbox"/> <b>Ordinance</b>	<input type="checkbox"/> <b>Proclamation</b>
	<input type="checkbox"/> <b>Deny</b>	<input type="checkbox"/> <b>Policy</b>	<input type="checkbox"/> <b>Report</b>
	<input type="checkbox"/> <b>Expenditure</b>	<input type="checkbox"/> <b>Procedure</b>	<input type="checkbox"/> <b>Resolution</b>

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**QUESTION:**  
Should the Plan Commission recommend approval of the rezone request application as presented and forward it on to the Board of Trustees to adopt the zoning change via Ordinance No. 17-022 (draft attached) at their meeting on 6/19/17?

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**BRIEF:**  
Mr. Worden is looking to purchase 8008 Technology Drive from Cindy Wittke to move his Landscaping business from Ringle to this location. He is also discussing purchasing a 135'X 151' (20,385 sq ft) parcel to the east that would come from part of a stormwater outlot the Village owns. This property, if purchased, would be rezoned to GI by the Village and attached by Mr. Worden to the 8008 Technology Drive parcel via a later CSM. It would be used by Mr. Worden to put an expansion on the existing building at 8008 Technology Dr. He is requesting the GI zoning classification to avoid having to do a conditional use at the time he wishes to complete the building addition.

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**RECOMMEND:** Director recommends approval.

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**COMMITTEE:**

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**REQUEST:** Approve REZN-5-7-1640 under New Business

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- Is there an additional briefer with this agenda item?
- Are there additional reference documents which have been attached to this report?

# VILLAGE OF WESTON, WISCONSIN

## AGENDA ITEM BRIEFER

### 1. Policy Question:

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Should the Plan Commission recommend approval of the rezone request?

### 2. Purpose:

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The purpose of asking this question is to receive guidance and feedback from the Plan Commission regarding the rezone request following any testimony they receive during the public hearing.

### 3. Background:

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Mr. Worden is looking to purchase 8008 Technology Drive from Cindy Wittke to move his Landscaping business from Ringle to this location. He is also discussing purchasing a 135'X 151' (20,385 sq ft) parcel to the east that would come from part of a stormwater outlot the Village owns. This property, if purchased, would be rezoned to GI by the Village and attached by Mr. Worden to the 8008 Technology Drive parcel via a later CSM. It would be used by Mr. Worden to put an expansion on the existing building at 8008 Technology Dr. He is requesting the GI zoning classification to avoid having to do a conditional use at the time he wishes to complete the building addition.

### 4. Issue Analysis:

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Please see the attached *Rezone Determination by the Village Plan Commission, General Information section*

### 5. Fiscal Impact:

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Provide additional tax base and additional monies due to the sale of a part of Village property to the east and a proposed building addition.

### 6. Legal Impact:

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No legal impact? It is consistent with past policy practice.

### 7. Prior Review:

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Request has been vetted through the Village's Site Plan Review Team.

### 8. Policy Choices:

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- 1) **Plan Commission recommends approval of the rezone request and forwards the recommendation on to the Village Board at their 6/19/17 meeting.**
- 2) **Plan Commission recommends approval of the rezone request with modifications and forwards the recommendation on to the Village Board at their 6/19/17 meeting.**

- 3) Plan Commission recommends denial of the rezone request and forwards the recommendation on to the Village Board at their 6/19/17 meeting.
- 4) Plan Commission takes no action and the request moves on to the Village Board at their 6/19/17 meeting with no recommendation.

**9. Recommendation:**

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I recommend the Plan Commission approve the rezone request and forward the attached *Rezone Determination by the Village Plan Commission* document to the Village Board with the recommendation that they approve the rezone request via the draft Ordinance No. 17-022 (attached).

**10. Attachments:**

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*Rezone Determination by the Village Plan Commission*  
Rezone Request Application Materials  
Draft Ordinance No. 17-022



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

Application/Petition No.: **REZN-5-17-1640** Hearing Date: **June 12, 2017**  
Applicant: **Randy Worden (Buyer), WRJ Properties, LLC, R750 Hines Road, Ringle, WI 54471, on behalf of property owner, Cynthia Wittke (Seller), Wyndam Properties, LLC, 1555 Sumner Street, Wausau, WI 54403**  
Location: **8008 Technology Drive, Weston, WI 54476**  
Description: **Parcel 3 of Certified Survey Map No. 11800 as recorded in the Office of the Register of Deeds for Marathon County, Wisconsin, in Volume 50 of surveys on page 88 as Document No. 1233707; being part of the northeast quarter of the northwest quarter of Section 23, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin.**

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: **LI – Limited Industrial**  
Definition: 94.2.02(3)(f) The LI district accommodates primarily light industrial, storage, office, and other compatible businesses and support uses. Allowable uses are geared toward activities which are not associated with high levels of noise, odor, particulate emissions, outdoor activities, and other potential nuisances. Development within this district is served by public sanitary sewer and water services. This district is intended for mapping in areas planned for industrial uses within the Comprehensive Plan. (Predecessor district: LMD Light Manufacturing Distribution)  
Proposed Zoning: **GI – General Industrial**  
Definition: 94.2.02(3)(g) The GI district accommodates a range of manufacturing, assembling, fabrication and processing, bulk handling, storage, warehousing, trucking, and utility uses. The uses associated with this district may have significant off-site impacts such as heavy truck traffic, noise, and odors. Development within this district is served by public sanitary sewer and water services. This district is intended for mapping in limited areas planned for industrial uses within the Comprehensive Plan, at the Village’s discretion. (Predecessor district: M1 Manufacturing and warehousing)  
Future Land Use: **Industrial**  
FLU Description: Industrial, storage, office, and other compatible businesses and support uses, all served by a public sewer system. Certain areas may be appropriate for a broader range of manufacturing, assembling, fabrication and processing, bulk handling, storage, warehousing, trucking, and utility uses with significant off-site impacts such as heavy truck traffic, noise, and odors. Served by a public sewer system.

**Development Policies:**

- 1. Require performance standards as necessary to avoid placing excessive demand on municipal utilities and roads, or creating environmental hazards or unwanted neighborhood impacts.**
- 2. Meet design requirements in the zoning ordinance.**
- 3. Encourage relocation of older industrial uses that have outgrown their sites or that are located in residential areas to a modern Industrial area.**

### Typical Implemented Zoning Districts:

**LI Limited Industrial (where narrower range of industry/impacts preferred), GI General Industrial (where wider range of industry/impacts acceptable), or B-3 General Business (for mix of light industrial and commercial uses).**

1. Is the proposed rezoning consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?

**Yes, the proposed zoning change is still within the non-residential and mixed use districts zoning category, which fits within the future industrial category as defined in the Comprehensive Plan.**

2. Does the rezoning further the purpose and intent of this Chapter?

**Yes.**

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.

**No.**

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?

**Yes. This rezone will not affect the density of development.**

### BACKGROUND INFORMATION:

Mr. Worden is looking to purchase 8008 Technology Drive from Cindy Wittke to move his Landscaping business from Ringle to this location. He is also discussing purchasing a 135'X 151' (20,385 sq ft) parcel to the east that would come from part of a stormwater outlot the Village owns. This property, if purchased, would be rezoned to GI by the Village and attached by Mr. Worden to the 8008 Technology Drive parcel via a later CSM. It would be used by Mr. Worden to put an expansion on the existing building at 8008 Technology Dr. He is requesting the GI zoning classification to avoid having to do a conditional use at the time he wishes to complete the building addition.

### CURRENT PROPERTY CONDITIONS:

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

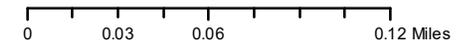
- 1) Plan Commission recommends approval of the rezone request and forwards the recommendation on to the Village Board at their 6/19/17 meeting.
- 2) Plan Commission recommends approval of the rezone request with modifications and forwards the recommendation on to the Village Board at their 6/19/17 meeting.
- 3) Plan Commission recommends denial of the rezone request and forwards the recommendation on to the Village Board at their 6/19/17 meeting.
- 4) Plan Commission takes no action and the request moves on to the Village Board at their 6/19/17 meeting with no recommendation.

Village and Town of Weston  
Marathon County, Wisconsin



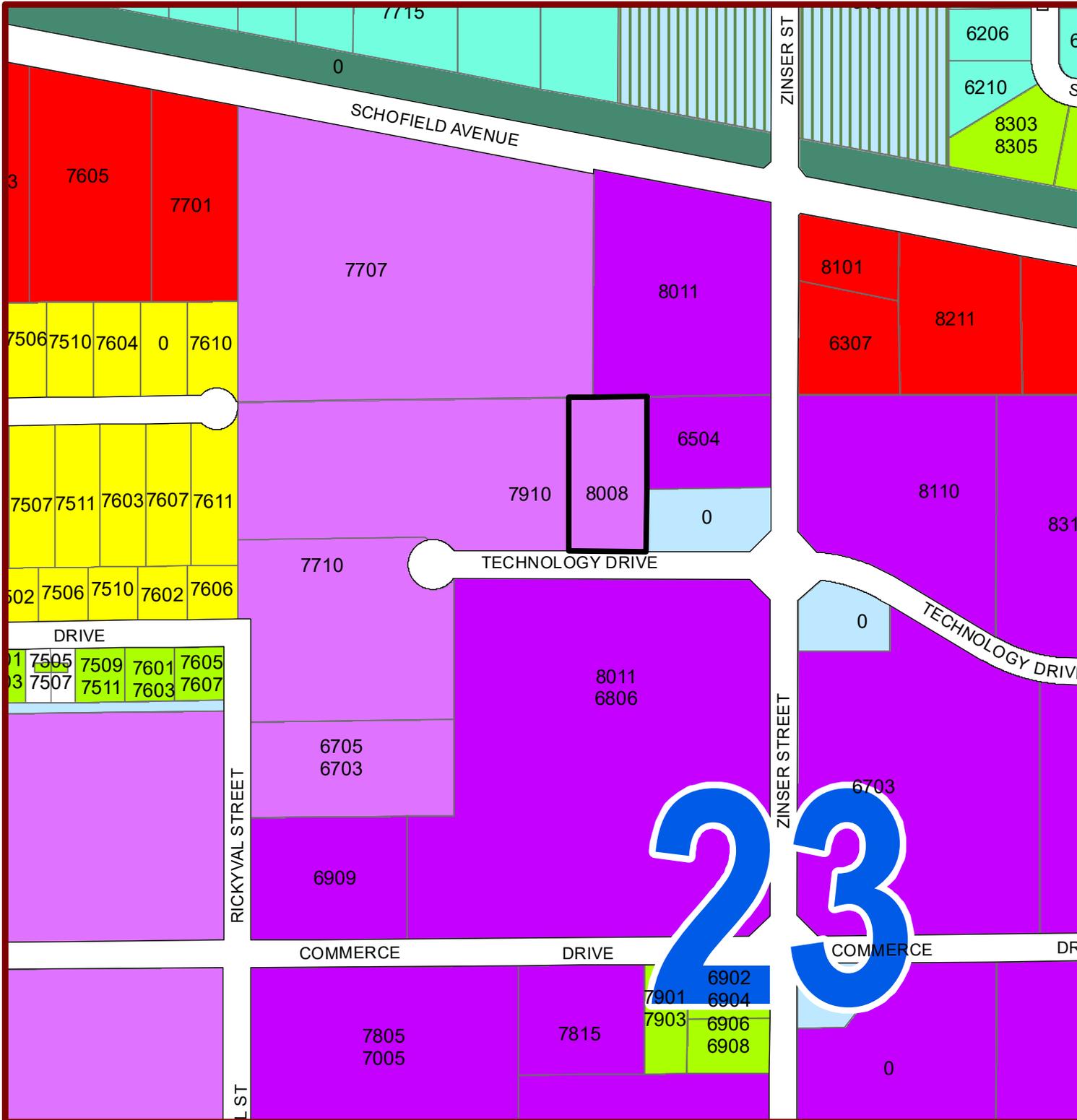
OFFICIAL ZONING MAPS

Map Date: 5/25/2017  
 Adoption Date (Village): 2/22/2017  
 Adoption Date (ETZ): 2/22/2017  
 Adoption Date (Town): 1/23/2016



LEGEND

- 8808 Technology Dr
  - Village of Weston
  - Right-of-way
  - Parcel Boundary
  - Wetland
- ZONING DISTRICTS**
- PR - Parks and Recreation
  - SF-L - Single Family Residential-Large Lot
  - SF-S - Single Family Residential-Small Lot
  - 2F - Two Family Residential
  - INT - Institutional
  - B-3 - General Business
  - LI - Limited Industrial
  - GI - General Industrial
- OVERLAY ZONING DISTRICTS**
- Design - Rail-to-Trail



DRIVE			
01	7505	7509	7601
03	7507	7511	7603



**VILLAGE OF WESTON  
NOTICE OF PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN** that a public hearing will be held before the Village of Weston Plan Commission, on **Monday, June 12, 2017, at 6:00 p.m.**, at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476 to take testimony relative to the following:

CU-5-17-1639 Heide Maxwell, H.R. Max, LLC / a.k.a. Heide's PetCare, 2110 Clover Road, Hatley, WI 54440, on behalf of property owner, Rod Bender, Richard Bender Rentals, PO Box 136, Weston, WI 54476, requesting a conditional use permit to allow the operation of a commercial animal establishment and indoor sales or service to occur within the LI (Limited Industrial) Zoning District with WHP-A (Wellhead Protection – Zone A) Overlay District. The property address is 5407 Westfair Avenue, Weston.

REZN-5-17-1640 Randy Worden, WRJ Properties, LLC, R750 Hines Road, Ringle, WI 54471, on behalf of property owner, Cynthia Wittke, Wyndam Properties, LLC, 1555 Sumner Street, Wausau, WI 54403, requesting a rezoning from LI (Limited Industrial) Zoning District to GI (General Industrial) Zoning District, to allow for Outdoor Storage or Wholesaling to occur on property zoned LI. The property address is 8008 Technology drive, Weston.

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 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, Planning Technician, Planning and Development Department, at 715-241-2607.

Dated this 25th day of May, 2017

Valerie Parker  
Plan Commission Secretary

**Rezone Permit Application**  
**8008 Technology Dr. , Weston Business Park**

Applicant:

WRJ Properties, LLC  
Randy Worden  
R750 Hines Road  
Ringel, WI 54471  
(715) 574-3721  
[wordenent1@gmail.com](mailto:wordenent1@gmail.com)

Property Owner:  
Wyndam Properties, LLC  
Cynthia Wittke

Cindy Wittke the property owner has been trying to sell her property since 2013 after her husband passed-away and their business plans changed. The 4,000 sq.ft building which they purchased from the original owner was finished with nearly all office space and very little actual warehouse area which served their needs. That configuration has proven to make it very difficult to find a buyer since most parties wanted a smaller percentage of finished office space and more warehouse or shop space and could not justify the purchase price (even discounted) and having to pay to remove unneeded finished space. Also the market place only presented one potential straight office prospect over a number of years of marketing.

With the property now having an accepted offer to purchase with a qualified Buyer we are contingent upon the zoning change to accommodate the Buyers business operational needs. The zoning change seems to be a reasonable request since adjoining property and much of the surrounding property is zoned GI which is our need and request.

The business is Worden Enterprises, LLC a Landscaping and related service firm who would move its operating company from Ringle WI to Weston.

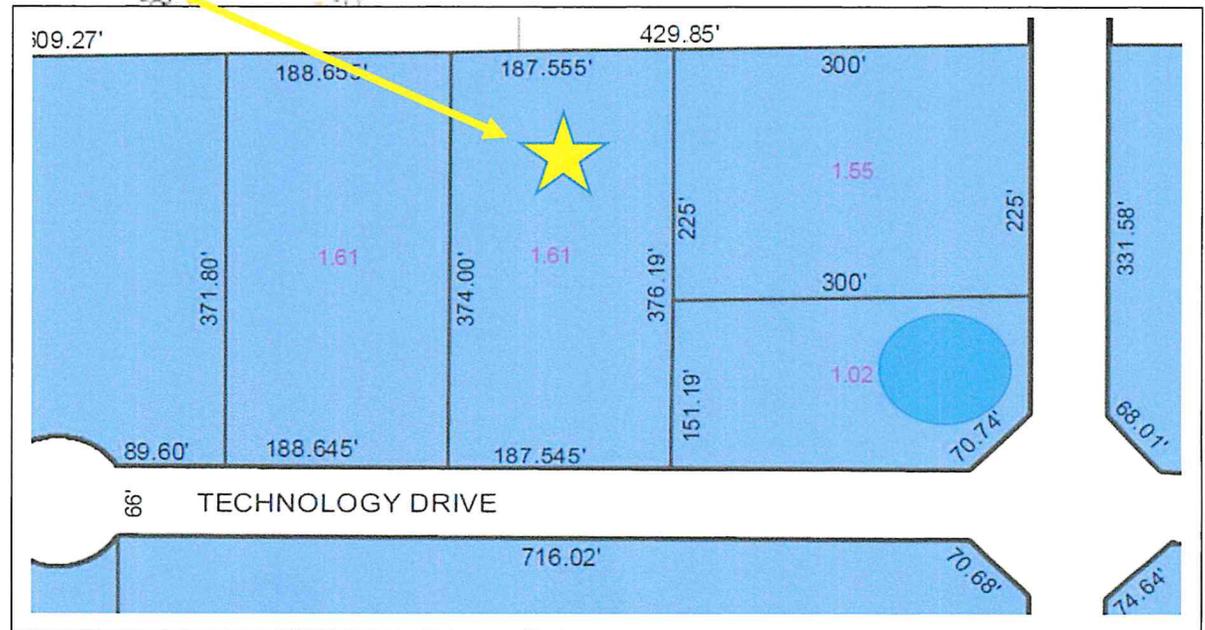
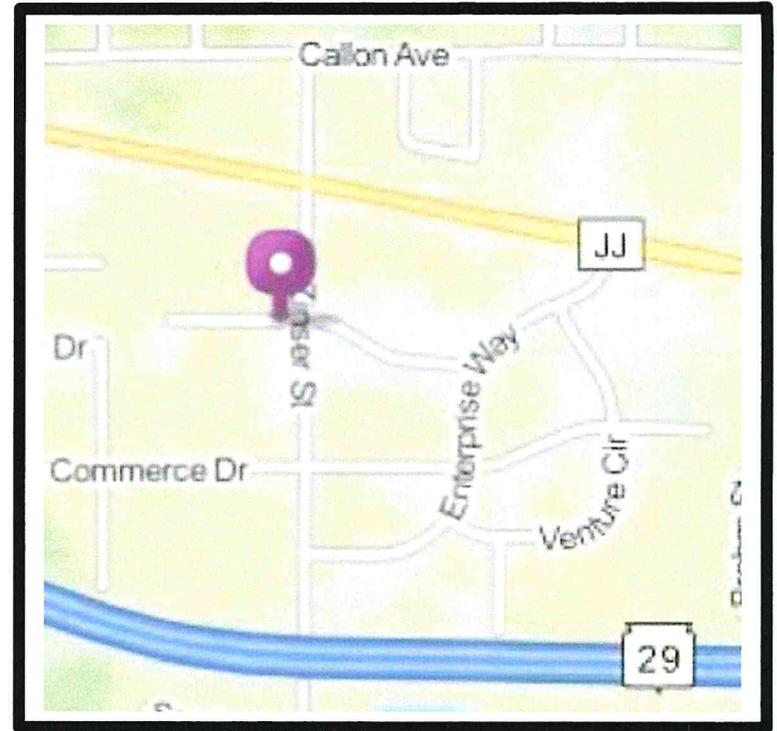
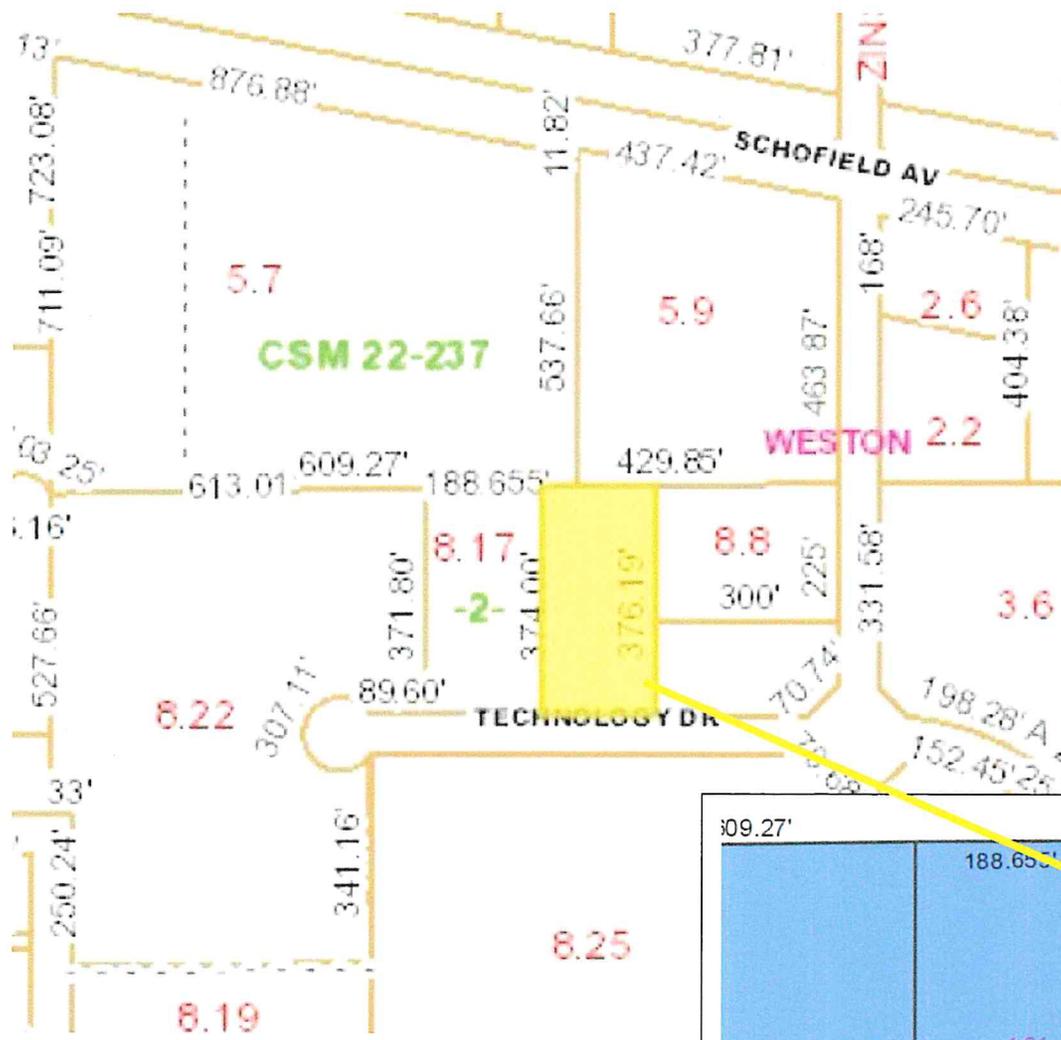
If successful with the zoning change the Buyer would be able to construct a fenced vehicles, equipment and material storage area which is limited or not allowed in the current zoning. Other planned and future improvements are illustrated in the attached documents.

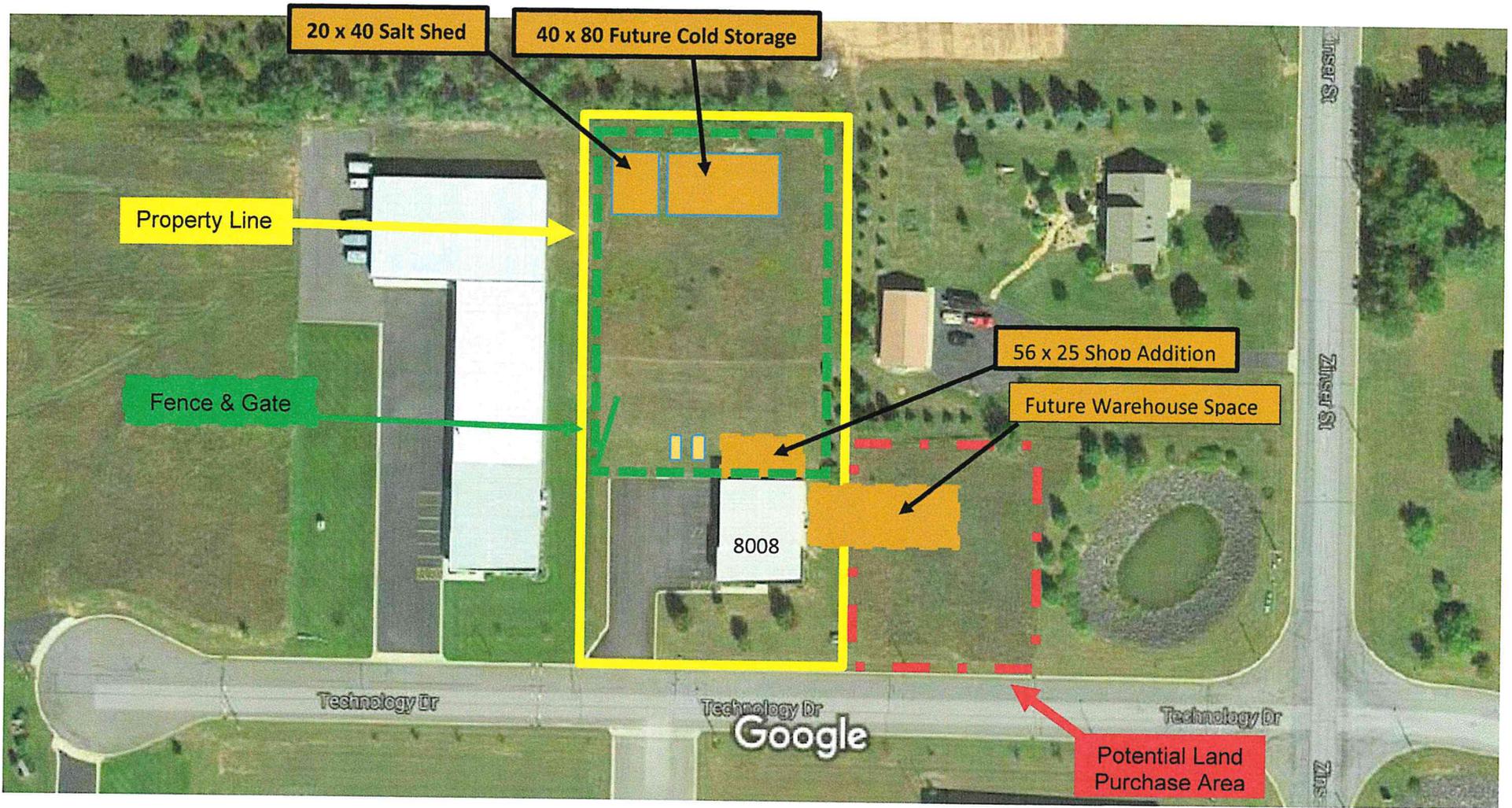
A separate plan for warehousing growth to the east is being considered also but not part of this application.

Mr. Worden has been successful, is growing his company and looks forward to adding his business to the Business Park and the Weston community of which he has been serving customers for some time. His business practice is also dependent on showing a quality appearance and being a good neighbor.

The primary change to the site will be the proposed fenced yard area (per code requirements) for vehicles, equipment and materials, storage. An addition of some shop area to the existing building and we are also working with Jennifer on a potential additional land purchase from the Village on otherwise non performing Village land for a potential warehouse addition.

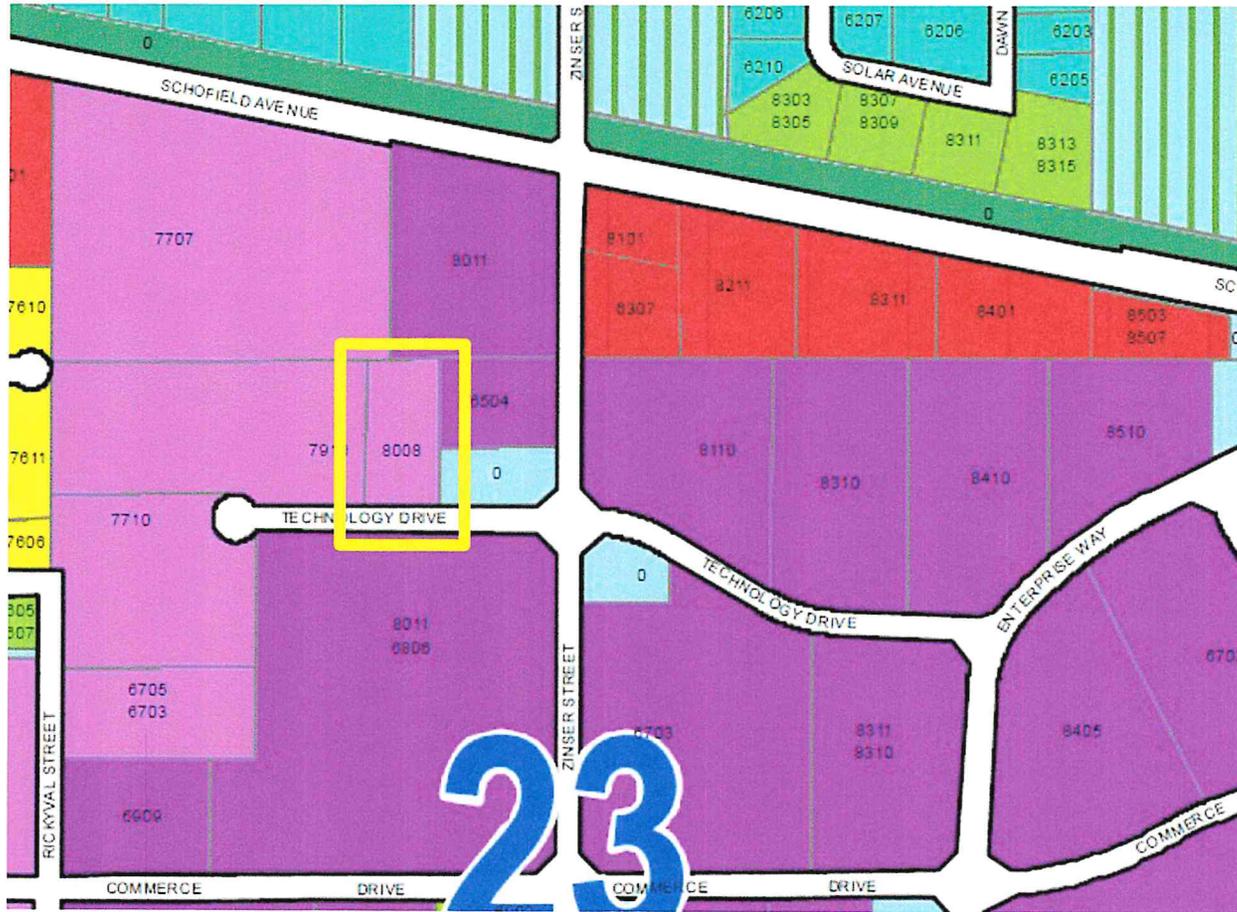
Please find attached the application, required fee, and illustrations.





Site Plan

Pending Site Plan, Site engineering and Site Survey work.



- B-3 - General Business
- BP - Business Park
- LI - Limited Industrial
- GI - General Industrial



**VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN**

**ORDINANCE NO. 17-022**

**AN ORDINANCE TO APPROVE THE REZONING OF LAND FROM LI LIMITED INDUSTRIAL TO GI GENERAL INDUSTRIAL AT 8008 TECHNOLOGY DRIVE, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN.**

WHEREAS, the Plan Commission of the Village of Weston having held a public hearing on the 12<sup>th</sup> day of June, 2017, on the application described below for the zoning of the property described herein; and

WHEREAS, the Plan Commission having thereafter filed its written recommendations and findings with the Village Board, and the said Board having received and approved the recommendation of said Committee;

NOW THEREFORE, the Village Board of the Village of Weston do ordain as follows:

**SECTION 1:** On the application (REZN-5-17-1640) of property applicants Randy Worden, WRJ Properties, LLC, R750 Hines Road, Ringle, WI 54471, on behalf of property owner, Cynthia Wittke, Wyndam Properties, LLC, 1555 Sumner Street, Wausau, WI 54403, for the following territory now comprising a part of the LI Limited Industrial zoning district, located in Section 23, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin, is hereby designated to be and become hereafter part of the following zoning district:

**GI General Industrial** - described Parcel 3 of Certified Survey Map No. 11800 as recorded in the Office of the Register of Deeds for Marathon County, Wisconsin, in Volume 50 of surveys on page 88 as Document No. 1233707; being part of the northeast quarter of the northwest quarter of Section 23, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin. The property described consists of 1.614 acres, and is located 8008 Technology Drive, Weston, WI 54476.

BE IT FURTHER RESOLVED that the foregoing amendment to the zoning district designations shall take effect only upon the publication of this ordinance. If the rezoning of any lands by this Ordinance does not take effect within 180 days of the date hereof, this Ordinance shall become null and void and the zoning for such lands shall remain unchanged.

**SECTION 2:** The Clerk shall make necessary alterations upon the official map of the Village of Weston to reflect the changes in the zoning classifications of the property described herein.

**SECTION 3: SEVERABILITY.** If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.

Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 19<sup>th</sup> day of June, 2017.

VILLAGE BOARD OF WESTON

By: \_\_\_\_\_  
Barbara Ermeling, President

Attest: \_\_\_\_\_  
Sherry Weinkauf, Village Clerk

APPROVED: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

DRAFT