

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

MTG/DATE: Plan Commission, June 12, 2017

FROM: Jared Wehner, Assistant Planner

DESCRIPTION: Conditional Use Permit Request by H.R. Max, LLC., at 5407 Westfair Avenue (CU-5-17-1639)

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

QUESTION:
Should the Plan Commission approve the Conditional Use Permit application as presented by staff on behalf of Rod Bender Rentals, LLC (owner) and H.R. Max, LLC. (tenant) for the use of Commercial Animal Establishment at 5407 Westfair Avenue.

BRIEF:
H.R. Max, LLC. or more commonly known as Heide’s Pet Care is a commercial animal establishment that is focused on dog training and daycare. The business is moving from the applicant’s place of residence in the Town of Reid to a more centralized and convenient location here within the Village of Weston. Upon approval, the applicant will install a fenced-in yard for the dogs. Initially, the application will have dog training sessions, daycare and retail for special dog foods. In the future, the applicant wishes to expand the business to offer grooming services. At this time, there is not any intent on having an overnight facility or short term for dogs.

REQUEST: Approve the Draft Conditional Use Grant as proposed by staff with the following conditions:

- a. The use of the premises and related facilities to be constructed thereon shall be for those uses defined within the Operational Plan, attached as Exhibit A;
- b. Upon the use expanding beyond the terms listed within the Operation Plan, attached as Exhibit “A,” then the owner/applicant of said use shall resubmit a new Conditional Use Permit application; and
- c. The construction of any facilities upon the property described above shall be in accordance with building site and operational plans to be approved by the Village Plan Commission within 6 months of the signing of this conditional use permit. Any future additions,

modifications or changes in said site plan, operational plan and/or building plan must be approved by the Village in advance of any construction;

d. The outdoor yard shall be completely screened and enclosed, as to limit the animals from reacting to outside stimuli. The material may be slats consisting of a poly or plastic material. That material shall within stand high wind velocities in both cold and hot weather conditions.

Are there additional reference documents which have been attached to this report?



**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, 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



Application for Conditional Use Permit
CONDITIONAL GRANT DETERMINATION BY THE VILLAGE OF WESTON
JOINT TOWN & VILLAGE EXTRATERRITORIAL ZONING COMMITTEE

Application/Petition No.: **CU-5-17-1639** Hearing Date: **June 12, 2017**
Applicant: **Heide Maxwell, H.R. Max, LLC, 2110 Clover Road, Hatley, WI 54440**
Location: **5407 Westfair Avenue, Weston, WI 54476 (Unit 1)**
Description: **Parcel 1 of Certified Survey Map Number 8774 filed with the Register of Deeds of Marathon County, Wisconsin, in Volume 34 Page 152; within the southeast quarter of the southeast quarter of Section 16, 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 94.16.06 Conditional Use Permits, hereby makes the following findings and evaluation to the Village of Weston Plan Commission:

GENERAL INFORMATION:

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 Land Use: **Commercial Animal Establishment.** Includes uses that provide for the care, treatment, grooming, and/or boarding of animals as a principal use of the property. Examples include commercial stables, pet shops, grooming shops, boarding kennels, animal shelters, and veterinary facilities. A boarding kennel is a facility where dogs, cats, horses, or other animals are kept for 24 hours or more for boarding, training or similar purposes for compensation. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate approvals.

Section 94.4.05(12)

Performance Standards:

1. As part of the permit approval, the Village may establish a limit on the number of animals that are serviced or boarded. No boarding kennels or other commercial animal establishments including outdoor activities or overnight stays are allowed in the B-1 or B-2 districts.
2. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit or special event permit has been secured.
3. Commercial stables and boarding facilities for horses or other riding animals are subject to all "Agricultural Use" standards in Section 94.4.03(1) related to the keeping of farm animals.
4. All principal structures and outdoor containment areas for horses or other riding animals shall be no less than 100 feet from any residential zoning district.
5. A bufferyard meeting the requirements of Section 94.11.02(3)(d) shall be provided along all property borders abutting residentially zoned property.
6. Shall meet all performance standards in Article 12, including but not limited to odor standards in Section 94.12.15.
7. In the FP zoning district, the use must meet the standards set forth in Section 94.4.03(2) for an Agricultural-Related Use.

8. Commercial kennels and animal boarding facilities are subject to the requirements and licensing standards set forth in Chapter 10 of the Code.
9. Minimum Required Off-Street Parking: one space per every 1,000 square feet of indoor Gross Floor Area.

DETERMINATION:

1. Does the proposed conditional use, in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted by the Village?

No. The property is located in an existing industrial/commercial area of the Village. All standards listed above shall be strictly adhered to.

2. Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

Yes, the property located in an existing industrial/commercial area of the Village and will have little impact on neighboring parcels and their activities.

3. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property?

Yes. It is located in an area where other similar uses are already occurring. They already have adequate services available to the site.

4. Do the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts?

Yes.

BACKGROUND INFORMATION:

H.R. Max, LLC. or more commonly known as Heide's Pet Care is a commercial animal establishment that is focused on dog training and daycare. The business is moving from the applicant's place of residence in the Town of Reid to a more centralized and convenient location here within the Village of Weston. Upon approval, the applicant will install a fenced-in yard for the dogs. Initially, the application will have dog training sessions, daycare and retail for special dog foods. In the future, the applicant wishes to expand the business to offer grooming services. At this time, there is not any intent on having an overnight facility or short term for dogs.

CURRENT PROPERTY CONDITIONS:

The property has a medium-sized warehouse, which is situated within the Weston Commercial Park. There is a parking lot that spans length of the building starting at the west. The proposed tenant would be occupying the northern most portion of the building.

STAFF COMMENTS:

The site plan that was submitted with the conditional use permit application shows the fenced in yard for the dogs, as well as the applicant's operational plan and future plans for the business. The applicant already runs the established business from her home in the Town of Reid, but due to circumstances, is looking to relocate. The area in which the use is being proposed to be conducted is appropriate since it is located within a commercial/industrial area within the Village. The impact on the neighbors should be minimal, as well as impacts be minimal on the applicant.

PLAN COMMISSION ACTION OPTIONS:

- 1) Approve the Draft Conditional Use Grant as proposed by staff with the following conditions:**
 - a. The use of the premises and related facilities to be constructed thereon shall be for those uses defined within the Operational Plan, attached as Exhibit A;**
 - b. Upon the use expanding beyond the terms listed within the Operation Plan, attached as Exhibit "A," then the owner/applicant of said use shall resubmit a new Conditional Use Permit application; and**
 - c. The construction of any facilities upon the property described above shall be in accordance with building site and operational plans to be approved by the Village Plan Commission within 6 months of the signing of this conditional use permit. Any future additions, modifications or changes in said site plan, operational plan and/or building plan must be approved by the Village in advance of any construction;**
 - d. The outdoor yard shall be completely screened and enclosed, as to limit the animals from reacting to outside stimuli. The material may be slats consisting of a poly or plastic material. That material shall within stand high wind velocities in both cold and hot weather conditions.**

- 2) Approve a revised Draft Conditional Use Grant with additional conditions/corrections as determined by the Plan Commission members.**

- 3) Deny the Conditional Use Grant.**

VILLAGE OF WESTON, MARATHON COUNTY, WI
CONDITIONAL USE PERMIT #CU-2-16-1627

This CONDITIONAL USE PERMIT is issued as of the 12th day of June 2017, by the PLAN COMMISSION of the VILLAGE OF WESTON to H.R. MAX, LLC. a Wisconsin limited liability company located at 2110 Clover Road, Hatley, WI 54440; and ROD BENDER RENTALS, LLC., a Wisconsin limited liability company located at PO Box 136, Weston Wisconsin, 54476.

WHEREAS, ROD BENDER RENTALS, LLC. is the owner of the property described below in the Village of Weston, and which property is the subject of an Agreement whereby H.R. MAX, LLC. intends to lease said property and operate thereon a COMMERCIAL ANIMAL ESTABLISHMENT related use. The said properties upon which said activity is to take place is more particularly described as follows:

Parcel 1 of Certified Survey Map Number 8774 filed with the Register of Deeds of Marathon County, Wisconsin, in Volume 34 Page 152; within the southeast quarter of the southeast quarter of Section 16, Township 28 north, Range 8 east, Village of Weston, Marathon County, Wisconsin.

WHEREAS, the properties described above are in the LI – LIMITED INDUSTRIAL with WHP – WELLHEAD PROTECTION OVERLAY DISTRICT-ZONE A of the Village, which permits the use of COMMERCIAL ANIMAL ESTABLISHMENT in said district only by conditional grant; and

WHEREAS, ROD BENDER RENTALS, LLC. has requested a conditional grant use of the property, per Section 94.3.05, so as to allow the use of COMMERCIAL ANIMAL ESTABLISHMENT (94.4.05(12)) on said premise; and

WHEREAS, a petition for a conditional use permit having been duly filed with the Village Zoning Administrator, and placed on the Plan Commission agenda after first being assured by Village professional staff review that the application is complete, and following staff review and Commission review, investigation and a public hearing which was held June 12, 2017, the Plan Commission after giving full consideration to the criteria and standards of for granting a conditional use, as set forth in the Village Ordinance, including Section 94.16.06, approve said application in writing.

WHEREAS, upon the discontinuance of the use of COMMERCIAL ANIMAL ESTABLISHMENT on said premise for a period exceeding 365 days, the issuance of the conditional grant shall automatically become invalidated. The burden of proof shall be on the property owner to conclusively demonstrate that the conditional use was operational during this period.

WHEREAS, all requirements of the approved conditional use grant shall be continued regardless of ownership of the subject property and shall run with the land, except as otherwise limited by the zoning code or by a specific condition attached this conditional use grant.

NOW, THEREFORE, BE IT RESOLVED, the PLAN COMMISSION of the Village of Weston, in Marathon County, Wisconsin, hereby grant ROD BENDER RENTALS, LLC., owner and H.R. MAX, LLC. a conditional grant for the property described above, for the use of COMMERCIAL ANIMAL ESTABLISHMENT as defined in Sec. 94.4.05(12) of the Village Zoning Ordinance. The conditions for the issuance of the conditional grant are as follows:

- 1) The use of the premises and related facilities to be constructed thereon shall be for those uses defined within the Operational Plan, attached as Exhibit A;
- 2) Upon the use expanding beyond the terms listed within the Operation Plan, attached as Exhibit "A," then the owner/applicant of said use shall resubmit a new Conditional Use Permit application; and
- 3) The construction of any facilities upon the property described above shall be in accordance with building site and operational plans to be approved by the Village Plan Commission within 6 months of the signing of this conditional use permit. Any future additions, modifications or changes in said site plan, operational plan and/or building plan must be approved by the Village in advance of any construction;
- 4) The outdoor yard shall be completely screened and enclosed, as to limit the animals from reacting to outside stimuli. The material may be slats consisting of a poly or plastic material. That material shall within stand high wind velocities in both cold and hot weather conditions.

Dated this 12th day of June, 2017

WESTON PLAN COMMISSION

By: _____
Loren White, its Chair

ATTEST:

Jennifer L. Higgins, Zoning Administrator

STATE OF WISCONSIN)
)ss.
COUNTY OF MARATHON)

Personally came before this _____ day of June, 2017, the above named Loren White, Chair, and Jennifer L. Higgins, Zoning Administrator, to me known to be the persons who execute the forgoing instrument and acknowledge the same.

Notary Public

My Commission expires on _____.

Business Plan of Operations

June 12, 2017

Name : H.R. Max, LLC/ aka Heide's PetCare

Applicant: Heide Maxwell
2110 Clover Road
Hatley, WI 54440

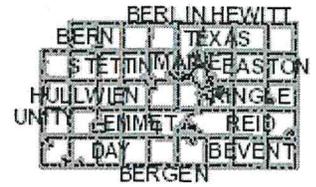
Property Owner: Richard Bender Real Estate
Rod Bender - Manager
5407 Westfair Avenue
Weston, WI 54476

Proposed Use: Applicant, as tenant intends to use the property as a dog day care, training center, for seminars or special events. The daycare is used for obedience and social training for average of 18 dogs. Retail operation focusing on prime dog foods and some general supplies. A grooming operation is planned in the near future.

Days and Hours: 7:00am – 6pm ; Mon, Tues, Thurs, every other Friday to begin.
of Operation Evening and Saturday hours may be used for obedience training Therapy Dog Prep Classes, special Events up to 10 dogs, retail. Grooming hours will be determined once a groomer is in place. Delivery of goods to be determined anticipating during normal business hours.

Traffic: Total employees 2-4. The peak times would be 7-8:30a.m./ 4:00-5:30p.m. This is when owners drop off and pick up their dogs. Retail hours are expected to be 10-5pm.

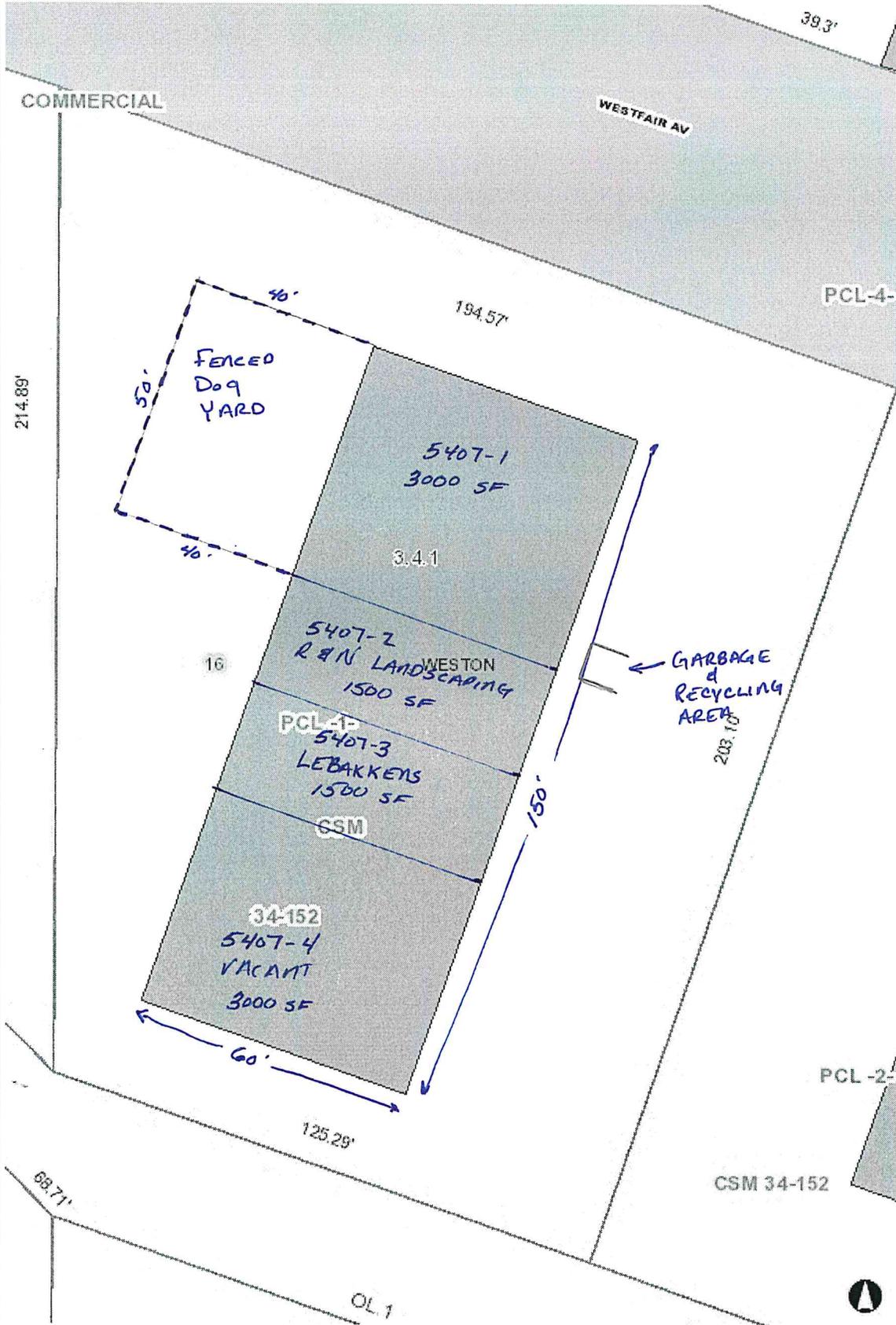
Construction: The addition of one exterior door leading to dog fenced area (chain link fence 125-150 square feet that will have a shield for privacy . An additional window on the west wall. Future dog grooming construction will be determined near future but using and splitting of current office.



Legend

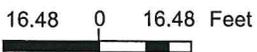
- Parcel Annotations
- Parcels
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- County-wide Buildings
- Municipalities

5407
WESTFAIR



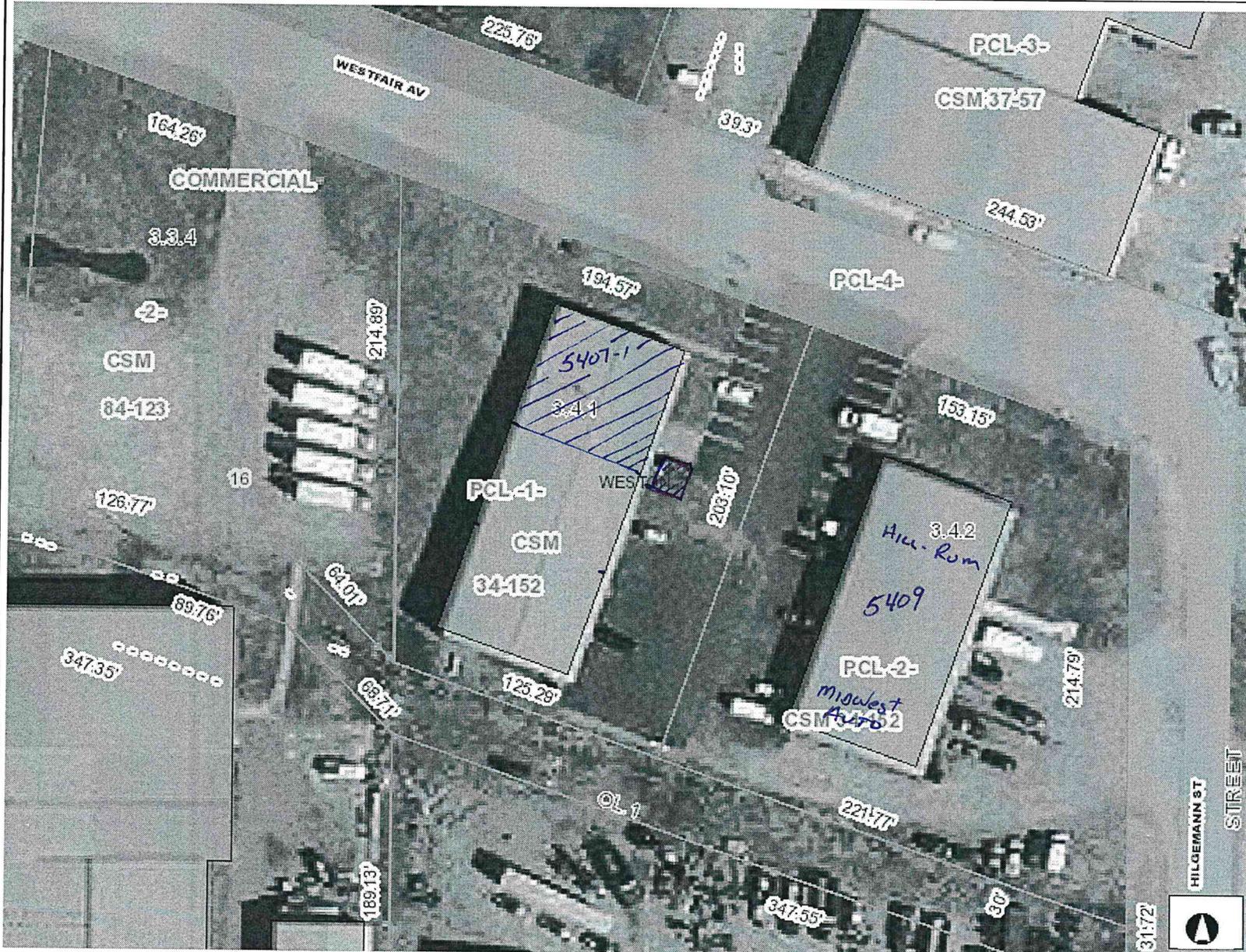
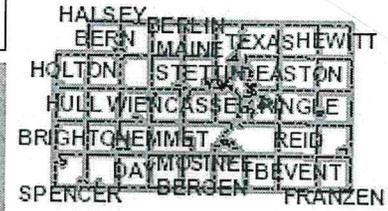
Notes

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.





Land Information Mapping System



Legend

- Parcel Annotations
- Parcels
- Land Hooks
- ▤ Section Lines/Numbers
- ▨ Right Of Ways
- ▩ County-wide Buildings
- ▧ Paved Roads
- Municipalities
- 2015 Orthos
- Red: Band_1
- Green: Band_2
- Blue: Band_3

32.95 0 32.95 Feet



User_Defined_Lambert_Conformal_Conic

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Conditional Use

Permit Application

Village of Weston

Date: 05-16-17

Permit No. : CU-5-17-1639

Payment: Cash Check No. 7424

FULL COMPLETION OF THIS FORM IS REQUIRED FOR PROCESSING



5500 Schofield Ave
Weston, WI 54476

PROPOSALS AND FEES

- Conditional Use (Residential)
- Conditional Use (Non-Residential)
- Conditional Use Amendment

\$250.00 + \$10.00/Acre over 10 Acres = ~~\$ 250.00~~
~~\$ 250.00~~
~~\$ 250.00~~
TOTAL: \$ 250.00

APPLICANT INFORMATION

Applicant Name: HEIDE MAXWELL
Mailing Address: 2110 Clover Rd
Hatley, WI 54440

Agent* Property Owner

Phone: 715-571-1252
Email: PRMMXWLL@AOL.COM

* Agents must have a LETTER OF AUTHORIZATION from all property owners at the time of filing.

Property Owner: Richard Bender Rentals
Mailing Address: PO BOX 136
Weston WI 54476

Contact Name: Rod Bender
Phone: 715-573-4944
Email: rbri11@yahoo.com

PROJECT SITE SPECIFICATIONS

Project Address: 5407 Westfair Ave
(or PIN if no address)

Lot Size(ft²): _____
Acres: .750 acres

Property Zone: LI

Current Future Land Use Designation: Commercial

Legal Description: Parcel 1, csm # 8774, Vol. 34, pg. 152, Doc. # 1057892

PUBLIC HEARING REQUIRED FOR CONDITIONAL USE AND REZONE

CONDITIONAL USE: Following acceptance of a complete application, the Town Clerk shall schedule a public hearing before the Plan Commission to be held within 45 days after acceptance of a complete application. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 2 Notice in conformance with the requirements of Wis. Stat. § 62.23(7)(d). The Village Clerk shall also send said notice to the applicant, owners of record of all lands within 300 feet of the boundaries of the subject property, and the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter at least ten days prior to the date of such public hearing. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section.

CONDITIONAL USE REQUIREMENTS

Maps showing the current location and current zoning and future land use of all lands for which the conditional use permit is proposed, the location and current zoning of all lands within 300 feet, and the jurisdiction(s) within the subject property lies (Village of Weston or Town of Weston) will be provided by Village Staff.

A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations is required to be attached to this application.

Has the written description and location been attached?

Yes No

Written justification is required for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria set forth below.

Has the written justification been attached?

Yes No

Please see Operational Plan

Does the Conditional Use Permit involve exterior building or site improvements?

Yes No

Fencing for Containment

If yes to the above stated question, then a separate site plan application must be filed concurrently with this application. Failing to include a site plan application will deem the status of this application as incomplete.

Comparison of Proposed Conditional Use with Required Review Criteria (complete below or on an attached sheet as needed):

1. Is the proposed conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the Village of Weston Comprehensive Plan; zoning ordinance; and any other plan, program or ordinance adopted or under consideration? Explain how, or why not. (Consult with Zoning Administrator as necessary on applicable plans.)

Yes, the use for "Animals" is permitted per zoning regulations & we would meet the requirements, Non-residential, large commercial truck

2. Will the proposed conditional use in this location, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, the natural environment, traffic, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed? Explain how, or why not.

NO, NO CHANGES TO STRUCTURE, NO ADDITIONAL PARKING REQUIRED OR ADDITIONAL OUTDOOR PROPERTY REQUIRED. ALL ASPECTS OF BUSINESS MEET CODE

3. Will the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environments of the subject property? How?

THE LAND IS USED FOR THE BUSINESS FOR ANIMAL AS DESCRIBED UNDER LI CODE

4. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property? Explain how this has been evaluated.

THE BUILDING WILL BE ENHANCED, NO ADDITIONAL SERVICES REQUESTED THAT ARE NOT PERMITTED

5. What are the public benefits of this proposal? Do the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use?

Benefits are that I will be supporting a huge need. There is no business supporting a training center with premium NATURAL DOG FOODS (Katzendarkes) Weston will be the only facility that offers a full circle DOG BUSINESS. My BUSINESS has a very large customer base & is established.

PROCESS, TERMS AND CONDITIONS

Issuance and Recording of Permit. Within 30 days following the granting of a conditional use permit, the Zoning Administrator shall issue to the applicant a written conditional use permit enumerating the details of the conditional use permit, including what land use(s) and/or development was approved and any conditions of approval. The Zoning Administrator shall record the conditional use permit against the property, assigning all costs thereof to the applicant, and shall make record of the conditional use permit on the Official Zoning Map.

Effect of Denial. No conditional use permit application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

Termination of an Approved Conditional Use. Once a conditional use permit is granted, no erosion control permit, site plan approval, certificate of occupancy, zoning permit, or building permit shall be issued for any development that does not comply with all requirements of the conditional use permit and this Chapter. Any conditional use found not to be in compliance with the terms of this Chapter or the approved conditional use permit shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. A conditional use permit may be revoked for such a violation by the Plan Commission, following the procedures outlined for original granting of a conditional use permit.

Time Limits on the Development of Conditional Use. The start of construction of any and all conditional uses shall be initiated within 365 days of approval of the associated conditional use permit and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use permit. For the purposes of this Section, "operational" shall be defined as occupancy of the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area) and shall be based upon a showing of acceptable justification.

Discontinuing an Approved Conditional Use. Any and all conditional uses that have been discontinued for a period exceeding 365 days shall have their conditional use permit automatically invalidated. The burden of proof shall be on the property owner to conclusively demonstrate that the conditional use was operational during this period.

Change of Ownership. All requirements of the approved conditional use permit shall be continued regardless of ownership of the subject property and shall run with the land, except as otherwise limited by this Chapter or by a specific condition attached to the conditional use permit. Modification, alteration, or expansion of any conditional use in violation of the approved conditional use permit, without approval by the Plan Commission (or Extraterritorial Zoning Committee), shall be considered a violation of this Chapter and shall be grounds for revocation of said conditional use permit.

Uses Now Regulated as Conditional Uses That Were Legal Land Uses (Permitted-by-Right or as Conditional Uses) Prior to the Effective Date of This Chapter. A use now regulated as a conditional use that was a legal land use--either permitted-by-right or as a conditional use--prior to March 18, 2015 shall be considered as a legal, conforming land use so long as any previously approved conditions of use and site plan are followed. Any substantial modification of such use or any previously approved condition of such use, in the determination of the Zoning Administrator, shall require application and Village consideration of a new conditional use permit under this Section.

STAFF REVIEW

PIN: 192-2808-164-031 Zoning: LI Village ETZ
Filed After the Fact: Yes No Fine Imposed: Yes No Amount: _____
Publication of Notice Date 1: 05-29-17 Publication of Notice Date 2: 06-05-17

Conditional Use Permit Review:

PC/ETZ Meeting Date: _____ CUP No.: _____
 Approved Approved w/ Conditions Denied Site Plan No.: _____
Adoption Date: _____

Conditional Use Permit Review (Outdoor Commercial Entertainment Only)

Name of Establishment: _____	License Number: _____
CLPS Meeting Date: _____	<input type="checkbox"/> Recommend <input type="checkbox"/> Recommend w/ Conditions <input type="checkbox"/> Denied
VB Meeting Date: _____	<input type="checkbox"/> Approved <input type="checkbox"/> Approved w/ Conditions <input type="checkbox"/> Denied

Recorded Date: _____ Document No.: _____

LRS10801
LRS108I

Land Records
Browse

5/16/17
15:07:52

PIN 192 2808 164 0131

Village of WESTON

Parcel 62 082300 003 004 01 00

Status: ACTIVE

Adr 1 5407 WESTFAIR AVE

WESTON

54476 0000

Own 1 RICHARD BENDER RENTA LS LLC

B

General Parcel Information:

PIN. : 37 192 4 2808 164 0131 Village of WESTON
Parcel Number : 62 0823 003 004 01 00 Parcel Status: ACTIVE
Sale Date. . . : 10/03/2001 Sale Type. . : Blank
Sale Amount. . : 0 Transfer Tax : .00
Deed Type. . . : Quit Claim
Deed Reference: M233-76 M639-329 1251521
MAILING ADDRESS RICHARD BENDER RENTALS

PO BOX 136

WESTON

WI 54476 0136

USA

LRS10801
LRS108I

Land Records
Browse

5/16/17
15:08:16

PIN 192 2808 164 0131

Village of WESTON

Parcel 62 082300 003 004 01 00

Status: ACTIVE

Adr 1 5407 WESTFAIR AVE

WESTON

54476 0000

Own 1 RICHARD BENDER RENTA LS LLC

B

Parcel Descriptions:

1 Description(s) on File

Year	Acres	Front	Depth	Flood Line	Description
1995	.750			?	
					1 WESTON COMMERCIAL PARK
					2 PT OF LOT 4 BLK 3
					3 PCL 1 CSM VOL 34 PG 152
					4 (#8774) (DOC #1057892)

F2=Assessments

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

LRS10801
LRS108I

Land Records
Browse

5/18/17
14:31:18

PIN 192 2808 164 0131 Village of WESTON
Parcel 62 082300 003 004 01 00
Adr 1 5407 WESTFAIR AVE
Own 1 RICHARD BENDER RENTA LS LLC B

Status: ACTIVE
54476 0000

General Parcel Information:

PIN. : 37 192 4 2808 164 0131 Village of WESTON
Parcel Number : 62 0823 003 004 01 00 Parcel Status: ACTIVE
Sale Date. . . : 10/03/2001 Sale Type. . : Blank
Sale Amount. . : 0 Transfer Tax : .00
Deed Type. . . : Quit Claim
Deed Reference: M233-76 M639-329 1251521
MAILING ADDRESS RICHARD BENDER RENTALS

PO BOX 136
WESTON WI 54476 0136 USA

LRS10801
LRS108I

Land Records
Browse

5/18/17
14:31:12

PIN 192 2808 164 0131 Village of WESTON
Parcel 62 082300 003 004 01 00
Adr 1 5407 WESTFAIR AVE
Own 1 RICHARD BENDER RENTA LS LLC B

Status: ACTIVE
54476 0000

Zoning

4 Zoning Records on File.

Year	Flood Plain	Wetlands	Zoning	Zone Use	Ordinance
2015			1) LI	LIMITED INDUSTRIAL	
			2)		
			3) WHP-A	WELLHEAD PROTECT-ZONE A	
			4)		
2009			1) M-1	MANUFACTURING & WAREHOUSE	
			2) OWP	WELLHEAD PROTECTION OVERL	
			3)		
			4)		

F2=Sanitary Permits
Positioning to Address: 05407

F3=Exit F4=Prompt F7=Previous F8=Next F24=More
WESTFAIR AVE +

② Indoor sales or service
① Commercial animal establishment

Valerie Parker

From: Rod Bender <rbrllc@yahoo.com>
Sent: Monday, May 22, 2017 11:47 AM
To: Valerie Parker
Subject: Re: Application

Hi Valerie,
I do authorize Heide Maxwell to apply for the conditional use permit for 5407 Westfair #1.

I will be getting you the plans later today or tomorrow morning.

Thanks!
Rod Bender, Manager
Richard Bender Rentals
715-573-4944

On Monday, May 22, 2017 11:43 AM, Valerie Parker <vparker@westonwi.gov> wrote:

05/22/2017

Hi Rod,

I wanted to send a message to you regarding needing a site plan drawn up for 5407 Westfair Avenue (see the e-mail below).

I do need this plan today or tomorrow. Please let me know if this will be a problem.

Also, I will need you to state in an e-mail to me that you authorize Heide Maxwell to apply for this conditional use permit on your property.

Thanks!

Sincerely,

[Valerie Parker](#)
Planning Technician

[Village of Weston](#)

5500 Schofield Ave, Weston, WI 54476

p. 715-359-6114 | f. 715-359-6117 | d. 715-241-2607

Want to receive the "**This Week in Weston**" e-newsletter? [Sign up here!](#)

From: Valerie Parker
Sent: Tuesday, May 16, 2017 2:25 PM
To: Rod Bender (rbrllc@yahoo.com) <rbrllc@yahoo.com>
Cc: 'prmmxwll@aol.com' <prmmxwll@aol.com>
Subject: FW: Application

From: Valerie Parker
Sent: Monday, May 15, 2017 10:53 AM
To: Heide Maxwell (prmmxwll@aol.com) <prmmxwll@aol.com>
Cc: PlanDev <plandev@westonwi.gov>
Subject: Application

05/15/2017

Hi Heide,

I am so sorry that I did not get your messages until this morning. I ended up taking half the day off on Friday.

You can certainly work with either me or Jared on your conditional use application. I realize some of the questions on that application can be a bit confusing, so just answer them the best you can. As I mentioned to you last week, if Rod Bender could draw up a site plan for you to submit with your application, showing the layout of the property, where the building(s) is, where your suite of the building will be, compared to the other tenant. Also showing where the outdoor fenced-in area will be, and where parking will be located. Lastly, showing where the garbage and recycling receptacles will be located.

There is also a zoning/occupancy application that you will need to complete. This is found at: <http://evolvessl.infovisionsoftware.com:82/Weston/>.

Prior to logging in to start your application, you will need to have your operational plan put together and ready to be uploaded. I have a sample operational plan attached. This basically just needs to be a write up about your business, how many customers (and dogs) you will have, hours of operation, number of employees, etc.

The first step in applying is to create an account. This is the account that you will use going forward for any permit applications (including your sign permit).

After you create your account, the system will bring you back to the main page. For the Zoning/Occupancy Permit you will need to do the following:

Click on Permit Application. Select Zoning under the Category tab, and select Occupancy under the Type tab. If I recall correctly, the building you are looking at is 5407 Westfair Avenue. On the Enter Address page, type 5407 below House Number, and then I would just type westf, under the Street Name. When you click Next, the correct address should show up. The next step is to complete your permit details. Anything highlighted yellow requires something within the box, or the system will not let you continue. If you have any questions at all, while completing this, please feel free to call or e-mail me. We can always make adjustments to what you type in here later. Once you complete this section, the next page is Create Contacts. Your name will automatically come up, and you need to assign a Contact Type to yourself. This can be done in the first Contact Type box. You can then add Rod Bender in as the owner. He is in the system under Richard Bender Rentals, LLC, if you search by his last name. Otherwise, I can add him later too.

The next page is where you are asked to Upload Documents. Here you can upload your operational plan. If a site plan is drawn up by Rod and ready, you can upload that too. You could even attach your conditional use permit if you would like – or you can drop that one off in person. I believe after this part, your permit will then be “submitted”.

I would just ask that you e-mail me when you complete this, so that I can start reviewing it right away.

With your sign permit, it is a similar process, except at the Select Type of Permit screen, you will select Sign under Category box, and then select Permanent Sign in the Type box. You will need a diagram with

dimensions of your sign, along with showing where on the property the sign will be located. Jared can help you with any questions on this part.

I look forward to hearing back from you. If you have the time, and the paperwork ready, we can go through the application process together here in the Village office, or you can do it from the comfort of your own home.

Valerie 😊

[Valerie Parker](#)

Planning Technician

[Village of Weston](#)

5500 Schofield Ave, Weston, WI 54476

p. 715-359-6114 | f. 715-359-6117 | d. 715-241-2607

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From: prmmxwll [<mailto:prmmxwll@aol.com>]
Sent: Friday, May 12, 2017 1:13 PM
To: Valerie Parker <vparker@westonwi.gov>
Subject:

My email did not sign my name, so sorry.

Heide Maxwell
715.571.2252

From: prmmxwll [<mailto:prmmxwll@aol.com>]
Sent: Friday, May 12, 2017 1:04 PM
To: Valerie Parker <vparker@westonwi.gov>
Subject: Applications

Hi there,!

I will be making my final decision hopefully on Monday regarding the Bender Building. Mr."s Richard and Rob Bender came to look at my property for operational reasons to hopefully put them more at ease with a positive response for me.

I am off next Tuesday and would like to get the paperwork process going. I have the Conditional Use Permit application but there isn't much for me to fill out. I'm certain there is more information required. If there are additional forms, I may be able to pick up today (How late are you open?)or can you Email.

Do I begin this journey with you or Jared? I would also like to ask about signing for the business.

Thank you again favor your support.

Sent from my Samsung Galaxy smartphone.