



**VILLAGE OF WESTON
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Village of Weston Plan Commission, on Monday, April 11, 2022, at approximately, 6:00 p.m., or shortly thereafter, at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476, to take testimony relative to the following:

1. **Project #20220096** – Chuck Thatcher, Thatcher Construction & Remodeling, 218397 County Road Q, Hatley, 54440, on behalf of property owners Kurt & Dodie Swanson, 5005 Apache Lane, Weston, requesting a Conditional Use Permit to allow a proposed addition to an existing accessory structure (for residential use) where the addition exceeds the maximum allowable height of 15 feet (by 2 feet) and where the addition causes the overall accessory structure to exceed the maximum allowable square footage of 1,000 square feet (by 8 square feet), within the SF-L (Single Family Residential – Large Lot), on property known as 5005 Apache Lane (PIN 192-2808-151-0031, consisting of .57 acres). The addition to the existing accessory building is proposed to be 17 feet tall, and the overall accessory structure with the addition will become a total of 1,008 square feet.
2. **Project #20220044** – Dan Higginbotham, Plover River Land Company, 2625 Northwestern Avenue, Wausau, 54403, on behalf of property owner Darrell Will, 223565 Ranch Road, Ringle, 54471, requesting a rezone from RR-5 (Rural Residential – 5-Acre) to RR-2 (Rural Residential – 2-Acre), on 4.41 acres of the existing overall 17.5 acre vacant parcel, to allow for the division and creation of two residential parcels (to consist of 2.11 acres and 2.30 acres). This vacant parcel is known as PIN 192-2808-241-0999, and is located north of Schofield Avenue, abutting the eastern border of the Village of 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 must be submitted 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 Tuesday, April 5, 2022, to be included in the Plan Commission Meeting Packet. **All interested persons wishing to provide testimony during the Public Hearing will be given an opportunity to be heard. Interested persons who are unable to attend the meeting in-person have the option to attend the meeting via a Zoom link that will be provided on the meeting agenda, where they can still participate and comment.**

Any person with questions or planning to attend needing additional special accommodations in order to participate should call Valerie Parker, Planning Technician, Planning and Development Department, at 715-241-2607.

Dated this 24th day of March 2022

Valerie Parker
Plan Commission Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, March 28, 2022, and Monday, April 4, 2022.

REQUEST FOR CONSIDERATION

Public Mtg/Date:	Plan Commission, April 11, 2022
Description:	Public Hearing – Project #20220044 Dan Higginbotham, Plover River Land Company, 2625 Northwestern Avenue, Wausau, 54403, on behalf of Darrell Will, 223565 Ranch Road, Ringle, WI 54471, requesting a rezone from RR-5 (Rural Residential – 5-Acre) to RR-2 (Rural Residential – 2-Acre), on 4.41 acres of the existing overall 17.5 acre vacant parcel, to allow for the division and creation of two residential parcels (to consist of 2.11 acres and 2.30 acres). This vacant parcel is known as PIN 192-2808-241-0999, and is located north of Schofield Avenue, abutting the eastern border of the Village of Weston. (PC).
From:	Jennifer Higgins, Planning & Development Director/Zoning Administrator Keith Donner, Administrator
Question:	Should the Plan Commission recommend to the Board of Trustees to approve an ordinance for a partial rezone (4.41 acres of the overall 17.5 acres) of PIN 192-2808-241-0999 from RR-5 to RR-2?

BACKGROUND

Back in April, of 2005, the Village of Weston exercised extraterritorial plat review, approving the final plat of Arrowhead Estates, in the Town of Ringle, along the east border of the Village, north of Schofield Avenue, and south of the Eau Claire River.

Darrell Will is the developer of Arrowhead Estates and also owns the 17.5-acre parcel of land, zoned RR-5 (Rural Residential – 2-Acre) adjacent to the west of that plat, which is within the Village of Weston. Dan Higginbotham, of Plover River Land Company, on behalf of Darrell Will, is now proposing to split 2 parcels (2.3 acres and 2.11 acres) out of the 17.5 acres. The access to these proposed two newly created parcels will come from River Bank Lane (on the Ringle border side). In order for the two proposed parcels to be created, a rezone from RR-5 to RR-2 (Rural Residential – 2-Acre) needs to occur.

The Future Land Use map shows this area as Single Family Residential – Unsewered, which does allow for RR-2 and RR-5 development.

More discussions with Higginbotham and Will will need to take place, as there more discussions need to take place regarding the proposed road extension, as well as possible further land divisions coming on the rest of the main parcel. The rezoning allowing smaller lots would require a street extension into the Village of Weston from the Town of Ringle. What is not clear is who (Village or Town) would be responsible for maintenance of this street extension. As it is conceptually shown, the street should have a cul-de-sac.

After corresponding with Higginbotham, despite the possible future changes and discussions needed on the road extension, it was requested to continue with the rezone request of the two parcels shown. Following discussion at tonight's PC meeting, Commissioners can choose to delay action on this rezone request for a period of 45 days to get more information.

Attached Docs:	Hearing Notice, Draft Determination Form, Current Zoning Map
Committee Action:	None
Fiscal Impact:	TBD.

REQUEST FOR CONSIDERATION

Recommendation: Staff report provided in the Rezone Determination Document included. Staff is suggesting that the applicant provide more details of the project at the Plan Commission meeting. Plan Commission can defer action to the next meeting if it wishes.

RECOMMENDED LANGUAGE FOR OFFICIAL ACTION

- 1) **RECOMMEND APPROVAL:** Plan Commission recommends approval of the rezone request and forwards the recommendation on to the Village Board 04/18/22 meeting agenda.
- 2) **RECOMMEND DENIAL:** Plan Commission recommends denial of the rezone request and forwards the recommendation on to the Village Board 04/18/2022 meeting agenda.
- 3) **NO RECOMMENDATION:** Plan Commission takes no action, and the request moves on to the Village Board 04/18/2022 meeting agenda.
- 4) **DEFER ACTION:** Plan Commission can defer action until the next meeting date. The Plan Commission has 45 days following the public hearing per code to take action.

ADDITIONAL ACTION: Forward recommendation to the Board of Trustees for April 18th meeting
Notify Applicant (Staff)



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

Application/Petition No.: **20220044** Hearing Date: **April 11, 2022**
Applicant: **Dan Higginbotham, Plover River Land Company**
Property Location: **4.41 acres of the existing overall 17.5-acre vacant parcel, known as 192-2808-241-0999, located north of Schofield Avenue, abutting the eastern border of the Village of Weston.**
Property Owner: **Darrell Will**
Description: **A rezoning of approximately 4.41 acres of land from RR-5 (Rural Residential – 5-Acre) to RR-2 (Rural Residential – 2-Acre), on the existing overall 17.5-acre vacant parcel, to allow for the division and creation of two residential parcels (to consist of 2.11 acres and 2.30 acres).**

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: **RR-5 (Rural Residential – 5-Acre)**
Definition: 94.2.02(1)(d) The RR-5 district is intended for mainly single family detached residential development on minimum five acre sized rural lots, along with compatible home occupations, small-scale institutional and recreational uses, and low-intensity agricultural uses. Development within this district may be served by private on-site wastewater treatment systems (POWTS), and roadways within a rural cross section. The RR-5 district is intended for areas planned for rural residential development within the Comprehensive Plan. (Predecessor districts: RR Rural Residential; SR Suburban Residential)
Proposed Zoning **RR-2 (Rural Residential – 2-Acre)**
Definition: 94.2.02(1)(c) The RR-2 district is intended for mainly single family detached residential development on minimum two acre sized rural lots, along with compatible home occupations, small-scale institutional and recreational uses, and low-intensity agricultural uses. Development within this district may be served by private on-site wastewater treatment systems (POWTS), and roadways within a rural cross section. The RR-2 district is intended for areas planned for rural residential development within the Comprehensive Plan. (Predecessor districts: RR Rural Residential; SR Suburban Residential)
Future Land Use 1: **Single-Family Residential - Unsewered**
FLU Description: Single family residences, home occupations, small-scale institutional, recreational, and agricultural uses, all served by private waste treatment systems

Typical Implementing Zoning Districts:

- RR-2 and RR-5 Rural Residential

Development Policies:

1. Minimize mapping this future land use designation in the village, and in areas intended or desirable for future urban expansion.
2. Promote interconnection in road and trail networks within and among neighborhoods.

3. Encourage use of group treatment systems with proper design/management.

Lot Size and/or Density Range:

- Minimum lot sizes of 2 acres (RR-2) or 5 acres (RR-5)

DETERMINATION (To be Completed by Plan Commission):

1. Is the proposed rezoning consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?
2. Does the rezoning further the purpose and intent of this Chapter?
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.
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?

BACKGROUND INFORMATION:

Back in April, of 2005, the Village of Weston exercised extraterritorial plat review, approving the final plat of Arrowhead Estates, in the Town of Ringle, along the east border of the Village, north of Schofield Avenue, and south of the Eau Claire River.

Darrell Will is the developer of Arrowhead Estates and also owns the 17.5-acre parcel of land, zoned RR-5 (Rural Residential – 2-Acre) adjacent to the west of that plat, which is within the Village of Weston. Dan Higginbotham, of Plover River Land Company, on behalf of Darrell Will, is now proposing to split 2 parcels (2.3 acres and 2.11 acres) out of the 17.5 acres. The access to these proposed two newly created parcels will come from River Bank Lane (on the Ringle border side). In order for the two proposed parcels to be created, a rezone from RR-5 to RR-2 (Rural Residential – 2-Acre) needs to occur.

The Future Land Use map shows this area as Single Family Residential – Unsewered, which does allow for RR-2 and RR-5 development.

More discussions with Higginbotham and Will will need to take place, as there more discussions need to take place regarding the proposed road extension, as well as possible further land divisions coming on the rest of the main parcel. The rezoning allowing smaller lots would require a street extension into the Village of Weston from the Town of Ringle. What is not clear is who (Village or Town) would be responsible for maintenance of this street extension. As it is conceptually shown, the street should have a cul-de-sac.

After corresponding with Higginbotham, despite the possible future changes and discussions needed on the road extension, it was requested to continue with the rezone request of the two parcels shown. Following discussion at

tonight's PC meeting, Commissioners can choose to delay action on this rezone request for a period of 45 days to get more information.

CURRENT PROPERTY CONDITIONS:

This property is currently vacant.

STAFF RECOMMENDATION:

Staff is suggesting that the applicant provide more details of the project at the Plan Commission meeting. Plan Commission can defer action to the next meeting if it wishes.

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

- 1) **RECOMMEND APPROVAL:** Plan Commission recommends approval of the rezone request and forwards the recommendation on to the Village Board 04/18/22 meeting agenda.
- 2) **RECOMMEND DENIAL:** Plan Commission recommends denial of the rezone request and forwards the recommendation on to the Village Board 04/18/22 meeting agenda.
- 3) **NO RECOMMENDATION:** Plan Commission takes no action and the request moves on to the Village Board 04/18/22 meeting agenda.
- 4) **DEFER ACTION:** Plan Commission can defer action until the next meeting date. The Plan Commission has 45 days following the public hearing per code to take action.

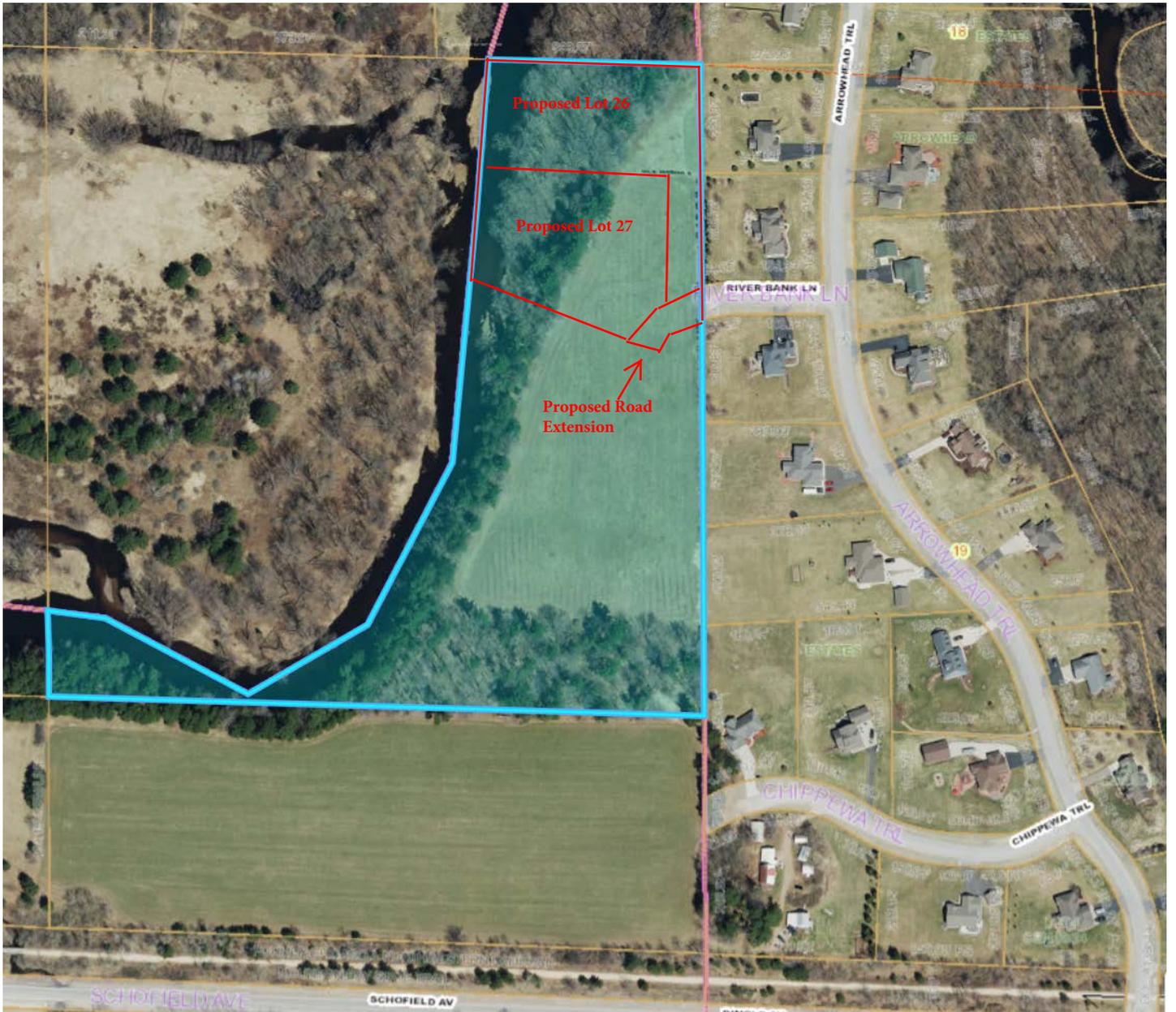
ACTION:

Plan Commission Determination on 04/11/2022:	RECOMMEND APPROVAL/DENIAL
---	----------------------------------

VILLAGE BOARD POLICY CHOICES: (Process is outlined in Sec. 94.16.03(8))

- 1) Board approves the rezone request per the PC recommendation by adopting Ord. No. 22-012 as written. (simple majority required)
- 2) Board approves the rezone request with modifications to Ord. No. 22-012 – Sec. 94.16.03(8)(b) Requires affirmative vote of ¾ or greater of the full Village Board.
- 3) Board denies the rezone request. – Sec. 94.16.03(8)(b) Requires affirmative vote of ¾ or greater of the full Village Board.

Board of Trustees Determination on 04/18/22:	APPROVE / DENY
---	-----------------------



**The above is a concept of what land division is being proposed and rezoned.
This is not to scale, but more for visualization of what they are proposing. Valerie**

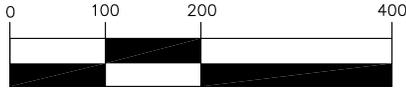
Certified Survey Map No. _____

OF PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4
OF SECTION 24, TOWNSHIP 28 NORTH, RANGE 8 EAST
VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

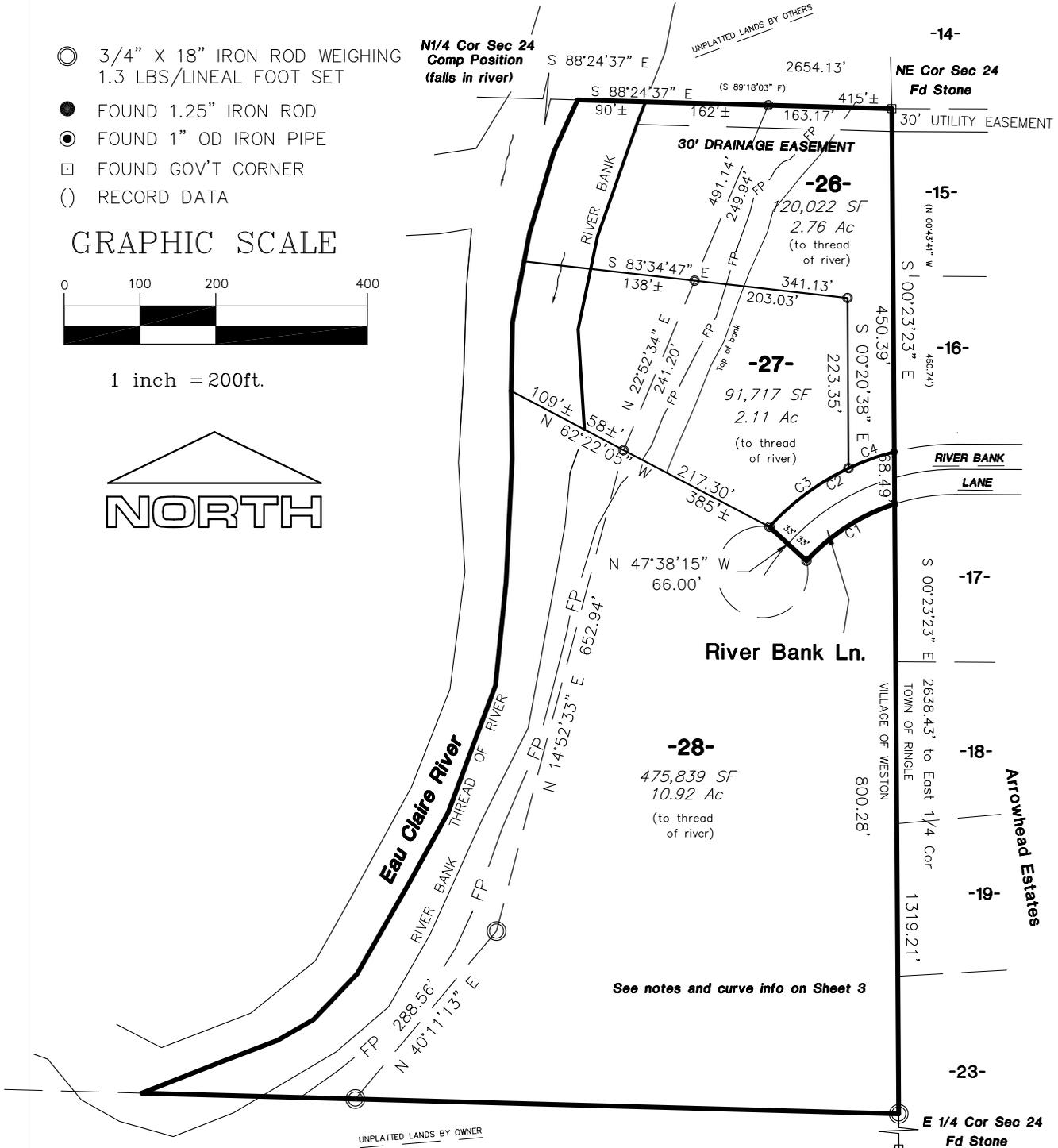
FP – 100 yr regional flood boundary derived from FEMA mapping. Elevation 1222.00 is most restrictive upstream elevation. This floodplain boundary meets land on a steep slope. The floodplain plus 2 ft is within 5 horizontal feet of the 100 yr flood boundary

- ⊙ 3/4" X 18" IRON ROD WEIGHING 1.3 LBS/LINEAL FOOT SET
- FOUND 1.25" IRON ROD
- ⊙ FOUND 1" OD IRON PIPE
- ⊠ FOUND GOV'T CORNER
- () RECORD DATA

GRAPHIC SCALE



1 inch = 200ft.



Temporary 60 ft diameter cul-de-sac to be extended as lots are developed

Bearings are referenced to the East line of the NE 1/4 of Section 24 assumed to bear S 0° 20' 38" E

NOTE: Recording this Certified Survey Map does not transfer property rights. It is necessary to subsequently record a deed to transfer ownership.

OWNERS CERTIFICATE OF DEDICATION

Darrell Will, as owner, does hereby certify that he caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat. He does further certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

1) Village of Weston

Witness the hand and seal of said Owner this ____ day of _____, 2022.

Darrell Will

STATE OF WISCONSIN }
 SS
COUNTY OF MARATHON }

Personally came before me this ____ day of _____ 2022, the above named Darrell Will, owner, and acknowledge that he executed the foregoing instrument.

Notary Public

My commission expires _____.

Curve Data:

Curve	Radius	Arc Length	Ch. Length	Ch. Bearing	Delta Angle
C1	267.00	139.25'	137.68'	S 57° 18' 13" W	29° 52' 56"
C2 - Total	333.00	194.19'	191.45'	N 59° 04' 06" E	33° 24' 40"
C3	333.00	130.50'	129.66'	N 53° 35' 20" E	22° 27' 08"
C4	333.00	63.69'	63.60'	N 70° 17' 40" E	10° 57' 32"

Public Trust Doctrine:

Any land that is below the Ordinary High Water Mark of a lake or navigable stream is subject to the public trust in navigable waters that is established under Article IX, Section 1 of the Wisconsin State Constitution

Sheet 3 of 3 Sheets