



## VILLAGE OF WESTON NOTICE OF PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that public hearings will be held before the Village of Weston Plan Commission, on Monday, August 8, 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 #20220239** – Michael Roma, 3906 E Everest Ave, Weston WI 54476, requesting a Conditional Use Permit to allow a proposed Detached Accessory Structure (For Residential Use) where the structure would exceed the maximum allowable square footage of 800 square feet (by 1,120 square feet), within the SF-S (Single Family Residential – Small Lot), on property known as 4906 E Everest Ave (PIN 192-2808-201-0998) and the unaddressed parcel to the west (PIN 192-2808-201-0995). The building is proposed to be 1,920 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 SF-L (Single Family Residential – Large Lot) of 17.5 acres and 16 acres of vacant land, to allow for the division and creation of nineteen residential parcels (to consist of approximately 1.19 to 2.96 acres). These vacant parcels are known as PIN 192-2808-241-0999 and 192-2808-241-0994, 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](mailto:vparker@westonwi.gov), by noon on Tuesday, August 2, 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 21st day of July 2022

Valerie Parker  
Plan Commission Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, July 25, 2022, and Monday, August 1, 2022.

# REQUEST FOR CONSIDERATION

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<b>Public Mtg/Date:</b>	Plan Commission, August 8, 2022
<b>Description:</b>	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 SF-L (Single Family Residential – Large Lot), on 33.5 acres of vacant land, to allow for the division and creation of residential parcels (to consist of approximately 1.19 to 2.96 acres). This vacant parcel is known as PIN 192-2808-241-0999 and 192-2808-241-0994, and is located north of Schofield Avenue, abutting the eastern border of the Village of Weston. (PC).
<b>From:</b>	Jennifer Higgins, Planning & Development Director/Zoning Administrator Emily Wheaton, Assistant Planner Keith Donner, Administrator
<b>Question:</b>	Should the Plan Commission recommend to the Board of Trustees to approve an ordinance for a rezone 33.5 acres of PIN 192-2808-241-0999 and 192-2808-241-0994 from RR-5 to SF-L?

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## 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 a 17.5-acre and 16-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 the land into 19 lots. The access to these proposed new parcels will come from River Bank Lane (on the Ringle border side). In order for the proposed parcels to be created, a rezone from RR-5 to SF-L (Single Family Residential-Large Lot) needs to occur.

The Future Land Use map shows this area as Single Family Residential – Unsewered, which allows for RR-2 and RR-5 development. A recent amendment to the Comprehensive Plan now allows SF-L development in this area.

Dan Higginbotham has also submitted a preliminary plat for the Arrowhead Estates First Addition, which is on the agenda as another item.

More discussions with Higginbotham and Will will need to take place, as there more discussions need to take place regarding the proposed road extension. 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.

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

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# REQUEST FOR CONSIDERATION

**Recommendation:** Staff recommends approval. 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 8/15/22 meeting agenda.
- 2) **RECOMMEND DENIAL:** Plan Commission recommends denial of the rezone request and forwards the recommendation on to the Village Board 8/15/2022 meeting agenda.
- 3) **NO RECOMMENDATION:** Plan Commission takes no action, and the request moves on to the Village Board 8/15/2022 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 August 15th meeting  
Notify Applicant (Staff)



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

Application/Petition No.: **20220044** Hearing Date: **August 8, 2022**  
Applicant: **Dan Higginbotham, Plover River Land Company**  
Property Location: **33.5 acres, known as 192-2808-241-0999 and 192-2808-241-0994, located north of Schofield Avenue, abutting the eastern border of the Village of Weston.**  
Property Owner: **Darrell Will, 223565 Ranch Road, Ringle WI 54471**  
Description: **A rezoning of approximately 33.5 acres of land from RR-5 (Rural Residential – 5-Acre) to SF-L (Single Family Residential – Large Lot), to allow for the division and creation of 19 residential parcels (to consist of 1.19 to 2.96 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 a 17.5-acre and 16-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 the land into 19 lots. The access to these proposed new parcels will come from River Bank Lane (on the Ringle border side). In order for the proposed parcels to be created, a rezone from RR-5 to SF-L (Single Family Residential- Large Lot) 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. A recent amendment to the Comprehensive Plan now allows SF-L development in this area.

Dan Higginbotham has also submitted a preliminary plat for the Arrowhead Estates First Addition, which is on the agenda as another item.

More discussions with Higginbotham and Will will need to take place, as there more discussions need to take place regarding the proposed road extension. 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.

**CURRENT PROPERTY CONDITIONS:**

This property is currently vacant.

**STAFF RECOMMENDATION:**

Staff recommends approval. 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 8/15/22 meeting agenda.
- 2) **RECOMMEND DENIAL:** Plan Commission recommends denial of the rezone request and forwards the recommendation on to the Village Board 8/15/22 meeting agenda.
- 3) **NO RECOMMENDATION:** Plan Commission takes no action and the request moves on to the Village Board 8/15/22 meeting agenda.
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**ACTION:**

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<b>Plan Commission Determination on 8/8/2022:</b>	<b>RECOMMEND APPROVAL/DENIAL</b>
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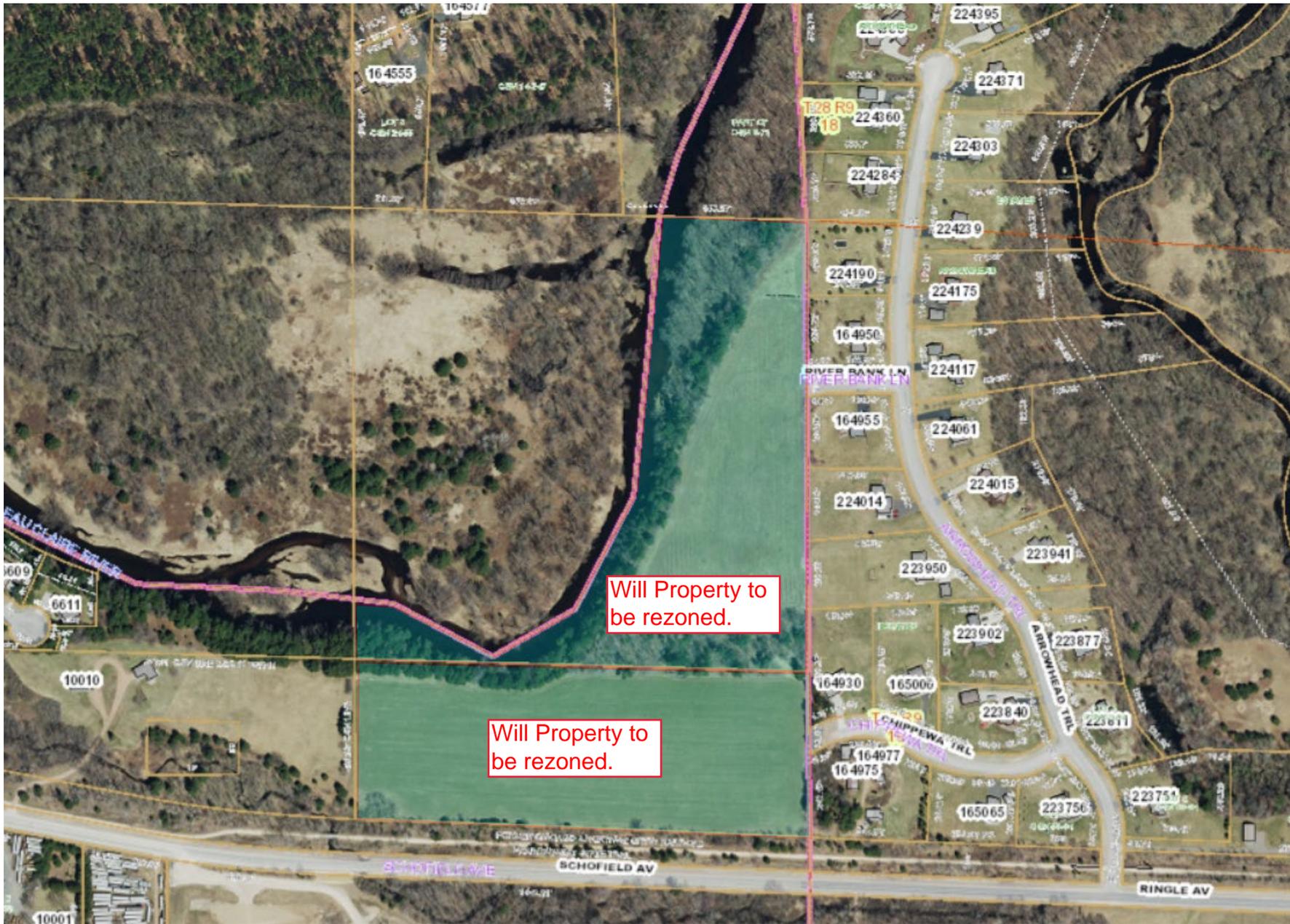
**VILLAGE BOARD POLICY CHOICES: (Process is outlined in Sec. 94.16.03(8))**

- 1) Board approves the rezone request per the PC recommendation by adopting Ord. No. 22-## as written. (simple majority required)
- 2) Board approves the rezone request with modifications to Ord. No. 22-## – 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.

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<b>Board of Trustees Determination on 8/15/22:</b>	<b>APPROVE / DENY</b>
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Will Property to be rezoned.

Will Property to be rezoned.

# Village of Weston Marathon County, WI



## ZONING MAP



Map Date: 8/2/2022  
Adoption Date: 2/14/2022



### LEGEND

3906 E Everest Ave and Unaddressed Parcel

### MUNICIPAL FEATURES

Village of Weston Incorporated Boundary

Right-of-Way

Wetland Presence

Surface Water

### ZONING DISTRICTS

PR - Parks and Recreation

RR-5 - Rural Residential-5 Acre

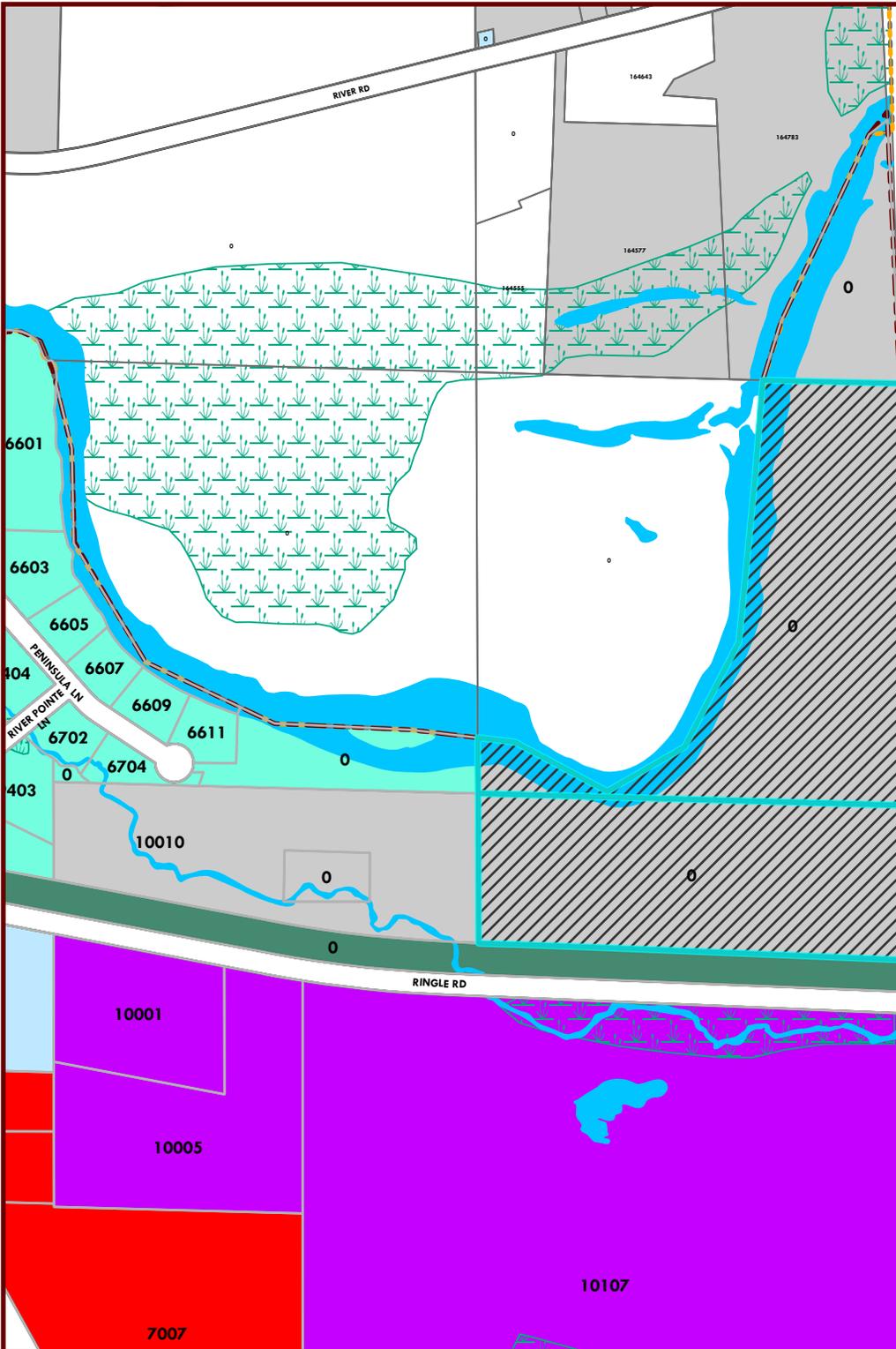
SF-L - Single Family Residential-Large Lot

INT - Institutional

B-3 - General Business

GI - General Industrial

Town of  
Ringle



## Arrowhead Estates First Addition Re-zoning

### Proposed District – SF-L

Yes, a Comprehensive Plan Amendment was recently completed authorizing SF-L as a designated future land-use

94.1.03 Yes. The lots proposed are large enough to provide a rural character consistent with the setting of the subdivision. The engineering design will promote infiltration into the sandy soils. The roads provide a favorable pattern of development as well as they can considering the constraints of the Mountain Bay Trail. The subdivision allows for future connectivity with cooperation of the adjacent property owner.

Mistake – No

Changed – No. The development is consistent with developments on each side of this property in size and nature.

Growth patterns have not changed. This is an infill development

Maintain consistency – yes. The proposed lots are large enough to allow space for homes, accessory buildings, wells and septic systems and still allow the majority of the trees to remain. And like the neighboring developments, the finished subdivision will still provide a large amount of open spaces.