



## **Report to Village Board**

**Agenda Item:** Zoning Change Request and CSM Approval: Dean Prohaska, Happy Hollow Road, Kronenwetter, WI 54455.

**Meeting Date:** May 13, 2024

**Referring Body:** Plan Commission

**Committee Contact:** Chris Voll

**Staff Contact:** Peter Wegner, CD/PZ Director

**Report Prepared by:** Peter Wegner, CD/PZ Director

**AGENDA ITEM:** Zoning Change Request: Dean Prohaska, Happy Hollow Road

**OBJECTIVE(S):** To review the Zoning Change Request and accompanying CSM.

**HISTORY/BACKGROUND:** Rezone Request from PR (Parks and Recreation) to RR-2 (Rural Residential 2). The proposed rezone is consistent with the comprehensive plan and is consistent with the current use of other properties in the area. The rezone does comply with the intent of this chapter. The current 63.72-acre parcel(s) will be divided into four (4) lots. The proposed rezone from PR to RR-2 is consistent with neighboring parcels in the area. The creation of four (4) lots meets the minimum frontage (150ft) and area (2.0 acres) requirements for RR-2 (Rural Residential Zoning 2).

On April 9, 2024, staff was advised of major clearing, excavating, grading and filling on the parcels included in the proposed rezone. Comparing photos obtained by staff to Marathon County GIS 2020 aerial photos approximately 5 acres of land disturbance has occurred. Per Chapter 270 - EROSION CONTROL AND STORMWATER MANAGEMENT, permits are required for this type of activity. In addition, a Construction Site and Storm Water Runoff General Permit from the WDNR is required.

On April 29, 2024, the Planning Commission recommended forwarding the rezone and CSM to the Village Board for Approval. Any violations related to Chapter 270 - EROSION CONTROL AND STORMWATER MANAGEMENT will be addressed. Staff to determine whether 520-118 H(2) applies.

§ 520-118. - **Amendments to official zoning map (rezonings).**

H. Village board action.

(1) The zoning administrator shall schedule the proposed amendment for potential village board action. After careful consideration of all comments, the village board shall, within 120 days of submittal of a complete application, act to approve or reject the proposed amendment, unless extended by written or electronic agreement of the applicant. Failure of the board to act within 120 days of submittal of a complete application (unless said deadline is extended by agreement of the applicant) shall constitute approval of the application as presented.

(2) The village board may approve an amendment by a simple majority of a voting quorum, except that when an official protest against the proposed amendment to the official zoning map is signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed amendment or by the owners of 20 percent or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, then approval of the amendment to the official zoning map shall require a favorable vote from three-quarters of the members of the village board voting on the proposed change.

20% of 63.72 acres = 12.7 acres

Kurt Cieslek =	5.31 acres
Scott Dhein =	0.00 acres
Robert Gereau and Ryan Leff =	<u>.70 acres</u>
	6.01 acres (less than 20%)

The owners of less than 20% of the area of the land immediately adjacent extending 100 feet are included in the official protest.

**RECOMMENDED ACTION:** The Village Board Approve the Rezone Request.

**ATTACHMENTS:** Zoning Change Request, CSM Application and Staff Report