

**TERRANCE WADINSKI 3293 PYKE ROAD, KRONENWETTER, WI 54455.
ZONING CHANGE REQUEST**

STAFF REPORT FOR THE VILLAGE BOARD

**PUBLIC HEARINGS/
MEETINGS:**

Plan Commission Public Hearing: 6:00 p.m. August 19, 2024
Village Board Meeting: 6:00P.m. August 26, 2024

APPLICANT:

Terrance Wadinski
3293 Pyke Road
Kronenwetter, WI 54455

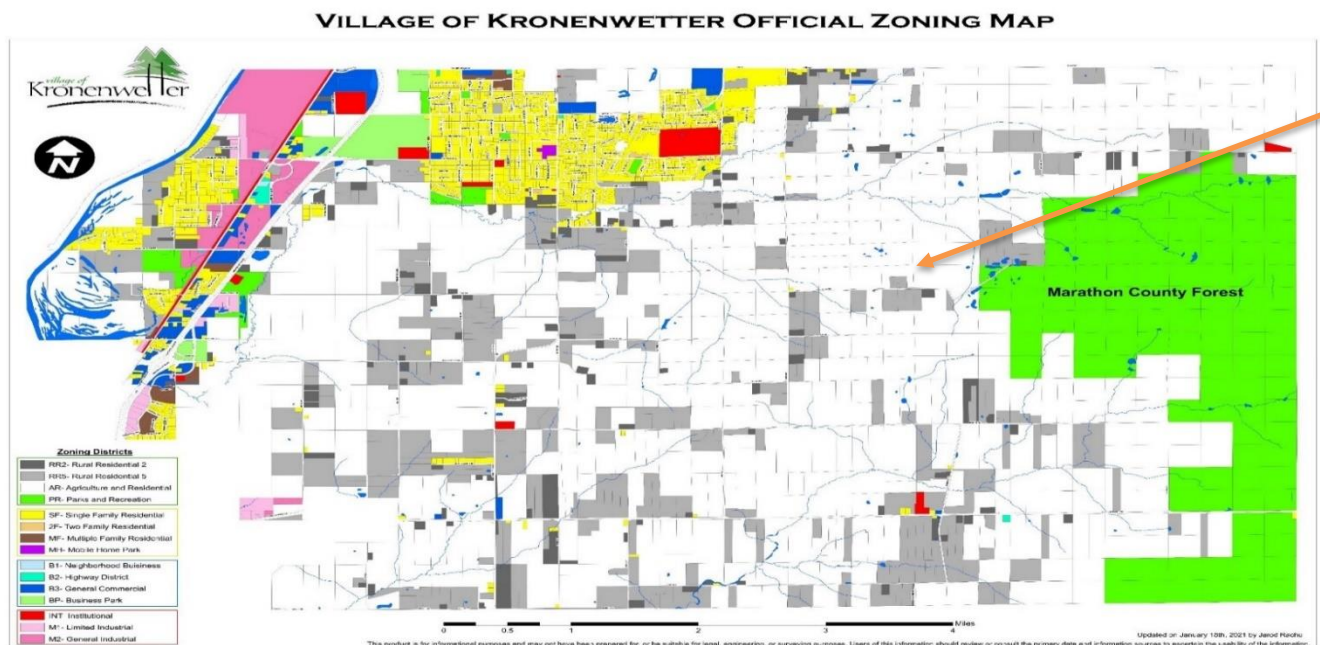
OWNER:

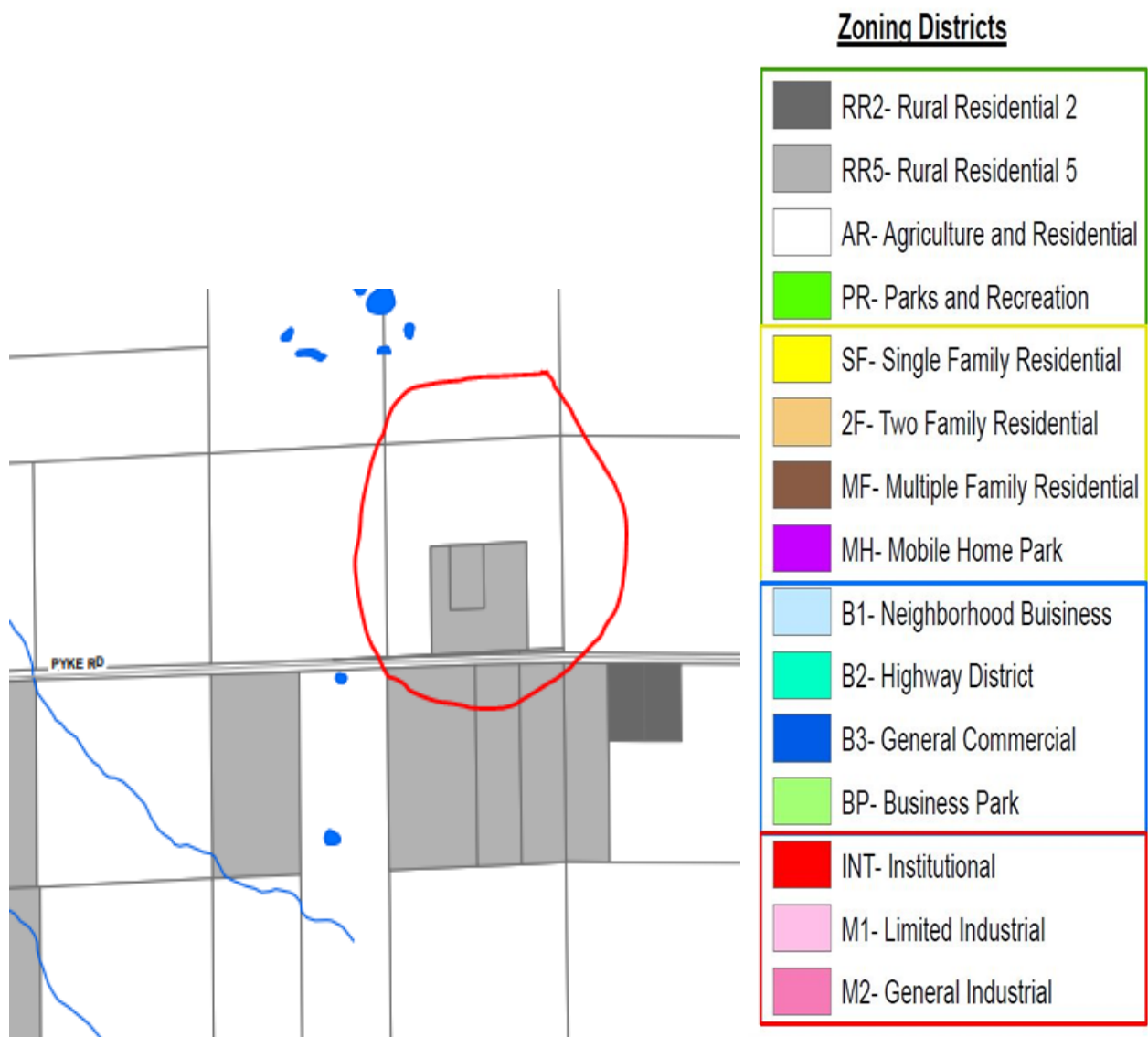
Michael & Anne Maas
3188 Pyke Road
Kronenwetter, WI 54455

Prepared By:

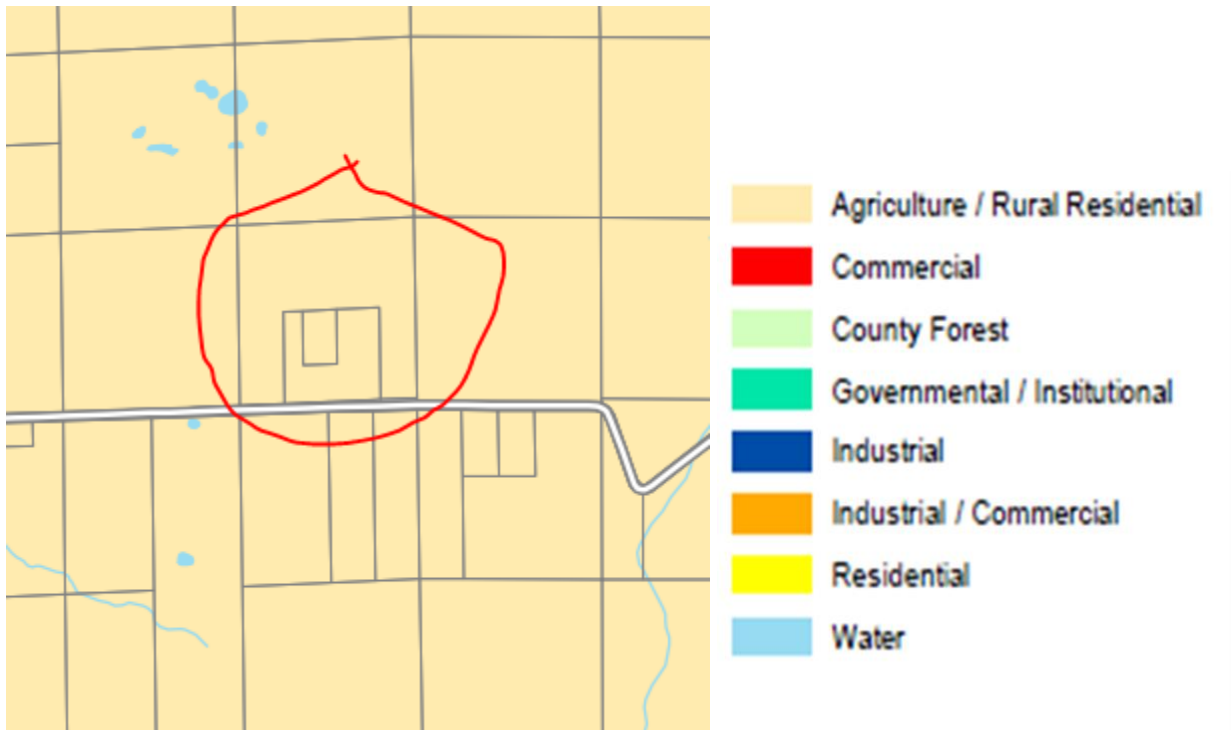
Rutzen Survey Services
4340 Pine Road
Junction City, WI 54443

LOCATION OF REQUEST: (no address) Pyke Road, Kronenwetter, WI 54455, (See Map 1)





Map 2: Current Zoning
(Source Data: Village of Kronenwetter)



Map 3: Future Land Use Map
(Source Data: Village of Kronenwetter)



Map 4: Aerial Photo
(Source Data: Marathon County)

Legal Description of Property:

SEC 16-27-08 SE 1/4 NE 1/4 EX COM AT SE COR SD 40 S 87 DEG W ALG S LN SD 40 266.56' TO POB CONT S 87 DEG W ALG SD S LN SD 40 709.87' N 675.25' TO N LN OF S 675' SD 40 N 87 DEG E ALG SD N LN 709.87' S 675.25' TO POB

Current Zoning:

AR – Agricultural and Residential (see Map 2)

COMPREHENSIVE PLAN FUTURE LAND USE:

Agricultural/Rural Residential (*See Map 3*)

LEGAL NOTIFICATION: A legal advertisement was published in the Wausau Daily Herald on Monday, August 5, 2024, and Monday, August 12, 2024. Notice of the zoning change request was sent by regular mail to adjacent property owners within 500 feet of the subject property on August 1, 2024.

INTRODUCTION: Rezone Request from AR (Agricultural and Residential) to RR5 (Rural Residential 5). 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 28.83-acre parcel will be divided into two (2) lots. The proposed rezone from AR to RR5 is consistent with neighboring parcels in the area. The creation of two (2) lots meets the minimum frontage (100ft) and area (5.0 acres) requirements for RR5 (Rural Residential Zoning 5).

RECOMMENDED MOTION: Motion to approve the Zoning Change Request of Terrance Wadinski from AR (Agricultural and Residential) to RR5 (Rural Residential 5).

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

F. Public hearing and recommendation. The plan commission shall hold a public hearing on all proposed amendments to the official zoning map. Following the public hearing, and after consideration of comments provided therein, the plan commission shall review the proposed amendment to the official zoning map and shall within 45 days of the public hearing make a recommendation to the village board that the application be granted as requested, modified, or denied. If the commission fails to make a recommendation within this time frame, the proposed amendment shall be forwarded to the village board without recommendation. Such deadline may be extended by written or electronic agreement from the applicant.

FINDINGS OF FACT AND RECOMMENDATION OF THE VILLAGE PLAN COMMISSION:

Within forty-five (45) days after the close of the hearing on a proposed amendment, the Village Plan Commission shall make written findings of fact and shall submit the same together with its recommendations to the Village Board. Where the purpose and effect of the proposed amendment are to change the zoning classification of a particular property, the Village Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

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

- Yes. While the property(s) are designated on the Future Land Use Map as Future Agricultural and Rural Residential. There are existing AR (Agricultural Residential) and RR5 (Rural Residential 5) parcels in this area. The rezone of these parcels to RR5 will allow for consistent land uses with adjoining parcels and eliminate an AR zoned parcel in this area. This is consistent with the Comprehensive Plan Goal to strive to avoid allowing conflicting land uses to be located adjacent to one another.
- 2009 Wisconsin Act 372 clarifies that new or amended zoning, land division and official mapping ordinances must be consistent with an adopted comprehensive plan. Consistent means “furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan.” This same Act clarifies that the Comprehensive Plan in itself is not a regulation, it is “a guide to the physical, social, and economic development of a local governmental unit” and that “[t]he enactment of a comprehensive plan by ordinance does not make the comprehensive plan by itself a regulation.” The Future Land Use Map is just one indicator of consistency, which discredits the other 200 pages of the Comp Plan and the Goals and Objectives.
- Page 121 of the 2019 Comprehensive Plan states the following:

Future Land Use Plan

The Future Land Use Plan Map represents the long-term land use **recommendations** for all lands in the Village. Although the map is advisory and does not have the authority of zoning, it is intended to reflect community desires and **serve as a guide** for local officials to coordinate and manage future development of the Village

- Page 126-127 of the 2019 Comprehensive Plan also states:

Goals, Objectives, & Policies

As in previous chapters of this plan, a goal and a series of objectives are identified.

Goal: The Village will make sound land use decisions which strive to coordinate future growth and land uses with infrastructure capabilities and availability.

- a. Strategically locate new developments in areas to create mutually beneficial relationships among businesses
- b. Encourage growth to occur within the Sewer Service Planning Area
- c. Utilize the Future Land Use Map in directing potential commercial and industrial opportunities to appropriate locations
- d. Work with landowners to protect productive agricultural and forest lands to accommodate property owner desires to the extent possible
- e. **Strive to avoid allowing conflicting land uses to be located adjacent to one another**

- f. Preserve the most advantageous properties for commercial and industrial uses and direct residential use to other property
 - g. Encourage industrial uses in areas with convenient access to arterial roadways
 - h. Discourage large and undeveloped residential lots in areas serviced by the public water and sewer infrastructure
 - i. Recognize the different expectations residents have living in different areas of the Village and develop ordinances and policies reflective of those property owner expectations
 - j. Encourage development that preserves to the extent possible the quality of life that residents enjoy
 - k. Strive to maintain a density of no greater than one residential unit per twenty acres of land in the rural areas of the Village
 - l. Strive to maintain a density of no greater than one residential unit per one-half acre in the more urban areas of the Village
 - m. Seek to be involved with Wisconsin Public Service land use decision making process, particularly those regarding property adjacent to the existing power generation facilities and develop compatible neighboring uses
 - n. Encourage projects that cater to the Village's aging population
 - o. Avoid excess regulations that drive up cost for housing, land development, and site development
- Wisconsin Court of Appeals, Lakeland Area Property Owners Association, U.A. v. Oneida County, 2020SAP858

When reviewing an ordinance for consistency with a comprehensive plan, the future land use map and narrative portions of the plan **should not be reviewed in isolation**, but instead should be understood in relation to each other and in the context of the remainder of the plan.

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

- Yes. The portion of the Village where these property(s) are located are classified as AR (Agricultural Residential) and RR5 (Rural Residential 5). Village's Future Land Use Map designates these parcels as Agricultural and Rural Residential. By rezoning this property from AR to RR5, residential uses will be permitted, similar to those permitted in SF (Single Family Residential) furthering the purpose of this Chapter and the Future Land Use Map. This satisfies the Zoning Ordinance's purpose of preserving and enhancing community appearance and quality of life.

3. *Does rezoning address any of the following that is not properly addressed on the current Official Zoning Map?*

- No Keeps it the same.

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. There are AR (Agricultural Residential) and RR-5 (Rural Residential 5) parcels located near these parcels. The property owners will continue to utilize the parcel for purposes within these districts.

5. *Does the rezoning meet the minimum requirements for frontage or parcel size?*

- Yes. The proposed parcels will meet all minimum requirements.

6. *For applications to rezone land to a multi-family, commercial, or industrial zoning district, is, or will there be, adequate public infrastructure available to accommodate the range of uses allowed in that zoning district?*

- This land is not being rezoned to a multi-family, commercial, or industrial zoning district.

MARATHON COUNTY CERTIFIED SURVEY MAP NO.

BEING PART OF SE 1/4 OF THE NE 1/4 AND NE 1/4 OF THE SE 1/4, ALL IN SECTION 16,
TOWNSHIP 27 NORTH, RANGE 8 EAST, VILLAGE OF KRONENWETTER,
MARATHON COUNTY, WISCONSIN.



BEARINGS BASED ON THE
SOUTH LINE OF THE
NORTHEAST QUARTER OF
SECTION 16, ASSUMED TO
BEAR S87°34'25"W

SURVEYOR'S NOTES

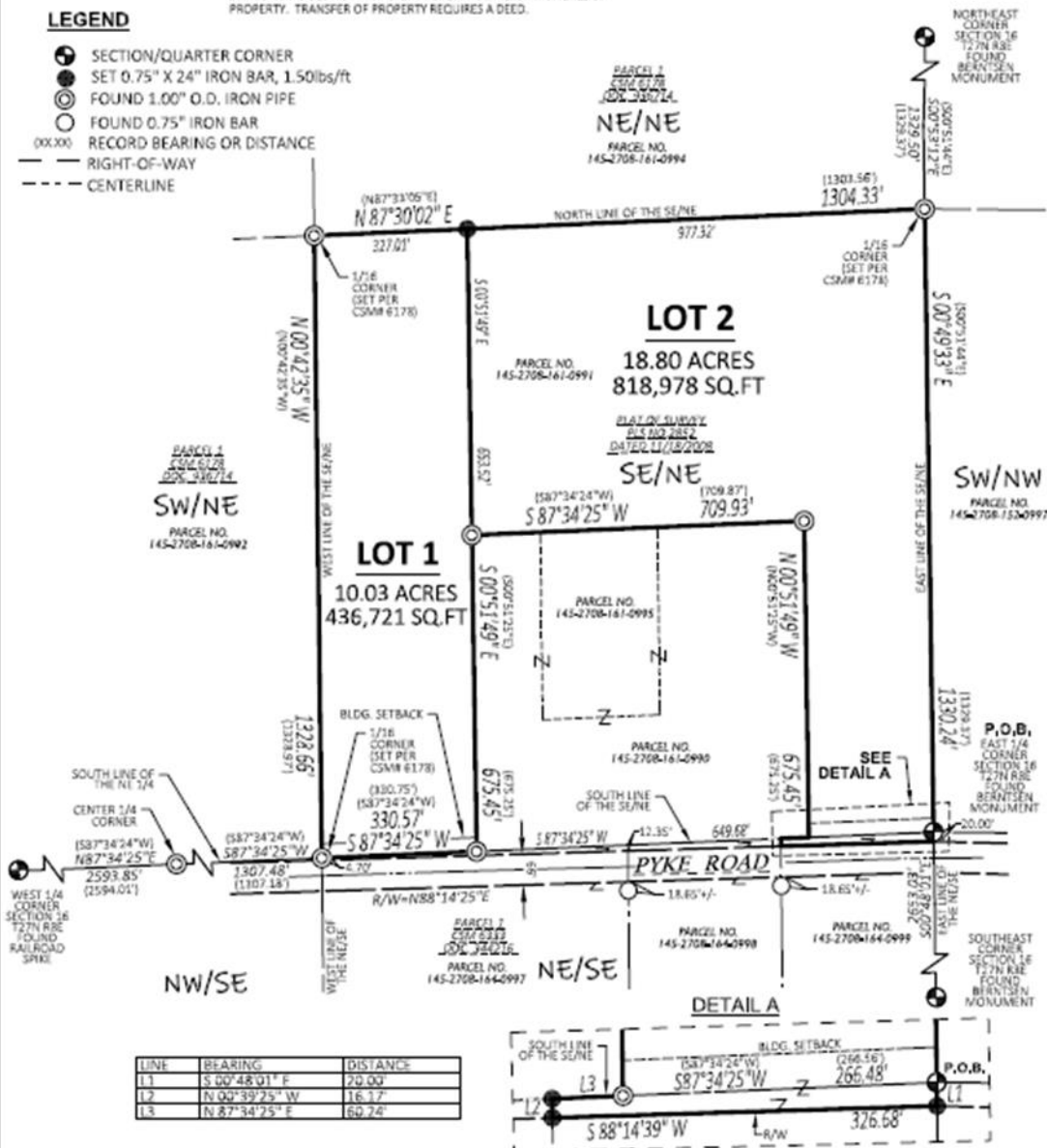
1. LOT 1 & 2 ARE PART OF PARENT TAX PARCEL NO. 145-2708-161-099
2. FOR ADDITIONAL STRUCTURE SETBACKS AND OTHER PERTINENT BUILDING INFORMATION, SEE CHAPTER 460 & CHAPTER 520 OF THE VILLAGE OF KRONENWETTER ORDINANCES OR CONTACT THE VILLAGE OF KRONENWETTER PLANNING & ZONING OFFICE.
3. RIGHT OF WAY FOR PYKE ROAD WAS ESTABLISHED USING FOUND IRONS ALONG RIGHT OF WAY TO THE EAST AND WEST OF PROPERTY. THESE FOUND IRONS AGREE WITH LOCATION OF SURVEYED ROADWAY, DITCHES AND UTILITIES AND 66' IN WIDTH.
4. ANY NEW DRIVEWAYS OR ACCESS POINTS TO LOTS 1 OR 2 WILL NEED TO BE APPROVED BY THE VILLAGE OF KRONENWETTER PRIOR TO INSTALLATION.
5. THIS MAP DOES NOT TRANSFER PROPERTY OWNERSHIP OR SALE OF PROPERTY. TRANSFER OF PROPERTY REQUIRES A DEED.

DRAFT

RESERVED FOR RECORDING DATA

LEGEND

- SECTION/QUARTER CORNER
- SET 0.75" X 24" IRON BAR, 1.50lbs/ft
- FOUND 1.00" O.D. IRON PIPE
- FOUND 0.75" IRON BAR
- RECORD BEARING OR DISTANCE
- RIGHT-OF-WAY
- CENTERLINE



PREPARED BY:
RUTZEN SURVEY SERVICES
4345 PINE ROAD
JUNCTION CITY, WI 54602
PROJECT: WADINSKI CSM
FIELD SURVEY: 6/26/2024
DRAWN BY: JDM
DATE: 7/19/2024

SCALE: 1"=300'

OWNER: PARCEL NO. 145-2708-161-0991
MICHAEL & ANNE MAAS
3388 PYKE ROAD
KRONENWETTER, WI 54601

CLIENT: PARCEL NO. 145-2708-161-0990
TERRANCE WADINSKI
3293 PYKE ROAD



RUTZEN
SURVEY SERVICES
LAND SURVEYING - MAPPING - CONSULTING
WWW.RUTZENSURVEY.COM 715-881-0735

MARATHON COUNTY CERTIFIED SURVEY MAP NO. _____

**BEING PART OF SE 1/4 OF THE NE 1/4 AND NE 1/4 OF THE SE 1/4, ALL IN SECTION 16,
TOWNSHIP 27 NORTH, RANGE 8 EAST, VILLAGE OF KRONENWETTER,
MARATHON COUNTY, WISCONSIN.**

SURVEYOR'S CERTIFICATE

I, TIMOTHY G. RUTZEN, JR., WISCONSIN PROFESSIONAL LAND SURVEYOR S-2994, HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF:

THAT I HAVE SURVEYED, DIVIDED AND MAPPED THIS PLAT, BEING PART OF SE 1/4 OF THE NE 1/4 AND NE 1/4 OF THE SE 1/4, ALL IN SECTION 16, TOWNSHIP 27 NORTH, RANGE 8 EAST, VILLAGE OF KRONENWETTER, MARATHON COUNTY, WISCONSIN.

THAT I HAVE MADE SUCH SURVEY AND PLAT AT THE DIRECTION OF TERRANCE WADINSKI AND THAT SAID PARCEL CONTAINS 1,261,606 SQ. FT. OR 28.96 ACRES MORE OR LESS AND IS FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SECTION 16, TOWNSHIP 27 NORTH, RANGE 8 EAST, SAID POINT ALSO BEING THE **POINT OF BEGINNING**.

THENCE S00°48'01"E ALONG THE EAST LINE OF THE NE/SE OF SECTION 16, A DISTANCE OF 20.00 FEET TO THE NORTH RIGHT OF WAY OF PYKE ROAD;

THENCE S88°14'39"W ALONG THE NORTH RIGHT OF WAY OF PYKE ROAD, A DISTANCE OF 326.63 FEET;

THENCE N00°39'25"W, A DISTANCE OF 16.17 FEET TO THE SOUTH LINE OF THE SE/NE OF SECTION 16;

THENCE N87°34'25"E ALONG THE SOUTH LINE OF THE SE/NE OF SECTION 16, A DISTANCE OF 60.24 FEET;

THENCE N00°51'49"W, A DISTANCE OF 675.45 FEET;

THENCE S87°34'25"W, A DISTANCE OF 709.93 FEET;

THENCE S00°51'49"E, A DISTANCE OF 675.45 FEET TO THE SOUTH LINE OF THE SE/NE OF SECTION 16;

THENCE S87°34'25"W ALONG THE SOUTH LINE OF THE SE/NE OF SECTION 16, A DISTANCE OF 330.57 FEET TO THE SOUTHWEST CORNER OF THE SE/NE OF SECTION 16;

THENCE N00°42'35"W ALONG THE WEST LINE OF THE SE/NE OF SECTION 16, A DISTANCE OF 1328.66 FEET TO THE NORTHWEST CORNER OF THE SE/NE OF SECTION 16;

THENCE N87°30'02"E ALONG THE NORTH LINE OF THE SE/NE OF SECTION 16, A DISTANCE OF 1304.33 FEET TO THE NORTHEAST CORNER OF THE SE/NE OF SECTION 16;

THENCE S00°49'33"E ALONG THE EAST LINE OF THE SE/NE OF SECTION 16, A DISTANCE OF 1330.24 FEET TO THE EAST 1/4 CORNER OF SECTION 16 AND THE **POINT OF BEGINNING**.

THAT SAID PARCEL IS SUBJECT TO ANY RESTRICTIONS, RIGHT-OF-WAYS, EASEMENTS AND RESERVATIONS OF RECORD.

THAT SAID MAP IS A TRUE AND CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF 236.34 OF THE WISCONSIN STATUTES, CHAPTER 460 & 520 OF THE VILLAGE OF KRONENWETTER ORDINANCE AND A-E 7 MINIMUM STANDARDS FOR PROPERTY SURVEYS OF THE WISCONSIN ADMINISTRATIVE CODE IN SURVEYING AND MAPPING TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS _____ DAY OF _____, 2024

TIMOTHY G. RUTZEN JR.
WI PROFESSIONAL LAND SURVEYOR S-2994

VILLAGE OF KRONENWETTER APPROVAL

STATE OF WISCONSIN - VILLAGE OF KRONENWETTER

APPROVED IN ACCORDANCE WITH THE VILLAGE OF KRONENWETTER LAND
DIVISION & ZONING ORDINANCE THIS _____ DAY OF _____, 2024
VILLAGE OF KRONENWETTER PLANNING & ZONING DEPARTMENT

PLAT REVIEW OFFICER

PREPARED BY:
RUTZEN SURVEY SERVICES
4240 PINE AVE
JUNCTION CITY, WI 54643
PROJECT: WADINSKI CSM
FIELD SURVEY: 6/18/2024
DRAWN BY: TGR
DATE: 7/23/2024

OWNER: PARCEL NO. 143-2706-161-0991
MICHAEL & ANNE MAAS
3548 PYKE ROAD
KRONENWETTER, WI 54655

CLIENT: PARCEL NO. 143-2706-164-0990
TERRANCE WADINSKI
3293 PYKE ROAD
KRONENWETTER, WI 54655



RUTZEN
SURVEY SERVICES LLC
LAND SURVEYING - MAPPING - CONSULTING
WWW.RUTZENSURVEY.COM 715-891-0735