

**PARCEL IDENTIFICATION NUMBERS 145-2707-152-0975 AND 145-2707-161-0979. (PROHASKA)
ZONING CHANGE REQUEST**

STAFF REPORT FOR PLANNING COMMISSION

**PUBLIC HEARINGS/
MEETINGS:**

Plan Commission Public Hearing: 6:00 p.m. April 29, 2024

APPLICANT:

Dean Prohaska
P.O. Box 557
Schofield, WI 54476

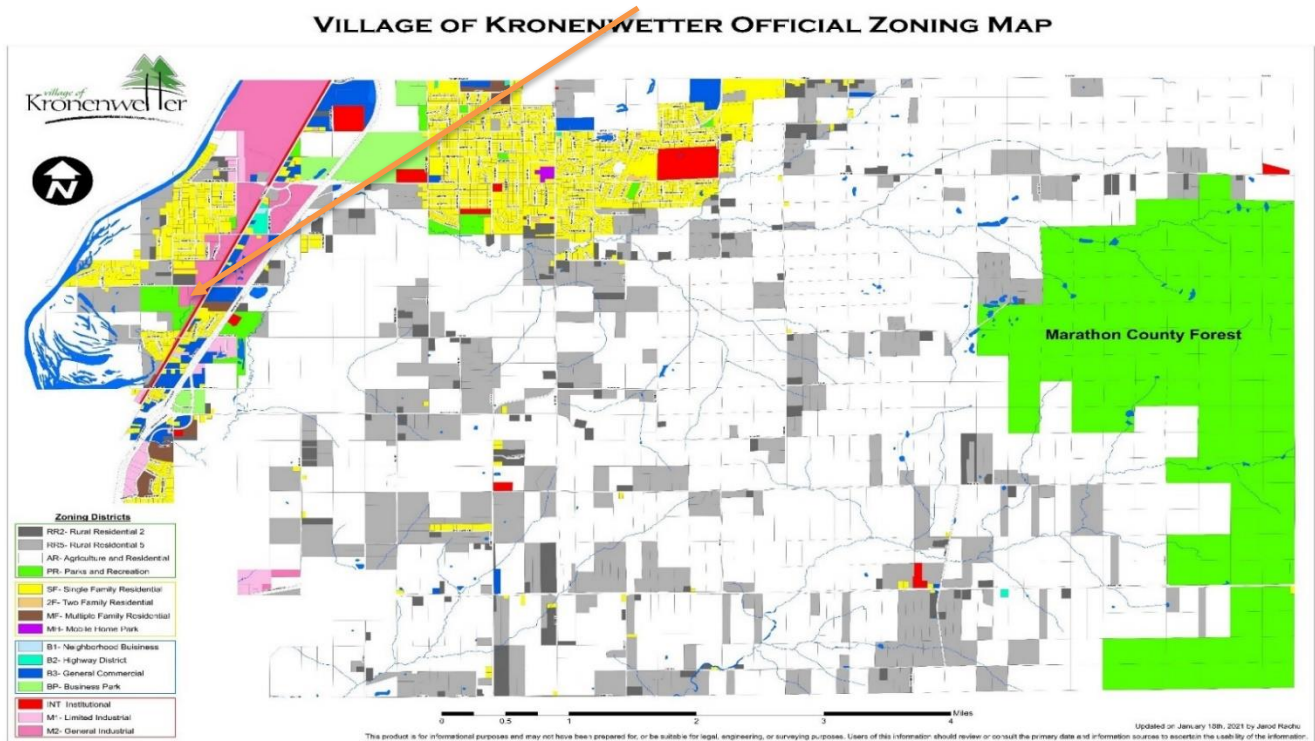
OWNER:

Dean Prohaska
P.O. Box 557
Schofield, WI 54476

Prepared By:

Riverside Land Surveying
5310 Willow Street
Weston, WI 54476

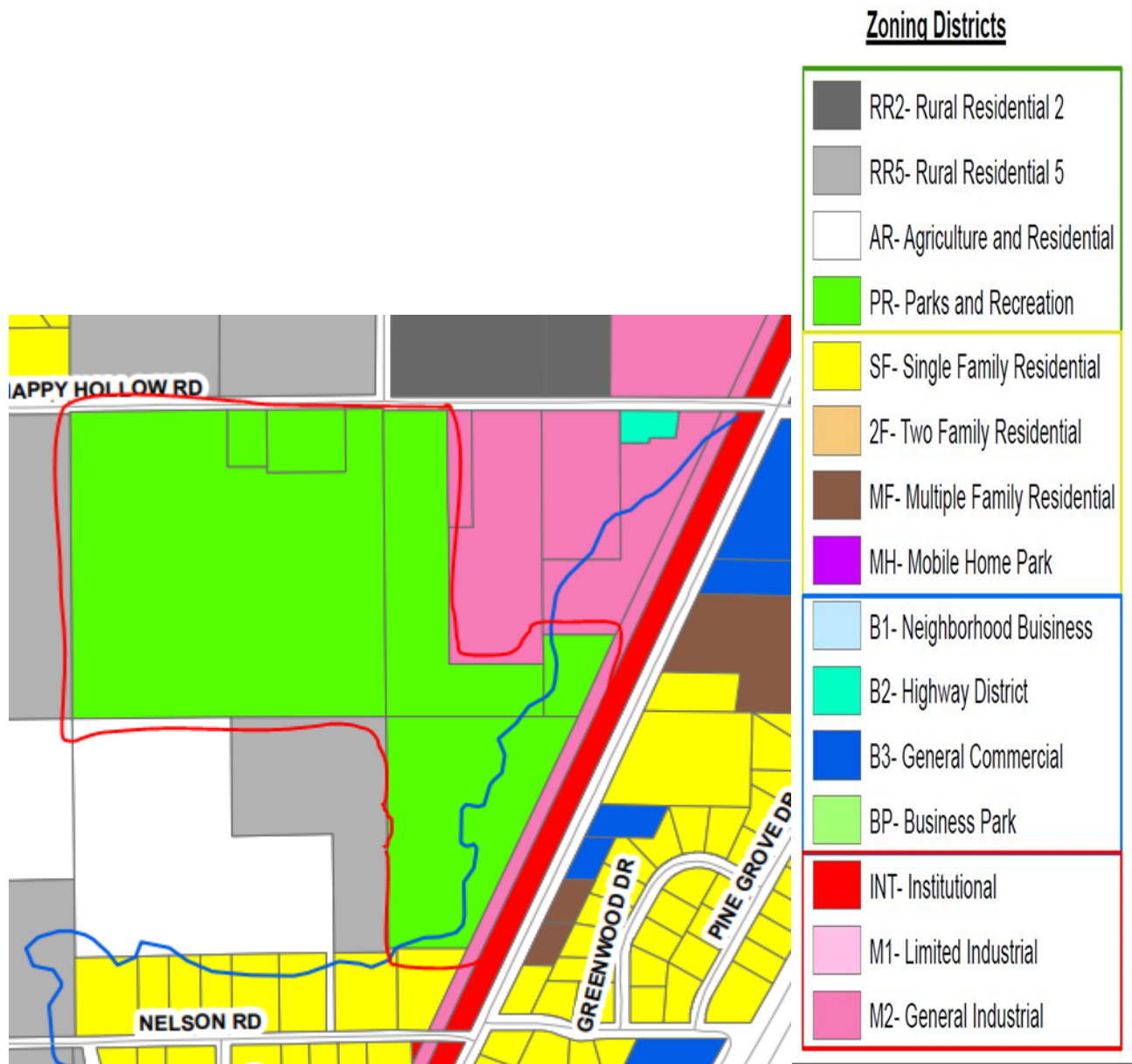
LOCATION OF REQUEST: Happy Hollow Road, Kronenwetter, WI 54455, (See Map 1)



Map 1: Location Map

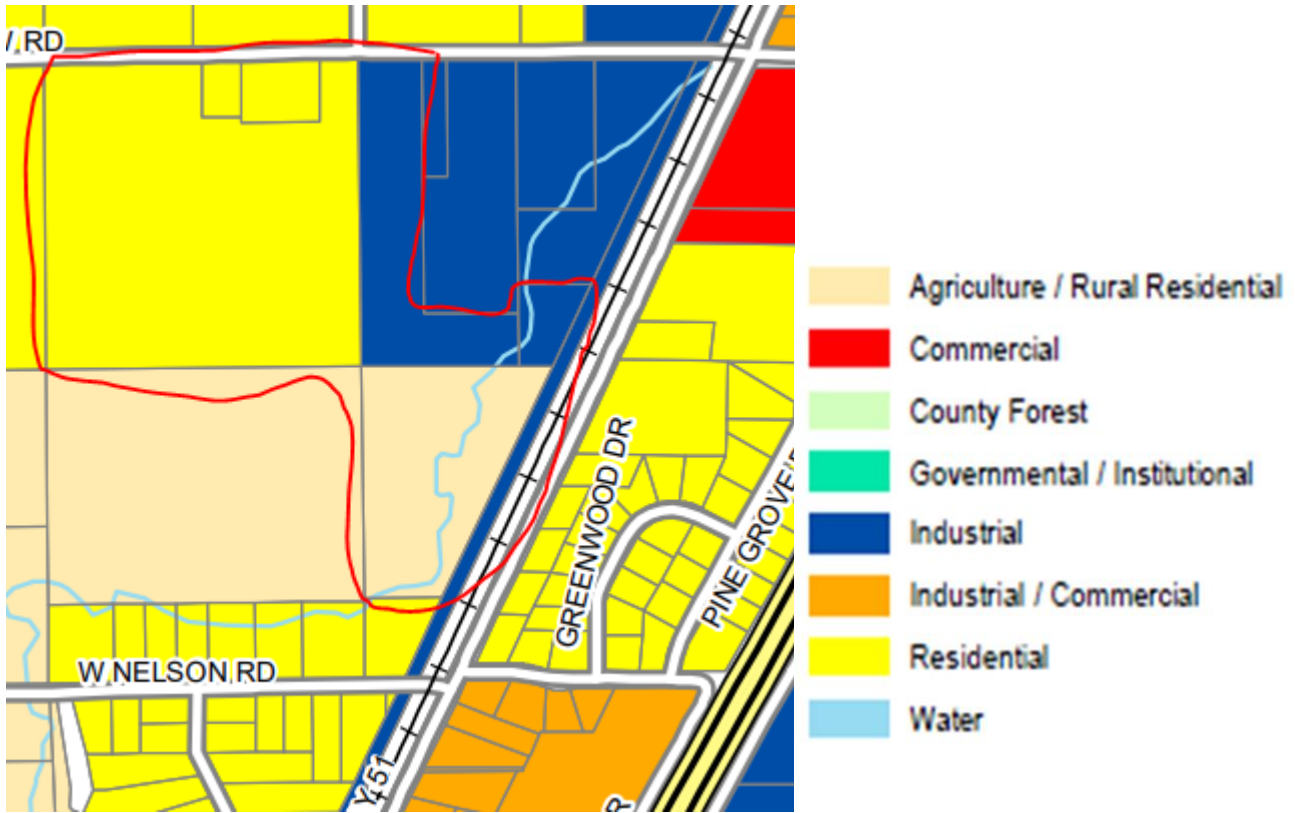
Parcel #(s) 145-2707-152-0975 and 145-2707-161-0979. (Prohaska, Happy Hollow)

(Source Data: Marathon Co. GIS)



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

Parcel #(s) 145-2707-152-0975 and 145-2707-161-0979. (Prohaska, Happy Hollow)

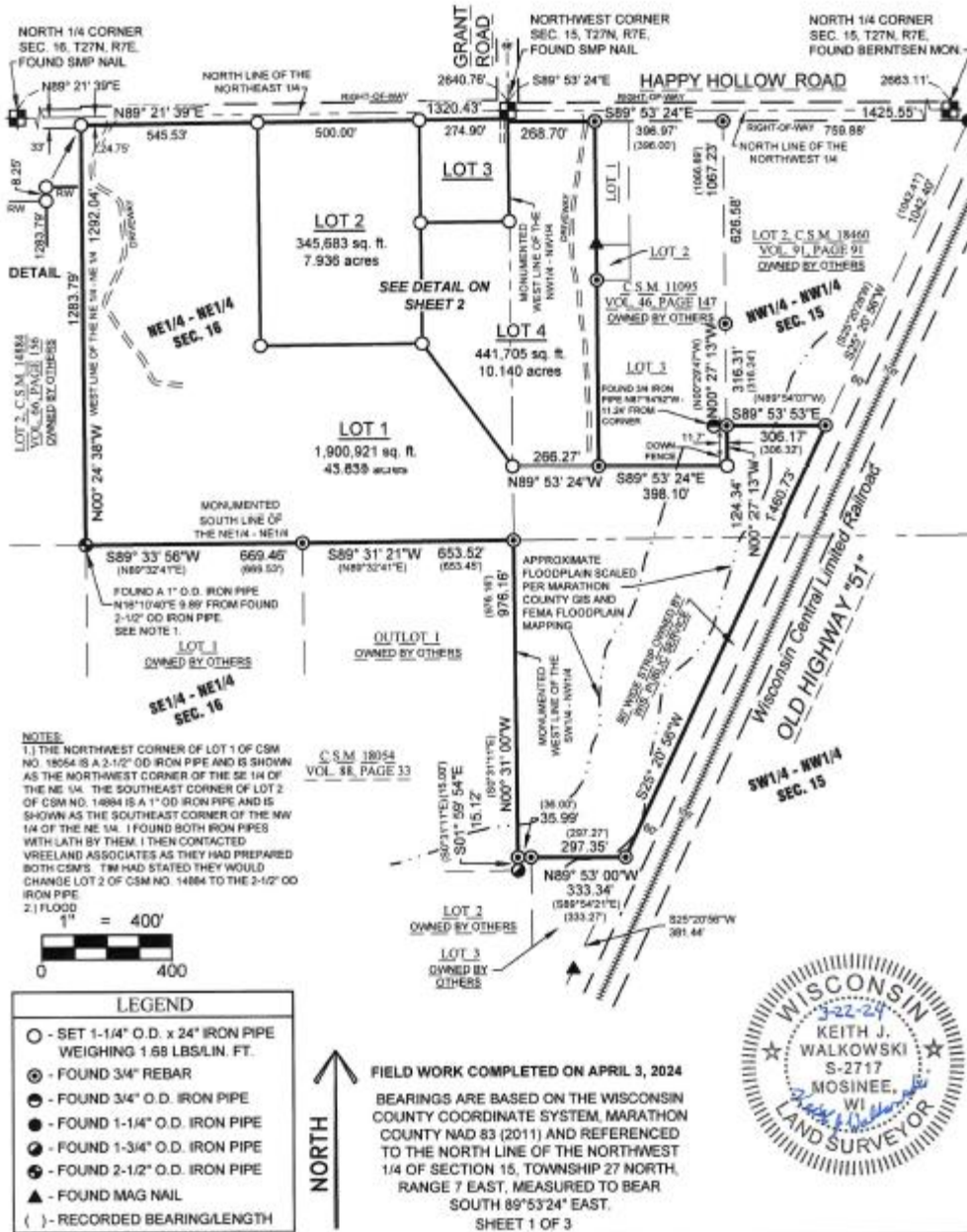


Map 3: Future Land Use Map (Source Data: Village of Kronenwetter)

Parcel #(s) 145-2707-152-0975 and 145-2707-161-0979. (Prohaska, Happy Hollow)

MARATHON COUNTY CERTIFIED SURVEY MAP NO.

Of part of the Northwest 1/4 of the Northwest 1/4, part of the Southwest 1/4 of the Northwest 1/4 of Section 15 and part of the Northeast 1/4 of the Northeast 1/4 of Section 16, Township 27 North, Range 7 East, Village of Kronerwetter, Marathon County, Wisconsin.



RIVERSIDE LAND SURVEYING LLC
 5310 WILLOW STREET, WESTON, WI 54476 PH 715-241-7990 - FAX 715-355-4894
 email - mail@riversidelandsurveying.com

DRAWN BY M.F.L.	DATE MARCH 22, 2024
CHECKED BY K.J.W.	PROJECT NO. 4306
PREPARED FOR: DEAN PROHASKA	

Parcel #(s) 145-2707-152-0975 and 145-2707-161-0979. (Prohaska, Happy Hollow)

MARATHON CO. CERTIFIED SURVEY MAP NO. _____

Of part of the Northwest 1/4 of the Northwest 1/4, part of the Southwest 1/4 of the Northwest 1/4 of Section 15 and part of the Northeast 1/4 of the Northeast 1/4 of Section 16, Township 27 North, Range 7 East, Village of Kronenwetter, Marathon County, Wisconsin.

I, Keith J. Walkowski, Professional Land Surveyor S-2717, hereby certify to the best of my knowledge and belief: That I have surveyed, mapped and divided part of the Northwest 1/4 of the Northwest 1/4, part of the Southwest 1/4 of the Northwest 1/4 of Section 15 and part of the Northeast 1/4 of the Northeast 1/4 of Section 16, Township 27 North, Range 7 East, Village of Kronenwetter, Marathon County, Wisconsin, described as follows:

Commencing at the Northwest corner of said Section 15; Thence South 00°31'26" East along the monumented West line of said Northwest 1/4, 24.75 feet to the South right-of-way line of Happy Hollow Road and the point of beginning; Thence continuing South 00°31'26" East along said South right-of-way line, 8.25 feet; Thence South 89°53'24" East along said South right-of-way line, 268.70 feet to the West line of Lot 1 of Certified Survey Map Number 11095 recorded in Volume 46 of Certified Survey Maps on Page 147; Thence South 00°32'22" East along said West line, 381.02 feet to the West line of Lot 2 of said Certified Survey Map Number 11095; Thence South 00°18'51" East along said West line, 110.00 feet to the West line of Lot 3 of said Certified Survey Map Number 11095; Thence South 00°18'43" East along said West line, 576.21 feet to the South line of said Lot 3; Thence South 89°53'24" East along said South line, 398.10 feet to the East line of said Lot 3; Thence North 00°27'13" West along said East line, 124.34 feet to the South line of Lot 2 of Certified Survey Map Number 18460 recorded in Volume 91 of Certified Survey Maps on Page 91; Thence South 89°53'53" East along said South line, 306.17 feet to the West line of a 60 foot wide strip of land owned by Wisconsin Public Service; Thence South 25°20'56" West along said West line, 1460.73 feet to the North line of Lot 3 of Certified Survey Map Number 18054 recorded in Volume 88 of Certified Survey Maps on Page 33; Thence North 89°53'00" West along said North line and the North line of Lot 2 of Certified Survey Map Number 18054, 333.34 feet to the East line of Outlot 1 of said Certified Survey Map Number 18054; Thence North 00°31'00" West along said East line, 976.16 feet to the North line of said Outlot 1; Thence South 89°31'21" West along said North line, 653.52 feet to the North line of Lot 1 of said Certified Survey Map Number 18054; Thence South 89°33'56" West along said North line, 669.46 feet to the West line of said Northeast 1/4 of the Northeast 1/4; Thence North 00°24'38" West along said West line, 1292.04 feet to said South right-of-way line of Happy Hollow Road; Thence North 89°21'39" East along said South right-of-way line, 1320.43 feet to the point of beginning

That the above described parcel of land contains 2,775,429 square feet or 63.715 acres, more or less;

That said parcel is subject to all easements, restrictions and right-of-ways of record;

That I have made this survey, division and map thereof at the direction of Dean Prohaska, Owner of said parcel;

That I have fully complied with the provisions of Section 236.34 of the Wisconsin Statutes, Chapter A-E7 of the Wisconsin Administrative Code and the subdivision regulations of the Village of Kronenwetter in Surveying, Mapping and Dividing the same.

That said map is a correct and accurate representation of the exterior boundaries of said parcel and the division thereof.

Dated this 22ND day of MARCH, 2024

Keith J. Walkowski
Riverside Land Surveying LLC
Keith J. Walkowski
P.L.S. No. 2717



VILLAGE OF KRONENWETTER:

I, the Zoning Administrator for the Village of Kronenwetter hereby certify, pursuant to the Village of Kronenwetter Subdivision Ordinance that the Plan Commission approved this survey map on:

This _____ day of _____, 20__

Community Development/Zoning Administrator

Date Signed

SHEET 3 OF 3

 RIVERSIDE LAND SURVEYING LLC 5310 WILLOW STREET, WESTON, WI 54476 PH 715-241-7509 - FAX 715-355-6894 email - mail@riversidelandsurveying.com	DRAWN BY M.F.L.	DATE MARCH 22, 2024
	CHECKED BY K.J.W.	PROJECT NO. 4306
	PREPARED FOR: DEAN PROHASKA	

Legal Description of Property:

**Legal Description for Rezone from PR, Parks & Recreation to
RR-2, Rural Residential-2**

Of part of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, part of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 15 and part of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 16, Township 27 North, Range 7 East, Village of Kronenwetter, Marathon County, Wisconsin described as follows:

Commencing at the Northwest corner of said Section 15; Thence South $00^{\circ}31'26''$ East along the West line of said Northwest $\frac{1}{4}$, 24.75 feet to the point of beginning; Thence continuing South $00^{\circ}31'26''$ East along said West line, 8.25 feet to the South right-of-way line of Happy Hollow Road; Thence South $89^{\circ}53'24''$ East along said South right-of-way line, 268.70 feet to the West line of Lot 1 of Certified Survey Map Number 11095 recorded in Volume 46 of Certified Survey Maps on Page 147; Thence South $00^{\circ}32'22''$ East along said West line, 381.02 feet to the West line of Lot 2 of said Certified Survey Map Number 11095; Thence South $00^{\circ}18'51''$ East along said West line, 110.00 feet to the West line of Lot 3 of said Certified Survey Map Number 11095; Thence South $00^{\circ}18'43''$ East along said West line, 576.21 feet to the South line of said Lot 3; Thence South $89^{\circ}53'24''$ East along said South line, 398.10 feet to the East line of said Lot 3; Thence North $00^{\circ}27'13''$ West along said East line, 124.34 feet to the South line of Lot 2 of Certified Survey Map Number 18460 recorded in Volume 91 of Certified Survey Maps on Page 91; Thence South $89^{\circ}53'53''$ East along said South line, 306.17 feet to the West line of a 60 foot wide strip of land owned by Wisconsin Public Service; Thence South $25^{\circ}20'56''$ West along said West line, 1460.73 feet to the North line of Lot 3 of Certified Survey Map Number 18054 recorded in Volume 88 of Certified Survey Maps on Page 33; Thence North $89^{\circ}53'00''$ West along said North line and the North line of Lot 2 of Certified Survey Map Number 18054, 333.34 feet to the East line of Outlot 1 of said Certified Survey Map Number 18054; Thence North $00^{\circ}31'00''$ West along said East line, 976.16 feet to the North line of said Outlot 1; Thence South $89^{\circ}31'21''$ West along said North line, 653.52 feet to the North line of Lot 1 of said Certified Survey Map Number 18054; Thence South $89^{\circ}33'56''$ West along said North line, 669.46 feet to the West line of said Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; Thence North $00^{\circ}24'38''$ West along said West line, 1292.04 feet to said South right-of-way line of Happy Hollow Road; Thence North $89^{\circ}21'39''$ East along said South right-of-way line, 1320.43 feet to the point of beginning

That the above described parcel of land contains 2,775,429 square feet or 63.715 acres, more or less;

Current Zoning:

PR – Parks and Recreation (see Map 2)

**COMPREHENSIVE PLAN
FUTURE LAND USE:**

Residential, Agricultural/Rural Residential and Industrial (See Map 3)

LEGAL NOTIFICATION:

A legal advertisement was published in the Wausau Daily Herald on Monday, April 15, 2024, and Monday, April 22 2024. Notice of the zoning change request was sent by regular mail to adjacent property owners within 500 feet of the subject property on April 12, 2024.



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

Parcel #(s) 145-2707-152-0975 and 145-2707-161-0979. (Prohaska, Happy Hollow)

INTRODUCTION: 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 (2.00 acres) requirements for RR-2 Rural Residential 2 Zoning.

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.

**VILLAGE OF KRONENWETTER PLANNING COMMISSION
MARCH 18, 2024**

**PARCEL # 145-2708-051-0983 (GRONSKI)
CSM & ZONING CHANGE REQUEST**

RECOMMENDED MOTION: The Planning Commission has two options:

1. Denial of the proposed Zoning Change Request and CSM.
2. Approve the rezone and CSM with conditions.

§ 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.

§ 270-8. - Performance standards for construction sites of one acre or more.

B. Plan. A written plan shall be developed in accordance with section 270-10 and implemented for each construction site. The plan shall be prepared by a professional engineer or hydrologist. (NOTE: The written plan may be that specified within Wis. Adm. Code § NR 216.46, the erosion control portion of a construction plan or other plan.)

§ 270-9. - Permitting requirements, procedures and fees.

C. Review and approval of permit application. The director of public works or his/her designee shall review any permit application that is submitted with an erosion and sediment control plan and the required fee. The following approval procedure shall be used:

- (1) Within 30 business days of the receipt of a complete permit application, as required by subsection B, the director of public works or his/her designee shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this article.

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 Residential and Agricultural/Rural Residential, there are existing AR (Agricultural Residential), RR-5 (Rural Residential 5) and RR-2 (Rural Residential 2) parcels in this area. The rezoning of these parcels to RR-2 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 Residential and Agricultural/Rural Residential on the Village's Future Land Use Map. By rezoning this property, the property would maintain a residential use that would be consistent with the surrounding area. 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), RR-5 (Rural Residential 5), RR-2 (Rural Residential 2) and SF (Single Family Residential) zoned 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.