

**1320 KOWALSKI ROAD, KRONENWETTER, WI 54455
ZONING CHANGE REQUEST**

STAFF REPORT FOR PLANNING COMMISSION

**PUBLIC HEARINGS/
MEETINGS:**

Plan Commission Public Hearing: 6:00 p.m. October 21, 2024
Plan Commission: 6:00 p.m. November 18, 2024
Village Board Meeting: 6:00p.m. November 25, 2024

APPLICANT:

Eau Claire River, LLC
7306 Zinser St.,
Weston, WI 54476

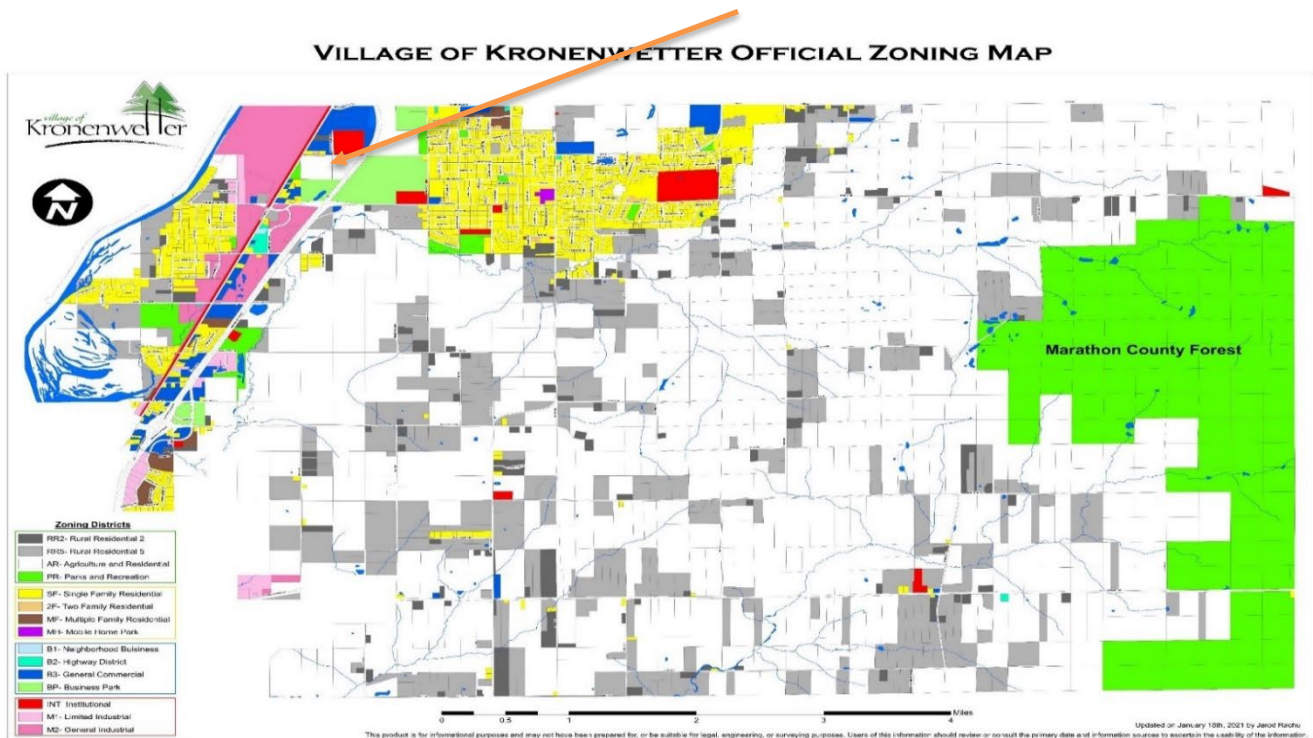
OWNER:

Eau Claire River, LLC
7306 Zinser St.,
Weston, WI 54476

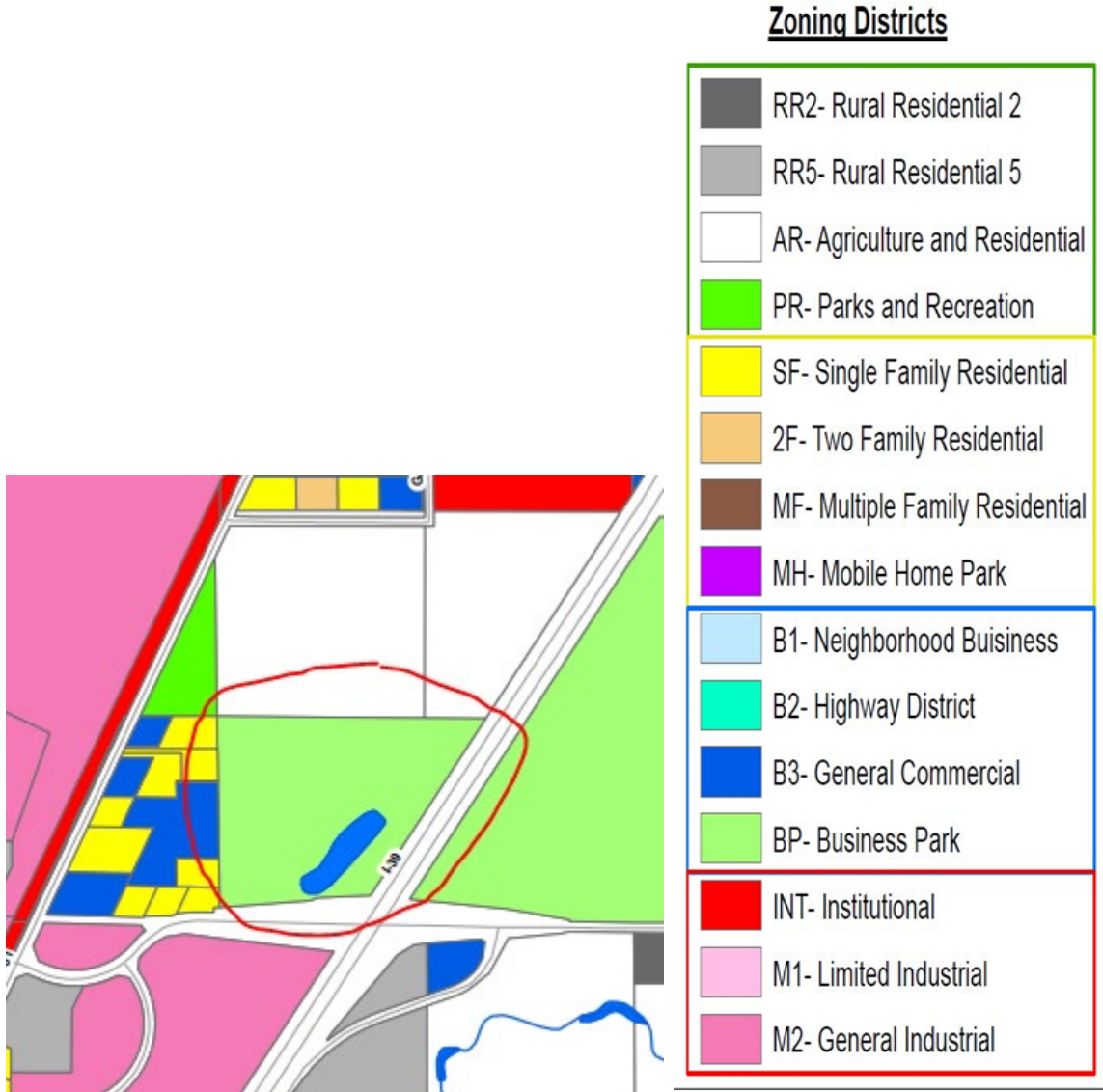
Prepared By:

REI Engineering, Inc.
4080 N. 20th Ave.,
Wausau, WI 54401

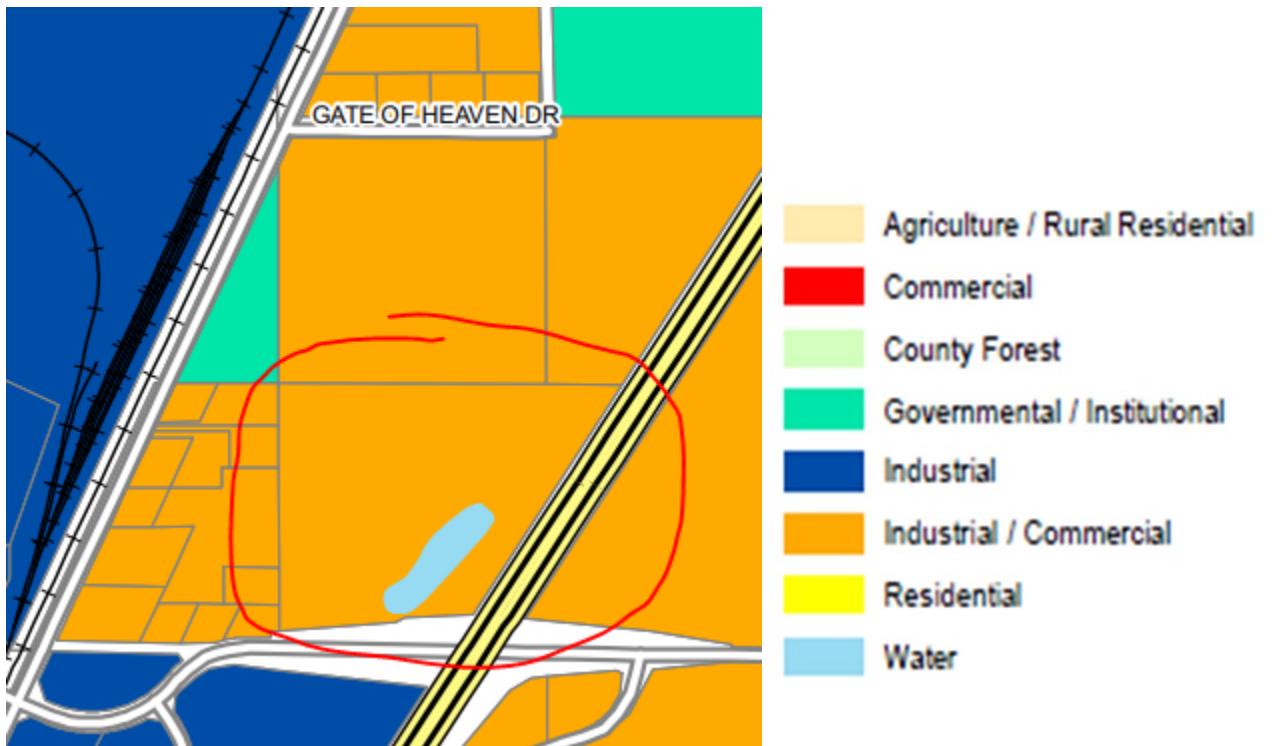
LOCATION OF REQUEST: 1320 KOWALSKI ROAD, KRONENWETTER, WI 54455



Map 1: Location Map
 (Source Data: Marathon Co. GIS)



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



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

Future Land Use Plan

Industrial/Commercial: Area designated for concentrated development in an industrial park (heavy) or business park (light / office) setting.

Industrial: Light and heavy industrial development. Industrial facilities, manufacturing operations, and contractor shops at which all operations are conducted entirely within an enclosed building, with the exception of fully screened outdoor storage and loading operations. Light industrial facilities are those which are not associated with nuisances such as odor, noise, heat, vibration, and radiation detectable at the property line and which do not pose a significant safety hazard such as danger of explosion. A "Light Industrial" land use may conduct retail sales activity as an accessory use. A "Heavy Industrial" use may include activity conducted partially or wholly outside of an enclosed building and may be associated with nuisance conditions.

Commercial: Lower impact commercial uses such as retail stores, taverns, restaurants, business offices, motels/hotels, offices, telephone/gas company, gas stations.



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

Legal Description of Property: SEC 02-27-07 PT OF S 1/2 SW 1/4 THAT PT LYG WLY OF HWY '51' & D/I CSM VOL 10 PG 182 (#2709) (DOC #772685) EX DOC 1488725-(RD)

Current Zoning: BP – Business Park (see Map 2)

COMPREHENSIVE PLAN FUTURE LAND USE: Industrial/Commercial (See Map 3)

LEGAL NOTIFICATION: A legal advertisement was published in the Wausau Daily Herald on October 4, 2024, and October 11, 2024. Notice of the zoning change request was sent by regular mail to adjacent property owners within 500 feet of the subject property on October 3, 2024.

INTRODUCTION: Rezone Request of a 35.58-acre parcel from BP - Business Park to M2 – General Industrial. Eau Claire River, LLC 7306 Zinser St., Weston, WI 54476 requests a zoning change of 35.58 acres from BP - Business Park to M2 – General Industrial, located at 1320 Kowalski Road, Kronenwetter, WI 54455. The subject property was used for non-metallic mining in the past as witnessed by the large pond located on the east boundary. If the rezone is approved, the proposed use would be non-metallic mining. The material taken from the site will

be used to construct infrastructure for multi-family development on the property, provide material to American Asphalt and add excess storage capacity to the flood storage district. The proposed rezone is consistent with the comprehensive plan and is consistent with current zoning districts in the area. The rezone complies with the intent of this chapter.

RECOMMENDED MOTION: Motion to recommend the Village Board approve the Zoning Change Request of Eau Claire River, LLC from BP - Business Park to M2 – General Industrial.

§ 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. The property is designated on the Future Land Use Map as Industrial/Commercial. The rezone of this parcel to M2- General Industrial would keep the property consistent with the surrounding Industrial and Commercial zoned property. This is consistent with the Comprehensive Plan Goal to guide development to areas already established and well positioned for business.
- 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. There are numerous large parcels directly south of this property zoned M2-General Industrial. By rezoning this property, the property would maintain industrial zoning that would be consistent with the surrounding area. This satisfies the Zoning Ordinance purpose of preserving and enhancing the community appearance. The rezone furthers the purpose of this Chapter and the Comprehensive Plan by making more land available for Industrial Development.
3. *Does rezoning address any of the following that is not properly addressed on the current Official Zoning Map?*
- a. *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.*
 - b. *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.*
 - c. *Growth patterns or rates have changed, thereby creating the need for a rezoning.*
- Yes in regards to b. The floodplain maps were recently updated. The property is now located within a flood storage district. Flood Storage District language was recently added to the Village's Floodplain Ordinance. An area of the property contiguous to lands lying outside the floodplain can be filled to the flood protection elevation if an equal volume of flood storage is created. The future proposed use of a non-metallic mine will add considerable excess storage capacity to the flood storage district.
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. The proposed rezone will be consistent with parcels located directly south. By rezoning this property, the property would maintain conformity with the surrounding area. The property would maintain industrial land uses. The parcel will meet the minimum requirements for land uses within the industrial zoning district. The parcel is well suited for future industrial development.
5. *Does the rezoning meet the minimum requirements for frontage or parcel size? A lot, lots, or parcel of land shall not qualify for a zoning map amendment unless it possesses 200 feet of frontage or contains 25,000 square feet of area, or adjoins a lot, lots, or parcel of land which bears the same zoning district classification as the proposed zoning map amendment.*
- Yes. The parcel meets 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?*
- If the rezone is approved, the applicant's proposed use is non-metallic mining. The applicant is requesting full access to the property through a large break in the existing Kowalski Road median. In addition, they are requesting the Village attain an easement to allow sanitary sewer and water service to the subject parcel from the existing service lines located adjacent to the west property boundary.

