

PLAN COMMISSION MEETING AGENDA

April 21, 2025 at 6:00 PM

Kronenwetter Municipal Center - 1582 Kronenwetter Drive Board Room (Lower Level)

All Agenda Items Listed Are for Discussion and Possible Action

1. CALL MEETING TO ORDER

- A. Pledge of Allegiance
- B. Roll Call

2. ANNOUNCEMENT OF PUBLIC HEARING

- C. Proposed Changes to § 520-121 Conditional Use Permits.
 TEXT AMENDMENT OF CHAPTER 520 OF THE GENERAL CODE OF ORDINANCES
 An Ordinance amending Chapter 520, entitled "Zoning," of the General Code of Ordinances. The
 Village of Kronenwetter is proposing an amendment to subsection 520-121, entitled "Conditional Use
 Permits." These amendments are being proposed to update existing code relating to appeals and to
 comply with State Statutes. A copy of the draft ordinance can be viewed at the Municipal Center.
- Proposed Changes to § 520-124 Site Plan Procedures.
 TEXT AMENDMENT OF CHAPTER 520 OF THE GENERAL CODE OF ORDINANCES
 An Ordinance amending Chapter 520, entitled "Zoning," of the General Code of Ordinances. The Village of Kronenwetter is proposing an amendment to subsection 520- 124, entitled "Site plan procedures." These amendments are being proposed to update existing code relating to appeals and to comply with State Statutes. A copy of the draft ordinance can be viewed at the Municipal Center.

3. CLOSED PUBLIC HEARING

4. PUBLIC COMMENT

Please be advised per State Statute Section 19.84(2), information will be received from the public. It is the policy of this Village that Public Comment will take no longer than 15 minutes with a three-minute time period, per person, with time extension per the Chief Presiding Officer's discretion. Be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments.

5. REPORTS AND DISCUSSIONS

E. Community Development/Planning and Zoning Director Report

6. **NEW BUSINESS**

- **F.** Proposed Changes to § 520-121 Conditional Use Permits
- **G.** Proposed Changes to § 520-124 Site Plan Procedures
- 7. NEXT MEETING: MAY 19, 2025
- 8. CONSIDERATION OF ITEMS FOR FUTURE AGENDA
- 9. ADJOURNMENT

NOTE: Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made at least 24 hours in advance to the Village Clerk's office at (715) 693-4200 during business hours.

Posted: 04/17/2025 Kronenwetter Municipal Center and <u>www.kronenwetter.org</u>

Faxed: WAOW, WSAU, City Pages, Mosinee Times | Emailed: Wausau Daily Herald, WSAW, WAOW, Mosinee

Times, Wausau Pilot and Review, City Pages



Report to Planning Commission

Agenda Item: Proposed changes to § 520-121. - Conditional use permits.

Meeting Date: April 21, 2025 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: Proposed changes to § 520-121 - Conditional use permits.

OBJECTIVE(S): Hold a public Hearing to consider proposed changes to § 520-121. – Conditional use permits.

HISTORY/BACKGROUND: On 10/21/2024 the Plan Commission discussed various aspects of §520-121 - Conditional use permits. Staff provided background information regarding the Conditional Use Process, Review Criteria, Conditions of Approval, 2017 ACT 67, Renewals, Transfers and Appeals and Possible Changes to Existing Language. Staff was given direction and asked to place this item on the 11/18/2024 PC Meeting Agenda.

On 11/18/2024, the Plan Commission reviewed draft language, suggested some changes and directed staff to research further.

On 2/17/2025, the Plan Commission reviewed and discussed draft language and possible changes addressing those aspects mentioned above. Staff was directed to make changes as discussed and to present revised language at the next Plan Commission Meeting.

On 3/17/2025, staff presented the most recent proposed changes. As a result, the Plan Commission directed staff to hold a public hearing on April 21, 2025, to gather public input related to these changes.

RECOMMENDED ACTION: To consider public comments related to the proposed language and direct staff to forward an Ordinance Amendment to the Village Board for approval.

ATTACHMENTS: Proposed language, 520-121- Conditional use permits, 4/21/2025 Public Hearing.

Proposed Changes 4/21/2025 Public Hearing

§ 520-121 Conditional use permits.

- A. Initiation of conditional use permit. Any person, firm, corporation, or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest that may become a freehold interest or an exclusive possessory interest, and that is specifically enforceable on the land for which a conditional use is sought, may file an application to use such land for one or more of the conditional uses in the zoning district in which such land is located.
- B. Application for conditional use permit. No application for a conditional use permit shall be placed on any agenda as an item to be acted upon unless the Zoning Administrator has certified acceptance of a complete application. Prior to publication of the required notice of public hearing, the applicant shall provide the Zoning Administrator with the complete application certified by the Zoning Administrator, including an easily reproducible electronic copy plus hardcopies in a quantity directed by the Zoning Administrator. Said complete application shall be composed of all of the following:
 - A completed conditional use permit application form furnished by the Zoning Administrator.
 - (2) A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.
 - (3) A site plan of the subject property, with any alterations as may be proposed to accommodate the conditional use. If the conditional use will make use of existing site improvements only, a site plan need only be of sufficient detail to confirm the portion of the site used by the conditional use.
 - (4) Written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria set forth in this section.
 - (5) Any other plans and information deemed necessary by the Zoning Administrator or the Plan Commission to ensure that the intent of this chapter is fulfilled.

- (6) A fee as established by the Village Board and stated in the Village of Kronenwetter's fee schedule.
- C. Zoning Administrator review and recommendation.
 - (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this chapter. Only a complete application in the determination of the Zoning Administrator shall entitle a public hearing under Subsection D. The Zoning Administrator shall inform the applicant if the application is incomplete in his or her determination.
 - (2) Once the Zoning Administrator determines that the application is complete, the Zoning Administrator or designee shall authorize the public hearing and prepare a written evaluation of the application based on the criteria for evaluating conditional use permits in Subsection G below. The Zoning Administrator shall forward a copy of the evaluation to the Plan Commission.

D. Notice of public hearing.

- (1) Legal ad (per existing ordinances). The notice of the time, date, and location of the Planning Commission public hearing shall be published by the Village at least two times in a newspaper of general circulation in the Village of Kronenwetter. Publications shall occur 14 calendar days and seven calendar days prior to the date of the Planning Commission public hearing on a conditional use permit or a zoning change request. The notice of the time, date, and location of the Planning Commission public hearing shall be published by the Village at least one time in a newspaper of general circulation in the Village of Kronenwetter 10 calendar days prior to the date of the Planning Commission public hearing on an application for variance request. Upon receipt of a conditional use permit application, and following publication in the Village of a class 2 notice under Wis. Stat. ch. 985, the Village shall hold a public hearing on the application.
- (2) Public notice. Notice of the Plan Commission public hearing shall be sent by regular mail to the applicant, each landowner adjoining the subject property and each landowner within 500 feet of the subject property. Notice of the Planning Commission public hearing shall be sent at least 10 calendar days prior to the Planning Commission public hearing. The notice shall be prepared and mailed by the Village. The failure of any person required by this section to receive the notice shall

- not invalidate or otherwise have any effect upon a public meeting or public hearing or action taken on the application.
- (3) Local government notice. The Village shall send one copy of the application at least 10 calendar days prior to the Plan Commission public hearing to the adjoining local government for review and comment when the project affects another municipality, or the primary access to the affected property is through an adjoining municipality. The failure of any person required by this section to receive the notice shall not invalidate or otherwise have any effect upon a public meeting or public hearing or action taken on the application.
- (4) Village website. Notice of the Plan Commission public hearing shall be posted on the Village webpage. <u>The failure of any person required by this</u> section to receive the notice shall not invalidate or otherwise have any effect upon a public meeting or public hearing or action taken on the application.
- E. Review and action by Plan Commission. Within 60 days after the public hearing, or an extension of said period requested in writing or electronic format by the applicant and granted by the Commission, the Plan Commission shall take final action on the conditional use permit request. The Commission may approve the conditional use as originally proposed, may approve the proposed conditional use with conditions or modifications, or may deny approval of the proposed conditional use and include reasons for denial. Any action to approve or amend the proposed conditional use permit requires a majority vote of Commission members in attendance.
- F. Appeal to Village Board the Zoning Board of Appeals. An appeal of a decision under Subsection E may be taken to the Village Board Zoning Board of Appeals by any person, firm or corporation or any officer, department, board, commission or agency of the Village who is aggrieved by the decision. Such appeal shall be made in writing to the Zoning Administrator within 10 30 days after the date of the Plan Commission's written decision. In the case of an appeal:
 - (1) The Zoning Administrator and Building Inspector shall issue no permits to enable commencement or continuation of building and other activities authorized by the conditional use permit and shall issue a stop-work order for any such activities already commenced.
 - (2) The Zoning Administrator shall immediately notify the applicant and property owner of the appeal in writing and shall schedule the appeal for Village Board consideration by the Zoning Board of Appeals.

- (3) The Village Board Zoning Board of Appeals shall, by resolution, make a final decision to grant, with or without conditions, or to deny each application for a conditional use permit after receiving the Plan Commission's record and reviewing the Commission's findings and making its own findings as to whether or not the proposed use will satisfy the standards for approval set forth in Subsection G and shall have all of the powers of the Plan Commission under this section. The Village Board's Zoning Board of Appeals' determination shall be final and subject to appeal to the circuit court under any procedure authorized by statute.
- G. Review criteria for conditional use permit. Each requested conditional use permit shall meet the following criteria (achieve "yes" answers) to be approved:

(1) In this paragraph:

- (a) "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by the Village, but does not include a variance.
- (b) "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.
- (c) If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the Village ordinance(s) or those imposed by the Village Plan Commission, the Village shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance(s) and be based on substantial evidence.
- (d) The requirements and conditions described under subd. (2)(a) must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the Village relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The Village's decision to approve or deny the permit must be supported by substantial evidence.

- (e) Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the Village may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance(s) or by the Village Plan Commission.
- (f) If the Village denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in Wis. Stat. § 62.23(7)(e)10. a., or if the decision is on an application for an approval, as defined in Wis. Stat. § 781.10(1)(a), under the procedures described in Wis. Stat. § 62.23(7)(e)10. b.
- (2) (1) Is the proposed conditional use in harmony compatible with the Comprehensive Plan, this chapter, and any other plan, program, or ordinance adopted by the Village?
- (3) (2) The proposed conditional use does not, in its proposed location and as depicted on the required site plan, result in an substantial or undue unduly adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights of way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future, be developed as a result of the implementation of the provisions of this chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted by the Village?
- (4) (3) Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?
- (5) (4) Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property?
- (5) Do the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts?
- H. Issuance and recording of permit. Within 30 days following the granting of a conditional use permit, the Zoning Administrator shall issue to the applicant

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a written conditional use permit enumerating the details of the conditional use permit, including what land use(s) and/or development was approved and any conditions of approval. The Zoning Administrator shall record the conditional use permit against the property, assigning all costs thereof to the applicant.

- I. Effect of denial. No conditional use permit application that has been denied shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- J. Termination of approved conditional use. Once a conditional use permit is granted, no erosion control permit, site plan approval, certificate of occupancy, zoning permit, or building permit shall be issued for any development that does not comply with all requirements of the conditional use permit and this chapter. Any conditional use found not to be in compliance with the terms of this chapter or the approved conditional use permit shall be considered in violation of this chapter and shall be subject to all applicable procedures and penalties. A conditional use permit may be revoked for such a violation by the Plan Commission, following the procedures outlined within 520-121 K. for original granting of a conditional use permit.
- Revocation of Permits. The Planning Commission shall retain continuing jurisdiction over all activities authorized by the permit to assure compliance with this ordinance, other ordinances, and the permit terms. Such authority shall be in addition to the enforcement authority of the Zoning Administrator. Upon notice to the Planning Commission of an alleged violation of any permit, in its sole discretion, the Planning Commission may hold a public hearing to consider amending, suspending, or revoking the permit. Notice of the hearing and alleged violation shall be served upon the property owner and permit holder either in person or via certified mail to the address provided on the permit application form or otherwise provided to the Department prior to conducting the public hearing. The notice shall contain the date, time, and place of the hearing, a description of the property, a description of the activity authorized by the permit, and a statement of the alleged violation(s). Notice shall also be published as a class 2 notice. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Planning Commission, at its sole discretion, may hold additional public hearings. If the Planning Commission finds after the hearing that the permit holder is not in compliance with the terms of the permit, it may amend, suspend, or revoke the permit. The decision of the Committee shall be furnished to the permit holder in writing, stating the reasons therefore.
- L.K. Time limits on development of conditional use. The start of construction of any and all conditional uses shall be initiated within 365 days of approval of the

associated conditional use permit and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use permit. For the purposes of this section, "operational" shall be defined as occupancy of the conditional use.

- M L. Renewals. The permit holder may submit an application for renewal along with the appropriate fee for renewal prior to the expiration of the time limit on the permit, if any. No conditional use permit renewal shall be required to go through a new public hearing.
- N. M. Discontinuance of approved conditional use. Any and all conditional uses that have been discontinued for a period exceeding 365 days shall have their conditional use permit automatically invalidated and receive no treatment as a legal prior nonconforming use. The burden of proof shall be on the property owner to conclusively demonstrate that the conditional use was operational during this period.
- O.N. Change of ownership. All requirements of the approved conditional use permit shall be continued regardless of ownership of the subject property and shall run with the land, except as otherwise limited by this chapter or by a specific condition attached to the conditional use permit. Modification, alteration, or expansion of any conditional use in violation of the approved conditional use permit, without approval by the Plan Commission, shall be considered a violation of this chapter and shall be grounds for revocation of said conditional use permit.
- P O. Uses now regulated as conditional uses that were legal land uses (permitted by right or as conditional uses) prior to effective date of this chapter section. A use now regulated as a conditional use that was a legal land use either permitted by right or as a conditional use prior to the effective date of this chapter section shall be considered as a legal, conforming land use so long as any previously approved conditions of use and site plan are followed. Any substantial modification of such use or any previously approved condition of such use, in the determination of the Zoning Administrator, shall require application and Village consideration of a new conditional use permit under this section.



PUBLIC HEARING VILLAGE OF KRONENWETTER PLAN COMMISSION

Notice is hereby given that a Public Hearing will be held on Monday, April 21, 2024 at 6:00 P.M., at the Kronenwetter Municipal Center, 1582 Kronenwetter Drive, Kronenwetter, WI 54455, to hear and consider the following:

Proposed Changes to § 520-121 Conditional Use Permits.

TEXT AMENDMENT OF CHAPTER 520 OF THE GENERAL CODE OF ORDINANCES An Ordinance amending Chapter 520, entitled "Zoning," of the General Code of Ordinances. The Village of Kronenwetter is proposing an amendment to subsection 520-121, entitled "Conditional Use Permits." These amendments are being proposed to update existing code relating to Appeals and to comply with State Statutes. A copy of the draft ordinance can be viewed at the Municipal Center.

Proposed Changes to § 520-124 Site Plan Procedures.

TEXT AMENDMENT OF CHAPTER 520 OF THE GENERAL CODE OF ORDINANCES An Ordinance amending Chapter 520, entitled "Zoning," of the General Code of Ordinances. The Village of Kronenwetter is proposing an amendment to subsection 520-124, entitled "Site plan procedures." These amendments are being proposed to update existing code relating to Appeals and to comply with State Statutes. A copy of the draft ordinance can be viewed at the Municipal Center.

Written testimony may be forwarded to the Village of Kronenwetter Community Development/Planning and Zoning Director, Peter S. Wegner, 1582 Kronenwetter Drive, Kronenwetter, WI 54455 or emailed to pwegner@kronenwetter.org before the time of the hearing. All interested persons will be given an opportunity to be heard at the hearing. For questions and more information, please contact the Village prior to the meeting.



Report to Planning Commission

Agenda Item: Proposed changes to § 520-124. - Site plan procedures Public Hearing.

Meeting Date: April 21, 2025 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: Proposed changes to § 520-124. - Site plan procedures.

OBJECTIVE(S): Hold a public Hearing to consider proposed changes to § 520-124. - Site plan procedures.

HISTORY/BACKGROUND: The Plan Commission has been reviewing proposed changes to §520-121. – Conditional use permits. The Plan Commission acknowledged changes to §520-124. - Site plan procedures should be considered to provide consistency. Specifically, changes under 520-124 H. Action by Plan Commission: appeal procedure and 520-121 I. Action by Village Board.

On February 17, 2025, staff was directed to make changes to 520-124 H. and I related to the appeal process.

On March 17, 2025, the Plan Commission reviewed and approved the proposed changes. As a result, the Plan Commission directed staff to schedule a public hearing on April 21, 2025, to gather public input related to these changes.

RECOMMENDED ACTION: To consider public comments related to the proposed language and direct staff to forward an Ordinance Amendment to the Village Board for approval.

ATTACHMENTS: Proposed Language, § 520-124. - Site plan procedures, 4/21/2025 Public Hearing.

Proposed Language 4/21/2025 Public Hearing

§ 520-124. - Site plan procedures.

Sections A. – G. unchanged

H. Action by plan commission; appeal procedure. Except as provided in subsection I, the plan commission shall, within 45 days of a complete submittal, approve the site plan as presented, approve the site plan with conditions, or reject the site plan, indicating reasons for rejection, unless this time frame is extended by written agreement of the applicant. Such deadline may be extended by written or electronic agreement from the applicant. The zoning administrator shall notify the applicant of such action in writing on a form designed for that purpose. Within 20 30 days of such action, the applicant may appeal in writing all or part of the plan commission's decision to the village board Board of Appeals. During the appeal process, the zoning administrator and building inspector are authorized to hold the issuance of permits to enable commencement or continuation of building and other activities authorized by the zoning administrator's decision, and to issue a stop-work order for any such activities already commenced. The village board Board of Appeals may affirm, modify, or reverse the plan commission's decision. The plan commission shall inform the village board of all site plans submitted, reviewed, approved, and rejected under this subsection H during each meeting.

I. Action by village board.

- (1) The plan commission shall not determine a site plan application, but shall forward the complete site plan application or components thereof, all associated materials, and a report and recommendation to the village board in all cases where at least one of the following conditions is present:
 - (a) The applicant has indicated on the application form a desire for village board action instead of plan commission action.
 - (b) The application is filed concurrently with a rezoning application for the same site.
 - (a) (c) The site plan is for a large retail and commercial service development as described in section 520-77.
 - (b) (d) The site plan proposes public improvements other than driveway connections to public streets and sanitary sewer or water lateral connections to existing public mains, or in the opinion of the commission requires such improvements.
 - (e) A written agreement between the village and applicant requires village board approval of the site plan.

- (2) In the above instances, the village board shall, between ten and 60 days of submittal of plan commission referral, approve the site plan as presented, approve the site plan with conditions, or reject the site plan, including reasons for rejection, unless this time frame is extended by written or electronic agreement of the applicant. The zoning administrator shall notify the applicant of such action in writing on a form designed for this purpose.
- J. Appeal to village board the Board of Appeals. An appeal of a decision under subsection H may be taken to the village board Board of Appeals by any person, firm or corporation or any officer, department, board, commission or agency of the village who is aggrieved by the decision. Such appeal shall be made in writing to the zoning administrator within ten 30 days after the date of the commission's decision. In the case of an appeal:
 - (1) The zoning administrator and building inspector shall issue no permits to enable commencement or continuation of building and other activities authorized by the site plan, and shall issue a stop-work order for any such activities already commenced.
 - (2) The zoning administrator shall immediately notify the applicant and property owner of the appeal in writing and shall schedule the appeal for consideration village board by the Board of Appeals.
 - (3) The village board Board of Appeals shall, by resolution, make a final decision to grant, with or without conditions, or to deny each application for site plan approval after receiving and reviewing the commission's findings and making its own findings as to whether or not the proposed use will satisfy the standards for approval set forth in subsection G, and shall have all of the powers of the Plan eCommission under this section. The village board's Board of Appeals' determination shall be final and subject to appeal to the circuit court under any procedure authorized by statute.



PUBLIC HEARING VILLAGE OF KRONENWETTER PLAN COMMISSION

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Community Development/Planning and Zoning Director Report

April 21, 2025

Peter S. Wegner, Community Development/Planning and Zoning Director

- Draft changes to 520-121 Conditional Use Permits and 520-124 Site Plan Procedures
- Correspondence with Building Inspector re: 1572 Old Hwy 51.
- Correspondence regarding possible sale of Village owned property off Kronenwetter Drive.
- Correspondence with WDNR regarding Stormwater Management Plans.
- Meeting with Everest Youth Hockey Association.
- Correspondence with Building Inspector regarding Erosion Control.
- Research Rezones, Zoning Districts and Land Uses within TID #1.
- Meeting with Engineer regarding capital improvement projects.
- Research Garage Condos vs. Personal Storage Facility.
- Zoning confirmation letters.
- Correspondence regarding drainage issues at the end of Jamroz Road.
- Meeting with Denyon Homes regarding subdivision and parcels off Kronenwetter Drive.
- Work with property owner on Commercial Building Permit and Plan Review Process.
- Maple Ridge Temporary Use Permit Application.
- Correspondence with Marathon County re: Proposed Hwy Shop Facility.
- Review Kowalski Road Interchange Feasibility Study.
- Review Driveway Access options Island View Lane.
- Meeting with RPS and MTS regarding proposed subdivision.
- Correspondence re: proposed residential greenhouse on Seville Road.
- Research § 520-27. Accessory and miscellaneous land use types. U. Private lake (pond).
- Research § 520-28. Temporary land use types. H. Seasonal Outdoor Sales of Farm Products.
- Research Camping in RR-2, RR-5 and AR.
- Meeting with contractor re: proposed duplexes.
- Research Official Map of Kowalski Interchange.
- Research Storage/Shipping Containers in Residential Zoning Districts.