



PLAN COMMISSION MEETING AGENDA

October 21, 2024 at 6:00 PM

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

1. CALL MEETING TO ORDER

- A. Pledge of Allegiance
- B. Roll Call

2. ANNOUNCEMENT OF PUBLIC HEARING

- C.** Eau Claire River LLC Rezone: Eau Claire River, LLC 7306 Zinser St., Weston, WI 54476 request a zoning change of 35.58 acres from BP - Business Park to M2 – General Industrial, located at 1320 Kowalski Road, Kronenwetter, WI 54455. Parcel Identification Number 145-2707-023-0996. Legal description of the subject 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).

3. CLOSING OF 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. APPROVAL OF MINUTES

- D.** 2024 07 15 PC Meeting Minutes
- E.** 2024 08 19 PC Meeting Minutes
- F.** 2024 09 16 PC Meeting Minutes

6. REPORTS AND DISCUSSIONS

- G.** Community Development Director Report

7. NEW BUSINESS

- H.** Discussion and possible action Eau Claire River LLC Rezone Request
- I.** Discussion and possible action § 520-121. - Conditional use permits
- J.** Discussion and possible action Zero-lot-line Residences
- K.** Discussion and possible action § 520-27 B. Detached accessory structure (for residential use)

8. NEXT MEETING - NOVEMBER 18, 2024

9. CONSIDERATION OF ITEMS FOR FUTURE AGENDA

10. 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: 10/18/2024 Kronenwetter Municipal Center and www.kronenwetter.org

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

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

APPLICANT:

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

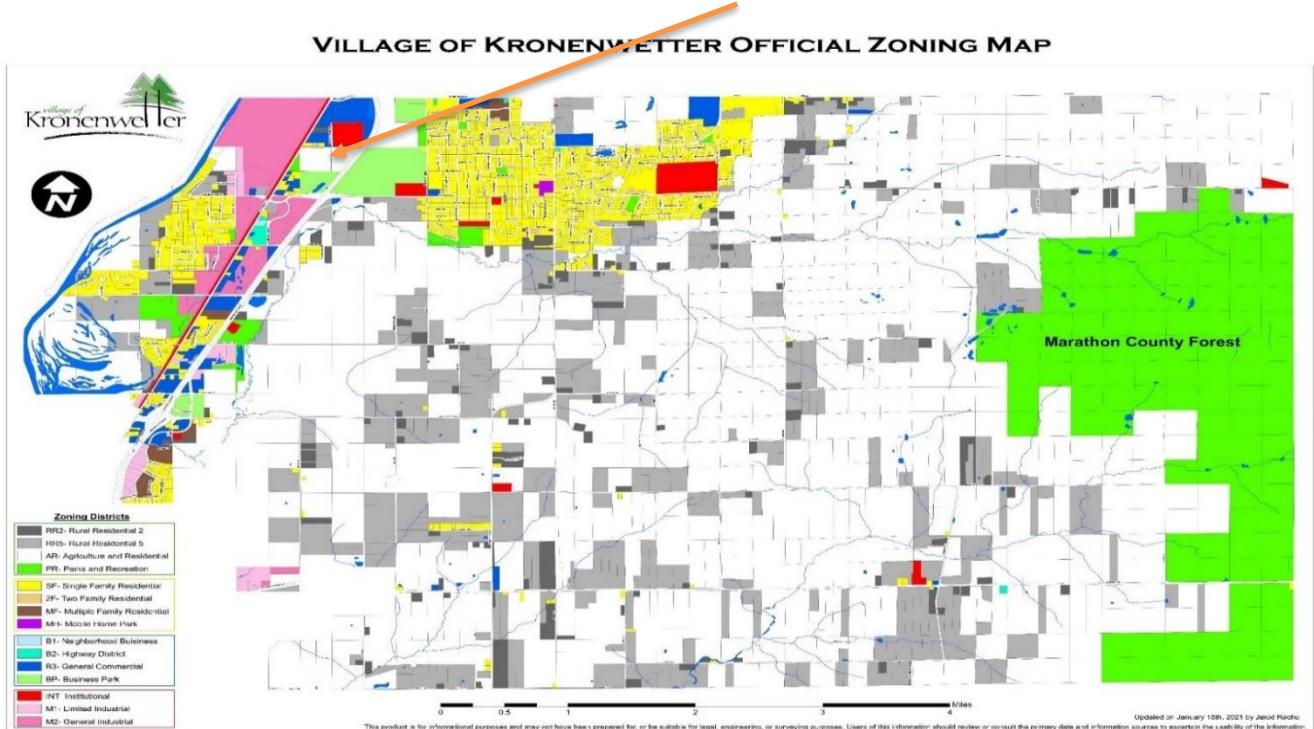
OWNER:

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

Prepared By:













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

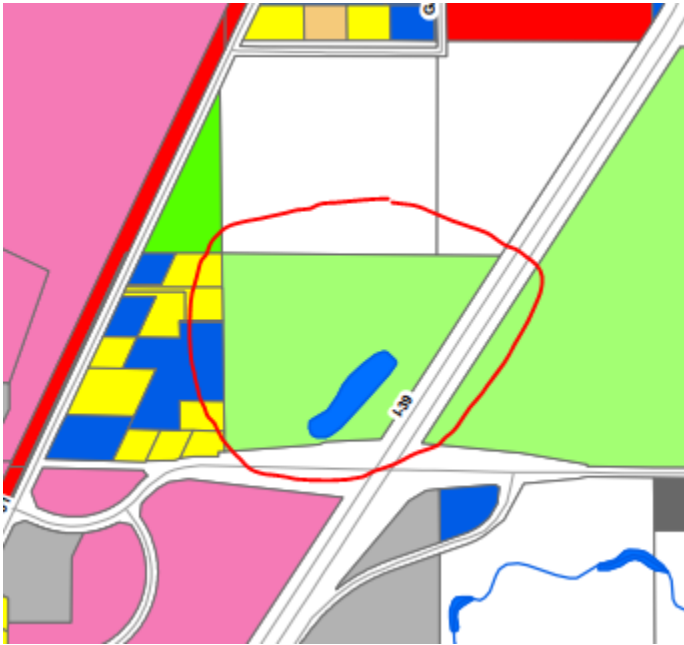
LOCATION OF REQUEST: 1320 KOWALSKI ROAD, KRONENWETTER, WI 54455



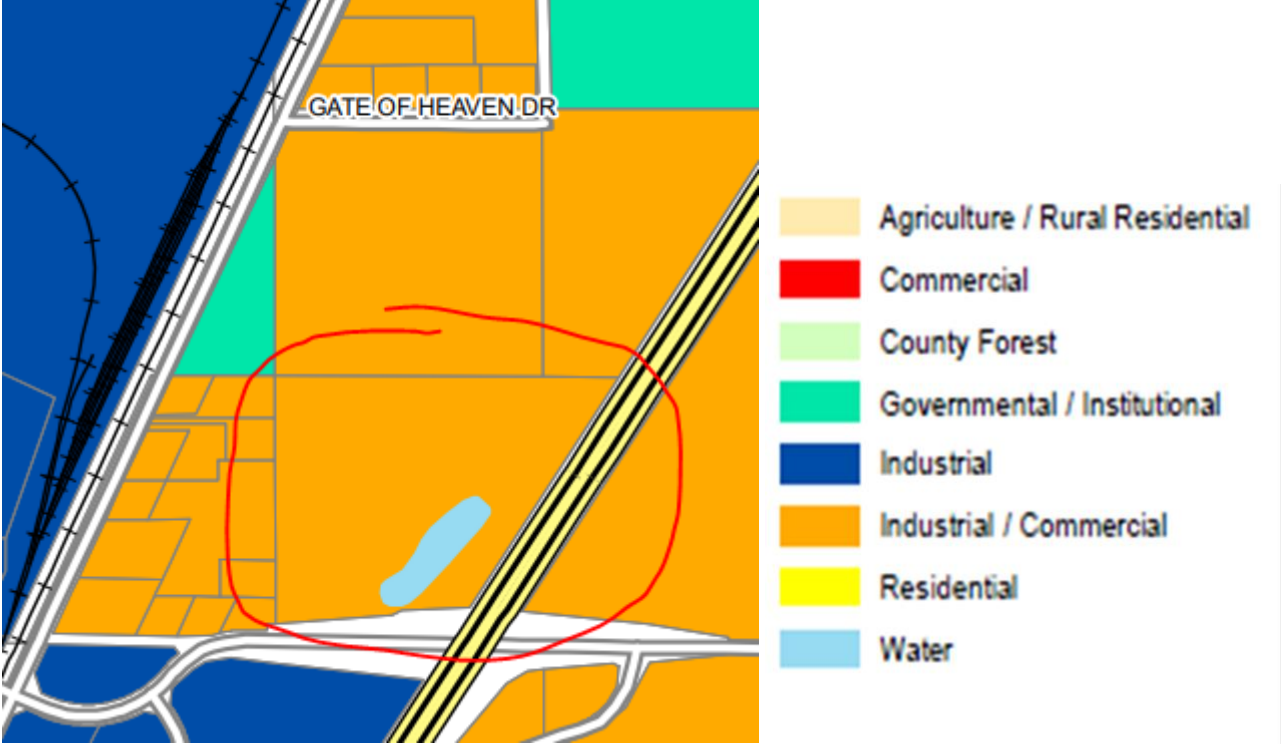
Map 1: Location Map
(Source Data: Marathon Co. GIS)

Zoning Districts

	RR2- Rural Residential 2
	RR5- Rural Residential 5
	AR- Agriculture and Residential
	PR- Parks and Recreation
	SF- Single Family Residential
	2F- Two Family Residential
	MF- Multiple Family Residential
	MH- Mobile Home Park
	B1- Neighborhood Business
	B2- Highway District
	B3- General Commercial
	BP- Business Park
	INT- Institutional
	M1- Limited Industrial
	M2- General Industrial



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.

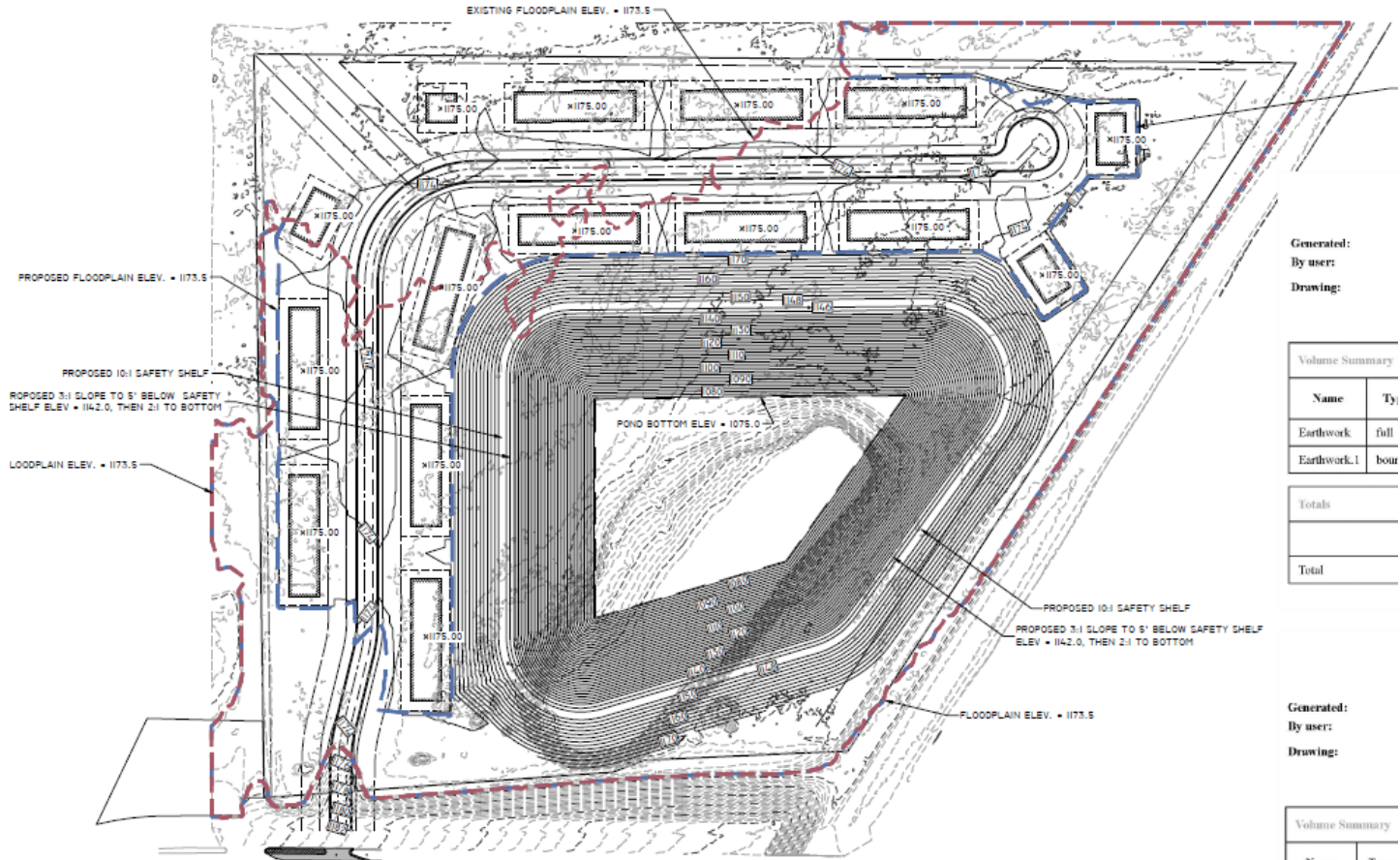
- a. Strategically locate new developments in areas to create mutually beneficial relationships among businesses
- b. Encourage growth to occur within the Sewer Service Planning Area
- c. Utilize the Future Land Use Map in directing potential commercial and industrial opportunities to appropriate locations
- 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.





PUBLIC HEARING
VILLAGE OF KRONENWETTER PLAN COMMISSION

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

ZONING CHANGE REQUEST (Eau Claire River, LLC)

Eau Claire River, LLC 7306 Zinser St., Weston, WI 54476 request a zoning change of 35.58 acres from BP - Business Park to M2 – General Industrial, located at 1320 Kowalski Road, Kronenwetter, WI 54455. Parcel Identification Number 145-2707-023-0996. Legal description of the subject 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).

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: Zoning Change Request: Eau Claire River, LLC 7306 Zinser St., Weston, WI 54476

Meeting Date: October 21, 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: Proposed Zoning Change Request: Eau Claire River, LLC 7306 Zinser St., Weston, WI 54476

OBJECTIVE(S): To review the Zoning Change Request.

HISTORY/BACKGROUND: 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 ACTION: Motion to recommend the Village Board approve the zoning change request of Eau Claire River, LLC to change 35.58 acres 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.

ATTACHMENTS: Zoning Change Request and Staff Report

Zoning Change Request Application

Application Fee: \$250 Regular Meeting / \$450 Special Meeting

A zoning change is an amendment to the specific zoning district in which a property or properties are classified.

Plan Commission Meetings are held on the 3rd Monday of each month. Village Board Meetings on zoning change requests typically take place on the 4th Tuesday of each month.

Although not required, it is recommended that the applicant attend these meetings.



Applicant Information

1. Applicant Name Eau Claire River, LLC Phone Number 715-302-0334
 Address 7306 Zinser St., Weston, WI 54476
 Email garyg@pgainc.net

2. Property Titleholder Name Same Phone Number _____
 Address _____
 Email _____

3. Prepared By Company Name REI Engineering, Inc. Name Dan Detert
 Address 4080 N. 20th Ave., Wausau, WI 54401
 Phone Number 715-675-9784 Email ddetert@reiengineering.com

Property Information

4. Property Address 1320 Kowalski Rd., Kronenwetter, WI 54455

5. Section 2 Township 27N Range 7E 6. Parcel Identification # (PIN) 14527070230996

7. Legal Description (attach an additional sheet if necessary) _____

8. Current Zoning District BP 9. Proposed Zoning District _____

10. Parcel Acreage 35.58 11. Will the Zoning Change be accompanied by a CSM or Subdivision? No

12. Has anyone previously requested a zoning change to the subject property? If yes, when was the request made and to what zoning district? Not to our knowledge

13. Is the subject property planned to be improved? If yes, when is the improvement scheduled for and what will be the actual use of the improvement? Site grading for pond construction and the dev. of multi-family buildings

Required Attachments

1. Narrative describing the zoning change request with respect to the following matters:
 - a. Is the proposed rezoning consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?
 - b. Does the rezoning further the purpose and intent of this Chapter?
 - c. Does rezoning address any of the following that are not properly addressed on the current Official Zoning Map?
 - i. 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.
 - ii. 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.
 - iii. Growth patterns or rates have changed, thereby creating the need for a rezoning.
 - d. 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?
 - e. 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.
 - f. 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?
2. Property Map which shows the zoning change request boundaries, structures on the property, and the required setbacks from the property lines.

Applicant Acknowledgement

I/We request a public hearing be held before the Planning Commission of the Village of Kronenwetter, Marathon County, State of Wisconsin, to hear and consider the request for a zoning change of the property stated in this application. I hereby depose and say that all the above statements and all accompanying statements and drawings are correct and true.

Eau Claire River LLC
Applicant

9-26-24
Date

Eau Claire River LLC
Property Titleholder
Gary Guerdet
Member

Date

Prepared By

Date

FOR OFFICE USE ONLY:

Application Received 9/26/2024 PSW

Check # 1220

Plan Commission:

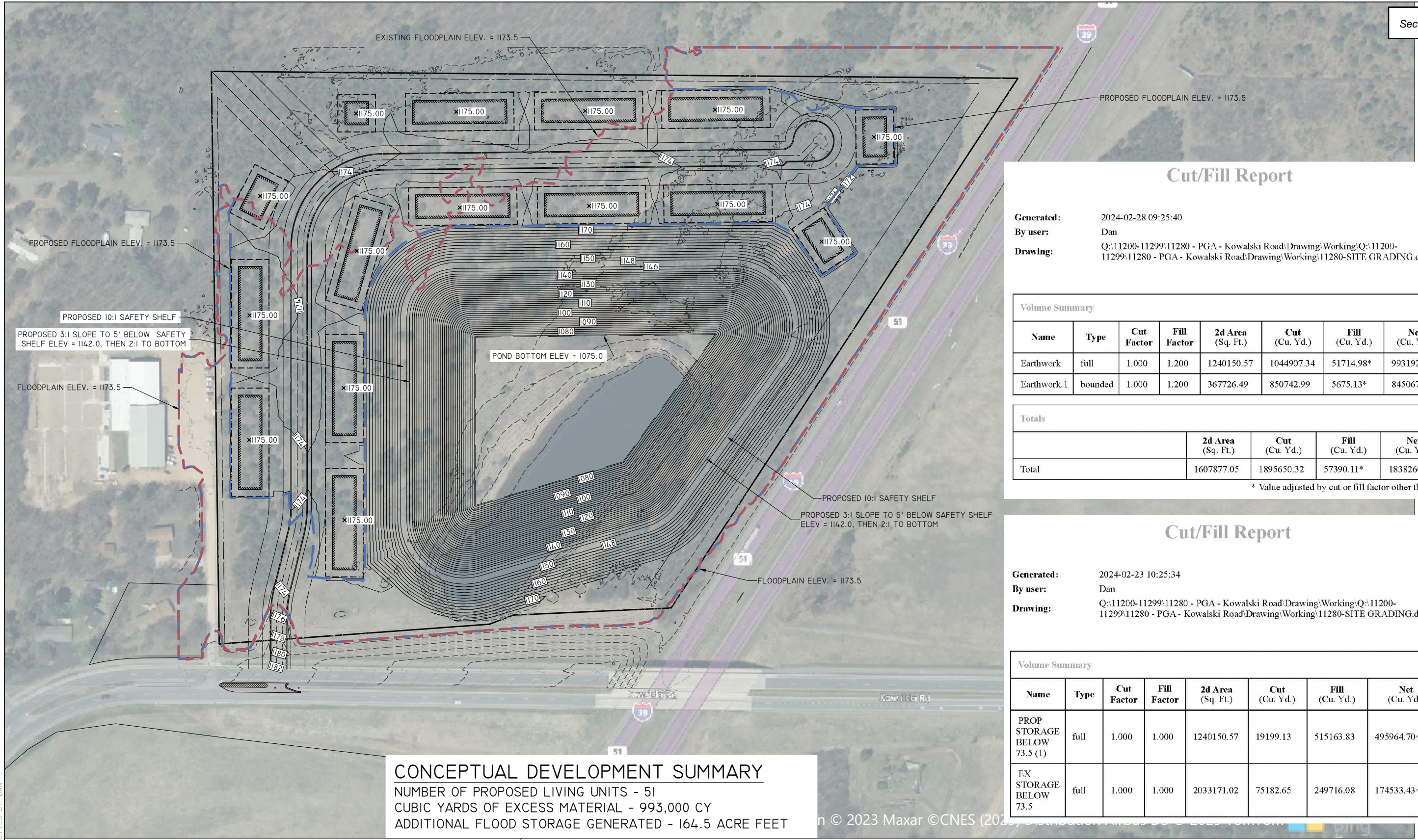
Meeting Date _____

Recommendation: Approved / Denied

Village Board:

Meeting Date _____

Decision: Approved / Denied



CONCEPTUAL DEVELOPMENT SUMMARY
 NUMBER OF PROPOSED LIVING UNITS - 51
 CUBIC YARDS OF EXCESS MATERIAL - 993,000 CY
 ADDITIONAL FLOOD STORAGE GENERATED - 164.5 ACRE FEET

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Volume Summary							
Name	Type	Cut Factor	Fill Factor	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
Earthwork	full	1.000	1.200	1240150.57	1044907.34	51714.98*	993192.36*
Earthwork.1	bounded	1.000	1.200	367726.49	850742.99	5675.13*	845067.85*

Totals				
	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
Total	1607877.05	1895650.32	57390.11*	1838260.21*

* Value adjusted by cut or fill factor other than 1.0

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 By user: Dan
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Volume Summary							
Name	Type	Cut Factor	Fill Factor	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
PROP STORAGE BELOW 73.5 (1)	full	1.000	1.000	1240150.57	19199.13	515163.83	495964.70<Fill>
EX STORAGE BELOW 73.5	full	1.000	1.000	2033171.02	75182.65	249716.08	174533.43<Fill>

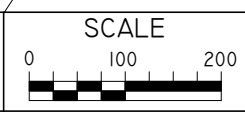
EARTHWORK FILL = 5,675 CY (SHOWING AS FILLING IN EXISTING SIDESLOPE OF POND TO GET TO PROPOSED SURFACE.)

CUT = 1,044,907 CY + 5,675 CY = 1,039,232 CY
 FILL = 51,715 CY - 5,675 CY = 46,040 CY
 NET CUT = 1,039,232 CY - 46,040 CY = 993,192 CY

FLOODPLAIN (ELEV. 1173.5) (EXCESS) = 515,164 CY - 249,716 CY = 265,448 CY
 ACRE FEET = 265,448 CY / 1613.333 CY/AF = 164.5 ACRE FEET ADDITIONAL STORAGE

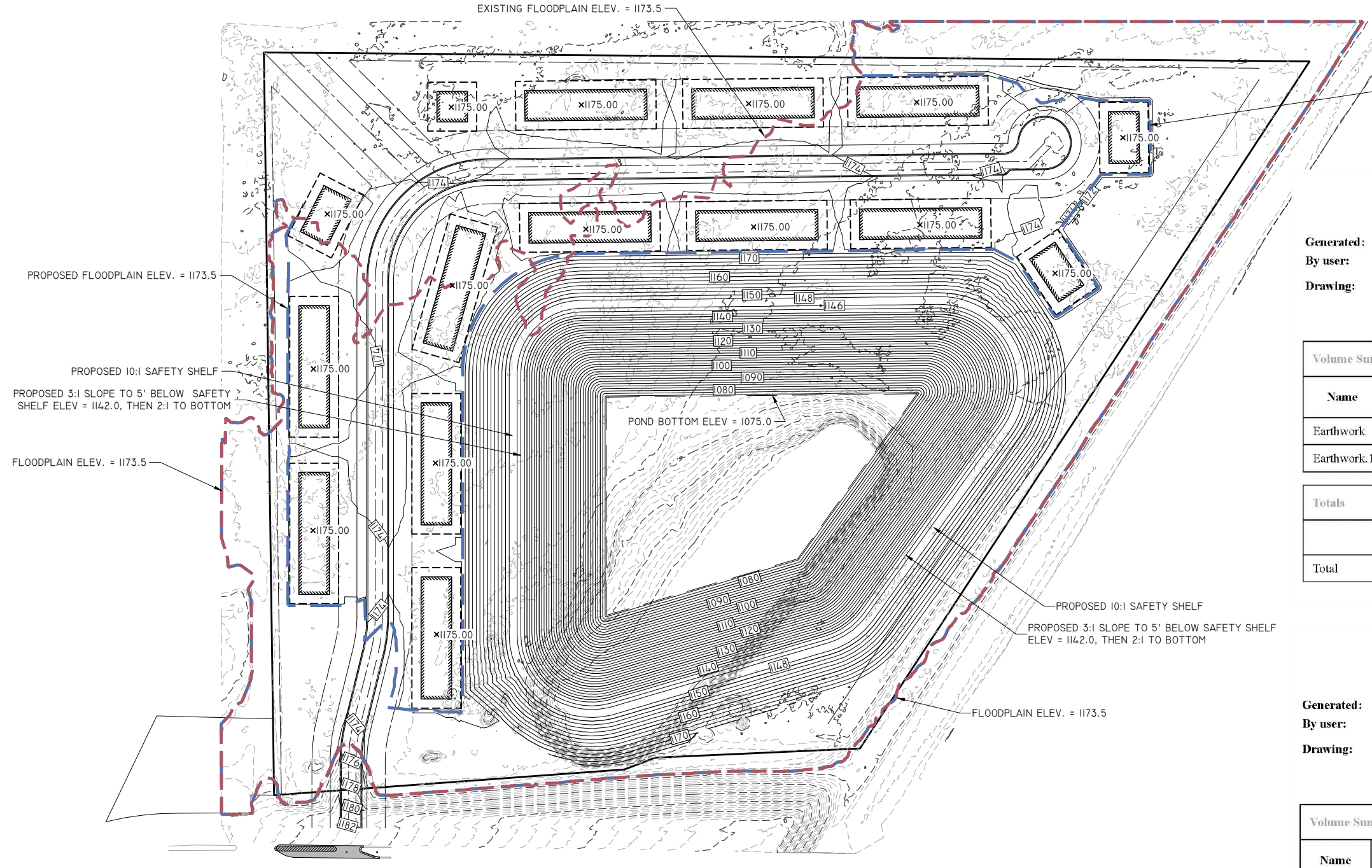
DRAWING FILE: Q:\11200-11299\11280 - PGA - Kowalski Road\Drawing\11280-C200-GRADING-EC.dwg LAYOUT: CDP PLOTTED: MAR 01, 2024 - 9:00AM PLOTTED BY: DAN

REI Engineering, INC.
 4080 N. 20TH AVENUE
 WAUSAU, WISCONSIN 54401
 PHONE: 715.675.9784, FAX: 715.675.4060
 EMAIL: MAIL@REIENGINEERING.COM



DATE	REVISION	BY	CHKD	SURVEYED BY:	DESIGNED BY:DDD	SURVEY DATE:
				SURVEY CHKD BY:	CIVIL CHKD BY:JJB	CIVIL DATE: 2/22/24
				SURVEY APVD BY:	CIVIL APVD BY:JJB	DRAWN BY: NAP

CONCEPTUAL DEVELOPMENT PLAN
 EAU CLAIRE RIVER, LLC
 1320 KOWALSKI ROAD
 KRONENWETTER, WI



Cut/Fill Report

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Volume Summary							
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Earthwork.1	bounded	1.000	1.200	367726.49	850742.99	5675.13*	845067.85*

Totals				
	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
Total	1607877.05	1895650.32	57390.11*	1838260.21*

* Value adjusted by cut or fill factor other than 1.0

Cut/Fill Report

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PROP STORAGE BELOW 73.5 (1)	full	1.000	1.000	1240150.57	19199.13	515163.83	495964.70<Fill>
EX STORAGE BELOW 73.5	full	1.000	1.000	2033171.02	75182.65	249716.08	174533.43<Fill>

EARTHWORK I FILL = 5,675 CY (SHOWING AS FILLING IN EXISTING SIDESLOPE OF POND TO GET TO PROPOSED SURFACE.)

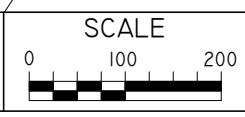
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 NET CUT = 1,039,232 CY - 46,040 CY = 993,192 CY

FLOODPLAIN (ELEV. 1173.5) (EXCESS) = 515,164 CY - 249,716 CY = 265,448 CY
 ACRE FEET = 265,448 CY / 1613.333 CY/AF = 164.5 ACRE FEET ADDITIONAL STORAGE

CONCEPTUAL DEVELOPMENT SUMMARY
 NUMBER OF PROPOSED LIVING UNITS - 51
 CUBIC YARDS OF EXCESS MATERIAL - 993,000 CY
 ADDITIONAL FLOOD STORAGE GENERATED - 164.5 ACRE FEET

DRAWING FILE: Q:\11200-11299\11280 - PGA - Kowalski Road\Drawing\Plans\11280-C200-GRADING-EC.dwg LAYOUT - CDP PLOTTED: FEB 29, 2024 - 2:05PM PLOTTED BY: DAN

REI Engineering, INC.
 4080 N. 20TH AVENUE
 WAUSAU, WISCONSIN 54401
 PHONE: 715.675.9784, FAX: 715.675.4060
 EMAIL: MAIL@REIENGINEERING.COM



DATE	REVISION	BY	CHKD	SURVEYED BY:	DESIGNED BY:DDD	SURVEY DATE:
				SURVEY CHKD BY:	CIVIL CHKD BY:JJB	CIVIL DATE: 2/22/24
				SURVEY APVD BY:	CIVIL APVD BY:JJB	DRAWN BY: NAP

CONCEPTUAL DEVELOPMENT PLAN
 EAU CLAIRE RIVER, LLC
 1320 KOWALSKI ROAD
 KRONENWETTER, WI

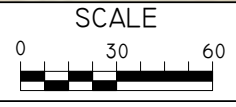
DRAWING FILE: \\REI\FP\PROJECTS\11200-11299\11280 - PGA - Kowalski Road\Drawing\Design\11280-Design - OPTION 2.DWG LAYOUT: DESIGN (2)
PLOTTED: JAN 16, 2024 - 11:07AM PLOTTED BY: LOGANZ



REI Engineering, INC.
4080 N. 20TH AVENUE
WAUSAU, WISCONSIN 54401
PHONE: 715.675.9784, FAX: 715.675.4060
EMAIL: MAIL@REIENGINEERING.COM



**CIVIL & ENVIRONMENTAL
ENGINEERING, SURVEYING**



DATE	REVISION	BY	CHKD

SURVEYED BY:	DESIGNED BY: CCS	SURVEY DATE:
SURVEY CHKD BY:	CIVIL CHKD BY: JJB	CIVIL DATE: 01/12/24
SURVEY APVD BY:	CIVIL APVD BY: JJB	DRAWN BY: NAP

LEFT TURN LANE CONCEPT OPTION 2
KOWALSKI ROAD ACCESS
ROTHSCHILD, WISCONSIN

REI
REI No. 11280
SHEET LTL 17

Project Narrative
Eau Claire River, LLC Rezone/Conditional Use Applications
1320 Kowalski Road

The goal of our efforts is to redevelop the underutilized subject property adding tax base and value to the Village of Kronenwetter. The parcel has remained underutilized for a variety of reasons, primarily access, utility service, and floodplain impacts. We look to overcome those challenges through this effort.

The subject land was formerly held within the Wausau Homes portfolio of properties for many years. During this period we witnessed the redevelopment of Kowalski Road and the installation of sanitary sewer/watermain along the adjacent west property line. The Wausau Homes team was very active in advocating efforts that would support the viable redevelopment of the subject parcel adding valued tax base for the Village of Kronenwetter. Although their teams efforts were valiant, their goals were not attained. These goals included good access to the parcel and utility service to serve the parcel.

We look forward to accomplishing the goals of past owners to improve the access and obtain sanitary sewer and water service to the site. We also look forward to enhancing the property through a non-metallic mining restoration effort for a beneficial reuse. Further discussion of each element can be found below:

Access

- The Wausau Homes team requested the Village attain Ingress/Egress Easements from 1292 Kowalski Road or position the then proposed curb cut centered on the property line between 1292 Kowalski Road and 1320 Kowalski Road. This would allow for good access to all parcels. This effort took place in 2008 during the design of the Kowalski Road overpass.
- The curb cut was constructed solely on 1292 Kowalski Road with no Ingress/Egress Easement to 1320 Kowalski Road leaving the subject parcel with a right-in/right-out access.
- ***We are requesting full access to the property through a large break in the existing Kowalski Road median as shown on the attached drawing.***

Utility Easement

- Sanitary sewer and watermain services were installed by the Village beneath the driveway to 1292, 1294, and 1296 Kowalski Road
- There currently is no easement serving the subject utility lines or ability to provide access/service to the 1320 Kowalski Road parcel.
- ***We 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.***

Non-Metallic Mining

- The subject property was used for non-metallic mining in the past as witnessed by the large pond located on the east boundary.
- We look forward to making the existing pond an amenity opposed to a liability by increasing the size and shape of the pond through a continued non-metallic mining effort.
- ***The additional material taken from the site to increase the pond size and shape will be used to:***
 - o ***Construct multi-family residential building pads 2-feet above the 100-year floodplain***
 - o ***Construct the infrastructure at or above the 100-year floodplain to support the multi-family residential development***
 - o ***Provide excess sand material to American Asphalt to support their asphalt plant producing asphalt pavement for our community***

Floodplain Storage Mitigation

- The subject parcel is largely consumed by the Bull Junior Creek Flood Storage District Reservoir #2.
- ***Proposed efforts to increase the existing pond through the non-metallic mining effort will add considerable excess storage capacity to the flood storage district.***

Our team looks forward to working closely with the Village of Kronenwetter to make this redevelopment effort a success story we can all be proud of.



PLAN COMMISSION MEETING MINUTES

July 15, 2024 at 6:00 PM

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

1. CALL MEETING TO ORDER

- A. Pledge of Allegiance
- B. Roll Call
 - PRESENT
 - Bruce Sinkula
 - Chairperson Chris Voll
 - Dick Kvapil
 - Vice-Chairperson Dan Lesniak
 - Rick Grundman
 - Tony Stange
 - Ken Charneski

2. 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.

No Public Comment

3. ANNOUNCEMENT OF PUBLIC HEARING

- C. ZONING CHANGE REQUEST AND CERTIFIED SURVEY MAP: Larry and Sandra Burns, 2180 Bluejay Lane, Kronenwetter, WI 54455.
 Larry and Sandra Burns, 2180 Bluejay Lane, Mosinee, WI request a zoning change of 27.372 acres from (AR) Agriculture and Residential to (RR-5) Rural Residential 5, at Parcel Identification Numbers 145-2708-054-0093. Legal description of the subject property: SEC 05-27-08 PT OF W 1/2 SE 1/4 E 656' OF S 1840'+/- THRF.
 ZONING CHANGE REQUEST AND CERTIFIED SURVEY MAP: Larry and Sandra Burns, 2180 Bluejay Lane, Kronenwetter, WI 54455.
 Owners were wanting to build on 1 lot. Meets all the criteria for rezone.
- D. CONDITIONAL USE PERMIT: Dean Prohaska, 999 Happy Hollow Road, Kronenwetter, WI 54455.
 Requests a Conditional Use Permit for an Agricultural Use (Keeping Farm Animals) within a Rural Residential Zoning District (RR-2) at Lot 1, Lot 2 and Lot 4; Happy Hollow Road, Kronenwetter, WI 54455. Lots 1 & 4 from Parent PIN 14527071520975: *CSM DOC #1898790 PENDING - NEED DEEDS (submitted)** SEC 16-27-07 NE 1/4 NE ¼. Lots 1, 2, & 4 from Parent PIN 14527071610979: *CSM DOC #1898790 PENDING - NEED DEEDS (submitted)** SEC 15-27-07 - W 1/2 NW 1/4 NW 1/4 EX E 24 RDS

OF N 66 2/3 RDS & S 345' OF E 1/2 NW 1/4 NW 1/4 LYG W'LY OF WI PUB SERV ROW & THAT PT SW 1/4 NW 1/4 LYG W'LY OF WI PUB SERV 60' ROW EX S 345' THRF.

CONDITIONAL USE PERMIT: Dean Prohaska, 999 Happy Hollow Road, Kronenwetter, WI 54455.

For lots 1,2 and 4 only. There is only 1 animal unit per acre per code. Horse, sheep and ducks will be on the property.

4. CLOSE PUBLIC HEARING @ 6:10PM

5. APPROVAL OF MINUTES

Motion made by Sinkula, Seconded by Stange.

Voting Yea: Sinkula, Chairperson Voll, Kvapil, Vice-Chairperson Lesniak, Grundman, Stange, Charneski

E. May 20, 2024 Meeting Minutes

6. REPORTS AND DISCUSSIONS

F. Community Development Director Report

Community Development Director Report - Working on reports for PW and dealing with high water issues in the village.

7. OLD BUSINESS

8. NEW BUSINESS

G. Discussion and Possible Action: Certified Survey Map: Bob Nowak, 2055 & 2065 Tower Road, Kronenwetter, WI 54455

Motion made by Vice-Chairperson Lesniak, Seconded by Charneski.

Voting Yea: Sinkula, Chairperson Voll, Kvapil, Vice-Chairperson Lesniak, Grundman, Stange, Charneski by roll call.

H. Discussion & Possible Action: Zoning change and Certified Survey Map, Larry and Sandra Burns, 2180 Bluejay Lane, Kronenwetter, WI 54455

Motion made by Vice-Chairperson Lesniak, Seconded by Sinkula.

Voting Yea: Sinkula, Chairperson Voll, Kvapil, Vice-Chairperson Lesniak, Grundman, Stange, Charneski by roll call.

I. Discussion & Possible Action: Conditional Use Permit: Dean Prohaska, Happy Hollow Road, Kronenwetter, WI 54455

CUP is approved for all 3 parcels with the condition that there be a 5-year renewal.

Motion made by Charneski, Seconded by Vice-Chairperson Lesniak.

Voting Yea: Sinkula, Chairperson Voll, Kvapil, Vice-Chairperson Lesniak, Grundman, Stange, Charneski

9. NEXT MEETING: August 19, 2024

10. CONSIDERATION OF ITEMS FOR FUTURE AGENDA

-Review of CUP procedure and verbiage.

11. ADJOURNMENT

@6:36 PM

Motion made by Grundman, Seconded by Kvapil.

Voting Yea: Sinkula, Chairperson Voll, Kvapil, Vice-Chairperson Lesniak, Grundman, Stange, Charneski

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: 07/12/2024 Kronenwetter Municipal Center and www.kronenwetter.org

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



PLAN COMMISSION MEETING MINUTES

August 19, 2024 at 6:00 PM

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

1. CALL MEETING TO ORDER

@6:00 PM

- A. Pledge of Allegiance
- B. Roll Call
 - PRESENT
 - Chris Voll
 - Dan Lesniak
 - Rick Grundman
 - Ken Charneski

- ABSENT
- Dick Kvapil
- Tony Stange
- Bruce Sinkula

2. 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.

- Polly Endres - 2138 Old Hwy 51, Kronenwetter
- Mike Tourville - 955 Holly Tree Lane, Fond du Lac, WI
- Terry Wadinski - 3293 Pyke Road, Kronenwetter
- Rich & Dawn Barker - 1290 Kowalski Road, Kronenwetter
- Adam & Melissa Black - 1280 Kowalski Road, Kronenwetter

3. ANNOUNCEMENT OF PUBLIC HEARING

- C. Terrance Wadinski, 3293 Pyke Road, Kronenwetter, WI 54455. Requesting Rezone Request from AR (Agricultural and Residential) to RR5 (Rural Residential 5) at PIN 145-2708-161-0991.
 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.
 Pete Wegner walked through the Zoning change and CSM.

4. CLOSE PUBLIC HEARING

5. APPROVAL OF MINUTES

No minutes to approve

6. REPORTS AND DISCUSSIONS

D. Community Development Director Report
Report given by Pete Wegner. Golden Ponds gate keeper meeting scheduled.

7. OLD BUSINESS

8. NEW BUSINESS

E. Discussion & Possible Action - Zoning Change & CSM for Terrance Wadinski
Motion made by Grundman, Seconded by Charneski.
Voting Yea: Voll, Lesniak, Grundman, Charneski

F. Discussion & Possible Action - Site Plan application & Submittal Michael Tourville owner of Forward Creative Services 1260 Kowalski Road, Kronenwetter, WI 54455.
Motion made by Grundman, Seconded by Lesniak.
Voting Yea: Voll, Lesniak, Grundman, Charneski

9. NEXT MEETING: September 16, 2024

10. CONSIDERATION OF ITEMS FOR FUTURE AGENDA

Conditional use permits and timing.

11. ADJOURNMENT

Motion made by Voll, Seconded by Grundman.
Voting Yea: Voll, Lesniak, Grundman, Charneski

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: 08/15/2024 Kronenwetter Municipal Center and www.kronenwetter.org
Faxed: WAOW, WSAU, City Pages, Mosinee Times | Emailed: Wausau Daily Herald, WSAW, WAOW, Mosinee Times, Wausau Pilot and Review, City Pages**



PLAN COMMISSION MEETING MINUTES

September 16, 2024 at 6:00 PM

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

1. CALL MEETING TO ORDER

@6:00PM

A. Pledge of Allegiance

B. Roll Call

PRESENT

Chris Voll

Dick Kvapil

Tony Stange

Dan Lesniak

Rick Grundman

Ken Charneski

ABSENT

Bruce Sinkula

2. 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.

Julie Henniff-Bresnahan

Aaron Stephanus

Randy Redman

Cliff Scheinoha

Guy Fredel - Conceptual plan for Wausau Homes, CSM

3. ANNOUNCEMENT OF Public Hearing

C. Public Hearing regarding proposed revisions to Floodplain Ordinance

Pete Wegner gave over-view of new flood plain. Comments by Tom Rez & Gary Gernt,

4. Close Public Hearing

5. REPORTS AND DISCUSSIONS

D. Community Development Director Report

Report given by Peter Wegner. No Questions.

6. NEW BUSINESS

- E. Discussion and Possible Action: Proposed revisions to Floodplain Ordinance
Motion made by Charneski to send to the VB for approval, Seconded by Stange.
Voting Yea: Voll, Kvapil, Stange, Lesniak, Grundman, Charneski by roll call.

- F. Discussion and Possible Action: CSM Wausau Homes, Inc. 1475 Village Way Drive.
Motion made by Grundman, Seconded by Lesniak.
Voting Yea: Voll, Kvapil, Stange, Lesniak, Grundman, Charneski

- 7. **NEXT MEETING: OCTOBER 21, 2024**
October 21, 2024
- 8. **CONSIDERATION OF ITEMS FOR FUTURE AGENDA**
Conditional Use Verbiage
Update minutes
- 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: 09/12/2024 Kronenwetter Municipal Center and www.kronenwetter.org
Faxed: WAOW, WSAU, City Pages, Mosinee Times | Emailed: Wausau Daily Herald, WSAW, WAOW, Mosinee Times, Wausau Pilot and Review, City Pages**

Community Development/Planning and Zoning Director Report

October 21, 2024

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

- Preliminary Rezone 1320 Kowalski Road and Gardner Park Road.
- Complaints/Enforcement.
- Kronenwetter Drive South Portion and Local Roads.
- Storm Water Plans Revisions 1260 Kowalski Road.
- AT&T Water Tank Cell Tower Lease Agreement 2nd Amendment.
- Non-Metallic Mining Research.
- 2nd Meeting with American Asphalt and Mathy Construction.
- Floodplain Ordinance Amendment 24-06.
- Bug Tussel Wireless - Permit to Excavate, Fill or Place Objects in Public ROW.
- Project Plan Amendment Tax Incremental District No. 2.
- Joint Review Board and RDA meetings.
- Review Conditional Use Permit language.
- Preliminary Review Non-metallic mine CUP.
- Research Zero Lot Line Language.
- Meeting with Commonwealth Development Corporation.
- Meeting with RPS regarding TID 2 Road Projects.
- Discussions possible development 1190 Gardner Park.
- Research Timber Harvesting rules and regulations.
- Research possible walkway and pier Joe Swiderski Park.
- Correspondence with Developer regarding County Road XX.
- Preliminary review variance request North Road.
- Preliminary review variance request Helke Road.
- Open records request regarding 990 Happy Hollow complaint.
- Meeting with Eau Claire River, LLC re: Non-metallic Mineral Extraction.
- Meeting with Tina Clark, GWorks re: GIS Project.
- Meeting with Rob Roth from RPS re: Road projections.
- Correspondence re: 100 Paper Place permits.
- Research easement by necessity.
- Documentation for DNR Floodplain Ordinance Approval.
- Preliminary Review Rezones Maple Ridge Road and Kronenwetter Drive.
- Review 520-27 B. Detached accessory structure (for residential use) language.
- Research available properties for proposed development project.
- Correspondence with Badger State Consulting regarding Commercial Electrical projects.

Conditional Use Permits Discussion

10/21/2024

Process:

A conditional use must be listed as such in the zoning ordinance, along with the standards and conditions which it must meet.

A Conditional Use Permit (CUP) allows a local governing body (the planning commission/committee) to approve a land use that may be compatible in the zoning district in which it is proposed, but that should not be permitted as a matter of right because of the range of potential conflicts that such a use may create.

Because the decision to grant or deny a conditional use permit is quasi-judicial, local decision-makers must follow the rules of procedural due process. Among other things, this means that testimony should be limited to the public hearing, decisions should be based on pre-determined standards, and decision-makers should be impartial.

1. Application for conditional use permit.
2. Notice and public hearing.
3. Decision by governing body, plan commission or zoning board.
4. Filing and notice of decision.
5. Reconsideration and Appeal of Decisions

Review Criteria:

§ 520-121. - **Conditional use permits.**

G. Review criteria for conditional use permit. Each requested conditional use permit shall meet the following criteria (achieve "yes" answers) to be approved:

(1) Is the proposed conditional use in harmony with the comprehensive plan, this chapter, and any other plan, program, or ordinance adopted by the village?

Note: Wis. Stats. 66.1001(2m) (b) A conditional use permit that may be issued by a political subdivision does not have to be consistent with the political subdivision's comprehensive plan.

(2) The proposed conditional use does not, in its proposed location and as depicted on the required site plan, result in a substantial or undue 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?

(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?

(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?

Conditions:

Conditions are usually developed in one of three ways. They may be:

1. listed in the local zoning ordinance for the district,
2. recommended by zoning staff during the public hearing or in a staff report, or
3. developed by the permit review body at the conclusion of the public hearing.

Permit conditions that are routinely imposed for similar projects should be adopted by ordinance as minimum standards for approval. Incorporating standards in the ordinance allows permit applicants to anticipate and plan for design, location, and construction requirements.

What conditions may be attached to a conditional use permit?

Performance and design standards

General performance standards and specific design standards for approval of conditional uses may be provided by local ordinance. An applicant must demonstrate that the proposed project complies with each of the standards. The permit review body may impose additional conditions on development consistent with standards for approval and ordinance objectives. The review body may require an applicant to develop a project plan to accomplish specified performance standards (e.g., meet with land conservation department staff to develop an erosion control plan that contains all sediment on the site). Permit conditions that are routinely imposed for similar projects should be adopted by ordinance as minimum standards for approval of conditional uses. Incorporating standards in an ordinance allows permit applicants to anticipate and plan for design, location, and construction requirements.

The local governing body (the planning commission/committee) may attach conditions to the CUP deemed necessary or appropriate in furthering the purposes of this ordinance. Such factors to be considered may include, but are not limited to the following:

Conditions imposed as part of the conditional use permit shall be achievable, practicable and to the extent possible, measurable. Any conditions imposed must be related to the purpose of the ordinance and be based on substantial evidence.

2017 WISCONSIN ACT 67

The Act requires a city, village, town, or county to grant a conditional use permit if an applicant meets, or agrees to meet, all of the requirements and conditions specified in the relevant ordinance or imposed by the relevant zoning board. Any such conditions must be related to the purpose of the ordinance and based on substantial evidence. In addition, the Act requires those requirements and conditions to be reasonable and, to the extent practicable, measurable.

The Act requires an applicant for a conditional use permit to demonstrate, with substantial evidence, that an application and all requirements and conditions relating to the conditional use are, or will be, satisfied. The Act then requires a city, village, town, or county to demonstrate that its decision to approve or deny the permit application is supported by substantial evidence.

“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.

Renewals, transfers and appeals:**2017 WISCONSIN ACT 67**

The Act specifies that a conditional use permit may remain in effect as long as the conditions upon which the permit was issued are followed, except that a city, village, town, or county may impose conditions relating to the permit’s duration, and the ability of the applicant to transfer or renew the permit, as well as any other additional, reasonable conditions specified in the relevant zoning ordinance or by the relevant zoning board.

The Act requires a public hearing to be held on a conditional use permit application and authorizes a person whose conditional use permit application is denied to appeal the decision in circuit court.

Note: Our current ordinance allows an appeal be taken to the village board by any person, firm or corporation or any officer, department, board, commission or agency of the village who is aggrieved by the decision. A proposed ordinance amendment was brought before the Village Board on November 27, 2024, which included language for the Board of Appeals to hear Conditional Use Permit appeals instead of the Village Board. Action was delayed.

Possible Changes to Existing Language:

1. Language to address 2017 Act 67.
2. Appeal language.
3. Conditions.
4. Renewal requirements.
5. Revocation language.
6. Possible Changes to Existing Application Forms.



Report to Planning Commission

Agenda Item: Discussion and possible action related to § 520-121 - Conditional use permits.

Meeting Date: October 21, 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: Discussion and possible action related to § 520-121 - Conditional use permits.

OBJECTIVE(S): Review and discuss current language and process.

HISTORY/BACKGROUND: During previous Plan Commission meetings, members raised questions and concerns related to various aspects of Conditional Use Permits. Including but not limited to the review process, conditions, transfer of ownership and appeals.

RECOMMENDED ACTION: Direct staff to make changes as needed.

ATTACHMENTS: Staff Report.

§ 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:
- (1) 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'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. 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 ten calendar days prior to the date of the planning commission public hearing on an application for variance request.
 - (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 ten 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 ten 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.
 - (4) *Village website.* Notice of the plan commission public hearing shall be posted on the village webpage.
- 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.* An appeal of a decision under subsection E may be taken to the village board 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 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 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.
 - (3) The village board 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 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 commission under this section. The village board's 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) Is the proposed conditional use in harmony with the comprehensive plan, this chapter, and any other plan, program, or ordinance adopted by the village?
 - (2) The proposed conditional use does not, in its proposed location and as depicted on the required site plan, result in a substantial or undue 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?
 - (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?

- (4) Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, existing public 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 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 for original granting of a conditional use permit.
- 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.
- 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. No conditional use permit renewal shall be required to go through a new public hearing.
- 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. The burden of proof shall be on the property owner to conclusively demonstrate that the conditional use was operational during this period.
- 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.
- 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.* 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 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.

(Ord. No. 16-07, 6-20-2016; Ord. No. 21-11, 7-27-2021)

Kimberly, WI

§ 525-22R-3 Medium-Density Residential District.

A. Permitted uses.

(1) Any use permitted in the R-2 Moderate-Density Residential District.

(2) Two-family dwellings.

(3) Pursuant to § 66.1017, Wis. Stats., a family child-care home, defined as a dwelling licensed as a child-care center by the Wisconsin Department of Children and Families providing care for not more than eight children, provided that the proposed family child-care home shall meet all zoning regulations applicable to all other dwellings within this zoning district. [1]

[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

(4) Single-family attached dwelling units, zero-lot-line duplexes.

(a) The height, area and setback requirements for two-family dwellings (duplexes) shall remain as previously set forth in the table of height, area and setback requirements as found in the presently existing Village ordinances, with the exception of minimum frontage, which shall hereinafter be established as ninety-foot minimum lot width, and minimum area, which shall hereinafter be established as 9,500 square feet, for single-family attached dwelling units, zero-lot-line duplexes.

(b) Zero-lot-line duplexes can be implemented within the Village of Kimberly. All certified survey maps and subdivision plats creating zero-lot-line duplexes shall have the following restrictive endorsement placed upon same: "When attached dwelling units are created, matters of mutual concern to the adjacent property owners due to construction, catastrophe and maintenance shall be guarded against by private covenants and deed restrictions, and no approving authority shall be held responsible for the enforcement of same."

(c) Easements shall be provided across zero lot lines when necessary for provision of water, sewer and utility services.

(d) Zero-lot-line duplexes shall share a common wall. Wherever improvements abut on the common boundary line between adjoining units, there shall be a one-hour fire wall running from the lowest floor level, including the basement if it is the common wall, to the underside of the roof sheathing. Such basement wall, if any, shall be waterproofed masonry.

(e) When attached dwelling units are created, the plans, specifications and construction of such buildings shall require the installation and construction of separate sewer, water and other utility services to each dwelling unit.

(f) The side yard setback may be zero on one side, provided that:

[1] The lot adjacent to that side yard is held under the same ownership at the time of initial construction;

[2] The adjoining side yard setback of the lot adjacent to the zero-side yard is also zero;

[3] The opposite side yard is not less than six feet; and

[4] Both units of duplex exterior finish shall be completed within one year of the issuance date of the building permit.

(g) In the event of the total destruction of the zero-lot-line duplex building, it shall be determined by agreement of both unit owners whether to rebuild, restore or sell the property. If damage is only to the unit on one parcel and such damage does not affect the other unit, the damaged unit shall be repaired by the owner of that damaged unit.

B. Height, area and setback requirements. See § 525-31.

Portage, WI

(2) Two-family. This dwelling unit type consists of a single structure with two separate residences, each having a private individual access, and no shared internal access. Two-family units can be constructed as attached side-by-side units (duplex or zero lot line construction) each with a ground floor and roof, or as a two-story structure (two-flat) with one unit above the other. Where side-by-side, each dwelling unit may share the same lot (duplex) or be located on a separate lot (zero lot line construction) per the applicable standards that follow. Regulations for two-family uses include the following:

(a) The structure must be in compliance with the State of Wisconsin Uniform Dwelling Code (UDC).

(b) A building code required fire rated wall must separate the two dwelling units from the lowest level floor to flush against the underside of the roof.

(c) Each dwelling unit shall have separate water laterals and sanitary sewer connections, separately metered.

(d) Refer to the Building Code for the State of Wisconsin for specific information related to the minimum dwelling unit size and related requirements. (e) Minimum required parking: Two spaces per residence.

(f) In the R-T traditional neighborhood residential district, this dwelling unit type is only permitted as a two-flat; a conditional use permit is required for duplexes and zero lot line construction.

(g) Construction and maintenance standards for zero lot line construction:

a. Each dwelling unit shall be located on an individual lot.

b. No dwelling unit can have more than one zero lot line (i.e., prohibiting townhomes and rowhouses).

c. Patios and decks for zero lot line construction shall have zero lot line side yard setbacks except when such side yard is opposite the lot line that includes the common wall. All other yards shall be as required for zoning districts in which two-family uses are permitted.

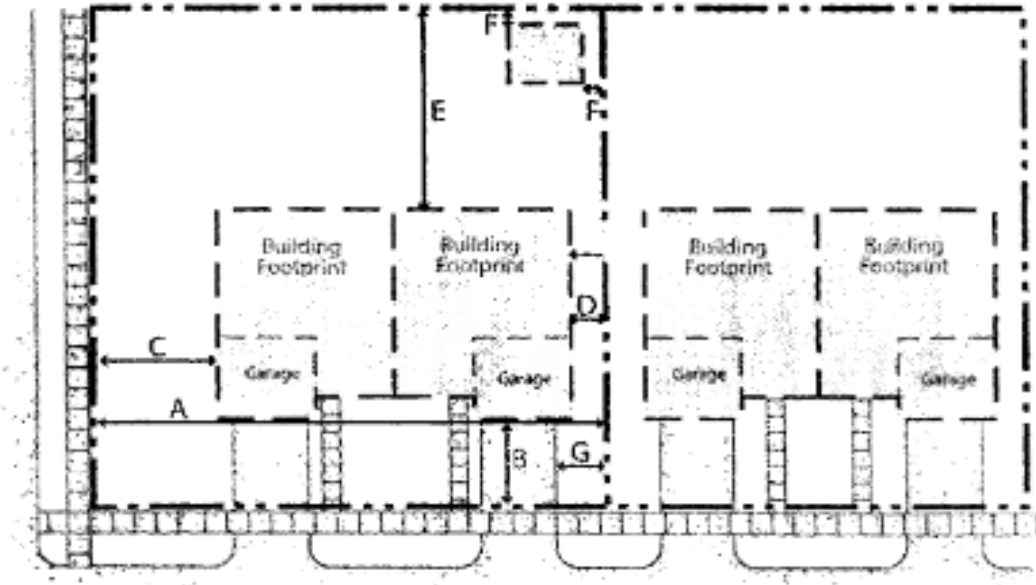
d. A zero lot line maintenance agreement or declaration, in a form acceptable to the zoning administrator and be recorded with the Columbia County Register of Deeds, shall be entered into by the owners of each dwelling unit specifying maintenance standards for the common wall (fire rated), maintenance and replacement standards for the exterior surfaces of the building, extending from the common wall between the lots outward, to maintain a neat and harmonious appearance of the building. The maintenance agreement shall provide that it may not be terminated or amended without the prior approval of the city council.

e. Driveways may be separate or joint. If joint, the standards for the joint driveway shall be part of the zero-lot line maintenance agreement or declaration.

(h) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for duplex land uses. Specific requirements for duplexes and other two-family dwellings can be found in article II under the density, intensity, and bulk requirements for each residential zoning district.

Key to Figure

- A Minimum lot width (at building minimum setback line)
- B Street setback (lot line to principal building or attached garage)
- C Corner lot (street side) setback (lot line to principal building or attached garage)
- D Side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)



Durand, WI

ZERO LOT LINE RESIDENCES

REQUIREMENTS FOR A CONDITIONAL USE PERMIT

Zero lot line residences in the City of Durand, Wisconsin are permitted as a conditional use in the R-1 and R-2 zoning districts. What this means is the land division or sale of a zero-lot line residence, the property owner or applicant must first obtain approval of a conditional use permit by the City of Durand’s Plan Commission. The Plan Commission is charged with the responsibility of ensuring that the requirements of the Zoning Ordinance are met. In order to appear in front of the Plan Commission, an application must be completed and accompanied by additional materials that will allow the Plan Commission to determine whether or not the proposed request meets the standards set forth in the Zoning Ordinance. The following is a list of required materials to be submitted:

1. Completed and signed Conditional Use Permit Application on a form provided by the City of Durand.
2. Site Plan/Plot Plan which shows:
 - a. the overall size of the lot to be divided,
 - b. verification that the minimum lot size and frontage requirements will be met,
 - c. verification that the appropriate yard setbacks are met (including front, rear, and side opposite the zero-lot line),
 - d. verification that each unit will have separate utility services,
 - e. indication of driveway access to the two residential units (note, use of shared driveways must first be approved by the Zoning Administrator),

f. provisions for an eight (8) foot maintenance easement (4 feet on each side of the zero-side yard setback) shall be provided on the Certified Survey Map creating each separate lot,

g. verification that the 1-hour fire wall requirements are met including the waterproof masonry wall in the basement.

3. A draft Maintenance Agreement and Restrictive Covenant for review and approval by the Zoning Administrator which ensures that equal and reasonable maintenance and repairs are performed on the attached zero-lot line dwellings which include the following:

a. water, sewer and other utilities

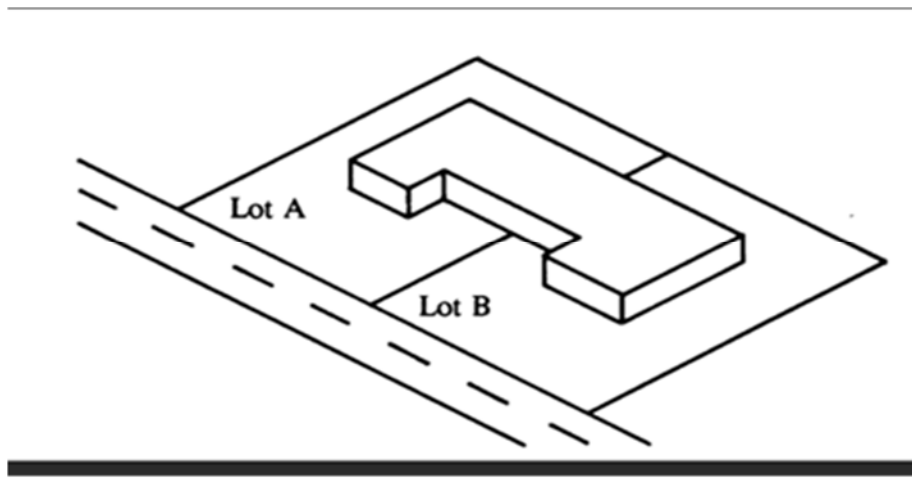
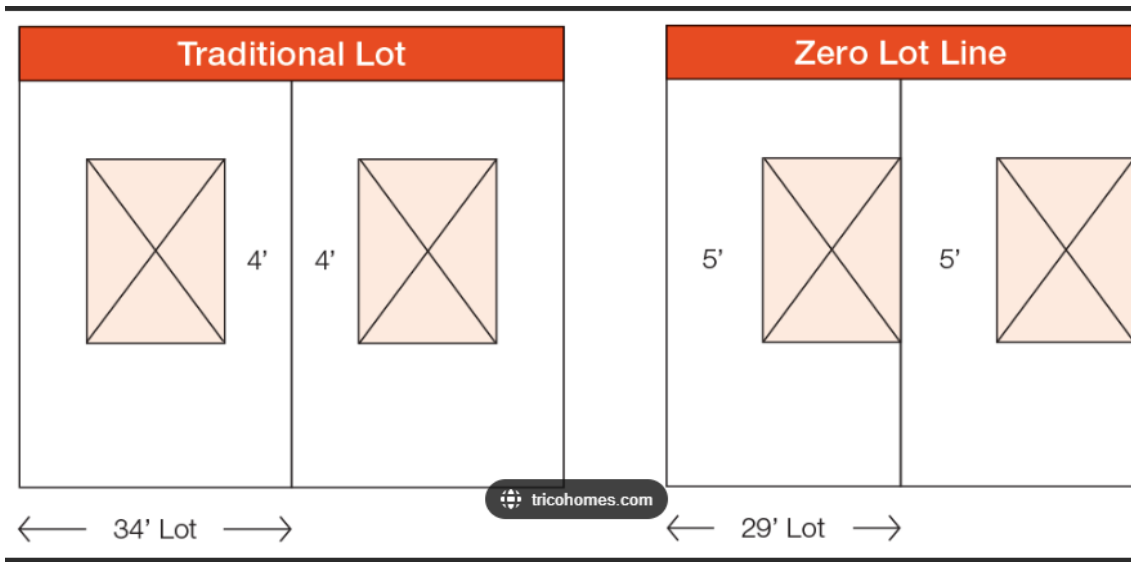
b. the grounds, inclusive of landscaping, yard and driveways if shared

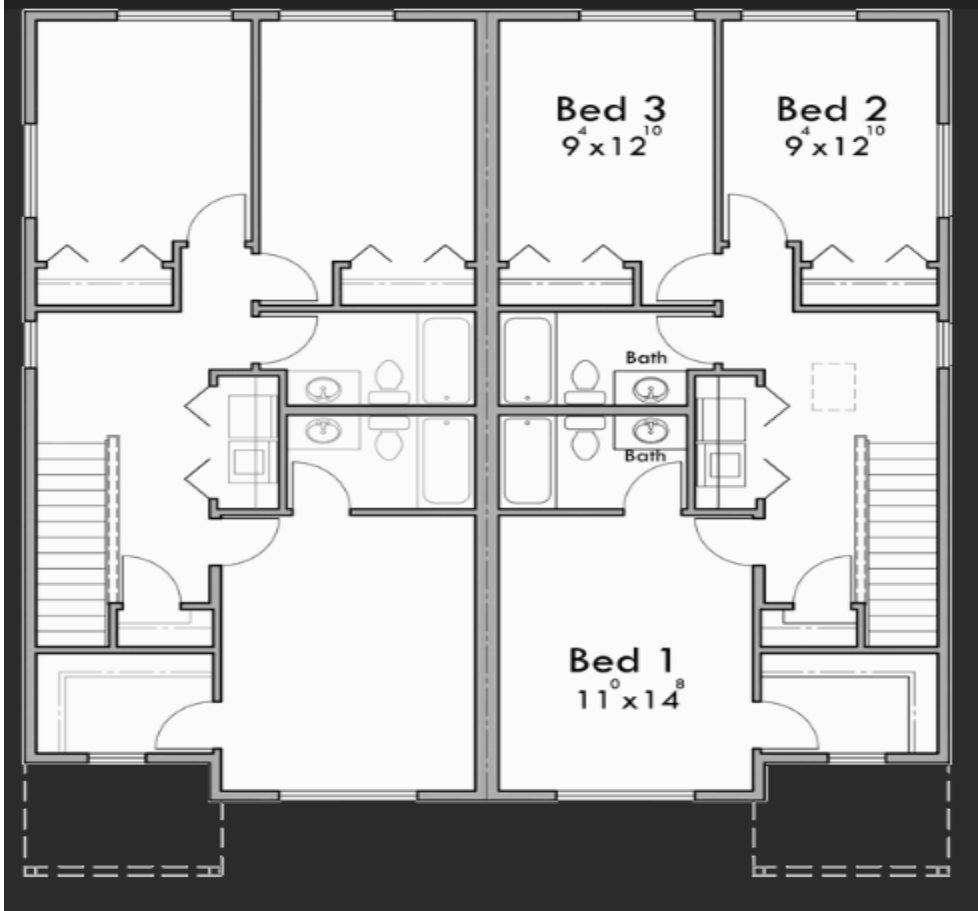
c. the exterior and roofs of each residence (a restrictive covenant is required which stipulates that any repairs or modification of the exteriors of the zero-lot line dwellings shall be of the same color, quality and consistency as the attached zero-lot line dwelling unit)

4. A Certified Survey Map (CSM) is required to establish separate lots for each zero-lot line dwelling. The applicant may wish to apply for approval of the CSM at the same time as the conditional use permit for a Zero-Lot Line Residence or following the approval of said permit. In either case, the Plan Commission is also charged with the responsibility of reviewing and recommending approval of the CSM to the City Council. The following statement must be placed of all CSM's creating zero-lot line dwellings: "When two attached, single family dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, and/or maintenance, shall be guarded against by private covenants and deed restrictions and the City of Durand shall not be responsible for the same."

Additionally, a restrictive covenant shall also be placed on all CSM's stating: "Building permits are limited to the development of zero-lot line dwellings on Lots __ through __ inclusive, unless two adjoining lots are combined and used as a single lot for the construction and occupancy of a single-family residence."

Examples









Report to Planning Commission

Agenda Item: Discussion and possible action Zero-lot-line Residences.

Meeting Date: October 21, 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: Discussion and possible action Zero-lot-line Residences.

OBJECTIVE(S): Review and discuss Zero-lot-line Residences.

HISTORY/BACKGROUND: I have received inquiries regarding the concept of Zero-Lot-Line Residences. A zero-lot-line residence is a piece of residential real estate in which the structure comes up to, or very near to, the edge of the property line. Rowhouses, garden homes, patio homes, and townhomes are all types of properties that may be zero-lot-line homes. Zero-lot-line residences can be attached or detached, and are especially popular in urban areas.

Some of the advantages are they cost less than homes with larger lots. They offer greater privacy than a condo since they share less or no walls. They maximize the use of available space and reduce maintenance responsibilities. Being in close proximity or sharing a common wall or with your neighbors gives a sense of community, as residents are more likely to interact and develop closer relationships.

Some disadvantages are noise and lack of privacy since there is little to no buffer zone surrounding them. With little or no yard space, homeowners may have limited opportunities for exterior modifications, such as landscaping or installing additional structures. A reduced setback from the road is commonly permitted increasing noise from passing cars. Finally, zero-lot-line homes fetch less on the real estate market.

RECOMMENDED ACTION: Provide staff with direction on how they wish to proceed.

ATTACHMENTS: Example language (Kimberly, Portage and Durand) and example floor plans.

§ 520-27. - **Accessory and miscellaneous land use types.**

B. Detached accessory structure (for residential use).

(1) Such structure is an accessory structure serving a residential principal land use and building (e.g., a house or apartment building), but not attached to the principal building. It includes detached residential garages (including carports attached to detached garages) designed primarily to shelter parked passenger vehicles; utility sheds used primarily to store residential maintenance equipment for the same property; private recreation structures such as gazebos, and detached elevated decks or walkways associated with residential uses. Pole buildings shall be prohibited in any residential zoning district.

(2) Performance standards.

(a) See figures V(1) and V(2) [7] for the setback, floor area, and coverage standards associated with detached accessory structures in residential and rural residential zoning districts. Maximum floor area and total building coverage shall not exceed the maximums set forth in figure V(1) for each zoning district.

(b) No detached accessory structure (for residential use) shall be constructed on any lot prior to the establishment of a principal use on that same lot.

(c) Except within the Agricultural and Residential Zoning District, no hoop building shall be permitted as a detached accessory structure (for residential use), except on a temporary basis for a maximum of five consecutive days within a 30-day period for a special event such as a sale on the property following the issuance of a temporary use permit.

(d) Exterior walls of residential detached accessory structures shall be sided with wood, masonry, concrete, stucco, Masonite, vinyl or metal lap, or similar material approved by the zoning administrator. The exterior siding shall extend to the top of the foundation. If the top of the foundation is below grade, the siding shall extend to the ground. Siding shall be of similar material and color as the siding on the principal structure, except that where the siding on the principal building is stone or brick, another compatible material may be selected.

(e) Roofs of residential detached accessory structures shall be surfaced with any of the following materials: wood shakes; asphalt, composition, or wood shingles; clay, concrete or metal tiles; slate; built-up gravel materials; architectural standing seam metal roofing; metal roofing; rubber membrane (for flat roofs or roofs with no greater than a 1:12 pitch); or similar material approved by the zoning administrator. Shingles or other roof surfaces shall be of similar material and color as the roof surface of the principal building.

(f) No detached accessory structure (for residential use) shall be taller or have more floors above ground level than the principal building.

(g) No detached accessory structure (for residential use) shall occupy any portion of the minimum required front setback for principal structures in the zoning district.

(h) No detached accessory structure (for residential use) shall be located closer than ten feet from any other building on the lot, unless applicable building code requirements for one-hour fire-rated construction are met.

(i) No detached accessory structure (for residential use) shall involve or include the conduct of any business, trade, or industry, except for home occupations and residential businesses as described and limited elsewhere in this article IV.

(j) No detached accessory structure (for residential use) shall be occupied as a dwelling unit or otherwise used for human habitation unless it has first been approved for such use by the building inspector and meets all applicable code requirements for a dwelling.



Report to Planning Commission

Agenda Item: Discussion and possible action § 520-27 B. Detached accessory structure (for residential use).

Meeting Date: October 21, 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: Discussion and possible action § 520-27 B. Detached accessory structure (for residential use).

OBJECTIVE(S): Review and discuss possible changes to § 520-27 B. Detached accessory structure (for residential use).

HISTORY/BACKGROUND: I have received questions and concerns from Village Residents regarding some of the performance standards related to detached accessory structures. These concerns include but are not limited to the following: 1. Siding shall be of similar material and color as the siding on the principal structure. 2. Shingles or other roof surfaces shall be of similar material and color as the roof surface of the principal building. 3. Shall be taller or have more floors above ground level than the principal building. 4. Shall be located closer than ten feet from any other building on the lot. From the comments I have received, it is difficult to meet some of these standards when considering a prefab detached accessory structure.

RECOMMENDED ACTION: Direct staff to make changes as needed.

ATTACHMENTS: Staff Report.