



## OFFICIAL PUBLIC NOTICE

### MEETING OF THE PLANNING COMMISSION

WEDNESDAY, JANUARY 22, 2025 AT 5:30 PM

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COUNCIL ROOM AT THE MUNICIPAL BUILDING, 450 S. MAIN STREET, RICHLAND CENTER, WI 53581

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#### AGENDA

**CALL TO ORDER** *Roll Call for the meeting, determine whether a quorum is present; determine whether the meeting has been properly noticed.*

**APPROVAL OF MINUTES** *Entertain a motion to waive the reading of the minutes of the last meeting in lieu of printed copies and approve said minutes or correct and approve said minutes.*

1. Meeting Minutes

#### DISCUSSION AND ACTION ITEMS

- 2. PUBLIC HEARING** for the Application of Bindl Tire & Auto for a Conditional Use Permit to Allow an Auto Repair Garage or Facility at 243 E Court St (Tax Parcel ID 276-2100-0930)
3. Consider the Application of Bindl Tire & Auto for a Conditional Use Permit to Allow an Auto Repair Garage or Facility at 243 E Court St (Tax Parcel ID 276-2100-0930)
- 4. PUBLIC HEARING** for the Application of Guru Ramdas Shaa LLC for a Conditional Use Permit to Allow an Auto Repair Garage or Facility at 789 Sextonville Rd (Tax Parcel ID 276-2100-7581)
5. Consider the Application of Guru Ramdas Shaa LLC for a Conditional Use Permit to Allow an Auto Repair Garage or Facility at 789 Sextonville Rd (Tax Parcel ID 276-2100-7581)

#### COMPREHENSIVE PLAN

#### REPORTS/UPDATES

#### FUTURE AGENDA ITEMS

**SET NEXT MEETING DATE** *Fourth Wednesday of the month*

#### ADJOURNMENT

Posted this 21st day of January, 2025 by 4:30 PM.

Copy to the official newspaper the Richland Observer.

PLEASE NOTE: That upon reasonable notice, a minimum of 24 hours in advance, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service contact Ashley Oliphant, City Administrator at 450 S. Main St., Richland Center, WI. 53581 or call 608-647-3466. Notice is hereby given that the council members who are not members of this committee may attend this meeting so as to constitute a quorum of the city council. Any such council member attendance will be for information gathering, discussion, and/or related purposes and will not result in the direct decision making by the city council at the committee meeting. The City of Richland Center is an equal opportunity employer, provider, and lender.



**PLANNING COMMISSION**

WEDNESDAY, DECEMBER 18, 2024 AT 6:15 PM

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COUNCIL ROOM AT THE MUNICIPAL BUILDING, 450 S. MAIN STREET, RICHLAND CENTER, WI 53581

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**CALL TO ORDER** Chair Coppernoll called the meeting to order at 6:15PM. Members present: Todd Coppernoll, Karin Tepley, Lisa Miller, Ray Wilson, Mark Jelinek, Chris Jarvis. Members absent: Ryan Cairns. Glasbrenner affirmed proper notice.

**APPROVAL OF MINUTES** Motion by Jelinek to approve the Meeting Minutes from November 20, 2024, seconded by Wilson. Motion carried unanimously.

**PUBLIC HEARING FOR THE APPLICATION OF RICHLAND HOSPITAL FOR A CONDITIONAL USE PERMIT TO ALLOW A PHARMACY AT 431 N PARK ST (TAX PARCEL ID 276-1696-0900)**

Chair Coppernoll opened the public hearing at 6:16 PM. Zoning Administrator Matt Williams provided an overview of the request for a conditional use permit to allow for a pharmacy at 431 North Park St. Williams confirmed a public posting was made as well as a mail-out to neighbors regarding the application.

Citizen Paul Corcoran inquired about spot zoning and Zoning Administrator Matt Williams affirmed that this is not an instance of spot zoning.

Bruce Roesler, Chief Executive Officer of The Richland Hospital and Clinics, explained that the Hospital did not have an awareness of improper zoning and are applying for the CUP to become compliant. He supplied that customers have appreciated the convenience of having a retail pharmacy adjacent to the clinic and hospital and they are glad to be able to offer that service to the patients that they serve.

Committee Member Karin Tepley asked whether the CUP is to have an expiration date or a time frame to which Williams answered that it would be indefinite for the life of the pharmacy. He clarified that the CUP is specific to the business, not the property.

Motion to close the public hearing by Tepley, seconded by Miller. The public hearing was closed at 6:28 PM.

**CONSIDER THE APPLICATION OF RICHLAND HOSPITAL FOR A CONDITIONAL USE PERMIT TO ALLOW A PHARMACY AT 451 N PARK ST (TAX PARCEL ID 276-1696-0900)**

Williams advised of his recommendation to approve the CUP under the two conditions that the completed project be consistent with the plans and specs submitted at the time of the application and at the public hearing of the plan commission as well as the applicant shall allow the building inspector and city zoning staff to access the project site for inspection purpose to verify compliance with local, state, and federal regulations.

Committee Member Mark Jelinek inquired as to whether the hospital be zoned R34. Williams answered that considering the Comprehensive Plan, zoning is as it should be. Director of Public Works Jasen Glasbrenner advised that it is not atypical for a zoning ordinance to allow things such as emergency services, church, public schools, etc. to fall under various residential zoning categories.

Motion by Miller to recommend to the City Council to grant the request for the application of Richland Hospital for a Conditional Use Permit to allow a pharmacy at 431 N Park St. Seconded by Wilson. Motion carried unanimously.

**PUBLIC HEARING FOR THE APPLICATION OF RICHLAND COUNTY FOR A CONDITIONAL USE PERMIT TO ALLOW A COMMUNICATION STRUCTURE ON TOWER HILL (TAX PARCEL ID 276-1696-0900)**



**PLANNING COMMISSION**

WEDNESDAY, DECEMBER 18, 2024 AT 6:15 PM

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COUNCIL ROOM AT THE MUNICIPAL BUILDING, 450 S. MAIN STREET, RICHLAND CENTER, WI 53581

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Chair Coppernoll opened the public hearing at 6:36 PM. Zoning Administrator Matt Williams provided an overview of the request for a conditional use permit to allow for a communication structure on Tower Hill.

Williams advised that it is currently zoned as R1, wherein a mobile service facility isn't permitted unless presented with a CUP. The service is for the new communication system that our emergency service will be using. The land is owned by the city and the county is authorized to use that land.

Williams supplied that the building permit has already been issued and they're working with the City's building inspector on the structure. Williams confirmed a public posting was made as well as a mail-out to neighbors regarding the application.

Williams advised of his recommendation to approve the CUP under the conditions that the project is consistent with the plans as you presented. He confirmed that they've met all the setbacks as well as the erosion control.

Motion to close the public hearing by Wilson, seconded by Miller. The public hearing was closed at 6:40 PM.

**CONSIDER APPLICATION OF RICHLAND COUNTY FOR A CONDITIONAL USE PERMIT TO ALLOW A COMMUNICATION STRUCTURE ON TOWER HILL (TAX PARCEL ID 276-1696-0900)**

Motion by Tepley to recommend to the City Council to grant the request for the application of Richland County for a Conditional Use Permit to allow a communication structure on Tower Hill. Seconded by Miller. Motion carried unanimously.

**COMPREHENSIVE PLAN REVIEW & UPDATES**

Glasbrenner provided informational material on the role of the Planning Commission by UW-Steven's Point Center for Land Use. Glasbrenner advised that he provided Committee Member Tepley with the spreadsheet of items currently being working towards in the comprehensive plan and can provide this to other Committee Members upon request.

**REPORTS/UPDATES**

- Glasbrenner advised the committee of the development agreement signed for Panorama Estates Buildings 2 & 3.
- Glasbrenner advised the committee of the TIF report that was presented earlier in the evening at the Joint Review Board meeting.

**FUTURE AGENDA ITEMS**

**SET NEXT MEETING DATE** The next meeting was scheduled for Wednesday, January 22nd at 5:30PM.

**ADJOURNMENT** Motion to adjourn by Tepley, seconded by Miller. Motion carried unanimously. The meeting adjourned at 6:46 PM.

# STAFF REPORT

Request Conditional Use

<b>APPLICANT/AUTHORIZED AGENT</b>	<u>Bill Bindl</u>	<b>BUSINESS NAME:</b>	<u>Bindl Tire &amp; Auto</u>
<b>SITE ADDRESS:</b>	<u>243 E. Court St.</u>	<b>ZONING DISTRICT:</b>	<u>Commercial Downtown</u>
<b>TAX PARCEL:</b>	<u>276-2100-0930</u>	<b>REQUEST:</b>	<u>Conditional Use Permit</u>
<b>DESCRIPTION:</b>	<u>Operate auto and tire repair shop</u>		
<b>MEETINGS:</b>	<u>Plan Commission 01/22/25 &amp; Common Council on 02/04/25</u>		

**Background:**

Records show the subject property has operated as an automotive and tire repair facility for an extended duration with multiple Conditional Use Permits (CUPs) issued for this use. The most recent CUP expired in 2021.

Bindl Tire & Auto Ltd. has been operating without a valid CUP since 2021. As such a Notice of Violation was issued on 12/6/2024 (attached), requiring removal of non-conforming items and application for a new CUP. While the applicant has made some efforts to comply, full compliance has not been achieved as of 1/22/2025.

**Ordinance Language:**

**408.04 CONDITIONAL USES IN A "C-DT" CENTRAL BUSINESS DISTRICT.**

(4) Auto Repair garage or facility.

CRITERIA FOR CONSIDERATION	Yes	No
Is the project consistent with the Comprehensive Plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Can the request demonstrate adequate public facilities, including roads and drainage, and utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Will the request minimize adverse effects on the natural environment? <b>Refer to Condition #3</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The request will not create undue traffic congestion.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The request will not adversely affect public health, safety, and welfare. <b>Refer to Condition #3</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The request conforms to all applicable provisions of the code.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**CONDITIONS FOR APPROVAL**

1. The completed project must be consistent with the plans and specifications submitted at time of application and at the public hearing of the Plan Commission.

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2. The applicant shall allow the Building Inspector and City Zoning Staff to have access to the project site for inspection purposes to verify compliance with applicable local and state regulations.

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3. The applicant is prohibited from storing new or used tires outside, inoperable vehicles, scrap metal, auto parts, and similar items.

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4. The CUP is valid for 1 year from the date of approval by the Common Council.

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5. This CUP will be renewable if compliant with the applicable local and state regulations and conditions of this permit.

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6. The conditional use permit is not transferable.

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**Staff Recommendation:** Approval of CUP contingent upon compliance with the Notice of Violation by the next Common Council meeting on 2/4/2025.

Motion to recommend to the Common Council to approve the application of Bindl Tire and Auto for a conditional use permit to allow an auto repair garage at 243 E. Court St (Tax Parcel ID 276-2100-0930) with conditions as presented provided applicant has come into compliance as directed in the Notice of Violation.



## NOTICE OF VIOLATION

LANDOWNER	OPERATOR	MAILING ADDRESS	DATE
Robert Simpson	Bindl Tire and Auto Ltd.	243 E. Court St	12/06/2024
PARCEL NUMBER	SITE ADDRESS		ZONING DISTRICT
276-2100-0930	243 E. Court St, Richland Center		Commercial Downtown

### VIOLATION

The subject property is in violation of the City of Richland Center's Zoning Code and approved Conditional Use Permit issued on 03/02/2016 good for 5 years by storing used tires, motor vehicle parts, and inoperable vehicles on the exterior of the building. According to our 2020-2024 records we haven't found your business name for continued need for a conditional use. You have been in violation since 03/02/2021.

### CITY ORDINANCE(S)

**408.04 CONDITIONAL USES IN A "C-DT" CENTRAL BUSINESS DISTRICT.** Within any "CDT" Central Business District no structure or land shall be used for any of the following uses except with a Conditional Use Permit:

(4) Auto Repair garage or facility.

**(7) Conditional Use Permits. [As Amended by Ord 2004-10]** The procedure for issuance of conditional use permits is as follows:

2. Upon the expiration of the Thirty (30) day period, the City Council may revoke the Conditional Use Permit

3. Upon the expiration of the Thirty (30) day period, the City Council may impose a forfeiture upon the Permittee, of not less than \$10.00 per day, nor more than \$200.00 per day, the exact daily amount to be determined by the City Council. The City Council may, at its option, adjust the amount of the daily forfeiture, from time to time. The imposition of a forfeiture shall not be deemed a waiver of any other available remedies.

4. Upon the expiration of the Thirty (30) day period, the City Council may refer the matter to the City Attorney, to bring action for a Restraining Order or an Injunction, ordering the Permittee to discontinue the nonconforming use of the property, and the City shall have the right to demand reimbursement for its Court Costs, the costs bringing the action, and its attorney's fees from the Permittee.

### **101.23 PARKING, KEEPING OR STORING OF DISABLED, INOPERABLE, INCOMPLETE OR UNREGISTERED MOTOR VEHICLES.**

(1) PARKING, KEEPING OR STORING DISABLED, INOPERABLE, INCOMPLETE OR UNREGISTERED MOTOR VEHICLES OR VEHICLE PARTS OUTSIDE OF AN ENCLOSED BUILDING PROHIBITED.

(a) No person shall park, keep, store or maintain any disabled, inoperable, incomplete or unregistered motor vehicle or motor vehicle part in any of the following areas within the City of Richland Center:

1. Outside of an enclosed garage or other enclosed building on any property which is in a residential zoning district.

2. Outside of an enclosed garage or other enclosed building on any property which is in a commercial or industrial zoning district, except that where such keeping is in connection with and necessary to the operation of a garage, body shop, auto repair business, service station or other similar business, a damaged vehicle or a vehicle awaiting repairs may be kept, stored or maintained outside such enclosed garage or enclosed building for a period not to exceed in the aggregate ten (10) days out of any sixty (60) day period, for the purpose of procuring parts for such vehicle or completing repairs to the vehicle.

(b) Motor vehicle part means any component of a motor vehicle which has been removed or separated from a vehicle, including but not limited to seats, doors, hoods, fenders, trunk lids, tires, wheels, engines, drive shafts, axles, transmissions, radiators or any other major component of a motor vehicle. [Amended by Ord 2009-9]

**300.03 NUISANCES INTERFERING WITH THE PUBLIC INTEREST**

(1) NUISANCES AFFECTING PUBLIC HEALTH AND SAFETY.

(f) The open storage upon the surface of any land of junk, garbage, hewn or fallen trees, waste building materials from land development or building construction or repair, litter, rubbish and refuse, inoperable motor vehicles or motor vehicle parts, cloth, rags, clothing, paper, bottles, rubber, metals, alloys, or any other article or thing which from its worn or broken condition renders it practically useless for the purpose for which it was made.

**ACTION NECESSARY TO CORRECT VIOLATION**

To remedy this violation, the property owner/operator must see to the immediate removal of all used tires, motor vehicle parts, and inoperable vehicles from the exterior of the building.


**YOU ARE ORDERED TO CORRECT THE AFOREMENTIONED VIOLATIONS BY**

1. Contact the Zoning Administrator no later than **December 18, 2024** to acknowledge receipt of this Notice of Violation and discuss the corrective action plan.
2. **All violations must be corrected by January 7, 2025.**

**PENALTY/FORFEITURE**

*Failure to take corrective action by the date provided above may result in the imposition of a forfeiture.*

- **400.05(10(b))** - Forfeiture shall be not less than \$100 nor more than \$400 per day that a violation is maintained or permitted to exist.
- **307.08(1)** - Forfeiture shall not be less than \$50 nor more than \$400 per day that a violation is maintained or permitted to exist.

<b>SIGNATURE:</b>		<b>NAME:</b>	Matt Williams	<b>TITLE:</b>	Zoning Administrator	<b>DATE:</b>	12/06/2024
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**ZONING DEPARTMENT**  
450 S Main St, Richland Center, WI 53581  
Phone: (608) 647-3466 Ext. 207  
zoning@richlandcenterwi.gov

# STAFF REPORT

Request Conditional Use

<b>APPLICANT/AUTHORIZED AGENT:</b>	Guru Ramdas Shaa LLC	<b>BUSINESS NAME:</b>	Shamrock Services
<b>SITE ADDRESS:</b>	789 Sextonville Rd.	<b>ZONING DISTRICT:</b>	Commercial General
<b>TAX PARCEL:</b>	276-2100-7581	<b>REQUEST:</b>	Conditional use Permit
<b>DESCRIPTION:</b>	Operate auto and tire repair shop		
<b>MEETINGS:</b>	Plan Commission on 01/22/25 & Common Council on 02/04/25		

**Background:**

Following a period of vacancy, a new business began operating from the subject property which came to the attention of the Zoning Department. After reviewing zoning records, it was determined that a Conditional Use Permit (CUP) had been issued to a previous auto and tire repair shop in this location but was not transferred to the new business, Shamrock Services. A new CUP must be obtained by Shamrock Services to allow for the operation of an auto and tire repair shop in a commercial general zoning district.

After becoming aware of the violation, a Notice of Violation (attached) was issued to Shamrock Services on December 3, 2024, for operating without the required CUP. On December 16<sup>th</sup>, the applicant applied for a new CUP.

**Ordinance Language:**

**408.04 CONDITIONAL USES IN A "C-G" GENERAL BUSINESS DISTRICT.**

(4) Auto Repair garage or facility.

CRITERIA FOR CONSIDERATION	Yes	No
Is the project consistent with the Comprehensive Plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Can the request demonstrate adequate public facilities, including roads and drainage, and utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Will the request minimize adverse effects on the natural environment? <b>Refer to Condition #3</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The request will not create undue traffic congestion.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The request will not adversely affect public health, safety, and welfare. <b>Refer to Condition #3</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The request conforms to all applicable provisions of the code.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**CONDITIONS FOR APPROVAL**

1. The completed project must be consistent with the plans and specifications submitted at time of application and at the public hearing of the Plan Commission.
2. The applicant shall allow the Building Inspector and City Zoning staff to have access to the project site for inspection purposes to verify compliance with applicable local and state regulations.
3. The applicant is prohibited from storing new or used tires outside, inoperable vehicles, scrap metal, auto parts, and similar items.
4. The CUP is valid for 1 year from the date of approval by the Common Council.



## STAFF REPORT

Request Conditional Use

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5. The CUP will be renewable if compliant with the applicable local and state regulations and conditions of this permit.

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6. The conditional use permit is not transferable.

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**Staff Recommendation:** Approval

Motion to recommend to the Common Council to approve the application of Guru Ramdas Shaa LLC for a conditional use permit to allow an auto repair garage at 789 Sextonville Rd (Tax Parcel ID 276-2100-7581) with conditions as presented.



## NOTICE OF VIOLATION

LANDOWNER	MAILING ADDRESS	DATE
Guru Ramdas Shaa LLC.	1801 Waterbend Dr. Verona WI, 53593	12/03/2024

### PARCEL NUMBER & SITE ADDRESS

276-2100-7581  
789 Sextonville Road  
Richland Center, WI 53581

### VIOLATION

The conditional use permit has not been renewed since the change of ownership. The renewal should have taken place before any work/ services started out of this location. The existing business is operating without proper zoning permits.

Property is zoned – Commercial – General - <https://www.richlandcenterwi.gov/ordinances/chapter-407-%E2%80%93-c-g-general-business-thru-oct-2017>

### CITY ORDINANCE(S)

**407.04 – Conditional Uses in a C-G General Business District:**

- (4) Auto Repair Garage or Facility**
- (5) Automobile or other vehicle of transportation sales whether new or used**
- (22) Open sales lot or open storage**

### ACTION NECESSARY TO CORRECT VIOLATION

The current owner needs to apply for a conditional use permit to continue to operate the auto repair facility. Property must be brought into conformance with all current zoning ordinance regulations.

### YOU ARE ORDERED TO CORRECT THE AFOREMENTIONED VIOLATIONS BY

You are hereby ordered to bring the property into compliance by December 17, 2024. This means that a conditional use needs to be applied for (application attached) and the corresponding fee be paid no later than December 10, 2024. You may meet with the Zoning Administrator during office hours (Monday - Friday 8:00am-4:30pm) or by telephone or email below to go over the process to bring the property into compliance.

### PENALTY/FORFEITURE

*Failure to take corrective action by the date provided above may result in the imposition of a forfeiture.*

- **400.05(10(b))** - Forfeiture shall be not less than \$100 nor more than \$400 per day that a violation is maintained or permitted to exist.
- **307.08(1)** - Forfeiture shall not be less than \$50 nor more than \$400 per day that a violation is maintained or permitted to exist.

**SIGNATURE:**

**NAME:** Matt Williams

**TITLE:** Zoning Administrator

**DATE:** 12/03/2024

### ZONING DEPARTMENT

450 S Main St, Richland Center, WI 53581

Phone: (608) 647-3466 Ext. 207

[zoning@richlandcenterwi.gov](mailto:zoning@richlandcenterwi.gov)