



**PLAN COMMISSION  
MEETING**  
March 7, 2022  
4:00 PM

**PUBLIC MEETING NOTICE**

**PLANNING COMMISSION**

Mayor Blaser, Chairperson  
Ryan Austin, Alderperson  
Shane Burkart  
Lee Thao  
Susan Feith  
Eric Daven  
Ben Goodreau

**AGENDA ITEM RECIPIENTS**

Sue Schill, City Attorney  
Erika Esser, Secretary  
Jennifer Gossick, City Clerk

Notice is hereby given of a meeting of the Wisconsin Rapids Plan Commission held within the Council Chambers at City Hall, 444 West Grand Avenue, Wisconsin Rapids, and via remote audioconferencing on **March 7, 2022, at 4:00 PM. The public can listen to the meeting by calling 1-312-626-6799, Access code: 812 5378 7179.** The meeting will also be streamed LIVE on the City of Wisconsin Rapids Facebook page. This meeting is also available after its conclusion on the City's Facebook page and Community Media's YouTube page, which can be accessed at [www.wr-cm.org](http://www.wr-cm.org). If a member of the public wishes to submit comments to the Commission regarding an agenda item, please contact the Community Development Department via email or phone at [CommunityDevelopment@wirapids.org](mailto:CommunityDevelopment@wirapids.org) or 715-421-8228 before the meeting.

**AGENDA**

1. Approval of the report from the February 7, 2022, Plan Commission meeting
2. Vandewalle & Associates – Wisconsin Rapids Recovery & Redevelopment Plan Update
3. **Plan 22-0078: Central State Landscaping Inc.** – Public hearing and action on a request for a conditional use permit to renovate the building into mixed-use housing at 2934 State Highway 73 North (Parcel ID 3400836).
4. **Plan 22-0079: Central State Landscaping Inc.** – Public hearing and action on a request for a conditional use permit to operate a landscaping business at 2934 State Highway 73 North (Parcel ID 3400836).
5. **Plan 22-0063: Nieman's Service Inc.** – Public hearing and action on a request for an amendment to Chapter 11, Zoning Code, of the City's Municipal Code, to define Towing Business and place it within zoning districts.
6. Adjourn

The City of Wisconsin Rapids encourages participation from all its citizens. If participation at this meeting is not possible due to a disability or other reasons, notification to the city

clerk's office at least 24 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. Call the clerk at (715) 421-8200 to request accommodations.

PUBLISH: February 18<sup>th</sup> & 25<sup>th</sup>, 2022

## **NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the City of Wisconsin Rapids Planning Commission will hold a **Public Hearing on Monday, March 7, 2022 at 4:00 PM** within the Council Chambers at City Hall, 444 West Grand Avenue, Wisconsin Rapids. Participation at the public hearing can be in-person or via remote audioconferencing. **The public can also participate in the hearing by calling 1-312-626-6799, Access code: 812 5378 7179.** The meeting will also be streamed LIVE on the City of Wisconsin Rapids Facebook page. The following items will be heard and possibly acted on:

1. Public hearing and action on a request from Central State Landscaping Inc. for a conditional use permit to renovate the building into mixed-use housing at 2934 State Highway 73 North (Parcel ID 3400836).
2. Public hearing and action on a request from Central State Landscaping Inc. for a conditional use permit to operate a landscaping business at 2934 State Highway 73 North (Parcel ID 3400836).
3. Public hearing and action on a request from Nieman's Service Inc. for an amendment to Chapter 11, Zoning Code, of the City's Municipal Code, to define Towing Business and place it within zoning districts.

Further details regarding the specific requests can be obtained within the Community Development Department at City Hall, or by calling the department at 715-421-8228.

The City of Wisconsin Rapids encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk's office at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. Call the Clerk at (715) 421-8200 to request accommodations.

Jennifer Gossick,  
Wisconsin Rapids City Clerk

**REPORT OF THE PLANNING COMMISSION**

Date of Meeting: February 7, 2022

Report #1

The Planning Commission met at 4:00 p.m. on February 7, 2022 in the City Hall Council Chambers and via remote audioconferencing. Members present included acting Chairperson Ryan Austin, Lee Thao, Eric Daven, and Ben Goodreau. Shane Burkart and Susan Feith attended via Zoom. Absent was Shane Blaser. Also at the meeting were Carrie Edmondson, Kyle Kearns, Tom Rayome, Alex Mayou, Tracey Traut, Ryan Neville, Dave O, Dean Veneman, Jennifer Klund, Justin Frahm, and Jim Lynn.

The meeting was called to order at 4:03 p.m.

1. Approval of the reports from the December 6, 2021 and January 3, 2022 Plan Commission meetings.

Motion by Thao to approve the staff reports from the December 6, 2021 and January 3, 2022 Plan Commission meetings; second by Goodreau.

Motion carried (6 – 0)

2. Vandewalle & Associates – Wisconsin Rapids Recovery & Redevelopment Plan Update

Kyle Kearns provided information on the continued status and progress of the Wisconsin Rapids Recovery and Redevelopment Plan.

3. **PLAN-22-0044; RC Rapids East LLC** – request for Certified Survey Map approval to combine and create four lots south of Poplar Street, between Third Street North and Fourth Street North (Parcel ID's 3405243, 3405242, 3405225, 3405226, 3405241, 3405227, 3405240, 3405228, 3405239, & 3405229)

Motion by Daven to approve the request for Certified Survey Map approval to combine and create four lots south of Poplar Street, between Third Street North and Fourth Street North (Parcel ID's 3405243, 3405242, 3405225, 3405226, 3405241, 3405227, 3405240, 3405228, 3405239, & 3405229); second by Austin.

Motion carried (6 – 0)

4. **PLAN-22-0060; RC Rapids East LLC** – request for Certified Survey Map approval to combine and create two lots north of Spring Street, between Second Street North and Third Street North, which includes the dedication of right-of-way along Spring Street (Parcel ID's 3405351, 3405223, 3405222 & 3405221)

Motion by Goodreau to approve the request for Certified Survey Map approval to combine and create two lots north of Spring Street, between Second Street North and Third Street North, which includes the dedication of right-of-way along Spring Street (Parcel ID's 3405351, 3405223, 3405222 & 3405221); second by Thao.

Motion carried (6 – 0)

5. **PLAN-22-0039; Marshfield Clinic Health System** – Site Plan Review and Architectural Review to construct a Health Care Center and other site improvements at 220 24th St. S. (Parcel ID 3410784)

City staff provide hardcopies of updated plans to Commissioners (attached).

Carrie Edmondson provided a synopsis of the Marshfield Healthcare Clinic project. The Community Development Department recommends approval with the conditions outlined in the staff report.

Commissioners asked for clarification about the patient drop-off area, the relationship between the two buildings, the logistics for the transport of patients to and from each building and if it were to occur, traffic routes in the parking lot, and the quantity and use of patient rooms. Marshfield Clinic staff, Dave O and Jim Lynn responded to the concerns.

Motion Feith to approve the Site Plan Review and Architectural Review to construct a Health Care Center and other site improvements at 220 24th St. S. (Parcel ID 3410784), subject to the following conditions:

- a) An updated landscape plan should be submitted to the Community Development Department for review and approval.
- b) Trees within the setbacks, as outlined in the covenants, should be preserved where possible.
- c) Light from the business shall not exceed 0.2 foot-candles at the neighboring commercial property lines.
- d) Applicable permits through the City shall be obtained.
- e) Community development staff shall have the authority to approve minor modifications to the plans.

Second by Austin.

Motion carried (6 – 0)

## **6. Adjourn**

Motion by Austin to adjourn; second by Goodreau.

Motion carried (6 – 0)

Meeting adjourned at 4:28 p.m.

Respectfully Submitted by Erika Esser, Secretary



# VANDEWALLE & ASSOCIATES INC.

**To:** Common Council, City of Wisconsin Rapids  
Plan Commission, City of Wisconsin Rapids  
Recovery and Reuse Project Steering Committee

**From:** Scott Harrington, AICP, Principal Planner  
Sonja Kruesel, AICP, Associate Planner

**Date:** February 24, 2022

**Re:** Recovery and Reuse Plan Progress Report

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Vandewalle & Associates and a sub-consultant team have contracted with the City of Wisconsin Rapids to develop a Recovery and Reuse Plan and Implementation Strategy in response to the idling of the Verso Papermill. This memo provides a status update as project work continues to progress. Previous reports were provided in December 2021 and January 2022.

## Current Tasks in Progress

- “Forest Industries of the Future” industry symposium targeted for mid-April. Together with sub-consultant Eric Singaas, detailed planning of invitees, symposium format, and coordination of industry speakers is in progress. An earlier date was initially targeted for this event. However, after discussions regarding other regional efforts occurring through March, specifically the EDA Grant application lead by the Wisconsin Paper Council related to forest industry products, we determined a later date was best suited to avoid any scheduling conflicts between symposium participants and grant writing participants, or confusion of efforts.
- Coordinating a meeting with local and regional economic development professionals.
- Coordinating public input visioning session.
- Coordinating common council work session.
- Completed Steering Committee meeting.
- Completing detailed inventory of structures on the Rapids site and analyzing reuse potential.
- Completed initial report on workforce data and supply chain analysis and impacts. Findings from these reports will be summarized in the upcoming events and public work sessions listed above.
- Additional outreach efforts including meetings with the stakeholders listed below. In these conversations, we have learned more about significant efforts by other agencies and will continue to analyze how best to coordinate this work with the Rapids project.
  - Wisconsin Paper Council Leadership, Scott Suder and Stacey Johnson
  - Wisconsin Institute of Sustainable Technology (WIST)
  - Attended Central Wisconsin Days event at the State Capitol, including a presentation rolling-out a new regional workforce attraction marketing campaign lead by Centurgy.

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247 Freshwater Way, Suite 530 • Milwaukee, Wisconsin 53204 • 414.988.8631  
[www.vandewalle.com](http://www.vandewalle.com)

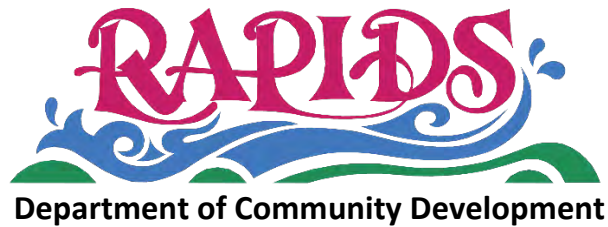
# Administrative Staff Report

## Conditional Use: Mixed-Use Housing

### Plan Commission Review

2934 STH 73

February 25, 2022



<p><b>Applicant(s):</b></p> <ul style="list-style-type: none"><li>Central State Landscaping, Inc.</li></ul> <p><b>Staff:</b></p> <ul style="list-style-type: none"><li>Kyle Kearns, Director of Community Development</li><li>Carrie Edmondson, Associate Planner</li></ul> <p><b>Parcel Number(s):</b></p> <ul style="list-style-type: none"><li>3400836</li></ul> <p><b>Lot Information:</b></p> <ul style="list-style-type: none"><li>Effective Frontage: 147 feet</li><li>Effective Depth: 394 feet</li><li>Square Footage: 56,192</li><li>Acreage: 1.29 Acres</li></ul> <p><b>Zone(s):</b></p> <ul style="list-style-type: none"><li>"B-2" General Commercial District</li></ul> <p><b>Council District:</b></p> <ul style="list-style-type: none"><li>District 1</li></ul> <p><b>Master Plan:</b></p> <ul style="list-style-type: none"><li>Commercial</li></ul> <p><b>Current Use:</b></p> <ul style="list-style-type: none"><li>Vacant building</li></ul> <p><b>Applicable Regulations:</b></p> <ul style="list-style-type: none"><li>Chapter 11 – Zoning</li></ul>	<p><b>Request</b></p> <p><b>PLAN 22-0078: Central State Landscaping Inc. –</b> Public hearing and action on a request for a conditional use permit to renovate the building into mixed-use housing at 2934 State Highway 73 North (Parcel ID 3400836)</p> <p><b>Attachment(s)</b></p> <ol style="list-style-type: none"><li>Application</li><li>Plans</li></ol> <p><b>Findings of Fact</b></p> <ol style="list-style-type: none"><li>The property is 56,192 square feet with an approximate 2,320 square foot commercial building.</li><li>Access to the site is via State Highway 73.</li><li>The property is zoned "B-2" General Commercial District.</li><li>Mixed-use housing is a conditional use within the "B-2" District.</li></ol> <p><b>Staff Recommendation</b></p> <p>Approve the request from the applicant to create mixed use housing at 2934 STH 73, subject to the following condition(s):</p> <ol style="list-style-type: none"><li>The floor plan shall include a separate dedicated commercial land use, such as a retail or professional office.</li><li>Trash containers should be limited to two carts and screened from public view. If a larger refuse storage container is utilized, it shall be separately screened with an opaque fence and be placed within the rear yard.</li><li>Hours of operation and service deliveries for the commercial component shall occur between 7:00 a.m. and 7:00 p.m.</li><li>Applicable building permits though the City shall be obtained.</li><li>Community Development staff shall have the authority to approve minor modifications to the plans.</li></ol>
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## Vicinity Map



## Background

The applicant is requesting to rehabilitate the existing building to create mixed-use housing. The existing structure is vacant and previously operated as a day care center. Mixed-use housing (defined below) requires a conditional use permit within the B-2 Commercial District. Within the existing building, the applicant is proposing two attached housing units including 1 three-bedroom unit toward the front of the building and 1 one-bedroom apartment or retail space and small dedicated professional office space toward the rear of the building. Further details regarding the uses are provided in the attached application. Standards of review for the conditional use are analyzed below, include the mixed-use housing, professional services, and general services.

### Existing Building Proposed Uses

*Zoning ordinance (Appendix B):*

#### **3.02 Mixed-use housing**

**Description:** One or more dwelling units located in a building, commonly on the second floor, that also houses a commercial land use, such as a retail or professional office.

**Parking Requirements:** 2 spaces for each dwelling unit

#### **9.11 General services**

**Description:** A place where services not otherwise included in any other service type category are offered. The term includes photography studios, weight loss centers, commercial postal services, beauty shops, pet grooming shops, photocopying and printing services, linen services, dry cleaning services, and diaper services.

**Parking Requirements:** 1 space for each 300 feet of gross floor area.



**9.16 Professional services**

**Description:** A place where services involving predominantly professional, clerical, or similar operations are performed and where customers may or could come on a regular basis. The term includes law offices, real estate offices, insurance offices, and travel agencies

**Parking Requirements:** 1 space for each 300 feet of gross floor area

## Site Photos

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## Standards of Review

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**11.05.55 Basis of decision**

Generally. When reviewing conditional uses other than nonconforming conditional uses, the review authority shall consider the following factors:

**1) the size of the parcel on which the proposed use will occur;**

**Analysis:** The use is proposed to occur on a 56,192 square foot parcel. The existing building is 2,320 square feet. Most of the property is undeveloped with the exception of the existing building and a paved pad area toward the front of the lot. There is space for parking within this paved area.

**Findings:** The building appears sufficient to accommodate 1 three-bedroom apartment, 1 one-bedroom apartment or retail space, and a dedicated office space. In addition, there is adequate space for the 5 required parking spaces for the assortment of proposed uses within the existing building.

**2) the presence of and compatibility with other uses on the subject property, if any;**

**Analysis:** This building is the only structure on the property.

**Findings:** The proposed attached multi-family housing units would be compatible with the proposed professional office space and general services use.

3) the location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses);

**Analysis:** The subject property is adjacent to a commercially zoned residential property to the northwest, a vacant lot to the southeast, industrial properties to the north, and commercial properties and the Town of Seneca to the south. It is situation along the busy commercial corridor State Highway 73.

**Findings:** Attached residential housing, a retail area, and professional office space is well suited to the mix of uses surrounding the subject property. The proposed mix of housing, office, and retail space is consistent with the surrounding residential, manufacturing, and commercial properties, and is consistent with the intent of this zoning district.

4) effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;

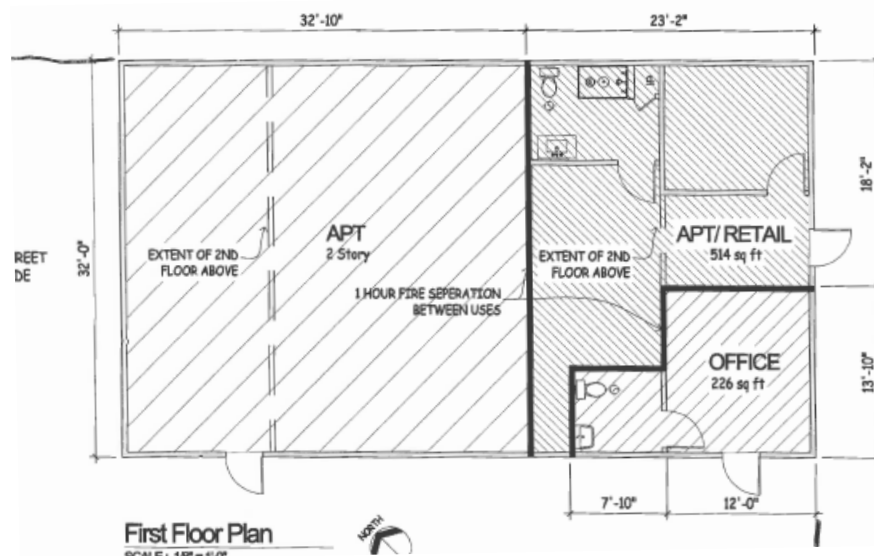
**Analysis:** The proposed residence requires two parking spaces, the proposed retail space requires two parking spaces, and the office requires one space for a total of five required spaces. There is existing ingress and egress from STH 73 along with a substantial paved area that previously served as parking for the day care center.

**Findings:** The ingress and egress to and from the property from STH 73 is adequate. Additionally, there is sufficient paved surface area to provide the required five parking spaces.

5) the suitability of the subject property for the proposed use;

**Analysis:** See the above standards regarding lot size and other site specifics. The applicant has described the use further within the application.

**Findings:** The building is an adequate size for the proposed mixed-use housing, retail, and office. The building is sufficiently sized, and the lot size is substantial. The building is sized adequately to comfortably house the three uses.



6) effects of the proposed use on the natural environment;

**Analysis:** The existing site is minimally improved and includes mostly green space.

**Findings:** The proposed mixed-use project is an adaptive reuse project that allows the applicant to repurpose the existing building for a new use. Adaptive reuse projects have minimal impact to the environment because

there is a significant reduction in building materials needed compared to new construction. Impacts to the natural environment would be minimal. It is recommended that the residence use one garbage cart and the retail and office space share a second. It is recommended that the applicant make every effort to screen the two carts from public view. If the retail and office use warrant a larger refuse storage container, it shall be separately screened with an opaque fence and be placed within the rear yard.

**7) effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances;**

**Analysis:** The surrounding properties vary in uses ranging from residential, commercial, and industrial uses, with hours of operation varying greatly.

**Findings:** State Highway 73 is a major commercial thoroughfare. However, considering that a commercial use would be operating within the same structure as an assortment of residential uses, it is suggested that the professional offices limit business hours and service deliveries within 7:00 a.m. and 7:00 p.m.

**8) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts; and**

**Analysis:** The surrounding area is mostly developed with the exception of a large, vacant parcel to the southwest.

**Findings:** The use should not impede the normal development and improvement of the surrounding area.

**9) any other factor that relates to the purposes of this chapter set forth in s. 11.01.05 or as allowed by state law.**

**Analysis:** Notices regarding the request were sent to neighbors within a 300-foot boundary of the property.

**Findings:** Concerned citizens can attend the meeting and provide input at the public hearing. As of the date of this memo, no neighbors have inquired about the project.

In summary, the proposed use should not be detrimental to the neighborhood and would be consistent among the residential, commercial, and industrial uses immediately surrounding the subject property if the conditions below are implemented. Therefore, staff is recommending approval, subject to the following conditions:

**Conditions of approval.**

1. The floor plan shall include a separate dedicated commercial land use, such as a retail or professional office.
2. Trash containers should be limited to two carts and screened from public view. If a larger refuse storage container is utilized, it shall be separately screened with an opaque fence and be placed within the rear yard.
3. Hours of operation and service deliveries for the commercial component shall occur between 7:00 a.m. and 7:00 p.m.
4. Applicable building permits through the City shall be obtained.
5. Community Development staff shall have the authority to approve minor modifications to the plans.



Conditional Use Application  
City of Wisconsin Rapids, Wisconsin  
Version: January 3, 2019

Page 12 of 42

Community Development Department  
444 West Grand Avenue  
Wisconsin Rapids, WI 54495-2780  
P: (715) 421-8228 Fax: (715) 421-8291

**Overview:** The City's zoning regulations identify land uses that may be allowed in each of the zoning districts either by right or as a conditional use. By definition, a conditional use is a land use that may or may not be appropriate on a given parcel depending on a wide range of factors that relate to the proposed use and the particular circumstances relating to the parcel and surrounding properties. Conditional uses are therefore considered on a case-by-case basis. As part of the review process, the Planning Commission and Common Council conduct a joint public hearing to solicit input from the general public and other interested parties. When reviewing conditional use applications, the Planning Commission serves in an advisory capacity to the Common Council, which makes the final decision. The recommendation of the Planning Commission and the decision of the Village Board are based on the evidence and testimony received as part of the application and through the public hearing process.

**If you submit an application, do not contact any member on the Planning Commission or the Common Council until after a final decision has been made.**

**Governing regulations:** The procedures and standards governing the review of this application are found in Article 5 of the City's zoning code (Chapter 11 of the municipal code).

**General instructions:** Complete this application and submit one copy to the Community Development Department. Alternatively, you can submit your application online at <https://wisconsinrapids.zoninghub.com/>

**Application fee:** \$250.00 for principal and accessory uses; \$100.00 for temporary uses and \$50.00 for administrative renewals

**Application submittal deadline:** Applications must be submitted at least 3 weeks prior to the meeting. Please consult the annual Planning Commission schedule for specific dates.

**Mandatory meeting with staff:** To ensure that all the required information is provided and that there is a complete understanding of the process, the applicant must meet with City staff to discuss the request and necessary items. Please contact the Community Development Department to schedule an appointment.

**Aldersperson notification** Before you submit your application, you will need to send a letter to the Aldersperson of the district of where the request is taking place, explaining the request. Please attach the notification letter with your application materials.

Office Use Only

Date Received \_\_\_\_\_  
Received By \_\_\_\_\_  
Fee \_\_\_\_\_  
Case # \_\_\_\_\_  
Aldermanic District \_\_\_\_\_  
Plan Commission Date \_\_\_\_\_

1. Applicant information

Applicant name Central State Landscape Inc  
Street address 11011 State Hwy 13 South  
City, state, zip code Wisconsin Rapids, WI 54494  
Daytime telephone number 715-459-7660  
Email 7154597660@mms.usll.net

2. Agent contact information Include the names of those agents, if any, that helped prepare this application including the supplemental information. Agents may include surveyors, engineers, landscape architects, architects, planners, and attorneys.

Agent 1

Name Robert Gosse AIA  
Company Sketch LLC  
Street address \_\_\_\_\_  
City, state, zip code \_\_\_\_\_  
Daytime telephone number 414-412-8552  
Email rgosseai@a@gmail.com

Agent 2

Kody Civil engineer  
Quest  
\_\_\_\_\_  
\_\_\_\_\_  
Daytime telephone number 715-572-7461  
\_\_\_\_\_  
\_\_\_\_\_

## 3. Type of application (select one)

☐ New conditional use☒ Yes ☐ No Are there any other current conditional use approvals for the property?

If yes, provide the year of issuance and a short description.

Existing B2, Daycare

☐ An amendment of a previously approved conditional use

## 4. Subject property information

Physical address 2934 STH 73 Wisconsin Rapids

Parcel number(s) 34-00836

Note: The parcel number can be found on the tax bill for the property or it may be obtained from the Community Development Department.

Is the subject property currently in violation of the City's zoning ordinance as determined by the City's zoning administrator?

☒ No  
☐ Yes

If yes, please explain.

**Comment:** Pursuant to Section 11.04.10 of the City's zoning code, the City may not issue a permit or other approval that would benefit a parcel of land that is in violation of the zoning code, except to correct the violation or as may be required by state law.

Are there any unpaid taxes, assessments, special charges, or other required payments that are specifically related to the subject property?

☒ No  
☐ Yes

If yes, please explain.

**Comment:** Pursuant to Section 11.04.11 of the City's zoning code, the City may not issue a permit or other approval that would benefit a parcel of land where taxes, special assessments, special charges, or other required payments are delinquent and unpaid.5. Zoning information (refer to <https://wisconsinrapids.zoninghub.com/zoningmap.aspx>)

The subject property is located in the following base zoning district(s). (check all that apply)

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> RR Rural Residential                        | <input type="checkbox"/> R-8 Manufactured Home Park        | <input type="checkbox"/> M-1 General Industrial  |
| <input type="checkbox"/> R-1 Single-family Residential               | <input type="checkbox"/> B-1 Downtown Commercial           | <input type="checkbox"/> M-2 Heavy Industrial    |
| <input type="checkbox"/> R-2 Mixed Residential                       | <input checked="" type="checkbox"/> B-2 General Commercial | <input type="checkbox"/> I-1 Institutional       |
| <input type="checkbox"/> R-3 Multi-family Medium Density Residential | <input type="checkbox"/> B-3 Neighborhood Commercial       | <input type="checkbox"/> P-1 Park and Recreation |
| <input type="checkbox"/> R-4 Multi-family High Density Residential   | <input type="checkbox"/> B-5 Mixed Use Commercial          | <input type="checkbox"/> C-1 Conservancy         |

The subject property is also located in the following overlay zoning district(s). (check all that apply)

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Planned Development (PDD) | <input type="checkbox"/> Shoreland         | <input type="checkbox"/> Floodplain          |
| <input type="checkbox"/> Downtown Design           | <input type="checkbox"/> Shoreland-Wetland | <input type="checkbox"/> Wellhead Protection |

6. **Current use** Describe the current use of the subject property.

Daycare

7. **Proposed use** Describe the proposed conditional use or the proposed amendment.

9.15 Landscape Business  
Mixed use

8. **Evaluation criteria** The factors listed below will be used in evaluating this application. Your responses are important.

1. The size of the parcel on which the proposed use will occur.

18,000 sq ft

2. The presence of and compatibility with other uses on the subject property if any.

3. The location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses).

9.16      9.07  
8.02      3.02      All under B2 existing zoning  
9.01

4. Effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site.

Existing driveway to STH 73

5. The suitability of the subject property for the proposed use.

6. Effects of the proposed use on the natural environment.

7. Effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances.

8. Effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts.

Fits in with surrounding area with MidState Truck Service and housing

9. Any other factor that relates to the purposes of this chapter set forth in s. 11.01.05 or as allowed by state law.

9. Supplemental materials Attach the following to this application form.

1. A project map with the information listed in Appendix F of the zoning code.
2. Proposed construction plans (if applicable)
3. The letter you sent to the Alderperson for the district in which the project is located.

10. Attachments List any attachments included with your application.

To be provided

11. Other information You may provide any other information you feel is relevant to the review of your application.

12. Mandatory meeting with staff

When did you meet with the Community Development Director?

11/20/22

Month/year



**13. Applicant certification**

- I understand that I, or any of my agents, may not discuss this application with any member of the Planning Commission or the Common Council until after a final decision is rendered.
- I certify that all of the information in this application, along with any attachments, is true and correct to the best of my knowledge and belief.
- I understand that submission of this application authorizes City officials and employees, and other designated agents, including those retained by the City, to enter the property to conduct whatever site investigations are necessary to review this application. This does not authorize any such individual to enter any building on the subject property, unless such inspection is specifically related to the review of this application and the property owner gives his or her permission to do so.
- I understand that this application and any written materials relating to this application will become a permanent public record and that by submitting this application I acknowledge that I have no right to confidentiality. Any person has the right to obtain copies of this application and related materials or view it online.
- I understand that the zoning administrator will review this application to determine if it contains all of the required information. If he or she determines that the application is incomplete, it will not be scheduled for review until it is deemed to be complete.

Property Owner:

Todd Blum  
Name – print

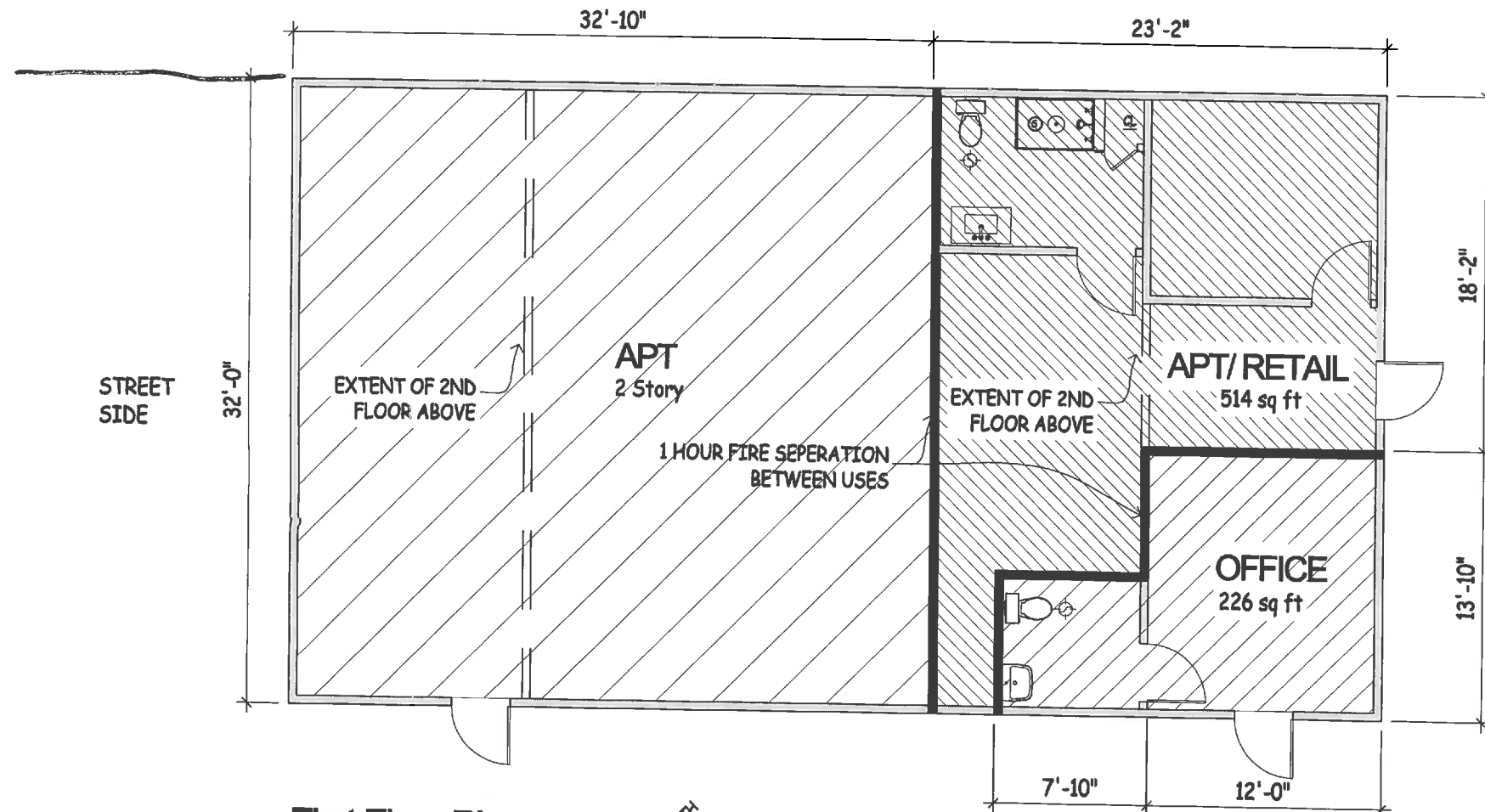
Todd Blum  
Name – Signature

2/10/22  
Date

\_\_\_\_\_  
Name – print

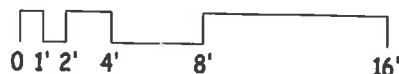
\_\_\_\_\_  
Name – Signature

\_\_\_\_\_  
Date



# First Floor Plan

SCALE: 1/8" = 1'-0"



Existing Parking

Parcel Information  
Zoning- B2 General Commercial

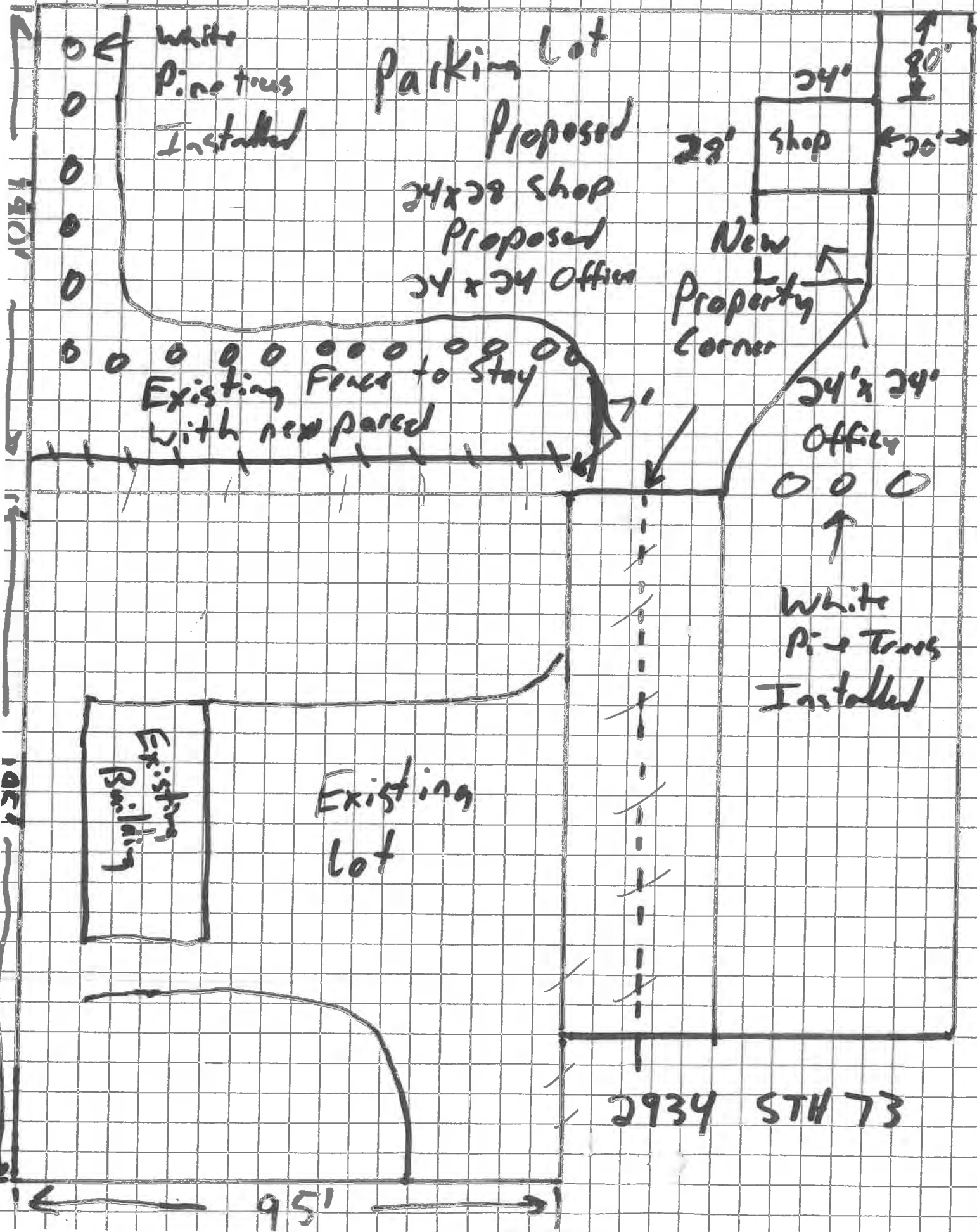
Proposed Use:  
Landscape Business Office  
Mixed Use Housing

1792 sq ft Bldg Footprint  
1024 sq ft Second Floor

ZONING REVIEW BOARD

2934 STH 73, WISCONSIN RAPIDS, WI 54495

FEBRUARY 7, 2022





# Administrative Staff Report

Conditional Use: Landscape Business

Plan Commission Review

2934 STH 73

February 25, 2022

<p><b>Applicant(s):</b></p> <ul style="list-style-type: none"> <li>Central State Landscaping, Inc.</li> </ul> <p><b>Staff:</b></p> <ul style="list-style-type: none"> <li>Kyle Kearns, Director of Community Development</li> <li>Carrie Edmondson, Associate Planner</li> </ul> <p><b>Parcel Number(s):</b></p> <ul style="list-style-type: none"> <li>3400836</li> </ul> <p><b>Lot Information:</b></p> <ul style="list-style-type: none"> <li>Effective Frontage: 147 feet</li> <li>Effective Depth: 394 feet</li> <li>Square Footage: 56,192</li> <li>Acreage: 1.29 Acres</li> </ul> <p><b>Zone(s):</b></p> <ul style="list-style-type: none"> <li>"B-2" General Commercial District</li> </ul> <p><b>Council District:</b></p> <ul style="list-style-type: none"> <li>District 1</li> </ul> <p><b>Master Plan:</b></p> <ul style="list-style-type: none"> <li>Commercial</li> </ul> <p><b>Current Use:</b></p> <ul style="list-style-type: none"> <li>Vacant building</li> </ul> <p><b>Applicable Regulations:</b></p> <ul style="list-style-type: none"> <li>Chapter 11 – Zoning</li> </ul>	<p><b>Request</b></p> <p><b>PLAN 22-0079: Central State Landscaping Inc. –</b> Public hearing and action on a request for a conditional use permit to operate a landscaping business at 2934 State Highway 73 North (Parcel ID 3400836)</p> <p><b>Attachment(s)</b></p> <ol style="list-style-type: none"> <li>Application</li> <li>Plans</li> </ol> <p><b>Findings of Fact</b></p> <ol style="list-style-type: none"> <li>The property is 56,192 square feet with an approximate 2,320 square foot commercial building.</li> <li>Two principal structures are not permitted on one lot.</li> <li>This request would be contingent upon an approved lot division to create two parcels.</li> <li>Access to the site is via State Highway 73.</li> <li>The property is zoned "B-2" General Commercial District.</li> <li>A landscape business is a conditional use within the "B-2" District.</li> </ol> <p><b>Staff Recommendation</b></p> <p>Approve the request from the applicant to operate a landscape business at 2934 STH 73, subject to the following condition(s):</p> <ol style="list-style-type: none"> <li>1) The applicant shall submit a Certified Survey Map to divide the lot into two parcels.</li> <li>2) A shared driveway or access agreement/easement shall be drafted and recorded for the landscape business use during the creation of the lot.</li> <li>3) All outdoor storage of vehicles and materials shall be screened from public view.</li> <li>4) The applicant shall provide a landscape and lighting plan to the Community Development Department for review and approval.</li> <li>5) The Conditional Use Permit shall be reviewed in one year. Any changes to the use or site may require an amendment of the conditional use permit before or after the one-year review.</li> <li>6) A driveway and paved parking shall be installed prior to building occupancy.</li> <li>7) Applicable building permits though the City shall be obtained.</li> <li>8) Community Development staff shall have the authority to approve minor modifications to the plans.</li> </ol>
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Vicinity Map



Site Photo



## Background

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The applicant has been operating a successful landscape business within the Town of Saratoga for several years. The applicant has identified this location within the City as a desirable site for a second location. Currently a vacant building exists on the large parcel, which is slated to be used for mix-use housing. The applicant intends to split the parcels and construct a 24-foot by 24-foot office building, and 28 feet by 24-foot shop to operate a landscape business (defined below). The lot is of adequate size to create two parcels with different uses, however, they would prefer to secure the conditional use permit prior to lot-split. This would be a required condition of approval since two principal structures are not permitted on one lot per the Zoning Code:

### **11.06.114 Number of principal buildings on a lot**

**(a) Generally.** *Except as allowed in this section, only one principal building is allowed on a lot.*

A landscape business requires a conditional use permit within the B-2 Commercial District. Further details regarding the uses are provided in the attached application. Standards of review for the conditional use are analyzed below.

### **9.15 Landscape Business**

**Description:** *A place where a landscape contractor may establish a base of operation, which may include one or more of the following: retail sale of plant and landscape materials; office space; indoor and outdoor storage of materials, equipment, and machinery, such as trucks and heavy equipment; and shops for the repair of machinery and equipment owned by the operator.*

**Parking Requirements:** *1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site*

**Supplemental Standards:** *Outdoor work areas, parking areas, and storage of equipment and materials related to a landscape business shall not be located within the setbacks established for the zoning district in which the use is located.*

## Standards of Review

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### **11.05.55 Basis of decision**

Generally. When reviewing conditional uses other than nonconforming conditional uses, the review authority shall consider the following factors:

#### **1) the size of the parcel on which the proposed use will occur;**

**Analysis:** The use is proposed to occur on a subdivided portion of the 56,192 square foot parcel. The remaining parcel would be vacant. Attached is a preliminary exhibit of the proposed lots.

**Findings:** The vacant lot would be sufficient to accommodate the proposed building, screened storage, a parking area, and a driveway for ingress and egress.

#### **2) the presence of and compatibility with other uses on the subject property, if any;**

**Analysis:** The new lot for the use will be vacant initially, but then developed as a landscape business shop and office.

**Findings:** There would be no other uses on the property other than the proposed landscape business once split.

**3) the location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses);**

**Analysis:** The subject property is adjacent to commercially zoned property to the northwest, a vacant lot to the southeast, industrial properties to the north, and commercial properties and the Town of Seneca to the south. It is situated along the busy commercial corridor State Highway 73.

**Findings:** The landscape business is consistent with other uses in the area. The proposed use would be situated on a busy corridor which would be appropriate for the mix of vehicular and heavy truck traffic that would likely be coming and going from the proposed site. In addition, the site is adequate in size to accommodate outdoor storage of materials when properly screened.

**4) effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;**

**Analysis:** The proposed business would require 1 space per employee and 1 space per fleet vehicle. Ingress and egress would occur from STH 73 via a shared driveway. The shared driveway would also accommodate the neighboring mixed-use housing.

**Findings:** The applicant would need to construct a hard surface driveway with an adequate turning radius for vehicles that would likely access the site. They would also be required to provide a paved parking area. There is adequate space on site to provide parking, ingress and egress, the needed turning radius, and adequate pedestrian circulation. Staff would require that a shared driveway or access agreement/easement be drafted and recorded for the landscape business use during the creation of the lot.

**5) the suitability of the subject property for the proposed use;**

**Analysis:** See the above standards regarding lot size and other site specifics. The applicant would be required to meet the B-2 dimensional standards, applicable architectural standards, and parking and landscape standards.

**Findings:** The site is sufficient and suitable to accommodate the proposed use.

**6) effects of the proposed use on the natural environment;**

**Analysis:** The proposed second lot is vacant and consists of green space.

**Findings:** There would be moderate impact to the natural environment, as the proposed site is undeveloped and there would be a small building constructed, hardscape, and screened outdoor storage of materials and vehicles. The applicant would be required to provide a landscape plan that denotes plantings that buffer the surrounding properties.

**7) effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances;**

**Analysis:** The surrounding properties vary in uses ranging from residential, commercial, and industrial with hours of operation varying greatly.



**Findings:** State Highway 73 is a heavily travelled corridor. The applicant would be required to abide by the City's Noise Ordinance. They would also be required to maintain the property and screen materials as a condition of approval.

**8) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts; and**

**Analysis:** The surrounding area is substantially developed.

**Findings:** The use should not impede the normal development and improvement of the surrounding area.

**9) any other factor that relates to the purposes of this chapter set forth in s. 11.01.05 or as allowed by state law.**

**Analysis:** Notices regarding the request were sent to neighbors within a 300-foot boundary of the property.

**Findings:** Concerned citizens can attend the meeting and provide input at the public hearing. As of the date of this memo, no neighbors have inquired about the project.

In summary, the proposed use is in keeping with the larger planning vision for this area. The landscape business would be consistent with the array of uses in the area which range from commercially zoned residences, commercial businesses, and industrial facilities. This area consists of larger lots, which creates a natural separation between uses. Additionally, this site is situated along a significant transportation corridor, which is well suited to the vehicular traffic likely associated with this use. Lastly, due to the review and possible approval of the use prior to the lot split, staff would recommend a review of the Conditional Use Permit, one year after approval. In conclusion, staff feels that with the above interpretation, analysis, findings, and conditions below, the use would be fitting for the property and therefore would recommend approval, subject to the following conditions.

**Conditions of approval.**

- 1)** The applicant shall submit a Certified Survey Map to divide the lot into two parcels.
- 2)** A shared driveway or access agreement/easement shall be drafted and recorded for the landscape business use during the creation of the lot.
- 3)** All outdoor storage of vehicles and materials shall be screened from public view.
- 4)** The applicant shall provide a landscape and lighting plan to the Community Development Department for review and approval.
- 5)** The Conditional Use Permit shall be reviewed in one year. Any changes to the use or site may require an amendment of the conditional use permit before or after the one-year review.
- 6)** A driveway and paved parking shall be installed prior to building occupancy.
- 7)** Applicable building permits though the City shall be obtained.
- 8)** Community Development staff shall have the authority to approve minor modifications to the plans.



# Conditional Use Application

## City of Wisconsin Rapids, Wisconsin

Version: January 3, 2019

Community Development Department  
444 West Grand Avenue  
Wisconsin Rapids, WI 54495-2780  
P: (715) 421-8228 Fax: (715) 421-8291

**Overview:** The City's zoning regulations identify land uses that may be allowed in each of the zoning districts either by right or as a conditional use. By definition, a conditional use is a land use that may or may not be appropriate on a given parcel depending on a wide range of factors that relate to the proposed use and the particular circumstances relating to the parcel and surrounding properties. Conditional uses are therefore considered on a case-by-case basis. As part of the review process, the Planning Commission and Common Council conduct a joint public hearing to solicit input from the general public and other interested parties. When reviewing conditional use applications, the Planning Commission serves in an advisory capacity to the Common Council, which makes the final decision. The recommendation of the Planning Commission and the decision of the Village Board are based on the evidence and testimony received as part of the application and through the public hearing process.

**If you submit an application, do not contact any member on the Planning Commission or the Common Council until after a final decision has been made.**

**Governing regulations:** The procedures and standards governing the review of this application are found in Article 5 of the City's zoning code (Chapter 11 of the municipal code).

**General instructions:** Complete this application and submit one copy to the Community Development Department. Alternatively, you can submit your application online at <https://wisconsinrapids.zoninghub.com/>

**Application fee:** \$250.00 for principal and accessory uses; \$100.00 for temporary uses and \$50.00 for administrative renewals

**Application submittal deadline:** Applications must be submitted at least 3 weeks prior to the meeting. Please consult the annual Planning Commission schedule for specific dates.

**Mandatory meeting with staff:** To ensure that all the required information is provided and that there is a complete understanding of the process, the applicant must meet with City staff to discuss the request and necessary items. Please contact the Community Development Department to schedule an appointment.

**Aldersperson notification** Before you submit your application, you will need to send a letter to the Aldersperson of the district of where the request is taking place, explaining the request. Please attach the notification letter with your application materials.

### Office Use Only

Date Received \_\_\_\_\_

Received By \_\_\_\_\_

Fee \_\_\_\_\_

Case # \_\_\_\_\_

Aldermanic District \_\_\_\_\_

Plan Commission Date \_\_\_\_\_

### 1. Applicant information

Applicant name Central State Landscaping

Street address 11011 State Hwy 13 South

City, state, zip code Wisconsin Rapids, WI 54494

Daytime telephone number 715-459-7660

Email 7154597660@mms.uscl.net

### 2. Agent contact information

Include the names of those agents, if any, that helped prepare this application including the supplemental information. Agents may include surveyors, engineers, landscape architects, architects, planners, and attorneys.

#### Agent 1

Name Robert Gosse AIA

Company Sketch LLC

Street address \_\_\_\_\_

City, state, zip code \_\_\_\_\_

Daytime telephone number 414-412-8552

Email rgosseala@gmail.com

#### Agent 2

Koby Civil engineer  
Quint

Street address \_\_\_\_\_

City, state, zip code \_\_\_\_\_

Daytime telephone number 715-572-7461

Email \_\_\_\_\_

### 3. Type of application (select one)

☐ New conditional use

☒ Yes ☐ No Are there any other current conditional use approvals for the property?

If yes, provide the year of issuance and a short description.

Existing B2, Daycar

☐ An amendment of a previously approved conditional use

### 4. Subject property information

Physical address 2934 STH 73 Wisconsin Rapids

Parcel number(s) 34-00836

Note: The parcel number can be found on the tax bill for the property or it may be obtained from the Community Development Department.

Is the subject property currently in violation of the City's zoning ordinance as determined by the City's zoning administrator?

☒ No  
☐ Yes

If yes, please explain.

**Comment:** Pursuant to Section 11.04.10 of the City's zoning code, the City may not issue a permit or other approval that would benefit a parcel of land that is in violation of the zoning code, except to correct the violation or as may be required by state law.

Are there any unpaid taxes, assessments, special charges, or other required payments that are specifically related to the subject property?

☒ No  
☐ Yes

If yes, please explain.

**Comment:** Pursuant to Section 11.04.11 of the City's zoning code, the City may not issue a permit or other approval that would benefit a parcel of land where taxes, special assessments, special charges, or other required payments are delinquent and unpaid.

### 5. Zoning information (refer to <https://wisconsinrapids.zoninghub.com/zoningmap.aspx>)

The subject property is located in the following base zoning district(s). (check all that apply)

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> RR Rural Residential                        | <input type="checkbox"/> R-8 Manufactured Home Park        | <input type="checkbox"/> M-1 General Industrial  |
| <input type="checkbox"/> R-1 Single-family Residential               | <input type="checkbox"/> B-1 Downtown Commercial           | <input type="checkbox"/> M-2 Heavy Industrial    |
| <input type="checkbox"/> R-2 Mixed Residential                       | <input checked="" type="checkbox"/> B-2 General Commercial | <input type="checkbox"/> I-1 Institutional       |
| <input type="checkbox"/> R-3 Multi-family Medium Density Residential | <input type="checkbox"/> B-3 Neighborhood Commercial       | <input type="checkbox"/> P-1 Park and Recreation |
| <input type="checkbox"/> R-4 Multi-family High Density Residential   | <input type="checkbox"/> B-5 Mixed Use Commercial          | <input type="checkbox"/> C-1 Conservancy         |

The subject property is also located in the following overlay zoning district(s). (check all that apply)

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Planned Development (PDD) | <input type="checkbox"/> Shoreland         | <input type="checkbox"/> Floodplain          |
| <input type="checkbox"/> Downtown Design           | <input type="checkbox"/> Shoreland-Wetland | <input type="checkbox"/> Wellhead Protection |

6. **Current use** Describe the current use of the subject property.

Existing B2, Daycar

7. **Proposed use** Describe the proposed conditional use or the proposed amendment.

9.15 Landscape Business  
8.02 9.01 18.02 could be 18.11

8. **Evaluation criteria** The factors listed below will be used in evaluating this application. Your responses are important.

1. The size of the parcel on which the proposed use will occur.

18,000 sq ft

2. The presence of and compatibility with other uses on the subject property if any.

3. The location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses).

See attached will divide if approved

4. Effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site.

Existing approved driveway

5. The suitability of the subject property for the proposed use.

6. Effects of the proposed use on the natural environment.

7. Effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances.

8. Effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts.

Fits in with surrounding area with Midstate Truck Service

9. Any other factor that relates to the purposes of this chapter set forth in s. 11.01.05 or as allowed by state law.

9. Supplemental materials Attach the following to this application form.

1. A project map with the information listed in Appendix F of the zoning code.
2. Proposed construction plans (if applicable)
3. The letter you sent to the Alderperson for the district in which the project is located.

10. Attachments List any attachments included with your application.

To be provided

11. Other information You may provide any other information you feel is relevant to the review of your application.

12. Mandatory meeting with staff

When did you meet with the Community Development Director?

1/20/22

Month/year

13. Applicant certification

- I understand that I, or any of my agents, may not discuss this application with any member of the Planning Commission or the Common Council until after a final decision is rendered.
- I certify that all of the information in this application, along with any attachments, is true and correct to the best of my knowledge and belief.
- I understand that submission of this application authorizes City officials and employees, and other designated agents, including those retained by the City, to enter the property to conduct whatever site investigations are necessary to review this application. This does not authorize any such individual to enter any building on the subject property, unless such inspection is specifically related to the review of this application and the property owner gives his or her permission to do so.
- I understand that this application and any written materials relating to this application will become a permanent public record and that by submitting this application I acknowledge that I have no right to confidentiality. Any person has the right to obtain copies of this application and related materials or view it online.
- I understand that the zoning administrator will review this application to determine if it contains all of the required information. If he or she determines that the application is incomplete, it will not be scheduled for review until it is deemed to be complete.

Property Owner:

Todd Boyd  
Name – print

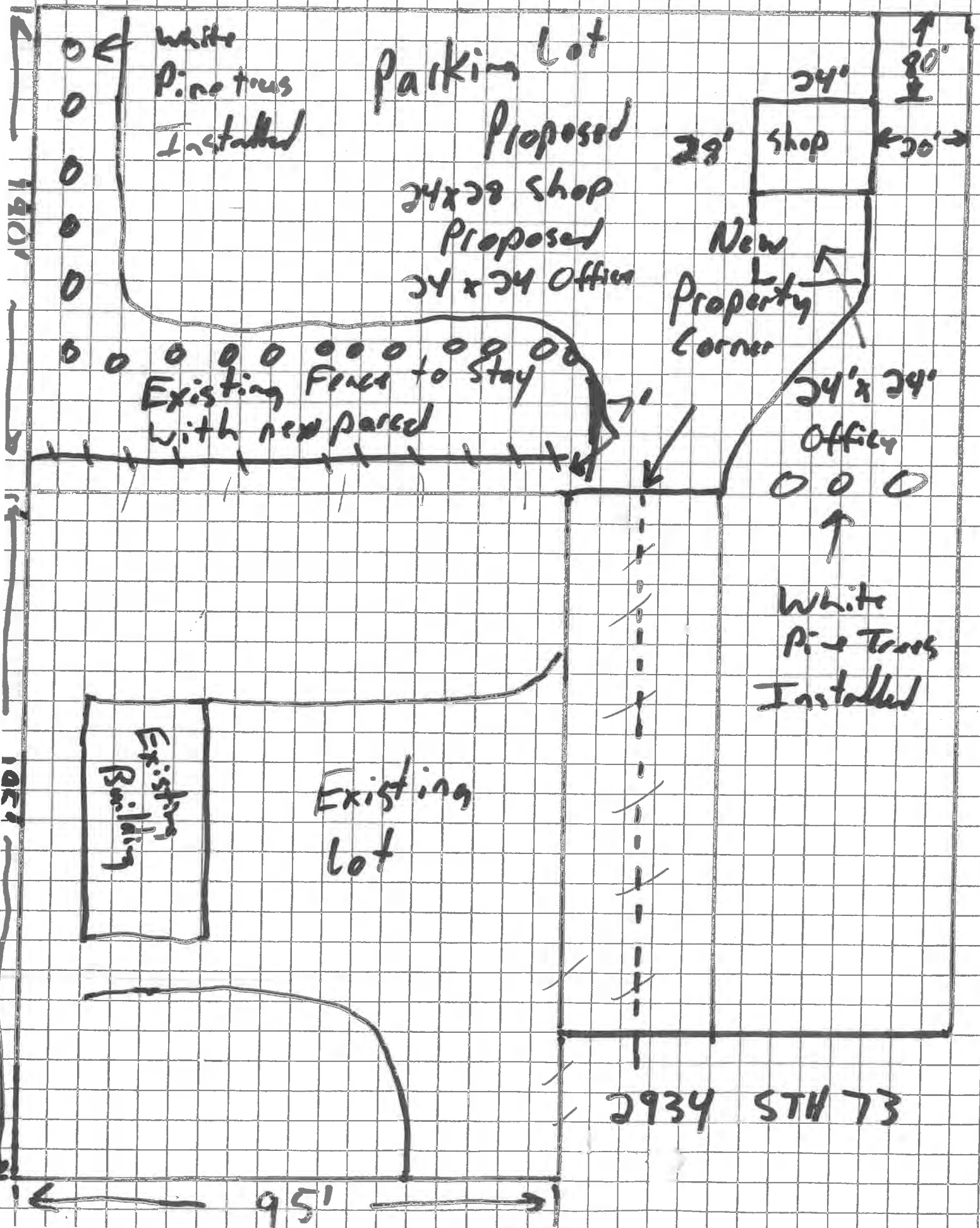
Todd Boyd  
Name – Signature

2/10/22  
Date

\_\_\_\_\_  
Name – print

\_\_\_\_\_  
Name – Signature

\_\_\_\_\_  
Date

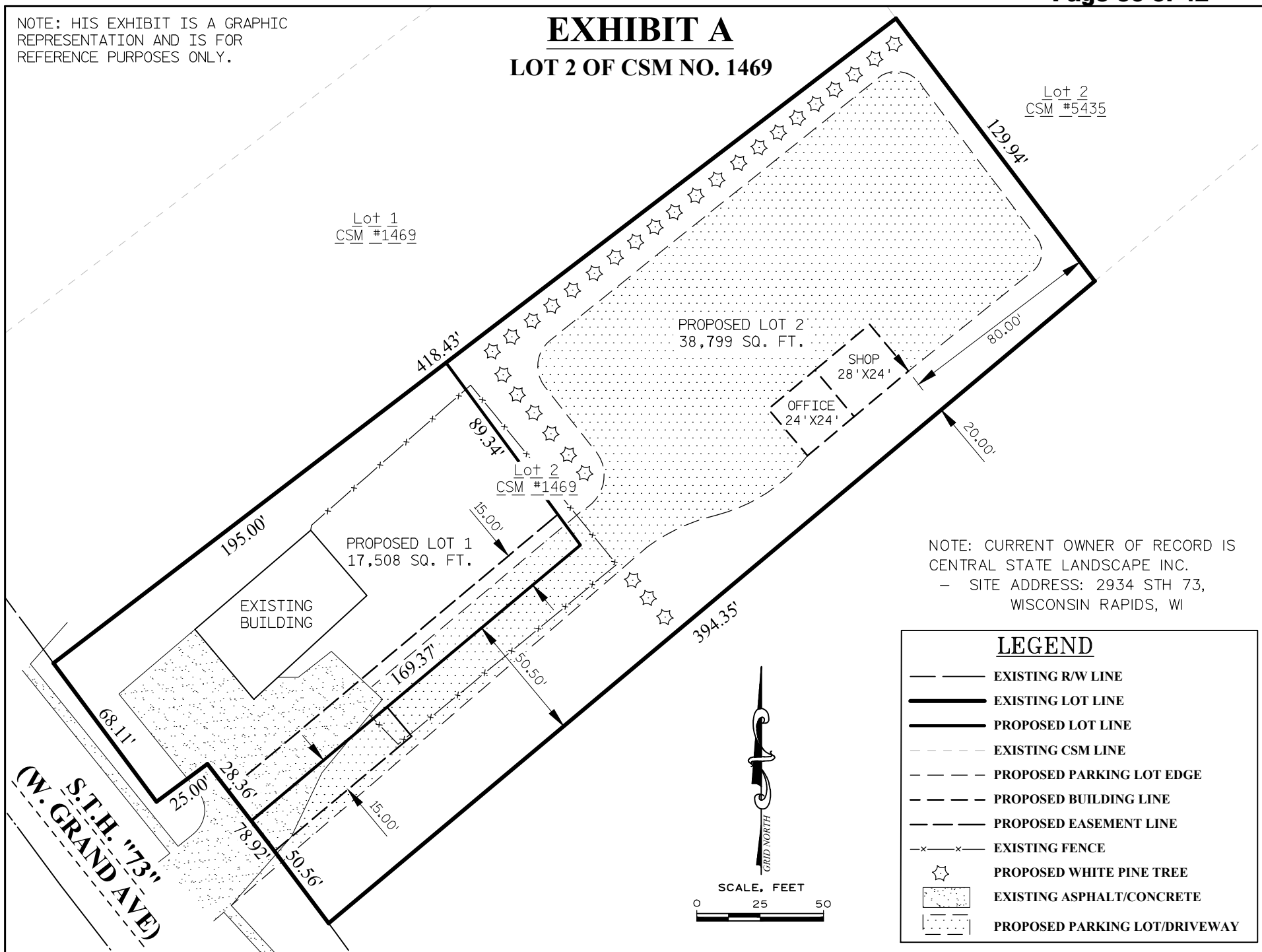




NOTE: HIS EXHIBIT IS A GRAPHIC REPRESENTATION AND IS FOR REFERENCE PURPOSES ONLY.

# EXHIBIT A

## LOT 2 OF CSM NO. 1469



2/21/22

Ryan Austin  
District 1 Alderperson  
raustin@wirapids.org

Dear Ryan,

I am the new owner of property 2934 STH Hwy 73, Wisconsin Rapids. The purpose of this letter is to inform you I have applied for a conditional use permit. I met with Carrie and Kyle on 1/22/22, applied for permit 2/9/22, and paid the fee. I intend to use the existing building as office space for my business. The front section is already set up as a residence so applied for a mix use. The remaining back portion I want to try to rent as office space, but listed as apt/office. If the community is responsive to the services I offer, I would like to build another building in the future. I look forward to working with you.

I have enclosed a few documents that have been provided to the city in the permit process. The break down is to show that the existing building will fit in with existing rentals and residences that are also zoned B-2.

Regards,

Todd Bloyd  
Central State Landscape



The following are a sample of properties that are in zoned area B2 General Commercial

Type	Address	Land use	Use
House	131 9th Ave N	Residential	Single Family
House	1810 West Grand Ave	Commercial	Single Family
Rental	1751 West Grand Ave	Commercial	Single Family
House	141 12th Ave N	Residential	Single Family
Rental	1431 West Grand Ave	Commercial	Single Family
Rental	1441 West Grand Ave	Commercial	Single Family
Rental	1451 West Grand Ave	Commercial	Single Family
3 Units	1821 West Grand Ave	Commercial	3 Family
Duplex	150 17th Ave	Residential	2 Family
House	3240 West Grand Ave	Residential	Single Family
House	2940 STH 73	Commercial	Single Family
House	2948 STH 73	Commercial	Single Family
Rental	2957 STH 73	Residential	Single Family
Rental	2963 STH 73	Commercial	Apt/Tavern
House	2985 STH 73	Commercial	Single Family
House	3029 STH 73	Commercial	Single Family
House	2980 STH 73	Commercial	Single Family
2 Units	140 18th Ave	Residential	2 Family
Rental	1911 W Grand Ave	Commercial	Apt/Commercial
4 Units	1510 West Grand Ave	Commercial	Multiple Res(low rise)
Rental	2741 West Grand Ave	Commercial	Single Family
Rental	3431 8th St S	Commercial	Single Family
Rental	3421 8th St S	Commercial	Single Family
Rental	3021 8th St S	Commercial	Single Family
House	330 8th St S	Commercial	Office
TBD	2934 STH 73	Commercial	Retail/General



## MEMO

To: Plan Commission  
From: Kyle Kearns, Director of Community Development  
Date: February 25, 2022  
RE: **PLAN 22-0063 – Nieman’s Service Inc.** – public hearing and action on a request for an amendment to Chapter 11, Zoning Code, of the City’s Municipal Code, to define a towing services business and place it within zoning districts.

The City of Wisconsin Rapids Chapter 11 – Zoning does not specifically define vehicle towing services. Many zoning codes differentiate between major and minor vehicle maintenance and repair. Chapter 11 - Zoning provides two definitions for servicing and repair of vehicles. The first would be categorized as a minor or less intensive category:

***Vehicle service shop description:*** a place where motor vehicles such as cars, motorcycles, and light trucks, are serviced while the owner waits and typically are not left overnight. Examples include quick lube/oil change facilities, tire stores, car washes, and vehicle detailing.

***Parking requirements:*** 1 space for each service bay; plus 1 for each employee on the largest work shift.

***Supplemental standards:*** Motor vehicles shall not be serviced or repaired outside of the principal structure intended for such use, except when this use is located in an industrial zoning district, if otherwise allowed.

The second would be categorized as a major or more intensive category:

***Vehicle repair shop description:*** a place where motor vehicles such as cars, motorcycles, and light trucks, are typically left overnight for maintenance, service, or repair. Typical services include transmission repair, body work and painting, vehicle upholstery, engine repair and overhauls, and similar activities.

***Parking requirements:*** 2.5 spaces for each service bay; plus 1 for each employee on the largest work shift.

***Supplemental standards:***

- (a) ***Work area.*** Motor vehicles shall not be serviced or repaired outside of the principal structure intended for such use, except when this use is located in an industrial zoning district, if otherwise allowed.
- (b) ***Vehicle storage.*** When a vehicle repair shop is located in a commercial zoning district, no more than 15 motor vehicles shall be stored out-of-doors overnight.



*When located in an industrial zoning district, if otherwise allowed, there is no limitation on the number of motor vehicles that can be stored overnight. Storage of unlicensed vehicles is strictly prohibited.*

In addition, the code outlines the following:

***Vehicle storage yard description:*** a place where impounded motor vehicles are temporarily stored or where damaged motor vehicles are temporarily stored before taken to a repair shop or while waiting for insurance adjustment to occur. The salvaging of motor vehicle parts or the repair of motor vehicles is prohibited.

These uses are permitted within zoning districts as follows:

#### Land-Use Matrix

	B-1	B-2	B-3	B-5	I-1	P-1	M-1	M-2
<b>Vehicle Service Shop</b>		P					P	
<b>Vehicle Repair Shop</b>		C					P	
<b>Vehicle Storage Yard</b>							C	C

Source: Appendix A – Chapter 11 Zoning

After analysis, staff has determined that vehicle towing is consistent with the more intensive vehicle repair shop description. Towing services are similar in appearance and operation to a more intensive or major vehicle repair shop. In addition, the supplemental standards adequately address the potential vehicle storage issue that could arise with this use. A towing business would be substantially limited in their ability to store vehicles per the supplemental standards associated with the vehicle repair use. The standards specify that no more than 15 vehicles can be stored outside overnight when located within a commercial zoning district. In this case this would only apply to the General Commercial (B-2) district where the use is conditionally permitted. Additionally, the conditional use permit process would ensure that any proposed towing business would go before the Plan Commission to consider issues such as storage, screening, and operation.

Therefore, staff is suggesting that the code amendment to define towing read as follows:

***Vehicle repair shop description:*** a place where motor vehicles such as cars, motorcycles, and light trucks, are typically left overnight for maintenance, service, or repair. Typical services include transmission repair, body work and painting, **towing**, vehicle upholstery, engine repair and overhauls, and similar activities.

***Parking requirements:*** 2.5 spaces for each service bay; plus 1 for each employee on the largest work shift.



***Supplemental standards:***

- (c) **Work area.** *Motor vehicles shall not be serviced or repaired outside of the principal structure intended for such use, except when this use is located in an industrial zoning district, if otherwise allowed.*
- (d) **Vehicle storage.** *When a vehicle repair shop is located in a commercial zoning district, no more than 15 motor vehicles shall be stored out-of-doors overnight. When located in an industrial zoning district, if otherwise allowed, there is no limitation on the number of motor vehicles that can be stored overnight. Storage of unlicensed vehicles is strictly prohibited.*

Again, it is important to note that our Zoning Code appropriately differentiates between minor and major vehicle repair. It is the opinion of staff that towing was either omitted as an oversight, or thought to be viewed consistent with the vehicle repair shop description. Staff is requesting an amendment to the zoning code as proposed.



Code Amendment  
City of Wisconsin Rapids, Wisconsin  
Version: January 3, 2019

Page 36 of 42

Community Development Department  
444 West Grand Avenue  
Wisconsin Rapids, WI 54495-2780  
P: (715) 421-8228 Fax: (715) 421-8291

**Overview:** The Common Council adopted the City's zoning code, which consists of text and a zoning map. Both of these can be amended.

**Governing regulations:** The procedures and standards governing the review of this application are found in Article 5 of the City's zoning code (Chapter 11 of the municipal code).

**General instructions:** Complete this application and submit one copy to the Community Development Department. Alternatively, you can submit your application online at <https://wisconsinrapids.zoninghub.com/>

**Application fee:** \$300.00 for zoning map (rezoning); \$300 for text amendment

**Application submittal deadline:** Applications must be submitted at least 3 weeks prior to the meeting. Please consult the annual Planning Commission schedule for specific dates.

**Mandatory meeting with staff:** To ensure that all the required information is provided and that there is a complete understanding of the process, the applicant must meet with City staff to discuss the request and necessary items. Please contact the Community Development Department to schedule an appointment.

Office Use Only

Date Received \_\_\_\_\_

Received By \_\_\_\_\_

Fee \_\_\_\_\_

Case # \_\_\_\_\_

Aldermanic District \_\_\_\_\_

Plan Commission Date \_\_\_\_\_

1. Applicant information

Applicant name Nieman's Service Inc.

Street address 2141 W Grand Avenue

City, state, zip code Wisconsin Rapids, WI 54495

Daytime telephone number 715-423-4250

Email office@niemanstowing.com

2. **Agent contact information** Include the names of those agents, if any, that helped prepare this application including the supplemental information. Agents may include surveyors, engineers, landscape architects, architects, planners, and attorneys.

Agent 1

Agent 2

Name \_\_\_\_\_

Company \_\_\_\_\_

Street address \_\_\_\_\_

City, state, zip code \_\_\_\_\_

Daytime telephone number \_\_\_\_\_

Email \_\_\_\_\_

3. Type of proposed amendment (check one or both)

☐

Map amendment Complete Part A and C

☒

Text amendment Complete Part B and C

Part A. Questions Related to Map Amendment

4. Subject property information

Physical address 2141 W Grand Avenue Wisconsin Rapids WI 54495

Parcel number(s) 3403426

Note: The parcel number can be found on the tax bill for the property or it may be obtained from the Community Development Department.





Is the subject property currently in violation of the City's zoning ordinance as determined by the City's zoning administrator?

☐ No  
☐ Yes

If yes, please explain.

**Comment:** Pursuant to Section 11.04.10 of the City's zoning code, the City may not issue a permit or other approval that would benefit a parcel of land that is in violation of the zoning code, except to correct the violation or as may be required by state law.

Are there any unpaid taxes, assessments, special charges, or other required payments that are specifically related to the subject property?

☒ No  
☐ Yes

If yes, please explain.

**Comment:** Pursuant to Section 11.04.11 of the City's zoning code, the City may not issue a permit or other approval that would benefit a parcel of land where taxes, special assessments, special charges, or other required payments are delinquent and unpaid.

**5. Zoning information** (refer to <https://wisconsinrapids.zoninghub.com/zoningmap.aspx>)

The subject property is located in the following base zoning district(s). (check all that apply)

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> RR Rural Residential                        | <input type="checkbox"/> R-8 Manufactured Home Park        | <input type="checkbox"/> M-1 General Industrial  |
| <input type="checkbox"/> R-1 Single-family Residential               | <input type="checkbox"/> B-1 Downtown Commercial           | <input type="checkbox"/> M-2 Heavy Industrial    |
| <input type="checkbox"/> R-2 Mixed Residential                       | <input checked="" type="checkbox"/> B-2 General Commercial | <input type="checkbox"/> I-1 Institutional       |
| <input type="checkbox"/> R-3 Multi-family Medium Density Residential | <input type="checkbox"/> B-3 Neighborhood Commercial       | <input type="checkbox"/> P-1 Park and Recreation |
| <input type="checkbox"/> R-4 Multi-family High Density Residential   | <input type="checkbox"/> B-5 Mixed Use Commercial          | <input type="checkbox"/> C-1 Conservancy         |

The subject property is also located in the following overlay zoning district(s). (check all that apply)

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Planned Development (PDD) | <input type="checkbox"/> Shoreland         | <input type="checkbox"/> Floodplain          |
| <input type="checkbox"/> Downtown Design           | <input type="checkbox"/> Shoreland-Wetland | <input type="checkbox"/> Wellhead Protection |

**6. Proposed map amendment.** Select the general reason(s) why you believe the zoning classification should be changed and provide additional details.

- ☐ The zoning designation should be brought into conformity with the City's comprehensive plan.

- ☐ A mapping error was made on the official zoning map.

☐ Other

7. Consistency with zoning requirements

Are there any buildings on the subject property?

☐ No

☒ Yes

If yes, please describe each and state whether it is consistent with the proposed zoning classification.

1.

2.

3.

4.

Are there any existing land uses on the subject property?

☐ No – Land is vacant / undeveloped

☒ Yes

If yes, please describe each, including conditional uses, and state whether it is consistent with the proposed zoning classification.

1.

2.

3.

4.

5.

6.

Does the size of the subject property comply with the minimum lot size of the proposed zoning district?

☐ No

☐ Yes

If no, describe why you believe the map amendment should be made in spite of this.

Has the City approved a variance or special exception for the subject property?

☐

☐

No

Yes

If yes, provide the year of issuance and a short description of each one.

1.

2.

3.

4.

Part B. Questions Related to Text Amendment

8. **Proposed text amendment.** For each proposed text amendment, identify the section number (e.g., 7-444) to be revised and describe the proposed change and the reason(s) why you believe the change should be made.

Section number	Proposed change	Justification
1.	Appendix E – General Definitions	a towing business is not defined in the zoning code
2.	Appendix A – Land Use Matrix of Chapter 11 – Zoning Ordinance.	
3.		
4.		

Part C.

9. **Attachments** List any attachments included with your application.

Proposed definition of Towing Business

10. **Other information** You may provide any other information you feel is relevant to the review of your application.

**11. Mandatory meeting with staff**

When did you meet with the Community Development Director?

01/2022

Month/year

**12. Applicant certification**

- I understand that I, or any of my agents, may not discuss this application with any member of the Planning Commission or the Common Council until after a final decision is rendered.
- I certify that all of the information in this application, along with any attachments, is true and correct to the best of my knowledge and belief.
- I understand that submission of this application authorizes City officials and employees, and other designated agents, including those retained by the City, to enter the property to conduct whatever site investigations are necessary to review this application. This does not authorize any such individual to enter any building on the subject property, unless such inspection is specifically related to the review of this application and the property owner gives his or her permission to do so.
- I understand that this application and any written materials relating to this application will become a permanent public record and that by submitting this application I acknowledge that I have no right to confidentiality. Any person has the right to obtain copies of this application and related materials or view it online.
- I understand that the zoning administrator will review this application to determine if it contains all of the required information. If he or she determines that the application is incomplete, it will not be scheduled for review until it is deemed to be complete.

Property Owner:

Christopher Nieman

Name – print



Name – Signature

01/25/2022

Date

Name – print

Name – Signature

Date

Text amendment and Conditional use permit in the B-2 district

Define "Towing Business" in the zoning code, and allow it to operate under a conditional use in the B-2 district.

Definition of Towing Business: Towing and recovery service is a business engaged in or offering the services of a vehicle tow truck or towing service whereby motor vehicles are towed or otherwise removed from one location to another by use of a vehicle specifically designed and equipped for that purpose. Also offering roadside assistance services (i.e. jumpstarts, lockouts, tire changes, air delivery) And lastly, in the business of temporarily storing disabled motor vehicles.