



PLAN COMMISSION

OFFICIAL AGENDA & NOTICE

A meeting of the Town of Rib Mountain Plan Commission will be held on **AUGUST 26, 2020; 6:00 P.M. AT THE TOWN OF RIB MOUNTAIN MUNICIPAL CENTER, 227800 SNOWBIRD AVENUE***. The Town Board may attend for purposes of gathering information. Subject matter for consideration and possible action follows:

- 1.) Call to Order
- 2.) Roll Call
- 3.) Minutes
 - a. **Approval of minutes from the August 12, 2020 Plan Commission meeting.**
- 4.) Old Business(s):
 - a. **None**
- 5.) Public Hearing (s):
 - a. **Docket #2020-014: Discussion and recommendation on a requested Zoning Map Amendment from RR-35 Rural Residential to CR-5 Countryside Residential at 226609 Thornapple Road.**
 - b. **Docket #2020-015: Discussion and recommendation on a requested Conditional Use Permit for a second driveway in a residential zoning district at 151010 Aster Road.**
 - c. **Docket #2020-016: Discussion and recommendation on a requested Zoning Code Text Amendment for Section 17.174 Off-Street Parking and Traffic Circulation Standards; adding standards for on-site bicycle and pedestrian facilities for new non-residential development.**
- 6.) New Business(s):
 - a. **None**
- 7.) Correspondence/ Questions/ Town Board Update(s):
 - a. **None**
- 8.) Public Comment
- 9.) Adjourn

TOWN OF RIB MOUNTAIN
PLANNING COMMISSION MEETING
August 12, 2020

Acting Chairperson Ryan Burnett, via GoToMeeting, called the meeting of the Plan Commission to order at 6:04 pm. Tom Steele, Tonia Westphal, Mary Kate Riordan, and Steve Plunkett also joined via GoToMeeting. Jim Hampton was present, in person. Also present, in person, were Director of Community Development, Jared Wehner and Building Inspector / Assistant Zoning Administrator, Paul Kufahl. Jay Wittman joined the meeting at 6:11pm via GoToMeeting and resumed the role of Chairperson.

MINUTES:

Motion by Tom Steele, second by Tonia Westphal to approve the minutes of the June 24th, 2020 Plan Commission meeting.

Motion carried 6-0.

OLD BUSINESS: None

PUBLIC HEARING(S):

- a. Docket #2020-010: Discussion and recommendation on a requested Conditional Use Permit for a Detached Private Residential Garage, Carport or Utility Shed in excess of 1,000 square feet and preceding the construction of the principal structure at the property located north of the intersection of County Road NN and Spring Creek Drive.*

Community Development Director, Jared Wehner, indicated the applicant is proposing a 1,648 square foot accessory garage with a storage loft. The property is 20.241 acres in area, located on the north side of the intersection of Spring Creek Drive and County Road NN and is zoned SR-2 Suburban Residential, which allows the applicant to request up to 2000 square feet of detached building area. Wehner note there are not any habitable spaces proposed on the application, and the building will be supplied with electric, private water and private sewer. There will be a toilet and sink in the building, but no shower fixtures and it will be heated with in-floor hydronic heat. The applicant intends to build the accessory structure prior to the principal structure, therefore, Wehner suggested establishing a timeframe for completion of both the accessory building and principal structure.

Tom Steele asked how far the building was setback from County Road NN.

Mark Thuot, applicant, indicated the building will be 200' from NN and 25' from the adjacent property.

Ryan Burnett questioned whether the accessory building would be regularly inspected to ensure the applicant follows any approved plans.

Paul Kufahl, Building Inspector, noted the building would be inspected multiple times throughout construction to ensure they are following the approved plan and required construction standards.

Steele questioned whether the total height of the building or appearance of its elevations were of any concern, and if the applicant is aware of the suggested conditions related to the timeframe and limited plumbing fixtures.

Wehner noted the total height of the building is comparable to a recent approval for the Johnson's on Goldenrod Rd and the building elevations are intended to be complimentary to the house.

Thuot indicated he was aware of the suggested conditions and he agrees to abide by them.

Wehner then read the suggested conditions and noted that non-conformance with those conditions would require in the owner to raze the accessory building.

Jay Wittman questioned whether the Town should impose an addition bond to cover the potential cost of razing the structure.

Wehner noted he did not feel it was necessary to impose an additional bond because the recorded conditional use permit would allow for action through the court system. Kufahl stated previous similar approvals have been imposed an additional \$1000 bond which was refunded upon completion of both the detached garage and the house.

Commissioners were comfortable with the additional \$1000 bond requirement and noted the typical conditions are intended to limit the chances the building is used as a living space.

Thuot indicated the garage is intended to store tools and materials while they are building their home and that the main floor space will be used as a wood and pottery workshop and the upper as an exercise room. He noted there is no intention of creating or using the space for living purposes.

The public hearing was opened at 6:19pm. Receiving no comments, it was subsequently closed.

Motion by Tom Steele, second by Tonia Westphal to recommend approval of the requested Conditional Use Permit for a Detached Private Residential Garage, Carport or Utility Shed in excess of 1,000 square feet and preceding the construction of the principal structure at the property located north of the intersection of County Road NN and Spring Creek Drive, conditioned upon the staff recommended conditions and the requirement of an additional \$1000.00 bond for the garage project.

Motion carried 7-0.

b. Docket #2020-011: Discussion and recommendation on a requested Precise Implementation Plan for retail use at Northeast corner of the intersection of Rib Mountain Drive and Valley Inn Way.

Wehner stated the requested Precise Implementation Plan is for a 4000 square foot commercial retail building. The applicant has updated the elevations since the packet was sent out to include additional windows and trim detail along the Rib Mountain Drive side of the building. Wehner also noted that all items identified in the packet as non-conforming to the code have been addressed and now meet the underlying Urban Commercial code requirements. The only remaining item which was noted in the report are the parking stalls located along the main drive aisle. Wehner indicated the General Development Plan was approved with this parking configuration but felt it may warrant some additional discussion.

Commissioners noted they have reviewed the new elevations and are comfortable with the overall appearance of the building.

The public hearing was opened at 6:24pm. Receiving no comments, it was subsequently closed.

Wittman asked if they needed to review the finding of fact or the suggested conditions. Wehner stated the finding of fact is provided in the packet and the staff suggested conditions relate to making sure the building is constructed in accordance with all applicable codes and the site is developed as presented.

Commissioners noted they were comfortable with what is presented and asked staff if they had any other concerns or issues. Wehner indicated he did not.

Motion by Jay Wittman, second by Ryan Burnett to recommend approval of the requested Precise Implementation Plan for retail use at Northeast corner of the intersection of Rib Mountain Drive and Valley Inn Way, with staff suggested conditions.

Motion carried 7-0.

- c. Docket #2020-012: Discussion and recommendation on a requested modification of a Precise Implementation Plan for a drive-through restaurant on the east side of the intersection of Lilac Avenue and Valley Inn Way (Culver's).*

Wehner stated the project has already been approved through the initial PIP. The applicant wishes to add a second drive-through lane on the inside of the original drive-through lane, not impacting any setbacks. Culver's is seeking the second drive-through since they have seen a large increase in drive-through sales. There is also a roof being proposed over the refuse and recycling enclosure as part of this modification to the Precise Implementation Plan.

Wittman asked if staff was concerned about the turning radius of the new drive-thru lane and if the outside edge of the lane was curbed. Wehner noted he felt the radius was adequate. Tonia Westphal identified a detail provided in the plans which indicated the outside edge of the drive-thru lane was striped, not curbed.

Steele questioned whether the addition of the drive-thru lane would create any snow removal concerns, to which Wehner noted it would be an additional lane to plow but should not create any issues.

Wittman asked for confirmation that by-pass lane traffic would still be able exit the site to Lilac Ave or turn left into the parking area adjacent the drive-thru lanes. Wehner confirmed.

Mike Mohr from REI and a Culvers representative, noted the dumpster area is planned to expand and be provided with a roof covering. They indicated the image provided in the packet was intended as an example of what would be constructed, and the actual façade and roof shape will be designed to match the main buildings appearance.

The public hearing was opened at 6:36pm. Receiving no comments, it was subsequently closed.

Motion by Tom Steele, second by Mary Kate Riordan to recommend approval of the requested modification of a Precise Implementation Plan for a drive-through restaurant on the east side of the intersection of Lilac Avenue and Valley Inn Way (Culver's), with staff recommended conditions.

Motion carried 7-0.

- d. Docket #2020-013: Discussion and recommendation on a requested Conditional Use Permit for an unclassified use (temporary outdoor assembly/special event) at the southwest corner of the intersection of Trillium Lane and Clover Road.*

Wehner indicated the applicant is proposing a small 2-day “micro” festival on the southeast corner of the intersection of Clover Road and Trillium Lane. There will be onsite parking in the field as well as a stage for live music. This year there is no proposed overnight camping. The event would end at 11:00 PM with live music ending at 10:00 PM on Friday and ending on 12:00 AM Sunday (Midnight) with live music ending at 10:30 on Saturday. Beer would be served by the Lion’s Club. Attendees are expected to stay with those they have arrived with in the same vehicle and not leave the area roped off for the parking of their vehicle. The applicant describes it as a drive-in concert. The applicant has been working with the Marathon County Health Department to create an operations plan that ensures all social distance guidelines are being followed to the best of their ability.

Burnett asked for confirmation that this is a one-time event proposal and not a yearly event.

Wehner indicated the Conditional Use would only be applicable to this year’s event, but the applicant would like to make it a yearly event in the future should it be well received this year.

Hampton asked if there will be beer and food served, if vendors will deliver to the vehicles and if additional lighting will be needed.

Matt Szmanda, applicant, indicated the Lion’s Club and potentially another food truck will be available for food and beer purchases. If the vendors are willing to bring items to the individual’s vehicles, he would encourage that, but they are currently planning for individuals to leave their designated areas to purchase food and beverages and then return to their vehicle. He also indicated they would be renting three large lighting structures to facilitate traffic exiting the site at night.

In addition to answering the questions about food, beverages and lighting, Szmanda provided the Commissioners with a general overview of the operations plan highlighting that each vehicle attending the event is assigned a designated area which is roped off from other attendees to provide for appropriate social distancing and entry into the site is dependent upon your ticket location which should reduce large amounts of traffic at a given time. In order to further address traffic concerns, they are asking attendees to queue up along Trillium Lane south of the Clover Road intersection so they do not impact normal neighborhood traffic. He also noted they plan to hire 25 individuals to help with parking and traffic control, as well as, enforcement of mask and social distancing guidelines. In addition to the event, they are planning to administer a survey to the surrounding neighborhoods to get feedback on traffic, noise and overall performance of event operations, which they plan to supply to the Commission at a later date.

Wittman asked how many total vehicles may be in attendance, how they plan to prevent people with carry-ins, and if they have had any conversations for neighbors nearby.

Szmanda indicated they are planning for a maximum of 400 vehicles, each with a maximum of 4 people for a total of 1600 attendees. He noted it may be difficult to curb all carry-ins, but they are not allowing any tail-gating activities and are using a lot of messaging through social media and with ticket sales on the

expectations of attendees. Szmanda indicated they have had conversations with residents on both Goldenrod Rd and Clover Rd.

Steele had some concerns about the music volume impacting neighbors and asked if there was a way to monitor the decibel levels throughout the event.

Szmanda indicated they chose a stage location which they felt would least impact the adjacent residents. He noted the stage would be directing noise to the northwest, where the nearest residence is approximately a quarter mile away. He also noted that music will be done at 10:30pm at the latest and he and their staff would be willing to monitor noise levels through out the event and various locations and provide that information to the Commission at a later date.

Burnett asked staff at what time the Town's noise ordinance took effect and noted he was not necessarily concerned about the music, but rather the traffic leaving the site from 10:30pm till midnight. He also asked where the applicant is marketing the event.

Kufahl noted the ordinance identifies 8:30pm as the traditional quiet time. Szmanda also noted the point of ingress and egress to the site is near the northwest corner of the property where traffic will impact the fewest residents along Clover Road. Wehner also indicated the Town would have a dedicated Officer by the date of the event that could help in traffic control and enforcement. Szmanda indicated they are selling tickets on EventBrite and marketing through Facebook and their website.

Westphal stated the proposal notes a 550-person maximum event, but the applicant presented a 400-vehicle limit with up to four (4) people per vehicle, and asked for clarification on the size of the event. She also noted the traffic needing to turn around on Trillium Lane to line up before the event entrance may be more difficult than they anticipate and requested additional coordination with the Town's dedicated officer.

Szmanda noted they were originally planning for 550 individuals in a traditional concert setting, however, to better address the current social distancing requirements, they opted for a drive-in style event where the site is setup like a parking lot and would be conducive to a larger number of individuals. Wehner noted that the modification to the original proposal will be reflected in the Conditional Use Permit. Szmanda stated that ticket purchases will dictate the time in which you are allowed to enter the site, which should reduce the overall traffic load at any one given time and that a member of the event staff and an officer will be present at the intersection of Clover Rd and Trillium Lane to provide traffic control.

Mary Kate Riordan indicated she liked the idea of the post-event survey, but was originally concerned with attendees camping on-site and asked how they plan to handle that in the future.

Szmanda noted the camping area would be separate from the event space and would be accessed off Trillium Lane and is located further away to residents to reduce noise concerns.

The public hearing was opened at 7:09pm.

Fred Schafer, 225180472657 Blazing Star St, asked if the lineup listed in the packet was the actual line up scheduled for the event and if the acts are familiar with the drive-in style concert. He also indicated he has received comments from residents of the Town and the Greater Wausau Area that are in favor of the event.

Szmanda confirm the present lineup are the acts involved and they are all familiar with the drive-in style setup. He also indicated they hoped to create a community centered event and are allowing the Lion's Club to keep all proceeds from beer sales at the event and have reserved 60 rooms at the Hilton Garden Inn for the bands and the police officers helping with traffic and event enforcement.

John Happli, 226930 Thrush Ave, wanted to confirm that local fire and EMS service have been notified of the event and have the ability to provide services if needed.

Szmanda noted that SAFER is aware of the event and is on call for anything that may arise.

The public hearing was closed at 7:18pm

Burnett questioned whether the barn would be used in the event. Szmanda noted the barn will only be used for the bands this year, but would like to use the barn in the future for additional events.

Commissioners indicated that the success of this year's event has significant weight on any future events and the survey provided to residents will be very important. They requested the applicant to work with staff to establish questions and administer the survey.

Motion by Jay Wittman, second by Tom Steele to recommend approval of the requested Conditional Use Permit for an unclassified use (temporary outdoor assembly/special event) at the southwest corner of the intersection of Trillium Lane and Clover Road, conditioned upon the following items;

- **Staff recommended conditions supplied in the packet.**
- **Work with staff to create and implement a follow up survey.**
- **Conduct decibel readings at various points and times throughout the property and adjacent areas before and during the event.**
- **Present survey results and decibel readings to the Plan Commission by October 28th, 2020.**

Motion carried 7-0.

NEW BUSINESS: None

CORRESPONDENCE / QUESTIONS / TOWN BOARD UPDATE:

Wehner noted the Town is currently conducting a feasibility study for a TIF District east of Rib Mountain Drive from Menton Lane to Parrot Lane.

He also indicated that Nifong Realty has a tenant who is interested in the 60,000 square foot Gordman's space, and that interest in Commercial development has increased significantly in the past month.

Additionally, Wehner stated they have received more than 80 responses to the Disc Golf survey with 74% of respondents in favor of the activity at Liberty Park.

Kufahl indicated Discount Tire and Dollar Tree are nearing completion of their projects and will be opening in the coming months. He also noted there is no timeline on Culver's completion and that Jiffy Lube will be starting construction shortly, after rebidding and awarding the project to a new general contractor.

PUBLIC COMMENT: None Received

ADJOURN:

Motion by Tom Steele, second by Steve Plunkett to adjourn the Plan Commission Meeting.

Motion carried 7-0. Meeting adjourned at 7:37pm.

Respectfully Submitted,

Paul Kufahl, Building Inspector / Assistant Zoning Administrator

DRAFT



AGENDA ITEM COVER SHEET

MEETING/DATE: Plan Commission, June 24, 2020

ITEM: Docket #2020-014: Discussion and recommendation on a requested Zoning Map Amendment from RR-35 Rural Residential to CR-5 Countryside Residential at 226609 Thornapple Road.

FROM: Jared Wehner, Director of Community Development

APPLICANT & PROPERTY INFORMATION

APPLICANT: Megan & Alex Kurth, 2094 Pasque Flower Place, Kronenwetter, WI 54455

OWNER: Thomas P. & Lynn O'Malley, 4416 Sequoia Drive, Stevens Point, WI 54481

PROPERTY ADDRESS: 226609 Thornapple Road

PIN: 068-2807-071-0992

CURRENT ZONING: Rural Residential RR-35ac

ADJACENT ZONING: **NORTH:** SR-2 **SOUTH:** ER-1 **EAST:** SR-3 **WEST:** RA-1

PROPOSED ZONING: Countryside Residential CR-5ac

FUTURE LAND USE: Future Rural Neighborhood

BACKGROUND

The buyer wishes to build a single-family home and have a hobby farm for personal consumption.

PREVIOUS ACTIONS: None

STAFF COMMENTS: See Determination Report (attached)

ATTACHMENTS: Rezone Determination Report, Draft Resolution Approval, Zoning Map, Proposed Certified Survey Map, Property Description and Application

POSSIBLE ACTIONS TO BE TAKEN

See Determination Report (attached)

REQUESTED ACTION: Staff recommends Plan Commission recommends approval of the rezone request, forwarding the recommendation on to the Town Board for the September 1, 2020 meeting.

FURTHER ACTION(S): Forward the Plan Commission recommendation to the Town Board on 9/01 [Staff]

OFFICE USE – DO NOT PUBLISH IN PAPER

1ST NOTICE DATE: **Wednesday, August 12th, 2020**

2ND NOTICE DATE: **Wednesday, August 19th, 2020**

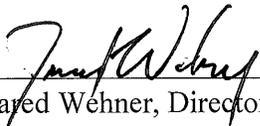
HEARING DATE: Wednesday, August 26th, 2020

**TOWN OF RIB MOUNTAIN NOTICE OF HEARING ON A
ZONING MAP AMENDMENT REQUEST**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Plan Commission of the Town of Rib Mountain, Marathon County, Wisconsin, at the **Rib Mountain Municipal Center, 227800 Snowbird Avenue, on Wednesday, the 26th day of August, 2020**, at 6:00 P.M. to hear and consider the request of:

Megan & Alex Kurth, applicant, requests an amendment to the Town of Rib Mountain Zoning Map from Rural Residential (RR-35ac) to Countryside Residential (CR-5ac) for the property proposed to be described as west 32 rods thereof excluding the north 2 rods of the Southwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of Section 7, Township 28 N, Range 7 East, Town of Rib Mountain, Marathon County, Wisconsin. PIN 068-2807-071-0992.

DATED this 10th day of August, 2020



Jared Wehner, Director of Community Development



TOWN OF RIB MOUNTAIN

Where Nature, Family & Sport Come Together

REZONE DETERMINATION REPORT

FROM:	Jared Wehner, Zoning Administrator		
DOCKET NO.	2020-014	HEARING DATE:	August 26, 2020
APPLICANT:	Megan & Alex Kurth, 2094 Pasque Flower Place, Kronenwetter, WI 54455		
OWNER:	Thomas P. & Lynn O'Malley, 4416 Sequoia Drive, Stevens Point, WI 54481		
LOCATION:	226609 Thornapple Road; a 15.6 acre parcel described as west 32 rods thereof excluding the north 2 rods of the southwest ¼ of the northwest ¼ of Section 7, Township 28 North, Range 7 East, Town of Rib Mountain, Marathon County, Wisconsin.		
DESCRIPTION:	Rezoning 226609 Thornapple Road from Rural Residential (RR-35ac) to Countryside Residential (CR-5ac), bringing the 15.6-acre parcel into conformance, allowing for the construction of a single-family house.		

The Department of Community Development of the Town of Rib Mountain, pursuant to the Town of Rib Mountain Zoning Code, Subchapter 11 Processes, Section 17.223 Amendment of Official Zoning Map Procedures, hereby makes the following findings and evaluation to the Town of Rib Mountain Plan Commission:

GENERAL INFORMATION

CURRENT ZONING: RR-35ac Rural Residential

DEFINITION:
17.035(2)(B)

This district is intended to permit development which is solely of a rural community character. The land use standards for this district permit very low density single-family residential development at a density of 1 dwelling unit for every 35 gross acres, as well as a variety of rural residential land uses. Density and intensity standards for this district are designed to ensure that development which requires even a minimum of urban services does not occur until such services are available. As such, the Rural Residential (RR) District shall either serve as a designation which preserves and protects residential activities, or as a "holding zone" which provides for an interim land use (low density residential) that will easily permit further development (with rezoning to another district) at the appropriate time.

Rationale: This district is used to provide for the protection of low density residential activities, and a very low density residential area for those who want to live in a rural environment and who retain enough land with their residence to ensure that the rural environment is maintained as long as the Rural Residential (RR) District designation is retained. In this manner, even if all property were developed in a given area with the Rural Residential (RR) District designation, the rural community character of that area would still be maintained.

PROPOSED ZONING: CR-5ac Countryside Residential

DEFINITION:
17.035(2)(E)

This district is intended to permit development which has a very low density, countryside community character. Unlike the case for the Rural Agricultural (RA-35ac) District, the land use standards for this district permit primarily single-family detached residential development and a variety of related institutional land uses, and are not oriented to a wide range of agricultural activities. Density and intensity standards for this district are designed to ensure that the Countryside Residential (CR-5ac) District shall serve as a designation which preserves and protects the countryside community character of its area. A variety of residential development

options are available in this district, with a Maximum Gross Density (MGD) of one dwelling unit for every 5 gross acres.

Rationale: This district is used to provide for the permanent protection of a very low density residential area for those who want to live in a countryside environment and who retain enough land with their residence, or in their development, to ensure that the countryside community character is maintained as long as the Countryside Residential (CR-5ac) District designation is retained, regardless of how much development occurs within that area.

FUTURE LAND USE Rural Neighborhood

FLU DESCRIPTION: Large lot, low-density residential development, home occupations, recreational and limited agricultural uses served by private on-site wastewater treatment systems (POWTS) and private wells. This area is outside of the 2040 sewer service boundary.

TYPICAL IMPLEMENTATION OF STANDARD ZONING DISTRICT:

- CR-5ac Countryside Residential
- ER-1 Estate Residential
- SR-2 Suburban Residential

DENSITY: Maximum of 1 dwelling unit per ½ acre on a conventional or mound wastewater system, or as permitted by the designated zoning district.

DEVELOPMENT POLICIES:

1. Limit development in environmentally sensitive areas by:
 - Discouraging the use of holding tanks;
 - Discouraging driveways longer than 1,000 feet;
 - Discourage the construction and use of private roads.
2. New development occurs in a manner that does not impede future, orderly development, or subdivisions.
3. Encourage cluster development or conservation subdivisions.
4. Encourage use of group wastewater treatment systems.
5. Promote the interconnection of the road and trail networks within and among neighborhoods.

REVIEW OF DENSITY STANDARDS AND BULK REGULATIONS

LOT STANDARDS	REQUIREMENTS	PROPOSED	STATUS
Minimum Lot Area:	5 acres	15.6 acres	Meets Requirements.
Minimum Lot Width:	150 Ft.	1,287 Ft.	Meets Requirements.
Min. Landscape Surface Rat.	0.7 [10.92 acres min]	1.0 currently	Meets Requirements.
Max. Floor Area Ratio:	0.1 [67953.6 sq. ft. max]	N/A	Meets Requirements.

DETERMINATION / FINDING OF FACT

1. Is the proposed rezoning consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?
Yes, the CR-5 zoning district is explicitly described as being a typical zoning district for the rural neighborhood future land use designation.
2. Does the rezoning further the purpose and intent of this Chapter?
Chapter 17 is written to implement the Comprehensive Plan to the extent possible under zoning and this proposed map amendment is within the scope of that intent.
3. Does rezoning address any of the following that are not properly addressed on the current Official Zoning Map?

1. **A mistake was made in mapping on the Official Zoning Map. That is, an area is or has developed in a manner and purpose different from that for which it is mapped. If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Village may intend to stop an undesirable land use pattern from being perpetuated.**
2. Factors have changed, such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes, making the subject property more appropriate for a different zoning district.
3. Growth patterns or rates have changed, thereby creating the need for a rezoning.

This lot was created by deed, accepted by the Marathon County Register of Deeds without the consent of the Town of Rib Mountain, thus creating an illegal non-conforming, substandard parcel.

4. Does the proposed zoning district maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

Yes, the overall development shall maintain the desired consistency of rural residential land uses in this area of the Town.

BACKGROUND INFORMATION

This parcel is currently zoned for a 35-acre minimum, thus the parcel is non-conforming and is unbuildable at this time. The lot was created by deed by prior ownership. Due to the description being over 10 acres, Marathon County Register of Deeds recorded it and created an illegal non-conforming parcel. Prior to a policy change, MCROD recorded deeds of newly created parcels 10 acres or larger without determining if the parcel met local zoning and subdivision ordinances. The applicants wish to purchase the parcel to build a home and have a small hobby farm to garden and raise livestock for their own personal consumption. They are aware that husbandry requires a conditional use, which will be applied for in the future.

CURRENT PROPERTY CONDITIONS

There is no home on the property. There is a collapsed shed. Currently the property is idle.

STAFF COMMENTS

Although this parcel was created illegally, staff does not foresee any issues with rezoning this property to allow for its development, as it is consistent with the Town's vision for this area of the Town.

POSSIBLE ACTIONS TO BE TAKEN

RECOMMEND APPROVAL: Plan Commission recommends approval of the rezone request, forwarding the recommendation on to the Town Board for the September 1, 2020 meeting.

DEFER ACTION: Defer action on the request based on insufficient material/evidence provided by the applicant or uncertainty among the commissioners based on evidence presented at the public hearing. A recommendation shall be made within 60 days of submittal of the application (September 23, 2020). If the Plan Commission chooses not to make a recommendation or fails to make a recommendation to the Town Board within 60 days of the submittal of the application, then the Town Board shall hold the public hearing without a Plan Commission recommendation.

RECOMMEND DENIAL: Plan Commission recommends denial of the rezone request, forwarding the recommendation on to the Town Board for the September 1, 2020 meeting.



Rib Mountain:
"Where Nature, Family, and
Sport Come Together"

Prepared by:
mi-TECH
www.mi-tech.us

Map Printed: 8/17/2020

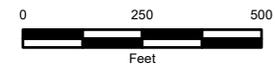
 Parcels Outline
Zoning Districts (Sept 2017)
Zoning Districts
 Unzoned

 CR-5ac
 Countryside Residential
 EO Estate Office
 Estate Office
 ER-1 Estate Residential
 Estate Residential
 MR-4 Mixed Residential
 Mixed Residential

 NC Neighborhood Commercial
 Neighborhood Commercial
 OR Outdoor Recreation
 Outdoor Recreation
 RA-1 Rural Agricultural
 Rural Agricultural
 RA-2 Rural Agricultural
 Rural Agricultural
 ROW
 Right-of-Way
 RR Rural Residential
 Rural Residential
 SC Suburban Commercial
 Suburban Commercial
 SI Suburban Industrial
 Suburban Industrial
 SO Suburban Office
 Suburban Office

 SR-2 Suburban Residential
 Suburban Residential
 SR-3 Suburban Residential
 Suburban Residential
 UC Urban Commercial
 Urban Commercial
 UDD Unified Development
 Unified Development

 UR-8 Urban Residential
 Urban Residential
 Labels
 Building Outline
 Building Outline
 Road Centerline
 Road Centerline
 Water Feature
 Water Feature



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RESOLUTION 20-12
TOWN OF RIB MOUNTAIN, MARATHON COUNTY, WISCONSIN

A resolution rezoning a portion of land consisting of 15.6 acres of land from RR-35a Rural Residential to CR-5ac Countryside Residential; located at 226609 Thornapple Road, Town of Rib Mountain, Wisconsin; and amending the Official Zoning Map to reflect said change.

WHEREAS, Megan and Alex Kurth, perspective buyers, petitioned to amend a portion of land on the Official Zoning Map of the Town of Rib Mountain from RR-35ac Rural Residential to CR-5ac Countryside Residential; and

WHEREAS, the Plan Commission of the Town of Rib Mountain having held a public hearing on the 26th day of August 2020, on the application described above for the zoning of property described herein, and

WHEREAS, the Plan Commission having thereafter filed its written recommendations and findings with the Town Board of Supervisors, and after careful considerations, said Board having received and approved the recommendations of Said Commission; the petition is consistent with the adopted Rib Mountain Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Town of Rib Mountain, Marathon County, Wisconsin, hereby amends the Rib Mountain Zoning Map as follows:

Section 1: On the application (2020-014), property owner Thomas P. & Lynn O'Malley for the following territory now comprising as part of the RR-35ac Rural Residential zoning district, located in Section 7, Township 28 North, Range 7 East, Town of Rib Mountain, Marathon County, Wisconsin; is hereby designated to be and become hereafter part of the following zoning district:

CR-5ac Countryside Residential: the 15.6 acre parcel is described west 32 rods thereof excluding the north 2 rods of the southwest ¼ of the northwest ¼ of Section 7, Township 28 North, Range 7 East, Town of Rib Mountain, Marathon County, Wisconsin; more commonly known as 226609 Thornapple Road.

BE IT FURTHER RESOLVED that the foregoing amendment to the zoning district designations shall take effect only upon approval of the Marathon County Board of Supervisors. If the rezoning of any lands by this Resolution does not take effect within 180 days of the date hereof, this Resolution shall become null and void and the zoning for such lands shall remain unchanged.

Section 2: The Zoning Administrator shall make necessary alterations upon the Official Zoning Map of the Town of Rib Mountain to reflect the changes in the zoning classification of the property described herein.

Section 3: SERVABILITY. If any section, clause, provision, or portion of this Resolution is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby. If an application of this Resolution to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to

any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Resolution is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other resolutions or ordinances whose terms are in conflict with the provisions of this resolution are hereby repealed as to those terms that conflict.

Section 4: EFFECTIVE DATE. This resolution shall take effect upon approval and signature.

Adopted this 1st day of September 2020

BOARD OF SUPERVISORS

Allen Opall, its Chair

Attest:

Joanne Ruechel, Town Clerk



TOWN OF RIB MOUNTAIN

Where Nature, Family & Sport Come Together

AGENDA ITEM COVER SHEET

MEETING/DATE: Plan Commission, August 26, 2020

ITEM: Docket #2020-015: Discussion and recommendation on a requested Conditional Use Permit for a second driveway in a residential zoning district at 151010 Aster Road.

FROM: Jared Wehner, Director of Community Development

APPLICANT & PROPERTY INFORMATION

APPLICANT: James C Wendling, 151010 Aster Road, Wausau, WI 54401

OWNER: James C Wendling and Mary Jo Wendling, 151010 Aster Road, Wausau, WI 54401

PROPERTY ADDRESS: 225986 Deer Tail Lane

PIN: 068-2807-103-0190

ZONING: ER-1 Estate Residential

ADJACENT ZONING: **NORTH:** RR **SOUTH:** ER-1 **EAST:** ER-1 **WEST:** ER-1

FUTURE LAND USE: Future Rural Neighborhood

BACKGROUND

The property owner is proposing to be build an attached workshop on the west side of the home, since the workshop will not meet setbacks on the east side, where the garage is. The workshop is proposed to be served by a driveway. Without creating a driveway cutting across the front yard, a second driveway access is being requested.

PREVIOUS ACTIONS: None

STAFF COMMENTS: See Determination Report (attached)

ATTACHMENTS: Conditional Use Determination Report, Draft CUP Approval, Zoning Map, Proposed Site Plan, Project Narrative and Application

POSSIBLE ACTIONS TO BE TAKEN

See Determination Report (attached)

REQUESTED ACTION: Recommend approving option A on the attached Determination Report.

FURTHER ACTION(S): Forward the Plan Commission recommendation to the Town Board on 9/1 [Staff]

OFFICE USE – DO NOT PUBLISH IN PAPER

1ST NOTICE DATE: **Wednesday, August 12th, 2020**

2ND NOTICE DATE: **Wednesday, August 19th, 2020**

HEARING DATE: Wednesday, August 26th, 2020

**TOWN OF RIB MOUNTAIN
NOTICE OF HEARING ON A
CONDITIONAL USE REQUEST**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Plan Commission of the Town of Rib Mountain, Marathon County, Wisconsin, at the **Rib Mountain Municipal Center, 227800 Snowbird Ave, on Wednesday, the 26th day of August, 2020**, at 6:00 P.M. to hear and consider the request of:

James Wendling, owner, request of a conditional use approval for second driveway on one parcel in a residential zoning district at the property addressed 151010 Aster Road; per Rib Mountain Municipal Code Section 17.172(3)(e) – Access Standards.

DATED this 10th day of August 2020



Jared Wehner, Director of Community Development



CONDITIONAL USE PERMIT DETERMINATION REPORT

FROM:	Jared Wehner, Zoning Administrator		
DOCKET NO.	2020-015	HEARING DATE:	August 26, 2020
APPLICANT:	James C Wendling, 151010 Aster Road, Wausau, WI 54401		
OWNER:	James C Wendling and Mary Jo Wendling, 151010 Aster Road, Wausau, WI 54401		
LOCATION:	Lots 1 and 2 of Certified Survey Map number 9240 filed with the Register of Deeds of Marathon County, Wisconsin on Page 63 of Volume 37 of Surveys; part of the southwest ¼ of the northwest ¼ of Section 34, T28N R7E, Town of Rib Mountain, Marathon County, Wisconsin; more commonly known as 151010 Aster Road.		
DESCRIPTION:	Requesting a second driveway access to a single parcel on the same street in a ER-1 Estate Residential zoning district		

The Department of Community Development of the Town of Rib Mountain, pursuant to the Town of Rib Mountain Zoning Code, Subchapter 11 Processes, Section 17.225 Conditional Use Procedures, hereby makes the following findings and evaluation to the Town of Rib Mountain Plan Commission:

GENERAL INFORMATION

ZONING:	ER-1 Estate Residential
DEFINITION: 17.035(2)(D)	<p>This district is intended to permit development which has a low density, estate community character. Like the case for the Countryside Residential (CR-5ac) District, the land use standards for this district permit primarily single-family detached residential development and a variety of related institutional land uses. Density and intensity standards for this district are designed to ensure that the Estate Residential (ER-1) District shall serve as a designation which preserves and protects the estate community character of its area. A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of one dwelling unit per 40,000 square feet of lot area.</p> <p>Rationale: This district is used to provide for the permanent protection of a low density residential area for those who want to live in an estate environment and who retain enough land with their residence, or in their development, to ensure that the estate community character is maintained as long as the Estate Residential (ER-1) District designation is retained, regardless of how much development occurs within that area.</p>
LAND USE:	Property Access
DEFINITION SECTION: 17.172	<p>The purpose of this Subsection is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of access to public rights-of-way in accordance with the utilization of various sites.</p>

REVIEW OF PERFORMANCE STANDARDS

(4) Residential Uses: Residential uses shall not have access points onto a nonresidential collector or arterial street unless such street has the only available frontage.	Meets requirements. <i>Aster Lane is a residential local road.</i>
(6) Access Near Street Intersections: At its intersection with the street right-of-way line on an arterial or nonresidential collector street, no access point shall be located closer than 100 feet from the intersection of any 2 street rights-of-way unless such street is the only available frontage on the subject property. In all	Meets requirements. <i>There is not an intersection within 100 feet of the proposed driveway.</i>

cases, access points shall be located as far from an intersection as the lot size permits.

(7) Distance Between Access Drives: The minimum distance between access drives serving the same property shall be 25 feet (edge to edge), as measured at the property line. A distance in excess of said 25 feet may be required if, in the opinion of the Zoning Administrator and the Director of Public Works, present or projected traffic factors warrant a greater distance.

Meets requirements.

100+ feet to nearest driveway, which serves the same property.

(8) Angle of Intersection with Public Right-of-Way: All access drives shall intersect with any public right-of-way at an angle of not less than 75 degrees and shall intersect at an angle of 90 degrees wherever possible.

Meets requirements.

Driveway turns to be perpendicular with the road.

(9) Distance from Property Line: The distance from an access drive to the property line of an adjacent property shall not be less than 5 feet, as measured along the right-of-way line unless the driveway is shared with the adjacent property in which case the driveway may be located on the property line or the driveway may straddle the property line. Driveways serving a corner lot shall not be located closer than 35 feet from the intersection of the right-of-way of the 2 intersecting streets.

Meets requirements.

The driveway is proposed to be 100+ feet from the nearest lot line.

(10) Width of Driveways: All access drives shall have a minimum width of 10 feet for one-family and two-family dwellings, and 18 feet for all other land uses. All curb openings for access drives shall have a maximum width of 25 feet for all residential uses, and 35 feet for all non-residential uses, as measured at the right-of-way line. Access drives may be flared between the right-of-way line and the roadway up to a maximum of 5 additional feet.

Meets requirements.

Width is 12 feet at lot line and 22 feet at the road, with 5-foot flares.

(11) Traffic Control: The traffic generated by any use shall be channelized and controlled in a manner which avoids congestion on public streets and other safety hazards. Traffic into and out of all off-street parking, loading and traffic circulation areas serving 6 or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways. Traffic control devices shall be required as determined by the Director of Public Works.

Meets requirements.

Driveway is for standard residential use and will not cause an increase in traffic.

(12) Depiction on Required Site Plan: Any and all proposed access drives on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.

Meets requirements.

A site plan showing all required specs has been provided.

(13) Paving of Access: All access approach areas located within a street right-of-way shall be paved to the satisfaction of the Director of Public Works with a hard, all-weather surface (concrete or asphalt), and shall be maintained so as to prevent the transport of gravel, dirt, or other eroded material from the subject property into the right-of-way.

Will meet requirements.

The surfacing is not shown on the submitted plan; however, it is required and will be listed as a condition on the permit.

DETERMINATION / FINDING OF FACT

1. How is the proposed conditional use permit (the use in general) in harmony with the purposes, goals, objectives, policies and standards of the Town of Rib Mountain Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Town

The proposed second driveway is intended for residential use. The overall impact on neighboring properties and the neighborhood will be insignificant.

2. How is the proposed conditional use permit (in its specific location) in harmony with the purposes, goals, objectives, policies and standards of the Town of Rib Mountain Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Town?

The proposed second driveway is intended for residential use. The overall impact on neighboring properties and the neighborhood will be insignificant.

3. Is it likely that the proposed conditional use permit, in its proposed location and as depicted on the required site plan (see (3)(d), above), will have an adverse impact on the use of adjacent property, the neighborhood, the physical environment, pedestrian or vehicular traffic, parking, public improvements, public property or rights-of-way or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the regulations or recommendations of this Chapter, the Comprehensive Master Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Town or other governmental agency having jurisdiction to guide growth and development?

The immediate impact for the proposed second driveway should not increase in stormwater runoff from the additional hard surface. Any runoff would be towards the northwest of the property and remain internal to the site.

4. Does the proposed conditional use permit maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

The proposed second driveway will not change the current or future residential land use. The property owner did purchase the neighboring lot on which the driveway will exist upon, which did exclude the potential for an additional home to be constructed.

5. Is the proposed conditional use permit located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property?

This driveway will have an insignificant impact on the stormwater system (ditches).

6. Do the potential public benefits of the proposed conditional use permit outweigh any and all potential adverse impacts of the proposed conditional use (as identified in Subsections 1. through 5., above), after taking into consideration any proposal by the Applicant and any requirements recommended by the Applicant to ameliorate such impacts?

Yes, as the impacts on the street and neighborhood will be negligible.

BACKGROUND INFORMATION

The property owner is proposing to build an attached workshop on the west side of the home, since the workshop will not meet setbacks on the east side, where the garage is. The workshop is proposed to be served by a driveway. Without creating a driveway cutting across the front yard, a second driveway access is being requested.

CURRENT PROPERTY CONDITIONS

The property has one single-family detached home and the now-combined parcel to the south is idle. The lot is significantly wooded and on a steeper slope. The home is approximately 50 feet from the road.

STAFF COMMENTS

Aster Road is a low traffic volume. The second driveway appears that it would not be used as often as the primary driveway given the nature of the addition. Had the own of the home not purchased the neighboring lot, a home, served by a driveway would be there instead, thus not increasing the overall number of driveways on this road.

POSSIBLE ACTIONS TO BE TAKEN

- A. Recommend the Board of Supervisors approves the application for a conditional use allowing for the installation of a second driveway, at 225986 Deer Tail Lane, with the following conditions:
 1. Construction of the second driveway shall be in accordance with the performance standards of aforementioned ordinance sections and what depicted on the Site Plan and Building Specifications on EXHIBIT A (as approved by the Building Permit);
 2. The total number of driveways accessing the parcel described above shall not exceed two (2).
 3. Any future additions, modifications or changes in said site plan and/or building plan, beyond those described in, on and within the boundary depicted on the Site Plan, or those depicted on the Building Specifications shall be approved by the Plan Commission and Town Board of Supervisors through the modification process of the precise implementation plan, as described in Section 17.233, in advance of any construction or modification;

-
4. Should the work associated with the building permit not be completed and inspected prior to the permit expiring, then this approval shall be revoked, per Section 17.233(6)(h);
 5. No use is hereby authorized unless the use is conducted in a lawful, orderly, and peaceful manner. Nothing herein shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption, or exception to any law, ordinance, order or rule by the Town, Marathon County, State of Wisconsin, United States or other duly constituted authority, except only to the extent that it authorizes the use of the Subject Property in any specific respects described herein; and
 6. Should any paragraphs or phase of herein be determined by a court of competent jurisdiction to be unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the remainder of this conditional use and the remainder shall continue in full force and effect.
- B. Defer action on the precise implementation plan based on insufficient material/evidence provided by the applicant or uncertainty among the commissioners based on evidence presented at the public hearing. A decision shall be made within 60 days of opening the public hearing. If the Plan Commission chooses not to make a recommendation or fails to make a recommendation to the Town Board within 45 days of the public hearing, the request for a precise implementation plan shall be forwarded to the Town Board without a Plan Commission recommendation.
- C. Recommend the Board of Supervisors deny the application for the conditional use based on substantial evidence (or lack thereof) provided at the public hearing.
-



Rib Mountain:
"Where Nature, Family, and
Sport Come Together"

Prepared by:
MI-TECH
www.mi-tech.us

Map Printed: 8/17/2020

 Parcels Outline
Zoning Districts (Sept 2017)
Zoning Districts
 Unzoned

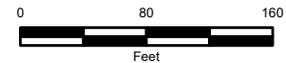
 CR-5ac
 Countryside Residential
 EO Estate Office
 Estate Residential
 ER-1 Estate Residential
 MR-4 Mixed Residential
 Residential

 NC Neighborhood Commercial
 OR Outdoor Recreation
 RA-1 Rural Agricultural
 RA-2 Rural Agricultural
 Agricultural

 ROW
 RR Rural Residential
 SC Suburban Commercial
 SI Suburban Industrial
 SO Suburban Office
 Office

 SR-2 Suburban Residential
 SR-3 Suburban Residential
 UC Urban Commercial
 UDD Unified Development

 UR-8 Urban Residential
 Residential
 Labels
 Building Outline
 Road Centerline
 Water Feature
 Water Feature



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TOWN OF RIB MOUNTAIN, MARATHON COUNTY, WI
CONDITIONAL USE PERMIT #2020-015

This CONDITIONAL USE PERMIT is issued as of 1st day of September 2020, by the BOARD OF SUPERVISORS of the Town of Rib Mountain to the JAMES C. WENDLING AND MARY JO WENDLING, 151010 Aster Road, Wausau, WI 54401, property owners.

WHEREAS, the JAMES C WENDLING AND MARY JO WENDLING are the owner of the property described below in the Town of Rib Mountain, and said owner intends to construct a SEOND DRIVEWAY ON THE SAME STREET FRONTAGE. The said property upon which said activity is to take place is more particularly described as follows:

Lots 1 and 2 of Certified Survey Map number 9240 filed with the Register of Deeds of Marathon County, Wisconsin on Page 63 of Volume 37 of Surveys; part of the southwest ¼ of the northwest ¼ of Section 34, T28N R7E, Town of Rib Mountain, Marathon County, Wisconsin; more commonly known as 151010 Aster Road.

WHEREAS, the property described above is in the ER-1 ESTATE RESIDENTIAL base zoning district of the Town of Rib Mountain, which permits the construction of a SEOND DRIVEWAY ON THE SAME STREET FRONTAGE in said zoning district through conditional grant; and

WHEREAS, JAMES C WENDLING AND MARY JO WENDLING has requested a CONDITIONAL USE PERMIT for the property, Section 17.225 Conditional Use Procedures, so as to allow the use of a SEOND DRIVEWAY ON THE SAME STREET FRONTAGE on said premise; and

WHEREAS, a petition for a Conditional Use Permit having been duly filed with the Town Zoning Administrator, and placed on the Plan Commission agenda after first being assured by Town professional staff review that the application is complete, and following staff review and Plan Commission review, investigation and a public hearing which was held August 26, 2020, the Plan Commission after giving full consideration to the criteria and standards for granting a Conditional Use Permit, as set forth in the Town Ordinance, including Section 17.233(6), recommend approval of said application in writing to the Board of Supervisors.

WHEREAS, upon the discontinuance of the use of a SEOND DRIVEWAY ON THE SAME STREET FRONTAGE on said premise for a period exceeding 365 days, the issuance of the CONDITIONAL USE PERMIT shall automatically become invalidated. The burden of proof shall be on the property owner to conclusively demonstrate that the conditional use was operating during this period.

WHEREAS, all requirements of the approved Conditional Use Permit shall be continued regardless of ownership of the subject property and shall run with the land, except where limited by the zoning code or by a specific condition attached to this conditional use grant herein.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of the Town of Rib Mountain, in Marathon County, Wisconsin, here by grant the JAMES C WENDLING AND MARY JO WENDLING a Conditional Use Permit for the property described above, for the use of SEOND DRIVEWAY ON THE SAME STREET FRONTAGE as defined in Section 17.172(3)(d) of the Town Zoning Ordinance. The conditions for the issuance of the conditional use permit are as follows:

1. Construction of the second driveway shall be in accordance with the performance standards of aforementioned ordinance sections and what depicted on the Site Plan and Building Specifications on EXHIBIT A (as approved by the Building Permit);
2. The total number of driveways accessing the parcel described above shall not exceed two (2).
3. Any future additions, modifications or changes in said site plan and/or building plan, beyond those described in, on and within the boundary depicted on the Site Plan, or those depicted on the Building Specifications shall be approved by the Plan Commission and Town Board of Supervisors through the modification process of the precise implementation plan, as described in Section 17.233, in advance of any construction or modification;
4. Should the work associated with the building permit not be completed and inspected prior to the permit expiring, then this approval shall be revoked, per Section 17.233(6)(h);

SOUTH

≈ 85 FT

10-12' approx

≈ 145 FT

ASTER ROAD

EXISTING DRIVEWAY

EXISTING GAS LINES

PROPOSED DRIVE

PROPERTY LINE

WOODS

WOODS

WELL

EAST

WEST

EXISTING HOUSE
151010 ASTER ROAD

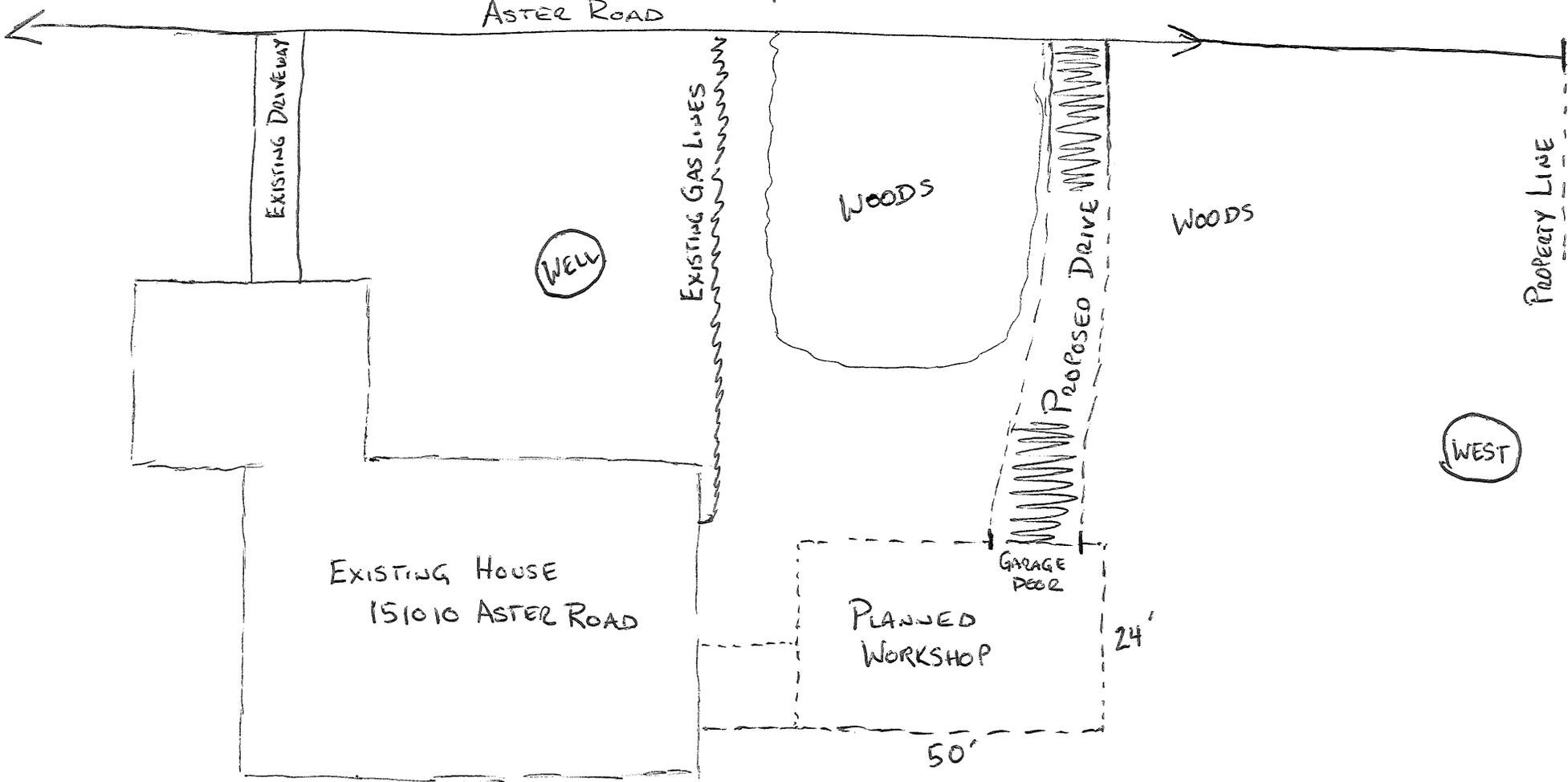
PLANNED
WORKSHOP

GARAGE
DOOR

24'

50'

NORTH



Town of Rib Mountain

Planning and Zoning Commission

Application for Public Hearing

PETITIONER / APPLICANT:

NAME: JAMES C. WENDLING

ADDRESS: 151010 ASTER RD CITY: WAUSAU ZIP: 54401

OFFICE PHONE: _____ CELL PHONE: 715-297-5757

jwendling@wausauschools.org

PROPERTY OWNER:

NAME: JAMES C. WENDLING

ADDRESS: 151010 ASTER RD CITY: WAUSAU ZIP: 54401

OFFICE PHONE: _____ CELL PHONE: 715-297-5757

SIGNATURE OF OWNER / APPLICANT: 

REQUEST: INSTALL A DRIVEWAY TO A SHOP ADDITION
GOING ON TO HOUSE

APPLICABLE ZONING CODE SECTION: _____

LOCATION:

PARCEL ADDRESS: 151010 ASTER RD, WAUSAU, WI 54401

PARCEL NUMBER: 068-2807-342-0984

LEGAL DESCRIPTION: SEC 34-28-07, PT OF SW 1/4 NW 1/4
LOT 2 CSM VOL 37 PG 63

**AGREEMENT FOR PAYMENT OF CONSULTING SERVICES
RELATING TO ZONING APPLICATION**

WHEREAS, the Town of Rib Mountain has hired a consultant to assist in the review of any application for zoning permits or approvals under the Town Zoning Ordinances; and

WHEREAS, the Town Ordinances provide that the Applicant shall pay the costs for the services provided to the Town of Rib Mountain by the consultant in the review and analysis of the application being requested and payment for the services performed by the consultant are considered a normal part of the fee for the permit requested by the Applicant from the Town of Rib Mountain.

THEREFORE, in consideration of the request for permit to be reviewed and considered by the Plan Commission and/or Town Board of the Town of Rib Mountain, the undersigned, as Applicant, hereby agrees as follows:

- A. To pay the costs for the consulting services rendered to the Town of Rib Mountain for review and recommendations regarding the action under the Town Zoning Ordinance being requested by the Applicant.
- B. A bill for such services will be sent to the Applicant at the time of completion of the consulting services and shall be due and payable to the Town within 15 days of receipt.
- C. Failure of the Applicant to make payment for the services provided to the Town due to the Application shall result in the Town commencing legal action for collection of monies due and owing to the Town for services, being a part of the Application process followed by the Town for review and approval of the zoning action requested.

TOWN OF RIB MOUNTAIN

I have read the foregoing and understand that I shall be responsible for a payment to the Town of Rib Mountain for consulting services directly resulting from the review and analysis of the Zoning Application submitted to the Town of Rib Mountain.


Applicant

8/3/2020
Date



TOWN OF RIB MOUNTAIN

Where Nature, Family & Sport Come Together

Permit #:	Exp. Date:
Parcel #:	
3700 N. Mountain Road Wausau, WI 54401	Phone: 715-842-0983 Fax: 715-848-0186

DRIVEWAY INSTALLATION PERMIT APPLICATION

Applicant: JAMES C. WENDLING		Telephone # 715-297-5757	
Mailing Address 151010 ASTER ROAD	City WAUSAU	State WI	Zip 54401

The Property Owner may only install a concrete driveway to the property line. Any concrete installed beyond the property line shall be removed at the owner's expense. The contractor/property owner shall call when ready for culvert installation. The property owner is responsible for any damages resulting to culverts from excessive truck traffic over culvert.

Installation Address 151010 ASTER ROAD	City WAUSAU	State WI	Zip 54401
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****WAIVER OF SPECIAL ASSESSMENT NOTICES AND HEARINGS** Under Sec.66.60(18), Wisconsin Statutes**

In consideration of the construction by the Town of Rib Mountain, Wisconsin, of the following proposed public improvement, described at the above mentioned property. We, the undersigned, hereby admit this improvement will benefit our below described properties in the Town of Rib Mountain and consent to the levying of special assessments against our premises under Sec. 66.60(18) Wis. Stats., we hereby waive all special assessment notices and hearings as required by Sec. 66.60 Wis. Stats.

APPLICANT SIGNATURE DATE SIGNED 8/3/2020

PLEASE ATTACH A SKETCH OF THE DRIVEWAY INSTALLATION LOCATION WITH NECESSARY INFORMATION

**** FOR OFFICE USE ONLY ****

IS A CULVERT REQUIRED? YES NO Diameter: _____ (in) Length: _____ (ft)

SUPERINTENDENT'S SIGNATURE _____ DATE SIGNED _____
Scott Turner - Streets & Parks Superintendent

Notes:

Access Near Street Intersections: At its intersection with the street right-of-way line on an arterial or nonresidential collector street, no access point shall be located closer than 100 feet from the intersection of any 2 street rights-of-way unless such street is the only available frontage on the subject property. In all cases, access points shall be located as far from an intersection as the lot size permits.

Distance Between Access Drives: The minimum distance between access drives serving the same property shall be 25 feet (edge to edge), as measured at the property line. A distance in excess of said 25 feet may be required if, in the opinion of the Zoning Administrator and the Director of Public Works, present or projected traffic factors warrant a greater distance.

Distance from Property Line: The distance from an access drive to the property line of an adjacent property shall not be less than 5 feet, as measured along the right-of-way line unless the driveway is shared with the adjacent property in which case the driveway may be located on the property line or the driveway may straddle the property line. Driveways serving a corner lot shall not be located closer than 35 feet from the intersection of the right-of-way of the 2 intersecting streets.

Width of Driveways: All access drives shall have a minimum width of 10 feet for one-family and two-family dwellings, and 18 feet for all other land uses. All curb openings for access drives shall have a maximum width of 25 feet for all residential uses, and 35 feet for all non-residential uses, as measured at the right-of-way line. Access drives may be flared between the right-of-way line and the roadway up to a maximum of 5 additional feet.

Materials: Driveways on the property may be of any hard surface material but may only extend beyond the property line into the public right-of-way when constructed of asphalt. Concrete may only be used in the public right-of-way if the street is concrete with permanent curb and gutter installed. The Town will only replace driveway approaches in asphalt. Driveways on the property of all new commercial or residential construction shall be concrete or asphalt. Exceptions may be given to driveways located in recreational, agricultural, or rural residential zones, with the approval of the Superintendent of Streets and Zoning Administrator. Such exceptions shall be a well compacted granular material not subject to erosion, and so noted on the driveway permit approval.

Multiple Access Locations: For residential uses, 2 access points serving the same street frontage may be approved as a Conditional Use.



AGENDA ITEM COVER SHEET

MEETING/DATE:	Plan Commission, June 10, 2020
ITEM:	Docket #2020-016: Discussion and recommendation on a requested Zoning Code Text Amendment for Section 17.174 <i>Off-Street Parking and Traffic Circulation Standards</i> ; adding standards for on-site bicycle and pedestrian facilities for new non-residential development.
FROM:	Jared Wehner, Director of Community Development

BACKGROUND

A Board member is suggesting that language is added that requires new non-residential development be required to add bicycle and pedestrian facilities, such as cross walks, bike racks and sidewalks. After discussion on June 24, staff has made updates to the proposed amendment.

Staff is recommending keeping the language simple enough to allow for flexibility. Plan Commission would still have the final determination on new site plans. The language would only affect new development. Existing development would be voluntary at this time.

PREVIOUS ACTIONS:	Plan Commission discussion on June 24, 2020
STAFF COMMENTS:	Staff has come up with language to satisfy this request.
ATTACHMENTS:	Proposed draft language for Section 17.174 <i>Off-Street Parking and Traffic Circulation Standards</i>

POSSIBLE ACTIONS TO BE TAKEN

RECOMMEND APPROVAL: Plan Commission recommends approval of the proposed text amendment for Section 17.174 *Off-Street Parking and Traffic Circulation*, as presented by Staff.

RECOMMEND APPROVAL WITH MODIFICATIONS: Plan Commission recommends approval of the proposed text amendment for Section 17.174 *Off-Street Parking and Traffic Circulation*, with modifications as discussed.

RECOMMEND DENIAL: Plan Commission recommends denial of the proposed text amendment for Section 17.174 *Off Street Parking and Traffic Circulation*.

NO ACTION TAKEN: The proposed text amendment for Section 17.174 *Off-Street Parking and Traffic Circulation* is forwarded onto the Board of Supervisors without any recommendation from the Plan Commission.

REQUESTED ACTION:	Staff is requesting the Plan Commission recommend approval of the text amendment for Section 17.174 <i>Off-Street Parking and Traffic Circulation</i> , as presented by Staff.
FURTHER ACTION(S):	Forward the recommendation of the Plan Commission to the Board of Supervisors for the September 1, 2020 meeting.

Section 17.174 - Off-Street Parking and Traffic Circulation Standards.

(1) *Purpose:* The purpose of this Subsection is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the utilization of various sites.

(2) *Depiction on Required Site Plan:* Any and all parking and traffic circulation areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. Each and every parking space designed to serve as required parking shall not be located farther than 500 feet from the access to all of the various areas it is designated to serve. A garage stall, meeting the access requirements of Subsection (6)(d), below, shall be considered a parking space. Parking spaces for any and all vehicles exceeding 18 feet in length, shall be clearly indicated on said site plan.

(3) *Use of Off-Street Parking Areas:* The use of all required off-street parking areas shall be limited to the parking of operable vehicles which are not for lease, rent, or sale. Within residential zoning districts, said parking spaces shall only be used by operable cars and trucks.

(4) *Traffic Circulation and Traffic Control:* Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and on the site. Circulation shall be provided to meet the individual needs of the site with specific mixing of access and through movements, and where required, shall be depicted on the required site plan. Circulation patterns shall conform with the general rules of the road and all traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices.

(5) *Maintenance of Off-Street Parking and Traffic Circulation Areas:* All off-street parking and traffic circulation areas shall be maintained in a dust-free condition at all times. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area.

(6) *Off-Street Parking and Traffic Circulation Design Standards.*

(a) *Surfacing and Marking:* All off-street parking and traffic circulation areas (including all residential driveways—except those within the A/R District) shall be paved with a hard, all-weather surface (blacktop or concrete), to the satisfaction of the Zoning Administrator. Said surfaces intended for 6 or more parking stalls shall be marked in a manner which clearly indicates required parking spaces.

(b) *Reserved.*

(c) *Lighting:* All off-street parking and traffic circulation areas serving 6 or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use. An outdoor illumination level of between 0.4 and 1.0 foot candles is required for said areas.

(d) *Access:* Each required off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without backing or maneuvering a vehicle into a public right-of-way. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner which least interferes with traffic movements. No driveway across public property, or requiring a curb cut, shall exceed a width of 35 feet. (See also Table [17.174\(6\)\(j\)](#))

(e) *Fire Lanes:* A fire lane shall be required to provide access to any portion of any structure equal to or less than 40 feet tall which is more than 150 feet from the nearest street right-of-way, and to any portion of any structure greater than 40 feet tall which is more than 50 feet from the nearest street right-of-way. The Zoning Administrator may also require the provision of a fire lane or lanes to any part of any structure upon a determination that the distance of the structure from the nearest hydrant, the configuration of development on the site, or other special characteristics of the site otherwise inhibit effective fire extinguishment. All fire lanes shall: provide clear, unobstructed access for vehicles and apparatus at all times through a combination of pavement marking and signage; shall be a minimum of 18 feet wide; and shall be surfaced as an all-weather roadway.

(f) *Signage:* All signage located within, or related to, required off-street parking or traffic circulation shall comply with the Sign Regulations.

(g) *Handicapped Parking Spaces*: Parking for the handicapped shall be provided at a size, number, location, and with signage per State and Federal regulations.

(h) *Parking Space Design Standards*: Other than parking required to serve the handicapped, every and all provided off-street parking space shall comply with the minimum requirements of Table [17.174\(6\)\(j\)](#). The minimum required length of parking spaces shall be 17.0 feet, plus an additional 1.5 foot vehicle overhang area at the end of the stall. All parking spaces shall have a minimum vertical clearance of at least 7 feet.

(i) *Snow Storage*: Required off-street parking and traffic circulation areas shall not be used for snow storage.

(j) *Parking Lot Design Standards*: Horizontal widths for parking rows, aisles, and modules shall be provided at widths no less than listed in Table [17.174\(6\)\(j\)](#), and shown on the following page.

(k) *Bicycle Parking*. Except for reconstruction, resurfacing, reconfiguration, or restriping of a parking lot, driveway, or vehicle circulation area legally constructed before <insert adoption date> which serves a single-use non-residential, multi-use non-residential, and multi-family development, a number of off-street bicycle parking spaces shall be provided equal to five percent of the automobile parking space requirement, with no fewer than two bicycle parking spaces provided for all uses requiring 20 or more vehicular parking spaces. Each "Inverted-U" or similar type rack counts as two bicycle parking spaces. All bicycle parking shall be on a hard-surfaced area in a location accessible to building entrances.

(l) *Pedestrian Facilities*. Except for reconstruction, resurfacing, reconfiguration, or restriping of a parking lot, driveway, or vehicle circulation area legally constructed before <insert adoption date> which serves non-residential, multi-use non-residential, and multi-family development, the following shall apply:

1. The site shall provide for safe, ADA compliant pedestrian and bicycle access to all uses, and connections to existing and/or planned public pedestrian and bicycle facilities as shown on the Official Map and facilities located on adjacent properties as described herein.
2. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks and/or pedestrian/bike facilities. The minimum width for sidewalks adjacent to buildings shall be five feet.
3. Sidewalks other than street sidewalks or building aprons shall provide landscaping adjacent to said sidewalk at a rate of 10 points per 25 feet with a minimum of 10 points provided.
4. Crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety by using different materials, or colors, or textures, or raised surfaces and signage.

TOWN OF RIB MOUNTAIN, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 2020-03

AN ORDINANCE TO AMEND SECTION 17.174 OFF-STREET PARKING AND TRAFFIC CIRCULATION STANDARDS

WHEREAS, The Town of Rib Mountain is authorized to prepare, amend and adopt a zoning ordinance under Wis. Stats. §§60.62, 61.35 and 62.23; and

WHEREAS, the Town of Rib Mountain adopted Chapter 17 on February 1, 1994, to serve as the Town's zoning ordinance; and

WHEREAS, the Plan Commission reviewed a request by a Town Supervisor who wanted standards for bicycle and pedestrian facilities in off-street parking facilities added and directed staff to propose an amendment at their August 26, 2020 meeting; and

WHEREAS, the Plan Commission held a public hearing on this ordinance, on August 26, 2020, in compliance with Wis. Stat. §62.23; and

WHEREAS, following the public hearing, the Town Plan Commission has recommended enactment of the zoning ordinance amendment contained herein for applicability within the Town limits; and

WHEREAS, following such hearing the Town Board of Supervisors considered public comments and the recommendation of said Commission; and

WHEREAS, the Town Board of Supervisors finds the proposed amendment contained herein is reasonable, consistent with the Town's Comprehensive Plan, and in the public interests.

NOW, THEREFORE, the Town Board of Supervisors of Rib Mountain, Marathon County, Wisconsin does ordain as follows:

SECTION 1: Section 17.174 *Off-Street Parking and Traffic Circulation Standards* is hereby amended to provide as follows:

Section 17.174 - Off-Street Parking and Traffic Circulation Standards.

(1) *Purpose:* The purpose of this Subsection is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the utilization of various sites.

(2) *Depiction on Required Site Plan:* Any and all parking and traffic circulation areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. Each and every parking space designed to serve as required parking shall not be located farther than 500 feet from the access to all of the various areas it is designated to serve. A garage stall, meeting the access requirements of Subsection (6)(d), below, shall be considered a parking space. Parking spaces for any and all vehicles exceeding 18 feet in length, shall be clearly indicated on said site plan.

(3) *Use of Off-Street Parking Areas:* The use of all required off-street parking areas shall be limited to the parking of operable vehicles which are not for lease, rent, or sale. Within residential zoning districts, said parking spaces shall only be used by operable cars and trucks.

(4) *Traffic Circulation and Traffic Control:* Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and on the site. Circulation shall be provided to meet the individual needs of

the site with specific mixing of access and through movements, and where required, shall be depicted on the required site plan. Circulation patterns shall conform with the general rules of the road and all traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices.

(5) *Maintenance of Off-Street Parking and Traffic Circulation Areas:* All off-street parking and traffic circulation areas shall be maintained in a dust-free condition at all times. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area.

(6) *Off-Street Parking and Traffic Circulation Design Standards.*

(a) *Surfacing and Marking:* All off-street parking and traffic circulation areas (including all residential driveways—except those within the A/R District) shall be paved with a hard, all-weather surface (blacktop or concrete), to the satisfaction of the Zoning Administrator. Said surfaces intended for 6 or more parking stalls shall be marked in a manner which clearly indicates required parking spaces.

(b) *Reserved.*

(c) *Lighting:* All off-street parking and traffic circulation areas serving 6 or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use. An outdoor illumination level of between 0.4 and 1.0 foot candles is required for said areas.

(d) *Access:* Each required off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without backing or maneuvering a vehicle into a public right-of-way. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner which least interferes with traffic movements. No driveway across public property, or requiring a curb cut, shall exceed a width of 35 feet. (See also Table [17.174\(6\)\(j\)](#))

(e) *Fire Lanes:* A fire lane shall be required to provide access to any portion of any structure equal to or less than 40 feet tall which is more than 150 feet from the nearest street right-of-way, and to any portion of any structure greater than 40 feet tall which is more than 50 feet from the nearest street right-of-way. The Zoning Administrator may also require the provision of a fire lane or lanes to any part of any structure upon a determination that the distance of the structure from the nearest hydrant, the configuration of development on the site, or other special characteristics of the site otherwise inhibit effective fire extinguishment. All fire lanes shall: provide clear, unobstructed access for vehicles and apparatus at all times through a combination of pavement marking and signage; shall be a minimum of 18 feet wide; and shall be surfaced as an all-weather roadway.

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residential, multi-use non-residential, and multi-family development, a number of off-street bicycle parking spaces shall be provided equal to five percent of the automobile parking space requirement, with no fewer than two bicycle parking spaces provided for all uses requiring 20 or more vehicular parking spaces. Each “Inverted-U” or similar type rack counts as two bicycle parking spaces. All bicycle parking shall be on a hard-surfaced area in a location accessible to building entrances.

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3. Sidewalks other than street sidewalks or building aprons shall provide landscaping adjacent to said sidewalk at a rate of 10 points per 25 feet with a minimum of 10 points provided.
4. Crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety by using different materials, or colors, or textures, or raised surfaces and signage.

SECTION 2: The amendment effectuated by this ordinance shall apply within the municipal limited of the Town.

SECTION 3: SERVABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgement. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE. This Ordinance shall take effect upon approval and publication.

Dated the 1st day of September 2020

TOWN OF RIB MOUNTAIN BOARD OF SUPERVISORS

Allen Opall, its Chair

ATTEST:

Joanne Ruechel, its Clerk

APPROVED: _____

PUBLISHED: _____