

**CITY OF RHINELANDER**  
**PLAN COMMISSION MEETING NOTICE**  
**TUESDAY, MARCH 7, 2023 @ 5:00 P.M.**

City Hall; 135 S. Stevens Street; 2<sup>nd</sup> Floor Meeting Room

The next meeting of the Plan Commission, consisting of seven (7) members, shall be convened at the location and time identified above, to transact the Commission's business, of which topics will be identified, posted for public review, and distributed to local media, no later than 24 hours prior to the scheduled start of the meeting.

TO: Mayor Kris Hanus; District 2 Alderperson Leann Felten; District 3 Alderperson Carrie Mikalauski; Commissioner Sandra Bergman, Commissioner Andrea Boos, Commissioner Jenny Bonardelli, and Commissioner Terry Williams.

CC: Interim Building Inspector/Zoning Administrator Thomas Waydick, City Administrator Patrick Reagan, Public Works Steve Smith, Parks Director Jeremy Biolo.

**ATTENTION:** PLEASE RSVP REGARDING YOUR ATTENDANCE; ABSENCE ONLY, SO WE CAN ENSURE WE HAVE ENOUGH OFFICERS PRESENT FOR QUORUM.

**ATTENTION:** IT IS POSSIBLE A QUORUM OF OTHER CITY BOARDS, COMMITTEES, AND/OR COMMISSIONS WILL BE AT THIS MEETING TO GATHER INFORMATION ABOUT A SUBJECT MATTER, WHICH THEY HAVE SOME DECISION-MAKING RESPONSIBILITY. A PRESENCE OF A QUORUM FROM ANOTHER BODY POLITIC WOULD ALSO CONSTITUTE A PUBLIC MEETING PURSUANT TO STATE EX REL BADKE V GREENDALE VILLAGE BOARD. THOUGH A QUORUM OF MEMBERS WOULD CONSTITUTE AN OFFICIAL MEETING, THERE WILL BE NO OFFICIAL ACTIONS TAKEN BY ANY BODY POLITIC, OTHER THAN FROM THE **PLAN COMMISSION**, AND ITS MEMBERS. NO OTHER PUBLIC ENTITIES HAVE DRAFTED AGENDAS OR HAVE PLANS TO PERFORM ANY BUSINESS CONCURRENT WITH THIS MEETING.

**ATTENTION:** PURSUANT TO THE AMERICANS WITH DISABILITIES ACT, REASONABLE ACCOMMODATIONS WILL BE PROVIDED FOR QUALIFIED INDIVIDUALS WITH DISABILITIES UPON REQUEST. PLEASE CALL CITY HALL AT 715-365-8600 WITH SPECIFIC INFORMATION REGARDING YOUR NEEDS REQUEST, ALLOWING FOR ADEQUATE TIME TO RESPOND TO YOUR REQUEST.



VERONICA TONNANCOUR, ASSISTANT  
Posted (City Hall): March 2, 2023  
Posted/Media: March 2, 2023  
Published: March 2, 2023

# **CITY OF RHINELANDER PLAN COMMISSION MEETING AGENDA**

## **TUESDAY, MARCH 7, 2023 – 5:00 P.M.**

City Hall; 2<sup>nd</sup> Floor Meeting Room \* 135 S. Stevens St., Rhinelander, WI

This meeting of the Plan Commission, consisting of seven (7) members, shall be convened at the location and time identified above, to transact the Commission's business, pursuant to Rhinelander Code of Ordinances Chapter 2.01.12.

The monthly meeting of the Plan Commission shall consist of the following Agenda.

**OFFICIAL ACTION MAY BE TAKEN ON ANY AGENDA ITEM.**

1. CALL TO ORDER
2. ROLL CALL/QUORUM DETERMINATION
3. CHAIRPERSON'S WELCOME
4. PUBLIC COMMENT
5. MEETING MINUTES
  - a. Approval of the February 7, 2023, Plan Commission Meeting Minutes
6. PUBLIC HEARING: Conditional Use Permit for Seabloom Family Living Trust, 4036 Shady Point Dr, Rhinelander, WI, 54501 owner of 1736 Pine St (RH-1825), to operate a Short-Term Rental/Tourist House. Current Zoning is R-2 (Single and Two-Family Residential).
7. DISCUSS/APPROVE: Conditional Use Permit for Seabloom Family Living Trust, 4036 Shady Point Dr, Rhinelander, WI, 54501 owner of 1736 Pine St (RH-1825), to operate a Short-Term Rental/Tourist House. Current Zoning is R-2 (Single and Two-Family Residential).
8. DISCUSS – Concept Review -5070 Grossman Ave – Trig's New Transportation Service Center Project
9. DISCUSS/APPROVE: Adoption of International Property Maintenance Code
10. DISCUSS REOCCURRING PROPERTY MAINTENANCE ISSUES
11. INSPECTION DEPARTMENT MONTHLY REPORT. *Action Item*
12. FUTURE AGENDA REQUESTS
13. CALENDAR
  - a. Common Council 3/13/23 @ 6:00 p.m.
  - b. Common Council 3/27/23 @ 6:00 p.m.
  - c. Plan Commission 4/4/23 @ 5:00 p.m.
14. ADJOURNMENT

NOTICE TO CITIZENS. Due to requirements contained in the Wisconsin Open Meetings Law, only those matters placed on this agenda may be considered by the Plan Commission at this meeting. If any member of the public desires that the Plan Commission consider a matter not included on this agenda, he or she should contact the Mayor or the City Administrator to have the matter considered for placement on a future Commission agenda.

### APPENDIX

Plan Commission Handbook: <https://www.uwsp.edu/cnr-ap/clue/Pages/publications-resources/PlanCommissions.aspx>

Zoning Board Handbook: <https://www.uwsp.edu/cnr-ap/clue/Pages/publications-resources/Zoning.aspx>

# **CITY OF RHINELANDER PLAN COMMISSION MEETING MINUTES**

## **TUESDAY, FEBRUARY 7, 2023 – 5:00 P.M.**

City Hall; 2<sup>nd</sup> Floor Meeting Room \* 135 S. Stevens St., Rhinelander, WI

This meeting of the Plan Commission, consisting of seven (7) members, shall be convened at the location and time identified above, to transact the Commission's business, pursuant to Rhinelander Code of Ordinances Chapter 2.01.12.

The monthly meeting of the Plan Commission shall consist of the following Agenda.

### **OFFICIAL ACTION MAY BE TAKEN ON ANY AGENDA ITEM.**

1. **CALL TO ORDER**- THE MEETING WAS CALLED TO ORDER BY CHAIRPERSON HANUS AT 5:00PM.
2. **ROLL CALL/QUORUM DETERMINATION**- MEMBERS PRESENT: TERRY WILLIAMS, CARRIE MIKALUSKI, SANDRA BERGMAN, KRIS HANUS, AND LEANN FELTEN.

MEMBERS ABSENT: JENNY BONARDELLI AND ANDREA BOOS.

QUORUM ESTABLISHED.

OTHER ATTENDEES: CITY ADMINISTRATOR, PATRICK REAGAN, THOMAS WAYDICK (INTERIM BUILDING INSPECTOR/ZONING ADMINISTRATOR), DAVE MELVIN (CODE ENFORCEMENT OFFICER), AND MEMBERS OF THE PUBLIC.

3. **CHAIRPERSON'S WELCOME** – INTRODUCTION OF THE NEW CITY ADMINISTRATOR, PATRICK REAGAN.
4. **PUBLIC COMMENT**- GERALD FITZGERALD, 1015 THAYER ST, RHINELANDER, WI – APPRECIATION GIVEN TO INSPECTIONS DEPARTMENT, THE CLERK'S OFFICE, AND MAYOR HANUS FOR DISTRIBUTION OF HIS RESEARCH ON SHORT-TERM RENTALS TO PLAN COMMISSIONERS AND COMMON COUNCIL MEMBERS.
5. **MEETING MINUTES**
  - a. **Approval of the January 3, 2023, Plan Commission Meeting Minutes**

-MOTION TO APPROVE BY WILLIAMS, SECOND BY MIKALUSKI -5 AYES, 0 NAYES, 2 ABSENT (BONARDELLI AND BOOS)

MOTION PASSES

6. **DISCUSS/APPROVE**: Amendment to City Ordinance - 5.01.03 -STATE CODES TO ADOPT: ADD SPS 316 (ELECTRICAL) AND SPS 327(CAMPING UNITS). Add (3) Uniform Dwelling Code SPS320.05, the scope also includes the construction and inspection of alterations and additions to one- and two-family dwellings built before June 1, 1980. The scope also includes the construction of detached garages and accessory structures over 100 square feet.

WAYDICK – REQUEST MADE BY THE STATE – INSPECTION DEPARTMENT IS UPDATING AGENT STATUS; SOME OF THESE ORDINANCES DID NOT GET ADOPTED WHEN WE UPDATED OUR CODE.

CAMPING UNIT CODE WENT INTO EFFECT A COUPLE OF YEARS AGO AND RHINELANDER HAD THE OPTION TO HAVE THE STATE PROVIDE INSPECTIONS OR IF WE DIDN'T WANT THE STATE TO PROVIDE THESE INSPECTIONS, WE NEEDED TO SEND A LETTER SAYING SO. THE LETTER WAS NOT SENT, WHICH NOW REQUIRES THE CITY OF RHINELANDER TO ADOPT THIS ORDINANCE BY REFERENCE TO ADOPTION OF STATE CODES.

ADDING #3 – WHEN THE NEW ORDINANCE WAS WRITTEN, THIS SECTION WAS OMITTED. THIS SECTION REQUIRES THAT ALL CONSTRUCTION DONE IN THE CITY OF RHINELANDER NEEDS TO MEET THE REQUIREMENTS OF THE UDC (ANY ADDITONS, ALTERATIONS, GARAGES AND ACCESSORY BUILDINGS). THIS NEEDS TO BE ADDED BACK INTO OUR ORDINANCE TO BE IN COMPLIANCE.

-MOTION TO APPROVE BY WILLIAMS, SECOND BY MIKALAUSKI -5 AYES, 0 NAYES, 2 ABSENT (BONARDELLI AND BOOS)

MOTION PASSES

7. **DISCUSS/APPROVE: Adoption of International Property Maintenance Code**

WAYDICK RECOMMENDS THE ADOPTION OF THIS CODE BE PLACED IN OUR ORDINANCE UNDER 5.01.05 -RESERVED.

THE DESCRIPTION OF THIS CODE DID NOT MAKE THE FINAL PACKET(MISSING).

WAYDICK – WOULD LIKE TO SPEAK TO THE NEW ADMINISTRATOR ON HIS THOUGHTS REGARDING THIS CODE AND POSSIBLY ADDING TO THE ADOPTION OF THIS CODE.

MOTION TO TABLE TO THE NEXT PLAN COMMISSION MEETING BY MIKALAUSKI, SECOND BY WILLIAMS – 5 AYES, 0 NAYES, 2 ABSENT (BONARDELLI AND BOOS)

8. **DISCUSS: 133 Hillside Rd (RH-2281), Property Owner, Timothy Sheldon, Jr., 133 Hillside Rd, Rhineland, WI. Plan Commission requested to give recommendation to City Council regarding property owner's garage access from a non-established city road/alleyway.**

INITIATION OF THIS REQUEST WAS DUE TO A COMPLAINT FILED REGARDING THE RUTS OF THE NON-ESTABLISHED ROAD NEXT THIS PROPERTY. AT THE TIME OF INSPECTION, THERE WERE THREE VEHICLES PARKED ON THE EDGE OF THE NON-ESTABLISHED ROAD AND 133 HILLSIDE RD. THE VEHICLES BELONGED TO A TENANT AT 133 HILLSIDE RD. THE TENTANT IS NO LONGER THERE, THE VEHICLES HAVE BEEN REMOVED, AND THE PROPERTY OWNER HAS CLEANED UP THE AREA.

PROPERTY OWNER DOES NOT HAVE FUNCIONAL ACCESS TO UTILIZE GARAGE. A ROAD WAS SUPPOSED TO BE BUILT THERE BUT NEVER HAPPENED. BOTH SIDES OF THE NON-ESTABLISHED ROAD HAS NO CURB CUT AND THE NON-ESTABLISHED ROAD IS MAINLY GRASS. DUE TO THE ELEVATION IN THIS AREA SURROUNDING LOTS SEEM TO BE MORE WETLANDS THAN BUILDABLE PROPERTY, WHICH MAY NOT MAKE SENSE FOR THE CITY TO COMPLETE THE STREET.

THE DISTRICT ALDERMAN HAS REQUESTED FOR RECOMMENDATIONS FROM THIS BODY TO GIVE TO COUNCIL AS IT IS CITY-OWNED PROPERTY.

WAYDICK – HAS SOME FAMILIARITY WITH THE PROPERTY. THE PROPERTY OWNER HAD RECEIVED VERBAL PERMISSION FROM PUBLIC WORKS, WHEN THE GARAGE WAS BUILT, TO USE THE NON-ESTABLISHED ROAD TO PULL ITEMS IN AND OUT OF HIS GARAGE BUT WAS NOT ALLOWED TO PARK ON THE CITY'S PROPERTY. THERE IS NOTHING IN WRITING TO REFERENCE THAT AGREEMENT.

THE BODY RECOMMENDS THE MAYOR NEGOTIATE A SETTLEMENT WITH THE HOMEOWNER.

MOTION BY BERGMAN TO HAVE MAYOR NEGOTIATE A SETTLEMENT WITH OWNER AND BRING BACK TO THIS COUNCIL, SECOND BY MIKALOUSKI -5 AYES, 0 NAYES, 2 ABSENT (BONARDELLI AND BOOS)

MOTION PASSES

9. **DISCUSS REOCCURRING PROPERTY MAINTENANCE ISSUES –**

MELVIN -SNOW REMOVAL CONTINUES. THERE HAVE BEEN 50 SNOW REMOVAL WORKORDERS SUBMITTED TO PUBLIC WORKS FOR CLEAN-UP. DUE TO LIMITED PERMISSIONS IN THE CITY PROGRAM, FACILITY DUDE, A REPORT WILL BE PROVIDED TO PLAN COMMISSION AT THE NEXT MEETING. WEEKLY CONFIRMATION OF SUBMITTED WORKORDER COMPLETION BY PUBLIC WORKS IS TYPICALLY DONE ON FRIDAYS.

PROPRERTY MAINTENANCE REPAIR NOTIFICATIONS/LETTERS ARE STILL GOING OUT.

MELVIN IS COLLABORATING WITH TOM ROESER FROM PUBLIC WORKS TO FIND A BETTER SOLUTION FOR OUR MAIN THOROUGHFARES AND SNOW BIRM ISSUES TO INCLUDE PROPERTY/BUSINESS OWNER’S RESPONSIBILITY FOR CLEAN UP AFTER A LARGE SNOWFALL.

MELVIN RECOMMENDED HAVING POSSIBLE DISCUSSION REGARDING THE PROPERTY/BUSINESS OWNERS IN THE THOROUGHFARE AREAS TO BE OFFERED AN ASSESSMENT FOR SNOW REMOVAL SERVICES IN ORDER FOR THE CITY TO MAINTAIN THEIR SIDEWALKS/WALKWAY AREAS FOR PUBLIC USE.

10. **INSPECTION DEPARTMENT MONTHLY REPORT. *Action Item***

WAYDICK – BUILDING INSPECTION IS STILL LOOKING FOR A PERMANENT BUILDING INSPECTOR/ZONING ADMINISTRATOR. IT HAS COME TO THE DEPARTMENT’S ATTENTION THAT SOME COMMERCIAL PROPERTIES HAVE BEEN DOING WORK WITHOUT PROPER PERMITS AND THE DEPARTMENT HAS BEEN WORKING WITH THOSE PROPERTY OWNERS TO ADDRESS THAT ISSUE. THIS DEPARTMENT MAY REACH OUT TO THE STATE TO POSSIBLY CITE EACH CONTRACTOR FOR THOSE DOING THEIR OWN WIRING OR PLUMBING IN A COMMERCIAL BUILDING WITHOUT A PERMIT AND CONTINUE TO WORK AFTER RECEIVING A CITATION OR REQUEST FROM THIS DEPARTMENT.

THE DEPARTMENT IS RESEARCHING SOFTWARE THAT IS MORE EFFICIENT FOR THE DEPARTMENT, ONLINE USERS, AND IS COMPATIBLE WITH THE FINANCE OFFICE. THE CURRENT SOFTWARE IS NOT SUITED FOR THE DEPARTMENT’S NEEDS.

UPDATE ON CURRENT COMMERCIAL PROJECTS RELAYED TO COUNCIL.

-MOTION TO APPROVE REPORT BY MIKALOUSKI, SECOND BY BERGMAN – 5 AYES, 0 NAYES, 2 ABSENT (BONARDELLI AND BOOS)

MOTION PASSES

11. **FUTURE AGENDA REQUESTS –** NONE

12. **CALENDAR**

- a. Common Council 2/13/23 @ 6:00 p.m.

- b. Common Council 2/27/23 @ 6:00 p.m.
- c. Plan Commission 3/7/23 @ 5:00 p.m.

13. **ADJOURNMENT @ 5:27P.M.**

NOTICE TO CITIZENS. Due to requirements contained in the Wisconsin Open Meetings Law, only those matters placed on this agenda may be considered by the Plan Commission at this meeting. If any member of the public desires that the Plan Commission consider a matter not included on this agenda, he or she should contact the Mayor or the City Administrator to have the matter considered for placement on a future Commission agenda.

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Zoning Board Handbook: <https://www.uwsp.edu/cnr-ap/clue/Pages/publications-resources/Zoning.aspx>

## **NOTICE OF PUBLIC HEARING**

The City of Rhinelander Planning Commission will hold a Public Hearing on Tuesday, March 7, 2023, at 5:00 P.M in the Meeting Room, City Hall, 135 S. Stevens Street, Rhinelander, WI 54501, to hear the following request:

Jeff Seabloom, 4015 Shady Point Dr, Rhinelander, WI 54501, Representative for Seabloom Family Living Trust, 4036 Shady Point Dr, Rhinelander, WI 54501, owner of property located at 1736 Pine Street (RH-1825) is requesting a Conditional Use Permit to operate a Short-Term Rental. Current zoning is R-2 (Single and Two-Family Residential).

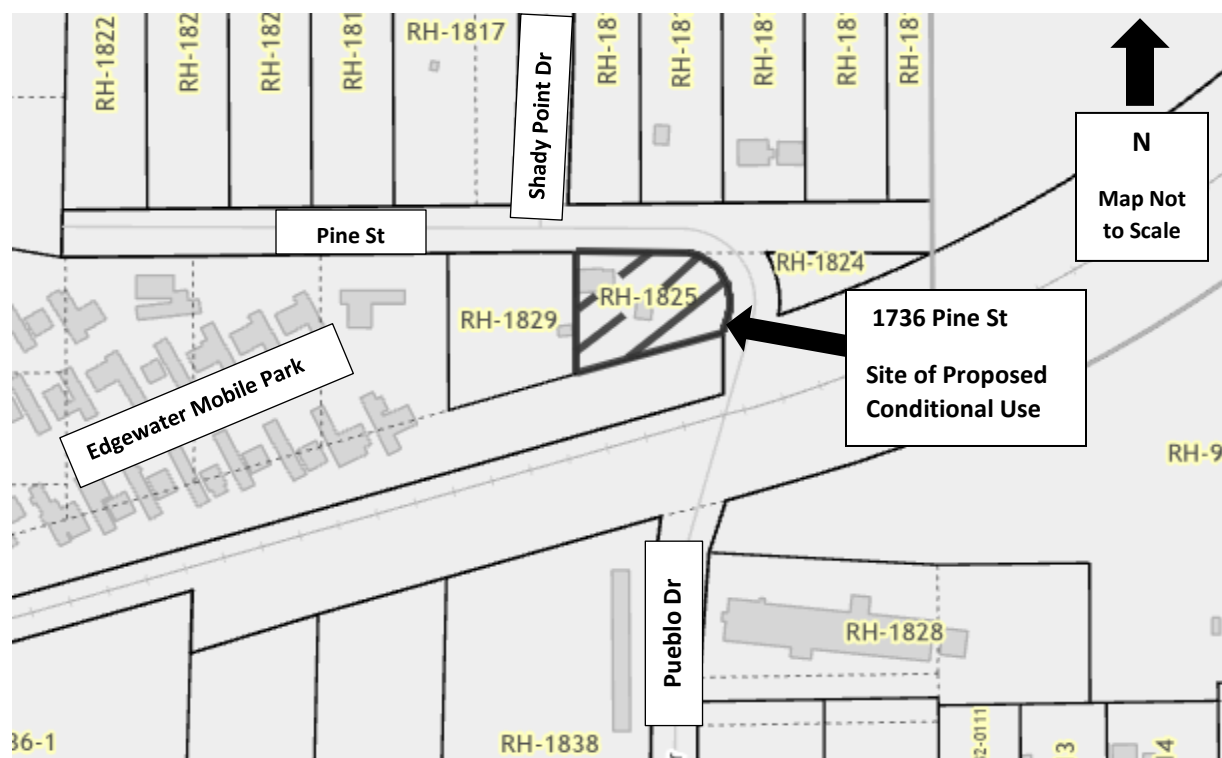
The property description is: Lot 1 and Lot Lettered "A" of Block 13 of the Assessor's Replat of the Townsite of Pelican, according to the recorded Plat thereof.

Also,

Lot 2 of Block 13 of the Townsite of Pelican, according to the recorded Plat thereof. Excepting that part conveyed for railroad right of way.

Being in Oneida County, Wisconsin.

Anyone opposed to or in favor of this request may appear at this hearing.



Veronica Tonnancour  
Assistant, Rhinelander Planning Commission

PUBLISH LEGAL:

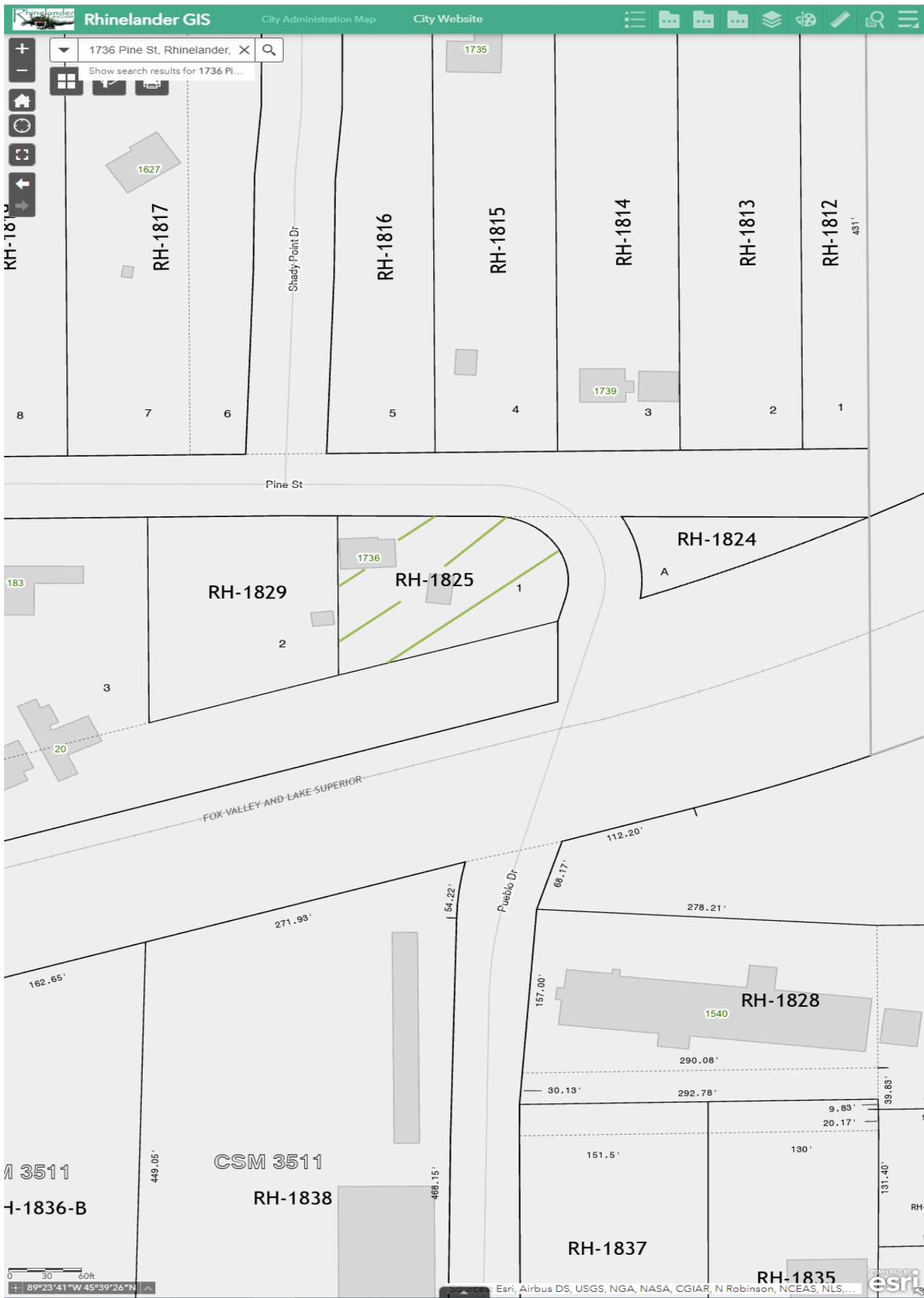
February 21<sup>st</sup> & 28<sup>th</sup>, 2023

Please send publication statement to:

Jeff Seabloom

4015 Shady Point Dr

Rhinelander, WI 54501





January 21, 2023

City of Rhinelander Conditional Use Committee,

The Seabloom Family Trust would like to request a conditional use of 1736 Pine Street for short term rental.

The trust owns multiple properties including a resort in Pine Lake , 3 city homes and multiple vacant lots all of which lie on a continuous 90 plus acre parcel. There are no close neighbors to this property with the closest being approximately 100 yards away. The vast majority of this property has been family owned going on 4 generations.

Over the years we have seen an increased need for short term pet friendly rentals to accommodate both professionals, traveling MD's and nurses, as well as family visiting family and tourists all of which support the local economies, stores, gas stations, bars, restaurants and community events.

We take pride in all of our properties and keep them well maintained which provides comfortable, pleasant and convenient lodging for all of our out of town guests.

Please provide us with a conditional use permit for our 1736 Pine St. property.

Thank you in advance.

Sincerely,

Seabloom Family Trust  
Jeff Seabloom, Trustee

A handwritten signature in black ink, appearing to read 'Jeff Seabloom', written over the printed name of the trustee.

# CONDITIONAL USE PERMIT REVIEW

To: Plan Commission

From: Thomas Waydick, Building Inspector/Zoning Administrator

3/6/2023

## 1. 5.07.12.10

**Site Address:**

1736 Pine Street

**Parcel:**

RH1825

**Applicant:**

Jeff Seabloom

**Zoned:**

R-2

**Proposed Use:**

Tourist House

**Site and building plan review.**

**5.07.12.07. - Conditional use permits.**

(1) *Initiation of conditional use permit.* Any person, firm, corporation, or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest that may become a freehold interest or an exclusive possessory interest, and that is specifically enforceable on the land for which a conditional use is sought, may file an application to use such land for one or more of the conditional uses in the zoning district in which such land is located.

(2) *Application for conditional use permit.* No application for a conditional use permit shall be placed on any agenda as an item to be acted upon unless the Zoning Administrator has certified acceptance of a complete application. A proposed conditional use permit may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application or a complete application. Prior to publication of the required notice of

public hearing, the applicant shall provide the Zoning Administrator with a digital copy plus sufficient hard copies of the complete application as determined by the Zoning Administrator. Said complete application shall be comprised of all of the following:

- (a) A completed conditional use permit application form furnished by the Zoning Administrator, including names and addresses of the applicant, owner of the site, and professionals involved with the application.
- (b) A map of the subject property showing all lands for which the conditional use permit is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
- (c) A written description of the proposed conditional use describing the type, duration, and density of activities, buildings, and structures proposed for the subject property and their general locations.
- (d) A site plan of the subject property, with any alterations as may be proposed to accommodate the conditional use. Said site plan shall conform to any applicable requirements of Section 5.07.12.10. If the conditional use will make use of existing site improvements only, a site plan need only be of sufficient detail to confirm the portion of the site used by the conditional use.
- (e) Written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria set forth in this Section. The applicant must demonstrate that all applicable requirements of this Section will be satisfied.
- (f) Any other plans and information deemed necessary by the Zoning Administrator or the Plan Commission to ensure that the requirements of this Chapter are fulfilled.
- (g) Any required fee as stated in Section 2.07.07.

(3) *Zoning Administrator review and recommendation.*

(a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. The Zoning Administrator shall inform the applicant if the application is incomplete.

(b) If complete, the Zoning Administrator or City Planner shall prepare a written evaluation of the application based on the criteria for evaluating conditional use permits in subsection (6) below. The Zoning Administrator shall forward a copy of the evaluation to the Plan Commission.

(4) *Public hearing.* Following acceptance of a complete application, the City Clerk shall schedule a public hearing before the Plan Commission to be held within 45 days after acceptance of a complete application. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 2 notice in conformance with the requirements of Wis. Stats. § 62.23(7)(d) and (de). The City Clerk shall also send said notice to the applicant, owners of record of all lands within 100 feet of the boundaries of the subject property, and the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter at least ten days prior to the date of such public hearing. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section.

(5) *Review and action by the Plan Commission.*

(a) Within 90 days after acceptance of a complete application (or within an extension of said period requested in writing by the applicant and granted by the Plan Commission), the Plan Commission shall take final action on the conditional use permit application. Any action to grant the proposed conditional use permit, with or without conditions, requires Plan Commission approval of a resolution by majority vote of the members in attendance.

(b) The Plan Commission may grant the conditional use permit as originally proposed, may grant the conditional use permit with conditions or modifications, or may deny approval of the conditional use permit and include reasons for denial. The Commission (or City Council upon any appeal) may impose conditions on the conditional use permit's duration or include a transfer limitation.

(6) *Appeal to the City Council.* An appeal of a decision under subsection (5) may be taken to the City Council by any person, firm or corporation or any officer, department, board, commission or agency of the City who is aggrieved by the decision. Such appeal shall be made in writing to the Zoning Administrator within ten days after the date of the Plan Commission action. In the case of an appeal:

(a) The Zoning Administrator and Building Inspector shall issue no permits to enable commencement or continuation of building and other activities authorized by the conditional use permit, and shall issue a "stop work" order for any such activities already commenced.

(b) The Zoning Administrator shall immediately notify the applicant and property owner of the appeal in writing, and shall schedule the appeal for City Council consideration.

(c) The City Council shall, by resolution, make a final action to grant, with or without conditions, or to deny each application for a conditional use permit. The City Council's determination shall be final and subject to appeal to the circuit court under any procedure authorized by statute.

...

(8) *Issuance, recording, and notice of conditional use permit or denial.* Except for conditional use permit approvals for temporary uses, the Zoning Administrator shall record and issue to the applicant a written conditional use permit within five business days following the granting of a conditional use permit. Said permit shall contain identifiable description of the use and subject property, and any specific requirements or conditions of approval. The City shall assign all costs thereof to the applicant, and notation of the conditional use permit may be placed on or attached to the official zoning map. In the case of denial of a conditional use permit, the Zoning Administrator shall provide written notification to the applicant that the conditional use permit was denied, including the reasons for denial.

(9) *Effect of denial.* No conditional use permit application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of

new evidence or proof of change of factors relative to the review criteria in subsection (7) that are found valid by the Zoning Administrator.

(10) *Termination of an approved conditional use permit.*

(a) A conditional use permit shall be automatically revoked if the conditional use authorized thereunder is not established and maintained two years following its granting.

(b) Any conditional use found not to be in compliance with the terms of this Chapter or the approved conditional use permit shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. A conditional use permit may be revoked or modified for such a violation by the Plan Commission, following the procedures outlined for original granting of a conditional use permit.

(11) *Change of ownership.* Unless the Commission approved a conditional use permit with a transfer limitation, all requirements of the approved conditional use permit shall be continued regardless of ownership or operation of the subject property or use and shall run with the land, except as otherwise limited by this Chapter or by a specific condition attached to the conditional use permit. Modification, alteration, or expansion of any conditional use in violation of the approved conditional use permit, without approval by the Plan Commission, shall be considered a violation of this Chapter and shall be grounds for revocation or modification of said conditional use permit.

(12) *Uses now regulated as conditional uses that were approved as legal land uses (permitted-by-right or as conditional uses) prior to the effective date of this Chapter.* A use now regulated as a conditional use that was approved as a legal land use—either permitted-by-right or as a conditional use—prior to May 18, 2021 shall be considered as a legal, conforming land use so long as the previously approved conditions of use and site plan are followed. Any modification of the previously approved conditions of use shall require application and City consideration as a conditional use under this Section.  
(Ord. No. 2021-04, § 1, 5-10-2021)

## 2. Conditional Use Permit Application Complete

**i** ☑ Application determined to be complete per 5.07.12.07 (2)

5.07.12.07 (7) *Review criteria for conditional use permit.*

(a) If the applicant meets, or agrees to meet, all of the applicable requirements specified in this Chapter and conditions imposed by the Plan Commission, or the City Council upon appeal, the Commission or Board shall under Wis. Stats. § 62.23(7)(de)2.a. grant the conditional use permit. The City may require written agreement from the applicant in a form prescribed by the City Attorney.

(b) Any decision to grant or deny the permit must be supported by substantial evidence, as that term is defined in Wis. Stats. § 62.23(7)(de)1.b. Any condition or modification must be related to the purpose of this Chapter, reasonable, measurable to the extent practicable, and based on substantial evidence.

(c) To the extent consisted with subsections (a) and (b), no conditional use permit shall be granted unless the Plan Commission, or the City Council upon appeal, finds that the use authorized thereby meets the following standards:

1. Proposed use is consistent with the comprehensive plan and this Chapter.
2. Proposed use, in its proposed location and as depicted on the required site plan, will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare.
3. Proposed use maintains compatibility among land uses, land use intensities, and land use impacts as related to the environs of the subject property.

4. Proposed use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property.
5. The potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

### 3. Onsite Findings

- i** Meets the requirements for the requested conditional use. Well maintained structure, adequate parking,

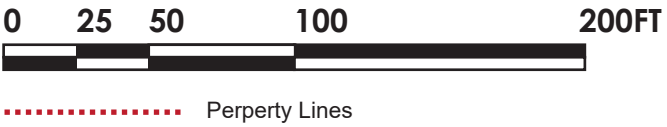
### 4. Staff Recommendation

- i** *RECOMMEND APPROVING THE CONDITIONAL USE FOR A TOURIST HOUSE PROVIDED ALL PERFORMANCE STANDARDS LISTED IN RHINELANDER MUNICIPAL CODE 5.07.4.05(17):*
- TOURIST HOUSE. A PERMANENT DWELLING UNIT WHERE SLEEPING ACCOMMODATIONS ARE OFFERED FOR PAY TO TOURISTS OR TRANSIENTS FOR PERIODS OF TIME OF SEVEN DAYS OR FEWER. COMMERCIAL LODGINGS CONSISTING OF STRUCTURES WITH RENTABLE ROOMS OR SUITES SHALL INSTEAD BE REGULATED AS A "COMMERCIAL INDOOR LODGING" USE (OR IF A ROOM IN A RESIDENCE OPERATED BY THE PRIMARY RESIDENT, A "BED AND BREAKFAST"). ALSO, DOES NOT INCLUDE ANY "ROOMING HOUSE," WHICH IS DESCRIBED AND REGULATED SEPARATELY. ANY RESTAURANT, ARCADE, FITNESS CENTER, AND OTHER ON-SITE FACILITY AVAILABLE TO NON-LODGERS IS NOT CONSIDERED AN ACCESSORY USE AND THEREFORE REQUIRES REVIEW AS A SEPARATE PRINCIPAL LAND USE.*
- PERFORMANCE STANDARDS:*
- 1.THE USE MUST MEET ALL PERFORMANCE STANDARDS ASSOCIATED WITH THE TYPE OF DWELLING IN WHICH IT IS LOCATED.*
  - 2.OCCUPANCY SHALL BE LIMITED TO TWO PERSONS PER BEDROOM, PLUS AN ADDITIONAL TWO PERSONS. AT NO TIME MAY THE NUMBER OF GUESTS EXCEED EIGHT REGARDLESS OF THE NUMBER OF BEDROOMS IN THE UNIT. TWO EXITS ARE REQUIRED FOR EACH BEDROOM.*
  - 3.THE APPEARANCE OF USE OF THE TOURIST HOUSE SHALL NOT BE ALTERED IN A MANNER THAT WOULD CAUSE THE PREMISES TO DIFFER FROM ITS RESIDENTIAL CHARACTER EITHER BY THE USE OF COLORS, MATERIALS, CONSTRUCTION, LIGHTING, SIGNS, OR EXCESSIVE NOISE.*
  - 4.NO RECREATIONAL VEHICLE MAY BE USED FOR LIVING OR SLEEPING PURPOSES AS PART OF A TOURIST HOUSE.*
  - 5.PRIOR TO COMMENCING OPERATIONS, EACH TOURIST HOUSE MUST OBTAIN A LICENSE FROM THE STATE OF WISCONSIN AND BE REGISTERED WITH THE CITY CLERK. EACH TOURIST HOUSE IS SUBJECT TO ROOM TAX UNDER CHAPTER 2.01 OF THE MUNICIPAL CODE.*
  - 6.MINIMUM REQUIRED OFF-STREET PARKING: ONE SPACE PER BEDROOM.*





- CONCEPT PLANNING NOTES
- Site remains as I-2 (General Industrial) use
  - Setback and Height Standards (Figure 5.07.5.03)  
Front: 25ft | Side: 8ft | Rear: 15ft
  - Maximum Building Height: 45ft (3 Stories)
  - Pavement Setbacks  
Front or Street Side: 6ft | Interior Side: 2ft
  - Minimum Building Separation: 10ft
  - Minimum Buffer Yard: 25ft from property line
  - Minimum Distance from Residential Properties: 100ft





# **Trig's New Transportation Service Center Project**

## **Concept Planning Overview**

**February 2023**

### **1. Site and Zoning Requirements**

- a. Site Use: I-2 General Industrial
- b. Setbacks: Front: 25ft, Side: 8ft, Rear: 15ft
- c. Pavement Setbacks: Front/Street: 6ft, Interior: 2ft
- d. Maximum Building Height: 45fg (3 stories)
- e. Minimum Building Separation: 10ft

### **2. Project Summary**

- a. (1) Slab-on-grade metal frame vehicle service building (including Staff Room)
- b. (1) Future metal frame warehouse
- c. (7-10) Staff vehicle parking
- d. One way truck driveway
- e. Necessary trees/landscaping to screen off the entire site
- f. Retention pond

### **3. Other Items**

- a. As the project is at concept planning phase, the items below will be detailed and completed for final application and review:
  - Delineation of floodplains, shoreland-wetlands, steep slopes, mature trees, and woodlands, with labels and descriptions.
  - All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose.
  - A grading and erosion control plan at the same scale as the main plan showing existing and proposed grades, including retention walls and related devices, and erosion control measures.
  - The location of existing and proposed stormwater management facilities and structures, along with any technical data required by the Public Works Director to determine the adequacy of the proposed facilities.
  - The location and dimension of all access points onto public streets
  - The location and dimension of all loading berths and service areas on the subject property and labels indicating the dimension of such areas.
  - A landscape plan for the subject property complying with the requirements of Article 8.
  - Elevation drawings, drawn to a recognized architectural scale, of proposed buildings or proposed remodeling of existing buildings to include exterior or roof mechanical equipment and showing finished exterior treatment, with adequate labels provided to clearly depict exterior materials, texture, color, and overall appearance.

## CONCEPT PLAN REVIEW (PRE-SITE PLAN REVIEW)

To: Plan Commission

From: Thomas Waydick, Interim Building Inspector/Zoning Administrator

2/17/2023

### 1. 5.07.12.10

**Site Address:**

5070 GROSSMAN AVE

**Parcel:**

RH-9108-0802

**Applicant:**

THE BOSON COMPANY

**Zoned:**

I-2 GENERAL INDUSTRIAL

**Proposed Use:**

TRANSPORTATION SERVICE CENTER

**Site and building plan review.**

(1) Applicability. All development activities or uses of land that result in construction, reconstruction, exterior remodeling, or expansion of structures, parking lots, loading berths, or outdoor storage areas are subject to site and building plan review and approval in accordance with this Section, except for the following:

(a) "Single-family detached residence" and "two-family residence" structures and their associated improvements. Before a "community living arrangement" land use may be established in any residence, site and building plan approval shall be required.

(b) Agricultural uses and structures associated with them, such as barns and silos.

(c) Accessory structures or minor building and site improvements which, in the opinion of the Zoning Administrator, do not warrant site and building plan approval due to their insignificance on the landscape and to surrounding properties.

(2) *Pre-application conference.* Prior to the official submission of an application for site and building plan approval, the applicant shall confer with the Zoning Administrator or designee. The purpose of this conference will be to discuss the proposed nature of the contemplated development project. The Zoning Administrator or designee may also refer the matter to the Plan Commission for concept plan review prior to submittal of a formal application.

(3) *Application completeness.* The applicant shall submit a site and building plan approval application to the Zoning Administrator. The application shall not be considered for action until verified as complete by the Zoning Administrator. Review of the application for completeness shall occur within ten days of application submittal, or else the application shall be considered complete. The Zoning Administrator shall notify the applicant of the date and time of the applicable Plan Commission meeting if Commission action is required under subsection (7). Complete applications must be submitted at least 14 days in advance of a Plan Commission meeting to be scheduled for action at such meeting (as opposed to the subsequent meeting), except under exceptional circumstances as determined by the Zoning Administrator.

...

(6) *Action by Zoning Administrator; appeal procedure.*



(a) Except as provided in subsection (7), the Zoning Administrator shall, within 20 days of a complete submittal, approve the site and building plan as presented, approve the plan with conditions, or reject the plan indicating reasons for rejection. Such deadline may be extended by written or electronic agreement from the applicant. The Zoning Administrator shall notify the applicant of such action in writing on a form designed for that purpose.

(b) Within 20 days of such Zoning Administrator action, the applicant may appeal in writing all or part of the Zoning Administrator's decision to the Plan Commission. During the appeal process, the Zoning Administrator and Building Inspector are authorized to hold the issuance of permits to enable commencement or continuation of building and other activities authorized by the Zoning Administrator's decision, and to issue a "stop work" order for any such activities already commenced.

(c) The Zoning Administrator shall inform the Commission of all site plans submitted, reviewed, approved, and rejected under this subsection (6) during each meeting.

(7) Action by Plan Commission. The Zoning Administrator shall not act on a submitted site and building plan application, but instead shall forward the complete site plan application or components thereof, all associated materials, and a report and recommendation to the Plan Commission, in all cases where at least one of the following conditions is present:

(a) The applicant has indicated on the application form a desire for Commission action instead of Zoning Administrator action.

(b) The site and building plan approval application is filed concurrently with a rezoning application, conditional use permit application, or both for the same site.

(c) The site and building plan is for a large retail and commercial service development as defined in Section 5.07.13.04.

(d) The site and building plan propose public improvements other than driveway connections to public streets and sanitary sewer or water lateral connections to existing public mains, or in the opinion of the Zoning Administrator requires such improvements.

(e) The Zoning Administrator is unable to determine whether one or more of the applicable requirements of this Chapter are met.

(f) Review under subsection (6) reveals differences that cannot be resolved by the Zoning Administrator.

(g) A written agreement between the City and applicant requires Plan Commission approval of the site plan.

When one or more of the above conditions is present, the Commission shall, within 45 days of submittal of a complete application, approve the site and building plan as presented, approve the plan with conditions, or reject the plan including reasons for rejection. This timeframe may be extended by written or electronic agreement of the applicant. The Zoning Administrator shall notify the applicant of such action in writing on a form designed for this purpose.

(8) When public infrastructure required. Should additional public infrastructure be needed to serve the proposed site, such as new public roads or utility mains, the Plan Commission shall forward its recommendation on such infrastructure to the City Council and Commission site and building plan approval shall not take effect until the City has entered into an agreement with the applicant regarding the development of such facilities, unless waived by the Council.

(9) Modification of an approved site plan. Except for changes approved by the Zoning Administrator under subsection (1)(c), changes between development and/or land use activity on the subject property and the approved site and building plan set is a violation of this Chapter. To void such violation, an approved site and building plan shall be revised and approved via the procedures for original approval above, so as to clearly and completely depict proposed modifications to the previously approved site and building plan, prior to the initiation of said modifications.

(10) Sunset clause. The site and building plan approval shall expire in cases where all buildings and other improvements authorized thereunder are not fully developed within two years of approval. In such case, no additional site development shall be permitted on undeveloped portions of the subject property. The designated site and building plan approval authority may extend this period, as requested by the applicant.

(11) Fee. A fee may be required for this procedure per Section 2.07.07.

## 2. Review of Standards

**i** ☐ Application determined to be complete per [5.07.12.10 \(3\)](#)

Performance Standards:

*Click or tap here to enter text.*

## 3. Review by Other City Staff

**i** Promptly upon his or her verification of a complete site and building plan application, the Zoning Administrator shall forward the application and all associated materials to the following:

☐ City Administrator *Click or tap here to enter text.*

☒ Public Works Director The designer will need to provide a storm water management plan, that not only includes the formula used for calculating the detention pond size, but also a layout of how the storm water will travel to the detention pond, along with the weir design.

☐ City Engineer *Click or tap here to enter text.*

**Commented [OJ1]:** (a) A completed application on a form provided by the Zoning Administrator.

(b) A title block that indicates the name, address, and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project.

(c) The date of the original plan and the latest date of revision to the plan.

(d) A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals 50 feet; except where the Zoning Administrator allows reduced scales.

(e) A legal description of the subject property.

(f) All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.

(g) Delineation of floodplains, shoreland-wetlands, steep slopes, mature trees, and woodlands, with labels and descriptions.

(h) All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose.

(i) All required building setback lines/minimum yards applicable to the zoning district(s), including setbacks from natural resources.

(j) A grading and erosion control plan at the same scale as the main plan showing existing and proposed grades, including retention walls and related devices, and erosion control measures.

(k) The location of existing and proposed stormwater management facilities and structures, along with any technical data required by the Public Works Director to determine the adequacy of the proposed facilities.

(l) Proposed land use or uses, with projected number of employees, residents, and maximum customer capacity.

(m) All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls.

(n) The location and dimension of all access points onto public streets.

(o) The location and dimension of all on-site parking (and, if applicable, off-site parking), including a summary of the number of parking stalls provided versus required by this Chapter.

(p) The location and dimension of all loading berths and service areas on the subject property and labels indicating the dimension of such areas.

(q) The location of all outdoor storage areas including dumpsters and the design of all screening fences.

(r) The location, type, height, fixture design, and cut-off angle of all exterior lighting, including a detailed photometric plan showing the distribution of light output across the property to the property lines. Depiction of illumination on the photometric plan shall be shown rounded to the nearest 0.10 foot candles. Exterior lighting shall comply with the requirements of Section 5.07.9.09.

(s) A landscape plan for the subject property complying with the requirements of Article 8.

☒ City Parks and Recreation Director The new tree area on the West side of the lot may have a conflict with the existing water service.

☒ Police Chief No concerns

☒ Fire Chief Add hydrant locations and measurements for the lengths of road.

☐ Plan Commission *Click or tap here to enter text.*

Such persons may review the site plan application, and if so, may provide advice and recommendations to the Zoning Administrator.

#### 4. Staff Recommendation

**i** *This is a concept review only, upon approval of the concept, a full site plan will be developed including the information requested from other staff members. Trig's wanted to make sure they would be able to develop this property for the proposed use before completing the comprehensive design. If the concept is approved, they will provide the more detailed design for the official site plan approval.*

The Planning Commission of the City of Rhinelander does hereby recommend to the Rhinelander City Council that the following actions be taken:

1. Section 4.04.03(1) of the Rhinelander Municipal Code shall be amended to read as follows:

(1) **Enforcement.** It shall be the duty of the City Administrator, Chief of Police, Fire Chief, Building Inspector, Code Enforcement Officer, Property Maintenance Inspector and such other individuals who may be appointed or directed by the City Council to enforce those provisions of this Chapter that come within the jurisdiction of their offices or as directed by the City Council to make periodic inspections and/or inspections upon complaint filed with the City or its departments to insure that all provisions of the City of Rhinelander or state codes adopted by said Council are not violated. No action shall be taken under this Section to abate a public nuisance unless an inspection has been made or attempted to be made of the premises where a violation is alleged to exist and then only if the inspecting individual has satisfied himself that a violation does in fact exist.

2. Create a new Section of the Rhinelander Municipal Code to read:

**5.01.05-Property Maintenance Codes Adopted.**

(1) The International Property Maintenance Codes, so far as applicable is adopted and incorporated into the City of Rhinelander's property maintenance inspection program.

(2) If a conflict exists in the application of the standards laid out in the International Property Maintenance Code and those found in the Wisconsin State Commercial Building Code, Wisconsin Uniform Dwelling Code, and the City of Rhinelander Municipal Ordinance, the provisions of the Property Maintenance Code shall take lowest priority recognizing that the Wisconsin State Codes are controlling.

# CITY OF RHINELANDER



BUILDING/ZONING DEPARTMENT

Home of the Hodag

**To: Rhinelander Plan Commission & Council**

**From: Interim Building Inspector/ Zoning Administrator Thomas Waydick**

**Subject: February 2023 Inspection Department Activity Report**

**Date: March 3rd, 2023**

## **DEPARTMENT UPDATES**

*The Inspection Department is still looking for a Building Inspector and Zoning Administrator. We are working on updating contracts with townships and will be recommending an updated fee schedule to reduce the risk of losing additional townships. We will be looking for support in updating the inspection software to a more compatible platform. The system we are using is not designed for inspection and is full of shortfalls that cause lost time and customer and staff frustration.*

## **PROJECT UPDATES**

*Holiday Inn Express – Still moving along*

*Blain's Farm & Fleet – Getting ready to stock shelves. Issue with parking lot lights being addressed*

*Timber Drive Duplex Development-Insulation inspections were completed on all 15 units. Their goal is to have 4 units completed in the next couple months as they have people on a list ready to move in.*

*YMCA – ready to proceed*

*Starbucks- Working on buildout for the Starbucks side only at this time*

## **INSPECTIONS**

### **Rhinelanders**

Building inspections... 2  
Commercial Building Inspections... 7  
Electrical inspections...3  
Plumbing inspections... 2  
HVAC inspections... 2

### **Crescent**

Building inspections... 4  
Electrical inspections... 2  
Plumbing inspections... 2  
HVAC inspections... 2

### **Newbold**

Building inspections... 3

# CITY OF RHINELANDER



BUILDING/ZONING DEPARTMENT

Home of the Hodag

	Electrical inspections... 2
	Plumbing inspections...2
	HVAC inspections...2
<b>Woodboro</b>	Building inspections... 0
	Electrical inspections... 0
	Plumbing inspections... 0
	HVAC inspections... 0
<b>Stella</b>	Building inspections...0
	Electrical inspections... 2
	Plumbing inspections... 0
	HVAC inspections... 0
<b>Three Lakes</b>	Building inspections... 9
	Electrical inspections...10
	Plumbing inspections...9
	HVAC inspections...8
<b>Pine Lake</b>	Building inspections... 1
	Electrical inspections... 0
	Plumbing inspections... 0
	HVAC inspections... 0
<b>Pelican</b>	Building inspections... 4
	Electrical inspections...2
	Plumbing inspections... 2
	HVAC inspections... 2
<b>Piehl</b>	Building inspections...0
	Electrical inspections...0
	Plumbing inspections...0
	HVAC inspections...0

# CITY OF RHINELANDER



BUILDING/ZONING DEPARTMENT

Home of the Hodag

## Permits-

Issue Date	Permit Number	Property Address	Total Fees
<b>02/15/2023</b>			
02/15/2023	BP-2023-006	612 WISCONSIN AVE	600.00
02/15/2023	EG-2023-003	1010 PINOS ST	80.00
02/15/2023	PL-2023-003	339 HILLANDALE AVE	80.00
02/15/2023	PNL-2023-001	5613 HILDY LN	1,500.00
Total 02/15/2023:			2,260.00
<b>02/17/2023</b>			
02/17/2023	BPC-2023-010	821 LINCOLN ST	509.60
02/17/2023	EL-2023-003	924 RIVER ST	80.00
Total 02/17/2023:			589.60
<b>02/21/2023</b>			
02/21/2023	BP-2023-007	222 GRANT ST	197.60
Total 02/21/2023:			197.60
<b>02/23/2023</b>			
02/23/2023	BP-2023-008	516 LENNOX ST	80.00
02/23/2023	EL-2023-004	513 BAIRD AVE SOUTH	80.00
02/23/2023	PL-2023-007	222 GRANT ST	80.00
Total 02/23/2023:			240.00
<b>02/27/2023</b>			
02/27/2023	BPC-2023-011	425 DAVENPORT ST WEST	150.00
02/27/2023	PL-2023-005	310 EASTERN AVE NORTH	80.00
Total 02/27/2023:			230.00

## Information:

The inspection department will be entering our busy season for permitting and inspection. We will have an increased demand in the inspection office and staff will have to prioritize the work as it comes in. Have patience as we work through finding a zoning administrator and building inspector.

Respectfully Submitted,

Tom Waydick  
Interim Zoning Administrator  
City of Rhinelander