



CITY OF ANTIGO

CITY PLAN COMMISSION MEETING

COUNCIL CHAMBERS

Tuesday, September 01, 2020

CITY HALL, 700 EDISON STREET

6:00 PM

Call to Order

Public Hearing

1. Public Hearing for Conditional Use Application Under the Provisions of Ordinance No. 1095B, Section 14-718, the Municipal Code at 321 Watson Street for the Purpose of Allowing Gunsmithing and Firearm Transfer

Discussion and Action May Occur on Any of the Following Agenda Items:

1. Approval of the Minutes from the August 4, 2020 Meeting
2. Conditional Use Application Under the Provisions of Ordinance No. 1095B, Section 14-718, the Municipal Code for 321 Watson Street for the Purpose of Allowing Gunsmithing and Firearm Transfers (Parcel #201-0995)

Any Other Matters Authorized by Law to be Considered

Adjournment

The Public is Invited to Participate by Phone. Please Call 715-623-3633 ext. 100 for Dial-In Instructions During Regular Business Hours.

Upon reasonable notice, efforts will be made to accommodate disabled individuals through appropriate aids and services. For additional information, contact Jaime Horswill, 700 Edison Street, Antigo, Wisconsin 54409. (715) 623-3633 extension 100. Members of and possibly a quorum of members of other governmental bodies may be in attendance to gather information. Any governmental body other than that specifically referred to above will take no action.

DATE MAILED: August 26, 2020

BILL BRANDT



NOTICE

NOTICE IS HEREBY GIVEN, that the following application for a Conditional Use Permit under the provisions of Ordinance No. 1095B, Section 14-718, the Municipal Code, has been filed:

“Original Plat Lots 24 & 25 Block 70”
Parcel Number 201-0995 (321 Watson Street)

for the purpose of allowing gunsmithing and firearm transfers.

FURTHER, that a public hearing will be held on the above application before the City Plan Commission of the City of Antigo on Tuesday, September 1, 2020, at 6:00 p.m. in the Council Chambers, City Hall, 700 Edison Street, Antigo, Wisconsin, at which time opportunity to be heard will be given all interested persons.

Kaye M. Matucheski
City Clerk-Treasurer/Finance Director

City of Antigo, 700 Edison Street, Antigo, Wisconsin 54409-1955
The City of Antigo is an Equal Opportunity Provider
Phone (715) 623-3633 Fax (715) 627-7099
www.antigo-city.org



APPLICATION FOR CONDITIONAL USE HEARING

CITY OF ANTIGO BUILDING INSPECTOR AND ZONING ADMINISTRATOR

700 EDISON STREET, ANTIGO, WISCONSIN 54409

PHONE: 715.623.3633 x134 Fax 715.627.7099

rmusolff@antigo-city.org

ALL INFORMATION MUST BE PRINTED AND LEGIBLE

FEE \$ 100.00

DATE OF APPLICATION: 08/11/2020

APPLICANT NAME (S): Nathaniel Michael Scheel

ADDRESS: 321 Watson St

CITY: Antigo STATE Wisconsin ZIP 54409

PHONE: 715-439-3659 EMAIL: Littlecreekfirearms@gmail.com

PROPERTY ADDRESS: 321 WATSON ST. PARCEL NUMBER: 2010995

LEGAL DESCRIPTION: ORIGINAL PLAT LOTS 24 & 25 BLOCK 70

APPLICANT REQUEST FOR CONDITIONAL USE OF ORDINANCE NUMBER: SEC. 14-718

FOR THE PURPOSE OF: Gunsmithing, Firearm transfers

It is understood that a Public Hearing will be held before a request for the above Conditional Use is, or is not approved. Applicant will be notified of the date and place of the Public Hearing.

APPLICANT SIGNATURE: Nathaniel Scheel

FOR OFFICE USE ONLY BELOW THIS LINE

ADJACENT PROPERTY OWNERS WITHIN 100 FEET

ACTION OF THE CITY PLANNING COMMISSION: ☐ APPROVED ☐ DENIED

CITY PLAN COMMISSION RECOMMENDATION TO CITY COUNCIL: _____

SIGNATURE OF CHAIRPERSON OF
CITY PLAN COMMISSION

DATE

Attachment: Conditional Use Application for 321 Watson Street (3538 : Conditional Use Application for 321 Watson Street)

"Antigo Area on the go"
BUILDING INSPECTOR/ZONING ADMINISTRATOR
715-623-3633 ext134
FAX 715-627-7099

Memo

To: City Plan Commission

From: Roger J. Musolff, Building Inspector/Zoning Administrator

Date: 8/12/2020

RE: Home occupation for gunsmithing & firearm transfer at 321 Watson Street

This is for your information.

- Sec. 14-718. Home Occupation (see attached)
- See attached map for location
- Division 5 – Supplemental Regulations (see Attached)

Attachment: Conditional Use Application for 321 Watson Street (3538 : Conditional Use Application for 321 Watson Street)

- **Sec. 14-718. - Home occupations.**

(a)

Intent. The intent of this section is to provide a means to accommodate a small family home-based business or professional home office as a conditional use without the necessity of a rezone into a commercial district. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary.

(b)

Restrictions. Except as provided in subsection (c) of this section, home occupations are a conditional use in all residential districts and are subject to the requirements of the district in which the use is located, in addition to the following:

- (1)** The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage.
- (2)** There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
- (3)** No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
- (4)** No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
- (5)** The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
- (6)** The common council may determine the percentage of the property that may be devoted to the occupation, but it shall not exceed 30 percent.
- (7)** The types and number of equipment or machinery may be restricted by the common council.
- (8)** Sale or transfer of the property shall cause the conditional use permit to be null and void.
- (9)** Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.
- (10)** No more than one nonresident employee may work on the home occupation premises.

(c)

Permitted use exception. A home occupation under this section may be maintained in any residential district as a permitted use, as opposed to a conditional use, if the standards of subsection (b) of this section are complied with and no sign is erected or maintained regarding the home occupation, no more than one person works on the premises, no customers regularly come to the house and the business is service oriented and not engaged in retail trade.

(Code 1999, § 13-1-92)

- **Secs. 14-719—14-745. - Reserved.**



DISCLAIMER: This data is provided by the City of Antigo for informational purposes only. The City does not warrant or guarantee the accuracy or reliability of this data. The recipient of this data assumes any risk of its use for any purpose.

City of Antigo GIS



SCALE: 1" = 1,200'



Print Date: 8/12/2020

- **DIVISION 5. - SUPPLEMENTAL REGULATIONS**

- **Subdivision I. - In General**

- Secs. 14-681—14-705. - Reserved.

- **Subdivision II. - Conditional Uses**

- **Sec. 14-706. - Statement of purpose.**

The development and execution of this subdivision is based upon the division of the city into districts, within which districts the use of land and buildings and bulk and location of buildings and structures in relation to the land are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district without consideration, in each case, of the impact of those uses upon neighboring land or public facilities and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district, provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

(Code 1999, § 13-1-80)

- **Sec. 14-707. - Authority of the plan commission and common council; permit requirements.**

- (a) The common council authorizes the zoning administrator to issue a conditional use permit after review, public hearing and approval from the plan commission and common council, provided that such conditional use and involved structures are found to be in accordance with the purpose and intent of this article and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. Such commission or common council action and the resulting conditional use permit shall specify the period of time for which effective if specified, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a conditional use, the common council shall make findings based upon the evidence presented that the standards prescribed in this subdivision are being complied with.
- (b) Any development within 500 feet of the existing or proposed rights-of-way of freeways, expressways and within one-half mile of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the trafficway. The plan commission and common council shall request such review and await the highway agency's recommendation for a period not to exceed 20 days before taking final action.
- (c) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the plan commission and common council upon their finding that these are necessary to fulfill the purpose and intent of this article.
- (d) Compliance with all other sections of this article, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.

(Code 1999, § 13-1-81)

- **Sec. 14-708. - Initiation of conditional use.**

Any person having a freehold interest or a possessory interest entitled to exclusive possession or a contractual interest which may become a freehold interest or an exclusive possessory interest and which is specifically enforceable in 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 provided for in this subdivision in the zoning district in which such land is located.

(Code 1999, § 13-1-82)

- **Sec. 14-709. - Application.**

An application for a conditional use shall be filed on a form prescribed by the city. The application shall be accompanied by a plan showing the location, size and shape of the lot involved and of any proposed structures and the existing and proposed use of each structure and lot and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in section 14-712. The plan commission or common council may require such other information as may be necessary to determine and provide for enforcement of this article, including a plan showing contours and soil types; high water mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

(Code 1999, § 13-1-83)

- **Sec. 14-710. - Hearing on application.**

Nothing in this article shall prohibit the common council on its own motion from referring the request for conditional use to the plan commission. Upon receipt of the application and statement referred to in section 14-709, the plan commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by the commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the plan commission shall, by rule, prescribe from time to time.

(Code 1999, § 13-1-84)

- **Sec. 14-711. - Notice of hearing on application.**

Notice of the time, place and purpose of the hearing required under this subdivision shall be given by publication of a class 1 notice under statute in the official city newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the zoning administrator, members of the common council and plan commission and the owners of record as listed in the office of the city assessor who are owners of property in whole or in part situated within 100 feet of the boundaries of the properties affected. Such notice shall be sent at least ten days prior to the date of such public hearing. The plan commission shall report its action to the common council within 45 days after a matter has been referred to it, after which the common council shall take formal action. For each application for a conditional use, the plan commission shall report to the common council its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest.

(Code 1999, § 13-1-85)

- **Sec. 14-712. - Standards.**

(a) **Conditions required.** No application for a conditional use shall be recommended for approval by the plan commission or granted by the common council, unless the commission shall find all of the following conditions are present:

- (1) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (2) The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.

- (3) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- (5) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion in the public streets.
- (6) The conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
- (7) The proposed use does not violate floodplain regulations governing the site.
- (8) Adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.
- (b) **Application of standards.** When applying the standards in subsection (a) of this section to any new construction of a building or an addition to an existing building, the common council and plan commission shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- (c) **Additional considerations.** In addition, in passing upon a conditional use permit, the plan commission shall also evaluate the effect of the proposed use upon the following:
 - (1) The maintenance of safe and healthful conditions.
 - (2) The prevention and control of water pollution, including sedimentation.
 - (3) Existing topographic and drainage features and vegetative cover on the site.
 - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
 - (5) The erosion potential of the site based upon the degree and direction of slope, soil type and vegetative cover.
 - (6) The location of the site with respect to existing or future access roads.
 - (7) The need of the proposed use for a shoreland location.
 - (8) Its compatibility with uses on adjacent land.
 - (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

(Code 1999, § 13-1-86)

- **Sec. 14-713. - Denial or approval of application.**

When an advisory recommendation of denial of a conditional use application is made by the plan commission or an actual denial is made by the common council, the plan commission and/or common council shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the commission and/or common council has used in determining that each standard was not met. If an application for a proposed conditional use is not acted upon finally by the common council within 90 days of the date upon which such application is received by the council, it shall be deemed to have been denied.

(Code 1999, § 13-1-87)

- **Sec. 14-714. - Conditions and guarantees.**

The following shall apply to all conditional uses:

- (1) **Conditions.** Prior to the granting of any conditional use, the plan commission may recommend and the common council may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community and to secure compliance with the standards and requirements specified in section 14-712. When conditional uses are granted, the city shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration, the following:

- a. Landscaping;
- b. Type of construction;
- c. Construction commencement and completion dates;
- d. Sureties;
- e. Lighting;
- f. Fencing;
- g. Operational control;
- h. Hours of operation;
- i. Traffic circulation;
- j. Deed restrictions;
- k. Access restrictions;
- l. Setbacks and yards;
- m. Type of shore cover;
- n. Specified sewage disposal and water supply systems;
- o. Planting screens;
- p. Piers and docks;
- q. Increased parking; or
- r. Any other requirements necessary to fulfill the purpose and intent of this article.

- (2) **Site review.** In making its recommendation, the plan commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The commission may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- (3) **Alteration.** No alteration of a conditional use shall be permitted unless approved by the common council, after recommendation from the plan commission.
- (4) **Architectural treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the common council may require the use of certain general types of exterior construction materials and/or architectural treatment.
- (5) **Sloped sites; unsuitable soils.** Where slopes exceed six percent and/or where a use is proposed to be located on an area indicated as having soils that are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided that clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.

(Code 1999, § 13-1-88)

• **Sec. 14-715. - Validity.**

Where a conditional use application has been approved or conditionally approved, such approval shall become null and void within 24 months of the date of the approval unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately 45 days prior to the automatic revocation of such permit, the zoning administrator shall notify the holder by certified mail of such revocation. The board may extend such permit for a period of 90 days for justifiable cause, if application is made to the common council at least 30 days before the expiration of such permit.

(Code 1999, § 13-1-89)

• **Sec. 14-716. - Complaints.**

- (a) The common council shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the zoning administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other section of this article.
- (b) Upon written complaint by any citizen or official, the common council shall initially determine whether such complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in section 14-712, a condition of approval or other requirement imposed under this subdivision. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in section 14-711. Any person may appear at such hearing and testify in person or be represented by an agent or attorney.
- (c) The common council may, in order to bring the subject conditional use into compliance with the standards set forth in section 14-712 or conditions previously imposed by the common council, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. If no reasonable modification of such conditional use can be made in order to ensure that the standards in section 14-712(a) and (b) will be met, the common council may revoke the subject conditional approval and direct the zoning administrator and the city attorney to seek elimination of the subject use.
- (d) Following any such hearing, the decision of the common council shall be furnished to the current owner of the conditional use in writing stating the reasons therefor.

(Code 1999, § 13-1-90)

• **Sec. 14-717. - Bed and breakfast establishments.**

- (a) **Conditional use.** Bed and breakfast establishments shall be considered conditional uses and may be permitted in residence districts pursuant to this subdivision.
- (b) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bed and breakfast establishment means any place of lodging that provides four or fewer rooms for rent for more than ten nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.

- (c) **State standards.** Bed and breakfast establishments shall comply with the standards of Wis. Admin. Code.

(Code 1999, § 13-1-91)

• **Sec. 14-718. - Home occupations.**

- (a) **Intent.** The intent of this section is to provide a means to accommodate a small family home-based business or professional home office as a conditional use without the necessity of a rezone into a commercial district. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary.
- (b) **Restrictions.** Except as provided in subsection (c) of this section, home occupations are a conditional use in all residential districts and are subject to the requirements of the district in which the use is located, in addition to the following:
 - (1) The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage.
 - (2) There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
 - (3) No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.

- (4) No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
- (5) The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
- (6) The common council may determine the percentage of the property that may be devoted to the occupation, but it shall not exceed 30 percent.
- (7) The types and number of equipment or machinery may be restricted by the common council.
- (8) Sale or transfer of the property shall cause the conditional use permit to be null and void.
- (9) Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.
- (10) No more than one nonresident employee may work on the home occupation premises.
- (c) **Permitted use exception.** A home occupation under this section may be maintained in any residential district as a permitted use, as opposed to a conditional use, if the standards of subsection (b) of this section are complied with and no sign is erected or maintained regarding the home occupation, no more than one person works on the premises, no customers regularly come to the house and the business is service oriented and not engaged in retail trade.

(Code 1999, § 13-1-92)

- **Secs. 14-719—14-745. - Reserved.**