



## BUILDING, SAFETY & ZONING DEPARTMENT

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TO: Plan Commission  
DATE: June 24, 2024  
SUBJECT: 510 Cole Street, Conditional Use Permit - CUP

A request by Jenifer Getz, agent for St. Jude Academy Inc, for a Conditional Use Permit (CUP) for Indoor Institutional. Parcel PIN(s): 291-0815-0412-013

### SITE DETAILS:

Acres: 0.43  
Current Zoning: Two-Family Residential (TR-6)  
Existing Land Use: Church and School  
Future Land Use Designation: Institutional

### BACKGROUND AND APPLICATION DESCRIPTION:

The applicant is seeking approval of a conditional use permit for 'Indoor Institutional' for St. Jude Academy, a Catholic High School. The school will utilize an existing school building on the Watertown Moravian Church Campus and teach grades 9 through 12. Maximum enrollment for school will be capped at 75 students. Hours of operation will be 8:30am to 3:30pm Monday through Friday. Parking and drop off will occur in the parking lot on the western end of the property. No bus service will be utilized.

### STAFF EVALUATION:

Site Plan Review Committee:  
See Minutes of June 10, 2024.

### Land Use and Zoning:

1. Within the Two-Family Residential (TR-6) Zoning District 'Indoor Institutional' is a principal land use permitted as a Conditional Use *[per § 550-25B(2)(d)]*. 'Indoor Institutional' includes all indoor public and not-for-profit schools, colleges, and churches. *[per § 550-51C]*.

Applicable regulations for 'Indoor Institutional' land uses include the following: *[per § 550-51C(1)]*

- Shall be located with primary vehicular access on a collector or arterial street.
  - North Fourth Street is located one-half a block to the west of the parking area and East Cady St is located one-half a block to the south providing vehicular access to an arterial/collector street.
- Shall provide off-street passenger loading area if the majority of the users will be children (as in the case of a school, church, library or similar land use).
  - Parking and drop off will occur in the parking lot on the western end of the property.
- All structures shall be located a minimum of 50 feet from any residentially zoned property.
  - The existing land use of the site is institutional with a school building and is residentially zoned. This regulation does not apply.

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*Opportunity Runs Through It*

2. Parking Requirements: Senior high: one space per teacher and staff member, plus one space per five non-bused students. [per § 550-51C(2)(g)]. The existing parking lot has 30 stalls and exceeds the parking requirements.
3. Lighting of structures, parking areas, and traffic circulation areas will utilize existing lighting fixtures. Lighting fixtures existing prior to the effective date of the zoning code are considered legal conforming uses [per § 550-110D(6)].

#### WISCONSIN STATUTES:

All Conditional Use Permits are subject to the requirements of Wisconsin Act 67.

*Under 2017 Wisconsin Act 67: Section 16. 62.23 (7) (de) Conditional Use Permits.*

1. 62.23 (7) (de)(1) *In this paragraph:*

- a. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.
- b. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

2. 62.23 (7) (de)(2)

- a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.
- b. The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city's decision to approve or deny the permit must be supported by substantial evidence.

3. 62.23 (7) (de)(3)

*Upon receipt of a conditional use permit application and following publication in the city of a class 2 notice under ch. 985, the city shall hold a public hearing on the application.*

3. 62.23 (7) (de)(4)

*Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the city may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the city zoning board.*

4. 62.23 (7) (de)(5)

*If a city denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10.*

PLAN COMMISSION DECISIONS:

Indoor Institutional Land Use Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
1. Shall be located with primary vehicular access on a collector or arterial street.	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
2. Shall provide off-street passenger loading area if the majority of the users will be children (as in the case of a school, church, library or similar land use).	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
3. All structures shall be located a minimum of 50 feet from any residentially zoned property.	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
4. Parking Requirements: Senior high: one space per teacher and staff member, plus one space per five non-bused students.	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No

*If Plan Commission answers “no” to any of the questions, above, the CU permit must be denied. Otherwise, proceed to the conditions of approval.*

PLAN COMMISSION OPTIONS:

The following are possible options for the Plan Commission:

1. Deny the Conditional Use Permit, based on failure to provide substantial evidence to meet one or more of the regulatory standards.
2. Approve the Conditional Use Permit without conditions, based on successfully providing substantial evidence of regulatory compliance.
3. Approve the Conditional Use Permit with conditions as identified by the Plan Commission.

ATTACHMENTS:

- Application materials