

**BUILDING SAFETY & ZONING DIVISION**  
**PLAN COMMISSION STAFF REPORT**

TO: Plan Commission  
DATE: June 23rd, 2025  
SUBJECT: 309 S Third Street, Site Plan Review and Conditional Use Permit – CUP

A request by Chris Oddo, agent for Mario & Alondra Perez, for a Site Plan Review of a commercial building façade renovation and a Conditional Use Permit for an exception to exterior construction material standards. Parcel PIN(s): 291-0815-0413-031

**SITE DETAILS:**

Acres: 0.29 acres  
Current Zoning: Central Business (CB)  
Existing Land Use: Retail Grocery Store  
Future Land Use Designation: Central Mixed Use

**BACKGROUND AND APPLICATION DESCRIPTION:**

The applicant is seeking approval of a Site Plan and a Conditional Use Permit (CUP) for an exception to exterior construction material standards for a façade renovation project on an existing commercial building. The façade renovation is part of a larger remodeling project that will also make changes to the interior of the existing building, including the addition of a commercial kitchen. The applicant is seeking CUP approval to utilize a white corrugated steel panel as part of the facade renovation.

**STAFF EVALUATION:**

**Land Use and Zoning:**

A Site Plan Review Committee recommendation and Plan Commission approval of the site plan is required pursuant to Sections 550-144 & 550-145 of the zoning code.

**Site Layout and Design:**

The proposed vestibule addition meets height requirements in the Central Business (CB) Zoning District. There are no front yard setback requirements in the Central Business (CB) Zoning District.

**Landscaping:**

The Central Business (CB) Zoning District has no requirements for on-site landscaping.

**Lighting:**

Exterior lighting shall consist of recessed lighting in the canopy of the front façade.

**Parking:**

The Central Business (CB) Zoning District has no requirements for off-street parking. The existing parking stalls in the front of the building will remain. The applicant recently received approval from the Plan Commission for an off-site parking lot across the street from the existing commercial building.

**Article XI Performance Standards:**

Chapter 550 Zoning, Article XI Performance Standards sets exterior construction material standards for all residential, office, commercial districts, and the CB Zoning District. [per § 550-121C] These exterior construction material standards require that only high-quality decorative exterior construction materials be used on the visible exterior of the following portions of all structures and buildings: [per § 550-121C(1)]

- (a) Any portion of the building or structure visible from adjacent residentially zoned property;
- (b) Any portion of the building or structure located within 50 feet of a public right-of-way; or

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- (c) Any other portion of the building or structure visible from a public street and/or situated at an angle of 60° or less from a line which is parallel to the nearest right-of-way (for uncurved rights-of-way) or from a line which is parallel to a chord connecting the right-of-way boundary on the inside side of the curve at points located at, or opposite from, the two outer boundaries of the subject property along the right-of-way line (for curved rights-of-way).

Per the exterior construction material standards in Article XI, the following exterior construction materials shall **not** be considered "high quality decorative": nondecorative concrete block or cinder block, nondecorative concrete foundation walls or panels, corrugated walls or panels, nondecorative plywood, asphaltic siding, or other nondecorative surfaces as determined by the Plan Commission. [per § 550-121C(2)]

Chapter 550 Zoning, Article XI Performance Standards **does allow** for exceptions to the use of material otherwise prohibited through the **conditional use** process. [per § 550-121F)]

- F. Exceptions. The conditional use process (per § 550-142) may be used to propose the use of a material otherwise prohibited by Subsection C above.

#### 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:

- "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.
- "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)

- 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.
- 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.

4. 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.

5. 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 DECISION:

Exterior Construction Materials CUP Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
A conditional use permit is required for the use of exterior building materials otherwise prohibited by § 550-121C(2)].	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No

If Plan Commission answers "no" to any of the questions, above, the CUP must be denied. Otherwise, proceed to the conditions of approval.

#### PLAN COMMISSION OPTIONS:

The following are possible options for the Plan Commission:

- Deny the Conditional Use Permit, based on failure to provide substantial evidence to meet one or more of the regulatory standards.

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2. Approve the Conditional Use Permits without conditions, based on successfully providing substantial evidence of regulatory compliance.
3. Approve any or all of the Conditional Use Permits with conditions as identified by the Plan Commission:

STAFF RECOMENDATION:

- Staff recommends approval of the Site Plan and Conditional Use Permit.

ATTACHMENTS:

- Application materials.