

Main Office  
920-262-4060

Brian Zirbes  
920-262-4041

Mark Hady  
920-342-0986

Nikki Zimmerman  
920-262-4045

Dell Zwieg  
920-262-4042

Doug Zwieg  
920-262-4062

Dennis Quest  
920-262-4061

TO: Plan Commission  
DATE: March 13, 2023  
SUBJECT: 713 Milford Street, Conditional Use Permit - CUP

SITE DETAILS:

Acres: 32.5  
Current Zoning: Planned Office and Institutional  
Existing Land Use: Institutional  
Future Land Use Designation: Planned Mixed Use & Planned Neighborhood.

BACKGROUND AND APPLICATION DESCRIPTION:

Applicant is seeking approval of a conditional use permit to utilize an existing 6,700 sq ft building to house a Youth Crisis Mental Health Facility. The facility will have 12 beds and provide treatment services for boys and girls ages 10 to 17. The facility will operate 24/7, 365 days a year with the average youth stay being 3 to 5 days. Staffing will consist of a minimum of 2 full-time employees but will increase as necessary to maintain a 1 to 3 ratio of staff to children. Light renovation of the building is planned prior to the opening of the facility at the end of June 2023.

STAFF EVALUATION:

Site Plan Review Committee:  
See Minutes of February 27, 2023.

Land Use and Zoning:

1. Within the Planned Office and Institutional (PO) Zoning District 'Institutional Residential' is a principal land use permitted as a Conditional Use [per § 550-30B(2)(d)]. 'Institutional Residential' includes limited care facilities, rehabilitation centers, and similar land uses among the allowed uses [per § 550-51F]. The existing 32.5 acre parcel exceeds the requirement of having at least 800 sq. ft. of gross site area per occupant and exceeds the requirement that a minimum of 30% of the gross site area be held as permanent green space [per § 550-51F].

Applicable regulations for 'Institutional Residential' land uses include the following:

- The proposed site shall be located so as to avoid disruption of an established or developing office area. Within the Neighborhood Office (NO) and the Planned Office and Institutional (PO) Districts, institutional residential developments shall be designed so as to maintain the character of the adjacent properties. [per § 550-51F(1)(a)].
- Shall be located with primary vehicular access on a collector or arterial street [per § 550-51F(1)(b)].
- No access shall be permitted to a local residential street [per § 550-51F(1)(c)].

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- Applicant shall provide off-street passenger loading area at a minimum of one location within the development *[per § 550-51F(1)(d)]*.
  - All structures shall be located a minimum of 50 feet from any residentially zoned property which does not contain an institutional residential land use *[per § 550-51F(1)(e)]*.
2. The Planned Office and Institutional (PO) Zoning District requires 'Institutional Residential' uses to follow the regulations of the Multifamily Residential – 10 Zoning District *[per § 550-30F]*. The proposal meets or exceeds all the residential density, intensity, and bulk requirements of the Multifamily Residential – 10 Zoning District *[per § 550-27F]*.
  3. Parking and traffic circulation requirements for the facility will be met by utilizing existing driveways and parking areas. Access to the facility is provided by a driveway from Milford Street.
  4. Lighting of structures, parking areas, and traffic circulation areas will utilize existing lighting fixtures as well as new lighting along the driveway from Milford St. Lighting fixtures existing prior to the effective date of the zoning code are considered legal conforming uses *[per § 550-110D(6)]*.
  5. A required off-street passenger loading area has been designated by the applicant.

### 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:

Institutional Residential Land Use Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
	Yes	No	Yes	No	Yes	No
1. The proposed site shall be located so as to avoid disruption of an established or developing office area. Within the Neighborhood Office (NO) and Planned Office and Institutional (PO) District, institutional residential developments shall be designed so as to maintain the character of the adjacent properties.	Yes	No	Yes	No	Yes	No
2. Shall be located with primary vehicular access on a collector or arterial street.	Yes	No	Yes	No	Yes	No
3. No access shall be permitted to a local residential street.	Yes	No	Yes	No	Yes	No
4. Applicant shall provide off-street passenger loading area at a minimum of one location within the development.	Yes	No	Yes	No	Yes	No
5. All structures shall be located a minimum of 50 feet from any residentially zoned property which does not contain an institutional residential land use.	Yes	No	Yes	No	Yes	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