

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: June 10th, 2024  
SUBJECT: 1632 S Church Street, Conditional Use Permit - CUP

A request by Luis Saldivar, agent for Maximo Plaza Inc., for a Conditional Use Permit (CUP) for 'Indoor Commercial Entertainment'. Parcel PIN(s): 291-0815-0923-064

SITE DETAILS:

Acres: 6.24  
Current Zoning: General Business (GB)  
Existing Land Use: Restaurant  
Future Land Use Designation: Planned Mixed Use

BACKGROUND AND APPLICATION DESCRIPTION:

The applicant is seeking approval of a conditional use permit for 'Indoor Commercial Entertainment' to establish a new restaurant within an existing building. The project will remodel the existing restaurant space for use as Jordy's Bar and Steakhouse. Renovations will largely focus on the bar area of the space. The hours of operation will be Monday to Thursday from 11:00am to 10:00pm, Friday and Saturday 11:00am to 11:00pm, and Sunday 11:00am to 9:00pm.

STAFF EVALUATION:

Land Use and Zoning:

1. Within the General Business (GB) Zoning District, 'Indoor Commercial Entertainment' is a principal land use permitted as a conditional use [per § 550-33B(2)(g)]. 'Indoor Commercial Entertainment' includes restaurants among the allowed uses [per § 550-52H].

Applicable regulations for 'Indoor Commercial Entertainment' land uses include the following:

- 'If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property' [per § 550-52H(1)(a)].
  - The 'facility shall provide a bufferyard with minimum opacity of 0.60 along all borders of the property abutting residentially zoned property' [per § 550-52H(1)(b)].
2. Parking requirements. Parking requirements. 'One space per every three patron seats or lockers (whichever is greater) or one space per three persons at the maximum capacity of the establishment (whichever is greater)'. [per § 550-52H(2)] Parking and traffic circulation requirements for the facility will be met by utilizing existing driveways and parking areas.
  3. Lighting requirements. Lighting of structures, parking areas, and traffic circulation areas will utilize existing lighting fixtures associated with the existing shopping complex.
  4. Landscaping requirements. Landscaping associated with the existing shopping complex is sufficient.

106 Jones Street • P.O. Box 477 • Watertown, WI 53094-0477 • Phone 920.262.4060

*Opportunity Runs Through It*

**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.
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.
- 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:**

Indoor Commercial Entertainment Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
<i>If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property.</i>	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
<i>Facility shall provide bufferyard with minimum opacity of 0.60 along all borders of the property abutting residentially zoned property (see § 550-99).</i>	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
<i>Parking requirements. One space per every three patron seats or lockers (whichever is greater) or one space per three persons at the maximum capacity of the establishment (whichever is greater).</i>	<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:

1. Deny the Conditional Use Permit.
2. Approve the Conditional Use Permit without conditions.
3. Approve the Conditional Use Permit with conditions as identified by the Plan Commission:

**ATTACHMENTS:**

- Application materials