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TO: Plan Commission
DATE: March 27, 2023
SUBJECT: 1400 W Main Street, Conditional Use Permit - CUP

A request by Rick and Sara Knutson, agents for Marten Portable Buildings, for a Conditional Use Permit (CUP) for Outdoor Display. Parcel PIN: 291-0915-3143-001

SITE DETAILS:

Acres: 14.15
Current Zoning: General Business
Existing Land Use: Commercial
Future Land Use Designation: Planned Mixed Use

BACKGROUND AND APPLICATION DESCRIPTION:

The applicant is seeking approval of a conditional use permit for Outdoor Display for a storage shed display and sales area on a portion of the Farm and Fleet Property. The dimensions of the Outdoor Display area will be approximately 111' x 213' (23,643 sq ft) and be located in the southeast corner of the Farm and Fleet Property. The storage sheds will be displayed year-round and there will be between 15 and 25 sheds on display at any given time.

STAFF EVALUATION:

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

Land Use and Zoning:

1. Within the General Business (GB) Zoning District 'Outdoor Display' is a principal land use permitted as a Conditional Use *[per § 550-33B(2)(e)]*. 'Outdoor Display' includes all land uses which conduct sales or display sales outside of an enclosed building. The applicant has defined an area for outdoor sales on the site plan within which all displayed materials will be kept *[per § 550-52D]*.

Applicable regulations for 'Outdoor Display' land uses include the following: *[per § 550-52D(1)]*

- The display of items shall not be permitted in permanently protected green space areas, required landscaped areas, or required bufferyards.
- The display of items shall not be permitted within required setback areas for the principal structure.
- In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of § 550-107. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
- Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence or line of planters, or by a clearly marked paved area.
- Signs, screening, enclosures, landscaping or materials being displayed shall not interfere in any

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manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.

- Outdoor display shall be permitted during the entire calendar year; however, if goods are removed from the display area, all support fixtures used to display the goods shall be removed within 10 calendar days of the goods' removal.
 - Inoperative vehicles or equipment, or other items typically stored or displayed in a junkyard or salvage yard, shall not be displayed for this land use.
 - Facility shall provide a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property, except per Subsection D(1)(e) above (see § 550-99).
2. Parking requirements of one space per 300 square feet of gross floor area will be met by utilizing the adjacent parking lots on the property *[per § 550-52D(2)]*.
 3. Lighting for the site will utilize lights from the adjacent parking areas.

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:

Outdoor Storage Land Use Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
	Yes	No	Yes	No	Yes	No
1.The display of items shall not be permitted in permanently protected green space areas, required landscaped areas, or required bufferyards.	Yes	No	Yes	No	Yes	No
2.The display of items shall not be permitted within required setback areas for the principal structure.	Yes	No	Yes	No	Yes	No
3.In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of § 550-107. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.	Yes	No	Yes	No	Yes	No
4.Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence or line of planters, or by a clearly marked paved area.	Yes	No	Yes	No	Yes	No
5.Signs, screening, enclosures, landscaping or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.	Yes	No	Yes	No	Yes	No
6.Outdoor display shall be permitted during the entire calendar year; however, if goods are removed from the display area, all support fixtures used to display the goods shall be removed within 10 calendar days of the goods' removal.	Yes	No	Yes	No	Yes	No
7.Inoperative vehicles or equipment, or other items typically stored or displayed in a junkyard or salvage yard, shall not be displayed for this land use.	Yes	No	Yes	No	Yes	No
8.Facility shall provide a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property, except per Subsection D(1)(e) above (see § 550-99).	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