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TO: Plan Commission
DATE: July 8th, 2024
SUBJECT: 211 Hiawatha St. - Conditional Use Permit (CUP) & Site Plan Review

A request by MSI General, agent for Go Riteway, for a Conditional Use Permit (CUP) for Outdoor Storage or Wholesaling and approval of a Site Plan for redevelopment of an existing school bus storage yard. Parcel PIN: 291-0915-3234-002.

SITE DETAILS:

Acres: 3.57
Current Zoning: General Industrial (GI)
Existing Land Use: Industrial
Future Land Use Designation: Mixed Industrial

BACKGROUND & APPLICATION DESCRIPTION:

The applicant is proposing to redevelop an existing school bus storage yard. The proposal will remove one building and part of another while remodeling the remaining structure. A new parking lot will be added in the northwest corner of the property and the bus storage yard will be reconfigured. A rain garden will also be added. The CUP is required to bring the site into compliance with the requirements of the General Industrial (GI) Zoning District for 'Outdoor Storage or Wholesaling' land uses.

STAFF EVALUATION:

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

Land Use and Zoning:

1. Within the GI General Industrial zoning district 'Outdoor Storage or Wholesaling' is a principal land use permitted as conditional *[per § 550-36B(2)(d)]*. 'Outdoor Storage or Wholesaling' land uses include uses in which any activity beyond loading and employee/customer parking is located outdoors including equipment storage yards. A bus storage yard is an example of such a use *[per § 550-53B]*.

Applicable regulations for 'Indoor Commercial Entertainment' land uses include the following *[per § 550-53B(1)]*:

- All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls and fencing. Such walls and fencing shall be a minimum of eight feet in height and shall be designed to completely screen all stored materials from view from nonindustrialized areas at an elevation of five feet above the grade of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80.
- The storage of items shall not be permitted in permanently protected green space areas (see § 550-97).

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Opportunity Runs Through It

- The storage of items shall not be permitted in required frontage landscaping or bufferyard areas.
- In no event shall the storage 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 storage area shall not further reduce the number of parking stalls already present.
- Storage 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.
- Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
- Inoperative vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.
- Facility shall provide a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property (see § 550-99).
- All outdoor storage areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.
- Parking requirements. One space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.

2. Vehicle Access and Circulation

The proposed site plan meets all requirements for vehicle access and traffic circulation with the exception of parking stall depth. Parking stalls are required to be 18.5 feet in depth. [per § 550-107]

3. Parking:

Parking requirements for 'Outdoor Storage or Wholesaling' uses in the GI General Industrial zoning district require one space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift. [per § 550-53B(2)] The applicant has confirmed that the number of parking stalls meets and exceeds these requirements.

4. Landscaping:

Landscape point calculations have not been provided by the applicant in the site plan. The LSR (Landscape Surface Ratio) for General Industrial (GI) Zoning is a minimum of 15%.

5. Lighting:

An exterior lighting plan that includes shielded lighting fixtures and required lighting for parking, loading, and circulation areas has been submitted by the applicant and meets requirements of §550-110.

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:

Outdoor Storage and Wholesaling Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
<i>All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls and fencing. Such walls and fencing shall be a minimum of eight feet in height and shall be designed to completely screen all stored materials from view from nonindustrialized areas at an elevation of five feet above the grade of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80.</i>	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
<i>The storage of items shall not be permitted in permanently protected green space areas (see § 550-97).</i>	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
<i>The storage of items shall not be permitted in required frontage landscaping or bufferyard areas.</i>	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
<i>In no event shall the storage 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 storage area shall not further reduce the number of parking stalls already present.</i>	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
<i>Storage 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.</i>	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
<i>Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.</i>	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
<i>Inoperative vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.</i>	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
<i>Facility shall provide a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property (see § 550-99).</i>	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
<i>All outdoor storage areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.</i>	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No

<i>Parking requirements. One space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.</i>	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
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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 and Site Plan.
2. Approve the Conditional Use Permit and Site Plan without conditions.
3. Approve the Conditional Use Permit and Site Plan with conditions as identified by the Plan Commission:
 - a) Applicant shall provide a landscaping plan that meets the requirements of Article X – Landscaping and Bufferyard Regulations (§550-93 thru §550-103 and Appendix F).
 - b) Applicant shall adjust parking stall depth to the required 18.5 ft in employee/customer parking lot and maintain a minimum pavement setback of 10 feet from ROW line.
 - c) Applicant shall obtain an Erosion Control & Storm Water Runoff Permit.
 - d) Applicant shall obtain sign permits for any proposed on-building or on-site signage.

ATTACHMENTS:

- Application materials