



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: February 12th, 2024
 SUBJECT: 621 Bernard St, Conditional Use Permit - CUP

A request by Mark Zvitkovits, agent for City of Watertown, for a Conditional Use Permit (CUP) for an exception to exterior construction material standards. Parcel PIN(s): 291-0815-0544-003

SITE DETAILS:

Acres: 6.39
 Current Zoning: Central Business
 Existing Land Use: Vacant
 Future Land Use Designation: Central Mixed Use

BACKGROUND AND APPLICATION DESCRIPTION:

The applicant is seeking approval of a Conditional Use Permit (CUP) for an exception to exterior construction material standards for two accessory structures that are part of the site plan for the new Fire Station. One of the structures is a cold storage building and the other is a multi-story training tower. The proposed materials for the cold storage building consist of an architectural concrete stone material along the base of the building that matches the material being used on the adjacent fire station. Above this stone material would be metal panel. The proposed materials for the training tower would be all metal panel. Colors for both buildings would be complementary to the Fire Station

STAFF EVALUATION:

Site Plan Review Committee:
 See Minutes of February 12th, 2024

Land Use and Zoning:

1. Chapter 550 Zoning, Article XI Performance Standards sets exterior construction material standards for all residential, office, commercial districts, and the PI 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
 - (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).

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

Opportunity Runs Through It

2. 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)]
3. 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)]

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:

The following are possible options for the Plan Commission:

1. Deny the Conditional Use Permit.
2. Approve the Conditional Use Permit with exceptions to exterior construction material standards as proposed.
3. Approve the Conditional Use Permit with exceptions to exterior construction material standards as identified by the Plan Commission.

ATTACHMENTS:

- Application materials