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TO: Plan Commission
DATE: February 12th, 2024
SUBJECT: 1110 & 1111 Tenth St, Conditional Use Permit - CUP

A request by Bayule LLC, agent for 1L LLC, for a Conditional Use Permit (CUP) to adjust the setback requirements for a Junkyard or Salvage Yard. Parcel PIN(s): 291-0815-0444-013 & 291-0815-0444-006

SITE DETAILS:

Acres: 0.52 & 2.98
Current Zoning: HI Heavy Industrial
Existing Land Use: Vacant
Future Land Use Designation: Mixed Industrial

BACKGROUND AND APPLICATION DESCRIPTION:

Applicant is seeking approval of a conditional use permit to adjust the '100-foot setback requirement for buildings, structures, outdoor storage areas, or any other activity areas from all property lines' for a Junkyard or Salvage Yard. The proposal would reduce the setbacks from 100 feet down to the existing perimeter of Parcel 291-0815-0444-006 at 1111 S. Tenth St. The applicant has justified the reduced buffer by the fact that most adjacent lands are parking lots and open space which serve the same function as a buffer. The site contains existing buildings and outdoor storage areas that were formally used as a salvage yard/recycling center. An opaque fence exists along the north property line and the remainder of the property is fenced with chain-link fencing. Parcel 291-0815-0444-013 at 1110 S. Tenth St would be used for employee parking and truck scale activities.

STAFF EVALUATION:

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

Land Use and Zoning:

1. Within the Heavy Industrial (HI) Zoning District, a 'Junkyard or Salvage Yard' is a principal land use permitted as a Conditional Use [per § 550-37B(2)(f)]. 'Junkyard or Salvage Yard' uses include recycling facilities among the allowed uses [per § 550-53D].

Applicable regulations for 'Junkyard or Salvage Yard' land uses include the following:

- Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property [per § 550-53D(1)(a)].
- All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines. Adjustments to the required 100-foot setback for buildings, structures, outdoor storage areas, or any other activity areas from all property lines may be approved by the Plan Commission through a Conditional Use Permit (CUP) subject to the following:

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[1] The applicant can demonstrate, to the satisfaction of the Plan Commission, that the proposed setback adjustment will not create undesirable impacts on nearby properties, the environment, or the community as a whole.

[2] The use of the property as a salvage yard or junk yard is consistent with the City of Watertown Comprehensive Plan. [per § 550-53D(1)(b)]

- In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas. [per § 550-53D(1)(c)].
 - Shall not involve the storage, handling or collection of hazardous materials, including any of the materials listed in § **550-122**. [per § 550-53D(1)(d)]
2. Parking requirements. One space for every 20,000 square feet of gross storage area, plus one space for each employee on the largest work shift. [per § 550-53B(2)] Parking and traffic circulation requirements for the facility will be met by utilizing existing driveways and parking areas. Employee parking will occur on parcel 291-0815-0444-013 at 1110 S. Tenth St. Access to the facility is provided by driveways from 10th and 12th Streets.
 3. Lighting requirements. Lighting of structures, parking areas, and traffic circulation areas will utilize existing lighting fixtures as well as three new lights to be placed along the southern property line of parcel 291-0815-0444-006 at 1111 S Tenth St and directed north into the storage yard area.
 4. Landscaping requirements. A landscaping plan meeting the point requirements of the zoning ordinance has been submitted. The plan will place most of the landscaping along the southern property line with additional small, landscaped areas on the east and west sides of the property. The proposed landscaping plan meets the required minimum landscape surface ratio (LSR) of 15%.

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.

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PLAN COMMISSION DECISION:

Junkyard or Salvage Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines. Adjustments to the required 100-foot setback for buildings, structures, outdoor storage areas, or any other activity areas from all property lines may be approved by the Plan Commission through a Conditional Use Permit (CUP) subject to the following: [1] The applicant can demonstrate, to the satisfaction of the Plan Commission, that the proposed setback adjustment will not create undesirable impacts on nearby properties, the environment, or the community as a whole. [2] The use of the property as a salvage yard or junk yard is consistent with the City of Watertown Comprehensive Plan. [per § 550-53D(1)(b)]						
	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas. [per § 550-53D(1)(c)].	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
Shall not involve the storage, handling or collection of hazardous materials, including any of the materials listed in § 550-122.	<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, 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:
 - a) Hours of operation shall be 8:00 am - 5:00 pm Monday through Friday.
 - b) Truck traffic to utilize South 12th Street.

ATTACHMENTS:

- Application materials