



BUILDING, SAFETY & ZONING DEPARTMENT

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TO: Plan Commission
DATE: April 10, 2023
SUBJECT: 672 Johnson Street YMCA, Conditional Use Permit - CUP

A request by Nathan Peters, agent for the Greater Watertown Community Health Foundation, for a Conditional Use Permit (CUP) for an 'Indoor Institutional' use in the Planned Office and Institutional (PO) Zoning District. Parcel PIN: 291-0815-0544-004

SITE DETAILS:

Acres: 6.01
Current Zoning: Planned Office and Institutional
Existing Land Use: Institutional, Office
Future Land Use Designation: Institutional

BACKGROUND AND APPLICATION DESCRIPTION:

Applicant is seeking approval of a Conditional Use Permit to establish an 8,500 sq ft YMCA Express on the ground floor of the former Ablelight Corporate Center, now known as The Collective. The YMCA Express will be a 24-hour facility with staffing from 5am to 9pm. The building will be shared with office uses and a Group Day-Care Facility that is also has a Conditional Use Permit pending.

STAFF EVALUATION:

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

Land Use and Zoning:

1. Within the Planned Office and Institutional (PO) Zoning District 'Indoor Institutional' is a principal land use permitted as a Conditional Use *[per § 550-30B(2)(b)]*. 'Indoor Institutional' includes indoor public and not-for-profit recreational facilities among the allowed uses *[per § 550-51C]*.

Applicable regulations for 'Indoor Institutional' land uses include the following:

- Shall be located with primary vehicular access on a collector or arterial street *[per § 550-51C(1)(a)]*.
 - Shall provide off-street passenger loading area if the majority of the users will be children *[per § 550-51C(1)(b)]*.
 - All structures shall be located a minimum of 50 feet from any residentially zoned property *[per § 550-51C(1)(c)]*.
2. Parking requirements of one space per three expected patrons at maximum capacity will be met by allocating 17 stalls in the existing parking lot to the YMCA use in the building *[per § 550-51C(2)]*.

Parking allocation of each proposed use in the building:

There will be a total of 143 - 151 parking stalls.

- YMCA
 - 17 parking stalls
 - 3:1 lockers to parking ratio.
 - YMCA has a 50-locker count.
- Childcare
 - 72 - 80 parking stalls
 - 5:1 child to parking stall ratio plus a 1:1 employee to parking stall ratio.
 - If the childcare provider were ever to reach full capacity, then the required parking stalls would be 80.
- Office
 - 54 parking stalls
 - 300 sf: 1 parking stall ratio.
 - 54 parking stalls meets needs for all office and conference rooms.

3. An off-street passenger loading area has been designated by the applicant.

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.

5. 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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Opportunity Runs Through It

PLAN COMMISSION DECISIONS:

Indoor Institutional Land Use Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
	Yes	No	Yes	No	Yes	No
1. Shall be located with primary vehicular access on a collector or arterial street.	Yes	No	Yes	No	Yes	No
2. Shall provide off-street passenger loading area if the majority of the users will be children.	Yes	No	Yes	No	Yes	No
3. All structures shall be located a minimum of 50 feet from any residentially zoned property.	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