

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: April 10, 2023
SUBJECT: 760 N Church Street, Conditional Use Permit - CUP

A request by Michael Rogers, agents for KKR Real Estate LLC, for a Conditional Use Permit (CUP) for a Personal Storage Facility. Parcel PIN: 291-0915-3214-001

SITE DETAILS:

Acres: 3.95
Current Zoning: General Business
Existing Land Use: Vacant Land
Future Land Use Designation: Planned Mixed Use

BACKGROUND AND APPLICATION DESCRIPTION:

The applicant is seeking approval of a conditional use permit for a Personal Storage Facility. The facility will consist of four buildings aligned in an east-west orientation on the property. The street facing side of the buildings will be finished with brick and premium siding, as will the north side of building #1. The sides of the other buildings will consist of black doors and slate grey siding. A rendering of the building has been provided by the applicant. Driveways and traffic circulation lanes will be paved with asphalt. The applicant plans to have buildings 1 and 2 completed in June or July and buildings 3 and 4 in late 2023 or early 2024.

STAFF EVALUATION:

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

Land Use and Zoning:

1. Within the General Business (GB) Zoning District a 'Personal Storage Facility' is a principal land use permitted as a Conditional Use *[per § 550-33B(2)(o)]*. A 'Personal Storage Facility' includes land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis.

Applicable regulations for 'Outdoor Display' land uses include the following: *[per § 550-53C(1)]*

- Facility shall be designed so as to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and structures shall complement surrounding development.
 - Facility shall provide a bufferyard with a minimum opacity of 0.80 along all property borders abutting residentially zoned property.
 - Shall comply with § 550-142, standards and procedures applicable to all conditional uses.
2. Applicable nonresidential use requirements in the General Business Zoning District including building and paving setbacks as well as building separation requirements have been met by the site plan *[per § 550-33G]*.

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3. Parking requirements of one space for each employee on the largest work shift are met by the submitted site plan. The facility has no regularly scheduled employees *[per § 550-53C(2)]*.
4. Lighting for the site will follow the submitted lighting plan which meets exterior lighting standards *[per § 550-110]*.
5. Landscaping for the property will follow the submitted landscaping plan which meets and exceeds the required landscaping points and requirements *[per § 550-95 & § 550-96]*. The applicant has proposed to place the required building foundation plantings along the south property line rather than within the required 10 ft of the building foundation. This is due to the asphalt drive and overhead doors being located directly adjacent to the south side of building #4.
6. Exterior Construction Material Standards applicable in the General Business Zoning District include the requirement of only high-quality decorative exterior construction materials on the visible exterior of buildings. In particular, this requirement applies to any portion of the building or structure visible from adjacent residentially zoned property and to any portion of the building or structure located within 50 feet of a public right-of-way *[per § 550-121(C)]*. The applicant has met these requirements.

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.

PLAN COMMISSION DECISIONS:

Personal Storage Facility Land Use Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
	Yes	No	Yes	No	Yes	No
1. Facility shall be designed so as to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and structures shall complement surrounding development.	Yes	No	Yes	No	Yes	No
2. Facility shall provide a bufferyard with a minimum opacity of 0.80 along all property borders abutting residentially zoned property.	Yes	No	Yes	No	Yes	No
3. Shall comply with § 550-142, standards and procedures applicable to all conditional uses.	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