



BUILDING, SAFETY & ZONING DEPARTMENT

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TO: Plan Commission
DATE: June 26, 2023
SUBJECT: 308 Hyland Street, Conditional Use Permit - CUP

A request by Reicardo Contreras Garcia, agent for Jezline Auto Repair, for a Conditional Use Permit (CUP) for 'Vehicle Repair and Maintenance Service'. Parcel PIN: 291-0815-0431-039

SITE DETAILS:

Acres: 0.33
Current Zoning: General Industrial (GI)
Existing Land Use: Industrial
Future Land Use Designation: Planned Mixed Use

BACKGROUND AND APPLICATION DESCRIPTION:

The applicant is seeking approval of a conditional use permit for 'Vehicle Repair and Maintenance Service' for automotive repair business. The business will utilize an existing building on the property at 308 Hyland St.

STAFF EVALUATION:

Land Use and Zoning:

1. Within the General Industrial (GI) Zoning District 'Vehicle Repair and Maintenance Service' is a principal land use permitted as a Conditional Use *[per § 550-36B(2)(c)]*. 'Vehicle Repair and Maintenance Service' includes all land uses which perform maintenance services (including repair) to motorized vehicles and contain all operations (except vehicle storage) entirely within an enclosed building. *[per § 550-52Q]*.

Applicable regulations for 'Vehicle Repair and Maintenance Service' land uses include the following: *[per § 550-52Q(1)]*

- Storage of abandoned vehicles is prohibited.
- Facility shall provide a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.

2. Parking Requirements: One space per 300 square feet of gross floor area. Adequate on-site parking is required for all customer and employee vehicles. *[per § 550-52Q(2)]* Four parking spaces are available in the front of the building and another five inside the building.

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.

3. 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.

4. 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:

Indoor Institutional Land Use 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
1. Storage of abandoned vehicles is prohibited.	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
2. Facility shall provide a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
3. Parking Requirements: One space per 300 square feet of gross floor area. Adequate on-site parking is required for all customer and employee vehicles.	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	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