



BUILDING, SAFETY & ZONING DEPARTMENT

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: September 11th, 2023
SUBJECT: 311 S Third Street, Conditional Use Permit - CUP

A request by Jorge Montgomery for a Conditional Use Permit (CUP) for Indoor Commercial Entertainment.
Parcel PIN: 291-0815-0413-030

SITE DETAILS:

Acres: 0.19
Current Zoning: CB Central Business
Existing Land Use: Commercial
Future Land Use Designation: Central Mixed Use

BACKGROUND AND APPLICATION DESCRIPTION:

Applicant is seeking approval of a conditional use permit to operate a batting cage business within a portion of an existing commercial building. The business will operate Monday thru Friday 2 pm to 6 pm and Saturday 12 pm to 6 pm. Fall hours will change to Monday thru Friday 3 pm to 8 pm and Saturday 12 pm to 8 pm. The business operation will consist of three batting cages and a point of sales area.

STAFF EVALUATION:

Site Plan Review Committee:

See Minutes of September 11th, 2023.

Land Use and Zoning:

1. Within the Central Business (CB) Zoning District, 'no requirements for on-site landscaping or parking are required' [per § 550-34A].
2. Also, within the Central Business (CB) Zoning District 'Indoor Commercial Entertainment' is a principal land use permitted as a Conditional Use [per § 550-34B(2)(f)]. 'Indoor Commercial Entertainment' includes training studios among the allowed uses [per § 550-52H].

Applicable regulations for 'Indoor Commercial Entertainment' land uses include the following:

- 'If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property' [per § 550-52H(1)(a)].
- The 'facility shall provide a bufferyard with minimum opacity of 0.60 along all borders of the property abutting residentially zoned property' [per § 550-52H(1)(b)].

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.

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

Opportunity Runs Through It

- 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 DECISION:

Indoor Commercial Entertainment Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
Facility shall provide bufferyard with minimum opacity of 0.60 along all borders of the property abutting residentially zoned property (see § 550-99).	<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.

Options:

These are the following options, but not limited to, for the Plan Commission based on the information received by the City of Watertown Zoning & Floodplain Administrator:

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.