

MEMORANDUM

To: City of Whitewater Plan and Architectural Review Commission

From: Sonja Kruesel and Scott Heacock, Vandewalle & Associates

Date: October 9, 2023

Re: Review and possible approval-Conditional Use Permit application for an auto repair shop to be located at 648 S Janesville Street

Summary of Request	
Requested Approvals:	Review and possible approval of a Conditional Use Permit for an auto repair shop to be located at 648 Janesville Avenue.
Location:	Parcel # /T00022
Current Land Use:	Zoned-B1
Proposed Land Use:	Auto Repair shop in back
Current Zoning:	B-1-Community Business District
Proposed Zoning:	B-1 – Community Business District
Future Land Use, Comprehensive Plan:	Community Business

Description of the Proposal

The applicant is applying for a Conditional Use Permit to operate an Auto Repair shop. The applicant's father, David Meyer, was granted a Conditional Use Permit for auto repair and service on the property in 2012. The following conditions were placed on the approval of the original CUP:

1. The conditional use permit shall run with the applicant and not the land. If the business is sold, the new owner/operator must return to the Plan Commission for approval of automobile repair and servicing.
2. For any storage of inoperable vehicles on the site, the applicant would need to request that the Common Council consider allowing this property to be eligible for an inoperable vehicle permit
3. A 6-foot opaque fence is to be installed along the north property line by December 31, 2012. A 6 foot opaque fence is to be installed along the remaining side and rear property lines by June 30, 2013.

David Meyer recently passed away and ownership has passed to Christine Meyer. Christine and Jeremy Meyer are seeking to renew the Conditional Use Permit to continue operating the business per the conditions of the 2012 CUP approval.

The parcel is zoned B-1 Community Business District. The B-1 district was established to accommodate retail shopping and service needs in a manner compatible with the desired community character. Under section 19.27.030 of the zoning ordinance, "Automobile repair and service within the principal building" is allowed as a conditional use in the B-1 zoning district.

The parcel's future land use is Community Business. The comprehensive plan describes this future land use as follows:

“This future land use designation includes commercial and office land uses intended to serve local and some regional shopping and service needs, generally located in relative proximity to residential areas and major traffic routes. Community Business areas may also include new residential uses meeting the standards of the City's R-3 zoning district, when mixed with commercial uses in a unified project. Community Business use areas are depicted on Map 5 along major corridors such as West Main Street, and along parts of the Highway 12/59/89 interchange area, East Milwaukee Street, and Elkhorn Road.”

Planner's Recommendations

We recommend approval of the Conditional Use Permit. Per section 19.66.050 of the city ordinances, the plan commission shall use the following standards when reviewing applications for conditional use.

Standard	Evaluation	Comments
A. That the establishment, maintenance, or operation of the Conditional Use will not create a nuisance for neighboring uses or substantially reduce value of other property	Yes	Business will continue operating as before. Applicant has stated that it will not create a nuisance for the neighborhood
B. That utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided	Yes	The business will continue operating as it has prior to this application and will not require any new site improvements
C. That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted by this ordinance	Yes	Auto repair and servicing is considered a conditional use in the B-1 zoning district
D. That the conditional use conforms to the purpose and intent of the city Master Plan	Yes	The Comprehensive Plan designates this area as “community business”. B-1 zoning is considered the most appropriate to implement this designation. Auto repair and servicing is considered a conditional use in the B-1 zoning district
E. The conditional use and structures are consistent with sound planning and zoning principles	Yes	The business is consistent with the purpose, character, and intent of the future land use classification and zoning district for this parcel