

MEMORANDUM

To: City of Whitewater Plan and Architectural Review

Commission

From: Allison Schwark, Zoning Administrator

Date: May 11, 2026

Re: Conditional Use Permit

Summary of Request	
Requested Approvals:	Conditional Use Permit (CUP)
Location:	415 E Main Street (/WUP 00269)
Current Land Use:	Highway Commercial and Light Industrial
Proposed Land Use:	Automotive Sales & Repair
Current Zoning:	B-3
Proposed Zoning:	N/A
Future Land Use:	Highway Commercial

Application Summary

The applicant is requesting a Conditional Use Permit for the establishment of an automotive sales and repair business at 415 E Main Street. Automotive sales and repair is a conditional use of the B-3 District per **19.33.030**.

The building was previously occupied by Badger Rebar Products, but the building has recently been purchased by the applicant who would like to open up a small-scale automotive sales and repair business. The applicant stated that no more than 2-3 vehicles would be listed for sale at any given time, all repairs would take place inside the building, and no junked vehicles, equipment, parts, or tires would ever be stored outdoors in public view.

The property is zoned B-3, Highway Commercial and Light Industrial District, however the building and property itself appear to be legal nonconforming, as the parcel and building do not currently comply with all requirements of the B-3 zoning district.

The current B-3 zoning standards are as follows:

19.33.040 - Lot area.

Minimum lot area in the B-3 district is ten thousand square feet.

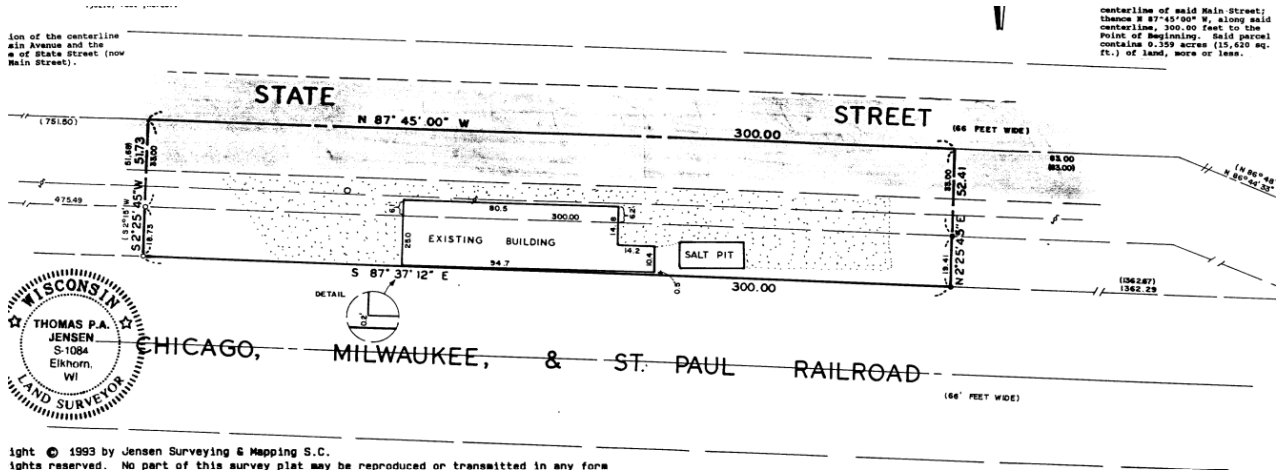
19.33.050 - Lot width.

Minimum lot width in the B-3 district is one hundred feet.

19.33.060 - Yard requirements.

Minimum required yards for principal buildings, outside storage, and dumpsters in the B-3 district are:

- A. Front and street side, fifteen feet (but may be greater if needed to meet fire safety requirements);
- B. Interior side, fifteen feet (but may be greater if needed to meet fire safety requirements);
- C. Rear, twenty feet, except the rear yard setback to any railroad right-of-way shall be fifteen feet under a conditional use (but may be greater if needed to meet fire safety requirements);
- D. Shore yard, seventy-five feet. All shoreland shall be in compliance with Chapter 19.46, and in addition may require DNR approval.
- E. Any yard abutting a residential district or use, thirty feet or the height of the nearest principal building or structure being developed, whichever is greater. Such yards shall be subject to the landscape buffer yard requirements of Section 19.57.140, except where abutting a railroad right-of-way with the approval of the plan and architectural review commission.



Per the above survey, it appears the property does not comply with many of the requirements for the B-3 zoning district, however, because the building is pre-existing, it can still be utilized for new business operations, so long as the building itself is not expanded without meeting our existing zoning requirements. Because the owner/operator does not intend to alter the building, the use can be permitted as a Conditional Use.

Parking Requirements:

Per 19.51.130, 1 parking stall is required per 250 square feet of primary floor area.

Applicant's building is approximately 2,140 square feet of primary floor area, requiring 9 parking stalls.

The parking shown on the proposed site plan appears to be compliant with all parking requirements.

- 1) Staff recommends the plan commission **APPROVE** the conditional use permit with the following conditions:
 - A. The conditional use permit shall run with the applicant and not the land. Any change in ownership/licensee (or operator) will require approval of a conditional use permit for the new owner/licensee (or operator) from the Plan Commission.
 - B. The applicant shall comply with all required City and building codes.
 - C. All applicable building and zoning permits will be required, including sign permits.
 - D. Vehicles shall never be parked on grass.
 - E. No storage of items such as machinery, trailers, parts, or tires shall be stored on the grass.
 - F. All outdoor storage shall be fully screened aside from licensed, registered, and operable vehicles.
 - G. Dumpsters shall be screened and enclosed.
 - H. Outdoor space shall not be used for long term storage of vehicles not for sale, or other discarded items.
 - I. Any other conditions as stipulated by the PARC.