

Report to the Manitowoc Plan Commission

Meeting Date: March 27, 2019

Request: A. PC 14-2019: Joseph Schwister / J&K School Hill LLC; d.b.a. School Hill Garage; Request for a Conditional Use Permit for the Establishment of a “Wrecker Service and Sale of Used Vehicles” at 1118 S. 10th Street under MMC 15.270(3)a and 15.370(27).

Reason for Request: Wrecker services and used car sales are allowed in the B-3 General Business Zoning District after the issuance of a Conditional Use Permit.

Existing Land Use for Subject Property: Currently the front portion of the building is being used as a pet grooming business.

Existing Zoning for Subject Property: B-3 General Business

Surrounding Property Land Uses and Zoning

Direction	Existing Land Use	Existing Zoning
North, South, East	Retail, office, credit union, convenience store	B-3 General Business
West	Former St. Boniface School Church Current location of the Haven	R-7 Central Residence

Statute and Municipal Code:

Pursuant to Section 15.370(27)c of the Municipal Code the following criteria shall be considered when considering a Conditional Use Permit.

“the Plan Commission and Council shall consider whether the requested use:

- A. is reasonably necessary for the convenience and welfare of the public.
- B. Is in harmony with the character of the surrounding area.
- C. Will have a minimal effect or no effect on the surrounding property values.

The Commission and Council can affix conditions to the CUP to provide assurances that the proposed use will remain in conformity with the criteria under subsection (27)c as well as compliance with regulations of the particular zoning district which the conditional use would be located.”

In 2017 the Wisconsin legislature passed Wisconsin Act 67 which lessened the discretion and control of local governments regarding the issuance of conditional use permits. The statute is copied and pasted below.

“ §62.23(7)(de) *Conditional use permits.*

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. 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. 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. 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. 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."

In essence, a local government cannot deny a CUP if the applicant agrees to meet all the conditions and the conditions must be reasonable and measurable.

Report

Joseph Schwister and Caira Nehring, d.b.a. School Hill Garage are requesting the issuance of a conditional use permit for the establishment of a wrecker service and used vehicle sales business. They are also planning to establish a business to perform minor automobile repairs; which is a permitted use in the B-3 zoning district.

The applicants stated that at any single time they would have a maximum of 5 vehicles on site for sale. They would also have a maximum of two vehicles on premise for the repair work. The towing service office and trucks would be located at the subject property but all towed vehicles will be transported to a location the applicants own outside of the City. The business hours would be from 9am – 5pm, Monday – Friday and weekends by appointment. The applicants are also planning to erect a fence along the south property line.

Site Assessment

Joseph Schwister purchased the property via land contract (Volume 3156, Page 259) from David and Roxanna Doucha on June 6, 2018.

The lot is 60 feet wide and 150 feet deep, totaling 0.207 acres or 9,016 s.f. There is approximately 5,062 square feet of building on the lot. The building nearest S. 10th Street is office/storefront and the rear building is garage and storage.

Compliance Analysis

The applicant will need to comply with all state and local licensing and permit requirements.

Public Comments Notices were mailed out to all abutting and fronting property owners pursuant to Municipal Code. As of the date of this writing no comments were received.

Timeline

Common Council Public Hearing – April 15 (notices in the paper on April 1st & 8th)

Recommendation: The Community Development Department recommends issuance of a Conditional Use Permit located at 1118 S. 10th Street to Joseph Schwister d.b.a. J&K School Hill, LLC under the following conditions.

REQUIREMENTS FOR A
CONDITIONAL USE PERMIT (CUP) APPROVAL FOR
JOSEPH SCHWISTER / J&K SCHOOL HILL LLC d.b.a SCHOOL HILL GARAGE
3/27/2019

Re: PC14-2019: The CUP is granted exclusively to Joseph Schwister / J&K School Hill LLC d.b.a. School Hill Garage (hereinafter referred to as “Applicant”), located 1118 S. 10th Street, (parcel #052-000-287-110.00); the Applicant is required to comply with the following conditions:

- A. The CUP shall not become effective and binding until the Common Council approves the CUP as outlined herein.
- B. The CUP shall not be assignable or transferrable without the written approval of the Manitowoc City Plan Commission and Common Council.
- C. Compliance with all federal, state and local regulations and licensing requirements.
- D. The hours of operation for the wrecker service and used vehicle sales businesses shall be from 9:00am – 5:00pm, Monday – Friday and by appointment on weekends.
- E. The maximum number of used vehicles on the property for sale at a single time shall be 5.
- F. The maximum number of vehicles on the property for minor repairs at a single time shall be 2.
- G. Towed vehicles which are not on the site for minor repairs are not permitted on the property.
- H. The CUP shall automatically terminate effective the date any license granted to the applicant by the State, is closed, denied, revoked, or terminated.
- I. Non-compliance with the terms of the CUP may result in the modification of the terms and conditions of the CUP, issuance of citations and financial penalties, or immediate revocation of the CUP.

City of
Manitowoc

MARSHALL ST

Section Line

S. 10TH ST

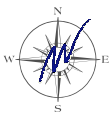
Request for a Conditional
Use Permit for the establishment
of a Wrecker Service & Used Car Sales

S. 11TH ST

HAMILTON ST

SE 1/4
Sec 30,
T19N, R23E

SW 1/4
Sec 29,
T19N, R23E



0 50 100
Feet

CONDITIONAL USE PERMIT

City of Manitowoc, WI



Area of Conditional Use
Permit for a Wrecker Service
& Used Car Dealership

PC14-2019 Conditional Use Permit
JK School Hill Garage
1118 S. 10th St.

Prepared by City of Manitowoc
Community Development Department
www.manitowoc.org
Map Plotted: 3/20/2019

Y:\Planning\PC Plan Commission\PC_CUP\PC 14-2019 School Hill Garage CUP\Map\PC 14-2019 School Hill Garage CUP.mxd

Manitowoc City Plan Commission

City of
Manitowoc

MARSHALL ST.

Section Line

S. 10TH ST.

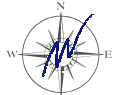
S. 11TH ST.

HAMILTON ST.

SE 1/4
Sec 30,
T19N, R23E

SW 1/4
Sec 29,
T19N, R23E

Request for a Conditional
Use Permit for the establishment
of a Wrecker Service & Used Car Sales



0 50 100
Feet

CONDITIONAL USE PERMIT

City of Manitowoc, WI



Area of Conditional Use
Permit for a Wrecker Service
& Used Car Dealership

PC14-2019 Conditional Use Permit
JK School Hill Garage
1118 S. 10th St.

DISCLAIMER: Maps and associated data are believed to be accurate, but are not warranted. This information is not intended for legal, survey, or other related uses. Please obtain the original recorded documents for legal or survey information.

Prepared by City of Manitowoc
Community Development Department
www.manitowoc.org
Map Plotted: 3/22/2019

Y:\Planning\PC Plan Commission\PC_CUP\PC 14-2019 School Hill Garage CUP\Map\PC 14-2019 School Hill Garage CUP.mxd

Manitowoc City Plan Commission



School Hill Garage

We pay and Haul away

City Planning Commission (Manitowoc),

We are writing you to request a conditional use permit at 1118 S. 10th Street in the city of Manitowoc, WI. We would like to utilize to property in the following ways.

1. Small Used Car Dealership (5 at any given time). There is enough space allotted for at least 7 vehicles however, we would like to keep the area un cluttered.
2. Auto service and repair (2 vehicles on the premise at any time). We have a car lift installed in Garage B, in which we can repair vehicles.
3. Towing service (No towed vehicles will be left on the premises). We intend to utilize the front office area as a base of operations, and to keep all pertinent files in this facility. We own another property at 15631 County X, located in School Hill that all towed vehicles will be stored and or disposed of. This property is currently used as our salvage operation for which we are licensed through the State of Wisconsin.
4. Hours of Operation will be from 9am to 5pm M-F Weekends by appointment
5. We intend to place an aesthetically pleasing fence between our property and the property to the south.

Thank you,

A handwritten signature in black ink, appearing to read 'Caira Nehring', written over a large, light-colored scribble.

Caira Nehring

cairanehring@hotmail.com

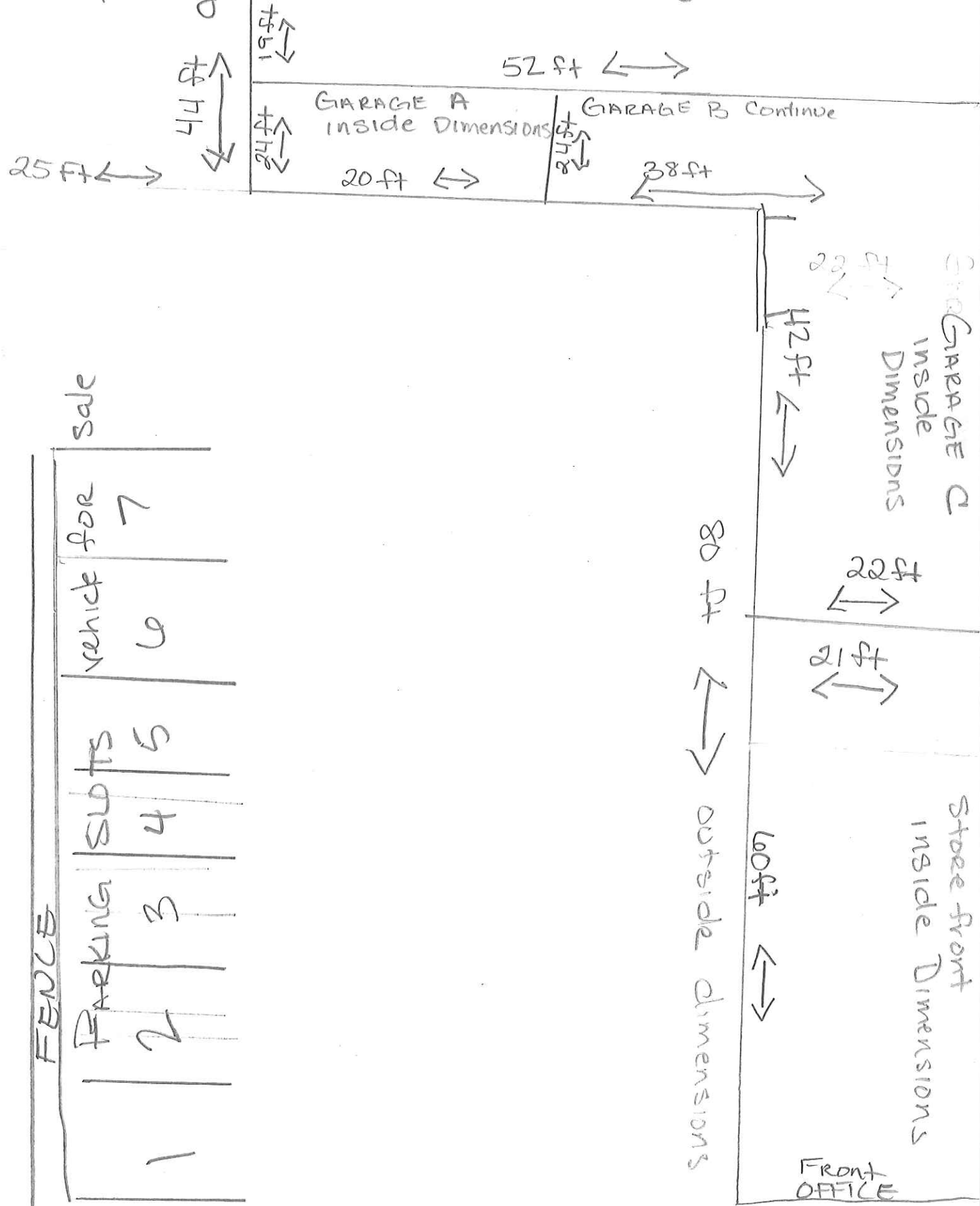
920-901-7736

A handwritten signature in black ink, appearing to read 'Joseph Schwister', written over a large, light-colored scribble.

Joseph Schwister

Extra parking

GARAGE B inside Dimensions



36 ft

Driveway

Sidewalk















