

Report to the Manitowoc Plan Commission

Meeting Date: January 22, 2020

Request: PC 4-2020: Michael Plate. d.b.a. Plate Enterprises: 1107 Franklin Street, Conditional Use Permit – for the establishment of a Recycling Facility pursuant to MMC 15.310(3)d.

Reason for Request: In the C-1 Commercial Zoning District “Recycling Facilities” require the issuance of a Conditional Use Permit.

Existing Land Use for Subject Property: Office, Retail, Commercial

Existing Zoning for Subject Property: C-1 Commercial

Surrounding Property Land Uses and Zoning

Direction	Existing Land Use	Existing Zoning
North, South, East & West		C-1 Commercial

Comprehensive Plan Future Land Use Map: Central Business District

Consistency Analysis

Conditional Use Permits do not have to be “consistent” with a communities’ comprehensive plan, although the Future Land Use Map does show the location to be General Business which would make the proposed use consistent.

Report:

Michael Plate, d.b.a. Plate Enterprises is applying for a CUP for the establishment of a “Recycling Facility” in the C-1 Commercial District located at 1107 Franklin Street. Plate leases the rear portion of the building, the front of the building will be occupied by a different business that is not affiliated with the recycling facility.

Section 15.030 of the Zoning Ordinance defines “Recycling Facilities” as:

“Recycling facilities means a center for the collection and/or processing of recyclable materials as defined under MMC 13.010(5), at which processes such as sorting, baling, palletizing or containerizing of recyclable materials are conducted. A recycling facility does not include storage containers or processing activities located on the premises of a residential, commercial or manufacturing use and used solely for the recycling of materials generated by that residential property or manufacturer. Recycling facilities shall be subject to the following conditions:

(a) Shall accept all materials approved and collected under the City’s current recycling program policies;

(b) All processing shall be conducted entirely within a building;

(c) Facilities must be secured from vandalism;

(d) No exterior storage of materials shall be permitted in a “C-1,” “I-1” or “I-2” Zoning District unless permitted by conditional use permit under MMC 15.310(3)(d), 15.330(4)(a), or

15.350(3)(z). All storage areas must be cleaned daily of debris and litter; secured from vandalism; all stored materials shall be placed in sturdy containers which are secured and maintained in good condition; all containers shall be site screened by opaque fence or wall of a height equal to or greater than the height of the containers, if the containers are adjacent or abutting a Residential District or residential land use; and no material storage shall be visible above the height of any screening; and

(e) If located within 100 feet of a Residential Zoning District or residential land use, it shall not be in operation between 7:00 p.m. and 7:00 a.m.”

The property is located within 100 feet of a residential land use so the business shall not operate between 7:00 pm and 7:00 am.

“Recyclable materials” is defined under the Municipal Code – Sanitation and Recycling 13.010(5) as:

“Recyclable materials include lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers; including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins; steel containers; waste tires; and bi-metal containers.

Salvaging or scrapping of vehicles are not allowed at the location, the existing C-1 Commercial zoning district does not allow salvage operations. Salvaging operations require an I-2 heavy industrial zoning district. No inoperable vehicles can be stored or parked at the site.

Case History Mr. Plate recently began his recycling business at the location and was unaware that a conditional use permit was required, he is a tenant of the property at 1107 Franklin St. Building Inspection issued a Zoning Courtesy Notice of Violation letter to the building owner New School Investments, LLC on November 19, 2019. Community Development and Building Inspection staff met with the building owner and Mr. Plate and discussed the violation. In response to the zoning violation letter Mr. Plate has requested the issuance of a conditional use permit.

Site Assessment Mr. Plate leases the rear 80+/- feet of the building which is approximately 4,800 s.f.; the front of the building is leased by a different business.

Mr. Plate stated that he will construct a fence along the west property line to a point that is approximately 80 feet south of the right-of-way line of Franklin Street, the fence and gate will then head easterly to the building. The fence will obscure the exterior of the drive way from any adjacent properties or rights-of-way.

Recycling facilities also require licenses / permits for Freon removal from the DNR and potentially other entities based on the type of recycling the owner is performing. The applicant is also working the City Clerk’s and Attorney’s offices to acquire a Commercial Garbage Haulers license. The Owner will have to provide proof that all licenses and permits have been acquired prior to the CUP taking affect.

Public Comments Notice were mailed out to abutting and fronting property owners on January 15th, no comments were received at the time of this writing.

Timeline

- Application Received: “[Click here and enter date application received]”

- Notification Sent: "[Click here and enter date notification sent]"
- Staff Consultation: "[Click here and enter date of staff consultation]"
- Neighborhood Meeting Held: "[Click here and enter date of neighborhood meeting]"
- "[Click here and enter any other significant events]"

Recommendation: Recommend approval of the request for a Conditional Use Permit to allow for the operation of a Recycling Facility pursuant to the attached map, conditions and petitioner's submittal packet.