



16-0966

CITY OF MANITOWOC
WISCONSIN, USA
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September 29, 2016

To: Mayor and Common Council

From: Manitowoc City Plan Commission

Subject: **PC 34-2016: Revision to Chapter 15.270 B-3 General Business District to allow Outside Storage & Sales as a Conditional Use Permit**

Dear Mayor and Common Council:

At the September 28, 2016 meeting of the Manitowoc City Plan Commission, the Commission considered all items on its agenda, including the item identified above, and wishes to report and recommend to the Common Council the following actions: to place on file the proposed ordinance amendment to allow a Conditional Use Permit for an Outside Storage & Sales lot as a principal use in a B-3 General Business District.

Respectfully Submitted,



Paul Braun
Plan Commission Secretary

Granicus # 16-0904



16-0904

Standing Committee: Plan Commission

Document Name: Revision to Chapter 15.270, B-3 General Business District to allow outside storage & sales as a Conditional Use Permit. PC 34-2016.

Consent

Non-Consent

Place on file the

Recommendation: Deny adoption of the proposed ordinance amendments, based on the findings and conclusions stated in the Community Development Department staff report.

Attest:

Aldersperson Jim Brey

Peter J Dorner
Peter Dorner, Member

David D. Dieck
David Diedrich, Member

Dan Hornung
Daniel Hornung, Member

Dennis Steinbrenner
Dennis Steinbrenner, Member

Dan Koski
Dan Koski, Director of Public Infrastructure

Jim Muenzenmeyer
Jim Muenzenmeyer, Transit/B&G Div Mgr

Rick Schwarz
Rick Schwarz, Building Inspector (Alternate)

Approved:

Absent
Justin M. Nickels
Mayor
Date

File closed.

Report to the Manitowoc Plan Commission

Meeting Date: September 28, 2016

Report Print Date: September 21, 2016; 5:31 PM

Request: PC 34-2016: Revision to Chapter 15.270, B-3 General Business District to allow outside storage & sales as a Conditional Use Permit.

Reason for Request: The property at the NW corner of Calumet Ave. and Dufek Dr. is currently being used for the outdoor display and sales of yard barns. It has also been used in the recent past for automobile and trailer sales. This use is noncompliant, and the Building Inspection Division issued an order to cease operations. The property owner has approached the Community Development Department to explore any options for making the use potentially conforming.

Comprehensive Plan: The City of Manitowoc Comprehensive Plan does not specifically address outdoor display and sales. It does recommend screening and careful placement of outdoor storage for industrial uses, but it does not address a retail application. The Comprehensive Plan also sets the following Economic Development Goals:

- a. Attract and retain businesses that capitalize on Manitowoc's regional position, enhance the City's character and appearance, and strengthen and diversify the non-residential tax base and employment opportunities.
- b. Continue to evolve the City into a world-class community with a continued emphasis and investment into infrastructure and lifestyle amenities and economic opportunities.

Consistency Analysis

The proposed Zoning Code amendment in itself does not conflict with, nor is it contrary to, any relevant policies or recommendations of the Comprehensive Plan, and could therefore be considered to be consistent. However, if granted regularly throughout the community, outdoor sales and display as a primary use would represent an underutilization of property that would erode achievement of the City's economic development goals. Such uses are generally not attractive, do not require the provision of City infrastructure or services, and do not support the cost of infrastructure or services by creating tax base.

Report: The Zoning Code currently allows for outdoor sales and display under the term "open sales lot." An open sales lot is a permitted principal use in the C-1, I-1, and I-2 zoning districts. The B-3 zoning district also allows permitted uses which require outdoor storage of merchandise with the issuance of a Conditional Use Permit by the Plan Commission and Common Council. This allows for retail centers like Lowes, Menards, or Walmart, as examples, to have outdoor sales and display as an accessory to their primary use of indoor retail sales.

The property subject to the Building Inspection order is located in a B-3 district, so the following amendment to the B-3 district text would allow for consideration of their use with a Conditional Use Permit:

15.270 B-3, General Business District.

(3) Conditional Uses Permitted. The following uses are permitted subject to MMC 15.370(27):

(f) Permitted uses which require outside storage of merchandise; and

(g) Outside storage or sales of merchandise as a principal property use; and

(gh) Conditional uses permitted in the "B-2" Neighborhood Business District.

The Community Development Department concludes that such uses are generally not attractive, do not require the provision of City infrastructure or services, and do not support the cost of infrastructure or services by creating tax base. In addition, the C-1, I-1, and I-2 zoning districts already allow for open sales lots, so there are other limited locations within the community that would allow such uses.

Recommendation: Based on the findings and conclusions stated in this report, the Community Development Department recommends that the proposed ordinance amendments are not adopted.

ORDINANCE

An Ordinance to amend Section 15.270(3) of the Manitowoc Municipal Code regulating Conditional Uses in the B-3 (General Business) District.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 15.270(3) is amended to read as follows:

15.270 B-3, General Business District.

(3) **Conditional Uses Permitted.** The following uses are permitted subject to MMC 15.370(27):

- (f) Permitted uses which require outside storage of merchandise; and
- (g) Outside storage or sales of merchandise as a principal property use; and
- (gh) Conditional uses permitted in the “B-2” Neighborhood Business District.

Section 2. This ordinance shall take effect the day after publication.

Introduced _____

Adopted _____

Approved _____

Justin M. Nickels, Mayor

Fiscal Impact: \$0
Funding Source: N/A
Finance Director Approval: N/A
Approved as to form:

Drafted by Nicolas Sparacio, Community Development Director