

Report to the Manitowoc Plan Commission

Meeting Date: March 22, 2023

Request: PC 11-2023: Hubbartt; Request for a Conditional Use Permit for the Creation of a Used Car Lot Located at 734 N. 8th Street pursuant to 15.270(3)a.

Existing Land Use for Subject Property: Vacant / former Auto Repair Facility

Existing Zoning for Subject Property: B-3 General Business

Surrounding Property Land Uses and Zoning

Direction	Existing Land Use	Existing Zoning
North,	Business	I-1 Light Industrial
South, East, West	Single, Two and Multiple Family Residential	R-4 Single and Two Family R-6 Multiple Family

Comprehensive Plan: General Business

Consistency Analysis

While a Conditional Use is not required to be consistent with the Comprehensive Plan, in this instance the requested use would be consistent with the land use category identified.

Report:

Ray Hubbartt, owner of the 734 N. 8th Street property is requesting a Conditional Use Permit for the establishment of used car lot. He is also planning to use the building for minor automobile repairs which is a permitted use in the current B-3 zoning district.

The property was most recently the location of a hot tub sales and service business and prior to that it was a wrecker service and automotive repair business. The property is 0.30 acres in size with 109' of frontage along Huron Street and 120' of frontage along N. 8th Street. There is one driveway off of N. 8th Street and two driveways off of Huron Street, Mr. Hubbartt is planning to remove the easterly driveway off of Huron Street which is supported by the Engineering Department. Mr. Hubbartt is also planning on doing some improvements to the building's façade.

Mr. Hubbartt is requesting to have up to 7 vehicles for sale at the location at any single time. The hours of operation open to the public for vehicle sales will be Monday – Friday, 7am to 5pm. Prior to receiving a seller's permit from the State the correct land use approvals must be in place.

Mr. Hubbartt stated he contacted most of the abutting and adjacent property owners to make them aware of his plans. He mentioned that the feedback from the neighbors was all positive.

Municipal Code:

Pursuant to Section 15.370(27)(c) of the Municipal Code, "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.”

State Statute:

“ §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.”*

Public Comments: Notices were mailed out to adjacent and abutting property owners on March 15th. At the time of this writing no comments were received by staff.

Recommendation: Approve the issuance of a Conditional Use Permit to Ray Hubbartt for the establishment of a Used Car Sales Lot pursuant to the conditions.

REQUIREMENTS FOR
CONDITIONAL USE PERMIT (CUP) APPROVAL FOR
RAY HUBBARTT (HUBBARTT) FOR THE OPERATION OF A
USED AUTOMOBILE SALES BUSINESS
LOCATED AT 734 N. 8TH STREET
TAX PARCEL # 000-044-010
3/22/2023

- A. The CUP shall require compliance with all applicable local and state regulations. The owner is required to obtain all local, state and other licensing for the used automobile sales before December 31, 2023. If any licensing or certifications are not obtained by December 31, 2023 the CUP shall automatically terminate.
- B. HUBBARTT shall not assign or transfer its interest in the CUP to any party without the written approval of the Plan Commission and Common Council. HUBBARTT may assign the CUP to any corporation, LLC or other entity in which HUBBARTT is a majority owner or managing member of.
- C. The CUP shall automatically terminate effective the date any license or certification granted to HUBBARTT by the State or other licensing entity is closed, denied, revoked, or terminated. 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.
- D. A maximum of 11 automobiles may be parked on the property outside of the building at any time; of those a maximum of 7 automobiles for sale are permitted at a time. The sale of, exterior display, or parking of other vehicles other than automobiles is not allowed. Other vehicles shall include but not be limited to trailers, utv's, atv's, snowmobiles, motorcycles, RVs, campers, boats and similar items.
- E. No inoperable, unlicensed, junked or disassembled automobiles or vehicles are allowed on the Property unless they are inside the building.
- F. Outdoor display and storage of merchandise and equipment is not permitted other than used automobiles that are for sale.
- G. The hours of operation for the used automobile sales operation shall be Monday – Friday, 7am to 5pm.
- H. The volume of sound inherently or recurrently generated shall not exceed 70 decibels at the CUP boundary line.
- I. A 15' vision triangle shall be maintained at the corner of N. 8th and Huron Streets.



LAND USE APPLICATION

APPLICANT Ray Hubbartt PHONE 920-323-7543

MAILING ADDRESS 4202 ray st. Manitowoc WI EMAIL hubbsrj@gmail.com

PROPERTY OWNER Ray Hubbartt PHONE _____

MAILING ADDRESS 4202 Ray st. Manitowoc, WI. EMAIL _____

REQUEST FOR:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Conditional Use Permit (CUP) \$350* | <input type="checkbox"/> Zoning District Change/Map Amendment \$350* |
| <input type="checkbox"/> Site Plan Review \$350 | <input type="checkbox"/> Request for Annexation \$350* |
| <input type="checkbox"/> Certified Survey Map (CSM) \$100 | <input type="checkbox"/> Planned Unit Development (PUD) \$350* |
| <input type="checkbox"/> Official Map Review \$350* | <input type="checkbox"/> Street/Alley Vacation \$350* |

**Publication of legal notice fees additional.*

STATUS OF APPLICANT: Owner Agent Other

PROJECT LOCATION ADDRESS 734 North 8th street Manitowoc

PARCEL ID# 052-000044010 CURRENT ZONING B-3 B-3

CURRENT USE OF PROPERTY Nothing SHOP

PROPOSED USE OF PROPERTY Used car lot with mechanic shop

REQUIRED: Attach a detailed written description of your proposal or request. Include as much information as possible including planned use, maps, project renderings or drawings, etc.

I plan to have around 5 to 7 vehicles for sale on lot at a time. I will also offer mechanic work on these vehicles and offer the same mechanic service to the public. We will be painting the front of the building.

The undersigned hereby certifies that the information contained in this application is true and correct.

Signed Ray Hubbartt Date 03/09/2023
(Property Owner)

For Office Use Only	
Date Received: _____	PC #: <u>11-2023</u>
Fee Paid: _____	Check#: _____
Plan Commission Date: _____	

The City of Manitowoc Plan Commission meets the fourth Wednesday of each month at 6pm. Deadline for submission is the Friday two weeks prior to the meeting.

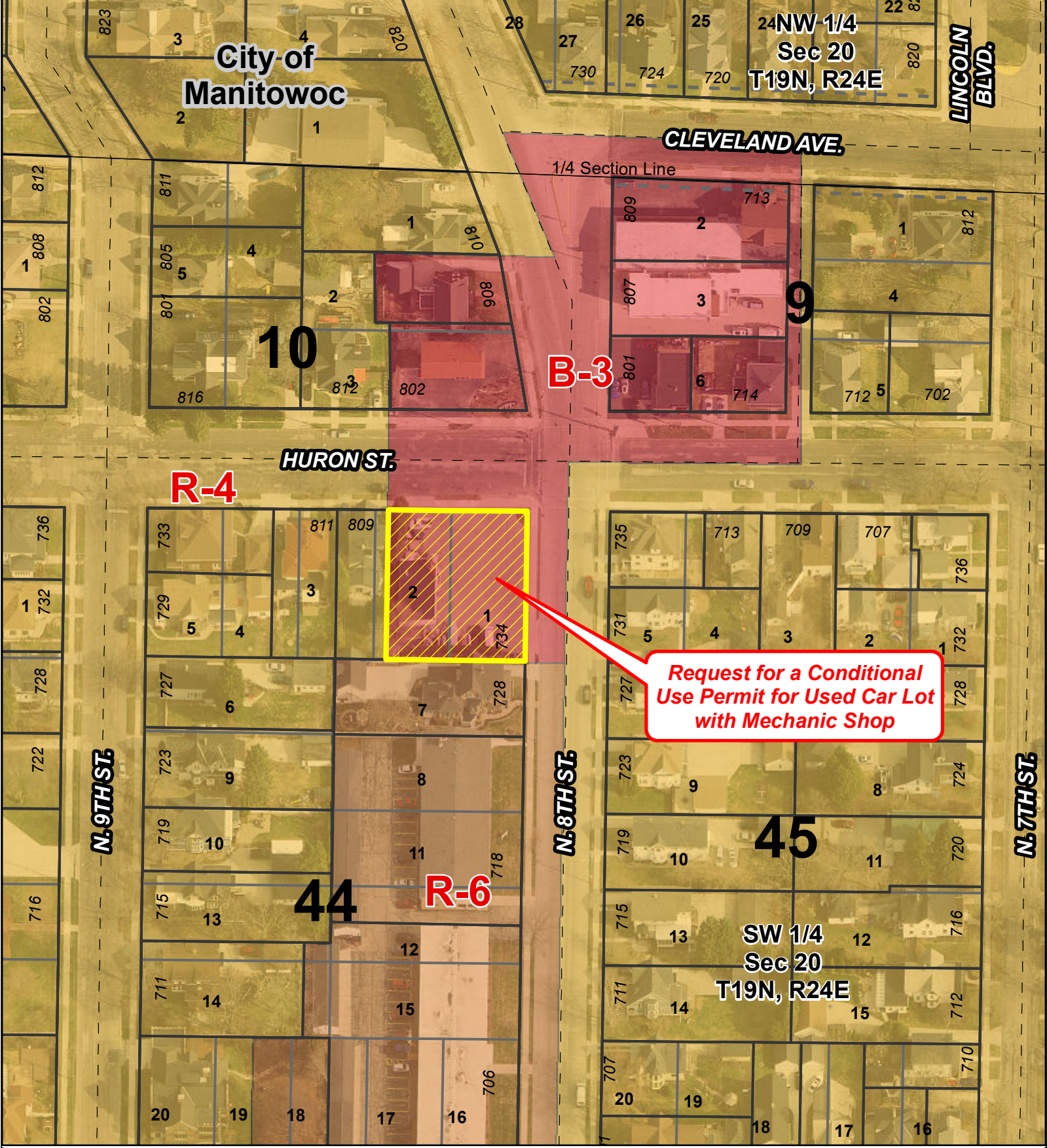
Please contact the Community Development Department at 920-686-6930 if you have any questions.

My planned use for the property located at 734 North 8th St. Manitowoc is a used auto dealership & car service. I planned to have between 5 & 7 vehicles on the lot. We plan to also paint the facing & make the building look nice. It will be kept clean around the property at all times.

OPEN TO THE PUBLIC

M-F
7-5

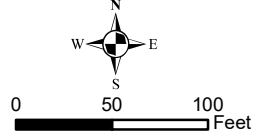




Request for a Conditional Use Permit for Used Car Lot with Mechanic Shop

CONDITIONAL USE PERMIT

City of Manitowoc, WI



Area of Conditional Use Permit for Used Car Lot with Mechanic Shop

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: 3/15/2023

O:\Planning\PC Plan Commission\PC_CUP\2023\PC 11-2023 Hubbartt CUP_734 S 8th Street\Map\PC 11-2023 CUP Zoning.mxd

PC 11-2023
734 N. 8th St.

City of Manitowoc Plan Commission

**City of
Manitowoc**

24NW 1/4
Sec 20
T19N, R24E

**LINCOLN
BLVD.**

CLEVELAND AVE.

1/4 Section Line

HURON ST.

**Request for a Conditional
Use Permit for Used Car Lot
with Mechanic Shop**

10

9

44

45

SW 1/4
Sec 20
T19N, R24E

N. 9TH ST.

N. 8TH ST.

N. 7TH ST.



0 50 100
Feet

CONDITIONAL USE PERMIT

City of Manitowoc, WI



Area of Conditional Use Permit for
Used Car Lot with Mechanic Shop

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: 3/15/2023

O:\Planning\PC Plan Commission\PC_CUP\2023\PC 11-2023 Hubbartt CUP_734 S 8th Street\Map\PC 11-2023 CUP.mxd

PC 11-2023
734 N. 8th St.

City of Manitowoc Plan Commission