

**M E M O R A N D U M**

To: City of Whitewater Plan and Architectural Review Commission

From: Chris Bennett, Director of Neighborhood Services

Date: July 10, 2023

Re: Item 5: Review and possible approval – Conditional Use permit application for towing and storage of semi-trailers at 1002 S. Janesville St. Reid Breyer, business owner and applicant.

<b>Summary of Request</b>	
<b>Requested Approvals:</b>	Conditional Use Permit approval – towing and trailer storage
<b>Location:</b>	1002 S. Janesville St. Parcel /WUP 00341
<b>Current Land Use:</b>	B-3 – Highway Commercial and Light Industrial District
<b>Proposed Land Use:</b>	Towing and trailer storage
<b>Current Zoning:</b>	B-3 – Highway Commercial and Light Industrial District
<b>Proposed Zoning:</b>	Same
<b>Future Land Use, Comprehensive Plan:</b>	B-3 – Highway Commercial and Light Industrial District

**Description of the Proposal**

Reid Breyer applied for a Conditional Use Permit for vehicle towing and semi-trailer storage at 1002 S. Janesville St. The property is zoned B-3.

Per the city's B-3 zoning code automobile repair and service within a principal or accessory building and automobile, boat, trailer and small engine vehicle sales and rental facilities, including incidental repair and service within a principal or accessory building, are each conditional uses in B-3.

Breyer occupies an existing building on the site. The site is owned by Samuel and Dana Hatchett, proprietors of Pro Landscape Supply LLC, which is located on the site.

The site is bordered by Janesville Street and the railroad tracks, and adjacent properties are farmland. There is ample room on the site for Breyer’s proposed activities, and the proposed activities fit in with the other uses on the site — a concrete business, a trucking company, a detailing shop and landscape supply company.

The PARC considered a CUP for this site, applied for by Lee Loveall, in February and March of this year. At that point Bennett and then City Attorney Wally McDonell examined the matter, and recommend the PARC stipulate that the area not be paved, per ordinance 19.51.050.

Section B states that all driveway and parking areas shall be surfaced with asphalt or concrete to control dust and drainage – unless otherwise permitted in the zoning district, or approved by the plan commission under a conditional use permit (CUP) or permitted by neighborhood services.

The owners of the site, Samuel and Dana Hatchett, are willing partners with the city regarding the future of this plot of land. According to the Hatchetts the plan is for the site to someday be paved.

**Planner’s Recommendations**

The city recommends site plan approval, subject to any conditions stipulated by the PARC.

1. Applicant must adhere to city ordinances concerning lighting, landscaping and buffering and work with city staff to ensure compliance.
2. Applicant must include a Knox Box on the outside of the building.
3. Applicant must follow all city ordinances regarding signage.
4. Applicant must denote any parking areas by some means, whether through objects mounted in/on the ground or directions posted on the building.
5. Applicant must apply for a junked vehicle permit each year.
6. Any dumpsters must be screened from view.
7. Applicant is not required to pave or mark on the ground the parking area adjacent to the building to be rented.
8. Any conditions stipulated by the Plan and Architectural Review Commission.

**Analysis of Proposed Conditional Use Permit: 1002 S. Janesville St.**

CUP Review Standards per Section 19.66.050:

STANDARD	EVALUATION	COMMENTS
1. The establishment, maintenance or operation of the conditional use will not create a nuisance for neighboring uses or substantially reduce the values of property.	Yes	There is no adverse effect on the surrounding area.
2. Adequate utilities, access roads, parking, drainage, landscaping and other necessary site improvements are being provided.	Yes	In compliance.
3. The conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance or through variance.	Yes	In compliance.
4. The conditional use conforms to the purpose and intent of the city master (comprehensive) plan.	Yes	The proposed use is consistent with the Comprehensive Plan.
5. The conditional use and structures are consistent with sound planning and zoning principles.	Yes	The project is consistent with the use requirements of the B-3 District.