Meeting: Village Plan Commission
Meeting Date: 03/18/13
Agenda Item: #11

Mission Statement
Delivering quality services in a courteous, cost-effective and efficient manner.

VILLAGE PLAN COMISSION STAFF REPORT

REPORT TO: Burt R. McIntyre, President, and Village Plan Commission

REPORT FROM: Dave Wiese, Executive Director of Community Development

AGENDA ITEM: Review and take action on Ordinance 2013-01 regarding a proposed amendment to Section 50-529 Permitted Uses in the B-2 Highway Commercial Zoning District to exclude the sales, rental and leasing of motorcycles, motor vehicles, recreational vehicles and trailers, as well as motor vehicle repair shops and service centers, and require them to obtain a Conditional Use under 50-529 (2) Conditional Uses
THE VILLAGE BOARD REFERRED THIS ITEM BACK TO THE PLAN COMMISSION FOR FURTHER DISCUSSION.

ACTION REQUESTED: ___Ordinance ___Resolution _√_Motion ____Receive/File

PLAN COMMISSION RECOMMENDED
The Plan Commission unanimously recommended approval of the proposed Zoning Ordinance change in February. The Village Board has asked the Plan Commission to review the draft ordinance due to concerns the proposed ordinance, as drafted, would not allow the sale of vehicles owned by business property owners.

BACKGROUND
The village has received numerous complaints about businesses offering vehicles for sale on their property. Staff is recommending amending the ordinance governing permitted uses in the B-2 Highway Commercial District so that any outdoor vehicle sales within the zoning district will require a conditional use. In order to address the board's concerns, staff would recommend the proposed ordinance be modified to allow the sale of fleet or business vehicles.

Attachments
I Sec. 50-529
II Draft Village of Howard Ordinance 2013-1
III Letter from Mark Leistickow opposing the ordinance change
IV Letter and photos from Scott Williams supporting the ordinance change

ATTACHMENT I

Sec. 50-529. - Uses.

The following uses are allowed in the highway commercial (B-2) zoning district. All other uses not specifically listed are prohibited:

(1) *Permitted uses.* The following uses are permitted in the highway commercial (B-2) zoning district:

a. All permitted uses allowed in the business (B-1) zoning district as specified in section 50-502

b. All conditional uses allowed in the business (B-1) zoning district as specified in section 50-503 except planned developments in section 50-503(17) and outside business, servicing, processing, sales or storage in section 50-529(2)e.

c. Commercial publishing and printing establishments.

d. Hospitals.

e. Motorcycle dealers.

f. Motor vehicle dealers.

g. Motor vehicle rental and leasing businesses.

h. Motor vehicle repair shops and service centers.

i. Passenger transportation services.

j. Recreational vehicle dealers.

k. Repair shops, miscellaneous.

l. Rooming houses and boardinghouses.

m. Trailer dealers, utility.

(2) *Conditional uses.* Subject to the regulations specified in division 9 of article II of this chapter, the following uses are permitted in the highway commercial (B-2) zoning district:

a. Courier, delivery and messenger services.

b. Farm machinery and equipment dealers.

c. Manufactured home dealers.

d. Miniwarehouses.

e. Planned developments.

e. Outside business, servicing, processing, sales or storage (any use or activity, other than off-street parking and loading, not conducted within completely enclosed buildings).

g. Trade schools.

h. Other manufacturing, distribution, assembling, processing, storage, and light industrial uses as determined by the village plan commission and village board to be compatible with or of the same general character as the uses permitted in subsection (1) of this section, permitted uses.

(Comp. Ords. 2000, § 17.11(3))

ATTACHMENT II

ORDINANCE NO. 2013-1

AN ORDINANCE AMENDING SECTION 50-503 OF THE ZONING ORDINANCE PERTAINING TO NON-ACCESSORY PARKING LOTS GARAGES AND STRUCTURES AS CONDITIONAL USE IN THE BUSINESS (B-1) ZONE AND SECTION 50-529 PERTAINING TO MOTORCYCLE DEALERS, MOTOR VEHICLE DEALERS, MOTOR VEHICLE RENTAL AND LEASING BUSINESSES, MOTOR VEHICLE REPAIR SHOPS AND SERVICE CENTERS, RECREATIONAL VEHICLE DEALERS, MISCELLANEOUS REPAIR SHOPS, UTILITY TRAILER DEALERS AND NON-ACCESSORY PARKING LOTS GARAGES AND STRUCTURESAS AS CONDITIONAL USES IN THE HIGHWAY COMMERCIAL (B-1) ZONING DISTRICT

WHEREAS the Village Clerk published a notice of public hearing regarding such proposed amendment to the Zoning Ordinance and a public hearing was held at the Village Hall on February 18, 2013, at 5:35 P.M., whereupon the Plan Commission heard all interested persons and/or their agents and attorneys; and

WHEREAS the Village Board of the Village of Howard has received a written recommendation and findings of the Village Plan Commission regarding such proposed amendment to the Zoning Ordinance;

NOW THEREFORE the Village Board of the Village of Howard, Brown County, Wisconsin, does hereby ordain that the Zoning Ordinance be amended as follows:

SECTION 1 Section 50-529(1) is hereby amended by deleting the following strikethrough wording as permitted uses in the Highway Commercial (B-2) zone:

a. All permitted uses allowed in the business (B-1) zoning district as specified in section 50-502

b. All conditional uses allowed in the business (B-1) zoning district as specified in section 50-503 except planned developments in section 50-503(17) and outside business, servicing, processing, sales or storage in section 50-529(2)e.

c. Commercial publishing and printing establishments.

d. Hospitals.

~~e. Motorcycle dealers.~~

~~f. Motor vehicle dealers.~~

~~g. Motor vehicle rental and leasing businesses.~~

~~h. Motor vehicle repair shops and service centers~~.

i. Passenger transportation services.

~~j. Recreational vehicle dealers.~~

~~k. Repair shops, miscellaneous~~.

l. Rooming houses and boardinghouses.

~~m. Trailer dealers, utility~~**.**

SECTION 2 Section 50-529(2) is hereby amended by adding the following as permitted uses in the Highway Commercial (B-2) zone:

a) All permitted uses allowed in the business (B-1) zoning district as specified in section 50-502

b) All conditional uses allowed in the business (B-1) zoning district as specified in section 50-503 except planned developments in section 50-503(17) and outside business, servicing, processing, sales or storage in section 50-529(2)e.

c) Commercial publishing and printing establishments.

d) Hospitals.

e) Passenger transportation services.

f) Rooming houses and boardinghouses.

g) Sale of fleet or business-owned vehicles

SECTION 3 Section 50-529(2) is hereby amended by adding the following as conditional uses in the Highway Commercial B-2) zone:

i) Motorcycle sales
j) Motor vehicle sales.
k) Motor vehicle rental and leasing businesses.
l) Motor vehicle repair shops and service centers.
m) Recreational vehicle sales.
n) Repair shops, miscellaneous.
o) Trailer sales, utility.

SECTION 4 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5 This ordinance shall take effect upon its adoption and publication.

Approved and adopted this _____ day of _____, 2013.

_____
Burt McIntyre, Village President

_____
Christopher A. Haltom/Village Clerk

DATE OF PUBLICATION:

Village of Howard Plan Commission
via Fax 920 434 4643
Attn: Burt McIntyre

Re: B--2 Highway Commercial change to Conditional Use

Dear Sir":

I have a copy of the staff report which recommends amending the ordinance so that outdoor car sales required Conditional Use permits.

I have no difficulty with this minor change, but the ordinance 2013-1 is a vast expansion from the staff recommendation. What prompted you to expand their suggested course of action, for merely outdoor sales?

We continue to be in the depths of a real estate "depression". not recession. Drive around and see the "for lease", " for sale" & tradesigns on all your major streets, not only Military.

When you see these signs the owners, your taxpayers, are hurting. I hope that you are mindful of what these signs indicate, i.e. that taxes, mortgate payments, insurance, and repairs must be made with no income coming in.

Should you not be doing all you can to assist the small businessman owner and startup businessman instead of putting another roadblock in the path of business start ups.

Take it from one who has been in all phases of real estate for well over 50 years, to include Real Estate Rep for SOCO, commerical and industrial real estate sales (largeset industrial sale in year 1975 inWisconsin) subdivision etc etc I have seen it all)that the more regulations you impose on real estate developement the more you discourage location in your city. If this is what you desire, then do as 2013-1 proposes

I hope this is not the case.

Yours, Mark E Leistickow

Mark E Leistickow
Plan Comm Staff Report attached

February 12/2013
27856 Forester Dr, Bonita Springs, Fl 34134

Scott Williams

2454 Clear Brook Circle Howard, Wisconsin 54313 920/455-0016

February 2, 2013

Howard Plan Commission
Howard Village Board
2456 Glendale Avenue
Howard, Wisconsin 54313

Via email pfevert@villageofhoward.com

Dear Plan Commission and Village Board members:

As a homeowner and taxpayer, I applaud the village for taking steps to combat the problem of used automobile dumping. I urge you to support the village staff's proposed amendment to Section 50-529 regarding permitted uses in the B-2 Highway Commercial Zoning District. This proposal is scheduled for Plan Commission action Feb. 18 and Village Board consideration after that.

The issue of used automobile dumping is one that significantly affects the aesthetics and property values that once made Howard an attractive place to buy a home and raise a family. Make no mistake: This is not about legitimate used-car lots, nor is it about private citizens simply trying to sell a car. This is about B-2 property owners – commercial businesses that have nothing to do with automobile sales – turning their properties into dumping grounds for anyone who wants to bring a used vehicle into Howard and abandon it here with a "For Sale" sign. Such dumping creates an eyesore that makes Howard look like one big junkyard. And where property values are concerned, it is a virtual cancer.

Last summer, I noticed that the problem was getting worse and worse. Almost every day, I saw another used vehicle – and sometimes several at a time – abandoned on a commercial property along one of our heavily traveled roadways: Velp Avenue, Cardinal Lane, Lineville Road and many others. Please take a few minutes to look at the attached color photographs. Over a period of just a couple of weeks, I was able to document 15 different locations where property owners had thoughtlessly engaged in this reckless conduct – a sort of vandalism against their neighbors and the community at large.

I tried contacting one of these property owners directly. I politely asked him to be a good neighbor and remove a used car that had been dumped in his parking lot with a "For Sale" sign. He refused and became rude and combative, as if I had no right to interfere with his turning our neighborhood into a junkyard.

Village staff tells me that some of the properties I photographed already have zonings where used automobile dumping is prohibited. But many have B-2 zoning. And unless you take action, all such property owners will be free to continue harming the appearance, image and value of our community. Please close this loophole. Give your village staff the tools they need. And then direct staff to undertake a vigorous enforcement program to return Howard to the beautiful and prosperous community it once was – and can be again.

Thank you.

Sincerely,

enc.

Watering Hole Tavern
2107 Velp Avenue

NEW Storage
2545 Velp Avenue

Pool & Spa Warehouse
2214 Velp Avenue

Barlament Crane Rentals
1575 Lineville Road

Phase III Service Center
1810 Velp Avenue

Bumper to Bumper Auto Parts
2015 Velp Avenue

Bay Auto Parts
1750 Velp Avenue

Old Dutch Foods
1560 Cornell Road

J.R.'s Bar
1673 Velp Avenue

Village Lanes Bowling
3798 Velp Avenue

Pioneer Credit Union
406 Cardinal Lane

Bayland Excavating
1480 Cornell Road

Avenue Bar
1745 Velp Avenue

Master Electric
2213 Woodale Avenue

Jimmy John's Sandwiches
430 Cardinal Lane