



**Meeting Date:** October 22, 2012  
**Agenda Item:** #5c

**Mission Statement**

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

**VILLAGE BOARD STAFF REPORT**

**REPORT TO:** President Burt McIntyre and Village Trustees

**REPORT FROM:** Dave L. Wiese, Executive Director of Community Development

**AGENDA ITEM:** Action on conditional use approval from Vandervest Harley-Davidson to allow outdoor amplified music, sale of merchandise, service and sale of food at 1966 Velp Avenue (VH-2652)

**ACTION REQUESTED:** Approval of the proposed conditional use

**POLICY ISSUE**

Should the Village Board approve the conditional use permit, thereby allowing outdoor amplified music, sale of merchandise, service and sale of food at Vandervest Harley-Davidson?

**RECOMMENDED ACTION BY PLAN COMMISSION**

The Plan Commission unanimously recommended approval with the following staff-recommended conditions:

1. The consumption of food and drink shall be limited to the patio area.
2. The outdoor patio area shall be monitored and supervised by staff personnel at all times.
3. Electronically amplified sounds shall be permitted until 10:00 p.m. on weekends.
4. Construct a dumpster enclosure to enclose the dumpsters and waste oil container complying with the regulations set forth in Section 50-508(6) of the Village Code within one year of permit issuance.
5. The conditional use permit shall expire 2 years from the date of approval.
6. The consumption of alcohol shall be limited to the patio area within the confines of the existing fence.
7. No additional lighting is added.

**BASIC INFORMATION**

|                         |                          |
|-------------------------|--------------------------|
| Project Name            | Vandervest CUP           |
| Applicant               | Lynn Vandervest          |
| Phone                   | 920-498-8822             |
| Consultant/<br>Engineer | N/A                      |
| Parcel Size             | 8.08 Acres               |
| Proposed Zoning         | N/A                      |
| Current Zoning          | Highway Commercial (B-2) |
| Land Map Designation    | Neighborhood Commercial  |

**ADJACENT LAND/ZONING MATRIX**

|       | LAND USE               | ZONING    |
|-------|------------------------|-----------|
| North | Park, Vacant Land      | B-2 & I-1 |
| South | Business & Residential | B-2 & R-1 |
| East  | US 41                  | B-2       |
| West  | Business               | B-2       |

### **POLICY ALTERNATIVE(S)**

The Village Board could take the following action:

- Approve the request without conditions.
- Approve the request with conditions.
- Deny the request
- Table the request until a later meeting date

### **BACKGROUND INFORMATION**

The applicant wishes to have outdoor sales (food and drink consumption) and amplified music, parties, etc. outdoors. A conditional use permit is required because Section 50-500(4) of the Zoning Ordinance requires that *“Except for permitted off-street parking and loading, and except as specifically allowed as a conditional use in accordance with the regulations specified in division 9 of article II of this chapter, all business, servicing, processing, sales and storage shall be conducted within completely enclosed buildings.”*

### **EXECUTIVE ANALYSIS**

1. **Zoning:** The property is zoned Highway Commercial (B-2). The proposed use is a conditional use in the B-2 zone.
2. **Setbacks:** All existing construction complies with current setback regulations.
3. **Parking:** All parking for events should be handled on site.
4. **Floodplain, Shoreland Zoning & Stormwater Management:** The property is located in a regulatory 100-year flood fringe area. However, this fact has no effect on the proposed CUP.
5. **Land Division:** No land division is being proposed with this request.
6. **Lighting:** The application submitted does not include a proposal for new lighting. However, if new lighting is installed it will have to comply with the exterior lighting regulations set forth in the Zoning Ordinance.
7. **Fire Protection:** This property is served by municipal water and sewer and is located approximately 1.00 miles from the nearest fire station.
8. **Lot Width and Area:** The lot complies with the minimum lot width and area regulations of the Zoning Ordinance
9. **Driveway Locations:** Driveway locations remain unchanged.
10. **Signage:** No additional signage is being proposed.
11. **Garbage:** The dumpsters are not presently enclosed within an enclosure and there are no enclosure requirements in the B-2 zone.
12. **Landscape:** No new landscaping is being proposed.

### **CONDITIONAL USE STANDARDS**

Section 50-267 of the Zoning Ordinance requires that *“The Village Plan Commission shall not recommend and the Village Board shall not approve a conditional use unless findings are first made, based on evidence presented, that the following standards are met:”*

1. The conditional use shall not be detrimental to or endanger the health, safety, morals, comfort or general welfare of the public.
2. The conditional use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted, nor shall it substantially diminish or impair property values within the neighborhood.
3. The conditional use shall not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.
4. The exterior architectural appeal and functional plan of proposed buildings and structures shall not be so at variance with existing buildings and structures, or buildings and structures under construction in the immediate area, or the character of the zoning district, as to cause a substantial depreciation in property values within the neighborhood.
5. Adequate utilities, access roads, drainage and necessary facilities are in place or will be provided.
6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. The conditional use shall, in all other respects, conform to applicable regulations of the zoning district in which it is located, except as such regulations may be modified by the village board pursuant to village plan commission recommendations.

**CONDITIONS REQUIRED BY VILLAGE CODES**

N/A

**ATTACHMENTS**

- |           |  |
|-----------|--|
| <b>I</b>  | Completed Conditional Use Permit Application |
| <b>II</b> | Plat map of property                         |

**ATTACHMENT I**



2456 Glendale Ave  
Green Bay, WI 54313

**CONDITIONAL USE PERMIT  
APPLICATION**

See Following Pages *✓ 106*  
for Materials to be *9/9/12*  
submitted with this  
application

Application Fee: \$250.00

Date: *9-6-12*

Initials: \_\_\_\_\_

Application #: \_\_\_\_\_

**Applicant**

Name: *Olde Hi (Vanderwest Harley-Davidson ?)*  
Address: *1906 Velp Ave Green Bay, WI Green Bay*  
Phone: *920-498-8823* Email: *31303*  
Business Name: \_\_\_\_\_  
Conditional Use Site Address: \_\_\_\_\_  
Landowner of Record: *Rick Lynn Vanderwest*  
Address: *15881 Mary Rd New Franken WI*  
Phone: ( ) - - - - Email: *lynn@vwd.com 59229*

**Consultant(s)**

**Architect**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: ( ) - - - - Email: \_\_\_\_\_

**Contractor/Engineer**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: ( ) - - - - Email: \_\_\_\_\_

**Parcel/Building Information**

Lot Size: \_\_\_\_\_ Acres/Sq. Ft Current Zoning: \_\_\_\_\_ Parcel Number: VH - \_\_\_\_\_  
Lot Dimensions: \_\_\_\_\_ Does Current Zoning Permit Intended Use: \_\_\_\_\_  
Bldg. Sq. Footage: \_\_\_\_\_ Street Frontage: \_\_\_\_\_

**Describe Specifically the Nature of the Request:**

*Permit to sell beer-liquor outdoors  
sell clothing-collaterals outdoor  
Live Music outdoors  
Grill food outdoors for Packer Parties, Benedicts, etc.  
Wedding receptions; parties outdoors.*

ATTACHMENT II

