



City of Waukesha
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Committee: Plan Commission	Date: 2/23/2022
Common Council Item Number: PC22-0195	Date: 2/23/2022
Submitted By: Doug Koehler, Principal Planner	City Administrator Approval: Click here to enter text.
Finance Department Review: Click here to enter text.	City Attorney's Office Review: Click here to enter text.
Subject: Home Industry Conditional Use Permit, AV Mendez Landscaping, 537 Elizabeth Street	

Details:

A one-year Conditional Use Permit was approved for a Home Industry landscaping business at 537 Elizabeth Street in 2018. Among other conditions it included a requirement that all equipment would be stored within the garage or shed, that no business-related vehicles would be parked on the street, and that business related machinery would be operated only between the hours of 9:00 AM and 4:00 PM. When it was approved a point of emphasis was that the applicant would not continue operating a Ventrac snow removal machine at odd hours and driving it across the street to clear the Aries Industries parking lot at 550 Elizabeth St.

The Conditional Use Permit expired in March of 2019 and was never renewed. The applicant was notified of that fact in 2020 when he interacted with a property maintenance inspector on an unrelated issue, but he did not apply for a new Conditional Use Permit at that time. Staff received a complaint in December that the business had continued to operate from the property, that business related vehicles are regularly loaded and unloaded both in the driveway and in the street, occasionally disrupting traffic, and that the applicant had once again been starting the Ventrac vehicle in the driveway and driving it across the street to the Aries parking lot. Staff issued orders to cease operations, and the applicant submitted this Conditional Use Permit application in response.

The applicant uses nearby properties to store trucks and other large-scale vehicles, as well as salt. He would like to use his home to store smaller scale equipment and hand tools, both summer items and snow removal items during their respective off-seasons. The application states that storage will be in the garage and in a space behind it which is paved and has been enclosed by a fence. The city's aerial photo shows storage happening in the space. The applicant also would like to continue storing the Ventrac machine at the house, with the commitment that it will be on a trailer and will be driven to the Aries property before it is used there.

Staff is recommending that the application be denied. The complainant provided solid evidence, including videos, to indicate that the conditions of the previous Conditional Use Permit had not been met. Vehicles have been parked on the street and equipment operated in the driveway, and storage has taken place outside of the garage and shed. The scale of the business has also grown to a level where staff feels that it should be located in commercial

premises in one of the city's manufacturing districts, where it would be a Permitted Use, and it is no longer appropriate for home equipment storage. The business has multiple employees and large vehicles, and the applicant's description of operations appears likely to require employees visiting the home to pick up and drop off equipment on a regular basis.

Continued use of the home as a home office is appropriate and Permitted. Continued use of the garage and shed for storage of personal tools is also permitted, but storage of business related items on the scale the applicant is proposing is not appropriate and would be disruptive and detrimental to the residential character of the neighborhood.

Options & Alternatives:

[Click here to enter text.](#)

Financial Remarks:

No financial impact to the City.

Staff Recommendation:

Staff recommends denial of a Conditional Use Permit for a home industry at 537 Elizabeth St. based on the applicant's failure to operate within the conditions of the previously approved Conditional Use Permit and on the scale of business operations, which have grown to a level that is no longer compatible with a residential neighborhood.