

**Agenda Item 26-0085 (Tim Acklin)**

AN ORDINANCE to amend Subsection 115-110 of the Code of Ordinances of the City of La Crosse by transferring certain property from the Commercial District to the Planned Development District - Specific, allowing for a mix of uses including commercial, retail, and office spaces, a recycling facility, and future construction of approximately five apartment units and a building for a retail or food establishment at 4329 East Avenue S. and 4342, 4344, 4348, and 4354 Mormon Coulee Rd.

**General Location**

Council District 11, Located at the intersection of Mormon Coulee RD and Shelby Rd as depicted on attached Map PC26-0085. The property was the former ShopKo South site. The property is immediately surrounded by commercial to the east and north, and single-family homes to the south, and Bethany St Joseph to the west.

**Background Information**

The applicant is requesting a rezoning from C2–Commercial to Planned Development District (PDD)-Specific to allow for a vacant tenant space to be occupied by a recycling processing facility, specifically to recycle used mattresses. This type of facility is only permitted in the M2-Heavy Industrial District. The applicant is also considering developing an apartment building on the property in the future. The applicant is requesting PDD to allow for these uses to be permitted together on this property as no other zoning district would permit them as proposed.

The property was the location of a former ShopKo and has since been subdivided into 5 separate tenant spaces. A map of the layout and tenant spaces is attached to the rezoning petition. The applicant has stated that the layout of the tenant spaces was due to tenant spatial needs. Prospective tenants, particularly Aldi's, did not need, or want, a space that extended to the rear of the property. As a result, a tenant space was created that the applicant states has been difficult to market for a traditional storefront, retail/commercial type business.

The applicant is requesting that this space be occupied by 7 Rivers Recycling who will be utilizing this space to recycle mattresses. The application states that all operations associated with this process will be conducted indoors and that no outside storage will occur. Any dumpsters will be screened. There will also not be a "drop-off" site for the public.

The business will also have to apply for a Recycling Processing Facility License with the City which has to meet the following requirements:

- 1) The facility does not abut a property zoned or planned for residential use;
- 2) Shall be enclosed on all sides by an opaque fence or wall not less than eight feet in height and landscaped on all street frontages unless such requirement is waived by the Common Council at the time of application;
- 3) Setbacks and landscaping requirements shall be those provided for the zoning district in which the facility is located;
- 4) All exterior storage of material shall be in sturdy containers or fenced enclosures which are secured and maintained in good condition unless otherwise waived by the Common Council provided such exterior storage is neat and sanitary. Storage containers for flammable material shall be constructed of nonflammable material. Oil

storage shall be in containers approved by the Fire Department. No storage shall be visible above the height of any required fencing;

- 5) The site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis and shall be secured from unauthorized entry and removal of materials when attendants are not present;
- 6) Space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space shall be provided for a minimum of ten customers or the peak load, whichever is higher;
- 7) One parking space shall be provided for each commercial vehicle operated by the processing center. Parking requirements shall otherwise be as provided as stated in [section 115-393](#);
- 8) Noise levels shall not exceed 60 dBA as measured at the property line of nearby residentially zoned or occupied property;
- 9) If the facility is located within 500 feet of property zoned or planned for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m.;

### Recommendation of Other Boards and Commissions

N/A

### Consistency with Adopted Comprehensive Plan

This property is in the Highway 14 Corridor (C2) which categorizes Commercial uses and medium to high-density residential as desirable. Industrial uses are considered allowable. The Comprehensive Plan identifies industrial uses as “nuisance” uses that should not be in proximity to residential, neighborhood mixed-use, or other non-residential uses due to noise, odor, appearance, traffic, or other potentially adverse impacts. Screening, buffering, and securitization should be deployed to protect the surrounding uses wherever possible. Should the proposed use be determined not adversely impact the surrounding property through these measures it would be considered in conformance with the Comprehensive Plan.

### Staff Recommendation

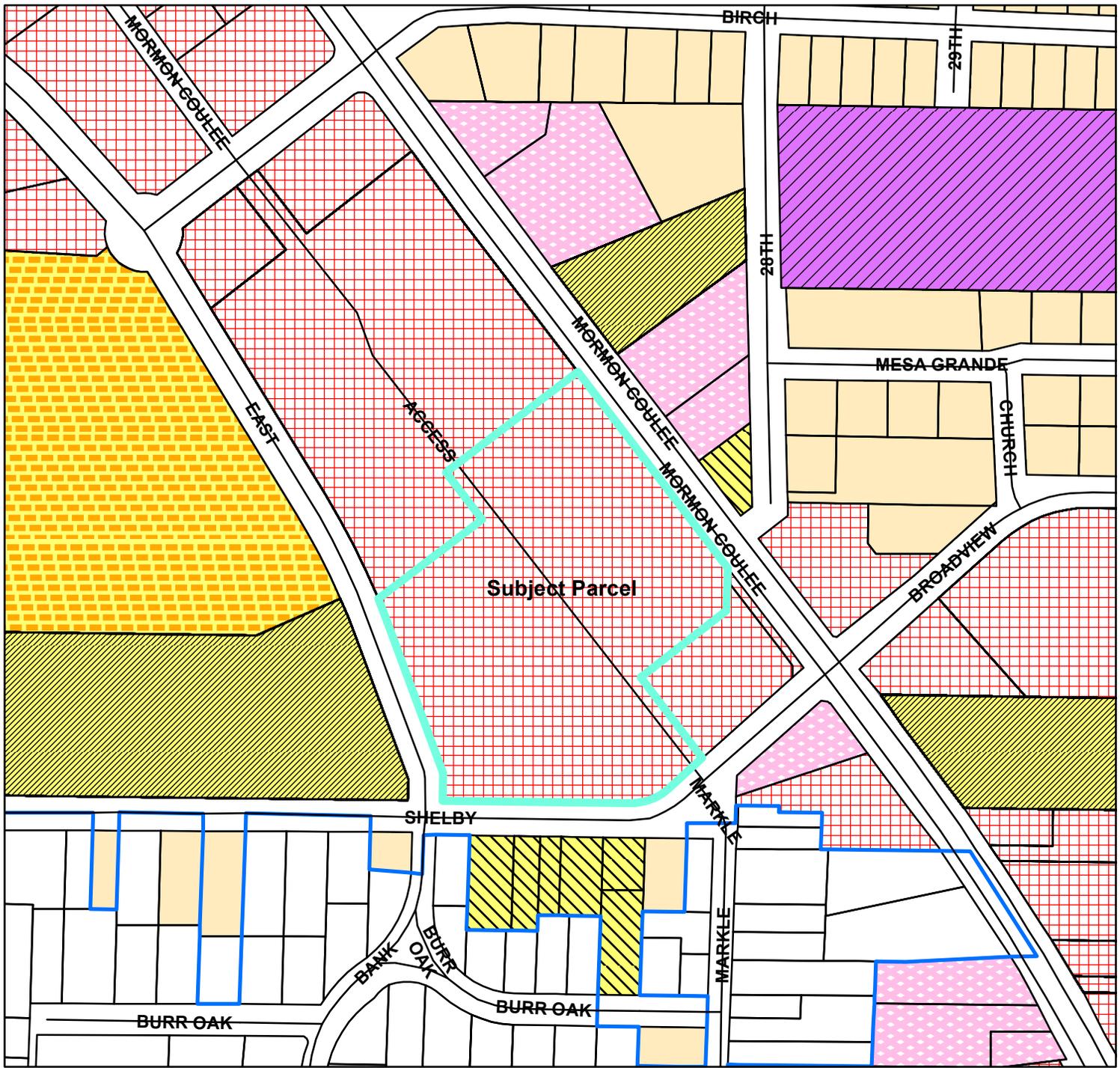
Overall, staff is concerned with an industrial use such as this being near residential neighborhoods. However, rezoning to PDD does allow for the City to restrict the use to only what is being proposed as well as the ability to place conditions on the property. Allowing this rezoning will allow for a difficult tenant space to be used making the building more viable.

**Approval** – Staff recommends approval as submitted with the following conditions:

- 1) Recycling Processing Facility may only process/recycle mattresses per the submitted application. Any other items to be processed must come back to the Common Council for approval.

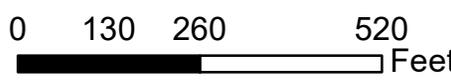
- 2) All operations/activities associated with processing/recycling of the mattresses must occur indoors.
- 3) No outside storage of any materials may occur.
- 4) All dumpsters associated with the approved use must be screened on all sides by an opaque fence or wall not less than eight feet in height and landscaped on all street frontages.
- 5) Approval of a Recycling Processing Facility License and associated additional remaining requirements: (Tenant/Property Owner may request a waiver of any of these requirements as part of the licensing process)
  - a. The facility does not abut a property zoned or planned for residential use;
  - b. Shall be enclosed on all sides by an opaque fence or wall not less than eight feet in height and landscaped on all street frontages unless such requirement is waived by the Common Council at the time of application;
  - c. Setbacks and landscaping requirements shall be those provided for the zoning district in which the facility is located;
  - d. All exterior storage of material shall be in sturdy containers or fenced enclosures which are secured and maintained in good condition unless otherwise waived by the Common Council provided such exterior storage is neat and sanitary. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage shall be in containers approved by the Fire Department. No storage shall be visible above the height of any required fencing;
  - e. The site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis and shall be secured from unauthorized entry and removal of materials when attendants are not present;
  - f. Space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space shall be provided for a minimum of ten customers or the peak load, whichever is higher;
  - g. One parking space shall be provided for each commercial vehicle operated by the processing center. Parking requirements shall otherwise be as provided as stated in [section 115-393](#);
  - h. Noise levels shall not exceed 60 dBA as measured at the property line of nearby residentially zoned or occupied property;
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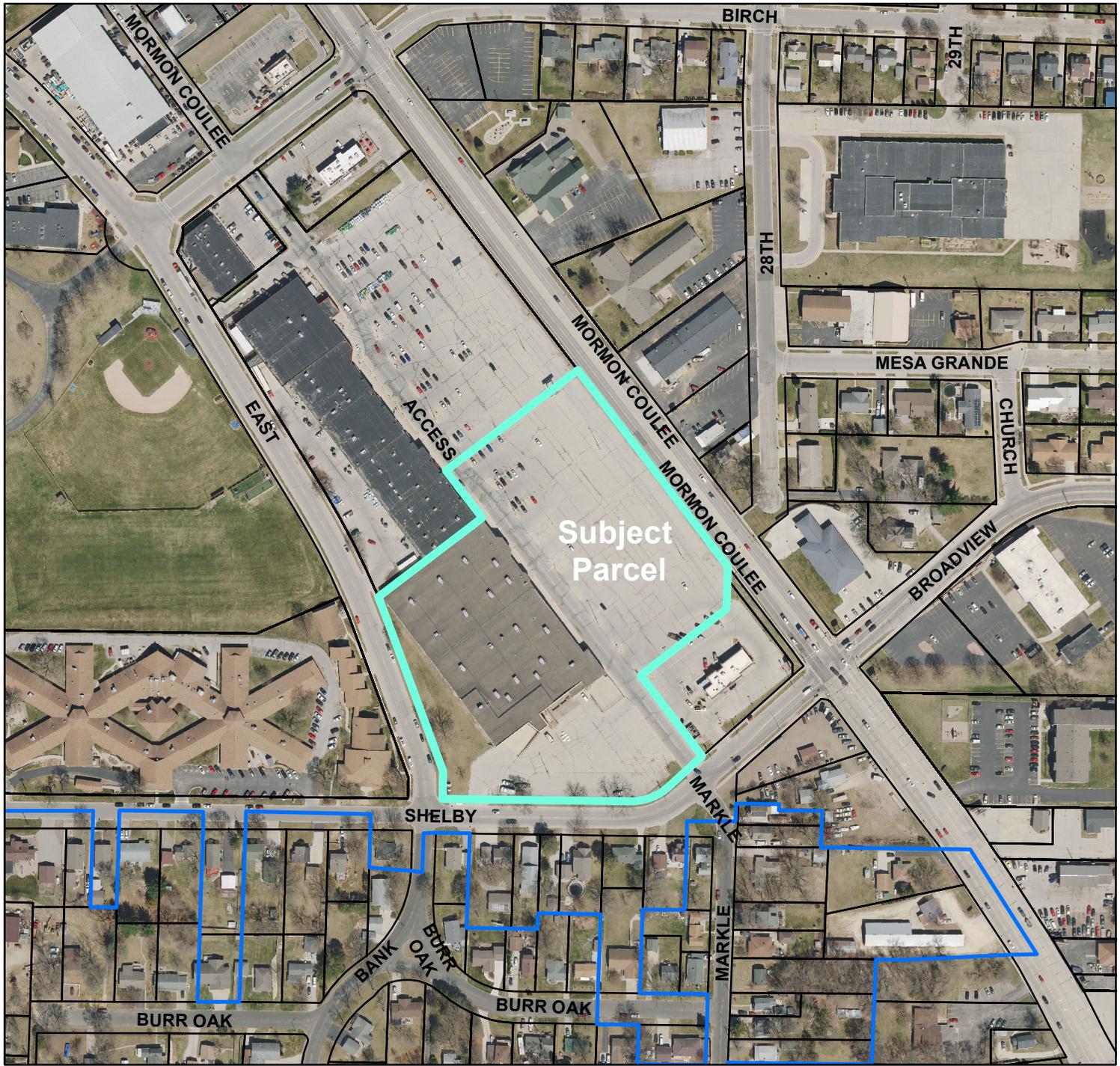
**Routing J&A 2.12.26**



## BASIC ZONING DISTRICTS

	R1 - SINGLE FAMILY
	R2 - RESIDENCE
	WR - WASHBURN RES
	R3 - SPECIAL RESIDENCE
	R4 - LOW DENSITY MULTI
	R5 - MULTIPLE DWELLING
	R6 - SPECIAL MULTIPLE
	PD- PLANNED DEVELOP
	TND - TRAD NEIGH DEV.
	C1 - LOCAL BUSINESS
	C2 - COMMERCIAL
	C3 - COMMUNITY BUSINESS
	M1 - LIGHT INDUSTRIAL
	M2 - HEAVY INDUSTRIAL
	PS - PUBLIC & SEMI-PUBLIC
	PL - PARKING LOT
	UT - PUBLIC UTILITY
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	FW - FLOODWAY
	A1 - AGRICULTURAL
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