

TO: Village of East Troy Plan Commission
CC: Eileen Suhm, Jason Equitz, Tim Lynch
FROM: Orrin Sumwalt, Planning Consultant
RPT DATE: June 16, 2026
MTG DATE: June 23, 2026
FOTH FILE: 26E020.01/15
RE: East Troy High School –
Conditional Use Permit (CUP) Amendment

BACKGROUND:

1. Petitioner: East Troy Community School District
2. Agent: Sean Bekx (raSmith)
3. Property Owner: East Troy Community School District
4. Location/Address: 3128 Graydon Avenue
5. Tax Key Number: RXUP00202
6. Area: 47.39 AC
7. Existing Zoning: SR-4 Suburban Residential District
8. Proposed Zoning: N/A
9. Future Land Use: Institutional and Public Service

OVERVIEW:

The Petitioner is requesting approval of a Conditional Use Permit (CUP) Amendment to incorporate the school district's transportation facility into the "indoor institutional" land use for East Troy High School and an associated site plan amendment to replace the transportation building and bus parking area for property located at 3128 Graydon Avenue. The site encompasses approximately 47.95 acres. The submittal materials include:

- Remove existing ~ 7,800 SF Transportation Building
- New 50' x 120' (~ 6,000 SF) Transportation Building
- Twenty-two (22) 12' x 40' parking spaces
- One (1) standard space (inside fence)
- Six (6) standard spaces (outside fence)

PLANNER COMMENTS:

1. **Comprehensive Plan.** Future Land Use is Institutional and Public Service, which is consistent with the existing zoning of SR-4 Suburban Residential District.
2. **Zoning District Requirements.** The property is zoned SR-4 Suburban Residential District in which an indoor institutional land use is a conditional use per Section 510-20B. and the Table of Land Uses of the Village Zoning Code. Below is a description of this land use and the associated regulations from Section 510-41 A. of the Village Zoning Ordinance.

Indoor institutional. Indoor institutional land uses include all indoor public and not-for-profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), schools, churches, funeral homes, nonprofit clubs, nonprofit fraternal organizations, convention centers, jails, prisons, and similar land uses. Indoor institutional land uses shall adhere to the following listed regulations:

- (1) Shall provide an off-street passenger loading area if the majority of the users will be children (as in the case of a school, church, library, or similar land use).
- (2) All structures shall be located a minimum of 50 feet from any residentially zoned property.
- (3) Minimum required parking: generally, one space per three expected patrons at maximum capacity; however, the following specific requirements may apply:
 - (f) Senior high: one space per two employees, plus 30% of maximum capacity.

3. Conditional Use Permit

Petitioner has included the following items as part of their submittal:

- Conditional Use Permit Application
- East Troy Transportation Building – Civil Permit Set
- Site Plan and Conditional Use Exhibit
- 2015 Conditional Use Order for High School

Guidance regarding 2017 Act 67. With the adoption of 2017 Act 67, the State of Wisconsin has preempted municipal authority regarding conditional use permits in a number of respects, effective November 29, 2017. Decisions concerning conditional use permits now must be based upon “substantial evidence,” which is defined as follows:

“Substantial evidence” means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.”

Note two additional requirements of the new law:

1. Any condition imposed must relate to the purpose of the ordinance and be based on substantial evidence.
2. If an applicant for a conditional use permit meets or agrees to meet all requirements and conditions specified in the ordinance, the conditional use permit must be granted.

The applicant must present substantial evidence demonstrating that the application and all requirements and conditions established by the Village relating to the conditional use are or shall be satisfied. Any condition imposed by the Village through ordinance or by the Village Board must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit’s duration, transfer or renewal. The Village’s decision to approve or deny the application must be supported by substantial evidence.

Review procedures. The Plan Commission conducts the public hearing and acts in an advisory role to the Village Board which makes the final decision. Following the close of the public hearing, the Plan Commission may recommend (1) approval, (2) approval with conditions, or (3) denial. If approval is recommended, the Plan Commission can recommend conditions deemed necessary to protect the public health, safety, and welfare.

Required findings. As required by the Section 510-157(H) of zoning code, a number of findings must be made. They are listed in the conditional use order beginning on the first page and below for your convenience. A motion recommending approval should make reference to these.

1. The proposed conditional use (the use in general, independent of its location) is in harmony with the purposes, goals, objectives, policies and standards of the comprehensive plan, the zoning code, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village.
2. The proposed conditional use (in its specific location) is in harmony with the purposes, goals, objectives, policies and standards of the comprehensive plan, the zoning code, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village.
3. The proposed conditional use, in its proposed location and as depicted on the required site plan does not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the zoning code, the comprehensive plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide development.
4. The proposed conditional use would maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
5. The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property.
6. The potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

STAFF RECOMMENDATION:

Depending on confirmation by the Village of East Troy Plan Commission of the above-described comments, the Village of East Troy Plan Commission may take the following actions:

Conditional Use

The Village of East Troy Plan Commission recommends to the Village Board **Approval** of the Conditional Use Amendment Request to incorporate the school district's transportation facility into the "indoor institutional" land use for East Troy High School for East Troy Community School District for the property located at 3128 Graydon Avenue, (RXUP00202) subject to the terms in the draft conditional use order.

EXHIBIT:

- A. Petitioner Application
- B. Public Hearing Notice
- C. Draft Conditional Use Order