

LPI
11-17-14

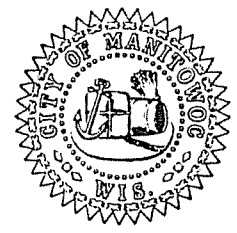

CITY OF MANITOWOC

WISCONSIN, USA

www.manitowoc.org

November 7, 2014

14-2431



To: Mayor and Common Council

From: Manitowoc City Plan Commission

Subject: PC26-2013: The Salvation Army (TSA); Annual Compliance Review for a Conditional Use Permit for Operation of a Church in Block 115 of the Original Plat Pursuant to Section 15.150(3)(a) of Manitowoc Municipal Code


Dear Mayor and Common Council:

At the regular November 5, 2014 meeting of the Manitowoc City Plan Commission, the Commission reviewed the conditions for Compliance regarding a Conditional Use Permit that was issued in October, 2013.

The subject property is described as Lots 9, 10, 13, 14, the W 5' of Lot 17, all of Lots 18 and 19, and Lot 20 (excepting the N 35'), all in Block 115 of the Original Plat. The proposed CUP area is currently zoned "R-4", Single and Two Family Residential District. Under the "R-4" zoning, a CUP is required for a church, which, in accordance with the definition of this term in Section 15.030(1) includes "...all accessory buildings and uses customarily associated with such primary purpose."

The Commission notes that the Building Inspection and Police Departments reported that there were no reports of any issues or concerns regarding TSA.

The Commission unanimously recommended that Council continue the issuance of the CUP to the Salvation Army with one modification being the removal of condition "F." which is the annual compliance review.

Respectfully Submitted,

Paul Braun, City Planner

Attachments



REQUIREMENTS FOR
CONDITIONAL USE PERMIT (CUP) APPROVAL OF
THE SALVATION ARMY
10/21/2013

Re: PC26-2013

Recommendation:

Grant CUP under Section 15.150(3)(a) of the Manitowoc Municipal Code ("Code") to The Salvation Army ("TSA"). This CUP ("2013 CUP") shall hereinafter serve as authorization for the location and operation of a church, and all appurtenant and related functions ("Church"), upon the land and/or within the existing building at all of Lots 9, 10, 13, 14, the W 5' of Lot 17, all of Lots 18 and 19, and Lot 20 (excepting the N 35'), all in Block 115 of the Original Plat ("CUP Area"). The CUP Area is further described on the attached map.

The 2013 CUP is a consolidation and restatement of the following previously issued CUPs-- PC25-2005 and PC20-85, and replaces and supercedes these two (2) previously issued CUPs in their entirety, and further authorizes: (i) operation as a Church being TSA's principal purpose or function in the CUP Area, plus associated support facilities and activities, as defined below, appurtenant to the operation of a Church and which further TSA's exempt purposes other than pure religious purposes, and which are intended to provide a broader range of services to community residents, including, but not limited to the following: education; job training and placement; work experience; financial, mental health and other forms of counseling services; administrative offices; kitchen and dining facilities; related business operations to serve the public good such as a thrift store only when operated by a charitable organization in the CUP Area; meeting functions; counseling and other services customarily associated with TSA ("Support Services"); and (ii) operation of a group day care center by TSA with a maximum capacity of 94 children between the ages of six (6) weeks through 12 years of age, and operating between the hours of 5:00 A.M. and 5:30 P.M., Monday - Friday. This CUP includes usage of the off-street parking associated with the TSA's operation, with the express understanding that establishment of any off-street parking areas for five (5) or more vehicles on or after the effective date of the 2013 CUP shall require full compliance with Section 15.430 of the Code.

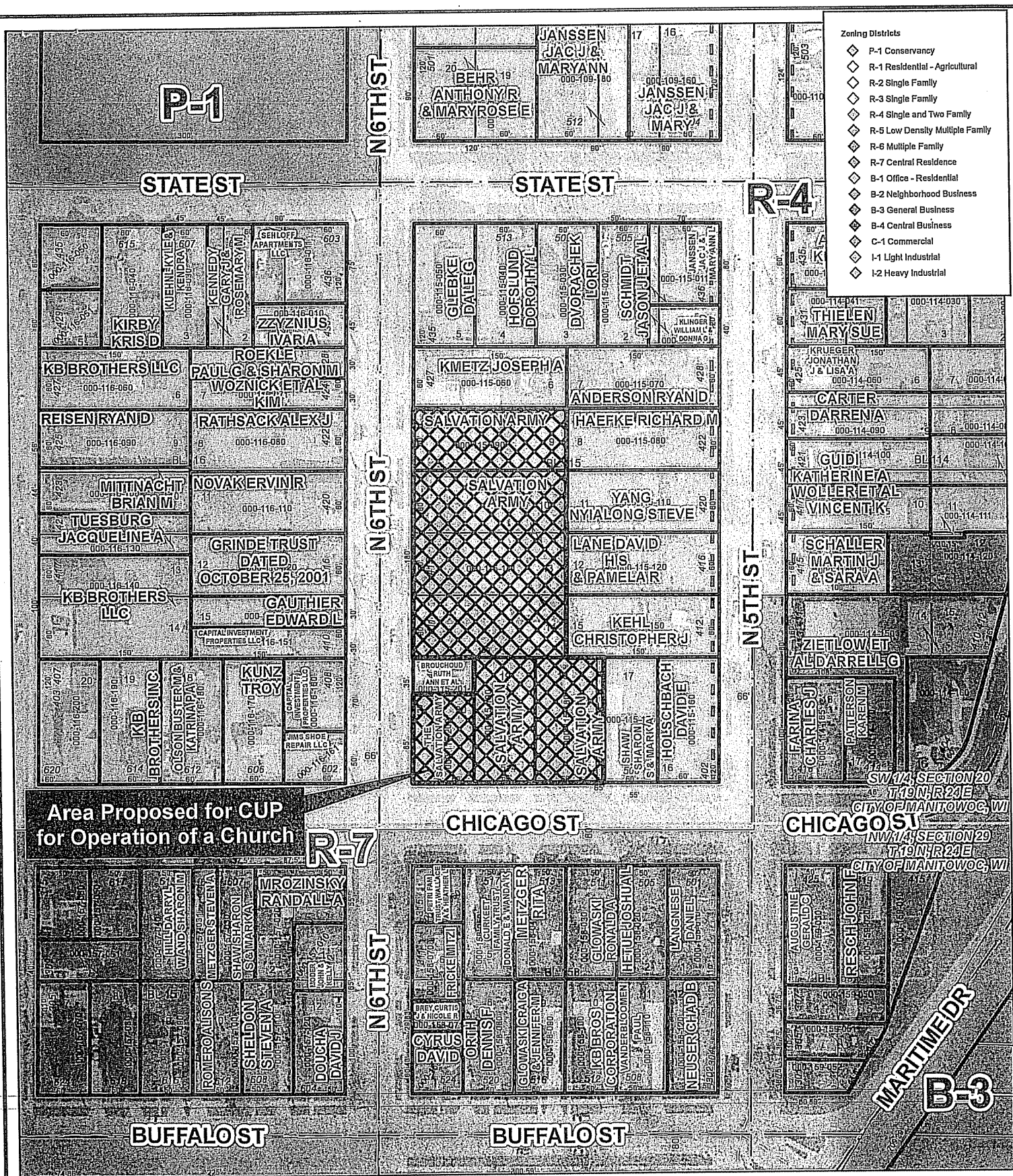
TSA is required to comply with the following conditions:

- A. The CUP shall not become effective and binding until the date the Common Council approves the CUP as outlined herein.
- B. Compliance with all Federal, state and local regulations, licensing and Code requirements.
- C. ~~The CUP for the day care operation in the CUP Area shall automatically terminate~~ effective the date any license granted to TSA by the Wisconsin Department of Children and Families ("DCF"), or any DCF-approved license which is assigned or transferred to a City-approved assignee or licensee for the group day care center operation is closed, denied, revoked, surrendered, or terminated by either TSA or DCF.

- D. TSA shall not assign, transfer, sublet or convey its interest in the CUP Area or the CUP to any party without the written consent of the Manitowoc Common Council.
- E. The CUP shall automatically terminate effective the same date TSA ceases to operate in the CUP Area, or its 501(c)(3) tax exempt status with the Internal Revenue Service ("IRS") is terminated. TSA shall provide the City Planner with written notice of its intent to discontinue operation in the CUP Area, or a change in entity tax exempt status with the IRS not less than 30 consecutive calendar days prior to the date operations are planned to cease.
- ~~F. Compliance with the terms and conditions of the CUP shall be reviewed by the Planning Commission and Common Council in November, 2014, and during the month of November in each subsequent year of the CUP. The annual review may result in the disclosure of non-compliance issues or the identification of terms and conditions that are no longer necessary or required to maintain the intent or compliance with the CUP, and may result in the modification of the terms and conditions of the CUP, issuance of citations and financial penalties, or immediate revocation of the CUP.~~
- G. At any date and time, non-compliance with the terms of the CUP may result in the modification of the terms and conditions of the CUP, issuance of citations and financial penalties, or immediate revocation of the CUP.

Rundate: 10/16/2013

Filename: Y:\dave\wpfiles\Salvation-CUP2013.wpd



- Zoning Districts**
- ◆ P-1 Conservancy
 - ◆ R-1 Residential - Agricultural
 - ◆ R-2 Single Family
 - ◆ R-3 Single Family
 - ◆ R-4 Single and Two Family
 - ◆ R-5 Low Density Multiple Family
 - ◆ R-6 Multiple Family
 - ◆ R-7 Central Residence
 - ◆ B-1 Office - Residential
 - ◆ B-2 Neighborhood Business
 - ◆ B-3 General Business
 - ◆ B-4 Central Business
 - ◆ C-1 Commercial
 - ◆ I-1 Light Industrial
 - ◆ I-2 Heavy Industrial

**Area Proposed for CUP
for Operation of a Church**

SW 1/4 SECTION 20
T19N R24E
CITY OF MANITOWOC, WI
CHICAGO ST
NW 1/4 SECTION 29
T19N R24E
CITY OF MANITOWOC, WI

REQUEST FOR CONDITIONAL USE PERMIT (CUP)
City of Manitowoc, WI

CUP Area Proposed for
Operation of a Church

Prepared by City of Manitowoc
Planning Department
www.manitowoc.org
Aerial Photo: 4/11/2010
Map Printed: 10/8/2013
X:\Maps\Plan_Commission\Conditional_use\PC14-2013_CommunityBibleChurch_2711_Wollmer_smallmap.mxd

125 62.5 0 125 Feet

N
*DISCLAIMER: Maps and associated data are
believed to be accurate, but are not
warranted. This information is not intended
for legal, survey, or other related uses.
Please obtain the original recorded
documents for legal or survey information.*