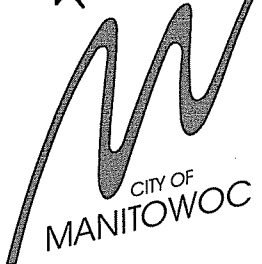


LPI
4-21-14

14-875

April 21, 2014



David Less
City Planner

To: Mayor and Common Council

From: Manitowoc City Plan Commission

Subject: **PC10-2014: Miller Conditional Use Permit for Home Occupation-
Accessory Building at 954 S. 29th Street Pursuant to Section 15.030(1)
of Manitowoc Municipal Code**

Dear Mayor and Common Council:

At the regular April 16, 2014 meeting of the Manitowoc City Plan Commission, the Commission held a public informational hearing regarding a request from Michael Miller, as the owner of property at 954 So. 29th Street. He has filed an application for conducting a home occupation in an accessory building pursuant to Section 15.030(1) of the Manitowoc Municipal Code. This section of the Code requires such a use to be authorized by issuance of a Conditional Use Permit (CUP) pursuant to Section 15.370(27).



OFFICE OF CITY PLANNING,
CITY PLAN COMMISSION

In addition to determinations from the Commission and Council under (27)(c), these bodies can affix conditions to the CUP to provide assurances that the proposed use is an appropriate land use qualifying as a home occupation in an accessory building, and is compatible with the neighborhood.

The subject parcel is located on the west side of So. 29th Street, and measures 60' of frontage on So. 29th by 100' of lot depth. The property has split zoning with the south 10' of the lot being zoned "B-2" Neighborhood Business District, and the north 50' of the lot being zoned "R-4" Single-and Two-Family District. A home occupation in an accessory building is listed as a CUP under both district regulations. In this matter, the accessory structure is limited to, and defined as, a detached garage measuring 24' x 30' in area that was constructed in 1998.

The proposed business to operate in the accessory building is a small engine repair service performing such functions as tune ups, carburetor reconditioning and engine service, as well as repair work on snow blowers, lawn mowers, chainsaws, lawn and garden equipment service. The petitioner's application details the operation of "Manitowoc Small Engine", which, in addition to the functions mentioned above, will sell miscellaneous equipment parts.



In closing, the Commission notes that it did provide notice to property owners within 200' of the subject parcel prior to the informational hearing, and reports there was no opposition present. As such, the Commission unanimously recommended that the Council grant a CUP under Sections 15.150(3)(j) and 15.250(3)(a) of the Manitowoc Municipal Code ("Code") to Michael Miller d/b/a "Manitowoc Small Engine Repair Service" for conducting his business only in the garage/accessory building, and not to exceed 90% or 650sf of the 720sf of said garage/accessory building, and subject further to the compliance conditions attached.

Respectfully Submitted,



David Less
City Planner

Attachments

Re: Granicus Document #14-317

REQUIREMENTS FOR
CONDITIONAL USE PERMIT (CUP) APPROVAL OF
MILLER - HOME OCCUPATION-ACCESSORY BUILDING ("HOAB")
954 SO. 29TH STREET
4/21/2014

Re: PC10-2014

Recommendation:

Grant CUP under Sections 15.150(3)(j) and 15.250(3)(a) of the Manitowoc Municipal Code ("Code") to Michael Miller d/b/a "Manitowoc Small Engine Repair Service" ("MSERS"). This CUP ("2014 CUP") shall hereinafter serve as authorization for the location and operation of MSERS as a home occupation to be conducted only and entirely within a detached garage on the property identified as Lot 30 and the N 10' of Lots 31 and 32, Block 1, C.N. Schmidt's Subdivision (tax parcel # 625-001-321) a/k/a the "CUP Area" (see attached Exhibit "A"). The HOAB is not permitted in the dwelling unit in the CUP Area.

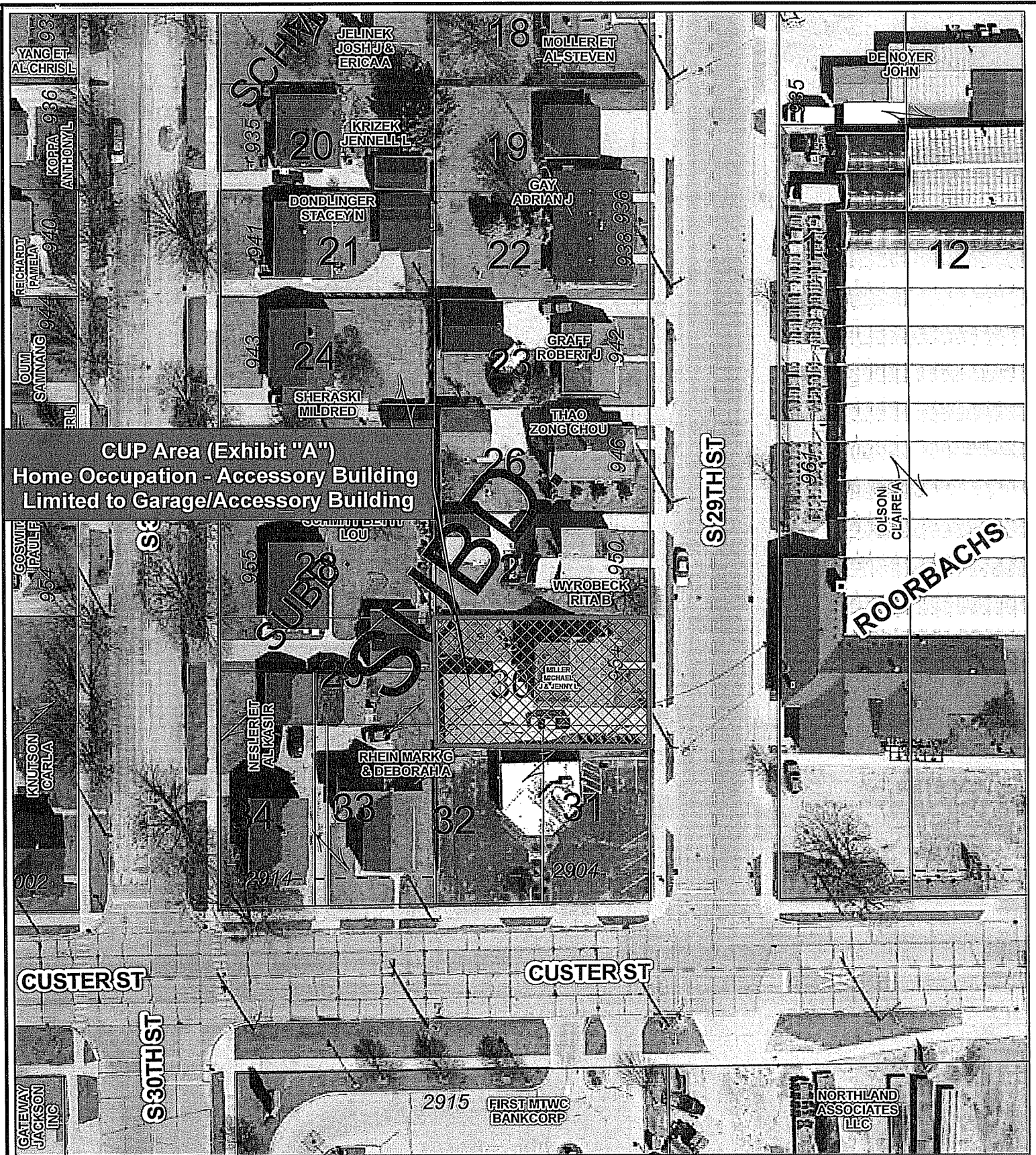
MSERS is required to comply with the following conditions:

- A. The 2014 CUP shall not become effective and binding until the date the Common Council approves the 2014 CUP as outlined herein.
- B. Operation of the HOAB shall be permitted under this 2014 CUP as long as it is operated in conformance with the requirements and conditions set forth in Section 15.030(1) of the Code, including the following:
 - (1) Shall be located entirely within not more than one (1) accessory building per lot of record.
 - (2) Shall operate only between the hours of 8:00 a.m. and 8:00 p.m.
 - (3) Shall not cause any external alterations to the accessory building including the creation of a separate or exclusive business entrance, and there shall be no exterior indication that a home occupation exists.
 - (4) Shall not be permitted to use equipment which creates offensive noise, vibration, sound, smoke, dust, odors, heat or glare detectable to the normal senses off the property, or X-rays or electrical disturbance to radio or television transmission in the area that would create visual or audible interference in excess of what is normally associated with a residential use.
 - (5) Shall have no outdoor display or storage of materials, goods, supplies or equipment.
 - (6) Shall not be permitted to have any external signage including window displays or advertising signs.
 - (7) Shall provide adequate off-street parking for occupants of the principal residence.
 - (8) Shall make reasonable efforts to keep all doors and windows closed during the hours of operation, except when entering or exiting.
 - (9) Shall be limited to not more than ten (10) clients per day in connection with the business.

- C. The operation of the HOAB shall not involve the storage of flammable, explosive or hazardous materials unless specifically approved by the Manitowoc Fire Department.
- D. Compliance with all federal, state and local regulations, licensing and Code requirements.
- E. The property owner shall not assign, transfer, sublet or convey its interest in the 2014 CUP.
- F. The 2014 CUP shall automatically terminate effective the same date: (i) the property owner conveys title to the subject parcel; or (ii) MSERS ceases to operate in the CUP Area. MSERS agrees to provide the City department which includes City Planning with written notice of its intent to discontinue operation in the CUP Area not less than 30 consecutive calendar days prior to the date operations are planned to cease.
- G. At any date and time, non-compliance with the terms of the 2014 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 2014 CUP.

Rundate: 4/16/2014

Filename: Y:\dave\wpfiles\Miller-CUP-Accessory-4162014.wpd



CUP Area (Exhibit "A")
Home Occupation - Accessory Building
Limited to Garage/Accessory Building


Request for
Conditional Use Permit
City of Manitowoc, WI

PC10-2014 Miller;
 954 S. 29th Street

Prepared by City of Manitowoc
 Planning Department
 www.manitowoc.org
 Map Plotted: 4/2/2014
 Orthophotography from: 4/11/2010
 X:\maps\Plan_Commission\Conditional_use\PC10-2014_Miller_CUP_homeoccupation.mxd
 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.



Legend

 Area of Request for Conditional Use Permit