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CITY OF MANITOWOC

WISCONSIN, USA
www.manitowoc.org



January 26, 2017

To: Mayor and Common Council

From: Manitowoc City Plan Commission

Subject: **PC 3-2017: Knutson / Terp, 2020 Dufek Drive, Request for a Conditional Use Permit for an Open Sales Lot Pursuant to 15.270(3)g.**

Dear Mayor and Common Council:

At the January 25, 2017 meeting of the Manitowoc City Plan Commission, the Commission considered all items on its agenda, including the item identified above, and wishes to report and recommend to the Common Council the following action: approval of the request for a Conditional Use Permit for the establishment of an Open Sales Lot in a B-3 General Business Zoning District located at 2020 Dufek Drive pursuant to the attached conditions. The Commission voted 7 - 1 in support of the Conditional Use Permit.

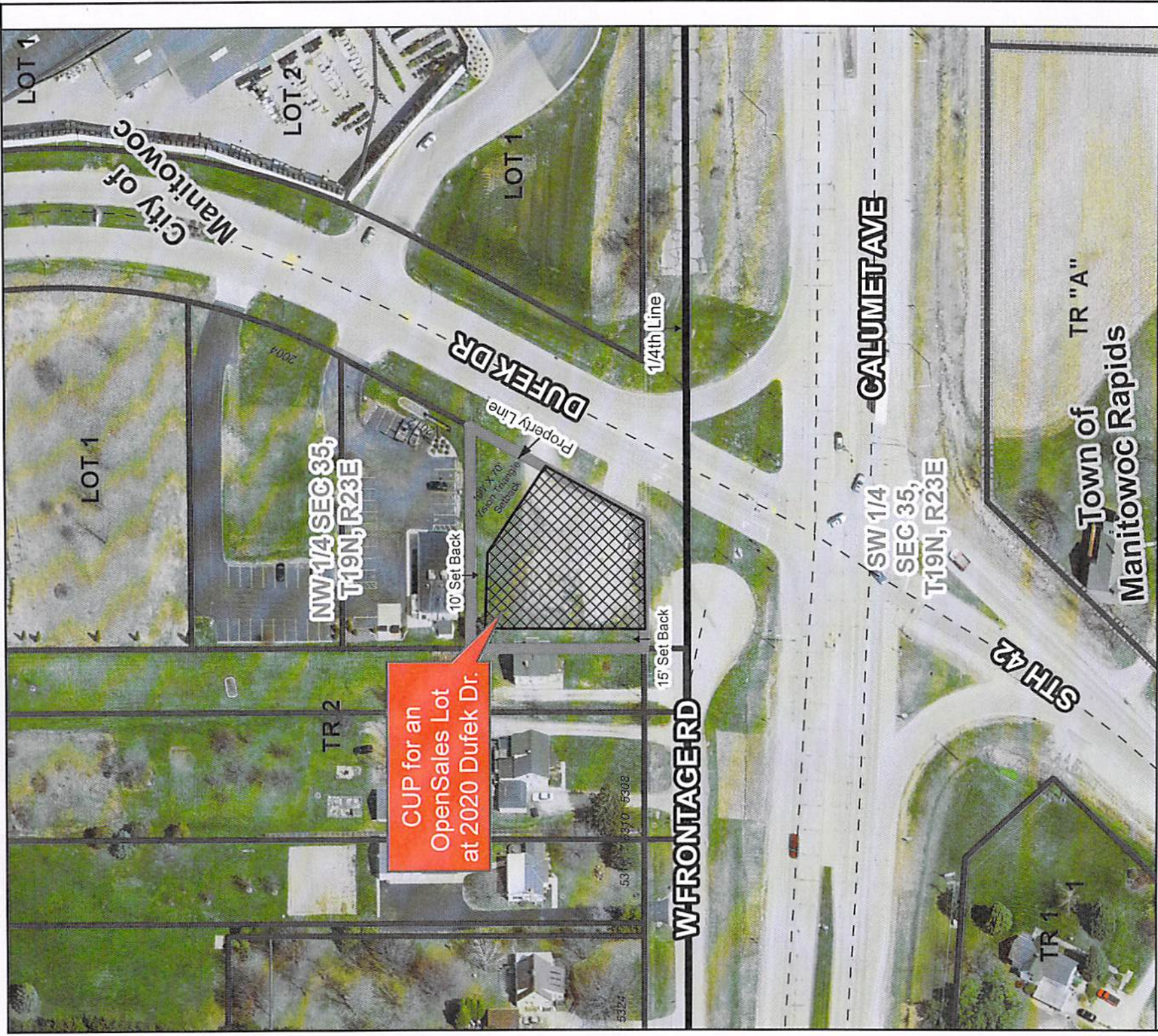
Respectfully Submitted,

Paul Braun
Plan Commission Secretary

Attachment: Conditions and Map
Granicus # 17-0075

Applicants:
Tim Terp
3404 Chasm Lane
Manitowoc, WI 54220

Carl Knutson
1735 Cross Street
Manitowoc, WI 54220



**CUP for an
OpenSales Lot
at 2020 Dufek Dr.**



Prepared by City of Manitowoc
Planning Department
www.manitowoc.org
Map File: 1772017
YUP: Polished
PC3-2017 CUP Open Sales 2020 Dufek
PC3-2017 CUP Open Sales 2020 Dufek
DISCLAIMER: Maps and associated data are believed to be accurate, but are not
warranted. This information is intended for legal, survey, or other related uses.
Please obtain the original recorded documents for legal or survey information.

CONDITIONAL USE PERMIT

City of Manitowoc, WI

 Area of Conditional Use
Permit for an Open Sales Lot



PC3-2017 CUP Open Sales
2020 Dufek Dr.

Manitowoc City Plan Commission

**REQUIREMENTS FOR A
CONDITIONAL USE PERMIT (CUP) APPROVAL FOR CARL KNUTSON AND TIMOTHY
TERP, 2020 DUFEK DRIVE
1/25/2017**

Re: PC3-2017: The CUP is granted exclusively to Carl A. Knutson and Timothy Terp ("Owners") pursuant to Section 15.370(27) and 15.270(3)g of the Manitowoc Municipal Code ("Code") for property located at 2020 Dufek Drive (Property"), and shall hereinafter serve as authorization for the location and operation at the Property of an "Outside storage or sales of merchandise" in a B-3 General Business Zoning District. The area of the CUP is identified on the attached map and shall hereinafter be referred to as the "CUP Area". The CUP Area is defined as Tax Parcel # 052-835-203-060.00".

The Owners are required to comply with the following conditions:

1. Compliance with the terms and conditions of the CUP shall be reviewed by the Plan Commission and Common Council in January, 2018.
2. The Open Sale Hours for the operation shall be between dawn and dusk, Monday – Sunday.
3. All exterior lighting from the CUP area shall be contained to the site and shall not filter over the property lines onto adjoining properties.
4. In the event the property comprising the CUP Area is sold or leased to a party other than an entity in which Carl Knutson or Timothy Terp has a controlling interest, the CUP shall then terminate effective the date of conveyance.
5. The Property is limited to a maximum of 8 storage sheds and 4 vehicles at any single time. Vehicles include automobiles, trucks, trailers, campers, RV's, and boats.
6. Product sold or stored on the site shall be setback at least 15 feet from the residential use along the west property line and setback at least 10 feet from the north property line. There shall also be a 100' x 70' vision triangle located at the northeast corner of the Owners parcel; the attached CUP map depicts this area. The intent of the above described vision triangle is to maintain the site vision to the business to the north.
7. The storage of any materials, junk, debris, garbage or inoperable vehicles is prohibited on the subject property.
8. All products displayed on the Property shall not be placed in the right-of-way or in the vision triangles. Product shall be displayed, placed, and located in an orderly fashion.
9. This CUP shall automatically terminate on January 1, 2018. The intent of this CUP is to encourage the owners to redevelop the property for a higher and better use but temporarily provides the owners with an interim use. The owners shall have to reapply for a CUP after the termination date.



17-0075

Standing Committee: Plan Commission

Document Name: Request for a Conditional Use Permit for an Open Sales Lot Pursuant to 15.270 (3)g. PC 3 – 2017: Knutson / Terp, 2020 Dufek Drive.

Consent

Non-Consent


Recommendation: Approval of the request for a Conditional Use Permit to allow for the “outside storage or sales of merchandise” in a B-3 General Business District for property located at 2020 Dufek Drive pursuant to the map, conditions and petitioner’s submittal packet.

- As Amended.


Attest:



Alderperson Jim Brey



David Diedrich, Member


Dennis Steinbrenner, Member


Jim Muenzenmeyer, Transit/B&G Div Mgr


Peter Dornier, Member


Daniel Hornung, Member


Dan Koski, Director of Public Infrastructure


Rick Schwarz, Building Inspector (Alternate)

Approved:

Justin M. Nickels
Mayor

Date

Report to the Manitowoc Plan Commission

Meeting Date: January 25, 2017

Report Print Date: January 19, 2017; 2:07 PM

Request: PC 3 – 2017: Knutson / Terp, 2020 Dufek Drive: Request for a Conditional Use Permit for an Open Sales Lot Pursuant to 15.270(3)g

Reason for Request: Pursuant to 15.270(3)g Open Sales Lots in a B-3 General Business Zoning District require the issuance of a Conditional Use Permit.

Existing Land Use for Subject Property: Currently a vacant gravel and grass lot. The property formerly was the location of vehicle repair business.

Existing Zoning for Subject Property: B-3 General Business

Surrounding Property Land Uses and Zoning

Direction	Existing Land Use	Existing Zoning
North, East, South West		B-3 General Business
West	Residential	
North	Restaurant / Industrial Park	
East	Commercial / Business (Menards)	
South	Residential / Vacant	

Comprehensive Plan: The Future Land Use Map indicates the property as being “General Business” which states that uses typically located in the B-2, B-3 and C-1 zoning districts would be consistent with the “General Business” classification.

Report: The C-1 Commercial District, which is a recommended zoning district in the future land use “General Business” category permits outside display and storage of product. The B-2 district does not allow any outside sale or storage of product. Prior to a recent zoning text amendment, the B-3 district, which is the zoning of the subject property, originally only allowed outside storage of product as a CUP and did not allow the outside sale of product. Since the zoning code text amendment which was adopted by the Common Council in November 2016 an owner of B-3 zoned property can request a conditional use permit to allow for the outside storage or sales of merchandise.

Knutson and Terp have owned the subject property since 2007 and removed a barn that was on the property. In 2008, they began renting space to individuals for the sale of their vehicles. Around 2015, storage sheds started to be sold off the property which triggered some complaints and it was discovered that the property was not zoned properly.

Mr. Terp stated that he talked with the abutting property owner and have agreed to locate the storage sheds to the west portion of the lot to maintain visibility to the business located to the north. Mr. Terp stated that they will also deter traffic from accessing the property from the frontage road.

Site Assessment The property is 0.396 acres or 17,250 s.f. in size and measures 156' along Dufek Drive, 163' along the north property line, 136' +/- along the west property line and 89' along the south property line. The property was the former location of an automobile service station (Don's Auto?) and is currently vacant and covered with gravel or grass. The property is currently for sale and has been for sale for quite a long time. There are approximately 13,000 vehicles that view the location each day, so the long term highest and best use for the property is not an open sales lot. It is assumed that the market demand of the lot will encourage a higher and better use that involves the redevelopment of the entire corner including the subject property and other abutting lots.

Compliance Analysis

Under a Conditional Use Permit pursuant to Section 15.370(27), the Commission and Council must determine if the proposed use:

- A. is reasonably necessary for the convenience and welfare of the public.
- B. Is in harmony with the character of the surrounding area.
- C. Will have a minimal effect or no effect on the surrounding property values.

The Commission and Council can affix conditions to the CUP to provide assurances that the proposed use will remain in conformity with the criteria under subsection (27)c as well as compliance with regulations of the particular zoning district which the conditional use would be located.

Public Comments Notices were mailed out to property owners within 200 feet excluding right of way on January 18th, to date no responses or comments have been received.

Timeline

- Application Received: December 15, 2016
- Notification Sent: January 18, 2017

Recommendation: Recommend approval of the request for a Conditional Use Permit to allow for the "outside storage or sales of merchandise" in a B-3 General Business District for property located at 2020 Dufek Drive pursuant to the attached map, conditions and petitioner's submittal packet.

**REQUIREMENTS FOR A
CONDITIONAL USE PERMIT (CUP) APPROVAL FOR CARL KNUTSON AND TIMOTHY
TERP, 2020 DUFEK DRIVE
1/25/2017**

Re: PC3-2017: The CUP is granted exclusively to Carl A. Knutson and Timothy Terp ("Owners") pursuant to Section 15.370(27) and 15.270(3)g of the Manitowoc Municipal Code ("Code") for property located at 2020 Dufek Drive (Property), and shall hereinafter serve as authorization for the location and operation at the Property of an "Outside storage or sales of merchandise" in a B-3 General Business Zoning District. The area of the CUP is identified on the attached map and shall hereinafter be referred to as the "CUP Area". The CUP Area is defined as Tax Parcel # 052-835-203-060.00".

The Owners are required to comply with the following conditions:

1. Compliance with the terms and conditions of the CUP shall be reviewed by the Plan Commission and Common Council in January, 2018.
2. Hours of operation shall be between ~~7am - 7pm~~, Monday – Sunday.
Dawn to Dusk
3. All exterior lighting from the CUP area shall be contained to the site and shall not filter over the property lines onto adjoining properties.
4. In the event the property comprising the CUP Area is sold or leased to a party other than an entity in which Carl Knutson or Timothy Terp has a controlling interest, the CUP shall then terminate effective the date of conveyance.
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9. This CUP shall automatically terminate on January 1, ~~2020~~²⁰¹⁸. The intent of this CUP is to encourage the owners to redevelop the property for a higher and better use but temporarily provides the owners with an interim use. The owners shall have to reapply for a CUP after the termination date.



CITY OF MANITOWOC
WISCONSIN, USA
www.manitowoc.org



January 16, 2017

NOTICE OF PUBLIC INFORMATIONAL HEARING

As a property owner within 200 feet of a proposed Conditional Use Permit (CUP) for the operation of an Open Sales Lot located at 2020 Dufek Drive, Manitowoc WI. You are being notified that the Manitowoc City Plan Commission will meet on **January 25, 2017 at 6:00 o'clock P.M.** in the Common Council Chambers, Main Floor, City Hall, 900 Quay Street, and hold a public informational hearing to consider the request for the CUP. The request is pursuant to Section 15.270(3)g of the Manitowoc Municipal Code. The CUP area is identified on the attached map.

Petitioners are: PC3-2017: Carl Knutson and Tim Terp; Request for a Conditional Use Permit Under Section 15.270(3)g for an Open Sales Lot for property located at 2020 Dufek Drive.

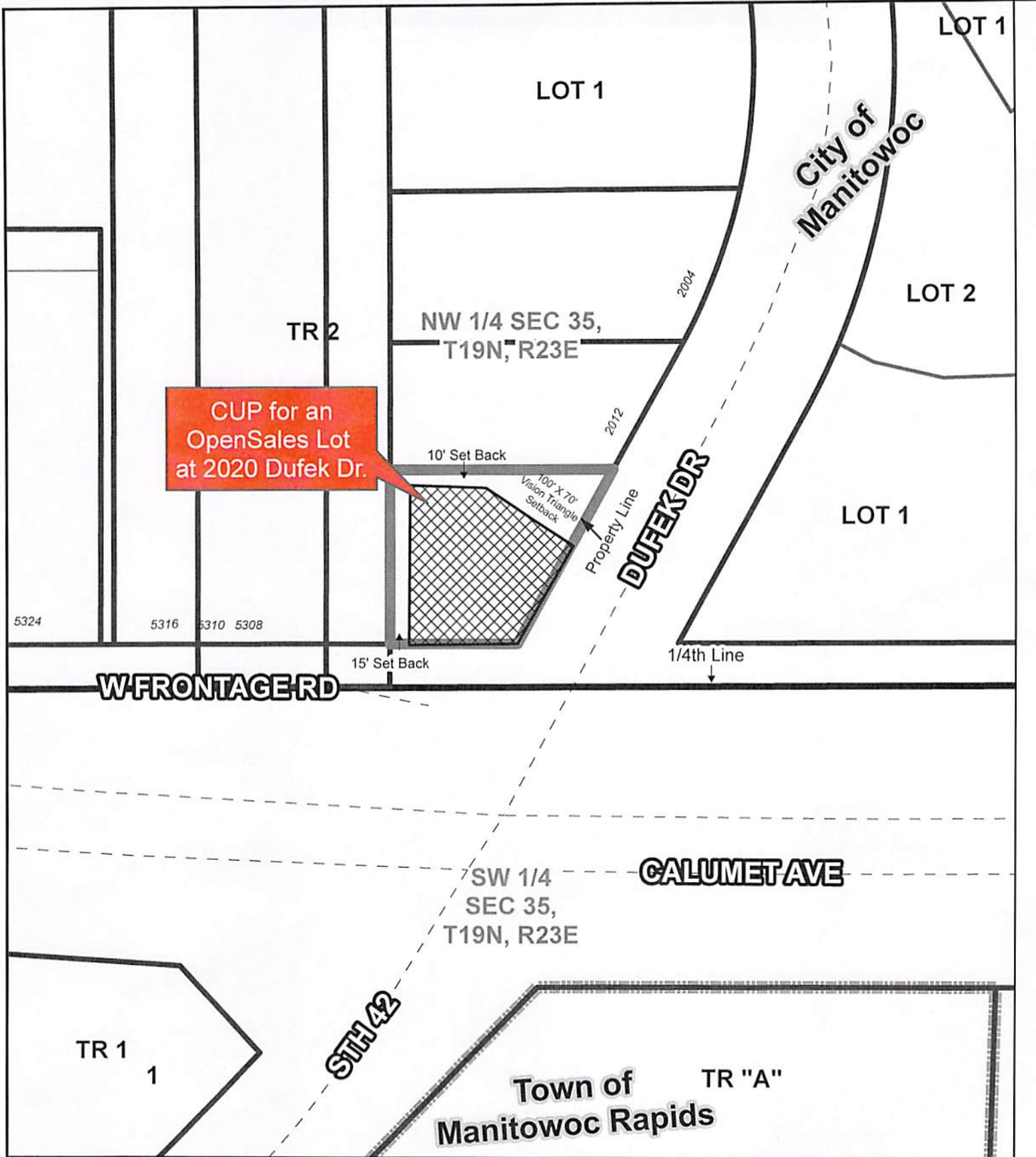
You are invited to attend this informational meeting in order to voice your opinion regarding the proposed CUP.

If you wish, you can call (686-6930) or visit the office of the City Plan Commission, Main Floor, City Hall, and we will be glad to discuss the proposed development with you.

Respectfully Submitted,

Paul Braun
City Planner

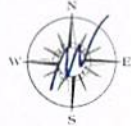
Enclosure



CUP for an Open Sales Lot at 2020 Dufek Dr.


CONDITIONAL USE PERMIT

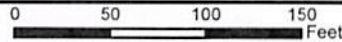
City of Manitowoc, WI



Prepared by City of Manitowoc
 Planning Department
 www.manitowoc.org
 Map Plotted: 01/17/2017
 Y:\Planning\PC Plan Commission\Actions 2017\PC3-2017 CUP Open Sales 2020 Dufek

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.

	Area of Conditional Use Permit for an Open Sales Lot
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PC3-2017 CUP Open Sales
 2020 Dufek Dr.

RECEIVED

DEC 15 2016

CITY PLAN COMMISSION
MANITOWOC, WI

GENTLEMAN:

WE ARE THE OWNERS OF THE PROPERTY AT 2020 DUFEK DRIVE IN MANITOWOC & HEREBY REQUEST THE CITY OF MANITOWOC ZONING COMMITTEE FOR A VARIANCE TO OUR B-3 ZONING TO ALLOW THE SALE OF PORTABLE BUILDINGS & VEHICLES FOR SALE BY OWNERS.

OVER THE PAST SEVERAL YEARS THIS CORNER HAS BEEN RECOGNIZED BY MANY CITIZENS OF MANITOWOC AS A CLEAN & SAFE LOCATION TO SHOP FOR STORAGE BUILDINGS &/OR AN OCCASIONAL VEHICLE.

GLENDON WEAVER, OWNER OF SUNNVIEW STORAGE SHEDS, OFFERS A QUALITY PRODUCT AND HAS BEEN SUCCESSFUL IN MARKETING HIS PRODUCT FROM THIS LOCATION. HE IS VERY CONCERNED ABOUT KEEPING THIS A SAFE & CLEAN PROPERTY, AND HAS OUR NEIGHBORS INTERESTS IN MIND.

WE HAVE MET WITH GARY STOLP, THE OWNER OF THE SUBWAY STORE TO THE NORTH & WEST OF OUR LAND. WE HAVE REACHED AN AGREEMENT WITH GARY TO RECTIFY HIS CONCERNS. WE WILL KEEP OUR NORTH LOT LINE OPEN SO GARY'S PROPERTY IS VISIBLE FROM THE HWY 151 & HWY 42 INTERSECTION. ALSO, GARY HAS REQUESTED THAT WE DETER FRONTAGE ROAD TRAFFIC FROM USING OUR PROPERTY AS A SHORT CUT TO DUFEK DRIVE. GARY ALSO HAS OUR CONTACT INFORMATION SO ANY FUTURE CONCERNS CAN BE ADDRESSED.

WE FEEL THIS WOULD BE A WIN-WIN SITUATION FOR US, FOR CITIZENS OF MANITOWOC AND ADJACENT

सुबोधिन
1887-1891

रजिस्ट्रार:

1. The first part of the document contains a list of names and their corresponding details. The names are written in Devanagari script. The details include dates and other information related to the names. The list is organized in a structured manner, possibly a table or a ledger. The text is somewhat faint and difficult to read accurately.

BUSINESS OWNERS WHO WILL BENEFIT FROM
ADDITIONAL CONSUMERS VISITING OUR PROPERTY.

WE SINCERELY HOPE THAT YOU AS MEMBERS
OF THIS COMMITTEE RECOGNIZE THAT THESE
ENDEAVORS CERTAINLY ARE NOT HARMFUL TO THE
CITY, NEIGHBORS & SURROUNDING BUSINESS OWNERS,

SINCERELY

Carl A. Knutson

CARL KNUTSON
View View

TIM TERP

Business College
Accounting
The Business
College
Accounting

901 - 3110

Time
The Time