

Report to the Manitowoc Plan Commission

Meeting Date: February 28, 2018 **NOTE:** There was not a quorum for the Feb 28th meeting the item was placed onto the March 28, 2018 Commission for formal action.

Report Print Date: February 23, 2018; 1:22 PM

Request: PC 3 – 2017: Knutson / Terp, 2020 Dufek Drive: Request for the re-issuance of 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	
South	Residential / Vacant	

Consistency: Conditional Use Permits are not required to be consistent with the Comprehensive Plan but it is always good practice to review the consistency requirement for all proposals. The Future Land Use Map proposes the area to be General Business which is consistent with the proposal even though the proposal is not the highest and best use of the land.

Case History: The Common Council at their February 20, 2017 meeting issued a CUP to Tim Terp and Carl Knutson authorizing an open sales lot on their property located 2020 Dufek Drive. Some of the main conditions in the CUP allow for the outside sales of up to 8 storage sheds and 4 vehicles at a single time, a 100' x 70' vision triangle to not block the view of the Subway to the north and that the CUP shall automatically terminate on January 1, 2018 with the owner reapplying for the CUP after the termination date. Because of the termination language the request is not an annual review but it is a new request for a CUP which requires a review fee and public hearings.

The reasoning for the termination condition was that the Commission and Council would like to see a higher and better use developed on the site and that the termination date may encourage the owners to pursue that higher use. At the January 2017 Plan Commission meeting there was detailed discussion regarding the termination date condition. Staff originally proposed a termination date of January 1, 2020 but the Commission discussed termination dates of either

January 1, 2019 or January 1, 2018. Ultimately the Commission on a 7 -1 vote, approved the January 1, 2018 termination date requiring the owners to reapply for a new CUP.

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. The property is currently listed for sale.

Site Assessment: The property is 0.396 acres or 17,250 s.f. 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 and is currently vacant and covered with gravel or grass. The property is currently for sale and has been for quite a long time. There are approximately 13,000 vehicles that view the location each day. 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.

The Police and Building Inspection Departments do not have any complaints or comments on record for 2017 regarding the property. Community Development staff have driven past the site over the past year and have not seen any violations with the CUP conditions.

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 February 21st; at the time of this writing no comments have been received.

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
2/28/2018**

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, 2019.
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, 2020. 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.




CUP for an OpenSales Lot at 2020 Dufek Dr.

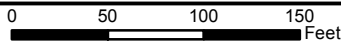
CONDITIONAL USE PERMIT

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**



PC3-2017 CUP Open Sales
 2020 Dufek Dr.

City of Manitowoc
Planning Dept.
920-688-6930

Feb. 20TH 2018
RE: 2020 Dufek Dr.

Attn: Paul Braun

We would like to extend our cup for another year. Please inform as to what we need to do to accomplish such.

Until we hear from you; we remain:

Sincerely

Carl A. Knutson

Jim Vesp

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

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