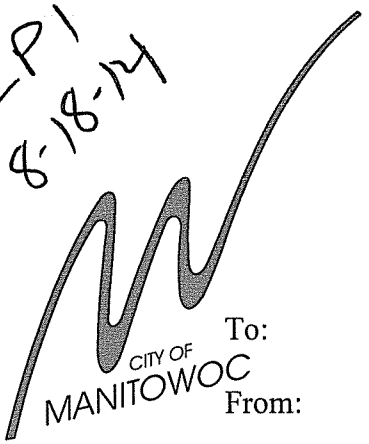


LPI
8-18-14

14-1635

August 8, 2014



CITY OF
MANITOWOC

David Less
City Planner

To: Mayor and Common Council
From: Manitowoc City Plan Commission
Subject: **PC15-2013: Elks Lodge 687 Annual Compliance Review – Conditional Use Permit (CUP) for Location and Operation of a Clubhouse at 1807 N. Rapids Road Pursuant to Section 15.270(3)(c)**

Dear Mayor and Common Council:

At the regular August 6, 2014 meeting of the Manitowoc City Plan Commission, the Commission conducted its annual compliance review in accordance with an originally issued July 18, 2013 CUP for the location and operation of a Clubhouse in a B-3 zoning district for the Elks Lodge 687 at 1807 N. Rapids Road.

The Commission notes that the Elks were first able to gain control of the building in March 2013 due to a pre-existing lease and that they focused their attention on interior renovations. They have hired S.M.I. to prepare a site plan to address the landscaping and off-street parking concerns of the Commission.



OFFICE OF CITY PLANNING
CITY PLAN COMMISSION

The Commission is advising the Council that its compliance review produced no negative findings or material disclosures related to the Elks Operation. The Commission unanimously recommends that the CUP be continued as originally issued with another compliance review occurring in August 2015. The Commission also recommends that item 4. regarding completion of a site plan for the off-street parking lot and completion of landscaping, be extended until July 31, 2015.

Respectfully Submitted,

Paul Braun
City Planner

Attachment
2013 CUP



ADDITIONAL REQUIREMENTS FOR
CONDITIONAL USE PERMIT (CUP) APPROVAL FOR
MANITOWOC ELKS LODGE NO. 687 AT
1807 N. RAPIDS ROAD

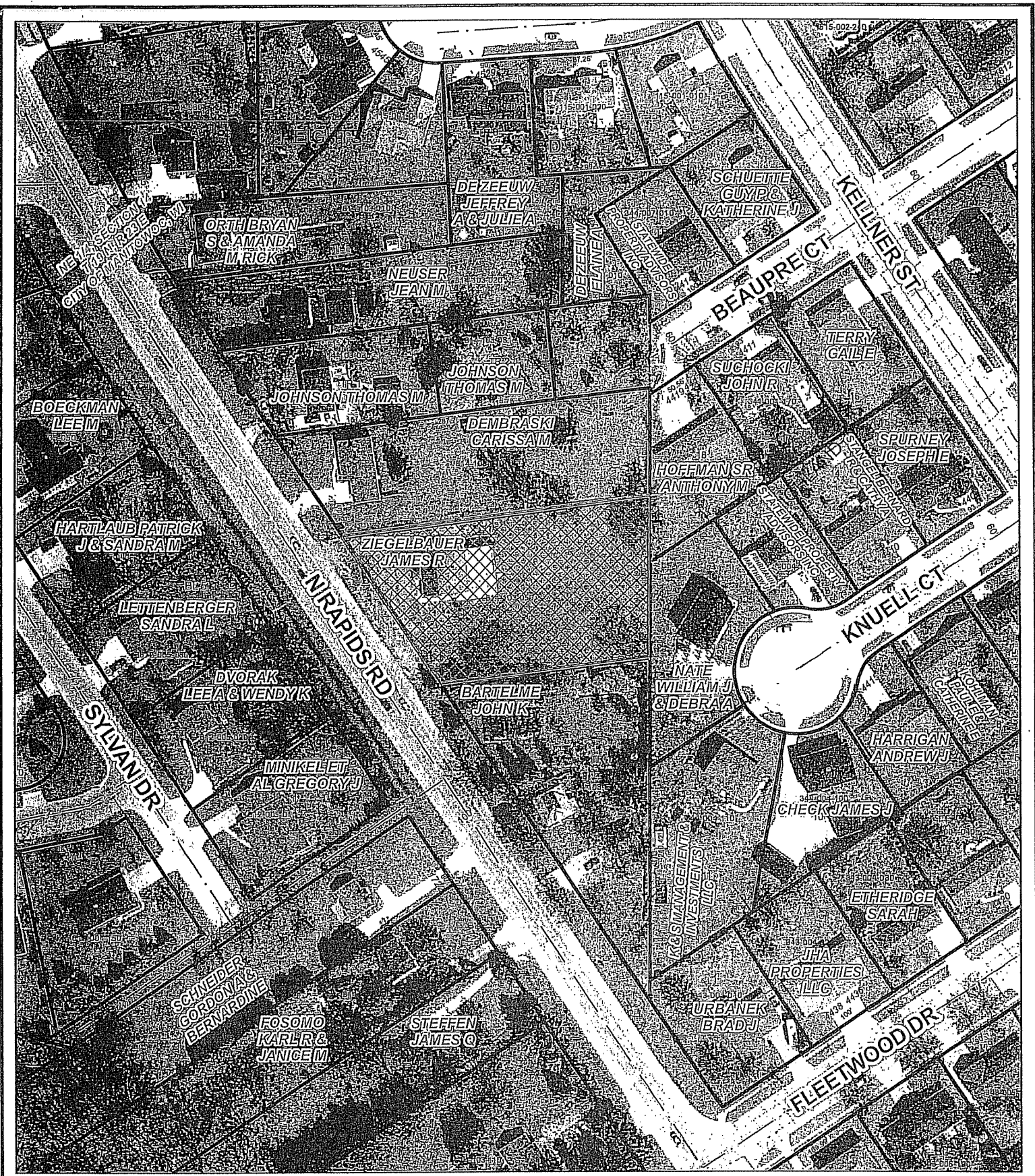
7/15/2013

Re: PC15-2013: The CUP is granted exclusively to the Manitowoc Elks Lodge No. 687 (hereinafter "Elks" or "Elks Club") pursuant to Section 15.270(3)(c) of the Manitowoc Municipal Code (hereinafter "Code"), as may be amended from time to time, for the land and building at 1807 N. Rapids Road, and shall hereinafter serve as authorization for the location and operation of the Elks Club, including usage of the CUP Area (as defined below) for dining and catering services, weddings, fundraising, conferences, holiday gatherings, and any other events or usage conducted that are: (i) temporary; (ii) subordinate to the primary usage of the CUP Area as the Elks clubhouse and associated club activities for the direct benefit of Elks Club membership; (iii) and are not rendered on an actual and regular basis as a service that is customarily carried on as a business, as long as these uses remain, and the income derived therefrom (economic gain), is subordinate to the overall purpose of the Club. The area of the CUP is identified and highlighted on the attached map, and shall hereinafter be referred to as the "CUP Area". The CUP Area is defined as Tax Parcel #814-103-050.

Elks are required to comply with the following conditions:

1. The CUP authorizing the siting and operation of the Elks in the CUP Area shall not be approved until the Common Council approves the CUP as outlined herein, and shall not become effective until the same date the Elks take title to the CUP Area.
2. This CUP shall be terminated in the event the Elks fail to acquire the CUP Area pursuant to the June 7, 2013 "Agreement for Sale of Real Estate".
3. Elks shall provide the City Planner with a copy of any executed leases, licenses or occupancy agreements in place at the CUP Area, along with any amendments or modifications thereto. Elks shall provide written notice to the City Planner within 30 days prior to the Elks taking physical occupancy of the CUP Area.
4. Elks shall be required to prepare a landscape plan for the parking lot, and shall improve the off-street parking area to comply with Section 15.690 of the Code, and complete said improvement on or before December 31, 2014.
5. Activities sponsored and authorized by the Elks conducted outside of the existing building shall be limited to Monday - Saturday 9am - 9pm, and Sunday and holidays, 9am - 5pm.
6. This CUP does not authorize the Elks to operate, license or lease any part of the CUP Area to any third party use which would require a CUP to locate in the "B-3" zoning district. The CUP does authorize the operation of on-premise catering (defined as the provision and distribution of food and beverage, alcoholic and otherwise, prepared on-site and served to customers on-site), for not more than three (3) days in any seven (7) consecutive day period, as long as said catering operation is not operated by, or in connection with a public tavern, café or other public place.
7. This CUP does not waive or pre-empt any requirements under any building or zoning codes or any other requirements of any municipal, state or federal regulation, statute or law.

9. The CUP shall not be assigned, transferred, sublet or conveyed without the written approval upon review and recommendation by the City Plan Commission, and approval by the Manitowoc Common Council.
10. 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.
11. Compliance with the terms and conditions of the CUP shall be reviewed by the Plan Commission and Common Council in August, 2014, and during the month of August 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.



REQUEST FOR CONDITIONAL USE PERMIT (CUP)

City of Manitowoc, WI



Area of Request for CUP for Location and Operation
of a Clubhouse at 1807 N. Rapids Road

Prepared by City of Manitowoc
Planning Department
www.manitowoc.org
Aerial Photo: 4/11/2010
Map Printed: 7/1/2013
X:\Maps\Plan_Commission\Conditional_use\PC15-2013_Elks_Lodge_CUP_Clubhouse_N_Rapids_smallmap.mxd

130 65 0 130 Feet



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.