

THAT THE REQUEST BY PHESAL CKADAN SEEKING A CONDITIONAL USE PERMIT TO INSTALL A GAS CANOPY AND REFUELING ISLANDS AS PART OF A REDEVELOPMENT PLAN FOR 930 WASHINGTON AVENUE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a. That the plans presented to the Plan Commission on June 7, 2016 be approved, subject to the conditions contained herein.
- b. That approval of this conditional use is contingent upon the approval compliance with recommendations and approvals of the Downtown Area Design Review Commission on June 2, 2016.
- c. That signage is not approved with this review, and all proposed signage shall be submitted for review and approval by the Downtown Area Design Review Commission and other appropriate authorities.
- d. That unless otherwise excepted herein, all applicable codes and ordinances shall be complied with and required permits acquired.
- e. That the following exceptions to Chapter 114 of the Municipal Code (Zoning) are authorized:
 1. Allow 15 on-site parking spaces where 17 are required to help facilitate on-site traffic circulation (Sec. 114-1188).
 2. Allow the a continuation of a minimum 3.29 western transition yard, subject to installation architectural details, fencing and landscaping details approved by the Downtown Area design review Commission (Sec. 114-490).
 3. Allow a gas canopy setback of 3.6 feet, as reflected on the site plan, where 20 feet is the requirement.
- f. That no vehicle repair or service business be conducted at this location.
- g. That the store hours of operation shall be from 5:00 a.m. – 12:00 midnight daily; however “24 hour” pay-at-the-pump fuel service is allowed.
- h. That there shall be no outside display, sales or service other than the dispensing of fuel at the fuel islands. This prohibition includes but is not limited to ice machines, public telephones, propane, fire wood, window wash, vacuums, air station, ATM cash machines, and automobiles.
- i. That prior to the issuance of a building permit the following shall be accomplished:
 1. Submit final site, architectural, lighting, signage and landscaping plans and materials samples to the Director of City Development for review and approval.
 2. Provide for review and approval a document providing for implementation of general cross access privileges to and from the adjoining property to the north, and pedestrian access privileges from the adjoining property to the south.
 3. Proper demolition of existing structures and removal of all associated debris, materials and equipment within 30 days of the start of demolition.
 4. Removal of encroaching structures and parking/drive areas along the west property line.
 5. Submit a security plan to be placed on file with this approval.

6. Execute a hold harmless agreement, and pay all associated fees related to site improvements encroaching into the public right of way (fencing, landscaping, lighting, pavement, etc).
- j. That prior the issuance of an occupancy permit the following shall be accomplished:
 1. Installation of all site improvements as depicted by the approved site, architectural, lighting, signage and landscaping plans and materials sample.
 2. That all trash and recyclables be stored in closed containers and screened from view.
 3. Parking areas shall be paved, sealed and striped, and wheel stops and curbing installed, according to approved plans.
 4. Provide evidence of recordation at the Racine County Register of Deeds of the cross access privileges document.
 5. Provide evidence of recordation at the Racine County Register of Deeds of the hold harmless document.
- k. That no banners, flags, inflatables, pennants, string-lights, or other attraction devices are allowed at any time.
- l. That the owner is responsible for all site maintenance, including but not limited to removal of weeds, building and landscaping upkeep, and snow and trash removal.
- m. That if, prior to the issuance of an occupancy permit, landscaping and other site improvements are not completed, a financial surety shall be provided to the City in an amount equal in value to the required improvements, subject to the following terms:
 1. Financial surety documents shall be submitted for the review and approval of the Director of City Development, shall be issued in the City's favor, shall be in effect for one year from the date of issuance, shall be extended beyond the expiration date if deemed necessary by the City of Racine, and shall require that the issuer give a 90 day notice to the Department of City Development prior to the expiration of said financial security.
 2. The City is authorized by this Conditional Use permit to enter the site, implement the plans(s) and draw on the financial security for the cost of implementation if required improvements are not completed by the time of the issuance of an occupancy permit, or by an earlier date as may be required herein. Any costs incurred in excess of the value of the financial security shall be paid by the applicant or the owner or shall be imposed as a special charge against the real property in accordance with applicable statute.
- n. That by operating under this Conditional Use, the owner gives permission to the City to enter upon the property for the purposes described herein.
- o. That no minor changes be made to the conditions of this permit without the approval of the Plan Commission, and no major changes be made without the approval of the Common Council.
- p. That this conditional use permit is subject to review by the Plan Commission for compliance to the listed conditions.