

THAT THE REQUEST BY DAVID YANDEL TO OPERATE THE 'HARBOR PARK CROSSFIT' FITNESS FACILITY AT 1344 LATHROP AVENUE BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS AS AMENDED:

- a. That the plans presented to the Plan Commission on November 9, 2016 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That the hours of operation shall be 5:30 a.m. – 8:00 p.m., Monday through Friday; and 8:00 a.m. – 12:00 p.m. Saturday and Sunday.
- d. That all codes and ordinances shall be complied with, and required permits acquired.
- e. That trash shall be stored indoors in acceptable containers and removed from the site on a daily basis.
- f. That the applicant and staff shall be responsible for site maintenance.
- g. That the parking lot shall be striped and wheel stops installed in accordance with the original site plan from 1994, prior to issuance of an Occupancy Permit.
- h. That the buffer requirement between 1344 and 1340 Lathrop Avenue be waived due to a recorded ingress/egress easement, and that the applicant/owner shall provide City Development an accurate, updated site plan which reflects the physical parameters of the easement, the recording number of the easement, and indication that it is for ingress/egress. Revised plans shall be submitted within 30 days of this approval.
- i. That proposed signage shall be reviewed and approved by the Department of City Development prior to issuance of sign permits.
- j. That if, prior to the issuance of an occupancy permit, improvements in conditions g. and h. 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.
3. 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.
 4. That by operating under this Conditional Use, the owner gives permission to the City to enter upon the property for the purposes described herein.
- k. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
 - l. That this permit is subject to Plan Commission review for compliance with the listed conditions