

THAT THE REQUEST BY JIM BURDA OF HOOGLAND FOODS SEEKING A CONDITIONAL USE PERMIT FOR A MARCO'S PIZZA CARRYOUT RESTAURANT AT 2065 LATHROP AVENUE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a. That the plans date stamped December 26<sup>th</sup>, 2012 and presented to the Plan Commission on January 9, 2013, be approved subject to the conditions contained herein.
- b. That the hours of operation of the carryout restaurant be from 11:00 a.m. to 11:00 p.m. Sunday through Thursday, and 11:00 a.m. to 12:00 a.m. Friday and Saturday.
- c. That prior to the issuance of a building permit, the following shall be accomplished:
  1. Submittal of a detailed landscape plan for the review and approval of the Director of City Development prior to the issuance of a building permit. At minimum, said landscape plan shall illustrate dumpster areas and details, and the provision of landscaping plantings in the painted island areas currently delineated at the 21<sup>st</sup> Street and Lathrop Avenue parking lot entrances, and at the southwest corner of the property. Landscaping illustrated in the plans shall be implemented prior to the issuance of an occupancy permit.
  2. Submittal of and access agreement to be executed between the adjacent property owner and owner of subject property for the review and approval of the Director of City Development. Proof of the recordation of said access agreement shall be provided to the Director of City Development prior to the issuance of a building permit.
- d. That if prior to the issuance of an occupancy permit the site improvements described in condition "c.1" are not installed, then a financial surety shall be provided to the City in an amount equal in value to the required improvements described in condition "c.1", 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 plan(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 owner or shall be imposed as a special charge against the real property in accordance with the applicable statute.
  3. By operating under this Conditional Use, the applicant and owner give permission to the City to enter upon the property for the purposes described herein.
  4. In no case shall the site improvements described in condition "c.1" be installed later than June 10, 2013.
- e. That a detailed signage plan be submitted for the review and approval of the Director of City Development prior to said signage's installation.

- f. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- g. That all codes and ordinance shall be complied with and required permits acquired.
- h. That this approval is subject to Plan Commission review for compliance with the listed conditions.
- i. That no minor changes shall be made from the conditions of this approval without the approval of the Plan Commission, and no major changes shall be made from the conditions without the approval of the Common Council.