



## Legislation Text

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**File #:** Res.0331-16, **Version:** A

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Alderman Wiser

Changes to Conditional Use Permit at 500 and 522 Sixth Street (Porcaro Indian of Racine)

Resolved, that the request by Mark Porcaro of Porcaro Indian of Racine seeking a major amendment to a conditional use permit at 500 and 522 Sixth Street to re-establish a restaurant, outdoor event and dining space plus implement various site improvements including an electronic message center and an illuminated interior sidewall sign is approved, subject to the following conditions:

- a. That plans presented to the Plan Commission at the September 14, 2016 meeting are approved subject to the conditions contained herein.
- b. That the following aspects of this request are approved:
  1. Indoor and outdoor dining.
  2. East wall balcony addition.
  3. Parking lot expansion onto 500 Sixth Street.
  4. Outdoor event space in parking lot.
  5. Internally illuminated (non-flashing) interior lot sidewall sign.
  6. Decorative fencing, columns, and associated accoutrements and amenities as approved.
  7. Electronic message center, single color text on a black background, operated within limitations and allowances of Municipal Code Sec 114-1033, unless otherwise regulated herein. This approval granted citing circumstances unique to the subject property and location, size, and configuration of the sign structure and the use of historic materials.
  8. Encroachment into the 25 foot vision triangle as presented.
- c. That the design of the herein described facilities and associated accoutrements and amenities shall be implemented in accordance with that which has been approved by the Downtown Area Design Review Commission.
- d. That a landscape plan shall be submitted to the Director of City Development for review and approval prior to the issuance of an occupancy permit for the outdoor balcony space and said landscape plan shall be implemented by May 1, 2017.
- e. That all decorative fencing be installed in accordance with the approved plans by May 1, 2017.
- f. If any improvements listed in conditions "e" and "f" cannot be completed prior to the times specified, then the applicant or owner shall provide the City with a letter of credit, bond, or other acceptable financial security, equal in value to the required improvements, subject to the following:
  1. The financial security 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 the financial assurance.

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 implemented by the dates stated. 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 purpose hereby described.

g. That the hours of operation shall be consistent with those listed in the liquor license premises description, but with modifications as follows: Sunday through Thursday, all outdoor events and live entertainment shall be permissible between the hours of 10:00 a.m. and ceasing by 9:00 p.m.; Friday and Saturday, all outside live entertainment and events are permissible between the hours of 10:00 a.m. and ceasing by 11:00 p.m.; dining and beverage service may continue in the outdoor balcony area consistent with hours of operation for indoor activities and operations.

h. That all codes and ordinances be complied with and required permits acquired, unless otherwise excepted herein.

i. That this permit is subject to review by the Plan Commission for compliance with the listed conditions.

j. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes shall be made from the conditions of this permit without the approval of the Common Council.

Fiscal Note: N/A