



CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT

Meeting Date: 9/12/2018

To: Mayor and Plan Commission Members

From: City Development Department, Division of Planning and Redevelopment

Division Manager: Matt Sadowski – (262) 636-9152 matthew.sadowski@cityofracine.org

Case Manager: Jeff Hintz

Location: 3921 Olive Street, located on the southeast corner of the intersection of Olive Street and Russet Street.

Applicant: Turner Morris of Filling the Void Childcare Academy

Property Owner: DBW INVESTMENTS LLC

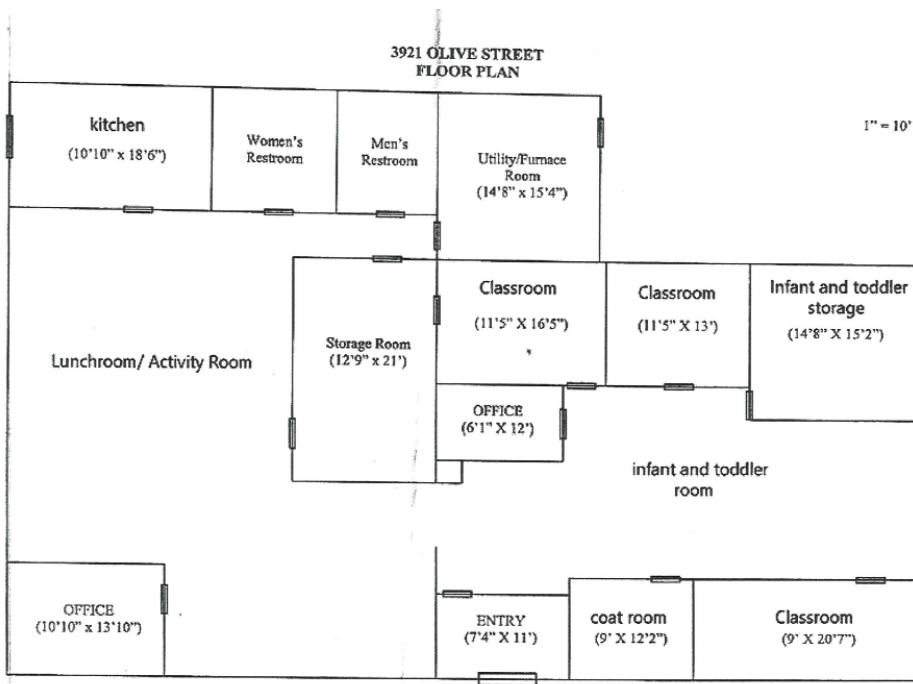
Request: Consideration of a conditional use permit to operate a Group Day Care Center as defined in Section 114-448 of the Municipal Code, in an existing building at 3921 Olive Street for property located in a B-1 Neighborhood Convenience Zone District as required in section 114-448 of the Municipal Code.

BACKGROUND AND SUMMARY: The applicant seeks to utilize the existing building at 3921 Olive Street to provide a group day care center for children 6 weeks to 12 years of age. The day care facility is proposed to be open for 3 shifts of 25-35 children ages 6 weeks to 12 years and 24 hours a day to accommodate for children who have parents working any type of shift.

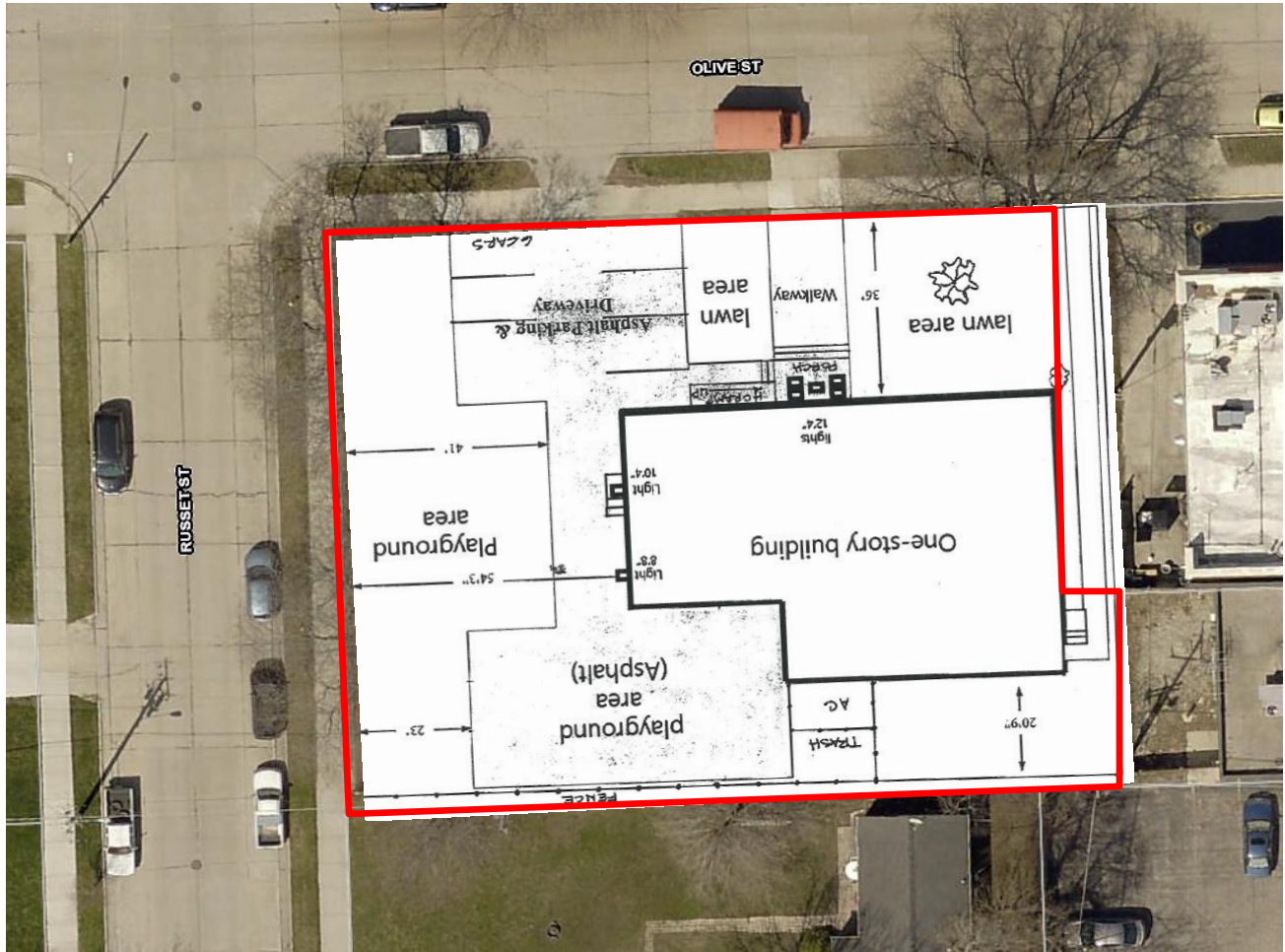
The Zoning Ordinance classifies this proposed group day care center as permissible in the B-1 Neighborhood Convenience Zone District upon the issuance of a conditional use permit (114-448).



Birdseye view of the property, indicated in red (image from City Pictometry).



Proposed Building Floor Plan (north is to the bottom), submitted by applicant.



Proposed site plan for the property (highlighted in red), submitted by applicant.

GENERAL INFORMATION

Parcel Number: [23374000](#)

Property Size: 16,632 square feet

Comprehensive Plan Map Designation: Commercial

Consistency with Adopted Plans:

The [Racine Comprehensive Plan](#) states that:

- The plan should encourage the redevelopment of older areas and commercial areas.
- Maintain and develop a land use pattern that strengthens the character and livability of the City's downtown core, commercial and industrial areas, and neighborhoods.

- Promote redevelopment and infill in areas with existing infrastructure and services, enhancing existing residential, commercial, and industrial areas.

Corridor or Special Design District?: N/A

Historic?: N/A

Current Zoning District: B-1 Neighborhood Convenience

Purpose of Zone District: The B1 neighborhood convenience district is intended to provide convenience shopping to close proximity for persons residing in nearby residential areas by allowing only such uses as are necessary to satisfy basic shopping needs which occur daily or frequently, and selected additional uses which normally attract little vehicular traffic and are otherwise compatible with residential areas.

Proposed Zoning: No change proposed

Existing Land Use: Vacant building which was most recently a childcare center.

Surrounding Zoning and Land Uses:

North	R-2 Single Family Residence	Single unit dwellings
East	B-2 Community Shopping	Restaurant and retail store
South	R-2 Single Family Residence	Single unit dwellings
West	R-2 Single Family Residence	Single unit dwellings

Operations: The day care facility is proposed to be open for 3 shifts of 25-35 children ages 6 weeks to 12 years and 24 hours a day to accommodate for children who have parents working any type of shift.

ANALYSIS:

Development Standards:

Density ([114-Article V](#): Article VII, Div. 5 [Bulk Regulations](#) & 8 [Lots](#)): There are no changes planned to the exterior of the building as a result of this proposal.

Standard	Required	Provided
Lot Area	No minimum	16,632 square feet
Lot Frontage	30 feet	255 feet
Floor Area Ratio	2.0 maximum	.26

Setbacks ([114-Article V](#): Article VII, Div. 6 [Development Standards](#)):

Yard	Required	Provided
Front (north)	0 feet	32 feet
Side (south)	6 feet	24 feet
Corner side (west)	0 feet	52 feet
Rear (east)	0 feet	2 feet

Building design standards (114-Secs. [735.5](#) & [736](#)): The building on the parcel complies with the requirements of 114.735.5.b.1, however this request does not include any new buildings or structural modifications to the exterior of the existing building.

Off-street parking and loading requirements (114- [Article XI](#)) :

Use Type	Required	Provided
Daycare facility	6	6
Total	6	6*

A Building of this size does not require a dedicated loading space; the drive aisle in the parking lot, once constructed to development standards, fulfill this requirement.

*The spaces as striped do not meet width or depth requirements for individual spaces or drive aisles. The width of the lot needs to be expanded approximately 20 feet to meet this requirement.

Landscaping, screening and yard requirements ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): 114-734 (a) requires screening along the south property line because the adjacent lot is residentially zoned. 114-450 requires a landscape screening by trees or a compact hedge along this lot line as well. The fencing currently installed on the site is not in compliance with current development standards. The lawn area to the west is overgrown with weeds and the fencing on the site does not comply with the requirements of 114-761.

Sign Regulations (114-[Article X](#)): Signage rendering is included below, the freestanding sign in the yard is 30 square feet and the wall sign is 60 square feet.



Sign Type	Allowable Sq. Ft.	Provided Sq. Ft.
Projecting/Wall	90	90
Window signs	50% of window area	N/A
Alleyway Signage	N/A	N/A
Total	90 square feet*	90

*Total size determination would be made based on sizes and types of other signage on the lot. Once 4 or more signs are installed, the total is reduced by 20% with each subsequent sign.

Outdoor lighting, signs ([114-Sec. 742](#)): Two exterior lights exist on the building. It appears the fixtures focus light onto the property and would comply with the development requirements. The plans submitted by the applicant do not include additional lighting fixtures.

Rubbish and trash storage ([114-Article V](#) & [114-740](#)): The trash handling area depicted on the site plan complies with the development requirements specified in the zoning ordinance; the dumpster enclosure needs to be constructed, as it is not in place at this time.

Engineering, Utilities and Access:

Access ([114-1151](#)): Vehicular access to the site is provided from the driveway off Olive Street. The site plan submitted by the applicant does not contemplate any changes to access. The driveway is only wide enough to handle access from one car at a time; it would need to be widened to accommodate any usage which is not a dwelling unit.

Surface drainage ([114-739](#) & Consult Engineering Dept.): Reuse of the building is not expected to impact the surface drainage of this lot. Expansion of the parking lot area to comply with current design standards is not expected to negatively impact surface drainage in the area. Impervious surfaces on a lot exceeding 10,000 square feet may require a storm sewer. This property is approaching that threshold at this time.

Sewage disposal and water supply ([114-821](#) & Consult Engineering and S/W Utility): All utilities are available for this site and the applicant proposal is not expected to impact the ability to serve this area.

Exceptions to ordinance: No exceptions are required for this proposal.

Additional Planning and Zoning Comments: The parking area, trash enclosure, privacy fencing and yard areas need to be brought into compliance with the current development standards. This property was formerly used for the proposed use so the functionality and design of the building and impact on adjacent properties in the neighborhood is expected to remain unchanged. However, the property does need to meet current development regulations and there is space on the property to comply with current development requirements, without negatively impacting the tree on the corner of the property.

REQUIRED FINDINGS OF FACT:

CONDITIONAL USE FINDINGS (Sec. 114-154. – Standards.)

No Conditional Use shall be recommended by the Plan Commission unless it is found that:

- 1) The establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare.**

Staff Comments: The re-establishment of a children’s daycare center on this property is not expected to be a detriment to the public safety, health or general welfare of the area or community in general. This type of facility, with the recommended conditions, will provide a needed service in close proximity to a neighborhood and business corridor. This location is easily accessible to the surrounding area and is expected to be an enhancement to the neighborhood, not a detriment. Given the close proximity to residential development, the operations are less intensive than many commercial uses in this zone district; this use is expected to serve as a buffer and transition from commercial development along Lathrop Avenue into residential development west of Russet Street.

- 2) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.**

Staff Comments: This conditional use is a proposal to reuse an existing building and to provide a use which was once in place at the location. While the site does need to be cared for and brought up to current development standards, the use is not anticipated to be injurious to other properties in the general area. The recommended conditions ensure this property will not impair property values or the enjoyment of adjacent properties. There is not expected to be any adverse impacts as a result of reusing this building in the manner proposed by the applicant; the use is not expected to generate loud noise and is anticipated to fit into the generally residential character of the area.

- 3) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

Staff Comments: The proposed conditions with this request help to ensure that development in the area remains consistent and orderly, while accommodating for new land uses. This property is a transition from a relatively busy commercial corridor into a neighborhood. It is expected that families living in this neighborhood will benefit from this type of land use in close proximity to living units. This is a walkable amenity for a neighborhood and is the type of land use that would be expected for a property in an area transitioning from active commercial uses, into more passive residential uses.

4) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

Staff Comments: The site plan submitted by the applicant does not propose any changes to the access, utilities or drainage for the site. The reuse of this site and existing building is not expected to impact the provision of utilities for the property or general area.

5) Adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestion in the public streets.

Staff Comments: The driveway is 12 feet wide, which is more common on a residential property than a commercial property. It is conceivable that during drop-off and pickup of children, people will need to enter and leave simultaneously. This driveway needs to be widened to accommodate this occurrence so traffic does not backup in the right-of-way.

6) The proposed conditional use is not contrary to the objectives of the current land use plan for the city.

Staff Comments: The land use plan for the City identifies this property as Commercial. This proposed usage is consistent with the objectives of the comprehensive plan and is of a lesser intensity than other uses allowed in this zone district. Additionally, this property is adjacent to residential properties and the proposed use helps to provide a buffer.

7) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the plan commission.

Staff Comments: With the recommended conditions, which bring the site into compliance with required development standards, it is expected that this development will operate in accordance with the applicable regulations for this zone district. No exceptions are needed with the request and the proposed development should serve as a buffer to the adjacent residential areas.

POSSIBLE ACTIONS FOR THE PLANNING COMMISSION

1. Approve the request as submitted; or
2. Approve the request with conditions deemed necessary to mitigate any adverse impacts that could arise from the project; or
3. Deny the request; or
4. Defer the request to obtain more specific information about the request.

STAFF SUPPORTS THE APPLICATION FOR THE FOLLOWING REASONS:

- If developed as recommended in the conditions from this report, the site will function in a manner which can be complimentary to the neighborhood.
- The proposed childcare center will help to provide a mix of uses within walking distance of a predominately residential area, and at a scale and intensity which is complimentary to the neighborhood.
- The property will help to serve as a transitional buffer between more intense and less intensive land uses along Lathrop Avenue.

STAFF RECOMMENDATION: BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM TURNER MORRIS OF FILLING THE VOID CHILDCARE ACADEMY, SEEKING A CONDITIONAL USE PERMIT TO ALLOW A GROUP DAYCARE CENTER AT 3921 OLIVE STREET BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That the plans presented to the Plan Commission on September 12, 2018 be approved subject to the conditions contained herein.
- b) That the following development standards be complied with prior to occupancy:
 1. Fencing on site be complaint with Sec. 114-761; and
 2. Rubbish and trash storage, which is not chain link with slats, be installed and compliant with Sec. 114-740; and
 3. Privacy screening, which is not chain link with slats, as required by Sec. 114-450 (b) be installed; and
 4. Transitional yard as required by Sec. 114-450 (b) be installed; and
 5. Site be landscaped and maintained as required by Sec. 114-743; and
 6. Parking area meet all requirements of Sec. 114-Article XI.
- c) That if, prior to the issuance of an Occupancy Permit, required development standards listed in “b” above have not been or cannot be completed, a financial surety shall be provided to the City. The surety shall be in a format as approved by the City Attorney’s office, and subject to all stipulations as identified for financial sureties in the City of Racine. The dollar amount shall be determined at the time of application based upon estimates provided by the applicants for any incomplete work, and shall be valid for no less than one (1) year from the date of issuance. The surety format and content is subject to review and approval by the City Attorney.
- d) That hours of operation are 24 hours a day.
- e) That all codes and ordinances are complied with and required permits acquired.
- f) That no minor changes be made from the conditions of this permit without approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common council.

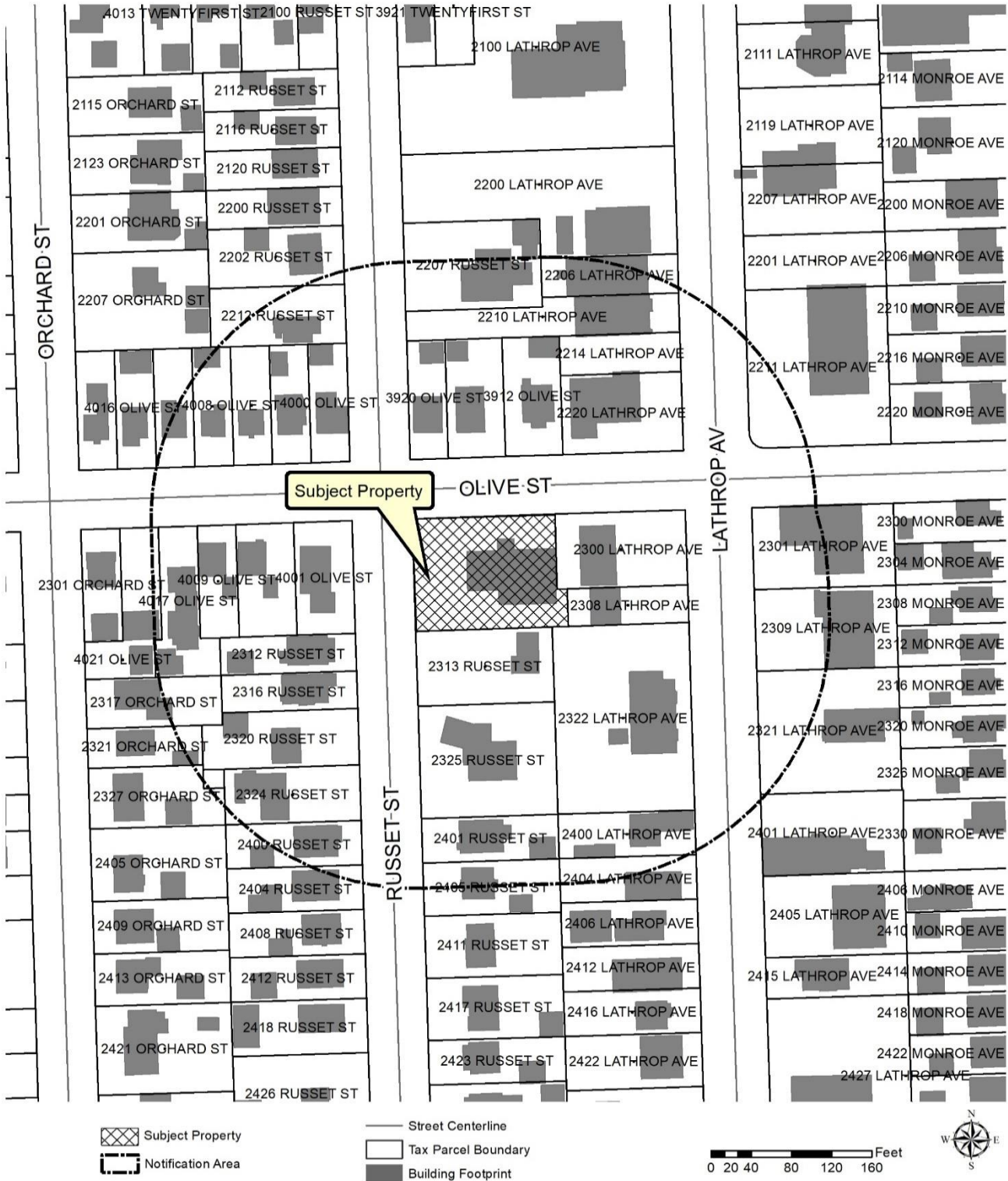
- g) That this conditional use permit is subject to Plan Commission review for compliance with the listed conditions.

ATTACHMENTS:

- 1) Property owner notification map indicating the subject property;
- 2) Aerial Photo indicating the subject property;
- 3) Zoning Map indicating the subject property;
- 4) Land Use Map from Comprehensive Plan, indicating the subject property;
- 5) Site photos of the property and general area; and
- 6) Submittal documents ([click to view](#)).





Conditional Use Request - 3921 Olive Street






Conditional Use Request - 3921 Olive Street



 Subject Property
 Notification Area

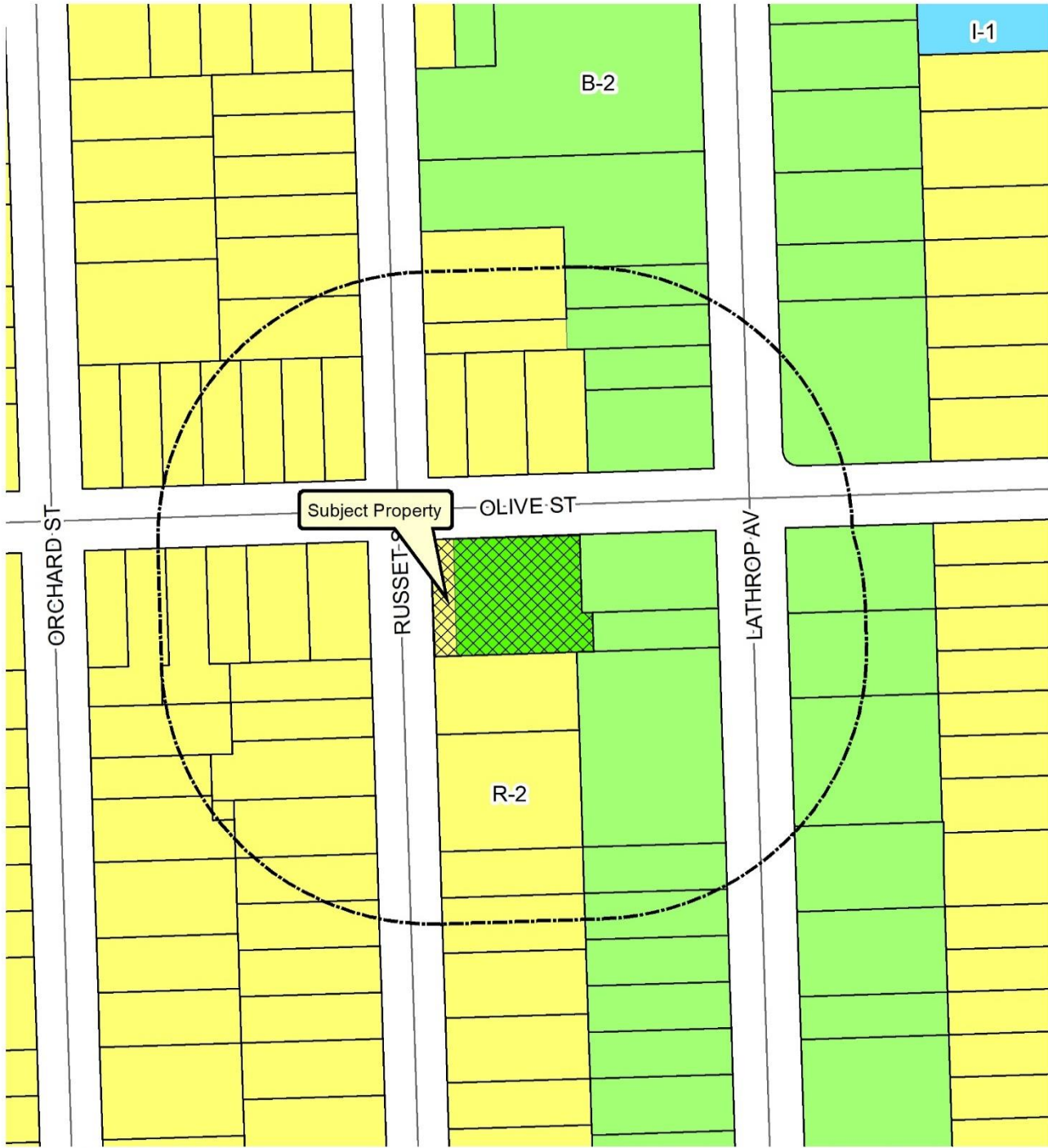
 Street Centerline
 Tax Parcel Boundary

 Feet
0 20 40 80 120 160





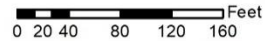
Conditional Use Request - 3921 Olive Street



Zoning Designation

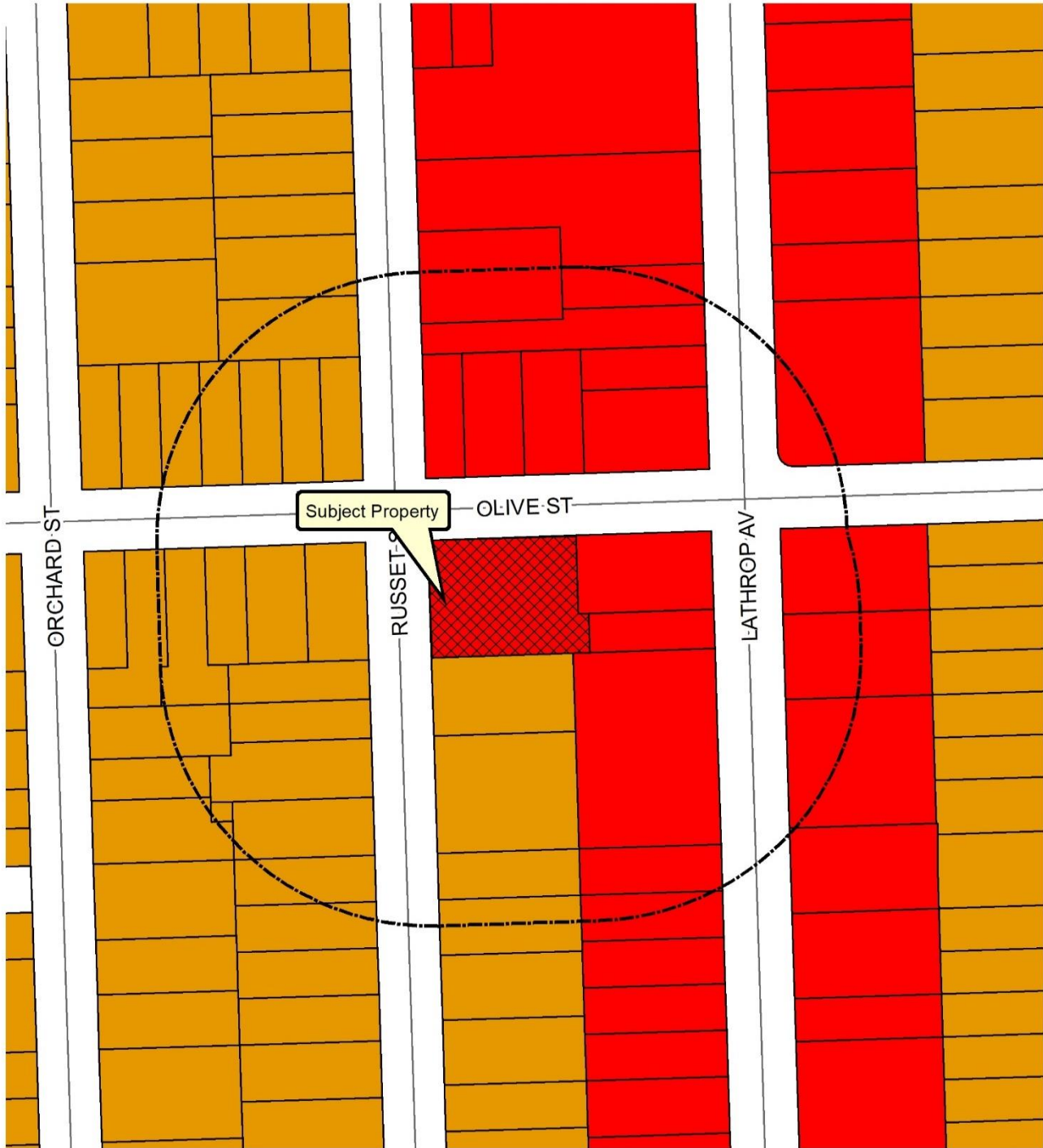
- B-1 (light green)
- B-2 (medium green)
- I-1 (light blue)
- R-2 (yellow)

- Subject Property (cross-hatched)
- Notification Area (dashed line)
- Street Centerline (thin line)
- Tax Parcel Boundary (thick line)





Conditional Use Request - 3921 Olive Street



Land Use Designation

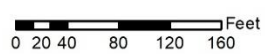
Commercial Medium Density Residential

Subject Property

Street Centerline

Notification Area

Tax Parcel Boundary



Site Photos



Looking south at the subject property



Looking east from subject property, towards
Lathrop Avenue



Looking north from subject property



Looking west from subject property
along Olive Street



Looking south at proposed yard and
playground area of the property



Looking south along Russet Street