



## CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT

**Meeting Date:** 2/13/2019

**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](mailto:matthew.sadowski@cityofracine.org)

**Case Manager:** Jeff Hintz

**Location:** 2033 Lathrop Avenue, located along the eastern side of Lathrop Avenue between 20<sup>th</sup> and 21<sup>st</sup> Street.

**Applicant:** Ron Taylor, Church of the Redeemed

**Property Owner:** Vicken Baklayan

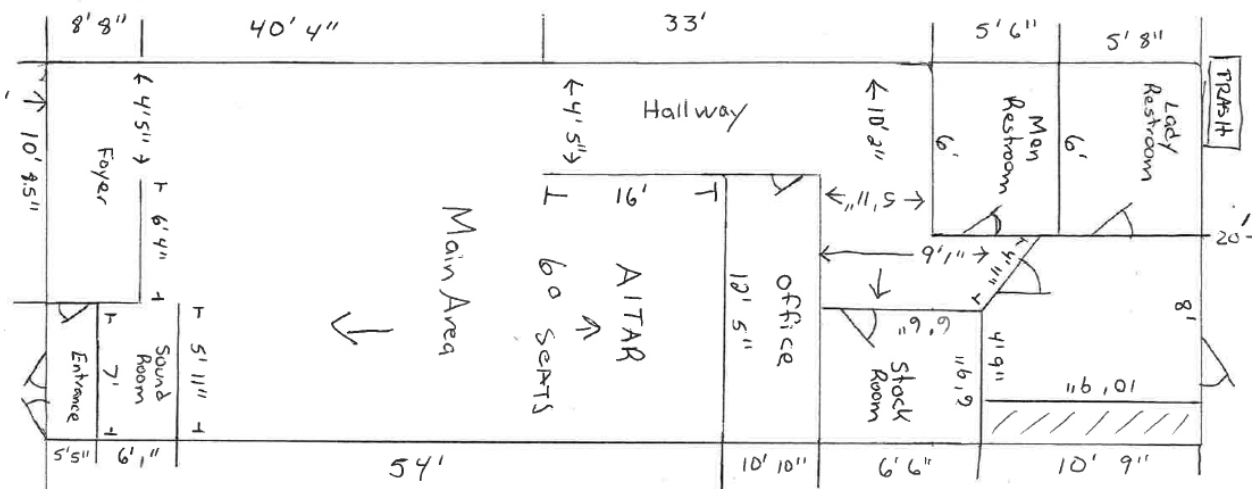
**Request:** Consideration of a conditional use permit to operate a religious institution, classified as a Class 1 non-commercial-type use, in an existing building at 2033 Lathrop Avenue for property located in a B-2 Community Shopping Zone District as required in section [114-468](#) of the Municipal Code.

**BACKGROUND AND SUMMARY:** The applicant seeks to utilize a space in the existing building at 2033 Lathrop Avenue to provide a religious institution, classified as a Class 1 non-commercial type use on the ground floor. The operation would include a bookstore and on Saturdays, would serve as a charitable meal site. The facility has office hours of 9:00 AM to 3:00 PM Monday to Saturday and services on Sundays at 9:00 and 10:00 AM. Additional services would be offered on Wednesday and Friday evenings at approximately 5:00 PM. The charitable meal establishment would accept donations on Mondays and Thursdays from 5:00 -8:00 PM and pass out lunches on Saturdays from noon – 1:00 PM.

The Zoning Ordinance classifies this proposed religious institution as a Class 1 non-commercial-type use, defined in Section 114-1, as permissible in the B-2 Community Shopping Zone District upon the issuance of a conditional use permit (114-468).



Birdseye view of the property, indicated in red (image from City Pictometry). Space of the religious institution, highlighted in purple. Note, Monroe Avenue does not run through this property.



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

## GENERAL INFORMATION

**Parcel Number:** [23786000](#)

**Property Size:** 4.8 acres

**Comprehensive Plan Map Designation:** Commercial

### Consistency with Adopted Plans:

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

- The plan should strive to accommodate mixed use developments that could include housing, jobs, shopping, and schools.
- 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.
- The plan should strive to redevelop older urban and downtown areas.

**Corridor or Special Design District?:** N/A

**Historic?:** N/A

**Current Zoning District:** B-2 Community Shopping

**Purpose of Zone District:** The B-2 community shopping district is intended to accommodate the needs of a much larger consumer population than is served by the neighborhood convenience district, thus a wider range of uses and structure sizes is permitted for both daily and occasional shopping.

**Proposed Zoning:** No change proposed

**Existing Land Use:** Gym, laundromat, religious bookstore, billiards hall, vacant tenant space for office/retail uses.

### Surrounding Zoning and Land Uses:

<b>North</b>	B-2 Community Shopping	Publishing office
<b>East</b>	R-3 Limited General Residence	Single unit dwellings
<b>South</b>	B-2 Community Shopping	Other businesses in shopping center
<b>West</b>	B-2 Community Shopping	Beverage center, auto repair, stereo shop,

**Operations:** The facility has proposed office hours of 9:00 AM to 3:00 PM Monday to Saturday and services on Sundays at 9:00 and 10:00 AM. Additional services would be offered on Wednesday and Friday evenings at approximately 5:00 PM. The charitable meal establishment would accept donations on Mondays and Thursdays from 5:00 -8:00 PM and pass out lunches on Saturdays from noon – 1:00 PM.

**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	209,523 square feet
Lot Frontage	30 feet	850 feet
Floor Area Ratio	4.0 maximum	.32

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

Yard	Required	Provided
Front (south)	0 feet	18 feet
Side (west)	0 feet	38 feet
Corner side (north)	0 feet	48 feet
Rear (east)	17 feet	35 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 modifications to the existing building.

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

Use Type	Required	Provided
Church	10	16
Total	10	16*

\*As part of the lease, the applicant will have 16 parking spaces in the overall development area.

A Building of this size requires two dedicated loading spaces; the lot does provide for a few different loading spaces which meet the sizing requirements of the ordinance.

**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 east property line because the adjacent lots are residentially zoned.

**Sign Regulations** (114-[Article X](#)): The shopping center requires red channel letters in the signage band to be utilized for tenant spaces. Any signage will need to comply with the requirements for the shopping center.

<b>Sign Type</b>	<b>Allowable Sq. Ft.</b>	<b>Provided Sq. Ft.</b>
Projecting/Wall	300 square feet	120
Window signs	50% of window area^	N/A
Alleyway Signage	N/A	N/A
Total	300 square feet*	120

\*Total size determination would be made based on sizes and types of other signage on the lot. Once 6 or more signs are installed, the total is reduced by 20% with each subsequent sign.

^Each building is allowed two (2) window signs under four (4) square feet in total size, which do not count against the total allowable signage.

**Outdoor lighting, signs ([114-Sec. 742](#)):** Changes to lighting are not planned as a result of this application. It appears the existing light fixtures focus light onto the property and would comply with the development requirements.

**Rubbish and trash storage ([114-Article V](#) & [114-740](#)):** All trash pickup occurs behind the building and the dumpsters and other trash storage are screened from public view by a fence and the building itself. While an enclosure is not in place for any tenants, the requirements of this section are being met for this property.

**Engineering, Utilities and Access:**

**Access ([114-1151](#)):** Vehicular access to the site is provided from driveways off Lathrop Avenue, 20<sup>th</sup> Street and 21<sup>st</sup> Street. The site plan submitted by the applicant does not contemplate any changes to access.

**Surface drainage ([114-739](#) & Consult Engineering Dept.):** Reuse of the building is not expected to impact the surface drainage of this lot.

**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:**

**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 establishment of a religious establishment 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, could be an asset to the area and those living in the neighborhood. 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 permitted in this zone district. The meals are limited to one meal a week on the weekend and the site is more than able to accommodate this traffic.

- 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 not anticipated to be injurious to other properties in the general area, assuming the recommended conditions are adopted with this request. 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 fit within the footprint of the area which it will be leasing. The property will still look, act and function like that of a commercial use with the religious institution leasing a small portion of the overall footprint.

- 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. The recommended conditions also ensure that the property is used more like that of an office type use (which is permitted in this zone) with regular hours to the appearance of a commercial operation is maintained. Business districts are intended for commerce and more active uses; the hours of operation in conjunction with the services being offered by this religious institution will meet the intent of the ordinance, which is that non- commercial type uses function as close to commercial development as possible. Given the overall building area in this development, compared to the area being leased for this proposed religious institution, the property is expected to retain the appearance of a commercial shopping/commerce facility.

- 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 applicant is not contemplating any changes to the access to this site. The nature of this operation is to provide a place of worship and counseling with office hours to run the operation. The ingress and egress from the site is expected to be appropriate to handle this demand and the on-site parking is adequate to accommodate the use, given the usage is anticipated to occur at non-peak times from a traffic perspective. Access is also setup to allow traffic to enter and disperse on all three streets which border the site, further alleviating any fears of congestion.

**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. If the property is utilized as proposed and maintains office hours, the bookstore, evening activities, and services on Sunday, it will be generally as active as a lower intensity commercial use. 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, it is expected that this establishment will operate in accordance with the applicable regulations for this zone district. No exceptions are needed with the request and the proposed development is expected to fit with the mix of uses allowed to occur on the site and those which currently exist on the site.

## **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 hours of operation exceed the minimum requirements for non-commercial uses in commercial districts.

**STAFF RECOMMENDATION:** BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM RON TAYLOR OF THE CHURCH OF THE REDEEMEND, SEEKING A CONDITIONAL USE PERMIT AT 2033 LATHROP AVENUE TO OPERATE A NON-COMMERCIAL TYPE USE OFFERING WORSHIP SERVICES, CHARITABLE MEAL DISTRIBUTION, ADULT INSTRUCTION, AND YOUTH ACTIVITIES IN B-2 COMMUNITY SHOPPING DISTRICT BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That the plans presented to the Plan Commission on June 27, 2018 be approved subject to the conditions contained herein.
- b) That all of the following occur by June 30, 2019:
  1. Planters with living vegetation be installed adjacent to the front entryway of the facility. Specifications of planters and species of plants to be submitted to and approved by the Department of City Development prior to installation.
- c) That if, prior to the issuance of an Occupancy Permit, required site improvements 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 the facility shall not be in use prior to 8:00 AM and shall cease operations no later than 10:00 PM.
- e) That the charitable meal site serve only prepared sack lunches from Noon-1:00 PM on Saturday and no other meals be served without an amendment to this approval.
- f) That no string or LED lights be placed in interior or exterior of windows or as building accent lighting.
- g) That all codes and ordinances are complied with and required permits acquired.
- h) 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.
- i) 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 - 2033 Lathrop Avenue



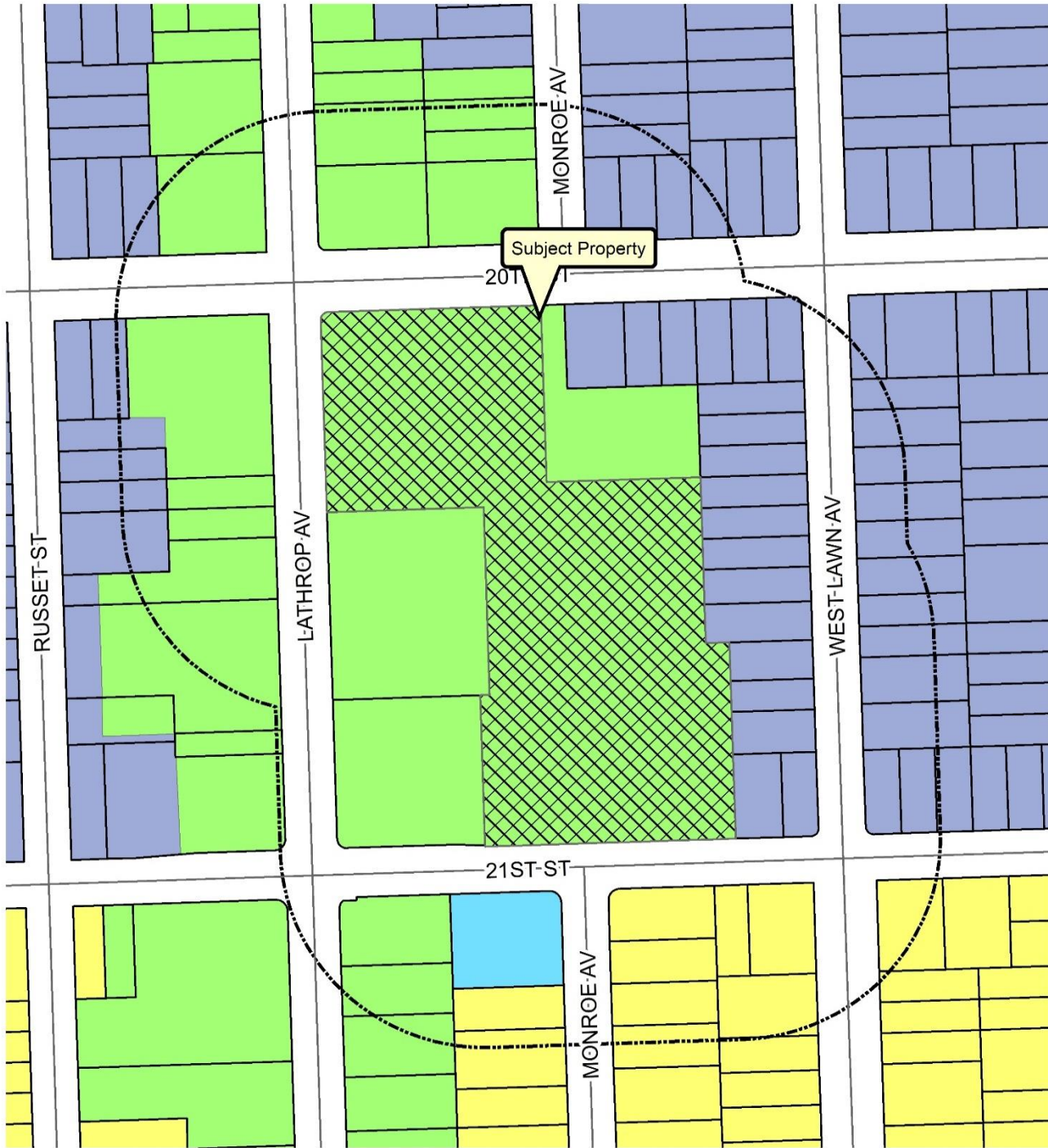


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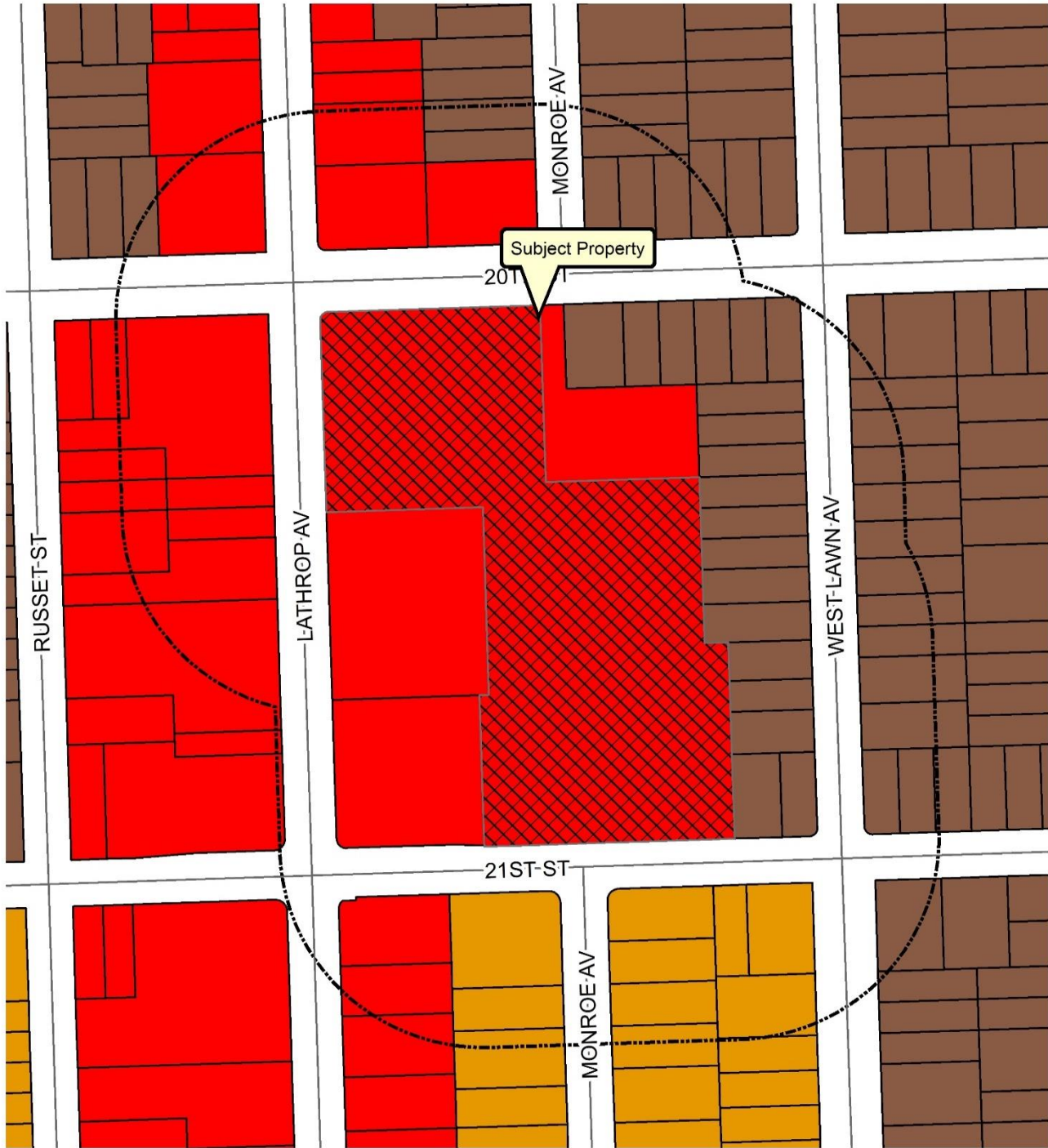


B-2	R-3	Subject Property	Street Centerline
R-2	I-1	Notification Area	Tax Parcel Boundary
			Building Footprint

0 30 60 120 180 240 Feet



# Conditional Use Request - 2033 Lathrop Avenue



### Site Photos



Looking east at proposed location for establishment within plaza



Looking west towards Lathrop Avenue from proposed location



Looking north from subject property towards 20<sup>th</sup> Street



Looking southwest from proposed location in plaza



Looking at south from proposed location in plaza