



CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT

Meeting Date: 11/13/2019

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

Case Manager: Jeff Hintz and Matt Sadowski

Location: 1400 13th Street and 1330 13th Street

Applicant: New Covenant Church, Pastor Tony Visor

Property Owner: Hillside Lanes Inc.

Request: rezoning from I-1 Restricted Industrial District to B-2 Community Shopping District at 1400 13th Street, in conjunction with a conditional use permit for a class 1 non-commercial type use for a religious institution (church) at the ground floor, as allowed by Sec. 114-468 of the Municipal Code.

BACKGROUND AND SUMMARY: The proposed operations include a bookstore which would be open from 10:00 AM - 4:00 PM Monday - Saturday in addition to counseling and meeting which would take place Tuesdays and Thursdays from 2:00 PM-6:00 PM. Outreach programs for youth and seniors would occur within the operational hours of 10:00 AM - 6:00 PM Monday-Saturday in addition to worship Services on Sundays. Additionally, a yet to be operationalized, mobile showering facility for the homeless is proposed to be active at this location, and at others throughout the community. The shower facility would be stored at this location when not in use.

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).

The [Uptown Neighborhood Strategic Development Plan](#) States that:

- The property falls within an area noted as the Uptown Commercial portion of the study area. The Economic Development concept for this area is expanded retail, entertainment, dining and residential density.
- A goal of the 13th and Washington intersection is to remove blight for an improved entrance to Twin Disc.
- One goal of the entire study area is to “maintain and celebrate existing businesses/employers, corporate partners and recruit businesses to Uptown related to sustainable business district.
- Another goal of the area is to “capitalize on existing infrastructure and maximize use of existing land/buildings.”

Corridor or Special Design District?: Uptown Corridor

Historic?: N/A

Current Zoning District: I-1 Restricted Industrial

Purpose of Zone District: The I-1 restricted industrial district is intended to provide an environment suitable for industrial activities that do not create appreciable nuisances or hazards, or that require a pleasant, hazard-free and nuisance-free environment.

Proposed Zoning: 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.

Existing Land Use: Former bowling alley, Hillside Lanes.

Surrounding Zoning and Land Uses:

North	I-1 Restricted Industrial	Parking area and yard area
East	B-3 General Commercial	Retail spaces
South	B-2 Community Shopping	Municipal shared parking facility
West	I-1 Restricted Industrial	City Parks Service Shop

Operations: The proposed operations include a bookstore which would be open from 10:00 AM - 4:00 PM Monday - Saturday in addition to counseling and meeting which would take place Tuesdays and Thursdays from 2:00 PM-6:00 PM. Outreach programs for youth and seniors would occur within the operational hours of 10:00 AM - 6:00 PM Monday-Saturday in addition to worship Services on Sundays. A yet to be operationalized, showering for the homeless program is proposed to be housed at the facility; this program would feature mobile showers for use off-site and would be parked on site for use some of the time.

ANALYSIS:

Development Standards (proposed zoning):

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	54,886 square feet
Lot Frontage	30 feet	195 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	35 feet
Side (west)	0 feet	52 feet
Side (east)	0 feet	25 feet
Rear (north)	0 feet	54 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	50	45
Total	50	45*

*Note, there are municipal parking facilities within 500 feet of this location with 52 parking spaces. Additionally, there are parking spaces on the street in this area which are generally available for use at most times.

A Building of this size requires one dedicated loading berth; the lot does provide for such a space, but it is not striped. The lot does require some general maintenance work and re-striping.

Landscaping, screening and yard requirements ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): A landscaping plan was not included with the submittal; upon a visit to the site a lawn and grass area is present, but the site does not have any other landscaping. Staff did discuss some general concepts and ideas for the proposed development. A formal plan with how the site will be landscaped is something which will be required.

Sign Regulations (114-[Article X](#)): Any signage will need to comply with the requirements outlined below. Signage also requires review and approval through the procedures and guidelines established by the Uptown Access Corridor. No signage proposal was submitted with this request.

Sign Type	Allowable Sq. Ft.	Provided Sq. Ft.
Projecting/Wall	240 square feet	N/A
Window signs	50% of window area [^]	N/A
Alleyway Signage	N/A	N/A
Total	240 square feet*	N/A

*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 the building and topography of the general area. While an enclosure is not in place, 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 13th 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: The recommendation does not include the showering for the homeless portion of the operation. As it was not yet operationalized, it would not be possible to properly analyze such a request. If this proposal were to advance, certainly some consideration needs to be given to days and hours, staffing and supervision, health code compliance, location of facility on the property, and access to restroom facilities if not included in the trailer.

REQUIRED FINDINGS OF FACT:

ZONE CHANGE FINDINGS (Sec. 114-82. - Findings of fact and recommendations of plan commission.)

The plan commission shall make findings based upon the evidence presented to it in each specific case with respect to, but not limited to, the following matters:

1) The Existing uses of property within the general area of the property in question.

Staff Comments: The general area is a mix of industrial uses and commercial uses which front onto Washington Avenue. There are some residential properties which are zoned industrial to the north along 12th Street. Having industrial zoning hidden from view of major corridors is ideal aesthetically, but these uses do require access for transportation and logistics. That being said, this property is within view of a commercial corridor, so industrial zoning is not viewed as the best fit in the long term. The proposed zoning of B-2 does meet the goal of the comprehensive plan land use component which calls for mixed use development with a commercial emphasis. The general area is still home to residential parcels within a block distance. Transitioning a property visible from a busy corridor and within close proximity to residential, from industrial zoning to commercial zoning is in-line with the existing usage of property in the area.

2) The zoning classification of property within the general area of the property in question.

Staff Comments: The nature of this location coupled with the surrounding development makes this a mixed use area, when looked at on a neighborhood level. The zoning in the area is a mix of commercial industrial and residential. The uses are typically heavier commercial and lighter industrial uses scattered amongst the block radius of this property. Zoning wise, this translates to residential, industrial and commercial zones in the area. As the area transitions to the next generation of businesses and home occupants, less intensive land uses in the area is expected to allow for a greater mix of uses which serve the residential uses.

3) The suitability of the property in question to the uses permitted under the existing zoning classification.

Staff Comments: The property had been used commercially as a bowling alley for decades and the current industrial zoning limits mixed use for mostly industrial purpose, but not entirely. Reuse for industrial purposes could likely accommodate warehousing operations, small-batch manufacturing facilities, a restaurant, recreation buildings or a meeting hall. The current zoning for the properties does not allow for a mix of commercial and residential uses as intended by the comprehensive plan.

4) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.

Staff Comments: The area is just south of the edge of downtown and is just north of the heart of Uptown. The area has generally positioning itself as an urban business zone, which links downtown to Uptown and has the ability to provide services and living areas to those in the vicinity. The area has been fairly quiet in regards to new development, but there is interest in moving businesses to the Uptown Area. In recent years, restaurants, specialty shops and offices have all located in the area. The trend for older industrially zoned buildings has been to reuse them for residential, commercial or mixed use. This trend is prevalent in Racine and throughout the Nation and is expected to continue. Many of the older buildings have been well cared for and are not built like current buildings today. This has led to nostalgia and innovative repurposing giving these buildings a new lease on life for the next generation to enjoy and treasure.

5) The objectives of the current land use plan for the city.

Staff Comments: The Comprehensive Plan calls for this area to be mixed use, commercial emphasis; one goal of the plan is to “Promote redevelopment and infill in areas with existing infrastructure and services, enhancing existing residential, commercial, and industrial areas. Certainly infill on this lot meets this objective and will also show that the area is worthy of continued investment. Additionally, a goal of the plan is to, “Encourage land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state governmental and utility costs.” This property is within an urban service area and the reintroduction of new commercial and residential uses (potentially) would most maximize the existing infrastructure in an efficient manner.

However, in light of the intent expressed in the governing planning documents, (the City of Racine 2035 Comprehensive Plan (Comp Plan), the Uptown Strategic Development Plan (Uptown Plan), the Business Improvement District Plan (BID Plan)), the proposed rezoning seems premature. The rezoning would make possible the accommodation of a use that seems counterproductive to the redevelopment guidance provided by these adopted documents.

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 way the applicant has proposed operating the religious institution is not expected to be a danger or problem as it related to health, safety or morals of the general area.

Technically speaking, the proposal does comply with the requirements of the Zoning Ordinance (assuming the zoning is changed from industrial to commercial). That being said, the nature of the operation being incongruent with the other uses in the Uptown Business District/corridor and adopted plans, could be viewed as detrimental to the intent of the entertainment and retail district due to the somewhat limited ability for spillover or crossover of visitors from site to site within the district.

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: There is certainly a general level of juxtaposition between an entertainment district with destination retail, dining and shopping, and the proposed use on a couple of levels. Generally, the function and hours of the two categories of uses do not necessarily align. The proposed use of a religious institution is intended to bring people to the area for a specific purpose and all the activities would occur on the site with some potential for spillover to other businesses, but this is generally limited. An entertainment and retail district has a variety of reasons (businesses) one may visit in the area and generally, some crossover occurs. Perhaps a restaurant or specialty shop is patronized and the desire to see a specialty retailer or shop also presents itself. Through these types of connections of a common district theme, a district gains an identity.

Because of the incongruence in purpose of the proposed use and the established and planned uses in the Uptown District, diminution and impairment of property values could be an end result of the suppressing impact on the aspirational identity of the Uptown District. To explain, this identity for the is precisely what the City of Racine 2035 Comprehensive Plan (Comp Plan), the Uptown Strategic Development Plan (Uptown Plan), the Business Improvement District Plan (BID Plan) seek to achieve for this area. This is not to say one could not attend the proposed religious institution and then have some crossover activity in the district; but it is expected these opportunities would be somewhat less than if the site were being utilized for entertainment or retail purposes. The proposed use for this site will have services and is expected to draw the largest amount of people on Sunday morning and mid-day; this is less of a peak time for the other uses in the district and limited opportunities for crossover of visitors. Certainly others will be at the site other days of the week as indicated in the proposal, but not to the degree as anticipated on Sundays.

The Comp Plan identifies planned use of the subject property as “Mixed Use-Commercial Emphasis” (map 5). While the proposed rezoning is consistent with the Comp Plan, the proposed conditional use permit is not.

The Uptown Plan (page 18) seeks to creating a vibrant cultural hub with the visions of attracting a combination of a “specialty food district”, and “arts and cultural district”, and a “entrepreneurship & skills development hub”. While the subject property is not in a priority area as identified by the plan, it is directly adjacent thereto, and as such, while the proposed rezoning is consistent with the Uptown Plan visions, the proposed conditional use permit is not.

The BID plan for the Uptown area specifies that one of the stated activities of the BID is to “play an active role in marketing the District to future businesses, residents and customer groups”. While the proposed rezoning sets the stage to support such marketing, the proposed conditional use permit is inconsistent with this planned BID Board activity.

Further, the location of a religious institution, specifically a church, could be counterproductive to the development of an arts and entertainment district as envisioned by the Uptown Plan by restricting locations where alcohol licenses could be issued. Example: If a new restaurant is proposed and they wish to be able to serve mixed drinks, they would be prohibited from locating within 300 feet of the location of a church as measured from main entrance to main entrance, “along the highway” (Wisconsin State Statute 125.68(3)).

The limited ability for crossover of visitors from this use to others in the area could be considered a detrimental impact of this proposal. Given the proposed operating parameters and core function of the use being somewhat different to that of the other uses in the Uptown Business District, this proposal could be seen as injurious to the identity of the district as an entertainment and retail corridor. This is not to say the proposed use has no place in the general Uptown area, but this location would be contrary to the adopted Comp Plan land use plan, the Uptown Plan visions, and the Bid Board’s marketing activities, and detrimental due to Wisconsin liquor licensing regulations.

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 Uptown Strategic Plan does call for this area to have more of a retail and entertainment focus. While the proposal would technically meet the intent of the ordinance with operation hours and activities, the proposal is not expected to attract entertainment, retail shops, or dining to the immediate area. The proposed religious institution could impact the ability of the immediate area to attract entertainment and retail uses resulting from business congruence and similarity. The Comp Plan land use plan, the Uptown Plan visions, and the Bid Board’s marketing activities seeks to create a destination district of entertainment and specialty retail options for the neighborhood. Religious institutions and vibrant retail/entertainment corridors do not always go together. Further, the application of liquor licensing regulations, as impacted by the presence of a church, could impede intended development in the Uptown area.

Certainly the proposed hours and activities would lead to more activity at the proposed institution than similar facilities in residentially zoned areas, but not likely to the degree that an entertainment venue or retail operation is likely to achieve. A level of activity and bustle is generated in an active and thriving business/entertainment district that the proposal would have a difficult task in achieving given the proposed functions and days/times with the largest anticipated foot traffic of the proposed use(s) for the property.

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.

However, the mobile shower component of the proposal

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.

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 Mixed Use – Commercial emphasis. This proposed usage could work with the site if coupled with a more intensive commercial use. While a bookstore and some other activities will certainly add to the amount of people visiting the site when compared to that of solely a place of worship, the intent of the plan is for more intensity at this site. The site is surrounded by industrial property in the land use map of the comprehensive plan. While not readily fronting onto Washington Avenue, the site is still visible from this corridor and as one of the most trafficked in the City, a plan compliant use of the land is the desired outcome for this parcel. The religious institution could technically work on this site, but the comprehensive plan and area strategic plan for Uptown demand more.

A religious institution as a component of a multi-tenant space within a mixed use building could be a fit; the institution could be a renter of space used for some mix of commercial uses with a gathering space or banquet hall theme. Even with the proposed operational mix of activities in the application and the retail store, the site is expected to be relatively low in overall foot traffic the majority of business hours. The Uptown Plan sees this general area as one of “expanded retail, entertainment, dining and residential density.” The proposed operational plan does not achieve this goal for the property. A religious institution as a renter of space in a mixed use building with rentable space for events, with a daycare center and recreation hall (bowling given the most recent use of the building), arcade, or exercise space of some sort, with some passive office and a restaurant or small live music club venue, would be one potential mix of uses which would better achieve the goals of the Uptown Plan and the highest and best use of the property being sought by the City Comprehensive Plan.

There are other such mixes of uses which would achieve more entertainment-like activity for this portion of the Uptown area.

- 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: The proposal technically does comply with the requirements of the Zoning Ordinance for class 1 non-commercial type uses, and if the Plan Commission and Common Council felt it was consistent with the Comp Plan land use plan, the Uptown Plan visions, and the BID plan's Board marketing activities, and not adversely impact the Uptown area due to the application of Wisconsin liquor licensing regulations, the church could locate in the building and comply with zoning requirements, without exceptions from these development standards.

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 requestor
5. Defer with a continuance of the public hearing to a date certain.

STAFF RECOMMENDATION: BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM NEW COVENANT CHURCH SEEKING A ZONE CHANGE FROM I-1 RESTRICTED INDUSTRIAL DISTRICT TO B-2 COMMUNITY SHOPPING DISTRICT, AT 1400 13TH STREET BE DENIED.

AND Related to the Conditional Use Permit

BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM NEW COVENANT CHURCH, SEEKING A CONDITIONAL USE PERMIT AT 1400 13TH STREET TO OPERATE A NON-COMMERCIAL TYPE USE OFFERING WORSHIP SERVICES, A BOOK STORE, ADULT INSTRUCTION, AND YOUTH ACTIVITIES IN B-2 COMMUNITY SHOPPING DISTRICT BE DENIED.

NOTE: A recommendation of denial of the conditional use permit request, if adopted, does allow the applicant to reapply in 12 months (assuming the property is rezoned). If alterations are made to the conditional use plans which better align with the Comp Plan land use plan, the Uptown Plan

visions, and the BID plan's Board marketing activities as supported by the Uptown Plan, an application can be refiled at any time.

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](#)).

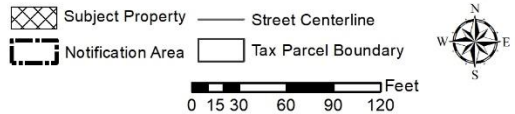
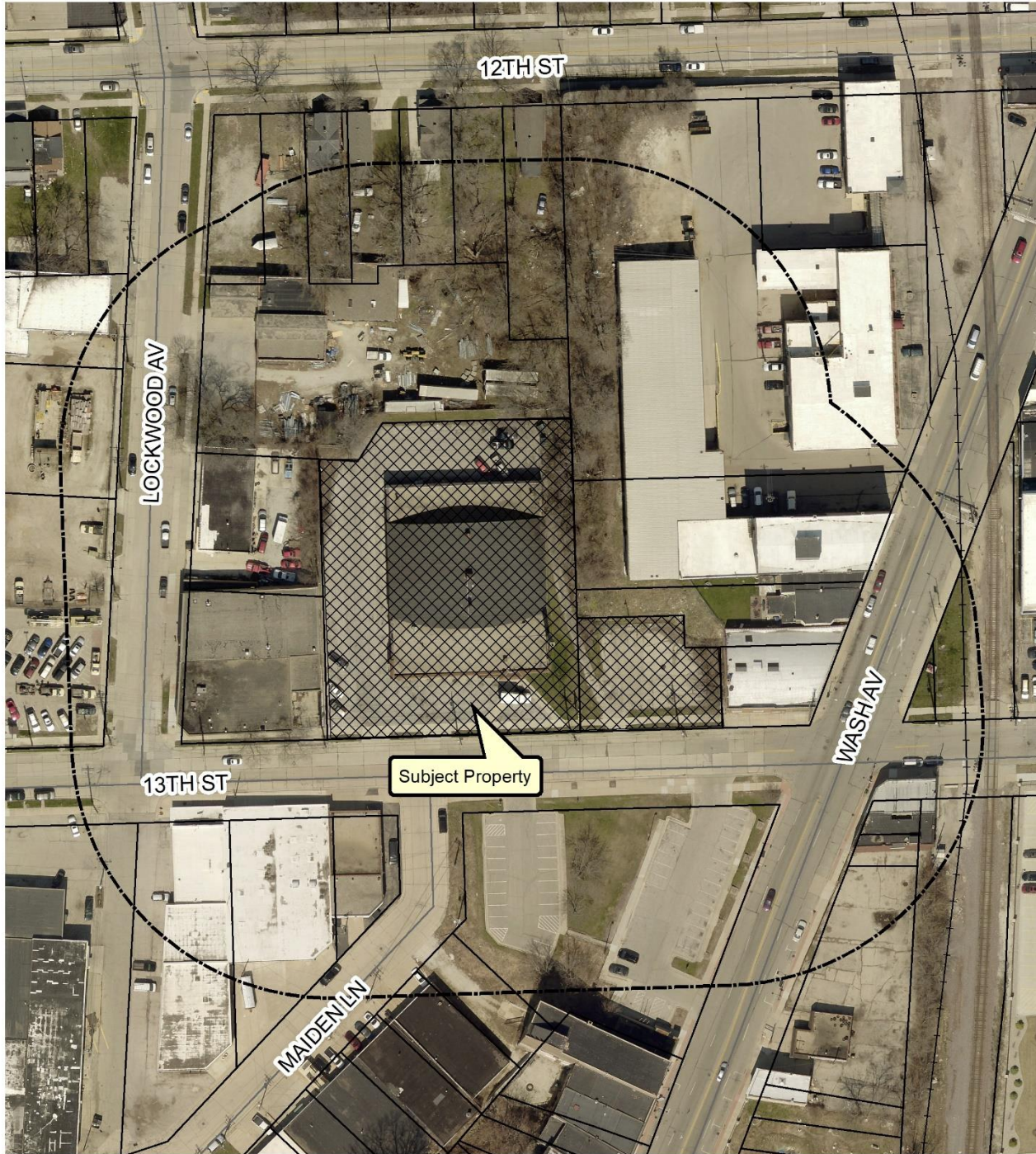


Rezoning and Conditional Use - 1400 13th Street



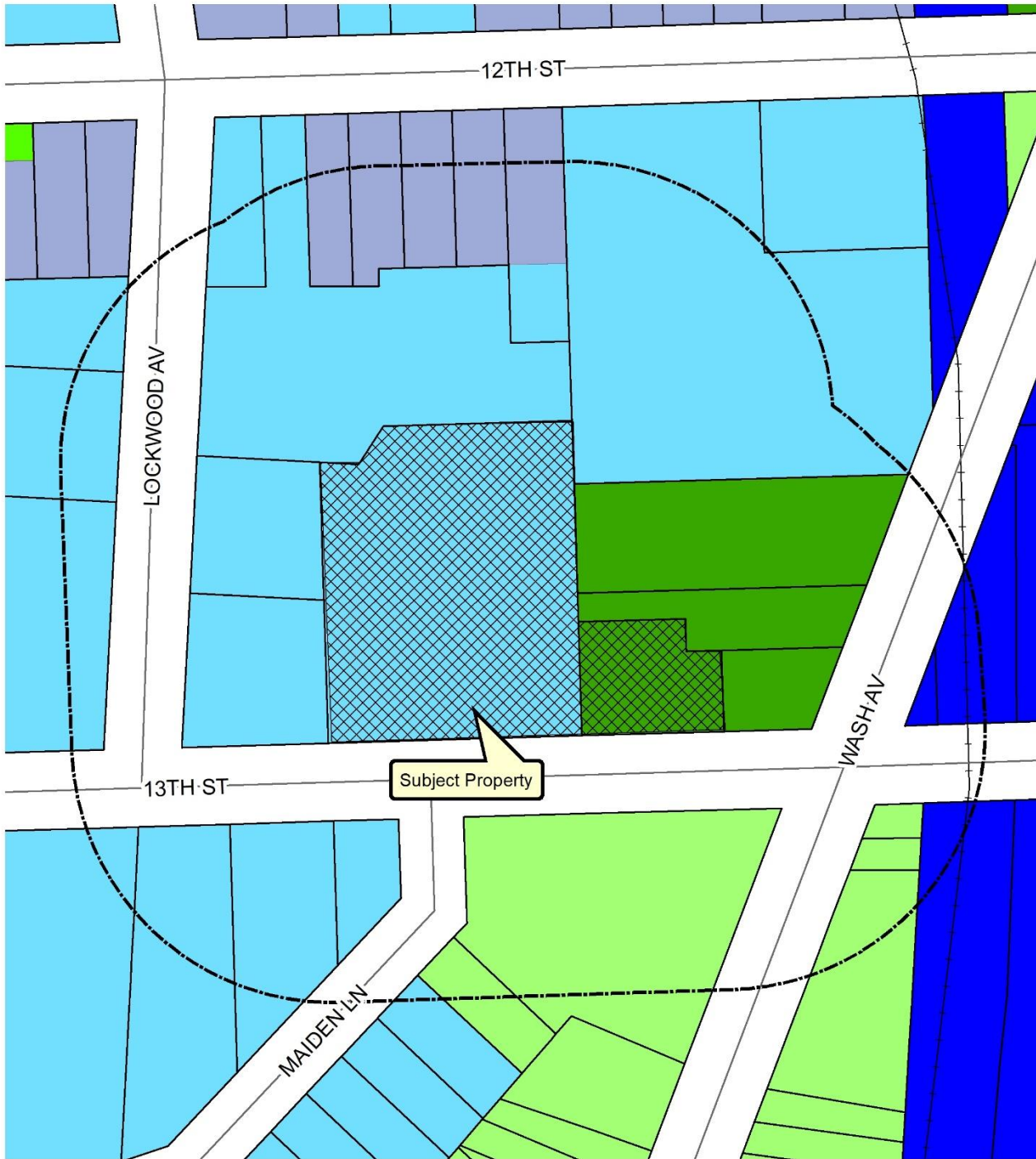


Rezoning and Conditional Use - 1400 13th Street









Rezoning and Conditional Use - 1400 13th Street




Zoning Designation

 B-2	 B-3	 R-3	 I-1	 I-2
---	---	---	---	---

 Subject Property	 Street Centerline
 Notification Area	 Tax Parcel Boundary

0 15 30 60 90 120 Feet





Rezoning and Conditional Use - 1400 13th Street



Land Use Designation

- High Density Residential
- Industrial
- Commercial
- Mixed Use - Commercial Emphasis
- Governmental and Institutional

Subject Property — Street Centerline
Notification Area — Tax Parcel Boundary

0 15 30 60 90 120 Feet

Site Photos



Looking north at subject property



Looking west from subject property



Looking east from subject property
towards Washington Avenue



Looking south from subject property at
municipal parking lot



Looking east across subject property



Looking north between subject property and
City Park Service Center