



CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT

Meeting Date: 10/28/2020

To: Mayor and Planning, Heritage, and Design 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: 1020 Washington Avenue

Applicant: Roots Residential AFH, LLC

Property Owner: Roots Residential AFH, LLC

Request: A Reconsideration of a conditional use permit to operate a group daycare center for children at 1020 Washington Avenue, for property located in a B-3 General Commercial Zone District as required in section 114-488 of the Municipal Code.

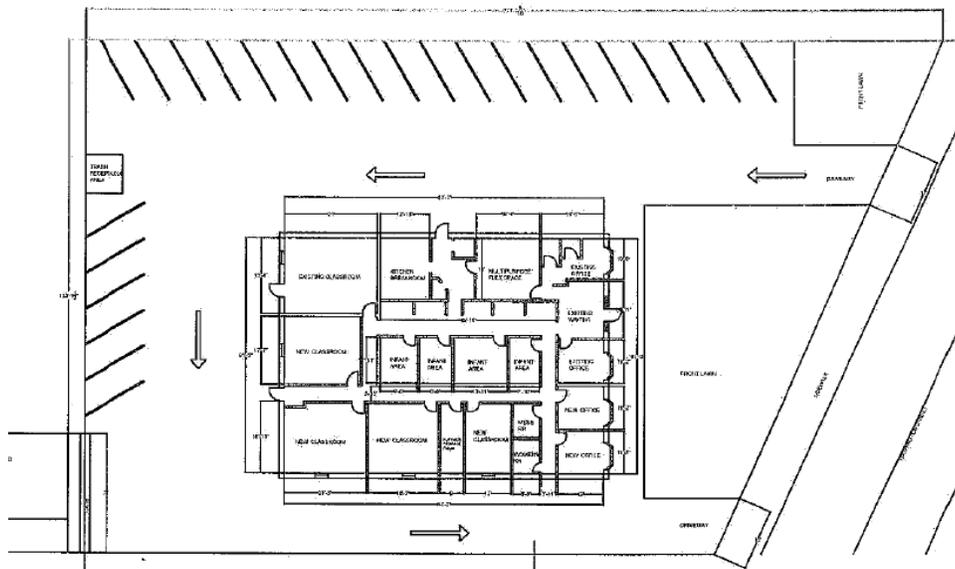
BACKGROUND AND SUMMARY: On September 23, 2020 the PHDC recommended denial of the original request. Prior to being scheduled for a Common Council hearing, the Mayor has sent this item back to the PHDC for reconsideration since the applicant has revised the original plan. The applicant has revised the site plan based on the considerations made during the PHDC hearing on the matter. The revised site plan relocates the playground area, closes a driveway, restricts traffic flow onto Washington Avenue to right turns only with no entrance, and changes the main entrance onto Pearl Street. All traffic is one way, entering on Pearl Street and exiting via right turn only, onto Washington Avenue.

Originally constructed as a funeral home, the property was most recently used as the offices for OIC (Opportunity Industrialization Center); a full service job training program for at-risk young adults. With the current proposal, the building would be renovated for use as a childcare facility which would be occupied by children aged 6 weeks to 12 years of age. Daycare would be offered for three shifts (24-hour operation) with up to 100 children on the first and second shift and 50 on the third shift. The facility will be licensed by the State of Wisconsin and be staffed with 25 caretakers on the first and second shift and 10 caretakers on third shift.

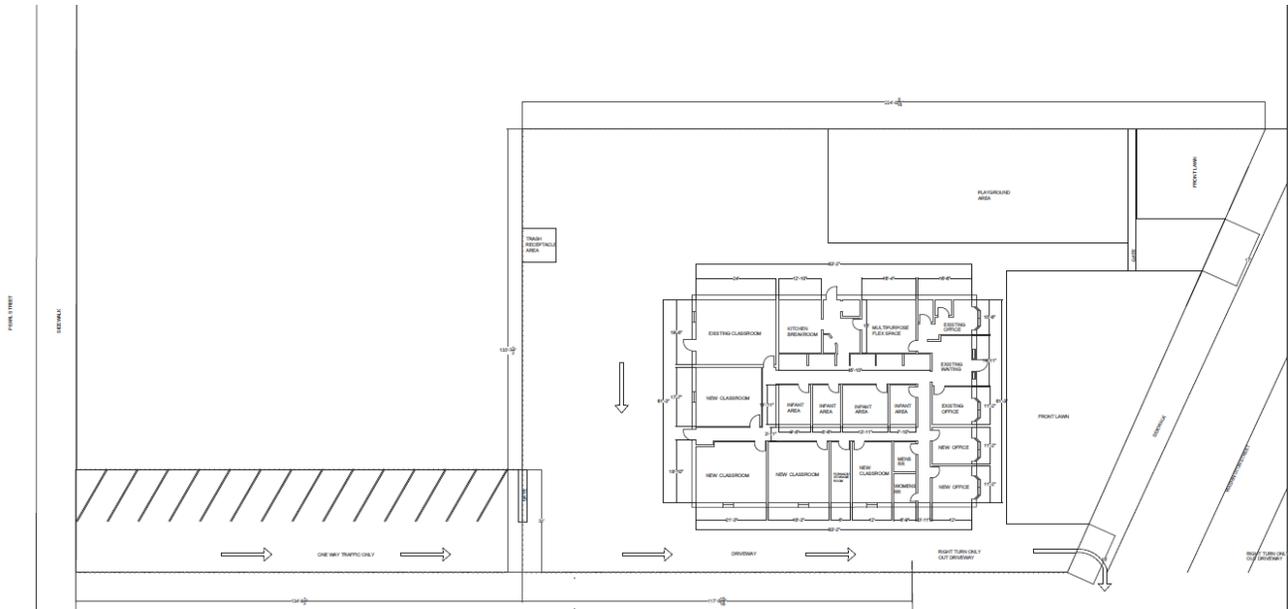
The Zoning Ordinance classifies this group daycare center for children as permissible in the B-3 General Commercial Zone District upon the issuance of a conditional use permit (114-488).



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



ORIGINAL Proposed Site and Building Plan, submitted by applicant (north is up).



REVISED Site and Building Plan, submitted by applicant (north is up).

GENERAL INFORMATION

Parcel Number: [03792000](#)

Property Size: 12,077 square feet

Comprehensive Plan Map Designation: High Density Residential

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.
- Encourage development patterns that promote efficient and sustainable use of land, that can be readily linked by transportation systems and that utilize existing public utilities and services.
- Promote redevelopment and infill in areas with existing infrastructure and services, enhancing existing residential, commercial, and industrial areas.
- Promote the expansion or stabilization of the current economic base and the creation of a range of employment opportunities.

Corridor or Special Design District?: N/A

Historic?: N/A

Current Zoning District: B-3 General Commercial

Purpose of Zone District: The B3 general commercial district is intended to accommodate those commercial activities which may be incompatible with the predominantly retail uses permitted in other business districts; and whose service area is not confined to any one neighborhood or community.

Proposed Zoning: No change proposed

Existing Land Use: Former office building and previous to that, funeral home.

Surrounding Zoning and Land Uses:

North	B-3 General Commercial	Two unit dwelling
East	B-3 General Commercial	Corner store/market and daycare center
South	B-3 General Commercial	Safe Haven Office
West	R-3 Limited General Residence	Single unit dwellings

Operations: The building would be renovated for use as a childcare facility which would be occupied by children aged 6 weeks to 12 years of age. Daycare would be offered for three shifts (24-hour operation) with up to 100 children on the first and second shift and 50 on the third shift. The facility will be licensed by the State of Wisconsin and be staffed with 25 caretakers on the first and second shift and 10 caretakers on third shift. A play and exercise area for the children at the facility would be located to the west of the parking area.

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	21,105 square feet
Lot Frontage	30 feet	130 feet
Floor Area Ratio	2.5 maximum	.30

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

Yard	Required	Provided
Front	25 Feet	28 feet
Side (south)	0 Feet	15 feet
Side (north)	0 feet	40 feet
Rear (west)	20 Feet	40 feet

The B-3 district requires that structures within 100 feet of a residential district be screened by a wall, fence or densely planted hedge (this is to the west only).

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 exterior of the existing building.

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

Use Type	Required	Provided
Daycare	13	13
Total	13	13

A Building of this size does not require a dedicated loading space. Given the proposed function of the facility, the loading and unloading of children will occur and the applicant has proposed enough parking spaces to meet the requirements and demand.

Landscaping, screening and yard requirements ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): 114-490 (b) requires screening to the west because this commercial building is within 100 feet of a residence district boundary line and also requires landscape screening by trees or compact hedge between five and eight feet of at least 25 percent opacity shall be provided along the western edge of the property.

Sign Regulations (114-[Article X](#)): Signage is not a part of this request. Any future signage would need to follow the sizing requirements outlined below.

Sign Type	Allowable Sq. Ft.	Provided Sq. Ft.
Projecting/Wall/Freestanding	130 square feet	N/A
Window signs	50% of window area^	N/A
Alleyway Signage	N/A	N/A
Total	130 square feet	N/A

^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](#)): The submitted plans do not contemplate any changes to the exterior lighting on the site. The existing lighting appears to conform to development standards.

Rubbish and trash storage ([114-Article V](#) & [114-740](#)): A trash enclosure is depicted on the site plan and is in a location which complies with development standards and is out of sight from public view.

Engineering, Utilities and Access:

Access ([114-1151](#)): Vehicular access to the site has been reworked to maintain a one way traffic through the site, with parking available adjacent to this roadway near the entrance. The roadway runs west to east, with vehicles entering on Pear Street and exiting, via right turn

only, onto Washington Avenue. The northernmost access onto the site would be closed and transitioned into a playground area, (with appropriate fencing) for children at the center. The entrance into the building would be from the rear (west) and accessed from Peal Street entrance.

Surface drainage ([114-739](#) & Consult Engineering Dept.): Change of use within the existing 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: The property is 220 feet away from a signalized intersection, but the ordinance requires 250 feet.

The property is within 1,000 feet of another entrance of another daycare, located across the street with the entrance being approximately 75 feet from the subject property. When using a legal walking route (directly crossing Washington Avenue midblock is jaywalking) this distance is 365 feet using the 10th Street crosswalk.

Additional Planning and Zoning Comments: This is a use which is much less intensive traffic wise and intensity wise, than other uses which would be allowed by right to locate on the parcel. The other daycare facility is on the other side of the street and operates through a pickup model where children are transported to the site by the daycare facility; any drop-offs to the site do not utilize Washington Avenue, but a side street to the east (Hilker Place). There is not expected to be any issues with traffic conflict on this block because of the adjacency of the neighboring uses of similar nature.

Staff did receive several calls about concerns for additional traffic and safety of the general area given the nature of how people travel through this stretch of Washington Avenue. While the City does not limit competition or regulate competitors, issues related to land use and safety of all are things which can be considered. As such, the conditions in the report seek to balance the technical factors staff has analyzed, with the perceptions and opinions of those from the public entered into the record for this item and thoughts of Commissioners during the previous deliberation on the item.

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: With the recommended conditions at the end of this report, the establishment of the Conditional Use is not expected to be detrimental public safety and general welfare. The day care center is consistent with the commercial zoning and land use plan designation for the property. The operation of a day care facility is not anticipated to create nuisances for the general public or adjacent land owners. The usage of the building is much less intense than uses allowed in this zone district and is compatible with the adjacent residential uses; the use could be viewed as an asset to the neighborhood given the proximity of this type of care to the potential home of a child.

- 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. The nature of the business is one which could be seen as an amenity by those with young children in the area in need of a location for supervision while away from home.

- 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 establishment of this proposed daycare facility is not expected to impede development patterns in the area through the reuse of this existing building. 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 is a business district and the properties fronting Washington Avenue in this area are generally residential and as such, a facility of this nature fits within this mix. The operation is not expected to interfere with future business growth or the enjoyment of the adjacent 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 use 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 closing the northernmost driveway on the site, limiting those leaving the site to a right turn only onto Washington Avenue and utilizing the rear access point onto the lot. These changes from the original proposal significantly alter the traffic demand on this stretch of Washington Avenue; despite the technical fact that the roadway could handle this demand, the proposal accounts for the perception of conflicting turning movements on this block and effectively isolates traffic coming and going to this property from the other daycare establishment in this block.

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

Staff Comments: While a day care facility is not a retail service that would have the reach of a general retailer, the proposed use does compliment the neighborhood. The plan designation of commercial and the actual development in this general area can accommodate a mix of uses which a day care fits in with. The mix of uses is commercial in nature and adding this day care would fit the designation on the land use map as well as the objectives of the comprehensive plan.

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 development will operate in accordance with the applicable regulations for this zone district. An exception from the requirement that the lot be 250 feet from a signalized intersection and to allow for 220 feet is required with this proposal. Again, the spirit and intent of the rule is being met as this location is a mid-block location and will not create congestion at an intersection.

The regulations exist to ensure daycare centers and the associated traffic with them, avoid vehicle stacking at signalized intersections. In the particular case, the location subject to this request has a parking lot and access drives which provide more stacking area and parking than the ordinance requires. Furthermore, Washington Avenue in this block, does not allow for street parking; any potential drop-offs occurring from the street, while not permitted by the ordinance, theoretically could happen if parking were allowed on Washington Avenue. Since parking is not allowed on Washington Avenue and is signed accordingly, it is much less likely that someone would illegally park and unload a child. It is far more likely for someone dropping off a child to see a no parking sign, than to realize that a portion of the Zoning Code does not allow drop-offs from the street for this particular use. Given the traffic volume, design of the roadway (what might be mistakenly construed as a parking lane is clearly a through lane on this block) and signage, vehicles do not park on Washington Avenue. What this leads to is that the parking lot is utilized, drop-offs occur in the rear of the site and the intent of the ordinance is being met.

The 1,000 feet from another daycare facility is a discretionary standard as the word should is used. The intent of this discretionary guidance (in conjunction with the other requirements for this use) is to avoid congestion at intersections. Based on the applicant's plan to route traffic and keep vehicles

off the street, coupled with the operations of the existing daycare, the intent of this discretionary guidance is being met. The existing daycare facility has pickup and drop-off vans as a service for the daycare; the vans which park in the driveway to Washington Avenue, block ALL access to Washington Avenue from the 1015 Washington Avenue parcel. As part of the recommendation for this particular use at 1020 Washington Avenue, this factor was weighed and considered by city staff. The fact the 1015 Washington parcel customer parking is effectively blocked and visitors to that lot must use Hilker Place reduces traffic movements onto Washington Avenue for this block.

The applicant site plan closes the northernmost driveway to the site and limits turning movements from the site to right turns only. By having one-way traffic flow through the site with a right turn only from the southern driveway, the operation here traffic wise, will have virtually no impact on the traffic movements from the adjacent daycare. This coupled with the model for picking up students employed by the daycare at 1015 Washington and traffic flow of that site limits the ability for congestion at an intersection or dangerous traffic movements.

Recently the Wisconsin Chapter of the American Planning Association (APA-WI) noted in the [Summer-Fall 2020 newsletter](#) that childcare in Wisconsin (and much of the United States) was severely strained even before the Covid-19 outbreak. According to a Wisconsin Policy Forum report in July 2020, a staggering 40% of childcare centers have closed due to the pandemic; coupled with the Safer at Home Orders limiting capacity of centers to help limit the spread of Covid-19, it has left many families in a precarious situation. With many schools now virtual and parents returning to work in person, or having to juggle working from home while caring for a child, children need safe and productive places to be to foster learning. As noted, there were not enough qualified childcare centers prior to Covid-19, with the reduced amount of offerings for this service due to the pandemic and limited capacity of those which have remained open, more qualified facilities are needed in the community, not less.

Based on the changes to the site plan to better meet the spirit and intent of the ordinance related to separation and congestion in conjunction with the information about the childcare crisis in the State, staff would use those items as rationale and potential justification for the PHDC to consider granting an exception from the 250 feet from an intersection and 1,000 feet from another daycare center parameters outlined in the Municipal Code.

POSSIBLE ACTIONS FOR THE PLANNING, HERITAGE AND DESIGN 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.

STAFF RECOMMENDATION: BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM ROOTS RESIDENTIAL AFH LLC, SEEKING CONDITIONAL USE PERMIT TO OPERATE A GROUP DAYCARE CENTER FOR CHILDREN AT 1020 WASHINGTON AVENUE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That the plans presented to the Planning, Heritage, and Design Commission on October 28, 2020 be approved subject to the conditions contained herein.
- b) That all license requirements from the State of Wisconsin and City of Racine be obtained, complied with, and kept current at all times; the staffing levels for a daycare center as required by the State of Wisconsin are met or exceeded at all times.
- c) That all of the following occur prior to occupancy, unless otherwise noted:
 1. That a valid operator’s license from the State of Wisconsin for a daycare center be submitted to the Department of City Development.
 2. That a plan for operations in accordance with Safer Racine Order be submitted to and approved by the City of Racine Health Department.
 3. That striping of the lot occur as required by Sec. 114-Article XI by March 31, 2021.
 4. That a sign and pavement arrow indicating right turn only be installed on the southernmost driveway and visible to all exiting vehicles from the site.
 5. That a mechanical or sensory operated gate or device be reviewed and approved by City Development and subsequently installed on the southernmost driveway at or within three (3) feet of the property line indicating “Do Not Enter and Exit Only” to face Washington Avenue and be mounted on said gate or device.
 6. That the northernmost driveway be closed, the driveway apron removed and a curb installed, totally eliminating access from Washington Avenue for vehicles.
- d) That if, prior to the issuance of an Occupancy Permit, required site improvements listed in “c” 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.
- e) That hours of operation are 24 hours daily.
- f) That an exception from the requirement of Sec. 114-448(9) (a) be granted, to allow the location of 220 feet from a signalized intersection instead of 250 feet and from Sec. 114-1148(9)(d) to allow a location within 1,000 feet of another entrance as outlined in Criterion 7 of the staff report.
- 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 (view in legistar).



Conditional Use Request - 1020 Washington Avenue





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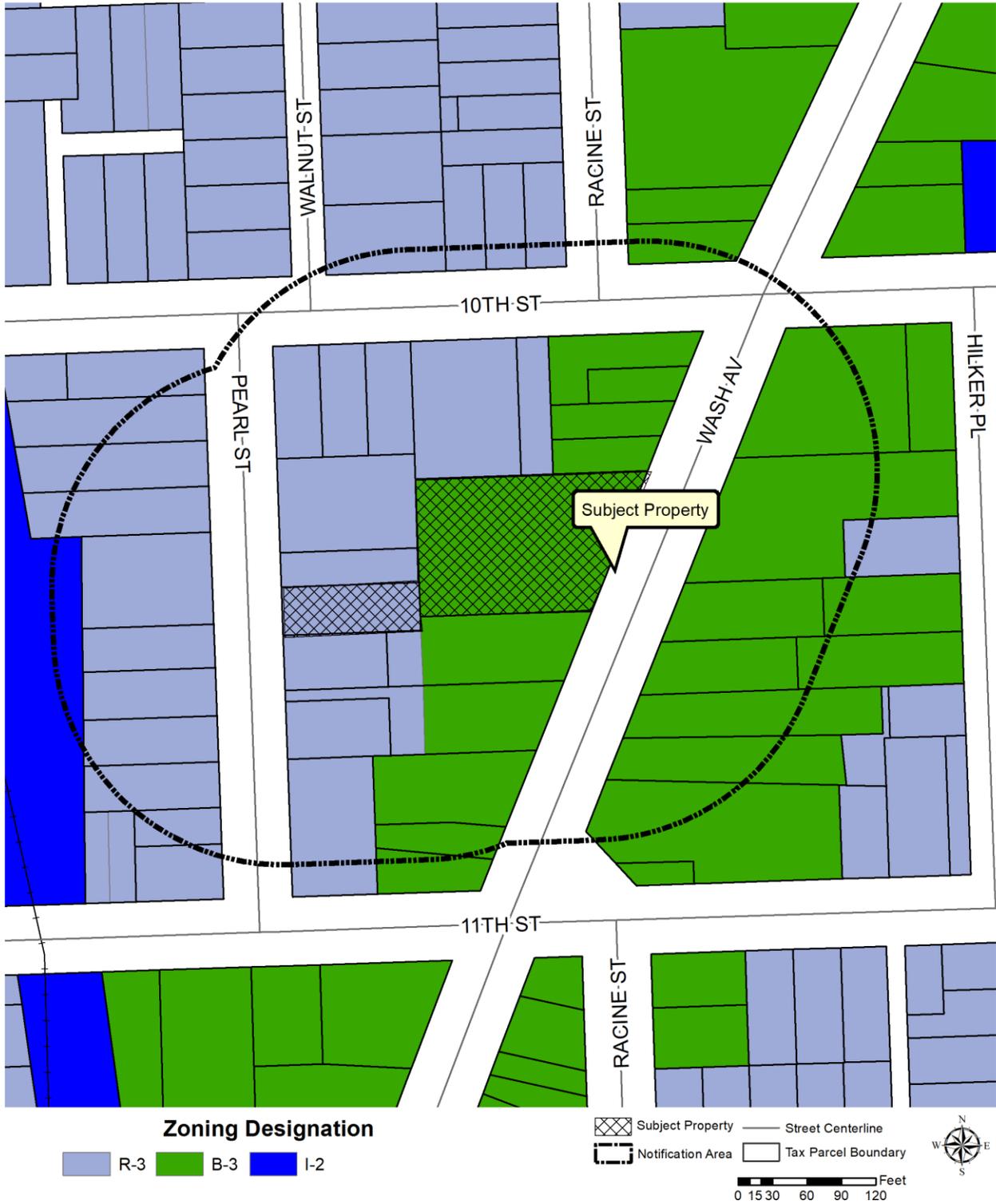
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Subject Property	Notification Area	Street Centerline	Tax Parcel Boundary
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0 15 30 60 90 120 Feet

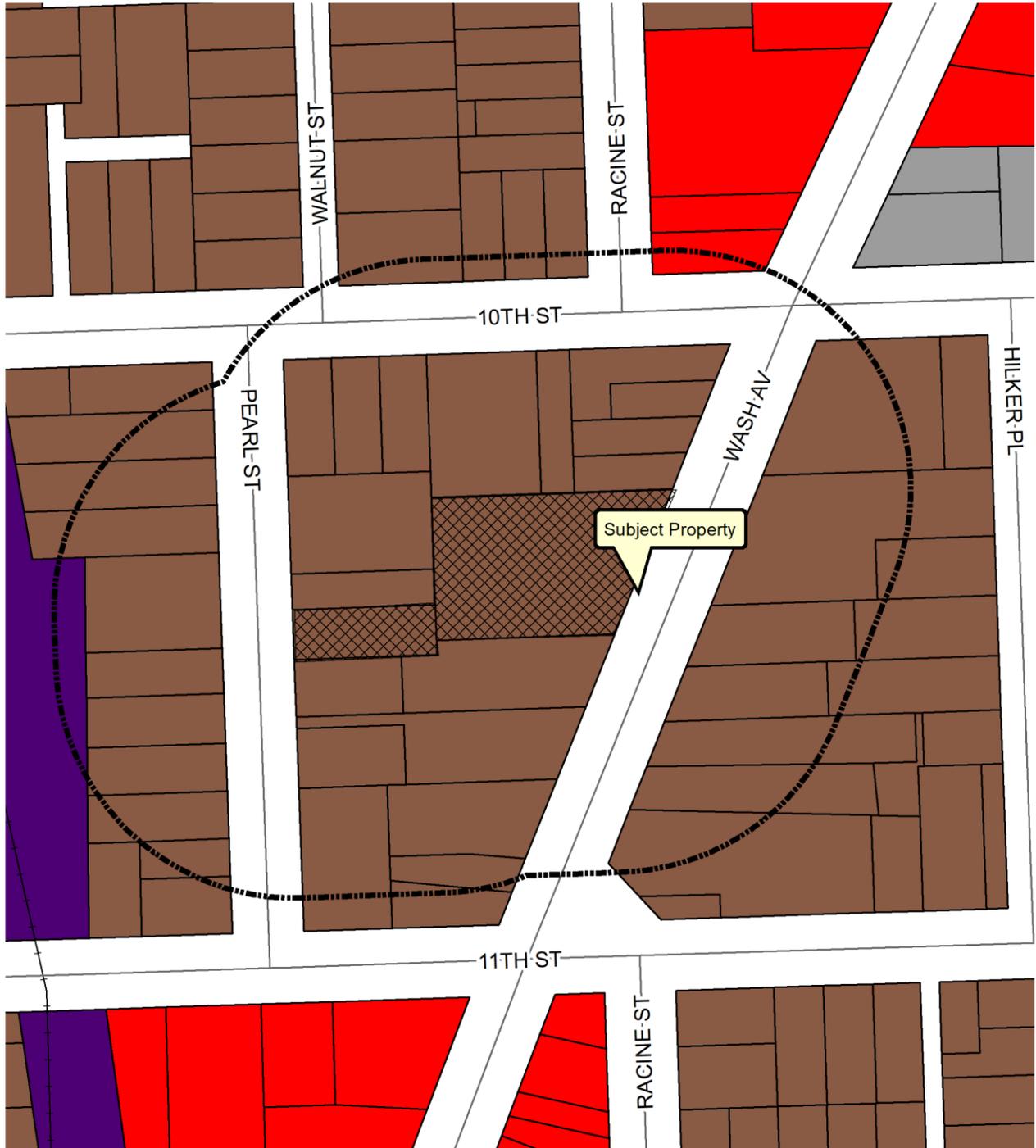


Conditional Use Request - 1020 Washington Avenue





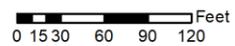
Conditional Use Request - 1020 Washington Avenue



Land Use Designation

- High Density Residential
- Commercial
- Industrial
- Transportation, Communication and Utilities

- Subject Property
- Notification Area
- Street Centerline
- Tax Parcel Boundary



Site Photos



Looking north along Washington Avenue



Looking east from the subject property across Washington Avenue



Looking south along Washington Avenue



Looking west at the subject property from Washington Avenue



Looking west from the south side of the building and exit aisle