



DRAFT ---CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT--- DRAFT

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: 2042 Lathrop Avenue, located on the West side of Lathrop between 20th and 21st Street.

Applicant: Samantha Bardales

Property Owner: Kai Jensen

Request: Consideration of a major amendment to an existing conditional use permit to allow for used auto sales in in conjunction with an existing automobile service operation as defined in Section 114-468 of the Municipal Code, in an existing building at 2042 Lathrop Avenue for property located in a B-2 Community Shopping Zone District as required in section 114-468 of the Municipal Code.

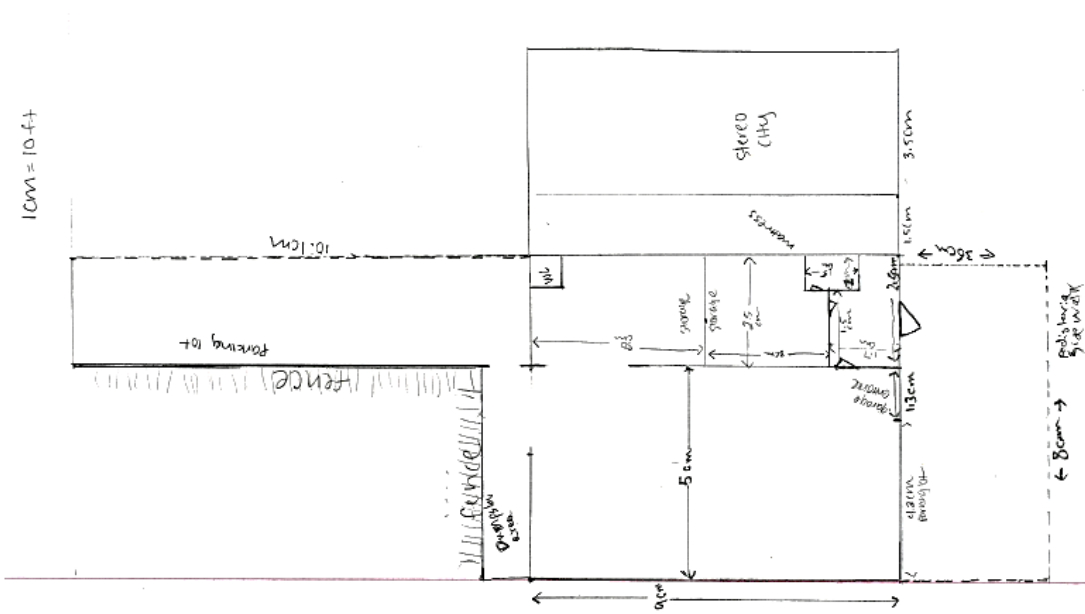
BACKGROUND AND SUMMARY: The applicant seeks to utilize the existing building, housing an automobile repair shop at 2042 Lathrop Avenue for the sale of up to five used automobiles. The applicant has proposed to operate from Monday through Friday from 8:00 AM - 5:00 PM. The conditions of the existing permit on the property are still in effect.

In 2006 an amendment to the conditional use permit for automobile accessory sales and installation sought to allow up to four vehicles on the property to be sold. This amendment which would have allowed the sales, was denied in June of 2006

The Zoning Ordinance classifies this proposed used automobile sales operation 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).



Proposed Building Floor Plan (north is up), submitted by applicant.



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

GENERAL INFORMATION

Parcel Number: [23676000](#)

Property Size: 39,478 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-2 Community Shopping

Purpose of Zone District: The B2 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: Automobile repair shop, automobile accessory shop and mattress store.

Surrounding Zoning and Land Uses:

North	B-2 Community Shopping	Spa and tanning establishment
East	B-2 Community Shopping	Restaurant and retail store
South	B-2 Community Shopping	Bar/Convenience Store
West	R-3 Limited General Residence	Single unit dwellings

Operations: The applicant has proposed to have the used automobiles for sale from Monday through Friday from 8:00 AM - 5:00 PM and would utilize the office space within the auto repair operation in the southern portion of the building.

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	39,478 square feet
Lot Frontage	30 feet	170 feet
Floor Area Ratio	2.0 maximum	.30

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

Yard	Required	Provided
Front (east)	0 feet	37 feet
Side (north)	0 feet	40 feet
Side (south)	0 feet	0 feet
Rear (west)	0 feet	8 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
Automobile repair facility	14	13
Mattress store	4	4
Automobile accessories	11	11
Total	29	28*

A Building of this size requires a dedicated loading space; the area in the rear of the property can be utilized for this purpose.

*Note: this property needs to have the front portion of the building sealed and striped to account for the parking spaces on the lot, which are not currently striped. The parking area in the rear of the property easily provides for the required spaces, but it not striped.

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 west property line because the lot across the street is residentially zoned. 114-737 requires that a landscape screening by trees or a compact hedge along this lot line since this is a through lot. The fencing currently installed on the site is in compliance with current development standards. The lawn area to the west is overgrown with weeds and the fencing is in a state of disrepair.

Sign Regulations (114-[Article X](#)): No new signage is proposed with this application.

Sign Type	Allowable Sq. Ft.	Provided Sq. Ft.
Projecting/Wall	260	260
Window signs	50% of window area	N/A
Alleyway Signage	N/A	N/A
Total	260*	260

*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. Window signage does not count against the total amount of signage for a property, it is above and beyond what is permitted for the lot.

Outdoor lighting, signs ([114-Sec. 742](#)): The exterior lighting on the rear and north side of the building appears to 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 existing trash handling area is behind the north west corner of the building and is effectively screened from view by the building and existing fencing.

Engineering, Utilities and Access:

Access ([114-1151](#)): Vehicular access to the site is provided from driveways off Lathrop Avenue. The site plan submitted by the applicant does not contemplate any changes to access.

Surface drainage ([114-739](#) & Consult Engineering Dept.): Adding this usage to 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 parking area, privacy fencing and yard areas need to be brought into compliance with the current development standards; sealing and restriping of the front and rear lot needs to occur. The buffer yard at the rear of the property (west side) along Russet Street needs some minor maintenance performed, but generally is effective in screening this commercial property from the adjacent neighborhood. The front of the parcel along Lathrop Avenue is devoid of any landscaping, and is also not functional for more than one row of parking.

The proposal to add used automobile sales on the property could work, but would only comply with development requirements if the vehicles for sale are sold from the rear of the lot. It is not possible due to the placement of the building on the lot to have vehicles waiting to be serviced and vehicles for sale up front; the sidewalk would be blocked. More importantly, customers to the site need to have the area up front available for parking, it is not likely customers would park in the rear and walk up front. The use is only allowed if it does not occupy required parking for the service businesses. Due to the configuration of the lot, the only permitted place on the lot for the used auto sales is at the rear of the property.

The existing conditional use on the property currently requires all of the following operational requirements:

- That the maximum hours that the establishment is open to the general public be from 10:00 a.m. to 7:00 p.m. Monday through Saturday, with no hours on Sunday.
- That all aspects of the operation of all auto related facilities at this location shall be conducted indoors and may include but shall not be limited to auto repair or parts replacement or installation, equipment storage and operation, and stereos and alarm system operation or testing.
- That no junked or inoperable vehicles be stored at this location and no vehicle salvage be conducted.

- That awaiting repair or accessories installation services shall be permitted to be stored in the parking areas for no longer than 30 days. Parking of vehicles for more than 30 days is prohibited.
- All vehicles awaiting repair or accessories installation shall be parked to the west of the building.
- That all employee and customer parking shall be contained on site at all times. On street parking or drop-off of vehicles awaiting installation services is prohibited.
- That vehicles associated with either the repair or accessories installation operations be positioned so as not to constrict traffic circulation on the property or hinder traffic flow on Lathrop Avenue.

An approved condition, which was not fully implemented read as follows: “That prior to the issuance of an occupancy permit, a landscape plan addressing the entire property, and a landscape bond equal to the value of anticipated landscaping shall be submitted for the review and approval of the Director of City Development. At a minimum the landscape plan shall illustrate the installation of a planting bed at the base of the pole sign, a landscaped strip along the Lathrop Avenue....”

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 addition of five automobiles for sale at this site is not expected to endanger the health, safety or welfare of those in the general vicinity. The conditions which already exist on the site through the existing conditional use permit ensure the area remains complimentary to the adjacent neighborhood. Additionally, these conditions ensure that the Lathrop Avenue corridor remains as a business corridor and not an industrial corridor.

- 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: If this site is fully improved to the standards of the zoning ordinance and existing conditional use permit, the sales of five automobiles is not expected to be injurious to other properties. The landscaping is intended to provide a buffer both visually and physically to the site, from Lathrop Avenue. The buffer at the front of the property will help to define the public and

private space and also ensure parked and maneuvering vehicles do not block the sidewalk. The landscaping along the front of the property ensures that the enjoyment of the public right-of-way is maintained as free and clear and also visually appealing.

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 this new component of their business. This property is a transition from a relatively busy commercial corridor into a neighborhood. It is expected that the overall appearance and function of the site will generally remain as it has, the main difference will be that up to five passenger vehicles will be for sale on the site.

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 site currently has two driveways onto Lathrop Avenue which handle all the ingress and egress. The applicant will need to ensure vehicles dropped off for service are immediately moved into a service bay or relocated to the back of the building when there are vehicles for sale. As previously discussed, it will not be possible to have both vehicles for sale and vehicles awaiting service parked in front of this establishment. Moving the vehicles around is necessary to ensure the possibility of ingress and egress exists. It is of less concern to the City which vehicles are being serviced and which are for sale, but all vehicles must be parked only in a legal location.

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. It is important to note that to the west of this location are areas identified for as high density residential in the land use component of the plan. It is important to keep in mind that unlimited sales of varying types of vehicles would be detrimental to the surrounding properties and not meet the intent 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, which bring the site into compliance with required development standards and past approval requirements, 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 will function in a manner which is complimentary 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 site will generally function in the same manner it has, the addition of vehicles which would be for sale will not drastically alter the appearance or purpose of the site.

STAFF RECOMMENDATION: BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM SAMANTHA BARDALES, SEEKING A MAJOR AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT TO ALLOW USED AUTOMOBILE SALES AT 2042 LATHROP AVENUE 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 City sign off on dealer license:
 1. Fencing on site be complaint with Sec. 114-761; and

2. Privacy screening, which is not chain link with slats, as required by Sec. 114-450 (b) be installed; and
 3. Transitional yard as required by Sec. 114-450 (b) be installed; and
 4. Site be landscaped and maintained as required by Sec. 114-743; and
 5. Parking areas meet all requirements of Sec. 114-Article XI; and
 6. Landscaping strip and plantings around existing pole sign on the property be installed as required in previous conditional use file # 05-1138.
- 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 vehicles for sale be limited to five (5) and shall be parked at the rear of the property at all times, as to not block required parking for the businesses on the lot.
- e) That sales of vehicles be limited to passenger vehicles and shall not include commercial trucks, buses, vans or any vehicle with more than two axles.
- f) That the use of streamers, balloons, feather signage, inflatable signage and other temporary banners advertising the sale of passenger vehicles is prohibited.
- 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 Amendment - 2042 Lathrop Avenue





Conditional Use Amendment - 2042 Lathrop Avenue



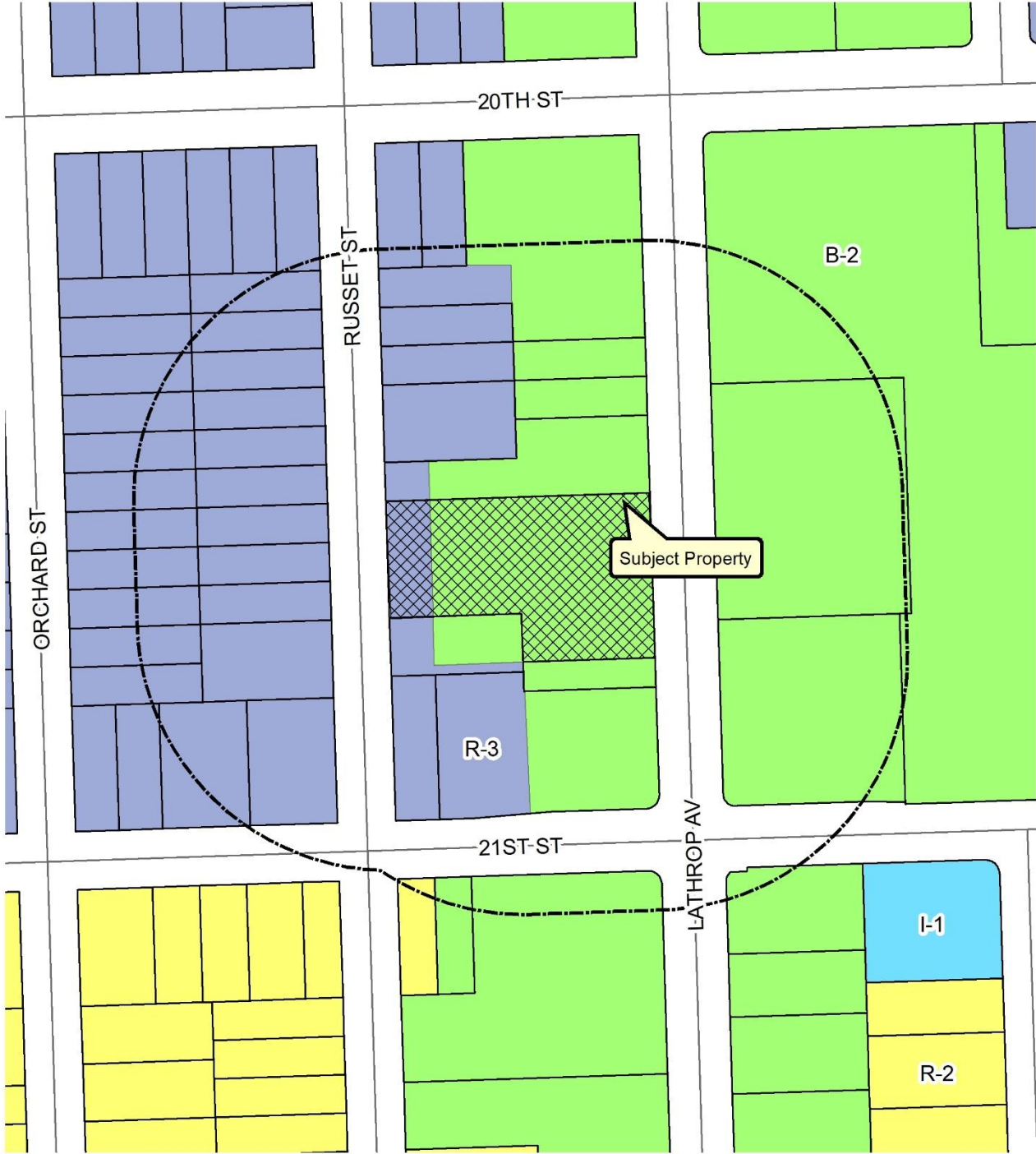
 Subject Property
 Notification Area

 Street Centerline
 Tax Parcel Boundary





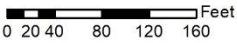
Conditional Use Amendment - 2042 Lathrop Avenue



Zoning Designation

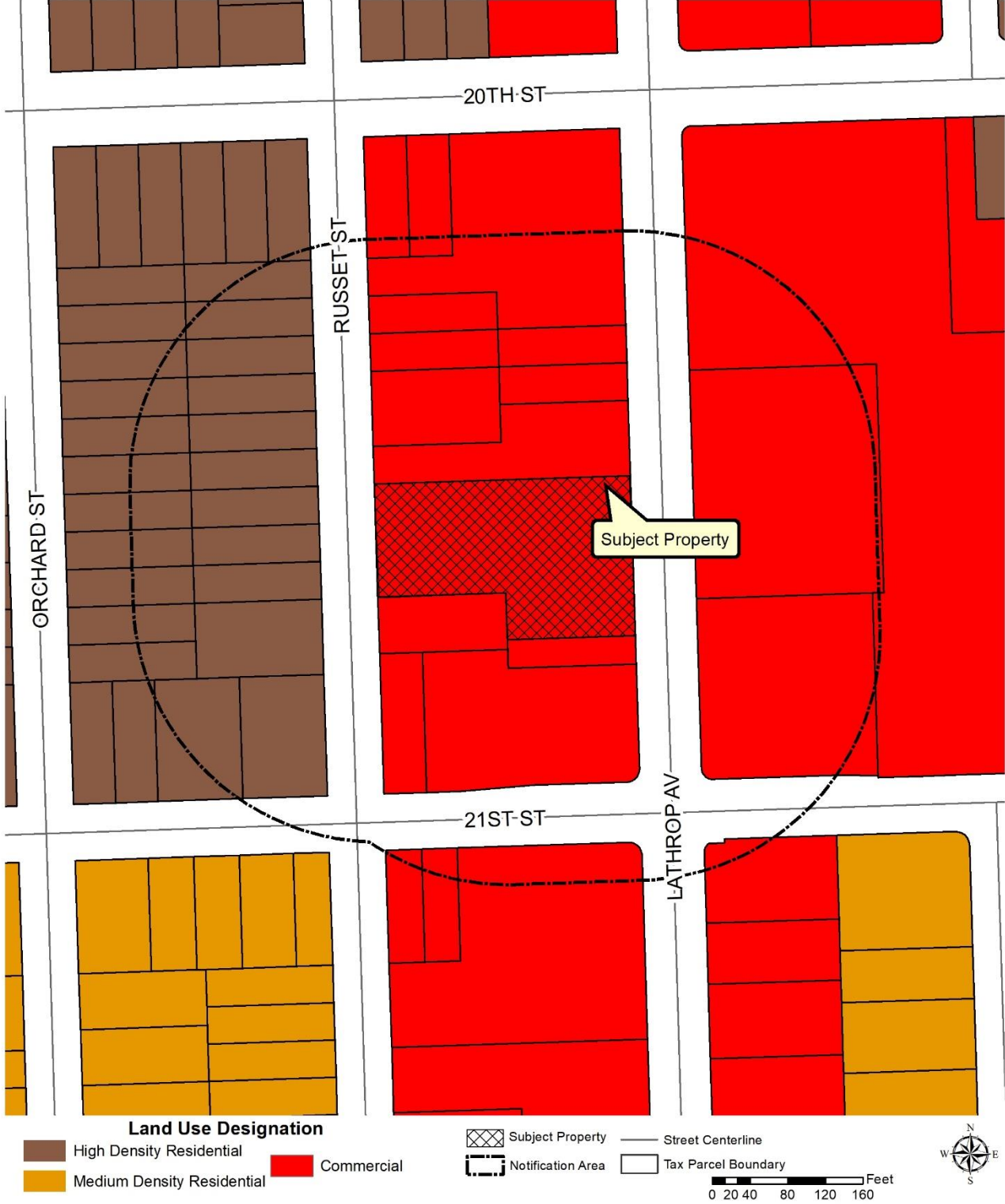
- I-1 (light blue)
- R-2 (yellow)
- B-2 (light green)
- R-3 (blue)

- Subject Property (cross-hatch pattern)
- Notification Area (dashed line)
- Street Centerline (solid line)
- Tax Parcel Boundary (solid line)





Conditional Use Amendment - 2042 Lathrop Avenue



Site Photos



Looking west at subject property



Looking at office area of proposed use



Looking south from subject property



Looking east from subject property



Looking north from subject property



Looking at parking area at rear of subject property