



## **CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT**

**Meeting Date:** 6/13/2018

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

**Case Manager:** Jeff Hintz

**Location:** 2829 Durand Avenue, located approximately 350 feet east from the intersection of Durand Avenue and West Boulevard.

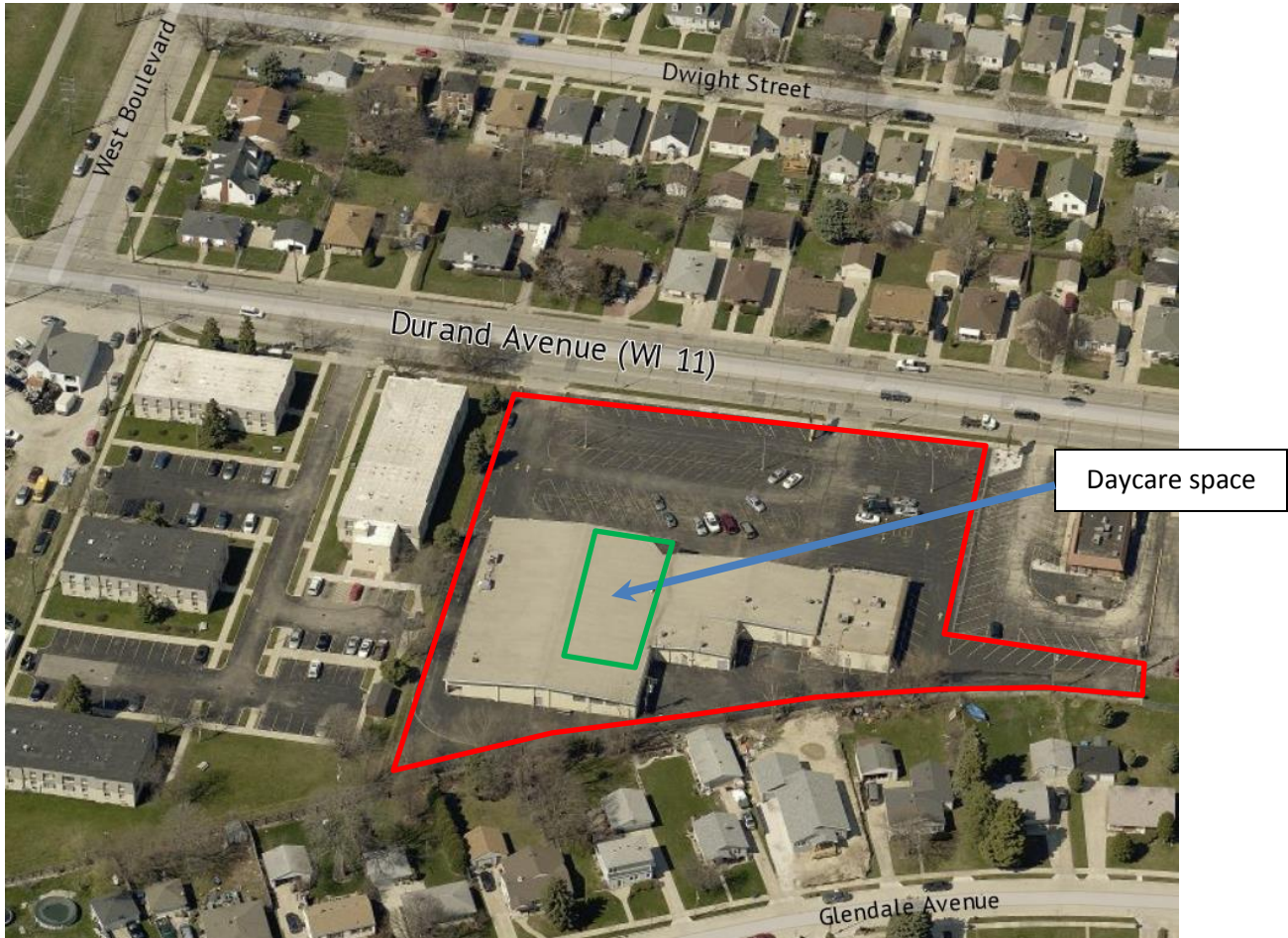
**Applicant:** Frank James II of Changing Lives Ministries

**Property Owner:** 2901 DURAND AVENUE LLC

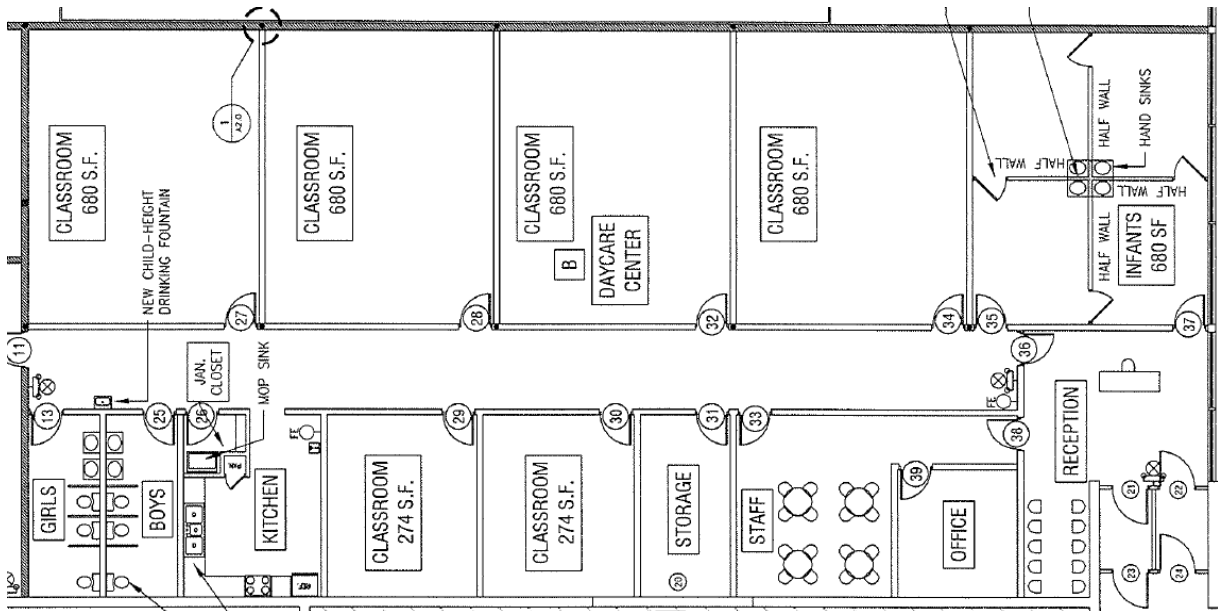
**Request:** Consideration of a major amendment to an existing conditional use permit which allows for the operation of a Group Day Care Center, at 2829 Durand Avenue for property located in a B-2 Community Shopping Zone District as required in Section [114-155](#) of the Municipal Code.

To establish any Group Day Care Center in this zone district, a Conditional Use is required as outlined in section [114-468](#) of the Municipal Code, which refers back to 114-448 where Group Daycare Center is listed.

**BACKGROUND AND SUMMARY:** The applicant seeks to utilize a portion of the existing building at 2829 Durand Avenue to provide a daycare facility for children. The daycare facility would occupy approximately 8,000 square feet of the main tenant space on the property. The applicant has proposed an operating schedule of 5:00 AM–midnight Monday-Friday; weekend hours would be as needed depending on demand, but if operationalized, would be from 5:30 AM–6:00 PM. The center has approximately 100 clients during the day, 80 for evenings and 40 after 9:00 PM. The operation will have a center manager on site at all times and plans to employ approximately 25 people. The Zoning Ordinance classifies a change of this nature to be a major amendment to an existing Conditional Use Permit as outlined in Section 114-155 of the Municipal Code.



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



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



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

## GENERAL INFORMATION

**Parcel Number:** [16879006](#)

**Property Size:** 2.4 acres

**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.



- 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-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:** Religious institution with bookshop and daycare, insurance office, barber shop, vacant tenant space, future grocery store and proposed daycare expansion.

**Surrounding Zoning and Land Uses:**

<b>North</b>	R-2 Single Family Residence	Single unit dwellings
<b>East</b>	B-2 Community Shopping	Vacant restaurant
<b>South</b>	R-2 Single Family Residence	Single unit dwellings
<b>West</b>	R-4 General Residence	Multiple unit dwelling building

**Operations:** The applicant has proposed an operating schedule of 5:00 AM–midnight Monday-Friday; weekend hours would be as needed depending on demand, but if operationalized, would be from 5:30 AM–6:00 PM. The operation will have a center manager on site at all times and plans to employ approximately 25 people.

**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	104,544 square feet
Lot Frontage	30 feet	325 feet
Floor Area Ratio	4.0 maximum	.26

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

Yard	Required	Provided
Front	Structure to be 100 feet from residential district boundary line if not screened	230 feet
Side (west)	6 Feet	16 feet
Side (east)	0 feet	34 feet
Rear (south)	20 Feet	16 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 exterior of the existing building.

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

Use Type	Required	Provided
Grocery store	48	48
Barbershop	8	8
Insurance Office	6	6
Religious Institution	15	15
Daycare	16	16
Vacant retail space	TBD	35
Total	93	128

A Building of this size requires one dedicated loading space, the service drive on the backside of the building fulfills this requirement.

**Landscaping, screening and yard requirements** ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): 114-470 (b) requires screening to the south and west because this commercial building is within 100 feet of a residence district boundary line. 114-450(b)(1) requires Landscape screening by trees or compact hedge between five and eight feet of at least 25 percent opacity shall be provided along the southern and western edge of the property. The site has more parking than it actually would need or even requires in the zoning ordinance; with this in mind, the site is screened to the south by a fence and plantings. Staff would be in favor of an exception from

the requirement to the south of a yard and screening, instead recommending that this landscaping and yard be replaced along the Durand Avenue frontage to enhance the overall aesthetics of the site. The western edge of the property also needs to be landscaped in accordance with development standards.

**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. The pylon sign near the Durand Avenue right-of-way exceeds the maximum height requirements for this zone district by 9 feet.

<b>Sign Type</b>	<b>Allowable Sq. Ft.</b>	<b>Provided Sq. Ft.</b>
Projecting/Wall/Freestanding	300 square feet	298
Window signs	50% of window area^	N/A
Alleyway Signage	N/A	N/A
Total	300 square feet	298*

^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.

\*Blank sign faces and sign frames have been calculated into this number. Additional signage would not meet the requirements of the ordinance.

**Outdoor lighting, signs** ([114-Sec. 742](#)): At this time the exterior lighting is dated, but does generally focus light onto the site itself, which complies with the requirements of the ordinance.

**Rubbish and trash storage** ([114-Article V](#) & [114-740](#)): A trash enclosure is not depicted on the site plan, however the location on the property where trash is stored is screened from view which meets the requirements of the ordinance.

**Engineering, Utilities and Access:**

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

**Surface drainage** ([114-739](#) & Consult Engineering Dept.): Tenant changes 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 applicant has well over what is required for parking on the site. Even the minimum required amount is likely to exceed the demand this combination, or future combinations of businesses would need for this site. It is very unlikely this parking lot would be full and parking would become problematic for patrons or employees of the site, even if the minimum was not met. The landscaping along the Durand Avenue frontage previously discussed would take up approximately 20 spaces and the required landscaping along the western property line would take

up an additional five spaces. It should be noted that the parking along the Durand frontage would be lost as part of the State Highway 11 reconstruction project; the amount of right-of-way needed would leave a remainder of a parking space and drive aisle that could not be reconfigured to meet development requirements. An exception from section 114-1188 of 25 parking spaces would allow all the uses on this site to exist and allow for aesthetic enhancements along the Durand Avenue frontage and western property boundary to occur.

An exception from 114-470 (b) requiring screening to the south; given the property line to the south is fenced and includes plantings, this requirement has effectively been met. In exchange for this exception, staff is recommending landscaping adjacent to the right-of-way for Durand Avenue at the front of the site, which would be more visible and make much more of an impact than if installed behind the building at the rear of the site. An exception along the western edge from the front of the building to the rear is also part of this request; the intent of the ordinance is being met by screening the front portion of the lot (which is the majority of the lot line) where the adjacent dwelling building is located. Screening parking areas from one another which are located in an area behind the building that won't be seen would be counterproductive.

**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: 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.

- 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.

- 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.

- 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 not contemplating any changes to the access to this site. The nature of this business is to provide an in and out type drop-off of children. The ingress and egress from the site is expected to be appropriate to handle this demand. The applicant has proposed all drop-offs to occur through the front door well away from any highly trafficked areas.

- 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 on this property 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 for parking will allow the aesthetics of the site to be enhanced while allowing the site to function as a commercial



property. It is unlikely the parking area will be completely full given the nature and mix of commercial uses on the site.

The landscaping and yard required at the rear of the site effectively exists due to the screening by the properties to the south. The landscaping would be much better suited along the northern property line near Durand Avenue as opposed to at the rear where it would not be seen as readily. The southern portion of the western property line is a service and parking area for the adjacent business. Requiring a parking lot to be screened from a building wall isn't the intent of the regulation; a better use of resources would be to enhance the aesthetics of the more visible areas of the site as much as possible.

## **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 will be complimentary to the neighborhood.
- The proposed daycare facility will help to provide a mix of uses within walking distance of a surrounding neighborhood, and at a scale and intensity which is complimentary to the area.

**STAFF RECOMMENDATION:** BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM CHANGING LIVES MINISTRIES, SEEKING A MAJOR AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT WHICH ALLOWS A GROUP DAYCARE CENTER AT 2829 DURAND AVENUE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That the plans presented to the Plan Commission on June 13, 2018 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.
- c) That all of the following occur by October 31, 2018 unless otherwise noted:
  - 1. That the pylon sign on the property be brought down to a height of no more than 15 feet.
  - 2. Submission to and approval by the Department of City Development of plans, including amount and type of plantings, for landscaped areas along the northern property line and the western yard as indicated in red below:



Landscaping along the northern property line shall be installed no less than 12 months from the completion of the State Highway 11 (Durand Avenue) reconstruction project adjacent to this property.

- 3. Removal or reversal of the sign panels of the obsolete tenant signage on the property.
- 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 5:00 AM– midnight Monday-Friday and 5:30 AM–6:00 PM on weekends.
- f) All drop-offs and pickups be conducted from private lots, not the right-of-way.

- g) That an exception from section 114-470 (b) requiring screening to the south of the building and along the southern 240 feet of the western property line be granted with this conditional use.
- h) That an exception from section 114-1188 of 25 parking spaces be granted with this conditional use.
- i) That all codes and ordinances are complied with and required permits acquired.
- j) 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.
- k) 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 - 2829 Durand Avenue



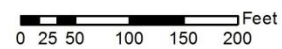




# Conditional Use Request - 2829 Durand Avenue



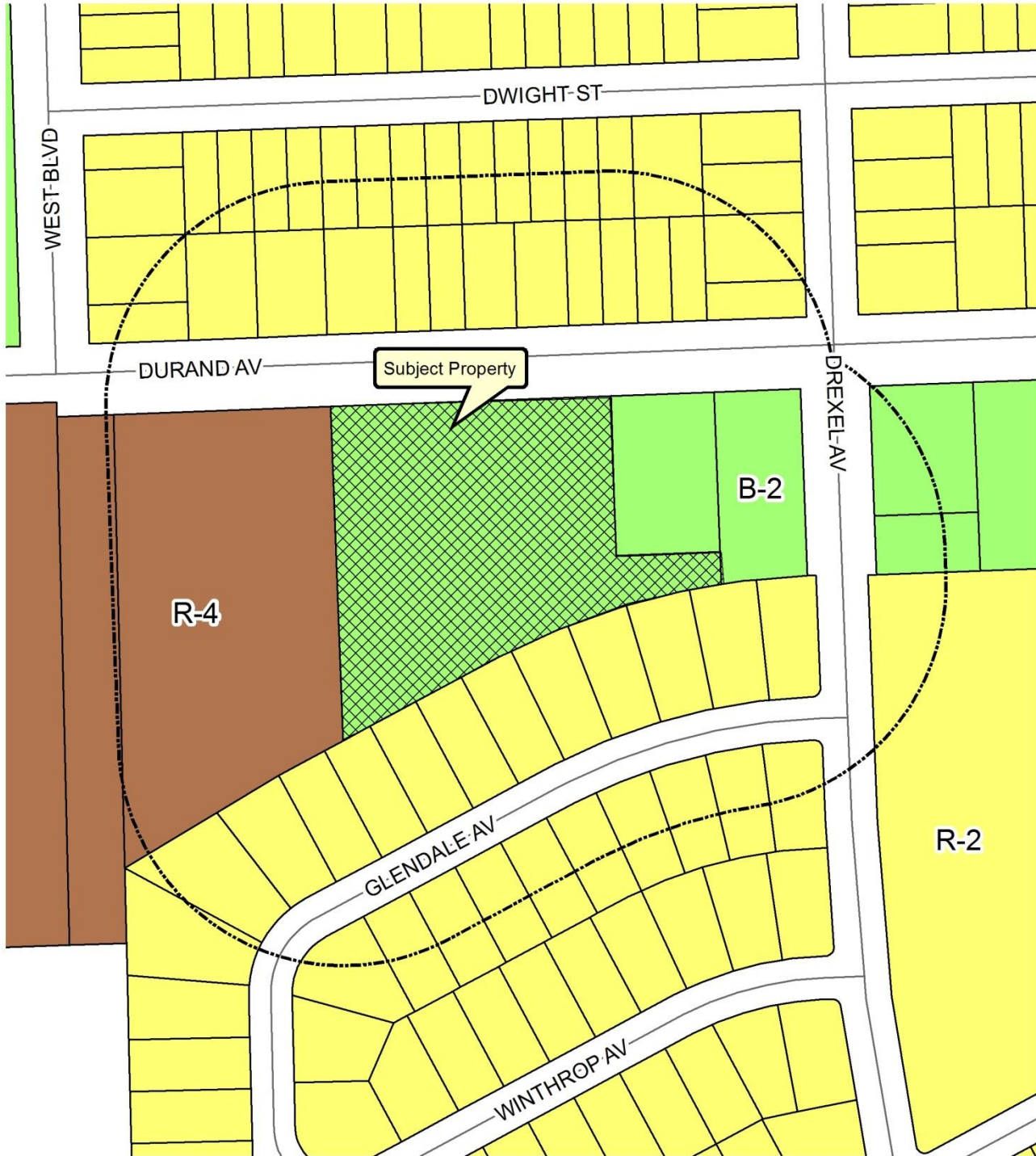
- Subject Property
- Notification Area
- Street Centerline
- Tax Parcel Boundary







# Conditional Use Request - 2829 Durand Avenue

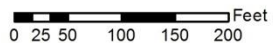


### Zoning Designation

- B-2
- R-2
- R-4

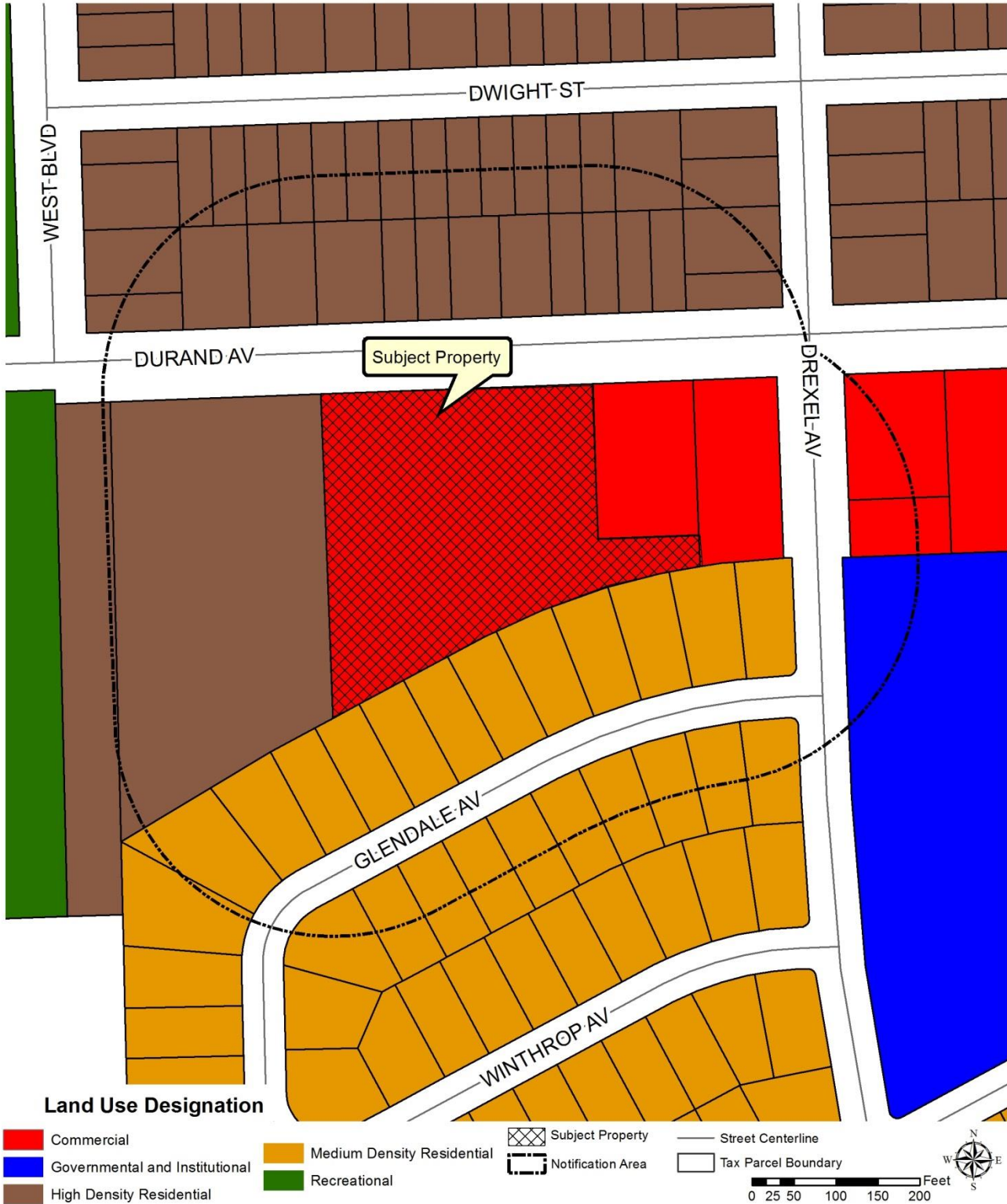
- Subject Property
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# Conditional Use Request - 2829 Durand Avenue





### Site Photos



Looking south at the subject property. Daycare area highlighted in red



Looking west along Durand Avenue



Looking east along Durand Avenue



Looking east at building where Daycare would be located



Looking at eastern end of building where Changing Lives Ministries is located



Looking northwest at signage and Durand Avenue