



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

**Meeting Date:** 6/27/2018

**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:** 1344 Lathrop Avenue, located on the northwest corner of the intersection of Lathrop Avenue and Wright Avenue.

**Applicant:** Alexie Martinez of Casa Del Alfarero Global

**Property Owner:** E and S Properties

**Request:** Consideration of a conditional use permit to operate a religious institution, classified as a Class 1 non-commercial-type use, in an existing building at 1344 Lathrop Avenue for property located in a B-2 Community Shopping Zone District as required in section [114-468](#)\* of the Municipal Code.

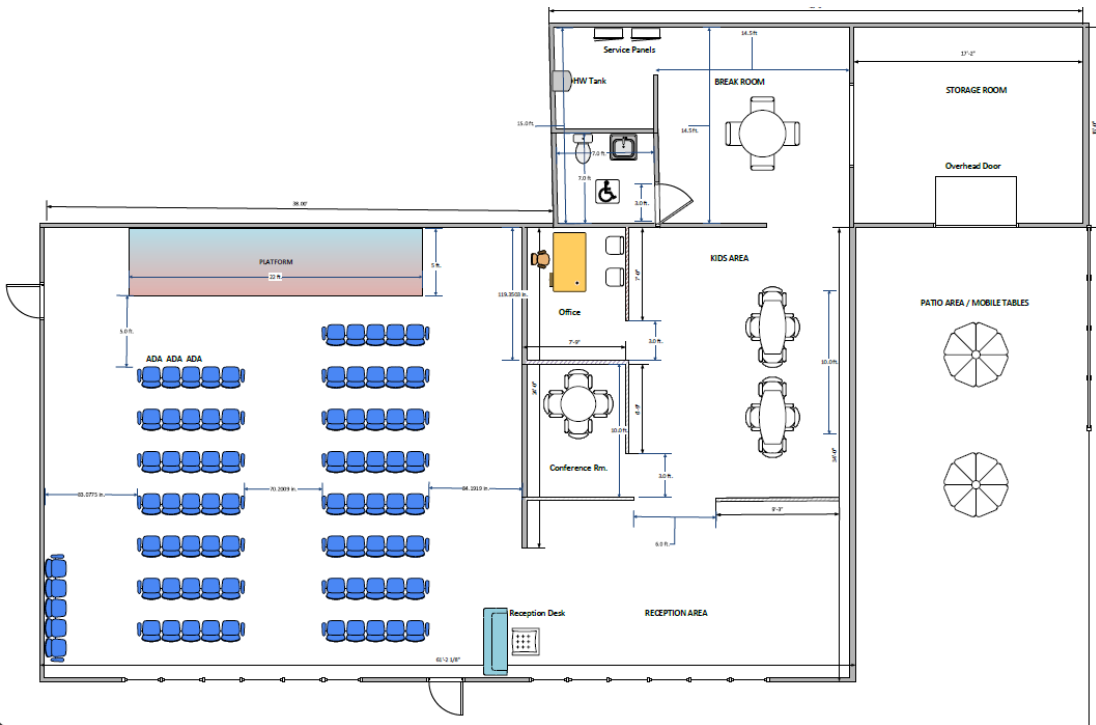
\*Note 114-468 refers back to 114-448 where Class 1 non-commercial-type use is listed.

**BACKGROUND AND SUMMARY:** The applicant seeks to utilize the existing building at 1344 Lathrop Avenue to provide a religious institution, classified as a Class 1 non-commercial type use on the ground floor. The applicant has proposed to have the institution open on weekends from 8:00 AM-5:00 PM and on Mondays and Fridays from 7:00 AM-9:00 AM and 6:00 PM-10:00 PM, Tuesdays and Thursdays from 7:00 AM-9:00 AM and 5:00PM-10:00 PM and on Wednesdays from 9:00 AM-10:00 PM. The institution would also offer marriage and individual counseling ministries from this location throughout the week.

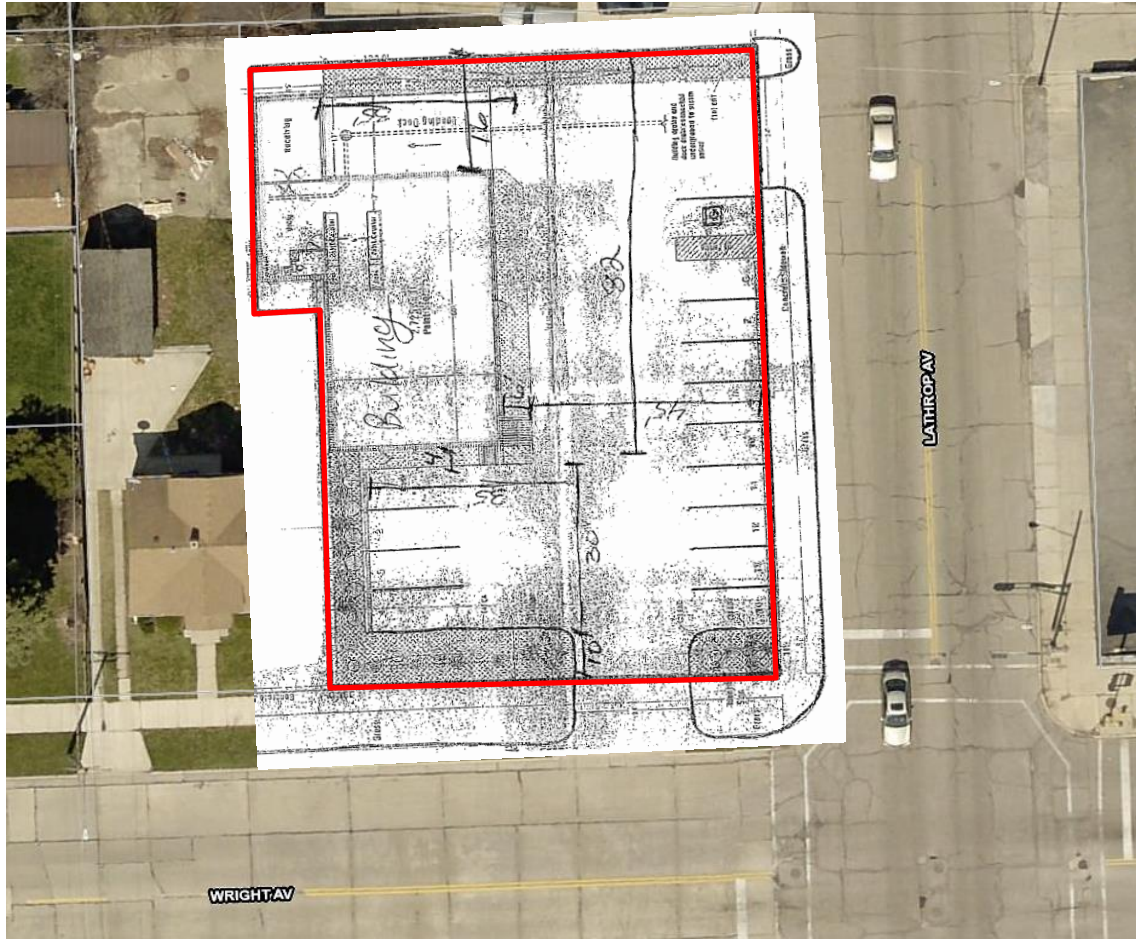
The Zoning Ordinance classifies this proposed religious institution as a Class 1 non-commercial-type use, defined in Section 114-1, as permissible in the B-2 Community Shopping Zone District upon the issuance of a conditional use permit (114-468).



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



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



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

## GENERAL INFORMATION

**Parcel Number:** [12723000](#)

**Property Size:** 12,850 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 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:** Crossfit gymnasium, which is relocating to 3801 Blue River Avenue.

**Surrounding Zoning and Land Uses:**

<b>North</b>	R-3 Limited General Residence	Single unit dwelling
<b>East</b>	B-2 Community Shopping	Convenience store
<b>South</b>	R-3 Limited General Residence	Single unit dwelling
<b>West</b>	R-3 Limited General Residence	Single unit dwelling

**Operations:** The applicant has proposed to have the institution open on weekends from 8:00 AM-5:00 PM and on Mondays and Fridays from 7:00 AM-9:00 AM and 6:00 PM-10:00 PM, Tuesdays and Thursdays from 7:00 AM-9:00 AM and 5:00PM-10:00 PM and on Wednesdays from 9:00 AM-10:00 PM. The institution would also offer marriage and individual counseling ministries from this location throughout the week.

**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.

<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Area	No minimum	12,850 square feet
Lot Frontage	30 feet	225 feet
Floor Area Ratio	4.0 maximum	.21

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

<b>Yard</b>	<b>Required</b>	<b>Provided</b>
Front (east)	0 feet	50 feet
Side (north)	6 feet	7 feet
Corner side (south)	0 feet	50 feet
Rear (west)	6 feet	0 feet

\*Note: Section 114-470 (b) requires buildings and structures in the B-2 district to be 100 feet away from a residence district boundary line if not screened. The building in this instance is built right to the western property line and cannot provide the required yard or screening, it is non-conforming. Screening is required to the north however, and is discussed later on in this report.

**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. The building does need some cleanup and touch up paint, particularly the black trim color on the southern and eastern façades.

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

Use Type	Required	Provided
Church	13	13
Total	13	13

A Building of this size does not require a dedicated loading space; the drive aisle in the parking lot fulfills this requirement, as would the area in front of the garage storage area.

**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 north property line and a western lot boundary because the adjacent lots are residentially zoned. The western portion of the property is not able to provide screening or a buffer yard because the building is on the lot line. The screening to the north is partially in place, as is a portion of the required screening. A recorded access easement requires that the screening and buffer yard not extend past its current location as access to the driveway to the north becomes problematic. The landscaping plan submitted by the applicant is included as an attachment to this report. The City Forester will want to work with the applicant on the street trees and the condition will be worded as such.

**Sign Regulations** (114-[Article X](#)): Signage rendering is included below, the plan is to use the existing canopy over the front door. No other signage on the site is planned.



<b>Sign Type</b>	<b>Allowable Sq. Ft.</b>	<b>Provided Sq. Ft.</b>
Projecting/Wall	135 square feet	60
Window signs	50% of window area^	N/A
Alleyway Signage	N/A	N/A
Total	135 square feet*	60

\*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.

^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](#)):** Two exterior lights exist on the building. It appears the fixtures 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](#)):** A trash enclosure is not depicted on the site plan. The applicant intends to have City trash collection and will store the bins inside the storage area depicted on the site plan. In the event pickup is denied, a condition will worded so that plans and specifications construct a dumpster enclosure will be submitted to City Development prior to occupancy.

**Engineering, Utilities and Access:**

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

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

**Sewage disposal and water supply ([114-821](#) & Consult Engineering and S/W Utility):** All utilities are available for this site and the applicant proposal is not expected to impact the ability to serve this area.

**Exceptions to ordinance:** No exceptions are required for this proposal.

**Additional Planning and Zoning Comments:**

**REQUIRED FINDINGS OF FACT:**

CONDITIONAL USE FINDINGS (Sec. 114-154. – Standards.)

No Conditional Use shall be recommended by the Plan Commission unless it is found that:

- 1) The establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare.**

Staff Comments: The establishment of a religious institution is not expected to be a detriment to the public safety, health or general welfare of the area or community in general. This type of facility, with the recommended conditions, could be an asset to the area and those living in the neighborhood. This location is easily accessible to the surrounding area and is expected to be an enhancement to the neighborhood, not a detriment. Given the close proximity to residential development, the operations are less intensive than many commercial uses in this zone district; this use is expected to serve as a buffer.

- 2) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.**

Staff Comments: This conditional use is not anticipated to be injurious to other properties in the general area, assuming the recommended conditions are adopted with this request. The recommended conditions ensure this property will not impair property values or the enjoyment of adjacent properties. There is not expected to be any adverse impacts as a result of reusing this building in the manner proposed by the applicant; the use is not expected to generate loud noise and is anticipated to fit into the generally residential character of the area.

- 3) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

Staff Comments: The proposed conditions with this request help to ensure that development in the area remains consistent and orderly, while accommodating for new land uses. The recommended conditions also ensure that the property is used more like that of an office type use (which is permitted in this zone) with regular hours to the appearance of a commercial operation is maintained. Business districts are intended for commerce and more active uses; the hours of operation in conjunction with the services being offered by this religious institution will meet the intent of the ordinance, which is that non- commercial type uses function as close to commercial development as possible.

- 4) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.**

Staff Comments: The site plan submitted by the applicant does not propose any changes to the access, utilities or drainage for the site. The reuse of this site and existing building is not expected to impact the provision of utilities for the property or general area.

**5) Adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestion in the public streets.**

Staff Comments: The applicant is not contemplating any changes to the access to this site. The nature of this operation is to provide a place of worship and counseling with office hours to run the operation. The ingress and egress from the site is expected to be appropriate to handle this demand. The worship services are intended to occur during non-peak traffic times, so in the event the lot becomes full it should be expected that on-street parking would be available.

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

Staff Comments: The land use plan for the City identifies this property as Commercial. This proposed usage is consistent with the objectives of the comprehensive plan and is of a lesser intensity than other uses allowed in this zone district. If the property is utilized as proposed and maintains office hours, occasional evening activities and services on Sunday, it will be generally as active as a lower intensity commercial area. Additionally, this property is adjacent to residential properties and the proposed use helps to provide a buffer.

**7) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the plan commission.**

Staff Comments: With the recommended conditions, it is expected that this development will operate in accordance with the applicable regulations for this zone district. No exceptions are needed with the request and the proposed development should serve as a buffer to the adjacent residential areas expanding outward from this business node at the intersection of Wright and Lathrop.

## **POSSIBLE ACTIONS FOR THE PLANNING COMMISSION**

1. Approve the request as submitted; or
2. Approve the request with conditions deemed necessary to mitigate any adverse impacts that could arise from the project; or
3. Deny the request; or
4. Defer the request to obtain more specific information about the request.



## **STAFF SUPPORTS THE APPLICATION FOR THE FOLLOWING REASONS:**

- If developed as recommended in the conditions from this report, the site will function in a manner which can be complimentary to the neighborhood.
- The proposed institution will help to provide a mix of uses within walking distance of a predominately residential area, and at a scale and intensity which is complimentary to the neighborhood.
- The property will help to serve as a transitional buffer between more intense and less intensive land uses.
- The proposed hours of operation exceed the minimum requirements for non-commercial uses in commercial districts.

## **STAFF RECOMMENDATION:** BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM CASA DEL ALFARERO, SEEKING A CONDITIONAL USE PERMIT TO ALLOW A TYPE 1 NON-COMMERRIAL-TYPE USE AT 1344 LATHROP AVENUE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That the plans presented to the Plan Commission on June 27, 2018 be approved subject to the conditions contained herein.
- b) That all of the following occur by October 31, 2018:
  1. Building walls be washed and touch up paint to match the existing color of the walls of the building be applied to the building. If switching paint scheme, colors shall be submitted to City Development Department for approval, prior to application.
  2. Landscaping shrubs be installed on the property as indicated on the submitted site plan. Unplanted green areas shall remain as grass or mulched with organic materials. Stone or rocks are not allowed.
  3. Two street trees be installed along the right-of-way for Lathrop Avenue adjacent to the property frontage. Species and planting methodology to be approved by the City Forester prior to installation with installation to occur in October under presence of City Forester or designee if requested by City Forester.
  4. If trash collection from the City of Racine is not allowed, submission to and approval by the Department of City Development of plans for the trash storage area which shows that all trash and recycling be kept in closed containers which are completely screened from public view and includes a gate on the trash storage area.
- c) That if, prior to the issuance of an Occupancy Permit, required site improvements listed in “b” above have not been or cannot be completed, a financial surety shall be provided to the City. The surety shall be in a format as approved by the City Attorney’s office, and subject to all stipulations as identified for financial sureties in the City of Racine. The dollar amount shall be determined at the time of application based upon estimates provided by the applicants for any incomplete work, and shall be valid for no less than one (1) year from the date of issuance. The surety format and content is subject to review and approval by the City Attorney.

- d) That hours of operation are 8:00 AM-5:00 PM on weekends and on Mondays and Fridays from 7:00 AM-9:00 AM and 6:00 PM-10:00 PM, Tuesdays and Thursdays from 7:00 AM-9:00 AM and 5:00PM-10:00 PM and on Wednesdays from 9:00 AM-10:00 PM.
- e) That no string or LED lights be placed in interior or exterior of windows or as building accent lighting.
- f) That all codes and ordinances are complied with and required permits acquired.
- g) 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.
- h) 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 - 1344 Lathrop Avenue





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### Zoning Designation

B-2 R-2 R-3

Subject Property  
 Notification Area

Street Centerline

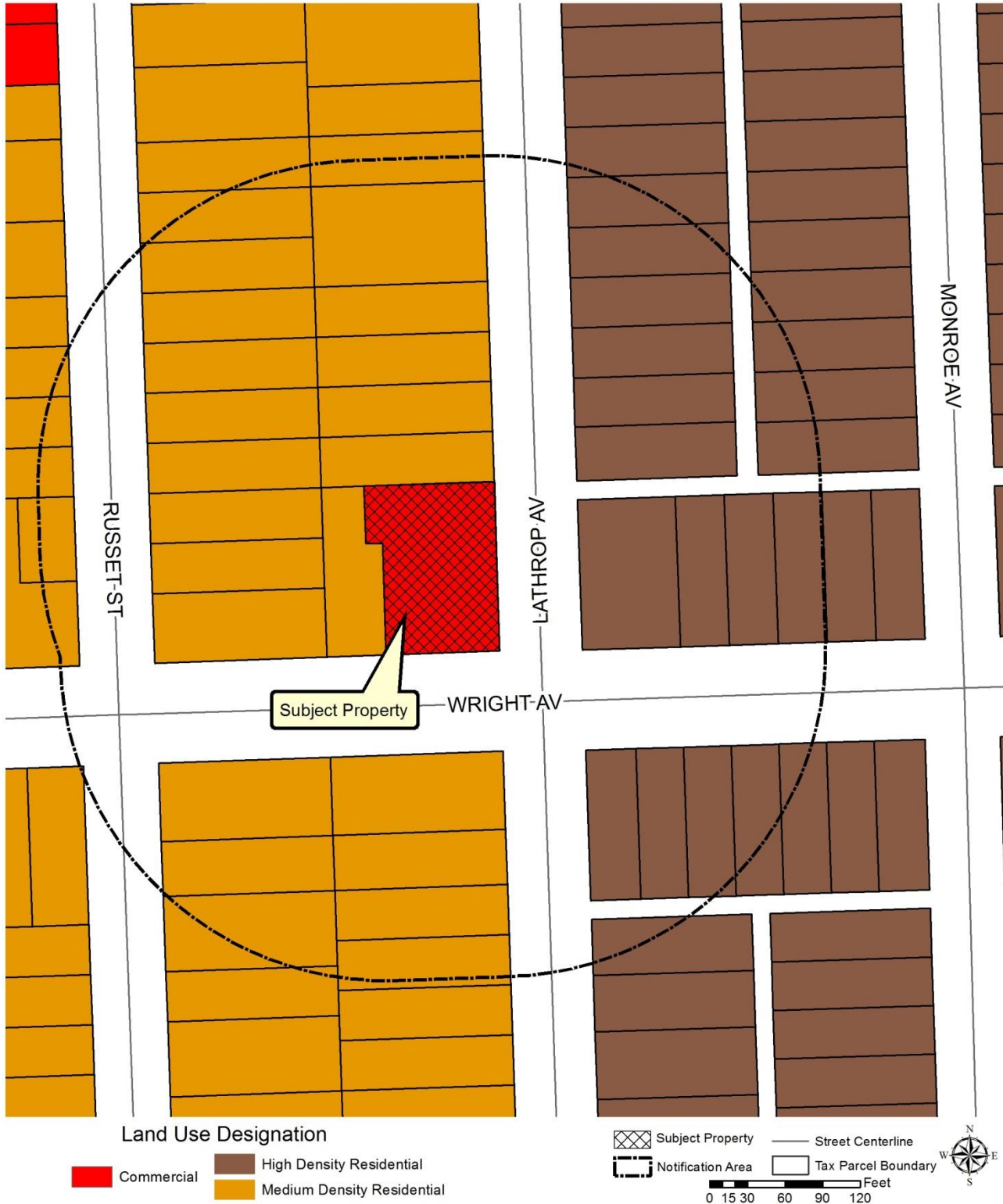
Tax Parcel Boundary

0 15 30 60 90 120 Feet





# Conditional Use Request - 1344 Lathrop Avenue



### Site Photos



Looking west at the subject property



Looking north along Lathrop Avenue



Looking east from subject property



Looking South along Lathrop Avenue



Looking at northern property line of subject property



Looking northwest at subject property