



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

**Meeting Date:** 9/7/2022

**To:** Mayor and Planning, Heritage and Design Commission Members

**From:** City Development Department, Division of Planning and Redevelopment

**Division Manager:** Jeff Hintz – (262) 636-9151 [jeff.hintz@cityofracine.org](mailto:jeff.hintz@cityofracine.org)

**Case Manager:** Jeff Hintz

**Location:** 5019 Washington Avenue

**Applicant:** Wamboldt Electric behalf of Discount Tire

**Property Owner:** Halle Properties, LLC

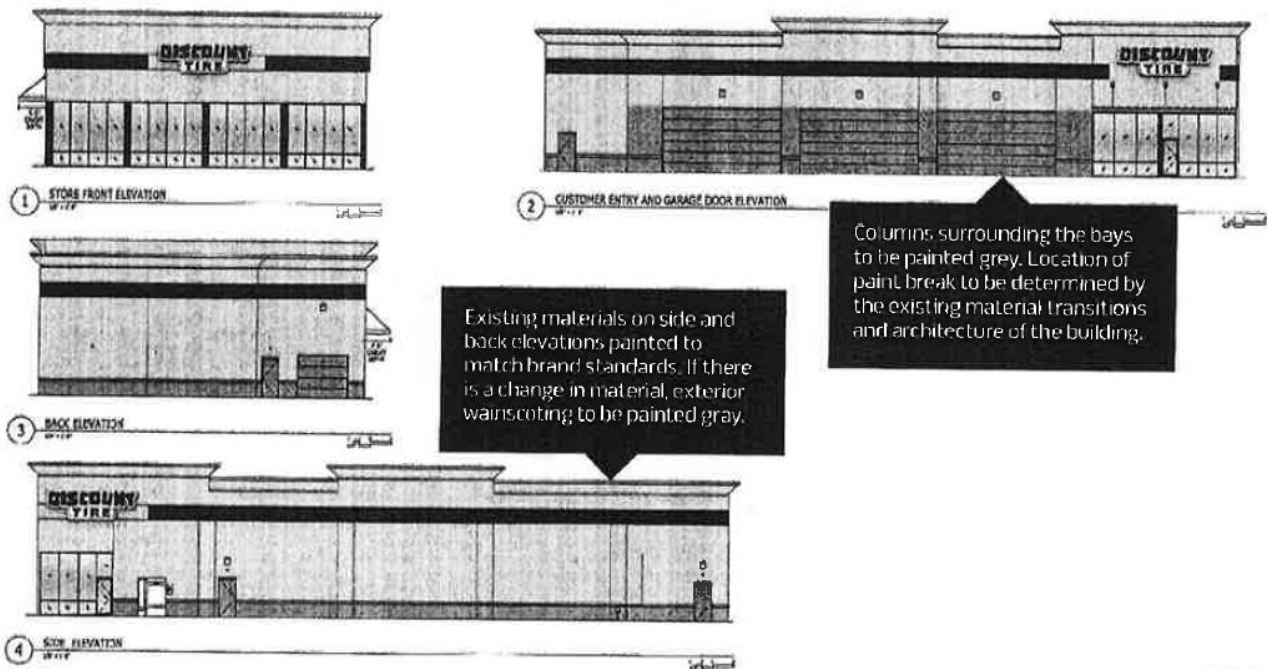
**Request:** Consideration of a minor amendment to a conditional use permit to paint the existing building, constructed in 2021, at 5019 Washington Avenue located in a B-2 Community Shopping Zone District as contemplated by [Section 114-155](#) of the Municipal Code.

**BACKGROUND AND SUMMARY:** The current usage on the property for an auto repair establishment was approved in October of 2019. The building was constructed in 2021-2022 and received final occupancy in 2022. The existing building was built in accordance with the approval from 2019 and has received all final signoffs from the City. The current application contemplates an amendment in which portions of the masonry building would be painted to match current brand standards.

The Zoning Ordinance classifies auto repair as permissible in the B-2 Community Shopping Zone District if it meets certain criteria upon the issuance of a conditional use permit (114-468). Potential amendments to this conditional use permit are considered according to the procedures of Sec. 114-155 of the Municipal Code.

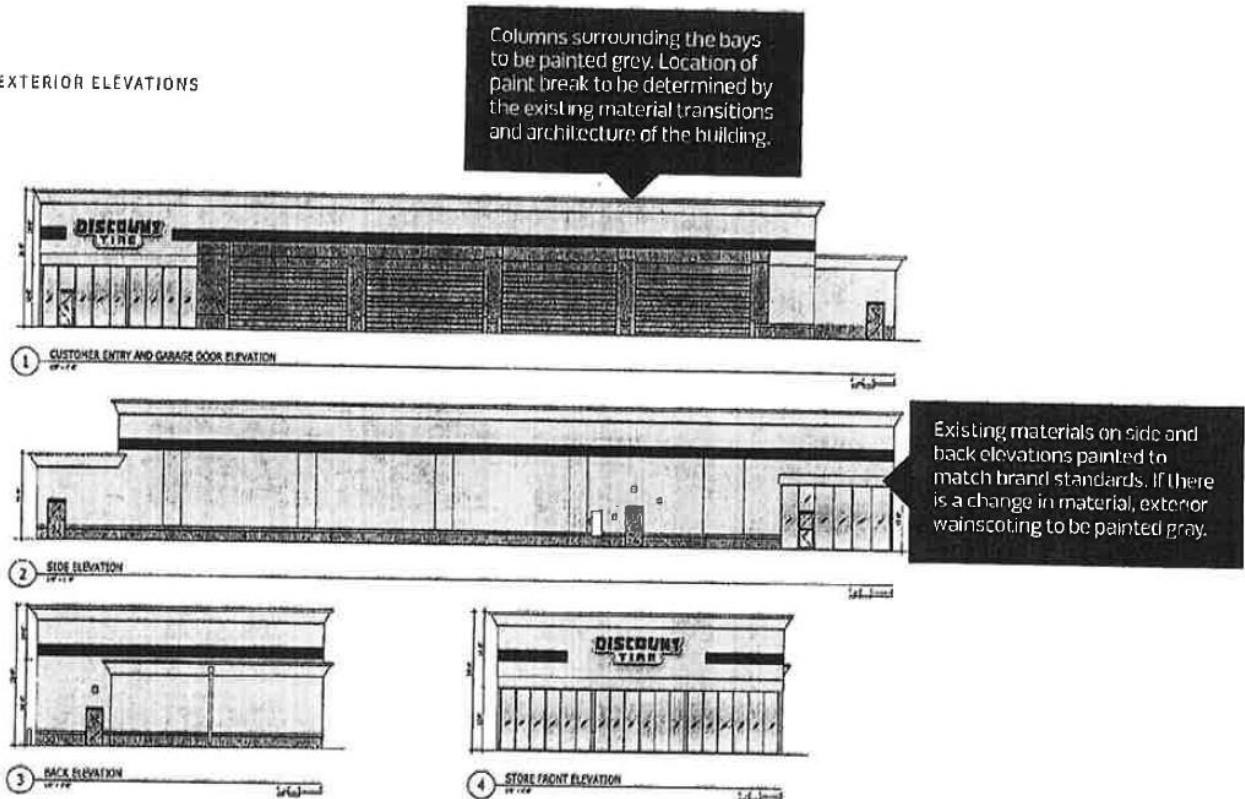


Birdseye view of the property, indicated in red, (north is up) (image from City Pictometry)



Proposed painting plans, submitted by applicant.

EXTERIOR ELEVATIONS



Proposed painting plans, submitted by applicant.

## GENERAL INFORMATION

**Parcel Number:** 13132126

**Property Size:** 53,501 square feet (1.23 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.

**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:** Auto repair shop

**Surrounding Zoning and Land Uses:**

<b>North</b>	B-2 Community Shopping	Strip shopping center
<b>East</b>	B-2 Community Shopping	Towne Bank
<b>South</b>	B-2 Community Shopping	Undeveloped property
<b>West</b>	B-2 Community Shopping	Yard area for religious institution

## ANALYSIS:

Development Standards:

**Construction Standards** (18-312 Exterior wall covering and maintenance): “(3) Previously painted masonry surfaces must be maintained, painted, or have the paint removed from the surfaces to prevent any blighting effect on the surrounding neighborhood. Paint shall be removed by a method that does not remove the exterior surface of the masonry units.”

**Staff comments:** The intent of this section is that unpainted masonry would remain unpainted. The staff recommendation to come later in the report is not to say that the contractor or the current business would do a poor job painting the building or of maintaining the masonry surface if it were painted. The City does have properties which are in violation of this section as previously painted masonry is not being maintained. These buildings lower the value of properties for both the subject site, in addition to those around them. Additionally, the perception of an area can be impacted by the exterior appearance of a building. Regardless of the good intention of the current applicant and owner to paint and maintain this building, the City must safeguard against maintenance issues impacting the appearance and look for properties in perpetuity. Painted masonry surfaces in which no paint has been applied, obligates all future owners to keep painting.

The original plans called for coloring which was integral to the blocks; this results in a building which does not require painting and continued maintenance to keep the building painted. Had the original proposal called for the masonry building to be painted, the staff recommendation in 2019 would have been for denial or conditioned so that the chosen color pallet for the development were integrated into the materials. The proposed changes to paint the masonry is of such a magnitude which staff has determined it to be contrary to the original approval and also contradicts the spirit and intent of Municipal Code Sec. 18-312(3) which is quoted above. The ordinance section infers that if masonry is not already painted, it should not be.

## **REQUIRED FINDINGS OF FACT:**

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

No Conditional Use shall be recommended by the Planning, Heritage, and Design Commission unless it is found that 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 minor amendment to paint the building would generally be inconsistent with past practice and the requirements of Chapter 18, Section 312(3) related to the painting of this masonry surface. If not properly maintained for the remainder of the building's life, the painting would likely be detrimental to the general welfare of the built environment. While it is expected the current owner would maintain building, future owners are also required to, but in practice, this does not always happen. Conversely, if the building is never painted, the existing masonry would remain much as it appears today, and require no maintenance.

- 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: Painted buildings which are not maintained can be injurious to other properties and impair values. Painting a building requires all future owners to accept this responsibility and keep up with it; this is an added cost which would not be present if the building were never painted at all.

- 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 amendment would be contrary to the conditions and past practice related to the painting of masonry. If approved, others may request this same treatment and expect to be treated differently than past practice and ordinance dictates.

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

Staff Comments: All utilities, access and drainage are existing no changes are planned.

- 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: Based on the submittal from the applicant, no changes are planned.

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

Staff Comments: The Comprehensive Plan states: “Promote redevelopment and infill in areas with existing infrastructure and services, enhancing existing residential, commercial, and industrial areas.”

It is not expected that the painting of the building will enhance the long term appearance of this structure. It is more likely that the building will need required maintenance (painting) than if the building remained as is, with the color integral to the block and other wall materials.

- 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: An exception from the requirement of Sec. 18-312(3) would be required to authorize the painting of this building and the current masonry is not painted.

## **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; or
4. Defer the request to obtain more specific information about the request.

**STAFF RECOMMENDATION:** BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM WAMBOLDT ELECTRIC BEHALF OF DISCOUNT TIRE, SEEKING A MINOR AMENDMENT TO A CONDITIONAL USE PERMIT TO PAINT THE EXISTING BUILDING AT 5019 WASHINGTON AVENUE BE DENIED.

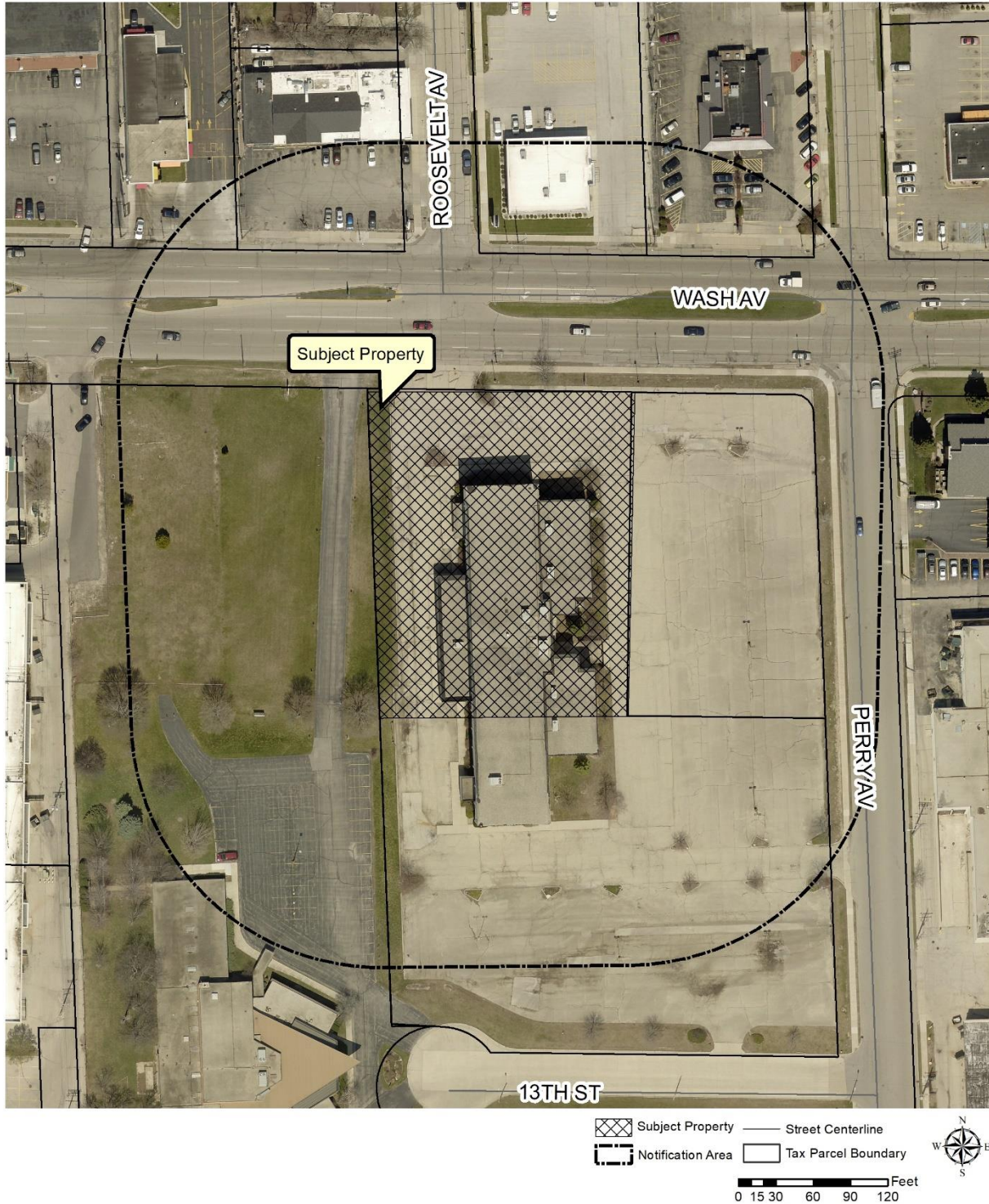
**ATTACHMENTS:**

- 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).





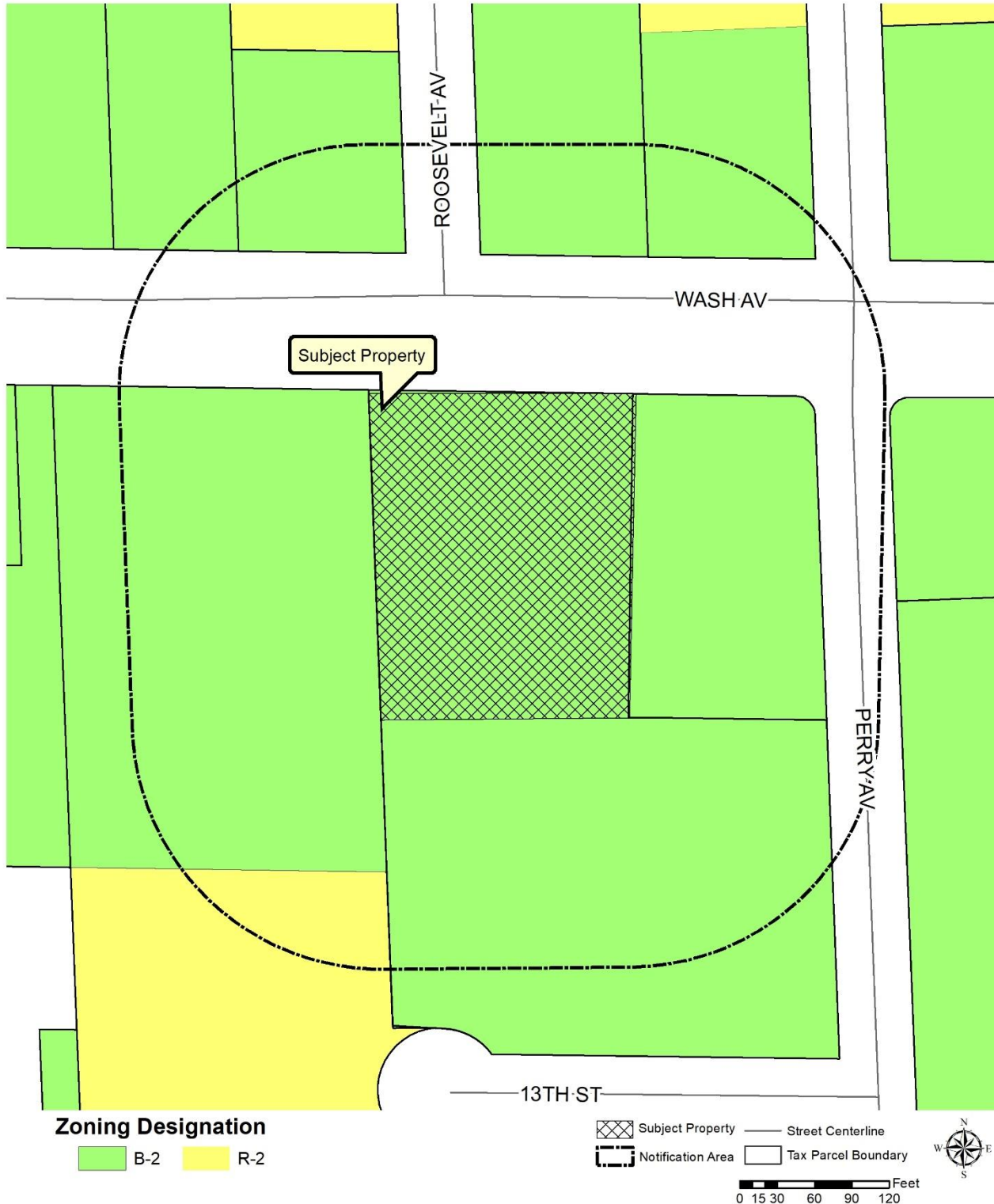
## Conditional Use Request - 5019 Washington Avenue





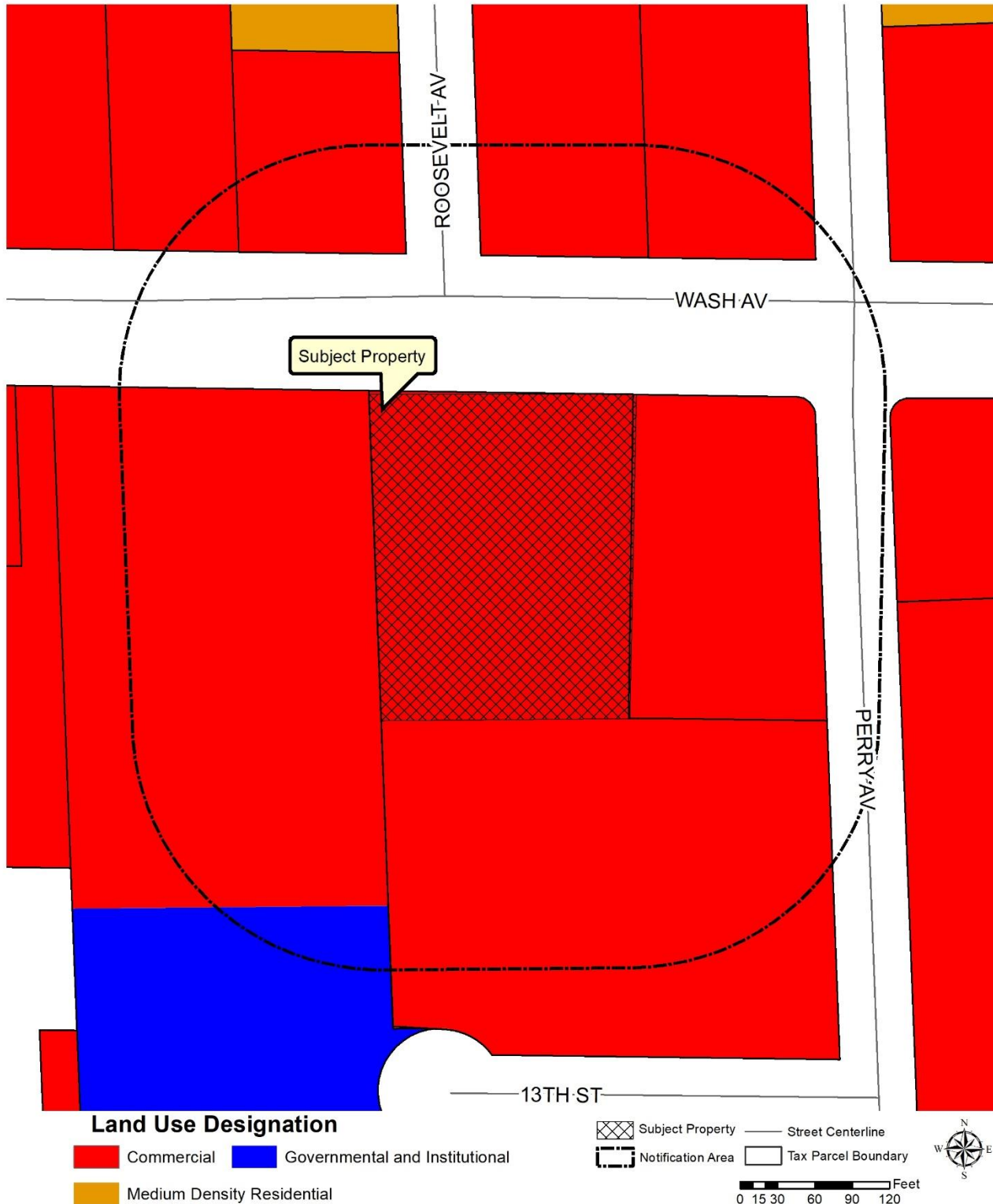


## Conditional Use Request - 5019 Washington Avenue





## Conditional Use Request - 5019 Washington Avenue



## Site Photos



West façade of building



North façade of building



East façade of building



South façade of building



South and west facades of the building