

## **STAFF RECOMMENDATION**

THAT THE REQUEST FROM J.C. FRAZIER FOR NORTHWESTERN FUNERAL CHAPEL, INC. SEEKING A CONDITIONAL USE PERMIT TO OPERATE A FUNERAL ESTABLISHMENT IN CONJUNCTION WITH A FACILITY FOR OTHER PRIVATE AND COMMUNITY EVENTS AT 740 LAKE AVENUE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a. That the plans presented to the Plan Commission on February 8, 2012, be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That the hours and days the facilities is open to the general public for functions, activities and events shall be Monday through Thursday 9:00 a.m. – 9:00 p.m., Friday and Saturday 8:00 a.m. – 12:00 midnight, and Sunday Noon to 9:00 p.m.
- d. That the types of functions, activities and events that may be accommodated by this facility may include funeral services and visitations and associated support activities (excluding embalming and cremation services), general management offices, maintenance, event scheduling, rental activities such as church services, religious education, business and community meetings, club meetings and activities, speakers, dance and music recitals, small concert programs, and fund raising events.
- e. That by May 1, 2012 a security plan for the building and information addressing safety, loitering, after-hours policies and any other potential security issues shall be submitted to the Department of City Development for review and approval.
- f. That all signs shall be professionally made, comply with zoning requirements, and be submitted for the review and approval of the Downtown Area Design Review Commission prior to issuance of building permits and installation.
- g. That the flow of funeral processions be conducted in accordance with the submitted plans with the following exception:
  1. Parking meters may only be “bagged” directly in front of 740 Lake Avenue only for the use of three vehicles: the funeral home lead vehicle, immediate family members' vehicle, and the hearse.
  2. No other parking meter bags for associated funeral operations shall be placed within the area bounded by Wisconsin Avenue, Lake Avenue, Fifth Street, and Ninth Street.
  3. All other vehicles participating in a procession originating from 740 Lake Avenue shall join said procession at the intersection of Library Drive and Sixth Street, and the procession shall head east to Pershing Drive, and then south.
- h. That processions from 740 Lake Avenue shall immediately cease and desist if determined by the Director of City Development or the Zoning Administrator that said processions are the cause of excessive traffic congestion within the area bounded by Wisconsin Avenue, Lake Avenue, Fifth Street, and Ninth Street. Processions may resume only upon approval by the Plan Commission of a plan submitted by the funeral operator or their authorized representative that, in the judgment of the Plan Commission,

presents a suitable remedy to traffic congestion attributable to the funeral processions originating from 740 Lake Avenue.

- i. That by September 1, 2012 all areas of peeling or chipping paint shall be repainted in a color and manner as approved by the Downtown Area Design Review Commission.
- j. That all trash and recyclables be stored in closed containers and screened from view.
- k. That any modifications to the exterior of the building be presented to the Downtown Area Design Review Commission prior to implementation.
- l. That those improvements as required by above conditions shall be fully implemented by the dates listed. If the applicant or owner fails to implement the required improvements by said dates, the applicant or owner shall provide the City with a letter of credit, bond, or other acceptable financial security, equal in value to the required improvements.

The financial security documents shall be submitted for the review and approval of the Director of City Development, shall be issued in the City's favor, shall be in effect for one year from the date of issuance, shall be extended beyond the expiration date if deemed necessary by the City of Racine, and shall require that the issuer give a 90 day notice to the Department of City Development prior to the expiration of said financial security.

The City is authorized by this conditional use permit to enter the site, implement the plan(s) and draw on the financial security for the cost of implementation if required improvements are not implemented by the dates stated. Any costs incurred in excess of the value of the financial security shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with the applicable statute.

By operating under this conditional use, the applicant and owner give permission to the City to enter upon the property for purpose hereby described.

- m. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.
- n. That this permit is subject to review by the Plan Commission for compliance with the listed conditions.