

**CITY OF LA CROSSE, WISCONSIN  
CITY PLAN COMMISSION  
REPORT  
September 29, 2014**

➤ **AGENDA ITEM – PC2014-09-29-05 (Amy Peterson)**

AN ORDINANCE to amend Subsection 115-347(6) and Subsection 115-347(6)(a)2 of the Code of Ordinances of the City of La Crosse to allow for structures that were originally built as churches to be used for limited retail and personal service business by Conditional Use Permit in residential zoning districts.

➤ **ROUTING:** J&A Committee

➤ **BACKGROUND INFORMATION:**

This ordinance change is being introduced specifically for the Muse Theatre, located at 1353 Avon Street. Originally the owner requested a change in zoning, to allow a full service salon to be operated in the building. Currently there is a conditional use permit on the property to allow for the theatre use, but it does not allow for the salon. The rezoning posed numerous challenges and thus Council members have requested the ordinance change to accommodate the property owners.

Proposed hours for the salon are Tuesday through Saturday 10:00 a.m. to 6:00 p.m. The proposal is for up to four stations and two sinks. This would have the potential of having four or more vehicles parking on site during open days/hours. Current hours for the theatre are Friday and Saturday, 7:30-10:00 p.m.

There is currently an Order to Correct to cease operation of the salon. As of August 29, 2014, the salon was still in operation.

Ordinance 2-292 of the City of La Crosse Municipal Code provides the no permits, licenses, leases or other franchises shall be granted by the City or by any City officer, board, department, or employee, to any person who owes the City any money or debt. No item, goods or tangible property shall be sold to any such person except for cash. This section shall not apply to a person who is making regular payments on such person's debt, according to a schedule approved by the City, its officers or employees. Currently the owners are in arrears of both real and personal property taxes.

➤ **GENERAL LOCATION:**

N/A

➤ **RECOMMENDATION OF OTHER BOARDS AND COMMISSIONS:**

N/A

➤ **CONSISTENCY WITH ADOPTED COMPREHENSIVE PLAN:**

N/A

➤ **PLANNING RECOMMENDATION:**

**Staff is not in favor of this ordinance change, as modifying the ordinance to benefit an individual property and owner is not ideal planning practice.** This section of the code was created to allow limited commercial uses within a neighborhood, if the building was originally constructed for a commercial use. Now this section of the code is being amended to allow buildings that were originally constructed as churches to have a commercial use. Our Municipal Code provides the City with policies and procedures to ensure orderly development and the same rules/standards for all that live in the City. When policy changes are needed the code should be amended, but modifying the code for individual needs is contrary to the need for a code at all.

**This Ordinance is recommended for denial. If Plan Commission and then Council move forward with this ordinance change, the approval must be contingent on all outstanding real estate taxes, personal property taxes, and any other debt owed to the City of La Crosse.**