



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

**Meeting Date:** 10/16/2023

**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:** Steven Madsen

**Location:** 3425 Kinzie Ave

**Applicant:** Shelley and Whitney Farr

**Property Owner:** Jane L. Wilson

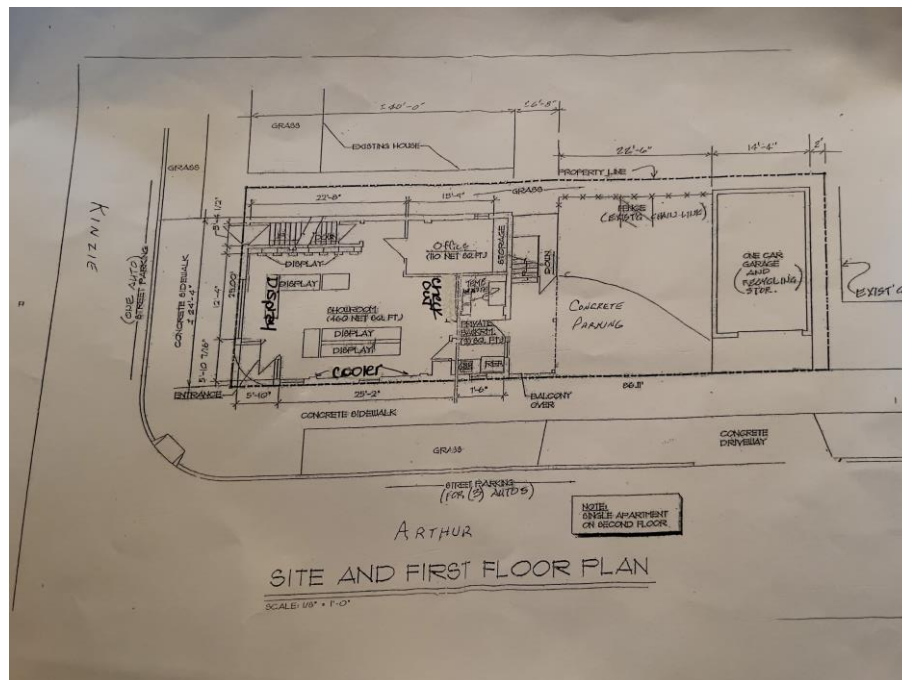
**Request:** Consideration of a conditional use permit for a commercial business in a commercial building zoned residential at 3425 Kinzie Avenue, which is located in a R-2 Single Family Residence Zone District as allowed by Section [114-293](#) of the Municipal Code.

**BACKGROUND AND SUMMARY:** The application contemplates having a mini mart. The mini mart would sell food and basic household products and would not have any alcohol or tobacco sales. The proposed business seeks to operate Monday – Saturday from 7:00 AM – 7:00 PM with product deliveries occurring one day a week. They plan on having 2 employees.

The Zoning Ordinance classifies a commercial use in a commercial building in a residential zone as a conditional use in the R-2 Single Family Residence Zone District (114-293).



Birdseye view of the property, indicated in blue



Floor/Site plan for proposed use.

## GENERAL INFORMATION

**Parcel Number:** 11279000

**Property Size:** 2,500 square feet

**Comprehensive Plan Map Designation:** High Density Residential

**Consistency with Adopted Plans:**

The [Racine Comprehensive Plan](#) states that:

- 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:** R-2 Single Family Residence

**Purpose of Zone District:** The R2 single-family residence district is primarily designed to accommodate existing single-family neighborhoods which are characterized by smaller lots than are required in the R1 district.

**Proposed Zoning:** No change proposed

**Existing Land Use:** Convenience Store

**Surrounding Zoning and Land Uses:**

<b>North</b>	R-2 Single Family Residence	Single Unit Dwellings
<b>East</b>	R-2 Single Family Residence	Single Unit Dwellings
<b>South</b>	R-2 Single Family Residence	Single Unit Dwellings
<b>West</b>	R-2 Single Family Residence	School

## ANALYSIS:

### Development Standards:

**Density** ([114-Article V](#): Article VII, Div. 5 [Bulk Regulations](#) & 8 [Lots](#)): The new building complies with all bulk and lot standards.

Standard	Required	Provided
Lot Area	No minimum	2,500 square feet
Lot Frontage	30 feet	29 feet
Floor Area Ratio	4.0 maximum	1.19

**Setbacks** ([114-Article V](#): Article VII, Div. 6 [Development Standards](#)): Nonresidential uses are not required to provided yards, except as required in 114-470.

Yard	Required	Provided
Front (North)	0 feet	0 feet
Side (West)	0 feet	0 feet
Side (East)	0 feet	5.7 feet
Rear (East)	0 feet	48.5 feet

**Building design standards** (114-Secs. [735.5](#) & [736](#)): The existing building complies with design standards. No new buildings or building additions are contemplated at this time.

**Sign Regulations** (114-[Article X](#)): No sign plan was submitted with this application. Any changes to signs would be reviewed by Planning Division Staff. Any signage would need to follow the sizing and other requirements outlined below:

Sign Type	Allowable Sq. Ft.	Provided Sq. Ft.	Maximum Height	Proposed Height
Wall Sign	0** sq. feet	0*	***	NA
Total				

\* Any proposed signage would need to be approved by Planning Division Staff.

\*\* There is currently an existing sign they would be able to make use of this sign structure. The provisions of the zoning code do not contemplate any signage for properties that are commercial in nature, but zoned residential.

\*\*\* Cannot be higher than the parapet.

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

Use Type	Required	Provided
Convenience Store	0*	
Total	0	0

\* The code requires that when a new use opens up that parking only needs to be provided if the intensity is increasing. This property has been a convenience store many times and does not require additional parking.

**Landscaping, screening and yard requirements** ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): There are no planned changes to landscaping.

**Outdoor lighting, signs** ([114-Sec. 742](#)): The lighting on the property complies with the requirement that lighting be arranged, shielded and oriented in a manner that does not direct radiation or glare onto adjacent properties.

**Rubbish and trash storage** ([114-Article V](#) & [114-740](#)): There is no planned outdoor area for trash storage. Either all trash must be stored inside the building or a dumpster enclosure must be constructed outside and properly screened from view.

**Engineering, Utilities and Access:**

**Access** ([114-1151](#)): There is a drive to the garage on site.

**Surface drainage** ([114-739](#) & Consult Engineering Dept.): No changes in impervious surface are planned. If a paving permit were to be pulled the Engineering department would not require a stormwater management plan.

**Sewage disposal and water supply** ([114-821](#) & Consult Engineering and S/W Utility): No changes to the usable space of the building are planned and there should be no increase on the use of utilities.

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

**Additional Planning and Zoning Comments:** N/A

## **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 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 building was designed for mixed-use with commercial on the first floor. According to Assessor records it was built in 1914. This small corner store has most recently been a convenience store but also has been a musical instrument shop and a sports memorabilia shop. The most common use applied for and approved on-site has been a convenience store. Re-starting this use should not be detrimental to the public.

- 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: The site has been used for this same use multiple times. There have been no known issues with the use in the past. This iteration of a mini-mart will also not include tobacco products which would make it less intense than previous operators. The approval of this use will remove a vacant commercial space in the neighborhood which should be a benefit generally and should not diminish or impair property values in 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 area is mostly developed. The building has been in the neighborhood for almost 100 years and a majority of the neighborhood was developed around the same time or shortly after. Having a corner shop with this use should not impede the normal and orderly development or improvement of surrounding property.

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

Staff Comments: All utilities are already existing to the building and should be adequate. The proposed changes should not require any changes to the utilities in order to operate. This proposal is to utilize an existing facility for a use it has had previously which is not expected to detrimentally increase traffic or exceed the capacity of existing infrastructure in the area. There is currently only one access point that leads directly to the accessory structure on site.

- 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: Ingress and egress will remain unchanged and there are no plans to change it. No automobiles from the public will be coming in or out of the site. All customers will have to use street parking, walk, bike, or use transit to get to the site.

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

Staff Comments: The current land use plan encourages the redevelopment or improvement of commercial properties. The establishment of this conditional use will allow for a higher use for the commercial building.

- 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: The applicable sections of the zoning ordinance as they relate to this development are being met as required. No exceptions from the Municipal Code are required for this development.

## **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 SHELLEY AND WHITNEY FARR SEEKING A CONDITIONAL USE PERMIT TO OPERATE A COMMERCIAL BUSINESS IN A COMMERCIAL BUILDING ZONED RESIDENTIAL AT 3425 KINZIE AVENUE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That the plans presented to the Planning Heritage and Design Commission on October 16, 2023 be approved subject to the conditions contained herein.
- b) That all codes and ordinances are complied with and required permits acquired.
- c) That any changes to signage be submitted to Planning Division staff for review before approval.
- d) That there will be no sale or consumption of alcoholic beverages on the premises.
- e) That there will be no sale of tobacco products at the site.
- f) That the site be cleared of trash or debris regularly.
- g) That there be no outdoor storage of any kind.
- h) That the hours of operation Monday – Sunday 7:00 am – 7:00 pm
- i) That no minor changes be made from the conditions of this permit without approval of the Department of City Development and no major changes be made without approval of the Planning, Heritage and Design Commission.
- j) That this conditional use permit is subject to Planning Heritage and Design 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 (view in legistar).



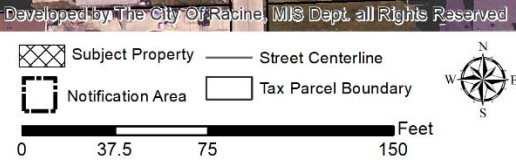


# Conditional Use Permit - 3425 Kinzie Avenue



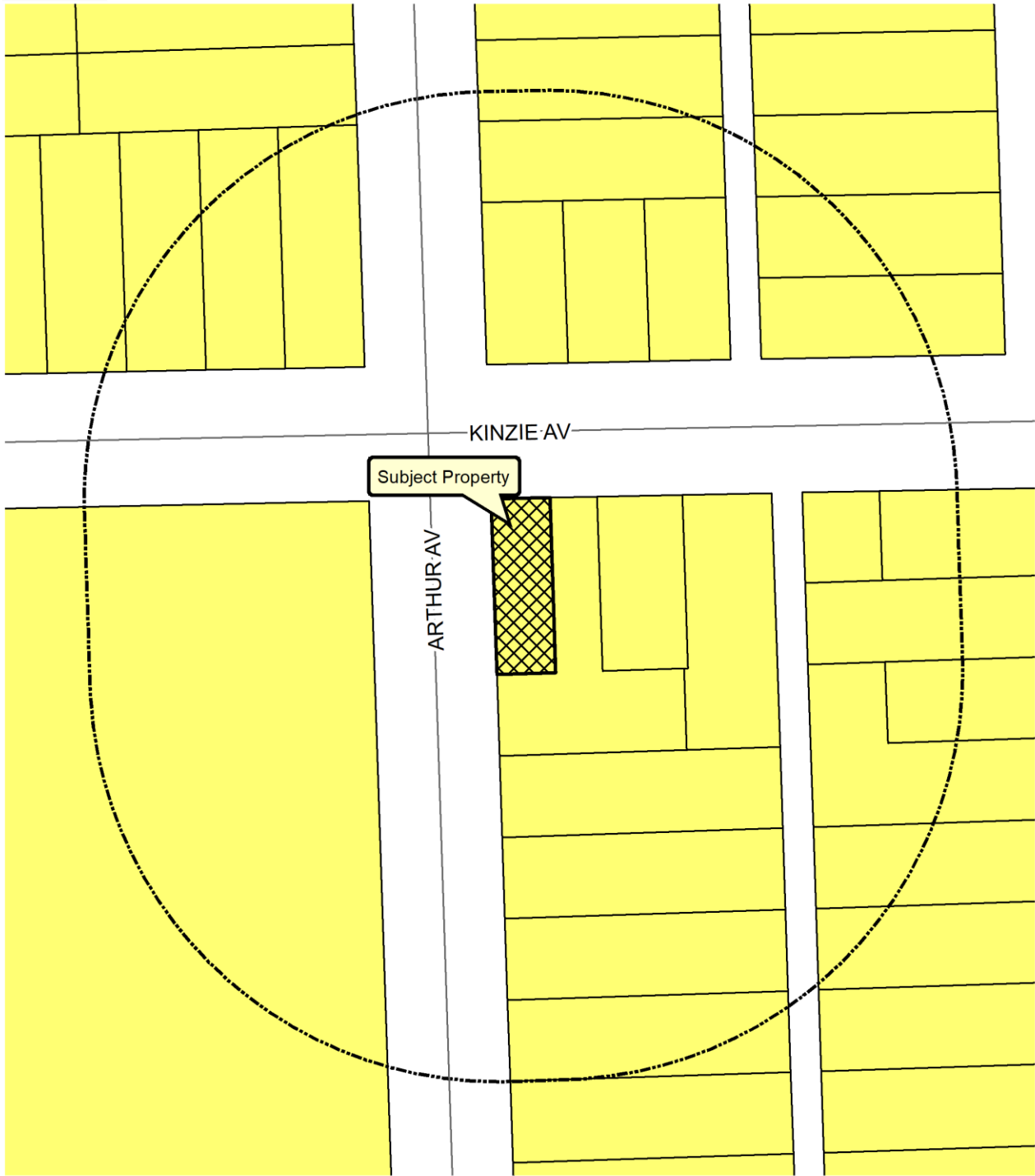


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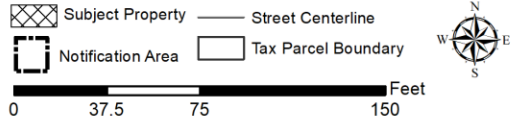


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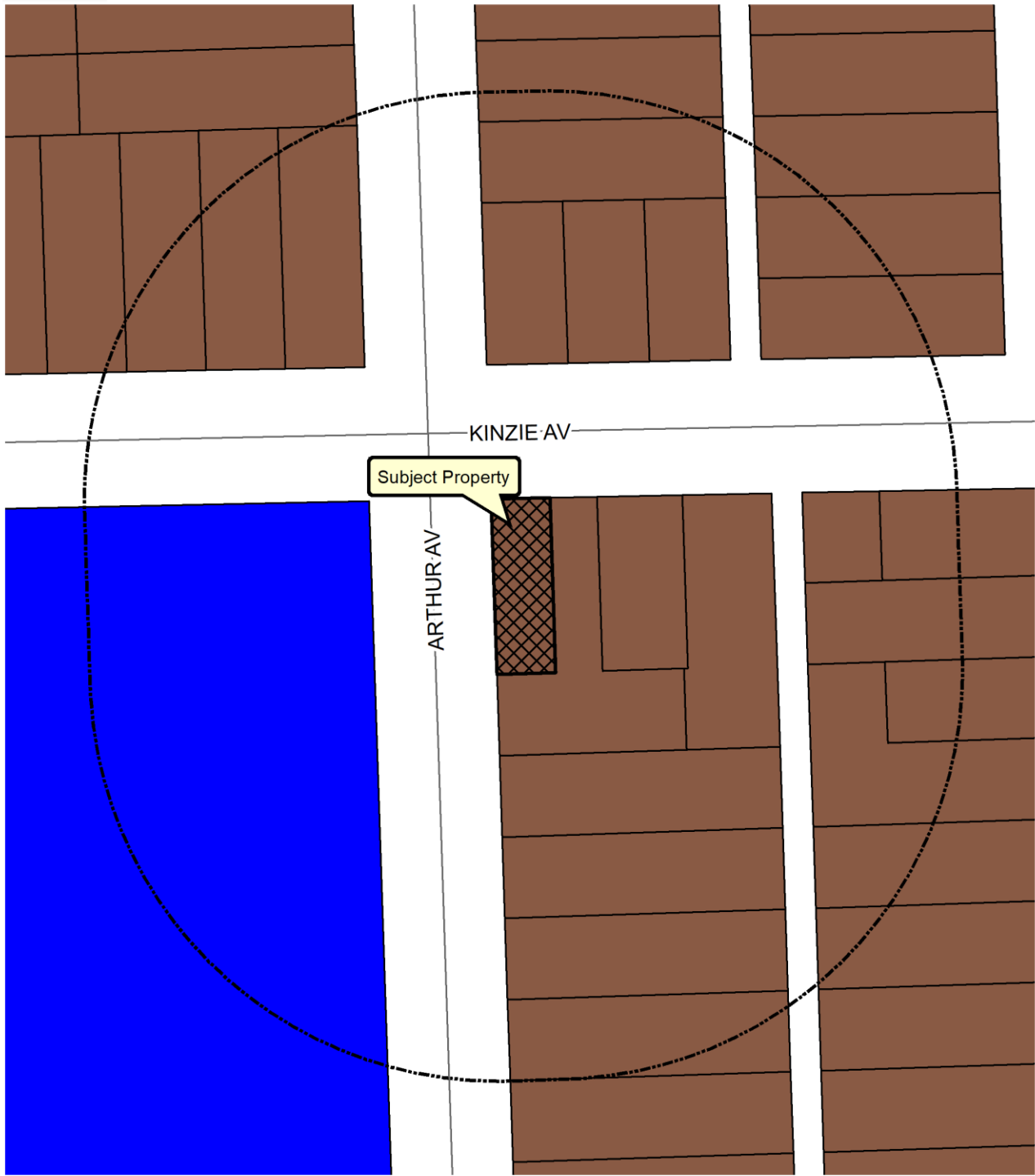
## Zoning Designation

R-2



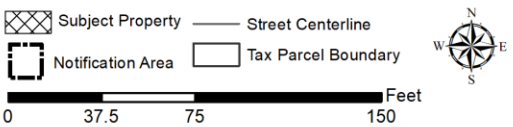


# Conditional Use Permit - 3425 Kinzie Avenue



## Land Use Designation

- High Density Residential
- Governmental and Institutional





## Site Photos



South at front of site



Looking East down Kinzie Ave



Looking West down Kinzie Ave



Looking South Down Arthur Ave



Looking Northeast at site