



CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT

Meeting Date: 2/28/2018

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

Case Manager: Jeff Hintz

Location: 1949 State Street, located on the Northwest corner of the intersection of State Street and Lawn Street.

Applicant: Leonel Montoya

Property Owner: Rahul Shekatkar

Request: Consideration of a conditional use permit to operate a Takeout-carryout restaurant, in an existing building at 1949 State Street for property located in a B-2 Community Shopping Zone District as required in section [114-468](#) of the Municipal Code.

Note: The Municipal Code Section 114-468 refers back to 114-448, where, “Takeout-carryout restaurant” is listed.

BACKGROUND AND SUMMARY: The applicant seeks to utilize a former restaurant space for his business, Montoya’s Mexican American Carry-Out. This space at 1949 State Street would operate between the hours of 6 AM and 10 PM. The business would employ three (3) full time employees. Customers of the establishment would order food from the menu or select items from a heated display case. There would also be limited space for approximately six (6) dine in customers in the facility.

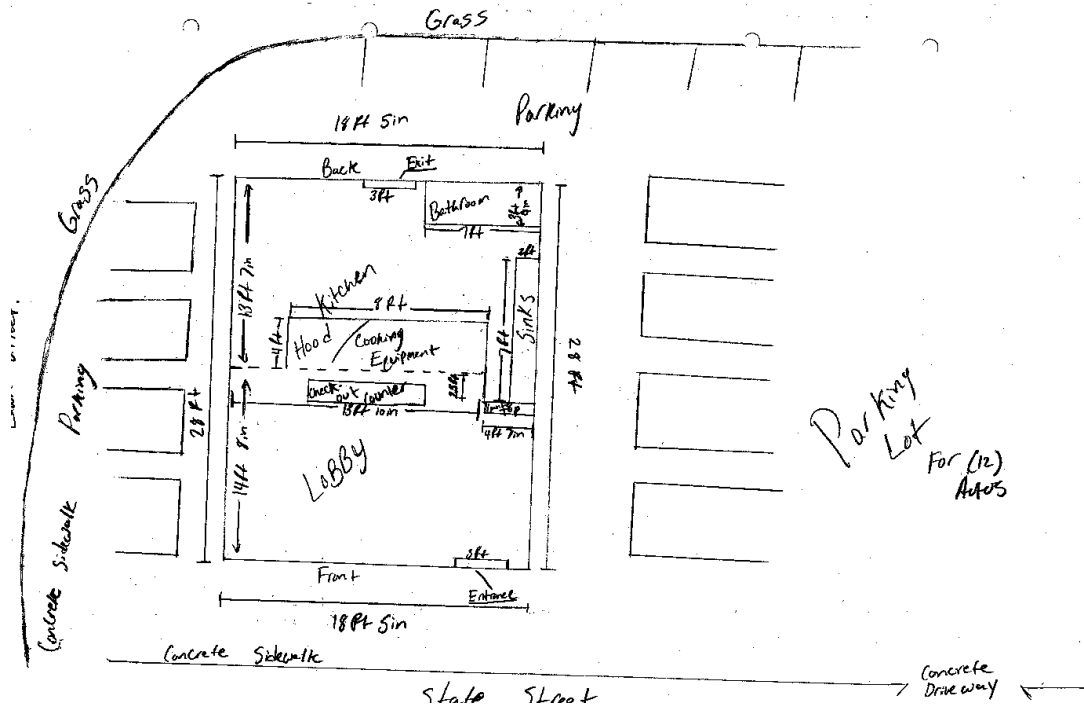
The Zoning Ordinance classifies Takeout-carryout restaurants as permissible in the B-2 Community Shopping Zone District upon the issuance of a conditional use permit (114-468).



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



Site plan for the property, building footprint in red.



Applicant site plan.

GENERAL INFORMATION

Parcel Number: [07604000](#)

Property Size: 12,630 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.
- 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: Currently vacant, the former site of a restaurant.

Surrounding Zoning and Land Uses:

North	B-2 Community Shopping	Filling station
East	B-2 Community Shopping	Single unit dwellings and auto business
South	R-3 Limited General Residence	Single unit dwellings
West	R-3 Limited General Residence	Single unit dwellings

Operations: The application indicates that three full time employees would work at the establishment, serving customers from 6 AM- 10 PM.

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.

Standard	Required	Provided
Lot Area	No minimum	12,630 square feet
Lot Frontage	30 feet	145 on State and 160 on Lawn
Floor Area Ratio	4.0 maximum	.06

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

Nonresidential uses are not required to provided yards, except as required in 114-470.b, which also states the transitional yard requirements of the B-1 district shall apply. As such, this use is required to screen the property to the west with a wall, fence, or densely planted compact hedge not less than five feet no more than eight feet in height. The hedge in place at this time, complies with this requirement.

Yard	Required	Provided
Front (State Street)	0 feet	7 feet
Front (Lawn Street)	0 feet	38 feet
Side (west edge of lot)	6 feet	62 feet
Side (north edge of lot)	0 feet	56 feet

Building design standards (114-Secs. [735.5](#) & [736](#)): The composition of this building does not comply with the requirements of 114.735.5.b.1, however this building is not a new primary building. Should reconstruction and/or remodeling occur, compliance with the requirement would need to occur.

Off-street parking and loading requirements (114- [Article XI](#)) : Food for carryout or dining in utilizes the same parking ratio of 10 spaces per 1,000 square feet of gross floor area. Re-striping of spaces and a resealing of the lot is a condition of this approval.

Use Type	Required	Provided
Restaurant	5	10
Total	5	10

Landscaping, screening and yard requirements ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): The lot is lacking landscaping at this time, however there are street trees along the State Street frontage of this property. A recommended condition of approval is for the applicant to submit and have approved a landscaping plan to enhance the aesthetics of the site and which addresses the requirement of 114-734 that Lawn Street frontage be screened.

Sign Regulations (114-[Article X](#)): Signage is not a part of this request. Any signage would require a subsequent approval and need to follow the sizing requirements outlined below.

Sign Type	Allowable Sq. Ft.	Provided Sq. Ft.
Projecting/Wall	160 square feet*	N/A
Window signs	50% of window area^	N/A
Alleyway Signage	N/A	N/A
Total	160 square feet	

*Total size determination would be made based on sizes and types of other signage on the lot.

^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](#)): The lighting on the property complies with the requirement that lighting be arranged, shielded and oriented in a manner which does not direct radiation or glare onto adjacent properties.

Rubbish and trash storage ([114-Article V](#) & [114-740](#)): The submitted plans do not indicate an area which would comply with the requirements of the Zoning Ordinance. A condition of approval will require an enclosure be constructed, prior to a certificate of occupancy being issued for the establishment.

Engineering, Utilities and Access:

Access ([114-1151](#)): Vehicular access to the site is provided from State Street. Based on the submitted site plan, the applicant is not proposing changes to the access at this time.

Surface drainage ([114-739](#) & Consult Engineering Dept.): Reuse of the site and 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 to utilize this site is not expected to impact the ability to serve this area.

Exceptions to ordinance: N/A

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: This corner location has been a commercial establishment since at least 1953. Most recently, the property has been vacant for around five years. By having an identified user, who would be on site daily, the property will have a higher level of focus and attention than if it were to remain vacant. The proposed business is not anticipated to endanger or be of a detriment to the adjacent properties or general area.

- 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: Based on the information provided by the applicant, staff does not anticipate this establishment will be injurious to other properties in this general area. One proposed condition of approval does set the hours of operation to ensure that the establishment does not operate in the late evening or early morning hours. Given the proximity of residential development to the site, this condition is necessary to ensure the business is not injurious to adjacent properties.

- 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: For many years this property functioned as an eatery establishment and coexisted with the businesses and residential properties in the surrounding area. The operation and management schedule proposed by the applicant and site layout indicated on the applicant's site plan does not appear to impede the normal and orderly development. Given the traffic volume State Street typically carries, it is expected that a commercial business establishment such as a restaurant be located at this intersection. The intersection is accessible to those passing through the area, but also located on a lot that is accessible to the surrounding residences.

- 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: Based off the site plan submitted from the applicant, the ingress and egress to the site is not proposed to be changed. At this time, there is an existing driveway at the north end of the site which provides access to and from State Street. There is also cross access between this site of the proposed takeout-carryout establishment and the gas station to the north.

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

Staff Comments: the adopted land use plan in the Comprehensive Plan calls for this property to be commercial. As such, this proposal to reuse this site and building for commercial use complies with the land use plan and the City of Racine Comprehensive Plan goals.

- 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 submitted application form the applicant does not indicate any exceptions from the applicable regulations would be necessary to reuse this building for the takeout-carryout establishment.

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:

- This proposal will keep an existing building in service and is walkable for the surrounding residential and business developments of the area.
- Sustainable reuse of land which utilizes existing utilities and services.
- The reuse of the site is expected to be unobtrusive and compliment the neighborhood while providing an employment opportunity for those in the community.

STAFF RECOMMENDATION: BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM LEONEL MONTOYA, SEEKING A CONDITIONAL USE PERMIT TO ALLOW A TAKEOUT-CARROUT ESTABLISHMENT AT 1949 STATE STREET BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That the plans presented to the Plan Commission on February 28, 2018 be approved subject to the conditions contained herein.
- b) That all license requirements from the State of Wisconsin and City of Racine be obtained, complied with, and kept current at all times.
- c) Submission and approval to the City Development Director of a trash storage plan by 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.
- d) Restriping of parking spaces and resealing of the parking lot.
- e) Submission to and approval from the City Development Director of a landscaping plan, prior to obtaining occupancy for the building. The plan shall addresses at a minimum, requirement of Zoning Ordinance Section 114-734, requiring screening along the Lawn Street frontage and includes other streetscape elements such as but not limited to plantings and seating. Elements from approved plan to be fully installed no later than August 31, 2018.

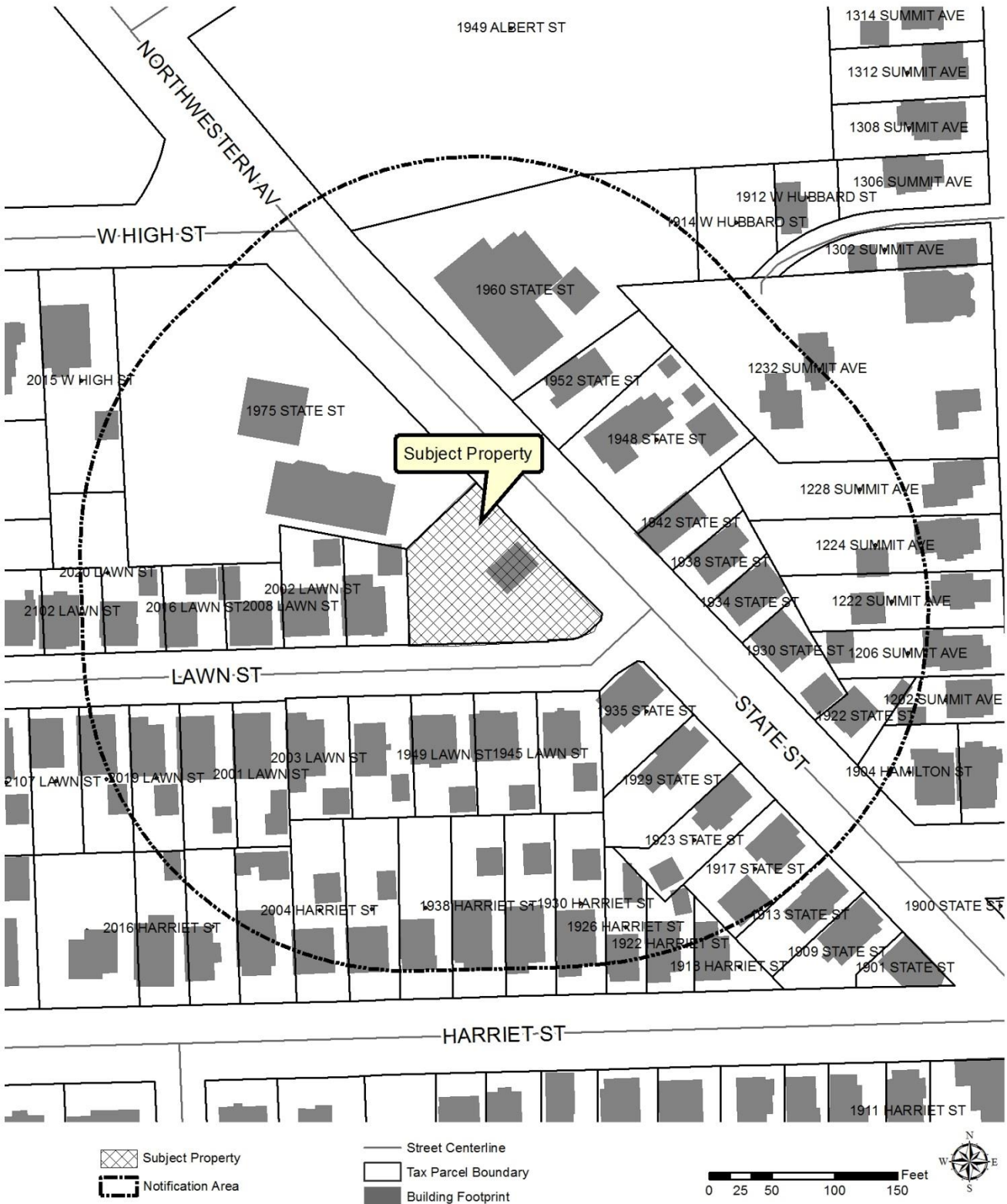
- f) That if, prior to the issuance of an Occupancy Permit, required site improvements listed in “c, d and e” above have not been or cannot be completed, a financial surety shall be provided to the City. The surety shall be in a format as approved by the City Attorney’s office, and subject to all stipulations 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.
- g) That hours of operation are from 6:00 a.m. to 10:00 p.m., daily.
- h) That all codes and ordinances are complied with and required permits acquired.
- i) 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.
- j) 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 - 1949 State Street

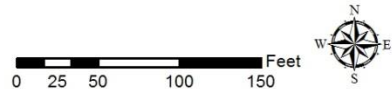




Conditional Use Request - 1949 State Street

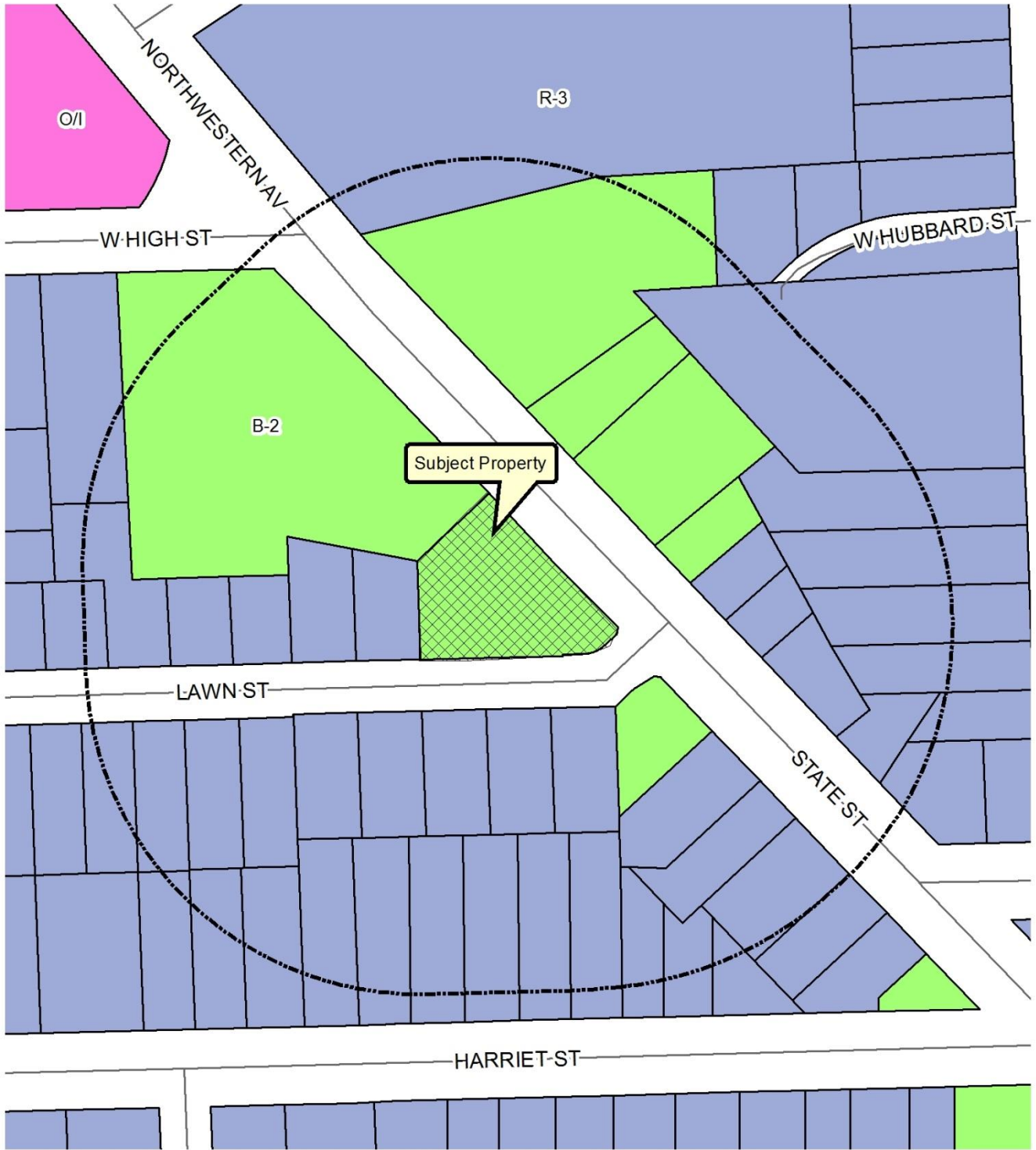


- Subject Property
- Street Centerline
- Notification Area
- Tax Parcel Boundary





Conditional Use Request - 1949 State Street



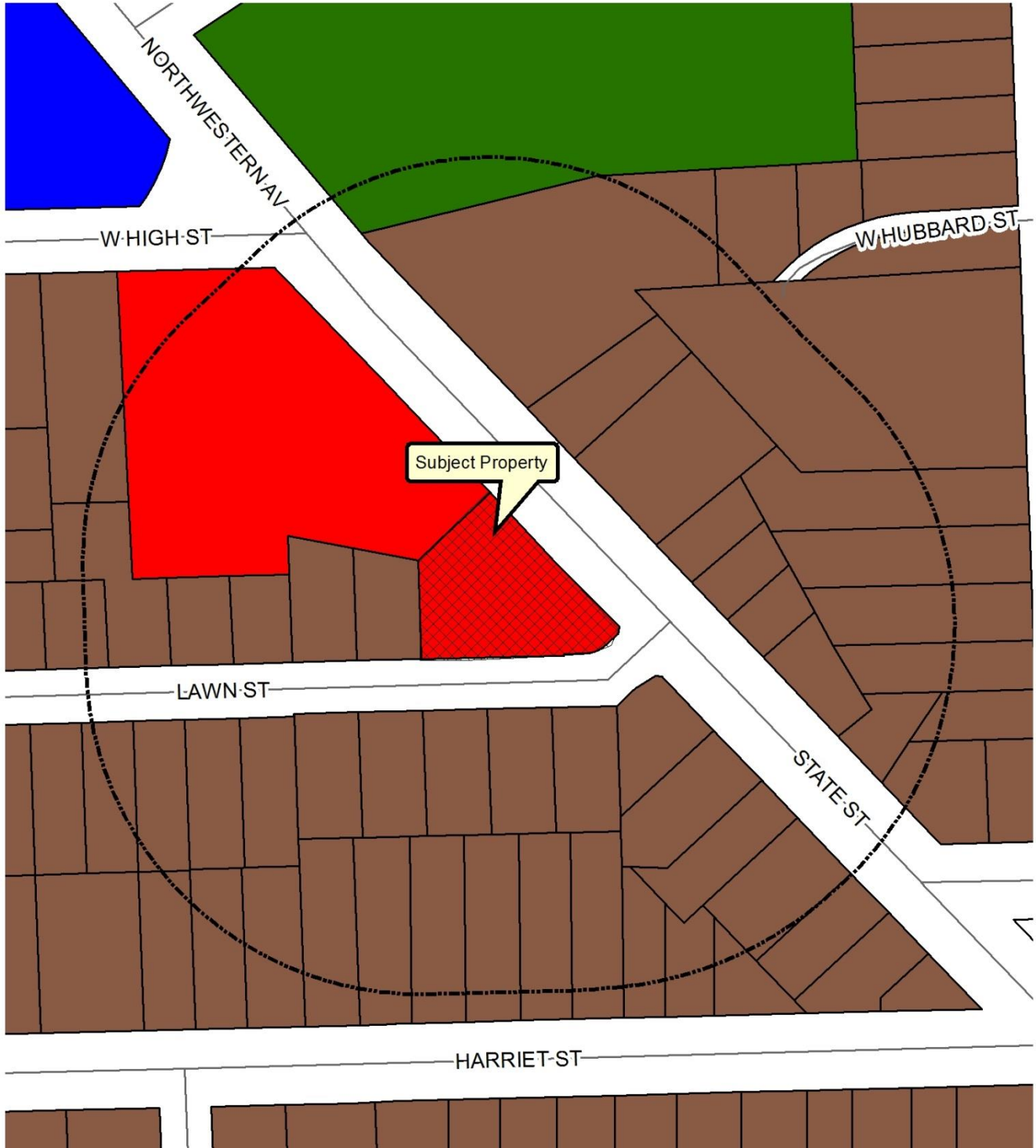
Zoning Map Designation

Subject Property	Street Centerline	R-3 Limited General Residence District
Notification Area	Tax Parcel Boundary	O/I Office Institutional District
		B-2 Community Shopping District

0 25 50 100 150 Feet



Conditional Use Request - 1949 State Street



Comprehensive Plan Designation

Subject Property	Street Centerline	Commercial	High Density Residential
Notification Area	Tax Parcel Boundary	Governmental and Institutional	Recreational

0 25 50 100 150 Feet

Site Photos



Looking at subject property (State Street just off photo and to the right)



Looking (north) from subject property



Looking (east) from subject property



Looking (south) from subject property



Looking west from subject property



North and west façade of subject property