



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

**Meeting Date:** 1/8/2020

**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](mailto:matthew.sadowski@cityofracine.org)

**Case Manager:** Jeff Hintz

**Location:** 2504 Douglas Avenue, located approximately located on the northwest corner of the intersection of Douglas Avenue and Romaine Avenue.

**Applicant:** AJ Musaitef

**Property Owner:** Anthony Merlo

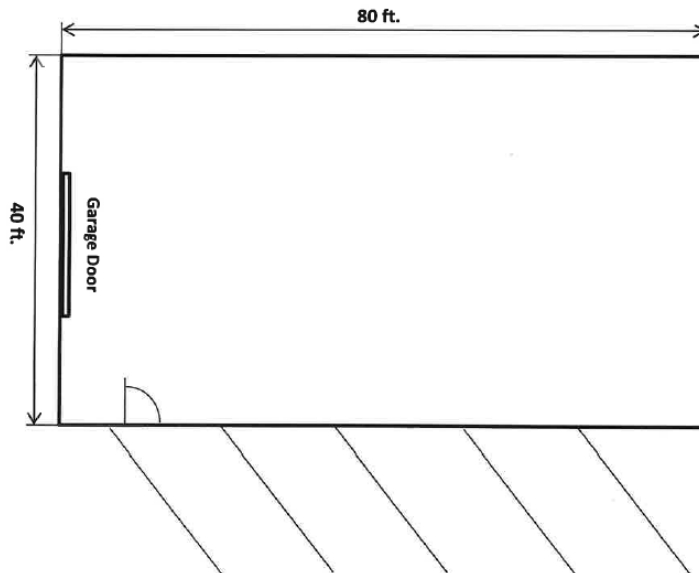
**Request:** Consideration of a conditional use permit to sell used automobiles at 2504 Douglas Avenue as allowed by Sec. 114-468 of the Municipal Code. The operation would take place in the existing garage at the rear of the property, no vehicles would be displayed on-site and all sales would be conducted via the internet. The property is located in a B-2 Community Shopping and I-1 Restricted Industrial Zone District.

**BACKGROUND AND SUMMARY:** The garage at the rear of the property (westernmost building) is limited by the Building Code to eight (8) vehicles and the office for the operation would be housed in the main commercial building fronting Douglas Avenue. No repairs would be made to vehicles on the site and would occur elsewhere prior to sale. Showing of the vehicles would be setup by appointment only between 11:00 AM and 6:00 PM Monday to Saturday.

The Zoning Ordinance classifies this used auto dealership 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).



Proposed Building Floor Plan of the garage area (north is to the right), submitted by applicant.

## GENERAL INFORMATION

**Parcel Number:** [20946001](#)

**Property Size:** 1.623 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.
- Encourage efficient and sustainable growth that provides for the protection of natural systems and preserves the stability and diversity of the City’s neighborhoods.

**Corridor or Special Design District?:** Douglas Avenue Corridor

**Historic?:** N/A

**Current Zoning District:** I-1 Restricted Industrial and B-2 Community Shopping

**Purpose of Zone District:** The B-2 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.

The I-1 restricted industrial district is intended to provide an environment suitable for industrial activities that do not create appreciable nuisances or hazards, or that require a pleasant, hazard-free and nuisance-free environment.

**Proposed Zoning:** No change proposed

**Existing Land Use:** Communications facility at the rear of the property, furniture store, mobile phone store, warehousing/garage space at the rear and currently vacant tenant space.

### Surrounding Zoning and Land Uses:

<b>North</b>	R-3 Limited General Residence	Single unit dwellings
<b>East</b>	R-3 Limited General Residence	Single unit dwellings and tavern
<b>South</b>	B-2 Community Shopping	Gas station and convenience store
<b>West</b>	I-1 Restricted Industrial	Bike trail and utility corridor

**ANALYSIS:**

**Development Standards:**

This parcel has split zoning, with the building generally occupying the B-2 portion and the remaining lot area being I-1. Generally the site development standards (lighting, parking, screening, yards, buffering and building design etc.) are the same in either zone. The bulk, density and signage standards vary by zone district; the analysis below for these development standards is based on the B-2 regulations since the principal building is within the B-2 portion of the lot. The cars would be parked in the garage on the I-1 portion of the lot, which is an accessory building.

**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	70,698 sq. ft.
Lot Frontage	30 feet	192 feet
Floor Area Ratio	4.0 maximum	.26

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

Yard	Required	Provided
Front	0 feet	22 feet
Side (north)	6 feet	35 feet
Side (south)	0 feet	0 feet
Rear (west)	0 feet	181 feet

**Building design standards** (114-Secs. [735.5](#) & [736](#)): The two easternmost buildings on the parcel comply with the requirements of 114.735.5.b.1, the metal building at the rear (furthest west) does not. However, this request does not include any new buildings or modifications to the existing building. The building which is not conforming is legally nonconforming and was built prior to the existing requirement of utilizing masonry. Additionally, this building is not generally visible to the public unless traveling down Romaine Avenue, which is not a thru street in this area.

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

Use Type	Required	Provided
Mattress Store	18	18
Mobile Phone store	10	10
Office for Auto Dealer	2	2
Total	30	27*

\*The parking on the site is existing non-conforming as the building was built in 1948. Any new construction on the site would need to provide parking at the current rate which it is required, but for

the new construction portions only. As such, the site has functioned with the existing parking being adequate for some time. The lot to the north was added within the past 7-8 years and adequately serves the development on the site.

Buildings of this size require one loading space. The area at the rear of the building complies with this requirement, even when factoring in striping of additional parking.

**Landscaping, screening and yard requirements** ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): 114-470 (b) requires screening to the north because this commercial building is within 100 feet of a residence district boundary line. At this time, the area immediately north of the parking lot is utilizing landscaping to meet the intent of this request. As the landscaping grows and matures, the screening will become of the density required by the ordinance.

**Sign Regulations** (114-[Article X](#)): Signage is not a part of this request, but signage does currently exist on the property for other tenants. Any future signage would need to follow the sizing requirements outlined below.

<b>Sign Type</b>	<b>Allowable Sq. Ft.</b>	<b>Provided Sq. Ft.</b>
Projecting/Wall	240	200
Window signs	50% of window area^	20
Alleyway Signage	N/A	N/A
Total	240 square feet*	220

\*Total size determination would be made based on sizes and types of other signage on the lot. Once 4 or more signs are installed, the total is reduced by 20% with each subsequent sign.

^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](#)): At this time the south end of the building has lighting which appears to be focused towards Douglas Avenue as opposed to oriented onto the site. The plans submitted by the applicant do not include additional lighting fixtures.

**Rubbish and trash storage** ([114-Article V](#) & [114-740](#)): A trash enclosure is not depicted on the site plan, prior to occupying the building one will need to be constructed. Regardless of the action taken by the Plan Commission, the enclosure is required. Alternatively, the applicant may store the dumpster and trash in one of the buildings, placing it out on collection day

**Engineering, Utilities and Access:**

**Access** ([114-1151](#)): Vehicular access to the site is provided from a driveway off of Douglas Avenue and two driveways off Romaine Avenue. The site plan submitted by the applicant does not contemplate any changes to access.

**Surface drainage** ([114-739](#) & Consult Engineering Dept.): utilizing the existing garage for parking of automobiles 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 is not expected to impact the ability to serve this area.

**Exceptions to ordinance:** N/A

**Additional Planning and Zoning Comments:**

## **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:

- 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 addition of eight automobiles for sale at this site, parked within a garage is not expected to endanger the health, safety or welfare of those in the general vicinity. The conditions which already exist on the site through the existing conditional use permit ensure the area remains complimentary to the adjacent neighborhood. Additionally, these conditions ensure that the Douglas Avenue corridor remains as a business corridor and not an industrial corridor.

- 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 sales of five automobiles is not expected to be injurious to other properties. The operation is essentially parking eight cars in a garage which are available via appointment; it is likely the operation will go unnoticed by nearly everyone. The proposed conditions with the request ensure the operation is compatible with the surrounding residential area and remains accessory in nature to the overall uses on the property. No repair of automobiles is proposed for the site and this is generally the most intensive type of accessory activity for this type of operation. Since repair is not a part of this particular type of operation, there is much less of a concern related to adjacency of potentially incompatible land uses with this proposal.

- 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 conditions with this request help to ensure that development in the area remains consistent and orderly, while accommodating for new this new component of their

business. This property is along a busy commercial corridor with an adjacent residential neighborhood to the north. It is expected that the overall appearance and function of the site will generally remain as it has, the main difference will be that up to eight passenger vehicles will be for sale on the site, but kept in a garage. The traffic generated to see these vehicles is via appointment only and as a retail site, this traffic to the property is to be expected. The trips generated by the new use are not anticipated to alter the general retail traffic patterns of the property.

**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: The application does not contemplate changing any access to the site. The storage and occasional viewing of vehicles in addition to the existing retail operations on the site are not anticipated to lead to congestion of the streets. The applicant will be limited to the vehicles which can be stored and sold at any one time and it is an online business with appointments necessary to view the vehicles for sale. This additional traffic is negligible in nature and is not expected to be noticed.

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

Staff Comments: The land use plan for the City identifies this property as Commercial. This proposed usage is consistent with the objectives of the comprehensive plan. It is important to note that to the north of this location are areas identified for usage as high density residential in the land use component of the plan. It is important to keep in mind that unlimited sales of varying types of vehicles would be detrimental to the surrounding properties and not meet the intent of the comprehensive plan.

**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: With the recommended conditions it is expected that this development will operate in accordance with the applicable regulations for this zone district. No exceptions are needed with the request and the proposed development will function in a manner which is complimentary to the adjacent residential areas.

## **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.
5. Defer with a continuance of the public hearing to a date certain.

**STAFF RECOMMENDATION:** BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM AJ MUSAITEF, SEEKING A CONDITIONAL USE PERMIT TO ALLOW USED AUTOMOBILE SALES AT 2504 DOUGLAS AVENUE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That the plans presented to the Plan Commission on January 8, 2020 be approved subject to the conditions contained herein.
- b) That the following development standards be complied with prior to City sign off on dealer license:
  1. All temporary signage on the property which has been in place over 30 days be removed as required by sec. 114-Article X.
  2. All inoperable vehicles and other vehicles currently for sale on the lot be parked inside the garage or removed from the site.
- c) That if, prior to the issuance of an Occupancy Permit, required development standards listed in “b” 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.
- d) That vehicles for sale be limited to eight (8) and shall be parked in the garage at the western most portion of the property unless being viewed by a prospective buyer. Vehicles for sale shall not be displayed anywhere on the site.
- e) That sales of vehicles be limited to passenger vehicles and shall not include commercial trucks, buses, vans or any vehicle with more than two axles.
- f) That no repair to vehicles occur on the site aside from minor detailing work related to washing or general cleaning of the vehicles.
- g) That all codes and ordinances are complied with and required permits acquired.
- h) 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.



- i) 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 (view in legistar).



# Conditional Use Request - 2504 Douglas Avenue





# Conditional Use Request - 2504 Douglas Avenue



Subject Property

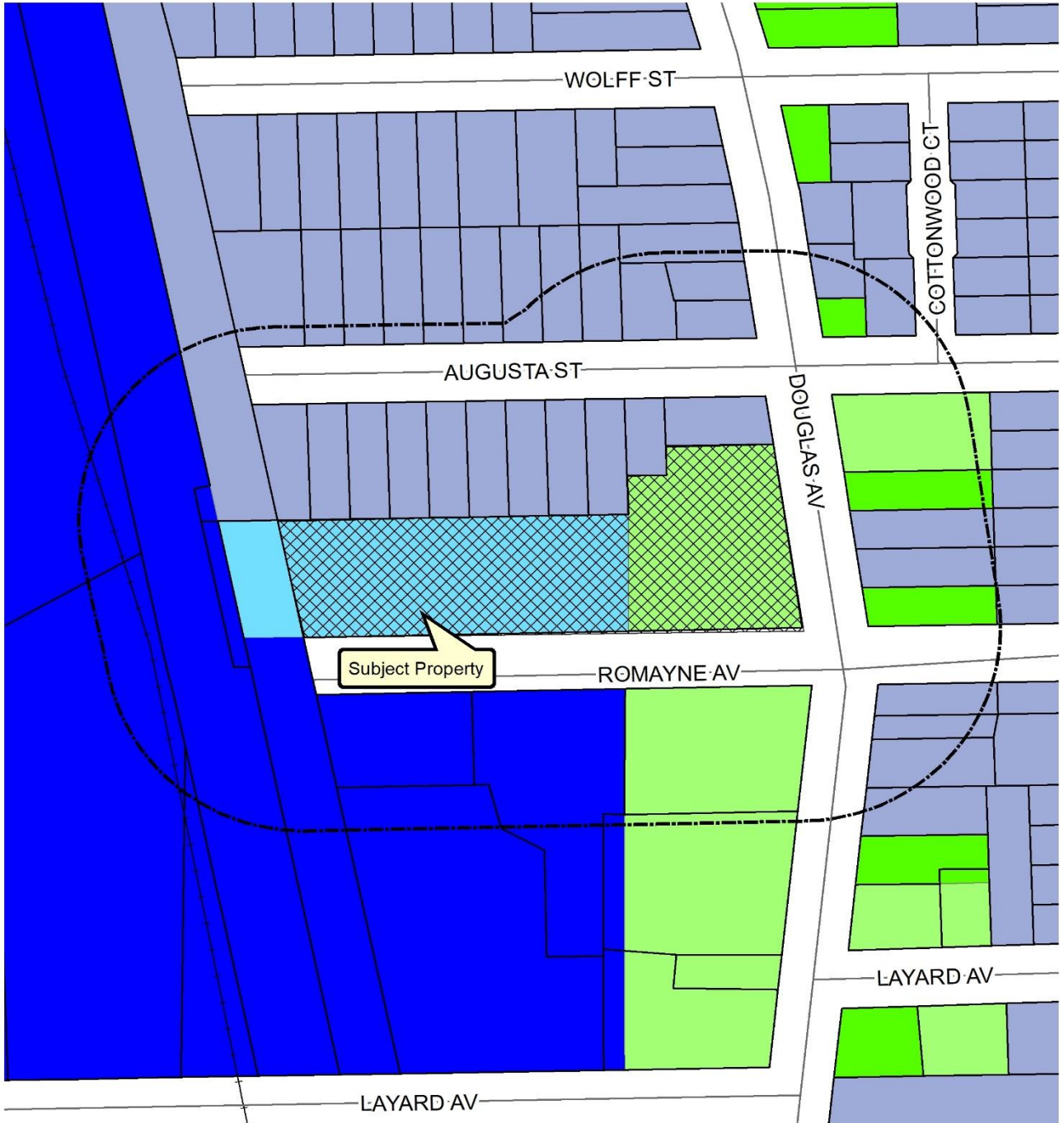
Legend:

- Subject Property (Cross-hatched box)
- Notification Area (Dashed line)
- Street Centerline (Solid line)
- Tax Parcel Boundary (Thin solid line)

Scale: 0 20 40 80 120 160 Feet



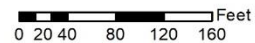
# Conditional Use Request - 2504 Douglas Avenue



### Zoning Designation

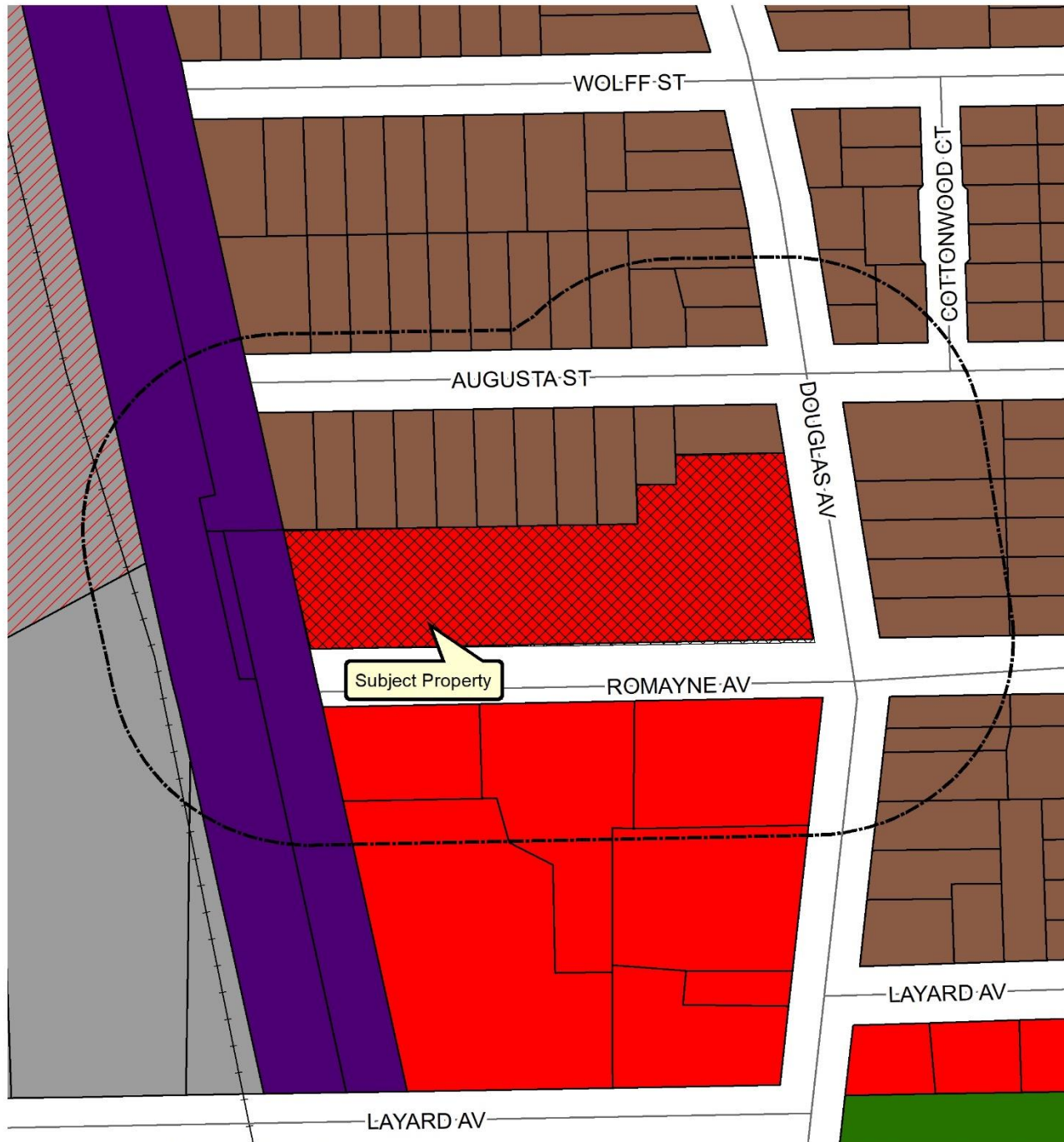
- B-1 (light green)
- B-2 (medium green)
- R-3 (light blue)
- I-1 (cyan)
- I-2 (dark blue)

- Subject Property (cross-hatched pattern)
- Notification Area (dashed line)
- Street Centerline (solid line)
- Tax Parcel Boundary (thin solid line)





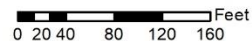
# Conditional Use Request - 2504 Douglas Avenue



### Land Use Designation

- Industrial/Business Park
- Commercial
- Recreational
- Transportation, Communication and Utilities
- High Density Residential
- Industrial

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



### Site Photos



Looking northwest from Romaine Avenue at building where cars would be parked



Looking west from Romaine Avenue towards railway



Looking south from garage towards self-warehousing facility



Looking east towards Douglas Avenue from garage



Looking north at front the property from Romaine Avenue



Looking west on Romaine Avenue, subject property on right