



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

**Meeting Date:** 10/27/2021

**To:** Mayor and Planning, Heritage, and Design Commission Members

**From:** City Development Department, Division of Planning and Redevelopment

**Division Manager:** Jeff Hintz – (262) 636-9473 – [jeff.hintz@cityofracine.org](mailto:jeff.hintz@cityofracine.org)

**Case Manager:** Michelle Cook

**Location:** 1444 Blake Avenue

**Applicant:** Cortney Marshall

**Property Owner:** KC GRILL, LLC

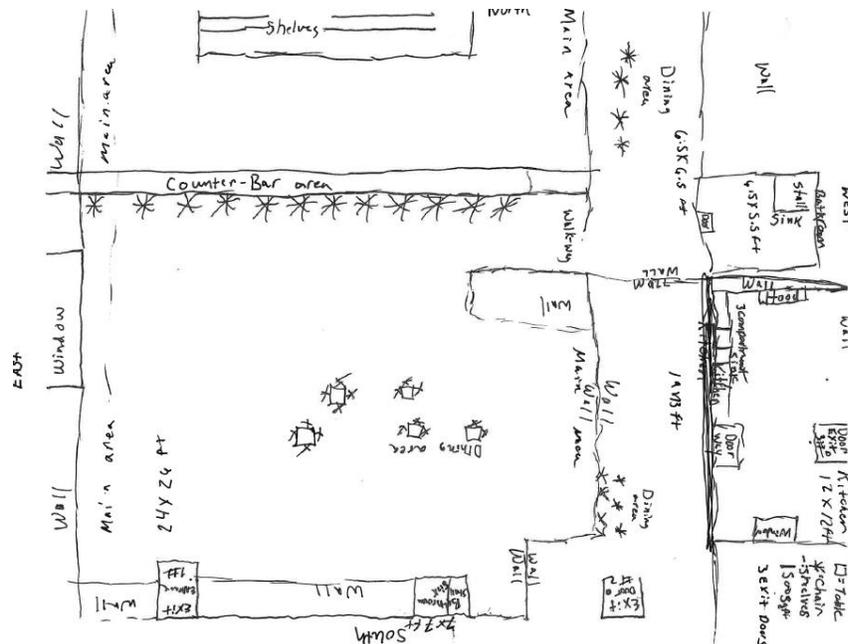
**Request:** Consideration of a conditional use permit to operate a restaurant at 1444 Blake Avenue at an existing commercial building in a residential district for property located in a R-3 Limited General Residence Zone District, as allowed by Sec. 114-308 of the Municipal Code.

**BACKGROUND AND SUMMARY:** The applicant seeks to utilize the existing commercial space addressed as 1444 Blake Avenue as a restaurant. Per City Assessor records, the property was built in 1920 as a commercial building and has been used as such. The proposed restaurant would have 3-4 employees and be open from 11:00 a.m. – 11:00 p.m. Monday thru Saturday and from 11:00 a.m. – 10:00 p.m. Sunday.

The Zoning Ordinance classifies this proposed use (restaurant) as permissible in the R-3 Limited General Residence Zone District upon the issuance of a conditional use permit (114-308). The building must be designed for a commercial purpose and constructed and used for commercial purposes prior to 1976.



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



Proposed Floor Plan for 1444 Blake Avenue (north is up), submitted by applicant.

## GENERAL INFORMATION

**Parcel Number:** [07969000](#)

**Property Size:** 6,023 square feet

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

### 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.
- Promote redevelopment and infill in areas with existing infrastructure and services, enhancing existing residential, commercial, and industrial areas.

### Corridor or Special Design District?: Horlick Character District

**Historic?:** N/A

**Current Zoning District:** R-3 Limited General Residence

**Purpose of Zone District:** The R3 limited general residence district is intended to provide areas which are to be occupied substantially by single-family and two-family dwellings and attached dwellings. It is designed to accommodate limited apartment dwellings while maintaining a low density owner-occupied character.

**Proposed Zoning:** No change proposed

**Existing Land Use:** Single commercial tenant space.

### Surrounding Zoning and Land Uses:

<b>North</b>	R-3 Limited General Residence	Single unit detached dwellings & Industrial
<b>East</b>	R-3 Limited General Residence	Single unit detached dwellings & Industrial
<b>South</b>	R-3 Limited General Residence	Single unit detached dwellings
<b>West</b>	R-3 Limited General Residence	Single unit detached dwellings

**Operations:** The existing commercial space addressed as 1444 Blake Avenue would be repurposed into use as a restaurant (Broasted Chicken Co.) Three – four employees are expected to work in the proposed establishment which would have hours of 11:00 AM – 11:00 PM Monday thru Saturday and 11:00 AM – 10:00 PM Sunday.

**ANALYSIS:**

Development Standards:

**Density** ([114-Article V](#): Article VII, Div. 5 [Bulk Regulations](#) & 8 [Lots](#)):

Standard	Required	Provided
Lot Area	6,000 square feet	6,023 square feet
Lot Frontage	30 feet	40 feet
Floor Area Ratio	N/A	N/A

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

Yard	Required	Provided
Front (east)	25 feet	7 feet
Side (north)	6 feet	0 feet
Side (south)	6 feet	7 feet
Rear (west)	40 feet	88 feet

This building predates the existence of the current zoning code and is considered legal, nonconforming.

**Building design standards** (114-Secs. [735.5](#) & [736](#)): The building on the parcel complies with the requirements of 114.735.5.b.1, however this request does not include any new buildings or modifications to the exterior.

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

Use Type	Required	Provided
Restaurant	6 spaces	0 spaces
Total	6 spaces	0 spaces*

A Building of this size does not require a dedicated loading space. The street parking on Kewaunee Street will serve as the loading area for this property.

\*The building is existing, non-conforming related to parking. There is street parking in the area and given the surrounding uses of the neighborhood, there is not generally a problem with parking access for this building and the surrounding residential development. The limited capacity of the building and neighborhood scale of the development is also expected to reduce traffic demand.

**Landscaping, screening and yard requirements** ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): one-two unit dwelling residential properties are not required to provide screening from other residential properties.

**Sign Regulations** (114-[Article X](#)): The lot is allowed to have two 16 square foot identification signs, one facing each frontage, not internally illuminated. There is an existing box sign that is on the property that hangs over the right-of-way and is non-conforming.

**Outdoor lighting, signs** ([114-Sec. 742](#)): There is no lighting proposed with this application. Any lighting would have to comply the development standards and focus light onto the subject property and not adjacent properties.

**Rubbish and trash storage** ([114-Article V](#) & [114-740](#)): The building currently has city collection of waste and the bins are stored on site, much like those in the adjacent dwelling units. Keeping these off the sidewalk and away from the front of the building meets the intent of the ordinance.

**Engineering, Utilities and Access:**

**Access** ([114-1151](#)): Access to the site is provided by the adjacent public street, the lot does not have any curb cuts for vehicular access. The application does not contemplate any changes in access.

**Surface drainage** ([114-739](#) & Consult Engineering Dept.): The reuse of this existing building is not expected to alter drainage for the area or 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:** No exceptions are required for this proposal.

**Additional Planning and Zoning Comments:** Despite being zoned residential, the building has always been a commercial building, built in 1920 per City Assessor records. The building has not been converted to residential usage, and as such, meets all the criteria necessary to apply for the conditional use.

## **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: This request seeks to reuse an existing building for a purpose in which it was designed for and was established when first developed. The operation of a restaurant is not expected to endanger or be a detriment to the public or welfare of the community. A vacant building with no use would be worse for the neighborhood; the usage of this building shows the residents and those in

the area that investment is occurring and that the neighborhood is stable. This business is expected to be an amenity to the walkable area near this business and not a detriment.

- 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: Those who own property in this general area will have seen the building and it would not be realistic to expect the property to be functional as anything other than as a neighborhood serving amenity. At this scale and intensity, the use will not generate exterior noise, traffic or odor which would be injurious to other properties in the vicinity. Given this building has been around since 1920 in this location, it is essentially a neighborhood fixture. Its usage as a restaurant will not be injurious to the use of surrounding properties. Other properties in this zone district in the area would not be able to transition a residence to a commercial establishment; that right is reserved for buildings constructed as commercial establishments and only through a conditional use permit.

- 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 developed as higher density residential and zoned accordingly. This commercial structure has also existed in this neighborhood for several generations; the continued use and existence is not expected to impede the normal use and enjoyment of the district or general area.

- 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 site has never had off-street parking lot since the building was developed as a commercial space. As such, the site has always functioned without ever providing the amount of parking spaces off the street required by the zoning ordinance. The on-street parking in this area is expected to serve the business well and should be of a sufficient amount that congestion should not result. The nature of this business is neighborhood serving and it is not anticipated there will be many customers who come to the site in mass given the size of the operation and building.

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

Staff Comments: Despite being designated as high density residential on the land use plan, this building and commercial nature predates any adopted land use plan in the City. That being said, this is a commercial use but is allowed to continue per the provisions of the zoning ordinance with the issuance of a Conditional Use Permit. The goals and objectives of the Comprehensive Plan are being achieved by the reuse of this building and also in the fact the development is walkable and will provide an amenity to surrounding neighborhood.

- 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 building is non-conforming and does not meet parking requirements. This is explained by the fact that this building was developed well before the current zoning ordinance was adopted. The building does meet most development standards despite the fact it was constructed well before the inception of the zoning ordinance and comprehensive plan.

## **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, subject to the consent of the applicant.
5. Defer with a continuance of the public hearing to a date certain, subject to the consent of the applicant.

**STAFF RECOMMENDATION:** THAT BASED ON THE FINDINGS OF FACT IN THIS REPORT, THE REQUEST BY CORTNEY MARSHALL TO OPERATE A RESTAURANT IN AN EXISTING COMMERCIAL BUILDING AT 1444 BLAKE AVENUE BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That the plans presented to the Planning, Heritage, and Design Commission on October 27, 2021 be approved subject to the conditions contained herein.
- b) That all trash and recyclables be stored in closed containers and screened from view.
- c) That no LED string lights or other string lights be used as window, door or building accents.
- d) That the hours of operation be 11:00 AM – 11:00 PM Monday thru Saturday and Sunday 11:00 AM – 10:00 PM.

- e) That there be no sale or consumption of alcohol beverages on the premises, per Sec. 114-328 of the Municipal Code.
- f) That the following occur prior to occupancy, unless otherwise noted:
  - 1. That the peeling paint on the east side of the building be repaired.
  - 2. The debris in the yard be removed and properly disposed of.
- g) That a hold harmless agreement be entered into for the signage projecting over the public right-of-way and that signage not be internally illuminated. Alternatively, projecting signage may be removed from the building.
- 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 Planning, Heritage, and Design 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 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 Request - 1444 Blake Avenue





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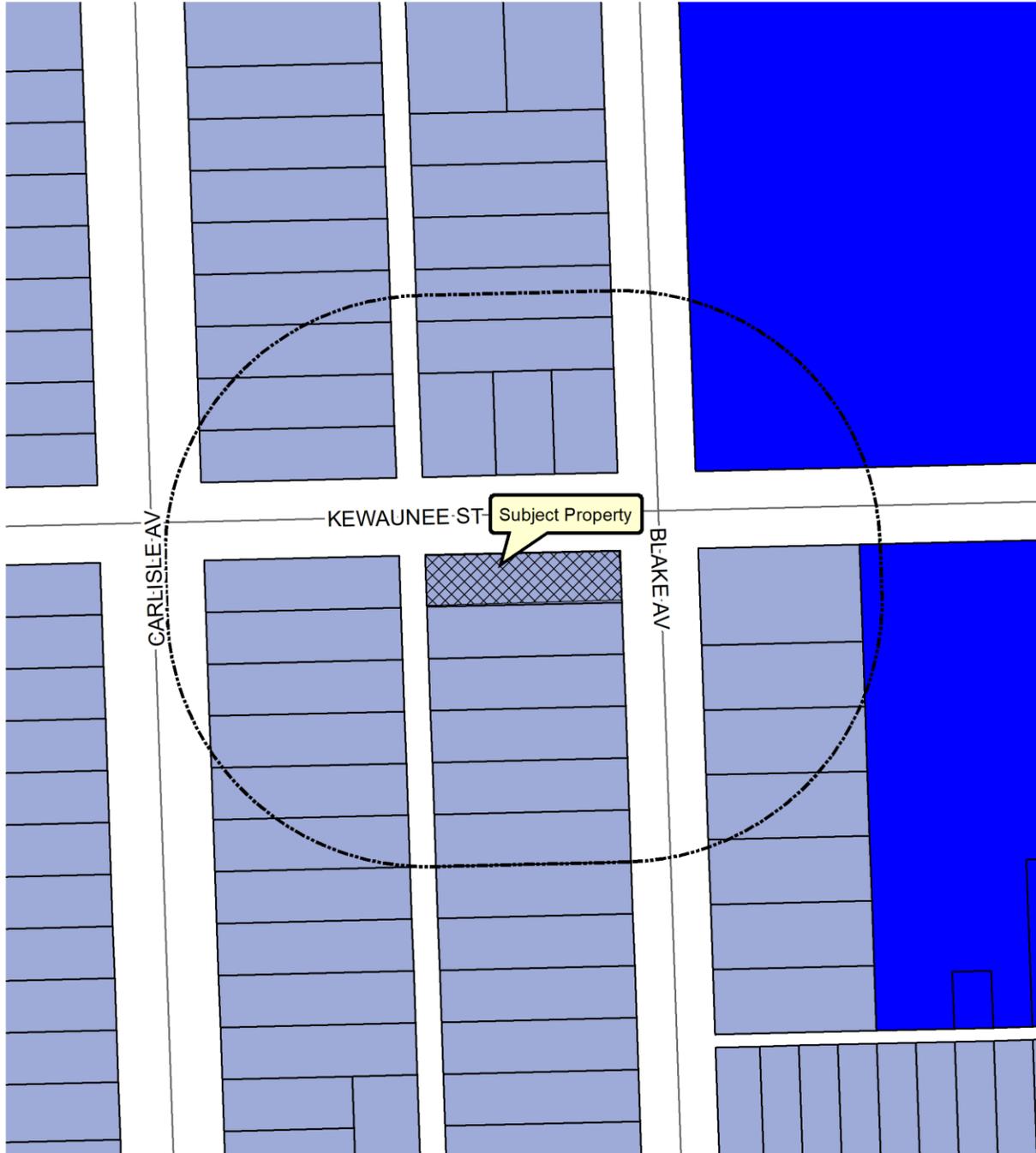
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	Subject Property		Street Centerline
	Notification Area		Tax Parcel Boundary

0 25 50 100 Feet

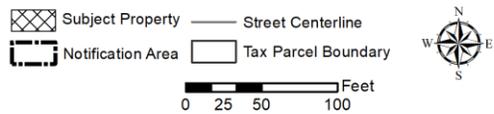


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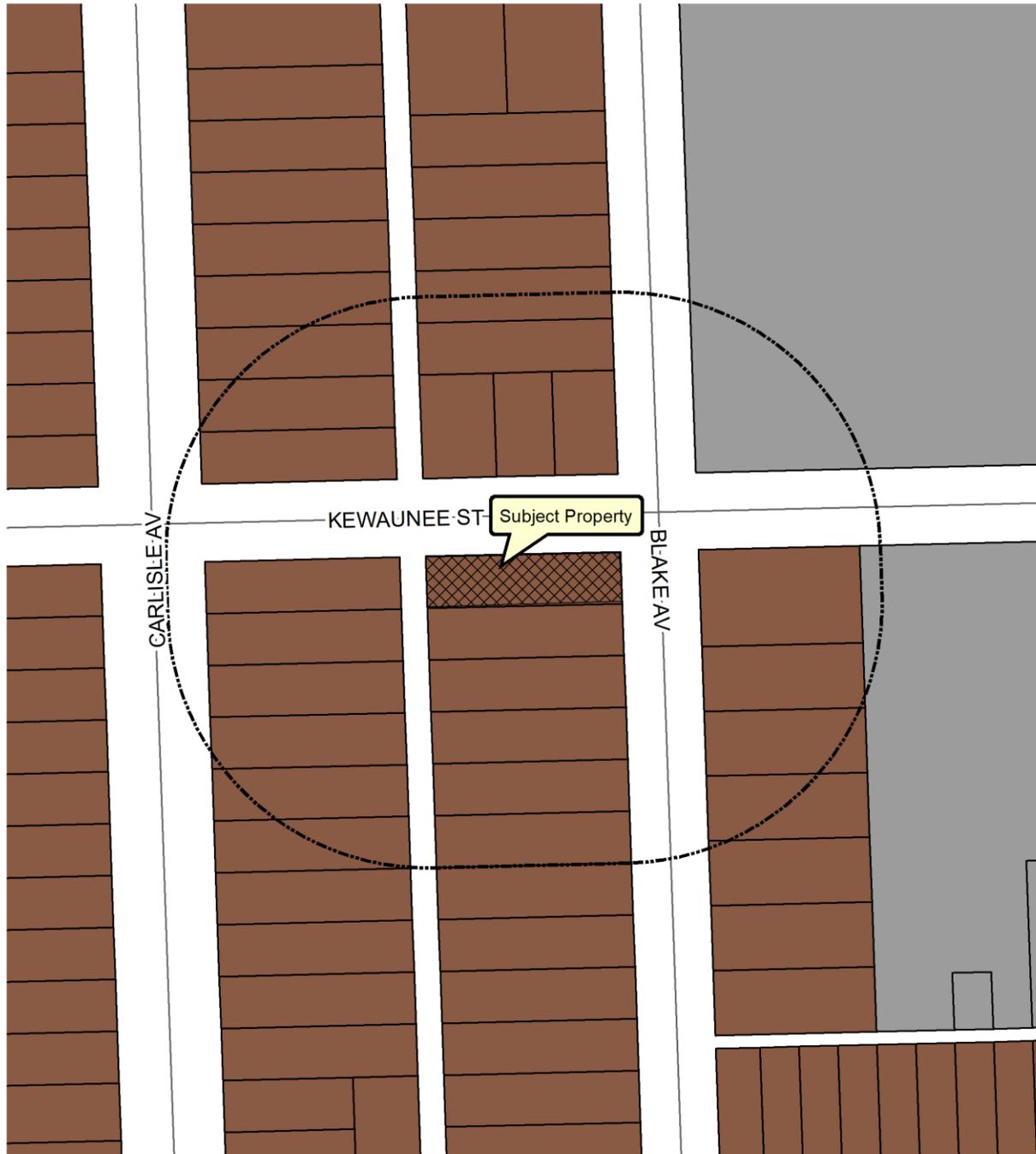
### Zoning Designation

R-3 I-2





# Conditional Use Request - 1444 Blake Avenue



**Land Use Designation**  
High Density Residential Industrial

Subject Property Street Centerline  
Notification Area Tax Parcel Boundary

Site Photos



Looking southwest at subject property



Looking south at subject property



Looking east at the rear of subject property



Looking east from subject property



Looking west at rear of subject property



Looking east from property