



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

**Meeting Date:** 7/24/2019

**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:** Matt Sadowski

**Location:** 520 Caron Butler Drive

**Applicant:** Mandy Tutas

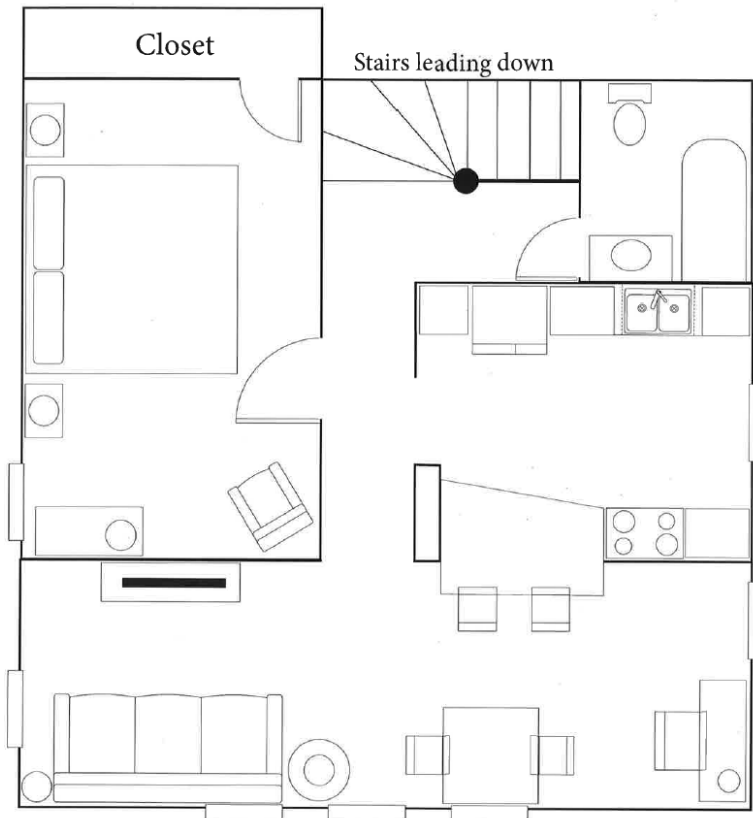
**Property Owner:** DE KOVEN FOUNDATION FOR CHURCH WORK INC

**Request:** Consideration of a change of zone from O/I - Office/Institutional District to Office/Institutional District with a FD- Flex development Overlay as supported by the document, "A Comprehensive Plan for the City of Racine: 2035, Land Use Plan Map."

**BACKGROUND AND SUMMARY:** The De Koven Center has been a Racine institution since the mid 1800's. The operations have generally remained the same and from a casual observation, will continue to remain unchanged. This request is to have five (5) short term rental units on the property (Airbnb) and list them online. The facility will have the same general appearance; technically speaking, from a Zoning Ordinance perspective, the addition of the five short term rental units necessitates this application. The units would not be the primary residence of the operator as required by Sec. 114-273(17)(a) of the Municipal Code, a distinction typically requiring a rezoning of the property to a commercial zone for a hotel or motel. Rezoning to a commercial zone would be incompatible with the general area.



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



Typical room layout for short term rental, submitted by applicant.

## GENERAL INFORMATION

**Parcel Number:** [17699010](#)

**Property Size:** 10.59 acres

**Comprehensive Plan Map Designation:** Governmental and Institutional

### 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.
- New development should be designed so it is compatible with established development.
- Protect and enhance cultural structures, activities, historic sites and districts and their infrastructure.
- Preserve and enhance the historic and cultural resources and character of the City.

**Corridor or Special Design District?:** N/A

**Historic?:** The buildings which consisted of the [Racine College](#) are listed on the State and National Registers of Historic Places.

**Current Zoning District:** O/I Office/Institutional

**Purpose of Zone District:** The O-I office/institutional district is designed primarily to accommodate office buildings, civic and governmental structures, and educational and institutional buildings in a mutually compatible environment. Compatible apartment structures may be allowed by conditional use permit.

**Proposed Zoning:** O/I Office/Institutional with Flex Development Overlay District

**Intent of proposed Zone District (Flex):** The flexible development overlay district is intended to permit redevelopment of property in circumstances in which a property, including its structures, site improvements and infrastructure, is suitable for reuse but the reuse is not consistent with the underlying zoning district, rezoning to another classification would permit other uses potentially detrimental to surrounding properties, and any potentially adverse effects of the intended reuse can be mitigated by conditions on the reuse.

**Existing Land Use:** Retreat center, apartments, meeting space, dwelling units and offices.

### Surrounding Zoning and Land Uses:

<b>North</b>	R-4 General Residence	Multiple dwelling unit building
<b>East</b>	O/I Office/Institutional	Lakefront park (Dodge Park)
<b>South</b>	O/I Office/Institutional	Municipal water treatment facility
<b>West</b>	O/I Office/Institutional	Wooded buffer area

**Operations:** The only proposed change in operations is the addition of the five short term rental units. This is not expected to alter the function of the property; the activity would be allowed in units which were the primary residence of the operator.

**ANALYSIS:**

Development Standards:

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

Standard	Required	Provided
Lot Area	2.5 acres (per use)	10.59 acres
Lot Frontage	40 feet	610 feet
Floor Area Ratio	2.5 maximum	.22

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

Yard	Required	Provided
Front	25 feet	200 feet
Side	8 feet	35 feet
Corner Side	15 feet	15 feet
Rear	30 feet	30 feet

**Building design standards** (114-Secs. [735.5](#) & [736](#)): The existing buildings on the site are historic and meet the building design and construction requirements required by the development standards. There are no changes planned to the exterior materials as a result of this application.

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

Use Type	Required	Provided
Dwelling Unit	1.5 per dwelling unit	
Office	4/1,000 square feet of gross floor area	
Meeting/hall space	10/1,000 square feet of gross floor area	
Total		125

The buildings of this size require two dedicated loading zones on the lot. There is ample space on the lots to designate a loading zone of 12x30 feet with 15 feet of clearance and they also exist at this time.

**Landscaping, screening and yard requirements** ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): A landscaping plan with specifications of plantings was not submitted. The site is currently landscaped in a manner which is consistent with what would be required.

**Sign Regulations** (114-[Article X](#)): Signage has not been included with this request; any signage needs to follow the sizing guidelines set forth below.

<b>Sign Type</b>	<b>Allowable Sq. Ft.</b>	<b>Provided Sq. Ft.</b>
Identification sign	120 square feet	0
Parking identification	35 square feet	0
Alleyway Signage	N/A	N/A
Total	155 square feet	0

Requirements for signage can be adjusted as part of the flex development overlay to ensure nonconformities do not exist and the site is conforming.

**Outdoor lighting, signs** ([114-Sec. 742](#)): Details of the existing light fixtures were not provided. Based off a visit to the site, it appears that the lighting on site complies with development requirements that light be focused on the subject property and not onto adjacent properties.

**Rubbish and trash storage** ([114-Article V](#) & [114-740](#)): Upon a visit to the site, unscreened trash facilities were observed. It would be possible to locate these facilities on the site so they are concealed from public view and thus comply with development standards. In the presentation location in the parking area in the southeast portion of the site however, screening would be necessary.

**Engineering, Utilities and Access:**

**Access** ([114-1151](#)): Vehicular access to the site is not proposed to change. Currently access is from Wisconsin Avenue and Caron Butler Drive.

**Surface drainage** ([114-739](#) & Consult Engineering Dept.): The site plan does not contemplate any changes to the impervious cover of the lot.

**Sewage disposal and water supply** ([114-821](#) & Consult Engineering and S/W Utility): Utilities are existing to the site. Allowing the five rooms to have short term rental occupancy is not expected to change the ability to provide utilities to the area.

**Exceptions to ordinance:** N/A. Development which would not comply with an ordinance requirement will be adjusted as part of the flex development overlay to ensure nonconformities do not exist and the site is conforming.

**Additional Planning and Zoning Comments:** The buildings as developed generally conform to the requirements of the O/I zone district. Overall, this development is an innovative way to repurpose

what was once an institution of higher learning in the community. This reuse will ensure the site remains economically viable into the future, guaranteeing its preservation and ensuring future generations can enjoy the landmark.

## **REQUIRED FINDINGS OF FACT:**

**ZONE CHANGE FINDINGS** (Sec. 114-82. - Findings of fact and recommendations of plan commission.)

The plan commission shall make findings based upon the evidence presented to it in each specific case with respect to, but not limited to, the following matters:

**1) The Existing uses of property within the general area of the property in question.**

Staff Comments: The uses in this area are a mix of residences and municipal facilities; the overall feel of the general area is passive in nature. There are parks and recreation facilities and a wooded parcel which has never been developed. The development patterns lend themselves to a less intensive use on this property long term and this zone change would help to facilitate the long term lower intensity of uses of the neighborhood. Zoning to commercial business district to allow for a hotel or other retailing uses would be a juxtaposition with that of the current development of the area.

**2) The zoning classification of property within the general area of the property in question.**

Staff Comments: The property is surrounded by other O/I zone districts which consist of municipal facilities and parks. The other properties in the area are zoned a residential designation. The O/I zone district is a natural fit for this property as it does not allow for uses which are involved in sales of goods to consumers and as a result, the site has limited potential for traffic generating land uses. The plans of the current owner are to operate as the property always has, but with the addition of five short term rental units, which would not be rented by the residents within them, but by the owner of the property. This distinction would typically be referred to as a hotel, but in this area, commercial business district zoning would not be a good fit with the surrounding uses or character of the area. The flex development overall will authorize this operation, but on a limited scale and with conditions which are customized for this property and will take account the surrounding development pattern and uses.

**3) The suitability of the property in question to the uses permitted under the existing zoning classification.**

Staff Comments: Given that the properties are surrounded by office and institutional uses and a neighborhood, the current O/I zone district makes a lot of sense on the property. The flex



development is intended for the reuse of buildings and structures for purposes which they were not originally designed, yet are worth saving for future generations. Repurposing of the campus occurred in actuality decades ago, as the college has long since left. This change will essentially formalize what has been taking place at the property for some time, but will also add the modern use of a short term rental facility with five units.

**4) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.**

Staff Comments: At this time, the property is generally home to dwelling units, offices and a retreat/events center and space for guests of those events. The general area has remained relatively unchanged since initially developed. Yes, the college originally in these properties has closed years ago, but the general usage of the property has remained about the same. People stay there, learn/grow, and there is space for support staff offices and staff on the site. The overall intent of this development is to preserve the core function of this site, but to add the provision for those who might not be affiliated with the events on the site to, on a short term basis, occupy an apartment as a short term rental. Any unit which is the primary residence of the tenant would currently be allowed to do this, the distinction here is that the property owner wishes to do so, in units which would be reserved for this purpose, and not the primary residence of anyone.

**5) The objectives of the current land use plan for the city.**

Staff Comments: The Comprehensive Plan calls for this area to be Governmental and Institutional on the land use element within the document. This proposal will protect the established land use patterns of the area and will also help to preserve the historic nature and character of the site. Historic preservation of buildings is easier to achieve when the historic building(s) has a purpose which is suitable to modern economics. This application for the property adds a modern use which to a lesser degree, occurred on the property before, but wasn't exactly a short term rental. Keeping this campus in use and with a modern economic purpose will help to ensure that it is preserved for future generations to enjoy.

FLEX DEVELOPMENT STANDARDS (Sec. 114-647. – use supplement and permitted uses.)

Note: Criteria a-e are also the same as with a Conditional Use as outlined in Sec. 114-154, but not including criteria about the comprehensive plan land use map (which is included in the Rezoning criteria above) and the portion about exceptions to development standards, which are addressed in the Use Supplement.

The plan commission shall not recommend approval of a use supplement and the permitted uses contained therein unless the plan commission finds that:

**(a) The establishment, maintenance, or operation of the uses will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;**

Staff Comments: The proposed conditional use is not anticipated to endanger the public health, safety, morals or general welfare of the community of this area in general. The flex development will help to preserve the historic buildings, but is expected to do so in a manner which will not impact the surrounding properties in the neighborhood. The use supplement tailors development to the particular surroundings and needs of the area and buildings on the parcel. It is expected that the use of the property will be a benefit to the area and complement the existing development.

**(b) The uses 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 proposed conditional use is not anticipated to be detrimental to the use and enjoyment of surrounding properties. The application contemplates having a flex development to continue using the center with some modern uses and establish operational parameters which are applicable to uses in the future. It is expected that with this proposed rezoning that to the casual observer, the site will look as it has for decades.

**(c) The establishment of the uses will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the underlying district;**

Staff Comments: The proposal to create the flex development for the site contemplated by the applicant is not anticipated to impede or alter the development patterns of this area. The applicant is able to comply with all development standards on the site. The applicant is also adhering to all other requirements which would be applicable to other uses permitted in this district.

**(d) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;**

Staff Comments: The materials submitted by the applicant do not propose any changes to the access, utilities or drainage for the site. The use of this site and existing building is not expected to impact the provision of utilities for the property or general area.

**(e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in public streets;**

Staff Comments: The site plan submitted by the applicant does not contemplate any changes to the ingress or egress from the site. It is not expected that additional traffic or changes in traffic patterns will occur as a result of this proposal.

**(f) The proposed uses will neither have an adverse impact nor set an undesirable precedence with relation to the objectives of the current land use plan for the area or the city;**



Staff Comments: The application and proposed uses are consistent with the objectives of the land use plan for the City. The land use plan designates this property as commercial; there are no planned changes in the operation or general function of the site as a result of this request. Adding the five units of short term rentals which are not being rented from someone's primary residence will not upset the land use patterns of the area.

**(g) Adequate conditions have been included in the use supplement that advance the goals of the preceding standards.**

Staff Comments: The Use supplement is written in a manner in which the activities currently occurring on the property are allowed to continue and other uses which would be allowable through the current zone district can take place. The main change is the provision for short term rental units which are not the primary residence of the owner.

## **POSSIBLE ACTIONS FOR THE PLANNING COMMISSION**

1. Approve the request as submitted; or
2. Recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant; 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 SUPPORTS THE APPLICATION FOR THE FOLLOWING REASONS:**

- The proposed usage of the facility will help the area maintain a more passive and residential character as it has since initially developed.
- Continued use of this site as a conference/retreat center with living units keeps the historic buildings in use and economically viable, as such they will be preserved for future generations to enjoy.

**STAFF RECOMMENDATION:** BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM THE DEKOVEN CENTER SEEKING A ZONE CHANGE FROM O/I OFFICE INSTITUTIONAL DISTRICT TO O/I OFFICE INSTITUTIONAL DISTRICT WITH A FLEX DEVELOPMENT OVERLAY DISTRICT, AT 520 CARON BUTLER

DRIVE HAVE AN ORDINANCE PREPARED, A PUBLIC HEARING BEFORE THE PLAN COMMISSION SCHEDULED.

AND, related to the Conditional Use Permit:

BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM THE DEKOVEN CENTER SEEKING A CONDITIONAL USE PERMIT FOR A SHORT TERM RENTAL ESTABLISHMENT WHICH IS NOT THE PRIMARY RESIDENCE OF THE OWNER, AT 520 CARON BUTLER DRIVE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

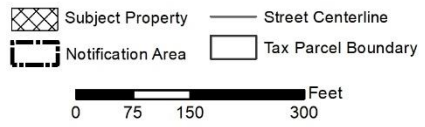
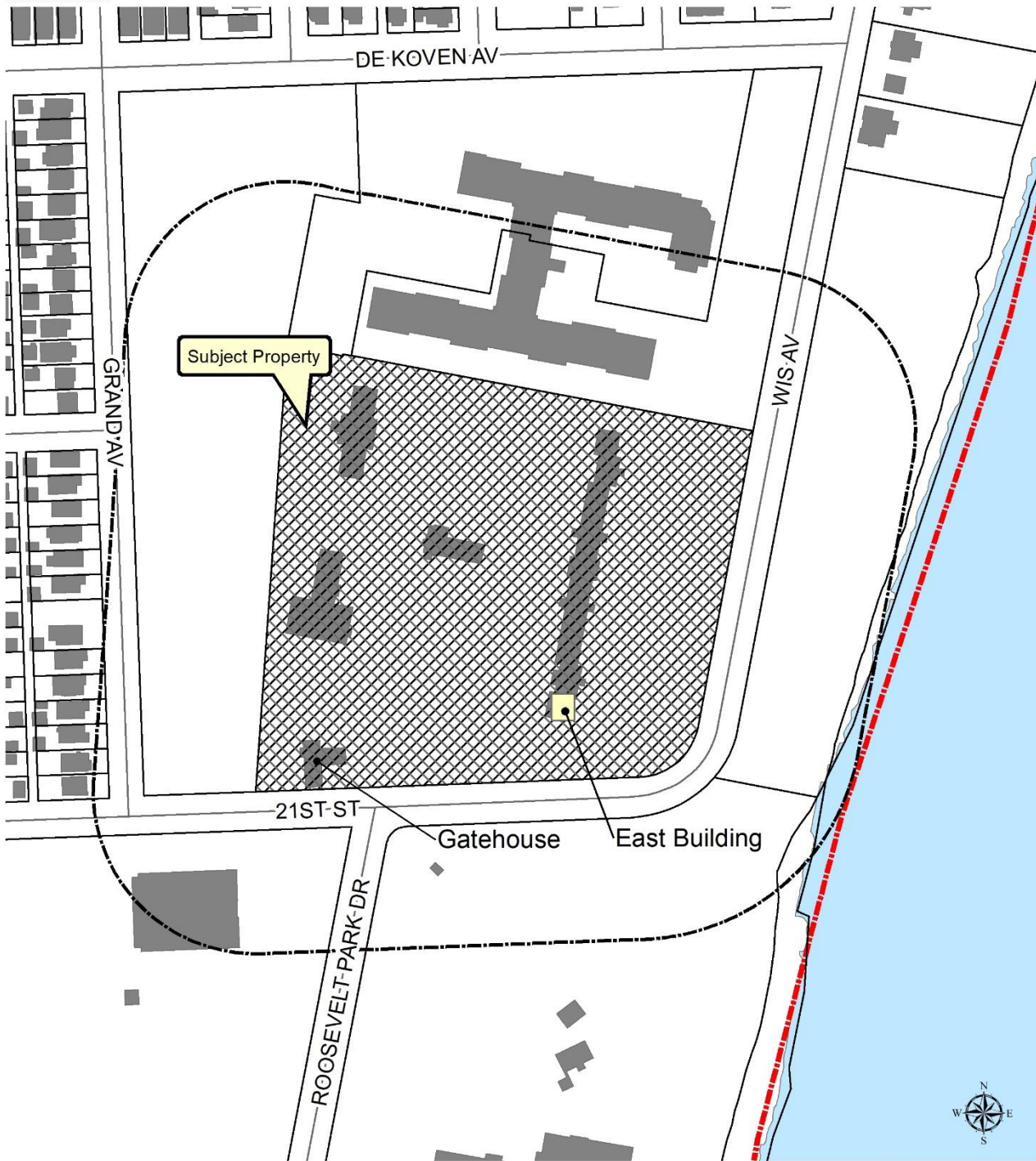
- a) That the plans presented to the Plan Commission on July 24, 2019 be approved subject to the conditions contained herein.
- b) That all license requirements from the State of Wisconsin and City of Racine be obtained, complied with, and kept current at all times.
- c) That the following development standards be complied with prior to occupancy unless otherwise noted:
  1. A trash enclosure(s) as required by Sec. 114-740 be installed on the property. A chain link fence with privacy slats shall not fulfill this requirement. Trash enclosure shall be of a suitable size to enclose all trash containers/bins within the enclosure. Plans and specifications for the enclosure(s) or location or bins which is not visible from public view shall be reviewed and approved by the Department of City Development prior to installation if bins are not relocated.
- d) That all codes and ordinances are complied with and required permits acquired.
- e) 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.
- f) 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](#)).



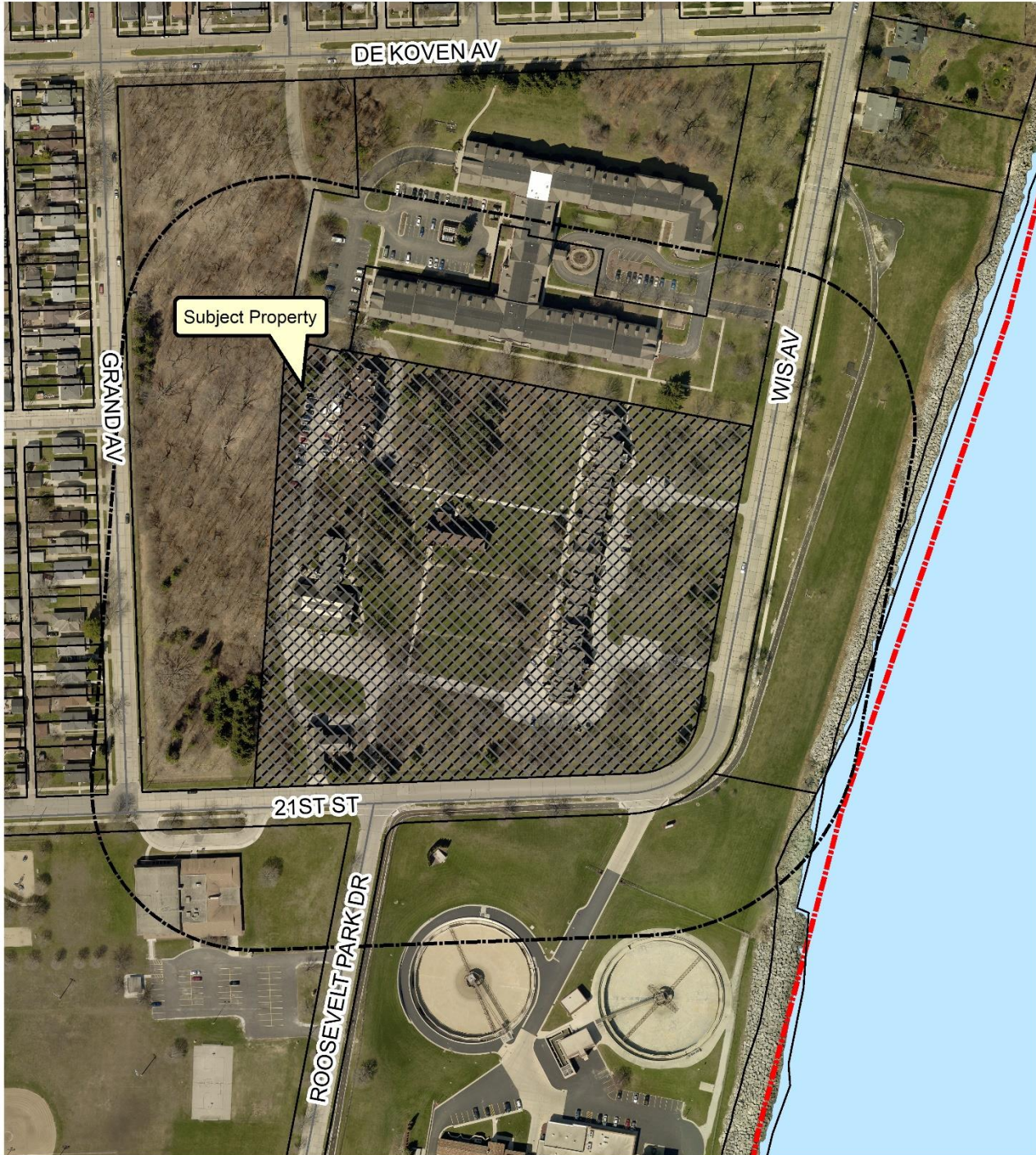
# Rezoning & Conditional Use Permit - 520 21st Street







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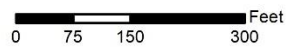


 Subject Property

 Street Centerline

 Notification Area

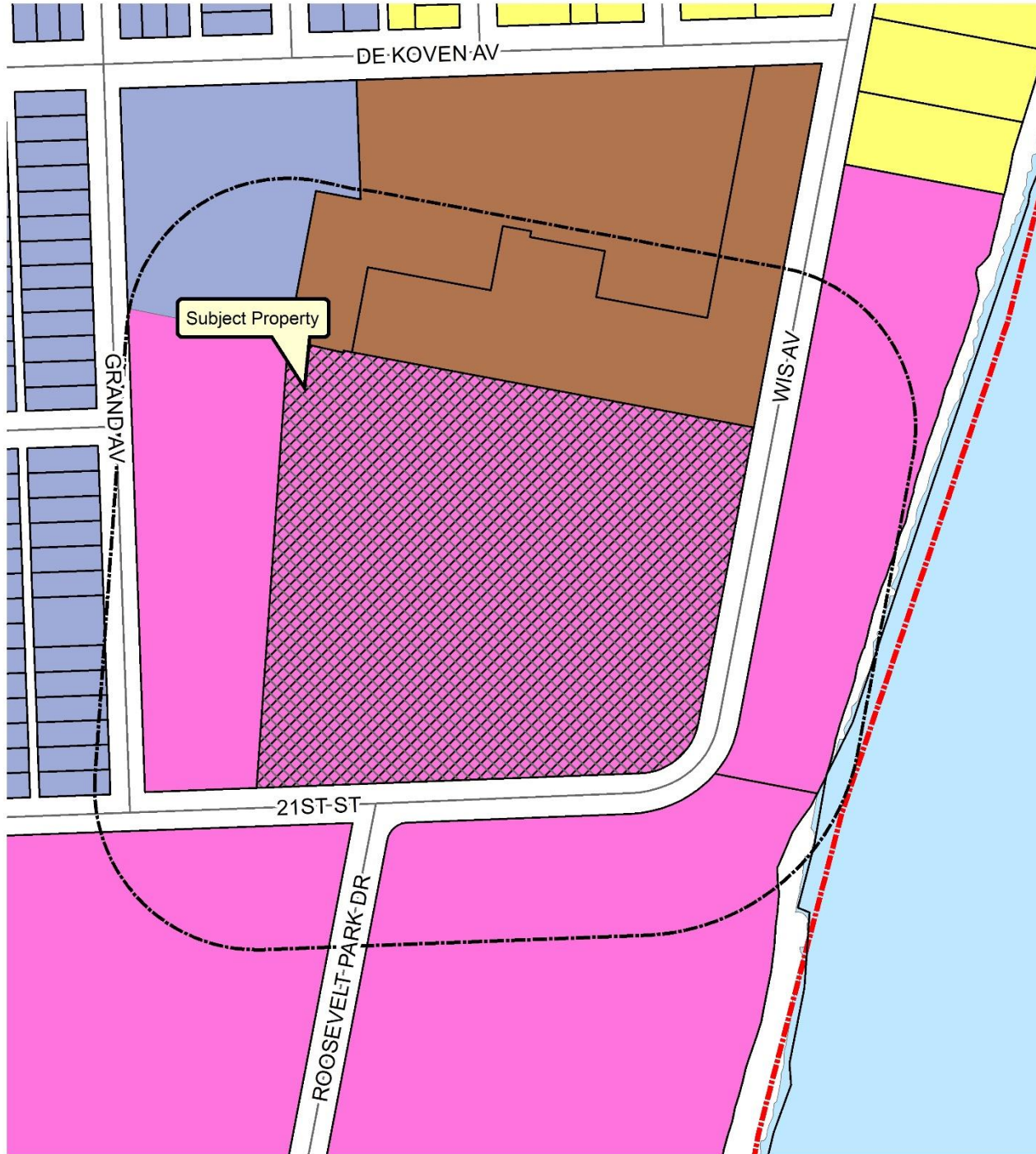
 Tax Parcel Boundary







# Rezoning & Conditional Use Permit - 520 21st Street



**Zoning**

	R-3		R-2
	O/I		R-4

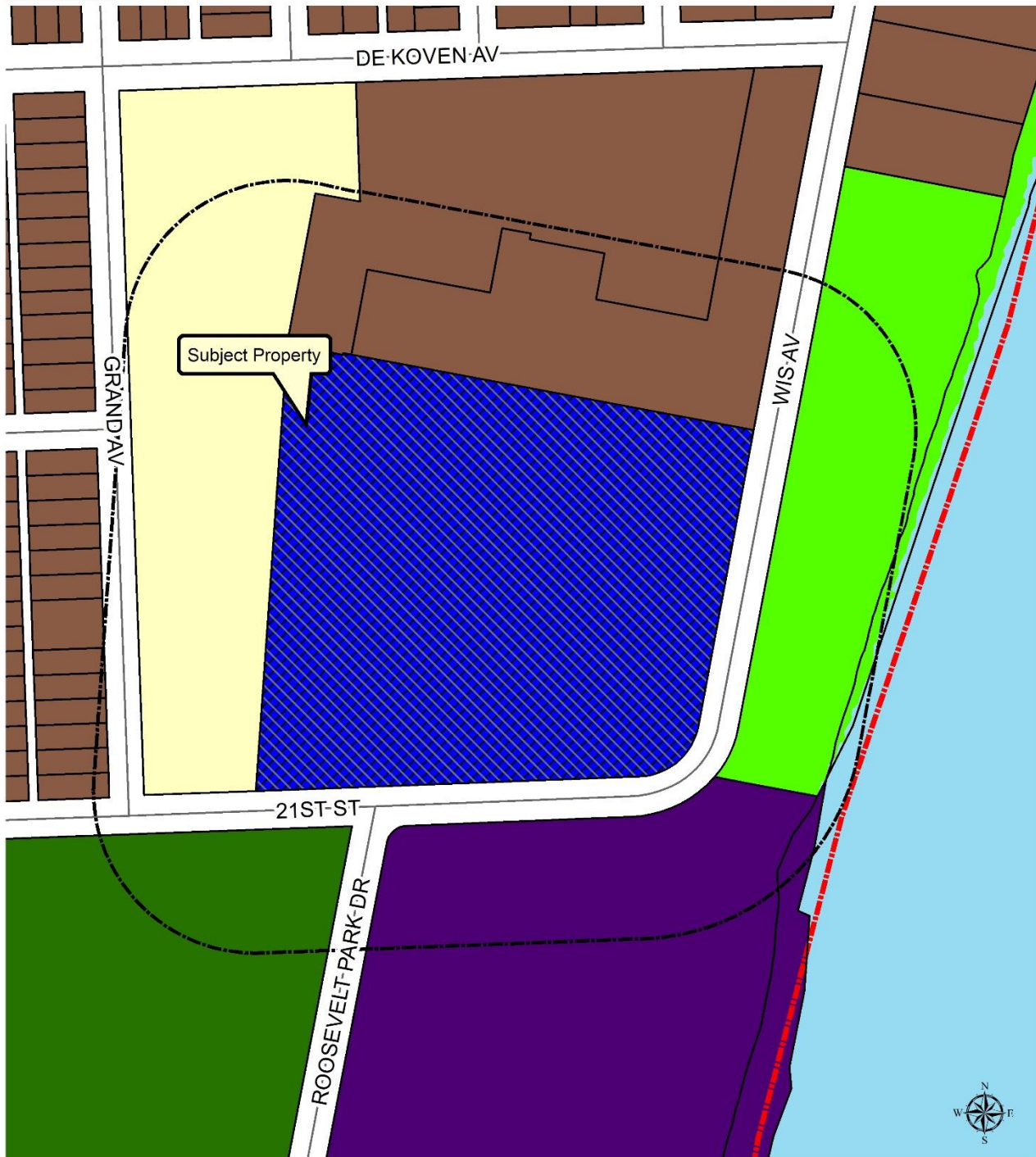
Subject Property      Notification Area

Street Centerline      Tax Parcel Boundary

0 75 150 300 Feet

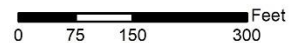


# Rezoning & Conditional Use Permit - 520 21st Street



### Land Use

- |   |                                |                   |                     |
|---|--------------------------------|-------------------|---------------------|
| Isolated Natural Resource Area              | Governmental and Institutional | Subject Property  | Street Centerline   |
| Primary Environmental Corridor              | High Density Residential       | Notification Area | Tax Parcel Boundary |
| Transportation, Communication and Utilities | Recreational                   |                   |                     |





### Site Photos



Looking south from 21<sup>st</sup> Street down Roosevelt Park Drive



Looking east down 21<sup>st</sup> Street from southern entrance to property



Looking west down 21<sup>st</sup> Street from southern entrance to property



Looking southwest at the gatehouse from the DeKoven Center property



Looking south from the northern parking area of the property



Looking northerly from the southeastern corner of the property