



CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT

Meeting Date: 5/8/2019

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

Case Manager: Jeff Hintz

Location: 501 High Street, located on the Southwest corner of High and N. Wisconsin

Applicant: Reynaldo Trujillo Jr.

Property Owner: Maria B Zuniga

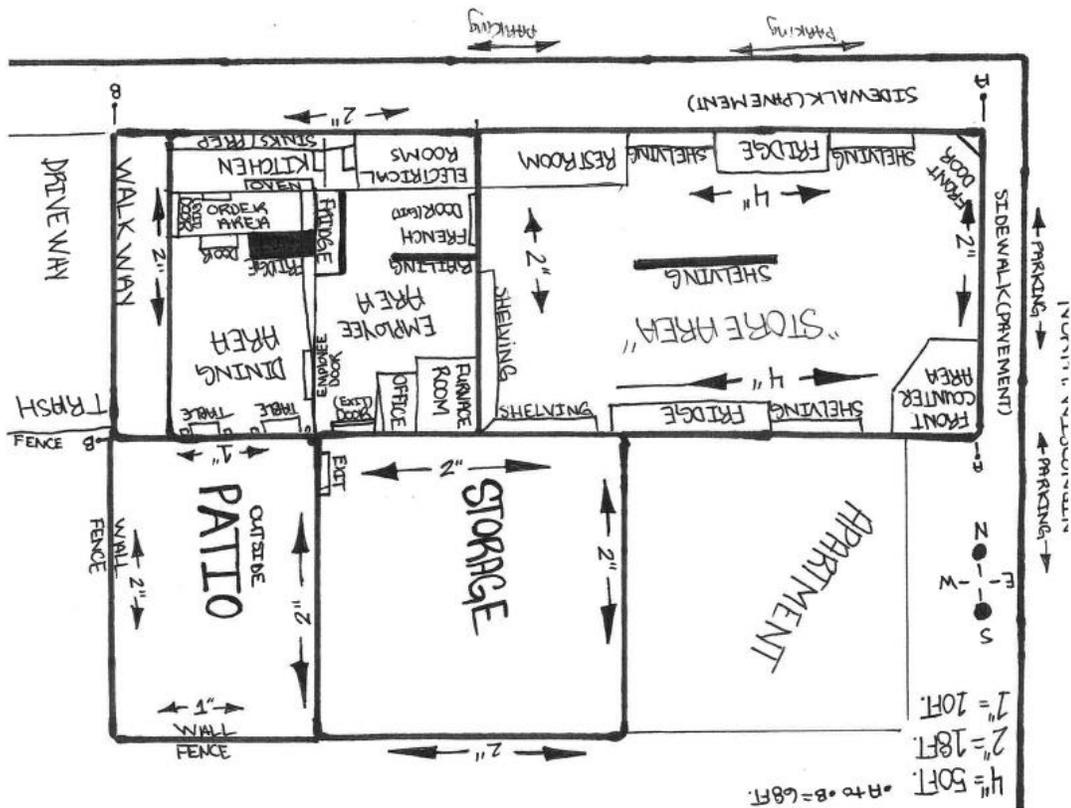
Request: Consideration of conditional use permit to operate a take-out carryout restaurant and convenience store as allowed by Sec. 114-468 of the Municipal Code, in an existing building addressed at 501 High Street. The property is located in a B-2 Community Shopping Zone District. The proposed use is to sell candy, some grocery items like milk and canned goods, some convenience items like tissue paper and detergent, and to operate a small takeout carryout restaurant.

BACKGROUND AND SUMMARY: The application contemplates having a store area that is approximately 900 square feet and a roughly 200 square foot restaurant space. The business is described as a large variety candy store, which specializes in custom party favors for birthdays and special events. They plan to also run a small convenience store. They do not plan to open the restaurant immediately, but is planned to open in the near future.

The Zoning Ordinance classifies this proposed takeout carryout establishment, 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 interior layout of the building (north is up), submitted by applicant.

GENERAL INFORMATION

Parcel Number: [04846000](#)

Property Size: 5,750 sq. ft.

Comprehensive Plan Map Designation: Mixed Use – Commercial

Consistency with Adopted Plans:

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

- Promote a spatial distribution of the various land uses which will result in a convenient and compatible arrangement of land uses.
- Promote redevelopment and infill in areas with existing infrastructure and services, enhancing existing residential, commercial, and industrial areas.
- Provide for the preservation, development, and redevelopment of a variety of suitable industrial and commercial sites both in terms of physical characteristics and location

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: Former Retail Store

Surrounding Zoning and Land Uses:

North	B-2 Community Shopping	Vacant building
East	B-2 Community Shopping	Office space
South	R-3 Limited General Residence	Single Family Dwelling
West	B-2 Community Shopping	Single Family Dwelling

Operations: The restaurant portion of the store is proposed to be open from 10:00 AM to 8:00 PM Monday-Saturday. The restaurant will serve hamburgers, cheeseburgers, chicken sandwiches, bombers, Cuban style sandwiches also fries, cheese curds and other appetizers and is proposed to employ two people. The patio area on the northwest portion of the property is not going to be open to the public.

ANALYSIS:

Development Standards:

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

Standard	Required	Provided
Lot Area	No minimum	5,750
Lot Frontage	30 feet minimum	115 ft.
Floor Area Ratio	4.0 maximum	0.95

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

Yard	Required	Provided
Front	0 feet	4 feet
Side (east)	0 feet	0 feet
Side (west)	0 feet	20 feet
Rear	0 feet	0 feet

There is a required transitional yard for the rear yard to screen the business from the residential use to the South. Presently the neighboring property has assembled a fence which partially screens the property, but does not meet the intent of this requirement. Additionally, the fencing is provided by the neighboring residential property and when screening is required, it needs to come from the commercial property.

Building design standards (114-Secs. [735.5](#) & [736](#)): The existing building generally complies with the construction materials requirements of 114.735.5 specified in the municipal code. The eastern wall of the storefront facing N. Wisconsin Avenue; exterior changes are not proposed with this request. It is likely a historically traditional storefront window once existed at this elevation.

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

Use Type	Required	Provided
Convenience Store	6	0
Restaurant	2	0
Dwelling Unit	5	0
Total	13 spaces	0 spaces

The site does not meet the parking requirements set by the zoning code, the building is existing non-conforming. Visitors to the site park on the street or walk from their residence.

A building of this size and the present and proposed use does not require a dedicated loading zone.

Landscaping, screening and yard requirements ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): A bufferyard along the southern boundary of this lot would be required if the development were the first thing to be built on the lot. Given the historical development

of the area, this requirement did not exist when the building was originally constructed. The installation or creation of yards is not possible on this lot, given the configuration of the existing building in relation to the property line.

Sign Regulations (114-[Article X](#)): The site is allowed 190 square feet of signage. No plans were submitted with this application for signage. Any change in signage would have to be approved by the Department of City Development prior to the issuance of a sign permit.

Outdoor lighting ([114-Sec. 742](#)): A detailed lighting plan was not included with the applicant. Any exterior lighting needs to comply with this section regardless of plan submittal. Any changes to exterior lights (including new fixtures) requires review and approval, by the Department of City Development prior to installation.

Rubbish and trash storage ([114-Article V](#) & [114-740](#)): There is a driveway area on the site which for practical purposes, is the only spot a trash enclosure could be constructed to conceal trash receptacles. It is possible that bins on wheels could be concealed on the patio area and wheeled out on trash collection days and would meet the requirements of the development standards.

Engineering, Utilities and Access:

Access ([114-1151](#)): The site has no parking lot and is only accessible from street parking. The site plan submitted by the applicant does not contemplate any changes in access to the site.

Surface drainage ([114-739](#) & Consult Engineering Dept.): The site plan submitted by the applicant does not contemplate changes which would impact drainage on the 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: this storefront has existed as such for several years and the building has been in this general configuration since at least the 1980’s. The overall usage of the property has been consistent with a neighborhood retailing operation and the proposed usage is similar to how this property has historically been used.

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 proposed usage as a takeout carryout restaurant in conjunction with the other planned operations on the site is not expected to create a danger to the public or be of a detriment to the general welfare. The property has functioned in a manner consistent with what is proposed in this neighborhood serving retail corridor for some time. Some general upkeep items and maintenance should occur on the property in conjunction with its pending opening; the general usage of this lot is consistent with the other uses in the area and is expected to be complimentary with the surrounding development.

- 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 establishment is generally limited to serving those in the immediate vicinity. From an access standpoint, the majority of customers are expected to come from within the neighborhood and this will not function as a regional draw. The limited parking for the use and lack of a dedicated off-street lot will somewhat limit how much of a draw the proposed business will be able to sustain. That being said, the scale of the building and proposed layout shows the intention for this establishment to be neighborhood serving and is expected to fit in with adjacent properties in the immediate vicinity. The outdoor patio is not being used and as such there will be less potential for conflict between adjacent uses than if the patio area were being utilized.

- 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: This conditional use for a takeout carryout facility in conjunction with the other permitted operations on the property is not expected to impede the prevailing development patterns of this area. There are certainly uses allowed in the same zone district which could potentially be detrimental to adjacent developments, but this would not fall into that category. The proposal is to maintain a small neighborhood serving eatery which is expected to serve the adjacent residential uses. It is possible those not from the immediate area may visit the establishment, but it is not expected this development will be generating large amounts of traffic volume. Those using the establishment are expected to come from close by or be travelling on this route as part of their daily routine. If operated

in accordance with the recommended conditions in this report, the use is anticipated to be of a complimentary nature to the adjacent developments. The outside patio will not be utilized and open to the public so there is little concern about noise and conflict with adjacent residential uses.

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

Staff Comments: This request is not expected to impact the drainage or provision of utilities to the area. Vehicle access to the site is provided from Wisconsin Street and High Street, but there is no ability to locate vehicles on the site. The submitted plans do not contemplate changing access to the site and other facilities and utilities serving the property.

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 plan submitted by the applicant does not contemplate any changes in access to the site. The applicant proposal is for a commercial use which fits within the existing confines of the building and will utilize the existing access to the site. The building has existed in this configuration for some time; the original building on the parcel dates to 1874. It is unknown at what time the building was reconfigured to the present layout, but has existed this general configuration since at least the 1980’s. The building has never had any off-street parking and because of that, the customer base is somewhat limited to those who can walk to it. The location is not along a major thoroughfare and the proposed use and layout also ensure this is targeted generally to those in the immediate area.

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 and is of a lesser intensity than other uses allowed in this zone district. General retailing and food service type uses have existed on the property in the past and has been somewhat of a fixture in this location. The comprehensive plan encourages a mix of land uses which are walkable to those in the surrounding area; this use is expected to serve those in the general area as the primary customers.

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 proposal for the building should fit with the area and serve as an amenity to the surrounding neighborhood.

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 SUPPORTS THE APPLICATION FOR THE FOLLOWING REASONS:

- If developed as recommended in the conditions from this report, the site will function as a complimentary use in a business corridor adjacent to a residential area.
- The proposed use will not be detrimental to the surrounding development or other land uses if operated in accordance with the recommendations from this report.

STAFF RECOMMENDATION: BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM, REYNALDO TRUJILLO JR. OF UNCLE REY’S CANDY STORE AND MORE LLC, SEEKING A CONDITIONAL USE PERMIT TO ALLOW A TAKEOUT CARRYOUT RESTAURANT AT 501 HIGH STREET BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That the plans presented to the Plan Commission on May 22, 2019 be approved subject to the conditions contained herein.
- b) That the following development standards be complied with prior to occupancy unless otherwise noted:
 1. West façade wall made from wood, be painted. Colors and locations to be submitted to the Department of City Development, and approved by said Department, prior to application.
 2. That screening be provided across the southern property line as required by Sec. 114-734. Specifications of screening to be submitted to the Department of City Development, and approved by said Department, prior to installation.
 3. The blank obsolete pole sign structure hanging over the sidewalk and pole, along with the obsolete wall sign structure, advertising a past business on the property, be removed as required by Sec. 114-1029.
 4. When utilizing a dumpster for trash, that a trash enclosure as required by Sec. 114-740 be installed on the property. A chain link fence with privacy slats shall not fulfill this requirement.

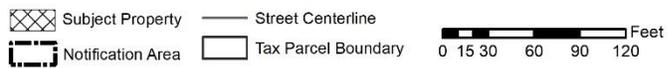
- c) That if, prior to the issuance of an Occupancy Permit, required site improvements listed in b, above have not been or cannot be completed, a financial surety shall be provided to the City. The surety shall be in a format as approved by the City Attorney’s office, and subject to all stipulations 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 LED string lights not be placed in windows, along the building cornice or around entryways.
- e) That operating hours for the takeout carryout business on the property be from 10:00 AM -8:00 PM Monday to Saturday.
- f) That the outdoor patio not be used in conjunction with the takeout carryout operation except through an amendment to this Conditional Use Permit.
- 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 ([click to view](#)).

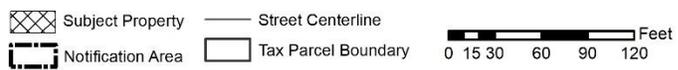


Conditional Use Request - 501 High Street





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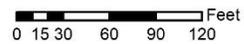
Conditional Use Request - 501 High Street



Zoning

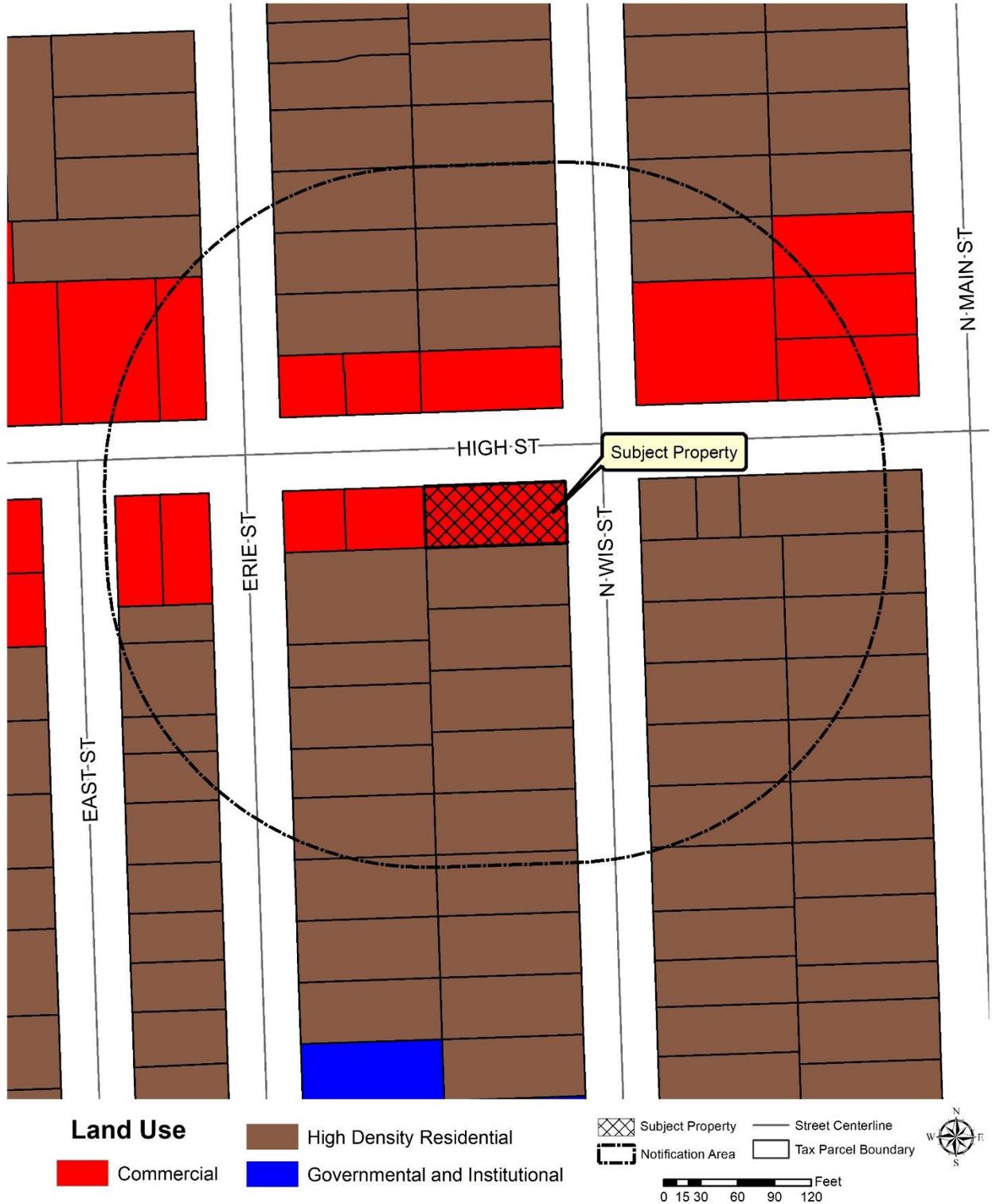
B-2 R-3

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





Conditional Use Request - 501 High Street



Site Photos



Looking west at subject property from Wisconsin Avenue



Looking northwest at subject property from Wisconsin Avenue



Looking southeast at subject property from High Street



Looking south at subject property from High Street



Looking east along High Street from subject property



Looking north along Wisconsin Avenue from intersection with High Street