



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

**Meeting Date:** 10/9/2019

**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:** Jeff Hintz

**Location:** 2500 Lathrop Avenue

**Applicant:** Aziz Abdul

**Property Owner:** ASF Corporation

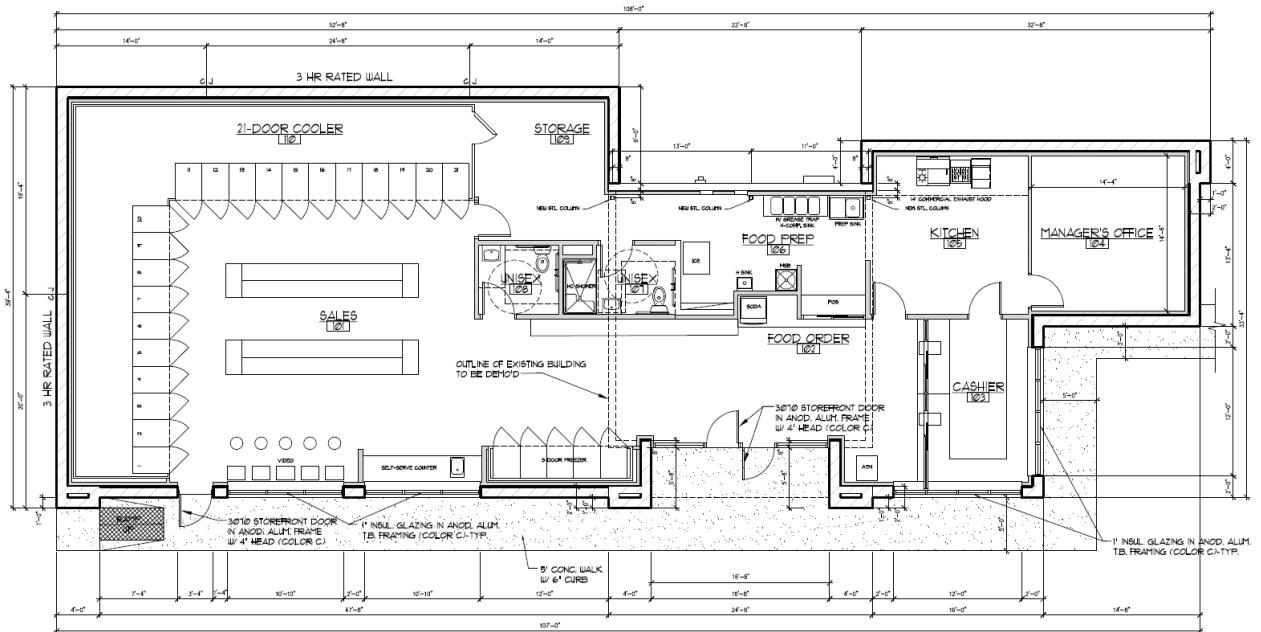
**Request:** Consideration of a major amendment to a conditional use permit to create an addition to an existing convenience store & gas station to allow for a takeout carry out restaurant, as allowed by Sec. 114-468 of the Municipal Code, at 2500 Lathrop Avenue. The property is located in a B-2 Community Shopping Zone District.

**BACKGROUND AND SUMMARY:** The building would be expanded from the current footprint of approximately 600 square feet to approximately 3,500 square feet to include a takeout-carryout restaurant serving fried fish and chicken to be open from Monday – Saturday 10:00 AM – 9:00 PM and Sundays from 10:00 AM – 8:00 PM. The building expansion would also contain more retailing area for convenience items and snacks. The gas station hours will remain from 6:00 AM – Midnight Monday to Saturday and 7:00 AM to 11:00 PM Sundays.

The Zoning Ordinance classifies this proposed addition of a takeout carryout restaurant, as permissible in the B-2 Community Shopping Zone District upon the issuance of a conditional use permit (114-468).



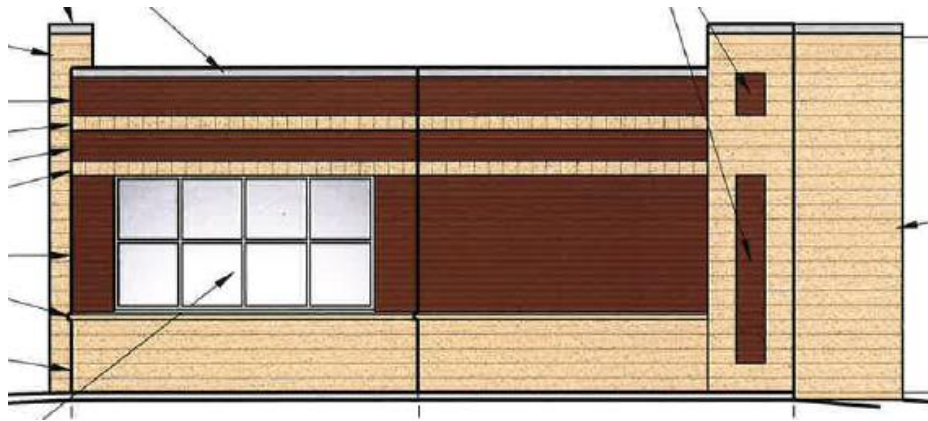
Birdseye view of the property, indicated in red (image from City Pictometry).



Proposed floor plan, (north is to the right) submitted by applicant.



Proposed east elevation, (facing Lathrop Avenue) submitted by applicant.



Proposed north elevation, (facing Blue River Avenue) submitted by applicant.

## GENERAL INFORMATION

**Parcel Number:** [23517000](#)

**Property Size:** 17,018 square feet

**Comprehensive Plan Map Designation:** Commercial

**Consistency with Adopted Plans:**

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

- 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?:** 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:** Convenience Store/Gas Station

**Surrounding Zoning and Land Uses:**

<b>North</b>	B-2 Community Shopping	Office and contractor shop
<b>East</b>	I-1 Restricted Industrial	Gas station and warehousing/contractor shops
<b>South</b>	B-3 General Commercial	Office and warehouse space
<b>West</b>	R-2 Single Family Residence	Detached sing unit dwellings

**ANALYSIS:**

**Development Standards:**

**Density** ([114-Article V](#): Article VII, Div. 5 [Bulk Regulations](#) & 8 [Lots](#)): The proposed addition will bring the existing 600 square foot building to approximately 3,500 square feet.

<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Area	No minimum	17,018 square feet
Lot Frontage	30 feet	260 feet
Floor Area Ratio	4.0 maximum	.21

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

<b>Yard</b>	<b>Required</b>	<b>Provided</b>
Front (east)	0 feet	85 feet
Side (south)	0 feet	2.5 feet
Side (north)	0 feet	25 feet
Rear (west)	0 feet	1 foot

Note, since there are no residentially zoned properties and no residential uses adjacent to the property no transitional yard is required.

**Building design standards** (114-Secs. [735.5](#) & [736](#)): The existing building on the parcel complies with the construction materials requirements of 114.735.5.b.1. The proposed addition is also in compliance with the building design requirements.

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

Use Type	Required	Provided
Gas Station/Restaurant	20	17
Total	20	17 spaces

A building of this size does not require a dedicated loading zone. The service aisles in the parking area fulfill the requirement of the zoning ordinance.

**Landscaping, screening and yard requirements (114- [Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)):** A landscaping plan has been submitted by the applicant. The landscaping plan shows that the existing areas will be refreshed and updated. The plantings and locations have been reviewed and approved by the City Forester.

**Sign Regulations (114-[Article X](#)):** The site is allowed 200 square feet of signage. No formal plans were submitted with this application for changes in signage. Any change in signage would have to be approved by the department of City Development.

**Outdoor lighting, signs (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. The existing lighting fixtures appear to comply with the requirements of this section.

**Rubbish and trash storage (114-[Article V](#) & [114-740](#)):** A new trash enclosure is proposed that will properly screen the dumpster on site and complies with zoning ordinance requirements.

**Engineering, Utilities and Access:**

**Access (114-1151):** The access to the site is not changing as a result of this request. Currently there is a driveway off Blue River Avenue and two driveways off of Lathrop Avenue which provide access to the site.

**Surface drainage (114-739 & Consult Engineering Dept.):** A final drainage plan is required to be approved by the City Engineer as part of the building permit review for the project.

**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:** 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:

- 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 building addition and usage of the space are not anticipated to endanger the health, morals or general welfare of the area. The plans comply with all development standards and the building will be harmonious with development in the general area. A takeout carryout establishment is a land use which would be expected along a commercial corridor in the community. The general area is already home to restaurants, both with dine in and takeout facilities; this offering is expected to be complimentary to that of the other offerings in the 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: This conditional use is not anticipated to be injurious to other properties in the general area, assuming the recommended conditions are adopted with this request. The recommended conditions ensure this property will not impair property values or the enjoyment of adjacent properties. There is not expected to be any adverse impacts as a result of the planned building addition. The use of a takeout carryout establishment is expected to have some customers who come to the site solely for the restaurant, but it is also expected that many customers will be at the site already and may purchase food as a convenience. In either scenario, the site meets all development standards and will function in a manner which is not injurious to surrounding 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: The adjacent properties will be able to function as they have and the proposed usage of this property will not alter these current functions or any others which would be allowed by the zone district. It is anticipated that this operation, as proposed by the applicant, will function in conjunction with the uses in this corridor. The addition of a takeout carryout facility is not anticipated to hinder or impact surrounding properties and the existing or allowed land uses for neighboring properties.

**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. Access to the site is provided from Blue River Avenue and Lathrop Avenue; the site functionality and access is not expected to be impacted by the building expansion proposed to occur to accommodate the new building addition on the site.

**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 access now will remain unchanged; the applicant is providing nearly the amount of parking which is required for the proposal. Being short 3 parking spaces is not anticipated to have a major impact on the function of the site or to that of the general area. Given the nature of the surrounding uses to this business corridor, it is likely many customers may walk or be at the site already as part of a daily routine. The nature of the business is that many customers are likely to be at the site for 10-15 minutes and would then leave. There is also street parking adjacent to the site on Blue River Avenue which could be utilized if the lot was full.

**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. The use is harmonious with others in the area and provides an effective use for this site. The takeout carryout facility will provide a potential amenity for those in the adjacent residential areas and provide another option for those in the general area.

**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. An exception of 3 required parking spaces is requested with the proposal. As outlined in Criteria 5, this exception is not anticipated to cause problems for adjacent properties.

## **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 in a manner which will complement the mix of uses serving the surrounding area.
- The proposed restaurant operation will help to provide a mix of uses within walking distance of a neighborhood, and at a scale and intensity which is complimentary to the area.

**STAFF RECOMMENDATION:** BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM, AZIZ ABDUL SEEKING A MAJOR AMENDMENT TO AN EXSTING CONDITIONAL USE PERMIT TO ALLOW A TAKEOUT CARRYOUT RESTAURANT AT 2500 LATHROP AVENUE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That the plans presented to the Plan Commission on October 9, 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. That signage cover no more than 50% of any window as required by Sec. 114-1038(c)(1).
  2. That a final drainage plan be submitted to and approved by the City Engineer as required by Sec. 114-739.
  3. That signage be submitted to and approved by the Department of City Development, prior to installation on the site.
- 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.

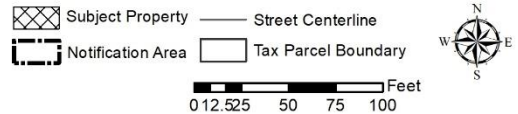
- d) That hours of operation for the takeout carryout establishment be from 9 Monday – Saturday 10:00 AM – 9:00 PM and Sundays from 10:00 AM – 8:00 PM and the gas station portion be from 6:00 AM – Midnight Monday to Saturday and 7:00 AM to 11:00 PM Sundays.
- e) That outdoor storage of crates, coolers and other items not for sale be screened at all times.
- f) That LED or incandescent string lights not be placed in windows or as exterior accent lighting.
- g) That the following exception be granted with this approval:
  - 1. Sec. 114-1188 to allow for 17 parking spaces in lieu of the required 20 spaces.
- 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](#)).

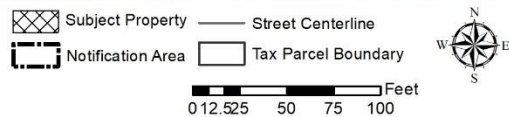


# Conditional Use Request - 2500 Lathrop Avenue





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### Zoning Designation

- B-2 (Light Green)
- R-2 (Yellow)
- B-3 (Dark Green)
- I-1 (Light Blue)

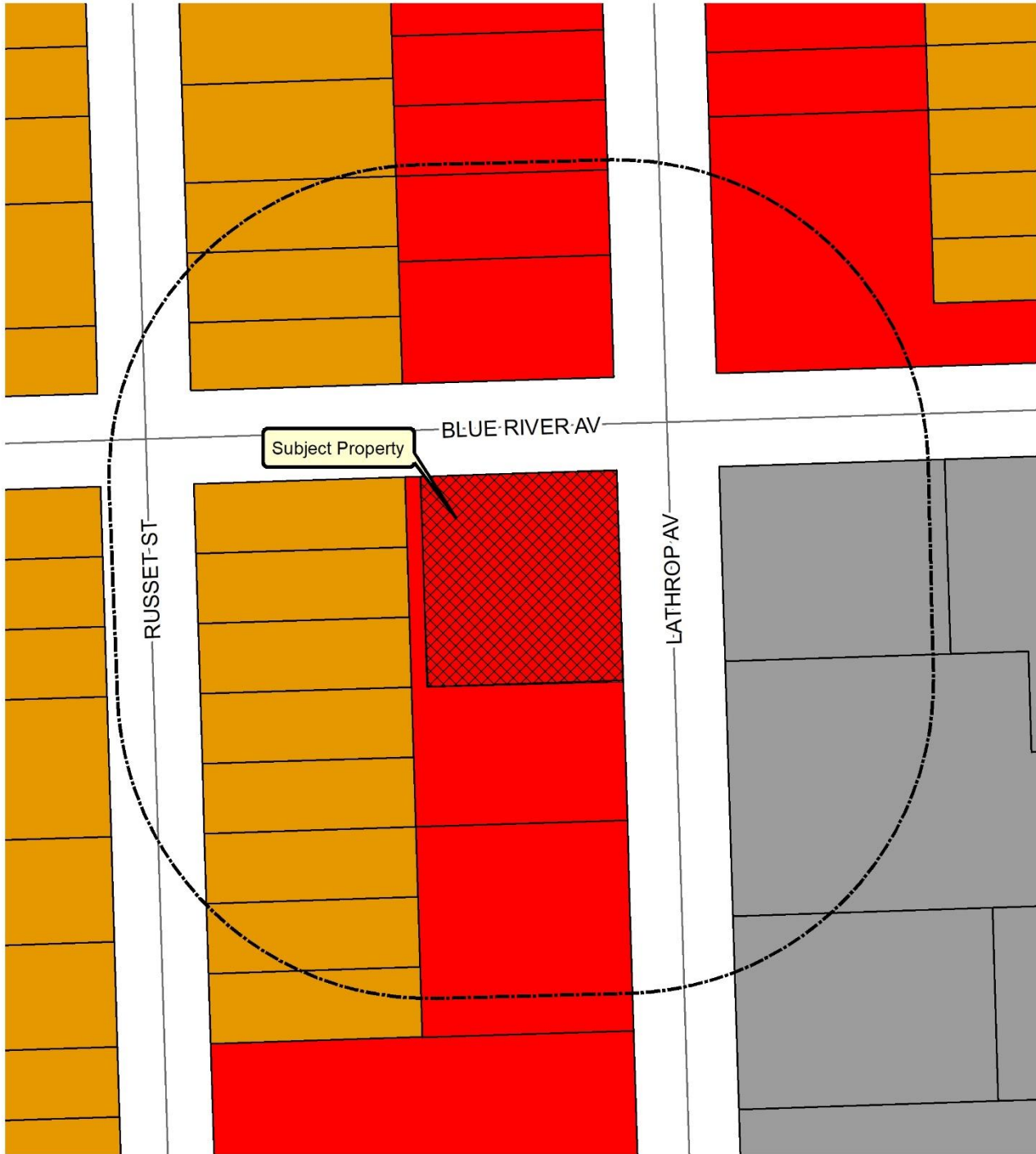
Legend for map symbols:

- Subject Property (Cross-hatch pattern)
- Notification Area (Dashed circle)
- Street Centerline (Thick black line)
- Tax Parcel Boundary (Thin black line)

Scale: 0 12.525 50 75 100 Feet



# Conditional Use Request - 2500 Lathrop Avenue



### Land Use Designation

- Commercial
- Medium Density Residential
- Industrial

Subject Property      Street Centerline  
Notification Area      Tax Parcel Boundary

0 12.5 25 50 75 100 Feet

### Site Photos



Looking south at the subject property from Blue River Avenue



Looking from the subject property along Lathrop Avenue



Looking west from the subject property along Blue River Avenue



Looking east from the subject property along Blue River Avenue



Looking south along Lathrop Avenue



Looking northwest at the subject property