



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

**Meeting Date:** 1/27/2021

**To:** Mayor and Planning, Heritage, and Design 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:** 1504 Douglas Avenue

**Applicant:** Ed Malacara, agent for L-A Tires LLC

**Property Owner:** Antonio Cantu

**Request:** Consideration of a major amendment to an existing conditional use permit which allows for limited repair of motor vehicles at 1504 Douglas Avenue as allowed by Sec. 114-468 of the Municipal Code. The proposed major amendment would allow for the sale of up to seven (7) automobiles, for property located in a B-2 Community Shopping Zone District.

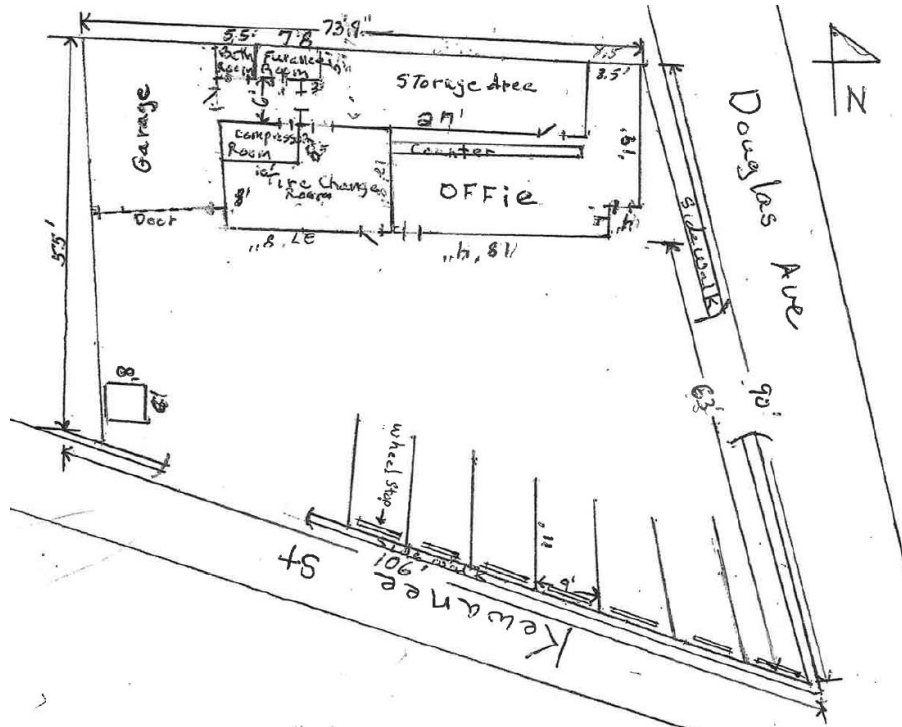
**BACKGROUND AND SUMMARY:** The existing business sales and repairs tires in addition to brakes, tune ups, part replacement and other services performed while a customer could wait. The hours of operation are 8:00 AM- 5:00 PM Monday – Friday and 8:00 AM – 4:00 PM on Saturday and closed Sunday. The proposed amendment would add the sale of up to seven (7) automobiles for sales on the site.

After the notices of the hearing had been sent and published, the applicant did request that their application be modified to include the sales of only three (3) automobiles and that mechanical work allowed in the zone district (general repairs a customer could typically wait for), would be done by appointment only.

The Zoning Ordinance classifies this major amendment to allow for the sales of automobiles in association with a limited service and repair shop 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 site plan, submitted by applicant (north is up).

## GENERAL INFORMATION

**Parcel Number:** [01730000](#)

**Property Size:** 5,858 square feet

**Comprehensive Plan Map Designation:** Mixed Use – Commercial Emphasis

### 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.
- Promote the expansion or stabilization of the current economic base and the creation of a range of employment opportunities.

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

Staff cycled this application for comment by the Douglas Avenue Bid board members and the general concern was of lack of parking for any current operation, not including a proposed expansion. Having those spaces which exist now, taken up by automobiles for sale would be problematic as there is no space on the lot to add more spaces for parking. Note, this comment was based on the proposed sales of seven automobiles and not three.

**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:** Tire repair shop.

### Surrounding Zoning and Land Uses:

<b>North</b>	B-2 Community Shopping	Single unit dwelling
<b>East</b>	B-2 Community Shopping	Auto repair
<b>South</b>	B-2 Community Shopping	Office use
<b>West</b>	B-2 Community Shopping	Single unit dwelling

**Operations:** The existing business sales and repairs tires in addition to brakes, tune ups, part replacement and other services performed while a customer could wait; the application as modified to indicate these services would be performed by appointment only. The hours of operation are 8:00 AM- 5:00 PM Monday – Friday and 8:00 AM – 4:00 PM on Saturday and closed Sunday. The proposed amendment would add the sale of up to three (3) automobiles for sales on the site.

**ANALYSIS:**

**Development Standards:**

**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	5,700 square feet
Lot Frontage	30 feet	100 feet
Floor Area Ratio	4.0 maximum	.32

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

Yard	Required	Provided
Front	0 Feet	0 feet
Corner Side (south)	0 Feet	25 feet
Side (north)	0 feet	0 feet
Rear (west)	0 Feet	6 feet

**Building design standards** (114-Secs. [735.5](#) & [736](#)): The building on the parcel does not currently comply with the requirements of 114.735.5.b.1; it is existing non-conforming any changes to the building exteriors would require compliance with current requirements.

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

Use Type	Required	Provided
Auto Sales and Service	12	5
Total	12	5

A Building of this size does not require a loading space. The 12 space requirement is in addition to any cars which may be for sale or awaiting repair; the spaces are for customers or employees on the site or vehicles waiting to be picked up.

**Landscaping, screening and yard requirements** ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): Screening and yards are not required given the surrounding zoning districts.

**Sign Regulations** (114-[Article X](#)): Signage depiction and rendering submitted is not detailed enough for review or consideration. 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/Freestanding	100 square feet	N/A
Window signs	50% of window area^	N/A
Alleyway Signage	N/A	N/A
Total	100 square feet	N/A

^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](#)): The submitted plans do not contemplate any changes to the exterior lighting on the site. The existing lighting appears to conform to development standards and focus light onto the subject property.

**Rubbish and trash storage** ([114-Article V](#) & [114-740](#)): The trash area is screened from public view and located in compliance with zoning requirements on the site.

**Engineering, Utilities and Access:**

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

**Surface drainage** ([114-739](#) & Consult Engineering Dept.): Change of use within the existing building 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:**

**Additional Comments:** The building is existing non-conforming and is not required to provide the full 12 spaces for customer and employee parking like a new building would. However, the proposed expansion of the operation *would not* require an exception due to the nonconforming status, but the end result would result in intensifying the usage slightly, without the creation of anymore spaces; while not technically an exception, approval of this amendment to add car sales would have that impact.

## **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: With the recommended conditions at the end of this report, the establishment of the Conditional Use is not expected to be detrimental public safety and general welfare. The site was home to tire and general auto repair (the type of repairs one could wait for are allowed in B-2) since December of 2000. The proposal here is to have three cars for sale and do similar repair work as in the past, but by appointment only. Given the overall size of the lot and nature of parking in the area, this is much more palatable than the original proposal to sell seven cars and run a repair shop. Customers to the site are likely going to have to park on the street, but given the size of the building and lot, the amount of traffic should be somewhat limited.

- 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. The nature of the business is something which is essential for those needing a vehicle or to have quick work performed to keep their vehicle in good order. Any type of work involving engine or transmission rebuilding, body work, or painting is not allowed in this zone district. Repairs done would be by appointment and this will also cut down on traffic and vehicles to the site. It should be noted that vehicles awaiting repair cannot be parked on the street.

- 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 use is less intensive than others in the area just because of the lot size and limited potential for expansion of the business. The sales of cars will lead the lot to look like anything else with a surface lot in the area from a quick drive by. The fact that cars must be scheduled for appointment and cannot be parked on the street while awaiting service will also limit the size of the operation. The general area is home to an eclectic range of uses, including this type of operation across the street. Careful management of the site will be necessary so that parked vehicles

and the overall appearance of a dealership and not a salvage/repair lot will be of paramount importance for the success of the 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 use 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 applicant is not contemplating any changes to the access to this site. The nature of this business is to provide sales and limited repair services. The size of the lot really will limit this business from causing an issue with congestion. Having three vehicles for sale and some repair done by appointment is not anticipated to generate a huge demand; couple this with the limited parking off the street for this site and the customers will have to utilize street parking to visit the establishment. The access points are sufficient for the proposed demand and future usage of this site.

**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 does envision this general area as mixed use with commercial emphasis. This portion of Douglas Avenue functions more like a neighborhood center given the smaller nature of the lots and close proximity to residential development. This type of operation does meet the intent of the designation in the land use plan in this 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. No exceptions are required with this proposal as it meets all zoning ordinance requirements.

## **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:** BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST ED MALACARA AGENT FOR L-A TIRES LLC, SEEKING A MAJOR AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT WHICH ALLOWS FOR LIMITED REPAIR OF MOTOR VEHICLES, TO ADD THE SALES OF UP TO THREE (3) AUTOMOBILES FOR SALE AT 1504 DOUGLAS AVENUE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That the plans presented to the Planning, Heritage, and Design Commission on January 27, 2021 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 all of the following occur prior to occupancy, unless otherwise noted:
  1. That building walls be repaired where holes, dents and other imperfections to the siding are present, prior to August 31, 2021.
- d) That if, prior to the issuance of an Occupancy Permit, required site improvements listed in “c” 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.
- e) That hours of operation are 8:00 AM- 5:00 PM Monday – Friday and 8:00 AM – 4:00 PM on Saturday and closed Sunday.
- f) That vehicles sold be limited to three (3) at any one time and be classified as non-commercial, passenger vehicles and shall not include any vehicles which a Commercial Driver’s License is required to operate.
- g) All service shall be by appointment only and outdoor storage or display is not allowed at any time. Nonoperational vehicles shall not be allowed outside of the building at any time. All vehicles for sale or service shall be kept on the site and within a legally striped parking space.
- h) That LED or incandescent string lights not be placed in windows or as architectural accents.



- i) That all codes and ordinances are complied with and required permits acquired.
- j) 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.
- k) 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).

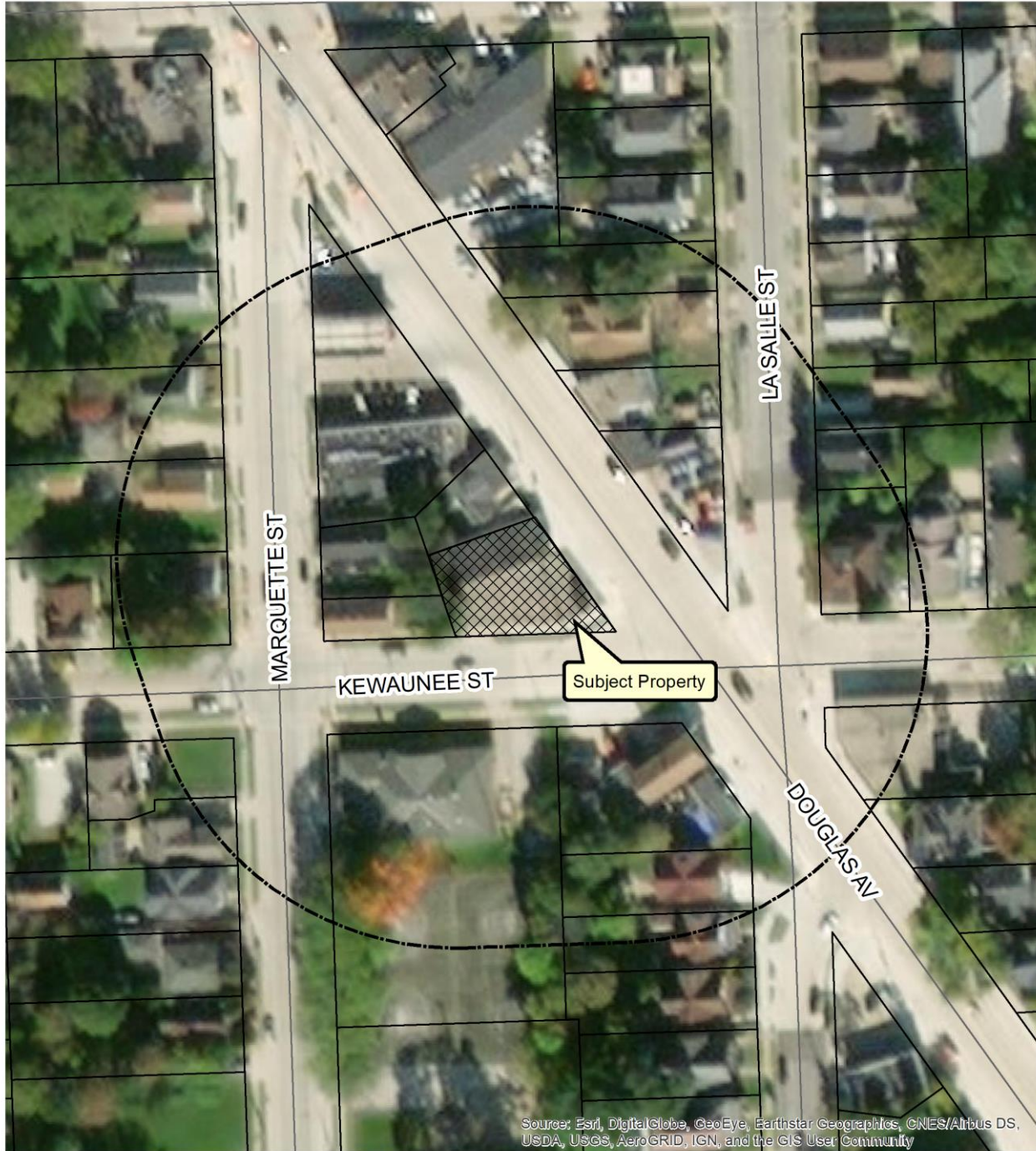


# Conditional Use Amendment - 1504 Douglas Avenue

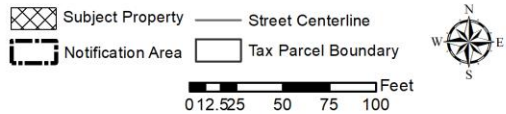




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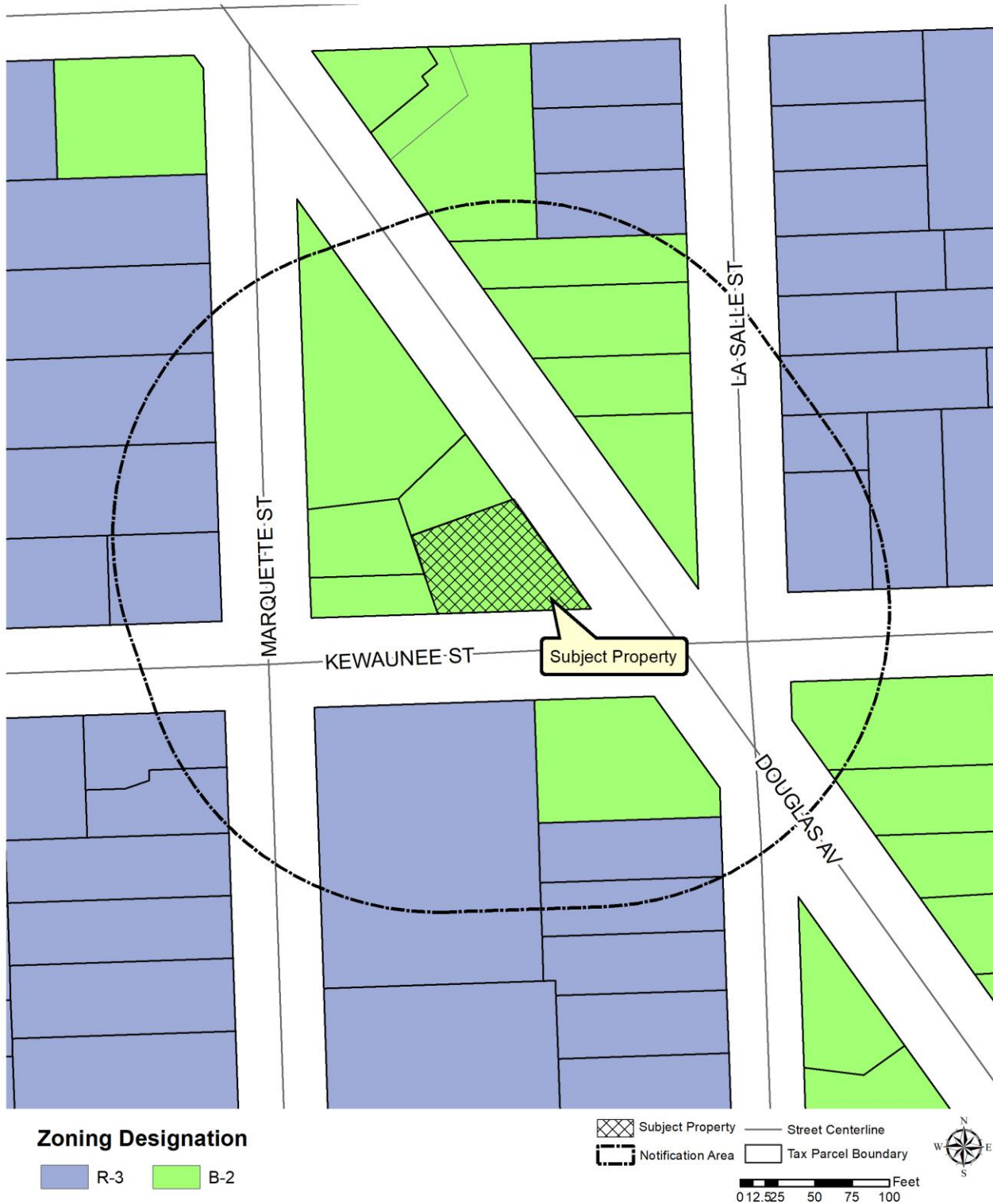


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



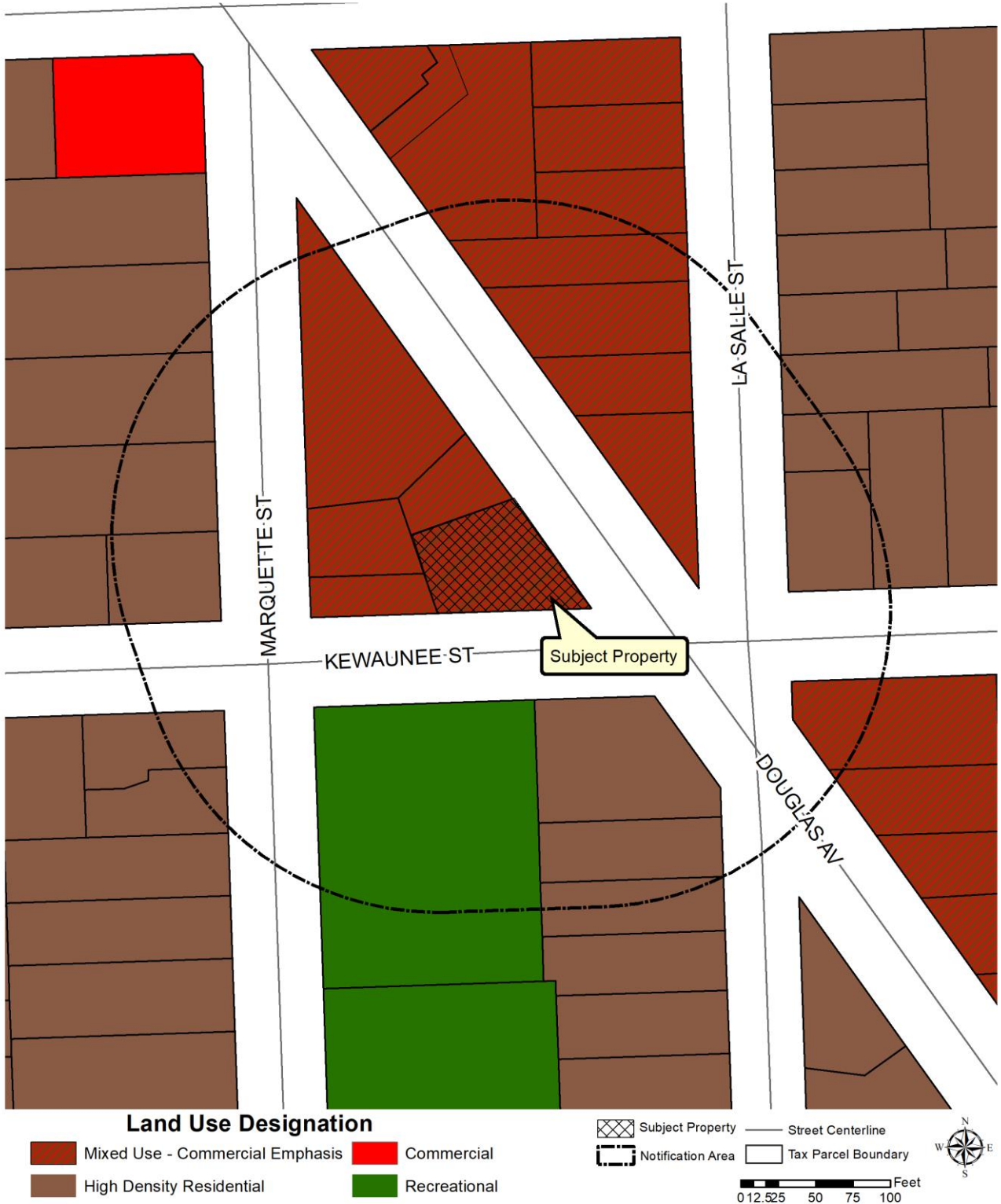


# Conditional Use Amendment - 1504 Douglas Avenue





# Conditional Use Amendment - 1504 Douglas Avenue



Site Photos



Looking north at the subject property



Looking west from subject property



Looking east from subject property



Looking south from subject property



Looking north at building from  
Douglas Avenue



Looking north along Douglas  
Avenue