



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

**Meeting Date:** 2/13/2019

**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:** 622 Three Mile Road, located just west of the intersection of Three Mile Road and Erie Street.

**Applicant:** JTS Catering

**Property Owner:** 622 3 MILE ROAD LLC

**Request:** Consideration of a conditional use permit to operate takeout carryout restaurant with drive thru, as allowed by Sec. 114-468 of the Municipal Code, in an existing building at 622 Three Mile Road for property located in a B-2 Community Shopping Zone District.

**BACKGROUND AND SUMMARY:** The applicant seeks to utilize the existing building at 622 Three Mile Road. The business has proposed operating hours of 6:00 AM to 10:00 PM Monday to Sunday and would employ 12-24 employees, dependent upon full or part time status. The function of the operation would be as a catering business, but also a retail portion with a bakery and deli offering a drive thru with on-site eating for approximately 34 people.

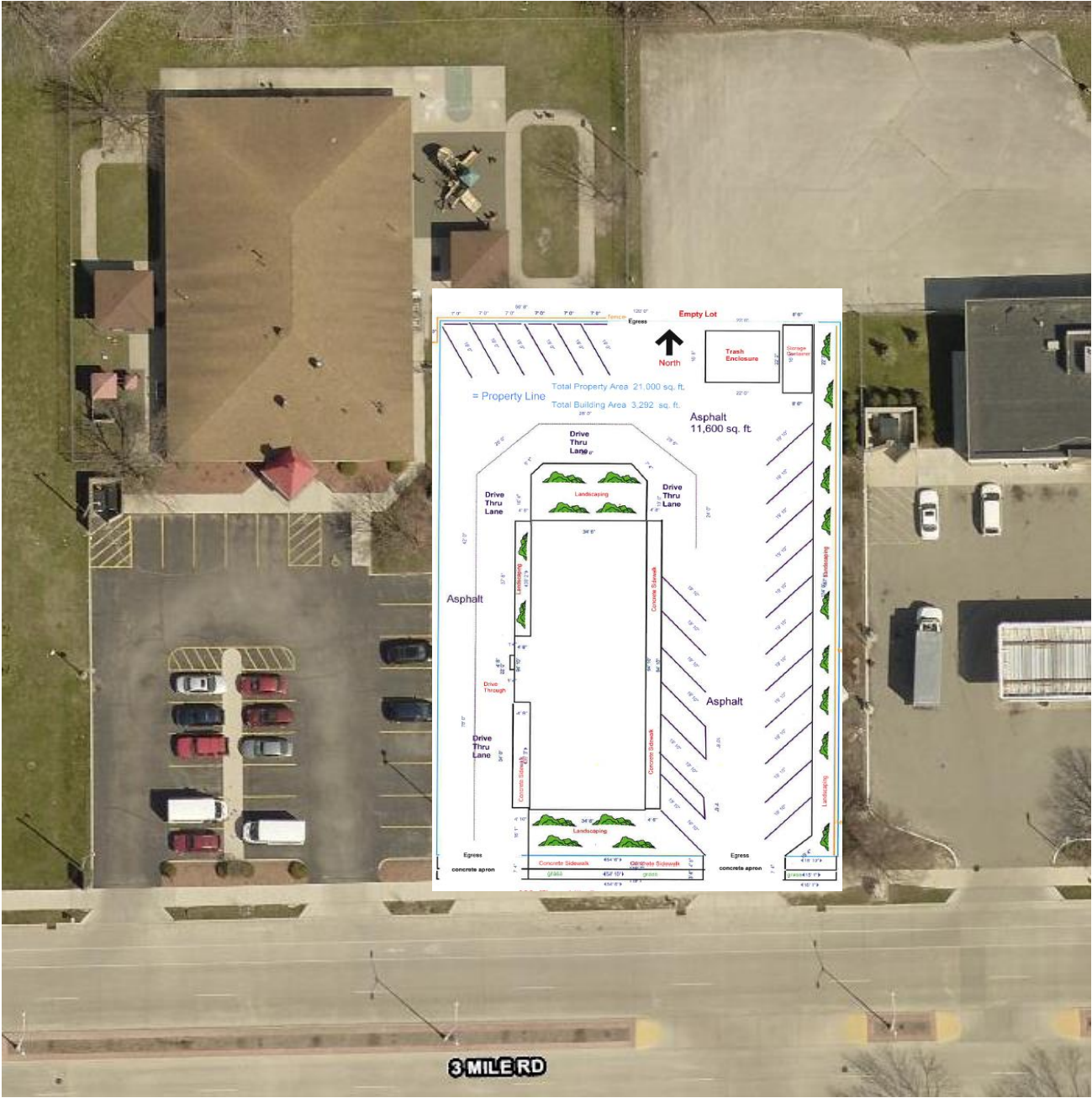
The Zoning Ordinance classifies this proposed takeout carryout restaurant with drive thru, as permissible in the B-2 Community Shopping Zone District upon the issuance of a conditional use permit (114-468).



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



Proposed Building Floor Plan, (north is to the right) submitted by applicant.



Proposed site plan for the property, submitted by applicant.

**GENERAL INFORMATION**

Parcel Number: [05954005](#)

Property Size: 21,346 square feet

Comprehensive Plan Map Designation: Commercial

**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?:** N/A

**Historic?:** N/A.

**Current Zoning District:** B-2 Community Shopping

**Purpose of Zone District:** The B-2 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:** Vacant

**Surrounding Zoning and Land Uses:**

<b>North</b>	O/I Office/Institutional	Parking Lot
<b>East</b>	B-2 Community Shopping	Gas station
<b>South</b>	B-2 Community Shopping	Shopping center
<b>West</b>	B-2 Community Shopping	Daycare facility

**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.

<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Area	No minimum	21,346 square feet
Lot Frontage	30 feet	120 feet
Floor Area Ratio	4.0 maximum	.13

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

Yard	Required	Provided
Front (south)	0 feet	10 feet
Side (east)	0 feet	60 feet
side (west)	0 feet	30 feet
Rear (north)	0 feet	60 feet

**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 existing building.

There is a shipping container at the rear of the property. This container doesn't comply with zoning ordinance building design standards or the building code, nor was it ever permitted. Regardless of the outcome of this request, the shipping container needs to be removed from the site.

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

Use Type	Required	Provided
Restaurant	20	23
Total	20	23*

\*The spaces on the lot will require striping, but based on the lot size there is adequate space to provide all the necessary parking for the proposed establishment.

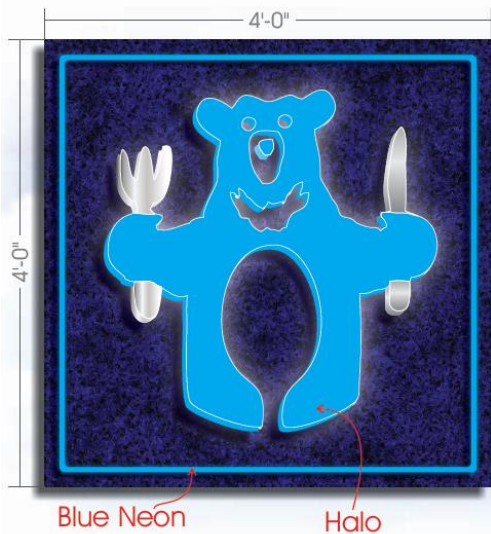
A Building of this size does not require a dedicated loading space; the drive aisle in the parking lot fulfills this requirement.

**Landscaping, screening and yard requirements** ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): No landscaping plan has been submitted by the applicant. The lot does have some vegetation at this time, this vegetation will require some maintenance and replacement if it is decaying or already died. This will not be determined until the spring as the winter months do not lend themselves to landscaping evaluation.

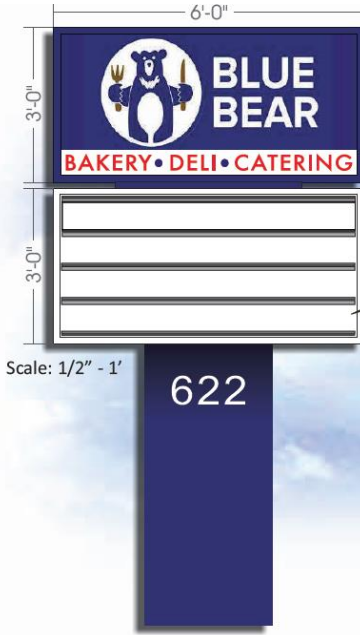
**Sign Regulations** (114-[Article X](#)): Signage renderings are included below, the plan is to use the existing signage locations on the site.

Sign Type	Allowable Sq. Ft.	Provided Sq. Ft.
Signage	120 square feet	52
Window signs	50% of window area	N/A
Alleyway Signage	N/A	N/A
Total	120 square feet*	52

\*Total size determination would be made based on sizes and types of other signage on the lot. Once 4 or more signs are installed, the total is reduced by 20% with each subsequent sign.

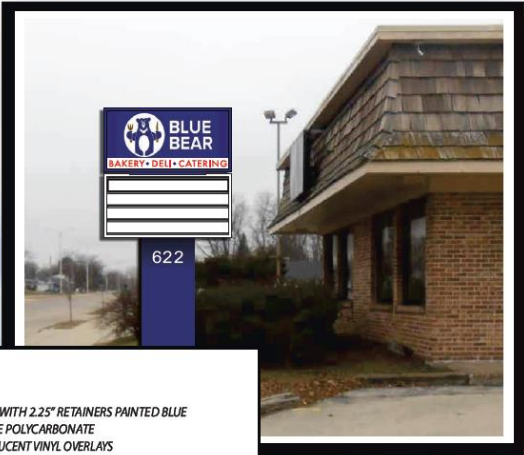


**Blue Bear Restaurant halo signage**



4 LINES OF 6" LETTERS

- SPECIFICATIONS**  
 RECONFIGURE EXISTING PYLON SIGNAGE
- CABINET TO BE EXTRUDED ALUMINUM WITH 2.25" RETAINERS PAINTED BLUE
  - FACES TO BE 3/16" SOLAR GRADE WHITE POLYCARBONATE
  - GRAPHICS TO BE COMPUTER CUT TRANSLUCENT VINYL OVERLAYS
  - ILLUMINATED WITH WHITE LEDS
  - POWERED WITH APPROPRIATE LOAD POWER SUPPLIES
  - READER BOARD TO BE REFACED AND HAVE 4 LINES OF 6" MANUALLY CHANGEABLE COPY
  - POLE COVER TO BE EXISTING, REPAINT AND ADD COMPUTER CUT VINYL ADDRESS NUMERALS
  - INSTALLED TO EXISTING PYLON SIGN STRUCTURE PER FIELD SURVEY



**Blue Bear Restaurant pylon signage**

**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 space for a dumpster is included on the site plan, but upon a visit to the site, the space appears to be utilized for another purpose. Planned

materials to screen the dumpster were not submitted. The chain link fencing with slats on this space does not meet the requirements of this section. The location is acceptable, but the selected screening method will need to be submitted for review and approved by the Department of City Development, prior to installation.

**Engineering, Utilities and Access:**

**Access** ([114-1151](#)): Changes in access for the site are not contemplated at this time based on review of the applicant submittals.

**Surface drainage** ([114-739](#) & Consult Engineering Dept.): Reuse of the 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:** No exceptions are required for this proposal.

**Additional Planning and Zoning Comments:**

**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 proposal to have a restaurant and catering operation is not expected to endanger the general welfare or health of the area. The proposal seeks to reuse an existing building for a purpose similar to the functionality the site was built for. The last operation in this building did not utilize the drive thru, but the restaurant there previous to that operation, did. This use is expected to be an amenity to the area and will add to the mix of services in the neighborhood. The proposed operations by the applicant are similar to other businesses in the area and is not anticipated to be a detriment to the neighborhood or adjacent properties.

- 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 reusing this building in the manner proposed by the applicant. The use is not expected to generate loud noise and is anticipated to fit into the neighborhood, and help to provide a variety of dining options for the area.

**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 conditions with this request help to ensure that development in the area remains consistent and orderly, while accommodating for new operations in the existing building. The business is of a use and scale which is similar to that of operations which have occurred on this property in the past. 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.

**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 applicant is not contemplating any changes to the access to this site. Traffic flows through the site and back out onto Three Mile Road; it is unknown if a cross access agreement exists for the parking lot to the north, but the site has the potential to direct some traffic onto Erie Street (assuming an access agreement exists). This use is not anticipated to create congestion in the area as all required parking is being met on the site and the drive thru has a sizeable stacking area around the 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 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. If the property is utilized as proposed and follows the recommended conditions of this recommendation, the business will fulfill goals and



objectives of the land use plan. Specifically, the use will be within walking distance of a residential development and could be accessed by alternate modes of transportation, other than automobile.

- 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 proposed development should serve as a walkable destination for adjacent neighborhoods.

## **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.

## **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:**

**1. THAT THE PORTION OF THE APPLICATION RELATED TO THE ELECTRONIC MESSAGE SIGN BE SEVERED FROM THE TAKEOUT CARRYOUT AND DRIVE THRU PORTION OF THE APPLICATION AND CONSIDERED SEPARATELY UPON APPROVAL OF A VARIANCE OR SUBMITTAL OF AN ELECTRONIC MESSAGE SIGNAGE PLAN WHICH COMPLIES WITH ALL DEVELOPMENT STANDARDS.**

**2. BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM, JTS CATERING SEEKING A CONDITIONAL USE PERMIT TO ALLOW A TAKEOUT**

**CARRYOUT RESTAURANT WITH DRIVE THRU AND TO INSTALL AN ELECTRONIC MESSAGE SIGN AT 622 THREE MILE ROAD BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:**

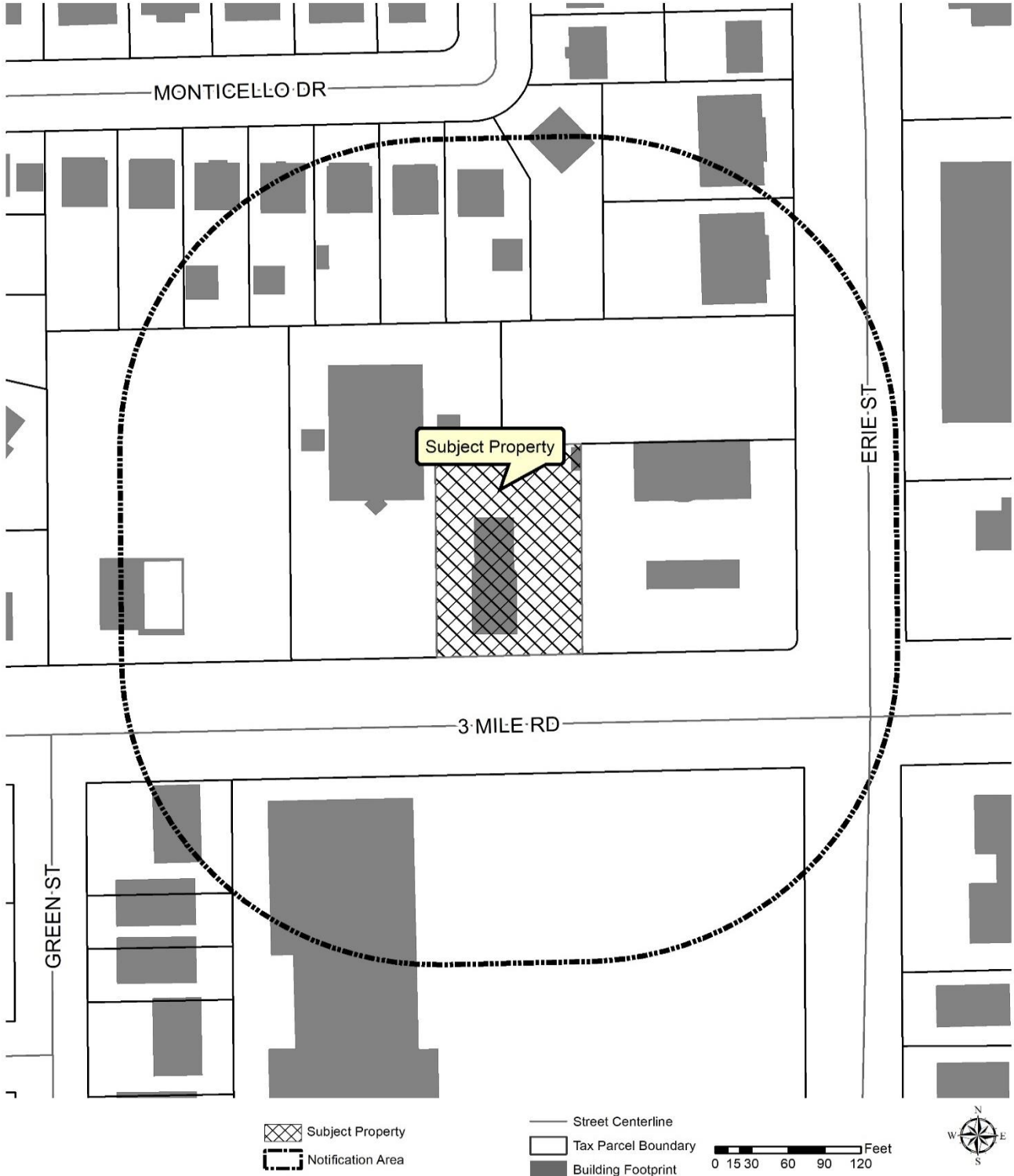
- a) That the plans presented to the Plan Commission on February 13, 2019 be approved subject to the conditions contained herein.
- b) That the following development standards be complied with prior to occupancy unless otherwise noted:
  1. Parking lot be sealed and parking spaces striped in accordance with the sizing requirements of Sec. 114-Article XI.
  2. Site be landscaped and maintained as required by Sec. 114-743. Existing vegetation which is dead or decaying shall be replaced and any new plantings and/or organic materials in planting beds shall be submitted to and approved by the Department of City Development prior to installation. Stone or rocks are not allowed in landscaping beds.
  3. Submission to and approval by the Department of City Development of plans for the trash storage area which meet all requirements of Sec. 114-742 and shows that all trash and recycling be kept in closed containers which are completely screened from public view and includes a gate on the trash storage area. A chain link fence with privacy slats shall not fulfill this requirement.
  4. Shipping container be removed prior to occupancy.
- 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 be from 6:00 AM to 10:00 PM each day of the week.
- e) That all codes and ordinances are complied with and required permits acquired.
- f) 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.
- g) 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 - 622 3 Mile Road



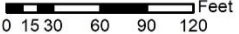


# Conditional Use Request - 622 3 Mile Road



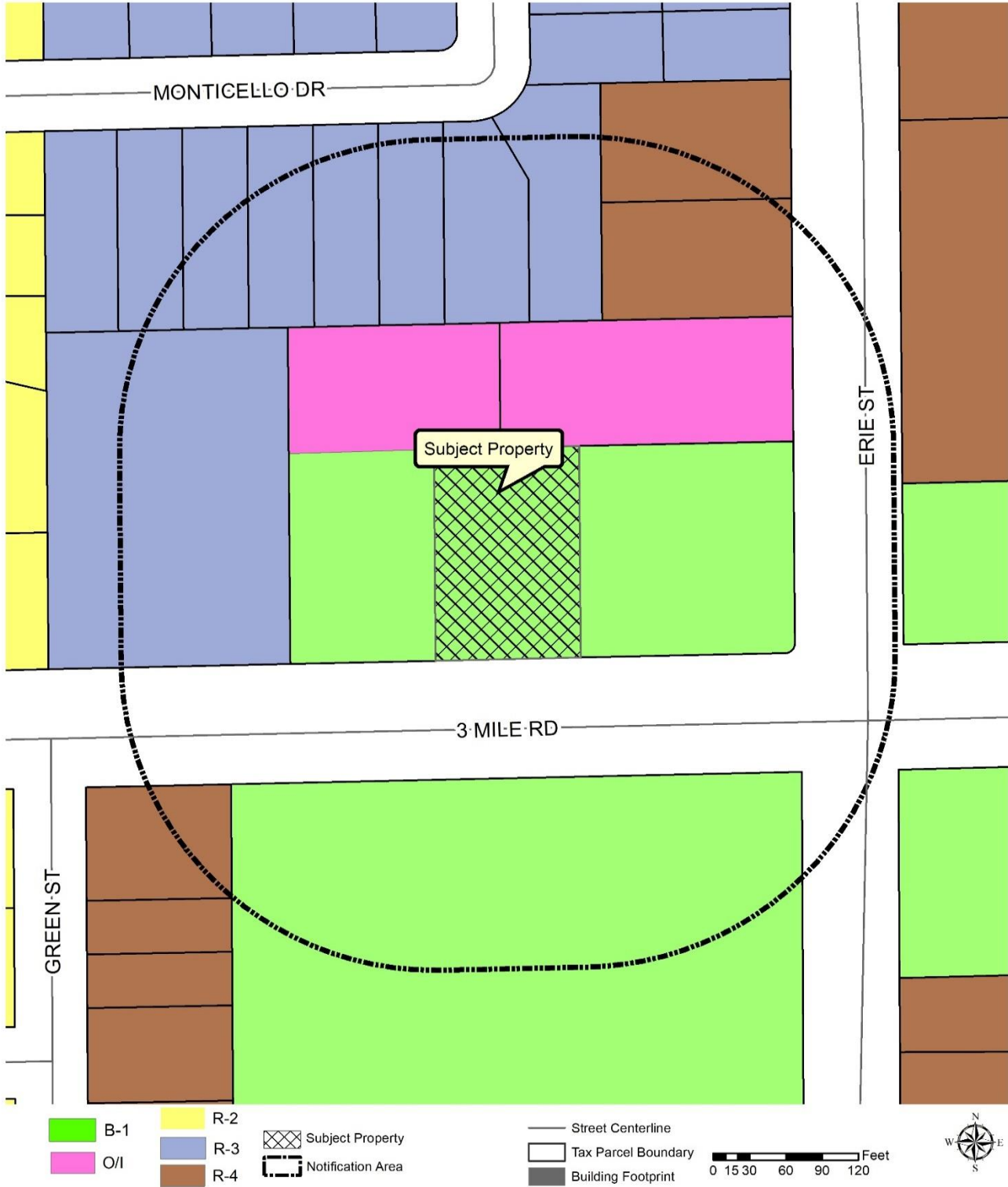
 Subject Property  
 Notification Area

 Street Centerline  
 Tax Parcel Boundary  
 Building Footprint



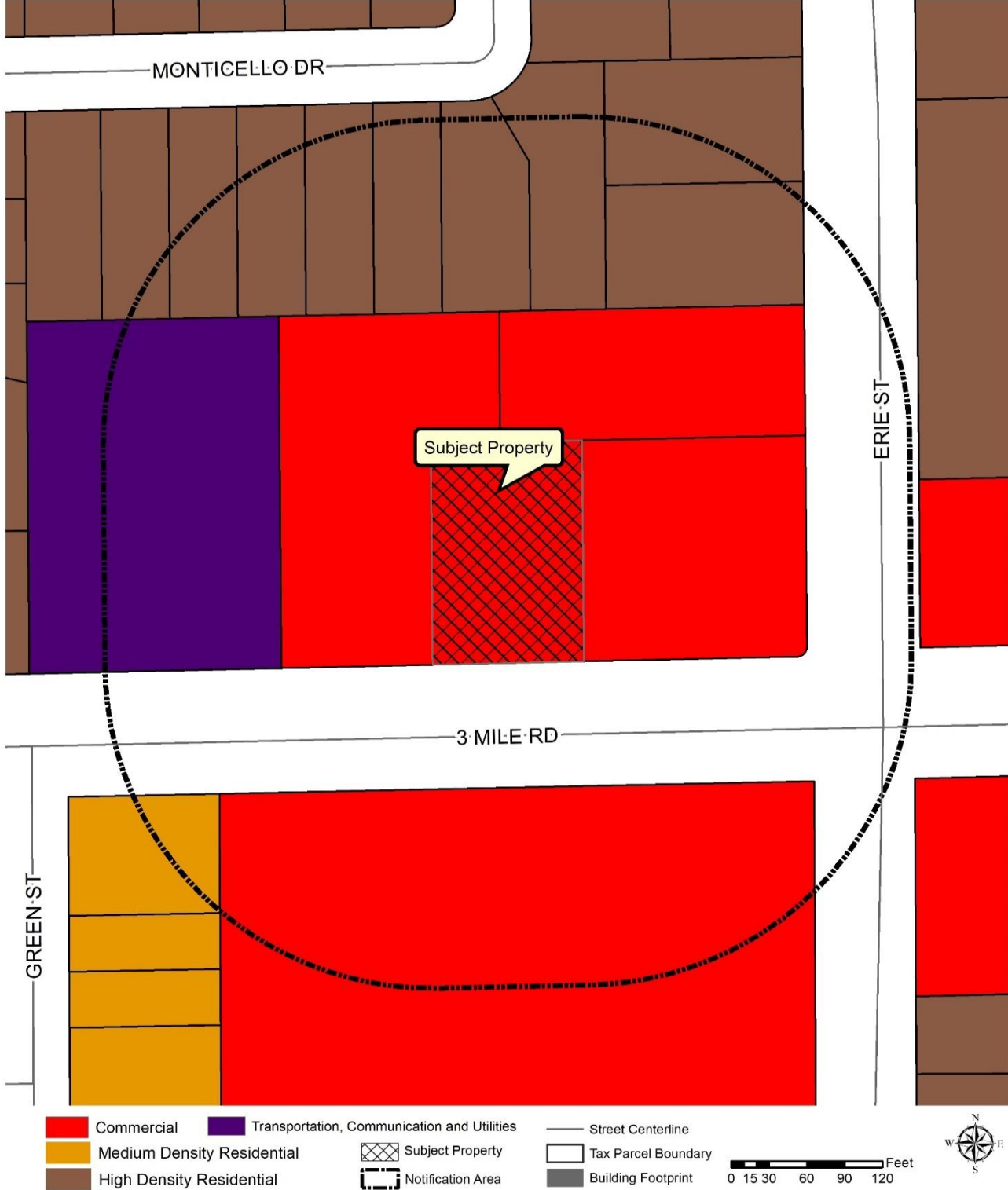


# Conditional Use Request - 622 3 Mile Road





# Conditional Use Request - 622 3 Mile Road



Site Photos



Looking north at the subject property



Looking West along Three Mile Road



Looking East from subject property



Looking west from rear of subject property



Looking east at subject property



Looking south from rear of subject property