



CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT

Meeting Date: 9/23/2020

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

Case Manager: Jeff Hintz

Location: 1358 Washington Avenue

Applicant: Ronald and Charlotte Wheatley

Property Owner: My Father’s House Property Management LLC

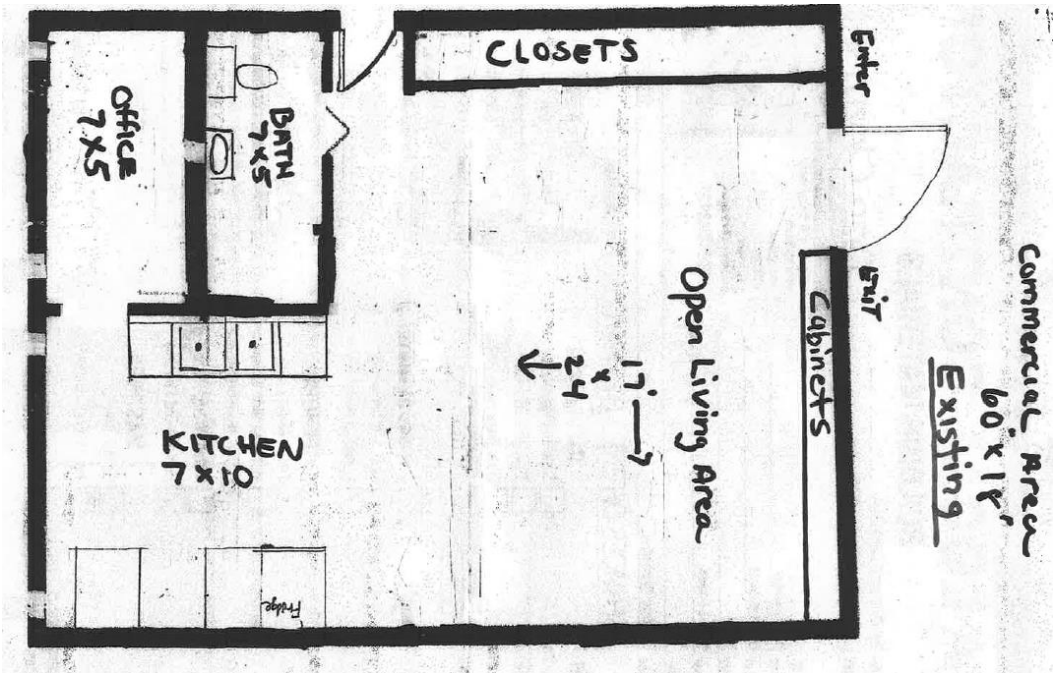
Request: Consideration of a conditional use permit to operate a dwelling unit below the second floor, at 1358 Washington Avenue as allowed by Sec. 114-468 of the Municipal Code for property located in an B-2 Community Shopping Zone District as allowed in Section [114-468](#) of the Municipal Code.

BACKGROUND AND SUMMARY: The front portion of the first floor (closest to the street) would be used for a tea shop (commercial usage) and is approximately 1,100 square feet. The proposed dwelling unit would be located behind the commercial usage, not visible from the street. The dwelling unit would be approximately 720 square feet.

The Zoning Ordinance classifies dwelling units below the second floor 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, (north is up) (image from City Pictometry)



Proposed apartment floorplan (north is up), submitted by applicant.
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GENERAL INFORMATION

Parcel Number: [09181000](#)

Property Size: 9,325 square feet

Comprehensive Plan Map Designation: Mixed use – Commercial Emphasis

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.
- Encourage development patterns that promote efficient and sustainable use of land, that can be readily linked by transportation systems and that utilize existing public utilities and services.
- Promote redevelopment and infill in areas with existing infrastructure and services, enhancing existing residential, commercial, and industrial areas.

Corridor or Special Design District?: Uptown Corridor

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: vacant retail space (first floor) and upstairs apartment units.

Surrounding Zoning and Land Uses:

North	B-2 Community Shopping	Restaurant
East	B-2 Community Shopping	Vacuum store
South	B-2 Community Shopping	Music Store
West	B-2 Community Shopping	Plant shop

Operations: The front portion of the first floor (closest to the street) would be used for a tea shop (commercial usage) and is approximately 1,100 square feet. The proposed dwelling unit would be located behind the commercial usage, not visible from the street. The dwelling unit would be approximately 720 square feet. A tea shop is mentioned in the application as utilizing the retail space at the front of the building.

ANALYSIS:

Development Standards:

Density ([114-Article V](#): Article VII, Div. 5 [Bulk Regulations](#) & 8 [Lots](#)): There are no changes planned to the building floor area or exterior as a result of this proposal.

Standard	Required	Provided
Lot Area	No minimum	9,325 square feet
Lot Frontage	30 feet	45 feet
Floor Area Ratio	4.0 maximum	.90

Setbacks ([114-Article V](#): Article VII, Div. 6 [Development Standards](#)): Yards and setbacks are not required given the surrounding zoning and uses of the properties.

Building design standards (114-Secs. [735.5](#) & [736](#)): The composition of the building is existing and no changes are planned. The building does comply with zoning ordinance requirements related to design. An enhancement to the building would be to restore the first floor and the signage band to something more historically accurate.

Off-street parking and loading requirements (114- [Article XI](#)): due to the age of this building, it was deemed to have had the proper parking at the time it was built, which predates the current zoning ordinance. As such, only additions to the building, or a new building on the site would require full compliance with the total number of required spaces by the ordinance.

Landscaping, screening and yard requirements ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): Given the layout of the site across from a residence district (with a commercial use on it), albeit a business parking lot use, landscaping and screening would normally be required. It would not be the best use of resources for mixed use building to screen their parking area from another parking lot across the street.

Sign Regulations (114-[Article X](#)): Signage will be reviewed and approved by the Department of City Development (Building and Planning Divisions) as well as the Uptown Business Improvement District (BID) when applied for by the applicant. Signage is not required to open a business.

Outdoor lighting, signs ([114-Sec. 742](#)): The lighting on the property complies with the requirement that lighting be arranged, shielded and oriented in a manner which does not direct radiation or glare onto adjacent properties.

Rubbish and trash storage ([114-Article V](#) & [114-740](#)): The location of the trash handling area on the property complies with development requirements as it is concealed from public view except on collection day(s).

Engineering, Utilities and Access:

Access (114-1151): Vehicular access to the site is provided from Washington Avenue to the rear of the buildings in this area. Based on the submitted site plan, the applicant is not proposing changes to the access at this time.

Surface drainage (114-739 & Consult Engineering Dept.): Reuse of the site and 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 to utilize this site is not expected to impact the ability to serve this area.

Exceptions to ordinance: No exceptions are required for a ground floor dwelling unit to be added to this building.

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 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: Ground floor living units should be discouraged in business districts due to the potential for incompatible hours of operation and general usage of the area, however, this proposal calls for the creation of a dwelling units which would not be visible from the street. The changes to the interior and with the proposed screening will help to mitigate the negative impacts generally associated with dwelling units in retail areas. The proposal will not alter the look of the exterior, yet at the same time will adequately screen those inside from passersby. This is important because altering the look of the exterior is not something that would be ideal or supported by the plans for 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: Preserving the look of the existing building is paramount to the look of the area as commercial. In reality the area is more mixed use with a residential emphasis, but there are still opportunities to be flexible with development trends. The area is along a major state highway corridor but is generally separated from neighborhoods which would serve as a customer base. That

being said, the proposal is not expected to be injurious or impact adjacent properties so long as exterior changes do not occur. It is important this building retain the look of commercial even if it is not being utilized as such.

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 use is conditional (thus requiring approval to occur) and not allowed to simply occur to ensure the development of the area remains orderly and predictable. Generally speaking, living on the ground floor of a business district wouldn’t commonly fit the existing or traditional development patterns. However, this proposal for the dwelling unit will be masked and the appearance of a shopfront will be maintained. These factors ensure that the development patterns of the area will be maintained and normal orderly development will continue. It is important that the unit be tied to the commercial space for usage as a live/work type unit where it cannot be separated and rented out as a standalone unit. Due to the configuration of the unit on the applicant’s plans, an access into the retail space exists. It would be awkward for both a future tenant of each space to have this access. Additionally, and more importantly, the building needs to retain the commercial feel. Utilizing the proposed dwelling unit as a live/work unit with the retail space will allow the applicant the use they desire from the rear space, but at the same time, not compromise the look of the commercial district and commercial building on the first floor.

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

Staff Comments: This building is already connected to utilities and streets; converting to dwelling units is not anticipated to alter the demand for service to the property in a substantial manner. The conditional use request will not impact the access or ability to be served by utilities for the applicant’s property or any other properties in the 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: Based on a review of the site plan submitted by the applicant, no changes are planned to ingress and egress from the site. All vehicular traffic accesses the site from Washington Avenue.

6) The proposed conditional use is not contrary to the objectives of the current land use plan for the city.

Staff Comments: The Comprehensive Plan calls for a land use pattern which strengthens the character and livability of the City’s downtown core, commercial and industrial areas. This business encourages provides an opportunity for an appropriate mix of uses in this area. Specifically this

property calls for commercial emphasis of mixed use development, something this building certainly meets with the way it is designed and has been utilized for decades.

- 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: No exceptions are required for the establishment of this mixed use building on the site. The applicable sections of the zoning ordinance as they relate to this development are being met as required.

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 FROM CHARLOTTE AND RONALD WHEATLEY OF MY FATHER’S HOUSE PROPERTY MANAGEMENT, SEEKING A CONDITIONAL USE PERMIT TO ALLOW A DWELLING UNIT BELOW THE SECOND FLOOR AT 1354 WASHINGTON AVENUE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That the plans presented to the Planning Heritage and Design Commission on September 23, 2020 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 ground floor dwelling unit not be rented separately and be included as part of the commercial space on the first floor and utilized as a live work unit.
- d) That the ground floor dwelling unit not be occupied until there is an occupancy permit issued for the commercial space as part of the live work unit.
- 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 Planning Heritage and Design 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 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).

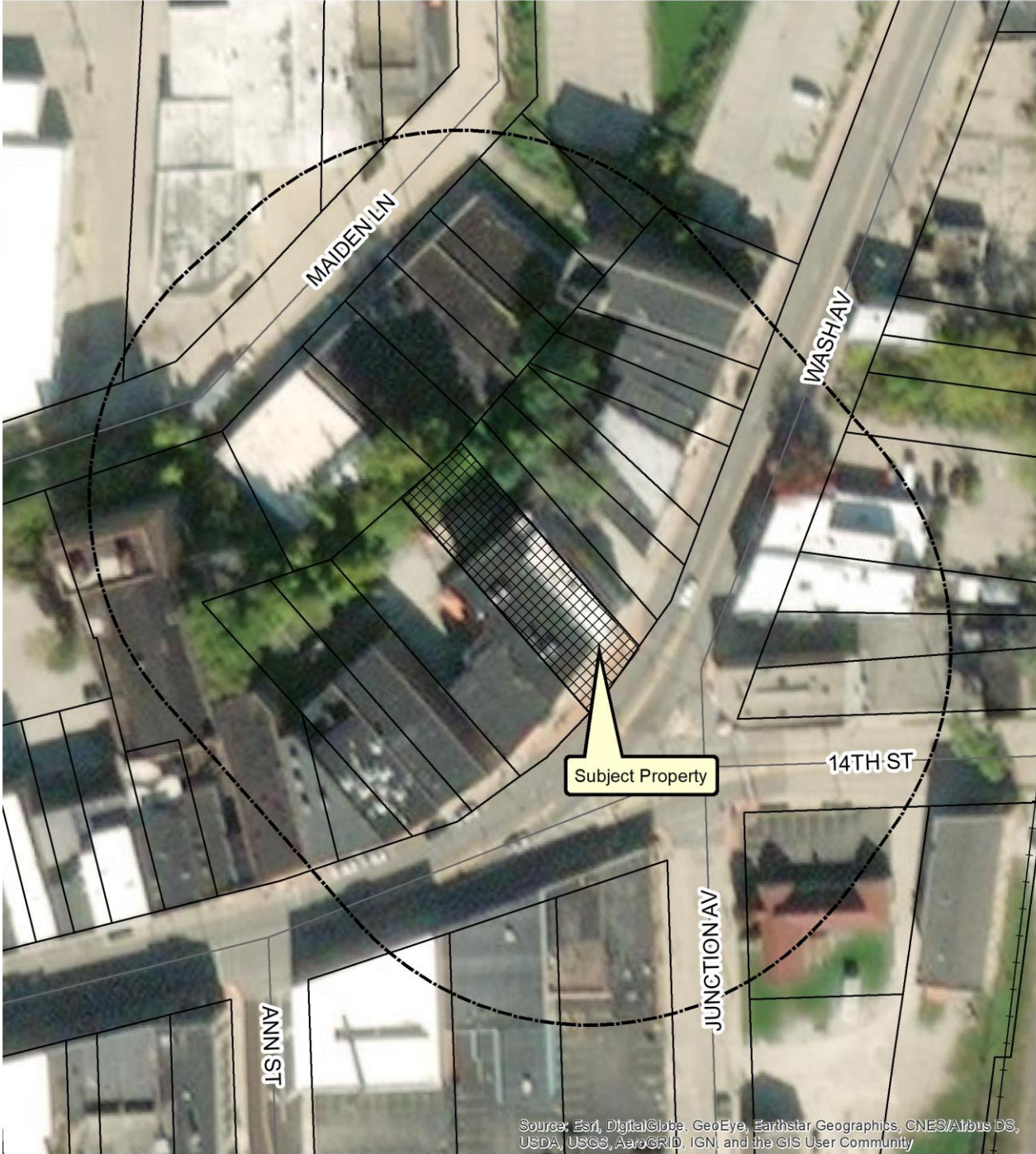


Conditional Use Request - 1358 Washington Avenue

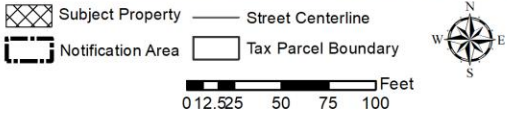




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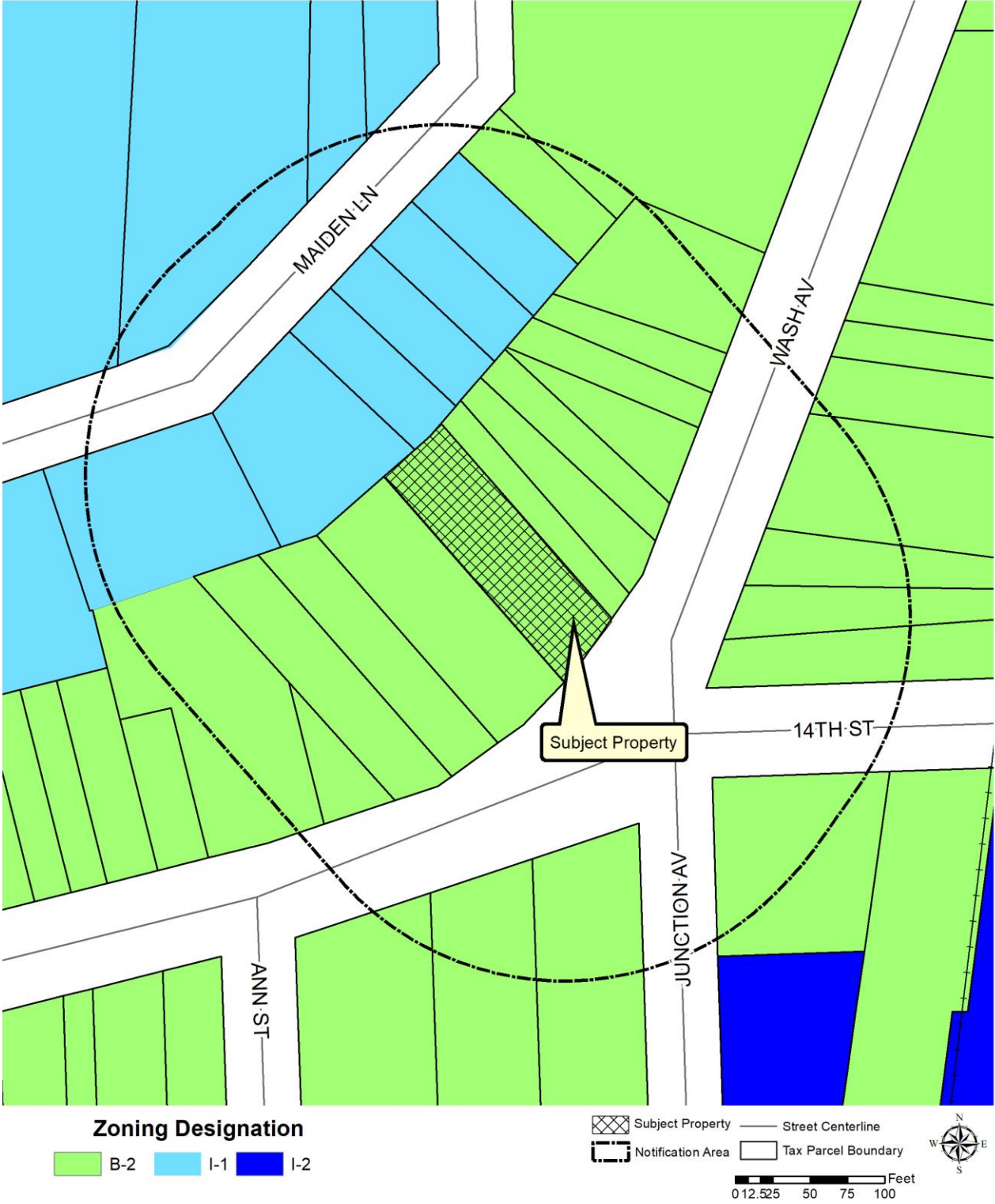


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



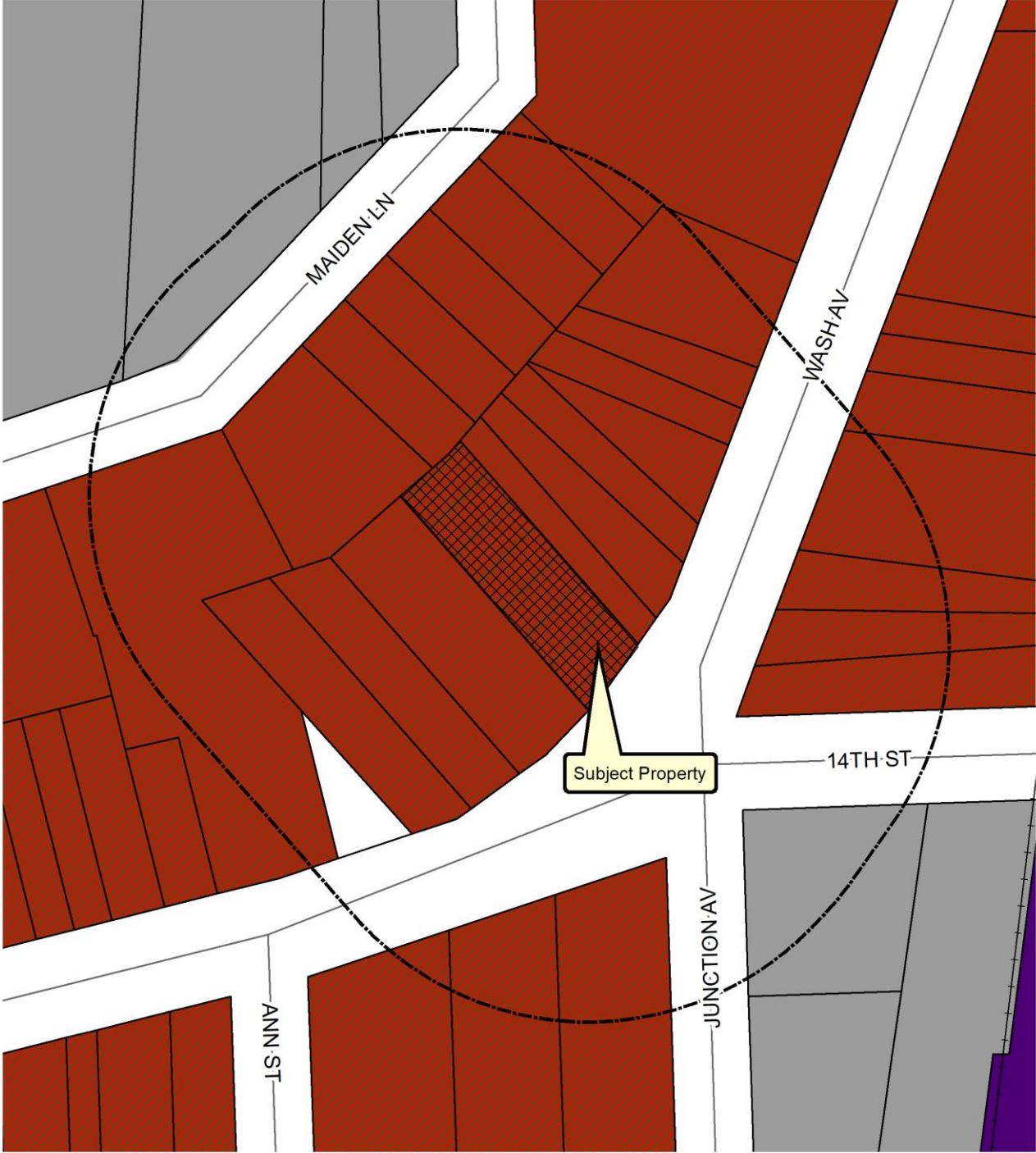


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Land Use Designation
Mixed Use - Commercial Emphasis Industrial

Subject Property Street Centerline
Notification Area Tax Parcel Boundary

0 12.525 50 75 100 Feet

Site Photos



Looking southeast from subject property



Looking north from subject property



Looking south from subject property



Looking at the rear of the subject property



Looking at rear parking area on the subject property



Looking at the subject property (City Assessor photo)