



CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT

Meeting Date: 4/24/2019

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: 3801 Washington Avenue, located on the southwest corner of Washington Avenue and Monroe Avenue.

Applicant: Nathan Knutsen of Tooth Town Dentistry for Kids

Property Owner: Robert Bissegger

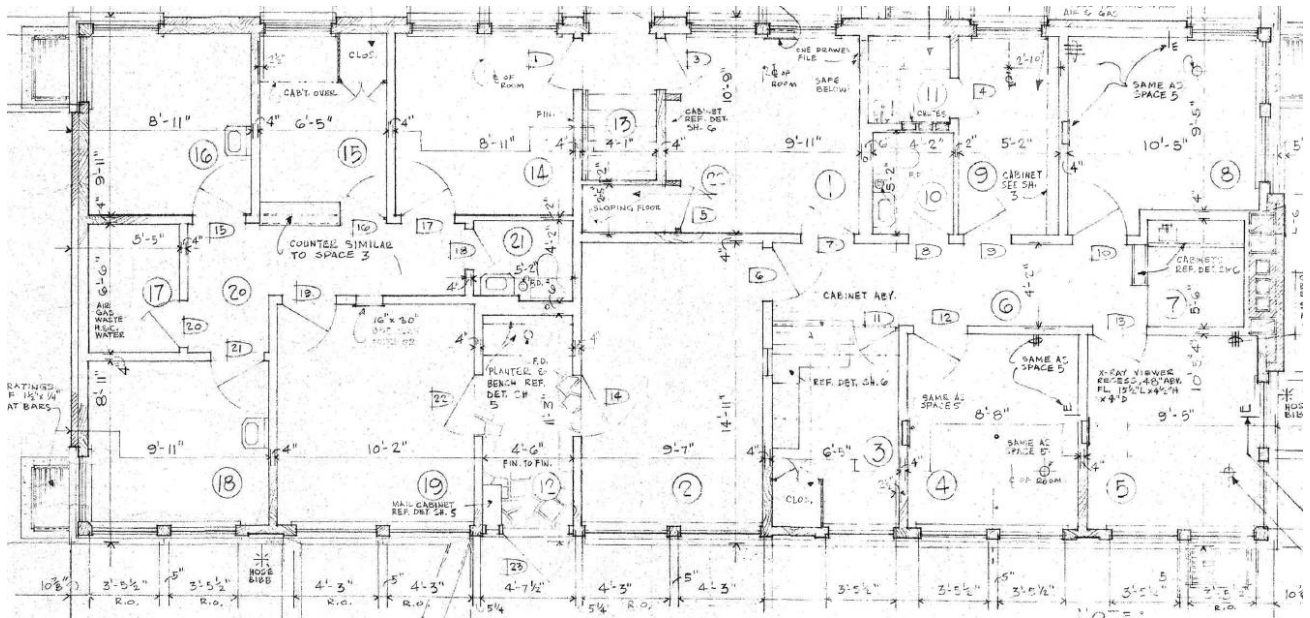
Request: Consideration of a conditional use permit to operate a dental office, classified as a professional office, as allowed by Sec. 114-328 of the Municipal Code, in an existing building at 3801 Washington Avenue for property located in a R-4 General Residence Zone District as required in section 114-328 of the Municipal Code.

BACKGROUND AND SUMMARY: The applicant seeks to utilize the existing office building at 3801 Washington Avenue. This property was built in 1959 as an office building and has been a dental office since at least 1992. The business will operate by appointment. Changes to the signage are the only planned exterior modifications to the site at this time. Being zoned residential, a conditional use permit is not allowed to be transferred to another entity, even if it will be for the same use.

The Zoning Ordinance classifies this proposed professional office as permissible in the R-4 General Residence Zone District upon the issuance of a conditional use permit (114-328). The building must be designed for a commercial purpose and constructed and used for commercial purposes prior to 1976.



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



Proposed Building Floor Plan (north is to the right), submitted by applicant. Note, this is the original blueprint from when the property was built; no changes to layout have occurred.

GENERAL INFORMATION

Parcel Number: [11624000](#)

Property Size: 4,740 square feet

Comprehensive Plan Map Designation: High Density Residential

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: R-4 General Residence

Purpose of Zone District: The R4 general residence district is intended to protect and enhance the character and value of residential areas primarily occupied by varied dwelling types of moderate density (approximately 20 dwelling units per net acre), and to accommodate areas planned for new residential development of moderate density.

Proposed Zoning: No change proposed

Existing Land Use: Dental office.

Surrounding Zoning and Land Uses:

North	R-4 General Residence	Single unit detached dwellings
East	R-4 General Residence	Multi-unit residential building
South	R-3 Limited General Residence	Single unit detached dwellings
West	R-4 General Residence	Multi-unit residential building

Operations: Deliveries to the site are anticipated to occur as needed to keep the necessary stock of equipment and supplies in the office.

ANALYSIS:

Development Standards:

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

Standard	Required	Provided
Lot Area	6,000 square feet	4,740 square feet
Lot Frontage	30 feet	160 feet
Floor Area Ratio	1.8 maximum	.42

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

Yard	Required	Provided
Front (north)	25 feet	25 feet
Side (west)	6 feet	6 feet
Corner Side (east)	12 feet	5 feet
Rear (south)	35 feet	35 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 exterior.

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

Use Type	Required	Provided
Dental office	12 (minimum)	3 spaces
Total	12 spaces	3 spaces

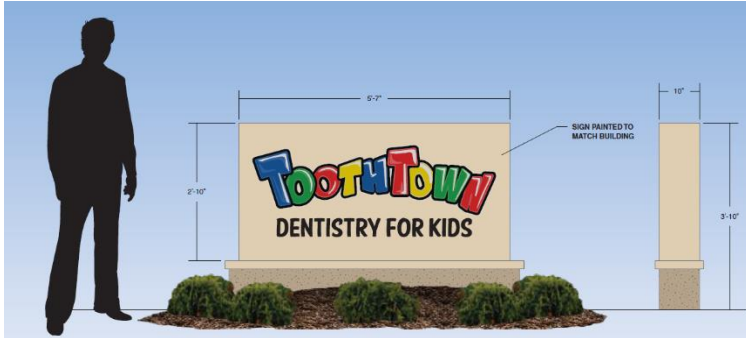
A Building of this size does not require a dedicated loading space. The alleyway or street parking will serve as the loading area for this property.

The parking layout is existing, non-conforming. There is street parking in the area and given the surrounding uses of the neighborhood, there is not generally a problem with parking access for this business.

Landscaping, screening and yard requirements ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): Sec. 114-734 would require that this building provide screening along the western lot line. Due to the development of the block, there is a share pedestrian walkway between this property and the one to the west. Providing this screening is not practical or possible. The landscaping on the property does meet the requirements and intent of Sec. 114-735

Sign Regulations (114-[Article X](#)): The applicant has revised the drawings which were shared with the Commission at the April 10 meeting. If externally illuminated, the signage submitted complies with all development standards for the current zoning; these signs (if externally illuminated) would

be eligible for a permit by the current building owner. Staff would not recommend that the sign be internally illuminated.



Proposed monument signage (16 square feet)



Proposed wall signage (16 square feet)



Graphical depiction of monument sign in front yard area

The area is outside the bounds of a design district with any adopted standards related to specific color(s) to be used. The applicant will be utilizing colors on the sign which tie it into the earth tone colors used on the building. Based on further discussions with staff after the last meeting on April 10, the applicant has done the following.

1. Reduced the square footage of each sign to 16 square feet (complies with code).
2. Lowered the base of the monument sign so the overall height is 3 feet 10 inches (note, 6 feet in total height is allowed by the code).
3. Moved the location of the monument sign to a 10 foot setback (complies with code).

Staff would not recommend deviation from the adopted ordinance to allow internal illumination, but that aside, these signs comply with all adopted development standards related to signage and should be approved. The full revised submittal can be viewed by [clicking here](#). The applicant has worked with staff to provide a lower monument sign which better compliments the development patterns of the area and preserves the open feel of the front yard.

Outdoor lighting, signs (114-Sec. 742): The site does not feature any exterior lighting; any potential illumination of the signage would need to focus the lighting on the signage and not adjacent property.

Rubbish and trash storage (114-Article V & 114-740): The building currently has an unscreened dumpster handling the waste. An enclosure would need to be provided to conceal the dumpster from public view.

Engineering, Utilities and Access:

Access (114-1151): Access to the site is provided by the adjacent alleyway and public streets. The application does not contemplate any changes in access.

Surface drainage (114-739 & Consult Engineering Dept.): The reuse of this existing building is not expected to alter drainage for the area or 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: Despite being zoned residential, the building has always been an office and was built as such in 1959 per City Assessor records. The building has not been converted to residential usage, and as such, meets all the criteria necessary to apply for the conditional use.

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: This request seeks to reuse an existing building for a purpose in which it was designed for and was established when first developed. The operation of a professional office facility (dentist) is not expected to endanger or be a detriment to the public or welfare of the community. A vacant building with no use would be worse for the neighborhood; the usage of this building shows the residents and those in the area that investment is occurring and that the neighborhood is stable. This business is expected to be an amenity to the walkable area near this business and not a detriment. It is of a character in which the office is complimentary to development in the area and will coexist harmoniously with the residential uses.

- 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: Those who own property in this general area will have seen the building and it would not be realistic to expect the property to be functional as anything other than as a professional office. At this scale and intensity, the office will not generate noise, traffic or odor which would be injurious to other properties in the vicinity. Given this building has been around since 1959 in this location, it is essentially a neighborhood fixture. Its usage as dental office will not be injurious to the use of surrounding properties. Other properties in this zone district in the area would not be able to transition a residence to a commercial establishment; that right is reserved for buildings constructed as commercial establishments and only through a conditional use permit.

- 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 area is developed as higher density residential along Washington Avenue and higher density detached unit residential moving north and south from Washington. There are commercial and institutional uses mixed within Washington, but these are generally still zoned residential. This commercial structure has also existed in this neighborhood for several generations; the continued use and existence is not expected to impede the normal use and enjoyment of the district or 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 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 site has the ability to provide parking for employees of the business; this has really been the case since the building was developed as a professional office in 1959. As such, the site has always functioned without ever providing the amount of parking spaces off the street required by the zoning ordinance. The on-street parking in this area has served the office building well and has been of a sufficient amount that congestion has not resulted. The nature of this business is appointment oriented and it is not anticipated there will be few customers who come to the site without an appointment. While this may occur to pay bills or do some scheduling, this will be generally limited in number.

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

Staff Comments: Despite being designated as high density residential on the land use plan, this building and commercial nature predates any adopted land use plan in the City. That being said, this is a commercial use but is allowed to continue per the provisions of the zoning ordinance with the issuance of a Conditional Use Permit. The goals and objectives of the Comprehensive Plan are being achieved by the reuse of this building and also in the fact the development is walkable and will provide an amenity to surrounding neighborhood.

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: The building is non-conforming and does not meet parking requirements. This is explained by the fact that this building was developed well before the current zoning ordinance was adopted. The building does meet development standards on the lot despite the fact it was constructed well before the inception of the zoning ordinance and comprehensive plan.

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 can be complimentary to the neighborhood.
- The building was designed for and has been utilized for commercial purposes and the proposed use is at a scale and intensity which will not be detrimental to surrounding properties.

STAFF RECOMMENDATION: BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM NATHAN KNUTSEN OF TOOTH TOWN DENTISTRY, SEEKING A CONDITIONAL USE PERMIT TO OPERATE A PROFESSIONAL OFFICE IN AN EXISTING BUILDING DESIGNED FOR COMMERCIAL USE AT 3801 WASHINGTON AVENUE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That the plans presented to the Plan Commission on April 24, 2019 be approved subject to the conditions contained herein.
- b) That the following development standards be complied with prior to occupancy:
 1. Submission to and approval by the Department of City Development of plans for the trash storage area which meet all requirements of Sec. 114-740 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. If using municipal collection and containers, an enclosure is not required.
 2. That signage be illuminated through external means only and follow requirements of Sec. 114-1064.
- c) That if, prior to the issuance of an Occupancy Permit, required development standards 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 all codes and ordinances are complied with and required permits acquired.
- e) 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.
- f) 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 - 3801 Washington Avenue



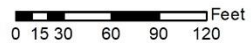




Conditional Use Request - 3801 Washington Avenue



 Subject Property
 Notification Area

 Street Centerline
 Tax Parcel Boundary
 Feet
0 15 30 60 90 120



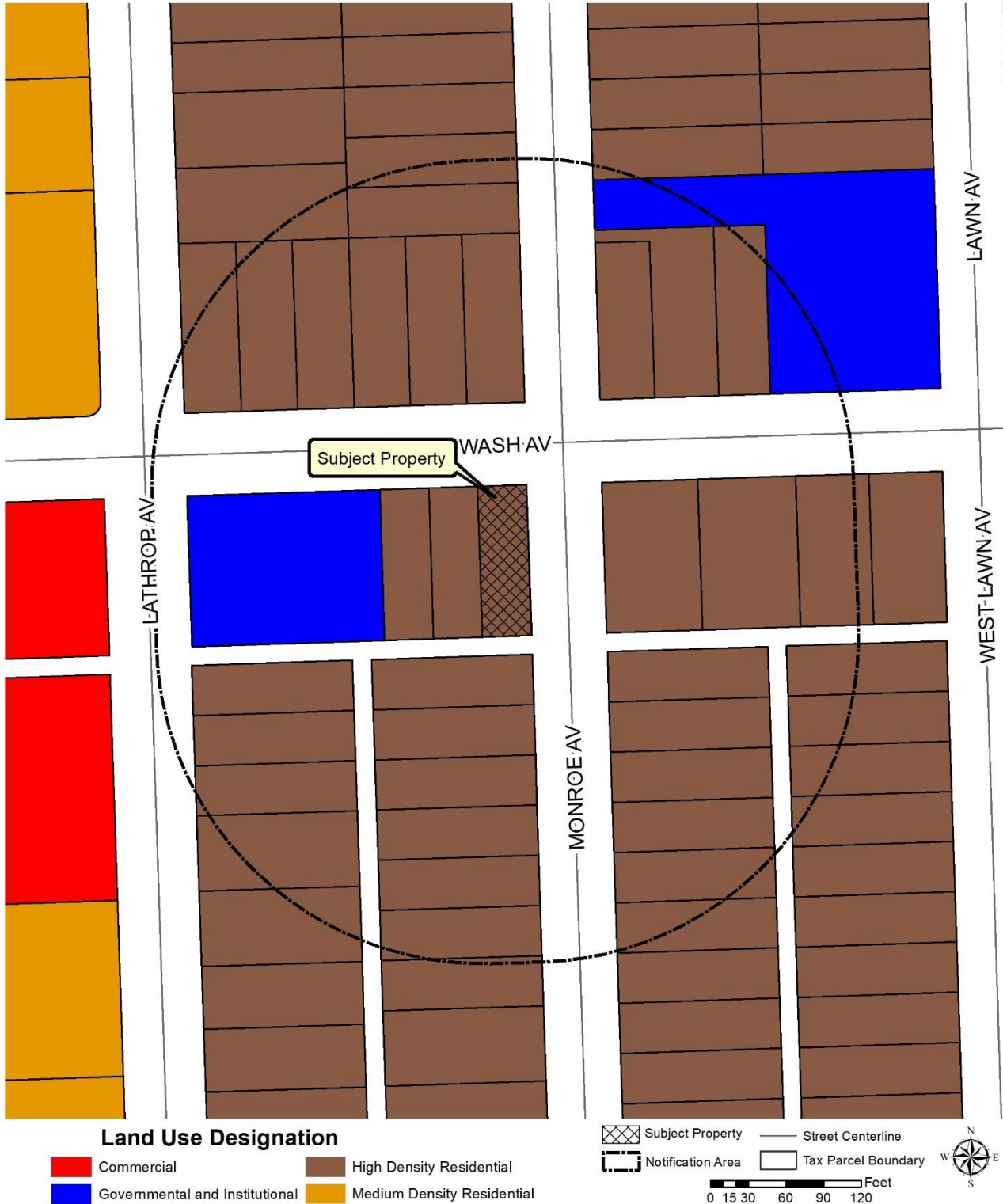


Conditional Use Request - 3801 Washington Avenue





Conditional Use Request - 3801 Washington Avenue



Site Photos



Looking south along Monroe Avenue



Looking west down alleyway behind property



Looking north at rear of subject property



Looking west along Washington Avenue
from subject property



Looking south at subject property from
Washington Avenue



Looking east along Washington Avenue from
subject property