



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

**Meeting Date:** 8/25/2021

**To:** Mayor and Plan Commission Members

**From:** City Development Department, Division of Planning and Redevelopment

**Division Manager:** Jeff Hintz – (262) 636-9151 [jeff.hintz@cityofracine.org](mailto:jeff.hintz@cityofracine.org)

**Case Manager:** Michelle Cook

**Location:** 3624 Washington Avenue, located on the northeast corner of Washington Avenue and West Lawn Avenue

**Applicant:** Vincent Lang, ReBelle Realty LLC

**Property Owner:** Andrew Baugher

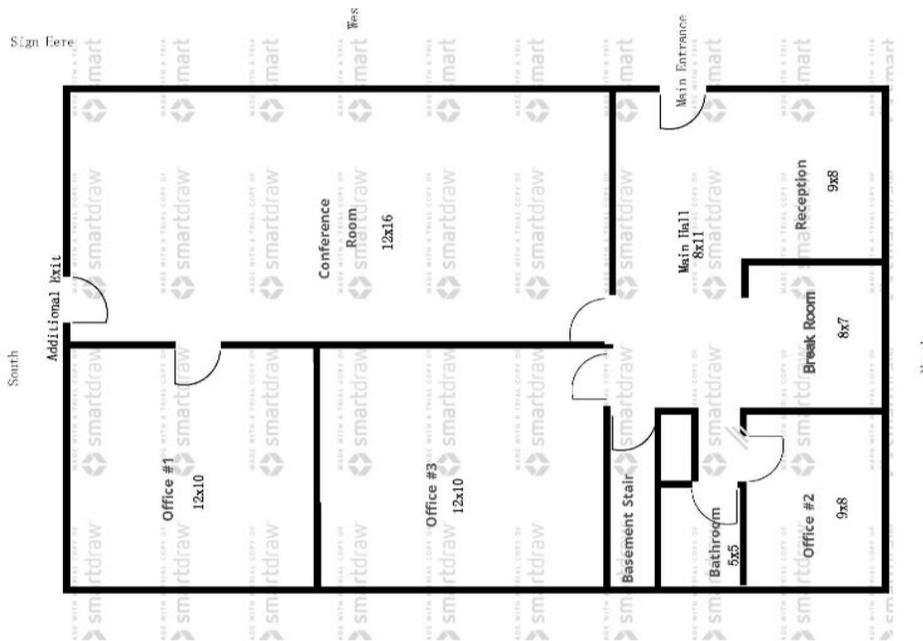
**Request:** Consideration of a conditional use permit to operate a real estate brokerage office, classified as a Business and Professional Office, as allowed by Sec. 114-328 of the Municipal Code, in an existing building at 3624 Washington Avenue for property located in a R-4 General Residence Zone District as required in section 114-328 of the Municipal Code.

**BACKGROUND AND SUMMARY:** The applicant seeks to utilize the existing office building at 3624 Washington Avenue. This property was built in 1949 as an office building and has been as such since 1950 per City Assessor records. The proposed real estate office would be open from 8:00 AM – 2:00 PM Monday, Wednesday, and Friday and closed on Saturdays and Sundays. The hours may be expanded in the future to accommodate a 40-hour work week. 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 use (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.

## GENERAL INFORMATION

**Parcel Number:** [12502000](#)

**Property Size:** 6,210 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:** Office use, currently vacant.

### Surrounding Zoning and Land Uses:

<b>North</b>	R-2 Single Family Residence	Single unit detached dwellings
<b>East</b>	R-4 General Residence	Multi-unit residential building
<b>South</b>	R-4 General Residence	Single unit detached dwellings
<b>West</b>	R-2 Single Family Residence	Religious Institution

**Operations:** The proposed business will operate as a real estate brokerage office with hours on Monday, Wednesday, and Friday, hours may be expanded in the future to accommodate a 40-hour work week. There will only be normal mail/package delivery during normal business hours.

## ANALYSIS:

### Development Standards:

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

Standard	Required	Provided
Lot Area	6,000 square feet	6,210 square feet
Lot Frontage	30 feet	48 feet
Floor Area Ratio	1.8 maximum	.18

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

Yard	Required	Provided
Front (south)	25 feet	30 feet
Side (east)	6 feet	5 feet
Corner Side (west)	12 feet	14 feet
Rear (north)	35 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 exterior.

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

Use Type	Required	Provided
Office, business and professional	6 spaces	0 spaces
Total	6 spaces	0 spaces*

A Building of this size does not require a dedicated loading space. The street parking on West Lawn Avenue will serve as the loading area for this property.

\*The building is existing, non-conforming related to parking. 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 building and the businesses it has housed in the past.

**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 eastern lot line. Due to the development of the lot and the adjacent lot to the east, 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 is proposing one monument sign on the west side of the building, in the front yard area. The sign meets signage regulations as it is no more than 16 square feet, no taller than 6 feet, and is not internally illuminated.



*Proposed monument signage*



*Graphical depiction of monument sign in front yard area*

**Outdoor lighting, signs** (114-[Sec. 742](#)): The site lighting complies with the development standards and focuses light onto the subject property and not adjacent properties.

**Rubbish and trash storage** ([114-Article V](#) & [114-740](#)): The building currently has city collection of waste and the bins are stored on site, much like those in the adjacent dwelling units. The applicant proposes to store trash on the north side of the building, out of public view.

**Engineering, Utilities and Access:**

**Access** ([114-1151](#)): Access to the site is provided by the adjacent public streets, the lot does not have any curb cuts for vehicular access. 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 1949 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 real estate brokerage office 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 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 an office. At this scale and intensity, the office will not generate exterior noise, traffic or odor which would be injurious to other properties in the vicinity. Given this building has been around since 1949 in this location, it is essentially a neighborhood fixture. Its usage as a real estate brokerage 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 never had off-street parking since the building was developed as a professional office in 1949. 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 businesses well and has been of a sufficient amount that congestion has not resulted. The hours of this business are limited in nature and it is not anticipated there will be many customers who come to the site without an appointment.

**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.

**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 nearly all the development standards despite the fact it was constructed well before the inception of the zoning ordinance and comprehensive plan.

## **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.
5. Defer with a continuance of the public hearing to a date certain.

**STAFF RECOMMENDATION:** BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM VINCENT LANG REPRESENTING REBELLE REALTY, SEEKING A CONDITIONAL USE PERMIT TO OPERATE A REAL ESTATE BROKERAGE OFFICE IN AN EXISTING BUILDING DESIGNED FOR COMMERCIAL USE AT 3624 WASHINGTON AVENUE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That the plans presented to the Planning, Heritage, and Design Commission on August 25, 2021 be approved subject to the conditions contained herein.
- b) That all trash and recyclables be stored in closed containers and screened from view.

- c) That signage, if illuminated, be illuminated by external means only and follow requirements of Sec. 114-1064
- d) That site maintenance shall be the responsibility of the property owners and/or their contracted service providers.
- e) That no LED string lights or other string lights be used as window, door or building accents.
- f) That all codes and ordinances are complied with and required permits acquired.
- g) 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.
- h) 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 - 3624 Washington Avenue





# Conditional Use Request - 3624 Washington Avenue



 Subject Property  
 Notification Area

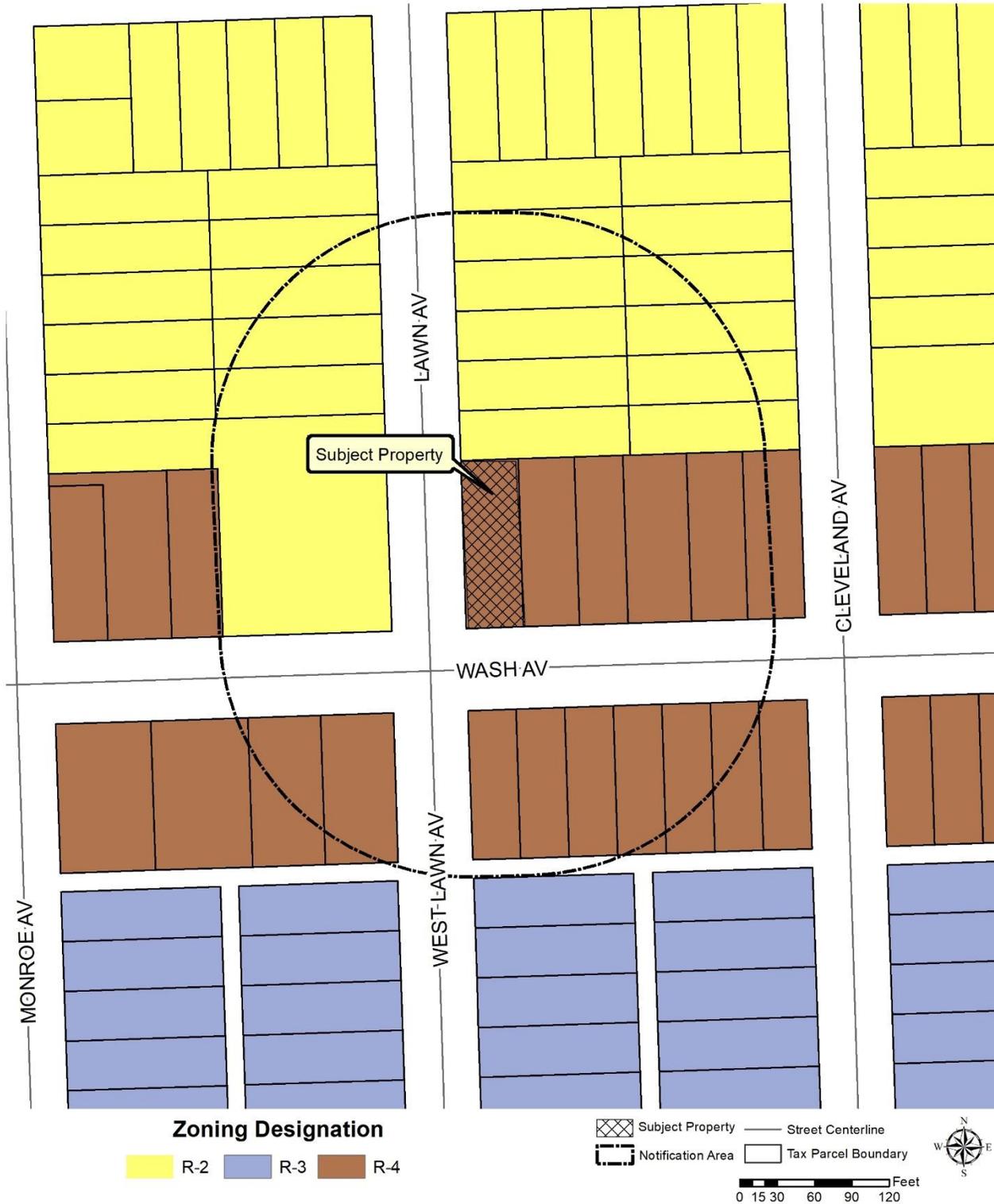
 Street Centerline  
 Tax Parcel Boundary

0 15 30 60 90 120 Feet





# Conditional Use Request - 3624 Washington Avenue





# Conditional Use Request - 3624 Washington Avenue



### Site Photos



Looking north from Washington Avenue at subject property



Looking east at western side of subject property



Looking west from subject property along Washington Avenue



Looking east along Washington Avenue from subject property



Looking north from subject property along Lawn Avenue



Looking south along Lawn Avenue from subject property