



CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT

Meeting Date: 9/18/2023

To: Mayor and Planning, Heritage and Design Commission Members

From: City Development Department, Division of Planning and Redevelopment

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

Case Manager: Steven Madsen

Location: 1615 Grove Avenue

Applicant: Theodore Harris

Property Owner: Matsen Home Improvements, LLC

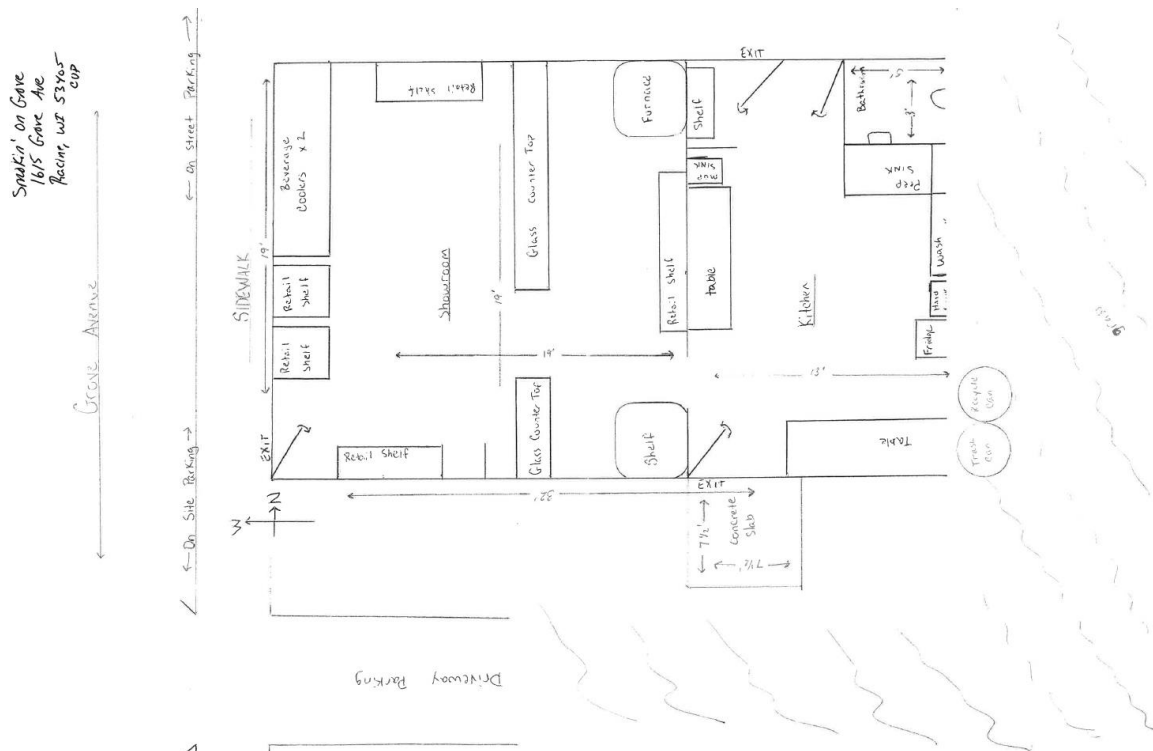
Request: Consideration of a conditional use permit for a commercial business in a commercial building zoned residential at 1615 Grove Avenue, which is located in a R-3 Limited General Residence Zone District as allowed by Section [114-308](#) of the Municipal Code.

BACKGROUND AND SUMMARY: The application contemplates having a restaurant and a smoke shop for specializing in cigars, with the sale of vaping products. The restaurant would offer lunch and dinner consisting of smoked meat products. The proposed business seeks to operate Monday – Sunday from 8:00 AM – 10:00 PM with product deliveries occurring from Tuesday-Thursday between 10:00 and 11:00 AM.

The Zoning Ordinance classifies a commercial use in a commercial building in a residential zone as a conditional use in the R-3 Limited General Residence Zone District (114-308).



Birdseye view of the property, indicated in blue



Floor/Site plan for proposed use.

GENERAL INFORMATION

Parcel Number: 13052001

Property Size: 4,739 square feet

Comprehensive Plan Map Designation: Commercial

Consistency with Adopted Plans:

The [Racine Comprehensive Plan](#) states that:

- 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?: N/A

Historic?: N/A

Current Zoning District: R-3 Limited General Residence

Purpose of Zone District: The R3 limited general residence district is intended to provide areas which are to be occupied substantially by single-family and two-family dwellings and attached dwellings. It is designed to accommodate limited apartment dwellings while maintaining a low density owner-occupancy character.

Proposed Zoning: No change proposed

Existing Land Use: Vacant

Surrounding Zoning and Land Uses:

North	R-3 Limited General Residence	Single Unit Dwellings
East	B-2 Community Shopping	Dog Park
South	R-3 Limited General Residence	Single Unit Dwellings
West	R-3 Limited General Residence	Single Unit Dwellings

ANALYSIS:

Development Standards:

Density ([114-Article V](#): Article VII, Div. 5 [Bulk Regulations](#) & 8 [Lots](#)): The new building complies with all bulk and lot standards.

Standard	Required	Provided
Lot Area	No minimum	4,739 square feet
Lot Frontage	30 feet	118 feet
Floor Area Ratio	4.0 maximum	.06

Setbacks ([114-Article V](#): Article VII, Div. 6 [Development Standards](#)): Nonresidential uses are not required to provided yards, except as required in 114-470.

Yard	Required	Provided
Front (West)	0 feet	0 feet
Side (North)	0 feet	66 feet
Side (South)	0 feet	32 feet
Rear (East)	0 feet	7.5 feet

Building design standards (114-Secs. [735.5](#) & [736](#)): The existing building complies with design standards. No new buildings or building additions are contemplated at this time.

Sign Regulations (114-[Article X](#)): No sign plan was submitted with this application. Any changes to signs would be reviewed by Planning Division Staff. Any signage would need to follow the sizing and other requirements outlined below:

Sign Type	Allowable Sq. Ft.	Provided Sq. Ft.	Maximum Height	Proposed Height
Freestanding	0** sq. feet	0*	15 feet	NA
Total				

* Any proposed signage would need to be approved by Planning Division Staff.

** There is currently an existing sign they would be able to make use of this sign structure. The provisions of the zoning code do not contemplate any signage for properties that are commercial in nature, but zoned residential.

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

Use Type	Required	Provided
Restaurant	0*	
Total	0	0

* The code requires that when a new use opens up that parking only needs to be provided if the intensity is increasing. There is no specific list of past uses for this building and could have required as much or more parking in the past. Therefore the ordinance does not allow us to requiring any off-street parking.

Landscaping, screening and yard requirements ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): There are no planned changes to landscaping.

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 that does not direct radiation or glare onto adjacent properties.

Rubbish and trash storage ([114-Article V](#) & [114-740](#)): There is no planned outdoor area for trash storage. Either all trash must be stored inside the building or a dumpster enclosure must be constructed outside and properly screened from view.

Engineering, Utilities and Access:

Access ([114-1151](#)): There is no ingress egress to the property from the public street. All parking would be street parking.

Surface drainage ([114-739](#) & Consult Engineering Dept.): No changes in impervious surface are planned. If a paving permit were to be pulled the Engineering department would not require a stormwater management plan.

Sewage disposal and water supply ([114-821](#) & Consult Engineering and S/W Utility): No changes to the usable space of the building are planned and there should be no increase on the use of utilities.

Exceptions to ordinance: No exceptions are required for this conditional use.

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: The building was designed for commercial use and according to the assessor's records was built in 1917. This small corner store has most recently been a candy store and before that was a dog grooming business. The size of the building will not allow for it to accommodate a large number of customers at one time. If the use is operated in accordance with the recommended conditions and rules of the City, it should not be detrimental to the general welfare of 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: The site has been used for similar uses for over 100 years. The approval of this specific use should not be injurious to other properties in the immediate vicinity. The purpose of only allowing these uses by conditional use is to ensure that the uses fit into neighborhoods by having conditions in place to mitigate potential negative impacts. With the recommended conditions there are not expected to be issues which diminish or impair values in the neighborhood.

- 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 mostly developed. The building has been in the neighborhood for over 100 years and most development has occurred around it. Having a corner shop with this use should not impede the normal and orderly development or improvement of surrounding property.

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

Staff Comments: All utilities are already existing to the building and should be adequate. The proposed changes should not require any changes to the utilities in order to operate. This proposal is to utilize an existing facility which is not expected to detrimentally increase traffic or exceed the capacity of existing infrastructure in the area. There is currently no access point onto the site for cars and none are planned.

- 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: Ingress and egress will remain unchanged and there are no plans to change it. There is currently no off street pavement for the parcel all automobile traffic will need to be from street parking. All other patrons will come from the sidewalk.

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

Staff Comments: The current land use plan encourages the redevelopment or improvement of commercial properties. The establishment of this conditional use will allow for a higher use for the commercial property.

- 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 applicable sections of the zoning ordinance as they relate to this development are being met as required. No exceptions from the Municipal Code are required for this development.

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.

STAFF RECOMMENDATION: BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM THEODORE HARRIS SEEKING A CONDITIONAL USE PERMIT TO OPERATE A COMMERCIAL BUSINESS IN A COMMERCIAL BUILDING ZONED RESIDENTIAL AT 1615 GROVE AVENUE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That the plans presented to the Planning Heritage and Design Commission on September 18, 2023 be approved subject to the conditions contained herein.
- b) That all codes and ordinances are complied with and required permits acquired.
- c) That any changes to signage be submitted to Planning Division staff for review before approval.
- d) That there will be no sale or consumption of alcoholic beverages on the premises and that all alcohol be removed from the site.
- e) That an updated site plan be provided to show the placement of the accessory structure that is on site.
- f) That a building permit is obtained for the structure on the site and that all design guidelines be followed.
- g) That no dumping occur on the site.
- h) That there be no outdoor storage of any kind.
- i) That the hours of operation Monday – Sunday 8:00 am – 10:00 pm
- j) That no minor changes be made from the conditions of this permit without approval of the Department of City Development and no major changes be made without approval of the Planning, Heritage and Design Commission.
- 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 Permit - 1615 Grove Avenue

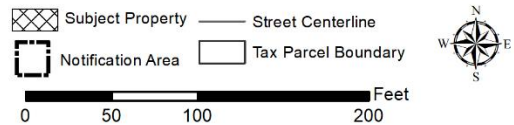




Conditional Use Permit - 1615 Grove Avenue



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Conditional Use Permit - 1615 Grove Avenue





Conditional Use Permit - 1615 Grove Avenue



Site Photos



Looking East at the site



Looking North down Grove Avenue



Looking South down Grove Avenue



Looking East at neighboring Dog Park



Looking West at rear of site



Looking West across Grove Avenue