

**CITY PLAN COMMISSION (CPC)**  
of the City of Racine, Wisconsin  
**AGENDA BRIEFING MEMORANDUM**

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| <b>AGENDA DATE:</b>               | June 13, 2018  |
| <b>SUBJECT:</b>                   | Proposed amendments to Section 114-506 B4 Central Business District to change the classification of certain uses from conditional uses to permitted uses by right.   |
| <b>PREPARED BY:</b>               | Matthew G. Sadowski , Assistant Director/Principal Planner   |
| <b>EXECUTIVE SUMMARY:</b>         | <p>The changes being sought can encourage a broader mix of uses in the downtown area by reducing the regulatory process for such uses to go from concept to “doors open”. A purpose of a conditional use permit is to allow the City to exercise additional oversight of uses being “... of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities 114-146(2).” The uses proposed to now be permitted by right have neither been shown to be unusual in nature or pose problems which are unique to them, and for which the remaining regulatory framework has not shown to be ineffective.</p>  |
| <b>BACKGROUND &amp; ANALYSIS:</b> | <p><b>Some Background...</b></p> <p>Currently, before they can establish themselves, the types of businesses listed below need to go through what is termed the “conditional use permit” process. Conditional use permits allow the City to exercise additional oversight of a uses “... of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities 114-146(2).”</p> <ul style="list-style-type: none"><li>• Hotels and motels. (Example: Double Tree)</li><li>• Breweries, breweries with restaurants, brew pubs, all producing up to 10,000 barrels per year. (Examples: Racine Brewery, Little Port Brewery, Benjamin Beer).</li><li>• Retail and/or services uses whose primary business does not involve dealing directly with consumers at the establishment. (Examples: KDS Construction Services, CCB)</li><li>• Physical fitness centers, including physical culture and health services gymnasiums. (Examples: Razor Sharp, Anchor Fitness)</li><li>• Printing and publishing, including newspaper, letter press, business cards, mimeographing and other similar job printing services having not more than five employees. (Example: Econo-Print).</li><li>• Mixed use developments in existing buildings (Example: Tad Ballantyne’s Building at 410 Main St.).</li><li>• Studio or workspace located at the building’s street level for artists, photographers, sculptors, composers, tattoo establishments as an accessory to a principle use, or other similar artists or artisans. (Example: Photographic Design, Generations Portraits).</li><li>• Takeout-carryout restaurants. (Example: Pizza Chef, Jimmy John’s, Kewpee’s)</li><li>• <b>Additional uses proposed by staff and administration and introduced to the Common Council on June 5, 2018 after the Plan Commission recommendation of May 30, 2018:</b> (projecting signs, distillery, coffee bean roastery).</li><li>• <b>Additional uses proposed by staff and administration after introduction of the ordinance to the Common Council on June 5, 2018:</b> (winery).</li></ul> |

**The Current Process...**

This process requires potential businesses to submit a formal request for a conditional use permit. The request is accompanied by detailed site, building, and operational plans which are submitted to the Department of City Development (DCD). Once submitted, the Plan Commission conducts a public hearing on the proposal, reviews public and staff comments, and makes a recommendation to the Common Council. The Common Council then takes the recommendation and renders a decision as to approve or deny the request for the conditional use permit. The review process takes four to six weeks to complete.

**The Future Process...**

The B-4 Central Business District also has uses termed “permitted uses” which are not required to go through the above process. If classified as a permitted use, potential businesses work directly with City licensing, permitting, and design review and bypass the four to six week conditional use permit process.

**To Summarize...**

The amendments are being proposed with the knowledge that...

1. The listed uses have not proven to be of “such an unusual nature that their operation may give rise to unique problems”.
2. Within the B-4 areas a business is not required to provide parking which is a common concern with these uses in other zoning districts where public parking is not available.
3. Any signage and exterior modification to building and grounds will still require review and approval by the Downtown Design Area Design Review Commission and potentially the Landmarks Preservation Commission and/or City Plan Commission,
4. Promoting synergistic activity in the downtown area will help create a more active and vibrant district,
5. All other oversight will still be required (health, building, fire, licensing).

**BUDGETARY IMPACT:**

City will not collect \$695 processing fee for conditional use permit.

**RECOMMENDED ACTION:**

Recommend to the Common Council that the ordinance be adopted, as amended, to implement the proposed amendments to Section 114-506 B4 Central Business District to change the classification of certain uses from conditional uses to permitted uses by right.