



CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT

Meeting Date: 4/10/2019

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: 3024 Rapids Drive, located on the North East corner of Rapids and Golf

Applicant: Habeeb Ali B Hasan

Property Owner: Habeeb Ali B Hasan

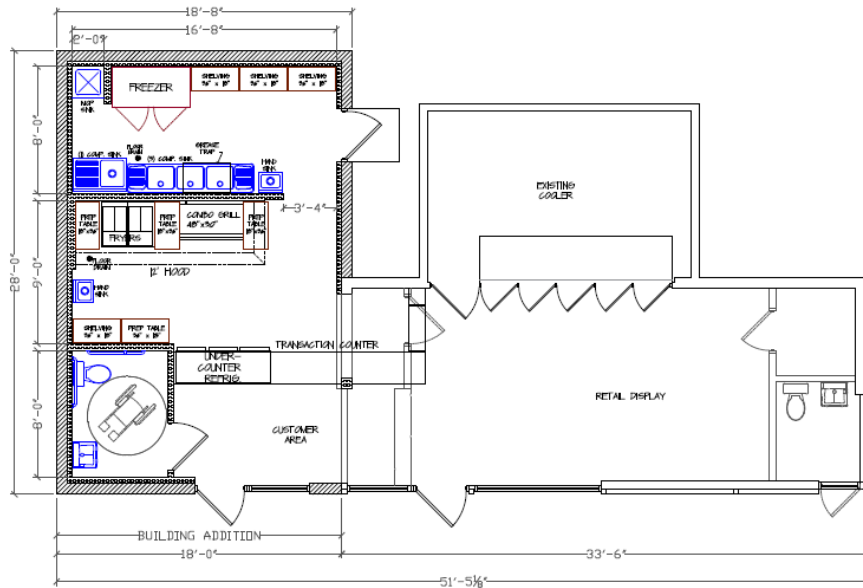
Request: Consideration of a major amendment to a conditional use permit to create an addition to an existing convenience store & gas station to allow for a takeout carry out restaurant, as allowed by Sec. 114-488 of the Municipal Code, at 3024 Rapids Drive. The property is located in a B-3 General Commercial Zone District.

BACKGROUND AND SUMMARY: The convenience store along with the gas station will remain as is. An addition is proposed for the west side of the building that will serve as space for the creation of a fried chicken and seafood restaurant that would serve mostly carry out customers, but would have a few seats or counter stool for on-site dining. The proposed hours will be Sunday through Thursday 9am to 9pm and Friday and Saturday 9 am to midnight. They plan on having an additional two employees to handle the restaurant; the site will have five employees in total.

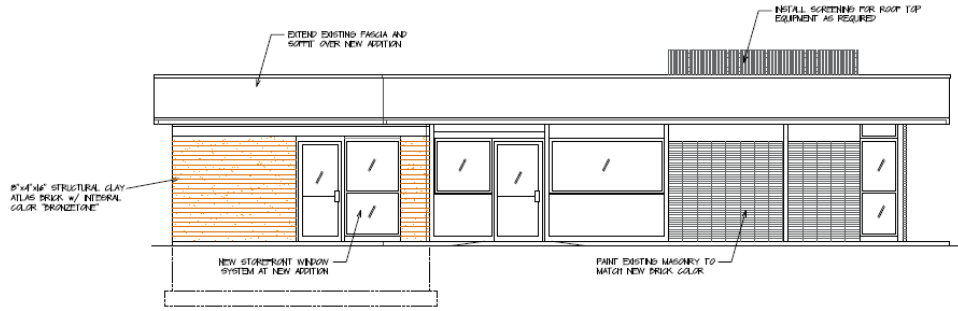
The Zoning Ordinance classifies this proposed addition of a takeout carryout restaurant, as permissible in the B-3 General Commercial Zone District upon the issuance of a conditional use permit (114-488).



Birdseye view of the property, indicated in red, tenant space shown as purple (image from City Pictometry).

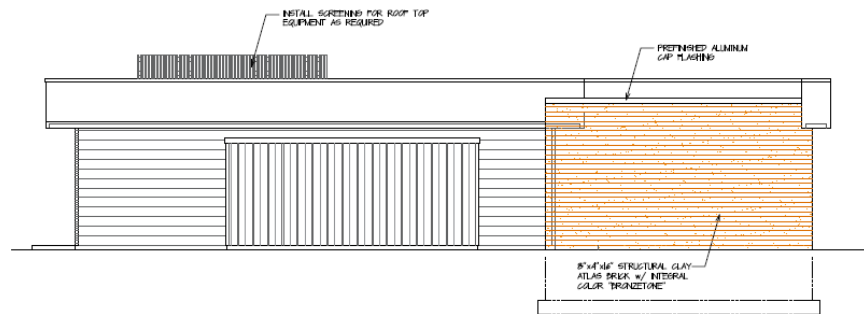


Proposed Tenant Space Floor Plan (north is to the right, as is the front door), submitted by applicant.



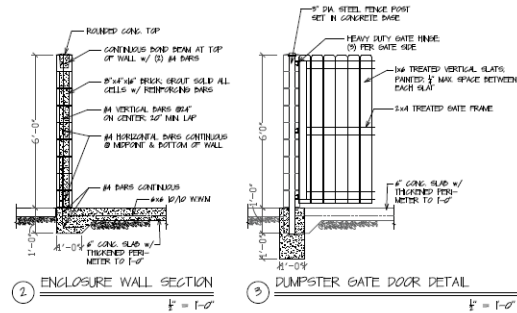
PROPOSED SOUTH ELEVATION

1/4" = 1'-0"

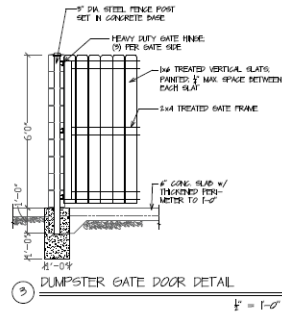


PROPOSED NORTH ELEVATION

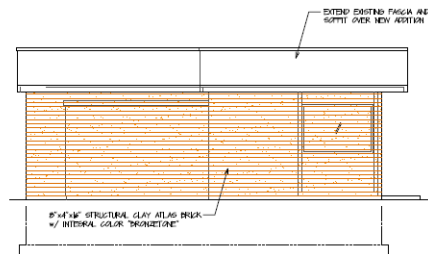
1/4" = 1'-0"



2 ENCLOSURE WALL SECTION
1/2" = 1'-0"

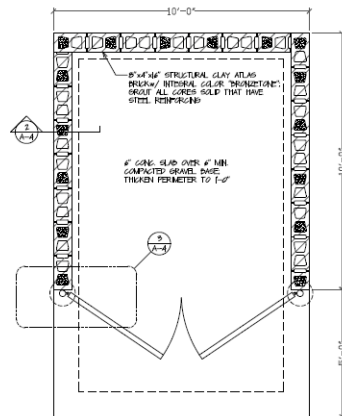


3 PUMPSHED GATE DOOR DETAIL
1/2" = 1'-0"



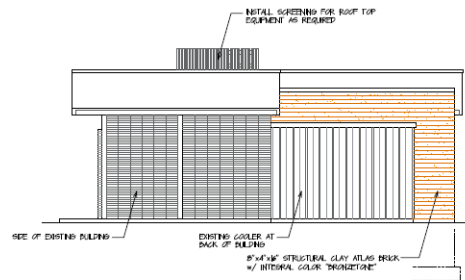
PROPOSED WEST ELEVATION

1/4" = 1'-0"



1 DUMPSTER ENCLOSURE PLAN VIEW

1/2" = 1'-0"



PROPOSED EAST ELEVATION

1/4" = 1'-0"

GENERAL INFORMATION

Parcel Number: [17909003](#)

Property Size: 13,760.60 square feet

Comprehensive Plan Map Designation: Commercial

Consistency with Adopted Plans:

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

- 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: B-3 General Commercial

Purpose of Zone District: The B3 general commercial district is intended to accommodate those commercial activities which may be incompatible with the predominantly retail uses permitted in other business districts; and whose service area is not confined to any one neighborhood or community.

Proposed Zoning: No change proposed

Existing Land Use: Convenience Store/Gas Station

Surrounding Zoning and Land Uses:

North	B-3 General Commercial	Gymnastics Center
East	B-3 General Commercial	Dine in Restaurant
South	B-2 Community Shopping	Convenience/Liquor Store
West	I-2 General Industrial	Metal Stamping

ANALYSIS:

Development Standards:

Density ([114-Article V](#): Article VII, Div. 5 [Bulk Regulations](#) & 8 [Lots](#)): The proposed addition will be 450 square feet. The exterior will be mad of structural clay atlas brick with integral color “Bronzestone”

Standard	Required	Provided
Lot Area	No minimum	13760.60 square feet
Lot Frontage	30 feet	120 feet
Floor Area Ratio	2.5 maximum	.10

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

Yard	Required	Provided
Front (south)	0 feet	81.45 feet
Side (east)	0 feet	13.71 feet
Side (west)	0 feet	38 feet
Rear (west)	0 feet	3 feet

Note, since there are no residentially zoned properties and no residential uses adjacent to the property no transitional yard is required.

Building design standards (114-Secs. [735.5](#) & [736](#)): The existing building on the parcel does not completely comply with the construction materials requirements of 114.735.5.b.1, however the piece that does not is existing non-conforming and the new addition does comply with the building standards.

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

Use Type	Required	Provided
Gas Station	9	9
Restaurant	6	6
Total	15	15 spaces

A building of this size does not require a dedicated loading zone. The service aisles in the parking area fulfill the requirement of the zoning ordinance.

Landscaping, screening and yard requirements ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): A landscaping plan has been submitted by the applicant. The landscaping plan shows that some existing pavement will be removed to place landscaping on the south boundary in front of the canopy as well as planting in the Northwest corner of the lot.

Sign Regulations (114-[Article X](#)): The site is allowed 120 square feet of signage. No plans were submitted with this application for changes in signage. Any change in signage would have to be approved by the department of City Development.

Outdoor lighting, signs ([114-Sec. 742](#)): A detailed lighting plan was not included with the applicant. Any exterior lighting needs to comply with this section regardless of plan submittal. Any changes to exterior lights (including new fixtures) requires review and approval, by the Department of City Development prior to installation. The existing lighting fixtures appear to comply with the requirements of this section.

Rubbish and trash storage ([114-Article V](#) & [114-740](#)): A new trash enclosure is proposed that will properly screen the dumpster on site and complies with zoning ordinance requirements.

Engineering, Utilities and Access:

Access ([114-1151](#)): The access point that is only a few feet from the intersection of Golf and Rapids will be closed as a part of this project which will make the ingress and egress on the site safer and more functional.

Surface drainage ([114-739](#) & Consult Engineering Dept.): The building addition will not add any impervious surface. The landscaping will add pervious surface that should not affect drainage.

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: 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:

- 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 proposed building addition and usage of the space are not anticipated to endanger the health, morals or general welfare of the area. The plans comply with all development standards and the building will be harmonious with development in the general area. A takeout

carryout establishment is a land use which would be expected along a commercial corridor in the community. The general area is already home to restaurants, both with dine in and takeout facilities; this offering is expected to be complimentary to that of the other offerings in 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: This conditional use is not anticipated to be injurious to other properties in the general area, assuming the recommended conditions are adopted with this request. The recommended conditions ensure this property will not impair property values or the enjoyment of adjacent properties. There is not expected to be any adverse impacts as a result of the planned building addition. The use of a takeout carryout establishment is expected to have some customers who come to the site solely for the restaurant, but it is also expected that many customers will be at the site already and may purchase food as a convenience. In either scenario, the site meets all development standards and will function in a manner which is not injurious to surrounding properties.

- 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 adjacent properties will be able to function as they have and the proposed usage of this property will not alter these current functions or any others which would be allowed by the zone district. It is anticipated that this operation, as proposed by the applicant, will function in conjunction with the uses in this corridor. The addition of a takeout carryout facility is not anticipated to hinder or impact surrounding properties and the existing or allowed land uses for neighboring properties.

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

Staff Comments: This request is not expected to impact the drainage or provision of utilities to the area. Access to the site is provided from Rapids Drive and Golf Avenue; the closure of the driveway at the intersection of Golf and Rapids is expected to enhance the safety of the intersection and overall functionality of the site.

- 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 plan submitted by the applicant does contemplate closing the driveway which is on the corner of Rapids and Golf. This driveway is not practical to use for safety reasons and with how the site is actually laid out. Best practices for access management nationwide recommend sharing access where possible and also pushing that access as far away from

intersections as possible, to that of a midblock location. While that would be the ideal scenario, the access drives proposed by the applicant keep with that spirit and intent by utilizing the driveways which are furthest from the intersection.

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

Staff Comments: The land use plan for the City identifies this property as Commercial. This proposed usage is consistent with the objectives of the comprehensive plan and is of a lesser intensity than other uses allowed in this zone district. The use is harmonious with others in the area and provides an effective use for this site. The takeout carryout facility will provide a potential amenity for those in the adjacent residential areas and provide another option for those in the general area.

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: With the recommended conditions, it is expected that this development will operate in accordance with the applicable regulations for this zone district. No exceptions are needed with the request and the proposed development should serve as a walkable destination for adjacent neighborhoods.

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 will complement the mix of uses serving the surrounding area.
- The proposed restaurant operation will help to provide a mix of uses within walking distance of a neighborhood, and at a scale and intensity which is complimentary to the area.

STAFF RECOMMENDATION: BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM, HABEEB ALI B. HASAN SEEKING A CONDITIONAL USE PERMIT TO ALLOW A TAKEOUT CARRYOUT RESTAURANT AT 3024 RAPIDS DRIVE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

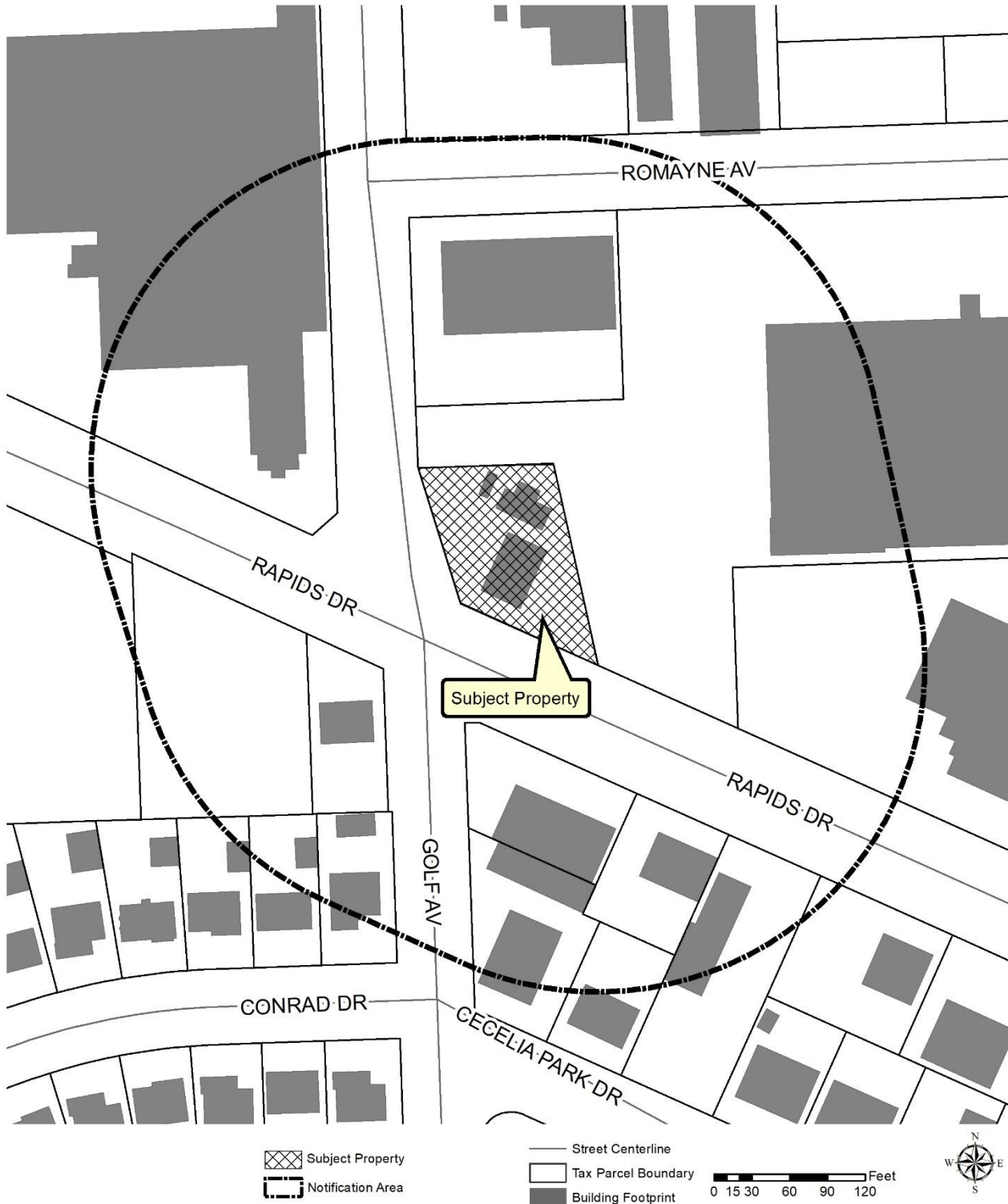
- a) That the plans presented to the Plan Commission on April 10, 2019 be approved subject to the conditions contained herein.
- b) That the following development standards be complied with prior to occupancy unless otherwise noted:
 1. Guardrail surrounding the property be removed and site be landscaped and maintained as required by Sec. 114-743 in accordance with plans submitted by the applicant and to include plantings which screen walk-in cooler on northeastern corner of property. Stone or rocks are not allowed in landscaping beds.
 2. That signage cover no more than 50% of any window as required by Sec. 114-1038(c)(1).
 3. Parking lot be sealed and striped in accordance with the provisions of Sec. 114-Article XI.
- c) That if, prior to the issuance of an Occupancy Permit, required site improvements 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 hours of operation be from 9:00 AM to 9:00 PM Sunday to Thursday and 9:00 AM to Midnight on Friday and Saturday.
- e) That outdoor storage of crates, coolers and other items not for sale be screened at all times.
- f) That LED string lights not be placed in windows
- g) That all codes and ordinances are complied with and required permits acquired.
- h) 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.
- i) 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 - 3024 Rapids Drive






Conditional Use Request - 3024 Rapids Drive



 Subject Property
 Notification Area

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



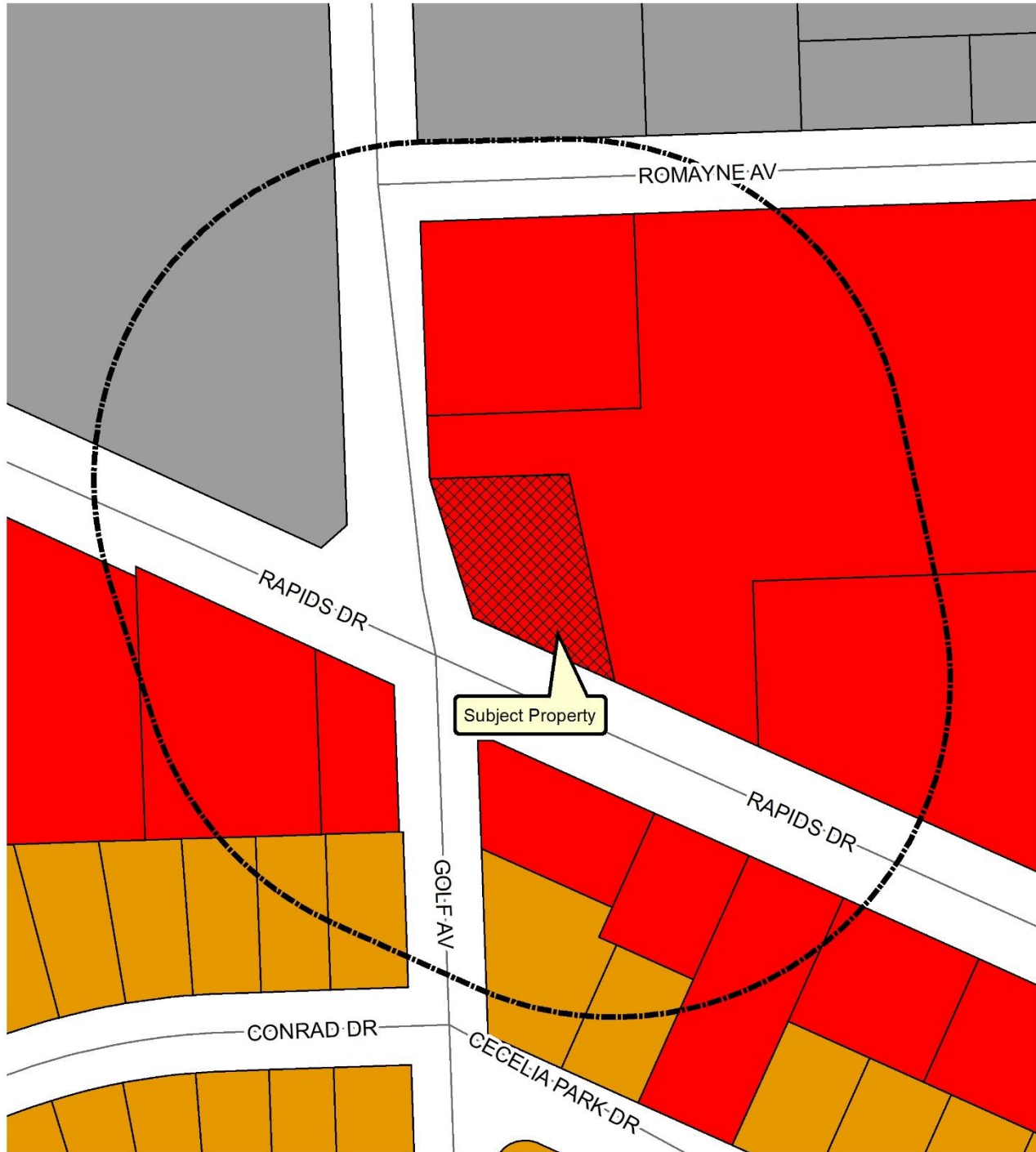


Conditional Use Request - 3024 Rapids Drive





Conditional Use Request - 3024 Rapids Drive




Land Use Designation

- Commercial
- Industrial
- Medium Density Residential

Legend for map symbols:

- Subject Property (Red cross-hatch pattern)
- Notification Area (Dashed black line)
- Street Centerline (Thin black line)
- Tax Parcel Boundary (Thin black line)

Scale: 0 15 30 60 90 120 Feet



Site Photos



Looking North at the Site (Addition will be on the left)



Looking Northeast at the Site from Rapids Drive



Looking Southwest at the Site from adjacent property



Looking Southeast at the site (building addition will be on the right)



Looking east along Rapids Drive from subject property



Looking South down Golf Avenue