



CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT

Meeting Date: 4/14/2021

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: 712 Grove Avenue

Applicant: Christie Kern and Jill Huxhold

Property Owner: WILSON JANE L

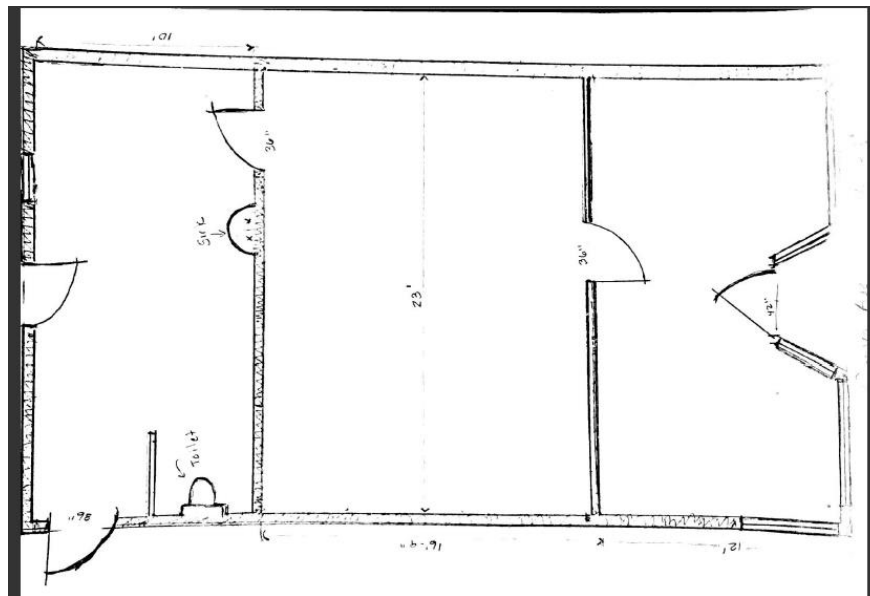
Request: Consideration of a conditional use permit to conditional use permit to operate an acupuncture and Reiki studio at 712 Grove Avenue, classified as a “retail use in an existing commercial building”, in a residential district for property located in a R-2 Single Family Residence Zone District as required in section 114-293 of the Municipal Code.

BACKGROUND AND SUMMARY: The existing commercial space addressed as 712 Grove Avenue would be repurposed into use as an acupuncture and Reiki massage studio with customers being scheduled via appointment only. Small energetic healing session and some small classes are also proposed for the space. Two employees are expected to work in the proposed establishment, which would have hours of 8:00 AM – 7:00 PM Monday thru Friday, with some appointments on weekends. Being zoned residential, a conditional use permit is not allowed to be transferred to another entity, even if it will be for the same or similarly classified use.

The Zoning Ordinance classifies this proposed use (acupuncture and Reiki studio) as permissible in the R-2 Single Family Residence Zone District upon the issuance of a conditional use permit (114-293). 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 for 712 Grove tenant space (north is up), submitted by applicant.

GENERAL INFORMATION

Parcel Number: [10421002](#)

Property Size: 9,170 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-2 Single Family Residence

Purpose of Zone District: The R2 single-family residence district is primarily designed to accommodate existing single-family neighborhoods which are characterized by smaller lots than are required in the R1 district.

Proposed Zoning: No change proposed

Existing Land Use: Three commercial tenant spaces and an attached dwelling.

Surrounding Zoning and Land Uses:

North	R-2 Single Family Residence	Single unit detached dwellings
East	R-2 Single Family Residence	Single unit detached dwellings
South	R-2 Single Family Residence	Single unit detached dwellings
West	R-2 Single Family Residence	Single unit detached dwellings

Operations: The existing commercial space addressed as 712 Grove Avenue would be repurposed into use as an acupuncture and Reiki massage studio with customers being scheduled via appointment only. Small energetic healing session and some small classes are also proposed for the space. Two employees are expected to work in the proposed establishment, which would have hours of 8:00 AM – 7:00 PM Monday thru Friday, with some appointments on weekends.

ANALYSIS:

Development Standards:

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

Standard	Required	Provided
Lot Area	6,000 square feet	9,170 square feet
Lot Frontage	30 feet	125 feet
Floor Area Ratio	N/A	N/A

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

Yard	Required	Provided
Front (east)	25 feet	0 feet
Side (north)	6 feet	12 feet
Side (south)	6 feet	35 feet
Rear (west)	40 feet	2 feet

This building predates the existence of the current zoning code and is considered legal, nonconforming.

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
Proposed studio	4 spaces	0 spaces
Barbershop	3 spaces	0 spaces
Dwelling Units	3 spaces	3 spaces
Total	9 spaces	3 spaces*

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

*The building is existing, non-conforming related to parking. While there are driveways and garages on the lot, they are not configured in a manner which allows the spaces to be counted for commercial uses as there are no drive aisles. 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 surrounding residential development. The limited capacity of the building, appointment basis and neighborhood scale of the development is also expected to reduce traffic demand.

Landscaping, screening and yard requirements ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): one-two unit dwelling residential properties are not required to provide screening from other residential properties.

Sign Regulations (114-[Article X](#)): The applicant is not proposing signage structures at this time.. The lot would be allowed to have one 16 square foot sign which is no taller than 6 feet and cannot be internally illuminated.

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.

Engineering, Utilities and Access:

Access ([114-1151](#)): Access to the site is provided by the adjacent public street, 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 a mixed use building, built in 1921 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 studio 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 neighborhood serving amenity. At this scale and intensity, the use 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 1921 in this location, it is essentially a neighborhood fixture. Its usage as barbershop 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 and zoned accordingly, but the neighborhood does have some commercial development to the southeast of the site along West Boulevard. 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 lot since the building was developed as a commercial space. 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

nature of this business is appointment oriented and it is not anticipated there will be many customers who come to the site in mass given the size of the operation and building.

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 most 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, subject to the consent of the applicant.
5. Defer with a continuance of the public hearing to a date certain, subject to the consent of the applicant.

STAFF RECOMMENDATION: BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM CHRISTIE KERN AND JILL HUXHOLD, SEEKING A CONDITIONAL USE PERMIT TO OPERATE AN ACUPUNCTURE AND REIKI STUDIO AT 712 GROVE AVENUE, CLASSIFIED AS A “RETAIL USE IN AN EXISTING COMMERCIAL

BUILDING”, IN A RESIDENTIAL DISTRICT BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That the plans presented to the Plan Commission on April 14, 2021 be approved subject to the conditions contained herein.
- b) That no LED string lights or other string lights be used as window, door or building accents.
- c) That all codes and ordinances are complied with and required permits acquired.
- d) That hours of operation be 8:00 AM – 7:00 PM Monday thru Friday and by appointment on weekends, no different than those hours.
- 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 (view in legistar).

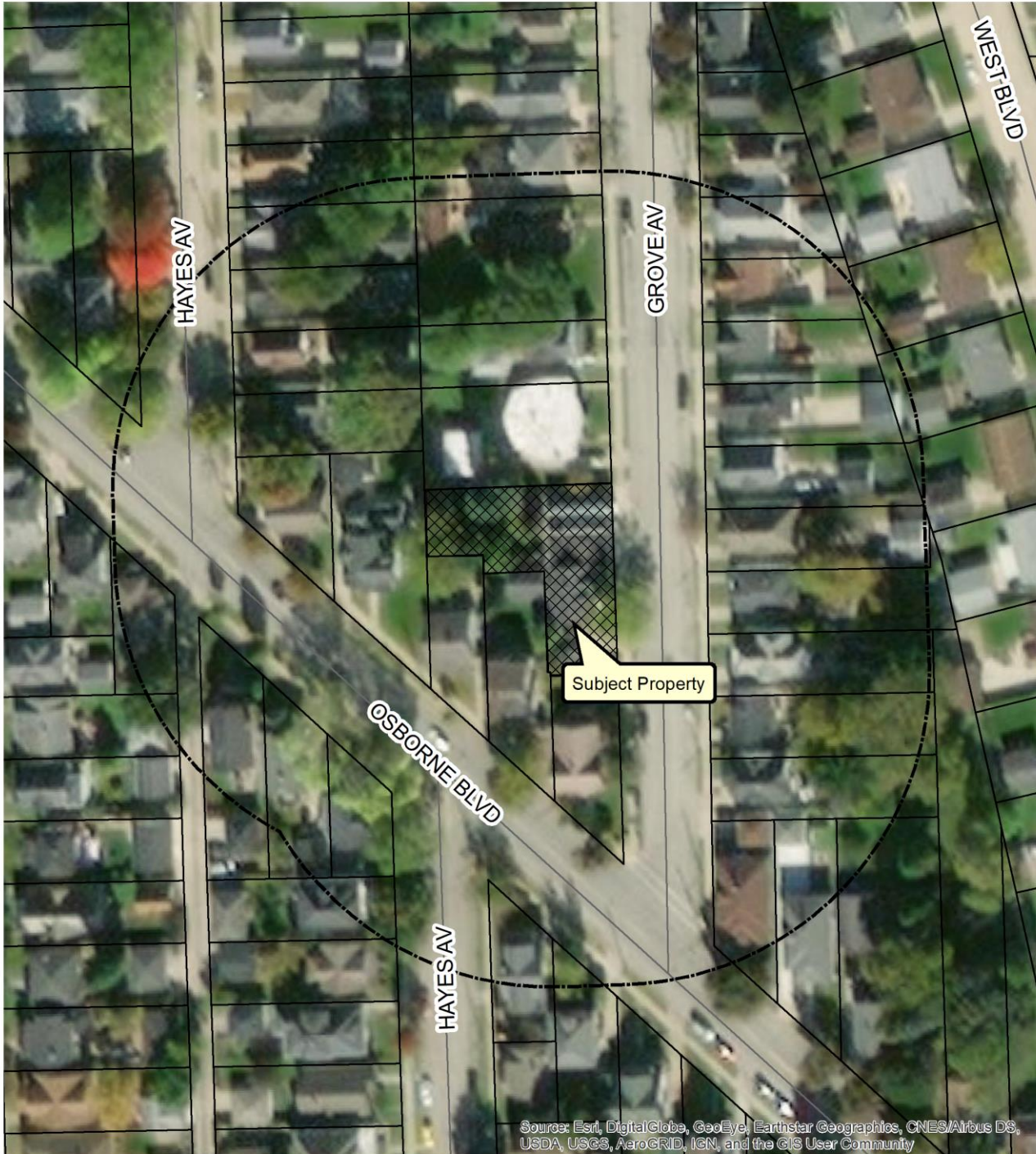


Conditional Use Request - 712 Grove Avenue

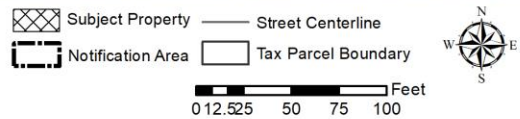




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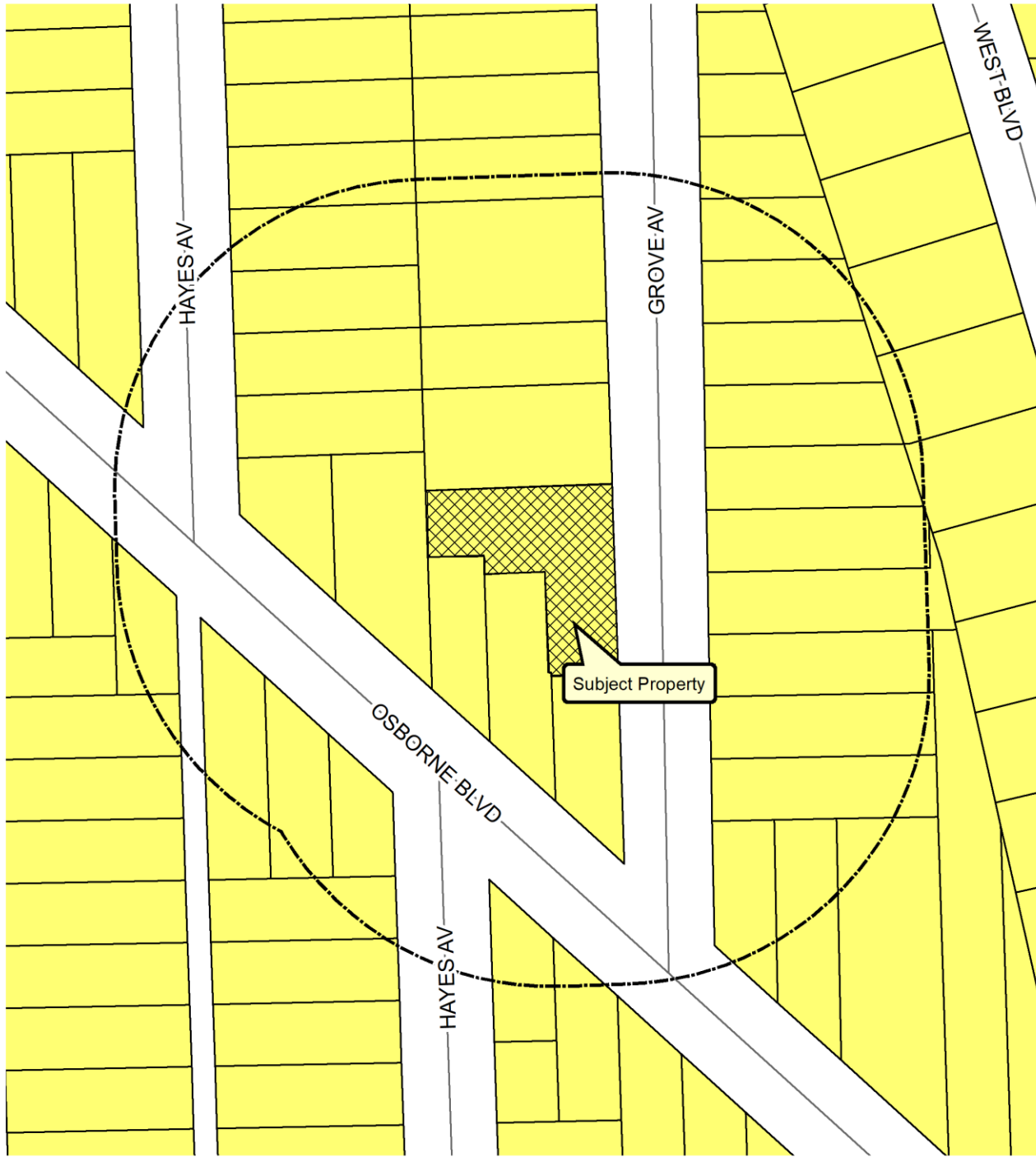


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



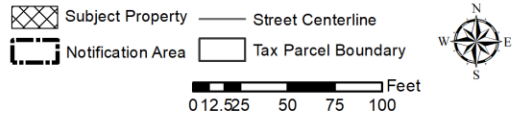


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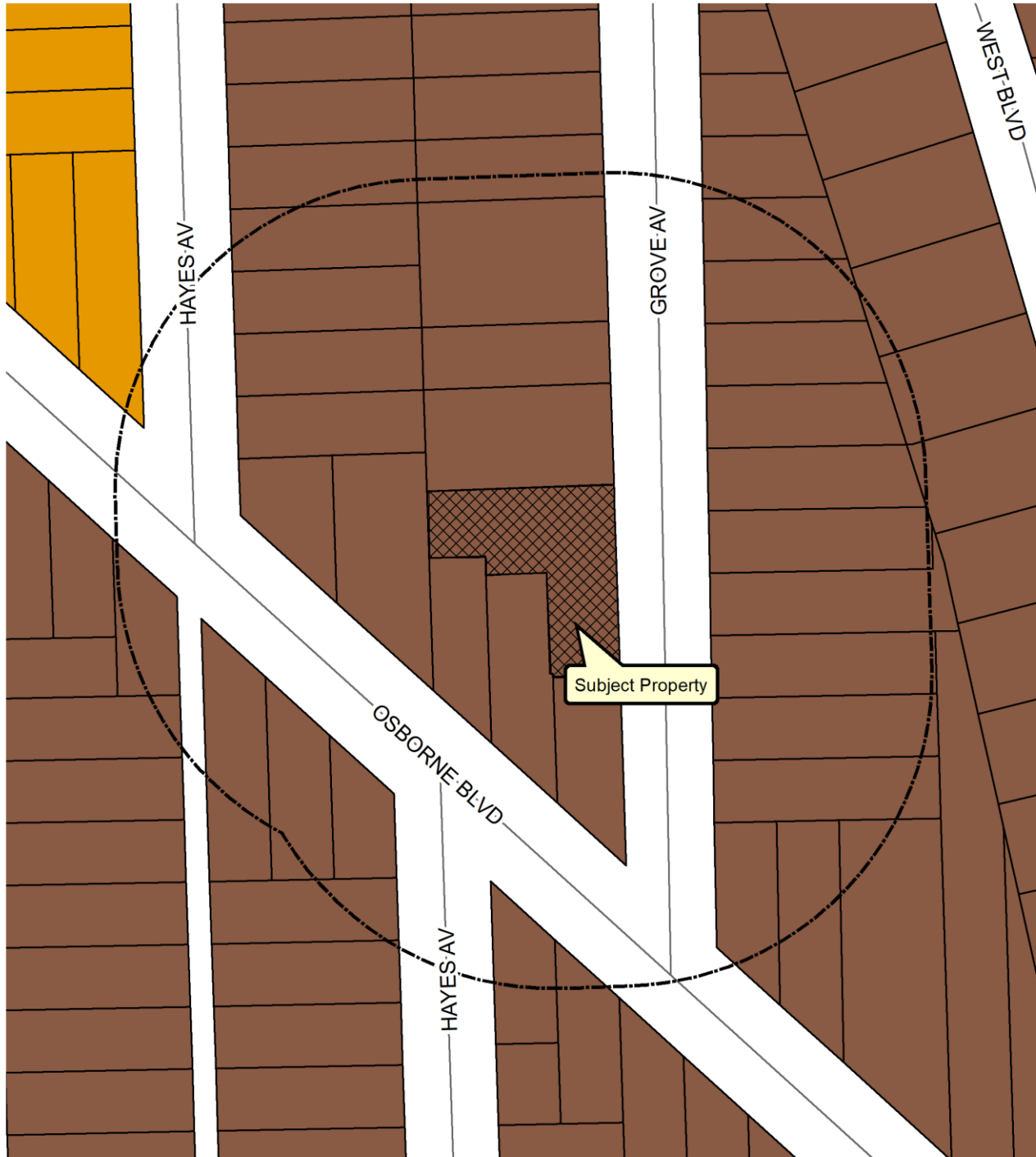
Zoning Designation

R-2



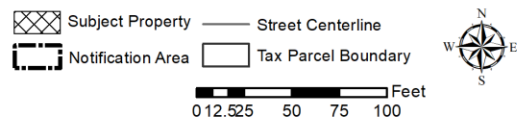


Conditional Use Request - 712 Grove Avenue



Land Use Designation

High Density Residential Medium Density Residential



Site Photos



Looking west at property from Grove Avenue



Looking east from subject property



Looking north from subject property



Looking south from subject property



Looking at rear of subject property