



CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT

Meeting Date: 10/10/2018

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: 2712 17th Street, located just west of the intersection of 17th Street and Grange Avenue, on the north side of the street adjacent to the alleyway.

Applicant: Theodore Harris III of Everything ‘N Moore

Property Owner: David DeGroot

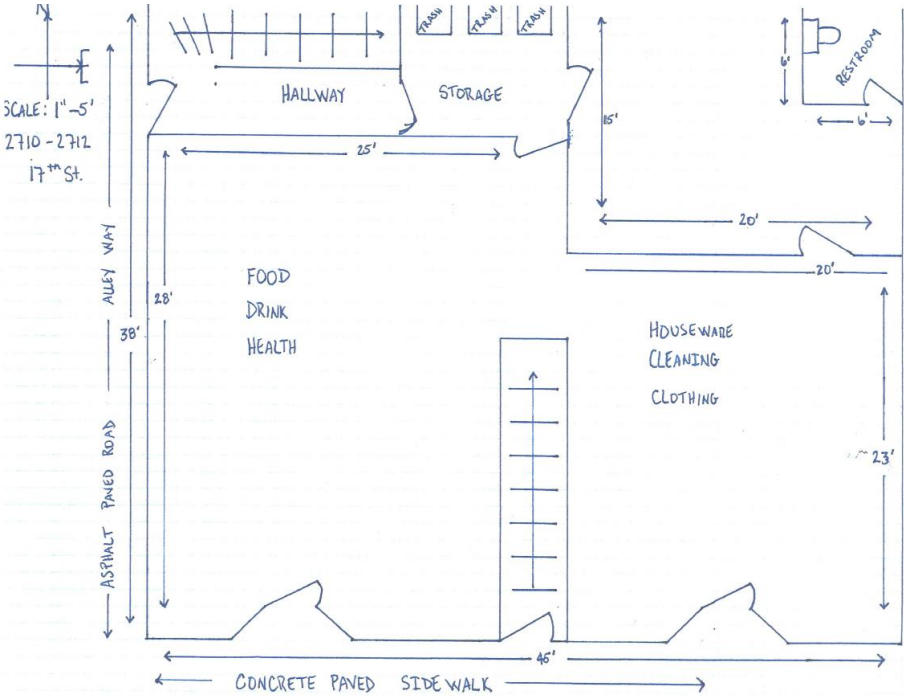
Request: Consideration of a conditional use permit to operate retail use in an existing building designed for commercial use as defined in Section 114-308 of the Municipal Code, in an existing building at 2712 17th Street for property located in a R-3 Limited General Residence Zone District as required in section 114-308 of the Municipal Code.

BACKGROUND AND SUMMARY: The applicant seeks to utilize the existing commercial building at 2712 17th Street to provide a neighborhood convenience store. The store would offer merchandise such as snacks, coffee, juice, milk, eggs and other “grab and go” type food items. The store would also stock housewares, cleaning supplies, health and beauty items, toys, gifts, limited clothing items, seasonal décor and other similar convenience type items. Deliveries to the site are anticipated to occur up to three times per week to deliver goods and products for the operation.

The Zoning Ordinance classifies this proposed convenience store as permissible in the R-3 Limited General Residence Zone District upon the issuance of a conditional use permit (114-308). The building must be designed for a commercial purpose and constructed and used for commercial purposes prior to 1946.



Birdseye view of the property, indicated in red (image from City Pictometry).



Proposed Building Floor Plan (north is to the top), submitted by applicant.

GENERAL INFORMATION

Parcel Number: 16778000 and 16777000

Property Size: 1,900 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-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 commercial building.

Surrounding Zoning and Land Uses:

| | | |
|--------------|-------------------------------|-------------------------|
| North | R-3 Limited General Residence | Single unit dwelling |
| East | R-3 Limited General Residence | Single unit dwelling |
| South | R-3 Limited General Residence | Knapp Elementary School |
| West | R-3 Limited General Residence | Single unit dwelling |

Operations: Deliveries to the site are anticipated to occur up to three times per week to deliver goods and products for the operation.

The zoning ordinance does not allow for the *sale or consumption* of alcoholic beverages on the site; additionally, coin operated amusement or gambling devices are not permitted on the site. The conditional use permit is not transferrable and any other operator of the establishment will be required to reapply for conditional use.

ANALYSIS:

Development Standards:

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

| Standard | Required | Provided |
|------------------|-------------|-------------------|
| Lot Area | No minimum | 1,900 square feet |
| Lot Frontage | 30 feet | 74 feet |
| Floor Area Ratio | .50 maximum | 1.55 |

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

| Yard | Required | Provided |
|-------------|----------|----------|
| Front | 30 feet | 0 feet |
| Side (west) | 12 feet | 0 feet |
| Side (east) | 12 feet | 0 feet |
| Rear | 40 feet | 0 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 structural modifications to the exterior of the existing building.

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

| Use Type | Required | Provided |
|---------------|----------|----------|
| Retail store | 7 | 0 |
| Dwelling unit | 1 | |
| Total | 8 spaces | 0* |

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

Landscaping, screening and yard requirements ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): The building takes up the entire lot area and there is no ability to provide a yard, screening or landscaping on this property.

Sign Regulations (114-[Article X](#)): Signage has not been included with this request. Any signage would need to follow requirements of the Office zone district, as it is the most restrictive business signage requirements. The signage needs to be externally illuminated as the area is exclusively developed as residential.

Outdoor lighting, signs ([114-Sec. 742](#)): Exterior lighting exists on the building. It appears the fixtures focus light onto the property and would comply with the development requirements. The plans submitted by the applicant do not contemplate changing the lighting for this property.

Rubbish and trash storage ([114-Article V](#) & [114-740](#)): The building is served by municipal trash collection, there is no ability to provide a trash enclosure to conceal debris and refuse on this property.

Engineering, Utilities and Access:

Access ([114-1151](#)): Access to the site is provided by the adjacent alleyway and 17th Street. This property has no parking area or yard. 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 commercial store front and was built as such in approximately 1920. 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 the area was first developed. The operation of a convenience type neighborhood retail establishment is not expected to endanger or be a detriment to the public or welfare of the community. A vacant building with no tenant 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.

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 business which serves the neighborhood. At this scale and intensity, the business will not draw customers from across the City or further than a few blocks. Given this building has been around for nearly 100 years in this location, it is essentially a neighborhood fixture. Its usage as a neighborhood retail store 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 as the requirements for doing such only allow this to occur when a building fits all criteria, which is the case here.

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 residential and has been for several generations of homeowners. 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. As it is currently zoned, the lot is not developable as residential. At 1,900 square feet in total lot area, the setbacks required for a house would not allow one to be constructed. That being said, the building is non-conforming, even if commercially zoned; the area has always had this establishment and continued viability for this area is not expected to change as a result of this building being occupied.

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 no ability to provide off street parking and there is no ingress or egress directly onto the lot. In this instance, there is open land on the former site of the Knapp Elementary school, which allows for on-street parking. There are also on street parking spaces directly in front of the business. These two areas have 17 parking spaces; while an on-street space is open to residents or anyone from the public, the likelihood a customer would not find a parking space is unlikely. The school schedule may tie up parking spaces near the beginning and end of the school day, but this is a high congestion time regardless of the land use mix. This business is not a

regional or City draw for traffic and many customers may choose to walk to the establishment. The customer base is somewhat limited by the size of the store and products which it can stock as convenience items.

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, yard, screening, landscaping or density requirements. This is explained by the fact that this building was developed well before the current zoning ordinance was adopted. Furthermore, the building occupies the entire footprint of the lot and has not changed in footprint since its construction. With these factors in mind and the fact that the building is non-conforming, all other applicable zoning regulations will be met with this proposal.

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 can be complimentary to the neighborhood.
- The property being maintained and in use helps to enhance the aesthetics of the area.

- The building was designed for and has been utilized for commercial purposes and the proposed use is at a scale and intensity which will not be detrimental to surrounding properties.

STAFF RECOMMENDATION: BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM THEODORE HARRIS III, SEEKING A CONDITIONAL USE PERMIT TO OPERATE A RETAIL USE IN AN EXISTING BUILDING DESIGNED FOR COMMERCIAL USE AT 2712 17TH STREET BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That the plans presented to the Plan Commission on October 10, 2018 be approved subject to the conditions contained herein.
- b) That the following development standards be complied with prior to occupancy:
 1. Site be landscaped and maintained as required by Sec. 114-743. Specifically the vegetation in the western side of the building’s foundation be removed; and
 2. A decorative trash can be provided on the exterior of the building along the sidewalk area; and
 3. Installation of a bike rack in the parkway area of the right-of-way.
- c) That if, prior to the issuance of an Occupancy Permit, required development standards 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 cease from 9:00 PM to 8:00 AM daily and no deliveries shall occur in this time frame.
- e) Signage be submitted to the Department of City Development for approval prior to issuance of building permit. All signage shall follow requirements of O district and be placed on the south (street facing) façade only. If illuminated, lighting shall be done through external means only.
- f) That tobacco products of any kind, cigars, vaping products, e-cigarettes, and hookah of any kind shall not be consumed or sold on this premises as a portion of this business.
- g) A window graphic be installed on each public entry door stating the hours of operation and no loitering.
- h) That all codes and ordinances are complied with and required permits acquired.
- i) 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.
- j) 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 - 2712 17th Street



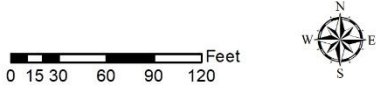


Conditional Use Request - 2712 17th Street



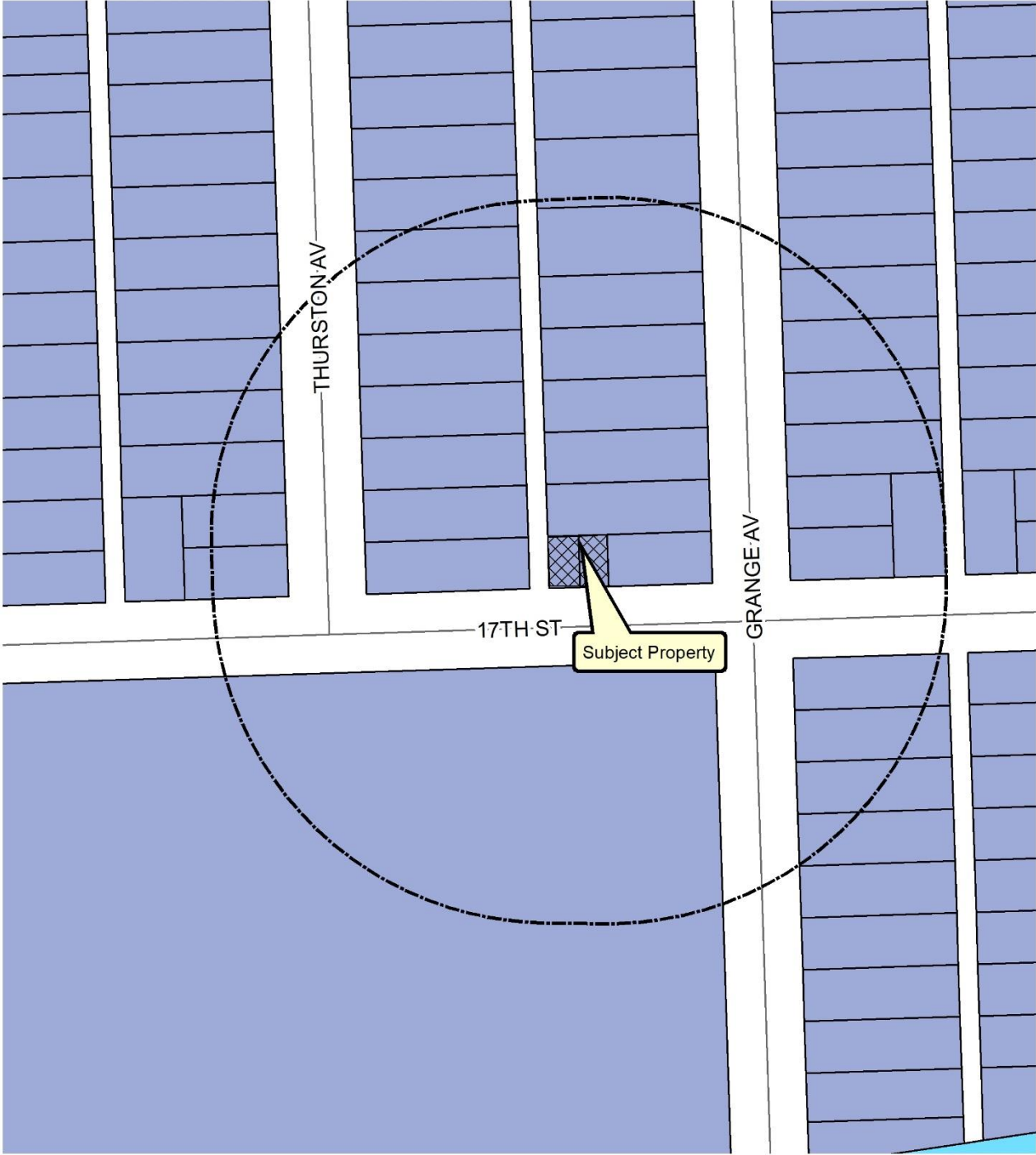
 Subject Property
 Notification Area

 Street Centerline
 Tax Parcel Boundary





Conditional Use Request - 2712 17th Street



Zoning Designation

I-1 R-3

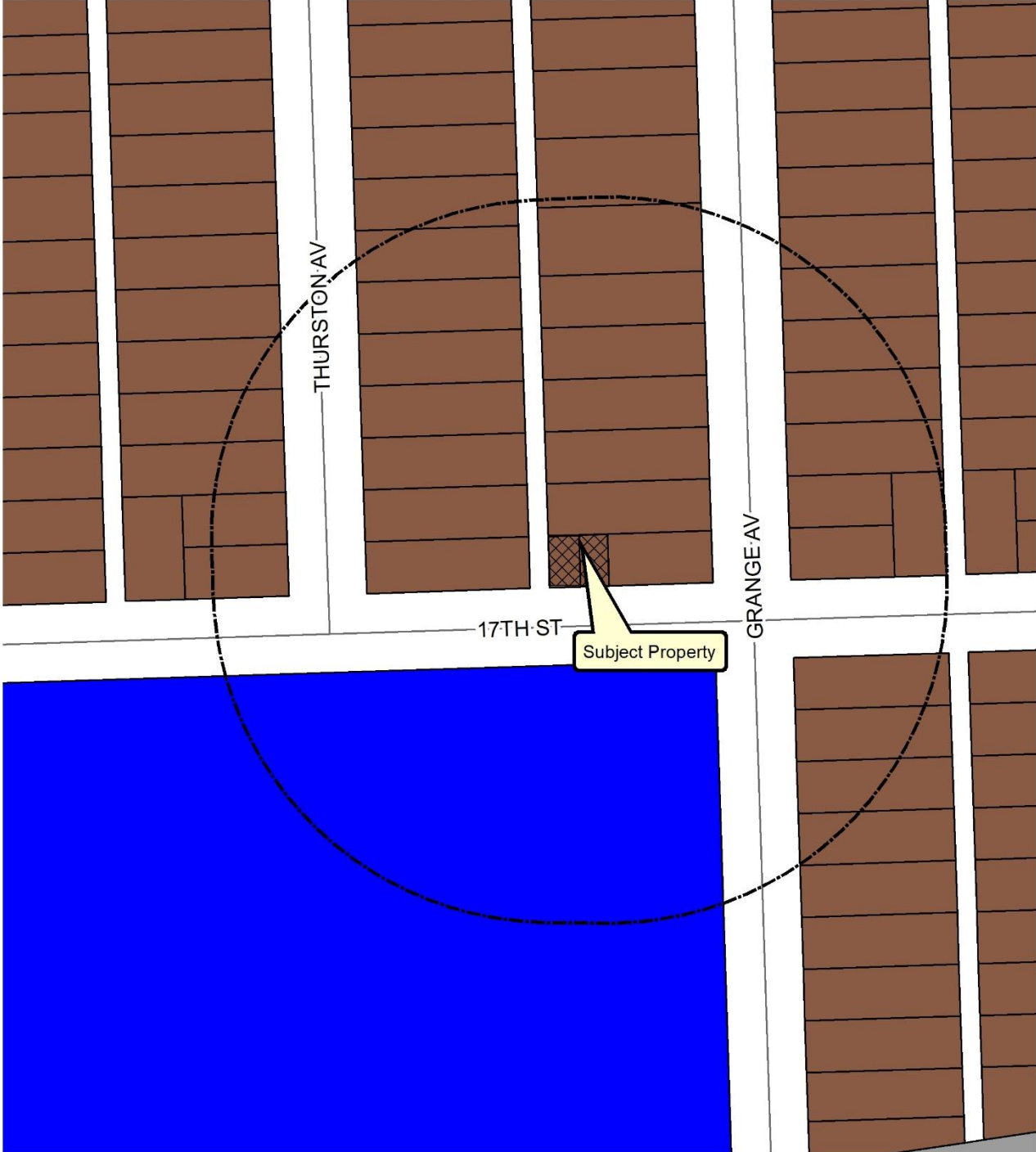
Subject Property — Street Centerline
Notification Area Tax Parcel Boundary

0 15 30 60 90 120 Feet





Conditional Use Request - 2712 17th Street



Land Use Designation

- Governmental and Institutional
- High Density Residential
- Industrial

Subject Property Street Centerline
Notification Area Tax Parcel Boundary

0 15 30 60 90 120 Feet

Site Photos



Looking north at subject property from 17th Street



Looking at east from subject property



Looking south from subject property



Looking west from subject property



Looking north from alleyway west of property



Looking southwest towards Knapp Elementary from subject property