



**CITY OF RACINE
DEPARTMENT OF CITY DEVELOPMENT
STAFF REPORT**

Meeting Date: 1/22/2024

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: Michelle Cook

Location: 817 Main Street

Applicant: Yash Patel, o.b.o. Kong Enterprises, LLC

Property Owner: Kong Enterprises, LLC

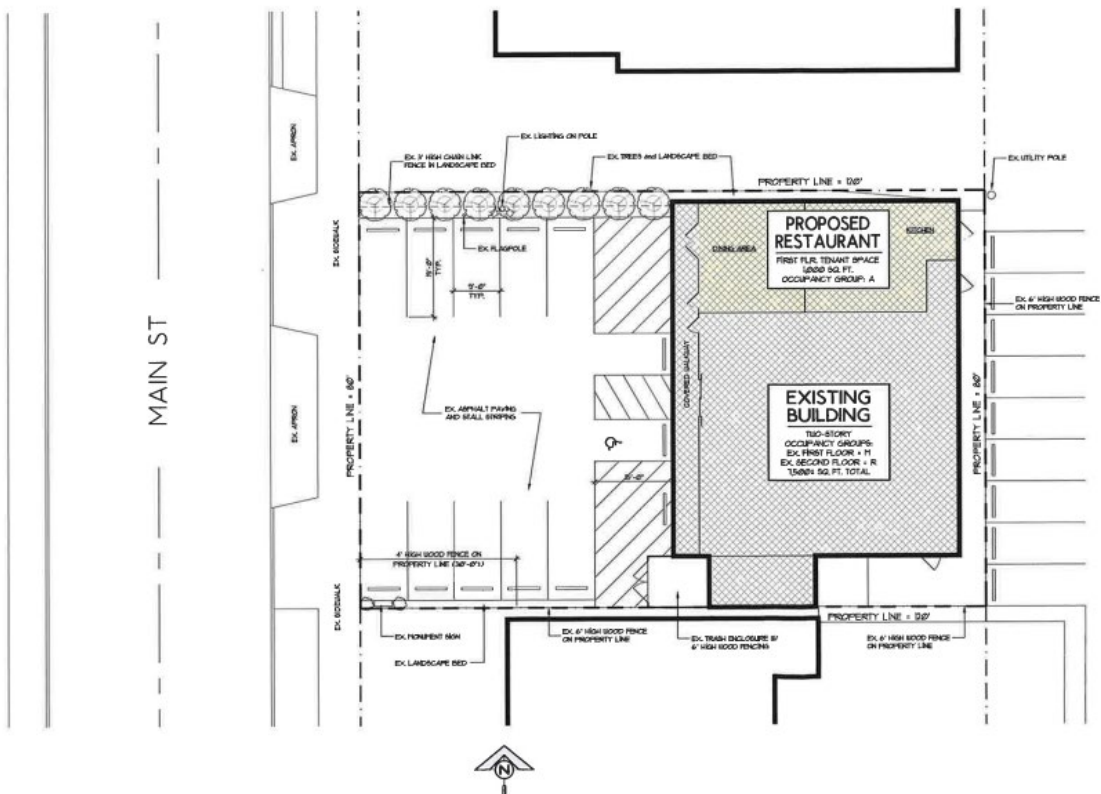
Request: Consideration of a request from Yash Patel, representing Kong Enterprises, LLC, for a conditional use permit to operate a restaurant at 817 Main Street located in a O/I Office Institutional District, as allowed by Sec. 114-656 of the Municipal Code.

BACKGROUND AND SUMMARY: The applicant seeks to utilize the existing commercial space addressed as 817 Main Street as a restaurant offering carryout and dine-in operations. The restaurant will be open Monday thru Sunday 10:00 a.m. – 10:00 p.m.

The location has operated as a restaurant since 2005 when the owners received a conditional use permit to allow the expansion of the convenience store to include the operation of a restaurant. Since then, the location has received several conditional use permits to continue its operation of a restaurant. The Zoning Ordinance classifies this proposed use (restaurant) as permissible in the O\I Office Institutional District upon the issuance of a conditional use permit and the approval of the zoning administrator (114-656). This use is also considered an extension of a nonconforming use (convenience store) as allowed by Sec. 114-214.



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



Proposed Floor Plan, submitted by the applicant.

GENERAL INFORMATION

Parcel Number: [00477002](#)

Property Size: 9,600 square feet

Comprehensive Plan Map Designation: Commercial

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?:Downtown Area Design Review District

Historic?: N/A

Current Zoning District: O/I Office/Institutional

Purpose of Zone District: The O/I Office/Institutional district is designed primarily to accommodate office buildings, civic and governmental structures, and educational and institutional buildings in a mutually compatible environment.

Proposed Zoning: No change proposed

Existing Land Use: Convenience Store and Restaurant

Surrounding Zoning and Land Uses:

North	O/I Office/Institutional	Funeral Home
East	O/I Office/Institutional	Professional Offices & Multiple Unit Dwellings
South	O/I Office/Institutional	Professional Offices
West	O/I Office/Institutional	Veterans Center & Multiple Unit Dwellings

Operations: The existing space addressed as 817 Main Street will continue to be used as a restaurant and operate as an extension of the convenience store that is on the site. Hours of operation for the restaurant will be Monday thru Sunday from 10:00 a.m. until 10:00 p.m.

ANALYSIS:

Development Standards:

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

Standard	Required	Provided
Lot Area	12,000 sq. ft.	9,600 square feet
Lot Frontage	100 feet	80 feet
Floor Area Ratio	2.5 maximum	.78

****This property is existing**

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

Yard	Required	Provided
Front (west)	25 feet	60 feet
Side (north)	8 feet	0 feet
Side (south)	8 feet	0 feet
Rear (east)	30 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. 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
Restaurant	10 per 1,000 sq. ft of gross floor area	
Convenience Store	6 per 1,000 sq. ft. of gross floor area	
Total	19	12

The construction of this property predates the current zoning code and the existing building is non-conforming in terms of parking requirements. The property is located in the downtown area with plenty of off-street parking to accommodate the use. A building of this size does not require a dedicated loading space.

Landscaping, screening and yard requirements ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): The site is fully developed and surrounding by commercial and office development. Landscaping exists between the parking lot and the parcel to the north. There are no plans to add additional landscaping at this time.

Sign Regulations (114-[Article X](#)): Signage is not a part of this request. Any signage proposed would need to follow the requirements of Sec. 114-1078 and be reviewed by staff prior to obtaining a sign permit.

Outdoor lighting, signs ([114-Sec. 742](#)): Lighting is not proposed with this application. Any lighting would have to comply the development standards and focus light onto the subject property and not adjacent properties.

Rubbish and trash storage ([114-Article V](#) & [114-740](#)): The building currently has dumpster trash collection. The dumpsters are stored on the south side of the property and screened from public view which meets the intent of the ordinance.

Engineering, Utilities and Access:

Access ([114-1151](#)): Access to the site is provided by Main Street. 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. This is allowed as an extension and continuance of a nonconforming use, according to the ordinance. This would not be allowed as a stand alone restaurant.

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 Planning, Heritage, and Design 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 establishment of a restaurant at the already existing location is not anticipated to be detriment to the public. This location has operated as a commercial use since 1972 and as a restaurant since 2005 so it is a fixture in the neighborhood. The applicant proposes to conduct the activities within the confines of the building.

- 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: 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. Reuse of this property is consistent with the goals of the Racine Comprehensive Plan in that current infrastructure and services will be utilized. Establishment of this business, as described by the applicant does not appear to diminish the use, enjoyment, or value of property 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 proposed use and organizational structure of the business proposed by the applicant, is not expected to negatively impact surrounding properties. The proposed operation details and hours are consistent with other established businesses in the area.

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

Staff Comments: The applicant is not proposing 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 applicant is not contemplating any changes to the access to the site. The ingress and egress from the site will occur from Main Street and the existing off-street and on-street parking along Main Street is adequate to accommodate the proposed use and surrounding businesses.

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

Staff Comments: The Comprehensive Plan calls for a land use pattern, which strengthens the character and livability of the City's downtown core, commercial and industrial areas. The land use plan calls for this area to be commercial in nature. The use is consistent with the current comprehensive plan.

- 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: It is expected that this establishment will operate in accordance with the applicable regulations for this zone district. The use is an extension of the use that has been present on the site since 1972. No exceptions are needed with this request and the proposed development is expected to fit with the mix of uses allowed to occur in the surrounding area.

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 BY YASH PATEL, REPRESENTING KONG ENTERPRISES, LLC, FOR A CONDITIONAL USE PERMIT TO OPERATE A RESTAURANT AT 817 MAIN STREET BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That the application presented to the Planning, Heritage and Design Commission on January 22, 2024 be approved subject to the conditions contained herein.
- b) That hours of operation be 10:00 a.m. – 10:00 p.m. Monday thru Sunday.
- c) That any proposed signage be submitted to the Department of City Development for review and approval prior to obtaining a sign permit.
- d) That all codes and ordinances are complied with and required permits acquired.
- e) That no major changes be made from the conditions of this permit without approval of the Planning, Heritage and Design Commission.
- f) That this conditional use permit is subject to review by the Planning, Heritage and Design Commission 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 - 817 Main Street

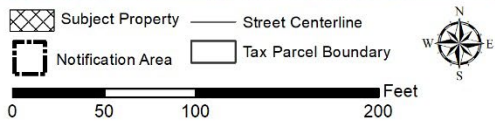




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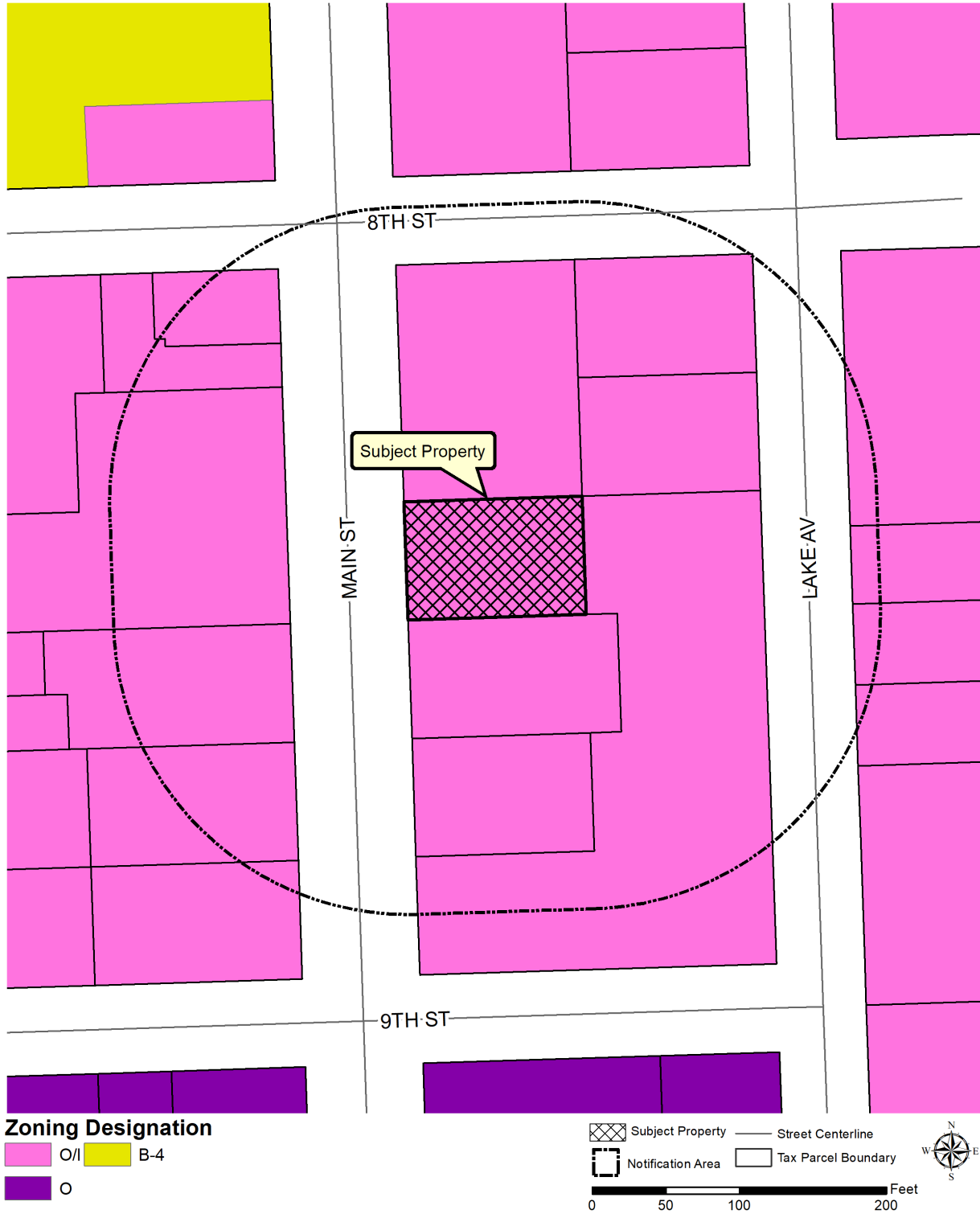


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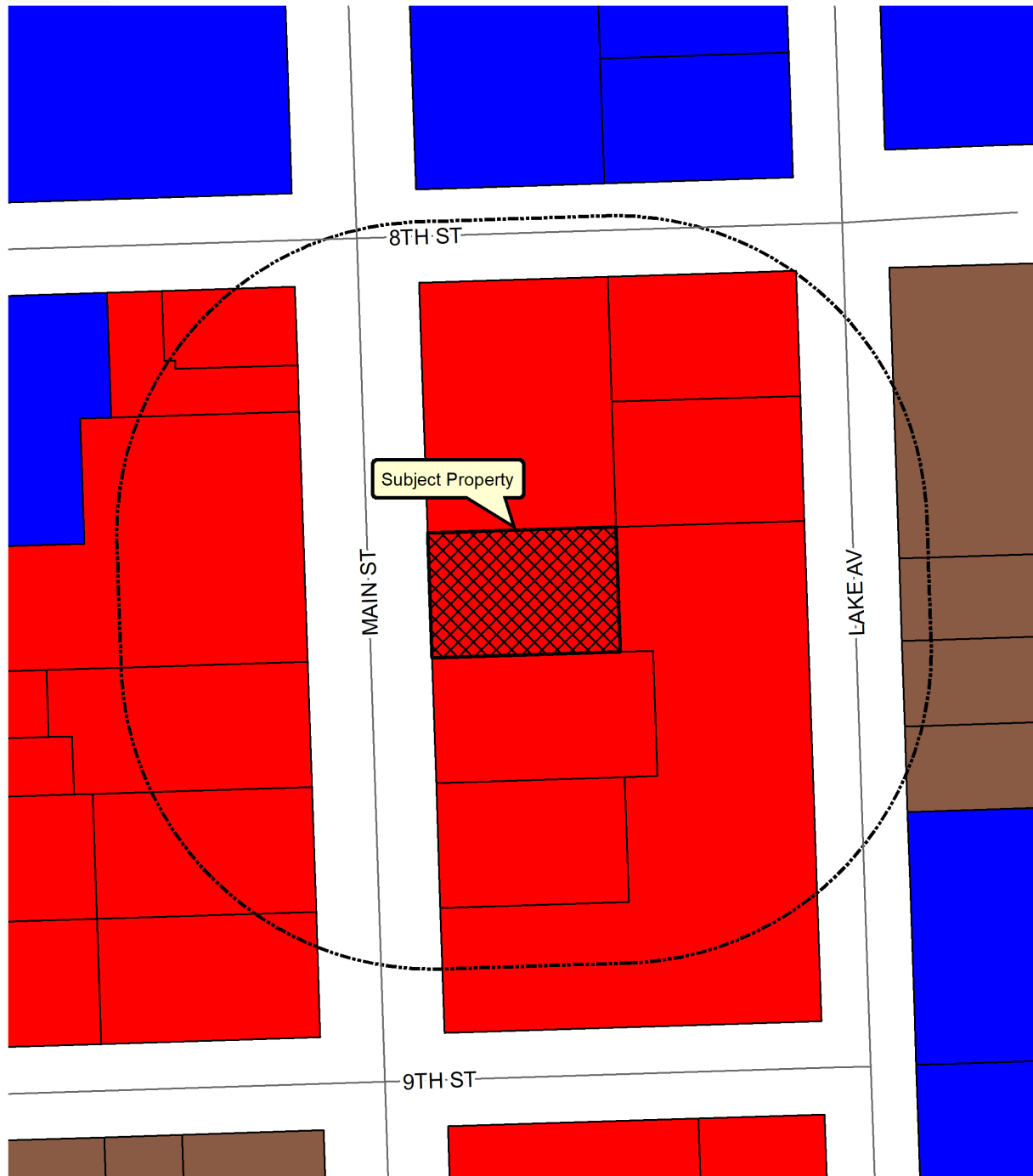


Conditional Use Permit - 817 Main Street





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Land Use Designation

- Commercial
- High Density Residential
- Governmental and Institutional

- Subject Property
- Notification Area
- Street Centerline
- Tax Parcel Boundary

0 50 100 200 Feet

Site Photos



Looking east at subject property



Looking across the street from subject property



Looking north from subject property



Looking across the street from subject property



Looking at the rear of subject property