



CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT

Meeting Date: 1/9/2019

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: 3120 Kinzie Avenue.

Applicant: James and Sarah Anspaugh, Meyers Racine Monument Works

Property Owner: James Anspaugh

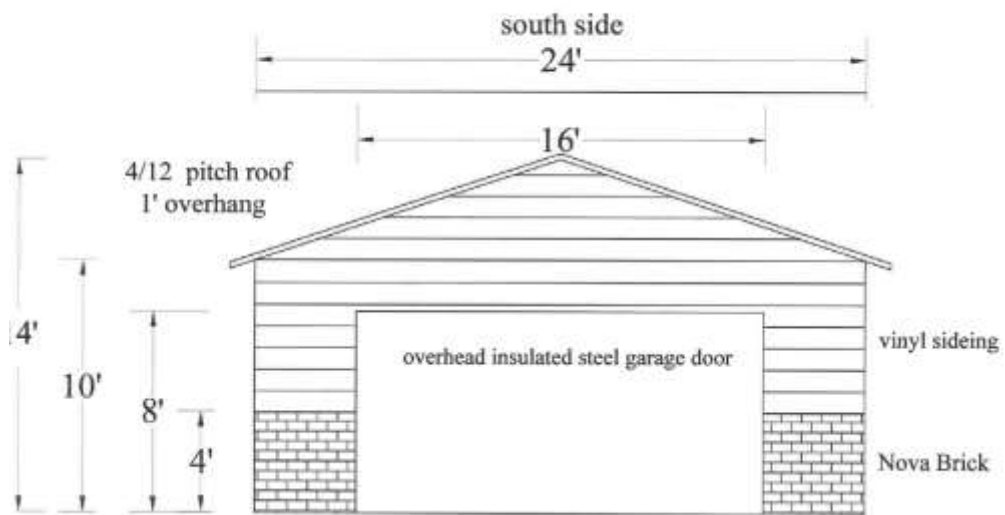
Request: Consideration of an expansion of a nonconforming use to expand a contractor shop and yard, which is allowed in industrial zone districts through a conditional use permit. The expansion contemplates adding a 24 foot by 30 foot garage at 3120 Kinzie Avenue in an R-2 Single-Family Residence District and B-1 Neighborhood Convenience Zone District as described by Sec. [114-216](#) of the Municipal Code.

BACKGROUND AND SUMMARY: This proposed expansion is to allow for the construction of a garage to store equipment and vehicles for Meyers Racine Monument Works at 3120 Kinzie Avenue. This type of use is classified as a contractor yard and shop and allowed in industrial zone districts through approval of a conditional use permit. The business has been in existence since 1848 and predates most of the homes in the area and the concept of zoning regulations in the country.

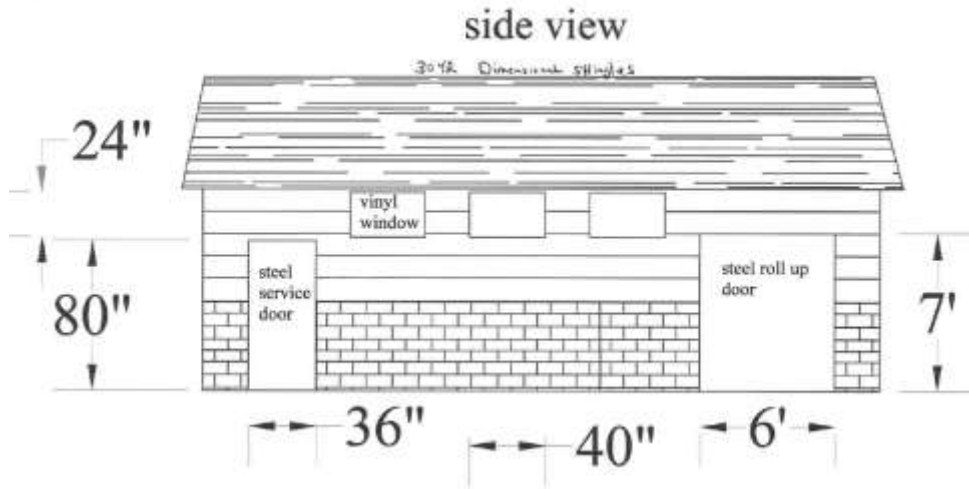
The Zoning Ordinance classifies the proposed garage an expansion of a nonconforming use, which may expand by following the provisions outlined in Section 114-216 of the Municipal Code.



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



Proposed south elevation



Proposed east side elevation



Proposed Site plan, submitted by applicant, garage location shown in red

GENERAL INFORMATION

Parcel Number: [10288000](#)

Property Size: 13,870 square feet

Comprehensive Plan Map Designation: High Density Residential and 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?: N/A

Historic?: N/A

Current Zoning District: R-2 Single Family Residence and B-1 Neighborhood Convenience

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.

The B1 neighborhood convenience district is intended to provide convenience shopping to close proximity for persons residing in nearby residential areas by allowing only such uses as are necessary to satisfy basic shopping needs which occur daily or frequently, and selected additional uses which normally attract little vehicular traffic and are otherwise compatible with residential areas.

Proposed Zoning: No change proposed

Existing Land Use: Monument and memorial shop and yard (classified as a contractor shop/yard) with accessory office space.

Surrounding Zoning and Land Uses:

North	B-1 Neighborhood Convenience	Multiple dwelling unit building
East	R-3 Limited General Residence	Cemetery
South	B-1 Neighborhood Convenience	Single unit dwellings
West	R-2 Single-Family Residence	Single unit dwellings

Operations: No changes in operations are changed for the site. The proposed garage will allow for the materials being stored outside, to be stored inside and for vehicular parking.

ANALYSIS:

Development Standards:

Accessory Structures: (114-Article VII, Division 3 [Accessory Buildings and Structures](#)): The plans submitted by the applicant comply with all the requirements of this division. The placement, size, use and height all comply with the requirements of this division.

Building design standards (114-Secs. [735.5](#) & [736](#)): The buildings on the parcel comply with the design requirements of the ordinance. The proposed garage design complies with the design requirements of the zoning ordinance.

Off-street parking and loading requirements (114- [Article XI](#)): A building of this size does not require a desiccated parking and loading zone. The lot does have space for parking and loading of materials and for deliveries.

Landscaping, screening and yard requirements ([114- Article V](#); Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): Screening is required along the western property line as the uses are residential. The current landscaping on the site is in compliance with the requirements of the ordinance.

Outdoor lighting, signs ([114-Sec. 742](#)): Changes in lighting for the site are not contemplated as part of this application. The existing fixtures on the property appear to comply with the requirements of the ordinance.

Engineering, Utilities and Access:

Access ([114-1151](#)): This application does not contemplate changes in access to the site. Customer access is provided from Osborne Boulevard.

Surface drainage ([114-739](#) & Consult Engineering Dept.): A site drainage plan will need to be submitted as part of permitting prior to construction of the accessory building.

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. Electricity is the only utility which is proposed to be connected to this garage.

Exceptions to ordinance: No deviations from ordinance requirements would be required for the construction of the proposed garage on the lot.

Additional Planning and Zoning Comments: Amending the land use plan to industrial to make way for industrial zoning would not be a sustainable or prudent idea for this zoning lot. The property is at a major intersection and adjacent to residential. While on one hand the business has been in place for over a century, on the other hand the long term implications if the business were to move have to be considered. The current operators do a good job with maintenance and upkeep of the property and

limit the outdoor storage. The nature of industrial businesses tends to be that things are going to be kept outside. Allowing industrial zoning here would open this property up to allow for this type of operation which has the potential be run much differently than current operations. Allowing this business to expand and have the garage will take care of the immediate issue today, which is the need for a garage for storage of equipment and vehicles, while not sacrificing the long aesthetics and land use patterns of the area.

REQUIRED FINDINGS OF FACT ZONING BOARD OF APPEALS:

EXPANSION OF NONCONFORMING USE FINDINGS (Sec. 114-216(3))

No Expansion of a Nonconforming Use shall be approved by the Zoning Board of Appeals unless it is found that:

- a) **The continued establishment, maintenance or operation of the nonconforming use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

Staff Comments: The use actually predates the homes in the area and the business is somewhat of a wayfinding landmark in Racine. The continued operation of the use is not expected to endanger the public or general welfare of the area. This business has kept the general appearance of a retail store which would be an allowed use, but technically, the use does require industrial zoning despite appearances. There is a condition related to storage of materials and equipment inside enclosed structures to ensure the continued appearance of a retailing establishment.

- b) **The nonconforming use will not cause substantial injury to the value of other property in the neighborhood.**

Staff Comments: The proposed expansion is not expected to cause injury or decrease property value in the neighborhood. The garage will allow for the storage of vehicles and equipment inside the structure. This is anticipated to create an enhanced overall aesthetic in the area and will also show that investment in the area is economically viable and warranted.

- c) **The nonconforming use will not impede the normal and orderly development and improvement of the surrounding property for other use.**

Staff Comments: If developed in accordance with the staff recommended conditions, this expansion is not expected to impede the existing development in the area. The existing development in the area essentially developed around the business and the continued existence of this business will not impede the existing residential development in the area.

- d) **Adequate utilities, access roads, off-street parking, drainage and other necessary improvements have been or are being provided.**

Staff Comments: Changes to the access, parking and drainage are not contemplated with this proposed expansion. The construction of this garage will not impact parking, utilities or access to the site. The drainage for the site will still comply with City requirements with the construction of this garage structure.

- e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

Staff Comments: Changes in access are not contemplated in the plans submitted by the applicant. The access to the garage will be from a driveway and not impact customers or traffic; the site will generally function as it does now with the exception the materials and storage will occur inside the garage and not outside. The access points and parking configurations on the site will not be impacted by this addition of a garage.

- f) Continuance of the nonconforming use would be of greater benefit to the area, and general public, than would its termination.**

Staff Comments: The continuance of this business would be a benefit to the area. If the business relocated a vacant storefront and property would be detrimental to the general aesthetics of the area at this major intersection. The vacant space would add to the existing stock of buildings which are vacant in the community. Despite being classified as an industrial use, the performance standards ensure this use will function as a more of a retailing use, which aesthetically and functionally, would benefit the area.

- g) Sufficient conditions and restrictions have been or will be placed upon the location, construction, maintenance and operation of the nonconforming use to assure that all of the above findings are satisfied.**

Staff Comments: The conditions below will ensure this operation continues to function in a manner which is complimentary to the neighborhood and consistent with the findings to authorize the expansion of this use by the Zoning Board of Appeals. These conditions ensure the harmony of this operation with the surrounding area by limiting hours of outdoor activity and storage of goods outside.

- h) The nonconforming use occupies or will occupy a nonresidential structure.**

Staff Comments: The use will occupy an accessory structure which is nonresidential in nature as habitation of a garage accessory building does not comply with building or other life safety codes. The expansion will allow for storage of vehicles and other goods which are necessary for the business to function at this property.

REQUIRED FINDINGS, CITY PLAN COMMISSION

EXPANSION OF NONCONFORMING USE FINDINGS (Sec. 114-216(2))

- a) Submitted a written report to the board of appeals addressing the points in subsection (b)(3), (which are listed above in this report).**

Staff comments: Staff would recommend to the Plan Commission that points above as formulated by City Staff be included in the report to the Zoning Board of Appeals.

- b) Determined that the zoning district in which the nonconforming use is located is considered in transition and only of marginal use as a retail area.**

Staff Comments: the location is on the edge of a primarily residential area and just north of an existing strip of commercial development. The commercial development between 12th and 6th Streets along West Boulevard to the south of this property is adequate for the area it serves. From a retail space perspective, there are vacancies in the general area of the City. The logistics of this site in particular, given the nature of the street network, make retailing from it problematic. More active traffic at this location given the nature of the adjacent intersection, would not be desirable from an access management perspective. The nature of this business lends itself to more limited traffic as it does indeed have customers and needs them to succeed, but the trip generations are much lower than other more active retailing uses.

- c) Determined that the continued occupancy of the area by the nonconforming use is not in conflict with any existing plan, program or project.**

Staff Comments: The adjacent residential uses will be much better served by a more passive commercial business than that of a higher traffic generating commercial use. The expansion of this business is not in conflict with any plans, programs or projects. The intent of the Zoning Ordinance is to create consistent and predictable development in the community. The construction of this garage will allow for the storage of equipment and stone materials which currently occurs in the yard areas of the lot. Having equipment in the proposed structure is harmonious with the spirit and intent of the zoning ordinance for a transition between residential and commercial development.

POSSIBLE ACTIONS FOR THE PLAN COMMISSION

1. Recommend Approving the request as submitted; or
2. Recommend Approving the request with conditions deemed necessary to mitigate any adverse impacts that could arise from the project; or
3. Recommend Denying the request; or
4. Defer the request to obtain more specific information about the request.

STAFF SUPPORTS THE APPLICATION FOR THE FOLLOWING REASONS:

- Proposed development shows investment in this neighborhood is economically viable and prudent.
- Changing the comprehensive plan and zoning would not be the best option for this area to allow this use to continue. The expansion of the nonconforming use would allow the expansion to occur and this business to exist without the long term implications of changing the land use plan and zoning.
- The garage will allow for the storage of materials and improve the overall appearance of the site.

STAFF RECOMMENDATION: BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST JAMES AND SARAH ANSPAUGH., SEEKING TO EXPAND A NONCONFORMING USE, AT 3120 KINZIE AVENUE BE RECOMMENDED FOR APPROVAL, SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That the City Plan Commission concurs with the findings in this staff report related to the criteria outlined in Sec. 114-216(b)(2) and forwards this recommendation to the Zoning Board of Appeals.
- b) That the plans presented to the City Plan Commission on January 9, 2019 be approved subject to the conditions contained herein.
- c) That a drainage plan as required by Sec. 114-739 be submitted prior to construction.
- d) That no unscreened storage be allowed on the site.
- e) That a sanitary sewer connection shall not be allowed to service any accessory structure.
- f) That no activities outside commence prior to 8AM and shall cease by 9PM.
- g) That all codes and ordinances are complied with and required permits acquired.
- h) That no minor changes be made from these conditions without approval of the Zoning Board of Appeals.

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](#)).





Expansion of Nonconforming Use - 3120 Kinzie Avenue







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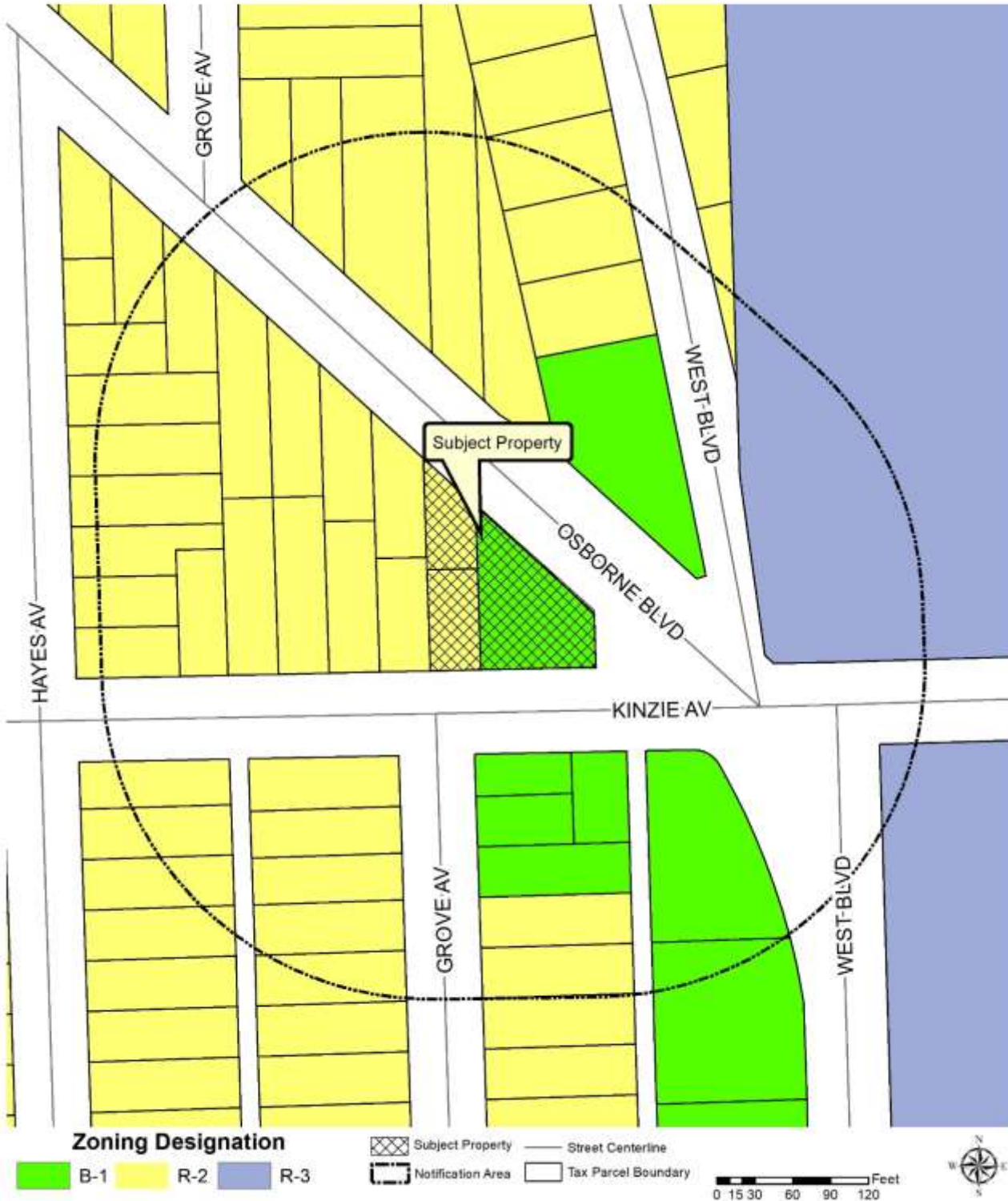
 Subject Property
 Notification Area

 Street Centerline
 Tax Parcel Boundary



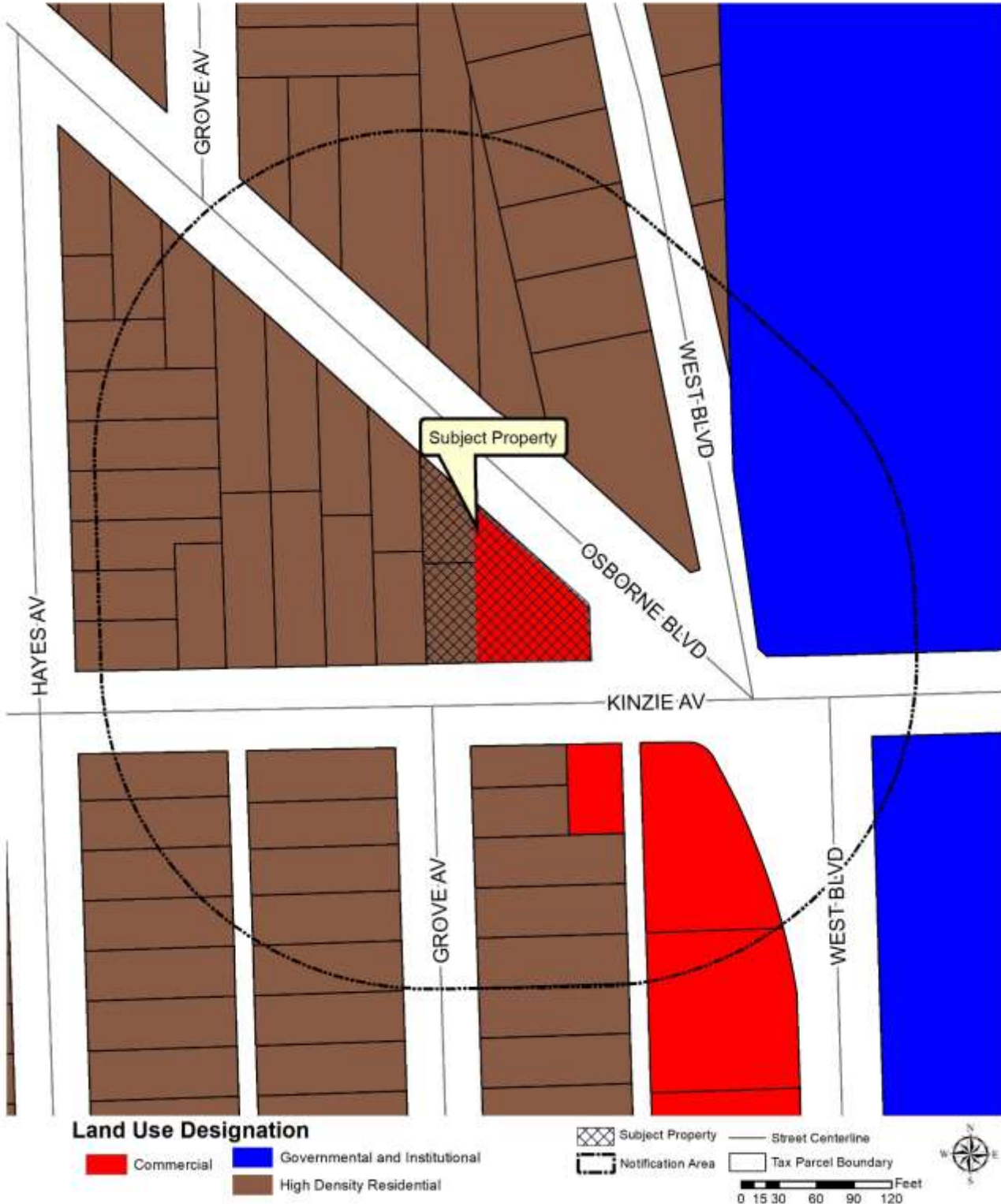


Expansion of Nonconforming Use - 3120 Kinzie Avenue





Expansion of Nonconforming Use - 3120 Kinzie Avenue



Site Photos



Looking north towards garage location from Kinzie Avenue



Looking south from Osborne Boulevard at property



Looking west along Kinzie Avenue from property



Looking west at property from Osborne Boulevard



Looking southeast from the subject property along Osborne Boulevard



Looking east from the subject property