



CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT

Meeting Date: 4/24/2019

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: 1124 High Street, located on the north side of the street, just east of the intersection of High Street and Geneva Street.

Applicant: Audreyanna Simpson

Property Owner: Our Future Endeavors LLC

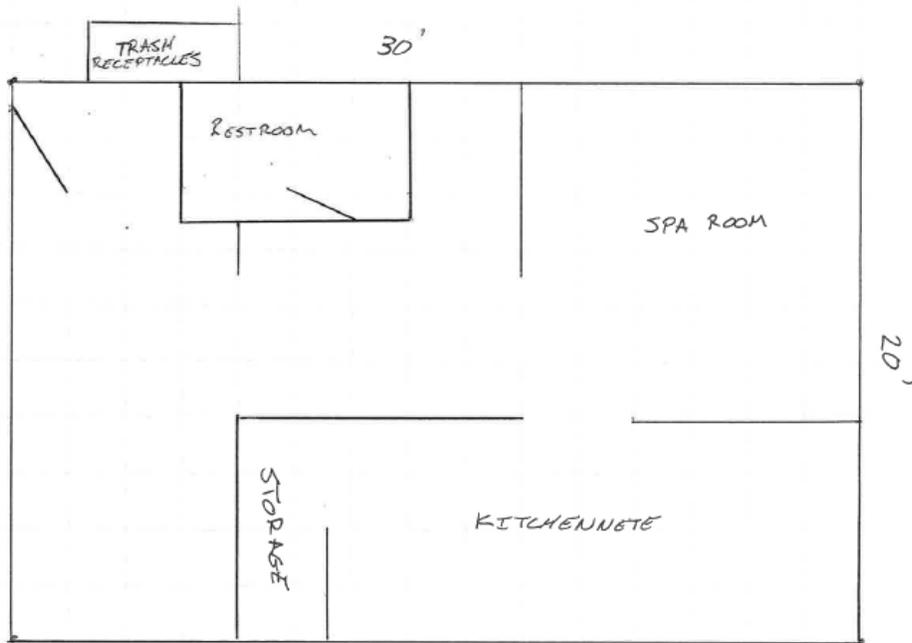
Request: Consideration of a conditional use permit to operate an Esthetics Establishment and Spa, classified as a Beauty Shop, as allowed by Sec. 114-308 of the Municipal Code, in an existing building at 1124 High Street for property located in a R-3 Limited General Residence Zone District as required in section 114-328 of the Municipal Code.

BACKGROUND AND SUMMARY: The applicant seeks to utilize the existing office building at 1124 High Street. This property was built in 1941 as an office building and was most recently a dental office. The business will operate by appointment. Being zoned residential, a conditional use permit is not allowed to be transferred to another entity, even if it will be for the same use.

The Zoning Ordinance classifies this proposed professional office 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 1976.



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



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

GENERAL INFORMATION

Parcel Number: [21062001](#)

Property Size: 2,066 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?: Douglas Avenue Corridor

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: Office building.

Surrounding Zoning and Land Uses:

North	R-3 Limited General Residence	Two unit dwelling building
East	R-3 Limited General Residence	Two unit dwelling building
South	B-2 Community Shopping	Flatiron Mall
West	R-3 Limited General Residence	Two unit dwelling building

Operations: The business will operate by appointment only with no retail sales and is open from 10:00 AM to 10:00 PM seven days a week. Services performed include hair removal, skin therapy, facial treatments, laser tattoo removal, eyelash extensions and IEP skin tightening.

ANALYSIS:

Development Standards:

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

Standard	Required	Provided
Lot Area	6,000 square feet	2,066 square feet
Lot Frontage	30 feet	25 feet
Floor Area Ratio	.75 maximum	.29

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

Yard	Required	Provided
Front (south)	30 feet	10 feet
Side (west)	6 feet	6 feet
Side (east)	6 feet	0 feet
Rear (north)	35 feet	40 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 modifications to the exterior.

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

Use Type	Required	Provided
Beauty shop	3	0 spaces
Total	3 spaces	0 spaces

A Building of this size does not require a dedicated loading space. The business does not have deliveries.

The parking for this business occurs on High Street or in the municipal lot behind the Flatiron building.

Landscaping, screening and yard requirements ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): Sec. 114-734 would require that this building provide screening along the entire western and northern lot lines. A residentially used property would not be required to provide screening and a bufferyard. Space for a proper and required size of a buffer yard to allow vegetation to grow does not exist. The building foundation is also fairly close to where a bufferyard would go creating potential problems in the future. The required screening is in place for the northern property line and most of the western property line; this meets the intent of Sec. 114-735 as screening the entire western property line to the sidewalk would look out of character with the area.

Sign Regulations (114-[Article X](#)): traditionally for commercial buildings zoned residentially, any signage would need to follow requirements of the Office zone district as part of a conditional use, as it has the most restrictive commercial district signage requirements.

Nonresidential identification signage is contemplated in the R-4 to R-6 zone districts (this property is zoned R-3). These requirements would allow signage of no taller than 6 feet in height from curb level, ten feet from any property line and 16 square feet in size. Given the nature of the surrounding uses applying these standards as opposed to the Office zone district requirements would be prudent. Again, the property is zoned R-3, so being a little more restrictive, but still similar to what is allowed in R-4 to R-6 zone districts, may help this property harmonize with the surrounding area.

This translates to the banner signage on the cornice area of the building being removed. Banner signage is only allowed on a temporary basis; the signage between the door and window on the building is something which would be allowed.

Outdoor lighting, signs ([114-Sec. 742](#)): The site does not feature any exterior site lighting; any potential external illumination of the signage would need to focus the lighting on the signage and not adjacent property. The light adjacent to the door is not believed to exceed brightness standards, even if the lot were commercially zoned.

Rubbish and trash storage ([114-Article V](#) & [114-740](#)): The building currently has municipal bins and collection is consistent with that of the neighboring residential properties.

Engineering, Utilities and Access:

Access ([114-1151](#)): Access to the site is provided from the public sidewalk in front of the building. 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 an office and was built as such in 1941 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. The proposed use of the building is generally innocuous to that of the surrounding area given the overall size and proposed usage. The business operates by appointment only and has no deliveries; the overall appearance and function of the area will not be altered with this proposal.

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 generally designed for when first developed. The operation of a beauty shop 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 professional office. At this scale and intensity, the office will not generate noise, traffic or odor which would be injurious to other properties in the vicinity. Given this building has been around since 1941 in this location, it is a neighborhood landmark. Its former use of a dental office transitioning into a beauty shop 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 east of the Douglas Avenue business corridor. There are commercial and institutional uses mixed within this corridor, but moving east from the corridor, the area is almost exclusively residential. This commercial structure has also existed in this neighborhood for several decades; 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 the ability to provide parking for anyone; this has also been the case since the building was developed as a professional office in 1941. As such, the site has always functioned without ever providing the amount of off-street parking spaces required by the zoning ordinance. The on-street parking in this area has served the office building well and has been of a sufficient amount that congestion has not resulted. The nature of this business is appointment oriented parking occurs on High Street or in the municipal lot across the street.

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 and is in close proximity to the Douglas Avenue business corridor.

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 current development standards on the lot despite; this is explained by the fact it was constructed well before the inception of the zoning ordinance and comprehensive plan.

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 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 AUDREYANNA SIMPSON, SEEKING A CONDITIONAL USE PERMIT TO OPERATE A BEAUTY SHOP IN AN EXISTING BUILDING DESIGNED FOR COMMERCIAL USE AT 1124 HIGH STREET BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That the plans presented to the Plan Commission on April 24, 2019 be approved subject to the conditions contained herein.
- b) That the following development standards be complied with prior to occupancy:
 1. That signage be illuminated through external means only and follow requirements of Sec. 114-1064. Temporary banner signage be removed from the building cornice.
- 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 LED string lighting or other similar products not be used in or around the windows or door on the property.
- e) That all codes and ordinances are complied with and required permits acquired.

- f) 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.
- g) 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 - 1124 High Street





Conditional Use Request - 1124 High Street



 Subject Property
 Notification Area

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





Conditional Use Request - 1124 High Street



Zoning Designation

B-2 R-3

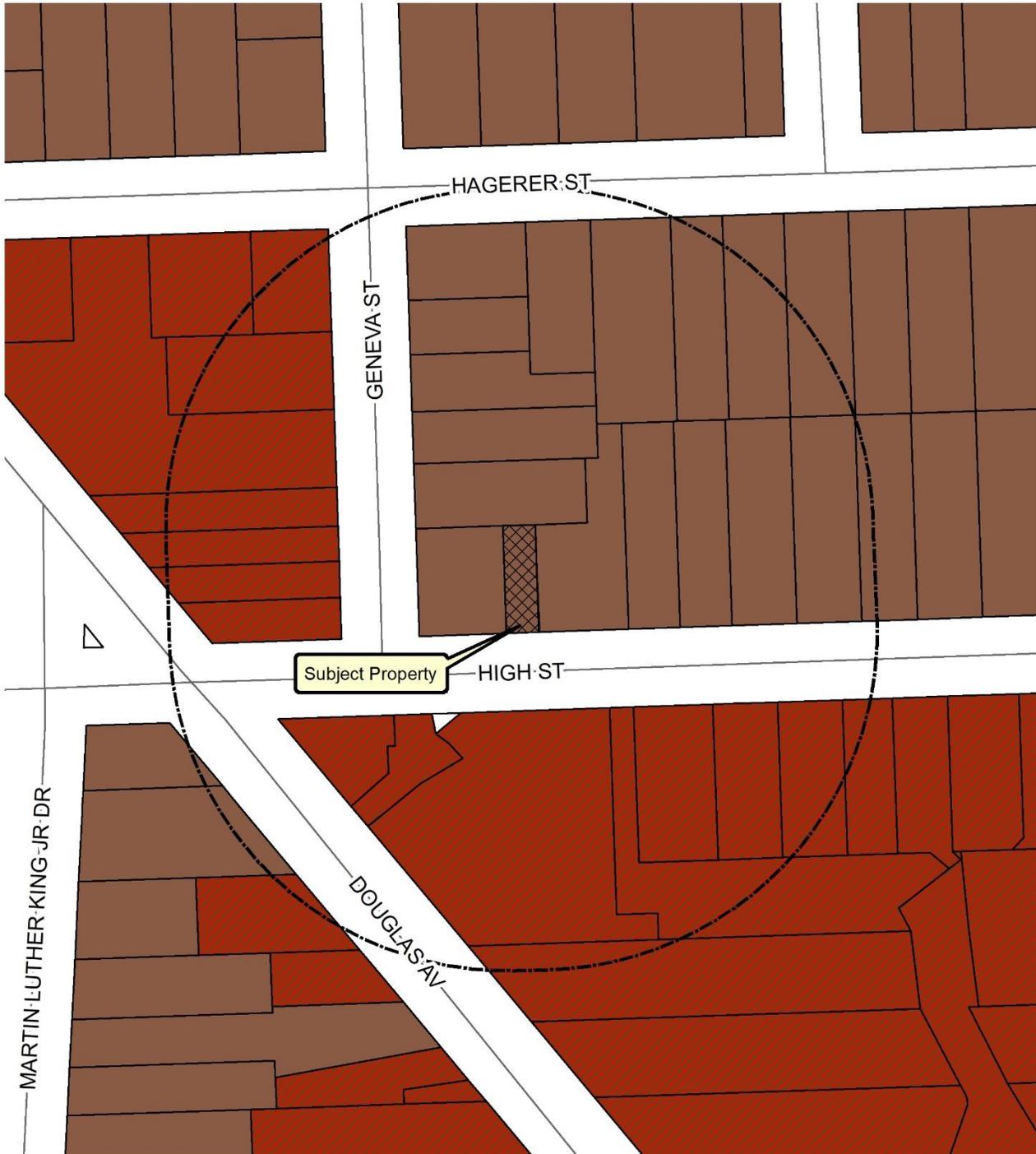
Subject Property Street Centerline
 Notification Area Tax Parcel Boundary

0 15 30 60 90 120 Feet





Conditional Use Request - 1124 High Street



Land Use Designation

Mixed Use - Commercial Emphasis High Density Residential

Subject Property Notification Area
 Street Centerline Tax Parcel Boundary

0 15 30 60 90 120 Feet



Site Photos



Looking north at the property from High Street



Looking west along High Street



Looking south from subject property



Looking east along High Street



Looking at west façade of the subject property



Looking at east façade of the subject property