



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: Keith Buisse of Wheels Small Engine Repair

Property Owner: MIAN JALIL

Request: Consideration of a major amendment to an existing conditional use permit which allows for a small engine repair shop at 3625 16th Street as allowed by Sec. 114-155 of the Municipal Code. The major amendment contemplates increasing the fenced storage area by approximately 1,000 square feet, adding machinery sales and the ability to repair smaller construction equipment for property located in a R-3 Limited General Residence Zone District.

BACKGROUND AND SUMMARY: The existing business operation on the site would be modified to add sales of zero turn mowers, riding tractors, walk behind mowers and other handheld lawn equipment. The yard area would be expanded 26 feet to the north and enclosed with fencing. The application also contemplates adding smaller construction equipment like smaller skid steers. The current operating hours of 9:00 AM – 5:00 PM Monday – Saturday would remain unchanged.

The Zoning Ordinance classifies this proposed amendment as permissible in the R-3 Limited General Residence Zone District upon the issuance of a conditional use permit (114-155). 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 site plan with enlarged yard area (north is up), submitted by applicant.

GENERAL INFORMATION

Parcel Number: [11909000](#)

Property Size: 11,805 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: Small engine repair shop.

Surrounding Zoning and Land Uses:

North	R-3 Limited General Residence	Single unit detached dwellings
East	R-3 Limited General Residence	Single unit detached dwellings
South	R-3 Limited General Residence	Single unit detached dwellings
West	R-3 Limited General Residence	Single unit detached dwellings

Operations: The existing business operation of a small engine repair and maintenance shop on the site would be modified to add sales of zero turn mowers, riding tractors, walk behind mowers and other handheld lawn equipment. The yard area would be expanded 26 feet to the north and enclosed with fencing. The application also contemplates adding smaller construction equipment like smaller skid steers. The current operating hours of 9:00 AM – 5:00 PM Monday – Saturday would remain unchanged.

ANALYSIS:

Development Standards:

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

Standard	Required	Provided
Lot Area	6,000 square feet	11,805 square feet
Lot Frontage	30 feet	115 feet
Floor Area Ratio	N/A	N/A

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

Yard	Required	Provided
Front (north)	25 feet	70 feet
Corner Side (west)	12 feet	25 feet
Side (east)	6 feet	35 feet
Rear (south)	35 feet	0 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
Engine repair shop	9 spaces	9 spaces
Total	9 spaces	9 spaces

A Building of this size does not require a dedicated loading space, but the area in front of the garage functions as that.

Landscaping, screening and yard requirements ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): Screening is required to the east and presently exists in a configuration which meets the requirements of the ordinance.

Sign Regulations (114-[Article X](#)): The applicant is proposing a new wall sign of 36 square feet as indicated below. The Dealer imprint would say “Wheels” on upper line and “Small Engine” on bottom line.



3'-0" x 12'-0 1/2" 3'x6' Logo 3'x6' Dealer

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 a location where the trash storage is concealed from public view, which meets the requirements of the ordinance.

Engineering, Utilities and Access:

Access ([114-1151](#)): Access to the site is provided by the adjacent public streets of 16th and West Lawn Avenue. 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 1964 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 previous use to the current use (established in 2013) was a vehicle trailer sales operation.

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 add sales of equipment, expand a yard area, and also service larger construction equipment like skid steers. The addition of sales and the increased yard area isn't going to drastically alter the appearance or even function of the current operation. The scale and intensity of the business is not such that there will be backed up traffic or really any discernable change to those passing by the site. The operation in those aspects, would be about the same as the existing business.

Repair of a skid steer or similarly sized equipment is typically reserved for industrial zoned properties given the scale, size and noise associated with such operations. While ultimately, this could be authorized as part of this request, it would introduce a land use which is at an intensity much greater than the provision in the code allows for. The property is technically zoned residential and yes, has a commercial garage on it, is being used for smaller machinery. There would be a likely detrimental impact on surrounding residential properties if the operation had construction equipment continually on the site. While the applicant has the best intentions and has a successful business on the lot, there is not a great way to ensure the site does not have the appearance of a heavy equipment operation.

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: The proposed amendments to add sales and increase the yard area will result in a small change to the overall appearance and function of the site. As discussed in criterion 1, smaller construction equipment being repaired on the site, would really ramp up the intensity of this use. A use like auto sales or repair is limited to commercial properties and industrial properties via conditional use permit; construction equipment repair is only allowed to occur at industrial properties. From a land use management perspective, this usage, despite any possible conditions, would have a high likelihood of being injurious to the adjacent residential uses, despite the best intentions of the applicant. There are limited abilities to buffer noise and appearance given the layout and configuration of the existing lots and buildings in the vicinity.

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: Adding a larger storage area and some sales would not impede the neighborhood from functioning as intended as a predominately residential area. People do need to mow the lawn and maintain their property and have equipment to do so, which is in good repair. In that sense, the use was originally authorized and allowed back in 2013. To add construction style equipment is enough of a stretch that the area usage as residential dwellings would be compromised due to the unintended and sometimes uncontrollable impacts of the repair business for larger equipment used in construction.

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 expansion of the yard are and addition of equipment sales 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 minimum required parking for this type of use and has functioned perfectly fine without any traffic issues and congestion for the past eight years. Addition of sales isn't expected to be enough of a change which would result in congestion and backups or cars blocking streets. That being said, unloading of trailers with larger equipment would be somewhat tight depending on the vehicle and size of the trailer dropping it off and where other vehicles were parked on the lot at the time. The access on and off the site is designed for passenger vehicles and not really set up to accommodate larger trailers and vehicles in a convenient manner. The introduction of construction equipment repair could present some problems to site access leading to vehicle stacking or blockage of public streets during loading/unloading.

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 in terms of placement on the lot, but again it predates the zoning ordinance by several years. The building does meet most development standards despite the fact it was constructed well before the inception of the zoning ordinance and comprehensive plan. Overall, the use does complement the neighborhood and provides a valuable service to those who maintain their own property during all seasons. No exceptions are required to approve this request in full, but there are likely to be unintended consequences if repair of smaller construction equipment is added.

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 KEITH BUISSE OF WHEELS SMALL ENGINE REPAIR, SEEKING A MAJOR AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT WHICH ALLOWS FOR A SMALL ENGINE REPAIR SHOP AT 3625 16TH STREET AS ALLOWED BY SEC. 114-155 OF THE MUNICIPAL CODE 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 the yard area be increased only as shown on the plan.
- d) That sales of equipment be limited to lawn mowers which are intended for consumer personal use and not professional use, and all other sales of equipment be limited to that which is authorized to be repaired on the site by Common Council Resolution 13-0491.
- e) That all items for sale be kept indoors.
- f) That all codes and ordinances are complied with and required permits acquired.
- g) That repair, storage or parking of construction equipment of any kind is not authorized.
- h) That proposed signage be turned off when the business is closed. An automated timer on the sign shall be installed to ensure the signage does not remain on overnight.
- 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 (view in legistar).

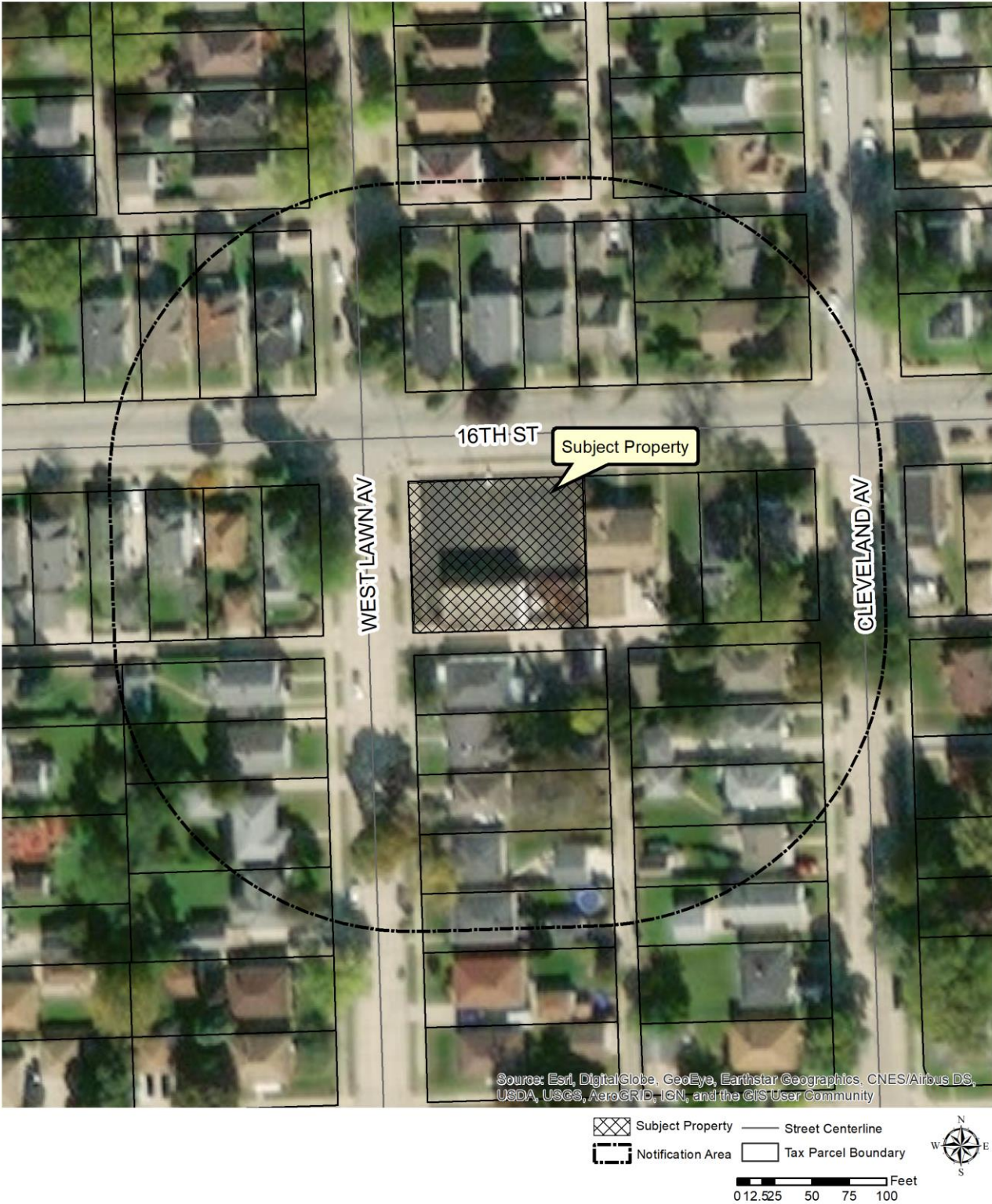


Conditional Use Amendment - 3625 16th Street



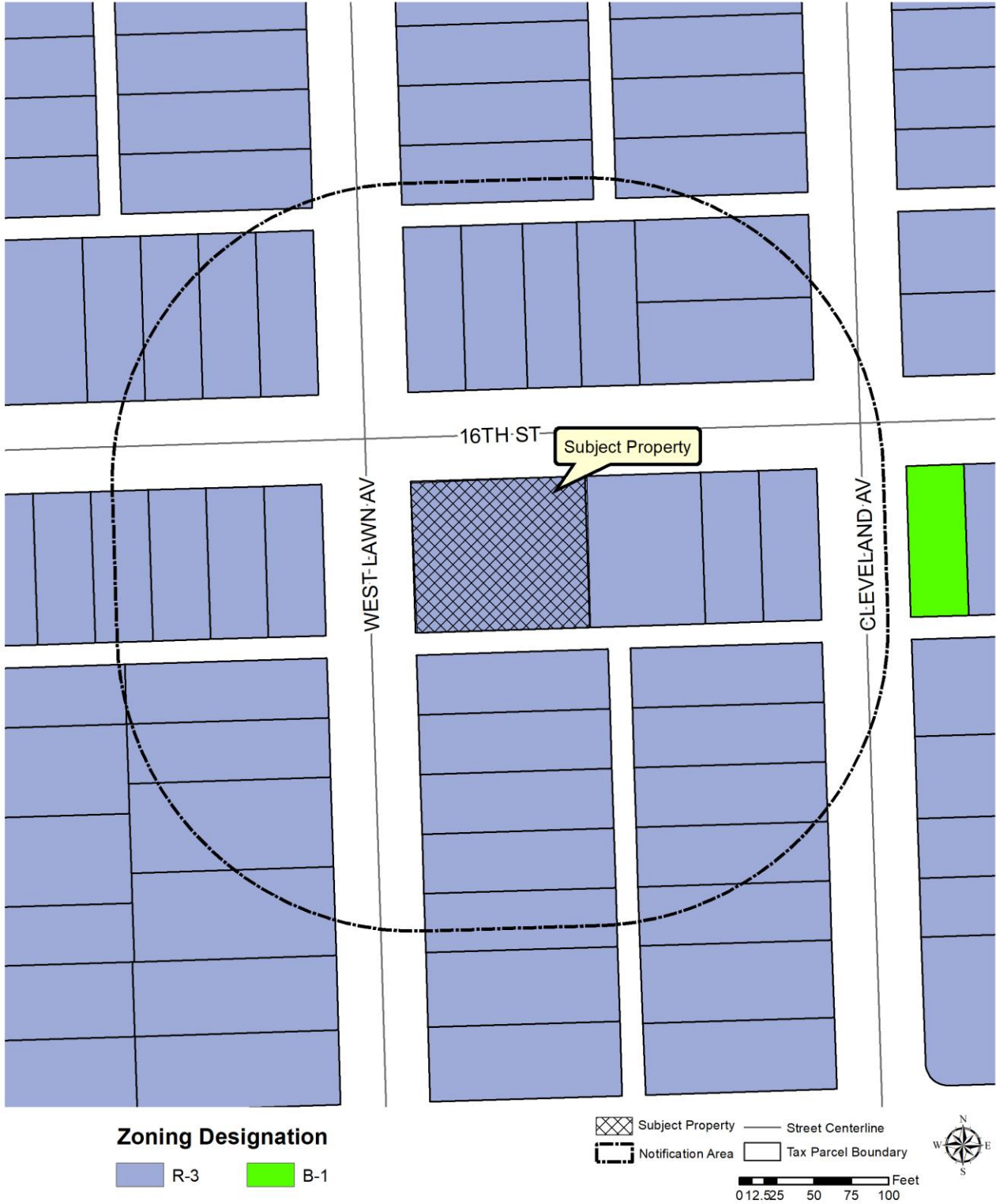


Conditional Use Amendment - 3625 16th Street



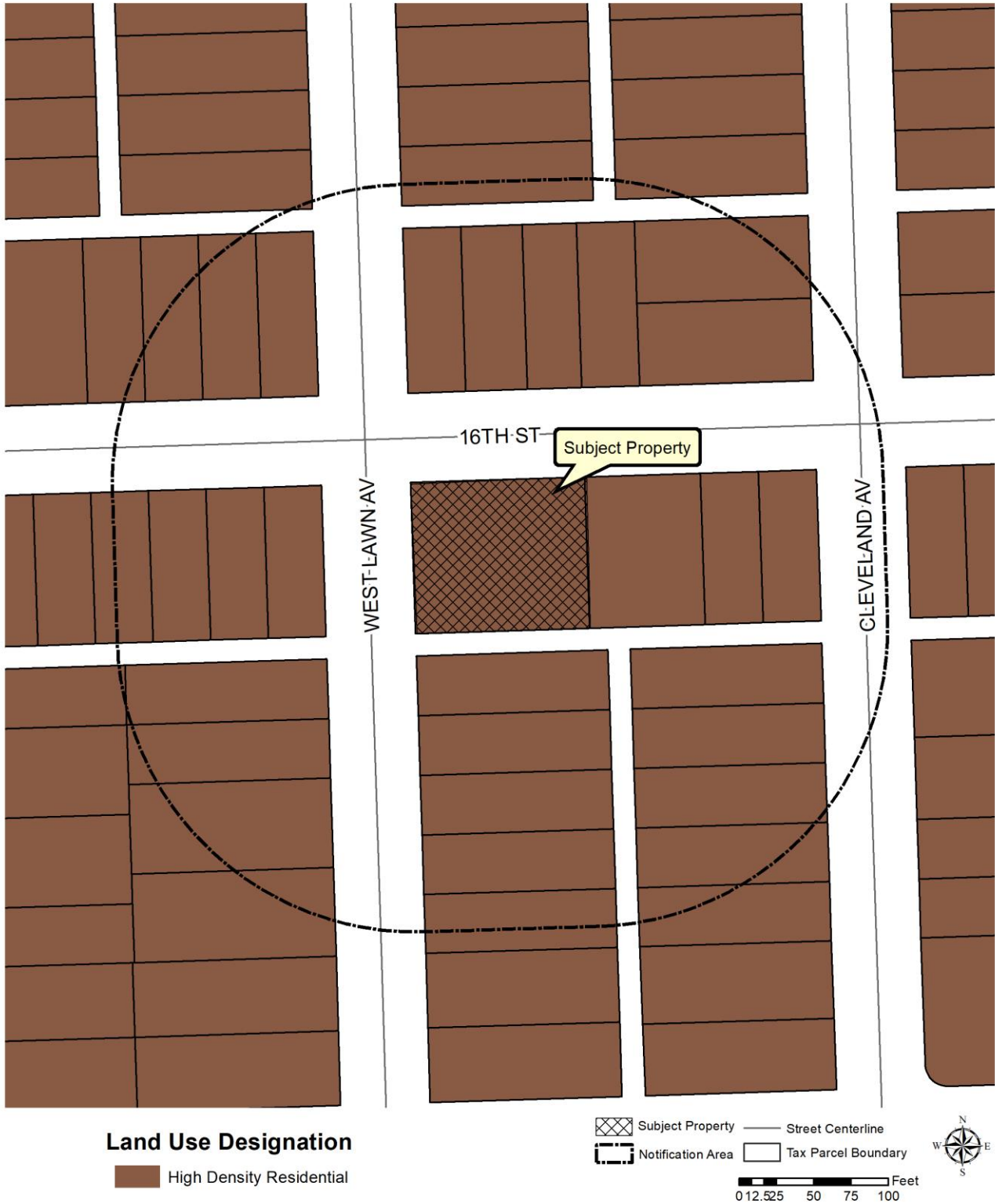


Conditional Use Amendment - 3625 16th Street





Conditional Use Amendment - 3625 16th Street



Site Photos



Looking south at subject property from 16th Street



Looking north along West Lawn Avenue, subject property to the right



Looking west from subject property



Looking east from subject property



Looking south at yard area of subject property



Looking southwest across subject property