



CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT

Meeting Date: 1/8/2020

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: 1917 S. Memorial Drive

Applicant: Zignego Company

Property Owner: Pioneer Products Inc.

Request: Consideration of a conditional use permit for a contractor yard and shop, to operate a concrete and gravel recycling site with yard and concrete plant at 1917 S. Memorial Drive for property located in an I-2 General Industrial Zone District as required in [section 114-588](#) of the Municipal Code.

BACKGROUND AND SUMMARY: The yard and property would be active on a project specific basis generally tied to paving projects the Zignego Company would be awarded, and inactive at other times. The site would have anywhere from 1-4 employees at a time. The application includes using a tracking pad to control debris on roadways, and crushing machines with integral water lines for dust suppression, and a water truck. In the past this site was used for essentially the same purpose, by a different company, and a conditional use permit was approved and has been expired since 2015.

The request was continued at the December 11, 2019 City Plan Commission meeting so more outreach, a more detailed site plan and information on the environmental reports and other concerns expressed about the operation could be explored. There is a 157 page attachment with this file and it includes the following items:

- Phase 1 Environmental report from GZA Environmental in November of 2019
 - Recognized environmental conditions (REC) were noted in Sec. 11.2.1 and consist of the stockpiles of road materials on the site from the previous occupant(s). No other items about the site were noted.
- Approvals from the DNR for the following:
 - Operation of a non-metallic mineral processing plant and Air quality permit
 - DNR conclusion as that the proposed equipment meets requirements of State Statutes.
- [Video of the actual crusher running](#) (to be played during the meeting)
 - Loudest noise level, measured at 200 feet, is 71 decibels; as a reference, classroom chatter is 70 decibels and a freight train from 100 feet away is 80 decibels; a night club with music is 110 decibels.
- Tracking pad specifications and requirements utilized in Milwaukee
- Updated site plan showing a pond to contain water used in dust control measures.
 - Note, the proposed amount of water for dust control amounts to a .1 inch rainfall; the proposed pond will hold this 10,000 gallons and has a capacity of 16,046 gallons of water. The proposal calls for reusing water from this pond over for dust control purposes.
 - State requirements for water quality and runoff (storm water control)
- Traffic analysis for current project; anticipates 4-6 trucks.
- Communications with adjacent businesses and Council Members.

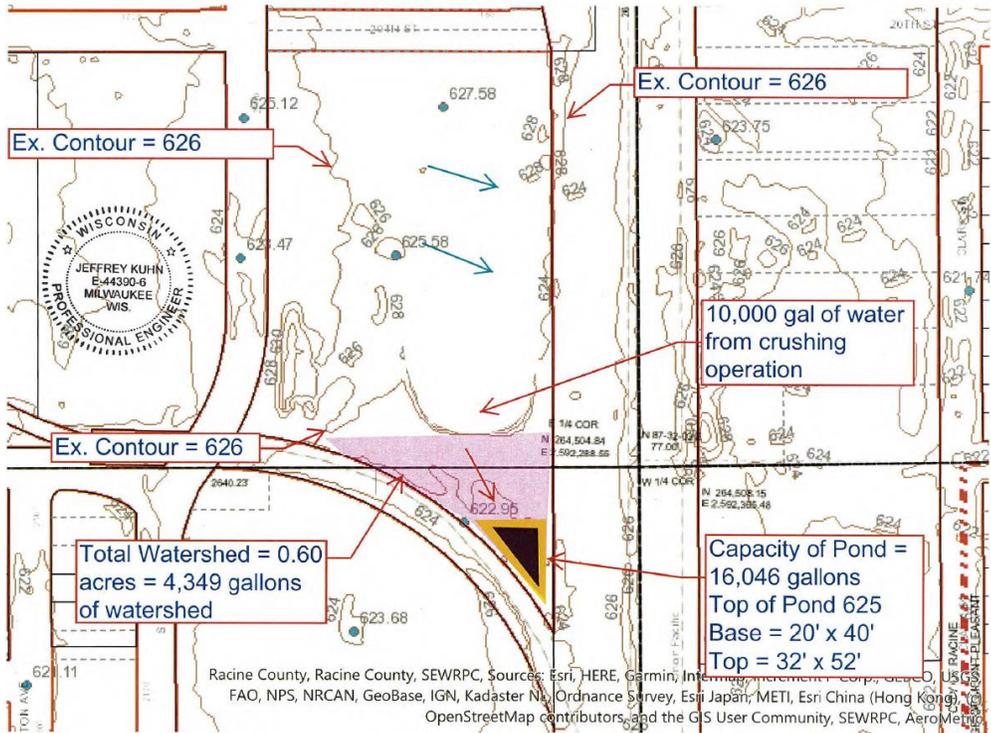
The Zoning Ordinance classifies contractor yard and shop, to concrete and gravel recycling site with yard and concrete plant as permissible in the I-2 General Industrial Zone District upon the issuance of a conditional use permit (114-588).



Birdseye view of the property, indicated in red (image from Google). Portion to be used for this operation shown in yellow.



Site plan for the property (yellow portion from above), submitted by the applicant.



Site Plan with Contours indicating drainage towards retention pond.

GENERAL INFORMATION

Parcel Number: [16857001](#)

Property Size: 10.42 acres

Comprehensive Plan Map Designation: INDUSTRIAL

Consistency with Adopted Plans:

The [Racine Comprehensive Plan](#) states that:

Foster development of the industrial base to provide for employment opportunities in current and next generation manufacturing through the retention (or expansion where prudent) of industrially zoned lands.

Corridor or Special Design District?: N/A

Historic?: N/A

Current Zoning District: I-2 General Industrial

Purpose of Zone District: The I-2 general industrial district is intended to accommodate those industrial activities which may produce moderate nuisances or hazards in areas that are relatively remote from residential and commercial development.

Proposed Zoning: No change proposed

Existing Land Use: Storefront/mercantile space on the first floor; second floor is currently an efficiency apartment, which is being renovated to commercial use as a part of this expansion.

Surrounding Zoning and Land Uses:

North	I-2 General Industrial	Modine Manufacturing
East	I-2 General Industrial	Railroad ROW
South	I-2 General Industrial	City Impound Lot
West	I-2 General Industrial	Warehousing and office space

Operations: the site will operate as needed and only when contracts for roadway projects in the general Racine area are obtained. The proposal includes a tracking pad, water truck, and using crushing equipment with water lines for dust suppression integral to the equipment. No buildings are planned and the site will not be used as a vehicle storage yard.

ANALYSIS:

Development Standards:

Density ([114-Article V](#): Article VII, Div. 5 [Bulk Regulations](#) & 8 [Lots](#)): There are buildings as a result of this proposal.

Standard	Required	Provided
Lot Area	No minimum	10.42 acres
Lot Frontage	30 feet	20 feet
Floor Area Ratio	4.0 maximum	.21

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

Yard	Required	Provided
Front	0 feet	0 feet
Side	0 feet	0 feet
Other side	0 feet	0 feet
Rear	0 feet	0 feet

Building design standards (114-Secs. [735.5](#) & [736](#)): The proposal does not call for the creation of any permanent buildings on the site.

Off-street parking and loading requirements (114- [Article XI](#)): Off-street parking is required at 2 spaces for every 3 employees. Currently the portion of the lot where this operation would occur lacks any off-street parking spaces. The proposal calls for 5 parking spaces, which based on the proposal would comply as the site will have less than 7 employees.

Landscaping, screening and yard requirements ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): Landscaping and screening are not required on properties adjacent to one another in the I-2 Zone district. There are no yard requirements given the surrounding properties are all zoned industrial.

Sign Regulations (114-[Article X](#)): Signage is not a part of this request, any signage would need to follow the requirements of Article X of the Zoning Ordinance.

Outdoor lighting, signs ([114-Sec. 742](#)): Outdoor lighting is not included in the proposal, work would occur during daylight hours and the site has no night time visitors or business use. Any proposed lighting would need to be reviewed and approved by City Development prior to installation on the site.

Rubbish and trash storage ([114-Article V](#) & [114-740](#)): The submitted plans do not indicate an area which would comply with the requirements, due to the fact there is no building on the site and it will be used for temporary purposes. The submitted operation summary does indicate the operator is

planning on maintaining the site in a manner consistent with what is required; so long as the trash containers are hidden from public view, the requirements will be met.

Engineering, Utilities and Access:

Access ([114-1151](#)): Vehicular access to the site is provided from S. Memorial Drive. Based on the submitted site plan, the applicant is not proposing changes to the access at this time.

Surface drainage ([114-739](#) & Consult Engineering Dept.): This use being proposed on the lot is temporary in nature and is not include changes to the majority of the surfacing of the lot. The proposal is not expected to substantially impact the surface drainage of this 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 to utilize this lot in a temporary nature, with no buildings, is not expected to impact the ability to serve this area.

Exceptions to ordinance: N/A

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 Plan Commission unless it is found that 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: Given the planned operations submitted by the applicant, with the recommended conditions in this report, it is expected the operation of this site will not be a detriment or danger to the comfort or general welfare of the area. The site is proposed to be used on a limited basis, but the operation itself is somewhat intensive. The proposal does include a water truck tracking pad and machinery with water lines for dust suppression. The dust is likely the most problematic byproduct of the operation and minimizing that will be key to the enjoyment of the surrounding properties. The proposal by the applicant addresses these concerns and others which are typically associated with this proposed use.

- 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: If used as recommended in the staff conditions, the site is not anticipated to be injurious to the other industrial users in the area. Control of dust on the site will be of paramount importance as this is the one thing which is likely to be injurious to other properties if not kept under control. The proposal includes a water truck and the use of equipment which has water lines integral to the machinery which is expected to keep dust from being a problem. Assuming these proposed controls work as anticipated and proposed by the applicant, there will not be any impacts to adjacent properties in the immediate vicinity. The applicant has a proposal which staff would anticipate will keep the operation and materials (debris) contained on the site.

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 site is expected to be used sparingly and during road construction projects only. While the operation itself is certainly an industrial use, the area is exclusively zoned I-2; this zone district is reserved for the most intensive land uses in the City. This type of operation would be a conditional use on a permanent basis; the proposal here is to use the site sporadically throughout the year as a whole, but obviously much more so when there is an active paving project the company has been awarded. The site will only be used for projects in the Racine area, so in effect, the site will be used less often than if a full blown operation were proposed. That being said, it is still important the site not be a detriment to the existing development of the area; keeping dust under control is of the utmost importance to the surrounding development.

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

Staff Comments: Based on the plan submitted by the applicant, there are no plans to alter access, drainage or use utilities for the site. This proposal is a temporary use and similar to the most recent usage of the property. There are no plans by the applicant to alter any utilities, roads or other facilities to accommodate this temporary use. The proposed usage will not hinder the site from development in the future should this lot be needed for a permanent use.

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 plan submitted by the applicant does not show any changes to ingress or egress to the site. The site was once used in a similar fashion and the access complies with requirements in the municipal code. The site is not designed to function in a manner which a second access onto Memorial Drive would be prudent. The existing access is adequate for the proposed usage of the site and the site plans submitted by the applicant do not contemplate any changes.

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

Staff Comments: The proposed use is industrial in nature and is temporary in nature. Assuming the dust and other recommended conditions are adhered to, the proposal will be consistent with other industrial development in the area. As a temporary use, the site is able to be repurposed fairly quickly to a permanent industrial use, given there are no permanent buildings proposed. The general operations and usage of the site as proposed are consistent with the land use designation and general nature of the area as industrial uses.

- 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: This site conforms to all the applicable regulations of the zoning ordinance, no modifications from the zoning ordinance are required for compliance. Some general maintenance issues related to the fence and some paving for parking spaces are development standards which are achievable for this site. The recommended conditions help with site performance for general consistency with that of the uses of adjacent properties.

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:

- The proposed use is consistent with those permitted by conditional use permit in the I-2 General Industrial District. If operated in accordance with the proposed conditions, the use should not pose a detriment to adjacent facilities.

STAFF RECOMMENDATION: BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM ZIGNEGO COMPANY INC, SEEKING A CONDITIONAL USE PERMIT FOR A CONTRACTOR YARD AND SHOP, TO OPERATE A CONCRETE AND GRAVEL RECYCLING SITE WITH YARD AND CONCRETE PLANT AT 1917 S. MEMORIAL DRIVE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

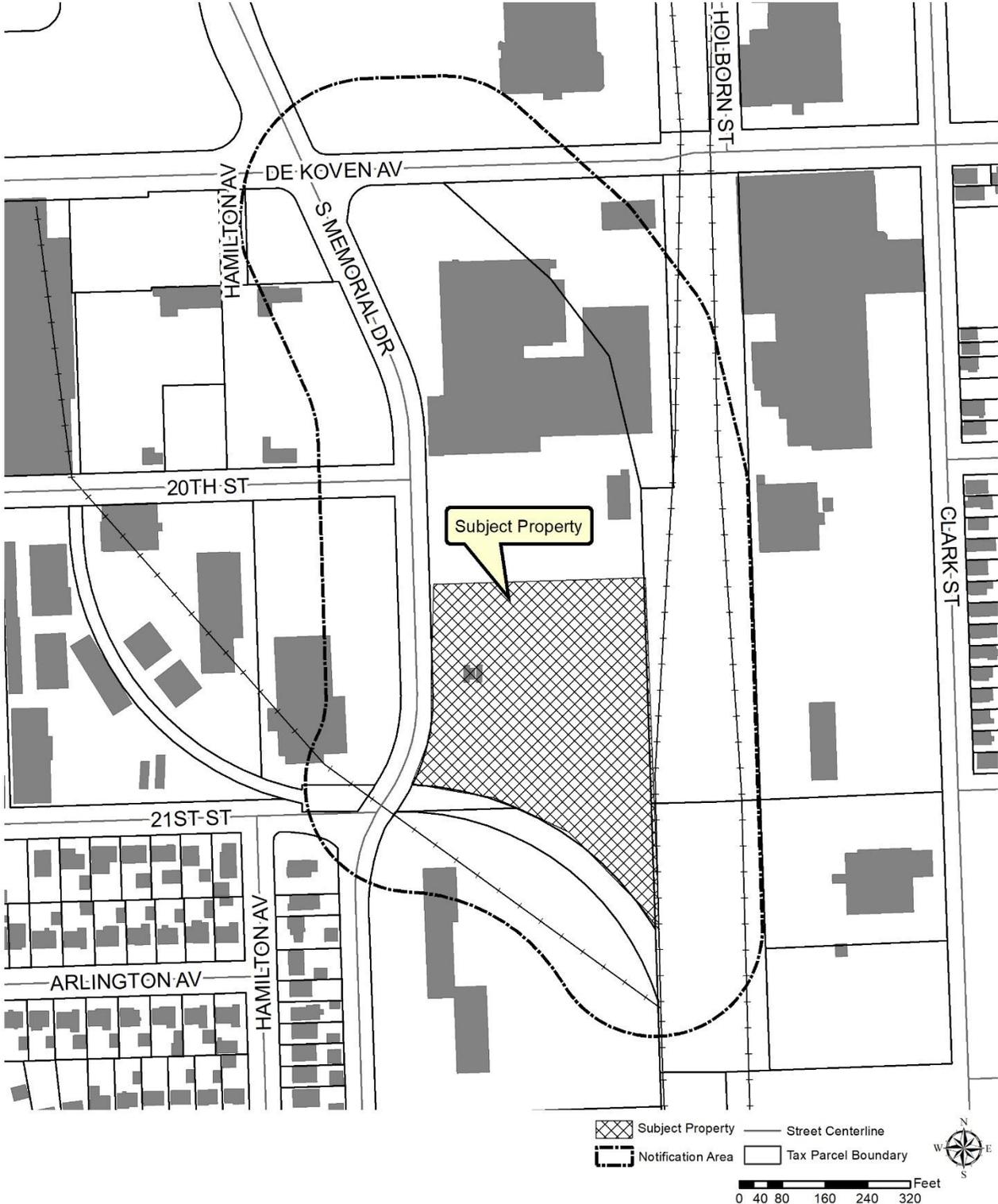
- a) That the plans presented to the Plan Commission on December 11, 2019 be approved subject to the conditions contained herein.
- b) That the following development standards be complied with prior to occupancy unless otherwise noted:
 1. All fencing on the site meeting the requirements of Sec. 114-761 of the Municipal Code. Installation of decorative fencing along the Memorial Drive frontage and easterly 30 feet into the north and south end of the site.
 2. Parking areas be paved, meeting all dimensional and materials requirements of Sec. 114-Article XI.
- c) That if, prior to the issuance of an Occupancy Permit or becoming operational, required site improvements 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) All vehicles shall be parked on site and the roadway shall remain clear of vehicles and debris from the site. The roadway shall be swept, or 'pick broomed', when necessary and in a timely fashion to reduce dust, dirt, and any other debris from accumulating. Tracking pad shall use a #3 stone or larger. If tracking becomes a problem and the pad does not adequately remove debris, a wheel washing setup shall be proposed and implemented by the applicant, once approved by the Department of City Development.
- e) That piles of debris be no more than 12 feet in total height at any time and that all debris be watered down to limit spread of dust and particulates.
- f) Portable restroom facilities shall be at least 100 feet from the right-of-way and located on a concrete or asphalt pad.
- g) That Federal and State requirements for air quality and dust be adhered to at all times.
- h) That hours of operation shall be 7:00 AM – 6:00 PM Monday – Friday.
- i) This Conditional Use Permit shall not be transferred to another party for use on this site without review and approval by the Plan Commission.
- j) That all codes and ordinances are complied with and required permits acquired.
- k) 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.
- l) 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](#)).

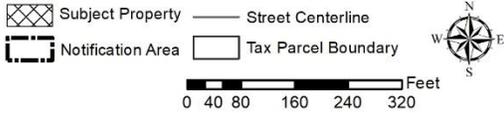


Conditional Use Request - 1917 S. Memorial Drive



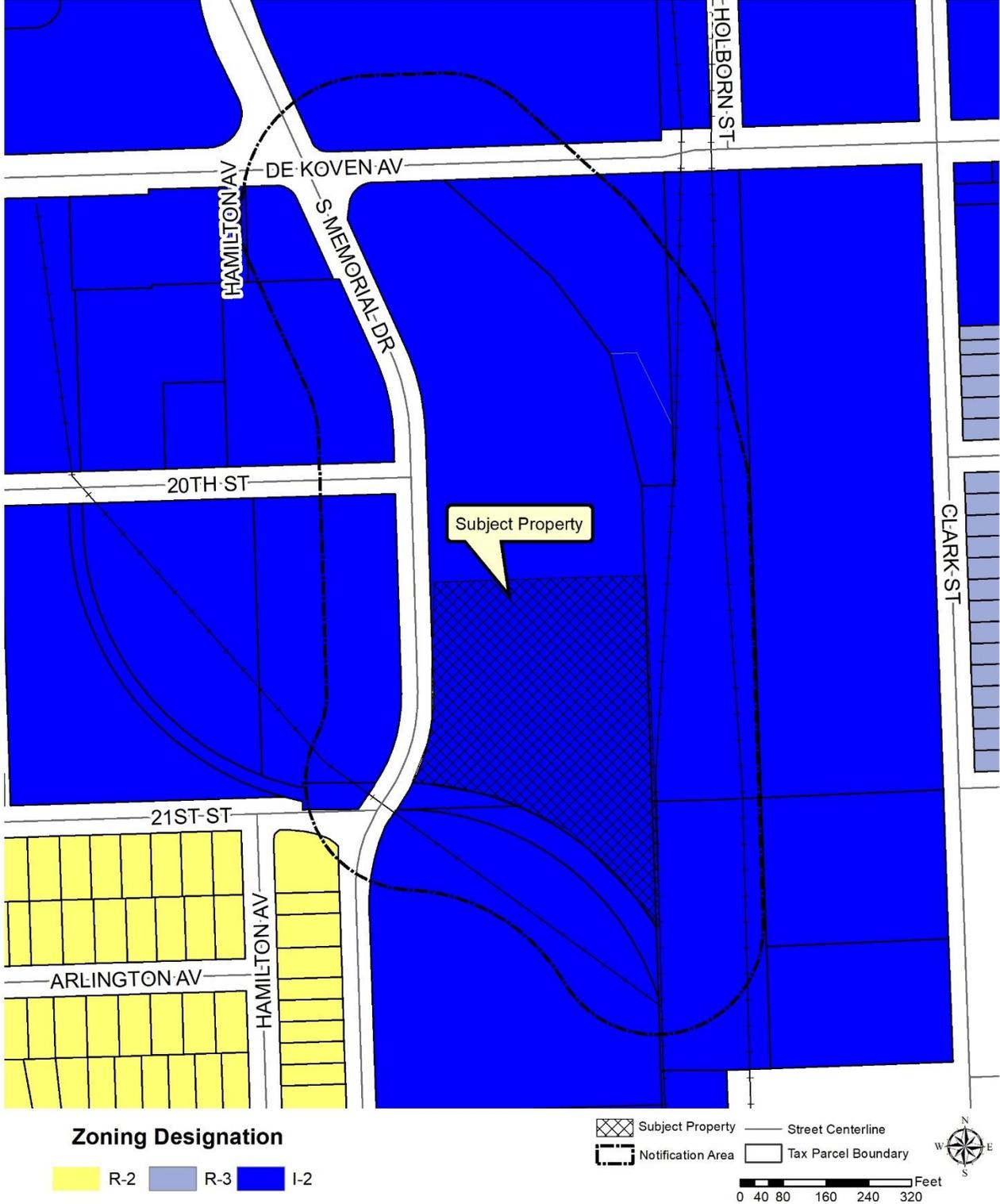


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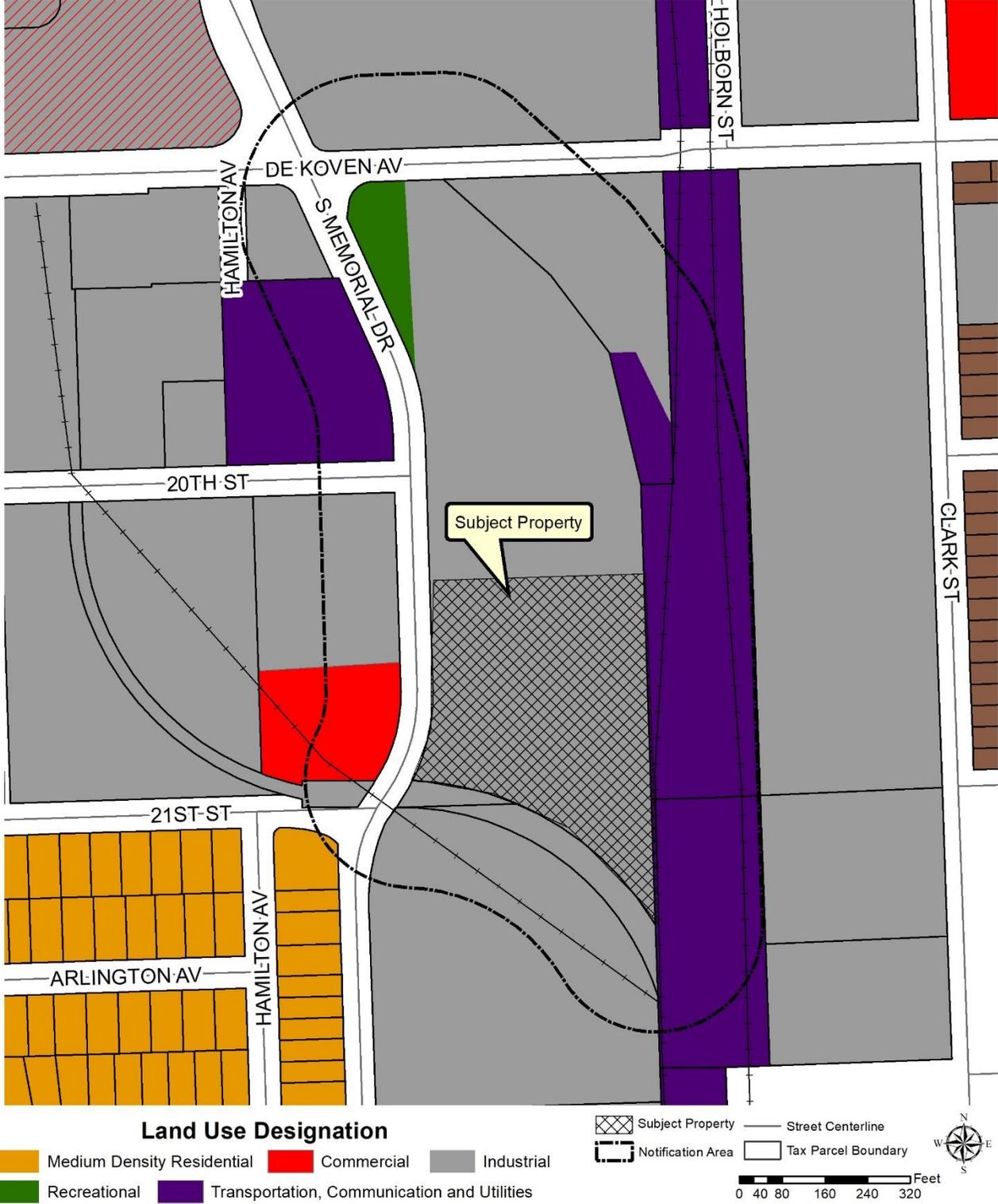


Conditional Use Request - 1917 S. Memorial Drive





Conditional Use Request - 1917 S. Memorial Drive



Site Photos



Looking east at site from S. Memorial Drive



Looking south from site along S. Memorial Drive



Looking west from site across S. Memorial Drive



Looking north from site along S. Memorial Drive



Looking east at southern portion of site from S. Memorial Drive



Looking south from southern portion of site down S. Memorial Drive