



CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT

Meeting Date: 3/13/2019

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: Matt Sadowski

Location: 1816 Sixteenth St., Located at the North East corner of the intersection of Sixteenth St. and Philips Ave.

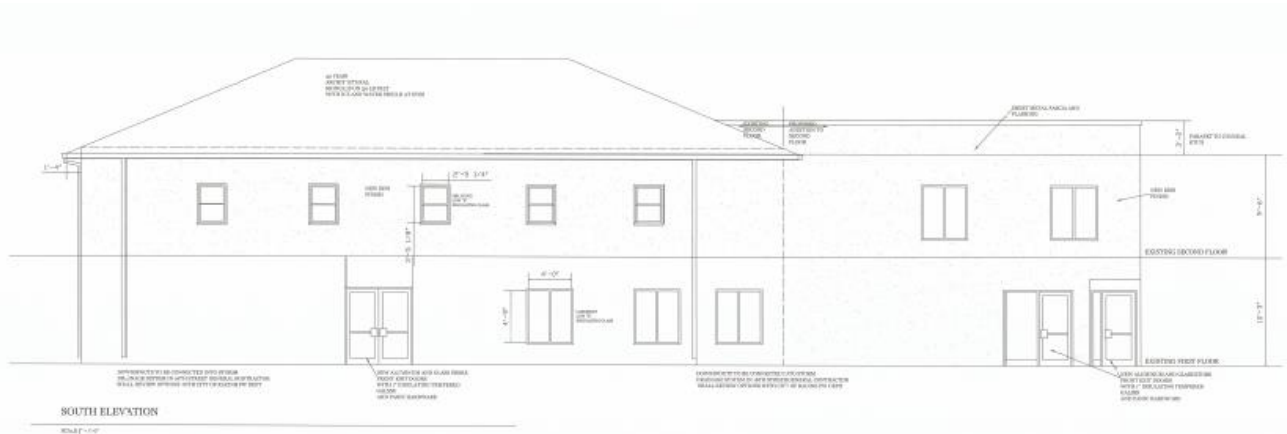
Applicant: Eihab Atout

Property Owner: Twins Properties LLC

Request: Consideration of an amendment to a conditional use permit to change from the approved plans for the exterior of the building planned to be a daycare.

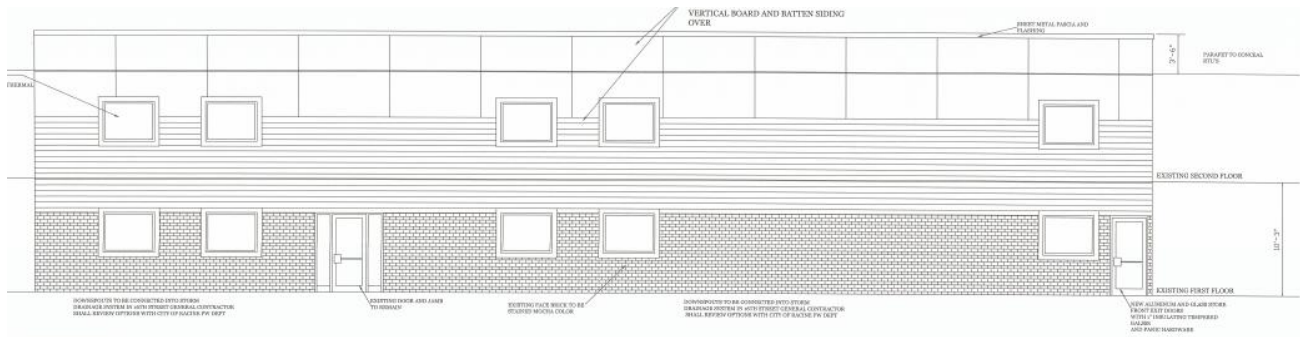
BACKGROUND AND SUMMARY:

On August 15, 2017 the Common Council approved a conditional use permit for a daycare center at 1816 Sixteenth Street. Daycare facilities are allowed by conditional use permit in the B-2 Community Shopping District (114-468 & 114-448(9)). On May 10, 2018 a building permit was issued for modifications to the building's interior and exterior to accommodate the daycare. The exterior modifications presented a building with a residential aesthetic to better fit the areas setting, and the use of the existing wall systems, as conveyed by the plans below illustrating the southern-Sixteenth Street facade.



Upon the start of construction, the applicant states that conditions of the exterior walls were much more deteriorated than anticipated resulting in the need to remove all but the southern first floor façade. At this point new plans should have been submitted for review and approval as condition k. of the 2017 approval states "... that no major changes be made from the conditions of permit without the approval of the Common Council."

Rather than submit new plans, the applicant chose to proceed in a manner inconsistent with approved plans resulting in an industrial aesthetic as illustrated below by the revised plans for illustrating the southern-Sixteenth Street facade. Beginning in June of 2019 Building Division and Planning Division staff initiated repeated efforts to acquire new plans from the applicant so that a review could be conducted to determine the new scope of the project. With the applicant failing to comply with repeated requests for a new plan set, on January 11, 2019 a stop work order is placed on the project until the matter of the building's exterior can be addressed.



The following is an outline of events and action to date.

- June 30, 2017** Application dropped off by Eihab Atout for conditional use permit for daycare center at 1816 – 16th St.
- July 14, 2017** Application incomplete. Application returned to Eihab with memo and him and architect William (Bill) Morris describing materials and information needed to constitute a complete application.
- July 21, 2017** Eihab meets with Steven Madsen to deliver revised plans.

- July 26, 2017** Resubmittal incomplete. Matt S. conducts second review of submittals and provide Eihab and Bill an e-mail with comments regarding submittal deficiencies.
- July 27, 2017** Matt S. meets with Eihab at which time Eihab provides additional detail sufficient to proceed with the CUP process.
- August 9, 2017** Plan Commission recommends approval of daycare CUP with condition. Approved plans include a future addition considered minor enough to require only administrative/staff review.
- August 15, 2017** Common Council approves conditional use permit for daycare.
- May 9, 2018** Planning Division staff signs off on building permit subject to compliance with all conditions of approved conditional use permit.
- May 10, 2018** Building permit issued for building addition.
- June 1, 2018** Matt S. & Jeff H. visit neighboring site for other potential project and note that project at 1816 – 16h Street appears to be inconsistent and well beyond the parameters of the building permit.
- June ? 2018** Matt S. contacts Ralph to inquire into what plans are being executed as observations in the field indicate potential non-compliance with approved plans.
- October 30, 2018** Ralph conducts a meeting including Matt S., Jeff H., Eihab, Bill and building owner at which time it is explained to that revised plans, materials and specification sheets need to be submitted to Building Inspection and City Development for review and approval. It is explained to Eihab, Bill and the owner rep that Plans must reflect the project observed in the field.
- December, 2018** Submittal incomplete. Material samples for exterior finishes, and specifications for windows and signage, dropped off with Planning Division. Matt S, explain to Eihab that plans and color rendering still needed.
- January 2, 2019** Plan sheets and colored elevation drawings delivered to Planning Division.

January 3, 2019

Matt S. and Ralph discuss project. It is decided that the differences between the permitted plans and the project that was constructed are so great that it needs to be treated as a major amendment to the conditional use permit.

January 4, 2019

Matt S. informs Eihab of course of action needed to obtain review and approval of the project to achieve compliance.

January 7, 2019

Mat S. Ralph and Ken meet to discuss project and understand events that lead to current project. Permit issuances are reviewed.

Matt S. and Jeff. H. review Planning division sign off and plans attached to building addition permit. It is determine that the plans attached to the addition permit are substantially different from what was constructed.

Matt S. calls and discusses findings, determinations and reasoning by staff, then sends Eihab an email explaining the review process, a link to the CUP application and a series of time lines laying out the approval process based on varying submittal dates.

January 8, 2019

Eihab submits a completed application and check for review fee.

Matt S., Ken, Ralph & Amy meet to discuss project and its history. It is decided that a stop work order will be issued, and the application will be processed as a major amendment to the CUP and the plans authorized by current building permit. It is determined that the project will require state approval.

January 9, 2019

Over phone call, Matt S. and Eihab discuss process and timeline the project review is on. Eihab questions need for review process and ask that process be expedited in any manner possible. I suggest that if he can address JPRT changes by January 30, it may be possible to have the Plan Commission act on the CUP at the February 19, 2019 meeting.

January 11, 2019

Eihab and his architect Bill Morris meet with Director Connolly, Chief Building Inspector Plaski, Building Inspector Ralph Nichols, and Planning Manager Matt Sadowski to discuss concerns and a path forward. A tentative review and processing schedule is discussed. A stop work order is placed on the building.

January 24, 2019

Plans are reviewed by the Joint Plan Review Team and comments forwarded to the applicant on February 1, 2019 citing multiple deficiencies the need

addressing such as the need for: floor plans and exterior elevations that match, state approved plans, exterior lighting plans, fencing plans, signage, replacement of damaged wall panels, security plan, joint access and trash handling agreement with neighboring property.

February 4 – March 6 Multiple discussion and e-mail communications are conducted with the applicant (Eihab Atout) and Matt Sadowski regarding staff's need for methods proposed by the applicant or protect the cementitious panels from damage and decay. No such methods have been provided by the applicant.

March 8, 2019 With the exception of a wall panel protection strategy, landscaping details and a professionally prepared signage plan, all other plan deficiencies cited during the January 24 Joint Plan Review Team meeting have been, or are being addressed by the applicant and have been or are currently being reviewed by applicable City staff..

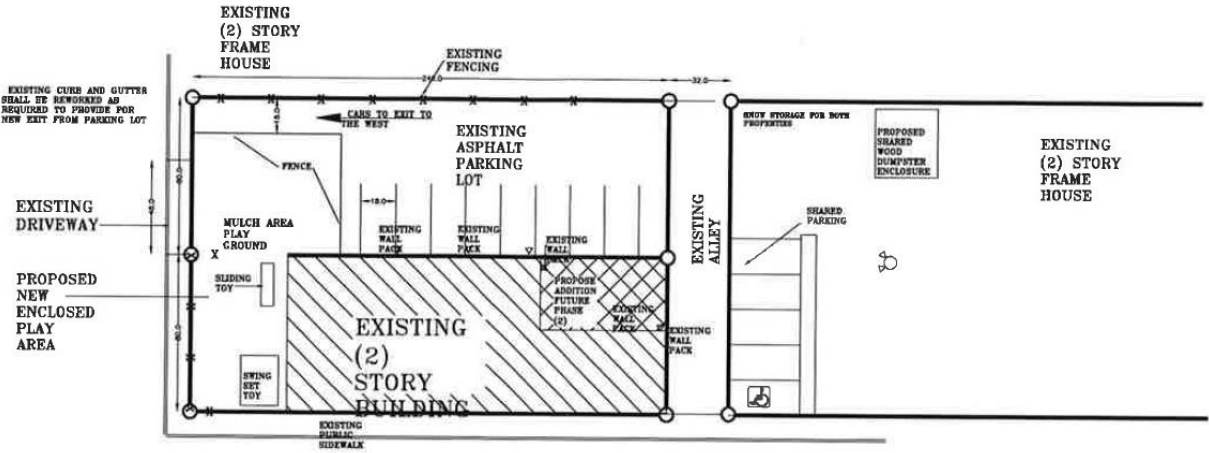
The applicant is now seeking approval of the building's exterior in its current design. Staff has concerns with the potential for damage or deterioration of the cementitious panels used for the building's exterior due to their close proximity and/or contact with the ground surfaces. A review of installation instructions reveals that, for over 70% of the areas there the panels were installed, panels were installed in conflict with the manufacture in that the distance from the bottom of the panels to the ground surfaces is less then recommended.

Additionally, such panels have been allowed by both the Downtown Area Design Review Commission and the Plan Commission when there is adequate protection provide from physical damage by way of curbing or landscaping beds. In addition to being installed improperly, the current installation also affords no such protections as illustrated by the photos below.





Birdseye view of the property, indicated in red, tenant space shown as purple (image from City Pictometry).



Proposed Site Plan (north is to the top) submitted by applicant.

GENERAL INFORMATION

Parcel Number: [09281000](#)

Property Size: 9844.58 square feet (Combined Lots)

Comprehensive Plan Map Designation: High Density Residential

Consistency with Adopted Plans:

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

- 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: B-2 Community Shopping

Purpose of Zone District: The B-2 community shopping district is intended to accommodate the needs of a much larger consumer population than is served by the neighborhood convenience district, thus a wider range of uses and structure sizes is permitted for both daily and occasional shopping.

Proposed Zoning: No change proposed

Existing Land Use: Day Care

Surrounding Zoning and Land Uses:

North	R-3 Limited General Residence	Detached single unit dwellings
East	B-2 Community Shopping	Food Mart
South	B-2 Community Shopping	Detached single unit dwellings
West	B-2 Community Shopping	Community Police Office

ANALYSIS:

Development Standards:

Density ([114-Article V](#): Article VII, Div. 5 [Bulk Regulations](#) & 8 [Lots](#)): There are no changes planned to the exterior of the building as a result of this proposal.

Standard	Required	Provided
Lot Area	No minimum	9844.58
Lot Frontage	30 feet	120 Feet
Floor Area Ratio	4.0 maximum	.59

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

Yard	Required	Provided
Front (south)	0 feet	0 feet
Side (east)	0 feet	0 feet
Side (west)	0 feet	10 feet
Rear (north)	0 feet	18 feet

Note, the building is required to be completely screened from the residentially zoned property to the North or provide a 100’ buffer yard.

Building design standards (114-Secs. [735.5](#) & [736](#)): The building on the parcel complies with the construction materials requirements of 114.735.5.b.1, however the method of installation raises concerns for the potential for damage or premature deterioration of the wall panels due to snow removal, salt, foot traffic and moisture from snow and rain.

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

Use Type	Required	Provided
Day Care	14	9*

*There is also a shared parking agreement with the neighboring property which needs to be recorded so all parking is accounted for.

Landscaping, screening and yard requirements ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): No landscaping plan has been submitted by the applicant as the lot is entirely hard surfaced and 100% impervious. A buffer yard is required along the Northern lot line.

Sign Regulations (114-[Article X](#)): The center is allowed 200 square feet of signage. The applicant has not submitted any signage plans. Any desired signage would have to be approved before a permit is issued.

Outdoor lighting, signs ([114-Sec. 742](#)): A detailed lighting plan was not included with the applicant. Any exterior lighting needs to comply with this section regardless of plan submittal. Any changes to exterior lights (including new fixtures) requires review and approval, by the Department of City Development prior to installation. The existing lighting fixtures appear to comply with the requirements of this section.

Rubbish and trash storage ([114-Article V](#) & [114-740](#)): no changes are planned to the trash storage facilities on the site as a result of this request. It is a shared facility.

Engineering, Utilities and Access:

Access ([114-1151](#)): Changes in access for the site are not contemplated at this time based on review of the applicant submittals.

Surface drainage ([114-739](#) & Consult Engineering Dept.): Reuse of the tenant space in the building is not expected to 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 is not expected to impact the ability to serve this area.

Exceptions to ordinance: No exceptions are required for 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: Subject to compliance with established conditions of approval, the Plan Commission and Common Council found this criteria to be met on August 15, 2017 through Resolution 0278-17.

- 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: Subject to compliance with established conditions of approval, the Plan Commission and Common Council found this criteria to be met on August 15, 2017 through Resolution 0278-17.

- 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: Subject to compliance with established conditions of approval, the Plan Commission and Common Council found this criteria to be met on August 15, 2017 through Resolution 0278-17.

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

Staff Comments: Subject to compliance with established conditions of approval, the Plan Commission and Common Council found this criteria to be met on August 15, 2017 through Resolution 0278-17.

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: Subject to compliance with established conditions of approval, the Plan Commission and Common Council found this criteria to be met on August 15, 2017 through Resolution 0278-17. On change from the 2017 approval is that the driveway out to Philips Avenue will be shifted resulting in an increased separation Sixteenth Street, a favorable outcome for traffic management at this intersection.

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

Staff Comments: Subject to compliance with established conditions of approval, the Plan Commission and Common Council found this criteria to be met on August 15, 2017 through Resolution 0278-17.

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: Subject to compliance with established conditions of approval, the Plan Commission and Common Council found this criteria to be met on August 15, 2017 through Resolution 0278-17.

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 result in a updated facility on the neighborhood.
- The proposed daycare will provide a service to the neighborhood.

STAFF RECOMMENDATION: BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM EI HAB ATOUT OF BRAVO REALTY SEEKING A MOJOR AMENDMENT TO A CONDITIONAL USE PERMIT FOR A DAYCARE FACILITY AT 1816 SIXTEENTH STREET BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That all conditions of approval contained in Common Council Resolution 0278-19 be complied with unless hereby modified.
- b) That the plans presented to the Plan Commission on March 13, 2019 be approved subject to the conditions contained herein.
- c) That final landscaping, signage and an exterior wall panel protection plan be submitted to the Department of City Development for review and approval.
- d) That the joint access and trash handling agreement be recorded with the Register of Deeds and proof of said recording provided to the Department of City Development.
- e) That if, prior to the issuance of an Occupancy Permit, required site improvements listed in “i” of Resolution 0278-19 or in this resolution above have not been completed and installed, 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. In all cases, all improvements shall be completed within one year of the issuance of an occupancy permit.
- f) That all codes and ordinances are complied with and required permits acquired.
- g) 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.
- h) 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 Amendment - 1816 16th Street



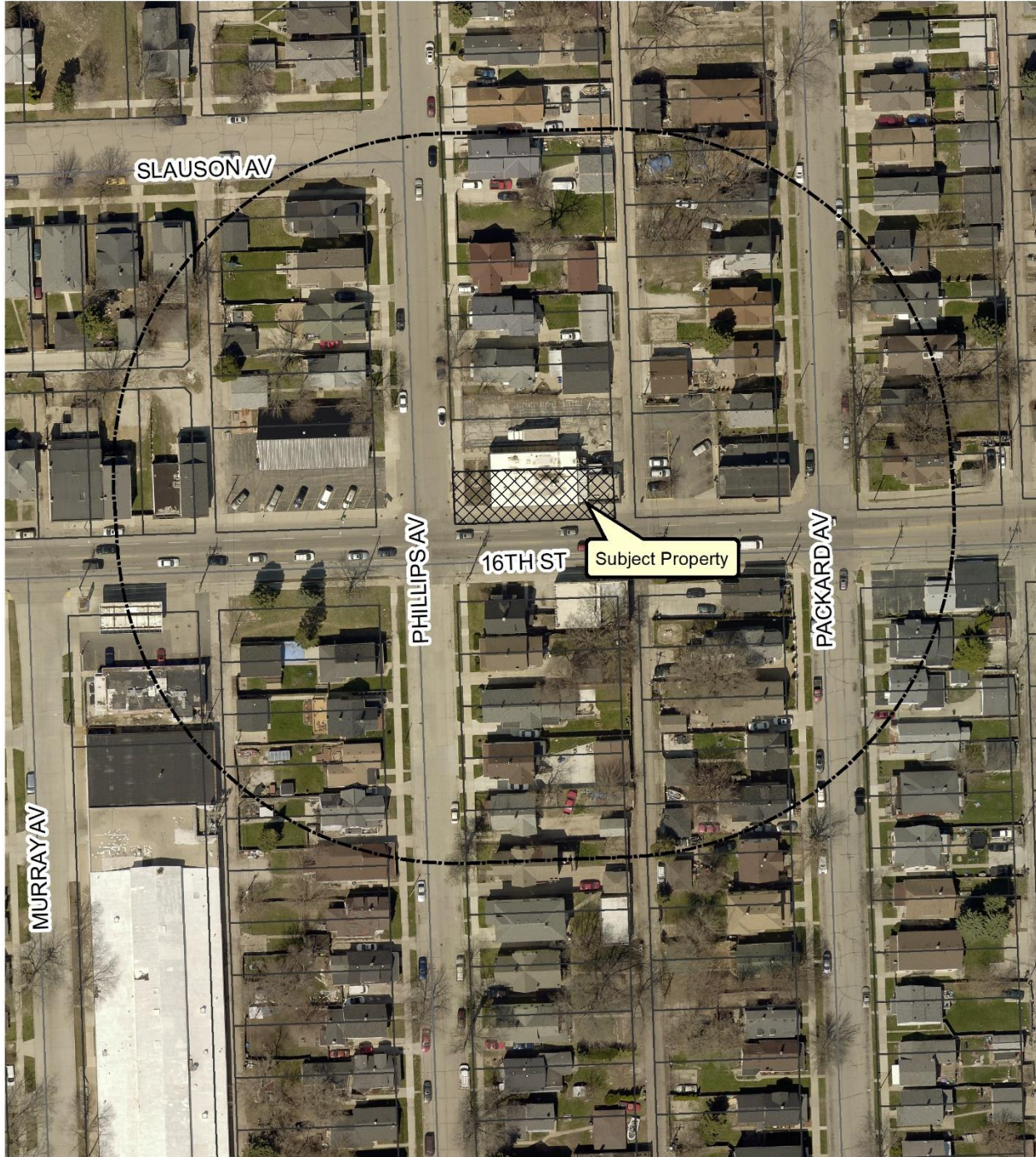
- Subject Property
- Notification Area

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







Conditional Use Amendment - 1816 16th Street



 Subject Property
 Notification Area

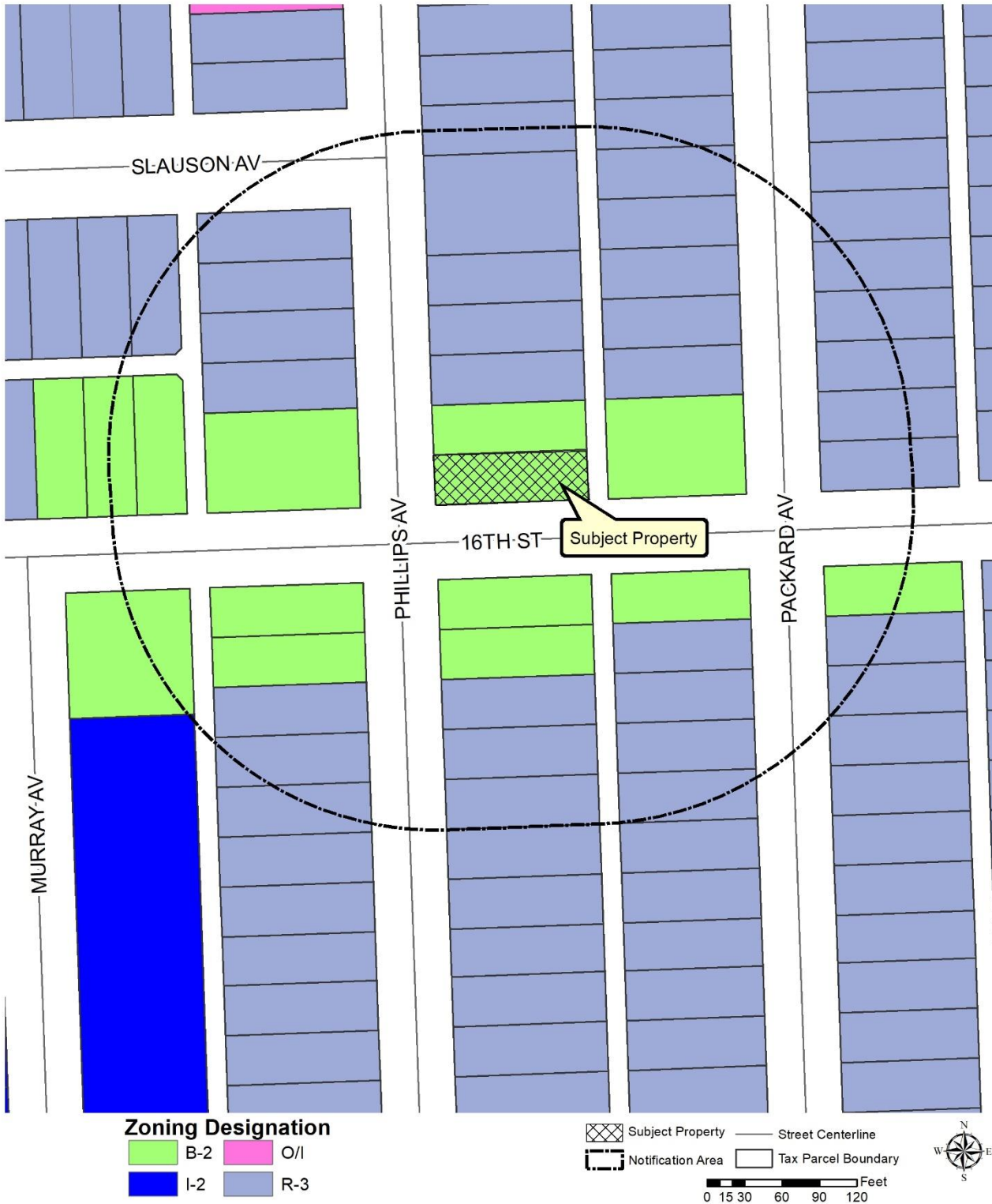
 Street Centerline
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0 15 30 60 90 120 Feet



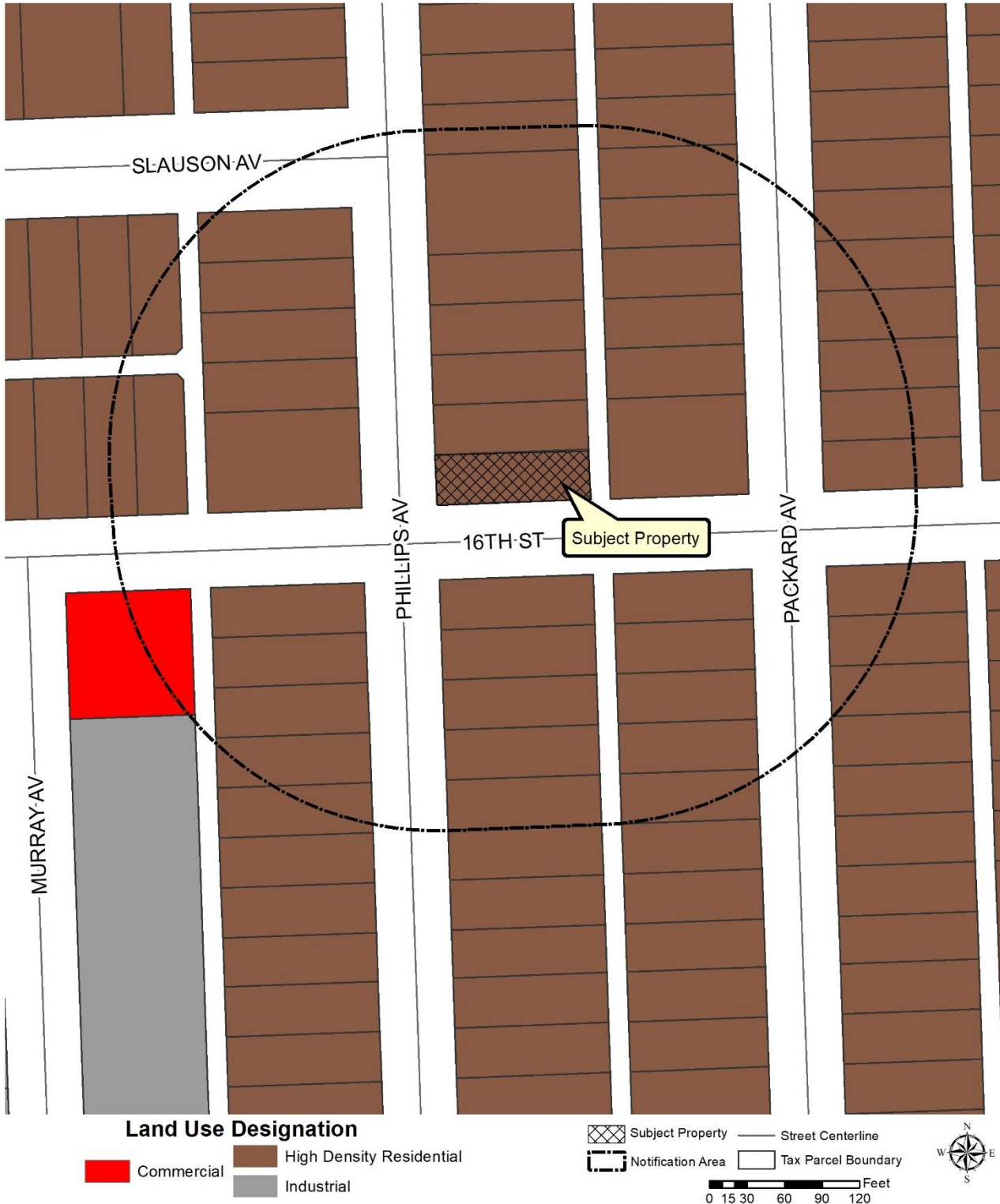


Conditional Use Amendment - 1816 16th Street





Conditional Use Amendment - 1816 16th Street



Site Photos



Looking Southwest at the rear of the building in existing conditions.



Looking Southeast at the rear of the building in existing conditions.



Looking East at the side of the building in existing conditions.



Looking northeast at the front of the building in existing conditions



Looking West down 16th Street



Looking East down 16th Street