



CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT

Meeting Date: 2/13/2019

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: 1535 High Street, located on the southeast corner of the intersection of North Memorial Drive and High Street.

Applicant: Sam Azarian

Request: Consideration of a major amendment to an existing conditional use permit for a construction yard at a multi-tenant property at 1535 High Street in an I-2 General Industrial Zone District. Specifically, the applicant seeks relief from the requirement to construct, with full dimensioned brick as approved by the Common Council through resolution Res. 0156-18 on May 15, 2018, a skirt on the office trailer, and wainscoting on the east wall of the adjacent main building. The proposal contemplates changing the specification to a cement board panel skirt on the office trailer and no brick wainscoting on the adjacent main building.

Note: Work outside the scope of what is allowed in [114-155\(b\)](#) is processed as a major amendment, similar to that of the process to issue a new Conditional Use Permit.

BACKGROUND AND SUMMARY: Sometime in the fall of 2016, without consulting City staff as to its permissibility, the Azarian's (applicant) caused a 12 feet X 60 feet office trailer to be placed on the property at 1535 High Street. *Initially*, no approvals were sought, and no permits were obtained.

Following a multiple contacts and meetings with the Azarians and City Staff, the Plan Commission and Common Council, architectural details were agreed upon in order to allow a non-conforming

structure (the office trailer) to remain on the property culminating in the approval of Common Council resolution Res.0156-18.

The approved architectural details, having been agreed to by the applicant, weighed significantly on the Plan Commission's recommendation and the Common Council's authorization of exceptions to the zoning ordinance and applicable protective covenants. The agreed upon architectural details provided substantial evidence that improvements would be made to the office trailer (temporary structure) and the main building that would ameliorate the use of an office trailer as a permanent structure. The subsequent approval requires a skirt on the office trailer, and wainscoting on the east wall of the adjacent main building, to be constructed of full dimensioned brick. The requested amendment proposes changing the specification to a cement board panel skirt on the office trailer and no brick wainscoting on the adjacent main building.

Staff does not support the applicants current request to amend the original conditions of approval incorporated into resolution Res.0156-18. The changes are seen a degradation in the quality and design of what was originally agreed upon and approved.

A DETAILED HISTORY

The Initial Contact: November 15, 2016 Assistant Director/Principal Planner Matt Sadowski, and Chief Building Inspector/Zoning Administrator Ken Plaski met with Sam Azarian, Lori Azarian and realtor David Braun at 1535 High Street to discuss a possible solution regarding the presence of an illegal office trailer.

The Azarians were advised that office trailers, as a permanent facility, do not conform to the City's zoning ordinance and basic design standards in that: **(1)** the structure is not on a permanent foundation; **(2)** the structure does not have a masonry exterior [114-735.5(b)(1)or(2)]; **(3)** No application was filed for an amendment to the location's existing construction yard conditional use permit (114-155(a)).

The Azarians and Mr. Braun were given potential solutions to address the violation: **(1)** Remove the trailer, **(2)** Apply for a major amendment to the existing conditional use permit leaving the trailer in its current state (non-conforming as to use and exterior design), **(3)** Apply for major amendment to the existing conditional use permit, including upgrades to the trailer, in an effort to comply with design standards (masonry requirements) [114-273.(13)]. Azarians were provided a conditional use permit application.

Mr. Braun stated that he would complete and file the application, but because of his availability to assemble the needed information and being out of town during the upcoming holidays, a submittal would be provided sometime in January/February 2017. All agreed that such a timeframe was acceptable.

Application Filed: September 22, 2017 Following a number of discussions via telephone, e-mail and during a site visit with the Azarians regarding the office trailer and additional modifications they desired to make to the facility, a conditional use permit application was filed seeking an amendment to the conditional use permit for: (1) Office trailer with no modification, (2) wall signage, (3) storage yard expansion.

Plan Commission Initial Review and Deferral: October 25, 2017 The request was brought before the Plan Commission. The Plan Commission deferred taking action pending the submittal of revised plans that modified the design of the office trailer in an attempt to meet the zoning ordinance and design requirements.

Staff's recommendation to the Commission on October 25, 2017 was that (among other conditions):

- The office trailer be allowed on the property for a period not to exceed six (6) months from the date of this action by which time the trailer shall be removed from the property and a building addition may be constructed as authorized herein, or the trailer shall be removed from the property and the existing building's interior may be renovated to accommodate offices as authorized herein.
- Prior to the issuance of a six (6) month occupancy permit for the office trailer, and subject to the review and approval of the Director of City Development prior to their implementation, the following shall be accomplished:
 - a. Plans for any building expansion or interior renovation shall be submitted. Any such plans shall conform to the design standards for additions to primary buildings [Zoning Ordinance 114-.114-735.5(b)(1)], and those referenced in the Racine Steel Castings Industrial Area Redevelopment Plan (December 6, 2006).
 - b. Fencing around all parking and storage areas shall be installed and achieve suitable privacy screening. Chain link fencing or chain link fencing with privacy screening enhancements shall not be accepted as a form of screening.
 - c. All parking and drive areas be repaired, sealed and striped.
 - d. Painting of the new concrete wall along N. Memorial Dr. in an approved color.
 - e. A four (4) to five (5) feet wide landscaping strip be maintained between the new concrete wall and the eastern edge of the sidewalk along N. Memorial Dr. A landscaping plan shall be submitted prior to the installation of any landscaping materials. Landscaping shall be consistent with those standards referenced in the Racine Steel Castings Industrial Area Redevelopment Plan (December 6, 2006).
- That if the six (6) month occupancy permit for the office trailer is requested prior to the satisfaction of condition “*b,c,d,e*” above, then a surety equal in value to the cost of the proposed improvements and their installation shall be submitted to the Director of City Development for review and approval. Said surety may be in the form of cash, a cashier's

check, letter of credit, or bond. Said surety's form is subject to the approval of the City Attorney.

- That compliance to conditions *a* through *e* shall be achieved by June 1, 2018.

Modified Plans Reviewed and Deferral: December 13, 2017 Staff presented to the Plan Commission modified plans which were prepared by the Azarians in and attempt to satisfy design standards. Staff restated their recommendation of October 25, 2017 which included the removal of the office trailer. The Commission deferred action in order to obtain from staff clarifications of the ordinance's masonry requirements, and of the differentiation between an accessory and principal structure. Each designation is a factor in determining the application of masonry requirements.

February 28, 2018 Staff reported back to the Commission regarding accessory and principal structure, and presented a recommendation for approval of the amendment request, subject to the trailer being removed for the property within 6 months of approval of the amendment. The Plan Commission approved of such a recommendation to the Common Council, subject to certain conditions.

March 6, 2018 the Common Council referred the matter to the Committee of the Whole for further consideration of the Plan Commission's recommendation and the Azarian's request.

March 15, 2018 Azarians meet with the Mayor, City Administrator, Building Inspector and City Attorney to seek a resolution to reach compliance with the design issues related to the use of the trailer as a permanent office. From this meeting changes to the to plans were agreed to resulting in a mutual agreement that the office trailer addition now conformed to the applicable design standards as it will be attached to the main building, anchored to the ground via full footings and foundation, and have a full masonry exterior comprised of a 40 to 48 inches in height brick wainscoting, and all wall surfaces above to be covered with a cementitious siding. Azarians are instructed to file revised plans to present at a public hearing at the Plan Commission.

April 5, 2018 Azarians meet with City Development Staff and file revised plans. A public hearing before the Plan Commission set for April 25, 2018.

April 25, 2018 City Plan Commission recommends approval of amended conditional use permit based on agreed upon plans.

May 15, 2018 Common Council authorizes the amendment through resolution Res.0156-18 to, among other things, expand contractor yard area and retain the office trailer as a permanent structure, subject to the agreed upon plans. As part of the conditions of approval contained in Res.0156-18, at the request of the Azarians, the deadline for office trailer and other yard improvements is set at December 31, 2018.

November 16, 2018 observing no progress in achieving compliance with the conditions of approval in Res.0156-18 a letter is sent to the Azarians reminding of the commitments they made and the December 31, 2018 deadline.

January 1, 2019 No progress observed with the conditions of approval in Res.0156-18. Property now in violation of zoning ordinance and building code. Office trailer now required to be removed from the property.

January 2, 2019 City Staff informed by Azarians that they will need to submit a surety, as required by Res.0156-18 to cover the cost of approved site and building improvements, and to propose a deadline as to when the improvements will be completed.

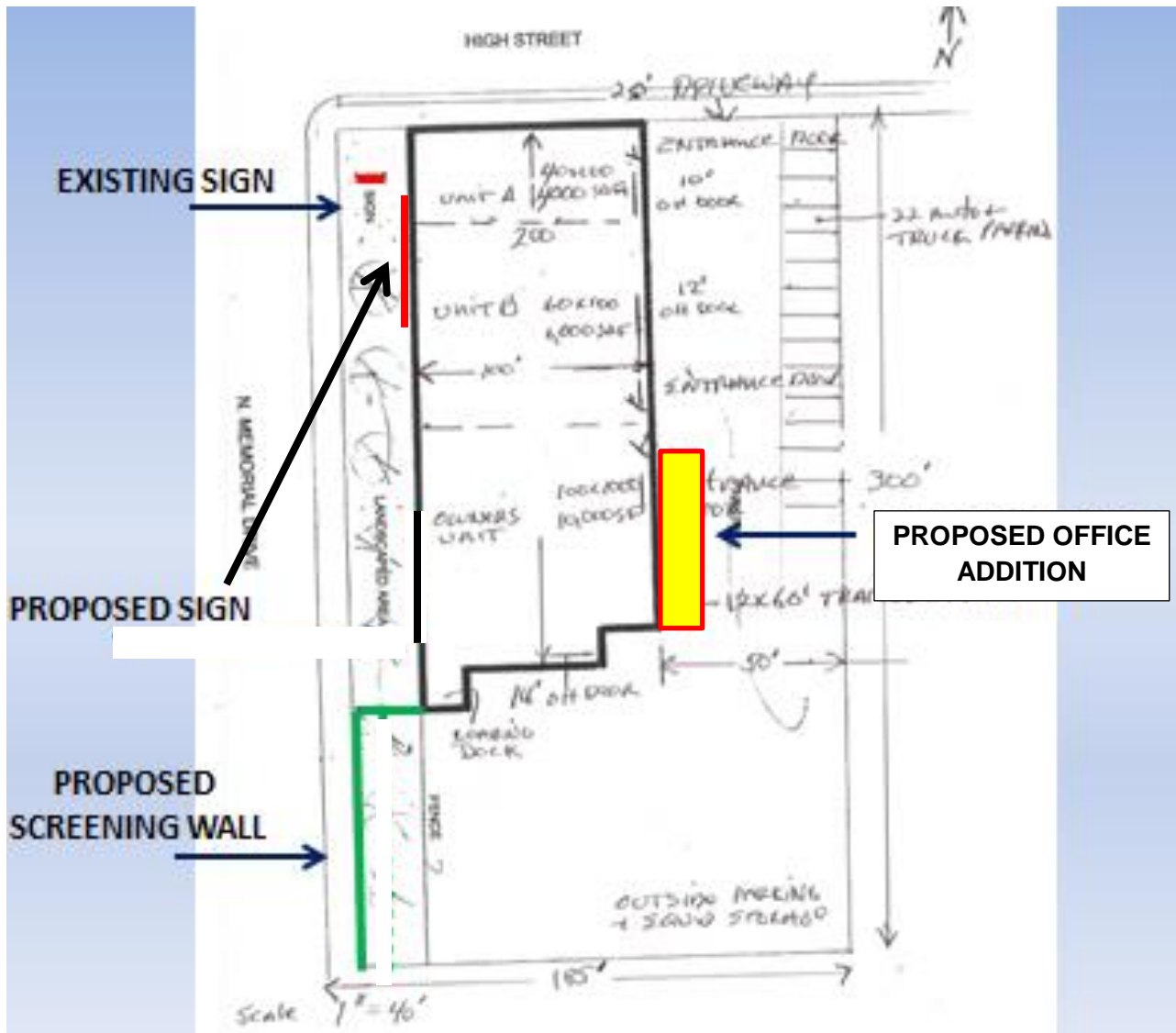
January 8, 2019 City Staff is notified by the Azarians that they no longer wish to proceed with the agreed upon architectural treatment of the office trailer and main building. Azarians inquire into the process of amending Res.0156-18 to eliminate the full dimensioned brick skirt on the office trainer and full dimensioned brick wainscoting on the main building.

January 18, 2019 Azarians file for an amendment to Res.0156-18 to eliminated the agreed upon architectural details on the office trainer and main building.



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

Applicant revised site plan.



GENERAL INFORMATION

Parcel Number: [08250002](#)

Property Size: 1.515 acres

Comprehensive Plan Map Designation: INDUSTRIAL

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.
- Encourage development patterns that promote efficient and sustainable use of land, that can be readily linked by transportation systems and that utilize existing public utilities and services.
- Promote redevelopment and infill in areas with existing infrastructure and services, enhancing existing residential, commercial, and industrial areas.

Corridor or Special Design District:

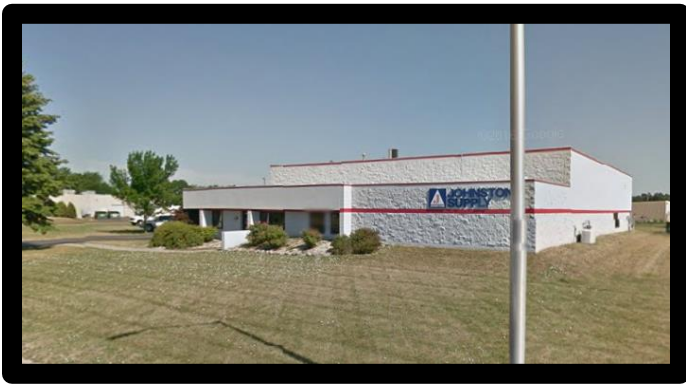
THE RACINE STEEL CASTINGS INDUSTRIAL AREA REDEVELOPMENT PLAN (RSC Plan)

The RSC Plan requires that any new buildings or building additions comply with the architectural standards expressed in the Olsen Industrial Park Protective Covenants. **The Stephen F. Olsen Industrial Park development standards (Section 7)** state that “Building Design and Construction requires masonry construction in combination with other materials as approved (“Building facades abutting streets shall be of “finish construction” and shall be of decorative masonry, i.e., brick, textured block, etc. Other building materials in combination with masonry may be approved by the Development Review Committee. Such other material shall be heavily textured, with shadow casting pattern treatments. Trim lines of complementary colors are preferred.”).”

In administering the Olsen Industrial Park development standards, the Development Review Committee has always interpreted the masonry standard to apply to all facades, unless the façade is considered an “expansion wall” where future building expansion may be accommodated.

Through these documents, masonry construction is required as seen present in the Olsen Industrial Park. Below are examples of masonry construction in the Olsen Industrial Park.





- **Substandard construction** diminishes not only the aesthetic quality of an area, but also the value of an area both socially and monetarily. Substandard construction does nothing to promote quality revitalization of a distressed area but rather, perpetuates the blight and unemployment levels that the adopted Racine Steel Castings Redevelopment Area Plan strives to eliminate and/or reduce.
- **Substandard construction** will have a diminishing effect on the quality of design that can be achieved on neighboring properties as they redevelop. This diminishing effect will be seen in and out of the Racine Steel Castings Redevelopment Area. Diminished design standards on this and adjacent properties will result in lower values for existing and future construction. Lower property values stunt the City’s ability to provide essential service to the community as a whole, and the Racine Steel Castings redevelopment area in particular.
- **Substandard construction** runs counter to the goals of the adopted Racine Steel Castings Industrial Area Redevelopment Plan (December 6, 2006), the City of Racine Comprehensive Plan (December 2009), and the City of Racine Zoning Ordinance (1973). This non-conformity will impede the normal and orderly development and improvement of the surrounding property.

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: Existing construction business expanding yard area, adding signage, and office trailer.

Surrounding Zoning and Land Uses:

North	I-2 General Industrial	Varying industrial uses and accessory offices
East	I-2 General Industrial	Vacant industrial site
South	I-2 General Industrial	Vacant industrial site
West	R-3 Limited General Residence	Stadium and athletic fields

Operations: The application indicates that six full time and three part time employees work at the property, from 7 AM- 6 PM Monday through Saturday.

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	1.515 acres
Lot Frontage	30 feet	162 feet
Floor Area Ratio	4.0 maximum	.30

Setbacks ([114-Article V](#): Article VII, Div. 6 [Development Standards](#)): Not adjacent to residential zoning or uses, no setbacks are required.

Building design standards (114-Secs. [735.5](#) & [736](#)): It has been determined that through the implementation of Res.0156-18, the office trailer plans addition now conforms to the applicable design standards as it will be attached to the main building, anchored to the ground via full footings and foundation, and have a full masonry exterior comprised of a 40 to 48 inches in height brick wainscoting and all surfaces above to be covered with a cementitious siding.

Off-street parking and loading requirements (114- [Article XI](#)) : Sufficient area exist on the site to accommodate the three contractor/construction operations at their current scales and intensities.

Landscaping, screening and yard requirements ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): In 2004 the site was landscaped along N. Memorial Dr. with the assistance of a City façade grant. The landscaping has matured and has been well maintained. The outside storage yard expansion will result in the removal of three of nine mature trees which were planted in relation to the 2004 façade grant.

Sign Regulations (114-[Article X](#)): The site allowance for signage is 258 sq. ft. There already exists a monument sign totaling 38 sq. ft. leaving 220 sq. ft. available. The proposed wall signage appears to be within the allowance with an approximate square footage of 120 sq. ft. Prior to permitting, final dimensioned drawings will be needed for confirmation of the sign’s size and location.

Outdoor lighting, signs ([114-Sec. 742](#)): Only new exterior lighting planned is a light on the east side of the office trailer. The other lighting on the property complies with the requirement that lighting be arranged, shielded and oriented in a manner which does not direct radiation or glare onto adjacent properties.

Rubbish and trash storage ([114-Article V](#) & [114-740](#)): Yard will be screened from N. Memorial Dr. by concrete textured wall. Screening from north is needed for areas to south. ~~and east.~~

Engineering, Utilities and Access:

Access ([114-1151](#)): Vehicular access to the site is provided from High Street. 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.): The trailer is not expected to impact the surface drainage of this lot. Lot expansion may and appropriate provision will need to be made by the applicant.

Sewage disposal and water supply ([114-821](#) & Consult Engineering and S/W Utility): Existing facilities are on site and adjacent to the property. Large building is hooked up to all utilities (sewer, water, electric).

Exceptions to ordinance: as incorporated into Res.0156-18.

Exception to 114-787 to allow a mobile home to be used for non-residential purposes.

Exception to 114-1188 to allow one parking space per employee.

Exception to Stephan F. Olsen Industrial park Declaration of Restrictive Covenants, Section 7., to allow a zero foot street yard setback for the decorative masonry screening wall.

Ordinance Requirements and Definitions

The application of the masonry requirements of the design standards [114-735.5(b)(1)or(2)] hinges on the determination as to the function of a building as a principal (aka primary) or an accessory (aka secondary) structure. With the trailer being attached to the main building and secured to full footings and foundation, it now can be considered part of the primary building.

The 8 foot rule, Section 114-735.5(b)(1), requires that for new primary buildings *or additions thereto*, the zone of a building’s exterior walls measured from the ground to a height of eight feet must have a façade treatment of masonry (“All new primary buildings, and new additions to primary buildings shall have a façade treatment on each elevation of brick, decorative masonry block, architectural panels (not including metal panels), pre-cast textured concrete, composite clapboard siding, or exterior insulated finish system (EFIS) or similar products applied at least eight feet above grade. A combination of these façade treatments, applied in a well-proportioned and aesthetically pleasing manner, is permitted”). *It has been agreed upon that the plans as they have been revised now meet this standard.*

A Principal Building, Structures Or Use is not directly defined by the zoning ordinance, but consistently appears juxtaposed to a discussion relating to accessory structure restrictions and requirements (See 114-1(b), 114-254, 114-548, 114-691, 114-692, 114-695, 114-771, 114-787, 114-1034).

The building code defines an accessory building as “a detached building not used as a dwelling unit but which is incidental to that of the main building and which is located on the same lot”(18-26). Principal building is defined by the Buildings and Building Regulations code as “a single building or structure on a lot for a specific use or occupancies” (18-26).

The Racine Steel Castings Industrial Area Redevelopment Plan (RSC Plan) , as previously discussed herein, is another governing factor for the consideration of the Azarian’s request against the development standards expressed in the document. The Azarian’s property, located at 1535 High Street, lays within the RSC Plan area. Section D .3.C.2.c. of the RSC Plans states “the exterior of the premises and the condition of accessory structures are to be maintained so that the appearance of the premises and all buildings is compatible with other industrial parks operated by the City of Racine, such as the Stephen F. Olsen Industrial Park”. *It has been agreed upon that the plans as they have been revised now meet this standard.*

The Stephen F. Olsen Industrial Park development standards (Section 7). Building Design and Construction) requires masonry construction in combination with other materials as approved (“Building facades abutting streets shall be of “finish construction” and shall be of decorative masonry, i.e., brick, textured block, etc. Other building materials in combination with masonry may be approved by the Development Review Committee. Such other material shall be heavily textured, with shadow casting pattern treatments. Trim lines of complementary colors are preferred.”). In administering the Olsen Industrial Park development standards, the Development Review Committee has always interpreted the masonry standard to apply to all facades, unless the façade is considered an “expansion wall” where future building expansion may be accommodated. *It has been agreed upon that the plans as they have been revised now meet this standard.*

Principal, Accessory and The Applicable Treatment. Staff’s initial approach to this proposal was with the interpretation that the proposed office trailer was an accessory structure and use. As such, the “30% rule” applied, but was not complied with.

A further review and better understanding of intended use of the trailer, and the use of the large storage building on the property, indicates to staff that the applicable treatment of the trailer should be that of a principal building. If the buildings intended use were to only be for storage, then it could be treated as an accessory building. The trailer will function as a principal building due the inclusion of two offices, a bathroom and a reception area within the trailer. As a principal building, the “8 feet rule” should apply, as supported by the development standards of the Olsen Industrial Park. *It has been agreed upon that the plans as they have been revised now meet this standard.*

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: It has been agreed upon that the plans represented in Res.0156-18 now meet standards. As such it should not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare, if the project is implemented in accordance with the conditions of approval.

- 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: It has been agreed upon that the plans represented in Res.0156-18 now meet standards. As such the modification to the property should not be injurious to the use and enjoyment of other property in the immediate vicinity, if the project is implemented in accordance with the conditions of approval.

- 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: It has been agreed upon that the plans represented in Res.0156-18 now meet standards. As such the modification to the property should not impede normal and orderly development on surrounding properties, if the project is implemented in accordance with the conditions of approval.

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

Staff Comments: These facilities currently exist and are known to be adequate.

- 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: Adequate measures are in place via limited street access.

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

Staff Comments: It has been agreed upon that the plans represented in Res.0156-18 now meet standards. As such the modification to the property should not be contrary to the objectives of the current land use plan for the city, if the project is implemented in accordance with the conditions of approval.

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: It has been agreed upon that the plans represented in Res.0156-18 now meet standards. As such, the modification to the property and the approved exception should result in a project that conforms to applicable regulations, if the project is implemented in accordance with the conditions of approval.

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 DOES NOT SUPPORT REQUESTED AMENDMENT TO THE AGREED UPON TREATMENT OF OFFICE TRAILER AND MAIN BUILDING FOR THE FOLLOWING REASONS:

It has been agreed upon that the plans as represented in Res.0156-18 now meet standards. If the project is implemented in accordance Res.0156-18 it should not result in a project that would be detrimental to the area or future development.

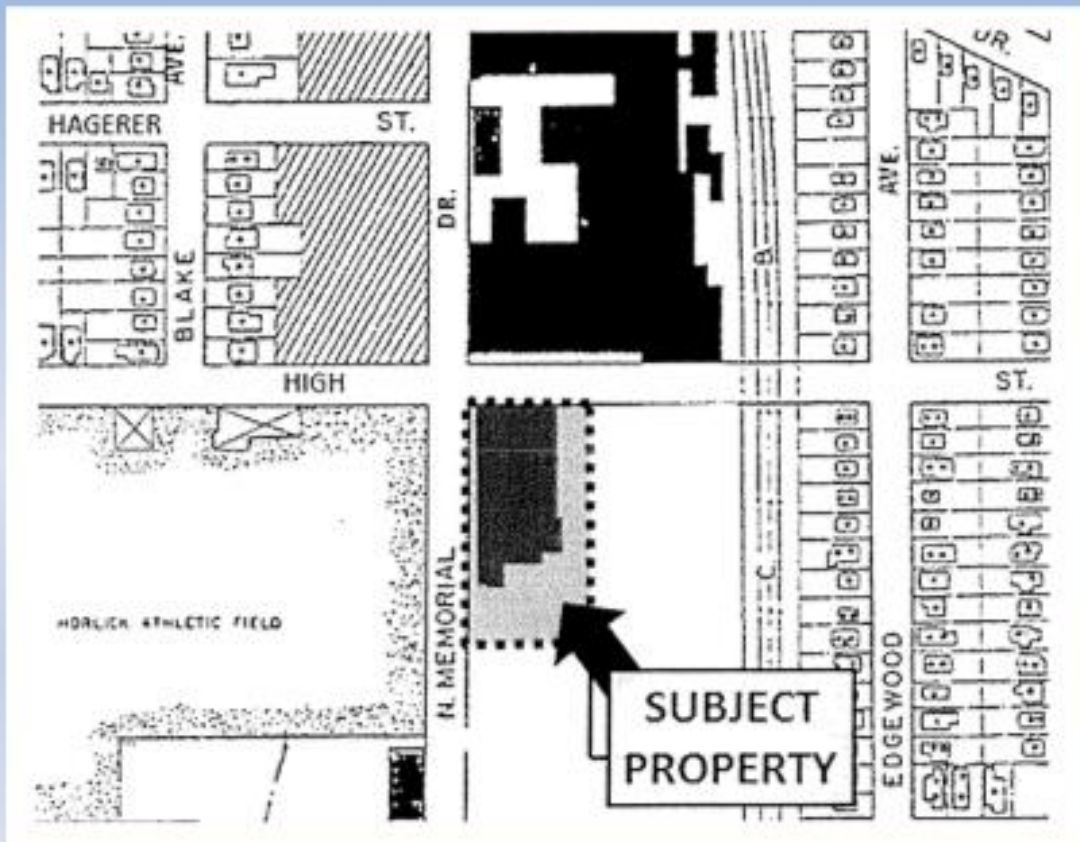
STAFF RECOMMENDATION: THAT BASED ON THE FINDINGS OF FACT LISTED ABOVE IN THIS REPORT, THE REQUEST FROM SAM AND LORI AZARIAN

SEEKING A MAJOR AMENDMENT TO A CONDITIONAL USE PERMIT FOR THE CONSTRUCTION YARD COMPONENT OF A MULTI-TENANT PROPERTY BE DENIED.

FURTHER, THAT FULL COMPLIANCE TO RES.0156-18 BE ACHIEVED BY JUNE 1, 2019.

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](#)).



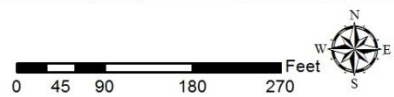


Conditional Use Amendment - 1535 High Street



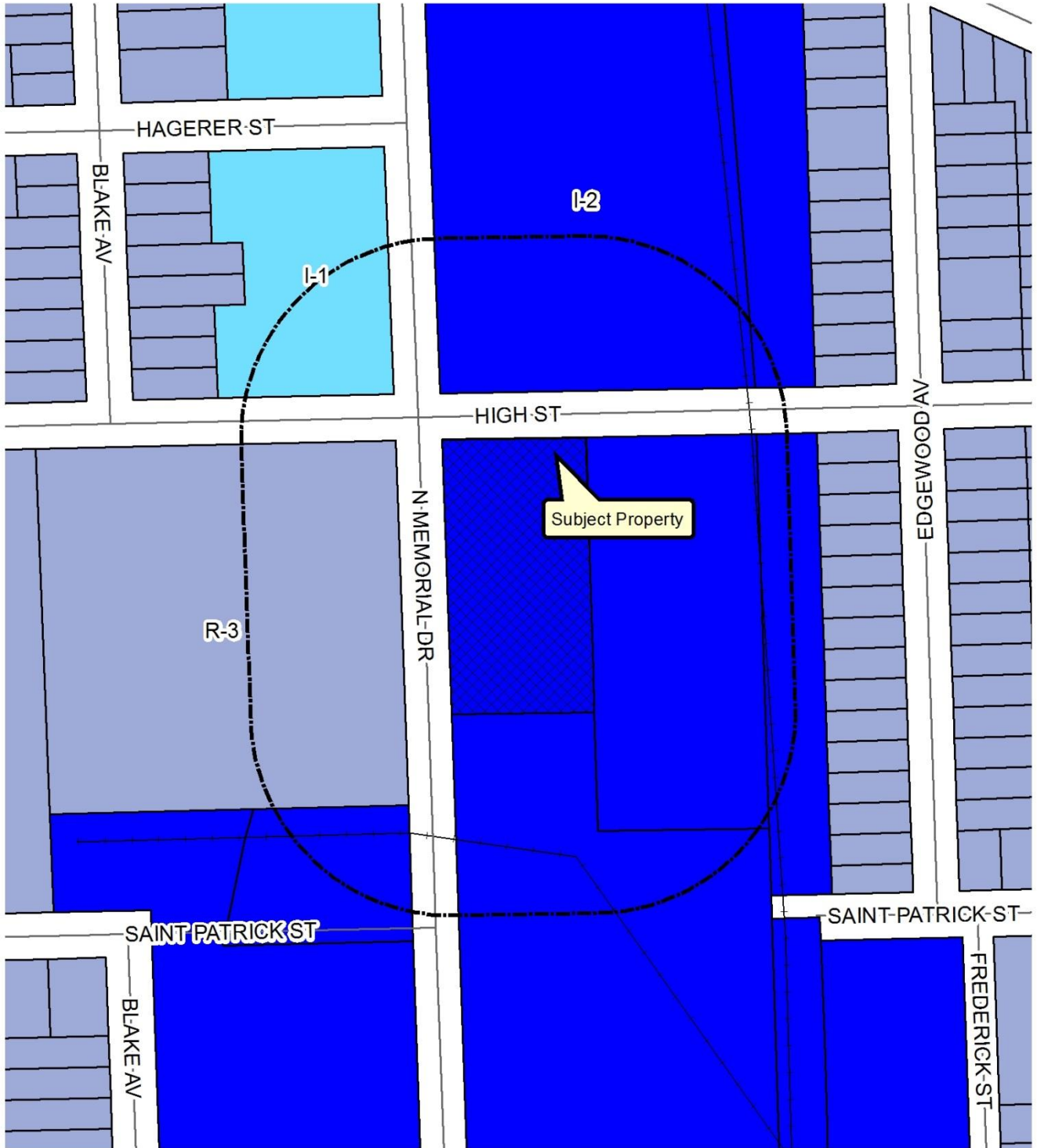
 Subject Property
 Notification Area

 Street Centerline
 Tax Parcel Boundary



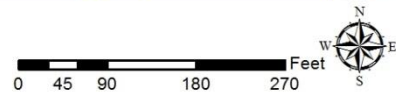


Conditional Use Amendment - 1535 High Street



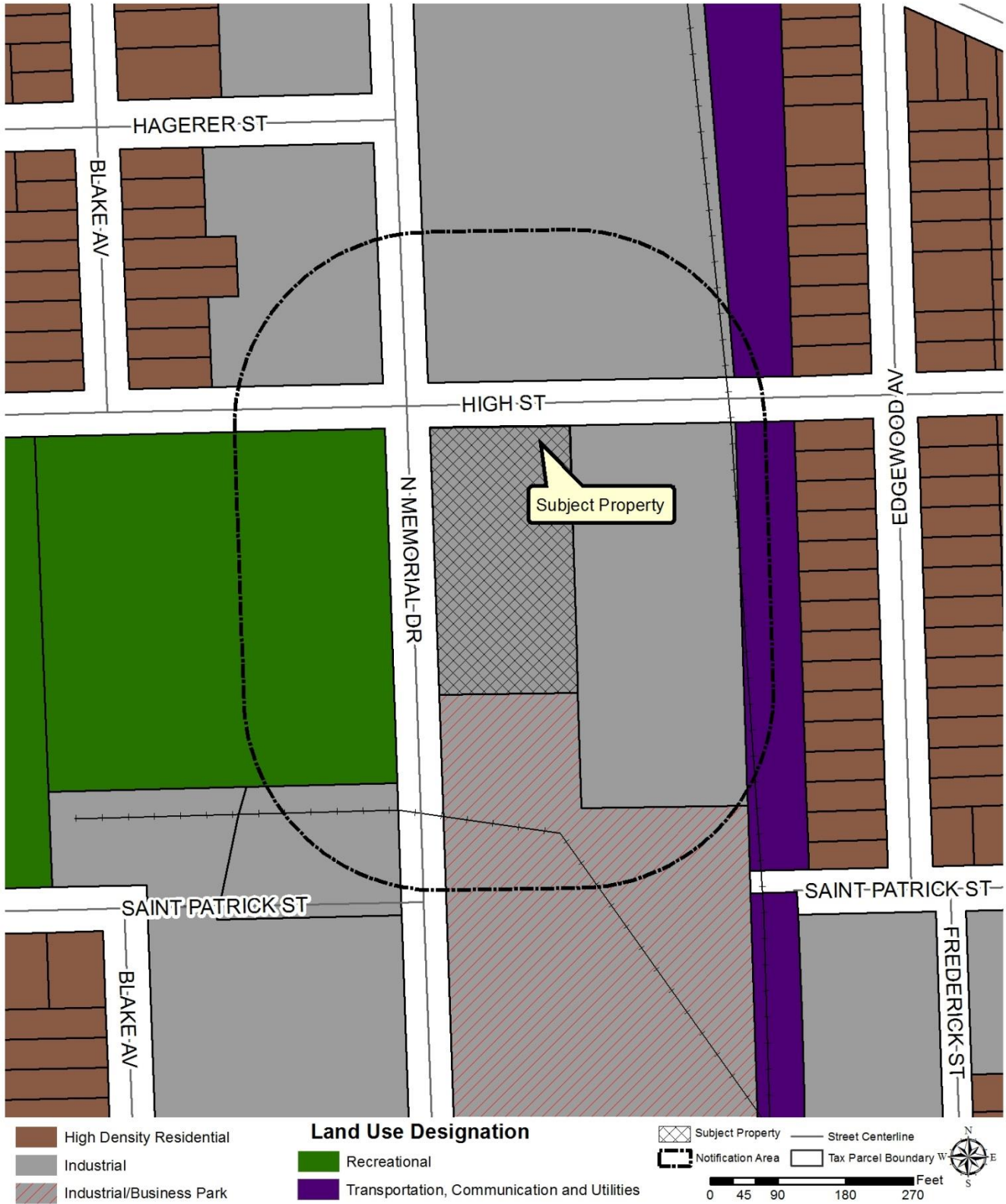
Zoning Designation

- Subject Property
- Notification Area
- Street Centerline
- Tax Parcel Boundary
- I-1 Restricted Industrial District
- I-2 General Industrial District
- R-3 Limited General Residence District





Conditional Use Amendment - 1535 High Street



Site Photos

Looking West on High St.



Looking Southeast toward 1535 High St.



East façade of Main Building



East façade of Main Building



East façade of Main Building



Southern Façade of Main Building



Western Storage Area (south of building)



**Southern Storage Area
(south of building)**



**Southeast Yard Area
(south of main building)**



**Eastern Storage Area
(east of main building)**



**Parking Area
(east of main building)**



Intersection - High St. and Memorial Dr. (looking west on High St.)



Looking Across Memorial Dr. (west of property)



West Façade - Screened Storage Area (proposed yard expansion area)



Property Directly to South (Racine Steel Castings property)

