

Department of City Development

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To: Mayor John Dickert
Common Council Members

From: Matthew G. Sadowski, Assistant Director of City Development/Principal Planner

CC: Brian F. O'Connell, Director of City Development
Tom Friedel, City Administrator
Robert Weber, City Attorney
Nicole Loop, Assistant City Attorney

Re: - Proposed Settlement of Adams Outdoor lawsuit
- Proposed Conditions of Approval for at billboard at Regency Mall

Please be advised that proposed terms have been reached in the settlement of Adams Outdoors (Adams) lawsuit. Adams' suit stemmed from the City's previous denial of their application for a billboard installation at the former "Chi-Chi's" out-lot at 5200 Durand Avenue (Proposed Location) in the Regency Mall Planned Development. I have asked that this matter be brought before the Common Council on April 20, 2015.

Adams and the City have agreed to dismiss the lawsuit in circuit court to allow Adams to proceed through the City's normal review process. Adams is allowed to request consideration of an amendment to the Regency Mall Planned Development to install a billboard at the Proposed Location.

On September 10, 2014 the City Plan Commission recommended denial of the request for reasons outlined in Legistar file 14-10502. On October 7, 2014 the Common Council deferred action on the request to investigate a compromise that may be found acceptable to both parties. The general terms of the settlement are proposed as follows:

1. Adams and the City enter into an agreement stipulating that all previous legal action is dismissed.
2. Adams must submit appropriate documentation for consideration by the Plan Commission and Common Council.
3. If approved by the Common Council, a Conditional Use Permit will require that the billboards and other structures at 1600 Racine Street be removed within 60 days of the execution of a document titled "Agreement in lieu of Board of Appeals Consideration of an Appeal to City of Racine the City of Racine Board of Appeals" (Agreement).
4. The Conditional Use Permit, Appendix A to the Agreement, will be void until the removal work at 1600 Racine Street commences, and will be void if removal is not completed within 60 days of the execution of the Agreement.
5. The Council is being asked to grant an exception in the offset from the property line for a decrease from 75 feet to no less than 30.55 feet, and an exception to the requirement that the billboard not be viewable from a residential district
6. The billboard cannot exceed 20 feet in height, lighting is required to be downcast fixtures, a landscaped decorative base is to be installed at the base of the sign, and Adams must wait five years before requesting approval to convert the installation to an electronic/digital billboard.