



CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT

Meeting Date: 1/9/2019

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: Jeff Hintz

Location: 1800 Clark St., located a block west of Racine Street on the North Side of De Koven Ave.

Applicant: Fury II LLC

Property Owner: Fury III LLC

Request: Consideration of a conditional use permit to operate a mixed use development in an existing building of at least 10,000 square feet as allowed in Section 114-568 of the Municipal Code, in an existing building addressed as 1800 Clark Street and 1825 Holborn Street for property located in a I-2 General Industrial Zone District as required in section 114-568 of the Municipal Code.

BACKGROUND AND SUMMARY: The applicant seeks to utilize the existing building at 1800 Clark Street and 1825 Holborn Street for industrial uses. Currently the building houses general contractors, wearing apparel manufacturing, warehousing facilities, accessory office space, automobile repair, and a metals processing/fabrication operation. The building has other vacant spaces which the owner would like to utilize for additional businesses which are conditional uses in this zone district. These uses include: Garages for storage, repair, and servicing of motor vehicles, including body repair, painting, and engine rebuilding, Other manufacturing, processing, or storage uses determined by the plan commission to be of the same general character as the uses permitted in section 114-587(b), advertising signs and Contractor or construction offices, shops and yards.

The Zoning Ordinance classifies this proposed mix of uses as permissible in the B-2 Community Shopping Zone District upon the issuance of a conditional use permit (114-568).

At the September 26, 2018 City Plan Commission (CPC) meeting, the item was deferred for 90 days to allow the applicant additional time to work on a plan for compliance with development requirements. Staff met with the applicant on December 6th and discussed a variety of options related to the recommended conditions which would comply with development requirements.

Since the initial CPC meeting, the applicant has worked towards addressing existing building code violations and fire prevention/notification systems within the building and also fixed the existing chain link fencing. During the December 6 meeting with staff, the owner of the property, Mr. Nelson, indicated that the prioritization from his perspective on the building was as follows.

1. Addressing the existing building code violations.
2. Addressing the deficiencies in the existing fire prevention/notification system.
3. Repair of a portion of the roof which is beginning to leak water.
4. Securing tenants for the currently vacant space in the facility.
5. Aesthetic upgrades to the site (landscaping, paving, privacy fencing) once site becomes profitable

During this meeting, staff also discussed options for the fencing on the site, with consideration given to the fact that there are present contaminants in the ground. A product which would allow the existing fence posts to be utilized again, thus not requiring digging or movement of soil, was shared. This type of product is a “u” shaped bracket which would allow reuse of the existing poles, but with a privacy fence attached. This would accomplish the goals and intent of the adopted plans for the area, while meeting development requirements that outdoor storage be screened.

Staff realizes these items all cost money to get done and the order of prioritization from the owner’s perspective is agreeable. What needs to be finalized is a timeline or at the very least, order of operations which outlines what will occur and when. To date, a proposal for when these items are proposed to be accomplished has not been provided. Certainly securing a tenant will become easier once the building meets current building and fire code requirements, but the exact date of when a tenant will be secured is not something which has been finalized. Perhaps a timeline of completing the site aesthetics within 12 months of the warehouse being occupied would be agreeable to all parties; in the meantime, outdoor storage on the site would need to cease as required by Sec. 114-567 of the Municipal Code.

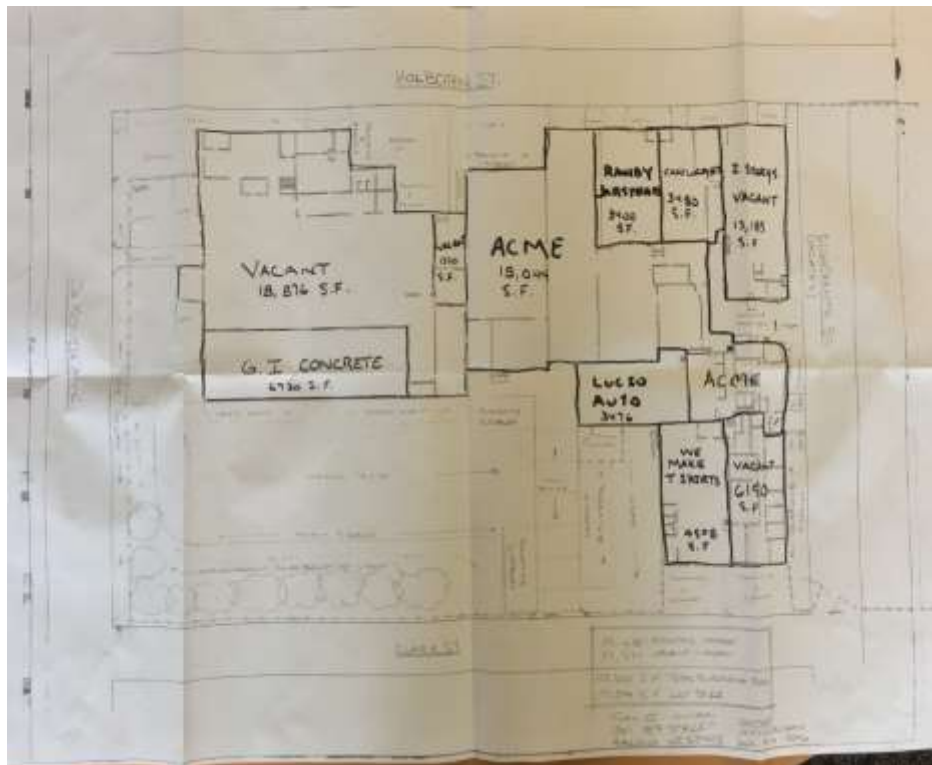
At such a time the privacy fence along DeKoven and a portion of Clark Street could be erected, outdoor storage which is screened, could resume. This would offer a compromise in which the general aesthetics of the area are improved in the immediate and long term future. It also allows the owner of the building to make the site improvements as finances for the property will allow.

On December 4, 2019 City staff received the following email from the applicant: “Hi Jeff, We are good with striping the lot and providing slats in the fence if you want to include that. We will not do solid fence at this time as it will just get tagged as we talked about. The recycle plant at the end of street has slats so we would do the same. Our fire monitoring with Century is currently being installed and we are almost done with sprinkler heads so all our life safety issues will be up to date. What time is the meeting on the 9th? Also, could you send me a copy of what you submit to the commission.

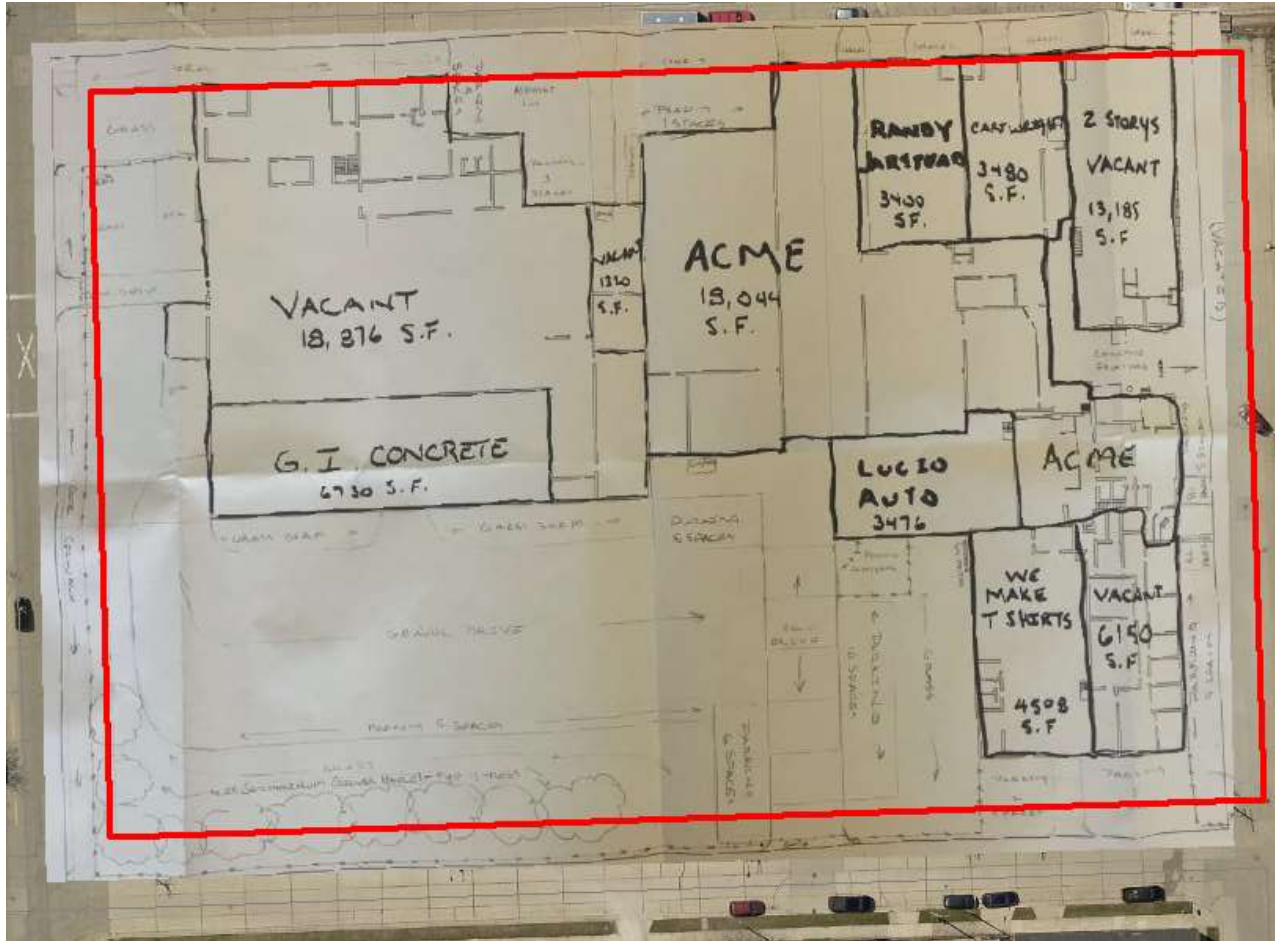
Thanks, Kelli”



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



Proposed Site Plan and Building Floor Plan (north is to the right), submitted by applicant.



Proposed site plan for the property (highlighted in red, north to right), submitted by applicant.

GENERAL INFORMATION

Parcel Number: [17683002](#) & [17685000](#)

Property Size: 167,575 square feet

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.

- Promote redevelopment and infill in areas with existing infrastructure and services, enhancing existing residential, commercial, and industrial areas.
- Continue to administer architectural design guidelines that preserve the aesthetics that contribute to the City's character.
- achieve a community that is aesthetically pleasing and efficient while promoting a sustainable land use pattern that meets the social, economic, physical, ecological, and quality-of-life needs of the City, maintaining a sense of place in urban areas. Achieving this goal depends upon good community design.
- A well-designed City will attract quality development, improve the visual character, and enhance important natural resources.

The [Southside Strategic Plan](#) states that:

- Figure 5 on page 15 identifies DeKoven Avenue as a key corridor.
- Goal C3 as stated on page 16, Upgrade the condition of key corridors.

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: Office and warehouse building which has industrial tenants, including a concrete contractor, metal company, clothing manufacturer, auto repair shop and contractors.

Surrounding Zoning and Land Uses:

North	I-2 General Industrial	Dog Hotel and boarding operation
East	I-2 General Industrial	Single unit dwellings
South	I-2 General Industrial	R&B Grinding
West	I-2 General Industrial	Modine

Operations: The property functions as an industrial property with multiple tenants. No changes in operations are planned with this conditional use.

It is worth noting that Sec. 114-567 requires that, "All storage, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened by a solid wall or fence (including solid entrance and exit gates) not less than six feet nor more than eight feet in height, and having at least 60 percent opacity."

ANALYSIS:

Development Standards:

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

Standard	Required	Provided
Lot Area	No minimum	167,575square feet
Lot Frontage	30 feet	507 ft.
Floor Area Ratio	4.0 maximum	.55

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

Yard	Required	Provided
Front	0 feet	20 feet
Side	0 feet	0 feet
Side	0 feet	33 feet
Rear	0 feet	70 feet

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 structural modifications to the exterior of the existing building. The buildings do require some painting to repair some deterioration, but are constructed from masonry, which comply with the requirements of the zoning code.

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

Use Type	Required	Provided
Concrete Contractor	24	0
Metal Company	5	0
Clothing Manufacturer	3	0
Hobbyist Automobile Repair	8	0
Vacant Warehouse Space	2/3 employees^	0
Total	40	0*

A Building of this size does require one loading space. Though there are none designated at this time, the property has space on it which can fulfill this requirement.

^Staff has projected parking demand for this uses and also omitted them from the total requirement as the building space is not filled. The final parking count for the space will depend upon the actual usage and the configuration of the space when occupancy is sought and determined.

*Currently none of the spaces on this lot are striped, meaning they do not count towards the total required for this parcel. Similar to the loading spaces, the property has ample room to provide the required parking spaces. The gravel area on the east of the building could be paved and converted to

a parking area if desired by the applicant. There appears to be the capacity for 52 (including auto service bays) spaces already, which are currently paved.

Landscaping, screening and yard requirements ([114- Article V](#): Article VII, Div. 6 [Development Standards](#) & 7 [Fences and Walls](#)): 114-743 (a) requires plant materials be kept healthy and in a growing condition. Currently some maintenance, trimming, and care for the vegetation on the site is needed. The gaveled over parking area needs to be paved or planted with vegetation. Screening is not required by the Zoning Code because of the surrounding zone districts, however outside storage of anything other than operable vehicles does require screening.

Sign Regulations (114-[Article X](#)): Signage has not been included with this request. Signage will be submitted for permitting at a later date and need to follow total square footage requirements below and other requirements of Article X in the zoning code.

Sign Type	Allowable Sq. Ft.	Provided Sq. Ft.
Projecting/Wall	254*	30
Window signs	50% of window area	N/A
Alleyway Signage	N/A	N/A
Total	254*	60

*Once three or more signs are installed, the total is reduced by 20% with each subsequent sign. There are currently two signs on the property.

Outdoor lighting, signs ([114-Sec. 742](#)): No outdoor lighting is shown on the plan.

Rubbish and trash storage ([114-Article V](#) & [114-740](#)): No trash enclosures are shown on the plan.

Engineering, Utilities and Access:

Access ([114-1151](#)): Vehicular access to the site is provided from the driveways off Clark Street, Eighteenth Street, Holborn Street and De Koven Avenue. The site plan submitted by the applicant does not contemplate any changes to access.

Surface drainage ([114-739](#) & Consult Engineering Dept.): at such a time it becomes necessary to pave additional areas on the lot, for parking, submittal and approval of a grading/drainage plan showing where the lot drains and storm sewer layout will be required. This will depend upon final striping of the 70 required spaces for the proposal.

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: A mixed use development consisting of industrial use classifications is essentially what is taking place on the property now. In 2006 a Conditional Use Permit (CUP) allowing for an automobile repair tenant was approved by the Common Council. The

existing metal business and t-shirt production use are permitted by right to occur on this property, if the development can meet all development requirements.

The function of the property will generally remain industrial, the mix of uses proposed by the applicant is to help attract tenants and speed up the occupancy for new tenants. The mix of uses is something which is generally occurring already at this time. Intensifying this mix and adding new uses triggers review and approval of a CUP. Not all of the uses which are conditional in Section 114-588 are necessarily appropriate on every property which is zoned I-2; the CUP process is designed to review the appropriateness of a use on a lot, based on current and anticipated future development, and determine if it would be detrimental to adjacent properties.

Without knowing exactly what will occur on the property, it is more difficult and leaves more to the imagination as there is no set of plans to review. How a site is laid out and actually functions is ultimately, the most important thing to review with the proposed mix of uses. This particular property was developed as a metal plating works and lawnmower factory when originally built, but has now transitioned into other uses which are generally industrial in nature.

The current mix of uses on the site of contractor shops/yards, metal company, limited automobile repair (current tenants allowed by existing CUP), t-shirt manufacture and accessory offices is a fairly open mix of building tenants for an industrially zoned property; it is important to remember this mix is in addition to all the permitted uses allowed in both I-1 and the I-2 zone district. That being said, future tenants of the same nature of these existing tenants allowed by CUP, could locate here if they are able to follow the recommended conditions at the end of this report (this would apply to the contractor or construction offices, shops and yards, and the garage for the storage, repair and servicing of motor vehicles).

The findings of fact will focus on uses which are already on the property that could be expanded to include additional tenants of the same general use, but will discuss why the other requested uses would not be appropriate at this location at this time.

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 conditional use request is an attempt to balance future growth and leasing of space in the building along with legitimizing the operations which are already taking place on the property. Industrial districts allow for the possibility of the most intensive uses in the City, but at the same time, are often along some of the more highly trafficked and visible areas. With this balance in

mind, if the site is improved to zoning ordinance requirements for this type of development, than the conditional use is not expected to be detrimental to the public health, safety or morals of the City. This particular property is fairly isolated from residential zoning and makes it a good candidate for auto repair and contractor shops/yards, but only if the site is kept free of debris and enhances the appearance of the DeKoven Avenue corridor. This property is not in the Southside industrial park, but in very close proximity to the entrance, the aesthetics of this corridor are very important to the continued success and continuing investment of the area.

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 property is generally surrounded by other industrial zone districts, however the property does have a yard along a key corridor. As currently developed, this parcel is not designed to handle higher volumes of traffic. The access is somewhat limited to the site and the resultant traffic flows in this instance, would be injurious to the function and use of other properties in the area. Allowing a billboard (advertising sign) would be contrary to the aesthetic goals of the corridor and comprehensive plan.

The recommended conditions bring this site into compliance with development standards and ensure that uses currently on the property and those of a similar nature in the future, are performing in a manner which is compliant with development standards in place at this time; this is important because the development standards within the zoning code exist so that development is not injurious to surrounding properties.

The mix of uses staff is recommending be allowed through this mixed use development proposal are in existence on the property at this time. If these current uses were to expand within the allowed parameters of the development standards in the ordinance and proposed conditions of this permit, the property will function in a manner which is not injurious to others in the neighborhood and will not substantially diminish property values. For the site to perform in a manner which is in violation of current development standards would be detrimental to the surrounding properties; prior to any expansion and filling of vacant spaces in the building, the site needs to be brought into full compliance with development requirements.

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: This mix of uses is generally what is already occurring on the property, but this CUP will allow the property owners to find additional tenants which are performing these same types of uses, or a permitted use for the district. Staff finds this current mix of uses and those similar in nature will not impede the normal and orderly development of the area.

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 reuse of this site and existing building is not expected to impact the provision of utilities for the property or general area. The drainage plan review and any subsequent improvements when required to be provided, are expected to address any issues which might arise from the provision of additional parking surfacing.

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 is currently setup to function with some limited industrial users. This property is currently not situated to handle large volumes of traffic demand coming to the site. The access points into the parking areas from the site are on side streets, which from a management standpoint, are ideal. However, when looking at access through the site from these access points, it is segmented and not designed in a manner which vehicles cross the site. Additionally, an abandoned right-of-way is to the north of the property, further restricting vehicle access to and from the site.

The access and demand are fine for the current mix of uses on the site, as they generate limited traffic. Even if similar uses were to be added into the vacant tenant spaces in the building, the nature of these uses would still remain unchanged. Additional parking for these uses would be required, but the increased traffic would be generally for the employees associated with any new businesses and not consumer (customer) traffic.

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

Staff Comments: The land use plan for the City identifies this property as Industrial. This proposed mix of uses recommended by staff are consistent with this land use category. The comprehensive plan and other adopted plans also call for the aesthetic enhancement of development and key corridors. While these uses are fairly intensive in nature, the site can be designed and maintained in a manner in which allows for the intense use, but also enhances the aesthetics of the area. The comprehensive plan also includes goals and objectives related to the land use patterns which strengthen overall livability of the community.

The mix of uses proposed by the applicant are industrial in nature, however would be at an intensity which would not allow the overall goals of adopted area plans and the comprehensive plan to be met.

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: With the recommended conditions, which bring the site into compliance with required development standards, it is expected that this development will operate in accordance with the applicable regulations for this zone district. Given the parcel has the space to comply with all development regulations, consideration of an exception would not be prudent because there is nothing from a space or zoning standpoint which would prevent the current regulations from being complied with.

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 function in a manner which complies with all development regulations.
- The applicant will be provided with some flexibility in locating tenants of a similar nature to what is currently on the site now.
- The property being brought into compliance will enhance the aesthetics of the area.

STAFF RECOMMENDATION: BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM FURY II LLC, SEEKING A CONDITIONAL USE PERMIT TO ALLOW MIXED USE IN AN EXISTING BUILDING AT 1800 CLARK STREET AND 1825 HOLBORN STREET BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a) That the plans presented to the Plan Commission on January 9, 2019 be approved subject to the conditions contained herein.
- b) That the following development standards be complied within 12 months of warehouse space being occupied otherwise noted:
 1. Site be landscaped and maintained as required by Sec. 114-743. Removal of gravel parking area, planting beds and installation of organic materials around plantings and vegetation. Plans and specifications of new plantings and organic materials for beds to be submitted to the Department of City Development and approved prior to installation. Alternatively, gravel area be paved for parking and maneuvering areas as required by Sec. 114-1167; and

2. Parking lot spaces and loading zone be striped in accordance with the sizing requirements of Sec. 114-Article XI; this shall be accomplished by May 1, 2019 and
 3. Fencing on the site be compliant with requirements of Sec. 114 Article VII, Division 7 and the requirements of Sec. 114-567 for any outside storage. All existing chain link fence along DeKoven Avenue and southern 40 feet of Clark Street shall be removed. Privacy fencing shall be installed across the DeKoven Avenue frontage and southern 40 feet of Clark Street frontage. Prior to installation, selected privacy fencing shall be reviewed and approved by the Department of City Development.
- c) That by March 7, 2019 all existing tenants in the development shall have occupancy permits issued by the City of Racine Building and Inspection Division of the City Development Department.
- d) That if, prior to January 7, 2019, required development standards 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.
- e) That new uses be reviewed by the City of Racine prior to occupancy of tenant spaces to determine use classification and occupancy requirements. New uses authorized in this mixed use development shall be as follows:
1. Uses already permitted in the district;
 2. Garages for storage, repair, and servicing of motor vehicles. This shall not include body repair, painting, and engine rebuilding; these uses shall require a separate conditional use permit application per tenant.
 3. Contractor or construction offices, shops and yards so long as all permitted outdoor storage is completely screened.
- f) That the following site performance standards are applicable to all tenants on the site:
1. Outdoor storage shall occur within 25 feet of a building and be completely screened as required by Sec. 114-567; at no time shall automobile parts, accessories, tires, or chemicals be kept outside, even if screened.
 2. Junked or inoperable vehicles, boats, trailers and other equipment shall not be stored on the site. All vehicles which are not operational shall be kept inside until such a time they are functional or removed from the site.
 3. Dumpsters and trash shall be completely enclosed at all times as required by Sec. 114-740.
 4. Additional parking which meets all requirements of Sec. 114-Article XI shall be provided for tenants as vacant space is occupied or as currently occupied space changes occupancy and requires more parking.
 5. Outdoor component(s) to operations from any tenant on the site commence no earlier than 7:00 AM and finish no later than 10:00 PM.
 6. At no time shall storage or parking of any vehicle or equipment associated with a tenant operation occur in the space between the building line and right-of-way for DeKoven Avenue.
- g) That all codes and ordinances are complied with and required permits acquired.

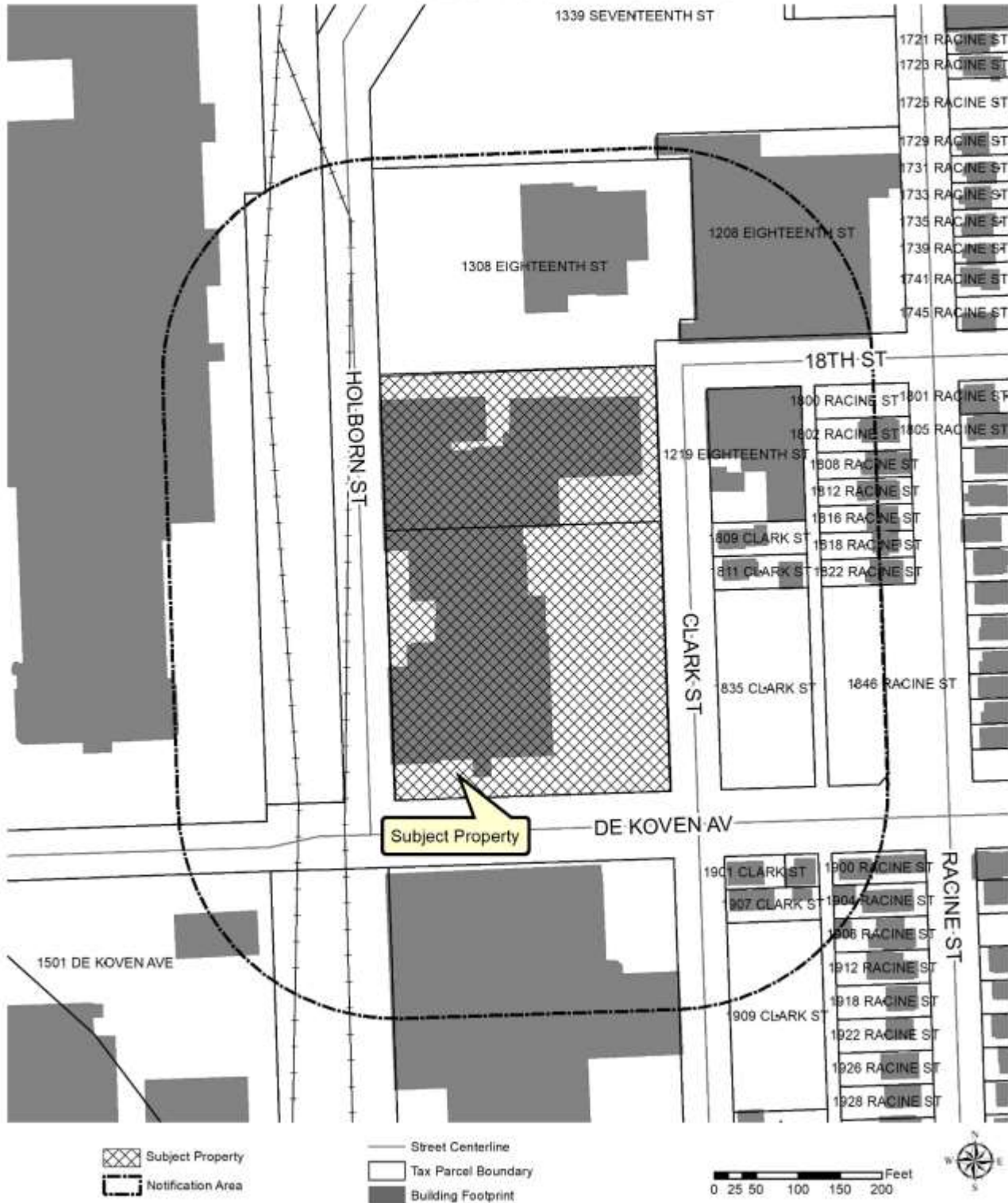
- h) That no minor changes be made from the conditions of this permit without approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common council.
- i) That this conditional use permit is subject to Plan Commission review for compliance 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 - 1800 Clark Street and 1825 Holborn Street





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Site Photos



Looking north along Holborn Street, subject property to the right



Looking at north side of the property from former 18th Street



Looking at east along DeKoven Avenue from the subject property



Looking along the eastern property line along Clark Street



Looking at the eastern yard portion of the property



Looking at the western parking area on the property