



## **CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT**

**Meeting Date:** 2/10/2021

**To:** Zoning and Building Board of Appeals (ZBBA) Members

**From:** City Development Department, Division of Planning and Redevelopment

**Division Manager:** Matt Sadowski – (262) 636-9152 [matthew.sadowski@cityofracine.org](mailto:matthew.sadowski@cityofracine.org)

**Case Manager:** Jeff Hintz

**Location:** 1230 Perry Avenue

**Applicant:** Edgerton Contractors – Silvester Santos

**Property Owner:** MIDLAND (WASHINGTON/PERRY) ASSOCIATES II LIMITED PART

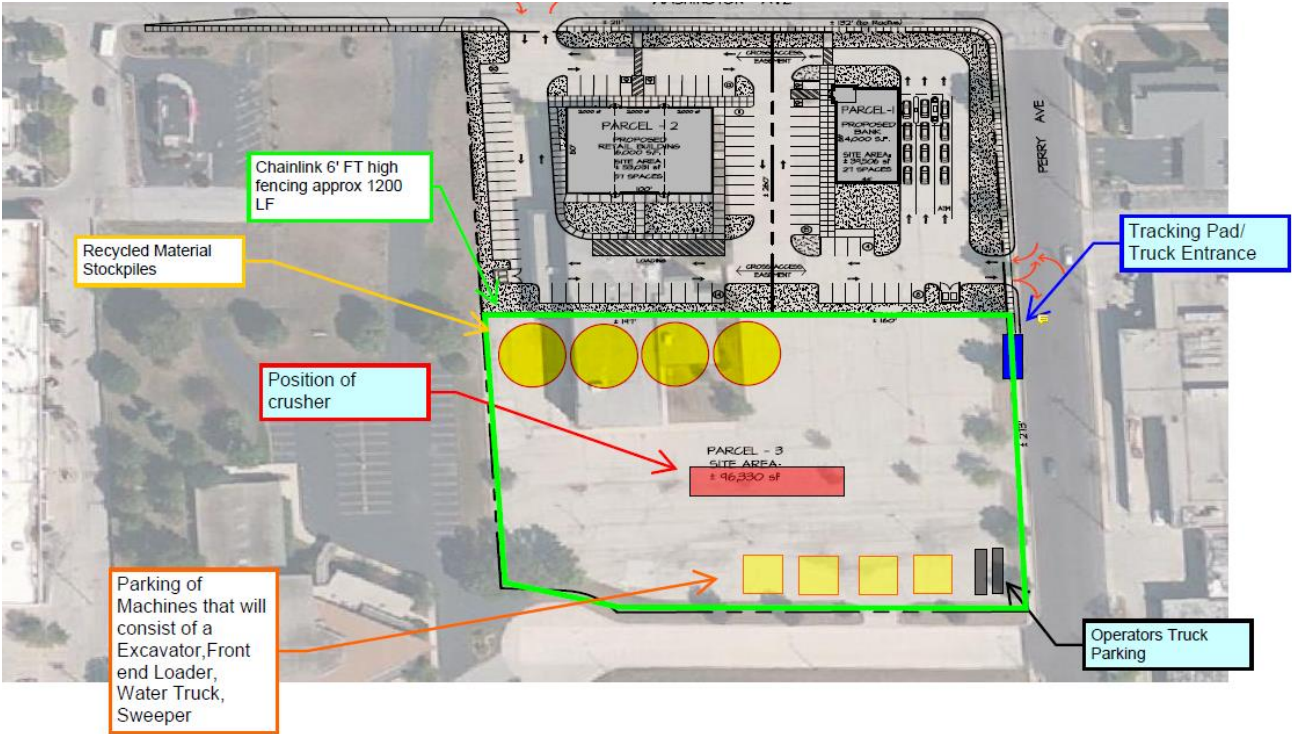
**Request:** Consideration of a request to establish a temporary use from Edgerton Contractors, authorized agent for Steve Rolfe of Midland (Washington/Perry) Associates II, seeking to utilize a lot at 1230 Perry Avenue as a contractor yard/shop for 8 months, classified as a temporary use, as allowed by Sec. 114-49 of the Municipal Code. The property is zoned B-2 Community Shopping District.

**BACKGROUND AND SUMMARY:** The site would be used for storage and crushing of gravel in conjunction with the Highway 20 (Washington Avenue) reconstruction project in 2021. The site would be used from April to November and operational from Monday – Friday from 7:00 AM – 5:00 PM. The crushing operation would be about 35 days in total during the project. Dust and debris control in the streets and on the grounds would be by use of a water truck and street sweeping. Debris control at the crusher will be conducted, and a built in water system on crusher is used for dust control. The site would be enclosed by a temporary 6-foot fence and during construction, approximately 4 dump truck trips to the site per hour total are anticipated.

Municipal Code Section 114-49 identifies this proposal as a temporary use, requiring authorization from the ZBBA.



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



Proposed site plan, submitted by applicant (north is up).



Crusher which is proposed for usage on the site.

## GENERAL INFORMATION

**Parcel Number:** [13132127](#)

**Property Size:** 2.205 Acres

**Comprehensive Plan Map Designation:** Commercial

**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.

**Corridor or Special Design District?:** N/A

**Historic?:** N/A

**Current Zoning District:** B-2 Community Shopping



**Purpose of Zone District:** The B2 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:** vacant lot, currently owned by the religious institution.

**Surrounding Zoning and Land Uses:**

<b>North</b>	B-2 Community Shopping	Bank and proposed tire store
<b>East</b>	B-2 Community Shopping	Shopping center
<b>South</b>	R-3 Limited General Residence	United States Post Office
<b>West</b>	R-2 Single Family Residence	Religious Institution

## ANALYSIS:

### Development Standards:

**Temporary Use:** [114-49](#)(1): The temporary use of a building or premises in any district for a purpose that does not conform to the regulations prescribed by this chapter for the district in which it is located, provided that such use be of a truly temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a 12-month period, *subject to such conditions as will safeguard the public health, safety, convenience and general welfare.*

### Engineering, Utilities and Access:

**Access** ([114-1151](#)): This application proposes access onto Perry Avenue from the northeastern portion of the lot.

**Surface drainage** ([114-739](#) & Consult Engineering Dept.): Drainage for the site will utilize existing grades and no issues are anticipated for temporary use of this site.

**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. The applicant proposal does not utilize utilities.

## **DEVELOPMENT CONSIDERATIONS:**

**The establishment, maintenance, or operation will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare;**

Staff Comments: Whether or not this temporary use request is approved or not, the roadway will be recycled as base for use in the reconstruction project. The dust can be contained to this area or alternatively, the debris is likely to be crushed in the right-of-way as the road is reconstructed. That being said, the use is also temporary in nature. It is likely that the operation on this lot will speed along the construction process compared to if this were denied and the road recycling were to take place in the right-of-way.

The applicant has experience with roadway projects and this area is sparsely populated, given the location behind a commercial corridor. The surrounding areas have uses which during the Covid-19 pandemic, see very little use. Assuming the applicant manages the site as described and paired with the recommended conditions, this temporary use is not expected to endanger the safety, morals or general welfare of the area. This use is truly temporary and will cease to exist once the roadway project is over in November.

**The establishment of the temporary use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;**

Staff Comments: Having the roadway project done sooner will likely help development prospects of the area than anything. The temporary use is not expected to impede permanent usage of any site currently developed or which could redevelop in the area, including the subject parcel. In November of 2021, all of the operation on this site will be removed. As mentioned previously, the crushing and materials storage will occur regardless of whether or not this temporary use is approved. The overall aesthetics of the area would likely benefit having this storage and crushing done away from the roadway and setback from the project. By not doing this work in the right-of-way or at a remote location, it is anticipated this will help the contractor complete the project in a timely fashion (weather permitting of course).

**Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

Staff Comments: The proposal keeps access limited to one point on the parcel (lot) and truck traffic is expected to be four dump trucks per hour. Washington Avenue is equipped to handle this amount of traffic and the overall impact would be negligible overall. Traffic in the area will certainly be a bit more congested because of the roadway being under construction, but not because this temporary use is locating just off Washington Avenue.

## **POSSIBLE ACTIONS FOR THE ZONING AND BUILDING BOARD OF APPEALS**

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 RECOMMENDATION:** BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM EDGERTON CONTRACTORS, SEEKING AUTHORIZATION OF A CONTRACTOR SHOP/YARD AT 1230 PERRY AVENUE AS ALLOWED BY SEC. 114-49, BE APPROVED, SUBJECT TO CONDITIONS OUTLINED BELOW:

- a) That the plans presented to the Zoning and Building Board of Appeals on February 10, 2021 be approved subject to the conditions contained herein.
- b) That all codes and ordinances are complied with and required permits acquired.
- c) 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.
- d) That piles of debris be no more than 15 feet in total height at any time and that all debris be watered down to limit spread of dust and particulates.
- e) Any portable restroom facilities shall be at least 100 feet from the right-of-way and located on a concrete or asphalt pad.
- f) That screening fabric be added to the temporary fence and kept in good repair at all times.
- 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 – 5:00 PM Monday – Friday.
- i) That this use shall be authorized until November 20, 2021 and at that time the site shall be decommissioned and all equipment and fencing removed.
- j) Any time there is a complaint about dust or debris, the applicant shall propose a solution to the Zoning Administrator, Planning Manager and Director of City Development for consideration and approval. Appeals of the staff decision shall be to the Zoning and Building Board of Appeals.

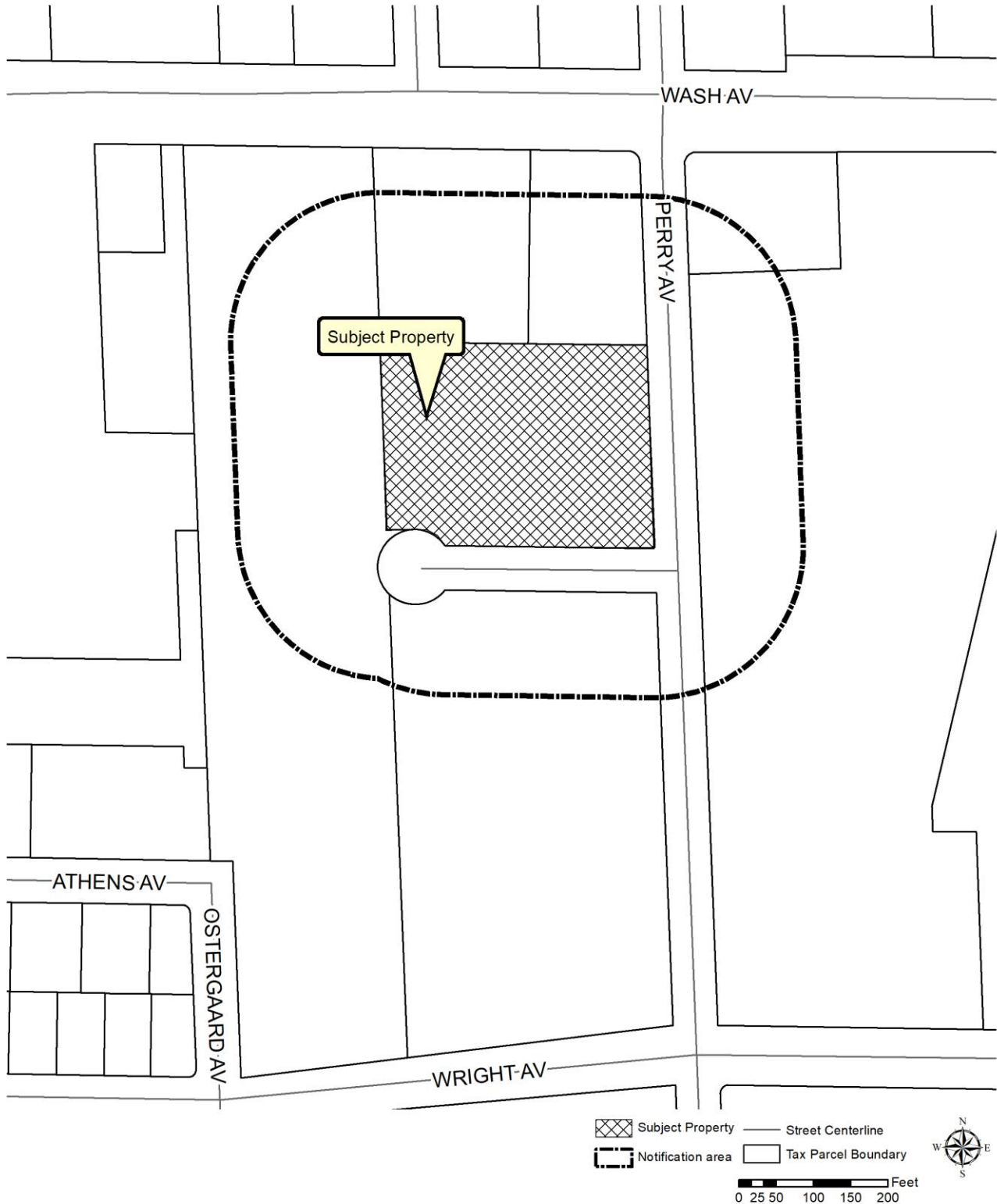
- k) That no minor changes be made from these conditions without approval of the Zoning and Building Board of Appeals.

## **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 (view in legistar).



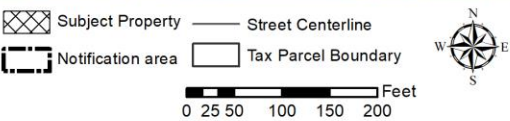
# Temporary Use Request - 1230 Perry Avenue





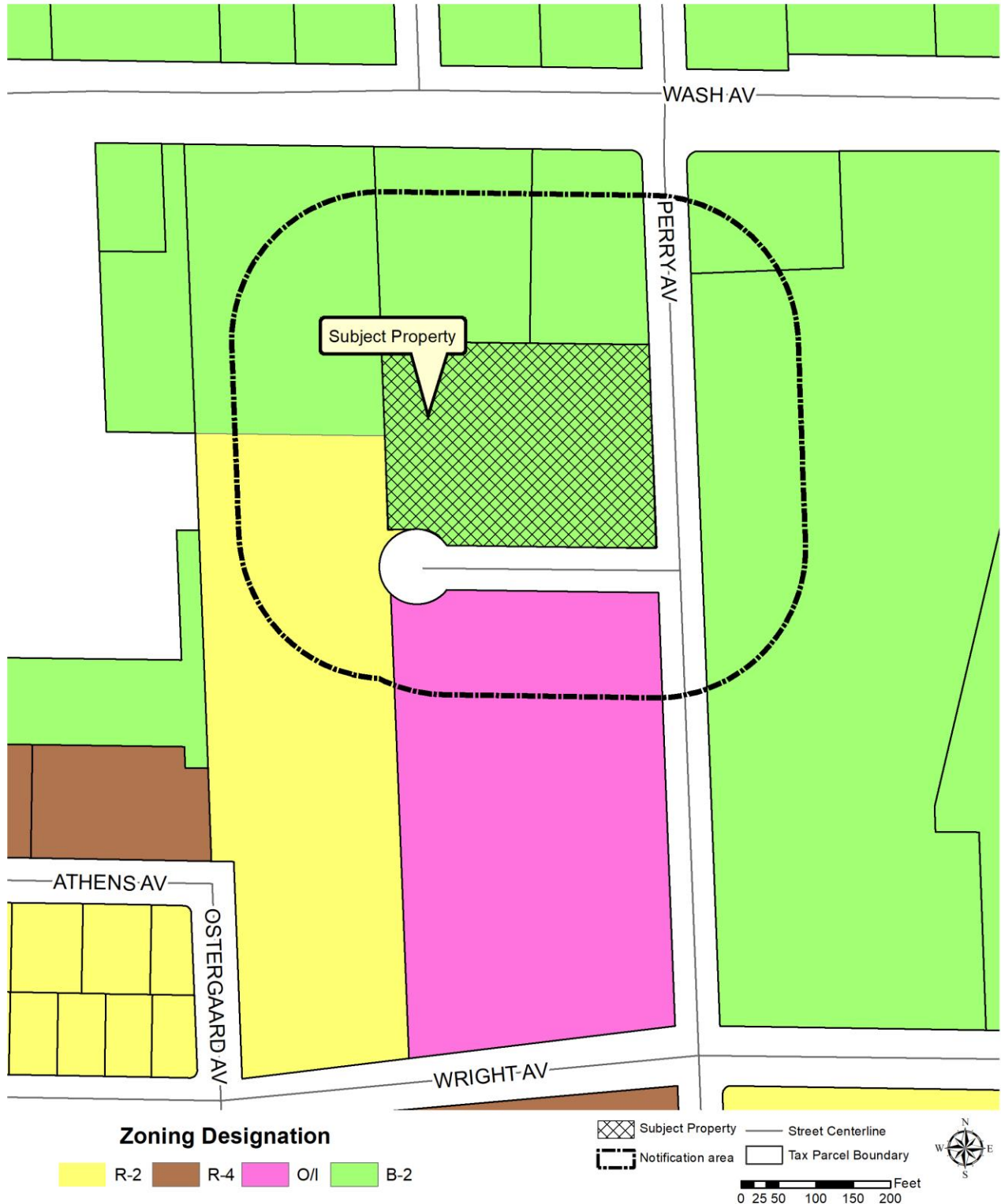


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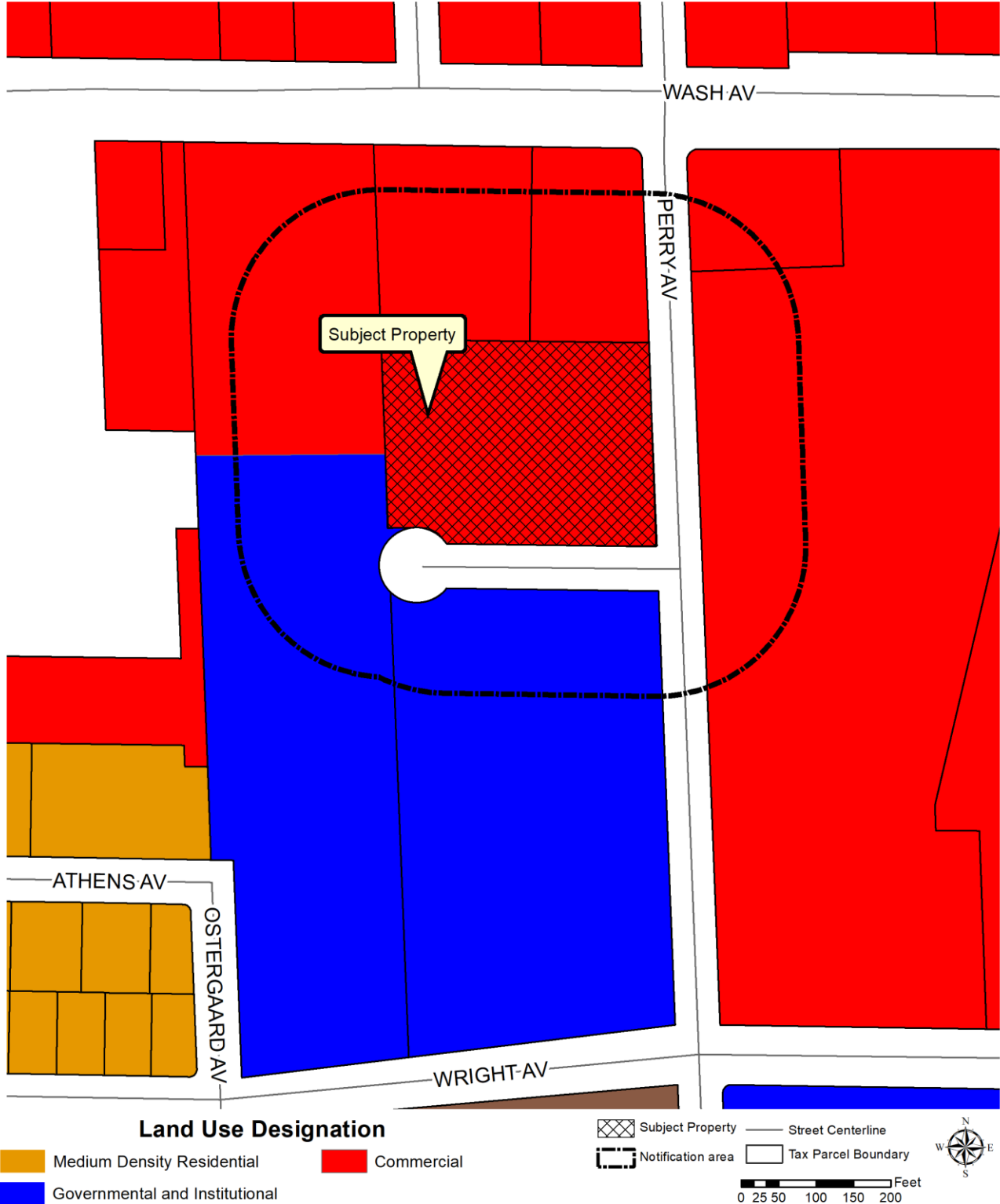


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## Site Photos



Looking west at the subject property from Perry Avenue



Looking north from the subject property along Perry Avenue



Looking south from the subject property along Perry Avenue



Looking north at subject property from 13<sup>th</sup> Street



Looking southeast from the subject property



Looking west along 13<sup>th</sup> Street