

City of Racine

Room 103, City Hall



Meeting Minutes

Wednesday, June 28, 2006

4:15 PM

Room 205, City Hall

City Plan Commission

*Mayor Gary Becker, John Dickert, Elaine Sutton Ekes,
Vincent Esqueda, Alderman Gregory Holding,
Howard Harper, Jud Wyant*

Acting Chairman Holding called the meeting to order at 4:18 p.m.

PRESENT: Elaine Sutton Ekes, Vincent Esqueda, Gregory Holdingand Howard Harper

EXCUSED: Gary Becker, John Dickertand Jud Wyant

*OTHERS PRESENT: Brian O'Connell, Director of City Development
Rick Heller, Chief Building Inspector
Alderman James Spangenberg
Alderman Keith Fair
Kristin Niemiec, RCEDC
Robert Morrison, Douglas Avenue Business Association
Matthew Sadowski, Principal Planner*

Approval of Minutes for the June 14, 2006 Meeting

A motion was made by Commissioner Esqueda, seconded by Commissioner Ekes to approve the minutes as distributed. Motion approved.

06-1939

Subject: Amendment to the zoning ordinance to regulate pay day loan and other "convenient cash" agencies as a conditional uses in certain business zoning districts.

Recommendation: That the communication be received and filed.

Fiscal Note: N/A

A motion was made by Commissioner Ekes, seconded by Commissioner Esqueda that this file be recommended to be received and filed. Motion approved.

Ord.25-06

Ordinance No. 25-06 to amend Sec. 114-1(b)(2) and Sec. 114-468 of the Municipal Code of the City of Racine, Wisconsin relating to Zoning - Conditional Uses.

ORDINANCE NO. 25-06

To amend Sec. 114-1(b)(2) and Sec. 114-468 of the Municipal Code of the City of Racine, Wisconsin relating to Zoning - Conditional Uses.

Legislative Intent:

The City of Racine is experiencing a proliferation of convenient-cash businesses making non-traditional, short term consumer loans. Such businesses tailor their services to make them attractive to persons experiencing unfavorable economic circumstances, often aggravating those circumstances. Additionally, it has been found that through their business practices, convenient-cash businesses are susceptible to attracting criminals seeking to commit robberies. Finally, when clustered in an area or strung out along an arterial street, such locational concentration creates an unwarranted negative

impression regarding the economic vitality of a commercial district and the community at large. Based on their proliferation, their susceptibility to crime, and the negative effects of their proliferation, the Common Council finds that the health, safety and welfare of the residents of the City of Racine should be protected by legislation limiting the geographic proliferation of convenient-cash businesses.

The Common Council of the City of Racine do ordain as follows:

Part 1:

Sec. 114-1(b)(2) of the Municipal Code of the City of Racine is hereby amended by adding the following definition after the definition of "*Convalescent or nursing home*":

"Convenient-cash business. A convenient-cash business, also referred to as a payday loan business, title for cash business, check cashing business or similar enterprise is any person licensed pursuant to Wis. Stat. sec. 218.05, or a person licensed pursuant to Wis. Stat. sec. 138.09, who accepts a check or title, holds the check or title for a period of time before negotiating or presenting the check or title for payment, and pays to the issuer an agreed-upon amount of cash, or who refinances or consolidates such a transaction."

Part 2:

Sec. 114-468 of the Municipal Code of the City of Racine is hereby amended by adding the following at the end of the section:

"(28) Convenient-cash businesses, provided that no other convenient-cash business is located within two thousand five hundred (2,500) feet and the business is located at least two hundred fifty (250) feet from a residential district."

Part 3:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

FISCAL NOTE: N/A

Scheduled for Public Hearing to Common Council

06-2151

Subject: Ord.25-06 to amend Sec. 114-1(b)(2) and Sec. 114-468 of the Municipal Code of the City of Racine, Wisconsin relating to Zoning - Conditional Uses.

Recommendation: That the ordinance be amended to include a statement of legislative intent.

Further that the ordinance be adopted as amended.

Fiscal Note: N/A

Director O'Connell described the history of the development this of ordinance. Director O'Connell stated that other committees in Wisconsin such as Milwaukee and Madison have similar ordinances.

Principal Planner Sadowski described the methodology in preparing an analysis of convenient cash operations within the City of Racine. He reviewed concentrations and an illustration of the effect of the application of the proposed ordinance on existing convenient cash facilities.

Alderman Wisneski distributed materials discussing the negative effects of convenient cash facilities on the citizenry of communities. Alderman Wisneski summarized a report from the Windstock Institute of March, 2000, discussing the effects of unregulated payday lending and its relationship to consumer debt, a white paper by Paul Chessin providing a statistical analysis of Colorado's deferred deposit loan act dealing with short term high cost consumer loans, and a working paper by Robert Mayor of Loyola University in Chicago discussing short term lending abuse in Milwaukee county. Alderman Wisneski briefly summarized the points in each study.

Alderman Spangenberg concurred with the basis of the studies presented by Alderman Wisneski and relayed practical experience in the West Racine business district where concentration of such facilities led to unjustified negative perception of that business district making it difficult to lease space and attract businesses.

A motion was made by Commissioner Ekes, seconded by Commissioner Harper that this file be recommended for a public hearing before the Common Council, and further that the ordinance be adopted with the stipulation that an introductory clause be added. Motion approved.

06-2112

Subject: (New) The following Application for a "Class C" & Class "B" Fermented Malt Beverage and Wine License to include Sidewalk Cafe Permit for Javavino, 424 Main Street.

Also refer to City Plan Commission.

Recommendation of the License & Welfare Committee of 06/26/06:

That the item be approved.

Fiscal Note: N/A

Recommendation of the City Plan Commission 6-28-06: That the request by Ramez Abdunour of-Javavion for a sidewalk café at 424 Main Street be approved subject to the following conditions:

- a. That the design of the tables and chairs as presented to the Plan Commission on June 28, 2006 are found to not detract from the aesthetics of the surrounding area and that the locations of the sidewalk café are found to be suitable for a sidewalk café.
- b. That a total of three tables be allowed, with each table having no more than two chairs. Due to the concerns regarding sidewalk obstruction, maintenance of proper barriers and need for clear paths, one or more table may need to be designate "non-alcohol" tables.
- c. That it is noted that the application also proposes outdoor tables and seating to the north of the building, outside of the public right-of-way.
- d. That the design of the barrier be presented to the Director of City Development for review and approval.
- e. That all applicable ordinances be complied with and all applicable permits acquired.

Fiscal Note: N/A

Director O'Connell explained the Commission's responsibilities in the review of such requests and reviewed the proposed conditions of approval to be forwarded to the License and Welfare Committee.

Principal Planner Sadowski reviewed the proposal and ordinance requirements.

A motion was made by Commissioner Esqueda, seconded by Commissioner Ekes that this file be recommended for approval, subject to the listed conditions. Motion approved.

06-2026

Subject: Creation of a Business Improvement District for the West Racine commercial area.

Recommendation: That the communication be received and filed.

A motion was made by Commissioner Ekes, seconded by Commissioner Esqueda that this file be recommended to be received and filed. Motion approved.

Public Hearings starting at 4:30 p.m.

06-2125

Subject: Direct Referral. Creation of a Business Improvement District for the West Racine Commercial area.

Recommendation: Approve.

Alderman Holding opened the public hearing at 4:50 p.m.

Director O'Connell reviewed the public hearing process and introduced the item.

Kristin Niemiec of the RCEDC explained the purpose of the BID district, the process followed in developing the West Racine plan and the bid document, and informational meetings held in relations to the bid plan.

Alderman Spangenberg stressed the importance of the BID district in assisting the revitalization of the West Racine business district. He stated the funds generated by the BID will assist in the marketing, the aesthetic of the area, and in turn it will improve property value.

There being no further comments or questions from the public, Alderman Holding closed the public hearing at 4:55 p.m.

In response to Commissioner Esqueda, Director O'Connell stated that the majority of property owners submitted petitions to request establishment of the bid district.

In response to Alderman Holding, Director O'Connell stated that properties would be assessed at a rate of \$2.00 per \$1,000.00 in value, and that property owners receive notice from the City regarding assessment against their property on the yearly tax bill.

A motion was made by Commissioner Ekes, seconded by Commissioner Esqueda that this file be recommended for approval. Motion approved.

06-2126

Subject: Direct Referral. A request from Barbara Kegg seeking a conditional use permit to operate a carry-out restaurant at 3523 Douglas Avenue.

Alderman Holding opened the public hearing at 4:58 p.m.

Director O'Connell explained the application, highlighting its location, adjacent zoning, and the general plan.

Barbara Keeg explained the business, detailing the hours of operation, and a potential menu.

Alderman DeHahn stated that he is generally in support of the request but asked that the matter be referred to the Douglas Avenue Association committee for their review.

Robert Morrison, representative of the Douglas Avenue Association, also requested that the matter be referred to the Douglas Avenue Association for their review.

In response to Alderman Holding, Director O'Connell pointed out that the review by the Douglas Avenue Association has been undertaken in relation to other items affecting Douglas Avenue. He stated that design approval by the Access Corridor Development Review Committee is required.

Mr. Morrison stated that the Association could meet in special session to help expediate the matter.

Alderman Spangenberg stated that the Access Corridor Development Review committee would entertain the Association's comments and recommendations.

A motion was made by Commissioner Ekes, seconded by Commissioner Harper that this file be deferred to allow review by the Douglas Avenue Business Association and Access Corridor Development. Motion approved.

06-2127

Subject: Direct Referral. A request from Michael Jensen seeking a conditional use permit to establish a business conducting automobile towing, storage, repair, and sale at 2625 N. Green Bay Road.

Recommendation: That the request from Michael Jensen seeking a conditional use permit to establish a business at 2625 N. Green Bay Road conducting automobile towing, storage, repair, and sales be approved, subject to the following:

- a. That the plans stamped "Received June 15, 2006" and presented to the Plan Commission on June 28, 2006 be approved, subject to the conditions contained herein.
- b. That approval be obtained from the Federal Aviation Administration (FAA) by Michael Jensen for his proposal and that documentation of FAA approval be provided to the Director of City Development, the Chief Building Inspector, and the appropriate official at Batten International Airport prior to the issuance of permits from the Building Department.
- c. That a building permit and occupancy permit be requested from the Building Department prior to the operation of this business at this location.
- d. That the following activities are prohibited at this location:
 1. Auto body work or auto painting.
 2. Vehicle salvage.
 3. Outdoor vehicle repair, assembly and disassembly.
 4. Storage of wrecked vehicles, vehicles parts and accessories, and equipment outside the designated enclosed storage area.

- e. That all vehicles waiting repair, or those which have been repaired shall be stored on the subject property in an orderly fashion but in no case longer than 20 days.

- g. That by August 1, 2006 the following shall be submitted to the Director of City Development for review and approval:
 - 1. Landscape plan. If occupancy is requested prior to the installation of landscaping than a letter of credit equal to the value of the landscape plan shall be submitted for the review and approval of the Director of City Development. In any case, landscaping shall be installed no later than October 1, 2006.
 - 2. Scaled site plan illustrating individual parking spaces for customers, employees, vehicles awaiting repair or pick-up, vehicles sales display areas, and vehicle storage areas. All such areas shall be striped by October 1, 2006.
 - 4. Details of fencing and dumpster area(s) to be installed illustrating height, color, and style. No barbed wire or razor wire is permitted.
 - 5. Detailed plans for the "Temp Sales Office" illustrating design, materials, height, lighting, and colors.
 - 6. Detailed sign plan for all tenants in compliance with zoning ordinance allowances for signage. All signage shall be professionally made and comply with applicable zoning ordinance requirements.
 - 7. Detailed lighting plan illustrating type of fixture, placement, height of poles, and the direction, and intensity of light.

- h. That all trash and recyclables shall be stored in closed containers and screened from view.

- i. That the maximum hours of operation shall be from 7:00 a.m. until; 6:00 p.m. Monday through Saturday, and no hours on Sundays. The towing operation may from time to time drop off vehicles for storage in the fenced storage area, outside of the approved hours of operation, in emergency situations.

- j. That all applicable codes and ordinances be complied with and required permits acquired.

- k. That no minor changes be made from the conditions of this permit without the 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 permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Alderman Holding opened the public hearing at 5:17 p.m.

Director O'Connell reviewed the proposal, described its location, its intended use, zoning, and surrounding uses. He explained that being in the glide path of Batten Field, FFA approval is required. He stated that Alderman Weidner had contacted him, expressing great concern with the operation stressing the need for good site maintenance, if this matter is to be approved.

Michael Jensen of Jensen Towing stated that the property will not look like a junk yard. He described his philosophy of a clean, orderly operation. He stated the location is a good fit in regards to zoning, area availability, and the building size. He stated that their current location on South Memorial Drive would be vacated and cleaned up.

There being no further comments or questions, Alderman Holding closed the public hearing at 5:29 p.m.

Director O'Connell reviewed the proposed conditions of approval.

Commissioner Ekes questioned the applicability of the proposed hours of operation, stating that emergency towing could violate the proposed hours.

Mr. Jensen agreed, stating that towing operations could be 24 hours a day, and that the stated hours generally deal with office hours availability to the general public. He stated that drivers after hours activity consist of receiving service call, picking up a vehicle and dropping it off at the property within the closed fenced area, and then leaving. He stated he would be willing to eliminate Sunday hours.

A motion was made by commissioner Ekes, seconded by Commissioner Harper that this file be recommended for approval, subject to the listed conditions in the recommendation. Motion approved.

06-2128

Subject: Direct Referral. Request by Department of City Development to rezone 710 Sixth Street from B-5 Central Service to B-4 Central Business.

Recommendation: That an ordinance be created,

Alderman Holding opened the public hearing at 5:37 p.m.

Director O'Connell explained the proposed rezoning, indicating that with the contractor vacating the property, the B-5 zoning is no longer necessary, and that the B-4 zoning is consistent with surrounding zoning in the downtown area.

Alderman Fair stated that he had received concerns from constituents expressing their concern that this rezoning would hamper the use of residential property in the area.

Director O'Connell responded that the B-4 zoning is more restrictive than the B-5 zoning, and should be a benefit to the adjacent residential uses.

There being no further comments or questions, Alderman Holding closed the public hearing at 5:40 p.m.

A motion was made by Commissioner Esqueda, seconded by Commissioner Ekes that this file be scheduled for a public hearing before the Common Council, and that the staff created an ordinance. Motion approved.

06-2129

Subject: Direct Referral. Request from Bob Stell of Limberg Electric, representing Walgreen's seeking a conditional use permit to install a 42 square foot full color electronic reader board at 4810 Washington Ave.

Recommendation: That the request from Bob Stell of Limberg Electric, representing Walgreens, seeking a conditional use permit to install a 42 square feet full-color electronic reader board at 4810 Washington Avenue be approved, subject to the following conditions:

- a. That the request for a full color electronic reader board be approved subject to the conditions contained herein.
- b. That plans be submitted to the Director of City Development for review and approval that illustrate the elimination of the existing pylon sign and structure and their replacement with a monument sign that includes full-color electronic reader board. Total square footage of the monument sign shall not exceed that of existing pylon.
- c. That all applicable codes and ordinances be complied with and required permits acquired from the Building Department.
- d. That prior to the issuance of a sign permit the following shall be accomplished:
 1. Cease of all outside display and sales including the removal from the property of the propane exchange center.
 2. Submittal for the review and approval of the Director of City Development a plan to address the professional trimming or replacement of aged landscaping.
- e. That the sign be professionally made.
- f. That use of the sign comply with Sec. 114-1033 Electronic message signs of the City of Racine Municipal Code.
- g. That no pennants, banners, streamers or other temporary signs shall be displayed at this location.

- h.. That no minor changes be made from the conditions of this permit without the 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 permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Alderman Holding opened the public hearing at 5:41 p.m.

Director O'Connell explained the proposal, described adjacent zoning and land uses.

Principal Planner Sadowski explained past variances approved for this property which have resulted in signage at 390 square feet, or 90 square feet greater than what would be allowed by the ordinance.

Mr. Bob Stell of Limberg Electric explained the project, indicating that it is simply the replacement of the manual reader board with the two-sided electronic reader board.

Kenneth Kaebisch of 119 Crabtree Circle expressed his opposition to the proposal, citing his concern that the increased signage would attract additional businesses aggravating problems which the adjacent residential uses are experiencing as a result of current operations.

There being no further comments or questions, Alderman Holding closed the public hearing at 5:45 p.m.

In response to Commissioner Ekes, Director O'Connell explained that similar signs are found along Washington Avenue, but in the village of Mount Pleasant.

Alderman Holding stated that while valid, the neighbors' concerns about the business operations are not directly related to the sign proposal.

Director O'Connell concurred, stating that the neighbors should contact their aldermen, and Walgreens' management to set up a meeting to discuss operational concerns.

In response to Commissioner Ekes, Mr. Stell stated that no changes to the existing sign structure are contemplated, and that a monument sign had been considered.

In response to Commissioner Ekes, Director O'Connell stated that the sign ordinance does not provide guidance as to monument sign location or design consideration, but the conditional use does allow the Plan Commission and Common Council to require alternative designs.

Commissioner Esqueda agreed with Commissioner Ekes that alternative sign designs should be explored.

Chief Building Heller explained that as presented, the sign does meet the basic requirements of the sign ordinance and past variance approval.

A motion was made by Commissioner Ekes, seconded by Commissioner Esqueda that this file be recommended for approval, subject to the listed conditions. Motion approved.

06-2130

Subject: Direct Referral. A request from Felix Servantez of Servantez Property, Inc. seeking a conditional use permit to establish an automobile repair and sales facility at 4101 & 4105 Washington Avenue

Recommendation: To defer action to allow staff and Attorney Servantez the ability to explore a conditional use permit as applied to a flex development overlay.

Alderman Holding opened the public hearing at 5:55 p.m.

Director O'Connell explained the proposal, indicated its location, current zoning, adjacent land uses, the need for rezoning, and the conditional use permit. He stated that in discussion with Mr. Servantez that he would rather not conduct repair at the site; but that repair was included, as it is needed to allow sales in the proposed in B-2 zoning district.

Mr. Servantez explained that his proposal is comparable to other commercial activities in the area. He stated that he could provide additional off-street parking if warranted, and he would like the flexibility to retain the ability to repair vehicles.

George Schemel of 4123 Washington Avenue expressed opposition to the proposal, citing concerns with traffic and parking in the area, and the possibility of outdoor vehicle repair. He also expressed concern regarding the B-2 zoning and other uses that maybe permitted on the site, if Mr. Servantez ceases operation on the site.

Mike Schirro of 1218 Kentucky Street expressed opposition to the proposal, stating that he was concerned with parking congestion, and the possibility of the repair garage in a residential area. He stated that repair along Washington Avenue would be more appropriate.

Alderman Spangenberg expressed opposition to the change in zoning from B-1 to B-2. He stated that calls he had received from neighbors indicate their opposition to this request and especially if B-2 zoning were implemented.

Attorney Servantez explained that this location is in a high traffic area, that his operation would be very low impact, and that other problems seen in the area should not reflect negatively on him.

There being no further comments or questions, Alderman Holding closed the public hearing at 6:05 p.m.

In response to Commissioner Ekes, Director O'Connell explained that staff is opposed to B-2 zoning, however in discussion with Mr. Servantez, a possible solution is to retain the B-1 zoning, but apply a flex overlay to the property, retaining a conditional use permit solely for auto sales, as proposed by Mr. Servantez.

In response to Commissioner Esqueda, Attorney Servantez stated that at this time any auto repair would be limited to auto detailing, but he may wish to offer light repair sometime in the future.

A motion was made by Commissioner Ekes, seconded by Commissioner Harper that this file be deferred, as outlined in the recommendation. Motion approved with Commissioner Esqueda voting no.

06-2131

Subject: Direct Referral. A request from Felix Servantez of Servantez Property, Inc. seeking to rezone the property at 4101 & 4105 Washington Avenue from B-1 Neighborhood Convenience District and R-3 Limited General Residence District to B-2 Community Shopping District.

Recommendation: Deny

In response to Alderman Holding, Attorney Servantez declined the opportunity for a public hearing on this matter, agreeing that the rezoning issue had already been adequately discussed during the previous public hearing item.

Alderman Holding requested clarification in regards to the potential uses in the B-1 and B-2 zoning districts. Director O'Connell and Chief Building Inspector Heller explained.

A motion was made by Commissioner Ekes, seconded by Commissioner Harper that this file be recommended for denial. Motion approved with Commissioner Esqueda voting no. Motion approved.

06-2132

Subject: Direct Referral. A request from Abdul Hafiz seeking an amendment to a conditional use permit to establish areas for outside seasonal sales and storage at 4301 Washington Avenue.

The applicant withdrew his application.

Alderman Holding opened the public hearing at 5:12 p.m.

Upon the question by Alderman Holding, Commission members consented to taking up this agenda item out of order to accommodate those who wishes to appear or speak on the matter in light of Mr. Hafiz's request that the matter be withdrawn.

Mike Schiro of 1218 Kentucky Street spoke in opposition of the request.

Judith Mathison of 1215 Indiana Street spoke in opposition to the request, stating conditions already established for the existing operation are not being complied with. She highlighted poor site maintenance, unapproved outside sales, incomplete construction of the monument sign, traffic problems on Indiana Street, increased pedestrian traffic, litter in the neighborhood, and parking taxi cabs parking on the property.

Chief Building Inspector Heller explained that his department has held-off on issuing citations pending the result of this matter before the Plan Commission.

NOTE: While Mr. Hafiz was present during the hearing, he did not speak.

Alderman Holding closed the public hearing at 5:16 p.m.

A motion was made by Commissioner Ekes, seconded by Commissioner Harper that this file be received and filed. Motion approved.

Adjournment

There being no further business before the Commission and hearing no objections, Alderman Holding adjourned the meeting at 6:16 p.m.

Respectfully submitted,

*Brian F. O'Connell, Secretary
Director of City Development*