

City of Racine

Room 103, City Hall



Meeting Minutes

Wednesday, November 29, 2006

4:15 PM

Room 103, City Hall

City Plan Commission

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

PROCEDURAL NOTE: While action on items typically proceeds in the order in which they appear on the agenda, certain items may be postponed to allow the start of public hearings at the published time of 4:30 p.m. Following the public hearings, the Plan Commission will resume action on postponed items.

Call To Order

PRESENT: 6 - Gary Becker, John Dickert, Elaine Sutton Ekes, Vincent Esqueda, Gregory Holding and Jud Wyant

EXCUSED: 1 - Howard Harper

*OTHERS PRESENT: Brian F. O'Connell, Director of City Development
Rick Heller, Chief Building Inspector
Matthew G. Sadowski, Principal Planner*

Approval of Minutes for the November 8, 2006 Meeting

A motion was made by Vincent Esqueda, seconded by Elaine Ekes to approve the minutes as distributed. The motion **PASSED** by a Voice Vote.

06-2759

Subject: (Direct Referral). Request from Randy Echeverria seeking a conditional use permit for the construction of an auto repair garage at 1413 Prospect Street.

Recommendation of the City Plan Commission 11-08-06: Deferred.

Attachments: [1413 Prospect St.pdf](#)

Director O'Connell stated that since the last Commission meeting, staff had met with Mr. Echeverria to discuss building alternatives; however, to date no new submittals had been received.

No representative was present.

A motion was made by Alderman Gregory Holding seconded by Elaine Sutton Ekes that this item be Deferred. The motion **PASSED** by a Voice Vote.

06-2706

Subject: Request by Crispell-Snyder, Inc. representing the Village of Mt. Pleasant, seeking approval of a two-lot Certified Survey Map at 2020 Oakes Road.

Recommendation of the City Plan Commission on 10-25-06: That the request by Crispell-Snyder, Inc. representing the village of Mt. Pleasant, seeking approval of a two-lot Certified Survey Map at 2020 Oakes Road be approved subject to the following:

- a. That the certified survey map presented to the Plan Commission on October 25, 2006 is approved, subject to the conditions contained herein.

- b. That a 55 foot right-of way reservation for the future extension of 16th Street be extended along the north line of Lot 1.
- c. That rights of access to Lot 1 be described on the face of the CSM.
- d. That full tax key numbers be illustrated on the Lots.
- e. That technical discrepancies as identified by City Staff be addressed.
- f. That this approval is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

Recommendation of the City Plan Commission 11-29-06: That Res.06-7280 be amended as follows:

- b. That appropriate right-of-way reservation be illustrated for the future southward extension of Oakes Road that will accommodate the western half of an 80 foot wide right-of-way.
- c. That a note be place on the CSM for Oakes Road stating the following: "Lands reserved or public right-of-way purposes."
- d. That rights of access to Lot 1 be described on the face of the CSM.
- e. That full tax key numbers be illustrated on the Lots.
- f. That technical discrepancies as identified by City Staff be addressed.
- g. That this approval is subject to review by the Plan Commission for compliance with the listed conditions.

Further That Res.#06-7280 be approved as amended.

Fiscal Note: N/A

Mayor Becker introduced the item. Director O'Connell reviewed staff's recommendation. He stated that a communication has been received from Mt. Pleasant officials seeking the removal of the reservation of 16th Street right-of-way, and requesting that Oakes Road right-of-way be reserved and not dedicated.

Mayor Becker discusses the differences between a reservation and dedication of right-of-way and explains that the City has already indicated its intent to property owners to purchase right-of-way, thus making the dedication of Oakes Road right-of-way a mute point.

Bill Sassee, Mt. Pleasant Engineer, requested clarification on notes to be indicating reservations.

Responding to Commissioner Ekes, Mayor Becker stated that the terms of the reservations will be drafted, in a manner mutually agreeable to the Village and the City, prior to adoption of the CSMs.

A motion was made by Alderman Gregory Holding, seconded by John Dickert that this item be Recommended For Approval subject to the conditions, as amended listed in the recommendation. The motion PASSED by a Voice Vote.

Res.06-7280

Approval of Certified Survey Map for 2020 Oakes Road

Resolved, that the request of Crispell-Snyder, Inc. representing the Village of Mt. Pleasant, seeking approval of a two-lot Certified Survey Map at 2020 Oakes Road, be approved subject to the following:

- a. That the certified survey map presented to the Plan Commission on October 25, 2006 is approved, subject to the conditions contained herein.
- b. That appropriate right-of-way reservation for acquisition be illustrated for the future southward extension of Oakes Road that will accommodate the western half of an 80 foot wide right-of-way.
- c. That a note be placed on the CSM for Oakes Road stating the following: "Lands reserved for acquisition for public right-of-way purposes."
- d. That rights of access to Lot 1 be described on the face of the CSM.
- e. That full tax key numbers be illustrated on the Lots.
- f. That technical discrepancies as identified by City Staff be addressed.
- g. That this approval is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

A motion was made by Alderman Gregory Holding, seconded by John Dickert that this item be Recommended For Approval subject to the conditions, as amended listed in the recommendation of 06-2706. The motion PASSED by a Voice Vote, with Elaine Ekes abstaining.

06-2707

Subject: Request by Crispell-Snyder, Inc. representing the Village of Mt. Pleasant, seeking approval of a two-lot Certified Survey Map at 2140

Oakes Road.

Recommendation of the City Plan Commission on 10-25-06: That the request by Crispell-Snyder, Inc. representing the village of Mt. Pleasant, seeking approval of a two-lot Certified Survey Map at 2140 Oakes Road be approved subject to the following:

- a. That the certified survey map presented to the Plan Commission on October 25, 2006 is approved, subject to the conditions contained herein.
- b. That rights of access to Lot 1 be described on the face of the CSM.
- c. That full tax key numbers be illustrated on the Lots.
- d. That technical discrepancies as identified by City Staff be addressed.
- e. That this approval is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

Recommendation of the City Plan Commission on 11-29-06: That Res.06-7281 be amended as follows:

- b. That appropriate right-of-way reservation be indicated for the future southward extension of Oakes Road that will accommodate the western half of an 80 foot wide right-of-way.
- c. That a note be place on the CSM for Oakes Road stating the following: "Lands reserved for public right-of-way purposes."
- d. That rights of access to Lot 1 be described on the face of the CSM.
- e. That full tax key numbers be illustrated on the Lots.
- f. That technical discrepancies as identified by City Staff be addressed.
- g. That this approval is subject to review by the Plan Commission for compliance with the listed conditions.

Further That Res.#06-7281 be approved as amended.

Fiscal Note: N/A

A motion was made by Alderman Gregory Holding, seconded by John Dickert that this item be Recommended For Approval subject to the conditions as amended listed in the recommendation. The motion PASSED by a Voice Vote with Elaine Ekes abstaining.

Res.06-7281 Approval of Certified Survey Map for 2140 Oakes Road

Resolved, that the request of Crispell-Snyder, Inc. representing the Village of Mt. Pleasant, seeking approval of a two-lot Certified Survey Map at 2140 Oakes Road be approved subject to the following:

- a. That the certified survey map presented to the Plan Commission on October 25, 2006 is approved, subject to the conditions contained herein.
- b. That appropriate right-of-way reservation for acquisition be indicated for the future southward extension of Oakes Road that will accommodate the western half of an 80 foot wide right-of-way.
- c. That a note be placed on the CSM for Oakes Road stating the following: "Lands reserved for acquisition for public right-of-way purposes."
- d. That rights of access to Lot 1 be described on the face of the CSM.
- e. That full tax key numbers be illustrated on the Lots.
- f. That technical discrepancies as identified by City Staff be addressed.
- g. That this approval is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

A motion was made by Alderman Gregory Holding, seconded by Elaine Sutton Ekes that this file be Recommended For Approval subject to the conditions amended as listed in 06-2707. The motion PASSED by a Voice Vote with Elaine Ekes abstaining

06-2708 **Subject:** Request by Crispell-Snyder, Inc. representing the Village of Mt. Pleasant, seeking approval of a two-lot Certified Survey Map at 1610 Oakes Road.

Recommendation of the City Plan Commission on 10-25-06: That the request by Crispell-Snyder, Inc. representing the Village of Mt. Pleasant, seeking approval of a two-lot Certified Survey Map at 1610 Oakes Road be approved subject to the following:

- a. That the certified survey map presented to the Plan Commission on October 25, 2006 is approved, subject to the conditions contained herein.
- b. That a 55 foot right-of way reservation for the future extension of 16th Street be illustrated along the north line of Lots 1 & 2..
- c. That rights of access to Lot 1 be described on the face of the CSM.
- d. That full tax key numbers be illustrated on the Lots.
- e. That technical discrepancies as identified by City Staff be addressed.
- f. That this approval is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

Recommendation of the City Plan Commission on 11-29-06: That Res.06-7282 be amended as follows:

- b. That appropriate right-of-way reservation be indicated for the future southward extension of Oakes Road that will accommodate the western half of an 80 foot wide right-of-way.
- c. That a note be place on the CSM for Oakes Road stating the following: "Lands reserved for public right-of-way purposes."
- d. That rights of access to Lot 1 be described on the face of the CSM.
- e. That full tax key numbers be illustrated on the Lots.
- f. That technical discrepancies as identified by City Staff be addressed.
- g. That this approval is subject to review by the Plan Commission for compliance with the listed conditions.

Further That Res.#06-7282 be approved as amended.

Fiscal Note: N/A

A motion was made by Alderman Gregory Holding, seconded by John Dickert that this item be Recommended For Approval subject to the conditions as amended listed in the recommendation. The motion PASSED by a Voice Vote with Elaine Ekes abstaining.

Res.06-7282 Approval of Certified Survey Map for 1610 Oakes Road

Resolved, that the request of Crispell-Snyder, Inc. representing the Village of Mt. Pleasant, seeking approval of a two-lot Certified Survey Map at 1610 Oakes Road, be approved subject to the following:

- a. That the certified survey map presented to the Plan Commission on October 25, 2006 is approved, subject to the conditions contained herein.
- b. That appropriate right-of-way reservation for acquisition be indicated for the future southbound extension of Oakes Road that will accommodate the western half of an 80 foot wide right-of-way.
- c. That a note be placed on the CSM for Oakes Road stating the following: "Lands reserved for acquisition reserved for public right-of-way purposes."
- d. That rights of access to Lot 1 be described on the face of the CSM.
- e. That full tax key numbers be illustrated on the Lots.
- f. That technical discrepancies as identified by City Staff be addressed.
- g. That this approval is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

A motion was made by Alderman Gregory Holding, seconded by John Dickert that this file be Recommended For Approval subject to the conditions as amended listed in the recommendation of 06-2708. The motion PASSED by a Voice Vote with Elaine Ekes abstaining.

06-2743

Subject: Communication from the Director of City Development requesting to discuss the agreement with Southeastern Wisconsin Regional Planning Commission for City of Racine Smart Growth Plan

Recommendation of the Finance & Personnel Committee on

11-13-06: The Mayor and City Clerk be authorized and directed to enter into a City of Racine Smart Growth Plan agreement with Southeastern Wisconsin Regional Planning Commission (SEWRPC)

Fiscal Note: The City's cost will be approximately \$10,000 appropriated in account 986.913.5100, 2006 capital budget.

Recommendation of the City Plan Commission on 11-29-06: That the Mayor and City Clerk be authorized and directed to enter into a City of Racine Smart Growth Plan agreement with Southeastern Wisconsin Regional Planning Commission (SEWRPC)

Fiscal Note: N/A

Mayor Becker introduced the item. Director O'Connell explains that in addition to participation in the county-wide smart growth planning effort, the City is also contracting with the Southeastern Wisconsin Regional Planning Commission for a smart growth plan focused on the city.

A motion was made by Elaine Sutton Ekes, seconded by Alderman Gregory Holding that this file be Recommended For Approval. The motion PASSED by a Voice Vote.

[ZOrd.0009-06](#) An ordinance to rezone 3921-21st Street, 2100 and 2200 Lathrop Avenue

To amend the map of the Zoning Ordinance of the City of Racine.

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

Part 1:

That the property located at 3921 - 21st Street, 2100 and 2200 Lathrop Avenue, and more particularly described as follows:

"Lots 6, 8, 9, 10, and 11 of Block 11 of Doris Park Addition to the City of Racine. Said land being in the City of Racine, Racine County, Wisconsin"

be rezoned from "R-2" Single Family Residence, to "B-2" Community Shopping, and designated as Supplement No. _____, which Supplement is hereby made a part of this ordinance.

Part 2:

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 the Common Council

06-2885

Subject: ZOrd.0009-06 to rezone 3921-21st Street, 2100 and 2200 Lathrop Avenue.

Recommendation of the City Plan Commission on 11-29-06: That the ordinance be adopted.

Fiscal Note: N/A

Attachments: [ZOrd.0009-06.doc](#)

A motion was made by Alderman Gregory Holding, seconded by Vincent Esqueda, that this ordinance be Recommended For Adoption. The motion PASSED by a Voice Vote.

Ord.38-06

Ordinance No. 38-06

To repeal and recreate Chapter 114, Article VIII, of the Municipal Code of the City of Racine, Wisconsin relating to Zoning - Flood Regulations.

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

Part 1:

That Chapter 114, Article VIII be repealed and recreated with the document titled "ARTICLE VIII. FLOOD REGULATIONS", as recommended for adoption by the City Plan Commission on November 29, 2006, incorporated as though set forth in full herein, a copy of which is available for public inspection in the office of the Director of City Development, and is hereby adopted.

Part 2:

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

Mayor Becker introduced the item. Director O'Connell explained the development stating that since its initial introduction to the Commission, staff has worked with the City Attorneys office and the Wisconsin Department of Natural Resources to adapt this model ordinance to City needs. He stated that the ordinance before the Commission represents the adaptation of the States model ordinance.

In response to Commissioner Dickert, Director O'Connell stated that the adoption of this ordinance will have no effect on the amount of floodplain lands currently within the City.

In response to Commissioner Dickert, Director O'Connell stated that the adoption of this ordinance will have no effect on the amount of floodplain lands currently within the City.

Scheduled for Public Hearing to the Common Council

06-2887

Subject: Ord. 38-06 to repeal and recreate the City's floodplain ordinance.

Recommendation of the City Plan Commission on 11-29-06: That the ordinance be adopted.

Attachments: [Ord.38-06.doc](#)
[FPMoelOrd05 last revision\(6\) \(2\).doc](#)

A motion was made by Alderman Gregory Holding, seconded by Elaine Ekes, that this ordinance be Recommended For Adoption. The motion PASSED by a Voice Vote.

Public Hearings starting at 4:30 p.m.

06-2853

Subject:(Direct Referral). Request from Randy Musaitef of Stereo City seeking an amendment to a Conditional Use Permit for automobile sales at 2042 Lathrop Avenue.

Recommendation of the City Plan Commission on 11-29-06:

Deferred.

Fiscal Note: N/A

Attachments: [2042 Lathrop Avenue.pdf](#)

Mayor Becker opened the public hearing at 4:35 p.m., described the public hearing process, and introduced the item. Director O'Connell described the location of the proposal, surrounding land uses and zoning, and the proposed use. He reviewed the history of the request citing past difficulties in reaching compliance with the original approval, the denial of this same request in May of 2006, and recent compliance with the original conditions of approval. He stated that staff recommends deferral to allow compliance monitoring until May 2007, at which time a decision on the recent request can be made.

Randy Musaitef of Stereo City explained his code compliance efforts.

There being no further questions or comments, Mayor Becker closed the public hearing at 4:38 p.m.

Director O'Connell reviewed staff's recommendation.

Mayor Becker explained that continued compliance needs to be observed before a decision can be made on this request, and that the matter should be deferred until May 2007.

A motion was made by Jud Wyant, seconded by John Dickert, that this file be Deferred. The motion PASSED by a Voice Vote.

06-2854

Subject:(Direct Referral). Request from Stan Postorino seeking a rezoning of the property at 1101 Mound Avenue from I-2 General Industrial District to B-5 Central Service District.

Recommendation of the City Plan Commission on 11-29-06: That an ordinance be created.

Fiscal Note: N/A

Attachments: [1101 Mound Avenue.pdf](#)

Mayor Becker opened the hearing at 4:42 p.m. and introduced the item.

Director O'Connell described the location of the proposal, adjacent land uses, and zoning. He explained that the rezoning will facilitate a mixed use development having residential units included on the first floor.

Developer Stan Postorino stated that there will be up to 12 residential units.

There being no further comment or questions, Mayor Becker closed the public hearing at 4:44 p.m.

A motion was made by John Dickert, seconded by Elaine Sutton Ekes, that this file be Approved. The motion PASSED by a Voice Vote.

06-2855

Subject: (Direct Referral) Request from Samuel Hutchins of R & S Performance and Auto Repair seeking an amendment to an existing conditional Use Permit to expand auto repair operations at 2617 Lathrop Avenue.

Recommendation of the City Plan Commission on 11-29-06: That the request be denied.

Attachments: [2617 Lathrop Avenue.pdf](#)
[2617 Lathrop \(06-2855\).pdf](#)
[2617 Lathrop Ave\(06-2855\).pdf](#)

Mayor Becker opened the public hearing at 4:45 p.m. and introduced the item.

Director O'Connell described the location of the proposal, adjacent land uses, and zoning, and the proposed use. He explained compliance problems with the property and neighbors' concerns regarding past operations and obstruction of the joint access easement. He circulated to Commission members two letters from neighbors highlighting concerns they have with the current operation.

Samuel Hutchins of R & S Performance and Auto Repair questioned the validity of Staff's concerns with his existing operation at 2617 Lathrop Avenue, but is aware of the concerns with his operation at 2101 Lathrop Avenue. He stated that he has been trying to develop a solution to his operational and site maintenance issues and feels that by consolidating operations at 2617 Lathrop Avenue it will assist him in his efforts. He explained his proposed site plan.

Keith Kudrna of Central Saw & Mower, 2625-A Lathrop Avenue, explained his concerns with the current operation of R & S and the proposal to expand citing insufficient parking, un-registered vehicles, tow truck parking, and frequent blockage of the joint access easement.

Ed Possing of Precise Contracting, 2625 Lathrop Avenue, explained his concerns with the current operation of R & S and the proposal to expand citing insufficient parking, un-registered vehicles, tow truck parking, and frequent blockage of the joint access easement. He stated that when he has brought these concerns to the attention of Mr. Hutchins they have been addressed.

Richard Mielcarek of Central Saw & Mower, 2625-A Lathrop Avenue, explained his concerns with the current operation of R & S and the proposal to expand citing insufficient parking, un-registered vehicles, tow truck parking, and frequent blockage of the joint access easement.

Mark Saint Martin, owner of 2617 Lathrop Avenue, spoke in favor of the proposal, disputed claims by neighbors' regarding site congestion, and described the limits of the access easement.

There being no further comments or questions, Mayor Becker closed the public hearing at 5:01 p.m.

Director O'Connell reviewed staff's recommendation.

Alderman Holding expressed concern with existing and potential congestion of the site, and the negative effect on Lathrop Avenues image as a commercial strip. He observed that based on the proposed plan of operation, the property does not appear to be large enough.

Commissioner Wyant expressed his concerns with the success of the proposal to maintain compliance citing neighbors' concerns with the existing small scale operation.

Mr. Hutchins further explained the proposed operational plans describing building usage, parking accommodations for customers and employees.

Mayor Becker stated that while the site may, by code, be large enough to accommodate such an establishment as proposed, experience has show that because of the great success of the business, the location at 2617 Lathrop will most likely prove not to be large enough.

Chief Building Inspector Rick Heller stated that Mr. Hutchins needs to better manage his business to accommodate parking needs.

With the knowledge of current operational concerns, the lack of site capacity to successfully accommodate the proposed operational expansion at this location, and the need to comply with existing conditions of approval for both locations

A motion was made by Elaine Ekes, seconded by Alderman Gregory Holding that this file be Recommended For Denial. The motion PASSED by a Voice Vote with John Dickert abstaining.

06-2856

Subject:(Direct Referral). Request by Rhonda Nicholson seeking a Conditional Use Permit for a tattoo and body piercing establishment in Regency Mall, 5502 Durand Avenue, Suite 400.

Recommendation of the City Plan Commission on 11-29-06:
Deferred.

Attachments: [5502 Durand Ave.pdf](#)

Mayor Becker opened the public hearing at 5:16 p.m. and introduced the item.

Director O'Connell described the location of the proposal in the mall, adjacent uses and the proposed use. He stated that while this application is permitted as a conditional use, action should be postponed until progress can be demonstrated by Regency Mall management with respect to the cross access drive. He stated that the Access Drive was to be construct no later than June of 2005.

Rhonda Nicholson, applicant, explained that she currently operates an ear piercing establishment at a kiosk within the mall but would like the opportunity to expand her business.

In response to Commissioner Wyant, Curt Pruitt, General Manager of Regency Mall, described efforts and difficulties, to date, in assembling all affected parties to accomplish the access drive construction.

Cindy Knapp-Finley, Assistant General manager of Regency Mall, described efforts at obtaining preliminary designs for the access drive.

There being no further comments or questions, Mayor Becker closed the public hearing at 5:35 p.m.

In an effort to allow Regency Mall management time to meet with City staff and further discuss access drive efforts, it was recommended by Jud Wyant that the item be deferred.

In response to Mayor Becker, Ms. Nicholson stated that a deferral was acceptable.

Alderman Holding expressed concern with delaying action on this request for more than one meeting cycle as the delay is related to an issue that the applicant has no control over.

A motion was made by Jud Wyant, seconded by John Dickert that this file be Deferred. The motion PASSED by a Voice Vote.

Adjournment

*There being no further business before the Commission and hearing no objections,
Mayor Becker adjourned the meeting at 5:37 p.m.*

Respectfully submitted,

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