



# City of Racine

City Hall  
730 Washington Ave.  
Racine, WI 53403  
www.cityofracine.org

## Meeting Minutes - Final

### Planning Heritage and Design Commission

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Wednesday, January 8, 2020

4:30 PM

City Hall, Room 205

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#### Call To Order

*Mayor Mason called the meeting to order at 4:30 p.m.*

**PRESENT:** 6 - Mason, Jones, Martinez, Austin, Jung and Peete

**EXCUSED:** 1 - Hefel

#### Approval of the Minutes of the December 11, 2019 City Plan Commission meeting

A motion was made by Alder Jung, seconded by Commissioner Martinez, to approve the minutes of the December 11th Meeting. The motion PASSED by a Voice Vote.

#### Review of the Minutes of the December 9, 2019 Landmarks Preservation Commission

A motion was made by Commissioner Martinez, seconded by Alder Jones, to approve the minutes of the December 9th Landmarks Preservation Commission meeting. The motion PASSED by a Voice Vote.

#### Review of the Minutes of the October 1, 2019 Downtown Area Design Review Commission

A motion was made by Alder Jung, seconded by Commissioner Peete, to approve the minutes of the October 1st Downtown Area Design Review Commission meeting. The motion PASSED by a Voice Vote.

#### 4:30 P.M. PUBLIC HEARINGS

[0008-20](#)

**Subject:** Request from AJ Musiatef of AJ's Car Sales seeking a conditional use permit to store and sell used automobiles from the western-most building at 2504 Douglas Avenue (PHDC-20).

#### **Recommendation of the Planning, Heritage and Design**

**Commission on 1-8-2020:** That the request from AJ Musiatef of AJ's Car Sales seeking a conditional use permit to store and sell used automobiles from the western-most building at 2504 Douglas Avenue be approved subject to conditions.

**Fiscal Note:** N/A

**Attachments:**    [Public Hearing Notice](#)  
[Review and Recommendation](#)  
[Applicant Submittal](#)  
[#0008-20 Resolution](#)

*Prior to the opening of this item, Mayor Mason discussed the procedure for public hearings.*

*Associate Planner Jeff Hintz explained the request and reviewed the zoning of the subject and adjacent properties, surrounding land uses and businesses, the public hearing notice map that was distributed to neighboring properties, the comprehensive land use designation for the site, and photos of the site and surrounding area. He stated the rear of the property is zoned I1 Restricted Industrial District and the front of the property is zoned B2 Community Shopping District. He stated the buildings where the cars would be parked is currently an empty storage space.*

*Hintz showed the floor plan and stated that the building code limits eight vehicles to park within the facilities. He stated the request would be an accessory use because the main part of the business, located in the front of the building, is a cell phone and furniture store. Hintz explained no repairs would be done on site. He stated it is intended to be for online vehicle sales by appointment only, but open from 11:00 a.m. -6:00 p.m. Monday – Saturday.*

*Hintz reviewed the possible actions of the commission as well as the required findings of fact for approval of conditional use permits as they relate to the request. Hintz stated staff is recommending approval of the request subject to conditions a. – i. Hintz reviewed the conditions of approval.*

*Mayor Mason opened the public hearing at 4:41 p.m.*

*No one requested to speak.*

*Mayor Mason closed the public hearing at 4:41 p.m.*

**A motion was made by Alder Jung, seconded by Commissioner Martinez, to recommend approval of the request subject to conditions a. – i. The motion PASSED by a Voice Vote.**

**0009-20**

**Subject:** Request from Ahmed Mostafa seeking a conditional use permit to operate a non-mechanical hand car wash in the rear/ western two bays of an existing garage structure at 3430 Douglas Avenue (PHDC-20).

**Recommendation of the Planning, Heritage, and Design**

**Commission on 1-8-2020:** That based on the findings of fact, the request from Ahmed Mostafa seeking a conditional use permit to operate a non-mechanical hand car wash at the rear/western two bays of an existing garage structure at 3430 Douglas Avenue be approved, subject to conditions a.-i.

**Fiscal Note:** N/A

**Attachments:** [Public Hearing Notice](#)  
[Review and Recommendation](#)  
[Applicant Submittal](#)  
[#0009-20 Resolution](#)

*Hintz explained the request and reviewed the zoning of the subject and adjacent properties, surrounding land uses and businesses, the public hearing notice map that was distributed to neighboring properties, the comprehensive land use designation for the site, and photos of the site and surrounding area. He stated the property is zoned B2 with various zonings surrounding.*

*Hintz showed the proposed floor plan for the building explained the bays were not being utilized and the applicant seeks to have a hand car wash in the space. He stated the car wash is proposed to be open from 8:00 a.m. – 6:00 p.m. Monday through Saturday.*

*Hintz reviewed the required findings of fact for approval of conditional use permits as they relate to the request. He stated staff is recommending approval of the request subject to conditions a. – i.*

*Mayor Mason opened the public hearing at 4:49 p.m.*

*No one requested to speak.*

*Mayor Mason closed the public hearing at 4:50 p.m.*

**A motion was made by Alder Jung, seconded by Commissioner Peete, to recommend approval of the request subject to conditions a.-i. The motion PASSED by a Voice Vote.**

[1356-19](#)

**Subject:** Request from Zignego Company seeking a conditional use permit for a contractor yard and shop, to operate a concrete and gravel recycling site with yard and concrete plant at 1917 S. Memorial Drive (PC-19).

**Recommendation of the Planning, Heritage, and Design**

**Commission on 1-8-2020:** That based on the required findings of fact, the request from the Zignego Company seeking a conditional use permit for a contractor yard and shop to operate a concrete and gravel recycling site with yard and concrete plant at 1917 S. Memorial Drive be denied.

**Fiscal Note:** N/A

**Attachments:** [Public Hearing Notice](#)  
[Review and Recommendation](#)  
[Applicant Submittal](#)  
[Addendum to Submittal](#)

*Hintz reviewed the request and stated the request was at the meeting of the City Plan Commission in December. Hintz explained the addendum that was provided and some*

*of the points that were printed that were pertinent to what Commissioners requested previously. He stated based on the findings and the conclusions on the Phase I Environmental Report, the only recognized environmental conditions on the site were the piles. He stated he spoke to the Zignegos and they are required by the DNR (Department of Natural Resources) to take care of the piles. He explained this is what the site has been used for in the past and that there are no underground storage tanks on the site and a building was never on the site.*

*Hintz provided a copy of the summary of the air quality of the equipment to be used, along with the limits provided by the State, and a copy of a permit and conditions regarding the crusher. He stated the DNR took into account what the crusher does and ratings for air quality. A copy of the tracking pad was also included. Hintz stated the State DOT (Department of Transportation) requires somethings similar be on site. Photos were submitted by Alder Glenn for the gentleman who runs A1 Auto Body that shows the height of the piles previously.*

*Hintz stated the Zignegos will be able to capture some of the water used at the site to reuse for dust control. Hintz showed the site plan for the location, which showed parking and the location of the equipment, and a drainage plan. He stated 10,000 gallons of water is the equivalent of .1 inches of rain across the entire site. He stated the DNR has approved the operation and approval by the Planning, Heritage, and Design Commission (PHDC) is the last step. Hintz played a video of a crusher running to give the commission an idea of how loud the equipment can be. He stated, measured at 200 feet, the loudest, noise is 71 decibels. Hintz showed an image of the proposed crusher to be used at the site.*

*Hintz reviewed the conditions of approval for the request. He stated staff is recommending approval, subject to conditions a. – l.*

*Hintz explained that staff is recommending that the piles be no higher than 12 feet, however, the applicant is requesting that condition be revisited. He stated that 20 or 30 feet height was mentioned at the last meeting.*

*Commissioner Martinez asked about the Phase I report and asked if a Phase II were conducted.*

*Hintz stated only a Phase I was done at this time and based on that information and what has been on the site in the past, they did not see anything that would warrant a Phase II. He stated the piles were not tested.*

*Mayor Mason opened the public hearing at 5:08 p.m.*

*Alder Carrie Glenn, 3333 Drexel Avenue, spoke in opposition of the request. She stated she reached out to a lot of constituents in the tenth and fifth districts and asked them what they thought and that there were a lot of concerns. She stated yes, it is an industrial site, however, right there is our neighborhood. She explained some of the concerns such as it becoming a dump site. She stated the piles were not controlled last time and the piles will be visible with a 6-8 foot fence only being proposed. Alder Glenn stated the neighbors in the tenth district drive down there. She explained the concrete smashing and the noise; she stated another complaint was the noise. She stated construction projects can run behind and can be done at night. She stated there were concerns of not really getting deep into the requested use. She asked if a traffic study were done and spoke about the concern of the traffic flow and where the*

trucks would go; 21st Street is residential. She stated there were concerns about residents having to close their windows because of dust getting into homes. She stated another neighbor was concerned about dust settling on the train tracks and the train covering dust south or north into more neighborhoods. She stated there were concerns about young children – a resident just purchased a house and cannot afford to move again if children get sick. She stated there were concerns about health and breathing problems. Alder Glenn explained she was here to speak for the neighbors in her district. She stated there were concerns regarding a new park going in and the potential for residents not being able to enjoy the park. She stated a little truck traffic may actually end up being an army of trucks. She stated the employees wear masks and asked if we were going to hand out masks to our neighbors. Alder Glenn stated there was also concern with the requested use being close to Lake Michigan and dust and materials going into the lake. She stated the tenth district is growing and looking forward to a brand new park. She stated this is not the place for it; there are other places where it can go that will not affect the neighbors of the city of Racine.

Ralph Wagner, owner A1 Auto Body Shop, spoke regarding the request. He discussed the pictures that he had regarding the process that was at the site prior. He stated it would be the third concrete recycling center at the site; prior was Milan and Cornerstone. Wagner stated he understands the water suppression, however, dust is still going to be created. He explained the pictures are not necessarily when the piles dry out – during the summer piles generate dust when the wind is coming. Wagner used the aerial photo to show how close the residential homes are to the requested use. He explained his intakes and the necessity to change the filters in his booths more often.

Wagner showed the height of the piles and stated it was just a portion of the piles that were there previously. He stated because you are limited on the site, piles can be 50-60 feet high before recycling occurs. Wagner asked the commission to oppose the request. He stated he does not think it is good for himself or the neighborhood.

Pete Bakken, 2013 Phillips Avenue, spoke regarding the request. He stated he lives four houses from the proposed. He stated he has lived there for 25 years and he is unsure how he is going to rent to anyone due to the noise and the air.

Kurt Lehrmann, 4406 Wood Duck Way, spoke regarding the request. He stated he represented a homeowners association that is west and south of the site. He stated he knows that there have been other plants before; however, that should not be the basis for making the decision. He explained about the chemicals and how silica dust from cement plants are hazardous. He stated studies have shown they are a carcinogen. He stated when the dust gets into the air, it can be carried up to a mile away from the plant with prevailing winds which can lead to hazardous health conditions. Lehrmann commented that the DNR does not require 100 percent compliance and spoke regarding the containment of silica dust. He stated you cannot contain the dust 100 percent so he understands; however, he wonders about the containment areas. Lehrmann gave the example of the Asian carp and how they were contained until it broke. He asked if the Health Department were spoken too about the potential problems and stated there are plenty of other sites around that would be good for the plant. He stated the residents of Racine are the most important factor when looking at their health.

Dan Zignego, 2065 Erie Street, Grafton, WI, spoke regarding the request. He clarified that they are not proposing a cement plant, they are proposing a crushing facility. He

*stated he completely understands the concerns; however, would like to show the facts of their operation so they can overcome the challenges. He stated they are an industry that adds value to the city and that they are only proposing the site for projects for the city of Racine, not for private projects. Zignego reviewed the addendum. He stated the Phase I did not show anything besides the piles which will be crushed, tested, and recycled as allowed. He stated the video that was shown showed the exact model of their equipment. He stated their dust control measurement is two orders of magnitude below the limit and is in 100 percent compliance with EPA (Environmental Protection Agency) and DNR regulations.*

*Zignego explained the equipment to be used. He stated there will be very little dust coming off of the machine and that the backup alarm is louder than the machine itself. Zignego explained that the crusher will be 200 feet or more away from Memorial Drive and, at that distance, will have the same level of noise as a classroom. He explained the site plan and stated as soon as he heard the concerns, they came up with a water reuse pond that will allow them to recapture 100 percent of the volume and free flowing water that drains off of the site. He spoke regarding a truck analysis and reminded the commission that they will be very close to the project. He stated they estimate 4-6 trucks will be used – an operation farther away would require more trucks. He stated the average is eight loads an hour in and out of the site.*

*Zignego spoke about the pile heights and the 12 foot height limit. He stated, if possible, they would put an eight foot fence on a 10 foot berm that would give them 18 feet to better hide the piles from the public. He stated if they put the berm and the fence and keep up the site that would solve the eye sore issue. He stated that he understands residents do not know them and stated that they will meet with residents once a month to address any of their concerns. He stated they are purchasing the property and would like to be in the city for the long-term. Zignego spoke regarding the concerns raised e.g. becoming a dump site. He stated he would like to have monthly meetings to talk with the residents about any issues. He stated the trucking, because the location is close to the project, will be reduced overall in the city so should decrease the nuisance to the neighbors and wear and tear on city streets.*

*Alder Jung discussed what was requested at the City Plan Commission meeting. He asked Zignego about the concern expressed by Lehrmann regarding silica dust and asked about an absence of silica dust.*

*Zignego stated there are multiple components of making concrete and cement is one of them. He stated cement + stone mixture makes concrete and limestone is used to make cement. He explained that limestone has silica, however, a crushing facility, not a cement making facility, is being proposed.*

*In further response to Alder Jung's question about silica, Zignego stated that is probably not the case, however, it is not measurable. He stated OSHA (Occupational Safety and Health Administration) requires masks for some of the operations, however, not for the crushing portion.*

*Commissioner Peete asked about the noise level and asked for that be repeated.*

*Zignego stated that at 200 feet, the highest noise point is 71 decibels which is the equivalent of a classroom.*

*Commissioner Martinez asked about the amount of community engagement so far.*

*Zignego stated that he met with Jeff Hintz and staff and agreed he would reach out to the aldermen surrounding the district. He stated they did not go door-to-door – after meeting with the planning department, it was determined that the notices sent were appropriate.*

*Commissioner Martinez spoke about Wagner and the previous facilities. He stated that he is worried this would be put into place and some of the other behaviors will continue. He stated he is concerned with not just what would go into the air, but also noise pollution. He stated he wishes the applicant would have spoken more with neighbors before the project was presented.*

*Commissioner Austin stated there were a lot of concerns from the residents regarding the amount of dust that would be flying. He asked the applicant, given the sense of concerns, how the dust would be limited. He stated eight loads an hour feels like a lot of activity and seems like a lot of dust would be generated.*

*Zignego stated the original proposal would have a water truck and sweeper on site. He stated the water truck is to keep the site moist and water is the best dust control. He explained that the tracking pad will knock the dirt off of the tires in order to contain the dust and keep it out of the roadway. He stated the crusher has integral water lines that would spray while material were being crushed.*

*Commissioner Austin asked the applicant how he responded to people who say they have to keep their windows closed all summer.*

*Zignego stated he thinks that is not accurate and, until given a chance, you will not know how well they can perform. He stated they are planning to purchase the site.*

*Commissioner Austin asked if there were other methods that could be used if the complaint of dust were heard or if they would use more water.*

*Zignego stated that you can water the piles if need be. However, they plan to crush and move. He stated that it is more site management than anything else. He stated calcium chloride could also be used to keep the dust down, however, they would not want to go that route.*

*Buck Sweeney, Attorney, spoke regarding the request. He stated he does work for Zignegos and the Wisconsin DOT (Department of Transportation). He stated he appreciates the residents' concerns of what happened in the past; however, the Zignegos are not Cornerstone or Milan. He stated they are someone who does what they say and say what they do. He stated one of the things that they spoke about was having monthly meetings with the neighbors – if there is a problem, they want to solve the problem and make it go away. He asked that they not be judged on past issues. He stated they understand water and dust is a problem. A lot of the concerns are speculation, however, they will not be in the same position as the past. Atty. Sweeney stated they want to make sure that everything on the site complies with the regulations will have people tested by OSHA to make sure they do not have any health risks. He stated they can only meet with the neighbors if they want to meet with them and that they want to have an open forum at a place convenient to the neighborhood. He spoke regarding silica dust and stated there is silica everywhere in the world, it has to be controlled – when you break limestone you can expose silica. He stated the closeness of the site is what is enticing for the Zignegos to purchase the property.*

*Mahmoud Algazzar, 1948 Jay Eye See Avenue, stated he lives in the area. He asked for the bird's eye view of the property to be shown. He stated there is a house that is 50 feet away from the site and that he does not think it is safe.*

*Chad Eschmann, 2508 20th Street, stated the video is not accurate. He stated the material from Highway 11 is a larger material. He stated the noise will come from the dump truck every seven minutes and concrete shooting from the truck will provide for a lot of the dust and noise. He stated 3200 S. Memorial Drive has a crushing facility. He stated what was presented was not accurate as dust comes from other places. He stated the piles would not be 12 feet tall, they will be 60 foot tall.*

*Bill (last name unintelligible), 3505 Waterbury Lane, spoke regarding the request. He stated when the material is fed into the crusher it was not what he was expecting – more dust and more noise. He stated there is a crushing site and if you go down Memorial Drive after rain the mud is dried out and that creates a lot of dust. He stated adding more dump trucks to the area will bring out more dust.*

*Mayor Mason closed the public hearing at 6:00 p.m.*

*Alder Jung stated the Planning Commission is to review the findings of fact. He stated the regulations are here to help businesses and protect residents. He stated public health is the first finding of fact and the priority. He stated to hear a long-time business say that he has seen operations of this happen time and time again, we have to listen to his concern. He explained regarding public health, we are talking about releasing dust in the air and the applicant has said they are doing everything in their power to reduce the dust. He stated they are doing their best and that might work in an area that is not 200 feet away from a neighborhood. He stated he thinks they have an excellent reputation. Alder Jung further explained the findings of fact 2. and 3. He stated we have heard the concerns of the business community in the neighboring area and a neighborhood association. Alder Jung stated the company did a lot to engage the community, however, questions were not answered about the dust and how it would impact the health of the citizens.*

*Commissioner Martinez thanked the Alder and staff for their work. He stated he is a business owner and has been for more than 32 years. He stated he is pro-business and loves the idea that the company has had success and wished continued success, however, he is opposed to the request. Commissioner Martinez wished the company the best and stated there are others on Racine Street and Clark Street that were not present speak.*

*Commissioner Peete asked if it were possible to add conditions to the conditional use permit that they have to work with the neighbors and address the concerns and to add the berm and extension of ten feet.*

*Mayor Mason stated yes, the conditions would have to be amended.*

*Commissioner Peete asked how people felt about it and if it would be satisfactory.*

*Commissioner Austin stated he appreciates the comments of the commissioners stated Commissioner Martinez to air on the side of people's health and neighborhood conditions. He stated too often we allow companies that may be considered dangerous to be located near certain areas.*



*Alder Jones echoed the comments of Commissioners Martinez and Austin regarding the health of the community. She stated a constituent lives approximately 5 blocks away and they have a dust meter and it does register a lot higher when they are working. She expressed concerns about the residents that are not present to speak.*

*Commissioner Martinez recommended a motion to deny the request, seconded by Alder Jung.*

*Alder Jung explained the motion based on the required findings of fact. He stated that item 1. on the required findings of fact that the requirement is not met due to the concern of dust 2. due to the auto body shop located across the street that would be challenged to continue work. 3. the impact it would have on the residential community.*

**A motion was made by Commissioner Martinez, seconded by Alder Jung, to recommend denial of the request based on the request's inability to meet the required findings of fact. The motion PASSED by a Voice Vote.**

## END OF PUBLIC HEARINGS

### [1357-19](#)

**Subject:** Request from Michael Bannon and Nicholas Verhaalen, seeking approval of a two lot certified survey map for the property at 1917 S. Memorial Drive (PC-19).

**Recommendation of the City Plan Commission on 12-11-19:** That the request from Michael Bannon and Nicholas Verhaalen, seeking approval of a two lot certified survey map for the property at 1917 S. Memorial Drive be approved subject to conditions a.-d.

**Recommendation of the Planning, Heritage, and Design Commission on 1-8-20:** That the request from Michael Bannon and Nicholas Verhaalen seeking approval of a two lot certified survey map for the property at 1917 S. Memorial Drive be received and filed.

**Fiscal Note:** N/A

**Attachments:** [Recommendation](#)  
[Applicant Submittal](#)  
[#1357-19 Resolution](#)

*Mayor Mason stated the item was referred back from the Common Council.*

*Hintz stated that they made changes to the documentation that will have a 3 lot subdivision and would be a new application. He stated staff is recommending the request be received and filed.*

**A motion was made by Alder Jung, seconded by Alder Jones, to recommend that the request be received and filed. The motion PASSED by a Voice Vote.**

### [1344-19](#)

**Subject:** Review of a facade grant request for a facade update project at

316 Fifth Street (PHDC-20).

**Attachments:** [Applicant Submittal](#)

*Sadowski introduced the request and explained to the commission that this is a portion of the duties. He stated the first part of the requests is the design review and the second portion is the façade grant. He stated that the design was reviewed by the former Downtown Area Design Review Commission in December, however, since they did not have a quorum, they were unable to approve or review the grant. Sadowski reviewed the request and the location of the site. He stated the applicant is requesting to replace the front entryway for energy efficiency purposes to a single door. He stated the current doors would become a stationary panels. He stated, as part of the review process, contractors bids have to be submitted. He stated staff is recommending that a grant be approved in an amount up to \$3,600 or fifty percent of the project costs, whichever is less. He stated façade grants can be eligible up to \$10,000 based on the bids received.*

**A motion was made by Commissioner Peete, seconded by Alder Jung, to approve the façade grant in an amount up to \$3,600 or fifty percent of the project costs, whichever is less. The motion PASSED by a Voice Vote.**

[0010-20](#)

**Subject:** Review of a façade grant request for a façade update project at 230 Main Street (PHDC-20).

**Attachments:** [Applicant Submittal](#)

*Sadowski reviewed the request and showed the signage being requested for the site. He stated a transom window will be put in the door and the lettering will be brushed aluminum and illuminated by gooseneck fixtures. He stated they are proposing to paint the façade, adding the transom window, and painting the rest of the window openings. Sadowski stated staff is recommending approval of the grant based on the design and bids submitted.*

**A motion was made by Commissioner Martinez, seconded by Commissioner Peete, to approve the façade grant in an amount up to \$2,500 or fifty percent of the project costs, whichever is less. The motion PASSED by a Voice Vote.**

## Administrative Business

### Historic Preservation Ordinance

*Sadowski explained that on the Landmarks Preservation Commission agenda there would be items for discussion. He stated we will give a full presentation on historic preservation, the ordinance, and the duties of the commission at a future meeting.*

### Downtown Area Design Review District

*Sadowski explained that the Downtown Area Design Review District applies to areas bordered by Lake Michigan to Marquette Street and from State Street to Tenth Street, roughly described. He stated staff will go through the ordinance and standards at a future meeting.*

### Buildings being razed

*Sadowski explained to the commission that they were going to begin receiving notices from the Building Inspection Department regarding buildings that will be razed. He stated the commission will have 21 days to review the raze notices. Sadowski explained the majority of raze notices received are garages, however, sometimes there are homes and sometimes the commission might want the buildings documented. He stated the discussion gives the ability for the PHDC to have conversation with the property owner regarding the razing of a building.*

*Sadowski stated that the Racine Preservation ordinance is a certified ordinance which allows us to do more local review and to tap into the grant program from the State to allow us to do specific historic activities in the city. He stated the State did a study to find out the satisfaction of the communities that have gone through the process and found out it is favorable.*

*Mayor Mason stated there will be training at a future meeting. He stated the change in committees was not to eliminate any of the committees or commissions, but to bring them all to one place to eliminate the red tape for applicants.*

## **Adjournment**

*There being no further business, the meeting adjourned at 6:34 p.m.*