

# **City of Racine**

*Room 103, City Hall*



## **Meeting Minutes**

**Wednesday, May 9, 2007**

**4:15 PM**

**Room 209, City Hall**

## **City Plan Commission**

*Mayor Gary Becker  
Alderman Gregory Holding  
Vincent Esqueda, Frank Tingle  
Atty. Jud Wyant, Elaine Sutton Ekes*

**Mayor Becker called the meeting to order at 4:17 p.m.**

**PRESENT:** 5 - Gary Becker, Elaine Sutton Ekes, Vincent Esqueda, Gregory Holding and Frank Tingle  
**EXCUSED:** 1 - Jud Wyant

**Approval of Minutes for the April 11, 2007 Meeting**

**A motion was made by Vincent Esqueda, seconded by Alderman Gregory Holding, that the minutes be approved, as distributed. The motion PASSED.**

**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.

**Recommendation of the City Plan Commission on 5-9-07:** That the item be denied.

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

*Randy Musaitef explained his attempts to comply, but stated that certain aspects of the site are beyond his control such as the maintenance of the fencing. He described his difficulties at maintaining the perimeter blocks of the landscape area despite his daily efforts. He advocated for his request to allow car sale at this location citing other sales operation on Lathrop Avenue.*

*Summarizing from the staff report, Commissioner Tingle reviewed the applicants past difficulties at achieving and monitoring compliance with the conditions of approval for the current operation.*

*Alderman Holding stated that car sale as an accessory use on Lathrop Avenue is not desirable, as it tends to contribute to a poor aesthetic for the area.*

**A motion was made by Alderman Gregory Holding, seconded by Frank Tingle, that this item be Recommended For Denial. The motion PASSED.**

**06-2287**

**Subject:** Direct Referral. Review of the use supplement for Flex Development Overlay at 2711 Lathrop Avenue.

**Recommendation of City Plan Commission on 7-26-06:** That the item be deferred.

**Recommendation of City Plan Commission on 5-9-07:** That a use supplement be adopted by a resolution of the Common Council in association with a Flex Development Overlay District at 2711 Lathrop Avenue, subject to the following conditions:

- a. That all uses listed in the underlying "I-1" Restricted Industrial District are permissible by right or by conditional use permit as specified in each district.
- b. That all applicable permits are obtained from the Building Inspection Department.
- c. That the following flex uses are permitted in addition to those permitted in the "I-1" Restricted Industrial District.
  1. Permitted uses: those uses permitted in the "B-2" Community Shopping District except those excluded herein.
  2. Conditional uses: those conditional uses permitted in the "B-2" Community Shopping District including auto sales as a primary use not to exceed twenty vehicles for sales display or storage except those excluded herein.
  3. Uses excluded: bus stations and terminals, adult entertainment uses, recycling drop-off or processing sites, live entertainment, and outdoor recreation facilities.
- d. That all aspects of the flex uses and all other uses shall be contained on site.
- e. That all trash and recyclables be stored in closed containers and screened from view.
- f. That the following is prohibited.
  1. Changes in exterior light fixtures unless first approved by the Director of City Development for design, placement and intensity.
  2. Pennants, banners, streamers, balloons, spot lights, or string lights.
  3. Vehicle mounted advertising devices such as antenna sleeves, balloons, or other forms of advertising or visual attraction methods other than window signs and price stickers.
  4. Storage or display of inoperable vehicles or vehicles part.
- g. That the following be submitted for the review and approval of the Director of City Development prior to the implementation of desired uses at this facility, but before September 1, 2006:
  1. A landscape plan for implementation that illustrates plantings along Lathrop Avenue, and the design and location of a

- dumpster enclosure.
2. A comprehensive sign package for implementation that creates a unified design for all tenants to be occupying this location.
- h. That the following be accomplished by October 31, 2006.
1. Repair and paint the fencing.
  2. Install approved landscaping.
  3. Clear brush, weed trees and debris from the rear/eastern yard area.
  4. Paving and striping of the rear/eastern yard area if intended to be used for parking.
- i. That the Chief Building Inspector or Director of City Development may impose additional conditions on a single or a group of flex uses to mitigate potential negative impacts on the subject or surrounding properties. Decisions in this regard may be appealed by the affected operator(s) to the Plan Commission who will forward a recommendation to the Common Council.
- j. That upon consultation between the Chief Building Inspector and Director of City Development, additional uses not listed in this resolution may be permitted if found to comply with the spirit and intent of this flex development and the Flex Development Overlay District.
- k. That all applicable codes and ordinances be complied with and required permits acquired.
- l. That no minor changes be made from the conditions of this flex development without the approval of the Plan Commission and no major changes be made without the approval of the Common Council.
- m. That this flex development is subject to Plan Commission review for compliance with the listed conditions.

**Fiscal Note:** N/A

*Director O'Connell explained that this item is brought before the Commission as a house keeping item. He stated that the property owner has made great improvements to the property and is proceeding in accordance with the conditions of approval contained in the use supplement and approved conditional use permit.*

**A motion was made by Alderman Gregory Holding, seconded by Vincent Esqueda, that this item be Recommended For Approval, subject to the listed conditions in the recommendation. The motion PASSED.**

[07-0564](#)

**Subject:** (Direct Referral) Non-compliance with the conditions of Approval for R & S Performance at 2101 Lathrop Avenue.

**Recommendation of the City Plan Commission on 5-9-07:** That compliance be achieved by June 4, 2007 or immediate citations be issued for non-compliance.

- a. That compliance shall be maintained with the continued compliance to all conditions of approval as contained in Common Council Resolution No. 5563 of January 21, 2003.
- b. That the dispatching and parking of tow trucks at this location shall cease.
- c. That this item shall be reviewed by the Plan Commission June 13, 2007 for compliance with the listed conditions.

**Fiscal Note:** N/A

*Director O'Connell explained Staff's observation with regards to violation of the conditions of approval for this use. He reviewed Staff's recommendation.*

*Samuel and Lisa Hutchins explained efforts made and difficulties encountered in attempting to maintain the property in compliance. Ms Hutchins described efforts made by staff specifically assigned to keep the property clean.*

*Commissioner Tingle described observations made by himself that contradict statements made by the Hutchins with respect to his notice of an excessive number of vehicles, and storage of a tow truck on the property during the week and on weekends.*

*Alderman Holding stated that he receives complaints regarding the appearance of the property and pointed out the observation that vehicles are continually parked in a manner not in compliance with the approved parking layout.*

*Mayor Becker stated that his observation also finds that the site is in disarray and he cited broken wheel stops, garbage in the landscaped area, and continual excessive numbers of vehicles.*

*Mr. Hutchins expressed frustration in his ability to run a successful business, yet comply with the conditions of approval. He described efforts to locate at alternative properties that were rejected by the Commission.*

*In response to Commissioner Ekes regarding the Hutchins denial of the presence of a tow truck dispatches operation on the property, Planner Sadowski explained he has observed a tow truck parked on the property on two occasions, and when he has called the business to speak with the Hutchins' the phone is answered by saying "R & S Performance , Interstate Towing...".*

**A motion was made by Alderman Gregory Holding, seconded by Frank Tingle, that this item be Approved, subject to the listed conditions in the recommendation. The motion PASSED.**

**Public Hearing starting at 4:30 p.m.**

[07-0558](#)

**Subject:** (Direct Referral) Request by John and Denise Helm for a conditional use permit to operate a carryout restaurant at 803-16th Street.

**Recommendation of the City Plan Commission on 5-9-07:** That the item be deferred.

**Attachments:** [803.16th St.pdf](#)

*Mayor Becker explained the public hearing process, opened the hearing at 4:50 p.m. and introduced the item.*

*Director O'Connell reviewed the proposed location of the restaurant, adjacent land uses and zoning.*

*There being no one present to represent the item or to speak in favor to or opposed to the item, Mayor Becker closed the public hearing at 4:52 p.m.*

*While Commission members had no immediate concerns regarding the proposal, they did express disappointment that the applicant did not attend this meeting. Commission members expressed a desire to query the applicant regarding their intentions and previous experience at operating such a business.*

**A motion was made by Alderman Gregory Holding, seconded by Vincent Esqueda, that this item be Deferred. The motion PASSED.**

### Inactive Items

[06-1521](#)

**Subject:** Direct Referral. Consideration of a request by Ignacio Castaneda seeking a conditional use permit to operate an auto repair facility at 1440 West Street.

**Recommendation of City Plan Commission on 4-12-06:** Deferred.

**Recommendation of City Plan Commission on 5-9-07:** Deferred.

**Attachments:** [P.H. - Castaneda.pdf](#)

*Ignacio Castaneda stated that he is now ready to implement his business plan and is willing to comply with conditions of approval as proposed by staff.*

*In response to Commissioner's questions regarding current compliance, Chief Building Inspector Heller and Planner Sadowski stated that due to the length of time that has lapsed since the initiation of this request, staff would need time to review with the applicant existing property conditions and the proposed conditions of approval.*

**A motion was made by Alderman Gregory Holding, seconded by Vincent Esqueda, that this item be Deferred. The motion PASSED.**

[Res.06-6925](#)

CONDITIONAL USE PERMIT FOR 1440 WEST STREET

RESOLVED, that a request by Ignacio Castaneda seeking a conditional

use permit to operate an auto repair facility at 1440 West Street be approved, subject to the following conditions:

- a. That the plans stamped "Received January 20, 2006" and presented to the Plan Commission on February 22, 2006 are approved, subject to the conditions contained herein.
- b. That this conditional use permit shall be reviewed by the Plan Commission six months from the date of its approval to determine the level of compliance with the conditions of approval, and the appropriate Plan Commission response to the conduct of the operation.
- c. That by June 1, 2006 the following maintenance, repairs, clean up, and improvements shall be accomplished:
  1. Repair, straighten or replace damaged fence sections.
  2. Replace missing privacy slats in gates, and install privacy slats in the northern fence. All privacy slats are to be a uniform color.
  3. Trim fence posts to a uniform height extending no greater than one foot above the fence panels.
  4. Repair or replace damaged soffit panels and wainscoting on West Street façade of building.
  5. Paint the building and fencing in a uniform color scheme in colors which have first been submitted to the Director of City Development for a determination of their appropriateness.
  6. Pave damaged or unpaved portions of the parking lot.
  7. Remove all unlicensed or inoperable vehicles from outside storage on the property unless they are awaiting repair, and that all vehicle storage be contained on-site.
  8. Remove all junked vehicles, vehicle parts, equipment, and materials from outside storage.
  9. Remove all assorted debris and junk from the property.
  10. Install clear/transparent windows in all window openings facing West Street.
- d. That there shall be no vehicle sales or salvage at this location.
- e. That all vehicles awaiting repairs, and tow trucks on the subject property shall be stored within the fenced area. Vehicles awaiting repairs, or those vehicles which have been repaired shall not be stored on the property for more than 30 days.
- f. That all vehicle repair shall be conducted indoors.
- g. That there shall be no vehicle preparation or painting conducted outdoors, and any preparation or painting of vehicles indoors shall be conducted in compliance with all appropriate codes and ordinances and that all required permits acquired.
- h. That off-street parking areas shall be provided for all customer and employee

vehicles.

i. That there shall be no outside storage of junked vehicles, vehicles parts and accessories, and equipment.

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

k. That the maximum hours of operation shall be from 8:00 a.m. to 8:00 p.m. Monday through Saturday with no hours on Sunday.

l. That all signs be submitted to the Director of City Development for review and approval.

m. That no pennants, banners, streamers, temporary signs be displayed at this location.

n. That all applicable codes and ordinances be complied with and required permits acquired, and that an occupancy permit be requested from the Building Inspector Department prior to operation of the business.

o. 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.

p. That this permit is subject to Plan Commission review for compliance with the listed conditions.

FISCAL NOTE: N/A

*Director O'Connell explained that this item and the previous item are directly related.*

**A motion was made by Alderman Gregory Holding, seconded by Vincent Esqueda, that this item be Deferred. The motion PASSED.**

**06-2198**

**Subject:** Request by the Chief Building Inspector seeking an interpretation of Sec. 114-735.5 of the Zoning Ordinance regarding building design standards for residential properties and the "snout house" as it relates to a proposed condo development at 1108 N. Wisconsin Avenue.

**Recommendation of the City Plan Commission on 5-9-07:** That the item be received and filed.

*Chief Building Inspector Heller explained that this matter has been addressed by the Zoning Board of Appeals.*

**A motion was made by Frank Tingle, seconded by Alderman Gregory Holding, that this item be Recommended to be Received and Filed. The motion PASSED.**

**06-2203**

**Subject:** Direct Referral. Request by Ilija B. & Marika Georgievski seeking to rezone 3400 Rapids Drive from R-2 Single Family Residence to B-2 Community Shopping District.



**Recommendation of City Plan Commission on 7-12-06:** Deferred.

**Recommendation of City Plan Commission on 5-9-07:** That the item be received and filed.

**Attachments:** [3400Rapids.pdf](#)

*Planner Sadowski stated that the applicant's representative communicated to him that the applicant has decided to pursue an alternative approach to achieve the desired land use option; and therefore the rezoning can be received and filed.*

**A motion was made by Alderman Gregory Holding, seconded by Frank Tingle, that this item be Recommended to be Received and Filed. The motion PASSED.**

**06-2204**

**Subject:** Direct Referral. Ilija B. and Marika Georgievski seeking a conditional use permit to allow a ground floor single family residence in a B-2 Community Shopping District at 3400 Rapids Drive.

**Recommendation of the City Plan Commission on 5-9-07:** That the item be received and filed.

**Attachments:** [3400Rapids.pdf](#)

*Director O'Connell explained that this item and the previous item are directly related.*

**A motion was made by Alderman Gregory Holding, seconded by Frank Tingle, that this item be Recommended to be Received and Filed. The motion PASSED.**

**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.

**Recommendation of the City Plan Commission 5-9-07:** That the item be received and filed.

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

*Director O'Connell stated that Staff was awaiting additional submittals from Mr. Echeverria, to date no submittals have been provided.*

**A motion was made by Alderman Gregory Holding, seconded by Vincent Esqueda, that this item be Recommended to be Received and Filed. The motion PASSED.**

## Adjournment

*There being no further comments and hearing no objections, Mayor Becker adjourned the meeting at 4:54 p.m.*