



City of Racine

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

Meeting Minutes - Draft City Plan Commission

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

Wednesday, April 30, 2008

4:15 PM

City Hall, Room 205

Mayor Becker called the meeting to order at 4:15 p.m.

PRESENT: 7 - Gary Becker, Elaine Sutton Ekes, Vincent Esqueda, Gregory Holding, Brent Oglesby, Frank Tingle and Jud Wyant

OTHERS PRESENT: Brian F. O'Connell, Director of City Development
James Luellhoff, Associate Planner
Rick Heller, Chief Building Inspector
Penelope Gabor, City Development Intern

Approval of Minutes for the April 9, 2008 Meeting

A motion was made by Gregory Holding, seconded by Frank Tingle, that the minutes be approved, as distributed. The motion PASSED by a Voice Vote.

Ord.07-08

Ordinance No. 07-08

To amend Sec. 114-1(b), to amend the title of Sec. 114-182, and to amend Sec. 114-468 (24) of the Municipal Code of the City of Racine, Wisconsin relating to Zoning - Rules of construction and definitions; conditional uses.

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

Part 1:

Sec. 114-1(b) of the Municipal Code of the City of Racine is hereby amended by repealing the definition of "*Drive-in, takeout, or fast food establishment*" and by adding the following definitions as follows:

Insert the following definition after the definition of "*Day care home*":

"Delicatessen or butcher means an establishment whose primary intent is to offer for retail sale to patrons prepared or unprepared meal components to carry away for off premise consumption at a later time."

Insert the following definition after the definition of "*Drainage system*":

"Drive-in or Drive-through establishment means an establishment where either all or a portion of the operation affords the patron the ability to

receive or consume goods, services, entertainment, or conduct business while seated in or on a vehicle."

Insert the following definition after the definition of "*Mezzanine*":

"*Mixed use development* means a building or grounds intended to accommodate more than one use, either by right or by conditional use permits within a zoning district."

Insert the following definition after the definition of "*Mixed use development*":

"*Mixed use - flex development* means a building or group of buildings and/or grounds redeveloped to accommodate uses that may not be included as those uses permitted either by right or by conditional use permit, within the zoning district in which it is located."

Insert the following definition after the definition of "*Mixed use - flex development*":

"*Mixed use - planned development* as defined in 114-182."

Insert the following definition after the definition of "*Substantial improvement*":

"*Takeout - carryout restaurant*" means an establishment where the areas devoted to food preparation, related activities, and other areas not accessible to the public (walk-in coolers, food lockers, etc.), totals over 50% of the floor area of the occupancy, or where it is anticipated that over 50% of patron visits involves the ability of patrons to order and carry away prepared foods for off premise consumption."

Part 2:

Sec. 114-182 of the Municipal Code is hereby amended by changing the title to read: "Mixed use."

Part 3:

Sec. 114-468 (24) of the Municipal Code of the City of Racine is hereby amended by changing the number "10,000" to read "5,000".

Part 4:

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

Commission action on this Ordinance is reflected in File 08-2094.

A motion was made by Frank Tingle, seconded by Gregory Holding, that this item be Scheduled for Public Hearing the Common Council. The motion PASSED by a Voice Vote.

08-2094

Subject: Ordinance No. 07-08 is an amendment to drive-in/drive-through and mixed use establishment.

Recommendation of City Plan Commission on 4-30-08: That the ordinance be adopted.

Director O'Connell summarized the revisions to the Ordinance text change.

A motion was made by Frank Tingle, seconded by Gregory Holding, that this item be Recommended For Adoption. The motion PASSED by a Voice Vote.

Public Hearings Starting at 4:30 p.m.

08-1934

Subject: Subject: Communication from the Director of City Development requesting to amend the project plans of Tax Incremental Districts No. 2, No. 5, and No. 7. (Res.#08-0806)

Recommendation of City Plan Commission on 4-30-08: That the proposed amendment to the Project Plans for TIDs Nos. 2, 5 and 7 to allow increment sharing with TIDs No. 3, 6, and 8 is found feasible and in conformity with the master plan of the City of Racine.

Further, that the amendment to the Project Plans for TIDs Nos. 2, 5 and 7 be adopted.

Fiscal Note: N/A

Attachments: [TID_no_2.pdf](#)

Mayor Becker opened the public hearing at 4:30

Director O'Connell explained reason for the proposed increment sharing was to support underperforming districts with the increase of value from those of districts which had exceeded forecasts.

Mayor Becker closed the public hearing at 4:33 p.m.

A motion was made by Gregory Holding, seconded by Jud Wyant, that this item be Recommended For Adoption. The motion PASSED by a Voice Vote.

08-1931

Subject: Communication from the Director of City Development requesting to amend the project plan and boundary of Tax Incremental District No. 10. (Res.#08-0807)

Recommendation of City Plan Commission on 4-30-08: That the proposed amendment to the Project Plan and Boundary for TID No. 10 is found feasible and in conformity with the master plan of the City of Racine.

Further, that the amendment to the Project Plan and Boundary for TID No. 10 be adopted.

Fiscal Note: N/A

Attachments: [TID_no_10.pdf](#)

Mayor Becker opened the public hearing at 4:33 p.m.

Director O'Connell described the existing boundary of the district, the two addition parcels proposed to be included and the purposes of the amendment.

Mayor Becker closed the public hearing at 4:34 p.m.

A motion was made by Gregory Holding, seconded by Jud Wyant, that this item be Recommended For Adoption. The motion PASSED by a Voice Vote.

08-1969

Subject: Request to amend the project plan of Tax Incremental District No. 15. (Res.#08-0808)

Recommendation of City Plan Commission on 4-30-08: That the proposed amendment to the Project Plan for TID No. 15 is found feasible and in conformity with the master plan of the City of Racine.

Further, that the amendment to the Project Plan for TID No. 15 be adopted.

Fiscal Note: N/A

Attachments: [Amending Project plan of TID15.pdf](#)

Mayor Becker opened the public hearing at 4:34 p.m.

Director O'Connell explained the purpose of the amendment was to describe the role of the Redevelopment Authority in the project and to include the cost of property acquisition in the project budget.

Mayor Becker closed the public hearing at 4:35 p.m.

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

08-2078

Subject: (Direct Referral) Request by Dr. Kenneth Kurt seeking a conditional use permit for a health clinic at 740 College Avenue.

Recommendation of City Plan Commission on 4-30-08: That the item be deferred.

Attachments: [740 College Ave.pdf](#)

Mayor Becker opened the public hearing at 4:40 p.m.

Director O'Connell explained that zoning of the parcel was Office/Institutional and that a clinic was a conditional use in that zoning district. He explained that the proposal included additional uses that required a conditional use permit.

Dr. Kenneth Kurt described the property as the former YWCA and that he was proposing the use of the building as a fitness center and clinic. He went on to state that a portion of practice was serving clients with addictions. He stated that building was in good condition but would like to create a rear entrance off the parking lot in the near future.

Mayor Becker closed the public hearing at 4:45 p.m.

Director O'Connell suggested that the item be deferred so that a better description of uses could be provided.

A motion was made by Jud Wyant, seconded by Frank Tingle, that this item be Deferred. The motion PASSED by a Voice Vote.

08-2079

Subject:(Direct Referral) Request by Kevin Libby representing Cardinal Fitness of Racine seeking a conditional use permit for a Physical Fitness Center at 2323 S. Green Bay Road.
(Res.#08-0809)

Recommendation of City Plan Commission on 4-30-08: That a request from Kevin Libby seeking a conditional use permit to operate a fitness center at 2323 S. Green Bay Road be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on April 25, 2008 be approved subject to the conditions contained herein.
- b. That the hours the establishment is open to the general public be Monday through Thursday, 5 a.m. to 10 p.m.; Friday 5 a.m. to 9 p.m.; and Saturday and Sunday, 7 a.m. to 5 p.m.
- c. That all signs be professionally made, comply with the zoning ordinance requirements, High Ridge Centre sign standards, and be

submitted to the Director of City Development for review and approval.

d. That no occupancy permit be issued for this business until such time as a three party agreement between the owners of the High Ridge Centre, Toys-R-Us and Regency Mall be submitted to the Director of City Development for review and approval. Said agreement shall address the construction design, scheduling, and maintenance of a cross access drive, and contain a construction completion date of no later than November 1, 2008.

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

f. That all codes and ordinances be complied with and required permits acquired.

g. 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.

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

Fiscal Note: N/A

Attachments: [2323 S.Green Bay Rd.pdf](#)

Mayor Becker opened the public hearing at 4:48 p.m.

Director O'Connell described the location as being within the Highridge Center and stated that the proposed use was common within strip malls.

Pete Vrdolyak described the use and intended hours of operation. He asked that the permitted hours include Sunday, 7:00 a.m. to 5:00 p.m.

Mayor Becker closed the public hearing at 4:51p.m.

Director O'Connell read the staff recommendations adding the Sunday hours as requested.

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

08-2080

Subject: (Direct Referral) Request by Thomas Holmes representing Chocolate City seeking to amend a conditional use permit to change hours of operation at 522 Sxith Street.

Recommendation of City Plan Commission on 4-30-08: That the item be deferred until July 30th meeting.

Attachments: [522-6th Street.pdf](#)

Mayor Becker opened the public hearing at 4:55 p.m.

Director O'Connell described the property as the former Century Market building. He stated that the general hours of operation for the teen dance club, under the existing conditional use permit, were 9:00 p.m. to 1:30 a.m. with attendance by minors under 18 restricted to the hours of 9:00 p.m. to 11:00 p.m.

Thomas Holmes stated that average attendance was approximately 50 to 60 and described the operations as under control. He went on to ask that the hours be expanded to allow for a 7:00 p.m. opening.

Mercedes Dzindzeleta of 609 Seventh Street expressed concerns regarding the volume of the music.

Kate Remington of 613 Sixth Street spoke favor of the use.

Director O'Connell distributed a letter from Morakot Khampane, the owner of Sticky Rice Thai Restaurant, requesting that the hours not be expanded until after May.

The Mayor asked what the capacity was, and Chief Building Inspector Heller responded approximately 200.

Mayor Becker expressed concerns that too short of a track record had been established during the four months of operations and, given the potential capacity of 200 patrons, he would be reluctant to approve the extended hours at this time.

Mayor Becker closed the public hearing at 5:05p.m.

A motion was made by Jud Wyant, seconded by Gregory Holding, that this item be Deferred until the July 30th meeting. The motion PASSED by a Voice Vote with Brent Oglesby voting no.

08-2081

Subject: (Direct Referral) Request by James McCann representing Tinita, LLC seeking a conditional use permit for a night club at 500 Sixth Street. (Res.08-0810)

Recommendation of City Plan Commission on 4-30-08: That the request by James McCann, representing Tinita LLC., seeking a conditional use permit at 500 Sixth Street for a night club be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on April 30, 2008 be approved, subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That facilities for instruction, special events, and seminars be permitted as listed in the business plan.
- d. That all activities permitted by this conditional use permit be

confined to the indoor spaces as indicated on the floor plans submitted with the application.

- e. That the security plan provided in the business plan be implemented and maintained in accordance with said plan unless otherwise authorized by the Plan Commission.
- f. That the window and door glass surfaces not be obstructed in excess of 15% of their surface area.
- g. That all signs be professionally made, comply with zoning ordinance requirements, and be presented to the Downtown Area Design Review Commission for review and approval.
- h. That the interior and exterior of property be policed at the close of each business day or after each event so that all trash, debris and refuse are properly clean up and disposed of in a timely fashion.
- i. That all music and associated vibration be contained within the building.
- j. That all 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.
- l. That this permit is subject to Plan Commission review for compliance with the listed conditions.
- m. That the Good Neighbor Policy Agreement for the night club is included by reference in these conditions. In interpreting similar conditions in the Agreement and this conditional use permit, the more restrictive condition shall apply.

Fiscal Note: N/A

Attachments: [500-6th Street.pdf](#)

Mayor Becker opened the public hearing at 5:15 p.m.

Director O'Connell described the property as being in the same block as the former Century Market building. He explained that the proposed night club has 5,500 square feet of floor area. He went on to say that club had a capacity of 225 persons, would offer a light menu.

Mayor Becker stated that the operation had been granted a liquor license with conditions.

Mercedes Dzindzeleta of 609 Seventh Street expressed concerns regarding the volume of the music and unauthorized parking. .

Mayor Becker closed the public hearing at 5:25p.m.

Director O'Connell read the staff recommendations.

Judd Wyant moved to amend the conditions by adding a reference to the Good Neighbor Policy Agreement as included in the liquor license conditions for the night club. Frank Tingle seconded. The amendment passed on a voice vote.

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

Adjournment

There being no other matters before the Commission, the meeting was adjourned at approximately 5:30 p.m.

Respectfully Submitted,

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