



City of Racine

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

Meeting Minutes - Final City Plan Commission

*Mayor John T. Dickert, Alderman Gregory Holding
Atty. Jud Wyant, Atty. Elaine Sutton Ekes
Vincent Esqueda, Alderman Eric Marcus, Tony Veranth*

Wednesday, February 23, 2011

4:15 PM

City Hall, Room 205

Call To Order

PRESENT: 6 - John Dickert, Vincent Esqueda, Gregory Holding, Jud Wyant, Eric Marcus and Tony Veranth
EXCUSED: 1 - Elaine Sutton Ekes

Others present: Matt Sadowski, Principal Planner
Jill Johanneck, Associate Planner
Brian O'Connell, Director of City Development
Rick Heller, Chief Building Inspector
Alderman Ron Hart
Alderman David Maack

Approval of Minutes for the February 9, 2011 Meeting

A motion was made by Alderman Marcus, seconded by Commissioner Veranth, to approve the minutes of the February 9, 2011 meeting. The motion **PASSED** by a Voice Vote.

11-6052

Subject: (Direct Referral) Request by Doug Stratton of Regency West Apartments, LLC seeking amendments to the Regency West Apartment planned development at 2300 Loni Lane. (PC-11)

Principal Planner Sadowski advised the item had been deferred for more review on the SmartSide product performance in this climate zone. He advised no specific information was found on the quality, other than blog comments. However, he noted the Smart Side product is available at local building supply outlets. He also did a site visit to observe a building where Smart Side had been utilized. He pointed out that the plans call for Smart Side or an equivalent, and noted other options such as Hardieplank, Truwood, and Alside Revolution as similar products. Staff recommendation is for denial of the applicants' request to use vinyl siding on the residential buildings.

Commissioner Veranth moved to deny the request to use vinyl siding. Seconded by Alderman Marcus.

Discussion ensued. Mike Lerner, representing the applicant, discussed prior success with vinyl. He stated that it is low maintenance and that he has concerns with the upkeep of Smart Siding and feels it is an inferior product. The vinyl they are proposing presents a residential appearance and is more durable and maintenance free.

Alderman Holding noted he has done research on the installation of Smart Siding, noting that siding is not meant to eliminate all water, and that a vapor barrier is required no matter what siding is used. He feels the Smart Siding is a good product which provides a nice finished look. He also mentioned that, in the letter received by Plan Commission members and Staff from the applicant with siding samples, the indication that the City would be held liable if there are problems with the Smart Siding is something he rejects as being part of his decision.

Alderman Marcus agreed with Alderman Holding on the research results, and supports the original agreement for no vinyl siding. He also expressed concern about the verbiage in the letter being used as a threat that the City will be held liable if the product fails. He would like some information that the City would be protected from any liability.

Mr. Sadowski advised neither Staff, the conditional use permit, or the developer's agreement require that Smart Siding had to be used; it was stated as "Smart Siding or an equivalent" would be required. Other options were discussed such as brick and Hardieplank, and the applicant chose Smart Siding.

Commissioner Wyant noted that if the project becomes too expensive, then they don't have to build. If they have not budgeted adequately it is not the fault of the City. He also expressed his thoughts on the threat, as stated in the letter, regarding holding the City liable for product failure.

Alderman Holding noted the developer agreed to use the product and that there is no basis for the threat in the letter. The product is being used successfully in the market today, and they are simply being asked to use what they said they would use.

Scott Letteney, from the City Attorney's office provided the opinion that the applicant cannot hold the City liable for product failure. If the product fails, or was installed improperly, that is not the City's liability.

A motion was made by Commissioner Veranth, seconded by Alderman Marcus, to deny the request to use vinyl siding. The motion PASSED by a Voice Vote.

11-6108

Subject: (Direct Referral) Request by Lutheran High Thrift Store seeking an exception to the sign standards for the Schaefer Plaza at 1222 Lathrop Avenue.

Principal Planner Sadowski described the exception to the Schaefer Plaz sign standards being requested is to allow the applicant to install plastic letters mounted on a board to the building. It was noted this is not a change in the sign standards for the Plaza, just an exception for this tenant. An overview of the sign criteria for the plaza was provided.

Pastor Gehney provided more detail on the material of the sign. Mr. Sadowski explained the signage allowances for the site, and more detail on the exception request.

A motion was made by Alderman Marcus, seconded by Commissioner Wyant, to approve the request. The motion PASSED by a Voice Vote.

4:30 P.M. PUBLIC HEARINGS**4:30 P.M. PUBLIC HEARINGS****11-6109**

Subject: (Direct Referral) Request by Claudius Adebayo for a rezoning of 500 Walton Avenue from O/I Office Institutional to R-3

Limited General Residence with a FLEX Overlay.

Recommendation of the City Plan Commission on 2-23-11: That the request be denied.

Fiscal Note: N/A

Attachments: [PH Notice - 500 Walton Avenue](#)

Mayor Dickert requested anyone wanting to speak on the remaining three agenda items to sign in on the sheet provided for the items on which they wish to speak on.

Commissioner Wyant excused himself from the meeting due to conflict with the remaining items.

Commissioner Veranth stated he had a conflict of interest and would not be participating in the discussion of this item.

Principal Planner Sadowski explained the request for rezoning, provided information on the location, aerial view and vicinity, the building and parking, and surrounding zoning. The R-3 with a FLEX is a residential zoning and the FLEX would allow the remaining structure to continue to be used, but with some control on what uses could operate from the location. Requiring conditional uses allows for a more thorough review and opportunity to review for compatibility with the neighborhood, versus just allowing certain uses to occupy the building. Mr. Sadowski provided information on what uses would be allowed, prohibited, and conditional should the rezoning be approved.

Mayor Dickert noted a petition had been received from Harriet Newman, 2230 Erie Street, containing approximately 250 signatures in opposition of the rezoning and conditional use. Rose Bogosian, 2410 N. Wisconsin St. provided a listing of expired home listings. Mayor Dickert opened the public hearing for discussion of the rezoning request.

Public Hearing commenced at 4:55 p.m.

1. Robert Powaser, 2316 Erie St., Racine, WI 53402, spoke in opposition.

Alderman Holding questioned the reason for residential zoning versus the existing commercial zone for the school. Mr. Sadowski advised the current zoning does not allow for vocational schools, and the comprehensive plan recommends the parcel be rezoned to R-3. The rezoning to R-3 with FLEX would allow for the school with restrictions, as well as bringing the property into compliance with the comprehensive land use plan.

Mayor Dickert asked if the R-3 zone change is related to the potential zone change for the lot south of the site. Mr. Sadowski advised the third public hearing addresses the rezoning of the lot to the south from O-1 to R-3.

- 2. Rose Bogosian, 2410 N. Wisconsin St., Racine, WI 53402. Spoke in opposition*
- 3. Norb DeKeuster, 1517 Deane Blvd., Racine, WI 53405, Spoke in opposition.*
- 4. David Maack, 2019 Erie St. Passed on commenting.*
- 5. Anna Stadick, 2213 Erie St. Spoke in opposition.*
- 6. Ed Newman, 2330 Erie St. Spoke in opposition.*
- 7. Suzanne Mutchie, 2323 Erie St. Spoke in opposition.*
- 8. Melissa Rodriguez, 420 Walton Ave. Spoke in opposition.*

9. Rosalinda Arredondo, 420 Walton Ave. Spoke in opposition.

Public Hearing closed at 5:45 p.m.

Alderman Holding motioned for a temporary deferral was made to take up the other public hearings, seconded by Commissioner Esqueda, ayes all. Motion carried.

Alderman Marcus asked if there were to be a denial vote for the aforementioned item would the following agenda items be moot. He suggested they vote on the rezoning item before moving on to the additional items.

Mayor Dickert requested the Commission consider taking up the rezoning item for vote. Alderman Holding motioned, seconded by Commissioner Esqueda. Commissioner Veranth abstained. Motion carried.

The applicant, Claudius Adebayo, spoke on the project. He advised OIC was established in 1988. He noted OIC is a nation-wide organization that focuses on issues facing the particular community, and in Racine they focus on providing education and job training for youth in the community. He advised no complaints have been received concerning the lack of parking or staff at the Washington Avenue location, and have been there since 1989. He feels this proposed site has ample parking as many of the participants do not drive. The potential problems that were brought up in the public hearing have been addressed, and that building at 500 Walton is in poor condition and they are proposing to improve it both inside and out.

Concerning the zoning, he advised the proposed use is no different than what they do at their current location. They do not consider themselves a vocational school, but a non-profit, however, due to the zoning ordinance they had to request the rezoning as a vocational school.

Alderman Marcus asked if there would be more people attending the programs at 500 Walton versus the location on Washington Avenue.

Mr. Adebayo advised there would be two programs: Youth Build with 36 participants, with one-half of the participants in class and one-half of the participants on the construction site, at any time; Upward Bound would have 60 students divided into two groups of 30, and by limiting the hours of the Youth Build program this would provide room for these students between the hours of 3:00 p.m. and 5:00 p.m.

Alderman Holding noted all these items up for hearing are linked and should be discussed at the same time. He then commented that the quality of the housing stock in the Walton are neighborhood versus the Washington area neighborhood is different.

Alderman Maack spoke favorably of the OIC and their programs, but feels the proposed site is a quieter neighborhood, that traffic is more of a concern, expressed concern about the condition of the building and about disturbing the neighborhood with the changes and use proposed. He is opposed to housing on the lots to the south of the building based on soil conditions and the fact that more money may be asked from the City to rectify potential building issues.

Mr. Adebayo advised environmental testing has been done on the Wisconsin Street property. The soil testing completed on the lots along Wisconsin Street have revealed no problems regarding for future construction. There is asbestos in the building at 500 Walton which will be removed. Further, the building on Walton would

house four classrooms, with a break room and offices. The interior will be gutted and rebuilt and exterior improvements will be done. The maximum amount of students at the site at any one time would be sixty, and that based on the parking scenario at their existing location, there would be no parking issues at this location. At 2214 Wisconsin, he noted the lots were created around 1932, prior to the existing code, and they are considering subdividing the existing lots into four buildable lots. The houses that would be built would be of adequate size and will not reduce surrounding property values.

Alderman Holding moved to deny the rezoning request. Seconded by Alderman Marcus, Commissioner Veranth abstained. Motion carried.

Upon discussion of the motion, Alderman Holding noted the substantial petition, the differences between the neighborhoods and how the impact would be greater at the proposed location than the existing location due to the type of housing and neighboring uses being more commercial in nature. While he supports the work of OIC and the quality of the construction feels the location proposed is not the best choice in regards to impact on the surrounding neighborhood.

Alderman Marcus noted the importance of respecting the views of so many surrounding property owners, complimented the high quality of the housing built by OIC and Youth Build, noting that more than 90 percent of the participants go on to obtain construction jobs, yet he remains concerned about the neighborhood, the zoo, and that the use does not fit in the neighborhood.

A motion was by Alderman Holding, seconded by Alderman Marcus, to recommend denial of the request. The motion PASSED by a Voice Vote.

11-6110

Subject: (Direct Referral) Request by Claudius Adebayo for a Conditional Use permit to operate a vocational school at 500 Walton Avenue.

Recommendation of the City Plan Commission on 2-23-11: That the request be received and filed.

Fiscal Note: N/A

Attachments: [PH Notice - 500 Walton Avenue](#)

A motion was made by Alderman Holding, seconded by Alderman Marcus to recommend that the item be received and filed. The motion PASSED by a Voice Vote.

11-6111

Subject: (Direct Referral) Request by Claudius Adebayo for a rezoning of 2214 Wisconsin Street from O/I Office Institutional to R-3 Limited General Residence.

Recommendation of the City Plan Commission on 2-23-11: That the request be received and filed.

Fiscal Note: N/A

Attachments: [PH Notice - 2214 Wisconsin Street](#)

A motion was made by Alderman Holding, seconded by Alderman Marcus to recommend that the item be received and filed. The motion PASSED by a Voice Vote.

Administrative Business

None discussed.

Adjournment

*Motion by Alderman Holding to adjourn, seconded by Commissioner Esqueda.
Meeting adjourned at 6:15 p.m.*