



# City of Racine

## Meeting Minutes - Final

### City Plan Commission

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

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

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Wednesday, October 10, 2007

4:15 PM

Room 205, City Hall

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#### Call To Order

**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*  
*Matthew G. Sadowski, Principal Planner*  
*Richard Heller, Chief Building Inspector*  
*Alderman Jeff Coe*

#### Approval of Minutes for the September 26, 2007 Meeting

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

#### Res.07-0243 Vacation of Reichert Court

Resolved, that since public interest requires it, that the following parcel of land, more particularly described as follows, be and hereby is vacated and discontinued:

Reichert Court from Michigan Boulevard to its eastern most terminus

Fiscal Note: N/A

Attachments: [Notice of P.H..pdf](#)

*Commission action on this Ordinance is reflected in File 07-1110.*

#### 07-1110

**Subject:** Res. 07-0243 Vacation of Reichert Court

**Recommendation of the City Plan Commission on 8-29-07:** That the Res.07-0243 be adopted.

**Recommendation of the City Plan Commission on 9-26-07:** That the Res.07-0243 be adopted.

**Recommendation of the City Plan Commission on 10-10-07:** That the

Res.07-0243 be deferred.

**Fiscal Note:** N/A

**Attachments:** [Res.07-0243.pdf](#)

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

[07-1127](#)

**Subject:** (Direct Referral) Request by Kim Lunderskov and Nancy Foster representing Maaco seeking a conditional use permit at 2617 Lathrop Avenue to accommodate an auto body repair and painting facility.

**Recommendation of City Plan Commission on 9-26-07:** That the item be deferred.

**Recommendation of City Plan Commission on 10-10-07:** That the request by Kim Lunderskov and Nancy Foster representing Maaco seeking a conditional use permit to operate an auto body repair and painting facility at 2617 Lathrop Avenue be approved, subject to the following conditions:

- a. That the plans received August 27 2007 and presented to the Plan Commission on September 26, 2007 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 all vapors, fluids and dust be contained and disposed of according to all applicable regulations.
- d. That there shall be no vehicle sales or salvage at this location.
- e. That all employee and customer parking shall be contained on site, or suitable arrangements be made to accommodate off-street parking at other locations by written agreement with the property owner. Said agreement shall be submitted to the Director of City Development for review and approval prior to the commencement of parking.
- f. That only single row, perpendicular parking shall be permitted. At no time shall vehicle parking or circulation impede traffic flow along the common access easement or on the property. There shall be no overnight or employee parking between the building and the Lathrop Avenue sidewalk.
- g. That all vehicles waiting repair, or those which have been repaired shall be stored on the subject property in an orderly fashion but in no case

longer than 20 days.

h. That a landscape shall be installed between the building and Lathrop Avenue sidewalk, and appropriate drive isle curbing installed.

i. That by October 17, 2007 the following shall be accomplished:

1. Submit a landscape plan for the review and approval of the Director of City Development. If occupancy is requested prior to the installation of landscaping then a letter of credit equal to the value of the landscape plan shall be submitted for the review and approval of the Director of City Development. In any case, the approved landscaping plan shall be implemented by May 31, 2008.
2. Submit a uniform sign package for the review and approval of the Director of City Development.

j. No pennants, banners, or streamer shall be displayed at this location.

k. That all vehicle repairs, preparation and painting shall be conducted indoors.

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

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

n. That the maximum hours of operation shall be from 7:00 a.m. to 7:00 p.m. Monday through Friday, 7:00 a.m. to 2:00 p.m. on Saturday, with no hours on Sunday.

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

p. 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.

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

**Fiscal Note:** N/A

**Attachments:** [2617 Lathrop Ave.pdf](#)

*Director O'Connell explained staff's concerns regarding inadequate on-site parking and*

*the potential for site congestion, and the inadequate landscaping proposal. He stated that upon further consideration of this facility, its juxtaposition to adjacent properties, and consideration of past negative experiences with previous auto related facilities at this property, staff has come to the opinion that this use may not be suitable for this location.*

*Attorney Dan Pettit explained his client's concerns with the potential for excessive monitoring by neighbors with respect to parking and traffic flow. He explained that due to weather occurrences there will be the need, at times, to violate a strict application of the current standards. As such, he is requesting a relaxation of the requirement that all employee and customer vehicles be parked on-site.*

*Jud Wyant observed that, as with other past approvals, the applicant could present to the City arrangements for suitable off-site parking to meet off-street parking requirements. Frank Tingle concurred.*

*Alderman Gregory Holding found the proposed use to be suitable for the site but expressed concern with the potential for site congestion, especially during weather events. In response, Kim Lunderskov explained that in an incident such as a hail storm, customers would be served on a first come first served basis, but that vehicles awaiting repair would not be stored on site.*

*Director O'Connell reviewed the proposed conditions of approval.*

*In response to Elaine Suttom-Ekes, Principal Planner Sadowski reviewed staff analysis that there was ample room along the Lathrop Avenue sidewalk to install five foot wide landscape strip while reserving adequate space for a one-way drive lane.*

*In response to Mayor Gary Becker, Mr. Lunderskov stated that the hours on the application are standard for the shop, but there may be employees on the site for longer hours. Mayor Becker advocated for the inclusion of expanded hours in the conditions of approval to better accommodate operational needs of the business.*

*In response to logistical concerns regarding parking arrangements, Director O'Connell stated that they could be addressed through the landscape plan approval process.*

**A motion was made by Atty. Jud Wyant, 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.**

**07-1254**

**Subject:** (Direct Referral) Request by Michael Rosales of "The Bricks" seeking to amend the conditional use permit for the Century Market mixed use development to establish a teen dance club at 522-6th Street.

**Recommendation of the City Plan Commission on 10-10-07:** That the request by Michael Rosales of "Bricks" seeking to amend the conditional use permit for the Century Market mixed use development to establish a teen dance club at 522 - 6th Street be approved, subject to the following conditions:

- a. That the plans received September 12, 2007 and presented to the Plan Commission on October 10, 2007 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 the minimum age limit of patrons shall be those who have attained the age of 16 years. The intended market will be those persons who have attained the age of 16 to 21 years of age.
- d. That the days and hours of the teen dance club be limited to Thursdays, Fridays, and Saturdays from 9:00 p.m. to 1:30 a.m. with minors being barred from the facility after 10:45 p.m. in order to facilitate patron and business compliance with Article XV. Sec 66-396, Curfew for Minors, Hours. City of Racine Municipal Code.
- e. That an afternoon seniors swing lounge be a permitted use at this location and be limited to those having attained that age of 55 or older.
- f. That banquet facilities for special events and small seminars be permitted.
- g. That all activities permitted by this conditional use permit amendment be confined to the indoor spaces as indicated on the floor plans submitted with the application.
- h. That a comprehensive security plan be provided containing information such as, but not limited to, who will provide services as well as indicating their training and experience, the security policies and enforcement measures to be implemented, times of day when security personnel will be on site, the locations on the property where monitoring and control activities will take place, who will provide insurance coverage and proof thereof. Said security plan shall be provided to the Director of City Development for review and approval, prior to the issuance of an occupancy permit.
- i. 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.
- j. That all music and associated vibration be contained within the building.
- k. That all codes and ordinances be complied with and required permits acquired.
- l. 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.

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

**Fiscal Note:** N/A

*Director O'Connell explained that a fairly detailed business plan has been submitted, along with a revised site and floor plans. He briefly summarized both documents. He reviewed the proposed conditions of approval.*

*Michael Rosales responded to questions from Brent Ogelsby stating that attendance figures are conservative but they are forecasting a 25% increase in patrons each month until June of 2007, when they forecast up to 400 patrons per evening. In the matter of a projected negative cash flow in the early months of the business, Mr. Rosales explained that its impact will be lessened due to the lease agreement whereby in the early months, no rent will be due but a percentage of the nightly cover charge will be paid to the landlord.*

*In response to additional question by Mr. Ogelsby and Mayor Gary Becker regarding the adequacy of the contingency funds, Mr. Rosales explained the current figures, believes them to be adequate for his needs, but stated he would review them.*

*In response to Alderman Gregory Holding's concern, Mr. Rosales stated that persons up to the age of 21 will be permitted in the facility but that procedures will be in place to guard against drunken patrons.*

*Mayor Becker explained that the main issue before the Commission is the question of the appropriateness of the proposed land use. However, he has allowed the detailed reviewed and questioning of Mr. Rosales in regard to his businesses financial assumptions in a effort to inform both the applicant and Commission members about the business assumptions and expectations.*

**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 by a Voice Vote.**

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

**07-1255**

**Subject:** (Direct Referral) Request by Dave Herbeck of Clubhouse of Wisconsin seeking a conditional use permit for a Starbucks Coffee with drive-thru at 2805 S. Green Bay Road.

**RECOMMENDATION OF CITY PLAN COMMISSION ON 10-10-07:** That the request by Dave Herbeck of Clubhouse of Wisconsin seeking a conditional use permit for a Starbucks Coffee with drive-thru at 2805 S. Green Bay Road be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on October 10, 2007 be approved, subject to the following conditions.
- b. That all applicable building and occupancy permits be applied for.

- c. That all signs be professionally made, comply with the zoning ordinance and Regency Mall standards, and be submitted to the Director of City Development for review and approval prior to installation.
- d. That the hours of operation be from 5:00 a.m. to 10:00 p.m., daily.
- e. That a detailed landscape plan be submitted to the Director of City Development for review and approval prior to the issuance of a building permit. Landscaping shall be installed in accordance with the approved plans and prior to the issuance of an occupancy permit, unless a letter of credit, equal to the value of the landscaping, is submitted to the Director of City Development for review and approval.
- f. That all trash and recyclables be stored in closed containers and screen from view.
- g. That exterior lighting details be submitted for the review and approval of the Director of City Development.
- h. That all codes and ordinances be complied with and required permits acquired.
- i. That no minor changes be made from the conditions of this permit without approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- j. That this permit is subject to Plan Commission review for compliance with the listed conditions.
- k. That no minor changes be made without the approval of the Plan Commission and no major changes be made without the approval of the Common Council.
- l. That this approval is subject to Plan Commission review for compliance with the listed conditions.

**Fiscal Note:** N/A

**Attachments:** [2805 S.GreenBayRd.pdf](#)

*Mayor Becker opened the public hearing at 5:10 p.m., explained the public hearing process, and introduced the item.*

*Director O'Connell reviewed the proposal and explained that the matter has been brought before the Commission due to the fact that the current Jo-to-Go coffee shop building is being razed and replaced with a building over four times its size.*

*Dave Herbeck of Clubhouse of Wisconsin explained the proposed buildings exterior cladding, stating that it conforms to the City's architectural requirements. He stated that the facility's hours would be from 5:00 a.m. until 10:00 p.m. and requested that the proposed conditions of approval be amended to reflect this. He expressed concern with what he felt were staff's excessive landscaping requirements, and explained the improvements to the landscaping that he is proposing.*

*There being no further comments or questions, and hearing no objections, Mayor Becker closed the public hearing at 5:15 p.m.*

*In response to questions regarding staff's landscaping requirement, Director O'Connell explained that the intent is to refresh and supplement what is present. Mr. Herbeck stated that he is willing to do what is reasonable to upgrade the landscaping.*

**A motion was made by Frank Tingle, 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.**

**07-1256**

**Subject:** (Direct Referral) Request by Chris and Aleisha Djuricic seeking to rezone the property at 2415 Douglas Avenue from R-3 Limited General Residence District to R-3 with a FD Flex Development Overlay District.

**RECOMMENDATION OF CITY PLAN COMMISSION ON 10-10-07:** That an ordinance and flex resolution be prepared and a public hearing scheduled.

**Fiscal Note:** N/A

**Attachments:** [2415 Douglas Ave.pdf](#)

*Mayor Becker opened the public hearing at 5:22 p.m. and introduced the item.*

*Director O'Connell explained the past rezoning of this property from B-1 to R-3 explaining that such a rezoning was recommend by the Douglas Avenue plan in an effort to reduce the amount of excess commercial zoning along Douglas Avenue. He explained that to honor the Douglas Avenue plan, yet allow for the controlled commercial use of the property which was reportedly in commercial use in the past, staff is recommending a Flex Development Overlay for the property; such a concept was endorsed by the Access Corridor Development Review Committee at its meeting on September 27, 2007.*

*Chris Djuricic explained the proposed use of the property and stated that while he has outgrown his facilities across the street, he would like to remain in the same area.*

*Paula Slaasted, owner of 2409 Douglas expressed concern with the impact this proposal will have in her ability to retain access to her rear yard, citing an existing verbal agreement she has with the current owner of 2415 Douglas Avenue. She stated that the pervious owner operated Kasper Plumbing from the property for many years. She expressed concern regarding the potential for parking congestion, noise, the close proximity of this use to her property, the potential for disturbances by the business' patrons, the hours of operation, security lighting provisions, and the need to identify their property lines as they relate to the common access area.*

*There being no further comment or questions, and hearing no objections, Mayor Becker*



*closed the public hearing at 5:32 p.m.*

*In response to Ms. Slaasted, Chris and Alicia Djuricic explained that six parking spaces would be provided on site through the repair of existing and paving of additional parking areas; noise should not be an issue as the building will be fully sound proof to guard against noise entering and leaving the building; they will not be living at the property, but will use the house for an office and for storage; they would like to have the hours of 10:00 a.m. to 10:00 p.m. as requested; security measure for the property will include cameras and lighting.*

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

**07-1257**

**Subject:** (Direct Referral) Request by Chris and Aleisha Djuricic seeking a conditional use permit to operate a recording studio at 2415 Douglas Avenue.

**RECOMMENDATION OF CITY PLAN COMMISSION ON 10-10-07:** That this item be deferred.

**Attachments:** [2415 Douglas Ave.pdf](#)

*Mayor Becker opened the public hearing at 5:44 p.m. and introduced the item.*

*Director O'Connell reviewed the proposed conditions of approval.*

*Frank Tingle expressed concerns regarding the requested hours of operation as they relate to the potential disruption of adjacent residential properties.*

**A motion was made by Alderman Gregory Holding, seconded by Atty. Jud Wyant, that this item 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 5:49 p.m.*

*Respectfully Submitted,*

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