



# City of Racine

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

## Meeting Minutes - Draft

### Planning Heritage and Design Commission

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Tuesday, May 5, 2020

6:30 PM

Virtually

Call In Number: 1-844-992-4726

Access Code: 796 771 436

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#### Call To Order

*Mayor Mason called the meeting to order at 6:35 p.m.*

**PRESENT:** 7 - Mason, Jones, Martinez, Hefel, Austin, Jung and Peete

#### Approval of Minutes for the January 22, 2020 Meeting.

A motion was made by Alder Jung, seconded by Commissioner Austin to approve the minutes of the January 22, 2020 meeting. The motion **PASSED** by a Voice Vote.

#### Approval of Minutes for the February 12, 2020 Meeting.

A motion was made by Alder Jung, seconded by Commissioner Austin, to approve the minutes of the February 12, 2020 meeting. The motion **PASSED** by a Voice Vote.

#### 6:30 P.M. PUBLIC HEARING

[0217-20](#)

**Subject: (Direct Referral)** Communication from Mayor Mason submitting the request from Larry Erlich of LE IX LLC seeking a conditional use permit to operate a recycling drop-off site for metals and automobiles and a 15 sq. ft. electronic message sign on the southern 4.25 acre portion of the property at 1917 S. Memorial Drive.

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

**Commission on 05-05-20:** That the request from Larry Erlich of LE IX LLC seeking a conditional use permit to operate a recycling drop-off site for metals and automobiles and a 15 sq. ft. electronic message sign on the southern 4.25 acre portion of the property at 1917 S. Memorial Drive be approved subject to conditions a.-k.

**Fiscal Note:** N/A

**Attachments:** [staff-presentation](#)  
[review-recommendation](#)  
[applicant-submittal](#)  
[public-hearing-notice](#)  
[#0217-20 Resolution](#)

*Prior to the discussion on the item, Mayor Mason explained that there are deadlines that had to be met and that is why the agenda item is being taken up at this time.*

*Jeff Hintz, Associate Planner, explained the request and stated the conditional use request was for the operation of a recycling center. He stated there have been some comments that have been submitted and some that were received through email. Hintz showed a copy of the public hearing notice map and described the area for the request and surrounding zoning. He stated the zoning of the area includes industrial with some residential surrounding. Hintz reviewed the site photos along with the photos of the surrounding area, the site plan proposed by the applicant, and how the use will flow on the site. He stated there is a proposed office building, scale where people will drive in and have their materials weighed, and a storage warehouse with materials that are ready to be transported off of the site. He explained that the proposed use is for a collection facility for recyclable materials. He explained that this would not be a junk yard and would not operate as such; however, there will be automobiles stored on the site until they can be hauled off. He stated the hauling of vehicles will take place daily*

*Hintz showed the Electronic Message Sign that would display the prices of metals and the hours of operation. He showed the elevations for the proposed warehouse and stated there is no crushing or metal shredding proposed – it is only a collection site. Hintz showed the elevations for the office building and described the application and business summary. He stated the applicant plans to construct a 12-foot privacy fence around the entire property and plans to hire up to 20 workers that will earn roughly \$60,000 annually. The proposed hours of operation are 6:00 a.m. – 6:00 p.m. and drop off would occur from 7:00 a.m. – 5:00 p.m.*

*Hintz explained the possible actions of the commission and the required findings of fact for approval of conditional use permits. He reviewed each finding and reiterated that the site will be a drop-off facility and no processing of materials will occur. He stated the most intensive activities are done off-site at a location in Waukesha and the proposed operating hours do insure that the business will not interfere with other businesses in the area. He stated that Memorial Drive is able to handle the traffic anticipated to flow to and from the site. He stated the signage is not expected to be visible from any of the residential uses in the area. He stated a full review and drainage study will be required and the applicant has expressed a willingness and understanding to install any and all necessary improvements that result from the study. Hintz explained that this includes any treatments of hazardous materials and Department of Natural Resources (DNR), and Environmental Protection Agency (EPA) requirements of how those are treated. He stated there is a modification being requested regarding the fence height, a 12-foot fence is being requested – a 10-foot fence would normally be allowed. He stated staff is recommending that the 12-foot fence be approved. Hintz reviewed the proposed conditions of approval and stated staff is recommending approval of the request subject to conditions a. – k.*

*Alder Jung asked if there were a process from the EPA as it relates to runoff from the site.*

*Hintz stated that it would be done by storm water review through the city's engineering department and coordination would occur with AECOM, as necessary. He stated all permits will be applied for and acquired and explained that it is a fairly costly process so the applicant is waiting for proceedings this evening. He stated the applicant fully intends to comply.*

*Alder Jung asked about the dust on the site. He stated he knows there will be no crushing at the site, but asked staff to speak more in detail about the potential for dust.*

*Hintz explained that the area where most of the traffic will occur is on a paved area. He stated the unpaved area will have much less traffic and dust is not anticipated to be an issue.*

*Commissioner Austin stated the applicant indicated there would be no crushing and cutting on the site and asked if action would be required if they decided to change their operation in that way at a later date. He asked if approval would be required.*

*Hintz stated the change would be viewed as a major amendment and would need approval by the Planning, Heritage, and Design Commission and the Common Council.*

*Commissioner Martinez asked about the number of vehicles on average and the number of trucks going in and out of the site on a daily basis.*

*Hintz stated as a commission can place a limit, however, may be difficult. He stated the applicant has indicated to staff that there would be no more than 4 of their vehicles per day. Deferred to the applicant in regards to other cars on the site.*

*Commissioner Hefel stated that she thinks this might be the best use for the site with the 12-foot fence and the controlled environmental and traffic impacts.*

*Erlich asked if there were questions.*

*Mayor Mason summarized some of the questions that were asked by Commission members.*

*Erlich stated there would be 40-65 vehicles per day. In response to Mayor Mason, he stated that would be the number of customer vehicles. He stated there would be 4-6 trucks per day hauling materials out of the facility.*

*In response to the questions about the noise and EPA compliance, Erlich stated they have an industrial permit which they applied for. He thanked everyone who worked on the project and stated the family has been in the business since the mid 50's. He stated his company employs 130 full-time employees company-wide and they have a total of three locations. In response to Mayor Mason, the salary ranges up to \$60,000 per year with a starting hourly wage of \$17.00 and up depending on experience. He stated there is a potential for growth in the company and that they want to hire within the community. Erlich stated they will hire 12 people to start and 18-20 people when fully staffed.*

*Commissioner Austin asked about the skill level of the jobs.*

*Erich stated they bring people in at entry level. Then they learn how to segregate materials and are trained on different equipment such as the front loader, crane, etc.*

*Commissioner Austin asked about the attempt for a diverse workforce as it relates to Racine residents.*

*Erich stated they have location in third ward that is mostly Hispanic employees and a north side facility in Milwaukee that is predominantly African-American employees. He stated that they promote from within.*

*Commissioner Martinez asked if there were any contingencies on the income.*

*Erich stated it is the will to learn and the will to train people. He stated his company likes to train people and that the job is 7:00 a.m. – 5:00 p.m. with overtime. He stated overtime is 20 hours on a weekly basis.*

*Robert Peach spoke regarding the hours. He stated they have a 60-hour week; he explained the wages in terms of the 60-hour week.*

*Commissioner Martinez asked how much information has been given out to the community and if outreach were done.*

*Mayor Mason stated there is a notification process done by staff that is done under the ordinance.*

*Matthew Sadowski, Planning Manager, stated ordinance requires notification of property owners within 200 feet and state requires notification to be published in the newspaper.*

*Hintz stated the applicant, if approved, would be willing to do some outreach.*

*Erich offered suggestions on how they would be able to reach out to the community.*

*Mason opened the public hearing at 7:11 p.m.*

*Alder Carrie Glenn spoke regarding the request. She stated she had a few concerns regarding the request and that some of the residents were not informed. She stated she posted on her Facebook page about the request and received a lot of questions. She stated more vetting around the community surrounding the area needs to be done. Alder Glenn stated to make \$60,000 you have to work 60+ hours a week and asked if that is what we want. She asked what kind of processing is going to be done in a 6000 square foot building.*

*Mayor Mason asked if there were something in the application related to processing.*

*Hintz stated that it is staff's understanding that processing means that the metal would be physically broken apart, sorted, and loaded accordingly by the type and shipped out that way. He stated in Waukesha, there is a metal shredder that breaks materials down. He stated that does not occur at this site.*

*Alder Glenn expressed concern. She stated these are big trucks that need to turn around and will affect the dirt and dust. She stated that she thinks the proposed may cause a little more dust than what we want to admit and that the equipment will be a*

*little bit noisy.*

*Call-in User 10, no name provided, had no comments.*

*Call-in User 2, Ralph Wagner, owner of A1 Body 2040 South Memorial Drive, spoke regarding the request. He stated he emailed his comments to Hintz.*

*Hintz read the comments provided by Wagner which stated his business is directly across the street from the proposed land sale. The comments stated he was never sent a public notice, was told about the proposal by a business owner and he was upset that he did not have the time to review the proposal. Stated he has a lot of questions regarding dust creation and management. Stated he sees very little paved areas on the plan and finds it hard to believe that there will be no processing at the location. Asked about hazardous fluids and a containment plan. Wagner's comments stated cannot expect site to be a drop-off site for vehicles without a plan to address fluids. Stated City wants to shotgun the plan and there was no time granted for opposition and clarification. Asking for a delay in the process in order for more information to be gathered.*

*Wagner further stated he feels that this is going through way too quickly. He expressed concern that this was being done within an hour. He stated he does not think that is right and asked for reconsideration of the request until more information was received.*

*Call-in User 6, no name provided, had no comments.*

*Sadowski clarified that the public hearing notice is mailed to the owner address that is on file on the Assessor's record for the property.*

*Mason closed the public hearing at 7:22 pm*

*Discussion after the motion:*

*Alder Jung stated that the application was submitted in early March and thanked those involved. He stated the original application for the site was a concrete crushing plant and that was seen as not an appropriate use. He stated we have ensured that we are following the findings of fact and staff made sure that the conditional use permit will not be injurious - went from a discussion about concrete crushing to people driving their cars. He stated Wagner has been a very good employer in the city of Racine and stated fortunately the DNR and the EPA have regulations that the proposed company have to abide by. Alder Jung stated we have to look at the findings of fact and make sure the standards are being followed.*

*In response to Commissioner Martinez, Mayor Mason stated they are good suggestions on how to recruit, but reminded the commission that they cannot approve or disapprove a zoning request based on how a business recruits; all are good and important; however, cannot take into consideration on whether or not the applicant meets the zoning requirements.*

*Commissioner Martinez stated he appreciated the information. He stated he is not comfortable about the request being fast tracked.*

*Alder Jones asked if they were going to be more unique than what other metal facilities stated most of the salaries for those facilities are anywhere from \$25,000-\$45,000 per*

year.

*Mayor Mason stated the salaries factor in overtime. He stated there are starting wages, however, there is promotion from within.*

*Hintz confirmed that was accurate.*

*Alder Jones stated that it was her understanding that when an automobile was salvaged, fluids needed to be drained. She asked if that would be done on site or if it would be done in Waukesha.*

*Hintz stated that the DNR enforces the requirement. He stated it is possible that those things may occur for the vehicle to be transported safely.*

*Hintz reviewed the storm water requirement per Mayor Mason's request. He stated the process is taken into account into what improvements are required have to be built on the site prior to the opening.*

*Alder Jones asked if there were an urgency that this needs to be approved this evening or is there time.*

*Mayor Mason stated that there are statutory deadlines that have to be met so this is happening tonight because COVID-19 has had us shut down for the past several weeks. He stated had we been operating normally; this would have had more of an opportunity to follow the meetings' path. He stated the applicant has also been waiting for six weeks.*

*Commissioner Austin asked about the timing and if deferral were still an option.*

*Sadowski stated the Planning, Heritage, and Design Commission (PHDC) is over 50 days and in order for deferral, it would have to be at the consent of the applicant. He stated the Common Council can choose to defer, however, the PHDC needs to file a recommendation with the Common Council. He stated state statutes require a recommendation to be filed within 45 days of receiving an application.*

*Discussion ensued regarding the recommendation.*

*Commissioner Hefel stated a lot of possible tenants have been reviewed and spending a lot of time talking about salaries when the questions should if this is zoned industrial. Asked how as a commission they could say no. She stated the issues about aesthetics and traffic have been addressed. She stated this is an opportunity for people with transportation issues who live in the neighborhood to change their lives.*

*Alder Jung stated the concerns about the process are real and it is unfortunate that we are in this predicament. Have the findings of fact in front of us and it is the responsibility of the commission to approve or deny. He reiterated the injurious. Stated the more intensive activity are done offsite in Waukesha. Only a few large scale vehicles that will be the most disruptive in the area. He stated it meets the zoning code and thinks it should be forwarded to the Council.*

*Commissioner Austin stated that he is only supporting the request because of the business model. He stated if the model were to change to add processing that it would have to come back as a major change to the plan.*

*Hintz stated that it is correct; if they would have done that upfront the recommendation would have been for denial.*

**A motion was made by Alder Jung, seconded by Commissioner Hefel, to recommend approval subject to conditions a.-k. The motion PASSED by the following vote:**

**AYES:** 6 - Jones, Martinez, Hefel, Austin, Jung and Peete

## **END OF PUBLIC HEARING**

## **Adjournment**

*There being no further business, the meeting adjourned at 7:45 p.m.*