



City of Racine

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

Meeting Minutes - Final City Plan Commission

*Mayor John Dickert, Alderman Dennis Wisner,
Molly Hall, Vincent Esqueda, Tony Veranth,
Pastor Melvin Hargrove, Attorney Tom Durkin*

Wednesday, June 24, 2015

4:15 PM

City Hall, Room 205

PROCEDURAL NOTE: While action on items typically proceeds in the order in which they appear on the agenda, certain items may be postponed to allow the start of public hearings at the published time of 4:30 p.m. Following the public hearings, the Plan Commission will resume action on postponed items.

Call To Order

PRESENT: 6 - Vincent Esqueda, Melvin Hargrove, Molly Hall, Dennis Wisner, Tony Veranth and Tom Durkin

EXCUSED: 1 - John Dickert

Others present:

*Matt Sadowski, Assistant Director of City Development/Principal Planner
Jill Johanneck, Associate Planner
Ken Plaski, Chief Building Inspector / Zoning Administrator*

Misc. Notes

Commissioner Hargrove left the meeting at 5:50 p.m.

Approval of Minutes for the June 10, 2015 Meeting

A motion was made by Commissioner Hargrove, seconded by Commissioner Veranth, to approve the minutes of the June 10, 2015 meeting. The motion PASSED by a Voice Vote.

[15-00595](#)

Subject: (Ord. 07-15) An ordinance adopting an amendment to a document titled "A Comprehensive Plan for the City of Racine: 2035" for the properties located at 1223 Ohio Street and 1212, 1218, 1222 Virginia Street City of Racine, Wisconsin. (Res. No. 15-0276)

Recommendation of the City Plan Commission on 6-24-15: That the recommendation of denial of the Plan Commission on April 8, 2015 be reversed, and

Further, that an amendment to the 2035 Comprehensive Land Use Plan designation for properties at 1223 Ohio Street and 1212, 1218 & 1222 Virginia Street from Medium Density Residential to Commercial

be approved as based on the Commissions criteria and the Commission's findings are as follows:

1. The proposed amendment is consistent with goals, objectives, and policies of the plan.
2. The proposed amendment will not lead to detrimental environmental effects.
3. The proposed amendment is compatible with surrounding uses.
4. The existing local City (County) facilities and services are adequate to serve the type of development associated with the amendment.
5. The proposed amendment at the proposed location does enhance economic development within the City, and

Further, based on the above findings, that Ord. 07-15 be adopted, and

Finally, that the Resolution be adopted.

Fiscal Note: N/A

Assistant Director of City Development Matt Sadowski reviewed the presentation provided at previous meetings regarding this request. He reiterated the area being considered is not identified in the Plan as a re-development area, or an area intended for heavier commercial development than what exists. He discussed the historical land use patterns in the area, the traffic study trip generation information, roadway widths and traffic concerns for safety and accident potential, accident statistics for the intersections associated with, and in the direct vicinity of, this proposal, and other sites development in the vicinity that could better accommodate the request without changes to The Plan or zoning.

Mr. Sadowski stated there may be concerns that if this request is not approved, the property will sit vacant. However there are sites within the City and environs with the same types of constraints this site has that have been redeveloped with appropriately scaled development projects which have fit well as transitional, less-intense commercial projects, giving consideration to the surrounding land uses and development patterns. Examples of such developments were provided. A summary of recent amendments made to The Plan which met the required criteria for amendment and were proper changes, and other proposals for amendments to The Plan that did not meet the criteria for amendment which were determined not appropriate for amendment was presented. The criteria, as outlined in The Plan, required to be met when considering an amendment were reviewed. The summary of Staffs analysis of the criteria for this request, along with findings that they have not been met, was reviewed. It remains Staff recommendation that, based on the findings as presented, this proposal does not meet the criteria required for amendment and that the request to amend The Plan be denied.

Commissioner Hargrove questioned traffic study numbers, which state that CVS would not generate more traffic at the site, and requested explanation of the disparity. Mr. Sadowski advised the study provided by the applicant cites two, one-hour timeframes within a 24-hour day; however this proposal is for a 24-hour development. Commissioner Hargrove also asked about criteria No. 2, regarding negative environmental effects, and No. 3, regarding the compatibility with adjacent land uses. Mr. Sadowski explained that expanding the commercial land use in the area allows for a larger site, more suitable for a larger business, while the current zoning and land use acts as a 'buffer' for the surrounding residential land uses. With an increase in

commercial activity, the intensity is higher and the buffer is compromised. Expansion of the size of the area encourages more intense commercial development. Commissioner Hargrove also asked about CVS's responses to staff's comments, and the 63 signatures in favor of the development on the petitions. Mr. Sadowski advised the petitions being quoted have 45 signatures opposed and 134 in support; however these signatures were filed in relation to the rezoning request and not this Plan amendment. Regardless, the 134 signatures were from all over the city and Mt. Pleasant, and the 45 were from properties in the immediate vicinity of the project. Alderman Wisner addressed Commissioner Hargrove's question about No. 3, stating at the Common Council meeting negative environmental effects mentioned included increased traffic, traffic noise and headlights from automobiles. Alderman Wisner further commented on those present at the Council meeting, stating that if those from District 11 were removed and of those who stand to profit from the project are removed, of the 11 people present there were 3 in support and 7 in opposition of the project. Commissioner Esqueda commented that the project would bring driveway access to the site down from 10 to 2, and there would be 20-30 jobs added. Commissioner Durkin asked about how many new jobs this would bring. Richard Donner, attorney for the applicant, advised 20-30 full and part-time positions. Alderman Wisner asked how many jobs would be lost with the closure of the West Racine location. Mr. Donner stated that is a smaller store so there would be a small net gain in jobs, but the jobs are staying in Racine.

Commissioner Hargrove stated he supports moving forward on Ord. 07-15. Second by Commissioner Esqueda. Mr. Sadowski advised the 5 criteria previously found by the Commission not to be met in the request for the Plan amendment need to be addressed as to how they are now met to supporting moving the plan forward. Commissioner Hargrove addressed the criteria as follows: 1. The request is consistent with existing plans; 2. That based on the traffic study there will not be negative impacts; 3. That the proposal is compatible with surrounding uses based on existing and prior commercial uses in the area; 4. That facilities are adequate, especially with the traffic ingress/egress as proposed by the applicant; and 5. This project will enhance economic development by adding 20-30 jobs, and will improve site aesthetics based on CVS's responses to Staff's concerns. Further, based on the above findings, that Ordinance 07-15 be adopted. Commissioner Esqueda stated he agreed with the modifications by Commissioner Hargrove.

Alderman Wisner stated he would not be supporting the amendment, as he does not feel the proposal is consistent with the goals, policies and objectives of The Plan; that he agrees with Staff and the neighborhood that there will be environmental affects as they are concerned about traffic, trash, and noise; that he supports the Staff analysis that the proposal is not compatible with surrounding land uses, and putting B-2 right next to residential is not at all compatible, and that we would not consider putting residential in the middle of a commercial area; that the existing facilities and services are inadequate to accommodate this proposal based on accident information and frequency of incidents and the DOT information regarding the increase in traffic in the area, and that the plans proposed from the DOT will not address the increased traffic; and that he supports the Staff position that this does not enhance economic development, as individuals in the positions from the store being closed will move to the new location, or transfer of workers from surrounding stores will work here, but there will not be a gain in positions. Jobs will be only be moved from one site to another. Commissioner Veranth stated he agrees with Alderman Wisner's analysis.

Upon roll call vote: To move forward on the Comprehensive Plan to accommodate CVS at this location:

Ayes: Commissioner Hall, Commissioner Esqueda, Commissioner Hargrove

No: Alderman Wisner, Commissioner Veranth
Abstention: Commissioner Durkin

Motion to move forward passed by a 3-2 vote.

Following the Public Hearings held as outlined below, the Commission returned to this item to address the requirement for a resolution to move this request onto the Common Council. Mr. Sadowski presented the resolution, with amendments, to the Commission members.

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Commissioner Veranth inquired if they do not have the votes to move the item forward, as Commissioner Hargrove left the meeting, can this resolution proceed without a majority vote. Alderman Wisner stated this is more of a bookkeeping item. Mr. Sadowski stated that this resolution is a record of what the Commission has done thus far. The purpose of this is to summarize the actions taken on this ordinance. Commissioner Hall moved that the resolution be adopted. Second by Commissioner Esqueda. Motion carried.

A motion was made by Commissioner Hargrove, seconded by Commissioner Esqueda, to move forward on the Comprehensive Plan to accommodate CVS at this location. The motion was APPROVED by the following vote:

AYES: 3 - Vincent Esqueda, Melvin Hargrove and Molly Hall

NOES: 2 - Dennis Wisner and Tony Veranth

ABSTENTIONS: 1 - Tom Durkin

4:30 P.M. PUBLIC HEARINGS

4:30 P.M. PUBLIC HEARINGS

[15-00578](#)

Subject: (Direct Referral) A request by Joanne and Jeff Raffini for a conditional use permit for a contractor's storage facility at 1824 Charles Street. (Res. No. 15-0280)

Recommendation of the City Plan Commission on 6-24-15: That the request be approved, subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 1824 Charles Street](#)
[\(15-00578\) CU 1824 Charles Street](#)

Mr. Sadowski indicated this is a continuation of the review done at the last Plan Commission meeting for this property. He provided a review of the area, zoning, site views, and stated the contractor facility will be in the B-3 zoned portion of the lot. The site plan was reviewed, and the area of possible future outdoor storage for the facility was identified. The floor plan for all uses within the building was provided. The applicant is seeking a façade grant to assist in payment for upgrades to the building.

Currently, this request is for interior storage only. Should the applicant pursue outside

storage, the area will require fencing/screening. Mr. Sadowski reviewed the conditions for approval and additional information needed to be provided by the applicant. Staff is recommending approval subject to the conditions as outlined.

Public Hearing opened at 5:10 p.m.

Mr. Jeff Raffini, applicant, was present to answer any questions. He indicated they recently purchased the building, are adding a roof and painting, and will be going forward with upgrades to the façade. The building will house 3 businesses.

Public Hearing closed at 5:13 p.m.

Mr. Sadowski advised the Douglas Avenue BID was advised of the proposal but has not responded.

A motion was made by Commissioner Veranth, seconded by Commissioner Esqueda, to recommend approval of the request subject to Staff conditions. The motion PASSED by a Voice Vote.

[15-00575](#)

Subject: (Direct Referral) A request by Desiree Veasey for a conditional use permit to operate a daycare center at 3131 Taylor Avenue. (Res. No. 15-0281)

Recommendation of the City Plan Commission on 6-24-15: That the request be approved, subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 3131 Taylor Avenue](#)
[\(15-00575\) CU 3131 Taylor Avenue Bldg. #5](#)

Ms. Johanneck reviewed the property location, zoning, site layout, aerial views, and surrounding property and building views. She indicated the building referred to as building #5 will be the location for the center. A daycare had been approved previously for this building, however they did not take occupancy and the permit expired. The center will be known as "Kidz Clubhouse".

Per the licensing, 60 children, from 2-weeks up to 12 years of age will be provided care at the center. The center will employ between 10-14 individuals, all with training and education for early child care development, health appraisals, CPR and first aid, training on child abuse and neglect, SIDS, shaken baby syndrome, and will have Wisconsin Registry Certification.

The main level of the building will house the center, and a floor plan has been provided indicating the layout for the numerous child age groups and accessory facilities, such as kitchen, bathroom, etc. Additionally, there is a large playground area to the north of the building, enclosed by a 5-foot fence for outdoor activities. The lower level may be utilized in the future for a classroom and play area, but is not proposed for use at this time. This area is the main location of building mechanicals and a laundry area.

This building has its own access and parking off of Durand Avenue, separate from the other buildings in the complex. This 'horseshoe' will be striped for parking and will serve as the drop-off/pick-up area for children. Based on the use and square footage proposed, 9 spaces are required and 13 are being provided. The center will have a

van that remains on-site, for purposes of pick-up and drop-off of school age children. All landscaping indicated on the site plan is existing and in good condition.

Maintenance will be provided by the Village of Elmwood Park for all buildings on the site, including lawn service, snow removal, trash removal, landscape upkeep, etc. Daily maintenance of the grounds for litter will be managed between the center and the Village. A dumpster enclosure is being constructed at the very north end of the parking lot / access driveway.

The Public Hearing opened at 5:21 p.m.

1. John Murphy, architect, stated this is a wonderful location for a day care center and the building is currently designed for this purpose. Further, that the applicant has a good business plan and he feels the project will be successful.
2. Desiree Veasey, 4201 Monterey Drive and the applicant, stated the services being provided are more than just a day care, and will focus on early childhood development.

The Public Hearing closed at 5:24 p.m.

A motion was made by Commissioner Hall, seconded by Commissioner Esqueda, to recommend approval of the request subject to Staff recommendations. The motion PASSED by a Voice Vote.

[15-00576](#)

Subject: (Direct Referral) A request by Jon Majdoch, representing Halloween Express for a conditional use permit to allow annual placement of a temporary building for Halloween related sales at 5200 Durand Avenue. (RES. No.15-0295)

Recommendation of the City Plan Commission on 7-8-15: That the item be approved subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 5200 Durand Avenue](#)
[\(15-00576\) CU 5200 Durand Avenue](#)

Ms. Johanneck provided an overview of the property location, aerial view, and site plan. She stated for the last six years, Halloween Express has requested and been approved to locate their temporary building (large pumpkin tent structure approximately 9,600 sq. ft. in size), along with portable toilets, trash receptacle, and storage trailer on this vacant site for sales of Halloween related items. There is adequate parking available.

The requested timeframe for the event is September 1, 2015 – November 8, 2015. Hours of operation would be Monday – Saturday, 10:00 a.m. – 9:00 p.m., and Sunday 11:00 a.m. – 7:00 p.m. The operation would employ 10 full-time and 10 part-time employees.

This request is unique from previous years. The original approval in 2009 was granted on an “experimental basis”, the intent of which was to allow the event and monitor the use for any adverse effects it may have in the area, including trash, law enforcement problems, etc. Since that initial approval, the request has received approvals over the years as it is a well-run and maintained operation, without objectionable problems or health/safety/welfare incidents. It has become a popular

attraction to the mall area.

The Regency Mall conditional use identifies areas throughout the mall that have been designated to allow for temporary uses. These uses, including seasonal garden sales, temporary commercial sale events, and farmers markets, etc. which have been allowed to apply for annual review via the Administrative Review process. These Administrative Reviews, conducted by City Development Staff in conjunction with the Building Department, has expedited the process and allows for a quicker review timeframe where it is determined there will be minimal impact for short-term uses. Appropriate conditions are placed on these uses, and they are monitored for compliance.

Based on the positive history of this request, Staff is recommending the same annual review process for Halloween Express be allowed. This conditional use approval would function as a "standing" conditional use, outlining essential conditions and requirements which are to be met, but for future requests allowing the applicant to utilize the Administrative Review process. Their approval would be subject to the conditions as outlined and provided in this conditional use recommendation, as well as any others requirements felt necessary at the time of review. Monitoring would be done as it is for all administrative approvals and should problems arise Staff could select not to do the Administrative Review and require the process revert back to annual Conditional use review.

Staff's recommendation is for approval, however after the report and recommendation had been written, a letter was received from Target stating objection to the request based on a section outlined in a document known as an "Easement, Restriction, and Maintenance Agreement" for mall properties, which prohibits outside sales activities such as this on this lot. In former years, no concerns were expressed by Target. This issue presents itself as something the applicant will need to work on with Target before it is appropriate to proceed with a formal action. Contrary to the initial recommendation, Staff is hesitant to move forward with a recommendation for approval, and is requests this item be deferred to allow the parties to discuss the issue and come to a conclusion.

Public Hearing opened at 5:32 p.m.

Mr. Jon Majdoch, applicant, 730 Larry Ct., Waukesha WI, spoke on the item. He stated he was caught off-guard by the letter and will attempt to resolve things with Target and their store manager, who has supported Halloween Express locating here in the past. He also inquired if things cannot be worked out, would it be possible to find an alternate site, in the areas outlined by Regency Mall for temporary uses, to locate. Ms. Johanneck stated that can be looked into. He proceeded to describe his business operations.

Alderman Wisner asked if a 2-week deferral will be a problem for his business. The applicant stated he is already in process with orders on the way, but understand the issue and would like to talk to Target and the mall about alternative sites.

Commissioner Hall requested more information on the letter from Target. Ms. Johanneck read the letter into the record, which stated the specific section of the Easement, Restriction, and Maintenance agreement to which Target highlights as their objection. The section referred to by Target within the agreement was also read into the record.

Public Hearing closed at 5:40 p.m.

A motion was made by Commissioner Veranth, seconded by Commissioner

Esqueda, to defer. The motion PASSED by a Voice Vote.

[15-00577](#)

Subject: (Direct Referral) A request by David Israel, of Penny Racine LLC, for a major amendment to the Regency Mall conditional use to modify the former JC Penney Department store into three (3) separate retail tenant spaces at 5900 Durand Avenue. (Res. No. 15-0282)

Recommendation of the City Plan Commission on 6-24-15: That the request be approved, subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 5900 Durand Avenue](#)
[\(15-00577\) CU 5900 Durand Avenue](#)

Ms. Johanneck provided an overview of the property location, aerial views, area zoning, and overall site view of Regency Mall. She stated the Penney's store will be transformed into 3 retail tenant spaces, and the auto center will be removed. The demolition plan was provided, and the removed auto center area will have a revised main drive aisle and new parking area. The size of the retail spaces and names of proposed tenants was provided. The building has two levels, and at this time the retail spaces are proposed only for the main level. There are no plans for the upper level at this time; however internal access to it is being maintained. Views of and from the existing building were provided.

The west side of the building will become the main entryway for the new retail tenants. Most modifications are proposed for this elevation. No internal access to the mall from these tenant spaces is being provided. The floor plans were discussed, including receiving areas and interior access to the upstairs level.

The proposed color/material palette was presented. Each tenant will have a separate entrance on the west side, with doors and window glazing provided at the entrance sites. Small areas of 'corporate colors', consisting of EIFS accents, are proposed on the west building façade. This is acceptable, as should tenancy change in the future, modification to the EIFS can easily be done. The bulk of the building is white concrete brick, with the exception of the area where the auto center is being removed. For this area, and in discussion with the architect, they have advised they will attempt to match the existing concrete brick if possible with the same material, and if not, have requested Staff discuss other options for possibly staining a material to match the existing. The applicants request does include the proposal to paint the existing brick block, however Staffs preference is to maintain the block in its existing color without paint, and that it be power washed to enhance its appearance. This will keep much of the basic color scheme similar to that of the rest of the mall, thus maintaining some consistency in the appearance of all the buildings. Additionally, painted brick has a tendency to peel and paint over time, creating a maintenance issue that can be avoided by maintaining the material in its current state.

Further façade changes requested propose application of a neutral colors scheme of EIFS at a point 4-feet above building grade. The zoning ordinance has a development standard which prohibits the use of EIFS within 8-feet of building grade, due to durability issues. The applicants will need to provide modified elevation drawings incorporating similar brick or other masonry material within 8-feet of grade to meet code requirements. Staff does not support a deviation from this requirement. The lower 4-feet of the building elevation is proposed to be a painted brown accent over the existing concrete brick material.

The north façade will remain concrete brick, with the potential addition of windows in the future depending upon the needs of the future upper-level tenant. An exit door, new entry door for the mall core, and area of EIFS within the upper level of the elevation are proposed. The south elevation will primarily remain concrete brick, with the addition of window glazing and an upper EIFS panel. This elevation will also have a new door and loading dock added.

Some signage was presented on the plan, however signage is not recommended for approval with this proposal. Specifics on the proposed signage were not provided with this submittal, thus prohibiting an actual review. Regency Mall has sign criteria which will be applied to all signage requests. There has been discussion of modifying those criteria, but at this time signage will be reviewed in accordance with what is approved.

Adequate parking is available at the site. Upon completion, 792 spaces will be provided.

The lighting plan does not reflect the entire parcel, so analysis of all lighting for the site was not possible. A complete lighting and photometric plan will need to be submitted. Currently, two 50-foot tall light poles with 9 un-shielded flood-type bulb heads are located within the area of the parking lot. With the new parking lot configuration and addition of parking curbs, the applicants are also requesting to install 4 dual-head fixtures on 35-foot poles. These are located directly along the drive aisle in front of the building. Staff feels this amount of light, in addition to the light which will be emitted by the building signage, is excessive. It is recommended lighting fixtures be more evenly dispersed within the parking area, and consideration be given to removing the large, old, unshielded existing light fixtures to limit light pollution and to provide a more appropriate balance of light thorough the site and parking area.

The landscaping document submitted had no detail or information on existing and proposed materials, with one exception of planting arborvitaes in a small area on the south side of the building. In previous meetings with the architect, Staff had discussed this lack of "soft-scape" on this parcel, and the potential to enhance the site and building with the addition of landscaping possibly in the parking lot islands and along the building frontage, which on the main west entry could easily be accomplished by the reduction in width of the proposed sidewalk. Very little landscaping currently exists, and what is present is slated for removal. What is shown as proposed, in addition to lack of detail, is very limited considering the size of this site and the potential that exists to incorporate landscaping into the project in areas to soften the site, which is all building and parking lot "hardscape". A full landscape plan is needed, which should elaborate on what is existing, proposed, to be removed, and present incorporation of additional landscape materials as discussed.

A brief overview of other information needed for review was presented to the Commission. Staff advised they had spoken briefly with the architect prior to the meeting, who has agreed to provide any missing information and clarify information as identified. Staff feels the items addressed in the review can be rectified, that the plan is workable, and supports the request subject to conditions as outlined.

Public Hearing Opened at 6:02 p.m.

Dave Schwartz, of Innovative Construction Solutions, spoke on the item. He advised they are more than willing to work through the issues identified to move the project

forward.

Public Hearing closed at 6:04 p.m.

Commissioner Veranth asked if the Commission needed to discuss the signage. Ms. Johanneck advised Regency Mall does have criteria in place, and there are guidelines for tenant spaces over 10,000 sq. ft. in area that will be applied to these tenants. She noted though discussion of potential modifications to the sign criteria are underway, only adopted standards will be used in reviewing proposed signage.

A motion was made by Commissioner Veranth, seconded by Commissioner Esqueda, to recommend approval subject to Staff recommendations. The motion PASSED by a Voice Vote.

CONTINUANCE OF BUSINESS

[ZOrd.002-15](#)

ZOrd.002-15

An Ordinance Rezoning 1223 Ohio Street, 4601, 4615, 4619 Washington Avenue and 1212, 1218, 1222 Virginia Street.

To amend the map of the Zoning Ordinance of the City of Racine.

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

Part 1: That the property located at 1223 Ohio Street, and more particularly described as follows:

“The Southern 10 feet of Lot 8 and all of Lot 9, Block 8 of the Racine Gardens Subdivision, being in the City of Racine, Racine County, WI, in the South 1/4 of Section 18, Township 3 North, Range 22 East, said lands being 0.15 acres more or less”

be rezoned from R-3 Limited General Residence to B-2 Community Shopping District, and

Part 2: That the properties located at 1212, 1218, 1222 Virginia Street, and more particularly described as follows:

“The Northern 10 feet of Lot 25, and all of Lots 26 thru 28, Block 8 of the Racine Gardens Subdivision, being in the City of Racine, Racine County, WI, in the South 1/4 of Section 18, Township 3 North, Range 22 East, said lands being 0.40 acres more or less”

be rezoned from R-2 Single Family Residence to B-2 Community Shopping District, and

Part 3: That the properties located at 4601, 4615 Washington Avenue, and more particularly described as follows:

“Lots 1 thru 4, Block 8 of the Racine Gardens Subdivision, being in the City of Racine, Racine County, WI, in the South 1/4 of Section 18, Township 3 North, Range 22 East, said lands being 0.55 acres more or less”

be rezoned from B-1 Neighborhood Convenience District to B-2 Community Shopping District, and

Part 4: That the property located at 4619 Washington Avenue, and more particularly described as follows:

“Lot 5 Block 8 of the Racine Gardens Subdivision, being a Subdivision of part of Orchard Home Addition, being in the City of Racine, Racine County, WI, in the South 1/4 of Section 18, Township 3 North, Range 22 East, said lands being 0.14 acres more or less”

be rezoned from B-1 Neighborhood Convenience District to B-2 Community Shopping District.

Part 5: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Fiscal Note: N/A

Commissioner Hall questioned moving forward on this request when it's understood that there will probably be a draw upon vote. Alderman Wisner advised if they proceed, the options are to recommend approval, denial, or to defer. Mr. Sadowski advised the action on the comprehensive plan will still go forward to the Common Council. Alderman Wisner stated if this ordinance ends in a tie, it will still go the Council, but without a recommendation from the Plan Commission. The council has the authority to take action on this item without recommendation by the Commission.

Mr. Sadowski briefly reviewed the presentation previously shown at former meetings. Approval of this item would re-zone all properties in question to B-2. He stated petitions have been received by the City, and showed a slide which mapped those in favor of the rezoning and those opposed. He stated this is a non-binding petition, just a gauge of the communities' reaction to the proposal. Another visual was provided based on another non-binding petition that was filed, identifying a survey of individuals located closer to the proposal indicating those who are in favor or opposition, with most being in opposition.

Mr. Sadowski stated yet another set of petitions have been filed, which are binding, which could require the Common Council approve the re-zoning request by a ¾ vote. He reviewed the petitions received of those owners within 100-feet adjacent to the proposal, which count towards the 20% of individuals within 100-feet needed to force the ¾ vote. Some of the petitions were challenged by the applicant, and Staff is awaiting the outcome of that challenge for final counts. The Plan Commission can recommend approval of the proposal, however if the petitions are deemed to meet the petition criteria, the Common Council would need a ¾ vote of members to pass

the request.

Referring back to the Staff recommendation, Mr. Sadowski stated the existing zoning currently serves as a buffer to surrounding low-intensity residential zone districts. It limits the intensity of the uses that can be allowed. The B-2 zoning allows more intense development than does the B-1 district, thus increasing the intensity, as was discussed under the Comprehensive Plan agenda item. Mr. Sadowski provided a sample of B-1 vs. B-2 uses, pointing out the difference in intensity of what is allowed in each, and that rezoning the property to B-2 will increase the intensity of possible uses, thus negatively affecting the residents and development pattern in the area.

Staff retains its recommendation for denial based on the analysis of the request, and in accordance with the criteria for rezoning as set forth in the zoning ordinance. Mr. Sadowski reviewed these criteria and Staff's finding for each, justifying how they are not met. This section requires the Plan Commission make findings with respect to the criteria as presented in 114-82 (a) & (b). of the ordinance when considering a rezoning request.

Commissioner Hall requested the applicant be allowed to respond to the Staff findings for 114-82 (b). Discussion ensued between the Richard Donner, attorney for the applicant, Mr. Sadowski, and the applicants' traffic engineer on the merits of the traffic study conducted. Mr. Donner clarified that CVS owns the properties involved.

A motion was made by Commissioner Veranth that ZOrd 002-15 be denied based on Staff recommendations. Second by Alderman Wisner.

Upon roll call vote for Denial:

**AYES: 2 - Dennis Wisner and Tony Veranth
NOES: 2 - Vincent Esqueda and Molly Hall
ABSTENTIONS: 1 - Tom Durkin**

Motion fails due to tie vote.

A motion was made by Commissioner Esqueda to move forward. Alderman Wisner advised Commissioner Esqueda he will need to express his findings in support of the items listed on page 4 of the Staff recommendations. Commissioner Esqueda stated there will be no second on his motion. Alderman Wisner stated the motion fails due to lack of a second.

There is no recommendation to the Common Council on this item.

[14-10787](#)

Subject: (Direct Referral) A request from Richard Donner of Reinhart Boerner Van Dueren s.c., representing TMC Wisconsin 2 LLC, for a conditional use permit to allow for a CVS Pharmacy on the south side of Washington Avenue in the 4600 Block between Ohio Street and Virginia Street.

Recommendation of the City Plan Commission on 4-8-15: That the request for a conditional use permit to allow a CVS Pharmacy on the south side of Washington Avenue in the 4600 block between Ohio Street and Virginia Street be received and filed.

Recommendation of the City Plan Commission on 8-12-15: That

the request for a conditional use permit to allow a CVS Pharmacy on the south side of Washington Avenue in the 4600 block between Ohio Street and Virginia Street be received and filed.

Recommendation of the City Plan Commission on 8-26-15: That the request for a conditional use permit to allow a CVS Pharmacy on the south side of Washington Avenue in the 4600 block between Ohio Street and Virginia Street be received and filed.

Fiscal Note: N/A

Attachments: [PH Notice - CVS Pharmacy](#)

Mr. Sadowski stated consideration of this item is premature, as there remain numerous items that still need to be addressed by the applicant.

A motion was made by Commissioner Hall, seconded by Commissioner Veranth, to defer. The motion PASSED by a Voice Vote.

[15-00574](#)

Subject: (Direct Referral) A request by Jai Shree Swaminarayan for an extension of a conditional use approval for Port of Call Liquors, 918 West Boulevard. (Res. No. 15-0277)

Recommendation of the City Plan Commission on 6-24-15: That the request be approved, subject to conditions.

Fiscal Note: N/A

Attachments: [\(15-00574\) CU Extension 918 West Boulevard](#)

Associate Planner Jill Johanneck advised a conditional use permit was granted by the Common Council on December 17, 2013 for a building expansion at 918 West Boulevard. Due to financing issues, commencement of the project did not occur and the approval was due to expire on December 17, 2014. The zoning ordinance states that unless a conditional use is substantially underway within one year of receiving approval, the conditional use permit expires. The applicants requested an extension on December 2, 2014, allowing the conditional use to remain valid until June 17, 2015.

Due to continued issues, a request for a second extension was received by City the City Clerk on June 11, 2015. The attorney for the applicant has advised financing has been secured, and they are in the process of finalizing development plans, however the project would not commence prior to the deadline date of June 17, 2015. They are expecting to begin work by the end of July, 2015, thus requiring the extension. Staff has recommended approval of a second extension, on the basis that all the conditions of the original approval outlined in Resolution 13-0494 shall still apply, and that this extension to December 17, 2015 will be the final extension granted. If the project does not commence by that time, the applicant shall be required to apply for a new conditional use permit.

A motion was made by Commissioner Veranth, seconded by Commissioner Esqueda, to recommend approval of the request. The motion PASSED by a Voice Vote.

[15-00580](#)

Subject: (Direct Referral) Adoption of the document titled "A Restoration Plan for the Root River Watershed" as a guide to planning and development efforts. (PC-15) (Res. No. 15-0278)

Recommendation of the City Plan Commission on 6-24-15: That the document titled "A Restoration Plan for the Root River Watershed" be adopted as a resource to guide planning and development efforts within the city of Racine and that the model resolution be adopted.

Fiscal Note: N/A

Attachments: [RR Watershed Plan Resolution](#)

Mr. Sadowski provided background on the plan, stating it addresses water quality, habitat, and storm water issues associated with the Root River and its watersheds and sub-watersheds. This is a multi-jurisdictional plan, which sets up guidelines and considerations to take into account when development proposals come forward. A review of the main points for consideration was provided. An overview of other aspects of the plan was provided.

Dr. Julie Kinzelman, 5745 Little Timber Drive, is a member of the advisory board for the development of the plan. She discussed the area of the Root River watershed and the goals in adoption of the plan and to encourage intergovernmental cooperation to have the most positive impact on the Root River and Lake Michigan.

Mr. Sadowski clarified this document is not an amendment to the Comprehensive Plan for the City, but a guideline for development review.

A motion was made by Commissioner Veranth, seconded by Commissioner Durkin, to recommend adoption of the document titled "A Restoration Plan for the Root River Watershed" as a resource guide to planning and development efforts within the City of Racine and that the model resolution be adopted. The motion PASSED by a Voice Vote.

[15-00581](#)

Subject: (Direct Referral) Adoption of the document titled "Supplemental Information Developed for the Root River Watershed Restoration Plan" as a guide to planning and development efforts. (Res. No. 15-0279)

Recommendation of the City Plan Commission on 6-24-15: That the document titled "Supplemental Information for the Root River Watershed Restoration Plan" be adopted as a resource to guide planning and development efforts within the city of Racine.

Fiscal Note: N/A

Mr. Sadowski stated after the plan was prepared, the DNR and USEPA had additional comments and seeking clarification of standards in determinations concerning water quality, which are presented in this supplement.

A motion was made by Commissioner Durkin, seconded by Commissioner Veranth, to recommend adoption of the document titled "Supplemental Information for the Root River Watershed Restoration Plan" as a resource to guide planning and development efforts within the City of Racine. The motion

PASSED by a Voice Vote.

Administrative Business

None.

Adjournment

Alderman Wisser adjourned the meeting at 7:03 p.m.