



City of Racine

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

Meeting Minutes - Final City Plan Commission

*Alderman Dennis Wisner
Mayor John Dickert
Molly Hall
Elaine Sutton Ekes
Vincent Esqueda
Tony Veranth
Pastor Melvin Hargrove*

Wednesday, October 8, 2014

4:15 PM

City Hall, Room 205

Call To Order

PRESENT: 5 - Elaine Sutton Ekes, John Dickert, Molly Hall, Melvin Hargrove and Dennis Wisner

EXCUSED: 2 - Vincent Esqueda and Tony Veranth

Others present:

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

Approval of Minutes for the September 24, 2014 Meeting

A motion was made by Alderman Wisner, seconded by Commissioner Sutton Ekes, to approve the minutes of the September 24 meeting, as submitted. The motion **PASSED** by a Voice Vote.

14-10608

Subject: (Direct Referral) A request from TMC Wisconsin, representing CVS Pharmacy, for conditional use approval for a new pharmacy/retail store at 3915/3917 Durand Avenue. (Res. No. 14-0430)

Recommendation of the City Plan Commission on 10-08-14: That the item be approved, subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice 3915-3917 Durand Avenue](#)

Commissioner Sutton Ekes abstained from this item.

Associate Planner Johanneck indicated this item had been deferred from the September 24, 2014 Plan Commission meeting as Staff Recommendations had not been prepared. A brief overview of the site location, zoning, and views was provided. The proposed layout of the site was reviewed. The applicants have addressed Staff requests for additional landscaping, clarification on the trucking drop-off area in the

back and screening, and other items with the submittal of their revised plans.

Ms. Johanneck advised comments from the Village of Elmwood Park were received the day of this meeting stating concerns they have over certain aspects of the site development and demolition. She informed the Commission the applicant's attorney had the opportunity to speak with the Village of Elmwood Park president to address most of the concerns. An outstanding item was a request to maintain the existing sidewalk in front of the existing Kohl's building, and extend it to Lathrop Avenue to allow for a clear walk-pattern for pedestrians accessing the remaining businesses on the site within the Village. Staff felt a raised sidewalk extension would create a vehicular barrier in the north-south traffic access to the lot to the rear, and instead requested the area be striped for pedestrians to delineate it from the drive aisle, versus installing a raised sidewalk.

The applicants are requesting a 24-foot tall pole sign where the code allowance is for 15-feet. Staff's recommendation is that the height be allowed at 15-feet. This recommendation remains in compliance with the sign ordinance, and is felt to be a safer height based on the speed limit in the area and the location of the sign being at a controlled intersection. The Village of Elmwood Park supports the 15-foot height maximum.

Richard Donner, the attorney for the applicants, agreed to the striping of a walkway out to Lathrop, and advised they may replace the existing sidewalk based on the grading to make it safer, in the event the slope is too severe. He advised CVS is concerned that their competitor across the street, as well as a gas station around the same intersection, have signs over 20-feet in height, and they feel they are at a competitive disadvantage at a lower height. They are willing negotiate on a height, but request higher than the 15-foot code requirement. This sign will be located on Durand Avenue near the intersection of Lathrop Avenue.

Ms. Johanneck reviewed the conditions of approval for the Commission. She suggested addition a condition L. requiring adding the pedestrian striping along the southernmost entrance out towards Lathrop Avenue.

Alderman Wiser expressed concerns about the sign height. The applicants advised the existing sign, which is 30-feet in height, will be removed. Mayor Dickert suggested Staff work with the applicants on an acceptable sign height.

Commissioner Hall inquired about the existing pole signs in the area which are higher than 15-feet. Ms. Johanneck advised they were in place prior to the change in the sign ordinance, therefore are grandfathered, and further that part of the intent of the changes to the sign ordinance is to start to bring signage down to appropriate eye levels, that taller is not necessarily better considering location, speed limits, etc., and that Staff feels a 15-foot sign is more appropriate at this location based on the speed limit and location near a major intersection. Commissioner Hall stated she supported a compromise on the sign height. Commissioner Hargrove supported a compromise, and requested all codes be up to date so applicants are aware of sign heights.

A motion was made by Alderman Wiser, seconded by Commissioner Hargrove, to recommend approval of the item, subject to Staff recommendaitons A-K, with modification to condition C. to read "with a height to be determined by the applicant and the Department of City Development", and the addition of condition L. "that striping be added along the souther drive aisle for predestrian access from Lathrop Avenue". The motion PASSED by a Voice Vote with Commissioner Sutton Ekes abstaining from vote.

conditional use permit to allow for laser tag and video games, in addition to an indoor flea market, at 1325 Sixteenth Street. (Res. No. 14-0431)

Recommendation of the City Plan Commission on 10-08-14: That the item be approved, subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice 1325 Sixteenth Street](#)

Associate Planner Johanneck advised this is back before the Commission after being deferred from the September 24, 2014 meeting. A brief overview of the site specifics was provided. She indicated the applicant has received an occupancy permit for the flea market portion of the building, however opened the laser tag and video game rooms prior to receiving the conditional use approval, building permits, or occupancy permits.

The reason for the deferral was due to the lack of parking. The plan that was submitted for review following the deferral of September 24, 2014 was shared with the Commission. Ms. Johanneck stated the plan was not reviewable based on the lack of information; including accurate property dimensions, and lack of scale, which is required to verify the proposed parking layouts. She stated the number of spaces shown by the applicant, and indicated the applicant provided an agreement with the owner of 1600 Racine Street for 32 spaces to be used on Saturday and Sunday, however the viability of any spaces could not be determined from the plans submitted. Mr. Stinson had been advised scaled and accurate drawings were required, however as of the meeting had not responded.

Staff concerns include the occupancy of the building without required inspections and approvals and building permits for construction occurring within the building; the inability to review the plan that was submitted as all requested information was lacking, that changes to the floor plan may have occurred with the construction taking place, which may affect the review as well as safety within the building; and the remaining issue of the parking along the west side of the building encroaching into the rail road right-of-way. Staff does support the deviation from the code required 639 spaces to allow a minimum of 80 spaces, and increasing the number of vendors to 35 from the previously reduced number of 20, pending verification that 80 spaces can be provided.

The applicant, nor a representative, were present at the meeting. Mayor Dickert verified with Chief Building Inspector and Zoning Administrator Ken Plaski that the only occupancy permit in place at this time is for the flea market area of the building. Ms. Johanneck provided a copy of an advertisement from the September 25th, 2014 'Out and About' section of the Journal Times stating the laser tag would be opening October 1, 2014, prior to final Conditional Use approval, building permit and occupancy permit issuance.

Commissioner Sutton Ekes stated there are several things the applicant needs to address. She inquired if Staff is recommending approval with a comfort level that if the Commission approves it conditionally, Staff will work with the applicant on his submittal, or if things deviate substantially from his request we will bring it in for further review. Ms. Johanneck stated advised that is correct, and indicated the conditions are written very specifically to address the requirement of submittal of proper plans and that if they are not submitted, and building and occupancy permits

are not obtained, that he will be subject to fines if he remains open. Mayor Dickert suggested the Commission make their recommendation to Council, and that the applicant be contacted to submit what is required, and if not received it will not be forwarded on to Council.

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

4:30 P.M. PUBLIC HEARING**4:30 P.M. PUBLIC HEARING****14-10644**

Subject: (Direct Referral) A request by Harjeet S. Walia, representing Choice Petroleum LLC, for a major amendment to a conditional use permit to add: daily 24-hour operation of the convenient store; installation of a 25-foot pylon sign; and installation of a single-bay automatic car wash at 1130 Washington Avenue. (Res. No. 14-0432)

Recommendation of the City Plan Commission on 10-08-14: That the item be approved, subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice 1130 Washington Avenue](#)

Assistant Director of City Development Matt Sadowski reviewed the area of the request, basic location of the existing building and proposed car wash, property and surrounding zoning, current and proposed monument sign, and aerial and street views, and overall site layout. He indicated the site lies within the Uptown access corridor district.

The applicants are requesting a 26-foot tall pylon sign to replace the existing 10-foot tall sign. He advised the height of the gas canopy is 19-feet in height. A visual indicating existing sign height, proposed sign height, and height of the canopy was provided to show the varying heights existing and being requested. The sign code limitation for pylon signs is 15-feet. The applicants are also requesting an electronic message LED board on the pylon sign, which falls within code requirements however must operate within the limitations as stated in the sign ordinance. Gas canopy signage, as well as the other signage, will reflect the corporate change of this station to a 'BP' gas station. Signage on the canopy will be internally illuminated BP 'Helios' on the south, east and west fascia areas, as well as a neon band. They currently have the ability to install 240 square feet of signage on the site, but are requesting 9 signs and 362 square feet.

There is a single-bay car wash being requested along the south side of the property. The materials will match that of the main building, with some modifications made to the south wall to provide visual interest. It is requested the doors remain closed during the washing and drying cycles to reduce noise impact on other properties. The car wash will be far enough away from the fueling stations and the main building to avoid traffic conflicts within the site and allow for cueing. A curb cut on Washington Avenue is being requested, A review of traffic flow within the site was provided.

There applicants would like to modify existing hours to allow the convenience store to be open 24 hours per day, 7 days per week, and have those same hours for the car wash. There is adequate parking on the site for all the uses; however the concerns

with 24 hour operations are for safety. Staff feels a security plan must be provided and approved, as operations in this area of the City have faced security challenges in the past. Staff is recommending approval subject to conditions.

Public Hearing opened at 5:05 p.m.

1. Harjeet Walia, 9519 N. River Bend Ct., River Hills WI, the applicant and purchaser of the site, spoke about his proposals for the business and the proposed updates to the site. He advised if the vacuums are too loud for the surrounding properties he will work with the City to rectify the problem. He advised they could lower the sign somewhat.

2. Akil Ajmeri, 2714 4 ½ Mile Road, Racine, spoke in favor of the request.

3. Alderman Mike Shields spoke in favor of the request.

4. Alderman Henry Perez spoke in favor of the request.

Public Hearing closed at 5:15 p.m.

Alderman Wisner noted with respect for the pylon sign, he encouraged the Department of City Development to work with the applicants on the height. Commissioner Sutton Ekes agreed, and though the code requirement is 15-feet she feels a compromise could be in order based on other signs in the area. Mr. Sadowski advised the Staff recommendations are written to allow the Commission to make a decision on the height of the sign, based on the information they have been provided in the Staff report. Commissioner Hargrove feels there needs to be consistency in the sign heights, and referenced an earlier item on the agenda where pylon sign height was a concern. Commissioner Sutton Ekes clarified that if an exception is to be granted, it is the responsibility of the Commission to make the determination. Commissioner Hall recommended the height be limited to the height of the canopy. Mr. Sadowski advised the 15-foot height is working for other signs within the community, especially in the Lathrop Avenue area. Mayor Dickert suggested the Commission re-visit the 15-foot height allowance. The applicant stated they will not be able to do the masonry base if the height of the sign is reduced.

A motion was made by Commissioner Sutton Ekes, seconded by Commissioner Wisner, to recommend approval of the request subject to Staff conditions A-N, with amendments to the following conditions: D. convenience store hours may be 24/7; E. the car wash may be open 24/7, as long as the doors during the wash and dry cycle remain closed; F. to allow a pylon sign not exceeding 19-feet in height, and adding the text "to match canopy height" and "due to it being a multi-tenant building"; G. that the total amount of signage shall not exceed 362 square-feet; and amending H. by striking the first sentence, requiring that the pylon sign have a masonry base matching the building. The motion PASSED by a Voice Vote.

Administrative Business

None.

Adjournment

Commissioner Hall moved to adjourn the meeting at 5:35 p.m. Seconded by Commissioner Sutton Ekes, motion carried. Meeting adjourned.

