



City of Racine

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

Meeting Minutes - Final City Plan Commission

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

Wednesday, July 28, 2010

4:15 PM

City Hall, Room 205

Call To Order

Mayor John Dickert called the meeting to order at 4:25 p.m.

PRESENT: 6 - John Dickert, Vincent Esqueda, Gregory Holding, Jud Wyant, Eric Marcus and Tony Veranth

EXCUSED: 1 - Elaine Sutton Ekes

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

Approval of Minutes for the June 30, 2010 Meeting

A motion was made by Commissioner Esqueda, seconded by Alderman Holding, to approve the minutes of the June 30, 2010 Plan Commission meeting. The motion **PASSED** by a Voice Vote.

4:30 P.M. PUBLIC HEARINGS

4:30 P.M. PUBLIC HEARINGS

[10-5413](#)

Subject: (Direct Referral) Review of Design Guidelines for Single Family Infill Housing in Racine.

Attachments: [Infill Design Standards \(2\)](#)

Director O'Connell provided background on how the guidelines were developed and that vacant lots, tear downs, and the HOME and NSP programs are facilitating the need for the guidelines. They will also serve to answer development questions from people wanting to take part in these programs.

The guidelines are currently in a preliminary format, with the goal being that the Plan Commission review and comment for changes and then forward them to the Common Council to be adopted by Resolution, specifically for City sponsored, City infill, and for City funding-assistance projects.

Mayor Dickert asked when and how Director O'Connell would like the responses upon review by the Commission, and what is the timeframe for comment. Director O'Connell advised comments should be submitted by August 4, 2010 for inclusion on the August 11 Plan Commission agenda for further discussion.

Alderman Holding clarified this will come back to the Commission for public discussion.

Alderman Marcus requested two changes, the first to add the word "Exterior" to the front cover before "Design Guidelines". The second was to add to "Mission Statement" under bullet point 6 to add at the end of the sentence "and builds to the neighborhoods intention". He proceeded to comment that the concept of the addition of standards for infill housing is an outstanding idea, but does not believe the City should be involved in any construction of infill housing.

Commission Wyant feels that should be taken up by the Finance Committee, as the Plan Commission is to review land use and not be involved with who will do the construction.

Mayor Dickert verified with Director O'Connell that the Community Housing Development Organizations (CHDOs) are the ones that build the housing for City projects.

Alderman Marcus noted a housing project is currently being considered where the City would be the general contractor.

Director O'Connell clarified that non-profits and CHDOs have historically been the main providers of infill housing. However, the City has bid work through general contractors via a bidding program, and could do so in the future. The Mayor agreed that we should no limit ourselves to rely on just CDHOs to do the work.

Alderman Marcus noted he is not satisfied how the proposed guidelines provided address infill housing, noting they are extremely brief and general and in some cases out of date. He provided a book called "Get Your House Right: Architectural Elements to Use and to Avoid". Alderman Marcus feels the book could provide better guidelines, and outline the mission and purpose of the design standards.

Mayor Dickert advised Alderman Marcus to get his list of comments and/or changes together and be prepared to have them to staff by August 4. He advised to give staff a list of criteria to look at and to incorporate into the standards, and that it is not acceptable to hand staff a random book of architectural standards to read on the topic.

Alderman Marcus continued by saying the Commission is in the position to decide what the guidelines are, and they need to rely on experts, of which he considers this book to be. He noted what was provided is so lacking in comprehensive character that it will not satisfy the purpose of guiding what is expected in infill housing. Mayor Dickert formally disagreed, unless the intent is that we are going to spell out to each developer what to build, which is not what the guidelines are meant to be. He advised we have to give them guidelines, we cannot tell them specifically what to build. Alderman Marcus formally disagreed and continued to discuss that the guidelines proposed are severely lacking and unsatisfactory, and more information is needed.

Alderman Holding felt that architectural design experts are not always right or on the same page as the community.

A motion was made by Alderman Holding, seconded by Alderman Marcus, that this item be deferred. The motion PASSED by a Voice Vote.

[10-5414](#)

Subject: (Direct Referral) Request by Dena Nasca of FMHC Corp. representing Verizon Wireless Personal Communications LP seeking

a minor amendment to a conditional use permit to add three antennas to an existing lattice tower at 2100 Oakes Road.

Principal Planner Sadowski noted a correction in the applicant name on the agenda. He then provided background on the property location and the existing lattice tower. Three additional antennae will be added to an existing antenna array, creating a total of 9 antennae on this particular array.

Mr. Sadowski also advised we will need a more accurate site plan of the antennae, as the existing tower has additional antennae on it not note on the site plan received from the applicant.

A motion was made by Alderman Holding, seconded by Commissioner Wyant, that this item be approved subject to staff recommendations. The motion PASSED by a Voice Vote.

10-5419

Subject: (Direct Referral) Request from Cyndi Knapp-Finley representing Racine Joint Venture d/b/a Regency Mall seeking consideration of a request by Halloween Express for a conditional use permit to erect a temporary structure for a sales event at 5200 Durand Avenue. (Res.10-2129)

Recommendation of the City Plan Commission on 7-28-10: That the item be approved subject to conditions.

Fiscal Note: N/A

Attachments: [PH Hearing 5200 Durand Avenue \(10-5419\) CUP 5200 Durand Avenue](#)

Public hearing opened at 4:45 p.m.

Mr. Jon Madjoch of 550 W. Red Pine Circle, Dousman, WI, came forward to speak. He is the owner/operator of Halloween Express that is making the request.

Mayor Dickert asked how long this temporary structure would be up. Mr. Madjoch advised from September 4 through October 31.

Public hearing closed at 4:46 p.m.

Mayor Dickert asked if we allow for that long of a sales period. Mr. Sadowski advised normally it is for a maximum 30 days; however, last year they were allowed for 60 days as a "test case" to see if any issues arose with the sale or the structure. There were no reports of problems from police or fire from last year, with the exception of one item for sale which was removed from the shelves. He continued that staff does have a continued concern for temporary buildings; however, feeling that it sets a precedent to continue to allow temporary buildings and what it says about the quality of the development of the mall, staff reviews these on a case-by-case basis as conditional use requests.

Mr. Sadowski continued on to show the appearance of the temporary structure (tent), and that it is in the shape of a large pumpkin which is a large advertisement in itself. The applicant will provide restrooms and a trash area. Last year the vehicle used for the temporary use was parked as such to where it constituted a sign, as it is decorated with logos, etc.

Alderman Holding asked Chief Building Inspector Rick Heller if he has any concerns. Mr. Heller advised he has an overall concern for temporary buildings.

The applicant advised that the tent is fire resistant, that there are two emergency exits and two front doors, and a back-up generator. There are fire extinguishers as well. Mr. Heller added that per the Fire Code, the structure is not required to have a sprinkler system.

Commissioner Veranth asked about insurance coverage. The applicant advised they have a \$1,000,000 liability policy as well as an umbrella policy.

Commissioner Marcus expressed concern over temporary structures and questioned if this is the highest and best use of the property. He noted that there is much vacant space throughout the City that might be more appropriate for this use.

Mayor Dickert asked the mall representative if there is any open space in the mall at this time. Cyndi Knapp-Finley of Regency Mall advised there is not much available, one larger space is open at this time; however, it is expected to be leased soon.

Alderman Holding asked if the applicant has considered renting a retail space vs. using a temporary structure. The applicant advised it is too late at this point to pursue that, and that he provided jobs to individuals which in many cases turned out to be long-term employment, with some individuals opening up their own businesses. He also noted national attention was brought to Racine with media outlets coming to view the tent structure and feels it brings more people into Racine.

Mr. Sadowski verified for Alderman Marcus that the applicant needs to apply for a conditional use annually; this one is only valid for the timeframe noted in the conditions of approval.

Mayor Dickert requested the van being used for the event be moved closer to the parking area where the structure will be and not parked so as to constitute additional signage. The applicant agreed to do so.

A motion was made by Alderman Holding, seconded by Commissioner Esqueda, to recommend approval of the item subject to staff recommendations.

10-5420

Subject: (Direct Referral) Request from Ahmad Otallah representing OSM Investment Group seeking consideration of a request for a conditional use permit for a mixed use development at 2000 Lathrop Avenue to immediately accommodate a group daycare center as well as additional future tenants. (Res.10-2130)

Recommendation of the City Plan Commission on 7-28-10: That the item be approved subject to conditions.

Fiscal Note: N/A

Attachments: [PH Hearing 2000 Lathrop Ave](#)
[\(10-5420\) CUP 2000 Lathrop Ave](#)

Public hearing opened at 5:00 p.m.

Charles Brandt, 3828 Spring Lake Drive. He is the owner of Bucket's Pub and is

concerned with a daycare and future tenants at this location. Wants to know more about what type of people will be in the daycare center.

Carla Fracco, 4931 S. Old Green Bay Road. She is the owner of Grumpy's and is concerned about how a daycare center will affect liquor license holders.

Public hearing closed at 5:05 p.m.

Principal Planner Sadowski identified the location on Lathrop Avenue and provided an overview of the site. He advised the proposed daycare meets the criteria laid out in the new Ordinance addressing the location and other requirements on placement of daycare centers.

The rear portion of the building will be torn down to make the playground area. Landscaping along Russet for screening is in need of attention. He shared the site plan indicating the location within the building for the daycare and the areas for future business expansion. Concerns were that there is inadequate parking on the site, the parking lot is in very poor condition, and that a joint access/cross access agreement, and a maintenance agreement would be required. Based on calculations, there is inadequate parking on the site for uses within the building.

Alderman Marcus asked if there were rules concerning distances of daycare facilities from facilities which have liquor licenses. Mr. Sadowski advised that was not addressed in the recent Ordinance addressing daycare centers.

Alderman Holding verified the daycare is for children only. The applicant advised the age group would be from 4 weeks to 12 years of age. The hours are 6:00 a.m. until 9:00 p.m., depending on need, and it would not be a 24-hour facility. Alderman Holding then clarified the City would not take a license from a tavern if a new daycare comes in. If there are conflicts of tavern owners in the future, that would be taken up with the City separately.

Mayor Dickert asked the about the parking situation and if he worked out any parking agreements with adjacent properties. The applicant advised he doesn't need additional parking at this time, but the addition of future tenants may create a parking problem. He also advised they do own the parking lot to the west of the site. Cricket Communications owns the parking directly behind it, and Mr. Otallah purchased the parking behind that. Mr. Sadowski advised that parking shows as being owned by Mr. Kai Jensen. Mr. Otallah advised they recently purchased it.

Alderman Marcus brought up the issue of liquor licenses within the vicinity of the daycare. He said it would create a future hardship for the license holders if the daycare were approved and will be recommending denial of the application.

Commissioner Wyant noted the Ordinance needs to be applied as it stands currently, not how someone thinks it should be. He feels it is inappropriate to deny based on someone thinking the Ordinance should be different. The ultimate decision to change the Ordinance is up to the Council. The decision should be based on land use and not on personal opinion.

Discussion ensued.

Mr. Sadowski advised this issue was not overlooked when creating the daycare guidelines, and that many daycares within the City are near taverns or establishments holding liquor licenses.

Alderman Marcus noted that in many occasions in the past that land use decisions have been based on how things should be. He believes the Plan Commission should determine what the best use of the land is, not simply based on a strict interpretation of the code.

Alderman Holding discussed different types of land uses and location of uses near taverns. He feels this daycare center is far enough away from the taverns in question and is pleased to see the building will be occupied. He also feels the parking requirement is too high.

Mayor Dickert asked the applicant if an environmental study is required. The applicant stated he is not aware of one being required, but they are removing all the asbestos and the State will look at the facility prior to occupancy. Mayor Dickert advised the applicant to make sure he follows up on the areas of mold and lead paint to make sure they do not remain underlying problems.

In response to Mr. Sadowski, Mr. Otallah stated that he has reviewed the proposed conditions of approval and finds them to be acceptable.

A motion was made by Commissioner Wyant, seconded by Alderman Holding, that the item be recommended for approval. The motion PASSED by the following vote:

**Ayes: 4 - Holding, Esqueda, Wyant, Veranth
Noes: 1 - Marcus**

Administrative Business

None.

Adjournment

There being no other business, a motion to adjourn was made by Commissioner Wyant, without objection. The Plan Commission was adjourned at 5:30 p.m.