



City of Racine

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

Meeting Minutes - Draft City Plan Commission

*Chairman Alderman Dennis Wiser, Mayor John T. Dickert,
Alderman Aron Wisneski
Atty. Jud Wyant, Atty. Elaine Sutton Ekes
Vincent Esqueda, Tony Veranth*

Wednesday, June 27, 2012

4:15 PM

City Hall, Room 205

Call To Order

PRESENT: 5 - Elaine Sutton Ekes, Vincent Esqueda, Tony Veranth, Aron Wisneski and Dennis Wiser
EXCUSED: 2 - Jud Wyant and John Dickert

Others present:

*Matthew Sadowski, Principal Planner
Jill Johanneck, Associate Planner
Ken Plaski, Chief Building Inspector / Zoning Administrator*

Approval of Minutes for the May 30, 2012 Meeting

A motion was made by Commissioner Esqueda, seconded by Alderman Wiser, to approve the minutes of the May 30, 2012 meeting. The motion PASSED by a Voice Vote.

Review of notes from the June 13, 2012 public hearings, and review of public comment on RootWorks Plan.

Alderman Wisneski reviewed the meeting notes of the June 13, 2012 Public Hearings and of the comments on the Root Works plan. There was no motion on approval of minutes, as there was no quorum at this meeting and only public hearings and Root Works plan discussion took place.

[12-7809](#)

Subject: A Resolution to adopt the document titled "Root Works - Revitalizing Racine's Urban River Corridor Plan: Root River Corridor Redevelopment Plan". (PC-12)

Recommendation of the City Plan Commission on 6-27-12: That the Resolution be adopted.

Fiscal Note: N/A

Attachments: [RCEDC Root River Plan Support](#)

Principal Planner Sadowski briefly summarized the history of the request and open house and public comment session held at the June 13, 2012 Plan Commission meeting. Plan highlights were reviewed and a summary of the meeting was provided.

Alderman Wisneski reviewed the public comments from the June 13, 2012 meeting. He further advised this plan is to support areas in the City along the Root River to support developers and other agencies who want to locate in Racine, adding this is not an isolated plan that will be implemented right away, but a guideline for utilization in these areas for future development.

A motion was made by Alderman Wiser , seconded by Commissioner Esqueda, to recommend to the Common Council adoption of the Resolution for the Root Works Plan. The motion PASSED by a Voice Vote.

12-7888

Subject: (Zord. 0001-12) An Ordinance adopting the document "Rootworks - Revitalizing Racine's Urban River Corridor: Root River Corridor Redevelopment Plan". (PC-12)

Recommendation of the City Plan Commission on 6-27-12: That the ordinance be adopted.

Fiscal Note: N/A

Principal Planner Sadowski advised this Ordinance is required to amend the Comprehensive Plan to include the Root Works plan as part of the document.

A motion was made by Commissioner Sutton Ekes, seconded by Commissioner Veranth, to recommend that the ordinance be adopted by the Common Council. The motion PASSED by a Voice Vote.

12-7810

Subject: (Direct Referral) Discussion of possible revocation of a Conditional Use Permit approved for an automobile repair facility at 2835 Lathrop Avenue. (PC-12)

Associate Planner Johanneck reviewed the history of enforcement issues following the approval of the conditional use for this property as an automobile repair facility since August, 2011. A review of the area, photographs, site visits and correspondence with the business operator, property owner, and adjacent property owner were provided. Violations include vehicles parked in no-parking areas, operating beyond the approved hours of operation, U-Haul rentals, mostly un-licensed and junk vehicles, trailers and other vehicles being at the location due to abandonment, parking in the access easement, debris accumulating on-site, and the condition of the parking surface. Due to lack of Staff availability to continually monitor the site and continuing violations of the approved conditional use, Staff is requesting guidance and possible revocation of the conditional use approval.

A copy of the original approval conditions were provided to Alderman Wisneski. Mr. Scheel, the business operator, was invited to the podium. Alderman Wisneski advised his history and familiarity with the approval and requested information from Mr. Scheel. Mr. Scheel advised they have made some modifications when they were notified there were violations, he indicated trucks delivering to the adjacent property are doing illegal turns and blocking the easement, that they work at keeping the weeds down. He noted he is not storing junk vehicles and is not doing painting at the location. Alderman Wisneski inquired about the work after hours, and Mr. Scheel advised he does work after hours on personal vehicles, and that he is not aware of work going on late into the evening. He noted the neighboring property owner has had issues with the business locating there since they moved in and feels this is why they are under such scrutiny. Discussion about the violations ensued. The site plan was reviewed to discuss parking issues.

Ms. Johanneck asked Mr. Scheel about a discussion that took place at a site visit where he mentioned they were waiting for title releases from the State as people were dropping off vehicles off and not picking them up and requested he clarify this. He discussed this and advised he recently found out that the City will come and address these abandoned vehicles so they will not be sitting there as long.

Alderman Wisneski inquired about the re-sealing. The applicant advised a receipt was provided to Brian O'Connell indicating it had been done, yet upon a visual inspection it appears it has not been. Ms. Johanneck reviewed a record of violations noted upon her last visual inspection of the property. Mr. Scheel advised the wheel stops have been installed. The list of other violations continued to be addressed by the applicant.

Alderman Wisneski advised it's apparent there is a dispute between them and the neighbor, yet the issue is between the conditional use agreement they made and the violations of it. Ms. Johanneck reiterated we are requesting guidance, again stating that the time being spent enforcing this conditional use is over and above what should be occurring.

Commissioner Sutton Ekes inquired about vehicles and licensing requirements. Ms. Johanneck advised the Building Department has a code requirement about how long a vehicle can be stored without current tags. Commissioner Sutton Ekes then suggested Staff do more inspections and if violations continue that citations be issued.

It was moved by Commissioner Ekes and seconded by Commissioner Veranth that this item be received and filed with the following direction to staff: inspect property in 30 days to determine if compliance to conditions of approval have been achieved. If compliance not achieved, cause citations to be issued as staff deems necessary.

The motion was discussed with Commissioner Veranth urging the applicant to review the conditions of approval and comply.

Principal Planner Sadowski cautioned Mr. Scheel that today's action of the Commission is a warning and a first step of what could evolve into the revocation of his conditional use permit if compliance is not achieved and maintained.

In response to Commissioner Veranth and Principal Planner Sadowski, Mr. Scheel stated he understood the Commission's directive and the pending threat to his permit.

A motion was made by Commissioner Sutton Ekes, seconded by Commissioner Veranth, that this item be received and filed with the following direction to staff: inspect the property in 30 days to determine if compliance to conditions of approval have been achieved. If compliance not achieved, cause citations to be issued as staff deems necessary. The motion PASSED by a Voice Vote.

12-7684

Subject: (Direct Referral) Request by Sheila Sheets representing "2 Sheets to the Wind" seeking a conditional use permit to operate a pub and grill at 3316 Douglas Avenue. (PC-12) (Res. No. 12-3216)

Recommendation of the City Plan Commission on 6-27-12: That the item be approved subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 3316 Douglas Avenue](#)
[\(12-7684\) CU 3316 Douglas Avenue](#)

Principal Planner Sadowski updated the Commission on the item and previous deferrals due to awaiting contact with adjacent property owners concerning cross-access and other issues regarding the request. An overview of the presentation was provided by Mr. Sadowski. He advised the property owner's have attempted to work on access issues with the adjoining property owner, who has indicated that they are not interested in pursuing it at this time. Clarification was provided on the recommendation of approval, specifically condition C.2 which addresses cross access and parking agreements, as it has been pursued and there is no interest by the adjoining property owner to consider it at this time. It was concluded to remove C.2 from the conditions.

Alderman Wisneski inquired about adequate parking without the agreements. Mr. Sadowski advised there is adequate parking for this use, however there are other buildings within this site and will be an issue as development proposals come forward. Alderman Wisneski noted for the record two communications he received for the proposal: An email from Alderman DeHahn who is in support of the request, and a letter from the manager of the Dairy Queen who is in opposition of the request.

Snow removal was discussed. Commissioner Sutton Ekes requested adding a condition that snow is to be kept on-site without blocking parking or removed from the site if needed.

A motion was made by Commissioner Sutton Ekes, seconded by Commissioner Veranth, to recommend approval of the request, striking proposed condition 2.c, and adding condition k. that all snow removed from the parking areas shall be contained within the site or removed if necessary. The motion PASSED by a Voice Vote.

12-7811

Subject: (Direct Referral) Review of a request by Donna Daams of Chartroom Charlie's seeking a minor amendment to a conditional use permit to construct a stage for outdoor music performances at 209 Dodge Street. (PC-12)

Principal Planner Sadowski reviewed the request and provided an overview of the area, property and surrounding zoning. The stage location was reviewed and its proximity to the deck area. Staff recommendation is for approval subject to conditions.

Alderman Wisneski asked if there already is music occurring at this location, and Mr. Sadowski advised he was informed they currently do offer live music. Alderman Kaplan spoke and noted he had no issues with the request as long as the sound is kept at a reasonable level and he does not begin to receive complaints. He advised he is not aware if the location is currently offering live music at this time.

Alderman Wisneski requested if complaints are received to advise Staff.

A motion was made by Commissioner Esqueda, seconded by Alderman Wiser, to approve the request subject to Staff recommendations. The motion PASSED by a Voice Vote.

12-7812

Subject: (Direct Referral) Request by Mark Madsen, representing Vivian and Anthony Merlo, for approval of a two-lot Certified Survey

Map for the property located at 2504, 2514, 2518, and 2522 Douglas Avenue. (PC-12) (Res. No. 12-3217)

Recommendation of the City Plan Commission on 6-27-12: That the item be approved subject to conditions.

Fiscal Note: N/A

Attachments: [\(12-7812\) CSM 2504, 2514, 2518, 2522 Douglas Avenue](#)

Associate Planner Johanneck reviewed the request for the Certified Survey Map request, identifying the lots are located between Augusta Street and Romayne Avenue. A review of the zoning and general area was provided. The four lots would be re-configured into two lots. The new lots would consist of a residential lot being increased in size (addressed as 2522 Douglas Avenue), and combining the remainder of the property with 2504 Douglas Avenue for purposes of adding a new parking lot and landscape buffer to service the business located there. It was also noted this would rectify the dedication of Romayne Avenue as a City right-of-way, which was not recorded back in 1947 when it was approved by the Common Council. It was reiterated this is one of four steps required to legalize zoning violations on the properties, and the applicants creation of a commercial parking lot in a residential zone. This application is accompanied by a rezoning request, a change to the 2035 Land Use Plan map, and a future request for an amendment to the existing conditional use. Staff recommends approval subject to conditions.

Alderman Wisneski noted this item is directly related to the next agenda item, however two separate motions will be required. He requested Ms. Johanneck update the Commission on the rezoning and land use plan request.

Ms. Johanneck reviewed the request, that the rezoning would change the addresses at 2514 and 2518 from R-3 Limited General Residence to B-2 Community Shopping District to accommodate for the parking lot. This rezoning is required for the owner's to utilize these lots as parking for 2504 Douglas Avenue, which is severely under-parked. Also proposed is a small modification to the 2035 Land Use Plan map to change the two lots from high-density residential to commercial. This is a sensible change as the lots are located along Douglas Avenue, a main commercial corridor, and the addition of the parking area and landscape buffer are a better land use for these properties as the likelihood of residential locating here is minimal.

Alderman Wisneski summarized the public comments from the June 13, 2012 Public Hearing held on the re-zoning request, and that the input from the individuals in the area focused on concerns for future uses should the property rezoning be approved, and that the owner of the property up for rezoning has created drainage issues for several neighbors and they have not kept up their property correctly. He noted the applicant spoke in response to the neighborhood comments.

Alderman Wisner asked what the use of the building is that would benefit from the additional parking. Ms. Johanneck advised there are three tenant spaces in the building, one was formerly NAPA Auto Parts which is currently vacant, and the other two are a children's re-sale shop and a small day care center.

Ms. Johanneck reminded the Commission that a conditional use amendment is forthcoming to solidify all the changes being made with the applications currently under review.

Alderman Wisneski advised these technical corrections are necessary, contrary to the feeling of the neighborhood feelings of any approvals will not result in any improvement on the problems. He noted Mrs. Merlo has been co-operative with Staff requests, and that this being done does not let the Merlo's off the hook to rectify the problems that still remain on the rear portion of the lot.

A motion was made by Commissioner Sutton Ekes, seconded by Commissioner Veranth, to recommend approval of the certified survey map subject to Staff conditions. The motion PASSED by a Voice Vote.

12-7813

Subject: (Direct Referral) Request by Vivian and Anthony Merlo to re-zone the property located at 2514 & 2518 Douglas Avenue from R-3 Limited General Residence to B-2 Community Shopping District, as well as amend the 2035 Land Use Plan for the City of Racine to reflect a change in land use from High Density Residential to Commercial Use for the aforementioned properties. (PC-12)

Recommendation of the City Plan Commission on 6-27-12: That an ordinance be prepared and a public hearing scheduled.

Fiscal Note: N/A

Attachments: [PH Notice - 2514 & 2518 Douglas Avenue](#)

This item was discussed under item 12-7812. Alderman Wisneski asked for comment. Principal Planner Sadowski clarified that this request for rezoning also includes a modification to the 2035 Land Use map from the Comprehensive Plan.

Alderman Wisneski also requested it be noted in the minutes that the intent for the use for these lots is for a parking lot use.

A motion was made by Commissioner Esqueda, seconded by Commissioner Sutton Ekes, to recommend approval subject to Staff conditions. Mr. Sadowski clarified that this is not only the rezoning request but also the amendment to the comprehensive plan, and the recommendation is that an ordinance be prepared and a public hearing scheduled. The motion PASSED by a Voice Vote.

12-7814

Subject: (Direct Referral) Request by Terynce Guthrie representing The Hawks Motorcycle Club - Wisconsin Chapter, for a Conditional Use permit to operate a meeting hall/clubhouse at 2051 Mead Street. (PC-12)

Recommendation of the City Plan Commission on 6-27-12: That the item be denied.

Fiscal Note: N/A

Attachments: [PH Notice - 2051 Mead Street](#)

Alderman Wisneski advised the public hearing for this item was held on June 13, 2012. He reviewed the comments of the four speakers who all spoke in opposition.

Ms. Johanneck provided a brief review of the request, including zoning, surrounding land uses, and summarized the proposal, hours of operation, anticipated traffic, and lack of parking on-site. She noted that the applicant had contacted her noting he'd discussed the concerns of the individuals who spoke in opposition to the request, as well as the Alderwoman for the district, who were no longer against the request. No written or verbal confirmation of this information was received by Staff from any of those who spoke or from the Alderwoman to confirm the information. The applicant nor any representatives were present to discuss this proposal.

Alderman Wisneski spoke on the item, indicating the location of the proposal is in a 'marginal, fragile neighborhood' and expressed concern for the use locating here. He advised he spoke with the Alderwoman of the district who did not indicate whether she was for or against the request, and reviewed comments made by those who spoke at the public hearing, noting that this is a club, and not a commercial use. He indicated it is a primarily residential area. Commissioner Sutton Ekes asked if the Commission has the authority to override the parking requirements. Ms. Johanneck advised yes, per the zoning ordinance they have the ability to allow variances to parking requirements. Commissioner Esqueda was updated on the public hearing, that four people spoke in opposition and none spoke in support.

A motion was made by Alderman Wisneski, seconded by Commissioner Sutton Ekes, to recommend denial of the request based on inadequate parking and incompatible use with neighborhood concerns. The motion PASSED by a Voice Vote.

PUBLIC HEARINGS HEARINGS

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12-7855

Subject: (Direct Referral) Request by Maurice and Kimberly Horton of Kimberland Daycare seeking a conditional use permit for a daycare facility at 3417 Douglas Avenue. (PC-12) (Res. No. 12-3218)

Recommendation of the City Plan Commission on 6-27-12: That the item be approved subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 3417 Douglas Ave \(12-7855\) CU 3417 Douglas Avenue](#)

Principal Planner Sadowski reviewed the request, property zoning, and surrounding zoning and land uses. He reviewed the plans submitted, indicating a fence, dumpster, and play area are to be added. He also noted the existing property requires some attention including existing landscaping maintenance and repair to an existing retaining wall. There is adequate parking on the site.

Public Hearing opened at 6:30 p.m.

1. Elizabeth Zoellner, 1536 Short Street, spoke in opposition of the request, stating concerns about the actual need for another daycare in the area, hours of operation, access and traffic increases, and the clientele coming from outside the neighborhood.

2. Len Alvarez, 808 Bryodi Street and property owner, spoke in favor of the request, advising if there are any problems with the business he can be contacted and it will

be addressed.

3. Alderman Jim Kaplan, 400 Kewaunee Street, spoke in support of the request, advising he knows the applicant and feels the location will be successful.

Mr. Sadowski advised he received an email from Alderman DeHahn stating support of the request.

Public Hearing closed at 6:38 p.m.

Mr. Horton, the applicant, advised they are currently located at 1442 N. Memorial Drive but are looking to re-locate due to the building owner having financial issues. They will have the capability to transport kids to and from the site, and expressed their overall involvement with the community and concern for the youth.

Alderman Wisneski asked about the play area and that it is currently asphalt. Mr. Horton advised the play area will need to meet State requirements and will be fenced off. At this time it is blacktop only, but there is a park nearby on Fourth Street.

Commissioner Sutton Ekes inquired about traffic circulation. Mr. Sadowski advised the existing set-up is ideal as it requires use of the intersection which creates a safer situation for traffic.

A motion was made by Commissioner Veranth, seconded by Commissioner Esqueda, to recommend approval of the request subject to Staff recommendations, with the addition of a condition that a "no right turn" sign be installed at the Short Street parking lot exit. The motion PASSED by a Voice Vote.

12-7860

Subject: (Direct Referral) Request by John Dunk of John's Dock seeking an amendment to a conditional use permit to expand an outdoor entertainment area at 303 Dodge Street. (PC-12) (Res. No. 12-3219)

Recommendation of the City Plan Commission on 6-27-12: That item be approved subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 303 Dodge St](#)
[\(12-7860\) CU 303 Dodge Street](#)

Principal Planner Sadowski provided an overview of the area, zoning of the parcel and surrounding areas, and the area proposed for the outdoor entertainment area. The deck was approved previously for outdoor dining and music, and this request will get the current use of the property in line with what is occurring. There is an impact on parking in the area with this request, however if the on-site parking is approved for this use, the applicant has use of the parking lot to the north for up to 40 legal parking spaces. They will be required to provide a written agreement to this effect.

Public Hearing opened at 6:52 p.m.

1. Alderman Kaplan, 400 Kewaunee Street, spoke in favor of the request. He advised he has received no complaints, and requests the volume of the music be adequate to the audience to avoid noise complaints.

2. *William Pugh, no address provided, owns the parking lot to the North. He advised he will provide the written authorization for use of his parking lot as requested.*

3. *Jan Davis, 4030 Erie St., spoke in favor of the request.*

Public Hearing closed at 6:55 p.m.

The applicant, Mr. John Dunk, advised they are trying to develop part of their parking lot with this use to keep business up and going. The live music will end at 11:00 p.m. He advised there have been no problems with noise or other issues, and has 20 employees. Alderman Wisneski inquired about the direction of the speakers, and Mr. Dunk advised they are directed towards the bridge, not towards the neighborhood to the north.

Commissioner Sutton Ekes inquired about the parking lot, which will be used more heavily yet remains unpaved, and inquired about the cost of paving the lot, noting it is un-sightly and it is typically required lots be paved. Ken Plaski noted it could be possible to do the paving in phases. The addition of landscaping was also mentioned by Commissioner Sutton Ekes. Commissioner Veranth added that the paving would be preferred, but economically may be difficult to do all at once and supports the phasing idea.

A motion was made by Commissioner Esqueda, seconded by Alderman Wisner, to recommend approval of the request subject to Staff recommendations, with an amendment to the permitted operation dates from May 1 - September 30, and the addition of a condition that the overflow lot shall be paved if used on a year-round basis. The motion PASSED by a Voice Vote.

12-7861

Subject: (Direct Referral) Request by Rev. Daryn Crenshaw seeking a conditional use permit for a health and wellness center, and a church at 1034 West Boulevard. (PC-12) (Res. No. 12-3220)

Recommendation of the City Plan Commission on 6-27-12: That the item be approved subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 1034 West Blvd \(12-7861\) CU 1034 West Boulevard](#)

The Public Hearing opened at 7:06 p.m.

Without speakers, the Public Hearing closed at 7:06 p.m.

Reverend Crenshaw, the applicant, explained his request to operate a wellness center with focus on older individuals and for youth at variable times, offering things such as yoga, zumba, and similar classes. He also would like to have a wellness store offering books and other media focusing on health and well-being. He noted computers would be available and the church would also be available for meetings.

Alderman Wisneski questioned the number of attendees as stated at 120-150 at a time. Mr. Crenshaw advised that is based on the number of seats they could fit in the location, and that he is speaking with other individuals about shared parking and that there is also public parking available to supplement his 14 available spaces. Alderman Wisneski also noted this is a commercial property and this use modifies

that, taking the focus away from a business type area and how it could affect future businesses wanting to locate there.

Principal Planner Sadowski advised Alderman McCarthy requested a condition be added, if approved, that requires the applicant enter into parking agreements so there is a minimum of 25 off-street parking spaces provided. Alderman Wisneski added he supports this request. Parking issues were discussed further.

A motion was made by Commissioner Sutton Ekes, seconded by Commissioner Wiser, to recommend approval of the request subject to Staff recommendations, with the addition of a condition that the applicant shall provide a written agreement with a neighboring property owner illustrating that there will be at least 11 off-street parking spaces provided. The motion PASSED by a Voice Vote.

Administrative Business

Adjournment

Alderman Wisneski adjourned the meeting at 7:25 p.m. without objection.