



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, April 13, 2011

4:15 PM

City Hall, Room 205

Call To Order

PRESENT: 7 - John Dickert, Elaine Sutton Ekes, Vincent Esqueda, Gregory Holding, Jud Wyant, Eric Marcus and Tony Veranth

Others present: Matt Sadowski, Principal Planner
Jill Johanneck, Associate Planner
Brian O'Connell, Director of City Development

Approval of Minutes for the March 9, 2011 Meeting

A motion was made by Commissioner Wyant, seconded by Alderman Marcus, to approve the minutes of the March 9, 2011 meeting. The motion **PASSED** by a Voice Vote.

Approval of Minutes of the March 31, 2011 Meeting

A motion was made by Commissioner Sutton Ekes, seconded by Alderman Marcus, to approve the minutes of the March 31, 2011 meeting. The motion **PASSED** by a Voice Vote.

11-6040

Subject: Communication from Karen Sorenson requesting termination of the West Racine Business Improvement District (BID No. 2).
(Res.11-2506)

PLAN COMMISSION RECOMMENDATION OF APRIL 13, 2011:

That the Plan Commission has determined that per Wisconsin State Statute 66.1109(4m) the threshold to terminate the West Racine Business Improvement District (BID No. 2) has been met, and recommends the Common Council introduce a resolution to terminate the West Racine Business Improvement District (BID No. 2).

Further, that the business improvement district shall be considered terminated on the date the obligation with the latest completion date entered into to implement the operating plan expires.

FISCAL NOTE: Unexpended BID No. 2 funds will be returned to affected property owners within BID No. 2

Attachments: [BID Petitions](#)
[West Racine BID Operating Plan 2011](#)
[Municipal Law 66.1109 BID](#)
[Notice, Letter, Survey](#)

Associate Planner Johanneck advised the Public Hearing to terminate the BID was held on March 9, 2011 as required by State Statute. A spreadsheet was provided to the Commission members indicating property addresses, ownership, assessed values, and the total calculation for those in favor of terminating the BID. The percentage of the total assessed property values in the BID requesting termination was 56.7%, meeting the 'over 50%' statutory requirement. Staff recommendation is for the Plan Commission to recommend the Common Council introduce a resolution to terminate BID #2.

Clarification was provided on what happens to funds currently in the BID once terminated.

A motion was made by Commissioner Wyant to forward the item onto Common Council to recommend a resolution be drafted to terminate BID #2. Seconded by Commissioner Esqueda, motion carried. Commissioner Sutton-ekes abstained from the vote.

Alderman Holding voiced his concerns over the termination of the BID, mentioning that the City entered into the agreement with the owners and much good work has come out of it. He urged those who voted in favor of termination to reconsider, noting his vote was in favor of termination only based on the legal requirement per Statute to do so if the threshold has been met, but does not believe elimination of the BID is in the best interest of the area.

Alderman Marcus mentioned the West Racine Business Association and hopes that good things continue to occur in West Racine with the assistance of this organization and business owners.

A motion was made by Commissioner Wyant, seconded by Commissioner Esqueda, that this be recommended for approval the termination of BID #2. The motion PASSED by a Voice Vote. Commissioner Sutton Ekes abstained.

11-6218

Subject: (Direct Referral) Request by Anthony Coey for a Conditional Use permit for 3317 Durand Avenue to operate a used automobile sales lot. (Res.11-2507)

PLAN COMMISSION RECOMMENDATION OF APRIL 13, 2011:

THAT THE REQUEST BY ANTHONY COEY SEEKING A CONDITIONAL USE PERMIT FOR USED AUTOMOBILE SALES AT 3317 DURAND AVENUE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a. That the applicant continue to work with City Development Staff on completion and submittal of a correct floor plan and revised site plan, which addresses citizen and Staff concerns and requirements, prior to any permits being issued or occupancy granted for the site. If the applicant and Staff are unable to come to consensus on site plan, the request shall be re-scheduled and presented to the Plan Commission

for further review and recommendation.

b. That the hours of operation be from 8:00 a.m. - 6:00 p.m., Monday through Friday, and from 9:00 a.m. - 2:00 p.m. on Saturdays. There shall be no Sunday hours.

c. That only private passenger vehicles be sold at the location.

d. That there be no pennants, banners, streamers, advertising flags, antenna sleeves, string lights, spot lights or other forms of attraction devices utilized.

e. That wheel stops or curbing be installed for parking spaces as required per Section 114-1171 of the Zoning Ordinance.

f. That the ingress/egress located closest to the intersection of Wheelock Drive and Durand Avenue be closed off, and that this closure be subject to review and approval of the Commissioner of Public Works.

g. That no inoperable vehicles shall be stored or sold from this location.

h. That no vehicles for sale be allowed to be parked on either street adjacent to the property. Vehicles for sale or which have been repaired and are awaiting pick-up shall be stored in parking spaces designated for this purpose.

i. That any waste generated from the vehicle repair, such as oil or other fluids, shall be stored in appropriate containers inside the building while awaiting pickup and proper disposal.

j. That auto detailing and repair of cars to be sold on-site be allowed within the existing garage. No detailing or repair activities shall take place outside of the building.

k. That no storage be allowed in the area behind the building, with the exception of the existing storage shed.

l. That all signage be reviewed and approved by the Director of City Development and all required permits be acquired prior to installation.

m. That all parking lot lighting shall be shielded downward, and that the illuminated pole sign shall be turned off no later than 10:00 p.m. daily.

- n. That no tow trucks, or similar vehicles used to transport vehicles to and from this site be allowed to park at this location other than to load or unload, and all loading and unloading of vehicles shall take place on-site.
- o. That all vehicles offered for sale are to be confined to the property at 3317 Durand Avenue.
- p. That all codes and ordinances be complied with and required permits acquired.
- q. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- r. That this permit is subject to Plan Commission review for compliance with the listed conditions.
- s. That those improvements as required by above conditions shall be fully implemented by August 1, 2011. If the applicant or owner fails to implement the required improvements by August 1, 2011 the applicant or owner shall provide the City with a letter of credit, bond, or other acceptable financial security, equal in value to the required improvements.

The financial security documents shall be submitted for the review and approval of the Director of City Development, shall be issued in the City's favor, shall be in effect for one year from the date of issuance, shall be extended beyond the expiration date if deemed necessary by the City of Racine, and shall require that the issuer give a 90 day notice to the Department of City Development prior to the expiration of said financial security.

The City is authorized by this conditional use permit to enter the site, implement the plan(s) and draw on the financial security for the cost of implementation if required improvements are not implemented by August 1, 2012. Any costs incurred in excess of the value of the financial security shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with the applicable statute.

By operating under this conditional use, the applicant and owner give permission to the City to enter upon the property for purpose hereby described.

FISCAL NOTE: N/A

Attachments: [PH Notice - 3317 Durand Avenue](#)

Associate Planner Johanneck summarized the above request, noting the public hearing and discussion had been held at the Plan Commission meeting of April 13th, and that the item was deferred to allow Staff and the applicant to work on a more functional site plan and to address concerns which arose at the hearing. Ms. Johanneck advised the applicant has met with Staff and is proposing changes to the site, including closing of an entrance, painting the building to be less obtrusive, guiding the light fixtures directly down and turning off the pole sign no later than 10:00 p.m. to reduce light intrusion, re-designing of the parking lot, and other improvements.

Commissioner Wyant moved to approve the item subject to Staff recommendations. Seconded by Commissioner Esqueda, motion carried.

Commissioner Sutton Ekes recommended addition of language to the conditions concerning the requirement that a financial assurance be submitted if the site improvements cannot be completed prior to occupancy. Commissioner Wyant requested that it not be limited to a letter of credit, but also to allow bonds or some other financial mechanism to provide the security. The amendment to the motion adding the requirement for a financial assurance was accepted without objection.

The requirement for this addition was explained to the applicant's attorney Mr. Fetek, and that the intent is not to hold them up but to ensure all work is completed prior to the applicant occupying the building.

Ms. Johanneck advised some businesses with conditional uses have been granted occupancy permits without City Development verifying all the conditions are met, as City Development is not one of the departments required to sign off on occupancy permits. This has led to some enforcement issues and non-compliance with approved plans.

A motion was made by Commissioner Wyant, seconded by Vincent Esqueda, that this item be recommended for approval, with the addition of language to the conditions as recommended by Commissioner Sutton Ekes. The motion PASSED by a Voice Vote.

11-6266

Subject: (Direct Referral) Request for a minor amendment to a Conditional Use permit for a Speedway gas station at 4620 Washington Avenue for a revised pylon sign.

Principal Planner Sadowski advised a minor change to the pole sign at the above address is requested to allow the electronic portion of the sign to advertise not only gas prices but also a single-product other than fuel.

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

11-6284

Subject: (Direct Referral) Request by Michael Lerner on behalf of Regency West Apartments, LLC, seeking a minor amendment to the planned development at 2300 Loni Lane to substitute LED exterior lighting for the lighting originally specified.

Mr. Sadowski advised the applicant is requesting to utilize LED lighting for both pole and wall lighting for the project. Staff has just received this request and needs more

information from the applicant on the fixtures and photometric information before agreeing to the lighting changes.

Director O'Connell advised the applicant is looking to use the local company, RUUD Lighting, for the project.

A motion was made by Commissioner Wyant, seconded by Commissioner Esqueda, to recommend Staff make a determination based upon the completion of the review. The motion PASSED by a Voice Vote.

11-6243

Subject: (Direct Referral) Consideration of the designation of a Racine Landmark at 845 Villa Street.

Recommendation of the Landmarks Preservation Commission on 4-4-11: That the property be designated a Racine Landmark under criteria 58-61(a) (3), (4), and (5) of the Historic Preservation Ordinance.

FISCAL NOTE: N/A.

Mr. Sadowski provided background on the home located at 845 Villa Street, including zoning, before and after pictures of work done by the current owners to make it more period-oriented, and surrounding properties. He noted the home was built in 1856, with a garage added sometime between 1890-1910. The Landmarks Commission reviewed this request at their April 4, 2011 meeting and has recommended the property be designated a Racine Landmark.

A motion was made by Alderman Marcus, seconded by Alderman Holding, to approve the recommendation that the property at 845 Villa Street be recommended for approval as a designated Racine Landmark. The motion PASSED by a Voice Vote.

4:30 P.M. PUBLIC HEARINGS

4:30 P.M. PUBLIC HEARINGS

11-6267

Subject: (Direct Referral) A request by Janet and Daniel Frey to rezone their home at 845 Villa Street from R-3 Limited General Residence to R-3 with a H-Historic Properties District Overlay. (ZOrd.5-11)

Recommendation of the Plan Commission on 4-13-11: That an ordinance be prepared and public hearing scheduled.

FISCAL NOTE: N/A.

Attachments: [PH Notice - 845 Villa Street](#)

Public Hearing opened at 4:50 p.m.

- 1. James Gamble, 514 Ninth St., requested clarification on why the public hearing was held after the property was designated. It was explained that the public hearing is required for the rezoning, not the historic property designation. Mr. Gamble also noted the public hearing notice had the wrong room number on it.*
- 2. Elaine Johnson, 835 Villa St., inquired if the property taxes will be affected with this*

designation. Mayor Dickert advised that in his experience this does not affect property values. She also noted she is happy the property has been cleaned up, and also noted the incorrect room number on the notice.

Alderman Holding apologized for the typo on the hearing room, that the City is not trying to get anything passed without neighbor input, and if it be deemed necessary we will re-advertise and hold a different hearing with new notices to be sent with the correct room.

Public Hearing closed at 4:55 p.m.

A motion was made by Alderman Marcus, seconded by Commissioner Sutton Ekes, to approve the recommendation that an ordinance be prepared and a public hearing scheduled on this request. The motion PASSED by a Voice Vote.

11-6268

Subject: (Direct Referral) Request by Abimael Gutierrez of Wisconsin Iron & Steel, LLC seeking a Conditional Use permit for a contractor's storage and materials fabrication facility at 724 Racine Street. (Res.11-2508)

Recommendation of the Plan Commission on 4-13-11:

THAT THE REQUEST BY ABIMAEEL GUTIERREZ OF WISCONSIN IRON & STEEL, LLC SEEKING A CONDITIONAL USE PERMIT FOR A CONTRACTOR'S STORAGE AND MATERIALS FABRICATION FACILITY AT 724 RACINE STREET BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a. That the plans as presented to the Plan Commission on April 13, 2011 be approved subject to the conditions contained herein.
- b. That all codes and ordinances be complied with and required permits acquired.
- c. That the maximum hours of the operation of the facility be from 7:00 a.m. to 5:00 p.m. Monday through Friday, with no hours on Saturday or Sunday.
- d. That this operation shall generate no noise or emit no fumes or smoke so as to be considered a violation of applicable codes and ordinances.
- e. That all trash and recyclables be stored in closed containers and screened from view.
- f. That all signs be professionally made, comply with all applicable ordinances and standards, and be presented to the Downtown Area Design Review Commission for review and approval.
- g. That the following actions shall be taken by May 31, 2011:

1. Cease the outside storage of vehicles, equipment and materials, and cease the outside storage of materials on or in trailers.
2. Remove all obsolete signage.
3. Removed the flatbed trailer from the property or store indoors.
4. Removed the office trailer from the property or store indoors.
5. Remove inoperable and/or collector vehicles from the property or store in doors.

h. That the following improvements shall be made to the property by August 1, 2011:

1. Repaint the building exterior. The proposed color(s) shall be presented to the Director of City development for review and approval prior the building being painted.
2. Repaired paved areas, seal paved areas, and stripe parking areas.
3. Pave unpaved travel lanes and parking areas. The proposed paving plan shall be presented to the Director of City development for review and approval prior to implementation.
4. Screen dumpster area(s). The proposed dumpster areas and screening method shall be presented to the Director of City development for review and approval prior installation.
5. Repair or replace worn out receiving/shipping bay bumpers and seals.
6. Repair or replace damaged railing located north of receiving docks.

i. That those improvements as required by above condition "h" shall be fully implemented by August 1, 2011. If the applicant or owner fails to implement the required improvements by August 1, 2011 the applicant or owner shall provide the City with a letter of credit, bond, or other acceptable financial security, equal in value to the required improvements.

The financial security documents shall be submitted for the review and approval of the Director of City Development, shall be issued in the City's favor, shall be in effect for one year from the date of issuance, shall be extended beyond the expiration date if deemed necessary by the City of Racine, and shall require that the issuer give a 90 day notice to the Department of City Development prior to the expiration of said financial security.

The City is authorized by this conditional use permit to enter the site, implement the plan(s) and draw on the financial security for the cost of implementation if required improvements are not implemented by August 1, 2012. Any costs incurred in excess of the value of the financial security shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with the applicable statute.

By operating under this conditional use, the applicant and owner give permission to the City to enter upon the property for purpose hereby described.

j. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.

k. That this permit is subject to Plan Commission review for compliance with the listed conditions.

FISCAL NOTE: N/A.

Attachments: [PH Notice - 724 Racine Street](#)

Mr. Sadowski provided background information on the request, including zoning, surrounding uses, also noting that the comprehensive plan indicates the site to remain industrial. He reviewed site conditions, the site plan proposal, parking, etc. The use proposed is for fabrication, and that materials will be brought to the site, assembled, then taken to the location for installation. The Staff concerns and observations noted in the Staff report were outlined for the Commission. The recommendation is for approval subject to staff conditions.

Public Hearing opened at 5:05 p.m.

- 1. Joseph Coon, 3421 70th Street, Kenosha, spoke as the senior project and plant manager for the site. He noted he is aware work needs to be done to upgrade the site and they are willing to do this to clean it up and make it usable for their business.*
- 2. Jim Romanchek, 1215 8th Street, spoke in support of the project pending the site is maintained and there is no outside storage.*

Public Hearing closed at 5:10 p.m.

Alderman Marcus inquired about the occupancy status of the property and if he understands the condition of the approval. The applicant noted it was currently vacant and he does understand the conditions.

Commissioner Sutton-Ekes advised condition i. in the Staff recommendations needs an ending date. Mr. Sadowski will address this.

Commissioner Esqueda asked the applicant if he felt the hours were adequate, to which the applicant advised the will be at this time and that if they need to be changed he understand he will need to come back to make the request.

A motion was made by Commissioner Sutton Ekes, seconded by Alderman Marcus, to recommend approval of the request subject to the modification to item i. of the Staff recommendations. The motion PASSED by a Voice Vote.

Administrative Business

None.

Adjournment

*A motion was made by Commissioner Wyant to adjourn the meeting at 5:15 p.m.
Motion passed without objection.*