

# **City of Racine**

*Room 103, City Hall*



## **Meeting Minutes**

**Wednesday, November 8, 2006**

**4:30 PM**

**Room 103, City Hall**

### **City Plan Commission**

*Mayor Gary Becker, Alderman Gregory Holding,  
John Dickert, Elaine Sutton Ekes,  
Vincent Esqueda, Howard Harper, Jud Wyant*

**Mayor Becker called the meeting to order at 4:31 p.m.**

**PRESENT:** 4 - Gary Becker, Elaine Sutton Ekes, Vincent Esqueda and Jud Wyant

**EXCUSED:** 3 - John Dickert, Gregory Holding and Howard Harper

*OTHERS PRESENT: Brian F. O'Connell, Director of City Development  
Rick Heller, Chief Building Inspector  
Matthew G. Sadowski, Principal Planner*

**Approval of Minutes for the October 25, 2006 Meeting**

**A motion was made by Jud Wyant, seconded by Vincent Esqueda, to Approve the Minutes, as distributed. The motion PASSED by a Voice Vote.**

**Public Hearings starting at 4:30 p.m.****06-2758**

**Subject:** (Direct Referral). Request from John RaBuck seeking a conditional use permit for a construction yard for outdoor storage of construction equipment and vehicles at 1112 Frederick Street.

**Recommendation of the City Plan Commission 11-08-06:** To deny.

**Attachments:** [1112 Frederick St.pdf](#)

*Mayor Becker opened the public hearing at 4:32 p.m., explained the public hearing process, and introduced the item.*

*Director O'Connell reviewed the proposed location of the conditional use permit, the proposed use, adjacent land uses, and zoning.*

*Mr. John RaBuck explained the proposed use of the property. He stated that he would be using the truck trailers as storage buildings. He intends to clean up trash on the property, fix damaged fencing, and install 10 foot corrugate steel fencing. He stated that he disagrees with the proposed requirement that a concrete tracking pad be installed, because there is no mud tracking onto the street.*

*In response to Mayor Becker, Mr. RaBuck stated that on the property there would be stored up to five enclosed semi-truck trailers, two van bodies to be used for storage purposes, two large semi-trucks, a van, panel trucks, a camper, other assorted personal items, and that he may also rent storage space.*

*Randy Echeverria, 2306 Kenzie Avenue, stated that he sold the property to Mr. RaBuck, and is in favor of the request. He stated the proposal will clean up the property and improve the neighborhood.*

*Mike Nelsen, 1106 Frederick Street, expressed strong opposition to Mr. RaBuck's proposal, citing current disrepair, as well as junk storage on the property.*

*Ermalinda Nelsen, 1106 Frederick Street, expressed strong opposition to the proposal, citing the current disrepair of fencing on the property.*

*Delphina Garcia, 1124 Railroad Street, expressed strong opposition to the proposal, citing current junk being stored on the property, the creation of an offensive view for her*

property, and concern with garbage currently on the property.

Nico Herrera, 1351 Prospect Street, expressed strong opposition to the proposal, citing the current dilapidated condition of the property.

Tony Herrera, 708 North Street, expressed concern with the proposal, citing that the area has many problems, and that this would be an attractive nuisance for disable vehicles, and homeless people.

Rick Heller, Chief Building Inspector, questioned the claim that the property would be used for a construction company, citing that it sounds as if the property will be mostly used for personal storage. He also stated that to use trailers and vans as storage buildings is not allowed per City's ordinances.

Director O'Connell reviewed the proposed conditions, but stated that at this time, staff is recommending deferral to allow Mr. RaBuck to review the proposed conditions to determine if he can comply with them.

There being no further public comments and hearing no objections, Mayor Becker closed the public hearing at 4:52 p.m.

Commissioner Waynt, and seconded by Commissioner Esqueda that this item be deferred. On the motion, Mayor Becker commented that he feels the motion should be to deny, as he has heard nothing that would indicate that the petitioner would be successful in his bid to get approval based on the intentions for the property and neighbors' opposition. He feels that a deferral will not result in approval.

Commissioner Wyant withdrew his motion, Commissioner Esqueda did not object.

**A motion was made by Jud Wyant, seconded by Vincent Esqueda, that this item be Recommended For Denial. The motion PASSED by a Voice Vote with Elaine Ekes abstaining.**

**06-2759**

**Subject:** (Direct Referral). Request from Randy Echeverria seeking a conditional use permit for the construction of an auto repair garage at 1413 Prospect Street.

**Recommendation of the City Plan Commission 11-08-06: Deferred.**

**Attachments:** [1413 Prospect St.pdf](#)

Mayor Becker opened the public hearing at 4:57 p.m., and introduced the item.

Director O'Connell explained the proposal, identifying the property in question, adjacent land uses, and zoning. He stated a concern is that a steel building is being proposed, and that the building size needs to be decreased to accommodate parking should the private use transform as a business at some point in the future

Mr. Echeverria stated the use is not for commercial but personal activities

Nico Herrera, 1351 Prospect Street, stated that he was in support of the proposal as long as off-street parking is provided.

Delphina Garcia, 1124 Railroad Street, also stated that she was not opposed to the

*proposal, but was concerned that there be adequate off-street parking.*

*There being no further comments or questions, Mayor Becker closed the public hearing at 5:02 p.m.*

*In response to Mayor Becker, Director O'Connell stated that through the conditional use process, a steel building could be approved with some modifications as proposed by the applicant.*

*In response to Commissioners Ekes and Wyant, Rick Heller stated because of the zoning on the property, there are no lot coverage restrictions, other than that which would accommodate required parking and yard areas.*

*Commissioners Wyant and Ekes stated that the concept of vehicle storage is acceptable; however they are not satisfied with the building's design.*

**A motion was made by Jud Wyant, seconded by Elaine Sutton Ekes, that this item be Deferred to allow the applicant to revise the design. The motion PASSED by a Voice Vote.**

**06-2761**

**Subject:** (Direct Referral). Request from Dorothy A. Metz representing McDonald's Restaurant at 2100 Lathrop Avenue seeking to rezone the property at 3921-21st Street, and portions of the property at 2100 Lathrop Avenue.

**Recommendation of the City Plan Commission 11-8-06:** That an ordinance be created.

Fiscal Note: N/A

**Attachments:** [3921 21st St & 2100 Lathrop St.pdf](#)

*Mayor Becker opened the public hearing at 5:11 p.m., and introduced the item.*

*Director O'Connell explained the areas to be rezoned.*

*Architect for the applicant, Steve Jeske, of Haag Muller Architects, stating the rezoning would help the applicant meet current zoning standards, and facilitate the restaurant's reconstruction.*

*There being no further comments and hearing no questions, Mayor Becker closed the public hearing at 5:14 p.m.*

**A motion was made by Elaine Sutton Ekes, seconded by Vincent Esqueda, that this item be Recommended For Approval. The motion PASSED by a Voice Vote.**

**06-2763**

**Subject:** (Direct Referral). Review of plans for through-lot development for the rebuilding of the McDonald's Restaurant at 2100 Lathrop Avenue.

**Recommendation of the City Plan Commission 11-08-06:** That the plans for a through-lot development for the rebuilding of the McDonald's Restaurant at 2100 Lathrop Avenue be approved, subject to the following conditions:

- a. That the plans stamped "Received October 25, 2006" and presented to the Plan Commission on November 8, 2006 be approved, subject to the conditions contained herein.
- b. That the site plan showing driveway placement labeled as Option "B", Sheet C-1.1 Opt. "B" be the approved site plan and that all other plans be adjusted accordingly.
- c. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- d. That the following shall be submitted for the review and approval of the Director of City Development prior to the issuance of a building permit:
  1. A landscape plan
  2. A site lighting plan.
- e. That if an occupancy permit is requested prior to the installation of landscaping, then a landscape bond shall be submitted for the review and approval of the Director of City Development that is equal in value to the cost of acquisition and installation of landscaping elements associated with the approved landscape plan.
- f. That this business is approved for operations extending 24 hours per day.
- g. That all signs be professionally made and be submitted for the review and approval of the Director of City Development.
- h. That all yard areas, landscaping, and grounds be maintained in a professional manner and on a daily basis.
- i. That all codes and ordinances be complied with and required permits acquired.
- j. That no minor changes be made from these conditions without the approval of the Director of City Development, and no major changes be made from these conditions without the approval of the Plan Commission.
- k. That this approval is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

*Director O'Connell reviewed the proposed reconstruction plans and drive-way location options.*

*Steve Jeske of Haag Muller Architects stated that their preferred driveway configuration is Label A; however they find Option B (staff's recommendation) to be acceptable, and possibly superior in view of staff's concern for avoiding conflicts with the northbound left turn lane on Lathrop Avenue.*

*Director O'Connell reviewed the conditions of approval.*

**A motion was made by Jud Wyant, seconded by Elaine Sutton Ekes, that this item be Recommended For Approval, subject to the listed conditions in the recommendation. The motion PASSED by a Voice Vote.**

**06-2760**

**Subject:** (Direct Referral). Request from Mike Maistelman, representing EZ Money of Wisconsin seeking a conditional use permit to locate a convenient cash business on 6108 Regency West Drive.

**Recommendation of the City Plan Commission 11-08-06:** In the matter of the request by Mike Maistelman, representing EZ Money of Wisconsin, seeking a conditional use permit to locate a convenient cash business at 6108 Regency West Drive, the following decision is rendered:

Whereas, On October 25, 2006 the Plan Commission found merit in the argument of the applicant that asserted vested rights as they relate to their ability to locate a convenient cash facility at 6108 Regency West Drive in conflict with the 2500 foot separation rule as stipulated in Section 114-468 of the Municipal Code of the City of Racine.

Whereas, The circumstances associated with this application, and the assertion of vested rights shall not establish a precedent in the review of future convenient cash facilities.

Therefore, that the request by Mike Maistelman, representing EZ Money of Wisconsin, seeking a conditional use permit to locate a convenient cash business at 6108 Regency West Drive is approved, subject to the following conditions:

- a. That the plans stamped "Received October 27, 2006" and presented to the Plan Commission on November 8, 2006 be approved, subject to the following conditions.
- b. That an occupancy permit and all other applicable permits be requested from the Building Department.
- c. That all yard areas, landscaping, buildings, and grounds be maintained in a professional manner and on a daily basis.

- d. That the maximum hours of operation be Monday through Friday from 9:00 a.m. to 7:00 p.m.; Saturday from 9:00 a.m. to 5:00 p.m., and no hours on Sunday.
- e. That all trash, recyclables, and dumpsters be stored in stored closed containers and screened from view.
- f. That a sign plan be submitted for the review and approval of the Director of City Development illustrating signage as it is to appear at the subject location, in compliance with the approved sign plans for the shopping center.
- g. That all codes and ordinances be complied with and required permits acquired.
- h. 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.
- i. That this permit is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

**Attachments:** [6108 Regency West Dr.pdf](#)

*Mayor Becker opened the public hearing at 5:23 p.m. and introduced the item.*

*Director O'Connell reviewed the proposal and described past history of this request, the Cash 'N Go proposal and the claims of vested rights by EZ Money.*

*In response to Mayor Becker, Attorney Maistelman, representative of EZ Money, chose not to speak.*

*There being no further comments and hearing no questions, Mayor Becker closed the public hearing at 5:26 p.m.*

*Director O'Connell reviewed the proposed conditions of approval, and stated that the conditions of approval paralleled those approved for the Cash 'N Go facility.*

*Attorney Maistelman expressed concern with the hours of operation, as they do not reflect the needs of EZ Money.*

*Mike Rondinelli, Area Manager for EZ Money, stated that the hours are too limiting and requested that they be amended so that they be Monday to Friday 9:00 a.m. to 7:00 p.m., Saturday 9:00 a.m. to 5:00 p.m., and no hours on Sunday. Following discussion, it was the consensus of the Commission that the hours requested by EZ Money should be allowed.*

A motion was made by Jud Wyant, seconded by Vincent Esqueda, that this item be Recommended For Approval, subject to the listed conditions in the recommendation. The motion PASSED by a Voice Vote.

06-2764

**Subject:** Update on county wide Smart Growth planning effort.

*Director O'Connell briefly explained that the staff will be bringing forward to the Commission periodic reports and needed action in conjunction with the City's joint effort with the County to develop a County wide Smart Growth plan.*

**Adjournment**

*There being no further business before the Commission, and hearing no objections, Mayor Becker adjourned the meeting at 5:34 p.m.*

*Respectfully submitted,*

*Brian F. O'Connell, Secretary  
Director of City Development*