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September 30, 2020

Via E-mail, only
City of Racine Common Council

Re: My Clients: Suren Siva, Gowri Surendran and
Bright Minds, LLC d/b/a Children's Academy, 1015 Washington Ave. Racine,
Wisconsin 53403

Dear Council Members:

I represent the above parties who are the owners of a daycare center located at 1015 Washington Avenue Racine, Wisconsin. A public hearing was held on August 26, 2020 concerning a childcare facility to be located at 1020 Washington Avenue, which is directly across the street from my client's business. That hearing was adjourned to allow the Racine City Attorney to research the ordinances concerning daycare centers in Racine.

A subsequent hearing was held before the Department of City Development Planning, Heritage and Design Commission on September 23, 2020 based upon a concern that the proposed daycare center violated Ordinance Section 114-448(a)(d).

I am enclosing a copy of my letter sent to Jeffrey Hintz dated September 3, 2020, and hereto attached as Exhibit A and agree with the decision of the Planning Commission at the September 23, 2020 meeting at which the conditional use permit was denied based upon the testimony of Racine City Attorney Scott Letteney, who indicated that his staff had checked the distance from the intersection to the subject location at 1020 Washington Avenue and the distance was closer than 250 feet to the intersection, which violated the ordinance that the subject location shall not be located closer than 250 feet to a signalized intersection or the intersection of majors streets.

In addition, the distance from the front entrances of the buildings located at 1020 and 1015 Washington Avenue are not 1000 feet, as indicated in the Ordinance which provides that the entrances should be at least 1000 feet from one another.

The City Attorney went on to say that a Commission must make specific reasons as to why an ordinance is inapplicable because the standards of an ordinance are easier to follow in order to provide consistency and to protect against allegations of favoritism. He said that it appears there is a lack of flexibility in this ordinance and, based upon his representations, the Commission made a motion to the deny the application based upon the recommendation of the City Attorney, which recommendation was

followed and the conditional use permit for the daycare center at 1020 Washington Avenue was denied.

It is my position that the opinion of the City Attorney is correct and that the common council should abide by the recommendation of the Commission and deny the conditional use permit.

Very truly yours,

LAW OFFICES OF ROBERT A. LEVINE

A handwritten signature in cursive script, appearing to read "Robert A. Levine".

Robert A. Levine

RAL/jjc

Encl.

cc: Suren Siva (via e-mail)
Scott Letteney, Esq. (via e-mail)
Jeffrey Hintz (via e-mail)

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September 3, 2020

Via E-mail, only

Jeffrey Hintz
City of Racine
Department of City Development

Re: My Clients: Suren Siva, Gowri Surendran and
Bright Minds, LLC d/b/a Children's Academy, 1015 Washington Ave. Racine,
Wisconsin 53403

Dear Mr. Hintz:

Thank you for your quick response providing me with the name of the City Attorney and the witnesses who testified at the public hearing on August 26, 2020.

As I indicated in my comments, it appears that the conditional use permit to operate a group daycare center for children at 1020 Washington Avenue should be denied. The basis of the denial is Ordinance 114-448(a) and (d), "[t]he subject location shall not be located closer than 250 feet to a signalized intersection or the intersection of major streets," and "[n]o other group daycare facility should be located within 1000 feet of the main entrance of another group daycare facility."

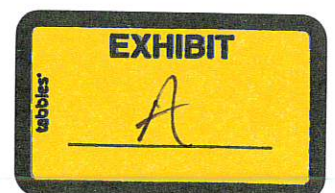
The Ordinance is clear on its face and I believe the City Attorney, who I have not spoken with, will recommend the denial based upon this Ordinance and especially 114-448(a).

It further appears based upon a discussion at the hearing that entrances to the buildings are about 100 to 150 feet apart, rather than 1000 feet as set forth in the Ordinance.

In addition to Suren Siva, five people testified against the application including Indonesia Jones and Tameika Harris, who testified that the street is really busy and there is a need for more safety for the children in the area and is totally against another daycare center in this location.

Richard Spurlin testified that Washington is too congested and there have been a couple of shootings in the area and is also against another daycare center.

Samdhi Hamilton testified that the traffic is extremely busy and she is not in favor of another daycare center and there is too much violence in the area.



Another person testified, the name of which I do not know from the list that was provided to me, that she does not agree to a new business and lives right next door to the existing daycare center. She further testified that her son works third shift and does not want any more kids in the area due to the potential danger.

I am also enclosing a letter signed by 74 people, including the people who testified which was previously sent to you, who are opposed to another daycare center at 1020 Washington Avenue.

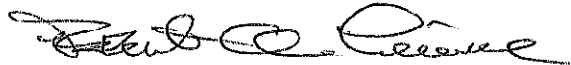
Based upon all of the evidence presented at the hearing, the opposition from 74 citizens, and specifically, the Ordinance which must take precedence over a waiver, it appears that the application for the daycare center located at 1020 Washington Avenue must be denied. If it is not denied, there is no reason to have ordinances nor input from members of the community, none of which testified in favor of a new daycare center directly across the street from an existing business.

I intend to attend the meeting on September 23, 2020 beginning at 4:30 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

LAW OFFICES OF ROBERT A. LEVINE



Robert A. Levine

RAL/jjc

Encl.

cc: Suren Siva (via e-mail)
Scott Letteney, Esq. (via e-mail)

City Atty.
262-636-9115