



City of Racine

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

Meeting Minutes - Draft City Plan Commission

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

Wednesday, January 25, 2012

4:15 PM

City Hall, Room 205

Call To Order

PRESENT: 5 - Elaine Sutton Ekes, Vincent Esqueda, Tony Veranth, Aron Wisneski and John Dickert

EXCUSED: 2 - Jud Wyant and Eric Marcus

Others present: Matthew Sadowski, Principal Planner
Jill Johanneck, Associate Planner
Nicole Loop, Assistant City Attorney
Arnie Gonzalez, U.N.I.T. Inspector

Approval of Minutes for the January 11, 2012 Meeting

A motion was made by Alderman Wisneski, seconded by Commissioner Sutton Ekes, to approve the minutes of the January 11, 2012 meeting. The motion was **PASSED** by a Voice Vote.

[12-7292](#)

Subject: (Direct Referral) Review of a conditional use and conditions set for a message sign at 2031 Lathrop Avenue (Buckets Pub) for possible revocation.

Attachments: [CUP Res.10-2090 \(2031 Lathrop Avenue\)](#)

Associate Planner Johanneck updated the Commission and individuals in the audience on the attempts over the last year and a half to get the conditions met for the approval of the electric/high resolution message sign at 2031 Lathrop Avenue (Buckets Pub). The location, zoning, land use and purchase history of events were reviewed. The additional land purchased by Mr. Brandt contained a large, outdated underutilized sign that was to be removed upon the installation of the new high resolution sign on Mr. Brandt's property for Buckets Pub. It was advised the applicant was allowed to put up a higher sign with larger LED area with the removal of the obsolete sign.

Ms. Johanneck reviewed a dated timeline/timeframe involved in the entire review from when the sign was submitted to where the status of the sign is today. She touched on passing of the new sign, letters sent to the applicant and mail behind the site to remove the sign, email transactions between the sign removal, legal documents from Mr. Brandt's attorneys, beginning of citations by the U.N.I.T., an incomplete sign application turned in by a Shirley Chester, which was returned as incomplete and was not approved for submittal by the sign company, the need to sit down to discuss a sign package before adding any additional sign to the entire site was reiterated, and more information regarding letters from Mr. Brandt's attorney

concerning the citations which had been issued to Mr. Brandt.

Staff's recommendation is that the Buckets sign approval be removed as the applicant has not removed it as required, or should the Plan Commission allow the new owners of the mall property time to discuss a sign package for the mall, that the delay to remove the Buckets sign would be delayed 30 days, and if the obsolete sign is not removed within that timeframe, nor the mall owners meet to discuss signage options, that the revocation of the newer Buckets Pub sign be pursued.

Mayor Dickert spoke to Abed Mohammed, who advised him the City records do not show him as the legal owner. Mr. Mohammed advised they purchased the land in January, 2011 via a land contract and they are not indicated as the legal owner. Nicole Loop, Assistant City Attorney, advised the discussion could go forward. Alderman Wisneski expressed reservations that there being no land contract recorded the Commission shouldn't be discussion the matter because we do not actually know if they own the property. Per Mr. Mohammed, he advised he spoke with Mr. Brandt who advised him he was okay if they wanted to replace the sign.

Commissioner Sutton Ekes noted per the agreement, the obsolete sign has to come down and that the location of any new signage would change to be on the mall property, not re-built onto Buckets' property (this would constitute an off-premise sign, or billboard). It was reiterated that a sign package has not been provided to Staff to assist the mall in any new signage.

The Mayor explained they need to remove the obsolete sign in its entirety. The timeframe for them to develop a sign package for the mall is small and they need to get prepared to submit that. Commissioner Sutton Ekes suggested they need to work with their attorney's to rectify any of the issues concerning the easement. The Mayor suggested they contact City Development Ms. Loop in the legal department to make sure things are all recorded, then speak more in depth with Buckets about how fast this can occur.

Mr. Brandt, owner of Buckets, came forward to speak about why the sign hasn't been taken down. He advised he does not own the sign, only the land it sits on. He wants to take the sign down, but will not break the law in doing so. Mr. Brandt suggested issuing a condemnation on the sign to allow the City to remove it. He noted his willingness to work with Staff to remove the sign, but does not feel he can legally remove it due to the easement.

Ms. Loop advised it remains Mr. Brandt's responsibility to remove the sign, as he agreed to do it in the conditional use language (Ms. Loop read the section of the Resolution referring to this). She also read from a portion of the easement agreement which gives Mr. Brandt the authority to take steps to remove the sign. To our knowledge, the 30-day trigger in the easement language has not been followed through by Mr. Brandt. Mayor Dickert clarified if the sign to be removed located is on Mr. Brandt's property. Ms. Loop advised it is. Ms. Loop advised the sign is within an easement.

Alderman Wisneski agrees this is confusing and should work with the language in the easement. Ms. Loop reiterated Mr. Brandt has an obligation to remove it, didn't do it, and now wants to make the City remove it. She reiterated the conditions are a legal, recorded document.

Mayor Dickert discussed the amount of recorded documentation which needs to be cleared up and attorneys from all sides should work together to clear this up and this should happen soon. The City wants to avoid the removal of the newer Buckets sign

because an old, obsolete sign has not been removed.

Alderman Wisneski feels there is a lot of information before the Commission and it seems that the declaration of easement that was signed by Mr. Brandt that has been filed with the county and whoever buys the property from the Baklayan's that they have that right. He added that for almost 2 years there has been an order to remove this sign, and enough time has passed for this to be rectified without turning this into the City's problem. Mayor Dickert is not in favor of sign condemnation as the parties have had adequate time to solve this problem versus the City now having to pay for out,

Commissioner Sutton Ekes advised there is a property dispute between Mr. Brandt, the current and former owners of the mall site. Mr. Brandt shouldn't have put up his sign if he couldn't the condition of taking down the old sign. She is not inclined to condemn. but feels the City has the strength of the approval language of the sign to stand behind to follow up on removal.

Alderman Wisneski asked if there is any resolution in this to keep the old sign where it is, perhaps even chopping it in half and using a portion of the old sign. Mayor Dickert reiterated that it is Mr. Brandt's land despite the easement; the old sign needs to be removed.

Alderman Wisneski stated that the only solution to the to the mall owners is to use the sign area that exists along Lathrop Avenue. Mr. Sadowski advised the owners were notified of the request in sign changes and there was no opposition at that time. The Mayor suggested this get rectified very soon.

Commissioner Veranth noted that the new mall owners should have never made the sign an issue, as before they bought the property the sign was to be removed. This shouldn't be the issue right now.

Mr. Brandt advised he did send the mall owners a 30-day notice as required per the revocation process. A copy of this notice was provided to Commissioner Sutton Ekes, to which the Mayor requested a copy be provided to Staff.

Commissioner Sutton Ekes noted to Mr. Brandt they will not indemnify him in any way for obligations he may have to the mall owners in relation to the sign. The Mayor indicated to Mr. Brandt, and asked Ms. Loop, that many notices and requests have been sent to the property owners involved, and questioned our roll at this time. Ms. Loop indicated it is not our job, after sending numerous non-compliance notices, to ensure the sign is removed. She advised notice was sent, Mr. Brandt said he would take the sign down and needs it to be addressed now.

Commissioner Sutton Ekes moved to follow the Staff recommendation allowing Mr. Brandt, owner of Buckets Pub an additional 30 days to come into compliance with the condition with the conditional use requirement and remove the sign that was supposed to be removed within 30 days of this meeting date. Additionally, if no sign package is submitted for review within the 30-day timeframe by the mall owners and the non conforming sign is not removed, this item shall be brought before the Plan Commission and enforcement shall commence. If Mr. Brandt removes the non-conforming sign with the 30-day timeframe, and upon working with his and others' attorney's determine the easement no longer applies, Mr. Brandt shall be considered in compliance with his conditional use.

4:30 P.M. PUBLIC HEARINGS**4:30 P.M. PUBLIC HEARINGS**

12-7293

Subject: (Direct Referral) Request from Dorothy Metz and Libby Fischer representing McDonald's USA, LLC, for a conditional use amendment to modify the building, drive-through, landscaping, and signage for the McDonald's located at 2610 Green Bay Road. (Res. 12-2930)

Recommendation of the City Plan Commission on 1-25-12: That the item be approved subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 2610 Green Bay Road](#)
[\(12-7293\) CU Amend 2610 Green Bay Rd](#)

Associate Planner Johanneck summarized the request to remodel the McDonald's at 2610 Green Bay Road. An overview of the area, zoning, and plans were provided. Proposed changes include the addition of a second drive-thru lane, new landscaping, repairs to the parking lot as needed, signage (which will be reviewed separately in accordance with sign standards), and modification from a mansard roof to addition of a parapet wall, not to exceed 18' in height. Most existing brick will be maintained and some areas of tile and matching brick will be added, as will a canopy and lighting.

Parking is adequate for the site and use; however, from time to time there is overflow parking utilized in the Pick-N-Save parking lot. A copy of an agreement authorizing this was provided to Staff at the meeting.

Per the applicant there are 6 full-time staff and 36 part-time staff. Hours of operation are Monday-Friday, 5:00 a.m. till 10:00 p.m., Saturday's 6:00 a.m. till 10:00 p.m., and Sundays from 6:00 a.m. till 10:00 p.m. No additional hours have been requested for the building or drive-thru.

Public Hearing opened at 5:15 p.m.

1. Dottie Metz, 2610 S. Green Bay Road, advised she has a copy of the parking agreement between McDonald's and Mr. Daniel Oakes authorizing the overflow parking.

2. Dave Jones, Director of Operations for the McDonald's at 2610 Green Bay Road, discussed the use of the drive-thru and requested item g. of the conditions of approval be stricken as they currently have curbing in all the perimeter areas and they are not needed.

3. Name inaudible, General Manager of the shopping center, spoke highly of McDonald's as neighbors and they have had no problems with the overflow parking situation.

4. Mr. Dan Oakes, 2000 Oakes Rd., discussed the agreement for parking and that McDonald's and that they only use a small area once in awhile and there have been no problems.

Public Hearing closed at 5:27 p.m.

A motion was made by Alderman Wisneski, seconded by Commissioner Sutton Ekes, to recommend approval of the request, with the removal of conditional g.

from the Staff recommendations eliminating the need for wheel stops. The motion **PASSED** by a Voice Vote.

12-7294

Subject: (Direct Referral) Request from Eugene Beal, representing U.S. Auto Shop, LLC, for a conditional use permit for an automobile repair facility at 2309 Lathrop Avenue. (PC-12)

Attachments: [PH Notice - 2309 Lathrop Ave. \(revised\)](#)

Principal Planner Sadowski provided background on the property location, zoning, surrounding property uses. He reviewed site plan information, and interior layout with 5 repair bays.

He noted some issues still needed to be resolved with the applicant, including landscaping, building treatment/painting, parking, dumpster location, and more detail on the proposed use (training was discussed as a possible use by the applicant). Signage will be reviewed separately.

Public Hearing opened at 5:28 p.m.

1. Mr. Calvin Simmons, 1437 Geneva St., wants to do some training for younger people in using new technologies and help the youth learn a trade and lifestyle, and possibly continue their training with Gateway to help keep the kids on the right path.

2. Mr. Eugene Beal, 3606 Judith Ln., trying to get his shop set up to improve the area, that they would maintain the exterior and site and keep things clean and tidy unlike many other auto repair facilities.

Public hearing closed at 5:35 p.m.

A motion was made by Alderman Wisneski, seconded by Commissioner Sutton Ekes, that the item be deferred pending the receipt of additional information by Staff to complete the review. The motion **PASSED by a Voice Vote.**

12-7295

Subject: (Direct Referral) Request from Akil Ajmeri for a conditional use permit to construct and operate a gas station, convenience store, fast food restaurant, and car wash on the vacant property at 1116-1152 Washington Avenue.

Attachments: [PH Notice - 1116-1152 Washington Avenue](#)

Principal Planner Sadowski invited Kristin Niemiec of the Racine County Economic Development Corporation (RCEDC) to comment on the request first and discussions held with the Redevelopment Authority, then he will discuss the review of the Access Corridor Committee and Plan Commission review.

Ms. Niemiec advised several request for proposals of this property were submitted to the Redevelopment Authority for review and Mr. Ajmeri's submittal received positive feedback based on what was submitted.

Mr. Sadowski advised the Access Corridor Review Committee reviewed and approved the proposal, subject to final designs being approved by the Director of City Development prior to permits. He provided information on the site, surrounding properties, and site plans that were submitted with the proposed, including some detail about building materials and signage. He noted more information details on the plans are needed prior to Staff making a final recommendation.

Public Hearing opened at 5:37 p.m.

1. Architect Mr. Morris, no address, is excited to be working with City Staff on this development and thinks it will turn out to be a wonderful project and attribute to the City of Racine.

2. Name and address inaudible, (resident on 11th Street) questioned what type of building would occur on 11th Street. Mayor Dickert advised that current plans illustrate a driveway for the development out to 11th Street.

Public hearing closed at 5:43 p.m.

A motion was made by Alderman Wisneski, seconded by Commissioner Sutton Ekes to defer the request pending receipt of additional information for further review. The motion PASSED by Voice Vote.

Administrative Business

None.

Adjournment

Commissioner Veranth moved to adjourn at 5:45 p.m. Seconded by Commissioner Esqueda. Meeting adjourned.