



City of Racine

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

Meeting Minutes - Draft City Plan Commission

Alderman Dennis Wiser
Mayor John Dickert
Molly Hall
Elaine Sutton Ekes
Vincent Esqueda
Tony Veranth
Pastor Melvin Hargrove

Wednesday, August 13, 2014

4:15 PM

City Hall, Room 205

Call To Order

PRESENT: 5 - Elaine Sutton Ekes, Vincent Esqueda, Tony Veranth, Melvin Hargrove and Dennis Wiser
EXCUSED: 2 - John Dickert and Molly Hall

Others present:

Matthew Sadowski, Assistant Director of City Development/Principal Planner
Jill Johanneck, Associate Planner
Brian O'Connell, Director of City Development
Alderman Jeff Coe
Alderman Eddie Diehl
Alderman James Morgenroth
Alderman Sandy Weidner
Alderman Terrence McCarthy

Approval of Minutes for the July 30, 2014 Meeting

A motion was made by Commissioner Esqueda, seconded by Commissioner Sutton Ekes, to approve the minutes of the July 30, 2014 meeting with a correction stating that Commissioner Sutton Ekes abstained from vote on item 14-10423. The motion PASSED by a Voice Vote.

14-10422

Subject: (Direct Referral) A request from Andrew T. Carnahan representing Racine Renal Construction, LLC seeking a conditional use permit for a renal dialysis clinic at 3113 Washington Avenue. (Res. No. 14-0356)

Recommendation of the City Plan Commission on 8-13-14: That the item be approved, subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 3113 Washington Avenue](#)

Alderman Wiser summarized the discussion held at the previous Plan Commission

meeting. He indicated the item had been deferred due to a petition that had been submitted shortly before the meeting. Mr. Sadowski provided a review of the project, including zoning, surrounding land uses, property views, and the progress of the application to date.

Mr. Sadowski advised that information was sent to all individuals who had signed the petition, including a site plan, building elevations, and an explanation of the project. At the public meeting and Plan Commission, there was concerns expressed that the scale of the building did not fit into the site. Staff and the architects addressed these concerns. Visuals were provided showing the changes made by the applicants to the building site and to the structure.

Alderman Wisner opened the item up for additional comments.

1. Luke Peters, of PCI and Racine Renal Construction explained they made modifications to the building's design and materials to address the neighborhoods concerns as they wish to be seen as an asset to the community. Mr. Peters requested that the conditions of approval be amended to reflect operational hours from 5:30 a.m. to 8:00 p.m.

2. Alderman McCarthy questioned the change in the conditions language regarding the farmers market. Director O'Connell advised he requested the change in the Staff recommendations, and that the West Racine Business Association should be the ones to approve improvements to the farmers market and that the farmers market remains the responsibility of the Redevelopment Authority. The Redevelopment Authority will be retaining one-quarter of the site area which at this time, will continue to accommodate the farmers market. Speaking on behalf of the RDA as the owner of the parcel, Mr. O'Connell advised there will be restrictions in the types of uses allowed in the Racine Renal Construction development area which are included in the proposed conditions of approval.

Alderman McCarthy advised he supports the proposals.

3. Alderman Weidner asked about the value of the development. Mr. Sadowski provided some figures as provided by the applicant. She then verified that $\frac{3}{4}$ of this site will be developed, and not $\frac{1}{2}$ as she had understood it to be. Mr. Sadowski advised that is correct. The RDA will continue to control $\frac{1}{4}$ of the area where the farmers market is.

4. Commissioner Veranth asked if there were any responses on the mailings that went out to the petition signers. Mr. Sadowski advised that no responses were received. Alderman McCarthy stated he too had received no responses as a result of the mailing. Mr. Veranth then asked if it was possible to have shared parking between DaVita and the farmers market. Director O'Connell advised there will be no shared parking, and that the market can utilize on-street parking as necessary. DaVita meets its parking requirements per the ordinance.

5. Alderman Morgenroth noted he sees this development as positive for the area, traffic should not be a concern, and he pointed out the existence of other office and professional services such as mortgage companies, realtors, etc. in direct vicinity to the area, the buildings revised architecture fits in well, and that CVS is in favor of the proposal.

A motion was made by Commissioner Veranth, seconded by Commissioner Esqueda, to recommend approval of the request subject to Staff conditions, and with the modification of hours of operation from 5:30 a.m. – 8:00 p.m., Monday through Saturday. Commissioner Esqueda, motion carried.

Commissioner Sutton Ekes and Commissioner Hargrove abstained from vote.
The motion PASSED by a Voice Vote.

14-10373

Subject: Communication from the Alderman of the 6th District requesting to rescind the fee associated with an individual's request to file a zoning variance - Section 114-111 of the Municipal Code of the City of Racine, Resolution 08-0684. (Res. No. 14-0317)

Recommendations of the Public Works and Services Committee on 07-29-14: That the fees associated with an individual's request to file a zoning variance - Section 114-111 of the Municipal Code of the City of Racine, Resolution 08-0684, be rescinded.

Recommendation of the City Plan Commission on 8-27-14: That the fees associated with an individual's request to file a zoning variance not be rescinded.

Further, that this item be referred to the Finance and Personnel Committee.

Fiscal Note: There will be a reduction in revenue to the general fund.

Attachments: [14-10373 File Zoning Variance](#)
[14-10373 File Zoning Variance](#)
[14-10373 Res.08-0684](#)
[Zoning Variance Costs](#)

Mr. Sadowski advised this is a request from Alderman Weidner who wishes to eliminate the fee charged to individuals to go before the Zoning Board of Appeals. Chief Building Inspector/Zoning Administrator Plaski has been working on this item with Alderman Weidner and is the contact; however he was unable to attend the meeting. Mr. Sadowski did not know what the grounds for this request were or the basis to remove this particular fee.

Alderman Weidner spoke, stating Mr. Plaski is not here to discuss this with her. She advised she disagrees with the number of appeals he stated have come before the committee for variances (4-8 within the last 2 years) and that the City used to not charge a fee.

Commissioner Sutton Ekes asked if the ordinance specifies there is an application fee. Mr. Sadowski advised the ordinance doesn't specify a fee, but that a fee can be charged. Fee amounts are approved by the Common Council. He stated it is normal to charge a fee for such an application. Mr. Sadowski noted this is a budget issue, not a land use issue.

Commissioner Sutton Ekes moved that the item be referred to the Finance and Personnel Committee without recommendation from the Plan Commission. Motion died for lack of a second.

Commissioner Sutton asked who set fee schedule. Alderman Wisner indicated it was set when the annual budget was done. Commissioner Ekes noted there is a cost for public hearings, including mailings, staff time, etc. and it's unknown whether the City 'eats' those costs or not.

Mr. Sadowski stated that this item is before the Commission as it deals with a fee category which is codified within the zoning ordinance and the Plan Commission is the review authority in matters of the zoning ordinance. He cited that the Plan Commission has established fees for certain actions described by the zoning ordinance

Commissioner Sutton Ekes feels the costs generated should be paid by the person asking for the action. Per Mr. Sadowski, Mr. Plaski sets the fees for processes undertaken by his department.

A motion was made by Commissioner Sutton Ekes, seconded by Commissioner Veranth, to table this request until such time as Mr. Plaski could be available to address Alderman Weidner's concerns. The motion PASSED by a Voice Vote.

Res.14-0317

Rescind Fees Associated With an Individual's Request to File a Zoning Variance - Section 114-111

Resolved, that the fees associated with an individual's request to file a zoning variance - Section 114-111 of the Municipal Code of the City of Racine, Resolution 08-0684, is to be rescinded.

Fiscal Note: N/A

Hearing no objections, Alderman Wisner deferred Resolution 14-0317 to the next meeting.

Ord.10-14

Ordinance 10-14

To amend Sec. 114-36 Penalty for violation of chapter, of the Municipal Code of the City of Racine, Wisconsin.

The Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: Amend Sec. 114-36 by inserting before the current paragraph, the following:

“Inspection fee for the first inspection shall not apply. If no violations of the Zoning Code are found, the case will be closed, and no further action will be taken. If violations are found to exist, the property owner will be issued an order to correct violations within thirty (30) days. If upon re-inspection the violations have been corrected, the case will be closed, and no further action will be taken. If upon re-inspection the violations are found to still exist, the property owner will be assessed an inspection fee of One Hundred Fifty Dollars (\$150.00). If the violations continue after re-inspection, the property owner may be subject to a citation being issued for the violations. The property owner may also be subject to their Conditional Use Permit and/or Occupancy Certificate being revoked.

Part 2: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Hearing no objections, Alderman Wisner deferred Ordinance No. 10-14 to the next meeting to allow Chief Building Inspector Plaski to be present to discuss the amendment.

[14-10441](#)

Subject: Communication from the Alderman of the 15th District requesting referral to the City Plan Commission a request to amend Section 114-1038 of the Municipal Code to eliminate restrictions on signs in windows.

Recommendation of the City Plan Commission on 8-13-14: That the item be received and filed.

Recommendation of the Common Council on 8-19-14: That the item be referred to the City Plan Commission, to repeal and recreate Sec. 114-1038(c) of the Municipal Code of the City of Racine in its entirety as follows: "No restrictions shall be placed on street level facade window signage".

Recommendation of the City Plan Commission on 8-27-14: That the item be received and filed.

Fiscal Note: N/A

Alderman Eddie Diehl advised he has not owned a business involving signs, but that the window signage ordinance is damaging to an individual's opportunity to run their business, and that the small percentage of people who may want to have too much signage are ruining it for everyone. People at businesses should be able to have as much signage as they want. He feels there should be no restrictions on window

signage.

Mr. Sadowski provided a quick overview of the history of window signage in the City and the regulation of it. In 2005 design standards were adopted to allow 15 % window coverage of signs in the design corridors. In 2013, a 15% maximum window sign coverage ordinance was passed to allow window signs in all commercial areas of the City.

Alderman Esqueda feels that too many businesses exceed an acceptable amount of signage on their businesses.

A motion was made by Commissioner Sutton Ekes, seconded by Commissioner Esqueda, that the communication be received and filed with no action taken. The motion PASSED by a Voice Vote.

14-10313

Subject: (Direct Referral) Amendments to the sign ordinance: walk-up establishments and roof signs. (PC-14) (Ord. No. 11-14)

Recommendation of the City Plan Commission on 7-30-14: That an ordinance be prepared and a public hearing scheduled.

Recommendation of the City Plan Commission on 8-27-14: That Ordinance 11-14 be amended to accommodate 50% window signage and exempt seasonal businesses in operation as of August 19, 2014, and adopt Ordinance 11-14 as amended.

Fiscal Note: N/A

Alderman Wisner deferred 14-10313 to the next meeting due to lack of a quorum.

Ord.11-14

Ordinance 11-14

To amend and create subsections of Sec. 114-1028 and to repeal and recreate portions of section 114-1038, of the Municipal Code of the City of Racine, Wisconsin.

The Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: Amend subsection (e) of Sec. 114-1028 by inserting at the beginning of that subsection before the word "No" the words "Unless otherwise permitted in this section," and then revising the word "No" to "no."

Part 2: The following subsection shall be created in Sec. 114-1028 of the Municipal Code of the City of Racine to read as follows:

"(i) In an area bounded by the Root River to the north and west, Sam's River Road to the east, and Water Street to the south, roof signs may be permitted but are subject to the following allowances:

1. One such sign per building by right and only displaying one name

(i.e. the name of the major tenant, or the development or building name). The applicant shall submit an application and supporting materials to the Downtown Area Design Review Commission for review and approval.

2. Two such signs may be permitted per building if a conditional use permit is first obtained. Prior to the review of the Plan Commission, the applicant shall submit an application and supporting materials to the Downtown Area Design Review Commission for review and recommendation.

3. Roof signs shall be composed of individual letters, internally or externally illuminated. No flashing, traveling, animation, scrolling, pulsing, or intermittence of the message or figures is permitted.

4. Roof signs shall not extend more than 10 feet above the average height of the roof surface.

5. Total roof sign square footage shall be calculated in accordance with the standards of the zoning district in which it is located. The total square footage of all roof signage on a building shall not exceed this number.

6. Roof signage described in Sec 114-1028(i) shall be calculated independently of signage which is otherwise permitted in the zoning district.”

Part 3: To repeal and recreate Sec. 114-1038 (c) (1) of the Municipal Code of the City of Racine as follows: “No more than an aggregate area equaling 50% of all street level street façade windows may be covered by window signage.”

Part 4: To repeal and recreate Sec. 114-1038 (c) (3) of the Municipal Code of the City of Racine as follows: “To calculate the amount of window signage allowed, measure the area of all the street level street façade window sections and multiply by 0.50. This calculation will provide the amount of window signage allowed. (For example: two street level street façade windows measuring 10 feet by 10 feet would equal 200 square feet of window area. Multiply 200 by 0.50, and the allowed window signage could total up to 100 square feet. This amount of signage may be applied to both windows, or one window, as long as the total amount of window signage does not exceed 100 square feet).”

Part 5: To repeal and recreate Sec. 114-1038 (c) (5) of the Municipal Code of the City of Racine as follows: “Signage allocations shall not

be calculated by including other building elevations or facades that are not street level street façade. Signage allocations shall not be shared or transferred between businesses occupying separate tenant spaces or buildings.”

Part 6: Amend Sec. 114-1 (b) in the appropriate alphabetical order by adding the following definition: “*Seasonal business*, for the purposes of Section 114-1038, means an establishment operating from within a permanent building that totals less than 1000 square feet in floor area, that operates only during a specific time period of the year and is dormant or closed during the other time periods of the year, and where customers do not have access to the interior of the building when receiving goods or services.”

Part 7: Amend Sec. 114-1038 (a) by adding the following subsection:

“(7) A seasonal business, as defined in Sec. 114-1 (b) of this chapter, operating at their current location prior to August 19, 2014, shall be exempt from compliance with Sec. 114-1038.”

Part 8: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Alderman Wisner deferred Ord. 11-14 to the next meeting due to lack of a quorum.

Administrative Business

None.

Adjournment

Alderman Wisser adjourned the meeting at 5:15 p.m.