



# City of Racine

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

## Meeting Minutes - Final City Plan Commission

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

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Wednesday, May 8, 2013

4:15 PM

City Hall, Room 205

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### Call To Order

**PRESENT:** 6 - Elaine Sutton Ekes, Vincent Esqueda, John Dickert, Molly Hall, Melvin Hargrove and Dennis Wiser  
**EXCUSED:** 1 - Tony Veranth

### Approval of Minutes for the April 24, 2013 Meeting

A motion was made by Commissioner Hargrove, seconded by Alderman Wiser, to approve the minutes of the April 24, 2012 meeting. The motion PASSED by a Voice Vote.

[13-8922](#)

**Subject:** (Direct Referral) An appeal by Don Nummerdor of Sign Effectz, representing Open Pantry, to an administrative decision regarding sign height at 2731 Durand Avenue.

*Principal Planner/Assistant Director of City Development Matt Sadowski reviewed the signage for the site, including the existing and proposed. The applicants are requesting an appeal to Staffs denial to increase the height of the pole sign from 18-feet to 23-feet. This height increase would be the result of adding an 'Open Pantry' sign atop the existing pole sign for the Citgo station that is located on the lot in conjunction with the Open Pantry store.*

*The zoning ordinance allows for a 25-foot high sign, however Staff has been implementing the maximum height of 15-feet for freestanding sign requests to create consistency amongst pole signage. Signs taller than that are not necessary due to the fact the street system is mostly local streets with low to moderate traffic speeds, and no highways or freeways warranting taller signage run through town. It was advised as part of the zoning code update the maximum height for pole signs will be 15-feet for all districts to create consistency. This item is also a conditional use, which allows for the restriction being requested by Staff.*

*Commissioner Hargrove confirmed the intent for the lower sign heights is to obtain consistency amongst signs in the City. Mr. Sadowski advised both Open Pantry and Citgo plan on utilizing the sign. Wall signage for the site has been approved as requested by the applicant.*

**A motion was made by Commissioner Hargrove, seconded by Commissioner Sutton Ekes, to support the recommendation of Staff that the request to increase the pylon sign height to 23-feet be denied. Alderman Wiser and**

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Commissioner Esqueda voted no. The motion PASSED by 3-2 Vote.

**4:30 P.M. PUBLIC HEARINGS****4:30 P.M. PUBLIC HEARINGS**[13-8919](#)

**Subject:** (Direct Referral) Request by Sheila Sheets of '2 Sheets to the Wind' located at 3316 Douglas Avenue for amendments to the existing conditional use permit. (Res. No. 13-0236)

**Recommendation of the City Plan Commission on 5-8-13:** That the item be approved, subject to conditions.

**Fiscal Note:** N/A

**Attachments:** [PH Notice - 3605 Douglas Avenue](#)

*Associate Planner Johanneck reviewed the requested site area and proposed amendments. These include extending the fencing on the west, south, and east portions of the property to enclose the proposed shuffleboard, horseshoe, and picnic table areas. It was advised the applicants moved the smoking area from the front of the building to the south side, and installed a tent and fencing without approval. The applicant is also requesting to keep the tent.*

*Outdoor lighting is proposed, and the submittal did not indicate full cut-off shields for the lighting. Staff met with the applicants the day before the Plan Commission meeting at which time they advised they will change to full cut-off shields and provide this detail to Staff. The business sign approved with the previous approval for the bar/restaurant has not yet been installed, and banners are up that did not receive permits. They continue to work on obtaining a permanent sign. No information had been provided regarding extension of the liquor license and serving of alcohol outdoors. The applicants informed Staff they are scheduled to go before the Safety and Licensing Committee on May 13th for this review.*

*The original Staff recommendation was for deferral to address outstanding issues, however Staff had met with the applicants the day prior to the meeting and worked out agreements and deadlines to additional conditions of approval. A recommendation for approval subject to conditions was drafted and presented to the Commission members.*

*Public Hearing opened at 4:40 p.m.*

*1. Sheila Sheets, 3605 Douglas Avenue. Discussed the status of the tent and fencing, advising she was unaware a permit was required for the fencing and that she is not aware of how the tent would be reviewed as she was advised the City has no standards for them.*

*Public Hearing closed at 4:42 p.m.*

*Mayor Dickert advised the applicants to always contact the City before putting anything upon the site or doing any activity which may affect the conditional use approval.*

*Alderman DeHahn spoke and advised he supports the request.*

*Clarification on the extension request of the liquor license was discussed. The*

applicants will be subject to the determination of the Public Safety and Licensing Committee's decision.

Commissioner Sutton Ekes brought up the clarification on the tent requested by Staff. She advised she is not fond of them being used for long periods of time, but not opposed for use as a temporary structure. Ms. Johanneck advised there is no code language on how to treat these tent structures and Staff is seeking guidance on how to consistently apply standards to their review. Mrs. Sheets advised they would like to keep the tent on a year-round basis to provide a wind break for their smoking customers. Commissioner Hargrove advised he also is not opposed to them as temporary structures, but feels they should not be allowed permanently or year-round. Other businesses have been required to construct permanent structures in lieu of tent structures.

Staff verified the proposed use will not affect the parking and access aisle located to the west near where the proposed changes will be taking place.

Alderman Sandy Weidner was present and requested information on the safety of the tents concerning smoking and if it is a fire hazard. Ken Plaski advised if there are open sides in the tent is generally is not an issue. It was requested that the Fire Department be contacted to comment on the matter of smoking in tents at the next Common Council meeting.

**A motion was made by Commissioner Sutton Ekes, seconded by Commissioner Esqueda, to recommend approval of the request subject to Staff conditions, with the addition of a condition that allows the tent to be erected from May 1st to November 1st each year. The motion PASSED by a Voice Vote.**

**13-8920**

**Subject:** (Direct Referral) Request by Tad Ballantyne, representing PW Partners, Inc. to modify the building located at 1637 Washington Avenue into 8 apartments and 5 office spaces. (Res. No. 13-0237)

**Recommendation of the City Plan Commission on 5-8-13:** That the item be approved, subject to conditions.

**Fiscal Note:** N/A

**Attachments:** [PH Notice - 1637 Washington Avenue](#)

Associate Planner Johanneck advised this was recently before the Plan Commission and was approved for a 12-unit housing development. The applicant is requesting a change to have 8 apartments and 5 small offices instead of all housing units. A review of the location, property zoning, aerial views, and previous land uses was provided.

The offices will all be on the first floor, and there will be one apartment on the first floor and seven on the second floor. Site maintenance will be provided by Guy Lloyd property management services. The parking requirements with the revised uses are 19 spaces, and 22 are being provided. The shed existing on the property will be removed. Staff is recommending approval, indicating that the conditions from the previous approval carry forwards, as well as the current conditions of approval provided.

Public Hearing opened at 5:10 p.m.  
No speakers

*Public Hearing closed at 5:10 p.m.*

*Commissioner Sutton Ekes asked what types of offices are planned for the building. Tad Ballantyne, the applicant, advised it is intended for small offices, perhaps individuals who run offices out of their home who are looking for a small commercial location.*

**A motion was made by Commissioner Sutton Ekes, seconded by Commissioner Esqueda, to recommend approval of the request subject to Staff recommendations. The motion PASSED by a Voice Vote.**

[13-8921](#)

**Subject:** (Direct Referral) Request from Chuck Brandt, representing Buckets Pub, for a conditional use amendment to construct an outdoor patio at 2031 Lathrop Avenue. (Res. No. 13-0238)

**Recommendation of the City Plan Commission on 5-8-13:** That the item be approved, subject to conditions.

**Fiscal Note:** N/A

**Attachments:** [PH Notice - 2031 Lathrop Avenue](#)

*Public Hearing Opened at 5:12 p.m.*

*1. Chuck Brandt, applicant, discussed the patio, that it will have a permanent cover and be enclosed by a railing, and the handicapped spaces being lost to the patio enclosure will be moved along the west side of the parking lot.*

*2. Alderman Weidner commented that this will be a taxable structure, unlike the temporary tents that are approved for other businesses.*

*Public Hearing closed at 5:14 p.m.*

*Associate Planner Johanneck provided a review of the request. The site is located near the northeast corner of Lathrop Avenue and Twenty-First Street, and a review of the area zoning, aerial views, and site plan were provided.*

*The patio cover will be along the south side of the building, left of the main entrance into the structure. The patio cover will be made of steel columns on a concrete foundation, the cover itself consisting of decking and shingles with decking between the columns creating the enclosure.*

*The applicant will need to get authorization to serve alcohol in the outdoor patio area and work with the City Clerk's office on obtaining this approval. Per the applicant, he already has the authority to serve alcohol in this area. It was suggested he check with the Clerk's office on this to be certain. It was advised building permits are required to be pulled which will require more technical drawings be submitted to the Building Inspection Department. A review of the building views and elevations was provided.*

*Hours of operation requested are 11:00 a.m. – 2:00 a.m. As Staff has done for other outdoor patios, hours shall be limited to from 11:00 a.m. - 12:00 a.m. Hours for the inside bar shall be Sunday – Thursday, 11:00 a.m. – 2:00 a.m., and Friday – Saturday from 11:00 a.m. – 2:30 a.m.*

*Mayor Dickert read a note from Joey LeGath, owner of Joey's on Lathrop, who is in*

support of the request.

The applicant asked about the lighting comment in the Staff report. Staff advised no information was provided and that lighting will need to be reviewed and approved by Staff. A brief description of the type of lighting was provided by the applicant and it was requested the lighting information be provided to Staff prior to installation.

**A motion was made by Commissioner Esqueda, seconded by Alderman Wisner, that the request be recommended for approval subject to conditions, with clarification on the hours of operation as discussed. The motion PASSED by a Voice Vote.**

**13-8923**

**Subject:** (Direct Referral) Request by Homeless Assistance Leadership Organization (HALO) to erect a Hoop House on an adjacent lot located at 2200 De Koven Avenue. (Res. No. 13-0239)

**Recommendation of the City Plan Commission on 5-8-13:** That the item be approved, subject to conditions.

**Fiscal Note:** N/A

**Attachments:** [PH Notice - 2200 De Koven Avenue](#)

Associate Planner Johanneck advised HALO is proposing to build a hoop house on property adjacent to the south, addressed as 2200 De Koven Avenue. The property in question is owned by Kranz, Inc. and is an unused portion of their parking lot. The applicant has stated Kranz has donated this section of parking lot to HALO for this use, however has not provided anything in writing indicating this donation of land has occurred. A review of the location for the hoop house, area zoning and land uses, and aerial views were provided.

The hoop house is intended to be a year-round, permanent structure to grow vegetables to be sold at farmer's markets and through local businesses. The proceeds will be used to fund HALO programs. Hours of operation are from 6:00 a.m. – 6:00 p.m. seven days a week. The hoop house is 960 square feet in size, and storm water run-off from the structure will be harvested to irrigate the planting beds. In addition to the planting beds, the hoop house will be used for storage of gardening tools and house a drip irrigation solar pump.

Site maintenance will be provided by HALO, with the assistance of Kranz, Inc. Regarding traffic, the use is not anticipated to cause an increase, other than trucks coming to the site to pick up produce. Ample parking is available on the HALO site (80 spaces). Most work will be done by HALO volunteers and staff, reducing the demand for additional parking spaces as these individuals are already on-site.

Public Hearing opened at 5:30 p.m.

1.Maia Hausler, 2000 De Koven Ave., is the applicant representing HALO. She advised the land use agreement between HALO and Kranz, Inc. is currently in process. She also advised there are plans in place to create an access through the existing fence.

Public Hearing closed at 5:31 p.m.

Commissioner Hall asked what a hoop house is. Ms. Hausler explained it is a plastic

structure which will be used so they can grow food year-round. Mayor Dickert advised there is a hoop house ordinance in place.

**A motion was made by Commissioner Hargrove, seconded by Commissioner Esqueda, to recommend approval of the request subject to Staff conditions. The motion PASSED by a Voice Vote.**

[13-8924](#)

**Subject:** (Direct Referral) Request by Deontrae Mayfield seeking a conditional use permit for a youth mentoring program and 2nd hand clothing store at 1817/1819 State Street.

**Recommendation of the City Plan Commission on 5-8-13:** That the item be received and filed.

**Fiscal Note:** N/A

**Attachments:** [PH Notice - 1817 State Street](#)

*Mr. Sadowski provided information on the location, including aerial views, zoning, property views, land use, and information about the property in question. The building would have a dual purpose, with the second-hand sales taking place in the front portion of the building and counseling in the rear of the building. It was noted the building is in need of work, and needs repainting and repair to cement/stucco walls. Lighting is needed for security purposes. Improvements being requested by Staff are outlined in the conditions of approval. This request is a conditional use due to the primary focus as described in the application as a counseling center/mentoring program being a non-commercial use in a commercial district.*

*There are parking concerns with the proposed use and what is available on-site. The business to the north is in support of this proposal, but does not want patrons parking in their lot. Signage indicating no parking on the north side of the building will be needed. The site has 2 parking spaces on-site, and 11 are required based on the use. Some sort of parking agreement will be required with a neighboring property to meet off-street parking needs.*

*Staff also has requested to see credentials of the counselors or mentors who will be working with the youth to verify qualified people are providing the services.*

*Public Hearing opened at 5:40 p.m.*

*1. Trey Mayfield, 1819 State Street, is the applicant. He advised the operation will start out as a second-hand sales shop first, where donated items are sold for \$2.00 each. Once they have money saved from the business they will begin the mentoring program.*

*2. Alderman Weidner advised she has received phone calls mostly relating to the condition of the building, and loitering/loud music that is taking place. She is concerned about adding a use with the condition of the building as it is and requested it be limited to selling clothing only. She added the owner should be held responsible for fixing up the building before being able to rent it out. Mr. Sadowski added he has also received calls regarding the condition of the building and crime on adjacent properties and its potential negative effect on youth patronizing the counseling center.*

*Mr. Mayfield said he does construction work and repairs and has been doing work on the building. He is getting things up to code. He advised he has not contacted*

surrounding land owners about parking agreements.

3. Kris (un-intelligible), no address provided, owner of the apartments across the street, advised he is getting complaint calls from people about the noise and the people hanging out in the area and has concerns that the addition of this business will enhance parking problems that exist.

4. Wanda (un-intelligible), no address provided, feels that most of the traffic visiting the business/mentoring center will be foot-traffic, which will not generate parking needs.

Public Hearing closed at 5:50 p.m.

Commissioner Sutton Ekes asked what parking is available. Mr. Sadowski advised he did not know if parking in the lot the south is available or of other parking available. They are required to have 11 on-site spaces based on the uses proposed. The parking to the south is not enough for the youth mentoring program and its store, and the candy store. He stated because the use mentoring program was described as the primary use in the application materials, the conditional use was required. Had the mentoring program not been a part of this review, the second hand store parking would not have been reviewed as it is not a conditional use on its own.

Commissioner Hall asked if the candy store had used the parking spaces to the south, do they have first right of use on them. Mayor Dickert advised the intent is to figure out the total amount of parking needed for the uses, and that there are no entitlements to the spaces.

To eliminate the parking concern expressed by staff and Commission members, Mr. Mayfield withdrew his request to have the youth mentoring program at this location and focus solely on the thrift store.

Alderman Weidner suggested the request should be received and filed, which would allow the applicant to proceed with the second hand sale store as a conditional use is not required for that use.

Commissioner Sutton Ekes advised there are still concerns with the condition of the building. Ken Plaski advised appropriate orders can be issued to the owner to fix the building.

**A motion was made by Commissioner Esqueda, seconded by Alderman Wisner, to recommend that the request be received and filed. The motion PASSED by a Voice Vote.**

### **Administrative Business**

None.

### **Adjournment**

The meeting was adjourned at 6:00 p.m.