



# City of Racine

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

## Meeting Minutes - Draft

### City Plan Commission

*Mayor Cory Mason*  
*Mario Martinez*  
*Christina Hefel*  
*Marvin Austin*  
*Alderman Jason Meekma*  
*Trevor Jung*  
*Sam Peete*

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Wednesday, March 27, 2019

4:30 PM

City Hall, Room 205

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#### Call To Order

*Mayor Mason called the meeting to order at 4:38 p.m.*

**PRESENT:** 6 - Cory Mason, Mario Martinez, Marvin Austin, Jason Meekma, Trevor Jung and Sam Peete

**EXCUSED:** 1 - Christina Hefel

#### Approval of Minutes for the March 13, 2019 Meeting

A motion was made by Commissioner Jung, seconded by Commissioner Peete, to approve the minutes of the March 13th meeting. The motion PASSED by a Voice Vote.

#### 4:30 P.M. PUBLIC HEARING

[0269-19](#)

**Subject:** (Direct Referral) Request by Eihab Atout of Bravo Realty seeking a major amendment to a conditional use permit for the comprehensive reconstruction of a building associated with a daycare facility at 1816 Sixteenth Street. (PC-19)

**Attachments:** [applicant-submittal](#)  
[review and recommendation](#)  
[public hearing notice](#)

*Mayor Mason stated this item and its public hearing is being continued from the previous Plan Commission meeting.*

*Assistant Director Matt Sadowski introduced the request and showed the subject property and surrounding area. He stated the property is located in a dense residentially populated area with some commercial areas. Sadowski explained the property is surrounded by residential and commercial zonings and the comprehensive plan calls for dense development.*

*Sadowski showed what the property looked like prior to its remodeling, the plans that were approved in May 2018 as part of the Building Permit, and what the property looks*

like today. He stated how the property was constructed is what brings it to the Plan Commission. He stated after the last Plan Commission meeting staff spoke with the applicant about revising plans and those plans were submitted for review. He stated that the request by staff is to make the building more complimentary to the neighborhood. He stated right now the building is stark in appearance; the building that was constructed was not approved by staff or the Plan Commission.

Sadowski explained the design modifications suggested by staff and ways to enhance the appearance of the building. He stated there are two options being presented by the applicant to achieve the brick appearance on the façade. One is panelized brick and the other is mortar-less brick. Sadowski stated staff is suggesting an accent band, entrance awnings, a simple parapet cornice to give finalization to the roof line, corner accent lights, and the sign to be placed below the second floor windows.

Sadowski showed examples of mortar-less brick and described the installation methods. A brochure was submitted of the type of product they would be using. He stated the mortar-less brick provides a nice transition. Sadowski showed an example of a decorative cornice on the BMO building. He stated staff is not looking for something as elaborate; however, something similar. Sadowski showed renderings of the staff requests for the building.

Sadowski reviewed the required findings of fact for approval of conditional use permits. He stated that numbers 2 and 3 of the required findings are what staff is concerned about. However, he stated with the enhancements to the building it will achieve compliance with the two required findings that staff has concerns about.

Sadowski reviewed the possible actions of the commission. He stated staff is recommending approval of the request, subject to conditions. Sadowski read the proposed conditions of approval. He stated the banding would be a different color, the front would be dark in order to be seen while the other facades would have a lighter color.

Alder Meekma questioned whether the design would alleviate the potential of weather and water damage to the paneling.

Sadowski stated it provides a much thicker protection as it is a concrete product. He stated it is an attractive product because a carpenter can install, not necessarily a mason.

Commissioner Martinez asked if the proposed masonry were going over the current material.

Sadowski stated, as far as he knows, the current product will be removed to correctly apply the new material.

In response to Commissioner Martinez, Sadowski stated the only difference would be the accent band and the decorative cornice to the upper levels.

Commissioner Martinez stated the product used at the top of the building looks like a moisture barrier and not the finish product.

In response to Alder Meekma, Sadowski stated there will be lighting at the doorways.

Commissioner Jung stated the awning addresses the two dimensional issue of the

*building however questioned if anything else could be done.*

*The public hearing opened at 4:55 p.m.*

*William Morris, 5313 87th Place, Pleasant Prairie, WI spoke regarding the request. He stated the only item of concern is the awning hanging over the sidewalk, into the public right-of-way. He stated he was concerned about the possibility of snow sliding off of the awning onto someone who is walking on the sidewalk.*

*Sadowski explained there is a hold harmless agreement that would have to be obtained that goes with any awning that is hanging over the public right-of-way.*

*Commissioner Martinez stated the building is not that appealing considering what has been invested. He does not feel the awning, band, and other possible design features will make the building any more appealing. He stated he would like to see the architecture to be more in line with what was approved originally.*

*Eihab Atout, 2400 West Ryan Road, Oak Creek, WI stated he met with the Alderman on site and spoke regarding the bricks on the building. He stated they will do the bricks on the bottom for protection of the building. He stated they visited the church and saw the material used and picked the same material used on the church, the installation method will just be different. He stated he cares about the community and agrees to install what was asked for.*

*Alder Meekma stated he appreciates the efforts to make the building more appealing. He stated he is, however, seeking clarification from the applicant as Mr. Morris stated suggestions were acceptable.*

*Mr. Atout stated looking he is looking for guidance on what staff would find acceptable. He stated they have invested a lot into the community. He stated the awning works, however, the right-of-way is a liability.*

*Sadowski explained that the revised plans were dropped off to staff on Wednesday and that it was explained that at least mortar less brick would have to be used. He stated, at that time, detail was not provided on what to review. Sadowski stated an email was sent to the applicant on Monday evening once it was finalized this morning, however, the applicant was aware of the direction of staff.*

*Mayor Mason reminded Mr. Atout that the reason he is before the Commission is because the building that was built deviated from the plans that were originally approved.*

*Commissioner Martinez as about the original plan and materials.*

*Sadowski explained brick and concrete block in the rear of the building and brick on the other sides were to be used. He stated a stucco material was shown in certain areas that was part of the building permit that was issued.*

*Commissioner Martinez stated he really would like to work with the applicant to resolve the issues in the most efficient way. However, with the change to the original plans, it makes it difficult to assist. He stated he feels the Commission has been put in a tough spot and that he does not find the building appealing.*

*Mr. Morris stated if you look at the original plans that were submitted, an EFIS product*

was proposed. He stated they were unable to get a sample of the material, however, he stated it will add a tremendous amount of texture to the building and be more advantageous.

Commissioner Jung stated he likes the visual of the awning on the State Street building and how it wraps around the building; it complements the entire structure. He stated something needs to be done to the building that brings it out. He suggested the possibility of adding awnings on each window on the first window on the first and second floor, an awning that spans the doorway, etc. He stated he appreciates the level of compromise which has already been made, however he would like to see additional features on the building.

The public hearing closed at 5:09 p.m.

Mayor Mason stated he feels there is more work to be done. He recommended the Commission make a motion to defer the request with a continuance of the public hearing.

Discussion after the motion:

Commissioner Austin stated he has the same concerns regarding the aesthetics of the building, but he is also concerned that it is becoming more of a design oriented issue versus a code compliance issue. He stated if staff and the applicant agree and the code is met. He stated, in his mind, the Commission is going above the code threshold.

Alder Meekma stated he agrees and does not want to go too deep into doing someone else's job, however, he is having a hard time visualizing what the improvements would look like. He stated he feels like there has been a significant deviation from what was approved and would like to see firm definitions on what the awnings, cornice, and other improvements would look like. He stated he is not sure he would trust the judgement of the applicant and he supports the motion to defer.

**A motion was made by Commissioner Jung, seconded by Commissioner Peete, to defer the request with a continuance of the public hearing. The motion PASSED by a Voice Vote.**

## END OF PUBLIC HEARING

[0327-19](#)

**Subject:** (Direct Referral) Consideration of ordinance language establishing locational and aesthetics standards for small cell wireless communication facilities within the City of Racine. (PC-19)

**Recommendation of the City Plan Commission on 03-27-19:** That an ordinance be prepared and a public hearing scheduled.

**Fiscal Note:** N/A

**Attachments:** [ABM Small Cell Wireless Zoning Ordinance XX-19 Small Wireless Facilities Aesthetics 03.26.2019](#)  
[#Zoning Ordinance 0002-19 - Small Wireless Facility Aesthetics - Legistar version](#)

Associate Planner Jeff Hintz reviewed the timeline for the ordinance and the ordinance structure which includes definitions, facilities exempt from regulations, small wireless facilities outside and within the right-of-way, and regulations that would pertain to all small wireless facilities. Hintz explained the pole inventory within the city of Racine and explained what would and would not be allowed on each type of pole according to the proposed ordinance. He stated staff went out and inventoried the types of poles located within the city. Hintz stated the only equipment that would be mounted on the poles would be just the antenna structure, not back and other equipment. Hintz described the requirements for all small cell installations. He stated the ordinance prioritizes where the subordinate equipment should be located and anything mounted on the lower 1/3 of pole would require the approval of the City Plan Commission. Hintz showed examples of subordinate equipment installation methods that would not be approved.

Hintz stated there will be restrictions on signage, stickers, noise so they are not a distraction and cannot be heard inside buildings, noise so they do not distract from noise and cannot be heard inside buildings, and preservation of existing vegetation for all small cell installations. Hintz stated the recommendation of staff is that an ordinance be prepared and a public hearing be scheduled.

In response to Alder Meekma, Hintz stated that what is installed on the pole has to be certified that it will not collapse the pole so they may look at putting up a new pole to hold equipment. He stated there are areas that only have cement poles.

Commissioner Jung asked about alleyways, their aesthetics, and the possibility of differentiating residential and commercial alleyways.

Hintz stated we could place various restrictions.

Discussion after the initial motion:

Commissioner Austin asked for clarification regarding the definition of antenna. He stated it reads personal and asked if that included commercial and business use and asked about what was included in commingle.

City Attorney Scott Letteney stated the definitions cannot be changed as they are preempted by and directly drafted from the federal law definitions.

In response to Commissioner Austin's question regarding A. in Sec. 114-831 of the ordinance, Hintz stated the language is recommended legislation from the league of municipalities. He stated we are unsure of how that would look at this time, but it could be between wires.

City Attorney Letteney stated that a telecommunications attorney in Madison drafted the model ordinance that is being used by communities. He stated there are certain portions of the ordinance that cannot be changed because of the federal law requirements.

Hintz stated limited to one cubic foot which is relatively small.

Mayor Mason asked about 50 foot rule on page two of the draft ordinance. He stated we do not have an antenna taller than 30 feet and asked if it needed to be added.

City Attorney Letteney stated that was specifically required by federal law.

*Discussed ensued regarding aesthetic standards in alleyways.*

*Sadowski stated regarding alleyways in commercial areas there are design areas such as Uptown, Downtown, and Douglas Avenue.*

*City Attorney Letteney stated that one of the issues with the recent ruling from the Federal Communications Commission (FCC) regarding aesthetic standards is that municipal government may only enforce reasonable standards that are no more burdensome as applied to others and these standards have to be published in advance.*

*In response to Alder Meekma, Hintz stated for installation in a building, the potential applicant would have to reach out to the building owners. He stated it is an option up to the building owner whether or not he or she would like to charge a fee.*

*In response to Mayor Mason, Hintz stated at this time we do not have an exact number of how many poles are concrete. He stated if placement were allowed on a concrete pole, the only thing staff would want would for it to be at the top of the pole. He stated the potential applicant could structurally study the pole to see whether or not the placement of the equipment would destroy the pole.*

*Commissioner Austin asked if it would be possible to receive more information about the placement of towers on the type of pole for the next meeting. He asked about the ability to put in new utility poles and whether or not a permit would be required.*

*Mayor Mason stated poles can just be installed; the federal government has ruled that the right-of-way does not "belong" to the city.*

*Chief Building Inspector Ken Plaski explained the process when a cell site plan is submitted. He stated all of the engineering work is done by the applicant and their engineers make a determination whether or not a pole will support an antenna.*

*City Attorney Letteney stated April 15th is the last day the proposed ordinance can be passed under Federal Law. He stated modifications can be made as long as they are consistent with Federal Law.*

*In response to Commissioner Jung, Hintz stated c. Location provides some control. He stated through design and aesthetics can look at other poles within a 40 foot radius.*

*Alder Meekma stated it was best to be as proactive to make the process as easy as possible.*

*Commissioner Martinez asked if we were looking at an infrastructure similar to other municipalities.*

*Mayor Mason stated these ordinances are driven by FCC guidelines and timeframes. He stated beyond that, smart city design, poles, and their electricity are the most valuable to new technology. He explained the Internet of things and how to connect with small cell towers – how to have a connected community, but at the same time maintain aesthetics.*

*Commissioner Jung stated he would like to see similar standards in alleyways as any*

*part of the city. Just because in the alley standards should not be reduced.*

*Discussion ensued regarding additions/amendments to the ordinance language for cobblestone poles, alleyways, and parkways.*

**A motion was made by Alder Meekma, seconded by Commissioner Peete to recommend that an ordinance be prepared and a public hearing scheduled. An amendment was made by Commissioner Jung, seconded by Commissioner Peete, to amend B. section 3. Antenna location... to include alleys and parkways in the language. The motion and amendment PASSED by a Voice Vote.**

#### [0078-19](#)

**Subject:** Communication from the Mayor and Alder Lemke requesting the amendment of the Code of Ordinances to address zoning, aesthetic, undergrounding and spacing standards for mobile tower siting within the City of Racine.

**Recommendation of the Public Works and Services Committee on 02-12-19:** Defer until the March 12, 2019, Public Works and Services Committee meeting.

**Recommendation of the Public Works and Services Committee on 03-12-19:** Defer until the March 26, 2019, Public Works and Services Committee meeting.

**Recommendation of the City Plan Commission on 03-28-19:** That the request be received and filed.

**Recommendation of the Public Works and Services Committee on 04-09-19:** Approve and adopt Ordinance 0002-19, Small Wireless Facility Aesthetics.

**Fiscal Note:** N/A

**Attachments:** [0078-19 Agenda Briefing Memorandum 1336-18.pdf](#)  
[#Zoning Ordinance 0002-19 - Small Wireless Facility Aesthetics 2019-04-12](#)

**A motion was made by Alder Meekma, seconded by Commissioner Martinez, to receive and file the request. The motion PASSED by a Voice Vote.**

## Adjournment

*There being no further business, the meeting adjourned on a motion by Commissioner Martinez, seconded by Commissioner Jung at 5:55 p.m.*