

# **City of Racine**

*Room 103, City Hall*



## **Meeting Minutes**

**Wednesday, March 14, 2007**

**4:15 PM**

**Room 205, City Hall**

### **City Plan Commission**

*Mayor Gary Becker, Alderman Gregory Holding  
John Dickert, Elaine Sutton Ekes  
Vincent Esqueda, Jud Wyant*

**Mayor Becker called the meeting to order at 4:20 p.m.**

**PRESENT:** 6 - Gary Becker, John Dickert, Elaine Sutton Ekes, Vincent Esqueda, Gregory Holding and Jud Wyant

*OTHERS PRESENT:* Alderman Jim Kaplan  
Alderman Pete Karas  
Alderman Raymond DeHahn  
Audrey Viau, President, Village of Elmwood Park  
Brian O'Connell, Director of City Development  
Richard Heller, Chief Building Inspector  
Scott Letteney, Assistant City Attorney  
Wally Madsen, Uptown Business Improvement Organization  
Linea Anthony, Uptown Business Improvement Organization  
Kristin Niemiec, Commercial Corridors Specialist  
Matthew Sadowski, Principal Planner

**Approval of Minutes for the February 28, 2007 Meeting**

A motion was made by Elaine Sutton Ekes, seconded by Alderman Gregory Holding, that the Minutes be approved, as distributed. The motion **PASSED** by a Voice Vote.

**07-0168**

**Subject:** (Direct Referral) Request by Robert Westmoreland of Westmoreland Properites, LLC, seeking to rezone the property at 720-17th Street from B-1 Neighborhood Convenience District to R-4 General Residence District.

**Recommendation of City Plan Commission on 2-14-07:** Deferred.

**Recommendation of City Plan Commission on 2-28-07:** To deny.

**Recommendation of City Plan Commission on 3-14-07:** To deny.

**Attachments:** [720-17th St.pdf](#)

*Director O'Connell explained that this item had been sent back to the Plan Commission to allow Mr. Westmoreland the opportunity to argue his case for the rezoning.*

*Mr. Westmoreland described the improvements he has made to the property over the years, and the difficulties encountered in retaining contactors and City funding. He stated that subsequent discussion with his lender have indicated that they would support retaining commercial space and one residential unit on the first floor and two residential units on the second floor. Mr. Westmoreland cited other properties where the City had allowed ground floor residential uses.*

*Commission members expressed concern with conversion of first floor retail space in the subject neighborhood into residential units, and that in many cases, such conversions result in undesirable living units and an erosion of the vitality of the streetscape.*

*In response to staff's recommendation that the rezoning request be converted to a*

*conditional use permit, Commissioner Ekes expressed concern that the matter before the Commission had not been agendized as such.*

*Alderman Holding expressed concern with what he perceived as the degradation of an architecturally significant building and the negative precedence set in allowing this rezoning.*

**A motion was made by Alderman Gregory Holding, seconded by John Dickert, that this item be Recommended For Denial. The motion PASSED by a Voice Vote.**

**07-0160**

**Subject:** Communication from the Commissioner of Public Works/City Engineer submitting "A Regional Transportation System Plan for Southeastern Wisconsin: 2035" from the Southeastern Wisconsin Regional Planning Commission.

**Recommendation of the Public Works and Services Committee (3-13-07):** That "A Regional Transportation System Plan for Southeastern Wisconsin: 2035" from the Southeastern Wisconsin Regional Planning Commission be approved.

Further recommend that the item be referred to the City Plan Commission.

**Fiscal Note:** Not applicable.

**Recommendation of the City Plan Commission on 3-14-07:** That the Common Council endorse the Regional Transportation Plan 2035 by resolution.

**Fiscal Note:** N/A

*Director O'Connell briefly summarized the contents of the plan and those components which directly impact the City of Racine. He stated that Public Works Commissioner Richard Jones sat on the committee that prepared this plan. He concluded pointing out that the plan is an advisory/reference document and that a copy of the complete plan is available for Commissioner's review in the office of the Department of City Development.*

**A motion was made by John Dickert, seconded by Alderman Gregory Holding, that this item be Recommended For Approval. The motion PASSED by a Voice Vote.**

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

**07-0296**

**Subject:** (Direct Referral) Request by Kelly Richardson seeking a conditional use permit for the storage of two cargo vans at 3344 Douglas Avenue.

**Recommendation of City Plan Commission on 3-14-07:** That the request by Kelly Richardson, seeking a conditional use permit for the storage of two cargo vans at 3344 Douglas Avenue be approved, subject

to the following conditions:

- a. That the plans stamped "Received February 28, 2007" and presented to the Plan Commission on March 14, 2007 be approved, subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Department.
- c. That the vehicles stored be limited to two (2) one-ton cargo vans, stored indoors when not in use.
- d. That this facility shall not operate as a freight storage warehouse.
- e. That all trash and recyclables be kept in closed containers and stored in the building until pick up.
- f. That if a sign is installed, that it be professionally made, comply with zoning ordinance requirements, and be approved by the Director of City Development.
- g. That all codes and ordinances be complied with and required permits acquired.
- h. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.
- i. That this permit is subject to Plan Commission review for compliance with the listed conditions.

**Fiscal Note:** N/A

**Attachments:** [3344 Douglas Ave.pdf](#)

*Mayor Becker opened the hearing at 4:39 p.m., explained the public hearing process, and introduced the item.*

*Director O'Connell described the location of the proposal, surrounding zoning, and adjacent land uses and the proposed use.*

*Kelly Richardson appeared on behalf of the proposal but had nothing further to add.*

*Kristin Niemiec spoke on behalf of the Northside Business and Professionals Association stating that they had no objection to this proposal.*

*Alderman DeHahn spoke in support of the proposal.*

*There being no further comments and hearing no objections, Mayor Becker closed the public hearing at 4:40 p.m.*

*Director O'Connell reviewed the recommended conditions of approval.*

**A motion was made by Alderman Gregory Holding, seconded by Elaine Sutton Ekes, that this item be Recommended For Approval. The motion PASSED by a Voice Vote.**

**07-0297**

**Subject:** (Direct Referral) Request by David Hendricks of Racine's Customs and Collisions, and Philip Kuehl of Phil's Auto Sales seeking to rezone 50 feet of the northern most portions of the property at 1202-1212 N. Main Street from R-3 Limited General Residence District to B-2 Community Shopping District.

**Recommendation of City Plan Commission on 3-14-07:** That an ordinance be created and a public hearing be scheduled.

*Mayor Becker opened the hearing at 4:40 p.m., reviewed the public hearing process and introduced the item.*

*Director O'Connell described the location of the proposal, surrounding zoning and adjacent land uses and the proposed use. He briefly described past concerns with the owner's inability to maintain compliance with City ordinance and the conditional use permits.*

*Phillip Kuehl explained the rezoning was intended to accommodate expand car sales as well as parking for the auto body shop.*

*Mayor Becker read into the record a letter received from David Popoff expressing Mr. Popoff's support for the rezoning request.*

*William Hince of 1200 A, North Wisconsin St., expressed his support for the rezoning requests, but felt cars sales should be limited to six vehicles.*

*Gary Gibson of 1222 N. Main St. stated that he has no objection to the proposal and that Mr. Kuehl operates his business in an orderly fashion.*

*Alderman Jim Kaplan spoke in favor of the rezoning request and having the activity on the property, but felt that allowing up to 14 vehicles for sale would be sufficient.*

*Wayne Oblan (address unknown) stated he was in support of the request.*

*David Popoff of 1201 N. Main St. expressed his support for the proposal.*

*There being no further comments and hearing no objections, Mayor Becker closed the public hearing at 4:50 p.m.*

*Commissioner Dickert expressed concern with setting a precedence for Main Street in light of the constant concerns expressed about similar auto sale operations on Lathrop Avenue.*

*Alderman Holding stated that there needs to be more of an effort to remain in compliance with existing conditions of approval, and that an upgrade of the façade of the building*

would be appropriate. He suggested that action on this item be deferred.

Commissioner Wyant suggested that it not be necessary to defer on the rezoning but a deferral on the conditional use permit expansion would be appropriate.

In response to Commissioner Dickert, Mr. Kuehl explained he does not need the zoning to accommodate his existing sales operation.

**A motion was made by Alderman Gregory Holding, seconded by John Dickert, that this item be Recommended For Approval. The motion PASSED by a Voice Vote.**

**07-0298**

**Subject:** (Direct Referral) Request by Philip Kuehl of Phil's Auto Sales seeking to amend a conditional use permit to expand from six (6) to fourteen (14) the number of vehicles allowed to be offered for sale at 1202-1212 N. Main Street.

**Recommendation of City Plan Commission on 3-14-07:** To defer.

**Attachments:** [1202-1212 N.Main.pdf](#)

Mayor Becker opened the public hearing at 5:03 p.m. and introduced the item.

Director O'Connell reviewed staff's recommendations.

Mr. Kuehl declined to speak.

Mayor Becker urged Mr. Kuehl to develop a comprehensive plan for the property that addresses site and building improvements.

Alderman Holding stated that Mr. Kuehl needs to establish a record of compliance before he would be willing to entertain a request to expand operations at this location.

In response to Commissioner Ekes, Mayor Becker stated that a deferral time of three to six months should be sufficient for Mr. Kuehl to establish a record of compliance and work with staff in developing more comprehensive plans for the property.

**A motion was made by Alderman Gregory Holding , seconded by Jud Wyant, that this item be Deferred. The motion PASSED by a Voice Vote.**

**07-0299**

**Subject:** (Direct Referral) Request by Jerry Gulley seeking a conditional use permit for a seven unit rooming house at 1406 Washington Avenue.

**Recommendation of City Plan Commission on 3-14-07:** To defer.

Mayor Becker opened the public hearing at 5:07 p.m., explained the public hearing process and introduced the item.

Director O'Connell described the location of the proposal, surrounding zoning, adjacent land uses and the proposed use. He explain concerns with zoning, in that the proposed unit count exceeds that which is permitted by the ordinance: The ordinance limits the property to three units while the request is for seven.

He explained that the property has been unlicensed and this request is the owner's attempt at rectifying that deficiency.

*Jerry Gulley explained that when he purchased the building in January of 2006, the seven rooming house units were already in existence. He stated he had been aware of these seven units since 2003, and that the seven units are not original to the initial building layout; but it is his belief that these seven units have existed for 20 to 30 years. He explained the difficulty in converting the building to lower density residential use.*

*Sam (last name unknown) stated that he is a resident of the property and spoke in support of the request.*

*Jane Killis stated that she is a resident of the property and said the property is secure and clean.*

*Linea Anthony, Treasurer for the Uptown Improvement Organization, explained the Uptown area is trying to revitalize, and while promoting residential uses is a goal of the Uptown Plan, the organization feels studio apartments would be more appropriate.*

*In response to Wally Madsen, Chairman of the Uptown Improvement Organization, Director O'Connell explained the definition of a rooming house and the threshold in determining size/unit limitations of a rooming house.*

*James Simonsen of 2839 Hayes Ave. expressed his support for the request and urged the Commission to recommend approval, urging that the existing residents of this facility not be thrown out.*

*There being no further comments and hearing no objections, Mayor Becker closed the public hearing at 5:20 p.m.*

*Director O'Connell reviewed staff's recommendations.*

*Commissioner Wyant commented that the floor plan appears to lend itself to a rooming house and that this may be protected as an existing-nonconforming use.*

*Director O'Connell responded that it is unclear when the seven units were created, and there is the fact that no rooming house license exists; an issue that would need to be addressed regardless as the non-conforming status.*

*Alderman Holding stated that clarification is needed as to the date when the building was converted to seven units.*

**A motion was made by Alderman Gregory Holding , seconded by Jud Wyant, that this item be Deferred. The motion PASSED by a Voice Vote.**

## **END OF PUBLIC HEARINGS**

### **07-0220**

**Subject:** (Direct Referral) Request by Genesis Behavioral Services, Inc. seeking a conditional use permit for a community based residential facility at 3131 Taylor Avenue, Building #5.

**Recommendation of City Plan Commission on 2-28-07:** To defer.

**Recommendation of City Plan Commission on 3-14-07:** That the request by Genesis Behavioral Services, Inc. for a conditional use permit for a

community based residential facility for women at 3131 Taylor Avenue be approved, subject to the following conditions:

- a. That the plans stamped "Received January 10, 2007" and presented to the Plan Commission on February 28, 2007 be approved, subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That this residential facility be confined to Building #5 of the campus, and that no more than twelve residents be permitted to occupy Building #5.
- d. That the facility be professionally staffed 24 hours per day, seven days per week.
- e. That all staff and visitor parking be contained on site.
- f. That no resident shall be allowed to have personal vehicles on site during their treatment stay.
- g. That all trash and recyclables be stored in closed containers and screened from view.
- h. That, if a sign is installed, it be professionally made, comply with zoning ordinance requirements and be approved by the Director of City Development.
- i. That all codes and ordinances be complied with and required permits acquired.
- j. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.
- k. That this permit is subject to Plan Commission review for compliance with the listed conditions.
- l. That the conditional use be for a maximum of twelve female residents per the state contract.
- m. That Genesis Behavioral Services, Inc., be in full compliance with the provisions of its contract with the state.
- n. That compliance with these conditions be reviewed by the City Plan Commission every six months.
- o. That visitation for residents be limited to Saturdays and Sundays from 1:00 p.m. to 4:00 p.m.
- p. That residents not be allowed to access the grounds on the north side of the



building.

q. That a partition fence four feet in height and sixteen to twenty-four feet in length be installed extending from the east and west ends of the building. The specific design, location and length of the fence be submitted to the Director of City Development for review and approval prior to installation.

r. That window privacy shields or other window treatments be installed on the first floor on the north side of the building.

s. That the visitor screening policies for the facility be submitted to the Director of City Development for review and approval.

t. That security cameras be installed on the outside of the building and inside the main entrance and that the cameras be maintained in good working order and operated 24 hours per day. Camera location and coverage areas shall be determined in consultation with and subject to the approval of the Chief of Police.

u. That an advisory board of neighborhood residents be established for the facility by Genesis Behavioral Services, Inc. The composition of the board in number and form shall be as deemed appropriate by the Director of City Development.

v. That a telephone number be established, disseminated, and maintained on a 24 hour basis so that municipal staff and neighborhood residents can contact the facility.

w. That alarms be installed on all facility egress doors to monitor access to and from the building.

x. That the minimum staffing of the facility be two persons on first shift, two persons on second shift, and one person on third shift, with the possibility of modifying or removing this condition after one year of compliance with the conditions of this permit and no evidence of problems with resident control or staff to resident ratios.

**Fiscal Note:** N/A

**Attachments:** [3131 Taylor Ave.pdf](#)

*While it was not a public hearing, it is noted that discussions and deliberations on this item began when Mayor Becker introduced the item at 5:35 p.m.*

*Director O'Connell reviewed the proposed conditions of approval.*

*Commissioner Ekes presented conditions to be added to the recommendations, many of which reflected an attempt to address neighbor's concerns that were expressed at the public hearing.*

*In response to Alderman Holding, Lisa Kenyon from the Wisconsin Department of Corrections explained that residents of this facility may be on early release from the prison system, and the Department of Corrections does offer in-house AODA programs.*

*In response to Alderman Holding, Ricky Person of Genesis Behavioral Services described the educational, training, continuing educational requirements, and screening procedures for degreed and non-degreed employees. He stated that it is possible that some employees could have criminal records.*

*In response to Mayor Becker, Mr. Person stated that the first shift (8:00 a.m. until 4:00 p.m.) would have two employees; the second shift (4:00 p.m. to 12:00 p.m.) would have two employees for the first four hours, and one employee for the last four hours, the third shift (12:00 p.m. until 8:00 a.m.) would have one employee. Commission members expressed concern with the second shift staffing level, feeling two employees should be required during the full shift.*

*In response to Alderman Holding, Michelle Crocket of Genesis Behavioral Services stated that their current State contract is to serve 12 women. Ms. Kenyon explained that the number of women to be served under the contract could increase. Mr. Person explained that if service was expanded to 16 women, staffing would be three persons for all of first shift, two for all of second shift and one for all of third shift.*

*Alderman Holding expressing concern that upon his review of the proposal, he feels the proposal constitutes a correctional facility, and moved that the request be denied. The motion died for lack of a second.*

*Subject to the additional conditions as proposed by Commission Ekes, and the inclusion of the requirement that staffing be no less than two person for the full first and second shifts, and no less than one person for the full third shift, and that visitor parking be contained on sight, Commissioner Wyant moved to recommend approval of the request, subject to staff recommendations.*

*Mayor Becker restated the motion.*

*Commissioner Wyant clarified his motion, explained that applicable State statutes restrict the ability of local government to deny such requests.*

*Alderman Holding requested to be included in any discussions regarding fencing and camera placement.*

**A motion was made by Jud Wyant that this file be Recommended For Approval, subject to the listed conditions in the recommendation. The motion PASSED by a Voice Vote with Alderman Holding voting no.**

## **Adjournment**

*There being no further business before the Commission and hearing no objections, Mayor Becker adjourned the meeting at 6:15 p.m.*

*Respectfully submitted,*

*Brian F. O'Connell  
Director of City Development*