



City of Racine

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

Meeting Minutes - Final

City Plan Commission

Wednesday, July 24, 2019

4:30 PM

City Hall, Room 205

Call To Order

Mayor Mason called the meeting to order at 4:33 p.m.

Present: 7 - Cory Mason, Jason Meekma, Trevor Jung, Mario Martinez, Samuel Peete, Christina Hefel, and Marvin Austin

Approval of Minutes for the June 26, 2019 Meeting

A motion was made by Alder Jung, seconded by Commissioner Hefel, to approve the minutes of the June 26th meeting. The motion PASSED by a Voice Vote.

Public Hearings

[0797-19](#)

Subject: (Direct Referral) Request by Mandy Tutas, agent for the DeKoven Center, seeking a rezoning from O/I-Office Institutional District to O/I with a FD-Flex Development Overlay to accommodate, as a conditional use permit, short term rental establishments (e.g. Airbnb) at 520 Caron Butler Drive, not being the primary residence of the operator (PC-19).

Attachments: [Public Hearing Notice](#)
[Review and Recommendation](#)
[Draft Use Supplement](#)
[Applicant Submittal](#)

Matt Sadowski, Planning Manager described the request and reviewed the zoning of the subject and adjacent properties, surrounding land uses and businesses, the public hearing notice map that was distributed to neighboring properties, the comprehensive plan land use designation, and photos of the site and surrounding area. Sadowski explained the location of the Airbnb facility and its surrounding views. He described the floor plans for the units which would include a kitchen area, etc.

Sadowski described the possible actions of the Commission and stated that staff is recommending adoption of the zoning ordinance. He stated that if this request is approved, it would set the foundation for requests to follow.

Sadowski described the required findings of fact for approval of rezonings. He stated rezoning the property to B-1 Neighborhood Convenience District was an option; however, B-1 is not an appropriate zoning for the area. He stated the Flex would

expand uses while keeping the uses in keeping with the neighborhood. Sadowski stated the ordinance requires that Airbnb's be the primary residences of the proprietor. He stated that this will not be the case with the request, so the Flex will allow the use to occur. He stated the trend of development in the area is very stable and there are no new buildings being proposed. He stated there will not be a need to change the land use plan for the area to accommodate the request.

Mayor Mason explained that items 0797-19, 0799-19, and 0798-19 are related and that the public hearing will be taken after the presentation of item.

A motion was made by Alder Jung, seconded by Alder Meekma, to recommend adoption of the rezoning with all references of 21st Street being changed to Caron Butler Drive. The motion PASSED by a Voice Vote.

[0799-19](#)

Subject: A use supplement related to the rezoning request by Mandy Tutas, agent for the DeKoven Center, for a rezoning from O/I-Office Institutional District to O/I with a FD-Flex Development Overlay at 520 Caron Butler Drive (PC-19).

Recommendation of the City Plan Commission on 7-24-19: That the use supplement related to the rezoning request by Mandy Tutas, agent for the DeKoven Center, be adopted.

Fiscal Note: N/A

Attachments: [Draft Use Supplement](#)
 [#0799-19 Resolution](#)

Sadowski explained the use supplement and the possible actions of the Commission. He stated staff is recommending approval of the use supplement with the conditions, as proposed. He explained statement of uniqueness to be included in the use supplement – “that because of the unique campus environment and varied, yet unbroken, history dating from 1853, for the properties associated with 520 Caron Butler Drive, past and current uses as a college, a gathering and worship place, a group instruction and self-reflection refuge, a place for short and long term dwelling ranging from college and retreat attendees to apartment dwellers, and a location for community gatherings, the ‘Gate House’ and ‘East Building’ lend themselves to use as short-term rental units in a limited nature, as defined by Section 114-273(17) with the exception that the units are not the primary residence of the operator.” Sadowski explained the components of the use supplement.

A motion was made by Alder Jung, seconded by Alder Meekma, to recommend approval of the use supplement subject to conditions with all references of 21st Street being changed to Caron Butler Drive. The motion PASSED by a Voice Vote.

[0798-19](#)

Subject: Request by Mandy Tutas, agent for the DeKoven Center, seeking a conditional use permit for a short term rental establishment (e.g. Airbnb) at 520 Caron Butler Drive, having up to five rental units, none being the primary residence of the operator (PC-19).

Recommendation of the City Plan Commission on 7-24-19: That the

request by Mandy Tutas, agent for the DeKoven Center, seeking a conditional use permit for a short term rental establishment at 520 Caron Butler Drive, having five rental units, none being the primary residence of the operator be approved, subject to conditions.

Fiscal Note: N/A

Attachments: [#0798-19 Resolution](#)

Sadowski explained the conditional use request, the possible actions of the Commission, and the required findings of fact for approval of conditional use permits. He stated staff is recommending approval, subject to conditions.

Sadowski explained the conditions of approval. He stated there is a condition to address extending the enclosure to screen the dumpster that is currently not screened.

Mayor Mason opened the Public Hearing for items 0797-19, 0799-19, and 0798-19 at 4:49 p.m.

No speakers were present to speak.

Mayor Mason closed the Public Hearing at 4:50 p.m.

In response to Alder Meekma, Sadowski confirmed that the locations are currently being used as apartments.

Commissioner Austin asked if anything in the conditional use permit or the Flex Development limits or allows the applicant to increase the number of Airbnb units that they have.

Sadowski stated yes, however, it would have to be presented to the Zoning Administrator or the Director of City Development and from there, it would be determined whether or not they would need to come through the City Plan Commission or if it could be approved administratively.

A motion was made by Alder Jung, seconded by Alder Meekma, to recommend approval of the request subject to conditions with all references of 21st Street being changed to Caron Butler Drive. The motion PASSED by a Voice Vote.

[0764-19](#)

Subject: (Direct Referral) Request by Damon Hassell of Alter Trading Corp. seeking a major amendment to an existing conditional use permit for a recycling drop-off site, to add a storage building measuring 3,484 square feet at 1339 17th Street (PC-19).

Recommendation of the City Plan Commission on 7-24-19: That the request by Damon Hassel of Alter Trading Corp. seeking a major amendment to an existing conditional use permit for a recycling drop-off site to add a storage building at 1339 - 17th Street be approved, subject to conditions.

Fiscal Note: N/A

Attachments: [Public Hearing Notice](#)
 [Review and Recommendation](#)
 [Applicant Submittal](#)
 [#0764-19 Resolution](#)

Mayor Mason opened the public hearing at 4:53 p.m.

Sadowski explained the request and reoriented the Commission on the location, zoning, and surrounding area of the site. He stated the area is zoned I-2 General Industrial District with residential to the east and I-2 to the north, south, and west.

Sadowski stated the concern of meetings past was the visibility of what can be seen on the site and the height of the fence.

Sadowski showed a site plan of the property and explained the proposed north and building facades. He stated that, rather than split face block, plans have been altered to use smooth face blocked scored to show dimension. He stated the smooth face block will be taken all the way up to the soffit of the building and will be brought around the west side of the building to help meet the 30 percent masonry requirement.

Sadowski explained the materials and colors for the proposed structure and the fencing enhancement that is being proposed. He stated the fence would be a coated cyclone fence with privacy slats installed and the fabric backer to give it additional screening. He stated the cost of installing a solid fence and disturbing the environmental cap on the property has been an issue with the project. Sadowski stated a building on the site will also be removed to help eliminate some of the blighted look in the area.

Sadowski explained the possible actions of the Commission along with the required findings of fact for approval of conditional use permits. He stated that, based on the findings of fact, staff is recommending approval subject to conditions. Sadowski reviewed the proposed conditions of approval.

Damen Hassell, Alter Trading Corp., stated the conditions are more than acceptable on his end and appreciates everyone's work to get the project to this point.

Alder Mollie Jones, 2nd District Alderman, asked for approval of the conditional use permit.

Mayor Mason closed the public hearing at 5:06 p.m.

A motion was made by Alder Meekma, seconded by Commissioner Peete, to recommend approval of the request subject to conditions. The motion PASSED by a Voice Vote.

[0843-19](#)

Subject: (Direct Referral) Appeal by Vanessa Boutwell of Catfish & More of a revocation by the Chief Building Inspector-Zoning Administrator of a conditional use permit for a carryout restaurant at 1642 (aka 1644) Washington Avenue (PC-19).

Attachments: [Public Hearing Notice](#)
 [Applicant's Submittals](#)
 [Waiver Of Rights](#)
 [Violation & Revocation](#)
 [Conditions of Approval](#)

Sadowski explained the request and showed the location of the site along with the aerial view and the neighboring properties. Sadowski stated that the property is zoned B-2 Community Shopping District with R-3 Limited General Residence to the North. He stated that the Comprehensive Plan anticipates the site to maintain its B-2 zoning with high intensity residential maintained in the areas surrounding the site.

Sadowski explained that the business had been staying open past the approved hours of operation and with great crowds gathering late at night. He stated the approved hours of operation are 11:00 a.m. – 10:00 p.m. Tuesday – Thursday, 11:00 a.m. – 12:00 a.m. Friday – Saturday, and 11:00 a.m. – 8:00 p.m. Sunday. Sadowski stated the business had been staying open past 3:00 a.m. which goes beyond the approved hours of operation.

Sadowski explained the timeline events for the property. He stated the business has been in operation since January of 2017.

Sadowski stated that in working with the City Attorney's office it was agreed that a public hearing would be held on this date to discuss the revocation of the conditional use permit and the Police Department, Health Department, and the applicant would be invited to have a conversation about the site.

Sadowski explained the possible actions of the Commission regarding revocations which includes overturning the appeal allowing the conditional use permit to continue under approved or modified conditions, deny the appeal revoking the conditional use permit, defer the request to a date certain to obtain more specific information, or defer with a continuance of the public hearing to a date certain. Sadowski explained the potential future meeting dates of August 14th and August 28th if the latter were chosen.

Sadowski stated that if the Commission approves to allow the restaurant to stay open, they would have to meet the required findings of fact due to it being a conditional use permit.

In response to Commissioner Austin, Sadowski stated that he is not aware of any issues with the site until April 2019. The business has been open since January 2017. Sadowski stated the other conditions were being adhered to.

In response to Commissioner Martinez, Sadowski stated that the issues have occurred closer to the 3:00 a.m. timeframe.

Mayor Mason opened the Public Hearing at 5:17 p.m.

The owner of the restaurant, Vanessa Boutwell, spoke regarding the request. She stated she wanted to apologize as she did not realize the conditional use permit and the hours pertained to her. She stated she submitted her hours to the Health Department and thought that the hours were submitted to the Planning Department. She stated she would have complied had she known the hours were for her to close at

12 a.m. She stated she never received the mail that was sent regarding the initial conversations and notices. She stated if she would have received the notices, she would have complied. She stated she reached out to the Police Department because she wanted an officer in the lobby and she was never taken up on her request.

Alder Jung stated the issues appear to have occurred as of recent and asked what has changed since the restaurant opened in 2017.

Ms. Boutwell stated it begins with the bar crowd. She stated that once the bar closes then they come to her restaurant because she is the only one that is open at that time. She stated she is in the back cooking and stated that around 2:30 a.m., the crowd starts to arrive. She stated it does not happen every weekend.

In response to Commissioner Hefel, Ms. Boutwell stated the hours did not change from 2017 to 2019.

In response to Commissioner Peete, Ms. Boutwell stated she did not realize that she working under the old Conditional Use Permit hours. She stated her hours were 11:00 a.m. – 3:00 a.m. Friday and Saturday.

In response to Mayor Mason, Ms. Boutwell stated she submitted paperwork to the Health Department so she thought it was ok. She stated she could not give the yes or no on whether or the Health Department were the ones who approved her hours.

In response to Mayor Mason, Ms. Boutwell affirmed that yes she did receive the conditional use permit conditions from the previous owner.

Commissioner Martinez asked if Ms. Boutwell has had success where the business sits and if it were growing.

Ms. Boutwell stated the business is going well. She stated gets different people all of the time and that it was a mistake on her behalf.

Commissioner Martinez asked if it would make a difference if she would go back to what with what originally approved.

Ms. Boutwell stated she would probably lose some money, however, she does not have a problem with closing at midnight. She stated she was getting tired of the drama and stated that she told her staff this was going to be the last Saturday that she was going to be open until 3 a.m.

Alder Meekma thanked the applicant for being there. He stated changing hours may alleviate a lot of the problems and asked Ms. Boutwell if there were anything else that she would do to help with the issues.

Ms. Boutwell stated they were thinking about installing cameras on the inside of the building.

Alder Meekma asked if it were to-go restaurant or if there were a dining area.

Ms. Boutwell stated the restaurant is all to-go. She stated customers have gotten their food and hung out around the area.

Commissioner Austin asked Ms. Boutwell if this were her first business and

restaurant.

Ms. Boutwell stated yes.

Ms. Boutwell thanked the Commission for listening.

Officer Jacob Mauer from the Racine Police Department spoke regarding the request. He stated he is part of the community oriented policing program and that he worked 3rd shift in 2017 and is familiar with the crowd. He explained that the timeline referred to the calls of service at the specific address.

Ofcr. Mauer stated Ms. Boutwell did request officers to come and work, however, at the time with being a new business, it was not in the budget and that did not work out. He stated he sat out at the location over the summer and a lot of people order food inside and hang out in the street, their cars, etc. while they are waiting 15-20 minutes for the food to be prepared. He stated there were always 2-3 squads in the local area. He stated if Ms. Boutwell closed at midnight, it would be a non-issue. He stated it is the patrons of the different bars around uptown and the surrounding area stopping and grabbing something to eat. He stated he met with Ms. Boutwell in April and explained what officers saw and gave her some suggestions. He stated that she was very receptive to the suggestions such as cameras, parking suggestions, etc. He stated the issue is with 3 a.m. when officers are already taxed with calls for service. He stated a lot of times officers are not able to be there to give the location extra attention and that is when things get out of hand.

Alder Jung asked about the incidents not listed and if they all occurred after midnight.

Ofcr. Mauer stated yes.

Alder Jung asked when the discussion was had and if shifting hours were discussed.

Ofcr. Mauer stated it wasn't specifically mentioned that she should change her hours, however, hours were discussed.

Alder Jung suggested providing hours to the Police Department regarding conditional use permits.

Mayor Mason stated that there are no businesses allowed to be open until 3:00 a.m.

Commissioner Martinez asked about 2018.

Ofcr. Mauer stated the calls of service are there, however, they would be for a certain area. He stated comments exist such as large crowds started at Catfish & More and moved over to Packard Avenue. He stated that call for service would be for Packard Avenue. He stated that the issues always occur after midnight.

Mayor Mason clarified that this is a timeline from certain City Departments, not necessarily from the Police Department.

Sadowski stated that the April date is when the Department of City Development became aware of issues taking place at the property.

Ofcr. Mauer stated a lot of times the address of the actual establishment is not used, however, the address of where the offense happened.

Commissioner Austin asked if some of the calls were just a crowd customers waiting for their food.

Ofcr. Mauer stated typically when the police have been called there is something beyond normal that is happening.

Commissioner Austin spoke about the lack of black economics within the City of Racine and offering a solution of helping Ms. Boutwell succeed instead of revoking her conditional use permit. He stated while we talk about being a city that is working to bring about equity, this is one of those particular cases where this young lady has a business and in black communities you try to serve people as they are and he understands why they do what they do. He stated no communities serve black communities how they need to be served. He stated we need to figure out how to have more food at better places so when customers come out of the bar, they can get food in a more orderly way. He stated we know there is an issue and we need to find a resolution instead of reviewing phone calls.

Marcia Fernholz, Environmental Health Department, spoke. She stated that the hours are not listed on the Health Department's application. She stated they would not have approved the hours. She stated applicants may tell them what the hours are, but the hours are a function of the occupancy license or the conditional use permit. She clarified there are some restaurants that are open 24 hours, however, that is approved by either zoning or the occupancy permit. She stated they have paid for a current license, however, it is being held pending the outcome of the hearing.

Sgt. Jeff BeBow, 3rd shift Police Department, spoke. He stated that there was a bar that opened January 2018 that tends to patronize Catfish & More so the large group from the bar goes to Catfish and More at that time. He stated there is no parking available for the establishment and the actual entrance is five feet by 20 feet. He stated the groups are looking for places to park so they are occupying gas stations, Packard Avenue, and Phillips Avenue. He stated it is a residential area and it causes issues as far as loud music and congregating and those who are trying to sleep are being interrupted. He stated when you bring a large amount of individuals without a lobby and no parking lot, the normal congregation of individuals are going to be in front of the establishment. He stated that can cause an issue as far as safety. He stated that individuals are crossing Washington Avenue to get to the establishment causing traffic issues. He stated working 3rd shift he has been out there every weekend, more or less for maintenance reasons. However, he stated if they are not out there are usually issues as far as individuals calling.

Alder Meekma asked how active the Department is for ticketing people for drinking and driving.

Sgt. Bebow stated as active as they can be, it is part of their duties and responsibilities as a 3rd Shift officer.

Commissioner Austin suggested offering a grant to Ms. Boutwell of \$750,000 to allow the applicant to find a larger establishment so that she could have parking and security which would take care of the issues.

Mayor Mason closed the Public Hearing at 5:54 p.m.

Alder Jung stated the applicant is now aware of the hours and will comply with the

current conditions of approval and hours. He stated now there is a shared set of information and Ms. Boutwell can operate and follow the standards of the conditional use permit.

Discussion ensued regarding the appropriate motion for the request.

Sadowski explained the required findings of fact required for the approval of conditional use permits and the appeal. He stated the approval would require satisfying the findings of fact. He stated that going through each of the findings and stating that if the conditional use permit were operated as approved it would satisfy each of the seven findings would be appropriate.

Discussion after the motion:

Commissioner Austin asked if there were any place in the motion to insert his suggestion of providing a grant of \$750,000 to Ms. Boutwell to help with parking, security, and a larger establishment. He stated that the need is much greater than the \$5,000 programs that have been created. He stated that taking care of situations like this is not about patrolling and policing cars on the street, but building economic viability. He stated if there is not a place where it can be added, then he will withdraw his suggestion.

Mayor Mason responded that, while he does not want to diminish the merit of Commissioner Austin's suggestion or lack of funding, the City Plan Commission is not the appropriate avenue to authorize Ms. Boutwell a grant of funds. He stated the suggestion would need to be brought up to one of the Alders that sit on the Finance Committee.

In regards to his suggestion, Commissioner Austin stated that it is all one system and all parts of the system need to hear the same message.

Sadowski stated current contact information is needed for the applicant and asked the Commission if they wanted a watch period to bring the application back in a few months.

Ms. Boutwell requested information be mailed to her home address.

A motion was made by Alder Jung, seconded by Commissioner Peete, that based on the required findings of fact that if the conditional use permit is operated as originally approved that it will satisfy the required findings of fact with the understanding that if the restaurant operates past the approved hours of operation there will be a set of circumstances. The motion PASSED by a Voice Vote.

[0800-19](#)

Subject: (Direct Referral) Consideration of ordinance language amending standards for hotels and motels within the City of Racine (PC-19).

Attachments: [ABM Hotel-Motel](#)

[Ordinance 0018-19 - Ch. 114 Zoning of Hotels and Motels](#)

Sadowski explained that changes to the zoning ordinance regarding standards for hotels and motels within the city are being presented to the Commission. He stated there is a parallel ordinance that is being worked on by the Health Department.

Sadowski reviewed the ordinance to the Commission. He explained the definitions that will be deleted from the ordinance which include: apartment hotel; guest, permanent; hotel and motel will be defined individually; lodging room; and lodginghouse. Definitions to be deleted and recreated which include: dwelling; motel; roominghouse; rooming unit; and certificate, occupancy. Definitions to be added which include: bed and breakfast; boardinghouse; extended stay facility; hotel; lodginghouse; and tourist or transient guest. Sadowski explained the amendments to the hotels and motels and stated that motels will not be allowed in the B-4 Central Business District.

Sadowski stated that the recommendation of staff is that the ordinance 0018-19 be adopted.

Sadowski explained that with the new process, the Plan Commission will hold the hearings on ordinance changes and creations. In the past, the Common Council held the hearings.

Mayor Mason opened the Public Hearing at 6:14 p.m.

No speakers were present to speak.

Mayor Mason closed the Public Hearing at 6:15 p.m.

A motion was made by Alder Jung, seconded by Commissioner Hefel, to recommend that the ordinance be adopted. The motion passed by a Voice Vote.

End of Public Hearings

[0844-19](#)

Subject: (Direct Referral) Request by Andy Khullar seeking a minor change to a conditional use permit to consider expansion of the convenience store and the installation of a monument sign at 3818 Durand Avenue (PC-19).

Attachments: [Review and Recommendation](#)
 [Applicant Submittal](#)

Jeff Hintz, Associate Planner, described the request and explained the site location, surrounding area, and described the business and businesses surrounding. He stated the property is zoned B-3 General Commercial District with B-2 Community Shopping District surrounding; the land use plan calls for the property to remain commercial. He stated notices were not mailed out due to the request being a minor amendment. He stated with a minor amendment, the intent of the development does not change.

Hintz explained the floor and site plans. He stated the service bays will be turned into a convenience store area as they were not being used.

Hintz explained the possible actions of the commission and the required findings of fact for approval of conditional use permits amendments.

He stated a non-conforming sign will be removed and a conforming sign put in its place.

Staff is recommending approval of the request subject to conditions. Hintz reviewed the conditions of approval.

Hintz explained condition c. 5. Which requires that the driveway be closed. He stated the State Department of Transportation has reviewed and is not requiring the driveway to be closed as part of the Durand Avenue project. Hintz explained, however, from an access management standpoint you typically would not want driveways too close to an intersection. He stated they do comply with the DOT and the Chapter 82 Public Works and Street Code. He stated the applicant has proposed to do some striping and signage to make access easier and prevent left turns from the driveway. He stated staff is recommending that the driveways closest to the intersection be closed.

In response to Alder Jung, Hintz stated item c. 5 could be worded that the applicant would work with staff to stripe and sign the driveways appropriately to prevent left turns.

Sadowski stated that staff would like to see something more substantial so that they would work with the applicant to provide possible curbing to be an actual barrier whether it be decreasing the width of the driveway so that it is obvious that it is right turn only.

In response to Alder Meekma, Sadowski stated it would be right turn in only on both Lathrop and Durand Avenues.

A motion was made by Commissioner Hefel, seconded by Commissioner Peete, to approve the request subject to conditions with the language in item c. 5 to read “that the applicant work with staff to stripe or curb, and sign the driveway appropriately to prevent left turns”. The motion PASSED by a Voice Vote.

Adjournment

There being no further business, the meeting adjourned at 6:30 p.m.