

City of Racine

Room 103, City Hall



Meeting Minutes

Wednesday, May 30, 2007

4:15 PM

Room 205, City Hall

City Plan Commission

*Mayor Gary Becker
Alderman Gregory Holding
Atty. Jud Wyant, Elaine Sutton Ekes
Vincent Esqueda, Frank Tingle
Brent Oglesby*

Alderman Holding called the meeting to order at 4:17 p.m.

PRESENT: 4 - Elaine Sutton Ekes, Vincent Esqueda, Gregory Holding and Brent Oglesby

EXCUSED: 3 - Gary Becker, Frank Tingle and Jud Wyant

Approval of Minutes for the May 9, 2007 Meeting

A motion was made by Vincent Esqueda, seconded by Elaine Sutton Ekes, that the minutes be approved, as distributed. The motion **PASSED**.

06-2167

Subject: Vacation of Reichert Court.

Recommendation of the Public Works and Services Committee on 05-29-2007: Since public interest requires it, that the following parcel of land, more particularly described as follows, be and hereby is vacated and discontinued:

Reichert Court from Michigan Boulevard to its eastern most terminus.

Further recommends that a preliminary resolution be introduced to the Common Council and referred to the City Plan Commission.

Fiscal Note: Not applicable.

Recommendation of City Plan Commission on 05-30-2007: That since the public interest requires it and since the proposed vacation is consistent with adopted city plans and programs, that the following public way, more particularly described as follows, be and hereby is vacated and discontinued:

Reichert Court from Michigan Boulevard to the eastern terminus of Reichert Court.

Further recommends that a resolution be introduced and a public hearing be scheduled pursuant to sec. 66.1003 (4)(b), Wis. Stats.

Fiscal Note: N/A

Director O'Connell explained that this vacation is brought forward in anticipation of the street layout proposed for the Pointe Blue development.

A motion was made by Elaine Sutton Ekes, seconded by Vincent Esqueda, that this item be Recommended For Approval. The motion PASSED.

06-1521

Subject: Direct Referral. Consideration of a request by Ignacio Castaneda seeking a conditional use permit to operate an auto repair facility at 1440 West Street.

Recommendation of City Plan Commission on 4-12-06: Deferred.

Recommendation of City Plan Commission on 5-9-07: Deferred.

Recommendation of City Plan Commission on 5-30-07: That the request by Ignacio Castaneda seeking a conditional use permit to operate an auto repair facility at 1440 West Street be approved, subject to the following conditions:

- a. That the plans stamped "Received January 20, 2006" and presented to the Plan Commission on May 30, 2007 are approved, subject to the conditions contained herein.
- b. That this conditional use permit shall be reviewed by the Plan Commission on November 14, 2007 to determine the level of compliance with the conditions of approval, and the appropriate Plan Commission response to the conduct of the operation.
- c. That by August 1, 2007 the following maintenance, repairs, clean up and improvements shall be accomplished:
 1. Repair, straighten or replace damaged fence sections on north and east sides of property.
 2. Replace missing privacy slats in gates, and install privacy slats in the northern fence. All privacy slats are to be a uniform color.
 3. Trim fence posts to a uniform height extending no greater than one foot above the fence panels.
 4. Paint the building and south fencing post in a uniform color scheme in colors which have first been submitted to the Director of City Development for a determination of their appropriateness.
 5. Pave damaged or unpaved portions of the parking lot.
 6. Remove all unlicensed or inoperable vehicles from outside storage on the property unless they are awaiting repair. All vehicle storage shall be contained on site.
 7. Remove all junked vehicles, vehicle parts, equipment and materials from outside storage.
 8. Remove all assorted debris and junk from the property.
 9. Install clear/transparent windows in all window openings facing West St.
- d. That there shall be no vehicle sales or salvage at this location.
- e. That all vehicles awaiting repairs, and tow trucks shall be stored on the subject property within the fenced area. Vehicles awaiting repairs, or those

vehicles which have been repaired shall not be stored on the property for more than 20 days.

f. That all vehicle repair shall be conducted indoors.

g. That there shall be no vehicle preparation or painting conducted outdoors, and any preparation or painting of vehicles indoors shall be conducted in compliance with all appropriate codes and ordinances and that all required permits acquired.

h. That off street parking areas shall be provided for all customer and employee vehicles. Parking spaces shall be striped.

i. That there shall be no outside storage of junked vehicles, vehicles parts and accessories, and equipment.

j. That all trash and recyclables shall be stored in closed containers and screened from view.

k. That the maximum hours of operation shall be from 8:00 a.m. to 8:00 p.m. Monday through Saturday with no hours on Sunday.

l. That all signs be submitted to the Director of City Development for review and approval.

m. That no pennants, banners, streamers, temporary signs be displayed at this location.

n. That all applicable codes and ordinances be complied with and required permits acquired, and that an occupancy permit be requested from the Building Inspection Department prior to operation of the business.

o. 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.

p. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Attachments: [P.H. - Castaneda.pdf](#)

Director O'Connell explained that significant progress has been made by Mr. Castaneda in cleaning up the property, and reviewed the proposed conditions of approval.

A motion was made by Vincent Esqueda, seconded by Elaine Sutton Ekes, that this item be Recommended For Approval. The motion PASSED.

Res.06-6925 CONDITIONAL USE PERMIT FOR 1440 WEST STREET

RESOLVED, that a request by Ignacio Castaneda seeking a conditional use permit to operate an auto repair facility at 1440 West Street be approved, subject to the following conditions:

- a. That the plans stamped "Received January 20, 2006" and presented to the Plan Commission on february 22, 2006 are approved, subject to the conditions contained herein.
- b. That this conditional use permit shall be reviewed by the Plan Commission six months from the date of its approval to determine the level of compliance with the conditions of approval, and the appropriate Plan Commission response to the conduct of the operation.
- c. That by June 1, 2006 the following maintenance, repairs, clean up and improvements shall be accomplished:
 1. Repair, straighten or replace damaged fence sections.
 2. Replace missing privacy slats in gates, and install privacy slats in the northern fence. All privacy slats are to be a uniform color.
 3. Trim fence posts to a uniform height extending no greater than one foot above the fence panels.
 4. Repair or replace damaged soffit panels and wainscoting on West Street facade of building.
 5. Paint the building and fencing post in a uniform color scheme in colors which have first been submitted to the Director of City Development for a determination of their appropriateness.
 6. Pave damaged or unpaved portions of the parking lot.
 7. Remove all unlicensed or inoperable vehicles from outside storage on the property unless they are awaiting repair, and that all vehicle storage be contained on-site.
 8. Remove all junked vehicles, vehicle parts, equipment and materials from outside storage.
 9. Remove all assorted debris and junk from the property.
 10. Install clear/transparent windows in all window openings facing West Street.
- d. That there shall be no vehicle sales or salvage at this location.
- e. That all vehicles awaiting repairs, and tow trucks on the subject property shall be stored within the fenced area. Vehicles

awaiting repairs, or those vehicles which have been repaired shall not be stored on the property for more than 20 days.

- f. That all vehicle repair shall be conducted indoors.
- g. That there shall be no vehicle preparation or painting conducted outdoors, and any preparation or painting of vehicles indoors shall be conducted in compliance with all appropriate codes and ordinances and that all required permits acquired.
- h. That off-street parking areas shall be provided for all customer and employee vehicles.
- i. That there shall be no outside storage of junked vehicles, vehicles parts and accessories, and equipment.
- j. That all trash and recyclables shall be stored in closed containers and screened from view.
- k. That the maximum hours of operation shall be from 8:00 a.m. to 8:00 p.m. Monday through Saturday with no hours on Sunday.
- l. That all signs be submitted to the Director of City Development for review and approval.
- m. That no pennants, banners, streamers, temporary signs be displayed at this location.
- n. That all applicable codes and ordinances be complied with and required permits acquired, and that an occupancy permit be requested from the Building Inspector Department prior to operation of the business.
- o. 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.
- p. That this permit is subject to Plan Commission review for compliance with the listed conditions.

FISCAL NOTE: N/A

Director O'Connell explained that because of the action taken by the Commission under file 06-1521, this resolution can be received and filed.

A motion was made by Elaine Sutton Ekes, seconded by Vincent Esqueda, that this item be Recommended to be Received and Filed. The motion PASSED.

[07-0702](#)**Subject:** Res.06-6925

CONDITIONAL USE PERMIT FOR IGNACIO CASTANEDA AT 1440 WEST STREET

Recommendation of City Plan Commission on 5-30-07: That the item be received and filed.

Recommended to be Received and Filed

[07-0424](#)**Subject:** Compliance review for Toys-R-US at 2433 S. Green Bay Road.

Recommendation of City Plan Commission on 4-11-07: To defer

Recommendation of City Plan Commission on 5-30-07: To defer.

Director O'Connell explained that continued progress is being seen in the planning and implementation of the cross-access drive between Highridge Centre and Regency Mall, and that the item be deferred.

A motion was made by Elaine Sutton Ekes, seconded by Vincent Esqueda, that this item be Deferred. The motion PASSED.

[07-0558](#)**Subject:** (Direct Referral) Request by John and Denise Helm for a conditional use permit to operate a carryout restaurant at 803-16th Street.

Recommendation of the City Plan Commission on 5-9-07: That the item be deferred.

Recommendation of the City Plan Commission on 5-30-07: That the item be received and filed.

Attachments: [803.16th St.pdf](#)

Director O'Connell explained that the petitioners have withdrawn their request.

A motion was made by Elaine Sutton Ekes, seconded by Vincent Esqueda, that this item be Recommended to be Received and Filed. The motion PASSED.

[07-0613](#)**Subject:** Communication from Jan Roland, President of Racine Habitat for Humanity, requesting the transfer of the north side of Jones Park to Habitat for Humanity to build homes.

(Also refer to Board of Parks, Recreation and Cultural Services.)

Recommendation of the City Plan Commission on 5-30-07: That this item be deferred.

Director O'Connell summarized the proposal to transfer the northern half of Jones Park to

Habitat for Humanity so that they may construct residences. He pointed out that by the City's recently adopted Park and Open Space Plan, this area is well served by parkland even with the loss of portions of Jones Park.

Commissioners Ogelsby and Ekes expressed concern regarding neighbors' awareness of this proposal, loss of green space, and the wishes of the Parks Recreation & Cultural Services Department.

Alderman Shields asked that more study be conducted with respect to the impact of the loss of parkland. He asked that the residents be informed of the proposal.

A motion was made by Elaine Sutton Ekes, seconded by Vincent Esqueda, that this item be Deferred. The motion PASSED.

07-0607

Subject: (Direct Referral) Request by the Director of City Development to rezone 1300 (odd) Block of Washington Avenue.

Recommendation of the City Plan Commission on 5-30-07: That an ordinance be created and a public hearing scheduled.

Director O'Connell explained that this proposal is consistent with the goals of the Uptown Improvement Plan and redevelopment efforts underway in the Uptown area.

A motion was made by Elaine Sutton Ekes, seconded by Vincent Esqueda, that this item be Recommended For Approval. The motion PASSED.

07-0679

Subject: (Direct Referral) Request from Wheaton Franciscan Healthcare/All Saints for a minor amendment to their conditional use permit to address a comprehensive sign package at 1320 Wisconsin Avenue.

Recommendation of the City Plan Commission on 5-30-07: That the request by Wheaton Franciscan Healthcare/All Saints for a minor amendment to their conditional use permit to address a comprehensive sign package at 1320 Wisconsin Avenue be approved, subject to the following conditions:

- A. That the plans presented to the Plan Commission on May 30, 2007 be approved subject to the conditions contained herein.
- B. That all appropriate permits be obtained from the Building Inspection Department.
- C. That there be no net increase in total signage from what is proposed in comparison to what was previously approved.
- D. 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 without the approval of the Common Council.
- E. That this permit is subject to Plan Commission review for compliance

with the listed conditions.

Fiscal Note: N/A

Director O'Connell briefly reviewed the proposal stating that the revisions should result in no net increase in signage as most of the changes involve replacement of old with new in the same location and at the same size.

Ron Rogahn of Poblocki Signs added that in a number of cases, sign will be eliminated in their entirety.

A motion was made by Elaine Sutton Ekes, seconded by Vincent Esqueda, that this item be Approved. The motion PASSED.

07-0681

Subject: (Direct Referral) Request from Wheaton Franciscan/All Saints for a minor amendment to their conditional use permit to address a comprehensive sign package at 3811 Spring Street.

Recommendation of the City Plan Commission on 5-30-07: That the request by Wheaton Franciscan Healthcare/All Saints for a minor amendment to their conditional use permit to address a comprehensive sign package at 3811 Spring Street be approved, subject to the following conditions:

- A. That the plans presented to the Plan Commission on May 30, 2007 be approved subject to the conditions contained herein.
- B. That all appropriate permits be obtained from the Building Inspection Department.
- C. That there be no net increase in total signage from what is proposed in comparison to what was previously approved.
- D. 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 without the approval of the Common Council.
- E. That this permit is subject to Pan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Director O'Connell briefly reviewed the proposal stating that the revisions should result in no net increase in signage as most of the changes involve replacement of old with new in the same location and at the same size.

Ron Rogahn of Poblocki Signs added that in a number of cases, sign will be eliminated in their entirety.

A motion was made by Elaine Sutton Ekes, seconded by Vincent Esqueda, that this item be Approved. The motion PASSED.

Public Hearings Starting at 4:30 p.m.

[07-0676](#)

Subject: (Direct Referral) Request from Bhupendra and Parit Patel seeking consideration of an amendment to a gas station conditional use permit to construct a convenience store at 1616 Durand Avenue.

Recommendation of the City Plan Commission on 5-30-07: That the plans submitted by Bhupendra and Parit Patel seeking an amendment to a gas station conditional use permit to construct a convenience store at 1616 Durand Avenue be approved, subject to the following conditions:

- a. That the plans stamped "Received May 4, 2007" and presented to the Plan Commission on May 30, 2007 be approved subject to the conditions contained herein.
- b. That all applicable permits shall be obtained from the Building Inspection Department.
- c. That the hours of operation be 5:00 a.m. to 11:00 p.m. daily.
- d. That the following shall be submitted to the Director of City Development for review and approval prior to the issuance of a building permit.
 1. Landscape plan: At a minimum, the landscape plan provide for the following: six-foot deep planting beds along Durand Avenue, Memorial Drive and Hamilton Avenue where no driveway is to be located. Landscaping shall be provided for along the north lot line. Said plan shall indicate the size and species of planting.
 2. Dumpster screening plan: The dumpster shall be located on the east side of the building and enclosed within a six foot gated enclosure.
 3. Facilities maintenance plan: All facilities shall be maintained on a daily basis in a professional manner. Facilities shall be defined as, but not limited to, landscaping, signage, lighting, building, and grounds.
 4. Signage plan: The signage plan shall illustrate the elimination of the existing pole sign on the south east corner and the addition of a new monument sign. Said monument sign shall be professionally made, not contained within the vision

triangle, compliment the architecture and color scheme of the building, and comply with zoning ordinance requirements. No signage shall be permitted on the canopy or at the fuel pumps.

5. Exterior lighting plan: The plan shall incorporate the refitting of the canopy with recessed flush mounted light fixtures that produce no side-casting of light.
6. Site plan: The site plan shall show only one driveway giving access to Memorial Drive and one driveway access to Hamilton Street with each drive being placed as far north on the property as possible. There shall be no driveway access to Durand Avenue. Curbing be installed wherever there is a drive area adjacent to a sidewalk. Curbing shall be installed at all closed driveway locations.
7. Building materials and colors samples: Building, canopy and canopy columns shall be in a color complementary to each other.

e. That landscaping shall be installed and approved prior to the issuance of an occupancy permit. If an occupancy permit is requested prior to the installation of landscaping, then a letter of credit equal to the value of said landscape plan shall be submitted for review and approval by the Director of City Development prior to the issuance of an occupancy permit.

f. That there shall be no outside storage, display or sale of products.

g. That all driveway relocations, closures, and alterations be approved by the Commissioner of Public Works.

h. That parking areas are to be paved with either concrete or asphalt, and striped.

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.

Fiscal Note: N/A**Attachments:** [1616 Durand.pdf](#)

Alderman Holding opened the public hearing on this item at 4:47 p.m., explained the public hearing process and introduced the item.

Director O'Connell reviewed the location, adjacent land uses and zoning relevant to this property.

David Braun, agent for the applicant, expressed concern with Staff's proposal that the Driveway onto Durand Avenue be closed. He stated that it was his understanding that his client could reopen this gas station without making the improvements they proposed, or those recommended by Staff.

Margaret Jaramillo of 2901 Hamilton Avenue voices concern regarding past problems with the driveway onto South Memorial Drive, parking on Hamilton Avenue, and garbage strewn about the neighborhood by patrons.

Ann Chasar of 2900 James Boulevard questioned the need for an additional gas station and convenience store in this area of Durand Avenue. She stated that turns from South Memorial Drive onto Durand Avenue are difficult and would be made worse by this proposal. She also expressed concern regarding the late store hours and the negative impact they would have on the area residential properties.

Alderman Tom Friedel stated that the driveway access to Durand Avenue is due to its proximity to the right turn lane from S. Memorial Drive and potential for increased conflicts on Durand Avenue unsafe, and needs to be eliminated.

Jan Roland of Habitat for Humanity stated that he has frequently traveled by this property and never saw traffic problems when the former gas station was in operation.

In response to Alderman Holding, Chief Building Inspector Heller stated that the former gas station closed well over twelve months ago, thus the past conditional use permit has lapsed. He stated that contrary to Mr. Brown's statement, the gas station cannot reopen unless a conditional use permit is granted.

There being no further comments and hearing no objections, Alderman Holding closed the public hearing at 4:56 p.m.

Director O'Connell reviewed the proposed conditions of approval.

Alderman Holding and Commissioner Ekes stated they saw it important to close the driveway onto Durand Avenue.

Commissioner Oglesby questioned the need for the driveways closures feeling that the matter should receive more study.

Mr. Brown expressed a concern that the fence along the north property line blocks vision of southbound traffic as one exits the site to head north on S. Memorial Drive.

A motion was made by Elaine Sutton Ekes, seconded by Vincent Esqueda, that this item be Recommended For Approval, subject to the listed conditions in the recommendation. The motion PASSED with Commissioner Ogelsby voting no.

07-0677

Subject: (Direct Referral) Request from Mike Glasheen, City of Racine Transportation Planner, seeking an amendment to a conditional use permit to construct an office at the BUS facilities at 1824 Kentucky Street.

Recommendation of City Plan Commission on 5-30-07:

- a. That the plans stamped "Received May 10, 2007" and presented to the Plan Commission on May 30, 2007 be approved, subject to the conditions contained herein.
- b. That all applicable permits shall be obtained from the Building Inspection Department.
- c. That landscaping shall be installed and approved prior to the issuance of an occupancy permit. If an occupancy permit is requested prior to the installation of landscaping, then a letter of credit equal to the value of said landscape plan shall be submitted for review and approval by the Director of City Development prior to the issuance of an occupancy permit.
- d. That all codes and ordinances be complied with and required permits acquired.
- e. 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.
- f. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Attachments: [1824 Kentucky.pdf](#)

Alderman Holding opened the public hearing at 5:10 p.m., described the public hearing process, and introduced the item.

Charlie Sautner of Architectural Associates reviewed the project indicating building usage, layout, positioning on the lot, and landscaping.

Eldia Carbajal, 4121 - 20th Street, stated that she is concerned that the addition will result in additional traffic in the neighborhood.

Carol Forbes, 4120 - 20th Street, stated that she is concerned that the addition will result in more employees, increased traffic, and parking problems in the neighborhood.

Mr. Sautner explained that there should be very little impact on neighborhood traffic as, at most, there would be two additional employees at this location. Also, the property has over 50 off-street parking spaces for employees, and 5 off-street parking spaces for visitors.

There being no further comments or questions, Alderman Holding closed the public hearing at 5:14 p.m.

Director O'Connell reviewed the proposed conditions of approval.

A motion was made by Elaine Sutton Ekes, seconded by Vincent Esqueda, that this item be Recommended For Approval, subject to the listed condition. The motion PASSED.

07-0678

Subject: (Direct Referral) Request from Ms. Harinder Kaur and Devendar Sing of Nagra Inc., seeking to rezone the property at 1813 Taylor Avenue to expand their convenience store.

Recommendation of City Plan Commission on 5-30-07: That the item be received and filed.

Fiscal Note: N/A

Attachments: [1813 Taylor.pdf](#)

Director O'Connell explained that a hallway would be added to the building resulting in an increase in building square footage such that the convenience store would now qualify to sell certain alcoholic beverages.

Atty. John Bjlajec explained the proposal, indicating that the addition is to provide his clients with additional storage space but that his clients have also applied for a liquor license.

Alderman Shields stated that the applicants have a well run business and as the project will afford the operators more storage space, he is in favor of allowing the addition.

A motion was made by Vincent Esqueda, seconded by Brent Oglesby, that this item be Recommended to be Received and Filed. The motion PASSED.

07-0683

Subject: (Direct Referral) Request seeking a minor amendment to a conditional use permit to the property at 1813 Taylor Avenue to expand their convenience store.

Recommendation of City Plan Commission on 5-30-07: That the plans submitted by Harinder Kaur and Devendar Sing of Nagra, Inc. seeking a minor amendment to a conditional use permit for the property at 1813 Taylor Avenue to expand their convenience store be approved, subject to the following conditions:

- a. That the plans stamped "Received May 16, 2007" and presented to the Plan Commission on May 30, 2007 be approved subject to the conditions

contained herein.

- b. That all applicable permits shall be obtained from the Building Inspection Department.
- c. That prior to the issuance of a building permit, all landscaping shall be installed in compliance with the approved plan.
- d. That prior to the issuance of a building permit, a facilities maintenance plan be submitted for the review and approval of the Director of City Development. All facilities shall be maintained on a daily basis in a professional manner. Facilities shall be defined as, but not limited to, landscaping, signage, lighting, building, and grounds.
- e. That the building addition shall match the existing building in color and materials.
- f. That all codes and ordinances be complied with and required permits acquired.
- g. 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.
- h. That this permit is subject to Plan Commission review for compliance with the listed conditions.
- i. That all other conditions of approval as contained in Common Council Resolution No. 6476 of May 3, 2005 be complied with unless modified herein.

Fiscal Note: N/A

Alderman Holding opened the public hearing at 5:21 p.m. and introduced the item.

Director O'Connell explained that Staff's research has indicated that the property is already zoned B-2 thus this hearing is not necessary.

Hearing no objections, Alderman Holding closed the hearing at 5:22 p.m.

A motion was made by Vincent Esqueda, seconded by Brent Oglesby, that this item be Recommended For Approval. The motion PASSED.

Adjournment

There being no further business before the Commission and hearing no objections, Alderman Holding adjourned the meeting at 5:23 p.m.

Respectfully Submitted,

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