



City of Racine

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

Meeting Minutes - Final City Plan Commission

*Mayor John T. Dickert, Alderman Gregory Holding
Atty. Jud Wyant, Elaine Sutton Ekes
Vincent Esqueda, Brent Oglesby, Eric Marcus*

Wednesday, July 29, 2009

4:15 PM

City Hall, Room 205

PROCEDURAL NOTE: While action on items typically proceeds in the order in which they appear on the agenda, certain items may be postponed to allow the start of public hearings at the published time of 4:30 p.m. Following the public hearings, the Plan Commission will resume action on postponed items.

Call To Order

PRESENT: 7 - John Dickert, Elaine Sutton Ekes, Vincent Esqueda, Gregory Holding, Brent Oglesby, Jud Wyant and Eric Marcus

*Others present: Brian O'Connell, Director of City Development
Matthew Sadowski, Principal Planner
Rick Heller, Chief Building Inspector
Jay Christie, Racine Zoological Gardens Director*

Approval of Minutes for the July 15, 2009 and July 8, 2009 Meetings

A motion was made by Commissioner Marcus, seconded by Alderman Holding, to approve the minutes of the July 8, 2009 meeting with changes. The motion **PASSED** by a voice vote.

A motion was made by Commissioner Marcus, seconded by Alderman Holding, to approve the minutes of the July 15, 2009 meeting. The motion **PASSED** by a voice vote.

09-3945

Subject: (Direct Referral) Request from the Racine Zoological Gardens to amend its conditional use to allow construction of a stockade fence for the giraffe enclosure at Main Street and Romaine Avenue.

Director O'Connell provided a brief presentation indicating the location of the project, illustrations of the proposed fencing placement and style, and street level view of the area in question.

Jay Christie, Director of the Racine Zoological Gardens, reviewed the proposed fencing installations and landscaping. He stated the rationale for the project is to provide a greater level of protection for the giraffes while minimizing distractions to the traveling public on Main Street.

In response to questions from Mayor Dickert and Commission members Marcus and Oglesby, Mr. Christie stated the proposal represents the best level of protection given the circumstances, the stockade fence and evergreens should block all views, and the stockade fence's appearance can be softened using a "go away green" while the evergreens mature.

A motion was made by Alderman Holding, seconded by Commissioner Marcus, that this request be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on July 29, 2009 be approved subject to the conditions contained herein.
- b. That all applicable permits be obtained from the Building Inspection Department.
- c. That landscaping be installed no later than October 1, 2009.
- d. That no minor changes be made from the conditions of this permit without the approval of the Director of City Development and no major changes be made from the conditions of this permit without the approval of the Plan Commission and/or Common Council.
- e. That this permit is subject to Plan Commission review for compliance with the listed conditions.

The motion **PASSED** by a voice vote.

[09-3944](#)

Subject: (Direct Referral) Request from Donna Langel, representing AJ Wright, seeking an amendment to the approved sign standards for the Badger Plaza at 4101 Durand Avenue.

Director O'Connell provided a brief presentation indicating the location of the project, illustrations of the proposed signage, and street level views of the property.

Mark Krause of Bauer Signs described the proposed signage. He cited the 600-foot setback from Durand Avenue as a reason for the increased letter height. He also pointed out the 48-inch high lettering for Piggly Wiggly and the 42-inch high lettering for Family Dollar as examples of existing signage not in conformance with the center's standards. He concluded by stating that a 48-inch letter height would be acceptable, not including the "descenders" such as the tails of the "j" and "g".

Principal Planner Sadowski reviewed the comparisons between the signage being requested and that which is permitted by the shopping center's standards. He acknowledged that there are existing non-conforming signs at this location that pre-date the new standards but over time, as they are replaced all signs should be brought in conformity.

Chief Building Inspector Heller pointed out that the proposed signage does conform to zoning allowances.

Commission members recognized the excessive distance from Durand Avenue as a potential supporting factor for increased letter sizes, and referenced the existing Piggly Wiggly wall sign as a guide in determining an appropriate size for AJ Wright.

A motion was made by Alderman Holding, seconded by Commissioner Sutton-Ekes, that this item be approved subject to the following conditions:

- a. That the plans presented to the Plan Commission on July 29, 2009 be approved subject to the conditions contained herein.
- b. That all applicable permits be obtained from the Building Inspection Department.

c. That a revised plan be submitted to the Director of City Development for review and approval illustrating letter sizes no greater than 48 inches in height, not including the descenders. such as the tails of the "j" and "g".

d. That no minor changes be made from the conditions of this permit without the approval of the Director of City Development and no major changes be made from the conditions of this permit without the approval of the Plan Commission and/or Common Council.

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

The motion PASSED by a voice vote.

09-3903

Subject: Communication from the Director of the Racine County Planning and Development Department and the Principal Planner for the Southeastern Wisconsin Regional Planning Commission for formal consideration of the Draft Multi-Jurisdictional Comprehensive Plan for Racine County. (Res.09-1544)

Recommendation of the City Plan Commission on 7-29-09: That a resolution be prepared, a public informational meeting be held before the Plan Commission and a public hearing be scheduled before the Common Council.

Fiscal Note: N/A

Attachments: [Racine County Comp Plan Request](#)

Director O'Connell explained staff's recommendation indicating that this plan is related to the City's efforts to develop a comprehensive plan. The City participated in the preparation of the Multi-Jurisdictional Plan as the Plan provides much of the base statistical information being used to prepare the City's Comprehensive Plan.

Principal Planner Sadowski briefly referenced the timeline for the endorsement of the Multi-Jurisdictional Plan.

A motion was made by Alderman Holding, seconded by Commissioner Marcus, that a resolution be prepared, a public informational meeting be held before the Plan Commission and a public hearing scheduled before the Common Council. The motion PASSED by a voice vote.

Ord.16-09

Ordinance No. 16-09

To create Chapter 19, Article I. of the Municipal Code of the City of Racine, Wisconsin relating to Purchase Incentive Program for Municipal Employees Who are Non-Residents or Renters.

The Common Council of the City of Racine do ordain as follows:

Part 1:

Chapter 19, Article I of the Municipal Code of the City of Racine is hereby created to read as follows:

“Chapter 19

Purchase Incentive Program for Municipal Employees Who are Non-Residents or Renters

Article I. In General

Sec. 19-1. Purpose.

The primary purpose of this ordinance is to improve existing neighborhoods in greatest need within the City of Racine, by encouraging City, County and RUSD employees to build homes in the City. Other purposes include increasing the value of properties eligible to participate in the program offered by this ordinance and increasing the value of other properties in the neighborhoods where participating properties are located.

Sec. 19-2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except when the context clearly indicates a different meaning:

The term *Eligible Real Estate* as used in this ordinance shall be defined to mean real property acquired by the City of Racine by means of foreclosure or nuisance action and subsequently cleared of all structures, and which meets the following qualifications:

- (1) Be purchased from the City of Racine in a good faith transaction after the effective date of this ordinance;
- (2) Acquired by the owner as the owner's primary residence after the effective date of this ordinance:

Residence means:

- (1) A house that is:
 - a. Occupied as the principal residence of the homeowner; and
 - b. Actually occupied (resided at) or expected to be actually occupied by the owner for more than 9 months of the 12-month period beginning with the later of the date of closing or the occupancy, unless the homeowner does not actually reside in a dwelling for the required time period because of illness or need of special care; and
- (2) The lot on which the house is erected.

Applicant means prospective owner(s) of a qualified residence who (has) (have) lived at least one year continuously at current address and who enters a contract of sale for a qualified property and applies for the incentives described herein.

Qualifying employee means any regular full-time or part-time employee of the City of Racine, County of Racine or Racine Unified School District who is currently renting or who currently lives outside the City of Racine.

Sec. 19-3. Process.

- (1) Upon the receipt of a proper application, and certification by the Director of Finance of eligibility, the City shall deed the real estate to the qualifying employee at no cost and shall absorb any closing fees.
- (2) For the first five years the City of Racine will not assess its share of the property taxes on said real property, excluding buildings or improvements.

Section 19-4. Dates.

- (1) The effective date of this ordinance shall be the date it is passed for a 5 year period, after which it should be reconsidered by the City Council for continuation;
- (2) The real estate incentive authorized by this ordinance shall be available on a first come first served basis after the effective date of the ordinance as long as properties are available and the program is in place;
- (3) For purposes of this ordinance, real estate shall be deemed to have been purchased on the date title was conveyed to the buyer from the City; and
- (4) This ordinance shall apply only to property purchased after the date of ordinance approval.

Sec. 19-5. Conditions of Eligibility.

- (1) The qualifying employee shall build and occupy a single family residence (i.e., one residential structure) on the real property within one year of purchase, said residence being of a square footage equal to or greater than the average for the houses on that block, with at least the average number of bedrooms and bathrooms for the houses on that block and satisfying all City of Racine codes and inspections.
- (2) An owner may be an individual holding title as sole owner, a joint tenancy, tenancy by the entireties, tenants in common, or a

trust, provided the primary beneficiaries of the trust and all members of other forms of tenancy or ownership occupy the property as a primary residency;

- (3) Evidence of an owner's primary residence shall be established as the residence shown on county tax records after the incentive is received;
- (4) An owner must continue to reside at the property for the full five years during which then taxes are abated, unless one or more owners occupying the property shall die or become confined to a long-term residential health care facility before the end of a the five year period;
- (5) The total number of properties which can participate in the program authorized by this ordinance shall be limited by the availability of funds and property.
- (6) This program is limited to one property per direct family.
- (7) No portion of this property may be rented out.
- (8) The property owner shall not be cited by the Racine Unified Inspection Team or by the Racine Police for any negligence or activity deemed detrimental to the neighborhood that was the result of the previous owner's actions or omissions.

Sec. 19-6. Recapture.

- (1) As a further condition to participating in the programs authorized by this ordinance, an owner of real estate shall agree to permit the City to recapture the full amount of property taxes abated under this Ordinance if the owner:
 - a. Ceases residing at the property as the owner's primary residence within five years of the date when the owner first became eligible to participate in the program (unless the homeowner does not actually reside in the primary residence for the required time period because of illness or need of special care).
 - b. Violates any of the Conditions of Eligibility

The owner shall further agree to permit the City to assess the amount of the full amount of the reimbursed taxes as a lien on the real estate."

Part 2:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Attachments: [2356_001.pdf application.pdf](#)

Alderman Wisneski briefly explained the intent of the proposed ordinance. He stated that the implementation of the program depends on many other considerations such costs, availability of land, and number of persons eligible.

Mayor Dickert added that this program should dovetail with other related federally funded programs the City is currently implementing and/or pursuing.

Responding to Commission members inquiries, Alderman McCarthy and Alderman Wisneski stated: they are open to broadening the definition of those eligible for the program, that there is a sunset clause for participants, and that they are willing to consider lands within the City for eligibility other than those currently described.

Alderman Wisneski concluded by stating that this item can be deferred to the next Commission meeting to allow Staff and Commission members more time to review and comment.

A motion was made by Alderman Holding, seconded by Commissioner Sutton-Ekes, that this item be deferred. The motion PASSED by a voice vote.

4:30 PUBLIC HEARING

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09-3929

Subject: (Direct Referral) Request from Nick Fattah of ABC 123 Daycare seeking a conditional use permit for a daycare center with office and playground facilities at 1527 Douglas Avenue, and classroom facilities at 1543 Douglas Avenue.

Attachments: [PH Notice - 1527 & 1543 Douglas Avenue](#)

Mayor Dickert opened the public hearing at 5:08 p.m.

Director O'Connell reviewed PowerPoint slides indicating the location of the proposal, area zoning, street level views and site and floor plans for each location. He conveyed the wishes of Mr. Fattah that no action be taken on this item and that the item be deferred. He concluded commenting that at the wishes of Mr. Fattah, the Access Corridor Development Review Committee deferred action on this item at their meeting on July 23, 2009.

Robert Brown of 1525 Douglas Avenue expressed his support for this proposal stating that Mr. Fattah has greatly improved the property. In response to concerns he has heard about the busy nature of the location, he pointed out that there are other schools in the area.

Commission members stated that they received a phone call from Randy Musaitef

expressing his concerns about the proposal.

There being no further comments and hearing no objections, Mayor Dickert closed the public hearing at 5:15 p.m.

A motion was made by Commissioner Marcus, seconded by Alderman Holding, that this item be deferred. The motion PASSED by a voice vote.

09-3930

Subject: (Direct Referral) Request from Audiel Arriaga and Alejandra Avila of Tortilleria La Morenita seeking a conditional use permit for a carry-out restaurant at 1644 Washington Avenue. (Res.09-1545)

Recommendation of City Plan Commission on 7-29-09: That this item be approved subject to staff recommendations.

Fiscal Note: N/A

Attachments: [PH Notice - 1644 Washington Avenue \(09-3930\) CUP 1644 Washington Avenue](#)

Mayor Dickert opened the public hearing at 5:16 p.m., introduced the item, and requested a brief orientation by staff.

Director O'Connell reviewed PowerPoint slides indicating the location of the proposal, area zoning, street level views, and site and floor plans for the location. He informed Commission Members that the Access Corridor Development Review Committee reviewed this proposal on July 23, 2009 and recommends approval in accordance with staff's recommendation.

Audiel Arriaga, 1515 Lathrop Avenue briefly explained the proposed operation. He stated that they have use of on-street metered parking, as well as 15 off-street parking spaces on a property directly adjacent to theirs, and owned by their landlord.

There being no further comments and hearing no objections, Mayor Dickert closed the public hearing at 5:18 p.m.

A motion was made by Commissioner Esqueda, seconded by Alderman Holding, that the request from Audiel Arriaga and Alejandra Avila of Tortilleria La Morenita seeking a conditional use permit for a carry-out restaurant at 1644 Washington Avenue be approved, subject to the following conditions:

- a. That the plans presented to the Access Corridor Development Review Committee (ACDRC) on July 23, 2009 and the Plan Commission on July 29, 2009 be approved subject to the conditions contained herein.**
- b. That all codes and ordinances be complied with and all applicable permits be obtained from the Building Inspection Department.**
- c. That, if needed, the property owner execute a hold harmless agreement with the City for signage overhanging the public right-of-way.**
- d. That the east and west concrete block walls be repainted in color to be approved by the Director of City Development. Said painting shall be completed by October 1, 2009.**
- e. That no minor changes be made from the conditions of this permit without**

the approval of the Director of City Development and no major changes be made from the conditions of this permit without the approval of the ACDRC, the Plan Commission and/or Common Council.

f. That this permit is subject to Plan Commission and or ACDRC review for compliance with the listed conditions.

Motion PASSED by a voice vote.

[09-3931](#)

Subject: (Direct Referral) Request from Frederick L. Tilsner of Tilsner Collision and Autocare Center seeking a conditional use permit for an automobile repair facility at 1524 Layard Avenue. (Res.09-1546)

Recommendation of the City Plan Commission on 7-29-09: That this item be approved subject to staff recommendations.

Fiscal Note: N/A

Attachments: [PH Notice - 1524 Layard Avenue](#)
[\(09-3931\) CUP 1524 Layard Avenue](#)

Mayor Dickert opened the public hearing at 5:20 p.m., introduced the item and requested a brief orientation by staff.

Director O'Connell reviewed PowerPoint slides indicating the location of the proposal, area zoning, street level views, and site and floor plans for the location. He informed Commission members that the Access Corridor Development Review Committee reviewed this proposal on July 23, 2009 and recommends approval in accordance with staff's recommendation.

Fred and Paget Tilsner of 6813 - 38th Street, Kenosha, described the proposal. Mr. Tilsner expressed concern with a proposed condition not allowing them to service commercial vehicles as one of their regular clients has trucks. He also expressed concern regarding the requirement to re-pave the parking lot entrance and indicated he would be able to seal it.

Tom Torosian, 1078 Stratford Ct., stated he was not opposed to the proposal, but was concerned that the cross access to his warehouse would be impeded.

There being no further comments and hearing no objections, Mayor Dickert closed the public hearing at 5:33 p.m.

A motion was made by Commissioner Wyant, seconded by Commissioner Marcus, that the request from Frederick L. Tilsner of Tilsner Collision and Auto Care Center seeking a conditional use permit for an automobile repair facility at 1524 Layard Avenue be approved, subject to the following conditions:

a. That the plans presented to the Access Corridor Committee July 23, 2009 and the City Plan Commission on July 29, 2009 be approved subject to the conditions contained herein.

b. That upon the purchase of the property by the applicant, Frederick Tilsner and/or Tilsner Collision and Auto Repair, new signage shall be installed in compliance with materials and construction standards as set forth by the Building Inspection Department, and shall all be in compliance with the Douglas Avenue corridor design guidelines. All new signs are subject to

review and approval by the Access Corridor Development Review Committee. Signage shall be reviewed by the Access Corridor Development Review Committee in 12 months from the date of this approval.

c. That there be no pennants, banners, streamers, advertising flags, antenna sleeves, string lights, spot lights or other forms of attraction devices utilized.

d. All lighting shall be shielded downward onto the property and not spill onto other properties.

e. That vehicles awaiting service may be stored in the impound area no longer than twenty (20) days during a calendar year. Once repair begins, those vehicles being repaired may be stored in the building for no longer than twenty (20) days in a calendar year.

f. Vehicles may not be stored on the site if they are unlicensed. Only vehicles may be stored in the towing area - no junk, tires, car parts, or other debris may be stored in this area.

g. There shall be no tow truck on site unless there is an amendment of the conditional use.

h. A landscape plan shall be submitted within 30 days of approval.

i. That all junk and junk vehicles currently stored on site be removed and may not be replaced with any junk or junk vehicles, trailers, or general buildup of trash in the future.

j. That no vehicles for sale be allowed to be parked on the property.

k. That the parking lot at the entrance to the building shall be patched and sealed and striped no later than September 1, 2009, and maintained thereafter.

l. Location of the dumpster and enclosures shall be provided on a revised site plan within 30 days of approval. The dumpster must be screened from the public view. See through chain link is not an acceptable screen.

m. The applicant shall provide a revised site plan addressing all of the above issues within thirty (30) days of approval.

n. That all codes and ordinances be complied with and required permits acquired.

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.

Motion PASSED by a voice vote.

[09-3947](#)

Subject: (Direct Referral) Request from Larry Stickney representing the Racine/Kenosha Community Action Agency seeking a conditional

use permit for 1800 21st Street for offices, material storage, and vehicle storage to perform weatherization activities.

Attachments: [PH Notice - 1800 21st Street](#)

Mayor Dickert opened the public hearing at 5:34 p.m., introduced the item and requested a brief orientation by staff.

Director O'Connell reviewed PowerPoint slides indicating the location of the proposal, area zoning, and street level views. He explained that staff is recommending that this item be deferred until a complete submittal can be provided.

The applicant, Larry Stickney, described the proposed use.

After considerable discussion, Commission members were comfortable with the proposal and felt the site was well suited for the intended use.

There being no further comments and hearing no objections, Mayor Dickert closed the public hearing at 5:40 p.m.

A motion was made by Commissioner Wyant, seconded by Commissioner Esqueda that, the request from Larry Stickney representing the Racine/Kenosha Community Action Agency seeking a conditional use permit for 1800 21st Street for offices, material storage, and vehicle storage to perform weatherization activities be approved, subject to conditions to be prepare with staff from the Department of City Development, then forwarded to the Common Council for approval.

Motion PASSED by a voice vote.

Administrative Business

09-3201

Subject: (Direct Referral) Preparation of the City of Racine 2035 Comprehensive Plan.

Attachments: [CITY OF RACINE CP CH I Text_v1](#)
[CITY OF RACINE CP CH II Text_v1](#)
[CITY OF RACINE CP CH III Text_v1](#)
[CITY OF RACINE CP CH IV Text_v1](#)
[CITY OF RACINE CP CH V Text_v1](#)
[CITY OF RACINE CP CH VI Text_v1](#)
[2035 Comp Plan Survey_001](#)
[CompPlan SurveyResultsRawData](#)
[CompPlan NghbrhdCrssTbRprt](#)
[CompPlan Q13WrittenRspns](#)
[CompPlan Q14WrttnRspns](#)
[CmpPlan Q15WrttnRspns](#)
[CompPln Q16WrttnRspns](#)
[Public Input Session Comments](#)

Commission Members Ekes, Marcus, Oglesby and Wyant expressed and interest in establishing a sub-committee to resume chapter reviews. However, after further discussion it was decided to proceed by setting aside time after each Plan Commission meeting for a work sessions and whomever could attend could do so. Principal Planner Sadowski stated that the goal is to have the chapter reviews completed by late September/early October, 2009 with Plan Adoption in November,

2009. Director O'Connell stated that work sessions would be placed on the agenda beginning with the last meeting in August, 2009.

A motion was made by Commissioner Wyant, seconded by Commissioner Esqueda to defer action on this matter.

Motion PASSED by a voice vote.

Update on County Comprehensive Plan

Addressed under agenda item 09-3903.

Adjournment

There being no further business before the Commission and hearing no objections, Mayor Dickert adjourned the meeting at 5:48 p.m.

Respectfully submitted,

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

If you are disabled and have accessibility needs or need information interpreted for you, please contact the Department of City Development at 636-9151 at least 48 hours prior to this meeting.