



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 Aron Wisneski
Atty. Jud Wyant, Atty. Elaine Sutton Ekes
Vincent Esqueda, Alderman Eric Marcus, Tony Veranth*

Wednesday, October 12, 2011

4:15 PM

City Hall, Room 205

Call To Order

PRESENT: 6 - Elaine Sutton Ekes, Vincent Esqueda, Jud Wyant, Eric Marcus, Tony Veranth and John Dickert
EXCUSED: 1 - Aron Wisneski

Others present: Matthew Sadowski, Principal Planner
Jill Johanneck, Associate Planner
Brian O'Connell, Director of City Development
Rick Heller, Chief Building Inspector/Zoning Administrator
Alderman James Morgenroth

Approval of Minutes for the September 28, 2011 Meeting

A motion was made by Commissioner Sutton Ekes, seconded by Commissioner Wyant, to approve the minutes of the September 28, 2011 meeting. The motion **PASSED** by a Voice Vote.

11-7013

Subject: (ZOrd.6-11) An ordinance rezoning 1525 Howe Street from I-2 General Industrial to I-2 with a H-Historic Overlay.

Recommendation of the City Plan Commission on 10-12-11: That the ordinance be adopted.

Fiscal Note: N/A

A motion was made by Commissioner Wyant, seconded by Commissioner Veranth, to recommend adoption of the ordinance. The motion **PASSED** by a Voice Vote.

11-6998

Subject: (Direct Referral) Consideration of a request for a minor amendment to the Regency Mall Conditional Use Permit at 5820 Durand Avenue for a tenant space exterior façade update project.

Principal Planner Sadowski provided background and site information concerning the exterior remodel for the tenant space (formerly Linen's & Things) at 5820 Durand Avenue. A review of surrounding properties and zoning information were given, and details about the proposed changes and how they currently fit in with the design 'theme' of the mall were discussed. He suggested that the yellow color chosen by the applicant be toned down and that only the horizontal entrance mantel be yellow, while the new parapet edges be a more earth-tone color to be in line with the rest of

the mall.

Alderman Marcus questioned why this was before the Commission and Mr. Sadowski advised modifications to the mall's exterior building appearance require approval by the Plan Commission per the mall commercial planned development conditional use. Alderman Marcus then asked what is the problem with the yellow, to which Mr. Sadowski advised it is subjective, but the intent is to keep the colors of the mall a similar palate. In response to Mayor Dickert, Mr. Sadowski advised the Commission members that the sign requirements are being met by the applicant.

David Cowan of Herschman Architects spoke about the comments and requested the yellow columns be allowed as it is part of their corporate identity.

A motion was made by Commissioner Veranth, seconded by Commissioner Wyant, to approve the exterior renovations, with the removal of the vertical yellow columns but subject to all other staff conditions. The motion PASSED by a Voice Vote. Alderman Marcus voted no.

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

[11-6999](#)

Subject: (Direct Referral) Request by Bernie Rauwerda, representing Living Light Christian Church, for a Conditional Use Permit to utilize the property at 740 College Avenue as a religious institution, including offices and possibly continuing health center activities. (PC-11) (Resolution No. 11-2808)

Recommendation of the City Plan Commission on 10-26-11: That the item be approved subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 740 College Avenue](#)
[\(11-6999\) CU 740 College Avenue](#)

Associate Planner Johanneck introduced the request for the new church. Slides describing location, zoning, surrounding zoning, property views and floor plans were provided. It was noted the church has only provided a minimum amount of information on their operation, and that upon further review after the request was submitted it was discovered that other uses were occurring out of the facility that were not approved with the conditional use, and that several items that were to be addressed prior to opening initially in 2008 were not done.

Public Hearing opened at 4:45 p.m.

*1. Ken Kurt, owner of 740 College Avenue, spoke in support of the new church
2. John Lalgee, 6748 47th Avenue, Kenosha, spoke as the applicant and noted the following:*

- Description of usage of some of the areas within the building*
- Wants to keep with the vision of the YWCA*
- Classes for the 'School of Worship' will not be moving to this location*
- Wants to keep leases with outside organizations to keep revenue coming in*
- Feels 54 spaces are adequate versus the calculation per the Ordinance*
- Operating hours are based on keeping the fitness center*
- Unsure about eliminating the gym, discussed a few other changes*
- Feels the building has community outreach potential*

3. Jean Ferraro, 2216 Rivershore Drive, Racine, spoke in favor of the church and keeping the fitness center available.

Public Hearing closed at 5:00 p.m.

Associate Planner Johanneck noted that information provided was inadequate to formulate a recommendation and requested the item be deferred to allow some clarification of how the church intends to run its business and church activities out of this location. The applicants provided a hand-out at the meeting in an effort to address some concerns of Staff.

A motion was made by Commissioner Wyant, seconded by Alderman Marcus, to defer to allow more information to be gathered and a recommendation formulated. The motion PASSED by a Voice Vote.

11-7000

Subject: (Direct Referral) Request by Blake Thompson seeking a Conditional Use Permit for a facility for personal / non-commercial auto repair and storage at 1274 Mound Avenue. (PC-11) (Resolution No. 11-2788)

Recommendation of the City Plan Commission on 10-12-11: That the item be approved subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 1274 Mound Ave](#)
[11-7000 \(CU 1274 Mound Avenue\)](#)

Principal Planner Sadowski summarized the request of the applicant to use the above address to store and repair his personal racing automobiles, and use some of the building area for storage related to his carpentry business. Repair would be done by the applicants and there would be no employees. Requested hours are from 8:00 a.m. – 10:00 p.m. Mondays through Saturdays.

Public Hearing opened at 5:25 p.m.

1. Blake Thompson, applicant, provided more detail on his use of the building for the Commission and advised any fluids from work on the vehicles is taken to a proper recycling facility.
2. Brian O'Connell, Director of City Development, noted for the record he received an email from the Alderman of the District, Q.A. Shakoor, who is in favor of the request.
3. Will Thompson, 4921 Regal Drive, Racine, will be the building owner and advised he will be doing building repairs and he supports the use as proposed.

Principal Planner Sadowski read through the conditions of approval for the site.

A motion was made by Commissioner Wyant, seconded by Alderman Marcus, to recommend approval of the item subject to staff recommendations. The motion PASSED by a Voice Vote.

11-7001

Subject: (Direct Referral) Request by Ruben Bramow, Representing Ruben and Amigo's Quality Detailing Service seeking a Conditional Use Permit for an automobile detailing facility and a landscaping contractor's office with related outdoor equipment and materials storage at 3625-16th Street. (PC-11) (Resolution No. 11-2789)

Recommendation of the City Plan Commission on 10-12-11: That the item be approved subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 3625 16th Street](#)
[11-7001 \(CU 3625 16th - Street\)](#)

Principal Planner Sadowski reviewed the request to operate a landscaping and automobile detailing business at the above address. Background was given on the location, zoning, surrounding uses and views of the site. There would be 7 full-time employees and 2 part-time. Hours proposed would be Monday through Saturday, 9:00 a.m. – 8:00 p.m. The main building would be for the offices and landscaping business and the garage for auto detailing. No heavy equipment will be on-site, they will utilize two trucks and a trailer for landscaping, and all auto detailing will take place indoors. The applicant intends to install security cameras on the building, and landscaping on-site is proposed in an effort to be more aesthetically compatible with the neighborhood. The property is zoned R-3.

Public Hearing opened 5:25 p.m.

- 1. Michael Fay, 3611 16th Street, Racine, spoke in favor of the request*
- 2. Ruben Bramow, 1121 S. Sunnyslope Dr., discussed more about the business, reiterated that no landscape materials will be stored on the site and there will be offices only for the landscape business.*

Public Hearing closed 5:29 p.m.

Discussion ensued. Alderman Marcus questioned whether this property falls under the 'Constantine Amendment'. Mr. Sadowski advised it meets one of the criteria, however the building is not old enough per the amendment.

Alderman Marcus suggested an overlay or rezoning the property so both conditions can be met. Commissioner Wyant explained the Constantine Amendment in more detail, and the intent of the amendment, which has often been a criteria of using the rules to fit businesses in older areas of the City which are mostly residential but could 'fit' into the community with conditions. He also discouraged re-zoning as that opens the door to many other potentially undesirable uses and can be considered spot-zoning. In response to Alderman Marcus, Mr. Sadowski also stated that Staff had considered applying a flex overlay development on the property but the building was not old enough.

Commissioner Sutton Ekes asked if the Constantine Amendment allows for flexibility in the 'spirit' for which it was created, though both criteria may not be met. Mr. Sadowski advised that is the understanding, and why it was used in this case. He also noted that re-zoning the property was considered but decided against for the reasons stated by Commissioner Wyant.

Commissioner Wyant moved to approve the request, subject to staff recommendations. Commissioner Sutton Ekes seconded, with verification there be no automobile sales. Ayes - all.

More discussion ensued. Alderman Marcus asked about vehicle sales. The applicant advised this would not happen, and went door-to-door to get feedback on his use proposal with positive feedback from surrounding neighbors.

Director O'Connell advised that the Constantine Amendment was designed for these types of development situations of legal, non-conforming uses within residential areas and where there is neighborhood support as well as staff support for the use. It also gives the City control over the allowable uses which can be approved. The spirit and intent of the Amendment applies in this situation and is the best way to handle this request.

A motion was made by Commissioner Wyant, seconded by Commissioner Sutton Ekes, to recommend approval of the request, subject to staff recommendations, with verification there be no auto sales. The motion PASSED by a Voice Vote.

11-6998 Reconsidered (5820 Durand Avenue)

Commissioner Sutton Ekes requested to reconsider item 11-6998. Hearing no second, Mayor Dickert seconded the request.

Mayor Dickert advised additional information has come up and invited Kurt Pruitt to come up to discuss the signage issue with the Commission.

Mr. Pruitt provided background about the HHgregg line of stores and how they are expanding 3 stores into the Wisconsin market, including this one by Regency Mall. Specifically, they have concern over not being allowed to use the exterior elements to create the 'H' as part of their trademark design, which could affect their location to locate here.

Commissioner Sutton Ekes sees the design as a trademark now versus only a structural design of the building, and would now like to see it approved.

Mayor Dickert discussed signage regulations and that setting precedents is something they consider when dealing with this type of situation.

Alderman Marcus brought up temporary uses that have been approved for the Regency Mall parking lot that are not consistent with the mall signage to make the point that other things, colors, etc. that are not consistent with the mall design have been allowed. The applicant advised other stores throughout the country utilize the 'H' in their design. Mr. Sadowski advised the applicant did scale down from the amount of column to be yellow from their initial request.

Commissioner Wyant noted that the pumpkin is a temporary use, and if the columns are a part of the signage for the store, they are in excess of their sign allowance.

Rick Heller spoke to the effect that he does not view the "H" as part of the sign or as a logo and would not count it towards signage.

Director O'Connell advised we use the mall standards and we try to enforce those when approve signage, and suggested the mall be contacted again as to what their current sign standards are so we can utilize what they have approved when making signage decisions for the mall property.

The Mayor called for the question on the motion to reconsider - ayes all.

A motion was made by Commissioner Sutton Ekes, seconded by Alderman Marcus, to approve the request for item 11-6998 subject to staff recommendations and including the yellow columns as presented. The motion PASSED by a Voice Vote.

Administrative Business**11-6980**

Subject: Communication from the Alderman of the 2nd District requesting that the City of Racine Comprehensive Land Use Plan regarding the properties located at 1835 Clark Street, 1206 DeKoven Avenue, and 1849 Racine Street be revised to rezone/re-designate these properties as residential.

Attachments: [Comp Plan request](#)

Director O'Connell advised these sites were discussed at the last Plan Commission meeting, and would allow for some commercial uses. The City's Comprehensive Plan calls for these lots to be commercial. The request by Alderman Marcus is that these properties be changed on the comprehensive plan to be rezoned/re-designated to residential. Clarification was requested on whether both re-designation and rezoning are being asked for. The property owners oppose the change to residential.

Alderman Marcus noted he had a petition of neighbors desiring the change to residential. He noted a possible approach is to amend the Comprehensive Plan and take necessary action to change the plan to reflect these lots as residential, but no rezoning at this time.

Director O'Connell advised if an applicant came in to use the property as an industrial use, it would not need to be rezoned as it is already zoned I-2, but then an amendment on the Master Plan for industrial land use designation would be required. Currently, if someone wanted to do light industrial and it was an approved use, they could do so without review. The proposed change would restrict commercial and encourage residential.

Commissioner Sutton Ekes supported looking into this part of the land use plan and expressed concern over the City getting sued.

Commissioner Wyant advised the property owners are his clients, and they object to the zone change. He noted the work that went into adopting the Comprehensive Plan that the area is appropriate for commercial, and the odds of residential being built in this area are small, that this is a state highway, and the property value is being taken away from the owners.

Alderman Marcus noted there are residences all along this area, and feels houses could be built there and is representing the desire of the neighbors in his district and their interests. He reiterated he is not asking for rezoning, but just for a change to the land use plan.

Commissioner Wyant noted the natural progressive of Racine Street will be commercial and industrial, and that any time this is presented to people who live in the area is not a justification to amend the long term plan.

Commissioner Ekes noted based on the discussion that the City Staff needs to take a look at this request and study the area more so the Commission can make an informed decision.

Principal Sadowski advised there was an exhaustive study done in 2001, in addition to the Master Plan, that this area be zoned for commercial use. This was not an arbitrary position, that the State requires the development of these plans, and by not

sticking to these approved plans, it makes it difficult for appropriate recommendations to be made by staff.

Director O'Connell advised to do any change to the plan a public hearing and other requirements are needed as this is an ordinance change, and that we need clarification on the process then we can proceed.

A motion was made by Commissioner Sutton Ekes, seconded by Alderman Marcus, to instruct staff to review the existing designation by reviewing past documents and history and report on whether the current designation is still appropriate, or if a change to the land use should occur for this area. The motion PASSED by a Voice Vote with Commissioner Wyant abstaining.

Adjournment

Commissioner Sutton Ekes motioned, without objection, to adjourn the meeting at 6:20 p.m.