



City of Racine

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

Meeting Minutes - Draft

City Plan Commission

*Mayor John Dickert, Alderman Dennis Wisler,
Molly Hall, Vincent Esqueda, Tony Veranth,
Pastor Melvin Hargrove, Attorney Tom Durkin*

Wednesday, December 9, 2015

4:15 PM

City Hall, Room 205

Call To Order

PRESENT: 6 - Vincent Esqueda, Melvin Hargrove, Molly Hall, Dennis Wisler, Tony Veranth and Tom Durkin

EXCUSED: 1 - John Dickert

Others present:

*Matt Sadowski, Interim Director of City Development/Assistant Director
Jill Johanneck, Associate Planner*

Approval of Minutes for the November 11, 2015 Meeting

A motion was made by Commissioner Durkin, seconded by Commissioner Veranth, to approve the minutes of the November 11, 2015 meeting. The motion **PASSED** by a Voice Vote.

[15-00980](#)

Subject: (Direct Referral) A request from Party City, represented by Rosie Olle of Michael's Signs, for approval to deviate from the adopted Regency Mall Signage standards for signage proposed at 5900 Durand Avenue.

Recommendation of the City Plan Commission on 12-09-15: That the item be received and filed.

Fiscal Note: N/A

Attachments: [PH Notice - 5900 Durand Avenue](#)

Associate Planner Johanneck advised the applicant has withdrawn their request for deviations from the Regency Mall sign standards, and recommends this item be received and filed.

A motion was made by Commissioner Hall, seconded by Commissioner Esqueda, to receive and file the item. The motion **PASSED** by a Voice Vote.

[15-01080](#)

Subject: (Ord.12-15) An ordinance to amend Chapter 114 - Zoning, of the Municipal Code of the City of Racine, Wisconsin as related to Breweries and Brew Pubs.

Recommendation of the City Plan Commission on 12-09-15: That the ordinance be adopted.

Fiscal Note: N/A

Interim Director / Assistant Director Matthew Sadowski advised Ord. 12-15 was generated by interest in allowing for breweries and brew pubs to locate within the City. As the use is not currently in the ordinance, the language in the proposed ordinance, as amended by the Plan Commission at their last meeting, sets parameters for what districts will allow the uses as either permitted or via conditional use permit in business and industrial districts. Staff recommends the Ordinance be adopted.

A motion was made by Commissioner Hall, seconded by Commissioner Hargrove, that Ordinance 12-15 be adopted as presented. The motion PASSED by a Voice Vote.

[15-01070](#)

Subject: (Direct Referral) A request by Jay Williams of Care Bear Child Care for an exception to the required financial surety for incomplete site improvements at 1315 Douglas Avenue. (PC-15)

Ms. Johanneck updated the Commission on the status of the approval for a child care center at 1315 Douglas Avenue. An update of progress to date as well as outstanding site improvements yet to be completed, including the parking lot, north property line fencing, dumpster / trash screening options, etc. was provided. An overview of the option offered by the City for posting of a financial guarantee /surety prior to completion of site improvements for purposes of obtaining building occupancy was provided.

The applicants are requesting a waiver from having to post a surety for incomplete site work prior to building occupancy. As adequate justification for this exception was not provided by the applicant, Staff does not support a waiver. Other Staff concerns extend not only toward maintaining the integrity, purpose and intent of the financial surety option for all applicants, but also that granting such an exemption for basic site amenities will set a precedent for future requests. Such action has the potential to result in approved projects remaining incomplete after obtaining an occupancy certificate, with the City's only recourse being enforcement actions, including fines and citations. Upholding the current standards and intent related to posting of financial assurances would continue to help prevent these situations.

Alderman Wisner reiterated financial sureties are a very common option with conditional use approvals, so if the agreement/conditions fall short, the interest of the City is protected.

Commissioner Hall asked what the applicant's rationale for the exemption is, and if there's a timeline for completion for the outstanding improvements. Ms. Johanneck advised the timeframe is often worked out when the financial documents are drafted, based on the level of completion at the time the surety is posted and what the outstanding improvements entail. In this case, the justification was that they had not budgeted money towards bonding these improvements. Staff is unaware if the applicants have approached the owner to discuss payment for or assistance with making the improvements. Some off-site parking has been secured on a nearby parcel (per a parking agreement presented to Staff); however, said agreement does not qualify as a justification for the waiver. Further, consequences of not installing the amenities or posting the assurance to ensure completion would prohibit building occupancy not only for this applicant, but also for future tenants.

Commissioner Hargrove asked if the applicants would need to walk away from the

plan due to this issue. Ms. Johanneck advised no, the intent is not to prohibit their location at the site in any way. Approval was recommended and granted for this project with support from Staff. What's being requested is a deviation from a code requirement and standard condition of approval to allow for occupancy prior to completion of site improvements. Staff wants this to go forward with the financial assurance in place.

Alderman Wiser, with support from the Commission, invited the applicant to speak.

Mr. Jay Williams of Care Bear Child Care spoke. He stated he was told by Staff he could only do a bond, and that they operated a child care facility down the street for years without having to do these things. Speaking directly to Ms. Johanneck, Mr. Williams stated if I wanted an assurance the work will get done, the work will get done because he is telling me it will. Further comments included more discussion about bonds, discussions had with Staff, that they should be grandfathered from this requirement, that all staff he's dealt with are new to the city within the last 10 years, that his financial institution has never heard of a bond, the lack of protocol in applying for a waiver, the daycare started by them in 2005 at a different location, etc.

Commissioner Veranth inquired if the language was in the list of conditions of approval. Ms. Johanneck advised the financial surety language was not spelled out in the conditions, however is stated in the ordinance. If the applicants choose not to post the surety, all site improvements would require completion prior to issuance of an occupancy permit. Mr. Williams interjected he was told Ms. Johanneck advised him they had to do a bond, but they did not know it. Commissioner Hargrove inquired about the waiver language, with Alderman Wiser stating the language is in the ordinance. Commissioner Veranth asked what timeframe they had to complete the conditions of approval. Ms. Johanneck stated prior to occupancy, which is standard practice for conditional uses. Commissioner Hall asked what implications were presented to Mr. Williams about waivers. Ms. Johanneck stated this is a fairly recent approval, and when this was discussed with the applicants it was advised Staff does not have the authority to grant a waiver to occupancy or code requirements. However, if they wanted to request an exception or waiver they have the right to do so. There is not a standard application for this as it is not a regular request. The recent exception granted to Hope Via for relief was for a future building addition, and was specifically not granted for basic site improvements such as parking, fencing, wheel stops, lighting, etc. as is being requested for this project.

Alderman Wiser summarized the options that exist include no granting of occupancy until all conditions of approval are met, or if a financial surety is provided for outstanding site improvements occupancy can be granted. The third option being sought is to allow occupancy without completion of outstanding work and without the applicants providing the City a financial assurance that work will be completed.

Commissioner Hargrove began to ask the applicant about implications if they cannot move forward, however Mr. Williams interjected with comments about garbage, that the work will get done, etc., and that they cannot get a bond.

A motion was made by Commissioner Veranth, seconded by Commissioner Hall, to deny the request for the financial surety waiver. The motion PASSED by a Voice Vote.

4:30 P.M. PUBLIC HEARINGS

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[15-01053](#)

Subject: (Direct Referral) A request from Pastor Frank James II of Changing Lives Ministries seeking a conditional use permit for the

re-establishment of a church at 2829 Durand Avenue. (PC-15) (Res No. 15-0468)

Recommendation of the City Plan Commission on 12-09-15: That the item be approved, subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 2829 Durand Avenue](#)
[\(15-01053\) CU 2829 Durand Avenue](#)

Mr. Sadowski provided an overview of the property and surrounding conditions, as well as a review of the site area, parking, and proposed floor plan. The proposed location lies within a small strip center and was previously occupied by a church. The former church vacated the site over 12-months ago, triggering the requirement for a current conditional use review and approval.

There are requirements and considerations when locating a non-commercial use in a commercial district. In this instance, expanded hours for the church are necessary to foster the commercial element and maintain higher limits of commercial traffic for the shopping center. Within six months the applicant will be providing a bookstore to further expand on the commercial draw to the center.

The property is older but well maintained. The applicants will be providing some landscaping to the site, and modifying the sign panel to advertise their organization. Staff reviewed the standards and analysis done for this request, and recommends approval subject to conditions.

Public Hearing opened at 5:01 p.m.

1. Pastor Frank James, applicant, 703 Washington Avenue. Briefly discussed the purpose behind relocating from their current site, as well as some of the associations and activities the church partakes in with the community.

Public Hearing closed at 5:04 p.m.

A motion was made by Commissioner Durkin, seconded by Commissioner Hargrove, to recommend approval of the request subject to conditions as presented. The motion PASSED by a Voice Vote.

[15-01054](#)

Subject: (Direct Referral) A request from Nathan Ward, representing Racine Cellular Telephone Company, for a conditional use permit to remove an existing 120-foot lattice tower and replace it with a 120-foot monopole at 1301 W. Sixth Street. (PC-15) (Res No. 15-0469)

Recommendation of the City Plan Commission 12-09-15: That the item be approved subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 1301 W Sixth Street](#)
[\(15-01054\) CU 1301 Sixth Street](#)

Ms. Johanneck provided a general overview of the area, zoning and surrounding land

uses. The property is owned by the City, and the tower lease area, located within the southwest area of the lot, is accessible via an access, or ingress/egress, easement from Sixth Street. Surrounding views of the existing tower were shown, with the largest visual impact being the view from Sixth Street. From surrounding properties, the tower is somewhat visible in areas, yet not visible at all from others, specifically from the residential properties to the west.

The monopole would replace the existing lattice tower to provide upgraded infrastructure for co-location of cellular communications antenna and associated equipment. There is no change to the existing lease area, and the proposed monopole would be constructed adjacent to the existing tower at the same 120-foot height. Once constructed, the lattice tower will be removed. At this time both U.S. Cellular and Verizon Wireless are slated to locate on the facility. Staff was not provided a structural analysis, however will receive and review said information prior to release of building permits and other conditions as outlined. The standards and analysis for the proposal have been presented in the Staff report. Upon analysis, Staff believes the requirements for a conditional use are met, that the new monopole is an upgrade to the outdated lattice tower, there is no additional impact with the replacement tower and more opportunity for co-location of other equipment. Approval, subject to conditions, is recommended.

Public Hearing opened at 5:10 p.m.

1. Mr. James (unintelligible), 1331 W. Sixth Street. Asked if there have been any financial incentives provided or site preparation costs being incurred by the City for U. S. Cellular with this application. Ms. Johanneck stated not to her knowledge, and requested the question be provided in writing for research. The inquiry is based on previous discussions he has had with U.S. Cellular and their past interest in locating on his property.

2. Mr. Nathan Ward, applicant, 1200 Reva Ridge. In response to the above question, he advised no financial incentives have been provided to U. S. Cellular from the City for this project. Further, that U.S. Cellular has done the soil analysis and engineering which have indicated they are able to locate within the current lease area.

Public Hearing closed at 5:15 p.m.

A motion was made by Commissioner Veranth, seconded by Commissioner Esqueda, to recommend approval of the request subject to conditions as presented. The motion PASSED by a Voice Vote.

[15-01055](#)

Subject: (Direct Referral) A request from Abdul Motlani for a conditional use permit to operate an oil change center at 3101 Rapids Drive. (PC-15) (Res No. 15-0470)

Recommendation of the City Plan Commission on 12-09-15: That the item be approved, subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 3101 Rapids Drive](#)
[\(15-01055\) CU 3101 Rapids Drive](#)

Ms. Johanneck provided an overview of the area, site, zoning and surrounding properties. The building was constructed as an oil change facility and had been

utilized as such before closing over 12-months ago. The property is located on the southwest corner of Golf Avenue and Rapids Drive.

Since the application was made, there have been some improvements completed yet more are required and are described in the conditions provided. General information regarding hours, staffing, and site maintenance were discussed. The site plan layout was reviewed. Site entrance will be off of Golf Avenue, leading vehicles to enter the building on the south side. Following completion of services, traffic will be guided to exit onto Rapids Drive with a right-turn only.

Further review of the site plan included discussion of landscaping additions, parking, and buffer requirements. The south property line abuts a residential zone use and district. This area is designated on the site plan for parking and dumpster enclosure location. Per the zoning ordinance, screening is required between zoning districts, and parking areas are required to be set back 6-feet from the property line. The site plan presented indicates a 2-foot space from the edge of the parking lot and the property line. Staff would like to work more with the applicant on ways to address the setback and buffer requirement in an effective and attractive manner.

Overall the plan is sound, and the applicants have been responsive in working on the project and to updating the site. Staff recommends approval subject to conditions.

Public Hearing opened at 5:24 p.m.

- 1. Mr. Abdul Motlani, applicant, 2121 S. KK #120, Milwaukee 53207. Advised they agree with Staff's recommendations and will work with Staff on rectifying outstanding issues.*
- 2. Mr. Darrell (unintelligible), 1101 Grand Avenue. Advised he works for the applicant, and discussed site amenities and improvements.*

Public Hearing closed at 5:26 p.m.

A motion was made by Commissioner Esqueda, seconded by Commissioner Hargrove, to recommend approval of the request subject to conditions as presented. The motion PASSED by a Voice Vote.

Administrative Business

The Commission was polled on whether they are interested in modifying the start time of Plan Commission meetings until 4:30 or 5:00 p.m., versus the current start time of 4:15 p.m. Following discussion, it was decided to keep the meeting start time as 4:15 p.m.

Adjournment

Alderman Wisner adjourned the meeting at 5:28 p.m.