



City of Racine

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

Meeting Minutes - Draft City Plan Commission

*Alderman Dennis Wisner
Mayor John Dickert
Molly Hall
Elaine Sutton Ekes
Vincent Esqueda
Tony Veranth
Pastor Melvin Hargrove*

Wednesday, August 27, 2014

4:15 PM

City Hall, Room 205

Call To Order

Mayor Dickert called the August 27, 2014 Plan Commission meeting to order at 4:17 p.m.

PRESENT: 5 - Elaine Sutton Ekes, Tony Veranth, John Dickert, Molly Hall and Dennis Wisner

EXCUSED: 2 - Vincent Esqueda and Melvin Hargrove

Others present:

*Matthew Sadowski, Assistant Director of City Development/Principal Planner
Jill Johanneck, Associate Planner
Ken Plaski, Zoning Administrator/Chief Building Inspector
Alderman Eddie Diehl*

Approval of Minutes for the August 13, 2014 Meeting

A motion was made by Alderman Wisner, seconded by Commissioner Sutton Ekes, to approve the minutes of the August 13, 2014 Plan Commission meeting. The motion PASSED by a Voice Vote.

14-10441

Subject: Communication from the Alderman of the 15th District requesting referral to the City Plan Commission a request to amend Section 114-1038 of the Municipal Code to eliminate restrictions on signs in windows.

Recommendation of the City Plan Commission on 8-13-14: That the item be received and filed.

Recommendation of the Common Council on 8-19-14: That the item be referred to the City Plan Commission, to repeal and recreate Sec. 114-1038(c) of the Municipal Code of the City of Racine in its entirety as follows: "No restrictions shall be placed on street level facade window signage".

Recommendation of the City Plan Commission on 8-27-14: That the item be received and filed.

Fiscal Note: N/A

Assistant Director Sadowski advised this item was referred back to the Plan Commission from the Common Council. The Plan Commission had previously recommended the item be received and filed. Language was presented representing what the Alderman was requesting, which was no limitation on window signage, and that reciprocal signage arrangements may be made. A proposed definition and example of 'reciprocal signage' was presented. Additionally, there was a request that no restrictions be placed on the amount of window signage allowed.

Alderman Wisner moved the City Plan Commission receive and file. Second was made by Commissioner Veranth. Discussion ensued: Alderman Wisner explained the reasoning behind his motion citing conflicts with Roberts Rules Of Order in that this matter had already been acted on by the Plan Commission during the previous meeting.

Alderman Diehl spoke on the item advised he learned a lot about the intent and spirit surrounding the challenges of advertising, and that he appreciates the time spent reviewing this.

Motion was reiterated to receive and file.

A motion was made by Alderman Wisner, seconded by Commissioner Veranth to recommend that the item be received and filed. The motion PASSED by a Voice Vote.

[14-10313](#)

Subject: (Direct Referral) Amendments to the sign ordinance: walk-up establishments and roof signs. (PC-14) (Ord. No. 11-14)

Recommendation of the City Plan Commission on 7-30-14: That an ordinance be prepared and a public hearing scheduled.

Recommendation of the City Plan Commission on 8-27-14: That Ordinance 11-14 be amended to accommodate 50% window signage and exempt seasonal businesses in operation as of August 19, 2014, and adopt Ordinance 11-14 as amended.

Fiscal Note: N/A

Mr. Sadowski advised the current proposal under Ordinance 11-14 is for 25% for window coverage by window signs, up from the existing 15% allowance without a permit. The Mayor's proposed amendment is to allow for 50% coverage and to grandfather existing seasonal sales businesses.

Prior to 2005, the ordinance did not allow window signs without permits, yet businesses had signs in their windows. The city adopted corridor plans for several areas of the city which allowed for 15% window signage in those corridor areas.

Alderman were receiving complaints about the fact businesses couldn't post signs, and citizens were complaining about the sign clutter. City Development Staff was asked to address this problem, and proposed a 15% allowance of window signage for all business throughout the City without requiring permits and in addition to their

existing signage. Mr. Sadowski passed around photos showing the concern of allowing excessive window signage. Businesses were complaining that the 15% was too limiting, so increasing the allowance to 25% was being considered. There were still complaints that that amount was too low, so the Mayor offered a suggestion to amend Ordinance 11-14 to allow 50% window signage. Sandwich boards are not included in these calculations.

Mr. Plaski advised that to eliminate window signage was unclear to some business owners there were a lot of complaints by businesses against those who were complaining, and it the resulting enforcement efforts used a lot of inspection time; some citations were issued. He advised allowing a percentage helps with enforcement.

Commissioner Sutton Ekes advised she is not in favor over going over 50%, and is opposed to grandfathering existing seasonal businesses.

Alderman Wisner advised he did some research and the 50% is in the ballpark of other communities.

Alderman Wisner moved and Commissioner Hall seconded to adopt the ordinance as published for item 14-10313. Motion approved.

Alderman Wisner then moved and Commissioner Hall seconded to amend the adopted ordinance language in all occurrences of the figure "25%" to read "50%" and to include a proposed exemption seasonal businesses. Discussion ensued and Commissioner Ekes requested that the motion be amended for consideration of the season business exemption on a separate motion. Alderman Wisner and Commissioner Hall agreed to amend the motion per Commissioner Ekes. Upon a voice vote, the amended motion passed.

Alderman Wisner then moved, and Commissioner Hall seconded, that a second amendment to the adopted ordinance language be made to add staff's exemption language for seasonal businesses. Discussion ensued and Mr. Sadowski explained that staff is aware of only two businesses that will benefit from the exemption. Upon a voice vote, the second amendment was adopted with Commissioner Ekes voting "No".

A motion was made by Alderman Wisner, seconded by Commissioner Hall, to recommend adoption of the ordinance subject to amended language. The motion PASSED by a Voice Vote with Commissioner Sutton Ekes voting "No" on the second portion of the amendment.

[Ord.11-14](#)

Ordinance 11-14

To amend and create subsections of Sec. 114-1028 and to repeal and recreate portions of section 114-1038, of the Municipal Code of the City of Racine, Wisconsin.

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

Part 1: Amend subsection (e) of Sec. 114-1028 by inserting at the beginning of that subsection before the word "No" the words "Unless otherwise permitted in this section," and then revising the word "No" to

“no.”

Part 2: The following subsection shall be created in Sec. 114-1028 of the Municipal Code of the City of Racine to read as follows:

“(i) In an area bounded by the Root River to the north and west, Sam's River Road to the east, and Water Street to the south, roof signs may be permitted but are subject to the following allowances:

1. One such sign per building by right and only displaying one name (*i.e.* the name of the major tenant, or the development or building name). The applicant shall submit an application and supporting materials to the Downtown Area Design Review Commission for review and approval.
2. Two such signs may be permitted per building if a conditional use permit is first obtained. Prior to the review of the Plan Commission, the applicant shall submit an application and supporting materials to the Downtown Area Design Review Commission for review and recommendation.
3. Roof signs shall be composed of individual letters, internally or externally illuminated. No flashing, traveling, animation, scrolling, pulsing, or intermittence of the message or figures is permitted.
4. Roof signs shall not extend more than 10 feet above the average height of the roof surface.
5. Total roof sign square footage shall be calculated in accordance with the standards of the zoning district in which it is located. The total square footage of all roof signage on a building shall not exceed this number.
6. Roof signage described in Sec 114-1028(i) shall be calculated independently of signage which is otherwise permitted in the zoning district.”

Part 3: To repeal and recreate Sec. 114-1038 (c) (1) of the Municipal Code of the City of Racine as follows: “No more than an aggregate area equaling 50% of all street level street façade windows may be covered by window signage.”

Part 4: To repeal and recreate Sec. 114-1038 (c) (3) of the Municipal Code of the City of Racine as follows: “To calculate the amount of window signage allowed, measure the area of all the street level street façade window sections and multiply by 0.50. This calculation will provide the amount of window signage allowed. (For example: two street level street façade windows measuring 10 feet by 10 feet would equal 200 square feet of window area. Multiply 200 by 0.50, and the

allowed window signage could total up to 100 square feet. This amount of signage may be applied to both windows, or one window, as long as the total amount of window signage does not exceed 100 square feet).”

Part 5: To repeal and recreate Sec. 114-1038 (c) (5) of the Municipal Code of the City of Racine as follows: “Signage allocations shall not be calculated by including other building elevations or facades that are not street level street façade. Signage allocations shall not be shared or transferred between businesses occupying separate tenant spaces or buildings.”

Part 6: Amend Sec. 114-1 (b) in the appropriate alphabetical order by adding the following definition: “*Seasonal business*, for the purposes of Section 114-1038, means an establishment operating from within a permanent building that totals less than 1000 square feet in floor area, that operates only during a specific time period of the year and is dormant or closed during the other time periods of the year, and where customers do not have access to the interior of the building when receiving goods or services.”

Part 7: Amend Sec. 114-1038 (a) by adding the following subsection:

“(7) A seasonal business, as defined in Sec. 114-1 (b) of this chapter, operating at their current location prior to August 19, 2014, shall be exempt from compliance with Sec. 114-1038.”

Part 8: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A

A motion was made by Alderman Wisner, seconded by Commissioner Hall, that Ord. 11-14, whose language being twice amended through actions under agenda item 14-10313, be recommended for adoption. The motion PASSED by a Voice Vote.

[14-10373](#)

Subject: Communication from the Alderman of the 6th District requesting to rescind the fee associated with an individual's request to file a zoning variance - Section 114-111 of the Municipal Code of the City of Racine, Resolution 08-0684. (Res. No. 14-0317)

Recommendations of the Public Works and Services Committee on 07-29-14: That the fees associated with an individual's request to file a zoning variance - Section 114-111 of the Municipal Code of the City of Racine, Resolution 08-0684, be rescinded.

Recommendation of the City Plan Commission on 8-27-14: That the fees associated with an individual's request to file a zoning variance not be rescinded.

Further, that this item be referred to the Finance and Personnel Committee.

Fiscal Note: There will be a reduction in revenue to the general fund.

Attachments: [14-10373 File Zoning Variance](#)
[14-10373 File Zoning Variance](#)
[14-10373 Res.08-0684](#)
[Zoning Variance Costs](#)

Mr. Sadowski advised the Alderman's constituent was affected by the fee and feels that it is unfair that people are being charged to petition the City's in regards to codes they may have a disagreement with. Mr. Plaski provided a memorandum outlining the financial impact as this affect the Building Department. He stated the cost to his department to file a zoning variance application, and that over the years as the cost has increased and the economy has changed, there have been fewer requests. His concern is that if you eliminate the fee, the zoning code requirements could become higher for minor requests, and the costs to the clerical staff could increase. The man hour costs could really increase if the fees were eliminated.

Alderman Wisner noted the City budget relies on these types of fees; that the process being free to the public does not eliminate the cost to the city to process these requests; that the zoning ordinance exists for a purpose and works to create attractive neighborhoods and safety, and that this waiver would open the door for many waivers that the intent of the zoning ordinance becomes obsolete.

A motion was made by Commissioner Veranth, seconded by Commissioner Sutton Ekes, that this fee not be rescinded and that this be forwarded to the Finance and Personnel Committee. The motion PASSED by a Voice Vote.

[Res.14-0317](#)

Rescind Fees Associated With an Individual's Request to File a Zoning Variance - Section 114-111

Resolved, that the fees associated with an individual's request to file a zoning variance - Section 114-111 of the Municipal Code of the City of Racine, Resolution 08-0684, is to be rescinded.

Fiscal Note: N/A

A motion was made by Alderman Wiser, seconded by Commissioner Sutton Ekes, to refer to the Finance and Personnel Committee. The motion PASSED by a Voice Vote.

14-10520

Subject: (Ord.10-14) A Ordinance amending Sec. 114-36 penalty for violation of chapter, of the Municipal Code of the City of Racine, Wisconsin.

Recommendation of the City Plan Commission on 8-27-14: That a public hearing be held before the Common Council.

Fiscal Note: N/A

Mr. Sadowski advised this was deferred at the last meeting and relates to the application of fees and fines for a zoning violation. The zoning administrator is requesting language within the zoning ordinance to clarify the fee structure, explaining the process of assessment of fees and citations.

A motion was made to schedule a public hearing before the Common Council and that Ordinance 10-14 be adopted, seconded by Commissioner Hall. The motion PASSED by a Voice Vote.

4:30 P.M. PUBLIC HEARINGS

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14-10501

Subject: (Direct Referral) Request by Racine Riverside Marine, Inc. for conditional use approval to utilize space and buildings for boat storage and repair at 1028 Douglas Avenue. (Res. No. 14-0366)

Recommendation of the City Plan Commission on 8-27-2014: That the item be approved, subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 1028 Douglas Ave](#)

Ms. Johanneck advised the building at 1028 Douglas Avenue will be used to primarily store boats and do some boat maintenance. A review of the area was provided, and most of the areas surrounding this address are maritime uses. The property is zoned I-1. The parcel is primarily covered in building, and approximately 10 parking spaces will be provided towards the middle of the building. Most is indoor storage of boats. Different views of the building were shown. It was indicated there are 3 outstanding violations on the property at this time: the gutters and downspouts throughout the building need fixing, tuck-pointing is required, and the building needs painting. The applicant is aware, and may if they are unable to do this before occupancy a financial surety and estimate for improvements must be provided.

There was a request to use 1021 Douglas as well, however there are issues with the

legal description that need to be rectified, then that can come back as a minor amendment. Currently, an application is in the works for a large overhead door to be installed to allow the boats to enter the main building. The northwest corner of the lot will remain vacant at this time, and it was advised any outdoor storage needs to be properly screened. It was noted that Micah Waters was in favor of the application being approved.

Public Hearing opened at 4:55

Mr. Brad Strand, the owner, came forward to advise of the process so far that they have made on the property.

Public Hearing closed at 4:56

Commissioner Veranth asked if there will be a fence put along Douglas, and Mr. Strand advised he will be so they can take the boats straight across the road. It was clarified that 1021 part of this request, however, cannot be considered at this time as there are issues with the legal description. Once worked out, the lot will be brought back to the Commission as a minor amendment.

A motion was made by Commissioner Wisner, seconded by Commissioner Sutton Ekes, to recommend approval of the item subject to conditions A through L. The motion PASSED by a Voice Vote.

14-10429

Subject: Request regarding the proposed establishment of the project plan, boundaries and creation of Tax Incremental District No. 18.

Attachments: [TID 18 Creation_001](#)
[Racine TID No. 18 Project Plan_3rd DRAFT Water Mark_2014-8-12](#)
[TID Public Hearing Notice](#)

Without objection, Commissioner Sutton Ekes excused herself from this item and item No. 14-10502. Mr. Sadowski requested this item, and item No. 14-10502 be discussed together as they are closely related. There were no objections to this request.

Mr. Sadowski provided a history of the area and how the City has arrived at this request. In the 1970's studies were done regarding development of the north and south sides of the Root river in this area. In 1990, the City reviewed the northern portion again for redevelopment purposes via a re-development plan and design guidelines were established. In 1999, the Downtown Plan was developed, identifying some recreational opportunities in the area focusing on the eastern portion of the river for recreational uses. In 2005, a more complete plan was done identifying re-use of the buildings no longer being used for industrial or manufacturing uses. Mixes of uses were identified. Based on this, the Root River Council created the Back to the Root plan in 2007-2008, which identified main goals to achieve redevelopment of the area. In the 2009 Comprehensive Plan, areas of economic potential were identified. This included areas within the TID 18. An environmental analysis was also done at this time. Following this, the Root River Corridor Redevelopment Plan was created in 2011-2012, which included much stakeholder and community involvement in its development and to indicate the City was interested in redevelopment of the area. This culminated into adoption of the Root Works Plan in 2012. The Root Works plan divides the area into 5 different districts of development. Machinery Row is one of these areas. The intent is to develop a draw to the area for day uses and nightlife, to live, work, and play, and capitalizing on the location between Milwaukee and Chicago. The plan also incorporates environmental amenities to tie the development together and provide recreational opportunities for the City.

Since adoption, the project management team for this project has been working to move it forward, and part of this is establishing the Tax Increment District to assist in funding the infrastructure of the area. The boundaries as presented are the culmination of analysis and review of the Root Works plan.

The timing of the creation of TID 18 to date:

- City Development submitted a request to the Common Council to establish the TID.
- The TID project plan was prepared.
- Class II notice was provided in the Journal Times for publication announcing the creation of the plan, the dates of the Plan Commission public hearing, and of the Standing Joint Review Board.
- Notice of the Standing Joint Review Board meeting was set to all applicable taxing jurisdictions (Unified, Gateway, Racine County, and City) and their Joint Review Board members and appointees.
- Public Hearing notices sent to all property owners within the boundaries of the proposed TID 18.
- Standing Joint Review Board meets to be introduced to the TID plan (8/27/2014 at 9:00 a.m.).

Future Action:

- Plan Commission holds a public hearing on project plan and TID boundary (takes action)
- Fourteen day public review and comment period.
- Sent notice to the Journal Times for publication of next Standing Joint Review Board meeting
- Common Council reviews plans and boundaries (takes action) after 14 day review and comment period.
- Standing Joint Review Board meets to approve plan (must be approved by September 30, 2014).
- TID plan and associated forms and documents are filed with the State Department of Revenue (must be filed by October 31, 2014).

Todd Taves of Ehlers and Associates, financial consultants to the City, introduced himself stating that his firm had prepared the financial analysis in the TID document and is present to answer any questions the Commission may have.

Public Hearing Opened at 5:25 p.m.

1. Jud Wyant, address not provided, requested an electronic copy of the plan. Also questioned the boundary area.

Public Hearing Closed at 5:27 p.m.

Mr. Sadowski read through proposed Resolution No. 14-01 designating proposed boundaries and approving a project plan for TID No. 18 for the Commission members and audience.

A motion was made by Commissioner Hall, seconded by Alderman Wisner, that Plan Commission Resolution No. 14-01 and the plan and the plan boundaries described therein be approved. The motion PASSED by a Voice Vote with Commissioner Sutton Ekes abstaining.

[14-10507](#)

Subject: Consideration of Resolution No. 14-01 designating proposed boundaries and approving a project plan for Tax Incremental District No. 18, City of Racine, Wisconsin.

A motion was made by Commissioner Veranth, seconded by Alderman Wiser, that Plan Commission Resolution 14-01 and the plan and the boundaries described therein be approved. The motion PASSED by a Voice Vote.

14-10502

Subject: (Direct Referral) Request by Adams Outdoor Advertising for a major amendment to the Regency Mall Planned Development to erect a billboard at 5200 Durand Avenue.

Attachments: [PH Notice - 5200 Durand Avenue](#)

Mr. Sadowski reviewed the subject property at the northwest corner of Roosevelt Street and Durand Avenue, reviewing zoning, property photos, and surrounding uses. He advised a billboard is allowed in the Regency Mall Planned Development with a Conditional Use permit. The proposed location of the billboard and appearance were reviewed.

He advised Staff is recommending denial of the request, as it does not in line with the development of the area. Also, the mall restrictions do not allow signs over six feet in height, unless an exception is granted. There are no signs this large in the majority of this area. Staff did a visual survey of commercial areas around southeastern Wisconsin and noted they do not have billboards and conclude that this would be detrimental to the area. Additionally, a review of ordinance findings was done for this request and do not support the location of a billboard in this area.

Jason Saari, applicant and real estate manager for Adams Outdoor Advertising, 455 Lori Lane, Cottage Grove, WI represented the applicant. Addressing the pending loss of quorum, Mr. Saari requested the record on this item be held over so they can respond to Staff concerns, Mayor Dickert agreed to entertain such a motion.

A motion was made by Alderman Wiser to keep the record open and allow the presentation and information while deferring, due to lack of a quorum. Second by Commissioner Hall, motion carried. Commissioner Molly Hall left the meeting at 5:45 p.m.

Mr. Saari gave a presentation, and advised most of their advertising in Racine is on the east side, and they are looking to move towards the west side for expansion. They have 44 billboards in the City of Racine. They have been working with Regency Mall and looking on the west side of the City to find places to install signage. He indicated they did receive a building permit, however shortly afterwards it was rescinded due to some ordinance changes. They did take the issue to court, and then began talking with the City on a way to resolve the issue by trying to amend the malls conditional use permit.

Their request is being applied on behalf of Regency Mall for a 300 square foot billboard, 12'x25' in size with a single pole design, and will primarily be used for business advertising, but will be offered up for a non-profit if the space is available. They are requesting this as a minor amendment to the Regency Mall PUD vs. a major amendment based on Section 114-155.b of the zoning ordinance which states that signage can be considered a minor amendment, though Staff considers it a major amendment. Other changes to the mall PUD were reviewed. They feel their request does not change the intent or standards of the PUD. Regency mall does have some exterior signs located on it. They feel their application meets the standards and reviewed their reasoning in how it complies with the zoning ordinance. Letters of support were provided in a handout provided.

Mayor Dickert verified this will not be an electronic sign, it will be static. The lights will be up-lighting and turned off at 11:00 p.m.

Public Hearing Opened at 5:55 p.m.

Public Hearing Closed at 5:55 p.m.

Deferred

Administrative Business

None.

Adjournment

Mayor Dickert adjourned the meeting at 5:55 p.m.