



City of Racine

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

Meeting Minutes - Final

City Plan Commission

Mayor John Dickert
Alderman Dennis Wiser
Tom Durkin
Tony Veranth
Ann Brodek
Mario Martinez

Wednesday, August 31, 2016

4:15 PM

City Hall, Room 205

Call To Order

Mayor Dickert called the meeting to order at 4:31 p.m.

PRESENT: 4 - John Dickert, Tom Durkin, Ann Brodek and Mario Martinez

EXCUSED: 2 - Dennis Wiser and Tony Veranth

Approval of Minutes for the August 10, 2016 Meeting

A motion was made by Commissioner Durkin, seconded by Commissioner Brodek, to approve the minutes of the August 10, 2016 meeting. The motion **PASSED** by a Voice Vote.

[0760-16](#)

Subject: (ZOrd.0004-16) An Ordinance rezoning 1325 - 14th Street from I-2 General Industrial District to B-2 Community Shopping District.

Recommendation of the City Plan Commission on 8-31-16: That the ordinance be adopted.

Fiscal Note: N/A

Refer to minutes of the August 10, 2016 meeting for details. This rezoning is to allow for a first-floor photography studio and second story residence by rezoning the property from I-2 General Industrial District to B-2 Community Shopping District.

A motion was made by Commissioner Brodek, seconded by Commissioner Durkin, to recommend that the ordinance be adopted. The motion **PASSED** by a Voice Vote.

[0761-16](#)

Subject: (Ord.0004-16) An ordinance to amend Chapter 114 - Zoning of the Municipal Code regarding tattoo establishments in the B-1 Neighborhood Convenience District.

Recommendation of the City Plan Commission on 8-31-16: That the ordinance be adopted.

Fiscal Note: N/A

Refer to minutes of the August 10, 2016 meeting for details. This ordinance modifies 114-448(2) of the Municipal Code by adding the phrase "tattoo establishments as accessory to principal use".

A motion was made by Commissioner Durkin, seconded by Commissioner Martinez, to recommend that the ordinance be adopted. The motion PASSED by a Voice Vote.

[0667-16](#)

Subject: (Direct Referral) An application from Vishal Investments, LLC, represented by Ted Gement, seeking approval of a conditional use amendment to relocate a non-conforming sign at 1975 State Street. (PC-16)

Recommendation of the City Plan Commission on 8-31-16: That the request be denied.

Fiscal Note: N/A

Attachments: [PH Notice - 1975 State Street](#)

This item was deferred from the August 10th meeting for Staff to research data on the financial reimbursements paid to the owners and what information they were provided as related to the sign and land acquisition, and also to identify when the sign ordinance was changed related to sign heights.

Ms. Johanneck advised Ordinance 13-13, adopted by the Common Council on September 17, 2013, modified sections of the sign ordinance. As applicable to this request, it amended the allowable height of a freestanding sign height to a maximum of 15-feet. The ordinance changes were in effect at the time of property negotiations.

City Attorney Scott Letteney commented on the process of reimbursement and amounts paid to the owners. He explained the highway project required the sign be removed, and summarized the state law which establishes a formula and means for determining valuation and payment for sign structures removed for highway projects. In summary, the State paid the owners \$5,000 for the sign. The owners had six months to appeal this, but did not. Further, the City further negotiated an additional payment of \$14,721 for sign relocation and blacktop. In total, \$19,721 was paid to the owners for this sign. A summary of the documents and dates they were provided to the owners (including the appraisal, payment breakdown, and notice of right to appeal) were provided by the Attorney's office. Attorney Letteney provided additional clarification by adding that state law relating to payments has nothing to do with zoning requirements.

Staff emphasized the Commission's role is to determine whether the request to deviate from the standards of the Ordinance is justified. Information was presented that the request is able to meet the current height requirements, and is not exempt from the regulation governing movement of non-conforming structures. While of interest to the applicant and owners, financial gain or loss is not a consideration for the exception. No zoning basis for the exception has been presented. Staff recommends the request to move the sign be denied.

The applicant advised he has possession of the sign, and shared his interpretation of the legal notices presented by the Attorney's office. Extensive discussion on the legal documents, reimbursements, zoning standards, and relocation requirements ensued.

A motion was made by Commissioner Brodek, seconded by Commissioner

Durkin, that the request to relocate the non-conforming sign be recommended for denial. The motion PASSED by a Voice Vote.

4:30 P.M. PUBLIC HEARING**4:30 P.M. PUBLIC HEARING**[0747-16](#)

Subject: (Direct Referral) An application from Planet Fitness, represented by Chris Fish, seeking approval of a conditional use amendment to allow deviations from the Regency Mall Sign Criteria for exterior signage at Planet Fitness, 5538 Durand Avenue. (PC-16)

Attachments: [PH Notice - 5538 Durand Ave](#)

Mayor Dickert opened the Public Hearing at 5:32 p.m.

- 1. John Kelley McGee, 2707 Anthony Lane (left meeting before public hearing).*
- 2. Chris Fish, applicant, 2110 Birch Drive, Plover WI. Discussed two requirements of the Regency Mall sign criteria the proposal doesn't meet, including the two-lines of text as one sign and that the mall doesn't allow signage for tenants without their own entrance. He advised they presented trademark information indicating the logo and two-tiered sign is their registered mark. Regarding the entryway, they have an egress door but it is not an entrance. The door will not be used but they installed it to be allowed signage above the exterior remodeled frontage. Stated all other criteria are met.*

Public Hearing Closed: 5:37 p.m.

Ms. Johanneck presented a review of the project and surrounding area. The remodel for the project was approved earlier in the year, however signage was not part of that review. Staff identified 3 criteria thin the Regency Mall sign criteria for which the applicants are requesting exceptions. These include only the trade name is permitted, one sign per elevation is allowed, and only tenants having exterior entries are allowed exterior signage.

Trademark information presented indicated the logo and stacked-text is registered. Similar situations with JoAnn Fabrics and Crafts and Ross Dress for Less have also been identified where the trademark is longer than the name and include logos. This was not an issue when the sign criteria were created yet has become a common request. Mall representatives have advised they will be working on including more detail in the revised sign criteria. An additional item discovered with Planet Fitness is their trademark states the lettering shall be purple, not yellow as proposed. While Staff supports use of the trademark information as justification for meeting this criteria, all requirements of the trademark documents should be met, including the registered color of the lettering.

Concerning the single text line requirement, Staff analyzed the sign size in conjunction with the available sign band area. At 31-feet, a single-line of text and logo would have to be reduced below a visible size, and would look unusual. A dual-line presents a better visual appearance.

The exterior entry requirement was not addressed by the applicant in adding an egress door to the building façade. The proposal, which was approved with the Conditional Use permit, was that access to the facility would be via the main Mall entrance directly to west. They propose an interior gate which blocks access to the main mall, while still allowing access into their facility. Further, CBL has an agreement with Burlington Coat Factory that there be no additional ingress/egress

points on the south building façade. This was unknown to Staff during the conditional review process, and leaves Planet Fitness in a situation where without using the mall entry, they would not be allowed signage. At this point, it is logical to allow to be considered their exterior entry and allow signage on their façade. Future request by CBL or any applicant at the mall must address such issues up-front, as Staff will not recommend approval for future request due to lack of information provided by the property owner.

Other staff concerns include sign height and the backer panel. Proposed at 6.5-feet, the proposed signage is taller than all recent signs approved. An analysis of sign heights was presented to the Commission. With consideration to the sign band, this sign should be reduced to no greater than 4.5-feet in height. Related to the backer panel, there is no established precedent at the Mall for these panels, the signage can be installed without it just as all other signs have, and the panel adds bulk to the sign. Staff recommends it not be allowed.

A summary of outstanding items from the conditional use approval was provided, and Staff requests all items be addressed prior to issuance of any sign permits or a final occupancy permit. Additionally, a bike rack that was installed in the walkway must be removed.

Discussion ensued. Mayor Dickert asked why CBL is not providing an exterior entrance. He expressed his concerns with the entry on the side, safety issues, signage, and concerns with CBL's handling of their property. Mayor Dickert requested the applicant have the mall representative contact him to discuss this further.

Related to the Staff recommendations, the applicants do not agree with Staff's requirements. They would like to use yellow versus purple, keep the backer panel, and keep the letters at 6.5' in height. Mayor Dickert explained standards are trying to be established, and sometimes requests are not in line with that intent.

Mayor Dickert suggested the item be deferred to allow time to work on some of the outstanding items.

A motion was made by Commissioner Durkin, seconded by Commissioner Brodek, to defer. The motion PASSED by a Voice Vote.

Administrative Business

Discussion on proposed revisions to the Regency Mall Sign Criteria

Discussion Only - Staff comparison and comment provided on the current standards and proposed modifications for the Regency Mall Planned Development Sign Criteria.

Adjournment

Mayor Dickert adjourned the meeting at 6:33 p.m.