



# 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*

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Wednesday, August 10, 2016

4:15 PM

City Hall, Room 205

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#### Call To Order

*Alderman Dennis Wiser called the meeting to order at 4:21 p.m.*

**PRESENT:** 5 - Dennis Wiser, Tom Durkin, Tony Veranth, Ann Brodek and Mario Martinez

**EXCUSED:** 1 - John Dickert

#### Approval of Minutes for the July 27, 2016 Meeting

A motion was made by Commissioner Brodek, seconded by Commissioner Veranth, to approve the minutes of the July 27, 2016 meeting. The motion PASSED by a Voice Vote.

#### [0642-16](#)

**Subject:** Communication from Christina Waldow requesting an amendment to Chapter 114 of the Racine Code of Ordinances to allow tattoo parlors in the B1 Neighborhood Convenience District. (Ord. 04-16)

**Recommendation of the City Plan Commission on 8-10-16:** That an ordinance be prepared and a public hearing before the Common Council be scheduled to amend 114-448(16) to add the term "Tattoo establishments as accessory to principal use" to the section.

**Fiscal Note:** N/A

**Attachments:** [Tattoo Parlor B1 Request](#)

*Assistant City Development Director and Principal Planner Matt Sadowski presented an overview of the B-1 Neighborhood Convenience district. He explained that, unlike in the B-2 district language, tattoo parlors are not specifically listed as a permitted, conditional or accessory uses in the B-1 district. A recent Staff interpretation of the ordinance use-type "artisan studio" resulted in approval of a conditional use for a tattoo parlor for a B-1 zoned property. Requests for tattoo shops in the B-1 district, including Ms. Waldow's for a tattoo facility as an accessory use to a coffee shop at 2501 Douglas Avenue, has necessitated a review of the operational components of these facilities to establish appropriate recommendation on their allowance within the B-1 district.*

Along Douglas Avenue, the City has undertaken the actions to create an improved zoning buffer between the residential areas nearer the east side from the higher intensity zone districts along the west side by down-zoning B-2 properties to B-1 when possible. This effort, coupled with the recommended zoning presented in the City's 2035 Land Use Plan, support retention of a B-1 zoning designation for this parcel. Staff analysis of tattoo establishments and their operational impacts on traffic, parking, etc. was discussed. As part of said analysis, a follow-up on the Taylor Avenue operation was performed and reveals no evidence of negative impacts to the area.

Staff recommendation is that the zoning ordinance be amended to add "tattoo establishments as accessory to a principal" use in Section 114-448 (16). As such, a public hearing and full staff review will be required as part of the conditional use process.

**A motion was made by Commissioner Durkin, seconded by Commissioner Brodek, to recommend that an ordinance be prepared and a public hearing before the Common Council be scheduled to amend 114-448(16) to add the term "tattoo establishments as accessory to a principal use" to the section. The motion PASSED by a Voice Vote.**

**4:30 P.M. PUBLIC HEARINGS****4:30 P.M. PUBLIC HEARINGS**[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](#)

Associate Planner Jill Johanneck informed the Commission the DOT road construction project underway near the intersection of State and High Streets required removal of a freestanding sign at 1975 State Street, a BP gas station. The sign was located in the portion of the lot acquired for the reconfigured right-of-way. In 2014, the owner signed legal agreements with the City as related to the road project and as part of the purchase agreement the owner agreed to and received compensation for both the sign structure and cost of removal. The applicant is requesting this amendment to allow re-installation of the sign, which is non-conforming in height, to another location within the property.

The property is zoned B-2 Community Shopping District which allows a maximum sign height of 15-feet. At 20.6-feet, the sign exceeds height by 5.5-feet. Further, Section 114-211 of the ordinance states "no building or structure shall be moved in whole or in part to any other location on the same or any other lot unless every portion of such building or structure which is moved, and the use thereof, is made to conform to all the regulations of the district in which it is to be located". The ordinance requirements are clear as related to this request and Staff recommends unless the sign is modified to meet height requirements that the request be denied.

The new sign location requested is approximately 55-feet northwest of the prior,

adjacent to the new curb-cut. Subject to verification of the specific location and traffic visibility areas, Staff supports the location proposed.

Public Hearing Opened: 4:42 p.m.

1. Ted Gement, applicant, 4300 13th Street. Mr. Gement indicated they were made to move the sign, and lost driveway cuts and business because of it that the sign cannot be modified, and that a new sign was not included in the agreements with the City. Photos of two other gas station signs he stated were 26' were presented to the Commission, and he stated they cannot compete with a 15-foot sign. He stated they knew the sign had to be moved but not replaced.

Staff addressed Commissioner questions related to rationale behind the sign ordinance changes approved by the Common Council in 2012. Ms. Johanneck stated removal of structures for street improvement projects it is not uncommon and that some businesses lose signs they cannot replace at all. The City Attorney's office informed staff the owners were compensated for the sign structure and its removal. Further documentation on the transaction lies with the City Attorney's office and Staff will consult with them as instructed.

Public Hearing Closed: 4:52 p.m.

Further discussion ensued.

Staff advised the two signs referenced in photos provided by the applicant are not in the direct vicinity of the property and were not presented. The sign directly across the street from this parcel conforms to the 15-foot height allowance, contrary to the applicant's statement to the contrary.

The project "Statement to Engineer" was read into record. Commissioner Durkin stated considering the claims of the applicant it should be verified they received all required documentation. Mr. Sadowski advised this is a zoning matter, and the compensation issue is a legal matter unrelated to the zoning ordinance. Commissioner Martinez shared his opinions and feels the sign should be allowed because the City made them remove it, and because they have been in business a long time. Alderman Wiser advised the Commission to note that their decision could be considered as precedent for future requests, adding the City did not force the sign removal as this is part of a State DOT project. Ms. Johanneck verified the sign required removal due to where it was located, and cannot be placed in the same location as it would be in the street.

**A motion was made by Commissioner Veranth, seconded by Commissioner Martinez, to defer for clarification on the sign ordinance and to gather more information on the legal process and the signage implications as presented to the owner, and for the applicant to consider modifications to the proposed sign. The motion PASSED by a Voice Vote.**

[0668-16](#)

**Subject:** (Direct Referral) A request by Ilene Zinn, represented by Scott Underwood, for reinstatement of a conditional use for an adult daycare at 2051 Mead Street. (PC-16) (Res. No. 0293-16)

**Recommendation of the City Plan Commission on 8-10-16:** That the request be approved subject to conditions.

**Fiscal Note:** N/A

**Attachments:**     [PH Notice - 2051 Mead Street](#)  
[\(0668-16\) CU Reinstate 2051 Mead Street](#)

*Ms. Johanneck informed the Commission this request was before the Commission in 2015, and subsequently approved by the Common Council on March 17, 2015 via Resolution 15-0115. A condition outlined in the resolution required the applicants to provide legal proof of ownership within 30 days of approval. This was not done and the Conditional Use permit was revoked on April 20, 2015. This documentation has now been provided and verified valid by the City Attorney's office and re-instatement of the approval is being requested.*

*A review of the proposal was presented to the Commission. Staff has amended the conditions to reflect satisfaction of the legal ownership issue and recommends approval subject to the conditions as presented.*

*Public Hearing Opened: 5:16 p.m.*

*No Speakers.*

*Public Hearing Closed: 5:16 p.m.*

**A motion was made by Commissioner Brodek, seconded by Commissioner Martinez, to recommend approval subject to conditions. The motion PASSED by a Voice Vote.**

[0669-16](#)

**Subject:** (Direct Referral) An application from Danielle Baerwald seeking to rezone the property at 1325-14th Street from I-2 General Industrial District to B-2 Community Shopping District for the proposed uses of a first floor photography studio and second floor residence. (PC-16) (ZOrd. 004-16)

**Recommendation of the City Plan Commission on 8-10-16:** That an ordinance be prepared and public hearing before the Common Council be scheduled to rezone the property at 1325 - 14th Street from I-2 General Industrial District to B-2 Community Shopping District.

**Fiscal Note:** N/A

**Attachments:**     [PH Notice - 1325 14th Street](#)

*Mr. Sadowski presented an overview of the project area and background information of this and surrounding properties. The adopted Uptown Plan recommends this area for mixed-use commercial development, and this proposal is consistent with the recommendations of the plan, with a first-floor photography studio and upper level residential. An overview of new business and property upgrades in the area was provided.*

*Administrative review of the site and operation plan will be required, as well as access corridor review. Staff will work w/the applicant on the project should the rezoning move forward. An analysis of findings for the rezoning request was outlined for the Commission in the Staff recommendations.*

*Public Hearing Opened: 5:25 p.m.*

- 1. Linea Anthony, 1341 Washington Avenue, spoke in favor of the request.*
- 2. Danielle Baewald, applicant, presented an overview of her intentions for use of the*

*building.*

*Public Hearing Closed: 5:26 p.m.*

**A motion was made by Commissioner Durkin, seconded by Commissioner Veranth, to recommend that an ordinance be created and a public hearing scheduled. The motion PASSED by a Voice Vote.**

### **Administrative Business**

Update on proposed revised signage standards for Regency Mall Planned Development

*The item was postponed pending additional Staff review.*

### **Adjournment**

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