



City of Racine

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

Meeting Minutes - Final

Planning Heritage and Design Commission

Wednesday, August 26, 2020

4:30 PM

Virtually

Call To Order

Mayor Mason called the meeting to order at 4:37 p.m.

PRESENT: 5 - Mason, Jones, Austin, Jung and Peete

EXCUSED: 2 - Martinez and Hefel

Approval of Minutes for the July 22, 2020 Meeting.

A motion was made by Alder Jung, seconded by Commissioner Austin, to approve the minutes of July 22, 2020 meeting. The motion PASSED by a Voice Vote.

Start of Public Hearings

[0557-20](#)

Subject: Request by Jerquasia Tye seeking a conditional use permit to operate a barbershop at 1919 Mead Street. (PHDC-20)

Recommendation of the Planning, Heritage, and Design

Commission on 08-26-2020: That based on the findings of fact, the request by Jerquasia Tye seeking a conditional use permit to operate a barbershop at 1919 Mead Street be approved subject to conditions a. - e.

Fiscal Note: N/A

Attachments: [Public Hearing Notice](#)
[Review and Recommendation](#)
[Applicant Submittal](#)
[#0557-20 Resolution](#)

Prior to taking up the first item, Matt Sadowski, Manager of Planning and Redevelopment, introduced Bill Bowers, the new Director of City Development. Bowers also introduced himself to the Commission. Mayor Mason stated Bowers is currently the City Assessor and has been a part of the City's Development Team for years. Mayor Mason stated Bowers has previous experience in development and construction.

Jeff Hintz, Associate Planner, introduced the request and reviewed the zoning of the subject and adjacent properties, surrounding land uses and businesses, the public hearing notice map that was distributed to neighboring properties, the comprehensive

land use designation for the site, and photos of the site and surrounding area. He explained that the building is residentially zoned, however, has been used as commercial since it was built in the 1930's. He stated there are apartments on the second floor of the building and the barbershop will have four barber chairs in 880 sq. ft. on the first floor. Hintz described the business summary.

Hintz explained the possible actions of the Commission. He stated that due to the pandemic, the Mayor allowed the applicant to begin operation prior to (and contingent on) the public hearing being held. Hintz explained the required findings of fact for approval of conditional use permits and the conditions of approval. He stated staff is recommending approval subject to conditions a. – e.

Mayor Mason opened the public hearing at 4:44 p.m.

No one requested to speak.

Mayor Mason closed the public hearing at 4:45 p.m.

A motion was made Alder Jung, seconded by Commissioner Peete, to recommend approval of the request subject to conditions a. – e. The motion PASSED by a Voice Vote.

[0558-20](#)

Subject: Request by Dariel Taylor, representing Roots Residential AFH, LLC, seeking a conditional use permit to operate a daycare center at 1020 Washington Avenue. (PHDC-20)

Recommendation of the Planning, Heritage, and Design

Commission on 9-23-2020: That the request by Dariel Taylor, representing Roots Residential AFH, LLC, seeking a conditional use permit to operate a daycare center at 1020 Washington Avenue be denied.

Recommendation of the Planning, Heritage, and Design

Commission on 10-28-2020: That the request by Dariel Taylor, representing Roots Residential AFH, LLC, seeking a conditional use permit to operate a daycare center at 1020 Washington Avenue be approved subject to conditions a. - i.

Fiscal Note: N/A

Attachments: [Revised Plans](#)
[Letter in opposition](#)
[Review and Recommendation](#)
[Public Hearing Notice](#)
[Applicant Submittal](#)
[Additional Received Comments](#)
[#0558-20 Resolution](#)

Hintz introduced the request and stated several members of the public requested to

Speak on the item.

Hintz reviewed the zoning of the subject and adjacent properties, surrounding land uses and businesses, the public hearing notice map that was distributed to neighboring properties, the comprehensive land use designation for the site, and photos of the site and surrounding area. He stated that the property is zoned B3 – General Commercial District. He stated the applicant owns a lot on Pearl Street that is being proposed to be used as the play area – which is allowed as an accessory lot. He stated the surrounding area is zoned High Density Residential.

Hintz explained that the property has been formerly used as a funeral home and a skills center. He stated it has been vacant until recently purchased by Roots Residential. Hintz described the applicant's business summary and stated the daycare will care for children 6 weeks to 12 years of age. Hintz showed the site plan including the play area which is shown to be away from the busy area on Washington Avenue. Hintz reviewed the business and development standards and explained that the standards are not based on business competition. Hintz reviewed the requirements for daycare centers per the zoning ordinance and stated that a 20-foot exception to standard a. – The subject location shall not be located closer than 250 feet to a signalized intersection, or at the intersection of major streets – is being requested.

Hintz gave a summary of the comments received from the applicant which included 87 signatures from Roots Residential AFH employees, 67 additional signatures, and a letter from Lynn Deblizen of Higher Expectations – all in support of the project. He stated that comment was also submitted by Suren Siva of Bright Minds LLC which included a letter from the attorney representing his business, a photo showing the proximity of his daycare and the proposed daycare, and 75 signatures identified as neighbors opposed to a childcare center at 1020 Washington Avenue.

Hintz described the possible actions of the Commission and the required findings of fact for approval of conditional use permits. Hintz explained the proposed conditions of approval which included c.4. that a sign indicating right turn only be installed on the southernmost driveway and visible to all exiting vehicles from the site, condition e. that children at the site be limited to employees of Roots Residential AFH, LLC and condition g. That an exception from the requirement of Sec. 114-448 (a) be granted to allow the location of 230 feet from a signalized intersection instead of 250 feet. Hintz explained that the intent of the rule of 250 feet is being met with the 230 feet (20 feet difference) exception.

Hintz stated staff is recommending approval subject to conditions a. – j. and reviewed all of the proposed conditions.

Alder Jones asked if a building were used for a funeral home if it had to be a certain number of years before the building were used again.

Sadowski stated he was not aware, however, the building housed Opportunities Industrialization Center (OIC) previously.

Hintz stated there is no such rule in the zoning ordinance.

Mayor Mason opened the public hearing at 5:01 p.m.

Jerrod and Dariel Taylor, the applicants, spoke regarding the request. They stated, for

the most part, they are agreeable with the proposed conditions, however, they do not want to limit the daycare to just staff. They stated would like to offer to the community. They expressed concern regarding conditions e. and f.

Alder Jung asked about the rationale for conditions e. and f.

Hintz stated condition f. refers to the hours of operation which are listed in the condition as being 24 hours daily. Condition e. regarding limiting the children to children of employees was put into place to mitigate concerns heard by members of the public.

Commissioner Austin asked for clarification regarding the children being cared for at the daycare would be children of the workers of the daycare.

Hintz stated that it would mean children of the employees of the company. He stated that Roots Residential has other businesses.

Commissioner Austin asked if the size of the building dictated the number of children. He stated that the condition appeared to be limiting business and profitability.

Hintz stated the condition was based on concerns heard and was an attempt to limit trips to the site. He stated building and health codes dictate the number of children/people that can be at the site.

In response to Commissioner Austin, Jerrod Taylor stated 120 children can be located at the site without the restriction and that it would not be feasible for the business to only offer to staff. He stated that he saw the 24 hours as being a mandate.

Hintz explained that the 24 hours of operation is not mandated.

Jerrod Taylor explained they employ a total of 150 staff members and stated that the same number of traffic would come to the site. They agree with the right turn only and all codes. Stated they are building out the building with COVID in mind and requested that item e. be stricken.

Commissioner Austin asked if 120 children created too much traffic.

Hintz stated according to the traffic engineer, Washington Avenue can handle that much traffic.

Commissioner Austin asked if it were due to the neighbors' concern.

Hintz stated yes.

Commissioner Austin stated from what he has heard, he is inclined to strike condition e.

Suren Siva, 1015 Washington Avenue, spoke regarding the request. He stated he owns the daycare right across the street from the proposed. He stated he owns four 15-passenger vans and that there is an impact to the traffic especially during peak times. He stated there is reckless driving on Washington Avenue on a daily basis and that the area is a bad neighborhood. He stated there was a shooting on Pearl Street and a fatal accident and does not feel the proposed is a good idea. He stated there are

several daycares in the area on 16th Street, and across from City Hall; there are four daycares within a mile. He stated regarding the Municipal Code and daycare centers, 1020 Washington is in violation of two conditions of the ordinance; 250 feet from an intersection and 1000 feet from the main entrance of another daycare. He stated he has been at the building he is currently in and in business for more than 10 years and urged the commission to approve the condition with employee children only. He stated he hopes the commission will make the right decision.

Alder Jung stated the commission does not have a role to dictate the market and asked why staff is in favor with the exceptions.

Hintz explained that it was based on traffic demand – the access drive would only be accessed by staff. He stated regarding the exception of the intersection, if it were 150 feet or closer than the 230 feet, the recommendation would have been different. He stated staff felt the intent of the code is being met with the 230 feet exception.

Atty. Robert Levine, 630 N. Broadway, Milwaukee, WI, spoke regarding the request. He stated he represented the daycare at 1015 Washington Avenue and the LLC. He stated the ordinances were passed for a reason and his client's daycare is almost across the street. He expressed concerns with traffic and safety issues and the proposed daycare interfering with his client's daycare if 150 children were allowed across the street, in close proximity. He urged the commission to deny the request and comply with the ordinance.

Mayor Mason asked Atty. Levine if his concern were related to zoning related or intervening in the market.

Atty. Levine stated yes and that the ordinance was passed for a reason and that his client will be put out of business if the request is approved. He discussed going to the courts and asking judge to issue a restraining order. He stated he does not want his client's business to be put out of business and asked why pass ordinances if you don't follow them.

Commissioner Austin and Alder Jung asked regarding exceptions. It was stated that the argument does not seem to be about the exceptions rather about competition.

Atty. Levine spoke regarding enforcing regulations and ordinances. He stated the proposed daycare is within 1000 of his client's facility and within 250 feet of an intersection, if a waiver is passed restrict how the facility is used.

Sadowski added clarification regarding the ordinance and law. He explained that what is integral to the ordinance and law is the appeals process. He stated no laws are being broken and the ordinance allows exceptions to be requested and for the PHDC to consider exceptions.

Mayor Mason stated it is not the commission's role to regulate competition in the market, however, expressed concerns about the two ordinances that have been raised.

Indonesia Jones, 2049 Douglas Avenue, spoke regarding the request. She expressed concern about the traffic and that the store on the corner was vandalized. She stated it is not a perfect place for a child as far as a daycare.

Tameika Harris, 2102 Lawn Street, spoke regarding the request. She expressed

concern about safety and stated it is already a bad neighborhood as it is. She asked about the steps going forward.

Mayor Mason stated that while he cannot say for certain that it will, if the project moves forward then it would go to the Common Council on Tuesday. He stated once the public hearing is over, the Commission debates the item.

Richard Spurlin, 2021 Phillips Avenue, spoke regarding the request. He expressed concern with Washington Avenue being too busy with traffic and congested and accidents. He stated there is nowhere to drop off kids with the current daycare. He expressed concern with there being a couple of shootings in the area and disagrees with opening another daycare where children can get hurt.

Pelon Cortirez, did not want to speak.

Samadhi Hamilton, 512 14th Street, spoke regarding the request. She stated she does not think it is a good idea and expressed concern with the traffic not being the best and very busy from vans from current daycare, and cars. She stated there is quite a bit of violence and fights and shooting on Pearl Street.

Monte Mgunum, no answer.

Perla Cruz, 1018 Hilker Place, spoke regarding the request. She stated she lives next door to the current daycare and her son works 3rd shift and when he leaves in the morning it is already loud with kids. To have another daycare across the street will be crazy. She stated she is afraid for kids out on the playground and expressed concern about the traffic and kids. Stated she looks on both sides thinking kids will come out.

Sri Shan, no answer.

Mayor Mason closed the public hearing at 5:54 p.m.

Mayor Mason asked City Attorney Letteney regarding "shall" and "should" in the ordinance.

Atty. Letteney explained that a "shall" is mandatory and ordinance must be followed; "should" has some discretion, however, Council strongly recommended.

Mayor Mason expressed pause about language in the ordinance and suggested deferral.

Alder Jung stated the ordinance specifically states the number of feet from an intersection and asked about any leniency with that exception.

Atty. Letteney stated that "shall" is not intended to permit discretion.

Commissioner Peete asked about the 1000 feet from the main door.

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Commissioner Peete asked about the 1000 feet from the main door.

Mayor Mason asked about the distance from the daycares.

Hintz stated that it was less than 1000 feet.

In response to Alder Jung, Mayor Mason stated a recommendation to defer would allow

staff to see if there is authority to waive the "shall" language and for other advice.

Discussion after the motion:

Sadowski stated that the commission is beyond the period of comment to the Common Council and that the applicant would have to consent to deferral.

In response to Mayor Mason, Hintz stated that if denied it would have to wait a year unless something significantly changed with the property.

Brief discussion ensued regarding exceptions.

Sadowski stated the questions being asked showed a need for deferral.

Alder Jones asked if the applicant did not agree to deferral if the council could send it back to commission so that the questions could be answered.

Mayor Mason stated yes, however, that would delay the process.

Alder Jung asked when the next meeting would be.

Hintz stated September 23rd.

Brief discussion about the deferral timeline and the ability to collect additional information ensued.

The applicants consented to a deferral of the request.

A motion was made by Alder Jung, seconded by Commissioner Peete, to defer the request until the next meeting. The motion PASSED by a Voice Vote.

End of Public Hearings

[0559-20](#)

Subject: Request by Halle Properties LLC seeking an extension of an approval of a conditional use permit to establish a Discount Tire Store (classified as a garage for repair and services of motor vehicles) at 5019 Washington Avenue. (PHDC-20)

Recommendation of the Planning, Heritage, and Design

Commission on 08-26-2020: That the request by Halle Properties LLC seeking an extension of an approval of a conditional use permit to establish a Discount Tire Store (classified as a garage for repair and services of motor vehicles) at 5019 Washington Avenue be approved, subject to conditions a. - c.

Fiscal Note: N/A

Attachments: [Applicant Submittal](#)
[Recommendation](#)
[#0559-20 Resolution](#)

Hintz introduced the request and stated that the item was originally approved in October 2019. He stated an extension is being requested due to the impact of COVID-19. Hintz explained the possible actions of the commission and stated that staff is recommending approval of the request subject to conditions a. – c. He stated that the applicant asked for 18 months, however, extensions are not granted for that long; a 12-month extension with the ability to extend for an additional 6 months is being recommended. Hintz reviewed the conditions of approval.

A motion was made by Alder Jones, seconded by Alder Jung, to recommend approval of the request subject to conditions a. – c. The motion PASSED by a Voice Vote.

Adjournment

There being no further business, the meeting adjourned at 6:16 p.m.