



# City of Racine

City Hall  
730 Washington Ave.  
Racine, WI 53403  
[www.cityofracine.org](http://www.cityofracine.org)

## Meeting Minutes - Final City Plan Commission

*Mayor John T. Dickert, Alderman Aron Wisneski  
Atty. Jud Wyant, Atty. Elaine Sutton Ekes  
Vincent Esqueda, Alderman Eric Marcus, Tony Veranth*

---

Wednesday, December 14, 2011

4:15 PM

City Hall, Room 205

---

### Call To Order

*Mayor Dickert called the meeting to order at 4:20 p.m.*

**PRESENT:** 7 - Elaine Sutton Ekes, Vincent Esqueda, Jud Wyant, Eric Marcus, Tony Veranth, Aron Wisneski and John Dickert

Others Present: Matthew Sadowski, Principal Planner  
Jill Johanneck, Associate Planner  
Brian O'Connell, Director of City Development  
Ken Plaski, Interim Chief Building Inspector

### Approval of Minutes for the November 30, 2011 Meeting

**A motion was made by Commissioner Esqueda, seconded by Mayor Dickert, to approve the minutes of the November 30, 2011 meeting. The motion PASSED by a Voice Vote.**

#### 11-7148

**Subject:** (Direct Referral) Consideration of a request from Kurt Jorgensen of Jorgensen General Contracting seeking an amendment to a conditional use permit for a contractor storage facility at 1530 Romaine Ave. (the rear portion of the lot also addressed as 2504 Douglas Avenue). (PC-11) (Res. 11-2892)

**Recommendation of the City Plan Commission on 12-14-11:** That the item be approved subject to conditions.

**Fiscal Note:** N/A

**Attachments:** [PH Notice - 1530 Romaine Avenue \(11-7148\) CU 1530 Romaine Ave](#)

*Associate Planner Johanneck noted this was on the previous agenda and outlined briefly the background of the request, and stated it was back before the Plan Commission due to drainage concerns raised by neighboring properties at the previous meeting.*

*Ms. Johanneck advised she inquired with the Building and Engineering departments and indicated there were no building permits or drainage plans on file, but there was a record this structure was built in 1986. Topographic information was reviewed. A summary was provided of discussions Ms. Johanneck had with the two individuals who are experiencing the drainage problems, when they noticed the problems, who*

*they have spoken to within the City, and discussion of the grading.*

*Ms. Johanneck stated that any drainage problems created at the site are the responsibility of the property owner, not the building tenant, and in the recommendation for approval has requested a professional survey to determine what grading actually exists so we can move forward in rectifying the problem*

*Alderman Wisneski requested clarification on which way the water is flowing. Ms. Johanneck advised north, toward the residential. Questions regarding nearest location of storm water and sewer intakes were discussed. It was clarified where the water problems are occurring, which is the north side of the pole barn.*

*Alderman Marcus inquired of possible ways to not have the survey but require the property owner's just install a berm and a fence to assist with the drainage problem and people crossing the property to access the trail in the recommendations. Ms. Johanneck expressed concern with that as, not being an engineer, there may not be adequate space to put a berm in the area north of the pole building as it is very narrow, and would like opinions or suggestions from Engineering or Public Works on the best way to handle this as it is their area of expertise.*

*Alderman Marcus moved to approve the item subject to Staff recommendations, with the exception that item K. be removed, yet City Development is to continue working with Public Works on their opinion of the drainage situation. Motion seconded by Alderman Wisneski.*

*Discussion.*

*Mayor Dickert inquired what tools remain that can be utilized to ensure this issue is addressed. Ms. Johanneck advised there is language in the conditions regarding financial assurances, there are also many other issues that need to be rectified on this lot which could be tied into this, or there is the possibility of occupancy being jeopardized if the problem is not addressed by the owners. Director of City Development O'Connell added that we can report back to the Commission on the status of the issue and feels more comfortable reporting back after working with DPW to get their opinion. Mayor Dickert reiterated that he does not want to see this issue go unaddressed.*

*Commissioner Veranth noted a correction in the recommendations to the year. Staff will update.*

*Following discussion, a vote was taken on the motion.*

**A motion was made by Alderman Marcus, seconded by Alderman Wisneski, to recommend approval of the item subject to Staff recommendations with the removal of condition K. and that Staff will work with appropriate City departments to address the drainage issue.**

**11-7168**

**Subject:** Communication from the Director of City Development requesting to amend the zoning ordinance regarding the process for design and development review in the Access Corridor Overlay District. (Res. 11-2893)

**Recommendation of the City Plan Commission on 12-14-11:** That an ordinance be prepared and a public hearing scheduled.

**Fiscal Note:** N/A**Attachments:** [Access Corridor Request](#)

*Director O'Connell requested the process for items requiring Access Corridor review now become an administrative process versus going to the Access Corridor Committee. This change would streamline the process for Staff and applicants, and better allocate limited Staff resources. The Access Corridor Committee would be dissolved and, should there be any appeals to the Staff determination, applicants can appeal to the City Plan Commission.*

*Motion to approve was made by Commissioner Wyant and seconded by Commission Esqueda.*

*Discussion.*

*Alderman Marcus proposed an amendment to eliminate the 14 days for City Development review and an additional 21 days for the Building Department and make the combined timeframe for both reviews 21 days. Director O'Connell advised he is also researching the 30-day appeal requirement for further clarification.*

**A motion was made by Commissioner Wyant, seconded by Commissioner Esqueda, to recommend that an ordinance be prepared and a public hearing scheduled with the amendment by Alderman Marcus. The motion PASSED by a Voice Vote.**

[11-7149](#)

**Subject:** (Direct Referral) Consideration of a request from Ruban and Deliya Jackson seeking a conditional use permit for a church and activities facility at 2033 Lathrop Avenue. (PC-11)

**Recommendation of the City Plan Commission on 12-14-11:** That the item be denied.

**Fiscal Note:** N/A**Attachments:** [PH Notice - 2033 Lathrop Ave](#)

*Principal Planner Sadowski overviewed the request as presented at the last Plan Commission meeting. In addition, Commissioners were provided with a copy of the applicant's detailed operational plan for the use. Mr. Sadowski then went through the daily schedule and uses as provided by the applicants.*

*Alderman Wisneski made a motion to deny the conditional use request, seconded by Alderman Marcus.*

*Discussion.*

*Alderman Wisneski noted their business plan is very detailed, however the use is non-commercial where commercial-type uses should locate as dictated by the zoning ordinance.*

*Alderman Marcus agreed with Alderman Wisneski's interpretation of the code. Existing plans on file for retail and commercial development in this location do not coincide with what is being requested for this site.*

*Commissioner Wyant asked if this use would be allowed without the religious component. Mr. Sadowski advised it would require a conditional use permit, as would other types of offices providing services. Commissioner Wyant cited the federal law regarding location of religious uses and touched on standards of discrimination. Mr. Sadowski advised Staff has received a legal opinion from the City Attorney, who advised a use which is non-commercial could be denied for a commercially zoned area, even when considering RULIPA and citing State case law as it relates to differences between commercial and non-commercial uses. The case law and codes also cite loss of tax revenue as a valid component in rendering a decision to deny a non-commercial use in a commercial area. Further, City code requires a retail component be part of the operation, and the applicants have stated they have no plan for a retail component for their facility at this time.*

*Alderman Wisneski referenced a recent legal opinion cited by the Wisconsin League of Municipalities concerning this same issue, and that the municipality had the right to deny the request based on criteria established in case law, codes, and ordinances.*

*Following discussion and upon voice vote, the decision was unanimous to deny the request.*

**A motion was made by Alderman Wisneski, seconded by Alderman Marcus, to recommend denial of the request. The motion PASSED by a Voice Vote.**

### **Administrative Business**

Meeting schedule for the balance of the year.

*Principal Planner Sadowski advised there is a Plan Commission meeting scheduled for December 28, 2011. Mayor Dickert advised most people will not be available so there would be no quorum. Mr. Sadowski then stated the Common Council has cancelled their January 3, 2011 meeting, so any business from a December 28, 2011 meeting wouldn't be heard until January 17, 2012. It was agreed there will be no meeting held on December 28, 2011.*

### **Adjournment**

*Commissioner Wyant moved to adjourn at 5:15 p.m. Seconded by Commissioner Esqueda. Meeting adjourned at 5:15 p.m.*