

City of Racine

Room 103, City Hall



Meeting Minutes

Wednesday, March 29, 2006

4:00 PM

Room 103, City Hall

City Plan Commission

*Mayor Gary Becker, Alderman John M. Engel,
John Dickert, Elaine Sutton Ekes,
Vincent Esqueda, Joseph Muratore, Jr.,
Jud Wyant*

Mayor Becker Called the meeting to order at 4:03 p.m.

PRESENT: 7 - Gary Becker, John M. Engel, John Dickert, Elaine Sutton Ekes, Vincent Esqueda, Joseph Muratore Jr. and Jud Wyant

*OTHERS PRESENT: Brian O'Connell, Director of City Development
Rick Heller, Chief Building Inspector
Alderman James Spangenberg
Blanche Phipps, Secretary of City Development
Matthew Sadowski, Principal Planner*

Approval of Minutes for the March 8, 2006 Meeting

A motion was made by Alderman Engel, seconded by Commissioner Esqueda to approve the minutes as distributed.

[ZOrd.0001-06](#) AN ORDINANCE TO AMEND THE MAP OF THE ZONING ORDINANCE RELATING TO THE PROPERTY AT 2333 AND 2405 NORTHWESTERN AVENUE

To amend the map of the Zoning Ordinance of the City of Racine, Wisconsin.

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

Part 1:

That the property located at 2333 and 2405 Northwestern Avenue, and more particularly described as follows:

"Begin at a point 243.91 feet northwesterly of the intersection of the north line of Westwood Drive and Northwestern Avenue; thence travel southwesterly 455 feet; thence travel northwesterly 228.7 feet; thence travel northwesterly 350 feet; thence travel easterly 50 feet; thence travel northeasterly 240 feet to the west line of Northwestern Avenue; travel thence southwesterly along said line to the point of beginning of this description. Said land being in the City of Racine, Racine County, Wisconsin."
PIN 276-000021201000,

be rezoned from "O/I" Office/Institutional District, to "O/I - FD O/I" Office/Institutional - Flex Development Overlay District, and designated as Supplement No. _____, which Supplement is hereby made a part of this ordinance.

Part 2:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council

Approved

Mayor

Attest:

City Clerk

FISCAL NOTE: N/A

3-29-06 CPC

Recommendation: That this ordinance be adopted.

Mayor Becker introduced the file.

Director O'Connell reviewed past actions on this matter.

Scheduled for Public Hearing at Common Council, and that the ordinance be adopted. Motion approved.

06-1609

Subject: Direct Referral. Consideration of an use supplement for a Flex Development Overlay District at 2333 & 2405 Northwestern Avenue.

Recommendation: That a use supplement be adopted by a resolution of the Common Council in association with a Flex Development Overlay District at 2333 & 2405 Northwestern Avenue, subject to the following conditions:

- a. That all uses listed in the underlying O/I Office Institutional District are permissible by right or by conditional use permit as specified in that district.
- b. That the following flex uses are permitted by right in addition to those permitted in the O/I Office Institutional District: computer and other small equipment recycling or disassembly; warehousing, light manufacturing and assembly (no smoke stack, heavy stamping, chemical or refining industries); commercial recreational facilities; day care, pre-schools, K-12 schools as a permitted use by right; large and small batch printing and publishing; museums, production studios, art galleries and theatres for the performing arts (excluding adult entertainment); health and fitness centers; limited retail (excluding adult orientated materials).
- c. That all flex uses shall not result in more that one semi-truck servicing the site a 24-hour period, nor the parking or storage of such vehicles or

other delivery or service vehicles on the site for more than 2 hours.

- d. That all aspects of the flex uses (excluding parking, deliveries, and other similar ancillary activities) shall be contained indoors and shall not be detectable beyond the boundary lines of the properties.
- e. That all trash and recyclables be stored in closed containers and screened from view.
- f. That no flex use operate or be serviced between the hours of 9:00 p.m. and 7:00 a.m.
- g. That the Chief Building Inspector or Director of City Development may impose additional conditions on a single or a group of flex use to mitigate potential negative impacts on the subject or surrounding properties.
- h. That upon consultation between the Chief Building Inspector and Director of City Development, additional uses not listed in this resolution may be permitted if found to comply with the spirit and intent of this flex development and the FD - Flex Development Overlay District.
- i. That all applicable codes and ordinances be complied with and required permits acquired.
- j. That no minor changes be made from the conditions of this flex development without the approval of the Plan Commission, and no major changes be made without the approval of the Common Council.
- k. That this flex development is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Mayor Becker introduced the file.

Director O'Connell explained the history of this proposal, indicating that the file should be deferred until the ordinance is adopted.

A motion was made by Commissioner Muratore, Jr., seconded by Commissioner Dickert that this file be deferred. Motion approved.

[Ord.07-06](#)

ORDINANCE NO. 7-06 TO AMEND SEC. 114-637 RELATING TO ZONING

To amend Sec. 114-637 of the Municipal Code of the City of Racine, Wisconsin relating to Zoning - Mapped districts.

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

Part 1:

Sec. 114-637 of the Municipal Code of the City of Racine is hereby amended by inserting the following after the description of the “*West Racine Corridor District*”:

“*Uptown Corridor District*. The district includes those lands within the boundaries described as follows:

Beginning at a point being the intersection of the centerlines of Pearl Street and Tenth Street and continuing east along said centerline to a point of intersection with the centerline of Hilker Place. Then south along said centerline to the centerline of Eleventh Street. Then west along said centerline to the centerline of Racine Street. Then south along said centerline to the centerline of Thirteenth Street. Then west along said centerline to the east line of the Union Pacific (a.k.a. Chicago and Northwestern) railroad right-of-way. Then southwest along said right-of-way line to the south right-of-way line of Fifteenth Street. Then west along said right-of-way line extended to the centerline of Phillips Avenue. Then north along said centerline to the centerline of Washington Avenue. Then southwest along said line to the centerline of Valley Drive. Then northwest along said centerline to the extended centerline of Maiden Lane. Then east along said extended centerline to the centerline of South Memorial Drive. The north along said centerline to the centerline of Maiden Lane. Then northeast along said centerline to the centerline of Thirteenth Street. Then west along said centerline for approximately 85 feet to a point on the centerline of Thirteenth Street. Then from said point proceed north approximately 280 feet to a point. Then from said point proceed east approximately 195 feet to a point. Then from said point proceed north to the centerline of Twelfth Street. Then east long said centerline to the east line of the Union Pacific (a.k.a. Chicago and Northwestern) railroad right-of-way. Then northwest along said right-of-way line to the centerline of Eleventh Street. The east along said centerline to the centerline of Pearl Street. Then north along said center line to the point of beginning.”

Part 2:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

FISCAL NOTE: N/A

03-29-06 CPC

Recommendation: To adopt the Ordinance

A motion was made by Alderman Engel, seconded by Commissioner Esqueda that this file be Scheduled for Public Hearing at Common Council, and that the ordinance be adopted. Motion approved.

06-1521

Subject: Direct Referral. Consideration of a request by Ignacio Castaneda seeking a conditional use permit to operate an auto repair facility at 1440 West Street.

Mayor Becker introduced the file and explained that the matter had been referred back to the Plan Commission following the observation of numerous violations to the proposed Conditions of Approval.

Director O'Connell reviewed the past actions on this proposal by the Commission.

Chief Building Inspector Heller distributed photos and stated that since this file had been referred back to the Plan Commission, Mr. Castaneda has made progress towards compliance with existing ordinances, and that he would recommend that this matter be deferred until the clean-up of the property is complete.

Ignacio Castaneda explained that the problems observed in the past were caused by former employees. He stated that a deferral would be acceptable.

A motion was made by Alderman Engel, seconded by Commissioner Dickert that this file be deferred. Motion approved.

Res.06-6925

CONDITIONAL USE PERMIT FOR 1440 WEST STREET

RESOLVED, that a request by Ignacio Castaneda seeking a conditional use permit to operate an auto repair facility at 1440 West Street be approved, subject to the following conditions:

- a. That the plans stamped "Received January 20, 2006" and presented to the Plan Commission on February 22, 2006 are approved, subject to the conditions contained herein.
- b. That this conditional use permit shall be reviewed by the Plan Commission six months from the date of its approval to determine the level of compliance with the conditions of approval, and the appropriate Plan Commission response to

the conduct of the operation.

c. That by June 1, 2006 the following maintenance, repairs, clean up, and improvements shall be accomplished:

1. Repair, straighten or replace damaged fence sections.
2. Replace missing privacy slats in gates, and install privacy slats in the northern fence. All privacy slats are to be a uniform color.
3. Trim fence posts to a uniform height extending no greater than one foot above the fence panels.
4. Repair or replace damaged soffit panels and wainscoting on West Street façade of building.
5. Paint the building and fencing in a uniform color scheme in colors which have first been submitted to the Director of City Development for a determination of their appropriateness.
6. Pave damaged or unpaved portions of the parking lot.
7. Remove all unlicensed or inoperable vehicles from outside storage on the property unless they are awaiting repair.
8. Remove all junked vehicles, vehicle parts, equipment, and materials from outside storage.
9. Remove all assorted debris and junk from the property.
10. Install clear/transparent windows in all window openings facing West Street.

d. That there shall be no vehicle sales or salvage at this location.

e. That all vehicles awaiting repairs, and tow trucks on the subject property shall be stored within the fenced area. Vehicles awaiting repairs, or those vehicles which have been repaired shall not be stored on the property for more than 30 days.

f. That all vehicle repair shall be conducted indoors.

g. That there shall be no vehicle preparation or painting conducted outdoors, and any preparation or painting of vehicles indoors shall be conducted in compliance with all appropriate codes and ordinances and that all required permits acquired.

h. That off-street parking areas shall be provided for all customer and employee vehicles.

i. That there shall be no outside storage of junked vehicles, vehicles parts and accessories, and equipment.

j. That all trash and recyclables shall be stored in closed containers and screened from view.

k. That the maximum hours of operation shall be from 8:00 a.m. to 8:00 p.m. Monday through Saturday with no hours on Sunday.

- l. That all signs be submitted to the Director of City Development for review and approval.
- m. That no pennants, banners, streamers, temporary signs be displayed at this location.
- n. That all applicable codes and ordinances be complied with and required permits acquired.
- o. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- p. That this permit is subject to Plan Commission review for compliance with the listed conditions.

FISCAL NOTE: N/A

Mayor Becker introduced the file.

Director O'Connell explained that this file is tied to the previous agenda item, and that the appropriate action at this time would be to defer.

A motion was made by Alderman Engel, seconded by Commissioner Dickert, that this file be deferred. Motion approved.

06-1616

Subject: Direct Referral. Appeal of a decision of the Access Corridor Development Review Committee relating to a proposed sign package for USA Payday Loans at 3326 Washington Avenue.

Recommendation: That the Appeal of a decision of the Access Corridor Development Review Committee relating to a proposed sign package for USA Payday Loans at 3326 Washington Avenue be denied, and the file be referred back to Access Corridor Development Review Committee.

Fiscal Note: N/A

Mayor Becker introduced the file.

Director O'Connell explained that this appeal comes before the Plan Commission as result of a decision of the Access Corridor Development Review Committee to which the applicant is opposed. He stated that the issue regards the inclusion of a pole sign where the design standard for the West Racine area prohibit such signs.

Director O'Connell circulated the plans presented to the Access Corridor Development Review Committee, and the currently proposed plan indicating that the overall square footage of the sign does comply with ordinance limitation; however, the plans do illustrate an excess number of window signs, and a pole sign. Director O'Connell stated that in working with the applicant, the staff has found the revised to be an acceptable compromise, and it is now presented as an appeal to the decision of the Accessor

Corridor Development Review Committee's.

In response to Commissioner Muratore, Director O'Connell stated that the total sign package is in question; however, the Commission would have the authority to separate window, building and wall signage for approval with the pole sign being denied.

A motion was made by commissioner Muratore, Jr., seconded by Alderman Engel that only the building signage at this location be recommended for approval.

In response to Commissioner Dickert, Director O'Connell stated that the West Racine Plan does permit neon signs as in this case, such signage would be historically appropriate.

Commissioner Ekes asked if a monument sign was considered for the property.

In response to Commissioner Ekes, Director O'Connell stated that a recommendation of the Access Corridor Committee was to install a single-sided monument sign on the east side of the property. Director O'Connell clarified that the Committee was opposed to the pole sign.

Commissioner Wyant stated that he would prefer a lower sign, however a monument sign at the southwest corner of the property would conflict with the vision triangle. He stated he could support the proposed pole sign but not the color, and he cited the unique circumstances associated with this property is that the building does not have direct street frontage.

Mr. Jeff Silverman, Owner of USA Payday Loans, outlined the major aesthetic improvements achieved on the property, in compliance with the Access Corridor Development Review Committee's recommendation. However, he stated it is necessary for his business to have a pole sign due to the buildings street setback. He distributed an alternative color scheme of the pole sign, illustrating brown letters on a cream or tan background.

Alderman Engel expressed concern with granting a variance to the rules. As such, he is opposed to the pole sign.

It was moved by Commissioner Muratore and seconded by Alderman Engel to withdraw the prior motion.

Alderman Spangenberg stressed that the Committee wanted no pole sign at this location, and he feels that in light of all the changes made to the sign package for this property, that the matter be sent back to the Access Corridor Development Review Committee for further consideration.

Mr. Silverman explained his frustration with the permitting and review process, and that he was satisfied with the signage at his current location, but due to a City project, he is being required to relocate. He stated that part of that relocation project, he did his due diligence in researching City's ordinances and disagrees with the proposed motion.

A motion was made by Commissioner Muratore, Jr., seconded by Alderman Engel, that this file be recommended for denial. Motion approved with Commissioner Wyant voting no.

Municipal Code of the City of Racine, Wisconsin relating to Subdivision of land - fees.

To amend Sec. 86-4 and create Sec. 86-194 of the Municipal Code of the City of Racine, Wisconsin relating to Subdivision of land - fees.

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

Part 1:

Sec. 86-4 of the Municipal Code of the City of Racine is hereby amended by changing the title to read:

“Sec. 86-4. Lot divisions and consolidations (splits and joiners).”

by adding “(a)” before the start of the first paragraph and by adding a new paragraph as follows:

“(b) No person shall perform a consolidation or reconfiguration of lots of record unless the assessor, in consultation with the zoning administrator, finds that the consolidation or reconfiguration does not cause a non-conformity or result in a greater degree of non-conformity under this chapter or other applicable laws or ordinances. This section shall apply to all platted and unplatted lands within the city.”

Part 2:

Sec. 86-194 of the Municipal Code of the City of Racine is hereby created to read as follows:

“Sec. 86-194. Review Fees.

The following review fees shall be charged by the city:

- (1) Lot division and consolidation per Sec. 86-4 - 5: \$50 application fee plus \$50 per parcel.
- (2) Preliminary plat per Sec. 86-51 - 52: \$300 application fee plus \$15 per parcel.

(3) Final plat per Sec. 86-66 - 68:
\$200 application fee plus \$15 per parcel.

(4) Certified survey map per Sec. 86-191 - 193:\$50 application
fee plus \$50 per parcel.”

Part 3:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council _____

Approved _____

Mayor

Attest:

City Clerk

FISCAL NOTE: N/A

March 29, 2006 CPC

Recommendation: That this file be received and filed.

Mayor Becker introduced the file.

Director O'Connell explained that in preparation of the ordinance, and in discussion with the City Attorney's and Assessor's Offices additional changes and clarifications are needed such that it would be most prudent at this time to receive and file the current ordinance.

A motion was made by Commissioner Wyant, seconded by Commissioner Esqueda that this file be recommended to be received and filed.

Public Hearings starting at 4:30 p.m.

06-1605

Subject: Direct Referral. Consideration of a request from David R. Opahle seeking a conditional use permit for a painting contractor's storage facility at 2024 N. Memorial Drive.

Recommendation: That the request by David R. Opahle seeking a

conditional use permit for a painting contractor's storage facility at 2024 N. Memorial Drive be approved, subject to the following conditions:

- a. That the plans as presented to the Plan Commission on March 29, 2006 be approved subject to the conditions contained herein.
- b. That the maximum hours of the operation be from 6:00 a.m. to 6:00 p.m. Monday through Saturday and no hours on Sunday.
- c. That there be no outside storage of contractor's vehicles, equipment or materials.
- d. That no junked or inoperable vehicles be stored outdoors.
- e. That no storage of boats and recreational vehicles be conducted.
- f. That all signs be professionally made and comply with all applicable ordinances.
- g. That a landscaping, fencing and paving plan be submitted to the Director of City Development for review and approval that depicts the installation of landscaping along North Memorial Drive and the paving of travel lanes and suitable parking areas. Based on the approved landscaping, fencing and parking plans, a letter of credit shall be submitted to the director of City Development for review and approval. Landscaping, fencing and paving shall be completed by September 1, 2006.
- h. That no barbed wire or razor wire be utilized and that all fencing and gates have privacy slats.
- i. That all trash and recyclables be stored in closed containers and screened from view.
- j. That all codes and ordinances be complied with and required permits acquired.
- k. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- l. That this permit is subject to Plan Commission review for compliance

with the listed conditions.

Fiscal Note: N/A

Mayor Becker opened the public hearing at 4:47 p.m., explained the public hearing process and introduced the file.

Director O'Connell explained why this matter was back before the Commission, in that the introduction of boat and recreational vehicle storage and the expansion of the proposed storage area triggered the need for a new public hearing. Director O'Connell reviewed the proposal.

Mr. David Ophale stated that he found staff's description of the proposal to be accurate.

Carl Peterson of 2021 Blake Avenue expressed concern regarding citing the need for fencing, questioning if any new buildings were being constructed, and the view obstruction from the second floor of his dwelling.

Elaine Peklo of 2049 Blake Avenue distributed pictures of a neighboring property which illustrated the collection of inoperable vehicles and junk and expressed concern that allowing boat and recreational vehicle storage at the subject property would result in similar circumstances.

In response to citizens' questions, Mr Ophale explained that there would be no new building constructed, that he would be installing a fence with privacy slats surrounding the entire outdoor storage area, and there would be no junked boats or other vehicles.

Director O'Connell explained that the fence would contained privacy slats and the staff would be working with Mr. Ophale on such details.

There being no further comments and hearing no further questions, Mayor Becker closed the public hearing at 4:51 p.m.

Director O'Connell reviewed the proposed conditions of approval.

In response to Commissioner Dickert, Director O'Connell stated that for this type of facility, there is no time limit on storage.

Commissioner Wyant explained while the property is zoned industrial, the location presents potential esthetic conflicts. On the same line of reasoning, Commissioner Muratore felt that the location did not present the proper contexts for a recreational vehicle storage facility and that other locations in the City may be more appropriate.

A motion was made by Commissioner Muratore, Jr., seconded by Alderman Engel, that this file be recommended for approval, subject to the elimination of boat and recreational vehicle storage from the recommended conditions. Motion approved with Commissioner Dickert voting no.

06-1708

Subject: Direct Referral. Consideration of a request by Brian J. Gill seeking a conditional use permit for an existing residence at 1510 Packard Avenue.

Recommendation: That a request from Brian J. Gill seeking a conditional use permit for an existing residence at 1510 Packard Avenue that utilizes both the first and second floors as dwelling space be approved, subject to the following conditions:

- a. That the house and property be maintained in good order.
- b. That by June 1, 2006 the porch skirts be repaired, painted, or replaced; and the porch steps and deck be repaired and painted.
- c. That all codes and ordinance be complied with and required permits acquired.
- d. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- e. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Mayor Becker opened the public hearing at 5:01 p.m., and introduced the file.

Director O'Connell explained the reason behind the conditional use permit for ground floor residential uses at this location.

There being no further comments and hearing no further questions, Mayor Becker closed the public hearing at 5:03 p.m.

Director O'Connell reviewed the proposed conditions of approval.

A motion was made by Commissioner Wyant, seconded by Commissioner Dickert that this file be recommended for approval, subject to the listed conditions in the recommendation. Motion approved.

06-1703

Subject: Direct Referral. Consideration of a request by Joel G. Venn of JJV Real Estate seeking a conditional use permit to operate an office for a medical transport company at 1304 Villa Street.

Recommendation: That the item be received and filed, and Mr. Venn be refunded his submittal fee.

Fiscal Note: N/A

Mayor Becker introduced the file.

Director O'Connell explained further research by staff indicated that the property had the appropriate zoning for the proposed use, and as such, this matter should be received and filed, and the applicant be refunded his application fee. He added that, as such, no public hearing is necessary on this file.

A motion was made by Commissioner Dickert, seconded by Commissioner Ekes that this file be recommended to be received and filed, and the applicant refunded his submittal fee. Motion approved with Commissioner Wyant abstaining.

06-1706

Subject: Direct Referral. Consideration of a request by Peter Frunec of the Albion Group representing Metropolitan Group, LLC seeking to amend the conditional use permit for the Regency West shopping center to construct a 7,000 square foot multi tenant facility at 6116 Regency West Drive.

Recommendation: That the request by Peter Furneck of the Albion Group representing Metropolitan Group, LLC seeking to amend the conditional use permit for the Regency Point Shopping Center to construct a 7,000 square foot multi tenant facility at 6116 Regency West Drive be approved, subject to the following conditions:

- a. That the plans stamped "Received March 15, 2006" and presented to the Plan Commission on March 29, 2006 be approved, subject to the conditions contained herein.
- b. That prior to the issuance of a building permit the following shall be submitted to the Director of City Development for review and approval:
 1. a revised landscape plan.
 2. plans for the dumpster enclosure.
 3. detailed site and building exterior lighting plan.
- c. That roof-top mechanical equipment be screened from view.
- d. That prior to issuance of an occupancy permit, a detailed uniform sign policy be submitted for the review and approval of the Director of City Development that describes, among other things, the equitable distribution of the 300 square feet signage budget, the method of illumination of the channel letters, design of the drive-up order board, and the policy regarding corporate logos and symbols. The existing abandoned pole sign is to be removed.
- e. That if occupancy is requested prior to the installation of landscaping, then a letter of credit equal to the value of the landscape plan shall be submitted for the review and approval of the Director of City

Development.

- f. That all trash and recyclables be stored in closed containers and screened from view.
- g. That all codes and ordinance be complied with and required permits acquired.
- h. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.
- i. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Mayor Becker opened the public hearing at 5:04 p.m., and introduced the file.

Director O'Connell reviewed the proposed site plan and building plans.

There being no one speaking to represent the file and there being no questions, Mayor Becker closed the public hearing at 5:05 p.m.

Director O'Connell reviewed the proposed conditions of approval, explaining that staff has some concerns with the proposed signage, and that they would be working with the applicant to address this issue.

In response to Commissioner Dickert, Director O'Connell stated that the building is constructed entirely of brick.

Commissioner Ekes stated that she is concerned with the signage being proposed for the rear of the building. She also questioned the City's procedure in the requirement of letters of credit, indicating that she felt it would be more appropriate if a letter of credit would be required, irregardless whether or not an occupancy permit is requested.

Chief Building Inspector Heller explained the occupancy permit procedure in that a building receives two occupancy permits: one, when the structure is completed and another, when the tenant wishes to move in.

A motion was made by Commissioner Dickert, seconded by Commissioner Esqueda that this file be recommended for approval, subject to the listed conditions in the recommendation. Motion approved .

[06-1712](#)

Subject: Direct Referral. Consideration of a request by Nicholas J. Nicholson seeking a conditional use permit to operate a facility offering general automotive repair such as brakes, exhaust, engine, and transmission repair and replacement in Unit "C" of 1500 Durand Avenue.

Recommendation: That a request by Nicholas Nicholson seeking a conditional use permit to operate a facility offering general automotive repair at 1500 Durand Avenue, Unit "C" be approved, subject to the following conditions:

- a. That the plans stamped "Received March 3, 2006" and presented to the Plan Commission on March 29, 2006 be approved, subject to the conditions contained herein.
- b. That no auto body work or auto painting be conducted at this location.
- c. That there shall be no vehicle sales or salvage at this location.
- d. That all vehicles waiting repair, or those which have been repaired shall be stored on the subject property in an orderly fashion but in no case longer than 20 days.
- e. That by June 1, 2006 the following shall be accomplished:
 1. Submit a landscape plan for the review and approval of the Director of City Development. If occupancy is requested prior to the installation of landscaping, then a letter of credit equal to the value of the landscape plan shall be submitted for the review and approval of the Director of City Development.
 2. Striping of the parking lot.
 3. Submit a uniform sign package for the review and approval of the Director of City Development that illustrates the equitable distribution of the 177 square feet of available signage to all tenants, and a sign policy that describes, among other things, the location of signage, use of logos, and sign design. No pennants, banners, or streamer be displayed at this location. Additional signs not included in the original sign package shall be submitted for review and approval to the Director of City Development.
- f. That all vehicle repairs shall be conducted indoors.
- g. That there shall be no outside storage of junked vehicles, vehicles parts and accessories, and equipment.
- h. That all trash and recyclables shall be stored in closed containers and screened from view.

- i. That the maximum hours of operation shall be from 8:00 a.m. to 6:00 p.m. Monday through Saturday with no hours on Sunday.
- j. That all applicable codes and ordinances be complied with and required permits acquired.
- k. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.
- l. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Mayor Becker opened the public hearing at 5:11 p.m., and introduced the file.

Director O'Connell reviewed the proposal indicating zoning and uses of adjacent properties.

There being no one present to represent this file and there being no comments and questions, Mayor Becker closed the public hearing at 5:12 p.m.

Director O'Connell reviewed the proposed conditions of approval.

Citing a scheduling conflict, Commissioner Wyant excused himself from the meeting at 5:14 p.m.

A motion was made by Commissioner Dickert, seconded by Alderman Engel that this file be recommended for approval, subject to the listed conditions in the recommendation. Motion approved with Commissioner Muratore abstaining.

06-1713

Subject: Direct Referral. Consideration of a request by Tim Ratiff of BBT Transmission, Inc. seeking a conditional use permit to operate an automotive transmission repair facility in Unit "B" of 1500 Durand Avenue.

Recommendation: That a request by Tim Ratliff seeking a conditional use permit to operate a facility offering automotive transmission repair services at 1500 Durand Avenue, Unit "B" be approved, subject to the following conditions:

- a. That the plans stamped "Received March 1, 2006" and presented to the Plan Commission on March 29, 2006 be approved, subject to the conditions contained herein.
- b. That no auto body work or auto painting be conducted at this location.

- c. That there shall be no vehicle sales or salvage at this location.
- d. That all vehicles waiting repair, or those which have been repaired shall be stored on the subject property in an orderly fashion but in no case longer than 20 days.
- e. That by June 1, 2006 the following shall be accomplished:
 - 1. Submit a landscape plan for the review and approval of the Director of City Development. If occupancy is requested prior to the installation of landscaping, then a letter of credit equal to the value of the landscape plan shall be submitted for the review and approval of the Director of City Development.
 - 2. Striping of the parking lot.
 - 3. Submit a uniform sign package for the review and approval of the Director of City Development that illustrates the equitable distribution of the 177 square feet of available signage to all tenants, and a sign policy that describes, among other things, the location of signage, use of logos, and sign design. No pennants, banners, or streamer be displayed at this location. Additional signs not included in the original sign package shall be submitted for review and approval to the Director of City Development.
- f. That all vehicle repairs shall be conducted indoors.
- g. That there shall be no outside storage of junked vehicles, vehicles parts and accessories, and equipment.
- h. That all trash and recyclables shall be stored in closed containers and screened from view.
- i. That the maximum hours of operation shall be from 8:00 a.m. to 6:00 p.m. Monday through Saturday with no hours on Sunday.
- j. That all applicable codes and ordinances be complied with and required permits acquired.
- k. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.

- I. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Mayor Becker opened the public hearing at 5:15 p.m., and introduced the file.

Director O'Connell explained the proposal indicating adjacent plan uses and zoning.

Tim Ratliff, applicant, explained that they are currently located on the property to the east and require additional space that this proposed unit provides.

Ted Hart, Realtor for the property owner, explained that they are willing to work with staff to develop an appropriate landscaping plan.

There being no further comments and hearing no questions, Mayor Becker closed the public hearing at 5:17 p.m.

A motion was made by Alderman Engel, seconded by Commissioner Dickert, that this file be recommended for approval, subject to the listed conditions in the recommendation. Motion approved with Commissioner Muratore abstaining.

06-1705

Subject: Direct Referral. Consideration of a request by Robert Brook seeking a conditional use permit to operate an automotive trim, upholstery and tops facility at 724 Racine Street.

Recommendation: That the request by Robert Brooks seeking a conditional use permit to operate an automotive trim, upholstery and tops facility at 724 Racine Street be denied.

Fiscal Note: N/A

Mayor Becker opened the public hearing at 5:17 p.m., and introduced the file.

Director O'Connell reviewed a location adjacent uses and zoning in relation to the proposed use. He stated that this use conflicts with the planned uses for that area, as recommended in the adopted Downtown Plan.

Mr. Robert Brooks, applicant, explained that the use would be for six months until he could find another site to operate from.

There being no further comments and hearing no objections, Mayor Becker closed the public hearing at 5:21 p.m.

Director O'Connell reviewed the staff's recommendation, stating that the use conflicts with the land uses advocating by the Downtown Plan for the subject area, and with a project currently underway to the east at the former Badger building.

In response to Alderman Engel, Mr. Brooks explained that he is pressed for space at his current location in Sturtevant, and that he is currently entering the busy time of year for his business ending between September and October. Alderman Engel stated that the use sounded to be low impact, and that possibly the time limit on the use of the property would be acceptable.

Director O'Connell expressed concern with the precedent such an approval would set and that the compliance with the Downtown Plan needs to be maintained.

A motion was made by Commissioner Muratore, Jr., seconded by Commissioner Ekes that this file be recommended for denial. Motion approved with Commissioner Dickert abstaining.

06-1704

Subject: Direct Referral. Consideration of a request by Jawed (Joe) Awan seeking a conditional use permit to operate a facility conducting general automotive repair such as tune ups, exhaust and brakes at 1901 Taylor Avenue.

Recommendation: That the request by Jawed Awan seeking a conditional use permit to operate a facility conducting general automotive repair at 1901 Taylor Avenue be denied.

Fiscal Note: N/A

Mayor Becker opened the public hearing at 5:25 p.m., and introduced the file.

Director O'Connell reviewed the location of the proposal and described adjacent uses and zoning.

The Mayor described problems in the past with ordinance compliance at this location and its negative impact on adjacent residential properties.

Director O'Connell explained that this use presents a challenge in that the property is zoned B-1 yet auto repairs facilities are not permitted in the B-1 Zoning District. He stated that the Commission has an option of applying a Flex Development Overlay for the property or issuing a conditional use permit for the continuation of an existing non-conforming use.

Chief Building Inspector Heller explained the rationale in applying a conditional use permit to this non-conforming use, and that it would allow the City to put in place protections and conditions for the betterment of the neighborhood.

Mr. Jawed Awan explained the improvements made to the site to-date and also stated that the building would be painted.

There being no further comments and hearing no questions or objections, Mayor Becker closed the public hearing at 5:31 p.m.

A motion was made by Commissioner Dickert, seconded by Commissioner Muratore, Jr., that this file be recommended for denial. Motion approved with Alderman Engel voting no.

Adjournment

There being no further business before the Commission and hearing no objections, Mayor Becker adjourned the meeting at 5:35 p.m.

Respectfully submitted,

*Brian F. O'Connell, Secretary
Director of City Development*