



City of Racine

City Hall
730 Washington Ave.
Racine, WI 53403
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Meeting Minutes - Draft 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, July 27, 2011

4:15 PM

City Hall, Room 205

Call To Order

Mayor John Dickert called the meeting to order at 4:30 p.m. Mayor Dickert noted a quorum was not present, however, the Public Hearings could begin at 4:30 p.m.

PRESENT: 4 - Jud Wyant, Eric Marcus, Aron Wisneski and John Dickert

ABSENT: 1 - Vincent Esqueda

EXCUSED: 2 - Elaine Sutton Ekes and Tony Veranth

Commissioner Jud Wyant arrived at 4:38 p.m.

Others present: Matthew Sadowski, Principal Planner
Jill Johanneck, Associate Planner

4:30 P.M. PUBLIC HEARINGS

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[11-6715](#)

Subject: (Direct Referral) Consideration of a request from Tim and Heather Kochanski for a Conditional Use Permit to operate a new and consignment children's store at 2508 Douglas Avenue. (PC-11) (Res. 11-2690)

Recommendation of the City Plan Commission on 7-27-11: That the item be approved subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 2508 Douglas Avenue](#)
[\(11-6715\) CU 2508 Douglas Avenue](#)

Associate Planner Johanneck advised a tenant space in the three-tenant building located at 2508 Douglas Avenue has been requested to be used as a new and consignment retail store for children's clothing and accessories. An overview of the site, zoning, current site conditions, and parking were provided. Photographs of the appearance of the site were presented, and concerns regarding the rear area, essentially the industrially-zoned portion of the lot, were noted. Some concerns included current uses, lack of parking, lack of dumpster enclosures, inadequate parking, storage of junk vehicles, tires, vehicle storage, palettes, etc., and the overall appearance of the site. Per the property owner, it was advised there was auto repair occurring in the smaller building, a landscaping business being run out of the pole barn, and that she was unaware of why the lot is zoned both B-2 and I-1. It was also

advised by the owner that a residential lot to the north of the site was turned into a gravel parking area for the use of this building after the existing house was removed. Inconsistencies in the site plan, and suggested conditions of approval were discussed. Staff noted that the recommendation is two-fold, and that approval is recommended for the retail/consignment store subject to conditions, and recommendation for approval was also recommended for the remainder of the site, but with different conditions to address the many site issues.

Alderman Marcus asked why this item was before the Commission, as it is zoned B-2 and this is an approved use. Ms. Johanneck advised the request for this to be reviewed administratively was denied by the Director of City Development and placed on the agenda as instructed. She also advised it is located within an Access Corridor District.

Public Hearing opened at 4:45 p.m.

1. Vivian Merlot, owner, 3025 Spring Street. Mrs. Merlot disputed the tenant sizes used to calculate parking, advised they have done improvements to the building, advised the pole barn also received improvements and is over 20 years old, that the auto repair business has been in place for many years, and that they tore down a house on the residential lot to the north of this site, graveled it, and used it as overflow parking for this building. She is against installing a fence to block the parking lot they created from the adjacent residential property. Further, she advised the semi is stored on site by a friend when it's not in use.

Public Hearing closed at 4:50 p.m.

Mayor Dickert asked Mrs. Merlot if they own the house on the corner, she advised they do and that it is a rental property. The Mayor then asked about what kind of work they planned to do to the house, and Mrs. Merlot advised paving. Mayor Dickert asked what the plans were for the north parking lot, and was informed the plan is to put gravel down, but not pave.

Regarding the rear of the property, Mrs. Merlot advised she did not know dumpsters were required, and felt that adding them would cause problems for semis entering and exiting the rear area of the building. The Mayor asked about the semi and car from one of the photos and if they are stored there. He was advised the semi is stored about 6 days out of the month, they just allow the owner to park it on this property. Regarding the covered car, Mrs. Merlot was not sure of the status, though payment is received for parking it there.

The Mayor reiterated that while they want to assist the new tenant in gaining occupancy, they also want to make sure the property is being maintained and kept up, especially due to the work and improvements occurring along the Douglas Avenue corridor.

Alderman Marcus asked about condition 10., regarding the pole. Mrs. Merlot advised it is a sign pole located in the front of the building and the daycare may want to use it. Ms. Johanneck advised Staff would like the pole removed as there is a large existing pole sign on the site which could advertise the three different businesses versus just NAPA, that the pole is located extremely close to the building, is in the area where the two parking spaces will need to be modified, that there is no top to the pole that would support a sign, and this lessens sign clutter. The Mayor verified that all signage will be subject to zoning requirements.

A motion was made by Alderman Wisneski, seconded by Commissioner Wyant to recommend approval, in part, for the conditional use permit for the new and

consignment children's store and to defer, in part, to address site conditions.

Alderman Marcus requested an amendment to the motion to remove conditions d., f., and g., and to correct the spelling of the word pallets in condition c. Alderman Wisneski seconded the amendment. No changes were made to the deferral portion of the motion. The motion PASSED by a Voice Vote.

11-6716

Subject: (Direct Referral) Consideration of a request from Pamela Bogan seeking a Conditional Use Permit for a candy store at 1132 S. Memorial Drive. (PC-11) (Res. 11-2691)

Recommendation of the City Plan Commission on 7-27-2011: That the item be approved subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 1132 S. Memorial Dr.](#)
[\(11-6716\) CU 1132 S Memorial Dr](#)

Principal Planner Sadowski provided background on the proposed candy store, zoning, noting that the property is zoned R-3 and falls under the "Constantine amendment" concerning regulations for commercial properties in residential neighborhoods, and provided information on the surrounding area.

He reviewed the interior layout, discussed the bars on the windows and doors, and that there is no opportunity for on-site parking. He believes most traffic will be foot traffic as children using bikes and sidewalks will be visiting the store. Staff is recommending approval with signage review and requesting the obsolete signage be removed from the awning, as well as requiring the bars be removed from the windows and door facing Memorial Drive. If the bars are needed, they should be put on the inside versus the outside to soften up the appearance of the building.

Public Hearing opened at 5:05 p.m.

1. Grady Bradley, 2029 Case Avenue, expressed concern about moving or removing the bars from the windows due to the crime in the area. She inquired about obtaining a garbage container for their trash, and Mayor Dickert advised they need to talk to the Public Works Department.

Mr. Sadowski advised that moving the bars inside versus having them outside will make the signage more visible. Ms. Bradley asked about the door, as she doesn't believe the bars can be moved on the door and if they would need to purchase a new door, to which he responded they may need to purchase a new door, or see if there is a way to move the bars inside.

Alderman Marcus questioned why this item is on the agenda and was advised because it is a commercial use in a residential zone and that is a change in use, which would require different conditions than the previous use.

Alderman Wisneski asked if this use involves a zone change and was advised it does not. He then asked if the applicant could provide any information regarding regulation of placing the bars on the outside of the windows and doors. The owner advised she would have to check.

2. Pamela Bogan, 2737 Hamilton Avenue, is the applicant. She advised she is just trying to run the candy store and may be interested in limiting the hours to else than what was on the application. Mayor Dickert advised her to keep the hours as requested in the event she may want to operate on Sundays.

Public Hearing closed at 5:15 p.m.

A motion was made by Alderman Wisneski, seconded by Alderman Marcus, to recommend approval of the item subject to Staff recommendations. The motion PASSED by a Voice Vote.

END OF PUBLIC HEARINGS

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Approval of Minutes for the July 13, 2011 Meeting

A motion was made by Alderman Marcus, seconded by Commissioner Wyant, to approve the minutes of the July 13, 2011 meeting. The motion PASSED by a Voice Vote.

[11-6661](#)

Subject: (Direct Referral) Consideration of a request from Richard Scheel for a Conditional Use Permit to operate an automobile repair facility at 2835 Lathrop Avenue. (PC-11) (Res. 11-2689)

Recommendation of the City Plan Commission on 7-27-11: That the item be approved subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 2835 Lathrop Avenue](#)
[\(11-6661\) CU 2835 Lathrop Avenue](#)

Associate Planner Johanneck noted this was previously before the Commission and briefly overviewed the staff report and power point presentation. She advised a site plan was dropped off by the applicant on July 25. This plan indicated the addition of 6 parallel parking spaces along the south side of the building, and the addition of 4 spaces at the south east corner of the parcel. The dumpster was removed from the plan as the property owner now wants to retain trash inside the building. It was noted the property owner to the east mentioned to Staff they were considering installing an overhead door in the rear of their building near the 4 new parking spaces the applicant added.

As the ingress/egress easement was of main concern from the previous Plan Commission meeting, an overview of the history of the easement was provided. It was noted in 2002, Resolution 4808, which was created with the conditional use approval for Kastler Builders, required an ingress/egress easement be provided, be 20' in width, be asphalt or concrete, and be completed within 6 months of approval of the conditional use. There was no indication of who was responsible for installation or maintenance. This requirement was never drafted or recorded.

The properties were purchased by Rainmaker Investments, LLC in 2005.

In 2007, a formal easement was surveyed and drafted, but never recorded. This survey was drafted in response to a condition of approval (Resolution 08-0634) to allow R&S Performance Auto to occupy the property at 2835 Lathrop Avenue, following concerns from Kaster Builders that the access drive was periodically

blocked.

In 2010, Rainmaker Investments, LLC received approval of a Certified Survey Map to divide the property at 2834 West Lawn Avenue. The CSM partially illustrates un-platted lands to the west, including the easement as drafted in 2007. Again, this easement was never recorded and no language was added to easement responsibility. The fact is, the easement that was surveyed was never recorded, never paved as required, and there is no language concerning who was responsible to install it, record it, or maintain it.

Later in 2010, Mr. and Mrs. Ziegler purchased the property at 2834 West Lawn Avenue, as well as the former Kaster Builders lot (currently addressed as 2837 Lathrop Avenue).

Staff recommendation is for approval of the automobile repair facility subject to conditions, one condition being that the ingress/egress easement be recorded.

Alderman Wisneski asked about Staff condition no. 10., and the restriction on engine repair. It was clarified by the applicant that engine repair will occur, and condition 10 was modified to reflect that it will be allowed. Alderman Wisneski then asked about condition no. 5., concerning lot paving. He expressed concerns about the water run-off, water being able to enter the ground naturally, versus the water entering the storm water system, and the cost of having to pave and connect the storm water system. Ms. Johanneck stated reasons for requiring paving and connecting to storm water include reducing contaminated run-off, reducing dust and dirt tracking and pooling of water, as well as seepage of contamination into the soil. She advised she had referred the property owner to City Engineering to discuss options concerning the storm water connection, but had not heard back from the owner about the conversation. It was noted all the surrounding properties were currently paved and were auto-related uses in an industrial area. She also noted the owner has the opportunity to provide a financial assurance to allow the work to be done over time versus incurring the cost all at once.

Alderman Holding spoke and was opposed to the requirement that the unpaved portions of the lot be paved, as the area is not very visible and it's less necessary to improve the overall site appearance. Another reason stated was that this is an existing business and not a new business, so he feels they shouldn't have to do the paving.

Commissioner Wyant requested the handicapped parking space and vehicles waiting for repair be parked in the 6 parallel spaces along the building. He doesn't think it needs to be paved in the rear until the capacity of the business creates the need.

Ms. Johanneck asked if the 20' easement would need to be paved as was required previously, and that the asphalt that is there only extends to the end of the building. Commissioner Wyant does not feel it needs to be paved, and the costs concerning the easement should fall on the adjacent property owner.

Mr. Antonneau advised he was able to speak to City Engineering and they confirmed that if any paving was done that connection to the storm water system would be required.

Alderman Wisneski made a motion to approve subject to staff recommendations, with striking the words in condition no. 10 prohibiting engine work, and striking the portion of condition no. 5 requiring paving and connection to the storm water system. Commissioner Wyant seconded.

It was clarified for Alderman Marcus that under condition no. 6, despite the former written requirements that the easement be paved, the easement can be recorded without the paving requirement.

Mrs. Ziegler wished to speak about the item. Mayor Dickert summarized the Commission is voting to approve the item as there has been clarification on the easement history, and that the easement will remain and be recorded. He invited her to speak, however noted a time constraint due to individuals on the Commission needing to leave and that a quorum would be lost, eliminating the possibility of acting on other agenda items. Commissioner Wyant stated Mrs. Ziegler spoke at the last meeting for 20 minutes.

A motion was made by Alderman Wisneski, seconded by Commissioner Wyant, to recommend approval to the item with changes to condition no. 5 and no. 10. The motion PASSED by a Voice Vote.

11-6713

Subject: (Direct Referral) Consideration of a request from Marck Sawyer of Faulk and Foster, representing US Cellular, seeking a minor amendment to a Conditional Use Permit for a wireless communication facility at 1542 Romaine Avenue. (PC-11)

Principal Planner Sadowski advised the applicant requested this item be deferred.

A motion was made by Commissioner Wyant, seconded by Alderman Wisneski, that this item be deferred. The motion PASSED by a Voice Vote.

11-6714

Subject: (Direct Referral) Consideration of a request from David R. Opahle seeking the extension of a paving deadline, and the rescission of a landscaping requirement, both requests associated with a Conditional Use Permit for an outdoor storage facility at 2024 N. Memorial Drive. (PC-11)

Principal Planner Sadowski advised the applicant was required to install landscaping and a concrete tracking pad per the conditional use approval for an outdoor storage facility. Though many other improvements have been accomplished, these requirements have not been completed. Also, the applicant is requesting a year extension to put in the tracking pad, and requests the requirement to install landscaping be rescinded.

Staff is recommending the applicant be given until June 30, 2012 to install the tracking pad, and keep the requirement that the landscaping be installed, but extend that deadline to June 30, 2012, as well as other conditions as outlined in the recommendation.

A motion was made by Alderman Marcus, seconded by Alderman Wisneski, that the item be approved subject to staff recommendations. The motion PASSED by a Voice Vote.

Administrative Business

None.

Adjournment

Alderman Wisneski motioned to adjourn the Plan Commission meeting at 5:50 p.m.