

# **City of Racine**

*Room 103, City Hall*



## **Meeting Minutes**

**Wednesday, February 28, 2007**

**4:15 PM**

**Room 205, City Hall**

### **City Plan Commission**

*Mayor Gary Becker, Alderman Gregory Holding  
John Dickert, Elaine Sutton Ekes  
Vincent Esqueda, Jud Wyant*

**Mayor Becker called the meeting to order at 4:18 p.m.**

**PRESENT:** 5 - Gary Becker, John Dickert, Elaine Sutton Ekes, Gregory Holding and Jud Wyant

**EXCUSED:** 1 - Vincent Esqueda

**Approval of Minutes for the February 14, 2007 Meeting**

**A motion was made by Elaine Sutton Ekes, seconded by Alderman Gregory Holding to approve the minutes as distributed. The motion PASSED by a Voice Vote.**

**07-0168**

**Subject:** (Direct Referral) Request by Robert Westmoreland of Westmoreland Properites, LLC, seeking to rezone the property at 720-17th Street from B-1 Neighborhood Convenience District to R-4 General Residence District.

**Recommendation of City Plan Commission on 2-14-07:** Deferred.

**Recommendation of City Plan Commission on 2-28-07:** To deny.

**Attachments:** [720-17th St.pdf](#)

*Mayor Becker introduced the item.*

*Director O'Connell explained the past deferral on this item, allowing Mr. Westmoreland time to meet with Neighborhood Services to discuss development options. As requested by the Plan Commission, this item is now being brought forward for a rezoning from B1 Neighborhood Convenience District to R4 General Residence District to accommodate four living units.*

*Commissioner Dickert expressed concern with the precedent that this action would set. He is concerned about the impact on the neighborhood and felt that a more appropriate solution would to retain retail space on the first floor, and yet allowing three residential units as zoning would accommodate.*

*Commissioner Ekes expressed concern with the successful re-use of this building once it has been converted entirely for residential use.*

*Alderman Holding stated that as the area continues to redevelop, retail use of this building may be viable and he is concern with the precedent that would be set for the neighborhood by converting the entire building to residential use.*

**A motion was made by John Dickert, seconded by Alderman Gregory Holding, that this item be Recommended For Denial. The motion PASSED by a Voice Vote.**

**Ord.04-07**

Ordinance No. 4-07

To amend Sec. 114-1, repeal and recreate Sec. 114-468 (20), repeal Sec. 114-487 (24), and amend Sec. 114-488 of the Municipal Code of the City of

Racine, Wisconsin relating to Zoning - Pawnbrokers; Conditional Uses.

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

Part 1:

Sec. 114-1 of the Municipal Code of the City of Racine is hereby amended by adding the following definition after the definition for "parking space":

*"Pawnbroker business means any business that engages in the business of lending money on the deposit or pledge of any article or jewelry, or purchasing any article or jewelry with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price."*

Part 2:

Sec. 114-468 (20) of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

*"(20) Pawnbroker businesses, provided that no other pawnbroker business is located within two thousand five hundred (2,500) feet and the business is located at least two hundred fifty (250) feet from a residential district."*

Part 3:

Sec. 114-487 (24) of the Municipal Code of the City of Racine is hereby repealed and renumber the subsequent paragraphs accordingly.

Part 4:

Sec. 114-488 of the Municipal Code of the City of Racine is hereby amended by adding the following at the end of the section:

*"(19) Pawnbroker businesses, provided that no other pawnbroker business is located within two thousand five hundred (2,500) feet and the business is located at least two hundred fifty (250) feet from a residential district."*

Part 5:

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

*Commission action on this Ordinance is reflected in File 07-0257.*

**Scheduled for Public Hearing to the Common Council.**

[07-0257](#)

**Subject:** Ord.04-07 to amend Sec. 114-1 repeal and recreate Sec. 114-468 (20), repeal Sec. 114-487 (24), and amend Sec. 114-488 of the Municipal Code of the City of Racine, Wisconsin relating to Zoning - Pawnbrokers; Conditional Uses.

**Recommendation of the City Plan Commission on 2-28-2007:** That the ordinance be adopted.

Attachments: [Ord.04-07.pdf](#)

*Mayor Becker introduced the item.*

*Director O'Connell explained the history of the development of this ordinance language.*

*In response to Alderman Holding, Principal Planner Sadowski confirmed that the ordinance language, as proposed, would require that pawnbrokers be treated as a conditional use in commercial zoning districts.*

**A motion was made by Alderman Gregory Holding, seconded by John Dickert, that this ordinance be Recommended For Adoption. The motion PASSED by a Voice Vote.**

#### **PUBLIC HEARINGS STARTING AT 4:30 P.M.**

[07-0219](#)

**Subject:** (Direct Referral) Request by Ann Klinkhammer, representing Beleza LLC., seeking an amendment to a conditional use permit for a wellness center to now also allow cosmetic tattoo services at 611-6th Street.

**Recommendation of City Plan Commission on 2-28-07:** That the request by Ann Klinkhammer, representing Beleza, seeking an amendment to a conditional use permit for an existing wellness center to offer cosmetic tattoo services be approved, subject to the following conditions:

- a. That the plans stamped "Received February 6, 2007" and presented to the Plan Commission on February 24, 2007 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Department.

- c. That all requirements of the State Department of Health and Family Services be complied with.
- d. That only cosmetic micropigmentation to the face be permitted.
- e. That all trash and recyclables be kept in closed containers and stored in the building until pick up.
- f. That no loitering be allowed in or around the building.
- g. That the tattoo station be screened from view from the exterior of the business.
- h. That tattoo service be offered by appointment only, and only during hours and days that coincide with those of the general spa hours which are: Monday through Saturday, 8:00 a.m. to 7:00 p.m. with no hours on Sundays.
- i. That the sale of food or drink shall not be allowed.
- J. That all other conditions of approval contained in Common Council Resolution No. 06-6996 be complied with unless otherwise varied herein.

**Fiscal Note:** N/A

*Mayor Becker opened the public hearing, explained the public hearing process, and introduced the item.*

*Director O'Connell described the location of the property and the proposed use.*

*Ann Klinkhammer, operator of Beleza, LLC, explained the proposal. Kelley Mezurek, introduced herself as the one to be offering the cosmetic tattoo services and further described them as strictly for eyebrows, lips, and eyeliners.*

*Kate Remington, 613-6th Street, stated that she is in favor of this request.*

*There being no further comments or questions, Mayor Becker closed the public hearing at 4:34 p.m.*

*Director O'Connell reviewed the proposed conditions of approval.*

**A motion was made by Alderman Gregory Holding, seconded by John Dickert, that this item be Recommended For Approval, subject to the listed conditions in the recommendation. The motion PASSED by a Voice Vote.**

**07-0220**

**Subject:** (Direct Referral) Request by Genesis Behavioral Services, Inc. seeking a conditional use permit for a community based residential facility at 3131 Taylor Avenue, Building #5.

**Recommendation of City Plan Commission on 2-28-07: To defer.**

*Mayor Becker opened the public hearing at 4:36 p.m., explained the public hearing process, and introduced the item.*

*Director O'Connell explained past action of the Plan Commission in regards to the conditional use permit for the Elmwood Park Village campus.*

*Principal Planner Sadowski provided a brief summary of his attendance at the neighborhood meeting on this request.*

*Michelle Crockett of Genesis Behavioral Services stated that staff's description of the proposal was accurate, and that she had nothing to add at this time.*

*Ms. Wirtz, 3146 Spruce Street, submitted a letter that states she is in favor of the request.*

*Wilma Longrie of 3351 South Elmwood Drive expressed concern regarding lack of notice of the hearing, the need to poll the Elmwood Park residents to determine if they are in favor of this use for the Village Hall property, and she stated that she is not in favor of this request.*

*Armando Ruiz 3100 Taylor Avenue stated he is opposed to this request and questioned compliance with the City's spacing requirements for CBRFs.*

*Principal Planner Sadowski explained that there are currently three other registered CBRFs within the Aldermanic district for a total of 12 persons, all further than 2500 feet from the subject property.*

*Kelly Hanover of 3101 Taylor Avenue expressed her opposition to the request, citing concerns with poor communication efforts by Genesis. She inquired as to the type of sanctions imposed on the residents of the facility, and the method of identifying the residents for placement in the facility.*

*Elena Swiden of 3170 Taylor Avenue stated that she is opposed to the request and expressed concern for the neighborhood safety. She is concerned with the residents' ability to leave the property unsupervised, the impact on resale values of neighboring properties, increased traffic on Taylor Avenue, and control over persons visiting the property.*

*Michael West, 3225 Moorland Avenue, expressed concern with the closeness of the facility to adjacent residential properties; the adequacy of security measures and overnight staffing; visitation policy; the long term use of the property; future expansion by the Department of Correction at this location; the potential deterrent for the ability of the village to lease other buildings on the property. He felt that Commissioner Dickert has a potential conflict of interest.*

*Arlyn Day, 3801 Maryland Avenue, stated that he is in favor of this request, and that in his research has found only praises for the use of this property in the past as a residential facility, and that this proposal perpetuates the Taylor Home mission of social service.*

*James Simonsen, 2839 Hayes Avenue, expressed concern regarding the lack of notice for today's meeting. He asked if the Department of Correction could expand the operation at this facility. He expressed concern with the concentration of these facilities on this*

site, and the proximity to 2 local schools. He inquired into the type of offenses of persons residing at this facility, and expressed concern with the clients' ability to leave the property.

Joe Mrazek of 3525 Spring Lake Drive expressed concern with the compatibility of this use with the zoning of the property, and that as Genesis is a for-profit operation, the assessment of property taxes may be appropriate. He inquired as to the long-term plan for the property, and police protection.

Bob Scoon of 3410 N. Elmwood Drive stated that he concurs with other comments in opposition to this request, and inquired as to the level of influence that Elmwood property owners have in this process.

Steffanie West of 3225 Moorland Avenue expressed concern with the proximity of the subject building to her residential property and the children playing there, and stated she is opposed to this request.

Diana Knudsen of 3150 Taylor Avenue stated she concurs with previous comments expressing opposition, and cited a concern regarding the potential decrease in property values.

Clara Srays of 3028 Taylor Avenue expressed concern for safety, impact on property values, the injection of the criminal influence in the neighborhood, and the change of emphasis from child offenders to adult offenders for the Taylor Home property. She felt that while Genesis program is a worthy program, given the site constraints, this is the wrong location.

Edwin Hilicki of 3164 Taylor Avenue stated that he is opposed to the proposal, expressed concern regarding decrease in property values, and with the effect on the neighborhood.

Eleanor Scott, 3105 Taylor Avenue, stated that she is opposed to this request, citing the potential for the lowering of property values. She also stated that communication has been lacking between the Village of Elmwood and neighbors.

Nancy Burland, 3417 S. Elmwood Drive, expressed the desire to speak to the Village Board regarding this proposal, and that the Village Board should inform the Village residents.

Trudy Coombs of 3021 Elm Lane expressed concern with the access to this property provided by the bike path and that the property is not entirely fenced in.

An unidentified citizen inquired as to how the lease is terminated if problems arise on the site.

Christie Race, 3100 Taylor Avenue stated that she is opposed to the request, and is in agreement with other comments of opposition.

In response to citizens' questions, Michelle Crockett described the sanctions and monitoring process; the three 30-day increments of the treatment; resident leave policy; visitation policy; potential number of residents; the ability to have a community advisory board to address neighbors concerns; that there can be a 24 hour call line; and staffing levels per shift.

Amy Winkler of Genesis Behavioral Services stated that the Department of Correction

would terminate the contract, if there would be problems.

*In response to neighbors' questions, Mayor Becker stated that at this time the Elmwood Park campus is not a taxable property, and that the City of Racine provides police protection for the property.*

*Racine Police Chief Wahlen stated that his department has had a good relationship with the Department of Correction and Genesis Behavioral Services. He stated that there has been 18 calls for services at Genesis Spring place facility within the last 12 months, a rate he finds not to be excessive.*

*In response to the neighbors' concerns regarding the proximity to schools, Mayor Becker stated that the state regulations do not preclude the possibility of such facilities locating in close proximity to schools.*

*Commissioner Wyant stated that it may be valid to prohibit violent offenders from residing at this property.*

*Amy Winkler expressed concurrence with the Mayor's comment that residents are chosen for their likelihood of success in rehabilitation.*

*In response to neighbors' insurance liability questions, Ms. Winkler stated that Genesis Behavioral Services has insurance up to one million dollars.*

*In response to Commissioner Dickert, Ms. Winkler stated that the intent is to provide a homelike atmosphere for the residents; however, residents cannot leave the facility, unless authorized. In the event of this occurrence, a warrant is issued for their arrest. She stated a security camera could be in place.*

*In response to unidentified neighbors, Ms. Winkler stated that if required by the State, neighbors would receive notice of potential sexual offenders to be residing at this facility. Ms. Crockett stated that if residents at this facility violate house rules or terms of sanctions, they are removed from the facility and may not re-enter the program for a period of one year. Ms. Winkler stated that residents of the facility do not wear ankle bracelet for tracking purposes.*

*Commissioner Wyant suggested conditions for this proposal, such as: a six-month review; that there should be a fence install along the north property line; and a camera be installed to monitor residents.*

*In response to Sherry Evans of Mooreland Avenue, Ms. Crockett stated that residents who complete the program successfully are returned to their families.*

*In response to an unidentified citizen's question regarding supervision of residents during travel, Ms. Winkler stated that during the initial 30-day period, a staff person accompanies the resident on travel off-site; after that, a buddy who is a resident who has been in the program for at least 30 days and is in good standing, accompanies the resident.*

*Mr. West stated that he has a petition to be submitted, indicating opposition to the proposal. The petition was not provided to the Commission.*

*In response to an unidentified citizen, Mayor Becker explained that a fence would be used as a deterrent to the residents of this facility crossing into adjacent yards.*



*In response to an unidentified citizen, Director O'Connell explained that the Genesis has a tentative lease with the Village, depending upon the conditional use approval.*

*In response to Alderman Holding, citizens indicated their residency, which by a show of hands appeared to be approximately 50% village residents, and 50% city residents.*

*Mayor Becker explained that interested parties may receive a copy of staff's analyses of this proposal. Copies were placed on the counter for pick-up by those present.*

**A motion was made by Elaine Sutton Ekes, seconded by Alderman Gregory Holding, that this item be deferred, until a legal opinion can be rendered regarding the legal status of residents and whether they qualify as a "protected class". The motion PASSED by a Voice Vote with Jud Wyant, who left due to a conflicting appointment, not participating.**

## **END OF PUBLIC HEARINGS**

### 07-0177

**Subject:** (Direct Referral) Request by Genesis Behavioral Services, Inc. for a minor amendment to a conditional use permit to operate a sixteen-bed community based residential facility for females at 3131 Taylor Avenue.

**Recommendation of City Plan Commission on 2-14-07:** Deferred.

*Mayor Becker introduced the item and explained that this item should be received and filed as it has been replaced by the Agenda Item of 07-0220.*

**A motion was made by Elaine Sutton Ekes, seconded by Alderman Gregory Holding, that this item be Received and Filed. The motion PASSED by a Voice Vote.**

## **Adjournment**

*There being no further business before the Commission and hearing no objections, Mayor Becker adjourned the meeting at 6 p.m.*

*Respectfully submitted,*

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