



City of Racine

City Hall
730 Washington Ave.
Racine, WI 53403
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, August 31, 2011

4:15 PM

City Hall Annex, Room 130

Call To Order

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

Approval of Minutes for the August 10, 2011 Meeting

A motion was made by Commissioner Esqueda, seconded by Commissioner Sutton Ekes, to approve the minutes of the August 10, 2011 meeting. The motion **PASSED** by a Voice Vote.

11-6737

Subject: (Direct Referral) Consideration of a request from Scott Alan Williams seeking a Conditional Use Permit at 1910 Edgewood Drive for the operation of a recycling facility for all metals. (PC-11)

Recommendation of the City Plan Commission on 8-31-11: That the item be Received and Filed.

Fiscal Note: N/A

Attachments: [PH Notice - 1910 Edgewood Ave](#)

Principal Planner Sadowski advised the petitioner was not able to come to terms on the purchase of the property and has requested that the item be received and filed.

A motion was made by Alderman Wisneski, seconded by Commissioner Sutton Ekes, to recommend the item be received and filed. The motion **PASSED** by a Voice Vote.

11-6762

Subject: Communication from Douglas Hudson of Norwood Commercial Contractors, Inc. requesting to purchase 1846 Racine Street.

Recommendation of the Public Works and Services Committee on 8-30-11: Recieve and File.

Recommendation of the City Plan Commission on 8-31-11: That the item be received and filed.

Fiscal Note: N/A

Attachments: [Purchase request 1846 Racine Street](#)

Director of City Development O'Connell identified in a slide the parcel in question, which is actually not a parcel but is right-of-way for Racine Street. He also advised the Public Works and Services Committee recommended the item be received and filed, however he noted the correct way to proceed is via a vacation of the excess right-of-way, and City Development would work with the applicant to resubmit this as a street vacation.

A motion was made by Alderman Marcus, seconded by Commissioner Esqueda, to recommend that this item be received and filed. The motion PASSED by a Voice Vote.

11-6824

Subject: (Direct Referral) Request for clarification or reconsideration of certain conditions of approval related to Common Council Res. 11-2689 for an automobile repair facility at 2835 Lathrop Avenue. (PC-11)

Recommendation of the City Plan Commission on 8-31-11: That a new Resolution be created to reflect the following amendments:

[Bracketed text for reference only and will not appear in the amending resolution.]

That the text of condition "c" be deleted

[Existing text: c. That a minimum 6' tall cedar (or similar wood) fence be installed from the point of the front of the building, along the southern property line to the rear of the property prior to issuance of an occupancy permit.]

That the text of condition "d" be deleted and recreated as follows:

[Existing text: d. That the entire drive aisle be re-surfaced with asphalt and the area adjacent to the building be striped accordingly for six parallel parking spaces prior to issuance of an occupancy permit.]

d. That the area currently paved be resealed and that the area adjacent to the building be striped for six parallel parking spaces prior to issuance of an occupancy permit.

That the text of condition "e" be deleted and recreated as follows:

[Existing text: e. That all parking spaces shall be paved and wheel stops installed.]

e. That wheel stops be installed at all perpendicular parking spaces.

That the text of condition "h" be deleted and recreated as follows:

[Existing text: h. That if the required improvements are not completed at the time of occupancy, a financial security shall be provided to the City in an amount equal in value to the required improvements.]

h. That if the improvements required by conditions d, e, f, and g are not completed at the time of occupancy, a financial security shall be

provided to the city in an amount equal in value to the required improvements.

Fiscal Note: N/A

Director O'Connell noted at a previous meeting a conditional use for this property was approved by the Plan Commission, and subsequently by the Common Council. At its meeting, the Commission amended the staff recommendations so as not to trigger the requirement for a storm sewer extension. There was some confusion in the conditions, and Staff has now further revised the conditions to removed references to paving, clarifying that the paved areas will need to be re-sealed and striped, and some general clarification of the conditions as written. The applicant also requested the requirement for fencing be removed, however there was no discussion from the previous meetings that the fence be removed so was not part of the proposed changes.

Alderman Wisneski asked which side of the property the adjacent property owner, who spoke at the Public Hearing, owns. Mrs. Jeanne Ziegler was present and advised she owns the parcels to the east of the lot in question. Clarification on the fencing was discussed as part of the conditions, and Commissioner Wyant requested the requirement for fencing be removed as he feels the neighboring property owners can work together on cleaning up the area near the fencing, and possibly explore shared traffic circulation. Director O'Connell read through the revised recommendations, clarified that the fence requirement was in the original Staff report, and that nobody requested a change to that requirement and it was approved by the Council.

Commissioner Sutton Ekes asked why the fence was being required. Associate Planner Johanneck advised for distinction between this lot and the lot to the south, to eliminate the accumulation of trash and weed growth, to allow for cleaning up of the fenced area without trying to determine who is responsible for what, that the fence adds a visual buffer between the two intense uses, and that there is a change in grade in which the fencing could work as a protective barrier.

The applicant, Gus Antonneau, was allowed to speak and noted he does not want the fence so it is easier to clean the area between the lots. Mrs. Ziegler noted the muffler business to the south is paved, that vehicles cannot be driven onto this lot from that lot, that all the other businesses in the area are paved, and that no maintenance has taken place by the applicant to clean up his lot for years.

A motion was made by Commissioner Wyant, seconded by Alderman Wisneski, to accept the revised recommendations, with the deletion of letter c. requiring the fencing. The motion PASSED by a Voice Vote.

11-6825

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 2000 Oakes Road. (PC-11)

Principal Planner Sadowski gave an overview that US Cellular is upgrading its technology for wireless communication and adding antenna to the existing tower for a new 4G technology. An overview of the site was provided.

A motion was made by Alderman Wisneski, seconded by Alderman Marcus, to approve the request subject to Staff recommendations. The motion PASSED by a Voice Vote.

11-6826

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 555 Main Street. (PC-11)

Principal Planner Sadowski gave an overview that US Cellular is upgrading its technology for wireless communication and adding antenna to the existing tower for the new 4G technology. An overview of the site was provided.

A motion was made by Alderman Wisneski, seconded by Commissioner Esqueda, to approve the request subject to Staff recommendations. The motion PASSED by a Voice Vote.

4:30 P.M. PUBLIC HEARINGS**4:30 P.M. PUBLIC HEARINGS**11-6827

Subject: (Direct Referral) Consideration of a request from John Kayser of Heartland Food Corporation, representing Burger King, for consideration of a Conditional Use Permit to modify the building, materials, colors, and signage for the Burger King located at 5400 Durand Avenue. (PC-11)

Recommendation of the City Plan Commission on 8-31-11: That the item be approved subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 5400 Durand Avenue](#)
[\(11-6827\) CU 5400 Durand Avenue](#)

Associate Planner Johanneck provided an overview of the external changes proposed for the Burger King restaurant. Changes include elimination of the solarium and adding outdoor seating, signage changes, color and roofing material changes, major modifications to landscaping, upgrading the trash enclosure and adding a cardboard recycle enclosure, and adding a portico on the south elevation. These changes are intended to bring this Burger King location in line with their new "re-image" program being done by many Burger King restaurants. It was noted that though 91 spaces are required, the original restaurant was approved with 43 spaces, and there will now be 40 spaces on-site. This is adequate as a high number of customers utilize the drive-thru service versus going in for a sit-down meal.

*The Public Hearing opened at 4:40 p.m.
The Public Hearing closed at 4:41 p.m.*

Alderman Wisneski inquired about the landscaping changes, as much mature landscaping will be removed. Ms. Johanneck advised more landscaping is being added than what currently exists, and though they are different types and species, that it is essentially equal as some areas on the site have more landscaping than others, and some areas have less, but all will mature and provide nice screening for the site.

A motion was made by Alderman Wisneski, seconded by Commissioner Sutton Ekes, to recommend approval of the request subject to Staff recommendations. The motion PASSED by a Voice Vote.

11-6828

Subject: (Direct Referral) Consideration of a request from HALO, the Homeless Assistance Leadership Organization, Inc., for a Conditional Use amendment to allow its childcare program at 2000 DeKoven Avenue to offer services to the general public. (PC-11)

Recommendation of the City Plan Commission on 8-31-11: That the item be approved subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 2000 DeKoven Ave](#)
[\(11-6828\) CU 2000 DeKoven Avenue](#)

Associate Planner Johanneck provided background on the location, zoning and surrounding zoning, aerial view, surrounding uses, and areas within the HALO complex where childcare services could be provided for up to 22 children, as this is currently the number of children HALO is licensed for. It was noted only first shift child care is run currently, and this request is to add second and third shifts to the operation for current HALO clients as well as children who are not residing at HALO. A review of interior space and exterior play areas was provided, as was an overview of teaching staff qualifications and finances for the program.

The Public Hearing opened at 4:48 p.m.

1. John Nalbandian, 2005 DeKoven Avenue. Noted he lives near the entrance off DeKoven and has safety concerns for the children, especially due to traffic. He advised he thought the main entrance for HALO was to be off of Taylor Avenue. He also noted backing out of his lot is dangerous as the traffic volume is high.

Mayor Dickert inquired about a separate entrance into the site. Stephanie Kober, the childcare director for HALO, stated most people that are in this area are most likely residents going towards DeKoven Avenue to get to the bus, and that the childcare center is not allowed to utilize the DeKoven access, but must use the access from Workforce Development Center located to the west of HALO. Kids of school age may be walked down this area to catch the school bus, as the bus will not enter the site, and that it would be for medium to small busses only.

2. Rosemary Nalbandian, 2005 DeKoven, noted that they have a tree on their property that parents and children use to wait under until the bus arrives, then they run across the street to catch it.

Mayor Dickert advised Ms. Kober she will need to make her clients aware that they are not to use the tree as a shelter, and asked if there is a bus shelter there. Ms. Kober advised there is not, and that the bus stop is actually at DeKoven Avenue and Phillips Avenue. The Mayor advised he will speak with the transit department to inquire about putting a bus shelter there to help alleviate these problems.

3. Stephanie Kober, HALO Childcare Director, elaborated on recommendation H. in the conditions that they are now required, for safety, to put up signs on the fence for drop-off and pick-up only which will take place in the parking lot.

The Public Hearing closed at 4:56 p.m.

Director O'Connell requested a phrase regarding offering childcare services to the general public be added to the title of the item in the Staff recommendations.

Mayor Dickert inquired about safety measures that exist or are proposed. Ms. Kober advised all doors in the area for childcare are locked at all times and accessed only via security passes by Staff and parents with Staff. There also are security cameras, they have smoke detectors and fire extinguishers, and are a peanut-free facility due to allergies. The playground area is completely off-limits to the public and people are required to use the men's entrance when the children are outside.

Alderman Wisneski inquired what a person is required to do to open a home childcare. Ms. Johanneck advised there are code and state statute requirements for personal home daycares; however the City does not have many regulations for them. He was also advised this item is before the Commission because it is an amendment to an existing Conditional Use. Alderman Wisneski then inquired why HALO wants to open up their center to the public, and was advised HALO has been approached by non-HALO individuals about utilizing their childcare facility, that they have the capacity to accept additional children, the high quality of care available, and the fact they are able to offer second and third shift care.

A motion was made by Alderman Marcus, seconded by Commissioner Sutton Ekes, to recommend approval of the request subject to Staff recommendations as amended. The motion PASSED by a Voice Vote.

[11-6829](#)

Subject: (Direct Referral) Consideration of a request from Sharif Malik, representing Dasada Property Management, LLC, for a new gas station and convenience store at 600 Three Mile Road. (PC-11)

Recommendation of the City Plan Commission on 8-31-11: That the item be approved subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 600 Three Mile Road \(11-6829\) CU 600 Three Mile Rd](#)

Principal Planner Sadowski gave background information on the site including location, property zoning, and surrounding zoning and uses. He advised the proposal is to remove the existing station and build a new one, the existing canopy would remain, however the lighting would be modified so as not to spill off-site. He noted two driveways which would be closed off, that the landscaping will be revised and the most recent plan submitted is currently under review, and that the building will be a more contemporary design with a larger convenience store. He also reviewed the internal layout of the convenience store. It was noted revised plans were just received that day which did not allow time for a review, however the recommendation was for approval with conditions that are similar to other gas stations in the area to be consistent and fair.

Commissioner Wyant asked about the empty lot to the north and the proposed placement of the building on the lot. The applicant provided an answer, to which Mr. Sadowski noted did not match what was reflected on the revised drawings. This will need clarification.

The Public Hearing opened at 5:11p.m.
The Public Hearing closed at 5:12 p.m.

Commissioner Sutton Ekes requested clarification on the new plans. Alderman Wisneski inquired if they currently hold a Class A liquor license, to which the

applicant answered no. The applicant advised they intend to obtain one. Alderman Wisneski advised there are no licenses available at this time, and the City is currently 6 licenses over their statutory limit. He brought this up to the applicant as it may affect his business proposal. Alderman Wisneski also noted there is a process for the applicant to go through to try and obtain a beer/liquor license.

The applicant inquired about the process of getting a license, he was advised that the City Plan Commission does not deal with liquor licenses and that he will need to work with the City Clerk's office. Alderman Marcus and Alderman Wisneski provided more detail to the applicant regarding the liquor license process.

Alderman Marcus moved to defer this item to the next meeting. Seconded by Alderman Wisneski.

The architect, Jim Dallas, requested not to defer as they made the plans based on Staff comments. Mr. Sadowski advised the recommendation is for approval subject to the revised plans addressing the concerns outlined and presented to the applicant, and if the recently submitted plans do not meet the required changes the plans would not be approved until they do. Director O'Connell advised the applicant made the effort to meet the conditions prior to the meeting, and there are still the Staff recommendations in place that will cover any deficiencies to the plans. Commissioner Sutton Ekes reiterated the motion on the table, the motion failed upon voice vote.

A motion was made by Commissioner Wyant, seconded by Commissioner Esqueda, to recommend approval of the item subject to staff recommendations. The motion PASSED by a Voice Vote.

Mayor Dickert left the meeting and Commissioner Sutton Ekes took over as meeting chair.

11-6830

Subject: (Direct Referral) Consideration of request from Norwood Commercial Contractors, Inc. to rezone properties located at 1835 Clark Street, 1206 DeKoven Avenue, and 1849 Racine Street, from I-2 General Industrial District to B-2 Community Shopping District (PC-11).

Attachments: [PH Notice 1835 Clark St, 1206 DeKoven Ave, 1846 Racine St.](#)

Director O'Connell provided the background on this rezoning request. The area, property and surrounding zoning, aerial view, and former uses of the site were noted. The property was formerly a community center, which was torn down and the property was sold to a private owner, except the City retained a small strip of land. There is a platted alley also located near the parcels and this alley, along with the expanded Racine Street right-of-way and parcels, make up the area being considered for rezoning. The request is for rezoning from I-2 General Industrial to B-2 Community Shopping District, but is not a Conditional Use request.

The rezoning would allow for the construction of a single-use structure, which currently is proposed as a Family Dollar store. The plans were reviewed, parking for the use would be off of Clark Street and DeKoven Avenue, access points were reviewed, and it was noted the Racine Street frontage would be landscaped. The building elevations were also reviewed. The area north of this block is mixed use, including industrial, residential, and commercial. Staff recommendation is that an ordinance be prepared and a public hearing be scheduled. Clarification of ownership

was provided, and this information (letter) was read into the record.

The Public Hearing opened at 5:28 p.m.

1. Teresa Padilla, 1915 Racine Street, spoke in opposition of the request. Items of concern include: she does not want the zoning to be changed, there is a lot of trash and debris which would only get worse with a new business, wants homes here versus businesses, safety concerns, problems with liquor sales, feels the property values will drop, and feels there are other areas which would be more appropriate for this store to locate.

2. Anna Gonzales, 1825 Racine Street, spoke in opposition of the request. Items of concern include: her house faces the lot where the building would be, a building would take away from the residential feel of the area, feels the business will bring more problems to an area that is already struggling with violence and other social issues.

3. Rita Rogers, 1901 Racine Street, spoke in opposition of the request. Items of concern include: she is simply against it, there are already trespassing problems that would get worse if the building were built, there is a lot of trash and debris constantly being cleaned up by the neighborhood which would get worse, and she essentially agrees with the other speakers.

4. Aubrey Sakowicz, 214 Park Street, Bensenville, IL, spoke in support of the request. Ms. Sakowicz represents Norwood Commercial Contractors. Reasons for support include: supports the store in a commercially zoned area, they keep their sites well maintained, they do not sell alcohol at their stores, changing the zoning from industrial to commercial would have less of an impact on the area, feels it is good for the neighborhood, and also noted that notices were sent, as some people had been saying they were not sent out.

Alderman Marcus advised he is a sole shareholder of a business in this area and owns a property there. He advised he asked the U.N.I.T. inspector for this area, Mr. Arnie Gonzales, his opinion of the application. Mr. Gonzales wrote a letter to address this question which was read into the record by Alderman Marcus, which summarized why Mr. Gonzales felt this store would not be a good idea to be placed in this area.

5. Alfred Rogers, 1901 Racine Street, spoke in opposition of the request. Items of concern include: there is a lot of traffic already and this would increase the amount of traffic in the area, and that there are more appropriate places for this business to locate within the City.

Commissioner Sutton-Ekes allowed those who had already spoken to add any additional comments. The following individuals spoke:

1. Teresa Padilla, who noted she does not want surrounding neighbors from other areas coming into this area.
2. Anna Gonzales, who noted she has nothing against the business itself, thinks it is a bad location for it.
3. Rita Rogers, who added there is a lot of traffic congestion which will only get worse if this store is built.

Public Hearing closed at 5:50 p.m.

Discussion ensued. Alderman Marcus noted he received many calls regarding the project, that this is a neighborhood in transition, and that people who live in this area are trying to improve their properties. He noted there is a COP house in the area which is involved in the neighborhood, he feels this request is out of character for the area, he mirrored the concerns of those who spoke against it, and stated he wasn't

notified until the last minute that this was even on the agenda, though he had been out of town for a week.

Mr. Sadowski noted Family Dollar initiated the request for rezoning of the properties in question. He also noted the Comprehensive Plan: 2035 for the City identified these lots as commercial, not residential. If left industrial more intense and inappropriate uses could locate here with little to no review if they are listed as permitted uses in the zoning ordinance. B-2 zoning at least brings requests in for Staff review versus just having the buildings erected without public input or Staff review. Commissioner Sutton Ekes asked if a manufacturing business wanted to locate here, what type of review would be involved. Mr. Sadowski advised that under the current industrial zoning, building permits can be obtained for permitted manufacturing uses without any neighborhood input, or review by City Development other than for landscaping.

Alderman Marcus made a motion to receive and file. This motion was seconded by Commissioner Veranth. Alderman Marcus then asked if the vote is to receive and file, if the applicants could come back in the future. Director O'Connell advised yes, but would have to re-apply.

Commissioner Veranth noted he would like to see more discussion with the neighborhood and the applicant to clarify various points that have been brought up at this hearing.

Commissioner Veranth then motioned to table this item to the September 28, 2011 Plan Commission meeting to allow for time to discuss concerns brought up in this Public Hearing, and requested that everyone be re-noticed. He withdrew his second on the original motion to receive and file. Commissioner Esqueda seconded, motion carried. Commissioner Wyant did not participate in discussion or vote on this item due to a conflict.

A motion was made by Commissioner Veranth, seconded by Commissioner Esqueda, to table this item to the September 28, 2011 Plan Commission meeting. The motion PASSED by a Voice Vote. Commissioner Wyant did not participate in discussion or vote on this item due to a conflict.

Administrative Business

None.

Adjournment

Commissioner Sutton Ekes adjourned the meeting at 6:20 p.m.