



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 Gregory Holding
Atty. Jud Wyant, Atty. Elaine Sutton Ekes
Vincent Esqueda, Alderman Eric Marcus, Tony Veranth*

Wednesday, June 30, 2010

4:15 PM

City Hall, Room 205

Call To Order

Alderman Holding called the meeting to order at 4:20 p.m.

PRESENT: 5 - Elaine Sutton Ekes, Gregory Holding, Jud Wyant, Eric Marcus and Tony Veranth

EXCUSED: 2 - John Dickert and Vincent Esqueda

Others present: Matt Sadowski, Principal Planner
Jill Johanneck, Associate Planner
Rick Heller, Chief Building Inspector
Brian O'Connell, Director of City Development

Approval of Minutes for the June 9, 2010 Meeting

A motion was made by Commissioner Esqueda, seconded by Commissioner Sutton-Ekes, to approve the minutes of the June 9, 2010 meeting. The motion PASSED by a Voice Vote.

10-5233

Subject: (Direct Referral) Request by Michael's Signs to replace an existing pole sign with a new pole sign having high resolution messages at Bucket's Pub, 2031 Lathrop Avenue. (Res.10-2090)

Recommendation of the City Plan Commission on 6-30-10: That the item be approved subject to recommendations.

Fiscal Note: N/A

Attachments: [PH Notice - 2031 Lathrop Ave](#)
[10-5233 CUP 2031 Lathrop](#)

Associate Planner Johanneck advised the Public Hearing was held on June 9, 2010, and re-reviewed the presentation to update Commission members who were not present at the last meeting on the issues, specifically the land purchase by the owners of Buckets Pub and how it affected their signage.

With the land purchase, the owners also purchased an outdated, out of scale pole sign that is in disrepair. To mitigate the effect of any new signage, Buckets owners have offered to remove the older sign if they are allowed to have the additional 3' of height and additional High Definition area on their proposed sign. Removal of the older sign will benefit the City by removing an obsolete sign and reducing the number

of signs along Lathrop Avenue, making it less non-conforming.

Commissioner Sutton-Ekes asked about the existing sign and advertisements for the strip mall behind Buckets. Ms. Johanneck advised they still have building signage they may utilize.

Alderman Marcus verified which sign will be removed and if they want another sign, they will be required to come back to the Plan Commission to request another pole sign. Director O'Connell advised there are three entrances into the property, two off of other roads, and we would require a sign package to see what type of signage may be allowed off the other street frontages surrounding the building. Alderman Marcus also questioned if the proposed sign and High Definition portion would be allowed as submitted with the removal of the old sign. Ms. Johanneck advised no, however the basis for allowing the additional height and High Definition area is the elimination of the obsolete sign.

Associate Planner Johanneck read through the conditions of approval.

A motion was made by Commissioner Esqueda, seconded by Commissioner Sutton-Ekes, to recommend approval of the item subject to conditions. The motion PASSED by a voice vote.

10-5323

Subject: (Res. 10-2078) A Resolution regarding the vacation of the sidewalk adjacent to 2716 Northwestern Avenue.

Recommendation of the City Plan Commission on 6-30-10: That the vacation is not in conflict with City plans and programs; recommend adoption of the resolution and that a public hearing be scheduled.

Fiscal Note: N/A

Attachments: [Res.10-2078 \(Sidewalk Vacation\)](#)

Associate Planner Johanneck advised on June 8, 2010, the Public Works and Services Committee reviewed this request to vacate the sidewalk along the SE property line of 2716 Northwestern Avenue. This walkway had been created as a shortcut between Neptune Drive and Northwestern Avenue for school children, however a petition initiated by residents citing problems with vandalism and litter in the neighborhood generated the request to have it vacated.

At the Public Works and Services Committee, Alderman Weidner had requested the walk be vacated and removal be paid for by the City. Assistant Commissioner Rooney stated that as this walkway is not needed for right-of-way, and as required a referral was sent to the Plan Commission to decide whether it is in the best interest to proceed with a vacation hearing. A proposed resolution was prepared for Plan Commission review.

Alderman Holding advised this also triggers the need for a Public Hearing before the Common Council, and that he would make it clear that the land would be deeded to the property owners and they would have to take care of it, and the City is not prepared to pay for the removal of the sidewalk.

Commissioner Sutton-Ekes asked if there is a safe route for the kids to get to school if the walk is removed. Alderman Holding advised this was put in as an amenity

when the subdivision was built, and is closed in the winter as the City does not maintain it.

Commissioner Veranth noted concern for grade change and possible need for some retention of the grade if the walk is removed. Alderman Holding advised that would be the responsibility of the owners.

Alderman Holding advised there has not been a public hearing held yet, however one will be held at the Common Council meeting.

A motion was made by Alderman Marcus, seconded by Commissioner Esqueda, to recommend adoption of the resolution as the vacation is not in conflict with City plans and programs, and that a Public Hearing be scheduled. The motion PASSED by a Voice Vote.

10-5324

Subject: (Ord.12-10) An Ordinance amending Chapter 114 of the Racine Municipal Code addressing non-commercial uses in commercial districts.

Recommendation of the City Plan Commission on 6-30-10: That the ordinance be adopted as amended.

Fiscal Note: N/A

Attachments: [Ordinance No. 12-10](#)
 [Ordinance 12-10 Amendments](#)

Director O'Connell updated the Commission that at the last meeting, staff recommended an Ordinance be prepared and a Public Hearing at the Common Council be scheduled. Uses addressed in the Ordinance included daycare centers and non-commercial uses in commercial districts.

Principal Planner Sadowski advised that since the public hearing on this item, additional research was conducted to see how other communities address these types of uses in commercial areas (focusing on daycare centers). Also, several clerical changes to the Ordinance were presented to the Commission members. With the proposed changes incorporated into the Ordinance, staff recommendation is for adoption of Ordinance 12-10.

Further discussion ensued, including clarification between home daycare and commercial daycare centers; replacing the word "typically" with the words "primarily do" in the first sentence of the definitions of commercial-type and non-commercial-type uses; explanation of the differentiation between Class I and Class II non-commercial-type uses, and clarification of the characteristics of non-commercial type uses which would be allowed on ground floors; concepts on the extent of activity necessary to maintain an active storefront; and the concept of 'mixed' use as a description of Class I non-commercial-type uses.

A motion was made by Alderman Marcus, seconded by Commissioner Sutton-Ekes, to recommend adoption of Ordinance 12-10 subject to changes as identified by staff, and word substitutions as directed by Commission members. The motion PASSED by a voice vote.

4:30 P.M. PUBLIC HEARING

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10-5320

Subject: (Direct Referral) Request from Dr. Kenneth Kurt for a conditional use permit at 740 College Avenue to accommodate a banquet hall and to allow for sporting events.

Attachments: [Res.08-0832 \(CUP 740 College Ave\)](#)
[PH Notice 740 College Ave](#)

Alderman Holding opened the Public Hearing at 5:15 p.m.

Director O'Connell advised the site is the former YWCA and is a mixed use facility today including medical offices and, until recently, a small café. The conditional use request is to have a full service restaurant and a hall with special events.

Associate Planner Johanneck provided background on zoning, parking, and information on the site plan. The proposed conditional use would affect the first floor only. An overview of the floor plan was provided, identifying areas for the restaurant, bar, banquet facility, and gymnasium. It was advised they are in search of a liquor license for the facility, which would be under the name of the Hispanic Community Resource Center.

The original conditional use was approved in 2008, which allowed for health services, including substance abuse counseling, health spa, fitness club, training, and physical therapy, and accessory use of a café. The new uses proposed are for a larger restaurant, social dances and receptions, and sporting events, including amateur boxing, mixed martial arts matches, and cage fighting (a mix of wrestling and boxing). Ms. Johanneck expressed concern over overlap of uses and how the serving of liquor would be controlled, as well as parking concerns. The applicant did not provide adequate detail on the uses which made it difficult to determine how much parking would be required.

Staff was advised security would be present at any event where alcohol is served. For every 75 guests, there would be 1 security guard. The applicant advised he has contacted the Racine Police Department for off-duty staff to provide security. No security cameras are proposed.

Landscaping is present, however is in need of upkeep. Per the applicant, an agreement with Whispering Pines Landscaping exists and they will address the maintenance.

It was noted an individual named Mr. Madsen contacted Director O'Connell and advised he is in opposition of this conditional use.

Alderman Coe spoke and expressed concerns with the proposal. He advised he had received calls from neighbors in the area not in favor of these uses at this location. Issues include that the application for a liquor license in this area is inappropriate; that the events that have been held prior have resulted in people hanging out afterwards and fights have broken out; that there is not adequate parking for all these uses; and that there is too large a range of uses proposed.

The applicant, Dr. Kenneth Kurt, came forward to speak. He advised he controls what would happen in the building and the functions, but cannot control what occurs outside after an event. He noted there will be parking issues just as there are all around town. He then noted he is trying to provide a safe place for the Hispanic community to hold their functions.

Public Hearing closed at 5:30 p.m.

Alderman Marcus questioned how the interactions between the Plan Commission and the Public Safety and Licensing Committee work. Alderman Holding advised the Plan Commission and Planning staff do not deal with liquor licenses, however if it is a substantial issue with a proposed use, individuals will be sent to City Development to discuss their proposal. Director O'Connell advised if the City Clerk is concerned, the Building Department may be contacted to verify if the location is zoned appropriately. When there is a possibility of the use being allowable, the applicant may come to City Development as well to discuss. City Development's focus is on reviewing uses to make a recommendation. In this instance, the crossover with the liquor license and the proposed uses became part of the review; however the Licensing Committee decides whether or not to grant the liquor license.

Alderman Marcus indicated his district is within 3 blocks and notes it is a challenging area and there have been complaints of assaults. He is less concerned with social dances and more concerned of mixing alcohol with the proposed boxing or cage matches. He suggested staff look at police activity in the area, and the uses as they are today versus what we may be dealing with when additional uses such as these.

Alderman Marcus moved to defer, the motion was seconded by Commissioner Sutton Ekes.

As a note, Alderman Holding advised there is a church within 300' of this site, and the Public Safety and Licensing Committee and Common Council have to affirmatively exempt a licensee from being within 300' of a church when considering a license.

Director O'Connell clarified with the applicant that the sporting events would go until around 10:00 p.m. to 11:00 p.m. Alderman Marcus asked the applicant if these sporting events were going on currently and was advised they are, and that admission is being charged.

Director O'Connell added that the use as a sports complex currently, under the existing conditional use, allows for sports training and teaching, but not commercial matches where admission is charged.

Alderman Marcus requested the Chief Building Inspector review whether general admission sporting events with an admission fee are consistent with the facility's existing zoning and conditional use permit.

Dr. Kurt noted that boxing events occurring at the Bryant Center involve the serving of alcohol. Alderman Holding advised he will check with the Parks Department to see if that has been approved.

A motion was made by Alderman Marcus, seconded by Commissioner Sutton-Ekes to defer this item. The motion PASSED by a Voice Vote.

Administrative Business

None.

Adjournment

There being no further business, Alderman Holding adjourned the meeting at 5:47 p.m.