



City of Racine

City Hall
730 Washington Ave.
Racine, WI 53403
www.cityofracine.org

Meeting Minutes - Draft City Plan Commission

*Mayor Gary Becker
Alderman Gregory Holding
Atty. Jud Wyant, Elaine Sutton Ekes
Vincent Esqueda, Frank Tingle
Brent Oglesby*

Wednesday, February 27, 2008

4:15 PM

City Hall, Room 205

Acting Chairman Jud Wyant called the meeting to order at 4:20 p.m.

PRESENT: 5 - Elaine Sutton Ekes, Vincent Esqueda, Brent Oglesby, Frank Tingle and Jud Wyant

EXCUSED: 2 - Gary Becker and Gregory Holding

*OTHERS PRESENT: Brian F. O'Connell, Director of City Development
Alderman Sandy Weidner
Devin Sutherland, Downtown Racine Corporation
Matthew Sadowski, Principal Planner
Penelope Gabor, Planning Intern*

Approval of Minutes for the January 30, 2008 Meeting

A motion was made by Vincent Esqueda, seconded by Elaine Sutton Ekes, that the minutes be approved, as distributed. The motion PASSED by a Voice Vote.

Res.07-0454 Vacation of city right-of-way at 3413 Rapids Drive

Resolved, that since public interest requires it, that the following parcel of land, more particularly described as follows, be and hereby is vacated and discontinued:

"Parts of Lots 3 and 4 and all of Lots 5 and 6 of Block 5 in "FOX ESTATE SUBDIVISION NO. 2" being a subdivision of a part of the Northeast 1/4 and the Southeast 1/4 of Section 6, Township 3 North, Range 23 East, in the City of Racine, County of Racine, State of Wisconsin."

Fiscal Note: N/A

Commission action on this Resolution is reflected in Item 08-1812.

08-1812 **Subject:** (Direct Referral) Res.07-0454 is to vacate Right-of-Way at 3413 Rapids Drive.

Recommendation of City Plan Commission on 2-27-08: That the Res.07-0454 be adopted.

Fiscal Note: N/A

Director O'Connell explained the relationship of this item to the site redevelopment approved for the Landmark Credit Union at 3413 Rapids Drive.

A motion was made by Elaine Sutton Ekes, seconded by Frank Tingle, that this Resolution be Recommended For Adoption. The motion PASSED by a Voice Vote.

Ord.01-08

Ordinance No. 1-08

To repeal and recreate Sec. 114-111 of the Municipal Code of the City of Racine, Wisconsin relating to Zoning - Fees, Enumerated.

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

Part 1:

Sec. 114-111 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

"Sec. 114-111. Enumerated.

By a resolution of the Common Council, from time to time, appropriate fees may be established for the following activities: zoning map amendment; zoning appeal or variance; conditional use permit; conditional use permit amendment as a remedy for non-compliance; lot paving/resurfacing; application for designation as "H" Historic Properties District; application to rescind designation as "H" Historic Properties District; submittal or resubmittal for design review."

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

Commission action on this Ordinance is reflected in Item 08-1813.

A motion was made by Elaine Sutton Ekes, seconded by Vincent Esqueda, that this ordinance be Scheduled for Public Hearing to the Common Council. The motion PASSED by a Voice Vote.

08-1813

Subject: (Direct Referral) Ord.01-08 is to to repeal and recreate Sec. 114-111 of the Municipal Code of the City of Racine, Wisconsin relating to Zoning - Fees, Enumerated.

Recommendation of City Plan Commission on 2-27-08: That Ord.01-08 be amended by inserting the phrase "or resubmittal" after the word "submittal" and as amended the ordinance be adopted.

Fiscal Note: N/A

Director O’Connell reviewed past Commission action in this matter, the ordinance language and its relation to item 08-1729. Elaine Sutton Ekes suggested inserting the word “re- submittal” into the ordinance language to reflect language on item 08-1729.

A motion was made by Elaine Sutton Ekes, seconded by Vincent Esqueda, that this ordinance be Recommended For Adoption. The motion PASSED by a Voice Vote.

08-1729

Subject: (Direct Referral) Recommendation for zoning fees as authorized by Sec.114-111 of the Municipal Code of the City of Racine.

Recommendation of City Plan Commission on 2-27-08: That in accordance with Sec 114-111, enumerated, of the City of Racine Municipal Code, the following fees are established for certain activities conducted in accordance with Chapter 114 of the City of Racine Municipal Code:

Zoning Map Amendment:	\$175
Zoning Appeal or Variance	\$175
Conditional Use Permit:	
initial submittal or major change	\$175
minor change	\$000
as a remedy for non-compliance	\$700
Lot Paving/Resurfacing	\$175
“H” Historic Properties District	
Application for designation	\$175
Application to rescind designation	\$225
Design Review Submittal:	
Initial submittal	\$000
First re-submittal	\$175
Second re-submittal	\$200
Third re-submittal	\$225
Additional Re-submittals	Add \$50
Response to a request by a Committee or Commission	\$000

Fiscal Note: N/A

A motion was made by Brent Oglesby, seconded by Elaine Sutton Ekes, that this item be Recommended For Approval. The motion PASSED by a Voice Vote.

07-1170

Subject: Request by Adams Outdoor Advertising for a comprehensive revision the conditional use permits for its signs in the City of Racine and

for the exchange of property in the City.

Recommendation of City Plan Commission on 9-26-07: That the item be deferred on the request of Adams Outdoor Advertising.

Location of updated or new billboard signage:

1101 Washington Avenue (Updated)

1301 West Sixth Street (Updated)

1601 Twenty-First Street (2100 Block of S. Memorial Drive) (New)

1673-75 State Street (New)

1728 North Memorial Drive (New)

2200 Douglas Avenue (Updated)

2218 Douglas Avenue (Updated)

Recommendation of City Plan Commission on 10-23-07: That the item be deferred.

Recommendation of City Plan Commission on 2-27-08: That the request by Adams Outdoor Advertising for a comprehensive revision to conditional use permits in the City of Racine be approved for certain signage, in exchange for certain properties, and subject to the following conditions:

- I. That this approval is based upon plans presented to the Plan Commission on February 27, 2008, subject to the conditions contained herein:
- II. That as part of this approval, the Mayor and City Clerk be authorized to enter into an agreement to take possession of properties from Adams Outdoor Advertising at the following locations by December 31, 2008, as approved by the Common Council herein:
 - a. 920-24 S. Memorial Drive. (Parcel # 3414000)
 - b. 1143 Douglas Avenue (Parcel # 1988000)
 - c. 1600 Racine Street (Parcel # 9088000)
 - d. 1700-16 Racine Street (Parcel # 17214000)
 - e. 2014-45 Racine Street (Parcel # 17207000)
- III. That as part of this approval, the Mayor and City Clerk be authorized to enter into a lease or easement agreements with Adams Outdoor Advertising for the construction and maintenance of off-premise signage (a.k.a. billboards) on City owned property at locations approved by the Common Council herein.
 - a. 1600 Racine Street (Parcel # 9088000)

b. 1700-16 Racine Street (Parcel # 17214000)

IV. That as part of this approval, Adams Outdoor Advertising shall cause the signs and their infrastructure at the following locations to be removed by December 31, 2008:

a. 920-24 S. Memorial Drive. (Parcel # 3414000)

b. 1143 Douglas Avenue (Parcel # 1988000)

c. 2014-45 Racine Street (Parcel # 17207000)

V. That as part of this approval, the following locations are approved for updated or new billboard signage [sign(s)] subject to the listed conditions:

a. 1101 Washington Avenue - Update - Single Sided Back-lit (Parcel # 8632000)

1. Present detailed sign design, site and landscaping plans to the Access Corridor Development Review Committee for review and approval prior to the issuance of a sign permit.

2. The updated sign shall not exceed 300 square feet or a height of 15 feet.

b. 1301 West Sixth Street - Update - Single Sided - City Owned (Parcel # 16857000)

1. Present detailed sign design, site and landscaping plans to the Downtown Area Design Review Commission for review and approval prior to the issuance of a sign permit.

2. The updated sign shall not exceed 672 square feet, or a height of 25 feet.

c. 1601 Twenty-First Street or 2100 Block of S. Memorial Drive - New - Double Sided - City Owned (Parcel # 16857006)

1. Submit a detailed site and landscaping plan to the Director of City Development for review and approval prior to the issuance of a permit.

2. The sign structure color scheme shall be presented to the Director of City Development for review and approval.

3. The sign shall not exceed 300 square feet, or a height of 25 feet.

d. 1673-75 State Street - New - Double Sided - City Owned (Parcel # 7481000)

1. Submit a detailed site and landscaping plan to the

- Director of City Development for review and approval prior to the issuance of a permit.
2. The sign structure color scheme shall be presented to the Director of City Development for review and approval.
 3. The sign shall not exceed 300 square feet, or a height of 25 feet.
- f. 1728 North Memorial Drive - New - Double Sided - City Owned (Parcel # 18493000)
1. That a detailed site and landscaping plan be presented to the Director of City Development for review and approval prior to the issuance of a permit.
 2. That the sign structure color scheme be presented to the Director of City Development for review and approval.
 3. The sign shall not exceed 300 square feet, or a height of 25 feet.
- g. 2200 Douglas Avenue - Update - Double Sided - Back-lit - (Parcel # 20956012)
1. Present detailed sign design, site and landscaping plans to the Access Corridor Development Review Committee for review and approval prior to the issuance of a sign permit.
 2. The updated sign shall not exceed 300 square feet in total square footage, or a height of 15 feet.
- h. 2218 Douglas Avenue - Update - Double Sided (Parcel # 20956013)
1. Present detailed sign design, site and landscaping plans to the Access Corridor Development Review Committee for review and approval prior to the issuance of a sign permit.
 2. The updated sign shall not exceed 672 square feet in total square footage, or a height of 38 feet.
- VI. That all existing signage and infrastructure at locations identified as an "Update" shall be removed by December 31, 2008.
- VII. That all applicable local and State permits be obtained.
- VIII. That a property maintenance plan for each location be submitted to the Director of City Development for review and approval prior to the issuance of building permits.
- IX. 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.

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

- XI. That the City Plan Commission finds that the real estate transactions in Conditions II and III are consistent with City plans and programs, and that the transactions be referred to the Public Works and Services Committee of the Common Council for review and approval.

Fiscal Note: N/A

Attachments: [Adams Outdoor.pdf](#)
[Billboard signage.pdf](#)

Director O'Connell explained changes to the proposal as related to what had been presented at the October 23, 2008 Commission meeting. He addressed properties to be retained in City Ownership, those being transferred to City ownership from Adams Outdoor, and those for which Adams Outdoor will retain easements.

Jason Sari of Adams Outdoor reviewed the updated proposal.

In response to numerous question by Commission members, Director O'Connell responded that the height restriction expressed in the ordinance and design guidelines are generally intended for traditional on-site business signage, the proposed treatment of existing billboard locations along Racine Street is consistent with goals expressed in the Southside Plan, the proposal needs to be looked at with a City wide perspective, the sites contained in the proposed resolution were all part of a October 23, 2007 public hearing, there will be public hearings on at least two of the four additional sites presented today, and that the terms on any lease and any hold-harmless clauses would be addressed during lease negotiations.

In response to Commission member inquiries, Mr. Sari responded that he could lower the height of the sign at 1301 West Sixth Street to a 25 foot height if brush can be cut so that the view of the sign is not obstructed.

Alderman Sandy Weidner voiced concern that the negative effects of this proposal will be felt for years to come as the billboards will contribute to sign pollution; the benefits of the proposal are unclear.

Frank Tingle expressed support for the plan stating that it will improve the appearance of the south side.

A motion was made by Frank Tingle, seconded by Elaine Sutton Ekes, that this item be Recommended For Approval, as outlined in the recommendation. The motion PASSED by a Voice Vote.

08-1695

Subject: (Direct Referral) Request by Tessa Brown seeking a conditional use permit for a group home at 1508 W. Sixth Street.

Recommendation of City Plan Commission on 1-30-08: That this item be deferred.

Recommendation of City Plan Commission on 2-27-08: That this item be denied

Attachments: [1508 W 6th.pdf](#)
[L.Foundations House.pdf](#)

Director O'Connell explained that there are other viable locations in the City that can accommodate this facility with fewer or no conflicts with the 2,500 foot rule. He stated that accordingly there are no peculiar circumstances indicating that the proposed facility must locate at 1508 West Sixth Street.

Citing four potential conflicts with the 2,500 separation rule and the proposed facility, and that circumstance do not exist that are unique to the proposed facility or location, Elaine Sutton Ekes stated she sees no grounds to approve an exception in this case.

A motion was made by Elaine Sutton Ekes, seconded by Brent Oglesby, that this item be Recommended For Denial. The motion PASSED by a Voice Vote.

[08-1795](#)

Subject:(Direct Referral) Compliance review for Chocolate City teen dance club at 522-6th Street.

Recommendation of the City Plan Commission on 2-27-08: That operator of the teen club at 522 Sixth Street is not in compliance with the conditional use permit issued for the property, specifically with condition “d, h, and j” of Resolution 07-0464.

Further that the Chief Building Inspector/Zoning Administrator is authorized and directed to initiate action immediately to revoke the conditional use permit pursuant to sec. 114-156 of the Zoning Code.”

Note: This will not immediately revoke the CUP but starts the process for revocation. See sec. 114-156, attached.

Fiscal Note: N/A

Attachments: [Chocolate City ad.pdf](#)
[CUP Res 07-0464.pdf](#)
[sec 114-156.pdf](#)

Chairman Wyant explained the “ground rules” on which discussion will be allowed to proceed in this matter.

Director O'Connell reviewed a report submitted by the Racine Police Department regarding police calls to the address. He reviewed ordinance procedures for revocation of a conditional use permit.

Brian Kisler, Attorney for Thomas Holmes requested to be able to review the report filed in regards to his clients business, he cited non-compliance issues attributable to the previous operator, his clients lack of knowledge of the applicable conditions of approval, the nature of the complaints as he understands them are based upon a meeting between his client and Alderman Jeff Coe, and a successful operational record at his client's Chocolate City facility in Milwaukee.

Chairman Wyant explained that the Commission is acting on calls for service relating to complaints that have been confirmed by the Racine Police Department and are attributable to the patrons of the Chocolate City dance club.

Deputy Chief Dave Smetana of the Racine Police Department reviewed the volume and nature of the calls for service.

Devin Sutherland of the Downtown Racine Corporation stated that security concerns arise between the hours of 10:00 p.m. to 3:00 a.m. and that for the past two month period, the level has exceeded their experiences when considering the past five years for the entire Downtown Area.

Beverly Hicks, President of the local branch of the NAACP expressed her concern that race appears to be a motivating factor with the City's actions every since Mr. Holmes took over the operation of teen dance club.

Mr. Tingle objected to the Ms. Hicks assertion of racial motivations and cited newspaper articles critical of the previous operator, "My Space" advertisements he finds inappropriate, and the police record that he feels indicates legitimate concerns not based upon race.

Ms. Ekes observed that grounds exist to proceed with a revocation as the police reports indicate violations to the conational use permit relating to curfew violations, noise, and a lack of a security plan.

Mr. Oglesby expressed concern with proceeding with a revocation at this time and advocated for discussing the matter further with all concerned parties so as to arrive at a resolution.

Chairman Wyant described the revocation process and that its initiation will allow discussions to commence that will hopefully result in solutions that address the violations to the conditional use permit.

A motion was made by Elaine Sutton Ekes, seconded by Frank Tingle, that this item be Approved, as outlined in the recommendation. The motion PASSED by a Voice Vote, with Brent Oglesby voting no.

Adjournment

Elaine Sutton-Ekes made a motion to adjourn the meeting. Hearing no objections, Acting Chariman Wyant adjourned the meeting at 5:58 p.m.

Respectfully submitted,

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