



City of Racine

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

Meeting Minutes - Final

City Plan Commission

Vincent Esqueda
Mayor John Dickert
Melvin Hargrove
Molly Hall
Dennis Wiser
Tony Veranth
Tom Durkin

Wednesday, April 27, 2016

4:15 PM

City Hall, Room 205

Call to Order: Mayor John Dickert called the April 27, 2016 Plan Commission meeting to order at 4:24 p.m.

PRESENT: 5 - John Dickert, Molly Hall, Dennis Wiser, Tony Veranth and Tom Durkin

EXCUSED: 2 - Vincent Esqueda and Melvin Hargrove

Approval of Minutes for the April 13, 2016 meeting.

Alderman Wiser moved to approve the minutes of the April 13, 2016 City Plan Commission Meeting. Ayes - All

[15-01056](#)

Subject: (Direct Referral) A request by Matt Richmond of Richmond Paints for a conditional use permit to operate an indoor painting and decorating contractor facility at 3402 Douglas Avenue. (PC-15)

Recommendation of the Plan Commission on 4/13/16: That this request be denied.

Fiscal Note: N/A

Attachments: [PH Notice - 3402 Douglas Avenue](#)
[Attachment 15-01056](#)

Associate Planner Jill Johanneck advised the Commission that following the last deferral, there has been no contact from the applicant. Mr. Richmond was not present at the meeting to discuss his proposal or the conditions drafted by staff. Denial of the request is recommended.

Motion by Alderman Wiser to deny. Motion seconded by Commissioner Veranth. Motion carried. Ayes - all.

[0364-16](#)

Subject: (Direct Referral) A request by Racine County Human Services Department seeking to temporarily locate a Crisis Services Unit (S.A.I.L. program) on the second floor office space at 2200 DeKoven Avenue.

Recommendation of the City Plan Commission on 04-27-16:

Request approved, subject to conditions.

FN: N/A.

Attachments: [Attachment 0364-16](#)

Motion made by Commissioner Durkin to approve, subject to conditions, as presented. Motion seconded by Commissioner Hall. The motion carried. Yes - all.

[0349-16](#)

Subject: (Direct Referral) A request by Karol Fahey of Insite, Inc., representing T-Mobile for consideration of a conditional use request to install antenna's and ancillary cellular equipment to the penthouse on the building located at 1207 State Street. (PC-16) (Res No. 0164-16)

Recommendation of the Plan Commission on 04/27/16: That the request be approved, subject to conditions.

Fiscal Note: N/A

Attachments: [Attachment 0349-16](#)

Ms. Johanneck presented an overview of the area, surrounding properties, zoning and property views. The request presented would involve installation of three (3) antenna sector atop the penthouse for T-Mobile. All base equipment will be located in the building's basement.

This building is listed on the State Historical Registry and approval of the design was required by the State Historical Preservation Office (SHPO). The initial submittal was re-vamped and subsequently approved by SHPO. The antenna will be flush-mounted to the penthouse and screened with a photo vinyl wrapping which matches the existing brick work present on the building and penthouse. All ancillary mounts and cables will be painted to match the color of the building. Considering the stealth screening measures taken to screen the antenna, as well as the proposed location, the installation will have little to no visual impact and is recommended for approval.

Public Hearing Opened: 5:52 pm

1. Karol Fahey, applicant, summarized the request and was available for questions.

Public Hearing Closed: 5:53 p.m.

Motion made by Commissioner Durkin to approve, subject to conditions, as presented. Motion seconded by Commissioner Hall. Motion carried. Ayes - all.

[0352-16](#)

Subject: (Direct Referral) A request by Beatrice Johnson of Greater Works International, represented by Karen Sorenson for consideration of a conditional use to allow for an adult care and religious services facility at 1034 West Boulevard. (PC-16). (Res No. 0165-16)

Recommendation of the Plan Commission 4/27/16: That the request be approved, subject to conditions.

Fiscal Note: N/A

Attachments: [Attachments 0352-16](#)

Ms. Johanneck provided a review of the site location, property views, adjacent views and zoning information. Two operations, the Manna House Adult Day Care and Greater Works Prayer Center are requesting use of the property.

Manna House Adult Day Care is requesting approval to locate here from their current location to continue providing their adult care services for senior adults and those with dementia, Alzheimer's disease, traumatic brain injuries, developmental, emotional and mental disabilities and those of advanced age. The facility is currently licensed for up to 18 individuals and would occupy approximately 1/3 of the interior building area. Transportation services are not offered by the applicants, yet, there will be medical transport vans and Dart bus services coming to and from the site which the applicant advises averages between 8 and 12 trips daily. Hours of operation would be 6:00 am to 6:00 pm, Monday through Friday.

Greater Works Prayer Center is an organization offering worship services, Bible study classes, gatherings and community outreach. The center is requesting to locate in the building, occupying the remaining floor area with a sanctuary area. The applicant states that seating for 40 individuals will be provided. Hours of operation vary. They propose that main worship will be on Sunday's between 10:00 am and 1:00 pm; prayer meetings on Monday - Friday at 7:30 am and Bible study on Tuesday's at 10:30 am.

Sixteen (16) onsite parking spaces are required, as established by the informaton and uses presented. Though the site plan reflects 15 spaces available, this will drop to 13 with the installation of a dumpster and enclosure, as well as a handicapped-access aisle. Staff feels the proposed combination of uses complement each other from a human services perspective, yet, retains reservations that the parking may be inadequate for the services offered. As the operations become functional, parking would be observed to ensure that the level of traffic and vehicle parking are within the parameters of approval. The parking lot is in need of being sealed and will require re-stripping.

The building is constructed of concrete block and the exterior appears to be in good condition. It is recommended that the building be power-washed to enhance and brighten its appearance. Along the base of the east wall is a landscaping area. Upon inspection, the area was overgrown with mostly grass and will require maintenance and healthy landscape plantings. The existing pole sign structure will be fitted with new sign faces, which will represent both businesses. The sign area proposed is within district standards and no other signage was presented for review. Lighting on the south and west of the building is to be shielded downwards to reduce light spillage onto adjacent properties.

The findings of fact for the request were presented to the Commission for consideration in their recommendation to the Common Council.

Public Hearing Opened: 6:03 p.m.

There were no comments.

Public Hearing Closed: 6:03 p.m.

Motion made by Commissioner Durkin to approve, subject to conditions, as presented. Motion seconded by Commissioner Hall. Motion carried. Ayes - all.

[0354-16](#)

Subject: (Direct Referral) A request from Ken Rusch, representing Romaine Wilson seeking a rezoning of the property at 2001 Racine Street from B-1 Neighborhood Convenience District to B-2 Community Shopping District with a FD-FLEX Development Overlay and a conditional use permit for a new and used tire facility. (PC-16) (ZOrd. 003-16)

Recommendation of the Plan Commission 4/27/16: That a public hearing before the Common Council be scheduled, an ordinance prepared, a use supplement be prepared and a conditional use permit be prepared.

Fiscal Note: N/A

Attachments: [Attachment 0354-16](#)

Ms. Johanneck presented an overview of the area, surrounding properties and zoning of this and surrounding properties. The property, which houses a structure originally built and used for auto-related uses prior to the current Zoning Ordinance has been vacant for a period of over 12 consecutive months. As such, the non-conforming status for any automotive uses at the property has been lost. The current zoning of B-1 does not allow auto-related uses, including the proposed tire facility. This is the basis for the rezoning request.

As the rezoning request was analyzed, it was apparent that maintaining the B-1 district development standards and uses was important to the area. The development pattern in the vicinity is of small-scale business operations and residential properties. The B-2 zoning district is not appropriate for the site based on the allowance for higher-intensity uses and the B-2 district development standards. To create additional business opportunities for small-scale, low-impact operations in conjunction with the underlying B-1 development standards, staff supports rezoning to add a FD Flex Development Overlay District. The current and any future proposals would remain subject to the B-1 development standards and the FD Flex Overlay Use Supplement, along with any conditional use requirements, to ensure business operations with minimal impacts. The proposal, as presented by the applicant could be accommodated with the addition of the FD Flex Development Overlay and accompanying conditional use application.

A brief overview of the conditional use proposal was provided, touching on the parking requirements, lighting, and hours of operation. A full analysis and recommendation on the conditional use is forthcoming and will be presented to the Commission, along with the proposed FD Flex Development Overlay Use Supplement at the next scheduled meeting.

Public Hearing Opened: 6:11 p.m.

- 1. Lee Finley, 2012 Mead Street. Spoke in opposition. Does not support the rezoning to B-2 and feels the use is bad for the neighborhood.*
- 2. Attorney Ken Rusch spoke on the behalf of the petitioner, Romaine Wilson, explaining the proposed use and his and his client's understanding of the process before the commission. In response to Interim Director Sadowski, Atty. Rusch stated that B-1 Neighborhood Convenience zoning would be acceptable given the Flex and use supplement will allow his client use of the property as is proposed.*

Public Hearing Closed: 6:13 p.m.

Motion by Commissioner Hall that a public hearing before the Common Council be scheduled and that an ordinance, a use supplement and a conditional use permit be prepared. The motion was seconded by Commissioner Durkin, motion carried. Ayes - all.

[0365-16](#)

Subject: Direction from the City of Racine Common Council to conduct a public hearing for the purpose of rezoning properties at 4601, 4615, & 4619 Washington Avenue (currently zoned B-1 Neighborhood Convenience District) and rezoning properties at 1212, 1218 & 1222 Virginia Street (currently zoned R-2 Single Family Residence District) and rezoning the property at 1223 Ohio Sreet (currently zoned R-3 Limited General Residence District). It is proposed to rezone all the listed properties to B-2 Community Shopping District. (ZOrd.002-15)

Recommendation of the Plan Commission of 07-08-2015: That ZOrd.002-15 be approved.

Recommendation of the Plan Commission of 04-27-2016: Legislative File 0365-16, referring to ZOrd.002-15, is forwarded to the Common Council without a recommendation.

Fiscal Note: N/A

Attachments: [ZOrd.002-15 Attachment 0365-16](#)

Mr. Sadowski advised this request was referred from the Common Council to the Plan Commission, bringing back for consideration the request to rezone the addresses as presented to B-2 Community Shopping District. A history of the properties in question and past actions was summarized and outlined for the Commission in the staff report. This rezoning request was initially part of a larger proposal brought before the Plan Commission, who recommended approval of the request which was subsequently denied by the Common Council. The Common Council recently voted to vacate their past action and sent the request back to the Plan Commission for a public hearing.

Though initially reviewed with a proposed CVS development, this request is now being considered separate from any development application solely for the decision to rezone the properties to B-2. Though the Comprehensive Land use plan (LUP) was updated for future commercial uses in this area, when the rezoning request was denied the existing zoning remained in place. This presents the question of what the appropriate zoning classification for the site should be for future commercial development.

Mr. Sadowski provided a review of the area, all properties involved, zoning (both existing and proposed), and surrounding land uses. Further, he reviewed the definition and intent of all the business district classifications within the City Zoning Ordinance. Following this review it was established the B-1 or B-2 district would be possible options for the rezoning. Further, staff review identified that B-2 is not desirable in the area due to the intensity of uses it allows and likelihood of detrimental

impacts on the adjacent residential uses including increased noise, increased traffic on residential streets, light intrusions, dust, trash, and fumes. The B-1 district provides for more compatible, low-intensity uses, which present less negative potential impacts and would be more appropriate for the area.

Public Hearing Opened: 4:49 p.m.

- 1. P.J. Oksiuta, 4615 Washington Avenue, spoke in support. City needs more businesses like CVS; the area is unsightly and upgrades will benefit the area.*
- 2. Rick Donner, attorney for TMC Wisconsin and CVS spoke. He stated there is still interest in locating in Racine, including this location; summarized the history of hearings and past actions on the request; discussed Roberts Rules of Order as applicable to actions taken by the City to date; and stated this should not be before the Plan Commission at this time. (Mr. Sadowski advised this hearing was requested as individuals have purchased properties with the understanding the rezoning request was denied. Now that it has been brought back for consideration, the hearing is to inform new owners, who were not part of the original notification, about the request).*
- 3. John Georgeson, 720 S. Marquette Street. Spoke in support. Believes the CVS should be allowed to locate here.*
- 4. Brad Gename, 1223 Virginia Street (new owner). Spoke in opposition. Concerns with loss of property values, 24-hour facility with tall lights, increased traffic, run-off, etc. Stated there are more appropriate places to build.*
- 5. Phyllis Lenz, 1205 Illinois Street. Spoke in opposition. Concerns with safety, traffic increases and opposes the CVS.*
- 6. Dorothy Jarvela, 1227 Virginia Street. Spoke in opposition. Concerns with traffic increases, semi-trucks, property values, lighting, and fences.*
- 7. Tina Robin, 1238 Virginia Street. Spoke in opposition. Concerns with traffic.*
- 8. Alderman Henry Perez, 1017 Kentucky Street. Spoke in support. Stated the rezoning will allow CVS to address the unsightly appearance of the corner; discussed prior actions on the rezoning; understands it will affect the neighborhood; is critical to the city's tax base; that the rezoning will make the corner viable.*
- 9. Cynthia Jorgson, 720 S. Marquette Street. Inquired about if a purchase agreement on a residential property can bind the City of Racine to the zoning of a property. Mr. Sadowski advised no, the City is not party to that agreement or bound by it.*
- 10. Colin McKenna, 724 Crabtree Lane. Spoke in opposition. Concerns with traffic; accident levels at Washington Avenue and Ohio Streets; feels there are enough pharmacies in the area.*
- 11. John Cassity, 5101 Wright Avenue #24. Shared various thoughts on the request.*
- 12. Email correspondence from Daniel Petersen, 1135 Virginia Avenue. Opposes the request.*

Public Hearing Closed: 5:23 p.m.

Discussion ensued. City Attorney Scott Letteney clarified this is before the Plan Commission because the Common Council ordered a Public Hearing be held and by Ordinance, the Plan Commission is required to make a recommendation to the Common Council. Further, he reminded everyone the only item before the Commission today is the rezoning. Although this has been intertwined with CVS in the past, CVS nor their project plans are before the Commission for consideration. This is not about a specific use, business, or plan presented in the past, it's only about rezoning of the properties involved to B-2.

Mr. Sadowski noted the findings of fact as applied to this request are presented in the staff report. Based upon the analysis of the request and findings, Staff concludes the request to rezone all properties to B-2 Community Shopping District should be denied.

Commissioner Hall inquired about the possibility for a "qualified" B-2 zoning, considering there are some adverse uses in the B-2 District which are undesirable. Mr. Sadowski advised the code does not provide that option and clarified the difference between permitted and conditional uses, stating with conditional uses the Commission has the authority to authorize deviations from development standards. She further asked what has changed in the situation since the previous hearings were held, other than two new residents moving into the area. Both Mr. Sadowski and Mr. Donner stated there have been no other changes. Commissioner Durkin commented things would make more sense if they were all presented at once. Commissioner Hall concurred.

Mr. Sadowski advised the Council designated this area, via the Comprehensive Land Use Plan (LUP) process, as an expansion of commercial area for redevelopment. He explained the different tiers involved in development review, including the CUP, zoning ordinance, and permit analysis. When this request was initially presented, at the request of CVS representative it was accompanied by a request for an amendment to the Comprehensive plan and a conditional use request, however that is currently not the case. At present, only the rezoning is up for consideration. Procedurally, a decision to rezone is not be tied to any specific applicant or particular use, as it could be considered contract zoning. While it might be considered more difficult of a decision without an accompanying use request, the Commission should only be considering if the B-2 zoning district and the uses allowed are the appropriate zoning designation for these properties and for the area. Commissioner Veranth added a comment about the difficulty in obtaining a loan for a residence which is zoned commercially.

Citing Staff findings, a motion was made by Alderman Wisner to deny the request to rezone the properties to B-2 Community Shopping District. Second by Commissioner Veranth. Alderman Wisner further expressed his concerns related to an increase in traffic, the uncertainty created for homeowners in the area with the City's on-going activity related to this request, and expressed concern related to loss of equity in homes for those who have invested in living in this area. Motion failed upon a voice vote (For: Wisner; Opposed: Hall, Durkin, Veranth).

Upon request by Mayor Dickert for a new motion, none was offered.

The item will be forwarded to the Common Council without recommendation.

Filed

Administrative Business: None

Meeting adjourned at 6:20 p.m.