



City of Racine

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

Meeting Minutes - Final City Plan Commission

*Mayor John Dickert, Alderman Dennis Wisser, Molly Hall,
Elaine Sutton Ekes, Vincent Esqueda, Tony Veranth, Pastor
Melvin Hargrove*

Wednesday, April 8, 2015

4:15 PM

City Hall, Room 205

Call To Order

PRESENT: 5 - Vincent Esqueda, John Dickert, Molly Hall, Melvin Hargrove and Dennis Wisser

EXCUSED: 2 - Elaine Sutton Ekes and Tony Veranth

Others present:

*Matt Sadowski, Assistant Director of City Development/Principal Planner
Jill Johanneck, Associate Planner
Ken Plaski, Chief Building Inspector / Zoning Administrator
Brian Dean, City Development VISTA*

Approval of Minutes for the March 25, 2015 Meeting

A motion was made by Commissioner Esqueda, seconded by Commissioner Hall, to approve the March 25, 2015 meeting minutes, as submitted. The motion **PASSED** by a Voice Vote.

[15-00214](#)

Subject: (Direct Referral) Communication to rescind Legislative File 15-00115 relating to Ord. 02-15.

Recommendation of the Public Works and Services Committee on 03-10-15: Rescind Legislative File 15-00115 relating to Ord. 02-15.

Recommendation of the City Plan Commission on 04-08-15: That the item be received and filed.

Fiscal Note: N/A

Attachments: [15-00214](#)

[15-00115](#)

Assistant Director / Principal Planner Matt Sadowski advised action was taken on this Ordinance at the last meeting, and this communication is an outstanding "clean-up" item from that action.

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

[15-00299](#)

Subject: (Direct Referral) Request from Sivagowri Surendran for a minor amendment to a conditional use to allow for operation of a 24-hour childcare facility at 1015 Washington Avenue.

Associate Planner Jill Johanneck summarized the request of Child Universe Day Care and Learning Center to extend their hours to allow for 24-hour care. They currently have state approval to operate from 5:30 a.m. – 12:01 a.m., 7 days a week. A review of the site, photos, zoning, floor plan and current enrollment was provided.

A day care has operated at this location for many years, with the current owners gaining occupancy in 2008. There is not a conditional use permit on file, and the site operates under an 'implied' conditional use. This allows them to operate as they have since locating here, unless there are any requested changes. The additional hours of operation initiated a change, and the request is being reviewed as a minor amendment.

The overnight hours will accommodate for up to 15 children and is subject to state licensing requirements. All care will be on the main level with appropriate staff levels. Security around and within the building is provided by ADT, with 6 exterior cameras and 2 cameras per classroom and in the hallway. Monitoring is done on-site as well as from the owner's residence. For additional security, there is a buzzer system in place for staff to regulate who is allowed into the building.

Though some site deficiencies exist, such as lack of dumpster enclosures and inadequate parking, the zoning ordinance prohibits application of development standards unless there is new construction, major reconstruction, or a change in use. These do not apply with just the change of hours.

A motion was made by Alderman Wisner, seconded by Commissioner Esqueda, to approve the request subject to staff conditions. The motion PASSED by a Voice Vote.

[14-10831](#)

Subject: (Direct Referral) Consideration of an amendment to the 2035 Comprehensive Land Use Plan Map designation for properties at 1223 Ohio Street and 1212, 1218 & 1222 Virginia Street from Medium Density Residential to Commercial. (Ord. 07-15)

Recommendation of the City Plan Commission on 4-8-15: That the request for an amendment to the Comprehensive Land Use Plan designation for properties at 1223 Ohio Street and 1212, 1218 & 1222 Virginia Street from Medium Density Residential to Commercial be denied based on the findings as follows:

1. The proposed amendment is inconsistent with the goals, objectives, and policies of the plan.
2. The proposed amendment leads to detrimental environmental effects.
3. The proposed amendment is not compatible with surrounding uses.
4. The existing local City (County) facilities and services are not adequate to serve the type of development associated with the amendment.
5. The proposed amendment at the proposed location does not enhance economic development within the City.

Recommendation of the City Plan Commission on 4-29-15:

Notwithstanding the Plan Commission recommendation of April 8, 2015 to deny the amendment to the 2035 Comprehensive Land Use Map, per the direction of the Common Council of April 20, 2015, the Plan Commission submits ordinance language to the Common Council and reports that a public hearing for the resulting ordinance has been scheduled for June 16, 2015 at the Common Council.

Fiscal Note: N/A

Mr. Sadowski advised this was first before the Commission in December of 2014. Since that time, the applicant has requested deferrals to address site plan modifications. This request is the 'gatekeeper' item for the whole project, as it is the decision of whether the 2035 Comprehensive Plan (the Plan) should be amended to accommodate expanded commercial development in this area. A review of the properties involved was provided. This area is currently not identified in the Plan as a focus area for Economic Development. The current residences south of the commercial development along Washington Avenue are depicted as remaining medium-density residential. A historical outline of the areas annexation into the City, and subsequent land use designations with additional annexations in the area, up until the most current land use plan, was provided. Over time, the area has consistently been identified as a low intensity land use area, with areas west of Ohio Street being where the expansion and intensification of commercial activity has been encouraged.

The traffic study submitted by the applicant was discussed, which identified increased trip generation for the area with the proposed development. The study does not address the trip generation currently generated based on existing land use. Though the proposal includes the elimination of 9 driveways in the project area, there would be a five-fold increase in daily trip generation at the intersection of Virginia Street and Washington Avenue. Overall, in excess of 600 more daily trips will be added to the area via vehicles seeking to access the proposed CVS.

The concern of increasing traffic here can be traced back over 80 years to the original platting of the area. The right-of-way east of Ohio Street is 66-feet wide, while west of Ohio Street is 115-feet wide. This correlates with the development patterns and long-range vision for the area, where traffic-oriented development can be accommodated with proper turn lanes, islands, and plane widths for safer movement west of Ohio Street, but not intended east of Ohio Street. This variation in right-of-way causes a bottleneck area. Since April of 2013, along Washington Avenue between Phillips Avenue and Sycamore Street, there have been 66 accidents. Of those, 54-percent of the accidents have occurred at the intersection of Washington Ave. and Ohio Street. With the increase of trip generation with the proposal, accidents would more than likely increase.

Four alternative sites within the direct vicinity of the proposed area were identified and discussed by Mr. Sadowski as being able to accommodate this new development. One of the sites, the intersection of Perry Avenue and Washington Avenue, is being reviewed by the State for reconstruction with potential for installation of a traffic signal. This would accommodate the applicants desire to locate at a signalized intersection, eliminate potentially traffic impediments, eliminate the need for a Comprehensive Plan amendment, and be more in line with existing development patterns.

Mr. Sadowski reviewed the procedure for amending the Comprehensive Plan, and identified the analysis criteria taken into consideration by Staff and Commissioners when reviewing a request for amendment. These criteria, as well as any other concerns and other factors determined to be relevant by the City Plan Commission and Common Council, are the basis of the recommendation. Staff maintains the recommendation to deny the amendment, and provided an overview of the previously presented analysis and original recommendation for denial.

Discussion ensued.

Commissioner Hall asked if there was an alternative site available at Washington and Roosevelt. Mr. Sadowski advised yes, the "theater site" in that area was one of the alternatives presented.

Commissioner Hargrove asked if the applicants revised their plans after the neighborhood meeting input. Mr. Sadowski advised revised plans based were submitted. The plans would be presented with the Conditional Use discussion if this item were recommended for approval. Commissioner Hargrove inquired if they could look at the plans with this discussion, and other commissioners agreed they would like to see them. Representatives for CVS did not object.

Commissioner Hall inquired about review criteria No. 4, regarding existing local facilities and services not being adequate to serve the type of development proposed with the amendment specifically the constricted right-of-way and traffic accidents data, and if these are curable. Mr. Sadowski advised modifications may be possible, including gradually increasing the right-of-way width at the location of Washington Ave. and Ohio St. with standards to be determined by Engineering, a potential cul-de-sac at the end of Virginia Street, and restricting access at Ohio Street (elimination of the proposed full access median break). The applicants would need to determine if they are willing to absorb the costs involved. Additionally, more residential lots to the south would need to be purchased to accommodate these changes. None of the above suggestions, however, address landscape buffer areas required by ordinance for commercial developments adjacent to residential zones. The proposed plan would work well in a commercial district where larger buffer areas are not mandatory. Buffers of landscaped areas between 20-100 feet in depth have been required for numerous developments adjacent to and near residential areas. Mr. Sadowski reviewed numerous properties which have had to accommodate these buffers into their developments.

At the request of Commission members, an there being no objections from CVS representatives, an overview of plan revisions made by the applicant in response to neighborhood and Plan Commission concerns was provided. Changes include confined access to Virginia Street, full access across Ohio Street (not supported by City Engineering), addition of landscaping behind the retaining wall on Virginia Street, additional of additional internal landscaping, upgraded building materials and revised elevations to add interest and texture to the building appearance, and reduction in the size and height of the proposed pole sign. Mayor Dickert inquired about the distance from the drive-through lane to the house to the south. Mr. Sadowski advised approximately 15 to 20-feet, and it is a 24-hour drive-through facility.

Mr. Sadowski directed the conversation back to the item at hand, that being the Comprehensive Plan amendment, stating the Plan would need to be amended for this proposal to move forward towards implementation.

Mayor Dickert reiterated though plan changes have been made, traffic concerns still remain, specifically the proposed ingress/egress from Ohio Street not being an

option. He questioned where the cul-de-sac on Virginia Street would be. Mr. Sadowski advised right at Washington Avenue, which would eliminate access to Virginia Street and put all the traffic onto Ohio Street. Commissioner Hall requested Mr. Sadowski clarify if this is what he is recommending. Mr. Sadowski advised he is not recommending anything, only that he is responding to the question of potential traffic alternatives.

Commissioner Hargrove requested to hear from the applicant prior to the Commission making their recommendation. Mayor Dickert allowed for comment.

Without objections from Commission members or the general public, Richard Donner, representing CVS, spoke. He indicated they have met with Staff, the Mayor, and held 2 neighborhood meetings and feel the plans are greatly improved. Mr. Donner summarized changes made to the plans since the last submittal. These include: removal of 8 existing driveways into the site to create a safer traffic situation; elimination of truck traffic from going south on Virginia Street; no access to Washington Avenue; setting the building further back from the intersection for improved visibility; and improvements to landscaping.

Concerning the Comprehensive Plan amendment and rezoning, he feels this development would be consistent with the other 3 developments on adjacent intersections. He indicated the Comprehensive Plan has been amended 6 times since its adoption in 2009, and is meant to be amended to meet the demands and growth of the City as it evolves and changes. He feels CVS meets the criteria necessary for an amendment, and does not agree that CVS is any different than other businesses on Washington Avenue that would cause this area to be overwhelmed by traffic and require a street widening. The existing businesses are low traffic generating uses, and any improvement to this area will cause a rise in traffic numbers. He further stated that City Engineering's comments on the tapering of the turn lane left onto Ohio Street are prefaced based on DOT standards not being met. This site is not under the jurisdiction of DOT, so the standards do not apply. While DOT standards are important, the City has the flexibility to analyze requirements and determine whether they are appropriate based on the situation. Mr. Donner stated CVS's option for traffic movement on Ohio Street is a safe alternative.

Commissioner Hall noted that for the decision makers, the issue isn't whether CVS improves the site, more whether CVS is able to satisfy the concerns Staff has identified, especially the constricted right-of-way and traffic impacts. Mr. Donner stated he does not fully understand Mr. Sadowski's comments on the constricted right-of-way as it had not been brought up for discussion prior to this meeting, or why the street narrowing would be unique to CVS versus any other business located on Washington Avenue. Commissioner Hall stated the concerns are legitimate and need to be addressed, and offered Mr. Donner opportunity to speak to the information articulated by Mr. Sadowski that while surrounding developments may have developed differently, as decisions are made based on the Comprehensive Plan the intent is to try and do better. Mr. Donner stated they request analysis based on their submittal, which they feel meets the intent and letter of the code.

Mayor Dickert asked why the drive-through is within 15-feet of a residence due to the negative effects. Mr. Donner stated the site is challenged by the grading, which affected where the building was placed. Putting the building too far forward affects visibility at the intersection, and too far back would reduce the buffer area between the residences and the back of the building.

Without objection by CVS representatives, Mayor Dickert invited Jim Smith, 1129 Virginia Street, the appointed individual representing the neighborhoods adjacent to

the project, to speak and update the Commission on any remaining concerns. Mr. Smith stated he has lived in this neighborhood for 50 years and believes there will be more traffic and accidents with this new development. While there is a gas station on the corner and a Walgreens next to that, those properties are zoned properly for that type of development. This is a stable residential area, and there is concern about the changes that accompany higher intensity uses and their negative effects on these established neighborhoods. He is not opposed to CVS Pharmacy as a business; the opposition is to the location of the project on this site. He feels the City would regret making this change at this point and requested the Plan not be amended.

Mayor Dickert indicated there were three petitions on the project, two against and one in favor of the project. Alderman Wiser questioned if one of the petitions could trigger the requirement for a $\frac{3}{4}$ vote at the Council. Mr. Sadowski advised two of the petitions, one in favor and one in opposition, are simply advisory. The third petition was filed under the provisions of the zoning ordinance and would require the $\frac{3}{4}$ vote for the rezoning only, it does not affect the vote on the amendment to the Comprehensive Plan. The third petition is still being reviewed for accuracy.

Mayor Dickert spoke on the Comprehensive Plan change, stating it doesn't matter who the entity is requesting the change. Each review is based on precedent, and are we creating or perpetuating a precedent that would allow something else to happen later on that would push the City even further into an area that we are uncomfortable with. This has been the review criteria with all Plan change requests. These decisions are not based on who the applicant is.

Commissioner Esqueda stated his biggest concern is that if they deny this item we could end up paying a price like in the past and the properties would remain vacant, and that we need to give more time for a better presentation to convince the neighbors it is good for the area. Mayor Dickert stated this will be going to Common Council unless deferral is recommended. Commissioner Hargrove feels a recommendation needs to be made and does not support further deferral. Mr. Donner stated he believes they have made the plans better and have the petition in favor and would like the decision to move forward.

A motion was made by Alderman Wiser to deny the request to amend the 2035 Comprehensive Land Use Plan for properties at 1223 Ohio Street and 1212, 1218, and 1222 Virginia Street from medium density residential to commercial be denied as based on the staff analysis criteria and commission findings 1 through 5. Second by Commissioner Hall.

Discussion on the motion.

Both Alderman Wiser and Commissioner Hall expressed their continued concern about the traffic impacts this development would have on the area and its residents, and do not feel the traffic flow issues have been adequately resolved at this time.

Commissioner Hargrove stated he will be voting for the project based on the 130 +/- signature petition in favor of the project versus the 44 +/- petition against. Also, that the applicants have worked with the neighbors and made plan changes to address resident concerns.

At the request of Commission members, and without objection from CVS representatives, Mr. Sadowski provided visual illustrations identifying the geographic location of petition signers for and against the project. Of those signing in support, the majority were from areas located throughout the City, in some cases 3 to 4 miles away. Those signing in opposition were clustered in the area within 3 blocks of the

proposal. Though there were more signatures in favor, those individuals do not live in this area will not be directly impacted by this development. Mr. Donner presented a document to the Mayor, advising Mr. Sadowski had not seen it yet but it was the result of the applicants working with the Aldermen on obtaining additional signatures for the project.

Commissioner Hargrove left the meeting at 5:30 p.m.

A motion was made by Alderman Wiser, seconded by Commissioner Hall to recommend denial of the request to amend the 2035 Comprehensive Land Use Plan for properties at 1223 Ohio Street and 1212, 1218, and 1222 Virginia Street from medium density residential to commercial be denied as based on the staff analysis criteria and commission findings 1 through 5. The motion PASSED by the following vote:

AYES: 3 - John Dickert, Molly Hall and Dennis Wiser

NOES: 2 - Vincent Esqueda and Melvin Hargrove

[14-10786](#)

Subject: (Direct Referral) A request from Richard Donner of Reinhart Boerner Van Dueren s.c., representing TMC Wisconsin 2 LLC, for the rezoning of the south side of Washington Avenue in the 4600 Block between Ohio Street and Virginia Street from B-1 Neighborhood Convenience, R-2 Single Family Residence, and R-3 Limited General Residence to B-2 Community Shopping District.

Recommendation of the City Plan Commission on 4-8-15: That the request for the rezoning of the south side of Washington Avenue in the 4600 block between Ohio Street and Virginia Street to B-2 Community Shopping District be received and filed.

Fiscal Note: N/A

Attachments: [PH Notice - CVS Pharmacy](#)

A motion was made by Alderman Wiser, seconded by Commissioner Hall, to recommend the request be received and filed. The motion PASSED by a Voice Vote.

[14-10787](#)

Subject: (Direct Referral) A request from Richard Donner of Reinhart Boerner Van Dueren s.c., representing TMC Wisconsin 2 LLC, for a conditional use permit to allow for a CVS Pharmacy on the south side of Washington Avenue in the 4600 Block between Ohio Street and Virginia Street.

Recommendation of the City Plan Commission on 4-8-15: That the request for a conditional use permit to allow a CVS Pharmacy on the south side of Washington Avenue in the 4600 block between Ohio Street and Virginia Street be received and filed.

Fiscal Note: N/A

Attachments: [PH Notice - CVS Pharmacy](#)

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

4:30 P.M. PUBLIC HEARINGS**4:30 P.M. PUBLIC HEARINGS**

[15-00300](#)

Subject: (Direct Referral) Request from Ed Malacara, representing William Garcia & Luis Bautista, for a conditional use permit to operate an automobile repair facility known as "B & L Auto Repair" at 1304 Douglas Avenue. (Res. No. 15-0171)

Recommendation of the City Plan Commission on 4-8-15: That the request be approved, subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 1304 Douglas Avenue](#)
 [\(15-00300\) CU 1304 Douglas Avenue](#)

Ms. Johanneck provided an overview of the request. The property is zoned B-2 and has housed automotive and automotive related uses in the past. The applicant proposed to provide services such as tune ups, brake repair, wheel bearing replacement, struts, starters, tire work, etc. However no engine rebuilding, transmission or axle work will take place.

Parking is limited within the site and if striped properly can provide for 11 spaces. With the size of the building and the use, 33 spaces are required. Additional parking accommodation is available within the building for up to 6 vehicles. Though the intent of the applicants is to work on an appointment-only basis, the nature of vehicle repair often results in situations where vehicles are not picked up, emergency repairs may be needed, and other scenarios that lead to the need for adequate parking. Staff's recommendation includes a requirement that prior to occupancy a parking agreement be arranged with a property in the vicinity to accommodate for any over-flow parking. This requirement has been applied to other former businesses in this building.

There is a landscape area along Douglas Avenue that is in need of upgrading. The applicant advised they will be doing plantings here, however no landscaping plan was provided for review. They are also attempting to work with the Douglas Avenue Design District and BID to obtain a planter for the site. Details of such will be provided to Staff. A cedar dumpster enclosure with gates is proposed along the west side of the site. Signage was not requested with this review.

No deliveries are anticipated by the applicant, as the tenants will pick up materials on an as-needed basis. The tenants are responsible for site maintenance and plowing and have contracted with Eagle Disposal services for removal of oil or other materials. There will be 2 full-time and 1 part-time employee, with hours of operation Monday – Saturday from 8:00 a.m. – 5:00 p.m.

The public hearing opened at 5:32 p.m.

No speakers.

The public hearing was closed at 5:32 p.m.

The applicant was present and Staff clarified several of the conditions of approval, including the requirement for remote parking and a landscape plan.

A motion was made by Commissioner Hall, seconded by Alderman Wiser, to recommend approval of the request subject to staff conditions. The motion PASSED by a Voice Vote.

[15-00301](#)

Subject: (Direct Referral) Request from Marvin Letven, representing RUGN (Racine Urban Garden Network) for a conditional use permit to allow a community garden at 3825 Erie Street. (PC-15) (Res. No. 15-0172)

Recommendation of the City Plan Commission on 4-8-15: That the request be approved, subject to conditions.

Fiscal Note: N/A

Attachments: [PH Notice - 3825 Erie Street \(2\)](#)
 [\(15-00301\) CU 3825 Erie Street](#)

Brian Dean, City Development VISTA volunteer, presented the request to the Commission. Trinity United Methodist Church is working with RUGN to locate a community garden around the northeast corner of the property. Twenty garden plots are proposed for the area. The parcel is zoned R-1 Single Family Residence.

The plots would be maintained by the gardeners who will be subject to guidelines as laid out by RUGN. Parking is available on-site just east of the church building. Water will be provided to the plots from the parsonage building located on the southern end of the site, and per the Water and Wastewater Utility no additional water charges will apply, as a garden is considered a normal seasonal use in a residential district. Hours will be from 'sun up to sun down' during the months of April through November. Tools will be stored inside the church or in a locked outside container, said container requiring review by Staff for location and materials selection. Debris and trash removal is the responsibility of the plot users. Minors will not have access to, or be allowed to work in the garden area without adult supervision and will be monitored by RUGN.

Public Hearing opened at 5:45 p.m.

Applicant Marvin Letven spoke on the project request.

Public Hearing closed at 5:47 p.m.

A motion was made by Commissioner Hall, seconded by Commissioner Esqueda, to recommend approval of the request subject to staff conditions. The motion PASSED by a Voice Vote.

Administrative Business

None.

Adjournment

Meeting was adjourned at 5:53 p.m.