



City of Racine

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

Meeting Minutes - Draft

City Plan Commission

Wednesday, May 8, 2019

4:30 PM

City Hall, Room 205

Call To Order

Mayor Mason called the meeting to order at 4:43 p.m.

Present: 6 - Cory Mason, Jason Meekma, Trevor Jung, Christina Hefel, Marvin Austin, and Sam Peete

Excused: 1 - Mario Martinez

Approval of Minutes for the April 10, 2019 Meeting

A motion was made by Alder Jung, seconded by Alder Meekma, to approve the minutes of the April 10th Meeting. The motion **PASSED** by a Voice Vote.

Approval of Minutes for the April 24, 2019 Meeting

A motion was made by Alder Jung, seconded by Commissioner Hefel, to approve the minutes of the April 24th meeting. The motion **PASSED** by a Voice Vote.

Public Hearings

[0535-19](#)

Subject: (Direct Referral) Request by Brenda Johnson of Urban Fitness Studio LLC seeking a conditional use permit to operate a recreation building at 3402 Douglas Avenue (PC-19).

Recommendation of the City Plan Commission on 05-08-19: That the request by Brenda Johnson of Urban Fitness Studio LLC seeking a conditional use permit to operate a recreation building at 3402 Douglas Avenue be approved, subject to conditions a. - h.

Fiscal Note: N/A

Attachments: [Public Hearing Notice](#)
 [Review and Recommendation](#)
 [Applicant Submittal](#)
 [#0535-19 Resolution](#)

Mayor Mason opened the public hearing at 4:44 p.m.

Assistant Director Matt Sadowski introduced the request and reviewed the location, zoning of the subject and adjacent properties, surrounding land uses and businesses, the comprehensive land use designation for the property, the photos of the site and surrounding area, and the map that went out with the public hearing notice.

Sadowski showed the floor plan for the request. He stated there will be a bridal shop on the northern half of the building and the fitness studio will be located on the southern half of the building. He stated the parking is located at the rear of the property and the access points will be along Douglas Avenue.

Sadowski reviewed the possible actions of the Commission and the required findings of fact for approval of conditional use permits. He stated, based on the required findings of fact, staff is recommending approval of the request. Sadowski reviewed the conditions of approval and further explained condition b. 3. related to the trash enclosure for the site.

There being no speakers for the request, the public hearing closed at 4:51 p.m.

As the motion was being made, the applicant Brenda Johnson, requested that the hours in condition e. be changed to 5:30 a.m. to 10:00 p.m.

A motion was made by Alder Meekma, seconded by Commissioner Peete to recommend approval of the request subject to conditions and with a change to the hours in condition e. being changed to 5:30 a.m. to 10:00 p.m. The motion PASSED by a Voice Vote.

[0269-19](#)

Subject: (Direct Referral) Request by Eihab Atout of Bravo Realty seeking a major amendment to a conditional use permit for the comprehensive reconstruction of a building associated with a daycare facility at 1816 Sixteenth Street. (PC-19)

Recommendation of the City Plan Commission on 05-08-19: That the request by Eihab Atout of Bravo Realty seeking a major amendment to a conditional use permit for the comprehensive reconstruction of a building associated with a daycare facility at 1816 Sixteenth Street be approved, subject to conditions a. - h.

Fiscal Note: N/A

Attachments: [Public Hearing Notice](#)
 [Review and Recommendation](#)
 [Revised Applicant Submittal](#)
 [1816 - 16th Design Alternatives](#)
 [#0269-19 Resolution](#)

Sadowski reoriented the Commission to the request. He stated the item was deferred at the April 10th meeting to allow time for adequate revisions to be made. Sadowski reviewed the location, zoning of the subject and adjacent properties, surrounding land uses and businesses, the comprehensive land use designation for the property, the photos of the site and surrounding area, and the map that went out with the public hearing notice.

Sadowski showed the building that was constructed and reminded the Commission that it was not what was originally approved through the designs submitted and the permitting process. He showed a rendering of what is now being proposed. He stated that the newly proposed design addresses all of the concerns of staff by retaining the brick on the 16th Street façade, adding mortar less brick to the building, and adding an awning to the building. He stated the signage will be located on the awning. Sadowski explained that instead of corner lights, there will be gooseneck type fixtures on the building, which staff supports.

Sadowski explained the rear design of the building. He stated on the decorative cornice will be on the entire building. Sadowski showed the proposed gooseneck fixture and a more industrial lighting fixture that will be facing the parking lot. He showed the character of the awning that will present on the building. Sadowski stated staff has an issue with the cornice. He stated that the applicant proposed an 18 inch cornice and staff has proposed a 3-foot cornice. He stated the 3-foot cornice will tie in more with the accent band on the building. Sadowski explained the Novabrik that is being requested for the building and showed an example of its application.

Sadowski described the possible actions of the Commission and reviewed the required findings of fact for approval of conditional use permits. He stated that with the improvements being offered by staff and the applicant, items 2. and 3. of the required findings have now been met. Sadowski reviewed the proposed conditions of approval.

The public hearing opened at 5:03 p.m.

Eihab Atout, 2400 W. Ryan Road, Oak Creek, WI, spoke in support of the request. He stated he hopes the project can now move forward.

The public hearing closed at 5:03 p.m.

A motion was made by Alder Jung, seconded by Commissioner Peete, to recommend approval of the request subject to conditions with the amendment of condition d. to reflect Res.0278-17 and subject to the staff recommendation of a 3-foot cornice. The motion PASSED by a Voice Vote.

End of Public Hearings

[0437-19](#)

Subject: Communication from Alder Jones requesting that the action of the Common Council of January 15, 2019, granting a conditional use permit to Fury II, LLC, to allow mixed use in an existing building, at 1800 Clark Street and 1825 Holborn Street, be rescinded, and that Resolution 0996-18, dated January 15, 2019, be rescinded.

Attachments: [Summary & Recommendation](#)
[Resolution 0996-18](#)
[Building Notice BG18-104](#)
[Staff report from January 9, 2019 CPC meeting](#)
[Staff report from May 8, 2019 CPC meeting](#)

Hintz explained the request and reviewed the location, zoning of the subject and adjacent properties, surrounding land uses and businesses, the comprehensive land

use designation for the property, and the photos of the site and surrounding area.

Hintz reviewed the conditional use permit (CUP) that was approved for the site on January 15, 2019. He explained the deadlines that applied to the CUP. He stated as of March 7, 2019 occupancy permits were to be obtained for all existing tenants in the building; as of May 1, 2019 parking spaces and loading zones were to be striped; and within 12 months of the warehouse being occupied, compliance with certain development standards e.g. chain link fence removed and a privacy fence installed along DeKoven Avenue and northern 40 feet along Clark Street and landscaping of the gravel parking area or repair/improvement through paving methods allowed by ordinance were to occur. Hintz presented a brief timeline from the application period to the current request. Hintz stated that the property owner no longer wishes to have a mixed-use development on the property. Hintz described the occupants of the building and the tenants who are still in need of occupancy permits, such as the auto repairs that are located in the building. He explained the issues regarding the property's potential removal of a conditional use permit which includes the removal of the flexibility and timeline for compliance and continued violation of several sections of the building, zoning, and other applicable development standards. Hintz explained the possible actions of the commission. He stated the do nothing option – approved conditions mitigate and eventually remedy existing violations on the property and the option of rescinding the CUP would mean immediate conformance with all development standards would be required. He stated staff recommends that the Plan Commission and Common Council do nothing and keep the conditional use permit and approved conditions in place and that the time for all remaining tenants to obtain occupancy be extended to June 7, 2019.

Jeff Nelson, the owner of the property and Fury III LLC explained his request. He stated the biggest defect with the CUP was with the original intention was compliance with the codes. He stated the three auto repairs came with the property. He stated in the CUP item e. for part 2. was excluded which requires that each of the auto repair tenants to obtain a separate CUP. He explained the tenants that are in the building regarding the contractor facility. He stated he believes the code violations resulted as part of the CUP. Nelson stated he has concerns with paving the parking lot and the requirement of the fence. He stated the entire site is a brownfield and is contaminated and that you cannot put a shovel in the ground without the permission of the Department of Natural Resources (DNR). He stated the property was a former foundry where the material was dumped in the soil. He explained the difficulty of paving a contaminated lot. Nelson stated the neighborhood is difficult to get viable tenants. He stated all tenants have been removed from the property except for the final tenant on the sheet, Cartwright Auto. He stated that from the time that the property was purchased he has made every effort to keep the property viable. He stated the CUP imposes conditions that are difficult to be met. He stated he would like to rescind the CUP and have the Building Department work with him. He stated he is not trying to get out of compliance, but it will take time and workability from the City.

Mayor Mason explained that the effect of repealing the CUP means that there will no longer be time to get into compliance and that all of the codes become immediately enforceable. He stated he feels that the effect of what Nelson is requesting will be the opposite of the desired effect.

Nelson stated that he understands if the CUP is rescinded he will fall back into requirements of the I-2 General Industrial District. He stated he understood that the Cup brings more requirements to the building.

Mayor Mason stated he appreciates Nelson's intention, however, the zoning code is what it is and the CUP actually provides flexibility to achieve the code.

Sadowski stated staff wants to see older buildings maintained and the CUP provides that flexibility. He stated the old Western Publishing property on Mound Avenue has a CUP that allows it to be used as a mixed used facility, Regency Mall, although all of the uses are permitted in B2 when you have a conglomeration of uses in one area it becomes difficult to regulate without the CUP. He stated that in experience, the CUP will help the property since it has a mixed variety of uses. He stated the ones that have occupancy permits are grandfathered, however, anything additional would have to comply with the CUP. Sadowski stated if the CUP were removed immediate compliance with the codes would be required. He stated the CUP does requirement improvements to be done to the property.

Nelson reviewed the state law as he understood it in respect to zoning. He stated the city can do what they want with their zoning.

In response to Nelson, Mayor Mason stated the ordinance cannot be picked and chosen based on who applies. He stated they are adopted ordinances for the City of Racine.

Discussion ensued regarding Nelson's intention.

Mayor Mason stated that there appears to be disconnect between what Nelson hopes to achieve with his actions and the actual outcome of repealing the CUP. Mayor Mason suggested that the item be deferred.

Alder Mollie Jones, 1901 Franklin Street, spoke regarding the request. She stated she no longer needs to speak because the applicant will be taking the deferral.

A motion was made by Alder Meekma, seconded by Commissioner Hefel, to defer the request. The motion PASSED by a Voice Vote.

Adjournment

There being no further business, the meeting adjourned at 5:46 p.m.