

Municipal Building 625 52nd Street – Room 202	Kenosha City Plan Commission Agenda	Thursday, February 6, 2014 5:00 p.m.
<p style="text-align: center;"><i>Mayor Keith Bosman – Chairman, Alderperson Kevin Mathewson - Vice-Chairman Alderperson Anthony Kennedy, Alderperson Jan Michalski, Kathryn Comstock, Anita Faraone, Robert Hayden, Anderson Lattimore, Jessica Olson and Ron Stevens</i></p>		

Call to Order and Roll Call

1. Request to Amend the Conditional Use Permit for Lowe's Home Improvement Store at 6500 Green Bay Road to allow for an outdoor display area. (Lowe's) (District #16) PUBLIC HEARING
2. Conditional Use Permit for a tattoo and body piercing establishment to be located at 5712 6th Avenue. (Parker and Barrow) (District #2) PUBLIC HEARING
3. By Alderperson Jesse Downing - To Repeal and Recreate Subsection 8.04 A.4; and to Amend Subsection 8.04 F. of the Zoning Ordinance for the City of Kenosha, Wisconsin regarding Certificates of Occupancy. PUBLIC HEARING

Public Comments

Commissioner Comments

Staff Comments

Adjournment

Community Development & Inspections
625 52nd Street – Room 308
Kenosha, WI 53140
262.653.4030 phone / 262.653.4045 fax
www.kenosha.org

If you are disabled in need of assistance, please call 262.653.4030 at least 72 hours before this meeting.

Notice is hereby given that a majority of the members of the Common Council may be present at the meeting. Although this may constitute a quorum of the Common Council, the Council will not take any action at this meeting.

Request to Amend the Conditional Use Permit for Lowe's Home Improvement Store at 6500 Green Bay Road to allow for an outdoor display area. (Lowe's) (District #16) PUBLIC HEARING

LOCATION/SURROUNDINGS:

Site: 6500 Green Bay Road
Zoned: B-2 Community Business District

NOTIFICATIONS/PROCEDURES:

The alderperson of the district, Alderperson Downing, has been notified. The Common Council is the final review authority.

ANALYSIS:

- On July 22, 2004, the City Plan Commission approved a Conditional Use Permit for Lowe's Home Improvement Store at 6500 Green Bay Road.
- Condition #13 of that approval stated that "Outdoor display of products is prohibited, except within the Garden Center fence." Since the opening of the business in 2006, Lowe's has used various areas along the front and side of the store for outdoor display of products, including plants, lawnmowers, grills, and lumber products. City Staff has continued to enforce the Conditional Use Permit conditions, on an annual basis with this development..
- Lowe's submitted the attached Request for Amendment to their Conditional Use Permit to remove the condition regarding outdoor display and sales.
- Section 3.14 A.14 of the Zoning Ordinance regarding "Building Supply Stores" says "All storage which is adjacent to or across an alley from any residential district shall be within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened from the residential district." Properties to the north, south and east are all zoned non-residential, but the property to the west is zoned multi-family residential. Anything stored outside and not effectively screened from the residential lot cannot be permitted. The areas labeled "1" and "2" on the attached Site Plan meet this criteria and are not eligible for outdoor display.
- The other outdoor display areas are at the discretion of the Review Authority. Conditional Use Permits for larger-scale commercial projects have historically included Conditions of Approval restricting or prohibiting outdoor sales and display. Examples are Menards, Gander Mountain and the future Meijer store. Gander Mountain was allowed a small outdoor display area in front of their store to display ATV's. The area was landscaped and designed to integrate with the layout of the front of the store.
- The areas labeled "3" through "5" on the attached plan appear to consume the entire sidewalk in front of the store, forcing pedestrians to walk in the traffic lane.
- Staff contacted the applicant and indicated that we would be recommending denial of the request for an Amendment to the Conditional Use Permit. The applicant indicated his desire to still place the item on the agenda.

Request to Amend the Conditional Use Permit for Lowe's Home Improvement Store at 6500 Green Bay Road to allow for an outdoor display area. (Lowe's) (District #16) PUBLIC HEARING

- Staff also heard from the Alderperson of the District, Alderperson Downing. He indicated that he supports the Amendment request, so long as the outdoor display is only along the front of the building and not in a section of the parking lot, like a tent sale.
- Allowing the display area to occur along the entire front of the building will detract from the design of the building. It will also add clutter to the front of the building and force pedestrians off the sidewalk. As noted, the City has required other developments to abide by the same requirement.

RECOMMENDATION:

A recommendation is made to deny the request to amend the Conditional Use Permit based on inconsistency with previous approvals.



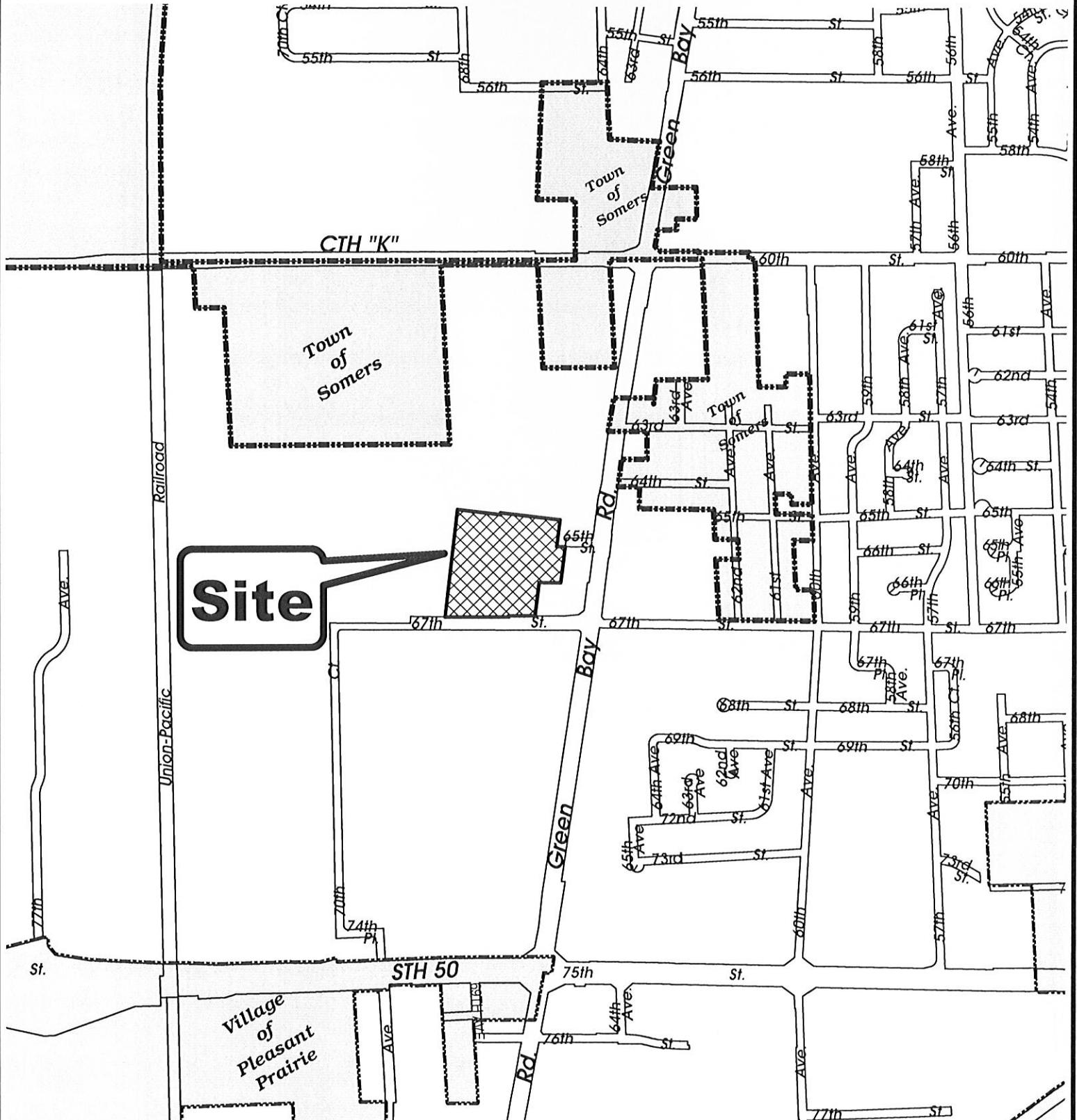
Brian R. Wilke, Development Coordinator



Jeffrey B. Labann, Director

City of Kenosha

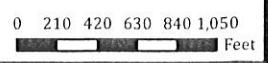
Lowe's Home Improvement CUP Amendment



Site



----- Municipal Boundary

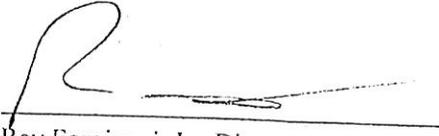


Department of City Development
625 - 52nd Street
Kenosha, Wisconsin 53140
(262) 653-4030, (262) 653-4045 (fax)

Conditional Use Permit Approval

Project Name:	Lowe's	Date: May 13, 2005
Location:	6500 Green Bay Road	
Issued to:	Mr. Evan Vlaeminck Lowe's Home Improvement 1962 McDowell Road - Suite B-03 Naperville, IL 60563	
Architect/Engineer/ Contractor (if applicable):	Mr. Joseph Vavrina Smith Engineering 4500 Prime Parkway McHenry, IL 60050	
Approval Date(s):	City Plan Commission - July 22, 2004 / December 9, 2004 (extension) Department of City Development - May 13, 2005	
<ul style="list-style-type: none">• Conditions of approval (see attachment)• Conditional use permit shall be null and void if a building permit is not obtained by: July 22, 2005		

Any questions regarding the approved conditional use permit should be directed to Jeffrey Labahn, Assistant City Planner, or Rich Schroeder, Development Coordinator, at 262-653-4030.


Ray Forgianni, Jr., Director
Department of City Development

- cc Ed St. Peter, Water Utility Manager
Daniel Wade, Police Chief
Ron Bursek, Public Works Administrator
Jim Schultz, Director of Neighborhood Services and Inspections
Patrick Ryan, Fire Prevention Bureau Chief
Mike Higgins, City Assessor
Paula Blise, Zoning Coordinator
Nick Torcivia, Senior Building Inspector

Project Name:	Lowe's	Date: May 13, 2005
Location:	6500 Green Bay Road	

Conditions of Approval:

1. Applicant shall obtain erosion control, building, fence, plumbing, electrical, occupancy and any other required construction permits from the Department of Neighborhood Services and Inspections.
2. Applicant shall obtain sidewalk, street opening, driveway and parking lot permits from the Department of Public Works.
3. All signs shall comply with Chapter 15 of the Code of General Ordinances and sign permits shall be obtained from the Department of Neighborhood Services and Inspections. The Unified Business Center is only permitted to have two (2) pylon signs on STH 31.
4. Storm water detention basins shall be constructed and operational prior to the issuance of any occupancy permit.
5. Applicant shall meet all applicable conditions of approval and obtain a permit by July 22, 2005 or the conditional use permit shall be null and void per Section 4.04I of the Zoning Ordinance.
6. Compliance with all City and State codes and ordinances and with any conditions noted in the recorded Developers Agreement.
7. Any changes to the approved plans shall require an amendment to the approved conditional use permit. All changes shall be submitted to the Department of City Development for review and approval.
8. The development shall be constructed in accordance with the approved plans on file with the Department of City Development. All parking areas, drives, and designated paved areas shall be paved, building exterior completed and site lighting installed prior to the issuance of any occupancy permits. All other improvements indicated on the plans, including landscaping, shall be installed prior to the issuance of a final occupancy permit.
9. All off site improvements required under the Developers Agreement and the approved Traffic Impact Analysis shall be completed prior to the issuance of any occupancy permit.
10. All improvements, including landscaping, shall be maintained per the approved plans. Any damaged fencing, landscaping, or building shall be replaced/reconstructed per the approved plans.
11. All trash containers shall be stored within the enclosure.
12. All vehicles shall be parked on the designated paved areas.
- 13. Outdoor display of products is prohibited, except within the Garden Center fence.
14. Applicant shall install motion sensors and other safety devices as approved by Staff at the parking/truck intersection.
15. All rooftop mechanicals shall be properly screened per Section 14.07 B.10 of the Zoning Ordinance.

Lowes Home Improvement Front Apron Request to Amend the Conditional Use Permit

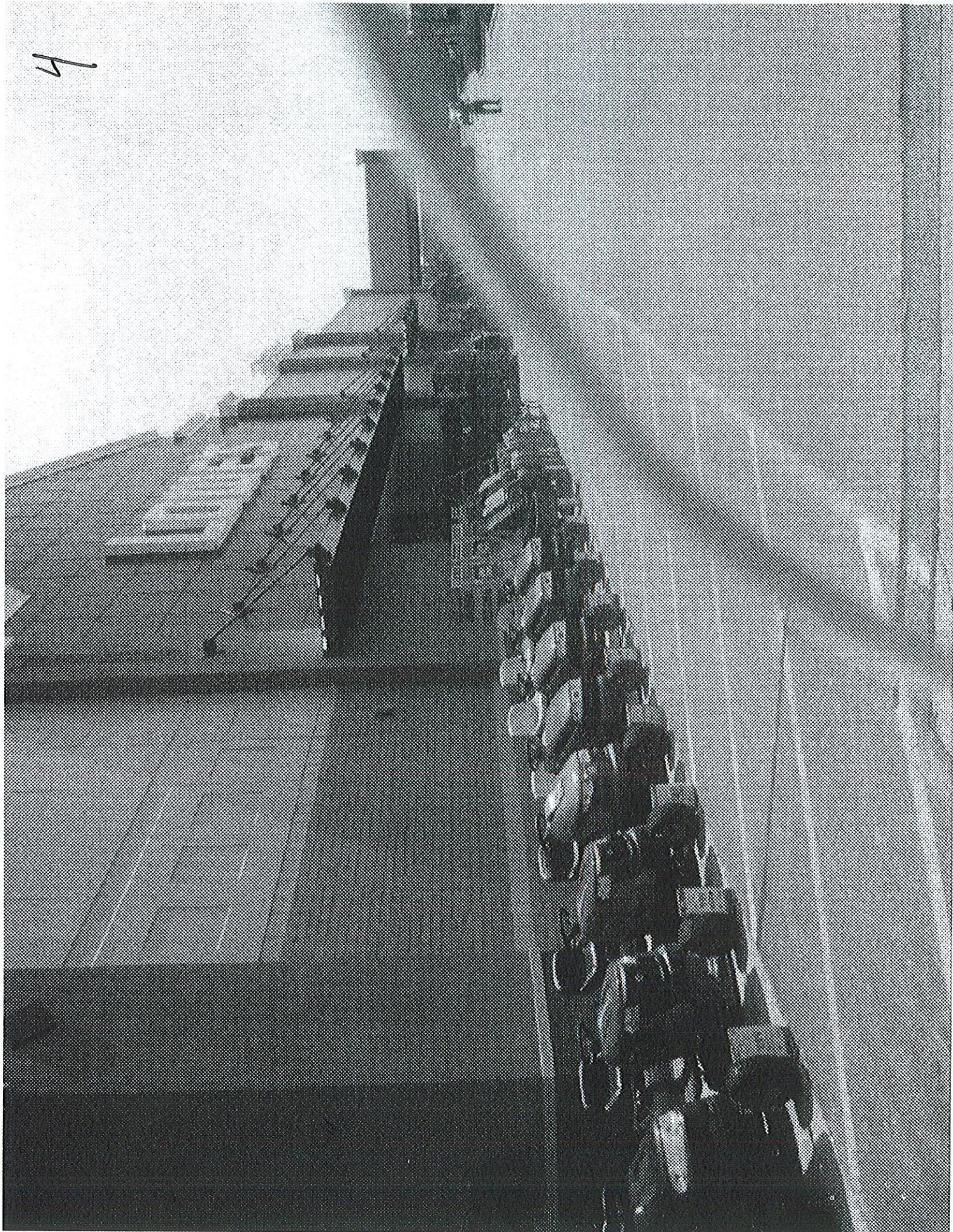
Purpose: To utilize designated display and selling space within parameters to increase inventory and profitability throughout the store. This will allow us to remain competitive, while keeping the necessary on hands and selections that are trending year after year.

What and Where: There are 7 designated areas marked on the blueprint. They are identified as the following:

1. Highway Trailers displayed and sold from the south side of the building covering 6-8 parking spots. Over the past several years we have had many requests for trailers. Upon further collection we would be the only business in Kenosha that would be able to furnish highway trailers in stock ready to be delivered. (We are open to other placement areas)
2. Storage Sheds would accompany 8 total parking spaces with a total of four displays. These displays are vendor owned and would be maintained monthly by the respective vendor. (We are open to other placement areas)
3. Live Nursery across the fence line and as stipulated on the current conditional use permit and store blue print.
4. Tractor display and sell through area. Merchandise the 8 tractor models that we carry at the store. Refer to photo labeled #4.
5. Grills would be located here. This would designate to have 6-8 different model grills outside on the front apron. Refer to photo labeled #5
6. Commercial Canopy. This is a year round program that is scaled back in the winter months. This program is in effort to stage job lot quantities of high volume, difficult to handle and speed load items underneath the canopy outside the lumber entrance. This will allow our Commercial Customers to get in and out in a timely manner. The Store will also benefit from this by decreasing labor required to re- stock the Department.
7. Same as # 6. Please refer to photos labeled #6 and #7.

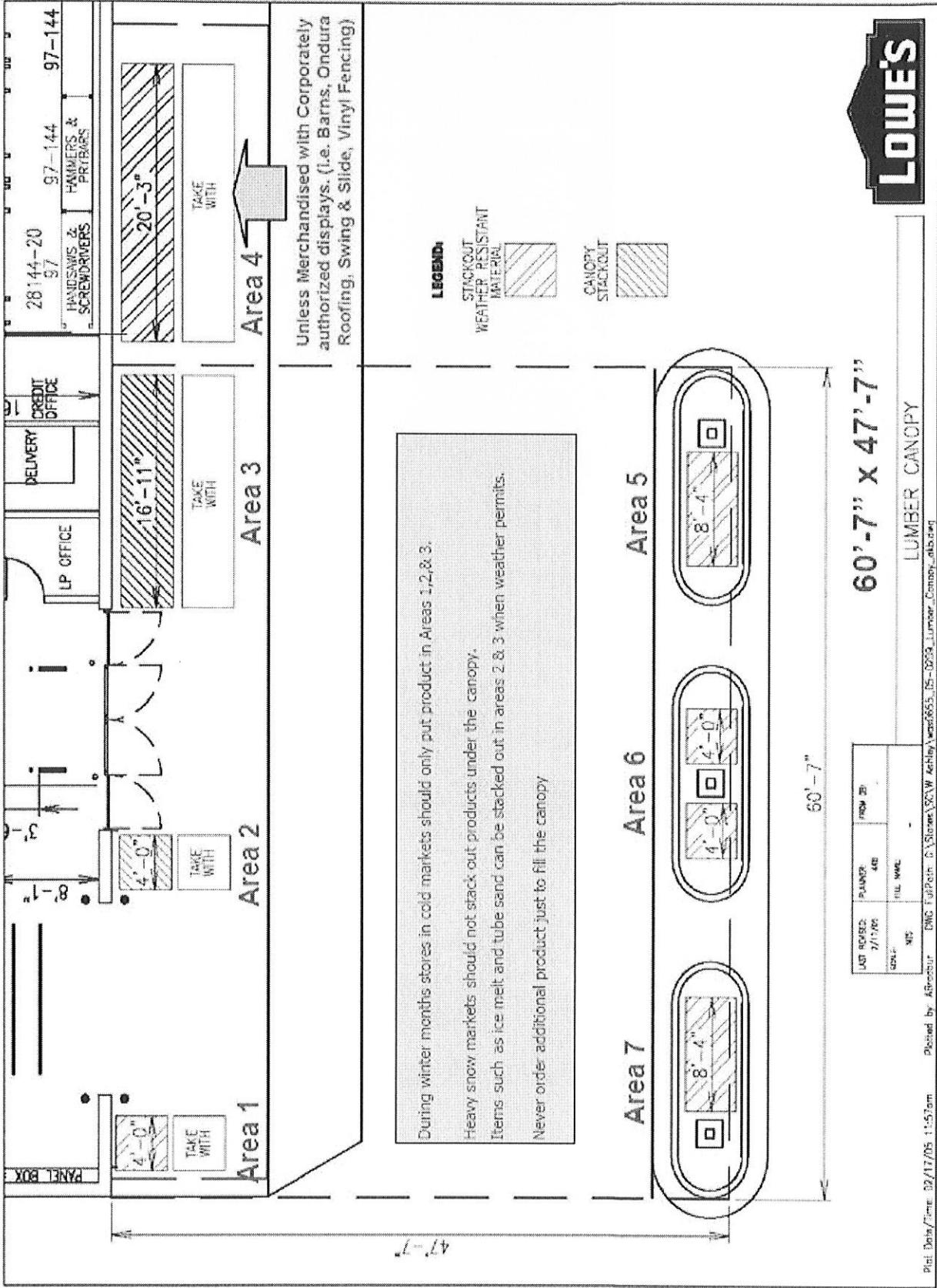
Being able to utilize these requested areas for display and selling will help generate between 4-6 million dollars over the course of FY2014. We should see an increase within 25-35% percent, better in stock position, products assembled and ready to be delivered and more established Commercial Sales Program. All Displays will be on the concrete except for #1 and #2. Everything will be secured from a loss prevention and safety standpoint. The fire lane will not be utilized nor will any emergency doors be blocked. Everything will be fresh, neat and organized as we adhere to Lowes strict merchandising standards.

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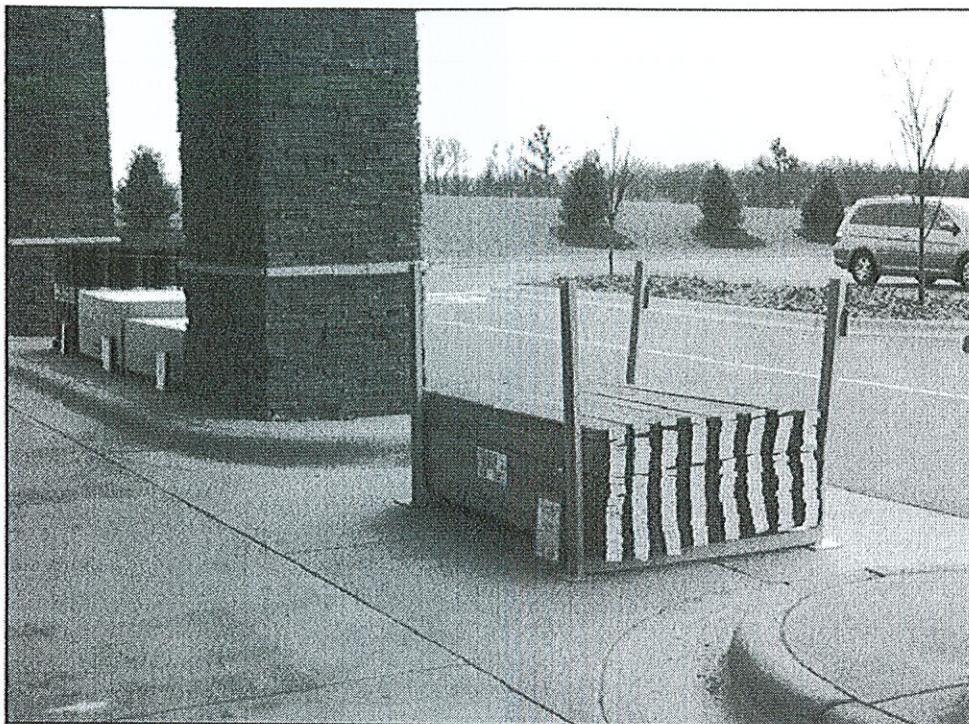


60'-7" x 47'-7"

LUMBER CANOPY

LOT NUMBER:	PLUMBER:	ROW ID:
2/17/05	400	
DATE:	FIL. NAME:	
05		

Plot Date/Time: 02/17/05 11:53am Plotted by: A9rebutr DWG Path: C:\Stores\SCW Ashley\new655_05-0259_Lumber_Canopy.dwg



ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

3.14 B-2 COMMUNITY BUSINESS DISTRICT

The primary purpose and characteristics of the B-2 Community Business District are intended to accommodate the needs of a larger consumer population than is served by the B-1 Neighborhood Business District, thereby permitting a wider range of uses and development sizes for both convenience and community shopping.

A. Permitted Uses.

1. Hotels and motels existing on the effective date of this Ordinance.
2. **Convenience Retail and Service Stores** as follows, all conducted wholly within an enclosed building, except as provided for herein:
 - a. Bakery, retail.
 - b. Barber shop.
 - c. Beauty or styling salon.
 - d. Bicycle sales, rental and repair shop.
 - e. Book and stationery shop, newsstand; excluding adult uses, as defined.
 - f. Camera and photographic supply store, including drive-in, pickup/drop-off centers.
 - g. Candy and ice cream store.
 - h. Clothes and costume rental service.
 - i. Coffee shop.
 - j. Dressmaking and tailor shop.
 - k. Drugstore.
 - l. Florist shop.
 - m. Food store; grocery; meat, poultry and fish market; and delicatessen; including the use of controlled atmosphere smoke producing and processing equipment for retail and customer order purposes.
 - n. Gift or antique shop.
 - o. Hobby shop.
 - p. Jewelry store.
 - q. Laundromat and dry cleaning establishment, including clothes or garment pickup/drop-off facilities.
 - r. Locksmith.
 - s. Office supply store.
 - t. Package beverage store, including drive through facilities.
 - u. Pet shop.
 - v. Photocopying center.
 - w. Record or tape store.
 - x. Repair, rental, and servicing of any article the sale of which is a permitted use in the B-2 District, except automobile body repair.
 - y. Restaurant, including drive-in and outdoor cafe restaurants and refreshment stands.
 - z. Secondhand Article Dealer.
 - aa. Shoe repair and combination shoe sales store.
 - bb. Tobacco and pipe shop.
 - cc. Travel bureau and transportation ticket.
 - dd. Upholstering shop.
 - ee. Artisan Studio.
3. **General Merchandise and Service Stores** as follows, all conducted wholly within an enclosed building, except as provided for herein:
 - a. Apparel store.
 - b. Business machine sales and service.
 - c. Catalog and mail-order store.
 - d. Department store, including outdoor storage areas of building and garden supplies, as permitted in

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

§3.14 A.9.i. of this Ordinance.

- e. Drapery, curtain, and fabric store.
- f. Flea market.
- g. Furniture and home furnishing store.
- h. Furriers and fur shops.
- i. Household appliance store.
- j. Interior decorating and picture framing studio
- k. Leather goods and luggage store.
- l. Musical instrument store.
- m. Opticians sales.
- n. Orthopedic and medical appliance store.
- o. Radio, television, stereophonic and other electronic appliance store.
- p. Shoe and boot store.
- q. Sporting goods and trophy store.
- r. Toy store.
- s. Variety store.

4. **Miscellaneous retail building, home improvement and gardening supply stores and uses** as follows:

a. **Building supply store**, not involving the manufacture, treatment, or processing of any product, or the cutting or planing of any product other than cutting or planing which is incidental or essential to the retail business. All storage which is adjacent to or across an alley from any residential district shall be within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened from the residential district.

b. **Carpenter, electrical, plumbing, heating and air conditioning shop, showroom and storage area**, all conducted wholly within completely enclosed buildings.

c. **Feed and fuel store**. All storage of feed or fuel which is adjacent to or across an alley from any residential district shall be within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened from the residential district.

d. **Floor covering and carpet store**, all conducted wholly within a completely enclosed building.

e. **Garden supply, commercial nursery, greenhouse or orchard**. All storage of supplies which is adjacent to or across an alley from any residential district shall be within completely enclosed buildings or located in accessory outdoor storage areas in a manner which constitutes an effective screen from the residential district.

f. **Hardware store**. All storage of building or garden supplies which is adjacent to or across an alley from any residential district shall be within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened from the residential district.

g. **Mobile or manufactured homes sales and services centers, excluding construction**. All storage of mobile or manufactured homes which is adjacent to or across an alley from a residential district shall be within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened from the residential district.

h. **Paint, glass and wallpaper store**, all conducted wholly within a completely enclosed building.

i. **Storage areas of a department store containing building or garden supplies** provided that when such areas are adjacent to or across an alley from a residential district, such storage is within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened from the residential district.

j. **Tool and equipment rental store**. All storage of retail or rental tools and equipment which is adjacent to or across an alley from a residential district shall be within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened from the residential district.

5. **Miscellaneous Retail and Services Uses** as follows, all conducted wholly within a completely enclosed building except as provided for herein:

a. **Amusement enterprises and pool halls**. No amusement enterprise or pool hall shall be located within one thousand (1,000') feet, as measured by the most direct means, from lot line to lot line of any

Development Review Application City of Kenosha, Wisconsin

MAILING INFORMATION

NAME OF PROJECT: Kenosha Lowe's #2560 Front Apron Layout

Check one (1) of the following boxes to indicate the recipient of all correspondence:

<input checked="" type="radio"/>	Name and Address of Applicant [Please print]: Lowe's Home Improvement Center Jeff Winiarski - Store Manager 6500 Green Bay Road Kenosha, WI 53142	Phone: (262) 653-8770 Fax: (262) 653-8771 E-Mail: jeffery.j.winiarski@store.lowes.com
<input type="radio"/>	Name and Address of Architect/Engineer [Please print]: _____ _____ _____	Phone: _____ Fax: _____ E-Mail: _____
<input type="radio"/>	Name and Address of Property Owner (if other than applicant) [Please print]: _____ _____ _____	Phone: _____ Fax: _____ E-Mail: _____

PROJECT LOCATION

Location of Development (street address and / or parcel number): 6500 Green Bay Road, Kenosha, Wisconsin 53142
Store Front

TYPE OF LAND DEVELOPMENT

Check all that apply. Note: Additional information may be required within individual Sections.

<input type="checkbox"/>	Certified Survey Map	Section 1	Page 3
<input type="checkbox"/>	Concept Review (<i>Land Division</i>)	Section 2	Page 4
<input type="checkbox"/>	Concept Review (Multi-Family Residential or Non-Residential)	Section 3	Page 5
<input checked="" type="checkbox"/>	Conditional Use Permit	Section 4	Pages 6 & 7
<input type="checkbox"/>	Developer's Agreement	Section 5	Page 8
<input type="checkbox"/>	Final Plat	Section 6	Pages 9 & 10
<input type="checkbox"/>	Lot Line Adjustment Survey	Section 7	Page 11
<input type="checkbox"/>	Preliminary Plat	Section 8	Pages 12 & 13
<input type="checkbox"/>	Rezoning	Section 9	Pages 14 & 15
<input type="checkbox"/>	Site Plan Review	Section 10	Pages 16 & 17

**PRIOR TO SUBMITTING THIS APPLICATION TO THE DEPARTMENT OF CITY DEVELOPMENT,
PLEASE REVIEW THE APPROPRIATE SECTION(S) FOR FEES, REQUIREMENTS AND APPROPRIATE APPENDICES.**

*Submit this cover page, completed application, applicable section(s) and appendices
along with ALL required plans, information and fees to:*

Department of Community Development & Inspections
Planning Division
625 52nd Street, Room 308
Kenosha, WI 53140

Phone: 262.653.4030
Fax: 262.653.4045

Office Hours:
M - F 8:00 am - 4:30 pm

**SECTION 4
CONDITIONAL USE PERMIT**

Additional Information Required:	Building or Addition Square Footage: <u>116K Wide/135,452 square feet</u> Existing Building Size: <u>116K Wide/135,452 square feet</u> Site Size: <u>N/A</u> Current # of Employees <u>115</u> Anticipated # of New Employees <u>35 spring hires</u> Anticipated Value of Improvements <u>Increase in Inventory/Overall Revenue</u>
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Submittal Requirements:	<ul style="list-style-type: none"> ➤ Ten (10) full size scaled copies of Specified Plans indicated below drawn at a standard engineering scale ➤ Developer Site Plan/Conditional Use Permit Checklist (Appendix A)
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If Item to be Reviewed by Plan Commission/Common Council must Submit:	<ul style="list-style-type: none"> ➤ One (1) 8 1/2" x 11" reduction <i>or</i> twenty (20) 11" x 17" reductions of the Site/Landscape Plan, Floor Plan and Colored Building Elevations (all sides) ➤ Sample Board containing colored samples of all exterior building materials
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Fees:		<u>Building or Addition Size</u>	<u>Site size</u>	<u>Review Fee</u>
	Level 1	<= 10,000 sq. ft.	<= 1 acre	\$900 = City Plan Dept. <i>or</i> \$1,025 = CPC/CC
	Level 2	10,001 - 50,000 sq. ft.	1.01 - 10 acres	\$1,175 = City Plan Dept. <i>or</i> \$1,300 = CPC/CC
	Level 3	50,001 - 100,000 sq. ft.	10.01 - 25 acres	\$1,600 = City Plan Dept. <i>or</i> \$1,725 = CPC/CC
	Level 4	> 100,001 sq. ft.	> 25.01 acres	\$2,000 = City Plan Dept. <i>or</i> \$2,125 = CPC/CC
	<ul style="list-style-type: none"> ➤ If building size or addition and gross acreage of the site determine two (2) different fees, the greater of the two fees will be assessed. ➤ Application fee entitles applicant to an initial review and one re-submittal. ➤ Re-submittal fee = \$425 per re-submittal after two (2) permitted reviews. ➤ CUP Amendment = 50% of the applicable fee as determined above. 			

Appendices to Review:	➤ All
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Approximate Review Time:	<ul style="list-style-type: none"> ➤ 30 days for Staff Review ➤ 45-60 days for City Plan Commission/Common Council Review
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The conditional use permit plans, *prepared to a standard engineering scale*, shall be submitted with this application & shall include the following information:

Building Plan:	<ul style="list-style-type: none"> ➤ Layout of building(s) including size and layout of rooms ➤ Design and architecture ➤ Plans and details on fire suppression and/or standpipe ➤ Plans and details on fire detection, fire alarm and other safety devices
Site Plan (based on a plat of survey)	<ul style="list-style-type: none"> ➤ Legal description of property ➤ Location and footprint of building(s) and structure(s) ➤ Locations of existing and proposed streets, drives, alleys, easements, rights-of-way, parking as required, vehicular and pedestrian access points, and sidewalks ➤ Outline of any development stages ➤ Location and details on any required emergency access roads ➤ A calculation of square footage devoted to building, paving and sidewalks, and landscaped/open space
Drainage Plan	<ul style="list-style-type: none"> ➤ Existing topography, including spot elevations of existing buildings, structures, high points, and wet areas, with any previous flood elevations ➤ Floodplain boundaries, if applicable ➤ Soil characteristics, where applicable ➤ Proposed topography of the site denoting elevations and natural drainage after construction and any proposed stormwater retention areas

Planning & Zoning Division
625 52nd Street - Room 308
Kenosha, WI 53140
262.653.4030

Kenosha City Plan Commission

FACT SHEET

February 6, 2014

Item 2

Conditional Use Permit for a tattoo and body piercing establishment to be located at 5712 6th Avenue. (Parker and Barrow) (District #2) PUBLIC HEARING

LOCATION/SURROUNDINGS:

Site: 5712 6th Avenue
Zoned: B-3 Central Business District

NOTIFICATIONS/PROCEDURES:

The alderperson of the district, Alderperson Schwartz, has been notified. The Common Council is the final review authority.

ANALYSIS:

- The applicant is requesting to operate a tattoo establishment in the existing tenant space at 5712 6th Avenue. This use requires a Conditional Use Permit.
- On March 18, 2013, the Common Council adopted the attached Zoning Ordinance #12-13, which allows tattoo and body piercing establishments as conditional uses in the B-3 Zoning District. Unlike similar conditional uses in the B-2 Zoning District, the B-3 Zoning District does not require any spacing or buffer requirements to similar uses.
- Conditional Use Permits were approved by the Common Council for tattoo and body piercing establishments as follows:
 - On May 6, 2013 for a building at 2200 Roosevelt Road,
 - On August 5, 2013 for a building at 2308 63rd Street,
 - On October 21, 2013 for a building at 715 57th Street.This is the second application for an establishment in the downtown.
- Plans were sent to other City Departments for their review. Their comments are included in the attached Conditions of Approval.
- The plans generally comply with Sections 4 and 14 of the Zoning Ordinance.

RECOMMENDATION:

A recommendation is made to approve the Conditional Use Permit, subject to the attached Conditions of Approval.



Brian R. Wilke, Development Coordinator



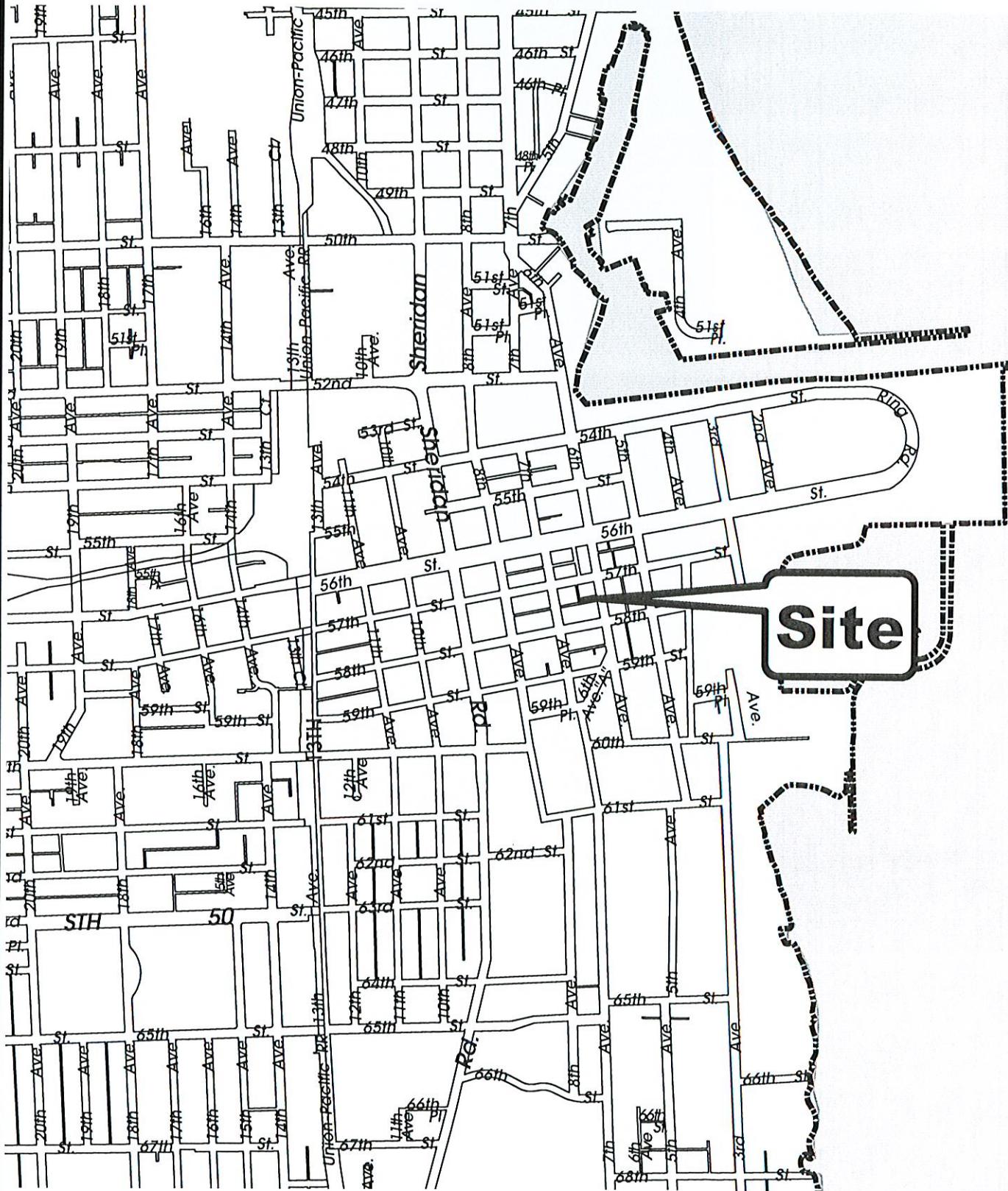
Jeffrey B. Labahn, Director

Planning & Zoning Division 625 52nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission Conditions of Approval	Parker & Barrow Tattoo 5712 6th Avenue	February 6, 2014
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1. The following Conditions of Approval will run with the land and shall be included in a document recorded with the Kenosha County Register of Deeds:
 - a. The applicant shall obtain all required construction permits from the Department of Community Development & Inspections. This includes, but is not limited to Building and Occupancy permits.
 - b. All signs shall comply with Chapter 15 of the Code of General Ordinances and the applicant shall obtain sign permits for all new signs. A separate submission and permits are required for all signs. Sign information provided under the Conditional Use Permit is for reference only and does not constitute sign permit approval.
 - c. The development shall be constructed per the approved building plans on file with the Department of Community Development & Inspections, Room 308, 625 52nd Street, Kenosha, WI 53140. Any changes to the approved plans shall require an amendment to the Conditional Use Permit. All changes shall be submitted to the Department of Community Development & Inspections for review and approval.
 - d. Prior to the issuance of any Occupancy permits, the Conditional Use Permit shall be recorded with the Kenosha County Register of Deeds. All improvements indicated on the plans, shall be installed prior to the issuance of a final Occupancy permit. The recording fees for the Conditional Use Permit shall be submitted by the applicant.
 - e. Compliance with City and State and/or Federal Codes and Ordinances. The buildings shall comply with the current Code standards in effect upon application for a building permit.
 - f. All trash containers shall be stored within the enclosure or building. The applicant/owner shall be responsible for waste collection and removal for the development. The City of Kenosha shall not provide waste collection or removal services or incur any cost in this regard.
 - g. The applicant shall meet all applicable Conditions of Approval and obtain a building permit within six (6) months of Common Council approval of the Conditional Use Permit or the Conditional Use Permit shall be null and void.
 - h. Outdoor display of products is prohibited.
 - i. All vehicles shall be parked within the designated paved areas.
 - j. All improvements, including landscaping, shall be maintained per the approved plans. Any damaged fencing, landscaping or building shall be replaced or reconstructed per the approved plans.
 - k. Compliance with the Operational Plan dated January 27, 2014.

City of Kenosha

Parker and Barrow Tattoo and Body Piercing CUP



----- Municipal Boundary



January 27, 2014

Parker & Barrow LLC
Tattoo & Piercing
5712 6th Ave
Kenosha WI 53140

PARKER & BARROW

Production Process:

When someone makes an appointment for a tattoo they will first come in, call, and/or email with the artist to discuss what they desire. Once their goal (for a tattoo) has been established, the customer will pay a deposit.

This deposit covers the time and supplies spent on drawing the tattoo and preparing for the appointment.

When the actual day of the tattoo comes, the artist will tattoo the customer and afterwards the customer will discuss payment with their artist. Payment is based not only on time but the size and amount of supplies used (ink and needles.)

We will also accept walk-in appointment for tattoos. Walk-in tattoos will be first come first serve. If there is no time for a walk-in we will help them set up an appointment.

When getting a piercing they, the customer, can call ahead to get a quote. Piercings will operate on a walk-in basis with no need for an appointment.

All tattoos and piercings will be done in private rooms. Before and after a tattoo the station will be sterilized. The needles will always be new and never reused. All ink will be fresh and all equipment sterilized.

After the tattoo ink, needles, and barriers (dental bibs, cling wrap, paper towel) will be desposed of properly and treated as biohazards.

Trading Hours:

Monday-Saturday: 12:00 pm - 9:00 pm

Sunday: 12:00 pm - 5:00 pm

Closed: Halloween, Thanksgiving, Christmas Eve, Christmas Day, New Years Day.

Our peak profit will occur during the spring and summer.

During winter profit will dip due to the holidays, weather, "cold season", and the need for more layers which can affect the healing process.

There will be between 2 and 5 employees working at all times

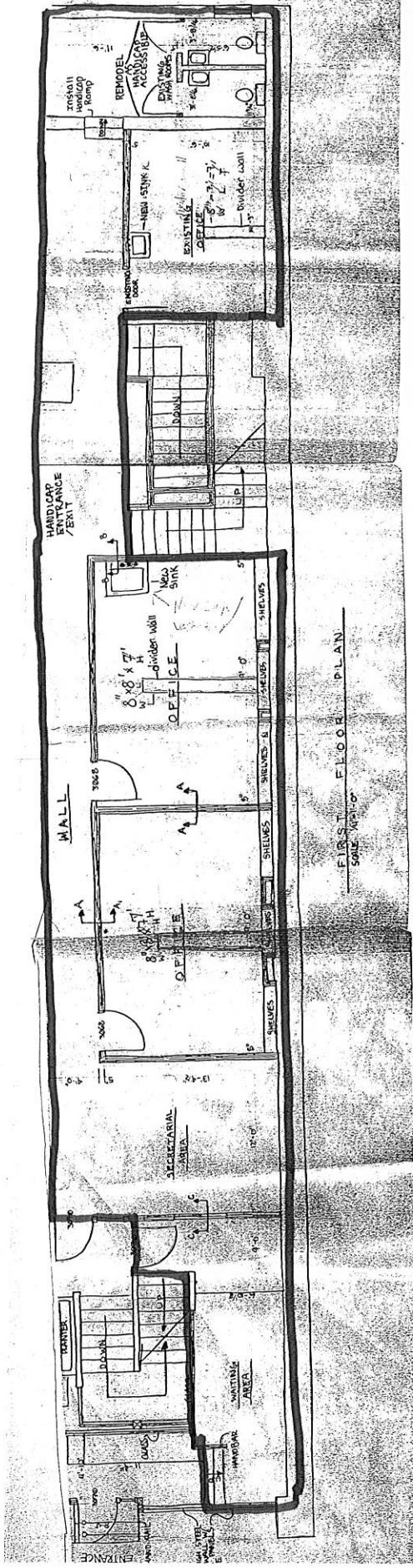
so that operations run smoothly.

Payment Plan:

We will accept cash or gift cards only. Our store will have an atm machine available so that people will not be inconvenienced.

Eventually we will expand to include tattoo removal and cosmetic tattooing. Soon Deirdre will be going to receive extensive training in the art of cosmetic tattoo. This will include eyelashes, eyebrows, pigmentation, lip lining, lip color, blush, and how to tattoo nipples after a mastectomy. We will also be hiring a woman we know who is getting her training in laser tattoo removal as well as laser hair removal.

FLOOR PLAN



FIRST FLOOR PLAN
SCALE 1/8" = 1'-0"

DATE	12/1/60
BY	J. J. [unclear]
CHECKED BY	[unclear]
SCALE	1/8" = 1'-0"
PROJECT NO.	2-11
DATE	12/1/60
BY	J. J. [unclear]
CHECKED BY	[unclear]
SCALE	1/8" = 1'-0"
PROJECT NO.	2-11

**Development Review Application
City of Kenosha, Wisconsin**

MAILING INFORMATION

NAME OF PROJECT: Parker & Barrow LLC (Tattoo & piercing studio)

Check one (1) of the following boxes to indicate the recipient of all correspondence:

<input checked="" type="radio"/>	Name and Address of Applicant [Please print]: <u>Meagan Lavey</u> <u>2726 63rd St</u> <u>Unit 7</u> <u>Kenosha WI 53143</u>	Phone: <u>906-250-1641</u> Fax: _____ E-Mail: <u>PB.Bodyart@gmail.com</u>
<input type="radio"/>	Name and Address of Architect/Engineer [Please print]: _____ _____ _____	Phone: _____ Fax: _____ E-Mail: _____
<input type="radio"/>	Name and Address of Property Owner (if other than applicant)[Please print]: <u>Paul McDonough</u> <u>625 57th St.</u> <u>Kenosha WI 53140</u>	Phone: <u>847-875-6386</u> Fax: _____ E-Mail: <u>pjmcDonough@aol.com</u>

PROJECT LOCATION

Location of Development (street address and / or parcel number): 5712 6th Ave, Kenosha, WI 53140

TYPE OF LAND DEVELOPMENT

Check all that apply. Note: Additional information may be required within individual Sections.

<input type="checkbox"/>	Certified Survey Map	Section 1	Page 3
<input type="checkbox"/>	Concept Review (<i>Land Division</i>)	Section 2	Page 4
<input type="checkbox"/>	Concept Review (Multi-Family Residential or Non-Residential)	Section 3	Page 5
<input checked="" type="checkbox"/>	Conditional Use Permit	Section 4	Pages 6 & 7
<input type="checkbox"/>	Developer's Agreement	Section 5	Page 8
<input type="checkbox"/>	Final Plat	Section 6	Pages 9 & 10
<input type="checkbox"/>	Lot Line Adjustment Survey	Section 7	Page 11
<input type="checkbox"/>	Preliminary Plat	Section 8	Pages 12 & 13
<input type="checkbox"/>	Rezoning	Section 9	Pages 14 & 15
<input type="checkbox"/>	Site Plan Review	Section 10	Pages 16 & 17

**PRIOR TO SUBMITTING THIS APPLICATION TO THE DEPARTMENT OF CITY DEVELOPMENT,
PLEASE REVIEW THE APPROPRIATE SECTION(S) FOR FEES, REQUIREMENTS AND APPROPRIATE APPENDICES.**

*Submit this cover page, completed application, applicable section(s) and appendices
along with ALL required plans, information and fees to:*

Department of Community Development & Inspections
Planning Division
625 52nd Street, Room 308
Kenosha, WI 53140

Phone: 262.653.4030
Fax: 262.653.4045

Office Hours:
M - F 8:00 am - 4:30 pm

**SECTION 4
CONDITIONAL USE PERMIT**

Additional Information Required:	Building or Addition Square Footage: <u>Building is 3680 sq. ft.</u> Existing Building Size: <u>3680 sq. ft.</u> Site Size: <u>3680 sq. ft.</u> Current # of Employees <u>owner operator</u> Anticipated # of New Employees <u>owner op (3)</u> Anticipated Value of Improvements <u>5,000.00/100</u>
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Submittal Requirements:	<ul style="list-style-type: none"> ➤ Ten (10) full size sealed copies of Specified Plans indicated below drawn at a standard engineering scale ➤ Developer Site Plan/Conditional Use Permit Checklist (Appendix A)
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If Item to be Reviewed by Plan Commission/Common Council must Submit:	<ul style="list-style-type: none"> ➤ One (1) 8 1/2" x 11" reduction <i>or</i> twenty (20) 11" x 17" reductions of the Site/Landscape Plan, Floor Plan and Colored Building Elevations (all sides) ➤ Sample Board containing colored samples of all exterior building materials
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Fees:		Building or Addition Size	Site size	Review Fee
	Level 1	<= 10,000 sq. ft.	<= 1 acre	\$900 = City Plan Dept. <i>or</i> \$1,025 = CPC/CC
	Level 2	10,001 - 50,000 sq. ft.	1.01 - 10 acres	\$1,175 = City Plan Dept. <i>or</i> \$1,300 = CPC/CC
	Level 3	50,001 - 100,000 sq. ft.	10.01 - 25 acres	\$1,600 = City Plan Dept. <i>or</i> \$1,725 = CPC/CC
	Level 4	> 100,001 sq. ft.	> 25.01 acres	\$2,000 = City Plan Dept. <i>or</i> \$2,125 = CPC/CC
		<ul style="list-style-type: none"> ➤ If building size or addition and gross acreage of the site determine two (2) different fees, the greater of the two fees will be assessed. ➤ Application fee entitles applicant to an initial review and one re-submittal. ➤ Re-submittal fee = \$425 per re-submittal after two (2) permitted reviews. ➤ CUP Amendment = 50% of the applicable fee as determined above. 		

\$100
BRW

Appendices to Review:	➤ All
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Approximate Review Time:	<ul style="list-style-type: none"> ➤ 30 days for Staff Review ➤ 45-60 days for City Plan Commission/Common Council Review
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The conditional use permit plans, *prepared to a standard engineering scale*, shall be submitted with this application & shall include the following information:

Building Plan:	<ul style="list-style-type: none"> ➤ Layout of building(s) including size and layout of rooms ➤ Design and architecture ➤ Plans and details on fire suppression and/or standpipe ➤ Plans and details on fire detection, fire alarm and other safety devices
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Site Plan (based on a plat of survey)	<ul style="list-style-type: none"> ➤ Legal description of property ➤ Location and footprint of building(s) and structure(s) ➤ Locations of existing and proposed streets, drives, alleys, easements, rights-of-way, parking as required, vehicular and pedestrian access points, and sidewalks ➤ Outline of any development stages ➤ Location and details on any required emergency access roads ➤ A calculation of square footage devoted to building, paving and sidewalks, and landscaped/open space
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Drainage Plan	<ul style="list-style-type: none"> ➤ Existing topography, including spot elevations of existing buildings, structures, high points, and wet areas, with any previous flood elevations ➤ Floodplain boundaries, if applicable ➤ Soil characteristics, where applicable ➤ Proposed topography of the site denoting elevations and natural drainage after construction and any proposed stormwater retention areas
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ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

and 8:00 A.M.

e. **Other Issues** which may have adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties, or the City as a whole.

24. Body-Piercing Establishments in the B-3 District.

- a. Building Plan as required in Sections 4.05 B. and 14.07 B. of the Zoning Ordinance.
- b. Site Plan as required in Sections 4.05 C. and 14.07 C. of the Zoning Ordinance.
- c. Drainage Plan as required in Section 4.05 D. and 14.07 E. of the Zoning Ordinance.
- d. Landscape Plan as required in Sections 4.05 E. and 14.07 F. of the Zoning Ordinance.
- e. Utility Plan as required in Sections 4.05 F. and 14.07 D. of the Zoning Ordinance.
- f. Operational Plan, which includes:

(1) Compliance with State of Wisconsin Administrative Code, Department of Health and Family Services, Chapter HFS 173, entitled Tattooing and Body Piercing, and Sections 252.24 through 252.245, Wisconsin Statutes.

(2) Installation of signage stating that no loitering is allowed on the premises.

(3) Statement of days and hours of operation.

(4) Restriction that no tattooing or body-piercing shall take place in public view from the building exterior.

25. Tattoo Establishments in the B-3 District.

- a. Building Plan as required in Sections 4.05 B. and 14.07 B. of the Zoning Ordinance.
- b. Site Plan as required in Sections 4.05 C. and 14.07 C. of the Zoning Ordinance.
- c. Drainage Plan as required in Section 4.05 D. and 14.07 E. of the Zoning Ordinance.
- d. Landscape Plan as required in Sections 4.05 E. and 14.07 F. of the Zoning Ordinance.
- e. Utility Plan as required in Sections 4.05 F. and 14.07 D. of the Zoning Ordinance.
- f. Operational Plan, which includes:

(1) Compliance with State of Wisconsin Administrative Code, Department of Health and Family Services, Chapter HFS173, entitled Tattooing and Body Piercing, and Sections 252.23 through 252.245, Wisconsin Statutes.

(2) Installation of signage stating that no loitering is allowed on the premises.

(3) Statement of days and hours of operation.

(4) Restriction that no tattooing or body-piercing shall take place in public view from the building exterior.

26. Indoor Kennel in the B-2 District.

- a. Building Plan as required in Sections 4.05 B. and 14.07 B. of the Zoning Ordinance.
- b. Site Plan as required in Sections 4.05 C. and 14.07 C. of the Zoning Ordinance.
- (1) The plan(s) shall indicate existing building(s) and proposed additions or new structures.
- (2) Parking areas for customers, employees, and maintenance vehicles.
- c. Drainage Plan as required in Sections 4.05 D. and 14.07 E. of the Zoning Ordinance.
- d. Landscape Plan as required in Sections 4.05 E. and 14.07 F. of the Zoning Ordinance.
- e. Utility Plan as required in Sections 4.05 F. and 14.07 D. of the Zoning Ordinance.

(1) Include details on handling of waste products within the facility.

f. Operational Plan which includes:

(1) Name and address of facility operator

(2) Hours of operation

(3) Number of employees

(4) Facility maintenance detail

(5) A statement indicating that all activities including exercise periods/runs on the site will be conducted wholly within an enclosed building.

g. Standards outlined in Chapter 14 of the General Code of Ordinances.

h. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

i. One or more of the plans identified above may be waived in the discretion of the reviewing authority.

Planning & Zoning Division 625 52nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	February 6, 2014	Item 3
By Alderperson Jesse Downing - To Repeal and Recreate Subsection 8.04 A.4; and to Amend Subsection 8.04 F. of the Zoning Ordinance for the City of Kenosha, Wisconsin regarding Certificates of Occupancy. PUBLIC HEARING			

LOCATION/SURROUNDINGS:

City-Wide

NOTIFICATIONS/PROCEDURES:

The Common Council is the final review authority.

ANALYSIS:

- The Zoning Ordinance currently includes a provision stating a business that opens without a valid Occupancy Permit from the City must pay five (5) times the standard permit fee upon obtaining an Occupancy Permit.
- On January 23, 2014, the City Plan Commission reviewed a Zoning Ordinance Amendment that would waive the penalty fee for a new business that occupies a space without an Occupancy Permit if that new business is identical or substantially similar to the previous business. The City Plan Commission had some concerns that the penalty fee should not be completely waived and suggested a two (2) times fee as a penalty. The item was deferred to allow Staff the time to modify the Ordinance language.
- The attached Zoning Ordinance Amendment would change the penalty fee for a new business that occupies a space without an Occupancy Permit, if that new business is identical or substantially similar to the previous business to a two (2) times fee.

For example, if a McDonald's is occupying a space, then the space becomes a Burger King under new ownership, the new owner must obtain an Occupancy Permit.

If the Burger King fails to obtain an Occupancy Permit, this Amendment would still require them to obtain an Occupancy Permit, but the five (5)times penalty fee would be reduced to a two (2) times penalty fee.

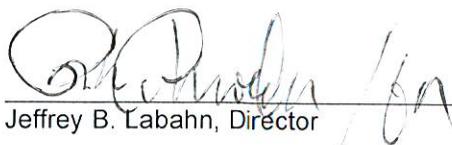
- At the previous meeting, Alderperson Kennedy requested information on how many times the five (5) times fee was assessed. That information is covering the last five (5) years is attached.

RECOMMENDATION:

For Commission review and recommendation.



 Brian R. Wilke, Development Coordinator



 Jeffrey B. Labahn, Director

ZONING ORDINANCE____

1/23/14 Proposed Change by CPC

BY: ALDERPERSON JESSE DOWNING

TO REPEAL AND RECREATE SUBSECTION 8.04 A.4.; AND TO AMEND SUBSECTION 8.04 F. OF THE ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN REGARDING CERTIFICATES OF OCCUPANCY.

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Subsection 8.04 A.4. of the Zoning Ordinance of the City of

Kenosha, Wisconsin is hereby repealed and recreated as follows:

4. A building, or portion thereof located in the B-1, B-2, ~~or B-3,~~ or B-4 Business District, or in the M-1 or M-2 Manufacturing District, or IP Institutional Park District, which is not used for residential purposes and is subject to a new occupancy, whether owner or tenant.

Section Two: Subsection 8.04 F. of the Zoning Ordinance of the City of

Kenosha, Wisconsin is hereby repealed and recreated as follows:

F. Permit Fees. Should an application be made for a Certificate of Occupancy or a Temporary Certificate of Occupancy for a building following occupancy of such building without any such certificate, then the permit fee shall be five (5) times the standard permit fee. Notwithstanding the above, only a ~~The five (5)~~ two (2) times fee shall ~~not~~ apply to a request for a Certificate of Occupancy submitted for compliance with Subsection 8.04 A.4. of this Ordinance where said change in owner or tenant results in a substantially similar use as the previous owner or tenant. "Substantially similar use as the previous owner or tenant" for purposes of this subsection means a use that has the same use classification as the use of the previous owner or tenant. "Use classification" for purposes of this subsection means one of the separate, itemized classifications of use listed as a permitted use, permitted accessory use, or conditional use in a particular zoning district.

Section Three: This Ordinance shall become effective upon passage and publication.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney

Penalties assessed on Business Occupancy Permits

<u>Year</u>	<u>Number of Occurrences</u>
2009	1
2010	9
2011	15
2012	3
2013	5
<u>2014</u>	<u>2</u>
Total	35