

<p><b>Municipal Building</b>  <b>625 52nd Street – Room 202</b></p>	<p><b><i>Kenosha City Plan Commission</i></b>  <b><i>Agenda</i></b></p>	<p><b>Thursday, February 9, 2012</b>  <b>5:00 p.m.</b></p>
<p><i>Mayor Keith Bosman - Chairman, Alderman Jesse Downing - Vice-Chairman  Alderman Anthony Kennedy, Alderman Jan Michalski,  Anita Faraone, Robert Hayden, Art Landry, Anderson Lattimore, Jessica Olson and Ron Stevens</i></p>		

Call to Order and Roll Call

*Approval of Minutes from January 5, 2012 and January 19, 2012*

1. Request for a Special Exception to the spacing requirements of Section 3.12 E.2. of the Zoning Ordinance for a Class "A" liquor license at 2207 60th Street. (Kenosha Gas Stop Inc) (District #3 - formerly District #7) PUBLIC HEARING
2. Request to extend a Conditional Use Permit for a 521 s.f. kitchen addition to the existing gas station/convenience store at 3920 Washington Road. (Kwik Trip) (District #10 - formerly District #5) PUBLIC HEARING
3. To Amend the Bylaws of the City Plan Commission to reflect the name change of Department of City Development and Department of Neighborhood Services & Inspections to Department of Community Development & Inspections. PUBLIC HEARING
4. To Amend the Rules of the City Plan Commission to reflect the name change of Department of City Development and Department of Neighborhood Services & Inspections to Department of Community Development & Inspections. 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.*

**CITY PLAN COMMISSION**  
**Minutes**  
**January 5, 2012**

MEMBERS PRESENT: Alderman Downing, Alderman Michalski, Anita Faraone, Robert Hayden, Art Landry, Anderson Lattimore and Jessica Olson

MEMBERS EXCUSED: Mayor Bosman, Alderman Kennedy and Ron Stevens

STAFF PRESENT: Jeffrey B. Labahn, Rich Schroeder

*Others Present: Alderman Green and Mike Higgins*

The meeting was called to order at 5:00 p.m. by Alderman Downing and roll call was taken.

A motion to approve the minutes from December 8, 2011 was made by Alderman Michalski and seconded by Mr. Lattimore. The motion passed unanimously. (Ayes 6; Nays 0).

**1. Conditional Use Permit for a contractor's storage yard to be located at 3700 45th Street. (Prostko Grading) (District #10) PUBLIC HEARING**

Public hearing opened, no comments, public hearing closed.

A motion to defer for 2 weeks was made by Alderman Michalski and seconded by Mr. Lattimore. The motion passed unanimously. (Ayes 6; Nays 0)

**2. Conditional Use Permit for a rubber processing facility to be located at 1100 91st Street. (A-Korn Roller, Inc) (District #9) PUBLIC HEARING**

Public hearing opened.

*Ms. Faraone arrived.*

Michael Koren, 11782 Shag Bark Court, Burr Ridge, IL, representative for the applicant was available for questions.

Public hearing closed.

Rich Schroeder, Interim Deputy Director, said the final approval is by the Common Council. Staff is currently working with Fire Department on items on the application.

Alderman Michalski asked if the air quality will be affected. Mr. Koren explained they will catch the dust generated by the grinding, recycle it and return it to the work force. There will also be a hepa filter used to recycle the dust. With this specialized application, the dust particles are very heavy.

A motion was made by Alderman Michalski and seconded by Ms. Faraone to approve the Conditional Use Permit. The motion passed unanimously. (Ayes 7; Nays 0)

3. **By Alderperson David Bogdala: To Amend various Sections of the Zoning Ordinance regarding "Crop Production as a Conditional Use", To Amend Section 12 B. entitled " Specific Words and Phrases", To Amend Tables 4.01, Group 1, Group 2, Group 3 and To Create Section 4.06 D.16 entitled "Crop Production in a Residential, Business, Manufacturing or Industrial District". PUBLIC HEARING**

Public hearing opened, no comments, public hearing closed.

Mr. Schroeder said the proposed Zoning Ordinance was deferred at the November 10, 2011 meeting.

Ms. Faraone does not support the proposed Ordinance. There are already State laws out there, we should just enforce them.

*Alderman Downing recognized Mr. Tirabassi.*

Dominic Tirabassi, 8531 39th Avenue, Kenosha, WI, spoke in opposition to the proposed Ordinance and also noted there are already laws in place that should be enforced. Mr. Tirabassi asked that if the Ordinance is passed, could the existing farmer be "grandfathered" and still allowed to farm.

A motion was made by Ms. Faraone and seconded by Mr. Lattimore to Deny the Ordinance.

Alderman Michalski said his is opposed, but does not think the Ordinance is necessary.

Alderman Downing does not support the Ordinance now and did not in the past. This Ordinance would shift the tax burden to the other taxpayers.

The motion passed unanimously. (Ayes 7; Nays 0)

4. **City Plan Commission Resolution to Approve an Amendment to "A Comprehensive Plan for the City of Kenosha: 2035", to rescind designation of 55th Street from 47th to 49th Avenue. (District #16) PUBLIC HEARING**

Alderman Downing asked that Items #4, #5 and #6 be read together for public hearing purposes. All items were read.

5. **By the Mayor - Resolution To Amend the Official Map for the City of Kenosha, Wisconsin, To Rescind the Designation of 55th Street from 47th Avenue to 49th Avenue as a Future Street, Pursuant to Section 62.23(6), Wisconsin Statutes. (District #16) PUBLIC HEARING**

**6. By the City Plan Commission - To Create Subsection 18.02 m. of the Zoning Ordinance to Amend the Comprehensive Plan to remove a portion of 55th Street Future Right Of Way from the Official Map. (District #16)  
PUBLIC HEARING**

Public hearing opened.

Carlo Filippelli, 7210 Pershing Blvd, said he can't do much with the property as long as it has the future street designation on it. Mr. Filippelli is requesting removal of the designation so he can build one or two homes on the property.

Public hearing closed.

Mr. Schroeder said the designation is there to provide a cross street along 48th Avenue. It has been designated for many years and there is no proposal in the near future to put the street through. Two lots are impacted with this designation. One is a vacant lot owned by Mr. Filippelli and the other has an existing home. Mr. Schroeder said options are to remove all, a portion, or none of the designation.

Mr. Lattimore asked if Police or Fire had any objections. Mr. Schroeder said Police had no objections and Fire did not reply.

Alderman Michalski said if the designation has been there for a while, why remove it now? Mr. Filippelli said he does not have the money to build anything now, but he might try to sell the property and this change would make the property more appealing.

Ms. Faraone said she would like to see the City purchase the property and put the road through. Ms. Faraone asked Staff if they would purchase. Jeffrey B. Labahn, Interim Director, said that would be up to the Common Council.

Alderman Downing said the City is not in a position to purchase more properties. If this road went through, it would be next to the school. Alderman Downing supports the removal of the designation.

Mr. Hayden asked Staff if there are any plans to put the road through. Mr. Labahn said not in the next 5 year Capital Improvement Plan. Mr. Schroeder added that it was set up that the developer must pay for the road when the property is developed.

Ms. Faraone asked Mr. Filippelli how much he paid in taxes. Mr. Filippelli said he pays about \$343 on the parcel, but the property is worth more than that.

Ms. Olson asked if there would be any safety issues without the cross street? Mr. Labahn said not safety, but inner connectivity on a sub-neighborhood level.

A motion was made by Alderman Michalski and seconded by Ms. Faraone to approve #4, the City Plan Commission Resolution. The motion passed unanimously. (Ayes 6; Nays 1) *Landry voted no.*

Mr. Landry asked what will happen with 48th Avenue, will that still connect? Mr. Schroeder said 48th Avenue will go through at some point when the private properties

are further developed.

*A motion was made by Alderman Michalski and seconded by Mr. Lattimore to approve #5, the Map Resolution. The motion passed unanimously. (Ayes 7; Nays 0)*

*A motion was made by Alderman Michalski and seconded by Mr. Lattimore to approve #6, the Zoning Ordinance. The motion passed unanimously. (Ayes 7; Nays 0)*

**7. City Plan Commission Resolution to Amend Chapter 6 entitled Existing Plans & Ordinances for the Comprehensive Plan for the City of Kenosha: 2035, adoption of the Kenosha County Hazard Mitigation Plan Update: 2011 - 2015. PUBLIC HEARING**

Alderman Downing asked that Items #7, #8 and #9 be read together for public hearing purposes. All items were read.

**8. By the Mayor - Resolution for Adoption of Kenosha County Hazard Mitigation Plan Update: 2011 - 2015. PUBLIC HEARING**

**9. By the City Plan Commission - To Create Subsection 18.02 n. of the Zoning Ordinance to Amend the Comprehensive Plan to Adopt a new Kenosha County Hazard Mitigation Plan Update: 2011 - 2015. PUBLIC HEARING**

Public hearing opened, no comments, public hearing closed.

Mr. Schroeder explained that FEMA requires the plan be updated every five (5) years to be eligible for hazard mitigation funding.

A motion was made by Ms. Faraone and seconded by Alderman Michalski to approve #7, the City Plan Commission Resolution. The motion passed unanimously. (Ayes 7; Nays 0)

A motion was made by Ms. Faraone and seconded by Alderman Michalski to approve #8, the Adoption Resolution. The motion passed unanimously. (Ayes 7; Nays 0)

A motion was made by Ms. Faraone and seconded by Alderman Michalski to approve #9, the Zoning Ordinance. The motion passed unanimously. (Ayes 7; Nays 0)

**10. Petition to rezone property located at 1613 Washington Road from RG-1 General Residential to IP Institutional Park in conformance with Section 10.05 of the Zoning Ordinance. (Zerovec Properties, LLC) (District #6) PUBLIC HEARING**

Public hearing opened.

Claude Krawczyk, O'Neil Cannon Hollman DeJong & Laing, 111 E. Wisconsin Avenue, Milwaukee, Attorney for AT & T, was available for questions.

Shane Begley, 14114 S. Country Circle, Gordon, WI, engineer for AT & T was also available for questions.

Mr. Krawczyk and Mr. Begley addressed the plan revisions suggested by Staff which include widening the driveway, reducing the fence height and reducing the tower height to 140 feet with the lighting rod to make it shorter than 150 feet

Public hearing closed.

Mr. Schroeder noted that the issue at this meeting is strictly the rezoning, the Conditional Use Permit and other Agreements will be reviewed separately at future dates.

A motion was made by Ms. Faraone and seconded by Alderman Michalski to approve the rezoning. The motion passed unanimously. (Ayes 7; Nays 0)

#### **Public Comments**

No public comments.

#### **Commissioner Comments**

No Commissioner comments.

#### **Staff Comments**

Mr. Labahn said they are working on the new Downtown Plan in a joint effort with KABA.

A motion to adjourn was made by Alderman Michalski and seconded by Ms. Faraone. The motion passed unanimously (Ayes 7; Nays 0). The meeting adjourned at 6:00 p.m.

*Meeting Minutes Prepared by: Kay Schueffner, Department of City Development*

**CITY PLAN COMMISSION**  
**Minutes**  
**January 19, 2012**

MEMBERS PRESENT: Mayor Bosman, Alderman Downing, Alderman Kennedy, Alderman Michalski, Anita Faraone, Robert Hayden, Art Landry, Anderson Lattimore and Ron Stevens

MEMBERS EXCUSED: Jessica Olson

STAFF PRESENT: Rich Schroeder

*Others Present: Alderman Tod Ohnstad*

The meeting was called to order at 5:00 p.m. by Mayor Bosman and roll call was taken.

**1. Conditional Use Permit for a contractor's storage yard to be located at 3700 45th Street. (Prostko Grading) (District #10) PUBLIC HEARING**

Public hearing opened, no comments, public hearing closed.

Mayor Bosman said the Commission has a copy of an email from Matt Troha, representative for ATC Leasing, owner of the property, stating that ATC has withdrawn their consent to the Conditional Use Permit at this location.

A motion was made by Ms. Faraone and seconded by Alderman Downing to deny the Conditional Use Permit for the contractor's storage yard at this location. The motion passed unanimously. (Ayes 9; Nays 0)

Alderman Kennedy said there are problems between the tenant and the property owner that must be resolved. Alderman Kennedy thanked Staff and the Commission for working through this to get all the information.

A motion was made by Alderman Michalski and seconded by Alderman Kennedy to take Item #8 out of order to accommodate Matt Knight, Assistant City Attorney. The motion passed unanimously. (Ayes 9; Nays 0)

**8. Request for a Special Exception to the spacing requirements of Section 3.12 E.2. of the Zoning Ordinance for a "Class A" liquor license at 6404 75th Street. (Aldi, Inc.) (District #17) PUBLIC HEARING**

Public hearing opened, no comments, public hearing closed.

Matt Knight, Assistant City Attorney, thanked the Commission for taking Item #8 out of order. Mr. Knight explained Aldi's is requesting a distance exception for the "Class A" liquor license which would allow them to sell wine at this location. If the City Plan Commission approves the Special Exception, Aldi's must still meet any requirements and be eligible. This Special Exception requires Common Council approval.

Ms. Faraone asked why the City Plan Commission is reviewing this, why doesn't it just go to License & Permit Committee. Mr. Knight said they still must apply to that Committee. This request is to determine if the location should be considered as acceptable for the Special Exception. The Zoning Code was changed to add new standards. Mr. Faraone said the distance is there for a reason and she does not support the exemption.

Alderman Michalski said Aldi's is not a full service grocery store and there may not be a need for this exception.

Marcia Sperber, 9342 South 13th Street, Oak Creek, Director of Real Estate, explained that since they applied for a liquor license, they now have private label wines that can only be purchased at Aldi's.

Mayor Bosman said the Ordinance may have been created with WalMart in mind and the impact that would have.

Alderman Kennedy said this process to review the distance leads to good discussion on where these stores should be located. Alderman Kennedy supports the Special Exception.

Mr. Stevens asked if we approve the Special Exception, then Aldi's applies for a license and there is no license available, is there an expiration date on this approval. Mr. Knight said the Exception is applicant specific. If the applicant would want it for another location or if conditions change such as the number of licenses within one mile, they would need to re-apply.

Alderman Downing said the Ordinance is not a WalMart Ordinance. The Ordinance was created to stop every gas station and convenience store from applying for a liquor license. Alderman Downing does not support the Special Exception.

Mayor Bosman said the License & Permit Committee can also restrict a license based on economic impact, even without a distance issue. Mr. Knight agreed.

Mr. Hayden said he lives in the area and does not see a problem with the economic impact.

A motion was made by Alderman Michalski and seconded by Mr. Hayden to approve the Special Exception. On roll call vote, the motion passed. (Ayes 5; Nays 4) *Alderman Downing, Mr. Landry, Mr. Lattimore and Mr. Stevens voted no.*

**2. City Plan Commission Resolution to Amend the Land Use Plan Map for the Comprehensive Plan for the City of Kenosha: 2035, regarding property at 3501 14th Avenue. (Raymond) (District #6) PUBLIC HEARING**

Mayor Bosman asked that Items 2, 3 and 4 be taken together for public hearing purposes. All items were read.

3. **Petition to rezone a portion of the property at 3501 14th Avenue from M-1 Light Manufacturing District to B-2 Community Business District in conformance with Section 10.02 of the Zoning Ordinance. (Raymond) (District #6) PUBLIC HEARING**
4. **By the City Plan Commission - To Create Subsection 18.02 o. of the Zoning Ordinance to Amend the Land Use Plan Map for the City of Kenosha: 2035. (Raymond) (District #6) PUBLIC HEARING**

Public hearing opened.

Alderman Tod Ohnstad, 3814 18th Avenue, Alderman for the District, spoke in support of the rezoning.

Kerry Raymond, 1820 21st Avenue, Kenosha, was available for questions.

Public hearing closed.

A motion was made by Ms. Faraone and seconded by Mr. Landry to approve Item #2, the City Plan Commission Resolution. The motion passed unanimously. (Ayes 9, Nays 0)

A motion was made by Ms. Faraone and seconded by Mr. Landry to approve Item #3, the Rezoning. The motion passed unanimously. (Ayes 9, Nays 0)

A motion was made by Ms. Faraone and seconded by Mr. Landry to approve Item #4, the Zoning Ordinance Amendment. The motion passed unanimously. (Ayes 9, Nays 0)

5. **City Plan Commission Resolution to Amend the Land Use Plan Map for the Comprehensive Plan for the City of Kenosha: 2035, regarding property at 5512 and 5602 Green Bay Road. (Collins/Ward) (District #16) PUBLIC HEARING**

Mayor Bosman asked that Items 5, 6 and 7 be taken together for public hearing purposes. All items were read.

6. **Petition to rezone properties at 5512 and 5602 Green Bay Road from RS-1 Single-Family Residential District to B-2 Community Business District in conformance with Section 10.02 of the Zoning Ordinance. (Collins/Ward) (District #16) PUBLIC HEARING**
7. **By the City Plan Commission to Create Subsection 18.02 p. of the Zoning Ordinance to Amend the Land Use Plan Map for the City of Kenosha: 2035. (Collins/Ward) (District #16) PUBLIC HEARING**

Public hearing opened.

Randall Ward, 5512 Green Bay Road, Kenosha, was available for questions.

Public hearing closed.

Rich Schroeder, Interim Deputy Director, explained that if the rezoning is approved, the property owner will need to apply for Occupancy permits for their businesses and meet commercial occupancy requirements.

Public hearing closed.

A motion was made by Alderman Downing and seconded by Mr. Lattimore to approve Item #5, the City Plan Commission Resolution. The motion passed unanimously. (Ayes 9, Nays 0)

A motion was made by Alderman Downing and seconded by Mr. Lattimore to approve Item #6, the rezoning. The motion passed unanimously. (Ayes 9, Nays 0)

A motion was made by Alderman Downing and seconded by Mr. Lattimore to approve Item #7, the Zoning Ordinance Amendment. The motion passed unanimously. (Ayes 9, Nays 0)

**9. Annual Report on "A Comprehensive Plan for the City of Kenosha: 2035".  
PUBLIC HEARING**

Public hearing open, no comments, public hearing closed.

A motion was made by Ms. Faraone and seconded by Mr. Landry to receive and file the report. The motion passed unanimously. (Ayes 9, Nays 0)

**Public Comments**

No public comments.

**Commissioner Comments**

No Commissioner comments.

**Staff Comments**

No Staff Comments.

A motion to adjourn was made by Ms. Faraone and seconded by Alderman Michalski. The motion passed unanimously (Ayes 9; Nays 0). The meeting adjourned at 5:37 p.m.

*Meeting Minutes Prepared by: Kay Schueffner, Community Development & Inspections*

<b>Planning &amp; Zoning Division</b> 625 52 <sup>nd</sup> Street Kenosha, WI 53140 262.653.4030	<b>Kenosha City Plan Commission</b>  <b>FACT SHEET</b>	February 9, 2012	Item <b>1</b>
<b>Request for a Special Exception to the spacing requirements of Section 3.12 E.2. of the Zoning Ordinance for a Class "A" liquor license at 2207 60th Street. (Kenosha Gas Stop Inc) (District #3 - formerly District #7)</b>			

**LOCATION/SURROUNDINGS:**

Site: 2207 60th Street  
 Zoned: **B3 CENTRAL BUSINESS DISTRICT**

**NOTIFICATIONS/PROCEDURES:**

The current alderman of the district, Alderman Michalski and the former alderman, Alderman Juliana, have been notified. This item requires final approval by the Common Council.

**ANALYSIS:**

- Section 3.12 E. 2. of the City Zoning Ordinance states that no Class "A" license shall be located within 2,640 feet of another City issued Class "A" license. If a license location is closer, the applicant can apply for an Exception. A Request for Exception is reviewed by the City Plan Commission with the Common Council making the final decision.
- Criteria for granting an Exception are detailed in Section 3.12 E.2.d.(2) of the Zoning Ordinance, which is attached.
- The proposed license location is within 2,640 feet of five other Class "A" license facilities.
- The proposed location/applicant has requested a Class "A" license to sell beer at the gas station.
- If the Exception is granted, the applicant must still apply for a license from the City Clerk's office and receive approval from the Common Council.

**RECOMMENDATION:**

For Commission review and recommendation.



Rich Schroeder, Interim Deputy Director



Jeffrey B. Labahn, Interim Director



COMMUNITY DEVELOPMENT & INSPECTIONS  
 625 52<sup>ND</sup> STREET - ROOM 308  
 KENOSHA, WISCONSIN 53140  
 PHONE: 262.653.4030  
 FAX: 262.653.4045  
 www.kenosha.org



CITY PLAN  
 REAL ESTATE  
 HISTORIC PRESERVATION  
 COMMUNITY DEVELOPMENT BLOCK GRANT  
 REDEVELOPMENT

JEFFREY B. LABAHN  
 Interim Director

**DISTANCE EXCEPTION FOR  
 CLASS "A", "CLASS A" LICENSE LOCATION**

<b>Business Name</b>	Kenosha Gas Stop Inc
<b>Business Address</b>	2207 60th St Kenosha WI 53140
<b>Applicant Name</b>	iyad. m. asad
<b>Applicant Address</b>	3272 Victoria Ln Waukegan IL 60087
<b>Applicant phone number</b>	847-980-5844
<b>Applicant email</b>	iyad.citgo@yahoo.com
<b>Type of License Applying for:</b>	
<input checked="" type="checkbox"/>	Class "A" Beer Only
<input type="checkbox"/>	"Class A"

Please submit the completed application to: Department of Community Development & Inspections  
 625 52nd Street - Room 308  
 Kenosha, WI 53140

Completed Application and written information addressing Section 3.12 E. 2 (2) of the City of Kenosha Zoning Ordinance shall be submitted.

\*\*\*\*\*

- FOR STAFF USE ONLY -

Date Filed 1-17-12  
 City Plan Commission Hearing Date 2-9-12  
 Common Council Hearing Date 2-20-12

To: City Council

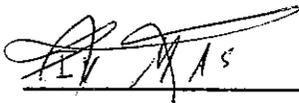
Kenosha, Wisconsin

JAN 17 2012

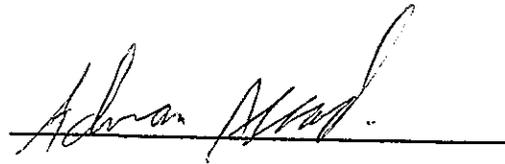
We have just purchased a foreclosed property (mini mart/service station) located at 2207 ~~W~~. 60<sup>th</sup> Avenue, Kenosha, WI 53140. In that we are investing a large sum of money into the community we are requesting assistance from the City of Kenosha so that we may operate this property as a successful business for many years to come. In order to accomplish this, we are requesting the City of Kenosha to allow a variance relative to a beer license only which states no license is available if said usage is within ½ mile of a property which has a class A liquor license. This property lies within said ½ mile radius.

Respectfully submitted this 13<sup>th</sup> day of December, 2011

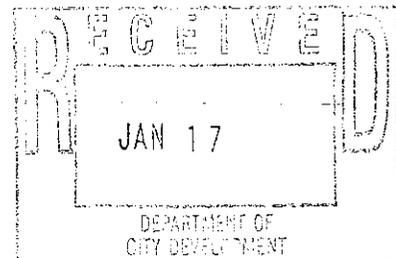
Kenosha Gas Stop Inc.



---



---



# ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

## 3.12 BUSINESS ZONING DISTRICTS-GENERAL REGULATIONS

In addition to the general provisions outlined in §2.0 of this Ordinance and the requirements of the respective zoning district, uses of land in the Business Zoning Districts shall meet the following general regulations.

**A. Residential Uses Permitted Above First Floor.** Subject to the exception for religious residential quarters herein, in the B-1, B-2 or B-3 Business Districts, residential uses are only permitted when they are located above the first floor of the principal building, provided that the lowest finished floor of such attached residential units is constructed a minimum of nine (9') feet above the first floor elevation; provided that no portion of the first floor of any building within the Business Districts is used for residential purposes. The limitation in the previous sentence notwithstanding, residential quarters in convents, seminaries, rectories, parsonages, parish houses and other residential quarters for members of the clergy and immediate family members of the clergy living with the member of the clergy, may be located on any floor subject to other provisions of law.

**B. Detached Residential Uses Not Permitted in the B-1, B-2 or B-3 Districts.**

**1. Restrictions.** New construction of single-family, two-family and multiple family residences detached from a principal use is not permitted in the B-1, B-2 or B-3 Business Districts.

**2. Reconstruction of Existing Detached Residences in the B-1, B-2 or B-3 Business Zoning Districts.** The reconstruction of an existing detached residential use in the B-1, B-2 or B-3 District, which has been damaged or destroyed by catastrophe or act of God, is permitted provided that the reconstructed building does not exceed the original floor area of the structure and that such reconstruction is commenced no later than one (1) year after the date of the damage or destruction, and provided the building is in conformance with all other provisions of this Ordinance.

**C. Yard Requirements Exceptions.** On a lot in a business district where a building line is in existence prior to the effective date of this Ordinance and which provides yard less than required when adjacent to or across an alley from a residential district, an addition to or reconstruction of the building is permitted provided such addition or

reconstruction is no closer to the lot line than the existing building line and provided that the building is in conformance with all other provisions of this Ordinance, including the parking requirements of §6.01 of this Ordinance.

### D. Screening.

**1. Requirements and Standards.** For any use in a business district which is required to provide screening under the provisions of the respective zoning district in which such use is located, such screening shall be accomplished by a fence, wall, berm, landscaping, or some combination thereof, constituting an opaque characteristic which obstructs from horizontal view, the use required to be screened. Such screen shall not be less than four (4') feet in height except where reduced heights are required in §2.06 "Visual Clearance" of this Ordinance.

**2. Exceptions.** The Board may authorize an exception to the screening requirement and standards where an existing screen is on the lot adjacent to the use, building or structure required to be screened, or where special circumstances render a screen unnecessary.

### E. Class "A", "Class A" License Locations.

**1. Intent and Purpose.** The proliferation and clustering of Class "A" Beer and "Class A" Liquor Licenses as detailed by Chapter 10 of the Code of General Ordinances in limited areas within the City creates an undesirable image of the vitality of the commercial districts and the community as a whole. A high density of licensed establishments within close proximity can result in negative impacts to the adjacent and surrounding residential areas where such businesses may be located. Because there are a limited amount of Licenses available the City desires to ensure that the entire community is subject to service.

#### 2. Location.

a. No Class "A" License shall be located within 2,640 feet of any other City issued Class "A" License, unless the proposed location held a Class "A" License within the three hundred sixty-five (365) days preceding the application.

b. No "Class A" License shall be located within 5,280 feet of any other City issued "Class A" License, unless the proposed location held a "Class A" License within the three hundred sixty-five (365) days preceding the application.

## ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

---

**c. Standards of Measurement.** The distances identified in this Section shall be measured in a straight line, without regard to intervening structures or objects from the closest point of the structure proposed for occupancy by the licensed Class "A" or "Class A" business, whichever is applicable, to the nearest point of the structure licensed from which the proposed License is to be separated.

**d. Special Exceptions.**

**(1) Procedure.** Upon written determination of the Department of City Development that the proposed location for a new Class "A" or "Class A" License is prohibited pursuant the provisions of §3.12 E.2., a special exception request from the terms of §3.12 E.2. may be made in writing to the Department of City Development. The Common Council is designated the authority for granting a special exception from the requirements of §3.12 E.2. The City Plan Commission shall review each request for a special exception and after public hearing make a recommendation to the Common Council. Any special exception granted shall be considered unique to the project and will not set any precedent for future decisions. The special exception shall be limited to the terms of §3.12 E.2. and provides no licensing rights to the applicant. An applicant must qualify for a license pursuant to Wis. Stats. Chapter 125 and Chapter 10 of the Code of General Ordinances, City of Kenosha.

**(2) Criteria.** The City consider granting a special exception from the terms of §3.12 E.2. if:

**(a)** Whether the proposed development will have a substantial positive impact upon the surrounding properties, neighborhood within 5,280 feet of the development and the City of Kenosha.

**(b)** Whether the proposed development will have a significant, positive influence on the City economy; and,

**(c)** Whether the proposed development is compatible with the overall purpose of the land use and consistent with the City and neighborhood plans.

<b>Planning &amp; Zoning Division</b> 625 52 <sup>nd</sup> Street Kenosha, WI 53140 262.653.4030	<b>Kenosha City Plan Commission</b>  <b>FACT SHEET</b>	February 9, 2012	Item <b>2</b>
<b>Request to extend a Conditional Use Permit for a 521 s.f. kitchen addition to the existing gas station/convenience store at 3920 Washington Road. (Kwik Trip) (District #10 - formerly District #5)</b> <b>PUBLIC HEARING</b>			

**LOCATION/SURROUNDINGS:**

Site: 3920 Washington Road

**NOTIFICATIONS/PROCEDURES:**

The alderman of the district, Alderman Kennedy, and the former alderman - Alderman LaMacchia, have been notified. The Common Council is the final review authority.

**ANALYSIS:**

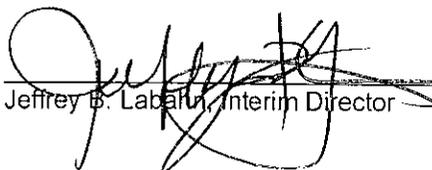
- The applicant received approval on August 1, 2011 for a 521 s.f. kitchen addition to the existing gas station/convenience store.
- The applicant is requesting a six-month extension to the approval.
- The original Conditions of Approval still apply. All outstanding conditions of the original approval were satisfied.
- The extension will give the applicant additional time to obtain building permits.

**RECOMMENDATION:**

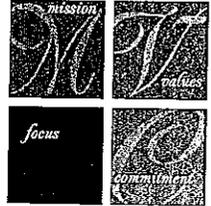
A recommendation is made to approve a six-month extension, subject to the original Conditions of Approval.



Brian R. Wilke, Development Coordinator



Jeffrey B. Labadie, Interim Director



Brian Wilke  
Community Development & Inspections  
625 52<sup>nd</sup> Street – Room 308  
Kenosha, WI 53140

January 24, 2012

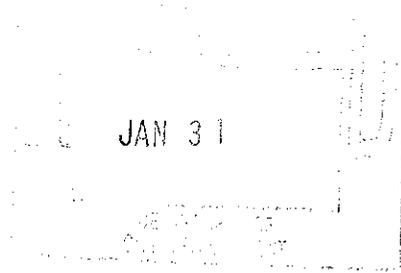
Dear Mr. Wilke,

Kwik Trip Inc. would like to formally request a 6 month extension to our Conditional Use Permit approved for our store located at 3920 Washington Road.

We appreciate your time and consideration. Please call me at 608-793-6461 if you have any questions or need additional copies submitted.

Sincerely,

Leah N. Berlin  
Store Engineering  
Kwik Trip Inc.



Our Mission: "To serve our customers and community more effectively than anyone else by treating our customers, co-workers and suppliers as we, personally, would like to be treated, and to make a difference in someone's life."

Kwik Trip & Kwik Star Stores • Tobacco Outlet Plus • Convenience Transportation, LLC • Hearty Platter Restaurants & Cafés

Department of City Development  
 625 52nd Street  
 Kenosha, Wisconsin 53140  
 phone - 262.653.4030 or fax 262.653.4045

**Conditional Use Permit Approval**

<b>Project Name:</b>	Kwik Trip Kitchen Addition	<b>Date:</b> September 20, 2011
<b>Location:</b>	3920 Washington Road	
<b>Project Description:</b>	An addition to the existing convenience store	
<b>Issued to:</b>	Leah Berlin Kwik Trip 1626 Oak Street La Crosse, WI 54602	
<b>Architect/ Engineer/ Contractor:</b>  (if applicable)	Larson Architects 1924 Nakomis Avenue La Crosse, WI 54603	
<b>Approval Dates:</b>	Common Council – August 1, 2011 Department of City Development – N/A	
<ul style="list-style-type: none"> <li>• <b>Conditions of approval (see attachment)</b></li> <li>• <b>Approval shall be void if a building permit is not obtained by February 1, 2012</b></li> </ul>		

Any questions regarding the approved Conditional Use Permit should be directed to me at 262.653.4049 or via email at [bwilke@kenosha.org](mailto:bwilke@kenosha.org).

*B. RLO*

\_\_\_\_\_  
 Brian Wilke  
 Development Coordinator, City Development

- c:
- Shelley Billingsley, Deputy Director of Engineering, Public Works
  - Paula Blise, Zoning Coordinator, Neighborhood Services & Inspections
  - Mike Callovi, Planning Technician, City Development
  - Mike Higgins, City Clerk/Treasurer/Assessor
  - Rick Hillesland, Commercial Building Inspector, Neighborhood Services & Inspections
  - Jeffrey B. Labahn, Director, City Development
  - Mike Lemens, Director of Engineering, Public Works
  - John W. Morrissey, Chief, Police Department
  - Gail Rohde, Counter Clerk, Neighborhood Services & Inspections
  - Patrick Ryan, Division Chief, Fire Prevention Bureau
  - Ed St. Peter, General Manager, Kenosha Water Utility

<b>Project Name:</b>	Kwik Trip Kitchen Addition	<b>Date:</b> September 20, 2011
<b>Location:</b>	3920 Washington Road	

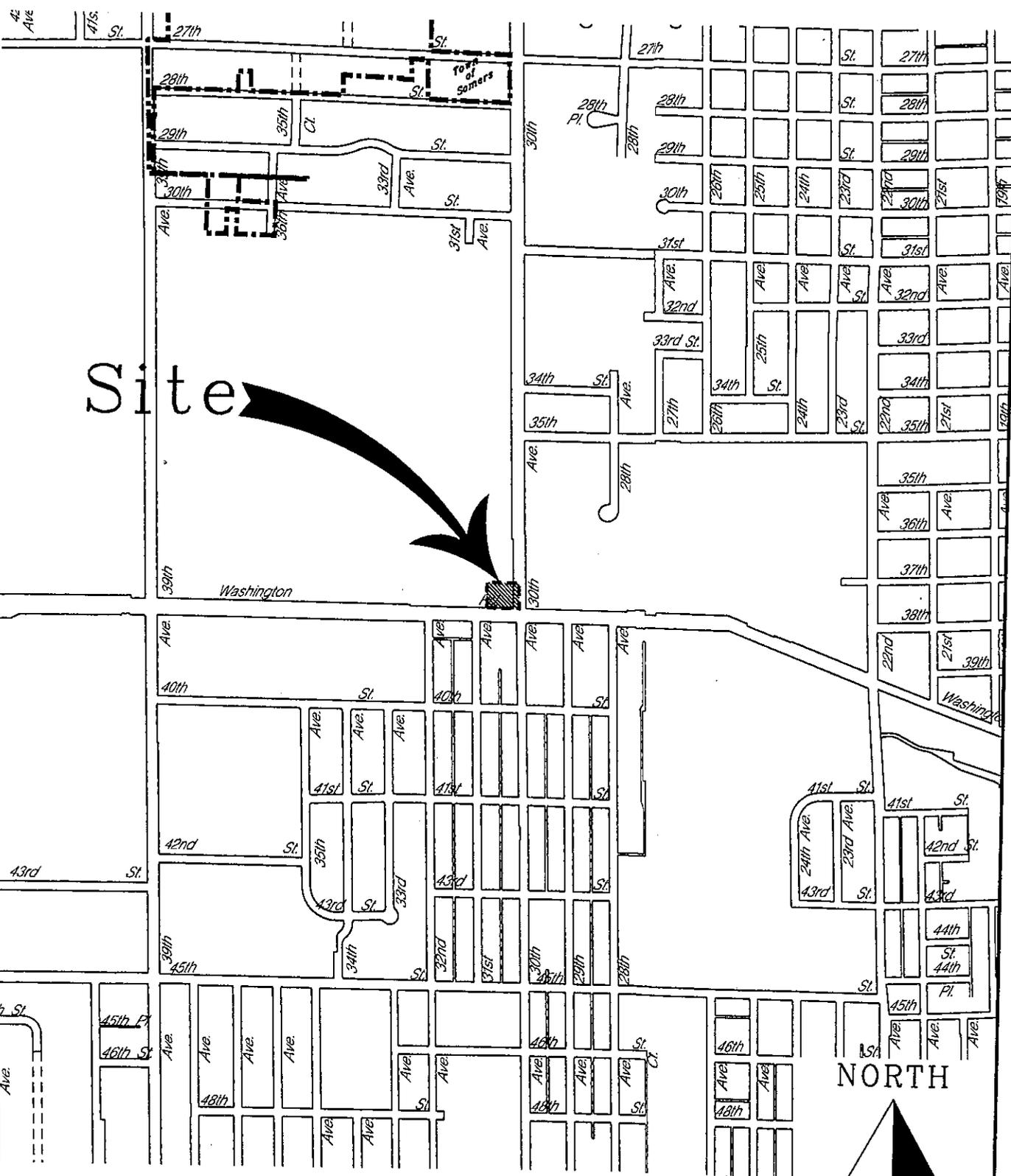
**Conditions of Approval**

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 Neighborhood Services & Inspections. This includes, but is not limited to Erosion Control, Building, Plumbing, Electrical and Occupancy permits.
  - b. The applicant shall obtain a Parking Lot permit from the Department of Public Works.
  - c. 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.
  - d. The development shall be constructed per the approved plans on file with the Department of City Development, Room 308, 625 52<sup>nd</sup> 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 City Development for review and approval.
  - e. Prior to the issuance of any occupancy permits, all parking areas, drives and designated paved areas shall have the initial lift of asphalt installed. The building exterior shall be completed per the approved plans, the exterior lighting shall be installed and the Conditional Use Permit shall be recorded with the Kenosha County Register of Deeds. All improvements indicated on the plans, including landscaping, 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.
  - f. 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.
  - g. All roof top mechanicals shall be properly screened per Section 14.07 B.10 of the Zoning Ordinance.
  - h. All trash containers shall be stored within the enclosure or building. 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.
  - i. 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.
  - j. Outdoor display of products is prohibited.
  - k. All vehicles shall be parked within the designated paved areas.
  - l. 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.
  - m. Cross access shall be provided to adjacent parcels if required at a future date by the City.

# City of Kenosha

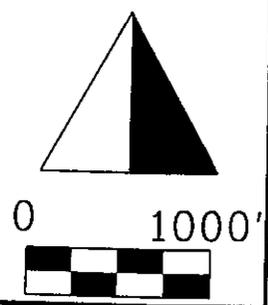
## Vicinity Map Kwik Trip Addition CUP

Site



-  Subject Property
-  Municipal Boundary

NORTH



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

**MAILING INFORMATION**

**NAME OF PROJECT:** Kwik Trip #312 - Kitchen Addition

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

<input checked="" type="checkbox"/>	Name and Address of Applicant (Please print): Convenience Store Investments - <u>LEAH BERLIN</u> 1626 Oak St. La Crosse, WI 54602	Phone: <u>(608) 793-6461</u> Fax: _____ E-Mail: <u>lberlin@kwiktrip.com</u>
<input type="checkbox"/>	Name and Address of Architect/Engineer (Please print): Larson Architect 1924 Nakomis Ave. La Crosse, WI 54603	Phone: <u>(608) 784-6808</u> Fax: _____ E-Mail: _____
<input type="checkbox"/>	Name and Address of Property Owner (if other than applicant)(Please print): Convenience Store Investments 1626 Oak St. La Crosse, WI 54602	Phone: <u>(608) 793-6189</u> Fax: _____ E-Mail: _____

**PROJECT LOCATION**

Location of Development (street address and / or parcel number): 3920 Washington Rd.

**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 City Development  
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**

<b>Additional Information Required:</b>	<b>Building or Addition Square Footage:</b> 521 sf <b>Existing Building Size:</b> 3145 sf <b>Site Size:</b> 1.2 acres																						
<b>Submittal Requirements:</b>	<ul style="list-style-type: none"> <li>➤ Ten (10) full size scaled copies of Specified Plans indicated below drawn at a standard engineering scale</li> <li>➤ Developer Site Plan/Conditional Use Permit Checklist (Appendix A)</li> </ul>																						
<b>If Item to be Reviewed by Plan Commission/Common Council must Submit:</b>	<ul style="list-style-type: none"> <li>➤ One (1) 8 1/2" x 11" reduction <i>or</i> forty (40) 11" x 17" reductions of the Site/Landscape Plan, Floor Plan and Colored Building Elevations (all sides)</li> <li>➤ Sample Board containing colored samples of all exterior building materials</li> </ul>																						
<b>Fees:</b>	<table border="1"> <thead> <tr> <th></th> <th><u>Building or Addition Size</u></th> <th><u>Site size</u></th> <th><u>Review Fee</u></th> </tr> </thead> <tbody> <tr> <td>Level 1</td> <td>&lt;= 10,000 sq. ft.</td> <td>&lt;= 1 acre</td> <td>\$900 = City Plan Dept. <i>or</i> \$1,025 = CPC/CC</td> </tr> <tr> <td>Level 2</td> <td>10,001 - 50,000 sq. ft.</td> <td>1.01 - 10 acres</td> <td>\$1,175 = City Plan Dept. <i>or</i> \$1,300 = CPC/CC</td> </tr> <tr> <td>Level 3</td> <td>50,001 - 100,000 sq. ft.</td> <td>10.01 - 25 acres</td> <td>\$1,600 = City Plan Dept. <i>or</i> \$1,725 = CPC/CC</td> </tr> <tr> <td>Level 4</td> <td>&gt; 100,001 sq. ft.</td> <td>&gt; 25.01 acres</td> <td>\$2,000 = City Plan Dept. <i>or</i> \$2,125 = CPC/CC</td> </tr> </tbody> </table>		<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"> <li>➤ 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.</li> <li>➤ Application fee entitles applicant to an initial review and one re-submittal.</li> <li>➤ Re-submittal fee = \$425 per re-submittal after two (2) permitted reviews.</li> <li>➤ CUP Amendment = 50% of the applicable fee as determined above.</li> </ul>	
		<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																				
<b>Appendices to Review:</b>	<ul style="list-style-type: none"> <li>➤ All</li> </ul>																						
<b>Approximate Review Time:</b>	<ul style="list-style-type: none"> <li>➤ 30 days for Staff Review</li> <li>➤ 45-60 days for City Plan Commission/Common Council Review</li> </ul>																						
The conditional use permit plans, <i>prepared to a standard engineering scale</i> , shall be submitted with this application & shall include the following information:																							
<b>Building Plan:</b>	<ul style="list-style-type: none"> <li>➤ Layout of building(s) including size and layout of rooms</li> <li>➤ Design and architecture</li> <li>➤ Plans and details on fire suppression and/or standpipe</li> <li>➤ Plans and details on fire detection, fire alarm and other safety devices</li> </ul>																						
<b>Site Plan</b> (based on a plat of survey)	<ul style="list-style-type: none"> <li>➤ Legal description of property</li> <li>➤ Location and footprint of building(s) and structure(s)</li> <li>➤ Locations of existing and proposed streets, drives, alleys, easements, rights-of-way, parking as required, vehicular and pedestrian access points, and sidewalks</li> <li>➤ Outline of any development stages</li> <li>➤ Location and details on any required emergency access roads</li> <li>➤ A calculation of square footage devoted to building, paving and sidewalks, and landscaped/open space</li> </ul>																						
<b>Drainage Plan</b>	<ul style="list-style-type: none"> <li>➤ Existing topography, including spot elevations of existing buildings, structures, high points, and wet areas, with any previous flood elevations</li> <li>➤ Floodplain boundaries, if applicable</li> <li>➤ Soil characteristics, where applicable</li> <li>➤ Proposed topography of the site denoting elevations and natural drainage after construction and any proposed stormwater retention areas</li> </ul>																						
<b>Landscape Plan</b>	<ul style="list-style-type: none"> <li>➤ Existing trees and land form</li> <li>➤ Location, extent and type of all proposed plantings</li> <li>➤ Location, height, opaque characteristics and type of any required screening</li> </ul>																						

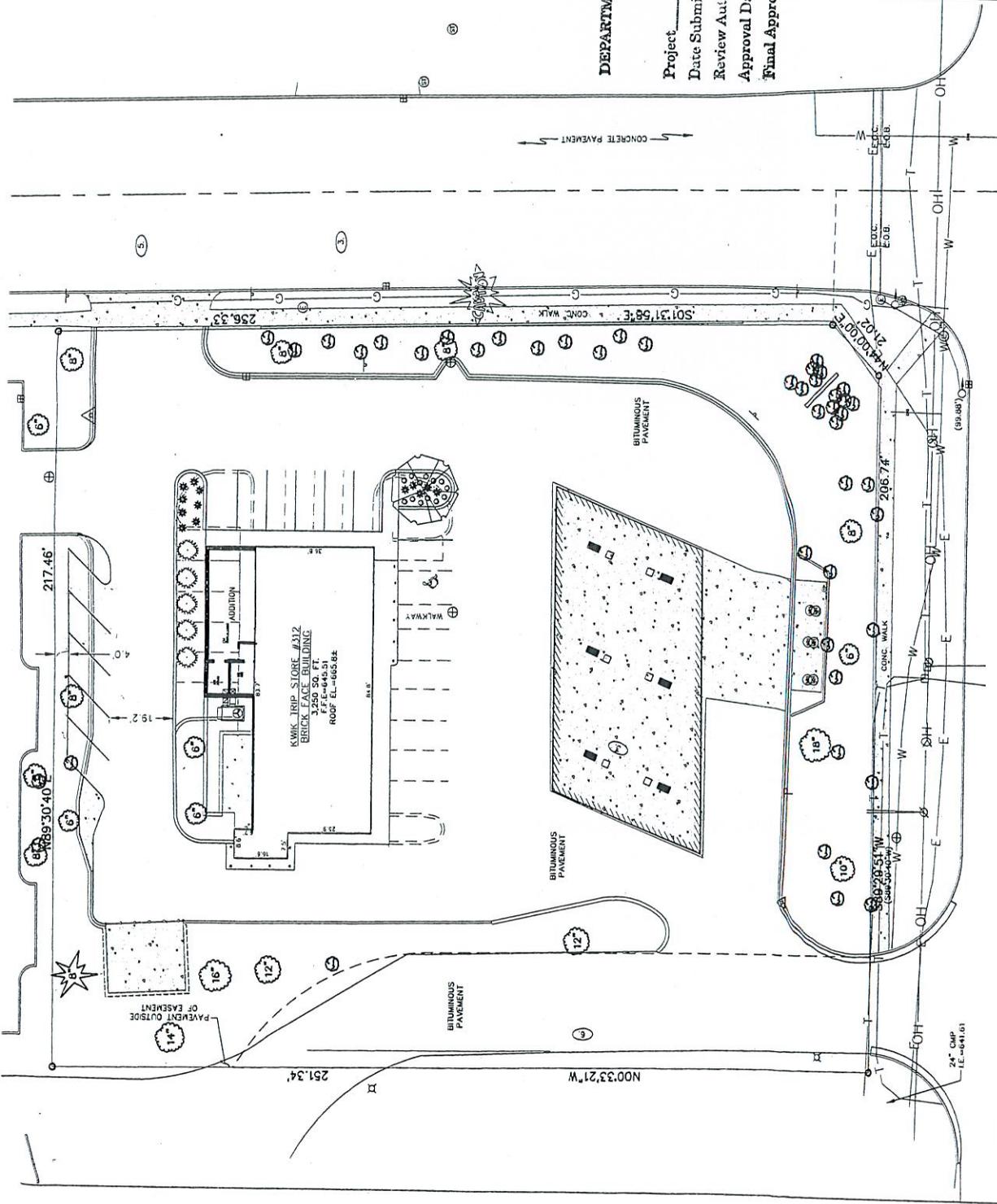
**KWIK TRIP, Inc.**  
 P.O. BOX 2107  
 1626 OAK STREET  
 KENOSHA, WI 53102-2107  
 PH: (414) 391-8888  
 FAX: (414) 391-8888

**SITE PLAN**  
 CONVENIENCE STORE 312  
 KITCHEN ADDITION  
 3920 WASHINGTON RD  
 KENOSHA, WISCONSIN

NO.	DATE	DESCRIPTION

DRAWN BY: \_\_\_\_\_  
 SCALE: 1" = 30'-0"  
 DATE: 2005.22  
 SHEET: 2005.07  
**SP1**

**DEPARTMENT OF CITY DEVELOPMENT**  
 Kenosha, Wisconsin  
 - SITE PLAN -  
 Project: Kwik Trip Addition  
 Date Submitted: 6-21-11  
 Review Authority: CC  
 Approval Date: \_\_\_\_\_  
 Final Approval Date: \_\_\_\_\_



**BLARSON**  
 200 Michigan Street #3  
 Oshkosh, WI 54650  
 (920) 764-1000  
 info@blarson.com

**Kwik Trip** STORES  
**Kwik Star** STORES

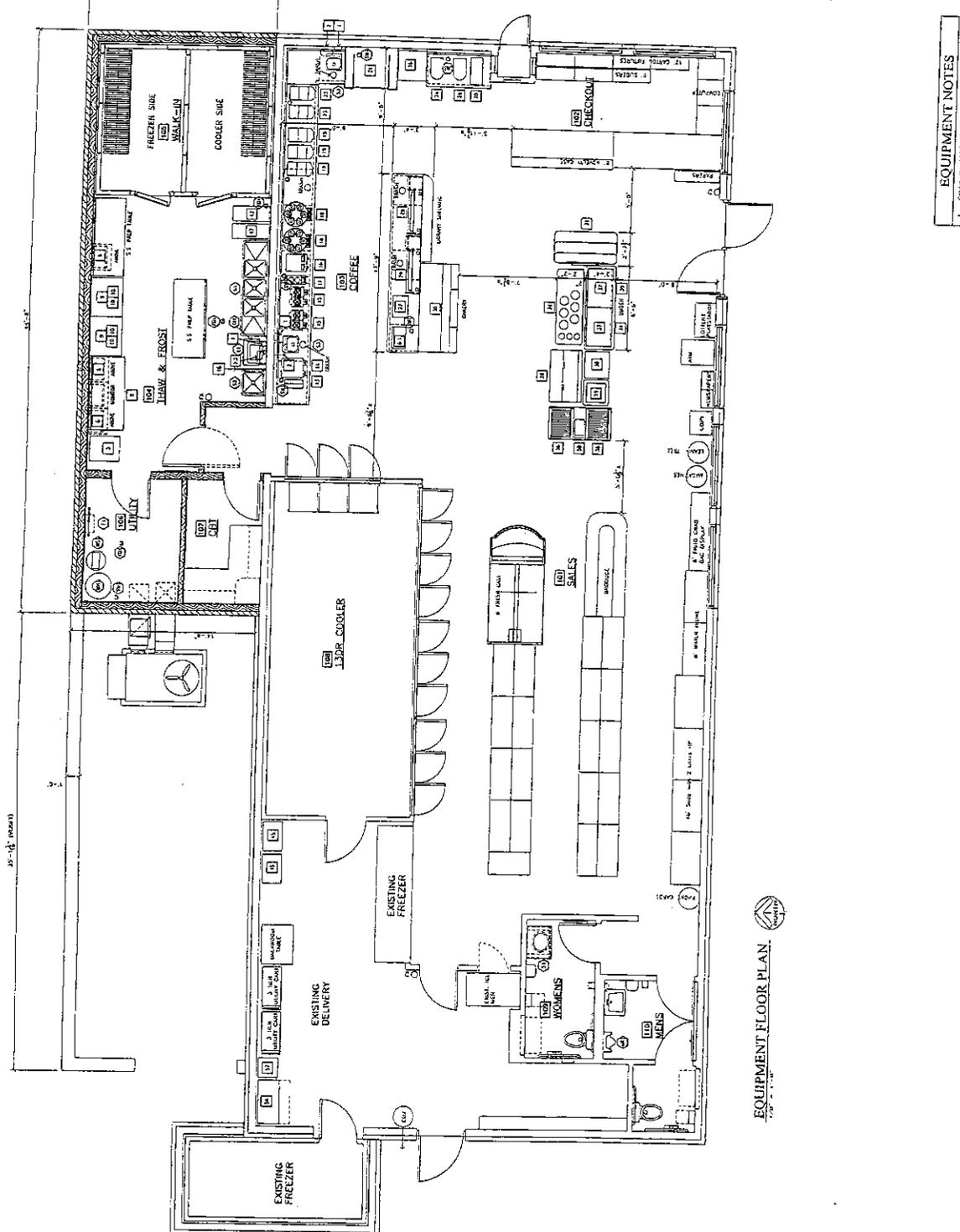
**KITCHEN REMODEL AND ADDITION**  
 3920 WASHINGTON RD  
 KENOSHA, WI  
 STORE #312

Review: APPROVAL  
 Date: JUN 08 11  
 Checked: TFL  
 Drawn: [Signature]

A102

**EQUIP. SCHED.**

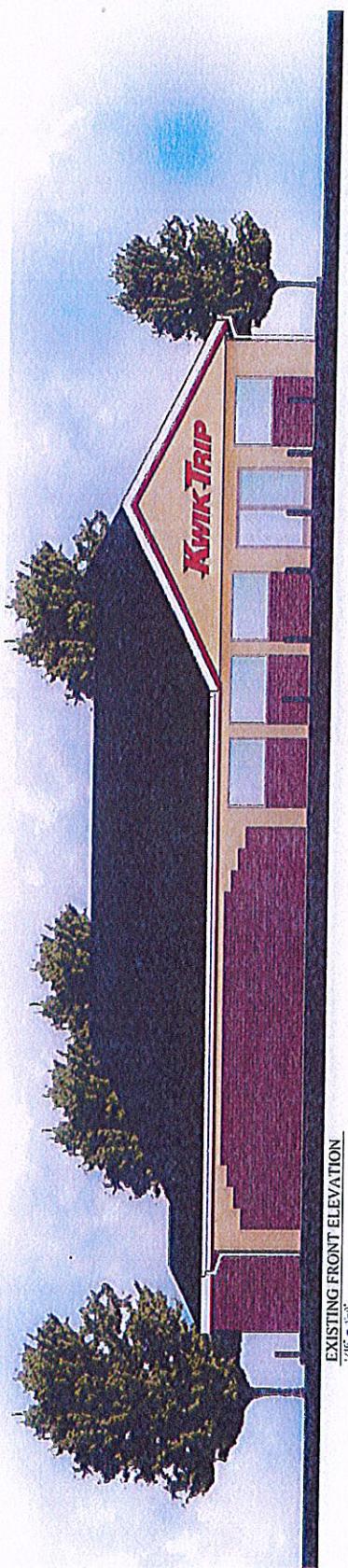
1	1" X 1" WALL MOUNTED SINK
2	1" X 1" WALL MOUNTED SINK
3	1" X 1" WALL MOUNTED SINK
4	1" X 1" WALL MOUNTED SINK
5	1" X 1" WALL MOUNTED SINK
6	1" X 1" WALL MOUNTED SINK
7	1" X 1" WALL MOUNTED SINK
8	1" X 1" WALL MOUNTED SINK
9	1" X 1" WALL MOUNTED SINK
10	1" X 1" WALL MOUNTED SINK
11	1" X 1" WALL MOUNTED SINK
12	1" X 1" WALL MOUNTED SINK
13	1" X 1" WALL MOUNTED SINK
14	1" X 1" WALL MOUNTED SINK
15	1" X 1" WALL MOUNTED SINK
16	1" X 1" WALL MOUNTED SINK
17	1" X 1" WALL MOUNTED SINK
18	1" X 1" WALL MOUNTED SINK
19	1" X 1" WALL MOUNTED SINK
20	1" X 1" WALL MOUNTED SINK
21	1" X 1" WALL MOUNTED SINK
22	1" X 1" WALL MOUNTED SINK
23	1" X 1" WALL MOUNTED SINK
24	1" X 1" WALL MOUNTED SINK
25	1" X 1" WALL MOUNTED SINK
26	1" X 1" WALL MOUNTED SINK
27	1" X 1" WALL MOUNTED SINK
28	1" X 1" WALL MOUNTED SINK
29	1" X 1" WALL MOUNTED SINK
30	1" X 1" WALL MOUNTED SINK
31	1" X 1" WALL MOUNTED SINK
32	1" X 1" WALL MOUNTED SINK
33	1" X 1" WALL MOUNTED SINK
34	1" X 1" WALL MOUNTED SINK
35	1" X 1" WALL MOUNTED SINK
36	1" X 1" WALL MOUNTED SINK
37	1" X 1" WALL MOUNTED SINK
38	1" X 1" WALL MOUNTED SINK
39	1" X 1" WALL MOUNTED SINK
40	1" X 1" WALL MOUNTED SINK
41	1" X 1" WALL MOUNTED SINK
42	1" X 1" WALL MOUNTED SINK
43	1" X 1" WALL MOUNTED SINK
44	1" X 1" WALL MOUNTED SINK
45	1" X 1" WALL MOUNTED SINK
46	1" X 1" WALL MOUNTED SINK
47	1" X 1" WALL MOUNTED SINK
48	1" X 1" WALL MOUNTED SINK
49	1" X 1" WALL MOUNTED SINK
50	1" X 1" WALL MOUNTED SINK
51	1" X 1" WALL MOUNTED SINK
52	1" X 1" WALL MOUNTED SINK
53	1" X 1" WALL MOUNTED SINK
54	1" X 1" WALL MOUNTED SINK
55	1" X 1" WALL MOUNTED SINK
56	1" X 1" WALL MOUNTED SINK
57	1" X 1" WALL MOUNTED SINK
58	1" X 1" WALL MOUNTED SINK
59	1" X 1" WALL MOUNTED SINK
60	1" X 1" WALL MOUNTED SINK



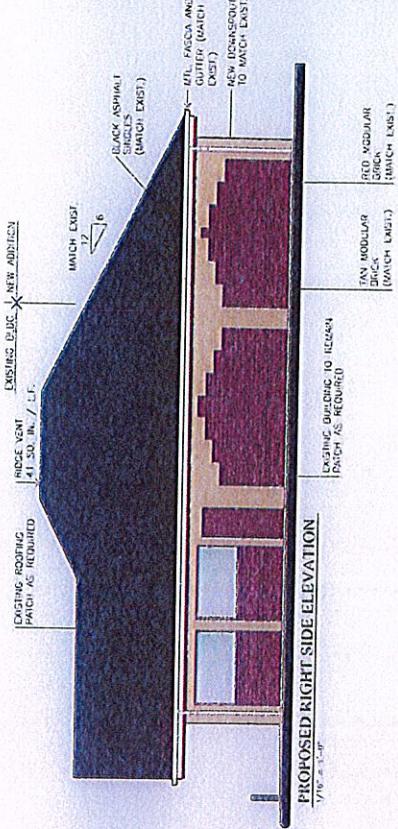
**EQUIPMENT NOTES**

1. CHECK ALL MATERIAL STAMPS IN FOOD AREAS
2. CHECK WITH CONTRACTORS AT WELL
3. CHECK/REPAIR INITIAL EQUIPMENT/INSTALL GLASS DOORS

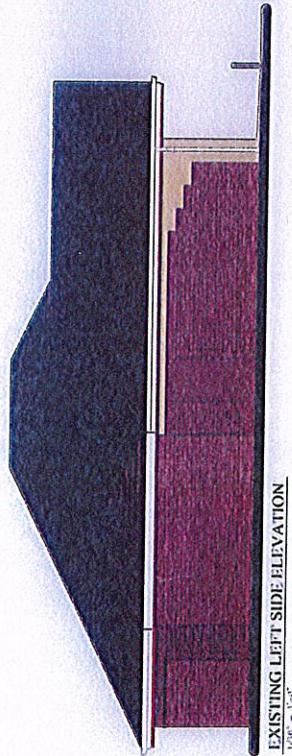
**EQUIPMENT FLOOR PLAN**  
 1/8" = 1'-0"



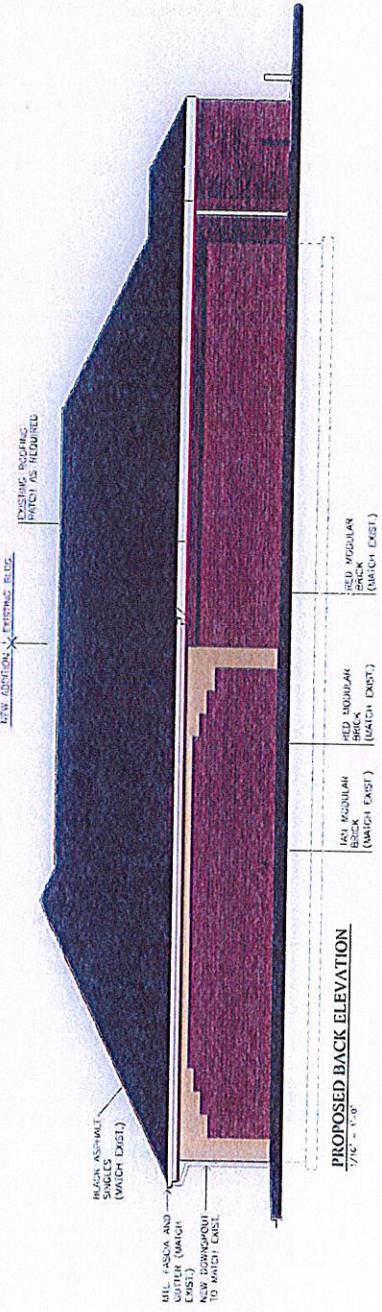
**EXISTING FRONT ELEVATION**  
 1/16" = 1'-0"



**PROPOSED RIGHT SIDE ELEVATION**  
 1/16" = 1'-0"



**EXISTING LEFT SIDE ELEVATION**  
 1/16" = 1'-0"



**PROPOSED BACK ELEVATION**  
 1/16" = 1'-0"

<b>Planning &amp; Zoning Division</b> 625 52 <sup>nd</sup> Street Kenosha, WI 53140 262.653.4030	<b>Kenosha City Plan Commission</b>  <b>FACT SHEET</b>	February 9, 2012	Item <b>3</b>
<b>To Amend the Bylaws of the City Plan Commission to reflect the name change of Department of City Development and Department of Neighborhood Services &amp; Inspections to Department of Community Development &amp; Inspections. PUBLIC HEARING</b>			

**LOCATION/SURROUNDINGS:**

N/A

**NOTIFICATIONS/PROCEDURES:**

The City Plan Commission is the final review authority for Amendments to the City Plan Commission Bylaws.

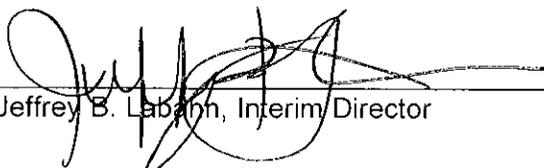
**ANALYSIS:**

- The Common Council recently approved Ordinance #70-11 which changed the name of Department of City Development to Department of Community Development & Inspections.
- Therefore, the proposed Amendment to the Bylaws is presented for Commission adoption to be consistent with the Code of General Ordinances. A favorable vote of two-thirds of the full membership of the commission (i.e. 8 members) is required to amend the By-Laws.

**RECOMMENDATION:**

A recommendation is made to Amend the Bylaws as attached.

  
 Rich Schroeder, Interim Deputy Director

  
 Jeffrey B. Labahn, Interim Director

**BYLAWS**  
**City Plan Commission**  
**Kenosha, Wisconsin**

*As Approved by the City Plan Commission on August 18, 1988*  
*As Amended by the City Plan Commission on March 8, 2001*  
*As Amended by the City Plan Commission on May 6, 2004*  
*As Amended by the City Plan Commission on February 9, 2012*

**SECTION ONE:      **Scope****

The City Plan Commission of the City of Kenosha, Wisconsin, created by Ordinance of the Common Council, is composed of ten (10) members. The composition of the City Plan Commission shall consist of the Mayor, who shall be its chairperson and presiding officer; the President of the Common Council or designee as provided by City Ordinance, who shall be its vice chairperson; a member of the Board of Park Commissioners, to be elected by said Commission; a member of the Committee on Public Works (Board of Public Works), to be elected by said Committee (Board) of Public Works; and six (6) citizens appointed by the Mayor and approved by the Common Council who shall be of recognized experience and qualifications. Commission members appointed or reappointed to office shall be residents of the City of Kenosha, Wisconsin, as prescribed in the Code of General Ordinances. The responsibility of the Commission is to make and adopt a Master Plan for the physical development of the municipality; make reports and recommendations relating to the plan and development of the city; hold public meetings and hearings; and recommend to the Common Council, from time-to-time, amendments, supplements or modifications of the Master Plan or other land use regulations.

**SECTION TWO:      **Term of Office - Citizen Members****

The term of office of citizen members shall be three (3) years and the term of not more than one-third of the citizen membership shall expire in one year. Citizen members are eligible to serve a maximum of two (2) consecutive terms in accordance with the Code of General Ordinances. Citizen member terms shall take effect on May 1. Any vacancy occurring on the Commission shall be filled by appointment of the Mayor, with the approval of the Common Council for the unexpired term. The City Plan Commission may submit names of persons to be considered for such appointment.

**SECTION THREE:   **Officers****

The officers of the Commission shall consist of a chairperson and vice chairperson. The Mayor shall be the chairperson of the Commission. The President of the Common Council, or designee as provided by City ordinance, shall be the vice chairperson.

The chairperson shall preside at all meetings of the Commission and may appoint standing and ad hoc committees as necessary to assist in and to expedite the work of the Commission. The vice chairperson shall preside over meetings in the absence of the chairperson. The Director of the Department of ~~City Development~~ **Community Development & Inspections** or designee Director of the Department of ~~City Development~~ **Community Development & Inspections** shall act as Commission Secretary who shall attest to the action of the Commission as required, and shall be responsible for the records of the Commission.

**SECTION FOUR: Meetings**

Regular meetings of the Commission shall be held as provided in the Rules. The Chairperson may call special meetings as deemed necessary, and is obligated to do so upon the request of three (3) or more members. At least six (6) members of the Commission must be present at a meeting to constitute a quorum.

**SECTION FIVE: Rules**

The Commission may adopt such rules as it may deem necessary for the conduct of its meetings for the orderly presentation and processing of requests, or to obtain information upon which to base its decisions. Such rules may be adopted or amended by a two-thirds vote of the full membership of the Commission and may be suspended by a two-thirds vote of the members present at a meeting.

**SECTION SIX: Hearings**

The Commission conducts public hearings on Rezonings, Conditional Use Permits, Street/Alley Vacations, Annexations, Master Plans, Zoning Ordinance Amendments, Capital Improvement Plan Amendments, and other items as directed by the Common Council. Public notice shall be provided as required in the Code of General Ordinances, City Zoning Ordinance and Wisconsin Statutes.

**SECTION SEVEN: Adoption and Amendments**

The adoption of or amendments to these bylaws shall only occur by a favorable vote of two-thirds of the full membership of the Commission.

**BYLAWS**  
**City Plan Commission**  
**Kenosha, Wisconsin**

*As Approved by the City Plan Commission on August 18, 1988*  
*As Amended by the City Plan Commission on March 8, 2001*  
*As Amended by the City Plan Commission on May 6, 2004*  
*As Amended by the City Plan Commission on February 9, 2012*

**SECTION ONE:      *Scope***

The City Plan Commission of the City of Kenosha, Wisconsin, created by Ordinance of the Common Council, is composed of ten (10) members. The composition of the City Plan Commission shall consist of the Mayor, who shall be its chairperson and presiding officer; the President of the Common Council or designee as provided by City Ordinance, who shall be its vice chairperson; a member of the Board of Park Commissioners, to be elected by said Commission; a member of the Committee on Public Works (Board of Public Works), to be elected by said Committee (Board) of Public Works; and six (6) citizens appointed by the Mayor and approved by the Common Council who shall be of recognized experience and qualifications. Commission members appointed or reappointed to office shall be residents of the City of Kenosha, Wisconsin, as prescribed in the Code of General Ordinances. The responsibility of the Commission is to make and adopt a Master Plan for the physical development of the municipality; make reports and recommendations relating to the plan and development of the city; hold public meetings and hearings; and recommend to the Common Council, from time-to-time, amendments, supplements or modifications of the Master Plan or other land use regulations.

**SECTION TWO:      *Term of Office - Citizen Members***

The term of office of citizen members shall be three (3) years and the term of not more than one-third of the citizen membership shall expire in one year. Citizen members are eligible to serve a maximum of two (2) consecutive terms in accordance with the Code of General Ordinances. Citizen member terms shall take effect on May 1. Any vacancy occurring on the Commission shall be filled by appointment of the Mayor, with the approval of the Common Council for the unexpired term. The City Plan Commission may submit names of persons to be considered for such appointment.

**SECTION THREE:    *Officers***

The officers of the Commission shall consist of a chairperson and vice chairperson. The Mayor shall be the chairperson of the Commission. The President of the Common Council, or designee as provided by City ordinance, shall be the vice chairperson.

The chairperson shall preside at all meetings of the Commission and may appoint standing and ad hoc committees as necessary to assist in and to expedite the work of the Commission. The vice chairperson shall preside over meetings in the absence of the chairperson. The Director of the Department of Community Development & Inspections or designee Director of the Department of Community Development & Inspections shall act as Commission Secretary who shall attest to the action of the Commission as required, and shall be responsible for the records of the Commission.

**SECTION FOUR: Meetings**

Regular meetings of the Commission shall be held as provided in the Rules. The Chairperson may call special meetings as deemed necessary, and is obligated to do so upon the request of three (3) or more members. At least six (6) members of the Commission must be present at a meeting to constitute a quorum.

**SECTION FIVE: Rules**

The Commission may adopt such rules as it may deem necessary for the conduct of its meetings for the orderly presentation and processing of requests, or to obtain information upon which to base its decisions. Such rules may be adopted or amended by a two-thirds vote of the full membership of the Commission and may be suspended by a two-thirds vote of the members present at a meeting.

**SECTION SIX: Hearings**

The Commission conducts public hearings on Rezoning, Conditional Use Permits, Street/Alley Vacations, Annexations, Master Plans, Zoning Ordinance Amendments, Capital Improvement Plan Amendments, and other items as directed by the Common Council. Public notice shall be provided as required in the Code of General Ordinances, City Zoning Ordinance and Wisconsin Statutes.

**SECTION SEVEN: Adoption and Amendments**

The adoption of or amendments to these bylaws shall only occur by a favorable vote of two-thirds of the full membership of the Commission.

Planning & Zoning Division 625 52 <sup>nd</sup> Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission  <b>FACT SHEET</b>	February 9, 2012	Item <b>4</b>
<b>To Amend the Rules of the City Plan Commission to reflect the name change of Department of City Development and Department of Neighborhood Services &amp; Inspections to Department of Community Development &amp; Inspections. PUBLIC HEARING</b>			

**LOCATION/SURROUNDINGS:**

N/A

**NOTIFICATIONS/PROCEDURES:**

The City Plan Commission is the final review authority for Amendments to the City Plan Commission Rules.

**ANALYSIS:**

- The Common Council recently approved Ordinance #70-11 which changed the name of Department of City Development to Department of Community Development & Inspections.
- Therefore, the proposed Amendment to the Rules is presented for Commission adoption to be consistent with the Code of General Ordinances. A favorable vote of two-thirds of the full membership of the commission (i.e. 8 members) is required to amend the By-Laws.

**RECOMMENDATION:**

A recommendation is made to Amend the Rules as attached.



Rich Schroeder, Interim Deputy Director



Jeffrey E. Labahn, Interim Director

**RULES**  
**City Plan Commission**  
**Kenosha, Wisconsin**

*As Approved by the City Plan Commission on August 18, 1988*  
*As Amended by the City Plan Commission on March 8, 2001*  
*As Amended by the City Plan Commission on May 6, 2004*  
*As Amended by the City Plan Commission on February 9, 2012*

**SECTION ONE: INTENT**

The following rules are adopted by the City Plan Commission to set out the powers and responsibilities of the Commission, to provide for the orderly conduct of its business, to make available the information necessary for a thorough review of issues before the Commission and to inform the citizens of the City of Kenosha of the procedures available to file a request and to respond to matters under consideration by the Commission.

**SECTION TWO: POWERS AND RESPONSIBILITIES**

The City Plan Commission shall have all powers as permitted by Wisconsin Statutes 62.23 and City Code of General Ordinances 1.06 A.

***Procedures***

- A) Meetings Regular meetings of the Commission shall be held at 5:00 p.m. on each Thursday following regular meetings of the Common Council. Meetings will be held in the Municipal Building in Room 202 or at a place convenient to the public at the discretion of the Chairperson or Secretary. The Chairperson may call special meetings as deemed necessary and is obligated to do so upon the request of three (3) or more members. Notice of such special meeting, stating the purpose of the meeting, shall be given to each member and the media at least 24 hours prior to the time of the meeting. Meetings shall be governed by Roberts Rules of Order, Revised. Any action by the Commission must follow open meeting requirements as stated in Wisconsin State Statute 10.85.
- B) Petitions Requests for consideration by the Commission shall be made in writing on forms provided by the Department of ~~City-Development~~ Community Development & Inspections. Such requests must be submitted to the Department not later than one month preceding a regular or special meeting in order for the item to appear on the agenda.
- C) Referral The Commission shall hear each request and shall indicate to the petition any additional information that should be supplied to assist the Commission in reaching a recommendation or decision. Any request requiring Common Council decision shall first be referred by that body to the Commission.
- D) Review Requests for consideration by the Commission shall be subject to review by appropriate municipal departments and other affected agencies. A review list shall be maintained and periodically revised by the Department of ~~City-Development~~ Community Development & Inspections. Review comments shall be forwarded by the City Plan

Division staff of the Department of ~~City Development~~ Community Development & Inspections for their consideration. The Department of ~~City Development~~ Community Development & Inspections shall provide a written or oral recommendation for every item considered by the Commission.

- E) Notification Written notification shall be provided to the petition as to the time, place and date the matter will be considered by the Commission not less than five (5) days prior to the appropriate meeting. Notification will also be provided to the alderman representing the district within which the request is located. Notification of additional persons shall be made as required by the Wisconsin Statutes, Code of General Ordinances and City Zoning Ordinance.

### **SECTION THREE: STANDING COMMITTEES**

Standing committees, comprised of members of the Commission appointed by the Chairperson, may be established as the Chairperson deems necessary. The name and specific responsibilities of each standing committee shall be prescribed at the time of establishment.

### **SECTION FOUR: CONDUCT OF MEETINGS**

Meetings of the Commission are open to the public to extent required by the Wisconsin Open Meeting Law and the public is invited to participate.

- A. Secretary reads agenda item and staff recommendation.
- B. For PUBLIC HEARING items:
  1. Chairperson opens public hearing.
  2. Each citizen wishing to comment may address the Commission for a maximum of five (5) minutes, on time per agenda item. Any questions raised by citizens during the public hearing will be addressed after public hearing is closed..
  3. Citizens must speak at the podium and state their name and address for the record.
  4. Commission and staff comments/questions are withheld until the public hearing is closed.
  5. Chairperson closed public hearing at the conclusion of citizen testimony.
- C. Staff provides its comments and recommendation to the Commission.
- D. Commission discussion:
  1. The Commission may make a motion before or during discussion.
  2. Commission and staff may ask questions through the Chairperson to petitioner, citizens, or others present.
  3. Commission may request additional information from petitioner and/or staff.
- E. Commission action:

1. Commission may act to approve, approve with conditions, deny, table or defer a particular agenda item.
2. An affirmative vote must be by a majority present.
3. Motions to defer must include a specific period of time or deferral.
4. If the vote is tied, the item is sent to the Common Council without a recommendation. In the event the Commission is the designated review authority for said item, a tie vote constitutes denial.

**RULES**  
**City Plan Commission**  
**Kenosha, Wisconsin**

*As Approved by the City Plan Commission on August 18, 1988*  
*As Amended by the City Plan Commission on March 8, 2001*  
*As Amended by the City Plan Commission on May 6, 2004*  
*As Amended by the City Plan Commission on February 9, 2012*

**SECTION ONE:      **INTENT****

The following rules are adopted by the City Plan Commission to set out the powers and responsibilities of the Commission, to provide for the orderly conduct of its business, to make available the information necessary for a thorough review of issues before the Commission and to inform the citizens of the City of Kenosha of the procedures available to file a request and to respond to matters under consideration by the Commission.

**SECTION TWO:      **POWERS AND RESPONSIBILITIES****

The City Plan Commission shall have all powers as permitted by Wisconsin Statutes 62.23 and City Code of General Ordinances 1.06 A.

***Procedures***

- A) Meetings Regular meetings of the Commission shall be held at 5:00 p.m. on each Thursday following regular meetings of the Common Council. Meetings will be held in the Municipal Building in Room 202 or at a place convenient to the public at the discretion of the Chairperson or Secretary. The Chairperson may call special meetings as deemed necessary and is obligated to do so upon the request of three (3) or more members. Notice of such special meeting, stating the purpose of the meeting, shall be given to each member and the media at least 24 hours prior to the time of the meeting. Meetings shall be governed by Roberts Rules of Order, Revised. Any action by the Commission must follow open meeting requirements as stated in Wisconsin State Statute 10.85.
- B) Petitions Requests for consideration by the Commission shall be made in writing on forms provided by the Department of Community Development & Inspections. Such requests must be submitted to the Department not later than one month preceding a regular or special meeting in order for the item to appear on the agenda.
- C) Referral The Commission shall hear each request and shall indicate to the petition any additional information that should be supplied to assist the Commission in reaching a recommendation or decision. Any request requiring Common Council decision shall first be referred by that body to the Commission.
- D) Review Requests for consideration by the Commission shall be subject to review by appropriate municipal departments and other affected agencies. A review list shall be maintained and periodically revised by the Department of Community Development & Inspections. Review comments shall be forwarded by the City Plan Division staff of the Department of Community Development & Inspections for their consideration. The

Department of Community Development & Inspections shall provide a written or oral recommendation for every item considered by the Commission.

- E) *Notification* Written notification shall be provided to the petition as to the time, place and date the matter will be considered by the Commission not less than five (5) days prior to the appropriate meeting. Notification will also be provided to the alderman representing the district within which the request is located. Notification of additional persons shall be made as required by the Wisconsin Statutes, Code of General Ordinances and City Zoning Ordinance.

### **SECTION THREE: STANDING COMMITTEES**

Standing committees, comprised of members of the Commission appointed by the Chairperson, may be established as the Chairperson deems necessary. The name and specific responsibilities of each standing committee shall be prescribed at the time of establishment.

### **SECTION FOUR: CONDUCT OF MEETINGS**

Meetings of the Commission are open to the public to extent required by the Wisconsin Open Meeting Law and the public is invited to participate.

- A. Secretary reads agenda item and staff recommendation.
- B. For PUBLIC HEARING items:
  1. Chairperson opens public hearing.
  2. Each citizen wishing to comment may address the Commission for a maximum of five (5) minutes, on time per agenda item. Any questions raised by citizens during the public hearing will be addressed after public hearing is closed.
  3. Citizens must speak at the podium and state their name and address for the record.
  4. Commission and staff comments/questions are withheld until the public hearing is closed.
  5. Chairperson closed public hearing at the conclusion of citizen testimony.
- C. Staff provides its comments and recommendation to the Commission.
- D. Commission discussion:
  1. The Commission may make a motion before or during discussion.
  2. Commission and staff may ask questions through the Chairperson to petitioner, citizens, or others present.
  3. Commission may request additional information from petitioner and/or staff.
- E. Commission action:
  1. Commission may act to approve, approve with conditions, deny, table or defer a particular agenda item.

2. An affirmative vote must be by a majority present.
3. Motions to defer must include a specific period of time or deferral.
4. If the vote is tied, the item is sent to the Common Council without a recommendation. In the event the Commission is the designated review authority for said item, a tie vote constitutes denial.