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| Municipal Building 625 52nd Street – Room 202 | Kenosha City Plan Commission Agenda | Thursday, February 21, 2013 5:00 p.m. |
| <p style="text-align: center;"><i>Mayor Keith Bosman - Chairman, Alderman Kevin Mathewson - Vice-Chairman Alderman Anthony Kennedy, Alderman Jan Michalski, Kathryn Comstock, Robert Hayden, Anderson Lattimore, Jessica Olson and Ron Stevens</i></p> | | |

Call to Order and Roll Call

Approval of Minutes from January 24, 2013

1. By the Mayor - To Amend Subparagraph 14.08 H.1. and Create Subparagraph 14.08 H.1.a. of the Zoning Ordinance regarding interior parkway landscaping. PUBLIC HEARING
2. By the Mayor - To Amend Subparagraph 3.14 A.5.g-1; To Create Subsection 3.14 C.25; To Modify Table 4.01 Group 2; and To Create Subsection 4.06 B.24 of the Zoning Ordinance for the City of Kenosha, Wisconsin regarding Indoor Kennels. PUBLIC HEARING
3. By Alderperson Jan Michalski; Co-Sponsors: Alderperson Curt Wilson, Alderperson Scott N. Gordon, Alderperson Patrick Juliana, Alderperson Chris Schwartz - To Repeal and Recreate Subparagraph 4.06 B.23.b.(2) of the Zoning Ordinance for the City of Kenosha regarding Location of Convenient Cash Business(es) in the B-2 District. PUBLIC HEARING
4. By Alderperson Chris Schwartz - To Create Sections 3.15 C.18 and C.19, To Amend Table 4.01 Group 2 "Business Conditional Uses" and to Create Sections 4.06 B.24 and B.25 of the Zoning Ordinance to Include Body-Piercing and Tattoo Establishments. PUBLIC HEARING
5. By Alderperson Kevin E. Mathewson, Co-Sponsor Alderperson Steven G. Bostrom - To Repeal and Recreate Subparagraph 3.15 A.5.a. as Subparagraph 3.15 A.5.a-1. and Repeal Figure 3-1 of the Zoning Ordinance entitled "Amusement and Recreation Enterprises" and Reletter Subparagraphs 3.15 A.5.b-1, c and d. PUBLIC HEARING
6. City Plan Commission Resolution: To Amend the *Land Use Plan Map for the City of Kenosha: 2035* rezoning property at 6915 75th Place. (RAP of Pewaukee, LLC) (District #14) PUBLIC HEARING
7. By the Mayor - Petition to Rezone property at 6915 75th Place from B-2 Community Business District to RM-2 Multiple-family Residential District in conformance with Section 10.02 of the Zoning Ordinance. (RAP of Pewaukee, LLC) (District #14) PUBLIC HEARING
8. By the City Plan Commission - To Create Subsection 18.02 u. of the Zoning Ordinance to Amend the *Land Use Plan Map for the City of Kenosha: 2035*. (RAP of Pewaukee, LLC) (District #14) PUBLIC HEARING
9. By the Mayor - Resolution to approve a two-lot Certified Survey Map for property at 2216 Roosevelt Road. (Kassel) (District #3) PUBLIC HEARING
10. 2012 Annual List of Amendments to the "A Comprehensive Plan for the City of Kenosha: 2035". PUBLIC HEARING

Public Comments

Commissioner Comments

Staff Comments

Adjournment

CITY PLAN COMMISSION
Minutes
January 24, 2013

MEMBERS PRESENT: Mayor Bosman, Alderman Mathewson, Alderman Kennedy, Alderman Michalski, Kathryn Comstock, Robert Hayden, Anderson Lattimore and Ron Stevens

MEMBERS EXCUSED: Jessica Olson

STAFF PRESENT: Jeffrey B. Labahn, Rich Schroeder

Others Present: Alderman Bostrom and Alderman Schwartz

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

A motion was made by Alderman Michalski and seconded by Alderman Kennedy to approve the minutes of the January 10, 2013 meeting as written. The motion passed. (Ayes 8; Noes 0)

1. Petition to vacate a portion of an alley located between 21st and 22nd Avenue from 65th to 67th Street. (Sorenson/Mathewson) (District #8)
PUBLIC HEARING

Public hearing opened.

Mike Lechner, 7321 24th Avenue, is a co-owner of a rental property at 6505/6507 22nd Avenue. The rental property has a parking pad in the rear of the property that is accessed through the alley. Mr. Lechner would like the alley vacation to start south of his property to allow access to this property. Mr. Lechner submitted a letter requesting the portion of the alley to remain open.

Brian Hervat, 6113 14th Avenue, supports the alley vacation. Mr. Hervat said there have been problems with garbage dumping, graffiti and gangs in the alley. Mr. Hervat has had many complaints from his neighbors and tenants.

Charles Strehlow, 6524 21st Avenue, said he has many problems with garbage being dumped in and around his yard. There are also many burglaries in the area.

Suzan Lechner, 7321 24th Avenue, co-owner of the property at 6505/6507 22nd Avenue, reiterated that they only want to leave a portion of the alley open for access to the rear of the property at -002. They would like to provide off-street parking to this rental unit.

Public hearing closed.

Alderman Mathewson said he will abstain from this item, due to a conflict of interest.

Rich Schroeder, Deputy Director, showed a video of the site and explained the area the Lechner's are requesting to remain open as alley. Mr. Schroeder said Staff is working

with the City Attorney regarding the filing of the objection to the alley vacation. The Lerner property has a driveway and garage with access directly from 22nd Avenue. There is a gravel area in back that is accessed by the alley only. At this time, the City Plan Commission can move forward with a recommendation. This item can be amended at Common Council to allow the partial alley vacation.

A motion was made by Alderman Kennedy and seconded by Mayor Bosman to approve the alley vacation.

Alderman Michalski asked Staff if it was difficult to leave a portion open. Jeffrey B. Labahn, Director, said the Ordinance prohibits a partial alley longer than 100 feet. If allowed, it would be the same as on the south end. Alderman Michalski asked how many feet would it be to allow to Parcel -002. Mr. Schroeder said he does not have exact figures available, but it would be approximately 100 feet to the south end of -002. Alderman Michalski said we could accommodate everyone by allowing a partial alley vacation.

Alderman Michalski made an Amendment to the motion on the floor, to not vacate the alley up to Parcel -002. The Amendment dies for lack of a second.

Alderman Mathewson said if this portion is left open and there is still trouble, can we vacate the rest at a later date? Mr. Labahn said yes, by the request of the property owners. In this case, three of the four property owners would have to agree to the vacation.

Mayor Bosman asked if it is possible to access the parking pad through the driveway. Mr. Lechner said no, only through the alley.

Mr. Stevens asked are you unable to access because of a fence? Mr. Lechner said no fence, there is not enough room between the house and garage. Mr. Stevens said he is not comfortable forwarding a recommendation without a legal opinion. To Staff, is it the trend to vacate an alley upon request. Mr. Labahn said yes, when property owners request closure, we do so if it meets the Ordinance requirements. Mr. Stevens asked if the property lines were then adjusted. Mr. Schroeder explained after the vacation is approved, the property is divided up in the manner it was obtained. The property owner can adjust their fence or use their property in any way they wish. Mr. Stevens asked if the Police Department had any comment. Mr. Schroeder said we have not received any comment. Mr. Stevens explained he doesn't want to delay the request, but is concerned forwarding a recommendation without the City Attorney's opinion. Mr. Stevens suggests to forward to the Common Council with no recommendation.

Alderman Kennedy said we should vacate the entire alley. There is support from 17 of the 28 properties affected, that is 60% of the people. The property in question has access to their property from 22nd Avenue. The partial closure will not solve the problem, people still have access to dump garbage. Alderman Kennedy said Pamela Lechner is the property owner and she is not here tonight. Mr. Labahn said this item will also be reviewed by the Public Works Committee prior to Common Council approval. Mr. Schroeder clarified that the ownership record shows Pamela Lechner as one of the owners, there may be others. Alderman Kennedy said the vacation would save the taxpayers money by eliminating the plowing, grading, cleaning and repairs of the alley.

On voice vote for the motion to approve. The motion passed. (Ayes 7, Noes 0, Abstain 1) *Alderman Mathewson abstained*

2. Conditional Use Permit for a renovation to the stadium at Simmons Field at 7817 Sheridan Road. (Northwoods League) (District #12) PUBLIC HEARING

Public hearing opened.

Vern Stenman, Warner Park Duck Pond, 2920 N. Sherman Avenue, Madison, was available for questions representing the Mallards Baseball. Mr. Stenman said Alderman Bostrom noted an inaccuracy with the entry gate on the plan and they are revising.

Alderman Bostrom, 1720 75th Street, has concern with the right field fence entrance. Alderman Bostrom has told the Mayor and representatives if they want people to park and enter at the right field, they need to make this entry more prominent. Alderman Bostrom also has concerns with the fireworks time and dates; and the alcohol sales. The Mallards Baseball representatives will work with the City. Alderman Bostrom supports the project.

Public hearing closed.

Mr. Schroeder showed a video of the site. At this time the plans still do not supply adequate parking and the applicant will be requesting a parking exception.

Mayor Bosman noted the gate will be moved to make it a focal entry point.

Alderman Kennedy asked Staff for details on the major points that need to be worked out. Mr. Schroeder said they are working on drainage issues with Public Works Department. Alderman Kennedy asked Mr. Stenman if there was anything they did not agree with. Mr. Stenman said no.

Mr. Hayden said he will abstain from voting, due to a potential conflict of interest.

Ms. Comstock said there are 14 handicapped parking stall, this does not seem like enough. Also, why aren't the handicapped stalls closer to the entrance. Mr. Schroeder said the number of handicapped stalls required is specified by the State and the final plans must reflect that amount. Although the handicapped stall are usually located near the front entrance, they could be located in a different area if that is closer to an access ramp or type of assistance. Mr. Stenman said the Parking Plan was put together by City Staff, but we will do whatever it takes to comply.

Ms. Comstock supports Alderman Bostrom with the concerns regarding the fireworks and the alcohol sales. Mr. Stenman stated there is some information in the lease regarding no fireworks after 10:00 p.m. We will also be back before the License and Permits Committee to apply for a liquor license.

A motion was made by Alderman Kennedy and seconded by Alderman Michalski to approve the Conditional Use Permit. The motion carried. (Ayes 7; Noes 0; Abstain 1)
Mr. Hayden abstained

Conditions of Approval for Northwoods League
7817 Sheridan Road

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 Erosion Control, Building, Plumbing, Electrical and Occupancy permits.
 - b. The applicant shall obtain a Sidewalk 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 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.
 - e. Prior to the issuance of any occupancy permits, all parking areas with the exception of the gravel parking area on the East end of the site, 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 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.
 - h. 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.
 - i. 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.
 - j. Compliance with the Lease between the City, Board of Park Commissioners and Baseball Like It Oughta Be, LLC and Northwood League, Inc. approved by the Common Council on December 17, 2012.
2. The following conditions of approval shall be satisfied with City Staff prior to the issuance of any Construction permits.
- a. The Engineering Plan shall be revised and resubmitted for review and approval addressing comments listed in the Public Works memo dated January 14, 2013.

- b. Provide more details on the following items:
 - i. Is the space underneath the first and third base bleachers open or enclosed? If it is enclosed, provide details on the proposed material, and those materials shall comply with Section 14.0 of the Zoning Ordinance.
 - ii. Provide greater detail on the decorative concrete piers, decorative cast in place concrete walls, etc.
 - iii. An Architectural Elevation of the main grandstand behind home plate shall be submitted showing the proposed changes and building materials.
 - iv. If the exterior elevation of the team locker room building at the far west end of the site is being modified, then an Exterior Elevation Plan shall be submitted for that building.
 - v. The types of materials for all fencing shall be better defined. If possible, all new chain-link fencing shall be vinyl coated.
 - vi. Will the parking spaces on the gravel lot be striped/painted?
- c. On the Parking Plan, remove the five (5) northernmost parking stalls from the center parking row to allow for greater traffic flow at this end of the parking field.
- d. A Special Exception to the off-street parking standards of the Zoning Ordinance shall be approved by the Common Council prior to the issuance of any construction permits.

Public Comments

No Public Comments.

Commissioner Comments

No Commissioner Comments

Staff Comments

No Staff Comments

A motion to adjourn was made by Alderman Michalski and seconded by Alderman Mathewson. The motion passed. (Ayes 8; Noes 0) The meeting adjourned at 5:47 p.m.

Minutes Prepared by: Kay Schueffner, Department of Community Development & Inspections

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| Planning & Zoning Division 625 52 nd Street Kenosha, WI 53140 262.653.4030 | Kenosha City Plan Commission FACT SHEET | February 21, 2013 | Item 1 |
| By the Mayor - To Amend Subparagraph 14.08 H.1. and Create Subparagraph 14.08 H.1.a. of the Zoning Ordinance regarding interior parkway landscaping. PUBLIC HEARING | | | |

LOCATION/SURROUNDINGS:

Site: City-Wide

NOTIFICATIONS/PROCEDURES:

The Common Council is the final review authority for Zoning Ordinance Amendments.

ANALYSIS:

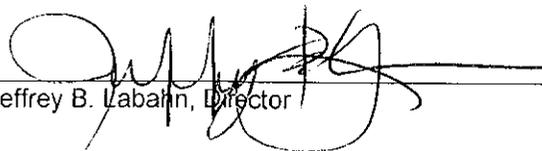
- In 2010, the State Department of Transportation (WisDOT) reconfigured the East Frontage Road of Interstate 94 between 75th Street and 68th Street.
- The new East Frontage Road was constructed on land that was previously a private road system for Woodman's Shopping Center. Additional right-of-way was purchased and used in the construction of the new road. As a result, several landscaping areas abutting the new road were reduced in width and area.
- The attached Zoning Ordinance Amendment would stipulate that any future development expansion or modification on sites where landscaped areas were affected by the East Frontage Road Project would not cause the City to require the landscaped areas to be expanded to their previous width and area, which in many cases would result in the loss of parking spaces.

RECOMMENDATION:

For Commission review and recommendation.



Brian R. Wilke, Development Coordinator



Jeffrey B. Labahn, Director

**DRAFT 01/04/13
01/22/13**

SPONSOR: THE MAYOR

**TO AMEND SUBPARAGRAPH 14.08 H.1 AND CREATE
SUBPARAGRAPH 14.08 H.1.a. OF THE ZONING ORDINANCE
REGARDING INTERIOR PARKWAY LANDSCAPING**

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

Section One: To Amend Subparagraph **14.08 H.1** and to Create Subparagraph

14.08 H.1. a. of the Zoning Ordinance for the City of Kenosha as follows:

H. Commercial Site Landscaping Requirements. The following landscape requirements refer to commercial uses, which include all commercial, office and institutional uses.

1. Interior Parkway Landscaping. Interior parkway landscaping is required of developments in order to screen vehicular parking which may be viewed from the public right-of-ways. (See **Figure 87.**)

Interior parkway landscape standards for commercial uses in all zones are indicated in **Table 3.**

Parking lot frontage shall be screened to a height of three (3') feet along at least fifty (50%) percent of the frontage, as shown on **Figure 7.**

a. Notwithstanding the provisions of Subsection 14.08 H.1, where there was an acquisition by the State of Wisconsin, for the purpose of providing a public frontage road, of privately held property adjacent to a previously approved buffer strip (as defined under Subsection 14.08 H.3) resulting in the approved buffer strip, or a residual portion thereof, becoming an interior parkway landscaping area (as defined under Subsection 14.08 H.1) the City shall not require the relocation, expansion or change in dimensions of the resulting interior parkway landscaping area if any such relocation, expansion or modification would result in a loss of required parking spaces.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
WILLIAM K. RICHARDSON
Assistant City Attorney

ORDINANCE NO. _____

SPONSOR: THE MAYOR

**TO AMEND SUBPARAGRAPH 14.08 H.1 AND CREATE
SUBPARAGRAPH 14.08 H.1.a. OF THE ZONING ORDINANCE
REGARDING INTERIOR PARKWAY LANDSCAPING**

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1. Interior Parkway Landscaping. Interior parkway landscaping is required of developments in order to screen vehicular parking which may be viewed from the public right-of-ways. **(See Figure 7.)**

Interior parkway landscape standards for commercial uses in all zones are indicated in **Table 3.**

Parking lot frontage shall be screened to a height of three (3') feet along at least fifty (50%) percent of the frontage, as shown on **Figure 7.**

a. Notwithstanding the provisions of **Subsection 14.08 H.1**, where there was an acquisition by the State of Wisconsin, for the purpose of providing a public frontage road, of privately held property adjacent to a previously approved buffer strip (as defined under **Subsection 14.08 H.3**) resulting in the approved buffer strip, or a residual portion thereof, becoming an interior parkway landscaping area (as defined under **Subsection 14.08 H.1**) the City shall not require the relocation, expansion or change in dimensions of the resulting interior parkway landscaping area if any such relocation, expansion or modification would result in a loss of required parking spaces.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
WILLIAM K. RICHARDSON
Assistant City Attorney

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|---|--|-------------------|--------|
| Planning & Zoning Division 625 52 nd Street Kenosha, WI 53140 262.653.4030 | Kenosha City Plan Commission FACT SHEET | February 21, 2013 | Item 2 |
|---|--|-------------------|--------|

By the Mayor - To Amend Subparagraph 3.14 A.5.g-1; To Create Subsection 3.14 C.25; To Modify Table 4.01 Group 2; and To Create Subsection 4.06 B.24 of the Zoning Ordinance for the City of Kenosha, Wisconsin regarding Indoor Kennels. PUBLIC HEARING

LOCATION/SURROUNDINGS:

Site: City-Wide

NOTIFICATIONS/PROCEDURES:

The Common Council is the final review authority for Zoning Ordinance Amendments.

ANALYSIS:

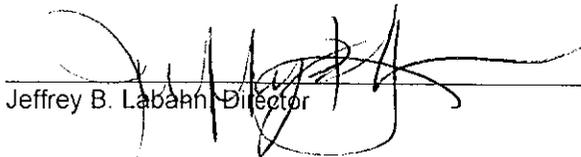
- The Zoning Ordinance currently allows Kennels as a permitted use in the B-2 Community Business District, if the structure housing animals is a minimum of fifty (50') feet from any lot line which is adjacent to or across an alley from a Residential District.
- Recently, the City received an application from a potential business owner for an indoor kennel in an existing vacant building which is closer than fifty (50') feet to a Residential District.
- Since the entirety of the business will be conducted within an enclosed building, Staff felt the effects that caused the fifty (50') foot setback would be negated. Therefore, Staff has drafted the attached Zoning Ordinance Amendment that would allow an indoor kennel as a Conditional Use, regardless of the setbacks to a Residential District.
- The Common Council would be the final review authority for any Conditional Use Permits applied for under this Section.

RECOMMENDATION:

For Commission review and recommendation.



Brian R. Wilke, Development Coordinator



Jeffrey B. Labahn, Director

ZONING ORDINANCE _____

SPONSOR: THE MAYOR

TO AMEND SUBPARAGRAPH 3.14 A.5.g-1; TO CREATE SUBSECTION 3.14 C.25; TO MODIFY TABLE 4.01 GROUP 2; AND TO CREATE SUBSECTION 4.06 B.24. OF THE ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN REGARDING INDOOR KENNELS.

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

Section One: Section 3.14 A.5.g-1 of the Zoning Ordinance of the City of

Kenosha, Wisconsin is hereby repealed and recreated as follows:

g-1. Outdoor Kennel, provided any structure housing animals be a minimum of fifty (50') feet from any lot line which is adjacent to or across an alley from a Residential District.

Section Two: Section 3.14 C.25 of the Zoning Ordinance for the City of Kenosha,

Wisconsin is hereby created as follows:

25. Indoor Kennel.

Section Three: **TABLE 4.01 GROUP 2** of the Zoning Ordinance of the City of

Kenosha, Wisconsin is hereby amended as follows:

Indoor Kennel.....CC

Section Four: Section 4.06 B.24 of the Zoning Ordinance of the City of Kenosha,

Wisconsin is hereby created as follows:

24. 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.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:

MATTHEW A. KNIGHT
Deputy City Attorney

ORDINANCE _____

SPONSOR: THE MAYOR

TO AMEND SUBPARAGRAPH 3.14 A.5.g-1; TO CREATE SUBSECTION 3.14 C.25; TO MODIFY TABLE 4.01 GROUP 2; AND TO CREATE SUBSECTION 4.06 B.24. OF THE ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN REGARDING INDOOR KENNELS.

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Section Three: **TABLE 4.01 GROUP 2** of the Zoning Ordinance of the City of

Kenosha, Wisconsin is hereby amended as follows:

Indoor Kennel.....**CC**

Section Four: Section 4.06 B.24 of the Zoning Ordinance of the City of Kenosha,

Wisconsin is hereby created as follows:

24. 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.

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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

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(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.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:

MATTHEW A. KNIGHT
Deputy City Attorney

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| Planning & Zoning Division 625 52 nd Street Kenosha, WI 53140 262.653.4030 | Kenosha City Plan Commission FACT SHEET | February 21, 2013 | Item 3 |
| By Alderperson Jan Michalski; Co-Sponsors: Alderperson Curt Wilson, Alderperson Scott N. Gordon, Alderperson Patrick Juliana, Alderperson Chris Schwartz - To Repeal and Recreate Subparagraph 4.06 B.23.b.(2) of the Zoning Ordinance for the City of Kenosha regarding Location of Convenient Cash Business(es) in the B-2 District. PUBLIC HEARING | | | |

LOCATION/SURROUNDINGS:

Site: City-Wide

NOTIFICATIONS/PROCEDURES:

The Common Council is the final review authority for Zoning Ordinance Amendments.

ANALYSIS:

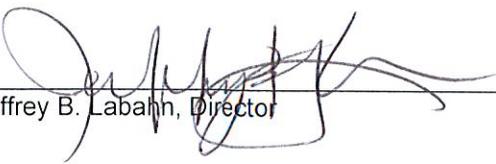
- On October 2, 2006, the Common Council adopted standards in the Zoning Ordinance and Code of General Ordinances regarding *Convenient Cash Businesses*, often times referred to as *Payday Loan Stores* or *Check Cashing Stores*. The Ordinances made a *Convenient Cash Business* a Conditional Use in the B-2 Community Business District. The Conditional Use requires certain locational requirements so the use is not adjacent to residential district or too close to another *Convenient Cash Business*.
- The definition of a Convenient Cash Business is:

"Also referred to as 'payday loan business', 'title for cash business', 'check cashing business', or similar enterprise, shall mean any business licensed pursuant to Sections 138.09 or 218.05, Wisconsin Statutes, which provides nontraditional, short-term consumer loans by accepting a check or title, holding the check or title for a period of time before negotiating or presenting the check or title for payment, and paying to the issuer an agreed upon amount of cash, or refinancing or consolidating such a transaction."
- Staff became aware that the State has recently changed the Statutes in relation to these types of financial institutions. Payday Loan Stores that were previously licensed under Statutes 138.09 are now licensed under Statute 138.14. A Zoning Ordinance change was drafted to amend the definition to reflect this statute.
- Included in the attached Zoning Ordinance Amendment is an increase of the distance required between two (2) Convenient Cash Businesses. The current Zoning Ordinance requires two thousand, six hundred forty (2,640') feet between uses. The proposed Ordinance would increase that distance to three thousand (3,000') feet. State Statues require a minimum of one thousand five hundred (1,500') feet between payday lenders.

RECOMMENDATION:

For Commission review and recommendation.


 Brian R. Wilke, Development Coordinator


 Jeffrey B. Labahn, Director

ORDINANCE NO. _____

SPONSOR: ALDERPERSON JAN MICHALSKI
CO-SPONSORS: ALDERPERSON CURT WILSON
ALDERPERSON SCOTT N. GORDON
ALDERPERSON PATRICK JULIANA
ALDERPERSON CHRIS SCHWARTZ

**TO REPEAL AND RECREATE SUBPARAGRAPH 4.06 B.23.b.(2)
OF THE ZONING ORDINANCE FOR THE CITY OF KENOSHA
REGARDING LOCATION OF CONVENIENT CASH BUSINESS(ES)
IN THE B-2 DISTRICT**

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

Section One: Subparagraph 4.06 B.23.b.(2) of the Zoning Ordinance for the City of

Kenosha, Wisconsin, is hereby repealed and recreated as follows:

b. Location. A Convenient Cash Business, as defined, shall only be located in compliance with the following criteria:

- (1) No Convenient Cash Business shall be located within five hundred (500') feet of any residentially zoned property.
- (2) No Convenient Cash Business shall be located within ~~two~~three thousand ~~six hundred forty (2,640')~~ (3000') feet of another Convenient Cash Business.

Section Two: The definition of Convenient Cash Business(es) in Section XII of the

Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

Convenient Cash Business(es). Also referred to as payday loan business, title for cash business, check cashing business, or similar enterprise, shall mean any business licensed pursuant to Sections ~~138.09,~~ 138.14, or 218.05, Wisconsin Statutes, which provides nontraditional, short-term consumer loans by accepting a check or title, holding the check or title for a period of time before negotiating or presenting the check or title for payment, and paying to the issuer an agreed upon amount of cash, or refinancing or consolidating such a transaction.

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

ORDINANCE NO. _____

SPONSOR: ALDERPERSON JAN MICHALSKI
CO-SPONSORS: ALDERPERSON CURT WILSON
ALDERPERSON SCOTT N. GORDON
ALDERPERSON PATRICK JULIANA
ALDERPERSON CHRIS SCHWARTZ

TO REPEAL AND RECREATE SUBPARAGRAPH 4.06 B.23.b.(2)
OF THE ZONING ORDINANCE FOR THE CITY OF KENOSHA
REGARDING LOCATION OF CONVENIENT CASH BUSINESS(ES)
IN THE B-2 DISTRICT

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

Section One: Subparagraph 4.06 B.23.b.(2) of the Zoning Ordinance for the City of

Kenosha, Wisconsin, is hereby repealed and recreated as follows:

b. Location. A Convenient Cash Business, as defined, shall only be located in compliance with the following criteria:

- (1) No Convenient Cash Business shall be located within five hundred (500') feet of any residentially zoned property.
- (2) No Convenient Cash Business shall be located within three thousand (3000') feet of another Convenient Cash Business.

Section Two: The definition of Convenient Cash Business(es) in Section XII of the

Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

Convenient Cash Business(es). Also referred to as payday loan business, title for cash business, check cashing business, or similar enterprise, shall mean any business licensed pursuant to Sections 138.14 or 218.05, Wisconsin Statutes, which provides nontraditional, short-term consumer loans by accepting a check or title, holding the check or title for a period of time before negotiating or presenting the check or title for payment, and paying to the issuer an agreed upon amount of cash, or refinancing or consolidating such a transaction.

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

| | | | |
|--|---|--------------------------|---------------|
| <i>Planning & Zoning Division 625 52nd Street Kenosha, WI 53140 262.653.4030</i> | <i>Kenosha City Plan Commission FACT SHEET</i> | <i>February 21, 2013</i> | <i>Item 4</i> |
| <i>By Alderperson Chris Schwartz - To Create Sections 3.15 C.18 and C.19, To Amend Table 4.01 Group 2 "Business Conditional Uses" and to Create Sections 4.06 B.24 and B.25 of the Zoning Ordinance to Include Body-Piercing and Tattoo Establishments. PUBLIC HEARING</i> | | | |

LOCATION/SURROUNDINGS:

Site: B-3 Zoned Properties

NOTIFICATIONS/PROCEDURES:

The Common Council is the final review authority for Zoning Ordinance Amendments.

ANALYSIS:

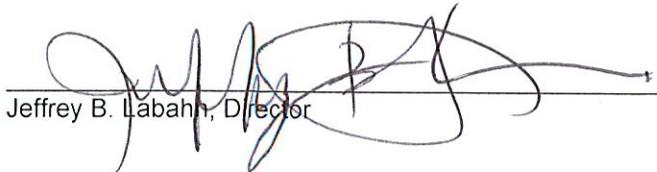
- Currently Tattoo and Body Piercing establishments are only permitted as a Conditional Use Permit in the B-2 District. The uses would need to meet various requirements including spacing from several other types of uses.
- The proposed Ordinance would also allow Tattoo and Body Piercing as a Conditional Use in the B-3 District. The Common Council would be the designated review authority.
- The Ordinance creates additional standards, including a spacing requirement of one thousand (1,000') feet from another Tattoo or Body Piercing establishment.

RECOMMENDATION:

For Commission review and recommendation.



Rich Schroeder, Deputy Director



Jeffrey B. Labahn, Director

ZONING ORDINANCE NO. _____

DRAFT 05.21.12
DRAFT 07.16.12

SPONSOR: ALDERPERSON CHRIS SCHWARTZ

TO CREATE SECTIONS 3.15 C. 18 AND C. 19, TO AMEND TABLE 4.01 GROUP 2 “ BUSINESS CONDITIONAL USES” AND TO CREATE SECTIONS 4.06 B. 24 AND B. 25 OF THE ZONING ORDINANCE TO INCLUDE BODY-PIERCING AND TATTOO ESTABLISHMENTS

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

Section One: Section 3.15 C. 18. and C. 19 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows:

- 18. Body-Piercing Establishments
- 19. Tattoo Establishments

Section Two: Table 4.01 Group 2 Ordinance for the City of Kenosha, Wisconsin, is hereby amended as follows:

| | |
|---|----|
| Body-Piercing Establishment in the B-2 <u>and B-3</u> Districts | CC |
| Tattoo Establishment in the B-2 <u>and B-3</u> Districts..... | CC |

Section Three: Sections 4.06 B.24 and B.25 of the Zoning Ordinance for the City of Kenosha, Wisconsin, are hereby created as follows:

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 business activity shall take place in public view from the building exterior.

g. Location. A Body-Piercing Establishment, as defined, shall only be located in compliance with the following criteria:

(1) No Body-Piercing Establishment shall be located within one thousand (1,000) feet, based on

the measurement standards of this Section, of the following:

(a) Another Body-Piercing Establishment.

h. 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 Body-Piercing Establishment to the nearest point of the parcel of property or zoning district boundary from which the proposed land use is to be separated.

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 business activity shall take place in public view from the building exterior.

g. Location. A Tattoo Establishment, as defined, shall only be located in compliance with the following criteria:

(1) No Tattoo Establishment shall be located within one thousand (1,000) feet, based on the measurement standards of this Section, of the following:

(a) Another Tattoo Establishment.

h. 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 Tattoo Establishment to the nearest point of the parcel of property or zoning district boundary from which the proposed land use is to be separated.

Section Four: This Ordinance shall become effective upon passage and

publication.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
MATTHEW A. KNIGHT
Deputy City Attorney

ORDINANCE NO. _____

SPONSOR: ALDERPERSON CHRIS SCHWARTZ

TO CREATE SECTIONS 3.15 C. 18 AND C. 19, TO AMEND TABLE 4.01 GROUP 2 “ BUSINESS CONDITIONAL USES” AND TO CREATE SECTIONS 4.06 B. 24 AND B. 25 OF THE ZONING ORDINANCE TO INCLUDE BODY-PIERCING AND TATTOO ESTABLISHMENTS

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

Section One: Section 3.15 C. 18. and C. 19 of the Zoning Ordinance for the City

of Kenosha, Wisconsin, is hereby created as follows:

- 18. Body-Piercing Establishments
- 19. Tattoo Establishments

Section Two: Table 4.01 Group 2 of the Zoning Ordinance for the City of

Kenosha, Wisconsin, is hereby amended as follows:

| | |
|--|----|
| Body-Piercing Establishment in the B-2 and B-3 Districts | CC |
| Tattoo Establishment in the B-2 and B-3 Districts..... | CC |

Section Three: Sections 4.06 B.24 and B.25 of the Zoning Ordinance for the City

of Kenosha, Wisconsin, are hereby created as follows:

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 business activity shall take place in public view from the building exterior.

g. Location. A Body-Piercing Establishment, as defined, shall only be located in compliance with the following criteria:

(1) No Body-Piercing Establishment shall be located within one thousand (1,000) feet, based on the measurement standards of this Section, of the following:

- (a) Another Body-Piercing Establishment.

h. 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 Body-Piercing Establishment to the nearest point of the parcel of property or zoning district boundary from which the proposed land use is to be separated.

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 business activity shall take place in public view from the building exterior.

g. Location. A Tattoo Establishment, as defined, shall only be located in compliance with the following criteria:

(1) No Tattoo Establishment shall be located within one thousand (1,000) feet, based on the measurement standards of this Section, of the following:

(a) Another Tattoo Establishment.

h. 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 Tattoo Establishment to the nearest point of the parcel of property or zoning district boundary from which the proposed land use is to be separated.

Section Four: This Ordinance shall become effective upon passage and

publication.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
MATTHEW A. KNIGHT
Deputy City Attorney

| | | | |
|---|---|-------------------|--------|
| Planning & Zoning Division 625 52 nd Street Kenosha, WI 53140 262.653.4030 | Kenosha City Plan Commission FACT SHEET | February 23, 2013 | Item 5 |
| By Alderperson Kevin E. Mathewson, Co-Sponsor Alderperson Steven G. Bostrom - To Repeal and Recreate Subparagraph 3.15 A.5.a. as Subparagraph 3.15 A.5.a-1. and Repeal Figure 3-1 of the Zoning Ordinance entitled "Amusement and Recreation Enterprises" and Reletter Subparagraphs 3.15 A.5.b-1, c and d. PUBLIC HEARING | | | |

LOCATION/SURROUNDINGS:

Site: B-3 Zone Property

NOTIFICATIONS/PROCEDURES:

The Common Council is the final review authority for Zoning Ordinance Amendments.

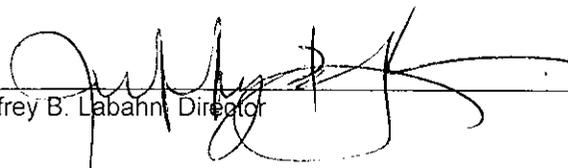
ANALYSIS:

- Amusement and Recreational Enterprises are currently only permitted in the B-3 District within a limited area in the downtown. They are not allowed in the uptown at all.
- The Ordinance change would make Amusement and Recreation Enterprises a permitted use anywhere in the B-3 District. A license would still be required from the Common Council per Chapter 12.01 of the General Code.
- A list of what uses are considered Amusement and Recreation is attached.

RECOMMENDATION:

For Commission review and recommendation.


 Rich Schroeder, Deputy Director


 Jeffrey B. Labahn, Director

ORDINANCE NO. _____

SPONSOR: ALDERPERSON KEVIN E. MATHEWSON
CO-SPONSOR: ALDERPERSON STEVE G. BOSTROM

**TO REPEAL AND RECREATE SUBPARAGRAPH 3.15 A.5.a. AS
SUBPARAGRAPH 3.15 A.5.a-1. AND REPEAL FIGURE 3-1 OF THE
ZONING ORDINANCE ENTITLED“AMUSEMENT AND RECREATION
ENTERPRISES” AND RELETTER SUBPARAGRAPHS 3.15 A.5.b-1, c and d.**

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

Section One: Subparagraph 3.15 A.5.a. of the Zoning Ordinance for the City of

Kenosha, Wisconsin is hereby repealed and recreated as 3.15A5.a-1 follows:

a. Amusement and Recreation Enterprises. ~~No premises required to be licensed as an amusement and recreation enterprise shall be permitted in this District unless said amusement and recreation enterprise is located within the boundary specified in Figure 3-1 of this Section.~~

Section Two: Figure 3-1 of the Zoning Ordinance for the City of Kenosha,

Wisconsin is hereby repealed.

Section Three: Subparagraphs 3.15 A.5.b-1, c., and d. of the Code of General

Ordinances for the City of Kenosha, Wisconsin are hereby relettered as 3.15 A.5.c, d, and a. respectively.

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

ATTEST: _____ City Clerk

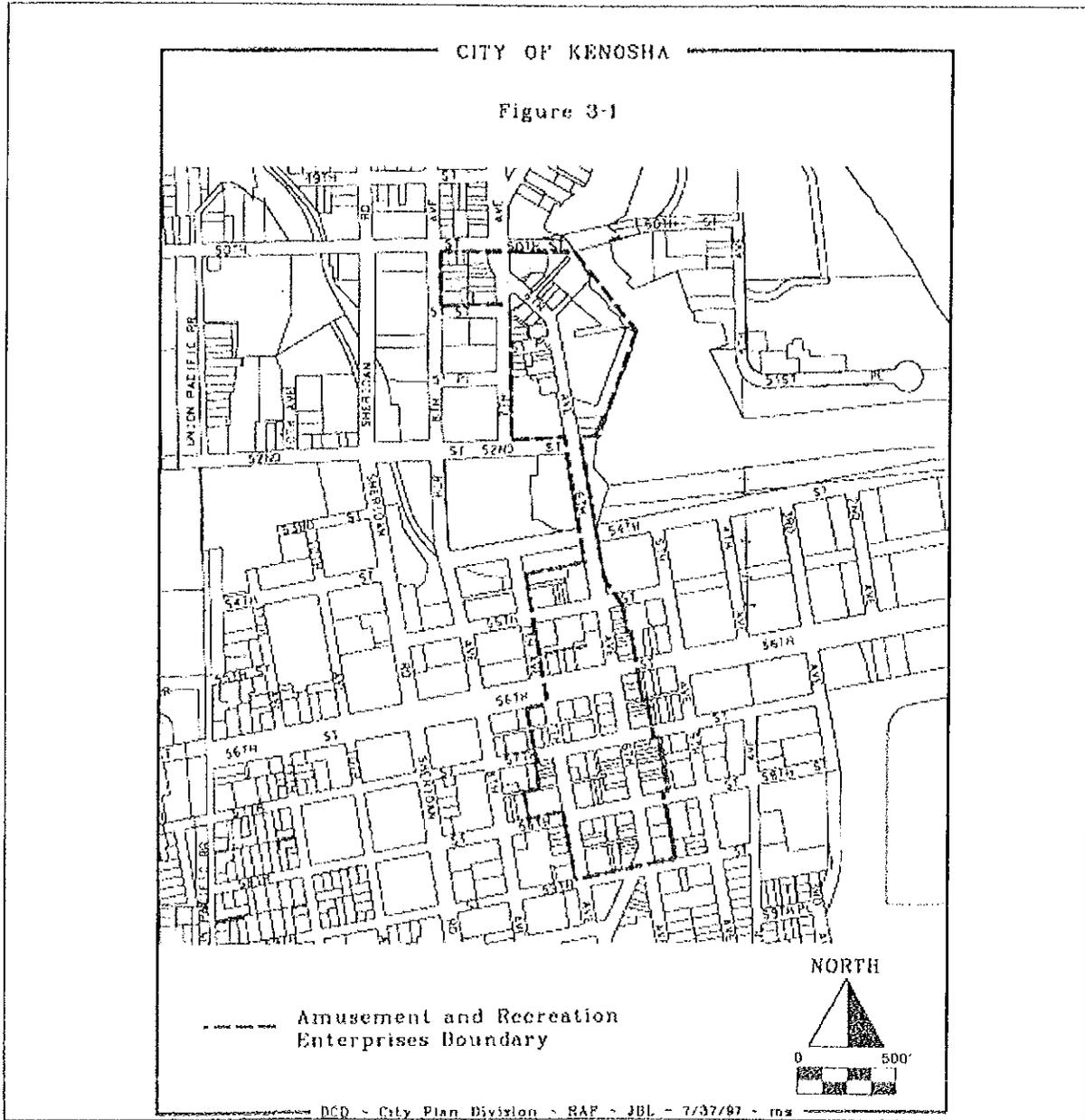
APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN



CODE OF GENERAL ORDINANCES, 2013 - KENOSHA, WISCONSIN

(\$200.00) Dollars for the first offense and not less than Two Hundred (200.00) Dollars or more than Five Hundred (\$500.00) Dollars for the second conviction within one (1) year, and penalties and costs of prosecution. If such forfeiture and costs are not paid as directed by the Court, the Court may direct imprisonment in the Kenosha County Jail for a period of not more than ninety (90) days.

12.01 AMUSEMENT AND RECREATION ENTERPRISE LICENSE

A. Definitions.

1. **Amusement And Recreation Enterprise** shall mean a place, whether indoor or outdoor, where amusement or recreational activities are furnished upon payment of a charge or membership fee, to include, but not limited to, Bowling Alleys, Pool Halls, Skating Rinks, Shooting Galleries and Public Dances. Amusement and Recreation Enterprise shall not include any such facility operated by a unit of government or agency thereof, or by any accredited school, school system or college.

2. **Amusement Or Recreational Activities** shall include games of chance or skill, children's rides, pinball machines, mechanical games, video games and other amusement devices where there are fifteen (15) or a combination of fifteen (15) or more thereof on the premises, irrespective of whether or not coin or token operated. Amusement or recreational activities shall also include eleven (11) of any such devices or combination thereof when combined with four (4) pool tables, or twelve (12) of any such devices or combination thereof when combined with three (3) pool tables, or thirteen (13) of such devices or any combination thereof combined with two (2) pool tables or fourteen (14) of any such devices or any combination thereof, when combined with one (1) pool table.

3. **Good Moral Character** shall mean to be law abiding, to conduct regulated activity in accordance with licensing and permitting regulations, to honor lawful contractual obligations, and to be honest and trustworthy.

4. **Pool Table** shall mean any table or structure used for the playing of pool, bumper pool or billiards, irrespective of table size.

5. **Pool Hall** shall mean any building, structure, room, space or area having five (5) or more pool tables.

6. **Skating Rink** shall mean any building, structure, room, space, or area in which skating is featured.

7. **Skating** shall include roller skating, roller blading, skateboarding, ice skating or any similar activity.

8. **Public Dance** shall mean recreational dancing and shall exclude dance lessons through professional instruction or dances held on premises holding a Cabaret License under **Chapter 10** of the Code of General Ordinances.

B. Licenses Required.

1. No person, party, firm or corporation shall operate or maintain an Amusement and Recreation Enterprise without first obtaining from the Common Council a license so to do. If the applicant be a firm or corporation, it shall appoint an agent, named in the application, who shall be subject to approval by the Common Council and who shall have all the qualifications of a person applying for a license. The fee for such a license, shall be One Hundred Fifty (\$150.00) Dollars. For the license term commencing June 1, 2003, the fee for such a license shall be Two Hundred (\$200.00) Dollars. The license period shall be June 1st through the following May 31st. Licensees and agents must be persons, eighteen (18) years of age or older, and of good moral character.

a. **Application.** Application for such a license shall be made to the City Clerk in writing, accompanied by the required fee. Such application shall be fully completed on City forms, and shall define all areas and rooms to be licensed.

b. **Inspection and Recommendation.** Upon receipt of any application, the City Clerk shall send copies

ORDINANCE NO. _____

SPONSOR: ALDERPERSON KEVIN E. MATHEWSON
CO-SPONSOR: ALDERPERSON STEVE G. BOSTROM

**TO REPEAL AND RECREATE SUBPARAGRAPH 3.15 A.5.a. AS
SUBPARAGRAPH 3.15 A.5.a-1. AND REPEAL FIGURE 3-1 OF THE
ZONING ORDINANCE ENTITLED“AMUSEMENT AND RECREATION
ENTERPRISES” AND RELETTER SUBPARAGRAPHS 3.15 A.5.b-1, c and d.**

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

Section One: Subparagraph 3.15 A.5.a. of the Zoning Ordinance for the City of
Kenosha, Wisconsin is hereby repealed and recreated as 3.15A.5.a-1 follows:

a. Amusement and Recreation Enterprises.

Section Two: Figure 3-1 of the Zoning Ordinance for the City of Kenosha,
Wisconsin is hereby repealed.

Section Three: Subparagraphs 3.15 A.5.b-1, c., and d. of the Code of General
Ordinances for the City of Kenosha, Wisconsin are hereby relettered as 3.15 A.5.c, d, and a, respectively.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney

| | | | |
|---|---|-------------------|--------|
| Planning & Zoning Division 625 52 nd Street Kenosha, WI 53140 262.653.4030 | Kenosha City Plan Commission FACT SHEET | February 21, 2013 | Item 6 |
| City Plan Commission Resolution - To Amend the Land Use Plan Map for the Comprehensive Plan for the City of Kenosha: 2035, regarding property at 6915 75th Place. (RAP of Pewaukee, LLC) (District #14) PUBLIC HEARING | | | |

LOCATION/SURROUNDINGS:

Site: 6915 75th Place

NOTIFICATIONS/PROCEDURES:

The alderman of the district, Alderman Prozanski, has been notified. This City Plan Commission Resolution recommends the Common Council approve the Amendment through a Zoning Ordinance Amendment.

ANALYSIS:

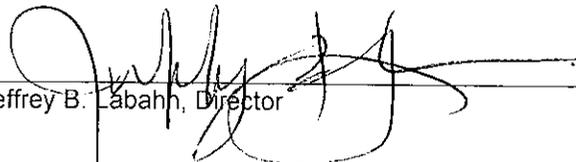
- Wisconsin Statutes require the City Plan Commission to adopt a City Plan Commission Resolution to recommend that the Common Council adopt amendments to the Comprehensive Plan.
- The attached Resolution satisfies this requirement and will be attached to the Zoning Ordinance to create Subsection 18.02 u. to Amend the *Land Use Plan for the City of Kenosha: 2035* for the referenced properties from Commercial to High-Density Residential.
- The adopted Comprehensive Plan designated this site, along with the surrounding area West, North and East, as Commercial. Areas North and East of the site have developed with commercial uses. West and South of the site are existing single-family residential uses.
- The owner of the property has requested the land use change to High-Density Residential to allow for the construction of a 70-unit apartment complex. The proposed density of the development would be approximately 11.75 units/acre. The land use category of High-Density Residential allows up to 12 units/acre or higher if established in a neighborhood level plan. In this case, the Corridor Land Use Plan does not exceed 12 units/acre as the guiding Neighborhood Plan. Therefore, the City could not approve more than 12 units/acre on the site.

RECOMMENDATION:

A recommendation is made to approve the City Plan Commission Resolution amending the Comprehensive Plan.



Brian R. Wilke, Development Coordinator



Jeffrey B. Labahn, Director

CITY PLAN COMMISSION RESOLUTION # __-13

By: City Plan Commission

***To Amend the Land Use Plan Map for the Comprehensive Plan for the City of Kenosha: 2035
Property at 6915 75th Place (RAP of Pewaukee, LLC)***

WHEREAS, the City of Kenosha, pursuant to Section 62.23 of the Wisconsin Statutes, has established the City Plan Commission; and

WHEREAS, the Common Council adopted "A Comprehensive Plan for the City of Kenosha: 2035" on April 19, 2010, following extensive public participation; and

WHEREAS, a property owner has submitted a request to amend the Land Use designation for the referenced properties from "Commercial" to "High-Density Residential", as mapped on the attached Map C1-13 and on the Land Use Plan map adopted by the Common Council as part of the Comprehensive Plan; and

WHEREAS, the City Plan Commission finds that the Comprehensive Plan, with the proposed amendment, contains all of the required elements specified in Section 66.1001(2) of the Wisconsin Statutes and the Comprehensive Plan, with the proposed amendment, is internally consistent; and

WHEREAS, the City has duly noticed and will hold a public hearing on the proposed amendment, following the procedures in Section 66.1001(4)(d) of the Wisconsin Statutes.

NOW, THEREFORE BE IT RESOLVED that pursuant to Section 66.1001(4)(b), the City Plan Commission for the City of Kenosha, Wisconsin, hereby approves the amendment to "A Comprehensive Plan for the City of Kenosha: 2035" as shown on the attached Map C1-13.

BE IT FURTHER RESOLVED, that the City Plan Commission, for the City of Kenosha, Wisconsin, does hereby recommend that the Common Council enact a Zoning Ordinance adopting the Comprehensive Plan Amendment.

Adopted this _____ day of _____, 2013

ATTEST:

Jeffrey B. Labahn, Secretary of City Plan Commission

APPROVE:

Mayor Keith Bosman, Chairman of City Plan Commission

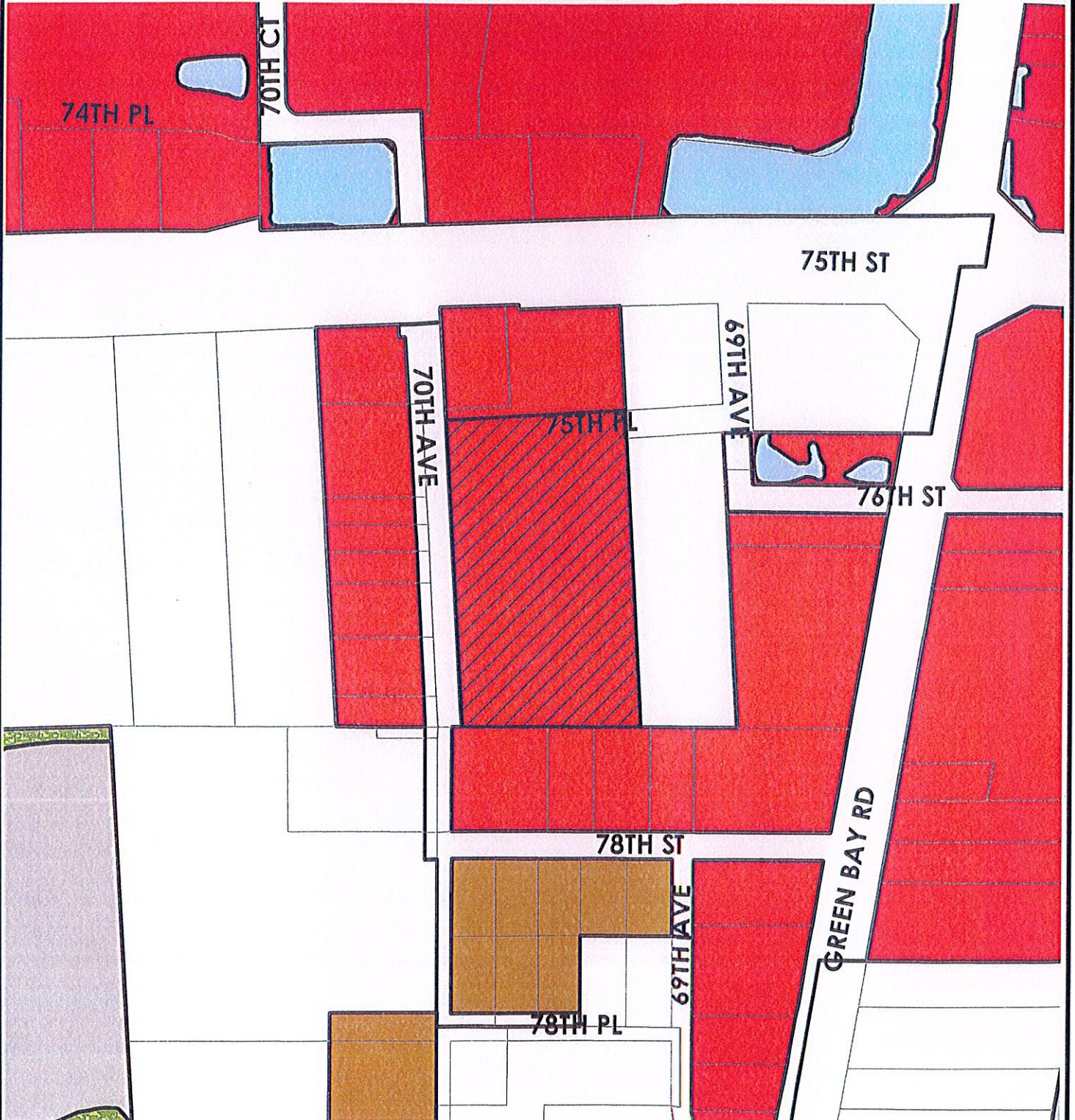
City of Kenosha

Comprehensive Plan Amendment

RAP of Pewaukee, LLC Petition

Supplement No. C1-13

Ordinance No. _____



Property requested to be changed from
Commercial to High-Density Residential



| Kenosha County Land Use Plan: 2035 (See Map 9-2) | City of Kenosha Land Use Plan: 2035 ^a (See Map 9-6) | City of Kenosha Neighborhood Plans and Zoning Districts ^b |
|---|--|---|
| <p>High-Density Residential Average density less than 6,000 square feet per dwelling unit.</p> | <p>High-Density Residential Two- and Multi-Family with an average density of less than 6,000 square feet per dwelling unit.</p> | <p>Elderly and Handicapped Housing South Sheridan; Former Bain School Redevelopment Washington; Low-Density Multi-Family Development St. Peter's and South Sheridan; Medium-Density Multi-Family Residential South Sheridan; High-Density Multi-Family Residential South Sheridan; Multiple-Family Residential Bristol, Corridor^d, Columbus, Harborpark, McKinley-Roosevelt, Parkside South, and Wilson; Proposed Multi-Family Residential Gateway and Pike Creek Residential 40 DU/AC, 32 DU/AC, 16 DU/AC, 8 DU/AC Tirabassi; RM-1, RM-2, RM-3, and TRD-2 Zoning Districts</p> |
| <p>Commercial</p> | <p>Commercial</p> | <p>Commercial/Office Gateway, Hillcrest, McKinley-Roosevelt, St. Peter's, South Sheridan, Wilson; Proposed Commercial/Business Pike Creek; Community Commercial Bristol and Tirabassi; Neighborhood Commercial Tirabassi; Community and Regional Commercial Bristol; Commercial Columbus, Corridor^f, Lincoln, Washington; Large-Scale Planned Non-Residential Development or Redevelopment Corridor-those areas south of STH 158 not zoned M-2; Neighborhood Business (B-1 Zoning); Community Business (B-2 Zoning); Central Business (B-3 Zoning)</p> |
| <p>Mixed Use</p> | <p>Mixed Use</p> | <p>Mixed Use Development Lincoln^e; Mixed Use Harborpark Multiple Uses for Traditional Buildings Bristol Mixed Use (B-4) Zoning District</p> |
| <p>Office/Professional Services</p> | <p>N/A</p> | <p>N/A</p> |
| <p>Industrial</p> | <p>Industrial</p> | <p>Light Industrial Columbus, Lincoln, and Sheridan; Heavy Industrial Columbus and Sheridan; Industrial Corridor and Wilson Commercial/Office, Institutional, and Industrial/Manufacturing/Warehousing McKinley-Roosevelt; Large-Scale Planned Non-Residential Development or Redevelopment Corridor;</p> |

| | | | |
|--|---|-------------------|------------------|
| Planning & Zoning Division 625 52nd Street Kenosha, WI 53140 262.653.4030 | Kenosha City Plan Commission FACT SHEET | February 21, 2013 | Item 7 Page 1 |
| By the Mayor - Petition to Rezone property at 6915 75th Place from B-2 Community Business District to RM-2 Multiple-family Residential District in conformance with Section 10.02 of the Zoning Ordinance. (RAP of Pewaukee, LLC) (District #14) PUBLIC HEARING | | | |

LOCATION/SURROUNDINGS:

Site: 6915 75th Place Neighborhood: West Corridor

Vicinity Zoning/Land Use

North: B2/Commercial
 South: RS-1/Single-Family Residential
 East: Village of Pleasant Prairie/Commercial
 West: RS-1/Single-Family Residential

NOTIFICATIONS/PROCEDURES:

The alderman of the district, Alderman Prozanski, has been notified. Property owners within 100 feet of the proposed rezoning were notified. The Common Council is the final review authority.

ANALYSIS:

- The owner of the property has requested to rezone the property from B-2 Community Business District to RM-2 Multiple Family Residential District. The purpose of the rezoning is to construct a 70-unit multiple-family development on the site consisting of five (5) buildings.
- Rezoning of the property to B-2 Community Business District is not consistent with the adopted *Comprehensive Plan for the City of Kenosha: 2035*, which lists this site as *Commercial*. An Amendment to the Plan is required for the City to approve the rezoning. That Amendment request has been included on this agenda.
- The long range use of this site as *Commercial* has been on the plans since at least the early 1990's with the rezoning of the site to B-2 Community Business District to accommodate the Pines Nursery. The adoption of the *Corridor Land Use Plan* in 1991 also listed this site as *Commercial*. Around 2001, the Pines closed and the multi-tenant building, which now houses Panera Bread and other users, was developed, while the subject property was planned for future *Commercial* use, but never developed. The applicant believes multiple-family residential land use could succeed on the property.
- The development of the property would have to be consistent with all City, State and Federal Ordinance and regulations. A Conditional Use Permit for the development would be required for final approval if the Land Use Plan and Rezoning are approved. The City Plan Commission would review the Conditional Use Permit and make a recommendation to the Common Council.
- The applicant held a neighborhood meeting on Tuesday, February 12, 2013, to discuss the change in the zoning and Land Use Plan with the neighbors of the property. The concerns raised at this meeting were, traffic, lighting and stormwater drainage. The applicant responded that the traffic generated by a potential retail user at this site could be up to 5 1/2 times as much as would be generated with a multi-family development. The applicant also indicated that he is currently reviewing the stormwater issues on the site and will prepare a full Stormwater Management Plan with the formal application. Site lighting will be all wall mounted fixtures on the buildings and garages, with enough light for security, but not too bright for a residential development.

| | | | |
|--|--|-------------------|------------------|
| Planning & Zoning Division 625 52nd Street Kenosha, WI 53140 262.653.4030 | Kenosha City Plan Commission FACT SHEET | February 21, 2013 | Item 7 Page 2 |
| By the Mayor - Petition to Rezone property at 6915 75th Place from B-2 Community Business District to RM-2 Multiple-family Residential District in conformance with Section 10.02 of the Zoning Ordinance. (RAP of Pewaukee, LLC) (District #14) PUBLIC HEARING | | | |

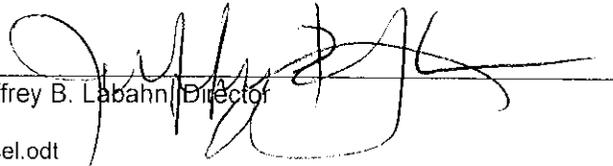
- City Staff reviewed the Concept Plan for this project and is looking for feedback from the City Plan Commission. The current proposal is for five (5) buildings ranging in size from 10-units to 16-units.
 - a) Three (3) buildings will have detached garages and two (2) will have attached garages. Surface parking spaces will also be provided.
 - b) One access point is proposed on the private road, 75th Place, and one access point is proposed on the public street, 70th Avenue.
 - c) The building exterior will consist of brick and cement-board siding.
 - d) The applicant has also constructed and manages an apartment complex at the southwest corner of 64th Avenue and 52nd Street in the City of Kenosha.
 - e) 70th Avenue from the north end of the site to the south end of the site will have to be upgraded to an urban profile at the developer's expense.
 - f) A Developer's Agreement will be required for the work in the Public Right-of-Way.

RECOMMENDATION:

A recommendation is made to approve the rezoning in accordance with Section 10.05 of the Zoning Ordinance.



Brian R. Wilke, Development Coordinator

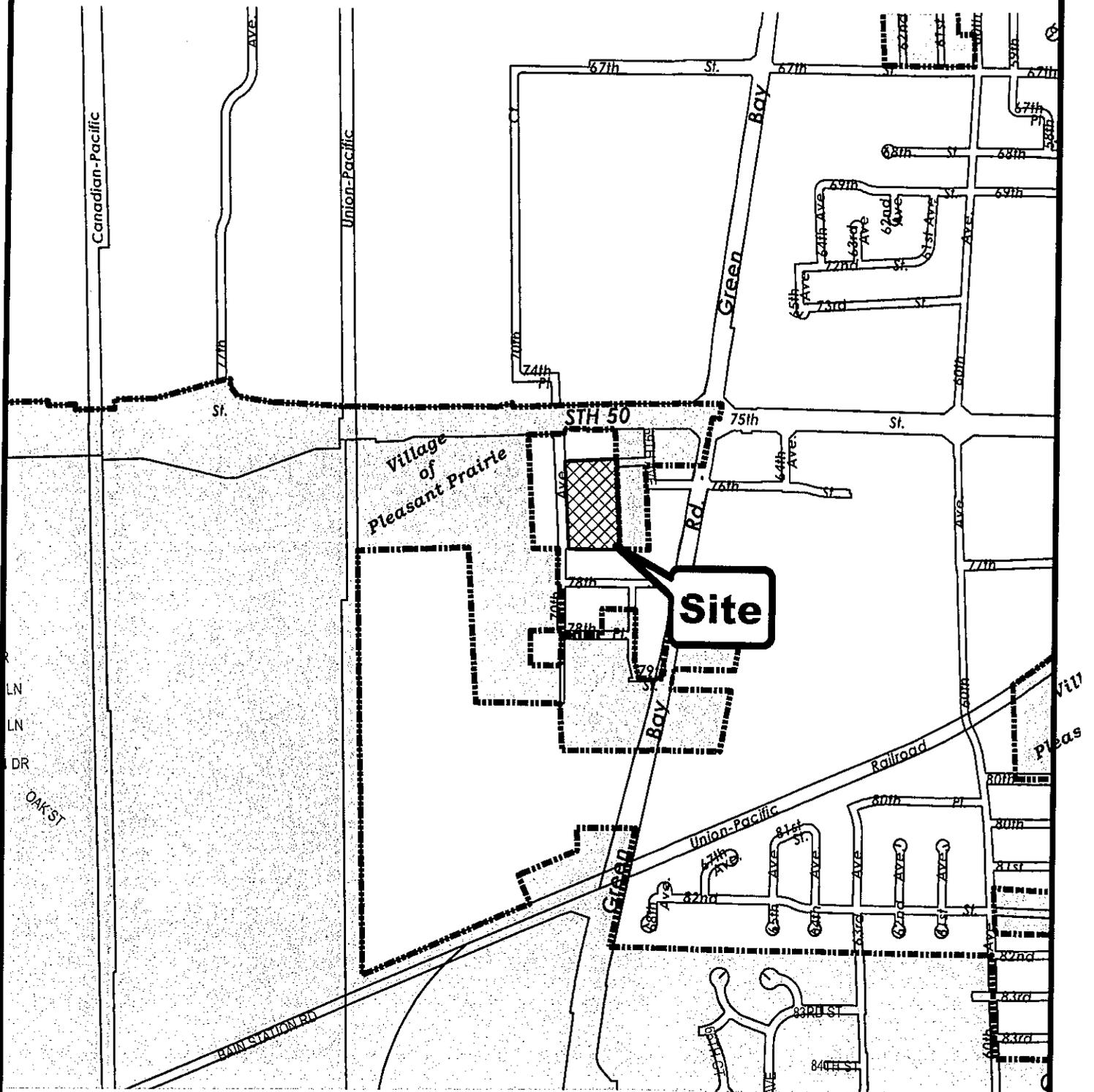


Jeffrey B. Labahn, Director

City of Kenosha

Vicinity Map

RAP of Pewaukee, LLC Rezoning



Property requested to be rezoned



0 250 500 750 1,000
Feet

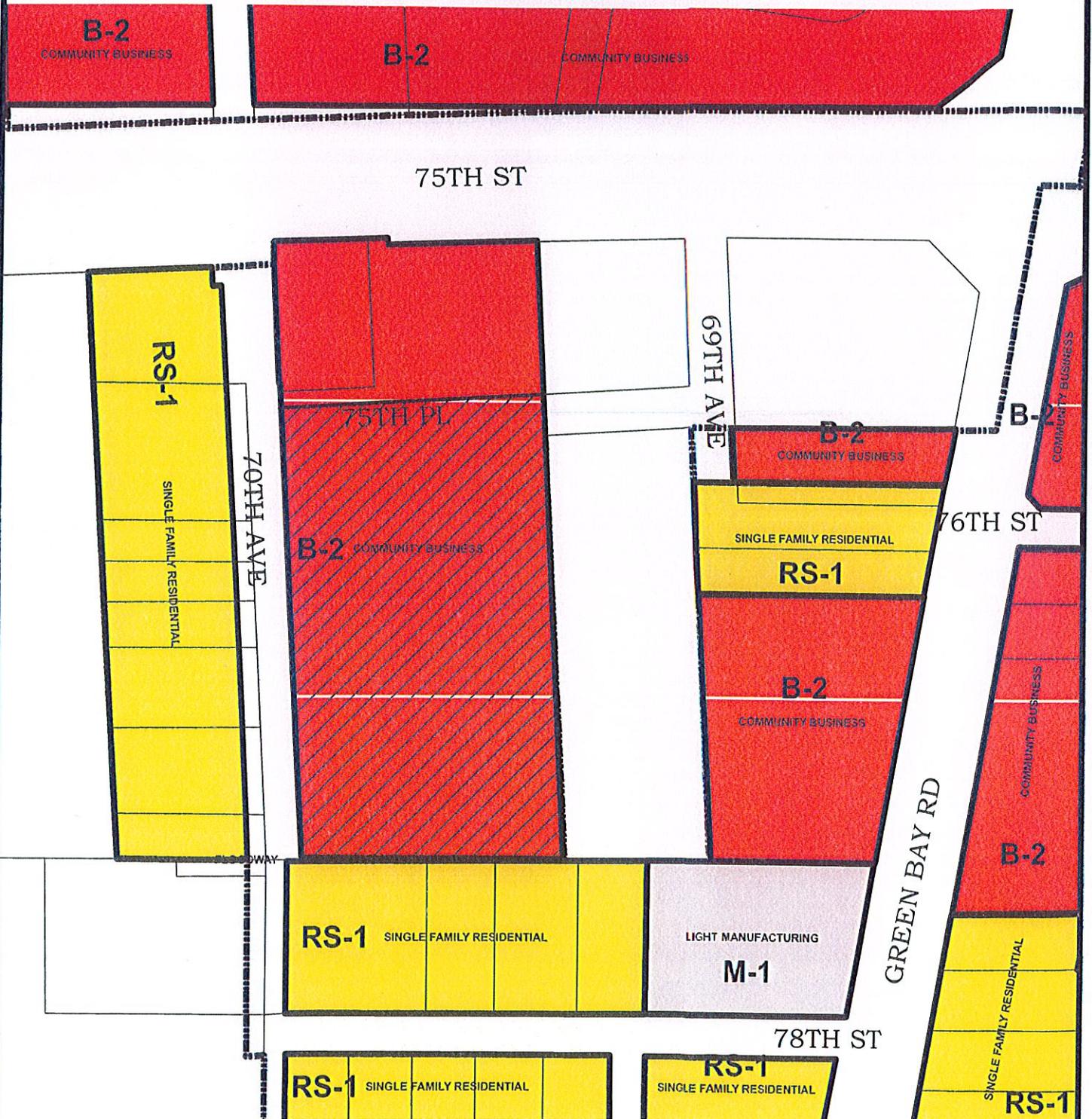
City of Kenosha

District Map
Rezoning

Supplement No. 22-13

Ordinance No. _____

RAP of Pewaukee, LLC petition



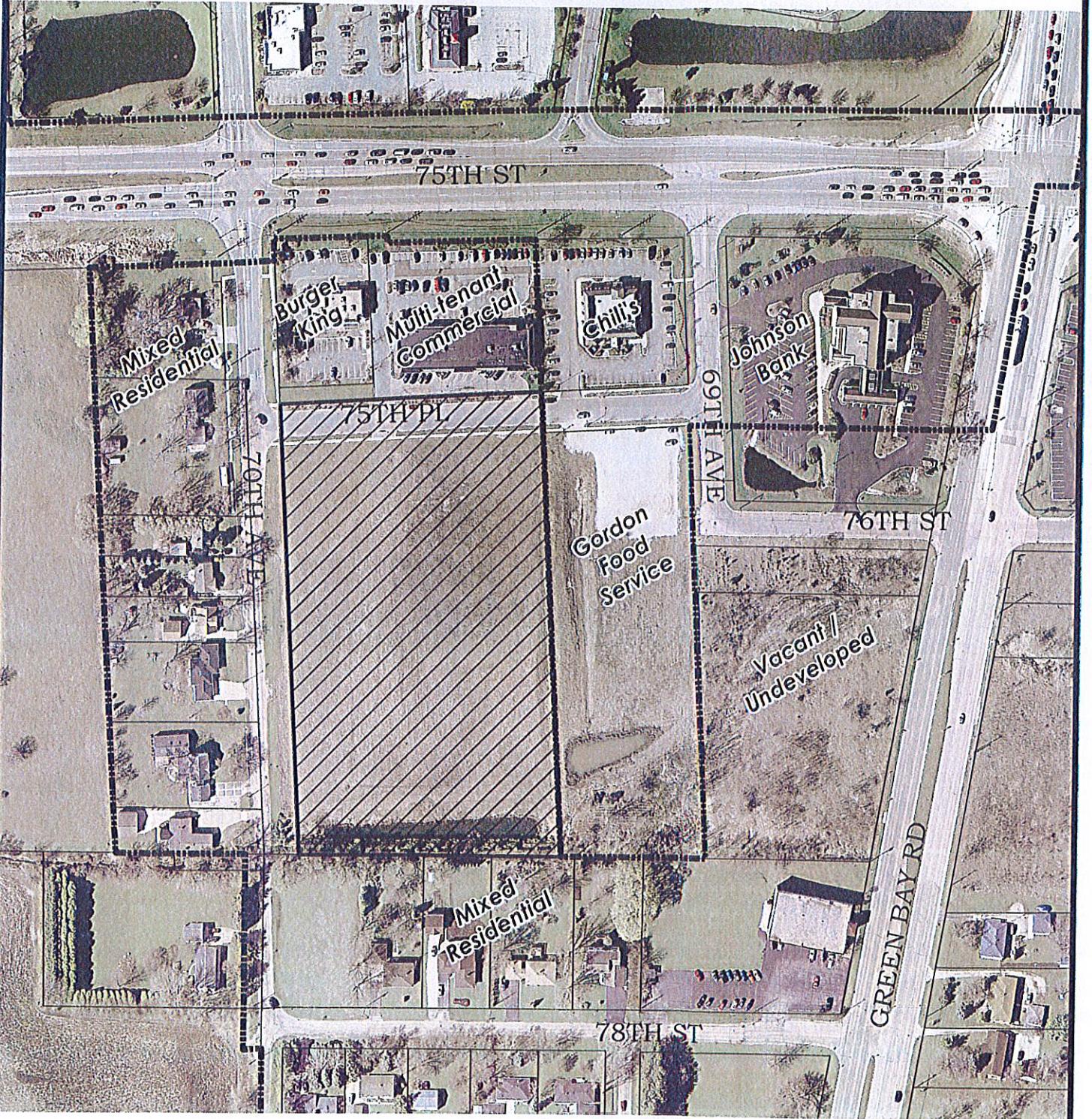
Property requested to be rezoned from:

 B-2 Community Business to
RM-2 Multiple Family Residential

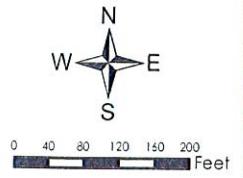


0 40 80 120 160 200 Feet

City of Kenosha
Land Use Map
RAP of Pewaukee, LLC Rezoning



 Property requested to be rezoned



BODNER PROPERTY MANAGEMENT, LLC
11514 N. PORT WASHINGTON ROAD
SUITE 1
MEQUON, WI 53092
(262) 241-9101
FAX 241-9087

January 7, 2013

The Honorable Mayor and
Members of the Common Council
Kenosha, WI

Dear Members of the Common Council:

It is requested that the property located at 70th Ave. and 75th Place (parcel number 03-122-10-226-052) be rezoned from B-2 to Rm-2. The purpose of the rezoning is to permit a residential multi-family development of 70 units.

Attached is a conceptual development plan including building, site development, land use and operational plans as required by Section 10 of the City of Kenosha Zoning Ordinance, and a receipt of the zoning fee. I understand that development of the referenced property proposed for rezoning is required to be consistent with the conceptual development plans submitted with my rezoning petition.

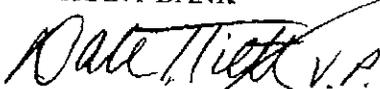
Please inform me of the date this item will be reviewed by the City Plan Commission. The meeting notice should be sent to William Bodner at 11514 N Port Washington Rd., Mequon, WI 53092. I can be reached at 262-241-9101 if there are questions regarding my request for the rezoning.

Sincerely,

BODNER PROPERTY MANAGEMENT LLC


William Bodner
Managing Member

SECURANT BANK

 v.p.
Dale Tietz
Representative,
Current Property Owner

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

MAILING INFORMATION

NAME OF PROJECT: 75th Place Apts.

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

Name and Address of Applicant [Please print]:
 William Bodner
 Bodner Property Management, LLC
 11514 N Port Washington Rd #1
 Mequon, WI 53092
 Phone: 262-241-9101
 Fax: 262-241-9087
 E-Mail: bill@bodnerproperties.com

Name and Address of Architect/Engineer [Please print]:
 Mark Eberle
 Nielsen Madsen & Barber, SC.
 1458 Horizon Blvd. #200
 Racine, WI 53406
 Phone: 262-634-5588
 Fax: 262-634-5024
 E-Mail: meberle@nmbsc.net

Name and Address of Property Owner (if other than applicant) [Please print]:
 Securant Bank & Trust
 306 E Washington St.
 Slinger, WI 53086
 Phone: 262-297-1244
 Fax: 262-297-1246
 E-Mail: _____

PROJECT LOCATION

Location of Development (street address and / or parcel number): 70th Ave. and 75th Place, Kenosha, WI
 Parcel Number: 03-122-10-226-052

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 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 checked="" 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 9
REZONING**

| | |
|---|--|
| Additional Information Required: | Current Zoning District: <u>B-2</u> Proposed Zoning District: <u>Rm-2</u> Proposed Type of Rezoning: (Check all applicable) <input type="checkbox"/> Single-family Residential <input type="checkbox"/> Two-family Residential <input checked="" type="checkbox"/> Multi-family Residential (3 or more units) <input type="checkbox"/> Institutional, Commercial or Industrial |
| Submittal Requirements: | <ul style="list-style-type: none"> ➤ Rezoning Petition (sample below) filled out according to the particular situation. The current owner(s) of the property must sign the petition. ➤ Building and Site Development Plans as indicated below. |
| Fees: | <ul style="list-style-type: none"> ➤ Rezoning Fee = \$550 (For projects that <i>do not</i> require building and site development plans) <u>OR</u> ➤ Rezoning with Concept Plan = \$1,150 (For projects that require building and site development plans) <p><i>The City retains the fee whether the rezoning is approved or denied. The applicant should contact Community Development and Inspections – Planning Division to verify the total fee before submitting the rezoning application.</i></p> |
| Appendices to Review: | <ul style="list-style-type: none"> ➤ N/A |
| Approximate Review Time: | <ul style="list-style-type: none"> ➤ 60-75 days (Reviewed by City Plan Commission and Common Council) |

A rezoning request can be initiated by:

- The City Plan Commission
- The Common Council
- A petition of 50 percent or more of the owners of property within the area proposed to be rezoned

SAMPLE REZONING PETITION

The Honorable Mayor
and Members of the Common Council
Kenosha, WI

Dear Members of the Common Council:

It is requested that my property located at *(address or parcel number)* be rezoned from *(present zoning)* to *(proposed rezoning)*. The purpose of the rezoning is to permit *(proposed use of the property)*.

Attached is a conceptual development plan including building, site development, land use and operational plans as required by Section 10 of the City of Kenosha Zoning Ordinance, and a receipt of the rezoning fee. I understand that development of the referenced property proposed for rezoning is required to be consistent with the conceptual development plans submitted with my rezoning petition.

Please inform me of the date this item will be reviewed by the City Plan Commission. The meeting notice should be sent to *(list one name only)* at *(address)*. I can be reached at *(phone number)* if there are any questions regarding my request for the rezoning.

Sincerely,

Current Property Owner

LAND USE AND OPERATIONAL PLAN

SAGEWOOD APARTMENT HOMES

Zoning:

As the intended use is multi-family, a request is being made to rezone the property from its current B-2 zoning, to Rm-2.

Property Development Description:

This development is proposed as follows:

- *Three (3) buildings containing 16 units each, with detached garages,
- *A 12 unit and a 10 unit building with attached garages.
- *The total number of units is 70

The development will sit on 5.96 acres, located at 70th Ave and 75th Place, Kenosha, WI.

Performance:

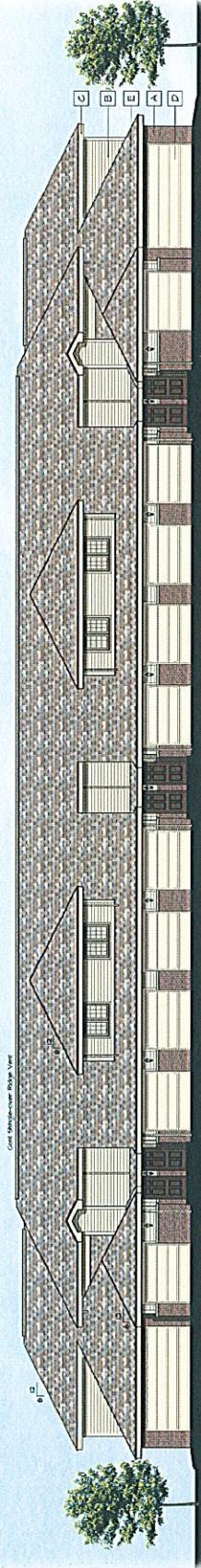
The rental market is very strong, particularly in the Kenosha area. As this site is not far from I-94 to the west, and Hwy 31 to the east, it is a very desirable location for a tenant, allowing easy commuter trips to and from their place of work.

Business Operation:

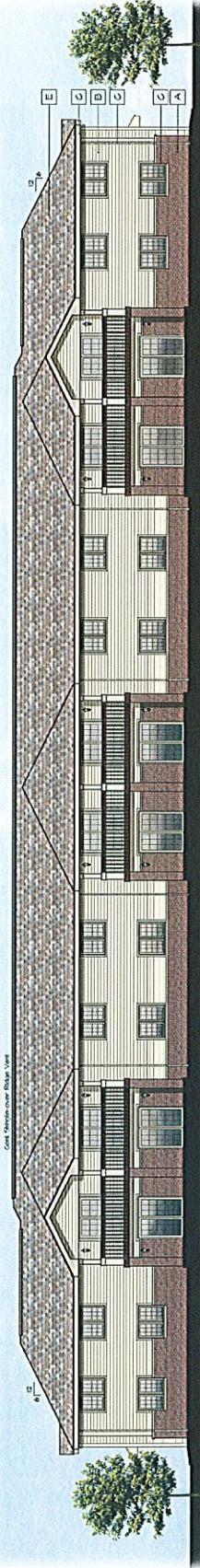
The property will be professionally managed, and will maintain an on-site property manager to oversee day-to-day activity. The entire development will consist of ONLY MARKET RATE apartments. We will offer 1 and 2 bedroom units ranging in size from 826 square feet to 1,245 square feet. Rental rates will start in the mid-\$700's and go up to over \$1,100 per month.

Timing:

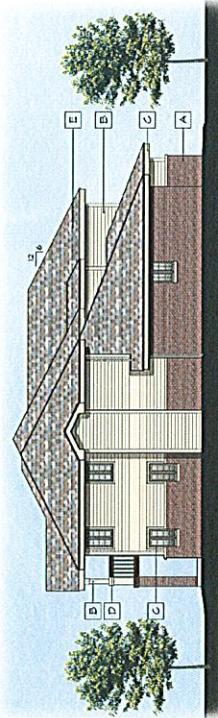
Break ground mid-2013 on the first phase on buildings, with occupancy towards the end of the year.



NORTH ELEVATION - 12 UNIT BUILDING



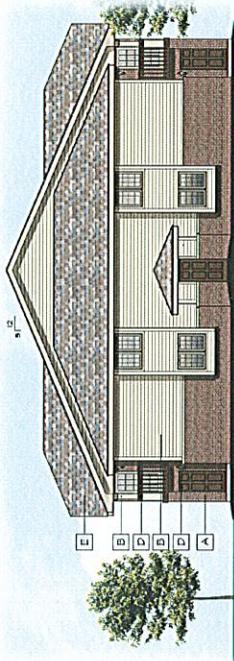
SOUTH ELEVATION - 12 UNIT BUILDING



EAST ELEVATION - 12 UNIT BUILDING

Exterior Material Key

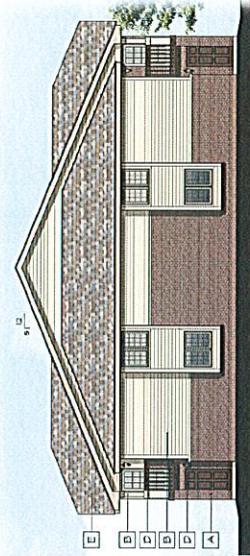
| | |
|---|---|
| A | BRICK Color - Chestnut Ridge |
| B | SIDING - LP SmartSide Color - Nantux beige |
| C | TRIM - LP SmartSide Color - Nantux beige |
| D | PAINT - Dura Seal Color - White |
| E | SHINGLES - Dimensional Color - D'Neesh |



SIDE ELEVATION - 16 UNIT BUILDING



FRONT/REAR ELEVATION - 16 UNIT BUILDING



SIDE ELEVATION - 16 UNIT BUILDING

SAGEWOOD APARTMENT HOMES

BODNER PROPERTY
MANAGEMENT, LLC

11514 N. Port Washington Road
Suite
Milwaukee, WI 53092
262-241-9101

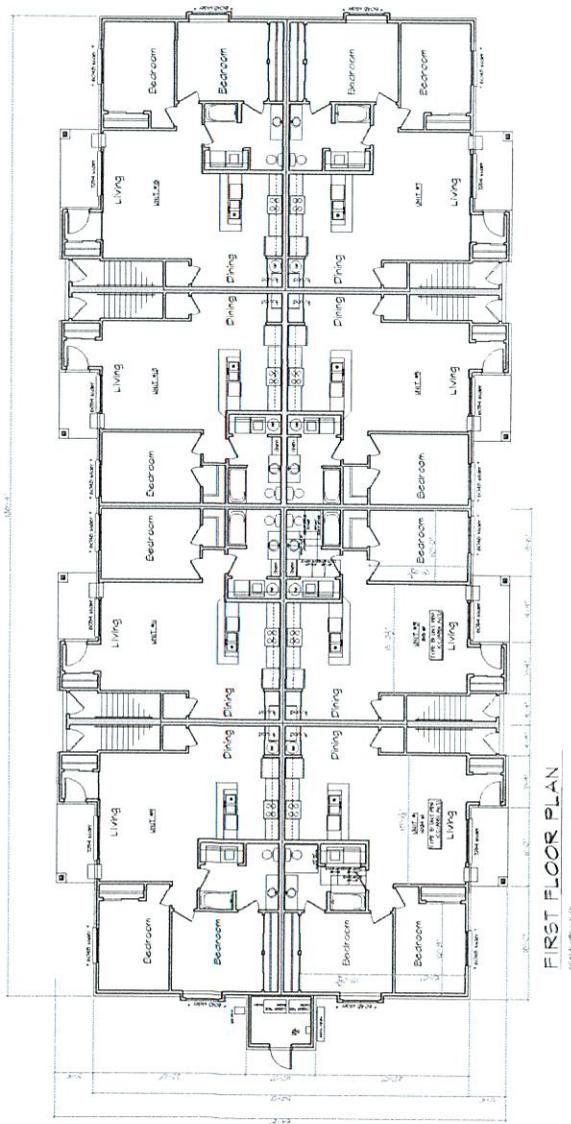
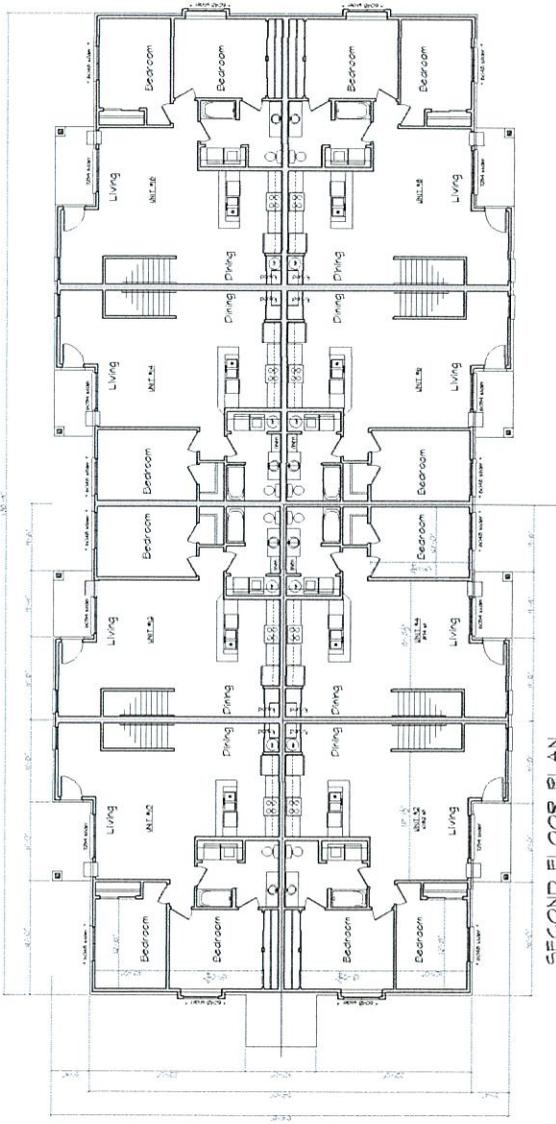
SAGEMOOD
APARTMENT HOMES
70TH AVENUE
KENOSHA, WI



Sheet Title
Bldg A, B, C
16 Unit
Floor Plans

Revisions

Date: January 14, 2014
Job NO.:
Drawn By:
Sheet No. A100



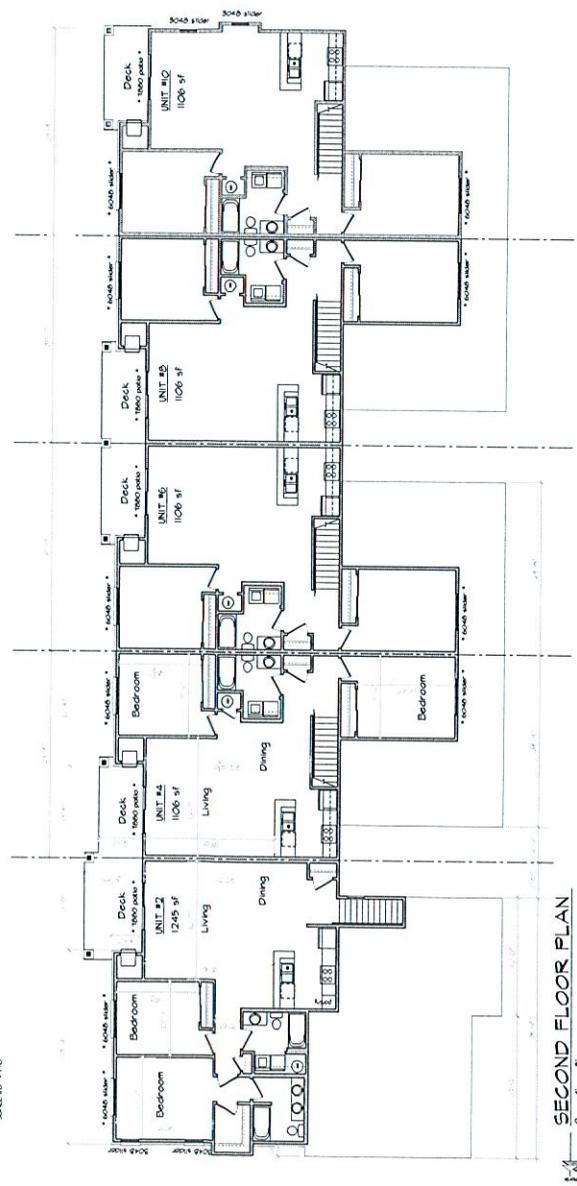
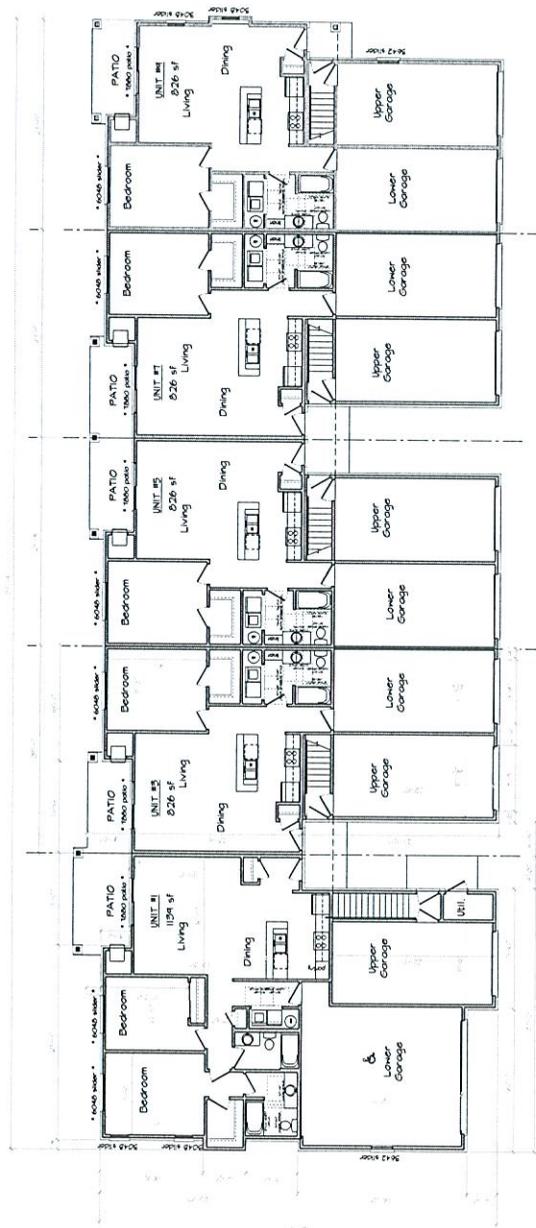
BODNER PROPERTY
MANAGEMENT, LLC
11614 N Port Washington Road
Suite 1
Kenosha, WI 53082
262-241-9101

SAGEWOOD
APARTMENT HOMES
70TH AVENUE
KENOSHA, WI



Sheet Title
Bldg E
10 Unit
Floor Plans

| Revisions | |
|------------|------------------|
| Date: | January 14, 2013 |
| Job NO.: | - |
| Drawn By: | - |
| Sheet No.: | E100 |



BODNER PROPERTY
MANAGEMENT, LLC
11514 N Port Washington Road
Suite 1
Mequon, WI 53092
262-241-9101

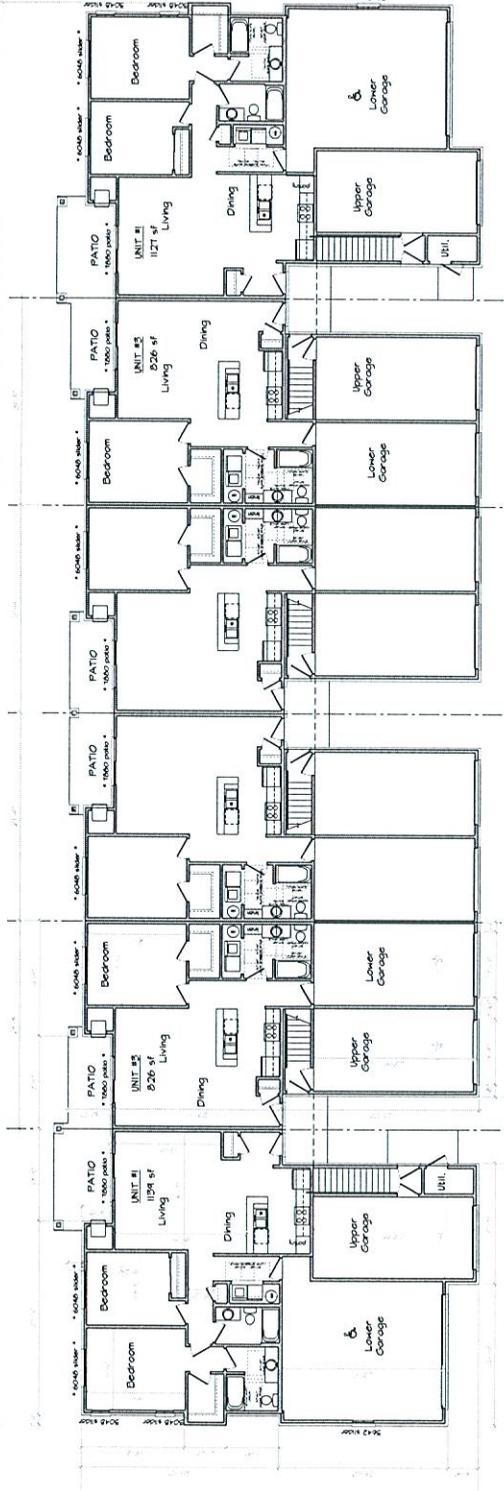
SAGEMOOD
APARTMENT HOMES
70TH AVENUE
KENOSHA, WI



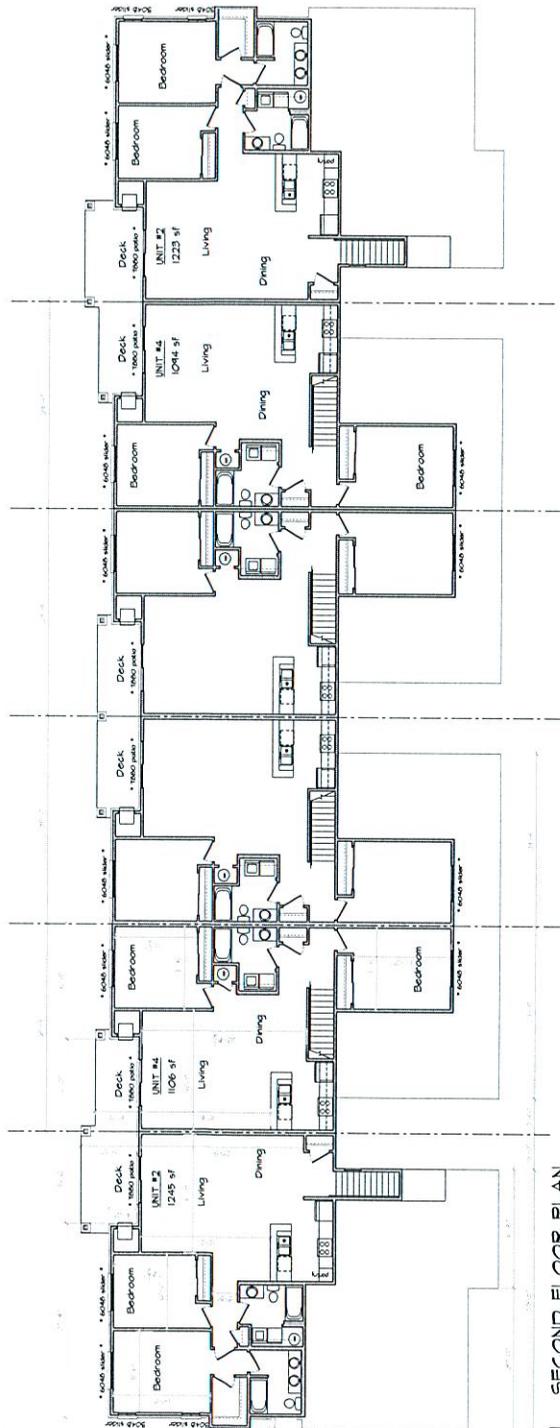
Sheet Title
Bldg D
12 Unit
Floor Plans

Revisions

Date: January 14, 2013
Job NO: -
Drawn By: -
Sheet No: D100



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



SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

| | | | |
|--|--|-------------------|--------|
| Planning & Zoning Division 625 52 nd Street Kenosha, WI 53140 262.653.4030 | Kenosha City Plan Commission FACT SHEET | February 21, 2013 | Item 8 |
| By the Mayor - To Create Subsection 18.02 u. of the Zoning Ordinance to Amend the Land Use Plan Map for the City of Kenosha: 2035. (RAP of Pewaukee, LLC) (District #14) PUBLIC HEARING | | | |

LOCATION/SURROUNDINGS:

Site: 6915 75th Place

NOTIFICATIONS/PROCEDURES:

The alderman of the district, Alderman Prozanski, has been notified. The Common Council is the final review authority.

ANALYSIS:

- The Common Council adopted *A Comprehensive Plan for the City of Kenosha: 2035* on April 19, 2010.
- Wisconsin Statutes require the Common Council to adopt an Ordinance for Amendments to the Comprehensive Plan.
- The attached Zoning Ordinance references Map C1-13, which identifies the Amendment to the Land Use Plan located in the Comprehensive Plan. The Amendment will change the land use designation for the referenced properties from Commercial to High-Density Residential.

RECOMMENDATION:

A recommendation is made to approve the proposed Zoning Ordinance.



Brian R. Wilke, Development Coordinator



Jeffrey B. Labahn, Director

ORDINANCE NO. _____

BY: THE MAYOR

**TO CREATE SUBSECTION 18.02 u. OF THE ZONING
ORDINANCE TO AMEND THE LAND USE PLAN MAP
FOR THE CITY OF KENOSHA: 2035**

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

Section One: Subsection 18.02 u. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows:

18.02 The comprehensive plan adopted in Subsection 18.01 is amended by the following:

u. By map C1-13 on file with the Department of Community Development and Inspections.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
MATTHEW A. KNIGHT
Deputy City Attorney

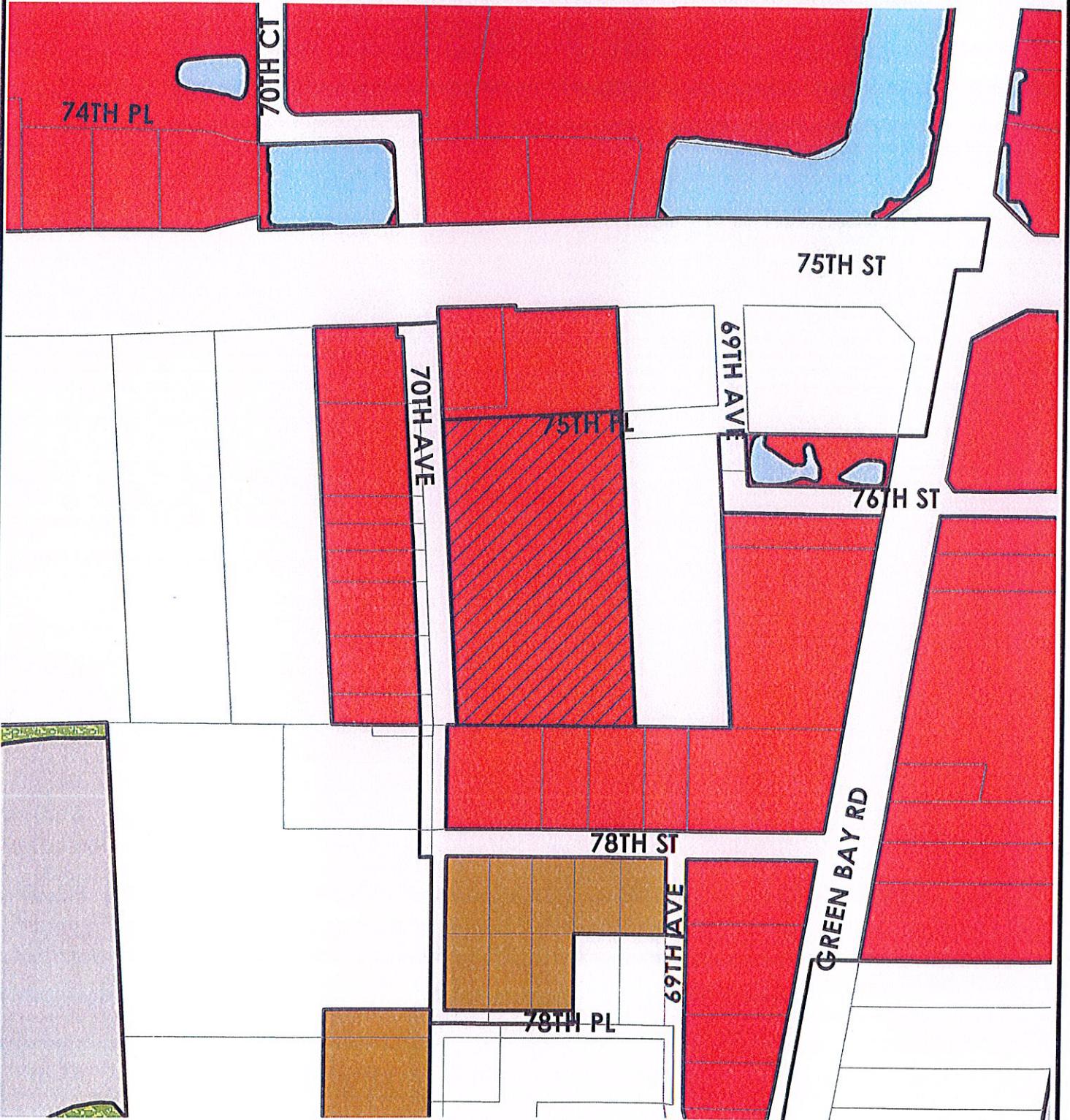
City of Kenosha

Comprehensive Plan Amendment

RAP of Pewaukee, LLC Petition

Supplement No. C1-13

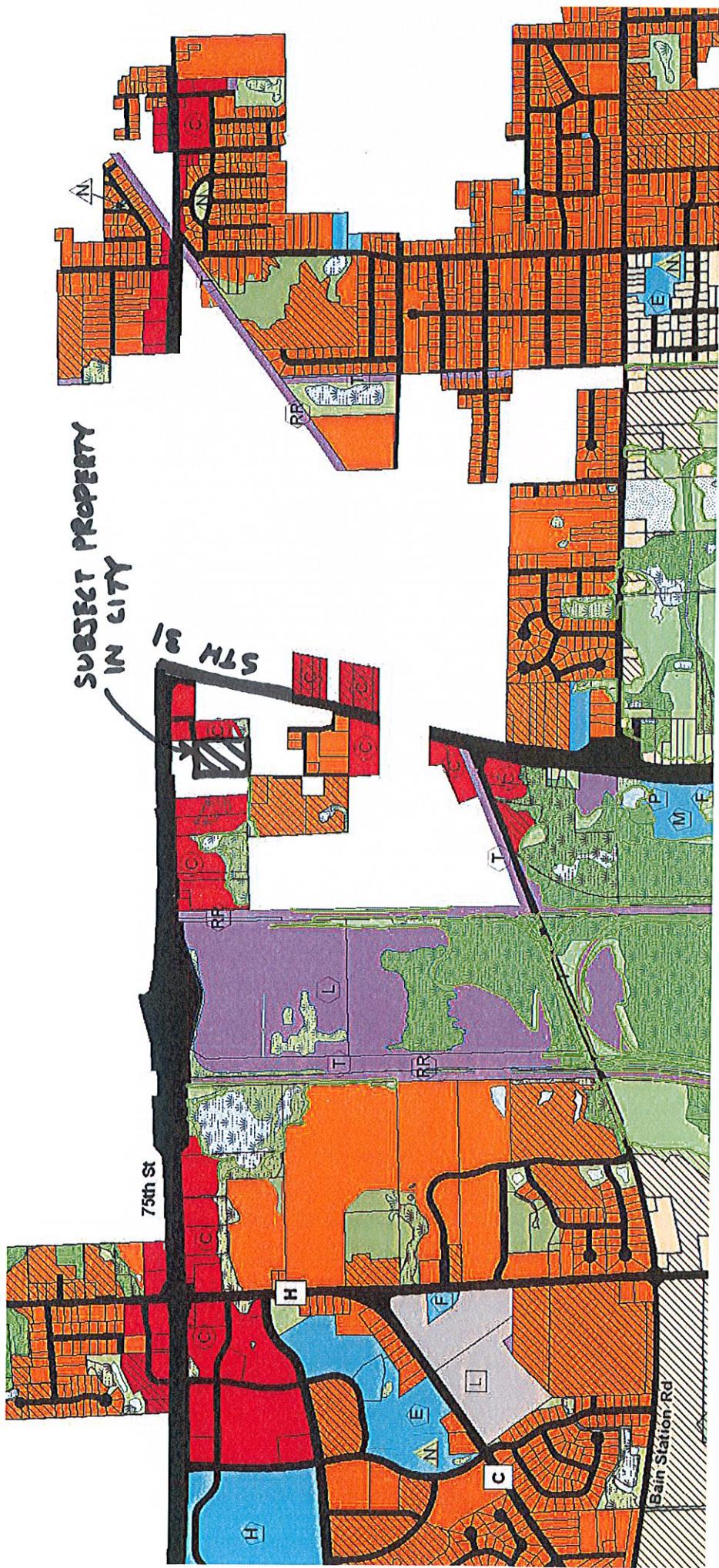
Ordinance No.



Property requested to be changed from
Commercial to High-Density Residential



ADOPTED PLEASANT PRAIRIE COMPREHENSIVE PLAN





STATE OF ILLINOIS



MIXED USE LANDS

- VG Village Green Center
- CT Chiwaukee Transit Center



COMMERCIAL LANDS

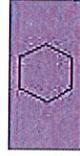
- N Neighborhood Retail and Service Centers
- C Community Retail and Service Centers
- F Freeway-Oriented Service Centers
- O Freeway Office Centers
- R Freeway-Oriented Regional Retail Centers
- BA-1 PDD-1 Business Area 1 Sub-District
- BA-2 PDD-1 Business Area 2 Sub-District
- BA-3 PDD-1 Business Area 3 Sub-District

Y RESIDENTIAL
1000 Square Feet Per Dwelling Unit)

M DENSITY RESIDENTIAL
1,000 Square Feet Per Dwelling Unit)

UM DENSITY RESIDENTIAL
1,000 Square Feet Per Dwelling Unit)

Y RESIDENTIAL
200 Square Feet Per Dwelling Unit)



OTHER TRANSPORTATION

- P Pleasant Prairie
- L Active Landfill
- RR Railroads
- W Weigh Station
- T Overhead High



GOVERNMENTAL

- M Municipal Administration
- F Fire Station
- P Police Station
- H Hospital
- E Public Elementary
- MS Public Middle School
- S Public Senior High

| | | | |
|---|--|-------------------|--------|
| Planning & Zoning Division 625 52 nd Street Kenosha, WI 53140 262.653.4030 | Kenosha City Plan Commission FACT SHEET | February 21, 2013 | Item 9 |
| By the Mayor - Resolution to approve a two-lot Certified Survey Map for property at 2216 Roosevelt Road. (Kassel) (District #3) PUBLIC HEARING | | | |

LOCATION/SURROUNDINGS:

Site: 2216 Roosevelt Road
 Zoned: B-3 Mixed Use District

NOTIFICATIONS/PROCEDURES:

The alderman of the district, Alderman Michalski, has been notified. This item will also be reviewed by the Public Works Committee before final approval by the Common Council.

ANALYSIS:

- The applicant is proposing to split the existing improved lot into two (2) lots. The proposed lot line would be placed on the existing dividing wall between the two (2) spaces of the building.
- The applicant indicated that a door must be removed and "bricked in" to completely close off the wall between the proposed lots. This will have to be completed and verified before the City will record the Certified Survey Map.
- The Certified Survey Map was sent to City Departments for their review. Their comments are included in the attached Resolution.
- The Certified Survey Map generally complies with Chapter 17 of the Code of General Ordinances.

RECOMMENDATION:

A recommendation is made to approve the Certified Survey Map, subject to the attached Resolution.



Brian R. Wilke, Development Coordinator



Jeffrey B. Labahn, Director

RESOLUTION NO: ____ - 13

BY: THE MAYOR

TO APPROVE A CERTIFIED SURVEY MAP
Property located at 2216 Roosevelt Road (Kassel)

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a Certified Survey Map relating to one (1) parcel located at 2216 Roosevelt Road is herein and hereby approved subject to the following conditions:

1. Compliance with all applicable State and City codes and ordinances.
2. Payment of all applicable fees, including recording fees.
3. Payment of all taxes, special assessments and stormwater utility fees prior to recording. The Owner shall provide the City Clerk-Treasurer, a certificate from the County Treasurer, stating that there are no past-due real estate taxes or special assessments on the parcel of real estate which is being divided.
4. The Certified Survey Map shall be null and void if not recorded within six (6) months of approval by the Common Council.
5. A digital copy of the Certified Survey Map shall be provided to the City prior to recording.
6. Compliance with the Kenosha Water Utility memo dated January 23, 2013.
7. An architect's or engineer's report shall be submitted indicating the wall separating the lots is a four-hour rated fire wall with no openings, and that the proposed lot line runs along that wall.
8. Compliance with all the preceding conditions as a prerequisite for authorizing Mayor and City Clerk-Treasurer to sign the Certified Survey Map.

Adopted this ____ day of _____, 2013

ATTEST:

Debra L. Salas, City Clerk-Treasurer

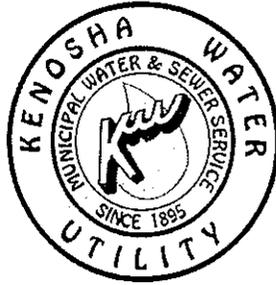
APPROVE:

Keith G. Bosman, Mayor

Engineering Services

4401 Green Bay Road
Kenosha WI 53144

Phone (262) 653-4315
Fax (262) 653-4303



"Providing and Protecting Kenosha's Greatest Natural Resource"

MEMO

To: Brian Wilke, Development Coordinator

From: Ian C. Bagley, P.E., Water Engineer

Date: January 23, 2013

Subject: Kassel Certified Survey Map

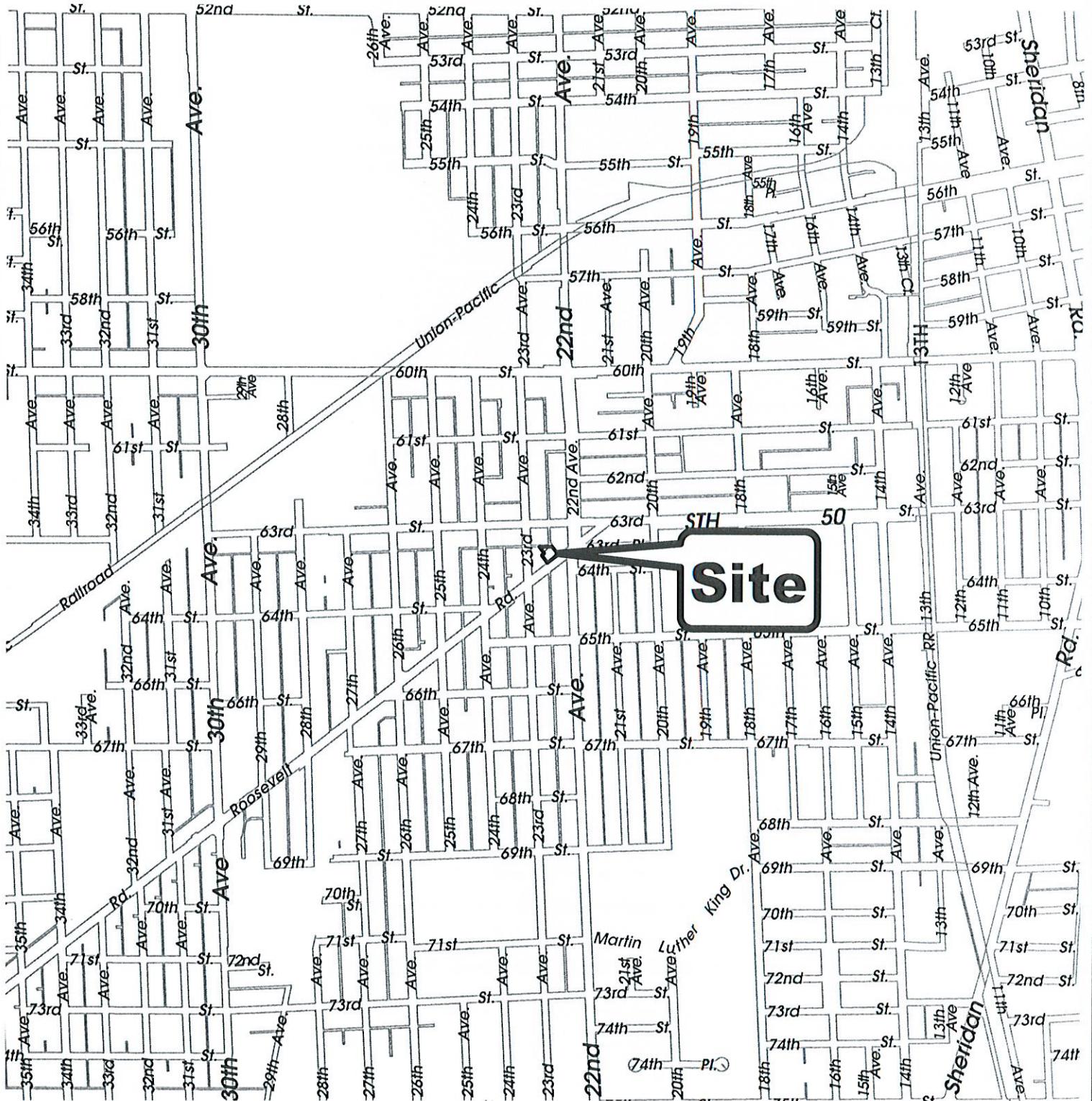
Location: 2216 Roosevelt Road

The Kenosha Water Utility (KWU) has reviewed the submittal for the above referenced project. According to our records, there is only sanitary sewer service for the west parcel. There is no sanitary service to the east parcel. Also, only the west parcel is metered for water. The owner will need to provide an acceptable plan for separate sewer and water services for each building. In addition, joint sewer and water service between the two parcels must be disconnected prior to final approval of the land division. Reconnection of the east parcel shall occur after the land division is approved.

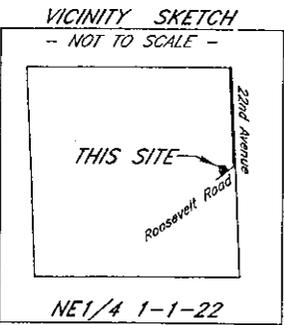
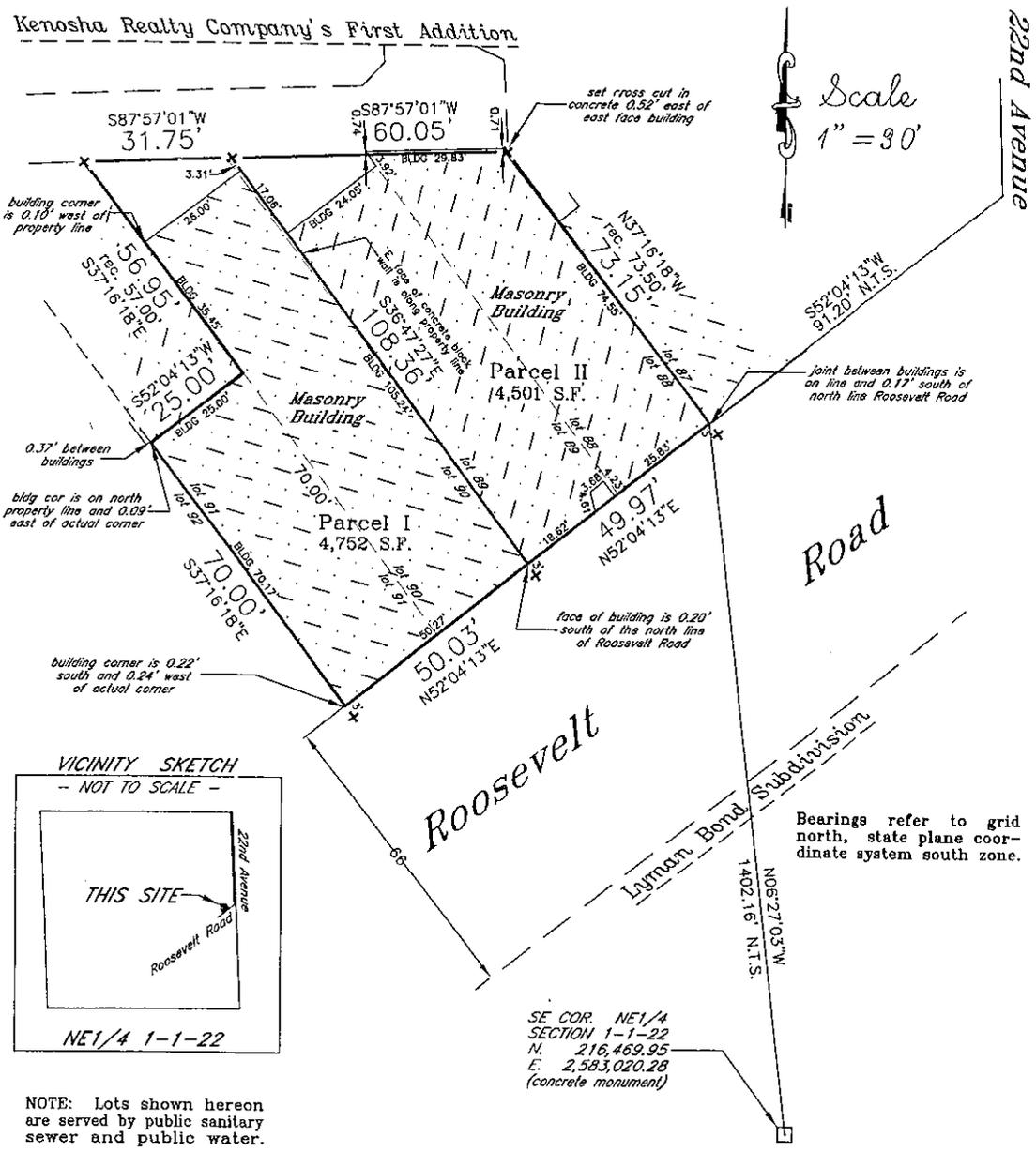
CC: Mr. Robert Carlson, P.E., Director of Engineering Services

City of Kenosha

Vicinity Map Kassel Certified Survey Map



Kenosha Realty Company's First Addition



NOTE: Lots shown hereon are served by public sanitary sewer and public water.

J.K.R. SURVEYING, INC.
8121 22ND AVENUE KENOSHA, WI 53143
262-652-8110 fax 262-652-9695

CERTIFIED SURVEY MAP

- for Owners -

Ralph & Florence Kassel
8836-35th Avenue
Kenosha, WI 53142

(Re-Division of Lots 88 thru 90 and part of Lot 91 in Kenosha Realty Co's 1st Addition)

in NE1/4 Section 1-1-22

CITY OF KENOSHA
KENOSHA COUNTY, WIS.

WISCONSIN REGISTERED LAND SURVEYOR
Dated..... 1/15/13

CERTIFIED SURVEY MAP

I, JEFFREY K. RAMPART, SURVEYOR, hereby certify that I have prepared this certified survey map, the exterior boundaries of which are described as:

Lots 88, 89, 90 and part of Lot 91 in KENOSHA REALTY COMPANY'S FIRST ADDITION, as plat on file and of record in the Kenosha County Land Registry; lying and being in part of the Northeast Quarter of Section 1, Town 1 North, Range 22 East of the Fourth Principal Meridian; lying in the City of Kenosha, County of Kenosha and State of Wisconsin; being more particularly described as:

Commencing at the southeast corner of said quarter section; thence N06°27'03"W along the east line of said quarter section 1402.16 feet to the southeasterly corner of aforesaid Lot 88 and the point of beginning; thence N37°16'18"W along the easterly line of said lot 73.15 feet to the northeast corner thereof; thence S87°57'01"W along the north line of aforesaid Lots 88, 89 and 90, 91.80 feet to the northwest corner of said Lot 90; thence S37°16'18"E along the westerly line of said Lot 90, 56.95 feet; thence S52°04'13"W 25.00 feet to a point on the westerly line of said Lot 91; thence S37°16'18"E along said westerly line 70.00 feet to the southwest corner of said lot; thence N52°04'13"E along the southerly line of said Lots 91, 90, 89 and 88, 100.00 feet to the southeasterly corner of said Lot 88 and the point of beginning; containing 9,253 square feet, more or less.

That I have complied with the provisions of chapter 236.34 of the State Statutes on certified surveys and the City of Kenosha Land Division and Platting Ordinance.

Dated this 15th day of January, 2013.

SURVEYOR.....
JEFFREY K. RAMPART (S-2141)
WISCONSIN REGISTERED LAND SURVEYOR

As owners, we hereby certify that we caused the land described on this plat to be surveyed, divided and mapped as represented on this plat.

OWNER..... OWNER.....
RALPH KASSEL FLORENCE KASSEL

STATE OF WISCONSIN
KENOSHA COUNTY S.S.

Personally came before me this day of, 20___, the above named Ralph and Florence Kassel, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

My Commission Expires..... NOTARY PUBLIC
PRINT NAME HERE.....

This certified survey map has been submitted to and approved by the Common Council of the City of Kenosha on this day of, 20___.

APPROVED.....
KEITH G. BOSMAN, Mayor
PRINT NAME HERE.....

OWNERS

Ralph & Florence Kassel
8836-35th Avenue
Kenosha, WI 53142

I hereby certify that the foregoing is a copy of resolution number _____ adopted by the Common Council of the City of Kenosha.

CITY CLERK/TREASURER.....
DEB SALAS
PRINT NAME HERE.....

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

MAILING INFORMATION

NAME OF PROJECT: Division of Star Furniture Building

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

Name and Address of Applicant (Please print):
FLORENCE MASSEL
5836 35th AVE
KENOSHA, WI 53142
 Phone: 262-575-1887
 Fax: 262-694-6073
 E-Mail: _____

Name and Address of Architect/Engineer (Please print):

 Phone: _____
 Fax: _____
 E-Mail: _____

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): 2216 ROOSEVELT Rd
01-122-01-176-027

TYPE OF LAND DEVELOPMENT

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

| | | | |
|-------------------------------------|--|------------|---------------|
| <input checked="" 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 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 I
CERTIFIED SURVEY MAP**

| | |
|---|---|
| Additional Information Required: | Number of Lots: <u>2</u> Zoning District: <u>B-3 Central Business District</u> Proposed Zoning Change, if any: _____ |
| Submittal Requirements: | <ul style="list-style-type: none"> ➤ Ten (10) copies of Certified Survey Map (Applicant to keep original) ➤ Four (4) copies of Drainage Plan (when required) ➤ Signed Checklist below |
| Fees: | <ul style="list-style-type: none"> ➤ 2-Lot Certified Survey Map = \$750 ➤ 3-Lot Certified Survey Map = \$800 ➤ 4-Lot Certified Survey Map = \$850 ➤ With a Developer's Agreement = \$1,500 ➤ Re-submittals = \$400 <p>Miscellaneous fees</p> <ul style="list-style-type: none"> ➤ All special assessments and taxes shall be paid prior to recording. The Department of Community Development and Inspections will record the map with the Kenosha County Register of Deeds and recording fees shall be paid at that time by the applicant. |
| Park Fees: | <ul style="list-style-type: none"> ➤ Five percent (5%) of the value of the property, but not less than \$1,415 per lot. Note that park fees are only collected for residentially-zoned property and are due at the time of acquiring building permits. The City may require dedication of the land in lieu of fee. |
| Appendices to Review: | <ul style="list-style-type: none"> ➤ D, E, F and G |
| Approximate Review Time: | <ul style="list-style-type: none"> ➤ 45 - 60 days (Reviewed by City Plan Commission, Public Works Committee and Common Council) |

The land division will be reviewed for compliance with Chapters 17 and 35 of the City Code of General Ordinances, City Zoning Ordinance, any neighborhood or master land use plans for the area, and Chapter 236 of the Wisconsin State Statutes.

The applicant shall be responsible for the costs of project engineering, design, construction, and inspection as follows (when applicable):

1. The applicant is responsible for installing all improvements and infrastructure, including but not limited to, utilities (water, sanitary and storm sewer), oversizing of utilities, sidewalks, streets, street lights and signs, retention/detention basins, street trees, etc.
2. The applicant is responsible for any off-site improvements for the development, including but not limited to, traffic signals and signs, median openings, and street improvements/widening.
3. Payment of inspection and engineering services performed by the City and Kenosha Water Utility for the project.
4. Applicant responsible for posting of all required assurance to cover required improvements.

Checklist to be completed and signed:

- Scale and north arrow
- Scale of plans less than or equal to 1" = 100'
- Date of original and revisions noted
- Certification from surveyor that Plat complies with Chapter 17
- Reproducible paper less than 36" in width
- Location of all existing structures and first floor elevations
- Location of utility and drainage easements
- Exact length and bearing of the centerline of all streets
- Exact street width along the line of any obliquely intersecting street
- Railway rights-of-way within and abutting the plat
- Location and size of all lands to be dedicated for public use (when required)
- Comprehensive drainage plan
- Special restrictions relating to access control, planting strips, restrictive yard requirements, etc. (when required)
- Major street setback or WisDOT setbacks (if applicable)
- Map shows entirety of all parcels in proposed certified survey map

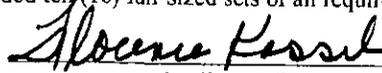
Checklist to be completed and signed:

- Floodplain limits of the 100 year recurrence interval flood
- Location of any wetlands, shoreland, or other environmental areas (if applicable)

Plans to be submitted (when applicable)

- Street plans and profiles
- Sanitary sewer plans and profiles
- Storm sewer plans
- Grading/drainage plans
- Water main plans and profiles
- Erosion control plans
- Landscape plans

I hereby certify that I have reviewed the City ordinances and provided ten (10) full-sized sets of all required information.


Applicant's Signature

| | | | |
|--|--|-------------------|-------------------|
| Planning & Zoning Division 625 52 nd Street Kenosha, WI 53140 262.653.4030 | Kenosha City Plan Commission FACT SHEET | February 21, 2013 | Item 10 Page 1 |
| 2012 Annual List of Amendments to the "A Comprehensive Plan for the City of Kenosha: 2035". PUBLIC HEARING | | | |

LOCATION/SURROUNDINGS:

City Wide

NOTIFICATIONS/PROCEDURES:

The City Plan Commission is notified of all Amendments to the adopted Comprehensive Plan.

ANALYSIS:

- The City of Kenosha adopted *A Comprehensive Plan for the City of Kenosha: 2035* on April 19, 2010. The Comprehensive Plan is intended to be the basis that all development proposals, such as Rezoning requests, Subdivision Plats and Certified Survey maps are reviewed.
- In 2012, the following eight (8) Comprehensive Plan Amendments were adopted:
 - 1) To Rescind the designation of 55th Street from 47th to 49th Avenue for 5502 47th Avenue - Parcel #08-222-35-305-009 (Fillippelli); and 5503 49th Avenue - Parcel #08-222-35-305-010 (Smith).
 - 2) To Adopt the *Kenosha County Hazard Mitigation Plan Update: 2011 - 2015*, dated March 2011. SEWRPC Community Assistance Report: 278 (2nd Edition).
 - 3) To Amend the Land Use Designation from "Industrial" to "Commercial" for 3501 14th Avenue, Parcel #11-223-30-276-015 (Raymond).
 - 4) To Amend the Land Use Designation from "High-Density Residential" to "Commercial" for the following properties:
 - 5512 Green Bay Road - Parcel #08-222-34-452-012 (Ward)
 - 5602 Green Bay Road - Parcel #08-222-34-452-005 (Collins)
 - 5601 64th Avenue - Parcel #08-222-34-452-002 (Slater)
 - 5610 Green Bay Road - Parcel #08-222-34-452-003 (Slater)
 - 5614 Green Bay Road - Parcel #08-222-34-452-004 (Slater)
 - 5616 - 5618 Green Bay Road - Parcel #08-222-34-452-011 (Blissfield Development)
 - 6301 55th Street - Parcel #08-222-34-430-002/southernmost portion of parcel (City of Kenosha)
 - 5) To Adopt the revised FEMA Flood Insurance Rate Maps.
 - 6) To Amend the Land Use Designation from "Government and Institutional" to "Mixed Use" for 720 59th Place - Parcel #12-223-31-482-002 (Varin/Library Park, LLC).
 - 7) To Amend the Land Use Designation from "Primary Environmental Corridor" to "Commercial" and from "Commercial" to "Primary Environmental Corridor" for 6325 120th Avenue - Parcel #03-122-06-251-050 (Landri Hub, LLC).
 - 8) To Approve the *Kenosha Downtown Strategic Development Plan* dated August 2012, and adopted on September 6, 2012.

- Six of the eight Amendments noted above involved changes to the Land Use Element of the Comprehensive Plan. The table below lists the approximate amount of acreage for each individual Land Use Amendment, including the total amount acreage for each land use classification for 2012.

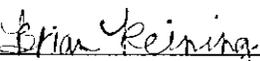
2012 LAND USE AMENDMENT TO THE COMPREHENSIVE PLAN FOR THE CITY OF KENOSHA: 2035

| | ZONING ORDINANCE | | | | | TOTAL ACREAGE |
|--------------------------------------|------------------|--------|--------|--------|--------|------------------|
| | #06-12 | #08-12 | #10-12 | #25-12 | #27-12 | |
| High-Density Residential | | | -3.99 | | | -3.99 |
| Medium-Density Residential | 0.78 | | | | | 0.78 |
| Commercial | | 0.18 | 3.99 | | 0.27 | 4.44 |
| Mixed-Use | | | | 0.81 | | 0.81 |
| Industrial | | -0.18 | | | | -0.18 |
| Government, Institutional and Office | | | | -0.81 | | -0.81 |
| Primary Environmental Corridor | | | | | -0.27 | -0.27 |
| Street and Highway Rights-of-Way | -0.78 | | | | | -0.78 |

- In addition, all of the Land Use Amendments listed in this table have been previously submitted to the Kenosha County Planning and Development Department. These Amendments are automatically incorporated into the County's Multi-Jurisdictional Plan without a formal review approval process by the County Land Use Committee and County Board.

RECOMMENDATION:

A recommendation is made to to receive and file.


 Brian Reining, AICP, Planner

/u2/acct/cp/ckays/1CPC/2013/FEB21/fact-annual-comp plan.odt


 Jeffrey B. Labahn, Director