

<p>Municipal Building 625 52nd Street – Room 202</p>	<p><i>Kenosha City Plan Commission</i> <i>Agenda</i></p>	<p>Thursday, March 8, 2012 5:00 p.m.</p>
<p><i>Mayor Keith Bosman - Chairman, Alderman Jesse Downing - Vice-Chairman</i> <i>Alderman Anthony Kennedy, Alderman Jan Michalski,</i> <i>Anita Faraone, Robert Hayden, Art Landry, Anderson Lattimore, Jessica Olson and Ron Stevens</i></p>		

Call to Order and Roll Call

Approval of Minutes from February 23, 2012

1. Conditional Use Permit for an auto body shop to be located at 5725 5th Avenue. *(Streamline Auto Body) (District #2 - formerly District #2) PUBLIC HEARING*
2. Conditional Use Permit for a 1,920 s.f. restaurant with drive-thru to be located at 4028 75th Street. *(Dunkin Donuts) (District #15 - formerly District #14) PUBLIC HEARING*
3. By Alderperson Eric Haugaard - To Repeal and Recreate Section 3.03 F. of the Zoning Ordinance for the City of Kenosha entitled Accessory Building Exemptions for Residential Property. *PUBLIC HEARING*
4. Request for a Special Exception to the spacing requirements under Section 3.12 E.2. of the Zoning Ordinance for a Class "A" Beer and a "Class A" liquor license at 7944 Sheridan Road. *(Cellar Door Wine, Beer & Liquor) (District #12 - formerly District #3) PUBLIC HEARING*
5. By the Mayor - Resolution to approve a Certified Survey Map for property at 7944 Sheridan Road. *(7944 Sheridan Retail Center) (District #12 - formerly District #3) PUBLIC HEARING*
6. First Amendment to the Developers Agreement and Memorandum of Full Satisfaction between the City of Kenosha, Kenosha Water Utility, First Industrial Investments II, LLC and Affiliated Foods Midwest Cooperative, Inc. *(Affiliated Foods) (District #16 - formerly District #16) PUBLIC HEARING*
7. Bicycle and Pedestrian Easement Agreement by and between Affiliated Foods Midwest Cooperative, Inc., and City of Kenosha for property at 8100 60th Street. *(Affiliated Foods) (District #16 - formerly District #16) PUBLIC HEARING*

Public Comments

Commissioner Comments

Staff Comments

Adjournment

CITY PLAN COMMISSION
Minutes
February 23, 2012

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

MEMBERS EXCUSED: Alderman Kennedy, Anderson Lattimore, Jessica Olson

STAFF PRESENT: Jeffrey B. Labahn and Rich Schroeder

Others Present: Bill Richardson

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

A motion to approve the minutes from February 9, 2011 was made by Ms. Faraone and seconded by Alderman Michalski. The motion passed. (Ayes 6; Nays 0).

1. Conditional Use Permit for an automobile body shop to be located at 5710 5th Avenue. (Above All Customs) (District #2 - formerly District 2)
PUBLIC HEARING

Public hearing opened.

- Alderman Downing arrived. -

Jeremy Klimowicz, 3500 Sheridan Road, Racine, applicant, explained this is the old Top Choice building. They have a 2-year lease with an option to buy the property. The work is performed on "high-end" cars, this is not a regular body shop.

Public hearing closed.

Rich Schroeder, Interim Deputy Director, showed a video of the site.

Mayor Bosman asked what the upstairs is used for. Mr. Klimowicz said it is for office and storage space. They may have a small showroom for "custom parts" in this area in the future.

Alderman Michalski said he likes the idea and asked if there is a market for this. Mr. Klimowicz said they are building their clientele and currently have clients from California and Chicago, their space is currently full. Alderman Michalski said this sounds like a good business and it will also attract people to the downtown.

Mr. Landry said this building previously had a restaurant and an issue with parking spaces. Has this been resolved? Mr. Klimowicz said the previous owner acquired an additional 15 feet to resolve the parking problem.

Mayor Bosman asked if this space would be in addition to the previously rented Keno auto body space. Mr. Klimowicz said no, we are no longer leasing there.

A motion to approve subject to conditions was made by Ms. Faraone and seconded by Mr. Landry. The motion passed. (Ayes 7; Nays 0)

Conditions of Approval
Above All Customs at 5710 5th Avenue

1. The following Conditions of Approval will run with the land and shall be included in a document recorded with the Kenosha County Register of Deeds:
 - a. The applicant shall obtain all required construction permits from the Department of Community Development & Inspections. This includes, but is not limited to Building, Plumbing, Electrical and Occupancy permits.
 - b. All signs shall comply with Chapter 15 of the Code of General Ordinances and the applicant shall obtain sign permits for all new signs. A separate submission and permits are required for all signs. Sign information provided under the Conditional Use Permit is for reference only and does not constitute sign permit approval.
 - c. The development shall be constructed per the approved 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 City Development for review and approval.
 - d. Prior to the issuance of any Occupancy permits, the Conditional Use Permit shall be recorded with the Kenosha County Register of Deeds. The recording fees for the Conditional Use Permit shall be submitted by the applicant.
 - e. Compliance with City and State and/or Federal Codes and Ordinances. The building shall comply with the current Code standards in effect upon application for a Building permit.
 - f. All trash containers shall be stored within the building. Applicant/owner shall be responsible for waste collection and removal for the development. The City of Kenosha shall not provide waste collection or removal services or incur any cost in this regard.
 - g. The applicant shall meet all applicable Conditions of Approval and obtain a building permit within six (6) months of Common Council approval of the Conditional Use Permit or the Conditional Use Permit shall be null and void.
 - h. Outdoor display of products and storage of materials is prohibited.
 - i. All vehicles shall be parked within the designated paved areas. All vehicles being worked on shall be parked/stored within the building.
 - j. All improvements, including landscaping, shall be maintained per the approved plans. Any damaged fencing, landscaping or building shall be replaced or reconstructed per the approved plans.
 - k. Compliance with the Operational Plan dated January 24, 2012.

2. The following conditions of approval shall be satisfied with City Staff prior to the issuance of any construction permits.
 - a. The Utility Plan shall be revised and resubmitted for review and approval addressing the comments listed in the Kenosha Water Utility Memo dated February 6, 2012.
 - b. Any issues with the change of use shall be addressed with the Department of Community Development & Inspections prior to approval of the Conditional Use Permit.

2. **By the Mayor - Resolution to approve a Certified Survey Map for property located at 2908 33rd Avenue. (Vena) (District #6 - formerly District #5) PUBLIC HEARING**

Public hearing opened, no comments, public hearing closed.

Mr. Schroeder said that Staff has met with the Applicant and Alderman Ohnstad. Based on this meeting, they are asking for deferral until the next City Plan Commission meeting scheduled for Thursday, March 8, 2012.

A motion to defer was made by Ms. Faraone and seconded by Mr. Landry. The motion passed. (Ayes 7; Nays 0)

3. **By the Mayor - To Repeal and Recreate Subsection 2.02 B.8 of the Zoning Ordinance for the City of Kenosha regarding Delinquent Special Assessments. PUBLIC HEARING**

Public hearing opened, no comments, public hearing closed.

Bill Richardson, Assistant City Attorney, explained that the City does not have the right to collect Real Estate taxes from the property owner after they have been turned over to the County. Also, some homeowners do not obtain any permit, but just do the work if they know they will have to pay additional funds.

Ms. Faraone asked if the County only reimburses us for the real estate taxes? Mr. Richardson said yes, any City charges the City must collect for themselves. Ms. Faraone asked how do we collect the funds if the homeowner never obtains a building permit? Mr. Richardson said usually, the Title Company doing the title search would generally check if there are any special assessments. Ms. Faraone said this concerns her and she would like to see this portion cleaned up so these funds are collected. Mr. Richardson said that's a different problem. It would not change our status in the event of a default.

Alderman Downing said the City has been doing a better job of collecting Special Assessments. On July 1st of every year the City gets letter from the State asking us to collect State taxes. According to this, we cannot do this? Mr. Richardson said correct,

A motion was made by Alderman Michalski and seconded by Mr. Stevens to approve the Zoning Ordinance amendment. The motion passed. (Ayes 7; Nays 0)

Public Comments

No public comments.

Commissioner Comments

No Commissioner comments.

Staff Comments

Mr. Labahn said there was a good turnout at the first Community Downtown planning meeting. Over 300 people have taken the survey. There is a lot of interest in the downtown area and other businesses in the downtown that need to be reviewed.

A motion to adjourn was made by Mr. Hayden and seconded by Alderman Downing. The motion passed unanimously (Ayes 7; Nays 0). The meeting adjourned at 5:45 p.m.

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

Planning & Zoning Division 625 52 nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	March 8, 2012	Item ↓
Conditional Use Permit for an auto body shop to be located at 5725 5th Avenue. (Streamline Auto Body) (District #2 - formerly District #2) PUBLIC HEARING			

LOCATION/SURROUNDINGS:

Site: 5725 5th Avenue
 Zoned: B-3 Central Business District

NOTIFICATIONS/PROCEDURES:

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

ANALYSIS:

- The Applicant is proposing to use a portion of the existing building at 5725 5th Avenue as a high-end automobile customs shop.
- Under the Zoning Ordinance, Staff categorizes the use as a body shop, which requires a Conditional Use Permit. The applicant indicated that some body work will occur, but the use will not be the standard collision repair shop.
- The applicant is not proposing any change to the exterior of the building or the site. All work, including staging of vehicles, will occur within the building. The applicant has included an Operational Plan as part of the review.
- Plans were sent to City Departments for review. Their comments are included in the attached Conditions of Approval.
- The plans generally comply with Sections 4 and 14 of the Zoning Ordinance.

RECOMMENDATION:

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



Brian R. Wilke, Development Coordinator



Rich Schroeder, Interim Deputy Director

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

**Kenosha City Plan
Commission
Conditions of Approval**

**Streamline Auto
Body
5725 5th Avenue**

March 8, 2012

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 - c. 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.
 - d. Prior to the issuance of any Occupancy permits the Conditional Use Permit shall be recorded with the Kenosha County Register of Deeds. The recording fees for the Conditional Use Permit shall be submitted by the applicant.
 - e. Compliance with City and State and/or Federal Codes and Ordinances. The building shall comply with the current Code standards in effect upon application for a building permit.
 - f. All trash containers shall be stored within an enclosure or building. Applicant/owner shall be responsible for waste collection and removal for the development. The City of Kenosha shall not provide waste collection or removal services or incur any cost in this regard.
 - g. The applicant shall meet all applicable Conditions of Approval and obtain a building permit within six (6) months of Common Council approval of the Conditional Use Permit or the Conditional Use Permit shall be null and void.
 - h. Outdoor display of products and storage of materials is prohibited.
 - i. All vehicles shall be parked within the designated paved areas. All vehicles being worked on shall be parked/stored within the building.
 - j. All improvements, including landscaping, shall be maintained per the approved plans. Any damaged fencing, landscaping or building shall be replaced or reconstructed per the approved plans.

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

***Kenosha City Plan
Commission
Conditions of Approval***

**Streamline Auto
Body
5725 5th Avenue**

March 8, 2012

- k. Compliance with the Operational Plan dated February 8, 2012.
- 2. The following conditions of approval shall be satisfied with City Staff prior to the issuance of any construction permits.
 - a. The Utility Plan shall be revised and resubmitted for review and approval addressing the comments listed in the Kenosha Water Utility Memo dated February 16, 2012.
 - b. Amend the Operational Plan to address the items noted in Section 4.06 B.10 (f) of the Zoning Ordinance.

/u2/acct/cp/ckays/1CPC/2012/Mar8/conditions-streamline

1Engineering Services

4401 Green Bay Road

Kenosha, WI 53144
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: Curt Czarnecki, Water Engineer

Date: February 16, 2012

Subject: Streamline Auto Body Shop

Location: 5725 5th Avenue

The Kenosha Water Utility (KWU) has reviewed the submittal for the above referenced project. Further information from the Developer is required before the Utility can complete this review. Please withhold all permits until the following information is submitted.

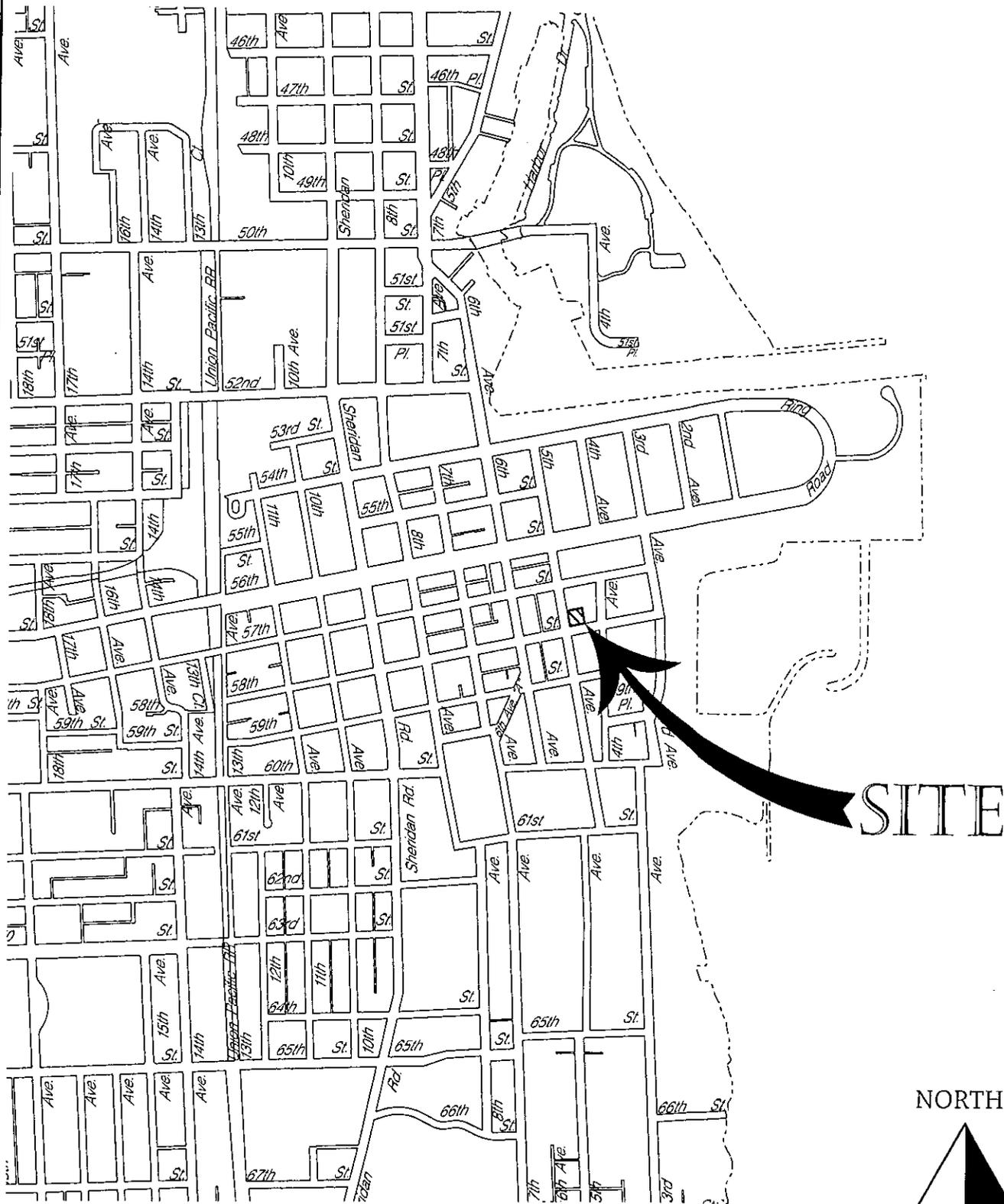
1. Please amend the operational plan to address the wastewater discharge aspect of the operations. If the anticipated wastewater discharge is in excess of the normal domestic strength wastewater a sampling manhole shall be required.

Please contact me with any questions or concerns you may have regarding these requirements.

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

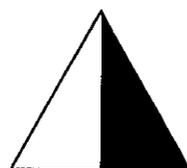
City of Kenosha

Vicinity Map Streamline Auto Body CUP



SITE

NORTH



0 1000'



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

MAILING INFORMATION

NAME OF PROJECT: STREAMLINE Auto

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

Name and Address of Applicant [Please print]:
Justin Guillaume Phone: 262-498-9699
2714 KENWOOD DR Fax: _____
RACINE WI 53403 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]:
Keith R. Mutwi Phone: _____
11735 2nd Fax: _____
Pleasant Prairie WI E-Mail: _____
53158

PROJECT LOCATION

Location of Development (street address and / or parcel number): 5725 5th AVE
KENOSHA WI 53142

TYPE OF LAND DEVELOPMENT

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

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

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

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

Department of Community Development & Inspections Planning Division 625 52nd Street, Room 308 Kenosha, WI 53140	Phone: 262.653.4030 Fax: 262.653.4045 Office Hours: M - F 8:00 am - 4:30 pm
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**SECTION 4
CONDITIONAL USE PERMIT**

Additional Information Required:	Building or Addition Square Footage: _____ Existing Building Size: <u>105 x 105</u> <u>7360 sq. ft.</u> Site Size: <u>105 x 105</u> Current # of Employees <u>0-1</u> Anticipated # of New Employees <u>6</u> Anticipated Value of Improvements _____																						
Submittal Requirements:	<ul style="list-style-type: none"> ➤ Ten (10) full size scaled copies of Specified Plans indicated below drawn at a standard engineering scale ➤ Developer Site Plan/Conditional Use Permit Checklist (Appendix A) 																						
If Item to be Reviewed by Plan Commission/Common Council must Submit:	<ul style="list-style-type: none"> ➤ One (1) 8 1/2" x 11" reduction <i>or</i> forty (40) 11" x 17" reductions of the Site/Landscape Plan, Floor Plan and Colored Building Elevations (all sides) ➤ Sample Board containing colored samples of all exterior building materials 																						
Fees:	<table border="1"> <tr><td>Level 1</td></tr> <tr><td>Level 2</td></tr> <tr><td>Level 3</td></tr> <tr><td>Level 4</td></tr> </table>	Level 1	Level 2	Level 3	Level 4	<table border="1"> <tr><th><u>Building or Addition Size</u></th></tr> <tr><td><= 10,000 sq. ft.</td></tr> <tr><td>10,001 - 50,000 sq. ft.</td></tr> <tr><td>50,001 - 100,000 sq. ft.</td></tr> <tr><td>> 100,001 sq. ft.</td></tr> </table>	<u>Building or Addition Size</u>	<= 10,000 sq. ft.	10,001 - 50,000 sq. ft.	50,001 - 100,000 sq. ft.	> 100,001 sq. ft.	<table border="1"> <tr><th><u>Site size</u></th></tr> <tr><td><= 1 acre</td></tr> <tr><td>1.01 - 10 acres</td></tr> <tr><td>10.01 - 25 acres</td></tr> <tr><td>> 25.01 acres</td></tr> </table>	<u>Site size</u>	<= 1 acre	1.01 - 10 acres	10.01 - 25 acres	> 25.01 acres	<table border="1"> <tr><th><u>Review Fee</u></th></tr> <tr><td>\$900 = City Plan Dept. <i>or</i> \$1,025 = CPC/CC</td></tr> <tr><td>\$1,175 = City Plan Dept. <i>or</i> \$1,300 = CPC/CC</td></tr> <tr><td>\$1,600 = City Plan Dept. <i>or</i> \$1,725 = CPC/CC</td></tr> <tr><td>\$2,000 = City Plan Dept. <i>or</i> \$2,125 = CPC/CC</td></tr> </table>	<u>Review Fee</u>	\$900 = City Plan Dept. <i>or</i> \$1,025 = CPC/CC	\$1,175 = City Plan Dept. <i>or</i> \$1,300 = CPC/CC	\$1,600 = City Plan Dept. <i>or</i> \$1,725 = CPC/CC	\$2,000 = City Plan Dept. <i>or</i> \$2,125 = CPC/CC
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<ul style="list-style-type: none"> ➤ If building size or addition and gross acreage of the site determine two (2) different fees, the greater of the two fees will be assessed. ➤ Application fee entitles applicant to an initial review and one re-submittal. ➤ Re-submittal fee = \$425 per re-submittal after two (2) permitted reviews. ➤ CUP Amendment = <u>50%</u> of the applicable fee as determined above. 																							
Appendices to Review:	<ul style="list-style-type: none"> ➤ All \$512.50 																						
Approximate Review Time:	<ul style="list-style-type: none"> ➤ 30 days for Staff Review ➤ 45-60 days for City Plan Commission/Common Council Review 																						
The conditional use permit plans, <i>prepared to a standard engineering scale</i> , shall be submitted with this application & shall include the following information:																							
Building Plan:	<ul style="list-style-type: none"> ➤ Layout of building(s) including size and layout of rooms ➤ Design and architecture ➤ Plans and details on fire suppression and/or standpipe ➤ Plans and details on fire detection, fire alarm and other safety devices 																						
Site Plan (based on a plat of survey)	<ul style="list-style-type: none"> ➤ Legal description of property ➤ Location and footprint of building(s) and structure(s) ➤ Locations of existing and proposed streets, drives, alleys, easements, rights-of-way, parking as required, vehicular and pedestrian access points, and sidewalks ➤ Outline of any development stages ➤ Location and details on any required emergency access roads ➤ A calculation of square footage devoted to building, paving and sidewalks, and landscaped/open space 																						
Drainage Plan	<ul style="list-style-type: none"> ➤ Existing topography, including spot elevations of existing buildings, structures, high points, and wet areas, with any previous flood elevations ➤ Floodplain boundaries, if applicable ➤ Soil characteristics, where applicable ➤ Proposed topography of the site denoting elevations and natural drainage after construction and any proposed stormwater retention areas 																						

2-8-2012

My name is Justin Guillaume. I am the owner and operator of Streamline Auto LLC. There are three main things that my business is set out to achieve: continue to build high end award winning cars, manufacture after market performance accessories and to bring more revenue and exposure to the down town area.

My passion for automobiles started at a young age of five when my father bought a 1972 pro-street Nova. Since then we have built many classic and custom cars. What started as a hobby has now turned into a career. After graduating college for electrical engineering and aviation maintenance as well as working in the field for some years, I was ready to go public.

After looking at multiple body shops, I have made the decision Keno Body and Paint was the location to offer a friendly and professional environment. I will start by leasing approximately 4,000 sq ft and then expanding to the other 3,000sq ft of the building. I believe since the building is still being used as a body shop that there should be no problem allowing body work and painting to continue. If everything goes as planned I intend to purchase the building and continue to bring new revenue to down town Kenosha.

My clientele mainly consists of middle age hard working individuals. They either have the car of their dreams or want me to find the car their father or grandfather once had to restore back to or better than factory conditions. Many of these clients will become lifetime customers who are confident in the work provided. So far I am grateful that my name and workmanship has allowed me to come this far with little advertisement.

With the work scheduled I plan to start with one full time and two part time employees. If my projections are true, by the end of 2012 there will be six full time employees not including myself. Employee parking will be located on the south side of the building which will not interfere with traffic. Also this will still allow customers to park in front of the building for estimates or to see the progress of their build.

In front of the shop you will not see crashed or junk cars, as you do at many body shops. You will see a few completed classic or custom cars by day. These cars will be parked indoors come night and no cars will be left outside. With many out of state families that come here during the summer to enjoy the lake front, I hope to engage their curiosity and to have them bring more revenue to Kenosha.

I will continue the up keep of the property as I have already been doing. I make sure the side walks and crossings are free of snow and ice. The building will continue to look as it does and there will be no changes to the site.

I hope that this will better your awareness of the business I would like to conduct. I hope to bring new people and to generate new business for the down town area.

50TH
Street

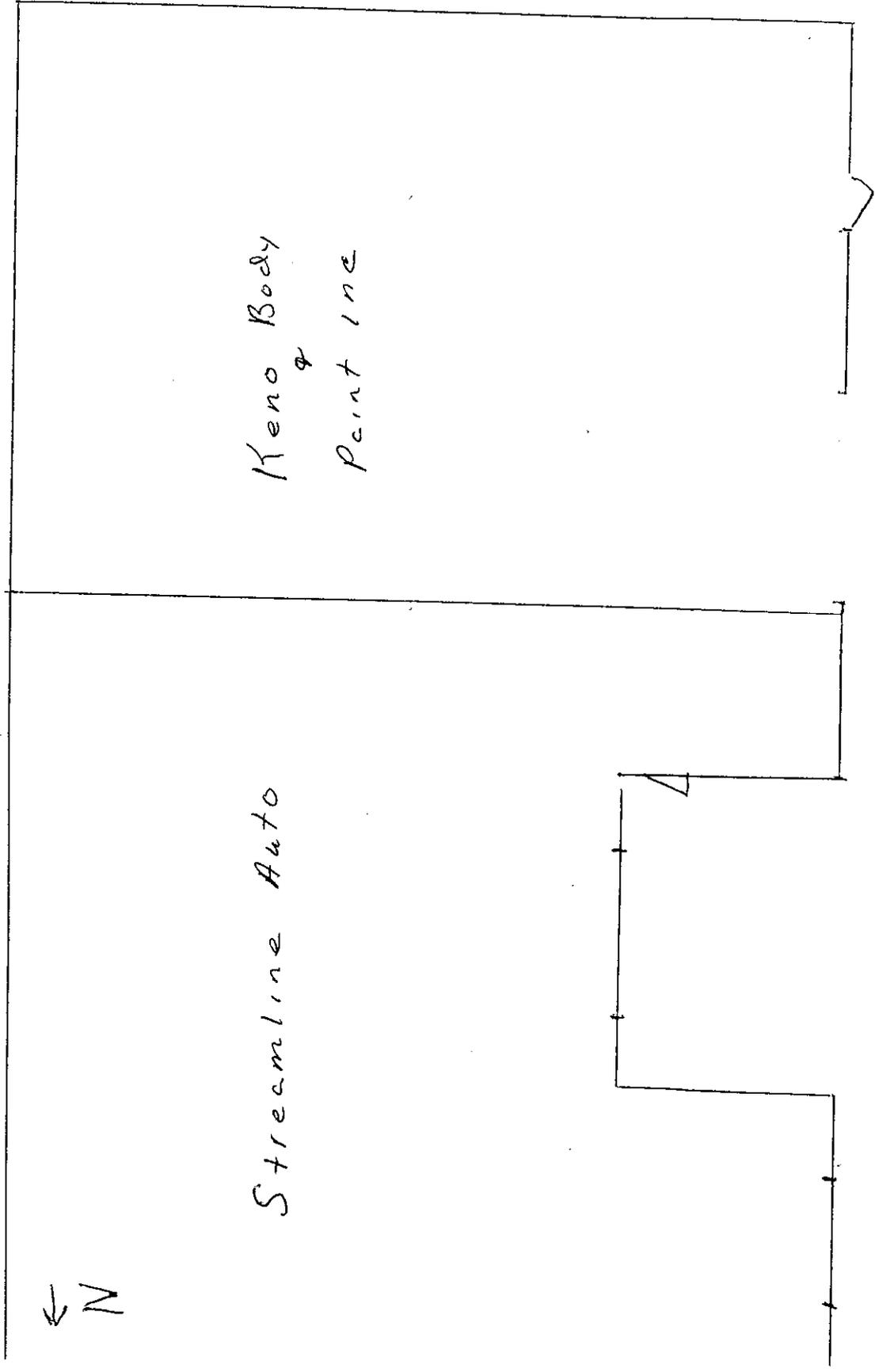
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N

Keno Body
&
Paint Inc

Streamline Auto

Parking

576 Ave



ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

Ordinances for the City of Kenosha.

g. Recycling-Center Material processing shall be limited to those means allowed to a Recycling Center licensee.

h. Collection center may be used as an accessory use to an established business.

i. A minimum of five (5) parking spaces shall be available for the recycling collection center.

j. Recyclable material shall be removed from the recycling collection center at least once a week.

k. Owner and/or operator of the recycling collection center shall keep the site clean and in a neat appearance and shall dispose of recyclable material and other litter from the site.

l. Sites adjacent to residential zones shall be screened in a manner acceptable to the Zoning Administrator.

m. 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.

10. Automobile Body Shop in the B-2 and B-3 Districts.

a. **Building Plan** as required in §4.05 B. of the Zoning Ordinance.

b. **Site Plan** as required in §4.05 C. of the Zoning Ordinance.

(1) Existing buildings and proposed additions or new structures.

(2) Customer and employee parking areas.

(3) Storage areas for autos and other motor vehicles, parts and trash.

(4) Existing and proposed screening and landscaping.

(5) Exterior lighting on buildings and poles.

(6) Outdoor signs.

c. **Drainage Plan** as required in §4.05 D. of the Zoning Ordinance.

d. **Landscape Plan** as required in §4.05 E. of the Zoning Ordinance.

e. **Utility Plan** as required in §4.05 F. of the Zoning Ordinance.

f. **Operational Plan** which describes:

(1) Hours and days of the proposed operation.

(2) Type and extent of work to be done on motor vehicles.

(3) How site will be used, especially vehicle storage.

(4) How often scrap parts will be picked up.

(5) Methods to be used to control noise, paint fumes, and dust.

(6) Name and address of body shop operator.

(7) Anticipated number of employees.

g. All repair and painting work shall be conducted wholly within a completely enclosed building.

h. All storage of vehicles, parts or equipment

which is adjacent to or across an alley from any residential district shall be within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened from the residential district, as required in §4.05 E.(2) of the Zoning Ordinance. The Commission may require additional screening or landscaping on any portion of the lot, regardless of the adjacent district, if special characteristics of the body shop warrant such additional screening or landscaping.

i. No activity shall produce a sound level outside its premises that exceeds the standards set forth in Chapter 23 "Noise Control" of the City Code of General Ordinances.

j. No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside the premises, nor shall any activity emit dust, fumes, vapors or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or other property, as measured and controlled by Chapters NR 400-494 "Air Pollution Control" of the Wisconsin Administrative Code.

k. All motor vehicles, or parts thereof, being worked on or stored shall meet the provisions of Chapter 7 "Traffic Regulations" of the City Code of General Ordinances and specifically those provisions of said Chapter regulating motor vehicle repairs.

l. The compatibility of the exterior appearance and proposed operation of the body shop with the surrounding commercial uses in the B-2 or B-3 Districts shall be considered by the Commission.

m. 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.

11. Automobile or Truck Wash in the B-2 and B-3 Districts.

a. **Building Plan** as required in §4.05 B. of the Zoning Ordinance, plus:

(1) Layout of building(s) design and architecture.

b. **Site Plan** as required in §4.05 (C) of the Zoning Ordinance, plus:

(1) Location and "footprint" of building(s) and structure(s), including vehicle washing units (bays), vacuum drying units, gas pumps, trash and waste storage areas, any outdoor signs, and exterior lighting.

(2) Location of existing and proposed streets, drives, alleys, easements, right-of-ways, and parking as required.

c. **Drainage Plan** as required in §4.05 D. of the Zoning Ordinance, plus:

(1) Proposed topography of the site denoting elevations and natural drainage after construction.

(2) Plans for snow and ice removal and control.

Planning & Zoning Division 625 52 nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	March 8, 2012	Item #2
Conditional Use Permit for a 1,920 s.f. restaurant with drive-thru to be located at 4028 75th Street. (Dunkin Donuts) (District #15 - formerly District #14) PUBLIC HEARING			

LOCATION/SURROUNDINGS:

Site: 4028 75th Street
 Zoned: B-2 Community Business District

NOTIFICATIONS/PROCEDURES:

The aldermen of the district, currently Alderman Orth and formerly Alderman Prozanski, have been notified. The Common Council is the final review authority.

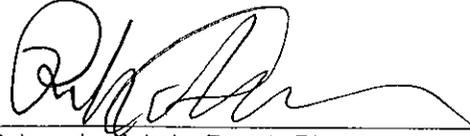
ANALYSIS:

- The applicant is proposing to purchase the site at 4028 75th Street, raze the existing building on the site (former Payless Shoe store) and construct a new 1,920 s.f. Dunkin Donuts building on the site. The new store would have a drive-thru.
- The proposed exterior materials are stone, fiber cement board and stucco. Staff recommends that stone material be included up to the top of the window line for the south, east and west elevations. The freezer/cooler in the rear of the building must be addressed with materials to be more compatible with the primary building.
- Staff has a concern with the full access point on 75th Street. The driveway is located just to the west of a full median in 75th Street. Left-in and left-out movements at this location could be difficult. Staff will be recommending that a traffic consultant review this drive access.
- The drive-thru lane, as proposed, conflicts with a few parking spaces on the site. The Ordinance requires a seventy-five (75') foot stacking distance. Staff has recommended some changes in the Conditions of Approval that will modify the parking layout, but will keep the building location the same.
- Plans were sent to City Departments. Their comments are included in the attached Conditions of Approval.
- The plans generally comply with Sections 4 and 14 of the Zoning Ordinance.

RECOMMENDATION:

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


 Brian R. Wilke, Development Coordinator


 Rich Schroeder, Interim Deputy Director

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 Raze, Erosion Control, Building, Plumbing, Electrical and Occupancy permits.
 - b. The applicant shall obtain Driveway, Sidewalk, Street Opening and Parking Lot permits 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, 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 building shall comply with the current Code standards in effect upon application for a building permit.
 - g. All roof top mechanicals shall be properly screened per Section 14.07 B.10 of the Zoning Ordinance.
 - h. All trash containers shall be stored within the enclosure. 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.
 - i. The applicant shall meet all applicable Conditions of Approval and obtain a building permit within six (6) months of Common Council approval of the Conditional Use Permit or the Conditional Use Permit shall be null and void.
 - j. Outdoor display of products is prohibited.

- k. All vehicles shall be parked within the designated paved areas.
 - l. All improvements, including landscaping, shall be maintained per the approved plans. Any damaged fencing, landscaping or building shall be replaced or reconstructed per the approved plans.
 - m. Cross access shall be provided to adjacent parcels if required at a future date by the City.
 - n. Compliance with the Operational Plan.
2. The following Conditions of Approval shall be satisfied with City Staff prior to the issuance of any construction permits.
- a. The Drainage Plan shall be revised and resubmitted for review and approval addressing comments listed in the Public Works memo dated February 14, 2012.
 - b. The Utility Plan shall be revised and resubmitted for review and approval addressing the comments listed in the Kenosha Water Utility Memo dated January 16, 2012.
 - c. Detail on the gates of the trash enclosure shall be submitted for review and approval. The gates must be constructed of wood or chain-link fencing with privacy slats.
 - d. The Landscape Plan shall be revised to show a six (6') foot tall wood or other site-obscuring fence along the north property line, with the westernmost fifteen (15') feet to be at a three (3') foot height to comply with the vision clearance triangle. The Landscape Plan shall also show a three (3') foot tall masonry or wrought-iron fence in the landscaped street yard area along 75th Street and 41st Avenue.
 - e. It appears the seventy-five (75') foot stacking distance interferes with the northernmost parking stall directly east of the building. Either remove this stall or shift the parking row south by reducing the landscaped island at the south end of the parking row. The stacking distance will also cause a problem with the northernmost four (4) parking stalls along the east edge of the site. Cars in these stalls will not be able to back out when other cars are in the drive-thru lane. Revise these four (4) parking stalls to be two (2) parking stalls angled at fifty (50°) degrees. Use the additional area south of the dumpster enclosure for landscaping.
 - f. The building elevations shall be revised to address the following items:
 - i. The stone material shall be included up to the top of the window line on the east, south and west elevations.
 - ii. The freezer/cooler in the rear of the building must be architecturally compatible with the building. A suggestion would be to clad the cooler with the fiber cement siding or construct a wall around the freezer/cooler with the fiber cement siding and a stone base.

- iii. The building elevations and building footprint on the Site Plan vary in several dimensions. Revise the building footprint to match the building elevation.

- g. The Site Plan (labeled as "Development Plan") is dimensioned at one hundred fifty-one (151') feet by one hundred forty-three (143') feet, but measures at one hundred forty-six (146') feet by one hundred forty-two (142') feet. The graphic scale on the page is also incorrect. It should read 1" = 10'. The plan page C-1 appears to be dimensioned correctly. Please explain the discrepancy.

- h. Clarify on the plans where the order is placed in the drive-thru lane. If it is at the "Unistructure Canopy Order Board", then the seventy-five (75') foot stacking distance shall be measured from the centerline of this structure, not the menu board.

- i. The Fire Prevention Bureau requests the following information:
 - i. Emergency and Exit illumination and placement.
 - ii. A fire extinguisher, including "K"extinguisher location.
 - iii. Information on Ansul systems and all fire protection systems as required per Code and Occupancy requirements.

- j. Submit an Operational Plan that complies with Chapter 4.03 A.3. of the Zoning Ordinance.

- k. The applicant's engineer or traffic consultant shall review the drive opening on 75th Street. Please provide a report on the projected traffic volume during peak hours making left-in and left-out movements from the 75th Street access. The City reserves the right, based on the results of this report, to require a restricted access of some kind to be constructed prior to issuance of an Occupancy Permit.



Engineering Division
 Michael M. Lemens, P.E.
 Director/City Engineer
Fleet Maintenance
 Mauro Lenci
 Superintendent

Street Division
 John H. Prijic
 Superintendent
Waste Division
 Rocky Bednar
 Superintendent
Park Division
 Jeff Warnock
 Superintendent

DEPARTMENT OF PUBLIC WORKS

Michael M. Lemens, P.E., Interim Director

Municipal Building · 625 52nd ST · RM 305 · Kenosha, WI 53140
 Telephone (262) 653-4050 · Fax (262) 653-4056

TO: Brian Wilke, Development Coordinator

FROM: Michael M. Lemens, P.E.
 Interim Director of Public Works

Shelly Billingsley, P.E.
 Assistant City Engineer-Storm Water Utility/Parks

[Handwritten signatures and dates]
 2-14-12
 2-14-12

DATE: February 14, 2012

SUBJECT: PLAN REVIEW COMMENTS

Project Description: Dunkin Donuts

Location: 4028 75th Street

Our staff has reviewed the plans for this project. The following comments are provided:

Parking Lot Ordinance Compliance	Sufficient	Deficient
Parking Lot Paved	X	
Standard Stall Width	X	
Parking Lot Layout	X	
Parking Lot Lighting Shown	X	
Parking Lot Lighting Adequate	X	
Handicapped Parking	X	
Driveway Locations	X	
Driveway Width	X	
Passing Blister or Accel/Decel Lanes		
Sidewalks Adequate		
Drive Thru Lane Design	X	

Public Streets	Sufficient	Deficient
Geometric Design		
Pavement Width		
Pavement Thickness Design		
Established Grades		
Plan Details		X
Sidewalks		
Street Lights		

Site Grading/Drainage	Sufficient	Deficient
Drainage Plan		X
Storm Sewer		X
Storm Water Detention		
Drainage Calculations		

Project Approval/Permits Needed	Yes	No
Project Approved for Permitting		X
Withhold Permits: See Comments		
Approve Footing/ Foundation Only (per condition)		
Parking Lot Permit Required	X	
Driveway Permits Required	X	
Sidewalk Permit Required	X	
Street Opening Permit Required	X	
State Permit Required		

Other Comments:

1. Proposed storm sewer design needs revision to not cut across 75th Street. There appears to an inlet on the northeast corner of 41st Avenue that can be used for a connection point.
2. Parking lot layout is sufficient.
3. Move the inlet in the south drive back away from the sidewalk and remove the dip in the sidewalk south of the proposed inlet.
4. A storm water management permit application will not be required.

MML:ekt

cc: Randy LeClaire
Bill Kohel
Tara Zerzanek

1Engineering Services

4401 Green Bay Road

Kenosha, WI 53144

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: Curt Czarnecki, Water Engineer
Date: January 16, 2012
Subject: Dunkin Donuts (Formerly Payless Shoes Site)
Location: 4028 75th Street

The Kenosha Water Utility (KWU) has reviewed the submittal for the above referenced project. Further information from the Developer is required before the Utility can complete this review. Please withhold all permits until the following information is submitted.

1. The proposed water meter size with a detail or diagram shall be provided.
2. A sewer connection fee based on the water meter size shall apply to this development. A credit shall be applied based on the previously installed ¾" water meter. The developer shall be responsible for the remaining balance, if applicable.
3. The contractor shall verify the size and location of the existing water service that is being connected to on 41st Avenue.
4. A 3C18 gage cable by Belden-M or approved equal shall be installed in ½" conduit through the exterior wall for the remote water meter reader. The remote reader to be field located by the KWU meter division. (Commercial applications to be installed by the developer)
5. Water services shall have a blue #12 locator wire installed along the entire length. The locator wire shall be brought to the surface in the curb box.
6. Minimum 6" sanitary sewer lateral from the main to the property line, PVC SDR-26 conforming to ASTM Standard D-3034 with rubber gasket joints shall be installed.
7. Sanitary sewer laterals shall have a green #12 locator wire installed along the entire length. The locator wire shall be brought to the surface at the edge of the building and enclosed in a curb box marked "sewer" on the cover.
8. All applications and fees for sanitary sewer and water must be completed and paid prior to connection to the sewer/water system.
9. Any utility work in the right-of-way and all sanitary sewer connections to be inspected by KWU. Notify KWU 48-hours in advance of connecting to the sewer.

Please contact me with any questions or concerns you may have regarding these requirements.

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

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

MAILING INFORMATION

NAME OF PROJECT: Dunkin Donuts - 75th St Kenosha, WI

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

Name and Address of Applicant (Please print):
MARK SCHNEIDER / ONE SOURCE CONSTRUCTION Phone: 262-784-1010
3065 N. 124 #202 Fax: 262-784-9083
BROOKFIELD WI 53005 E-Mail: MARKS@OSCONC.COM

Name and Address of Architect (Engineer) (Please print):
CRAIG DONZE / ONE SOURCE CONSULTING Phone: 414-462-9005
11805 W. HAMPTON AVE Fax: 414-462-9006
MILWAUKEE WI 53225 E-Mail: cdonze@onesourceconsult.com

Name and Address of Property Owner (if other than applicant) (Please print):
JOHN CLARK Phone: 612-578-5090
ZEE REALTY GROUP Fax: 414-755-0982
404 MAIN ST E-Mail: JCLARK@COVTOmanagement
WATER TOWN MA 02472

PROJECT LOCATION

Location of Development (street address and / or parcel number): 4028 75th ST.

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

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

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

Department of City Development
625 52nd Street, Room 308
Kenosha, WI 53140

Phone: 262.653.4030
Fax: 262.653.4045
Office Hours:
M - F 8:00 am - 4:30 pm

**SECTION 4
CONDITIONAL USE PERMIT**

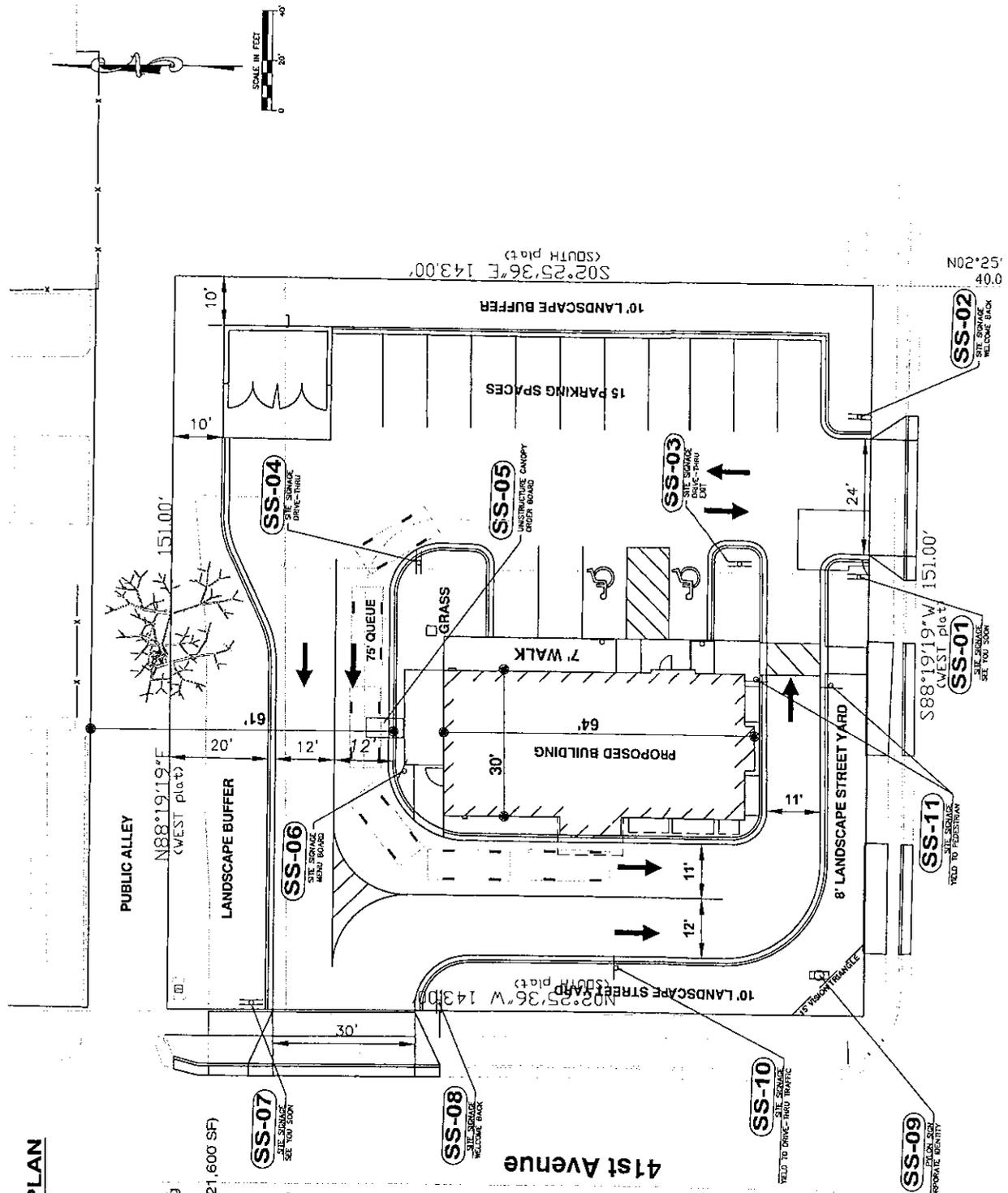
Additional Information Required:	Building or Addition Square Footage: <u>1920 SF</u> Existing Building Size: _____ Site Size: <u>.5 ac.</u> Current # of Employees <u>0</u> Anticipated # of New Employees <u>15</u> Anticipated Value of Improvements <u>\$ 600,000</u>			
Submittal Requirements:	<ul style="list-style-type: none"> ➤ Ten (10) full size scaled copies of Specified Plans indicated below drawn at a standard engineering scale ➤ Developer Site Plan/Conditional Use Permit Checklist (Appendix A) 			
If Item to be Reviewed by Plan Commission/Common Council must Submit:	<ul style="list-style-type: none"> ➤ One (1) 8 1/2" x 11" reduction <i>or</i> forty (40) 11" x 17" reductions of the Site/Landscape Plan, Floor Plan and Colored Building Elevations (all sides) ➤ Sample Board containing colored samples of all exterior building materials 			
Fees:	Level 1	Building or Addition Size <= 10,000 sq. ft.	Site size <= 1 acre	Review Fee \$900 = City Plan Dept. <i>or</i> \$1,025 = CPC/CC
	Level 2	10,001 - 50,000 sq. ft.	1.01 - 10 acres	\$1,175 = City Plan Dept. <i>or</i> \$1,300 = CPC/CC
	Level 3	50,001 - 100,000 sq. ft.	10.01 - 25 acres	\$1,600 = City Plan Dept. <i>or</i> \$1,725 = CPC/CC
	Level 4	> 100,001 sq. ft.	> 25.01 acres	\$2,000 = City Plan Dept. <i>or</i> \$2,125 = CPC/CC
	<ul style="list-style-type: none"> ➤ If building size or addition and gross acreage of the site determine two (2) different fees, the greater of the two fees will be assessed. ➤ Application fee entitles applicant to an initial review and one re-submittal. ➤ Re-submittal fee = \$425 per re-submittal after two (2) permitted reviews. ➤ CUP Amendment = 50% of the applicable fee as determined above. 			
Appendices to Review:	➤ All			
Approximate Review Time:	<ul style="list-style-type: none"> ➤ 30 days for Staff Review ➤ 45-60 days for City Plan Commission/Common Council Review 			
The conditional use permit plans, <i>prepared to a standard engineering scale</i> , shall be submitted with this application & shall include the following information:				
Building Plan:	<ul style="list-style-type: none"> ➤ Layout of building(s) including size and layout of rooms ➤ Design and architecture ➤ Plans and details on fire suppression and/or standpipe ➤ Plans and details on fire detection, fire alarm and other safety devices 			
Site Plan (based on a plat of survey)	<ul style="list-style-type: none"> ➤ Legal description of property ➤ Location and footprint of building(s) and structure(s) ➤ Locations of existing and proposed streets, drives, alleys, easements, rights-of-way, parking as required, vehicular and pedestrian access points, and sidewalks ➤ Outline of any development stages ➤ Location and details on any required emergency access roads ➤ A calculation of square footage devoted to building, paving and sidewalks, and landscaped/open space 			
Drainage Plan	<ul style="list-style-type: none"> ➤ Existing topography, including spot elevations of existing buildings, structures, high points, and wet areas, with any previous flood elevations ➤ Floodplain boundaries, if applicable ➤ Soil characteristics, where applicable ➤ Proposed topography of the site denoting elevations and natural drainage after construction and any proposed stormwater retention areas 			

DEVELOPMENT PLAN

Dunkin Donuts
 4028 75th Street
 SE 1/4 of Sec 2, T1N, R22E
 City of Kenosha, WI

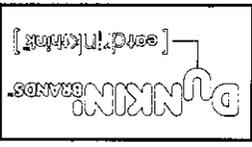
Single Tenant Retail Building
 1,934 SF Gross Floor Area
 Net Buildable Area: 0.5 Ac (21,600 SF)

FEBRUARY 28, 2012



One Source Consulting

Construction Method (Viva Sustainable) Civil Engineers
 11805 W. HAMPTON AVE
 MILWAUKEE, WI 53225
 (414) 462-9005
 (414) 462-9006 (FAX)
 www.onesourceconsulting.com



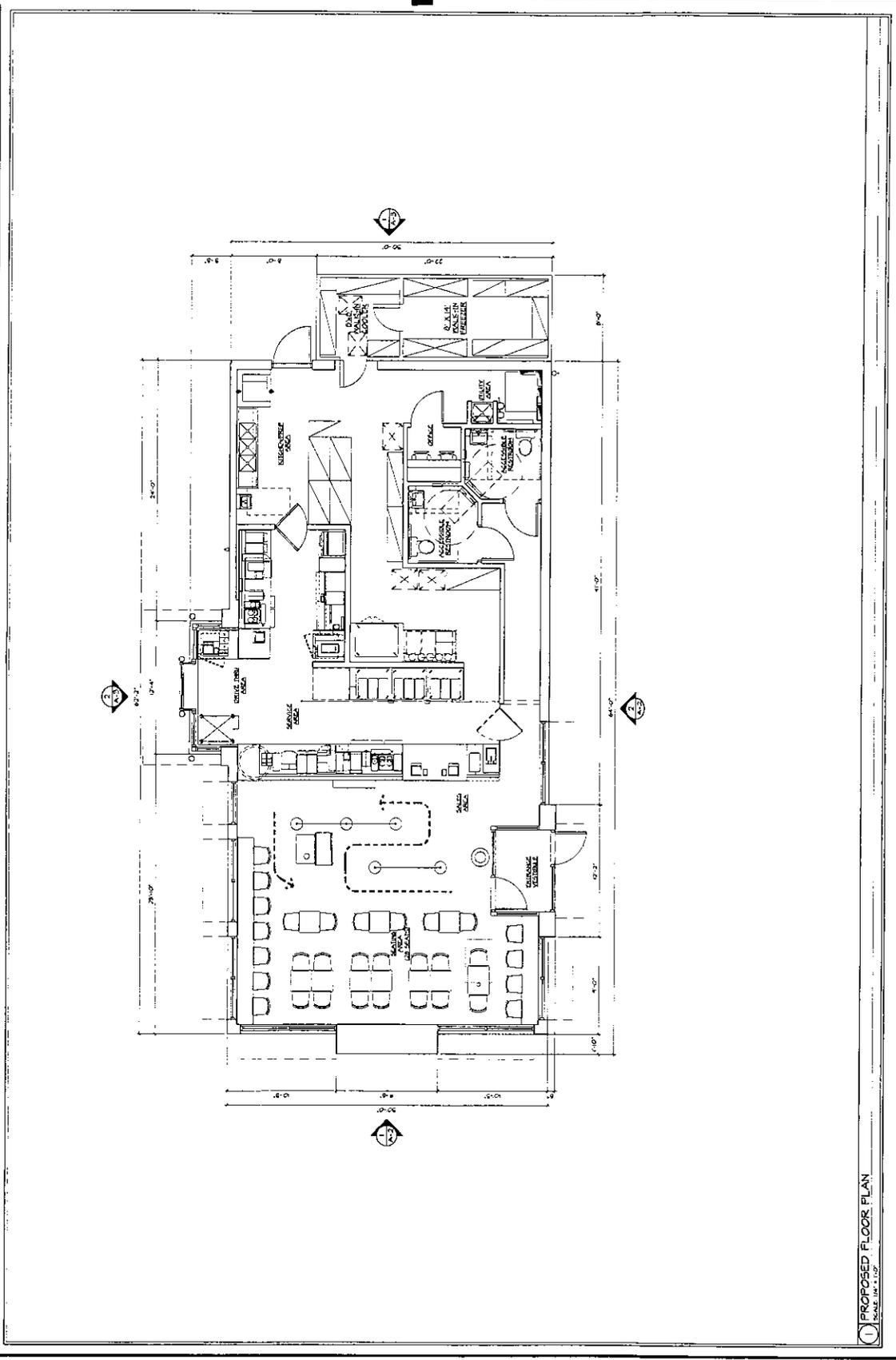
gka
ARCHITECTS P.C.
Gary Kliesch and Associate Architects
36 Ames Avenue
Rutherford, NJ 07070
Tel: 201.852.6232
Fax: 201.852.9550
E-Mail: Etk@gkacorp.biz



PROPOSED SECOND FLOOR FOR
DUNKIN' DONUTS
36 AMES AVENUE
4022 15TH STREET
CITY OF KENSHA, MD
CORNERS OF 48th AVENUE

PROPOSED FLOOR PLAN
Drawing Title

Sheet No.	122512
Drawing No.	02K
Client/Project No.	C.P.
Date	11-27-14
Scale	AS SHOWN



Sheet No.	122512
Drawing No.	02K
Client/Project No.	C.P.
Date	11-27-14
Scale	AS SHOWN



FEATURES & SPECIFICATIONS

INTENDED USE – Ideal for parking areas, street lighting, walkways and car lots.

CONSTRUCTION – Rugged, die-cast, soft corner aluminum housing with 0.12" nominal wall thickness. Die-cast door frame has impact-resistant, tempered, glass lens that is fully gasketed with one-piece tubular silicone.

Finish: Standard finish is dark bronze (DDB) polyester powder finish, with other architectural colors available.

OPTICS – Anodized, aluminum reflectors: IES full cutoff distributions R2 (asymmetric), R3 (asymmetric), R4 (forward throw) and RSS (square) are interchangeable. High-performance anodized, segmented aluminum reflectors IES full cutoff distributions SR2 (asymmetric), SR3 (asymmetric) and SR4SC (forward throw, sharp cutoff). High-performance reflectors attach with tool-less fasteners and are rotatable and interchangeable.

ELECTRICAL – Ballast: High pressure sodium: 70-150W is high reactance, high power factor. Constant wattage autotransformer for 200-400W. Metal halide: 70-150W is high reactance, high power factor and is standard with pulse-start ignitor technology. "SCWA" not required. Constant wattage autotransformer for 175-400W. SuperCWA (pulse start ballast), 88% efficient and EISA legislation compliant, is required for metal halide 151-400W (SCWA option) for US shipments only. CSA, NOM or INTL required for probe start shipments outside of the US. Pulse-start ballast (SCWA) required for 200W, 320W, or 350W. Ballast is 100% factory-tested.

Socket: Porcelain, horizontally oriented medium base socket for 70-150M. Mogul base socket for 175M and above, and 70-400S, with copper alloy, nickel-plated screw shell and center contact. UL listed 1500W, 600V.

LISTINGS – UL Listed (standard). CSA Certified (see Options). UL listed for 25°C ambient and wet locations. IP65 rated in accordance with standard IEC 529.

Specifications subject to change without notice.

Catalog Number **KAD**
250M SR4SC TB SCWA SPD 04

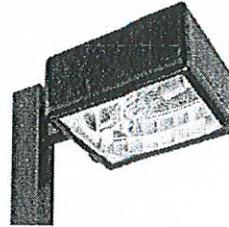
Notes
DUNKIN DONUTS KENOSHA

Type
OA

CONTOUR
SERIES

Soft Square Lighting

KAD



Specifications

EPA: 1.2 ft.²

*Weight: 35.9 lbs (16.28 kg)

Length: 17-1/2" (44.5)

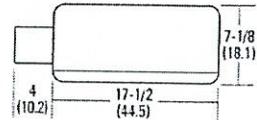
Width: 17-1/2" (44.5)

Depth: 7-1/8" (18.1)

All dimensions are inches (centimeters) unless otherwise specified.

*Weight as configured in example below.

METAL HALIDE: 70-400W
HIGH PRESSURE SODIUM: 70-400W
20' TO 35' MOUNTING



ORDERING INFORMATION For shortest lead times, configure product using **bolded options**.

Example: **KAD 400M R3 TB SCWA SPD04 LPI**

KAD	250M	SR4SC	TB	SCWA	SPD 04																																																																	
Series	Wattage	Distribution	Voltage	Ballast	Mounting¹²																																																																	
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Options	Shipped installed in fixture	Shipped separately ¹³	Finish ¹⁶	LPI
SF Single fuse (120, 277, 347V) ¹⁴	QRSTD QRS time delay ¹²	HS House side shield	(blank) Dark bronze	LPI Lamp included
DF Double fuse (208, 240, 480V) ¹⁴	WTB Terminal wiring block ¹⁷	PE1 NEMA twist-lock PE (120, 208, 240V)	DWH White	L/LP Less lamp
PD Power tray ¹⁷	CSA CSA Certified	PE3 NEMA twist-lock PE (347V)	DBL Black	
PER NEMA twist-lock receptacle only (no photocontrol)	INTL Available MH for probe start shipping outside the U.S.	PE4 NEMA twist-lock PE (480V)	DMB Medium bronze	
QRS Quartz restrrike system ¹⁸	REGC1 California Title 20, effective 1/1/2010	PE7 NEMA twist-lock PE (277V)	DNA Natural aluminum	
		SC Shorting cap for PER option		
		VG Vandal guard ¹⁹		
		WG Wire guard ¹⁹		

Notes

- Not available with SCWA.
- Not available with 480V.
- These wattages do not comply with California Title 20 regulations.
- Must be ordered with SCWA.
- These wattages require the REGC1 option to be chosen for shipments into California for Title 20 compliance. 250M REGC1 is not available in 347 or 480V.
- Reduced jacket EODB required for SR2, SR3 and SR4SC optics.
- House-side shield available.
- High performance reflectors not available with QRSTD.
- Must specify CWI for use in Canada.
- Optional multi-throw ballast (120, 208, 240, 277V; in Canada: 120, 277, 347V).
- Consult factory for available wattages.
- 12' arm is required when two or more luminaires are oriented on a 90° drilling pattern.
- May be ordered as an accessory.
- Must specify finish when ordered as an accessory.
- Available with SPD04 and SPD09.
- Must specify voltage, N/A with TB.
- Only available with SR2, SR3 and SR4SC optics.
- Max allowable wattage lamp included.
- Prefix with RAD when ordered as an accessory.
- See www.lithonia.com/architects for additional color options.
- Must be specified. L/LP not available with MHC.
- Must use 6P900.

Accessories: Tenon Mounting Slipfitter (RPxx required.)
Order as separate catalog number. Must be used with pole mounting.

Tenon O.D.	Number of fixtures					
	One	Two @ 180°	Two @ 90°	Three @ 120°	Three @ 90°	Four @ 90°
2-3/8"	T20-190	T20-280	T20-290 ²¹	T20-320 ²¹	T20-390 ²¹	T20-490 ²¹
2-7/8"	T25-190	T25-280	T25-290 ²¹	T25-320	T25-390 ²¹	T25-490 ²¹
4"	T35-190	T35-280	T35-290 ²¹	T35-320	T35-390 ²¹	T35-490 ²¹

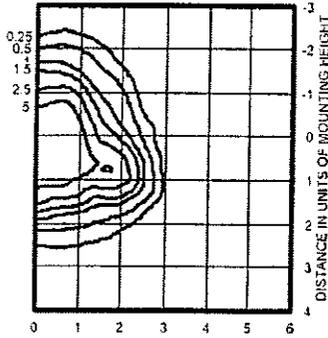
OUTDOOR

KAD-M-S

KAD Metal Halide, Arm-mounted Soft Square Cutoff

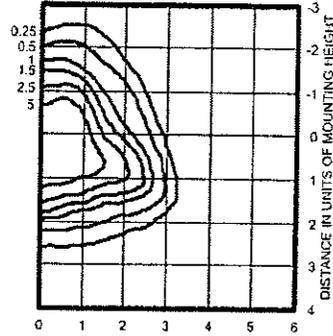
Coefficient of Utilization _____
 Initial Footcandles _____

KAD 400M R2 Test no. 1193083101P
ISOILLUMINANCE PLOT (Footcandle)



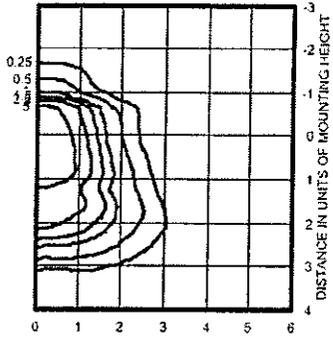
400W pulse start metal halide lamp, rated 38,000 lumens. Footcandle values based on 20' mounting height.
 Classification: Type II, Short, Full Cutoff

KAD 400M R3 Test no. 1192040902P
ISOILLUMINANCE PLOT (Footcandle)



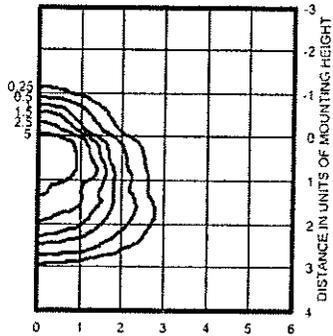
400W pulse start metal halide lamp, rated 38,000 lumens. Footcandle values based on 20' mounting height.
 Classification: Type II, Short, Full Cutoff

KAD 400M R4 Test no. 119110101P
ISOILLUMINANCE PLOT (Footcandle)



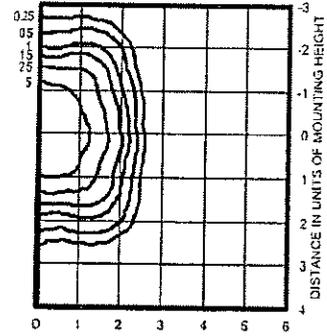
400W pulse start metal halide lamp, rated 38,000 lumens. Footcandle values based on 20' mounting height.
 Classification: Unclassified (Type III, Very Short), Full Cutoff

KAD 400M R4HS Test no. 1192061101P
ISOILLUMINANCE PLOT (Footcandle)



400W pulse start metal halide lamp, rated 38,000 lumens. Footcandle values based on 20' mounting height.
 Classification: Unclassified (Type III, Very Short), Full

KAD 400M R5S Test no. 1194040801P
ISOILLUMINANCE PLOT (Footcandle)



400W pulse start metal halide lamp, rated 38,000 lumens. Footcandle values based on 20' mounting height.
 Classification: Unclassified (Type NC, Very Short), Full Cutoff

Notes

1. Photometric data for other distributions can be accessed at www.lithonia.com.
2. Tested to current IES and IESNA standards under stabilized laboratory conditions. Various operating factors can cause differences between laboratory data and actual field measurements. Dimensions and specifications on this sheet are based on the most current available data and are subject to change without notice.
3. For electrical characteristics, consult outdoor technical data specification sheets on www.lithonia.com.

Mounting Height Correction Factor

(Multiply the fc level by the correction factor)
 25 ft = 0.64
 35 ft = 0.32
 40 ft = 0.25

$$\left(\frac{\text{Existing Mounting Height}}{\text{New Mounting Height}} \right)^2 = \text{Correction Factor}$$



KAD-M-3

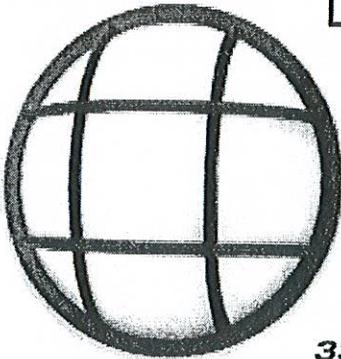
On-The-Wall
Impact Resistant

DD Kenosha



322 Series

New Look!



-5
Black

335 Series



-1
White



Wall Only



Standard Specifications

- Housing** | White Aluminum Pan
- Lens** | Impact Resistant Polycarbonate (Specify Finish)
- Ballast** | UV Stabilized Frosted Polycarbonate
- Lamp(s)** | i 120 Volt/60Hz Magnetic NPF
ii 120 Volt/60Hz Electronic NPF
- UL Label** | Lamp(s) Included
† Wet Location Listed

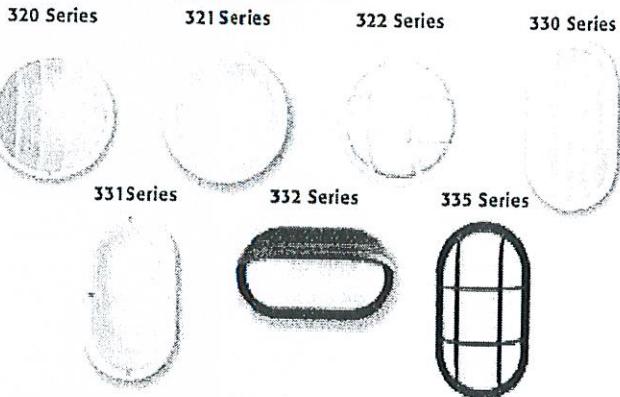
Custom Option Specifications

- Hb** | High Power Factor (120 Volt Only)
- 277** | Not Available
- FF** | Flicker Free 13W (27K) Lamp(s)
- Cx** | Custom Wattage
- PE** | Photocell (120 Volt Only)
- 27K** | 27K Bulb
- 35K** | 35K Bulb
- 41K** | 41K Bulb
- 50K** | 50K Bulb
- 65K** | 65K Bulb
- NL** | No Lamps

Replacement Parts

- LENS-3206** | Replacement Frosted Lens (320, 321 Series)
- LENS-3306** | Replacement Frosted Lens (330, 331, 332 Series)

Lens Configurations



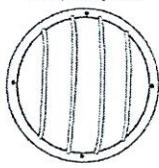
330/331/332/335



26, 18QE, 26QE,
32TT, 213QE

Height 10.0"
Width 5.0"
Depth 5.0"

320/321/322



26QE, 32TT, 36QE,
52QE, 213QE

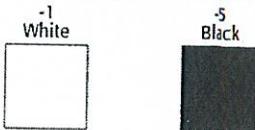
Diameter 10.0"
Depth 5.0"

Height 10.0"
Width 5.0"

Diameter 10.0"
Depth 4.25"

Depth 4.0"

Available Finishes



Product Family	Lens Type	Finish	Wattage	Options*
332	6	5	26QE 35K	
320 Cage Round 321 Ring Round 322 Grid Round 330 Cage Oval 331 Ring Oval	6 - Frosted Polycarbonate 332 Eyelet 335 Grid Oval	1 - White 5 - Black	Round 9 - (1) 9 Watt Twin Tube (i) INC - Incandescent 75 Watt Max* 13 - (1) 13 Watt Twin Tube (i) 13QE - (1) 13 Watt Quad (ii) 18 - (2) 9 Watt Quad (ii) 18QE - (1) 18 Watt Quad (ii) 26 - (2) 13 Watt Twin Tube (i) 26QE - (1) 26 Watt Quad (ii) 32TT - (1) 32 Watt Triple (ii) 36QE - (2) 18 Watt Quad (ii) 52QE - (2) 26 Watt Quad (ii) 213QE - (2) 13 Watt Quad (ii)	Hb - High Power* Factor FF - Flicker Free* Lamps PE - Photocell (120 Volt Only)
13 - (1) 13 Watt Twin Tube (i) INC - Incandescent 60 Watt Max* 13 - (1) 13 Watt Twin Tube (i) 13QE - (1) 13 Watt Quad (ii) 18 - (2) 9 Watt Quad (ii)			Oval 18QE - (1) 18 Watt Quad (ii) 26 - (2) 13 Watt Twin Tube (i) 26QE - (1) 26 Watt Quad (ii) 32TT - (1) 32 Watt Triple (ii) 213QE - (2) 13 Watt Quad (ii)	

www.inconlighting.com

ADA Compliant
†-UL Wet Location Listed

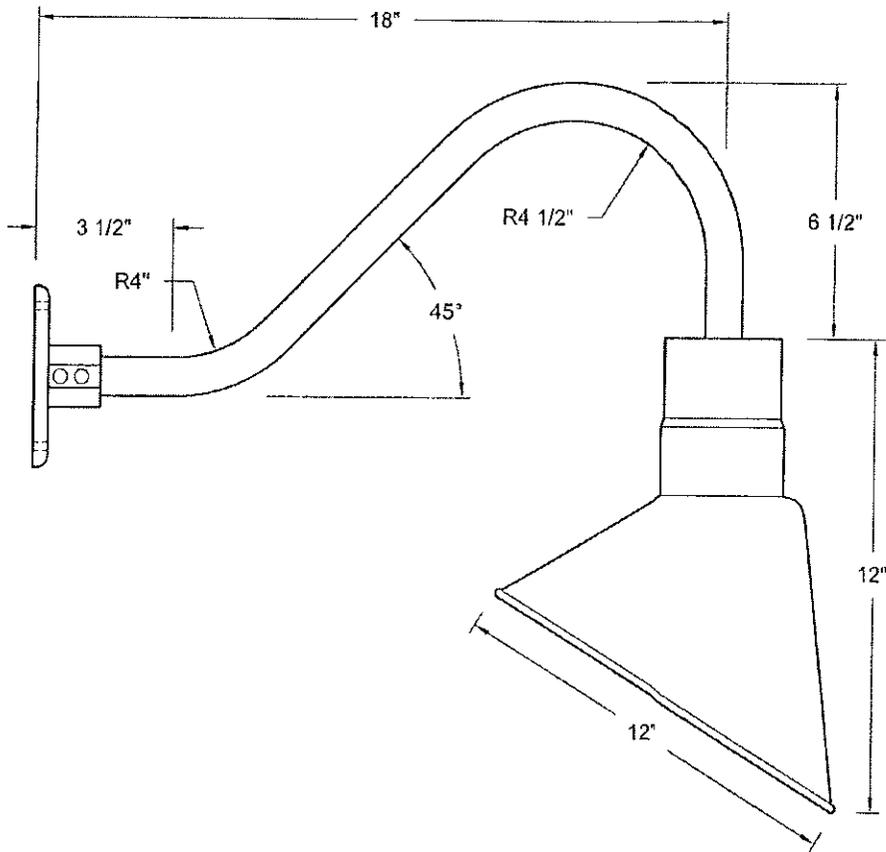
*Not available in all wattages, please call factory.
†Additional lead times may apply.
‡Bulb not included.



HI-LITE MFG. CO., INC.

13450 Monte Vista Avenue
Chino, California 91710
Telephone: (909) 465-1999
Toll Free: (800) 465-0211
Fax: (909) 465-0907
www.hilitemfg.com

Job Name:	DD Kenosha
Type:	WSCX-1
Quantity:	?



Item Number	Wattage	Voltage
H-18A18-19/5LMOD	8W	120V

Material
Aluminum

Lamp/Socket
1- 8W LED MEDIUM BASE

Finish
119 - Bronze

Mounting
Wall Mount

Planning & Zoning Division 625 52 nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	March 8, 2012	Item #3
By Alderperson Eric Haugaard - To Repeal and Recreate Section 3.03 F. of the Zoning Ordinance for the City of Kenosha entitled Accessory Building Exemptions for Residential Property. PUBLIC HEARING			

LOCATION/SURROUNDINGS:

City - Wide

NOTIFICATIONS/PROCEDURES:

This item requires approval by the Common Council.

ANALYSIS:

- Single-family accessory buildings are currently limited to a height of sixteen (16') feet.
- The proposed Ordinance would allow the Common Council to grant a Special Exception to the height of the building if certain criteria, as detailed in the existing Ordinance, are met.
- The height cannot exceed twenty-five (25') feet or the height of the principal building.
- The property owners within one hundred (100') feet have been notified of this request and the public hearing.

RECOMMENDATION:

For Commission review and recommendation.



Rich Schroeder, Interim Deputy Director

ORDINANCE NO. _____

SPONSOR: ALDERPERSON ERIC HAUGAARD
CO-SPONSOR: ALDERPERSON ROCCO J. LAMACCHIA, SR.

**TO REPEAL AND RECREATE SECTION 3.03 F. OF
THE ZONING ORDINANCE FOR THE CITY OF KENOSHA
ENTITLED ACCESSORY BUILDING EXEMPTIONS FOR
RESIDENTIAL PROPERTY.**

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

Section One: Section 3.03 F. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

F. Special Exceptions – Residential Accessory Building or Structures. A Special Exception from the eight hundred forty square foot limitation of Subparagraph 3.03 D.4.d. or the height restrictions for an accessory building or structure may be granted where such Special Exception(s) will not be contrary to the spirit and purpose of this Ordinance.

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

ORDINANCE NO. _____

SPONSOR: ALDERPERSON ERIC HAUGAARD
CO-SPONSOR: ALDERPERSON ROCCO J. LAMACCHIA, SR.

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APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
MATTHEW A. KNIGHT
Deputy City Attorney

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

accessory front yard, provided that the accessory front yard is not reduced to a dimension less than one-half (1/2) the lot depth or less than the required principal front yard, provided the other accessory yards are maintained and provided the building or structure does not exceed twenty-four (24') feet in depth.

c. Lot widths of less than forty (40') feet shall have a minimum street side yard setback of eighteen (18') feet, provided the two (2') foot minimum side yard setback is maintained for accessory buildings.

d. Accessory Building Size Limitations for Residentially Zoned Properties. The total ground area covered by all accessory buildings associated with one and two family residential properties shall not exceed fifteen (15%) percent of the lot area or eight hundred forty (840) square feet, whichever is less. In no case shall a detached covered accessory structure within the RS-3, RG-1 or RG-2 Districts have a larger footprint than the footprint of the principal building. Furthermore, an attached accessory structure within the RS-3, RG-1 or RG-2 Districts shall not have a larger footprint than the footprint of the living area of the principal building. The total ground area covered by all accessory buildings in multifamily residential developments shall not exceed fifteen (15%) percent of the lot area, unless approved under a Conditional Use Permit.

5. Decks. A deck shall not be closer than five (5') feet to an interior side property line, nor closer than fifteen (15') feet to a rear property line.

6. Nonconforming Buildings and Structures. Buildings or structures which were nonconforming as to yard requirements, and which continue to be nonconforming as to yard requirements established by this Ordinance, shall continue to be considered nonconforming and shall not be entitled to the yard exceptions outlined in this Section. Repairs, alterations and additions are permitted to nonconforming buildings and structures as provided in **Section 7.0** of this Ordinance.

E. Building Height Exceptions.

1. Single Family Residences. Single family residences in the RR-1, RR-2, RR-3, Rs-1, Rs-2, Rs-3 and Rg-1 Districts may be increased in height by not more than ten (10') feet above the district height limit when interior side yards are increased to a minimum fifteen (15') feet provided that such residences shall not exceed forty-five (45') feet in height.

2. Antennas. Television and radio receiving

antennas, used exclusively for a residence, may be erected to a height which exceeds the height limit established for any residential district, but in no instance may exceed forty-five (45') feet in height.

3. Secondary Religious Facilities.

Accessory secondary religious facilities servicing a religious institution located in a residential district may be erected to a height which exceeds the accessory building height limit established for the district, but shall not exceed the principal building height limit established for the district.

F. Special Exceptions - Residential Accessory Building or Structures. A Special Exception from the eight hundred forty square foot limitation of Subparagraph 3.03 D.4.d. may be granted where such Special Exception will not be contrary to the spirit and purpose of this Ordinance.

1. Exemption Criteria - A Special Exception shall meet the following criteria:

a. The architectural appearance and functional design of the building or structure and site shall not be so dissimilar to the existing principal buildings and area so as to cause impairment of property values or a blighting influence. All sides of the principal and accessory buildings or structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.

b. Relief cannot be contrary to covenants associated with the subject property.

c. For all residential districts, a maximum of two accessory buildings, structures or combination building and structure shall be permitted.

d. No accessory building or structure shall exceed the height of the principal building. However, in no case shall such accessory building or structure exceed twenty-five feet (25') in height in any residential district.

e. Accessory buildings or structures may be permitted as accessory uses in residential areas subject to the following: in residential districts, the maximum square footage of all accessory buildings or structures cannot exceed one thousand square feet (1,000 sq. ft.). In no case shall the total square footage of all detached covered accessory buildings and/or structures have a footprint larger than 80% of the footprint of the principal building's first floor livable space.

f. Doors shall not exceed nine feet (9') in height.

g. No negative impacts on stormwater runoff. A grading plan may be required.

h. Utilizing the list of surrounding property owners, within one hundred feet (100') of subject property, the Administrator shall mail to all such listed property owners, by regular mail, a copy of

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

the public notice for the proposed appeal or application. It shall be sufficient that such written notice is addressed to such owner at the address stated on said roll. If no owner is stated on the tax roll, or no address appears thereon, the written notice to such property shall not be required. Failure of a property owner to receive said notice shall not invalidate any action taken by the Common Council.

2. Additionally, in consideration of a Special Exception request, the City may impose additional conditions to protect the best interests of the surrounding area or the City as a whole. Violation of any such condition is a violation of this Section and Ordinance. Additional conditions imposed may include, but are not limited to the following:

a. Require the use of trim, lighting or other additional architectural detail to soften the impact of the bulk and height of the proposed structure(s) or building(s).

b. Require the visibility of the accessory building(s) or structure(s) be minimized as viewed from adjacent lots and rights of way through the use of topography, increased setbacks, fencing, or existing or proposed vegetative landscaping.

c. Require garage door openings are placed so as to reduce their visibility from adjacent lots and rights-of-way.

d. Require the accessory building(s) or structure(s) be reasonably compatible with the architectural detail of the principal structure. The applicant holds the burden of proving the proposed building(s) or structure(s) are reasonably compatible with the architectural detail of the principal structure.

e. Require the use of the same or similar window and exterior door proportion and type, as the principal building, to soften the impact of the bulk and height of the proposed structure(s).

f. Require general compatibility with adjacent and other property in the district.

3. **Application Procedure.** Any application for a Special Exception shall be submitted on forms provided by the Zoning Administrator. The application must be filed with the Zoning Administrator. In order to be accepted for filing, the application must be accompanied by a receipt from the Department of Neighborhood Services and Inspections indicating payment of the \$500.00 application fee. The Zoning Administrator or designee thereof, shall prepare a written report and make a recommendation to the Committee on Public Safety and Welfare, said report and recommendation shall be submitted within thirty (30) days of receipt of the application. At its next regularly scheduled meeting, the Committee shall recommend to the Common Council either the granting or denial of the application. The Common

Council, within sixty (60) days of receipt of the application, shall grant or deny a Special Exception after conducting a public hearing.

G. Home Occupations.

1. **Purpose.** It is the intent of this Section to permit home occupations in any residential dwelling, provided such uses conform to the standards and conditions set forth in this Section. Custom and tradition are intentionally excluded as criteria. In general, a home occupation is an accessory use so located and conducted that the average neighbor would not be aware of said use other than for a name plate as herein permitted. The standards and conditions for home occupations in this Section are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood.

2. **Definition. "Home Occupation"** means any business profession, trade or employment conducted in a person's residential dwelling which may involve that person's immediate family and/or household who reside in that residential dwelling and a maximum of one (1) other unrelated person at any one (1) time, but does not include a business involving:

a. Explosives, fireworks, or repair of motor vehicles; or,

b. More than twenty-five (25%) percent of the habitable floor area of the dwelling.

3. **Standards for Home Occupations.** Home occupations are permitted accessory uses in a residential dwelling only when said use:

a. Is not detrimental to the public health, safety and welfare;

b. Will not impair the basic character of the residential district;

c. Will not cause, create, or result in noxious or unpleasant loud noises;

d. Will not create greater risk of disease, fire, explosion, or other hazard than that which is common to a residential neighborhood;

e. Will not involve the permanent or temporary piling or storing of any goods, merchandise, filled or empty containers, tools, or equipment about the exterior of said premises;

f. Will not involve the parking of construction equipment on or about the property; and,

g. Will not cause parking or traffic congestion in the vicinity.

4. **Necessary Conditions.** Home occupations are permitted accessory uses in residential districts only so long as all of the following conditions are observed:

Planning & Zoning Division 625 52 nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	March 8, 2012	Item #4
Request for a Special Exception to the spacing requirements under Section 3.12 E.2. of the Zoning Ordinance for a Class "A" Beer and a "Class A" liquor license at 7944 Sheridan Road. (Cellar Door Wine, Beer & Liquor) (District #12 - formerly District #3) PUBLIC HEARING			

LOCATION/SURROUNDINGS:

Site: 7944 Sheridan Road
 Zoned: B-2 Community Business

NOTIFICATIONS/PROCEDURES:

The aldermen of the district, currently Alderman Bostrom and formerly Alderman Michalski, have been notified. This item will also be reviewed by the Common Council.

ANALYSIS:

- The applicant has applied for a Class "A" beer license and a "Class A" liquor license.
- Per Section 3.12 E.2. of the Zoning Ordinance no Class "A" license shall be within 2,640 feet of another existing Class A facility and no "Class A" license should be within 5,280 feet of another licensed "Class A" facility, unless an exception is granted by the Common Council.
- Criteria for evaluating the exception is detailed in Section 3.12 E.2.d.(2) of the Zoning Ordinance.
- The proposed location is within 2,640 feet of one (1) other Class "A" location.
- The proposed location is within 5,280 feet of three (3) existing "Class A" locations.
- The Common Council can grant both, one or neither exception.
- The applicant must still obtain a separate liquor license from the Common Council for any exception granted.

RECOMMENDATION:

For Commission review and recommendation.


 Rich Schroeder, Interim Deputy Director

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



CITY PLAN
 REAL ESTATE
 HISTORIC PRESERVATION
 COMMUNITY DEVELOPMENT BLOCK GRANT
 REDEVELOPMENT

JEFFREY B. LABAHN
 Interim Director

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

Business Name	Cellar Door Wine, Beer & Liqueur
Business Address	7944 Sheridan RD Parcel 3
	Kenosha, WI - 53143
Applicant Name	Himmat S. Gill
Applicant Address	6635 Altamont Cir Racine, WI - 53406
Applicant phone number	(414) 526-2941
Applicant email	
Type of License Applying for:	
	Class "A" X
	"Class A" X

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

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

- FOR STAFF USE ONLY -

Date Filed 2-27-12
 City Plan Commission Hearing Date 3-8-12
 Common Council Hearing Date 3-19-12

A. Whether the proposed development will have a substantial positive impact upon the surrounding properties, neighborhood within 5280 feet of the development and the City of Kenosha.

The proposed development will have a substantial positive impact by increasing the number of shoppers in the area. The increase of shoppers will lead to an increase in revenue for other developments in the surrounding properties.

B. Whether the proposed development will have a significant, positive influence on the City economy.

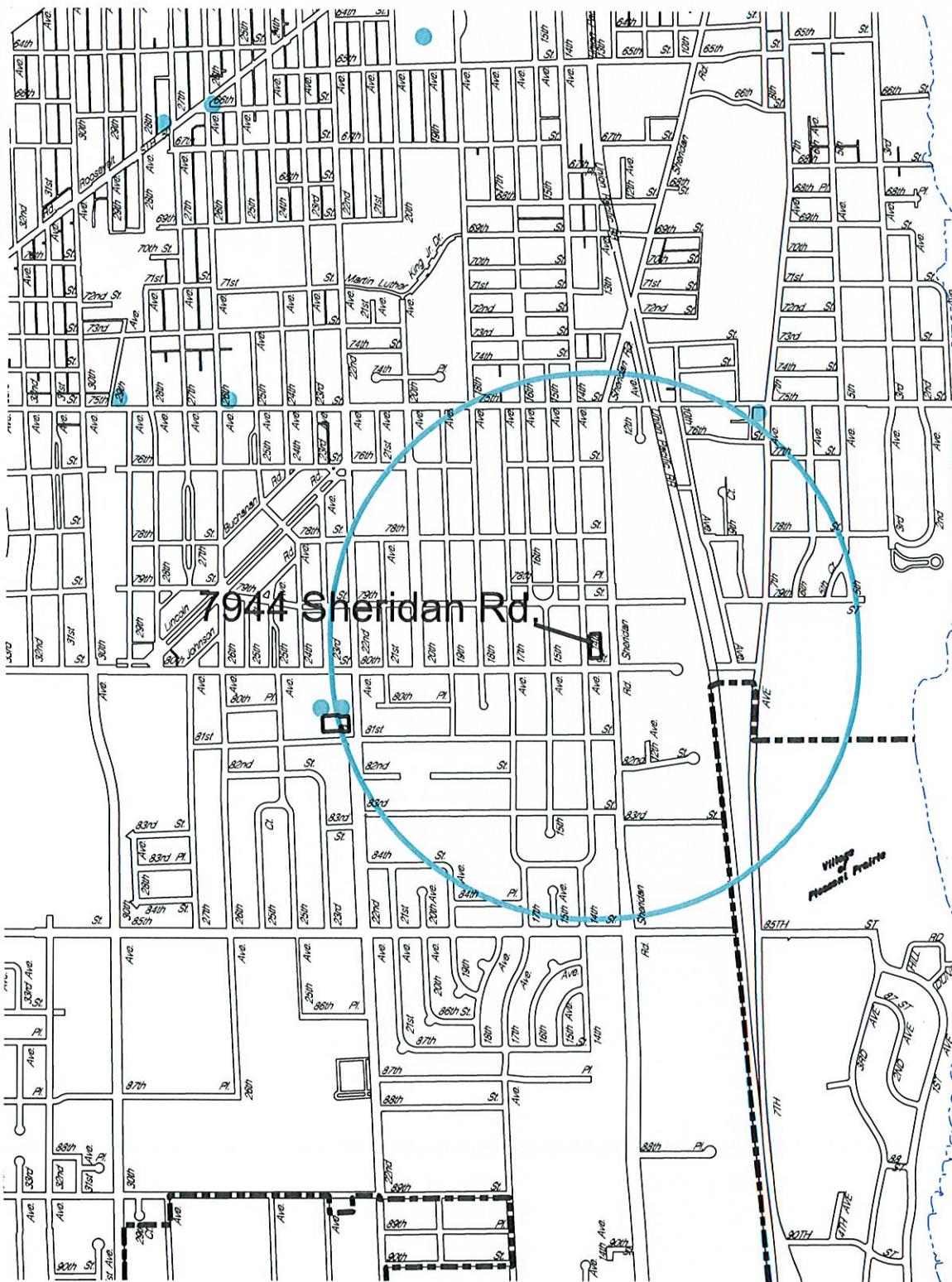
The issuance of this license will allow us to purchase and renovate a vacant and foreclosed building on a prominent street in Kenosha. The return of a vacant building will be a benefit for the city tax roll as well as generate new jobs.

C. Whether the proposed development is compatible with the overall purpose of the land use and consistent with the City and neighborhood plans.

The proposed development is compatible with the overall purpose of the land use and is also consistent with the City and neighborhood plans because we will be occupying a vacant building which then will increase traffic and to create new jobs.

City of Kenosha

Cellar Door Beer, Wine & Liquor Special Exception Request for a Class "A" license

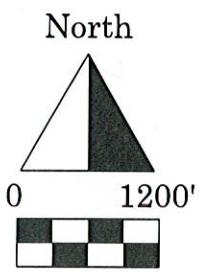


7944 Sheridan Rd.

Lake Mich

Village of Pleasant Prairie

- Existing Licensed Class "A" establishment
- 2,640 feet from structure
- - - Municipal Boundary



ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

3.12 BUSINESS ZONING DISTRICTS-GENERAL REGULATIONS

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

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

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

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

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

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

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

D. Screening.

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

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

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

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

2. Location.

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

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

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

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

d. Special Exceptions.

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

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

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

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

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

Planning & Zoning Division 625 52 nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	March 8, 2012	Item #5
By the Mayor - Resolution to approve a Certified Survey Map for property at 7944 Sheridan Road. (7944 Sheridan Retail Center) (District #12 - formerly District #3) PUBLIC HEARING			

LOCATION/SURROUNDINGS:

Site: 7944 Sheridan Road
 Zoned: B-2 Community Business District

NOTIFICATIONS/PROCEDURES:

The aldermen of the district, currently Alderman Bostrom and formerly Alderman Michalski, have been notified. This item will also be reviewed by the Public Works Committee before final approval by the Common Council.

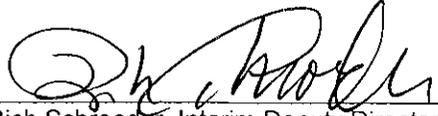
ANALYSIS:

- The applicant is proposing to split the existing lot into three (3) lots.
 - Lot 1 would have no building, but some of the parking lot on the property.
 - Lot 2 would contain the other part of the building.
 - Lot 3 would contain a portion of the existing building, the former barbershop quartet society building, which would be split over two properties.
- The applicant would need a Special Exception for off-street parking from the Common Council prior to recording the Certified Survey Map. The site, as it exists today, has enough parking spaces as required by the Zoning Ordinance. If the lots are split, both of the lots with the building on them will not individually have enough parking spaces per the Zoning Ordinance.
- 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


 Rich Schroeder, Interim Deputy Director

RESOLUTION NO: ____ - 12

BY: THE MAYOR

TO APPROVE A THREE-LOT CERTIFIED SURVEY MAP
Property located at 7944 Sheridan Road (7944 Sheridan Re tall Center)

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a Certified Survey Map relating to one parcel at 7944 Sheridan 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. The applicant shall obtain a Special Exception from the Common Council for the off-street parking requirements for Lot 2 and Lot 3 prior to recording.
7. Compliance with the Kenosha Water Utility memo dated February 8, 2012.
8. City records show that the site has storm sewer and drainage swales crossing one or more of the proposed lot lines. Show this drainage on the Certified Survey Map and provide Easements for the affected storm sewers and swales.
9. On Page 1; The line bearing along 14th Avenue reads S02°45'36"W. The line bears southeast, so the bearing should be either S02°45'36"E or N02°45'36"W. Also, on Page 2; The line bearing along 14th Avenue reads NS02°45'36"W. The bearing should be either S02°45'36"E or N02°45'36"W.
10. On page 2; The scale is listed as "not to scale". Even if a standard scale cannot be achieved for printing purposes (e.g. one inch equals twenty feet), a graphic scale should be included. A note may be included which indicates that the graphic scale is not one inch.
11. Lisa Rouse should print or have her name typed under the line on which she signs her signature.
12. The recommendations of the Building Inspection Report prepared by Kueny Architects dated February 28, 2012, and as it may be amended, must be complied with prior to recording.
13. Change the City Clerk's name on the signature page to Debra Salas.
14. 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 _____, 2012

ATTEST:

Debra L. Salas, City Clerk-Treasurer

APPROVE:

Keith G. Bosman, Mayor

1Engineering Services

4401 Green Bay Road

Kenosha, WI 53144

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: Curt Czamecki, Water Engineer

Date: February 8, 2012

Subject: 7944 Sheridan Retail Center CSM (Formerly Barbershop Quartet Building)

Location: 7944 Sheridan Road

The Kenosha Water Utility (KWU) has reviewed the submittal for the above referenced project. Further information from the Developer is required before the Utility can complete this review. Please withhold all permits until the following information is submitted.

- Per Chapter XXXII of the Code of General Ordinances separate sanitary sewer and water shall be provided to each parcel. A single sanitary lateral or water service cannot serve more than one parcel.
- A floor plan and internal/external plumbing plan shall be submitted for review and approval. This plan shall clearly show separate utilities serving each parcel.
- A new water service and sanitary sewer lateral shall be installed to serve proposed Lot 2. All applicable fees shall apply to the new service lines.

Please contact me with any questions or concerns you may have regarding these requirements.

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

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

MAILING INFORMATION

NAME OF PROJECT: 7944 Sheridan Retail Center

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

Name and Address of Applicant [Please print]:
PANHANDLE CAPITAL, LLC Phone: 217-414-0540
807 Rickard Rd Fax: 217-546-7742
Springfield IL 62704 E-Mail: lewbird@sbcglobal.net

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): 7944 Sheridan Rd

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 checked="" 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 1
CERTIFIED SURVEY MAP**

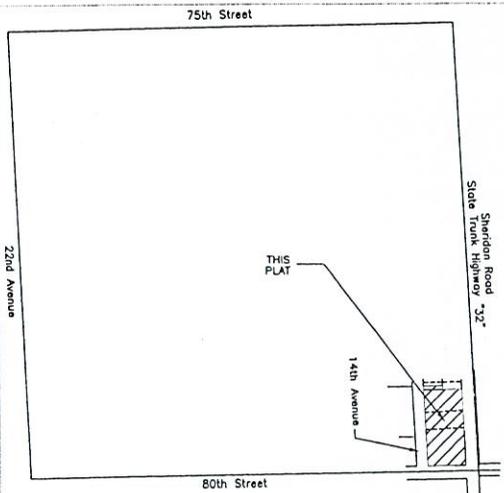
Additional Information Required:	Number of Lots: <u>3</u> Zoning District: <u>B</u> Proposed Zoning Change, if any: <u>NONE</u>
Submittal Requirements:	<ul style="list-style-type: none"> ➤ Ten (10) copies of Certified Survey Map (Applicant to keep original) ➤ Four (4) copies of Drainage Plan (when required) ➤ 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 Miscellaneous fees <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.

<p>Checklist to be completed and signed:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Scale and north arrow <input type="checkbox"/> Scale of plans less than or equal to 1" = 100' <input type="checkbox"/> Date of original and revisions noted <input type="checkbox"/> Certification from surveyor that Plat complies with Chapter 17 <input type="checkbox"/> Reproducible paper less than 36" in width <input type="checkbox"/> Location of all existing structures and first floor elevations <input type="checkbox"/> Location of utility and drainage easements <input type="checkbox"/> Exact length and bearing of the centerline of all streets <input type="checkbox"/> Exact street width along the line of any obliquely intersecting street <input type="checkbox"/> Railway rights-of-way within and abutting the plat <input type="checkbox"/> Location and size of all lands to be dedicated for public use (when required) <input type="checkbox"/> Comprehensive drainage plan <input type="checkbox"/> Special restrictions relating to access control, planting strips, restrictive yard requirements, etc. (when required) <input type="checkbox"/> Major street setback or WisDOT setbacks (if applicable) <input type="checkbox"/> Map shows entirety of all parcels in proposed certified survey map 	<p>Checklist to be completed and signed:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Floodplain limits of the 100 year recurrence interval flood <input type="checkbox"/> Location of any wetlands, shoreland, or other environmental areas (if applicable) <p>Plans to be submitted (when applicable)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Street plans and profiles <input type="checkbox"/> Sanitary sewer plans and profiles <input type="checkbox"/> Storm sewer plans <input type="checkbox"/> Grading/drainage plans <input type="checkbox"/> Water main plans and profiles <input type="checkbox"/> Erosion control plans <input type="checkbox"/> Landscape plans <p>I hereby certify that I have reviewed the City ordinances and provided ten (10) full-sized sets of all required information.</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Applicant's Signature</p>
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LOCATION SKETCH
NW1/4 Section 7-1-23

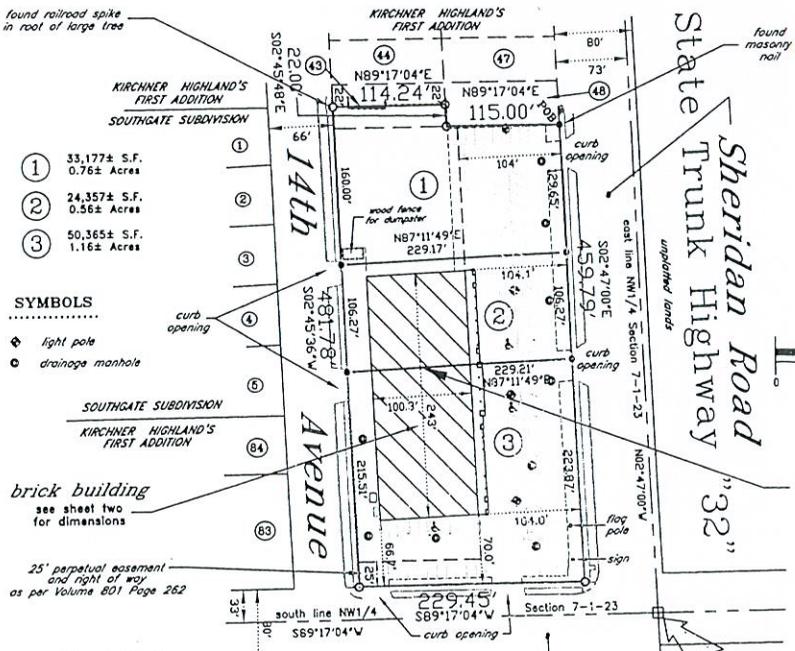
CERTIFIED SURVEY MAP
-for-
PANHANDLE CAPITAL, LLC
807 Rickard Road
Springfield, IL 62704
in NW1/4 Section 7-1-23
CITY OF KENOSHA
KENOSHA COUNTY, WIS.

denotes iron pipe marker found (unless noted) 
denotes masonry nail set in asphalt (unless noted) 

NOTE

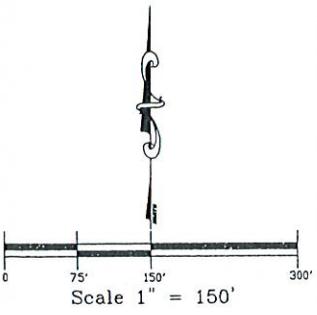
LOT 1 - No development shall be permitted to Lot 1 until such time as a detailed drainage plan is submitted to and approved by the City of Kenosha Engineering Department and City of Kenosha Department of Planning and Development.

Bearings refer to grid north, Wisconsin plane coordinate system, south zone.



- ① 33,177± S.F.
0.76± Acres
- ② 24,357± S.F.
0.56± Acres
- ③ 50,365± S.F.
1.16± Acres

- SYMBOLS**
-  light pole
 -  drainage manhole



Engineering or Architectural investigation is advised to determine relationship of wall between buildings.

NOTE
There shall be a cross access through Parcels 1, 2 and 3 for ingress and egress to State Trunk Highway "32" (Sheridan Road), 80th Street and 14th Avenue.

NOTE
Parcels 1, 2 and 3 are restricted to current access points on each parcel to State Trunk Highway "32" (Sheridan Road), 80th Street and 14th Avenue.



MARESCALCO COUNTYWIDE SURVEYING, INC.
1120 80TH STREET
KENOSHA WI 53143
(262) 654 6809
FAX (262) 654 1120

GLEN A. MARESCALCO (S-2203)
Wisconsin Registered Land Surveyor
January 24, 2012



"not to scale"

NOTE

There shall be a cross access through Parcels 1, 2 and 3 for ingress and egress to State Trunk Highway "32" (Sheridan Road), 80th Street and 14th Avenue.

NOTE

Parcels 1, 2 and 3 are restricted to current access points on each parcel to State Trunk Highway "32" (Sheridan Road), 80th Street and 14th Avenue.

Engineering or Architectural investigation is advised to determine relationship of wall between buildings.

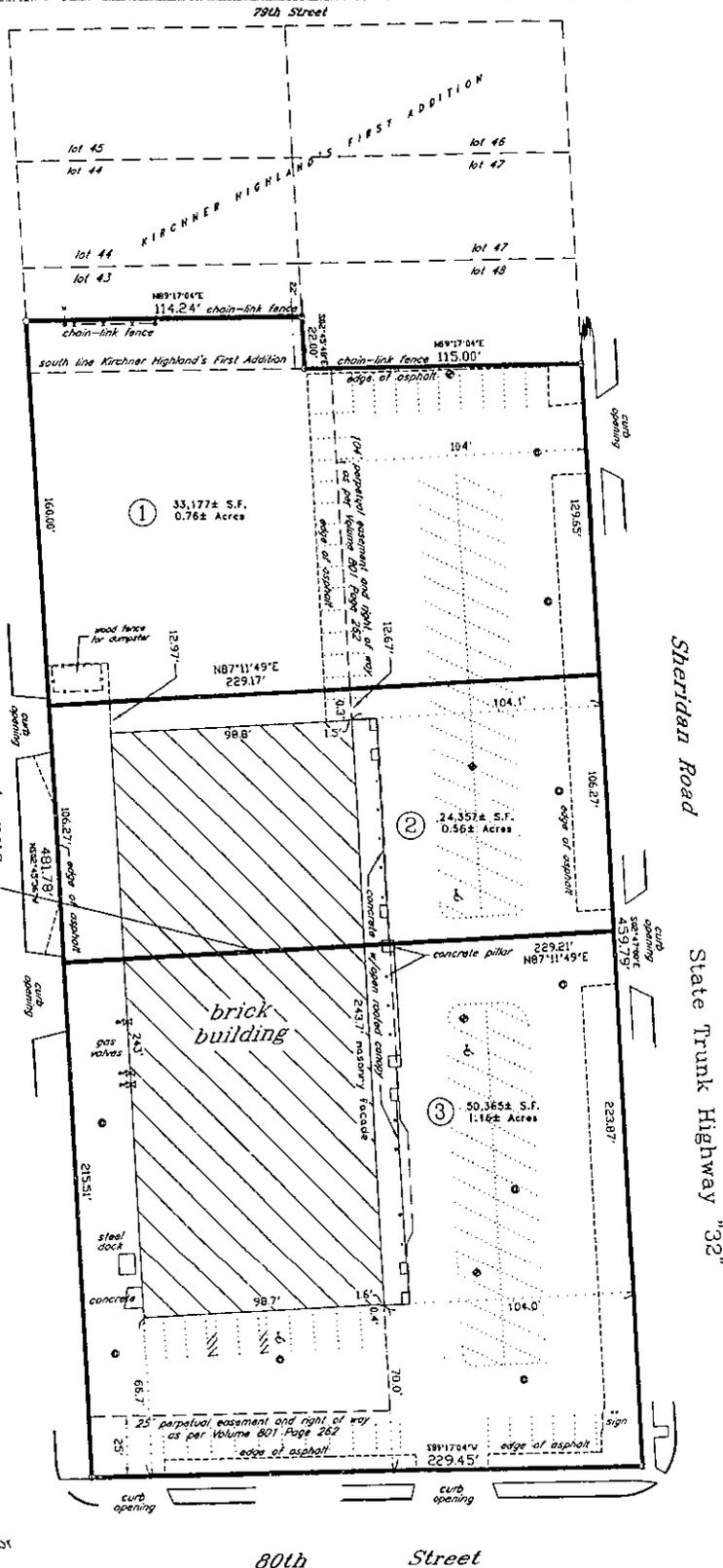
SYMBOLS

- ◆ light pole
- drainage manhole



MARESCALCO COUNTYWIDE SURVEYING, INC.
1120 80TH STREET
KENOSHA WI 53143
(262) 654 6809
FAX (262) 654 1120

GLEN A. MARESCALCO (S-2203)
Wisconsin Registered Land Surveyor
January 24, 2012



CERTIFIED SURVEY MAP

I, GLEN A. MARESCALCO, SURVEYOR, hereby certify that I have prepared this certified survey map, the exterior boundaries of which are described as:

Part of the Northwest Quarter of Section 7, Town 1 North, Range 23 East of the Fourth Principal Meridian, lying and being in the City of Kenosha, County of Kenosha and State of Wisconsin and being more particularly described as follows: Beginning at the southeast corner of LOT 48 in KIRCHNER GARDENS HIGHLANDS FIRST ADDITION, a plat of record and on file at the Kenosha County Land Registry, as per Document Number 157987, which corner is also on the west right of way line of State Trunk Highway "32" (Sheridan Road); thence S02°47'00"E along and upon said west line, 457.79 feet and to the north right of way line of 80th Street; thence S89°17'04"W along and upon said north line, 229.45 feet and to the east right of way line of 14th Avenue; thence N02°45'36"W along and upon said east line, 481.78 feet and to point which is 22.00 feet N02°45'36"W from the southwest corner of LOT 43 in the aforesaid KIRCHNER HIGHLANDS FIRST ADDITION; thence N89°17'04"E parallel to the south line of said LOT 43, 114.24 feet and to the east line of said LOT 43; thence S02°45'48"E along and upon said east line, 22.00 feet and to the southeast corner of said LOT 43, which point is also the southwest corner of the aforesaid LOT 48; thence N89°17'04"E along and upon the south line of said LOT 48, 115.00 feet and to the point of beginning. Containing 2.48 acres, more or less (107,899 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 subdivision regulations of the City of Kenosha.

Dated this 24th day of January, 2012.

SURVEYOR.....
GLEN A. MARESCALCO (S-2203)

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



STATE OF WISCONSIN
KENOSHA COUNTY S.S.

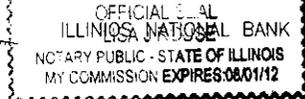
Personally came before me this 25th day of January, 2012, the above named Lewis A. Bird, to me known to be the person who executed the foregoing instrument and acknowledged the same.

My Commission Expires 8-1-12

LEWIS A. BIRD

Illinois National Bank, as mortgagee of the lands described hereby certify that we caused the lands described on this plat, does hereby consent to the surveying, dividing and mapping as represented on this plat and does hereby consent to the certificate of PANHANDLE CAPITAL, LLC, owners of said lands.

Steve Keenan - Sr. Vice President



John Wilson - Chief Lending Officer

STATE OF WISCONSIN
KENOSHA COUNTY S.S.

Personally came before me this 25th day of January, 2012, the above named Steve Keenan and John Wilson, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

My Commission Expires 8-1-12

This certified survey map has been submitted to and approved by the Common Council of the City of Kenosha on this _____ day of _____, 2012.

CITY CLERK.....
Mike Higgins

MAYOR.....
Keith Bosman

OWNER.....
PANHANDLE CAPITAL, LLC
807 Rickard Road
Springfield, IL 62704



BUILDING INSPECTION REPORT

Property Description: Existing Multi-Tenant Retail Building
Property Address: 7930 Sheridan Road, Kenosha, WI
Date of Report: February, 28, 2012
Date of Inspection: February, 23, 2012 (Follow-up – February 28, 2012)
Subject: Proposed Property Split

Report:

Kueny Architects was contacted by Mr. Lewis Bird regarding the above property. Mr. Bird's property management company wishes to split the existing property into three separate parcels. One of the two property divisions also splits the existing building. Marascalco Countywide Survey has produced a proposed survey denoting the divisions; however the City of Kenosha requires further verification of the proposed division wall.

Observations and Comments:

Kueny Architects visited the property on February 23, 2012 with Mr. Steve Bostrom from Prudential Premier Properties. A follow-up visit was conducted on February 28, 2012 at which time measurements were taken on the roof. The building was originally a grocery store. At some point in the past, an addition was constructed to the north of the original building. The addition is currently occupied by a Dollar General store. The proposed property line is on the wall between the original building and the addition.

Kueny Architects was provided with a digital file of the proposed survey by Marascalco Countywide Survey. Based on field measurements taken, the property line proposed by the survey bisects the wall. See Exhibit A attached to this report.

In addition to verifying the location of the demising wall, Kueny Architects also reviewed the Wisconsin Commercial Building Code / IBC 2009 for the required construction of the proposed Party Wall.

Currently, the existing party wall is constructed of 4" face brick and 8" concrete masonry. The joist roof framing of the original building runs parallel to the proposed party wall. However, two perpendicular beams currently bear into the proposed party wall. There are also two openings in the masonry wall to the north. The building addition was constructed with roof framing that does not rely on the existing wall in any way.

The result of the code analysis and recommended action is as follows:

706.1.1 Party Walls – Party walls shall be constructed as *fire walls* per Section 706. Party walls shall be constructed without openings.

The two existing openings should have all other combustible framing and doors removed. The openings should then be in filled with a minimum of 8" concrete masonry rated for a minimum of three hours.

706.2 Structural Stability – Fire Walls shall have sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall for the duration of time indicated by the require *fire-resistance rating*.

Existing steel beams (2) from original roof should be supported independent of the wall. Two columns with footings could be added and the beams cut free of the wall. Kueny Architects could provide the adequate column and footing sizes.

706.4 Fire-resistance Rating – A *fire resistance rating* of 3 hours would be required for Group M (Mercantile) uses.

The existing 8" Masonry + 4" Face Brick must be verified for the proper UL rated assembly. Kueny Architects has contacted UL and is expecting the block construction requirements via email. A block may need to be cut from the wall to verify the construction.

706.5 Horizontal Continuity – *Fire walls* shall extend 18" beyond the exterior surface of the *exterior walls*. Exception #2 permits *fire walls* to terminate at the interior surface of noncombustible exterior sheathing, exterior siding or other noncombustible exterior finish provided the same extends 4 feet on both sides.

At the time of the site visit, it was not possible to review the construction of the canopy. Additional details can be provided to achieve the necessary rating and separation.

706.5.1 Exterior Walls – 706.5.1.1 states that a *fire-resistance rating* only need apply when the *exterior wall* openings are required to be protected per Section 705.8. Because the property line of the east face of the building is greater than 30 feet from the face of the building, the *exterior wall* does not require a rating.

706.5.2 Horizontal Projecting Elements – 706.5.2 states that the *fire wall* must extend through all overhangs, canopies etc. Exception #2 does allow the *fire wall* to terminate at the interior wall surface provided the canopy has a 1-hour separation in the same plane as the *fire wall* and between the canopy and the building. Openings must have a *fire protection rating* of ¾ hour.

At the time of the site visit, it was not possible to review the construction of the canopy. Additional details can be provided to achieve the necessary rating and separation.

706.6 Vertical Continuity – Fire wall must extend at least 30 inches above both roofs.

Measurements taken in the field find that portions of the existing parapet do not meet the requirements of this section. Exception #3 would satisfy this section, provided Class B roofing and no openings within 4 feet of wall were in place.

SPS 362.0706 Fire Wall Identification – Local ordinance may require identification signage.

The property owner should verify any such requirements by the City of Kenosha.

Additional details and direction can be provided at a later date, should the property owner wish to pursue this matter further.

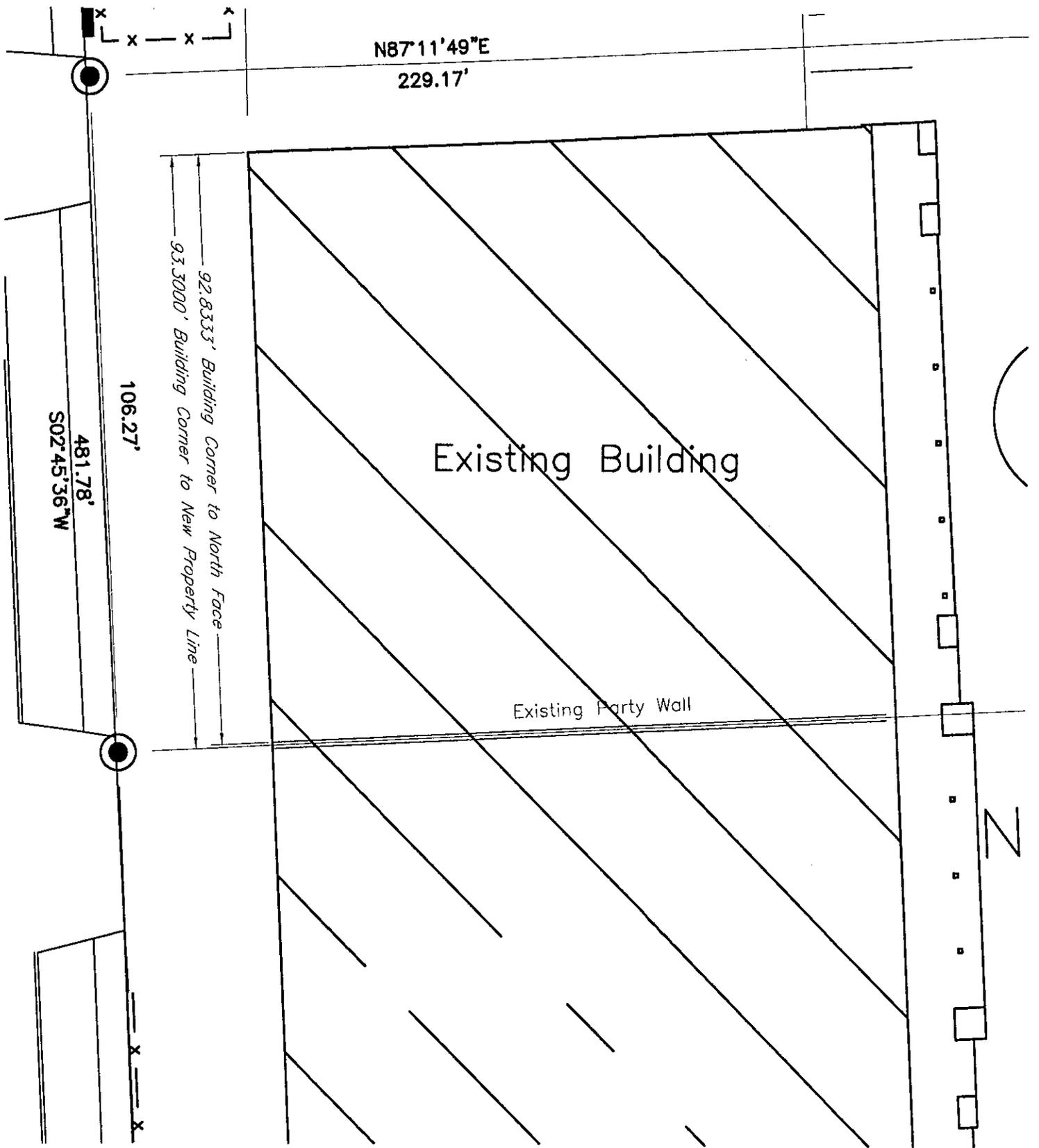


Exhibit A Partial Site Plan

7930 Sheridan Road, Kenosha
 Scale = 1"=20' - February 28, 2012
 Kueny Architects, LLC



Planning & Zoning Division 625 52 nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	March 8, 2012	Item #6
First Amendment to the Developers Agreement and Memorandum of Full Satisfaction between the City of Kenosha, Kenosha Water Utility, First Industrial Investments II, LLC and Affiliated Foods Midwest Cooperative, Inc. (Affiliated Foods) (District #16 - formerly District #16)			

LOCATION/SURROUNDINGS:

Site: 8100 60th Street
 Zoned: M-2 Heavy Manufacturing/Air-3 and Air-4 Airport Overlay

NOTIFICATIONS/PROCEDURES:

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

ANALYSIS:

- In 2008, First Industrial Investments received approval to construct Affiliated Foods. The approval required the drafting and approval of a Developers Agreement.
- One of the Conditions of the Developers Agreement was that the Developer, First Industrial, must post a cash escrow with the City for a ten (10') foot wide bicycle/pedestrian path to be constructed along the north side of 60th Street at a future date.
- The Developer is proposing the attached First Amendment to the Developers Agreement to clarify the Condition of posting the escrow. The Developer is proposing to deposit a \$60,000 cash escrow with the City for the path. The City would then construct the path at a later date with the \$60,000 escrow.
- The proposed First Amendment to the Developers Agreement would also indicate that the Developer has fully satisfied all obligations set forth in the Agreement.
- The City Attorney's office has reviewed the Amendment.

RECOMMENDATION:

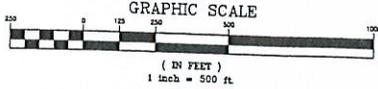
A recommendation is made to approve the First Amendment to the Developers Agreement.


 Brian R. Wilke, Development Coordinator


 Rich Schroeder, Interim Deputy Director

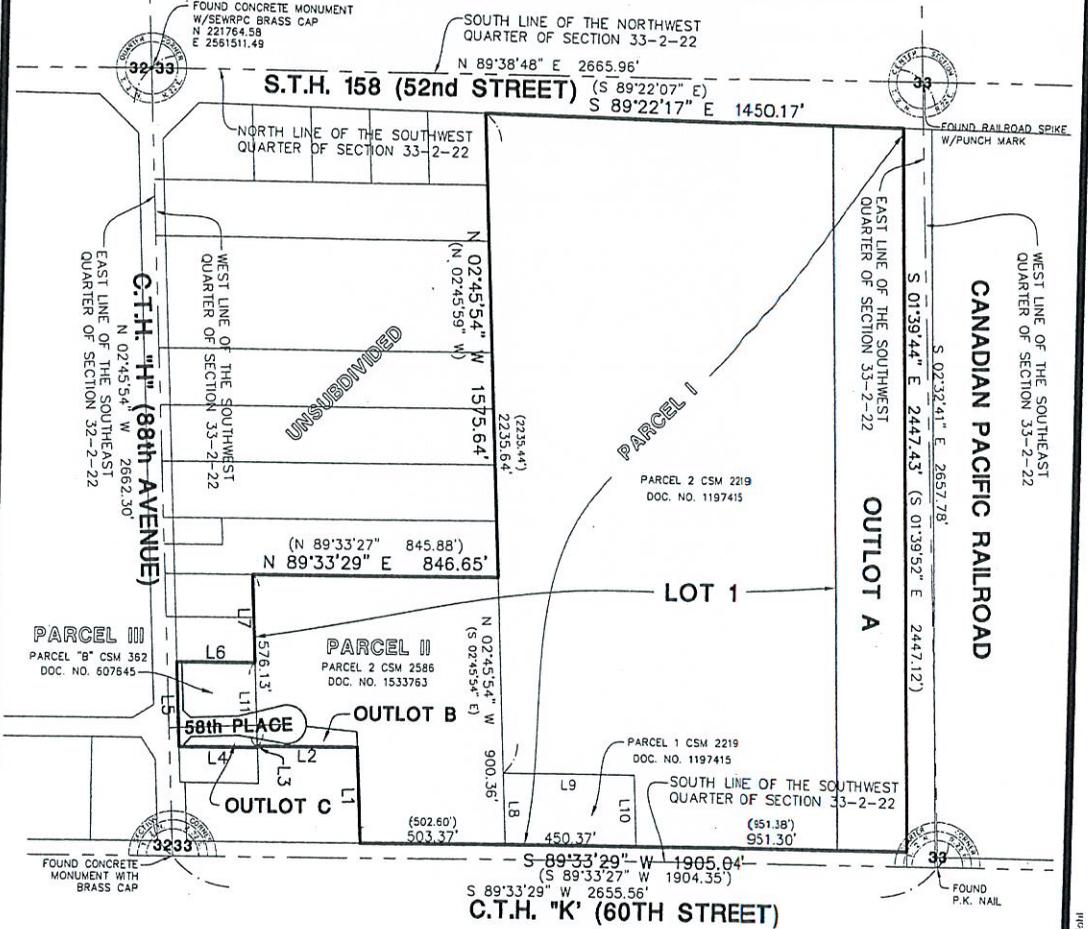
CERTIFIED SURVEY MAP NO. 2633

PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 22 EAST
 OF THE FOURTH PRINCIPAL MERIDIAN IN KENOSHA COUNTY, WISCONSIN.

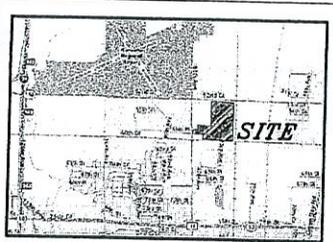


OWNER: PARCELS I, II & III
 AFFILIATED FOODS MIDWEST COOPERATIVE, INC.
 1301 OMAHA AVENUE
 P.O. BOX 1067
 NORFOLK, NEBRASKA 68701-1067

BASIS OF BEARINGS: GRID NORTH, WISCONSIN
 STATE PLANE COORDINATE SYSTEM, SOUTH ZONE



LOCATION MAP
 (NOT TO SCALE)



LINE	BEARING	LENGTH
L1	N 02°45'54" W	324.23'
L2	S 89°33'29" W	343.28'
L3	S 02°45'54" E	4.67'
L4	S 89°33'29" W	266.97'
L5	N 02°45'54" W	285.60'
L6	N 89°33'29" E	266.97'
L7	N 02°45'54" W	295.20'
L8	N 02°45'54" W	240.36'
L9	N 89°33'29" E	450.37'
L10	S 02°45'54" E	240.36'
L11	N 02°45'54" W	285.60'

TAX KEY 08-222-33-301-022
 08-222-33-301-026
 08-222-33-301-301
 08-222-33-301-302



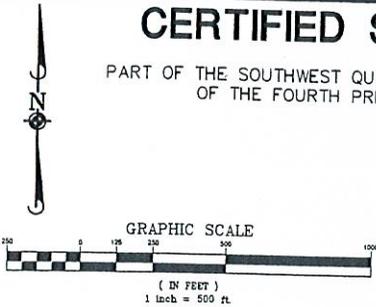
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 Civil Engineers - Surveyors - Water Resources Engineers - Water & Wastewater Engineers
 Construction Managers - Environmental Scientists - Landscape Architects - Planners

CSM	
CITY OF KENOSHA, WISCONSIN	
FIRST PARK KENOSHA SOUTH	
PROJ. MGR.: BJP	SHEET
DRAWN BY: DMW	1 OF 5
DATE: 08/04/08	FIDKEW2 060985
SCALE: 1" = 500'	

15.70 Dwg Name: p:\fidkew2\keno\keno\keno\Drawings\CSM\FIDKEW2-CSM.dwg Updated By: B.P.Fohl

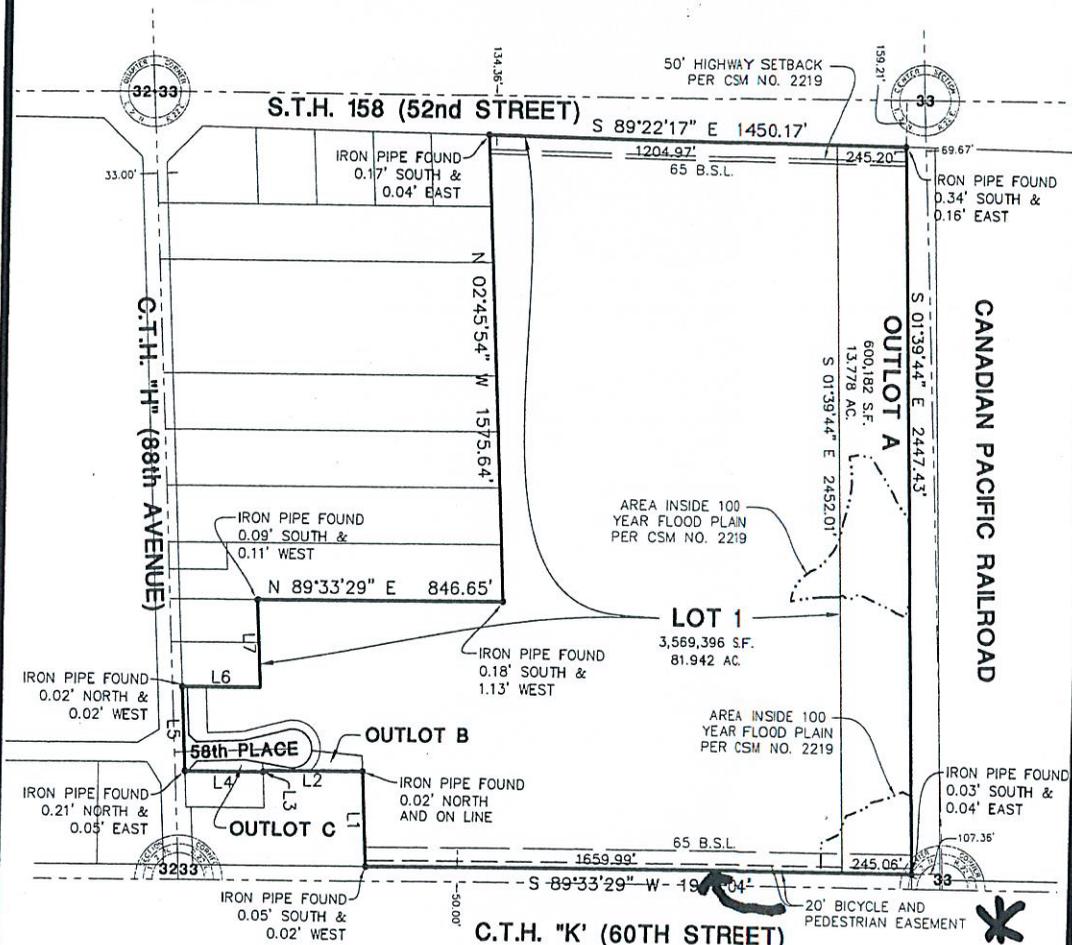
CERTIFIED SURVEY MAP NO. _____

PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 22 EAST OF THE FOURTH PRINCIPAL MERIDIAN IN KENOSHA COUNTY, WISCONSIN.



BICYCLE AND PEDESTRIAN EASEMENT PROVISIONS

A PERMANENT EASEMENT IS HEREBY GRANTED TO THE CITY OF KENOSHA, FOR PUBLIC INGRESS AND EGRESS, IN, OVER, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITHIN AREAS IDENTIFIED ON THE PLAT AS THE BICYCLE AND PEDESTRIAN EASEMENT. SAID EASEMENT IS TO BE FOR THE INSTALLATION, MAINTENANCE, AND REMOVAL OF SIDEWALKS, PATHWAYS, AND OTHER FEATURES IN ACCORDANCE WITH THE CITY OF KENOSHA ZONING ORDINANCES AS AMENDED.



- NOTE:**
- 5/8" X 18" LONG IRON ROD (WEIGHING NOT LESS THAN 1.13 LBS/FT) SET AT ALL PROPERTY CORNERS AND POINTS OF GEOMETRIC CHANGE.
 - NO DEVELOPMENT OR SITE WORK SHALL OCCUR ON LOT 1 UNTIL A DETAILED DRAINAGE PLAN FOR THE ENTIRE SITE IS APPROVED BY THE CITY ENGINEER.
 - LOT 1 SUBJECT TO RESTRICTIONS SHOWN ON CSM NO. 2219.
 - CROSS ACCESS SHALL BE ALLOWED ACROSS OUTLOT C FOR THE PURPOSE OF A VEHICULAR CONNECTION TO 58TH PLACE FOR THE PARCELS TO THE SOUTH.
 - THE OWNER OR OWNERS OF LOT 1 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE STORMWATER POND AND PAYMENT OF THE TAXES ON OUTLOT A.

LINE	BEARING	LENGTH
L1	N 02°45'54" W	324.23'
L2	S 89°33'29" W	343.28'
L3	S 02°45'54" E	4.67'
L4	S 89°33'29" W	266.97'
L5	N 02°45'54" W	285.60'
L6	N 89°33'29" E	266.97'
L7	N 02°45'54" W	295.20'

ABBREVIATIONS:
B.S.L. - BUILDING SETBACK LINE



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 Civil Engineers - Surveyors - Water Resources Engineers - Water & Wastewater Engineers
 Construction Managers - Environmental Scientists - Landscape Architects - Planners

CSM
CITY OF KENOSHA, WISCONSIN
FIRST PARK KENOSHA SOUTH

PROJ. MGR.: **BJP** SHEET
 DRAWN BY: **DMW** **2** OF **5**
 DATE: **06/04/08**
 SCALE: **1" = 500'** **FIDKEW2** **060985**

16:20 Dwg Name: P:\Ydkew\Survey\Drawings\CSM\FIDKEW2-CSM.dwg Updated By: BPH

DOCUMENT NO.

DEVELOPER'S AGREEMENT

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

08-222-33-301-201 / 08-222-33-301-202
08-222-33-301-205

PARCEL IDENTIFICATION NUMBERS (PIN)

**FIRST AMENDMENT TO DEVELOPER'S AGREEMENT AND
MEMORANDUM OF FULL SATISFACTION**

THIS FIRST AMENDMENT TO DEVELOPER'S AGREEMENT AND MEMORANDUM OF FULL SATISFACTION ("Amendment") is made as of this ____ day of _____ 2012 by and between **FIRST INDUSTRIAL INVESTMENTS II, LLC**, a Delaware limited liability company, as successor to First Industrial Investment, Inc., whose address is 311 S. Wacker Drive, Suite 3900, Chicago, Illinois 60606 (the "Developer"), the **CITY OF KENOSHA**, whose address is 625 – 52nd Street, Kenosha, Wisconsin 53140 (the "City"), the **KENOSHA WATER UTILITY**, whose address is 4401 Green Bay Road, Kenosha, WI 53144 (the "Utility") and **AFFILIATED FOODS MIDWEST COOPERATIVE, INC.**, a Nebraska corporation, whose address is 1301 Omaha Avenue, Norfolk, Nebraska 68702-1067 (the "AFM").

RECITALS

A. Developer, Utility and City are parties to that certain City of Kenosha Developer's Agreement By and Between First Industrial Investments, Inc. and the City of Kenosha, Wisconsin and the Kenosha Water Utility (First Park Kenosha South), dated as of January 14, 2009 and recorded as Document #1583162 (the "Developer's Agreement"), pursuant to which Developer agreed to perform certain development activities with respect the 96.24 acre property located at the southeast corner of STH 158 and 88th Ave, Kenosha, Wisconsin, and legally described on Exhibit A attached hereto (the "Property").

B. Pursuant to the provisions of Certified Survey Map No. 2633 recorded as Document #1561649 (the "CSM"), Developer agreed to provide City a permanent easement across a portion of the Property for the purpose of constructing and maintaining a bicycle and pedestrian sidewalk/pathway (the "Pathway").

C. AFM is the current owner of the portion of the Property upon which the Pathway is to be located.

D. Developer, AFM and City desire to amend the terms of the Developer's Agreement to provide for (i) City to install, construct, operate, repair and replace the Pathway, and (ii) AFM to clear and maintain the pathway free from debris and obstructions, all on the terms and conditions as set forth herein.

NOW, THEREFORE, in consideration of the premises, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

AMENDMENT OF DEVELOPER'S AGREEMENT: Section I.A.11 of the Developer's Agreement is hereby amended to provide that (a) City shall, at City's sole cost and expense, install, construct, operate, repair and replace the Pathway, and (b) AFM shall, at AFM's sole cost and expense, clear and maintain the Pathway free from obstructions and debris, all on the terms and conditions as set forth in the Bicycle and Pedestrian Easement to be executed by City and AFM in the form attached hereto as Exhibit B (the "Bike Pathway Easement"). City shall construct the Pathway at such future date as City shall elect, in its sole discretion, upon not less than thirty (30) days prior written notice to AFM.

CONSIDERATION: In consideration for City's agreement to install, construct, operate, repair and replace the Pathway as set forth in the Bike Pathway Easement, and in lieu of the cash escrow contemplated by Section I.A.11 of the Development Agreement, Developer has paid to City the sum of Sixty Thousand and 00/100 Dollars (\$60,000.00) simultaneously with the execution and delivery of this Amendment.

FULL SATISFACTION AND RELEASE: City and Utility hereby acknowledges Developer and AFM have hereby fully satisfied all obligations set forth in the Developer's Agreement, and City and Utility hereby releases Developer and AFM from any claims or obligations, whether known or unknown, arising under the Developer's Agreement.

CONFLICT -- CONTROLLING TERMS: If the terms of this Amendment shall in any way conflict with the terms with respect to the granting of the Easement as set forth in the CSM or any terms of the Developer's Agreement, the terms of this Amendment shall control.

SUCCESSORS AND ASSIGNS: This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors, and assigns.

COUNTERPARTS. This Amendment may be executed in any number of counterparts, all of which shall constitute one and the same agreement.

[SIGNATURE PAGE FOR DEVELOPER]

FIRST INDUSTRIAL INVESTMENTS II, LLC,
a Delaware limited liability company

By: _____
Name: _____
Its: _____

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____ 2012, by _____, the _____ of First Industrial Investments II, LLC, a Delaware limited liability company, on behalf of said limited liability company,

Notary Public, _____ County, Illinois
(acting in _____ County)
My commission expires: _____

[SIGNATURE PAGE FOR AFM]

**AFFILIATED FOODS MIDWEST COOPERATIVE,
INC.**, a Nebraska corporation

By: _____
Name: _____
Its: _____

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____ 2012,
_____, the _____ of Affiliated Foods Cooperative Midwest, Inc., a
Nebraska corporation, on behalf of said limited liability company,

Notary Public, _____ County, Illinois
(acting in _____ County)
My commission expires: _____

[Signature Page for City]

CITY OF KENOSHA

By: _____
Name: _____
Its: _____

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____ 2012,
_____, the _____ of the City of Kenosha, on behalf of said city.

Notary Public, _____ County, Wisconsin
(acting in _____ County)
My commission expires: _____

[Signature Page for Utility]

KENOSHA WATER UTILITY

By: _____
Name: _____
Its: _____

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____ 2012,
_____, the _____ of the Kenosha Water Utility, on behalf of said Utility.

Notary Public, _____ County, Wisconsin
(acting in _____ County)
My commission expires: _____

Drafted by, and after recording return to:
Brian Wilke, Development Coordinator
City of Kenosha
Department of Community Development & Inspections - Room 308
625 52nd Street
Kenosha, WI 53140

EXHIBIT A

Legal Description of Property

EXHIBIT B

Bike Pathway Easement

**City of Kenosha Developers Agreement
By and Between First Industrial Investments, Inc.
and the City of Kenosha, Wisconsin
and the Kenosha Water Utility
(First Park Kenosha South)**

This Developers Agreement, hereinafter referred to as **AGREEMENT**, is made by and between First Industrial Investments, Inc., hereinafter referred to as **DEVELOPER**, the City of Kenosha, a municipal corporation of the State of Wisconsin, located in Kenosha County, Wisconsin, hereinafter referred to as **CITY**; and the Kenosha Water Utility, hereinafter referred to as **UTILITY**.

WHEREAS, DEVELOPER is the owner of approximately 96.24 acres of real estate in City, which is legally described on Exhibit "A", which is attached hereto and made a part hereof, hereinafter referred to as **REAL ESTATE**; and

WHEREAS, DEVELOPER desires to divide and develop **REAL ESTATE** for industrial purposes; and

WHEREAS, REAL ESTATE is zoned M-2, FFO, AIR-3 and AIR-4 at the time of execution of this **AGREEMENT**, which zoning permits the development set forth in this **AGREEMENT**; and

WHEREAS, the Plan Commission of **CITY** has recommended to the Common Council and the Common Council of **CITY** has approved a Certified Survey Map of **REAL ESTATE** on the condition that **DEVELOPER** enter into **AGREEMENT** relative to the manner and method by which **REAL ESTATE** is to be developed; and

WHEREAS, UTILITY is the accepting and approving agency for **CITY** with respect to sanitary sewerage and water supply systems for **REAL ESTATE**, and **UTILITY** is willing to approve the provision of sanitary sewerage and water supply to **REAL ESTATE** subject to the terms and conditions of **AGREEMENT**; and

WHEREAS, DEVELOPER agrees to develop **REAL ESTATE** as hereinafter provided.

NOW, THEREFORE, in consideration of the mutual promises and undertakings of the parties, including the approval by **CITY** of a Certified Survey Map of **REAL ESTATE** and the provision of **UTILITY** of sanitary sewerage and water supply, and the agreement of **DEVELOPER** to subdivide and develop **REAL ESTATE**, the parties agree that **REAL ESTATE** will be developed as hereinafter provided.

I. IMPROVEMENTS AND DESIGN STANDARDS

A. Streets

1. **DEVELOPER** shall at its cost and expense grade, gravel and pave 58th Place in **REAL ESTATE**, in accordance with the street layout indicated on the Certified Survey Map, attached hereto as Exhibit "B", and in accordance with the Street Layout Plan, attached hereto as Exhibit "C" and complete the required off-site street improvements to 88th Avenue, CTH "K" and STH 158. All streets shall be improved with Portland cement concrete curb and gutter and with a pavement of bituminous concrete or Portland cement concrete pavement with integral curb in accordance with **CITY** standards.

2. Streets shall be completed and presented to **CITY** for acceptance not later than

eighteen (18) months after the date upon which **CITY** shall approve the Certified Survey Map in which they shall be located.

3. **CITY** shall accept all streets and right-of-way lying within the Certified Survey Map upon (a) completion, in accordance with approved plans and specifications, (b) construction and delivery without defect, damage, or nonconformity, (c) delivery to **CITY** of a certified reproducible mylar "as-built" drawing, and in digital form acceptable to the **CITY**; and (d) receipt of lien waivers from all contractors. Said acceptance of said streets and rights-of-way shall be upon recommendation of City Engineer, Board of Public Works, and formal action by the Common Council. The City Engineer shall inspect said streets without unreasonable delay, upon request by **DEVELOPER**, and issue written notice to **DEVELOPER** to correct any defect, damage, or nonconformity which may be discovered. Streets found to contain any defect, damage or nonconformity shall be reinspected by the City Engineer and shall not be accepted until corrective action is taken. Upon acceptance by **CITY**, **CITY** shall have full jurisdiction and ownership of 58th Place for all intents and purposes and be responsible for the maintenance of said street, subject to the coverage of express warranties of **DEVELOPER** provided herein.
4. **DEVELOPER** shall provide easements for utilities: (a) having a minimum width of ten (10') feet adjacent to both sides of the street right-of-way where required by **CITY**, **UTILITY**, or applicable utilities; (b) having a minimum width of five (5') feet on rear lot lines, and (c) having a minimum width of five (5') feet on all interior lot lines where required by **CITY**, **UTILITY**, or applicable utilities. Easements shall be indicated on any Certified Survey Map and Utility Plans. Required easements may be modified or terminated only in the event that **CITY**, **UTILITY**, and other appropriate utilities determine that said easement(s), in full or part, are not required to provide essential service. **DEVELOPER** shall provide easements for **UTILITY** as required with a minimum width of twenty (20') feet for water mains and thirty (30') feet for sanitary sewers. **UTILITY** may require forty (40') foot wide easements for deep sewers.
5. **DEVELOPER** shall grade, gravel and construct the binder course on 58th Place and provide rough grading as-built plans and complete all off-site improvements to 88th Avenue, CTH "K" and STH 158 prior to the issuance of any occupancy permit by **CITY**.
6. **DEVELOPER** shall not conduct any street paving or curb and gutter after November 15th of any calendar year without express written approval of the City Engineer, and no paving work will be permitted after December 1st of any calendar year. Construction may commence after April 1st with the approval of the City Engineer.
7. **DEVELOPER** shall construct 58th Place to **CITY** requirements, 88th Avenue and CTH "K" to County requirements and STH 158 to State requirements. **DEVELOPER** shall be responsible for maintenance of 58th Place, including snow plowing until **CITY** accepts the improvements.
8. **DEVELOPER** shall be responsible to acquire and dedicate all right-of-way required for off-site improvements to STH 158, 88th Avenue and 60th Street.
9. **DEVELOPER** shall obtain all required permits from the **CITY** and Kenosha County Highway Department.

10. **DEVELOPER** shall complete all required improvements noted in the Traffic Impact Analysis and as noted in the April 24, 2008 letter from the Wisconsin Department of Transportation, Exhibit J.
11. **DEVELOPER** shall post a cash escrow with the **CITY** for a ten (10') foot wide bike/pedestrian path to be constructed along the north side of 60th Street at a future date.
12. **DEVELOPER/OWNER** shall be responsible for the cost of future sidewalks along 88th Avenue and STH 158.

B. Sanitary Sewerage System

1. **DEVELOPER** shall construct, furnish, install and provide, at its cost and expense, a complete sanitary sewerage system throughout **REAL ESTATE**, including the mains and appurtenances which abut land dedicated for any public purpose, in accordance with Sanitary Sewer Plan attached hereto as Exhibit "D", and in accordance with approved specifications. Said system shall be approved by the Wisconsin Department of Natural Resources. Copies of WDNR approvals shall be provided to **UTILITY**.
2. Sanitary sewer construction shall commence within eighteen (18) months after the date upon which **CITY** shall approve the Certified Survey Map.
3. **CITY** and **UTILITY** shall assist **DEVELOPER** in obtaining the right to make connections to **UTILITY'S** sanitary sewerage system.
4. **UTILITY** shall allow **DEVELOPER** to extend and connect its sanitary sewerage system to the sanitary sewerage system of **UTILITY** which will serve **REAL ESTATE** at the cost and expense of **DEVELOPER**, subject to payments, permits and other fees required under any special assessment or other applicable ordinances or regulations enacted and applied on an equal and nondiscriminatory basis. **CITY** and **UTILITY** shall cooperate with **DEVELOPER** in obtaining all necessary permits required from the United States of America, State of Wisconsin, and County of Kenosha for such sanitary sewerage systems, extensions, and connections.
5. **UTILITY** shall accept all sanitary sewerage systems located in the public right-of-way or in any easement lying within **REAL ESTATE** upon (a) completion in accordance with approved plans and specifications, (b) construction and delivery without defect, damage or non-conformance, (c) delivery to **UTILITY** of certified copies of all tests of sanitary sewerage system and a certified reproducible mylar "as-built" drawing thereof and in digital form on Intergraph Microstation format (or DXF) on 3.5" MS-DOS diskettes or CD-ROM (d) receipt of lien waivers from all contractors, and (e) certification by **UTILITY** Engineer of the above. Said acceptance shall be subject to approval by the Board of Water Commissioners. The **UTILITY** Engineer shall inspect said sanitary sewerage system without unreasonable delay upon request by **DEVELOPER** and issue written notice to **DEVELOPER** to correct any defect, damage or nonconformity which may be discovered. Any element of the sanitary sewerage system found to contain any defect, damage or nonconformity shall be reinspected by the **UTILITY** Engineer after repair by **DEVELOPER** and shall not be accepted until corrective action is taken. **DEVELOPER** shall be responsible for operation and maintenance until accepted by **UTILITY**. Upon acceptance by **UTILITY**, **UTILITY** shall be responsible for the operation

and maintenance of said sanitary sewerage system. **DEVELOPER** shall provide **CITY** with density test to certify proper compaction of trench backfill.

6. Sanitary sewer service shall be subject to applicable user and impact fees.

C. Water

1. **DEVELOPER** shall construct, furnish, install and provide at its cost and expense a complete system of water distribution throughout **REAL ESTATE**, including the mains and appurtenances which abut land dedicated for any public purpose, in accordance with the Water Main Plan, attached hereto as Exhibit "E", and in accordance with approved specifications. Said system shall be approved by the Wisconsin Department of Natural Resources.

2. Water distribution system construction shall commence within eighteen (18) months after the date which **CITY** shall approve the Certified Survey Map which the same shall be located.

3. **CITY** and **UTILITY** shall assist **DEVELOPER** in obtaining the right to make connections to **UTILITY'S** water supply system.

4. **UTILITY** shall allow **DEVELOPER** to extend and connect its water system to the water system of **UTILITY** which will serve **REAL ESTATE** at the cost and expense of **DEVELOPER**, subject to payments, permits and other fees as required under any special assessment or other applicable ordinances or regulations enacted and applied on an equal and nondiscriminatory basis.

5. **UTILITY** shall accept all such water distribution system located in the public right-of-way or in any easement lying within **REAL ESTATE** upon (a) completion in accordance with approved plans and specifications, (b) construction and delivery without defect, damage or non-conformance, (c) delivery to **UTILITY** of certified copies of all tests of the water distribution system and a certified reproducible mylar "as-built" drawing thereof and in digital form on Intergraph Microstation format (or DXF) on 3.5" MS-DOS diskettes or CD-ROM, (d) receipt of lien waivers from all contractors, and (e) certification by **UTILITY** Engineer of the above. Said acceptance shall be subject to approval by the Board of Water Commissioners. **UTILITY** Engineer shall inspect said water distribution system without unreasonable delay upon request by **DEVELOPER** and issue written notice to **DEVELOPER** to correct any defect, damage or nonconformity which may be discovered. Any element of the water distribution system found to contain any defect, damage or nonconformity shall be repaired by **DEVELOPER** and reinspected by **UTILITY** Engineer and shall not be accepted until corrective action is taken. **DEVELOPER** shall be responsible for operation and maintenance until accepted by **UTILITY**. Upon acceptance by **UTILITY**, **UTILITY** shall be responsible for the operation and maintenance of said water distribution system. **DEVELOPER** shall provide **UTILITY** with density test to certify proper compaction of trench backfill.

6. Water service shall be subject to payment of applicable user charges.

D. Storm and Surface Water Drainage

1. **DEVELOPER** shall construct, furnish, install, and provide at its cost and expense

adequate facilities for storm and surface water drainage throughout **REAL ESTATE** including the facilities which abut land dedicated or acquired for any public purpose. Storm and surface water drainage shall be in accordance with any applicable Master Plan for the area served, in accordance with the Storm Water Management Plan attached hereto as Exhibit "F" and Storm Sewer Plan attached hereto as Exhibit "G", and in accordance with **CITY** criteria for design of storm sewers. Sump pump discharge lines shall be installed and connected to the storm sewer in accordance with Section 5.115 of the Code of General Ordinances.

Tracer wires shall be installed on all storm sewer mains and laterals including sump pump laterals per City of Kenosha specifications, except for sewers located on private property.

2. **DEVELOPER** shall construct storm water retention basin for the improvement of water quality within Outlot A in conjunction with the Certified Survey Map as depicted in Exhibit "F" and "G". The retention basin shall be functional and operational as a prerequisite to **CITY** issuance of any Footing and Foundation permits for any improvements within **REAL ESTATE**
3. **CITY** shall assist **DEVELOPER** in obtaining the right to make connections and in procuring easements to **CITY'S** nearest appropriate and available storm sewer or drainage system and in allowing **DEVELOPER** to connect to any future storm sewer or drainage system of **CITY**, which is constructed to serve **REAL ESTATE**
4. Retention basins, storm and surface water conveyance systems and outlet structures for storm and surface water shall meet **CITY'S** current outflow and storage requirements. **DEVELOPER** shall submit plans, specifications and calculations for such storm and surface water drainage system to City Engineer and obtain written approval therefrom prior to construction. All portions of the **REAL ESTATE** designated as retention basins and outlet structures located in Outlots A, and Outlots B and C shall either be retained by **DEVELOPER** or assigned to an owner's association.

DEVELOPER or the owner's association, shall be responsible for maintenance, replacement or repair of all retention basins, storm and surface water conveyance system and outlet structures lying within **REAL ESTATE**, excepting those on public rights-of-way and shall provide **CITY** with a Maintenance Agreement. **CITY** shall review and approve of any owners association prior to final acceptance of the storm and surface water drainage system. **DEVELOPER**, prior to transfer to an owners association, shall provide **CITY** with a maintenance easement for the storm and surface water drainage system not located within public rights-of-way and the **CITY** may specially assess benefited property for any service performed. **CITY** shall assume all control and maintenance responsibility for storm sewers in any public right-of-way upon approval and acceptance of completed improvements. Maintenance and payment of taxes for Outlots A, B and C shall be the responsibility of the homeowners association and/or owners of Lot 1 of the Certified Survey Map.

5. **CITY** shall approve all such storm and surface water drainage facilities, including storm and surface water conveyance systems, located in the public right-of-way or in any easement lying within **REAL ESTATE** upon (a) completion in accordance with approved plans and specifications, (b) construction and delivery without defect, damage or non-conformance, (c) delivery to **CITY** of certified copies of all tests of storm

sewer system and a certified reproducible mylar "as-built" drawing and in a digital form acceptable to the **CITY**, (d) receipt of lien waivers from all contractors, and (e) certification by City Engineer of the above. Approval of the storm and surface water drainage facilities shall be upon recommendation by the City Engineer, Board of Public Works and formal action by the Common Council. The City Engineer shall inspect said storm and surface water drainage facilities without unreasonable delay upon request by **DEVELOPER**, and issue written notice to correct any defect, damage or nonconformity which may be discovered. Any element of the storm and surface water drainage system found to contain any defect, damage or nonconformity shall be reinspected by the City Engineer and shall not be accepted until corrective action is taken. Upon acceptance by **CITY**, **CITY** shall be responsible for the operation and maintenance of said storm and surface water drainage facilities lying within the public rights-of-way within said **REAL ESTATE**, subject to the Indemnity and Hold Harmless Agreement of **DEVELOPER** herein provided. **CITY** may specially assess benefited property or initiate a user fee for the cost of maintenance thereof.

6. Storm and surface water conveyance systems shall meet **CITY'S** current requirements. **DEVELOPER** shall submit plans, specifications, and calculations for such storm and surface water drainage system to City Engineer and obtain written approval therefrom prior to construction.

DEVELOPER shall be responsible for the maintenance, replacement or repair of all storm and surface water conveyance systems required for the development of property lying within **REAL ESTATE**, excepting those on public rights-of-way. **CITY** shall assume all control and maintenance responsibility for storm sewers in any public right-of-way upon approval and acceptance of completed improvements.

7. Storm and surface water which flows onto any abutting private property may be tied into existing drain tiles, if available, at the perimeter of **REAL ESTATE** with the permission of the abutting property owner where approved by the City Engineer.

8. **DEVELOPER** shall, during the term of **AGREEMENT**, indemnify, defend, and hold harmless **CITY**, **UTILITY**, and officers and employees thereof from and against any and all claims, damages, judgments, costs, expenses, and attorneys' fees which any of them may pay, sustain or incur should any person or party incur property loss or damage arising out of the design or construction of the storm and surface water drainage system, provided that the legal counsel representing any indemnified person or party shall be selected by **DEVELOPER**, and provided further, that **CITY** and **UTILITY** shall cooperate with **DEVELOPER**, and provided further, that **CITY** and **UTILITY** shall cooperate with **DEVELOPER** and **DEVELOPER'S** legal counsel in defending against any such claim. **CITY** and **UTILITY** shall be permitted to assist in the defense of any such claim.

E. Landscaping

1. **DEVELOPER** shall at its cost and expense, furnish, install, and provide landscaping for the Certified Survey Map within **REAL ESTATE** in conformity with the Tree Planting Plan attached hereto as Exhibit "H". Said landscaping shall be installed and presented to the **CITY** for acceptance prior to or concurrent with the street improvements stipulated in Section I.A.2. of **AGREEMENT**. **DEVELOPER** shall be responsible to water and maintain street trees for thirty (30) days after installation.

2. **DEVELOPER** shall remove and lawfully dispose of all rubbish, barns and outbuildings, dead trees, branches, brush, tree trunks, shrubs, and other natural growth that are inconsistent with approved plans.
3. **DEVELOPER** shall supply and install six (6) inches of topsoil in all lawn parks to bring lawn parks up to final grade.
4. **DEVELOPER** shall protect existing trees within **REAL ESTATE** in accordance with Section 34.10 of the Code of General Ordinances.

F. Street Lamps

1. **DEVELOPER** shall, at its cost and expense, install or contract with WE Energies for installation of street lamps within **REAL ESTATE** as recommended by the Traffic Engineer in accordance with the Street Lighting Plan, Exhibit "I". Said street lighting shall be installed and presented to the **CITY** for acceptance prior to or concurrent with the street improvements stipulated in Section I.A.2. of **AGREEMENT**. Cost of street lamp operation shall be the responsibility of **CITY**. Poles and fixtures shall be of a type acceptable to the **CITY**. The use of wood poles for lighting is prohibited.

G. Street Signs and Regulatory Signs

1. **DEVELOPER** shall reimburse **CITY** in an amount equal to its actual cost of the materials for and installation of street name signs at all intersections within the subdivision within thirty (30) days after being billed. Street designations shall be in numeric sequence as determined by **CITY**.
2. **DEVELOPER** shall reimburse **CITY** in an amount equal to its actual cost of materials and installation of all regulatory signs required by **CITY** within the subdivision, within thirty (30) days after being billed.

H. Grading

1. **DEVELOPER** shall grade **REAL ESTATE** in conformity with the Storm Water Management Plan attached hereto as Exhibit "F" and Storm Sewer Plan attached hereto as Exhibit "G".

I. Construction Management

1. **DEVELOPER** shall obtain permits and comply with the requirements of Chapter XXXIII of the Code of General Ordinances entitled, "Construction Site Maintenance and Erosion Control Code". Stockpiles of topsoil shall be identified on Grading Plan for any total plat of subdivision for a term as specified by **CITY**. At the time the mass grading Erosion Control Permit is issued, the **DEVELOPER** shall submit a payment of five thousand (\$5,000.00) dollars to guarantee that the conditions of the Erosion Control Permit are being followed as they relate to maintaining the public right-of-way and storm sewer system. The cash assurance shall be used if the **CITY** determines that the **DEVELOPER** or his/her contractor have not kept the right-of-ways clean from mudtracking, if there is damage to the stormwater drainage improvements, or if erosion and sediment controls are not being maintained. The cash assurance shall be

refunded to the landowner once the project is completed and it is determined that the property is in compliance with this requirement.

2. **CITY** and/or **UTILITY** shall provide engineering and inspection services during the installation of water, sanitary sewer, storm sewer, drainage, paving and sidewalk construction for adherence to approved plans and specifications. The cost of the inspection shall be billed to **DEVELOPER** who shall pay the bill within thirty (30) days of receipt. This inspection shall not relieve **DEVELOPER, DEVELOPER'S** engineer, or **DEVELOPER'S** contractor from their responsibility to install the infrastructure to proper horizontal and vertical alignment as shown on the approved plans or from providing "as-built" plans. Any and all testing services deemed necessary by **CITY** and/or **UTILITY** shall be paid for by **DEVELOPER**.
3. **DEVELOPER** shall abandon any wells on **REAL ESTATE** per Wisconsin Department of Natural Resources requirements Chapter NR 112, Wisconsin Administrative Code and Section 32.09 of the City Code of General Ordinances. **DEVELOPER** shall provide a copy of any completed well abandonment form to **UTILITY**.
4. **DEVELOPER** shall provide final improvement plans for Exhibits "C" through "I" and obtain **CITY** and **UTILITY** approval prior to the construction.
5. Construction of public improvements can commence only upon written authorization of **CITY** and **UTILITY**, which authorization shall not be unreasonably withheld. **DEVELOPER** shall hold a pre-construction meeting which shall be attended by **CITY, UTILITY, contractor** and consultants' inspector.
6. **UTILITY** Engineering Services Division reserves the right to hire outside testing services if proper testing is not being performed or the results of the testing does not conclusively determine the proper completion of the work covered under Section 1.D. and 1.E. of the **AGREEMENT**. **DEVELOPER** shall reimburse **UTILITY** for all costs for outside testing services.
7. **DEVELOPER** shall complete a T.V. Inspection of the completed sanitary sewer system. T.V. Inspection shall be performed by an inspection service acceptable to the **UTILITY**. Video tapes and written logs of all sewer inspections shall be submitted to **UTILITY** for review. Any repairs or cleaning identified by the T.V. Inspection shall be promptly performed by the **DEVELOPER** and the effected area re-televised.

UTILITY reserves the right to perform the T.V. Inspection of the sanitary sewer system, with **DEVELOPER** reimbursing the **UTILITY** for the cost of the inspection.
8. **CITY** reserves the right to hire outside testing services if proper testing is not being performed or the results of the testing does not conclusively determine the proper completion of the work under all sections of the **AGREEMENT**. **DEVELOPER** shall reimburse **CITY** for all costs for outside testing services.
9. **DEVELOPER** shall complete a T.V. Inspection of the completed storm sewer system. T.V. Inspection shall be performed by an inspection service acceptable to the **CITY**. Video tapes and written logs of all sewer inspections shall be submitted to **CITY** for review. Any repairs or cleaning identified by the T.V. Inspection shall be promptly

performed by the **DEVELOPER** and the effected area re-televised.

CITY reserves the right to perform the T.V. Inspection of the storm sewer system, with **DEVELOPER** reimbursing the **CITY** for the cost of the inspection.

II. DEDICATION AND ASSURANCE OF COMPLETION OF IMPROVEMENTS

- A. Subject to all other provisions of **AGREEMENT** and the exhibits hereto attached, **DEVELOPER** shall, without charge to **CITY** or **UTILITY** upon completion of all of the above described improvements located in public areas, unconditionally give, grant, convey and fully dedicate same to **CITY** and **UTILITY**, its successors and assigns, forever, free and clear of all encumbrances whatever, together with, including without limitation because of enumerations, all buildings, structures, mains, conduits, pipes, lines, plant machinery, equipment appurtenances and habiliments which may in any way be a part of or pertain to such improvements and together with any and all necessary easements for access thereto. After such dedication, **CITY** and **UTILITY** shall have the right to connect or integrate same into their related facilities as **CITY** and **UTILITY** shall determine, with no payment to, award of damages, or consent of **DEVELOPER**. Dedication shall not constitute acceptance of any improvement by **CITY** or **UTILITY**. All improvements will be accepted by **CITY** or **UTILITY** in writing in the manner herein set forth, where in conformance with **AGREEMENT**. **DEVELOPER** shall be responsible for the maintenance and snow plowing of any streets constructed within **REAL ESTATE** until said streets are formally accepted by **CITY** as specified in this **AGREEMENT**.
- B. Prior to approval by **CITY**, **DEVELOPER** shall deposit with the Clerk-Treasurer of **CITY** an assurance for completion of all improvements therein, in an amount established by the City Engineer and **UTILITY** General Manager that will reasonably compensate **CITY** and **UTILITY** for their cost of completion of any improvements not timely completed by **DEVELOPER** in accordance with plans and specifications.
- C. If and to the extent that **DEVELOPER** shall properly complete portions of improvements for which it shall have deposited an assurance with the Clerk-Treasurer of **CITY**, then, upon request of **DEVELOPER**, the Clerk-Treasurer of **CITY** shall, upon recommendation of City Engineer or General Manager of **UTILITY**, accordingly reduce the amount of the assurance required in proportion to the work completed. Prior to the release of any amount of the assurance, **DEVELOPER** shall submit to **CITY** and **UTILITY** a waiver of lien from all contractors and subcontractors.
- D. The form of the assurance required hereby is a cash assurance or an Irrevocable Letter of Credit which must be approved by the City Attorney as protecting **CITY** and **UTILITY** and providing access to funds to timely complete required improvements in accordance with approved plans and specifications. Should assurance funds be insufficient, **CITY** and **UTILITY** may perform required work at the cost and expense of the **DEVELOPER** and specially assess benefited **REAL ESTATE** therefor, if **DEVELOPER** has not timely paid for said improvements. If required improvements have not been completed within the term of a Letter of Credit and the Letter of Credit is about to expire and has not been renewed, **CITY** and **UTILITY** may draw upon the Letter of Credit to assure funds are available for completion of required improvements.

III. MISCELLANEOUS REQUIREMENTS

A. Survey Monuments

1. **DEVELOPER** shall properly place and install all survey and other monuments required by statute or ordinance.

B. Grade

1. **DEVELOPER** shall furnish **CITY** with final engineering plans on reproducible mylar, and digital format, a final grading plan indicating the street grade and finished yard grade at building, elevation of sidewalks, elevation of finished yard grade at building and property lines and elevation of swales (if required).

C. Notice of Installation and Construction of Public Improvements

1. **DEVELOPER** shall not construct any public improvement until Certified Survey Map and Development Agreement have been approved by the Common Council, the Development Agreement has been signed by all parties and all required assurances have been received and approved. **DEVELOPER** shall not commence the installation and construction of any public improvement without first obtaining written authorization from **CITY** and **UTILITY** and then notifying **CITY** and **UTILITY** two working days in advance of the physical commencement of construction. This notification requirement shall also apply to a work resumption following a work interruption of over five (5) working days.

D. Assurance

1. Assurance shall mean a cash bond or irrevocable Letter of Credit approved by the City Attorney.

IV. GUARANTEE OF STREETS, SIDEWALKS AND UTILITIES

A. **DEVELOPER** shall guarantee the street, sidewalk, and all utility improvements required herein against defects due to faulty materials or workmanship of which it is notified in writing within a period of one (1) year from the date of acceptance of any improvement by the Common Council or Board of Water Commissioners. **DEVELOPER** shall perform and pay for any required repairs. **UTILITY** may elect to complete repairs to sanitary sewer and water system if **UTILITY** deems necessary. **DEVELOPER** shall pay **UTILITY** for said repairs at **UTILITY'S** time and material rates.

B. To assure compliance with said guarantee, **DEVELOPER** shall deposit with **CITY** a cash bond, letter of credit, or other assurance in an amount determined sufficient by **CITY** and **UTILITY** to support guarantee

C. With respect to any portion of **REAL ESTATE** for which **CITY** shall approve a Certified Survey Map, **DEVELOPER** shall assume responsibility for any settlement of fill material that may occur in any utility trenches in any right-of-way or easement not under street pavement or sidewalk for a period of one (1) year from the date of the last acceptance by **CITY** or **UTILITY** of any **UTILITY** improvement located in such portion of **REAL ESTATE**

V. CITY'S RESPONSIBILITIES

A. **CITY** shall process occupancy permits at such time as required improvements have been constructed and applicable Conditions of the Conditional Use Permit have been satisfied. **CITY** shall not unreasonably withhold an occupancy permit due to the lack of any improvement, where applicant is otherwise entitled thereto and where an assurance therefor has been posted with **CITY** or **UTILITY** as herein required. Occupancy permits may be denied if utilities and storm and surface water drainage system required to serve property are not fully operational. **CITY** shall have the authority to withhold building and inspection services if **DEVELOPER** does not reasonably comply with the requirements of Chapter XXXIII of the Code of General Ordinances entitled, "Construction Site Maintenance and Erosion Control Code." All street improvements shall be completed prior to the issuance of any Occupancy permits.

B. **CITY** shall process and issue building permits without unreasonable delay after application so long as there is compliance with standards for the issuance thereof set forth in applicable **CITY** and State laws, rules or regulations and applicant has obtained all required **CITY** and State approvals. Ordinances governing **CITY** building and occupancy permits shall be applicable as they exist on the date of permit issuance.

C. **CITY** shall not provide trash pickup service.

VI. CONSTRUCTION AND FINANCE

A. Granular trench backfill shall be used under all pavement and sidewalks and within twenty-four (24) inches thereof, but shall not be required in any unpaved parkways, provided that **DEVELOPER** shall deposit with **CITY** the assurances herein required to guarantee improvements. **CITY** shall test granular backfill for proper compaction and shall charge **DEVELOPER** therefor, at its actual cost.

B. Inspection fees shall be computed at **CITY** or **UTILITY** employee's hourly rate plus indirect costs.

VII. MISCELLANEOUS

A. **CITY** represents that the provisions of **AGREEMENT** are consistent with its Zoning and Code of General Ordinances, or if inconsistent, are lawfully inconsistent therewith.

B. All notices, requests, demands, and other matters required to be given or which may be given hereunder shall be in writing and shall be deemed given when delivered in person or when deposited in the United States mail, registered or certified, return receipt requested, postage prepaid, addressed to the respective parties at the addresses stated below:

If to **CITY**:

City Clerk
Municipal Building
625 52nd Street
Kenosha, WI 53140

with copies to:

Mayor and City Attorney
Municipal Building
625 52nd Street
Kenosha, WI 53140

If to **UTILITY**:
General Manager
Kenosha Water Utility
4401 Green Bay Road
Kenosha, WI 53144

with a copy to:
City Attorney
(see address above)

If to **DEVELOPER**:
Michael Powers
First Industrial Investments, Inc.
311 S. Wacker Drive - Suite 4000
Chicago, IL 60606

C. Any party hereto may, in law or in equity, by suit, action, or mandamus, or other proceedings, including specific performance, enforce or compel the performance of **AGREEMENT**.

D. If any provision, covenant, or portion of **AGREEMENT** or its application to any person, entity or property is held invalid or unenforceable by a Court of Law or Equity, such status shall not affect the application or validity or other provisions covenants, or portions of **AGREEMENT** which can be given effect without the invalid provisions or applications, and to this end, the provisions and covenants of **AGREEMENT** are declared to be severable.

E. It is understood and agreed by the parties hereto that time is of the essence with respect to the provisions of **AGREEMENT** specifying dates and deadlines and the parties agree to expeditiously comply therewith.

F. Copies of all exhibits described herein are appended hereto and are by reference incorporated herein.

VIII. AMENDMENTS

The parties may, by mutual consent, amend **AGREEMENT**, subject to approval thereof by the respective governing bodies of **CITY** and **UTILITY**.

IX. AUTHORIZATION

A. **DEVELOPER** enters into this **AGREEMENT** by authority of action taken by the partnership on the 14th day of January, 2008.

B. **CITY** enters into this **AGREEMENT** by authority of action taken by its Common Council on the 2nd day of June, 2008.

C. **UTILITY** enters into this **AGREEMENT** by authority of action taken by its Board on the 28th day of May, 2008.

X. EXHIBITS

The exhibits to **AGREEMENT** listed below are made a part of **AGREEMENT**, as approved by **CITY**, and shall be provided to **CITY** and **UTILITY** by **DEVELOPER** on reproducible mylar.

- Exhibit A: Legal Description
- Exhibit B: Certified Survey Map
- Exhibit C: Street Layout Plan
- Exhibit D: Sanitary Sewer Plan
- Exhibit E: Water Main Plan
- Exhibit F: Storm Water Management & Storm Sewer Plan
- Exhibit G: Storm Sewer Plan
- Exhibit H: Tree Planting Plan
- Exhibit I: Street Lighting Plan
- Exhibit J: Wisconsin Department of Transportation letter dated 2008

NOTE: Exhibits C - I are Preliminary Exhibits.
Final Exhibits shall be on file in the Department of City Development.

XI. EXECUTION

This AGREEMENT will be executed as follows:

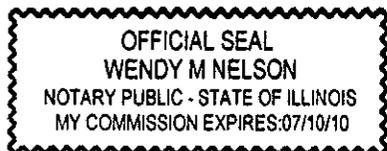
A. By DEVELOPER on the 14th day of January, 2008^a

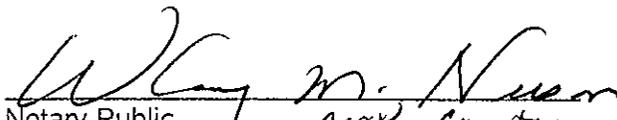


Michael Powers
First Industrial Investments, Inc.

STATE OF ILLINOIS)
Cook : SS
COUNTY OF DuPAGE)

Personally came before me this 14 day of January, 2008⁹, the above-named Michael Powers, to me known to be the person who executed the foregoing instrument and acknowledge same.



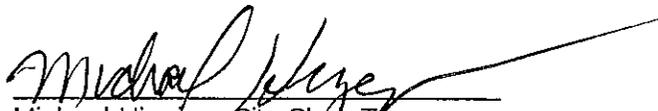


Notary Public, Cook County
My Commission Is/Expires: 07/10/10

B. By CITY on the 29th day of JANUARY, 2008.



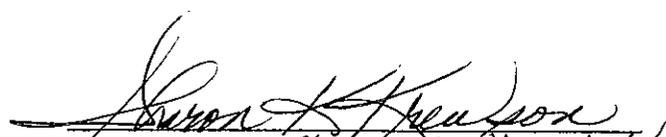
Keith G. Bosman, Mayor



Michael Higgins, City Clerk-Treasurer

STATE OF WISCONSIN)
: SS
COUNTY OF KENOSHA)

Personally came before me this 29th day of JANUARY, 2008. the above-named Keith G. Bosman and Michael Higgins, to me known to be the persons who executed the foregoing instrument and acknowledge same.



Notary Public, State of WISCONSIN
My Commission Is/Expires: 2/8/09

The following exhibits to the developers agreement are on file in the office of the Department of City Development, City of Kenosha, located at 625 52nd Street, Room 308, Kenosha, WI 53140:

- Exhibit C: Street Layout Plan
- Exhibit D: Sanitary Sewer Plan
- Exhibit E: Water Main Plan
- Exhibit F: Storm Water Management and Storm Sewer Plan
- Exhibit G: Storm Sewer Plan
- Exhibit H: Tree Planting Plan
- Exhibit I: Street Lighting Plan
- Exhibit J: Wisconsin Department of Transportation Letter dated 2008

DEVELOPER shall provide **CITY** said complete, full scale and hard copy final improvement plans for referenced exhibits prior to construction of the Certified Survey Map. All plans shall be in conformance with design standards in effect at the time of construction.

Planning & Zoning Division 625 52 nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	March 8, 2012	Item #7
Bicycle and Pedestrian Easement Agreement by and between Affiliated Foods Midwest Cooperative, Inc., and City of Kenosha for property at 8100 60th Street. (Affiliated Foods) (District #16 - formerly District #16) PUBLIC HEARING			

LOCATION/SURROUNDINGS:

Site: 8100 60th Street
 Zoned: M-2 Heavy Manufacturing/Air-3 and Air-4 Airport Overlay

NOTIFICATIONS/PROCEDURES:

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

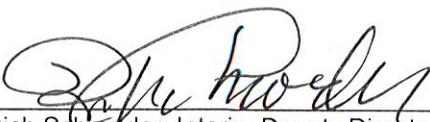
ANALYSIS:

- In 2008, Affiliated Foods received a Conditional Use Permit approval for a new distribution center. As part of the approval of this project, a Certified Survey Map was reviewed and approved. With approval of the Certified Survey Map, a twenty (20') foot wide Easement was recorded for a bicycle and pedestrian path on Affiliated Food's property, along the entire length of the 60th Street frontage. This off-street path was recommended in the City's adopted *Bicycle and Pedestrian Facilities Plan*.
- Affiliated Foods desires to clarify who will finance, construct, maintain and repair the bicycle/pedestrian path, which would be a ten (10') foot wide paved path within the Easement.
- The attached Easement would require that:
 - The original developer, First Industrial, would deposit a \$60,000 escrow with the City for the future construction of the path.
 - The City would construct the path with the \$60,000.
 - Affiliated Foods would maintain the path on a day to day basis, including snow plowing and debris removal.
 - The City would repair/replace the path in future years at the City's expense.

RECOMMENDATION:

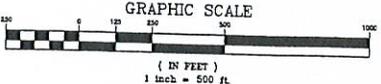
A recommendation is made to approve the proposed Bicycle and Pedestrian Easement.


 Brian R. Wilke, Development Coordinator


 Rich Schroeder, Interim Deputy Director

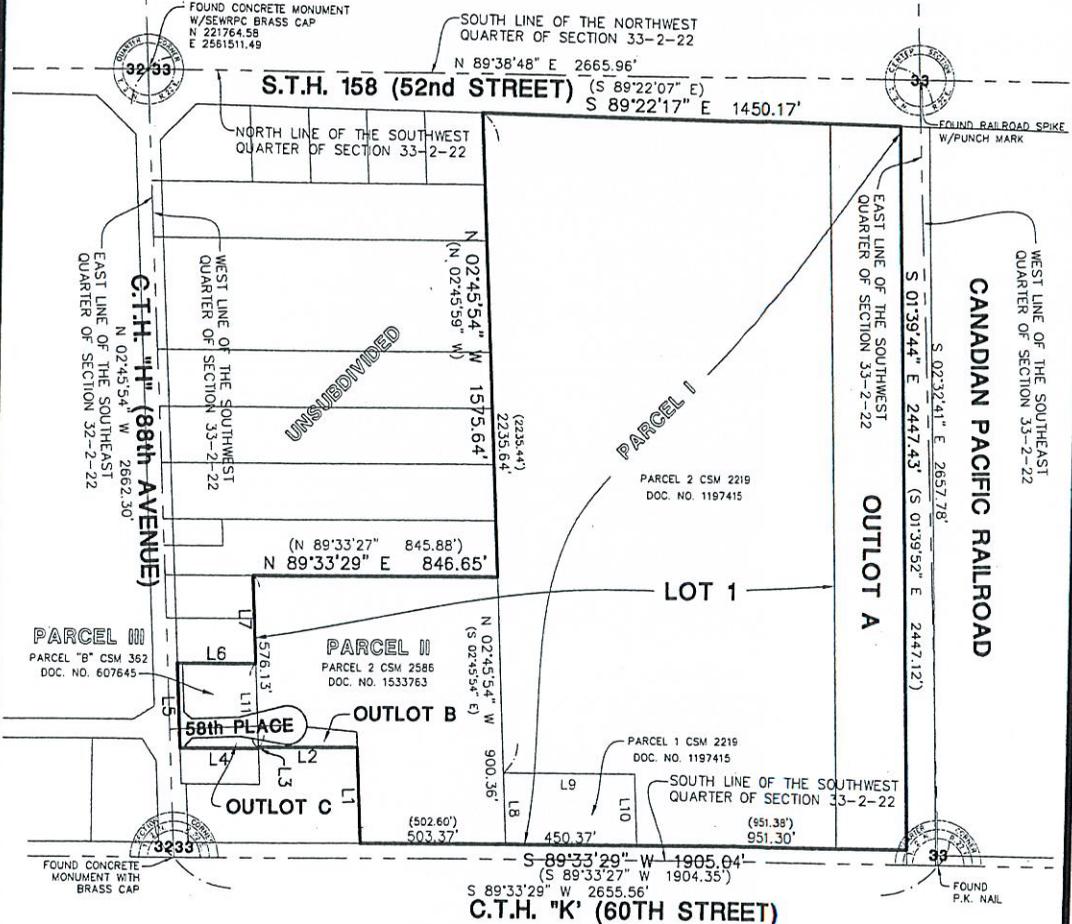
CERTIFIED SURVEY MAP NO. 2633

PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 22 EAST
 OF THE FOURTH PRINCIPAL MERIDIAN IN KENOSHA COUNTY, WISCONSIN.



OWNER: PARCELS I, II & III
 AFFILIATED FOODS MIDWEST COOPERATIVE, INC.
 1301 OMAHA AVENUE
 P.O. BOX 1067
 NORFOLK, NEBRASKA 68701-1067

BASIS OF BEARINGS: GRID NORTH, WISCONSIN
 STATE PLANE COORDINATE SYSTEM, SOUTH ZONE



LOCATION MAP
 (NOT TO SCALE)



LINE	BEARING	LENGTH
L1	N 02°45'54" W	324.23'
L2	S 89°33'29" W	343.28'
L3	S 02°45'54" E	4.67'
L4	S 89°33'29" W	266.97'
L5	N 02°45'54" W	285.60'
L6	N 89°33'29" E	266.97'
L7	N 02°45'54" W	295.20'
L8	N 02°45'54" W	240.36'
L9	N 89°33'29" E	450.37'
L10	S 02°45'54" E	240.36'
L11	N 02°45'54" W	285.60'

TAX KEY 08-222-33-301-022
 08-222-33-301-026
 08-222-33-301-301
 08-222-33-301-302



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 Construction Managers • Environmental Scientists • Landscape Architects • Planners

CSM
 CITY OF KENOSHA, WISCONSIN
 FIRST PARK KENOSHA SOUTH

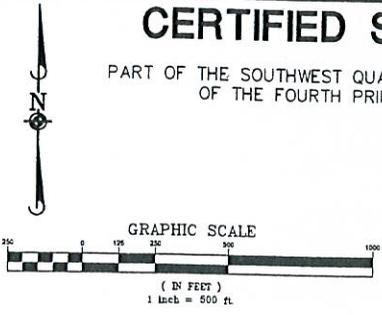
PROJ. MGR.: B.P.
 DRAWN BY: DMW
 DATE: 06/04/08
 SCALE: 1" = 500'

SHEET
 1 OF 5
 FIDKEW2 060985

18:20 Dag Binnar, P. Yifilwev2 (http://www.VPrint Drawings/CSM/FIDKEW2-CSM.dwg) Updated By: B.Pfohl

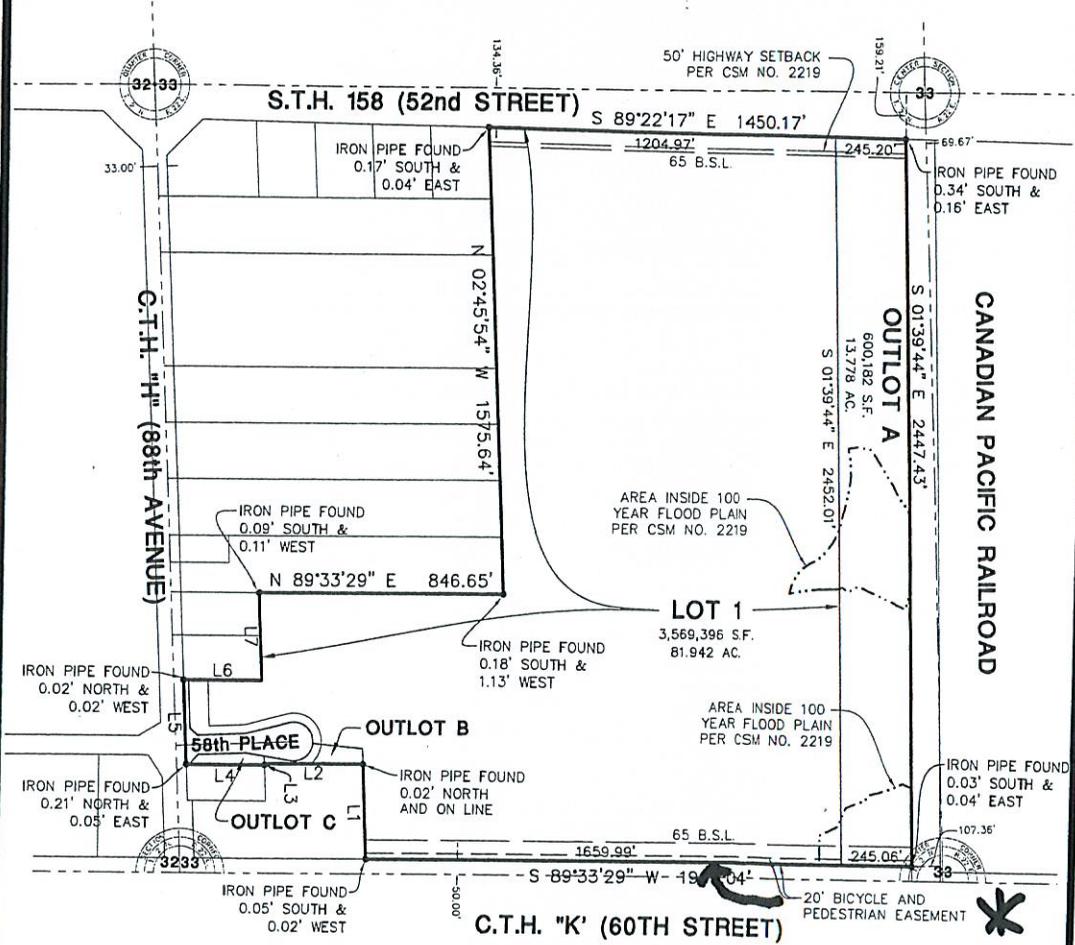
CERTIFIED SURVEY MAP NO. _____

PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 22 EAST OF THE FOURTH PRINCIPAL MERIDIAN IN KENOSHA COUNTY, WISCONSIN.



BICYCLE AND PEDESTRIAN EASEMENT PROVISIONS

A PERMANENT EASEMENT IS HEREBY GRANTED TO THE CITY OF KENOSHA, FOR PUBLIC INGRESS AND EGRESS, IN, OVER, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITHIN AREAS IDENTIFIED ON THE PLAT AS THE BICYCLE AND PEDESTRIAN EASEMENT. SAID EASEMENT IS TO BE FOR THE INSTALLATION, MAINTENANCE, AND REMOVAL OF SIDEWALKS, PATHWAYS, AND OTHER FEATURES IN ACCORDANCE WITH THE CITY OF KENOSHA ZONING ORDINANCES AS AMENDED.



- NOTE:**
- 5/8" X 18" LONG IRON ROD (WEIGHING NOT LESS THAN 1.13 LBS/FT) SET AT ALL PROPERTY CORNERS AND POINTS OF GEOMETRIC CHANGE
 - NO DEVELOPMENT OR SITE WORK SHALL OCCUR ON LOT 1 UNTIL A DETAILED DRAINAGE PLAN FOR THE ENTIRE SITE IS APPROVED BY THE CITY ENGINEER.
 - LOT 1 SUBJECT TO RESTRICTIONS SHOWN ON CSM NO. 2219.
 - CROSS ACCESS SHALL BE ALLOWED ACROSS OUTLOT C FOR THE PURPOSE OF A VEHICULAR CONNECTION TO 58TH PLACE FOR THE PARCELS TO THE SOUTH.
 - THE OWNER OR OWNERS OF LOT 1 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE STORMWATER POND AND PAYMENT OF THE TAXES ON OUTLOT A.

LINE	BEARING	LENGTH
L1	N 02°45'54" W	324.23'
L2	S 89°33'29" W	343.28'
L3	S 02°45'54" E	4.67'
L4	S 89°33'29" W	266.97'
L5	N 02°45'54" W	285.60'
L6	N 89°33'29" E	266.97'
L7	N 02°45'54" W	295.20'

ABBREVIATIONS:

B.S.L. - BUILDING SETBACK LINE



CSM
CITY OF KENOSHA, WISCONSIN
FIRST PARK KENOSHA SOUTH

PROJ. MGR.: BJP
DRAWN BY: DMW
DATE: 06/04/08
SCALE: 1" = 500'

SHEET
2 OF 5
FIDKEW2 060985

Dwg Name: P:\Fidkeys2\hwy\52nd\Drawings\CSM\FIDKEW2 - CSM.dwg Updated By: BPF/DMW

DOCUMENT NO.

BICYCLE AND PEDESTRIAN EASEMENT

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

08-222-33-301-201 / 08-222-33-301-202

PARCEL IDENTIFICATION NUMBER (PIN)

THIS BICYCLE AND PEDESTRIAN EASEMENT AGREEMENT ("Agreement") is made as of this _____ day of _____, 2012 by and between **AFFILIATED FOODS MIDWEST COOPERATIVE, INC.**, a Nebraska corporation, whose address is 1301 Omaha Avenue, Norfolk, Nebraska 68702-1067 (the "Grantor") and the **CITY OF KENOSHA**, whose address is 625 – 52nd Street, Kenosha, Wisconsin 53140 (the "Grantee").

RECITALS

A. Grantor owns that certain real property located in Kenosha, Wisconsin which is more particularly described in the attached Exhibit A (the "Property").

B. Pursuant to the provisions of Certified Survey Map No. 2633 recorded as Document #1561649 (the "CSM"), First Industrial Investment, Inc., as successor-in-interest to Grantor, provided to Grantee a permanent easement across a portion of the Property for the purpose of constructing and maintaining a bicycle and pedestrian sidewalk/pathway (the "Pathway").

C. Grantor and Grantee desire to reaffirm and clarify the terms of the easement for the Pathway, all on the terms and conditions as set forth herein.

NOW, THEREFORE, in consideration of the premises, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

GRANT OF PERMANENT EASEMENT: Grantor hereby grants and conveys to Grantee a permanent non-exclusive easement across and through the portion of the land located on the Property as more fully described in the attached Exhibit B (the "Easement") for the purpose of installing, constructing, operating, repairing and replacing the intended Pathway. Additionally, the Grantor hereby grants and conveys to Grantee the right to enter upon the Property for the purpose of access to the Easement, provided, however, Grantee shall provide at least ten (10) days prior notice to Grantor before accessing the Property, except in the event of an emergency, which notice will specify the work to be performed and a date when the work will be completed.

RESPONSIBILITIES OF GRANTOR AND GRANTEE WITH RESPECT TO PATHWAY: Grantee shall install and construct the Pathway within the Easement, and after completion of the Pathway, shall be responsible for any future operation, repair or replacement of the Pathway. For purposes of clarification, Grantee shall be responsible for future repair or replacement of the Pathway for any damage deemed to be normal wear and tear. Grantor shall be responsible for future repair or replacement of the Pathway for damage deemed in excess of normal wear and tear. Grantee shall construct the Pathway at such future date as Grantee

shall elect, in its sole discretion, upon not less than thirty (30) days prior written notice to Grantor. After completion of the Pathway, Grantor shall thereafter clear and maintain the Pathway free from obstructions and debris, at Grantor's sole cost and expense; provided, if Grantor shall fail to maintain the Pathway free from obstructions and debris, Grantee may, at its sole option, also access the Pathway to clear any obstructions and debris. Grantee shall charge, assess or otherwise levy any fees, fines or penalties to Grantor for removal of any obstructions and debris in conformance with Section 5.11 of the City of Kenosha General Code of Ordinances. Grantee shall not interfere with Grantor's operations or with Grantor or its invitees' access to the Property in connection with its installation, construction, operation, repair and replacement work. Grantee will not block, or allow the blockage of in any manner, more than half of any access drive at any time, allowing at least one lane open at all times in each access drive for vehicular traffic. Grantee shall separate by cones or other appropriate construction safety barriers the Easement while Grantee performs any work in the Easement. In no event shall the Easement be utilized for motorized vehicles of any kind.

CONSIDERATION: Grantor hereby acknowledges receipt of the sum of One Dollar (\$1.00) for this grant and conveyance of this easement.

RESTORATION OF PROPERTY: Any portion of the Property which is damaged by the Grantee's exercise of the Easement granted shall be repaired by Grantee to the condition that existed prior to the commencement of Grantee's work.

INDEMNITY. Grantee agrees to indemnify, defend, and hold Grantor, its successors, assigns, officers, directors, agents, lessees, licensees and employees harmless from and against any and all claims, losses, liens, liabilities, penalties, suits, actions, proceedings, judgments, demands, damages (including any consequential damages, whether foreseen or unforeseen), costs, and expenses (including reasonable attorneys' fees and court costs) made, incurred or asserted as a result of Grantee's, its agents, contractor's access to the Property or Grantee's, its agents or other public use of the Easement. Grantee hereby waives the limits on liability for Grantee set forth in Wis.Stat. Section 893.80(3).

NOTICE. All notices should be sent to the addresses noted above. Any party may lodge written notice of a change of address. All notices shall be in writing, and sent by nationally recognized overnight carrier or sent by certified mail, return receipt requested, and postage or other charges prepaid, to the addresses provided for in this paragraph and shall be deemed given when placed in the mail or as of the time it is deposited with the overnight carrier.

CONFLICT – CONTROLLING TERMS: If the terms of this Agreement shall in any way conflict with the terms with respect to the granting of the Easement as set forth in the CSM, the terms of this Agreement shall control.

DATE OF GRANT AND CONVEYANCE: ____ day of _____, 2012. This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors, and assigns.

[SIGNATURE PAGE FOR GRANTOR]

**AFFILIATED FOODS MIDWEST COOPERATIVE,
INC., a Nebraska corporation**

By: _____

Name: _____

Its: _____

STATE OF _____)

COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2012, by _____, the _____ of Affiliated Foods Cooperative Midwest, Inc., a Nebraska corporation, on behalf of said limited liability company,

Notary Public, _____ County, _____

(acting in _____ County)

My commission expires: _____

[Signature Page for City of Kenosha]

CITY OF KENOSHA

Mayor Keith Bosman

Debra Salas, City Clerk

STATE OF WISCONSIN
COUNTY OF KENOSHA

The foregoing instrument was acknowledged before me this _____ day of _____, 2012, by Keith G. Bosman, Mayor and Debra Salas, City Clerk, on behalf of said city.

Notary Public, _____ County, Wisconsin
(acting in _____ County)
My commission expires: _____

Drafted by, and after recording return to:
Brian Wilke, Development Coordinator
City of Kenosha
Department of Community Development & Inspections - Room 308
625 52nd Street
Kenosha, WI 53140

EXHIBIT A

Legal Description of Property

EXHIBIT B

Legal Description of Easement

Municipal Building 625 52nd Street – Room 202	<i>Kenosha City Plan Commission Agenda</i>	Thursday, March 8, 2012 5:00 p.m.
<i>Mayor Keith Bosman, Alderman Jesse Downing, Alderman Jan Michalski, Anderson Lattimore, Anita Faraone, Art Landry, Bruce McCurdy, Ron Stevens</i>		

****ADDENDUM****

Call to Order and Roll Call

1. Request for a Special Exception to the setback requirements under Section 4.06 D.13(g) of the Zoning Ordinance for a communication tower at 4411 Sheridan Road. (*Kenosha Plumbing*)
(*District #2 - formerly District #2*) **PUBLIC HEARING**

Public Comments

Commissioner Comments

Staff Comments

Adjournment

Planning & Zoning Division 625 52 nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	March 8, 2012	Addendum Item #1
Request for a Special Exception to the setback requirements under Section 4.06 D.13(g) of the Zoning Ordinance for a communication tower at 4411 Sheridan Road. (Kenosha Plumbing) (District #2 - formerly District #2) PUBLIC HEARING			

LOCATION/SURROUNDINGS:

Site: 4411 Sheridan Road
 Zoned: B-2 Community Business District

NOTIFICATIONS/PROCEDURES:

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

ANALYSIS:

- The applicant has proposed a new communication (cellular) tower to be constructed at 4411 Sheridan Road. The tower would be designed as a one-hundred (100') foot tall flag pole.
- The review of this application is a Staff level review. However, since the tower does not meet some of the required setbacks, a Special Exception is needed.
- The Common Council is the designated review authority for the Special Exception request. The Common Council reviewed the request on March 5, 2012 and voted to send the item to the City Plan Commission for their input. Additional details on the request can be found on the attached memo dated March 1, 2012.
- The Common Council discussed the requirement that all ground level equipment be stored underground or within the principal structure on the site. The concern was that the equipment would be housed in an existing garage on the site - how could that be a principal structure? Since this is a separate property and the garage is the only building on the site (other than a very small shed), the garage is the principal structure on the site.
- The Common Council also asked about notification to abutting property owners. Since the Zoning Ordinance does not specifically require notification for this Special Exception, City Staff did not notify abutting property owners. Staff did advise the applicant to speak to the abutting property owners, and the applicant has provided the attached Petition with several signatures indicating support for the project.

RECOMMENDATION:

For Commission review and recommendation.



 Brian R. Wilke, Development Coordinator



 Jeffrey B. Labahn, Interim Director

·Planning & Zoning
 ·Community Development
 262.653.4030
 262.653.4045 FAX
 Room 308



·Building Inspections
 ·Property Maintenance
 262.653.4263
 262.653.4254 FAX
 Room 100

DEPARTMENT OF COMMUNITY DEVELOPMENT & INSPECTIONS

Municipal Building · 625 52nd Street · Kenosha, WI 53140
 www.kenosha.org

Jeffrey B. Labahn, Interim Director

Richard Schroeder, Interim Deputy Director

MEMO

TO: Mayor Keith Bosman
 Members of the Common Council

FROM: Brian Wilke, Department of Community Development & Inspections

RE: **Request for a Special Exception to the setback requirements of Section 4.06 D.13.(g) of the Zoning Ordinance for a communication tower at 4411 Sheridan Road (Kenosha Plumbing) (District #2 - formerly District #2)**

DATE: March 1, 2012

SBA Towers has submitted a Conditional Use Permit application to construct a new one hundred (100') foot high communication (cellular) tower on the property at 4411 Sheridan Road, owned by Kenosha Plumbing. The tower will be a "stealth" design, constructed to look like a flagpole with all of the antennas and related equipment housed inside the flagpole. The ground level equipment will be placed inside the existing garage on the site.

The setbacks for the tower do not meet the minimum requirements of Section 4.06 D.13 (g) of the Zoning Ordinance. The following are the required and proposed setbacks:

	<i>FRONT</i>	<i>SIDE</i>	<i>REAR</i>
<i>Required</i>	100'	25'	100'
<i>Proposed</i>	75'	34' and 32'	57'

Per Section 4.06 D.13 (g)(5) of the Zoning Ordinance, the applicant has the ability to request a Special Exception from the Common Council for towers proposed with a stealth design. The applicant has made the request for a Special Exception.

The Conditional Use Permit application has been reviewed by City Staff. Other than some minor site drainage issues, all other technical items on the site have been addressed.

Recommendation:

For Common Council review and recommendation.

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

(1) **Communication Towers.** Radio/Television/Relay Towers shall have Stealth Design when required by the Review Authority. If Stealth Design is not required, a Monopole rather than Lattice Tower shall be required for towers under one hundred fifty (150') feet in height.

(2) Equipment facilities and/or accessory buildings shall be designed with materials in conformance with Section 14.07 B.10.a. of this Ordinance, and all equipment facilities and accessory buildings on a site shall be designed with compatible materials. All Co-Locators are encouraged, but not required, to be housed within a common building. Equipment facilities and accessory buildings in existence prior to January 1, 2005, are exempt from the requirements of this Section.

(3) Equipment areas that are fenced shall be fenced with a six (6') foot fence constructed as determined by the Review Authority.

b. **Site Plan** as required in Section 4.05 C. and Section 14 of this Ordinance, plus:

(1) Location and footprint of all building(s) and structure(s) for entire parcel, including existing buildings, existing structures and tower setbacks from lot lines, street right-of-ways, and existing buildings.

(2) The location of all existing off-street parking spaces. All parking spaces shall be paved with asphaltic concrete or Portland cement concrete.

(3) Access easements, if applicable. All access easements shall be a minimum of eighteen (18') feet wide and shall be paved.

(4) Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other Federal or State authority for a particular Tower.

(5) The use of any portion of a Tower for signs other than warning or equipment information signs is prohibited.

c. **Drainage Plan** as required in Section 4.05 D. and Section 14 of the Zoning Ordinance.

d. **Landscape Plan** as required in Section 4.05 E. and Section 14.08 H., Commercial Site Landscaping Requirements of the Zoning Ordinance. Antennas that are installed on existing Alternative Tower Structures, shall, at a minimum, provide a five (5') foot wide landscape area around the service building. All other landscaping requirements may be waived for existing Towers or Antennas installed on existing buildings or other structures.

e. **Utility Plan** as required in Section 4.05 F. and Section 14 of the City of Kenosha Zoning Ordinance.

f. **Operation Plan**, which includes:

(1) Name and address of facility operator.

(2) Facility maintenance detail.

(3) A narrative and map description of the applicant's system-wide plan describing existing and

applied for facilities to serve the community. The system-wide plan shall extend for a distance of a minimum of one (1) mile beyond the municipal boundary of the City.

g. **Yard Requirements For Communication Towers.**

(1) **Front Yard.** There shall be a minimum front yard of one hundred (100') feet, measured from the front lot line, or from the setback of any major street.

(2) **Side Yards.**

(a) **Interior Side Yard.** There shall be a minimum interior side yard of twenty-five (25') feet. Where a side lot line abuts a residential district, there shall be an interior side yard of not less than one hundred (100') feet, measured from the base of the Tower or any support wires to the lot line. Corner lots shall have one (1) street side yard and one (1) interior side yard.

(b) **Street Side Yard.** There shall be a minimum street side yard of twenty-five (25') feet, measured from the street side lot line, or from the setback of any major street to the base of the Tower or any support wires. Corner lots shall have one (1) street side yard and one (1) interior side yard.

(3) **Rear Yard.** There shall be a minimum rear yard of twenty-five (25') feet. Where a rear lot line abuts a residential district, there shall be a rear yard of not less than one hundred (100') feet measured from the base of the Tower or any support wires to the rear lot line.

(4) **Spacing From Buildings.** New Communication Towers, except for those indicated in Section 4.06 D.13.g.(5), shall in no case be permitted to be erected or constructed within one hundred (100') feet of any existing occupiable buildings.

(5) **New Communication Towers Utilizing Stealth Design.** New Communication Towers utilizing Stealth Design, which do not meet the yard requirements or spacing requirements of Sections 4.06 D.13.g.(1) through (4) may be constructed when so authorized by the Common Council. All equipment facilities constructed under authorization of this Section shall be located underground or within the principal structure on the Site.

(6) **Spacing Between Communication Towers.** New Communication Towers shall in no case be permitted to be erected or constructed within a one thousand (1,000') foot radius of another Communication Tower, unless the Review Authority makes a determination that this requirement causes an unnecessary hardship. In evaluating such circumstances, the Review Authority may employ the services of a consulting expert, the expense for which shall be reimbursed by the applicant as an administrative cost of processing the application. This requirement is exempted for City-owned Sites.

Property Line

SCALE 1" = 20'

FOR ALL DIMENSIONS IN THIS PLAN
UNLESS OTHERWISE NOTED,
THEY ARE IN FEET AND DECIMALS THEREOF.

SBA

TERRA

ECO Bases Highways
3000 Brockton Sound Parkway NW
Rocky Hill, CT 06066
Tel: 861/698-8401
Fax: 861/698-8401

NO.	DATE	DESCRIPTION
1	11/11/11	ISSUED FOR REVIEW
2	11/11/11	REVISION PER CLIENT COMMENTS
3	11/11/11	REVISION FOR RECORD

SITE W14568-B

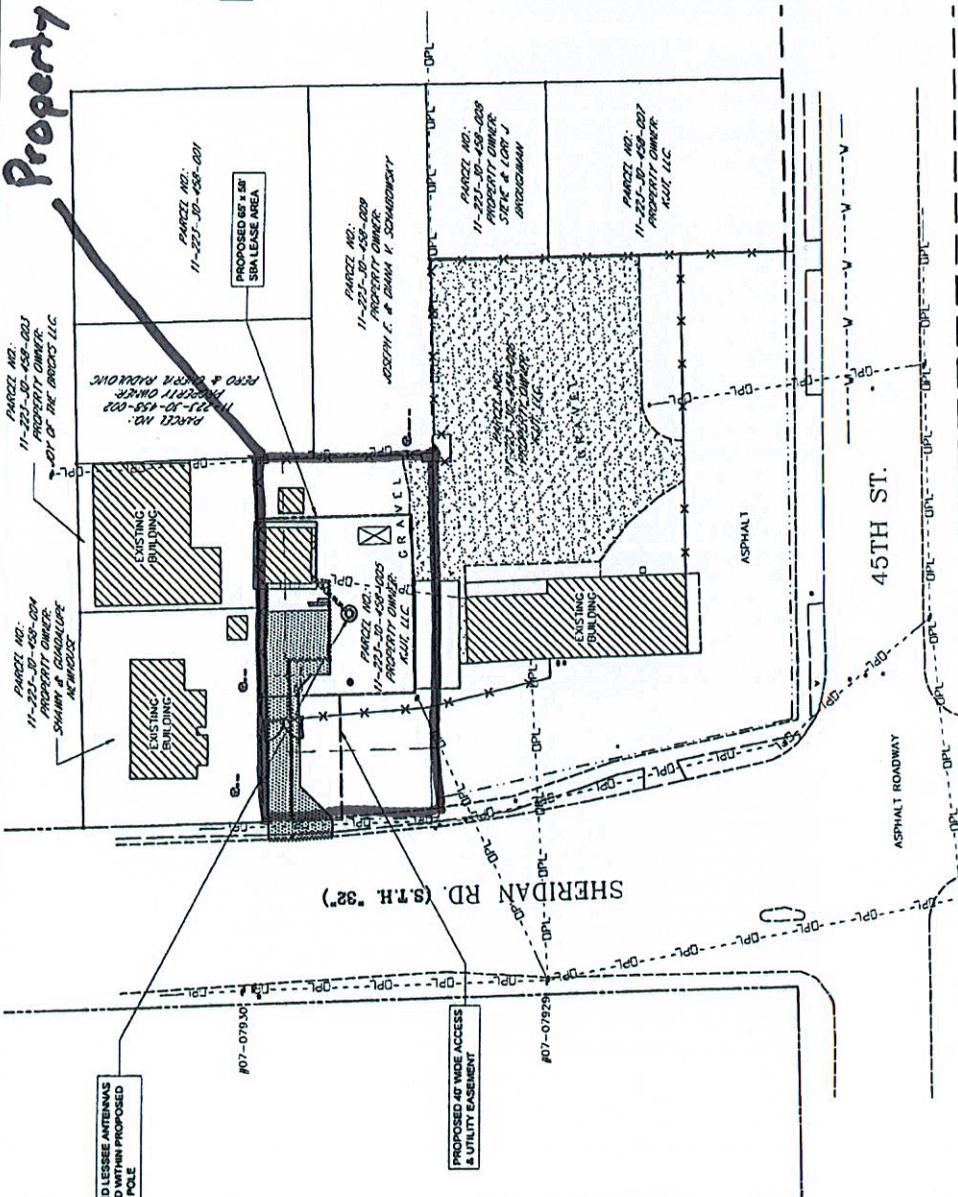
KENOSHA NORTH

4421 SHERIDAN RD.
KENOSHA, WI 53140

DESIGNED BY: []
CHECKED BY: []
DATE: []
PROJECT # []
SHEET # []
TOTAL SHEETS []

LOCATION PLAN

LP



DEVELOPMENT SIZE

- * LOT SIZE - 8,723 S.F.
- * PROPOSED AGGREGATE COMPOUND SIZE - 3,770 S.F.
- * PROPOSED EQUIPMENT SHELTER SIZE - 299 S.F.
- * PROPOSED ASPHALT DRIVE - 520 S.F.

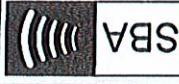
- LEGEND-**
- 1" IRON PIPE FOUND
 - EXISTING POWER POLE
 - TELEPHONE PEDESTAL
 - ELECTRIC METER
 - GAS METER
 - WATER VALVE
 - WATER MOUNT
 - LIGHT POLE
 - SIGN
 - MANHOLE
 - CATCH BASIN
 - WOOD POST
 - BURIED WATER MAIN
 - OVERHEAD ELECTRIC
 - - - PROPERTY LINE
 - EXISTING TREE

MERIDIAN SURVEYING, LLC

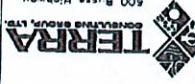
18174 Fremont
Menomonie, WI 54952
Office: 920-993-0881
Fax: 920-713-6037

BENCHMARK INFORMATION
SITE BENCHMARK: (BM A)
SET 6" NAIL IN WEST FACE OF POWER POLE #R8-1186R; 11' ABOVE GROUND LEVEL.
ELEVATION: 608.14'

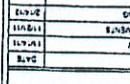




SBA
SEA TOURS II, LLC
3900 BROCKEN SOUND PKWY NW
KNOX, TN 37623
PHONE: 1-800-457-7483



TERRA
600 BASS HAVEN
PO BOX 847698
MIAMI, FL 33186
TEL: 305-447-6000
FAX: 847-698-6401



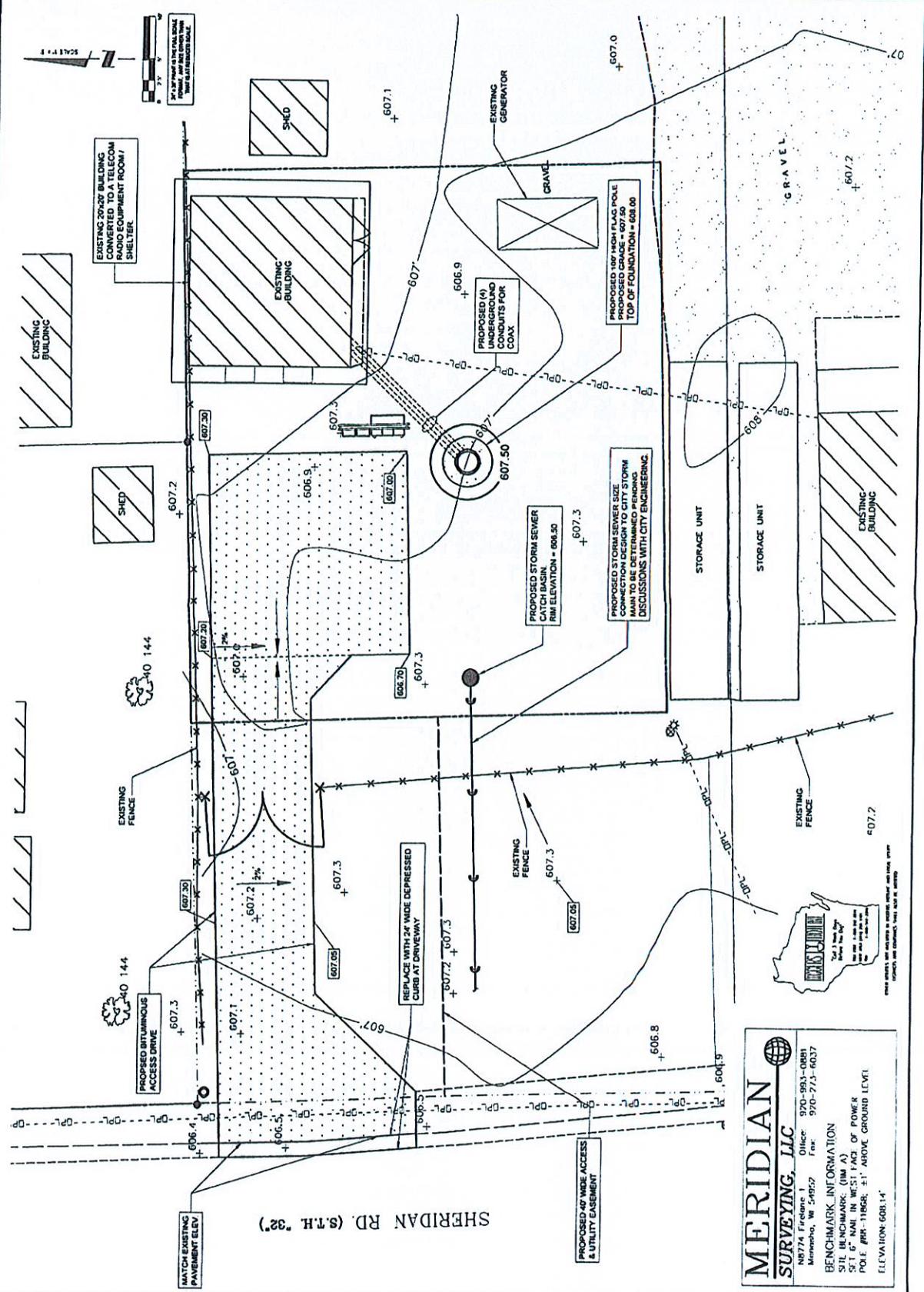
CS&S
CONSULTING ENGINEERS, INC.
4215 PINE BLVD
KNOX, TN 37618
TEL: 615-582-2000
FAX: 615-582-2001

NO.	DATE	DESCRIPTION
1	11/11/11	REVISION
2	11/11/11	REVISION
3	11/11/11	REVISION
4	11/11/11	REVISION
5	11/11/11	REVISION
6	11/11/11	REVISION
7	11/11/11	REVISION
8	11/11/11	REVISION
9	11/11/11	REVISION
10	11/11/11	REVISION

SITE W14568-B
KENOSHA NORTH
4421 SHERIDAN RD
KENOSHA, WI 53140

DESIGNED BY	DATE
CHECKED BY	DATE
DRAWN	DATE
PROJECT NO.	DATE

SITE GRADING PLAN
SCALE: 1" = 10'
SHEET NUMBER
C-2



MERIDIAN SURVEYING, LLC
 18074 Frederic I
 Menomonee, WI 54952
 Office: 920-993-0881
 Fax: 920-773-6037

BENCHMARK INFORMATION
 S/TL BENCHMARK: (IM A)
 S/TL 6" NAIL IN WEST FACE OF POWER
 POLE #RR-1186R; ±1' ABOVE GROUND (LVL)
 ELEVATION: 608.14'

SBA
 55A TOWERS II, LLC
 5500 BROOKWOOD PARKWAY NW
 ROCK HAVEN, FL 33487
 PHONE 1-800-487-7483

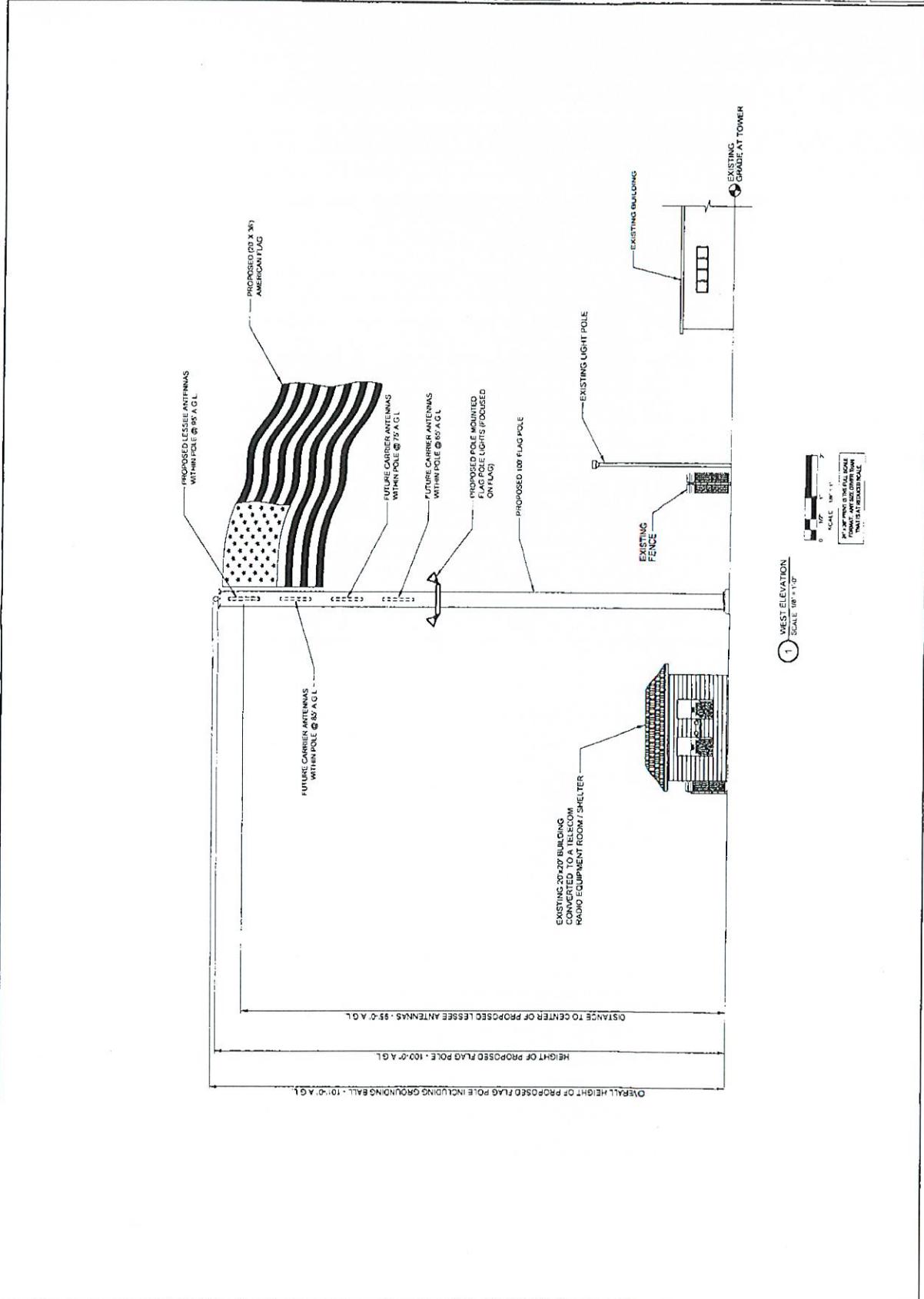
TERRA
 600 BUSSIE HIGHWAY
 FORT LAUDERDALE, FL 33408
 PHONE 847/698-6400
 FAX 847/698-6401

NO.	DATE	DESCRIPTION
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2	05/20/10	REVISED PER CLIENT COMMENTS
3	05/20/10	REVISED FOR ZONING

SITE W114568-B
KENOSHA NORTH
 4421 SHERIDAN RD.
 KENOSHA, WI 53140

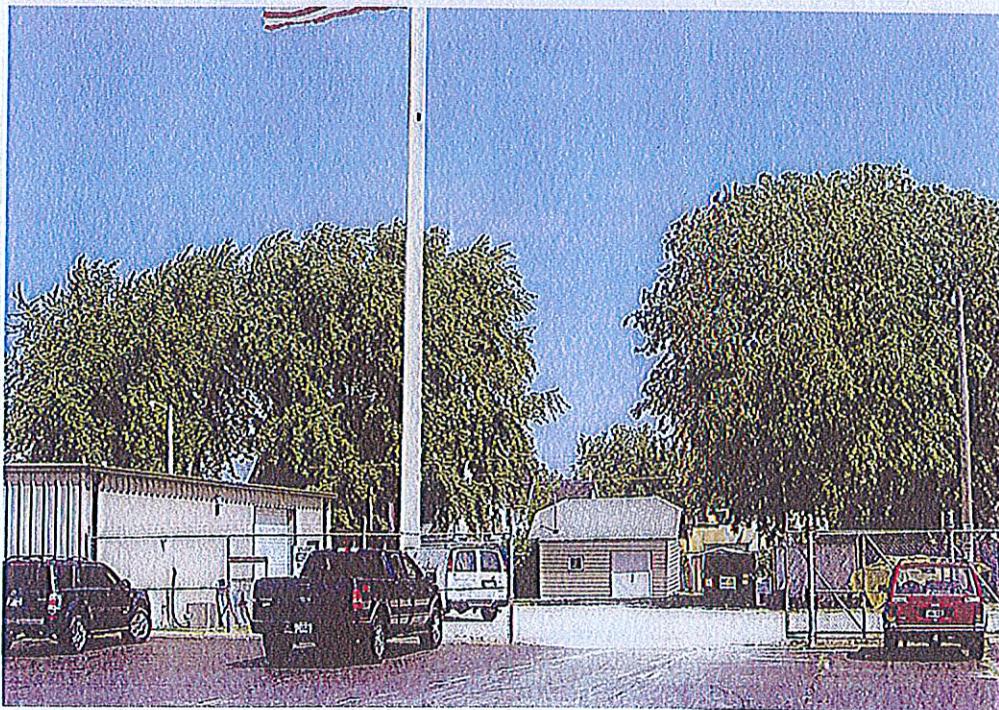
DATE	JULY
BY	JAY
CHECKED BY	DAVID
DATE	07/11
PROJECT #	7001
SHEET TITLE	SITE ELEVATION

ANT-1





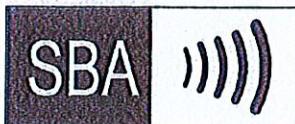
Before



After

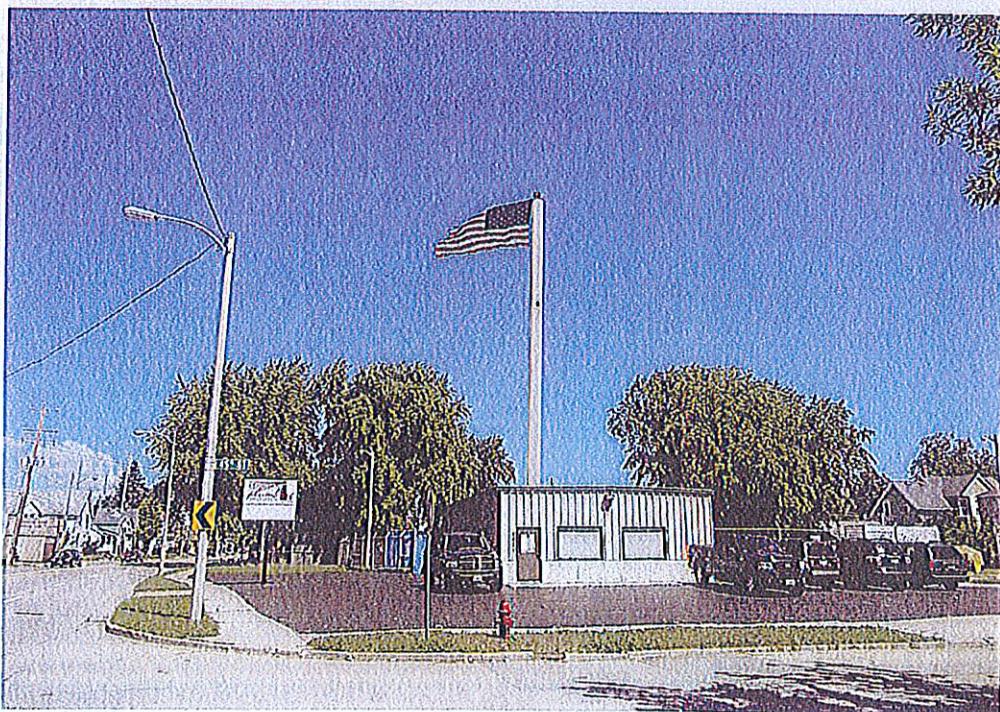
Kenosha North

View from Southeast





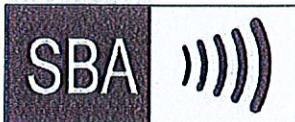
Before



After

Kenosha North

View from Southwest



Petition to Allow Flag Pole / Antenna @ 4411 Sheridan Rd.

Attached are simulation photos of a proposed flagpole at the Kenosha Plumbing site on Sheridan Road. On March 5th we will be asking the Kenosha Common Council to approve a property line offset variance to allow the installation of this beautiful addition to our neighborhood. Thank you for your support.

Action Petitioned For: We the undersigned are concerned citizens who urge our Kenosha Common Council leaders to act now to allow installation of a flagpole / antenna at 4411 Sheridan Rd Kenosha, WI. 53140.

Date	Signature	Printed Name	Address	Comment
2/24/12		Vanessa Nellis	919 45 th St	yes
2/24/12		Dustin Soto	819-45 th St	Yes
2/24/12		Mark Pfeiffer	811 45 th Street	Yes
2/24/12		Theresa Kexel	4315 8 Ave	Yes
24 FEB 12		Richard Campbell	726 44th Street	Yes
Feb 24/12		Terilyn Campbell	726 44th St.	Yes

Date	Signature	Printed Name	Address	Comment
2-24-12		RAYNA TIMMS	3901 45th St 53144	YES
"		JOHN WEISS	4707-5 TH AVE	YES !!! PLEASE!
2-24-12		MAUREEN GOLDSTEIN	3818 5 TH AVE 53140	
2/25/12		Julie Weiss	4707 5th Ave	Yes, need it
		John Hougner	3502-6 TH Ave	Yes
2/26/12		KRISTINA NIEMELINEN	4514 5TH AVE	
2/26/12		Jesse Torgerson	1700 5th Ave	YES
2/26/12		RICHARD BUJNOWICZ	713-44 ST	YES
2-26-12		David Cromer	716 44 ST	YES
2-26-12		Karshenetta Jewell	810-44 TH ST	Yes.
2/26/12		Herbert Mason	810 44 TH ST.	O.K.!

Petition to Allow Flag Pole / Antenna @ 4411 Sheridan Rd.

Attached are simulation photos of a proposed flagpole at the Kenosha Plumbing site on Sheridan Road. On March 5th we will be asking the Kenosha Common Council to approve a property line offset variance to allow the installation of this beautiful addition to our neighborhood. Thank you for your support.

Action Petitioned For: We the undersigned are concerned citizens who urge our Kenosha Common Council leaders to act now to allow installation of a flagpole / antenna at 4411 Sheridan Rd Kenosha, WI. 53140.

Date	Signature	Printed Name	Address	Comment
2/22/12	Angelica Covelli	Angelica Covelli	4500-Sheridan Rd.	Yes!!
2/22/12	Steve Talorovik	STEVE TALORONIK	4420 Sheridan Rd	Yes!!
2/22/12	Blanca Escarilla	Escarilla	42105 Sheridan Rd	SI
2/22/12	James A Sundstrom	James Sundstrom	817 44 st	Yes
2/22/12	Mark Martini-Si	MARK MARTIN	813- 44 ST	YES
2-22/12	Sandra Kivell	SANDRA KIVELL	718- 45 th St.	yes

Date	Signature	Printed Name	Address	Comment
2-22-12	Ricky P. Pucci	Ricky P Pucci	4502 8TH AVE	YES
2-22-12	Terry Mountain	Terry Mountain	4210 5 ave	YES
2-22-12	Mark A. Sheridan	Mark A Sheridan	4509 Sheridan	YES
2-22-12	R. C.	Rich Caelli	4500 Sheridan Rd	YES
2-22-12	Ralph M. Cable	RALPH M. CABLE	2506-7th St.	yes
2-22-12	Amy C. Trecker	Amy Trecker	809. 45th	YES
2-23-12	William Liggett	William Liggett	3828 5th AVE	YES
2-24-12	John B. Bensen	John B. Bensen	4818 44th	yes
2-24-12	Christina Williams	Christina Williams	4101 8th	yes
2-24-12	Alisa Taleronik	Alisa Taleronik	4420 Sheridan Rd	yes
2-24-12	Anthony R. Witkowski	ANTHONY WITKOWSKI	712-45 st	Yes
2-24-12	David A. Dakey	David A Dakey	4424. 7th Ave	YES.

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Date	Signature	Printed Name	Address	Comment
2-26-2012	Melissa Moentgen	MELISSA MOENTGEN	4210 5 th Ave Upper	VERY NICE to have a flag pole in America
2-26-2012	Joel - N - Sokolowski	Joel N Sokolowski	4205 th Ave upper	would be nice to have an flag pole in America
2-26-2012	Ashley Nielsen	Ashley Nielsen	4210-5 th Ave	GOOD PERSON would be great to have another antenna in the area!
2/26/2012	Nora Neives	Nora Neives	4217 5 th Ave	Good for summer
2/26/2012	R. Heller	SANDRA HOLDEMAN	4206 5th AVE	WHATSOEVER
2/26/2012	Nancy B. Smaslo	NANCY BEIESKE	500 HAND ST.	NICE

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Date	Signature	Printed Name	Address	Comment
2-26	Judy Marquez Jr.	JUDY MARQUEZ	4205 6TH	
2-26	Ashley Sizemore	Ashley Sizemore	4210 6th	
2/26	Juan J. Sacerdas	JUAN SACERDAS	602-43 RD STREET	IT BE NICE TO HAVE A FLAG.
2/26	Deborah Zielinski	Deborah Zielinski	4300 6 AVE	
2/26	Catherine Bierdz	CATHERINE BIERDZ	4311-6 TH AVE	NICE TO HAVE A FLAG!
2/26	Steven Jones	Steven Jones	4319 6 th Ave	
2/26/12	Deborah Garrison	Deborah Garrison	4402-6 TH AVE	Flag idea Awesome
2/26/12	Jennifer Jensen	Jennifer Jensen	4412-6 th Ave	Love this country!
2/26/12	Kary Teister	KARY TEISTER	4417 - 6 th Av	
2/26/12	Totto Lemmon	Totto Lemmon	4417 - 6 th Ave	Sounds good.
2/26/12	Ruth Holguin	Ruth Holguin	1721 - Warwick way	Awesome Idea!!
2/26/12	Allison Rivera	Allison Rivera	1031 George St	get it

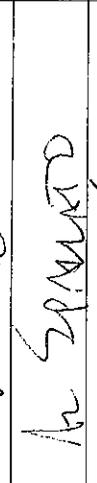
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2/26/12	Robert Campbell	Robert Campbell	4015 6th Ave	YES
2/26/12	Melanie Hovey	Melanie Hovey	4401 Sheridan	we could use a cell tower here
2/26/12	Mike Watson	Mike Watson PTO ZEKOVIS	4502 8th	
2/27-12	Peter Schum	4520 8th Ave	4520 8th Ave	
2/27/12		Ray Forghiani	8731-45th AV	
2/27/12		JIM MATZUR	4815-7 AVE	WE NEED BETTER CELL SERVICE

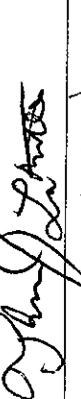
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Date	Signature	Printed Name	Address	Comment
2-27-12		Wendy Gunderson	4815-7th AVE	
2-27-12		JEFF ZIMMELMAN	4807-7 AVE	
2-27-12		JAMES R. FIELDS II	7303 8TH AVE	
2-27-12		HOLLY HENDERSON	4624 9TH AVE	
2/27/12		Greg Gierl	4507 7TH AVE	
2/27/12		JENNIFER KOFFLER	711 WASHINGTON AVE	
2/27/12		Sherry Revis	495 74th AVE	
2/27/12		MAE YOUNG KWAK	4324 74th AVE	
2/27/12		A Spalding	3910.7 ave	
2-27-12		Russell M. White	111-55 st	
2.2.12		Julie Zorn	4914-7 AVE 3909.7 AVE	
3-2-12		Janis Barnhill	4914 7 AVE 3631 25 ST	

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Date	Signature	Printed Name	Address	Comment
2/29/12		Walt Kefflin	4209 S Main	OK
2/29/12		Ken Wilcox	511 47th St	OK
2/29/12		Walt Kefflin Crystal DeWitt	504-43 St	OK
2-29-12		Thomas J Laroche	43185 Ave	
2-29-12		Bridget Robbins	437 44th St	OK
2-29-12		Laura Cox	4426 5th Ave	Why not

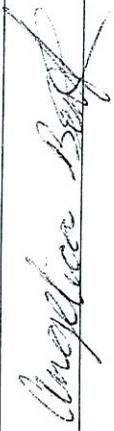
Date	Signature	Printed Name	Address	Comment
2-29-12	Jason Morse	Jason Morse	4607-5th Ave.	Nice flag
2/29/12	<i>[Signature]</i>	D. BRYZICK	4607-5th	OK
2/29/12	<i>[Signature]</i>	J.R. BERRY	4618-5th Ave	
2/29/12	<i>[Signature]</i>	Casey Sands	11603 5th Ave	you
2/29/12	<i>[Signature]</i>	Charles Mata (miss)	4418 5th Ave	



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Date	Signature	Printed Name	Address	Comment
2-29-12		Angelica B.	4330 3 rd Ave	