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| <p>Municipal Building 625 52nd Street – Room 202</p> | <p><i>Kenosha City Plan Commission</i> <i>Agenda</i></p> | <p>Thursday, March 24, 2011 5:00 p.m.</p> |
| <p><i>Mayor Keith Bosman - Chairman</i> <i>Alderman G. John Ruffolo - Vice-Chairman, Alderman Jan Michalski, Alderman Jesse Downing,</i> <i>Anderson Lattimore, Anita Faraone, Art Landry, Bruce McCurdy, Ron Stevens</i></p> | | |

Call to Order and Roll Call

Approval of Minutes from February 21, 2011 and February 24, 2011

1. To Create Subsection 3.12 E. of the Zoning Code for the City of Kenosha Regarding Class "A", "Class A" License Locations. PUBLIC HEARING

Public Comments

Commissioner Comments

Staff Comments

Adjournment

CITY PLAN COMMISSION
Minutes
February 21, 2011

MEMBERS PRESENT: Mayor Keith Bosman, Alderman Jesse Downing, Alderman Jan Michalski, Art Landry, Anderson Lattimore, Bruce McCurdy and Ron Stevens

MEMBERS EXCUSED: Alderman G. John Ruffolo and Anita Faraone

STAFF PRESENT: Jeffrey B. Labahn, Tony Geliche, Mike Maki and Rich Schroeder

The meeting was called to order at 4:30 p.m. by Mayor Bosman and roll call was taken.

A motion to approve the minutes from January 20, 2011 was made by Mr. Landry and seconded by Mr. McCurdy. The motion passed unanimously. (7 ayes; 0 noes).

1. Resolution to approve the 2011 Consolidated Plan – Annual Plan for the Community Development Block Grant/HOME Program. PUBLIC HEARING

Public hearing opened. No one spoke. Public hearing closed.

Mr. Lattimore said he sits on the board of one of the agencies in the Public Service category. He did not participate or vote on that category during the allocation process.

Mr. Stevens said he is employed by an agency receiving funding and wished to abstain from voting on this item.

A motion was made by Alderman Downing and seconded by Mr. McCurdy to allow Mr. Stevens to abstain from voting on this item. The motion passed unanimously. (7 ayes; 0 noes).

A motion was made by Mr. McCurdy and seconded by Mr. Landry to approve the Resolution as recommended by Staff. The motion passed. (6 ayes; 0 noes; 1 abstain). *Stevens abstained.*

2. Conditional Use Permit for a 2,905 s.f. auto sales building to be located at 5309 75th Street, District #15. (Palmen/Fiat). PUBLIC HEARING

Public hearing opened.

Mark Molinaro, Partners In Design, 600 52nd Street, Kenosha, said he represents Palmen Motors. Mr. Molinaro thanked the Commission for holding this special meeting allowing their project to move forward to the Common Council this evening. Partners In Design has met with City Staff and they agree with the conditions of approval and they will comply.

This is a multi-phase project with limited ability to alter the exterior because it is a Fiat prototype. Phase 1 is the showroom and phase 2 will be the service bay area.

The roofline articulation required by Section 14 of the Zoning Ordinance calls for articulation of the roofline by using a pitched roof, a partial roof or parapet walls for a minimum height difference of two (2) feet. Mr. Molinaro said the large red element in Fiat's design on the northeast corner provides articulation as it is lower than the roofline and projects out from the side of the building. The extension from the side of the building is not in Fiat's design but was added to comply with the Zoning Ordinance. The same red design element will be added on the west end of the building when Phase 2 is completed.

The articulation of the building walls in the zoning ordinance calls for recesses and/or projections of at least twenty (20%) percent on each facade length. Mr. Molinaro said additional banding of contrasting materials has been added to the south elevation to comply with the ordinance. The banding will be an inside wall when Phase 2 is built.

There will be ample customer parking. The enclosed dumpster area has been approved by Staff. When Phase 2 is built, if an enclosed dumpster is needed, it will be added. A lot line adjustment will be needed for Phase 2.

Andrew Palmen, 155 68th Place, Kenosha, thanked the Commission for their time. They have been working hard on this project. Originally there were 135 Fiat dealerships approved for the US. There are 2,300 Chrysler dealerships in the US. Kenosha was not on the initial Fiat dealership list. We are one (1) of three (3) dealerships added to the list. This is good for the City. The dealership is designed for one (1) make of car with four (4) models. Fiat 500 is the first car being sold ranging in price from \$15,000 - \$20,000. An electric version will be coming also. The Alfa Romero will be coming in two (2) years. Once the Alfa Romero arrives and we get more Fiat models, then we will build the service bays for the autos. We received our first Fiat last Thursday. It's a marketing car ready for test drives.

Our original showroom concept was for a mall setting, but then decided that wasn't appropriate. The proposed project is more expensive, but better suited for the product. A dealership for one (1) model can't be very large or have many sales people which is why the project is being proposed in phases. Most Fiat dealerships will be in larger cities such as LA or Chicago. Kenosha is an appropriate environment because of its Italian heritage and Case New Holland in Racine. The goal is to sell about 20 autos per month. The Fiat is referred to as an "Italian experience."

Mr. Molinaro said there are 29 public parking spaces in front and north of the building. He indicated curbed island landscaping is not conducive to selling cars. This type of landscaping makes it difficult to move cars around for snowplowing. Curbed island landscaping is not required by ordinance, so the applicant is asking that the Commission not require it.

Ashleigh Henrich, 9631 84th Place, Pleasant Prairie, asked where the dealership will be located in relationship to the buildings already there. Mr. Molinaro said the new building will be located between the existing Chrysler/Jeep and Kia buildings.

Public hearing closed.

Rich Schroeder, Assistant City Planner, said in relation to building elevations, the Ordinance does require articulation for all walls. The south elevation did not meet the

requirements, so the additional two (2) bands will be added to the south wall to meet this requirement.

Mr. Schroeder said in addressing the roofline, some articulation must be used such as a pitched, partial roof or parapet walls with height difference. The Fiat design has a large red design element on the northeast corner which will be matched on the southeast corner when the service bays are added with Phase 2. The red design element extends past the edge of the building. Staff had hoped the red design element would extend above the roofline, but if this design is acceptable to the Plan Commission and Common Council then Staff is okay with it. The determination of if this is enough articulation is up to the Common Council.

The third issue is the landscape islands. Landscaping is required within 90 feet of any parking space. Staff is recommending there be curbed landscape islands at the end of the aisles. The applicant has asked that no island be installed. If the parking spaces are less than 90 feet from landscape areas, staff is okay with not requiring the islands. However, islands need to be at the entrances to better define them for safe traffic flow. Mr. Stevens asked if the curbed entrance would be an issue. Mr. Molinaro said it would not be an issue.

Alderman Michalski asked if existing service bays will be used or if separate service bays will be constructed. Mr. Palmen said when the Alfa Romero is added to the dealership, then Phase 2 will be constructed which will add service bays. Alderman Michalski said this project is good for Kenosha. Kenosha is underserved in the auto dealership area. Fiat is a good connection for Kenosha.

A motion was made by Mr. Stevens and seconded by Mr. McCurdy to approve the Conditional Use Permit with curbed landscaping at the entrances to the site to be approved by Staff. The motion passed unanimously. (7 ayes; 0 noes).

**Conditions of Approval
Palmen/Fiat at 5309 75th Street**

1. The following Conditions of Approval will run with the land and shall be included in a document recorded with the Kenosha County Register of Deeds:
 - a. The applicant shall obtain all required construction permits from the Department of Neighborhood Services & Inspections. This includes, but is not limited to Erosion Control, Building, Plumbing, Electrical and Occupancy permits.
 - b. The applicant shall obtain a Parking Lot permit from the Department of Public Works.
 - c. All signs shall comply with Chapter 15 of the Code of General Ordinances and the applicant shall obtain sign permits for all new signs. A separate submission and permits are required for all signs. Sign information provided under the Conditional Use Permit is for reference only and does not constitute sign permit approval.
 - d. The development shall be constructed per the approved plans on file with the Department of City Development, Room 308, 625 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.
 - e. Prior to the issuance of any occupancy permits, all parking areas, drives and designated paved areas shall have the initial lift of asphalt installed. The building

exterior shall be completed per the approved plans, the exterior lighting shall be installed and the Conditional Use Permit shall be recorded with the Kenosha County Register of Deeds. All improvements indicated on the plans, including landscaping, shall be installed prior to the issuance of a final Occupancy permit. The recording fees for the Conditional Use Permit shall be submitted by the applicant.

- f. Compliance with City and State and/or Federal Codes and Ordinances. The buildings shall comply with the current Code standards in effect upon application for a building permit.
 - g. All roof top mechanicals shall be properly screened per Section 14.07 B.10 of the Zoning Ordinance.
 - h. All trash containers shall be stored within the enclosure or building. Applicant/owner shall be responsible for waste collection and removal for the development. The City of Kenosha shall not provide waste collection or removal services or incur any cost in this regard.
 - i. The applicant shall meet all applicable Conditions of Approval and obtain a building permit within six (6) months of Common Council approval of the Conditional Use Permit or the Conditional Use Permit shall be null and void.
 - j. All vehicles shall be parked within the designated paved areas.
 - k. 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.
 - l. Cross access shall be provided to adjacent parcels if required at a future date by the City.
 - m. Compliance with the Operational Plan.
 - n. This approval is for the sales building only. Any additions or new buildings on the site will require an additional review. Additions to the building may not cross any existing property lines.
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 January 7, 2011.
 - b. The Utility Plan shall be submitted for review and approval addressing the comments listed in the Kenosha Water Utility Memo dated January 6, 2011.
 - c. Detail on a gated wood or masonry trash enclosure shall be submitted for review and approval.
 - d. The applicant shall provide the Department of City Development with a certificate from the County Treasurer stating that there are no past due real estate taxes or special assessments on the site per Section 2.02.B.8 of the Zoning Ordinance.
 - e. Twenty-nine (29) parking spaces shall be designated on the Site Plan for customer/employee parking.
 - f. The Landscape Plan shall be amended to show a curbed landscape island at the end

of each parking row north of the proposed building on the subject property.

- g. The building elevations shall comply in all respects with Section 14.07 B.10 of the Zoning Ordinance.
- h. An Operational Plan shall be submitted that indicates hours of operation, anticipated number of employees and methods of waste pickup.

3. Conditional Use Permit for a contractor's storage yard to be located at 8867 Sheridan Road. District #9. (Trees-B-Gone) PUBLIC HEARING

Public hearing opened.

Brandon Burbach, 3600 13th Avenue, Kenosha, said he would have his operational plan and revised plans addressing the Conditions of Approval for staff tomorrow. The revised plans would address drainage issues. One of the conditions of approval was to pave the site in any area used for material or where non-tracked vehicles are stored. Mr. Burbach said any concrete or asphalt would be destroyed by the heavy equipment used by the business. A privacy fence will be installed where needed.

Public hearing closed.

Mr. Schroeder said the applicant proposes to operate a contractor's storage yard at this site. He currently operates the same type of operation at another location without proper permits and the City is taking him to court. Mr. Burbach is in the process of moving his business to this location. The Zoning Ordinance requires any parking lot where vehicles are parked be paved. It is up to the review authority, Common Council, to determine if the area where the equipment and material is stored needs to be paved. Previously, when Plan Commission was the review authority, Cicchini was required to pave the entire area except a small area where they stored their steel track equipment. Mr. Burbach will be storing equipment and tree by-products. Staff recommends that the entire site be paved except where steel tracked equipment is being stored.

Alderman Michalski asked how paving vs. gravel would impact drainage on the property. City Engineering is requiring a drainage plan for review. Chips and mulch will be stored on-site which may create issues for run-off. Some type of storm water basin to contain the run-off will need to be constructed. Crushed rock could cause additional pollutants to run-off.

Mr. McCurdy asked if the entire parcel would require concrete. Mr. Schroeder said only the area being used which is about 1/3 of the site. There is a small area of concrete enough for a few parking spaces or to turn a vehicle around behind the building. The storage is east of that. Mr. Burbach said the site is about six (6) acres and about half would have to be concrete that would be destroyed by their equipment. Mr. McCurdy said that would be approximately 50,000 s.f. of concrete which would be very costly.

Mr. Burbach said he could not conduct his business at the former Southport Lumber building. He had no place to go. He is leasing this property from the owner. It is a waste land. He would like to make it look presentable. Mr. McCurdy asked if the property needs to be fenced. Mr. Schroeder said it does require fencing. Mr. Burbach said the site is fenced in with cyclone fencing and privacy fencing. We want the site fenced for security reasons.

Alderman Michalski asked what the prior businesses were on the site. Mr. Burbach said the most recent business was a masonry contractor who left a lot of trash on site. Prior to that, a car dealership and salvage yard operated on the site. Alderman Michalski said an auto bone yard is not desirable.

Mayor Bosman asked what the Staff recommendation was. Mr. Schroeder said either crushed asphalt or crushed stone could be used for a surface other than concrete. The applicant and staff would work with Public Works to determine what would work best for drainage. Alderman Downing said he cannot see laying concrete on the site, but he will not approve the CUP unless the fines are paid in full. Mr. Burbach said he is in constant contact with the City Attorney's office regarding the fines. Once he has a place to move to, he can solve the fine issue.

Mr. Stevens asked if there was any feedback from the Alderman of the district. Mr. Schroeder said he did not receive any feedback from Alderman Green. Mr. Burbach said he called Alderman Green but did not receive a response. Mr. Landry asked if the building was also being leased. Mr. Burbach said no, just the land. Mr. Landry asked if recycled asphalt would be acceptable paving material. Mr. Schroeder said the base needs to be solid and that recycled asphalt or crushed stone would work.

A motion was made by Mr. Stevens and seconded by Alderman Michalski to approve the Conditional Use Permit with the addition of Condition 2j and revision of 2d. The motion passed unanimously. (7 ayes; 0 noes).

**Conditions of Approval
Trees-B-Gone
8867 Sheridan Road**

1. The following Conditions of Approval will run with the land and shall be included in a document recorded with the Kenosha County Register of Deeds:
 - a. The applicant shall obtain all required construction permits from the Department of Neighborhood Services & Inspections. This includes, but is not limited to Erosion Control, Plumbing, Electrical, Fence and Occupancy permits.
 - b. The applicant shall obtain a Parking Lot permit from the Department of Public Works, if applicable.
 - c. All signs shall comply with Chapter 15 of the Code of General Ordinances and the applicant shall obtain sign permits for all new signs. A separate submission and permits are required for all signs. Sign information provided under the Conditional Use Permit is for reference only and does not constitute sign permit approval.
 - d. The development shall be constructed per the approved plans on file with the Department of City Development, Room 308, 625 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.
 - 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 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.
 - g. All trash containers shall be stored within the fenced area. Applicant/owner shall be responsible for waste collection and removal for the development. The City of Kenosha shall not provide waste collection or removal services or incur any cost in this regard.
 - h. The applicant shall meet all applicable Conditions of Approval and obtain a construction permit within six (6) months of Common Council approval of the Conditional Use Permit or the Conditional Use Permit shall be null and void.
 - i. All rubber tired vehicles shall be parked within the designated paved areas.
 - j. All improvements, including landscaping, shall be maintained per the approved plans. Any damaged fencing, landscaping or building shall be replaced or reconstructed per the approved plans.
 - k. Cross access shall be provided to adjacent parcels if required at a future date by the City.
 - l. Compliance with the Operational Plan dated December 29, 2010.
 - m. Material piles shall not exceed the height of the fence.
 - n. The mobile office on the site shall not be occupied.
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 January 7, 2011.
 - b. The applicant shall provide the Department of City Development with a certificate from the County Treasurer stating that there are no past due real estate taxes or special assessments on the site per Section 2.02.B.8 of the Zoning Ordinance.
 - c. A Survey shall be submitted indicating that the entire storage area lies on the subject property. The Survey shall also indicate the limit of the storage/work area on the property.
 - d. All areas used for parking of vehicles and/or storage of materials shall be located on a hard packed surface material which is acceptable to Staff.
 - e. Solid privacy fencing shall be installed along the north and south fence lines equal to the amount of area proposed to be used by the contractor.
 - f. A Storm Water Management Permit application is required. The Storm Water Management Plan, at a minimum, must show the site grading and a storm sewer filtration system that will move the dust, wood fines, and petroleum products carried by storm water runoff from the site. As trees and mulch will be processed on this site, show either that a State industrial storm water discharge permit is not required or that one has been obtained.

- g. Submit an Erosion Control Plan if there is to be any grading activity on the site.
- h. Submit a Landscaping Plan that indicates a row of plantings along the west side of the fence, which faces Sheridan Road.
- i. Provide a list of all vehicles used for the business.
- j. All outstanding fines shall be paid in full prior to the issuance of any Occupancy Permit.
- k. Relocate the fence on the north property line to be completely on the applicant's property.

4. Zoning Ordinance To Repeal, Recreate and Renumber various parts of Sections 3.03 through 3.09 regarding Front Yard Exceptions and Garages; To Repeal and Recreate Section 7.02 F. regarding Nonconforming Residential Structures; and To Create Definitions for "Front-facing Garage", "Livable Space", "Overhead Door" and Side-loaded Garage" in Section 12.0 B. of the Zoning Ordinance for the City of Kenosha, Wisconsin. PUBLIC HEARING

Public hearing opened.

Frank Pacetti, 7011 Pershing Boulevard, Kenosha, said the original ordinance was created to assure garages associated with new construction in older neighborhoods matched the predominant garage style of the neighborhood. We wanted to maintain the historical setting of the neighborhood. The proposed ordinance takes into account the orientation of the garage to allow neighborhoods to grow while maintaining the integrity of the neighborhood.

Public hearing closed.

Mike Maki, Planner, gave a presentation on the various acceptable attached garages that will be allowed under the new ordinance.

A motion was made by Mr. McCurdy and seconded by Alderman Downing to approve the ordinance per staff recommendation. The motion passed unanimously. (7 ayes; 0 noes).

5. To Repeal and Recreate Subsection 4.06 A.17 of the Zoning Ordinance for the City of Kenosha regarding residential conditional uses to expressly authorize inspections as a point of verification for allowing non-conforming use as a conditional use. PUBLIC HEARING

Public hearing opened, no comments, public hearing closed.

Mr. Schroeder said the previous ordinance allowed a Conditional Use Permit to be issued for non-conforming residential uses located within a residential district. This ordinance clarifies that as part of the City verification of the non-conforming use, Staff has the ability to conduct interior and exterior inspections of the structure. Mr. Lattimore asked if there were any issues in the recent past to warrant this clarification. Mr. Schroeder said no, there have not been any issues. The clarification allows any City

Staff member be it City Development, Fire, etc., the ability to inspect the interior or exterior so the Conditional Use Permit doesn't pass for an illegal use.

A motion was made by Alderman Downing and seconded by Mr. McCurdy to approve the Ordinance per Staff recommendation. The motion passed. (7 ayes; 0 noes).

6. Public Comments

Brandon Burbach asked if his Conditional Use Permit will move onto the Common Council this evening. Mr. Schroeder said yes, his item will be on the Common Council agenda with the additional conditions.

7. Commissioner Comments

No Commissioner comments.

8. Staff Comments

Mr. Labahn thanked the Commission for attending this special meeting.

Item #1 regarding the CDBG and HOME Programs will move onto the Finance Committee and Common Council this evening.

Items #2 and 3, Conditional Use Permits for Palmen/Fiat and Trees-B-Gone will move forward to the Common Council agenda this evening.

A motion to adjourn was made by Mr. Stevens and seconded by Alderman Michalski. The motion passed unanimously. (7 ayes; 0 noes). The meeting adjourned at 5:25 p.m.

Certification that the minutes have been approved by the City Plan Commission.

Jeffrey B. Labahn, Director of City Development

CITY PLAN COMMISSION
Minutes
February 24, 2011

MEMBERS PRESENT: Mayor Bosman, Alderman Downing, Alderman Michalski, Anita Faraone, Art Landry, Anderson Lattimore and Bruce McCurdy

MEMBERS EXCUSED: Alderman Ruffolo and Ron Stevens

STAFF PRESENT: Jeffrey B. Labahn and Rich Schroeder

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

1. Conditional Use Permit for a 4,070 s.f. restaurant with a drive-thru to be located at the northeast corner of Green Bay Road and Washington Road, District #16. (McDonald's at Kenosha Pointe) PUBLIC HEARING

Public hearing opened.

Steve Jeske, Haag Muller, Inc., 101 E. Grand Avenue, Port Washington, architect for the project was available for questions and noted that Dawn Bourseau, property owner, was also available for questions. Mr. Jeske said they had no issues and would work with Staff regarding the Conditions of Approval.

Public hearing closed.

Rich Schroeder, Assistant City Planner, showed a video of the site and said this item requires Common Council approval.

A motion was made by Alderman Downing and seconded by Alderman Michalski to approve the Conditional Use Permit, subject to the Conditions.

Alderman Michalski said this is a great development and there are no complaints regarding additional traffic to the area, there are good traffic patterns.

Alderman Downing asked what kind of berm would be installed between McDonald's and the existing apartments. Mr. Schroeder said there is a private drive east of the McDonald's site which will continue to the north. There will be some landscaping and a future bike/pedestrian trail. There is also a line of high tension wires running through this area. When the property to the north of McDonald's is developed in the future, it will be their responsibility to do additional landscaping. Alderman Downing said he believes there will be a number of call from constituents complaining about the lights from this development. Mr. Schroeder said the Department of Public Works will make sure the property is screened from the residential. Alderman Downing said he is questioning the car lights, not the overhead lights.

The motion passed unanimously. (7 ayes; 0 noes)

**Conditional Use Permit
McDonald's at Kenosha Pointe
NEC Green Bay Road and Washington Road**

1. following Conditions of Approval will run with the land and shall be included in a document recorded with the Kenosha County Register of Deeds:
 - a. The applicant shall obtain all required construction permits from the Department of Neighborhood Services & Inspections. This includes, but is not limited to Erosion Control, Building, Plumbing, Electrical, Dumpster Enclosure and Occupancy permits.
 - b. The applicant shall obtain a Parking Lot permit from the Department of Public Works.
 - c. All signs shall comply with Chapter 15 of the Code of General Ordinances and the applicant shall obtain sign permits for all new signs. A separate submission and permits are required for all signs. Sign information provided under the Conditional Use Permit is for reference only and does not constitute sign permit approval. Since the site is part of a Unified Business Center, it is permitted only one freestanding monument sign.
 - d. The development shall be constructed per the approved Building, Site, Drainage, Utility and Landscaping Plans on file with the Department of City Development, 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.
 - 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 and any Conditions noted in the recorded Developers Agreement.
 - 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. 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.
 - o. Compliance with the Kenosha Water Utility memo dated January 28, 2011.
 - p. Light fixtures and poles shall be compatible to the fixtures and poles used for the CVS Pharmacy.
2. The following conditions of approval shall be satisfied with City Staff prior to the issuance of any construction permits.
- a. The applicant shall provide the Department of City Development with a certificate from the County Treasurer stating that there are no past due real estate taxes or special assessments on the site per Section 2.02.B.8 of the Zoning Ordinance.
 - b. An Operational Plan shall be submitted that complies with Section 4.03 A.3 of the Zoning Ordinance.
 - c. The Lighting Plan shall be revised to show light fixture mountings with glare shields installed. The Plan shall show that the fixture is mounted with a zero degree tilt.
 - d. The Grading, Drainage, and Storm Sewer Plans generally lack much of the required information listed on the Storm Water Management Plan worksheet.
 - e. The Storm Sewer and Grading Plans lack the areas draining to the individual inlets (including those already in place) and any indication of what the storm water overflow routes will be.
 - f. Since references to the existing Storm Water Management Plan for the entire site are made, please provide either a copy of the plan or independent information on these items.
 - g. A Storm Water Management Permit is required.
 - h. Provide a detailed plan on the masonry trash corral, recycle bin and storage shed. The gates shall be constructed either of wood or chain-link fencing with slats.
 - i. The drive-thru lane shall be eleven (11') feet wide.
 - j. The dimensions are incorrect for a 60-degree angle parking stall. The drive aisle shall be seventeen (17') feet wide and the parking stalls shall be twenty and one half (20.5') feet in depth.
 - k. The Landscaping Plan shall show areas for snow storage.
 - l. Include a sidewalk connection to the north/south private driveway west of the project site.
 - m. The brick color shall be modified to be compatible with the brick used on the CVS Pharmacy.

2. Conditional Use Permit for a 47-unit senior assisted living facility to be located at 1870 27th Avenue, District #5. (Celebre Place) PUBLIC HEARING

Public hearing opened.

Alderman Rocco LaMacchia, 2114 25th Avenue, said he fully supports this project. He has reviewed this project and their plans numerous times and all questions have been answered.

Robert Schwarz, President of Parmenter Development, Inc., 2310 Parmenter Street, Middleton, and Robert Gake, also of Parmenter, were available for questions.

Attorney Bill Michel, 7547 28th Avenue, Kenosha, speaking on behalf of Kenosha Senior Action Housing Management, Inc. said this development will complete the DeMarco Senior Village. This project will bring employment opportunities to the City and affordable housing for seniors.

Pam Kline, a representative from Fresh Coast Partners, gave an overview of the services and noted they are providing service to a similar development in Caledonia called Parkview Senior Living Community at Four Mile Road and Douglas Avenue.

Public hearing closed.

Mr. Schroeder showed a video of the site and noted this will be the fourth and final building in the complex. The exterior of the proposed building will match the existing building materials. This item requires Common Council approval.

A motion was made by Ms. Faraone and seconded by Alderman Downing to approve the Conditional Use Permit, subject to Conditions. The motion passed unanimously. (7 ayes; 0 noes)

**Conditional Use Permit
Celebre Place at 1870 27th 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 Neighborhood Services & Inspections. This includes, but is not limited to Erosion Control, Building, Plumbing, Electrical and Occupancy permits.
 - b. The applicant shall obtain a Driveway permit from the Department of Public Works.
 - c. All signs shall comply with Chapter 15 of the Code of General Ordinances and the applicant shall obtain sign permits for all new signs. A separate submission and permits are required for all signs. Sign information provided under the Conditional Use Permit is for reference only and does not constitute sign permit approval.
 - d. The development shall be constructed per the approved plans on file with the Department of City Development, Room 308, 625 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.

- e. Prior to the issuance of any occupancy permits, all parking areas, drives and designated paved areas shall have the initial lift of asphalt installed. The building exterior shall be completed per the approved plans, the exterior lighting shall be installed and the Conditional Use Permit shall be recorded with the Kenosha County Register of Deeds. All improvements indicated on the plans, including landscaping, shall be installed prior to the issuance of a final Occupancy permit. The recording fees for the Conditional Use Permit shall be submitted by the applicant.
 - f. Compliance with City and State and/or Federal Codes and Ordinances. The buildings shall comply with the current Code standards in effect upon application for a building permit.
 - g. All trash containers shall be stored within the enclosure or building. Applicant/owner shall be responsible for waste collection and removal for the development. The City of Kenosha shall not provide waste collection or removal services or incur any cost in this regard.
 - h. The applicant shall meet all applicable Conditions of Approval and obtain a building permit within six (6) months of Common Council approval of the Conditional Use Permit or the Conditional Use Permit shall be null and void.
 - i. All vehicles shall be parked within the designated paved areas.
 - j. All improvements, including landscaping, shall be maintained per the approved plans. Any damaged fencing, landscaping or building shall be replaced or reconstructed per the approved plans.
 - k. Cross access shall be provided to adjacent parcels if required at a future date by the City.
 - l. A Deed Restriction shall be recorded on the property which prevents the conversion of the site to conventional multi-family housing. The Deed Restriction shall be recorded prior to Occupancy.
 - m. If the building is converted to independent senior housing at a future date, the owner must amend the Conditional Use Permit, provide additional off-street parking and obtain a new Occupancy Permit.
 - n. Compliance with the Operational Plan dated November 30, 2010 and February 8, 2011.
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 December 7, 2010.
 - b. The Utility Plan shall be revised and resubmitted for review and approval addressing the comments listed in the Kenosha Water Utility Memo dated December 1, 2010.
 - c. The applicant shall provide the Department of City Development with a certificate from the County Treasurer stating that there are no past due real estate taxes or special assessments on the site per Section 2.02.B.8 of the Zoning Ordinance.

- d. A 10' x 8' office space shall be included on the first floor for the Kenosha Senior Action Council Housing Management Corporation or its future successor non-profit senior organization as approved by the Alderman of the District and an Alderman of any District located within 100 feet of the property. The office space shall be provided free of charge to the user.
- e. The applicant shall work with the adjoining property owners to the east and north to provide a defined pedestrian link to the rear of the Glenwood Crossings shopping center. The link shall be installed on the applicant's property prior to the issuance of a final Occupancy permit.
- f. A sidewalk connection from the public street to the main entrance is missing. A sidewalk shall be installed either along the northeast side or southwest side of the private drive for the building. Then either continue it along the north side of the development's private drive or install a painted crosswalk to the south sidewalk where the development's private drive intersects the building's proposed private drive.
- g. The layout of the sidewalk connection on the east side of the property differs between the Site Plan and all of the other plans. Please revise.
- h. Pull the proposed plantings that are currently shown in the middle of a swale either up the slope toward the building, or out to the lot line. The landscape plan shows a five (5') foot high berm on the swale. The berms west and south of the building are not required due to the building elevation, drainage necessity and close proximity of features.
- i. A Storm Water Management Permit application and Storm water Management Plan incorporating water quality detention or payment to the City in lieu of providing that storm water detention are needed.
- j. The plan shall include a calculation in square feet of the total size of the building broken down by floor.
- k. A Class III standpipe system shall be installed per Code.
- l. A remote Fire Department connection and standpipe connection shall be installed by the fire hydrant.
- m. Include a six (6') foot tall site-obscuring fence along the entire west property line. The fence should be compatible with the existing fence to the south.
- n. The twenty (20') foot wide fire access lane shall be paved with asphalt or concrete for the entire length.

3. Conditional Use Permit for a non-conforming residential use to be located at 6316 28th Avenue, District #12. (Vines) PUBLIC HEARING

Public hearing opened.

Alderman Steve Bostrom, 1720 75th Street, supports the application. Alderman Bostrom explained that building alterations were made without the contractor obtaining the proper building permits. The property owner was told the proper permits couldn't be obtained because the use is non-conforming. Granting this Conditional Use Permit will allow the owner/applicant to renovate the existing 2-unit building.

Public hearing closed.

Mr. Schroeder said the lot does not fit the lot width or area requirements, therefore it is non-conforming. The recent Ordinance change would make the 2-unit conforming if they obtain a Conditional Use Permit. This item requires Common Council approval.

Alderman Michalski said he supports this project.

A motion was made by Alderman Downing and seconded by Alderman Michalski to approve the Conditional Use Permit. The motion passed unanimously. (7 ayes; 0 noes)

**Conditional Use Permit
Vines at 6316 28th 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 Neighborhood Services & Inspections. This includes, but is not limited to Building, Plumbing, Electrical and Occupancy permits.
 - b. 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.
 - c. 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.
 - d. Compliance with City and State and/or Federal Codes and Ordinances. The buildings shall comply with the current Code standards in effect upon application for a building permit.
 - e. 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.
 - f. This approval is for a 2-unit residential use only. No expansion of residential units in the building is permitted with this approval.

4. Public Comments

No public comments.

5. Commissioner Comments

No Commissioner comments.

6. Staff Comments

No Staff comments.

A motion to adjourn was made by Alderman Michalski and seconded by Ms. Faraone. The motion passed unanimously (7 ayes; 0 noes). The meeting adjourned at 5:25 p.m.

Certification that the minutes have been approved by the City Plan Commission.

Jeffrey B. Labahn, Director of City Development

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|---|---|----------------|--------|
| City Plan Division 625 52 nd Street Kenosha, WI 53140 262.653.4030 | Kenosha City Plan Commission FACT SHEET | March 24, 2011 | Item 1 |
| To Create Subsection 3.12 E. of the Zoning Code for the City of Kenosha Regarding Class "A", "Class A" License Locations. PUBLIC HEARING | | | |

LOCATION/SURROUNDINGS:

City - Wide

NOTIFICATIONS/PROCEDURES:

This items will also be reviewed by the Licensing & Permit Committee. The Common Council is the final review authority.

ANALYSIS:

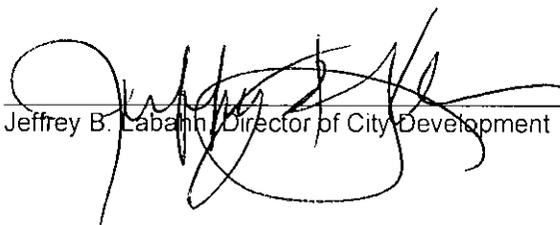
- The proposed Ordinance would require that a Class "A" Beer License business be at least one half (1/2) mile or 2, 640 feet from another Class "A" business .
- The proposed Ordinance would also require that a "Class A" Liquor License business be at least one (1) mile or 5,280 Feet from another "Class A" business.
- The Ordinance was drafted by the City Attorney's office.

RECOMMENDATION:

This is for Commission review and recommendation.



Rich Schroeder, Assistant City Planner
/u2/acct/cp/ckays/1CPC/2011/Mar24/fact-zo-3.12E.odt



Jeffrey B. Labahn, Director of City Development

ZONING ORDINANCE NO. _____

BY: ALDERPERSON JESSE L. DOWNING

TO CREATE SUBSECTION 3.12 E. OF THE ZONING CODE FOR THE CITY OF KENOSHA REGARDING CLASS "A", "CLASS A" LICENSE LOCATIONS.

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

Section One: Subsection 3.12 E. of the Zoning Code for the City of Kenosha,

Wisconsin, is hereby created as follows:

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 Class "A" License.
- b. No "Class A" License shall be located within 5,280 feet of any other "Class A" License.

c. Standards of Measurement. The distances identified in this Section shall be measured in a straight line, without regard to intervening structures on objects from the closed 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.

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

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.