

AGENDA  
PUBLIC SAFETY & WELFARE COMMITTEE MEETING  
Monday, March 28, 2011  
Kenosha Municipal Building Room 202  
5:00 pm

Chairman: Jesse L. Downing  
Vice Chair: Anthony Kennedy  
Alderman: Michael J. Orth  
Lawrence Green  
Rocco J. LaMacchia, Sr.

Call to Order  
Roll Call

**A. APPROVAL OF MINUTES**

A-1. Approval of minutes of regular meeting held on March 14, 2011.

**C. REFERRED TO COMMISSION**

C-1. Request from Prairie Side True Value, 3755 80<sup>th</sup> Street, to install a 864 square foot temporary greenhouse on the multi-tenant parking lot. *(District 14)*

C-2. Request from K-Mart Express LLC, 4100 52<sup>nd</sup> Street, to temporarily utilize the parking lot area for the display and sale of merchandise from April 4, 2011 through July 31, 2011. *(District 10)*

C-3. Request from Steinhafel's, 7001 118<sup>th</sup> Avenue, to temporarily utilize the parking lot area for the display and sale of merchandise from May 12-23, 2011. *(District 17)*

C-4. Request from Moda Bella, 7539 39<sup>th</sup> Avenue, for an awning obstructing the Right-of-Way. *(District 14) (Staff recommends approval)*

C-5. Proposed Ordinance To Renumber Section 11.025 as 11.053: To Create Section 11.025 *(of the Code of General Ordinances)* Entitled Social Host.

DIRECTOR AND/OR SUPERINTENDENT COMMENTS  
CITIZEN COMMENTS/COMMISSIONER COMMENTS

OTHER BUSINESS AUTHORIZED BY LAW

IF YOU ARE DISABLED AND NEED ASSISTANCE PLEASE CALL 653-4052 BEFORE THIS MEETING

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE MEMBERS OF THE COMMON COUNCIL MAY BE PRESENT AT THE MEETING, AND  
ALTHOUGH THIS MAY CONSTITUTE A QUORUM OF THE COMMON COUNCIL, THE COUNCIL WILL NOT TAKE ANY ACTION AT THIS  
MEETING.

PUBLIC SAFETY & WELFARE COMMITTEE

- MINUTES -

Monday, March 14, 2011

The regular meeting of the Public Safety & Welfare Committee was held on Monday, March 14, 2011 in Room 202 of the Kenosha Municipal Building. The meeting was called to order at 5:30 pm. The following members were present: Chairman Downing, Alderman Kennedy, Orth, Green, and LaMacchia. Staff members in attendance were Ron Bursek and Chief Morrissey.

*It was moved by Alderman Green, seconded by Alderman Orth, to approve the minutes of the meeting held on Monday, February 28, 2011. Motion passed 5-0.*

C-1. Previous Trial for 4-Way Stop 68<sup>th</sup> Street & 38<sup>th</sup> Avenue. (District 11)  
Staff/Alderman: Alderman Orth asked that 38<sup>th</sup> Avenue between 67<sup>th</sup> and 68<sup>th</sup> Street be looked at, it is in bad shape.

*It was moved by Alderman Green, seconded by Alderman LaMacchia, to approve. Motion passed 5-0.*

*It was moved by Alderman Orth, seconded by Alderman Kennedy, to approve items C-2 through C-5. Motion passed 5-0.*

C-2. Previous Trial to change East bound Yield to Stop at 68<sup>th</sup> Avenue and 51<sup>st</sup> Street. (District 16)

C-3. Previous Trial to Remove 2 Hour Parking East Side 23<sup>rd</sup> Avenue from Roosevelt Road to 65<sup>th</sup> Street. (District 12)

C-4. Previous Trial to Remove No Parking 6pm – 6am both sides 23<sup>rd</sup> Avenue from 31<sup>st</sup> Street to 32<sup>nd</sup> Street. (District 5)

C-5. Previous Trial to Remove No Parking 8am – 5pm West Side 10<sup>th</sup> Avenue 5100 Block and Previous 15 Minute Parking April 1<sup>st</sup> to October 31<sup>st</sup>. (District 2)

C-6. Proposed Ordinance To Repeal and Recreate Section 13.03 Q. (of the Code of General Ordinances) Entitled Peddlers.

Staff/Aldermen: Alderman Kennedy asked about the changes. Alderman Orth explained that peddlers can now get within 800 feet of the parade.

*It was moved by Alderman Orth, seconded by Alderman LaMacchia, to approve. Motion passed 3-2, with Aldermen Kennedy and Green voting nay.*

DISCUSSION ITEM: Form a sub committee to look into waste in City Government. Chairman Downing explained that he was looking for 3 to 4 Aldermen and 1 employee from every department to discuss ways to help the city save money. Alderman Ruffalo, District 2, suggested that the employees rotate so that there would be more input. Alderman Nudo, District 11, good idea for a temporary committee. Alderman Bogdala, District 17, full support of the concept, need to have a goal, time line and input from enough employees and that this should be a resolution. Alderman Kennedy suggested that if an employee comes up with a cost savings for the city that there should be some kind of monetary reward. Alderman Orth suggested a comment box for employees and citizens.

CITIZEN COMMENTS: Chief Morrissey handed out the Kenosha Police Annual report and that it will be on line sometime next week.

ALDERMAN COMMENTS: Alderman Orth congratulated the police department in a job well done.

ADJOURNMENT - *There being no further business to come before the Public Safety & Welfare Committee, it was moved, seconded and unanimously carried to adjourn at 5:54 pm.*

C-1



DEPARTMENT OF  
NEIGHBORHOOD SERVICES  
AND  
INSPECTIONS

JAMES M. SCHULTZ  
Director

Building Inspection • Property Maintenance • Zoning Enforcement

TO: Alderman Jesse L. Downing, Chairman  
and Members of the Public Safety and Welfare Committee

FROM: Paula A. Blise, MBA, CCEA, Zoning Coordinator  
Department of Neighborhood Services and Inspections *(Signature)*

SUBJECT: Request by Prairieside True Value to install a 864 s.f. temporary greenhouse  
on the multi-tenant parking lot located at 3755 80th Street

DATE: March 24, 2011

Section 3.14(B)(4) of the City of Kenosha Zoning Ordinance stipulates that outdoor storage areas of a hardware stores are permitted as accessory uses within B-2 districts. The applicant's business falls within this category.

A Project Review form was circulated by the Department of City Development, as a means to apply Conditional Use Permit standards for the proposed temporary use. Based on the above-referenced ordinance criteria, it was my opinion, and that of the Assistant City Attorney, that a Conditional Use Permit was not required and is inappropriate in this regard.

It is, however, appropriate for the Public Safety & Welfare Committee and Common Council to deliberate these issues, as Zoning Ordinances 2.02(4)(b) and 2.02(5) stipulate that the Common Council has jurisdiction in the approval of temporary uses.

A concern that I have is the proposed use of fourteen (14) parking spaces for the display of merchandise within a 864 s.f. greenhouse. In addition, other tenants within this development would be eligible to obtain similar approvals. Department stores fall within the category to store products on the exterior, and Walgreens can be labeled as a department store, based on the following definition: Retail establishment that sells a wide variety of goods.

Approval of this use will afford a right to tenants of the pre-existing multi-tenant development, that is not afforded to new developments that are under Conditional Use Permit standards. For example, the conditions of approval associated with Lowes and Menards prohibits the outdoor display of products, except within the Garden Center fence.

The lack of guidelines has resulted in discretionary staff decisions being rendered, which baffles the business community when enforcement efforts, associated with exterior displays, are conducted. Guidelines are being drafted and will be presented to the Public Safety & Welfare Committee in the near future. In the interim, requests for exterior storage will be submitted to the Committee/Council on a case-by-case basis, with the intent that any decision is not to be permanently binding and the terms, thereof, shall be date-specific.

Prairieside True Value currently utilizes the exterior storefront area for the display of goods, as illustrated below:





The following documentation, associated with the applicant's request, is attached for your review:

Attachment

A  
1  
2  
3  
4  
5

Description

Applicant's request (March 22, 2011)  
Parking lot layout, greenhouse layout, greenhouse photo  
Project Review form (CUP)  
Zoning Coordinator analysis to City Attorney  
City Attorney's response  
Site Plan Review Approval, prohibiting sidewalk displays  
(Note: The Site Plan Review approval document is for informational purposes only, and is not binding document)

Zimbra

pblise@kenosha.org

± Font size ±

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## Temporary greenhouse application

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**From :** Gary Dickes <gd.pprairie@gmail.com>

Tue, Mar 22, 2011 02:34 PM

**Subject :** Temporary greenhouse application

**To :** pblise@kenosha.org

**Cc :** dprozanski@kenosha.org, rmisner@kenosha.org

Dear Paula,

Thank you for stopping in to see my store yesterday. I'm glad I had the chance to meet you. As you could see, I am running a nice little hardware store for the south side of Kenosha.

I appreciate your discussion of the status of my application for a permit to operate a temporary greenhouse in the parking lot. When I located the store in this mall, I renovated the space from a former Blockbuster video store, and a dog grooming business. The space had been empty for over two years, and with a couple other empty spaces, the strip mall was becoming somewhat distressed. As we remodeled the space, the landlord made additional improvements to the overall building and parking lot, and this is again, a vibrant corner at 39th avenue and 80th street.

While this is a good outcome, the space has some limitations that I face. Unlike the other hardware stores in town, I do not have either an "end" on the mall for a fenced garden area, or a stand alone parking lot to use. My only option is to devote a small area in the front lot for seasonal outdoor retail space. While this is a shared parking lot, the landlord has agreed to a space equal to ten parking spaces that I can use for seasonal use. The scope of the project I have planned is similar or smaller in size than what the other hardware stores in town devote to outdoor garden space. And, I plan to set up and shut down in a 10 week period, making this a much shorter season than the other hardware stores in town have.

The space I plan to occupy will cover ten parking spaces, and not extend into any portion of the lot for drive through areas, either in the east-west connectors between entrances, or the north-south runs between parking spaces. The lot is oversized for the needs of the current set of tenants in the building, and the outer areas are never used.

As a business owner I believe in being a good steward for Kenosha. Already I have:  
- hired a local contractor, with all local sub-contractors to remodel the building

- put an empty property back to an attractive and useful business purpose
- hired 9 employees off the unemployment roles, and one from a declining family business
- planned to hire three more employees for the garden, (2 are unemployed and one is losing her job this summer)
- featured locally produced products from Abatron, Rustoleum, In-Sink-Erator, X-Acto, Dremel, North American Salt, and many familiar brands built in Wisconsin and surrounding states.
- supported a number of local charities
- kept a clean, well stocked, and attractive business for the public to use.

True Value is a co-op structure, with local owners who also own shares of the True Value company. This is a real "mom-and-pop" shop. Kenosha is our home, we raised our kids here, and would like the people on the south side to consider this "their" neighborhood hardware store.

If there is any concern with the application as proposed, please give me an alternative in placement, size, scope, or time period that would allow some seasonal outdoor retail that is normal for the hardware business. Thank you for your consideration.

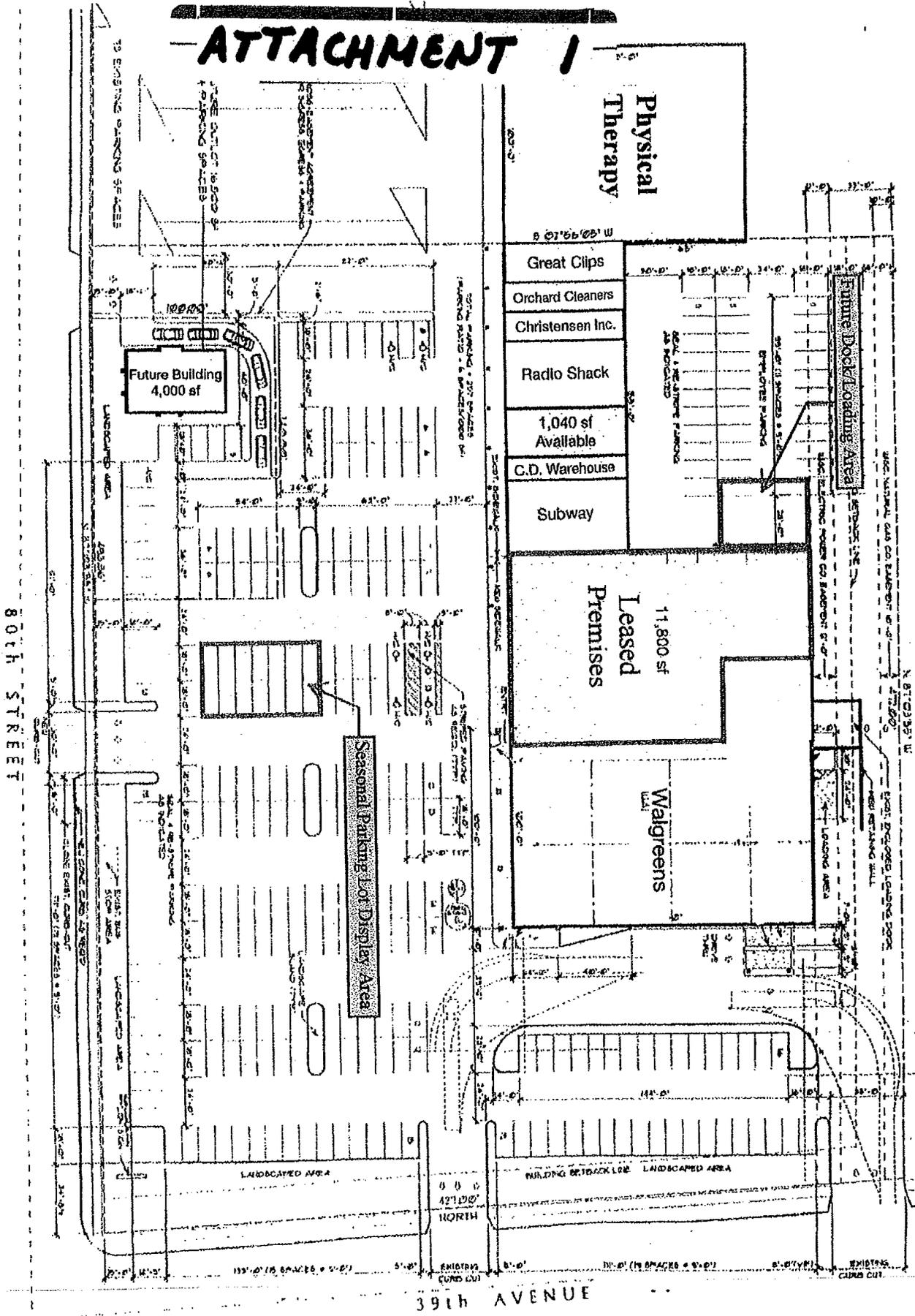
With best regards,  
Gary Dickes  
Prairie Side True Value  
3755 80th Street  
Kenosha, WI 53142  
262-577-3340

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Gary Dickes  
[gd.pprairie@gmail.com](mailto:gd.pprairie@gmail.com)  
262-960-3313

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# ATTACHMENT 1



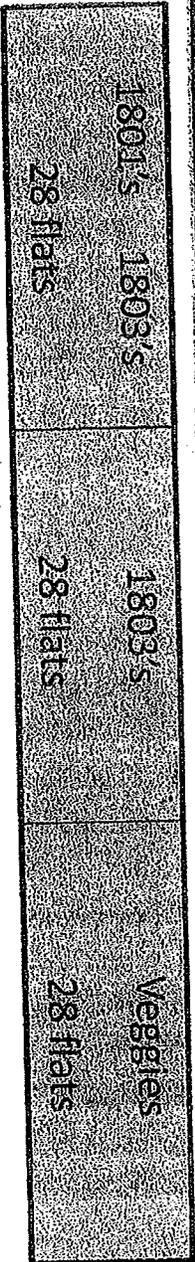
80th STREET

39th AVENUE

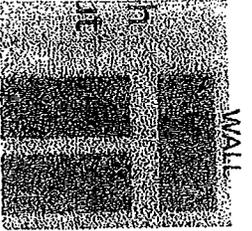
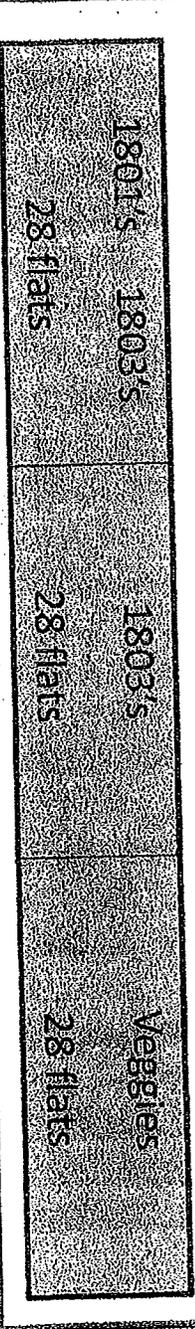
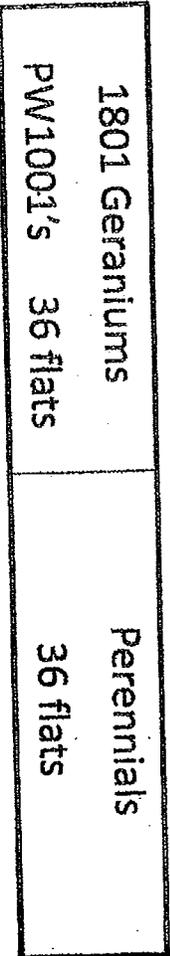
N 87th STREET

*What would your greenhouse look like?*

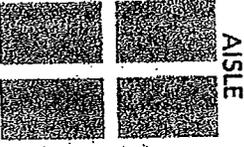
48'



18'

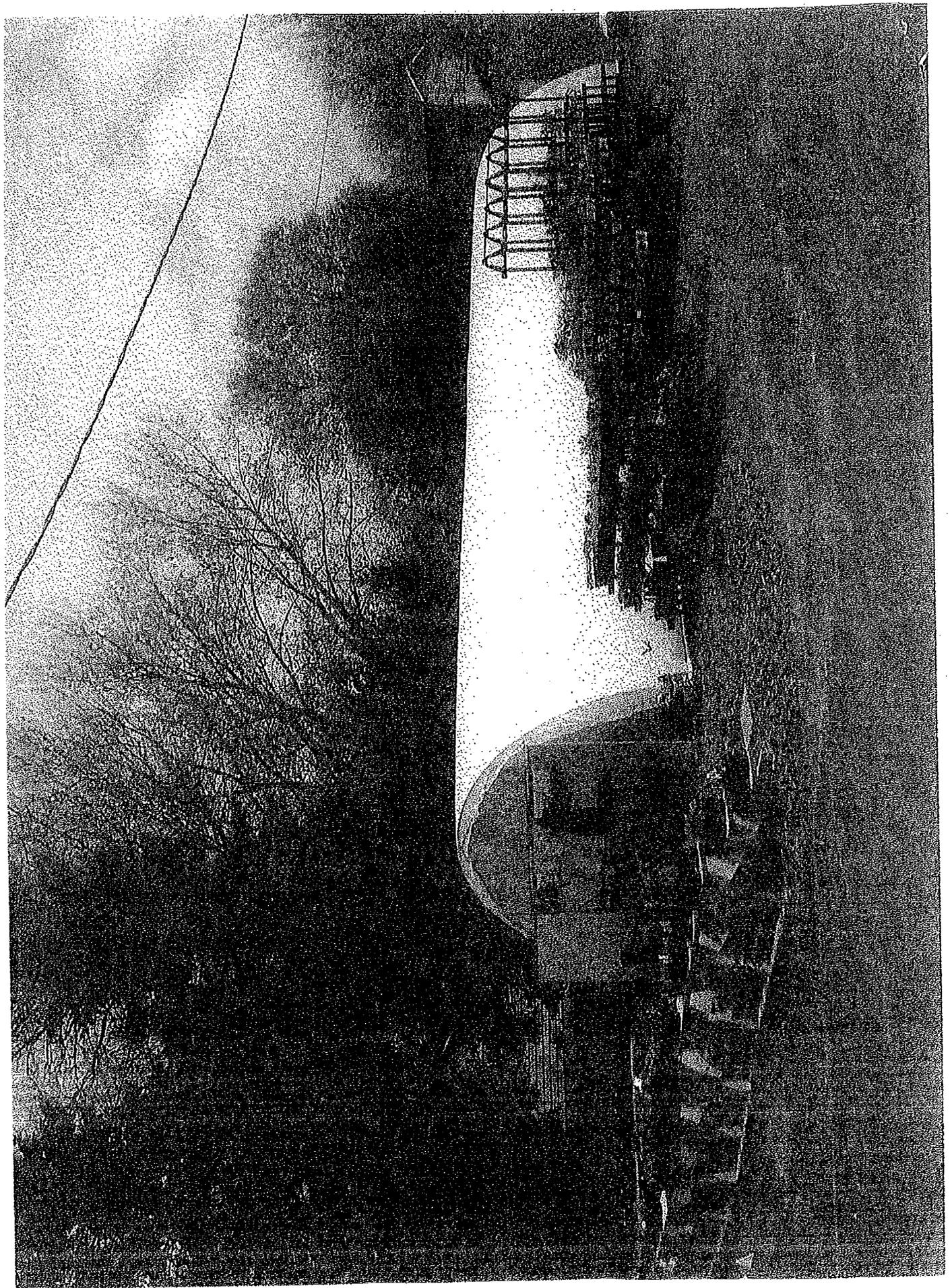


Center Bench Layout FLATS



Hanging Baskets  
 Display Front to Back  
 60 - 13" PW & Combos  
 60 - 12" White Pots  
 80 - 10" White Pots

**NEXT**



Fence opening  
during business  
hours

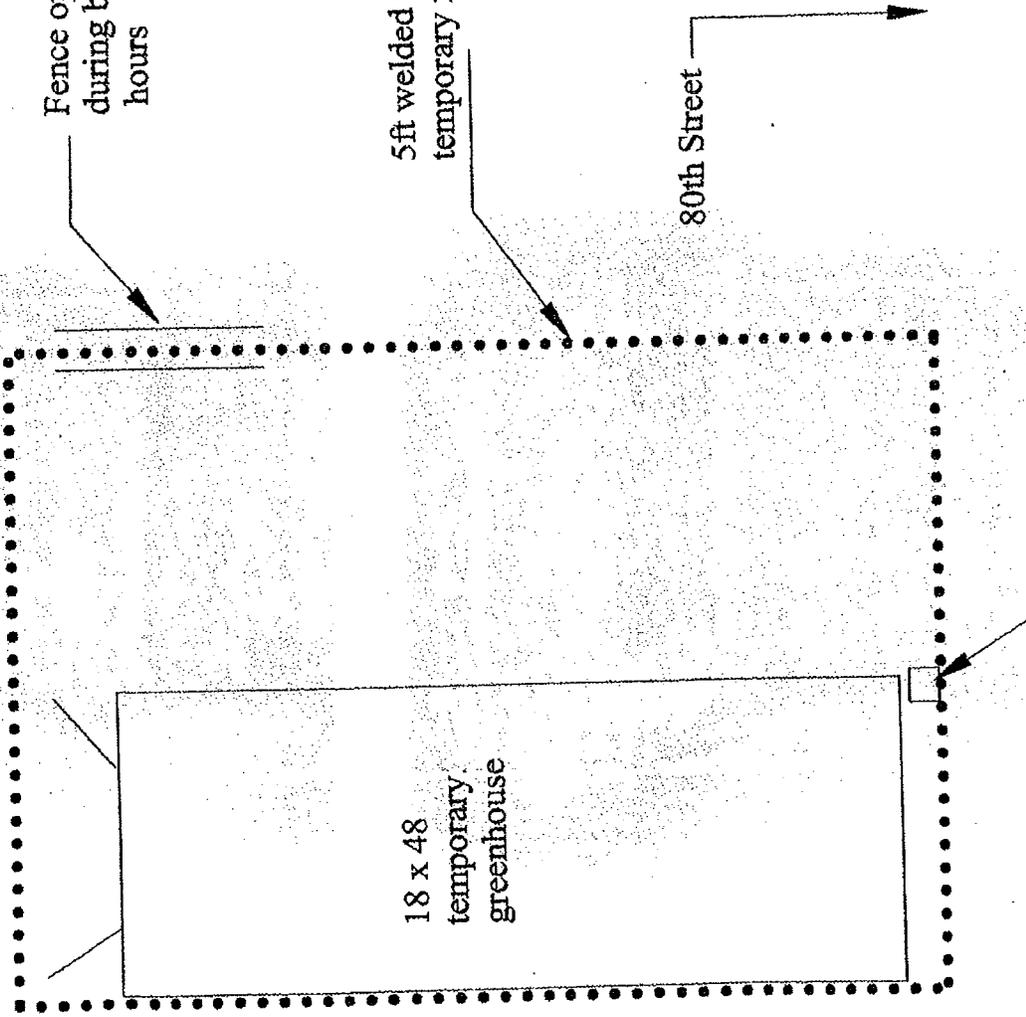
5ft welded wire  
temporary fence

80th Street

Light pole (existing)

18 x 48  
temporary  
greenhouse

Prairie Side True Value  
Temporary Garden Greenhouse Plan  
3755 80th Street  
Kenosha, WI 53142



DEPARTMENT OF CITY DEVELOPMENT  
625 52<sup>ND</sup> STREET - ROOM 308  
KENOSHA, WISCONSIN 53140  
(262) 653 - 4030  
FAX (262) 653 - 4045  
www.kenosha.org



CITY PLAN  
REAL ESTATE  
HISTORIC PRESERVATION  
COMMUNITY DEVELOPMENT BLOCK GRANT  
REDEVELOPMENT

**JEFFREY B. LABAHN**  
Director of City Development

**PROJECT REVIEW**

TO: Alderman Prozanski  
Director of Neighborhood Services  
Fire Chief  
Alderman Misner  
Director of Public Works

FROM: Brian Wilke, Development Coordinator

DATE: February 7, 2011

SUBJECT: **PRAIRIESIDE TRUE VALUE TEMPORARY GREENHOUSE**

LOCATION: 3755 80th Street

REVIEW AND COMMENT BY: February 21, 2011

CURRENT ZONING: B-2

FOR COMPLIANCE WITH: Conditional Use Permit (Sec. 4, Zoning Ordinance)

REVIEW AUTHORITY: City Development Staff

- Approved for permitting.
- Approved for footing and foundation permit. Conditions to be met before building permits are issued (attach comments).
- Withhold all construction permits until the following are submitted.

BRW:skk

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

RECEIVED  
FEB -7 2011

**MAILING INFORMATION**

**NAME OF PROJECT:** Prairie Side True Value - Temporary Greenhouse

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

<input checked="" type="checkbox"/> <b>Name and Address of Applicant (Please print):</b> <u>Gary Dickes</u> <u>8755 80th Street</u> <u>Kenosha WI 53142</u>	Phone: <u>262-577-3340</u> Fax: <u>577-3342</u> E-Mail: <u>gd.prairie@gmail.com</u>
<input type="checkbox"/> <b>Name and Address of Architect/Engineer (Please print):</b> _____ _____ _____	Phone: _____ Fax: _____ E-Mail: _____
<input type="checkbox"/> <b>Name and Address of Property Owner (if other than applicant) (Please print):</b> _____ _____ _____	Phone: _____ Fax: _____ E-Mail: _____

**PROJECT LOCATION**

**Location of Development (street address and / or parcel number):** \_\_\_\_\_  
 \_\_\_\_\_

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

**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

DEPARTMENT OF  
NEIGHBORHOOD SERVICES  
AND  
INSPECTIONS

**ATTACHMENT 3**

JAMES M. SCHULTZ  
Director

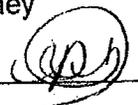


Building Inspection

Property Maintenance

Zoning Enforcement

TO : Ed Antaramian, City Attorney  
Matthew Knight, Assistant City Attorney

FROM: Paula A. Blise, Zoning Coordinator 

DATE: February 18, 2011

SUBJECT: Concern regarding use of Conditional Use Permit process to allow the temporary use of a parking lot to display and sell items in a B-2 district (3755 80th Street / True Value) - CUP Staff Review & Approval Process

I received a request from the Department of City Development to evaluate a proposal from Prairieside True Value to install a temporary green house on the parking lot of the multi-tenant development on 37th / 38th Avenue and 80th Street. (Attachment 1)  
I have raised the following concerns to City Development staff, however it is my understanding that the process is moving forward:

- 1) On January 25, 2011, I was informed, by City Development, via the attached e-mail (Attachment 2), that the use of a CUP for temporary uses, that are not specified in Section 2.0 of the Zoning Ordinance is inappropriate.

My concern:

**The temporary greenhouse request by True Value does not meet the criteria listed in Section 2.0, therefore the CUP, in this instance, is inappropriate.**

- 2) Section 2.0 also stipulates that "A Conditional Use Permit which authorizes the use of a building, structure or land according to stated conditions, may be issued for those conditional uses specified in each district in §3.0 of this Ordinance, provided that the provisions of §4.0 of this Ordinance are met.

My concern:

**The temporary use of a parking lot to display and sell goods is not included in the Conditional Use segment of Section 3.14C of the Zoning Ordinance.**

- 3) Section 3.14 (B-2 District) stipulates that the following types of business is a permitted use, not requiring a Conditional Use Permit.

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

My concern:

The above language clearly allows storage of garden supplies on the exterior of a property without a Conditional Use Permit. While the ordinance is vague in terms of defining where those supplies could be stored, the City would be justified in denying the use of a parking lot, which is defined under Public Works' General Code 5.08 as "an off-street parking area".

To install an 864 s.f. tent to display/sell goods on a parking lot which was constructed to accommodate all of the tenants in the business center, would additionally create vision clearance hazards, as well as compromise the safety of pedestrians wandering around to access the tent.

4) I questioned City Development staff about the utilization of a CUP in this instance, and received the following response via the attached e-mail from Mr. Schultz: **(Attachments 3/4/5)**

*"FYI, Brian mentioned to me at the plan review committee meeting that the basis for the plan review for the greenhouse is because the property is currently covered by a CUP and the greenhouse project triggers an amendment to it. Any future seasonal operations of the greenhouse will not require plan review or amendment to the CUP, assuming it is done according to approved plan."*

My concern:

I have researched the intranet, and do not find a Conditional Use Permit for 3755 80th Street (True Value's address). I did find a CUP for Walgreens, located at 3803 80th Street. (Attachment 6)

The 1995 Walgreens CUP has two stipulations:

- 1) Compliance with all City, State, and Federal laws and ordinances; and
- 2) Any amendments to the approved conditional use permit plans shall require approval by the Review Authority.

This CUP is for Walgreens only, not the entire Business Center, and is not recorded with the Register of Deeds. Therefore, its legality may be questionable.

Even if the CUP was for the True Value site, I do not believe that an amendment to Walgreens' CUP is warranted, based on ordinance standards Section 2.0 and 3.14A(f).

5) City Development staff is listed as the sole Review Authority on the Project Review form.

This item will be approved in-house, with no means for debate on the issues that I consider to be of concern.

6) Approval of the CUP will run with the land, which is reinforced in the e-mail reference in segment #4, as stated below:

"Any future seasonal operations of the greenhouse will not require plan review or amendment to the CUP, assuming it is done according to approved plan."

As part of this discussion, it should be noted that True Value is a new occupant at this location. A Certificate of Occupancy permit was issued on August 19, 2010 for this new business to operate within a pre-existing tenant space.

My concern:

**Once this CUP is issued, it is my understanding that "we cannot take it back or revoke". Based on development standards implemented within the last ten years, and the focus on upgrading our community, tent sales of this nature are outside the norm and confuse those businesses who desire to conduct the same type of activity.**

My concerns in this matter run deeper than the "process". Being responsible for administration and enforcement of the Zoning Ordinance and Conditional Use Permit violations, I find that, in addition to being hazardous, this type of approval will undermine ongoing efforts to obtain compliance from other businesses. The inconsistency of allowing one business to utilize (14) parking spaces in a parking lot that is utilized by the entire development, while not allowing (1) vending machine to be placed adjacent to a businesses' exterior wall (Walgreens) in that same development, sends a message that the playing field is not level. My role is to look outside of the specific request, and gauge how it will impact other businesses and the efforts of Neighborhood Services and Inspections' staff. In that sense, this issue is problematic.

After finding that the temporary use segment of the ordinance for this type of purpose is "inappropriate" (improper), it begs the question of why this use is under review for approval.

I've received numerous complaints related to the exterior use of properties and miscellaneous articles being displayed, not on parking lots, but adjacent to the principal building. In my efforts to obtain compliance, I am constantly questioned by the affected business about their rights and am constantly accused of "selective enforcement". This approval will send mixed signals to Walgreens, Super Valu and other businesses in the community who have previously been "ordered" to remove exterior items on display.

To approve this CUP, we will be setting precedent to enable any new occupant that falls in the following categories and "rents" a tenant space in a strip mall, the capability to set up shop in the parking lot to display and sell their wares. If we have two or more of the following listed businesses in one center, each would be entitled to the same privilege:

- **building supply stores,**
- **garden supply, greenhouses**
- **hardware stores**
- **storage areas of department stores containing building or garden supplies**
- **tool and equipment rental store**

Based on the Conditions of Approval for two businesses that fall into the above category (Menards and Lowes ), it is evident that the CUP approval process was vital to ensure that "permanent" enclosures be utilized for the display of goods, and not be situated in the middle of the parking lots.

I am in receipt of 1995 CUPs associated with Rogan's Shoes located at 11875 74th Place & 7058 Green Bay Road (**Attachments 7/8**), which allow tent promotion sales for up to 21 days at a time, twice per year. Based on our existing ordinance, this type of use would not be permitted under any circumstance. I have received complaints regarding these tent sales, but cannot enforce due to the CUP approvals. It should be noted that shoe stores do not fall into the categories listed above that permit exterior uses.

Again, if the CUP for True Value is approved, the temporary use will become "permanent". In addition, it would not be far-fetched for Walgreens to argue that, since they sell tools, and flowers, they may be eligible for exterior storage approvals.

True Value Green House  
3755 80th Street  
February 17, 2011  
Page 4 of 4

It should also be noted that the Northside Parkside True Value store (1735 22nd Avenue) is under a CUP (**Attachment 9**), which does not stipulate that exterior storage is permitted. The Northside True Value does utilize the site for the exterior display of flowers, mulch, lawnmowers, snow-blowers, in accordance with the "permitted use" section of the ordinance. No additional approvals have been required.

This written form of communication is necessary, since this item is listed as a City Development staff level review and approval only, and I will not have the opportunity to convey the concerns listed above in a public meeting setting.

Obviously, the process currently in place does not seriously take into consideration the sentiments of all staff and the adverse effects that approvals of this sort generate.

I am requesting on your authority, a "hold" on the approval of the True Value CUP, so that your legal staff and the Council may weigh in, and so that we can engage in a process that has continuity and is fair and equitable. Common sense has to enter into the equation of our decision making, and approval of this request runs counter to initiatives and ordinances in place enacted to minimize and/or eliminate tent sales and exterior merchandise displays.

I look forward to your assistance in this matter.

Enclosure:

:pab

- c. Daniel Prozanski, Alderman, 14th District
- Ray Misner, Alderman, 13th District
- G. John Ruffolo, Council President
- David Bogdala, Alderman 17th District
- Public Safety & Welfare Committee
- James Schultz, Director NSI
- Ron Bursek, Director, Public Works
- Jeff Labahn, Director, City Development

ATTACH

1

# Department of Neighborhood Services and Inspections C.U.P./Site Development Plan Review Routing Sheet

Return to: Brian Wilke, Room 308

Project: Prairieside True Value Temporary Greenhouse

Address: 3755 80th Street

Date Due: 2/21/11

Director -- Jim Schultz: *[Signature]* \_\_\_\_\_  
Initials Date

- Approved -- No Comments
- Approved -- See Comments Below
- Approval Withheld -- See Comments Below

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Zoning -- Paula Blise: *[Signature]* \_\_\_\_\_, 2-15-11  
Initials Date

- Approved -- No Comments
- Approved -- See Comments Below
- Approved -- Footing and Foundation Only
- Approval Withheld -- See Comments Below

THE ORDINANCE ALLOWS WITHOUT CUP,  
HOWEVER USE OF PARKING LOT  
SPACES FOR SALES IS QUESTIONABLE

Erosion Control -- Chris Pagels: \_\_\_\_\_, \_\_\_\_\_  
Initials Date

- Approved -- No Comments
- Approved -- See Comments Below
- Approved -- Footing and Foundation Only
- Approval Withheld -- See Comments Below
- Approved -- Subject to: Erosion control methods must be installed and maintained until the site is stabilized by mulching and seeding, sodding, or approved landscaping.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# ATTACHMENT 4

OFFICE OF THE CITY ATTORNEY  
MUNICIPAL BUILDING  
625 - 52ND STREET, Room 201  
Kenosha, Wisconsin 53140  
PHONE (262) 653-4170  
FAX (262) 653-4176



EDWARD R. ANTARAMIAN  
CITY ATTORNEY  
MATTHEW A. KNIGHT  
DEPUTY CITY ATTORNEY  
WILLIAM K. RICHARDSON  
ASSISTANT CITY ATTORNEY  
JONATHAN A. MULLIGAN  
ASSISTANT CITY ATTORNEY

TO: Jeff Labahn, Director City Development  
Paula Blise, Zoning Coordinator

FROM: Matthew A. Knight, Deputy City Attorney

DATE: March 7, 2011

RE: 3755 - 80<sup>th</sup> Street/True Value

A handwritten signature in black ink, appearing to read "M. Knight", is written over the "FROM:" line of the letter.

I have reviewed both the zoning code and general code to evaluate which sections may regulate the request of Prairie Side True Value to erect a greenhouse surrounded by a fence on the parking lot of the multitenant development at 3755 - 80<sup>th</sup> Street. The site is zoned B-2. It is my understanding that past practice has been to utilize the Conditional Use Permit Process to review similar requests.

The following zoning ordinances have been considered:

## §3.14 B-2 Community Business District

### A. Permitted Uses.

4. Miscellaneous retail building, home improvement and gardening supply stores and uses as follows:
  - f. Hardware store. All storage of building or garden supplies which is adjacent to or across an alley from any residential district shall be within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened from the residential district.

### B. Permitted Accessory Uses.

4. Outdoor storage areas of ...a hardware store...

### C. Conditional Uses.

4. Commercial developments as follows:
  - b. Additions, enlargements or expansions.
  - c. Buildings detached from a principal building.
  - d. Unified Business Center.

## §2.02 Use Regulations

### A. Types of Uses.

1. Permitted Uses.
2. Permitted Accessory Uses.
3. Conditional Uses.
4. Temporary Uses.
  - a. ...roadside stands for the display and sale of agricultural products in the A-1 and A-2 Districts and any Business District;
  - c. Fees for temporary uses shall be based on the required Conditional Use Permit or Site Plan Review, as established by the Common Council, from time to time, by Resolution.
5. "Unlisted Permitted and Accessory Uses". It is recognized that it is neither possible nor practicable to list all of the permitted and accessory uses in a district. Therefore, other uses, which in the judgment of the Administrator, are similar and compatible to the permitted or accessory uses permitted in the district, may be allowed in such district.

## §16.0 Fence Code

### §16.02 Permit

#### A. Permit Required.

### §16.03 Fence Installation

#### D. Fences in Front Yards.

3. No Fence shall be installed in any B-1, B-2, wooden doors, landscape timbers or utility poles shall B-3, IP, M-1 or M-2 zoned district, unless said Fence is approved in conjunction with a Conditional Use Permit/Site Plan Review...

## §12.0 Definitions

### B. Specific Words and Phrases.

Accessory Building or Structure. A detached building or structure on the same lot, with and of a nature customarily incidental and subordinate to the principal building or structure, or the use of the land, i.e., garage, shed.

Accessory Use. A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or structure, or the use of the land.

Addition. Any construction which increase the outside dimensions of a building or structure.

Building. A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or personal property.

Conditional Use. Use of a special nature as to make impractical their predetermined classification as a permitted use in a district.

Lot. Land occupied or to be occupied by a building or unit group of buildings, accessory buildings and/or structures, and/or uses...

Permitted Use. A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.

Storage. The holding or safekeeping of goods, materials, equipment, vehicles and the like in a building or structure, or on a lot for future use, sale or trade.

Structure. Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, streambed or lakebed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams, and culverts.

Temporary Use. A use which is either a limited term or recurring seasonal activity that does not involve any permanent structures or buildings.

Based upon the foregoing sections, the business is a permitted use in a B-2 district as defined by §3.12 A.4.f. of the zoning code. I do not believe any of the conditional uses defined in §3.14 C.4 are applicable to this business. All of the conditional uses identified are permanent in nature. The applicant is not proposing an "addition" to a building or structure and the greenhouse is not a "building" detached from a principal building as defined by the zoning code.

The proposed use of the greenhouse is temporary, limited in term and by season. The use is more like those identified in §2.02 A.4.a. than any of the conditional uses identified. Moreover, §3.12 A.4.f. defines a hardware store as a permitted use in the B-2 zoning district and outdoor storage areas are permitted accessory uses for hardware stores in the B-2 district pursuant to §3.12 B.4. It should be noted that the zoning code fails to identify where on the site exterior storage should occur. This issue is additionally complicated by the fact that this hardware store is a single business in a multitenant development located on a single parcel.

Both "storage" and "lot" are defined within Chapter 12 of the zoning code. The multitenant development, hardware store and landscaping materials proposed for the greenhouse area are compatible with these general definitions.

The proposal requires a site plan review pursuant to Section 14 of the zoning code because a fence will be installed. The applicant has requested to install a self described "temporary greenhouse" which will be secured by a "temporary fence". The fence code requires that a site plan review occur prior to the approval and installation of a fence on a property zoned B-2. §16.03 D.3. Site Plan review is regulated by §14 of the zoning code.

I have reviewed Ms. Blise's concerns documented by her memo dated February 18, 2011. As I have previously indicated, I concur with her analysis regarding the use of a CUP at this site. Given that the proposed use is a permitted accessory use for the business, a CUP is not necessary. The applicant has identified this as a temporary use. The permanent character of a CUP presents an additional factor which is inconsistent with the proposed use.

Additionally, I too share her concerns with regard to the proposed exterior storage area given the recent complaints received by members of the Common Council. It is imperative that the review criteria and procedures be followed in processing this application. The majority of the complaints we have received are related to the application of permitted uses language of the zoning code which requires that

business be "...all conducted wholly within an enclosed building..." (§3.12 A.1) A hardware store as a permitted use is not subject to this restriction, in fact, "outdoor storage" is a permitted accessory use for this type of business provided that the outdoor storage is properly screened. (§3.12 B.4) Storage at this type of business is distinguishable from other business for which we have received complaints. Nonetheless, the application should be reviewed with this perspective. I would suggest following up with any departments or interested parties who have failed to respond to your initial communication so that you ensure that you have received input from all interested parties prior to rendering your decision.

The final concern identified is the use of the parking lot for storage of inventory. I have not identified a code section which would prohibit this when storage is a permitted accessory use. However, because this is a multitenant development which utilizes a common parking lot, the Public Safety and Welfare concerns together with compliance with the parking requirements must be addressed upon review.

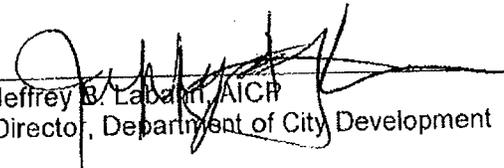
# ATTACHMENT 5

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

## Site Plan Review Approval

<b>Project Name:</b>	Prairieside True Value Temporary Greenhouse	<b>Date:</b> March 17, 2011
<b>Location:</b>	3755 80th Street	
<b>Project Description:</b>	A seasonal greenhouse and outdoor sales operation.	
<b>Issued to:</b>	Gary Dickes Prairieside True Value 3755 80th Street Kenosha, WI 53142	
<b>Architect/ Engineer/ Contractor:</b>  (if applicable)		
<b>Approval Dates:</b>	Industrial Park Control Committee - N/A Department of City Development -- March 17, 2011	
<ul style="list-style-type: none"><li>• Conditions of approval (see attachment)</li><li>• Approval shall be void if a building permit is not obtained by September 17, 2011</li></ul>		

Any questions regarding the approved Site Plan Review should be directed to Brian Wilke, Development Coordinator, at 262.653.4030.

  
Jeffrey B. Labahn, AICP  
Director, Department of City Development

- c:
- Shelley Billingsley, Deputy Director of Engineering, Public Works
  - Paula Blise, Zoning Coordinator, Neighborhood Services & Inspections
  - Ron Bursek, Director, Public Works
  - Mike Callovi, Department of City Development
  - Mike Higgins, City Clerk/Treasurer/Assessor
  - Rick Hillesland, Commercial Building Inspector
  - John W. Morrissey, Chief, Police Department
  - Patrick Ryan, Chief, Fire Prevention Bureau
  - Ed St. Peter, Manager, Kenosha Water Utility
  - Mike Temens, Director of Engineering, Public Works
  - Kristine Neiman, Neighborhood Services & Inspections

<b>Project Name:</b>	Prairieside True Value Temporary Greenhouse	<b>Date:</b> March 17, 2011
<b>Location:</b>	3755 80th Street	

**Conditions of Approval**

1. The following conditions of approval will run with the land and shall be included in a document recorded with the Kenosha County Register of Deeds:
  - a. The applicant shall obtain all required construction permits from the Department of Neighborhood Services & Inspections.
  - 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 Site Plan Review is for reference only and does not constitute sign permit approval.
  - c. The development shall be constructed per the approved Site and Building Plans on file with the Department of City Development, Room 308, 625 52<sup>nd</sup> Street, Kenosha, WI 53140. Any changes to the approved plans shall require an amendment to the Site Plan Review. All changes shall be submitted to the Department of City Development for review and approval.
  - d. 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 Site Plan Review 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 Site Plan Review shall be submitted by the applicant.
  - e. Compliance with City and State and/or Federal Ordinances.
  - f. The applicant shall meet all applicable Conditions of Approval and obtain a Building Permit within six (6) months of City Plan Department approval of the Site Plan Review or the Site Plan Review shall be null and void.
  - g. Outdoor display of products is limited only to the area shown on the approved Site Plan. Outdoor display and sales on the sidewalk area in front of the hardware store tenant space is prohibited.
  - h. All vehicles shall be parked within the designated paved areas.
  - i. All improvements, including landscaping, shall be maintained per the approved plans. Any damaged fencing, landscaping or building shall be replaced or reconstructed per the approved plans.
  - j. The placement of any greenhouse building, fencing or landscape product shall comply in all respects with the vision clearance standards of Section 2.06 of the Zoning Ordinance.
  - k. This seasonal approval is valid between March 1st and June 30th of each calendar year only. Any permits for the greenhouse and fence shall be obtained on an annual basis.
  - l. All items for outdoor display and sale shall be stored in an orderly fashion.
  - m. This approval is for a seasonal display for the hardware store located in the tenant space referred to as 3755 80th Street only. The outdoor display shall not be used by any other tenant of the retail facility. This approval shall be voided when the tenant space referred to as 3755 80th Street ceases operation as a hardware store.

**SITE PLAN REVIEW  
STATE OF WISCONSIN**

Document Number

The City Plan Department of the City of Kenosha, Wisconsin, hereby grants to the owners of the parcel described with more particularity in the legal description attached hereto as "Exhibit A" and incorporated herein by reference a Site Plan Review for a temporary green house as approved by the City Plan Department on March 17, 2011. This Site Plan Review is binding upon all future successors, assigns, owners, lessees, and/or tenants and shall be considered a covenant that runs with the land.

The following Exhibits are attached hereto:

- Exhibit A - Legal Description
- Exhibit B - Site Plan

The full approved plan set is on file with the Department of City Development at the Municipal Building, 625 52nd Street, Room 308, Kenosha, WI.

**Effective Date: March 17, 2011**

Recording Area

Name and Return Address:

City of Kenosha  
Department of City Development  
625 52<sup>nd</sup> Street - Room 308  
Kenosha, WI 53140

04-122-12-326-002

Parcel Identification Number (PIN)

The following Conditions of Approval shall apply to the property described in "Exhibit A":

**Prairieside True Value Hardware**  
**CONDITIONS OF APPROVAL**

1. The following conditions of approval will run with the land and shall be included in a document recorded with the Kenosha County Register of Deeds:
  - a. The applicant shall obtain all required construction permits from the Department of Neighborhood Services & Inspections.
  - 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 Site Plan Review is for reference only and does not constitute sign permit approval.
  - c. The development shall be constructed per the approved Site and Building Plans on file with the Department of City Development, Room 308, 625 52<sup>nd</sup> Street, Kenosha, WI 53140. Any changes to the approved plans shall require an amendment to the Site Plan Review. All changes shall be submitted to the Department of City Development for review and approval.
  - d. 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 Site Plan Review 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 Site Plan Review shall be submitted by the applicant.
  - e. Compliance with City and State and/or Federal Ordinances.
  - f. The applicant shall meet all applicable Conditions of Approval and obtain a Building Permit within six (6) months of City Plan Department approval of the Site Plan Review or the Site Plan Review shall be null and void.

- g. Outdoor display of products is limited only to the area shown on the approved Site Plan. Outdoor display and sales on the sidewalk area in front of the hardware store tenant space is prohibited.
- h. All vehicles shall be parked within the designated paved areas.
- i. All improvements, including landscaping, shall be maintained per the approved plans. Any damaged fencing, landscaping or building shall be replaced or reconstructed per the approved plans.
- j. The placement of any greenhouse building, fencing or landscape product shall comply in all respects with the vision clearance standards of Section 2.06 of the Zoning Ordinance.
- k. This seasonal approval is valid between March 1st and June 30th of each calendar year only. Any permits for the greenhouse and fence shall be obtained on an annual basis.
- l. All items for outdoor display and sale shall be stored in an orderly fashion.
- m. This approval is for a seasonal display for the hardware store located in the tenant space referred to as 3755 80th Street only. The outdoor display shall not be used by any other tenant of the retail facility. This approval shall be voided when the tenant space referred to as 3755 80th Street ceases operation as a hardware store.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011

*Prairieside True Value*

\_\_\_\_\_  
SIGNED

\_\_\_\_\_  
PRINT NAME

**ACKNOWLEDGMENT**

State of Wisconsin        )  
                                  ) ss.  
\_\_\_\_\_ County        )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011, the above named \_\_\_\_\_  
to me known to be the person(s) who executed the foregoing instrument and acknowledge the same.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My Commission expires: \_\_\_\_\_

DRAFTED BY:  
Brian Wilke, City of Kenosha  
Department of City Development









DEPARTMENT OF  
NEIGHBORHOOD SERVICES  
AND  
INSPECTIONS

JAMES M. SCHULTZ  
Director

Building Inspection

Property Maintenance

Zoning Enforcement

TO: Alderman Jesse L. Downing, Chairman  
and Members of the Public Safety and Welfare Committee

FROM: Paula A. Blise, MBA, CCEA, Zoning Coordinator  
Department of Neighborhood Services and Inspections CPB

SUBJECT: Request by K-Mart Express, LLC, located at 4100 52nd Street, to temporarily  
utilize the parking lot area for the display and sale of merchandise from  
April 4, 2011 through July 31, 2011 [Zoning Ordinance 2.02(5); 3.14(A)(4)(i)]

DATE: March 24, 2011

K-Mart Express, LLC, is requesting permission to utilize a portion of the property's parking lot area to display merchandise (bags of dirt, landscaping materials). A 6' high temporary chain link fence would enclose the display area.

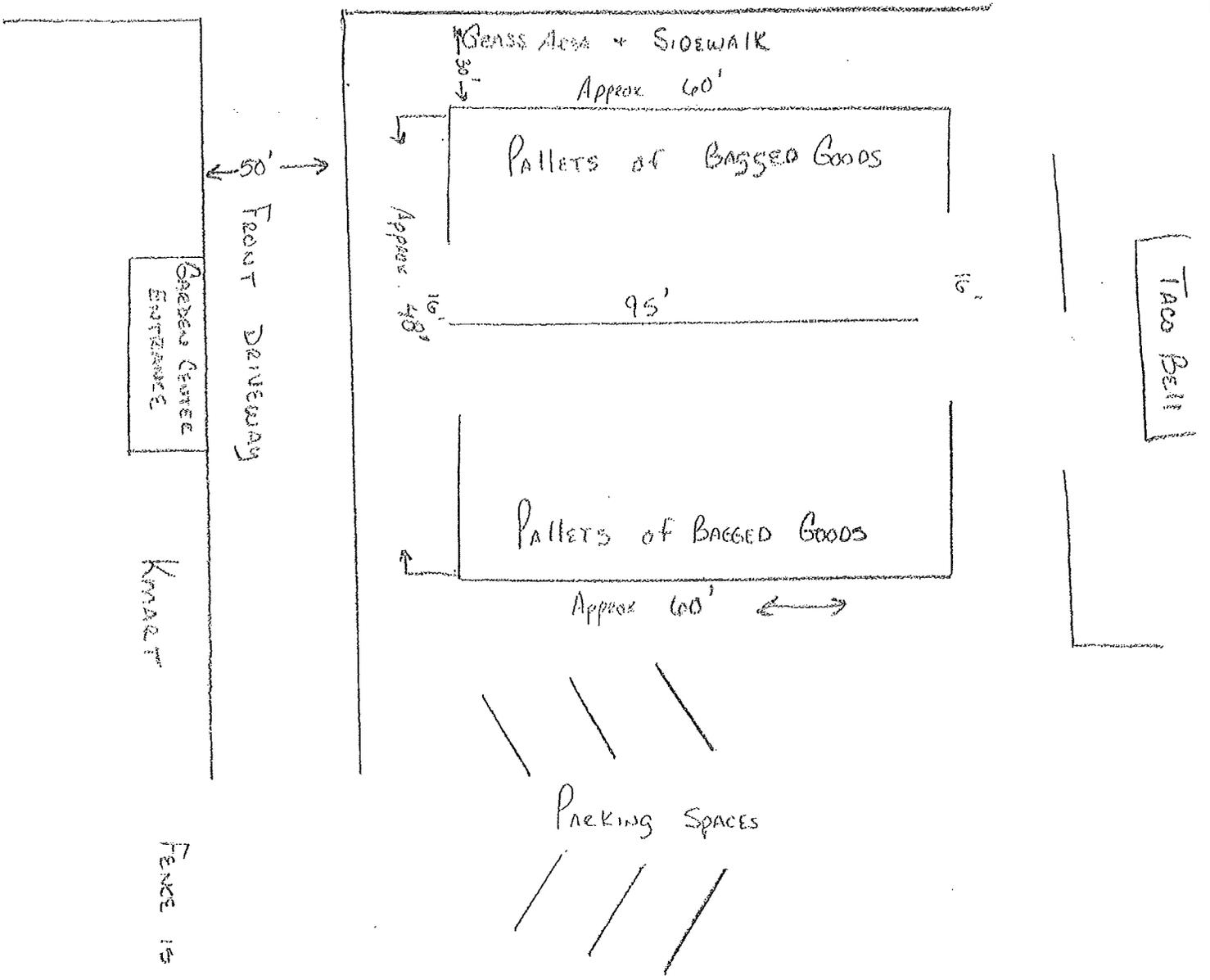
Section 3.14A(3) stipulates that department stores be "conducted wholly within an enclosed building", with the exception of outdoor storage areas of building and garden supplies. Section 3.14(B)(4) of the City of Kenosha Zoning Ordinance stipulates that outdoor storage areas, associated with department stores, are permitted as accessory uses, with no provision as to what type of merchandise may or may not be stored. The applicant's business falls within these categories.

In accordance with Zoning Ordinances 2.02(4)(b) and 2.02(5), the Common Council has jurisdiction in the approval of temporary uses.

The property contains a permanent outdoor storage area (photo attached), which can be utilized for the display of goods. The applicant advises that flowers and other merchandise are stored within the outdoor storage area, however the applicant does not desire to store bags of dirt within the permanent area.

It should be noted that, based on discretionary staff approvals, the applicant has conducted this activity on the parking lot area for many years.

40<sup>th</sup> AVE



Fence is 6' H Chain Link Fencing  
12' Panels

**3088 Kmart**  
4100 52nd ST  
KENOSHA, WI 53144



**K-MART EXISTING PERMANENT OUTDOOR STORAGE AREA**





DEPARTMENT OF  
NEIGHBORHOOD SERVICES  
AND  
INSPECTIONS

JAMES M. SCHULTZ  
Director

Building Inspection • Property Maintenance • Zoning Enforcement

TO: Alderman Jesse L. Downing, Chairman  
and Members of the Public Safety and Welfare Committee

FROM: Paula A. Blise, MBA, CCEA, Zoning Coordinator  
Department of Neighborhood Services and Inspections 

SUBJECT: Request by Steinhafel's, located at 7001 - 118th AV (formerly 7001 120th AV)  
to utilize the parking lot area for the display and sale of merchandise from  
May 12-23, 2011 [Zoning Ordinance 2.02(5); 3.14(A)(4)(i)]

DATE: March 24, 2011

Steinhafels is requesting permission to utilize a portion of the property's parking lot area, in order to set up tents for the display and sale of furniture.

Section 3.14(B)(4) of the City of Kenosha Zoning Ordinance stipulates that outdoor storage areas, associated with department stores, are permitted as accessory uses, with no provision as to what type of merchandise may or may not be stored. The applicant's business contains a variety of merchandise, and could be categorized as a department store.

It should be noted that, based on discretionary staff approvals, the applicant has conducted this activity on the parking lot area for many years.

In accordance with Zoning Ordinances 2.02(4)(b) and 2.02(5), this matter is referred to Public Safety & Welfare, and the Common Council for decision-making purposes.

**Zimbra**

pblise@kenosha.org

± Font size ▾

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**Steinhafels Tent Sale**

---

**From :** Renee Reckin  
<reneer@steinhafels.com>

Wed, Mar 23, 2011 03:30 PM

📎 1 attachment

**Subject :** Steinhafels Tent Sale

**To :** pblise@kenosha.org

Hi Paula,

I have attached the map that we have used previously for our tent sales. We make sure that all handicap parking is accessible and we barricade the entire area to increase safety for those entering the tent. We also restrict parking close to the tent, again for safety reasons. We hire full time security in the evenings to eliminate theft and damage to the tent and merchandise in the tent.

For the past three years, tent sales have been an exciting event for our customers, a time when we offer lower prices to reduce our inventory levels and offer great savings to our shoppers! In tough economic times we have found that offering special events such as our tent sale, have had positive response from our customers.

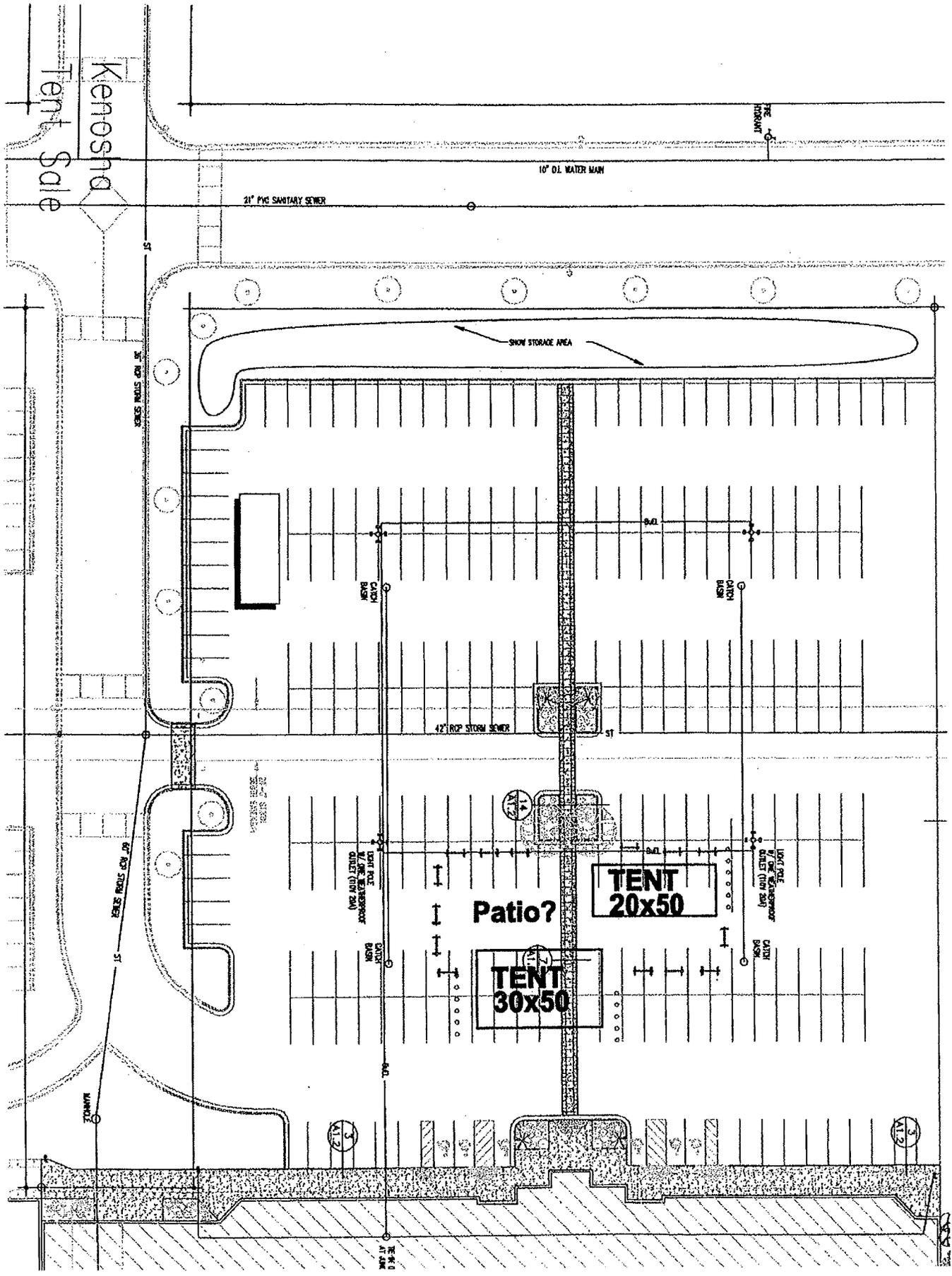
Yes, Steinhafels is the owner of the property which your city records will verify. If you require documentation from us, please specify the documentation required.

Thank You in advance for your consideration in this matter,  
Renee Reckin

--

Need a decorator?  
We have your Decorating Solution!  
Visit our website [www.steinhafels.com](http://www.steinhafels.com) for more details

Renee M Reckin





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

**Street Division**  
John H. Prijic  
Superintendent  
**Waste Division**  
Rocky Bednar  
Superintendent

**DEPARTMENT OF PUBLIC WORKS**  
Ronald L. Bursek, P.E., Director

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

March 24, 2011

To: Jesse Downing, Chairman  
Public Safety & Welfare Committee

From: Michael M. Lemens, P.E.  
Director of Engineering/City Engineer

Subject: *Awning Encroachment in Public R/W*  
*Moda Bella Salon – 7539 39<sup>th</sup> Avenue*

The owner of the Moda Bella Salon at 7539 39<sup>th</sup> Avenue desires to have an awning installed on the front of the building which overhang the sidewalk and encroach in the public right-of-way. The have submitted the necessary application form and certificate of insurance as required in Chapter 5 of the Code of General Ordinances. In addition to the obvious sun shade advantages, the awning will provide an aesthetic treatment to the front of the building and improves curb appeal.

**RECOMMENDATION**

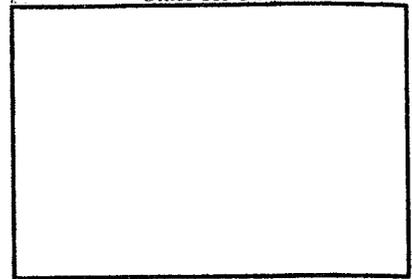
Approve the encroachment of the awning in the public right-of-way.

MML



City of Kenosha  
 Department of Neighborhood Services and Inspections  
 625 52nd Street, Room 100, Kenosha, WI 53140  
 Phone: 262.653.4263, Fax: 262.653.4254

Office Use Only:



**APPLICATION FOR  
 CANOPY / AWNING PERMIT**

This document must be legible or will be returned.

**Note:** You will be notified when your permit is ready, please do not submit payment with permit application.

The following must be submitted with this permit application:  One (1) full size set of plans, AND  One (1) 8 1/2" x 11" or 11" x 17" size set of plans

Project Address 7539 - 39<sup>TH</sup> AVE

Project Name MODA BELLA

\*Contractor FORMAN AWNING'S

Mailing Address 7539 - 39<sup>TH</sup> AVE

Mailing Address 2101 LATHROP AVE.

City KENOSHA State WI Zip 53142

City RACINE State WI Zip 53405

Phone (262) 620-4055 (SHAWN)

Phone (262) 634-3082

Contractor e-mail FORMANAWNING'S@GMAIL

Estimated Cost (excluding plumbing, electric, and HVAC) \$1,713.00

\*Note to Contractor: Please see attached "State Licensing Requirements."

Description of Work FABRICATE + INSTALL (2) AWNINGS PER DRAWINGS

Business Name MODA BELLA

CHECK ONE: Canopy  Awning  Size 18'2" by 26"

Will the canopy/awning contain a commercial sign? Yes  No  Note: If yes, a sign permit is required.

Is the canopy/awning illuminated? Yes  No  Note: If yes, a commercial electrical permit application must be completed and submitted with this application.

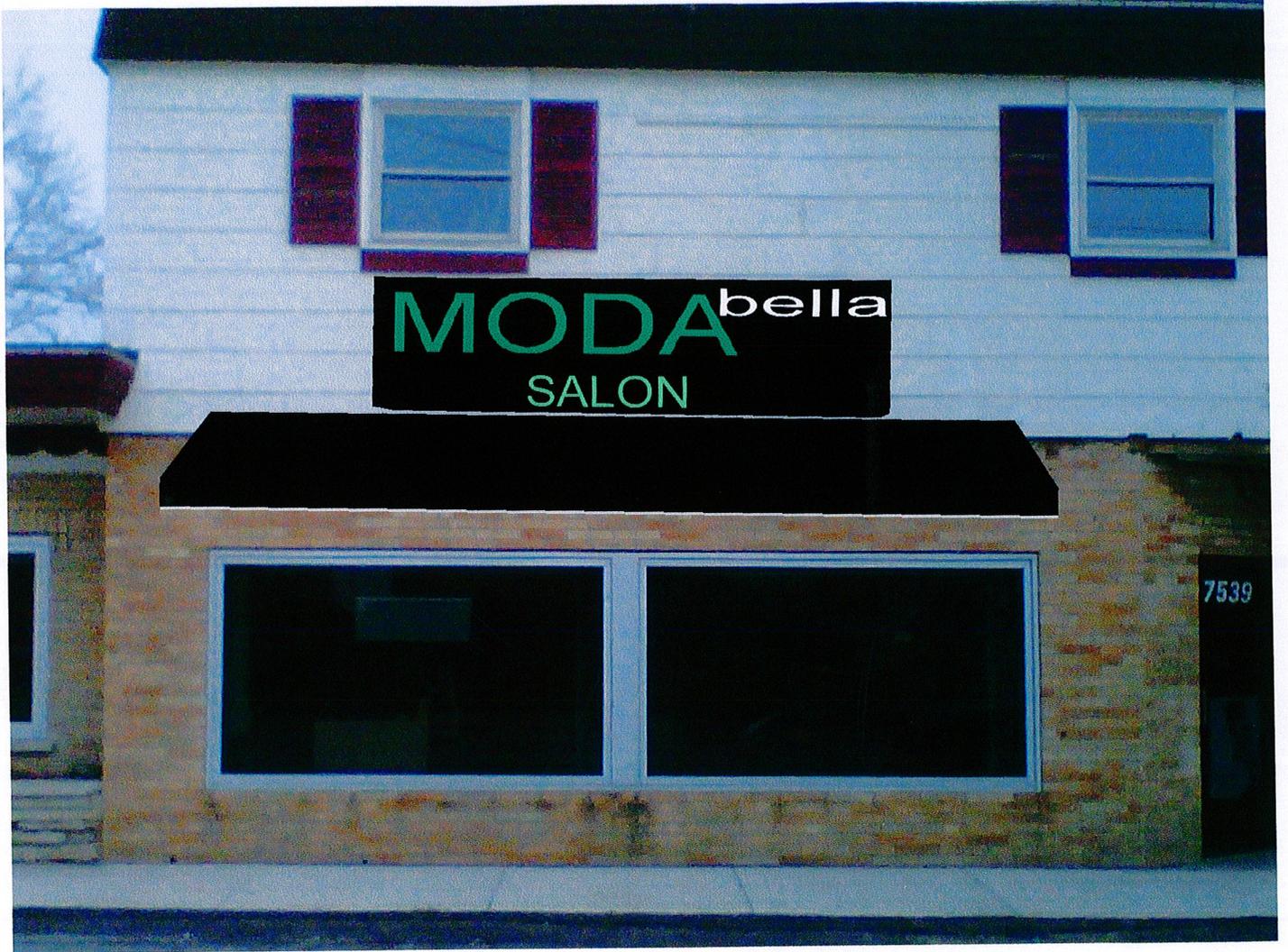
Will the structure project over public sidewalk and/or roadway? Yes  No

Note: If yes, approval is required by the Public Safety and Welfare Committee. Contact Zoning Coordinator for further information.

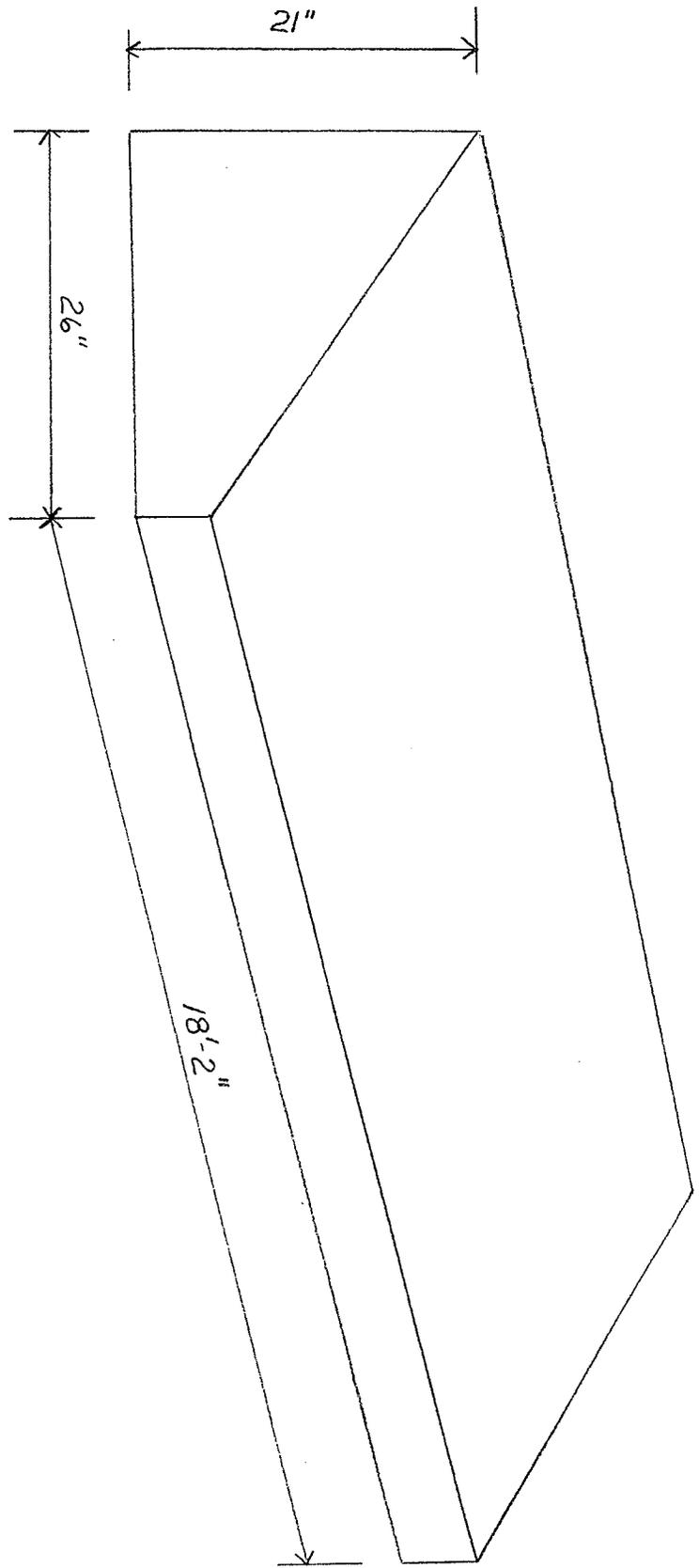
I agree to comply with all applicable codes, statutes, and ordinances, and with the conditions of this permit; understand that the issuance of the permit creates no legal liability, express or implied, on the state or municipality; and, certify that all the above information is accurate. I expressly grant the building inspector, or the inspector's authorized agent, permission to enter the premises for which this permit is sought at all reasonable hours and for any proper purpose to inspect the work which is being done.

Applicant Signature: [Signature]

DESCRIPTION	PRICE PER UNIT	QTY	PLAN REVIEW SQ.FT.	FEE	QTY
CANOPY / AWNING	\$ 60.00 Ea.	<u>2</u>	0-1,000	\$ 180.00	_____
PERMITS FOR BUILDINGS	\$ .50 Per Sq. Ft.	_____	1,001-2,500	\$ 300.00	_____
FIRE PREVENTION	_____	_____	2,501-5,000	\$ 420.00	_____
OFFICE INSPECTION	\$ 72.00 Ea.	_____	5,001-10,000	\$ 540.00	_____
			10,001-20,000	\$ 670.00	_____
			20,001-30,000	\$ 780.00	_____
			30,001-40,000	\$ 900.00	_____
			40,001-50,000	\$ 1,020.00	_____
			50,001-75,000	\$ 1,140.00	_____
			75,001-100,000	\$ 1,260.00	_____
			100,001-200,000	\$ 1,380.00	_____



Thursday, March 24, 2011  
FORMAN AWNINGS





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
**01/31/2011**

<b>PRODUCER</b> Compass Insurance Group 6015 Durand Avenue, Ste 100 Racine, WI 53406	<b>THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.</b>												
<b>INSURED</b> Ryan Forman dba Forman Brothers Construction and Forman Awnings 2101 Lathrop Avenue Racine, WI 53405	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 80%;">INSURERS AFFORDING COVERAGE</th> <th style="width: 20%;">NAIC #</th> </tr> <tr> <td>INSURER A: Erie Insurance</td> <td></td> </tr> <tr> <td>INSURER B:</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> </table>	INSURERS AFFORDING COVERAGE	NAIC #	INSURER A: Erie Insurance		INSURER B:		INSURER C:		INSURER D:		INSURER E:	
INSURERS AFFORDING COVERAGE	NAIC #												
INSURER A: Erie Insurance													
INSURER B:													
INSURER C:													
INSURER D:													
INSURER E:													

**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADULT DISB	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A		<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <hr/> GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC	Q25-0122136	1/1/11	1/1/12	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPROP AGG \$ 2,000,000
A		<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	Q01-0133052	1/1/11	1/1/12	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
		<b>EXCESS/UMBRELLA LIABILITY</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <hr/> DEDUCTIBLE \$ RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
		<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				<input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
		<b>OTHER</b>				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

**CERTIFICATE HOLDER**

**CANCELLATION**

Blank space for Certificate Holder information.

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE  
**John Freeze**

ORDINANCE NO. \_\_\_\_\_

**DRAFT 03.10.11**

**BY: ALDERPERSON MICHAEL ORTH**

**TO RENUMBER SECTION 11.025 AS 11.053; TO CREATE SECTION 11.025 OF THE CODE OF GENERAL ORDINANCES ENTITLED SOCIAL HOST**

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

**Section One:** Section 11.025 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby renumbered as follows:

**11.025-53 RETAIL THEFT/FRAUD ON HOTEL OR RESTAURANT KEEPER OR TAXICAB OPERATOR**

**Section Two:** Section 11.025 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows:

**11.025 SOCIAL HOST**

**A. Purpose and Findings.** The Common Council of the City of Kenosha intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons civilly responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Common Council of the City of Kenosha finds:

1. Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.
2. Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol related traffic collisions.
3. Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.
4. Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and condone the activity, and in some circumstances, provide the alcohol.
5. A deterrent effect will be created by holding a person responsible for hosting an event or gathering where underage possession or consumption occurs.

**B. Definitions.** For purposes of this chapter, the following terms have the following meanings:

**1. Alcohol.** "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

**2. Alcoholic Beverage.** "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

**3. Event or Gathering.** "Event or gathering" means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

**4. Host or Allow.** "Host" or "allow" means to aid, conduct, entertain, organize, supervise, control or permit a gathering or event.

**5. Parent.** "Parent" means any person having legal custody of a juvenile:

(a) As natural, adoptive parent or step-parent;

(b) As a legal guardian; or

(c) As a person to whom legal custody has been given by order of the Court.

**6. Residence, Premises or Public or Private Property.** "Residence", "premises", or "public or private property" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room or other dwelling unit, or a hall or meeting room, park or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented or used with or without permission or compensation.

**7. Underage Person.** "Underage person" is any individual under twenty-one (21) years of age.

**8. Present.** Being at hand or in attendance.

**9. In Control.** The power to direct, manage, oversee and/or restrict the affairs, business or assets of a person or entity.

**C. Prohibited Acts.** It is unlawful for any person(s) to: host or allow an event or gathering at any residence, premises or on any other private or public property where alcohol or alcoholic beverages are present when the person knows that an underage person will or does consume any alcohol or alcoholic beverage; or possess any alcohol or alcoholic beverage with the intent to consume it; and the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

1. A person is responsible for violating this section if the person intentionally aids, advises, hires, counsels or conspires with or otherwise procures another to commit the prohibited act.

2. A person who hosts an event or gathering does not have to be present at the event or gathering to be responsible.

**D. Exceptions.**

1. This chapter does not apply to conduct solely between an underage person and his or her parents while the parent is present and in control of the underage person.

2. This chapter does not apply to legally protected religious observances.

3. This chapter does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

**E. Penalties.** A person who violates any provision of this ordinance is subject to a forfeiture of not less than \$1,000 nor more than \$5,000, together with the costs of prosecution. A person who is in default of payment is subject to imprisonment in the county jail until the forfeiture and costs are paid

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

ATTEST: \_\_\_\_\_ City Clerk

APPROVED: \_\_\_\_\_ Mayor

Passed:

Published:

Drafted By:  
MATTHEW A. KNIGHT  
Deputy City Attorney