

<p>Municipal Building 625 52nd Street – Room 202</p>	<p><i>Kenosha City Plan Commission</i> <i>Agenda</i></p>	<p>Thursday, April 7, 2011 5:00 p.m.</p>
<p><i>Mayor Keith Bosman - Chairman</i> <i>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 March 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
March 24, 2011

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

MEMBERS EXCUSED: Alderman Ruffolo and Anita Faraone

STAFF PRESENT: Jeffrey B. Labahn and Bill Richardson

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

A motion to approve the minutes from February 21, 2011 and February 24, 2011 was made by Alderman Michalski and seconded by Mr. Lattimore. The motion passed unanimously. (7 ayes; 0 noes).

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 hearing opened, no comments, public hearing closed.

Alderman Downing, sponsor of the proposed Ordinance, said the purpose of the Ordinance is to prevent every gas station and convenience store from having a beer and alcohol license. The proposed Ordinance establishes distance restrictions.

Alderman Michalski supports the proposed Ordinance and does not support a gas station selling liquor.

Mr. Landry asked how this affects establishments that already have a beer or liquor license. What will happen when they want to renew their license, and what if they sell the business to someone else. Bill Richardson, Assistant City Attorney, said the proposed Ordinance is from this date forward. Those establishments that currently have a license would continue business as usual and could renew a current license. If they sold their business, the new owner would have to reapply and must meet the requirements.

Mayor Bosman asked how this would affect a new development such as Target or Walmart if they wanted to build a new store and wanted to obtain a license. Mr. Richardson said they would need to apply. Mayor Bosman questioned if they don't meet the requirements and cannot obtain a license, will that hinder development or redevelopment?

Mr. Stevens asked if there was a way to get a variance or could Common Council make an exception? Mr. Richardson said not the way the proposed Ordinance is written. You could amend the proposed Ordinance at a future date to make an allowance.

Mayor Bosman asked if a variance would work. Mr. Richardson said he would need to review the Zoning Ordinance and the requirements. Mayor Bosman said he was

concerned about hindering development.

Alderman Michalski said he thought the Common Council would allow a license for an establishment that would make a major impact if they requested a license.

Mr. Stevens said he is not comfortable with the possibility of a variance being allowed each time. Alderman Downing said that economic impact would be an issue that could be reviewed and determined.

Mr. McCurdy said Kenosha must make a stand on liquor licenses or every major business will request one. Mr. McCurdy supports the Ordinance as written.

Mr. Stevens said he would feel better if he knew all the options. Mr. Richardson said he does not have a definitive answer at this time, but would assume that a variance would not be allowed. Jeffrey B. Labahn, City Planner, said he agrees with Mr. Richardson. This item is being reviewed by the City Plan Commission because it is a Zoning Ordinance. The only option would be a variance, but I don't think this will be allowed.

Alderman Downing said the Walgreens stores and the CVS stores also want a full liquor license, which he opposes. Mayor Bosman said they want to compete with the other retailers. Mayor Bosman would rather see beer and liquor sold in a managed store with a more controlled environment.

Alderman Downing said if this Ordinance passes, a current license is more valuable to those who have one. Mr. Richardson said if you sell the business, the license would be subject to a "re-license" and all the restrictions of the new Ordinance.

A motion was made by Alderman Michalski and seconded by Mr. Stevens to defer the proposed Ordinance for two weeks to allow time for more research of the questions. The motion passed unanimously. (7 ayes, 0 noes)

2. Public Comments

No comments.

3. Commissioner Comments

No comments.

4. Staff Comments

No comments.

A motion to adjourn was made by Alderman Michalski and seconded by Alderman Downing. The motion passed unanimously (7 ayes; 0 noes). The meeting adjourned at 5:26 p.m.

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

Jeffrey B. Labahn, Director of City Development

City Plan Division 625 52 nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	April 7, 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:

Site: City-Wide

NOTIFICATIONS/PROCEDURES:

The item was approved by the Licensing & Permit Committee. The Common Council is the final review authority.

ANALYSIS:

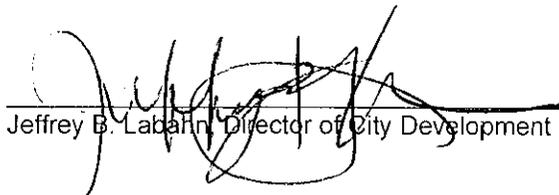
- The proposed Ordinance would require that a Class "A" Beer License business be at least one half (1/2) mile or 2,640 feet from another Class "A" business.
- The proposed Ordinance would also require that a "Class A" Liquor License business be at least one (1) mile or 5,280 feet from another "Class A" business.
- The Ordinance was drafted by the City Attorney's office.
- The Ordinance was deferred at the March 24, 2011 meeting to allow the questions from the Commissioners regarding the implementation of the Ordinance to be reviewed. The Assistant City Attorney confirmed that the proposed Ordinance does not allow for any waivers to the spacing requirement. Any new application for a license would require that the spacing requirement be met. Any transfer of the license would also require compliance with the spacing requirement.

RECOMMENDATION:

This is for Commission review and recommendation.



Rich Schroeder, Assistant City Planner
/u2/acct/cp/ckays/1CPC/2011/Apr7/fact-zo-312E-040711.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 or objects from the closest point of the structure proposed for occupancy by the licensed Class "A" or "Class A" business, whichever is applicable, to the nearest point of the structure licensed from which the proposed License is to be separated.

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.