

<p><b>Municipal Building</b>  <b>625 52nd Street – Room 202</b></p>	<p><b><i>Kenosha City Plan Commission</i></b>  <b><i>Agenda</i></b></p>	<p><b>Thursday, May 5, 2011</b>  <b>5:00 p.m.</b></p>
<p><i>Mayor Keith Bosman - Chairman, Alderman Jesse Downing - Vice-Chairman</i>  <i>Alderman Jan Michalski,</i>  <i>Anita Faraone, Robert Hayden, Art Landry, Anderson Lattimore, Ron Stevens</i></p>		

Call to Order and Roll Call

*Approval of Minutes from April 21, 2011*

*Swearing in of new member(s)*

1. Amendment to the Conditional Use Permit for Casa Del Mare Assisted Living Facility located at 3508 7th Avenue, to add nine additional living units, District #1. (Casa Del Mare) PUBLIC HEARING

Public Comments

Commissioner Comments

Staff Comments

*Adjournment*

**CITY PLAN COMMISSION**  
**Minutes**  
**April 21, 2011**

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MEMBERS PRESENT: Mayor Bosman, Alderman Downing, Anita Faraone,  
Art Landry, Bruce McCurdy and Ron Stevens

MEMBERS EXCUSED: Alderman Michalski and Anderson Lattimore

STAFF PRESENT: Jeffrey B. Labahn, Rich Schroeder and Matt Knight

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 April 7, 2011 was made by Mr. McCurdy and seconded by Ms. Faraone. Mr. Stevens made correction to Page 2, Paragraph 8, wording to say Mr. Stevens was not in favor of the Ordinance *without the revisions*. The motion passed unanimously. (6 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.

A motion was made by Alderman Downing and seconded by Mr. Stevens to approve the Ordinance.

Mayor Bosman asked for an explanation on the additional language.

Matt Knight, Assistant City Attorney, said under Sections 2.a. and 2.b. language was added to specify ...any other *City* issued ..... along with days preceding language. Special Exception language regarding procedures and criteria was also added.

Mr. McCurdy said he supports the Ordinance, although he does not believe Section 2.d. is entirely fair to the small business person. Mayor Bosman said there is always the opportunity to approve a license based on economic impact.

Mr. Stevens said he understands this may give preference to a larger business, but Section 2.d. allows the Common Council to review the application.

Ms. Faraone said she does not support the Ordinance and asked to recognize Mr. Tirabassi to speak on the agenda item. The Mayor recognized Mr. Tirabassi.

Domenick Tirabassi, 8531 39th Avenue, Kenosha, said he is not in favor of the Ordinance. If there are all the restrictions around existing establishments, there aren't many places a new business can open. Mayor Bosman said there is language that states if there is an *economic impact* they may get a special exception to the Ordinance. Mr. Tirabassi said the language may help, but it is still not easy to get an exception.

The motion passed. (5 ayes; 1 no) *Faraone voted no*.

**2. To Repeal and Recreate various Sections of the Zoning Code for the City of Kenosha regarding permitted uses in residential district to exempt residential facilities for eight or fewer disabled individuals from certain statutory requirements. PUBLIC HEARING**

Public hearing opened, no comments, public hearing closed.

Rich Schroeder, Assistant City Planner, explained the proposed Ordinance Amendment excludes a CLA with 8 beds or fewer from having to obtain an exception for distance or density if they serve individuals protected under the Federal Fair Housing Act.

Mayor Bosman said this is what got us in trouble with Crabtree and this is the Ordinance that came from that lawsuit.

Mr. McCurdy asked if this mirrors the Federal guidelines. Jeffrey B. Labahn, City Planner, said yes it does. The City will probably not see very many requests for the Distance and Density Special Exception. They are only needed for the non protected class or CLA's over 8 beds.

Alderman Downing said he will not support the proposed Ordinance.

Ms. Faraone said this is basically to clarify these issues discussed at a previous meeting. Mr. Schroeder said yes, the State Statutes conflict with the Federal Regulations and the Plan Commission was reviewing requests that they could not legally deny.

Mr. Stevens said we have gone from not being able to change the rules to basically letting these establishments do what they want. Is there anything in-between? Mr. Knight said we have not come up with anything so far.

Mr. McCurdy asked for clarification. Mr. Schroeder explained:

- if the applicant is a protected class, and a distance and density exception is needed, they do not need City Plan Commission approval if there are 8 beds or fewer. If the establishment has more than 8 beds, it would require City Plan Commission and Common Council approval.
- if the applicant is not in a *protected class*, (such as a half-way house) and a distance or density exception is needed, they must come before the City Plan Commission and Common Council no matter how many beds are in the facility.

Alderman Downing asked if senior housing is a protected class. Mr. Knight said he did not have a definition with him, but he thought it was. Mr. Schroeder said some senior housing projects fall in the CBRF/CLA category.

A motion was made by Mr. Stevens and seconded by Mr. McCurdy to approve the proposed Ordinance. On roll call vote, the motion passed. (5 ayes; 1 no) *Alderman Downing voted no.*

**3. To Repeal and Recreate Section 16.03 A.7 and Section 16.11 of the Zoning Ordinance regarding administration, special exceptions and appeals regarding the fence code. PUBLIC HEARING**

Public hearing opened.

Paula Blise, Department of Neighborhood Services & Inspections, explained the current situation. Currently, there is someone who wants to appeal the fence code, but there are not enough people on the Zoning Board of Appeals for this item to be heard. The applicant's property is located next to a park and they would like their fence taller than allowed under the fence code. The proposed Ordinance would allow an applicant to come before the Common Council.

Public hearing closed.

A motion was made by Ms. Faraone and seconded by Alderman Downing to approve the Ordinance Amendment.

Mr. Landry asked why this review needs to be taken away from the Zoning Board of Appeals. Ms. Blise said there are not enough members on the board right now to conduct a meeting. Mr. Schroeder added that there is still a Zoning Board, just not enough members right now. Ms. Blise said that Special Exceptions would go to the Common Council, Variances would not. The State Statutes have put numerous restrictions on obtaining a Variance.

Mr. Stevens asked if a Variance is needed are there ways to obtain one. Ms. Blise said the Fence Code is confusing and does not really speak on Variance issues. Most items are called Special Exceptions rather than a Variance. Mr. Stevens said he will support the proposed Ordinance amendment because it addresses the immediate problem.

The motion passed unanimously. (6 ayes, 0 noes)

#### **4. Public Comments**

No public comments.

#### **5. Commissioner Comments**

Mayor Bosman presented Mr. McCurdy with a plaque and his appreciation for serving on the Commission.

Mr. McCurdy thanked everyone for their support and said he enjoyed his term. Mr. McCurdy also mentioned that Sue Smith in City Development was retiring and he appreciated her dedication to the department.

Mr. Stevens said he has worked with Mr. McCurdy on various boards and commissions and thanked him for his dedication to Kenosha.

#### **6. Staff Comments**

Mr. Labahn noted that Robert Hayden has been appointed to the City Plan Commission as the new Citizen member. Also, the renovation of the METRA Station is complete and Spati's Restaurant is open for business.

A motion to adjourn was made by Ms. Faraone and seconded by Mr. Stevens. The motion passed unanimously (6 ayes; 0 noes). The meeting adjourned at 6:48 p.m.

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

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*Jeffrey B. Labahn, Director of City Development*

Draft

City Plan Division 625 52 <sup>nd</sup> Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission  <b>FACT SHEET</b>	May 5, 2011	Item 1
<b>Amendment to the Conditional Use Permit for Casa Del Mare Assisted Living Facility located at 3508 7th Avenue, to add nine additional living units, District #1. (Casa Del Mare) PUBLIC HEARING</b>			

**LOCATION/SURROUNDINGS:**

Site: 3508 7th Avenue  
Zoned: RM-3 Elderly and Handicapped Housing District

**NOTIFICATIONS/PROCEDURES:**

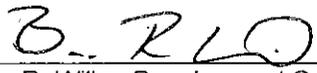
The alderman of the district, Alderman Haugaard, has been notified. The Common Council is the final review authority.

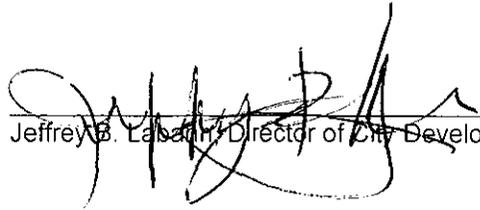
**ANALYSIS:**

- A 60-unit assisted living facility was approved at 3508 7th Avenue by the City Plan Commission on January 21, 2010. All Conditions of Approval were satisfied by the applicant, permits were obtained and construction has commenced on the site.
- The Developer has reviewed his programming and has decided to request an increase in the number of units in the building from 60 units to 69 units. The proposed increase would not expand the building footprint. All modifications would be to the interior of the structure only, with the exception of an outdoor patio and related entry way.
- The proposal that was previously approved was for the entire facility to be licensed as a Residential Care Apartment Complex (RCAC). The current proposal would license the first floor as a Community Based Residential Facility (CBRF) and floors 2-4 as a RCAC. A Distance or Density Exception is not needed for either classification as there is no other CBRF or RCAC in Aldermanic District #1 and no other licensed facility within 2,500 feet.
- The previous density of the project, calculated using the entire St. Catherine's Commons Campus was 244 units divided by 10.948 acres = 22.29 units per acre. The proposed density would be 253 units divided by 10.948 acres = 23.11 units per acre. The maximum density in the RM-3 district is 24 units per acre.
- The proposed site will still provide in excess of the minimum number of off-street parking spaces required by the Zoning Ordinance. (84 beds x 0.35 spaces per bed = 29.4 spaces required and 47 spaces provided)
- A copy of the letter from the applicant indicating the project will not seek tax exemption is attached.
- All of the original Conditions of the September 16, 2010 approval still apply.

**RECOMMENDATION:**

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

  
\_\_\_\_\_  
Brian R. Wilke, Development Coordinator  
/u2/accl/cp/ckays/1CPC/2011/May5/fact-xcup-casademare.odt

  
\_\_\_\_\_  
Jeffrey B. Laska, Director of City Development

City Plan Division  
625 52nd Street  
Kenosha, WI 53140  
262.653.4030

**City Plan Commission  
Conditions of Approval**

**Casa Del Mare  
3508 7th Avenue**

May 5, 2011

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. Compliance with the previous Conditional Use Permit dated September 16, 2010. This approval is for a 69-unit Assisted Living Facility.
  - b. 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.
  - c. The applicant shall obtain a Driveway, Sidewalk, Street Opening and Parking Lot permit from the Department of Public Works.
  - d. 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.
  - e. The development shall be constructed per the approved 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 Conditional Use Permit. All changes shall be submitted to the Department of City Development for review and approval.
  - f. 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.
  - g. 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.
  - 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.

City Plan Division  
625 52nd Street  
Kenosha, WI 53140  
262.653.4030

*City Plan Commission  
Conditions of Approval*

**Casa Del Mare  
3508 7th Avenue**

May 5, 2011

- 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. 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.

/u2/acct/cp/ckays/1CPC/2011/May5/conditions-casadelmare.odt

TARANTINO & COMPANY  
**VIA HAND DELIVERED**

April 5, 2011

**TO:** Brian Wilke  
Kenosha Department of City Development

**SUBJECT:** Casa del Mare  
Conditional Use Permit Amendment

Dear Brian Wilke:

Casa del Mare at 3508 7<sup>th</sup> Avenue is designed and approved as a 60-unit Residential Care Apartment Complex (RCAC) with the first floor designed to be constructed as a Class-C Community Based Residential Facility (CBRF), and is currently under construction. It has been our intention—which we've communicated throughout the approvals process—to license and operate a Memory Care residence on the first floor in the future, which is consistent with the Class-C level of CBRF licensure. Memory Care is housing specifically designed to care for elderly persons impacted by memory impairment.

We have decided to advance our plan to implement Memory Care at Casa del Mare immediately, and therefore, we are making a request to Amend the approved Conditional Use Permit. Due to differences in the nature of services and programming provided to residents of a licensed Memory Care residence versus an RCAC, we are able to construct additional units on the first floor.

As we've discussed in conversations with your office, upon construction of the planned improvements (as enclosed), Casa del Mare will include the following allocation of units:

<b>CBRF (Memory Care)</b>	24 units (First floor only)
<b><u>RCAC</u></b>	<b><u>45 units (Floors 2-4)</u></b>
<b>TOTAL</b>	<b>69 units</b>

The improvements will take place within the existing footprint of the approved plan, and will affect a very limited aesthetic enhancement on the north elevation. Additionally, as a part of the planned program for the care of elderly persons with memory impairment, we are requesting a change to the landscaping plan (as enclosed), which includes an outdoor patio.

Should you have additional questions, or need more information, please contact me.

Sincerely,

**TARANTINO & COMPANY, LLC**



**AARON MATTER**  
Development Coordinator

**CASA DEL MARE**  
**OPERATIONAL PLAN SUMMARY**  
**April 5, 2011**

Casa del Mare contains a total of 69 supportive apartments, which includes:

- Forty-five (45) units certified by the State of Wisconsin as a Residential Care Apartment Complex (RCAC) that will provide supportive services for elderly persons who require assistance with activities of daily living
- Twenty-four (24) units licensed by the State of Wisconsin as a Community Based Residential Facility (CBRF), and operated as a Memory Care residence that will provide supportive services for elderly persons impacted by memory-impairment

**RCAC**

Each resident will enter into a one (1) year lease. Prior to occupancy, Casa del Mare care staff prepares an initial health assessment that determines the service needs of each resident. The RCAC is directed to support elderly persons needing assistance with their activities of daily living (ADL), including (but not limited to) bathing, grooming, and mobility. Services provided to the resident are outlined within Care Levels that are provided to residents based on their health assessment. Residents are limited by RCAC certification to twenty-eight (28) hours of care per week.

Levels of care provided at Casa del Mare are anticipated to include (but are not limited to):

**Care plans are anticipated to include:**

- Two (2) meals per day with an optional third meal
- Up to twenty-eight (28) hours weekly of care staff assistance, as directed by the resident's health assessment
- Participation in daily activities

Casa del Mare will facilitate and implement various recreational and social activities which are of interest to the population of residents.

**CBRF**

Each resident will enter into a one (1) year lease. Prior to occupancy, Casa del Mare care staff prepares an initial health assessment that determines the service needs of each resident. The CBRF is directed to support elderly persons experiencing memory loss from Alzheimer's-related difficulties, needing supportive care with their ADLs. CBRF licensure does not limit the number of service hours that may be provided to each resident.

**Care plans are anticipated to include:**

- Three (3) meals per day
- Care staff assistance as directed by the resident's health assessment
- Participation in daily activity programs

**REFUSE PICKUP**

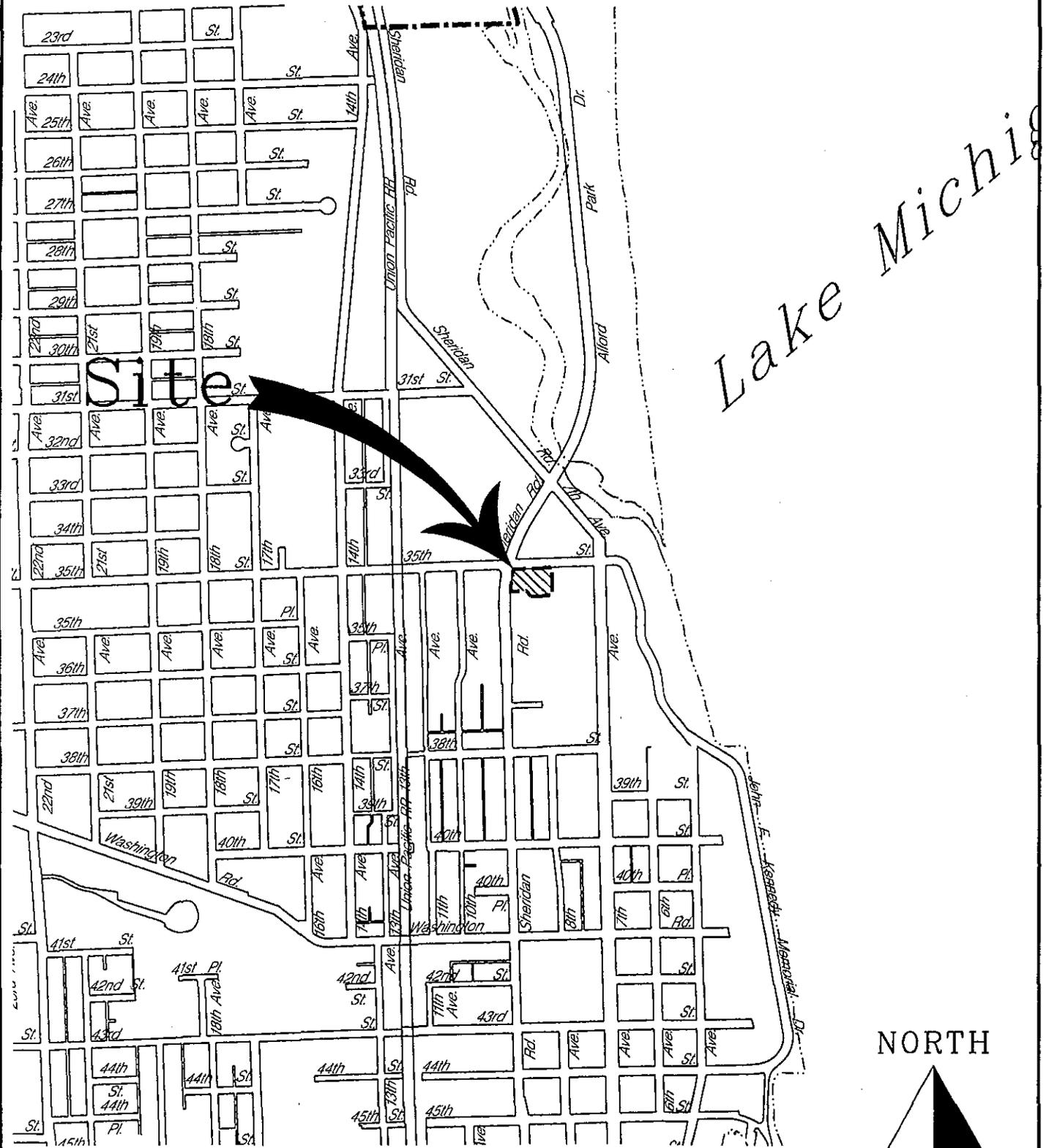
All trash containers will be stored within the building, or an enclosure will be constructed for screening. Trash will be collected by Waste Management at the building's north driveway with access to 35<sup>th</sup> Street.

**SERVICE DELIVERIES**

All service deliveries will be made to the service door located to the north of the building, with driveway access to 35<sup>th</sup> Street.

City of Kenosha

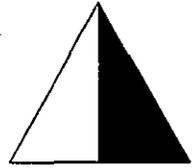
Vicinity Map  
Casa del Mare CUP



Lake Michigan

Site

NORTH



0 1000'



----- Municipal Boundary

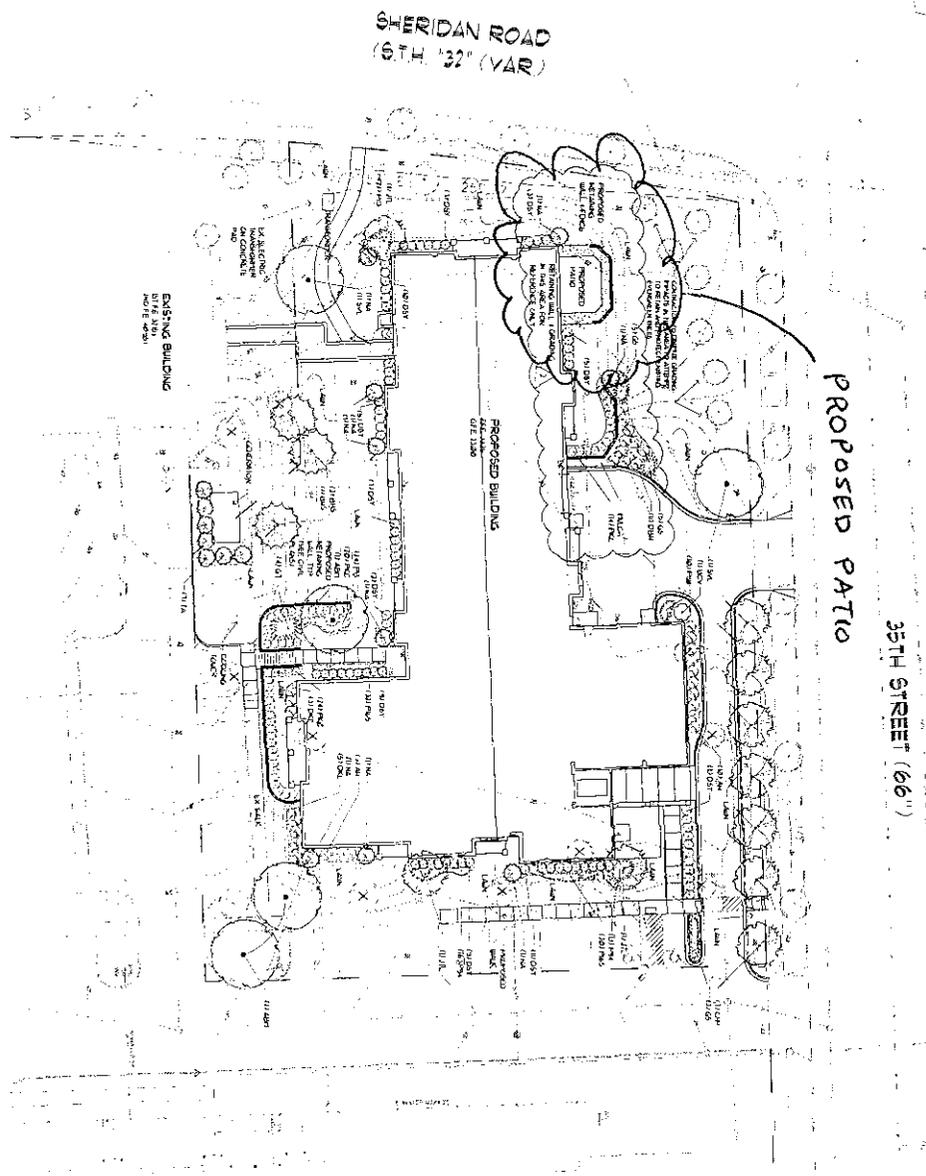




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R. A. SMITH NATIONAL ASSURES NO RESPONSIBILITY FOR ANY ALTERATIONS MADE TO THIS PLAN WITHOUT THE EXPRESS WRITTEN CONSENT OF R. A. SMITH NATIONAL.



**PLANT MATERIAL SCHEDULE**

ITEM NO.	COMMON NAME	SCIENTIFIC NAME	QTY	SIZE	SPACING	REMARKS
001	ADONIS VERTICILLATUS	ADONIS VERTICILLATUS	20	18"	18"	PLANTING IN PATIO
002	ADONIS VERTICILLATUS	ADONIS VERTICILLATUS	20	18"	18"	PLANTING IN PATIO
003	ADONIS VERTICILLATUS	ADONIS VERTICILLATUS	20	18"	18"	PLANTING IN PATIO
004	ADONIS VERTICILLATUS	ADONIS VERTICILLATUS	20	18"	18"	PLANTING IN PATIO
005	ADONIS VERTICILLATUS	ADONIS VERTICILLATUS	20	18"	18"	PLANTING IN PATIO

ITEM NO.	COMMON NAME	SCIENTIFIC NAME	QTY	SIZE	SPACING	REMARKS
006	ADONIS VERTICILLATUS	ADONIS VERTICILLATUS	20	18"	18"	PLANTING IN PATIO
007	ADONIS VERTICILLATUS	ADONIS VERTICILLATUS	20	18"	18"	PLANTING IN PATIO
008	ADONIS VERTICILLATUS	ADONIS VERTICILLATUS	20	18"	18"	PLANTING IN PATIO
009	ADONIS VERTICILLATUS	ADONIS VERTICILLATUS	20	18"	18"	PLANTING IN PATIO
010	ADONIS VERTICILLATUS	ADONIS VERTICILLATUS	20	18"	18"	PLANTING IN PATIO

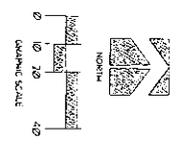
ITEM NO.	COMMON NAME	SCIENTIFIC NAME	QTY	SIZE	SPACING	REMARKS
011	ADONIS VERTICILLATUS	ADONIS VERTICILLATUS	20	18"	18"	PLANTING IN PATIO
012	ADONIS VERTICILLATUS	ADONIS VERTICILLATUS	20	18"	18"	PLANTING IN PATIO
013	ADONIS VERTICILLATUS	ADONIS VERTICILLATUS	20	18"	18"	PLANTING IN PATIO
014	ADONIS VERTICILLATUS	ADONIS VERTICILLATUS	20	18"	18"	PLANTING IN PATIO
015	ADONIS VERTICILLATUS	ADONIS VERTICILLATUS	20	18"	18"	PLANTING IN PATIO

**LEGEND**

- EXISTING TREE (TO BE MAINTAINED)
- EXISTING TREE (TO BE REMOVED)
- EXISTING TREE (TO BE REPLANTED)
- EXISTING TREE (TO BE REPLANTED)
- EXISTING TREE (TO BE REPLANTED)

**SITE CALCULATIONS**

- PARKING AREA = 5,814 SF
- WALKWAY AREA = 1,434 SF
- TOTAL AREA = 7,248 SF
- TOTAL AREA = 7,248 SF
- TOTAL AREA = 7,248 SF



DATE: 07-27-2010  
 SCALE: 1" = 20'  
 PROJECT NUMBER: 100-1000000  
 SHEET NUMBER: 1-1

ST. CATHERINE COMMONS - CASA DEL MARE  
 3508 7TH AVE. KENOSHA, WI  
**LANDSCAPE PLAN**

**R.A. Smith National**  
 Beyond Surveying  
 and Engineering  
 12745 W. Sunnyside Road, Kenosha, WI 53151-5533  
 262.781.0200 Fax 262.781.0444 www.ra-smith.com

DATE	DESCRIPTION

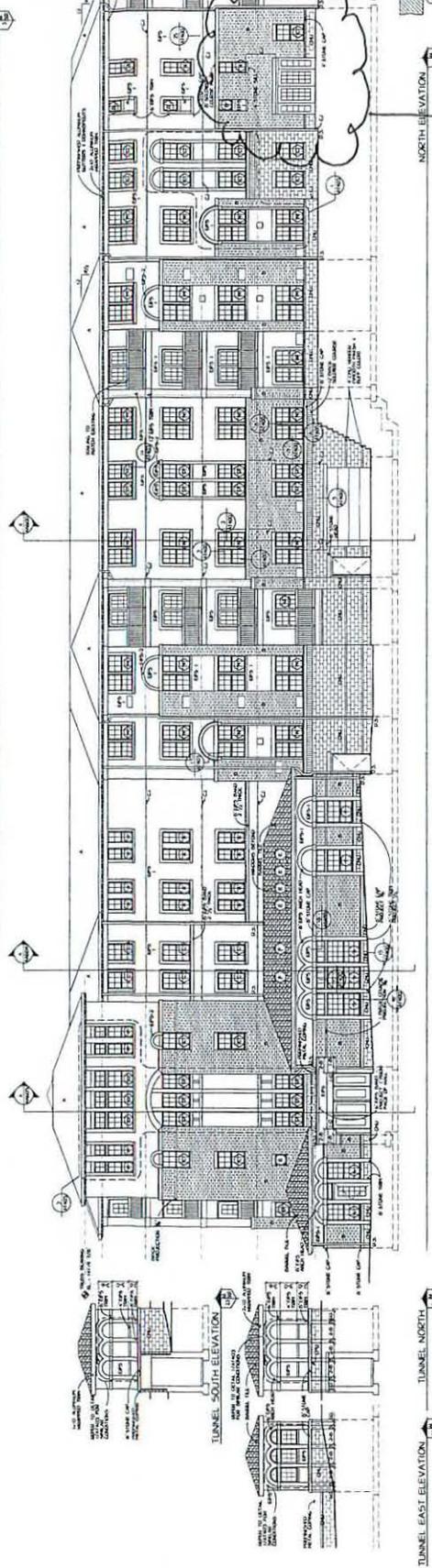
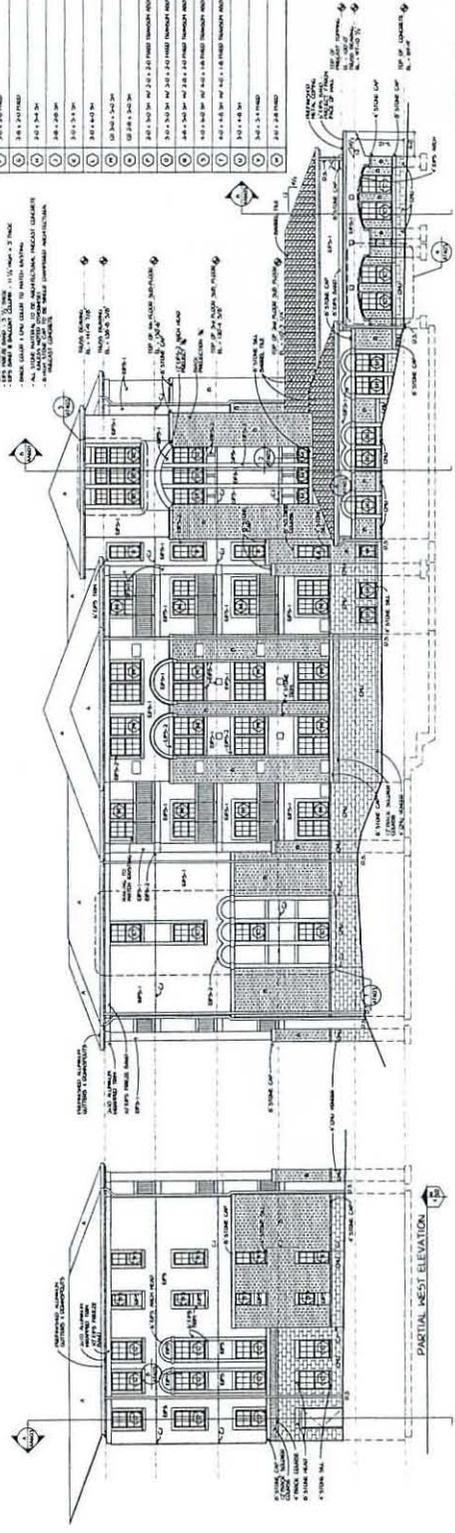


**WINDOW SCHEDULE**

NO.	INDICATED SIZE (W X H) 1	A	TYPE	REMARKS
1	24" x 36" 1/2"			
2	36" x 36" 1/2"			
3	36" x 48" 1/2"			
4	48" x 36" 1/2"			
5	48" x 48" 1/2"			
6	48" x 60" 1/2"			
7	60" x 36" 1/2"			
8	60" x 48" 1/2"			
9	60" x 60" 1/2"			
10	60" x 72" 1/2"			
11	72" x 36" 1/2"			
12	72" x 48" 1/2"			
13	72" x 60" 1/2"			
14	72" x 72" 1/2"			
15	72" x 84" 1/2"			
16	84" x 36" 1/2"			
17	84" x 48" 1/2"			
18	84" x 60" 1/2"			
19	84" x 72" 1/2"			
20	84" x 84" 1/2"			
21	84" x 96" 1/2"			
22	96" x 36" 1/2"			
23	96" x 48" 1/2"			
24	96" x 60" 1/2"			
25	96" x 72" 1/2"			
26	96" x 84" 1/2"			
27	96" x 96" 1/2"			
28	96" x 108" 1/2"			
29	108" x 36" 1/2"			
30	108" x 48" 1/2"			
31	108" x 60" 1/2"			
32	108" x 72" 1/2"			
33	108" x 84" 1/2"			
34	108" x 96" 1/2"			
35	108" x 108" 1/2"			
36	108" x 120" 1/2"			
37	120" x 36" 1/2"			
38	120" x 48" 1/2"			
39	120" x 60" 1/2"			
40	120" x 72" 1/2"			
41	120" x 84" 1/2"			
42	120" x 96" 1/2"			
43	120" x 108" 1/2"			
44	120" x 120" 1/2"			
45	120" x 132" 1/2"			
46	132" x 36" 1/2"			
47	132" x 48" 1/2"			
48	132" x 60" 1/2"			
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58	144" x 60" 1/2"			
59	144" x 72" 1/2"			
60	144" x 84" 1/2"			
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74	156" x 120" 1/2"			
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77	156" x 156" 1/2"			
78	156" x 168" 1/2"			
79	168" x 36" 1/2"			
80	168" x 48" 1/2"			
81	168" x 60" 1/2"			
82	168" x 72" 1/2"			
83	168" x 84" 1/2"			
84	168" x 96" 1/2"			
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108	192" x 60" 1/2"			
109	192" x 72" 1/2"			
110	192" x 84" 1/2"			
111	192" x 96" 1/2"			
112	192" x 108" 1/2"			
113	192" x 120" 1/2"			
114	192" x 132" 1/2"			
115	192" x 144" 1/2"			
116	192" x 156" 1/2"			
117	192" x 168" 1/2"			
118	192" x 180" 1/2"			
119	192" x 192" 1/2"			
120	192" x 204" 1/2"			

**TYPICAL MATERIALS / GENERAL NOTES**

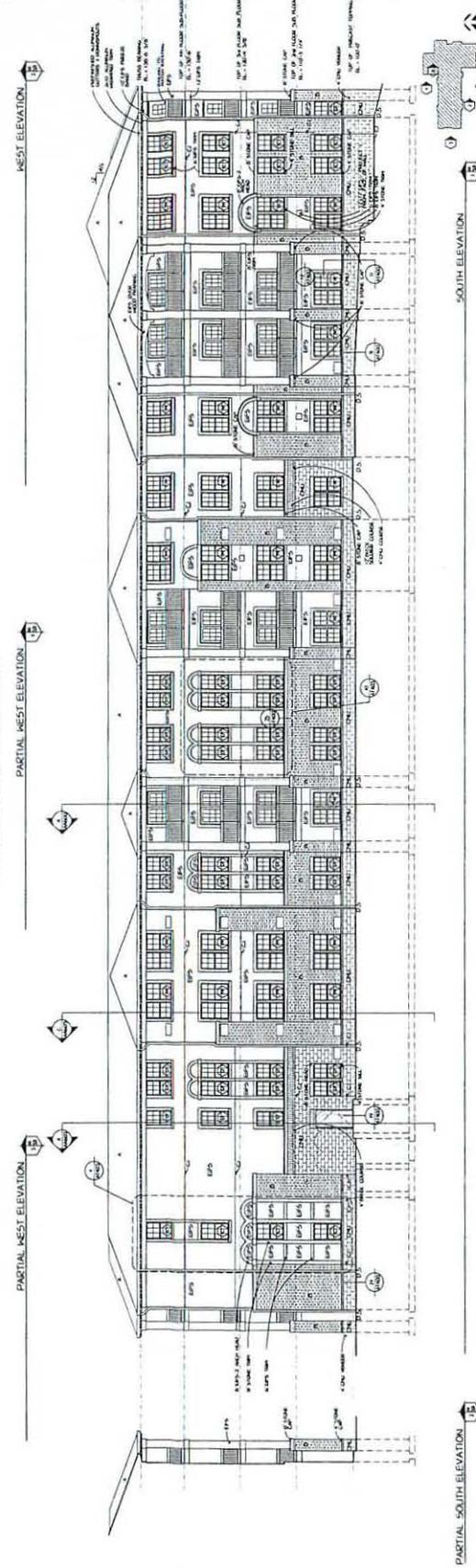
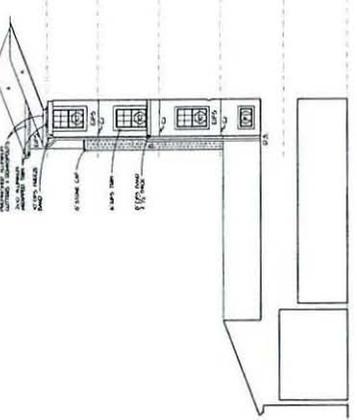
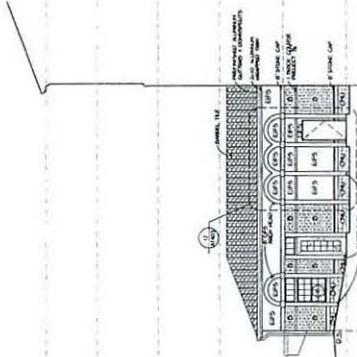
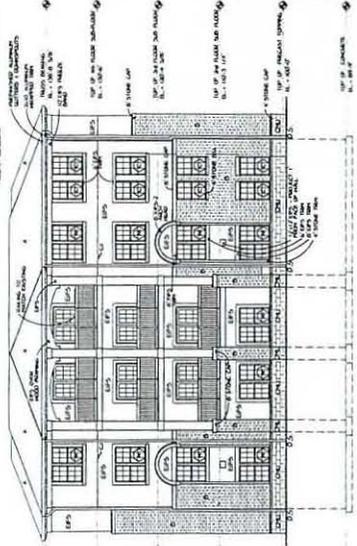
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1/8" EXTERIOR ELEVATIONS AA500  
PROPOSED CHANGE



- TYPICAL MATERIALS / GENERAL NOTES**
1. SEE ARCHITECTURAL SCHEDULES
  2. BRICK: COMMON BRICK, 8" x 8" x 16"
  3. CONCRETE: 3000 PSI, 4" MIN. THICK
  4. GROUNDWORK: 4" MIN. THICK, 15% SLOPE
  5. ASPHALT: 2" MIN. THICK
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1/8" EXTERIOR ELEVATIONS AA501

NOT TO SCALE  
DATE: 10/15/11  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
PROJECT: ST. CATHERINE COMMONS  
SHEET: AA501

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

**MAILING INFORMATION**

**NAME OF PROJECT:** Casa del Mare

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

<input checked="" type="checkbox"/>	Name and Address of Applicant [Please print]: Tarantino & Company LLC 20711 Watertown Rd, Ste A Waukesha, WI 53186	Phone: 262-798-1224 Fax: 262-798-1119 E-Mail: amatter@capricommunities.com
<input checked="" type="checkbox"/>	Name and Address of Architect/Engineer [Please print]: AG Architecture 1414 Underwood Ave Wauwatosa, WI 53213	Phone: 414-431-3131 Fax: E-Mail:
<input checked="" type="checkbox"/>	Name and Address of Property Owner (if other than applicant)[Please print]: St. Catherine Commons II LLC 20711 Watertown Rd, Ste A Waukesha, WI 53186	Phone: 262-798-1224 Fax: 262-798-1119 E-Mail: amatter@capricommunities.com

**PROJECT LOCATION**

Location of Development (street address and / or parcel number): 3508 7th Avenue

**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 ( <i>Land Division</i> )	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

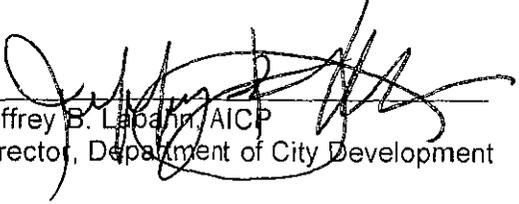
Fee Paid on 04/06/11

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

**Conditional Use Permit Approval**

<b>Project Name:</b>	Casa Del Mare	<b>Date:</b> September 16, 2010
<b>Location:</b>	3508 7th Avenue	
<b>Project Description:</b>	A new 60-unit senior living facility.	
<b>Issued to:</b>	James Tarantino Tarantino & Company 20711 Watertown Road - Suite A Waukesha, WI 53186	
<b>Architect/ Engineer/ Contractor:</b>  (if applicable)	AG Architects 1414 Underwood Avenue Wauwatosa, WI 53213	Land Information Services 10412 N. Baehr Road Mequon, WI 53092
<b>Approval Dates:</b>	City Plan Commission – January 21, 2010 Department of City Development – N/A	
<ul style="list-style-type: none"> <li>• <b>Conditions of approval (see attachment)</b></li> <li>• <b>Approval shall be void if a building permit is not obtained by February 2, 2011.</b></li> </ul>		

Any questions regarding the approved Conditional Use Permit should be directed to Brian Wilke, Development Coordinator, at 262.653.4030.

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

- c:
- 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
  - Jan Schroeder, Operations Coordinator, Public Works
  - Jim Schultz, Director, Neighborhood Services and Inspections
  - Nick Torcivia, Director of Building Inspection, Neighborhood Services & Inspections

<b>Project Name:</b>	Casa Del Mare	<b>Date:</b> September 16, 2010
<b>Location:</b>	A new 60-unit senior living facility.	

**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. This includes, but is not limited to Erosion Control, Building, Plumbing, Electrical and Occupancy permits.
  - b. The applicant shall obtain Driveway, Sidewalk, Street Opening and Parking Lot permits from the Department of Public Works.
  - c. All signs shall comply with Chapter 15 of the Code of General Ordinances and the applicant shall obtain sign permits for all new signs. A separate submission and permits are required for all signs. Sign information provided under the Conditional Use Permit is for reference only and does not constitute sign permit approval.
  - d. The development shall be constructed per the approved Site, Drainage, Utility, Landscape 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 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 City Plan Commission 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. 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.
  - l. Compliance with the Kenosha Water Utility memo dated August 17, 2010.

Exhibit C

**OWNER'S CERTIFICATION PERTAINING TO REAL ESTATE TAX EXEMPTION**

July 22, 2010

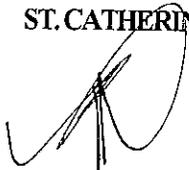
**TO:** Jeffrey B Labahn, Director of City Development  
City Plan Division, Room 308  
Kenosha, Wisconsin

**SUBJECT:** Casa del Mare RCAC  
Parcel: 11-223-30-151-013  
3508 7<sup>th</sup> Avenue

As the owner of Casa del Mare (3508 7<sup>th</sup> Avenue in the City of Kenosha), I hereby certify that this project will not seek tax exemption at a later date.

Signed,

**ST. CATHERINE COMMONS II, LLC**



**JAMES TARANTINO**