

<p>Municipal Building 625 52nd Street – Room 202</p>	<p><i>Kenosha City Plan Commission</i> <i>Agenda</i></p>	<p>Thursday, May 23, 2013 5:00 p.m.</p>
<p><i>Mayor Keith Bosman - Chairman, Alderman Kevin Mathewson - Vice-Chairman Alderman Anthony Kennedy, Alderman Jan Michalski, Kathryn Comstock, Robert Hayden, Anderson Lattimore, Jessica Olson and Ron Stevens</i></p>		

Call to Order and Roll Call

1. Request to extend the Conditional Use Permit for a new public safety communication tower at 6210 60th Street. (Kenosha County/Nash Park) (District #15) PUBLIC HEARING
2. Public Building Review for an addition to the Fire Station at 4810 60th Street. (Fire Station No. 4) (District #11) PUBLIC HEARING
3. Request to initiate the rezoning of property at 2209 54th Street and 5410 22nd Avenue from B-2 Community Business District to Rg-2 General Residential District. (City Plan Commission /Covelli) (District #7) PUBLIC HEARING
4. By Alderperson Jan Michalski: To Amend Subsection 5.04 of the City of Kenosha Zoning Ordinance regarding Encroaching Structures in the Area Setback from a Major Street. PUBLIC HEARING

Public Comments

Commissioner Comments

Staff Comments

Adjournment

Community Development & Inspections
625 52nd Street – Room 308
Kenosha, WI 53140
262.653.4030 phone / 262.653.4045 fax
www.kenosha.org

If you are disabled in need of assistance, please call 262.653.4030 at least 72 hours before this meeting.

Notice is hereby given that a majority of the members of the Common Council may be present at the meeting. Although this may constitute a quorum of the Common Council, the Council will not take any action at this meeting.

Planning & Zoning Division 625 52nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	May 23, 2013	Item #1
Request to extend the Conditional Use Permit for a new public safety communication tower at 6210 60th Street. (Kenosha County/Nash Park) (District #15) PUBLIC HEARING			

LOCATION/SURROUNDINGS:

Site: 6210 60th Street
 Zoned: IP Institutional Park / AIR-4 Airport Overlay District

NOTIFICATIONS/PROCEDURES:

The alderman of the district, Alderman Orth, has been notified. This item will also be reviewed by the Board of Parks Commissioners, before the final approval by the Common Council.

ANALYSIS:

- Kenosha County received approval of a Conditional Use Permit for a new public safety communication tower from the Common Council on November 5, 2012.
- The applicant is requesting a six-month extension to the approval.
- The City has been working with an appraiser for this site based on regulations of the Department of Natural Resources and the National Park Service. That appraisal is needed before permits can be issued for the project.
- The original Conditions of Approval will still apply. All outstanding Conditions of Approval were satisfied. A lease for the site must still be approved.
- The extension will give the applicant additional time to obtain building permits.

RECOMMENDATION:

A recommendation is made to approve a six-month extension, subject to the original Conditions of Approval.



 Brian R. Wilke, Development Coordinator



 Jeffrey B. Labahn, Director

May 3, 2013

To whom it may concern:

Kenosha County respectfully requests a 6 month extension of the conditional use permit for the Nash Park Tower project.

Regards,

A handwritten signature in black ink that reads "Frank P. Martinelli". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Frank P. Martinelli
Engineering Project Manager
Kenosha County

Planning & Zoning Division 625 52nd Street Kenosha, WI 53140 262.653.4030	<i>Kenosha City Plan Commission Conditions of Approval</i>	Kenosha County/Nash Park 6210 60th Street	October 18, 2012
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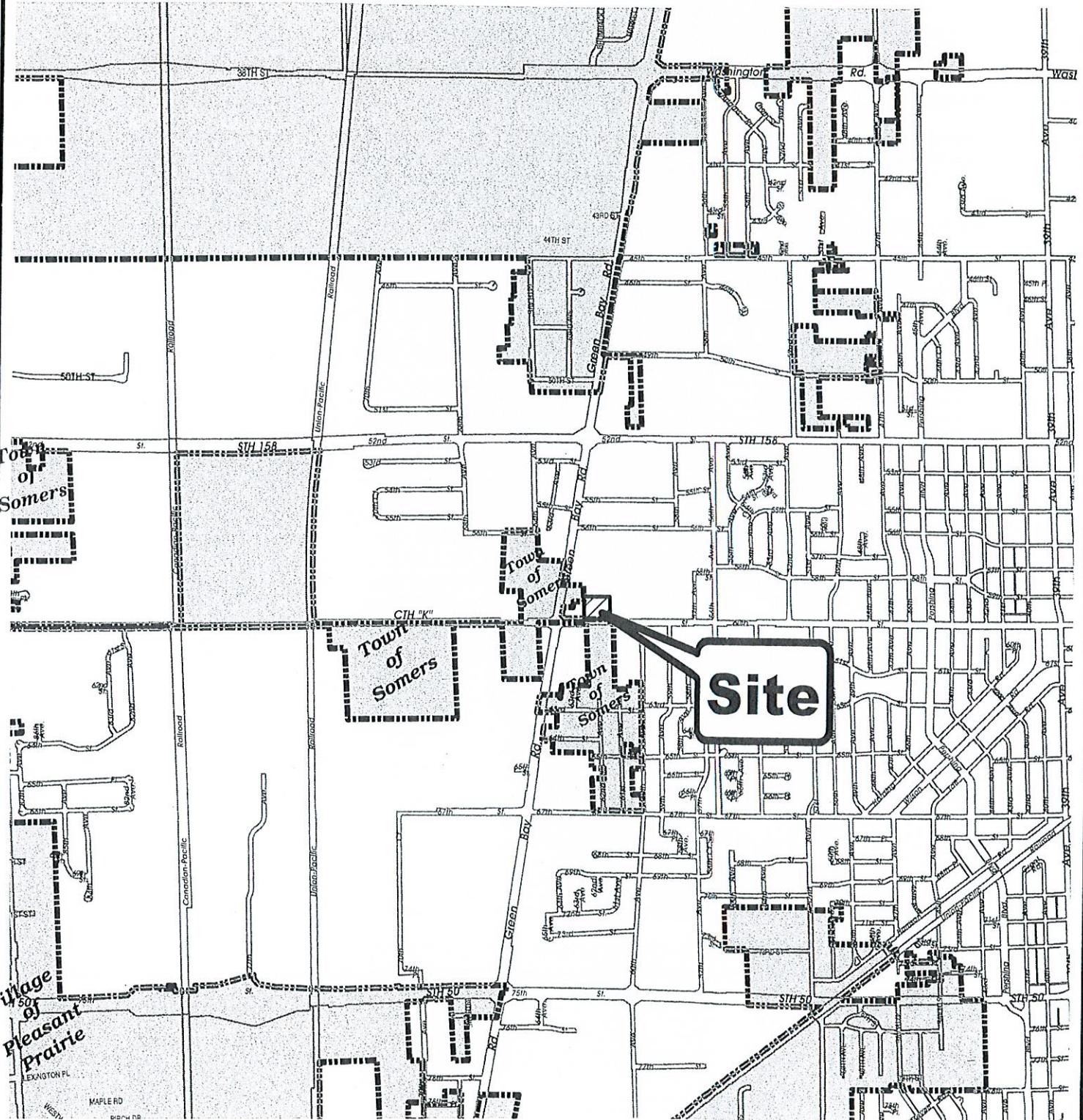
1. The following Conditions of Approval will run with the land and shall be included in a document recorded with the Kenosha County Register of Deeds:
 - a. The applicant shall obtain all required construction permits from the Department of Community Development & Inspections. This includes, but is not limited to Erosion Control, Building, Electrical and Occupancy permits.
 - b. The applicant shall obtain a Driveway permit from the Department of Public Works.
 - c. All signs shall comply with Chapter 15 of the Code of General Ordinances and the applicant shall obtain sign permits for all new signs. A separate submission and permits are required for all signs. Sign information provided under the Conditional Use Permit is for reference only and does not constitute sign permit approval.
 - d. The development shall be constructed per the approved plans on file with the Department of Community Development & Inspections, Room 308, 625 52nd Street, Kenosha, WI 53140. Any changes to the approved plans shall require an amendment to the Conditional Use Permit. All changes shall be submitted to the Department of Community Development & Inspections for review and approval.
 - e. Prior to the issuance of any occupancy permits, all parking areas, drives and designated paved areas shall have the initial lift of asphalt installed. The building exterior shall be completed per the approved plans 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. The applicant shall meet all applicable Conditions of Approval and obtain a building permit within six (6) months of Common Council approval of the Conditional Use Permit or the Conditional Use Permit shall be null and void.
 - h. 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. Compliance with the Operational Plan.

Planning & Zoning Division 625 52nd Street Kenosha, WI 53140 262.653.4030	<i>Kenosha City Plan Commission Conditions of Approval</i>	Kenosha County/Nash Park 6210 60th Street	October 18, 2012
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- k. Compliance with the Lease Agreement between the City of Kenosha, Board of Park Commissioners for the City of Kenosha and the County of Kenosha.
- 2. The following conditions of approval shall be satisfied with City Staff prior to the issuance of any construction permits.
 - a. The exterior material of the equipment shelter shall be brick as shown in Exhibit "B" provided with the application.
 - b. The barbed wire shown on the fence shall be removed. The chain-link fence shall be shown as vinyl-coated chain-link and revised plans submitted for review and approval.
 - c. The equipment shelter shall have a roof pitch of 4:12. The roof shall be shingled. Revised plans showing the pitch and shingle detail shall be submitted for review and approval.
 - d. The Landscape Plan shall show some additional evergreen screening along the south side of the fenced area.
 - e. Plans shall be provided which more clearly indicate what the tower will look like and the possible mounting heights for equipment.
 - f. An Operational Plan shall be submitted indicating the name and address of the facility operator along with the facility maintenance detail.
 - g. Final determination by the FAA is required prior to the issuance of construction permits.

City of Kenosha

Vicinity Map Kenosha County Public Safety Tower CUP



-  Subject Property: 6210 60th Street
-  Municipal Boundary



0 410 820 1,230 1,640 2,050 Feet

GENERAL NOTES

1. All concrete to be cast in place and finished with a smooth, troweled surface.
2. Verify all dimensions, access, utilities and working conditions in the field.
3. Obtain and pay for all required permits and fees.
4. Normal working hours are 8:00 AM to 5:00 PM, Monday through Friday.
5. Normal working hours are 8:00 AM to 5:00 PM, Monday through Friday.
6. No concrete to be poured without Architect's prior review.
7. All work to be done in accordance with all codes, Ordinances and Architect's representations.
8. All work to be done in accordance with all codes, Ordinances and Architect's representations.
9. Earth Retention and Foundation work is to be done in accordance with all codes, Ordinances and Change Orders.
10. Guard against interfering with existing utilities and Change Orders.
11. The Contractor shall be responsible for obtaining all necessary permits for this project.
12. The Contractor shall be responsible for providing for site safety. Each contractor shall provide their own engineering to provide a safe work place. The Contractor shall be responsible for providing a safe work place. The Contractor shall be responsible for providing a safe work place. The Contractor shall be responsible for providing a safe work place.
13. Site work performed for this project has been completed in a manner consistent with the requirements of the Kenosha County Ordinance 10.01 and the Kenosha County Ordinance 10.02. The Contractor shall be responsible for providing a safe work place. The Contractor shall be responsible for providing a safe work place. The Contractor shall be responsible for providing a safe work place.

MATERIAL INDICATIONS

Corbin Block	Stone Fill
Alga Insulation	Concrete
Substrate Block	Finished Wood
Aluminum	Stone Fill
Lumber (Various)	Placed
Steel	Insulation

DRAWING LEGEND

- 481.0 New or Required Point Elevation
- 481.0 Existing Point Elevation
- 481.0 Existing Contour
- 481.0 New or Required Contour
- Column Grid
- Well Section

CONSULTANTS

ARCHITECT: Kenyon Architects, LLC
 1505 Sherman Street, Kenosha, WI 53144
 262.457.8200

SHEET INDEX

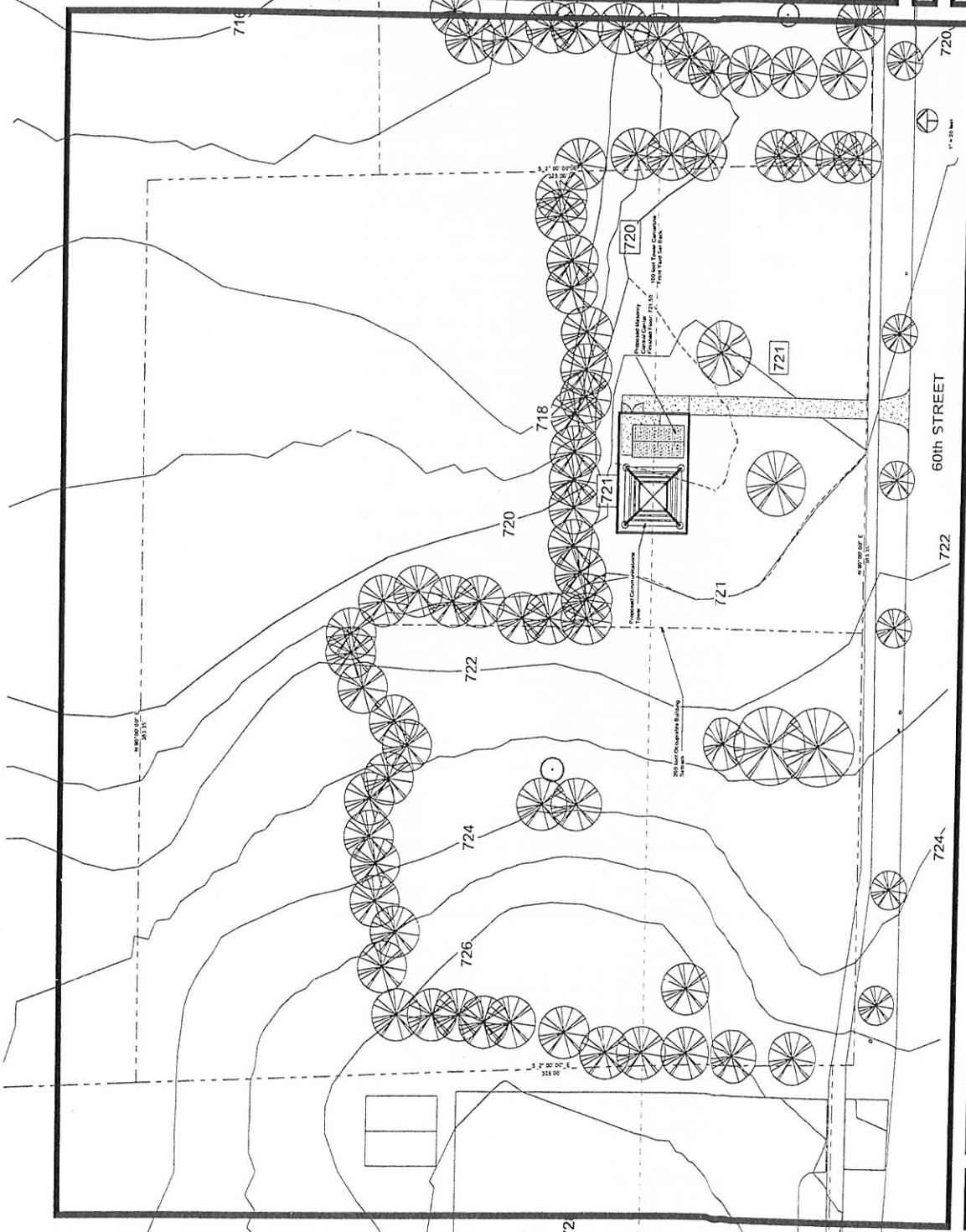
A-1	Site Plan
A-2	Foundation Plan
A-3	Foundation Section
A-4	Foundation Section
A-5	Foundation Section
A-6	Foundation Section
A-7	Foundation Section
A-8	Foundation Section
A-9	Foundation Section
A-10	Foundation Section
A-11	Foundation Section
A-12	Foundation Section
A-13	Foundation Section
A-14	Foundation Section
A-15	Foundation Section
A-16	Foundation Section
A-17	Foundation Section
A-18	Foundation Section
A-19	Foundation Section
A-20	Foundation Section



Kenosha County Communications Tower and Control Center

Kuony Architects

1505 Sherman Street
 Kenosha, WI 53144



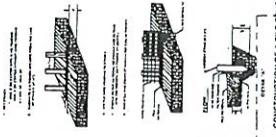
COUNTY OF KENOSHA, WISCONSIN

Kenosha, Wisconsin 53142

6210 60th Street (County Trunk Highway K)

SILT FENCE NOTES

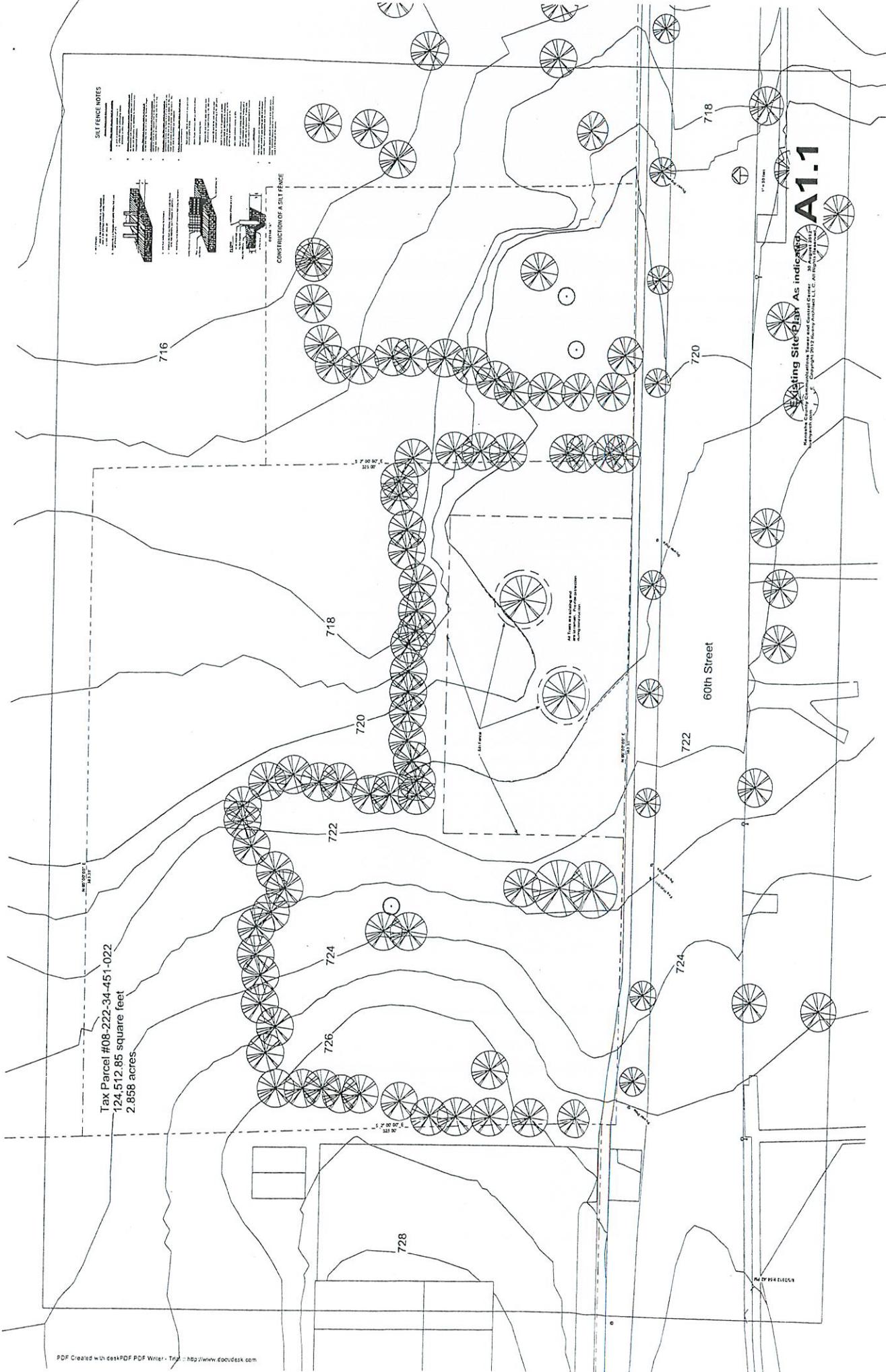
1. All silt fences shall be constructed in accordance with the following specifications:
2. Silt fences shall be constructed of 24-gauge galvanized steel pipe, 2 1/2" diameter, spaced 10 feet apart.
3. Silt fences shall be constructed of 24-gauge galvanized steel pipe, 2 1/2" diameter, spaced 10 feet apart.
4. Silt fences shall be constructed of 24-gauge galvanized steel pipe, 2 1/2" diameter, spaced 10 feet apart.
5. Silt fences shall be constructed of 24-gauge galvanized steel pipe, 2 1/2" diameter, spaced 10 feet apart.
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9. Silt fences shall be constructed of 24-gauge galvanized steel pipe, 2 1/2" diameter, spaced 10 feet apart.
10. Silt fences shall be constructed of 24-gauge galvanized steel pipe, 2 1/2" diameter, spaced 10 feet apart.

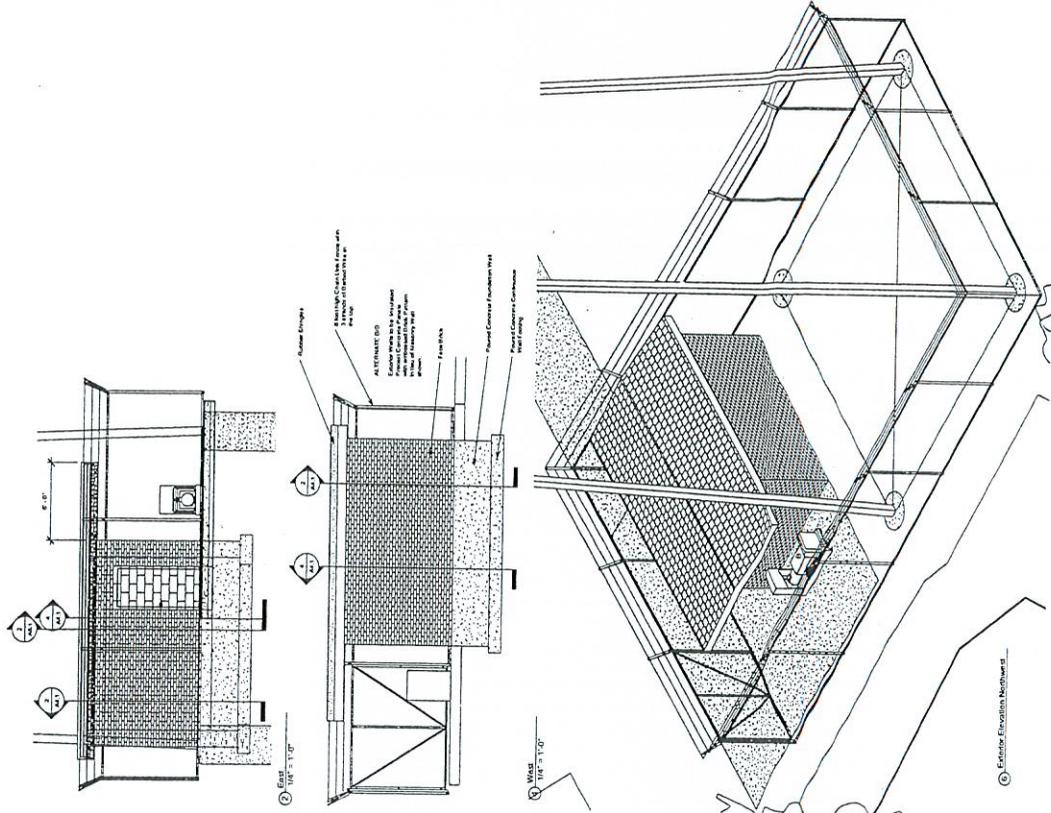


Tax Parcel #08-222-34-451-022
 124,512.85 square feet
 2.858 acres

A1.1

Existing Site Plan As Indicated
 Prepared by: [Firm Name]
 1000 [Address]
 [City, State, Zip]





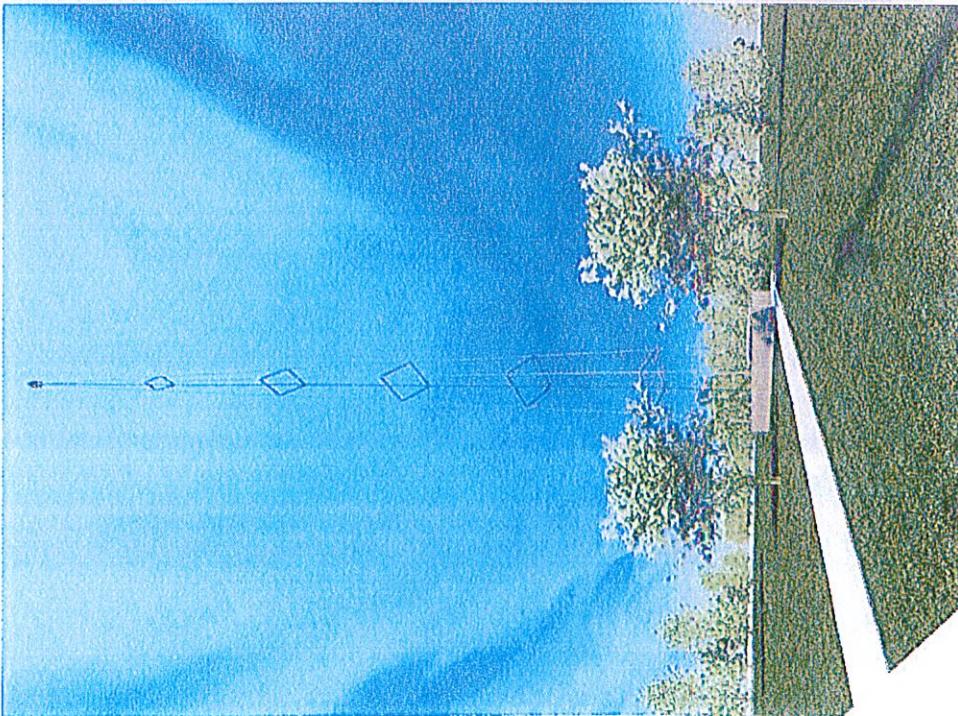
Exterior Elevations 1/4" = 1'-0" **A3.1**

Memphis County Communications Tower and Control Center, 3 September 2012
 4/20/2012
 Copyright 2012 Kury Architecture, L.L.C. All Rights Reserved

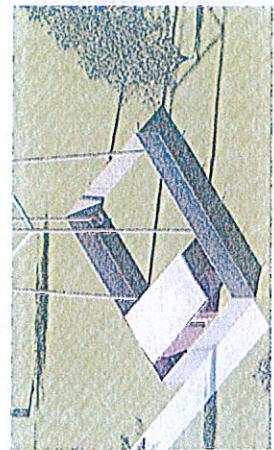
5 Exterior Elevation Northward

6 Exterior Elevation Southward

KV 02 PD 01 010004



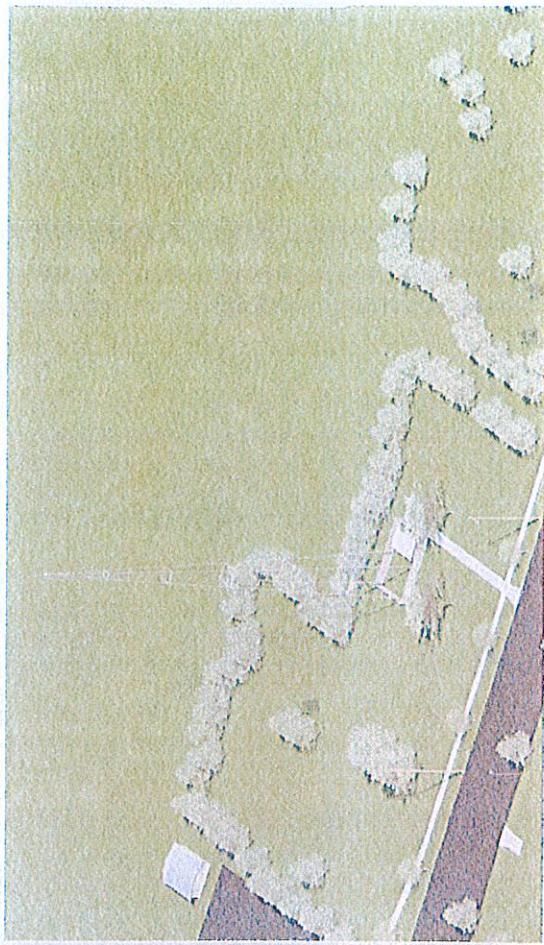
① Ground Level Looking Northwest
1/2" = 1'-0"



② Aerial Looking Southward
1/2" = 1'-0"



④ Near Off Looking Southeastward
1/2" = 1'-0"



③ Aerial Looking Northwest
1/2" = 1'-0"

Views 1/2" = 1'-0" 3D
 Arkansas County Communications Tower and Control Center - 2 September 2012
 Copyright © 2012 Henry Architects LLC and Digital Resources

Planning & Zoning Division 625 52nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	May 23, 2013	Item #2
Public Building Review for an addition to the Fire Station at 4810 60th Street. (Fire Station No. 4) (District #11) PUBLIC HEARING			

LOCATION/SURROUNDINGS:

Site: 4810 60th Street
 Zoned: IP Institutional Park

NOTIFICATIONS/PROCEDURES:

The alderman of the district, Alderman Gordon, has been notified. The City Plan Commission must review public buildings per Wisconsin State Statutes.

ANALYSIS:

- The City has prepared plans for an addition to Fire Station No. 4. The addition is roughly 2,500 square feet in size and would house administrative offices currently located in the City Municipal Building.
- The primary exterior building material is brick with aluminum awnings over the windows. The existing fire station will remain predominantly unchanged with the exception of new windows to be located on the west end of the front elevation.
- City Departments have reviewed the plans. Their comments are included in the attached Conditions of Approval.
- The plans generally comply with Section 14 of the Zoning Ordinance.
- This addition requires a staff level site plan approval. Since this is a public building Plan Commission review is also required.

RECOMMENDATION:

A recommendation is made to approve the Public Building Review, subject to the attached conditions.



 Brian R. Wilke, Development Coordinator



 Jeffrey B. Labahn, Director

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

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

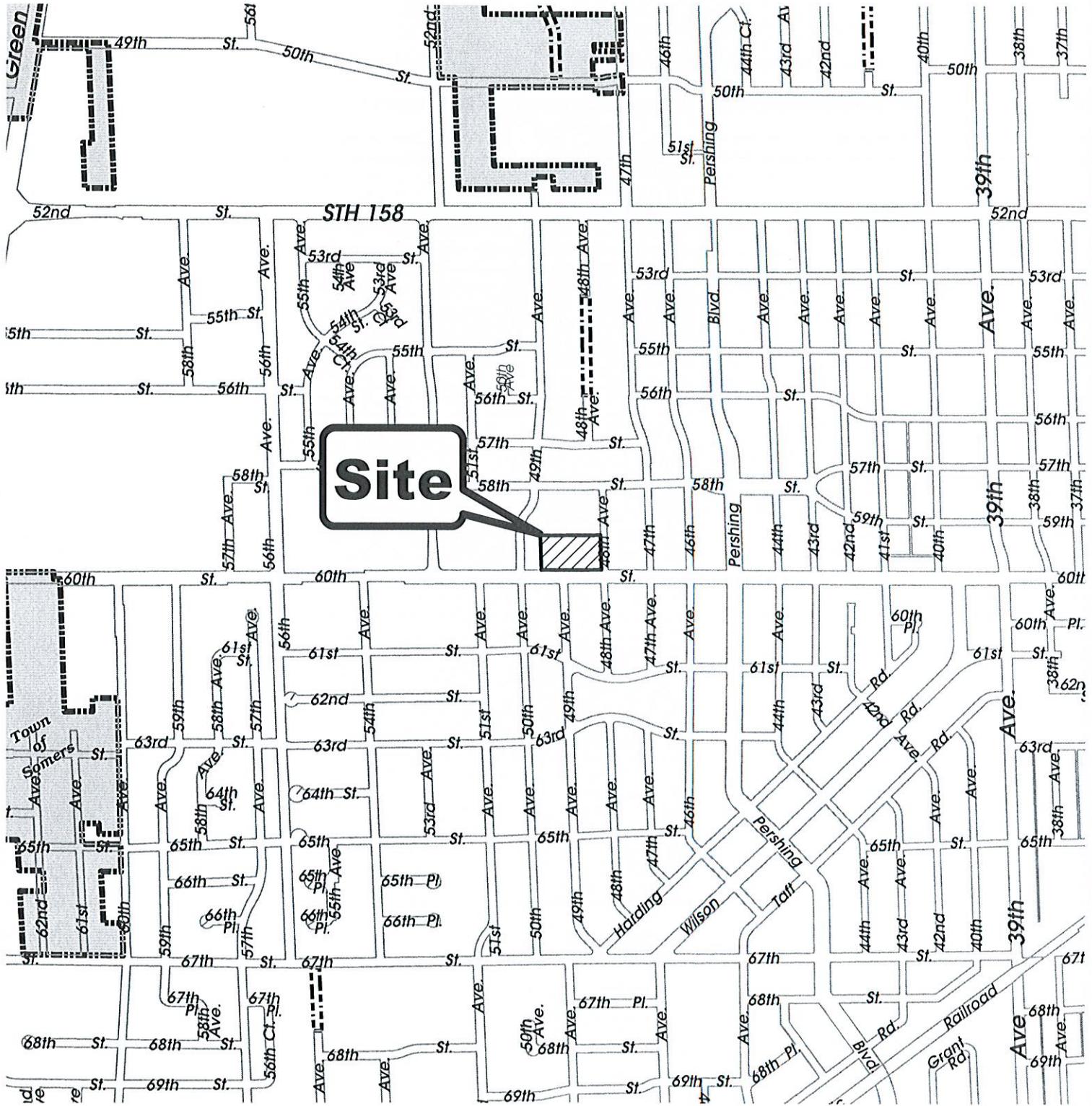
**Fire Station No. 4
4810 60th Street**

May 23, 2013

1. The following Conditions of Approval will run with the land and shall be included in a document recorded with the Kenosha County Register of Deeds:
 - a. The applicant shall obtain all required construction permits from the Department of Community Development & Inspections. This includes, but is not limited to Erosion Control, Building, Plumbing, Electrical and Occupancy permits.
 - b. The applicant shall obtain Driveway, Sidewalk, 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 Site Plan is for reference only and does not constitute sign permit approval.
 - d. The development shall be constructed per the approved plans on file with the Department of Community Development & Inspections, Room 308, 625 52nd Street, Kenosha, WI 53140. Any changes to the approved plans shall require an amendment to the Conditional Use Permit. All changes shall be submitted to the Department of Community Development & Inspections for review and approval.
 - e. Prior to the issuance of any Occupancy permits, all parking areas, drives and designated paved areas shall have the initial lift of asphalt installed. The building exterior shall be completed per the approved plans, the exterior lighting shall be installed and the Conditional Use Permit shall be recorded with the Kenosha County Register of Deeds. All improvements indicated on the plans, including landscaping, shall be installed prior to the issuance of a final Occupancy permit. The recording fees for the Conditional Use Permit shall be submitted by the applicant.
 - f. Compliance with City and State and/or Federal Codes and Ordinances. The buildings shall comply with the current Code standards in effect upon application for a building permit.
 - g. All roof top mechanicals shall be properly screened per Section 14.07 B.10 of the Zoning Ordinance.
 - h. The applicant shall meet all applicable Conditions of Approval and obtain a building permit within six (6) months of City Plan Division approval of the Site Plan or the Site Plan 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.

Vicinity Map

Fire Station #4 Addition - Public Building Review



Municipal Boundary





Partners in Design
ARCHITECTS

April 24, 2013

Mr. Brian Wilke
City of Kenosha Department of City Development
625 52nd Street, Room 308
Kenosha, Wisconsin, 53140

Dear Mr. Wilke,

Attached you will find the submittal documents for the Administration Wing Addition to Fire Station #4 in the city of Kenosha. The enclosed documents are as required for a staff level review from the City of Kenosha Department of City Development.

The proposed addition consists of a single story, 2,500 square foot addition to the west side of the existing Fire Station #4 located at 4810 60th Street in Kenosha. The addition will be constructed using a steel frame structure and the exterior walls will be consist of metal stud framing with a brick veneer to match the existing Station #4 colors.

Please let me know if you have any concerns or questions.

Sincerely,

**Partners in Design
Architects, Inc.**

W I S C O N S I N
600 Fifty Second Street
Suite 220
Kenosha, WI 53140
voice: 262.652.2800
fax: 262.652.2812

I L L I N O I S
2610 Lake Cook Road
Suite 280
Riverwoods, IL 60015
voice: 847.940.0300
fax: 847.940.1045

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

MAILING INFORMATION

NAME OF PROJECT: Addition to Fire Station No. 4

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

<input checked="" type="radio"/>	Name and Address of Applicant [Please print]: Chief John R. Thomsen 625 - 52nd Street Kenosha, Wisconsin 53140	Phone: 262.653.4100 Fax: 262.653.4107 E-Mail: jthomsen@kenoshafire.com
<input type="radio"/>	Name and Address of Architect/Engineer [Please print]: Partners in Design Architects, Inc. 600 - 52nd Street, Suite 220 Kenosha, Wisconsin 53140	Phone: 262.652.2800 Fax: 262.652.2812 E-Mail: tomo@pidarchitects.com
<input type="radio"/>	Name and Address of Property Owner (if other than applicant) [Please print]: _____ _____ _____	Phone: _____ Fax: _____ E-Mail: _____

PROJECT LOCATION

Location of Development (street address and / or parcel number):
4810 - 60th Street
Kenosha, Wisconsin 53142

TYPE OF LAND DEVELOPMENT

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

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

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

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

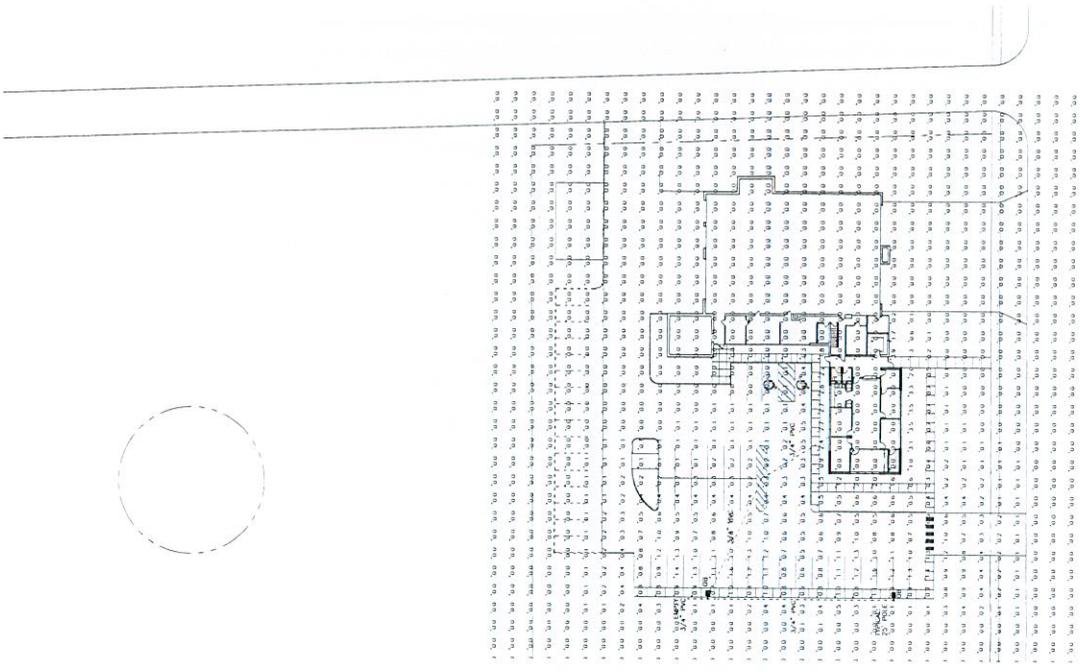
Department of Community Development & Inspections
Planning Division
625 52nd Street, Room 308
Kenosha, WI 53140

Phone: 262.653.4030
Fax: 262.653.4045

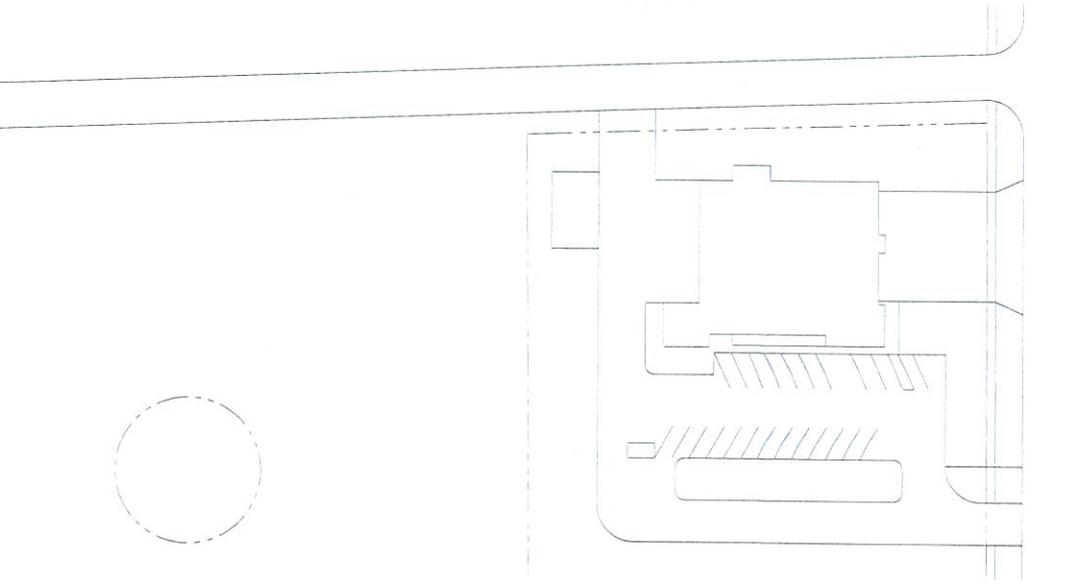
Office Hours:
M - F 8:00 am - 4:30 pm

**SECTION 10
SITE PLAN REVIEW**

Additional Information Required:	Building or Addition Square Footage: <u>2,544 square feet</u> Existing Building Size: <u>19,538 square feet</u> Site Size: <u>2.5 acres</u>			
Submittal Requirements:	<ul style="list-style-type: none"> ➤ Ten (10) full size scaled copies ➤ Developer Site Plan/Conditional Use Permit Checklist (Appendix A) 			
If Item to be Reviewed by Plan Commission/Common Council must Submit:	<ul style="list-style-type: none"> ➤ One (1) 8 1/2" x 11" reduction <i>or</i> forty (40) 11" x 17" reductions of the Site/Landscape Plan, Floor Plan and Colored Building Elevations (all sides) ➤ Sample Board containing colored samples of all exterior building materials 			
Fees:		Building or Addition Size	Site size	Review Fee
	Level 1	<= 10,000 sq. ft.	<= 1 acre	\$900 = City Plan Dept. <i>or</i> \$1,025 = CPC/CC
	Level 2	10,001 - 50,000 sq. ft.	1.01 - 10 acres	\$1,175 = City Plan Dept. <i>or</i> \$1,300 = CPC/CC
	Level 3	50,001 - 100,000 sq. ft.	10.01 - 25 acres	\$1,600 = City Plan Dept. <i>or</i> \$1,725 = CPC/CC
	Level 4	> 100,001 sq. ft.	> 25.01 acres	\$2,000 = City Plan Dept. <i>or</i> \$2,125 = CPC/CC
	<ul style="list-style-type: none"> ➤ If building size or addition and gross acreage of the site determine two (2) different fees, the greater of the two fees will be assessed. ➤ Application fee entitles applicant to an initial review and one re-submittal. ➤ Re-submittal fee = \$425 per re-submittal after two (2) permitted reviews. ➤ Amendment = 50% of the applicable fee 			
Appendices to Review:	➤ All			
Approximate Review Time:	<ul style="list-style-type: none"> ➤ 30 days for Staff Review ➤ 45-60 days for City Plan Commission/Common Council Review 			
The site plan review plans, <i>prepared to standard engineering scale</i> , shall be submitted with this application and shall include the following information:				
Building Plan:	<ul style="list-style-type: none"> ➤ Layout of building(s) including size and layout of rooms ➤ Design and architecture ➤ Plans and details on fire suppression and/or standpipe ➤ Plans and details on fire detection, fire alarm, and other safety devices 			
Site Plan (based on a plat of survey)	<ul style="list-style-type: none"> ➤ Legal description of property ➤ Location and "footprint" of building(s) and structure(s) ➤ Locations of existing and proposed streets, drives, alleys, easements, rights-of-way, parking as required, vehicular and pedestrian access points, and sidewalks ➤ Outline of any development stages ➤ Location and details on any required emergency access roads ➤ A calculation of square footage devoted to building, paving and sidewalks, and landscaped/open space 			
Drainage Plan	<ul style="list-style-type: none"> ➤ Existing topography, including spot elevations of existing buildings, structures, high points, and wet areas, with any previous flood elevations ➤ Floodplain boundaries, if applicable ➤ Soil characteristics, where applicable ➤ Proposed topography of the site denoting elevations and natural drainage after construction, and any proposed stormwater retention areas 			
Landscape Plan	<ul style="list-style-type: none"> ➤ Existing trees and landform ➤ Location, extent, and type of all proposed plantings ➤ Location, height, opaque characteristics and type of any required screening 			



11.0 1"=30'-0"
 NEW ELECTRICAL SITE PLAN



11.0 1"=30'-0"
 EXISTING ELECTRICAL SITE PLAN

Planning & Zoning Division 625 52nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	May 23, 2013	Item #3
Request to initiate the rezoning of property at 2209 54th Street and 5410 22nd Avenue from B-2 Community Business District to RG-2 General Residential District. (City Plan Commission / Covelli) (District #7) PUBLIC HEARING			

LOCATION/SURROUNDINGS:

Site: 2209 54th Street

Neighborhood: Columbus

Vicinity Zoning/Land Use

North: B-2, RG-2/Parking lot, Mixed Residential

East: IP/Columbus Park

South: RG-2/Single-Family Residential

West: RG-2/Mixed Residential

NOTIFICATIONS/PROCEDURES:

The alderman of the district, Alderman Juliana, has been notified. Property owners within 100 feet of the proposed rezoning will be notified if the rezoning is initiated.

ANALYSIS:

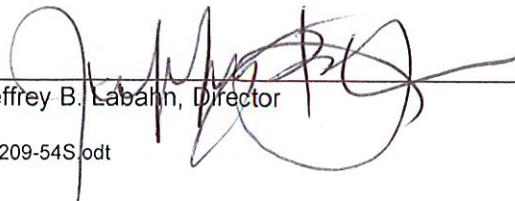
- Per Section 10.02 A. of the Zoning Ordinance, the City Plan Commission can initiate the rezoning of a property.
- The City has constructed three City homes on properties located south of 2209 54th Street. The property at 2209 54th Street is currently zoned B-2 Community Business District, but has two single-family homes and two outbuildings on the property. The *Comprehensive Land Use Plan for the City of Kenosha: 2035* shows the long range land use for this property as *Medium-High Density Residential*. Staff has a concern that the property north of the new City homes could be developed commercially, which would be in compliance with the current zoning, but not the long-range land use plan. The property owner at 2209 54th Street has agreed to let the City initiate a rezoning of his property to RG-2 General Residential District in conformance with the long-range plan to prevent a future commercial development.
- The City also owns a small piece of property at 5410 22nd Avenue that is zoned B-2 Community Business District, but is shown as *Medium-High Density Residential* on the long-range land use plan. The property is currently utilized as a small garden. If the City Plan Commission initiates the rezoning of the property at 2209 54th Street, this property at 5410 22nd Avenue will also be included in the rezoning petition. A formal public hearing would be held at a future date on the rezoning.

RECOMMENDATION:

A recommendation is made to initiate the rezoning and schedule a public hearing.



 Brian R. Wilke, Development Coordinator

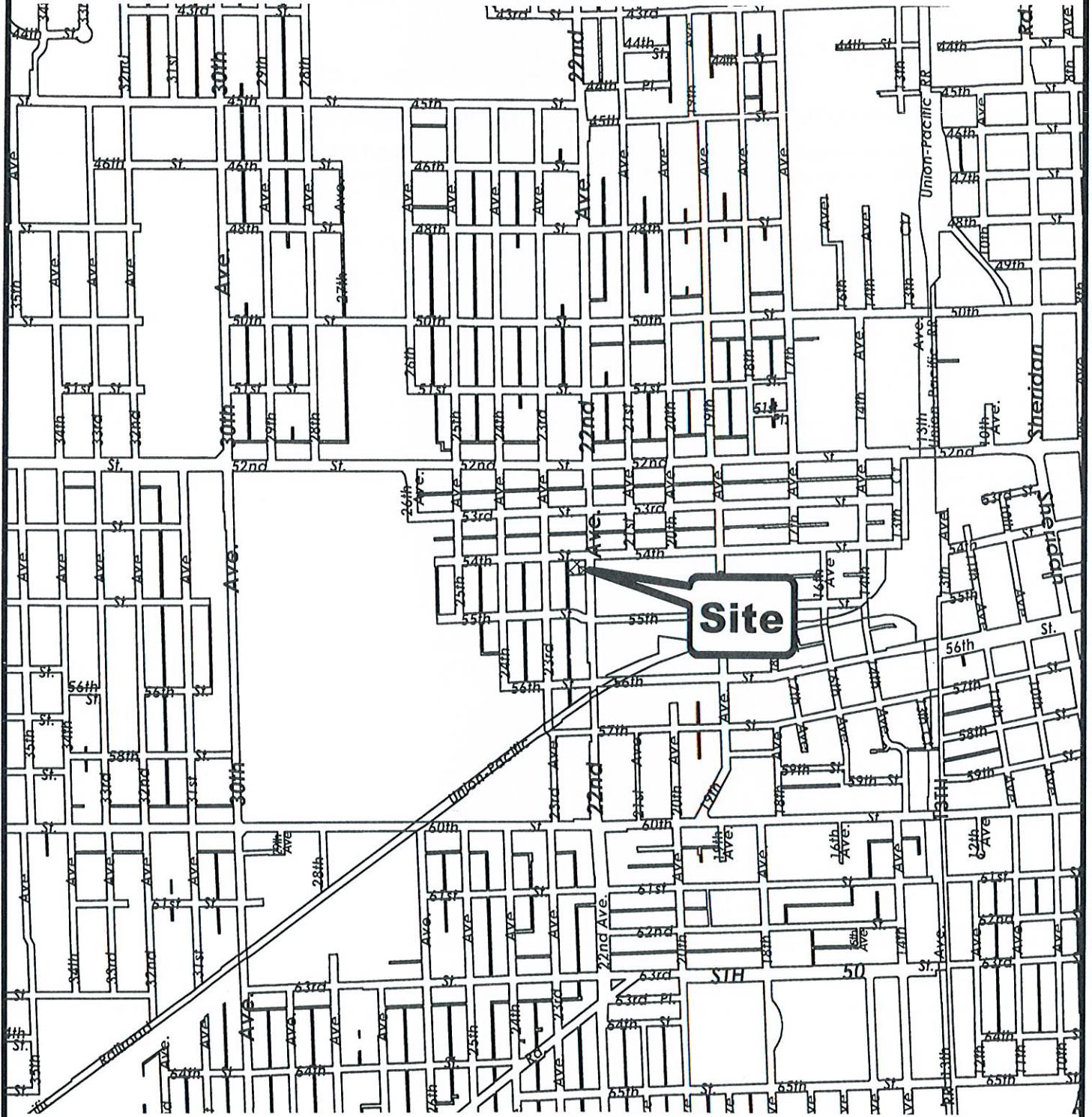


 Jeffrey B. Labahn, Director

City of Kenosha

Vicinity Map

City Plan Commission / Covelli rezoning



Property requested to be rezoned



0 250 500 750 1,000 Feet

City of Kenosha

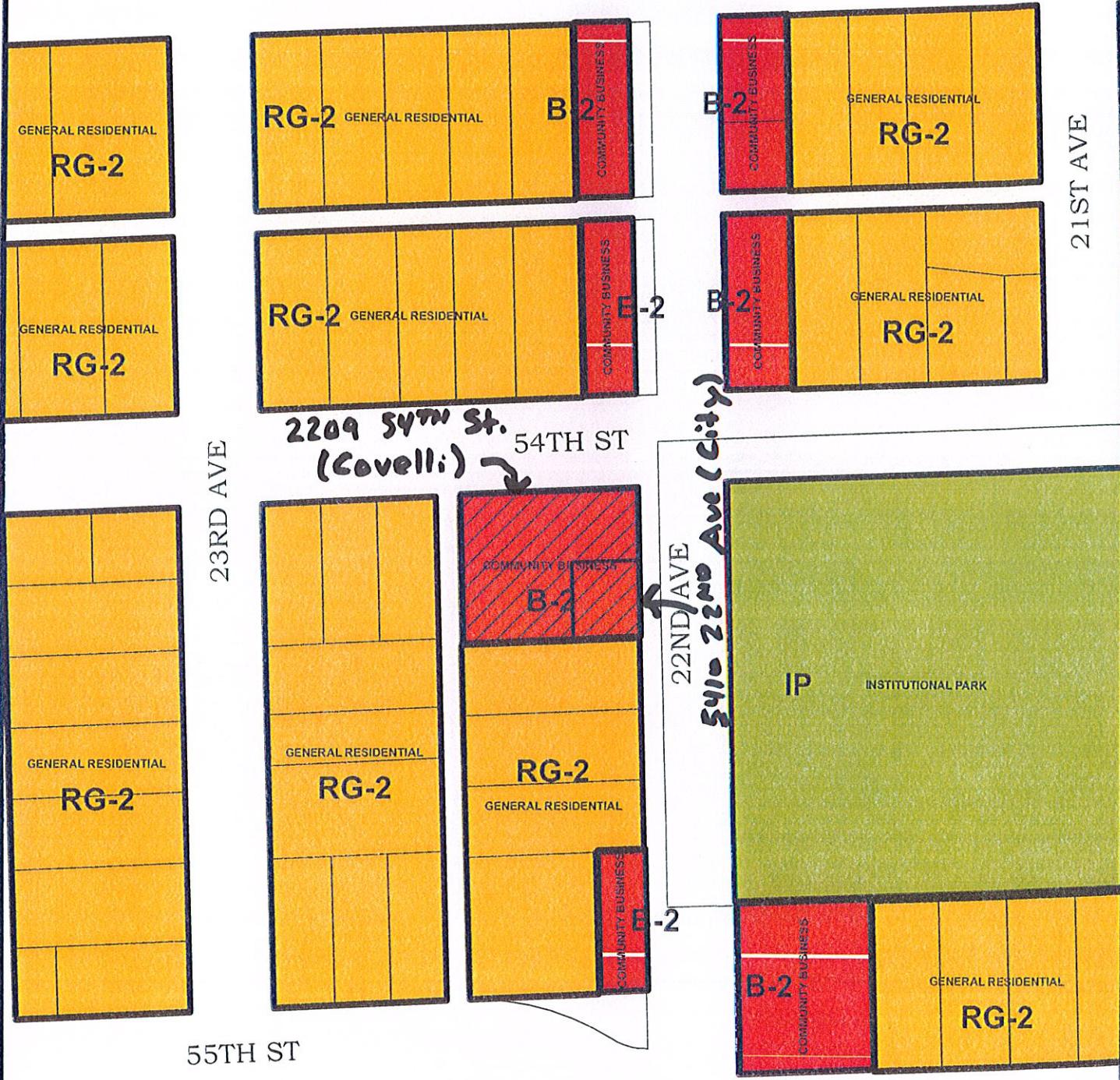
District Map
Rezoning

Supplement No. 75-13

Ordinance No.

City Plan Commission/Covelli petition

53RD ST



2209 54th St.
(Covelli)

540 22nd Ave (City)

Property requested to be rezoned from:



B-2 Community Business to
RG-2 General Residential



City of Kenosha

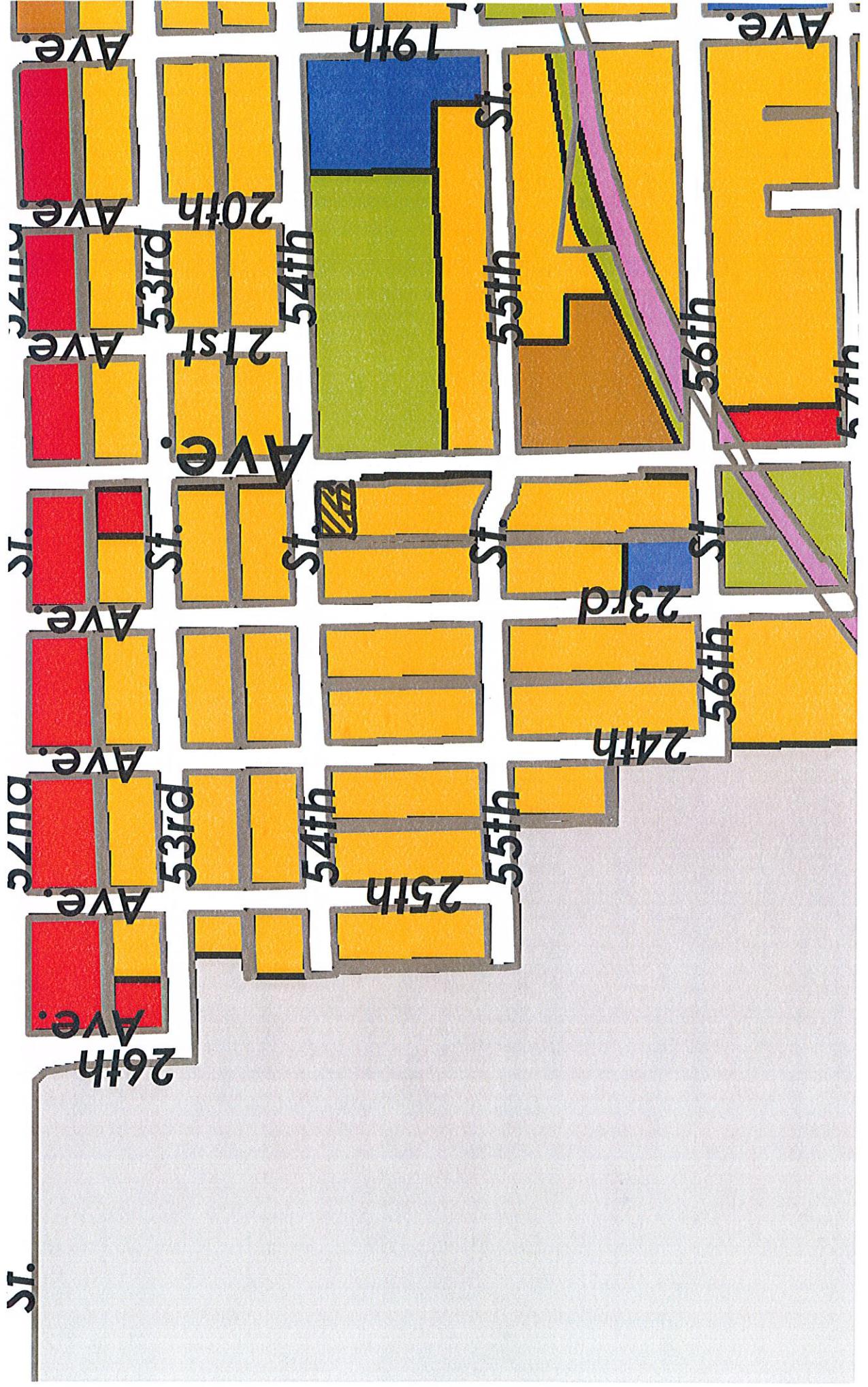
Land Use Map
City Plan Commission/Covelli Rezoning



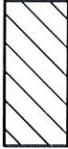
Property requested to be rezoned



COMPREHENSIVE PLAN



Legend

	100-Year Floodplain (Overlay)		Primary Environmental Corridor
	Shoreland Zoning Area (Overlay)		Secondary Environmental Corridor
	Medium Density Residential		Isolated Natural Resource Area
	Medium-High Density Residential		Wetland
	High Density Residential		Surface Water
	Mixed Use		Transportation, Communication & Utility
	Commercial		Railroad R-O-W
	Government & Institutional		Existing Public Street R-O-W
	Industrial		Future Public Street R-O-W
	Parks & Recreation		



Planning & Zoning Division 625 52nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	May 23, 2013	Item #4
By Alderperson Jan Michalski: To Amend Subsection 5.04 of the City of Kenosha Zoning Ordinance regarding Encroaching Structures in the Area Setback from a Major Street. PUBLIC HEARING			

LOCATION/SURROUNDINGS:

Site: Areas within a major street setback

NOTIFICATIONS/PROCEDURES:

The Common Council is the final review authority. This ordinance has also been referred to Public Works Committee.

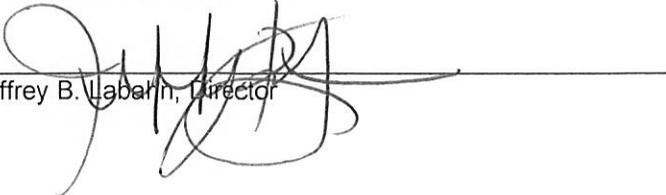
ANALYSIS:

- Under the current ordinance fences and signs would not be permitted within the major street setback unless the owner enters into a major street back restriction agreement. The proposed ordinance would exempt fences and signs from the major street setback requirement and agreement. They would still need to meet all other requirements.

RECOMMENDATION:

A recommendation is made to approve the amendent.


 Brian R. Wilke, Development Coordinator


 Jeffrey B. Labahn, Director

ORDINANCE NO. _____

SPONSOR: ALDERPERSON JAN MICHALSKI

TO AMEND SUBSECTION 5.04 OF THE CITY OF KENOSHA
ZONING ORDINANCE REGARDING ENCROACHING
STRUCTURES IN THE AREA SETBACK FROM A MAJOR
STREET

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

Section One: Paragraphs 5.04 B., C. and D. of the Zoning Code for the City of Kenosha, Wisconsin are re-lettered as 5.04 C., D., and E., respectively.

Section Two: Paragraph 5.04 B of the Zoning Code for the City of Kenosha, Wisconsin is hereby created as follows:

B. Exemption. Fences and signs constructed or erected pursuant to all applicable, valid permits are exempt from the prohibitions on locating structures between the street right of way and the setback line of a major street.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

be a straight line extending westerly six hundred nine (609') feet from a point forty (40') feet from the base line at the west line of Pershing Boulevard to a point that is sixty-three (63') feet from the base line; the setback line on the south side of the street shall be a straight line extending westerly two hundred seventy-two (272') feet from a point eighty (80') feet from the base line and one hundred twenty (120') feet south from the southeast corner of the aforesaid lot 65, to a point that is 71.14 feet south from the base line.

From a point six hundred nine (609') feet west of the west line of Pershing Boulevard to the west line of the Southeast Quarter of Section 2, Town 1 North, Range 22 East, the setback line on the north side of the street shall be sixty-three (63') feet. From a point two hundred seventy-two (272') feet west of a point one hundred twenty (120') feet south from the southeast corner of the aforesaid lot 65, westerly to the west line of the Northeast Quarter of Section 11, Town 1 North, Range 22 East, the setback line on the south side of the street shall be 71.14 feet. From the west line of the Southeast Quarter of Section 2, Town 1 North, Range 22 East, to the west line of the Southwest Quarter of Section 2, Town 1 North, Range 22 East, the setback line on the north side of the street shall be the existing right-of-way line on said major street. From the west line of the Northeast Quarter of Section 11, Town 1 North, Range 22 East, to the west line of the Northwest Quarter of Section 11, Town 1 North, Range 22 East, the setback line on the south side of the street shall be the existing right-of-way line on said major street. From the west line of the Southwest Quarter of Section 2, Town 1 North, Range 22 East, to the west line of the Southeast Quarter of Section 3, Town 1 North, Range 22 East, the setback line on the north side of the street shall be seventy-six (76') feet. From the west line of the Southeast Quarter of Section 3, Town 1 North, Range 22 East, westerly to the center line of State Highway Number 31, the setback on the north side of the street shall be a straight line extending westerly from a point on the west line of the Southeast Quarter of Section 3, Town 1 North, Range 22 East which is seventy-six (76') feet north from the base line to a point on the center line of State Highway Number 31, said point being ninety (90') feet northerly along said center line from the intersection of said center line with the base line of 75th Street. From the Northwest Quarter of Section 11, Town 1 North, Range 22 East, to the center line of State Highway Number 31, the setback line on the south side of the street shall be ninety (90') feet. From the center line of State Highway Number 31 to the most western corporate limits of the City of Kenosha, the setback line on both sides of the street shall be determined upon annexation to or consolidation with the City of Kenosha.

16. State Highway Number 31, the setback line shall be ninety (90') feet from the base line.

B. Extensions of Setback Lines on Major Streets Due to Annexations. The setback lines on any major street as designated under **§5.03 A.** of this Ordinance, shall be extended to include any continuation of such major street or parts there of which results from any annexations to or consolidations with the City of Kenosha subsequent to the effective date of this Ordinance. Such continuation of the setback line on any major street shall extend to any new corporate limits established by such annexation or consolidation as described in **§5.01 B.** of this Ordinance, and shall be measured from the base lines as described in **§5.02 A.** of this Ordinance.

5.04 Construction of Structures within the Area Setback from Major Streets.

A. Intent. Prior to enactment of this Subsection 5.04 there existed a prohibition on any construction of an encroaching structure to be located between the street right of way and the setback line of any major street. It is the intent of this Subsection 5.04 to allow limited construction of what would otherwise have been a prohibited encroaching structure within that area between the street right of way and the setback line of any major street, subject to conditions and consistent with the general purpose stated in Subsections 1.03 and 1.04 of the Zoning Ordinance.

B. Conditions Necessary to Grant the Special Exception. Construction of the encroaching structure within the area located between the right of way in a major street and the setback line of any major street, which construction is prohibited by other provisions of this Zoning Ordinance, may be allowed as a special exception by the Common Council subject to the following conditions:

1. a joint application for the special exception must be signed by all of the fee title owners to the

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

property, who will hereinafter be collectively termed "applicant", containing the following:

a. scale drawings in plan view and appropriate elevation views of the encroaching structure; the plan view must show the location of the encroaching structure on the property, specifically showing dimensions with respect to other existing and proposed structures on the property and the adjacent setback lines of a major street; nevertheless, the filing of drawings required herein does not obviate the need to provide other drawings associated with a review of a conditional use permit application, a site plan review, a building permit, or other required permit;

b. a statement in a form that is legally enforceable by the City through injunctive relief that the encroaching structure will be built according to the drawings, and once constructed, with the exceptions of the removal of the entirety of the structure or a modification approved by the City Plan Commission to the exterior of the structure, the applicant will not allow modifications to the exterior of the encroaching structure;

c. a deed restriction in the form attached to and incorporated into the application, addressing those issues required in paragraph B.2; and

d. evidence of payment by the applicant to the City Clerk of a special exception application fee, the amount of which fee having been established by the Common Council from time to time by resolution, to cover the cost of processing the application and recording the deed restriction.

2. a deed restriction in recordable form that has been approved by the Office of the City Attorney, that has been executed by the applicant, and that contains provisions addressing the following:

a. the deed restriction is for the benefit of the City of Kenosha, is enforceable by the City, and may only be released by the City of Kenosha;

b. the applicant and subsequent property owners will not allow modification to the exterior of the encroaching structure, unless the modification is removal of the entirety of it or unless the modification is approved by the City Plan Commission;

c. the applicant and subsequent property owners will not allow an occupiable space to be created below the grade of the encroaching structure;

d. the applicant and subsequent property owners will not allow sanitary sewer and/or water service to be provided to any portion of the encroaching structure; and

e. as one of the purposes of prohibiting construction of an encroaching structures in the area between the right of way and the setback line to a major street is to minimize the cost to the public for ultimate expansion of the major street, the deed restriction will require that within thirty (30) days of notification by the City through any means of service of process recognized by then-prevailing Wisconsin law to the fee title owner of the property at the time of the notice that the major street will be widened, the fee title owner of the property will remove the encroaching structure without cost to the City; moreover, should the applicant or their successors-in-interest otherwise be entitled to compensation for other structures or lost business for enforcement of an eminent domain right, the applicant and their successors-in-interest waive compensation for any damages associated with the encroaching structure, such waiver shall specifically include costs for the use, lost business, or relocation of the encroaching structure.

3. Such other conditions that the Common Council deems necessary.

C. Grant of Special Exception. In its consideration of whether to grant the special exception, the Common Council must: (1) hold a public hearing whereby the Common Council may hear from the applicant and the public; (2) consider the reports of the Police Department, Fire Department, the Department of Public Works, and the Department of Community Development and Inspections as to the propriety of the construction of the proposed encroaching structure; (3) the recommendations made by the City Plan Commission within 45 days of referral to it regarding the propriety of the encroachment, the sufficiency of the deed restriction, and/or other factors the Commission deems should be considered by the Common Council; and (4) have determined to accept the language of the deed restriction, either as proposed by the applicant or as amended by the Common Council.

D. Conditions Subsequent to the Grant of the Special Exception. Prior to the issuance of the special exception and prior to the issuance of any required building permit for construction of the encroaching structure, the executed deed restriction with the language accepted by the Common Council

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must be recorded with the Register of Deeds.