Municipal Building 625 52nd Street – Room 202	***Kenosha City Plan Commission Agenda***	**Thursday, June 9, 2011** **5:00 p.m.**
Mayor Keith Bosman - Chairman, Alderman Jesse Downing - Vice-Chairman *Alderman Anthony Kennedy, Alderman Jan Michalski,* *Anita Faraone, Robert Hayden, Art Landry, Anderson Lattimore and Ron Stevens*		

Call to Order and Roll Call

Approval of Minutes from May 5, 2011

Swearing in of new Commissioners

1. City Plan Commission Resolution to Amend the Land Use Plan Map for the *Comprehensive Plan for the City of Kenosha: 2035,* regarding property at 11809 Burlington Road, District #16. (Sai Ram Real Estate Management, LLC) PUBLIC HEARING

2. Zoning Ordinance to Create Subsection 18.02 d. of the Zoning Ordinance to Amend the Land Use Plan Map for the City of Kenosha: 2035, District #16. (Sai Ram Real Estate Management, LLC) PUBLIC HEARING

3. Petition to rezone property at 11809 Burlington Road from A-2 Agricultural Land Holding District to B-2 Community Business District in conformance with Section 10.05 of the Zoning Ordinance, District #16. (Sai Ram Real Estate Management, LLC) PUBLIC HEARING

4. To Amend Resolution #179-10 approving a three-lot Certified Survey Map for property on the east side of 28th Avenue, south of 21st Street, District #5. (Kandathil-East) PUBLIC HEARING

5. To Amend Resolution #180-10 approving a three-lot Certified Survey Map for property on the west side of 28th Avenue, south of 21st Street, District #5. (Kandathil-West) PUBLIC HEARING

6. To Repeal and Recreate Section 8.04 B. regarding Certificate of Occupancy Prohibitions, To Create Subsection 8.04 B.2 regarding owner's failure to obtain a required Certificate of Occupancy and to To Create Subsection 8.04 G. of the Zoning Code for the City of Kenosha entitled Penalties. PUBLIC HEARING

Public Comments

Commissioner Comments

Staff Comments

Adjournment

Department of City Development
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.

CITY PLAN COMMISSION
Minutes
May 5, 2011

MEMBERS PRESENT: Mayor Bosman, Alderman Downing, Alderman Michalski, Anita Faraone, Robert Hayden, Art Landry, Ron Stevens

MEMBERS EXCUSED: Anderson Lattimore

STAFF PRESENT: Rich Schroeder

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 21, 2011 was made by Alderman Michalski and seconded by Mr. Stevens. The motion passed unanimously. (7 ayes; 0 noes).

Mr. Schroeder swore in Mr. Hayden.

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 hearing opened.

Aaron Matter, Tarantino & Company, 20711 Watertown Road, Waukesha, Development Coordinator, was available for questions.

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

Alderman Michalski said the development looks nice and is an asset to the community.

Mr. Hayden said he has also been to the development and it is very nice. The people are very friendly and the interior is beautiful.

Mr. Landry said when the development was first proposed, people in the area were worried about the additional traffic and noise this establishment might create. The plans brought forward had an upscale development. The creation of this campus meets or exceeds any expectations. Mr. Landry said he lives in this area and is glad to see the addition.

Mayor Bosman asked if the development was near capacity. Mr. Matter said there are 97% occupied.

Alderman Michalski asked if there was a large setback after the fire. Mr. Matter said it took about 1 year to reconstruct from the fire damage. Some of the occupants were dislocated and stayed at *Meadowmere Southport Assisted Living*.

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

2. Public Comments

Mr. Matter said he appreciates the positive comments about the Casa Del Mare facility. The hope to complete the latest proposed additions by October of this year.

3. Commissioner Comments

No Commissioner comments.

4. Staff Comments

No Staff comments.

A motion to adjourn was made by Ms. Faraone and seconded by Alderman Downing. The motion passed unanimously (7 ayes; 0 noes). The meeting adjourned at 5:05 p.m.

City Plan Division 625 52nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	June 9, 2011	Item 1

City Plan Commission Resolution to Amend the Land Use Plan Map for the* Comprehensive Plan for the City of Kenosha: 2035, *regarding property at 11809 Burlington Road, District #16. (Sai Ram Real Estate Management, LLC) PUBLIC HEARING

LOCATION/SURROUNDINGS:

Site: 11809 Burlington Road, owned by Sai Ram Real Estate Management, LLC

NOTIFICATIONS/PROCEDURES:

The alderman of the district, Alderman Downing, has been notified. This City Plan Commission Resolution recommends the Common Council approve the Amendment through a Zoning Ordinance Amendment.

ANALYSIS:

- Wisconsin Statutes require the City Plan Commission to adopt a City Plan Commission Resolution to recommend that the Common Council adopt amendments to the Comprehensive Plan.
- The attached Resolution satisfies this requirement and will be attached to the Zoning Ordinance to create Subsection 18.02 d. to Amend the *Land Use Plan for the City of Kenosha: 2035* for the referenced properties from *Industrial* to *Commercial.*
- The adopted Comprehensive Plan designated this site, along with the surrounding area, as *Industrial.* This area has developed as residential with some commercial and agricultural uses.
- The owner of the property has requested the land use change to *Commercial* to allow a new gas station to be constructed on the property.

RECOMMENDATION:

A recommendation is made to approve the City Plan Commission Resolution amending the Comprehensive Plan.

Mike Maki, AICP, Planner
/u2/acct/cp/ckays/1CPC/2011/June9/fact-resolcpc-amdmap.odt

Jeffrey B. Labahn, Director of City Development

CITY PLAN COMMISSION RESOLUTION # __-11

By: City Plan Commission

To Amend the Land Use Plan Map for the Comprehensive Plan for the City of Kenosha: 2035 Property at 11809 Burlington Road (Sai Ram Real Estate Management, LLC)

WHEREAS, the City of Kenosha, pursuant to Section 62.23 of the Wisconsin Statutes, has established the City Plan Commission; and

WHEREAS, the Common Council adopted "A Comprehensive Plan for the City of Kenosha: 2035" on April 19, 2010, following extensive public participation; and

WHEREAS, a property owner has submitted a request to amend the Land Use designation for the referenced properties from "Industrial" to "Commercial", as mapped on the attached Map C2-11 and on the Land Use Plan map adopted by the Common Council as part of the Comprehensive Plan; and

WHEREAS, the City Plan Commission finds that the Comprehensive Plan, with the proposed amendment, contains all of the required elements specified in Section 66.1001(2) of the Wisconsin Statutes and the Comprehensive Plan, with the proposed amendment, is internally consistent; and

WHEREAS, the City has duly noticed and will hold a public hearing on the proposed amendment, following the procedures in Section 66.1001(4)(d) of the Wisconsin Statutes.

NOW, THEREFORE BE IT RESOLVED that pursuant to Section 66.1001(4)(b), the City Plan Commission for the City of Kenosha, Wisconsin, hereby approves the amendment to "A Comprehensive Plan for the City of Kenosha: 2035" as shown on the attached Map C2-11.

BE IT FURTHER RESOLVED, that the City Plan Commission, for the City of Kenosha, Wisconsin, does hereby recommend that the Common Council enact a Zoning Ordinance adopting the Comprehensive Plan Amendment.

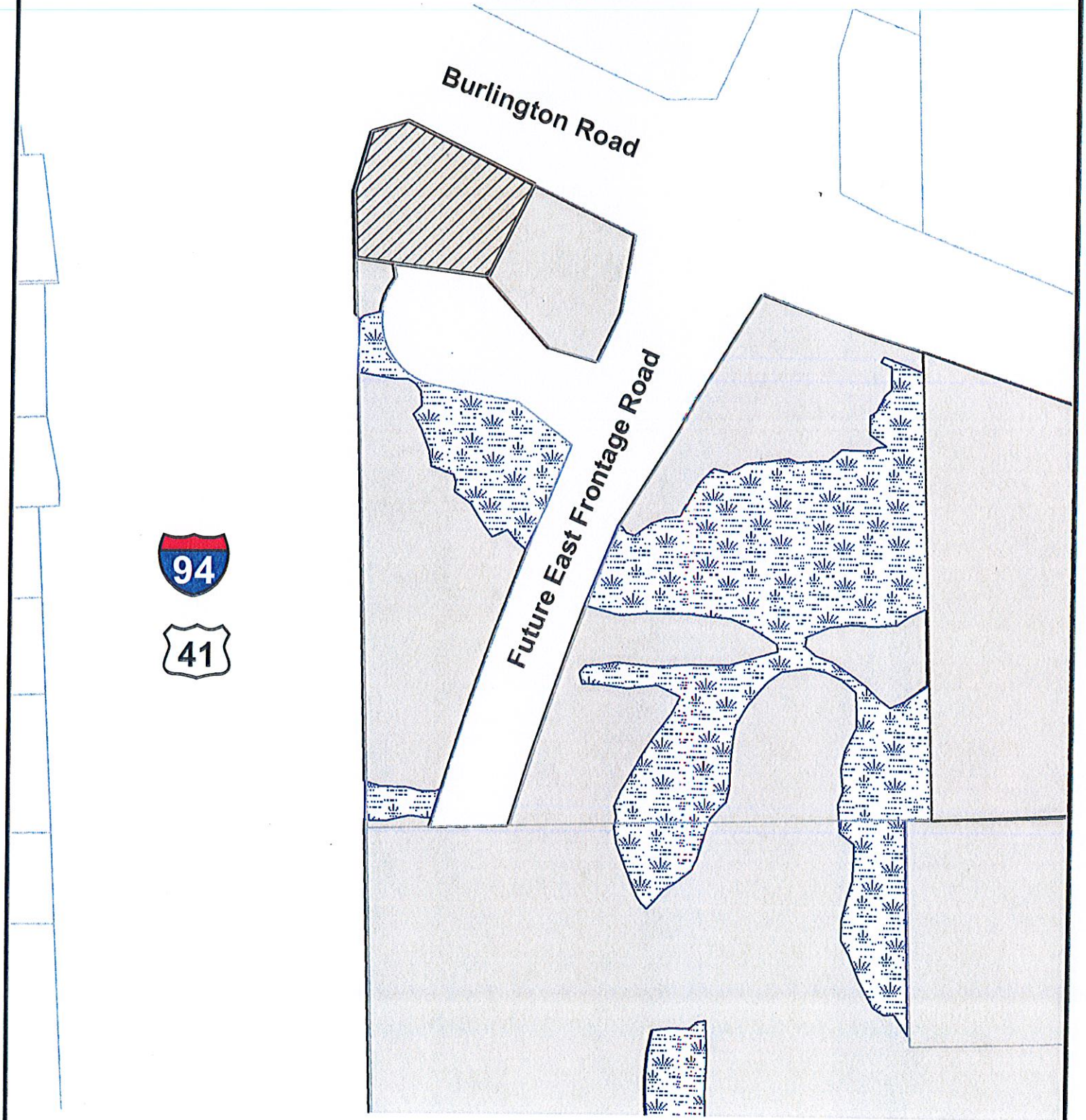
Adopted this _____ day of _____ , 2011

ATTEST: _____
Jeffrey B. Labahn, Secretary of City Plan Commission

APPROVE: _____
Mayor Keith Bosman, Chairman of City Plan Commission

DRAFTED BY: CITY DEVELOPMENT
/u2/acct/cp/ckays/1CPC/2011/June9/resol-cpc-amdmap-sairam.odt

City of Kenosha
Comprehensive Plan Amendment
Map C2-11



Property requested to be changed from INDUSTRIAL to COMMERCIAL

Industrial

Wetland

N
W E
S

0 25 50 100 150 200 Feet

DCD ~ City Plan Division ~ JBL ~ BFR ~ 4-13-2011 ~ mc

City Plan Division 625 52nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	June 9, 2011	Item 2
Zoning Ordinance to Create Subsection 18.02 d. of the Zoning Ordinance to Amend the Land Use Plan Map for the City of Kenosha: 2035, District #16. (Sai Ram Real Estate Management, LLC) PUBLIC HEARING			

LOCATION/SURROUNDINGS:

Site: 11809 Burlington Road, owned by Sai Ram Real Estate Management, LLC

NOTIFICATIONS/PROCEDURES:

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

ANALYSIS:

- The Common Council adopted *A Comprehensive Plan for the City of Kenosha: 2035* on April 19, 2010.
- Wisconsin Statutes require the Common Council to adopt an Ordinance for Amendments to the Comprehensive Plan.
- The attached Zoning Ordinance references Map C2-11, which identifies the Amendment to the Land Use Plan located in the Comprehensive Plan. The Amendment will change the land use designation for the referenced properties from *Industrial* to *Commercial*.

RECOMMENDATION:

A recommendation is made to approve the proposed Zoning Ordinance.

Mike Maki, AICP, Planner
/u2/acct/cp/ckays/1CPC/2011/June9/fact-zo-sairam.odt

Jeffrey B. Labahn, Director of City Development

ZONING ORDINANCE NO. _____

DRAFT 050911

BY: CITY PLAN COMMISSION

TO CREATE SUBSECTION 18.02 d. OF THE ZONING ORDINANCE TO AMEND THE LAND USE PLAN MAP FOR THE CITY OF KENOSHA: 2035

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

Section One: Subsection 18.02 d. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows:

18.02 The comprehensive plan adopted in subsection 18.01 is amended by the following:

a. By Common Council resolution 126-10 on file with the City Clerk.
b. By map C1-10 on file with the Department of City Development.
c. By map C1-11 on file with the Department of City Development.
d. By map C2-11 on file with the Department of City Development.

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 NO. _____

BY: CITY PLAN COMMISSION

TO CREATE SUBSECTION 18.02 d. OF THE ZONING ORDINANCE TO AMEND THE LAND USE PLAN MAP FOR THE CITY OF KENOSHA: 2035

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

Section One: Subsection 18.02 d. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows:

18.02 The comprehensive plan adopted in subsection 18.01 is amended by the following:

a. By Common Council resolution 126-10 on file with the City Clerk.
b. By map C1-10 on file with the Department of City Development.
c. By map C1-11 on file with the Department of City Development.
d. By map C2-11 on file with the Department of City Development.

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

ATTEST: _____ City Clerk

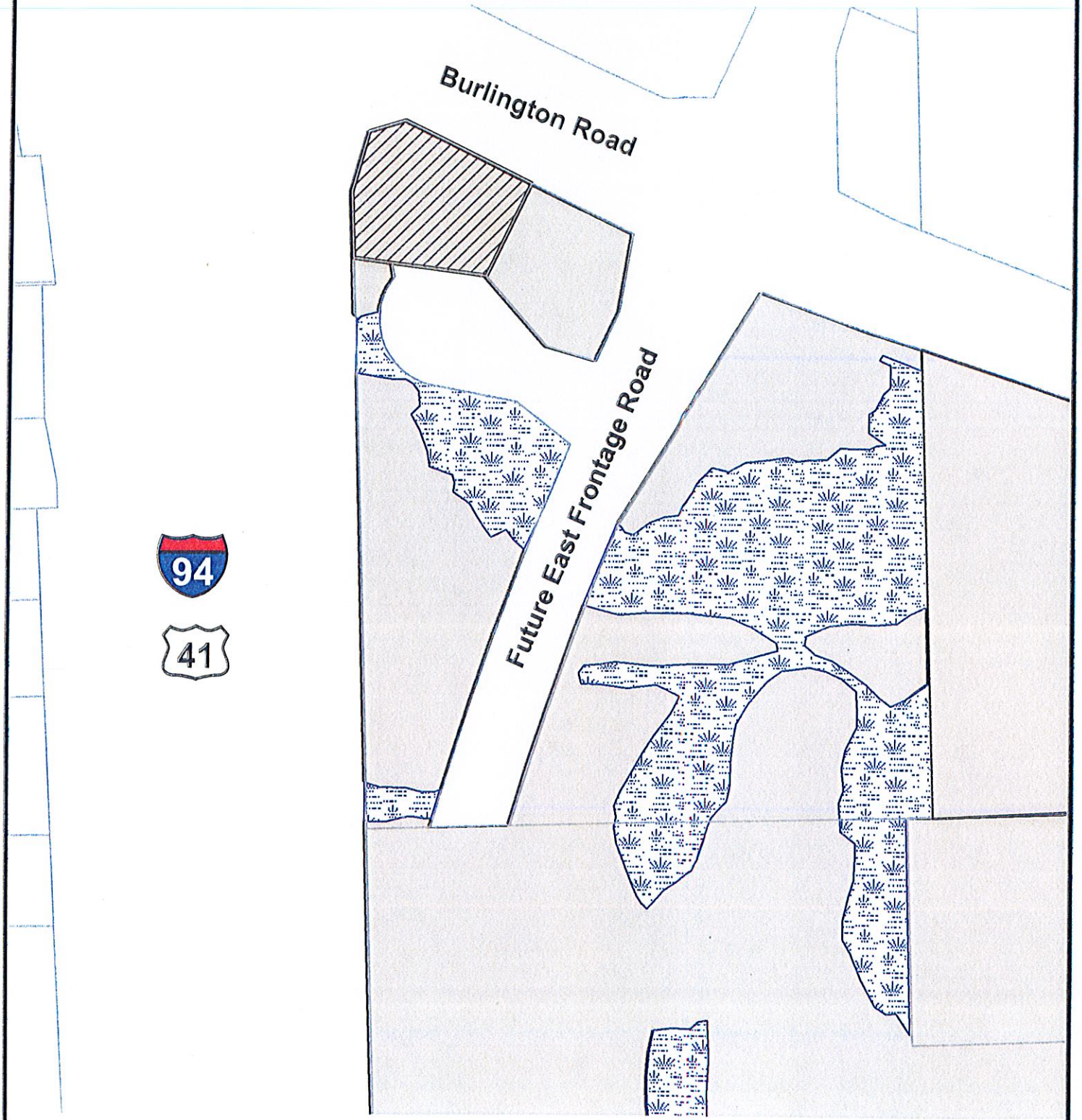
APPROVED: _____Mayor

Passed:

Published:

Drafted By:
MATTHEW A. KNIGHT
Deputy City Attorney

City of Kenosha
Comprehensive Plan Amendment
Map C2-11



Property requested to be changed from INDUSTRIAL to COMMERCIAL

Industrial

Wetland

N
W E
S

0 25 50 100 150 200 Feet

DCD ~ City Plan Division ~ JBL ~ BFR ~ 4-13-2011 ~ mc

City Plan Division 625 52nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	June 9, 2011	Item 3

Petition to rezone property at 11809 Burlington Road from A-2 Agricultural Land Holding District to B-2 Community Business District in conformance with Section 10.05 of the Zoning Ordinance, District #16. (Sai Ram Real Estate Management, LLC) PUBLIC HEARING

LOCATION/SURROUNDINGS:

Site: 11809 Burlington Road
Neighborhood: West Corridor

Vicinity Zoning/Land Use

North:	B-3, A-2 (Both County)	/Commercial
South:	A-2, C-2	/Vacant
East:	A-2 (County)	/Vacant
West:	B-3 (County)	/Commercial

NOTIFICATIONS/PROCEDURES:

The alderman of the district, Alderman Downing, has been notified. Property owners within 100 feet of the proposed rezoning were notified. The Common Council is the final review authority.

ANALYSIS:

- The owner of the property has requested to rezone the property from A-2 Agricultural Land Holding to B-2 Community Business District. The purpose of the rezoning is to raze the existing gas station to construct a new gas station/convenience store.

- The property was attached to the City in November 2007 from the Town of Somers. In conformance with the City's established procedures, the site was assigned to the A-2 Agricultural Land Holding District. The A-2 Zoning allowed the continued use of the existing business. For the owner to be able to raze the existing building and construct a new building, a rezoning to B-2 Community Business District and a Conditional Use Permit from the Common Council are required.

- Rezoning of the property to B-2 Community Business District is not consistent with the adopted *Comprehensive Plan for the City of Kenosha: 2035,* which lists the site as Industrial. An Amendment to that Plan is required for the City to approve the rezoning. The Amendment has been included on this agenda as well.

- A Conceptual Plan for the new gas station/convenience store has been attached. The development of the property will have to be consistent with the attached plan dated April 27, 2010 and revised March 4, 2011. The City Plan Commission reviewed a similar Conceptual Plan on November 4, 2010. The formal Conditional Use Permit will be submitted at a future date.

RECOMMENDATION:

A recommendation is made to approve the rezoning.

B. RLO

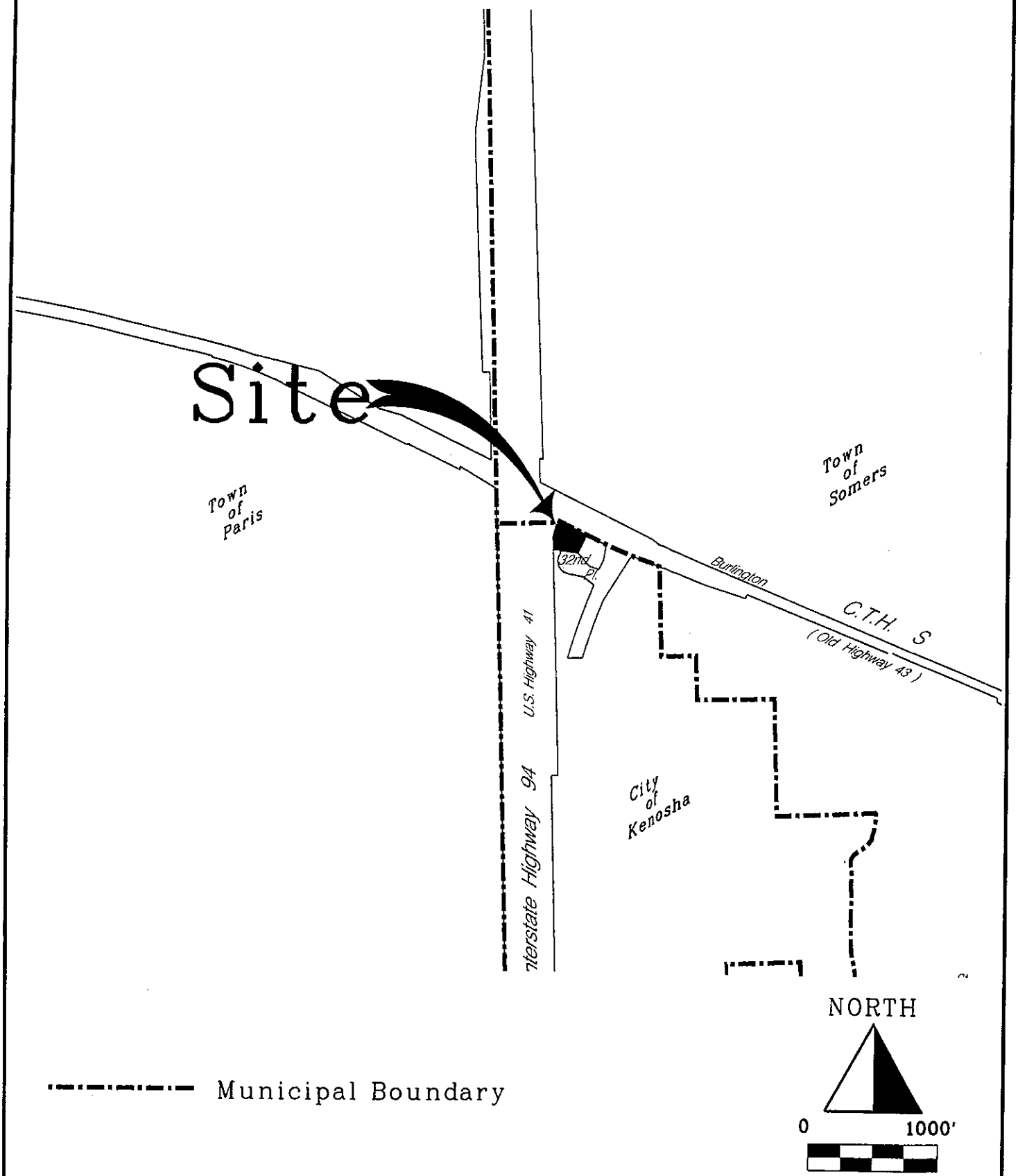
Brian R. Wilke, Development Coordinator
/u2/acct/cp/ckays/1CPC/2011/June9/fact-rezone-sairam.odt

Jeffrey B. Labahn, Director of City Development

CITY OF KENOSHA

Vicinity Map

Sai Ram Real Estate Management, LLC Rezoning



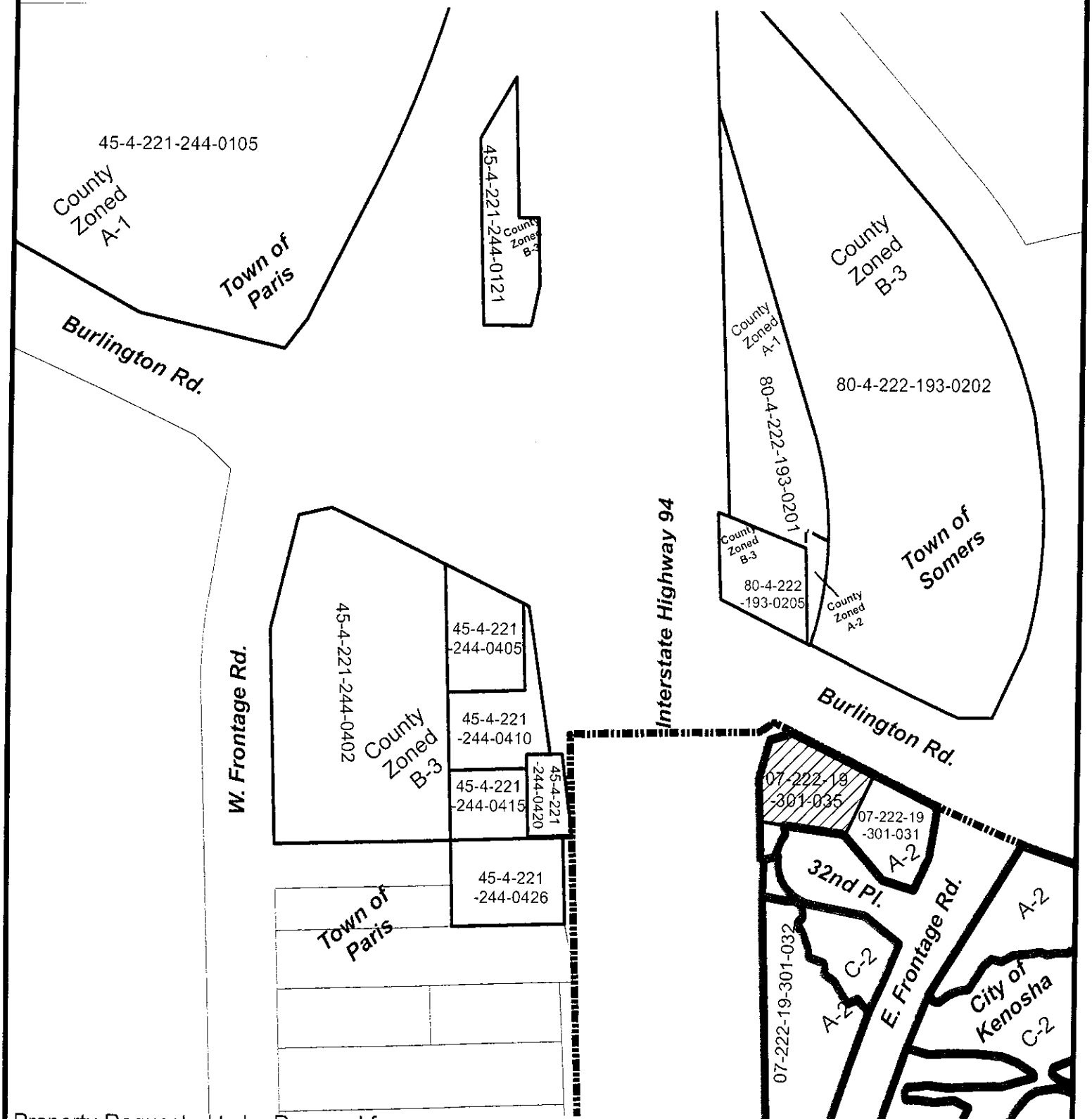
Municipal Boundary

DCD ~ City Plan Division ~ JBL ~ BFR ~ 4-13-2011 ~ mc

District Map
Rezoning

Supplement No. Z2-11
Ordinance No. _____

Sai Ram Real Estate Management, LLC petition



Property Requested to be Rezoned from:

A-2 Agricultural Land Holding to
B-2 Community Business

Municipal Boundaries

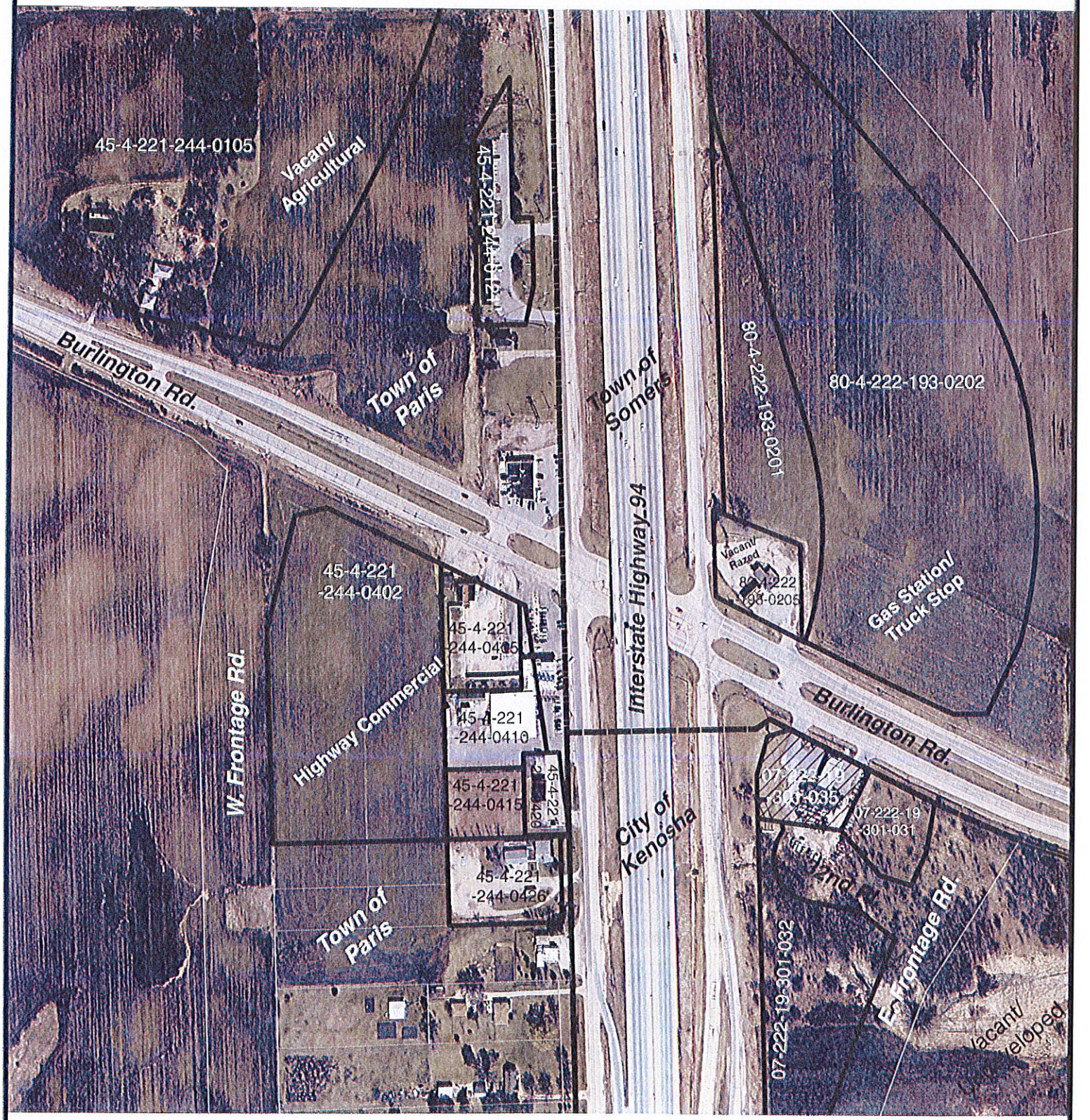
222-19-3;
221-13-4

DCD ~ City Plan Division ~ JBL ~ BFR ~ 4-13-2011 ~ mc

N
W E
S

0 37.575 150 225 300 Feet

Land Use Map
Sai Ram Real Estate Management, LLC Rezoning



Property Requested to be Rezoned:

Municipal Boundaries

222-19-3;
221-13-4

N
W E
S

0 37.575 150 225 300 Feet

DCD ~ City Plan Division ~ JBL ~ BFR ~ 4-13-2011 ~ inc

28 July 2010

Rezoning Petition

The Honorable Mayor
And Members of the Common Council
Kenosha, WI

Dear Members of the Common Council:

It is requested that my property located at 11809 Burlington Road be rezoned from A-2 Agricultural Land Holding to B-2 Community Business. The purpose of the rezoning is to permit a Gas Station Convenience Store.

Attached is a conceptual development plan including building, site development, land use and operational plans as required by Section 10 of the City of Kenosha Zoning Ordinance, and a receipt of the rezoning fee. I understand that development of the referenced property proposed for rezoning is required to be consistent with the conceptual development plans submitted with my rezoning petition.

Please inform me of the date this item will be reviewed by the City Plan Commission. The meeting notice should be sent to Mr. Dwarika Singh at 3640 Pilgrim Road, Brookfield, WI 53005. I can be reached at 262-893-1967 if there are any questions regarding my request for the rezoning.

Sincerely,

Dwarika Singh

Mr. Dwarika Singh
Sai Ram Real Estate Management, LLC

SECTION 9
REZONING

Additional Information Required:	**Current Zoning District:** A-2 Agricultural **Proposed Zoning District:** B-2 Community Business **Proposed Type of Rezoning: (Check all applicable)** ☐ **Single-family Residential** ☐ **Two-family Residential** ☐ **Multi-family Residential (3 or more units)** ☑ **Institutional, Commercial or Industrial**
Submittal Requirements:	➢ **Rezoning Petition (sample below) filled out according to the particular situation. The current owner(s) of the property must sign the petition.** ➢ **Building and Site Development Plans as indicated below.**
Fees:	➢ Rezoning Fee = **$550** (For projects that ***do not*** require building and site development plans) OR ➢ Rezoning with Concept Plan = **$1,150** (For projects that require building and site development plans) *The City retains the fee whether the rezoning is approved or denied. The applicant should contact City Development to verify the total fee before submitting the rezoning application.*
Appendices to Review:	➢ **N/A**
Approximate Review Time:	➢ **60 days (Reviewed by City Plan Commission and Common Council)**

A rezoning request can be initiated by:

- ➢ The City Plan Commission
- ➢ The Common Council
- ➢ A petition of 50 percent or more of the owners of property within the area proposed to be rezoned

SAMPLE REZONING PETITION

The Honorable Mayor
and Members of the Common Council
Kenosha, WI

Dear Members of the Common Council:

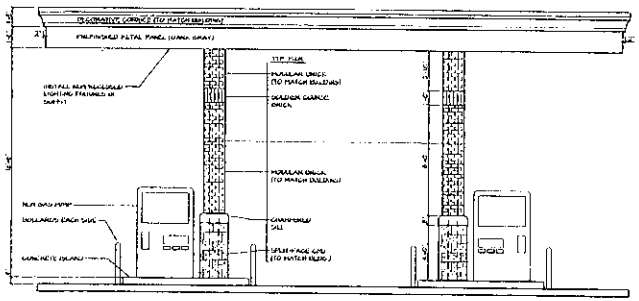
It is requested that my property located at *(address or parcel number)* be rezoned from *(present zoning)* to *(proposed rezoning)*. The purpose of the rezoning is to permit *(proposed use of the property)*.

Attached is a conceptual development plan including building, site development, land use and operational plans as required by Section 10 of the City of Kenosha Zoning Ordinance, and a receipt of the rezoning fee. I understand that development of the referenced property proposed for rezoning is required to be consistent with the conceptual development plans submitted with my rezoning petition.

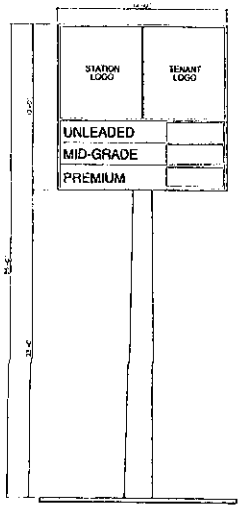
Please inform me of the date this item will be reviewed by the City Plan Commission. The meeting notice should be sent to *(list one name only)* at *(address)*. I can be reached at *(phone number)* if there are any questions regarding my request for the rezoning.

Sincerely,

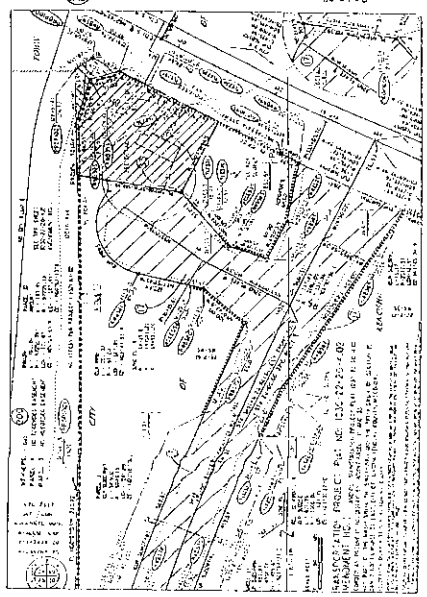
Current Property Owner



Canopy North & South Elevations



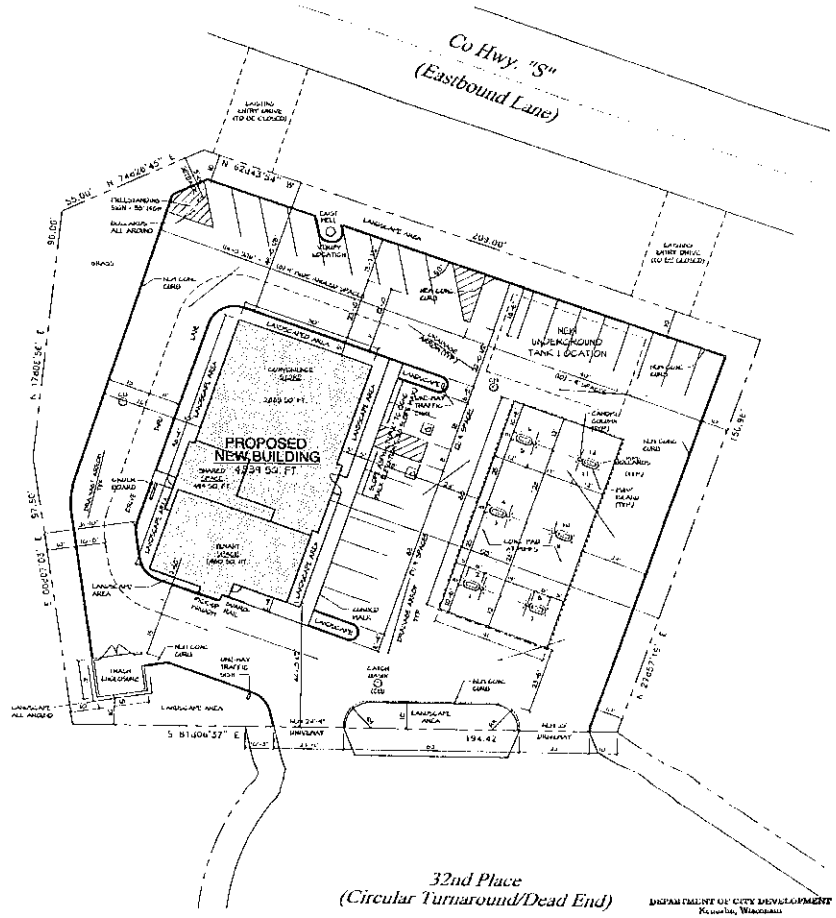
Sign Elevation



North

Location Map

Not To Scale



North

Proposed Site Plan

1" = 20'

DEPARTMENT OF CITY DEVELOPMENT
Kenosha, Wisconsin
LAND DIVISION - Site Plan - Concept Plan
Name: Sai Mart Mobil
Type:
Concept Approval: 04/26/10
Preliminary Approval:
Final Approval:
Recording Data:

Proposed Development:

Sai Mart Mobil

Location:

11809 Burlington Rd.
Kenosha, Wisconsin

Project No: 09-004

NOTES			
Occupancy (Proposed):	**Area Calculations:**		
Mercantile Group M (Primary)	Site:	41,907 sq. ft.	
Moderate Hazard Storage		(0.96 acre)	
Group S-1 (Secondary)	Building:		
Construction Type:	Convenience Store:	2,985 sq. ft.	
Type III-B	Tenant Space:	1,460 sq. ft.	
Sprinklered per NFPA-13	Shared Space:	494 sq. ft.	
	Total:	4,839 sq. ft.	(11.5%)
	Paved Space:	31,189 sq. ft.	(74.4%)
	Green Space:	5,879 sq. ft.	(14.1%)

ISSUE RECORD			
ISSUE	DATE	REV	DESCRIPTION
1	02/26/10		CONCEPT REVIEW, PLANNING COMMISSION REVIEW
2	12/4/11		REZONING SUBMITTAL

OWNER	ARCHITECTURAL DESIGNER
Sai Ram Real Estate Management, LLC 5460 Pilgrim Rd. Brookfield, WI 53005 262-895-1967 (phone) Mr. Dwarika Singh	Hernandez Architectural Designs, LLC 4033 Mary Ln. Cedarburg, WI 53012 262-370-0736 Mr. Daniel Hernandez

INDEX TO DRAWINGS

SP1.0 Proposed Site Plan, Location Plan, Proposed Canopy Elevation
L1.0 Proposed Landscape Plan
A1.0 Proposed Floor Plan
A2.0 Proposed Exterior Elevations

Hernandez Architectural Designs
4033 Mary Lane
Cedarburg, WI 53012
Phone: 262 370 0736

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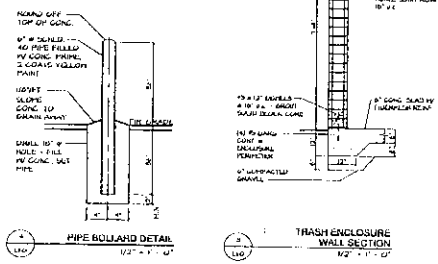
REVISIONS
Per City Devel. 9/3/10
Concept Review, Plan
Comm. Review 10/20/10
Rezoning Review 2/4/11

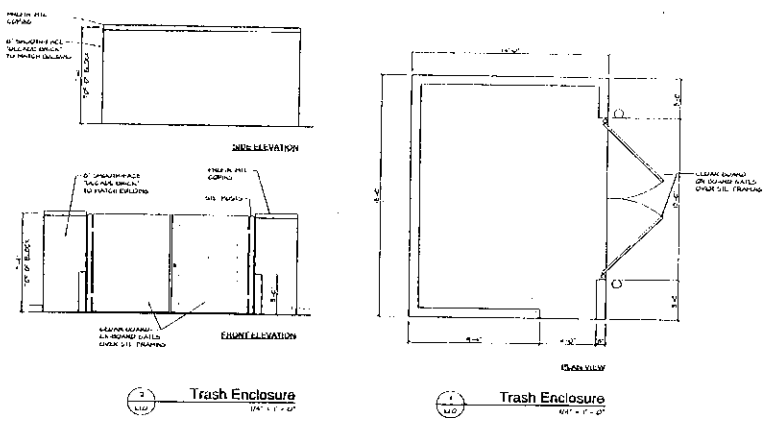
Proposed Development:
Sai Mart Mobil
11809 Burlington Road
Kenosha, Wisconsin

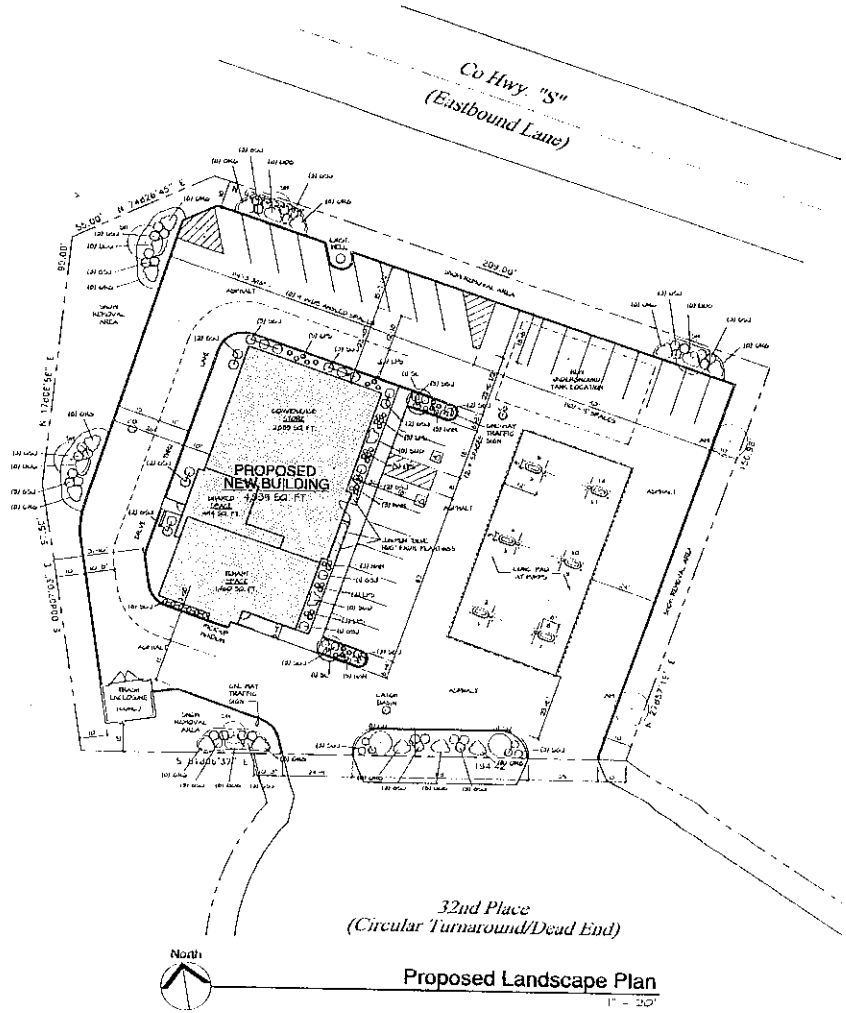
Sheet Title:
Site Plan

PROJECT NO. 09-004
DATE 27 April 2010
SCALE 1" = 20'
DRAWN BY DLH
SHEET SP1.0

PDF Created with deskPDF PDF Writer - Trial Version www.docudesk.com







NOTES:

1. INSTALL PROFESSIONAL GRADE PLASTIC EDGING AROUND ALL PLANTING AREAS.
2. INSTALL PACING ROAD RUNNER IN ALL PLANTING AREAS.
3. INSTALL 3" (MIN) DEPTH OF SHREDDING BARK MULCH IN ALL PLANTING AREAS AND SHRUBS IN ALL PLANTING AREAS.
4. REMOVE ALL DEAD OR WEAKLY TREES + SHRUBS AND REPLACE W/ HEALTHY SAME VARIETY.
5. INSTALL SHRUBS AT ALL BUFFER STRIPS

LANDSCAPING SCHEDULE

KEY	COMMON NAME	BOTANICAL NAME	SIZE	QUANTITY
DECIDUOUS TREES				
AM	AMUR MAPLE	ACER GINNALA	2"	4
GA	SKYLINE HONEYLOCUST	GLEDITSIA TRIACANTHOS VAR. INERMIS 'SKYLINE'	2-1/2"	3
SL	SPANISH UNION PALE LILAC	SYRINGA ALEPPICA 'SONNERIDEN'	2"	1
CG	GOLDENCHAIN LABURNUM	CYTISUS WATERERI 'GRANDIS'	2"	1
EVERGREEN TREES				
WPR	WEAKLY PINE RUST	PINUS X WEAKLY PINE	10'	3
LPS	LITTLE PRINCESS SPRUCE	PICEA JEZOENSIS 'LITTLE PRINCESS'	5'	4
LOW EVERGREENS				
BSJ	BRIAR SARGENT JUNIPER	JUNIPERUS SABINA X 'BRIAR'	18"	4
SEJ	SEA GREEN JUNIPER	JUNIPERUS CHINENSIS 'SEA GREEN'	18"	30
PERENNIALS/GRASSES				
ORG	ORVEDAM REED GRASS	CALAMAGROSTIS ACUTIFLORA 'OVERDAM'	#1 CONT	4
LEO	LILIC DAY LILIES	HEMEROCALLIS 'STELLA DE ORO'	#1 CONT	4
SOD	SOD			4

Hernandez Architectural Designs
4033 Main Street
Goldenberg, WI 53014
Phone: 262-334-8730

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REVISIONS
Per City Devel. 9/3/10
Concept Review, Plan Comm. Review 9/20/10
Rezoning Review 3/3/11

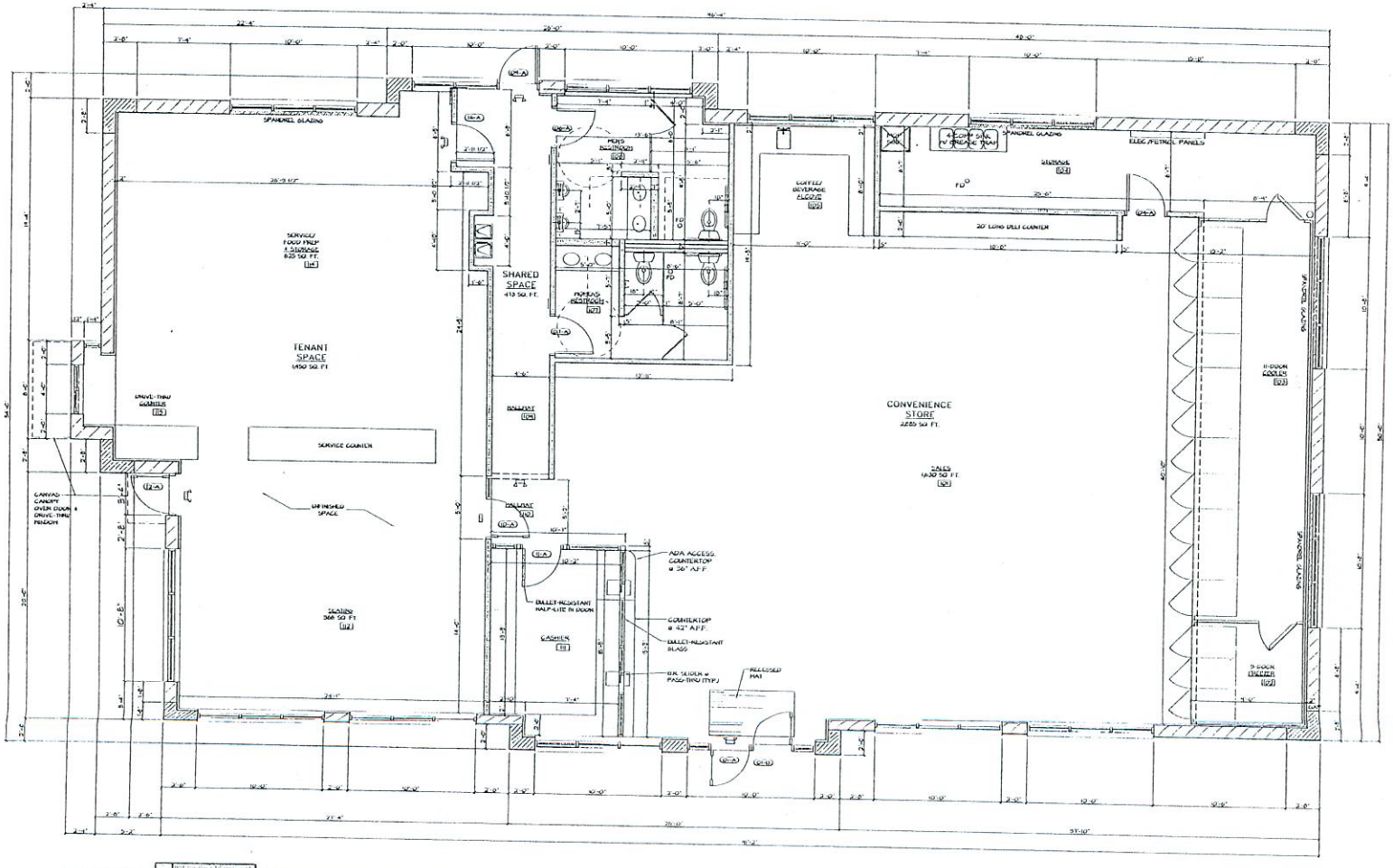
Proposed New Service For:
Sal Mart Mobil

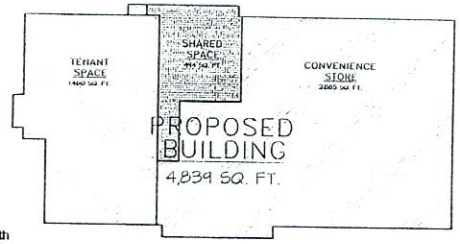
11809 Darlington Road
Rolesville, Wisconsin

SHEET TITLE
Landscape Plan

PROJECT NO. 09-004
DATE 27 April 2010
SCALE 1" = 20'
DRAWN BY
DESIGNED BY ULH
SHEET
L1.0

Port Clinton WI Gas Station Mini Mart - Site Plan Application





North

Space Plan

n.t.s.

North

Proposed Floor Plan

1/4" = 1' - 0"

WALL TYPES

- 12" "DECADE BRICK" WALL
- 12" PRE-COLORED SPLIT-FACE CMU WALL
- 2X4 STUD WALL W/ 5/8" GYP. BOARD EA. SIDE
- 2X6 STUD WALL W/ 5/8" GYP. BOARD EA. SIDE FOR 7" (NOM.) PLUMBING WALL
- (2) 2X4 STUD WALLS W/ 5/8" GYP. BRD. ONE SIDE ONLY. OUTSIDE WIDTH 12"
- 1X2 FURRING STRIPS W/ 5/8" GYP. BOARD

Hernandez Architectural Designs

4033 Mary Lane
Cedarburg, WI 53012
Phone: 262-370-0736

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REVISIONS

Concept Review, Plan.
Comm. Review 9/20/10
Rezoning Review 3/3/11

Proposed Development For:

Sal Mart Mobil

11809 Burlington Road
Kenosha, Wisconsin

SHEET TITLE

Floor Plan

PROJECT NO.	09-004
DATE	27 April 2010
SCALE	1/4" = 1' - 0"
CHECKED BY	
DRAWN BY	DLH
SHEET	A1.0

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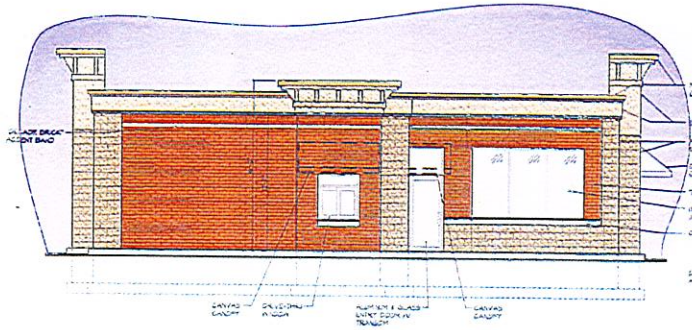
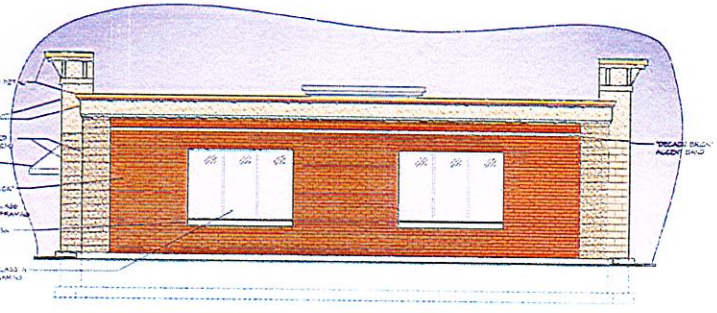


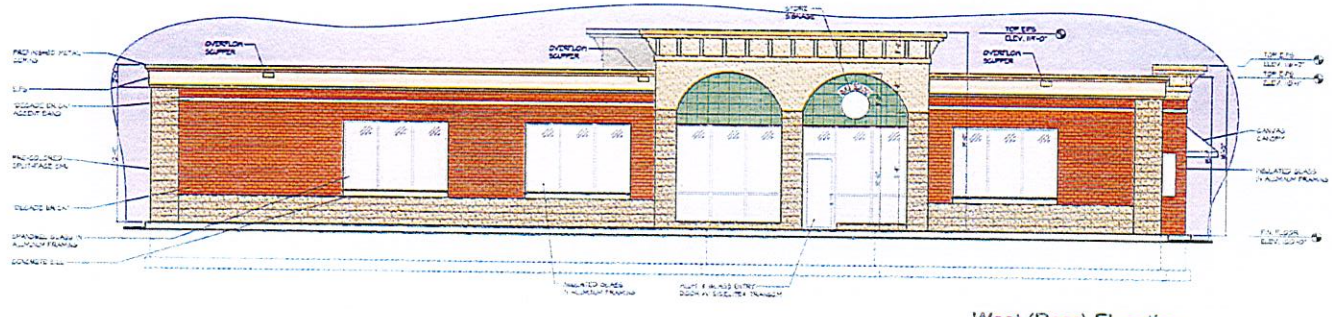
South (Side) Elevation

3/16" = 1' - 0"



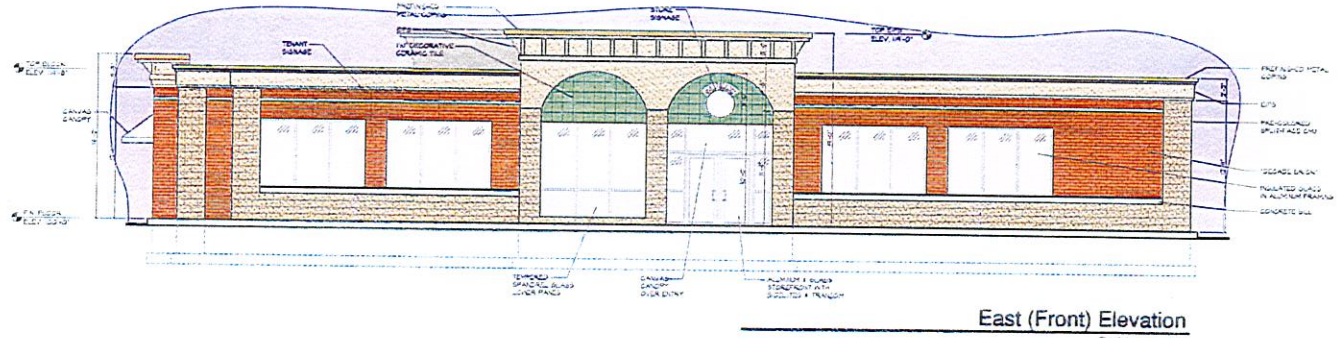
North (Side) Elevation

3/16" = 1' - 0"



West (Rear) Elevation

3/16" = 1' - 0"



East (Front) Elevation

3/16" = 1' - 0"

Hernandez Architectural Designs LLC

4033 Mary Lane
Godsburg, WI 53012
Phone: 262-370-0736

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REVISIONS

Rezoning Review 3/3/11

Proposed Development For:

Sai Mart Mobil

11809 Burlington Road
Kenosha, Wisconsin

SHEET TITLE

Exterior Elevations - Color Rendering

PROJECT NO.	09-004
DATE	27 April 2010
SCALE	3/16" = 1' - 0"
CHECKED BY	
DRAWN BY	DLH
SHEET	A2.1

City Plan Division 625 52nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	June 9, 2011	Item 4
To Amend Resolution #179-10 approving a three-lot Certified Survey Map for property on the east side of 28th Avenue, south of 21st Street, District #5. (Kandathil-East) PUBLIC HEARING			

LOCATION/SURROUNDINGS:

Site: Future 28th Avenue, south of 21st Street
Zoned: RS-1 Single-Family Residential

NOTIFICATIONS/PROCEDURES:

The alderman of the district, Alderman LaMacchia, has been notified. This item will also be reviewed by the Public Works Committee before final approval by the Common Council.

ANALYSIS:

- The applicant received approval for a three-lot Certified Survey Map from the Common Council on December 20, 2010. The Code of General Ordinances requires the applicant to satisfy all Conditions of Approval and record the Certified Survey Map within six (6) months of Common Council approval.
- The applicant has been unable to satisfy all of the Conditions and has requested a six (6) month extension to the approval.
- All of the original Conditions of Approval in Resolution #179-10 still apply.
- The attached Resolution will amend the original Resolution and extend the recording time for an additional six (6) months.

RECOMMENDATION:

A recommendation is made to approve the attached Resolution, subject to the original Conditions of approval.

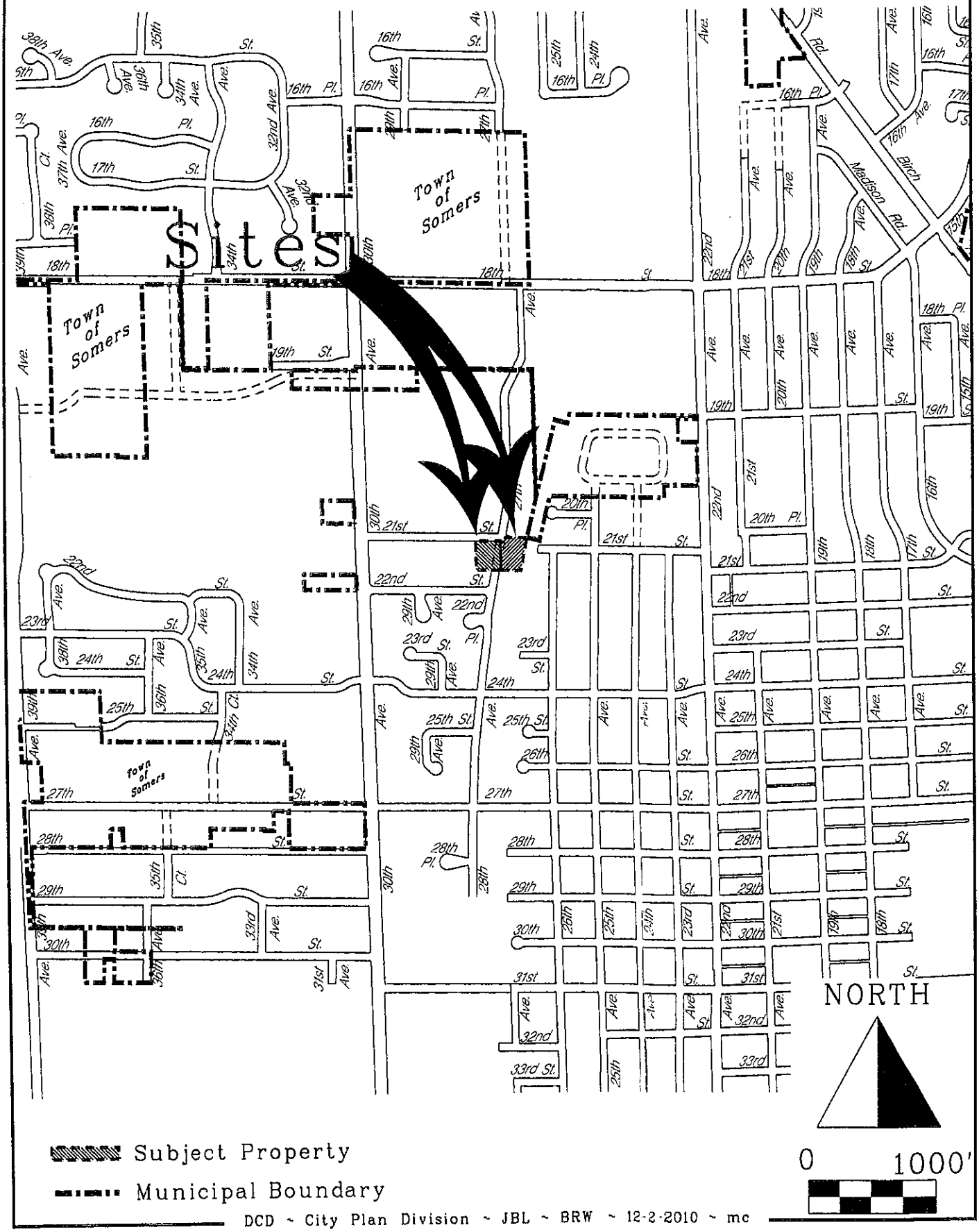
B. RLO

Brian R. Wilke, Development Coordinator
/u2/acct/cp/ckays/1CPC/2011/June9/fact-csm-kandathileast.odt

Jeffrey B. Labahn, Director of City Development

City of Kenosha

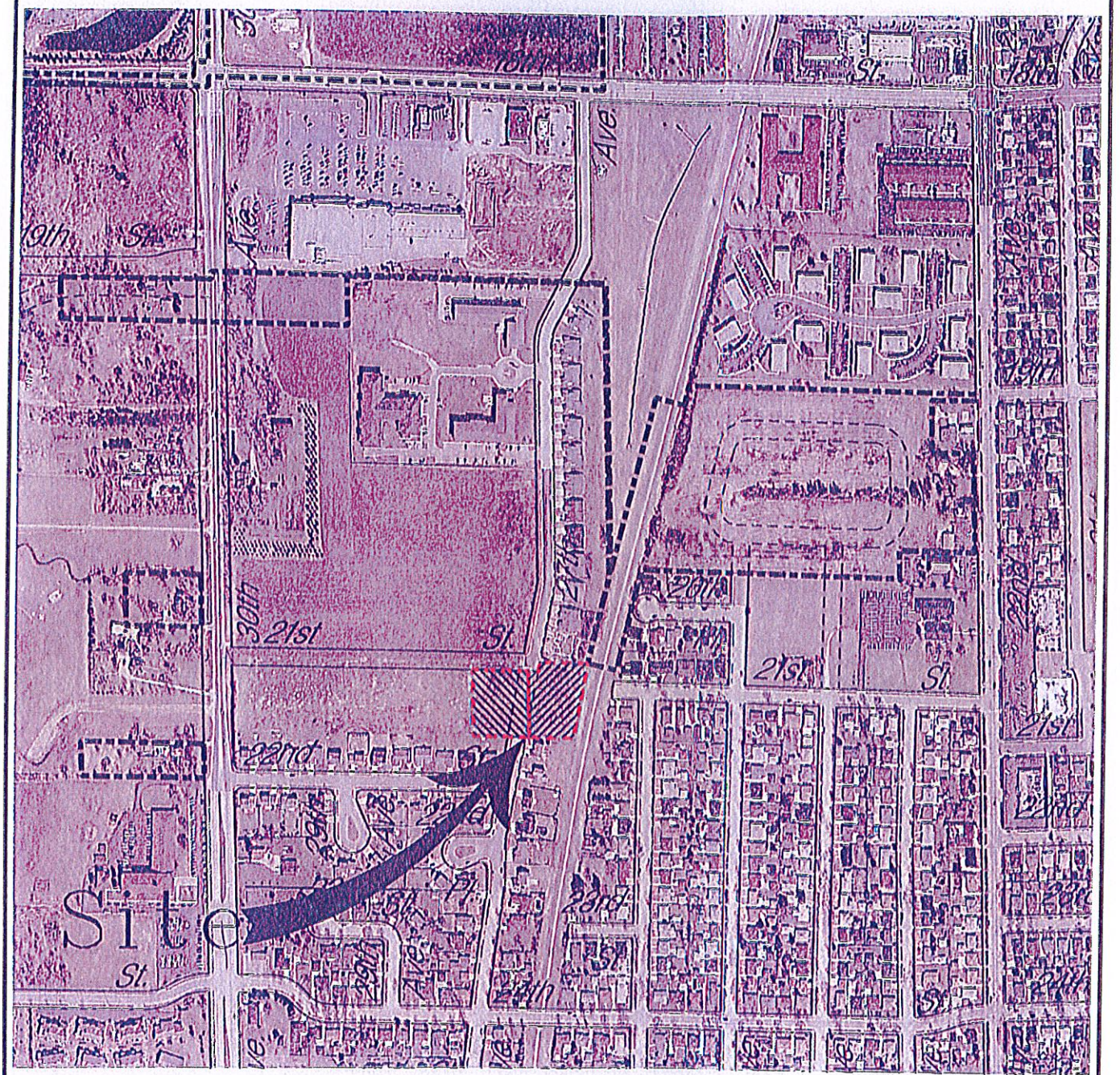
Vicinity Map
Kandathil CSMs



DCD ~ City Plan Division ~ JBL ~ BRW ~ 12-2-2010 ~ mc

City of Kenosha

Vicinity Map
Kandathil CSM



DCD ~ City Plan Division ~ JBL ~ RPS ~ 12-3-2010 ~ mc

RESOLUTION NO: _____- 11

BY: THE MAYOR

TO AMEND RESOLUTION #179-10 APPROVING A THREE-LOT CERTIFIED SURVEY MAP
Property located at 28th Avenue and 21st Street (Kandathil-East)

WHEREAS, The Common Council of the City of Kenosha, Wisconsin approved Resolution #179-10 relating to a three-lot Certified Survey Map located at 28th Avenue and 21st Street; and

WHEREAS, The Owner of the property is unable to record the Certified Survey Map within the required six (6) month period permitted and has requested a six (6) month extension; and

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that Condition #4 of Resolution #179-10 be amended to read that the Certified Survey Map shall be null and void if not recorded within six (6) months of approval of this Amendment by the Common Council.

Adopted this _____day of _____, 2011

ATTEST: _____
Michael Higgins, City Clerk/Treasurer/Assessor

APPROVE: _____
Keith G. Bosman, Mayor

Drafted by the Department of City Development
/u2/acct/cp/ckays/1CPC/2011/June9/resol-csm-kandathil-east.odt

RESOLUTION NO: 179 - 10

BY: THE MAYOR

TO APPROVE A THREE-LOT CERTIFIED SURVEY MAP
Property located at 28th Avenue and 21st Street (Kandathil-East)

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a Certified Survey Map relating to one parcel located at 28th Avenue and 21st Street is herein and hereby approved subject to the following conditions:

1. Compliance with all applicable State and City codes and ordinances.

2. Payment of all applicable fees, including recording fees. The stormwater basin fee in-lieu shall be paid prior to recording.

3. Payment of all taxes, special assessments and storm water utility fees prior to recording. The Owner shall provide the City Clerk-Treasurer, a certificate from the County Treasurer, stating that there are no past-due real estate taxes or special assessments on the parcel of real estate which is being divided.

4. The Certified Survey Map shall be null and void if not recorded within six (6) months of approval by the Common Council.

5. A digital copy of the Certified Survey Map shall be provided to the City prior to recording.

6. Lot 1 shall not be considered buildable until it is combined with Outlot 1 of the Certified Survey Map to the West. The applicant shall submit and sign a Parcel Combination Affidavit to be recorded with the Certified Survey Map.

7. Compliance with the Kenosha Water Utility memo dated November 10, 2010.

8. Remove the signature block on Sheet 4 of 4 for the "Planning Commission Approval".

9. Compliance with the Public Works memo dated November 29, 2010.

10. Applicant shall enter into a Developers Agreement with the City and Kenosha Water Utility and post all required escrows prior to the City signing the Certified Survey Map.

11. Compliance with all the preceding conditions as a prerequisite for authorizing Mayor and City Clerk-Treasurer to sign the Certified Survey Map.

Adopted this 20th day of December, 2010

ATTEST: _____
Debra L. Salas, Deputy City Clerk

APPROVE: _____
Keith G. Bosman, Mayor

Drafted by the Department of City Development
/u2/acct/clerk/cdebs/Desktop/link to 122010ordres/r179-10

Mr. Brian Wilkie
Director of City Development
City of Kenosha
625-52nd Street
Kenosha, WI 53140

May 20, 2011

CC: Mr. Rocco LaMacchia

Subject: Request for Extension - CSM submission to City Development for Review.

Dear Mr. Wilkie:

My wife and I own the vacant two acre parcel - 21st Street and 28th Avenue - (07-222-24-175-007 & -005).

By this memo I respectfully request you an Extension of ~~one year~~ six months for revised CSM submission to your office. This delay is due to unforeseen circumstances.

If you have any questions I will be happy to meet with you and discuss the reasons in detail.

I am also enclosing extension request fee of $125.00 to your Office.

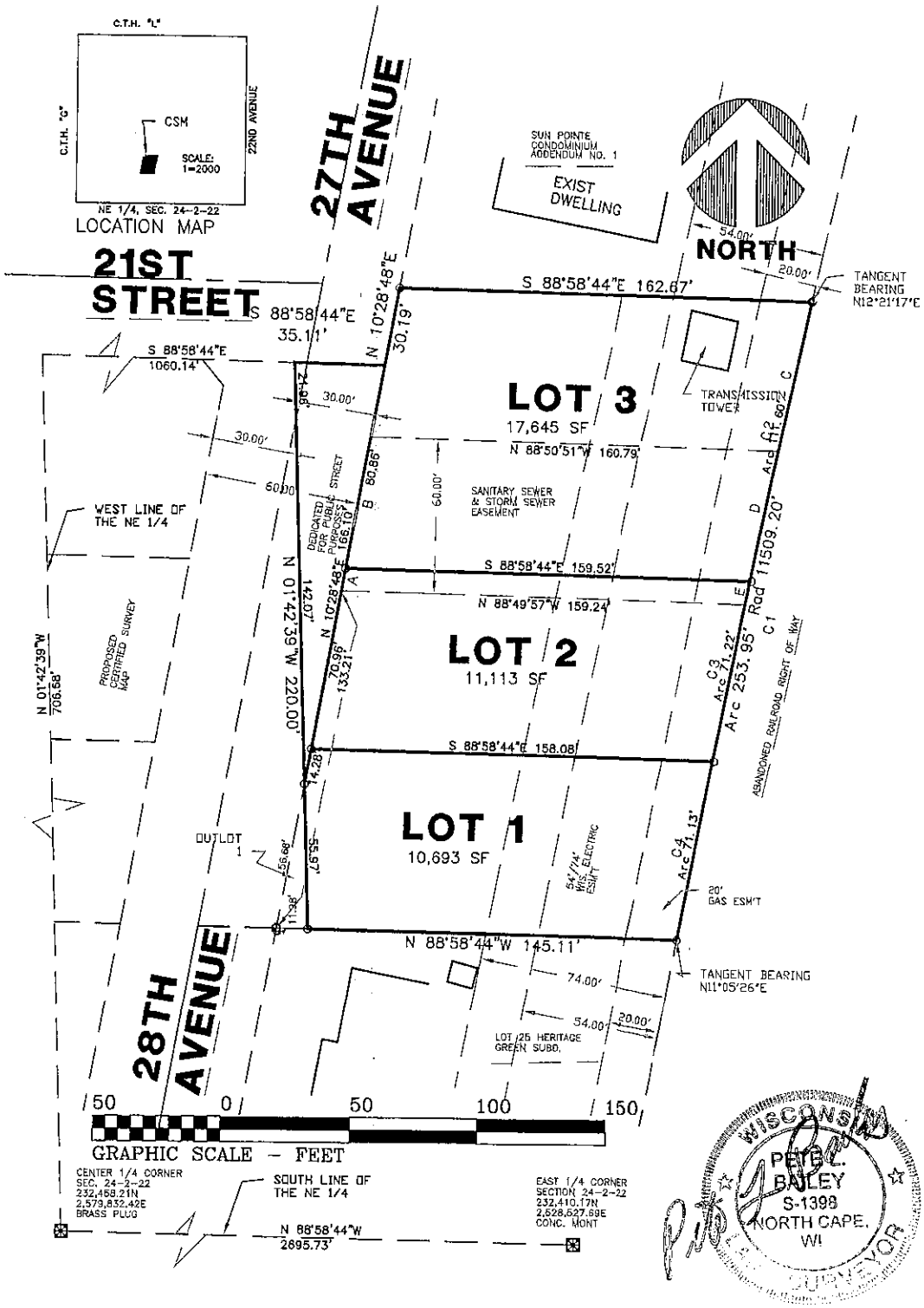
Thank you for your continued support of my project.

Respectfully Yours

Thomas V. Kandathil
5620 College Point Ct.
Racine, WI 53402
Tel. 262-631-2623 and 262-639-2722

CERTIFIED SURVEY MAP NO. _____ SHEET 2 OF 4

BEING A PART OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 24, TOWN 2 NORTH, RANGE 22 EAST, IN THE CITY OF KENOSHA, COUNTY OF KENOSHA, STATE OF WISCONSIN.



CERTIFIED SURVEY MAP NO._____ SHEET 1 OF 4

BEING A PART OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 24, TOWN 2 NORTH, RANGE 22 EAST, IN THE CITY OF KENOSHA, COUNTY OF KENOSHA, STATE OF WISCONSIN.

PREPARED BY:
AMERICAN SURVEYING COMPANY, INC.
12207 C.T.H. "K", NORTH CAPE
FRANKSVILLE, WI. 53126-9621
[262] 835-4774

OWNER'S ADDRESS:
THOMAS V. KANDATHIL
LUCY KANDATHIL
5620 COLLEGE POINT COURT
RACINE, WI 53402

LEGEND:
o-Denotes No. 6 Rebar, 24" Long, 3/4" Dia., 1.50 lbs/ln.ft., w/cap
ê- Denotes iron rod/pipe found and accepted
ALL BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTHERN ZONE.

PARCEL ID #
FROM: 07-222-24-175-005

TO: LOT 1 – 07-222-24-____-____
LOT 2 – 07-222-24-____-____
LOT 3—07-222-24-____-____

SURVEYOR'S CERTIFICATE:
STATE OF WISCONSIN)
COUNTY OF RACINE)ss

I, PETE L. BAILEY, Registered Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a tract of land being a part of the Southwest ¼ of Northeast ¼ of Section 24, Town 2 North, Range 22 East, in the City of Kenosha, County of Kenosha, State of Wisconsin, bounded and described as follows: Commence at the East ¼ corner of said Section; thence North 88 degrees 58'44" West for a distance of 2695.73 feet ., along the South line of said ¼ Section, to a point being the Center ¼ corner of said Section; thence North 01 degrees 42'39" West for a distance of 706.68 feet, along the West line of said ¼ Section, to a point; thence South 88 degrees 58'44" East for a distance of 1060.14 feet, to the point of beginning; thence South 88 degrees 58'44" East for a distance of 35.11 feet, to a point; thence North 10 degrees 28'48" East for a distance of 30.19 feet, along the East line of 27th Avenue, to a point; thence South 88 degrees 58'44" East for a distance of 162.67 feet, along the South line of "Sun Pointe Condominiums", to a point; thence Southwesterly along a curve to the left with a radius of 11,209.20 and an arc length of 253.95 feet, being subtended by a chord of South 11degrees 43'21" West for a distance of 253.95 feet, along the West line of abandoned rail road right of way, to a point; thence North 88 degrees 58'44" West for a distance of 145.11 feet, along the North line of Heritage Green Subdivision, to a point; thence North 01 degrees 42'39"West for a distance of 220.00 feet, to the point of beginning. Contains 0.97149 acres.

DEDICATING the Westerly portion, as illustrated, for public street purposes.

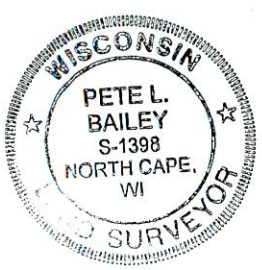
THAT such map is correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have made such survey, land division and map at the direction of the owner of said lands.

THAT I have fully complied with the provision of Chapter 236 of the Wisconsin State Statutes and the requirements of the Land Division Ordinance, City of Kenosha, County of Kenosha , Wisconsin, in surveying, dividing and mapping the same.

P. L. Bailey

AMERICAN SURVEYING COMPANY, INC.
PETE L. BAILEY, R.L.S. NO. 1398
DATED THIS 22ND DAY OF AUGUST, 2010
REVISED THIS 1ST DAY OF SEPTEMBER, 2010
REVISED THIS 26TH DAY OF SEPTEMBER, 2010
REVISED THIS 18TH DAY OF OCTOBER, 2010



CERTIFIED SURVEY MAP NO. _____ SHEET 3 OF 4

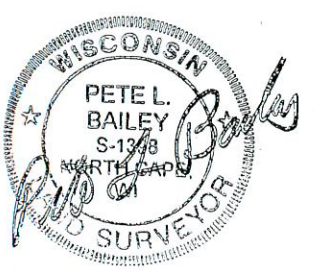
BEING A PART OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 24, TOWN 2 NORTH, RANGE 22 EAST, IN THE CITY OF KENOSHA, COUNTY OF KENOSHA, STATE OF WISCONSIN.

EASEMENT CALLS:

Course	Bearing	Distance
A	N 10°28'48" E	8.72'
B	N 10°28'48" E	52.04'
C	Rad: 11509.20' Tan: 29.85' Chd: N 12°12'22" E	Arc: 59.70' CA: 0°17'50" 59.70'
D	Rad: 11509.20' Tan: 25.95' Chd: S 11°55'42" W	Arc: 51.90' CA: 0°15'30" 51.90'
E	Rad: 11509.20' Tan: 4.58' Chd: S 11°46'35" W	Arc: 9.17' CA: 0°02'44" 9.17'

CURVE DATA:

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C1	11509.20'	126.98'	253.95'	1°15'51"	253.95'	S 11°43'21" W
C2	11509.20'	55.80'	111.60'	0°33'20"	111.60'	S 12°04'37" W
C3	11509.20'	35.61'	71.22'	0°21'16"	71.22'	S 11°37'19" W
C4	11509.20'	35.57'	71.13'	0°21'15"	71.13'	S 11°16'03" W



BEING A PART OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 24, TOWN 2 NORTH, RANGE 22 EAST, IN THE CITY OF KENOSHA, COUNTY OF KENOSHA, STATE OF WISCONSIN.

OWNER'S CERTIFICATE OF DEDICATION:

WE, AS OWNERS, hereby certify that we caused the land described on this map to be surveyed, divided, dedicated and mapped as represented on this map. We also certify that this map is required by s.236.34 to be submitted to the following for approval or objection: CITY OF KENOSHA

WITNESS the hand and seal of said owners this _____day of_____, 2010.

IN PRESENCE OF:

_____ _____

THOMAS V. KANDATHIL LUCY KANDATHIL

STATE OF WISCONSIN)
COUNTY OF RACINE)ss

Personally came before me this _____day of_____, 2010, the above named, THOMAS V. KANDATHIL & LUCY KANDATHIL, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

_____
_____NOTARY PUBLIC
COUNTY OF RACINE, STATE OF WISCONSIN
My commission expires_____

PLANNING COMMISSION APPROVAL:

APPROVED by the Planning Commission of the City of Kenosha this_____day of_____, 2010.

_____
CHAIRMAN

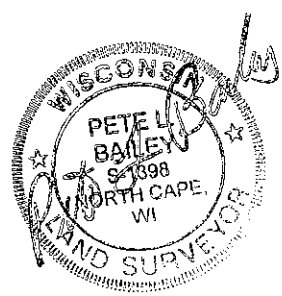
_____
SECRETARY

COMMON COUNCIL APPROVAL:

APPROVED by the Common Council of the City of Kenosha this_____day of_____, 2010, by Resolution No._____/

_____
MAYOR

_____
CITY CLERK



This instrument was drafted by Pete L. Bailey.

G:\myfiles\wpcerts\KANDATHIL

Development Review Application
City of Kenosha, Wisconsin

Mailing Information

NAME OF PROJECT: KANDATHIL CSM

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

☐ Name and Address of Applicant [Please print]:
THOMAS V. KANDATHIL
5620 College Point Ct
RACINE, WI - 53402
Phone: 262-631-2623
Fax: 262-639-1977
E-Mail: TVKANDATHIL@AMERITECH.NET

☐ Name and Address of Architect/Engineer [Please print]:
AMERICAN SURVEY
Phone:
Fax:
E-Mail:

☐ Name and Address of Property Owner (if other than applicant)[Please print]:
THOMAS V. KANDATHIL
5620 College Point Ct
RACINE, WI - 53402
Phone:
Fax:
E-Mail:

Project Location

Location of Development (street address and / or parcel number): 21st St. 27th Ave

Type of Land Development

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

☑	Certified Survey Map	Section 1	Page 2
☐	Concept Review (*Land Division*)	Section 2	Page 3
☐	Concept Review (Multi-Family Residential or Non-Residential)	Section 3	Page 4
☐	Conditional Use Permit	Section 4	Pages 5 & 6
☑	Developer's Agreement	Section 5	Page 7
☐	Final Plat	Section 6	Pages 8 & 9
☐	Lot Line Adjustment Survey	Section 7	Page 10
☐	Preliminary Plat	Section 8	Pages 11 & 12
☐	Rezoning	Section 9	Pages 13 & 14
☐	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

Engineering Services
4401 Green Bay Road
Kenosha WI 53144

Phone (262) 653-4315
Fax (262) 653-4303

"Providing and Protecting Kenosha's Greatest Natural Resource"

MEMO

To: Brian Wilke, Development Coordinator

From: Curt Czarnecki, Water Engineer

Date: November 10, 2010

Subject: Kandathil CSM Engineering Plans Revised

Location: 21st Street and 28th Avenue

The Kenosha Water Utility (KWU) has reviewed the submittal for the above referenced project. Further information from the Developer is required before the Utility can complete this review. Please withhold the footing and foundation permit until the following information is incorporated into the design.

CSM

1. The existing easement referenced in the response letter was granted to the City of Kenosha when they held ownership of the sanitary sewer system. Since the date this easement was granted the sanitary sewer system transferred ownership to the Kenosha Water Utility. Because of this, an easement dedicated to the Kenosha Water Utility shall be provided for the existing sanitary sewer line running through Lot 3 on Parcel Number 07-224-175-005. In association with this easement, a separate easement document shall be submitted to KWU for review and approval. Upon approval of this document, it shall be recorded with Kenosha County. A copy of the standard easement language can be provided upon request.

Engineering Plans

1. The plans call for an air release assembly to be installed near the north limits of the proposed water main. The last phase of construction utilized a temporary 2" blow-off for testing and air release at this location. If encountered, this temporary blow-off can be used for testing. If not, a new 2" tap and temporary blow-off shall be installed in lieu of the air release.
2. The proposed slope on the sanitary sewer main does not correspond with the proposed invert elevations. Please revise this discrepancy to eliminate confusion during construction.

CC: Robert Carlson, Director of Engineering

Engineering Division
Michael M. Lemens, P.E.
Director/City Engineer

Street Division
John H. Prijic
Superintendent

Fleet Maintenance
Mauro Lenci
Superintendent

Waste Division
Robert Bednar
Superintendent

Park Division
Jeff Warnock
Superintendent

Administration Supervisor
Janice D. Schroeder

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

TO: Brian Wilke, Development Coordinator

FROM: Ronald L. Bursek, P.E. 11/29/10
Director of Public Works

Michael M. Lemens, P.E.
Director of Engineering/City Engineer 11-29-10

DATE: November 29, 2010
SUBJECT: PLAN REVIEW COMMENTS
Project Description: Kandathil CSM Review
Location: 21st Street & 28th Avenue

Our staff has reviewed the plans for this project. The following comments are provided:

Parking Lot Ordinance Compliance	Sufficient	Deficient
Parking Lot Paved	NA	
Standard Stall Width		
Parking Lot Layout		
Parking Lot Lighting Shown		
Parking Lot Lighting Adequate		
Handicapped Parking		
Driveway Locations		
Driveway Width		
Passing Blister or Accel/Decel Lanes		
Sidewalks Adequate		
Drive Thru Lane Design		

Public Streets	Sufficient	Deficient
Geometric Design	X	
Pavement Width	X	
Pavement Thickness Design	X	
Established Grades	X	
Plan Details	X	
Sidewalks	X	
Street Lights	X	

Site Grading/Drainage	Sufficient	Deficient
Drainage Plan		X
Storm Sewer		X
Storm Water Detention		X
Drainage Calculations	X	

Project Approval/Permits Needed	Yes	No
Project Approved for Permitting		X
Withhold Permits: See Comments		
Approve Footing/ Foundation Only (per condition)		
Parking Lot Permit Required		X
Driveway Permits Required	X	
Sidewalk Permit Required	X	
Street Opening Permit Required	X	
State Permit Required		

Other Comments:

cc: Randy LeClaire
Bill Kohel
Tara Zerzanek

November 24, 2010

Plan Review—Kandathil Certified Survey Maps Engineering Plans -- 21st Street and 28th Avenue --- Engineering Division City of Kenosha Public Works Department

1. Plan sheet #7, Erosion Control Plan, shows proposed elevations that do not agree with the grading plan and does not appear to show any erosion control measures.

2. Plan sheet # 9 is drawn to a scale of 1 inch equals 5 feet not the 1 inch equals 20 feet given.

3. On plan sheet # 9 the proposed pitch is flat along the 21st Street centerline from the edge of mill line to the flange line. Maintain at least a 1.5% transverse pitch across this lane and a 0.7% slope along the gutter adding an extra inlet if necessary.

4. On plan sheet #6 the inlet east of lot 3 in the former railroad right of way should be over the storm sewer. Either the storm sewer or the inlet in drawn in the wrong location.

5. On plan sheet #6 , grading plan, the proposed curb elevations opposite the lot corners and the existing curb elevations at all meet points, the end of the curb returns, opposite the lot corners and at 50 foot intervals are needed.

6. On the grading plan at the inlet in the westerly lots 3 and 2 the first two contours around the inlet both have a 621 elevation.

7. The grading plan shows no drainage swale along the north lot line of the easterly lot 3. You cannot just drain this water onto the adjacent lot.

8. The 621 foot contour in the street opposite the south lot line of the westerly lot 2 does not conform with the proposed sidewalk elevation which if the contour is right should be 621.5 not 621.63.

9. There still seem to be a general problem with the proposed contours. The 622 contour at the side lot swales in the front yards for both the easterly and westerly lot 2s does not cross the lot line swales at the correct proportional distance from the given proposed elevations. The same 622 contours along the south lot line of both the easterly and westerly lot 1s is shown as parallel to the lot line when there is a lot line swale which should require the contour line be at some angle to the lot line.

10. The inlet between the westerly lots 3 and 2 is 2.75 below the grade at the lot line (creating an unsightly hole) and 3.45 feet below the grade at the home foundations. Find a way to reduce these grades installing additional inlets in the back yards if necessary.

11. Show the proposed driveway locations on the grading plan. Some of the possible locations would result in a driveway grade close to the allowable 10% due to the height of the home above the sidewalk. The corner lot needs the driveway as far as possible from the corner with no driveway allowed on 21st Street.

12. On the grading plan the proposed grades along an existing developed lot must match those elevations established on that subdivision's grading plan. (except at an existing curb or sidewalk where the grade must match the as-built elevation.) The established lot corner elevation south of the westerly lot 1 is shown wrong. It should be 621.76. The elevation 622.34 is the elevation for the lot corner 75 feet further west.

13. On all plan sheets of the street show the extent of both the existing street pavement and the sidewalks. It appears that both are a little short of the property line.

14. On plan sheet #8 south of westerly lot 1 a note saying 6 ft. wide typical sidewalk should be 5 ft. sidewalk. The handicapped ramp area as shown on the westerly lot 3 is not acceptable.

15. Show the electrical transformer and electric service pedestal locations on the drainage plan making sure they are at least 5 feet off the centerline of any drainage swale.

16. The given elevation for the ditch in the former railroad right of way do not show that this area drains properly. The adjacent lots need a swale adjacent to the rear lot line draining to an inlet.

17. On plan sheet #2 the relative street grade table should have the high side of the sidewalk at +.5ft not +.4 ft.

18. On the grading plan the back yards of the easterly lots show poor drainage. Leaving the grade as existing is not acceptable but the Electric Company likely has some restrictions on how much the grade can be altered. Include any Electric Company conditions in the next submittal.

19. Generally the grade at the home foundation should be one foot above the high end of the sidewalk to avoid too steep driveways and excessive drop-to the side lot swale.

City Plan Division 625 52nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	June 9, 2011	Item 5
To Amend Resolution #180-10 approving a three-lot Certified Survey Map for property on the west side of 28th Avenue, south of 21st Street, District #5. (Kandathil-West) PUBLIC HEARING			

LOCATION/SURROUNDINGS:

Site: Future 28th Avenue, south of 21st Street
Zoned: RS-1 Single-Family Residential

NOTIFICATIONS/PROCEDURES:

The alderman of the district, Alderman LaMacchia, has been notified. This item will also be reviewed by the Public Works Committee before final approval by the Common Council.

ANALYSIS:

- The applicant received approval for a three-lot Certified Survey Map from the Common Council on December 20, 2010. The Code of General Ordinances requires the applicant to satisfy all Conditions of Approval and record the Certified Survey Map within six (6) months of Common Council approval.
- The applicant has been unable to satisfy all of the Conditions and has requested a six (6) month extension to the approval.
- All of the original Conditions of Approval in Resolution #180-10 still apply.
- The attached Resolution will amend the original Resolution and extend the recording time for an additional six (6) months.

RECOMMENDATION:

A recommendation is made to approve the attached Resolution, subject to the original Conditions of Approval.

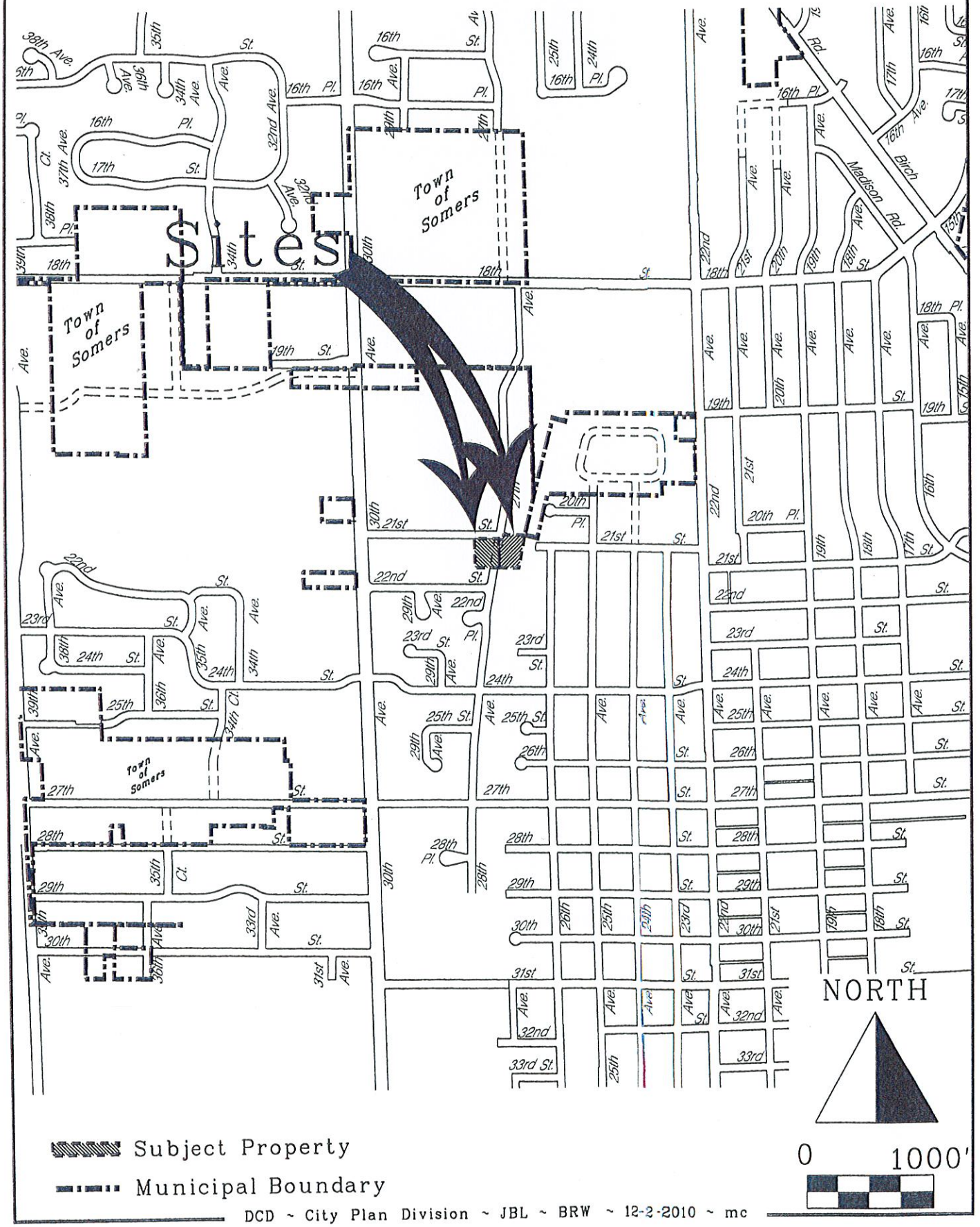
B. R. W.

Brian R. Wilke, Development Coordinator
/u2/acct/cp/ckays/1CPC/2011/June9/fact-csm-kandathilwest.odt

Jeffrey B. Labahn, Director of City Development

City of Kenosha

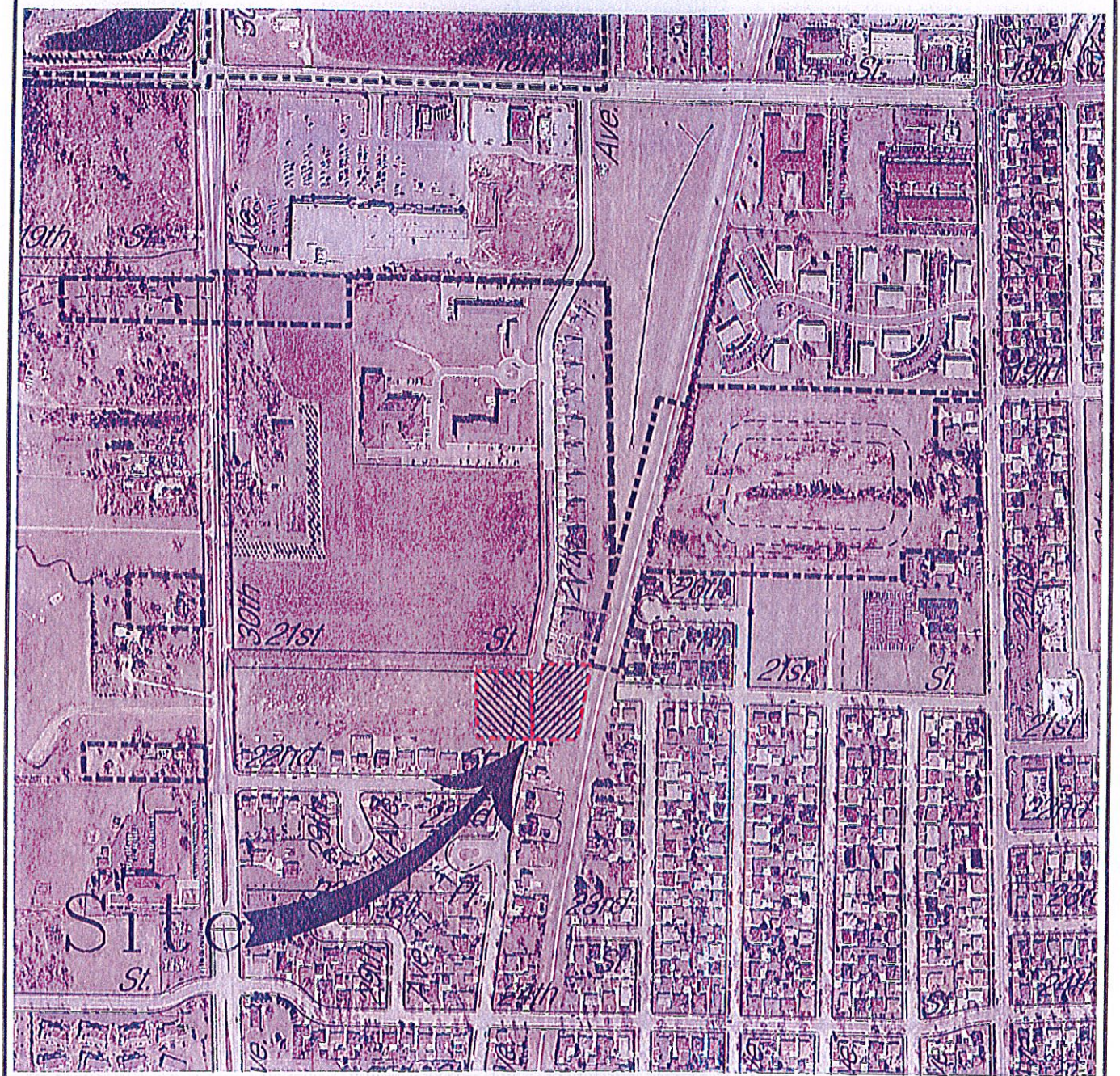
Vicinity Map
Kandathil CSMs



DCD ~ City Plan Division ~ JBL ~ BRW ~ 12-2-2010 ~ mc

City of Kenosha

Vicinity Map
Kandathil CSM



DCD ~ City Plan Division ~ JBL ~ RPS ~ 12-3-2010 ~ mc

RESOLUTION NO: _____- 11

BY: THE MAYOR

TO AMEND RESOLUTION #180-10 APPROVING A THREE-LOT CERTIFIED SURVEY MAP
Property located at 28th Avenue and 21st Street (Kandathil-West)

WHEREAS, The Common Council of the City of Kenosha, Wisconsin approved Resolution #180-10 relating to a three-lot Certified Survey Map located at 28th Avenue and 21st Street; and

WHEREAS, The Owner of the property is unable to record the Certified Survey Map within the required six (6) month period permitted and has requested a six (6) month extension; and

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that Condition #4 of Resolution #180-10 be amended to read that the Certified Survey Map shall be null and void if not recorded within six (6) months of approval of this Amendment by the Common Council.

Adopted this _____day of _____, 2011

ATTEST: _____
Michael Higgins, City Clerk/Treasurer/Assessor

APPROVE: _____
Keith G. Bosman, Mayor

Drafted by the Department of City Development
/u2/acct/cp/ckays/1CPC/2011/June9/resol-csm-kandathil-west.odt

RESOLUTION NO: 180 - 10

BY: THE MAYOR

TO APPROVE A THREE-LOT CERTIFIED SURVEY MAP
Property located at 28th Avenue and 21st Street (Kandathil-West)

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a Certified Survey Map relating to one parcel located at 28th Avenue and 21st Street is herein and hereby approved subject to the following conditions:

1. Compliance with all applicable State and City codes and ordinances.

2. Payment of all applicable fees, including recording fees. The stormwater basin fee in-lieu shall be paid prior to recording.

3. Payment of all taxes, special assessments and storm water utility fees prior to recording. The Owner shall provide the City Clerk-Treasurer, a certificate from the County Treasurer, stating that there are no past-due real estate taxes or special assessments on the parcel of real estate which is being divided.

4. The Certified Survey Map shall be null and void if not recorded within six (6) months of approval by the Common Council.

5. A digital copy of the Certified Survey Map shall be provided to the City prior to recording.

6. Outlot 1 shall not be considered buildable lot. The applicant shall submit and sign a Parcel Combination Affidavit to be recorded with the Certified Survey Map.

7. Compliance with the Kenosha Water Utility memo dated November 10, 2010.

8. Remove the signature block on Sheet 3 of 3 for the "Planning Commission Approval".

9. Compliance with the Public Works memo dated November 29, 2010.

10. The applicant shall enter into a Developers Agreement with the City and Kenosha Water Utility and post all required escrows prior to the City signing the Certified Survey Map.

11. Compliance with all the preceding conditions as a prerequisite for authorizing Mayor and City Clerk-Treasurer to sign the Certified Survey Map.

Adopted this 20th day of December, 2010

ATTEST: _____
Debra L. Salas, Deputy City Clerk

APPROVE: _____
Keith G. Bosman, Mayor

Drafted by the Department of City Development
/u2/acct/clerk/cdebs/Desktop/link to 122010ordres/r180-10

Mr. Brian Wilkie
Director of City Development
City of Kenosha
625-52nd Street
Kenosha, WI 53140

May 20, 2011

CC: Mr. Rocco LaMacchia

Subject: Request for Extension - CSM submission to City Development for Review.

Dear Mr. Wilkie:

My wife and I own the vacant two acre parcel - 21st Street and 28th Avenue - (07-222-24-175-007 & -005).

By this memo I respectfully request you an Extension of ~~one year~~ six months for revised CSM submission to your office. This delay is due to unforeseen circumstances.

If you have any questions I will be happy to meet with you and discuss the reasons in detail.

I am also enclosing extension request fee of $125.00 to your Office.

Thank you for your continued support of my project.

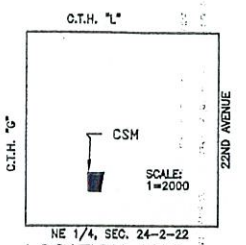
Respectfully Yours

Thomas V. Kandathil
5620 College Point Ct.
Racine, WI 53402
Tel. 262-631-2623 and 262-639-2722

CERTIFIED SURVEY MAP NO._____ SHEET 2 OF 3

BEING A PART OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 24, TOWN 2 NORTH, RANGE 22 EAST,IN THE CITY OF KENOSHA, COUNTY OF KENOSHA, STATE OF WISCONSIN.

WISCONSIN
PETE L. BAILEY
S-1398
NORTH CAPE, WI
LAND SURVEYOR



LOCATION MAP

NORTH

27TH AVENUE

21ST STREET

30.00'

S 88°58'44"E 870.70'

S 88°58'44"E 189.44'

153.72'

S 39°17'20"E 12.93'

35.72'

21.96'

30.00'

30.00'

50.00'

20.00'

LOT 3
12,024 SF

20' DRAINAGE EASEMENT

77.78'

68.76'

WEST LINE OF THE NE 1/4

N 01°42'39"W 889.70'

40.00'

20.00'

S 88°58'44"E 147.08'

10.00'

SUN POINTE VILLAGE A CONDOMINIUM NO. 1 AS AMENDED

LOT 2
9,906 SF

71.11'

N 01°42'39"W 220.00'

72.01'

S 10°28'48"W 212.78'

DEDICATED FOR PUBLIC STREET PURPOSES

N 10°28'48"E 200.54'

S 01°42'39"E 220.00'

142.07'

PROPOSED CERTIFIED SURVEY MAP

S 88°58'44"E 131.85'

20' DRAINAGE EASEMENT

LOT 1
8,824 SF

71.11'

72.01'

N 10°28'48"E 56.68'

OUTLOT 1
335 SF

55.97'

86.11'

116.64'

30.41'

30.41'

N 88°58'44"W 189.44'

LOT 27 HERITAGE GREEN SUBD.

LOT 26 HERITAGE GREEN SUBD.

28TH AVENUE

LOT 25 HERITAGE GREEN SUBD.

50 0 50 100 150

GRAPHIC SCALE – FEET

CENTER 1/4 CORNER
SEC. 24-2-22
232,458.21N
2,579,832.42E
BRASS PLUG

SOUTH LINE OF THE NE 1/4

N 88°58'44"W
2695.73'

EAST 1/4 CORNER
SECTION 24-2-22
232,410.17N
2,528,527.89E
CONC. MONT

CERTIFIED SURVEY MAP NO._____ SHEET 1 OF 3

BEING A PART OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 24, TOWN 2 NORTH, RANGE 22 EAST, IN THE CITY OF KENOSHA, COUNTY OF KENOSHA, STATE OF WISCONSIN.

PREPARED BY:
AMERICAN SURVEYING COMPANY, INC.
12207 C.T.H. "K", NORTH CAPE
FRANKSVILLE, WI. 53126-9621
[262] 835-4774

OWNER'S ADDRESS:
THOMAS V. KANDATHIL
LUCY KANDATHIL
5620 COLLEGE POINT COURT
RACINE, WI 53402

LEGEND:
o-Denotes No. 6 Rebar, 24" Long, 3/4" Dia., 1.50 lbs/ln.ft., w/cap
ø- Denotes iron rod/pipe found and accepted
ALL BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTHERN ZONE.

PARCEL ID #
FROM: 07-222-24-175-007

TO: LOT 1 – 07-222-24-____-____
LOT 2 – 07-222-24-____-____
LOT 3—07-222-24-____-____

SURVEYOR'S CERTIFICATE:
STATE OF WISCONSIN)
COUNTY OF RACINE)ss

I, PETE L. BAILEY, Registered Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a tract of land being a part of the Southwest ¼ of Northeast ¼ of Section 24, Town 2 North, Range 22 East, in the City of Kenosha, County of Kenosha, State of Wisconsin, bounded and described as follows: Commence at the East ¼ corner of said Section; thence North 88 degrees 58'44" West for a distance of 2695.73 feet ., along the South line of said ¼ Section, to a point being the Center ¼ corner of said Section; thence North 01 degrees 42'39" West for a distance of 706.68 feet, along the West line of said ¼ Section, to a point; thence South 88 degrees 58'44" East for a distance of 870.70 feet, to a point being on the South line of 21st Street and the point of beginning; thence South 88 degrees 58'44" East for a distance of 189.44 feet, to a point; thence South 01 degrees 42'39" East for a distance of 220.00 feet, to a point; thence North 88 degree 58'44" West for a distance of 189.11 feet, along the North line of "Heritage Green Subdivision, to a point; thence North 01 degrees 42'39" West for a distance of 220.00 feet, along the East line of "Sun Pointe Village, A Condominium Addendum No. 1' to the point of beginning . Contains 0.95568 acres.

DEDICATING the Easterly portion, as illustrated, for public street purposes.

THAT such map is correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have made such survey, land division and map at the direction of the owner of said lands.

THAT I have fully complied with the provision of Chapter 236 of the Wisconsin State Statutes and the requirements of the Land Division Ordinance, City of Kenosha, County of Kenosha , Wisconsin, in surveying, dividing and mapping the same.

AMERICAN SURVEYING COMPANY, INC.
PETE L. BAILEY, R.L.S. NO. 1398
DATED THIS 22ND DAY OF AUGUST, 2010
REVISED THIS 1ST DAY OF SEPTEMBER, 2010
REVISED THIS 26TH DAY OF SEPTEMBER, 2010
REVISED THIS 18TH DAY OF OCTOBER, 2010

BEING A PART OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 24, TOWN 2 NORTH, RANGE 22 EAST, IN THE CITY OF KENOSHA, COUNTY OF KENOSHA, STATE OF WISCONSIN.

OWNER'S CERTIFICATE OF DEDICATION:

WE, AS OWNERS, hereby certify that we caused the land described on this map to be surveyed, divided, dedicated and mapped as represented on this map. We also certify that this map is required by s.236.34 to be submitted to the following for approval or objection: CITY OF KENOSHA

WITNESS the hand and seal of said owners this _____day of_____, 2010.

IN PRESENCE OF:

_____ _____
THOMAS V. KANDATHIL LUCY KANDATHIL

STATE OF WISCONSIN)
COUNTY OF RACINE)ss

Personally came before me this _____day of_____, 2010, the above named, THOMAS V. KANDATHIL & LUCY KANDATHIL, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

_____
NOTARY PUBLIC
COUNTY OF RACINE, STATE OF WISCONSIN
My commission expires_____

PLANNING COMMISSION APPROVAL:

APPROVED by the Planning Commission of the City of Kenosha this_____day of_____, 2010.

_____
CHAIRMAN

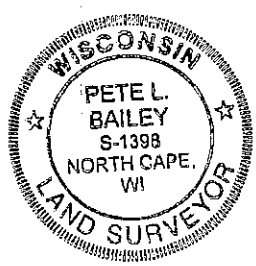
_____
SECRETARY

COMMON COUNCIL APPROVAL:

APPROVED by the Common Council of the City of Kenosha this_____day of_____, 2010, by Resolution No._____/

_____
MAYOR

_____
CITY CLERK



This instrument was drafted by Pete L. Bailey.

G:\myfiles\wpcerts\KANDATHIL1

Development Review Application
City of Kenosha, Wisconsin

Mailing Information

NAME OF PROJECT: KANDATHIL CSM

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

☐ Name and Address of Applicant [Please print]:
THOMAS V. KANDATHIL
5620 College Point Ct
RACINE, WI - 53402

Phone: 262-631-2623
Fax: 262-639-1977
E-Mail: TVKANDATHIL@AMERITECH.NET

☐ Name and Address of Architect/Engineer [Please print]:
AMERICAN SURVEY

Phone:
Fax:
E-Mail:

☐ Name and Address of Property Owner (if other than applicant)[Please print]:
THOMAS V. KANDATHIL
5620 College Point Ct
RACINE, WI - 53402

Phone:
Fax:
E-Mail:

Project Location

Location of Development (street address and / or parcel number): 21st St. 27th Ave

Type of Land Development

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

☑ Certified Survey Map	Section 1	Page 2
☐ Concept Review (*Land Division*)	Section 2	Page 3
☐ Concept Review (Multi-Family Residential or Non-Residential)	Section 3	Page 4
☐ Conditional Use Permit	Section 4	Pages 5 & 6
☑ Developer's Agreement	Section 5	Page 7
☐ Final Plat	Section 6	Pages 8 & 9
☐ Lot Line Adjustment Survey	Section 7	Page 10
☐ Preliminary Plat	Section 8	Pages 11 & 12
☐ Rezoning	Section 9	Pages 13 & 14
☐ 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

Engineering Services
4401 Green Bay Road
Kenosha WI 53144

Phone (262) 653-4315
Fax (262) 653-4303

"Providing and Protecting Kenosha's Greatest Natural Resource"

MEMO

To: Brian Wilke, Development Coordinator

From: Curt Czarnecki, Water Engineer

Date: November 10, 2010

Subject: Kandathil CSM Engineering Plans Revised

Location: 21st Street and 28th Avenue

The Kenosha Water Utility (KWU) has reviewed the submittal for the above referenced project. Further information from the Developer is required before the Utility can complete this review. Please withhold the footing and foundation permit until the following information is incorporated into the design.

CSM

1. The existing easement referenced in the response letter was granted to the City of Kenosha when they held ownership of the sanitary sewer system. Since the date this easement was granted the sanitary sewer system transferred ownership to the Kenosha Water Utility. Because of this, an easement dedicated to the Kenosha Water Utility shall be provided for the existing sanitary sewer line running through Lot 3 on Parcel Number 07-224-175-005. In association with this easement, a separate easement document shall be submitted to KWU for review and approval. Upon approval of this document, it shall be recorded with Kenosha County. A copy of the standard easement language can be provided upon request.

Engineering Plans

1. The plans call for an air release assembly to be installed near the north limits of the proposed water main. The last phase of construction utilized a temporary 2" blow-off for testing and air release at this location. If encountered, this temporary blow-off can be used for testing. If not, a new 2" tap and temporary blow-off shall be installed in lieu of the air release.
2. The proposed slope on the sanitary sewer main does not correspond with the proposed invert elevations. Please revise this discrepancy to eliminate confusion during construction.

CC: Robert Carlson, Director of Engineering

Engineering Division
Michael M. Lemens, P.E.
Director/City Engineer

Fleet Maintenance
Mauro Lenci
Superintendent

Park Division
Jeff Warnock
Superintendent

Street Division
John H. Prijic
Superintendent

Waste Division
Robert Bednar
Superintendent

Administration Supervisor
Janice D. Schroeder

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

TO: Brian Wilke, Development Coordinator

FROM: Ronald L. Bursek, P.E. 11/09/10
Director of Public Works

Michael M. Lemens, P.E.
Director of Engineering/City Engineer 11-29-10

DATE: November 29, 2010
SUBJECT: PLAN REVIEW COMMENTS
Project Description: Kandathil CSM Review
Location: 21st Street & 28th Avenue

Our staff has reviewed the plans for this project. The following comments are provided:

Parking Lot Ordinance Compliance	Sufficient	Deficient
Parking Lot Paved	N/A	
Standard Stall Width		
Parking Lot Layout		
Parking Lot Lighting Shown		
Parking Lot Lighting Adequate		
Handicapped Parking		
Driveway Locations		
Driveway Width		
Passing Blister or Accel/Decel Lanes		
Sidewalks Adequate		
Drive Thru Lane Design		

Public Streets	Sufficient	Deficient
Geometric Design	X	
Pavement Width	X	
Pavement Thickness Design	X	
Established Grades	X	
Plan Details	X	
Sidewalks	X	
Street Lights	X	

Site Grading/Drainage	Sufficient	Deficient
Drainage Plan		X
Storm Sewer		X
Storm Water Detention		X
Drainage Calculations	X	

Project Approval/Permits Needed	Yes	No
Project Approved for Permitting		X
Withhold Permits: See Comments		
Approve Footing/ Foundation Only (per condition)		
Parking Lot Permit Required		X
Driveway Permits Required	X	
Sidewalk Permit Required	X	
Street Opening Permit Required	X	
State Permit Required		

Other Comments:

cc: Randy LeClaire
Bill Kohel
Tara Zerzanek

November 24, 2010

Plan Review—Kandathil Certified Survey Maps Engineering Plans -- 21st Street and 28th Avenue --- Engineering Division City of Kenosha Public Works Department

1. Plan sheet #7, Erosion Control Plan, shows proposed elevations that do not agree with the grading plan and does not appear to show any erosion control measures.

2. Plan sheet # 9 is drawn to a scale of 1 inch equals 5 feet not the 1 inch equals 20 feet given.

3. On plan sheet # 9 the proposed pitch is flat along the 21st Street centerline from the edge of mill line to the flange line. Maintain at least a 1.5% transverse pitch across this lane and a 0.7% slope along the gutter adding an extra inlet if necessary.

4. On plan sheet #6 the inlet east of lot 3 in the former railroad right of way should be over the storm sewer. Either the storm sewer or the inlet in drawn in the wrong location.

5. On plan sheet #6 , grading plan, the proposed curb elevations opposite the lot corners and the existing curb elevations at all meet points, the end of the curb returns, opposite the lot corners and at 50 foot intervals are needed.

6. On the grading plan at the inlet in the westerly lots 3 and 2 the first two contours around the inlet both have a 621 elevation.

7. The grading plan shows no drainage swale along the north lot line of the easterly lot 3. You cannot just drain this water onto the adjacent lot.

8. The 621 foot contour in the street opposite the south lot line of the westerly lot 2 does not conform with the proposed sidewalk elevation which if the contour is right should be 621.5 not 621.63.

9. There still seem to be a general problem with the proposed contours. The 622 contour at the side lot swales in the front yards for both the easterly and westerly lot 2s does not cross the lot line swales at the correct proportional distance from the given proposed elevations. The same 622 contours along the south lot line of both the easterly and westerly lot 1s is shown as parallel to the lot line when there is a lot line swale which should require the contour line be at some angle to the lot line.

10. The inlet between the westerly lots 3 and 2 is 2.75 below the grade at the lot line (creating an unsightly hole) and 3.45 feet below the grade at the home foundations. Find a way to reduce these grades installing additional inlets in the back yards if necessary.

11. Show the proposed driveway locations on the grading plan. Some of the possible locations would result in a driveway grade close to the allowable 10% due to the height of the home above the sidewalk. The corner lot needs the driveway as far as possible from the corner with no driveway allowed on 21st Street.

12. On the grading plan the proposed grades along an existing developed lot must match those elevations established on that subdivision's grading plan. (except at an existing curb or sidewalk where the grade must match the as-built elevation.) The established lot corner elevation south of the westerly lot 1 is shown wrong. It should be 621.76. The elevation 622.34 is the elevation for the lot corner 75 feet further west.

13. On all plan sheets of the street show the extent of both the existing street pavement and the sidewalks. It appears that both are a little short of the property line.

14. On plan sheet #8 south of westerly lot 1 a note saying 6 ft. wide typical sidewalk should be 5 ft. sidewalk. The handicapped ramp area as shown on the westerly lot 3 is not acceptable.

15. Show the electrical transformer and electric service pedestal locations on the drainage plan making sure they are at least 5 feet off the centerline of any drainage swale.

16. The given elevation for the ditch in the former railroad right of way do not show that this area drains properly. The adjacent lots need a swale adjacent to the rear lot line draining to an inlet.

17. On plan sheet #2 the relative street grade table should have the high side of the sidewalk at +.5ft not +.4 ft.

18. On the grading plan the back yards of the easterly lots show poor drainage. Leaving the grade as existing is not acceptable but the Electric Company likely has some restrictions on how much the grade can be altered. Include any Electric Company conditions in the next submittal.

19. Generally the grade at the home foundation should be one foot above the high end of the sidewalk to avoid too steep driveways and excessive drop-to the side lot swale.

City Plan Division 625 52nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	June 9, 2011	Item 6

To Repeal and Recreate Section 8.04 B. regarding Certificate of Occupancy Prohibitions, To Create Subsection 8.04 B.2 regarding owner's failure to obtain a required Certificate of Occupancy and to To Create Subsection 8.04 G. of the Zoning Code for the City of Kenosha entitled Penalties. PUBLIC HEARING

LOCATION/SURROUNDINGS:

City-Wide

NOTIFICATIONS/PROCEDURES:

This item will also be reviewed by the Public Safety & Welfare Committee before final approval by the Common Council.

ANALYSIS:

Section 1

- The proposed Ordinance makes minor clerical corrections to the existing Ordinance
- The proposed Ordinance states the owner of the building is responsible to require any tenants occupying the building to obtain an Occupancy Permit.

Section 2

- The proposed Ordinance establishes penalties for not obtaining an Occupancy Permit.

RECOMMENDATION:

For Commission review and recommendation.

Rich Schroeder, Assistant City Planner
/u2/acct/cp/ckays/1CPC/2011/June9/fact-zo-804b&g.odt

Jeffrey B. LaBahn, Director of City Development

ORDINANCE NO. _____

DRAFT 05.25.11

BY: ALDERPERSON RAY MISNER
ALDERPERSON STEVE BOSTROM

TO REPEAL AND RECREATE SECTION 8.04 B. REGARDING CERTIFICATE OF OCCUPANCY PROHIBITIONS , TO CREATE SUBSECTION 8.04 B.2 REGARDING OWNER'S FAILURE TO OBTAIN A REQUIRED CERTIFICATE OF OCCUPANCY AND TO CREATE SUBSECTION 8.04 G. OF THE ZONING CODE FOR THE CITY OF KENOSHA ENTITLED PENALTIES.

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

Section One: Section 8.04 B. of the Zoning Code for the City of Kenosha is hereby repealed and recreated as follows:

B. Prohibitions.

1. It shall be unlawful for any person to occupy a building, parcel of land, or portion thereof ~~without~~:

a~~1~~. Without ~~H~~having first obtained a Certificate of Occupancy where required, except where having obtained a Temporary Certificate of Occupancy which has not expired or been terminated.

b~~2~~. Following the expiration or revocation of a Certificate of Occupancy.

c~~3~~. Following the expiration of a Temporary Certificate of Occupancy.

d~~4~~. Contrary to the terms, conditions and limitations of a Certificate of Occupancy~~. or Temporary Certificate of Occupancy~~.

e~~5~~. Contrary to the terms, conditions and limitations of a Temporary Certificate of Occupancy.

2. It shall be unlawful for the owner of any building, parcel of land, or portion thereof for which a Certificate of Occupancy is required to permit any person to occupy said building, parcel of land, or portion thereof without having first required that the person obtain a Certificate of Occupancy as required herein.

Section Two: Section 8.04 G. of the Zoning Code for the City of Kenosha is hereby created as follows:

G. PENALTIES

Any person, party, firm or corporation who violates any of the provisions of this Section shall upon conviction be subject to a forfeiture of not less than One Hundred Fifty ($150.00) Dollars, nor more than Five Thousand ($5,000.00) Dollars for each offense, plus the cost of prosecution. In default of payment thereof, the violator may be imprisoned in the Kenosha County Jail for a term not to exceed ninety (90) days or until such forfeiture and costs have been paid. Each day that a violation continues to exist shall constitute a separate offense. In cases where the above penalty conflicts with any other penalty established by this Ordinance, the most severe penalty shall apply.

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

ORDINANCE NO. _____

BY: ALDERPERSON RAY MISNER
ALDERPERSON STEVE BOSTROM

TO REPEAL AND RECREATE SECTION 8.04 B. REGARDING CERTIFICATE OF OCCUPANCY PROHIBITIONS , TO CREATE SUBSECTION 8.04 B.2 REGARDING OWNER'S FAILURE TO OBTAIN A REQUIRED CERTIFICATE OF OCCUPANCY AND TO CREATE SUBSECTION 8.04 G. OF THE ZONING CODE FOR THE CITY OF KENOSHA ENTITLED PENALTIES

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

Section One: Section 8.04 B. of the Zoning Code for the City of Kenosha is hereby repealed and recreated as follows:

B. Prohibitions.

1. It shall be unlawful for any person to occupy a building, parcel of land, or portion thereof :
a. Without having first obtained a Certificate of Occupancy where required, except where having obtained a Temporary Certificate of Occupancy which has not expired or been terminated.
b. Following the expiration or revocation of a Certificate of Occupancy.
c. Following the expiration of a Temporary Certificate of Occupancy.
d. Contrary to the terms, conditions and limitations of a Certificate of Occupancy.
e. Contrary to the terms, conditions and limitations of a Temporary Certificate of Occupancy.

2. It shall be unlawful for the owner of any building, parcel of land, or portion thereof for which a Certificate of Occupancy is required to permit any person to occupy said building, parcel of land, or portion thereof without having first required that the person obtain a Certificate of Occupancy as required herein.

Section Two: Section 8.04 G. of the Zoning Code for the City of Kenosha is hereby created as follows:

G. PENALTIES

Any person, party, firm or corporation who violates any of the provisions of this Section shall upon conviction be subject to a forfeiture of not less than One Hundred Fifty ($150.00) Dollars, nor more than Five Thousand ($5,000.00) Dollars for each offense, plus the cost of prosecution. In default of payment thereof, the violator may be imprisoned in the Kenosha County Jail for a term not to exceed ninety (90) days or until such forfeiture and costs have been paid. Each day that a violation continues to exist shall constitute a separate offense. In cases where the above penalty conflicts with any other penalty established by this Ordinance, the most severe penalty shall apply.

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