

<p>Municipal Building 625 52nd Street – Room 202</p>	<p><i>Kenosha City Plan Commission</i> <i>Agenda</i></p>	<p>Thursday, August 18, 2011 5:00 p.m.</p>
<p><i>Mayor Keith Bosman - Chairman, Alderman Jesse Downing - Vice-Chairman</i> <i>Alderman Anthony Kennedy, Alderman Jan Michalski,</i> <i>Anita Faraone, Robert Hayden, Art Landry, Anderson Lattimore and Ron Stevens</i></p>		

Call to Order and Roll Call

Approval of Minutes from July 21, 2011 and August 4, 2011

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 6832 24th Avenue, District #12. (Murillo) PUBLIC HEARING
2. By the City Plan Commission - To Create Subsection 18.02 i. of the Zoning Ordinance to Amend the Land Use Plan for the City of Kenosha: 2035, District #12. (Murillo) PUBLIC HEARING
3. By the Mayor - To Rezone property at 6832 24th Avenue from RG-1 General Residential District to B-2 Community Business District in conformance with Section 10.02 of the Zoning Ordinance, District #12. (Murillo) PUBLIC HEARING
4. Request to extend the Conditional Use Permit for a multi-family residential development to be located east of 30th Avenue, north and south of 21st Street, District #5. (Sun Pointe Village) PUBLIC HEARING

Public Comments

Commissioner Comments

Staff Comments

Adjournment

CITY PLAN COMMISSION
Minutes
July 21, 2011

MEMBERS PRESENT: Mayor Bosman, Alderman Downing, Alderman Kennedy, Alderman Michalski, Anita Faraone, Anderson Lattimore and Ron Stevens

MEMBERS EXCUSED: Robert Hayden and Art Landry

STAFF PRESENT: Rich Schroeder and Zohrab Khaligian

Others Present: Alderman LaMacchia, Alderman Bogdala, Alderman Ruffolo, Alderman Ruffalo, Paula Blise and Matt Knight.

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

A motion was made by Ms. Faraone and seconded by Alderman Michalski to approve the minutes from July 6, 2011. The motion passed unanimously. (7 ayes; 0 noes).

Rich Schroeder, Assistant City Planner noted a change to the last sentence on page 5, this should read Kathryn Mandrell, not Katharine Henry.

A motion was made by Ms. Faraone and seconded by Alderman Michalski to approve the July 7, 2011 minutes as amended.

1. Conditional Use Permit Amendment for a 521 s.f. kitchen addition to the existing gas station/convenience store at 3920 Washington Road, District #5. (Kwik Trip) PUBLIC HEARING

Public hearing opened.

Troy Mlezik, 1626 Oak Street, La Crosse, as Real Estate manager for Kwik Trip, was available for any questions.

Alderman Rocco LaMacchia, 2114 25th Avenue, alderman of the district supports the addition project.

Public hearing closed.

A motion was made by Ms. Faraone and seconded by Mr. Lattimore to approve the Conditional Use Permit Amendment. The motion passed unanimously. (7 ayes; 0 noes)

2. City Plan Commission Resolution to Amend the Land Use Plan Map for the Comprehensive Plan for the City of Kenosha: 2035, regarding property at 6001 88th Avenue, District #17. (American Albanian Islamic Center of WI) PUBLIC HEARING

Mayor Bosman asked that Items #2, #3 and #4 be taken together for public hearing purposes. All three items were read.

- 3. Petition to rezone a portion of the property at 6001 88th Avenue from RR-3 Urban Single-Family Residential to IP Institutional Park in conformance with Section 10.02 of the Zoning Ordinance, District #17. (American Albanian Islamic Center of WI) PUBLIC HEARING**
- 4. Zoning Ordinance To Create Subsection 18.02 g. of the Zoning Ordinance to amend the Land Use Map for the City of Kenosha: 2035, District #17. (American Albanian Islamic Center of WI) PUBLIC HEARING**

Public hearing opened.

Greg Governatori, Kapur & Associates, 6025 S. Pine Street, Burlington, architect of the addition, was available for questions. Mr. Governatori explained that they would expand the existing parking lot and add an access point off of 60th Street. They would like to move the existing access on 88th Avenue further to the south, away from the intersection. They would also add a soccer field and stormwater pond. The soccer field would not have any lights or any bleachers.

Alderman David Bogdala, 7101 96th Avenue, said he spoke to the applicant about the rezoning and requested to not have any lighting on the soccer field. Alderman Bogdala questioned Staff if the IP zoning is the proper zoning change or if a different zoning such as RG would be more appropriate. Alderman Bogdala asked if there could be a functional Maintenance Agreement regarding the maintenance of the basin.

Public hearing closed.

Rich Schroeder, Assistant City Planner, said the parking lot and the basin require a Staff level review. They will make sure the lighting restrictions are discussed and specified at that time. Mr. Schroeder explained that the RG-1 and RG-2 zoning designations do allow for transitional parking, but only expanded parking on a limited basis. The RG designation is not an option as the site doesn't abut RG-3 zoned property. Regarding the Maintenance Agreement for the basin, the Stormwater Staff will review the basin and draft an Agreement.

Alderman Michalski asked if there is overflow parking at this time. Mr. Governatori said yes, they park on 88th Avenue.

A motion was made by Mr. Stevens and seconded by Alderman Michalski to approve the Resolution amending the Comprehensive Plan.

Alderman Downing said he is concerned with the lighting. He would like to make sure they understand that lights will not be permitted for this field now or in the future. Mr. Schroeder said they will submit an Operational Plan and will have them note that they understand this requirement.

Alderman Bogdala said he is concerned about the increased traffic on 60th Street and the allowance for the expansion of that road. Ms. Faraone asked who approves those

access points? Mr. Schroeder said they are approved by the County. Gary Sipsma from the County has been in contact regarding the access points and supports the relocation of the point on 88th Avenue, near the intersection.

The motion was approved unanimously. (7 ayes; 0 noes)

A motion was made by Alderman Michalski and seconded by Mr. Lattimore to approve Item #3, the rezoning. The motion passed unanimously. (7 ayes; 0 noes)

A motion was made by Ms. Faraone and seconded by Alderman Downing to approve Item #4, the Zoning Ordinance Amendment. The motion passed unanimously. (7 ayes; 0 noes)

**5. Resolution to adopt a Project Plan Amendment for Tax Incremental District #4, City of Kenosha, Wisconsin, Under Section 66.1105(4)(h)l., Wisconsin Statutes - City Plan Commission Resolution - District #2, #7 and #8.
PUBLIC HEARING**

Public hearing opened.

Zohrab Khaligian, Development Specialist, gave a brief overview of the TID. The proposed Amendment is to change the description and allow more flexibility of the Rehab Loan Fund.

Eihab Atout, 4630 15th Street, supports the Amendment.

Public hearing closed.

Ms. Faraone asked if this Amendment will increase the time of the TID. Mr. Khaligian said no, the termination date remains January 1, 2031.

Alderman Michalski asked if they provide loans to businesses for repairs. Mr. Khaligian said the purpose of the TID funds is to eliminate blight, so the repairs need to be structural or for a building that was vacant.

Ms. Faraone asked if this transfer for \$2 million is for improvements to Chrysler only. Mr. Khaligian said there is a second \$2 million on deposit with AMCCU, part to the home owners and some could be designated to help commercial property owners. The Amendment is for a total of \$4 million.

Alderman Downing said of the \$2 million for the Commercial Loan Program, can Chrysler ask for another million if they need it or is it geared toward smaller commercial businesses. Mr. Khaligian said it is geared toward smaller businesses and the loan cannot exceed \$250,000.

Alderman Kennedy said you mentioned \$10 million of funding, will we continue to make housing rehabilitation loans? Mr. Khaligian said yes, AMCCU has already made \$500,000 in housing loans and will continue to make housing loans. Alderman Kennedy asked if we are losing anything by dropping public facilities. Mr. Khaligian said no, the public facilities improvements were already made. Mayor Bosman added that the City

will probably pay more than \$2 million for the environmental clean-up of the Chrysler site, this is just a start. The rest of the money can be for a Downtown/Uptown Loan Fund or JOBS now program being developed by Administration and approved by the Common Council. This change will give us flexibility to move forward.

A motion was made by Ms. Faraone and seconded by Mr. Lattimore to approve the Amendment. The motion passed unanimously. (7 ayes 0 noes)

6. To Renumber Sections 3.03 F., 3.03 G., and 3.03 H. of the Zoning Ordinance for the City of Kenosha as Sections 3.03 G., 3.03 H., and 3.03 I., and to create Section 3.03 F. entitled accessory building exemptions for residential property. PUBLIC HEARING

Public hearing opened, no comments, public hearing closed.

Mr. Schroeder referred to Matt Knight, Assistant City Attorney for more information. Mr. Knight said at the July 7th meeting this proposed Ordinance was discussed. Revisions were made to the Ordinance. Mr. Knight said he has forwarded the revised Ordinance to Alderman Haugaard, the sponsor of the Ordinance, but he has not received a response and would request deferral.

A motion was made by Alderman Michalski and seconded by Mr. Stevens to defer the Ordinance until the August 4th meeting to allow for a response from the alderman. The motion passed. (6 ayes; 1 no) *Kennedy*

7. 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 hearing opened, no comments, public hearing closed.

Paula Blise, Zoning Coordinator, said the proposed Ordinance is basically a housekeeping issue. The proposed Ordinance states the owner of the building is responsible to require any tenants occupying the building to obtain an Occupancy Permit.

Alderman Kennedy asked for clarification on when a new Occupancy Permit is needed. Ms. Blise explained they are not needed for residential homes or apartments. This is for commercial buildings. Alderman Kennedy asked if the Fire Department could check for a current Occupancy permit when they do their inspections. Ms. Blise said they do alert her when they find an Occupant without an Occupancy Permit. Ms. Blise further explained that the re-inspection fees are placed on the tax roll if unpaid. When a citation is written, the fees could be reduce by the judge or possibly never collected. Alderman Kennedy said he would like to add language to the proposed Ordinance to have the Fire Department verify a current Occupancy Permit when they do their fire inspection. Ms. Blise suggested we leave it up to the City Attorney's office to decide the appropriate place to add this language.

A motion was made by Alderman Downing and seconded by Ms. Faraone to approve the proposed Ordinance. The motion passed unanimously. (7 ayes; 0 noes)

8. Repeal and Recreate Section 8.04 A. of the Zoning Code entitled Certificate of Occupancy. PUBLIC HEARING

Public hearing opened.

Ms. Blise said the purpose of this Amendment to have Occupancy requirements treated equally. This would require the commercial buildings to also obtain a new Occupancy Permit. Ms. Blise said she requested the language change for number 7, but does not know what Alderman Bostrom intended with the language addition for number 8.

Public hearing closed.

A motion was made by Alderman Kennedy and seconded by Alderman Michalski to defer Item 8 for 2 weeks, requesting further explanation on the proposed Ordinance.

Mr. Stevens said he was prepared to vote on the proposed Ordinance, but the sponsor is not here again to explain his intentions. We are asked to vote on an Ordinance without all of the information. If the Alderman is unable to attend the meeting, he should prepare Staff with the details to provide to the Commission.

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

9. Resolution to approve a three-lot Certified Survey Map located at 6419 Green Bay Road, District #17. (T Properties, LLC)

Mr. Lattimore asked about the Assessors' concern over the establishment of a landlocked parcel. Mr. Schroeder said they like to see access to the public street, but the Ordinance allows exceptions to this.

A motion was made by Alderman Michalski and seconded by Alderman Downing to approve the Certified Survey Map.

Alderman Kennedy asked if the zoning was recently changed. Mr. Schroeder said yes, a few months ago. Alderman Kennedy asked why this wasn't taken care of at that time. Mr. Schroeder said they never recorded the Certified Survey Map at that time, and now they have to resubmit the fees and be re approved before they can record the Certified Survey Map.

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

Public Comments

No comments.

Commissioner Comments

No comments.

Staff Comments

No comments.

A motion to adjourn was made by Mr. Stevens and seconded by Alderman Michalski. The motion passed unanimously (7 ayes; 0 noes). The meeting adjourned at 6:17 p.m.

Meeting Minutes Prepared by: Kay Schueffner, Department of City Development

CITY PLAN COMMISSION
Minutes
August 4, 2011

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

STAFF PRESENT: Jeffrey B. Labahn and Rich Schroeder

Others Present: Matt Knight, Alderman Rocco LaMacchia and Alderman Eric Haugaard

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

1. **City Plan Commission Resolution To Amend Chapter 6 entitled Existing Plans & Ordinances for the *Comprehensive Plan for the City of Kenosha: 2035* approving a new *Comprehensive Outdoor Recreation Plan* and Master Plans for Petzke Park, Simmons Island Park, Strawberry Creek Park and Sunrise Park. PUBLIC HEARING**

Public hearing opened.

Shelley Billingsley, Deputy City Engineer, was available for questions. Ms. Billingsley explained that the plans are the conclusion of information gathered from numerous meetings and surveys.

Alderman Rocco LaMacchia, 2114 25th Avenue, supports the proposed Plan.

Alderman Eric Haugaard, 3818 5th Avenue, supports the proposed Plan.

Public hearing closed.

Mayor Bosman supports the Plan and said the Parks Committee and various Staff have worked long and hard on these Plans.

Alderman Michalski said he has reviewed the plans and most of them are very good. The Simmons Island Park Plan has some good additions, like the bike path. Alderman Michalski questioned whether the amphitheater was necessary at this time. Is there a waiting list at the facilities that we currently have? Alderman Michalski said the Simmons Island plan is overly ambitious and expensive.

Ms. Faraone said the funding is coming out of the Capital Improvement Plan over a number of years, not all at once. As the plan moves forward, we can also move money from other projects that may have come in under budget. The people who come to Kenosha like our Parks, these are marvelous plans.

Alderman Kennedy said this is a very ambitious plan. It will take bold leadership and a constant vision to implement this plan. Our parks are a "jewel" and this is a long term

plan. Alderman Kennedy said he is working on discussions with neighboring municipalities to help with the cost of this plan. We are also looking for grants and partnerships. Alderman Kennedy supports the plan.

Mayor Bosman said when we started this review, Simmons Island had the most interest because many people thought it was under-utilized. We must have a vision and a plan.

A motion was made by Ms. Faraone and seconded by Mr. Hayden to approve the Resolution. The motion passed unanimously. (9 ayes; 0 noes)

**2. By the City Plan Commission - To Create Subsection 18.02 h. of the Zoning Ordinance to adopt a new *Comprehensive Outdoor Recreation Plan* as referenced in the *Comprehensive Plan for the City of Kenosha: 2035*.
PUBLIC HEARING**

Public hearing opened, no comments, public hearing closed.

A motion was made by Ms. Faraone and seconded by Alderman Downing to approve the Ordinance. The motion passed unanimously. (9 ayes; 0 noes)

3. By Alderpersons Eric Haugaard, Rocco LaMacchia and Tod Ohnstad - To Renumber Sections 3.03 F., 3.03 G., and 3.03 H. of the Zoning Ordinance for the City of Kenosha as Sections 3.03 G., 3.03 H., and 3.03 I., and To Create Section 3.03 F. entitled *Accessory Building Exemptions for Residential Property*. PUBLIC HEARING

Public hearing opened.

Alderman Haugaard noted that the latest draft of the Ordinance has additional Alderman that wanted to also be a sponsor. The intent of the Ordinance is to allow residential accessory buildings that do not meet the size requirements to obtain a Special Exception if they meet certain criteria.

Alderman Michalski said he supports the Ordinance, but wants to clarify the term "livable space". Alderman Haugaard said this is first floor space only. An attic or basement is NOT included.

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

Mr. Landry asked is there any way we can ask the applicant what the structure will be used for at time of application. We need to find a way to eliminate people using residential property for business purposes. Alderman Haugaard said part of the inspection process when building the garage could possibly be to ask that question and get an answer. The use is implied and cannot conflict with the architecture of the principal structure.

The motion passed. (8 ayes; 1 no) *Kennedy*

4. By Alderperson Steve Bostrom - To Repeal and Recreate Section 8.04 A. of the Zoning Ordinance entitled Certificate of Occupancy. PUBLIC HEARING

Public hearing opened, no comments, public hearing closed.

Rich Schroeder, Assistant City Planner, said he spoke to Alderman Bostrom, who was unable to attend the meeting. Alderman Bostrom said his intent with the addition of #8 is to clarify that an Occupancy Permit is not needed for a single family home or a residential building with three or fewer units. A building with four or more units that has been vacant for 90 days would require an Occupancy Permit.

Alderman Michalski said for an existing four unit building, must the entire building be vacant or only partially vacant. Mr. Schroeder said if one unit is occupied, the proposed Ordinance would not apply.

Alderman Kennedy said this intent should be more clearly stated. Matt Knight, Assistant City Attorney, said yes, we can clarify this.

A motion was made by Alderman Kennedy and seconded by Mr. Stevens to approve the Ordinance with an Amendment as follows:

To add language to 8. *" in which all the units have been vacant and unoccupied for more than ninety (90) days."*

A motion was made by Mr. Stevens and seconded by Alderman Kennedy to approve the Ordinance as Amended. The motion passed unanimously. (9 ayes; 0 noes)

Public Comments

No public comments.

Commissioner Comments

Mr. Lattimore commended the Public Works Staff on the wonderful job on the Comprehensive Plan. This is a very impressive document that is easy to read and understand. Well done!

Staff Comments

Next meeting is August 18th.

A motion to adjourn was made by Ms. Faraone and seconded by Alderman Downing. The motion passed unanimously (9 ayes; 0 noes). The meeting adjourned at 5:33 p.m.

Meeting Minutes Prepared by: Kay Schueffner, Department of City Development

City Plan Division 625 52 nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	August 18, 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 6832 24th Avenue, District #12. (Murillo) PUBLIC HEARING			

LOCATION/SURROUNDINGS:

Site: 6832 24th Avenue

NOTIFICATIONS/PROCEDURES:

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

ANALYSIS:

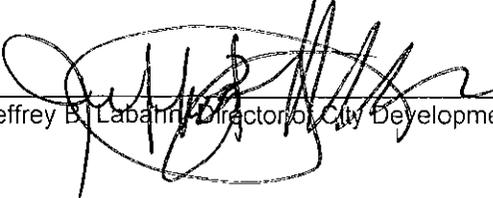
- Wisconsin Statutes require the City Plan Commission to adopt a City Plan Commission Resolution to recommend that the Common Council adopt amendments to the Comprehensive Plan.
- The attached Resolution satisfies this requirement and will be attached to the Zoning Ordinance to create Subsection 18.02 i. to Amend the *Land Use Plan for the City of Kenosha: 2035* for the property at 6832 24th Avenue from Medium-High Density Residential to Commercial.
- The adopted Comprehensive Plan designated this site, as well as the surrounding area, as Medium-High Density Residential. This area has developed as Residential with some Commercial uses. The site in question is an existing tavern.
- The property owner is requesting the land use change to Commercial, which would make the existing tavern a conforming use.

RECOMMENDATION:

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



Brian R. Wilke, Development Coordinator
/u2/acct/cp/ckays/1CPC/2011/Aug18/fact-cpcrezol-murillo.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 6832 24th Avenue (Murillo)*

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 "Medium-High Density Residential" to "Commercial", as mapped on the attached Map C6-11 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 C6-11.

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

City of Kenosha

Comprehensive Plan Amendment

Murillo Petition

Supplement No. C6-11

Ordinance No. _____



Property requested to be changed from
Medium-High Density Residential to Commercial



City Plan Division 625 52 nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	August 18, 2011	Item 2
By the City Plan Commission - To Create Subsection 18.02 i. of the Zoning Ordinance to Amend the Land Use Plan for the City of Kenosha: 2035, District #12. (Murillo) PUBLIC HEARING			

LOCATION/SURROUNDINGS:

Site: 6832 24th Avenue

NOTIFICATIONS/PROCEDURES:

The alderman of the district, Alderman Bostrom, 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 C6-11, 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 Medium-High Density Residential to Commercial.

RECOMMENDATION:

A recommendation is made to approve the proposed Zoning Ordinance.



Brian R. Wilke, Development Coordinator
/u2/acct/cp/ckays/1CPC/2011/Aug18/fact-zo-murillo.odt



Jeffrey B. Lebam, Director of City Development

ZONING ORDINANCE NO. _____

BY: CITY PLAN COMMISSION

DRAFT 08/09/11

**TO CREATE SUBSECTION 18.02 i. 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 i. 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.
- e. By map C3-11 on file with the Department of City Development.
- f. By map C4-11 on file with the Department of City Development.
- g. By map C5-11 on file with the Department of City Development
- h. By Common Council Resolution ____-11 on file with the City Clerk.
- i. By map C6-11 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 i. 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 i. 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.
- e. By map C3-11 on file with the Department of City Development.
- f. By map C4-11 on file with the Department of City Development.
- g. By map C5-11 on file with the Department of City Development.
- h. By Common Council Resolution ____-11 on file with the City Clerk.
- i. By map C6-11 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 Plan Division 625 52 nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	August 18, 2011	Item 3
By the Mayor - To Rezone property at 6832 24th Avenue from RG-1 General Residential District to B-2 Community Business District in conformance with Section 10.02 of the Zoning Ordinance, District #12. (Murillo) PUBLIC HEARING			

LOCATION/SURROUNDINGS:

Site: 6832 24th Avenue
Neighborhood: St. Joseph

Vicinity Zoning/Land Use

North: RG-1/Residential
South: IP/St. Joseph High School
East: B-1/Commercial
West: RG-1/Residential

NOTIFICATIONS/PROCEDURES:

The alderman of the district, Alderman Bostrom, 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 RG-1 General Residential District to B-2 Community Business District. The purpose of the rezoning is to make the existing tavern on the site a conforming use.
- 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 this site as *Medium-High Density Residential*. An Amendment to that Plan is required for the City to approve the rezoning. That Amendment is on this agenda.
- The development of the property will have to be consistent with all City, State and Federal Ordinances and regulations.
- The owner intends to install additional windows in the building if the rezoning is approved.

RECOMMENDATION:

A recommendation is made to approve the rezoning.



Brian R. Wilke, Development Coordinator
/u2/acct/cp/ckays/1CPC/2011/Aug18/fact-rezone-murillo.odt



Jeffrey B. Labahn, Director of City Development

CITY OF KENOSHA

District Map

Rezoning

Murillo Petition

SUPPLEMENT NO. Z6-11

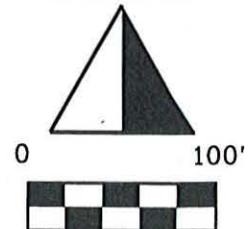
ORDINANCE NO. _____



Property requested to be rezoned from:

 *RG-1 General Residential to*
 *B-2 Community Business*

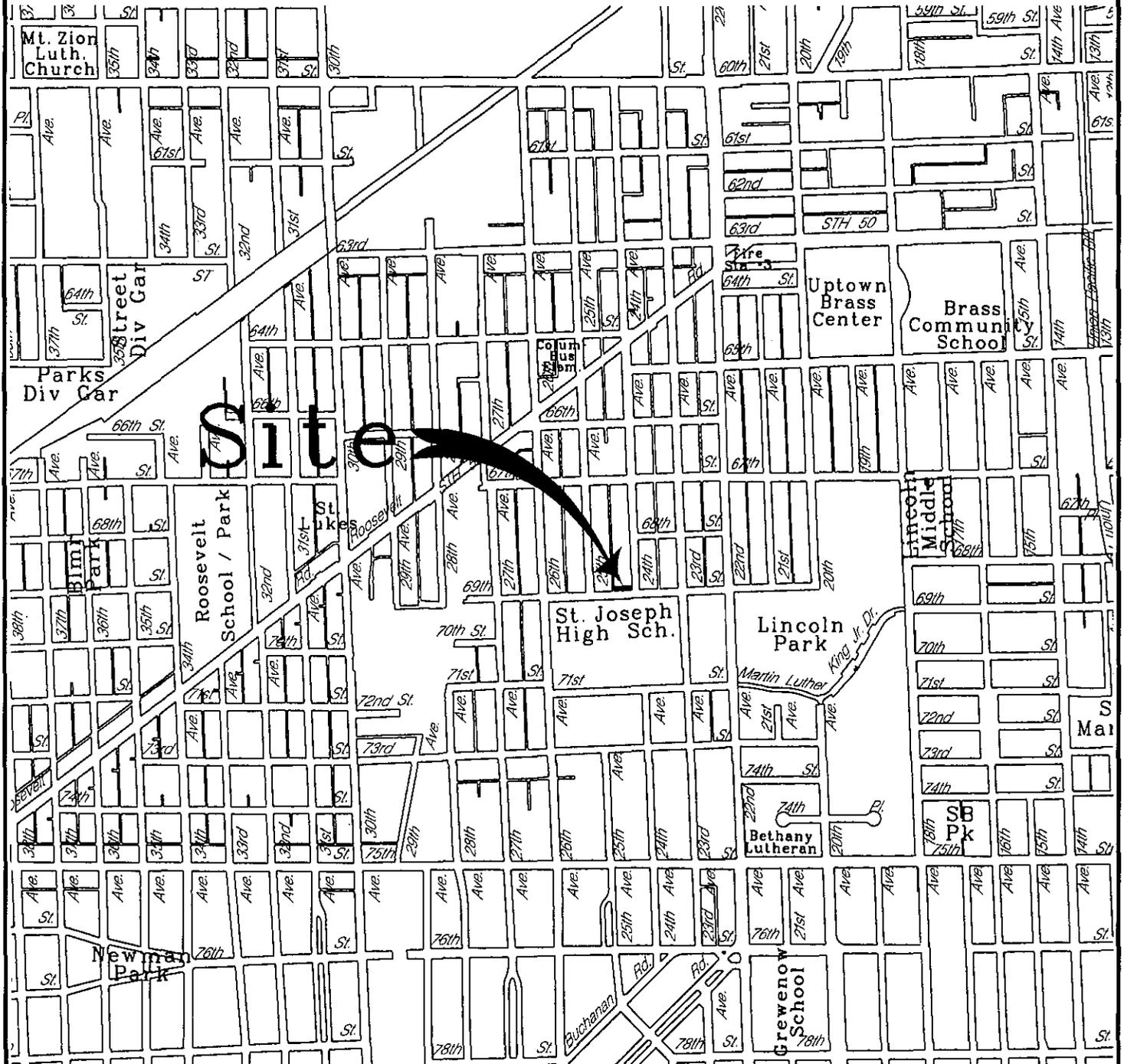
NORTH



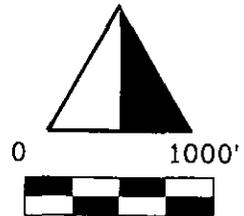
CITY OF KENOSHA

Vicinity Map

Murillo Rezoning



NORTH



CITY OF KENOSHA

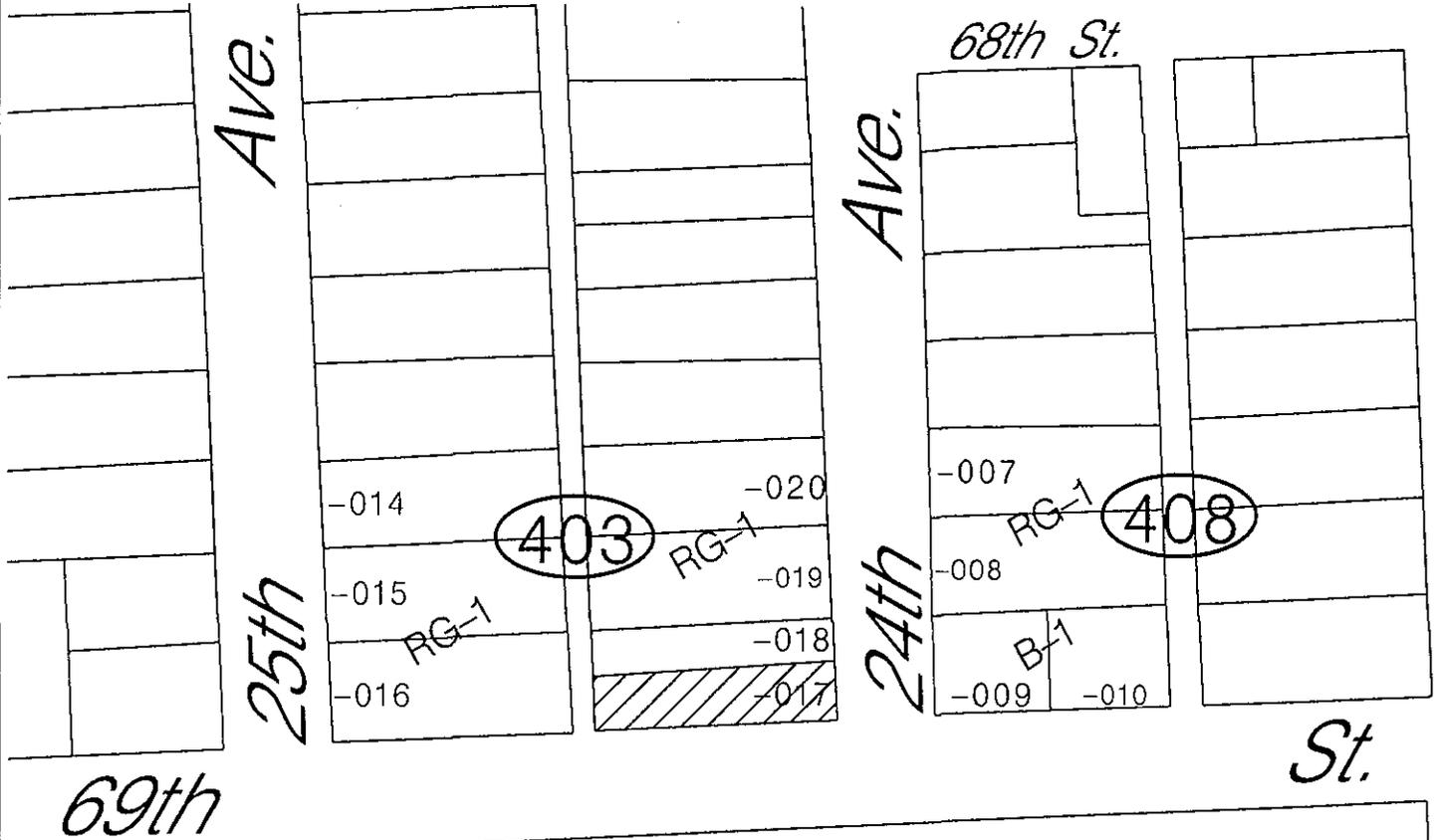
District Map

Rezoning

SUPPLEMENT NO. Z6-11

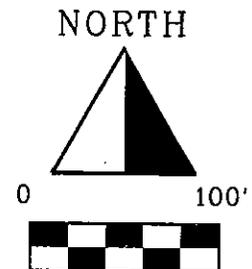
ORDINANCE NO. _____

Murillo Petition



Property requested to be rezoned from:

 *RG-1 General Residential to*
 *B-2 Community Business*



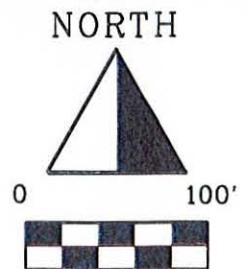
CITY OF KENOSHA

Land Use Map

Murillo Rezoning



 *Property requested to be rezoned*



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

07/11/2011

Dear Members of the Common Council:

It is requested that my property located at 6832 24th Ave, Slammers Tavern LLC, be rezoned from RG1 to ~~B1~~ ^{B2}. The purpose of the rezoning is to permit me to install new windows in the back room used for pool and watching sports. The current windows are residential windows and are not energy efficient. They do not match the horizontal windows on the rest of the building. They also go up to the ceiling. I want to install horizontal shaped commercial windows for energy efficiency, and place them so that televisions can be mounted above the windows to accommodate watching sports. The new windows will also match the shape of the current windows on the front part of the building. *cur*

When my contractor applied for the building permit it was discovered that the zoning was not correct for the current use. Changing the zoning will allow me to get a building permit to make this building improvement, but not change the current business use of the property. The first floor is a tavern, and the upper floor is an apartment.

I wish to install these windows only on the south and west sides which face the alley and St. Joseph Academy across 69th Street. I opted not to add windows to the north side since that borders a neighboring home and I do not want any noise to come from open windows and disturb the neighbors.

I have include a set of plans drawn by the architect and a receipt of the rezoning fee.

Please inform me of the date this item will be reviewed by the City Plan Commission. The meeting notice should be sent to Claudia Murillo at 6828 31st Ave Kenosha WI 53143 I can be reached at 262-960-1789 if there are any questions regarding my request for the rezoning.

Claudia Murillo

Sincerely,
Claudia Murillo

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

MAILING INFORMATION

NAME OF PROJECT: _____

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

<input checked="" type="checkbox"/>	Name and Address of Applicant [Please print]: Claudia Murillo 6828 31st Ave Kenosha WI 53142	Phone: 262-960-1789 Fax: _____ E-Mail: cmurillo@saint-anne.org
<input type="checkbox"/>	Name and Address of Architect/Engineer [Please print]: Doors by Ronnie/Bob Hole Architect 1763 21st Ave Kenosha WI 53140	Phone: 262-515-1110 Fax: 262-551-3058 E-Mail: _____
<input type="checkbox"/>	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): 6832 - 24th Ave (Slammers Tavern LLC)

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 checked="" type="checkbox"/>	Rezoning	Section 9	Pages 14 & 15
<input 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 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

**SECTION 9
REZONING**

Additional Information Required:	Current Zoning District: <u>RG1</u> Proposed Zoning District: <u>BT B2 am</u> Proposed Type of Rezoning: (Check all applicable) <input type="checkbox"/> Single-family Residential <input type="checkbox"/> Two-family Residential <input type="checkbox"/> Multi-family Residential (3 or more units) <input checked="" type="checkbox"/> Institutional, Commercial or Industrial
Submittal Requirements:	<ul style="list-style-type: none"> ➤ 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:	<ul style="list-style-type: none"> ➤ Rezoning Fee = \$550 (For projects that <i>do not</i> require building and site development plans) <u>OR</u> ➤ Rezoning with Concept Plan = \$1,150 (For projects that require building and site development plans) <p><i>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.</i></p>
Appendices to Review:	<ul style="list-style-type: none"> ➤ N/A
Approximate Review Time:	<ul style="list-style-type: none"> ➤ 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

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



CITY PLAN
REAL ESTATE
HISTORIC PRESERVATION
COMMUNITY DEVELOPMENT BLOCK GRANT
REDEVELOPMENT

JEFFREY B. LABAHN
Director of City Development

August 10, 2011

Notice of Public Hearing

Rezoning of property located at 6832 24th Avenue (Murillo)

The City Plan Commission will hold a public hearing on a petition submitted by Claudia Murillo to rezone her property located at 6832 24th Avenue. The proposed rezoning would amend the zoning on the property from RG-1 General Residential District to B-2 Community Business District. The rezoning request is to make the existing tavern on the site a conforming use.

An Amendment to the City's adopted Comprehensive Land Use Plan for the City of Kenosha: 2035 is also required. The Amendment would change the land use from Medium-High Density Residential to Commercial.

The public hearing will be held at the City Plan Commission meeting as follows:

Thursday, August 18, 2011 at 5:00 p.m.
Municipal Building
625 52nd Street - Room 202
Kenosha, WI 53140

You are being notified of these public hearings because, as the owner of property located within 100-feet of the proposed zoning change, you are eligible to file a protest petition pursuant to Wisconsin State Statutes. The proposed rezoning **will not** change the zoning of your property. The enclosed map identifies the boundaries of the proposed rezoning and the location of your property has been highlighted.

The City Plan Commission will make a recommendation to the Common Council on the zoning petition. The Common Council is tentatively scheduled to hold a public hearing and take final action on this item at their meeting on Monday, October 3, 2011 at 7:00 p.m. in Room 200 of the Municipal Building.

Additional information regarding this petition is on file with the Department of City Development in Room 308 of the Municipal Building. For additional information or related questions, please contact Brian Wilke via email at bwilke@kenosha.org or at 262.653.4049.

BW:kas
Enclosure

City Plan Division 625 52 nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	August 18, 2011	Item 4
Request to extend the Conditional Use Permit for a multi-family residential development to be located east of 30th Avenue, north and south of 21st Street, District #5. (Sun Pointe Village) PUBLIC HEARING			

LOCATION/SURROUNDINGS:

Site: East of 30th Avenue, north and south of 21st Street
Zoned: RM-2 Multi-Family/SWO Shoreland Wetland Overlay

NOTIFICATIONS/PROCEDURES:

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

ANALYSIS:

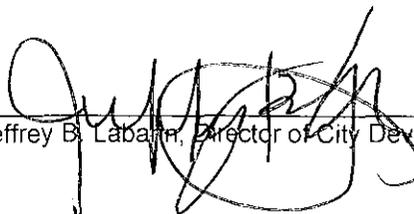
- The City Plan Commission approved this multi-family development on January 8, 2009. The approval allowed the applicant twenty-four (24) months to obtain all building permits.
- The Common Council extended the approval for an additional six (6) months on February 7, 2011.
- Since the original approval, the applicant has constructed one three-unit building. The original approval was for nineteen (19) buildings with a total of eighty-one (81) units.
- The applicant is requesting a six-month extension to permit. Per Chapter 4 of the Zoning Ordinance, the approval cannot be extended longer than thirty-six (36) months from the original date of approval. Therefore, if approved, the final extension would be valid until January 8, 2012. At this time the Conditional Use Permit would expire.
- The original Conditions of Approval still apply.
- The extension will give the applicant additional time to obtain Building Permits.

RECOMMENDATION:

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



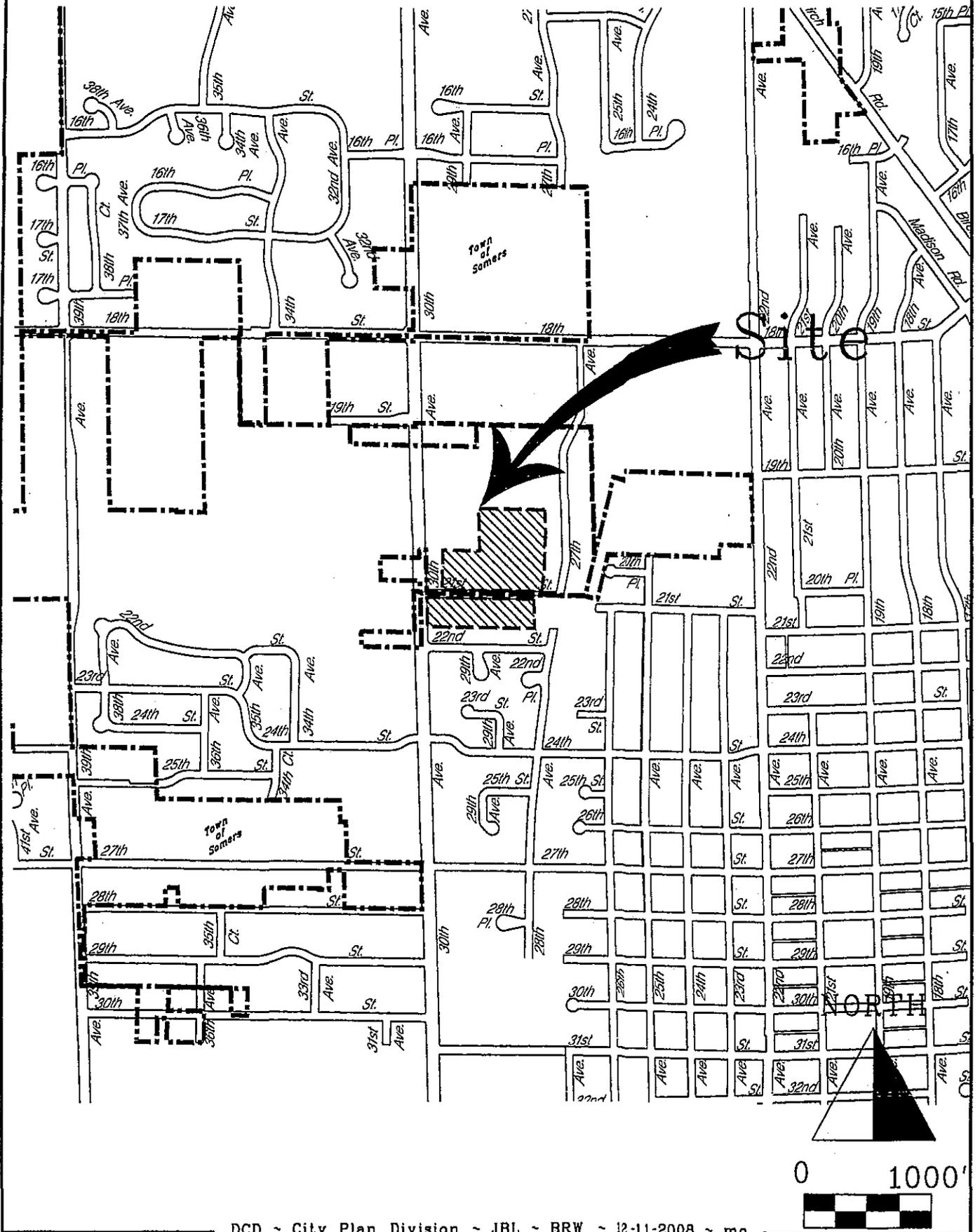
Brian R. Wilke, Development Coordinator
/u2/acct/cp/ckays/1CPC/2011/Aug18/fact-cupx-sunpointe.odt



Jeffrey B. Labahn, Director of City Development

City of Kenosha

Vicinity Map Sun Pointe Village



August 2nd, 2011

Department of City Development
Attn: Brian Wilke
625 52nd St
Kenosha, WI 53140

RE: Extension of Conditional Use Permit for Sun Point Village

Dear Mr. Wilke,

It appears that the C.U.P. for Sun Point Village is set to expire on August 7th, 2011. Mills Enterprises on behalf of Sun Point Village Ventures, LLC would like to request that a 6 month extension be granted for the above referenced conditional use permit to allow us to obtain permits for additional buildings. We feel that the approval of this extension is justified because of current market conditions. If you need anything from us please do not hesitate to contact me at the number listed below.

Thank You,

Jonah P. Hetland
Development Director
Mills Enterprises
262-842-0483

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

Conditional Use Permit Approval

Project Name:	Sun Pointe Village	Date: March 10, 2009
Location:	30th Avenue and 21st Street	
Project Description:	Amendment to Conditional Use Permit	
Issued to:	Steve Mills Sun Pointe Village Ventures 4011 80th Street Kenosha, WI 53142	
Architect/ Engineer/ Contractor: (if applicable)	Farris, Hansen & Associates 7 Ridgeway Court Elkhorn, WI 53121	
Approval Dates:	City Plan Commission – January 8, 2009 Department of City Development – February 26, 2009	
<ul style="list-style-type: none">• Conditions of approval (see attachment)• Approval shall be void if a building permit is not obtained by August 26, 2009.		

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


Jeffrey Bl. Carahn, AICP
Director, Department of City Development

- c:
- Paula Blise, Zoning Coordinator, Neighborhood Services & Inspections
 - Ron Bursek, Director, Public Works
 - Mike Callovi, Department of City Development
 - Mike Higgins, City Clerk/Treasurer/Assessor
 - John W. Morrisey, Chief, Police Department
 - Patrick Ryan, Chief, Fire Prevention Bureau
 - Ed St. Peter, Manager, Kenosha Water Utility
 - Jan Schroeder, Operations Coordinator, Public Works
 - Jim Schultz, Director, Neighborhood Services and Inspections
 - Nick Torcivia, Director of Building Inspection, Neighborhood Services & Inspections

Project Name:	Sun Pointe Village	Date: March 10, 2009
Location:	30th Avenue and 21st Street	

Conditions of Approval

1. The applicant shall obtain all required construction permits from the Department of Neighborhood Services & Inspections. This includes, but is not limited to Erosion Control, Building, Plumbing, Electrical and Occupancy permits.
2. The applicant shall obtain Driveway, Sidewalk, and Parking Lot permits from the Department of Public Works.
3. 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.
4. Development shall be constructed per the approved plans on file with the Department of City Development. All improvements indicated on the plans, including landscaping, shall be installed prior to the issuance of a final Occupancy permit. Phasing shall comply with the Construction Phasing Plan on file with the Department of City Development.
5. 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 exterior lighting shall be installed.
6. Compliance with any Conditions noted in the recorded Developers Agreement.
7. Compliance with City and State codes.
8. Any changes to the approved plans shall require an amendment to the Conditional Use Permit. All changes shall be submitted to the Department of City Development for review and approval.
9. All trash containers shall be stored within the enclosure or garages.
10. Applicant shall meet all applicable Conditions of Approval and obtain a building permit within six (6) months of the City Plan Commission approval. Building permits for all other buildings shall be obtained within two (2) years of the City Plan Commission approval or the Conditional Use Permit shall be null and void for all unconstructed buildings.
11. All vehicles shall be parked within the designated paved areas.
12. Applicant/owner shall be responsible for waste collection and removal for the development. The City of Kenosha shall not provide waste collection or removal services or incur any cost in this regard.
13. 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.
14. Cross access shall be provided to adjacent parcels if required at a future date by the City.

15. New Engineering Plans shall be submitted for *Alternative 2* before construction permits can be issued if *Alternative 2* is chosen.
16. All stockpiles shall be removed from the site no later than final occupancy of the last building in Phase 1.
17. Park Impact fees shall be paid, per Chapter 35 of the Code of General Ordinances, prior to the issuance of each building permit.
18. Applicant shall indicate in writing to the City which *Alternative* is chosen before proceeding with *Alternative 1* or *Alternative 2*.
19. A Drainage Plan must be submitted to and approved by the Department of Public Works before the Building permit is applied for. If that Drainage Plan requires changes in the parking lot elevations or additional storm sewer, a Drainage Plan for the entire complex must be approved by the Department of Public Works before the first building permit is issued.
20. If *Alternative 2* is chosen, the building elevations for the three-unit and 4-unit buildings shall be resubmitted for review and compliance with Section 14.07 B.11 of the Zoning Ordinance.

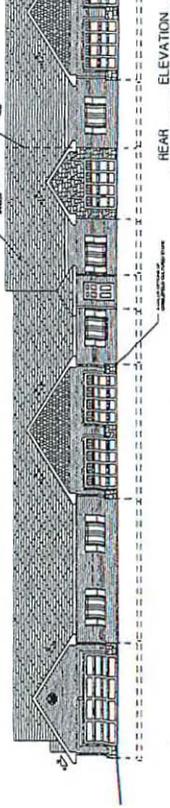
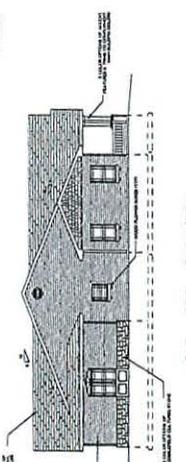
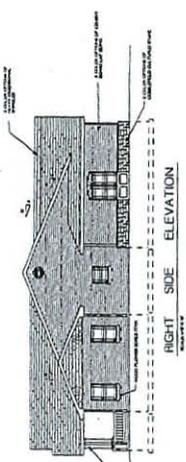
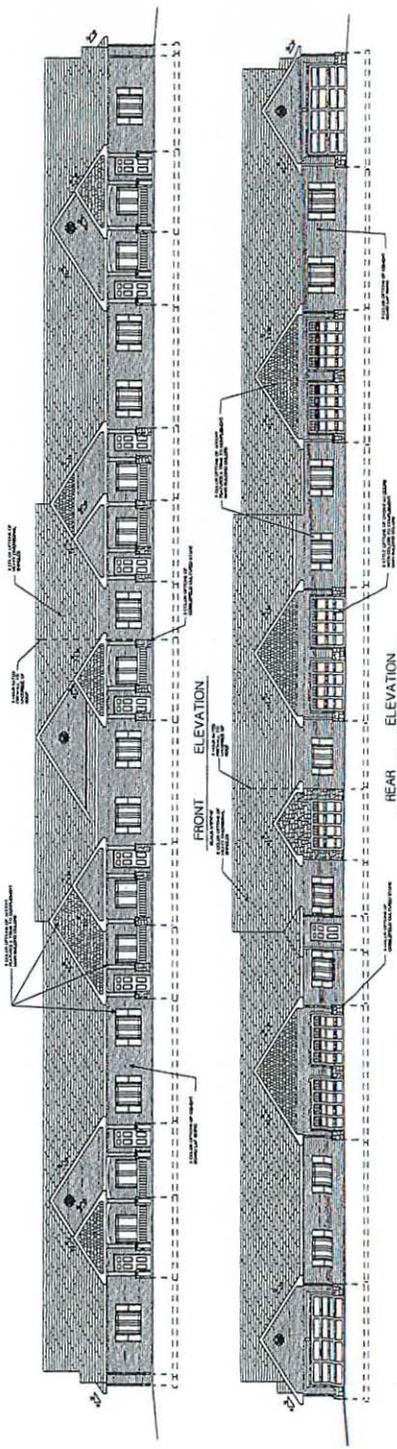
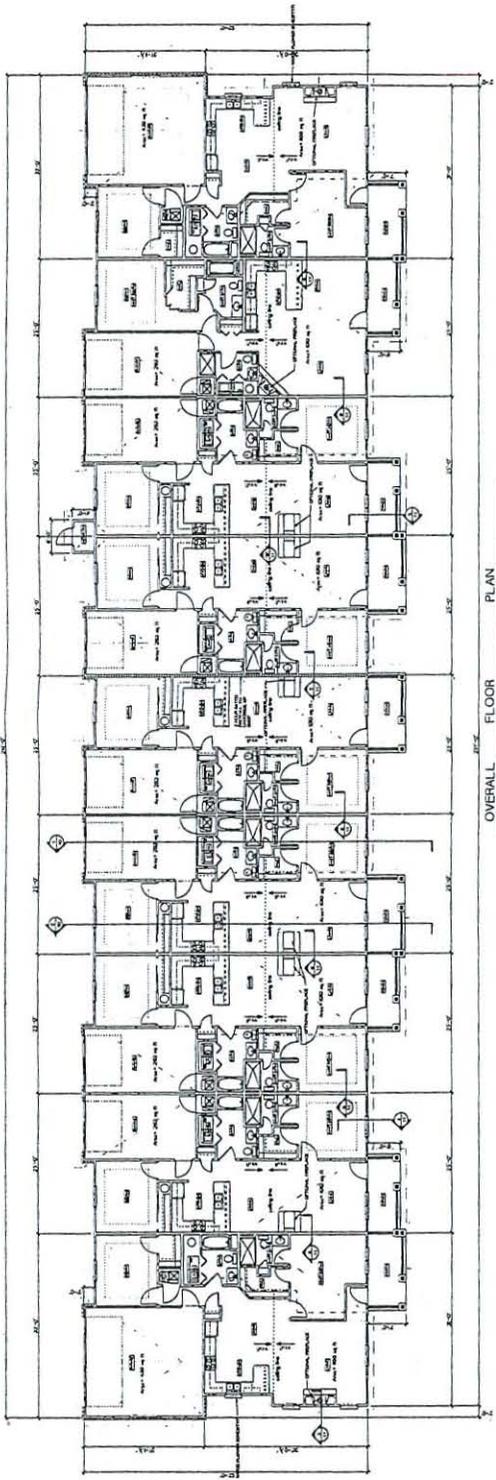
City of Kenosha Conditional Use Permit Application

Mailing Information	
Name of Project SUN POINTE VILLAGE	Name, Address and Phone of Architect / Engineer / Contractor (if applicable) FARRIS HANSEN & ASSOCIATES 7 RIDGWAY COURT ELKHORN, WI 53121 <input type="checkbox"/> Send correspondence to this address (Check only one)?
Name, Address and Phone of Applicant SUN POINTE VILLAGE VENTURES C/O STEVE MILLS 4011 80TH ST KENOSHA, WI 53142 <input checked="" type="checkbox"/> Send correspondence to this address (Check only one)?	Name, Address, Phone of Property Owner (if other than applicant)
Site Description	
Address of Site or Specific Location 21ST ST AND 30TH AVE	Description of Site by Lot, Block and Recorded Subdivision or Metes and Bounds PT. OF THE NE 1/4 OF SECTION 24, T2N, R22E, CITY OF KENOSHA, WI
Zoning District: RM-2	Proposed zoning change, if any: N/A
Building or addition square footage*: 80,000 SQ FT +	Site Size*: 15.77 ACRES
Operational Description (including any other required submittals)	
Type of Structure(s): MULTIPLE FAMILY CONDOMINIUM BUILDINGS	
Proposed Use/Operation of Structure(s): MULTI FAMILY RESIDENTIAL	
Anticipated Number of Occupants and/or Employees:	
Staff Use Only Review Authority (See Table 4-01 of the Kenosha Zoning Ordinance to determine Review Authority) City Plan Division - CPD City Plan Commission - CPC Common Council - CC Fee collected \$ _____ Date _____ By _____ (initial)	

* Information must be provided for the application to be processed.

Complete and return to Department of City Development, 625 - 52nd Street, Room 308, Kenosha, WI 53140

	SUN POINTE VILLAGE DUPLEX CONDOMINIUMS AND CITY OF KENOSHA, KENOSHA COUNTY, WISCONSIN	STYLE NO. 1 9 UNIT BLDG - REAR LOAD GARAGE OVERALL FLOOR PLAN EXTERIOR ELEVATIONS	P.A.H.S. HANSEN & ASSOCIATES, INC. 2000 W. MICHIGAN ST. #100 KENOSHA, WISCONSIN 53141 TEL: (414) 391-1111 FAX: (414) 391-1112	PROJECT NO. 6043 DATE 07/22/05 SHEET NO. 9 of 15
	OVERALL FLOOR PLAN EXTERIOR ELEVATIONS			P.A.H.S. HANSEN & ASSOCIATES, INC. 2000 W. MICHIGAN ST. #100 KENOSHA, WISCONSIN 53141 TEL: (414) 391-1111 FAX: (414) 391-1112



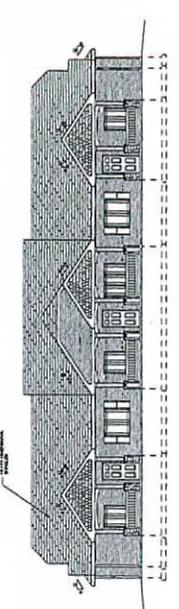
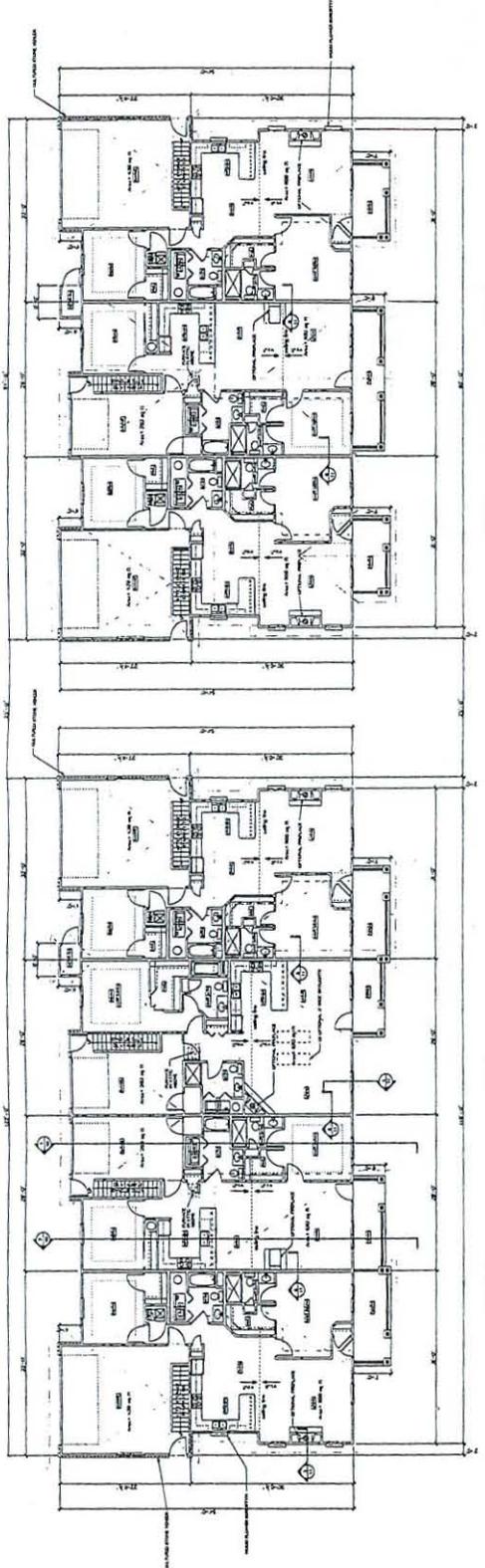


SUN POINTE VILLAGE
 DUPLEX CONDOMINIUMS
 AND
 CITY OF KENOSHA KENOSHA COUNTY, WISCONSIN

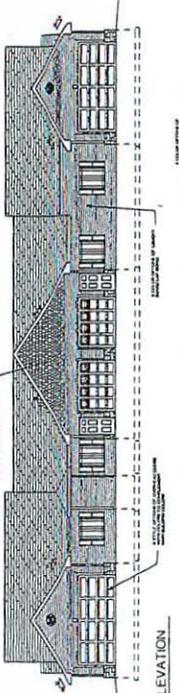
OPTIONAL BUILDING LAYOUTS
 4 UNIT BLDG - REAR LOAD GARAGE
 3 UNIT BLDG - REAR LOAD GARAGE
 OVERALL FLOOR PLANS
 EXTERIOR ELEVATIONS

PAUL HANSEN & ASSOCIATES, INC.
 ARCHITECTS
 2000 W. WISCONSIN ST.
 KENOSHA, WISCONSIN 53140
 PHONE (414) 393-2000
 FAX (414) 393-2000

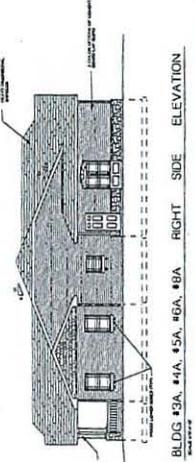
PROJECT NO. 6043
 DATE 08/14/08
 SHEET NO. 13 OF 15



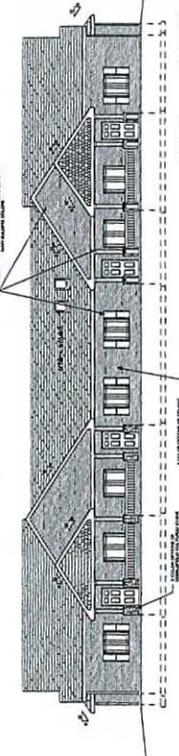
FRONT ELEVATION



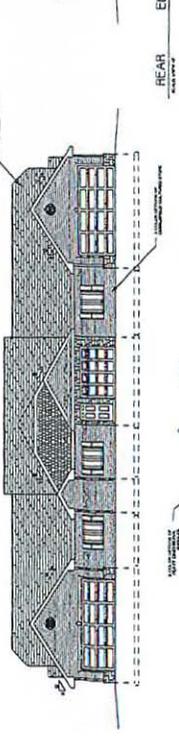
REAR ELEVATION



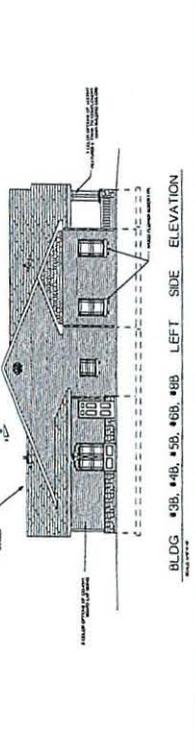
BLDG #3B, #4B, #5B, #6B, #8B, #9B LEFT SIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION



BLDG #3A, #4A, #5A, #6A, #8A, #9A RIGHT SIDE ELEVATION

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

the appropriate Review Authority. The Review Authority shall use the following procedures in making its decision:

1. Decision Authority.

a. Development Standards Review Authority-City Plan Division-CPD. For developments with conditional uses designated as CPD in Table 4.01, the City Planner will consider the recommendation from the City Plan Division and either approve or deny the application.

b. Development Standards Review Authority-Common Council-CC. For developments with conditional uses designated as CC in Table 4.01, the Common Council will hold a public hearing, consider the recommendation from the City Plan Division and the City Plan Commission, and approve or deny the application. Final action on floodland conditional uses shall not be taken for thirty (30) days or until the Wisconsin DNR has given its recommendation, whichever comes first. Copies of all decisions on conditional uses in a floodland district shall be transmitted to the DNR within ten (10) days following the decision.

2. Recommendations.

a. City Plan Division. As a part of the review process for the application subject to approval consideration by the Common Council, the City Plan Division shall make a recommendation to the City Plan Commission.

b. City Plan Commission. As a part of the review process for the application subject to approval consideration by the Common Council, the City Plan Commission shall make a recommendation to the Common Council, which recommendation shall include reference to the recommendation of the City Plan Division.

A copy of the decision of the Review Authority shall be mailed to the applicant.

G. Approval. No building or construction permits shall be issued by the Administrator until the appropriate Review Authority (City Council or City Plan Division) has reviewed and approved the Conditional Use Permit plan. Footing and foundation permits may only be granted if each of the following conditions are met:

1. The Review Authority has granted conditional approval.

2. A conditional use plan is submitted and reviewed by each reviewing agency, whereby within ten (10) working days of receipt of the permit information, the review agencies will indicate, via a transmittal form, whether a footing and foundation

permit may be issued prior to formal Conditional Use Permit or whether the permit shall be withheld pending formal approval of the CUP application.

3. If one or more reviewing agency states that the footing and foundation permit should not be granted, and the applicant still desires the permit, then within five (5) working days a representative from each reviewing agency will meet and delineate the requirements that must be fulfilled prior to the issuance of a permit. If agreement is not reached, a footing and foundation permit shall not be issued.

4. Footing and foundation permit approval shall be subject to a specific timetable which specifies project completion dates which must be met.

5. Permits may be withheld in order to protect the public safety and welfare of the community, or if in the opinion of the reviewing agency, there is a need of additional information.

H. Appeals. Any petitioner/applicant objecting to any decision of Review Authority-City Plan Division CPD related to the Conditional Use Permit may appeal the decision to the Common Council. Such appeals shall be filed with the City Clerk/Treasurer within thirty (30) days of the decision by the City Plan Division, and shall include the payment of the fee therefor established by the Common Council, from time to time, by Resolution.

The Common Council shall fix a reasonable time for the hearing of an appeal. The Common Council shall notify the appellant of the hearing by mail. At the hearing the appellant shall appear in person or by agent or attorney.

I. Expiration of Conditional Use Permits for Failure to Timely Obtain a Building Permit.

1. Conditional Use Permit With a Single Building. Required Building Permits shall be obtained within six (6) months of the date of the Conditional Use Permit approval by the Review Authority.

2. Conditional Use Permit With Multiple Buildings. The first Building Permit shall be obtained within six (6) months of the date of Conditional Use Permit approval by the Review Authority. Required Building Permits shall be obtained for all remaining buildings within twenty-four (24) months of the date of Conditional Use Permit approval by the Review Authority, unless otherwise specified by the Review Authority, which in no event shall exceed thirty-six (36) months.