

<p>Municipal Building 625 52nd Street – Room 202</p>	<p><i>Kenosha City Plan Commission</i> <i>Agenda</i></p>	<p>Thursday, December 8, 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, Jessica Olson and Ron Stevens</i></p>		

Call to Order and Roll Call

Approval of Minutes from November 10, 2011

1. Conditional Use Permit for a contractor's storage yard to be located at 3700 45th Street. (Prostko Grading) (District #10) **PUBLIC HEARING**
2. By Alderperson Lawrence Green - To Repeal and Recreate Section 16.03 A. Regarding "Fence Installation General Requirements"; To Create Section 16.03 I. of the Zoning Ordinance regarding "Exemption". **PUBLIC HEARING**
3. By Alderperson Jesse Downing - To Repeal, Create and Amend various Sections of the Zoning Ordinance to Conform with Section 15 of the Code of General Ordinances Regarding "Off-Premise Signs". **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
November 10, 2011

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

MEMBERS EXCUSED: Alderman Downing

STAFF PRESENT: Jeffrey B. Labahn and Rich Schroeder

Others Present: Alderman Juliana, Mike Higgins and Paula Blise

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 October 20, 2011 was made by Ms. Faraone and seconded by Mr. Landry. The motion passed unanimously. (Ayes 8; Nays 0).

1. Conditional Use Permit for a 2,862 s.f. restaurant with a drive-thru to be located at 4002 52nd Street. (Taco Bell) (District #10) PUBLIC HEARING

Public hearing opened.

Greg Lautzenheiser, L & A Architects, 2430 Rochester Court, Troy, MI gave a brief overview of the plans to raze the current Taco Bell and construct a new smaller building.

Rich Schroeder, Assistant City Planner, noted that the north elevation does not currently meet the minimum articulation requirements. Mr. Lautzenheiser asked if the proposed awning could be reduced from 12 feet to 10 feet. Mr. Schroeder said Staff would verify that this reduction meets the percentage required by Ordinance and/or advise of other options.

Alderman Kennedy arrived.

Mr. Lautzenheiser said they have a problem with Condition 2.c.ii. the three foot high masonry fence. Mr. Schroeder said the Ordinance provides a few options for landscaping. A berm would require an area of 15 feet, a fence would require less space and less maintenance. Mr. Lautzenheiser said they currently have 10 feet, but would make revisions to have a combination of berm and landscaping rather than a wall.

Public hearing closed.

Mr. Schroeder showed a video of the site.

Alderman Kennedy asked if the applicant had discussed this with the Alderman of the district. Mr. Lautzenheiser said he personally did not. Alderman Kennedy said he is the alderman of the district and objects to not being contacted. There has been a push to do better landscaping along 52nd Street in front of the former Walmart and current

KMart lots. Mr. Lautzenheiser apologized for not contacting Alderman Kennedy.

Alderman Kennedy asked Staff the procedure for "notifying the alderman of the district." Mr. Schroeder said when the plans are received in our office, copies are made and distributed to all departments for their review, along with the alderman of the district. These plans were distributed on November 7th. Alderman Kennedy said he did not get any plans on this project.

Ms. Faraone said Staff does a good job on information sent out to parties involved. The applicant had no problems working with Staff.

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

Mr. Stevens asked Staff if they give the applicant the Alderman's phone number and ask them to contact the Alderman. Mr. Schroeder said yes.

Mr. Lattimore asked why the facility is being downsized. Mr. Lautzenheiser said he is not sure, maybe to increase the market share. Mr. Lattimore asked how long the construction would take and what would happen to current Staff during the construction period. Mr. Lautzenheiser said they will start in spring and take 80 days from start to finish. They will try to relocate the employees to surrounding restaurants until the project is completed and then bring them back.

Mayor Bosman asked with the potential widening of 52nd Street, did you take into account larger setbacks? Jeffrey B. Labahn, City Planner, said on 52nd Street they must meet the major street setback requirements which allow for this.

Alderman Kennedy asked if they will lose their access onto 52nd Street. Mr. Schroeder said no, the access will remain. Actually, this access is on the KMart lot and Taco Bell has a cross access agreement with them.

The motion passed unanimously. (Ayes 9; Nays 0)

Conditions of Approval
Taco Bell at 4002 52nd Street

1. The following Conditions of Approval will run with the land and shall be included in a document recorded with the Kenosha County Register of Deeds:
 - a. The applicant shall obtain all required construction permits from the Department of Neighborhood Services & Inspections. This includes, but is not limited to Raze, Erosion Control, Building, Plumbing, Electrical and Occupancy permits.
 - b. The applicant shall obtain a Parking Lot permit from the Department of Public Works.
 - c. All signs shall comply with Chapter 15 of the Code of General Ordinances and the applicant shall obtain sign permits for all new signs. A separate submission and permits are required for all signs. Sign information provided under the Conditional Use Permit is for reference only and does not constitute sign permit approval.
 - d. The development shall be constructed per the approved plans on file with the

Department of City Development, Room 308, 625 52nd Street, Kenosha, WI 53140. Any changes to the approved plans shall require an amendment to the Conditional Use Permit. All changes shall be submitted to the Department of City Development for review and approval.

- e. Prior to the issuance of any occupancy permits, all parking areas, drives and designated paved areas shall have the initial lift of asphalt installed. The building exterior shall be completed per the approved plans, the exterior lighting shall be installed and the Conditional Use Permit shall be recorded with the Kenosha County Register of Deeds. All improvements indicated on the plans, including landscaping, shall be installed prior to the issuance of a final Occupancy permit. The recording fees for the Conditional Use Permit shall be submitted by the applicant.
 - f. Compliance with City and State and/or Federal Codes and Ordinances. The buildings shall comply with the current Code standards in effect upon application for a Building Permit.
 - g. All roof top mechanicals shall be properly screened per Section 14.07 B.10 of the Zoning Ordinance.
 - h. All trash containers shall be stored within the enclosure or building. Applicant/owner shall be responsible for waste collection and removal for the development. The City of Kenosha shall not provide waste collection or removal services or incur any cost in this regard.
 - i. The applicant shall meet all applicable Conditions of Approval and obtain a building permit within six (6) months of Common Council approval of the Conditional Use Permit/Site Plan or the Conditional Use Permit/Site Plan shall be null and void.
 - j. Outdoor display of products is prohibited.
 - k. All vehicles shall be parked within the designated paved areas.
 - l. 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.
 - m. Cross access shall be provided to adjacent parcels if required at a future date by the City.
 - n. Compliance with the Operational Plan dated November 2, 2011.
2. The following Conditions of Approval shall be satisfied with City Staff prior to the issuance of any Construction Permits.
- a. The Utility Plan shall be revised and resubmitted for review and approval addressing the comments listed in the Kenosha Water Utility Memo dated September 14, 2011.
 - b. The building elevations shall be revised to address the following items:
 - i. *Exterior Insulated Finish Systems* (EIFS) are not permitted on the ground floor other than the area above the top of the window line. The areas below the window line on the elevations shown as EIFS shall be replaced with a different material permitted by the Zoning Ordinance.
 - ii. The north elevation does not comply with the minimum articulation requirements of

Section 14.07 B.10 of the Zoning Ordinance. Continuing the four (4') foot tall wains-coating wall along this elevation would satisfy the requirement.

- iii. The east elevation does not comply with the minimum window/awning requirements of Section 14.07 B.10 of the Zoning Ordinance. An additional awning over the service door, roughly twelve (12') feet in length, would satisfy the requirement.
- c. The Site Plan shall be revised to address the following items:
 - i. Remove the four (4) parallel parking spaces along the west lot line and increase this landscape buffer to a minimum of ten (10') feet in width. Our calculation of your minimum off-street parking requirements shows that only twenty-five spaces are required.
 - ii. The interior parkway along 52nd Street and 40th Avenue will require a three (3') foot high masonry wall or decorative fence along the entire frontage.
 - iii. The landscape buffer along the north lot line shall be increased in width by:
 - 1. reducing the drive aisle width south of the building to twenty-four (24') feet,
 - 2. reducing the width of the drive-thru lane to eleven (11') feet in width
 - 3. reducing the by-pass lane width north of the drive-thru lane to eleven (11') feet in width.The combination of these reductions should result in a landscape buffer ten (10') feet in width.
 - iv. Continue the five (5') foot wide striped crosswalk east of the building to the public sidewalk. Either remove a parking space or reduce the width of the landscape island south of the entrance to 40th Avenue to compensate.

2. Conditional Use Permit for a 1,875 s.f. addition to Aurora Medical Center at 10400 75th Street. (Aurora Medical Center) (District #17) PUBLIC HEARING

Public hearing opened.

Steve Rausch, Zimmerman Architects, 2122 West Mt. Vernon Avenue, Milwaukee, gave a brief overview. Also, Brittany Merten, Mortenson Construction, 17975 W. Sarah Lane, Brookfield, was available for questions. Mr. Rausch asked for an explanation of Condition 2.a. Mr. Schroeder said there is a Condominium Plat relating to this property that they will have to review and submit information accordingly.

Public hearing closed.

A motion was made by Ms. Faraone and seconded by Mr. Landry to approve the Conditional Use Permit with conditions.

Alderman Michalski asked how they would match the brick color to the existing weathered brick. Mr. Rausch said they would do their best.

Ms. Olson asked for the time frame of construction. Mr. Rausch said they would like to start as soon as possible and it would take a total of six months.

Mr. Hayden asked if they have talked to the Alderman of the District, Alderman Bogdala.

Mr. Rausch said they have not.

The motion passed unanimously. (Ayes 9; Nays 0)

Conditions of Approval
Aurora Medical Center at 10400 75th Street

1. The following Conditions of Approval will run with the land and shall be included in a document recorded with the Kenosha County Register of Deeds:
 - a. The applicant shall obtain all required construction permits from the Department of Neighborhood Services & Inspections. This includes, but is not limited to Erosion Control, Building, Plumbing, Electrical and Occupancy permits.
 - b. 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.
 - c. The development shall be constructed per the approved plans on file with the Department of City Development, Room 308, 625 52nd Street, Kenosha, WI 53140. Any changes to the approved plans shall require an amendment to the Conditional Use Permit. All changes shall be submitted to the Department of City Development for review and approval.
 - d. Prior to the issuance of any occupancy permits, all parking areas, drives and designated paved areas shall have the initial lift of asphalt installed. The building exterior shall be completed per the approved plans, the exterior lighting shall be installed and the Conditional Use Permit shall be recorded with the Kenosha County Register of Deeds. All improvements indicated on the plans, including landscaping, shall be installed prior to the issuance of a final Occupancy permit. The recording fees for the Conditional Use Permit shall be submitted by the applicant.
 - e. Compliance with City and State and/or Federal Codes and Ordinances. The buildings shall comply with the current Code standards in effect upon application for a building permit.
 - f. All roof top mechanicals shall be properly screened per Section 14.07 B.10 of the Zoning Ordinance.
 - g. All trash containers shall be stored within the enclosure or building. Applicant/owner shall be responsible for waste collection and removal for the development. The City of Kenosha shall not provide waste collection or removal services or incur any cost in this regard.
 - h. The applicant shall meet all applicable Conditions of Approval and obtain a building permit within six (6) months of Common Council approval of the Conditional Use Permit or the Conditional Use Permit shall be null and void.
 - i. All vehicles shall be parked within the designated paved areas.
 - j. All improvements, including landscaping, shall be maintained per the approved plans. Any damaged fencing, landscaping or building shall be replaced or reconstructed per the approved plans.

- k. Cross access shall be provided to adjacent parcels if required at a future date by the City.
 - l. While no Grading Plan is provided, it appears there is no significant amount of grading required. The overall site has a flooding problem northwest of the berm around the detention basin. An overflow route through this berm needs to be cut before Occupancy is provided for the building addition.
2. The following conditions of approval shall be satisfied with City Staff prior to the issuance of any construction permits.
 - a. Any changes to the Condominium Plat or Condominium Association shall be submitted to the City Assessor's office for review.
 - b. The Owner shall verify that there will be no increase in the water meter size required to accommodate this addition. If a water meter increase is required, an impact fee may apply.
- 3. Conditional Use Permit for a multi-family residential development to be located east of 30th Avenue, north and south of 21st Street. (Sun Pointe Village) (District #5) PUBLIC HEARING**

Public hearing opened.

Jonah Hetland, Bear Development, 4015 80th Street, Kenosha, was available for questions.

Public hearing closed.

Mr. Schroeder showed a video of the site and explained they have presented two alternatives. The applicant will test the market and move forward with the best alternative. The density of the site will be different under each alternative.

A motion was made by Ms. Faraone and seconded by Mr. Lattimore to approve the Conditional Use Permit with the conditions.

Alderman Kennedy asked how often are we presented with two alternatives. Mr. Schroeder said not very often. It will be determined by the market. Alderman Kennedy said he is not comfortable with the applicant making the decision and asked if there will be a change in assessment. Mr. Higgins said yes.

Mr. Stevens said if both alternatives meet requirements, why not give the applicant flexibility.

Mr. Lattimore asked the Assessor if he could give the assessment difference. Mr. Higgins said he has not reviewed both alternatives with that much depth. The number of units per building would make a difference in the size of the unit. Mr. Hetland added that the footprint will be the same, just divided into different units.

Ms. Olson asked the difference in sales price per unit and how many units would be involved. Mr. Hetland said the price is not yet set, but he would estimate between \$15,000 - \$20,000 on approximately 60 units. Ms. Olson said she agrees with Alderman

Kennedy and is reluctant to give the applicant the option of the building type. Mr. Hetland said we want to try one more 9-unit and if it doesn't work out we would build the three unit buildings.

Mr. Hayden said he knows people who live there and the 9-unit building does not work well. The 3 or 4 unit buildings would have more flexibility. Mr. Hayden told Staff the access to 30th Avenue or 18th Street is bad. Mr. Labahn said that 30th Avenue will be enhanced in the future when 30th Avenue is widened to four lanes.

Alderman Kennedy asked if it would be more advantageous to divide the construction into phases. We could approve a certain type for the first phase and you could come back when you have decided what to build. Mr. Hetland said that is not advantageous to the applicant. Alderman Kennedy said then he will not support this application. Mr. Hetland said this is the same layout that we applied for 6 months ago. Alderman Kennedy said when this goes to the Common Council it will be different.

Ms. Faraone said when we became a Plan Commissioner, it is our job to enhance or approve plans according to the Ordinance, not redesign the plans. Now with our duties changing, we have gotten carried away with the planning. I am in full support of this project.

Ms. Olson asked why the applicant previously received a 6 month extension and now he wants a 2 year extension. Mr. Schroeder said they originally came for a Conditional Use Permit in 2009, received approval and had 6 months to pull the first permit and 2 years to complete the project. The extension are for 6 months at a time. This is a new application.

The motion passed. (Ayes 7; Nays 2) *Kennedy and Olson*

Conditions of Approval

Sun Pointe Village located east of 30th Avenue and north and South of 21st Street

1. The following Conditions of Approval will run with the land and shall be included in a document recorded with the Kenosha County Register of Deeds:
 - a. The applicant shall obtain all required construction permits from the Department of Neighborhood Services & Inspections. This includes, but is not limited to Erosion Control, Building, Plumbing, Electrical and Occupancy permits.
 - b. The applicant shall obtain Driveway, Sidewalk and Parking Lot permits from the Department of Public Works.
 - c. All signs shall comply with Chapter 15 of the Code of General Ordinances and the applicant shall obtain sign permits for all new signs. A separate submission and permits are required for all signs. Sign information provided under the Conditional Use Permit is for reference only and does not constitute sign permit approval.
 - d. The development shall be constructed per the approved plans on file with the Department of City Development, Room 308, 625 52nd Street, Kenosha, WI 53140. Any changes to the approved plans shall require an amendment to the Conditional Use Permit. All changes shall be submitted to the Department of City Development for review and approval.

- e. Prior to the issuance of any occupancy permits, all parking areas, drives and designated paved areas shall have the initial lift of asphalt installed. The building exterior shall be completed per the approved plans, the exterior lighting shall be installed and the Conditional Use Permit shall be recorded with the Kenosha County Register of Deeds. All improvements indicated on the plans, including landscaping, shall be installed prior to the issuance of a final Occupancy permit. The recording fees for the Conditional Use Permit shall be submitted by the applicant.
 - f. Compliance with City and State and/or Federal Codes and Ordinances and any Conditions noted in the recorded Developers Agreement.
 - g. All trash containers shall be stored within the enclosure or building. Applicant/owner shall be responsible for waste collection and removal for the development. The City of Kenosha shall not provide waste collection or removal services or incur any cost in this regard.
 - h. Applicant shall meet all applicable Conditions of Approval and obtain a building permit within six (6) months of the Common Council approval. Building permits for all other buildings shall be obtained within two (2) years of the Common Council approval or the Conditional Use Permit shall be null and void.
 - i. All vehicles shall be parked within the designated paved areas.
 - j. All improvements, including landscaping, shall be maintained per the approved plans. Any damaged fencing, landscaping or building shall be replaced or reconstructed per the approved plans.
 - k. Cross access shall be provided to adjacent parcels if required at a future date by the City.
 - l. Park Impact fees shall be paid, per Chapter 35 of the Code of General Ordinances, prior to the issuance of each Building permit.
 - m. Applicant shall indicate in writing to the City which Alternative is chosen before proceeding with Alternative 1 or Alternative 2.
2. The following conditions of approval shall be satisfied with City Staff prior to the issuance of any construction permits.
- a. The Drainage Plan shall be revised and resubmitted for review and approval addressing comments listed in the Public Works memo dated October 24, 2011.
 - b. The reduced plans and full size plans conflict in a few areas on unit type and size. This approval is for the Site Plan dated September 21, 2011. Revised full size plans shall be submitted matching the reduced plans.
 - c. The Developer shall verify that individual 5/8" water meters will be installed for each unit. This will result in a sewer connection fee of \$9,843 for the three unit buildings and a fee of \$13,124 for the four unit buildings.
 - d. Substitute a different type of shade tree for the nine (9) *Patmore Ash* specified on the planting list. The *Emerald Ash Borer* threat curtails the planting of any Ash trees.

- e. Any conflicts that do or will exist with the number of condominium units on the plat and on the approved Site Plan shall be addressed with the City Assessor's office prior to the issuance of Building permits.

4. Review of the location of a sculpture to be located within Union Park at 4500 7th Avenue. (Union Park Sculpture) (District #2) PUBLIC HEARING

Public hearing opened.

Melanie Hovey, 3719 14th Avenue, explained the sculpture will be a project with the Washington Middle School students.

Public hearing closed.

Mr. Schroeder noted that the Parks Commission has approved the preliminary review of the locations. The final design of the sculpture must be approved by the Parks Commission.

Mr. Landry asked why they are looking to locate the sculpture along 8th Avenue rather than along 7th Avenue, which would be a busier location. Ms. Hovey said that 7th Avenue already has a sign and they want to enhance 8th Avenue as well.

Alderman Kennedy asked what the mosaic tile will be placed on. Ms. Hovey said there will be a tall columns that will be covered with tiles. Alderman Kennedy is concerned that they will be vandalized if not entirely covered.

Alderman Michalski said he admires what Lemon Street has done in the past, please describe the proposed sculpture. Ms. Hovey said this will be a pillar that will have mosaic designs created by two artists and the students from Washington Middle School.

A motion was made by Alderman Kennedy and seconded by Alderman Michalski to approve the location. The motion passed unanimously. (Ayes 9; Nays 0)

5. By Alderperson Lawrence Green - To Repeal and Recreate Section 16.03 A.1. and A.2. of the Zoning Ordinance regarding fence installation. PUBLIC HEARING

Public hearing opened, no comments, public hearing closed.

Mr. Labahn said Paula Blise, Zoning Coordinator, is available for questions.

Alderman Michalski asked if there are problems with the current Ordinance. Ms. Blise said the current fence code is very vague. In 2002, there was a consensus that the good side of the fence should face the neighbor. I was against this because it would be an enforcement nightmare, but the Ordinance passed anyway. Ms. Blise said she had to call or write to many people to tell them to change the fence and have the good side facing the correct way. There were many enforcement issues over the years. Alderman Green had people come to him and ask for a change.

Alderman Michalski asked if this addresses a new fence only, and not any repairs where

a permit is not required. Ms. Blise said any repairs done to a fence is considered new construction. Alderman Michalski said it would be a bigger nightmare to let the homeowner decide which way to place the fence.

Alderman Kennedy asked if the neighbor does not mind which way the fence faces, would it be more appropriate to have them go through an appeal process? Ms. Blise said that could work.

Alderman Kennedy asked what about when they don't know whose land it is on. Ms. Blise said the current Ordinance does not require a survey to be provided, we take the homeowner's word. Alderman Kennedy said the proposed Ordinance targets certain districts, when does this not require any action. Ms. Blise said in the Commercial and Industrial Districts.

Alderman Kennedy said he would not support the proposed Ordinance, but would support a modification where the homeowner could petition to face the fence the way they want to, provided there is some type of affidavit that the adjoining property owners both must approve.

A motion was made by Alderman Kennedy and seconded by Alderman Michalski to defer the Ordinance to allow Ms. Blise to talk to Alderman Green with the recommendations.

Mr. Landry said when he took a fence permit out in 1974, he was told to face the good side of the fence to the neighbor and place the fence one foot from the property line. Ms. Blise said in 1998 those rules were not on the books.

Ms. Olson said a survey should be part of the fence permit application. How can a fence be approved when you don't even know where the property lines are. Ms. Blise said we can do that, but we have not in the past because of the expense of the survey.

Mr. Stevens called the question. The question was called. (Ayes 8; Nays 1) *Kennedy*

The motion to defer passed unanimously. (Ayes 9; Nays 0)

6. By Alderperson David Bogdala: To Amend various Sections of the Zoning Ordinance regarding "Crop Production as a Conditional Use", To Amend Section 12 B. entitled " Specific Words and Phrases", To Amend Tables 4.01, Group 1, Group 2, Group 3 and To Create Section 4.06 D.16 entitled "Crop Production in a Residential, Business, Manufacturing or Industrial District". PUBLIC HEARING

Public hearing open.

Domenick Tirabassi, 8531 39th Avenue, is not in favor of the proposed Ordinance. Mr. Tirabassi asked that the City follows the State law and if there are any changes, he would receive some grandfather rights. Also, Mr. Tirabassi said he found out about the proposed Ordinance yesterday and would like additional time to talk to his attorney.

Alderman Patrick Juliana, 2002 53rd Street, would like to defer the proposed Ordinance to allow other departments to present options and discuss further. The proposed

Ordinance would be "spot changing" and we should review the entire package.

Public hearing closed.

Mayor Bosman said he is not against the request for a deferral.

Ms. Faraone said the Commission reviewed this several months ago, but now there are numerous additions. Ms. Faraone suggested it be deferred until the first meeting in January. For instance, the proposed Ordinance requires a Conditional Use Permit, must they come back each year for approval. Mr. Schroeder said no, the Conditional Use Permit runs with the land, so they only apply once. The application fees may vary depending on the size of the property.

A motion was made by Ms. Faraone and seconded by Alderman Kennedy to defer the item until the January 5, 2012 City Plan Commission meeting.

Mr. Schroeder said you can defer it until that meeting, but then you must take action at that meeting.

Alderman Kennedy asked how many acres are currently crop land in the City. Mr. Higgins said approximately 900 acres.

Alderman Kennedy said if the proposed Ordinance goes forward, they must apply for a Conditional Use Permit, and the applicant may not be the farmer? Mr. Schroeder said the applicant must be the owner of the property. Alderman Kennedy said so the Conditional Use Permit is taken out, but if the farmer does not comply with it is the owner in default? Mr. Schroeder said yes.

Alderman Kennedy asked if the "Field of Dreams" property on 39th Avenue would be affected. Mr. Higgins said he is not sure. There are two issues, the assessment and the zoning. If the owner stops the Agricultural Use, they would pay more in taxes and possibly a penalty. From a zoning standpoint, if the use is not allowed, it is a zoning enforcement issue.

Alderman Kennedy asked if this would include large gardens. Mr. Labahn said that would depend on the zoning, but typically would not as a secondary use.

The motion to defer passed unanimously. (Ayes 9; Nays 0)

Public Comments

No public comments.

Commissioner Comments

Mr. Landry thanked the Mayor and everyone who supported the Mayor's veto on the Ordinance related to having the Plan Commission take over responsibilities of the License & Permit Committee.

Staff Comments

A motion to adjourn was made by Alderman Michalski and seconded by Alderman Kennedy. The motion passed unanimously (Ayes 9; Nays 0). The meeting adjourned at 7:08 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	December 8, 2011	Item 1
Conditional Use Permit for a contractor's storage yard to be located at 3700 45th Street. (Prostko Grading) (District #10) PUBLIC HEARING			

LOCATION/SURROUNDINGS:

Site: 3700 45th Street
Zoned: M-1 Light Manufacturing District / Air-5 Airport Overlay District

NOTIFICATIONS/PROCEDURES:

The alderman of the district, Alderman Kennedy, has been notified. Alderman LaMacchia, whose district abuts the property, has also been notified. The Common Council is the final review authority.

ANALYSIS:

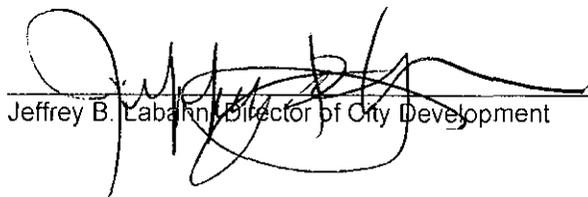
- Prostko Grading currently occupies a portion of the building located at 3700 45th Street. They currently store several construction vehicles on the parking area behind the building. Since this activity has been characterized as a contractor's storage yard, they have made an application for a Conditional Use Permit to authorize the use.
- No site changes are proposed by the tenant. Section 4.06 C.3.(j) of the Zoning Ordinance requires a fence for any area that is adjacent to or across the alley from a residential district. The site is across from an existing apartment complex after crossing 39th Avenue. This area in questions is approximately 400+ feet away from the residential district. Staff recommends that a fence be installed from the northwest corner of the building north to the lot line.
- The area where the vehicles are parked is paved, but the pavement is in poor condition. Staff recommends that the broken areas of pavement be repaired/replaced.
- Plans were sent to City Departments for their review. Their comments are included in the attached Conditions of Approval.
- The plans generally comply with Sections 4 and 14 of the Zoning Ordinance.

RECOMMENDATION:

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



Brian R. Wilke, Development Coordinator
/u2/acct/cp/ckays/1CPC/2011/Dec8/fact-cup-prostko.odt



Jeffrey B. Labahn, Director of City Development

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

**Kenosha City Plan Commission
Conditions of Approval**

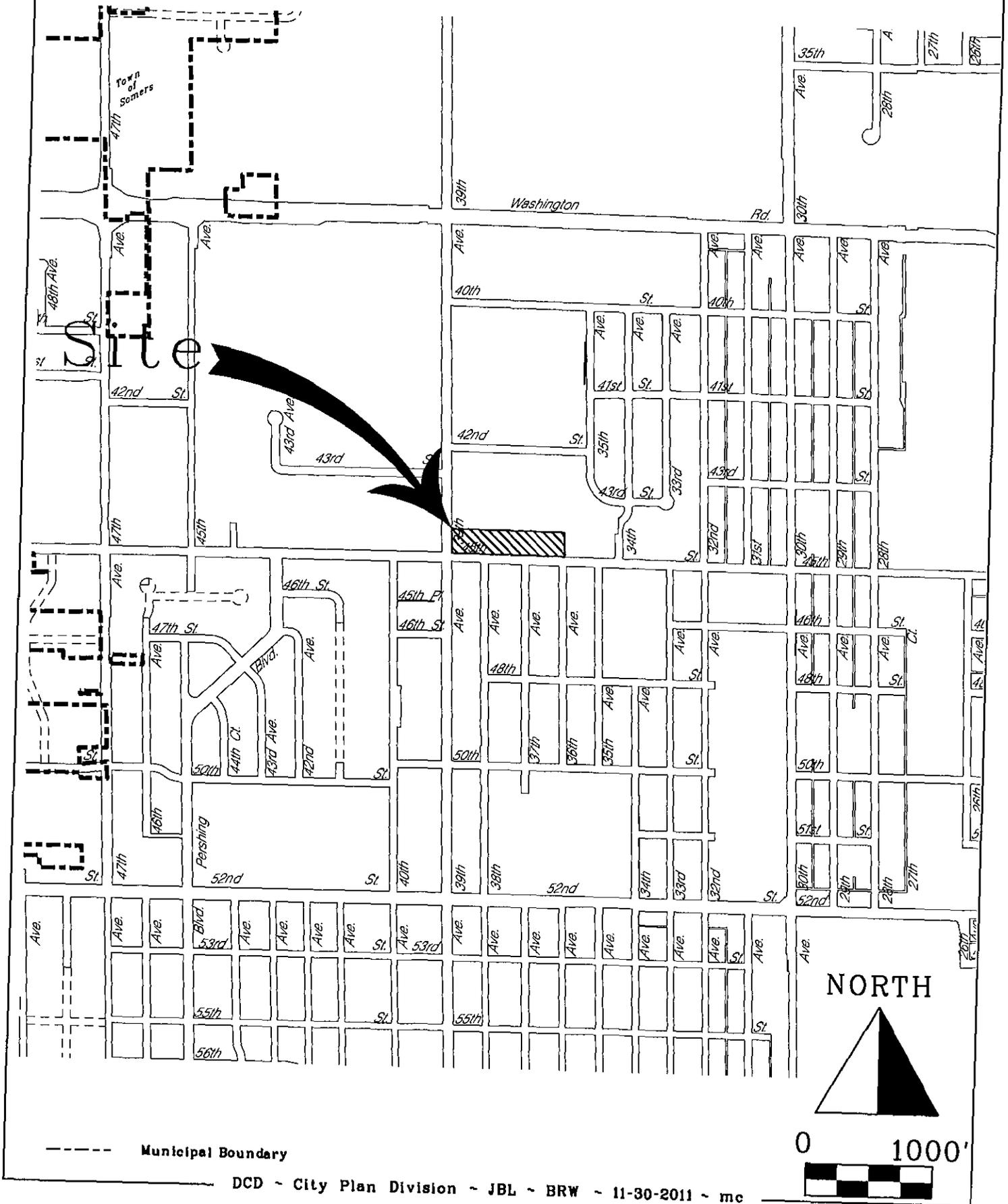
**Prostko Grading
3700 45th Street**

December 8, 2011

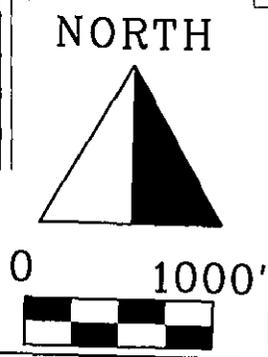
1. The following Conditions of Approval will run with the land and shall be included in a document recorded with the Kenosha County Register of Deeds:
 - a. The applicant shall obtain all required construction permits from the Department of Neighborhood Services & Inspections and the Department of Public Works.
 - b. 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.
 - c. The development shall be constructed per the approved plans on file with the Department of City Development, Room 308, 625 52nd Street, Kenosha, WI 53140. Any changes to the approved plans shall require an amendment to the Conditional Use Permit. All changes shall be submitted to the Department of City Development for review and approval.
 - d. 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 Conditional Use Permit shall be recorded with the Kenosha County Register of Deeds. All improvements indicated on the plans, including landscaping, shall be installed prior to the issuance of a final Occupancy permit. The recording fees for the Conditional Use Permit shall be submitted by the applicant.
 - e. Compliance with City and State and/or Federal Codes and Ordinances.
 - f. All trash containers shall be stored within the building or behind the fence. 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.
 - g. All vehicles and equipment shall be parked within the designated paved areas.
 - h. 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.
 - i. Compliance with the Operational Plan dated October 14, 2011.
 - j. This approval is for the area indicated by *Prostko Grading* only. Any other tenants on the property with a contractor's storage yard must apply for and receive approval of a separate Conditional Use Permit.
 - k. The areas of paving in disrepair within the boundaries of this proposal shall be replaced/repaired.
2. The following conditions of approval shall be satisfied with City Staff prior to the issuance of any construction permits.
 - a. The plan shall show that a site-obscuring fence will be installed from the northwest corner of the building to the north property line.

City of Kenosha

Vicinity Map Prostko Grading Contractor's Storage Yard - CUP



----- Municipal Boundary



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

MAILING INFORMATION

NAME OF PROJECT: Prostko Grading Contractor's Storage Yard

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

Name and Address of Applicant (Please print):
P.C. Prostko Grading Inc. Phone: 262-654-2313
3721 30th Street Fax: 262-654-2368
Kenosha WI 53144 E-Mail: pc.prostko.grading@wi.rr.com

Name and Address of Architect/Engineer (Please print):
 _____ Phone: _____
 _____ Fax: _____
 _____ E-Mail: _____

Name and Address of Property Owner (if other than applicant)(Please print):
ATC Transportation LLC Phone: _____
3700 45th Street Fax: _____
Kenosha WI 53144 E-Mail: _____

PROJECT LOCATION

Location of Development (street address and / or parcel number): 3700 45th Street

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 checked="" type="checkbox"/> Conditional Use Permit	Section 4	Pages 6 & 7
<input type="checkbox"/> Developer's Agreement	Section 5	Page 8
<input type="checkbox"/> Final Plat	Section 6	Pages 9 & 10
<input type="checkbox"/> Lot Line Adjustment Survey	Section 7	Page 11
<input type="checkbox"/> Preliminary Plat	Section 8	Pages 12 & 13
<input type="checkbox"/> Rezoning	Section 9	Pages 14 & 15
<input 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 4
CONDITIONAL USE PERMIT**

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

P.C. Prostko Grading Inc.

3721 30th Street
Kenosha WI 53144
Phone: (262) 654-2313 Fax: (262) 654-2368
E-mail: PCPROSTKOGRAIDING@wi.rr.com



October 14, 2011

City of Kenosha
625 52nd Street
Kenosha WI 53140

RE: Conditional Use Permit Application for 3700 45th Street

To Whom It May Concern:

This letter is to apply for a conditional use permit. At this time our company leases 3 bays at 3700 45th Street from ATC Transportation, LLC. We will not be making any changes to the property so we have no building or utility plans to submit. We have attached a site plan of the property in which we have marked the bays we lease, and where any construction equipment and/or vehicles are parked or would be parked.

At this time our hours of operation at the building are 6 am until 11 pm, 7 days a week. We do not run our business out of this location, it is primarily used for storage and to make any repairs to our equipment. The construction equipment and vehicles that are stored there will vary. Some examples are scrapers, dozers, water truck, loaders, skid loader, back hoe, trailers, and a dump truck. The amount of equipment and length of time parked there will vary depending on what equipment is being used on current jobs. We will not be storing any type of material at this location. If you have any questions please contact me 262-237-1900.

Sincerely,



Paul C. Prostko
President

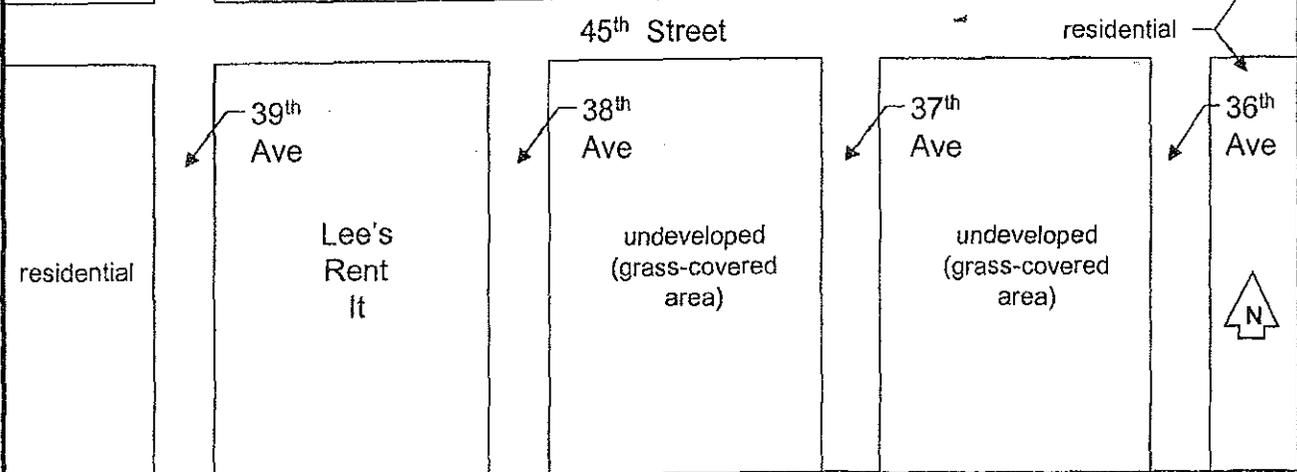
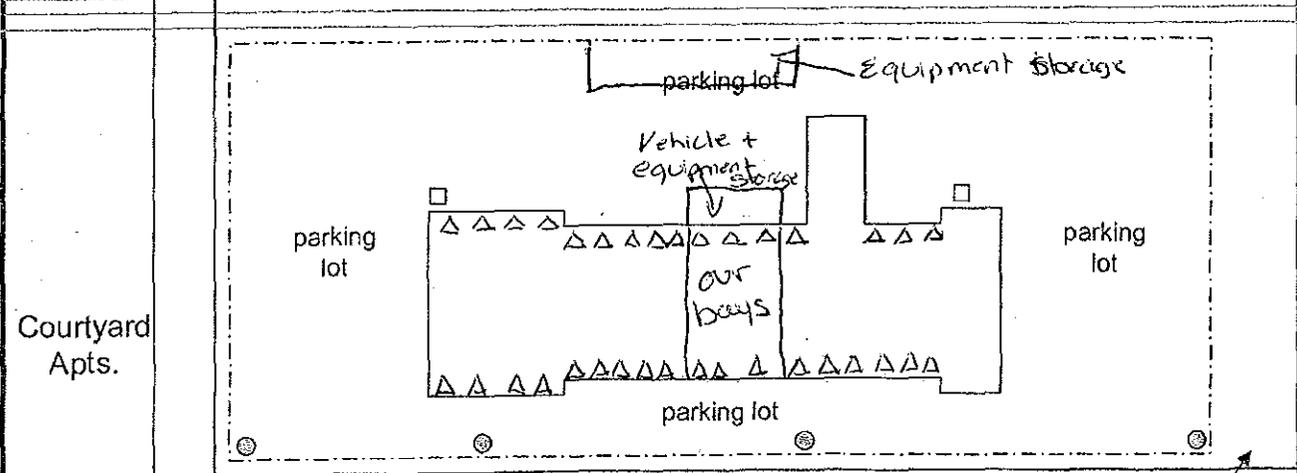
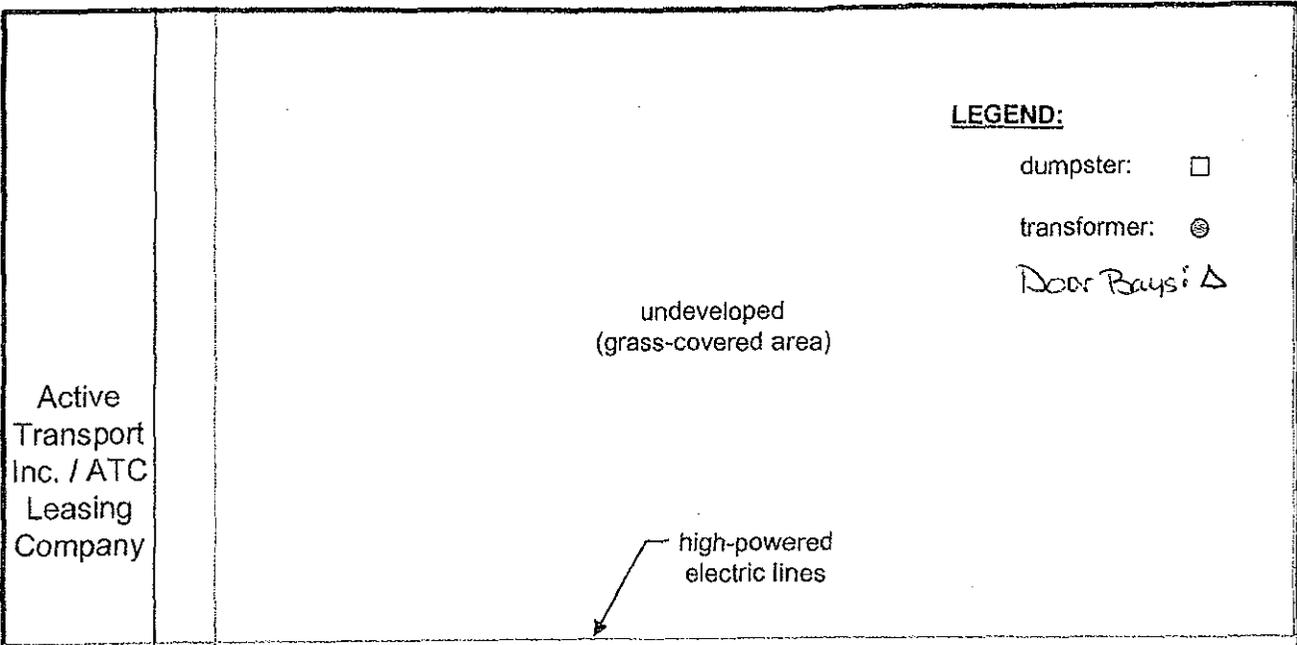


FIGURE NUMBER:	2
DRAWN BY:	TWC
PROJECT NUMBER:	16-401-282
SCALE:	NTS

SITE MAP

ATC Leasing Company
3700 45th Street
Kenosha, Wisconsin

EI

ENVIRONMENTAL INVESTIGATIONS, INC

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

d. Landscape Plan as required by §4.05 E. of the Zoning Ordinance.

e. Utility Plan as required by §4.05 F. of the Zoning Ordinance.

f. Operational Plan which details:

- (1) Airport or heliport classification.
- (2) Forecasted aviation demand, based aircraft, annual and average daily operations.
- (3) Hours of operation.
- (4) Aviatational aids and landing systems.
- (5) Crash, fire and rescue plans.
- (6) Air freight services.
- (7) Management.

g. Environmental Impact Statement:

- (1) Delineate all noise contour areas (based on projections of aircraft operations to a 20 year future.)
- (2) Land use compatibility plans for noise impacted areas, including existing land uses and zoning.
- (3) Runway and other lighting impacts from the facility.
- (4) Air and water quality impacts including aircraft fuel emissions.
- (5) Construction impacts.
- (6) Prime farmland impacts.
- (7) Other applicable social, economic and environmental impacts.

h. Federal Aviation Administration (FAA) and Wisconsin Bureau of Aeronautics (BOA) approval of all plans and environmental impact statements.

i. Facility should have adequate land area and easements to assure safe operation.

j. Facility should have adequate plans for emergency crash, fire and rescue services.

k. The noise impacted area should not exceed FAA standards or policies on airport and heliport land use compatibility.

l. Facility should have adequate plans for restricting buildings and structures to assure safe aerial approaches.

m. Other issues or concerns which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

3. Storage Yard for a Contractor in the M-1 and M-2 Districts.

a. Building Plan as required by §4.05 B. of the Zoning Ordinance.

b. Site Plan as required by §4.05 C. of the Zoning Ordinance, plus:

- (1) Location and height of all storage areas including vehicles, equipment, building materials, metals, sand, gravel and scrap storage.
- (2) Internal roads and paths for vehicular use.
- (3) Outdoor signs including any mounted or painted on fences.

c. Drainage Plan as required by §4.05 D. of the

Zoning Ordinance.

d. Landscape Plan as required by §4.05 E. of the Zoning Ordinance.

e. Utility Plan as required by §4.05 F. of the Zoning Ordinance.

f. Operational Plan which shows:

(1) Types of equipment and materials which will be used and stored.

(2) How often trash and unusable materials will be picked up.

(3) Methods to be used to control noise, dust and windblown materials and maintain fire protection.

(4) Hours and days of operation.

g. No activity shall produce a sound level outside its premises that exceeds the standards set forth in Chapter 23 "Noise Control" of the City Code of General Ordinances.

h. No activity shall emit odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthy outside the premises, nor shall any activity emit dust, fumes, vapors or gases in such quantities as to cause spoiling or danger to the health of persons, animals, vegetation or other property, all as measured and controlled by Chapter NR 400-494 "Air Pollution Control" of the Wisconsin Administrative Code.

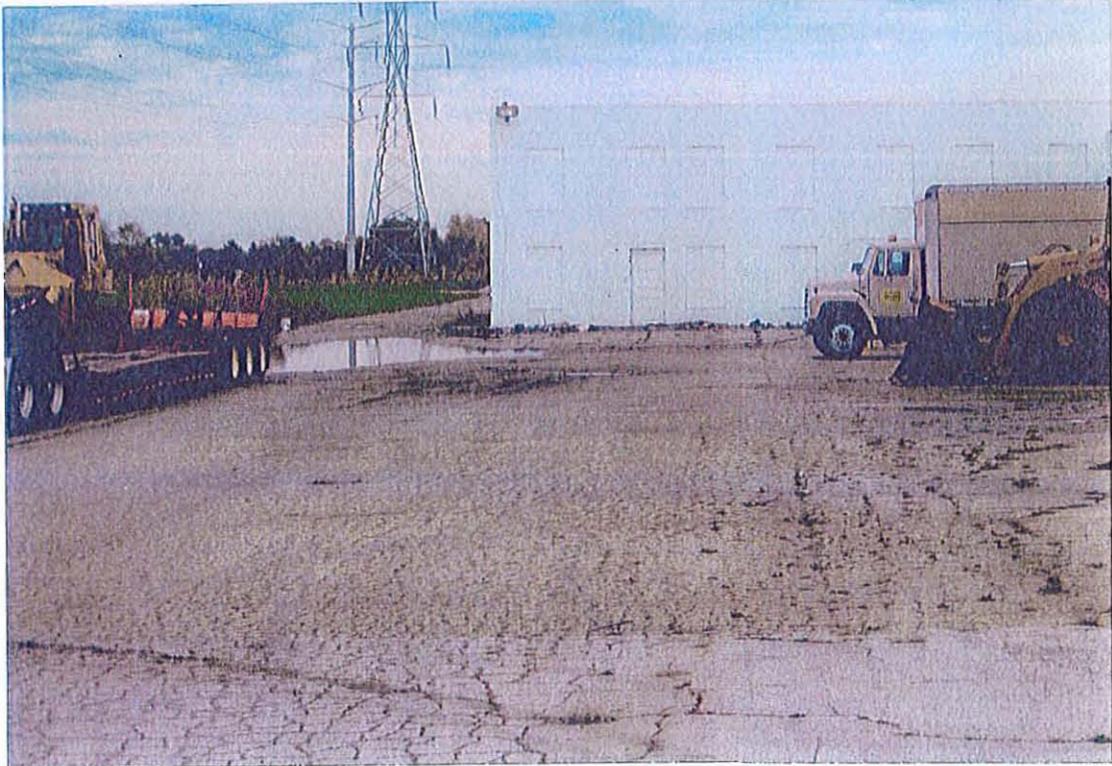
i. No activity shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that might run off, seep, percolate or wash into surface or subsurface waters so as to exceed or contribute toward the exceeding of the minimum standards set forth in Chapter NR 102 "Water Quality Standards for Wisconsin Surface Waters" and Chapters NR 200 through 299 "Wisconsin Pollutant Discharge Elimination System" of the Wisconsin Administrative Code.

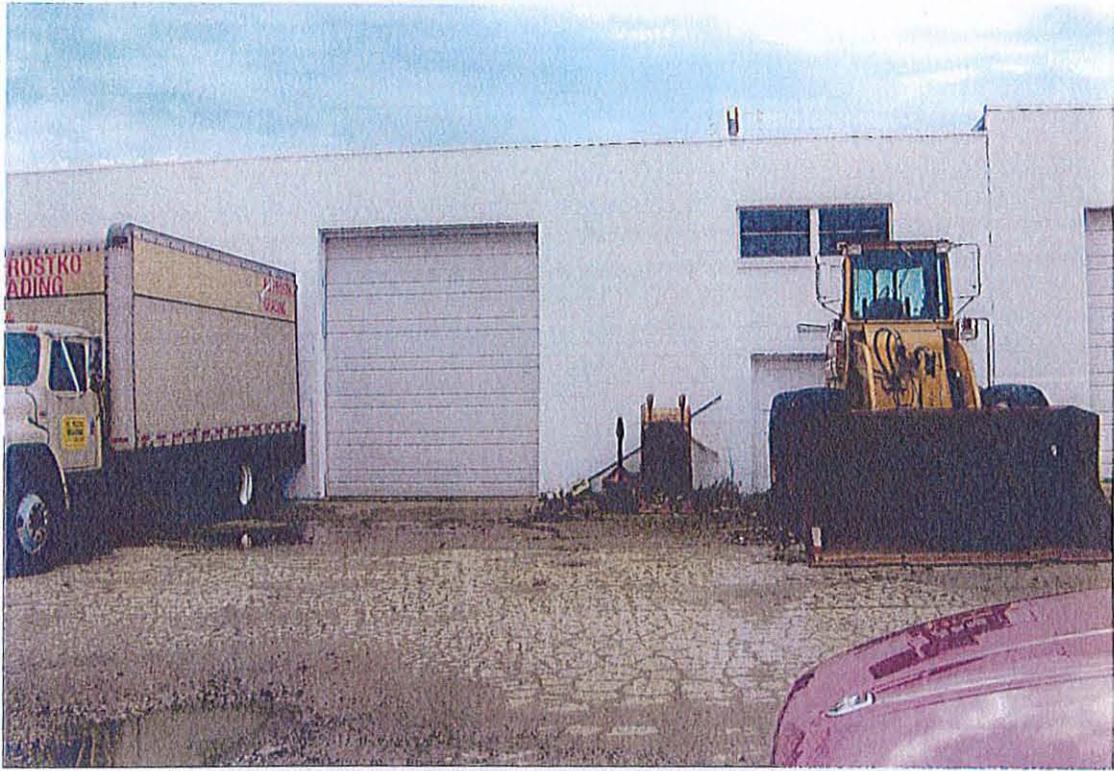
j. The storage yard shall be effectively screened along any property line which is adjacent to or across an alley from any residential district, as required in §4.05 E.2. of the Zoning Ordinance. The Commission may require additional screening or landscaping on any portion of the lot, regardless of the adjacent district, if special characteristics of the storage yard warrant such additional screening or landscaping.

k. Exterior lighting shall be arranged, oriented or shielded in such a manner that direct radiation or glare from such source does not penetrate residential lots which are located in a residential district adjacent to or across an alley from the storage yard.

l. No signage, other than one eight (8) square foot identification sign near each access gate, shall be mounted or painted on any required fence.

m. Any windblown material resulting from operation of the yard shall be collected daily and properly disposed.





<p>City Plan Division 625 52nd Street Kenosha, WI 53140 262.653.4030</p>	<p>Kenosha City Plan Commission FACT SHEET</p>	<p>December 8, 2011</p>	<p>Item 2</p>
<p>By Alderperson Lawrence Green - To Repeal and Recreate Section 16.03 A. Regarding "Fence Installation General Requirements"; To Create Section 16.03 I. of the Zoning Ordinance regarding "Exemption". PUBLIC HEARING</p>			

LOCATION/SURROUNDINGS:

City - wide

NOTIFICATIONS/PROCEDURES:

Alderman Green, the sponsor of the Ordinance, has been notified. The Common Council is the final review authority.

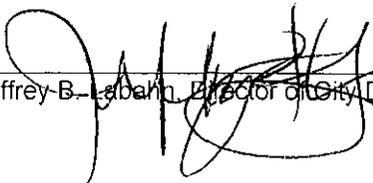
ANALYSIS:

- The current Zoning Ordinance requires that the good side of the fence must face outward.
- The City Plan Commission reviewed a similar Zoning Ordinance at their November 10, 2011 meeting and deferred action on the Ordinance.
- The original Amendment would allow any owner within a residential district to determine which side of the fence would face outwards.
- The proposed Amendment requires that the good side of the fence face outward where the lot faces a public right of way.
- The Ordinance will provide an exception to allow the owner of a residential lot (except for multi-family) to face the bad side of the fence toward a neighboring property if the abutting owners signs an Exception Agreement. If the Agreement is signed, the Zoning Administrator must grant the exception.

RECOMMENDATION:

For Commission review and recommendation.


 Rich Schroeder, Assistant City Planner


 Jeffrey B. Labahn, Director of City Development

DRAFT 11.29.11

SPONSOR: ALDERPERSON LAWRENCE GREEN

**TO REPEAL AND RECREATE SECTION 16.03 A.
REGARDING “FENCE INSTALLATION GENERAL
REQUIREMENTS”; TO CREATE SECTION 16.03 I.
OF THE ZONING ORDINANCE REGARDING
“EXEMPTION”**

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

Section One: Section 16.03 A. of the Zoning Ordinance for the City of Kenosha,

Wisconsin, is hereby repealed and recreated as follows:

1. Structural and support components of a Fence shall face away from adjacent properties.
2. Fences shall be installed with the finished side facing the adjacent property ~~or public right-of-way~~, and the Fence posts must be located on the inside of the Fence facing the property on which the Fence is located, except when the style of Fence commonly described as a “Good Neighbor Fence” is installed.
- ~~3. Fences shall be installed with the finished side facing the public right-of-way, and the Fence posts must be located on the inside of the Fence facing the property on which the Fence is located, except when the style of Fence commonly described as a “Good Neighbor Fence” is installed.~~
- ~~34.~~ Fences shall be installed plumb and the top finish of the Fence shall be uniform. Fences shall follow the contour of the ground to the extent practical. Adjustments for grade shall occur at the bottom of the Fence.
- ~~45.~~ The height of the Fence shall be controlled by the applicable provisions of the City Zoning Ordinance for the district in which the Fence will be located. Fence height shall be measured from the surface of the ground immediately below the Fence. Berms, retaining walls or other methods to raise the elevation of the site shall require approval by the Department prior to installation.
- ~~56.~~ The project site shall be marked by Diggers Hotline before digging holes for Fence installation.
- ~~67.~~ No Fence in the Vision Clearance Area shall exceed three (3’) feet in height above the mean street grade.
- ~~78.~~ The height of walls and Fences shall be measured vertically from the finished grade on the exterior side of the Fence. Raising the finished grade by placing fill solely for the purpose of adding additional height to a Fence is prohibited. If a Fence is placed on a berm, the berm shall be included in the height of the fence and the height shall be measured vertically from the base of the berm, unless said Fence is approved in conjunction with a Conditional Use Permit/Site Plan Review, or an exception is granted by the Common Council.
- ~~89.~~ All Fences shall be no closer than six (6”) inches to the public sidewalk.

Section Two: Section 16.03 I. of the Zoning Ordinance for the City of Kenosha,

Wisconsin, is hereby created as follows:

I. Exemptions. An exemption request may be made in writing to the Department from the requirements of §§ 16.03 A.1. And 16.03 A.2. for properties located within RR-1, RR-2, RR-3, RS-1, RS-2, RG-1, RG-2 or RD zoned districts. Requests shall be made on forms furnished by the Department. The request shall be made by the property owner, and when there are abutting properties zoned RR-1, RR-2, RR-3, RS-1, RS-2, RG-1, RG-2 or RD, shall be accompanied by a properly executed Exemption Agreement(s) by the abutting property owner(s) where the Fence will be located. The zoning administrator shall grant the request upon receipt of a properly completed application accompanied by properly executed exemption agreement(s). A new exemption request shall be required for any subsequent fence repair or replacement. This section shall not be construed to exempt the applicant from other applicable requirements of this code.

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

ZONING ORDINANCE NO. _____

SPONSOR: ALDERPERSON LAWRENCE GREEN

**TO REPEAL AND RECREATE SECTION 16.03 A.
REGARDING "FENCE INSTALLATION GENERAL
REQUIREMENTS"; TO CREATE SECTION 16.03 I.
OF THE ZONING ORDINANCE REGARDING
"EXEMPTION"**

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

Section One: Section 16.03 A. of the Zoning Ordinance for the City of Kenosha,

Wisconsin, is hereby repealed and recreated as follows:

1. Structural and support components of a Fence shall face away from adjacent properties.
2. Fences shall be installed with the finished side facing the adjacent property and the Fence posts must be located on the inside of the Fence facing the property on which the Fence is located, except when the style of Fence commonly described as a "Good Neighbor Fence" is installed.
3. Fences shall be installed with the finished side facing the public right-of-way, and the Fence posts must be located on the inside of the Fence facing the property on which the Fence is located, except when the style of Fence commonly described as a "Good Neighbor Fence" is installed.
4. Fences shall be installed plumb and the top finish of the Fence shall be uniform. Fences shall follow the contour of the ground to the extent practical. Adjustments for grade shall occur at the bottom of the Fence.
5. The height of the Fence shall be controlled by the applicable provisions of the City Zoning Ordinance for the district in which the Fence will be located. Fence height shall be measured from the surface of the ground immediately below the Fence. Berms, retaining walls or other methods to raise the elevation of the site shall require approval by the Department prior to installation.
6. The project site shall be marked by Diggers Hotline before digging holes for Fence installation.
7. No Fence in the Vision Clearance Area shall exceed three (3') feet in height above the mean street grade.
8. The height of walls and Fences shall be measured vertically from the finished grade on the exterior side of the Fence. Raising the finished grade by placing fill solely for the purpose of adding additional height to a Fence is prohibited. If a Fence is placed on a berm, the berm shall be included in the height of the fence and the height shall be measured vertically from the base of the berm, unless said Fence is approved in conjunction with a Conditional Use Permit/Site Plan Review, or an exception is granted by the Common Council.
9. All Fences shall be no closer than six (6") inches to the public sidewalk.

Section Two: Section 16.03 I. of the Zoning Ordinance for the City of Kenosha,

Wisconsin, is hereby created as follows:

I. Exemptions. An exemption request may be made in writing to the Department from the requirements of §§ 16.03 A.1. And 16.03 A.2. for properties located within RR-1, RR-2, RR-3, RS-1, RS-2, RG-1, RG-2 or RD zoned districts. Requests shall be made on forms furnished by the Department. The request shall be made by the property owner, and when there are abutting properties zoned RR-1, RR-2, RR-3, RS-1, RS-2, RG-1, RG-2 or RD, shall be accompanied by a properly executed Exemption Agreement(s) by the abutting property owner(s) where the Fence will be located. The zoning administrator shall grant the request upon receipt of a properly completed application accompanied by properly executed exemption agreement(s). A new exemption request shall be required for any subsequent fence repair or replacement. This section shall not be construed to exempt the applicant from other applicable requirements of this code.

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

City Plan Division 625 52 nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	December 8, 2011	Item 3
By Alderperson Jesse Downing - To Repeal, Create and Amend various Sections of the Zoning Ordinance to conform with Section 15 of the Code of General Ordinances regarding "Off-Premise Signs". PUBLIC HEARING			

LOCATION/SURROUNDINGS:

City - Wide

NOTIFICATIONS/PROCEDURES:

The Common Council is the final review authority.

ANALYSIS:

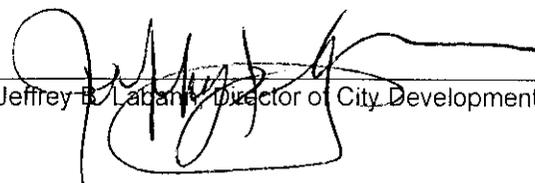
- The attached Zoning Ordinance Amendment relates to the recent changes to Chapter 15 of the Code of General Ordinances referring to Off-Premise Signs. The items in the attached Amendment would dictate the review and approval procedures to construct, relocate or modify Off-Premise Signs.
- The changes include:
 - *Section One* - Removing the language that prohibits new Off-Premise Signs.
 - *Section Two and Five* - Adding language making certain that although Off-Premise Signs are a permitted use, any new signs would still require Staff level Site Plan Approval.
 - *Section Three, Six and Seven* - Adding language to the B-2, M-1 and M-2 Districts making clear that Off-Premise Signs are conditional uses if they are digital or don't meet certain requirements.
 - *Section Four* - Adding language to allow certain Off-Premise Signs to exceed the height limit of the B-2 District.
 - *Sections Eight and Nine* - Setting the Common Council as the Review Authority for Off-Premise Signs.
 - *Section Ten* - Creating standards and procedures for review of Off-Premise Signs as a Conditional Use Permit.
 - *Section Eleven* - Removing language in the non-conforming use section which prohibits altering or rebuilding of Off-Premise Signs.
 - *Section Twelve* - Adding a definition for digital display of Off-Premise Signs identical to the definition in Chapter 15 of the Code of General Ordinances.

RECOMMENDATION:

For Commission review and recommendation.



Brian Wilke, Development Coordinator



Jeffrey B. Labaree, Director of City Development

ZONING ORDINANCE NO. _____

DRAFT 11.17.11

SPONSOR: ALDERPERSON JESSE DOWNING

TO REPEAL, CREATE AND AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE TO CONFORM WITH SECTION 15 OF THE CODE OF GENERAL ORDINANCES REGARDING “OFF-PREMISE SIGNS”

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

Section One: Section **2.02 E.4** of the Zoning Ordinance for the City of Kenosha,

Wisconsin, is hereby repealed:

~~4. Any sales, rental, or leasing of a structure, or of space on a structure, for display on an off-premises sign.~~

Section Two: Section **3.14 A. 8.** of the Zoning Ordinance for the City of Kenosha,

Wisconsin, is hereby created as follows:

8. Off-Premise Sign in conformance with Section 15.15 of the Code of General Ordinances.

Section Three: Section **3.14 C.23.** of the Zoning Ordinance for the City of Kenosha,

Wisconsin, is hereby created as follows:

23. Off-Premise Sign not in conformance with Section 15.15 H.5 or 15.15 H.7 of the Code of General Ordinances or Digital Display Off-Premise Sign.

Section Four: Section **3.14 E.** of the Zoning Ordinance for the City of Kenosha,

Wisconsin, is hereby repealed and recreated as follows:

E. Building Height. No building or structure, nor the enlargement of any building or structure, shall exceed forty-five (45') feet in height, except for Communication Towers, Radio/Television/Relay Towers and Antennas which may be installed to a height in conformance with Section 2.04 A.3. of this Ordinance or Off-Premise Signs which may be installed to a height in conformance with Section 15.15 H.5. of the Code of General Ordinances.

Section Five: Section **3.17 A.28** of the Zoning Ordinance for the City of Kenosha,

Wisconsin, is hereby created as follows:

28. Off-Premise Sign in conformance with Section 15.15 of the Code of General Ordinances.

Section Six: Section **3.17 C.9** of the Zoning Ordinance for the City of Kenosha,

Wisconsin, is hereby created as follows:

9. Off-Premise Sign not in conformance with Section 15.15 H.5 or 15.15 H.7 of the Code of General Ordinances or Digital Display Off-Premise Sign.

Section Seven: Section 3.18 C.38 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows:

38. Off-Premise Sign not in conformance with Section 15.15 H.5 or 15.15 H.7 of the Code of General Ordinances or Digital Display Off-Premise Sign.

Section Eight: Section 4.02 B. TABLE 4.01 GROUP 2 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby amended to include the following definition:

Off-Premise Signs in the B-2 District.....CC

Section Nine: Section 4.02 B. TABLE 4.01 GROUP 3 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby amended to include the following definition:

Off-Premise Signs in the M-1 and M-2 Districts.....CC

Section Ten: Section 4.06 D.16. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows:

16. Off-Premise Signs in the B-2, M-1 or M-2 Districts:

- a. **Building Plan** as required in Sections 4.05 B. and 14.07 B. of the Zoning Ordinance.
- b. **Site Plan** as required in Sections 4.05 C. and 14.07 C. of the Zoning Ordinance.
- c. **Drainage Plan** as required in Sections 4.05 D. and 14.07 E. of the Zoning Ordinance.
- d. **Landscape Plan** as required in Sections 4.05 E. and 14.07 F. of the Zoning Ordinance.
- e. **Utility Plan** as required in Sections 4.05 F. and 14.07 D. of the Zoning Ordinance.
- f. **Design Standards.** Off-Premise signs shall comply with the design and dimensional standards of

Section 15.15. H. of the Code of General Ordinances.

g. Exception. The Review Authority shall have the ability to waive the Height and Locational standards as listed in **Section 15.15 H.5 and 15.15 H.7** of the Code of General Ordinances upon holding a Public Hearing. In determining whether or not to grant an exception to the Height standards, the Review Authority shall give consideration to the height of existing structures on the site. In determining whether or not to grant an exception to the Locational standards, the Review Authority shall consider such factors as sign face direction, lighting and setbacks of existing uses from the property lines.

h. Size. The Review Authority shall have the authority to approve any off-premise sign face larger than three hundred (300) square feet, but in no event larger than six hundred seventy-two (672) square feet upon holding a Public Hearing.

i. Digital Display Off-Premise Signs. The applicant shall hold a public informational meeting at a time and place to be determined by the Alderperson of the District in which the application has been submitted prior to any action occurring on the Conditional Use Permit. All property owners within 250 feet of the boundaries of the subject property, not including rights-of-way, shall be contacted with the meeting information. In addition to the public informational meeting, the following standards shall apply:

(1) Digital Display Off-Premise Signs shall comply with the illumination and performance criteria of **Section 15.15 B.2.** Of the Code of General Ordinances.

(2) The digital display shall be limited to the sign face only and shall not include any other part of the

support structure.

(3) Movement, animation, audio speakers and all forms of pyrotechnics are prohibited.

j. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole

Section Eleven: Section 7.03 E. of the Zoning Ordinance for the City of

Kenosha, Wisconsin, is hereby repealed:

~~— E. Subject to the provisions of Wisconsin Statutes §§ 62.23 (7) (h) and (he), no noneonforming off-premises sign may be repaired, altered, or restored. Subject to the provision of Wisconsin Statutes §§ 62.23 (7) (h) and (he), no sales, rental, or leasing of a structure, or sales, rental, or leasing of space on a structure, for display on an off-premises sign may occur.~~

Section Twelve: Section 12.0 of the Zoning Ordinance for the City of Kenosha,

Wisconsin, is hereby amended to include the following definition:

Digital Display Off-Premise Sign. An off-premises advertising sign, display or device that may contain multiple or variable messages, including messages on louvers that are rotated and messages formed solely by use of lights or other electronic or digital displays, that may be changed by any electronic process.

Section Thirteen: 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. _____

SPONSOR: ALDERPERSON JESSE DOWNING

TO REPEAL, CREATE AND AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE TO CONFORM WITH SECTION 15 OF THE CODE OF GENERAL ORDINANCES REGARDING “OFF-PREMISE SIGNS”

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

Section One: Section 2.02 E.4 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed.

Section Two: Section 3.14 A. 8. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows:

8. Off-Premise Sign in conformance with Section 15.15 of the Code of General Ordinances.

Section Three: Section 3.14 C.23. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows:

23. Off-Premise Sign not in conformance with Section 15.15 H.5 or 15.15 H.7 of the Code of General Ordinances or Digital Display Off-Premise Sign.

Section Four: Section 3.14 E. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

E. Building Height. No building or structure, nor the enlargement of any building or structure, shall exceed forty-five (45') feet in height, except for Communication Towers, Radio/Television/Relay Towers and Antennas which may be installed to a height in conformance with Section 2.04 A.3. of this Ordinance or Off-Premise Signs which may be installed to a height in conformance with Section 15.15 H.5. of the Code of General Ordinances.

Section Five: Section 3.17 A. 28 of the Zoning Ordinance for the City of Kenosha, Wisconsin is hereby created follows:

28. Off-Premise Sign in conformance with Section 15.15 of the Code of General Ordinances.

Section Six: Section 3.17 C.9 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows:

9. Off-Premise Sign not in conformance with Section 15.15 H.5 or 15.15 H.7 of the Code of General Ordinances or Digital Display Off-Premise Sign.

Section Seven: Section **3.18 C.38** of the Zoning Ordinance for the City of Kenosha,

Wisconsin, is hereby created as follows:

38. Off-Premise Sign not in conformance with Section 15.15 H.5 or 15.15 H.7 of the Code of General Ordinances or Digital Display Off-Premise Sign.

Section Eight: Section **4.02 B. TABLE 4.01 GROUP 2** of the Zoning Ordinance for

the City of Kenosha, Wisconsin, is hereby amended to include the following definition:

Off-Premise Signs in the B-2 District.....CC

Section Nine: Section **4.02 B. TABLE 4.01 GROUP 3** of the Zoning Ordinance for

the City of Kenosha, Wisconsin, is hereby amended to include the following definition:

Off-Premise Signs in the M-1 and M-2 Districts.....CC

Section Ten: Section **4.06 D.16.** of the Zoning Ordinance for the City of Kenosha,

Wisconsin, is hereby created as follows:

16. Off-Premise Signs in the B-2, M-1 or M-2 Districts:

- a. **Building Plan** as required in Sections 4.05 B. and 14.07 B. of the Zoning Ordinance.
- b. **Site Plan** as required in Sections 4.05 C. and 14.07 C. of the Zoning Ordinance.
- c. **Drainage Plan** as required in Sections 4.05 D. and 14.07 E. of the Zoning Ordinance.
- d. **Landscape Plan** as required in Sections 4.05 E. and 14.07 F. of the Zoning Ordinance.
- e. **Utility Plan** as required in Sections 4.05 F. and 14.07 D. of the Zoning Ordinance.
- f. **Design Standards.** Off-Premise signs shall comply with the design and dimensional standards of

Section 15.15. H. of the Code of General Ordinances.

g. Exception. The Review Authority shall have the ability to waive the Height and Locational standards as listed in **Section 15.15 H.5 and 15.15 H.7** of the Code of General Ordinances upon holding a Public Hearing. In determining whether or not to grant an exception to the Height standards, the Review Authority shall give consideration to the height of existing structures on the site. In determining whether or not to grant an exception to the Locational standards, the Review Authority shall consider such factors as sign face direction, lighting and setbacks of existing uses from the property lines.

h. Size. The Review Authority shall have the authority to approve any off-premise sign face larger than three hundred (300) square feet, but in no event larger than six hundred seventy-two (672) square feet upon holding a Public Hearing.

i. Digital Display Off-Premise Signs. The applicant shall hold a public informational meeting at a time and place to be determined by the Alderperson of the District in which the application has been submitted prior to any action occurring on the Conditional Use Permit. All property owners within 250 feet of the boundaries of the subject property, not including rights-of-way, shall be contacted with the meeting information. In addition to the public informational meeting, the following standards shall apply:

(1) Digital Display Off-Premise Signs shall comply with the illumination and performance criteria of **Section 15.15 B.2.** Of the Code of General Ordinances.

(2) The digital display shall be limited to the sign face only and shall not include any other part of the support structure.

(3) Movement, animation, audio speakers and all forms of pyrotechnics are prohibited.

j. Other issues which may have an adverse social, economic or environmental impact or affecting the

health, safety or welfare of abutting or neighboring properties or the City as a whole

Section Eleven: Section 7.03 E. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed:

Section Twelve: Section 12.0 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby amended to include the following definition:

Digital Display Off-Premise Sign. An off-premises advertising sign, display or device that may contain multiple or variable messages, including messages on louvers that are rotated and messages formed solely by use of lights or other electronic or digital displays, that may be changed by any electronic process.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
MATTHEW A. KNIGHT
Deputy City Attorney

Municipal Building 625 52nd Street – Room 202	<i>Kenosha City Plan Commission Agenda</i>	Thursday, December 8, 2011 5:00 p.m.
<i>Mayor Keith Bosman, Alderman Jesse Downing, Alderman Jan Michalski, Anderson Lattimore, Anita Faraone, Art Landry, Bruce McCurdy, Ron Stevens</i>		

****ADDENDUM****

Call to Order and Roll Call

1. ***Approve the acquisition of property located at 1613 Washington Road for park purposes. (District #6) PUBLIC HEARING***

Public Comments

Commissioner Comments

Staff Comments

Adjournment

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

Kenosha City Plan Commission

FACT SHEET

December 8, 2011

****ADDENDUM****
****Item 1****

Approve the acquisition of property located at 1613 Washington Road for park purposes. (District #6) PUBLIC HEARING

LOCATION/SURROUNDINGS:

Site: 1613 Washington Road
Zoned: RG-1 / FW

NOTIFICATIONS/PROCEDURES:

The alderman of the district, Alderman Ohnstad, has been notified. This item will also be reviewed by the Parks Commission and Finance Committee before final action by the Common Council.

ANALYSIS:

- The property consists of approximately 1.65 acres of land and abuts the east end of Washington Park. The property would become part of Washington Park.
- Both the City Comprehensive Plan and Comprehensive/Outdoor Recreation Plan (CORP) designate the site for future park expansion.
- State Statute 62.23(5) requires that the City Plan Commission review the acceptance or acquisition of land for park purposes.

RECOMMENDATION:

A recommendation is made to approve the acquisition of property for park purposes.



Rich Schroeder, Assistant City Planner
/u2/acct/cp/ckays/1CPC/2011/Dec8/add-fact-1613 wash rd.odt



Jeffrey B. Labahn, Director of City Development

62.225 Recycling or resource recovery facilities. A city may establish and require use of facilities for the recycling of solid waste or for the recovery of resources from solid waste as provided under s. 287.13.

History: 1983 a. 27; 1989 a. 335 s. 89; 1995 a. 227.

62.23 City planning. (1) COMMISSION. (a) The council of any city may by ordinance create a "City Plan Commission," to consist of 7 members. The commission shall also include, as a nonvoting member, a representative from a military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in the city, if the base's or installation's commanding officer appoints such a representative. All members of the commission, other than the representative appointed by the commanding officer of a military base or installation, shall be appointed by the mayor, who shall also choose the presiding officer. The mayor may appoint himself or herself to the commission and may appoint other city elected or appointed officials, except that the commission shall always have at least 3 citizen members who are not city officials. Citizen members shall be persons of recognized experience and qualifications. The council may by ordinance provide that the membership of the commission shall be as provided thereunder.

(d) The members of the commission shall be appointed to hold office for a period of 3 years. Appointments shall be made by the mayor during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term.

(e) The city plan commission shall have power and authority to employ experts and a staff, and to pay for their services and such other expenses as may be necessary and proper, not exceeding, in all, the appropriation that may be made for such commission by the legislative body, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the governing body.

(f) Any city may by ordinance increase the number of members of the city plan commission so as to provide that the building commissioner or building inspector shall serve as a member thereof.

(2) FUNCTIONS. It shall be the function and duty of the commission to make and adopt a master plan for the physical development of the city, including any areas outside of its boundaries that in the commission's judgment bear relation to the development of the city provided, however, that in any county where a regional planning department has been established, areas outside the boundaries of a city may not be included in the master plan without the consent of the county board of supervisors. The master plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and shall, as described in sub. (3) (b), contain at least the elements described in s. 66.1001 (2). The commission may from time to time amend, extend, or add to the master plan or carry any part or subject matter into greater detail. The commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

(3) THE MASTER PLAN. (a) The master plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.

(b) The commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts of a master plan. Beginning on January 1, 2010, or, if the city is exempt under s. 66.1001 (3m), the date under s. 66.1001 (3m) (b), if the city engages in any program or action described in s. 66.1001 (3), the master plan shall contain at least all of the elements specified in s. 66.1001 (2). The adoption of the plan or any

part, amendment, or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the city plan commission. The resolution shall refer expressly to the elements under s. 66.1001 and other matters intended by the commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part of the plan by the identifying signature of the secretary of the commission, and a copy of the plan or part of the plan shall be certified to the common council, and also to the commanding officer, or the officer's designee, of any military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city. The purpose and effect of the adoption and certifying of the master plan or part of the plan shall be solely to aid the city plan commission and the council in the performance of their duties.

(4) MISCELLANEOUS POWERS OF THE COMMISSION. The commission may make reports and recommendations relating to the plan and development of the city to public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens. It may recommend to the mayor or council, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

(5) MATTERS REFERRED TO CITY PLAN COMMISSION. The council, or other public body or officer of the city having final authority thereon, shall refer to the city plan commission, for its consideration and report before final action is taken by the council, public body or officer, the following matters: The location and architectural design of any public building; the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the city or within the territory over which the city is given platting jurisdiction by ch. 236; the location, character and extent or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any ordinance adopted pursuant to this section. Unless such report is made within 30 days, or such longer period as may be stipulated by the common council, the council or other public body or officer, may take final action without it.

(6) OFFICIAL MAP. (a) As used in this subsection, "waterways" includes rivers, streams, creeks, ditches, drainage channels, watercourses, lakes, bays, ponds, impoundment reservoirs, retention and detention basins, marshes and other surface water areas, regardless of whether the areas are natural or artificial.

(am) 1. In this paragraph:

a. "Airport" means an airport as defined under s. 114.002 (7) which is owned or operated by a county, city, village or town either singly or jointly with one or more counties, cities, villages or towns.

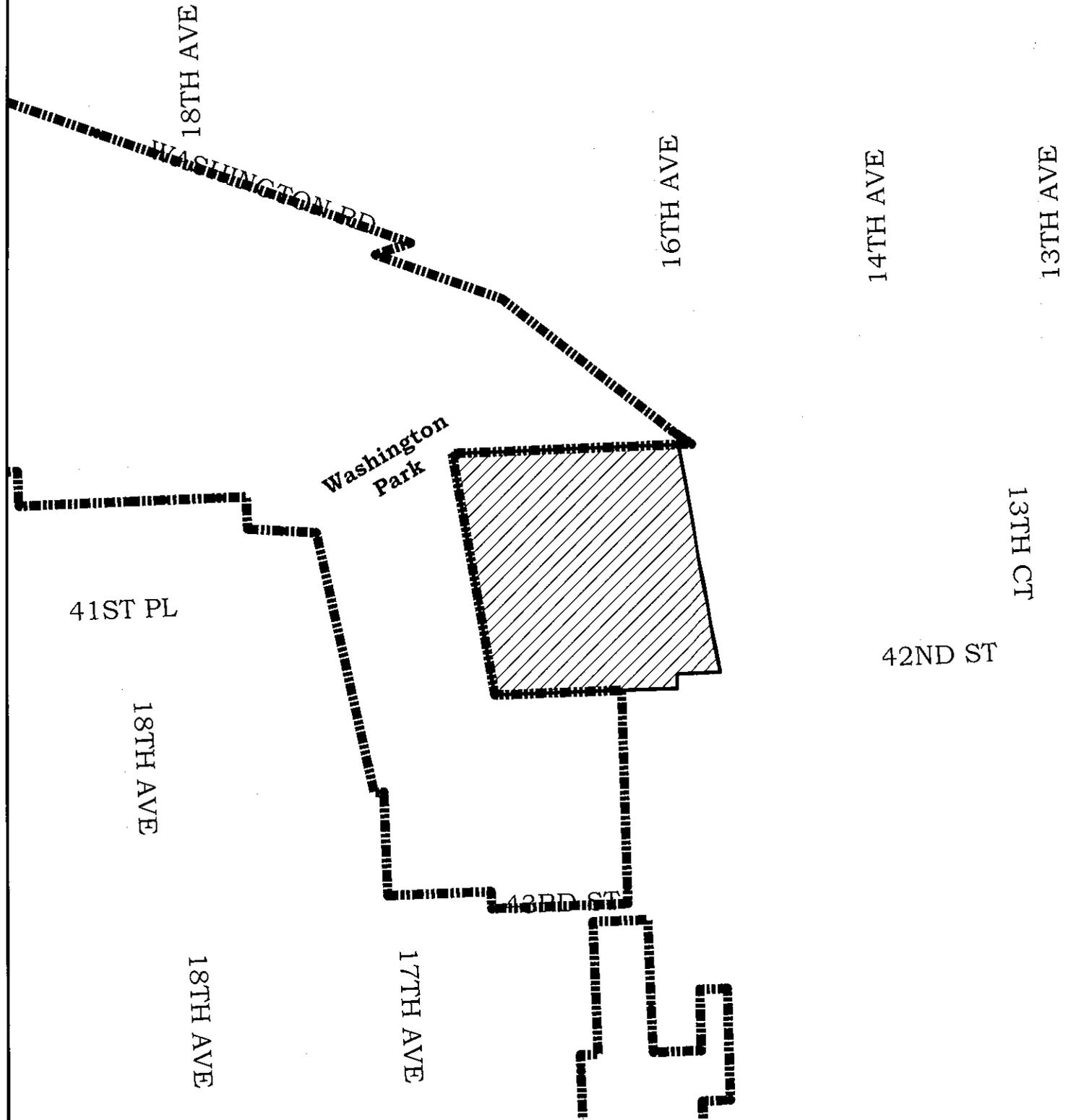
b. "Airport affected area" means the area established by an agreement under s. 66.1009. If a county, city, village or town has not established such an agreement, "airport affected area" in that county, city, village or town means the area located within 3 miles of the boundaries of an airport.

2. If the council of any city which is not located in whole or in part in a county with a population of 500,000 or more has established an official map under par. (b), the map shall show the location of any part of an airport located within the area subject to zon-

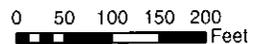
City of Kenosha

General Location Map

1613 Washington Road



Subject Property



City of Kenosha

General Location Map
1613 Washington Road



Subject Property



0 50 100 150 200
Feet