

**CITY PLAN COMMISSION**  
**Minutes**  
**January 5, 2012**

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MEMBERS PRESENT: Alderman Downing, Alderman Michalski, Anita Faraone, Robert Hayden, Art Landry, Anderson Lattimore and Jessica Olson

MEMBERS EXCUSED: Mayor Bosman, Alderman Kennedy and Ron Stevens

STAFF PRESENT: Jeffrey B. Labahn, Rich Schroeder

*Others Present: Alderman Green and Mike Higgins*

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

A motion to approve the minutes from December 8, 2011 was made by Alderman Michalski and seconded by Mr. Lattimore. The motion passed unanimously. (Ayes 6; Nays 0).

**1. Conditional Use Permit for a contractor's storage yard to be located at 3700 45th Street. (Prostko Grading) (District #10) PUBLIC HEARING**

Public hearing opened, no comments, public hearing closed.

A motion to defer for 2 weeks was made by Alderman Michalski and seconded by Mr. Lattimore. The motion passed unanimously. (Ayes 6; Nays 0)

**2. Conditional Use Permit for a rubber processing facility to be located at 1100 91st Street. (A-Korn Roller, Inc) (District #9) PUBLIC HEARING**

Public hearing opened.

*Ms. Faraone arrived.*

Michael Koren, 11782 Shag Bark Court, Burr Ridge, IL, representative for the applicant was available for questions.

Public hearing closed.

Rich Schroeder, Interim Deputy Director, said the final approval is by the Common Council. Staff is currently working with Fire Department on items on the application.

Alderman Michalski asked if the air quality will be affected. Mr. Koren explained they will catch the dust generated by the grinding, recycle it and return it to the work force. There will also be a hepa filter used to recycle the dust. With this specialized application, the dust particles are very heavy.

A motion was made by Alderman Michalski and seconded by Ms. Faraone to approve the Conditional Use Permit. The motion passed unanimously. (Ayes 7; Nays 0)

**3. 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 opened, no comments, public hearing closed.

Mr. Schroeder said the proposed Zoning Ordinance was deferred at the November 10, 2011 meeting.

Ms. Faraone does not support the proposed Ordinance. There are already State laws out there, we should just enforce them.

*Alderman Downing recognized Mr. Tirabassi.*

Dominic Tirabassi, 8531 39th Avenue, Kenosha, WI, spoke in opposition to the proposed Ordinance and also noted there are already laws in place that should be enforced. Mr. Tirabassi asked that if the Ordinance is passed, could the existing farmer be "grandfathered" and still allowed to farm.

A motion was made by Ms. Faraone and seconded by Mr. Lattimore to Deny the Ordinance.

Alderman Michalski said his is opposed, but does not think the Ordinance is necessary.

Alderman Downing does not support the Ordinance now and did not in the past. This Ordinance would shift the tax burden to the other taxpayers.

The motion passed unanimously. (Ayes 7; Nays 0)

**4. City Plan Commission Resolution to Approve an Amendment to "A Comprehensive Plan for the City of Kenosha: 2035", to rescind designation of 55th Street from 47th to 49th Avenue. (District #16) PUBLIC HEARING**

Alderman Downing asked that Items #4, #5 and #6 be read together for public hearing purposes. All items were read.

**5. By the Mayor - Resolution To Amend the Official Map for the City of Kenosha, Wisconsin, To Rescind the Designation of 55th Street from 47th Avenue to 49th Avenue as a Future Street, Pursuant to Section 62.23(6), Wisconsin Statutes. (District #16) PUBLIC HEARING**

**6. By the City Plan Commission - To Create Subsection 18.02 m. of the Zoning Ordinance to Amend the Comprehensive Plan to remove a portion of 55th Street Future Right Of Way from the Official Map. (District #16)  
PUBLIC HEARING**

Public hearing opened.

Carlo Filippelli, 7210 Pershing Blvd, said he can't do much with the property as long as it has the future street designation on it. Mr. Filippelli is requesting removal of the designation so he can build one or two homes on the property.

Public hearing closed.

Mr. Schroeder said the designation is there to provide a cross street along 48th Avenue. It has been designated for many years and there is no proposal in the near future to put the street through. Two lots are impacted with this designation. One is a vacant lot owned by Mr. Filippelli and the other has an existing home. Mr. Schroeder said options are to remove all, a portion, or none of the designation.

Mr. Lattimore asked if Police or Fire had any objections. Mr. Schroeder said Police had no objections and Fire did not reply.

Alderman Michalski said if the designation has been there for a while, why remove it now? Mr. Filippelli said he does not have the money to build anything now, but he might try to sell the property and this change would make the property more appealing.

Ms. Faraone said she would like to see the City purchase the property and put the road through. Ms. Faraone asked Staff if they would purchase. Jeffrey B. Labahn, Interim Director, said that would be up to the Common Council.

Alderman Downing said the City is not in a position to purchase more properties. If this road went through, it would be next to the school. Alderman Downing supports the removal of the designation.

Mr. Hayden asked Staff if there are any plans to put the road through. Mr. Labahn said not in the next 5 year Capital Improvement Plan. Mr. Schroeder added that it was set up that the developer must pay for the road when the property is developed.

Ms. Faraone asked Mr. Filippelli how much he paid in taxes. Mr. Filippelli said he pays about \$343 on the parcel, but the property is worth more than that.

Ms. Olson asked if there would be any safety issues without the cross street? Mr. Labahn said not safety, but inner connectivity on a sub-neighborhood level.

A motion was made by Alderman Michalski and seconded by Ms. Faraone to approve #4, the City Plan Commission Resolution. The motion passed unanimously. (Ayes 6; Nays 1) *Landry voted no.*

Mr. Landry asked what will happen with 48th Avenue, will that still connect? Mr. Schroeder said 48th Avenue will go through at some point when the private properties

are further developed.

*A motion was made by Alderman Michalski and seconded by Mr. Lattimore to approve #5, the Map Resolution. The motion passed unanimously. (Ayes 7; Nays 0)*

A motion was made by Alderman Michalski and seconded by Mr. Lattimore to approve #6, the Zoning Ordinance. The motion passed unanimously. (Ayes 7; Nays 0)

**7. City Plan Commission Resolution to Amend Chapter 6 entitled Existing Plans & Ordinances for the Comprehensive Plan for the City of Kenosha: 2035, adoption of the Kenosha County Hazard Mitigation Plan Update: 2011 - 2015. PUBLIC HEARING**

Alderman Downing asked that Items #7, #8 and #9 be read together for public hearing purposes. All items were read.

**8. By the Mayor - Resolution for Adoption of Kenosha County Hazard Mitigation Plan Update: 2011 - 2015. PUBLIC HEARING**

**9. By the City Plan Commission - To Create Subsection 18.02 n. of the Zoning Ordinance to Amend the Comprehensive Plan to Adopt a new Kenosha County Hazard Mitigation Plan Update: 2011 - 2015. PUBLIC HEARING**

Public hearing opened, no comments, public hearing closed.

Mr. Schroeder explained that FEMA requires the plan be updated every five (5) years to be eligible for hazard mitigation funding.

A motion was made by Ms. Faraone and seconded by Alderman Michalski to approve #7, the City Plan Commission Resolution. The motion passed unanimously. (Ayes 7; Nays 0)

A motion was made by Ms. Faraone and seconded by Alderman Michalski to approve #8, the Adoption Resolution. The motion passed unanimously. (Ayes 7; Nays 0)

A motion was made by Ms. Faraone and seconded by Alderman Michalski to approve #9, the Zoning Ordinance. The motion passed unanimously. (Ayes 7; Nays 0)

**10. Petition to rezone property located at 1613 Washington Road from RG-1 General Residential to IP Institutional Park in conformance with Section 10.05 of the Zoning Ordinance. (Zerovec Properties, LLC) (District #6) PUBLIC HEARING**

Public hearing opened.

Claude Krawczyk, O'Neil Cannon Hollman DeJong & Laing, 111 E. Wisconsin Avenue, Milwaukee, Attorney for AT & T, was available for questions.

Shane Begley, 14114 S. Country Circle, Gordon, WI, engineer for AT & T was also available for questions.

Mr. Krawczyk and Mr. Begley addressed the plan revisions suggested by Staff which include widening the driveway, reducing the fence height and reducing the tower height to 140 feet with the lighting rod to make it shorter than 150 feet

Public hearing closed.

Mr. Schroeder noted that the issue at this meeting is strictly the rezoning, the Conditional Use Permit and other Agreements will be reviewed separately at future dates.

A motion was made by Ms. Faraone and seconded by Alderman Michalski to approve the rezoning. The motion passed unanimously. (Ayes 7; Nays 0)

#### **Public Comments**

No public comments.

#### **Commissioner Comments**

No Commissioner comments.

#### **Staff Comments**

Mr. Labahn said they are working on the new Downtown Plan in a joint effort with KABA.

A motion to adjourn was made by Alderman Michalski and seconded by Ms. Faraone. The motion passed unanimously (Ayes 7; Nays 0). The meeting adjourned at 6:00 p.m.

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

**CITY PLAN COMMISSION**  
**Minutes**  
**January 19, 2012**

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

MEMBERS EXCUSED: Jessica Olson

STAFF PRESENT: Rich Schroeder

*Others Present: Alderman Tod Ohnstad*

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

**1. Conditional Use Permit for a contractor's storage yard to be located at 3700 45th Street. (Prostko Grading) (District #10) PUBLIC HEARING**

Public hearing opened, no comments, public hearing closed.

Mayor Bosman said the Commission has a copy of an email from Matt Troha, representative for ATC Leasing, owner of the property, stating that ATC has withdrawn their consent to the Conditional Use Permit at this location.

A motion was made by Ms. Faraone and seconded by Alderman Downing to deny the Conditional Use Permit for the contractor's storage yard at this location. The motion passed unanimously. (Ayes 9; Nays 0)

Alderman Kennedy said there are problems between the tenant and the property owner that must be resolved. Alderman Kennedy thanked Staff and the Commission for working through this to get all the information.

A motion was made by Alderman Michalski and seconded by Alderman Kennedy to take Item #8 out of order to accommodate Matt Knight, Assistant City Attorney. The motion passed unanimously. (Ayes 9; Nays 0)

**8. Request for a Special Exception to the spacing requirements of Section 3.12 E.2. of the Zoning Ordinance for a "Class A" liquor license at 6404 75th Street. (Aldi, Inc.) (District #17) PUBLIC HEARING**

Public hearing opened, no comments, public hearing closed.

Matt Knight, Assistant City Attorney, thanked the Commission for taking Item #8 out of order. Mr. Knight explained Aldi's is requesting a distance exception for the "Class A" liquor license which would allow them to sell wine at this location. If the City Plan Commission approves the Special Exception, Aldi's must still meet any requirements and be eligible. This Special Exception requires Common Council approval.

Ms. Faraone asked why the City Plan Commission is reviewing this, why doesn't it just go to License & Permit Committee. Mr. Knight said they still must apply to that Committee. This request is to determine if the location should be considered as acceptable for the Special Exception. The Zoning Code was changed to add new standards. Mr. Faraone said the distance is there for a reason and she does not support the exemption.

Alderman Michalski said Aldi's is not a full service grocery store and there may not be a need for this exception.

Marcia Sperber, 9342 South 13th Street, Oak Creek, Director of Real Estate, explained that since they applied for a liquor license, they now have private label wines that can only be purchased at Aldi's.

Mayor Bosman said the Ordinance may have been created with WalMart in mind and the impact that would have.

Alderman Kennedy said this process to review the distance leads to good discussion on where these stores should be located. Alderman Kennedy supports the Special Exception.

Mr. Stevens asked if we approve the Special Exception, then Aldi's applies for a license and there is no license available, is there an expiration date on this approval. Mr. Knight said the Exception is applicant specific. If the applicant would want it for another location or if conditions change such as the number of licenses within one mile, they would need to re-apply.

Alderman Downing said the Ordinance is not a WalMart Ordinance. The Ordinance was created to stop every gas station and convenience store from applying for a liquor license. Alderman Downing does not support the Special Exception.

Mayor Bosman said the License & Permit Committee can also restrict a license based on economic impact, even without a distance issue. Mr. Knight agreed.

Mr. Hayden said he lives in the area and does not see a problem with the economic impact.

A motion was made by Alderman Michalski and seconded by Mr. Hayden to approve the Special Exception. On roll call vote, the motion passed. (Ayes 5; Nays 4) *Alderman Downing, Mr. Landry, Mr. Lattimore and Mr. Stevens voted no.*

**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 3501 14th Avenue. (Raymond) (District #6) PUBLIC HEARING**

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

- 3. Petition to rezone a portion of the property at 3501 14th Avenue from M-1 Light Manufacturing District to B-2 Community Business District in conformance with Section 10.02 of the Zoning Ordinance. (Raymond) (District #6) PUBLIC HEARING**
- 4. By the City Plan Commission - To Create Subsection 18.02 o. of the Zoning Ordinance to Amend the Land Use Plan Map for the City of Kenosha: 2035. (Raymond) (District #6) PUBLIC HEARING**

Public hearing opened.

Alderman Tod Ohnstad, 3814 18th Avenue, Alderman for the District, spoke in support of the rezoning.

Kerry Raymond, 1820 21st Avenue, Kenosha, was available for questions.

Public hearing closed.

A motion was made by Ms. Faraone and seconded by Mr. Landry to approve Item #2, the City Plan Commission Resolution. The motion passed unanimously. (Ayes 9, Nays 0)

A motion was made by Ms. Faraone and seconded by Mr. Landry to approve Item #3, the Rezoning. The motion passed unanimously. (Ayes 9, Nays 0)

A motion was made by Ms. Faraone and seconded by Mr. Landry to approve Item #4, the Zoning Ordinance Amendment. The motion passed unanimously. (Ayes 9, Nays 0)

- 5. City Plan Commission Resolution to Amend the Land Use Plan Map for the Comprehensive Plan for the City of Kenosha: 2035, regarding property at 5512 and 5602 Green Bay Road. (Collins/Ward) (District #16) PUBLIC HEARING**

Mayor Bosman asked that Items 5, 6 and 7 be taken together for public hearing purposes. All items were read.

- 6. Petition to rezone properties at 5512 and 5602 Green Bay Road from RS-1 Single-Family Residential District to B-2 Community Business District in conformance with Section 10.02 of the Zoning Ordinance. (Collins/Ward) (District #16) PUBLIC HEARING**
- 7. By the City Plan Commission to Create Subsection 18.02 p. of the Zoning Ordinance to Amend the Land Use Plan Map for the City of Kenosha: 2035. (Collins/Ward) (District #16) PUBLIC HEARING**

Public hearing opened.

Randall Ward, 5512 Green Bay Road, Kenosha, was available for questions.

Public hearing closed.

Rich Schroeder, Interim Deputy Director, explained that if the rezoning is approved, the property owner will need to apply for Occupancy permits for their businesses and meet commercial occupancy requirements.

Public hearing closed.

A motion was made by Alderman Downing and seconded by Mr. Lattimore to approve Item #5, the City Plan Commission Resolution. The motion passed unanimously. (Ayes 9, Nays 0)

A motion was made by Alderman Downing and seconded by Mr. Lattimore to approve Item #6, the rezoning. The motion passed unanimously. (Ayes 9, Nays 0)

A motion was made by Alderman Downing and seconded by Mr. Lattimore to approve Item #7, the Zoning Ordinance Amendment. The motion passed unanimously. (Ayes 9, Nays 0)

**9. Annual Report on "A Comprehensive Plan for the City of Kenosha: 2035".  
PUBLIC HEARING**

Public hearing open, no comments, public hearing closed.

A motion was made by Ms. Faraone and seconded by Mr. Landry to receive and file the report. The motion passed unanimously. (Ayes 9, Nays 0)

**Public Comments**

No public comments.

**Commissioner Comments**

No Commissioner comments.

**Staff Comments**

No Staff Comments.

A motion to adjourn was made by Ms. Faraone and seconded by Alderman Michalski. The motion passed unanimously (Ayes 9; Nays 0). The meeting adjourned at 5:37 p.m.

*Meeting Minutes Prepared by: Kay Schueffner, Community Development & Inspections*