

**Village of Somers
7511 12th Street
Somers, WI 53171**

**Village Work Session Meeting
Agenda
Tuesday, June 21, 2022
5:30 p.m.**

Village Board Work Session Meeting:	
Item #	
1	Call to Order
2	President & Trustee Reports
3	Discussion with Kenosha County Elective Officials – County Executive Samantha Kerkman, Supervisor Gabe Nudo, and Supervisor Dave Geertsen regarding issues affecting Kenosha County and the Village of Somers
4	Presentation from Root, Pike Win and US Army Corp of Engineers regarding Kilbourn Ditch Environmental Corridor Restoration Project and potential funding from the U.S. Army Corps of Engineers
5	Discussion with Kenosha County Sheriff’s Office regarding alcohol related ordinance violations
6	Discuss Plan Commission Recommendation (Jerry Smith Farm): <ul style="list-style-type: none"> a. Request by: JSPPF Holdings LLC, C/O Joseph G Smith, 7150 18th St, Kenosha WI 53144 (Owner); Amy K Smith, 7150 18th St, Kenosha WI 53144 (Agent), for a Conditional Use Permit amendment to allow outside amplified music, live music and the projection of outdoor movies in the B-2 Community Business Dist. on Tax Parcel #82-4-222-153-0225, located in the SW ¼ Section 15, T2 N, R22 E, Village of Somers. (For informational purposes only, this property is located at 7150 18th Street).
7	Discuss posting 58th Avenue, North of CTH E and 10th Street, off of STH 31 as “No Parking”
8	Review and discuss 2022 Mobile Home Park License Renewals from Oakdale Estates, Inc. & Oakdale Estates Mobile Home Park & Sales, 11515 1st Street; Alford Park, 1870 Sheridan Road; Embassy Park, 1748 Sheridan Road; Mid City Mobile Homes, 1530 Sheridan Road
9	Discuss proposed revisions to the Village of Somers Code of

	Ordinances relating to penalties and forfeitures to be imposed for the violation of various sections of Chapter 9 “Public Peace and Good Order” and Chapter 11 “Sale of Alcoholic Beverages”
10	Review tentative agenda for Village Board meeting on June 28, 2022
11	Motion to convene in closed session per WI Statute 19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, specifically Josh Sullivan Public Works II (Roll call required)
12	Reconvene in Open Session (Roll call vote required)
13	The Village Board will not take action on items discussed in Closed Session
14	Adjourn

I hereby certify that as the designee of the chief elected official of the Village of Somers, I posted this notice of the June 21, 2022 Village Work Session & Agenda in 1 public place & on the Village website.

Dated this 17th day of June 2022.

Brandi Baker, Clerk-Treasurer

Requests from person with disabilities who need assistance to participate in this meeting should be made to the Clerk’s Office at 262-859-2822 with as much notice as possible. **Notice is hereby given that members of the Village Board may participate telephonically. Notice is hereby given that members of the Town Board may be in attendance for the sole purpose of gathering information. A quorum may be present. However, no Board action will be taken**



**VILLAGE OF SOMERS
VILLAGE BOARD
WORK SESSION ITEM MEMORANDUM**

WORK SESSION: June 21, 2022

TO: Village President Stoner and Board of Trustees

FROM: Jason J. Peters, Administrator

AGENDA ITEM: #3 Discussion with Kenosha County Elective Officials – County Executive Samantha Kerkman, Supervisor Gabe Nudo, and Supervisor Dave Geertsen regarding issues affecting Kenosha County and the Village of Somers

BACKGROUND:

County Executive Samantha Kerkman, Supervisor Gabe Nudo, and Supervisor Dave Geertsen will be in attendance to discuss the new Administration and County Board for Kenosha County and issue affection both the County and the Village.

ATTACHMENTS:

None



**VILLAGE OF SOMERS
VILLAGE BOARD
WORK SESSION ITEM MEMORANDUM**

WORK SESSION: June 21, 2022

TO: Village President Stoner and Board of Trustees

FROM: Jason J. Peters, Administrator

AGENDA ITEM: #4 Presentation from Root, Pike Win and US Army Corp of Engineers regarding Kilbourn Ditch Environmental Corridor Restoration Project and potential funding from the U.S. Army Corps of Engineers

BACKGROUND:

On April 26th, Administrator Peters, Trustee Smith, and President Stoner met with Executive Director Dave Giordano to discuss the possible restoration of the Kilbourn Ditch. Director Giordano explained that based on the success of securing funding for the Pike River restoration that the Army Corp of Engineers have expressed an interest in restoring the Kilbourn Ditch. The process to secure the funds would be very similar to the Pike River project. One of the grants to be pursued would be the U.S. Army Corps of Engineers 206 grant. In order to begin the process, a local municipality must submit a letter of interest. This letter has been drafted by Root, Pike, Win and provided to the Village.

UPDATE:

Executive Director Giordano introduced this matter to the Board at our May 17th Work Session. The Board had several questions and requested that a representative from the Army Corp of Engineers be present at a meeting to further explain the project and the process involved to secure the 206 grant. Frank Veraldi of the US Army Corp of Engineers was scheduled to attend our June 14th Board Meeting to answer any questions but had to reschedule due to the recent storms in the Chicago area.

COMMENTS:

Mr. Veraldi of the US Army Corp of Engineers is scheduled to attend our June 21st Work Session to answer any questions you may have regarding the process and the letter of interest.

ATTACHMENTS:

Root Pike Win Presentation from 5/17/2022

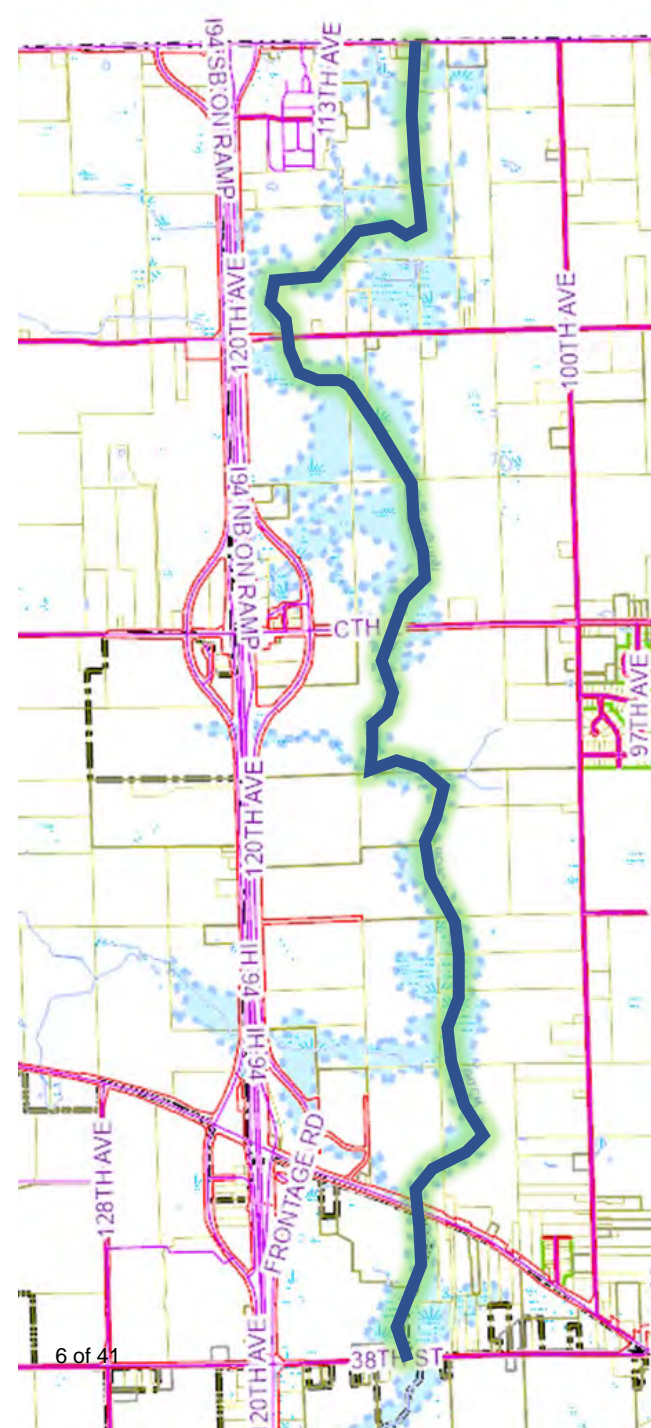
Proposed Letter of Interest

U.S. Army Corps of Engineers Section 206 Grant Summary

The **KILBOURN PARTNERSHIP** Proposal for Funding the Kilbourn Ditch Restoration

VISION:

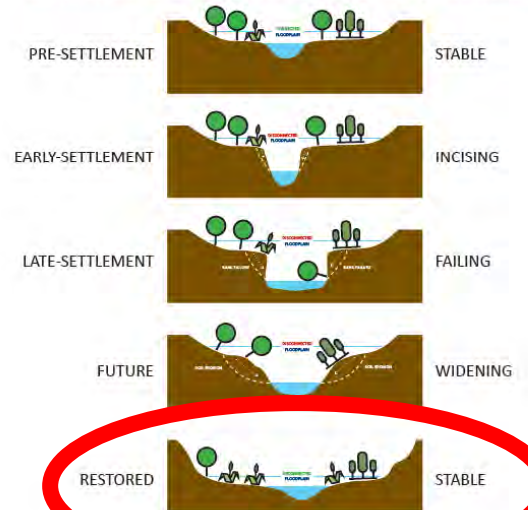
- 1) Maximize the use of the undevelopable floodplain
- 2) Reduce flooding and woody debris impacts
- 3) Increase water / habitat quality to the Des Plaines watershed
- 4) Create downstream integrity for future developments
- 5) Use a partnership approach that shares the local share for grants



Streambank Evolution

PAST - PRESENT - FUTURE

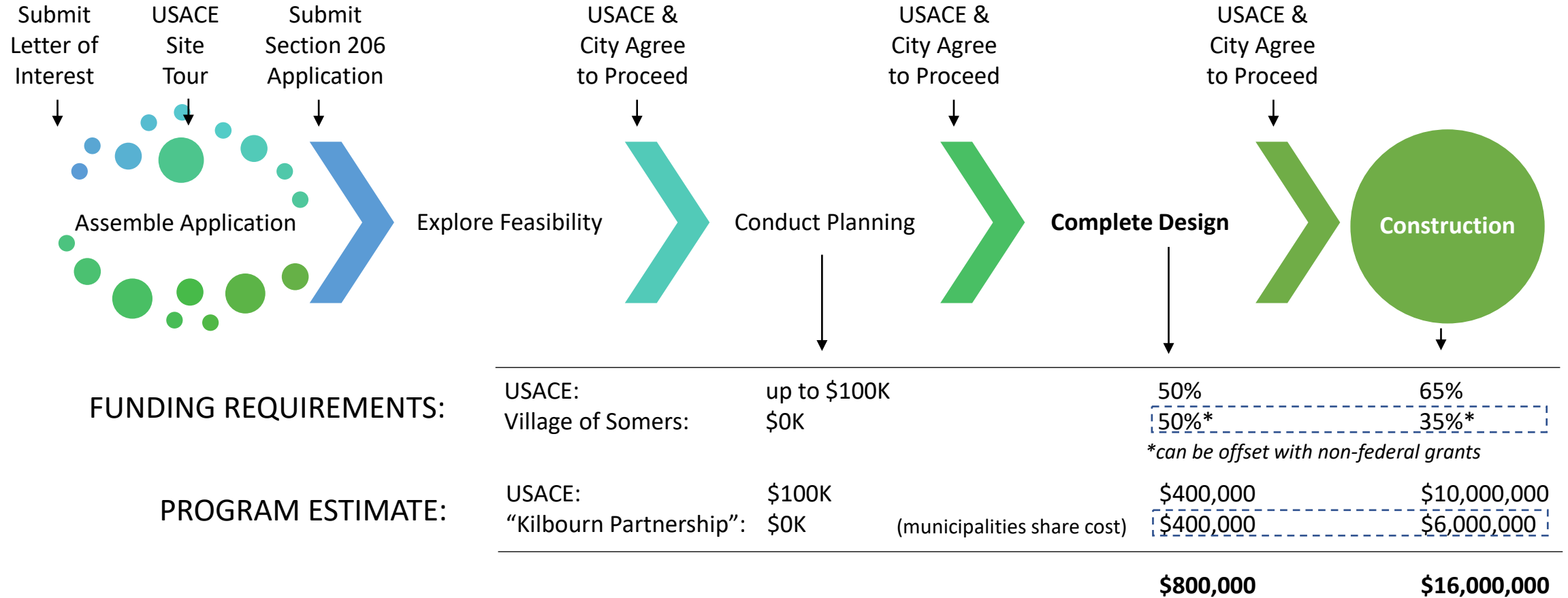
Incision/Downcutting of a Stream Channel Causes Floodplain Disconnection



U.S. Army Corps of Engineers Section 206 Grant Summary



The KILBOURN PARTNERSHIP Proposal for Funding the Kilbourn Ditch Restoration



THE KILBOURN PARTNERSHIP: Village of Somers, City of Kenosha, Kenosha County, Village of Pleasant Prairie, Lake County, WDNR, Other Grantors



The Kilbourn Partnership Funding Pathway

U.S. Army Corps of Engineers Section 206 Grant Program

	STAGE ONE: RESEARCH & CONCEPTING	STAGE TWO: DESIGN	STAGE THREE: CONSTRUCTION
FEDERAL SHARE (USACE)	100%	50%	65%
LOCAL SHARE	0	50% <i>based on the Pike River</i>	35%
<i>cost ceiling (could be less)</i>	\$100,000	~\$800,000 <i>South Branch</i>	~\$16,000,000
POSSIBLE LOCAL SHARE PARTNERS	\$0	\$400,000	\$5,600,000
Village of Somers	\$0	\$125,000	\$1,000,000
City of Kenosha	\$0	\$100,000	\$1,000,000
Kenosha County	\$0	\$50,000	\$500,000
Village of Pleasant Prairie	\$0	\$100,000	\$1,000,000
Grantor 1 (WDNR?)	\$0	\$0	\$1,000,000
Grantor 2 (Nature Conservancy?)	\$0	\$0	\$600,000
Grantor 3 (tbd)	\$0	\$0	\$250,000
Lake County	\$0	\$25,000	\$250,000
	\$0	\$400,000	\$5,600,000

May 18th, 2022

Susanne J. Davis, P.E.
Chief, Planning Branch, Chicago District
U.S. Army Corps of Engineers – Chicago District
231 South LaSalle Street, Suite 1500
Chicago, Illinois 60604

RE: KILBOURN DITCH ENVIRONMENTAL CORRIDOR RESTORATION IN THE
VILLAGE OF SOMERS

Ms. Davis:

This letter is to seek the assistance of the U.S. Army Corps of Engineers under Section 206 of the Water Resources Development Act of 1996, or under Section 506 of the Water Resources Development Act 2000 for an aquatic ecosystem restoration project in the Kilbourn Ditch sub-watershed in the Village of Somers.

According to a Southeastern Wisconsin Regional Planning Commission (SEWRPC) study from 2011, the Des Plaines River, including the Kilbourn Ditch, lacks the complement of fish normally occurring in natural waters. About one-quarter of the original wetlands are estimated to exist. The loss of diversity and of intolerant species is due to the draining and filling of wetlands, ditching and realignment of stream channels, runoff from agricultural lands and construction sites, fluctuations of water flow, and runoff waters containing pesticides and fertilizers. The Water Quality Status of the Kilbourn Ditch is rated as "Poor" according to the WDNR (2017).

Root-Pike Watershed Initiative Network (WIN) introduced the Kilbourn Ditch Environmental Corridor Restoration project to USACE's Frank Veraldi via email communications early this month. Root-Pike WIN is assisting us in the early restoration strategy for the Kilbourn Ditch and has introduced the Village to USACE's other Section 206 projects in the area – the Pike River North and South Branches. Our goal is to restore the Kilbourn Ditch corridor, so water quality, native habitat, and related stormwater and wellness benefits are realized for our community and those downstream into Northern Illinois. Also, Root-Pike WIN has begun discussions with municipalities downstream with the intent to develop a partnership of cost-sharing and stewardship for the Kilbourn Ditch.

We are aware as local sponsor that, when the agreed upon design is complete, we will assume costs for lands, easements, right-of-way, relocations, and disposal areas (LERRD) and/or assume costs to demonstrate ownership of such. We also will assume responsibility, contingent on contributions from our other municipal partners, yet to be determined, for any operation and maintenance of the project. We also understand that there is 50% non-federal match if the project moves into design and a 35% match if the project is approved for construction, and the maximum federal cost share for construction costs would be no more than \$10 million. Finally,

we understand that a final design for the Kilbourn Ditch will be developed cooperatively with the USACE and our partners, and there is no financial obligation at this time by signing this letter.

Thank you for the opportunity to provide you details on the Kilbourn Ditch sub-watershed for your consideration of possible funding through Section 206/506 Aquatic Ecosystem Restoration Projects. Please let me know if you have any questions or require any additional information on the project.

Sincerely,

George Stoner
President



**VILLAGE OF SOMERS
VILLAGE BOARD
WORK SESSION ITEM MEMORANDUM**

WORK SESSION: June 21, 2022

TO: Village President Stoner and Board of Trustees

FROM: Jason J. Peters, Administrator

AGENDA ITEM: #5 Discussion with Kenosha County Sheriff's Office regarding alcohol related ordinance violations

BACKGROUND:

At our June 14th Board meeting, it was requested that Administrator Peters set up a meeting with the Kenosha County Sheriff's Office to discuss how alcohol related ordinance violations are being cited. In particular, the Board had questions regarding how the operator and/or the license holders are being cited if there are violations.

COMMENTS:

Captain Gonzalez will be in attendance at our June 21st Work Session to any questions.

ATTACHMENTS:

None

**VILLAGE OF SOMERS
VILLAGE BOARD
WORK SESSION ITEM MEMORANDUM**

WORK SESSION: June 21, 2022

TO: Village President Stoner and Board of Trustees

FROM: Jason J. Peters, Administrator

AGENDA ITEM: #6 Discuss Plan Commission Recommendation (Jerry Smith Farm):

- a. Request by: JSPPF Holdings LLC, C/O Joseph G Smith, 7150 18th St, Kenosha WI 53144 (Owner); Amy K Smith, 7150 18th St, Kenosha WI 53144 (Agent), for a Conditional Use Permit amendment to allow outside amplified music, live music and the projection of outdoor movies in the B-2 Community Business Dist. on Tax Parcel #82-4-222-153-0225, located in the SW ¼ Section 15, T2 N, R22 E, Village of Somers. *(For informational purposes only, this property is located at 7150 18th Street).*

BACKGROUND:

JSPPF Holdings, LLC (dba Jerry Smith Farm) was granted a Conditional Use Permit (CUP) by the Board in August of 2021. This CUP allowed the business to bring an outdoor dining and beer garden area to their establishment. The site is currently zoned B-2. The outdoor dining/beer garden is located on the northeast side of the current country store. The CUP granted various hours of operation based on the time of the year. The hours are as follows:

- 11 a.m. – 8 p.m. (June through October)
- 11 a.m. – 9 p.m. (November through December)
- 11 a.m. – 8 p.m. (January through May)

UPDATE:

In late Spring, Jerry Smith Farm applied for a cabaret license to hold outdoor music and movies. During this process it was discovered that their CUP would not permit these activities. Jerry Smith Farm was advised that if they wished to hold these activities, they would need to seek an amendment to their CUP. They applied for an amendment to their CUP in April. The requisite public hearing for the amendment to their CUP held by the

Plan Commission on June 13th. The Plan Commission's main concern was over any noise created by the suggested activities and how this could affect neighboring properties. The Plan Commission also discussed concerns on how these activities could affect future housing developments. The Plan Commission's recommendation (5-0) was to allow outside amplified music, live music and the projection of outdoor movies with the stipulation their CUP be reviewed in two years (November 1, 2024) with no additional charge.

For these activities to take place, Jerry Smith Farm also needed to go through the probationary period for a cabaret license. This item was placed on our June 14th Agenda pending the outcome of the June 13th Plan Commission. The Board heard the request for the probationary cabaret license at our June 14th Board meeting and the requisite public hearing was held. The Board approved this application with the stipulation that all noise cease at 10 pm. If they are granted an amendment to the CUP and a future cabaret license, these hours should be made to match the CUP.

COMMENTS:

Staff requests this matter be placed on our June 28th Board Meeting agenda for action.

ATTACHMENTS:

Planning Memo dated 06/06/2022

Plan Commission Meeting Minutes 06/13/2022 – Highlighted

CUP Application



COUNTY OF KENOSHA

Division of Planning & Development

Andy M. Buehler, Director
Division of Planning & Development
19600 75th Street, Suite 185-3
Bristol, WI 53104-9772
(262) 857-1895

TO: Village of Somers Plan Commission
FROM: Luke Godshall, Kenosha County Planning & Development
RPT DATE: 06-06-22
MTG DATE: 06-13-22
APPLN DATE: 04-28-22

BACKGROUND:

1. Petitioner/Agent: Amy K. Smith
2. Property Owner: JSPPF HOLDINGS LLC
3. Location/Address: 7150 18TH ST
4. Tax key Number(s): 82-4-222-153-0225
5. Area: 2.39 acres
6. Existing Zoning: B-2 Community Business District
7. Proposed Zoning: B-2 Community Business District
8. Future Land Use: Medium-Density Residential

OVERVIEW:

The Petitioner is requesting approval of an amended Conditional Use Permit to allow for outside live music and to project outdoor movies.

PLANNER COMMENTS:

The submitted application is intended to amend the Conditional Use Permit that was previously approved by the Board in 2021 for an outdoor beer garden area (copy of recorded CUP attached). The approval of that CUP contained a condition (condition #8) which specifically prohibited outside amplified music speakers or live music on the property. The Petitioner now wishes to have such outside music, as well as the ability to project movies onto an outdoor screen.

A site plan included with the submitted application indicates that the area where live music would take place is to be located inside of the previously approved fenced-in beer garden area. The site plan does not indicate where the outdoor movies would be staged – the Petitioner should submit a site plan confirming the intended location.

STAFF RECOMMENDATION:

Staff recommends that the Village of Somers **Approve** the proposed conditional use permit application with the following conditions:

1. Subject to receiving approval for any required licenses/permits from the Village of Somers regarding the use of outside amplified music speakers.



COUNTY OF KENOSHA

Division of Planning & Development

Andy M. Buehler, Director
Division of Planning & Development
19600 75th Street, Suite 185-3
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2. Subject to the information and site plan contained in the submitted conditional use permit application dated April 28, 2022.
3. Hours of operation may be limited to prevent disturbance to abutting property owners, and final approved hours shall be determined by the Board and incorporated into the recorded Conditional Use Permit and any licenses issued by the Village of Somers.
4. All other conditions contained in the previously approved Conditional Use Permit (effective date September 10, 2021 and recorded in the Kenosha County Register of Deeds on September 20, 2021) to remain in effect.
5. It is the responsibility of the applicant to assure and guarantee that the above conditions are fully complied with. This includes, but is not necessarily limited to, meeting conditions established herein, providing any applicable letters of credit, providing and following approved plans, obtaining permits prior to construction, making improvements, participating in coordination meetings with governmental officials, following established time frames, meeting deadlines, and providing additional information where deemed necessary. Any unauthorized deviation from the approved plans and conditions shall result in the issuance of a citation and/or applicable stop work order by the Village of Somers or other applicable agencies until the conditional use permit is brought back into compliance. Continued violation of the conditions as set forth herein shall result in a recommendation for revocation of the Conditional Use Permit.
6. Any substantial change or expansion of the submitted plan of operation, shall require the applicant to reapply for a Conditional Use Permit to the Village of Somers for its review and approval.
7. If property ownership and/or tenant shall happen to change then it shall be the responsibility of the person(s) that signed these conditions to notify new owner and/or tenant of all above stated conditions of approval.
8. It is the total responsibility of the petitioner to assure and guarantee that the above stated conditions are fully complied with. Any deviation from the approved plans and conditions shall result in the issuance of a citation and associated stop work order until the project is brought back into compliance. Continuance of the project shall result in a recommendation for revocation of the Conditional Use Permit
9. Subject to a Kenosha County zoning permit being issued for any proposed structures including principal buildings, signage, fences, accessory buildings, etc.

Attachment:

- Existing Conditional Use Permit, recorded 9-20-21 in the Kenosha County Register of Deeds

CONDITIONAL USE PERMIT

Document Number

Document Title

Effective Date September 10, 2021

The Village Board of the Village of Somers, Kenosha County, Wisconsin, hereby grants to the owners of the above referenced parcel, described with more particularity on the legal description attached hereto and incorporated herein by reference, the right for the owner, its lessées, agents or representatives, to utilize the premises known as 7150 18th Street, Kenosha, Wisconsin 53144, to operate on outside dining area, subject to the following conditions

1. This Conditional Use Permit is subject to the application of JSPPF Holdings, LLC, on file in the office of the Clerk/Treasurer for the Village of Somers and stamped received by the office of Planning and Development on June 25, 2021, including associated renderings, which indicates an outdoor seating area surrounded by a fenced enclosure located northeast of the country store and an unfenced area to the west of the fenced area with 15-20 picnic tables and a kid's play area and shall affect the premises described on the attached Exhibit "A" which is incorporated herein by reference
2. The applicant shall comply with all parking requirements outlined in the Village of Somers General Zoning and Shoreland/Floodplain Zoning Ordinance
3. The name of the business shall be "Jerry Smith's Pumpkin Farm" There shall be no other business conducted on the premises covered by this conditional use permit without the advance written consent of the Village and Amendment of this permit
4. There shall be no outside storage of any kind within the premises covered by this Conditional Use Permit.
5. Any expansion of the conditional use granted herein shall occur only following review by and the consent of the Village Board
6. Any new signage shall be in accordance with the aforementioned zoning ordinance
7. There shall be no storage of gasoline, other petrohydrocarbons or any other material classified as hazardous at the site covered by this Conditional Use Permit
8. There shall be no outside amplified music speakers or live music.

Document #: **1910737**

Date: **2021-09-20** Time: **12:22 PM** Pages: **6**

Fee: **\$30.00** County: **KENOSHA** State: **WI**
REGISTER OF DEEDS: **JOELLYN M. STORZ**

Recording Area

Name and Return Address

Davison Law Office, Ltd
1207 55th Street
Kenosha, WI 53140 *le*

82-4-222-153-0225

Parcel Identification Number (PIN)

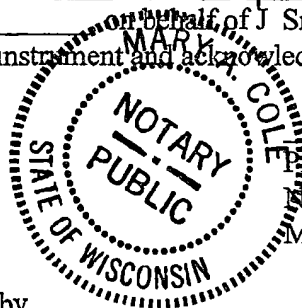
9. Any change of the submitted plan of operation, change in use, and/or a proposed addition(s) to any existing principal building(s) or proposed new principal building(s), shall require the petitioner to reapply for a Conditional Use Permit to the Village Plan Commission for its review and approval
10. The undersigned shall fully cooperate with any law enforcement personnel performing inquiries or investigations. Any substantial change or expansion of the submitted plan of operation (i.e. expansion of the proposed outside dining and recreation area) shall require the applicant to reapply for a Conditional Use Permit to the Village of Somers for its review and approval
11. There shall be no alcohol on any portion of the premises which is not licensed for alcohol consumption
12. The Village Building Inspector shall establish an occupancy permit based upon all of the available circumstances including, but not limited to, the overall space of the premises and such other factors as the Building Inspector may deem relevant
13. No person under the age of 21 shall be allowed to be in the alcohol licensed portion of the subject premises unless accompanied by their parent or by their spouse who is 21 years of age or older. Security measures for the premises if deemed necessary, to be approved by the Village Building Inspector and Kenosha County Sheriff's Department
14. The undersigned recognizes and acknowledges that the violation of this condition or the violation of the alcohol licensing provisions on the outdoor dining and recreation portion of the premises shall, in and by itself, constitute grounds for the immediate revocation of this conditional use permit
15. The undersigned each recognize that in the event that a permit holder fails to comply with the conditions specified in this permit the permit may be revoked by the Village Board upon ten (10) days notice to the permit holder(s). The permit holder(s) shall be entitled to a hearing before the Village Board on the question of revocation of the conditional use permit and approval of the Village Board shall be required for the reinstatement of any conditional use permit
16. It is the responsibility of the petitioner to assure and guarantee that the above stated conditions are fully complied with. If property ownership and/or tenant shall happen to change, then it shall be the responsibility of the person(s) that signed these conditions to notify the new owner and/or tenant of all above stated conditions of approval
17. The undersigned agrees to limit the hours of operations of the outdoor seating area of the premises to the following hours

TENANT
J SMITH FARMS, INC

By. *Amy K Smith*
Printed Name. Amy K Smith, as tenant

STATE OF WISCONSIN)
) SS
COUNTY OF KENOSHA)

Personally came before me this 10th day of September, 2021, the above named Amy K Smith on behalf of J Smith Farms, Inc, to me known to be the person who executed the foregoing instrument and acknowledged the same



Mary A. Cole
Printed Name Mary A. Cole
Notary Public, Kenosha County, WI
My commission expires 6/11/22

This instrument was drafted by

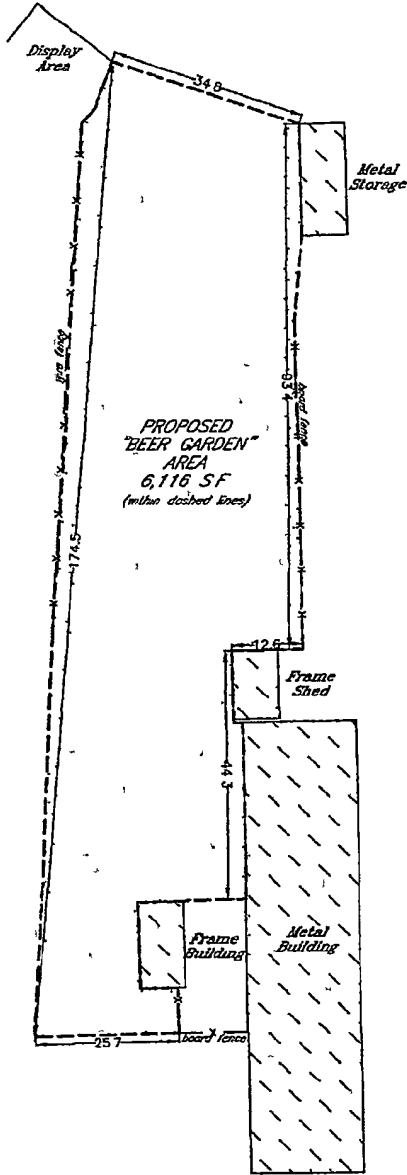
Attorney Jeffrey J Davison
DAVISON LAW OFFICE, LTD.

LEGAL DESCRIPTION:

Part of the South ½ of the Southwest 1/4 of Section 15, Town 2 North, Range 22 East of the Fourth Principal Meridian, lying and being in the Village of Somers, County of Kenosha and State of Wisconsin, and described as Beginning on the South line of said Quarter Section, at a point North 89°47'01" East 194 35 feet from the Southwest corner thereof, thence continue North 89°47'01" East along and upon said South line, 350 00 feet, thence North 01°23'19" West parallel to the West line of said Quarter Section, 330 06 feet, thence South 89°47'01" West parallel to the South line of said Quarter Section, 350 00 feet, thence South 01°23'19" East parallel to the West line of said Quarter Section, 330 06 feet and to the point of beginning Subject to a public highway over and across the most Southerly 33 feet of the above described

Tax Key No 82-4-222-153-0225

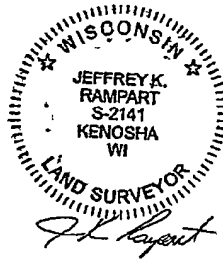
Scale
1" = 20'



Partial Survey of
7150 - 18th Street
in SW1/4 Section 15-2-22

VILLAGE OF SOMERS
KENOSHA COUNTY, WIS

-for-
Amy Smith



data compiled and mapped by

J.K.R. SURVEYING, INC
8121 22nd Avenue
Kenosha WI 53143
262-620-1180
August 17, 2021



VILLAGE OF SOMERS

Department of Planning & Development

May 2015

RECEIVED

APR 28 2022

Kenosha County
Planning and Development

CONDITIONAL USE PERMIT APPLICATION

(a) Property Owner's Name:

JSPPF HOLDINGS LLC C/O JOSEPH G SMITH

Print Name: _____

Signature: *Amy K Smith*

Mailing Address: 7150 18th Street

City: Kenosha

State: WI

Zip: 53144-7315

Phone Number: 262-620-0081

E-mail (optional): aksmith7150@gmail.com

Note: Unless the property owner's signature can be obtained in the above space, a letter of agent status signed by the legal property owner must be submitted if you are a tenant, leaseholder, or authorized agent representing the legal owner, allowing you to act on their behalf.

(b) Agent's Name (if applicable):

Print Name: Amy K. Smith

Signature: *Amy K Smith*

Business Name: Jerry Smith Farm

Mailing Address: 7150 18th Street

City: Kenosha

State: WI

Zip: 53144-7315

Phone Number: 262-620-0081

E-mail (optional): aksmith7150@gmail.com

(c) Architect's Name (if applicable):

Print Name: _____

Signature: _____

Business Name: _____

Mailing Address: _____

City: _____

State: _____

Zip: _____

Phone Number: _____

E-mail (optional): _____

(d) Engineer's Name (if applicable):

Print Name: _____

Signature: _____

Business Name: _____

Mailing Address: _____

City: _____

State: _____

Zip: _____

Phone Number: _____

E-mail (optional): _____

CONDITIONAL USE PERMIT APPLICATION

(e) Tax key number(s) of subject site:

82-4-222-153-0225

Address of the subject site:

7150 18th Street

(f) Plan of Operation (or attach separate plan of operation)

Type of structure:

Proposed operation or use of the structure or site:

Proposal is for the ability to have live music and project outdoor movies.

Number of employees (by shift): 6-10

Hours of Operation: Mon-Sat: 11a-9p; Sunday: 11a-8p

Any outdoor entertainment? If so, please explain: yes (live music & movies)

Any outdoor storage? If so, please explain: no

Zoning district of the property: B-2

(g) Attach a plat of survey prepared by a professional land surveyor or site plan drawn to scale and approved by the Kenosha County Department of Planning & Development showing all of the information required under section 12.05-1(h)3 for a zoning permit. In addition, the plat of survey or site plan layout shall show the location, elevation and use of any abutting lands and the location and foundation elevations of structures within 50 feet of the subject site; soil mapping unit lines; ordinary high water mark, historic high water marks and floodlands on or within 50 feet of the subject premises, existing and proposed gravel, asphalt and concrete surfaces, existing and proposed signage, existing and proposed buildings, and existing and proposed landscaping.

CONDITIONAL USE PERMIT APPLICATION

For conditional use permit applications that are made within shoreland and floodland areas, such description shall also include information that is necessary for the Village Plan Commission to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human, animal or aquatic life. This additional information may include plans, certified by a registered professional engineer or professional surveyor, showing existing and proposed elevations or contours of the ground; fill or storage elevation; basement and first floor elevations of structures; size, location, and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets water supply and sanitary facilities; aerial photographs, and photographs showing existing surrounding land uses and vegetation upstream and downstream; soil types and any other pertinent information required by either the Village of Somers Planning & Development office, Village Plan Commission or Village Board:

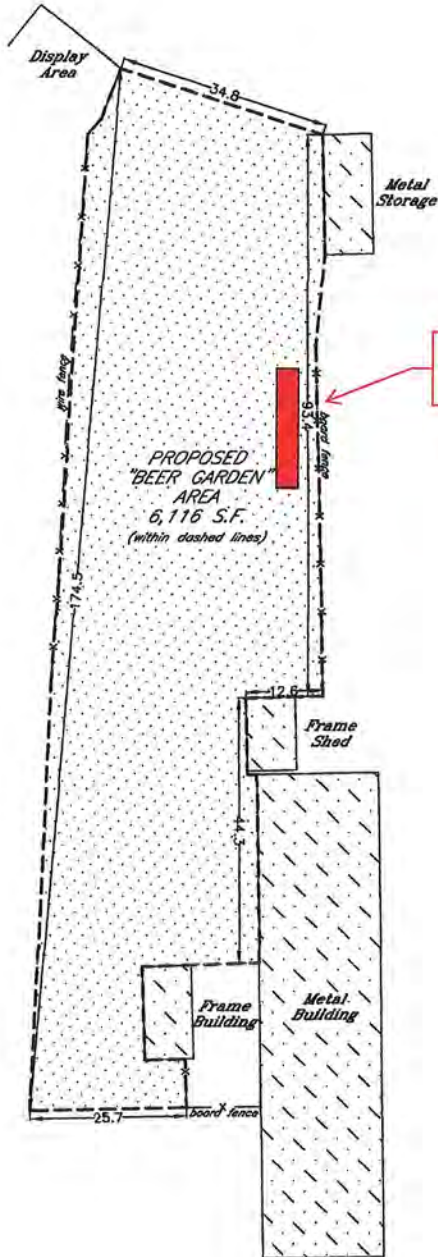
(h) The Kenosha County Department of Planning & Development may ask for additional information.

(i) The fee specified in Section 12.05-8 of this ordinance.

Request for Conditional Use Permit (payable to "Kenosha County") \$1,350.00

(For other fees see the Fee Schedule)

Scale
1" = 20'



Proposed
approximate area
of live music

Partial Survey of
7150 - 18th Street
in SW1/4 Section 15-2-22
VILLAGE OF SOMERS
KENOSHA COUNTY, WIS.

-for-
Amy Smith



data compiled and mapped by:

J.K.R. SURVEYING, INC.
8121 22nd Avenue
Kenosha, WI 53143
262-620-1180
August 17, 2021



**Village of Somers
Proceeding from the Village Plan Commission Meeting
June 13, 2022**

1. Call to Order

Chairman Stoner called the meeting to order at 5:30 p.m.

Present: Chairman George Stoner, as well as Commissioners, Boxx, Lee, Fredrick, and Grimes. Commissioners Aiello and Gardinier had an excused absence.

Staff Present in person: Administrator Jason Peters and Assistant to the Administrator Cassandra Bodenbach.

2. Pledge of Allegiance

Chairman Stoner led everyone in stating the Pledge of Allegiance.

3. Approve Minutes of May 9, 2022

Commissioner Boxx moved to approve to the Minutes from the May 9th Meeting. Seconded by Commissioner Lee. Motion carried. 5-0 vote.

4. Correspondence

None.

5. Citizen Comments

None.

6. Conditional Use Permit:

Public Hearing and Action on Request by: JSPPF Holdings LLC, C/O Joseph G Smith, 7150 18th St, Kenosha WI 53144 (Owner); Amy K Smith, 7150 18th St, Kenosha WI 53144 (Agent), **requesting a Conditional Use Permit amendment to allow outside amplified music, live music and the projection of outdoor movies** in the B-2 Community Business Dist. on Tax Parcel #82-4-222-153-0225, located in the SW ¼ Section 15, T2 N, R22 E, Village of Somers. *(For informational purposes only, this property is located at 7150 18th Street).*

Before the public hearing was opened, President Stoner expressed his concerns with live music being allowed with a conditional use permit as it states, “no public music outside.”

Public Hearing Opened at 5:34 p.m.

Amy Smith at 7150 18th Street, Kenosha, WI

Amy stated there are no immediate neighbors and the music is meant to be background noise not similar to a concert. She also said she does not want the music to become “obnoxious”, but to keep it low-key and entertaining in response to President Stoner’s mention of a subdivision going in on HWY 31 and CTH L. The music will be mostly during the day starting at 12-noon going to 9:00 p.m.

Public Hearing Closed at 5:39 p.m.

Commissioner Boxx moved to approve the CUP amendment to allow outside amplified music, live music and the projection of outdoor movies. Seconded by Fredrick.

Commission Discussion:

Commissioner Grimes expressed concerns that the traffic flow will increase, and Jerry Smith establishment does not have substantial/permanent bathroom structures.

There was comparison and discussion about Petrifying Springs’ Biergarten.

Commissioner Boxx asked if the neighboring residents get notified before a public hearing. Administrator Peters confirmed that they do. To that point, Boxx agreed with Amy Smith that no one is very close and none of the notified people showed up to the meeting. He explained that the discussions on Hawthorne Hollow, J & M’s Bar, and Somers House are all different issues that cannot be paralleled to this situation. Commissioner Boxx stated that Jerry Smith Farms is one of the few destinations in Somers we can be proud of and if the Plan Commission.

Commissioner Lee wished this had been done when the Biergarten was approved but agreed that the establishment has a great reputation and sees no problem with the amendment. He asked if there was an issue in the future is there anything we can be done. He asked if there could be an annual assessment of the Conditional Use Permit. Administrator Peters stated that they need a cabaret license as well and this license is reviewed annually. To have an annual assessment would be difficult to keep track of, labor intensive for staff, create extra public hearings, and a new renewal process. If there was any sunset on the CUP, it should be farther out than a year.

Commissioner Fredrick said there is no better business for Somers to be represented by and there have never been any issues. He also agreed the neighbors are far enough away. The closest one is 3/8th or a quarter mile from the business and the treeline will absorb sound. Fredrick said Grimes’ point about the bathrooms is valid, but they are seasonal not year-round. However, when development does start in the area, he believes the CUP should be checked to make sure there are no issues.

Commissioner Grimes wondered what would happen if after Jerry Smith Farms got the approval, if then residents would have issues. Boxx asked what would

happen if that were to occur. Administrator Peters explained that what we would tell residents is they were notified, something was published in the paper, and they did not come to the initial public hearing, therefore the point would be moot.

President Stoner said he would approve this if in two years there was a time stamp due to the subdivision going in.

President Stoner out forth an amended motion on the floor to approve the CUP amendment to allow outside amplified music, live music and the projection of outdoor movies with the stipulation they will be back in two years on November 1, 2024 for a review with no additional charge.

Commissioner Lee made the motion to amend the approval of the CUP amendment to allow outside amplified music, live music and the projection of outdoor movies with the stipulation they will be back in two years on November 1, 2024 for a review with no additional charge. Seconded by Commissioner Fredrick.

ROLL CALL: Boxx – aye, Grimes – aye, Lee – aye, Fredrick – aye, Stoner – aye.

Motion as amended passed 5-0 vote.

7. Conceptual Approval:

Discussion and Action on Request by: GRACE35 LLC, 8315 18th St, Kenosha, WI 53144 (Owner), William A. Morris, 5313 87th Pl., Pleasant Prairie, WI 53158 (Agent), **requesting a conceptual approval for a CBRF (Community-Based Residential Facility)** on Tax Parcel #82-4-222-161-0106, located in the NE 1/4 of Section 16, T2N, R22E, Village of Somers. Said conceptual approval is subject to formal approvals by the Village Board of a land use plan amendment, rezoning, overall site plans, building fenestration and stormwater management plan, as well as City of Kenosha airport site plan review and approval. (*For informational purposes only, this property is located at 1200 Village Center Drive*).

Commissioner Boxx made the motion to conceptually approve CBRF (Community-Based Residential Facility). Seconded by Lee.

Commission Discussion:

President Stoner started with saying how beautiful the building is and that the Village has never had any issues with their current establishment. Commissioner Fredrick agreed that it is a wonderful building and congratulated Mr. Morris, Architect on the project.

William Morris introduced Mr. Patel as one of the three partners and Engineer Mark with Neilson, Madsen, + Barber. Mr. Morris stated that due to the economy, decorative concrete block is outshining precast since no developer has the ability to get it. There is an 18% cost difference, less than precast. The goal with this neighboring building, is to give a “center feel” to the Village for the future. There is currently a dry pond, but this new building will have a wet pond.

Mr. Patel stated that it is similar to their current building with some updates inside of additional bathrooms, storage, maintenance room, and the finishes will be more contemporary.

President Stoner asked when this goes out to bid to try to use local contractors and subcontractors.

Mr. Patel and Mr. Morris stated they used local companies with the other establishment and plan to do the same with this development. They are looking to break ground in Spring of 2023.

Motion passed 5-0 vote.

8. Adjourn

Commissioner Boxx moved to adjourn at 6:25 p.m. Seconded by Lee.

Motion carried. 5-0 vote.

Drafted this 14th day of June 2022. These minutes are not official until approved by the Plan Commission. Submitted by Cassandra Bodenbach, Assistant to the Village Administrator



**VILLAGE OF SOMERS
VILLAGE BOARD
WORK SESSION ITEM MEMORANDUM**

WORK SESSION: June 21, 2022

TO: Village President Stoner and Board of Trustees

FROM: Jason J. Peters, Administrator

AGENDA ITEM: #7 Discuss posting 58th Avenue, North of CTH E and 10th Street, off of STH 31 as “No Parking”

BACKGROUND:

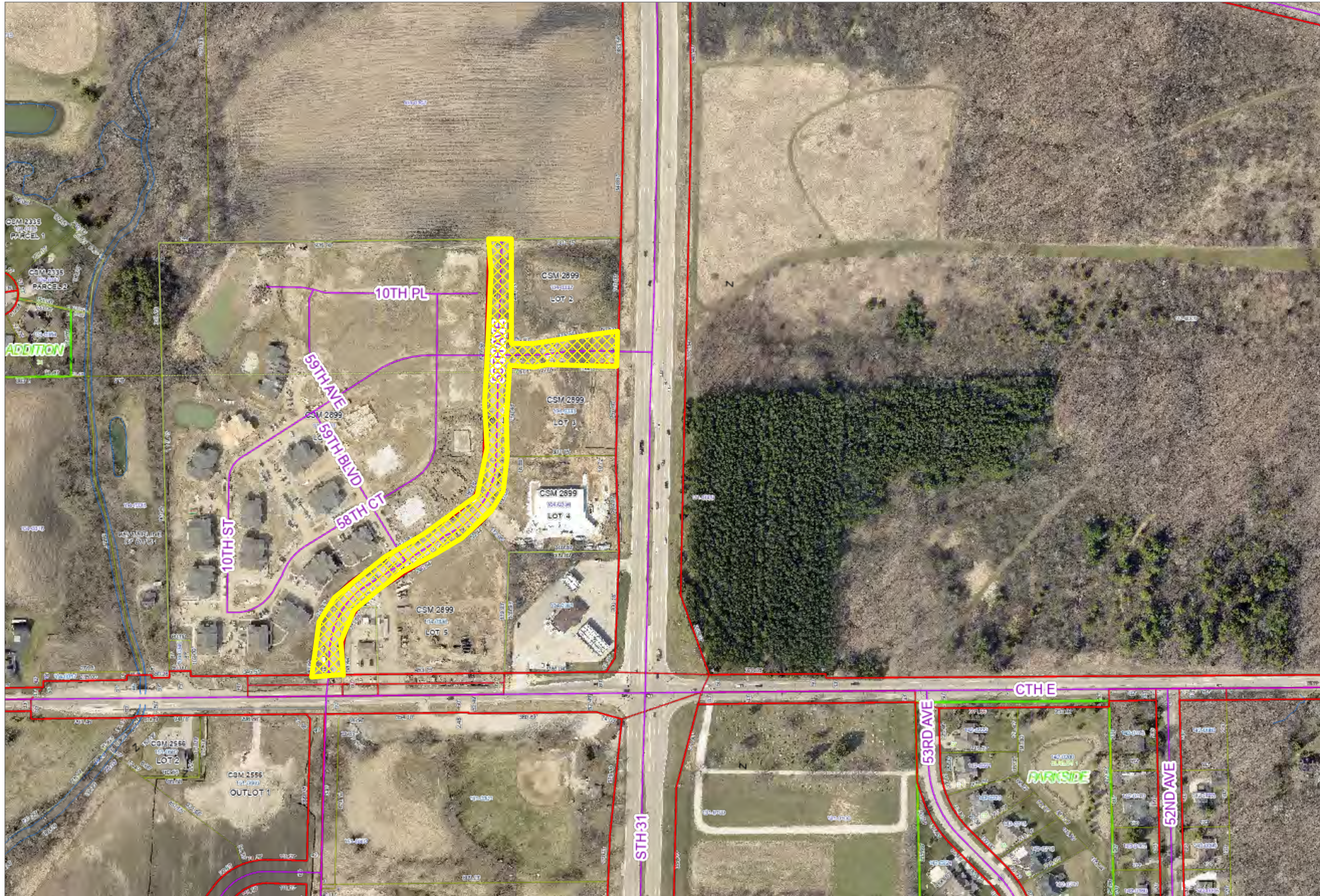
President Stoner has requested that the Board discuss the possibility of posting 58th Avenue, North of CTH E and 10th Street, off of STH 31 as “No Parking”. These streets were built as part of the Hawthorn Luxury Apartments complex. Now that this is a fully completed complex, the Village has noticed a significant increase in the number of cars using these streets as parking as opposed to the spots provided by Hawthorn.

COMMENTS:

Staff requests direction as to whether the Board wishes to add this item to the Board Meeting Agenda for June 28th. If the Board directs Staff to do so, Attorney Davison will be asked to draft an ordinance to post this area as “No Parking.”

ATTACHMENTS:

Proposed No Parking Area



1 Inch = 271 Feet

DISCLAIMER This map is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, data and information located in various state, county and municipal offices and other sources affecting the area shown and is to be used for reference purposes only. Kenosha County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact Kenosha County.

Date Printed: 6/15/2022



**VILLAGE OF SOMERS
VILLAGE BOARD
WORK SESSION MEETING ITEM MEMORANDUM**

WORK SESSION DATE: June 21, 2022

TO: Village President Stoner and Village Trustees

PREPARED BY: Brandi Baker, Clerk-Treasurer

AGENDA ITEM: #8 Review and discuss 2022 Mobile Home Park License Renewals from Oakdale Estates, Inc. & Oakdale Estates Mobile Home Park & Sales, 11515 1st Street; Alford Park, 1870 Sheridan Road; Embassy Park, 1748 Sheridan Road; Mid City Mobile Homes, 1530 Sheridan Road

BACKGROUND:

Mobile Home Park Licenses expire on June 30th each year.

COMMENTS:

Building Inspections have been successfully completed for the following Mobile Home Park Licenses:

- Oakdale Estates, Inc. & Oakdale Estates Mobile Home Park & Sales, 11515 1st St
- Alford Park, 1870 Sheridan Road
- Embassy Park, 1748 Sheridan Road
- Mid-City Mobile Homes, 1530 Sheridan Road

Alford and Embassy Park have outstanding parking permit fees January- May.

Staff requests that the Renewals of Mobile Home Park Licenses be placed on our 28th Village Board agenda for action.

ATTACHMENTS:

Building Inspectors Mobile Home Park Report

2022 mobile Home Park License Inspection Report

Inspections were made at Hillcrest mobile home park, 3705 27th Street

Pleasant Prairie mobile home park, 11703 – 60th Street

Oakdale Estates, 11515 – 1st Street

All were found to be well kept and in good order.

Inspection at Mid-City mobile home park, 1530 Sheridan Road, I feel the owner needs to do a better job at keeping the weeds cut down in some of the lots and especially behind the trailers along the power line and electrical services.

Inspection at Kenosha Estates (Alford and Embassy) mobile home parks, 1870 Sheridan Road – 1784 Sheridan Road. I feel that there is little to no regard by the park's owner concerning weed control, lawn maintenance, home maintenance, porch, deck or stair maintenance on many of the lots. I believe the park owner should have a set of standards and rules for the parks residents to follow and for the owner implement.

I would recommend to not renew the license.

Respectfully,

Russ Nolen
Village and Town of Somers Building Inspector



**VILLAGE OF SOMERS
VILLAGE BOARD
WORK SESSION ITEM MEMORANDUM**

WORK SESSION: June 21, 2022

TO: Village President Stoner and Board of Trustees

FROM: Jason J. Peters, Administrator

AGENDA ITEM: #9 Discuss proposed revisions to the Village of Somers Code of Ordinances relating to penalties and forfeitures to be imposed for the violation of various sections of Chapter 9 “Public Peace and Good Order” and Chapter 11 “Sale of Alcoholic Beverages”

BACKGROUND:

Administration, Attorney Davison, our Sheriff’s Deputies and the Municipal Court have been working together to clarify forfeiture amounts under Chapter 9 and Chapter 11 of our Municipal Code. Chapter 9 of our Code of Ordinances deals with “Public Peace and Good Order”. Chapter 11 deals with the “Sale of Alcoholic Beverages”.

UPDATE:

The current section 9.25 is a “catchall” provision for penalties and forfeitures. It currently sets a forfeiture of not less than \$50 but not more than \$200 for the first offense and \$100 but not more than \$300 for the second offense within one year of conviction of the first offense. Per discussions with the Municipal Court, it has been recommended that proposed Ordinance 2022-006 be approved to a set amount for a first offense. The proposed amount is \$187.

Proposed Ordinance 2022-007 would set the forfeiture for a violation of the statewide smoking ban to the same as what are under §25.04(A) of this Code. Under 25.04 (A) a first offense is set between \$25 and \$500 and a second offense is set between \$50 and \$500.

Proposed Ordinance 2022-008 amends section 11.07(D) of our code of ordinances. This would set a forfeiture amount of \$187 for failing to have your alcohol licensing properly displayed.

Proposed Ordinance 2022-009 amends section 11.08(C)(7) of our Code of Ordinances. This would set a forfeiture amount of \$187 for underage alcohol related offenses.

COMMENTS:

Staff requests that the attached Ordinance be placed on our 28th Village Board Agenda for action.

ATTACHMENTS:

Proposed Ordinance 2022-006

Proposed Ordinance 2022-007

Proposed Ordinance 2022-008

Proposed Ordinance 2022-009

ORDINANCE NO. 2022-006

AN ORDINANCE TO REPEAL AND RECREATE SECTION 9.25(A)
OF THE CODE OF ORDINANCES OF THE VILLAGE OF SOMERS
REGARDING PENALTIES AND FORFEITURES TO BE IMPOSED
FOR THE VIOLATION OF VARIOUS SECTIONS OF CHAPTER 9
OF THE CODE OF ORDINANCES

The Village Board of Trustees of the Village of Somers, Kenosha County,
Wisconsin, hereby repeals and recreates Section 9.25(A) of the Code of Ordinances of the
Village of Somers to read as follows:

(A) Except for subsection 9.23 (Cruelty to animals), for which there shall be a penalty
of One Hundred Eighty-seven (\$187.00) Dollars for a violation thereof, other violation of the provisions of
this Chapter shall be subject to the penalty provisions contained in §25.04 of the Code of Ordinances.

Dated at Somers, Wisconsin, this ____ day of _____, 2022.

VILLAGE OF SOMERS

By: _____
George Stoner, President

Attest: _____
Brandi Baker, Clerk/Treasurer

ORDINANCE NO. 2022-007

AN ORDINANCE TO CREATE SECTION 9.155(D)
OF THE CODE OF ORDINANCES OF THE VILLAGE OF SOMERS
REGARDING PENALTY PROVISIONS FOR VIOLATION OF
THE STATEWIDE SMOKING BAN

The Village Board of Trustees of the Village of Somers, Kenosha County, Wisconsin, hereby creates Section 9.155(D) of the Code of Ordinances of the Village of Somers to read as follows:

(D) **Penalty.** A violation of this section shall be subject to the penalty set forth in §25.04(A) of this Code.

Dated at Somers, Wisconsin, this ____ day of _____, 2022.

VILLAGE OF SOMERS

By: _____
George Stoner, President

Attest: _____
Brandi Baker, Clerk/Treasurer

ORDINANCE NO. 2022-008

AN ORDINANCE TO REPEAL AND RECREATE SECTION 11.07(D)
OF THE CODE OF ORDINANCES OF THE VILLAGE OF SOMERS
REGARDING THE POSTING AND CARE OF ALCOHOL LICENSES

The Village Board of Trustees of the Village of Somers, Kenosha County,
Wisconsin, hereby repeals and recreates Section 11.07(D) of the Code of Ordinances of the
Village of Somers to read as follows:

(D) **Posting And Care of Licenses.** Every license issued under this chapter shall be posted and at all times displayed as provided in §125.04(10), Wis. Stats. No person shall post such license or permit any other person to post it upon the premises other than those mentioned in the application, or knowingly deface or destroy such license. Any violation of this section shall result in the imposition of a fine of One Hundred Eighty-seven (\$187.00) Dollars.

Dated at Somers, Wisconsin, this _____ day of _____, 2022.

VILLAGE OF SOMERS

By: _____
George Stoner, President

Attest: _____
Brandi Baker, Clerk/Treasurer

ORDINANCE NO. 2022-009

AN ORDINANCE TO CREATE SECTION 11.08(C)(7)
OF THE CODE OF ORDINANCES OF THE VILLAGE OF SOMERS
REGARDING PENALTY PROVISIONS FOR VIOLATION OF
VARIOUS SECTIONS OF §11.08 BY UNDERAGE PERSONS

The Village Board of Trustees of the Village of Somers, Kenosha County,
Wisconsin, hereby creates Section 11.08(C)(7) of the Code of Ordinances of the Village of
Somers to read as follows:

(7) Any underage person who violates any of the foregoing subsections (1)
through (6) shall be subject to a fine of One Hundred Eighty-Seven (\$187.00)
Dollars for each such violation.

Dated at Somers, Wisconsin, this _____ day of _____, 2022.

VILLAGE OF SOMERS

By: _____
George Stoner, President

Attest: _____
Brandi Baker, Clerk/Treasurer

**Village of Somers
7511 12th Street
Somers, WI 53171**

**Village Board Meeting
Tentative Agenda
Tuesday, June 28, 2022
5:30 p.m.**

Village Board Meeting:	
Item #	
1	Call to order
2	Pledge of Allegiance
3	Consent and Approval of Minutes of Regular meetings on June 14, 2022 Vouchers dated June 16, 2022 and June 23, 2022, May2022 Building Report
4	Correspondence:
5	Citizens Comments
6	President and Trustee Comments
7	Plan Commission Recommendation (Jerry Smith Farm): a. Action on request by: JSPPF Holdings LLC, C/O Joseph G Smith, 7150 18th St, Kenosha WI 53144 (Owner); Amy K Smith, 7150 18th St, Kenosha WI 53144 (Agent), for a Conditional Use Permit amendment to allow outside amplified music, live music and the projection of outdoor movies in the B-2 Community Business Dist. on Tax Parcel #82-4-222-153-0225, located in the SW ¼ Section 15, T2 N, R22 E, Village of Somers. (For informational purposes only, this property is located at 7150 18th Street).
8	Action on 2022 Mobile Home Park License Renewals from Oakdale Estates, Inc. & Oakdale Estates Mobile Home Park & Sales, 11515 1st Street; Alford Park, 1870 Sheridan Road; Embassy Park, 1748 Sheridan Road; Mid City Mobile Homes, 1530 Sheridan Road
9	Discussion and possible action on final request for payment from Payne & Dolan for the 2021 Roadway Improvements Program (25th Ave., 14th St., Country Charms 93rd, 94th & 95th Ave.) in the amount of \$25,432.65
10	Discussion and possible action on request for partial payment #10 and #11

	from August Winter & Sons, Inc. in the amount of \$94,918.50 for work on 7th Street and Seawall Lift Station Replacement Project
11	Approval of Operator’s Licenses: Taylor Rinaldi, Jessica Tucker and Carleen Hoefler
12	Adjourn

I hereby certify that as the designee of the chief elected official of the Village of Somers, I posted this notice of the June 28, 2022 Village Board Meeting & Tentative Agenda in 1 public place & on the Village website.

Dated this 17th day of June 2022

Brandi Baker, Clerk-Treasurer

Requests from person with disabilities who need assistance to participate in this meeting should be made to the Clerk’s Office at 262-859-2822 with as much notice as possible. **Notice is hereby given that members of the Village Board may participate telephonically. Notice is hereby given that members of the Town Board may be in attendance for the sole purpose of gathering information. A quorum may be present. However, no Board action will be taken**