

CITY OF SHEBOYGAN

PLAN COMMISSION

MARCH 24, 2020

1. OPENING OF MEETING MEMBERS PRESENT: Mayor Michael Vandersteen and Ryan Sazama MEMBERS PRESENT BY PHONE: Alderperson Jim Bohren, Jerry Jones, Marilyn Montemayor and Dave Hoffman. MEMBERS EXCUSED:

Don Cvetan STAFF/OFFICIALS PRESENT:

Planning and Developer Director Chad Pelishek and Manager of Planning and Zoning Steve Sokolowski

1.1 Call to order.

Chair Mayor Vandersteen called the meeting to order.

1.2 Pledge of Allegiance

The Pledge of Allegiance was recited.

1.3 Introduction of committee members and staff.

Introductions were made.

1.4 Identify potential conflict of interest.

No committee member had a conflict of interest.

2. MINUTES

2.1 Approval of the Plan Commission minutes from March 10, 2020.

Motion by Ryan Sazama, second by Alderperson Bohren

to approve.

Motion carried.

### 3. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

3.1 Conditional Use and variance application by Signs Unlimited, Inc., to install a new monument sign at Take 5 Oil Change located at 1328 Indiana Avenue.

Motion by Ryan Sazama, second by Alderperson Bohren to approve with the following conditions:

Applicant shall obtain the necessary sign permits prior to installation. All new lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance. There shall be no spillover light onto adjacent properties or the streets. Applicant shall meet 12 foot setback to the west/ 14 th Street property line and 3.75 feet to the north property line. It is the applicant s responsibility to insure the sign meets the required/approved setbacks. Sign messages and/or location shall not create any pedestrian/vehicular conflicts Applicant shall remove all signage referring to the former Fast Track operation. Any future wall signage will be individual letter signs (no flat panel or interior lit cabinet signs). If there are any amendments to the approved use and/or floor/site plan, the applicant will be required to submit a new conditional use application reflecting those amendments.Variance granted:

To have a 3.75 foot setback from the north property line.Motion carried.

3.2 Conditional Use and variance application by AChappa Construction to construct a new addition and site improvements at Rewind Bar located at 1002 Michigan Avenue.

Motion by Marilyn Montemayor, second by Dave Hoffman to approve with the following conditions:

Prior to building permit issuance, the applicant shall obtain all licenses/permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, demolition, fire, water, sewer, storm drainage, health, alcohol, etc. Applicant shall obtain the necessary liquor license in order to serve alcohol both in the bar and on the outdoor patio area (extension of premises). Applicant may serve liquor/alcohol if and only if all required liquor licenses are obtained. Applicant shall adequately monitor/regulate and maintain the outdoor seating area. Submittal/approval of a proposed storm drainage plan prior to building permit issuance. Submittal and approval of a proposed landscape plan prior to building permit issuance. Dumpster(s) shall be screened/enclosed and constructed of like materials and

colors of the facility. Outdoor storage of materials or equipment shall be prohibited. All ground level and rooftop mechanicals shall be screened and/or enclosed and constructed of like materials and colors of the facility (HVAC equipment, etc.). All lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance. There shall be no spillover light onto adjacent properties or the streets. Applicant will be required to obtain a sign permit for each sign to be installed on the property prior to installation. Proposed wall signage will be individual letter signs (no flat panel or interior lit cabinet signs). If staff has any concerns with proposed signage design, the matter may be brought back to the Plan Commission for their consideration. No temporary signage is permitted on the bar or in the outdoor patio area (banners, pennants, etc.). Fencing shall be installed per Section 15.720 (3)(c) of the City of Sheboygan Zoning Ordinance. Applicant shall work with staff with regards to constructing appropriate and well-designed fence and shall obtain the necessary permits prior to installation. If staff has any concerns with proposed fence design, the matter may be brought back to the Plan Commission for their consideration. Applicant shall insure that all structures, fencing/gates, overhangs, gutters, paving, dumpster, landscaping, etc. will all be located on the private property and shall not cross a property line. Nothing will be located on the City Michigan Avenue public right-of-way and/or neighboring properties. The applicant will be required to submit updated plans that show that the proposed addition is to be constructed on the private property and not in the City of Sheboygan Michigan Avenue public right-of-way. The updated drawings shall show that new addition is not only on the private property but also offset from the existing structure by approximately one (1) foot as shown on the survey. All areas used for parking/maneuvering of vehicles shall be paved. All areas that are not required to be paved shall be grass and/or approved landscaping. It will be the applicant's responsibility to work with all private and public utilities in order to provide easements and/or relocate utilities as necessary. Any work within City of Sheboygan Public rights-of-way shall be discussed with the City Engineering Department and constructed to standard City specifications (including, but not limited to, new and/or closed ingress/egress driveway openings, curb, gutter, sidewalk, landscape boulevard, pavement, utilities, retaining walls, street trees, etc.). Applicant will provide adequate public access along public streets/alley and will take all appropriate actions to minimize the time period that these streets/alley will be closed/affected. Streets, alleys and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant. Prior to building permit issuance, the City of Sheboygan Architectural Review Board shall review/approve all proposed structures (building addition, exterior remodel, fence, etc.). If there are any amendments to the approved conditional use permit and/or site plan, the applicant will be required to submit a new conditional use application reflecting those amendments. Motion carried.

3.3 Conditional Use and variance application by Rogers Behavioral Health to construct and operate a six (6) unit Community Based Residential Facility (CBRF) and an Independent Out-Patient Meeting Building from the vacant and undeveloped property located at 1108 S. Wildwood Avenue (Parcel # 59281215710 located south of Aldi's between Taylor Drive and S. Wildwood Avenue).

Motion by Alderperson Bohren, second by Marilyn Montemayor to approve with the following conditions:

Prior to building permit issuance, the applicant shall obtain all

licenses/permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, health, water, sewer, storm drainage, health, etc. (Applicant shall be in contact with building inspection, fire, police, etc.). An occupancy permit will be granted only at such time as the applicant has met all requirements. Applicant is responsible to ensure that the proposed facility uses meet all Federal, State and Local codes and licensing requirements. Submittal/approval of a proposed storm drainage plan prior to building permit issuance. Submittal/approval of a landscape plan prior to building permit issuance. The proposed landscape and bufferyard plan shall provide a legend that shows how the four (4) landscape criteria are being met (create a legend along with the landscape plan site plan). Landscaping shall be installed prior to issuance of an occupancy permit. Dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility. Dumpster enclosure shall be completed prior to issuance of an occupancy permit for the first apartment building to be occupied. Outdoor storage of materials, products or equipment shall be prohibited. All ground level and rooftop mechanicals shall be screened and/or enclosed and constructed of like materials and colors of the facility (HVAC equipment, etc.). All new lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance. There shall be no spillover light onto adjacent streets and/or properties. Applicant shall work with staff with regards to appropriate signage. Only at such time as the sign package has been reviewed and approved may the applicant obtain sign permits to install the proposed signage. If staff has any concerns with proposed signage design, the matter may be brought back to the Plan Commission for their consideration. Applicant shall to install individual letter signs no cabinet or flat panel signs. Applicant shall be permitted a freestanding monument sign for the site. Minimum setback of a monument sign is 12 feet. Maximum height of the monument sign is 8 feet. Fencing/retaining wall shall be installed per Section 15.720 (3)(c) of the City of Sheboygan Zoning Ordinance. Applicant shall work with staff with regards to constructing appropriate and well-designed fence/retaining wall and shall obtain the necessary permits prior to installation. If staff has any concerns with proposed signage design, the matter may be brought back to the Plan Commission for their consideration. All areas used for parking or maneuvering of vehicles shall be paved. Applicant shall meet the minimum required 10 foot setback from the property line for the new parking lot to be constructed along Taylor Drive (front or street yard). All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping. If either future building is not under construction within one (1) year of approval, the applicant will be required to landscape (grass) this future development footprint area prior to issuance of an occupancy permit for the first building to receive occupancy. Absolutely no portion of the new building and/or site improvements shall cross the property lines including but not limited to buildings, foundations, walls, gutters, eaves, roof, parking, fencing/retaining walls, signs, landscaping, etc. Applicant shall install curb on the south driveway leading to the residential CBRF facility. Any work within City of Sheboygan Public rights-of-way shall be discussed with the City Engineering Department and constructed to standard City specifications (including, but not limited to, new street improvements, new and/or closed ingress/egress driveway openings, curb, gutter, sidewalk, pavement, utilities, retaining walls, street trees, etc.). Applicant will work with the Engineering Department regarding construction of the required improvements to access the new Rogers facility from S. Wildwood Avenue. Applicant is proposing to construct improvements within a City stormwater easement (driveways, parking, etc.). Applicant understands the City rights to access and maintain this storm water facility as necessary. City is not responsible for repairing any improvements damaged as a result of accessing, maintaining, repairing, replacing, etc. this stormwater facility. It will be

the applicant's responsibility to work with all private and public utilities in order to provide easements and/or relocate utilities as necessary. Applicant will provide adequate public access along public streets and will take all appropriate actions to minimize the time period that these streets will be closed/affected. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant. All vehicles, equipment, materials, products, etc. shall be located on the applicant's property (no storage on public rights-of-way). City Development staff will issue a building permit only if the applicant has adequately satisfied all concerns related to the Sheboygan Fire Department, including but not limited to fire lane access at the site, sprinkler systems, hydrants, water pressures, etc. Prior to building permit issuance, the City of Sheboygan Architectural Review Board shall review/approve all proposed structures including but not limited to main building, greenhouse, etc. Any future development proposals will require the applicant to obtain all necessary land use and building approvals prior to permit issuance (conditional use permit, architectural review, building/mechanical/occupancy permits, etc.). If there are any amendments to the approved conditional use permit (including but not limited to site plan, architectural design, use, etc.), the applicant will be required to submit a new conditional use application reflecting those amendments. Variance granted:

From the locational landscaping requirements. Motion carried.

3.4 Conditional Use and variance application by Green Street Development Group, LLC to amend the previously approved Oscar apartment complex at 1436 S. 15th Street (the Van Der Vaart property). This is to consider an amended site plan and building/site improvements.

Motion by Marilyn Montemayor, second by Ryan Sazama to approve with the following conditions:

Prior to building permit issuance, the applicant shall obtain all licenses and permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, water, sewer, storm drainage, health, DNR, etc. (Applicant shall be in contact with building inspection, fire, police, etc.). An occupancy permit will be granted only at such time as the applicant has met all requirements. Applicant shall obtain all necessary razing permits for all structures to be demolished. Once structures have been demolished, the applicant will maintain the site(s) in a clean and dust free condition. Submittal/approval of a proposed storm drainage plan prior to building permit issuance. If different properties are sharing these stormwater facilities, the proper agreements/easements shall be officially documented prior to building permit issuance. Submittal and approval of a landscape plan prior to building permit issuance. Landscape plan shall provide a legend that shows how the four (4) landscape criteria are being met (create a legend along with the landscape plan site plan). Landscaping shall be installed prior to issuance of an occupancy permit. If the future commercial development sites at the southeast and southwest corners of the property are not immediately going to be under construction, the applicant will be required to landscape (grass) this area prior to issuance of an occupancy permit for the Oscar Development. In addition to the landscape plan, applicant will work with staff with regards

to installation of street trees along the properties street frontages (number, type, location, etc.). The street trees will be provided on the landscape plan. The street trees are in addition to the required development landscape plan points (not counted as landscape plan points). If any street trees are removed for the project, the applicant will be required to reinstall those street trees. Dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility. Dumpster enclosure shall be completed prior to issuance of an occupancy permit for the first apartment building to be occupied. Outdoor storage of materials, products or equipment shall be prohibited. If fencing is to be installed, fence shall be installed per Section

15.720 (3)(c) of the City of Sheboygan Zoning Ordinance. Applicant is required to submit specific fence details to staff. If staff has any concerns with the fence design, the matter may be brought back to the Plan Commission for their consideration (fencing would need a decorative design). All ground level and rooftop mechanicals shall be screened and/or enclosed and constructed of like materials and colors of the facility (HVAC equipment, etc.). All new lighting shall be installed per Section

15.707 of the City of Sheboygan Zoning Ordinance (site lighting, building lighting, signage, etc.). There shall be no spillover light onto adjacent properties or the streets. Applicant shall install bicycle racks within the interior of the development site. Applicant shall work with staff with regards to appropriate signage. Only at such time as the sign package has been reviewed and approved may the applicant obtain sign permits to install the proposed signage. If staff has any concerns with proposed signage design, the matter may be brought back to the Plan Commission for their consideration. Applicant shall to install individual letter signs no cabinet or flat panel signs. Applicant shall be permitted a freestanding monument sign for the site. Minimum setback of a monument sign is 12 feet. Maximum height of the monument sign is 8 feet. Sign shall be located outside of the 15 foot vision triangle. All areas used for parking/maneuvering of vehicles shall be paved. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping. Any new ingress/egress driveway openings shall be improved to standard City specifications. All existing access drives that are no longer used shall be removed and all unused driveways shall be closed and improved to standard City specifications. The applicant will be required to improve the damaged section of N. 15 th Street adjacent to this property (area as you ingress/egress the property). Applicant shall work with the City Engineering Department regarding this matter (standard City street specifications). Absolutely no portion of the new building and/or site improvements shall cross the property lines including but not limited to buildings, balconies, decks, foundations, walls, gutters, eaves, roof, parking, fencing/retaining walls, signs, landscaping, etc. Any work within City of Sheboygan Public rights-of-way shall be discussed with the City Engineering Department and constructed to standard City specifications (including, but not limited to, new and old ingress/egress driveway openings, curb, gutter, sidewalk, pavement, utilities, street trees, grading, etc.). Applicant will provide adequate public access along all streets and sidewalks and will take all appropriate actions to minimize the time period that adjacent properties and streets/sidewalks are impacted by the development (utilities, streets, etc.). Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant. Applicant is responsible for working with all private and public utilities in order to adequately service this apartment complex development proposal (applicant will need to provide the necessary easements and/or relocate utilities as necessary). City Development staff will issue a building permit

only if the applicant has adequately satisfied all concerns related to the Sheboygan Water Utility. City Development staff will issue a building permit only if the applicant has adequately satisfied all concerns related to the Sheboygan Fire Department, including but not limited to fire lane access at the site, sprinkler systems, hydrants, water pressures, etc. The Conditional use permit is approved if and only if the City of Sheboygan Department of City Development and/or Planning Commission approve the Certified Survey Map (CSM) reconfiguring lot lines and/ creating the parcel as proposed. City Development staff will sign the proposed CSM only if the proposal exactly matches the approved development plan/property layout. If there are any amendments to the approved site plan and/or parcel configuration, the applicant will have to submit an amended conditional use permit for review by the City of Sheboygan Plan Commission that accurately reflects any and all changes. Building permits shall be issued only at such time as the applicant can provide documentation from Sheboygan County that the CSM has been officially recorded and that the lots as depicted on the approved site plan have been created. Prior to building permit issuance, the City of Sheboygan Architectural Review Board shall review/approve the proposed building design. If the applicant does not proceed with future phase, the applicant shall restore to its original condition all private and public lands/property, temporary roads, temporary access drives, etc. 60 days after the City is notified that the applicant is not proceeding with future phases. Approval of this conditional use permit is based upon mutual understanding that the final traffic impact analysis findings are acceptable to the City, and any improvements directly related to the development(s), during the traffic analysis planning horizon, be the responsibility of Green Street Development Group. If there are any amendments to the approved conditional use permit (including but not limited to site plan, architectural design, use, etc.), the applicant will be required to submit a new conditional use application reflecting those amendments. Applicant will have an executed developer s agreement prior to building permit issuance. Variances granted:

To have 18 units per acre. To have a building height of 50 feet (60 feet for the exposed foundation at the underground parking entrance grades). To have a flat roof with parapet walls to hide AC condensing units. To have 395 parking spaces. To have a zero (0) foot paving setback. From the locational and bufferyard landscaping requirements. Motion carried.

3.5 Conditional Use and variance application by Ron Becker to construct new mini-storage buildings at the existing Transpo Mini-Storage facility located at 1210 S. 10 th Street.

Motion by Dave Hoffman, second by Marilyn Montemayor to approve with the following conditions:

Prior to building permit issuance, the applicant shall obtain all licenses/permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, health, water, sewer, storm drainage, hazardous materials, etc. An occupancy permit will be granted only at such time as the applicant has met all requirements. Applicant shall obtain all necessary permits for the construction, the storage and the handling of hazardous chemicals and/or fuels (applicant shall be in contact with building inspection, fire department, etc.). Applicant shall meet all zoning

requirements including but not limited to noise, vibration, hazardous materials, etc. Submittal/approval of a proposed storm drainage plan prior to building permit issuance. The project will not cause drainage problems in the alley. Submittal and approval of a landscape plan prior to building permit issuance. Landscape plan shall include a legend that shows how the four (4) landscape criteria are being met. Landscaping shall be installed prior to issuance of an occupancy permit. In addition to the landscape plan, applicant will work with staff with regards to installation of street trees along the properties street frontages (number, type, location, etc.). The street trees will be provided on the landscape plan. The street trees are in addition to the required development landscape plan points (not counted as landscape plan points). Dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility. If using chain link fencing, the applicant shall install Privacy Decorative Slating (PDS) material in order to effectively screen and enclose the dumpster. Outdoor storage of materials, products or equipment shall be prohibited. Any fencing shall be installed per

Section 15.720 (3)(c) of the City Zoning Ordinance. Applicant is required to submit specific fence details to staff for review/approval. If staff has any concerns with the fence design, the matter may be brought back to the Plan Commission for their consideration. All ground level and rooftop mechanicals shall be screened and/or enclosed and constructed of like materials and colors of the facility (HVAC equipment, etc.). All new lighting shall be installed per

Section 15.707 of the City of Sheboygan Zoning Ordinance. There shall be no spillover light onto adjacent streets and/or properties. Applicant shall obtain the necessary sign permits prior to installation. If staff has any concerns with any proposed sign design, the matter may be brought back to the Plan Commission for their consideration Applicant shall be permitted to install individual letter signs no cabinet or flat panel signs. Applicant shall be permitted a freestanding monument sign for the site. Minimum setback of a monument sign is 12 feet. Maximum height of the monument sign is 8 feet. All areas used for parking or maneuvering of vehicles shall be paved. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping. Any new ingress/egress driveway openings and any drives to be closed or modified shall be improved to standard City specifications (curb, gutter, sidewalk, green boulevard, etc. to match existing). Any work within City of Sheboygan Public rights-of-way shall be discussed with the City Engineering Department and constructed to standard City specifications (including, but not limited to, new street improvements, new and/or closed ingress/egress driveway openings, curb, gutter, sidewalk, pavement, utilities, retaining walls, street trees, etc.). It will be the applicant s responsibility to work with all private and public utilities in order to provide easements and/or relocate utilities as necessary. Applicant will provide adequate public access along adjacent streets and minimize the time period that these sidewalks/streets will be closed/affected. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant. All vehicles, equipment, materials, products, etc. shall be located on the applicant s property (no storage on public rights-of-way). The Conditional use permit is approved if and only if the City of Sheboygan Department of City Development and/or Planning Commission approve the Certified Survey Map (CSM) reconfiguring lot lines and/or creating the parcels as proposed. City Development staff will sign the proposed CSM only if the proposal exactly matches the approved development plan/property layout. If there are any amendments to the approved site plan and/or parcel configuration, the applicant will have to submit an amended

conditional use permit for review by the City of Sheboygan Plan Commission that accurately reflects any and all changes. Prior to building permit issuance, the applicant is responsible for providing all shared agreements/easements between the subject property and adjoining properties including but not limited to ingress/egress, parking, stormwater facilities, utilities, etc. This easement document shall be officially recorded by Sheboygan County. Prior to building permit issuance, the City of Sheboygan Architectural Review Board shall review/approve all proposed structures. If there are any amendments to the approved site plan, the applicant will be required to submit a new conditional use application reflecting those amendments. Variances granted:

To have a 10 foot building setback to the north property line. To have a 10 foot building setback to the east property line. To have a five (5) foot building setback to the south property line. To create a parcel with no street access. To have a zero (0) foot paving setback. From the locational and bufferyard landscaping requirements. Motion carried.

#### 4. NEXT MEETING

Tentatively April 14, 2020

#### 5. ADJOURN

##### 5.1 Motion to Adjourn

Motion by Jerry Jones, second by Alderperson Bohren to adjourn. Motion carried.

Being no further business the meeting adjourned at 4: 55 p.m.