

CITY OF SHEBOYGAN

PLAN COMMISSION

JUNE 25, 2019

1. OPENING OF MEETING MEMBERS PRESENT: Don Cvetan, Jerry Jones, Dave Hoffman, Marilyn Montemayor, and Ryan Sazama MEMBERS EXCUSED: Mayor Michael Vandersteen and Alderperson Jim Bohren STAFF/OFFICIALS: City Administrator Darrell Hofland, Director of Public Works David Biebel, Manager of Planning & Zoning Steve Sokolowski, and Planning & Development Director Chad Pelishek

1.1 Call to Order.

Vice Chair Jerry Jones 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 with any item on this agenda.

2. MINUTES

2.1 Approval of the Plan Commission minutes from June 11, 2019.

Motion by Marilyn Montemayor, second by Don Cvetan to approve. Motion carried.

3. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

3.1 Conditional Use Permit and variance application by Jose Perez to locate Jose s Taco Truck in the parking lot and to utilize some of the vacant restaurant seating at 1721 Calumet Drive.

Motion by Dave Hoffman, second by Don Cvetan to approve with the following conditions: Applicant will be required to meet and/or obtain all codes, requirements, licenses, etc. to operate the food truck and to utilize the building including but not limited to building, electrical, plumbing, HVAC, fire, health, food, vendors, etc.

An occupancy permit will be granted only at such time as the applicant has met all requirements. 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 the dumpster. Applicant shall obtain all necessary County Health Department licenses/permits to operate the food truck and the interior seating. Food truck shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances (vision triangle requirements of Section 15.703 of the City of Sheboygan Zoning Ordinance). Applicant shall remove the old projecting sign frame by August 2, 2019 (west side of the building facing Calumet Drive). 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. Proposed wall signage will be individual letter signs (no flat panel or interior lit cabinet signs). No temporary signage and/or fluttering, undulating, swinging, rotting, or otherwise moving signs, pennants, banners or other decorations shall be permitted on the building or in the area around the food truck. No portion of the operation shall take place upon the City of Sheboygan public right-of-way or on adjacent properties operation shall remain on the private property. This conditional use permit is for Jose s Food Truck only.

No other temporary use is permitted to operate from the site (this conditional use permit is not transferable). If the applicant wishes to operate from the City public right-of-way or from another private commercial property they will need to obtain the necessary permits and approvals to do so. Applicant shall adequately monitor/regulate and maintain this property. In no instance shall the food stand create a nuisance for neighboring properties (noise, hours of operation, garbage, etc.).

If any issues arise, the Plan Commission may again review the conditional use permit. If there are any amendments to the approved plans, the applicant will be required to submit a new conditional use application reflecting those amendments. Variance Granted: To operate the taco stand permanently from the site. Motion carried.

3.2 Conditional Use and variance application by Calumet Diner, Inc. to expand

the north parking lot at Harry s Diner located at 2504 Calumet Drive.

Motion by Marilyn Montemayor, second by Ryan Sazama to approve with the following conditions: Prior to construction and operation, the applicant shall obtain all necessary permits and licenses including but not limited to building, plumbing, electrical, HVAC, storm drainage, etc. Submittal/approval of a proposed storm drainage plan prior to building permit issuance. 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 Slattting (PDS) material in order to effectively screen the dumpster. Outdoor storage of materials, products or equipment shall be prohibited. All new lighting shall be installed per Section 1707 of the City of Sheboygan Zoning Ordinance.

There shall be no spillover light onto adjacent properties or the streets. Fencing and retaining wall shall be installed per Section 15.720 (3)(c) of the City of Sheboygan Zoning Ordinance.

Applicant shall include the wrought iron rail/fence on the retaining wall. If signage is to be installed, the applicant shall work with staff with regards to constructing appropriate and well-designed signage and shall obtain the necessary sign permits prior to installation. Applicant shall be permitted to install individual letter signs no cabinet or flat panel signs. 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. Applicant shall meet the minimum required paving setback of 2.4 feet for all new areas to be paved (paving varies from 2.4 feet to 4.3 feet). 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 street improvements, new and/or closed ingress/egress driveway openings, curb, gutter, sidewalk, landscape boulevard, pavement, utilities, retaining walls, street trees, etc.). Absolutely no portion of the site improvements shall cross property lines (parking, fencing, signs, landscaping, retaining wall, etc.). 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. Variance Granted: To have a setback a minium of 2.4 feet. Motion carried.

3.3 Precise Implementation Plan by South Pier Family Investments, LLC, to construct the new SP Riverfront Condominiums located in the S. Pier District along S. Pier Drive (between Reiss Coal Condos and the fish cleaning station).

Motion by Ryan Sazama, second by Don Cvetan 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, health, storm drainage, Sheboygan Floodplain Zoning Ordinance, 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 is responsible to insure that the proposed buildings

are meeting all Federal, State and Local codes pertaining to the Sheboygan River Floodplain. Submittal/approval of a proposed storm drainage plan 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. Dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility.

Dumpster shall be completed prior to issuance of an occupancy permit. 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 (site lighting, building lighting, signage, etc.).

There shall be no spillover light onto adjacent properties or the streets. Applicant shall install signage meeting the South Pier Design Guidelines and shall work with staff with regards to appropriate signage.

Applicant will be required to submit the final design package in order to be incorporated into the approved PIP.

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. Wall signage will be individual letter signs (no flat panel or interior lit cabinet signs). Main overhead entrance sign will be considered during Phase II. 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 and any drives to be closed or modified shall be improved to standard City specifications. Applicant is responsible for construction of the new shared driveway/parking to be utilized by both the Reiss Condominiums and the SP Riverfront Condominiums.

Applicant shall provide adequate access to the Reiss Condominiums during construction. Applicant shall install sidewalk and all public improvements along S. Pier Drive to standard City specifications. Applicant will provide adequate public access along all streets, sidewalks and riverfront promenade and will take all appropriate actions to minimize the time period that adjacent properties and streets/sidewalks are impacted by the SP Riverfront Condominiums 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. All vehicles, equipment, materials, products, etc. shall be located on the applicant's property (no storage on public rights-of-way). 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. Nothing will be located on the City Sheboygan public right-of-way unless the required encroachments are obtained (stairs on riverside). 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, etc.). Applicant shall be required to obtain the necessary encroachment to utilize the riverfront promenade public right-of-way for building, landscaping, etc. Applicant shall work with City Development and Engineering staff to determine the exact locations of these improvements. No building and/or sign permits shall be issued for any of the structures that will utilize the riverfront promenade public right-of-way until such time as the encroachment has been obtained. Applicant is responsible for working with all private and public utilities in order to adequately service this condo 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 Fire Department, including but not limited to fire lane access at the site, sprinkler systems, hydrants, water pressures, etc. Applicant shall not negatively impact soils, deadmen tie backs of the seawall, etc. If applicant has not obtained building permits for Phase 2 within a one (1) year after occupancy has been granted for Phase 1, the applicant will assign the remaining property back to the City of Sheboygan Redevelopment Authority (area to the east - center of the City public utility easement to the east). If the applicant does not proceed with SP Riverfront Condominiums Phase 2, the applicant shall grade and landscape/grass 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 Phase 2. Within this same 60 day period, the applicant shall also be required to remove any permanent/temporary off-premise signage, structures, etc. from this parcel. Prior to building permit issuance, the City of Sheboygan Architectural Review Board shall review/approve the SP Riverfront Condominiums. Prior to building permit issuance, the applicant is responsible for providing all shared access agreements/easements between SP Riverfront Condominiums and the Reiss Condominiums including but not limited to ingress/egress, parking, etc. Applicant shall have an executed ground lease agreement prior to building permit issuance. If there are any amendments to the approved PIP (including but not limited to site plan, architectural design, etc.) the applicant will have to submit an amended PIP for review by the Plan Commission that accurately reflects any and all proposed changes.

Variance Granted: To have a building height of 51.3 feet. To have a zero foot rear building setback. Motion carried.

3.4 Special Use application and certified survey map by Acuity to construct an above grade parking structure, to construct a recreation center and to combine

parcels at 2800 S. Taylor Drive.

Motion by Marilyn Montemayor, second by Don Cvetan 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, water, sewer, storm drainage, health, State of Wisconsin, etc.

An occupancy permit shall be granted only at such time as the applicant has met all requirements. Submittal and approval of a proposed storm drainage plan 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. Dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility.

Dumpster shall be completed prior to issuance of an occupancy permit. 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 (site lighting, building lighting, signage, etc.).

There shall be no spillover light onto adjacent properties or the streets. 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. Proposed wall signage will be individual letter signs (no flat panel or interior lit cabinet signs). 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 and any drives to be closed or modified shall be improved to standard City specifications. 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, traffic impact study, new and old ingress/egress driveway openings, curb, gutter, sidewalk, pavement, utilities, street trees, signalization, 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. All vehicles, equipment, materials, products, etc. shall be located on the applicant's property (no storage on public rights-of-way). 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. Applicant is responsible for working with all private and public utilities in order to adequately service this 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 Planning Commission approves the Certified Survey Map (CSM) creating the parcels as proposed.

Applicant shall submit a Certified Survey Map (CSM) that meets the City of Sheboygan Subdivision Ordinance.

No building permits shall be issued until such time as the applicant can show City staff that the CSM has been officially recorded by Sheboygan County and the lots have been officially created. City Development staff will sign the proposed CSM only if the proposal exactly matches the approved development plan/property layout.

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. Prior to building permit issuance, the City of Sheboygan Architectural Review Board shall review/approve the project. Buildings shall meet minimum 25 foot front/street yard setback. Approval of this Conditional Use permit is based upon mutual understanding that the final Acuity traffic impact analysis findings are acceptable to the City, and any improvements directly related to Acuity's development, during the traffic analysis planning horizon, be the responsibility of Acuity.

Said improvements shall be coordinated and constructed along with the City of Sheboygan and Advocate Aurora's roadway improvements to Union Avenue and the Taylor Drive and Union Avenue intersection tentatively scheduled for the year 2020. If there are any amendments to the approved site plan and/or parcel configuration, the applicant will have to submit an amended plan for review by the City of Sheboygan Plan Commission that accurately reflects any and all changes. Motion carried.

4. NEXT MEETING

July 9, 2019

5. ADJOURN

5.1 Motion to Adjourn

Motion by Marilyn Montemayor, second by Ryan Sazama to adjourn.

Motion carried.

Being no further business the meeting was adjourned at 5: 20 p.m.