

CITY OF SHEBOYGAN

CITY PLAN COMMISSION

December 15, 2020

1. OPENING OF MEETING MEMBERS PRESENT: Mayor Michael Vandersteen, Dave Hoffman, Jerry Jones,

Don Cvetan,

Alderperson Jim Bohren

(remote), and Marilyn Montemayor (remote) MEMBERS EXCUSED: Ryan Sazama STAFF/OFFICIALS PRESENT: Planning & Development Director Chad Pelishek and Manager of Planning & Zoning Steve Sokolowski PUBLIC: Charles Butler, Nick Noster, Dave Biebel, John Elmendorff, Ross Werner, Dirk Willis, Jonathan Hoekstra, Jess Barley, Steven Westphal, Deborah Tomczyk, Erik Thelen, Dr. Bell Rose Ragins, Rose Both, David Cohn, Robert Jansen, Geralyn Leannah, Brian Doudna, Leslie Freehill, Jayne Zabrowski, and Gary Zimmermann

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 November 10, 2020.

Motion by Jerry Jones, second by Dave Hoffman to approve. Motion carried.

## 3. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

3.1 Discussion and potential action on public input procedures.

Motion by Alderperson Jim Bohren, second by Jerry Jones to approve.

Motion carried.

3.2 Application for Conditional Use Permit with exceptions by Elmendorf Properties, LLC to operate Progressive Beginnings from the existing facility located at 1125 N. 13 th Street.

Motion by Alderperson Jim Bohren, second by Dave Hoffman to approve with the following conditions: Prior to operation/occupancy, the applicant shall obtain all licenses and occupancy permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, health, Federal, State, etc. An occupancy permit will be granted only at such time as the applicant has met all requirements. Building permits shall be issued only at such time as the applicant can provide documentation that they own the parcel. This conditional use permit is for the Progressive Beginnings use of the facility and property as is only. Any future site improvements will require the necessary land use permits/approvals prior to obtaining a building permit to proceed with such improvements. If using dumpsters, dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility. Outdoor storage of materials, products or equipment shall be prohibited. All ground level and rooftop mechanicals shall be screened/enclosed and constructed of like materials and colors of the facility (HVAC equipment, satellite dishes, 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 properties or the streets. Applicant shall obtain the necessary sign permits prior to installation. Applicant shall work with staff in regard to constructing a well-designed signage for the site that utilizes colors and materials similar to the building. Proposed signage will be individual letter signs (no flat panel or interior lit cabinet signs). Staff may bring the proposed signage design back to the Plan Commission for review/approval. 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. Applicant shall remove all signage referring to previous Salvation Army use. 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). 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.). 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 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 landscape/grass the southwest corner of the parking lot that appears to be gravel/damaged next to the westernmost parking space along the alley. If there is to be any renovation to the exterior of the facility, the applicant will be required to obtain approval from the Architectural Review Board prior to receiving a building permit for such renovation. 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. Exceptions granted: To have eight (8) parking spaces. Motion carried.

### 3.3 Preliminary Plat Approval for Koppelman Estates in the Town of Sheboygan. Extra-Territorial Plat Review

Motion by Jerry Jones, second by Don Cvetan to approve.

Motion carried.

### 3.4 Application for Conditional Use Permit with exceptions by Kohler Company to construct a new golf course on Kohler Company property north of Kohler-Andrae State Park between Black River and Lake Michigan.

Motion by Jerry Jones, second by Dave Hoffman to close the public hearing. Motion carried.

Kohler Co. has applied for a conditional use permit for an outdoor institutional use (per Section 15.206 (3)(d), SZO), and more specifically for a privately owned golf course and for clear cutting per Section 15.206 (2)(g), SZO for removal of more than 50 % of woodlands on the Property. In connection with its conditional use application, Kohler also has submitted a detailed site analysis under Section 15.509, SZO to identify permanently protected green space areas in its proposed golf course development. Kohler's detailed site analysis includes the Natural Resources Site Evaluation Worksheet as required under Section 15.303 (3), SZO (at Exhibit 8 of the application) and the detailed map consistent with Section 15.509 (2), SZO (at Exhibit 9 of the application).

Motion by Jerry Jones, second by Dave Hoffman to approve with the following conditions: Prior to issuance of a building permit, 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, alcohol, food, health, Federal, State of Wisconsin 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. The applicant has submitted a proposed landscape plan as Exhibit 13 of its application. That submittal has not yet been reviewed. If the plan is approved by the Manager of Planning and Zoning, the applicant shall comply with the plan. If the plan is not approved, the applicant shall resubmit a plan that is acceptable to the Manager of Planning and Zoning. In any case, applicant shall comply with the provisions of Subchapter 15 - 6 of the Sheboygan Zoning Ordinance and shall comply with the terms of an approved landscape plan. The applicant's operations shall comply with Section 15.206 (3)(b)(2)(a), SZO, ( Active Outdoor Public Recreation ), which requires facilities using night lighting and adjoining a residentially zoned property to install and continually maintain a bufferyard with a minimum opacity of

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.60. Said bufferyard shall be located at the property line adjacent to said residentially zoned property (except for approved exceptions and except that the bufferyard and fencing between the golf course and state park maintenance facilities shown on Landscape Plan 7 A in Exhibit 13 are approved). If the staff has concerns about the proposed lighting or landscaping, the photometric and/or landscape plans can be brought back to the Plan Commission for review. Dumpster(s) shall be screened/enclosed and constructed of like materials and colors as the building served and shall be completed prior to issuance of an occupancy permit for said building. The applicant shall properly submit to and receive approval from the Director of Public Works for a stormwater management plan in compliance with the City's Post-construction Stormwater Management Zoning Ordinance (Appendix E to the Sheboygan Municipal Code) prior to issuance of a building permit. Outdoor storage of materials, products or equipment shall be prohibited or completely screened from public view by fencing and landscaping. Fencing/retaining wall shall be installed per Section 15.720 (3)(c), SZO, except those granted an exception. Applicant shall work with staff with regard 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 fencing/retaining wall design, the matter may be brought back to the Plan Commission for their consideration. Maximum height of fence is eight (8) feet high (peak of fence to grade). Fence shall be located on the Kohler property. It is the applicant's responsibility to know where their lot lines are and to insure the fence meets the required setbacks. All ground level and rooftop mechanicals shall be screened and/or enclosed and constructed of like materials and colors of the nearest building. All new lighting shall be installed per Section 15.707, SZO. The uses shall meet all performance standards pursuant to Subchapter 15 - 7, SZO, including but not limited to noise, lighting, vibration, etc., and except for exceptions specifically set forth in the application. All areas used for parking or maneuvering of licensed vehicles shall be paved. Golf course operation and maintenance vehicles may traverse on gravel or grass throughout the course. All parking areas that are not required to be paved shall be landscaped with grass and/or landscaping consistent with the landscape plans included in Exhibit

7. Absolutely no portion of the new building and/or site improvements shall cross the exterior property line (buildings, parking, retaining walls, signs, landscaping, etc.), except those granted an exception. Applicant shall meet Section

15.206 (3)(b)(2)(b), SZO, Active Outdoor Public Recreation, which states all structures and active recreational areas shall be located a minimum of 50 feet from any residentially zoned property, except those granted an exception. Applicant shall obtain the necessary sign permits prior to installation. Applicant shall work with staff with regard to appropriate signage. Only at such time as the sign package has been reviewed, all necessary variances approved as provided in the Sheboygan Zoning ordinance and finally approved by

the Manager of Planning and Zoning may the applicant obtain sign permits to install the proposed signage. If staff has any concerns with proposed signage design, the signs may be brought back to the Plan Commission for their consideration. Applicant shall install individual letter signs no cabinet or flat panel signs. Applicant shall be permitted a freestanding monument sign for the site. The minimum setback of the monument sign is 12 feet. The maximum height of the monument sign is 8 feet. The sign shall comply with Chapter 98 of the Sheboygan Municipal Code, be approved by the Manager of Planning & Zoning, and be located outside of the 15 foot vision triangle. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets. All vehicles, equipment, materials, products, etc. shall be located on the Kohler property (no storage on public rights-of-way). City Development staff will issue a building permit only if the applicant has adequately satisfied all applicable municipal regulations and terms of the related to the Sheboygan Water Utility. City Development staff will issue a building permit only if the applicant has adequately installed fire protection measures approved by the Sheboygan Fire Department, including but not limited to fire lane access at the site, sprinkler systems, hydrants, water pressures, etc. consistent with Exhibit 7. Applicant will provide adequate public access along all public streets and will take all appropriate actions to minimize the time period that these streets will be closed/affected, unless otherwise approved by the Director of Public Works. Applicant is responsible for constructing all required public infrastructure improvements to properly service the site prior to occupancy (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, street lights, street signs, etc.) as described in the Agreement. Any work within City of Sheboygan Public rights-of-way shall be discussed with the City Engineering Department and constructed to standard City specifications. Applicant is responsible for all costs associated with the construction/installation of all required public infrastructure improvements for the project as set forth in the Agreement. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant. 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 take all appropriate actions to minimize the time period that adjacent properties are impacted by the development (utilities, streets, etc.). Building permits shall be issued only at such time as the applicant has obtained all necessary permits from the Wisconsin Department of Natural Resources. Applicant shall meet the 50 foot building setback under Subsection 3.0 (1) of the City of Sheboygan Shoreline Zoning Ordinance and the 75 foot structure under Section 72.15 (1)(a) of the Sheboygan County Code. It is the applicant s responsibility to insure all construction takes place outside of the areas designated wetlands. Applicant may only impact areas designated as wetlands if and only if they have written documentation (license, permit, etc.) from the DNR permitting them to do so. Building permits shall be issued only at such time as the applicant has obtained official approval documentation/permits from the required governmental authorities including but not limited to the Army Corp of Engineers (ACOE), US Fish and Wildlife Service (USFWS), National Park Service (NPS), Wisconsin Department of Natural Resources (WDNR), Wisconsin State Historical Society (WHS), Wisconsin, Public Service Commission (WPSC), Sheboygan County, etc. Building permits shall be issued only at such time as the applicant can provide documentation that the lots have been combined into one (1) parcel which has been officially recorded by Sheboygan County. Prior to issuance of a building permit, the applicant is responsible for providing all shared agreements/easements necessary for golf course development and operation

between the Kohler Company and adjoining properties including but not limited to ingress/egress, shared access, utilities, etc. The applicant shall submit plans to the City of Sheboygan Architectural Review Board for review. Building permits shall be issued only at such time as the Architectural Review Board has approved the proposed architectural plans. The conditional use permit time limits shall be tolled for the duration of any lawsuits relating to the golf course project provided the applicant proceeds to develop the property consistent with the approved conditional use permit and site plan. At such times as all lawsuits are completed, the conditional use permit time limits shall begin. Applicant shall comply the terms of the Agreement. If there are any amendments to the approved conditional use permit, site plan, etc., the applicant will be required to submit a new conditional use application reflecting those amendments. Exceptions granted: To authorize a taller observation tower, the Lake Michigan observation tower will be approximately 60 feet above the surrounding grade with an overall height of 80 feet to the top of the structure. To

avoid the use of curb adjacent to landscaped areas, maintaining the existing rural setting in the adjacent State Park. To install an eight (8) foot tall fence around the maintenance facility for security, safety and screening purposes. To have

25 -foot setbacks for the maintenance building from residentially zoned property. To locate the # 7 tees within the 50 -foot setback for actively used outdoor recreational areas from any residentially zoned property. To the paving setback to allow two (2) access points: the point where the entrance road first enters Kohler Co. property near the proposed maintenance buildings and the proposed access drive to the existing State Park maintenance facility. Motion carried.

#### 4. NEXT MEETING

January 12, 2021

#### 5. ADJOURN

##### 5.1 Motion to Adjourn

Motion by Jerry Jones, second by Dave Hoffman to adjourn. Motion carried.

Being no further business the meeting adjourned at 4: 49 p.m.