

*****ATTACHMENTS*****

CITY OF SHEBOYGAN

REQUEST FOR PLANNING COMMISSION CONSIDERATION

ITEM DESCRIPTION: RO 224-18-19 and GO 47-18-19 by Alderperson Phillips granting Prohibition Bistro, its successors and assigns, the privilege of encroaching upon described portions of Lot 1 Promenade, South Pier located at 668 South Pier Drive in the City of Sheboygan for the purpose of expanding the outdoor patio area.

REPORT PREPARED BY: Steve Sokolowski, Manager of Planning and Zoning

REPORT DATE: March 8, 2019

MEETING DATE: March 12, 2019

FISCAL SUMMARY:

Budget Line Item: N/A
Budget Summary: N/A
Budgeted Expenditure: N/A
Budgeted Revenue: N/A

STATUTORY REFERENCE:

Wisconsin Statutes: N/A
Municipal Code: N/A

BACKGROUND / ANALYSIS:

Prohibition Bistro is requesting an encroachment along their South Pier river front promenade (right-of-way) in order to construct and operate an outdoor patio. The applicant states:

- Prohibition Bistro has been operating for six (6) years and really enjoy their great location in the beautiful South Pier District.
- Prohibition presently has a small covered patio area on the west side of the building overlooking the riverfront promenade and the Sheboygan River. This patio has become quite popular during our peak summer season.
- One common customer request is additional outdoor seating during the summer months. To meet the needs of this increased demand, Prohibition Bistro would like to obtain an encroachment from the City to convert the grass area into additional outdoor patio space.
- This 894sf area would be enclosed by three (3) foot walls and would be paved with patio bricks (similar to what was done in the front of the restaurant by S. Pier Drive).
- Applicant believes that a well-designed outdoor patio space will provide our customers with additional outdoor seating options with more opportunities to enjoy the views and action that takes place along the riverfront promenade.

STAFF COMMENTS:

The Plan Commission may want to have the applicant explain:

- What structures will be constructed (patio, fencing/walls, etc.)?
- What types of seating, tables, umbrellas, lighting, etc. will be provided?
- How do they intend on using the outdoor patio – dining, a seating area waiting for a table, an outdoor patio for having drinks, all the above?
- How will the outdoor patio be managed?
- Any thoughts of additional outdoor activities such as music, events, etc.?

ACTION REQUESTED:

Motion to recommend the Common Council approve the encroachment (RO 224-18-19 and GO 47-18-19).

ATTACHMENTS:

RO 224-18-19 and GO 47-18-19 attachments.

III

4.1

R. O. No. 224 - 18 - 19. By CITY CLERK. March 4, 2019.

Submitting a communication from Prohibition Bistro (Avni and Harry Latifi) requesting an encroachment into portions of Lot 1 Promenade, South Pier for the purpose of expanding the outdoor patio area.

CITY CLERK

city plan

~~X~~

Gen. Ord. No. 47 - 18 - 19. By Alderperson Phillips. March 4, 2019.

AN ORDINANCE granting Prohibition Bistro, its successors and assigns, the privilege of encroaching upon described portions of Lot 1 Promenade, South Pier located at 668 South Pier Drive in the City of Sheboygan for the purpose of expanding the outdoor patio area.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Subject to the terms and conditions contained herein, Prohibition Bistro, its successors and assigns, is hereby granted the privilege of encroaching upon described portions of Lot 1 Promenade, South Pier, located at 668 South Pier Drive as follows:

Part of Lot 1 Promenade, South Pier, located in Government Lot 1 of Section 26, T15N-R23E, City of Sheboygan, Sheboygan County, Wisconsin lying west of and adjacent to that part of Lot 2, South Pier as described in "Correction Instrument Consolidated and Restated Prohibition Bistro Ground Lease" as Document Number 1971182 described as: Commencing at the Northwest corner of Lot 2, South Pier, said point being the point of beginning; thence along the west line of said Lot 2, S22°48'04"W 59.90 feet; thence N69°23'27"W 15.88 feet; thence N23°44'57"E 56.40 feet; thence S82°35'49"E 15.49 feet to the point of beginning. SAID AREA CONTAINS 894 SQ. FT. (0.021 ACRE)

for the purpose of expanding the outdoor patio area, in accordance with the sketch attached hereto and made a part hereof.

Section 2. The privilege as granted above is granted only on the condition that by the acceptance of the privilege, the said Prohibition Bistro, its successors and assigns:

a. Shall become primarily responsible and liable for all and any damage to persons or property caused by and arising from the grant and exercise of such privilege.

b. Shall remove the encroachment allowed herein within ten (10) days after notice so to remove given by the State of Wisconsin or the City of Sheboygan; in the event of the failure so to remove, the said Prohibition Bistro, its successors and assigns: shall pay the costs of removal by the State of Wisconsin or the City of Sheboygan, waiving all claim or claims for damages resulting from such removal, whether the removal is done by the said Prohibition Bistro, its successors and assigns, or by the State of Wisconsin or by the City of Sheboygan.

City Plan

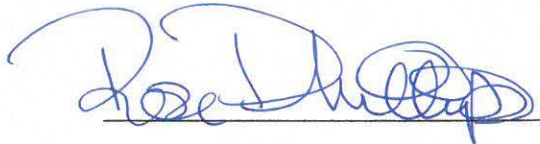
c. Shall pay such compensation to the City of Sheboygan for the grant of this privilege as may be determined by a board consisting of the Mayor, the Director of Public Works and the City Attorney; the compensation shall be paid into the General Fund.

d. Shall make such construction and/or alterations and maintain the same subject to the approval of the City Building Inspector and Director of Public Works, and shall waive the right to contest in any manner the validity of this ordinance or the amount of compensation charged.

Section 3. The provisions of §66.0425(1) thru (5) of the Wisconsin Statutes are incorporated herein by reference to all intents and purposes as if set out fully.

Section 4. The City Clerk is authorized and directed to record a certified copy of this ordinance in the office of the Register of Deeds for Sheboygan County, Wisconsin, the costs thereof to be charged to the General Fund.

Section 5. This ordinance shall take effect and be in full force from and after its passage and publication and upon payment of the consideration to be determined hereunder, provided, however, that in the event of failure to exercise the privilege herein granted and the payment of such consideration within six (6) months from the effective date hereof, then and in that event such privilege shall be rendered null and void.



I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

FEB 20 '19 PM 1:17

02/20/19

Prohibition Bistro
668 South Pier Drive
Sheboygan, WI 53081

RE: Request for Encroachment at Prohibition Bistro- Addition of Patio on West Side of Building

Common Council of City of Sheboygan:

My brother, Harry and I are going into our 6th year of business at Prohibition Bistro and really enjoy the great location on beautiful South Pier.

Right now, we have a small patio area on the west side of the building overlooking the river. We have found this patio has become quite popular during our peak seasons. To meet the needs of increased business and make use of the grassy area existing, we are requesting an encroachment to extend our outdoor serving area. The new area would be enclosed by 3 foot walls and paved with bricks.

By expanding the outdoor patio area, we would be able to accommodate more locals and increase tourist interest on South Pier.

In working with Sasha Moco of Moco Construction, we have included photos of the proposed addition.

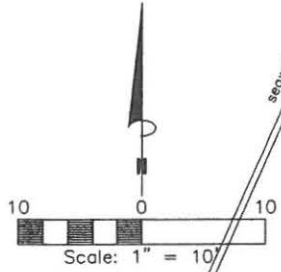
Regards,



Avni Latifi

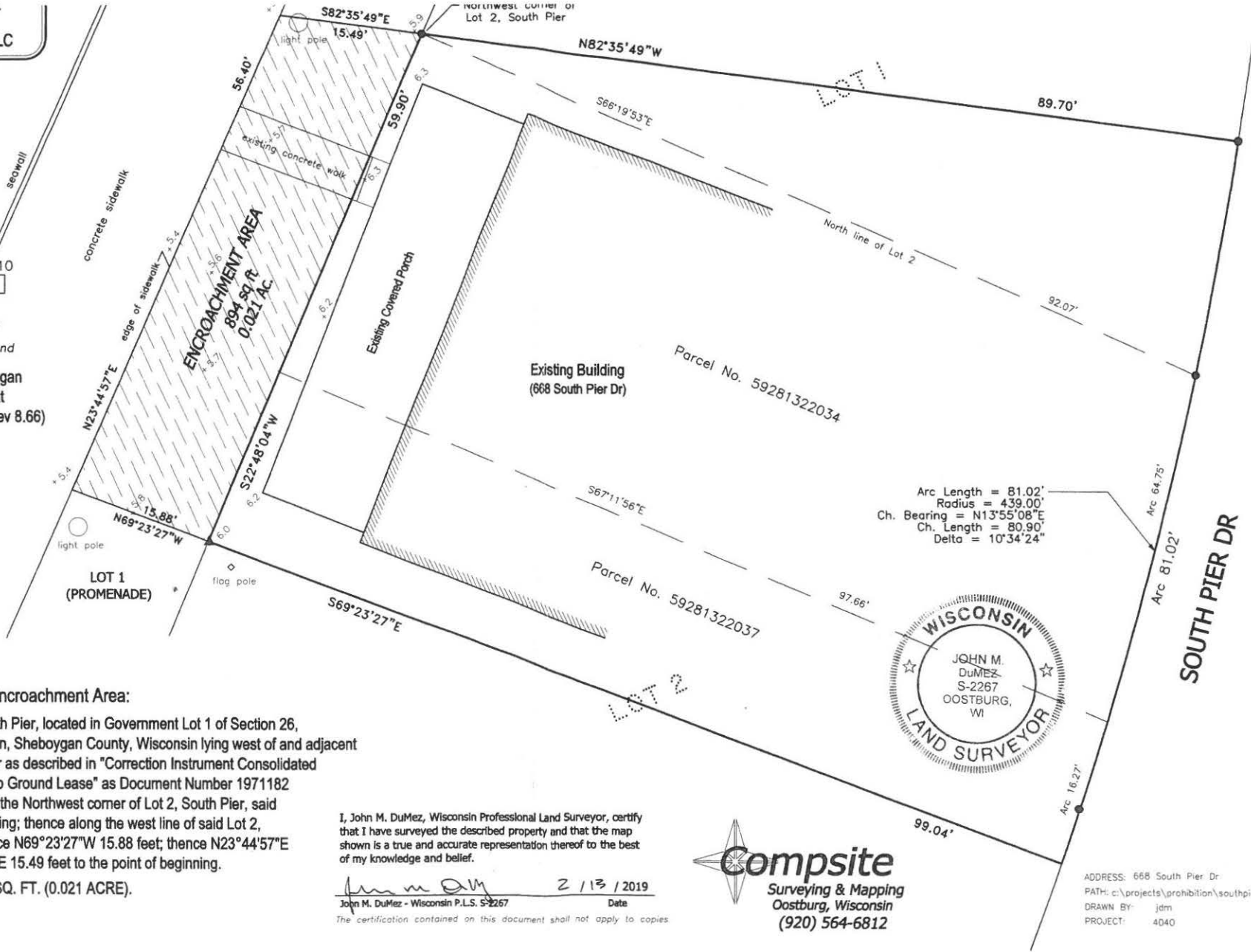
owner

Encroachment request
for
Prohibition Bistro 668 LLC



- = 1" iron pipe found
- ▲ = Large dia. nail found

Vertical Datum=City of Sheboygan
(Benchmark: Top of hydrant at
Pier Dr & Fisherman's Row, Elev 8.66)



Description of Proposed Encroachment Area:

Part of Lot 1 Promenade, South Pier, located in Government Lot 1 of Section 26, T15N-R23E, City of Sheboygan, Sheboygan County, Wisconsin lying west of and adjacent to that part of Lot 2, South Pier as described in "Correction Instrument Consolidated and Restated Prohibition Bistro Ground Lease" as Document Number 1971182 described as: Commencing at the Northwest corner of Lot 2, South Pier, said point being the point of beginning; thence along the west line of said Lot 2, S22°48'04"W 59.90 feet; thence N69°23'27"W 15.88 feet; thence N23°44'57"E 56.40 feet; thence S82°35'49"E 15.49 feet to the point of beginning. SAID AREA CONTAINS 894 SQ. FT. (0.021 ACRE).

I, John M. DuMez, Wisconsin Professional Land Surveyor, certify that I have surveyed the described property and that the map shown is a true and accurate representation thereof to the best of my knowledge and belief.

John M. DuMez 2/13/2019
John M. DuMez - Wisconsin P.L.S. S-2267 Date

The certification contained on this document shall not apply to copies

Compsite
Surveying & Mapping
Oostburg, Wisconsin
(920) 564-6812

Arc Length = 81.02'
Radius = 439.00'
Ch. Bearing = N13°55'08"E
Ch. Length = 80.90'
Delta = 10°34'24"



ADDRESS: 668 South Pier Dr
PATH: c:\projects\prohibition\southpier\dwg\
DRAWN BY: jdm
PROJECT: 4040



PIZZERIA BAR







Prohibition
668 S Pier D
Sheboygan,
43.75°N, 87°



Google

© 2010 Google, 230 m, 47° 16' 15.92" N