

*****ATTACHMENTS*****

CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: Conditional Use and variance application by RLO Sign, Inc. to install a new electronic readerboard in the existing monument sign at Bethel Baptist Church located at 2411 Weeden Creek Road. SR-3 Zone

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

REPORT DATE: November 10, 2017

MEETING DATE: November 14, 2017

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:

RLO Sign is proposing to install a new electronic readerboard in the existing monument sign at Bethel Baptist Church located at 2411 Weeden Creek Road. The applicant states:

- Bethel Baptist Church would like to replace its existing weathered manual readerboard monument sign with a new electronic readerboard. The applicant is proposing to retrofit the old changeable copy portion of the sign with a message center.
- The sign will be located in the same location and is located approximately 47 feet from the road. The sign is located on the west side of the west parking lot driveway.
- The sign is approximately 56sf (7 x 8).
- The electronic readerboard is 20sf (2.6 x 7.6).
- The new electronic message center will provide better opportunities to advertise church activities/events to the public with the ease of changing the message from the church office.

STAFF COMMENTS:

Applicant is requesting the following variances:

- Applicant is requesting a 56sf sign - Maximum square footage permitted is 24sf.

Applicant states they want to replace the existing sign with the new sign in the same location because this is the best location to get messages out to the public regarding church events.

ACTION REQUESTED:

Staff recommends approval of the conditional use/sign permit and variance subject to the following conditions:

1. Applicant shall obtain the necessary sign permits prior to installation.
2. Sign shall meet the minimum 12 foot setback to the Weeden Creek Road property line (closest edge of sign to property line). It is the applicant's responsibility to insure the sign meets the required setbacks.
3. Applicant shall meet Sections 15.804(a) and (c) of the City of Sheboygan Zoning Ordinance relating to signage and pedestrian/traffic safety and sign timing/cycles. No signs containing flashing, intermittent or moving sections or intermittent or flashing lights shall be permitted.
4. 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.
5. Sign messages and/or location shall not create any pedestrian/vehicular conflicts.

ATTACHMENTS:

Conditional Use Permit Application and required attachments.

PARCEL NO. 472101
MAP NO. _____
ZONING CLASSIFICATION: A SR-3

Office Use Only
APPLICATION/FILE NO. _____
REVIEW DATE: 11/14/17

FILING FEE: \$250.00 (Payable to City of Sheboygan)

**CITY OF SHEBOYGAN
APPLICATION FOR
CONDITIONAL USE PERMIT**
Requirements Per Section 15.905
Revised May 2012

Completed application is to be filed with the Department of City Development, 828 Center Avenue, Suite 104. To be placed on the agenda of the City Plan Commission, application must be filed two weeks prior to date of meeting. Applications will not be processed if all required attachments and filing fee of \$150 (payable to the City of Sheboygan) is not submitted along with a complete and legible application. Application filing fee is non-refundable.

1. APPLICANT INFORMATION

APPLICANT: RLO Sign Inc.
ADDRESS: 1030 Ontario Ave. E-MAIL: katie@rloesign.com
PHONE: (920) 457-6602 FAX NO. ()

2. DESCRIPTION OF THE SUBJECT SITE/PROPOSED PROJECT

NAME OF PROPOSED/EXISTING BUSINESS: Bethel Baptist Church
ADDRESS OF PROPERTY AFFECTED: 2411 Weeden Creek Rd., Sheboygan, WI 53083
LEGAL DESCRIPTION: Church

BRIEF DESCRIPTION OF **EXISTING** OPERATION OR USE: _____
Church Services

DETAILED DESCRIPTION OF **PROPOSED** OPERATION OR USE INCLUDING ANY CHANGES TO THE EXISTING USE: _____
No change

BRIEF DESCRIPTION OF ALL REQUESTED VARIANCES FROM PROVISIONS OF THE ZONING ORDINANCE, WHICH ARE RELATED TO THE PROPOSED OPERATION OR USE: We are re-using all of the current sign
and just exchanging out the changebale copy with EMC units.



1030 Ontario Ave. Sheboygan, WI 53081
920-457-6602 · 800-479-6602 · Fax: 920-457-2399
www.riosign.com



11/6/17

Narrative for sign at Bethel Baptist Church

Steve Sokolowski
City of Sheboygan
828 Center Ave
Sheboygan WI 53081

Mr. Sokolowski,

On behalf of our client Bethel Baptist we are requesting a conditional use permit to retrofit the old changeable copy portion of the sign with a message center. The location of the church is 2411 Weeden Creek Rd., Sheboygan, WI 53081.

The proposed sign is an already existing structure and we would just like to modify it. The existing sign overall is 7' tall out of the ground and is 8' wide. The message centers will be mounted to within the sign which is significantly far from the road (47').

The church has raised funds to replace their old changeable copy sign that has missing rails and would like the ease of changing messages from the church office that will create awareness within the community of their upcoming events.

Thank you,
RLO Sign, Inc
920-457-6602

SIGN SPECIFICATIONS

Retrofit existing monument sign
from changeable copy to EMCs.

(A) - Qty: 2 Adaptive EMC signs.

- A Series 20mm Full color.

Matrix: 32x112
Case Height: 31.3" tall
Case Width: 93.7" wide



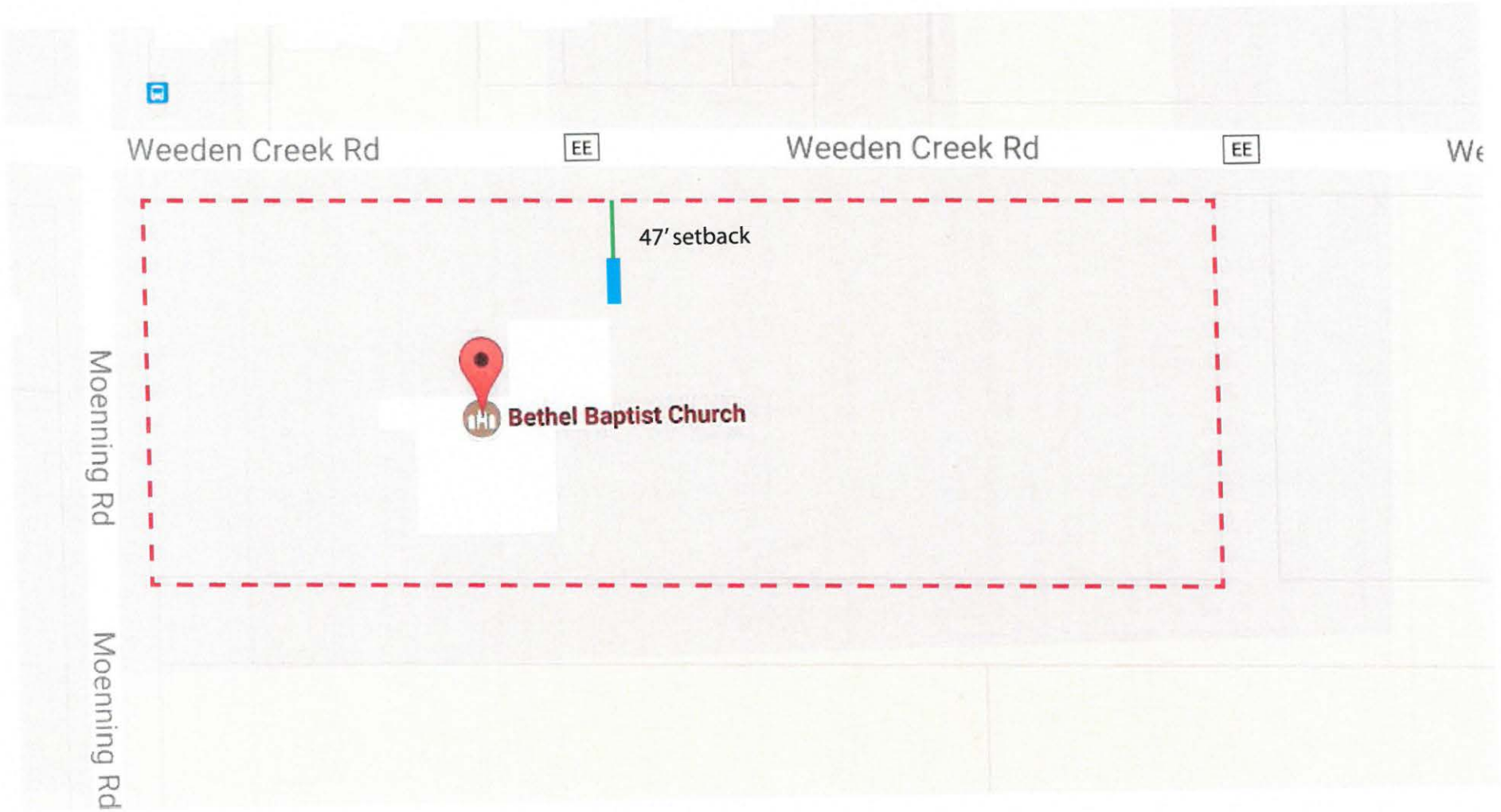
Existing



New



Bethel Baptist Church
2411 Weeden Creek Rd.
Sheboygan WI, 53081



- - - - - Property Line

■ Sign



CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: Conditional Use application by Darren Weimann to operate Glory Midwest Fastpitch Academy from the Southtown Mall located at 3321 S. Business Drive. UC Zone.

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

REPORT DATE: November 10, 2017

MEETING DATE: November 14, 2017

FISCAL SUMMARY:

STATUTORY REFERENCE:

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

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

BACKGROUND / ANALYSIS:

Darren Weimann is proposing to operate Glory Midwest Fastpitch Academy from the Southtown Mall located at 3321 S. Business Drive. The applicant states the following:

- Glory Midwest Fastpitch Academy will provide a professionally designed indoor training facility and instruction for teams or individuals that have the desire to take their fastpitch softball skills to the next level. Teams can reserve "turf time" or batting/pitching lanes on an hourly basis. We will also have "open turf" times for individual members. In addition, we will be offering adult fitness classes from certified instructors.
- The mission of Glory Midwest is to provide an affordable avenue for young ladies to get the training they need in fastpitch softball to play at the next level. As with many sports, playing club level softball is necessary to reach your potential. However, it is cost prohibitive for many to be able to afford playing club ball. This academy will provide that training at a fraction of the cost of traditional training facilities within a 1+ hour radius.
- The facility itself will not be operated with profit in mind. The money for start-up costs was donated by a local citizen. There will not be profits drawn from operations. The goal is to generate enough income through memberships, private instruction and camps/clinics to keep the facility operating. Any extra revenue generated will be reinvested in equipment or used to lower membership rates or costs for instruction. Revenue will be generated several ways: Membership (Ranges from \$20-\$50 monthly or \$125-\$400 annually), Private Instruction (Ranges from \$35-\$225 based upon age and frequency), Team rental (Ranges from \$75-\$125 per hour), and Camps and Clinics.

- There will be no employees collecting a paycheck. Private Instructors will be paid for specific instruction based on what the players need individually. Instructors pay the facility to rent the space needed for instruction. Operating with less overhead allows us to keep the costs low for the community.
- The biggest challenge for a facility such as this is that the space goes unused during daytime hours, as 95% of the members are girls aged 7-17 years of age and attend school. We have partnered with several certified personal trainers and fitness instructors that will operate daytime fitness classes (Yoga, Zumba, Boot Camp, etc.) to help us generate revenue during the hours that softball will not be in operation. Classes will be on a pay-for-each basis. We will not be operating this as a members-only fitness center. The public will be welcome to join in on these classes any time they wish.
- The facility floor will be covered in artificial turf. Primary layout will consist of three (3) batting cages that are made of netting and are retractable to allow the entire turf area to be open. The open area will be used for defensive instruction, pitching, hitting and adult fitness. The entire space will be surrounded by perimeter netting (Walls and Ceiling) for protection. There is not a current plan to bring in large mechanical pitching machines, as we do not believe in that method. All hitting will be off of a tee, soft toss or front toss. The academy will provide tees, balls, hitting mats and pitching mats.
- There will be 16 open-style lockers for people to place things while using the facility. While these will not be secured lockers, we will have security cameras in place to deter theft. There will also be a waiting area with tables and chairs with a beverage vending machine for parents to lounge during instruction or practices.
- This is presently a vacant 6,000sf tenant space.
- The business will operate weekdays from 6am to 8pm and weekends from 8am to 5pm (approximate hours, may vary).

STAFF COMMENTS:

None

ACTION REQUESTED:

Staff recommends approval of the Conditional Use Permit subject to the following conditions:

1. 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, etc. An occupancy permit will be granted only at such time as the applicant has met all requirements.

2. If using dumpsters, the dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility.
3. 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.).
4. Outdoor storage of materials, products or equipment shall be prohibited.
5. 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.
6. Applicant shall obtain the necessary sign permits prior to installation. Proposed signage will be individual letter signs (no flat panel or interior lit cabinet signs). Applicant shall work with staff with regards to constructing a well-designed signage for the site that utilizes colors and materials similar to the building. Staff may bring the proposed signage design back to the Plan Commission for review/approval.
7. Applicant shall remove the temporary banner.
8. All training activities shall take place inside the building (no outdoor activity).
9. If there are 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.
10. If there are any amendments to the approved use and/or site plan, the applicant will be required to submit a new site plan and/or conditional use application reflecting those amendments.

ATTACHMENTS:

Conditional Use Permit Application and required attachments.

PARCEL NO. 431180
MAP NO. _____
ZONING CLASSIFICATION: UC

Office Use Only
APPLICATION/FILE NO. _____
REVIEW DATE: 11/14/17

FILING FEE: \$250.00 (Payable to City of Sheboygan)

**CITY OF SHEBOYGAN
APPLICATION FOR
CONDITIONAL USE PERMIT**



Requirements Per Section 15.905
Revised May 2012

Completed application is to be filed with the Department of City Development, 828 Center Avenue, Suite 104. To be placed on the agenda of the City Plan Commission, application must be filed two weeks prior to date of meeting. Applications will not be processed if all required attachments and filing fee of \$250 (payable to the City of Sheboygan) is not submitted along with a complete and legible application. Application filing fee is non-refundable.

1. APPLICANT INFORMATION

APPLICANT: GLORY MIDWEST FASTPITCH ACADEMY
ADDRESS: DARREN WEIMANN
302 WAHGOULY RD. E-MAIL: dweimann.wsc@hotmail.com
Wahgouly 53081
PHONE: (920) 254-1486 FAX NO. ()

2. DESCRIPTION OF THE SUBJECT SITE/PROPOSED PROJECT

NAME OF PROPOSED/EXISTING BUSINESS: GLORY MIDWEST
FASTPITCH ACADEMY
ADDRESS OF PROPERTY AFFECTED: 3321 S. BUSINESS DR.
LEGAL DESCRIPTION: PARCEL #59281431180
SOUTH TOWN MALL.

BRIEF DESCRIPTION OF EXISTING OPERATION OR USE: _____
EMPTY WAREHOUSE (FORMERLY STEALS + DEALS FURN.)

DETAILED DESCRIPTION OF PROPOSED OPERATION OR USE INCLUDING ANY CHANGES TO THE EXISTING USE: _____
INDOOR SOFTBALL TRAINING FACILITY

BRIEF DESCRIPTION OF ALL REQUESTED VARIANCES FROM PROVISIONS OF THE ZONING ORDINANCE, WHICH ARE RELATED TO THE PROPOSED OPERATION OR USE: _____
N/A

6000 sq. ft
INDOOR FACILITY

INDIVIDUAL
MEMBERSHIPS

ONE-ON-ONE
INSTRUCTION

TEAM RENTAL

Glory

MIDWEST FASTPITCH ACADEMY

PURPOSE. DRIVEN. SOFTBALL.

FITNESS CLASSES

CERTIFIED
TRAINERS

COACH / PLAYER
CLINICS

FASTPITCH
SKILLS VIDEOS

3321 S. Business Dr. Sheboygan, WI 53081 (920) 254-1486

[Home](#)

[Memberships / Teams](#)

[Instruction](#)

[Fitness](#)

[Calendar](#)

COMING SOON!

(Projected Opening: November 1)

Glory

MIDWEST FASTPITCH ACADEMY
PURPOSE. DRIVEN. SOFTBALL.

Indoor Fastpitch Softball Training Facility
Performance-Based Fitness Training Center



South Town Mall
3321 S. Business Drive
Sheboygan, WI 53081

What do we offer?

Glory Midwest Fastpitch Academy provides a professionally designed indoor training facility and instruction for teams or individuals that have the desire to take their fastpitch softball skills to the next level. Teams can reserve "turf time" or batting/pitching lanes on an hourly basis. We will also have "open turf" times for individual members. In addition, we will be offering adult fitness classes from certified instructors. Information on Turf Rental, Individual Memberships, Private Instruction and Fitness Classes soon!

Contact Us

Glory Midwest Fastpitch Academy
3321 S. Business Dr.
Sheboygan, WI 53081
Director: Darren Weimann
darrenw@gloryfastpitch.org
Tel: 920-254-1486



3321 S. Business Dr. Sheboygan, WI 53081

GENERAL INFORMATION

MISSION

To provide an affordable avenue for young ladies to get the training they need in fastpitch softball to play at the next level. As with many sports, playing club level softball is necessary to reach your potential. However, it is cost prohibitive for many to be able to afford playing club ball. This academy will provide that training at a fraction of the cost of traditional training facilities within a 1+ hour radius.

STRUCTURE

The facility itself will not be operated with profit in mind. The money for start-up costs was donated by a local citizen. There will not be profits drawn from operations. The goal is to generate enough income through memberships, private instruction and camps/clinics to keep the facility operating. Any extra revenue generated will be reinvested in equipment or used to lower membership rates or costs for instruction. Revenue will be generated several ways: Membership (Ranges from \$20-\$50 monthly or \$125-\$400 annually), Private Instruction (Ranges from \$35-\$225 based upon age and frequency), Team rental (Ranges from \$75-\$125 per hour), and Camps and Clinics.

EMPLOYEES

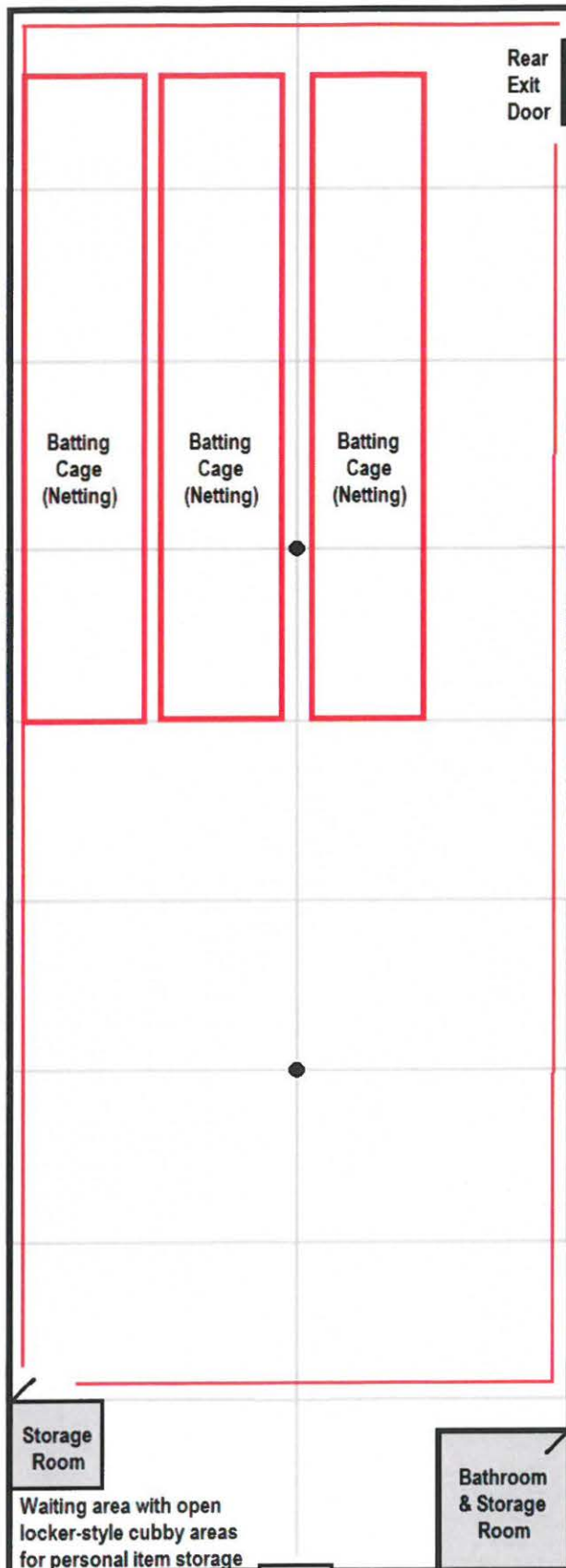
There will be no employees collecting a paycheck. Private Instructors will be paid for specific instruction based on what the players need individually. Instructors pay the facility to rent the space needed for instruction. Operating with less overhead allows us to keep the costs low for the community.

ADULT FITNESS

The biggest challenge for a facility such as this, is that the space goes unused during daytime hours, as 95% of the members are girls aged 7-17 years of age and attend school. We have partnered with several certified personal trainers and fitness instructors that will operate daytime fitness classes (Yoga, Zumba, Boot Camp, etc...) to help us generate revenue during the hours that softball will not be in operation. Classes will be on a pay-for-each basis. We will not be operating this as a members-only fitness center. The public will be welcome to join in on these classes any time they wish.

Details can be found on our website: www.mw-fastpitchacademy.com

Glory Midwest Fastpitch Academy
3321 S. Business Dr. Sheboygan, WI 53081



Indoor softball Training Facility

*Floor covered with artificial turf.

*Nylon netting to surround the perimeter to protect the walls and lighting from damage.

*South wall to be left open at all times to provide access to the rear exit door for rear egress.

*Only inner construction is an existing bathroom/storage room from previous tenant. New storage room with walls and door only / no ceiling or electric added.

*New emergency lighting has been installed by Daggette Electric (permit taken). New lighting installed by Daggett Electric (Old flourescent replaced with LED lights)

*Facility open to registered members only. Maximum of 30-40 participants at any given time. Average will be 15-20.

*Primary use is youth softball.

*Secondary use is for adult excersize classes and individual personal training.

*Batting cages are made of polyethylene netting and will be hung on cables and retractible.

PHOTOS / GENERAL INFORMATION

LAYOUT / TURF / BATTING CAGES



The facility floor will be covered in artificial turf. Primary layout will consist of 3 batting cages (1 pictured) that are made of netting and are retractable to allow the entire turf area to be open. The open area will be used for defensive instruction, pitching, hitting and adult fitness. The entire space will be surrounded by perimeter netting (Walls and Ceiling) for protection. There is not a current plan to bring in large mechanical pitching machines, as we do not believe in that method. All hitting will be off of a tee, soft toss or front toss. The academy will provide tees, balls, hitting mats and pitching mats.

LOCKER / CUBBY STORAGE

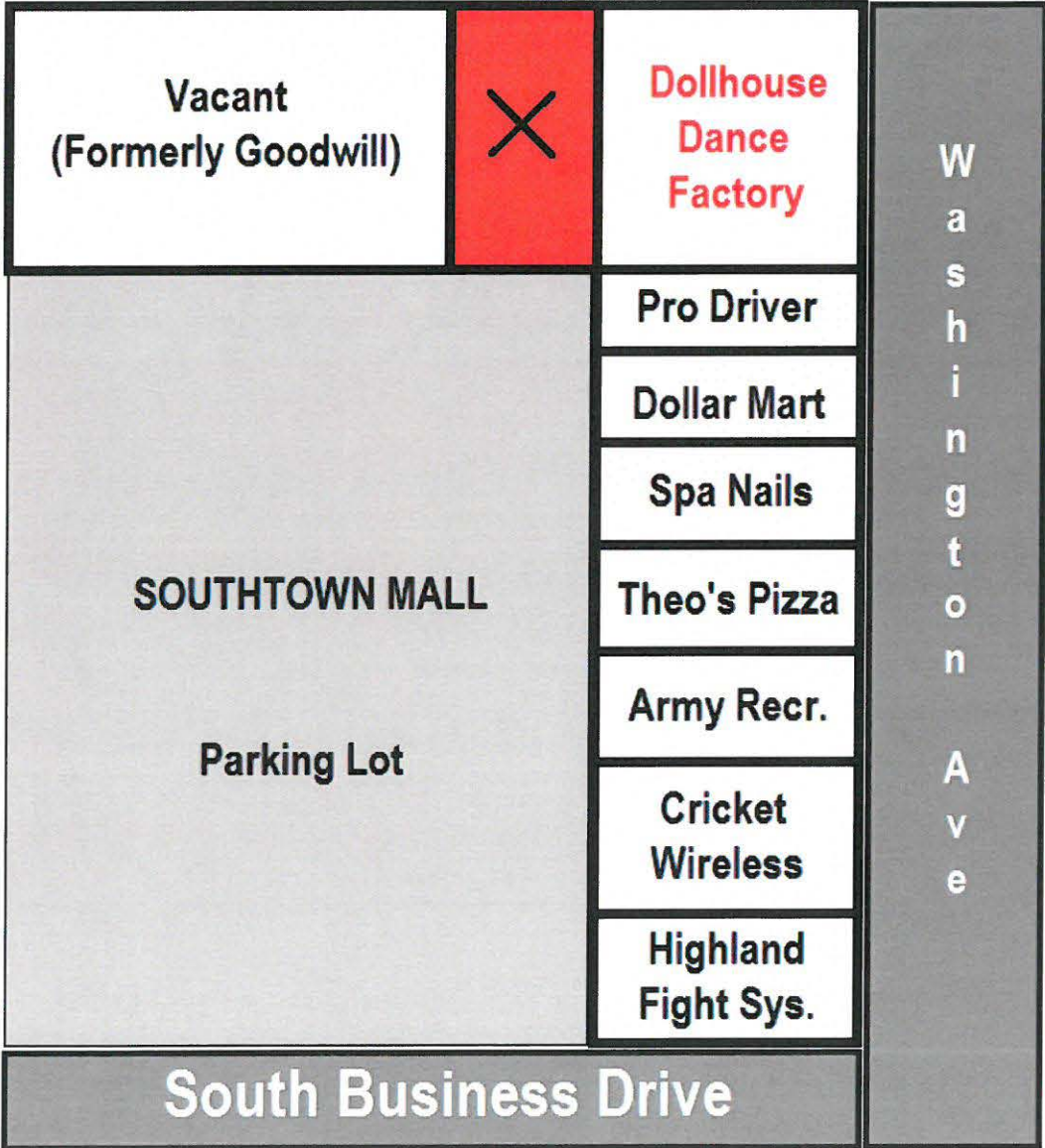


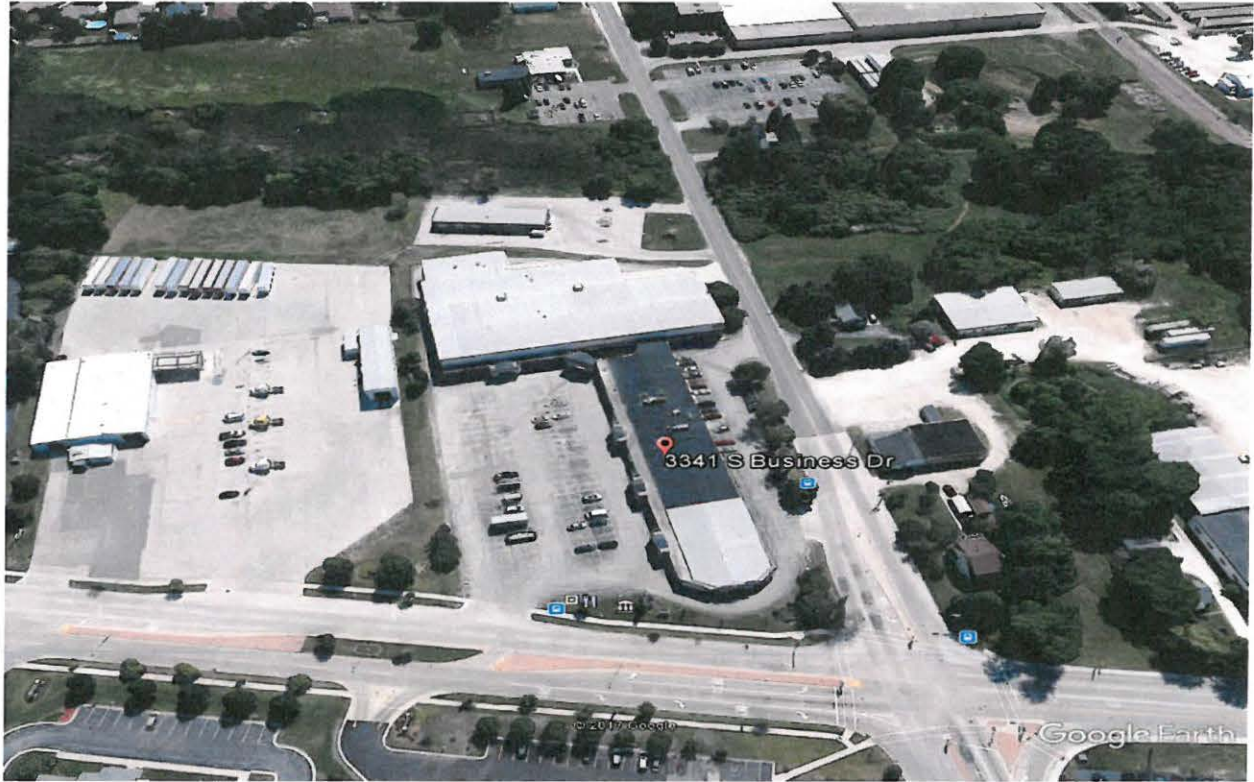
There will be 16 open-style lockers for people to place things while using the facility. While these will not be secured lockers, we will have security cameras in place to deter theft. There will also be a waiting area with tables and chairs with a beverage vending machine for parents to lounge during instruction or practices.



3321 S. Business Dr. Sheboygan, WI 53081

Proposed location for Indoor Softball Academy
3321 S. Business Dr. (Southtown Mall)





CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: Conditional Use application by Jason Mills to operate Highland Fight Systems from the Southtown Mall located at 3341 S. Business Drive. UC Zone.

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

REPORT DATE: November 10, 2017

MEETING DATE: November 14, 2017

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:

Jason Mills is proposing to operate Highland Fight Systems from the Southtown Mall located at 3341 S. Business Drive. The applicant states the following:

- Highland Fight Systems offers martial arts and sports training for fitness and competition. Whether your goals are to lose weight, get in shape, learn self-defense or compete at the next level, Highland Fight Systems will help you get there. Our class based approach to training means you get personal attention in a fun, interactive environment. Our instructors will not only teach you the proper techniques, they will motivate you to reach your fitness goals.
- Highland Fight Systems focuses on character through leadership development and commitment to community.
- Classes for kids and adults include conditioning, Brazilian jiu jitsu, kick boxing, MMA sparring, etc.
- Classes vary in size from 10 - 20 students.
- The business will operate six (6) days a week – Monday through Saturday with typical operating hours from 11:00am to 9:00pm.
- This is the tenant space located on the west end of the building facing Business Drive.

STAFF COMMENTS:

None.

ACTION REQUESTED:

Staff recommends approval of the Conditional Use Permit subject to the following conditions:

1. 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, etc. An occupancy permit will be granted only at such time as the applicant has met all requirements.
2. If using dumpsters, the dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility.
3. 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.).
4. Outdoor storage of materials, products or equipment shall be prohibited.
5. 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.
6. Applicant shall obtain the necessary sign permits prior to installation. Proposed signage will be individual letter signs (no flat panel or interior lit cabinet signs). Applicant shall work with staff with regards to constructing a well-designed signage for the site that utilizes colors and materials similar to the building. Staff may bring the proposed signage design back to the Plan Commission for review/approval.
7. All training activities shall take place inside the building (no outdoor activity).
8. If there are 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.
9. If there are any amendments to the approved use and/or site plan, the applicant will be required to submit a new site plan and/or conditional use application reflecting those amendments.

ATTACHMENTS:

Conditional Use Permit Application and required attachments.

PARCEL NO. 431180
MAP NO. _____
ZONING CLASSIFICATION: CC

Office Use Only
APPLICATION/FILE NO. _____
REVIEW DATE: 11/14/17

FILING FEE: \$250.00 (Payable to City of Sheboygan)

CITY OF SHEBOYGAN
APPLICATION FOR
CONDITIONAL USE PERMIT
Requirements Per Section 15.905
Revised May 2012



Completed application is to be filed with the Department of City Development, 828 Center Avenue, Suite 104. To be placed on the agenda of the City Plan Commission, application must be filed two weeks prior to date of meeting. Applications will not be processed if all required attachments and filing fee of \$250 (payable to the City of Sheboygan) is not submitted along with a complete and legible application. Application filing fee is non-refundable.

1. APPLICANT INFORMATION

APPLICANT: Highland fight systems LLC / Jason mills
ADDRESS: 3341 S Business DR E-MAIL: highlandfightsystems@hotmail.co
PHONE: (920) 627-2478 FAX NO. ()

2. DESCRIPTION OF THE SUBJECT SITE/PROPOSED PROJECT

NAME OF PROPOSED/EXISTING BUSINESS: Highland fight systems
ADDRESS OF PROPERTY AFFECTED: 3341 S Business Dr
LEGAL DESCRIPTION: Martial arts Academy

BRIEF DESCRIPTION OF EXISTING OPERATION OR USE: Martial arts Academy. Group classes/Instruction.

DETAILED DESCRIPTION OF PROPOSED OPERATION OR USE INCLUDING ANY CHANGES TO THE EXISTING USE: _____

BRIEF DESCRIPTION OF ALL REQUESTED VARIANCES FROM PROVISIONS OF THE ZONING ORDINANCE, WHICH ARE RELATED TO THE PROPOSED OPERATION OR USE: _____

- *An explanation of the existing/previous use. **Vacant retail space***
- *An explanation of the proposed karate studio and all business services and activities to take place onsite (karate, training, weights, indoor/outdoor activity, retail, days and hours of operation, parking, etc.). **martial arts academy to promote community wellness through group and private martial arts lessons. (See attached schedule)***
- *Why was this site selected, who will use it, when you will begin operations, etc. **site was selected for the high visibility and location of retail space. Highland fight systems LLC will commence operations immediately***
- *Please explain how and where the proposed use is taking place in this building – please provide floor plan showing how the space is to be used (training space, office, bathrooms, etc.). **group martial arts lesson to be taught inside of retail unit in padded activity space. (see attached photos)***
- *What are the proposed days and hours of operation (of all the different uses)? **(see attached Schedule)***
- *How many employees do you have? **1.***
- *How many customers per day/week? **10 -20 customers per day (during hours of operation)***
- *What are your expected parking needs? **The southtown shopping center parking lot meets and exceeds our parking needs (even in peak hours)***
- *How will you insure that the proposal will not become a nuisance to adjoining property owners (i.e. vehicles, equipment, lighting, noise, architectural style, outdoor storage of materials, etc.)? **we have established a good relationship with our neighboring tenants and cooperate with all requests made by the landlord and tenants. No outside lighting or storage will be present.***
- *Any signage being proposed – no temporary signage permitted such as balloons, pennants, etc. will be permitted. Signage in the Sheboygan Riverfront District must be wood with carved insert letters. **No exterior signage or lighting (beyond the existing center lighting) has been planned, only vinyl lettering inside the unit windows is planned at this time. (see attached photos)***

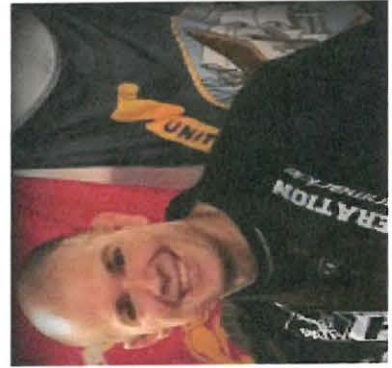
HOME (/#HOME-SECTION) CLASSES (/#CLASSES-SECTION) SCHEDULE (/#SCHEDULE-SECTION)

LOCATION (/#LOCATION-SECTION) AFFILIATION & INSTRUCTORS (/#AFFILIATION-SECTION) CONTACT (/CONTACT/)

VENERATION
KENDOSHA, WISCONSIN

NORTHSHORE ACADEMY
LIBERTYVILLE, ILLINOIS

HIGHLAND FIGHT SYSTEMS
SHEBOYGAN, WISCONSIN





- PROFESSOR DAVE ROSENMARKLE
- 2ND DEGREE BLACK BELT
- HEAD INSTRUCTOR, KENOSHA HEADQUARTERS

"Non Nobis Solum". Latin for for "Not for ourselves alone". Professor Dave Rosenmarkle strives to use Brazilian Jiu Jitsu to reach and inspire others to fully live out their true potential on and off of the mats. Drawing from a myriad of life experiences (collegiate athlete, Iraq war veteran, entrepreneur, numerous BJJ competitions/experiences) Professor Dave finds ways to connect with others on a personal level in order to help facilitate positive change in their lives.

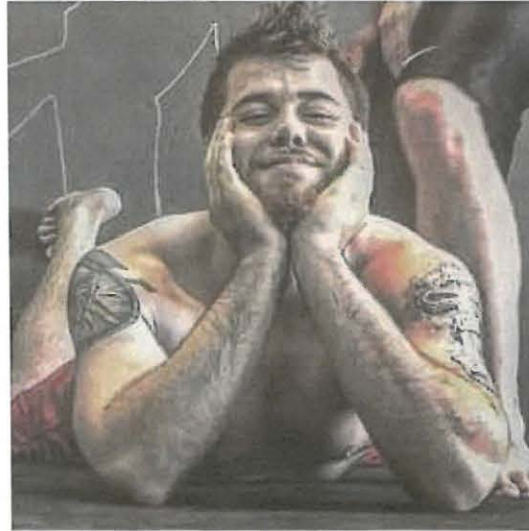


• HEAD COACH JASON MILLS

- 2ND DEGREE BROWN BELT(2014) - BJJ,
- 1ST DAN BLACKBELT(2001)- TKD,
- PROFESSIONAL KICKBOXER,
- PROFESSIONAL MMA FIGHTER
- ACADEMY OWNER & COACH (10 YRS)

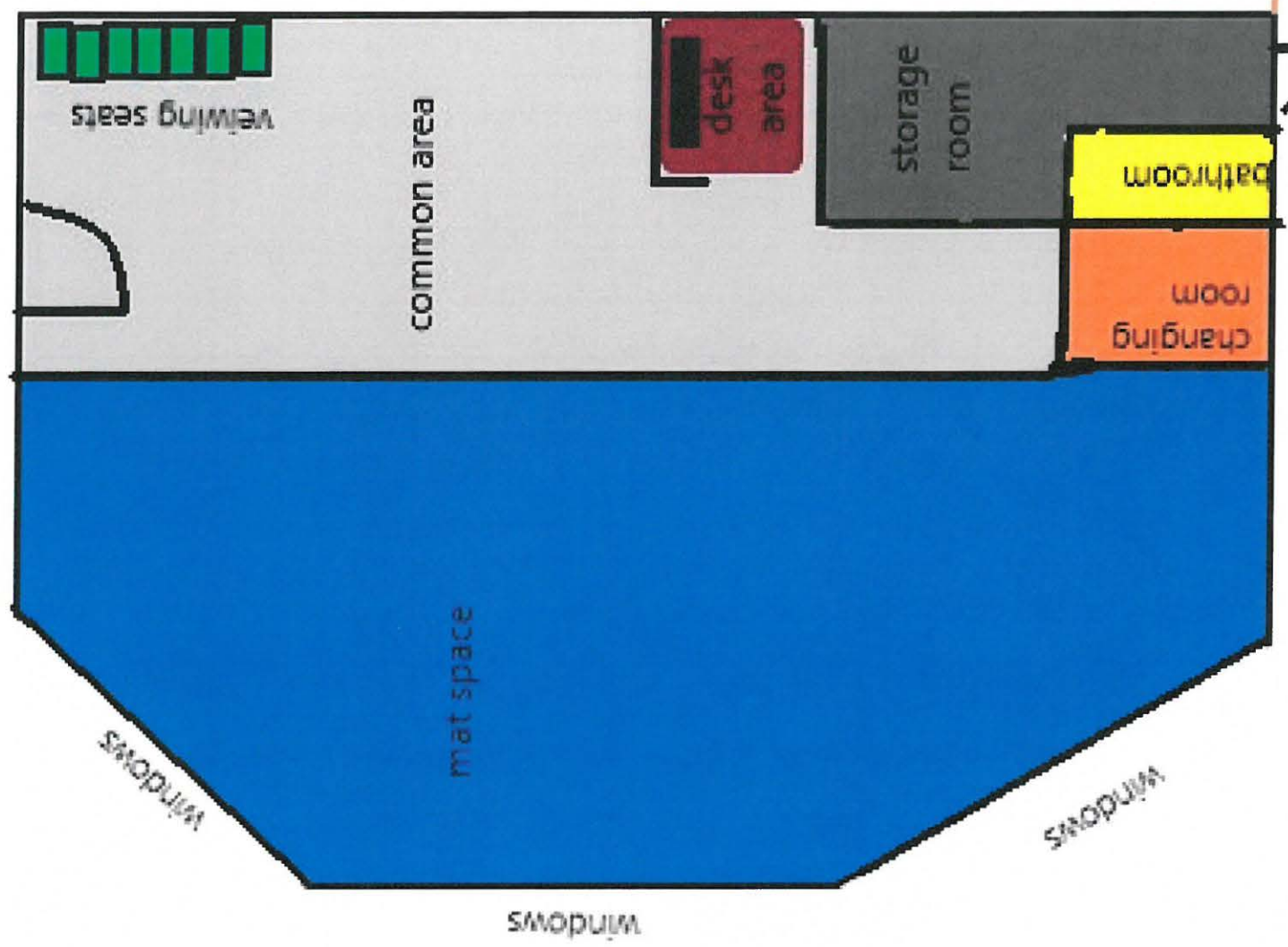
Coach Jason brings a wealth of experience to his role as a coach. Starting out as a child in TaeKwon-Do he quickly achieved the rank of blackbelt under Grandmaster Charles Sereff. Not satisfied, he began experimenting with other martial arts. After training in 23 different martial arts, and over 24 years experience, with 17 years experience as a professional fighter, there is almost no area of 'the game' he hasn't seen. Holding ranks in several different martial arts, and multiple certifications as an instructor you can rest assured you're receiving 'real world' technique and instruction from someone who has actually been there and dedicated his life to higher education in the martial arts field. After 16 years of grappling and "Mixed rules" experience, and 10 years in wonderful art of Brazilian Jiu-jitsu, Jason has found his place teaching Brazilian Jiu-jitsu as his main style, and complimenting it with Muay Thai kickboxing and MMA at his academy located in Sheboygan, WI named Highland Fight systems (HFS). HFS is a Veneration BJJ affiliate He is also licensed with the Wisconsin state athletic commission as a fighter, second (cornerman), promoter, and matchmaker. With experience as a cutman, he has coached and cornered hundreds of matches and fights across the country at every level of BJJ, MMA, and Kickboxing. HFS is proud to have produced several champions, but most of all coach Jason is proud to be a father, and considers the personal growth of his family and students to be his greatest success stories.

"The most talented people don't come and go through a series of sports. Becoming a coach is an entirely different story. I'm not so concerned with what you've accomplished, I'm more concerned with your depth and tenor of character as a person. Seeing someone that's timid, or been a victim, find their power is one of the most rewarding things as an instructor. The environment [in martial arts] also lends so much to the development of young minds and their personalities that is sadly missing from a lot of modern culture."-COACH JASON

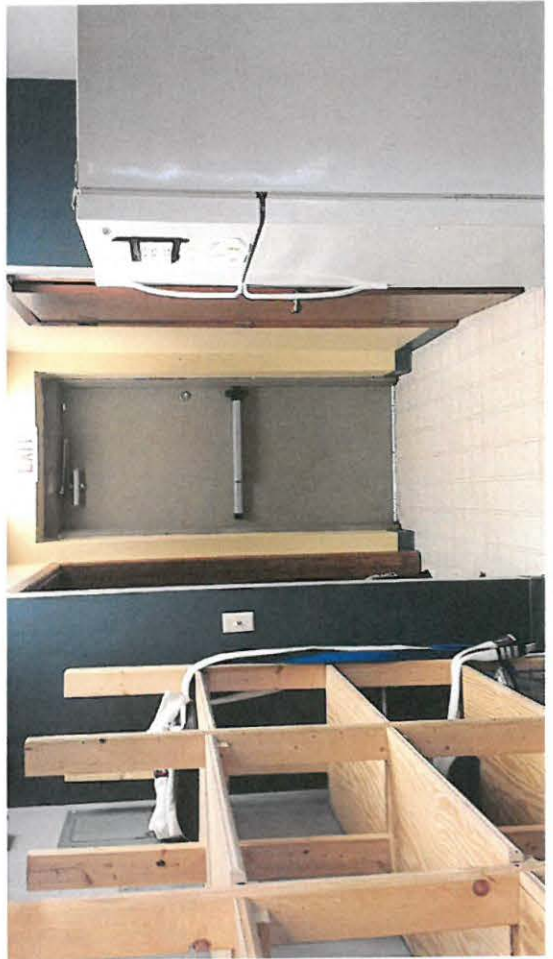
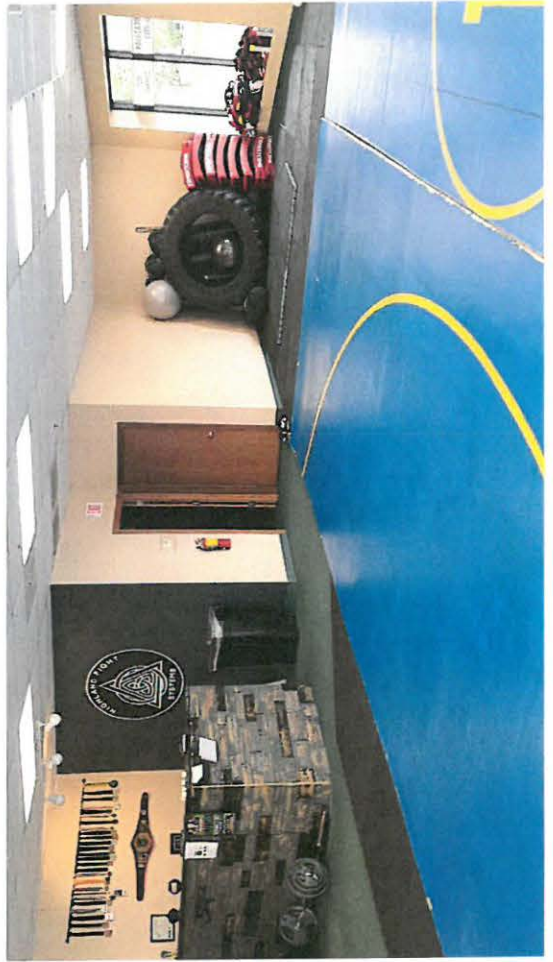


- STEVE RODRIGUEZ
- 3RD DEGREE (THREE STRIPE) BJJ BLUE BELT
- KIDS BJJ COACH
- FORMER WRESTLING COACH
- EXPERIENCED WRESLTER AND MMA FIGHTER

front door (north entrance)









CITY OF SHEBOYGAN

REQUEST FOR PLANNING COMMISSION CONSIDERATION

ITEM DESCRIPTION: R.O. 83-17-18 and G.O. 21-17-18 by Ald. Savaglio and Lewandoske amending the City's Future Land Use Map of the Sheboygan Comprehensive Plan to change the Land Use Classification of vacant land between North Taylor Drive and North 34th Street from Institutional Community Facilities to Community Mixed Use.

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

REPORT DATE: November 10, 2017

MEETING DATE: November 14, 2017

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:

The Plan Commission at their October 25, 2017 meeting held this matter in order to give the applicant the opportunity to draft a land use agreement that addresses the Plan Commission's concerns related to the types of uses that could potentially occur on this property that could negatively impact the adjacent residential neighborhood should this property be amended from Institutional Community Facilities to Community Mixed Use and subsequently rezoned from Urban Residential (UR) to Suburban Office (SO).

The applicant states:

- Please recall, Roubustan, LLP (Dr. Bistan) and Ebenezer United Church of Christ (the Church) are seeking a comprehensive plan amendment and rezoning to allow the Church to sell approximately 2.185 acres of land to Dr. Bistan so that the Feider, Tiboris & Bistan, DDS, S.C. dental office may construct an addition to its existing dental office located at 1630 N. Taylor Drive.
- The dental office addition is a minimal expansion of a land use that has existed in its current location and neighborhood for more than 25 years. The City planning staff indicated that they do not have an objection to the dental office expansion (office and personal or professional services).
- Staff does, however, have an objection to the amendment and rezoning based on the complete list of other land uses allowed in the Suburban Office (SO) zoning district. Land uses such as restaurants, taverns and hotels which they believe would not be

appropriate and compatible with adjacent residential properties. Dr. Bistan also shares this same concern and would not want these types of land uses developed on property adjacent to his dental office.

- The City and Dr. Bistan can protect the adjacent residential neighborhood and his dental office by approving and entering into a Land Use Agreement that will create and establish enforceable deed restrictions for the future use of the property. The agreement will be recorded against the title to the property in the Sheboygan County Register of Deeds Office. As a result the Land Use Agreement would prevent Dr. Bistan and all future owners of the property from developing and using the property for any of the restricted land uses described in the agreement.
- The Land Use Agreement is the perfect solution to address the concerns of City staff and to allow the Church to sell land to Dr. Bistan for the expansion of the existing dental office and practice.
- Therefore, Dr. Bistan and I respectfully request that the Plan Commission recommend to the Common Council that the comprehensive plan amendment and rezoning be granted and approved to be effective upon the acquisition of ownership of the property by Roubustan, LLP not later than May 31, 2018 and conditioned upon the execution and recording of the Land Use Agreement as presented.

Roubustan, LLP is proposing to amend the City's Future Land Use Map of the Comprehensive Plan to change the Land Use Classification of a portion of property located at 3215 Saemann Avenue from Institutional and Community Facilities to Employment to Community Mixed Use. The applicant states:

- The applicant indicates that Roubustan, LLP is a real estate holding company that owns the dental office located at 1630 N. Taylor Drive and leases the office to Feider, Tiboris and Bistan. Feider, Tiboris and Bistan own and operate a five (5) member dental practice at this facility.
- Applicant is seeking to expand its dental office and add approximately 660sf to the west side of their existing facility. In addition, applicant is proposing to construct additional parking for the dental office operations on land it intends on purchasing from the adjacent property owner, Ebenezer Church of Christ. This is the portion of property that the applicant is requesting to amend (see proposed 2.185 acre Lot 1 in the attached CSM).
- Ebenezer Church of Christ is the present owner of the parcel that is proposed to be amended. The applicant is under contract to purchase this 2.185 acre parcel of land from the church for their expansion purposes.
- Roubustan, LLP is requesting to amend the City's Comprehensive Plan Map for this portion of property in order to pursue a conditional use permit for the proposed development.

STAFF COMMENTS:

The biggest concern the Plan Commission and staff had with this proposal was with the potential incompatibility of some of the uses in the Suburban Office zone in relation to the adjoining residential neighborhood. Based on those concerns, the applicant proposed drafting a land use restriction agreement. The Plan Commission was acceptable to permitting the applicant to draft such a land use agreement in order to see if such an agreement could address these land use compatibility concerns.

The applicant reviewed the uses permitted in both the Urban Residential (UR-12) and the Suburban Office (SO) zones and determined that there are many uses that are permitted in in both the UR and SO zones. Based on that the applicant is proposing to keep most of the uses that are already permitted in both zones and to also include “Personal or Professional Service” and “Office” uses. The plan commission and staff commented that “Personal or Professional Service” and “Office” uses may be compatible with a residential neighborhood (dentist, lawyer, reality, beauty shop, insurance, financial, medical, veterinary, handling of information, administrative services, etc.).

Thus, the applicant is proposing the following with regards to the land use agreement:

- To keep most of the uses already permitted in both the UR and SO zones.
- To permit “Personal or Professional Service” and “Office” uses.
- To restrict the following uses:
 - Indoor Institutional
 - Community Living Arrangement (16+ residents)
 - Indoor Sales or Service
 - Indoor Sales or Service
 - In-Vehicle Sales or Service
 - Indoor Commercial Entertainment
 - Commercial Indoor Lodging
 - Airport/Heliport

Staff does not object to the proposal provided that the comprehensive plan amendment and rezoning be granted and approved to be effective upon the acquisition of ownership of the property by Roubustan, LLP not later than May 31, 2018 and conditioned upon the execution and recording of the Land Use Agreement as presented.

ACTION REQUESTED:

Motion to recommend the Common Council approve the proposed amendment to the City of Sheboygan Comprehensive Plan Future Land Use Maps from Institutional and Community Facilities to Community Mixed Use for a portion of property located 3215 Saemann Avenue (proposed Lot 1) subject to the following condition:

The comprehensive plan amendment and rezoning be granted and approved to be effective upon the acquisition of ownership of the property by Roubustan, LLP not later than May 31, 2018 and conditioned upon the execution and recording of the Land Use Agreement as presented.

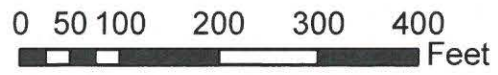
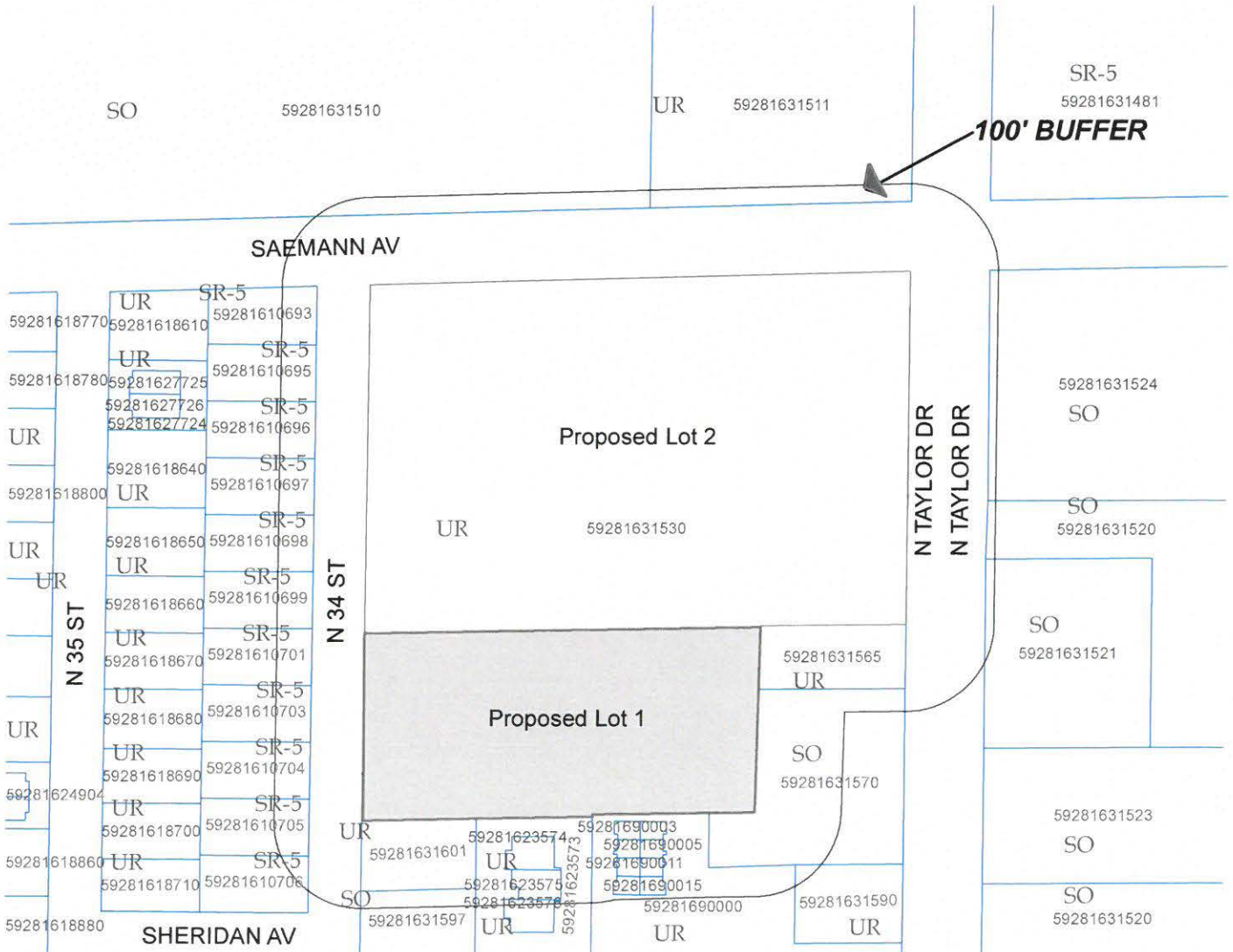
ATTACHMENTS:

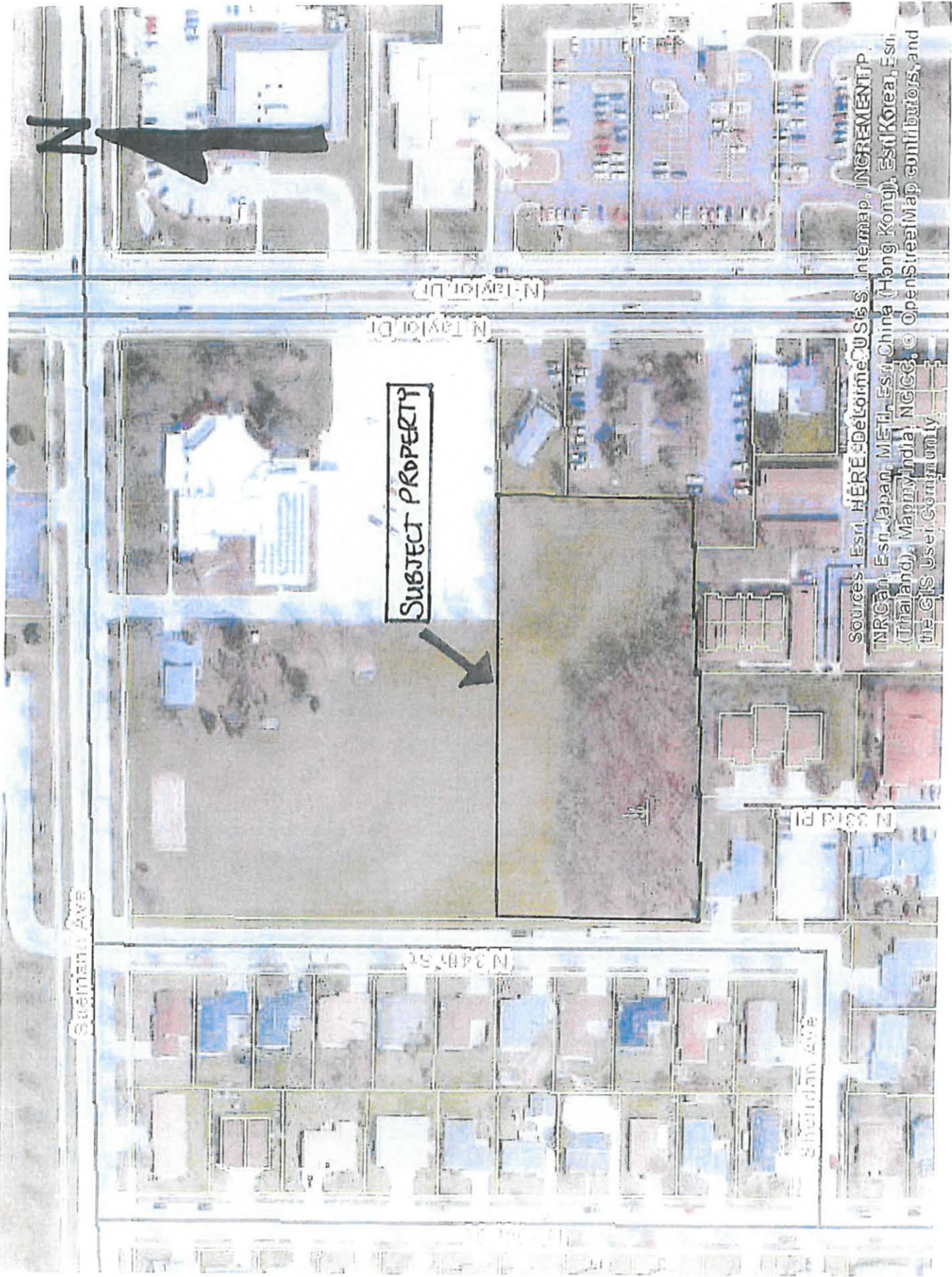
- i. Rezone Application and required attachments.
- ii. Land Use Agreement

PROPOSED COMPREHENSIVE PLAN AMENDMENT FROM INSTITUTIONAL AND COMMUNITY FACILITIES TO COMMUNITY MIXED USE SECTION 16, TOWN 15N, RANGE 23E

Part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 16, Township 15 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin bounded and described as follows:

Commencing at the South 1/4 corner of said Section 16; thence N 00°-18'-23" E, 861.34 feet along the East line of said Southwest Quarter (SW1/4); thence S 89°-05'-28" W, 43.36 feet to the West right-of-way line of North Taylor Drive; thence S 89°-05'-28" W, 165.07 feet to the POINT OF BEGINNING of this description; thence S 00°-18'-23" W, 208.94 feet; thence S 88°-46'-23" W, 453.43 feet; thence N 00°-29'-52" E., 211.47 feet; thence N 89°-05'-28" E, 452.67 feet to the point of beginning.





SUBJECT PROPERTY

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), Mapbox, Mapbox India, NGIS, © OpenStreetMap contributors, and the GIS User Community



Sudman Ave

N 34th St

N Taylor Dr

N Taylor Dr

N 35th St

Sudman Ave



HOPP NEUMANN HUMKE^{LLP}

November 3, 2017

via e-mail mayor.vandersteen@sheboyganwi.gov

Michael J. Vandersteen, Mayor
and Members of the Plan Commission
CITY OF SHEBOYGAN
828 Center Avenue
Sheboygan, WI 53081

Re: R.O. 83-17-18 and G.O. 21-17-18 by Ald. Savaglio and Lewandoske amending the City's Future Land Use Map of the Sheboygan Comprehensive Plan to change the Land Use Classification of vacant land between North Taylor Drive and North 34th Street from Institutional Community Facilities to Community Mixed Use.

R.O. 82-17-18 and G.O. 22-17-18 by Ald. Savaglio and Lewandoske amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Land Use District Classification of vacant land between North Taylor Drive and North 34th Street from Class UR- Urban Residential to Class SO- Suburban Office.

Dear Mayor Vandersteen and Plan Commission Members:

Pursuant to the discussion at the October 24, 2017 Plan Commission meeting, please find attached a proposed Land Use Agreement for review and consideration.

Please recall, Roubustan, LLP (Dr. Bistan) and Ebenezer United Church of Christ (the Church) are seeking a comprehensive plan amendment and rezoning to allow the Church to sell approximately 2.185 acres of land to Dr. Bistan so that the Feider, Tiboris & Bistan, DDS, S.C. dental office may construct an addition to its existing dental office located at 1630 N. Taylor Drive.

The dental office addition is a minimal expansion of a land use that has existed in its current location and neighborhood for more than 25 years. The City planning staff indicated that they do not have an objection to the dental office expansion (office and personal or professional services).

Staff does, however, have an objection to the amendment and rezoning based on the complete list of other land uses allowed in the Suburban Office (SO) zoning district. Land uses such as restaurants, taverns and hotels which they believe would not be appropriate and compatible with adjacent residential properties. Dr. Bistan also shares

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Carl K. Buesing • Michael J. Bauer • J. Phil Mueller • Herbert C. Humke • Paul A. Dirkse • Crystal H. Fieber • Oliver M. Bauer
RETIRED Alex Hopp • Roland M. Neumann • William W. Moir III
H.C. Humke, 1963-2009

2124 Kohler Memorial Drive | Suite 310 | Sheboygan, WI 53081 | PH 920-457-8400 | FX 920-457-8411

November 3, 2017
Page 2 of 2

this same concern and would not want these types of land uses developed on property adjacent to his dental office.

The City and Dr. Bistan can protect the adjacent residential neighborhood and his dental office by approving and entering into a Land Use Agreement that will create and establish enforceable deed restrictions for the future use of the property. The agreement will be recorded against the title to the property in the Sheboygan County Register of Deeds Office. As a result the Land Use Agreement would prevent Dr. Bistan and all future owners of the property from developing and using the property for any of the restricted land uses described in the agreement.

The Land Use Agreement is the perfect solution to address the concerns of City staff and to allow the Church to sell land to Dr. Bistan for the expansion of the existing dental office and practice.

Therefore, Dr. Bistan and I respectfully request that the Plan Commission recommend to the Common Council that the comprehensive plan amendment and rezoning be granted and approved to be effective upon the acquisition of ownership of the property by Roubustan, LLP not later than May 31, 2018 and conditioned upon the execution and recording of the Land Use Agreement as presented.

Very truly yours,



Michael J. Bauer

e-mail: mike.bauer@hopplaw.com

MJB/cb

ec: Dr. Matthew Bistan, MRB@ftbdds.com
Steve Sokolowski, steve.sokolowski@sheboyganwi.gov
Chad Pelishek, chad.pelishek@sheboyganwi.gov
Chuck Adams, charles.adams@sheboyganwi.gov

LAND USE AGREEMENT

Document Number

This Land Use Agreement (the "Agreement") is made and entered into this ____ day of _____, 2017 by and between the **CITY OF SHEBOYGAN**, a Wisconsin municipal corporation, maintaining its principal offices at 828 Center Avenue, Sheboygan, WI 53081, hereinafter referred to as "City," and **ROUBUSTAN, LLP**, a Wisconsin limited liability partnership, maintaining its principal office at 1630 North Taylor Drive, Sheboygan, WI 53081, hereinafter referred to as "Owner."

RECITALS

WHEREAS, Owner leases property located at 1630 North Taylor Drive, Sheboygan, WI 53081 to a professional service corporation that owns and operates a professional dental practice that has provided dental services at that location for more than 25 years; and

WHEREAS, Owner and the professional service corporation seek to acquire vacant land located adjacent to its dental practice for the expansion of its dental office and practice; and

WHEREAS, the adjacent vacant land is zoned Urban Residential (UR-12), contains approximately 2.185 acres of land, and is legally described on **EXHIBIT A** which is attached and incorporated herein by reference ("the Property"); and

WHEREAS, in order to allow Owner to merge and construct an expansion of the dental office on a portion of the Property the Property must be rezoned to Suburban Office (SO) which is the current zoning classification of the existing dental office property; and

WHEREAS, City and Owner agree that not all of the list of allowable land uses described at Section 15.105(3)(b) of the City zoning ordinance are compatible and acceptable land uses for the Property; and

WHEREAS, City is willing to approve and rezone the Property to Suburban Office (SO) in light of Owner's willingness to restrict and limit the future land uses on the Property pursuant to the terms of this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the terms contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Incorporation of Recitals**. The recital paragraphs set forth above are approved and incorporated herein by reference and made an enforceable part of this Agreement as if fully and completely restated herein.

2. **Land Use Restrictions**. Owner does hereby acknowledge, consent, and agree that the Property shall not be developed, improved, occupied, operated, or used for any of the following land uses:

(a) **Indoor Institutional**. Indoor Institutional land uses as described by Section 15.206(3)(c) of the City zoning ordinance, examples of which include gyms, swimming pools, libraries, museums, community centers, schools, churches, nonprofit clubs, nonprofit fraternal organizations, convention centers, hospitals, jails, prisons, and similar land uses.

(b) **Community Living Arrangement (16+ residents)**. Community Living Arrangement (16+ residents) land uses as described by Section 15.206(3)(i) of the City zoning ordinance, examples of which include child welfare agencies, group homes for children, community based residential facilities all having capacity for 16 or more residents.

Name and Return Address

Attorney Michael J. Bauer
HOPP NEUMANN HUMKE LLP
2124 Kohler Memorial Drive, Suite 310
Sheboygan, WI 53081

(c) Indoor Sales or Service. Indoor Sales or Service land uses as described by Section 15.206(4)(c) of the City zoning ordinance, examples of which include all land uses which conduct or display sales or rental merchandise or equipment or non-personal or non-professional services entirely within an enclosed building, including self-service facilities such as coin-operated laundromats.

(d) In-Vehicle Sales or Service. In-Vehicle Sales or Service land uses as described by Section 15.206(4)(g) of the City zoning ordinance, examples of which include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, all forms of car washes, and all forms of vehicular or engine repair or maintenance facilities.

(e) Indoor Commercial Entertainment. Indoor Commercial Entertainment land uses as described by Section 15.206(4)(h) of the City zoning ordinance, examples of which include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts), bowling alleys, arcades, roller rinks, and pool halls.

(f) Commercial Indoor Lodging. Commercial Indoor Lodging land uses as described by Section 15.206(4)(k) of the City zoning ordinance, examples of which include facilities that provide overnight housing in individual rooms or suites of rooms, each room or suite having a private bathroom.

(g) Airport/Heliport. Airport/Heliport land uses as described by Section 15.206(6)(b) of the City zoning ordinance, examples of which include airports and heliports that provide takeoff, landing, servicing, storage or any other services to any type of air transportation.

3. Authorization to Record. City and Owner hereby authorize and direct that this Agreement be recorded and placed on public record in the Office of the Register of Deeds for Sheboygan County.

4. Term. The term of this Agreement shall commence upon Owner's acquisition of record title to the Property and the recording of this Agreement in the Office of the Register of Deeds for Sheboygan County.

5. Enforcement. The parties shall each have the right to enforce the obligations created under this Agreement in any manner provided for by law or in equity, including without limitation, a suit for damages or injunctive relief.

6. Miscellaneous.

(a) Waiver. No delay or omission by either of the parties hereto or their successors or assigns to exercise any right or power accruing upon any non-compliance or failure of performance by a party under the provisions of this Agreement shall impair any such right or power or be construed to be a waiver thereof. A waiver by either of the parties hereto or their successors or assigns of any of the covenants, conditions, or agreements hereof to be performed shall not be construed to be a waiver of any succeeding breach thereof or of any other covenant, condition, or agreement herein contained.

(b) Successors or Assigns. This Agreement and each and all of the terms, covenants, and conditions hereof shall be binding upon and inure to the benefit of the parties and their respective successors or assigns, and no third party, other than any successors or assigns, shall be entitled to enforce any term, covenant, or condition of this Agreement or have any rights hereunder.

(c) Headings. The headings appearing in this Agreement are for convenience and reference only and in no way define or limit the scope and content of this Agreement or in any way affect its provisions.

(d) Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Wisconsin.

(e) Severability. If any provision or portion of this Agreement or the application thereof to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this Agreement or the application of such provision or portion thereof to any other persons or circumstances shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

(f) Modifications. No agreement shall be effective to add to, change, modify, waive, or discharge this Agreement, in whole or in part, unless such agreement is in writing and signed by the parties to be bound.

(g) Covenants Running With the Land. All of the restrictions, covenants, and agreements set forth in this Agreement are intended to be and shall be construed as covenants running with the land, binding upon, inuring to the benefit of, and enforceable by the parties hereto and their respective successors and/or assigns.

(h) Notices. Any notice, demand, statement, and request required or permitted to be given under this Agreement shall be in writing and be deemed to have been properly given or served when personally delivered to the other party via overnight courier, facsimile, or upon deposit in the United States mail, postage prepaid, and addressed to the address set forth below:

If to **CITY:** City Clerk
CITY OF SHEBOYGAN
828 Center Avenue
Sheboygan, WI 53081

with a copy to: City Attorney
CITY OF SHEBOYGAN
828 Center Avenue
Sheboygan, WI 5381

If to **OWNER:** Dr. Matthew Bistan
ROBUSTAN, LLP
1630 North Taylor Drive
Sheboygan, WI 53081

with a copy to: Attorney Michael J. Bauer
HOPP NEUMANN HUMKE LLP
2124 Kohler Memorial Drive – Suite 310
Sheboygan, WI 5381

(i) Change of Address. Any party hereto may change the address to which notices to such party shall be sent by written notice to the other parties given in accordance with this Section. At such time as a party transfers its interest under this Agreement so as to create a new party in interest, the previous party in interest or such new party in interest shall send notice to the other parties of the name and address to which notice to the new party shall be sent or delivered. Until such time as such notice is given, the previous party in interest shall be deemed to be the agent for such new party in interest for purposes of receipt of service of notices.

IN WITNESS WHEREOF, the undersigned have signed this Land Use Agreement to take effect as of the date first above written.

CITY:

CITY OF SHEBOYGAN

By: _____
Michael J. Vandersteen, Mayor

By: _____
Susan Richards, Clerk

(Notary claus for City of Sheboygan officials appears at top of Page 4.)

STATE OF WISCONSIN)
) ss:
SHEBOYGAN COUNTY)

Personally came before me this . day of _____, 2017, the above-named **Michael J. Vandersteen** and **Susan Richards**, to me known to the Mayor and City Clerk of the City of Sheboygan, and to me known to be the persons who executed the foregoing instrument and acknowledged the same in such capacities.

Print Name: _____
Notary Public, State of Wisconsin
My Commission _____

OWNER:

ROBUSTAN, LLP

By: _____
Matthew Bistan, Member

STATE OF WISCONSIN)
) ss:
SHEBOYGAN COUNTY)

Personally came before me this . day of _____, 2017, the above-named **Matthew Bistan**, to me known to a member of ROBUSTAN, LLP, and to me known to be the person who executed the foregoing instrument and acknowledged the same in such capacity.

Michael J. Bauer
Notary Public, State of Wisconsin
My Commission is permanent.

This Document Drafted By:

Attorney Michael J. Bauer
HOPP NEUMANN HUMKE LLP
2124 Kohler Memorial Drive, Suite 310
Sheboygan, WI 53081

T: (920) 457-8400
F: (920) 457-8411

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EXHIBIT A

Legal Description

Part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 16, Township 15 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin bounded and described as follows:

Commencing at the South 1/4 corner of said Section 16; thence N 00°-18'-23" E, 861.34 feet along the East line of said Southwest Quarter (SW1/4); thence S 89°-05'-28" W, 43.36 feet to the West right-of-way line of North Taylor Drive; thence S 89°-05'-28" W, 165.07 feet to the POINT OF BEGINNING of this description; thence S 00°-18'-23" W, 208.94 feet; thence S 88°-46'-23" W, 453.43 feet; thence N 00°-29'-52" E., 211.47 feet; thence N 89°-05'-28" E, 452.67 feet to the point of beginning.

Part of PIN: 59281-631530

To be known as:

Lot 1 of a Certified Survey Map recorded in Volume _____ of Certified Survey Maps at Pages _____, as Document No. _____, being a part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 16, Township 15 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin, EXCEPTING the East 50 feet thereof.

Part of PIN: 59281-631530

CITY OF SHEBOYGAN

REQUEST FOR PLANNING COMMISSION CONSIDERATION

ITEM DESCRIPTION: R.O. 83-17-18 and G.O. 21-17-18 by Ald. Savaglio and Lewandoske amending the City's Future Land Use Map of the Sheboygan Comprehensive Plan to change the Land Use Classification of vacant land between North Taylor Drive and North 34th Street from Institutional Community Facilities to Community Mixed Use.

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

REPORT DATE: October 20, 2017

MEETING DATE: October 24, 2017

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:

Robustan, LLP is proposing to amend the City's Future Land Use Map of the Comprehensive Plan to change the Land Use Classification of a portion of property located at 3215 Saemann Avenue from Institutional and Community Facilities to Employment to Community Mixed Use. The applicant states:

- The applicant indicates that Robustan, LLP is a real estate holding company that owns the dental office located at 1630 N. Taylor Drive and leases the office to Feider, Tiboris and Bistran. Feider, Tiboris and Bistran own and operate a five (5) member dental practice at this facility.
- Applicant is seeking to expand its dental office and add approximately 660sf to the west side of their existing facility. In addition, applicant is proposing to construct additional parking for the dental office operations on land it intends on purchasing from Ebenezer Church of Christ who is the adjacent property owner. This is the portion of property that the applicant is requesting to amend (see proposed 2.185 acre Lot 1 in the attached CSM).
- Ebenezer Church of Christ is the present owner of the parcel that is proposed to be amended. The applicant is under contract to purchase this 2.185 acre parcel of land from the church for their expansion purposes.

- Robustan, LLP is requesting to amend the City's Comprehensive Plan Map for this portion of property in order to pursue a conditional use permit for the proposed development.

STAFF COMMENTS:

The surrounding neighborhood land use designations are:

- The properties to the north are designated Institutional and Community Services.
- The properties to the south are designated Multi-Family Residential.
- The properties to the east are designated Community Mixed Use, Multi-Family Residential and Institutional and Community Services.
- The properties to the west are designated Single-Family Residential.

Staff has several concerns with the proposal as presently requested:

- The applicant does not specifically detail why Robustan, LLP needs to purchase property that runs all the way to a residential neighborhood along N. 34th Street (proposed Lot 1). It appears that the applicant is able to proceed with their building and parking addition development proposal even if they purchased the east half of the property that they are presently looking to purchase from the Church. Such a proposal would reduce the potential impact on the existing residential neighborhood around N. 34th Street.
- If the Plan Commission and Council approve the amendment/rezone as proposed, any use that is permitted or conditionally permitted in the Suburban Office (SO) zone could be applied for and possibly developed on this property. Those uses include but are not limited to office, professional service, restaurants, taverns, hotels, etc.
- It is staff position that these types of uses are not compatible with the residential uses that presently exists in this neighborhood.

It should be noted that staff made the applicant aware of these concerns prior to submitting the comprehensive plan map amendment and rezone application. The applicant was also informed that staff would likely support a proposal that encompassed the eastern half of proposed Lot 1 and encouraged the applicant to submit such a proposal (reconfigure the proposed parcels so Lot 1 is not extending all the way to N. 34th St.). That being said, the applicant has elected to submit the request that is before you today.

Therefore, staff is recommending that the Plan Commission make a recommendation to deny the proposed amendment to the City of Sheboygan Comprehensive Plan Future Land Use Maps from Institutional and Community Facilities to Community Mixed Use because the proposal is more intense and not compatible/consistent with all of the adjoining land uses and zoning in this area/neighborhood.

ACTION REQUESTED:

Motion to recommend the Common Council deny the proposed amendment to the City of Sheboygan Comprehensive Plan Future Land Use Maps from Institutional and Community Facilities to Community Mixed Use for a portion of property located 3215 Saemann Avenue (proposed Lot 1).

ATTACHMENTS:

Rezone Application and required attachments.

~~A~~

8.1

Gen. Ord. No. 21 - 17 - 18. By Alderpersons Savaglio and Lewandoske.
October 16, 2017.

AN ORDINANCE amending the City's Future Land Use Map of the Sheboygan Comprehensive Plan to change the Land Use Classification of vacant land between North Taylor Drive and North 34th Street from Institutional and Community Facilities to Community Mixed Use.

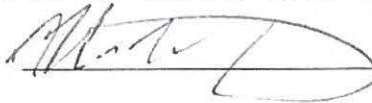
THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Chapter 2 of the Sheboygan Comprehensive Plan establishing future land use classifications is hereby amended by changing the Future Land Use Maps thereof and Use Classifications of the following described lands from Institutional and Community Facilities to Community Mixed Use:

Part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 16, Township 15 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin bounded and described as follows:

Commencing at the South 1/4 corner of said Section 16; thence N 00°-18'-23" E, 861.34 feet along the East line of said Southwest Quarter (SW1/4); thence S 89°-05'-28" W, 43.36 feet to the West right-of-way line of North Taylor Drive; thence S 89°-05'-28" W, 165.07 feet to the POINT OF BEGINNING of this description; thence S 00°-18'-23" W, 208.94 feet; thence S 88°-46'-23" W, 453.43 feet; thence N 00°-29'-52" E., 211.47 feet; thence N 89°-05'-28" E, 452.67 feet to the point of beginning.

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.



City Plan

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

X

8.2

Gen. Ord. No. 22 17 - 18. By Alderpersons Savaglio and Lewandoske.
October 16, 2017.

AN ORDINANCE amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification of vacant land between North Taylor Drive and North 34th Street from Class UR - Urban Residential to Class SO - Suburban Office.

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

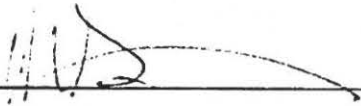
Section 1. Appendix A, Chapter 15 of the Sheboygan Zoning Ordinance establishing zoning districts and prescribing zoning standards and regulations is hereby amended by changing the Official Zoning Map thereof and Use District Classification of the following described vacant land between North Taylor Drive and North 34th Street from Class UR - Urban Residential to Class SO - Suburban Office:

Part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 16, Township 15 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin bounded and described as follows:

Commencing at the South 1/4 corner of said Section 16; thence N 00°-18'-23" E, 861.34 feet along the East line of said Southwest Quarter (SW1/4); thence S 89°-05'-28" W, 43.36 feet to the West right-of-way line of North Taylor Drive; thence S 89°-05'-28" W, 165.07 feet to the POINT OF BEGINNING of this description; thence S 00°-18'-23" W, 208.94 feet; thence S 88°-46'-23" W, 453.43 feet; thence N 00°-29'-52" E., 211.47 feet; thence N 89°-05'-28" E, 452.67 feet to the point of beginning.

City Plan

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.



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

II

53

R. O. No. 192 - 17 - 18. By CITY CLERK. October 16, 2017.

Submitting an application from Robustan, LLP, (by Matthew Bistan) for a change in the zoning classification of vacant land between North Taylor Drive and North 34th Street from Class UR - Urban Residential to Class SO Suburban Office Classification.

City Plan

City Clerk

OFFICE USE ONLY
APPLICATION NO.: _____
RECEIPT NO.: _____
FILING FEE: \$200.00 (Payable to City of Sheboygan)

**CITY OF SHEBOYGAN
APPLICATION FOR
AMENDMENT OF OFFICIAL ZONING MAP**
(Requirements Per Section 15.903)
Revised May, 2012

Completed application is to be filed with the Office of the City Clerk, City Hall, 828 Center Avenue. Application will not be processed if all required attachments and filing fee of \$200 (payable to the City of Sheboygan) is not submitted along with a complete and legible application. Application filing fee is non-refundable.

1. APPLICANT INFORMATION

APPLICANT: Robustan, LLP, by Matthew Bistan PHONE NO: (920) 889-4503
ADDRESS: 1630 North Taylor Drive, Sheboygan, WI E-MAIL: mrb@ftbdds.com
OWNER OF SITE: Ebenezer United Church of Christ PHONE NO: (920) 452-9766

2. DESCRIPTION OF THE SUBJECT SITE

ADDRESS OF PROPERTY AFFECTED: vacant land between North Taylor Drive and North 34th Street, Sheboygan, Wisconsin
LEGAL DESCRIPTION: Lot 1 of Certified Survey Map attached hereto as Exhibit A.
PARCEL NO. Part of 59281-631530 NO. _____
EXISTING ZONING DISTRICT CLASSIFICATION: Urban Residential
PROPOSED ZONING DISTRICT CLASSIFICATION: Suburban Office
BRIEF DESCRIPTION OF THE EXISTING OPERATION OR USE: vacant land located adjacent to existing dental office.
BRIEF DESCRIPTION OF THE PROPOSED OPERATION OR USE: to expand the existing dental office on land adjacent to property and development of a parking lot.

3. JUSTIFICATION OF THE PROPOSED ZONING MAP AMENDMENT

How does the proposed Official Zoning Map amendment further the purposes of the Zoning Ordinance as outlined in Section 15.005 and, for flood plains or wetlands, the applicable rules and regulations of the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency? The proposed zoning map amendment reduces the potential for land use conflicts between institutional community facilities and encourage appropriate community mixed use development.

Which of the following factors has arisen that are not properly addressed on the current Official Zoning Map? (Provide explanation in space provided below.)

- The designations of the Official Zoning Map should be brought into conformity with the Comprehensive Master Plan.
- A mistake was made in mapping on the Official Zoning Map. (An area is developing in a manner and purpose different from that for which it is mapped.) *NOTE: If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the City may intend to stop an undesirable land use pattern from spreading.*
- Factors have changed, (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district.
- Growth patterns or rates have changed, thereby creating the need for an amendment to the Official Zoning Map.
- Explain: An existing dental office serving the Sheboygan Community for many years needs to grow and expand to continue to provide important dental and health care services to the Sheboygan Community.

How does the proposed amendment to the Official Zoning Map maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

Existing dental office has operated at its current location without conflict with adjacent neighbors for many years. Zoning map changes will allow current land use to continue.

Indicate reasons why the applicant believes the proposed map amendment is in harmony with the recommendations of the City of Sheboygan Comprehensive Plan.

Applicant believes existing dental practice is consistent and in harmony with comprehensive plan that calls for community mixed use rather than institutional and community facilities that may include large scale buildings that generate traffic, noise, and conflict with adjacent residential land users.

4. CERTIFICATE

I hereby certify that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief.

ROBUSTAN, LLP



APPLICANT'S SIGNATURE

10/4/2017

DATE

By: Matthew Bistan, Partner

PRINT ABOVE NAME

APPLICATION SUBMITTAL REQUIREMENTS

A copy of the current zoning map of the subject property and vicinity showing:

- The property proposed to be rezoned; see attached **Exhibit A**.
- All lot dimensions of the subject property; see attached **Exhibit B**.
- All other lands within 200 feet of the subject property; **Exhibit C** to be provided by the City of Sheboygan.
- Application to Amend City of Sheboygan Comprehensive Plan Adopted December 5, 2011; see attached **Exhibit D**.
- Map size not more than 11" X 17" and map scale not less than 1" = 600'.
- Graphic scale and north arrow.

OWNER AUTHORIZATION TO REZONE

We, Cheryl Dodds and Ronald Rindfleish, of Ebenezer United Church of Christ (Owner), hereby authorize Matthew R. Bistan, Partner of Roubustan, LLP, (Buyer) to submit a comprehensive plan and rezone amendment application on the property located at 3215 Saemann Avenue, Sheboygan, Wisconsin 53081.

Dated this 4th day of October, 2017.

EBENEZER UNIT CHURCH OF CHRIST

By: Cheryl Dodds
Cheryl Dodds

Its: _____

By: Ronald Rindfleish
Ronald Rindfleish

Its: _____

EXHIBIT A

Legal Description of Property Proposed to be Rezoned

Legal Description of Property Proposed to be Rezoned

Part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 16, Township 15 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin bounded and described as follows:

Commencing at the South 1/4 corner of said Section 16; thence N 00°-18'-23" E, 861.34 feet along the East line of said Southwest Quarter (SW1/4); thence S 89°-05'-28" W, 43.36 feet to the West right-of-way line of North Taylor Drive; thence S 89°-05'-28" W, 165.07 feet to the POINT OF BEGINNING of this description; thence S 00°-18'-23" W, 208.94 feet; thence S 88°-46'-23" W, 453.43 feet; thence N 00°-29'-52" E., 211.47 feet; thence N 89°-05'-28" E, 452.67 feet to the point of beginning.

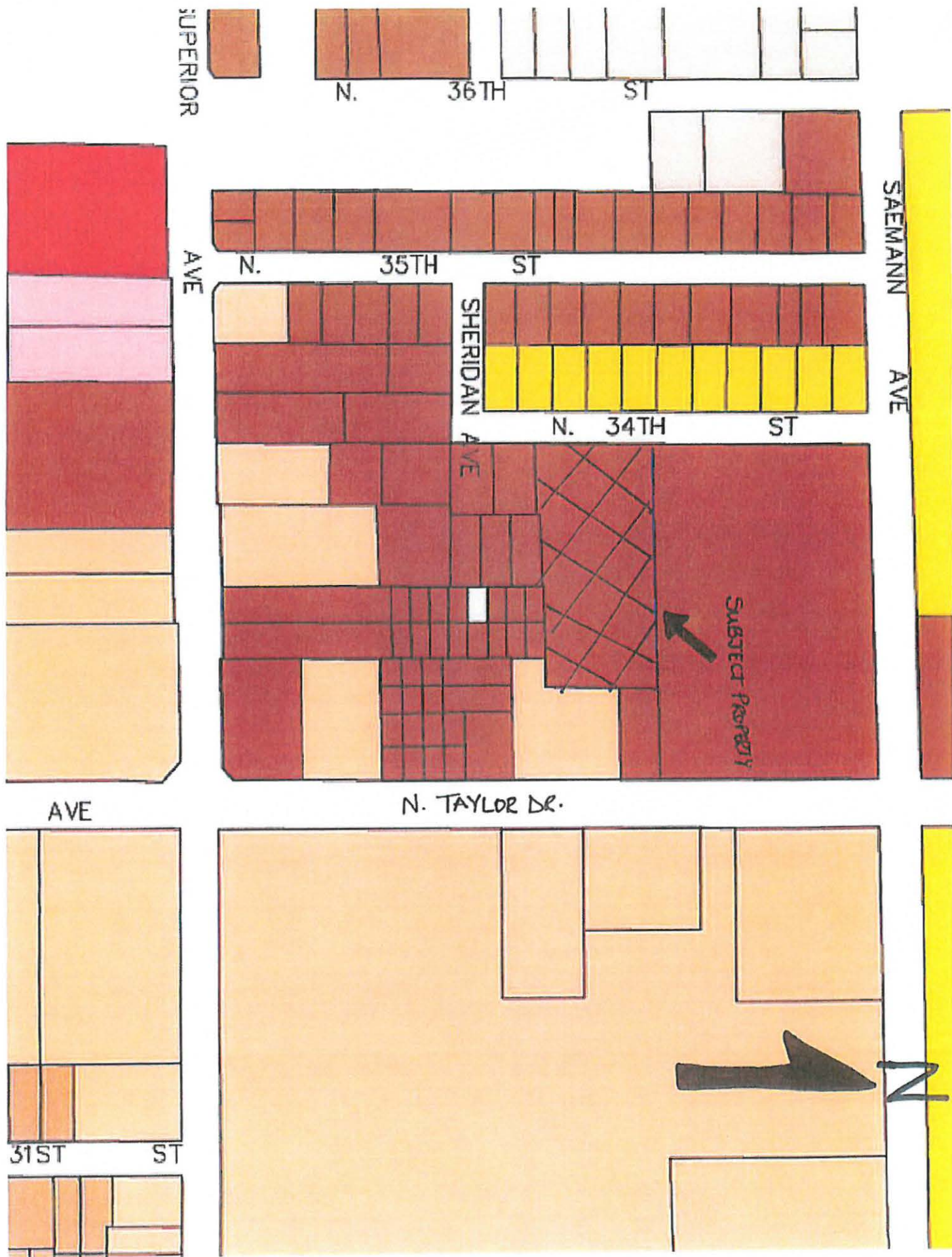
Part of PIN: 59281-631530

To be known as:

Lot 1 of a Certified Survey Map recorded in Volume _____ of Certified Survey Maps at Pages _____, as Document No. _____, being a part of the Southeast Quarter (SE/14) of the Southwest Quarter (SW1/4) of Section 16, Township 15 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin.

Part of PIN: 59281-631530

R:\CLIENT\12806\00001\00116187.DOCX



BASE ZONING DISTRICTS

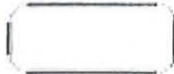
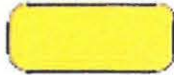
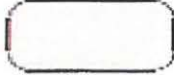













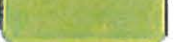
	SR-3 - SUBURBAN RESIDENTIAL 3
	SR-5 - SUBURBAN RESIDENTIAL 5
	NR - NEIGHBORHOOD RESIDENTIAL
	MR-8 - MIXED RESIDENTIAL 8
	UR - URBAN RESIDENTIAL 12
	SO - SUBURBAN OFFICE
	NO - NEIGHBORHOOD OFFICE
	SC - SUBURBAN COMMERCIAL
	NC - NEIGHBORHOOD COMMERCIAL
	UC - URBAN COMMERCIAL
	CC - CENTRAL COMMERCIAL
	PPUD - PRE-PLANNED UNIT DEVELOPMENT
	PUD - UNIT DEVELOPMENT
	HI - HEAVY INDUSTRIAL
	SI - SUBURBAN INDUSTRIAL
	UI - URBAN INDUSTRIAL
	RA - /AGRICULTURAL
	RR - RAILROAD

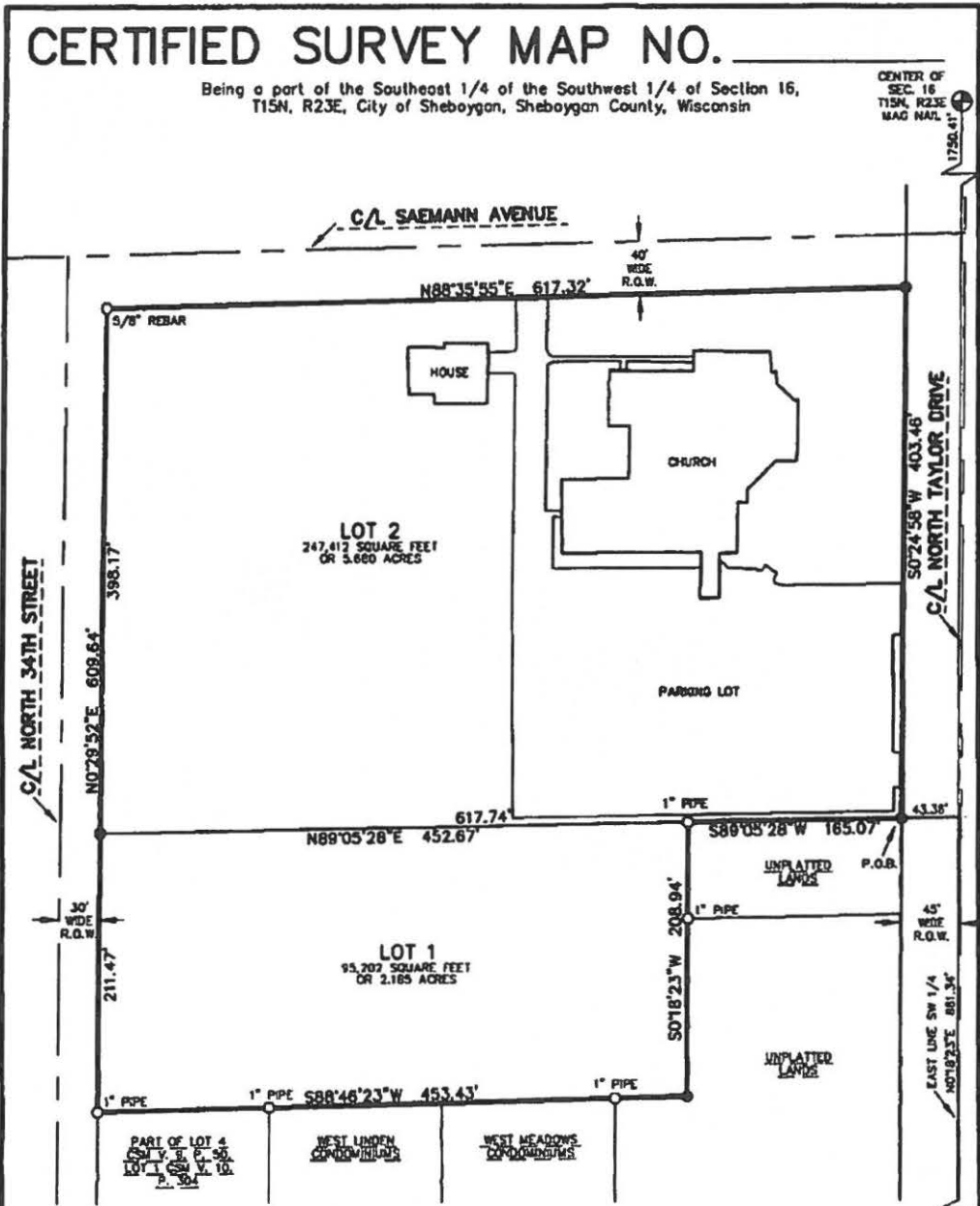
EXHIBIT B

Certified Survey Map

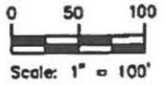
CERTIFIED SURVEY MAP NO. _____

Being a part of the Southeast 1/4 of the Southwest 1/4 of Section 16,
T15N, R23E, City of Sheboygan, Sheboygan County, Wisconsin

CENTER OF
SEC. 16
T15N, R23E
MAG NAIL



S1/4 COR.
SEC. 16
T15N, R23E
P.K. NAIL



- LEGEND**
- = Pipe Found
 - = Set 3/4"x18" Rebar min. 1.13 lbs. per foot
 - ⊙ = Section Corner Monument

941 Center Avenue, Suite 1
Oostburg, WI 53070
920-447-0599

CEDAR CREEK SURVEYING, LLC
www.cedarcreeksurveying.com

This instrument was drafted by Benjamin J. Reenders.

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southeast 1/4 of the Southwest 1/4 of Section 16,
T15N, R23E, City of Sheboygan, Sheboygan County, Wisconsin

SURVEYOR'S CERTIFICATE

I, Benjamin J. Reenders, Professional Land Surveyor, hereby certify:

That I have surveyed, divided and mapped a part of the Southeast 1/4 of the Southwest 1/4 of Section 16, T15N, R23E, City of Sheboygan, Sheboygan County, Wisconsin bounded and described as follows:

Commencing at the South 1/4 corner of said Section 16; thence N00°18'23"E 861.34 feet along the East line of said Southwest 1/4; thence S89°05'28"W 43.36 feet to the West R.O.W. line of N. Taylor Drive to the POINT OF BEGINNING of this description; thence S89°05'28"W 165.07 feet; thence S00°18'23"W 208.94 feet; thence S88°46'23"W 453.43 feet; thence N00°29'52"E 609.64 feet along the East R.O.W. line of N. 34th Street; thence N88°35'55"E 617.32 feet along the South R.O.W. line of Saemann Avenue; thence S00°24'58"W 403.46 feet along the West R.O.W. line of N. Taylor Drive to the point of beginning. This parcel contains 342,614 square feet or 7.865 acres..

That such map is a correct representation of the exterior boundaries of the land surveyed and the division thereof.

That I have fully complied with provisions of Section 238.34 of the Wisconsin Statutes and the subdivision regulation of the City of Sheboygan in surveying, dividing and mapping the same.

Benjamin J. Reenders Dated this 16th day of June, 2017
Benjamin J. Reenders PLS S-3114



CORPORATE OWNERS CERTIFICATES

Ebenezer United Church of Christ as Owner, does hereby certify that we have caused the lands described herein to be surveyed, divided, and mapped as represented on this map. We also certify that this map is required to be submitted to the City of Sheboygan for approval.

_____ Dated _____, 2017
Managing Member

STATE OF WISCONSIN
SHEBOYGAN COUNTY) ss

PERSONALLY came before me on this _____ day of _____, 2017

to me known to be the persons who executed the foregoing certificate and acknowledged the same.

_____ My Commission Expires _____
Notary Public

CITY OF SHEBOYGAN APPROVAL CERTIFICATE

Resolved that the Certified Survey Map in the City of Sheboygan is hereby approved by the city board of the City of Sheboygan.

on this _____ day of _____, 2017.

City Chairman

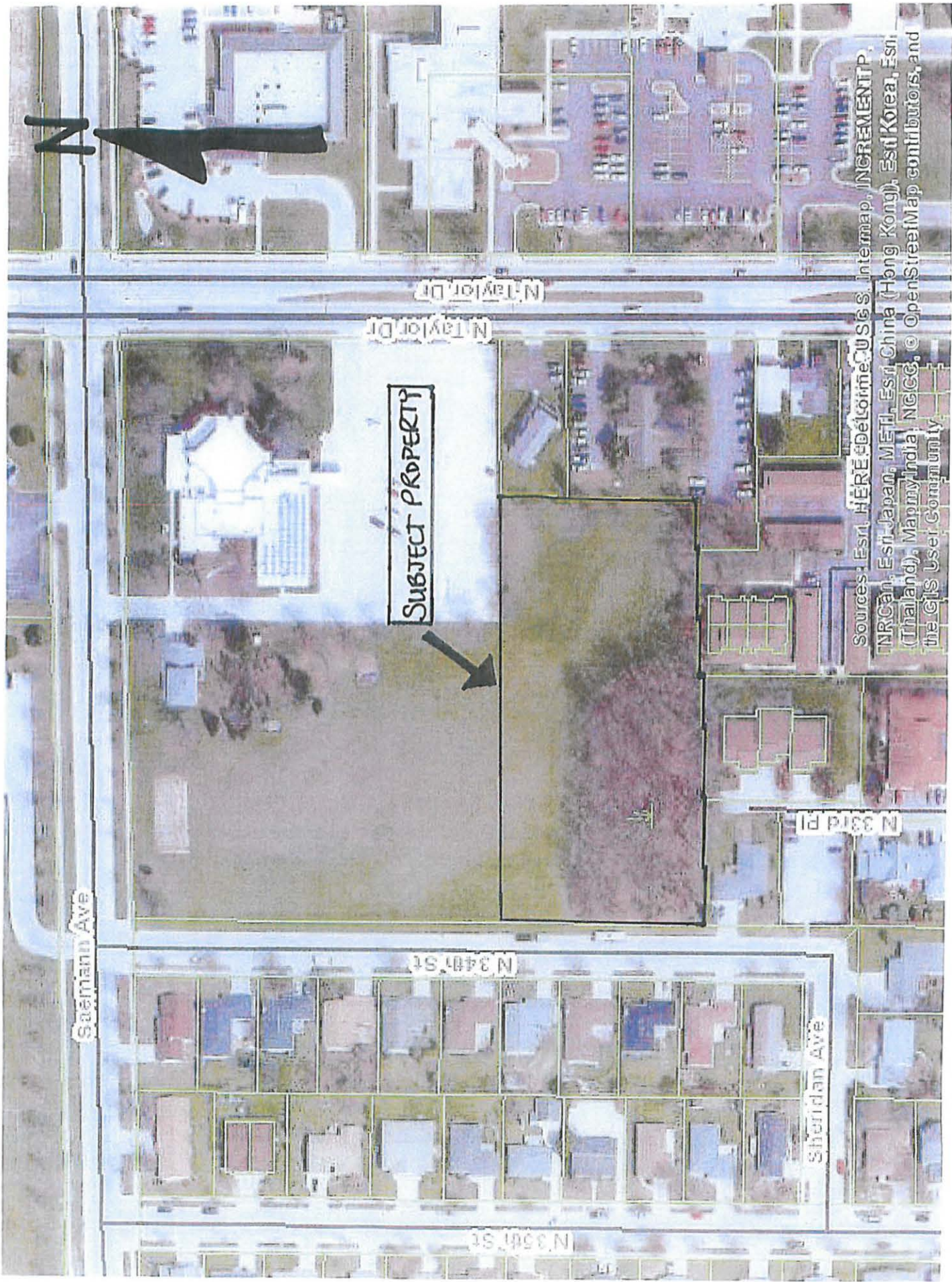
I hereby certify that the foregoing is a copy of a resolution adopted by the City Board of the City of Sheboygan.

on this _____ day of _____, 2017.

City Clerk

941 Center Avenue, Suite 1
Oostburg, WI 53070
920-547-0599

CEDAR CREEK SURVEYING, LLC
www.cedarcreeksurveying.com



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENTP, NRCAN, Esri-Japan, METI, Esri-China (Hong Kong), Esri-Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

EXHIBIT C

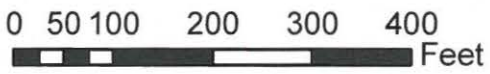
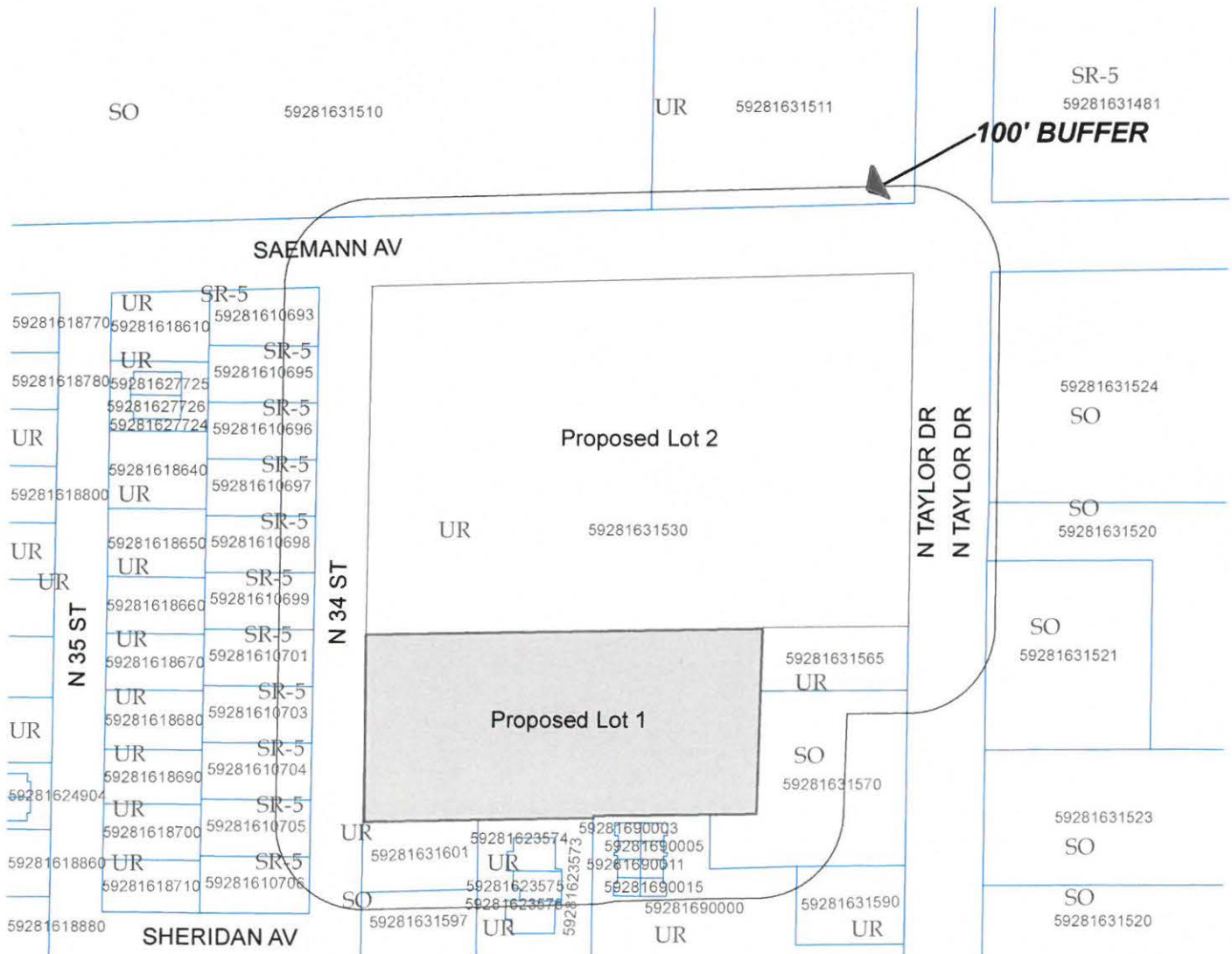
(To be provided by the City of Sheboygan)

PROPOSED COMPREHENSIVE PLAN AMENDMENT FROM INSTITUTIONAL AND COMMUNITY FACILITIES TO COMMUNITY MIXED USE

SECTION 16, TOWN 15N, RANGE 23E

Part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 16, Township 15 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin bounded and described as follows:

Commencing at the South 1/4 corner of said Section 16; thence N 00°-18'-23" E, 861.34 feet along the East line of said Southwest Quarter (SW1/4); thence S 89°-05'-28" W, 43.36 feet to the West right-of-way line of North Taylor Drive; thence S 89°-05'-28" W, 165.07 feet to the POINT OF BEGINNING of this description; thence S 00°-18'-23" W, 208.94 feet; thence S 88°-46'-23" W, 453.43 feet; thence N 00°-29'-52" E., 211.47 feet; thence N 89°-05'-28" E, 452.67 feet to the point of beginning.



PROPOSED ZONING CHANGE FROM URBAN RESIDENTIAL (UR-12) SUBURBAN OFFICE (SO)

SECTION 16, TOWN 15N, RANGE 23E

Part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 16, Township 15 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin bounded and described as follows:

Commencing at the South 1/4 corner of said Section 16; thence N 00°-18'-23" E, 861.34 feet along the East line of said Southwest Quarter (SW1/4); thence S 89°-05'-28" W, 43.36 feet to the West right-of-way line of North Taylor Drive; thence S 89°-05'-28" W, 165.07 feet to the POINT OF BEGINNING of this description; thence S 00°-18'-23" W, 208.94 feet; thence S 88°-46'-23" W, 453.43 feet; thence N 00°-29'-52" E., 211.47 feet; thence N 89°-05'-28" E, 452.67 feet to the point of beginning.

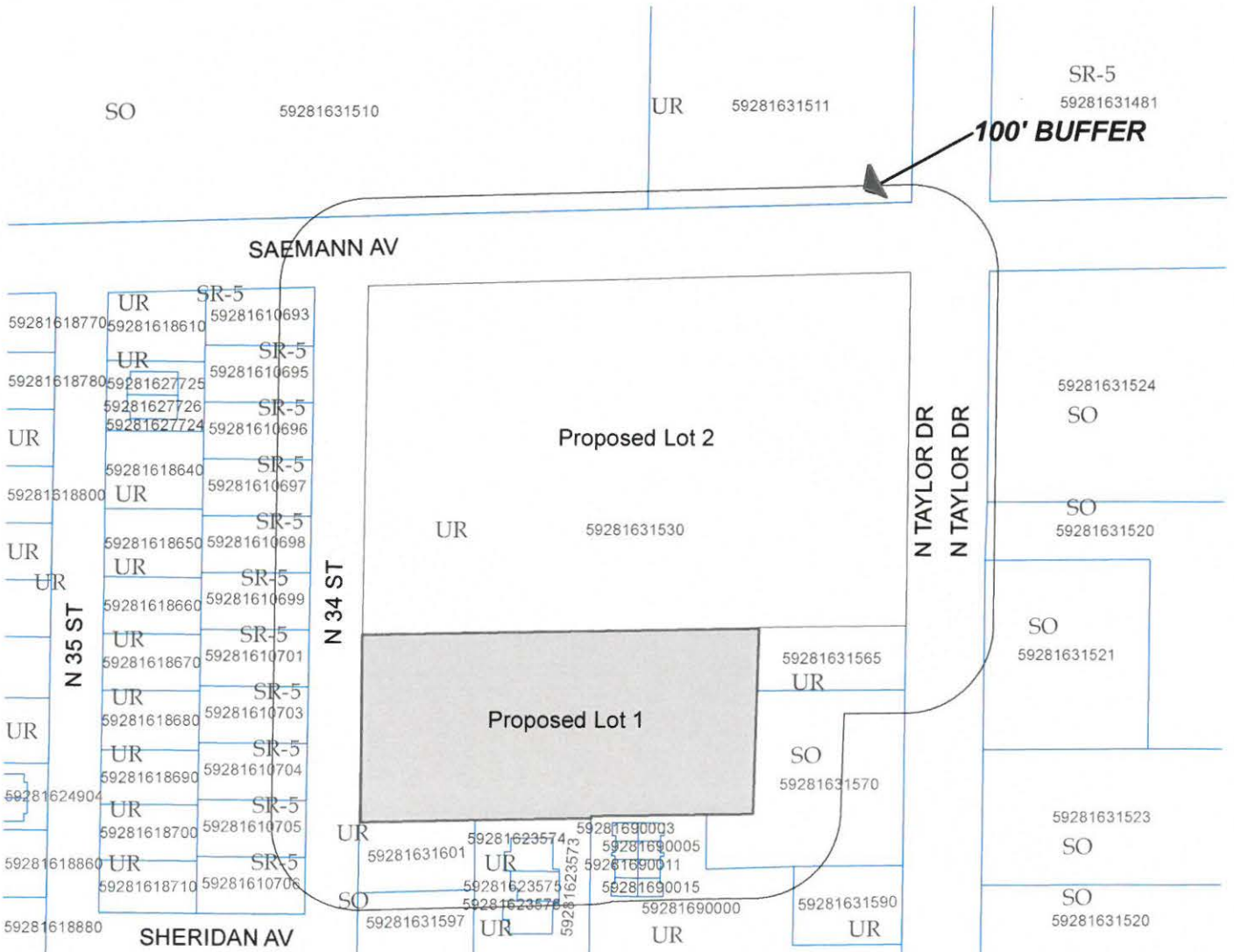


EXHIBIT D

**Application to Amend City of Sheboygan
Comprehensive Plan
Adopted December 5, 2011**

Application to Amend the December 5, 2011 City of Sheboygan Comprehensive Plan

Applicant, Robustan, LLP, is a real estate holding company that owns a dental office located at 1630 N. Taylor Drive, in Sheboygan, Wisconsin, 53081. Robustan, LLP leases the office to Feider, Tiboris and Bistran DDS, SC which owns and operates a five member dental practice at this facility. Applicant seeks to expand its dental office and add approximately 660 square feet to the west side of its existing office. A preliminary site plan is attached. Applicant proposes to construct additional parking for the dental office operations on land that it intends to purchase from an adjacent property owner.

Ebenezer United Church of Christ (the "Church") is the owner of the adjacent vacant land containing approximately 7.865 acres of land with street frontage on Taylor Drive on the east, Saemann Avenue on the north, and N. 34th Street on the west (the "Property"). Applicant is under contract to purchase from the Church and the Church is under contract to sell to Applicant 2.185 acres of the Property, subject to zoning and other City approvals

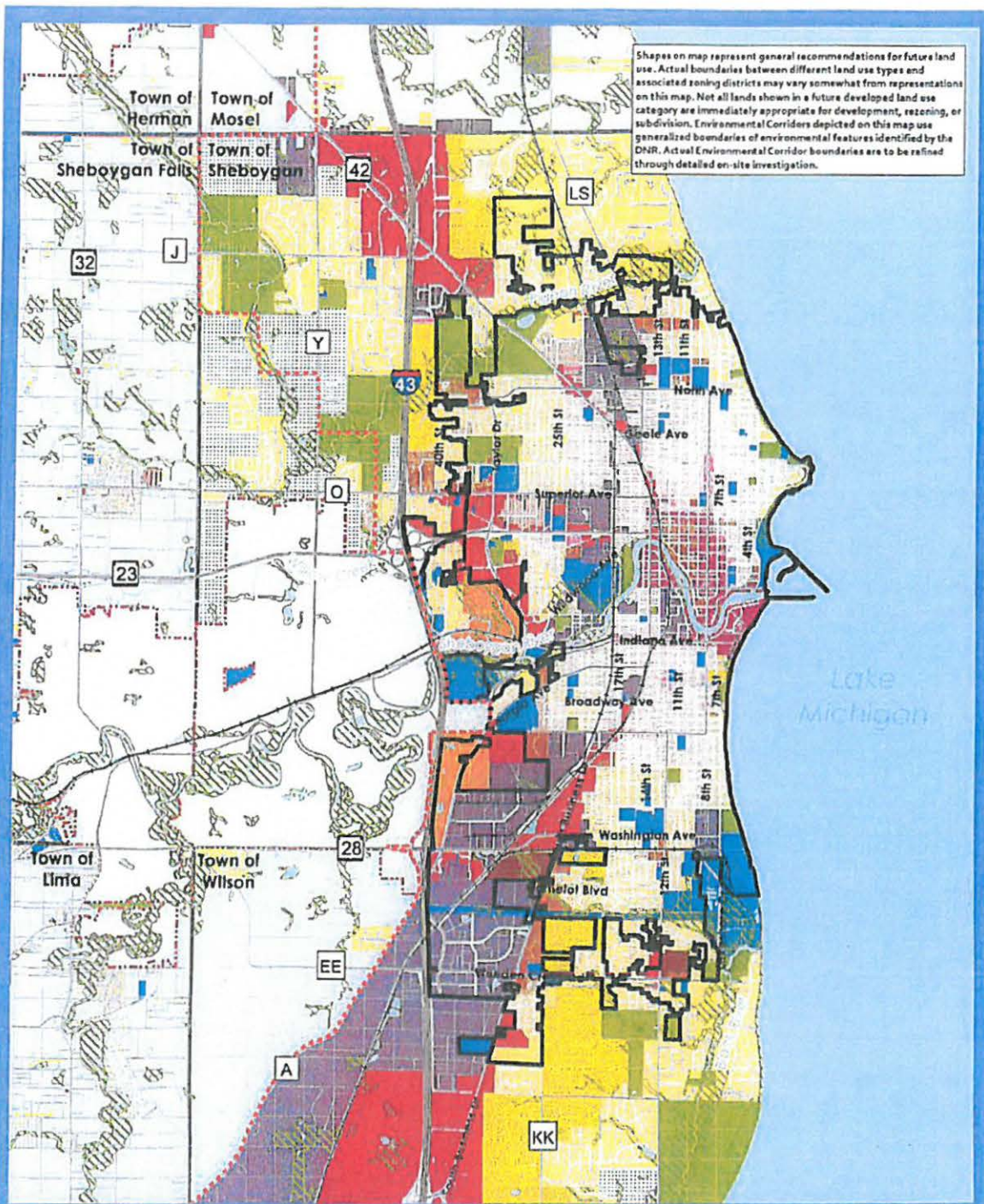
The City of Sheboygan Comprehensive Plan adopted December 5, 2011 designates the future land use for the Church Property to be "Institutional and Community Facilities". A copy of the description of the future land use titled "Institutional and Community Facilities" is found at pages 23-24 of the Comprehensive Plan which is attached for your review and consideration. It provides as follows:

This future land use category is designed to facilitate large-scale public buildings, schools, religious institutions, power plants and substations, water utility, wastewater treatment plants, hospitals, and special care facilities. Future small-scale institutional uses and community facilities may also be located in areas planned for residential, commercial, office, industrial, mixed uses, while larger-scale institutional uses should generally be avoided in planned residential or Planned Neighborhood areas. Institutional and community facilities are permitted in the City's non-residential districts and are allowed as conditional uses in residential zoning districts.

The current City of Sheboygan Comprehensive Plan designates the future land use for Applicant's dental office property as "Community Mixed Use". A copy of the description of the future land use titled "Community Mixed Use" is found at pages 22-23 of the Comprehensive Plan which is attached for your review and consideration. It provides as follows:

This future land use category is intended for community-scale commercial, office, service, and retail uses. Community Mixed Use areas may also accommodate some multi-family residential development, primarily within large, mixed-use buildings. Depending on the use, the City's Suburban Commercial SC, Suburban Office SO, Urban Commercial UC, Mixed Residential MR-8 and Urban Residential UR-12 are the most appropriate zoning districts to implement this future land use category.

The current dental office and proposed office expansion is consistent and compatible with community-scale commercial and office use as described by the "Community Mixed Use" district of the Comprehensive Plan. Therefore, applicant seeks an amendment to the Comprehensive Plan and a rezoning of 2.185 acres of land to Suburban Office (SO) to allow the proposed dental office expansion to occur.



Shapes on map represent general recommendations for future land use. Actual boundaries between different land use types and associated zoning districts may vary somewhat from representations on this map. Not all lands shown in a future developed land use category are immediately appropriate for development, rezoning, or subdivision. Environmental Corridors depicted on this map use generalized boundaries of environmental features identified by the DNR. Actual Environmental Corridor boundaries are to be refined through detailed on-site investigation.

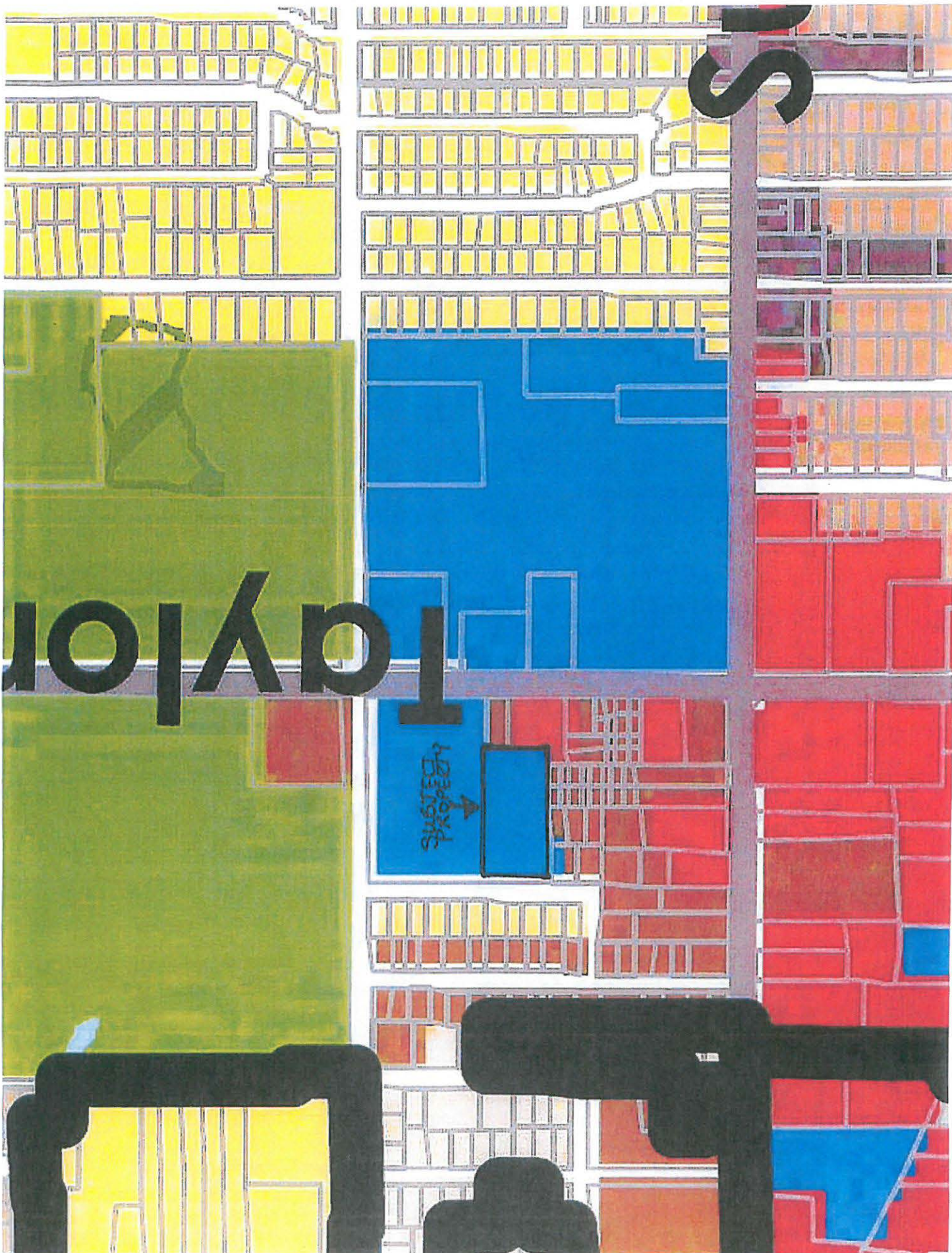
Map 2-1 Future Land Use City of Sheboygan Comprehensive Plan

City of Sheboygan Municipal Boundary	Agricultural/Rural	Community Mixed Use	0 0.25 0.5 1 Miles
Other City or Village Municipal Boundaries	Single Family Residential	Central Mixed Use	
Town Boundaries	Neighborhood Preservation	Institutional and Community Facilities	 <small>Adopted: 12/5/2011</small> <small>Data Sources: City of Sheboygan, DNR, V&A, Bay Lake RPC, Sheboygan County</small>
City of Sheboygan Extraterritorial Jurisdiction	Two Family Residential	Employment	
Major Road	Multi Family Residential	Public Parks and Open Space	
Interstate	Mobile Home Park	Town Development Area	
Railroad	Planned Neighborhood	Environmental Corridor	
Water	Neighborhood Mixed Use		
	Office Park		

S

Taylor

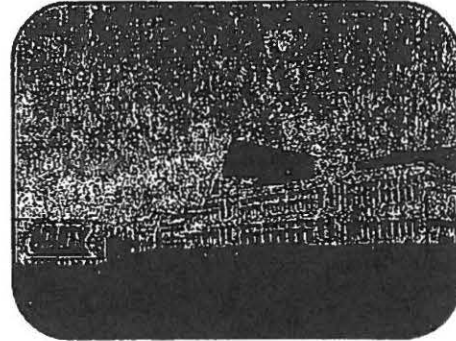
ARROW
POINTS
TO
SOUTH
EAST



Office Park

This future land use category is intended for high-quality office, institutional, and research land uses with generous landscaping and limited signage. The ACUTY Insurance corporate campus and the Willow Creek Business Park are mapped in this future land use category. The City's Suburban Office SO zoning district is the most appropriate zoning district to implement areas mapped under this future land use category.

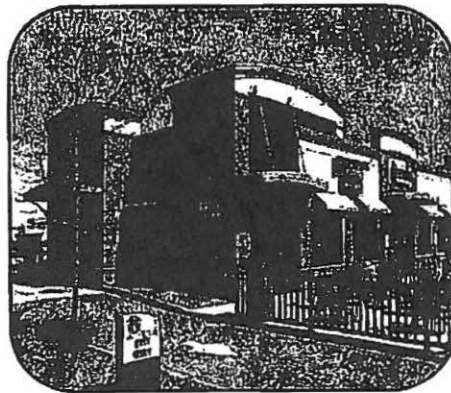
1. Market these areas for technology, research, and development uses; corporate and professional offices; and private institutional uses like medical centers.
2. Limit warehousing, assembly and manufacturing uses in the Office Park designation unless the site is specifically designed to blend within an office/research setting.
3. Adhere to very high quality site and building design guidelines and to local ordinances on other aspects of those projects like signage, landscaping, and lighting.
4. Require that all projects submit and have approved detailed building elevations and site plans, showing the proposed locations of the building(s), parking, storage, loading, signage, landscaping, and lighting prior to development approval.



Community Mixed Use

This future land use category is intended for community-scale commercial, office, service, and retail uses. Community Mixed Use areas may also accommodate some multi-family residential development, primarily within large, mixed-use buildings. Depending on the use, the City's Suburban Commercial SC, Suburban Office SO, Urban Commercial UC, Mixed Residential MR-8 and Urban Residential UR-12 are the most appropriate zoning districts to implement this future land use category.

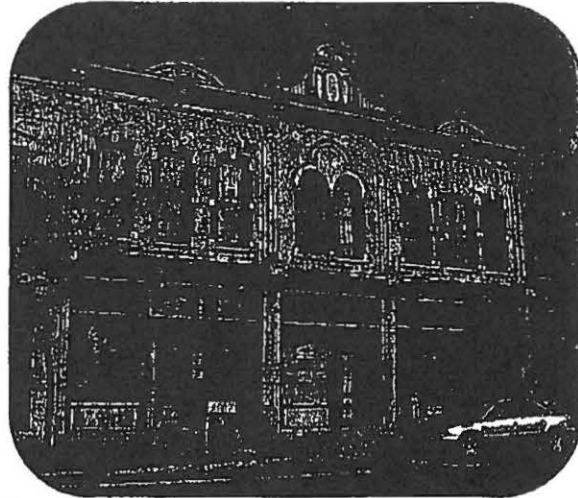
1. Require that all proposed business projects submit a detailed site plan including building elevations, proposed location of the building(s), parking, storage, loading, lighting, landscaping, grading, and stormwater management prior to development approval.
2. Delay rezoning any area designated for Community Mixed Use development until public sanitary sewer and water service is available, and a specific development or redevelopment proposal is offered for a site. Existing parcels zoned and/or used for industrial purposes (as of the date of Plan adoption) may continue in that zoning district or use.
3. Consider the relationship between development in the Community Mixed Use areas, and existing and future development near these sites. Avoid inhibiting future access to sites behind commercial properties and creating an unattractive appearance which will hinder future development of these sites.



Central Mixed Use

Downtown Sheboygan is intended to remain the civic, social, and commercial hub of the community. The Central Mixed Use future land use category is mapped over the historic downtown area. This category is intended for a mix of retail, commercial service, office, resort, government, institutional, and residential (mainly upper stories) uses arranged in a pedestrian-oriented environment with on-street parking; minimal building setbacks; and building designs, materials, placement, and scale that are compatible with the character of existing development. The City's Central Commercial CC zoning district is most appropriate for areas in this future land use category.

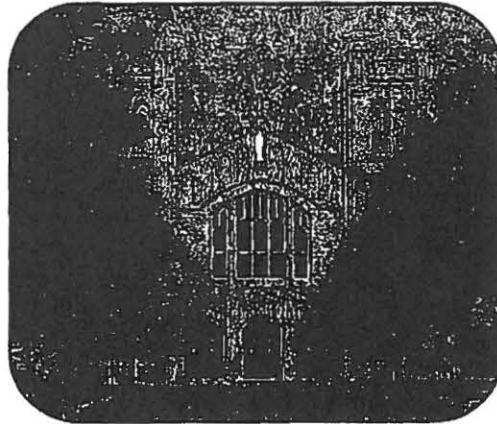
1. Continue to collaborate with the Sheboygan County Economic Development Corporation, Chamber of Commerce, Redevelopment Authority, Downtown BID, businesses, the development community, and other economic development entities to implement the recommendations of the Harbor Centre Master Plan.
2. Preserve the architectural and historic character of the core downtown historic buildings.
3. Encourage commercial developments that are most appropriate for the historic downtown to locate or remain there, rather than in other commercial districts in the City.
4. Promote the expansion, retention, and upgrading of specialty retail, restaurants, resorts, financial services, offices, professional services, and community uses through marketing, investment and incentive strategies.
5. Promote residential land uses on upper floors to fill housing needs for young professionals and others seeking residency in a vibrant, downtown setting.
6. Take actions to discourage and prevent downtown blight, promote area stability, and reduce building vacancy.

*Institutional and Community Facilities*

This future land use category is designed to facilitate large-scale public buildings, schools, religious institutions, power plants and substations, water utility, wastewater treatment plants, hospitals, and special care facilities. Future small-scale institutional uses and community facilities may also be located in areas planned for residential, commercial, office, industrial, mixed uses, while larger-scale institutional uses should generally be avoided in planned residential or Planned Neighborhood areas. Institutional and community facilities are permitted in the City's non-residential districts and are allowed as conditional uses in residential zoning districts.

1. Require detailed site and operation plans before new or expanded institutional uses are approved.

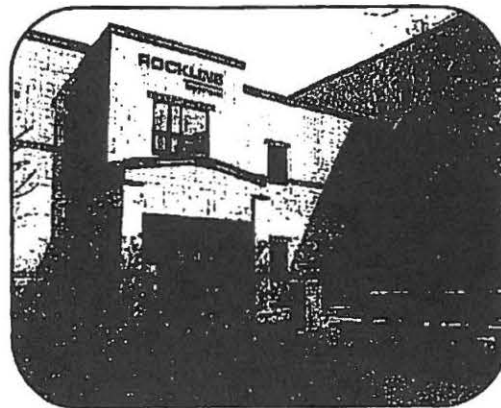
2. Consider the impact on neighboring properties before approving any new or expanded institutional use.
3. Continue to work with the Sheboygan School District, private education providers, Lakeland College, Lakeshore Technical College, and UW-Sheboygan to coordinate uses and activities on college- and district-owned land, and to collaborate on issues of mutual concern.
4. Encourage collaboration among various City departments, and other providers of City services, on accommodating future service needs.
5. Encourage the adaptive reuse of vacant and/or underutilized buildings and properties.

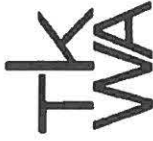


Employment

This future land use category is intended to accommodate high-quality office, research and development, light indoor manufacturing, data processing, and other jobs-focused uses. This group of categories also encompasses support uses for office and business parks, such as banks and child care centers. Employment focused areas are mapped on the Future Land Use Map in the City's existing and future office and industrial parks, along rail corridors, and along the south Interstate 43. The City's Suburban Industrial SI, Urban Industrial UI, and Suburban Office SO zoning districts are appropriate to implement this future land use category.

1. Encourage the use of high quality building materials, improved window treatments, high-quality loading and storage screening devices and landscaping.
2. As opportunities for reinvestment and redevelopment occur, improve the appearance of building facades exposed to the public view, including loading docks and storage areas.
3. Ensure that future employment development is appropriately buffered from existing and planned residential development areas.
4. Rezoning areas designated for employment development may be considered provided public sanitary sewer and water service is ensured and the City has approved an overall conceptual development plan and covenants.
5. Adhere to adopted site and building design guidelines for industrial projects, and ordinances on other aspects of those projects like signage, landscaping, and lighting.
6. Require that for all projects in Employment areas, detailed building elevations and site plans showing the proposed locations of the building(s), parking, storage, loading, signage, landscaping, and lighting are submitted and approved prior to development approval.





The Trade Knowledge Warehouse, Inc.
 10000 10th Avenue, Suite 100
 Golden, CO 80401
 Phone: 303.771.1000
 Fax: 303.771.1001

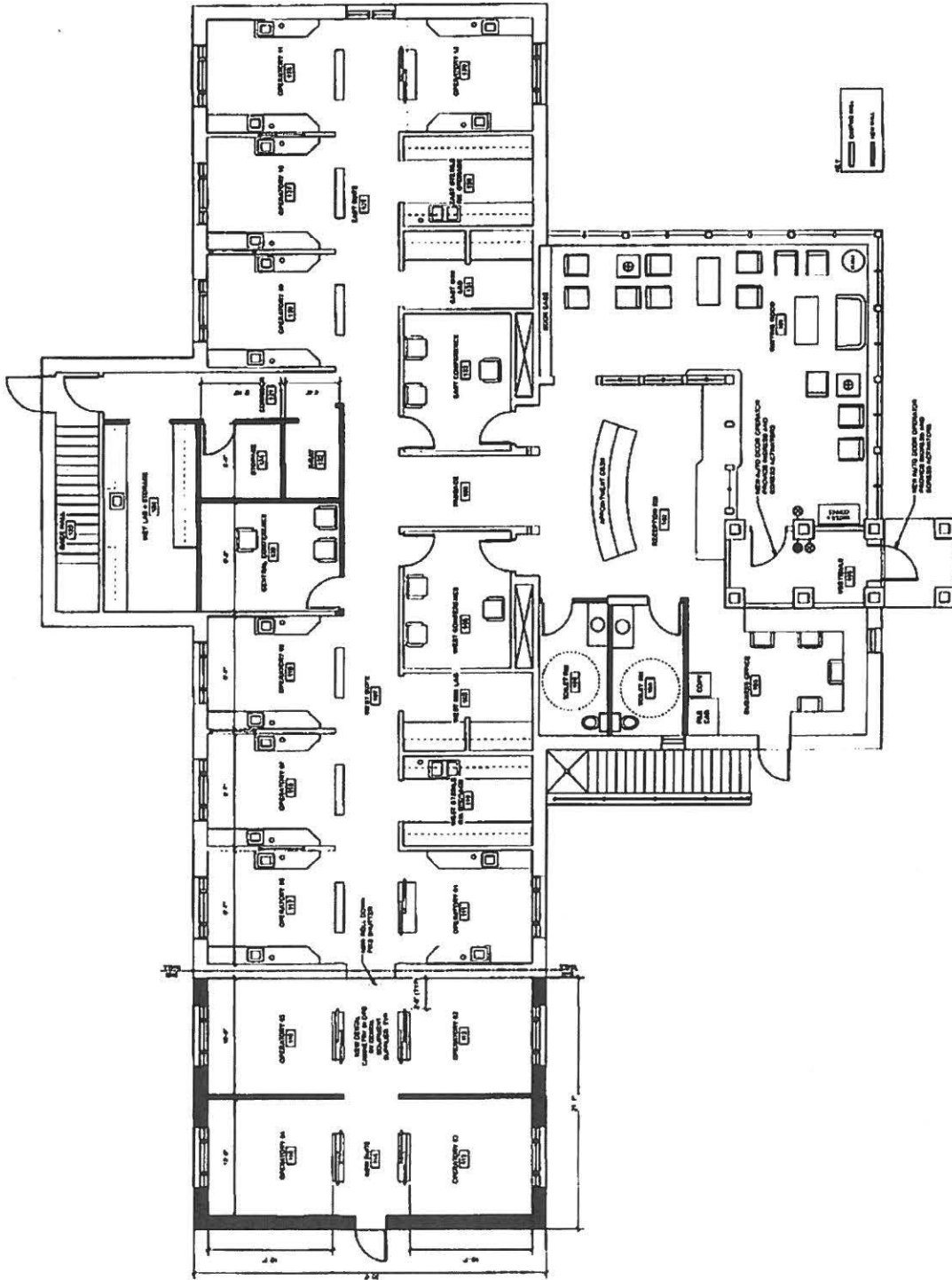
Bistan Dental

ADDISON & BIRDAUL
 101 South Main Street
 Englewood, CO 80110

PRELIMINARY
 NOT FOR
 CONSTRUCTION

DATE: 01/25/2017
 PROJECT NUMBER: 716916.00
 DRAWING TITLE: Upper Level Plan

A1.1



1. Upper Level Plan
 1/8" = 1'-0"





Looking South from church parking lot



Looking west from dentist parking lot



Looking north from dentist parking lot

West side of dentist office



church parking facing west



Looking east - west side of dentist



Looking west from dentist parking lot

West

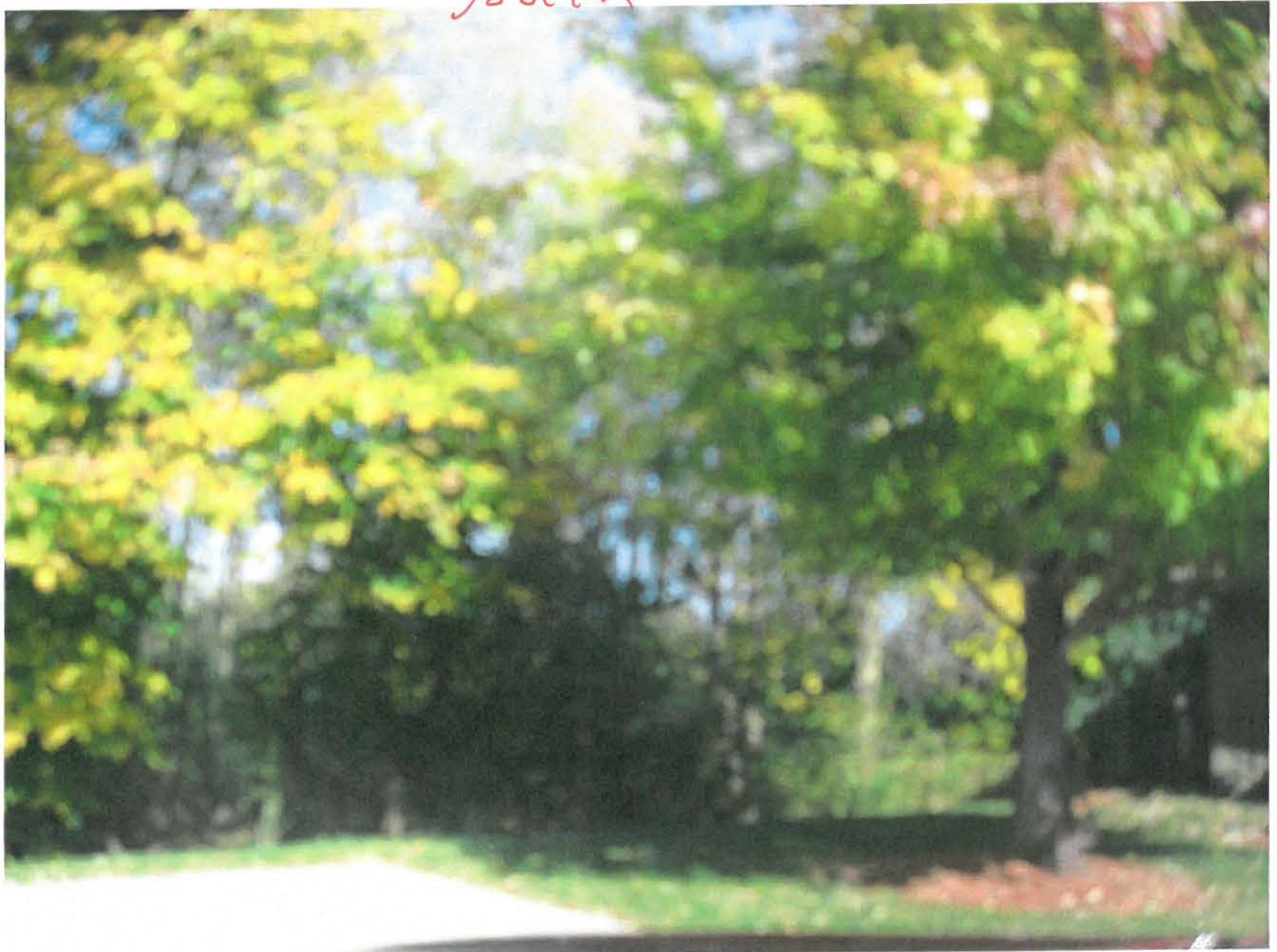


U. 344th St



West

South



South



South

CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: R.O. 82-17-18 and G.O. 22-17-18 by Ald. Savaglio and Lewandoske amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification of vacant land between North Taylor Drive and North 34th Street from Class UR - Urban Residential to Class SO - Suburban Office

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

REPORT DATE: November 10, 2017

MEETING DATE: November 14, 2017

FISCAL SUMMARY:

STATUTORY REFERENCE:

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

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

BACKGROUND / ANALYSIS:

The Plan Commission at their October 25, 2017 meeting held this matter in order to give the applicant the opportunity to draft a land use agreement that addresses the Plan Commission's concerns related to the types of uses that could potentially occur on this property that could negatively impact the adjacent residential neighborhood should this property be amended from Institutional Community Facilities to Community Mixed Use and subsequently rezoned from Urban Residential (UR) to Suburban Office (SO).

The applicant states:

- Please recall, Roubustan, LLP (Dr. Bistan) and Ebenezer United Church of Christ (the Church) are seeking a comprehensive plan amendment and rezoning to allow the Church to sell approximately 2.185 acres of land to Dr. Bistan so that the Feider, Tiboris & Bistan, DDS, S.C. dental office may construct an addition to its existing dental office located at 1630 N. Taylor Drive.
- The dental office addition is a minimal expansion of a land use that has existed in its current location and neighborhood for more than 25 years. The City planning staff indicated that they do not have an objection to the dental office expansion (office and personal or professional services).
- Staff does, however, have an objection to the amendment and rezoning based on the complete list of other land uses allowed in the Suburban Office (SO) zoning district. Land uses such as restaurants, taverns and hotels which they believe would not be

appropriate and compatible with adjacent residential properties. Dr. Bistan also shares this same concern and would not want these types of land uses developed on property adjacent to his dental office.

- The City and Dr. Bistan can protect the adjacent residential neighborhood and his dental office by approving and entering into a Land Use Agreement that will create and establish enforceable deed restrictions for the future use of the property. The agreement will be recorded against the title to the property in the Sheboygan County Register of Deeds Office. As a result the Land Use Agreement would prevent Dr. Bistan and all future owners of the property from developing and using the property for any of the restricted land uses described in the agreement.
- The Land Use Agreement is the perfect solution to address the concerns of City staff and to allow the Church to sell land to Dr. Bistan for the expansion of the existing dental office and practice.
- Therefore, Dr. Bistan and I respectfully request that the Plan Commission recommend to the Common Council that the comprehensive plan amendment and rezoning be granted and approved to be effective upon the acquisition of ownership of the property by Roubustan, LLP not later than May 31, 2018 and conditioned upon the execution and recording of the Land Use Agreement as presented.

Roubustan, LLP is proposing to amend the City's Future Land Use Map of the Comprehensive Plan to change the Land Use Classification of a portion of property located at 3215 Saemann Avenue from Institutional and Community Facilities to Employment to Community Mixed Use. The applicant states:

- The applicant indicates that Roubustan, LLP is a real estate holding company that owns the dental office located at 1630 N. Taylor Drive and leases the office to Feider, Tiboris and Bistan. Feider, Tiboris and Bistan own and operate a five (5) member dental practice at this facility.
- Applicant is seeking to expand its dental office and add approximately 660sf to the west side of their existing facility. In addition, applicant is proposing to construct additional parking for the dental office operations on land it intends on purchasing from the adjacent property owner, Ebenezer Church of Christ. This is the portion of property that the applicant is requesting to amend (see proposed 2.185 acre Lot 1 in the attached CSM).
- Ebenezer Church of Christ is the present owner of the parcel that is proposed to be amended. The applicant is under contract to purchase this 2.185 acre parcel of land from the church for their expansion purposes.
- Roubustan, LLP is requesting to amend the City's Comprehensive Plan Map for this portion of property in order to pursue a conditional use permit for the proposed development.

STAFF COMMENTS:

The biggest concern the Plan Commission and staff had with this proposal was with the potential incompatibility of some of the uses in the Suburban Office zone in relation to the adjoining residential neighborhood. Based on those concerns, the applicant proposed drafting a land use restriction agreement. The Plan Commission was acceptable to permitting the applicant to draft such a land use agreement in order to see if such an agreement could address these land use compatibility concerns.

The applicant reviewed the uses permitted in both the Urban Residential (UR-12) and the Suburban Office (SO) zones and determined that there are many uses that are permitted in both the UR and SO zones. Based on that, the applicant is proposing to keep most of the uses that are already permitted in both zones and to also include "Personal or Professional Service" and "Office" uses. The plan commission and staff commented that "Personal or Professional Service" and "Office" appear to be commercial uses that may be compatible with a residential neighborhood (dentist, lawyer, reality, beauty shop, insurance, financial, medical, veterinary, handling of information, administrative services, etc.).

Thus, the applicant is proposing the following in the land use agreement:

- To maintain most of the uses already permitted in both the UR and SO zones.
- To permit "Personal or Professional Service" and "Office" uses.
- To restrict the following uses:
 - Indoor Institutional
 - Community Living Arrangement (16+ residents)
 - Indoor Sales or Service
 - In-Vehicle Sales or Service
 - Indoor Commercial Entertainment
 - Commercial Indoor Lodging
 - Airport/Heliport

Staff does not object to the proposal provided that the comprehensive plan amendment and rezoning be granted and approved to be effective upon the acquisition of ownership of the property by Roubustan, LLP not later than May 31, 2018 and conditioned upon the execution and recording of the Land Use Agreement as presented.

ACTION REQUESTED:

Motion to recommend the Common Council approve the proposed rezone from Urban Residential (UR-12) to Suburban Office (SO) for a portion of property located 3215 Saemann Avenue (proposed Lot 1) subject to the following condition:

The comprehensive plan amendment and rezoning be granted and approved to be effective upon the acquisition of ownership of the property by Roubustan, LLP not later than May 31, 2018 and conditioned upon the execution and recording of the Land Use Agreement as presented.

ATTACHMENTS:

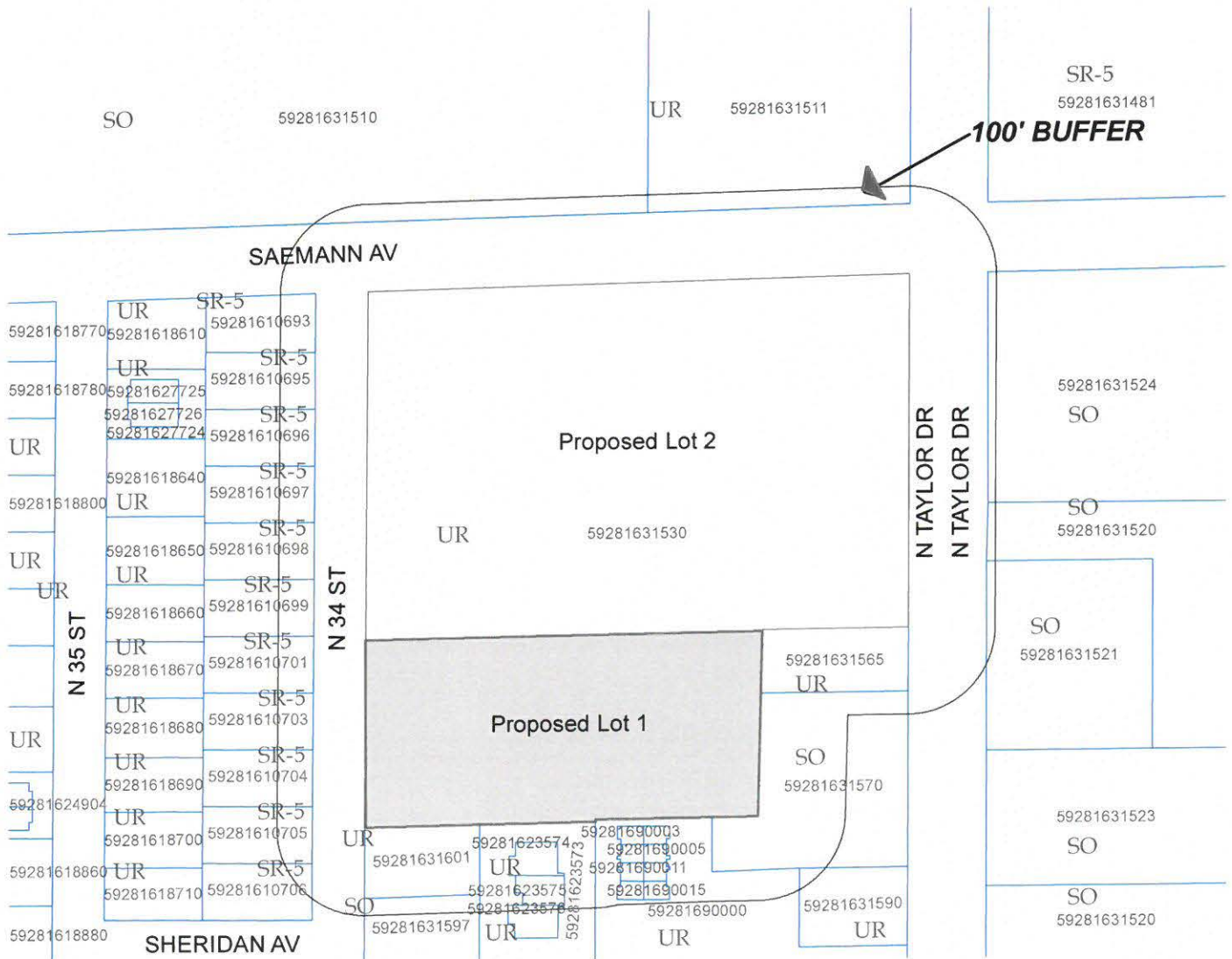
- i. Rezone Application and required attachments.
- ii. Land Use Agreement

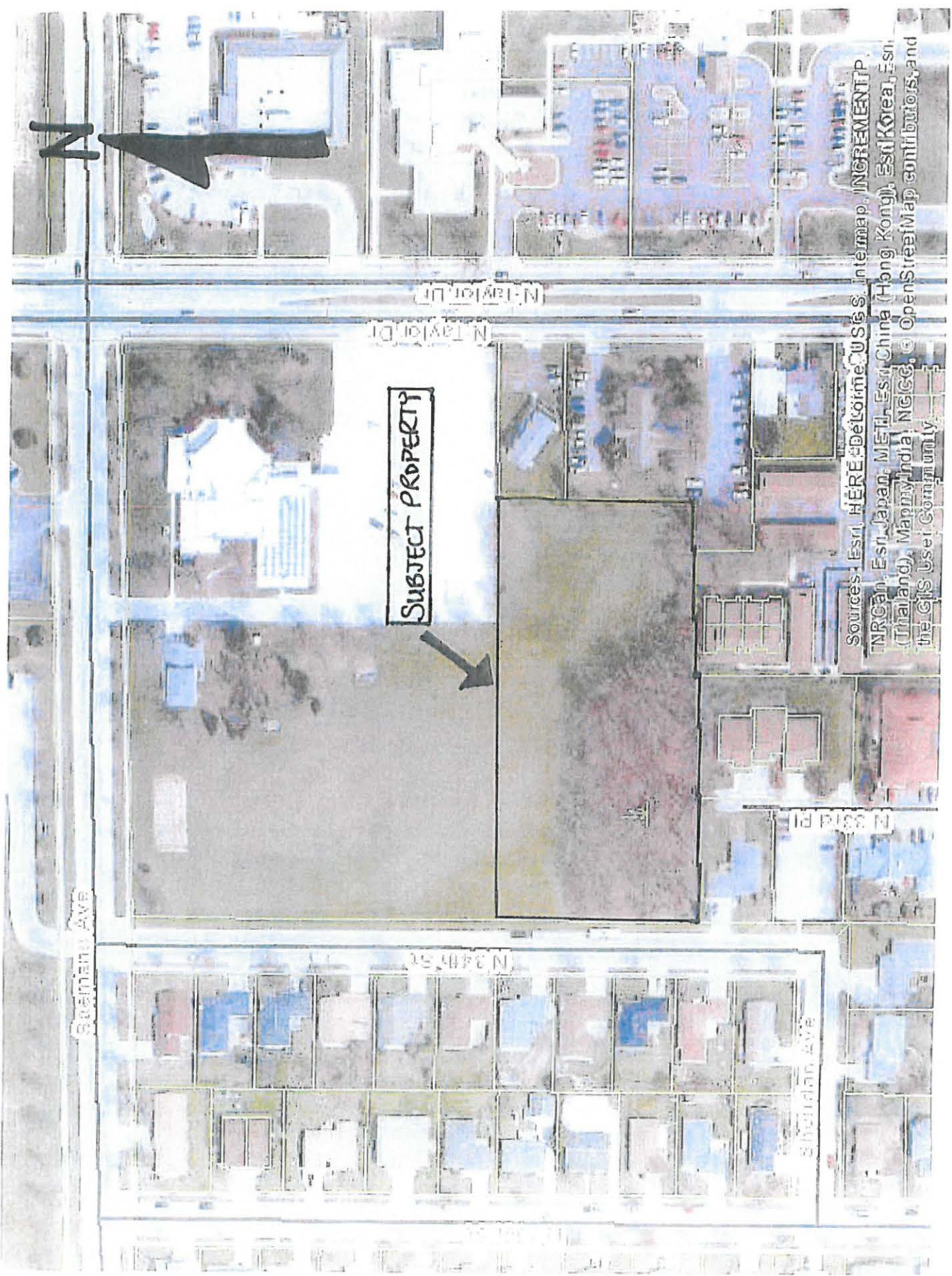
PROPOSED ZONING CHANGE FROM URBAN RESIDENTIAL (UR-12) SUBURBAN OFFICE (SO)

SECTION 16, TOWN 15N, RANGE 23E

Part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 16, Township 15 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin bounded and described as follows:

Commencing at the South 1/4 corner of said Section 16; thence N 00°-18'-23" E, 861.34 feet along the East line of said Southwest Quarter (SW1/4); thence S 89°-05'-28" W, 43.36 feet to the West right-of-way line of North Taylor Drive; thence S 89°-05'-28" W, 165.07 feet to the POINT OF BEGINNING of this description; thence S 00°-18'-23" W, 208.94 feet; thence S 88°-46'-23" W, 453.43 feet; thence N 00°-29'-52" E., 211.47 feet; thence N 89°-05'-28" E, 452.67 feet to the point of beginning.





SUBJECT PROPERTY

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGIS, OpenStreetMap contributors, and the GIS User Community



HOPP NEUMANN HUMKE^{LLP}

November 3, 2017

via e-mail mayor.vandersteen@sheboyganwi.gov

Michael J. Vandersteen, Mayor
and Members of the Plan Commission
CITY OF SHEBOYGAN
828 Center Avenue
Sheboygan, WI 53081

Re: R.O. 83-17-18 and G.O. 21-17-18 by Ald. Savaglio and Lewandoske amending the City's Future Land Use Map of the Sheboygan Comprehensive Plan to change the Land Use Classification of vacant land between North Taylor Drive and North 34th Street from Institutional Community Facilities to Community Mixed Use.

R.O. 82-17-18 and G.O. 22-17-18 by Ald. Savaglio and Lewandoske amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Land Use District Classification of vacant land between North Taylor Drive and North 34th Street from Class UR- Urban Residential to Class SO- Suburban Office.

Dear Mayor Vandersteen and Plan Commission Members:

Pursuant to the discussion at the October 24, 2017 Plan Commission meeting, please find attached a proposed Land Use Agreement for review and consideration.

Please recall, Roubustan, LLP (Dr. Bistan) and Ebenezer United Church of Christ (the Church) are seeking a comprehensive plan amendment and rezoning to allow the Church to sell approximately 2.185 acres of land to Dr. Bistan so that the Feider, Tiboris & Bistan, DDS, S.C. dental office may construct an addition to its existing dental office located at 1630 N. Taylor Drive.

The dental office addition is a minimal expansion of a land use that has existed in its current location and neighborhood for more than 25 years. The City planning staff indicated that they do not have an objection to the dental office expansion (office and personal or professional services).

Staff does, however, have an objection to the amendment and rezoning based on the complete list of other land uses allowed in the Suburban Office (SO) zoning district. Land uses such as restaurants, taverns and hotels which they believe would not be appropriate and compatible with adjacent residential properties. Dr. Bistan also shares

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Carl K. Buesing • Michael J. Bauer • J. Phil Mueller • Herbert C. Humke • Paul A. Dirkse • Crystal H. Fieber • Oliver M. Bauer
RETIREE Alex Hopp • Roland M. Neumann • William W. Moir III
H.C. Humke, 1963-2009

2124 Kohler Memorial Drive | Suite 310 | Sheboygan, WI 53081 | PH 920-457-8400 | FX 920-457-8411

November 3, 2017
Page 2 of 2

this same concern and would not want these types of land uses developed on property adjacent to his dental office.

The City and Dr. Bistan can protect the adjacent residential neighborhood and his dental office by approving and entering into a Land Use Agreement that will create and establish enforceable deed restrictions for the future use of the property. The agreement will be recorded against the title to the property in the Sheboygan County Register of Deeds Office. As a result the Land Use Agreement would prevent Dr. Bistan and all future owners of the property from developing and using the property for any of the restricted land uses described in the agreement.

The Land Use Agreement is the perfect solution to address the concerns of City staff and to allow the Church to sell land to Dr. Bistan for the expansion of the existing dental office and practice.

Therefore, Dr. Bistan and I respectfully request that the Plan Commission recommend to the Common Council that the comprehensive plan amendment and rezoning be granted and approved to be effective upon the acquisition of ownership of the property by Roubustan, LLP not later than May 31, 2018 and conditioned upon the execution and recording of the Land Use Agreement as presented.

Very truly yours,



Michael J. Bauer
e-mail: mike.bauer@hopplaw.com

MJB/cb

ec: Dr. Matthew Bistan, MRB@ftbdds.com
Steve Sokolowski, steve.sokolowski@sheboyganwi.gov
Chad Pelishek, chad.pelishek@sheboyganwi.gov
Chuck Adams, charles.adams@sheboyganwi.gov

LAND USE AGREEMENT

Document Number

This Land Use Agreement (the "Agreement") is made and entered into this ____ day of _____, 2017 by and between the **CITY OF SHEBOYGAN**, a Wisconsin municipal corporation, maintaining its principal offices at 828 Center Avenue, Sheboygan, WI 53081, hereinafter referred to as "City," and **ROUBUSTAN, LLP**, a Wisconsin limited liability partnership, maintaining its principal office at 1630 North Taylor Drive, Sheboygan, WI 53081, hereinafter referred to as "Owner."

RECITALS

WHEREAS, Owner leases property located at 1630 North Taylor Drive, Sheboygan, WI 53081 to a professional service corporation that owns and operates a professional dental practice that has provided dental services at that location for more than 25 years; and

Name and Return Address

Attorney Michael J. Bauer
HOPP NEUMANN HUMKE LLP
2124 Kohler Memorial Drive, Suite 310
Sheboygan, WI 53081

WHEREAS, Owner and the professional service corporation seek to acquire vacant land located adjacent to its dental practice for the expansion of its dental office and practice; and

WHEREAS, the adjacent vacant land is zoned Urban Residential (UR-12), contains approximately 2.185 acres of land, and is legally described on **EXHIBIT A** which is attached and incorporated herein by reference ("the Property"); and

WHEREAS, in order to allow Owner to merge and construct an expansion of the dental office on a portion of the Property the Property must be rezoned to Suburban Office (SO) which is the current zoning classification of the existing dental office property; and

WHEREAS, City and Owner agree that not all of the list of allowable land uses described at Section 15.105(3)(b) of the City zoning ordinance are compatible and acceptable land uses for the Property; and

WHEREAS, City is willing to approve and rezone the Property to Suburban Office (SO) in light of Owner's willingness to restrict and limit the future land uses on the Property pursuant to the terms of this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the terms contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Incorporation of Recitals**. The recital paragraphs set forth above are approved and incorporated herein by reference and made an enforceable part of this Agreement as if fully and completely restated herein.

2. **Land Use Restrictions**. Owner does hereby acknowledge, consent, and agree that the Property shall not be developed, improved, occupied, operated, or used for any of the following land uses:

(a) **Indoor Institutional**. Indoor Institutional land uses as described by Section 15.206(3)(c) of the City zoning ordinance, examples of which include gyms, swimming pools, libraries, museums, community centers, schools, churches, nonprofit clubs, nonprofit fraternal organizations, convention centers, hospitals, jails, prisons, and similar land uses.

(b) **Community Living Arrangement (16+ residents)**. Community Living Arrangement (16+ residents) land uses as described by Section 15.206(3)(i) of the City zoning ordinance, examples of which include child welfare agencies, group homes for children, community based residential facilities all having capacity for 16 or more residents.

(c) Indoor Sales or Service. Indoor Sales or Service land uses as described by Section 15.206(4)(c) of the City zoning ordinance, examples of which include all land uses which conduct or display sales or rental merchandise or equipment or non-personal or non-professional services entirely within an enclosed building, including self-service facilities such as coin-operated laundromats.

(d) In-Vehicle Sales or Service. In-Vehicle Sales or Service land uses as described by Section 15.206(4)(g) of the City zoning ordinance, examples of which include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, all forms of car washes, and all forms of vehicular or engine repair or maintenance facilities.

(e) Indoor Commercial Entertainment. Indoor Commercial Entertainment land uses as described by Section 15.206(4)(h) of the City zoning ordinance, examples of which include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts), bowling alleys, arcades, roller rinks, and pool halls.

(f) Commercial Indoor Lodging. Commercial Indoor Lodging land uses as described by Section 15.206(4)(k) of the City zoning ordinance, examples of which include facilities that provide overnight housing in individual rooms or suites of rooms, each room or suite having a private bathroom.

(g) Airport/Heliport. Airport/Heliport land uses as described by Section 15.206(6)(b) of the City zoning ordinance, examples of which include airports and heliports that provide takeoff, landing, servicing, storage or any other services to any type of air transportation.

3. **Authorization to Record**. City and Owner hereby authorize and direct that this Agreement be recorded and placed on public record in the Office of the Register of Deeds for Sheboygan County.

4. **Term**. The term of this Agreement shall commence upon Owner's acquisition of record title to the Property and the recording of this Agreement in the Office of the Register of Deeds for Sheboygan County.

5. **Enforcement**. The parties shall each have the right to enforce the obligations created under this Agreement in any manner provided for by law or in equity, including without limitation, a suit for damages or injunctive relief.

6. **Miscellaneous**.

(a) Waiver. No delay or omission by either of the parties hereto or their successors or assigns to exercise any right or power accruing upon any non-compliance or failure of performance by a party under the provisions of this Agreement shall impair any such right or power or be construed to be a waiver thereof. A waiver by either of the parties hereto or their successors or assigns of any of the covenants, conditions, or agreements hereof to be performed shall not be construed to be a waiver of any succeeding breach thereof or of any other covenant, condition, or agreement herein contained.

(b) Successors or Assigns. This Agreement and each and all of the terms, covenants, and conditions hereof shall be binding upon and inure to the benefit of the parties and their respective successors or assigns, and no third party, other than any successors or assigns, shall be entitled to enforce any term, covenant, or condition of this Agreement or have any rights hereunder.

(c) Headings. The headings appearing in this Agreement are for convenience and reference only and in no way define or limit the scope and content of this Agreement or in any way affect its provisions.

(d) Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Wisconsin.

(e) Severability. If any provision or portion of this Agreement or the application thereof to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this Agreement or the application of such provision or portion thereof to any other persons or circumstances shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

(f) Modifications. No agreement shall be effective to add to, change, modify, waive, or discharge this Agreement, in whole or in part, unless such agreement is in writing and signed by the parties to be bound.

(g) Covenants Running With the Land. All of the restrictions, covenants, and agreements set forth in this Agreement are intended to be and shall be construed as covenants running with the land, binding upon, inuring to the benefit of, and enforceable by the parties hereto and their respective successors and/or assigns.

(h) Notices. Any notice, demand, statement, and request required or permitted to be given under this Agreement shall be in writing and be deemed to have been properly given or served when personally delivered to the other party via overnight courier, facsimile, or upon deposit in the United States mail, postage prepaid, and addressed to the address set forth below:

If to **CITY**: City Clerk
 CITY OF SHEBOYGAN
 828 Center Avenue
 Sheboygan, WI 53081

with a copy to: City Attorney
 CITY OF SHEBOYGAN
 828 Center Avenue
 Sheboygan, WI 5381

If to **OWNER**: Dr. Matthew Bistan
 ROBUSTAN, LLP
 1630 North Taylor Drive
 Sheboygan, WI 53081

with a copy to: Attorney Michael J. Bauer
 HOPP NEUMANN HUMKE LLP
 2124 Kohler Memorial Drive – Suite 310
 Sheboygan, WI 5381

(i) Change of Address. Any party hereto may change the address to which notices to such party shall be sent by written notice to the other parties given in accordance with this Section. At such time as a party transfers its interest under this Agreement so as to create a new party in interest, the previous party in interest or such new party in interest shall send notice to the other parties of the name and address to which notice to the new party shall be sent or delivered. Until such time as such notice is given, the previous party in interest shall be deemed to be the agent for such new party in interest for purposes of receipt of service of notices.

IN WITNESS WHEREOF, the undersigned have signed this Land Use Agreement to take effect as of the date first above written.

CITY:

CITY OF SHEBOYGAN

By: _____
Michael J. Vandersteen, Mayor

By: _____
Susan Richards, Clerk

(Notary claus for City of Sheboygan officials appears at top of Page 4.)

STATE OF WISCONSIN)
) ss:
SHEBOYGAN COUNTY)

Personally came before me this . day of _____, 2017, the above-named **Michael J. Vandersteen** and **Susan Richards**, to me known to the Mayor and City Clerk of the City of Sheboygan, and to me known to be the persons who executed the foregoing instrument and acknowledged the same in such capacities.

Print Name: _____
Notary Public, State of Wisconsin
My Commission _____

OWNER:

ROBUSTAN, LLP

By: _____
Matthew Bistan, Member

STATE OF WISCONSIN)
) ss:
SHEBOYGAN COUNTY)

Personally came before me this . day of _____, 2017, the above-named **Matthew Bistan**, to me known to a member of ROBUSTAN, LLP, and to me known to be the person who executed the foregoing instrument and acknowledged the same in such capacity.

Michael J. Bauer
Notary Public, State of Wisconsin
My Commission is permanent.

This Document Drafted By:

Attorney Michael J. Bauer
HOPP NEUMANN HUMKE LLP
2124 Kohler Memorial Drive, Suite 310
Sheboygan, WI 53081

T: (920) 457-8400
F: (920) 457-8411

R:\CLIENT\12806\00001\00117333.DOC

EXHIBIT A

Legal Description

Part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 16, Township 15 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin bounded and described as follows:

Commencing at the South 1/4 corner of said Section 16; thence N 00°-18'-23" E, 861.34 feet along the East line of said Southwest Quarter (SW1/4); thence S 89°-05'-28" W, 43.36 feet to the West right-of-way line of North Taylor Drive; thence S 89°-05'-28" W, 165.07 feet to the POINT OF BEGINNING of this description; thence S 00°-18'-23" W, 208.94 feet; thence S 88°-46'-23" W, 453.43 feet; thence N 00°-29'-52" E., 211.47 feet; thence N 89°-05'-28" E, 452.67 feet to the point of beginning.

Part of PIN: 59281-631530

To be known as:

Lot 1 of a Certified Survey Map recorded in Volume _____ of Certified Survey Maps at Pages _____, as Document No. _____, being a part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 16, Township 15 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin, EXCEPTING the East 50 feet thereof.

Part of PIN: 59281-631530

CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: R.O. 82-17-18 and G.O. 22-17-18 by Ald. Savaglio and Lewandoske amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification of vacant land between North Taylor Drive and North 34th Street from Class UR - Urban Residential to Class SO - Suburban Office

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

REPORT DATE: October 20, 2017

MEETING DATE: October 24, 2017

FISCAL SUMMARY:

STATUTORY REFERENCE:

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

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

BACKGROUND / ANALYSIS:

Robustan, LLP is proposing to amend the City of Sheboygan Official Zoning Map to change the land use classification of a portion of property located at 3215 Saemann Avenue from Class UR - Urban Residential to Class SO - Suburban Office. The applicant states:

- The applicant indicates that Robustan, LLP is a real estate holding company that owns the dental office located at 1630 N. Taylor Drive and leases the office to Feider, Tiboris and Bistran. Feider, Tiboris and Bistran own and operate a five (5) member dental practice at this facility.
- Applicant is seeking to expand its dental office and add approximately 660sf to the west side of their existing facility. In addition, applicant is proposing to construct additional parking for the dental office operations on land it intends on purchasing from Ebenezer Church of Christ who is the adjacent property owner. This is the portion of property that the applicant is requesting to amend (see proposed 2.185 acre Lot 1 in the attached CSM).
- Ebenezer Church of Christ is the present owner of the parcel that is proposed to be amended. The applicant is under contract to purchase this 2.185 acres of land from the church for the expansion purposes.
- Robustan, LLP is requesting to amend the City's Comprehensive Plan Map for this portion of property in order to pursue a conditional use permit for the proposed development.

STAFF COMMENTS:

The surrounding neighborhood zoning is:

- The properties to the north are zoned Urban Residential (UR-12) and Suburban Residential (SR-5)
- The properties to the south are zoned Urban Residential (UR-12)
- The properties to the east are zoned Suburban Office (SO) and Urban Residential (UR-12).
- The properties to the west are zoned Suburban Residential (SR-5).

Staff has several concerns with the proposal as presently requested:

- The applicant does not specifically detail why they need to purchase all of this proposed Lot 1 property that runs all the way to a residential neighborhood along N. 34th Street. It appears that the applicant is able to proceed with their building and parking addition proposal even if they purchased the east half of the property that they are presently looking to purchase from the Church.
- If the Plan Commission and Council approve the amendment/rezone as proposed any use permitted or conditionally permitted in the Suburban Office (SO) zone could be applied for and possibly developed on this property. Those uses include but are not limited to office, professional service, restaurants, taverns, hotels, etc.
- It is staff position that these types of uses are not compatible with the residential uses that presently exists in this neighborhood.

It should be noted that staff made the applicant aware of these concerns prior to submitting the comprehensive plan map amendment and rezone application. The applicant was also informed that staff would likely support a proposal that encompassed the eastern half of proposed Lot 1 and encouraged the applicant to submit such a proposal (reconfigure the proposed parcels so Lot 1 is not extending all the way to N. 34th St.). That being said, the applicant has elected to submit the request that is before you today.

The Plan Commission needs to understand that the comprehensive plan land use map must be consistent with the zoning map. If the Plan Commission previously denied/approved the proposed comprehensive plan map amendment then the commission must also deny/approve the proposed zone change in order to meet this consistency requirement.

Staff is recommending that the Plan Commission make a recommendation to deny the proposed rezone from Urban Residential (UR-12) to Suburban Office (SO) because the proposal is more intense and not compatible/consistent with all of the adjoining land uses and zoning in this area/neighborhood.

ACTION REQUESTED:

Motion to recommend the Common Council deny the proposed rezone from Urban Residential (UR-12) to Suburban Office (SO) for a portion of property located 3215 Saemann Avenue.

ATTACHMENTS:

Rezone Application and required attachments.



Gen. Ord. No. 21 - 17 - 18. By Alderpersons Savaglio and Lewandoske. October 16, 2017.

AN ORDINANCE amending the City's Future Land Use Map of the Sheboygan Comprehensive Plan to change the Land Use Classification of vacant land between North Taylor Drive and North 34th Street from Institutional and Community Facilities to Community Mixed Use.

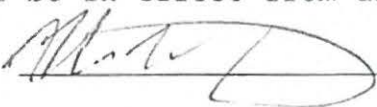
THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Chapter 2 of the Sheboygan Comprehensive Plan establishing future land use classifications is hereby amended by changing the Future Land Use Maps thereof and Use Classifications of the following described lands from Institutional and Community Facilities to Community Mixed Use:

Part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 16, Township 15 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin bounded and described as follows:

Commencing at the South 1/4 corner of said Section 16; thence N 00°-18'-23" E, 861.34 feet along the East line of said Southwest Quarter (SW1/4); thence S 89°-05'-28" W, 43.36 feet to the West right-of-way line of North Taylor Drive; thence S 89°-05'-28" W, 165.07 feet to the POINT OF BEGINNING of this description; thence S 00°-18'-23" W, 208.94 feet; thence S 88°-46'-23" W, 453.43 feet; thence N 00°-29'-52" E., 211.47 feet; thence N 89°-05'-28" E, 452.67 feet to the point of beginning.

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.



City Plan

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

X

8.2

Gen. Ord. No. 22 17 - 18. By Alderpersons Savaglio and Lewandoske.
October 16, 2017.

AN ORDINANCE amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification of vacant land between North Taylor Drive and North 34th Street from Class UR - Urban Residential to Class SO - Suburban Office.

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

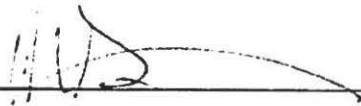
Section 1. Appendix A, Chapter 15 of the Sheboygan Zoning Ordinance establishing zoning districts and prescribing zoning standards and regulations is hereby amended by changing the Official Zoning Map thereof and Use District Classification of the following described vacant land between North Taylor Drive and North 34th Street from Class UR - Urban Residential to Class SO - Suburban Office:

Part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 16, Township 15 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin bounded and described as follows:

Commencing at the South 1/4 corner of said Section 16; thence N 00°-18'-23" E, 861.34 feet along the East line of said Southwest Quarter (SW1/4); thence S 89°-05'-28" W, 43.36 feet to the West right-of-way line of North Taylor Drive; thence S 89°-05'-28" W, 165.07 feet to the POINT OF BEGINNING of this description; thence S 00°-18'-23" W, 208.94 feet; thence S 88°-46'-23" W, 453.43 feet; thence N 00°-29'-52" E., 211.47 feet; thence N 89°-05'-28" E, 452.67 feet to the point of beginning.

City Plan

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.



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

II

53

R. O. No. 192 - 17 - 18. By CITY CLERK. October 16, 2017.

Submitting an application from Robustan, LLP, (by Matthew Bistan) for a change in the zoning classification of vacant land between North Taylor Drive and North 34th Street from Class UR - Urban Residential to Class SO Suburban Office Classification.

City Plan

City Clerk

OFFICE USE ONLY
APPLICATION NO.: _____
RECEIPT NO.: _____
FILING FEE: \$200.00 (Payable to City of Sheboygan)

**CITY OF SHEBOYGAN
APPLICATION FOR
AMENDMENT OF OFFICIAL ZONING MAP**
(Requirements Per Section 15.903)
Revised May, 2012

Completed application is to be filed with the Office of the City Clerk, City Hall, 828 Center Avenue. Application will not be processed if all required attachments and filing fee of \$200 (payable to the City of Sheboygan) is not submitted along with a complete and legible application. Application filing fee is non-refundable.

1. APPLICANT INFORMATION

APPLICANT: Robustan, LLP, by Matthew Bistan PHONE NO: (920) 889-4503
 ADDRESS: 1630 North Taylor Drive, Sheboygan, WI E-MAIL: mrb@ftbdds.com
 OWNER OF SITE: Ebenezer United Church of Christ PHONE NO: (920) 452-9766

2. DESCRIPTION OF THE SUBJECT SITE

ADDRESS OF PROPERTY AFFECTED: vacant land between North Taylor Drive and North 34th Street, Sheboygan, Wisconsin
 LEGAL DESCRIPTION: Lot 1 of Certified Survey Map attached hereto as Exhibit A.
 PARCEL NO. Part of 59281-631530 NO. _____
 EXISTING ZONING DISTRICT CLASSIFICATION: Urban Residential
 PROPOSED ZONING DISTRICT CLASSIFICATION: Suburban Office
 BRIEF DESCRIPTION OF THE EXISTING OPERATION OR USE: vacant land located adjacent to existing dental office.
 BRIEF DESCRIPTION OF THE PROPOSED OPERATION OR USE: to expand the existing dental office on land adjacent to property and development of a parking lot.

3. JUSTIFICATION OF THE PROPOSED ZONING MAP AMENDMENT

How does the proposed Official Zoning Map amendment further the purposes of the Zoning Ordinance as outlined in Section 15.005 and, for flood plains or wetlands, the applicable rules and regulations of the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency? The proposed zoning map amendment reduces the potential for land use conflicts between institutional community facilities and encourage appropriate community mixed use development.

Which of the following factors has arisen that are not properly addressed on the current Official Zoning Map? (Provide explanation in space provided below.)

- The designations of the Official Zoning Map should be brought into conformity with the Comprehensive Master Plan.
- A mistake was made in mapping on the Official Zoning Map. (An area is developing in a manner and purpose different from that for which it is mapped.) *NOTE: If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the City may intend to stop an undesirable land use pattern from spreading.*
- Factors have changed, (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district.
- Growth patterns or rates have changed, thereby creating the need for an amendment to the Official Zoning Map.
- Explain: An existing dental office serving the Sheboygan Community for many years needs to grow and expand to continue to provide important dental and health care services to the Sheboygan Community.

How does the proposed amendment to the Official Zoning Map maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

Existing dental office has operated at its current location without conflict with adjacent neighbors for many years. Zoning map changes will allow current land use to continue.

Indicate reasons why the applicant believes the proposed map amendment is in harmony with the recommendations of the City of Sheboygan Comprehensive Plan.

Applicant believes existing dental practice is consistent and in harmony with comprehensive plan that calls for community mixed use rather than institutional and community facilities that may include large scale buildings that generate traffic, noise, and conflict with adjacent residential land users.

4. CERTIFICATE

I hereby certify that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief.

ROBUSTAN, LLP



APPLICANT'S SIGNATURE

10/4/2017

DATE

By: Matthew Bistan, Partner

PRINT ABOVE NAME

APPLICATION SUBMITTAL REQUIREMENTS

A copy of the current zoning map of the subject property and vicinity showing:

- The property proposed to be rezoned; see attached **Exhibit A**.
- All lot dimensions of the subject property; see attached **Exhibit B**.
- All other lands within 200 feet of the subject property; **Exhibit C** to be provided by the City of Sheboygan.
- Application to Amend City of Sheboygan Comprehensive Plan Adopted December 5, 2011; see attached **Exhibit D**.
- Map size not more than 11" X 17" and map scale not less than 1" = 600'.
- Graphic scale and north arrow.

OWNER AUTHORIZATION TO REZONE

We, Cheryl Dodds and Ronald Rindfleish, of Ebenezer United Church of Christ (Owner), hereby authorize Matthew R. Bistan, Partner of Roubustan, LLP, (Buyer) to submit a comprehensive plan and rezone amendment application on the property located at 3215 Saemann Avenue, Sheboygan, Wisconsin 53081.

Dated this 4th day of October, 2017.

EBENEZER UNIT CHURCH OF CHRIST

By: Cheryl Dodds
Cheryl Dodds

Its: _____

By: Ronald Rindfleish
Ronald Rindfleish

Its: _____

EXHIBIT A

Legal Description of Property Proposed to be Rezoned

Legal Description of Property Proposed to be Rezoned

Part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 16, Township 15 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin bounded and described as follows:

Commencing at the South 1/4 corner of said Section 16; thence N 00°-18'-23" E, 861.34 feet along the East line of said Southwest Quarter (SW1/4); thence S 89°-05'-28" W, 43.36 feet to the West right-of-way line of North Taylor Drive; thence S 89°-05'-28" W, 165.07 feet to the POINT OF BEGINNING of this description; thence S 00°-18'-23" W, 208.94 feet; thence S 88°-46'-23" W, 453.43 feet; thence N 00°-29'-52" E., 211.47 feet; thence N 89°-05'-28" E, 452.67 feet to the point of beginning.

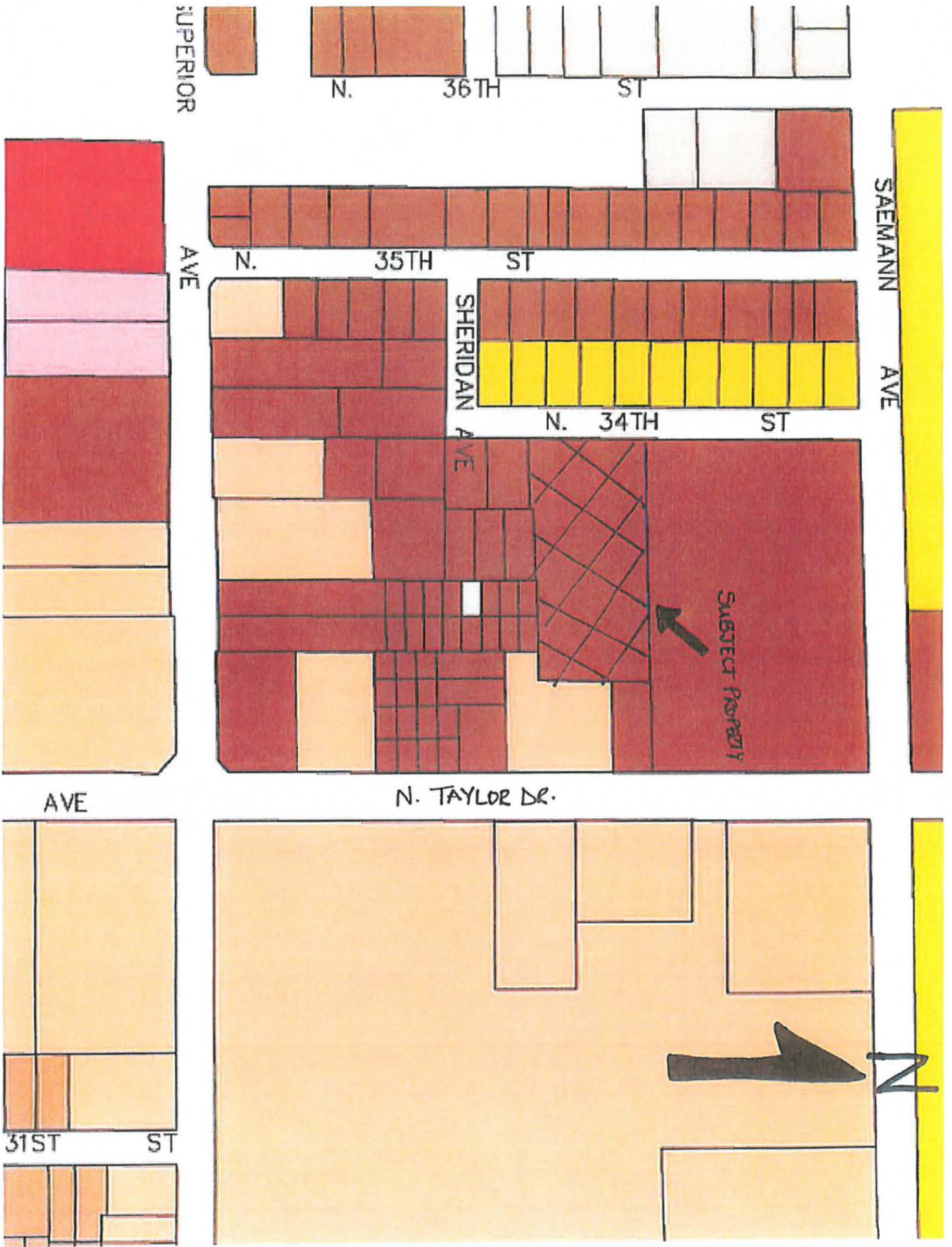
Part of PIN: 59281-631530

To be known as:

Lot 1 of a Certified Survey Map recorded in Volume _____ of Certified Survey Maps at Pages _____, as Document No. _____, being a part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 16, Township 15 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin.

Part of PIN: 59281-631530

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BASE ZONING DISTRICTS















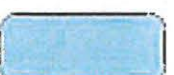

	SR-3 - SUBURBAN RESIDENTIAL 3
	SR-5 - SUBURBAN RESIDENTIAL 5
	NR - NEIGHBORHOOD RESIDENTIAL
	MR-8 - MIXED RESIDENTIAL 8
	UR - URBAN RESIDENTIAL 12
	SO - SUBURBAN OFFICE
	NO - NEIGHBORHOOD OFFICE
	SC - SUBURBAN COMMERCIAL
	NC - NEIGHBORHOOD COMMERCIAL
	UC - URBAN COMMERCIAL
	CC - CENTRAL COMMERCIAL
	PPUD - PRE-PLANNED UNIT DEVELOPMENT
	PUD - UNIT DEVELOPMENT
	HI - HEAVY INDUSTRIAL
	SI - SUBURBAN INDUSTRIAL
	UI - URBAN INDUSTRIAL
	RA - /AGRICULTURAL
	RR - RAILROAD

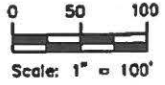
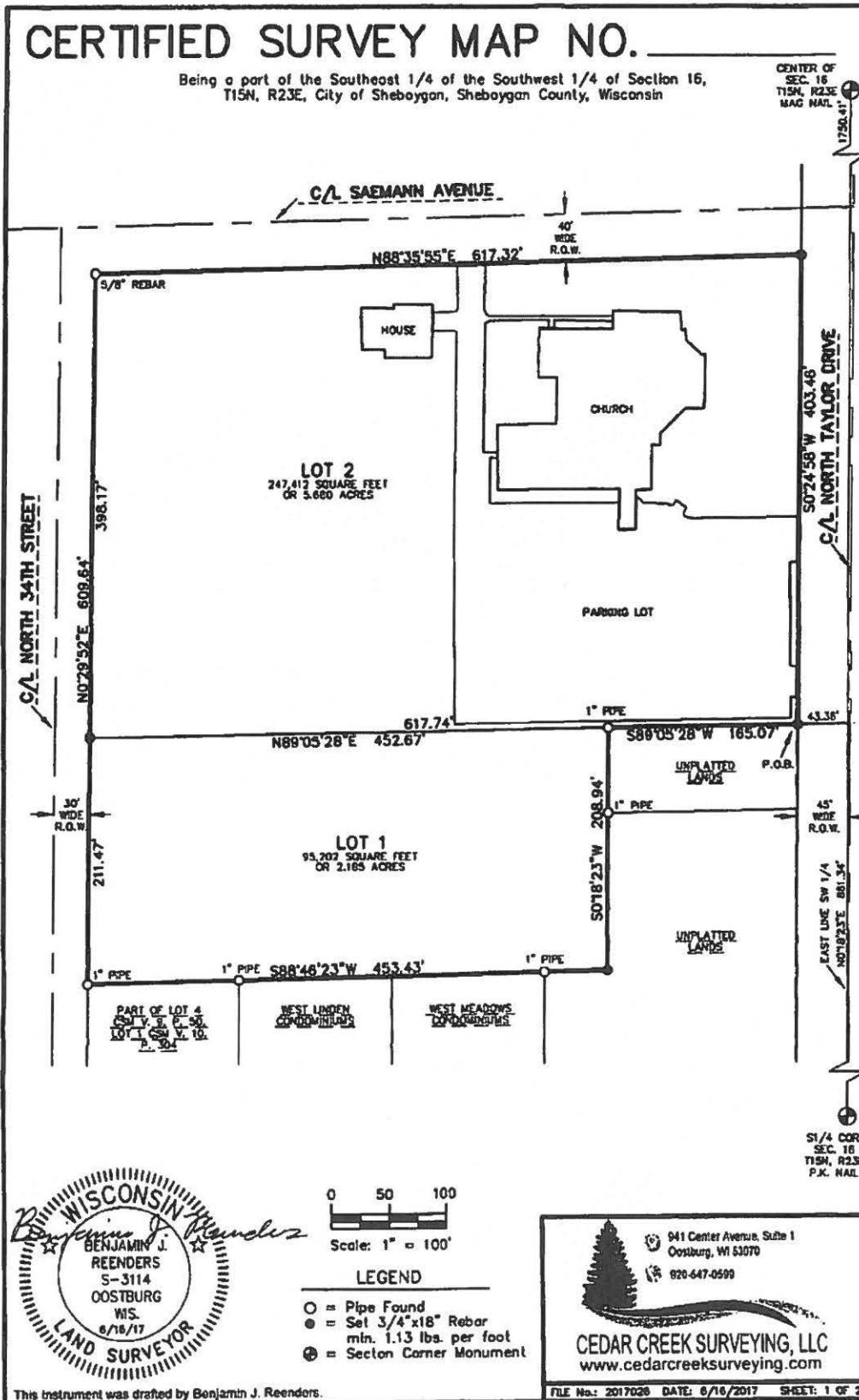
EXHIBIT B

Certified Survey Map

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southeast 1/4 of the Southwest 1/4 of Section 16,
T15N, R23E, City of Sheboygan, Sheboygan County, Wisconsin

CENTER OF
SEC. 16
T15N, R23E
MAG. NAIL



- LEGEND**
- = Pipe Found
 - = Set 3/4"x18" Rebar min. 1.13 lbs. per foot
 - ⊙ = Section Corner Monument

941 Center Avenue, Suite 1
Oostburg, WI 53070
920-647-0599
CEDAR CREEK SURVEYING, LLC
www.cedarcreeksurveying.com

This instrument was drafted by Benjamin J. Reenders.

FILE No.: 2017028 DATE: 6/16/2017 SHEET: 1 OF 2

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southeast 1/4 of the Southwest 1/4 of Section 16,
T15N, R23E, City of Sheboygan, Sheboygan County, Wisconsin

SURVEYOR'S CERTIFICATE

I, Benjamin J. Reenders, Professional Land Surveyor, hereby certify:

That I have surveyed, divided and mapped a part of the Southeast 1/4 of the Southwest 1/4 of Section 16, T15N, R23E, City of Sheboygan, Sheboygan County, Wisconsin bounded and described as follows:

Commencing at the South 1/4 corner of said Section 16; thence N00°18'23"E 851.34 feet along the East line of said Southwest 1/4; thence S89°05'28"W 43.36 feet to the West R.O.W. line of N. Taylor Drive to the POINT OF BEGINNING of this description; thence S89°05'28"W 165.07 feet; thence S00°18'23"W 208.94 feet; thence S88°46'23"W 453.43 feet; thence N00°29'52"E 609.64 feet along the East R.O.W. line of N. 34th Street; thence N88°35'55"E 617.32 feet along the South R.O.W. line of Soemann Avenue; thence S00°24'58"W 403.46 feet along the West R.O.W. line of N. Taylor Drive to the point of beginning. This parcel contains 342,614 square feet or 7.865 acres..

That such map is a correct representation of the exterior boundaries of the land surveyed and the division thereof.

That I have fully complied with provisions of Section 236.34 of the Wisconsin Statutes and the subdivision regulation of the City of Sheboygan in surveying, dividing and mapping the same.

Benjamin J. Reenders Dated this 16th day of June, 2017
Benjamin J. Reenders PLS S-3114



CORPORATE OWNERS CERTIFICATES

Ebenezer United Church of Christ as Owner, does hereby certify that we have caused the lands described herein to be surveyed, divided, and mapped as represented on this map. We also certify that this map is required to be submitted to the City of Sheboygan for approval.

_____ Dated _____, 2017
Managing Member

STATE OF WISCONSIN)
SHEBOYGAN COUNTY) ss

PERSONALLY came before me on this _____ day of _____, 2017

to me known to be the persons who executed the foregoing certificate and acknowledged the same.

_____ My Commission Expires _____
Notary Public

CITY OF SHEBOYGAN APPROVAL CERTIFICATE

Resolved that the Certified Survey Map in the City of Sheboygan is hereby approved by the city board of the City of Sheboygan.

on this _____ day of _____, 2017.

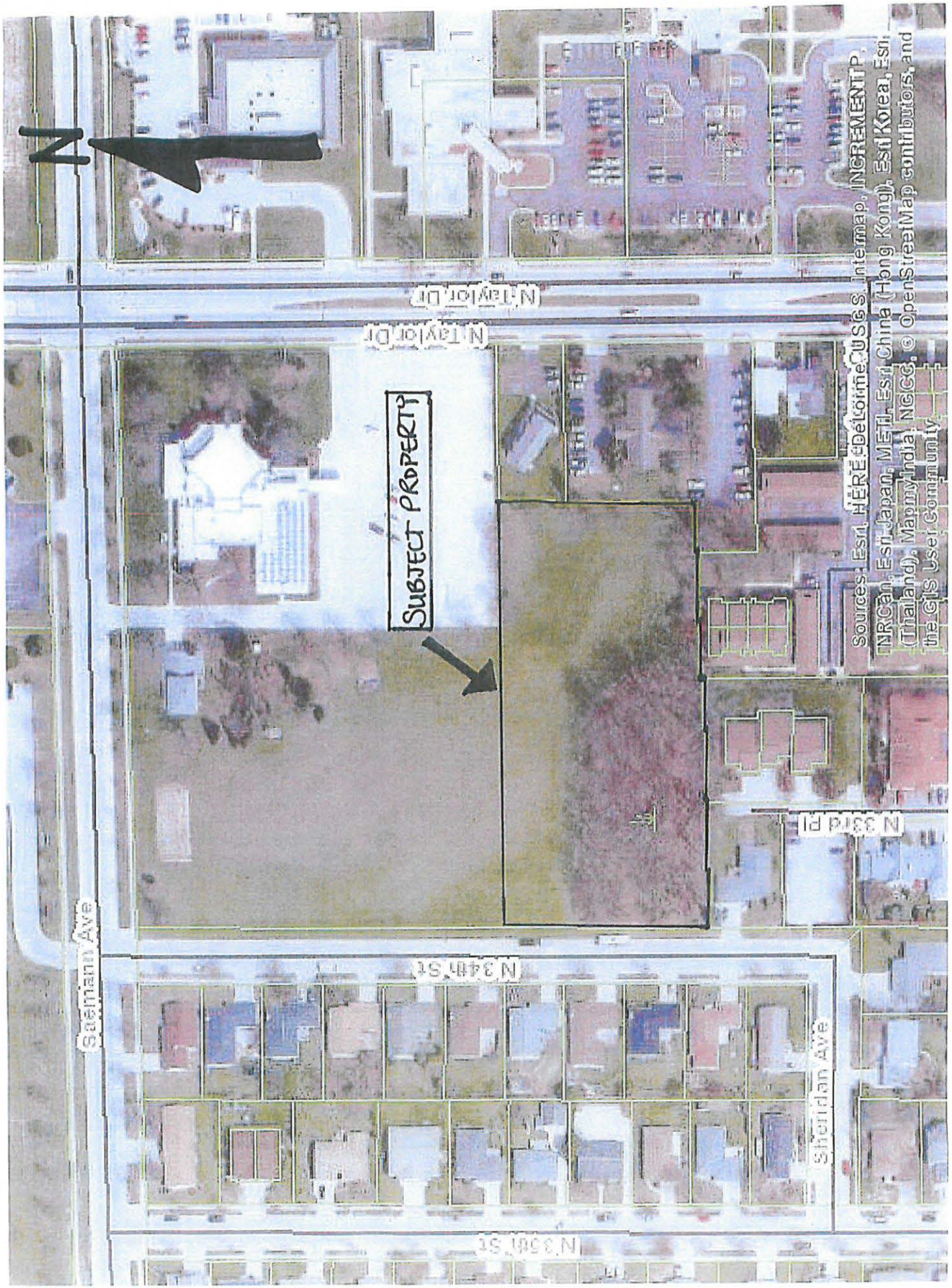
City Chairman

I hereby certify that the foregoing is a copy of a resolution adopted by the City Board of the City of Sheboygan.

on this _____ day of _____, 2017.

City Clerk

941 Center Avenue, Suite 1
Oostburg, WI 53070
920-547-0599
CEDAR CREEK SURVEYING, LLC
www.cedarcreeksurveying.com



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENTIP, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGIS, © OpenStreetMap contributors, and the GIS User Community

EXHIBIT C

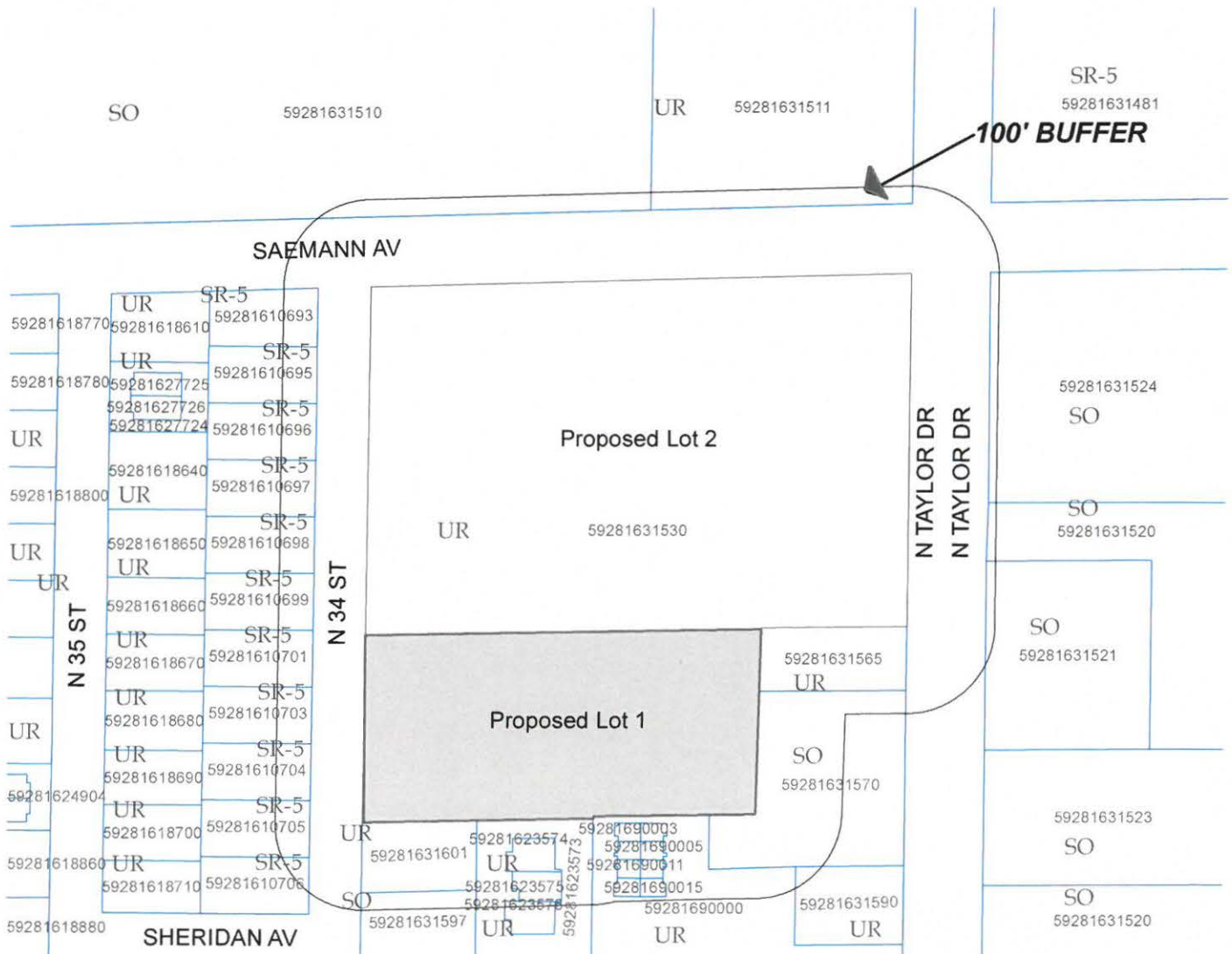
(To be provided by the City of Sheboygan)

PROPOSED COMPREHENSIVE PLAN AMENDMENT FROM INSTITUTIONAL AND COMMUNITY FACILITIES TO COMMUNITY MIXED USE

SECTION 16, TOWN 15N, RANGE 23E

Part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 16, Township 15 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin bounded and described as follows:

Commencing at the South 1/4 corner of said Section 16; thence N 00°-18'-23" E, 861.34 feet along the East line of said Southwest Quarter (SW1/4); thence S 89°-05'-28" W, 43.36 feet to the West right-of-way line of North Taylor Drive; thence S 89°-05'-28" W, 165.07 feet to the POINT OF BEGINNING of this description; thence S 00°-18'-23" W, 208.94 feet; thence S 88°-46'-23" W, 453.43 feet; thence N 00°-29'-52" E., 211.47 feet; thence N 89°-05'-28" E, 452.67 feet to the point of beginning.



PROPOSED ZONING CHANGE FROM URBAN RESIDENTIAL (UR-12) SUBURBAN OFFICE (SO)

SECTION 16, TOWN 15N, RANGE 23E

Part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 16, Township 15 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin bounded and described as follows:

Commencing at the South 1/4 corner of said Section 16; thence N 00°-18'-23" E, 861.34 feet along the East line of said Southwest Quarter (SW1/4); thence S 89°-05'-28" W, 43.36 feet to the West right-of-way line of North Taylor Drive; thence S 89°-05'-28" W, 165.07 feet to the POINT OF BEGINNING of this description; thence S 00°-18'-23" W, 208.94 feet; thence S 88°-46'-23" W, 453.43 feet; thence N 00°-29'-52" E., 211.47 feet; thence N 89°-05'-28" E, 452.67 feet to the point of beginning.

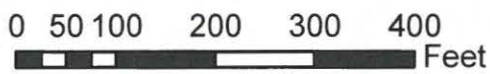
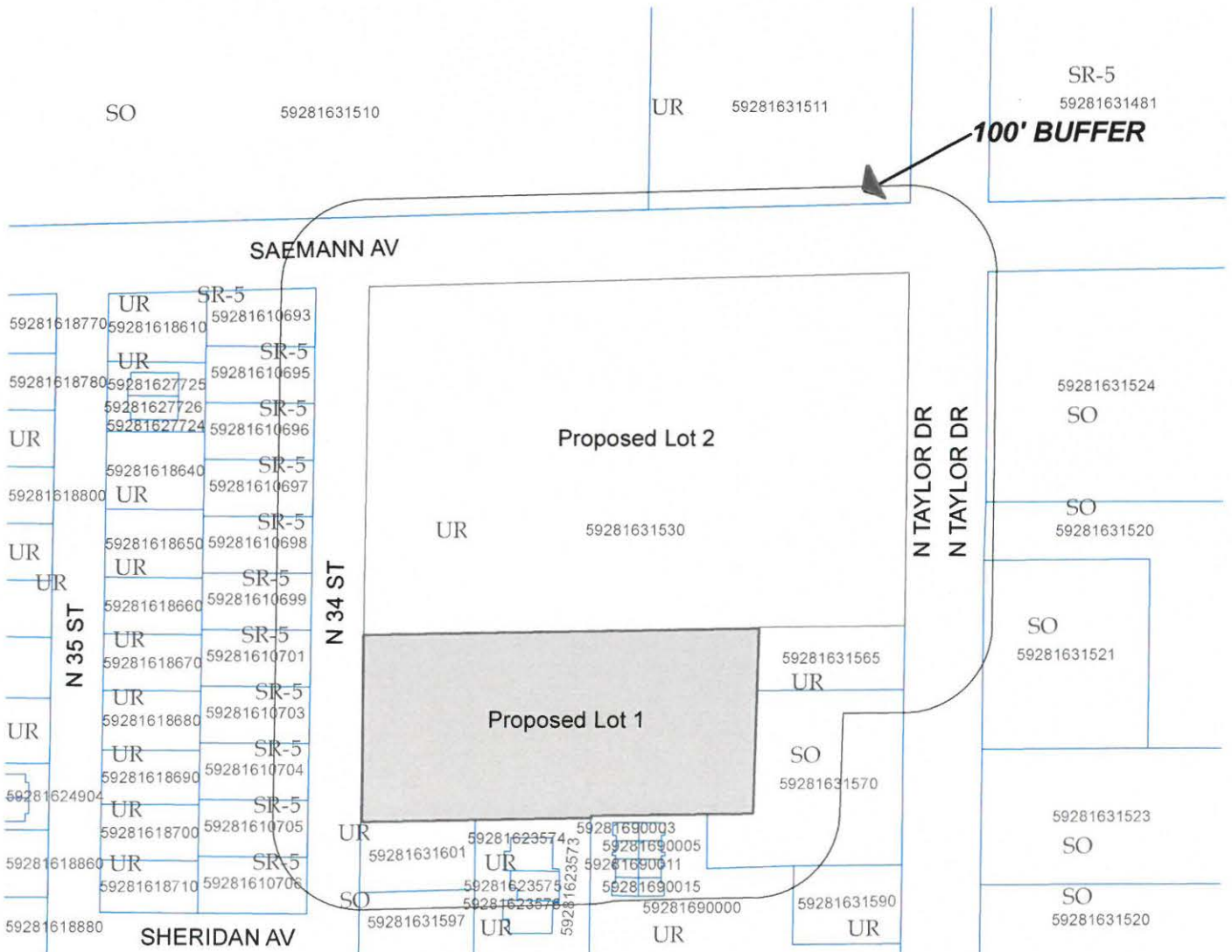


EXHIBIT D

**Application to Amend City of Sheboygan
Comprehensive Plan
Adopted December 5, 2011**

Application to Amend the December 5, 2011 City of Sheboygan Comprehensive Plan

Applicant, Robustan, LLP, is a real estate holding company that owns a dental office located at 1630 N. Taylor Drive, in Sheboygan, Wisconsin, 53081. Robustan, LLP leases the office to Feider, Tiboris and Bistran DDS, SC which owns and operates a five member dental practice at this facility. Applicant seeks to expand its dental office and add approximately 660 square feet to the west side of its existing office. A preliminary site plan is attached. Applicant proposes to construct additional parking for the dental office operations on land that it intends to purchase from an adjacent property owner.

Ebenezer United Church of Christ (the "Church") is the owner of the adjacent vacant land containing approximately 7.865 acres of land with street frontage on Taylor Drive on the east, Saemann Avenue on the north, and N. 34th Street on the west (the "Property"). Applicant is under contract to purchase from the Church and the Church is under contract to sell to Applicant 2.185 acres of the Property, subject to zoning and other City approvals

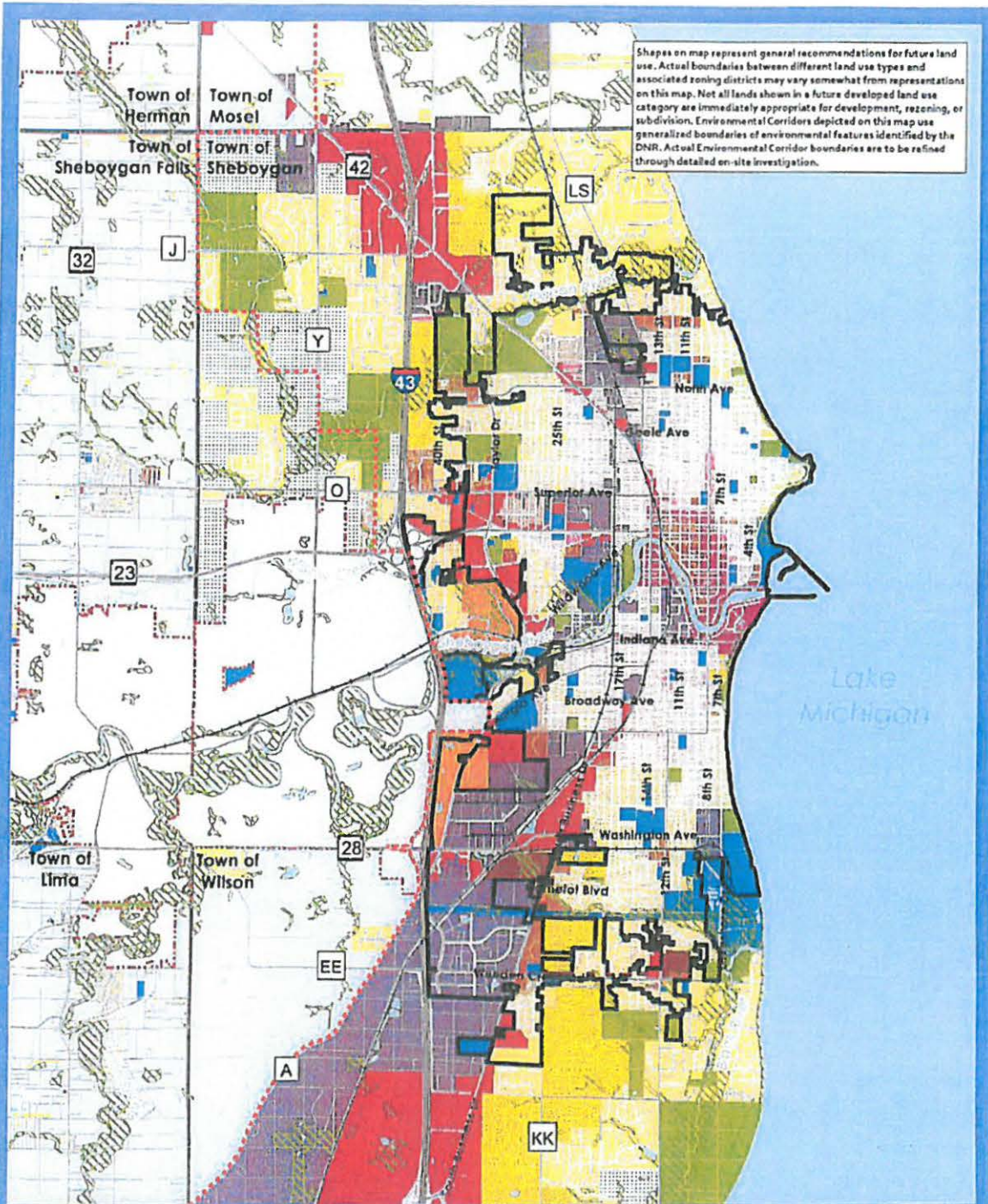
The City of Sheboygan Comprehensive Plan adopted December 5, 2011 designates the future land use for the Church Property to be "Institutional and Community Facilities". A copy of the description of the future land use titled "Institutional and Community Facilities" is found at pages 23-24 of the Comprehensive Plan which is attached for your review and consideration. It provides as follows:

This future land use category is designed to facilitate large-scale public buildings, schools, religious institutions, power plants and substations, water utility, wastewater treatment plants, hospitals, and special care facilities. Future small-scale institutional uses and community facilities may also be located in areas planned for residential, commercial, office, industrial, mixed uses, while larger-scale institutional uses should generally be avoided in planned residential or Planned Neighborhood areas. Institutional and community facilities are permitted in the City's non-residential districts and are allowed as conditional uses in residential zoning districts.

The current City of Sheboygan Comprehensive Plan designates the future land use for Applicant's dental office property as "Community Mixed Use". A copy of the description of the future land use titled "Community Mixed Use" is found at pages 22-23 of the Comprehensive Plan which is attached for your review and consideration. It provides as follows:

This future land use category is intended for community-scale commercial, office, service, and retail uses. Community Mixed Use areas may also accommodate some multi-family residential development, primarily within large, mixed-use buildings. Depending on the use, the City's Suburban Commercial SC, Suburban Office SO, Urban Commercial UC, Mixed Residential MR-8 and Urban Residential UR-12 are the most appropriate zoning districts to implement this future land use category.

The current dental office and proposed office expansion is consistent and compatible with community-scale commercial and office use as described by the "Community Mixed Use" district of the Comprehensive Plan. Therefore, applicant seeks an amendment to the Comprehensive Plan and a rezoning of 2.185 acres of land to Suburban Office (SO) to allow the proposed dental office expansion to occur.

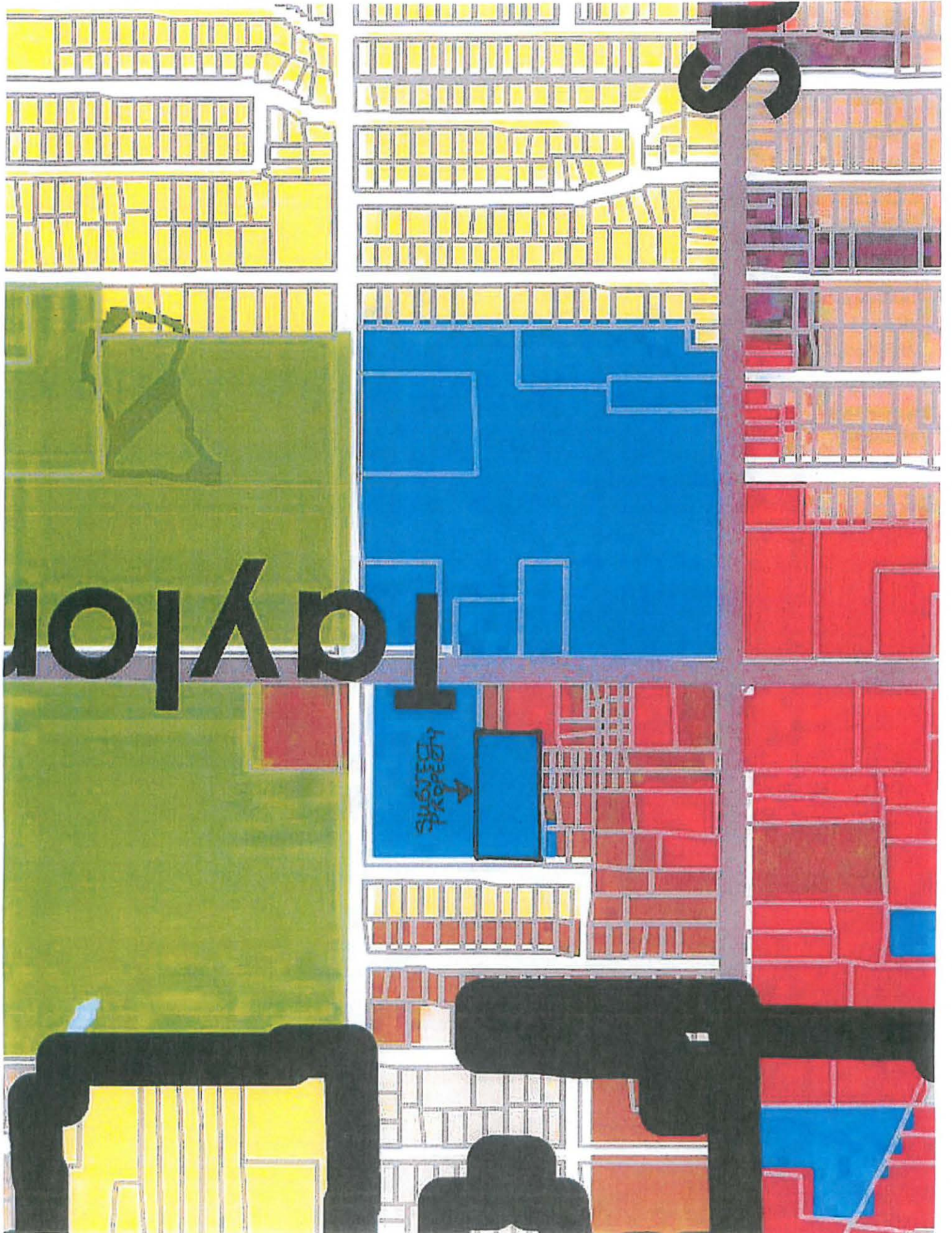


Map 2-1 Future Land Use City of Sheboygan Comprehensive Plan

City of Sheboygan Municipal Boundary	Agricultural/Rural	Community Mixed Use
Other City or Village Municipal Boundaries	Single Family Residential	Central Mixed Use
Town Boundaries	Neighborhood Preservation	Institutional and Community Facilities
City of Sheboygan Extraterritorial Jurisdiction	Two Family Residential	Employment
Major Road	Multi Family Residential	Public Parks and Open Space
Interstate	Mobile Home Park	Town Development Area
Railroad	Planned Neighborhood	Environmental Corridor
Water	Neighborhood Mixed Use	
	Office Park	

0 0.25 0.5 1 Miles

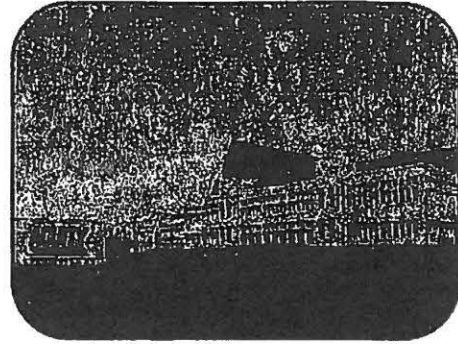
N
 City of Sheboygan
 spirit on the lake.
 Adopted: 12/5/2011
 VANDEWALLE & ASSOCIATES INC.
 Data Sources: City of Sheboygan, DNR, V&A, Bay Lake RPC, Sheboygan County



Office Park

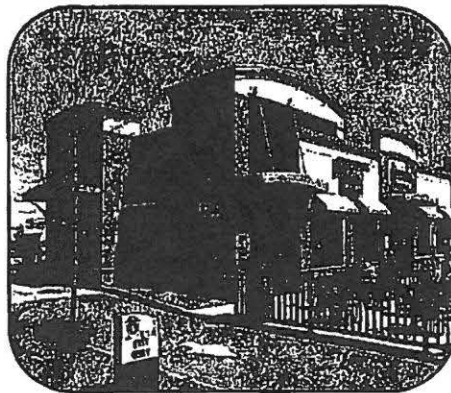
This future land use category is intended for high-quality office, institutional, and research land uses with generous landscaping and limited signage. The AUCITY Insurance corporate campus and the Willow Creek Business Park are mapped in this future land use category. The City's Suburban Office SO zoning district is the most appropriate zoning district to implement areas mapped under this future land use category.

1. Market these areas for technology, research, and development uses; corporate and professional offices; and private institutional uses like medical centers.
2. Limit warehousing, assembly and manufacturing uses in the Office Park designation unless the site is specifically designed to blend within an office/research setting.
3. Adhere to very high quality site and building design guidelines and to local ordinances on other aspects of those projects like signage, landscaping, and lighting.
4. Require that all projects submit and have approved detailed building elevations and site plans, showing the proposed locations of the building(s), parking, storage, loading, signage, landscaping, and lighting prior to development approval.

**Community Mixed Use**

This future land use category is intended for community-scale commercial, office, service, and retail uses. Community Mixed Use areas may also accommodate some multi-family residential development, primarily within large, mixed-use buildings. Depending on the use, the City's Suburban Commercial SC, Suburban Office SO, Urban Commercial UC, Mixed Residential MR-8 and Urban Residential UR-12 are the most appropriate zoning districts to implement this future land use category.

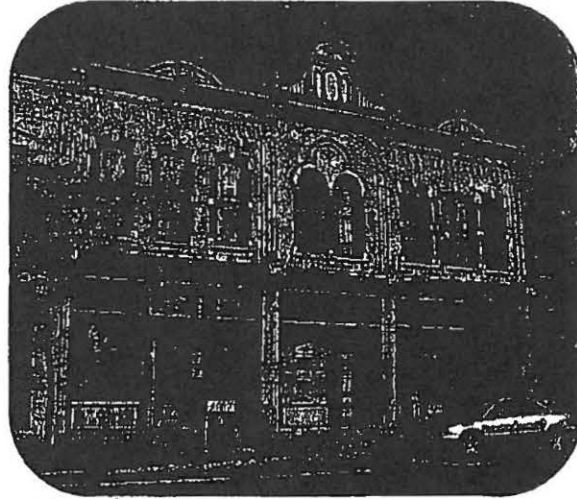
1. Require that all proposed business projects submit a detailed site plan including building elevations, proposed location of the building(s), parking, storage, loading, lighting, landscaping, grading, and stormwater management prior to development approval.
2. Delay rezoning any area designated for Community Mixed Use development until public sanitary sewer and water service is available, and a specific development or redevelopment proposal is offered for a site. Existing parcels zoned and/or used for industrial purposes (as of the date of Plan adoption) may continue in that zoning district or use.
3. Consider the relationship between development in the Community Mixed Use areas, and existing and future development near these sites. Avoid inhibiting future access to sites behind commercial properties and creating an unattractive appearance which will hinder future development of these sites.



Central Mixed Use

Downtown Sheboygan is intended to remain the civic, social, and commercial hub of the community. The Central Mixed Use future land use category is mapped over the historic downtown area. This category is intended for a mix of retail, commercial service, office, resort, government, institutional, and residential (mainly upper stories) uses arranged in a pedestrian-oriented environment with on-street parking; minimal building setbacks; and building designs, materials, placement, and scale that are compatible with the character of existing development. The City's Central Commercial CC zoning district is most appropriate for areas in this future land use category.

1. Continue to collaborate with the Sheboygan County Economic Development Corporation, Chamber of Commerce, Redevelopment Authority, Downtown BID, businesses, the development community, and other economic development entities to implement the recommendations of the Harbor Centre Master Plan.
2. Preserve the architectural and historic character of the core downtown historic buildings.
3. Encourage commercial developments that are most appropriate for the historic downtown to locate or remain there, rather than in other commercial districts in the City.
4. Promote the expansion, retention, and upgrading of specialty retail, restaurants, resorts, financial services, offices, professional services, and community uses through marketing, investment and incentive strategies.
5. Promote residential land uses on upper floors to fill housing needs for young professionals and others seeking residency in a vibrant, downtown setting.
6. Take actions to discourage and prevent downtown blight, promote area stability, and reduce building vacancy.

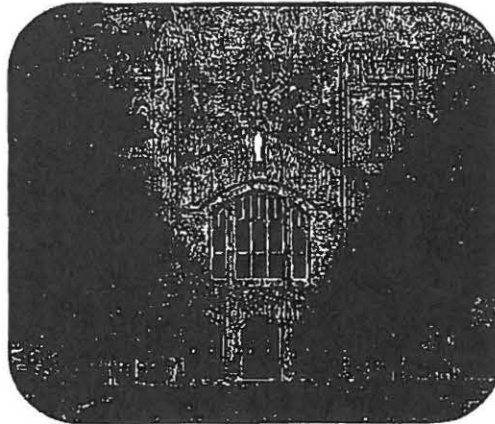


Institutional and Community Facilities

This future land use category is designed to facilitate large-scale public buildings, schools, religious institutions, power plants and substations, water utility, wastewater treatment plants, hospitals, and special care facilities. Future small-scale institutional uses and community facilities may also be located in areas planned for residential, commercial, office, industrial, mixed uses, while larger-scale institutional uses should generally be avoided in planned residential or Planned Neighborhood areas. Institutional and community facilities are permitted in the City's non-residential districts and are allowed as conditional uses in residential zoning districts.

1. Require detailed site and operation plans before new or expanded institutional uses are approved.

2. Consider the impact on neighboring properties before approving any new or expanded institutional use.
3. Continue to work with the Sheboygan School District, private education providers, Lakeland College, Lakeshore Technical College, and UW-Sheboygan to coordinate uses and activities on college- and district-owned land, and to collaborate on issues of mutual concern.
4. Encourage collaboration among various City departments, and other providers of City services, on accommodating future service needs.
5. Encourage the adaptive reuse of vacant and/or underutilized buildings and properties.



Employment

This future land use category is intended to accommodate high-quality office, research and development, light indoor manufacturing, data processing, and other jobs-focused uses. This group of categories also encompasses support uses for office and business parks, such as banks and child care centers. Employment focused areas are mapped on the Future Land Use Map in the City's existing and future office and industrial parks, along rail corridors, and along the south Interstate 43. The City's Suburban Industrial SI, Urban Industrial UI, and Suburban Office SO zoning districts are appropriate to implement this future land use category.

1. Encourage the use of high quality building materials, improved window treatments, high-quality loading and storage screening devices and landscaping.
2. As opportunities for reinvestment and redevelopment occur, improve the appearance of building facades exposed to the public view, including loading docks and storage areas.
3. Ensure that future employment development is appropriately buffered from existing and planned residential development areas.
4. Rezoning areas designated for employment development may be considered provided public sanitary sewer and water service is ensured and the City has approved an overall conceptual development plan and covenants.
5. Adhere to adopted site and building design guidelines for industrial projects, and ordinances on other aspects of those projects like signage, landscaping, and lighting.
6. Require that for all projects in Employment areas, detailed building elevations and site plans showing the proposed locations of the building(s), parking, storage, loading, signage, landscaping, and lighting are submitted and approved prior to development approval.





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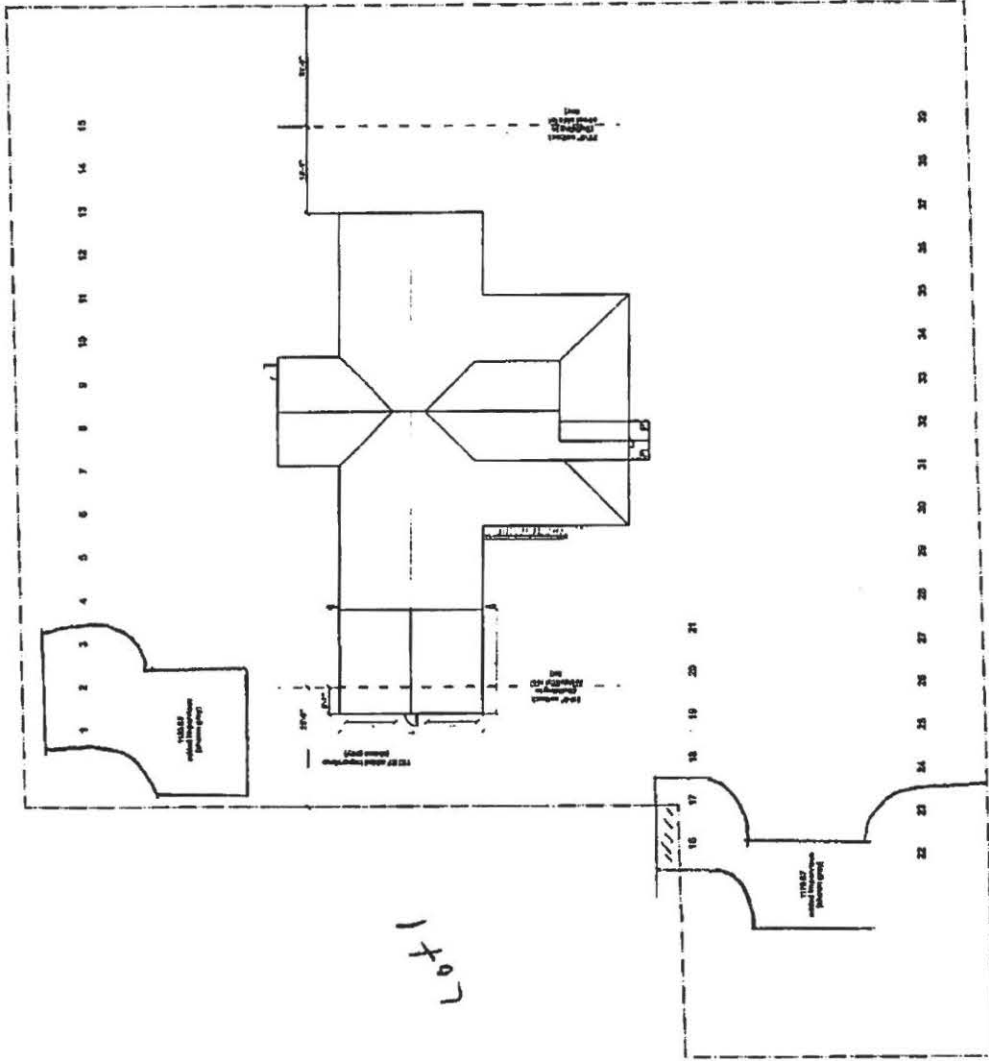
Arifin & Elshadid
1000 1st Street, NW
Washington, DC 20004

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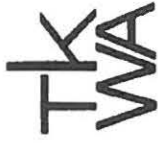
DATE: January 20, 2017
PROJECT: B10111
216016 00

Site Plan

C1.0



1 Site Plan
Scale: 1/8" = 1'-0"



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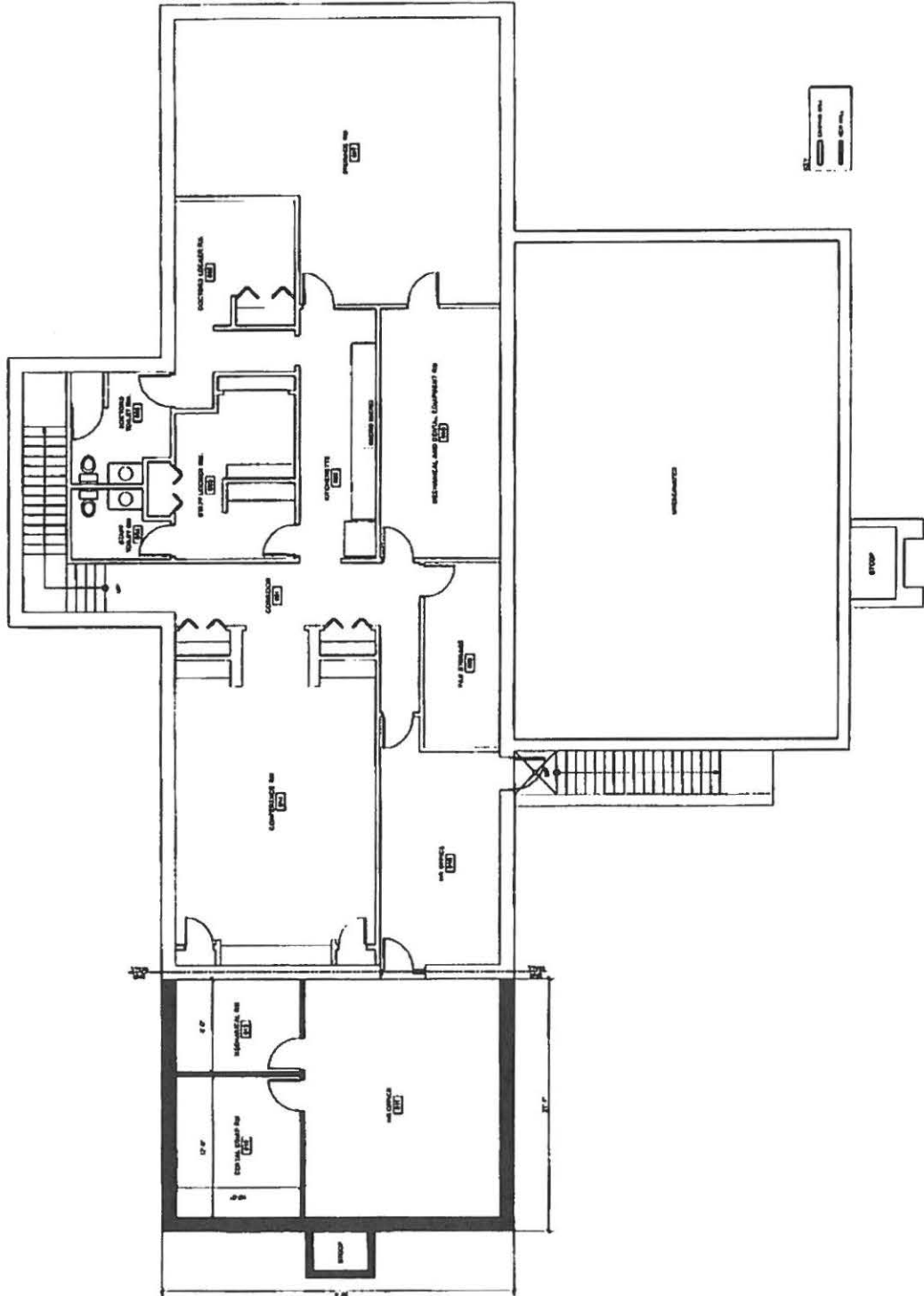
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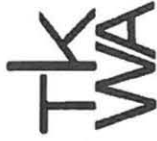
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**Lower Level
Plan**

A1.0



Lower Level Plan
Scale: 1/8" = 1'-0"



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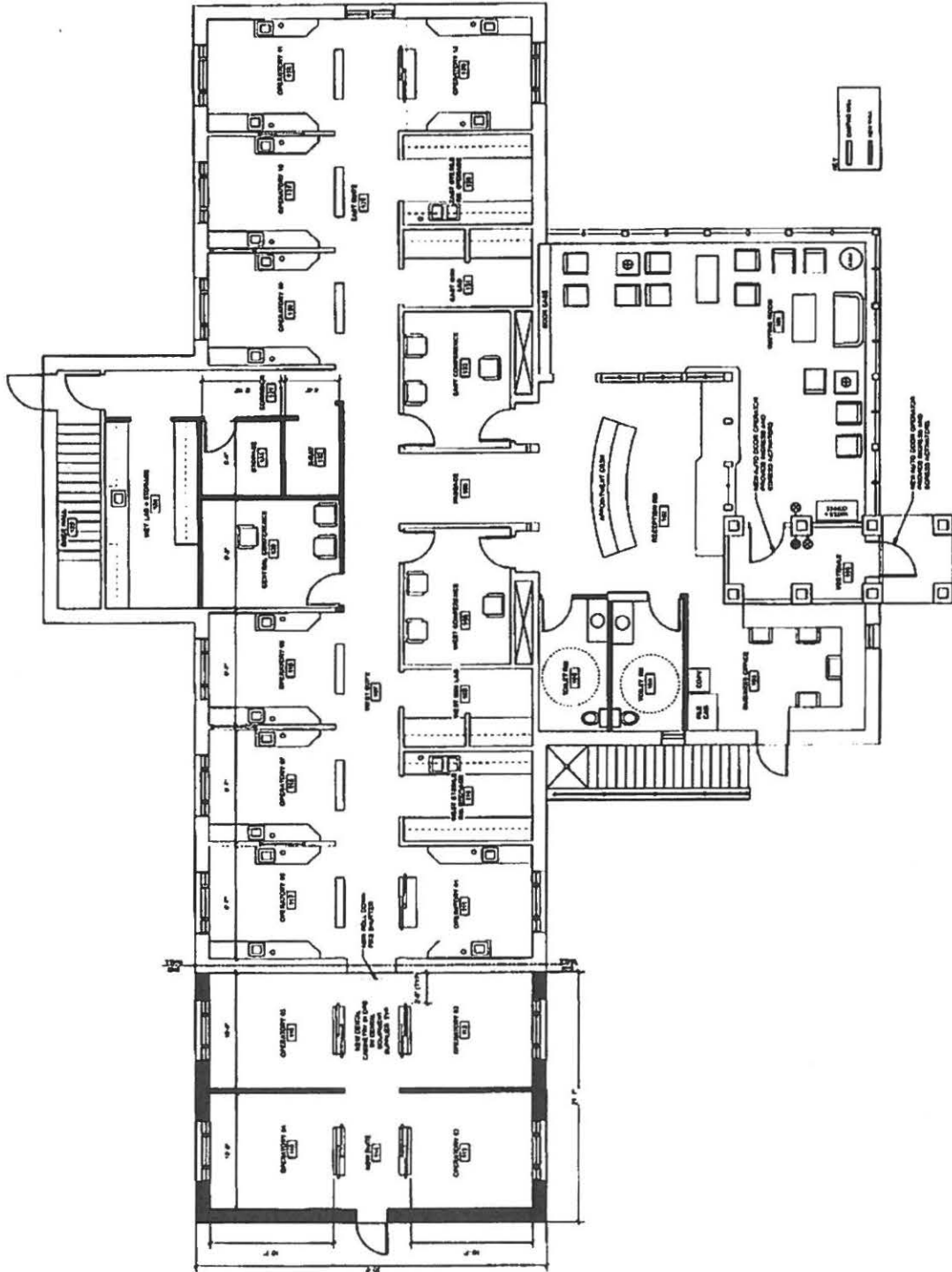
DATE: 01/25/2017
 PROJECT NUMBER: 216916-00
 SHEET NO: 110

JANUARY 25, 2017

216916-00

Upper Level
 Plan

A1.1



Upper Level Plan
 Scale: 1/4" = 1'-0"





Looking South from church parking lot



Looking west from dentist parking lot



Looking north from dentist parking lot

West side of dentist office



church parking facing west



Looking east - west side of dentist



Looking west from dentist parking lot

West

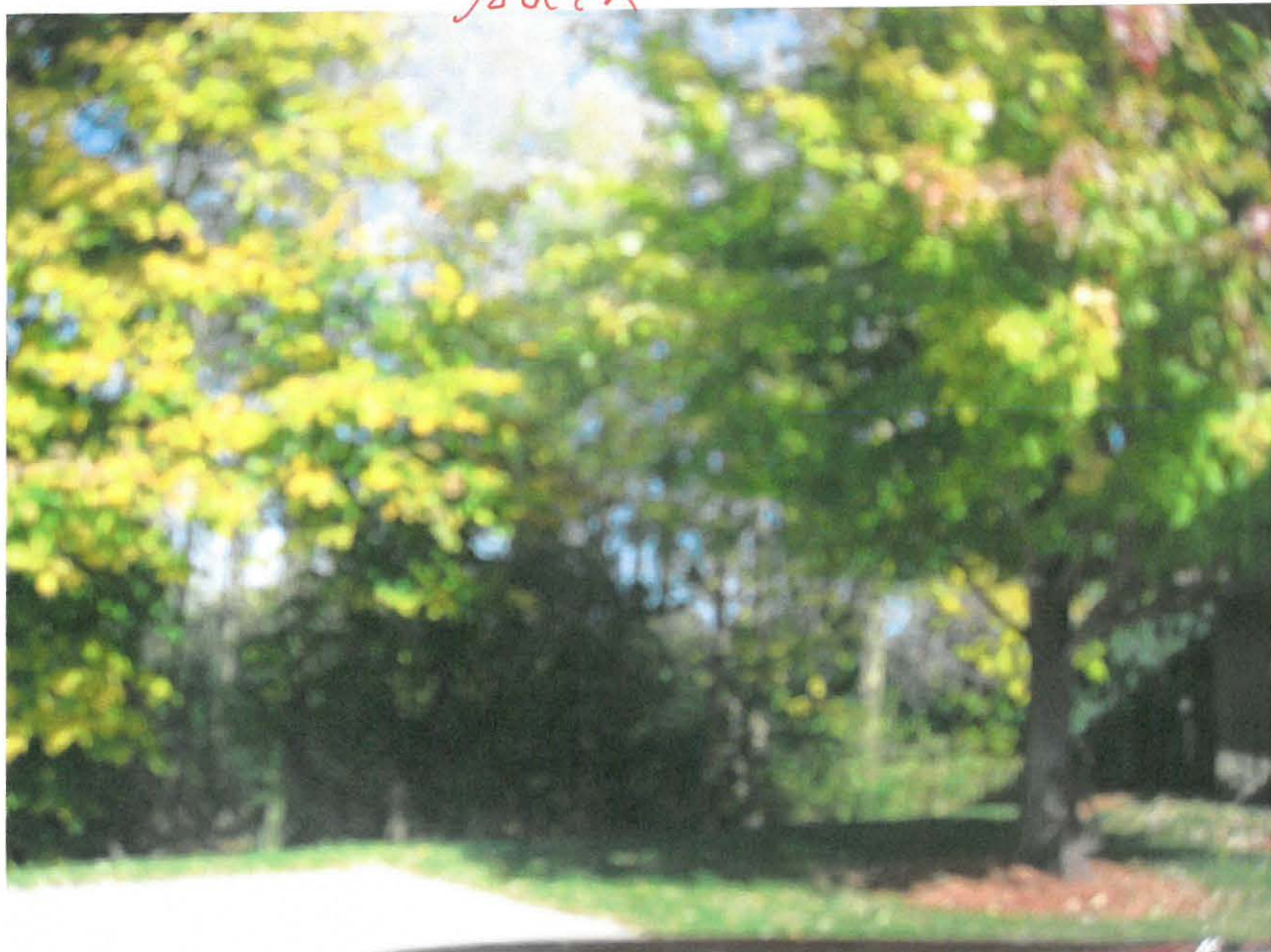


U. 344th St



West

South



South



South