

**\*\*\*ATTACHMENTS\*\*\***

**CITY OF SHEBOYGAN**

**REQUEST FOR CITY PLAN COMMISSION CONSIDERATION**

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**ITEM DESCRIPTION:** Application for Conditional Use with exceptions by Stratford Sign Company to install new signage at the Oscar Apartments at 1509 Epsy Way (off-premise sign location on Kwik Trip parcel# 59281513393). UR-zone

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

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**REPORT DATE:** June 25, 2021

**MEETING DATE:** June 29, 2021

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**FISCAL SUMMARY:**

**STATUTORY REFERENCE:**

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

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Wisconsin Statutes:  
Municipal Code: N/A

**BACKGROUND / ANALYSIS:**

The Oscar Apartments are proposing to install a new off-premise monument sign for their development at 1509 Epsy Way (off-premise sign location on Kwik Trip parcel# 59281513393). The applicant states:

- Throughout the approval process for The Oscar Apartments, Green Street was consistent in its commitment to utilizing the new Broadway entrance (private street named Epsy Way) as the main entry so that 15th and 16th would remain as secondary access points through the existing neighborhood. Visible and clear wayfinding via the main proposed monument sign is critical to this end.
- Further all the documents that the City reviewed, including the recorded easement with Kwik Trip, identified the location in question as the future location of the main monument sign for The Oscar.
- The monument sign will have a unique design to enhance the building's already charming features. The proposed sign is 22sf (4.3 x 6) and 4.6 feet tall. It is interior lit double sided sign that will advertise "The Oscar Apartments" with their logo.
- A new attractive and modern sign on Broadway Avenue will enhance the way finding to the Oscar Apartments and complements this redeveloping area nicely.

**STAFF COMMENTS:**

The applicant is requesting the following exception:

- To locate the Oscar Apartments monument sign on the Kwik Trip property (exception for an off-premise sign) – Signs must be located on the owner’s private property.

The applicant is proposing to locate their monument sign off-premise on the Kwik Trip property located at the southwest corner of Epsy Way and Broadway Avenue (parcel # 59281513393).

The applicant is proposing the off-premise sign location because Broadway Avenue will be the main entrance to the Oscar Apartments and the applicant would like to be able to draw people’s attention to Epsy Way which is the main private road leading to the apartment complex from Broadway Avenue. The applicant has shown this monument sign location throughout the development review process.

Applicant has provided documentation from Kwik Trip acknowledging and supporting the location of the Oscar monument sign on the Kwik Trip property (which has not started construction at this time).

The applicants site plan shows the location of the sign 12 feet from the road. The sign shall be located a minimum of 12 feet to all property lines and shall be located outside of the 15 foot vision triangle.

**ACTION REQUESTED:**

Staff recommends approval of the conditional use, exception and sign permit subject to the following conditions:

1. Applicant shall obtain the necessary sign permits prior to installation.
2. 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.
3. The sign shall meet the minimum 12 foot setback to all property lines and to the Epsy Way curb. It is the applicant’s responsibility to insure the sign meets the required setbacks.
4. Any future wall signage will be individual letter signs (no flat panel or interior lit cabinet signs).
5. If there are any amendments to the approved sign or location, the applicant will be required to submit a new conditional use application reflecting those amendments.

**ATTACHMENTS:**

Conditional Use Permit Application and required attachments.

PARCEL NO. \_\_\_\_\_  
MAP NO. \_\_\_\_\_  
ZONING CLASSIFICATION: \_\_\_\_\_

Office Use Only

APPLICATION/FILE NO. \_\_\_\_\_  
REVIEW DATE: \_\_\_\_\_

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

**CITY OF SHEBOYGAN  
APPLICATION FOR  
CONDITIONAL USE PERMIT**  
Requirements Per Section 15.905  
Revised May 2018

Completed application is to be filed with the Department of City Development, 828 Center Avenue, Suite 208. 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: Stratford Sign Company  
ADDRESS: PO Box 1345, 212805 Conner Ave., Stratford WI E-MAIL: craig@stratfordsign.com  
PHONE: ( 715 ) 687-3250 FAX NO. ( 715 ) 687-4657

**2. DESCRIPTION OF THE SUBJECT SITE/PROPOSED PROJECT**

NAME OF PROPOSED/EXISTING BUSINESS: The Oscar  
ADDRESS OF PROPERTY AFFECTED: 1440 South 16th Street, Sheboygan WI  
LEGAL DESCRIPTION: See attached, page 4

BRIEF DESCRIPTION OF **EXISTING** OPERATION OR USE: Kwick Trip acquired location from Oscar GP, LLC

DETAILED DESCRIPTION OF **PROPOSED** OPERATION OR USE INCLUDING ANY CHANGES TO THE EXISTING USE: Construction of Kwick Trip Store #1138

BRIEF DESCRIPTION OF ALL REQUESTED VARIANCES FROM PROVISIONS OF THE ZONING ORDINANCE, WHICH ARE RELATED TO THE PROPOSED OPERATION OR USE: New monument (Type 1) Main ID to be installed at the corner of South Business Drive & Broadway Ave. by the Oscar property owned by Kwick Trip.

1509 Epsy Way

**3. JUSTIFICATION OF THE PROPOSED CONDITIONAL USE**

Written justification for the proposed conditional use, indicating reasons why the applicant believes the proposed conditional use is appropriate.

How is the proposed conditional use (independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the City of Sheboygan Comprehensive Master Plan? Visible, aesthetically pleasing, clear wayfinding

Does the conditional use, in its proposed location, result in any substantial or undue adverse impact on nearby property the character of the neighborhood, environment, traffic, parking, public improvements, public property or rights-of-way? No, the new Broadway entrance is intended as the main entry so 15th and 16th would remain as secondary access points through the existing neighborhood

How does the proposed conditional use maintain the desired consistency of land uses in relation to the setting within which the property is located? The sign will retain historical elements of municipality.

Is the proposed conditional use located in an area that will be adequately served by utilities, or services provided by public agencies? If not, please explain. Yes

**4. NAMES AND ADDRESS (Indicate N/A for "Not Applicable" items)**

OWNER OF SITE: Phil Hulse

ADDRESS: 8251 Maryland Ave., Clayton MO E-MAIL: \_\_\_\_\_

ARCHITECT: N/A

ADDRESS: N/A E-MAIL: N/A

CONTRACTOR: Stratford Sign Company

ADDRESS: 212805 Conner Avenue, Stratford WI 54484 E-MAIL: craig@stratfordsign.com

**5. 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.

Craig Kirsch  
APPLICANT'S SIGNATURE

6-7-21  
DATE

Craig Kirsch  
PRINT ABOVE NAME

OFFICE USE ONLY  
PARCEL NO.: \_\_\_\_\_  
MAP NO.: \_\_\_\_\_  
ZONING CLASSIFICATION: \_\_\_\_\_

OFFICE USE ONLY  
REVIEW DATE: \_\_\_\_\_  
APPROVAL: \_\_\_\_\_  
Steve Sokolowski, City Planner

**CITY OF SHEBOYGAN  
DEPARTMENT OF CITY DEVELOPMENT**

828 Center Avenue Suite 104, Sheboygan, WI 53081  
Phone: (920) 459-3377 Fax: (920) 459-7302  
E-Mail: development@ci.sheboygan.wi.us

**SIGN PERMIT APPLICATION**

(November, 2009)

Completed application and all required attachments are to be filed with the Department of City Development, 828 Center Avenue, Suite 104 for review by the City Planner.

**1. APPLICANT INFORMATION**

APPLICANT: Stratford Sign Company  
ADDRESS: PO Box 134, 212805 Conner Avenue, Stratford WI 54484  
E-MAIL ADDRESS: craig@stratfordsign.com  
PHONE: ( 715 ) 687-3250 FAX NO: ( 715 ) 687-4657

**2. OWNER INFORMATION**

OWNER OF SITE: Phil Hulse  
ADDRESS: 8251 Maryland Ave., Clayton MO  
PHONE: ( 314 ) 726-2500 FAX NO: ( 314 ) 726-2725

**3. DESCRIPTION OF THE PROPOSED SIGN AND USE OF THE SUBJECT SITE**

NAME OF PROPOSED/EXISTING BUSINESS: The Oscar  
ADDRESS OF PROPERTY AFFECTED: 1440 South 16th Street, Sheboygan WI  
USE OF PROPERTY: Apments  
TYPE OF SIGN: Main ID  
DESCRIPTION OF PROPOSED SIGN: Qty 1 Double Sided, Internally Illuminated  
Post and Cabinet with Fac: Logo.

1509 Epsy Way

4. CONFIGURATION OF PROPOSED SIGN:

HEIGHT: 40" X WIDTH: 72" = TOTAL SQUARE FOOTAGE: 21.94

AMOUNT OF PUBLIC STREET FRONTAGE: 72"

AMOUNT OF EXPOSED EXTERIOR WALL LENGTH: \_\_\_\_\_

SETBACK: 12'

METHOD OF ATTACHMENT: Post Extension 48" with Ø 18" Concrete Piers

METHOD OF ILLUMINATION: 120V - 3 amps Max

SIGN MATERIALS: Painted Aluminum with Translucent Acrylic and Vinyl

TOTAL SQUARE FOOTAGE OF SIGNS ON SUBJECT PROPERTY:

BEFORE PROPOSED SIGN: \_\_\_\_\_ AFTER PROPOSED SIGN: \_\_\_\_\_

5. CERTIFICATE

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

Craig Kirsch  
APPLICANT'S SIGNATURE

6-7-21  
DATE

Craig Kirsch  
PRINT ABOVE NAME

6. APPLICATION SUBMITTAL REQUIREMENTS

- a. *For new development*, the approved site plan for the subject property, showing the location and dimensions of all buildings, structures, signs on the subject property, property boundaries and dimensions; and the location of the proposed sign.
- b. *For existing development*, a site plan approved by the City Planner & Zoning Manager, showing the location and dimensions of all buildings, structures, signs on the subject property, property boundaries and dimensions; and the location of the proposed sign.
- c. A scale drawing of the proposed sign listing the height, width, total square footage, method of attachment, method of illumination, sign materials, design and appearance.



June 4, 2021

Re: The Oscar monument sign on Kwik Trip property in Sheboygan, WI

Throughout the entitlement process of The Oscar, Green Street was consistent in its commitment to utilizing the new Broadway entrance as the main entry so that 15<sup>th</sup> and 16<sup>th</sup> would remain as secondary access points through the existing neighborhood. Visible / clear wayfinding via the main, proposed, monument sign is critical to this end. Further all entitlement documents that the City reviewed, including the recorded easement with Kwik Trip, identified the location in question as the future location of the main monument sign for The Oscar.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joel Oliver", is written over a light blue line that extends from the signature down to the typed name below.

Joel Oliver  
Senior Vice President Development

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[greenstreetstl.com](http://greenstreetstl.com)

**Type 1: Main ID**  
 S01PC-CUSTOM  
 Double Sided, Internally Illuminated Post and Cabinet w/ Face-lit Logo  
 Post Extension 48" with Ø12" Concrete Piers

**QTY: 1**

**21.94 SQFT**

**Sign #: 1.005-1**

**Illumination Reference**  
 NTS



**takeform**

11601 Maple Ridge Rd, Medina, NY, 14103  
 P 800.528.1398 F 585.798.8889  
 www.takeform.net

**Signify**  
 EXTERIOR SIGNAGE

Project:  
 The Oscar Exterior

Date: 04.07.21  
 Drawn By: JS

Filename:  
 OSC0004\_190414\_EXT\_Rev6

Revisions:  
 04.15.21 JS  
 04.28.21 JS  
 05.10.21 JS  
 05.20.21 JB  
 05.25.21 JS  
 05.26.21 JS

**Signify 01**

Scale:  
 1" = 1'-0"

Notes:

**120V Electrical Service Required**

**Site Survey Required**

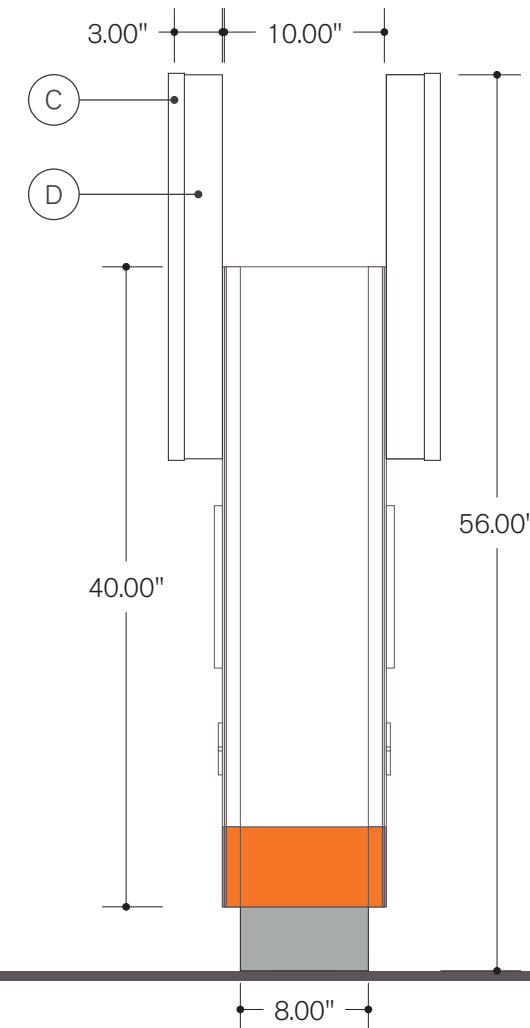
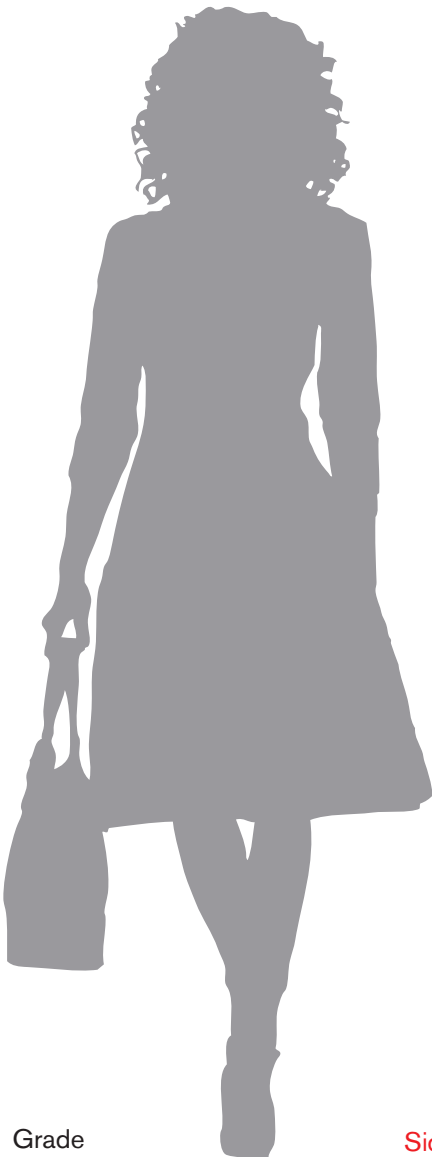
**Verify Mounting Conditions**

**Product Approval**

<b>NO CHANGES</b>
Approved By: _____
Date: _____
<b>WITH CHANGES AS NOTED</b>
Approved By: _____
Date: _____

Product will be manufactured as indicated on this document. Please review carefully.

Rendering 1 of 2



Face Panel



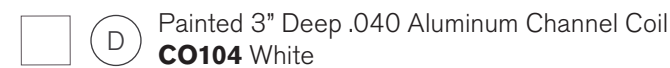
Logo Face



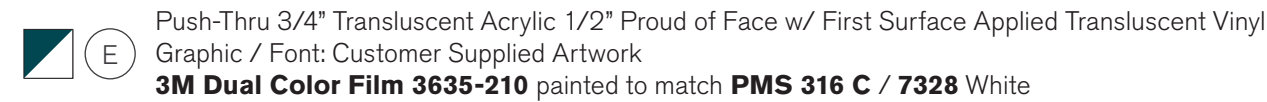
Face Trim



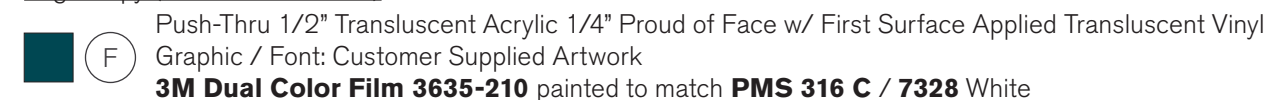
Returns



Logo Copy (The Oscar)



Logo Copy (—APARTMENTS—)



Reveal

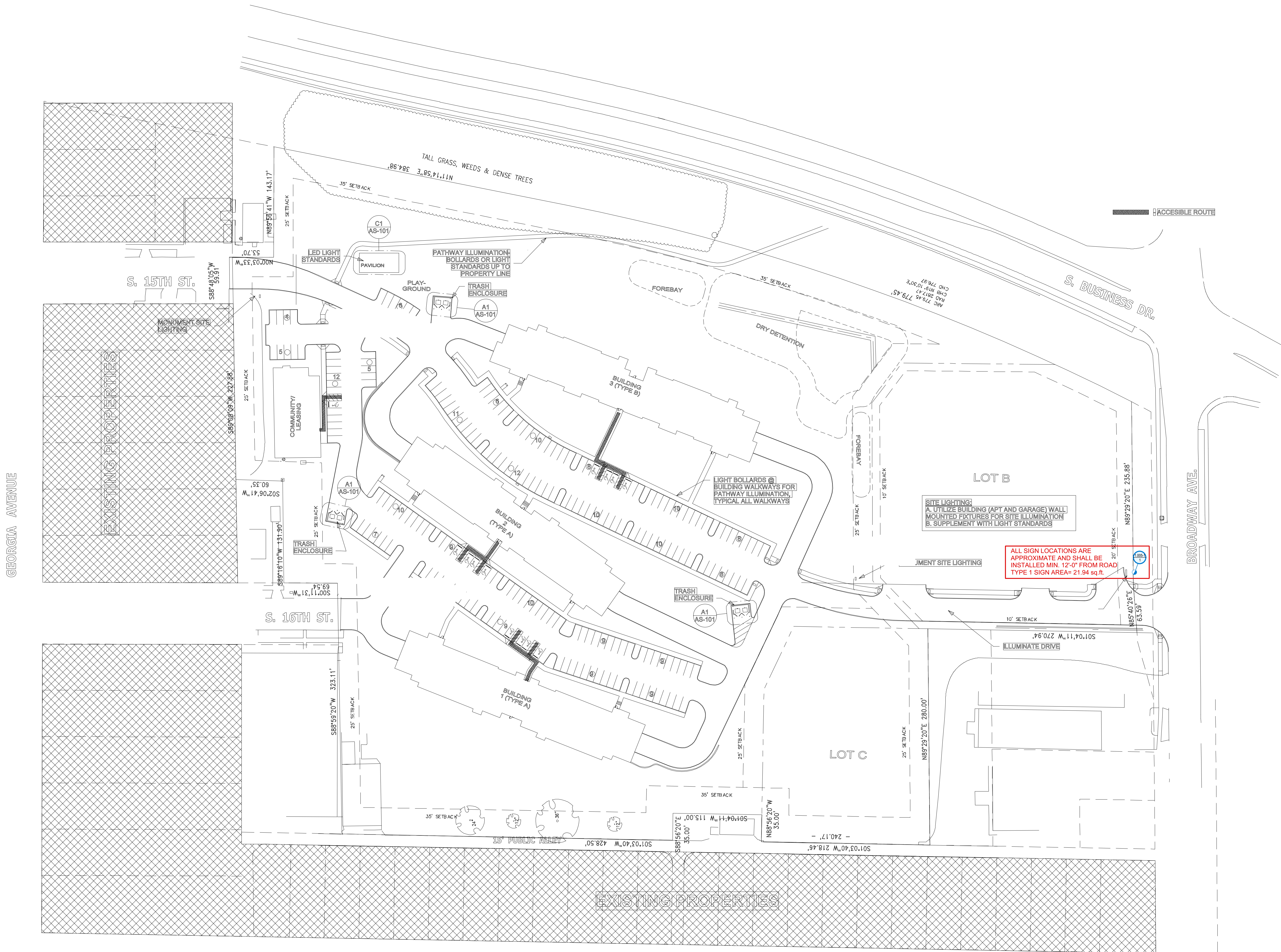


Location Plan

FILE NAME: OSC0004\_188885\_LOC\_Rev4  
 PLANNER: NJN

DATE: 4/7/21  
 REVISIONS:  
 2 4/26/21 CDW  
 3 5/25/21 BAS  
 4 6/4/21 NJN

The Oscar



LEGEND

	SIGN #
	SIGN TYPE
	SIDE A
	SIDE B
	BUILDING ID SIGN
	VEHICULAR SIGN
	PEDESTRIAN SIGN
	STANDARD TRAFFIC SIGN
	GRAPHIC SIGN

PROJECT TOTALS

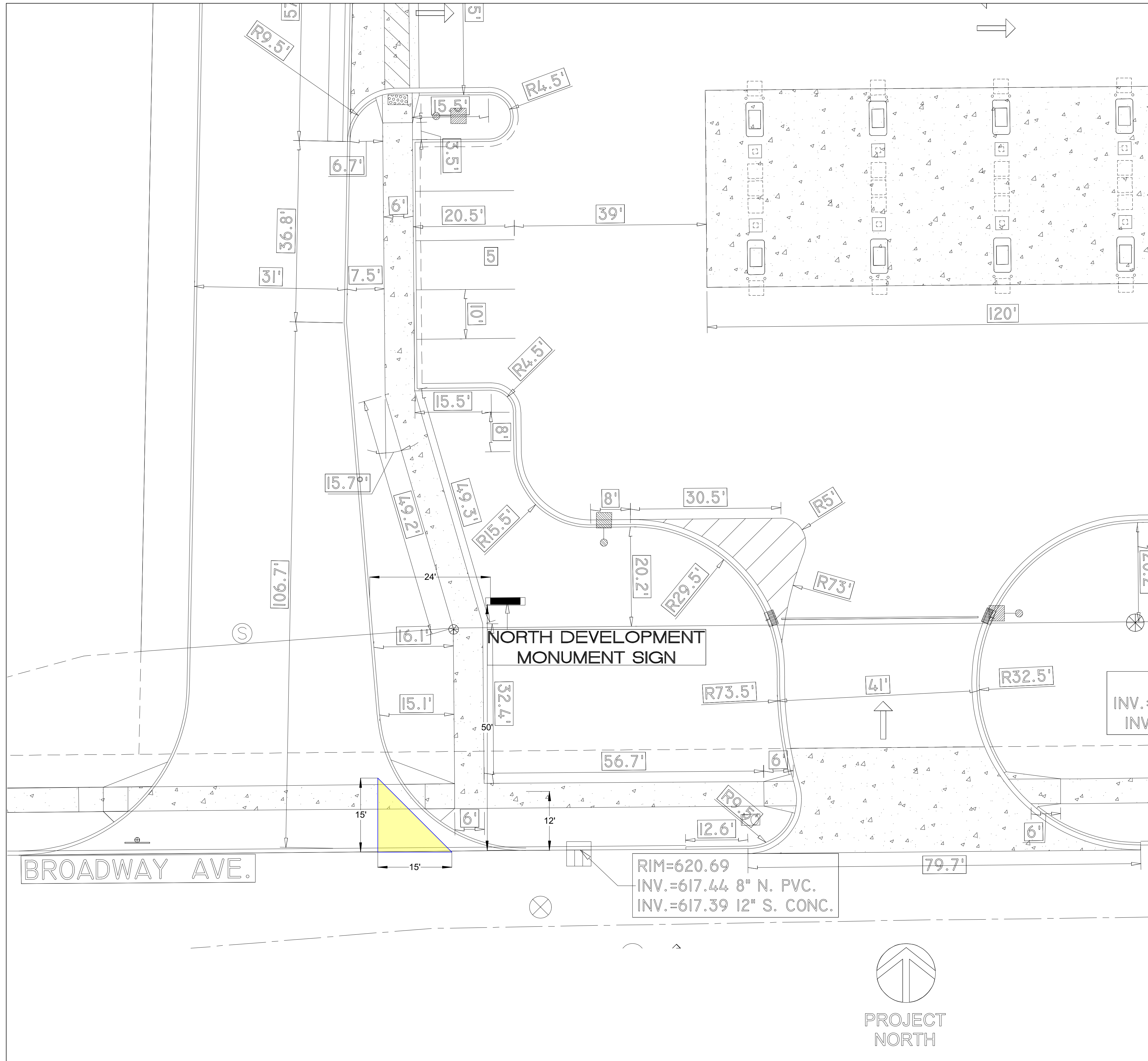
Signage Qty	Window Backer Qty
1	1



Location Plan

FILE NAME:	OSC0004_188885_LOC_Rev4
PLANNER:	NUN
DATE:	4/7/21
REVISIONS:	2 4/26/21 CDW 3 5/25/21 BAS 4 6/4/21 NUN

The Oscar



1 Sign 1.005-1  
 Scale: 3/32" = 1'-0"

LEGEND	
	SIGN #
	SIGN TYPE
	SIDE A
	SIDE B
	BUILDING ID SIGN
	VEHICULAR SIGN
	PEDESTRIAN SIGN
	STANDARD TRAFFIC SIGN
	GRAPHIC SIGN

Written Authorization from Property Owner

OSC0004\_101486 The Oscar Exterior

Sign Type 1: Main ID Double Sided, Internally Illuminated Post and Cabinet w/ Face-lit Logo

I, Jeffrey J. Wrobel, VP, CFO & Treasurer of Kwik Trip, Inc. (owner), authorize

Oscar GS GP, LLC

to submit a conditional use application affecting the sign location shown on the attached Exhibit E from the Reciprocal Cross Access, Utility, Storm Water and Signage Easement Agreement recorded in the Sheboygan County Register of Deeds Office on August 28, 2020, as Document No. 2097592, which is located on portion of our property located at the intersection of South Business Drive and Broadway Avenue.



Signature

6/7/2021

Date

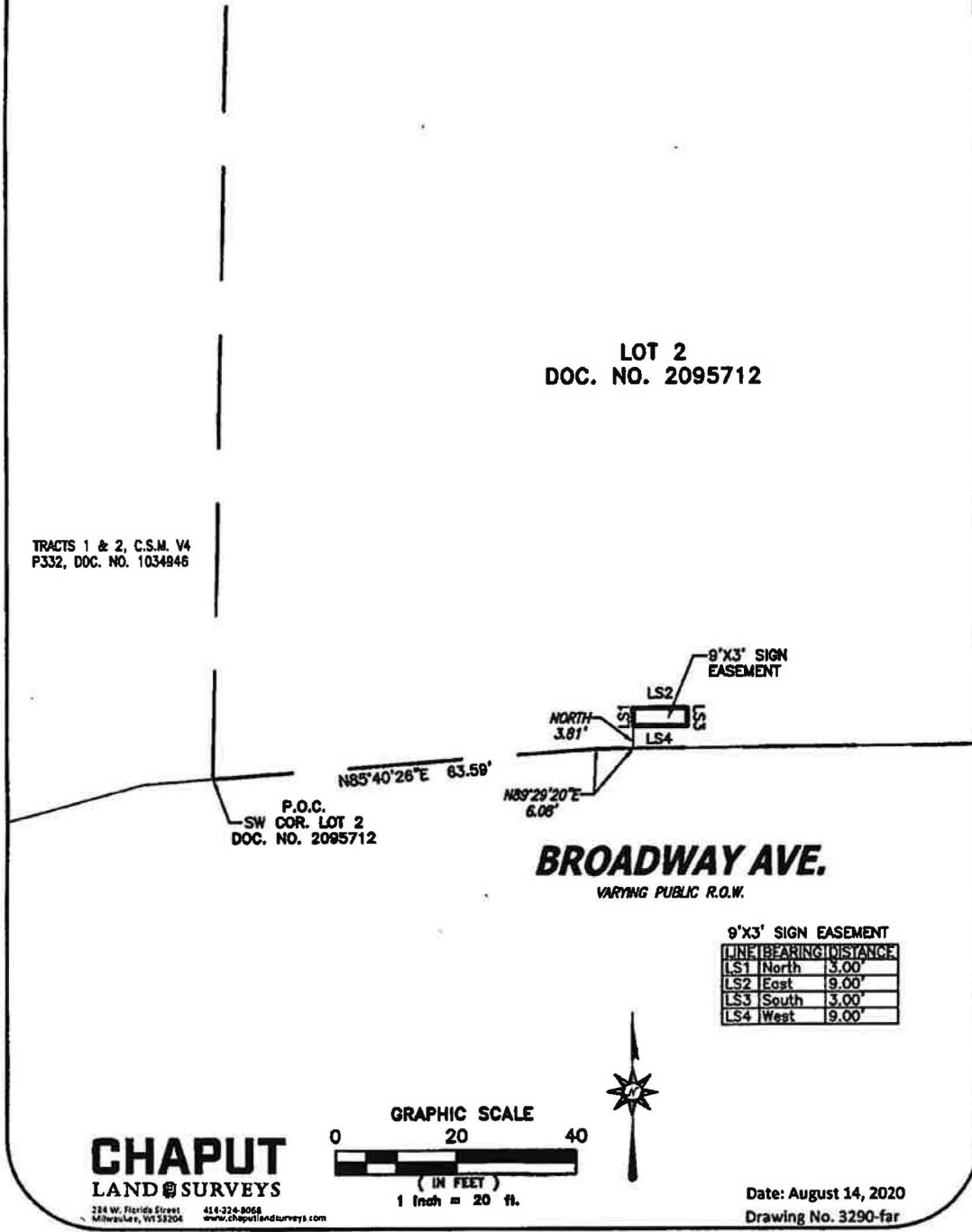
# EXHIBIT "E"

**CLIENT**

Green Street Development Group, LLC

**LEGAL DESCRIPTION**

Part of Lot 2 of Certified Survey Map recorded as Document No. 2095712, being a part of the Northwest 1/4 of the Southeast 1/4 of Section 27, Township 15 North, Range 23 East, in the City of Sheboygan, Sheboygan County, Wisconsin, which is bounded and described as follows: Commencing at the Southwest corner of Lot 2 of said Certified Survey Map; thence North 85°40'26" East along the North line of Broadway Avenue 63.59 feet to a point; thence North 89°29'20" East along said North line 6.08 feet to a point; thence North 3.81 feet to the point of beginning of lands described hereinafter; thence North 3.00 feet to a point; thence East 9.00 feet to a point; thence South 9.00 feet to a point; thence West 9.00 feet to the point of beginning.



LOT 2  
DOC. NO. 2095712

TRACTS 1 & 2, C.S.M. V4  
P332, DOC. NO. 1034846

P.O.C.  
SW COR. LOT 2  
DOC. NO. 2095712

**BROADWAY AVE.**  
VARYING PUBLIC R.O.W.

9'x3' SIGN EASEMENT

LINE	BEARING	DISTANCE
LS1	North	3.00'
LS2	East	9.00'
LS3	South	3.00'
LS4	West	9.00'



**CHAPUT**  
LAND SURVEYS

224 W. Florida Street  
Milwaukee, WI 53204

414-214-8058  
www.chaputlandsurveys.com

Date: August 14, 2020  
Drawing No. 3290-far

**RECIPROCAL CROSS ACCESS, UTILITY, STORM WATER AND SIGNAGE EASEMENT  
AGREEMENT**

This **RECIPROCAL CROSS ACCESS, UTILITY, STORM WATER AND SIGNAGE EASEMENT AGREEMENT** (the "Agreement") is made and entered into as of this 26<sup>th</sup> day of August, 2020, by and between:

**OSCAR GS GP LLC**, a Missouri limited liability company (as "Grantor", the "Lot 2 Owner" or the "Lot 3 Owner"), and

**OSCAR APARTMENTS LLC**, a Missouri limited liability company (as "Grantee" or as the "Lot 1 Owner").

**WHEREAS**, the Lot 1 Owner is the owner of that certain parcel of real property situated in the City of Sheboygan, County of Sheboygan, State of Wisconsin, being more thoroughly and legally described in Exhibit A attached hereto and incorporated herein (the "Lot 1 Property");

**WHEREAS**, the Lot 2 Owner is the owner of that certain parcel of real property situated in the City of Sheboygan, County of Sheboygan, State of Wisconsin, being more thoroughly and legally described in Exhibit B attached hereto and incorporated herein (the "Lot 2 Property");

**WHEREAS**, the Lot 3 Owner is the owner of that certain parcel of real property situated in the City of Sheboygan, County of Sheboygan, State of Wisconsin, being more thoroughly and legally described in Exhibit C attached hereto and incorporated herein (the "Lot 3 Property"); and

**WHEREAS**, the Lot 1 Owner, the Lot 2 Owner and the Lot 3 Owner desire to grant the easements set forth herein pursuant to this Agreement.

**NOW, THEREFORE**, for good and valuable consideration, the receipt of which is acknowledged, the Lot 1 Owner, the Lot 2 Owner and the Lot 3 Owner hereby grant, covenant, and agree as follows:

1. **Definitions.** The words and phrases hereinafter set forth, when used in this Agreement, shall have the meanings hereinafter set forth, unless the context shall prohibit or shall clearly indicate or require otherwise. Other Sections of this Agreement may also contain additional definitions.

a. "Access Easement Area" means the portion of real property situated on Lot 1 and Lot 2, being more thoroughly and legally described and depicted in Exhibit D attached hereto and incorporated herein.

b. "Lot Owners" means, collectively, the Lot 1 Owner, the Lot 2 Owner and the Lot 3 Owner, and their respective successors and/or assigns; or each, individually, a "Lot Owner."

c. "Properties" means, collectively, the Lot 1 Property, the Lot 2 Property, and the Lot 3 Property; or each, individually, a "Property."

d. "Sign Easement Area" means the portion of real property situated on Lot 2, being more thoroughly and legally described and depicted in Exhibit E attached hereto and incorporated herein.

e. "Storm Water System" means a storm water detention facility, including, but not limited to, retention basin, catchment basin, drainage facilities and system of storm water drainage pipes, for receiving and discharging storm water volume and flow into and out of said retention basin and catchment basin, facilities and lines, in accordance with the requirements of the applicable governmental authorities having jurisdiction, located or to be located on the Properties, being more thoroughly and legally described and depicted in Exhibit F attached hereto and incorporated herein.

f. "Utility Easement Area" means the portion of real property situated on Lot 1 and Lot 2, being more thoroughly and legally described and depicted in Exhibit G attached hereto and incorporated herein.

g. "Utility Providers" means utility companies operating in Sheboygan, Wisconsin that provide (or will provide) Utility Services to a Property or the Properties.

h. "Utility Services" means the following utility services: natural gas, electric, telephone or telecommunication, water, and sanitary sewer.

2. **Access Easement.**

a. Grant by Lot 1 Owner. The Lot 1 Owner GIVES, GRANTS, EXTENDS, CONFERS and CONVEYS unto the Lot 2 Owner and the Lot 3 Owner, and their successors and assigns forever, a perpetual non-exclusive easement in, on, over and across the Access Easement Area on the Lot 1 Property for the purpose of vehicular and pedestrian ingress, egress, access, and traffic. The use and enjoyment of the Access Easement Area in, upon, over, under and across the Lot 1 Property shall extend to the Lot 2 Owner and the Lot 3 Owner, and to the lessees, tenants, assigns, successors, agents, employees, visitors, guests, invitees, customers, vendees and licensees of such Lot Owners, and to any person or entity deriving title to any portion of such Property. Notwithstanding the foregoing, the easements granted pursuant to Section 2 shall not include or allow for the employees, visitors, guests, invitees, customers, vendees, or licensees of Lot 2 or Lot 3 to park on Lot 1.

b. Grant by Lot 2 Owner. The Lot 2 Owner GIVES, GRANTS, EXTENDS, CONFERS and CONVEYS unto the other Lot Owners, and their successors and assigns forever, a perpetual non-exclusive easement in, on, over and across the Access Easement Area on the Lot 2 Property for the purpose of vehicular and pedestrian ingress, egress, access, and traffic. The use and enjoyment of the Access Easement Area in, upon, over, under and across the Lot 2 Property shall extend to the Lot Owners, and to the lessees, tenants, assigns, successors, agents, employees, visitors, guests, invitees, customers, vendees and licensees of such Lot Owners, and to any person or entity deriving title to any portion of such Property. Notwithstanding the foregoing, the easements granted pursuant to section shall not include or allow for the employees, visitors, guests, invitees, customers, vendees, or licensees of a Property to park on Lot 2.

c. Initial Construction. Subject to other agreements for reimbursement, the Lot 1 Owner shall be responsible for the initial construction and installation of the roadway that will be situated in the Access Easement Area. The Lot Owners hereby grant the Lot 1 Owner a temporary construction license, which shall expire upon completion of construction of the roadway or two (2) years, whichever is less, to enter the Properties for the purpose of installing and constructing the roadway within the Access Easement Area.

d. Maintenance and Repair. Except as otherwise provided herein, after the initial construction of the roadway, each Lot Owner shall maintain the roadway situated in the Access Easement Area on its Property in good order, condition and state of repair in accordance with the standards of professional commercial operation including, but not limited to, sweeping and removal of trash, litter and refuse, painting and striping, repair and replacement of paving as necessary, maintenance of landscaped areas (including replacement and replanting), removal of ice and snow, and maintenance and repair of lighting standards and signs. In the event that a Lot Owner comes upon another Lot Owner's Property to maintain the Access Easement Area, the same shall be done in a manner which is designed to avoid any unreasonable disturbance to the Lot Owner's Property, business operations and access thereto, and the Lot Owner making any such maintenance or repairs shall restore the Property to substantially the same condition as it was prior thereto.

e. Access Easement Area on the Lot 2 Property. The Lot 2 Owner shall be responsible for fifty percent (50%) of the cost to maintain and repair the Access Easement Area on the Lot 2 Property. The Lot 1 Owner shall be responsible for fifty percent (50%) of the cost to maintain and repair the Access Easement Area on the Lot 2 Property, which shall be paid to the Lot 2 Owner within thirty (30) days from receipt of an invoice.

3. Signage Easement. The Lot 2 Owner GIVES, GRANTS, EXTENDS, CONFERS and CONVEYS unto the Lot 1 Owner, and its successors and assigns forever, a perpetual non-exclusive easement on, over and across the Sign Easement Area on the Lot 2 Property to erect, maintain, improve, replace, and repair a sign or monument related to the improvements on Lot 1. The Lot 1 Owner shall maintain the improvements in the Sign Easement Area in good order, condition and state of repair, but the Lot 2 Owner shall maintain the grounds (surrounding the sign improvements) in and around the Sign Easement Area.

4. Utility Easement.

a. Lot 1 Grant. The Lot 1 Owner GIVES, GRANTS, EXTENDS, CONFERS and CONVEYS unto the other Lot Owners, and their successors and assigns forever, and Utility Providers, a perpetual non-exclusive easement in, on, over and across the Utility Easement Area on the Lot 1 Property, for the purpose of constructing, replacing, running, improving, maintaining and repairing the Utility Services. This shall include the right to trim and remove vegetation within the Utility Easement Area where necessary. Notwithstanding the foregoing or anything to the contrary set forth in this Agreement, in the event any improvements are permanently erected on the Lot 1 Property that are situated within the described Utility Easement Area, said Utility Easement Area shall automatically be vacated from underneath any such improvement and shall be relocated as is reasonably necessary to a location that does not encroach upon any such improvement.





**CITY OF SHEBOYGAN**

**REQUEST FOR CITY PLAN COMMISSION CONSIDERATION**

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**ITEM DESCRIPTION:** Application for Conditional Use with exceptions by CJ Concepts, LLC to operate a 1st floor multi-tenant retail store with two 2nd floor apartments at 1627 Indiana Avenue. UC Zone

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

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**REPORT DATE:** June 25, 2021

**MEETING DATE:** June 29, 2021

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**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

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**BACKGROUND / ANALYSIS:**

Craig LaTour and Jennifer Fibiger are proposing to remodel/convert the existing building into a mixed use development with commercial retail space on the 1<sup>st</sup> floor and two (2) apartments on the 2<sup>nd</sup> floor at 1627 Indiana Avenue. The applicant states the following about the project:

- This building was previously Dick Whites cross country trucking. The existing building has commercial space on the 1<sup>st</sup> floor and an apartment on the 2<sup>nd</sup> floor.
- CJ concepts is proposing a mixed use proposal of retail (crafts and antiques) on first floor and two (2) apartments on the second floor.
- The business model is to rent the remodeled 1<sup>st</sup> floor retail space to vendors who will stock/decorate their area as they wish. Ye Old Goat in Appleton is our inspiration ([www.yeoldgoat.com](http://www.yeoldgoat.com)).
- We are planning to have one (1) employee for the retail area at all times to work with all the vendors who will be coming and going.
- Hours of operation are still up in the air but will likely be something like Wednesday-Sunday 9am – 5pm to start and revisit as needed.
- We are hoping to have phase 1 (storefront) of the 1<sup>st</sup> floor retail space complete in summer of 2022.

- Phase 2 and 3 of the 1<sup>st</sup> floor retail area will be rolled out as demand increases for this space. We would like to eventually use the entire first floor for retail.
- In addition, we are looking to remodel the existing large 2<sup>nd</sup> floor apartment into two (2) units. Apartment #1 facing Indiana Avenue will be a 1-bedroom 1-bath and will be the first to be remodeled (2021). Apartment #2 will be a studio apartment and will start to be remodeled when apartment #1 is complete (Late 2021-2022).
- We are planning for two (2) tenants per apartment for a total of four (4) tenants.

Some of the planned improvements include:

- Complete remodel of apartments upstairs (windows, doors, cabinets, flooring, plumbing/lighting fixtures and HVAC).
- Update electrical to code (entire building).
- Possible replacement of storefront windows (waiting for quotes).
- Paint cement block portion of building.
- Replace all upper windows.
- Update building awning (no plans yet).
- New signage (no plans yet).

#### **STAFF COMMENTS:**

It appears the applicant is proposing construction to be in phases on both the 1<sup>st</sup> floor retail space as well as the 2<sup>nd</sup> floor apartments. The applicant will need to work with the building inspection department regarding these phased improvements to the 1<sup>st</sup> and 2<sup>nd</sup> floor of this building. Occupancy shall be granted for any of the commercial tenant spaces and/or dwelling units only at such time as all permits and codes have been met.

This property does have some parking both on the west side of the building and in the rear of the building along the alley. In addition, there is a detached garage. If the applicant wants to connect the driveway on the side of the building with the parking lot in the back, the area between the two areas will need to be paved (presently grass/gravel). Applicant may not drive or park on the landscape area and no gravel is permitted.

The Plan Commission may want to have the applicant address their plans regarding garbage. Presently, it appears there are no dumpsters on site. If the applicant intends on having a dumpster, the dumpster will need to be screened and enclosed. Applicant shall work with staff with regards to constructing a well-designed dumpster enclosure for the site that utilizes colors and materials similar to the building.

The applicant has not provided any sign information. Applicant shall work with staff with regards to constructing a well-designed sign package for the site that utilizes colors and materials similar to the building. Staff may bring the proposed signage design back to the Plan Commission if there any concerns.

1627 Indiana Avenue has been vacant for some time and the proposed remodeling and mixed use will fit in well and be an improvement to this section of Indiana Avenue.

The Plan Commission may want to have the applicant address:

- Timing of construction and occupancy of the 1<sup>st</sup> and 2<sup>nd</sup> floor phases.
- Proposed signage.
- Dumpster enclosure location.
- The plan for the landscape/gravel area between the driveway and the parking lot.

**ACTION REQUESTED:**

Staff recommends approval of the conditional use permit and exceptions 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, dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility. If using chain link fencing, the applicant shall install Privacy Decorative Slating (PDS) material in order to effectively screen the dumpster.
3. Outdoor storage of materials, products or equipment shall be prohibited.
4. All areas used for parking/maneuvering of vehicles shall be paved.
5. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
6. All ground level and rooftop mechanicals shall be screened/enclosed and constructed of like materials and colors of the facility (HVAC equipment, satellite dishes, etc.).
7. 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.
8. It will be the applicant's responsibility to work with all private and public utilities in order to provide easements and/or relocate utilities as necessary.
9. Absolutely no portion of the new building and/or site improvements shall cross the property lines including but not limited to buildings, balconies, decks, foundations, walls, gutters, eaves, roof, parking, fencing/retaining walls, signs, landscaping, etc.
10. Any work within City of Sheboygan Public rights-of-way shall be discussed with the City Engineering Department and constructed to standard City specifications (including, but not limited to, driveway openings, curb/gutter, sidewalk, pavement, utilities).
11. Applicant shall obtain the necessary sign permits prior to installation. 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. Proposed wall signage will be individual letter signs (no flat panel or interior lit cabinet signs). Staff may bring the proposed signage design back to the Plan Commission for review/approval.
12. Applicant shall remove all signage for businesses that no longer operate from the site.
13. Any 1<sup>st</sup> and/or 2<sup>nd</sup> floor use changes will require the applicant to obtain all necessary land use and building approvals/permits prior to occupancy (future uses and/or phases may require conditional use permits, building/mechanical permits, occupancy permits, etc.).
14. If operating as a short term rental, the applicant will be required to file the proper room tax paper work with the City of Sheboygan.
15. 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.
16. If there are any amendments to the approved use and/or floor/site plan, the applicant will be required to submit a new conditional use application reflecting those amendments.

**ATTACHMENTS:**

Conditional Use and required attachments



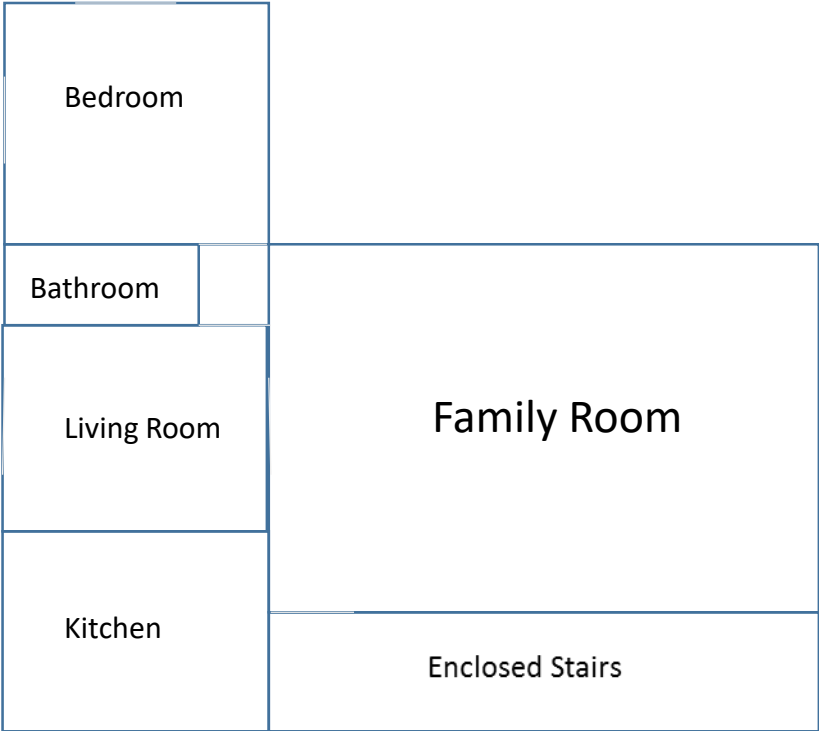
1627 Indiana Ave. Conditional Use Proposal

CJ Concepts LLC

Jennifer Fibiger

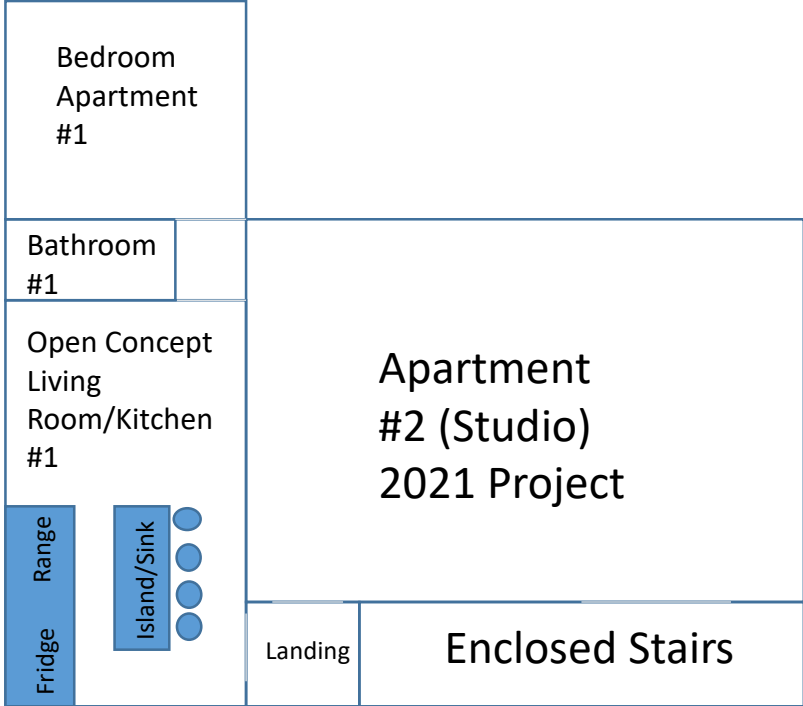
Craig La Tour

# Current Upper Apartment Layout



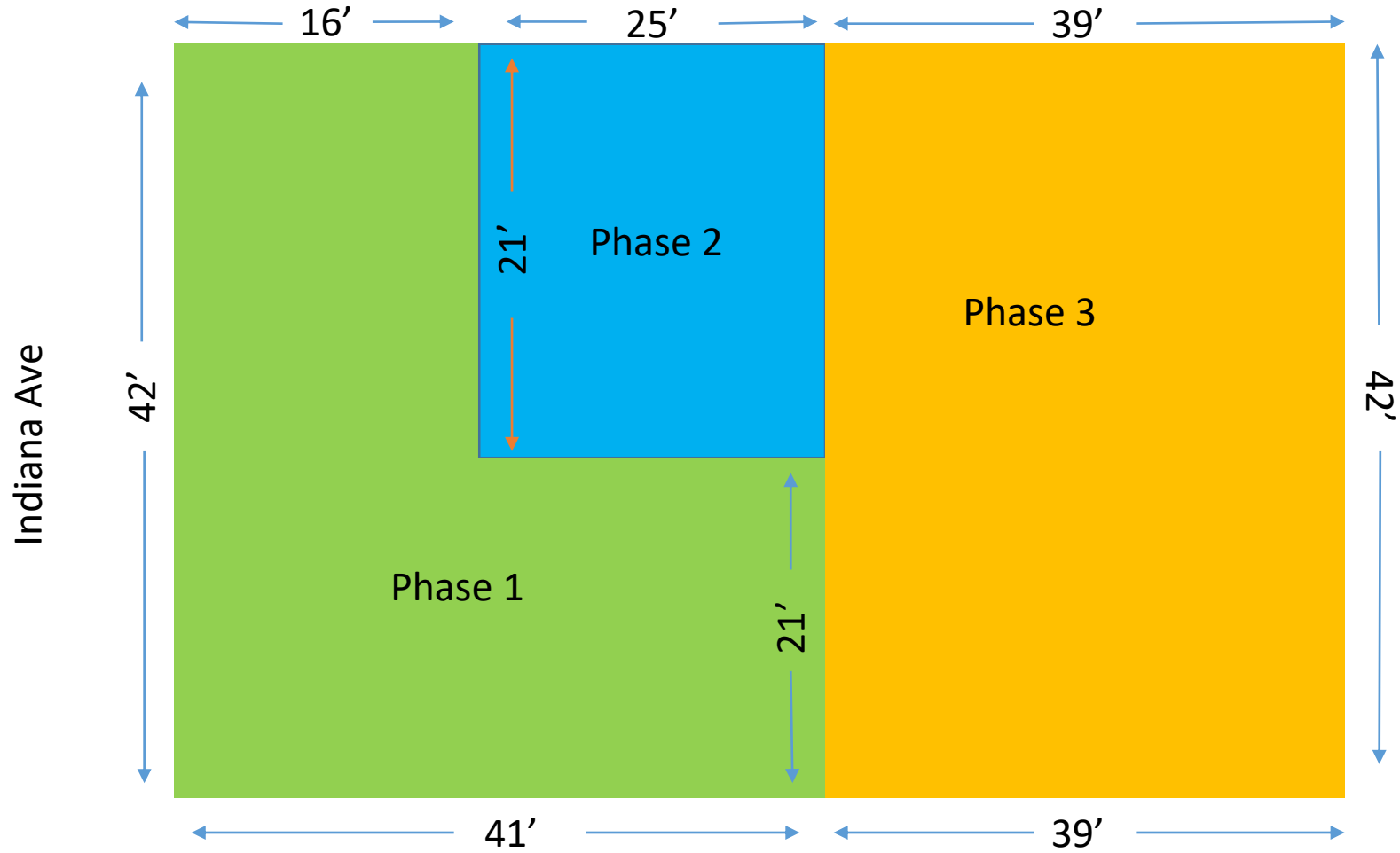
# Proposed Layout:

We are looking to split this large apartment into two apartments. #1 will be a one bedroom one bath. #2 will be a studio apartment.





# 1<sup>st</sup> Floor Footprint





# 1627 Indiana Ave. Project 2021

- Mixed Use proposal of retail (crafts and antiques) on first floor and 2 apartments on the second floor. This building was previously Dick Whites cross country trucking.
- Our business model is to rent space to vendors who will stock/decorate their area as they wish. There will be one employee to check out for all the vendors. Ye Old Goat in Appleton is our inspiration. [yeoldgoat.com](http://yeoldgoat.com)
- Apartment #1 facing Indiana Ave will be the first to be remodeled (2021).
- Apartment #2 will start to be remodeled when apartment #1 is complete (Late 2021-2022).
- We are planning for 2 tenants/apartment. 4 total.
- We are planning on one employee for the retail area at all times. Vendors will be coming and going.
- Hours of operation are still up in the air but we are thinking something like Wed-Sun 9am – 5pm to start and revisit as needed.
- We are hoping to have phase 1 (storefront) of the 1<sup>st</sup> floor retail space complete in summer of 2022.
- Phase 2 and 3 of the 1<sup>st</sup> floor retail area will be rolled out as demand increases for this space. We would like to eventually use the entire first floor for retail.

# 1<sup>st</sup> Floor Retail Space - Craft and Antique Store

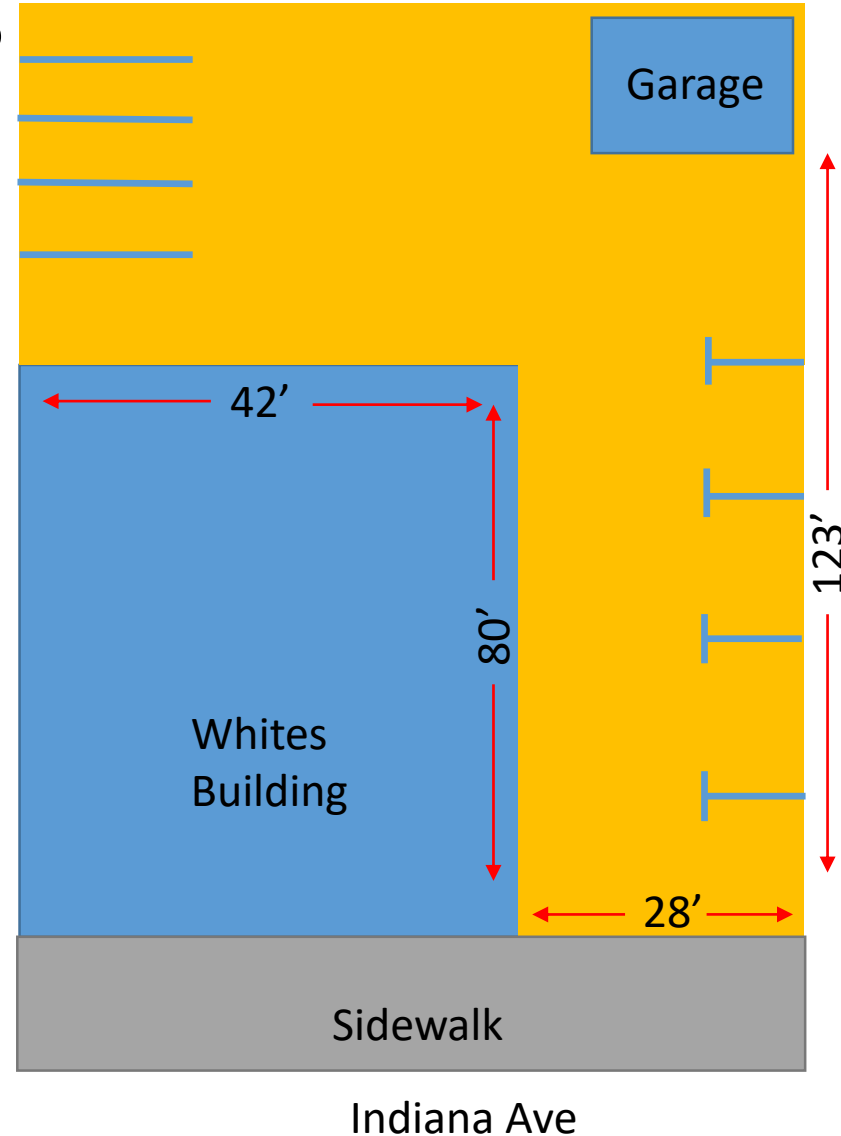


# Planned Improvements

- Complete remodel of apartments upstairs (windows, doors, cabinets, flooring, plumbing/lighting fixtures and HVAC).
- Update electrical to code (entire building).
- Possible replacement of storefront windows (waiting for quotes).
- Paint cement block portion of building.
- Replace all upper windows.
- Update building awning(no plans yet).
- New signage (no plans yet).

# Parking

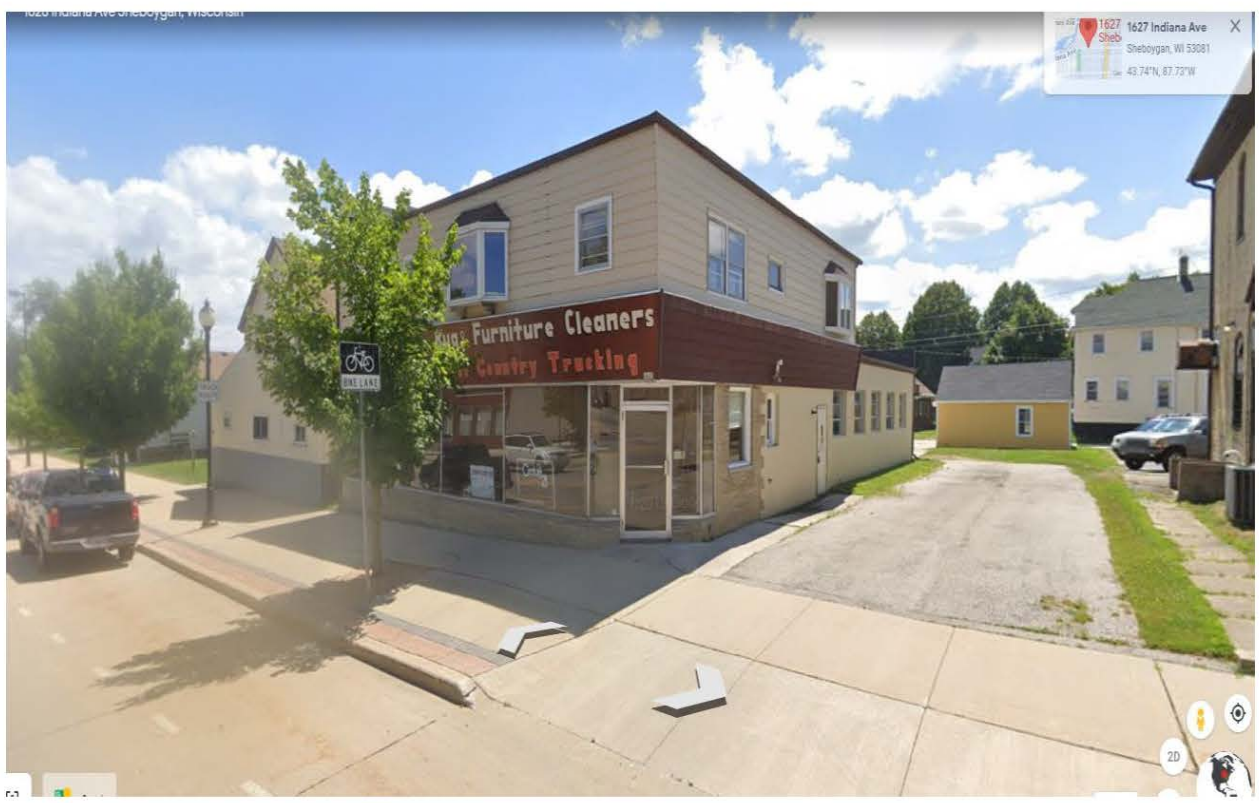
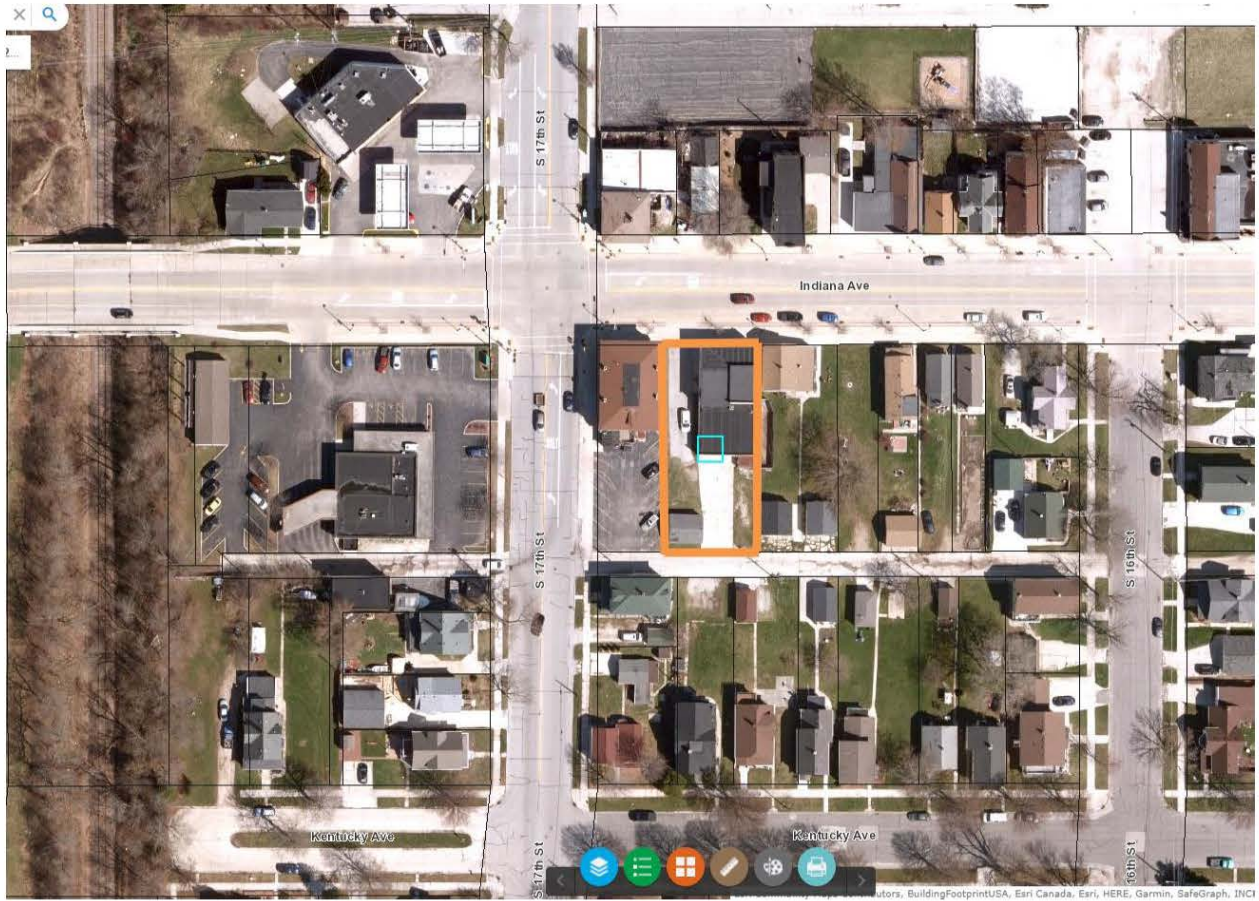
- The current 2 car garage in the back of the lot will be divided in 2 and each apartment will have access to one side.
- The west side of the building will have 4 spots end to end - 20' long and 9' wide. The back of the building will have 4 parking spots 10' wide / 18' long.
- There is also street parking in front of building.



















**CITY OF SHEBOYGAN**

**REQUEST FOR CITY PLAN COMMISSION CONSIDERATION**

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**ITEM DESCRIPTION:** Application for Conditional Use with exceptions by Patera to construct/operate a Cousins Drive Thru Restaurant at 2108 North Avenue. UC Zone

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

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**REPORT DATE:** June 25, 2021

**MEETING DATE:** June 29, 2021

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**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

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**BACKGROUND / ANALYSIS:**

Patera is proposing to construct/operate a Cousins Drive Thru Restaurant at 2108 North Avenue. The applicant states the following about the project:

- This site is a former Loan Max Title Loans and KFC. Loan Max is no longer in operation and the site is currently vacant.
- The proposed redevelopment will include a new 1,972sf square foot Cousins Subs restaurant with a full service drive-thru and seasonal patio dining. The proposed redevelopment will remodel the existing 1,810sf building, will add a 57sf vestibule and 105sf cooler addition. This remodel is expected to cost about \$350k.
- This site was selected as it is an existing location with high visibility, sufficient building size, and adequate parking area and building features to be repurposed.
- A typical, corporate Cousins Subs store hires 15-25 full and part time employees.
- Typical operating hours are 10 a.m. to 10 p.m. daily.
- Cousins Subs will typically serve 150 customers per day at a full service, drive-thru location.
- This proposal includes the revitalization of an existing, vacant building, into a prospering Cousins restaurant. The existing lot will be divided into two (2) parcels. The easterly half is our current project and is identified on the site plan as Project Boundary indicating where the proposed split of Lot 2 would be.

- Parking paved areas will remain, however a small portion along the south side of the existing building will be removed in order to create a fenced in outdoor dining area. The entire property will be re-stripped for proper parking.
- The existing building currently has a drive-up window area, so only some pavement improvements will be needed for the drive-up lane. A portion of the existing parking lot along the southeast corner will be removed to make space for a grass area and planting beds as well as a location for the new monument sign. With the removal of some pavement and addition of new pavement, there is no change in the amount of impervious area for the site. Additional landscaping and relocating the current sign location will provide improvement to meet city requirements for lot landscaping.
- A current access to North Avenue will be eliminated and a new shared access will be created to the west property connecting to the existing driveway and existing parking which will offer existing access to North Avenue. This would include new pavement and curb and gutter. The new pavement will provide three (3) parking spaces for drive-thru overflow waiting areas.
- Included in the plans are additional parking where the old driveway to North Avenue was, as part of the removal, replacement of curb & gutter, restoration of the terrace, and sidewalk along North Avenue will be part of the project.
- Existing site lighting will remain, with addition of three (3) new light poles and location of a new sign located in the southeast corner of lot along North Avenue and 21st Street intersection, outside the vision triangle for the intersection.
- The existing pole mounted sign will be removed, and a new monument sign installed in the southeast corner of the property. All building signs will be replaced. A separate signage package will be submitted for approval.
- This will be a corporate operated store. Cousins Submarines, Inc. owns and operates 33 of the roughly 100 total stores. Cousins is a Wisconsin based company that is a trusted partner in the communities they operate in.
- Cousins looks to redevelop the site giving it a new and vibrant, life in hopes of contributing for years to come to the solid commercial foundation already in place on North Avenue. Cousins looks to build upon its reputation as a solid partner and clean, friendly destination for Sheboygan to enjoy.

Specific site improvements include:

- The proposed restaurant will be 1,972sf in size.
- 21 parking spaces are provided.
- The existing driveway connection to N. 21<sup>st</sup> Street will remain, as-is in its current location and configuration.
- Applicant is closing the existing driveway at the southwest corner of the site and will be sharing access with the new property to the west.

- There will be a cross access easement recorded between the property to the west allowing vehicles access to curb cuts/connections on both properties minimizing traffic stacking and impacts to North Avenue (CSM to be approved and recorded).
- The drive-thru lane provides for a minimum 100 foot stack from the “pass through” window and also meets the 40 foot minimum post window stack.
- An existing dumpster enclosure on the northwest side of the lot will be re-used and painted to match the new building colors.
- Landscaping will be upgraded to add a variety of foundation and ground plantings to enhance the site, while preserving a majority of the mature trees around the parking lot and drive through. Additional decorative trees are also added to complement the site.
- Existing site lighting will remain, with addition of three (3) new light poles and location of a new sign located in the southeast corner of lot along North Avenue and 21st Street intersection, outside the vision triangle for the intersection.

The applicant states the following about the restaurant architecture:

- The building façade will undergo extensive updates conforming to current Cousins Architectural standards which will feature several of Cousins rebranding materials to create a fresh, new look reflecting the brands cuisine philosophy and rich history.
- This includes adding more windows/doors to the south elevation as well as creating an outdoor patio area. A fence will enclose this patio to keep patrons safe from the adjacent vehicle traffic.
- A new Architectural corrugated metal clad vestibule addition is being proposed on the east side of the building to help define a true entrance from the parking lot.
- In addition, existing windows will be enlarged on the east and west elevations to be full height. This will help create a brighter and more inviting dining room atmosphere.
- Much of the existing and damaged building E.I.F.S. will be replaced with a wood grain porcelain tile on the upper cornice on the southern half of the building.
- A new cooler addition is proposed on the north side, with a screening enclosure of the same architectural corrugated metal paneling as proposed on the vestibule addition.
- Existing/replaced HVAC units will remain on the roof, with a new rubber membrane roof system.

Cousins story, values and mission:

- Our story began in 1972 when two Cousins, Bill Specht and Jim Sheppard, set out to bring their favorite style of sub sandwich from the East Coast to their new hometown of Milwaukee, Wis. Staying true to our founders’ legacy of *Better Bread. Better Subs.*, we continue to *Believe in Better* — both in the quality of food we serve and, in the communities, we support.

- As a family-owned company, it's important that we respect our roots, do things the right way and create positive change. We view every opportunity as a chance to be *Better at Heart* and treat each obstacle as a chance to grow and better serve you.
- We *Believe in Better* through the continual improvement in everything we do. When it comes to the food we serve, quality has no substitute. While others seek to create value by cutting back, we choose to improve and offer more. When our communities are in need, we offer our support.
- When it comes to the food we serve, we believe that Quality Has No Substitute. That's why after 45+ years, we continue to serve *Better Bread. Better Subs.* using only the freshest ingredients on our signature bread baked daily.
- Our local sub shop owners believe in being *Better at Heart* and have a long-standing tradition of giving back to the communities they serve. Whether it's supporting reading programs, hosting donation nights for local schools, providing nonprofits with healthier food options or donating food to local shelters, they are passionate about making it better.

### **STAFF COMMENTS:**

The owner of the property will be submitting a Certified Survey Map (CSM) to create two (2) parcels out of this one (1) parcel which presently has the Loan Max facility (east side) and a vacant, undeveloped parcel on the west side. The owner is proposing two (2) lots which will permit Cousins to purchase their proposed development site and will create a 2<sup>nd</sup> parcel that will now be available for development.

Access to the site is proposed to come from the existing N. 21<sup>st</sup> Street driveway as well as a new shared access drive from North Avenue.

The proposed CSM shows an access agreement between the two (2) new parcels. This access easement permits each development to share a common driveway which will be located on the new lot to the west (lot 1 in the CSM). This shared driveway allows Cousins to eliminate their driveway so now there will be just one (1) driveway onto North Avenue from these lots instead of two (2) separate driveways for each parcel.

There are a number of turning movements along this section of North Avenue, which is very close to the Calumet Drive intersection, and creating a shared access driveway minimizes the number of turning movements in this area which is safer from a pedestrian and vehicular perspective. Having one (1) shared access driveway is much safer than having two (2) separate access drives for each property creating even more turning movements at this very busy intersection - Calumet and North intersection, North and N. 21<sup>st</sup> Street intersection and the other various driveway movements to and from the commercial strip centers on each side of North Avenue.

Applicant will be remodeling the existing facility, will be adding a cooler addition to the northwest corner of the building and a very small vestibule addition by the entrance on the east side of the building.

The Plan Commission may want the applicant to explain the following:

- A little explanation about the Cousins Menu?

- Explanation of drive thru business compared to sit down business.
- When is construction proposed to begin and when might the restaurant open?

The proposed Cousins Restaurant is a nice redevelopment of this former Loan Max and KFC and appears to be a nice fit with many of the other commercial restaurants and retail/service establishments located along this redeveloping North Avenue/Calumet Drive intersection.

Applicant is requesting the following exceptions:

- Requesting a paving variance to be zero (0) feet to the west property line – minimum paving setback is five (5) feet.

This is at the existing driveway that connects the Cousin’s parcel to the Sheboygan Family Restaurant parcel to the north. This also includes the area west of the driveway which varies from .3 feet (north) to 2.5 feet (south) along the new common property line.

- Requesting a variance from the locational landscaping requirements - Applicant shall meet the four (4) locational and bufferyard landscaping requirements.

**ACTION REQUESTED:**

Staff recommends approval of the conditional use and exceptions subject to the following conditions:

1. Prior to building permit issuance, the applicant shall obtain all licenses and permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, water, sewer, storm drainage, health, etc. (Applicant shall be in contact with building inspection, fire, police, etc.). An occupancy permit will be granted only at such time as the applicant has met all requirements.
2. Submittal/approval of a proposed storm drainage plan prior to building permit issuance. If properties are sharing stormwater facilities, the proper agreements/easements shall be officially documented and recorded prior to building permit issuance.
3. Submittal and approval of a landscape plan prior to building permit issuance. Landscape plan shall provide a legend that shows how the four (4) landscape criteria are being met (create a legend along with the landscape plan site plan). Landscaping shall be installed prior to issuance of an occupancy permit.
4. Dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility and shall be completed prior to issuance of an occupancy permit (existing dumpster is weathered and shall be repainted).
5. Outdoor storage of materials, products or equipment shall be prohibited.
6. 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.).
7. All new lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance (site lighting, building lighting, signage, etc.). There shall be no spillover light onto adjacent properties or the streets.
8. If applicant is proposing to utilize existing light poles at the site, the light poles will be repainted (existing poles are weathered and shall be repainted).
9. Applicant shall work with staff with regards to appropriate signage. Only at such time as the sign package has been reviewed and approved may the applicant obtain sign permits to install the proposed signage. If staff has any concerns with proposed signage design, the matter may be brought back to the Plan Commission for their consideration.

10. Applicant shall install individual letter signs – no cabinet or flat panel signs.
11. Applicant shall remove existing pylon sign and shall be permitted a freestanding monument sign for the site. Minimum setback of a monument sign is 12 feet. Maximum height of the monument sign is eight (8) feet.
12. All areas used for parking/maneuvering of vehicles shall be paved. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
13. The parking lot and drive-through facilities shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
14. Any new ingress/egress driveway openings shall be improved to standard City specifications. All existing access drives that are no longer used shall be removed and all unused driveways shall be closed and improved to standard City specifications.
15. Absolutely no portion of the new building and/or site improvements shall cross the property lines including but not limited to buildings, balconies, decks, foundations, walls, gutters, eaves, roof, parking, fencing/retaining walls, signs, landscaping, etc.
16. Any work within City of Sheboygan Public rights-of-way shall be discussed with the City Engineering Department and constructed to standard City specifications (including, but not limited to, new and old ingress/egress driveway openings, curb, gutter, sidewalk, pavement, utilities, street trees, grading, etc.).
17. Applicant will provide adequate public access along all streets and sidewalks and will take all appropriate actions to minimize the time period that adjacent properties and streets/sidewalks are impacted by the development (utilities, streets, etc.).
18. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets.
19. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant.
20. All vehicles, equipment, materials, products, etc. shall be located on the applicant's property (no storage on public rights-of-way).
21. Applicant is responsible for working with all private and public utilities in order to adequately service this development proposal (applicant will need to provide the necessary easements and/or relocate utilities as necessary).
22. City Development staff will issue a building permit only if the applicant has adequately satisfied all concerns related to water and sewer.
23. City Development staff will issue a building permit only if the applicant has adequately satisfied all concerns related to the Sheboygan Fire Department, including but not limited to fire lane access at the site, sprinkler systems, hydrants, water pressures, etc.
24. The Conditional use permit is approved if and only if the City of Sheboygan Department of City Development and/or Planning Commission approve the Certified Survey Map (CSM) reconfiguring lot lines and/or creating the parcels as proposed.
25. City Development staff will sign the proposed CSM only if the proposal exactly matches the approved development plan/property layout. If there are any amendments to the approved site plan and/or parcel configuration, the applicant will have to submit an amended conditional use permit for review by the City of Sheboygan Plan Commission that accurately reflects any and all changes.
26. Prior to building permit issuance, the applicant is responsible for providing all shared agreements/easements between the subject property and adjoining properties including but not limited to ingress/egress, shared access, parking, stormwater facilities, utilities, etc. This easement document shall be officially recorded by Sheboygan County.
27. Building permits will only be issued at such time as the applicant can provide documentation from Sheboygan County that the CSM has been officially recorded and the applicant can demonstrate that they are the owner of newly created lot.

28. Prior to building permit issuance, the City of Sheboygan Architectural Review Board shall review/approve the proposed building design.
29. If there are any amendments to the approved conditional use permit (including but not limited to site plan, architectural design, use, etc.), the applicant will be required to submit a new conditional use application reflecting those amendments.

**ATTACHMENTS:**

Conditional Use and required attachments

PARCEL NO. \_\_\_\_\_

MAP NO. \_\_\_\_\_

ZONING CLASSIFICATION: \_\_\_\_\_

Office Use Only

APPLICATION/FILE NO. \_\_\_\_\_

REVIEW DATE: \_\_\_\_\_

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

**CITY OF SHEBOYGAN  
APPLICATION FOR  
CONDITIONAL USE PERMIT**  
Requirements Per Section 15.905  
Revised May 2018

Completed application is to be filed with the Department of City Development, 828 Center Avenue, Suite 208. 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: \_\_\_\_\_ Nathan Remitz \_\_\_\_\_

ADDRESS: 2601 S. Sunnyslope Rd. New Berlin, WI 53151

E-MAIL: \_\_\_nathan@paterallc.com\_\_\_\_\_

PHONE: \_\_ ( 262 ) \_\_ 786.6776 \_\_\_\_ FAX NO. \_\_ ( \_\_\_\_ ) \_\_\_\_\_

**2. DESCRIPTION OF THE SUBJECT SITE/PROPOSED PROJECT**

NAME OF PROPOSED/EXISTING BUSINESS: \_\_\_\_\_ Cousins \_\_\_\_\_

ADDRESS OF PROPERTY AFFECTED: \_\_\_ 2108 North Ave. \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_ Parcel # 59281630212  
Lot 2- 27 CSM 297-299 #2033749 NW1/4 of NW ¼ Section 15, T 15 N,  
R 23 E

BRIEF DESCRIPTION OF **EXISTING** OPERATION OR USE: \_\_\_ Vacant...was  
previously a "Loan Max Title Loans" store \_\_\_\_\_

DETAILED DESCRIPTION OF **PROPOSED** OPERATION OR USE INCLUDING  
ANY CHANGES TO THE EXISTING USE: \_\_\_\_\_ Proposed Cousins Restaurant \_\_\_\_\_

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

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### 3. JUSTIFICATION OF THE PROPOSED CONDITIONAL USE

Written justification for the proposed conditional use, indicating reasons why the applicant believes the proposed conditional use is appropriate.

How is the proposed conditional use (independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the City of Sheboygan Comprehensive Master Plan? \_\_\_\_\_The new use is already a permitted conditional use according to the Comprehensive Master Plan. The new use will serve the immediate needs of the surrounding neighborhoods. It will be complimentary to other businesses in the area offering a different option for fast food dining.

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Does the conditional use, in its proposed location, result in any substantial or undue adverse impact on nearby property the character of the neighborhood, environment, traffic, parking, public improvements, public property or rights-of-way? \_\_\_\_\_None\_\_\_\_\_

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How does the proposed conditional use maintain the desired consistency of land uses in relation to the setting within which the property is located? \_\_\_\_\_Original property used to be a KFC (fast food) many years ago. This project will restore the property to this original use again.\_\_\_\_\_

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Is the proposed conditional use located in an area that will be adequately served by utilities, or services provided by public agencies? If not, please explain. \_\_\_\_\_YES\_\_\_\_\_

### 4. NAMES AND ADDRESS (Indicate N/A for "Not Applicable" items)

**OWNER OF SITE:** \_\_\_\_\_Tom Schafer (North/ Calumet, LLC)\_\_\_\_\_

ADDRESS: \_\_\_\_\_2551 N. Wahl Ave. Milwaukee, WI 53211\_\_\_\_\_

E-MAIL: \_\_\_\_\_tschafer@wi.rr.com\_\_\_\_\_

**ARCHITECT:** \_\_\_\_\_Nathan Remitz\_\_\_\_\_

ADDRESS: \_\_\_\_\_2601 S. Sunnyslope Rd. New Berlin, WI 53151\_\_\_\_\_

E-MAIL: \_\_\_\_\_nathan@paterallc.com\_\_\_\_\_

**CONTRACTOR:** \_\_\_\_\_N/A\_\_\_\_\_

ADDRESS: \_\_\_\_\_ E-MAIL: \_\_\_\_\_



**PATERA** LLC

**Excellence in Architecture**

2601 S. Sunny Slope Rd. • New Berlin, WI 53151  
Office: **262.786.6776** Fax: **262.786.7036**



## PROJECT & SITE NARRATIVE

### Project Name & Address

Cousins

2108 North Avenue, Sheboygan, WI 53081

### Parcel Legal Description/Site Data

Parcel # 59281630212

Lot 2- 27 CSM 297-299 #2033749 NW1/4 of NW ¼ Section 15, T 15 N, R 23 E

Current zoning = Urban Commercial (UC)

### Existing Site Conditions/Land use/building use

The eastern part has a vacant commercial building (Loan Max Title Loans) with a non-utilized drive-up window. The current paved parking has access to both North Avenue and 21<sup>st</sup> Street. The western part has a driveway from North Avenue with a driveway to the west for lot 1 and includes an area along North Avenue for parking. The rest of the west half of lot 2 is grass area undeveloped.

### Proposed Land Use/Lot Coverage Site Data

This proposal includes the revitalization of an existing, vacant building, into a prospering Cousins restaurant. The proposed Lot 2 area will be divided into two parcels through a CSM. This CSM is being submitted by a third party. The easterly half is our current project and is identified on the site plan as Project Boundary indicating where the proposed split of Lot 2 would be.

Parking paved areas will remain, however a small portion along the south side of the existing building will be removed in order to create a fenced in outdoor dining area. The entire property will be re-stripped for proper parking. The existing building currently has a drive-up window area, so only some pavement improvements will be needed for the drive-up lane. A portion of the existing parking lot along the southeast corner will be removed to make space for a grass area and planting beds as well as a location for the new monument sign. All signage will be submitted as a separate approval, by the signage vendor.

With the removal of some pavement and addition of new pavement, there is no change in the amount of impervious area for the site. A current access to North Avenue will be eliminated and a new shared access will be created to the west property connecting to the existing driveway & existing parking which will offer existing access to North Avenue. This would include new pavement and curb & gutter. The new pavement will provide 3 parking spaces for drive-thru overflow waiting areas.

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**PATERA** LLC

**Excellence in Architecture**

2601 S. Sunny Slope Rd. • New Berlin, WI 53151  
Office: **262.786.6776** Fax: **262.786.7036**



This new Cousins location will hire 15 – 20 employees who will serve approximately 150 guests / per day. This remodel is expected to cost about \$350k.

### **Site Selection**

This site was selected as it is an existing location with high visibility, sufficient building size, and adequate parking area and building features to be repurposed.

### **Landscape Requirements**

Additional landscaping and relocating the current sign location will provide improvement to meet city requirements for lot landscaping per section 15.6 and subsequent point values.

Included in the plans are additional parking where the old driveway to North Avenue was, as part of the removal, replacement of curb & gutter, restoration of the terrace, and sidewalk along North Avenue will be part of the project.

### **Site Lighting**

Existing site lighting will remain, with addition of three new light poles and location of a new sign located in the southeast corner of lot along North Avenue and 21<sup>st</sup> Street intersection, outside the vision triangle for the intersection.

### **Property Performance**

This property will conform to all City of Sheboygan zoning ordinances and not become a nuisance property by providing regular site maintenance and upkeep. This includes regular garbage pickup, proper building and site upkeep and supervision.

### **Architecture**

The building façade will undergo extensive updates conforming to current Cousins Architectural standards. This includes adding more windows / doors to the south elevation as well as creating an outdoor patio area. A fence will enclose this patio to keep patrons safe from the adjacent vehicle traffic. A new Architectural corrugated metal clad vestibule addition is being proposed on the east side of the building to help define a true entrance from the parking lot.

In addition, existing windows will be enlarged on the east and west elevations to be full height. This will help create a brighter and more inviting dining room atmosphere. Much of the existing and damaged building E.I.F.S. will be replaced with a wood grain porcelain tile on the upper cornice on the southern half of the building. A new cooler addition is proposed on the north side, with a screening enclosure of the same architectural corrugated metal paneling as proposed on the vestibule addition. An existing dumpster enclosure on the north west side of the lot will be re-used and painted to match the new building colors. Existing / replaced HVAC units will remain on the roof, with a new rubber membrane roof system.

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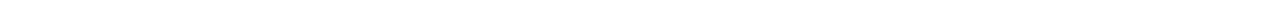


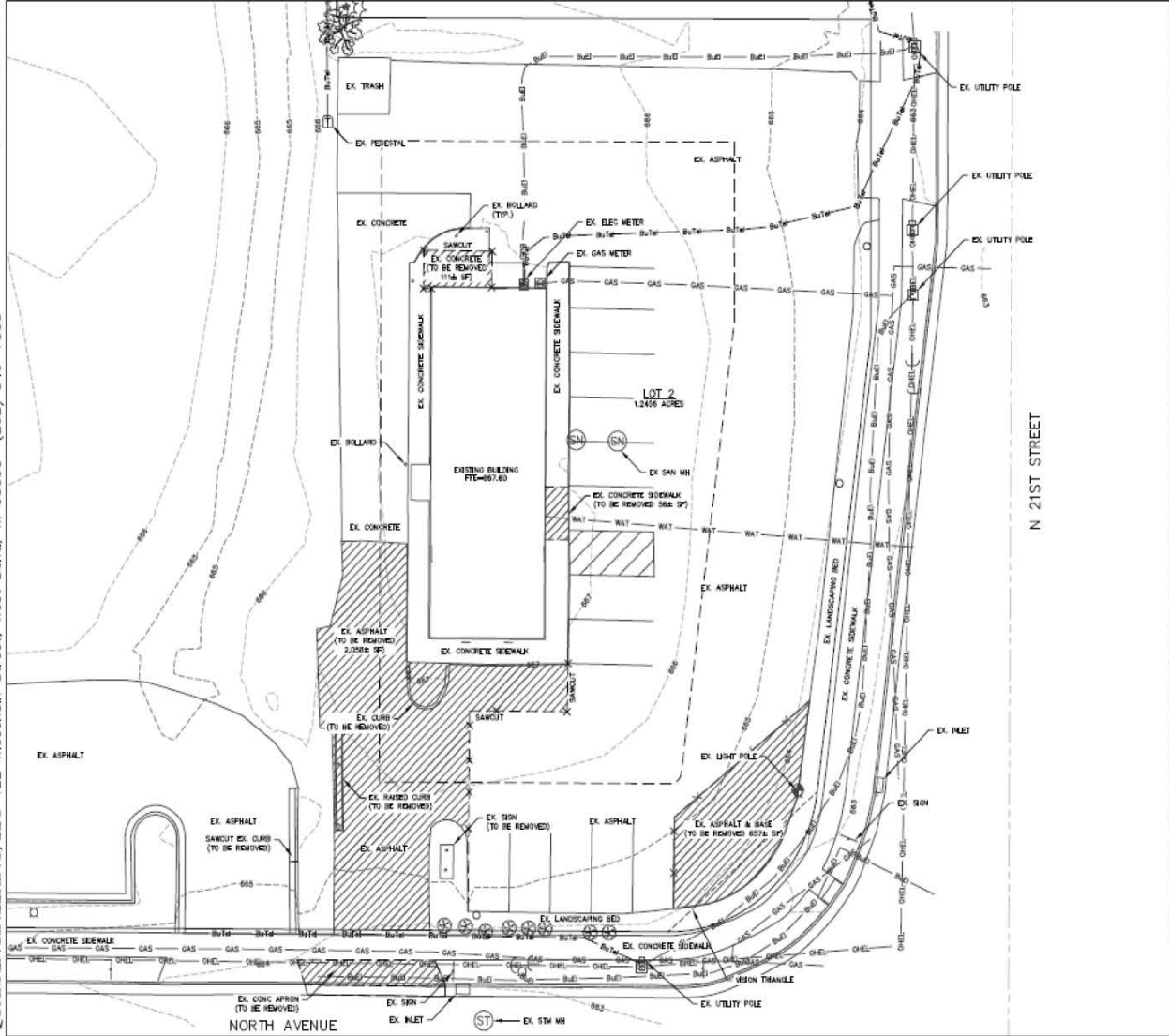
### **Signage**

The existing pole mounted sign will be removed, and a new monument sign installed in the south east corner of the property. All building signs will be replaced. A separate signage package will be submitted for approval.

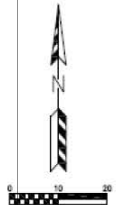
Sincerely,

Nathan Remitz A.L.A.  
Architect / Partner





- LEGEND:**
- 688 --- EXISTING MINOR CONTOUR
  - 685 --- EXISTING MAJOR CONTOUR
  - OHEL --- OVERHEAD ELECTRIC LINE
  - HEE --- HANGED ELECTRIC LINE
  - TUE --- HANGED TELEPHONE LINE
  - FTL --- FIBER OPTIC LINE
  - GAS --- GAS LINE
  - SAN --- SANITARY SEWER MAIN OR LATERAL
  - WAT --- WATER MAIN OR SERVICE
  - STIM --- STIM REMED LINE
  - [Symbol] --- ELECTRIC METER
  - [Symbol] --- GAS METER
  - [Symbol] --- GAS VALVE
  - [Symbol] --- FIRE HYDRANT
  - [Symbol] --- FIBER POLE
  - [Symbol] --- SANITARY SEWER MANHOLE
  - [Symbol] --- STIM REMED MANHOLE
  - [Symbol] --- STIM REMED PLET
  - [Symbol] --- TELEPHONE FIBER/TEL
  - [Symbol] --- TRANSFORMER
  - [Symbol] --- WATER VALVE

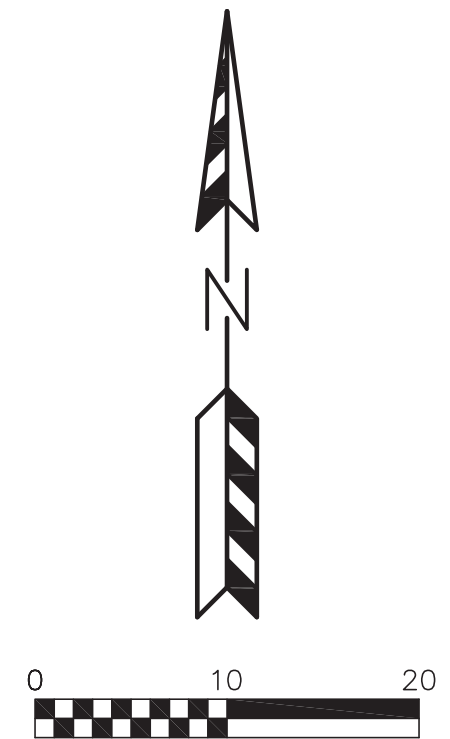
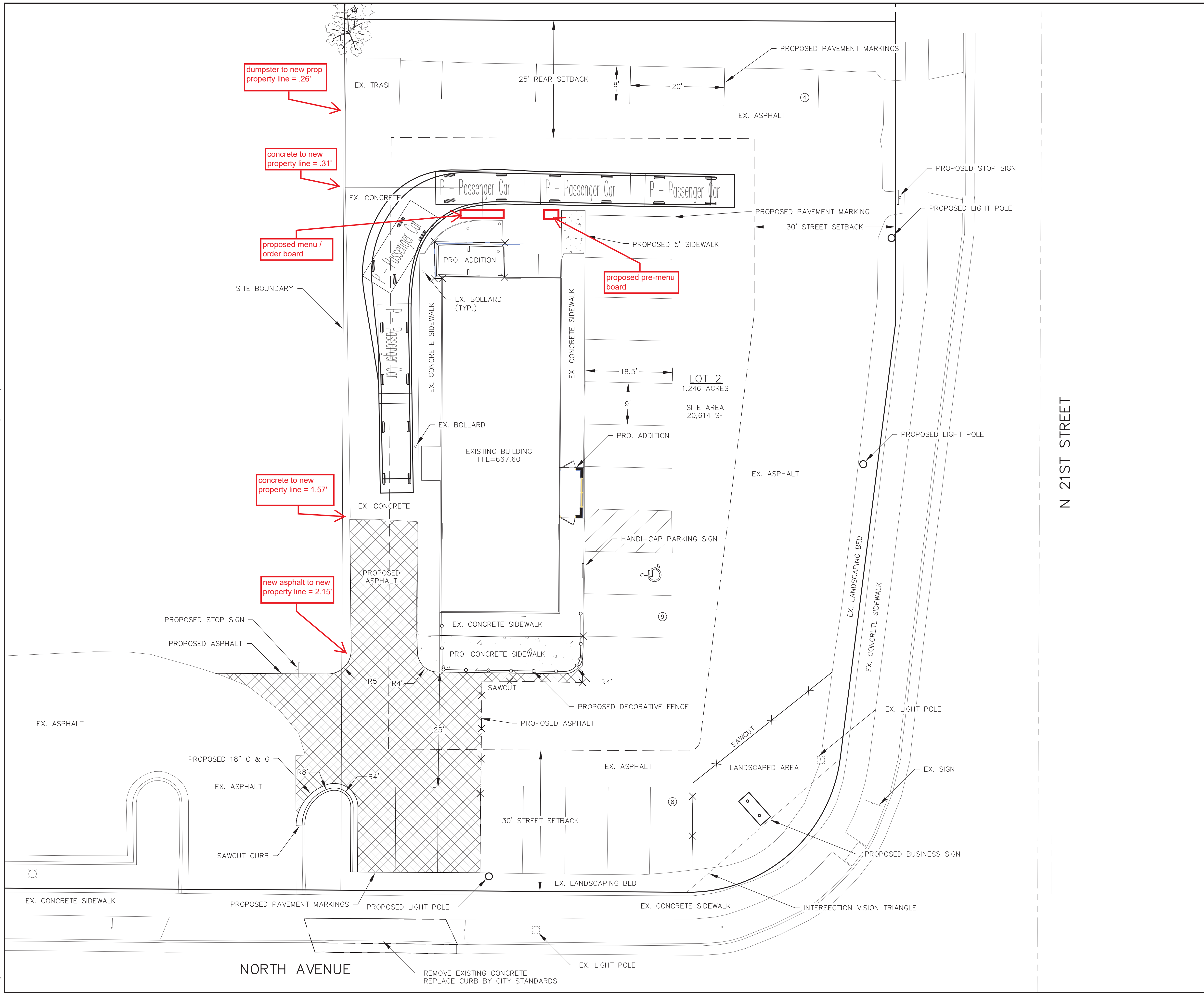


2108 NORTH AVENUE - CITY OF SHEBOYGAN  
 EXISTING CONDITIONS PLAN  
 DATED: MAY 24, 2021

C-102

**QUAM ENGINEERING, LLC**  
 Residential and Commercial Site Design Consultants  
 122 Wisconsin Street, West Bend, Wisconsin 53095  
 Phone: (262) 346-7800 www.quameng.com





LEGEND:

Ⓟ - PARKING STALLS IN A ROW

SITE INFORMATION BLOCK	
Site Address	2108 NORTH AVENUE
Site acreage (total)	1.246 ACRES
Existing Impervious Area	424 ACRES
Area of Disturbance	2,700 SQ. FT.
Current Zoning	UC
Setbacks Building/Pavement	
Street	30'
Side	10'
Rear	25'
Number of Parking stalls required:	11
Number of Parking stalls provided:	21
Surface Coverage Total:	
Impervious	17,881 SQ FT (0.41 Acres)
Pervious	2,733 SQ FT (0.06 Acres)
Total	20,614 SQ FT (0.47 Acres)
Impervious Percentage	86.7%

- SITE PLAN NOTES:**
- DIMENSIONS ARE TO FACE OF CURB AND FACE OF BUILDING UNLESS OTHERWISE NOTED.
  - WHERE CURB ENDS AT CONNECTIONS SMOOTHLY TRANSITION FROM FULL CURB HEIGHT TO ZERO CURB HEIGHT WITHIN A 3' LENGTH.
  - ALL STRIPING AND SIGNAGE SHALL COMPLY WITH THE WISCONSIN MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.

**PAVING LEGEND**

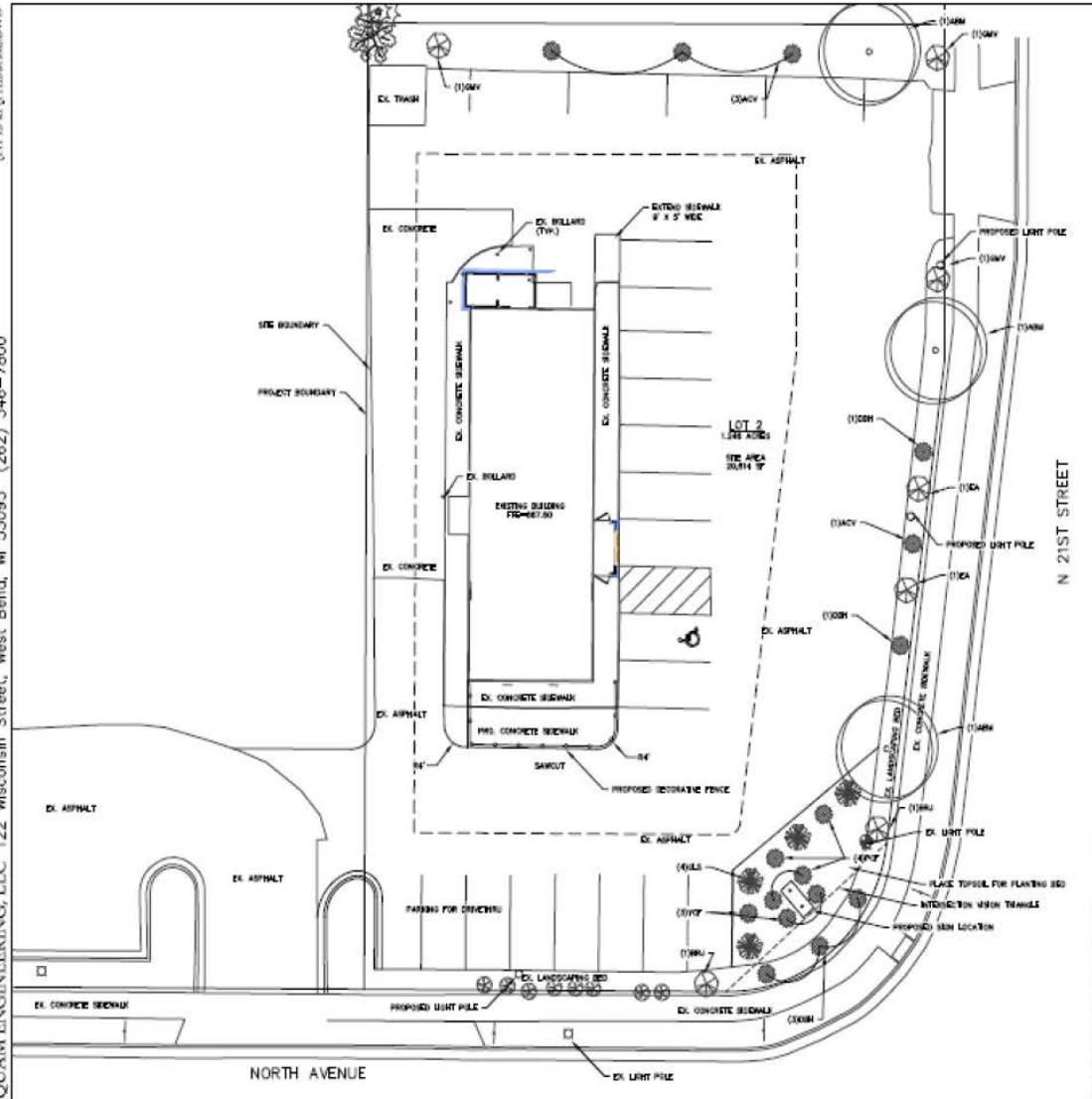
	LIGHT PAVEMENT 8" CRUSHED AGGREGATE BASE COURSE 2 1/4" ASPHALTIC BINDER 3 LT 58-28 S 1 3/4" ASPHALTIC SURFACE 4 LT 58-28 S
	CONCRETE SIDEWALK 6" CRUSHED AGGREGATE BASE COURSE 4" CONCRETE

2108 NORTH AVENUE - CITY OF SHEBOYGAN  
 PROPOSED SITE PLAN  
 DATED: MAY 24, 2021

C-103

**QUAM ENGINEERING, LLC**  
 Residential and Commercial Site Design Consultants

122 Wisconsin Street, West Bend, Wisconsin 53095  
 Phone (262) 346-7800; www.quamengineering.com



LANDSCAPE CALCULATIONS - CITY OF SHEBOYGAN			
TOTAL PROPOSED BUILDING FOOTPRINTS: 208 SF			
TOTAL PROPOSED BUILDING FOOTPRINTS: 2,000 SF			
LENGTH OF STREET FRONTAGE ALONG 2ND STREET = 153 LF			
LENGTH OF STREET FRONTAGE ALONG NORTH AVENUE = 75 LF			
<b>WOODS</b>			
LANDSCAPE CALCULATIONS FOR BUILDING FOOTPRINTS TO PROVIDE 10% TREE CANOPY PER 1,000 SF	48 POINTS		
LANDSCAPE CALCULATIONS FOR BUILDING FOOTPRINTS TO PROVIDE 10% TREE CANOPY PER 1,000 SF	48 POINTS		
LANDSCAPE CALCULATIONS FOR STREET FRONTAGE TO PROVIDE 10% TREE CANOPY PER 100 LF	15 POINTS		
LANDSCAPE CALCULATIONS FOR PARKING AREAS TO PROVIDE 10% TREE CANOPY PER 100 SF	15 POINTS		
TOTAL POINTS FOR PLANTING INCLUDING BERRY PLANTS IN USE	110 POINTS		
TOTAL POINTS PROVIDED INCLUDING BERRY PLANTS	110 POINTS		

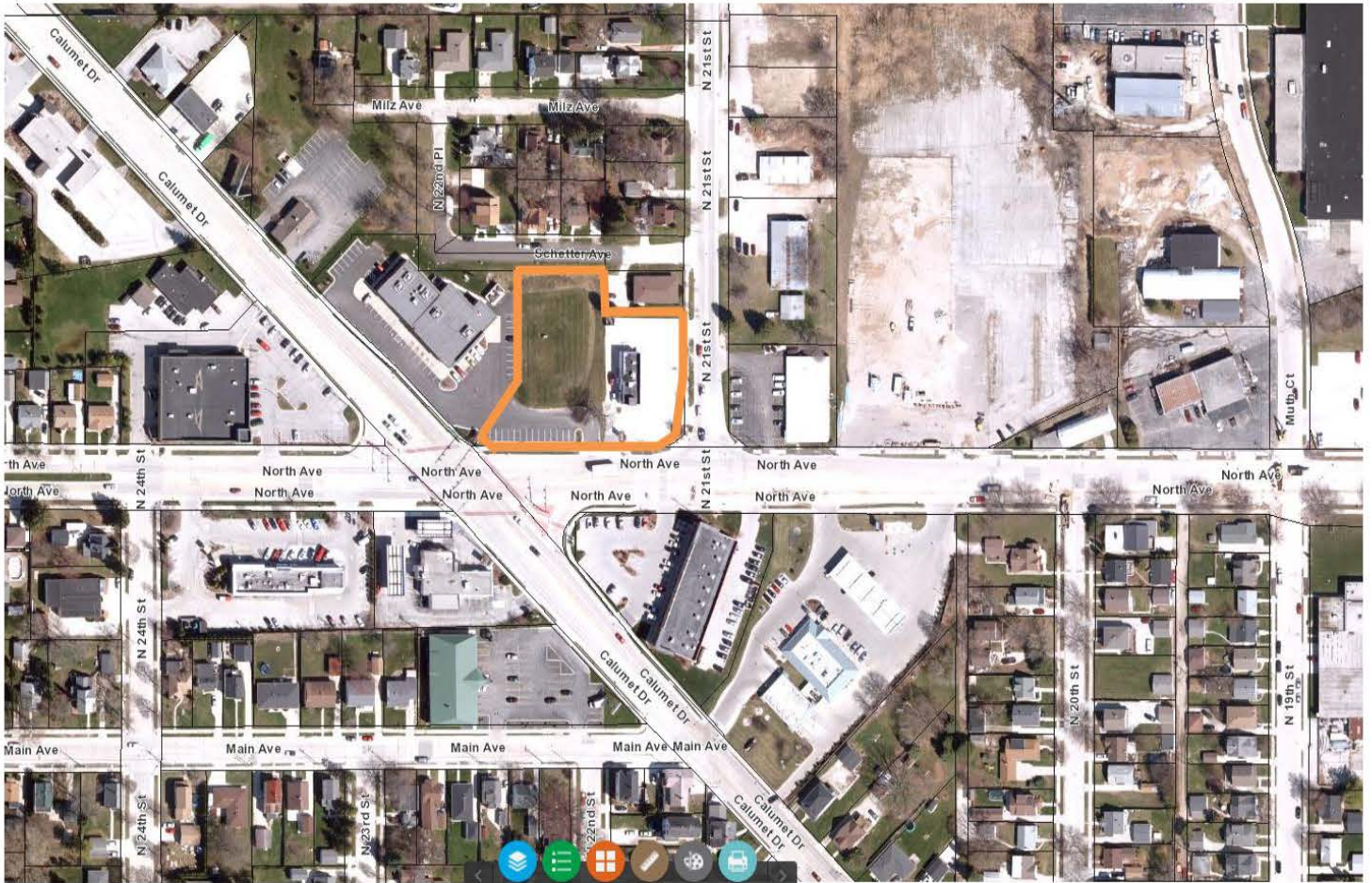
  

PLANT LIST			
NO.	SYM.	SEE CHECK SHEET	TOTAL
10	(1)04M	CALL LANSKAPING BED	
11	(1)04N	CALL LANSKAPING BED	
12	(1)04O	CALL LANSKAPING BED	
13	(1)04P	CALL LANSKAPING BED	
14	(1)04Q	CALL LANSKAPING BED	
15	(1)04R	CALL LANSKAPING BED	
16	(1)04S	CALL LANSKAPING BED	
17	(1)04T	CALL LANSKAPING BED	
18	(1)04U	CALL LANSKAPING BED	
19	(1)04V	CALL LANSKAPING BED	
20	(1)04W	CALL LANSKAPING BED	
21	(1)04X	CALL LANSKAPING BED	
22	(1)04Y	CALL LANSKAPING BED	
23	(1)04Z	CALL LANSKAPING BED	
24	(1)04AA	CALL LANSKAPING BED	
25	(1)04AB	CALL LANSKAPING BED	
26	(1)04AC	CALL LANSKAPING BED	
27	(1)04AD	CALL LANSKAPING BED	
28	(1)04AE	CALL LANSKAPING BED	
29	(1)04AF	CALL LANSKAPING BED	
30	(1)04AG	CALL LANSKAPING BED	
31	(1)04AH	CALL LANSKAPING BED	
32	(1)04AI	CALL LANSKAPING BED	
33	(1)04AJ	CALL LANSKAPING BED	
34	(1)04AK	CALL LANSKAPING BED	
35	(1)04AL	CALL LANSKAPING BED	
36	(1)04AM	CALL LANSKAPING BED	
37	(1)04AN	CALL LANSKAPING BED	
38	(1)04AO	CALL LANSKAPING BED	
39	(1)04AP	CALL LANSKAPING BED	
40	(1)04AQ	CALL LANSKAPING BED	
41	(1)04AR	CALL LANSKAPING BED	
42	(1)04AS	CALL LANSKAPING BED	
43	(1)04AT	CALL LANSKAPING BED	
44	(1)04AU	CALL LANSKAPING BED	
45	(1)04AV	CALL LANSKAPING BED	
46	(1)04AW	CALL LANSKAPING BED	
47	(1)04AX	CALL LANSKAPING BED	
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49	(1)04AZ	CALL LANSKAPING BED	
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52	(1)04BC	CALL LANSKAPING BED	
53	(1)04BD	CALL LANSKAPING BED	
54	(1)04BE	CALL LANSKAPING BED	
55	(1)04BF	CALL LANSKAPING BED	
56	(1)04BG	CALL LANSKAPING BED	
57	(1)04BH	CALL LANSKAPING BED	
58	(1)04BI	CALL LANSKAPING BED	
59	(1)04BJ	CALL LANSKAPING BED	
60	(1)04BK	CALL LANSKAPING BED	
61	(1)04BL	CALL LANSKAPING BED	
62	(1)04BM	CALL LANSKAPING BED	
63	(1)04BN	CALL LANSKAPING BED	
64	(1)04BO	CALL LANSKAPING BED	
65	(1)04BP	CALL LANSKAPING BED	
66	(1)04BQ	CALL LANSKAPING BED	
67	(1)04BR	CALL LANSKAPING BED	
68	(1)04BS	CALL LANSKAPING BED	
69	(1)04BT	CALL LANSKAPING BED	
70	(1)04BU	CALL LANSKAPING BED	
71	(1)04BV	CALL LANSKAPING BED	
72	(1)04BW	CALL LANSKAPING BED	
73	(1)04BX	CALL LANSKAPING BED	
74	(1)04BY	CALL LANSKAPING BED	
75	(1)04BZ	CALL LANSKAPING BED	
76	(1)04CA	CALL LANSKAPING BED	
77	(1)04CB	CALL LANSKAPING BED	
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80	(1)04CE	CALL LANSKAPING BED	
81	(1)04CF	CALL LANSKAPING BED	
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84	(1)04CI	CALL LANSKAPING BED	
85	(1)04CJ	CALL LANSKAPING BED	
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88	(1)04CM	CALL LANSKAPING BED	
89	(1)04CN	CALL LANSKAPING BED	
90	(1)04CO	CALL LANSKAPING BED	
91	(1)04CP	CALL LANSKAPING BED	
92	(1)04CQ	CALL LANSKAPING BED	
93	(1)04CR	CALL LANSKAPING BED	
94	(1)04CS	CALL LANSKAPING BED	
95	(1)04CT	CALL LANSKAPING BED	
96	(1)04CU	CALL LANSKAPING BED	
97	(1)04CV	CALL LANSKAPING BED	
98	(1)04CW	CALL LANSKAPING BED	
99	(1)04CX	CALL LANSKAPING BED	
100	(1)04CY	CALL LANSKAPING BED	
101	(1)04CZ	CALL LANSKAPING BED	
102	(1)04DA	CALL LANSKAPING BED	
103	(1)04DB	CALL LANSKAPING BED	
104	(1)04DC	CALL LANSKAPING BED	
105	(1)04DD	CALL LANSKAPING BED	
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141	(1)04EN	CALL LANSKAPING BED	
142	(1)04EO	CALL LANSKAPING BED	
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144	(1)04EQ	CALL LANSKAPING BED	
145	(1)04ER	CALL LANSKAPING BED	
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150	(1)04EW	CALL LANSKAPING BED	
151	(1)04EX	CALL LANSKAPING BED	
152	(1)04EY	CALL LANSKAPING BED	





















**CITY OF SHEBOYGAN**

**REQUEST FOR LICENSING, HEARINGS AND PUBLIC SAFETY CONSIDERATION**

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**ITEM DESCRIPTION:** Application for Conditional Use with exceptions and Certified Survey Map by North/Calumet, LLC to create new parcels at 2108 North Avenue. UC Zone

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

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**REPORT DATE:** June 25, 2021

**MEETING DATE:** June 29, 2021

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**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

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**BACKGROUND / ANALYSIS:**

North/Calumet, LLC is proposing to create two (2) parcels from the one (1) parcel located at 2108 North Avenue. The applicant states the following:

- The property currently consists of vacant land and one (1) unoccupied commercial building. Owner is requesting a certified survey map (“CSM”) to divide the property into two (2) separate parcels, to allow redevelopment of a Cousins in the unoccupied commercial building on Lot 2, and development of a new building on Lot 1.
- Lot 1 – is proposed to be .77 acres and is presently vacant and undeveloped. It is likely that the Plan Commission will see a development proposal for this lot in the near future.
- Lot 2 – is proposed to be .5 acres and includes the former Loan Max/KFC facility that is proposed to be redeveloped into a Cousins Restaurant.
- The proposed development would create two (2) lots, both used for commercial development in this commercially designated area (lots previously used for commercial purposes). The existing building, which is currently vacant, would be upgraded per detailed Cousins plans submitted by the user for the building. A new building is proposed for the vacant land (detailed plans to be submitted for such development separately). Existing utilities are available to service both lots and proposed uses.
- As part of the property development, we are proposing to combine the two (2) separate curb cuts on North Avenue into one shared access so the developments utilize one (1) new shared reconstructed curb cut on North Ave and one (1) existing curb cut on N. 21st Street. A cross-access and utility easement is also proposed as part of the CSM.

The proposed development advances several goals, objectives and policies of the Comprehensive Plan including:

- Accommodating a mix of uses within a finite amount of land.
- Following the existing land use pattern of the general neighborhood.
- Promoting infill development and redevelopment of aging sites, with compatible uses.
- Generally, promote the mixture of compatible land uses on the same site.

**STAFF COMMENTS:**

The properties in this area presently share access with one another. Page 2 of the CSM shows that the access easement will remain and access will continue to be shared.

This access easement also proposes to create one (1) shared access driveway onto North Avenue for both Lots 1 and 2. There are a number of turning movements along this section of North Avenue, which is very close to the Calumet Drive intersection, and creating a shared access driveway minimizes the number of turning movements in this area which is safer from a pedestrian and vehicular perspective. Having one (1) shared access driveway is much safer than having two (2) separate access drives for each property creating even more turning movements at this very busy intersection.

The applicant has included a note on the CSM referencing a previous reciprocal easement agreement pertaining to shared parking, access, utilities, etc. This note will also cover the creation of the new lots and will incorporate those easements and agreements.

Proposed Lot 1 will be sharing a storm water facility with the Auto Zone multi-tenant facility to the west at 2713 Calumet Drive. The original thought was this might be a multi building development on one (1) parcel. That is no longer the case, thus, the applicant will need to work with 2713 Calumet Drive concerning the stormwater facility and its future shared use with the development that will eventually occur on proposed Lot 1

The applicant is requesting the following variances:

- Requesting a variance to have a zero (0) foot sideyard paving setback along the new common property lines - The minimum side yard paving setback is five (5) feet.

A shared parking and access agreement will need to be shown on the proposed CSM.

**ACTION REQUESTED:**

Staff recommends approval of the conditional use permit, exceptions and CSM subject to the following conditions:

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

2. Prior to the City signing the proposed CSM, the applicant will provide all shared agreements between proposed Lot 1, Lot 2 and other properties (parking, access, signage, storm drainage, landscaping, utilities, etc.).
3. If there are any amendments to the approved CSM, the applicant will be required to submit a new conditional use application reflecting those amendments.

**ATTACHMENTS:**

Conditional Use Permit Application, CSM and required attachments.

PARCEL NO. 59281630212

MAP NO. \_\_\_\_\_

ZONING CLASSIFICATION: \_\_\_\_\_

Office Use Only

APPLICATION/FILE NO. \_\_\_\_\_

REVIEW DATE: \_\_\_\_\_

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

## CITY OF SHEBOYGAN APPLICATION FOR CONDITIONAL USE PERMIT

Requirements Per Section 15.905  
Revised May 2018

Completed application is to be filed with the Department of City Development, 828 Center Avenue, Suite 208. 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: North/Calumet, LLC, a Wisconsin limited liability company

ADDRESS: 2551 N Wahl Ave, Milwaukee, WI 53211

E-MAIL: tschafer@wi.rr.com and lwyant@wyantlaw.com

PHONE: \_\_(414) 840-6667 FAX NO. ( )

### 2. DESCRIPTION OF THE SUBJECT SITE/PROPOSED PROJECT

NAME OF PROPOSED/EXISTING BUSINESS: Existing use: vacant land and unoccupied commercial building. Proposed uses: coffee shop with drive-thru on Lot 1 and sub sandwich restaurant with drive-thru on Lot 2. Detailed plans for both proposed uses will be submitted separately as part of the individual development process (including conditional use permit applications as applicable).

ADDRESS OF PROPERTY AFFECTED: 2108 North Avenue

LEGAL DESCRIPTION: See attached.

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BRIEF DESCRIPTION OF **EXISTING** OPERATION OR USE: Existing use: vacant land and unoccupied commercial building.

DETAILED DESCRIPTION OF **PROPOSED** OPERATION OR USE INCLUDING ANY CHANGES TO THE EXISTING USE: The CSM is being requested to create two lots to enable redevelopment of the existing building on what would be Lot 2, and development of a new building on Lot 1, for a coffee shop with drive-thru. The CSM will enable this additional site development opportunity. Detailed plans for the users for both Lot 1 and Lot 2 will be submitted under separate cover, as part of the applicable approval process for development on each respective Lot.

BRIEF DESCRIPTION OF ALL REQUESTED VARIANCES FROM PROVISIONS OF THE ZONING ORDINANCE, WHICH ARE RELATED TO THE PROPOSED OPERATION OR USE: Variations for purposes of the CSM submittal are required for paving setbacks from the property lines, as there is joint access between the lots, as shown on the CSM. These conditions are also included in the draft access easement, a copy of which has been submitted along with this application. Variations, if required, for the separate developments will be requested as part of the applicable approval process for development on each respective Lot.

### 3. JUSTIFICATION OF THE PROPOSED CONDITIONAL USE

Written justification for the proposed conditional use, indicating reasons why the applicant believes the proposed conditional use is appropriate.

How is the proposed conditional use (independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the City of Sheboygan Comprehensive Master Plan? The City of Sheboygan Comprehensive Plan ("Comp Plan") Future Land Use Map designates the Property, and neighboring properties, as Community Mixed Use. The proposed development advances several goals, objectives and policies of the Comp Plan, including:

- Accommodating a mix of uses within a finite amount of land.
- Following the existing land use pattern of the general neighborhood.
- Promoting infill development and redevelopment of aging sites, with compatible uses.
- Generally promote the mixture of compatible land uses on the same site.

The proposed development would create two lots, both used for commercial development, in a commercially designated area. The existing building, which is currently vacant, would be upgraded per detailed plans to be submitted by the user for such building. A new building is proposed for the vacant land (detailed plans to be submitted for such development separately). Existing utilities are available to service both Lots and proposed uses.

Does the conditional use, in its proposed location, result in any substantial or undue adverse impact on nearby property, the character of the neighborhood, environment, traffic, parking, public improvements, public property or rights-of-way? No. As part of the property development, we are proposing to close two curb cuts (one located at the intersection of N 21<sup>st</sup> Street and North Ave, and the eastern one located on North Ave) so the development utilizes just one existing curb cut on North Ave and one existing curb cut on N 21<sup>st</sup> Street, as shown on the site plan and CSM. A cross-access easement is proposed as part of the CSM.

How does the proposed conditional use maintain the desired consistency of land uses in relation to the setting within which the property is located? The property is currently utilized for commercial development. Nearby property uses include several commercial uses, such as Advance Auto Parts, and various retail and restaurant/fast food uses. The property is zoned Urban Commercial District and no changes to the

current zoning are proposed. Adjacent properties to the north, south and west are also zoned Urban Commercial District.

Is the proposed conditional use located in an area that will be adequately served by utilities, or services provided by public agencies? If not, please explain. Yes. The proposed certified survey map also provides for cross-utility and cross access easements.

**4. NAMES AND ADDRESS (Indicate N/A for "Not Applicable" items)**

**OWNER OF SITE:** North/Calumet, LLC, a Wisconsin limited liability company

ADDRESS: 2551 N Wahl Ave, Milwaukee, WI 53211

E-MAIL: tschafer@wi.rr.com

**ARCHITECT:** Adam J. Stein, Logic Design & Architecture, Inc.

ADDRESS: 802 N 109th St Milwaukee WI 53226

E-MAIL: astein@logicda.com

**CONTRACTOR:** TBD

ADDRESS: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

**5. 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.



\_\_\_\_\_  
**APPLICANT'S SIGNATURE**

6-7-2021

**DATE**

Thomas Schafer, Sole Member

**PRINT ABOVE NAME**

**CONDITIONAL USE APPLICATION SUBMITTAL REQUIREMENTS**

1. A certified survey map showing existing property boundaries and improvements.
2. A map providing the following information:
  - The map and all its parts shall be clearly reproducible with a photocopier at a size of 11" X 17" and map scale not less than 1' = 600' with lot dimensions of the subject property provided and a graphic scale and north arrow.
  - All lands for which the conditional use is proposed.
  - All other lands within 100 feet of the boundaries of the subject property.
  - The current zoning of the subject property and its environs (200 feet),

**2108 NORTH AVENUE, SHEBOYGAN, WI  
("Property")**

**Request for a Certified Survey Map and Conditional Use Permit**

**Application Information**

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North/Calumet, LLC  
Thomas Schafer – sole member  
2551 N Wahl Ave  
Milwaukee, WI 53211  
tschafer@wi.rr.com and lwyant@wyantlaw.com

**Statement**

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**Description of the Subject Site/Proposed Project:** The Property, as legally described on Exhibit A attached hereto, currently consists of vacant land and one unoccupied commercial building. Owner is requesting a certified survey map ("CSM") to divide the Property into two separate parcels, to allow redevelopment of the unoccupied commercial building on what would be Lot 2, and development of a new building on Lot 1. The proposed use for Lot 2 is a sub sandwich restaurant with drive-thru, and for Lot 1, a coffee shop with drive-thru. Detailed plans for both proposed uses will be submitted separately as part of the individual development process (including conditional use permit applications as applicable).

**Description of the Proposed Operation or Use, Including Changes to the Existing Use:** The CSM is being requested to create two lots to enable redevelopment of the existing building on what would be Lot 2, and development of a new building on Lot 1, for a coffee shop with drive-thru. The CSM will enable this additional site development opportunity. Detailed plans for the users for both Lot 1 and Lot 2 will be submitted under separate cover, as part of the applicable approval process for development on each respective Lot.

**Consistency with City Plans:** The City of Sheboygan Comprehensive Plan ("Comp Plan") Future Land Use Map designates the Property, and neighboring properties, as Community Mixed Use. The proposed development advances several goals, objectives and policies of the Comp Plan, including:

- Accommodating a mix of uses within a finite amount of land.
- Following the existing land use pattern of the general neighborhood.
- Promoting infill development and redevelopment of aging sites, with compatible uses.
- Generally promote the mixture of compatible land uses on the same site.

The proposed development would create two lots, both used for commercial development, in a commercially designated area. The existing building, which is currently vacant, would be upgraded per detailed plans to be submitted by the user for such building. A new building is proposed for the vacant land (detailed plans to be submitted for such development separately). Existing utilities are available to service both Lots and proposed uses.

**Does the conditional use, in its proposed location, result in any substantial or undue adverse impact on nearby property, the character of the neighborhood, environment, traffic, parking, public improvements, public property or rights-of-way:** The Property is located in a commercially-designated area within the City and has been previously used for commercial purposes. As part of the property development, we are proposing to close two curb cuts (one located at the intersection of N 21st Street and North Ave, and the eastern one located on North Ave, as shown on the site plan) so the development utilizes just one existing curb cut on North Ave and one existing curb cut on N 21st Street. A cross-access and utility easement is also proposed as part of the CSM.

**Consistence of Land Uses with Adjacent Properties:** As noted above, the Property is currently utilized for commercial development. Nearby property uses include several commercial uses, such as Advance Auto Parts, and various retail and restaurant/fast food uses. The property is zoned Urban Commercial District and no changes to the current zoning are proposed. Adjacent properties to the north, south and west are also zoned Urban Commercial District.

**Existing Utilities:** The Property is located in an area that is adequately served by utilities or services provided by public agencies. In addition, the proposed CSM provides for cross-utility, as well as cross-access easements between the two lots.

# Certified Survey Map

A redivision of Lot 2 of Certified Survey Map recorded in the Sheboygan County Register of Deeds office on January 18, 2017 in Volume 27 of Certified Survey Maps on pages 297-299, as Document No. 2033749 and corrected by an Affidavit of Correction recorded September 28, 2017, as Document No. 2045941 and further corrected by an Affidavit of Correction recorded December 22, 2017, as Document No. 2050233, being part of Lot 1 of Certified Survey Map recorded in Volume 25 of Certified Survey Maps on pages 176-178, as Document No. 1946379 and corrected by an Affidavit of Correction, recorded August 15, 2012, as Document No. 1950555, being all of Lots 1 and 2 of Certified Survey Map recorded in Volume 20 of Certified Survey Maps on pages 161-164, as Document No. 1723561, being a redivision of Lot 1 and part of Lot 2 of Certified Survey Map recorded in Volume 3 of Certified Survey Maps on pages 278-279, as Document No. 1009745, and unplatted lands, all being part of the Northwest 1/4 of the Northwest 1/4 of Section 15, Township 15 North, Range 23 East, in the City of Sheboygan, Sheboygan County, Wisconsin.

Sheet 1 of 4

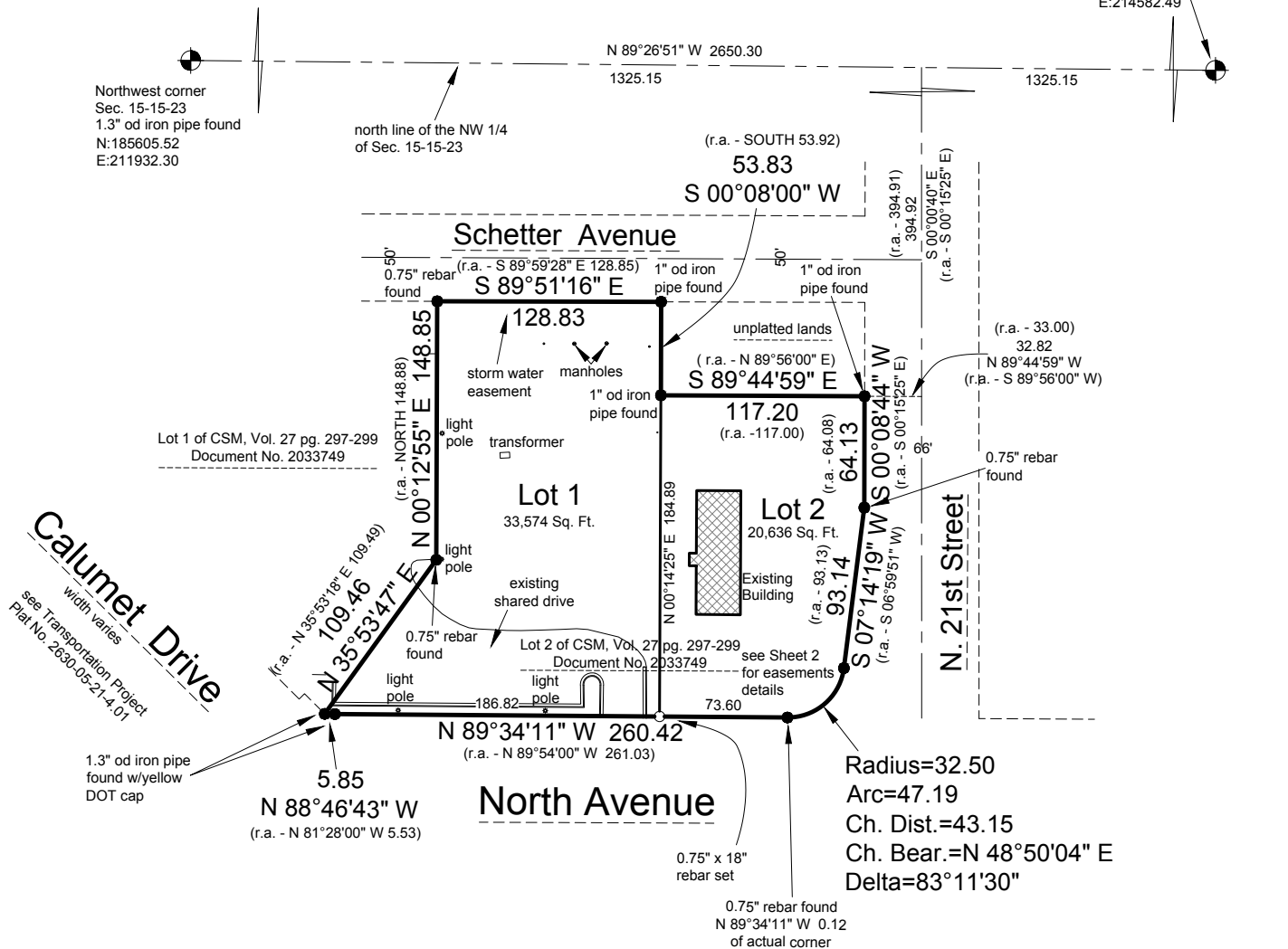
Owner

North/Calumet, LLC  
2551 N. Wahl Ave.  
Milwaukee, WI 53211

Surveyor

David J. Leininger  
Homeland Surveying, LLC  
2079 Cold Springs Rd.  
Saukville, WI 53080

North Quarter corner  
Sec. 15-15-23  
conc.mon/brass cap found  
N:185579.97  
E:214582.49



(r.a.) - means "recorded as"

- - indicates a found monument as indicated.
- - indicates a 0.75" x 18" rebar weighing 1.50 lbs./ft. set.

Bearings are referenced to WISCRS, the Wisconsin Coordinate Reference System, Sheboygan County. The north line of the NW 1/4 of Sec. 15-15-23 which has a field determined bearing of N 89°26'51" W.



0 50 100 200

Scale in feet  
1" = 100'

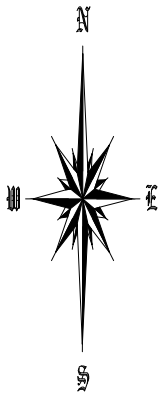
David J. Leininger S-2285

Dated this \_\_\_\_ day of \_\_\_\_\_, 2021.

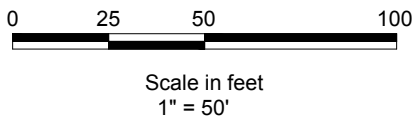
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Sheet 2 of 4

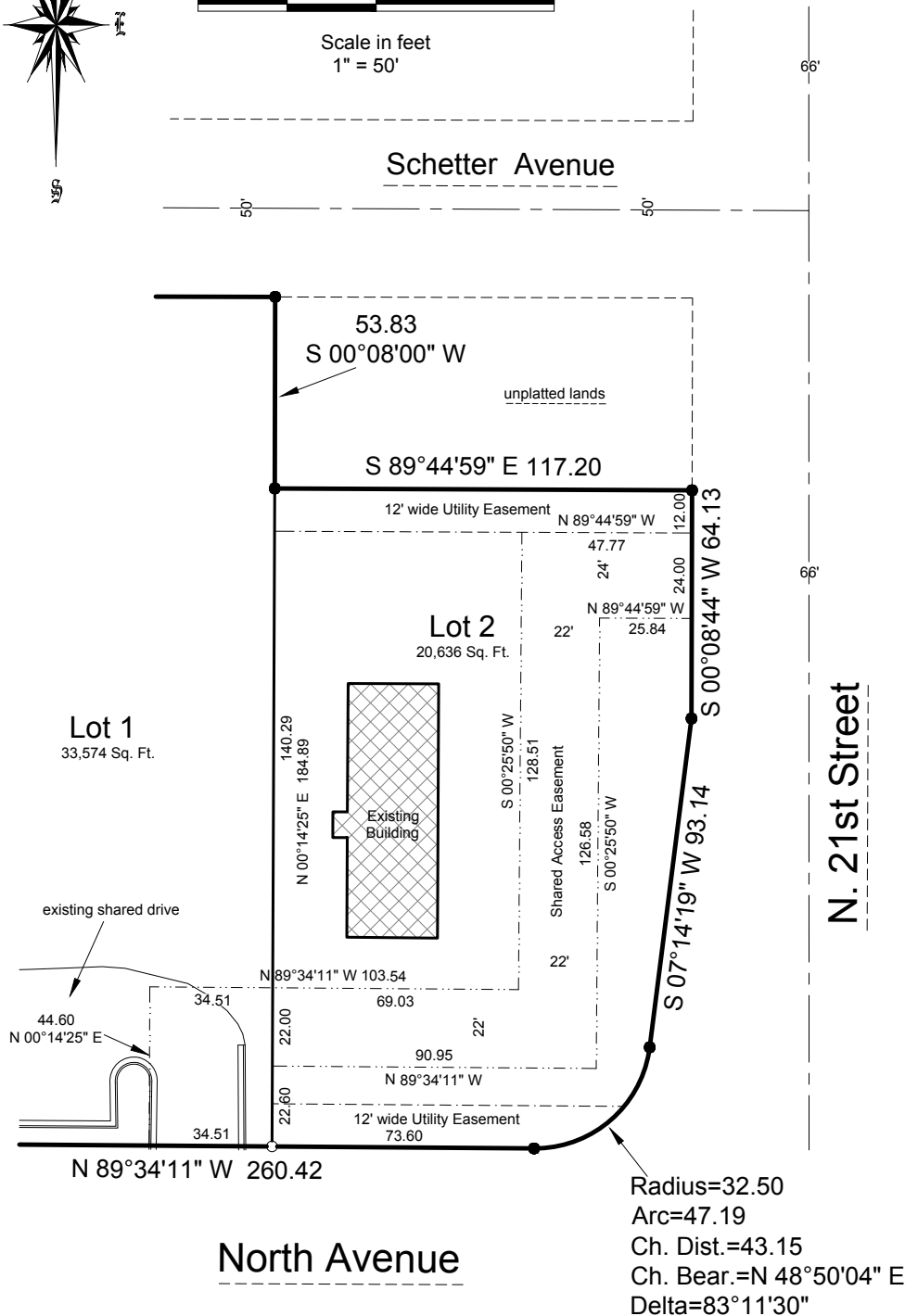


Bearings are referenced to WISCRS, the Wisconsin Coordinate Reference System, Sheboygan County. The north line of the NW 1/4 of Sec. 15-15-23 which has a field determined bearing of N 89°26'51" W.



David J. Leininger S-2285

Dated this \_\_\_\_ day of \_\_\_\_\_, 2021.



Note:

The Access Easement is for the benefit of both Lot 1 and 2 of this Certified Survey Map.

**DECLARATION OF ACCESS  
AND UTILITY EASEMENTS  
AGREEMENT**

Document Number

THIS DECLARATION OF ACCESS AND UTILITY EASEMENTS AGREEMENT (this "Declaration") is made as of this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by NORTH/CALUMET, LLC, a Wisconsin limited liability company ("Declarant").

WHEREAS, Declarant is the owner of certain real property in the City of Sheboygan, Sheboygan County, Wisconsin, as more particularly described on the attached Exhibit A ("Lot 1") and depicted on the site plan on the attached Exhibit B ("Site Plan");

WHEREAS, Declarant is the owner of certain real property in the City of Sheboygan, Sheboygan County, Wisconsin, as more particularly described on the attached Exhibit A ("Lot 2" and collectively with Lot 1, referred to herein as the "Lots") and depicted on the Site Plan;

WHEREAS, Declarant desires to subject the Lots to certain easements more fully set forth below.

Recording Area

Name and Return Address:

See Exhibit A

Tax Identification Numbers (PIN)

NOW, THEREFORE, in consideration of the premises and mutual covenants herein contained, Declarant hereby declares that the Lots shall be owned, held, used, transferred, sold, conveyed, demised and occupied subject to the covenants, easements and reservations hereinafter set forth:

1. Ingress/Egress Easement Granted to Lot 1. Declarant, as owner of Lot 2, and its successors and assigns, hereby grants, for the use and benefit of Lot 1, a perpetual non-exclusive easement for the purpose of ingress and egress for pedestrian and vehicular access and traffic in the ordinary course of business over and upon the access points and drive lanes located on Lot 2, as depicted on the Site Plan, attached hereto and incorporated herein ("Access Easement 1"). The maintenance and upkeep of Access Easement 1 shall be governed by the provisions of Paragraph 5.

2. Ingress/Egress Easement Granted to Lot 2. Declarant, as owner of Lot 1, and its successors and assigns, hereby grants, for the use and benefit of Lot 2, a perpetual non-exclusive easement for the purpose of ingress and egress for pedestrian and vehicular access and traffic in the ordinary course of business over and upon the access points and drive lanes located on Lot 1, as depicted on the Site Plan, attached hereto and incorporated herein ("Access Easement 2"). Access Easement 1 and Access Easement 2 are collectively referred to herein as the "Access Easements." The maintenance and upkeep of Access Easement 2 shall be governed by the provisions of Paragraph 5.

3. Utility Easements. Declarant, as owner of Lot 2, and its successors and assigns, hereby grants, for the use and benefit of Lot 1, perpetual non-exclusive utility easements (the "Utility Easements") over and upon the utility easement areas located on Lot 2, as shown on the Site Plan (the "Utility Easement Areas"), for the installation, construction, operation, maintenance, repair and replacement of utilities to serve Lot 1. All construction, operation, repairs and maintenance of such utilities benefitting Lot 1 shall be done at the Lot 1 owner's expense, and in compliance with all laws. The Lot 1 owner shall secure and pay for all necessary permits required by any governing body or agency having jurisdiction over such activities in the Utility Easement Area. The Lot 1 owner agrees to restore or cause to have restored the Utility Easement Area that may be damaged by the Lot 1 Owner, its employees, agents, contractors or subcontractors during installation, replacement or repair of such utility facilities or the exercise of any rights of the Lot 1 owner granted hereunder, to the condition existing prior to such entry by the Lot 1 owner or its agents.

4. Benefits and Burdens. The easements granted hereunder shall run with the land and shall benefit and be binding upon each of the Lots. Access Easement 1 shall be for the benefit of the owner of Lot 1 and its tenants, subtenants, successors, assigns, concessionaires, agents, suppliers, patrons, customers, guests, employees and invitees (collectively, the "Lot 1 Users") and may be used by such users solely for the purposes herein specified. Access Easement 2 shall be for the benefit of the owner of Lot 2 and its tenants, subtenants, successors, assigns, concessionaires, agents, suppliers, patrons, customers, guests, employees and invitees (collectively, the "Lot 2 Users") and may be used by such users solely for the purposes herein specified. The easements granted over each Lot under Sections 1, 2 and 3 of this Declaration are easements appurtenant to the Lots and may not be assigned, transferred or conveyed separately from, or severed from, title to the Lots. Upon any party's conveyance of all of its interest in its respective Lot, the transferring party shall be relieved of any further liability under this Declaration arising or accruing on or after the date of said transfer and such transferee shall be deemed to have assumed all obligations of the transferor hereunder arising or accruing after the date of sale and conveyance of title.

5. Maintenance and Upkeep of Easements. The owner of each Lot agrees to maintain the access easement points and drive lanes on their respective Lots in a commercially reasonable manner. The owner of each lot shall provide maintenance and upkeep services, including snowplowing, landscaping and parking lot/driveway maintenance and repair, to and for the benefit of the access easement points and drive lanes on their respective Lots.

6. Covenants and Restrictions. No owner shall make any use of the easement areas that blocks or obstructs access of the Lots to and from any public right of way; provided however, such easement areas may be temporary closed for maintenance or repair, in the case of an emergency or to avoid the acquisition of adverse or prescriptive rights.

7. Indemnity. The owner of the Lot 1 shall indemnify, defend and hold the owner of Lot 2 (and its members, managers, agents and employees) harmless from and against all liability, suits, actions, claims, costs, damages, and expenses of every kind and description (including any that related to hazardous substances or breach of environmental laws), including court costs and reasonable legal fees, for claims of any character, including liability and expenses in connection with the loss of life, personal injury, or damage to property, brought because of any injuries or damages received or sustained by any person, persons, or property on account of or arising out of the use of the easements granted herein to the owner of Lot 1 (and the Lot 1 Users), and/or such owner's failure to comply with the provisions of this Declaration. The owner of Lot 2 shall indemnify, defend and hold the owner of Lot 1 (and its members, managers, agents and employees) harmless from and against all liability, suits, actions, claims, costs, damages, and expenses of every kind and description (including any that related to hazardous substances or breach of environmental laws), including court costs and reasonable legal fees, for claims of any character, including liability and expenses in connection with the loss of life, personal injury, or damage to property, brought because of any injuries or damages received or sustained by any person, persons, or property on account of or arising out of the use of the easements granted herein by the owner of Lot 2 (and the Lot 2 Users), and/or such owner's failure to comply with the provisions of this Declaration.

8. Non-Dedication. Nothing in this Declaration shall be deemed to be a gift or dedication of any portion of the easements or any other portion of the Lots to the general public or for any public purpose whatsoever.

9. No Merger. Notwithstanding an owner's ownership of more than one Lot, the easements granted hereunder shall burden and benefit each Lot individually, without merger as a result of such common ownership, and upon conveyance of a Lot so that such Lot ceases to be under common ownership, neither the owner conveying said Lot nor the owner acquiring said Lot shall need to execute additional documentation to evidence the existence of said easements, and said easements shall relate back to and shall be deemed to have been created as of the date this Declaration is recorded in the office of the recorder of the county in which the Lots are located.

10. Miscellaneous.

a. In the event of any violation or threatened violation by any person (which for purposes of this Declaration shall mean any one or more individuals, partnerships, firms, LLC's, associations, corporations, trusts, governmental agencies or entities, or any other form of businesses or legal entities) of any of the restrictions, easements and obligations contained in this Declaration, the owner of either Lot shall have the right to enjoin such violation in a court of competent jurisdiction. Such right of injunction shall be in addition to, and not exclusive of, any and all other remedies available at law or in equity.



