

*****ATTACHMENTS*****

CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: Conditional Use and Variance Application by Plymouth Lubes, LLC to create additional tenant space in their facility located at 3208 Washington Avenue. UI Zone

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

REPORT DATE: August 7, 2020

MEETING DATE: August 11, 2020

FISCAL SUMMARY:

STATUTORY REFERENCE:

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

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

BACKGROUND / ANALYSIS:

Plymouth Lubes, LLC is proposing to create a new tenant space in their facility located at 3208 Washington Avenue. The applicant states:

- The facility/site is occupied by Plymouth Lubricants. Since 2001, Plymouth Lubricants has been providing superior products and outstanding customer service. We offer a wide variety of lubricants all backed by extensive warranties and product guarantees. You can be confident that the products you receive from Plymouth Lubricants meet or exceed industry standards for performance and quality. We serve Wisconsin Michigan and Illinois as well as portions of Minnesota, Iowa and Missouri.
- Plymouth Lubricants will continue to use their office and light industrial warehouse; however, we are proposing to create two (2) additional office spaces.
- Plymouth Lubricants occupies the 1st and 2nd floors of the 1998 east office addition and 30,593sf of warehouse space along with Industrial Fluid Solutions, a fully owned and operated subsidiary of Plymouth Lubricants. Industrial Fluid Solutions provides fluid maintenance and management to customers within Wisconsin.
- Diamond Business Graphics will be the third (3) tenant within this building. Diamond will be occupying around 3,800sf of new office space located on the southwest side of the building. Diamond Business Graphics has been in the Sheboygan area since 1915 and offer graphic design, business cards, letterhead and stationary.

- The current square footage of this facility is 36,391sf. The new Diamond Graphic tenant space will utilize 3,800sf of this space.
- All business will be conducted Monday through Friday between the hours of 6:00am and 6:00pm
- Plymouth Lubricants has 35 employees on site. Additional employees will depend on business growth.
- The site will be accessed through the current driveways located on the east and south sides of the building.
- Currently the site has eight (8) parking spots along the east edge of the building, an additional eight (8) spots to the northeast of the office door and we are proposing adding eight (8) additional parking spots on the south side of the building.
- Plymouth Lubricants has three (3) large trucks that are used daily and various freight companies do deliver between the hours of 7:00am and 4:00pm Monday-Friday.
- Usage for the property will remain the same as it has been for the last nine (9) years with the addition of a few smaller passenger vehicles.
- Additional landscaping will be provided with the new parking lot expansion.

The applicant states the following about building and site improvements:

- The only site development will be the parking lot to the immediate south of the building. This parking is intended to allow the new tenant easier and direct access to their space.
- Approximately 3,200sf of grass will be removed and replaced with asphalt to facilitate parking of eight (8) spaces and one (1) handicap space. This should handle all the daily office personnel. Approximately 4 to 5 employees are on the road every day. Plymouth Lubricants will provide additional parking for the tenant on existing asphalt to the east of the facility.
- The existing drive will remain and be marked one way, entering at the west curb cut and going east to the existing parking lot.
- We will be removing maybe one (1) or two (2) of the 13 arborvitae trees to facilitate the new south entrance and canopy and the required south-west exit.
- Concrete sidewalks will be constructed to serve the entrance and exit.
- A small area in front of the new canopy/entrance will remain grass to encircle the existing fire hydrant and two (2) bollards will be installed to prevent cars from hitting the hydrant.

- The new tenant desires to move their sign from the Sheboygan Business Park to their new location. We would like to discuss this option with the Planning Commission.
- Any storm water mitigation plan will be handled by the civil engineer.

STAFF COMMENTS:

Applicant does not mention too much about the new canopy but staff understands the proposed new entrance canopy will match the existing canopy design located at the southeast corner of the building facing S. 32nd Street in terms of design materials, colors, etc.

The Plan Commission should be aware that the existing driveway on the south side of the building does not meet the five (5) foot paving setback (paving appears to be right on the Washington Avenue property line). However, the new parking spaces to be constructed will be located outside of the five (5) foot paving setback.

Applicant mentions something about Diamond utilizing their previous signage at this site. The applicant will work with staff regarding sign proposal.

Staff may bring any canopy/building and/or sign concerns back to the Plan Commission for their consideration.

The applicant does have some outdoor storage at the northwest corner of their building including materials, equipment and miscellaneous debris. This area will need to be cleaned up prior to issuance of an occupancy permit.

The applicant is requesting the following variance:

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

ACTION REQUESTED:

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

1. Prior to building permit issuance, the applicant shall obtain all licenses/permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, water, sewer, storm drainage, 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. Applicant shall obtain all necessary permits for the construction, the storage and the handling of hazardous chemicals and/or fuels (applicant shall be in contact with building inspection, fire/police departments, etc.).
3. Submittal/approval of a proposed storm drainage plan prior to building permit issuance.
4. Submittal and approval of a landscape plan prior to building permit issuance. Landscaping shall be installed prior to occupancy permit.
5. Dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility.

6. Outdoor storage of materials, products or equipment shall be prohibited. Applicant shall remove the materials, equipment and debris at the northwest corner of the building prior to occupancy permit issuance.
7. 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.).
8. 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 streets and/or properties.
9. Applicant shall obtain the necessary sign permits prior to installation. Applicant shall be permitted to install individual letter signs – no cabinet or flat panel signs. 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 be permitted a freestanding monument sign for the site. Minimum setback of a monument sign is 12 feet. Maximum height of the monument sign is 8 feet.
11. All areas used for parking/maneuvering of vehicles shall be paved prior to issuance of an occupancy permit
12. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
13. City Development staff will issue a building permit only if the applicant has adequately satisfied all concerns related to the Sheboygan Fire Department.
14. 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).
15. New entrance canopy to be constructed shall match the design, colors and materials of the existing entrance canopy on the building. If staff has any concerns with proposed entrance canopy design, the matter may be brought back to the Plan Commission and/or architectural review board for their consideration.
16. 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.
17. If there are any amendments to the approved conditional use permit (including but not limited to site plan, architectural design, expanded square footage, indoor/outdoor use, etc.), 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. 423800
MAP NO. _____
ZONING CLASSIFICATION: SI

Office Use Only
APPLICATION/FILE NO. _____
REVIEW DATE: 8/11/20

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

pl

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: PLYMOUTH LUBES DEVELOPMENT LLC
ADDRESS: 3208 WASHINGTON AVE E-MAIL: daved@rainbolubes.com
PHONE: (920) 694-0289 FAX NO. (920) 694-0294

2. DESCRIPTION OF THE SUBJECT SITE/PROPOSED PROJECT

NAME OF PROPOSED/EXISTING BUSINESS: PLYMOUTH LUBRICANTS, INC.
ADDRESS OF PROPERTY AFFECTED: 3208 WASHINGTON AVE - SHEBOYGAN
LEGAL DESCRIPTION: SEE ATTACHED

BRIEF DESCRIPTION OF EXISTING OPERATION OR USE: _____

WHOLESALE LUBRICANTS DISTRIBUTOR

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

WHOLESALE LUBRICANTS DISTRIBUTOR

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

Currently the site is occupied by Plymouth Lubricants. Since 2001, Plymouth Lubricants has been providing superior products and outstanding customer service. We serve Wisconsin Michigan and Illinois as well as portions of Minnesota, Iowa, and Missouri.

We are proposing to continue the use of office & light industrial warehouse.

We are looking to create 2 additional office space.

Plymouth Lubricants occupies the 1st & 2nd floors of the 1998 east office addition & 30,593 of warehouse space along with Industrial Fluid Solutions, a fully owned & operated subsidiary of Plymouth Lubricants. Industrial Fluid Solutions provides fluid maintenance & management to customers within WI.

Diamond Business Graphics will be the third tenant within this site. They will be occupying around 3800 square feet of new office space located on the south side of the building. Diamond Business Graphics has been in the Sheboygan area since 1915. They offer graphic design, business cards, letterhead and stationary.

The current square footage is 36,391 square feet and it will remain as such. 3,800 square feet is what we are proposing for renovations.

All business will be conducted Monday through Friday, between the hours of 6:00 am and 6:00pm

Currently, Plymouth Lubricants has 35 employees on site. Additional employees will depend on business growth.

The site will be accessed through the current driveways located on the east & south side of the building. No adjustments to the current lighting will be made.

Currently the site has 8 parking spots along the east edge of the building. There is an additional 8 spots to the northeast of the office door & we are proposing adding an additional 8 parking spots on the south side of the building.

Plymouth Lubricants has 3 large trucks that are used daily and various freight companies do deliver between the hours of 7:00am and 4:00pm Monday through Friday. No cross traffic will be affected, in any conditions, with the additions we are proposing.

Usage for the property will remain the same as it has been for the last 9 years. There may be a few additional smaller, passenger vehicles however, that will not affect our neighbors.

We are not proposing any new fencing but there will be additional landscaping.

MEMORANDUM

PAGE 1 of 2



To: Steve Sokolowski

From: Mark F. Pfaller II, AIA

Project: Plymouth Lubricants

Project #: 19114

Date: July 27, 2020

Re: Conditional Use Permit additional info

cc: Dave & Kim

PO Box 541
Elkhart Lake, WI 53020-0541
(920) 892-8585
mark@pfalleraia.com

SITE DEVELOPMENT

- The only site development will be to the immediate south of the existing facility
- Approximately 3,200 sq. ft. of grass will be removed and replaced with asphalt to facilitate parking of 8 spots and 1 H/C spot. This will, for the most part, handle all the daily office personnel. Several (4-5) of the people employed are on the road every day. Plymouth Lubricants will provide additional parking for the tenant on existing asphalt to the east of the facility.
- This parking is intended to allow the new tenant easier and direct access to their space.
- The existing drive will remain and marked one way, entering at the west curb cut and going east to the existing parking lot.
- We will be removing 1, perhaps 2 of the 13 arborvitae trees to facilitate the new south entrance and canopy and the required south-west exit.
- Concrete sidewalks will be constructed to serve the entrance and exit.
- A small area in front of the new canopy/entrance will remain grass to encircle the existing fire hydrant and 2 bollards will be installed to prevent cars from hitting the hydrant.
- No new landscaping is anticipated.
- The new tenant desires to move their sign from the Sheboygan Business park to their new location. We would like to discuss this option with the Planning Commission.
- Any storm water mitigation will be handled by the civil engineer during his water management review

MEMORANDUM

PAGE 2 of 2



PO Box 541
Elkhart Lake, WI 53020-0541
(920) 892-8585
mark@pfalleria.com

THE ARCHITECTURE

- It is the intent to build a new 8' wide and 10' deep entrance canopy in front of the new south entrance.
- This entrance canopy will provide an architectural element to define the entrance.
- The canopy will resemble the architecture of the existing east entrance vestibule except it will be more diminutive and open on three sides creating an overhead weather enclosure. The canopy will be made of steel and painted to match the existing accent colors. The concrete sono-tube foundations will be painted white to match the building

PFALLER ARCHITECTURAL ASSOCIATES, INC.

Mark F. Pfaller II, AIA, NCARB
President

No.	Revision	Date
1		
2		
3		
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5		



DESIGNED BY:
CINDY A. BIRCH

Parking Lot Addition
3208 Washington Avenue
Sheboygan, Wisconsin

DATE
7-28-20

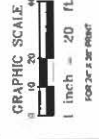
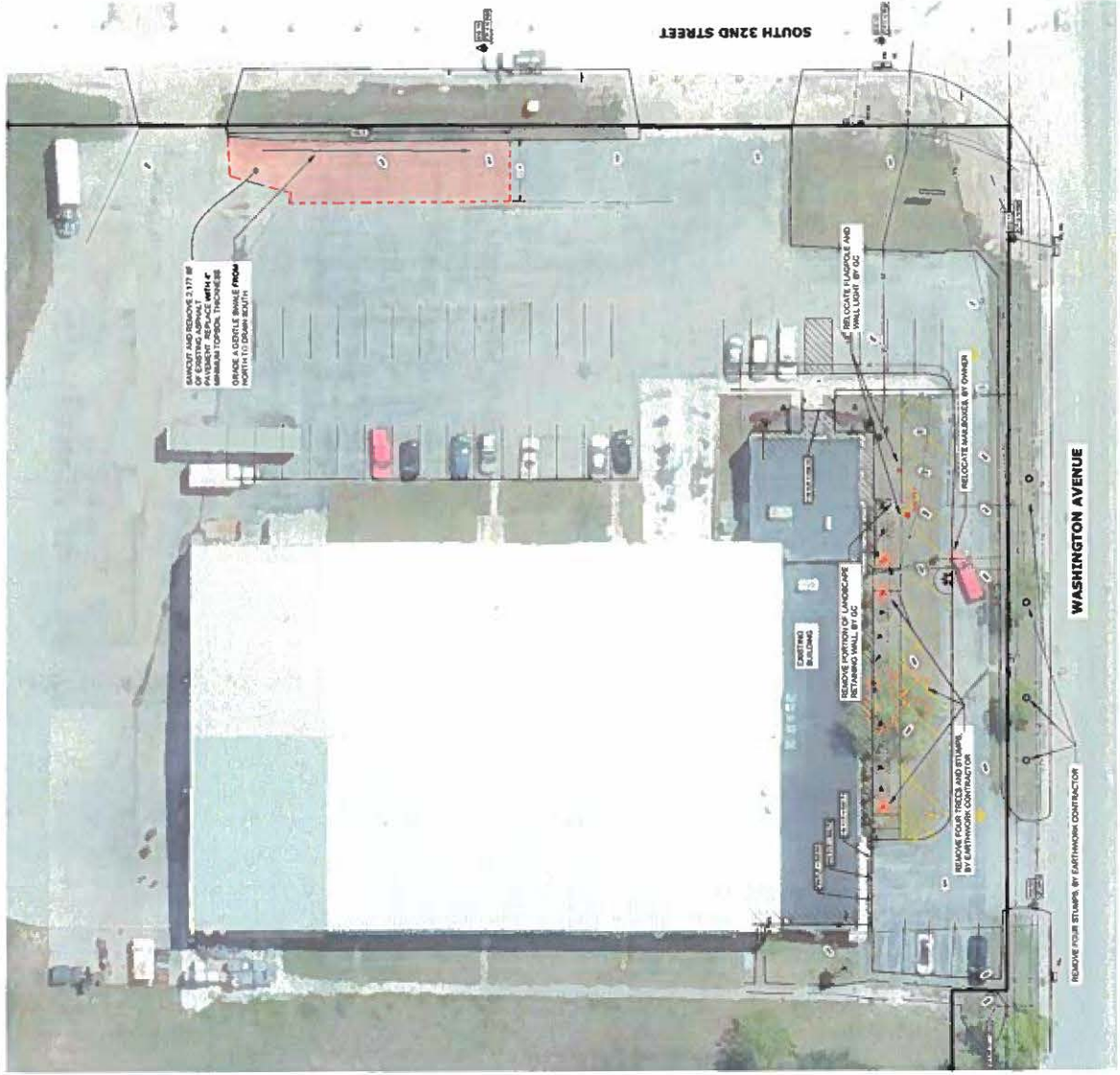
1

STORM WATER MANAGEMENT INFORMATION

AREA: 271,800 SF @ 6' ACRES
LAND DISTURBANCE (APPROX): 4,000 SF
PRE-CONSTRUCTION PERCENT: 1.5%
POST-CONSTRUCTION PERCENT: 1.5%
TOTAL SITE PERCENT: 1.5%
SWMP REQUIRED: YES
SWMP TYPE: TYPE II
SWMP DETAILS: SEE ATTACHED SWMP PLAN
LANDSCAPE RATIO: 5% (20% MINIMUM)

PARKING SCHEDULE

EMPLOYEE COUNT	EMPLOYEE EXISTING COUNTY	EMPLOYEE FUTURE COUNTY	EMPLOYEE SOUTH PASSOVER	EMPLOYEE TOTAL
12	12	0	0	12
13	13	0	0	13
25	25	0	0	25
30	30	0	0	30
36	36	0	0	36
41	41	0	0	41
10	10	0	0	10
1	1	0	0	1
1	1	0	0	1
50	50	0	0	50
2	2	0	0	2
2	2	0	0	2
42	42	0	0	42

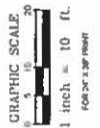
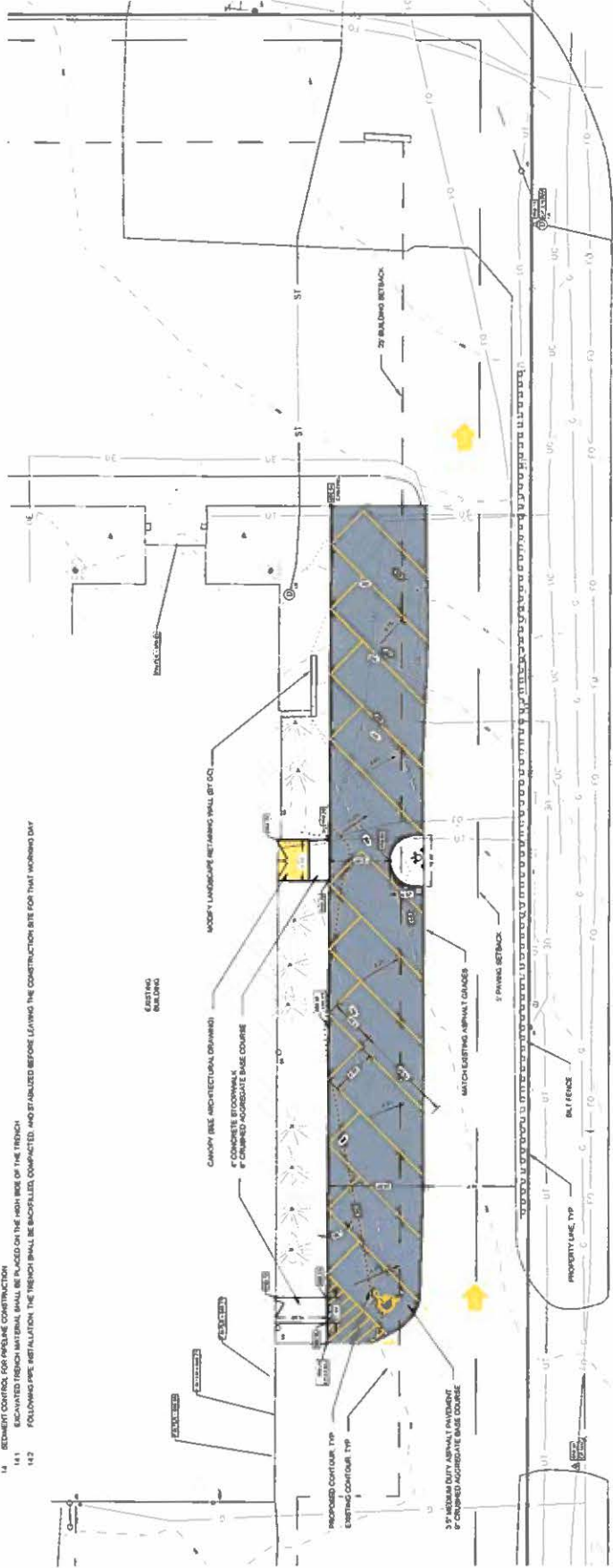


EXISTING AND DEMOLITION PLAN

THIS PLAN IS THE PROPERTY OF WAGNER EXCAVATING & GRADING, INC. AND MAY NOT BE REPRODUCED OR COPIED IN WHOLE OR IN PART WITHOUT PROOF WRITTEN CONSENT OF WAGNER EXCAVATING & GRADING, INC. THE INTENT OF THIS DESIGN IS FOR CONSTRUCTION AND/OR APPROVAL. IT IS THE OWNER'S RESPONSIBILITY FOR MAINTENANCE AND SAFETY OF THE CONSTRUCTED ITEMS.

IMPLEMENTATION OF EROSION CONTROL METHODS

1. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES EROSION WATER MANAGEMENT AND EROSION CONTROL TECHNICAL STANDARDS.
2. ALL EROSION CONTROL MEASURES SHALL BE ADJUSTED TO MEET FIELD CONDITIONS AT THE TIME OF CONSTRUCTION AND INSTALLED PRIOR TO ANY GRADING OR DISTURBANCE OF EXISTING SURFACE MATERIAL.
3. PERIODIC INSPECTION AND MAINTENANCE OF ALL SEDIMENT CONTROL STRUCTURES SHALL BE PROVIDED TO ENSURE INTENDED PURPOSE IS ACCOMPLISHED. SEDIMENT CONTROL MEASURES ARE TO BE IN WORKING CONDITION BEFORE LEAVING THE SITE FOR THE WORKING DAY.
4. AFTER ANY SIGNIFICANT RAINFALL, SEDIMENT CONTROL STRUCTURES SHALL BE MAINTAINED AND REPAIRED.
5. EROSION CONTROL AND SEDIMENT CONTROL PRACTICES SHALL BE MAINTAINED UNTIL FINAL STABILIZATION.
6. FINAL STABILIZATION OF SOIL SHALL BEGIN WITH THE LAND DISTURBING CONSTRUCTION ACTIVITIES ARE COMPLETE, AND FINAL GRADE HAS BEEN ACHIEVED ON ANY PORTION OF THE SITE.
7. TEMPORARY STABILIZATION ACTIVITIES SHALL BEGIN WHEN LAND DISTURBING CONSTRUCTION ACTIVITIES HAVE TEMPORARILY CEASED AND SHALL NOT REMAIN FOR A PERIOD EXCEEDING 14 CALENDAR DAYS.
8. SEDIMENT CONTROL MEASURES SHALL BE REPAIRED AFTER REVISION COVER IS ESTABLISHED OR UNPAVED SURFACES ARE COMPLETED.
9. TRUCKS SHALL NOT BE OPERATED ON THE SIDE OF THE ROAD.
10. TRACKED SOIL FROM THE CONSTRUCTION SITE SHALL BE COLLECTED FROM PAVED ROADS.
11. ALL TRENCH WALLS SHALL BE DISCHARGED INTO A FILTERING SAND OR FILTERING SAND ON FILTER FABRIC.
12. STORM SEWER COLLECTION MAINS SHALL BE PROTECTED FROM RAINFALL BY ENCLAVING THE COLLECTION MAINS WITH STRAW BALE FILTER FABRIC FENCING. THE CONTAINERS LOCATED DOWNHILL FROM THE WORK SITE.
13. OVER AND FLOW SHALL BE PREVENTED FROM LEAVING THE CONSTRUCTION SITE BY INSTALLING STRAW BALE OR FILTER FABRIC FENCING PARALLEL TO THE CONTAINERS LOCATED DOWNHILL FROM THE WORK SITE.
14. SEDIMENT CONTROL FOR PAVEMENT CONSTRUCTION
 - 14.1. EXCAVATED TRENCH MATERIAL SHALL BE PLACED ON THE HIGH SIDE OF THE TRENCH.
 - 14.2. FOLLOWING PIPE INSTALLATION, THE TRENCH SHALL BE BACKFILLED, COMPACTED, AND STABILIZED BEFORE LEAVING THE CONSTRUCTION SITE FOR THAT WORKING DAY.



**SITE AND GRADING PLAN
EROSION CONTROL PLAN**

2

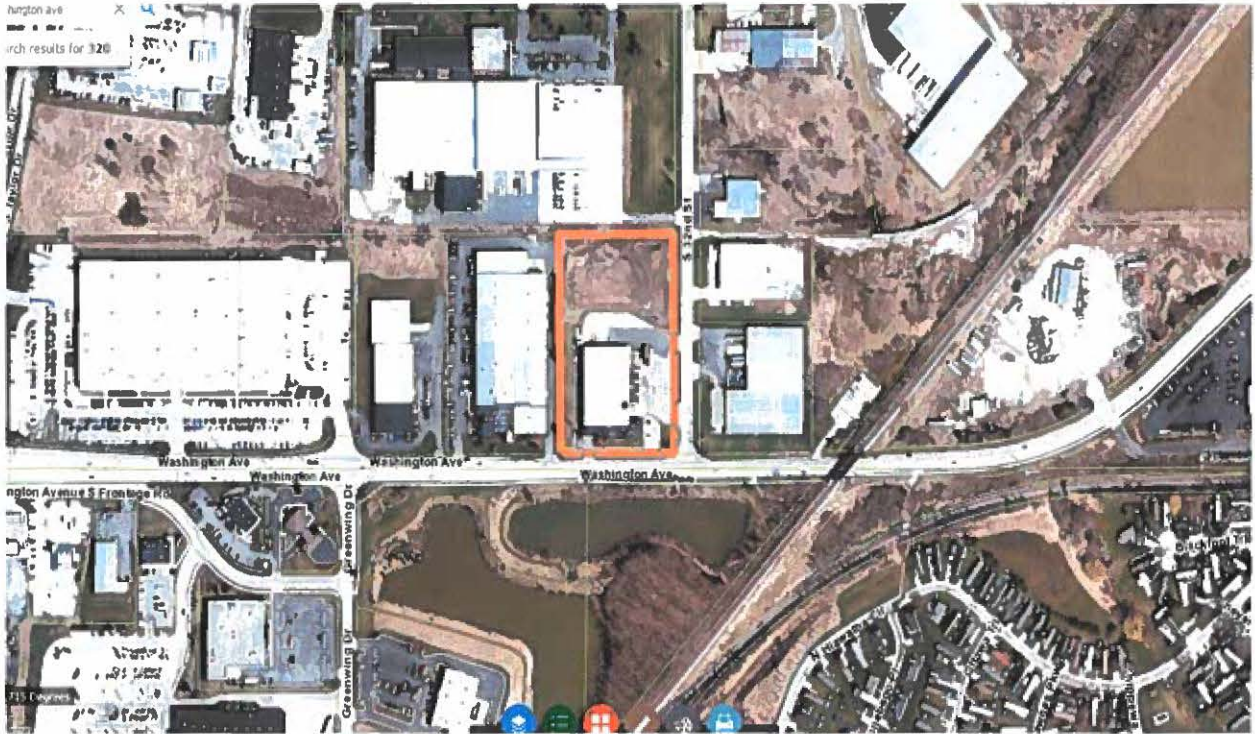
DATE
7-28-20

Parking Lot Addition
3208 Washington Avenue
Sheboygan, Wisconsin

DESIGNED BY
CHAD A. HUBER



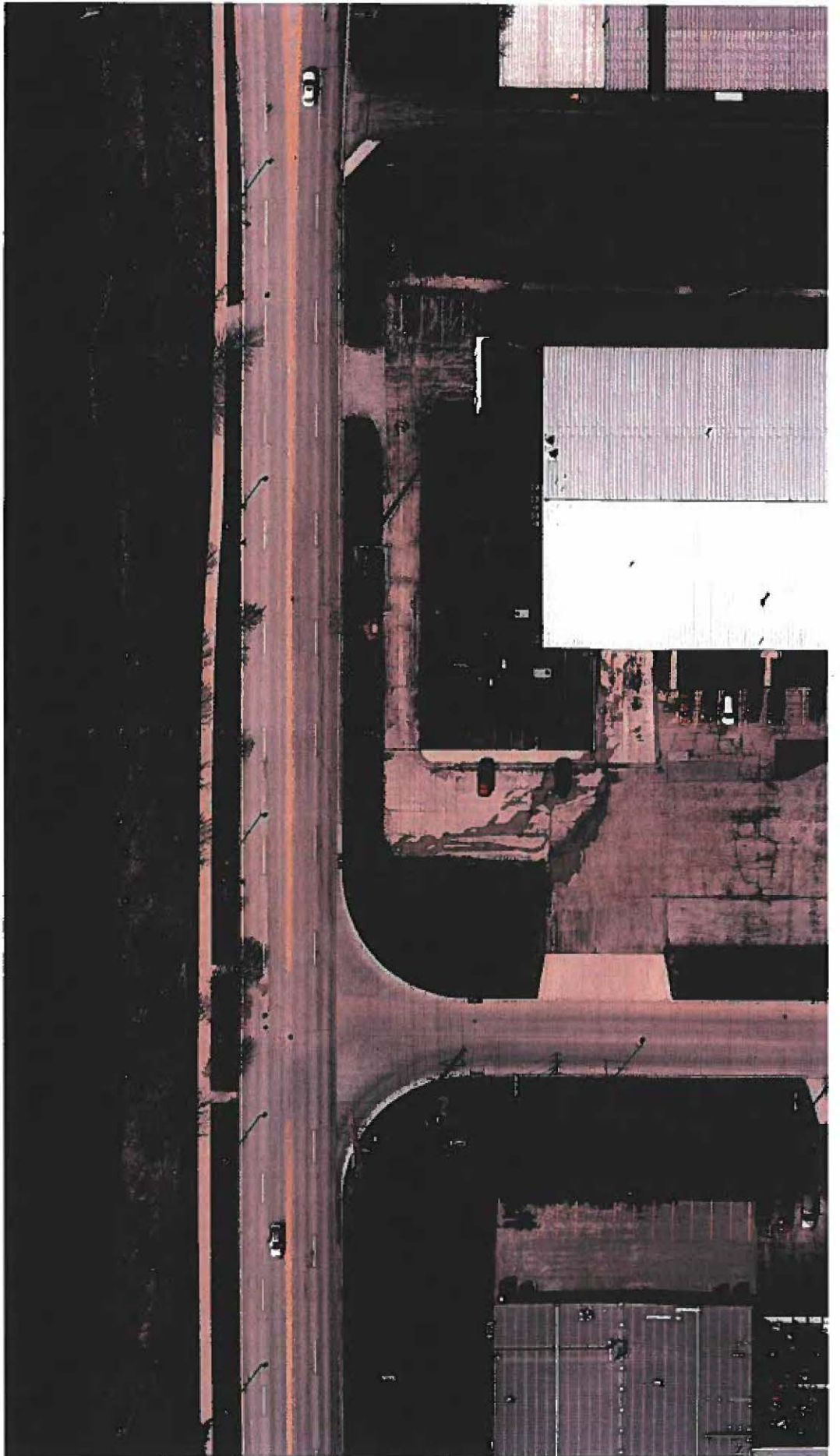
No.	Revision	Date
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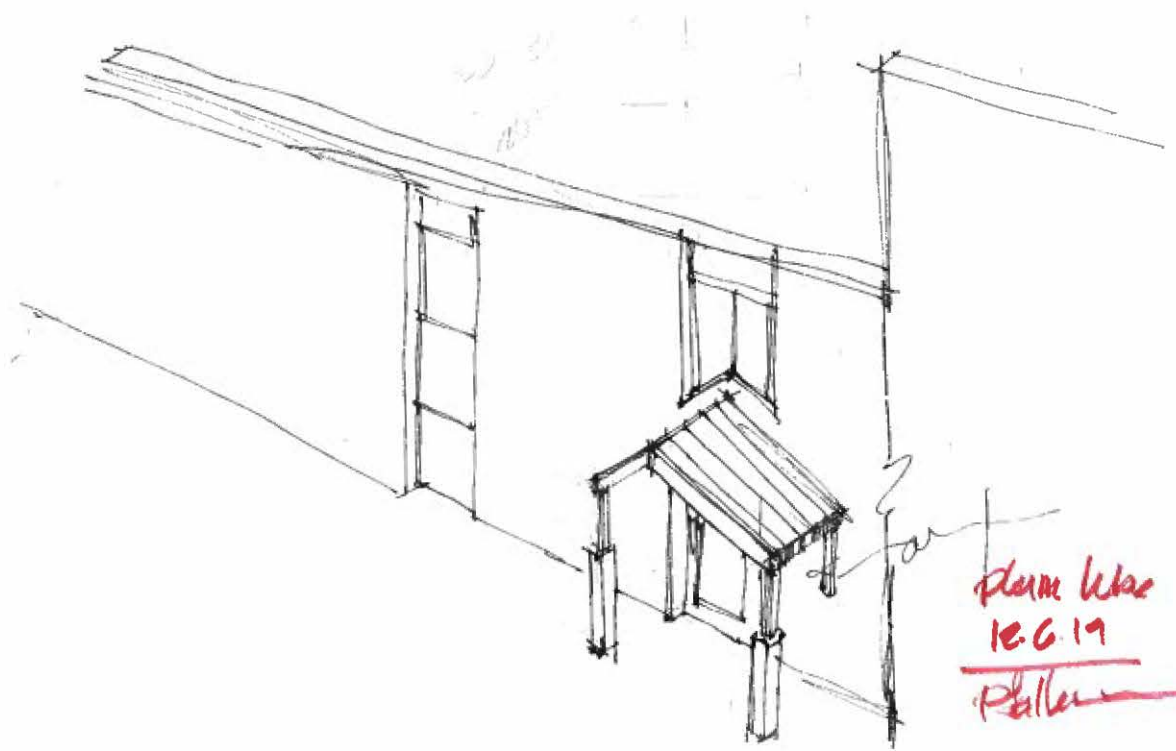




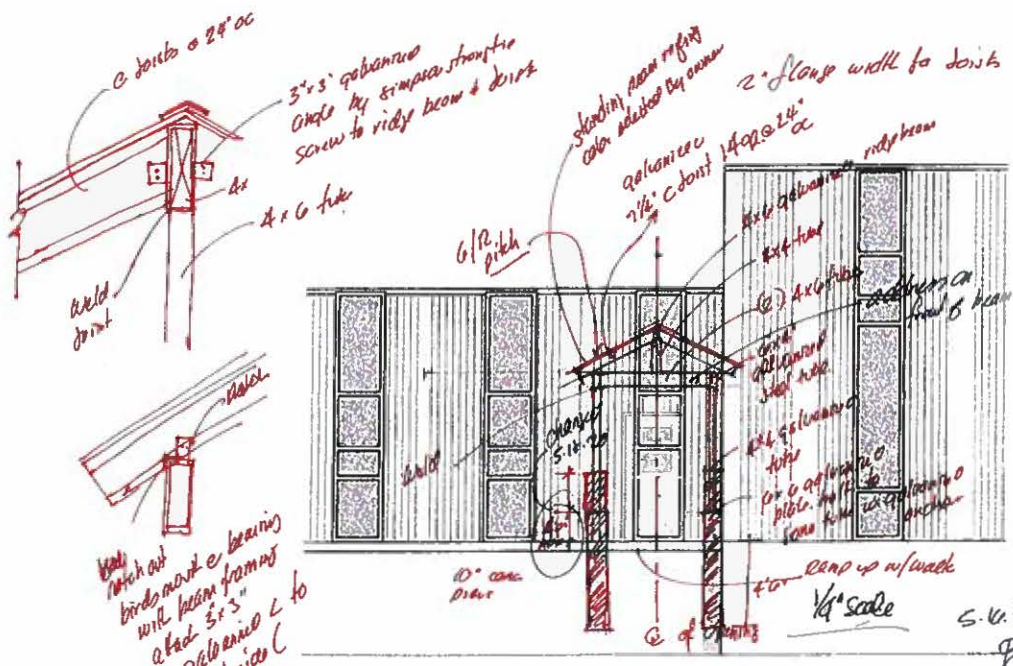




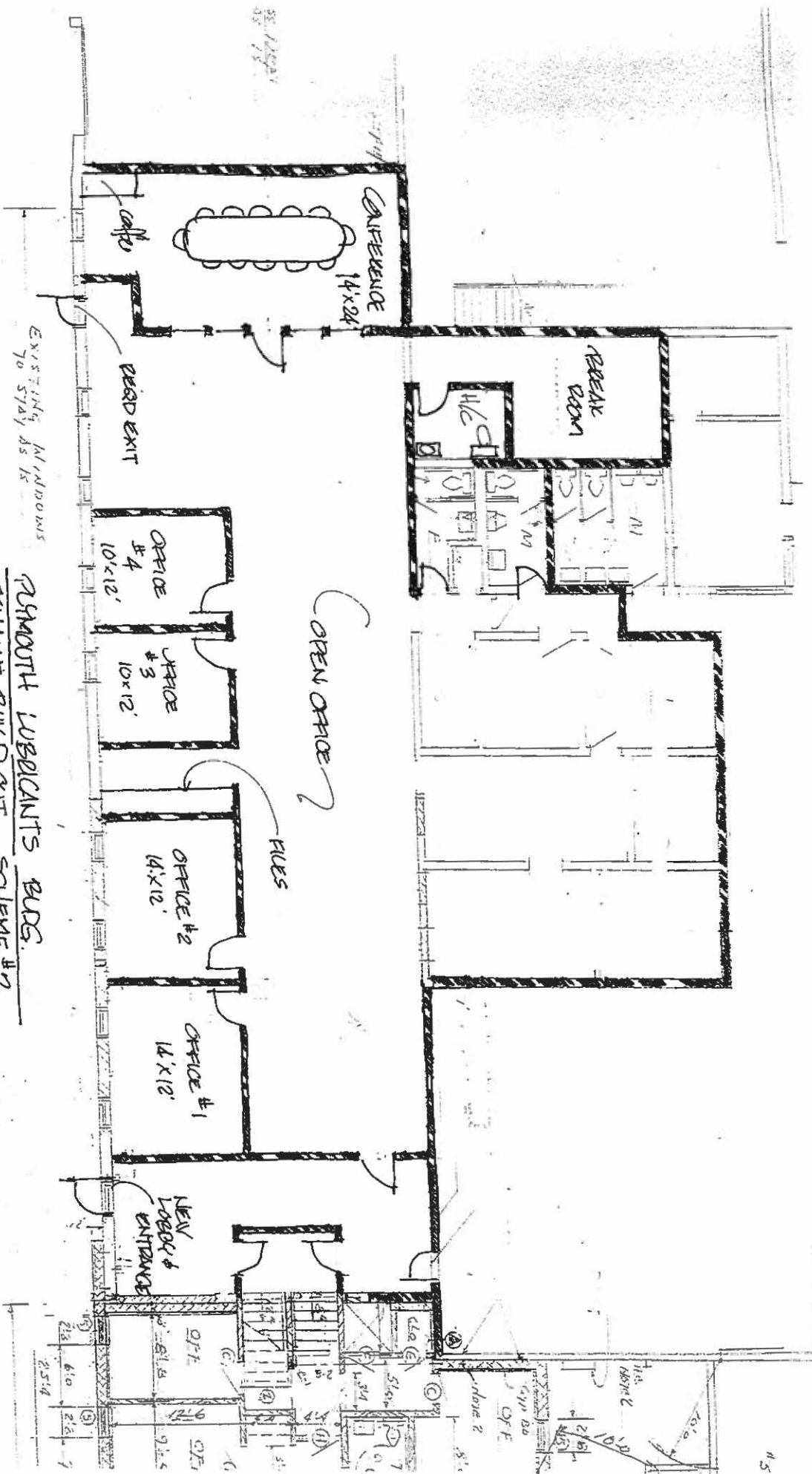




Plan view
12.6.19
Patten



SHEET #4
DD
S.V. '20
P. Keller



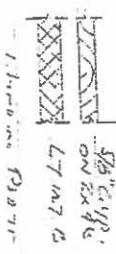
PLANNING WORKS
SMOOTH WORKERS BLDG.
TENANT BUILD-OUT SCHEME #2

C-18-26

PK 110

MAIN FLOOR PLAN 1/8" = 1'-0"

Relocates
 Sprinkler
 & RISER
 SEE NOTE 1 →



CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: Conditional Use application by Vern Kittler and Natalie Meiselwitz to operate sol & NOVA at 1133 Michigan Avenue. CC Zone

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

REPORT DATE: August 7, 2020

MEETING DATE: August 11, 2020

FISCAL SUMMARY:

STATUTORY REFERENCE:

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

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

BACKGROUND / ANALYSIS:

Vern Kittler and Natalie Meiselwitz are proposing to operate sol & NOVA at 1133 Michigan Avenue. The applicant states the following about the proposal:

- sol & NOVA will primarily be a diner/restaurant/coffee shop. It will provide food that is locally sourced with an innovative and modern approach on the classic cafe foods. We have hopes of it being a very positive, diverse, and welcoming environment. From people meeting and having lunch and coffee, to business meetings, to homework; we want to create a common ground for one and all to congregate safely in an environment that nourishes creativity and diversity.
- It will also be a music venue that will provide a larger music venue feel on a smaller scale. NOVA will provide a finely tuned sound system with choreographed lighting. We aim to offer a venue that will provide our patrons with an experience that goes further than the normal live band and bar experience. We will offer a variety of music, spanning multiple genres, giving Sheboygan a new variety while still catering to everyone.
- As far as other uses we would absolutely love to cater to local artists and art events. We have a goal of working with other local artists to have art hung on our walls and be sold out of our location. Building relationships with not only other business owners, but entrepreneurs and Sheboygan's youth is extremely important to us. Our biggest goal with creating sol & NOVA is just giving Sheboygan another safe space that is warm, welcoming, and accepting to all
- There is a large courtyard/outdoor area that we are planning to completely utilize. Outdoor seating will also comply with the current social distancing guidelines, allowing

people the ability to still come out and feel safe. We want to utilize the outdoor space as often as we can. The outdoor space truly has great potential to be a hotspot for gatherings while still conforming to the current guidelines we are all suggested to follow.

- We chose this location because of the outdoor area and its possibilities. We immediately envisioned an outdoor space for people to enjoy food or beverages, or have their dogs with them, and especially for people who currently don't feel safe congregating within a business given the current pandemic. We want to provide a very clean, well-kept and landscaped outdoor seating area for our patrons and we want to be another reason people come to Sheboygan. Being located within the Michigan Avenue business district provides easy access and many transportation options to visit sol & Nova.
- We think you approve sol & NOVA because Sheboygan can never have enough positive atmospheres where people can congregate with friends or can work alone on a project and eat well-thought out, creative food and beverages. We have high hopes of giving everyone another place to sit and work or congregate safely with people; we want to offer everyone with the ability to enjoy coming out and not being cooped up at home while still being safe with everything that is going on in the world today. There will be support for all local artists and merchants, offering them yet another location as an outlet for their creativity as well as their creations and goods.
- The descriptive menu is still in the works, but the concept behind the menu is cafe foods with a modern and creative approach. I highly enjoy experimenting with food and combining flavors and techniques that will be unique to the kind of cafe this place will be. The menu will be unique and it will utilize as much locally sourced produce as possible. They have a great relationship with Springdale Farms out of Plymouth, which is an all organic CSA that I have worked at since I was a child. Our menu is going to offer an accessibility to organic produce and clean food products at a price that is practical for families, high schoolers or anyone who is living without the current means to eat organic.
- Current Brunch Menu Items: Cap'n Crunch Breaded French Toast w/ bourbon peach sea salt caramel & fresh peaches; Chilaquiles; Homemade granola w/ yogurt and seasonal fruit/berries; Oatmeal (seasonal toppings); Variety of egg benedicts; Daily quiche; Breakfast Burritos; Variety of daily baked goods
- Current Lunch Menu Items: Power bowls (grains, protein, veggies); Gourmet wraps and sandwiches; Homemade soups; Homemade breads/baked goods.
- Coffee Shop and diner 5am-2pm and to 7pm-12am. The music venue will operate 8pm until 2am.
- Our plan is to create a wholesome and safe environment that is welcoming to all. This is not a bar. It is a diner and music venue and we do not wish to center our activities around alcohol even though that will be a service we provide.
- The meaning behind the name sol & NOVA is based on the contrast that our business is created upon. sol & NOVA will truly be a multi-functional location offering a cafe/coffee shop/diner during the day hours (sol) and then it will transform itself into a music venue at night (NOVA). Our logo will better represent the contrast between the two entities that is sol & NOVA. sol will be all lowercase with a flow to it, while NOVA will be all capital and

bold. We want to emphasize the polarity between sol and NOVA with it still being cohesive within the same space.

Applicant states the following about some of the proposed improvements to the outdoor patio and building:

- Removal of the existing outdoor patio fence and adding a block wall set back from the front with a counter to have a more welcoming entrance and to increase the amount of area for people to congregate in the outdoor patio area.
- Patio furniture, full landscaping and cleanup of the courtyard.
- Add small mock picket fence across the front to show property line.
- Add a raised seating area which will double as a stage (indoor).
- Add a counter along the entire inside west wall (indoor).
- Increased electrical amperage (increasing from 100A to 320A to accommodate the commercial kitchen and overall needs).
- Adding a kitchen to include stove top, deep fryer, grill, a hood system, etc.
- Creating two (2) new openings to access the kitchen. One on the southeast wall behind the bar and another outside of the walk in cooler. Both will be entrances and exits to the kitchen area.
- Installing lighting.
- Installing a rear exit.
- We are also looking to get a business sign created. This will hang above the roofed in area in the front above the courtyard.

STAFF COMMENTS:

The Plan Commission may want to have the applicant address:

- What structures will be constructed (deck/patio, fencing/walls, sidewalks, etc.)?
- What types of seating, tables, umbrellas, lighting, etc. will be provided?
- Thoughts on short term and long term improvements to the property (timeframes)?
- How will the site be managed?
- Signage – the applicant will likely be requesting something to hang on the outdoor entrance arbor....is the Plan Commission ok with this look? If so, the Plan Commission may want something more attractive than a flat aluminum panel sign that looks tacked onto the arbor (maybe individual letters)

1133 Michigan Avenue has been vacant for some time and the proposed sol & NOVA restaurant and music venue use appears to fit this neighborhood and section of Michigan Avenue well.

ACTION REQUESTED:

Staff recommends approval of the conditional use 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, food, etc. An occupancy permit will be granted only at such time as the applicant has met all requirements.
2. Applicant shall obtain the necessary liquor license in order to serve alcohol both in the bar and on the outdoor patio area (extension of premises). Applicant may serve liquor/alcohol if and only if all required liquor licenses are obtained.
3. If using dumpsters, dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility.
4. Outdoor storage of materials, products or equipment shall be prohibited.
5. 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.).
6. 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.
7. Fencing/retaining wall shall be installed per Section 15.720(3)(c) of the City of Sheboygan Zoning Ordinance. Applicant shall work with staff with regards to constructing appropriate and well-designed fence/retaining wall and shall obtain the necessary permits prior to installation. If staff has any concerns with proposed signage design, the matter may be brought back to the Plan Commission for their consideration.
8. 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 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.
9. No temporary signage will be permitted at the site (pennants, banners, etc.).
10. 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).
11. Any work within City of Sheboygan Public rights-of-way shall be discussed with the City Engineering Department and constructed to standard City specifications (including, but not limited to, new and old ingress/egress driveway openings, curb, gutter, sidewalk, pavement, utilities, street trees, etc.).
12. 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.
13. 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.).
14. 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 Permit Application and required attachments.

PARCEL NO. 263580
MAP NO. _____
ZONING CLASSIFICATION: _____

Office Use Only
APPLICATION/FILE NO. 202223
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

pd

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: Vern Kittler, Natalie Meiselwitz
nmeiselwitz@gmail.com
ADDRESS: 2113 N. 15th St. E-MAIL: vern@greenseedstudios.com
PHONE: (920) 666-4657 FAX NO. ()

2. DESCRIPTION OF THE SUBJECT SITE/PROPOSED PROJECT

NAME OF PROPOSED/EXISTING BUSINESS: sol 3 NOVA
ADDRESS OF PROPERTY AFFECTED: 1133 michigan Ave
LEGAL DESCRIPTION: restaurant / music venue

BRIEF DESCRIPTION OF EXISTING OPERATION OR USE: currently not in use

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

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

Explanation of existing and formal uses:

1133 Michigan Ave. used to be Shevegas and then it was Barcode. They were both used primarily as bars/nightclubs

An explanation of proposed restaurant/entertainment business and all related activities to take place onsite – menu, layout/floor plan, retail, etc.. Provide a very specific explanation of the restaurant/entertainment use of the building. Will there be anything outside?

sol & NOVA will primarily be a diner/restaurant/coffee shop.

It will provide food that is locally sourced with an innovative and modern approach on the classic cafe foods. We have hopes of it being a very positive, diverse, and welcoming environment. From people meeting and having lunch and coffee, to business meetings, to homework; we want to create a common ground for one and all to congregate safely in an environment that nourishes creativity and diversity.

It will also be a music venue that will provide a larger music venue feel on a smaller scale. NOVA will provide a finely tuned sound system with choreographed lighting, we aim to offer a venue that will provide our patrons with an experience that goes further than the normal live band and bar experience. We will offer a variety of music, spanning multiple genres, giving Sheboygan a new variety while still catering to everyone.

As far as other uses, we would absolutely love to cater to local artists and hosting art events. We have a goal of working with other local artists to have art hung on our walls and be sold out of our location. Building relationships with not only other business owners, but entrepreneurs and Sheboygans youth is extremely important to us. Our biggest goal with creating sol & NOVA is just giving Sheboygan another safe space. A place that is warm, welcoming, and accepting to all. There is a large courtyard/outdoor area that we are planning to completely utilize. Outdoor seating will also comply with the current social distancing guidelines, allowing people the ability to still come out and feel safe. We want to utilize the outdoor space as often as we can, we know given the harsh winters in Wisconsin that that may not always be feasible; but the outdoor space truly has great potential to be a hotspot for gatherings will still conforming to the current guidelines we are all suggested to follow.

A description as to why the proposed restaurant/entertainment use is being proposed from this location and why the plan commission should consider approving the proposal (Why was this site selected, who will use it, when will you begin construction, etc.)?

We chose this location because of the outdoor area and its possibilities, we immediately envisioned an outdoor space for people to enjoy food or beverages on, or have their dogs with them, and especially for people who currently don't feel safe congregating within a business given the current pandemic. We want to provide a very clean, well-kept and landscaped outdoor seating area for our patrons and we want to be another reason people come to Sheboygan. With it

being on Michigan Ave, in the business district, we have a great location for foot traffic and for people to access and get to easily.

There is a lot of work that needs to go into it and the soonest we could possibly think of starting construction would be August 11th, pending overall cost projection compared to what we will be able to access financially.

It will be used primarily by Natalie and any staff that she may accrue over time. Vern will be using it as a music venue as much as he is able to while working around his own schedule and operating hours of his other business here in Sheboygan, Greenseed Studios.

We think you should consider this to be approved because Sheboygan can never have enough positive atmospheres where people can congregate with friends or can work alone on a project and eat well-thought out, creative food and beverages. We have high hopes of giving everyone another place to sit and work or congregate safely with people; we want to offer everyone with the ability to enjoy coming out and not being cooped up at home while still being safe with everything that is going on in the world today. There will be support for all local artists and merchants, offering them yet another location as an outlet for their creativity as well as their creations and goods.

Description of proposed facilities - Description of proposed building and all new site improvements (square footage of building, square of interior and exterior space, exterior remodeling, stage, lighting, fence/retaining wall/counter top, sidewalk, dumpster enclosure, screening of mechanicals, etc.)

- We have a floor plan drawn out(included) with the layout. Here is a list of the things we would like to do currently pending the final quoted costs.
- removal of front fence
- removal of 3 large trees in front
- full landscaping and cleanup of the courtyard
- adding a block wall set back from the front with a counter to increase amount of area for people
- adding a small, mock picket fence across the front to show property line
- patio furniture
- a raised seating area which will double as a stage
- adding a counter along the entire west wall inside
- increased electrical amperage(increasing from 100A to 320A to accommodate the commercial kitchen and overall needs)
- adding a kitchen and this is an overall statement that can be broken down further. Things to be included in this are a stove top, deep fryer, grill, a hood system and other things that can be explained further by Natalie.

- creating 2 new openings to access the kitchen. One on the southeast wall behind the bar and another outside of the walk in cooler. Both will be entrances and exits to the kitchen area.
- installing lighting
- a rear exit
- we are also looking to get a business sign created. This will hang above the roofed in area in the front above the courtyard

What is your proposed menu?

The descriptive menu is still in the works, but as of right now the concept behind the menu is cafe foods with a modern and creative approach. I highly enjoy experimenting with food and combining flavors and techniques that will be unique to the kind of cafe this place will be. The menu will be unique and it will utilize as much locally sourced produce as possible. I have a great relationship with Springdale Farms out of Plymouth, which is an all organic CSA that I have worked at since I was a child. Our menu is going to offer an accessibility to organic produce and clean food products at a price that is practical for families or high schoolers or anyone who is living without the current means to eat organic.

Current Menu Items:

→ Brunch

- ◆ Cap'n Crunch Breaded French Toast w/ bourbon peach sea salt caramel & fresh peaches
- ◆ Chilaquiles
- ◆ Homemade granola w/ yogurt and seasonal fruit/berries
- ◆ Oatmeal (seasonal toppings)
- ◆ Variety of egg benedicts
- ◆ Daily quiche
- ◆ Breakfast Burritos
- ◆ Variety of daily baked goods

→ Lunch

- ◆ Power bowls (grains, protein, veggies)
- ◆ Gourmet wraps and sandwiches
- ◆ Homemade soups
- ◆ Homemade breads/baked goods

What are the days and hours of operation?

As of now it will be early morning, 5am-7pm for the coffee shop and diner. The music venue will be the hours between 8pm until 2am

How many employees will you have?

As of now no plans for employees until we start to grow and bring in revenue

Intended outdoor use.....how will it be managed, hours, etc.

Outdoor use will be for eating and meeting and hanging out and for social things. Everything will be done according to social distancing guidelines

It will be managed by natalie and myself and kept clean and tidy

Do you have any off-street parking?

Yes, we also have a no-parking zone at the entrance of our building for deliveries as well as for taxi services to pick up patrons from our establishment.

How will you insure that the business will not become a nuisance to adjoining property owners (i.e. equipment, lighting, noise, smell/hoods, garbage, etc.)?

All things that can be done will be. As we work with our contractors we will be asking them to help us make sure that everything we can do is done. There will be a LOT of insulating(both to keep heat/cold in and to dampen noise). The building itself is a concrete floor with concrete walls so it is already very sturdy and sound proof but more will be done. Waste needs will be addressed and met as they come up. The lighting outside will be well lit but not overly done. Still looking for that inviting yet relaxing atmosphere. All lighting on the inside will be kept to the inside due to the limited amount of windows

Explain signage.

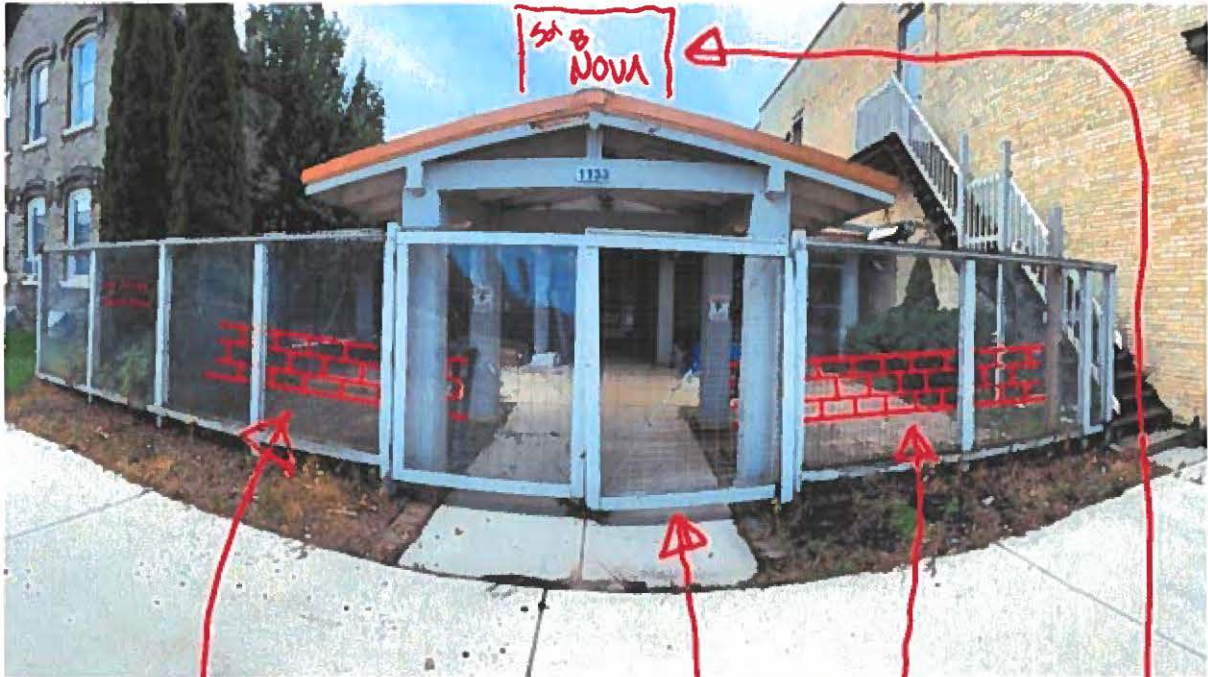
Our sign will hang parallel to the the sidewalk but inside of our courtyard above the roofed area closest to the sidewalk

Any other information that will be useful for the Plan Commission to understand your proposed business.

Our plan is to create a wholesome and safe environment that is welcoming to all. This is not a bar, we are not categorizing ourselves as a bar. It is a diner and music venue and we do not wish to center our activities around alcohol even though that will be a service we provide.

The concept behind sol & NOVA

The meaning behind the name sol & NOVA is based on the contrast that our business is created upon. sol & NOVA will truly be a multi-functional location offering a cafe/coffeeshop/diner during the day hours (sol) and then it will transform itself into a music venue at night(NOVA). Our logo will better represent the contrast between the two entities that is sol & NOVA. sol will be all lowercase with a flow to it, while NOVA will be all capital and bold. We want to emphasize the polarity between sol and NOVA with it still being cohesive within the same space.



location for
block wall

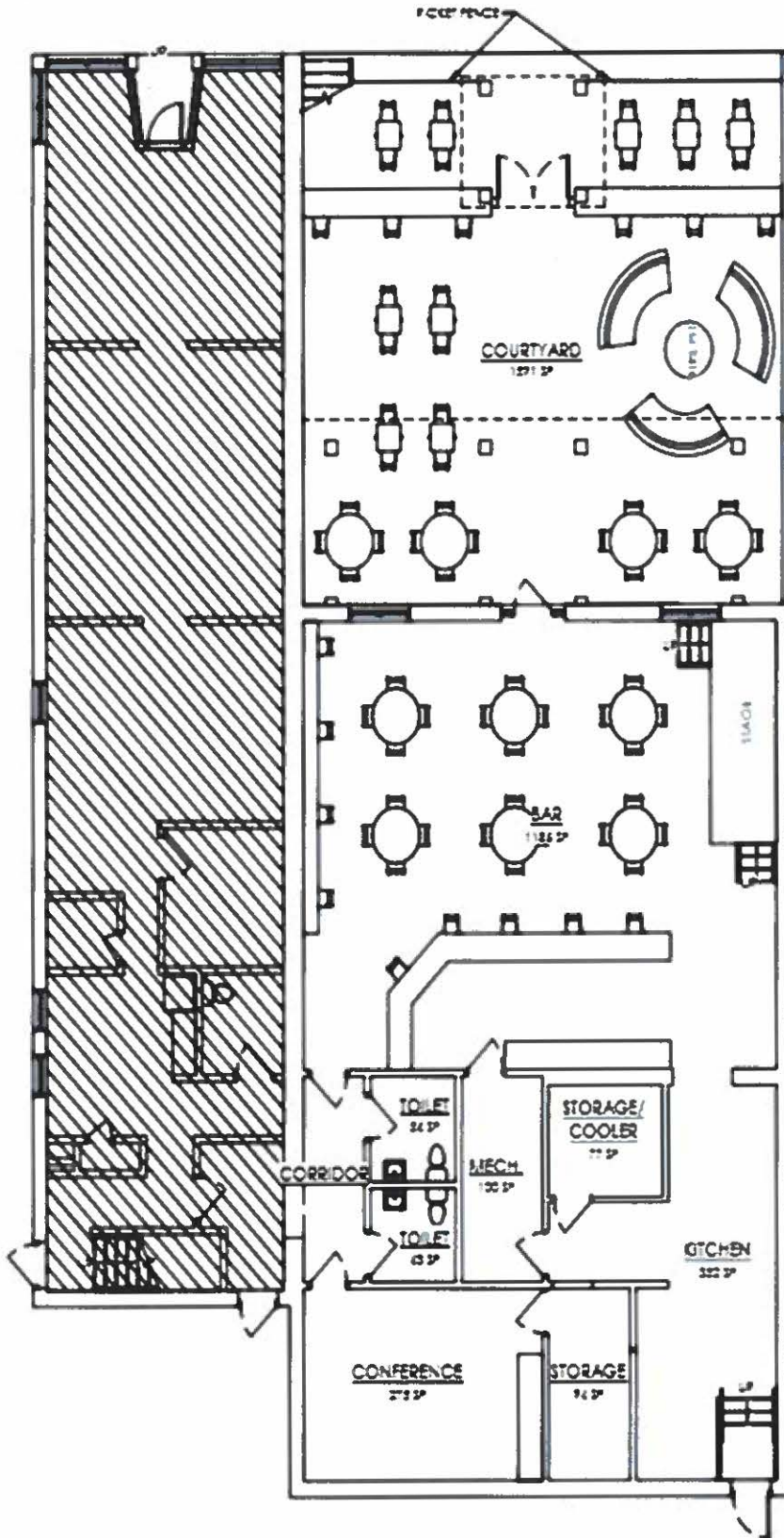
fence
removed

sign



different angles of the location
for the block wall

at counter
top

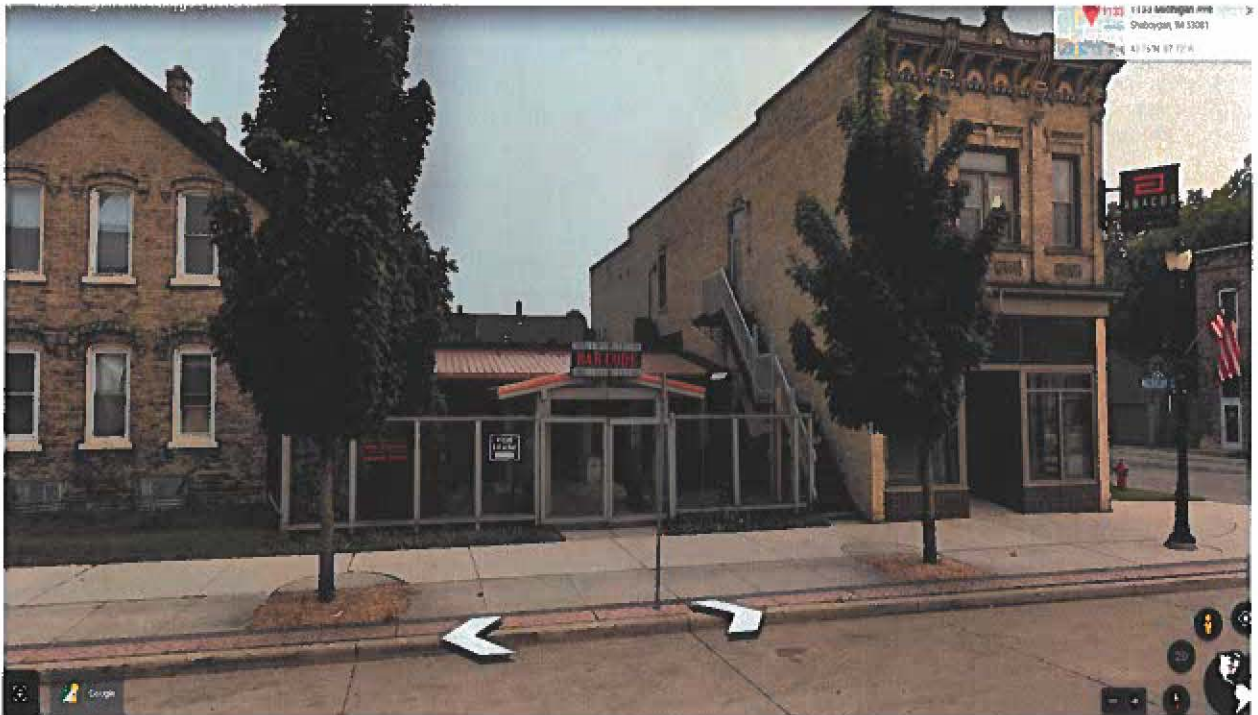


01 FIRST FLOOR

SCALE: 1/8" = 1'-0"







CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: R.O. 45-20-21 and G.O. 15-20-21 from Sheboygan Christian School filing a petition for Direct Annexation by Unanimous Consent for land currently located in the Town of Wilson (Greenfield Avenue).

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

REPORT DATE: August 7, 2020

MEETING DATE: August 11, 2020

FISCAL SUMMARY:

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

STATUTORY REFERENCE:

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

BACKGROUND / ANALYSIS:

Sheboygan Christian School owns single-family properties at 823 and 829 Greenfield Avenue. Mary and Melvin Elgersma own a single-family property at 815 Greenfield Avenue. Sheboygan Christian School and the Elgersma are working together to swap some property which will impact the current property configurations.

Sheboygan Christian School will likely be submitting plans to the City for a new school addition on their existing grounds that will also include the land to be annexed. The Elgersma's will continue to keep their single-family dwelling in the Town of Wilson.

STAFF COMMENTS:

This is an unusual annexation from the standpoint that the City will be annexing portion of lots and not the whole lot. It is the responsibility of the applicant to insure that they have provided the proper legal description for the lands to be annexed into the City because they will be swapping portions of the properties identified.

As part of any future land use proposal (like a school addition), the applicant shall have to do what is necessary to consolidate this and any other parcels into the Sheboygan Christian School parcel located at 929 Greenfield Avenue (parcel # 59281321760). No building permits will be issued until such time that the applicant can provide official documentation that shows:

- The properties have been reconfigured and sold/swapped exactly as proposed.

- That the Sheboygan Christian School Association has combined all of the required parcels into one Sheboygan Christian School parcel (recorded documentation from Sheboygan County).

The Plan Commission should be aware, that the City is obligated by statute to pay annually to the Town of Wilson, for five (5) years, an amount equal to the amount of property taxes that the Town levied on the annexed territory in the year in which the annexation is final.

Staff supports this annexation provided that the applicant is required to pay the City portion of the Town of Wilson's taxes.

ACTION REQUESTED:

Motion to recommend the Common Council approve the petition for Direct Annexation by Unanimous Approval from Sheboygan Christian School.

ATTACHMENTS:

R.O. 45-20-21 and G.O. 15-20-21

X

G. Z

Gen. Ord. No. 15 - 20 - 21. By Alderpersons Sorenson and Bohren.
August 3, 2020.

AN ORDINANCE annexing territory from the Town of Wilson to the City of Sheboygan, Wisconsin.

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

Section 1. In accordance with § 66.0217 of the Wisconsin Statutes and the petition for direct annexation by unanimous approval filed with the city clerk on the 24th day of July, 2020, signed by all of the electors residing in the territory and the owners of all the real property in the territory, together with a scale map and a legal description of the property to be annexed, the following described territory in the Town of Wilson, Sheboygan County, Wisconsin, is hereby annexed to the City of Sheboygan, Wisconsin:

A parcel of land located in the Northeast 1/4 of the Northwest 1/4 of Section 2, T. 14 N., R. 23 E., Town of Wilson, Sheboygan County, Wisconsin and more particularly described as follows:

Commencing at the Northeast Corner of the Northwest 1/4 of said Section 2; thence South 89°-47'-18" West along the North line of the Northwest 1/4 of said Section 2, 1292.10 feet; thence South 40°-30'-28" East along the Southwesterly right of way line of Greenfield Avenue and its Northwesterly extension, 174.09 feet to the point of beginning; thence North 50°-08'-46" East, 33.00 feet to a point on the centerline of Greenfield Avenue; thence South 40°-30'-28" East along said centerline, 116.04 feet; thence South 49°-11'-23" West, 136.74; thence South 00°-27'-31" East, 103.29 feet; thence South 89°-32'-29" West, 150.46 feet; thence North 01°-27'-33" East, 217.71 feet; thence North 88°-04'-55" East, 99.04 feet; thence North 50°-08'-46" East, 62.38 feet to the point of beginning and containing 0.99 acres (43,178 sq. ft.) of land, more or less.

Section 2. From and after the effective date of this ordinance, the territory described in Section 1 shall be a part of the City of Sheboygan for any and all purposes provided by law, and all persons coming or residing in such territory shall be subject to all ordinances, rules and regulations governing the City of Sheboygan.

Section 3. In accordance with § 66.0217(14) of the Wisconsin Statutes, the City of Sheboygan agrees to pay annually to the Town of Wilson, for five (5) years, an amount equal to the amount of property taxes that the Town levied on the annexed territory, as shown by the tax roll under § 70.65 of the Wisconsin Statutes, in the year in which the annexation is final. The petitioner of the annexation agrees for the next five (5) years to pay annually to the City of Sheboygan an amount equal to the property taxes that the Town of Sheboygan levied on the annexed territory, as shown by the tax roll under § 70.65 of the Wisconsin Statutes, in the year in which the

[Handwritten initials]


annexation is final. Said sum shall be in addition to City taxes levied on the parcel.

Section 4. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 5. Appendix A, Chapter 15, of the Sheboygan Zoning Ordinance establishing zoning districts and prescribing zoning standards and regulations is hereby amended by changing the Official Zoning Map thereof and establishing the Use District Classification of said lands as Class SR-5, Suburban Residential 5 Classification.

Section 6. The territory described in Section 1 of this ordinance is hereby made a part of the 26th Ward, 10th Aldermanic District, of the City of Sheboygan, pending approval by the Sheboygan County Board as it relates to County Supervisory Districts.

Section 7. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect upon passage and publication as provided by law.



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

Dated _____ 20____, _____, City Clerk

Approved _____ 20____, _____, Mayor

II

3.3

R. O. No. 45 - 20 - 21. By CITY CLERK. August 3, 2020.

Submitting a communication from Sheboygan Christian School filing a petition for Direct Annexation by Unanimous Consent for land currently located in the Town of Wilson (Greenfield Avenue).

CITY CLERK

City Plan
Land
For

PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL

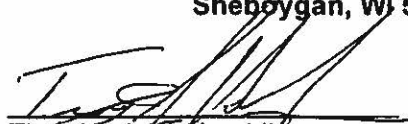
We, the undersigned, constituting 100% of the owners of the following described territory located in the Town of Wilson, Sheboygan County, Wisconsin, lying contiguous to the City of Sheboygan, petition the Honorable Mayor and Common Council of said city to annex the territory described below and shown upon the attached map, as permitted by Chapter 66 of the Wisconsin Statutes, to the City of Sheboygan, Sheboygan County, Wisconsin.

A parcel of land located in the Northeast 1/4 of the Northwest 1/4 of Section 2, T. 14 N.-R. 23 E., Town of Wilson, Sheboygan County, Wisconsin and more particularly described as follows:

Commencing at the Northeast Corner of the Northwest 1/4 of said Section 2; thence South 89°-47'-18" West along the North line of the Northwest 1/4 of said Section 2, 1292.10 feet; thence South 40°-30'-28" East along the Southwesterly right of way line of Greenfield Avenue and its Northwesterly extension, 174.09 feet to the point of beginning; thence North 50°-08'-46" East, 33.00 feet to a point on the centerline of Greenfield Avenue; thence South 40°-30'-28" East along said centerline, 116.04 feet; thence South 49°-11'-23" West, 136.74 feet; thence South 00°-27'-31" East, 103.29 feet; thence South 89°-32'-29" West, 150.46 feet; thence North 01°-27'-33" East, 217.71 feet; thence North 88°-04'-55" East, 99.04 feet; thence North 50°-08'-46" East, 62.38 feet to the point of beginning and containing 0.99 acres (43,178 sq. ft.) of land, more or less.

There are no persons residing in the above described territory.

**Petitioner: Sheboygan Christian School
929 Greenfield Avenue
Sheboygan, WI 53081**


Timothy John Hendrikse
Board Chairperson


Michael Toerpe
Board Secretary

Date: 7-15-20

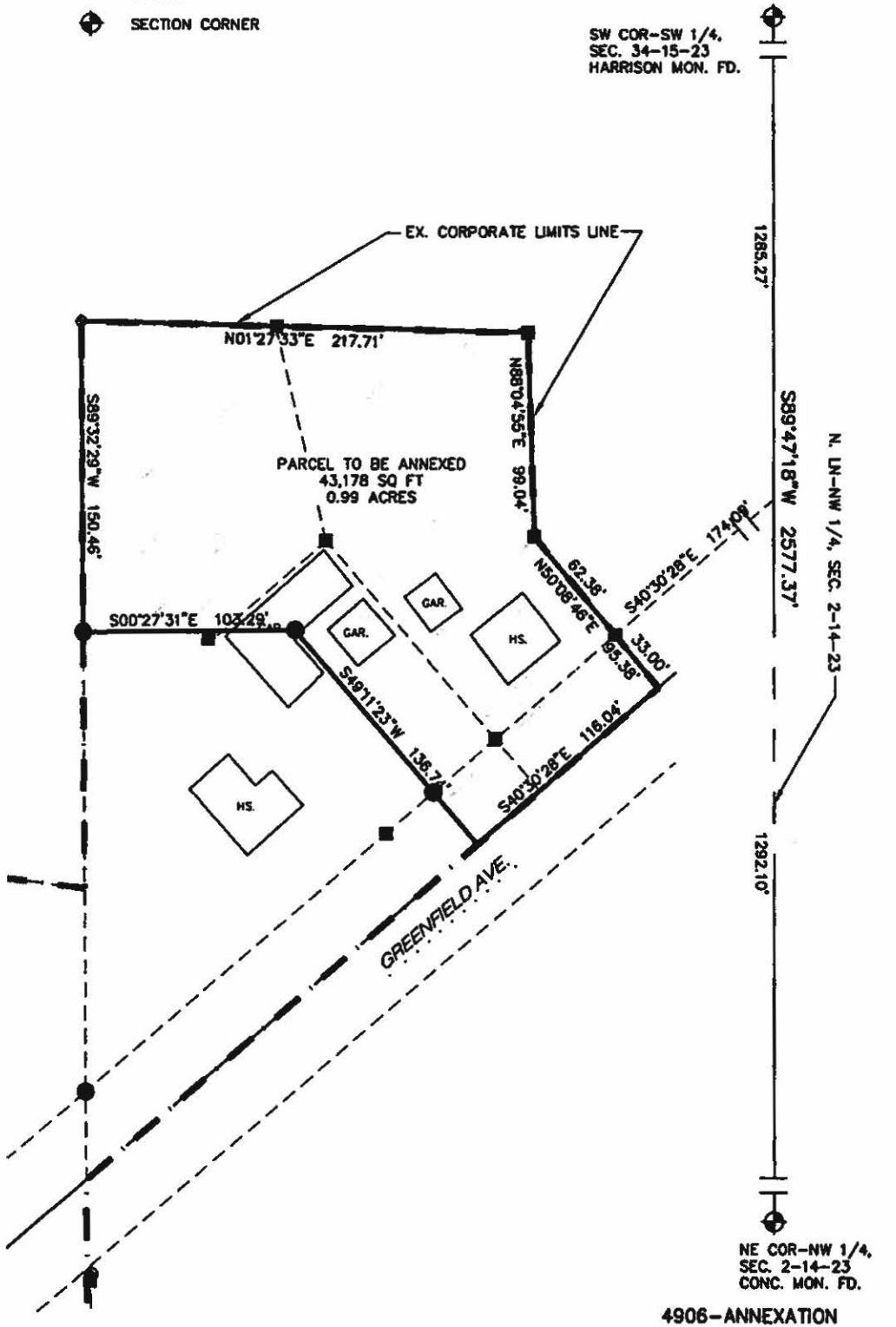
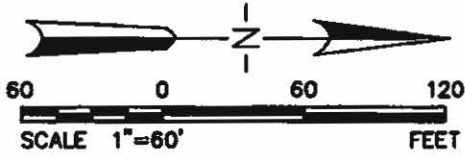
Date: _____

ANNEXATION MAP FOR SHEBOYGAN CHRISTIAN SCHOOL

LOCATED IN THE NE 1/4 - NW 1/4,
SECTION 2, T. 14 N.-R. 23 E.,
TOWN OF WILSON, SHEBOYGAN COUNTY, WISCONSIN

LEGEND

- IRON PIPE FOUND IN PLACE
- 1" X 18" (O.D.) IRON PIPE SET WEIGHING 1.13 LBS. PER LINEAL FOOT
- ⊕ SECTION CORNER



SHEET 1 OF 1 SHEETS

Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
PO Box 1645, Madison WI 53701
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview>

Petitioner Information

Name: **SHEBOYGAN CHRISTIAN SCHOOL**

Address: **929 GREENFIELD AVENUE**

SHEBOYGAN, WI 53081

Email: **JOHN.WARMUS@SHEBOYGANCHRISTIAN.COM**

Office use only:

1. Town where property is located: **WILSON**

2. Petitioned City or Village: **SHEBOYGAN**

3. County where property is located: **SHEBOYGAN**

4. Population of the territory to be annexed: **0**

5. Area (in acres) of the territory to be annexed: **0.99**

6. Tax parcel number(s) of territory to be annexed
(if the territory is part or all of an existing parcel): **59030450310,
59030450330, 59030450320**

Petitioners phone:

920-458-9981

Town clerk's phone:

920-208-2390

City/Village clerk's phone:

920-459-3361

Contact Information if different than petitioner:

Representative's Name and Address:

ERIC OTTE

JE ARTHUR AND ASSOCIATES, INC.

548 PRAIRIE ROAD

FOND DU LAC, WI 54935

Phone: **920-922-5703**

E-mail: **ERICOTTE@JEAAA.COM**

Surveyor or Engineering Firm's Name & Address:

ERIC OTTE

JE ARTHUR AND ASSOCIATES, INC.

548 PRAIRIE ROAD

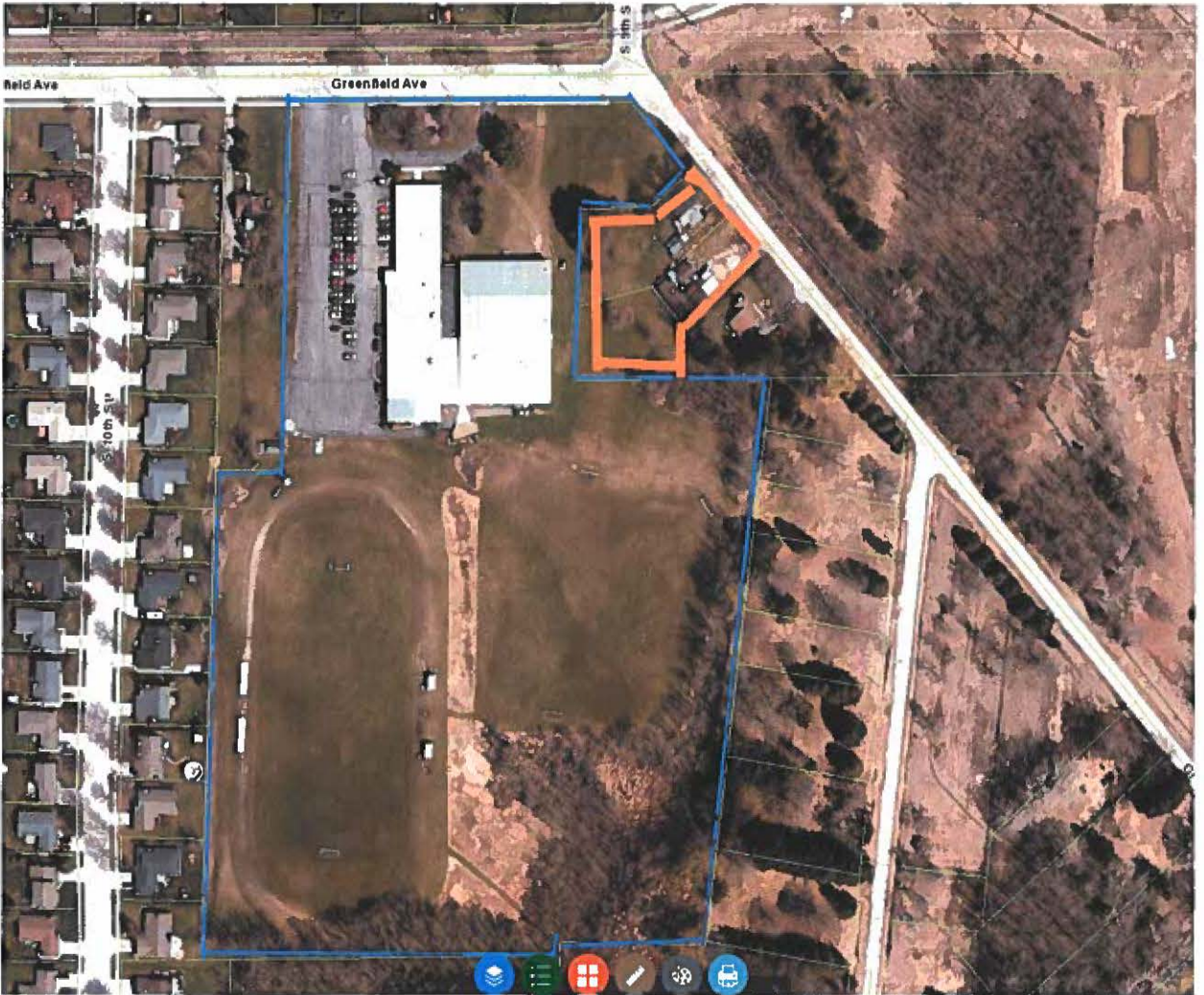
FOND DU LAC, WI 54935

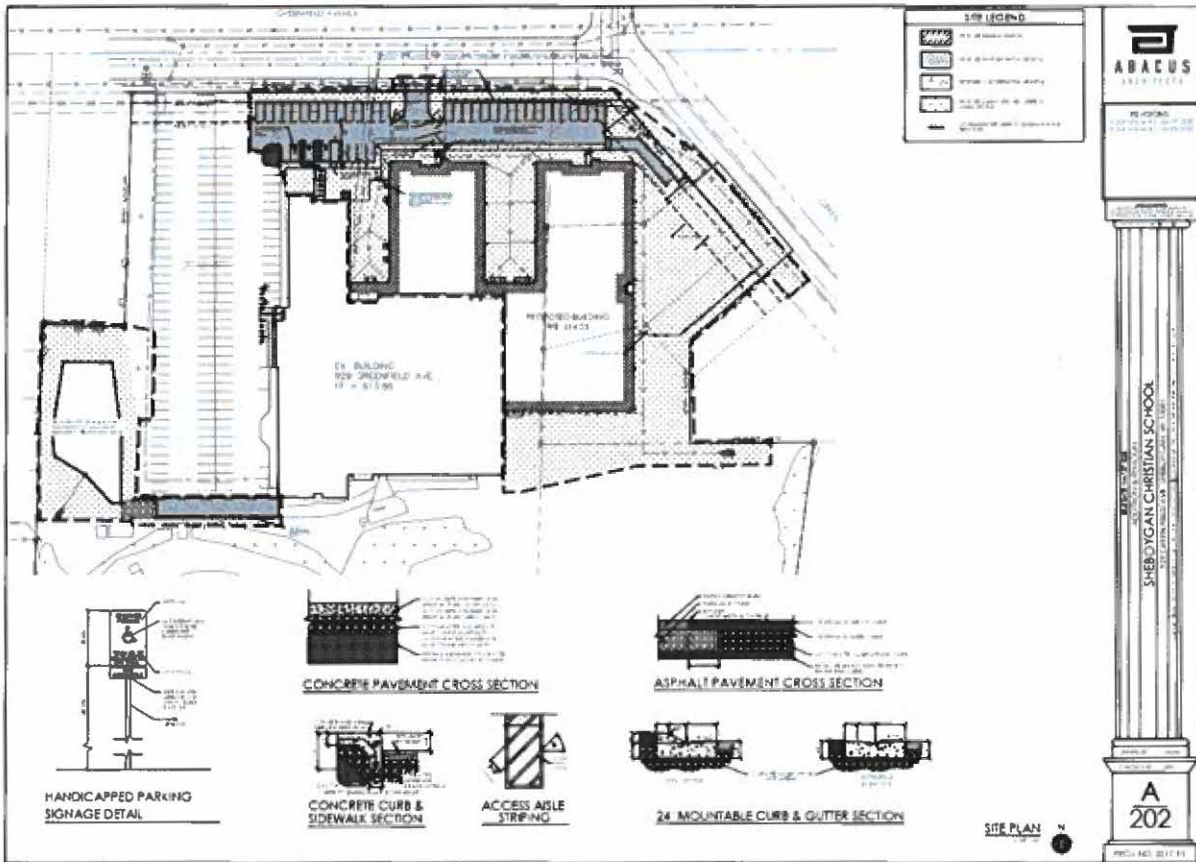
Phone: **920-922-5703**

E-mail: **ERICOTTE@JEAAA.COM**

Required Items to be provided with submission (to be completed by petitioner):

- Legal Description meeting the requirements of s.66.0217 (1) (c) [see attached annexation guide]
- Map meeting the requirements of s. 66.0217 (1) (g) [see attached annexation guide]
- Signed Petition or Notice of Intent to Circulate is included
- Indicate Statutory annexation method used:
 - Unanimous per s. 66.0217 (2), or,
OR
 - Direct by one-half approval per s. 66.0217 (3)
- Check or money order covering review fee [see next page for fee calculation]















CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: R.O. 44-20-21 and G.O. 14-20-21 by Alderperson Ackley granting Showcase Painting & Drywall, its successors and assigns, the privilege of encroaching upon described portions of an unimproved alley in Block 1 of the plat of Lawndale addition located East of North 18th Street in the City of Sheboygan for the purpose of installing an air conditioner unit and ventilation ducting (1919 N. 18th Street).

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

REPORT DATE: August 7, 2020

MEETING DATE: August 11, 2020

FISCAL SUMMARY:

STATUTORY REFERENCE:

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

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

BACKGROUND / ANALYSIS:

Showcase Painting and Drywall is requesting an encroachment at their facility located at 1919 N. 18th Street. The applicant states:

- Showcase Painting and Drywall is proposing to install two (2) certified paint spray booths and a fully exhausted certified mixing room at their facility located at 1919 N. 18th Street.
- The tubes measure 32 inches across and are circular. There will be a 45 degree angle coming out of the side of the building at seven (7) feet high—three (3), six (6) foot pieces of industrial spiral duct with a two (2) foot tall damper on the top that will be a little wider than the tubes. There will be custom steel braces to attach/secure the piping. In addition, each pipe will be secured with steel wires to further support the stacks. The peak of the building is 26 feet tall. The units will be 2-3 feet above the roof line. The exhaust is this high to ensure functionality of the exhaust system from wind hindrances. From the front of the building the only thing you will see will be the exhaust stacks. There will be no mechanical equipment on the roof. A concrete pad has been poured in the back of the building for the makeup air units/furnaces. Duct work will go from the units into the building.
- Consideration has been given to the possible smell of such units and this one (1) reason why they are so high. The units are filtered for particulates - there are 40 exhaust filters on the rear wall of each spray booth. Most if not all particulates will be gone even before

getting to the exhaust stack. In addition, Showcase and the industry are also phasing out solvent based products more and more every single year.

- The booths have been engineered by Global Finishing Solutions in Osseo, WI and are being engineered for State and City approvals through their heating contractor.
- We are requesting to install this on the grass alley to the north of the building.

STAFF COMMENTS:

The applicant is proposing to utilize an unimproved alley (grass) that heads east off of N. 18th Street and runs between Showcase Painting (1919 N. 18th Street) and Prestige Motors and 1929 N. 18th Street. Alley is directly east of Alexander Court.

Vacation of this unimproved alley right-of-way is not an option because there is a 42 inch sanitary sewer running through this alley. Thus, In order to utilize this public right-of-way for the above stated purposes, the applicant needs to obtain the required encroachment. The encroachment is required to be obtained prior to issuance of building and/or mechanical permits for this project.

A couple of comments:

- The applicant indicates that there will be stacks venting in the air so staff is concerned about potential smells that may be created by venting the spray paint particulates to the outside. There are residential neighborhoods directly across 18th Street to the west and across the railroad tracks to the east. The applicant should be aware that if there are complaints to staff, the Plan Commission and/or City Council that an encroachment may be revoked. Thus, it is the responsibility of the business/property owner to insure this new system does not create nuisance. The owner appears to be well aware of this and is designing these mechanical units to properly address this concern.
- Staff has not seen what the proposed mechanical units look like and how much of the mechanicals will you see from the building since the units will be located above the roofline. The applicant states that the peak of the building is 26 feet tall and that these units will be 2-3 feet above the roof line. So it sounds like you should not really be able to see these mechanical units. The Plan Commission may want to have the applicant address what you will see.

ACTION REQUESTED:

Staff recommends approval of the encroachment as proposed.

ATTACHMENTS:

R.O. 44-20-21 and G.O. 14-20-21

II

32

R. O. No. 44 - 20 - 21. By CITY CLERK. August 3, 2020.

Submitting a communication from Michael J. Gabrielse requesting an encroachment for air conditioner unit and ventilation ducting on North 18th Street (Showcase Painting & Drywall).

CityPlan

CITY CLERK

JUL 28 '20 PM 12:45

Attn: Common council members,

Encroachment request Showcase Painting & Drywall.

We are installing two UL certified Paint spray booths and fully exhausted UL certified mixing room in between the units. Our intent is to have the exhaust tubes extend three feet through the side wall of the building before a 45% angle moving them vertical with structural fabrication to attach them to the building. The height coming out of the wall will start at 7 feet and extend twenty feet high to extend above roof line. See map attached. We are not encroaching on a city street. The encroachment is over a grass alley. Consideration has been given to possible smell from the units and is one reason why they are so tall. The units are filtered for particulates. Our classification for the property is commercial/industrial but we are still being considerate of residential neighbors. We know from experience that there will be no issues especially given the location of the exhaust.

Booths have been engineered by Global Finishing Solutions in Osseo Wisconsin. A site plan is being engineered for state and city approval through our HVAC company. Given the construction of the building and booth fabrication we do NOT want to extend them through the roof system and is why we are asking for the encroachment. Steve Sokolowski and Building Inspection have been contacted and involved.

Thank you for your time,



Michael J. Gabrielse

Showcase Painting & Drywall

1919 North 18th street

Sheboygan, WI 53081

X

6.1

Gen. Ord. No. 14 - 20 - 21. By Alderperson Ackley. August 3, 2020.

AN ORDINANCE granting Showcase Painting & Drywall, its successors and assigns, the privilege of encroaching upon described portions of an unimproved alley in Block 1 of the plat of Lawndale addition located East of North 18th Street in the City of Sheboygan for the purpose of installing an air conditioner unit and ventilation ducting.

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

Section 1. Subject to the terms and conditions contained herein, Showcase Painting & Drywall, its successors and assigns, is hereby granted the privilege of encroaching upon part of an unimproved alley in Block 1 of the Plat of Lawndale Addition, located in the NE ¼ of Section 15, T15N-R23E, City of Sheboygan, Sheboygan County, Wisconsin, as follows:

Commencing at the Southeast Corner of the Southwest 1/4 of said Section 15, thence North 00°09'29" East, along the East line of said Southwest 1/4, a distance of 1768.31 feet to the Easterly extensions of both the South line of said alley and the North line of Lot 18 of said Block 1 of the Plat of Lawndale Addition, as recorded in Volume 5 on Page 69 of Plats as Document 238929 in the Sheboygan County Register of Deeds Office;
thence North 89°35'37" West, along said Easterly extensions, a distance of 11.09 feet to the Northeast corner of said Lot 18 and the Point of Beginning for this description;
thence continuing North 89°35'37" West, along the South line of said alley and the North line of said Lot 18, a distance of 145.78 feet;
thence North 00°02'33" West a distance of 1.31 feet;
thence North 89°57'27" East a distance of 1.84 feet;
thence South 00°02'33" East a distance of 1.33 feet to said South line of said alley and said North line of said Lot 18;
thence South 89°35'37" East, along said South line of said alley and said North line of said Lot 18, a distance of 83.36 feet;
thence North 00°01'07" West a distance of 4.33 feet;
thence North 89°58'53" East a distance of 5.00 feet;
thence South 00°01'07" East a distance of 4.37 feet to said South line of said alley and said North line of said Lot 18;
thence South 89°35'37" East, along said South line of said alley and said North line of said Lot 18, a distance of 8.50 feet;
thence North 00°01'07" West a distance of 1.43 feet;
thence North 89°58'53" East a distance of 2.00 feet;
thence South 00°01'07" East a distance of 1.45 feet to said South line of said alley and said North line of said Lot 18;
thence South 89°35'37" East, along said South line of said alley and said North line of said Lot 18, a distance of 8.50 feet;
thence North 00°01'07" West a distance of 4.51 feet;
thence North 89°58'53" East a distance of 5.00 feet;

City Clerk

thence South 00°01'07" East a distance of 4.55 feet to said South line of said alley and said North line of said Lot 18;
thence South 89°35'37" East, along said South line of said alley and said North line of said Lot 18, a distance of 31.57 feet to said Northeast corner of said Lot 18 and the Point of Beginning.

The above described land contains 0.00114 acres (49.7 square feet), more or less.

for the purpose of installing an air conditioner unit and ventilation ducting in accordance with the sketch attached hereto and made a part hereof.

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

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

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

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

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

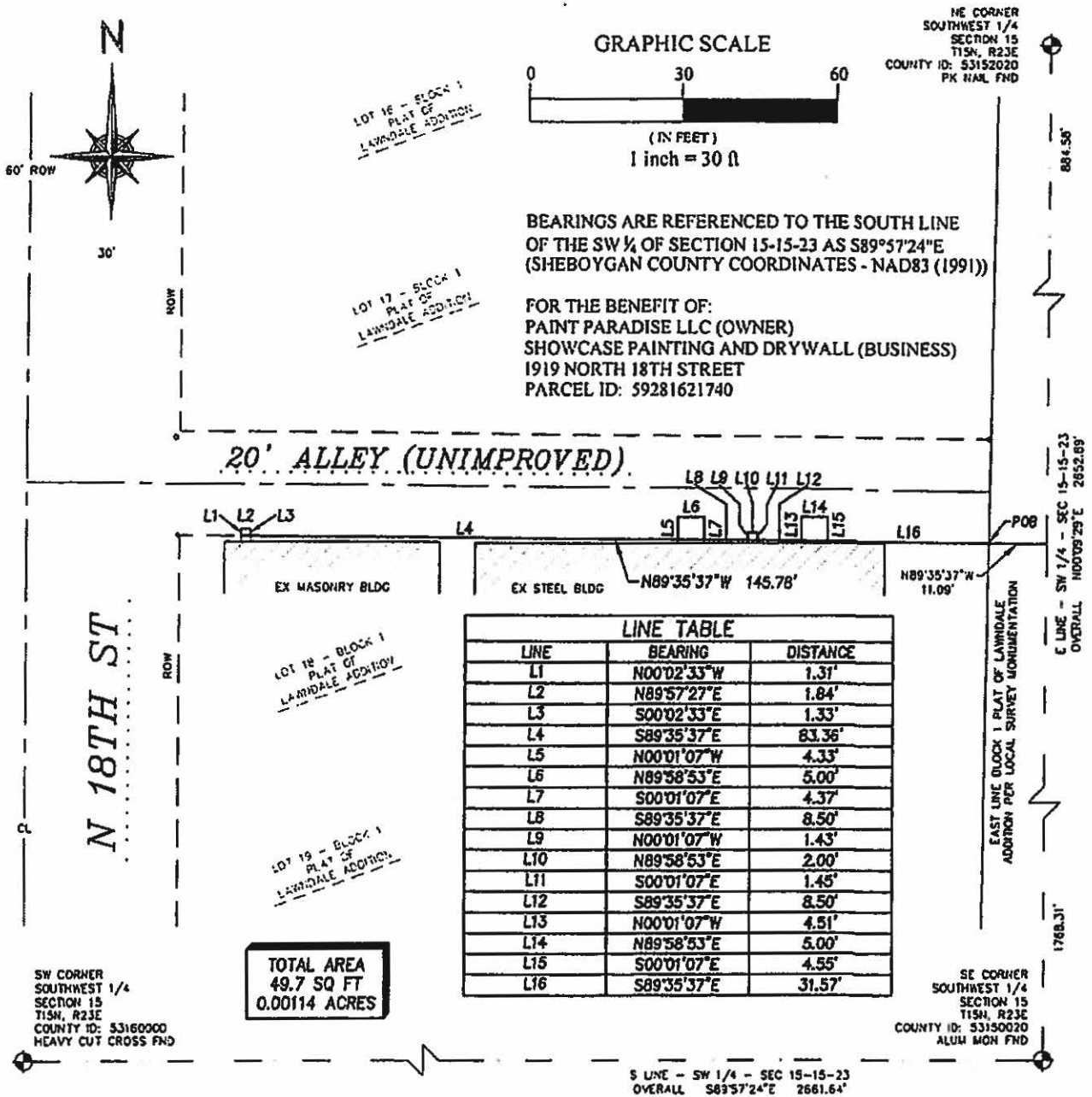
Section 3. The provisions of §66.045(1)(2) of the Wisconsin Statutes are incorporated herein by reference to all intents and purposes as if set out fully.

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

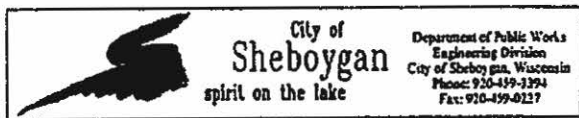
EXHIBIT A

ENCROACHMENT MAP

FOR AIR CONDITIONER UNIT AND VENTILATION DUCTING
PART OF AN UNIMPROVED ALLEY IN BLOCK 1
OF THE PLAT OF LAWNDALE ADDITION,
LOCATED IN THE NE 1/4 OF THE SW 1/4 OF SECTION 15, T15N - R23E,
CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN



MAP PREPARED BY: MICHAEL P. BORN, PLS DATED: 10/17/17



LEGEND
RECORDED SHEBOYGAN
COUNTY MONUMENT

EXHIBIT B
ENCROACHMENT DESCRIPTION
FOR AIR CONDITIONER UNIT AND VENTILATION DUCTING
PART OF AN UNIMPROVED ALLEY IN BLOCK 1
OF THE PLAT OF LAWNDALE ADDITION,
LOCATED IN THE NE 1/4 OF THE SW 1/4 OF SECTION 15, T15N - R23E,
CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN

Part of an unimproved alley (20 feet in width) in Block 1 of the Plat of Lawndale Addition located in the Northeast 1/4 of the Southwest 1/4 of Section 15, Town 15 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin and being more particularly described as follows:

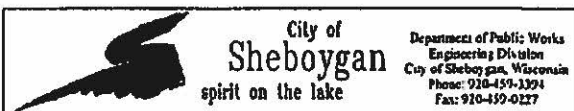
Commencing at the Southeast Corner of the Southwest 1/4 of said Section 15, thence North 00°09'29" East, along the East line of said Southwest 1/4, a distance of 1768.31 feet to the Easterly extensions of both the South line of said alley and the North line of Lot 18 of said Block 1 of the Plat of Lawndale Addition, as recorded in Volume 5 on Page 69 of Plats as Document 238929 in the Sheboygan County Register of Deeds Office;
thence North 89°35'37" West, along said Easterly extensions, a distance of 11.09 feet to the Northeast corner of said Lot 18 and the Point of Beginning for this description;
thence continuing North 89°35'37" West, along the South line of said alley and the North line of said Lot 18, a distance of 145.78 feet;
thence North 00°02'33" West a distance of 1.31 feet;
thence North 89°57'27" East a distance of 1.84 feet;
thence South 00°02'33" East a distance of 1.33 feet to said South line of said alley and said North line of said Lot 18;
thence South 89°35'37" East, along said South line of said alley and said North line of said Lot 18, a distance of 83.36 feet;
thence North 00°01'07" West a distance of 4.33 feet;
thence North 89°58'53" East a distance of 5.00 feet;
thence South 00°01'07" East a distance of 4.37 feet to said South line of said alley and said North line of said Lot 18;
thence South 89°35'37" East, along said South line of said alley and said North line of said Lot 18, a distance of 8.50 feet;
thence North 00°01'07" West a distance of 1.43 feet;
thence North 89°58'53" East a distance of 2.00 feet;
thence South 00°01'07" East a distance of 1.45 feet to said South line of said alley and said North line of said Lot 18;
thence South 89°35'37" East, along said South line of said alley and said North line of said Lot 18, a distance of 8.50 feet;
thence North 00°01'07" West a distance of 4.51 feet;
thence North 89°58'53" East a distance of 5.00 feet;
thence South 00°01'07" East a distance of 4.55 feet to said South line of said alley and said North line of said Lot 18;
thence South 89°35'37" East, along said South line of said alley and said North line of said Lot 18, a distance of 31.57 feet to said Northeast corner of said Lot 18 and the Point of Beginning.

The above described land contains 0.00114 acres (49.7 square feet), more or less.

End of description.

DESCRIPTION PREPARED BY: MICHAEL P. BORN, PLS

DATED: 10/17/17



SHEET 2 OF 2 SHEETS

