

**MINUTES**  
**CITY PLAN COMMISSION**

City Plan Commission, Tuesday, January 25, 2011 at 4:00 P.M. in the Third Floor conference room, City Hall, 828 Center Avenue. Chairperson Mayor Bob Ryan presided.

Present: Mayor Ryan, Jerry Jones, Steve Hemsing, Ald. Marilyn Montemayor, Don Cvetan and Ryan Sazama

Excused: John Van Der Male

Staff present: Chad Pelishek and Steve Sokolowski

Others present: Jamie and Dan Dietrich, Jeff Kauerz, Andy Heinen, Marie and Mark Rieger, Mark Schuchardt, Jeanne Kliejunas, LeRoy Kuhlow, Mark Wassow and John Ross

Mayor Ryan called the meeting to order at 4:00 P.M. and the Pledge of Allegiance was recited.

Approval of minutes of the January 11, 2011 meeting.

Ald. Montemayor moved, Steve Hemsing seconded to approve the minutes of the January 11, 2011 meeting. The motion passed unanimously.

Conditional Use Permit application by Dan Dietrich to operate Spicoli's Pizza (former Sheboygan Paint) at 1436 Superior Avenue.

Dan and Jamie Dietrich were present to discuss this matter with the Commission.

There will be a counter and chairs in the building so pick up customers can wait for their orders. There will be approximately 3-5 employees with 2 people working per shift. This will be a delivery and pickup pizza restaurant.

The applicant will need to work with staff regarding signage and the mural on the west wall.

Following due consideration, Ald. Montemayor moved, Steve Hemsing seconded to approve with the following conditions:

1. Prior to construction and operation, the applicant shall obtain all necessary permits and licenses including but not limited to building, plumbing, electrical, HVAC, fire, health, food, alcohol, occupancy, etc.
2. Applicant shall obtain the necessary conditional use/sign permits prior to installation (the sign ordinance does not permit painted wall signs)
3. If the mural painted on the west wall of the building is to be removed, the applicant shall paint the wall utilizing colors that are compatible and consistent with the rest of the building.

4. If a dumpster is used, the dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility.

The motion passed unanimously.

Conditional Use Permit and variance application by Auto Zone, Inc. to construct a new retail auto parts store at the southeast corner of South Business Drive and Wilson Avenue.

Jeff Kauerz, Mark Wassow and Andy Heinen were present to discuss this matter with the Commission.

Auto Zone, an auto parts retailer, is proposing to construct a new 7,340 square foot facility. The site is presently being used as a parking lot for the Piggly Wiggly warehouse. The existing driveways into Wilson Avenue and South Business Drive will be used as access to the site and will be shared with the warehouse facility. There will no new driveways into the property.

Following due consideration, Ald. Montemayor moved, Ryan Sazama seconded to approve with the following conditions:

1. Submittal and approval of a proposed landscape plan that provides a legend that shows how the four (4) landscape criteria are being met.
2. Submittal and approval of a proposed storm drainage plan.
3. Dumpster shall be screened/enclosed and constructed of like materials and colors of the facility.
4. All new lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance. There shall be no spillover light onto adjacent properties or the streets.
5. All ground level and rooftop mechanicals shall be screened and/or enclosed and constructed of like materials and colors of the facility (HVAC equipment, satellite dishes, etc.).
6. All areas used for parking or maneuvering of vehicles shall be paved.
7. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
8. Applicant will be required to obtain a sign permit for each sign to be installed on the property prior to installation.
9. Applicant shall be permitted an 8-foot high freestanding monument sign for the site.
10. The monument sign shall be setback a minimum of 12 feet from the property line (closest part of sign to property line).
11. Applicant will be required to provide documentation that the proposed CSM has been approved and recorded prior to issuance of a building permit.

Variance was granted to allow a paved yard setback of zero (0) feet along the south and east property lines where the minimum paved surface setback is five (5) feet.

The motion passed unanimously.

Conditional Use application by Bray Architects to construct a new addition to the existing Salvation Army facility located at 710 Pennsylvania Avenue.

Marie and Mark Rieger, Mark Schuchardt, Jeanne Kliejunas, LeRoy Kuhlow, Mark Wassow and John Ross were present to discuss this matter with the Commission.

Salvation Army is proposing to construct a new 15,000 square foot addition and to renovate their existing facility at 710 Pennsylvania Avenue. The addition will be constructed on the east side of the existing building and will provide additional space and greater opportunities for several different programs and services. The Emergency Shelter will be expanded from 21 to 35 beds.

LeRoy Kuhlow, an adjoining property owner, asked where the staff will park. Ms. Kliejunas, representing the Salvation Army, indicated the staff will park in the same lot they do now which is east of their building. There will also be parking on the north side of the new addition.

Following due consideration, Ald. Montemayor moved, Steve Hemsing seconded to approve with the following conditions:

1. Submittal and approval of a proposed landscape plan that provides a legend that shows how the four (4) landscape criteria are being met.
2. Submittal and approval of a proposed storm drainage plan.
3. Prior to construction and operation, the applicant shall obtain all necessary permits and licenses including but not limited to building, plumbing, electrical, HVAC, fire, health, food, occupancy, etc.
4. 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.
5. All new lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance. There shall be no spillover light onto adjacent properties or the streets.
6. All ground level and rooftop mechanicals shall be screened and/or enclosed and constructed of like materials and colors of the facility (HVAC equipment, satellite dishes, etc.).
7. All areas used for parking or maneuvering of vehicles shall be paved.
8. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
9. If there are any amendments to the approved conditional use permit and site plan, the applicant will have to submit such amendments for review by the City of Sheboygan Plan Commission that accurately reflects any and all proposed changes prior to making such changes to the structure and/or the site.
10. Applicant will be required to obtain a sign permit for each sign to be installed on the property prior to installation.
11. Applicant shall be permitted an 8-foot high freestanding monument sign for the site.
12. The monument sign shall be setback a minimum of 12 feet from the property line (closest part of sign to property line).
13. Applicant shall obtain all necessary razing permits for any structures to be demolished.
14. Applicant will provide adequate public access along N. 7<sup>th</sup> Street and/or Pennsylvania Avenue and will take all appropriate actions to minimize the time period that these sidewalks and streets will be closed/affected.
15. If applicant intends on constructing any portion of building, landscaping, etc. within the City of Sheboygan right-of-way, an encroachment will be required to be obtained (it appears some landscaping is proposed to be located in the Penn Ave. right-of-way). The applicant shall obtain the required encroachment prior to building permit issuance.
16. Prior to building permit issuance the applicant shall provide documentation that all property line issues have been resolved (the addition is proposed to be located over the common property line

that the Salvation Army properties presently share). This property line shall be removed in order for the project to proceed.

The motion passed unanimously.

Gen. Ord. No. 47-10-11 and R. O. No. 359-10-11 granting R & M Moeller, LLC the privilege of encroaching upon described portions of a public promenade located at 434 S. Pier Drive for the purpose of building and maintaining a patio.

The Moellers are proposing to construct a patio on the City's riverfront promenade and, therefore, are requesting an encroachment.

Following due consideration, Ald. Montemayor moved, Jerry Jones seconded to recommend approval of the encroachment. The motion passed unanimously.

Com. No. 56-10-11 submitting a communication from Margaret Jagler requesting the city develop a second entry/exit to the South Pier area using S. 7<sup>th</sup> St. since Pentair does not block that roadway anymore.

Staff indicated the extension of 7<sup>th</sup> Street was included in the recently adopted Indiana Avenue Redevelopment Plan and Implementation Strategy and is an approved project in the Capital Improvements Program.

Following due consideration, Ald. Montemayor moved, Jerry Jones seconded to recommend the document be placed on file.

Com. No. 57-10-11 submitting a communication Martin and Dale Spaeth regarding the development of the Festival Foods store at the old Wal-Mart site regarding noise and air pollution, light pollution, etc.

Festival Foods will be required to submit a conditional use permit application and a public hearing will be held. The many of the concerns outlined by the Spaeths will be addressed as part of the conditional use permit process.

Following due consideration, Ald. Montemayor moved, Jerry Jones seconded to recommend the document be placed on file. The motion passed unanimously.

Res. No. 196-10-11 establishing public participation procedures for the City of Sheboygan Comprehensive Plan Update.

The City is updating its Comprehensive Plan and establishing the public participation procedures is part of that process.

Following due consideration, Ald. Montemayor moved, Steve Hemsing seconded to recommend approval of the Resolution. The motion passed unanimously.

R. O. No. 360-10-11 submitting a communication from Dick Suscha regarding Tax Incremental Financing (TIF) Districts.

Following due consideration, Jerry Jones moved, Ald. Montemayor seconded to recommend the document be placed on file. The motion passed unanimously.

Closed session.

Motion by Ald. Montemayor, second by Jerry Jones to convene in closed session under the exemption provided in Sec. 19.85(1(e), Wis. Stats., for the purpose of deliberating the purchasing of public property where competitive and bargaining reasons require a closed session. The motion passed unanimously on a roll call vote.

Ald. Montemayor moved, Steve Hemsing seconded to reconvene in open session. The motion passed unanimously on a roll call vote.

Following due consideration, Ald. Montemayor moved, Jerry Jones seconded to recommend approval of the proposed agreement discussed in closed session. The motion passed unanimously.

Being no further business, the meeting adjourned at 4:50 P.M.

Carol Rudie  
Recording Secretary