

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

City Plan Commission, Tuesday, March 8, 2011 at 4:00 P.M. in the Third Floor conference room, City Hall, 828 Center Avenue. Mayor Ryan presided.

Present: Mayor Ryan, John Van Der Male, Ryan Sazama, Ald. Marilyn Montemayor and Jerry Jones

Excused: Steve Hemsing and Don Cvetan

Staff present: Steve Sokolowski and Chad Pelishek

Others present: Phil Cosson, Dave Heather, Mark Hertzfeldt, Kevin Lynch, Josh Lintereur, James Leedom, Sharon Bell, Jim Blise, Craig Ostermann, Scott Matula, Jerry McCabe, Dick Hammes, Ray Haen, Ron Van Rooyen, Mike Brunette, James and Jane Willmas and Martin and Dale Spaeth

The meeting was called to order by Mayor Ryan and the Pledge of Allegiance was recited.

Approval of minutes of the February 22, 2011 meeting.

Ald. Montemayor moved, John Van Der Male seconded to approve the minutes of the February 22, 2011. The motion passed unanimously.

Public Hearing regarding the proposed plan, boundaries and creation of Tax Incremental District No. 15 and Public Hearing regarding the proposed amendment of project plan for Tax Incremental District No. 14.

No one appeared to speak at the Public Hearings.

Ald. Montemayor moved, John Van Der Male seconded to close the hearings. The motion passed unanimously.

Consideration of "Resolution Approving a Project Plan Amendment for Tax Incremental District No. 14, City of Sheboygan, Wisconsin.

Phil Cosson of Ehlers, Inc. distributed the draft of Project Plan Amendment. The boundaries of the district and the life of the district will remain the same. The purpose of the amendment is to modify the locations and costs of the projects to be undertaken within the district boundary.

Following due consideration, Ald. Montemayor moved, Ryan Sazama seconded to recommend approval of the Resolution approving the project plan amendment for Tax Incremental District No. 14. The motion passed unanimously.

Consideration of "Resolution Designating Proposed Boundaries and Approving a Project Plan for Tax Incremental District No. 15, City of Sheboygan, Wisconsin.

Phil Cosson distributed the draft of the Project Plan for the creation of Tax Incremental District No. 15. TID No. 15 is proposed to be created as a mixed-use district and the Commission reviewed the boundaries of the district. The proposed district is generally located along South Business Drive between Wilson and Mead Avenues.

Following due consideration, Ald. Montemayor moved, John Van Der Male seconded to recommend approval of the Resolution approving the project plan creating Tax Incremental District No. 15, City of Sheboygan and the proposed boundaries. The motion passed unanimously.

Site Plan Review application by American Transmission Company for construction of a mechanical building at the Edgewater Generating Station, 3739 Lakeshore Drive.

Kevin Lynch was present to discuss this matter with the Commission.

The applicant is proposing to construct a new pre-fabricated 24 by 36 foot mechanical building in order to bring protection systems up to current standards and improve reliability. Construction of this project is planned for June 2012 and should be completed by November, 2013.

Following due consideration, Jerry Jones moved, Ald. Montemayor seconded to approve the site plan review application with the following conditions:

1. Submittal/approval of a proposed storm drainage plan.
2. Applicant shall obtain all necessary permits for the construction as well as all necessary permits for the storage of hazardous chemicals (applicant shall be in contact with building inspection, fire department, etc.).
3. All new lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance.
4. A building permit for this project shall be obtained by July 27, 2012. If a building permit has not been obtained by July 27, 2012, the site plan approval is null and void and the applicant will need to resubmit a new site plan application for Plan Commission consideration.

The motion passed unanimously.

Conditional Use Permit application by RLO Sign, Inc. to replace the manual readerboard in the existing Sheridan School monument sign with a new LED message center at 1412 Maryland Avenue.

Craig Ostermann was present to discuss this matter with the Commission.

The applicant is proposing to replace the manual readerboard portion of the existing monument sign with a new LED message center on the east side of the site facing South 14<sup>th</sup> Street. The existing monument sign is 25 square feet and the LED message center is 6 square feet.

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

1. Applicant shall obtain the necessary sign permits to install the sign.
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. Applicant shall meet Sections 15.804(a) and (c) of the City of Sheboygan Zoning Ordinance relating to signage and pedestrian/ traffic safety and sign timing/cycles. No signs containing flashing, intermittent or moving sections or intermittent or flashing lights shall be permitted.
4. The monument sign shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.

The motion passed unanimously.

Conditional Use Permit and variance application by Marshall Sign to install a new monument sign at Tender Hearts Senior Care at 2125 South Memorial Place.

Steve Sokolowski indicated the applicant was unable to attend the meeting. He also indicated he received a phone call from Mary Ristenpadt, owner of 2105 South Memorial Place, who stated she did not support or object to the sign proposal, but would like the sign to be similar to the other signs in the area.

The applicant is requesting to replace the existing legal nonconforming monument sign with a new monument sign in the same location. The new monument sign will be 35 square feet. The applicant is requesting a variance from the 12 foot setback and is proposing the sign be located 5.3 feet from the property line. The sign appears to be located in approximately the same general vicinity as other freestanding signs for adjoining businesses to the east and west of the site.

Following due consideration, Ryan Sazama moved, John Van Der Male seconded to approve with the following conditions:

1. Applicant shall obtain the necessary sign permits to install the sign.
2. Applicant shall install the sign no closer than 5.3 feet to the property line (edge of sign to

property lines).

3. 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.

A variance was granted to construct the sign with a 5.3 foot setback where a 12 foot minimum setback is required.

The motion passed unanimously.

Conditional Use Permit and variance application by Jerry McCabe to renovate BJ's Restaurant and to construct new 1<sup>st</sup>/2<sup>nd</sup>/3<sup>rd</sup> floor additions to the building located at 1035 Michigan Avenue.

Scott Matula and Jerry McCabe were present to discuss this matter with the Commission.

The first floor will be renovated including relocation of the kitchen to the rear of the restaurant and creating a new entryway on the west side of the building. This renovation will create more seating in the restaurant with a seating capacity of 50 people. There will be a 35 square foot addition on the first floor. The new side entrance on 11<sup>th</sup> Street will provide a second exit to the facility. The second and third floor additions will increase the size of the apartment.

The existing first floor building has an overhang that crosses the property line along North 11<sup>th</sup> Street. The applicant is proposing to construct the new first floor addition to match the existing building. Therefore, the application needs to apply for an encroachment into North 11<sup>th</sup> Street.

A letter was received from the Salvation Army expressing concern regarding roof runoff onto their building and the location and maintenance of dumpster.

Mr. Matula indicated the runoff will be handled with oversized gutters and downspouts on the south side of the building and the dumpster will be enclosed and gated.

Following due consideration, John Van Der Male moved, Ald. Montemayor seconded to approve with the following conditions:

1. Submittal and approval of a proposed landscape plan.
2. Submittal and approval of a proposed drainage plan. All storm water will remain on site. Absolutely no storm water from 1035 Michigan Avenue will flow onto adjacent properties and/or buildings.
3. 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, alcohol, etc.
4. If a dumpster is used, the dumpster shall be screened and enclosed and constructed of like materials and colors of the facility prior to issuance of an occupancy permit for the addition.
5. Outdoor storage of materials, products or equipment shall be prohibited.
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. 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.).
8. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
9. A conditional use/sign permit shall be obtained prior to installing signage on the site.
10. Absolutely no portion of the building shall cross the property line (steps, balconies, decks, gutters, eaves, roof, signs, landscaping, etc.). Structures, landscaping, etc. may cross the property line in to the City of Sheboygan public right-of-way if and only if the applicant obtains the necessary encroachments permitting this (building may not cross adjacent private property lines).
11. If there are any amendments to the approved site plan, the applicant will be required to submit a new conditional use application reflecting those amendments.

John Van Der Male was excused.

Conditional Use Permit and variance application by the Rehabilitation Center of Sheboygan to construct a new building addition at 1607 Geele Avenue.

Dick Hammes, Ray Haen and Ron Van Rooyen were present to discuss this matter with the Commission.

RCS is proposing to construct a 41,089 square foot office addition. The addition will face Geele Avenue and will be attached to the north and east walls of the existing building along Calumet Drive. The office addition will house the client day services department, administration and case management offices. RCS has purchased the former car wash (2145 Calumet Drive) and the building will be demolished. RCS is proposing to utilize the former car wash driveway access points on both Calumet Drive and Geele Avenue. The Calumet Drive access point would be designated as a right turn only and the Geele Avenue access point would be for ingress only.

RCS is requesting a variance from the parking requirements because most of their clients do not drive and are bused. They are also requesting variances from the paving setback requirements.

The Architectural Review Board approved the project at their March 7, 2011 meeting.

Following due consideration, Ald. Montemayor moved, Jerry Jones 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, occupancy, etc.
2. Submittal/approval of a proposed storm drainage plan.
3. Submittal/approval of a proposed landscape plan that provides a legend that shows how the four (4) landscape criteria are being met (create a legend along with the landscape plan site plan).
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 tower and associated mechanical equipment.

5. If fencing is to be installed, fencing shall be installed per Section 15.720(3)(c) of the City of Sheboygan Zoning Ordinance.
6. Outdoor storage of materials, products or equipment shall be prohibited.
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, satellite dishes, 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 street and properties.
9. All areas used for parking or maneuvering of vehicles shall be paved.
10. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
11. Applicant shall obtain the necessary conditional use/sign permits prior to installation.
12. 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.
13. 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.).
14. Applicant will provide adequate public access along Calumet Drive and Geele Avenue and will take all appropriate actions to minimize the time period that these sidewalks and streets will be closed/affected.
15. The access drive ingressing the RCS property from Calumet Drive shall be designated and designed as a "Right Turn In Only." This driveway shall be designed and signed in such a manner that permits right turn in only so no one can egress onto Calumet Drive.
16. The Calumet Drive ingress drive shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
17. Any new and/or existing ingress/egress driveway openings shall be improved to City standards. Any drives to be closed or modified shall be constructed to City standards.
18. Absolutely no portion of the building, parking lot, landscaping, etc. shall cross the property line (appears the new parking lot drive is very close to the rail road property at the northeast corner of the site).
19. Applicant shall obtain all necessary razing permits prior to demolishing the existing car wash facility. If construction of the new store does not begin within 30 days of razing the old store, the applicant shall immediately take all actions necessary to keep the property in a dustless condition including but not limited to installing landscaping/grass on the entire redevelopment site.
20. If there are any amendments to the approved site plan, the applicant will be required to submit a new conditional use application reflecting those amendments.

The following variances were granted:

- Zero (0) foot paving setback at the northeast corner of site for access onto Geele Avenue

where a five (5) foot minimum paving setback is required.

- 2.5 foot paving setback at the northeast corner of the new building addition (sidewalk) where a five (5) foot minimum paving setback is required.
- Providing 68 parking spaces where 93 parking spaces are required by ordinance.

The motion passed unanimously.

Conditional Use Permit and variance application by Dave Heather to construct a new building and site improvements and remodeling the existing facility at Lakeland Automotive located at 4000 N. Frontage Road.

Dave Heather and Mark Hertzfeldt were present to discuss this matter with the Commission.

The applicant is proposing to construct a new 30,900 square foot building, parking and display for 233 new and used vehicles as well as customer and employee vehicles. The new building will house the Toyota and Subaru brands. The current building will be remodeled for the Honda and Mazda brands. The new building will be located to the west and north of the existing dealership. There will be two large ponds on the northwest and southeast corners of the site for stormwater management.

The Architectural Review Board approved the project at their March 7, 2011 meeting.

Following due consideration, Jerry Jones moved, Ald. Montemayor 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, occupancy, DNR, ACOE, etc.
2. Submittal/approval of a proposed storm drainage plan.
3. Submittal/approval of a proposed landscape plan that provides a legend that shows how the four (4) landscape criteria are being met (create a legend along with the landscape plan site plan). Applicant shall also meet all landscape bufferyard requirements.
4. Dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility.
5. All fencing shall be installed per Section 15.720(3)(c) of the City of Sheboygan Zoning Ordinance.
6. Outdoor storage of materials, products or equipment shall be prohibited.
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, satellite dishes, 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 residential properties.
9. All areas used for parking or maneuvering of vehicles shall be paved.
10. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
11. Applicant shall obtain the necessary conditional use/sign permits prior to installation.

12. Applicant shall work with staff with regards to constructing well designed signage for the site that utilizes colors and materials similar to the building. Staff may bring proposed signage design back to the Plan Commission for review/approval.
13. Prior to building permit issuance, the applicant is responsible for providing all necessary ingress/egress and/or shared parking agreements between the separate parcels of property.
14. Applicant shall be responsible for working with all private/public utilities in order to provide easements and/or relocate utilities as necessary.
15. 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.).
16. Applicant will provide adequate public access along N. 40<sup>th</sup> Street and will take all appropriate actions to minimize the time period that these sidewalks and streets will be closed/affected.
17. Applicant shall obtain all necessary razing permits prior to demolishing the single-family dwelling located at 1232 N. 40th Street. If construction does not begin within 30 days of razing the old store, the applicant shall immediately take all actions necessary to keep the property in a dustless condition including but not limited to installing landscaping/grass on the entire redevelopment site.
18. Prior to building permit issuance, the applicant will provide all Department of Natural Resources (DNR) and the Army Corps of Engineers (ACOE) permits and/or approvals for the proposed Lakeland development (fill portions of the lower quality wetlands to allow the site to be developed).
19. Prior to building permit issuance for the existing Lakeland Automotive building, the City of Sheboygan Architectural Review Board shall review/approve the building elevations for the proposed exterior renovation project.

The motion passed unanimously.

Conditional Use Permit and variance application by Boulder Venture to construct a Festival Foods grocery store at 609 South Taylor Drive (former Wal-Mart site).

James Leedom and Sharon Bell, representing the applicant, and James and Jane Willmas and Martin and Dale Spaeth, adjoining neighbors, were present to discuss this matter with the Commission.

The applicant is proposing to construct a 76,000 square foot Festival Foods grocery store on the former Wal-Mart site. Because the new building is smaller than the Wal-Mart store, there will be less building on the south side of the site. There will be a total of 338 parking spaces which complies with the requirements of the Zoning Ordinance. The existing driveways will be utilized and delivery trucks will use Erie Avenue. The loading docks are located in the rear of the in the approximately the same location as Wal-Mart's loading docks.

Martin and Dale Spaeth and James and Jane Willmas, adjacent property owners, expressed concern regarding the location of the new building on the site; noise, light and air pollution; dust during demolition of the old store; and water runoff and stormwater drainage.

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

1. Submittal/approval of a proposed storm drainage plan.
2. Submittal/approval of a proposed landscape plan that provides a legend that shows how the four (4) landscape criteria are being met (create a legend along with the landscape plan site plan). Applicant shall install all required points and shall meet all landscape bufferyard requirements.
3. Dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility.
4. All fencing shall be installed per Section 15.720(3)(c) of the City of Sheboygan Zoning Ordinance.
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, 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 street and/or properties (especially residential properties).
8. All areas used for parking or maneuvering of vehicles shall be paved.
9. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping (including the area to the south of the new store – per the applicant this area will be landscaped with grass).
10. Applicant shall obtain the necessary conditional use/sign permits prior to installation.
11. Applicant shall work with staff with regards to constructing a well designed sign for the site that utilizes colors and materials similar to the building. Staff may bring the proposed signage design back to the Plan Commission for review/approval.
12. Prior to building permit issuance, the applicant is responsible for providing all necessary ingress/egress and/or shared parking agreements between Festival Foods and adjoining properties.
13. 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.
14. 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.).
15. Applicant will provide adequate public access along S. Taylor Drive, Taylor Heights Frontage Road and the interior shared east-west street that provides access to Festival and Culvers – applicant will take all appropriate actions to minimize the time period that these sidewalks and streets will be closed/affected.

16. Applicant shall obtain all necessary razing permits prior to demolishing the existing store. If construction of the new store does not begin within 30 days of razing the old store, the applicant shall immediately take all actions necessary to keep the property in a dustless condition including but not limited to installing landscaping/grass on the entire redevelopment site (including the area to the south of the new store – per the applicant this area will be landscaped with grass).

The following variances were approved:

- Zero (0) foot paving setbacks on the north and south property lines, in order to continue permitting cross access between properties where a minimum paving setback is five (5) feet.
- Provide 18% landscape ratio where the minimum required landscape ratio is 25%.

The motion passed unanimously.

Being no further business the meeting adjourned at 5:20 P.M.

Carol Rudie  
Recording Secretary