

MINUTES
CITY PLAN COMMISSION

City Plan Commission, Tuesday, March 9, 2010 at 4:00 P.M. in the Third Floor conference room in City Hall, 828 Center Avenue. Mayor Bob Ryan presided.

Present: Mayor Ryan, Ald. Mark Hanna, Ryan Sazama, Steve Hemsing, John Van Der Male, Bert Guillette and Jerry Jones

Staff present: Paulette Enders and Steve Sokolowski

Others present: Dolcye Johnson, Efrain Baeza, John Winter, Scott Stangel, Keith and Krissy Fischer, Bill Kroutzschy, Ed Harvey, Jr., Patti Stewart, Bernie Rammer, Kent and Danie Wilson, John Vetter and Steve Schmitt

The Pledge of Allegiance was recited.

Approval of minutes of February 23, 2010 meeting.

John Van Der Male moved to approve the minutes February 23, 2010 with the correction that John Van Der Male be listed as excused, Mark Hanna seconded. The motion passed unanimously.

Conditional Use Permit application by Efrain Baeza for a home occupation to operate an auto electronic installation business from his home/garage located at 1321 North 4th St.

Efrain Baeza, the applicant, was present to discuss this matter with the Commission.

The applicant is proposing to use his garage to install auto remote starters, car stereos and other electronics by appointment only. Hours of operation will be Monday-Friday from 9:00 a.m. to 6:00 p.m. and Saturday from 9:00 a.m. to 2:00 p.m. A room in the house will be used as an office.

A letter from John Nienhuis who resides at 1323 North 4th Street was received and stated his support for the proposed use.

A petition that was signed by several of the applicant's surrounding neighbors supporting the application was also submitted.

Following due consideration, Ald. Hanna moved, Bert Guillette seconded to approve with the following conditions:

1. Applicant shall meet all home criteria per Section 15.206(8)(s) of the City of Sheboygan Zoning Ordinance.
2. The home occupation may only utilize 25 percent of the living area of the dwelling.
3. Not more than one sign, not to exceed two square feet, non-illuminated and flush wall mounted only, will be used to advertise the home occupation. Applicant would be required to obtain a sign permit. Also, no temporary signage is permitted for home occupations.
4. No commercial vehicles/equipment are permitted to be stored at 1323 N. 4th Street.
5. If the auto electronic installation services business creates a nuisance, the Plan Commission will have the authority to again review the home occupation conditional use permit.
6. If the applicant moves from the present location, the conditional use permit will discontinue immediately.
7. No vehicle repair, maintenance, etc. is permitted from the home and/or garage at 1323 North 4th Street.

The motion passed unanimously.

Conditional Use Permit and variance application by Quality State Oil Co., Inc. for the installation of signs at Q-Mart located at 4650 South 12th Street.

Mayor Ryan and Ald. Hanna recused themselves from the discussion and will abstain from voting because of a conflict of interest.

Scott Stangel and John Winter, representing the applicant, were present to discuss this matter with the Commission.

The applicant is proposing to install the following signs:

- A 30 square foot wall sign on the front/north elevation facing Weeden Creek Road.
- Three 7 square foot canopy signs facing Weeden Creek Road and South 12th Street.
- One 87.5 square foot 10 foot high LED monument sign with gas prices facing Weeden Creek Road. The monument sign is replacing the pylon sign.

Refacing the existing monument sign with gas pricers on South 12th Street may require an encroachment granted by the Common Council if the sign crosses a property line and is located within the City of Sheboygan right-of-way.

Keith and Krissy Fischer, owners of Fischer's Food and Liquor located on the northwest corner of Weeden Creek Road and South 12th Street, indicated they did not oppose the Conditional Use Permit but did have some questions concerning the signage and lighting.

Patti Stewart, property owner immediately to the west of Q-Mart, had questions regarding the proposed signage and canopy lighting.

Following due consideration, Steve Hemsing moved, Ryan Sazama seconded to approve with the following conditions:

1. Applicant shall obtain the necessary sign permit prior to installation.
2. All new lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance. There shall be no spillover light onto adjacent properties or the streets.
3. 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 setback 10 feet from the property line.
5. The maximum height of the monument sign is 10 feet.
6. No sign shall be located on the roof or the top horizontal plane of the canopy.
7. Absolutely no portion of any sign on the property shall cross any property lines. If a portion of any proposed sign(s) crosses a property line, the applicant will need to obtain the necessary encroachment prior to sign permit issuance. Applicant's responsibility to verify.

Variations granted:

1. 10 foot setback from property line for new sign where a minimum setback of 12 feet is required.
2. 3 canopy signs permitted where maximum permitted is one per each street frontage in lieu of one on-building sign (2 streets equals 2 canopy signs).

The motion passed 5-2 with Ryan and Hanna abstaining.

Conditional Use Permit and variance applicant by Sheboygan County to create two lots through the Certified Survey Map process at 3110 Erie Avenue.

Ed Harvey, Jr. and Bernie Rammer, representing Sheboygan County and Kent and Danie Wilson and Steve Schmitt were present to discuss this matter with the Commission.

Sheboygan County is proposing to create two (2) parcels from the 28 acre County parcel located between Erie Avenue and Kohler Memorial Drive and abutting Taylor Drive. The parcel presently houses the Sheboygan County Historical Museum, the Sheboygan County War Memorial and the north Sunny Ridge Nursing Home. The Plan Commission in February 2007 approved a CSM to parcel off the southern Sunny Ridge facility.

The County is proposing this two (2) lot Certified Survey Map (CSM) in order to potentially sell the Sunny Ridge Nursing Home to an interested buyer. The CSM would create the following:

- Lot 1: 12.72 acre parcel including the north Sunny Ridge facility and the remainder of land east of the museum - County would sell this parcel.
- Lot 2: 15.6 acre parcel for Sheboygan County Historical Museum and War Memorial – County would continue to own this parcel.
- Dedication: .15 acres of property will be dedicated from the County to the City for N. 29th Street (the County property line presently runs to the middle of the N. 29th Street right of-way).

Kent and Danie Wilson, adjacent property owners, expressed concern regarding maintaining access to their back yard.

The applicant indicated that they will have access to their property through an easement.

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

1. The City of Sheboygan Building Inspection and City Development Departments are acceptable to the present arrangement as proposed/discussed (concerning the nursing home use, the sharing of mechanicals between structures, having zero lot line structures, ingress/egress, parking, etc), however, at such time there is a different use and/or different owner's of the north and south buildings, the owner's of Lot's 1 and 2 will be responsible for obtaining all required permits to bring the structures and land uses up to code (including but not limited to land use permits, building permits, engineering permits, utility permits, etc.).
2. The Building Inspection Department will defer to the State of Wisconsin Department of Health and Social Services (DHSS) and their license requirements.
3. All areas/floors not being used in either the north or south buildings shall still have active sprinkler and alarm systems.
4. The CSM will be approved/signed by the City of Sheboygan only at such time as the County is able to provide City staff with the appropriate documentation that all ingress/egress and shared parking easements have been completed guaranteeing both lots 1 and 2 access and parking.
5. The CSM will be approved/signed by the City of Sheboygan only at such time as the City of Sheboygan Common Council approves/accepts the dedication of County property to the City for North 29th Street right-of-way purposes.

The following variances were granted:

1. Zero (0) foot rear yard setback was granted where a minimum rear yard setback of 25 feet is required.
2. Zero (0) foot paving setback on the west lot line of Lot 1 that runs through the parking lot/retaining wall where a minimum paved surface of five (5) feet is required.

The motion passed unanimously.

R. O. No. 437-09-10 submitting a communication from Jeff Latusky regarding the violation of Precise Implementation Plan (landscaping) for the C. Reiss Condominiums.

John Vetter was present to discuss this matter with the Commission.

Steve Sokolowski indicated that the staff is in the process of reviewing this matter to determine if the landscaping installed meets the requirements of the Zoning Ordinance. This matter can be handled administratively and staff will work with the developer and the condo owners to resolve the issue.

Ald. Hanna moved, John Van Der Male seconded to recommend the document be filed. The motion passed 6-1 with Jones voting no.

Discussion regarding scheduling a special meeting of the City Plan Commission.

A petition to dissolve the Business Improvement District has been received by the City. Per State Statutes, a public hearing needs to be held by the Plan Commission. The members were polled to determine if a quorum would be present if the hearing was scheduled for March 30th. The Mayor and Jerry Jones indicated they would be unable to attend. The remainder of the members indicated they could attend so the hearing is set for March 30th at 4:00 P.M.

Being no further business the meeting adjourned at 4:40 P.M.

Carol Rudie
Recording Secretary

