

MINUTES
CITY PLAN COMMISSION

City Plan Commission, Tuesday, April 13, 2010 at 4:00 P.M. in the Lower Level training room at City Hall, 828 Center Avenue. Chairperson Mayor Bob Ryan presided.

Present: Mayor Ryan, Jerry Jones, Bert Guillette and Ryan Sazama

Excused: Steve Hemsing, John Van Der Male and Ald. Mark Hanna

Staff present: Paulette Enders

Others present: Leonard Hughes, Ed Wackowski, Jeff and Elsie Moser, Ald. Julie Kath, Ald. Tom Bowers, Erik Jensen, Craig Harms, Joel Van Ess, Toby Watson, Jon Cvetan, Cherie Gabrielse, Glenn Perleberg, Ald. Jean Kittelson, Teri Strub, Dennis Radtke, Scott Stangel, Josh Lintereur, Andy Chappa, Alice Hoffman, Nina Pfeifer and Andy Chappa

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

Approval of minutes of March 23 and 30, 2010 meeting.

Jerry Jones moved, Bert Guillette seconded to approve the minutes of the March 23 and 30, 2010 meeting with the addition that Ald. Kittelson was in attendance at the March 23rd meeting. The motion passed unanimously.

Conditional Use Permit application by RLO Sign, Inc. to install new wall signage at Big Apple Bagels located at 2619 Calumet Drive.

RLO Sign, Inc. is proposing to install two wall signs on the south elevation of their location at 2619 Calumet Drive. The signs will be a 12 square foot individual letters “Bagels” sign and a 5 square foot “Big Apple Bagels” logo sign.

Jerry Jones 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.

The motion passed unanimously.

Conditional Use Permit application by the Sheboygan Jaycees to operate the Dominion of Terror Haunted House at 2024 North 15th Street.

Nina Pfeifer was present representing the Sheboygan Jaycees.

This is the same building the Jaycees have been using for their haunted house since 2005. They will be operating the haunted house April 16, 23 and 24 and in October 1, 2, 8 9, 15, 16, 22, 23, 24, 27, 28, 29, 30 and 31. The Jaycees provide security, fire and medical staff. The Fire and Building Inspection Departments inspect the property prior to opening to the public.

Following due consideration, Jerry Jones moved, Ryan Sazama seconded to approve with the following conditions:

1. Prior to constructing the haunted house, a design of the haunted house layout shall be submitted to and approved by the building and fire departments. Applicant shall meet all building/fire code requirements prior to operation (the construction shall meet all the Special Amusement occupancy requirements).
2. A walk through by the building and fire department shall take place a minimum of 48 hours prior to opening to public.
3. No haunted house activities shall take place outside of the facility after 10:30pm.

The motion passed unanimously.

Conditional Use Permit application by Jeff Moser to operate a shoe repair shop from his home/garage located at 413 Wisconsin Avenue.

Jeff and Elsie Moser were present to discuss this matter with the Commission.

The applicant is proposing to operate a shoe repair business in the garage. Mr. Moser indicated all the paper work will also be done in the garage. To minimize customer traffic, they plan on offering a pickup/delivery service.

Following due consideration, Jerry Jones 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 unit you reside in.
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. If the proposed garage addition is constructed, the addition will meet all required zoning requirements including but not limited to setbacks, lot coverage, etc.

5. If the applicant construct the garage addition the entire garage shall utilize the same materials and colors so that the garage appears as one cohesive structure (existing garage should match the addition in terms of color and materials).
6. If the shoe repair shop creates a nuisance, the Plan Commission will have the authority to again review the home occupation conditional use permit.
7. If the applicant moves from the present location, the conditional use permit will discontinue immediately.

The motion passed unanimously.

Amendment to the previously approved Precise Implementation Plan by Robert and Connie Moeller to utilize the first floor and additional land to the west for the operation of Restoration Gardens at 340 South Pier Drive.

Erik Jensen and Craig Harms were present to discuss this matter with the Commission.

Restoration Gardens, a yard and garden retailer, will occupy the first floor of the shanty and use the adjacent property to the west as an outdoor garden courtyard. The first floor retail shop is approximately 2,400 square feet and the new outdoor courtyard is approximately 2, 250 square feet.

Following due consideration, Jerry Jones 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 (create a legend along with the landscape plan site plan). The three (3) flowering crabapples proposed to be planted along the west side of the property shall be installed on the ground leased property.
2. Submittal and approval of a proposed storm drainage plan.
3. Dumpster shall be screened and enclosed and constructed of like materials and colors of the facility.
4. 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.).
5. All lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance.
6. Outdoor storage of materials, products or equipment shall be prohibited (including but not limited to mulch, rock, bags of soil, vehicles, trailers, equipment, etc.).
7. Applicant shall work with staff with regards to appropriate signage. Only at such time as a detailed sign package has been reviewed and approved may the applicant obtain sign permits to install the proposed signage.
8. If applicant intends on constructing any portion of building, awnings, decks, patios, sidewalks, landscaping, etc. within the City of Sheboygan right-of-way and/or public

promenade an encroachment will be required to be obtained. The applicant shall obtain the required encroachment prior to building permit issuance.

9. If there are any amendments to the approved PIP, the applicant will have to submit an amended PIP 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. If the applicant proposes any new structures in the courtyard area and/or any structural changes to the existing shanty structure such as new doors, windows, etc. (any exterior renovations), those changes will require Architectural Review Board review and approval.
11. Prior to building permit issuance for the outdoor garden courtyard and display area, applicant shall have an executed ground lease with the City of Sheboygan.

The motion passed unanimously.

Conditional Use Permit and variance application by SheVegas Entertainment, Inc. to operate SheVegas Nightclub and install signage at 1133 Michigan Avenue.

Joel Van Ess, Toby Watson, Jon Cvetan, Andy Chappa, Glenn Perleberg Teri Strub and Alice Hoffman were present to discuss this matter with the Commission.

Toby Watson, representing the applicant, explained the nightclub will be an upscale lounge and will be open Thursdays, Fridays and Saturdays. There will be prerecorded music and no live music or disc jockeys. No music will be played outdoors. Private security will be provided and guests will be scanned before allowing to enter.

Adjoining neighbors and property owners indicated they did not want another bar in their neighborhood. They were concerned about patrons causing problems in the neighborhood, the lack of parking in the area and increased lighting that will shine into their homes.

Mr. Watson indicated no additional lighting will be installed along the alley. There will also be security cameras inside and outside of the building.

Following due consideration, Ryan Sazama moved, Bert Guillette seconded to approve with the following conditions:

1. Submittal and approval of a proposed storm drainage plan.
2. Dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility.
3. Outdoor storage of materials, products or equipment shall be prohibited.
4. All new lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance. There shall be no spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.
5. Applicant shall obtain the necessary conditional use/sign permits prior to installation.

6. The maximum height of the sign shall be 14.5 feet (top of proposed sign to grade/sidewalk on roof the front entrance).
7. 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.
8. Applicant shall obtain the necessary liquor license in order to serve alcohol both indoors and outdoors.
9. This use is for indoor commercial entertainment use.
10. 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 motion passed 3-1 with Jerry Jones voting no.

R. O. No. 488-09-10 submitting an Offer to Purchase Municipal Parking Lot #15 from Madrigal, LLC.

Following due consideration, Mayor Ryan moved, Ryan Sazama seconded to recommend approval of the parking lot “as is”. The motion passed unanimously.

Res. No. 216-09-10 and R. O. No. 486-09-10 approving the Capital Improvements Program recommended by the Capital Improvements Commission for 2010 and adopting the 2010 program for implementation.

Jerry Jones moved, Bert Guillette seconded to recommend approval. The motion passed unanimously.

Gen. Ord. No. 61-09-10 and R. O. No. 485-09-10 granting Quality State Oil Company, Inc. the privilege of encroaching upon described portions of Weeden Creek Road for the purpose of maintaining a sign.

Mayor Ryan abstained from the discussion and voting.

The existing monument sign is located in the right-of-way and the applicant is proposing to update the sign.

Jerry Jones moved, Bert Guillette seconded to recommend approval of the encroachment. The motion passed 3-1 with Mayor Ryan abstaining.

Driveway opening application by Len Hughes for two driveway openings into the residential property at 1305 New Jersey Avenue.

Len Hughes was present to discuss this matter with the Commission.

Mr. Hughes is requesting two driveway openings to allow a large tree to be saved.

Jerry Jones moved, Ryan Sazama seconded to approve the two driveway openings. The motion passed unanimously.

Being no further business, the meeting adjourned at 5:00 P.M.

Carol Rudie
Recording Secretary