

MINUTES
CITY PLAN COMMISSION

City Plan Commission, Tuesday, May 11, 2010 at 4:00 P.M. in the Lower Level conference room, 828 Center Avenue. Vice-chairperson Jerry Jones presided.

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

Excused: Mayor Ryan and Steve Hemsing

Staff present: Paulette Enders and Steve Sokolowski

Others present: Gary Spielbauer, Rick Scroggins, Alan Rudnick, Steve McLean, Wally Hanna, Bob Petrie, Scott Matula, Curt Hinz, Merlin Rusch, Allen and Cynthia Beimel

The Pledge of Allegiance was recited.

Election of vice-chairperson.

Marilyn Montemayor moved, John Van Der Male seconded to nominate Jerry Jones for vice-chairperson. There were no other nominations. The motion passed unanimously.

Approval of minutes of April 27, 2010 meeting.

Marilyn Montemayor moved, Ryan Sazama seconded to approve the minutes of the April 27, 2010 meeting. The motion passed unanimously.

R. O. No. 454-09-10 submitting a petition to terminate the Harbor Centre Business Improvement District and R. O. No. 5-10-11 submitting various petitioners written retractions of their requests to terminate the Harbor Centre Business Improvement District.

During the 30-day period immediately after the Plan Commission hearing on the petition to terminate the Harbor Centre BID, one additional business amounting to an assessed value of \$241,379 requested termination of the BID, and several owners amounting to an assessed value of \$6,630,710 retracted their request to terminate the BID. The net result is that owners with a net value of real estate subject to the BID assessment and in support of the petition to terminate amount to \$19,037,096 or 39.99% of the total value of real estate in the BID subject to assessment.

In that supporters of the petition represent less than 50% of the total value of real estate in the BID subject to assessment, the petition is insufficient to require the City Council to terminate the BID.

Marilyn Montemayor moved, Ryan Sazama seconded to recommend the petition be placed on file. The motion passed unanimously.

Conditional Use Permit and variance application by United Sign to install signage at Gilly's Restaurant at 2720 S. Business Drive.

Gary Spielbauer, representing the applicant, was present to discuss this matter.

Steve Sokolowski described the submitted signage package which includes a new free standing pylon sign, wall signs and directional signs. The proposed pylon sign will be 20 feet high. Commission discussed the height of the proposed monument sign and felt it fit in with the other signs in the area.

Following due consideration, Ald. Montemayor moved, John VanDerMale 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. The maximum height of the freestanding sign shall be 20 feet high (peak of sign to grade).
4. The freestanding sign shall setback 12 feet from the property line.
5. The existing pylon sign will be removed prior to sign permit issuance.
6. No sign shall be located on the roof or the top horizontal plane of the canopy.

Variance was granted to allow an 89 square foot wall sign where a maximum of a 26 square foot wall sign is permitted.

The motion passed unanimously.

Conditional Use Permit and variance application by Haag Muller, Inc. to remodel the existing McDonald's restaurant, drive-thru and the parking lot and to install new signage at 3418 Kohler Memorial Drive.

The application was withdrawn by the applicant.

Conditional Use Permit and variance application by Bourbon Street Pub to construct a roofed deck addition at 1536 Indiana Avenue.

Scott Matula, the architect and Curt Hinz, the owner, was present to discuss this matter with the Commission.

The applicant is proposing to construct a new roofed deck addition to the existing deck located at the southeast corner of the restaurant/tavern located at 1536 Indiana Avenue. The existing patio will be expanded 40 square feet.

The applicant has been previously been required by the Plan Commission to screen and enclose the dumpster(s) used at Bourbon Street (condition of approval in November 15, 2005 and in September of 2007). The dumpsters have not been screened and enclosed. Therefore, staff is recommending a condition of approval that the dumpster(s) be screened and enclosed by July 2, 2010. If the dumpster is not completed by July 2, 2010, citations will be issued.

Ryan Sazama stated the City will mark the right-of-way lines.

Following due consideration, Ald. Montemayor moved, Ryan Sazama 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.
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. Dumpster(s) shall be screened and enclosed and constructed of like materials and colors of the facility. Dumpster shall be completed by July 2, 2010, if the dumpster is not completed by July 2, 2010, citations will be issued.
5. All new lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance.
6. Applicant shall insure roofed deck and slab will not cross the property line. An encroachment will be required for any part of the structure that crosses the property line into City of Sheboygan Indiana Avenue public right-of-way.
7. Applicant shall insure roofed deck and slab shall be located a minimum of five (5) feet to the east/side property line.
8. A conditional use/sign permit shall be obtained prior to installing signage on the site.
9. Outdoor storage of materials, products or equipment shall be prohibited.
10. Applicant shall obtain the necessary liquor license in order to serve alcohol both indoors and outdoors.
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.

The motion passed unanimously.

Conditional Use Permit and variance application by Vreekes Tavern to construct an addition to the south side of their building located at 935 Michigan Avenue.

Scott Matula, the architect and Curt Hinz, the owner, was present to discuss this matter with the Commission.

The applicant is proposing to construct a 720 square foot addition on the south side of the existing building. The dumpsters will be relocated to the east side of the building where they will be screened. The dumpster enclosure and gate will be constructed out of wood. The dumpsters will be rolled out of the enclosure to the truck for pickup.

The air exchange unit that is on the ground will be relocated to the roof. As a condition of approval by the Architectural Review Board, the air exchange unit will be required to be screened. Staff recommends the Plan Commission include this condition as well.

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.
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. 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. If the dumpster is not completed prior to occupancy, the dumpster shall be completed by August 27, 2010. If dumpster is not completed by August 27, 2010 citations will be issued.
5. All new lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance.
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. Building addition shall be located a minimum of three (3) feet to the rear/south property line.
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. Outdoor storage of materials, products or equipment shall be prohibited.
11. Applicant shall obtain the necessary liquor license in order to serve alcohol in building addition tavern space.
12. 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.

A variance was granted to allow a 3 foot rear yard setback where a minimum rear yard setback of 10 feet is required.

The motion passed unanimously.

Conditional Use Permit and variance application by What's Up Tavern to expand a legal nonconforming use by constructing a new addition to the south side of the tavern/building located at 1635 Michigan Avenue.

Scott Matula, the architect and Curt Hinz, the owner, Merlin Rusch, Allen and Cynthia BeimeI were present to discuss this matter with the Commission.

The applicant is proposing to construct a 425 square foot addition to the south side of the building and is requesting several variances from the side and rear yard setbacks. The applicant is proposing a 6 inch side yard setback, a 6 inch rear yard setback and a 7 foot street/sideyard setback. The addition will not be heated or air conditioned.

Gloria Blizzard, owner of 1629 Michigan Avenue (neighbor to the east), sent an email opposing the Conditional Use Permit because the addition will be too close to her house. She also was concerned about the lack of off-street parking for the tavern and problems the patrons of the tavern cause in the neighborhood.

Ryan Sazama indicated he could not support the project as submitted showing 6 inch setbacks. He felt the addition would be too close to the adjoining properties.

Commission discussed with the applicant regarding making the addition smaller so larger setbacks could be maintained.

Following due consideration, John Van Der Male moved, Ryan Sazama seconded to hold to afford the applicant the opportunity to submit new plans that provide a larger building setback. The motion passed unanimously.

Gen. Ord. No. 1-10-11 and R. O. No. 6-10-11 granting Emily Petkus the privilege of encroaching upon described portions of North 4th St. located at 1213 North 4th St. for the purpose of building and maintaining a landscaping brick wall.

A new decorative brick landscape wall will be constructed along the sidewalk on the west side of the property facing North 4th Street. The face of the brick will be about 26 inches high.

Following due consideration, Ald. Montemayor moved, Ryan Sazama seconded to recommend approval. The motion passed unanimously.

Being no further business, the meeting adjourned at 5:05 P.M.

Carol Rudie
Recording Secretary