



CITY PLAN COMMISSION MINUTES

The City Plan Commission met on Tuesday, May 14, 2013 in the Lower Level Training Room at City Hall, 828 Center Avenue. Mayor Mike Vandersteen presided.

Present: Mayor Mike Vandersteen, Ald. Scott Versey, John Van Der Male, Ryan Sazama, and Don Cvetan

Excused: Jerry Jones

Staff present: Steve Sokolowski, Chad Pelishek, Steve McLean and Janet M Duellman

Others: Jeremy Ebert (EZ Signs), Michael Dufek, Chris Dufek, Nicole Merrill (Frog's Philly), Thomas Thiel (Frog's Philly), Tracy Noble (HIL), Amy Culver (HIL), Laura Shank (Dickey's), Judith Schmidt, Jeff Rittenhouse, Frank Souik, Michelle Holtrop, Ed Fleming, Reuben Lampe, Jean Gebler, Rebecca Bruder-Ebert (EZ Signs), Curtis Hinz, Derrek Lemahieu (Abacus), Kyle Karstaedt (Abacus), Peter Stryck, Karen Schulz, Kara Lundin, Jeff Kaphengst (HIL), and Michele Wangemann (HIL)

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

Approval of minutes of the April 23, 2013 meeting.

Ald. Scott Versey moved to approve the minutes, Don Cvetan seconded. Motion passed unanimously.

Election of Vice Chairperson.

John Van Der Male nominated Jerry Jones. Ald. Scott Versey moved to approve, Ryan Sazama seconded. Motion passed unanimously.

Conditional Use Permit and variance application by Thomas Thiel to operate Frog's Philly food trailer from 2732 S. Business Drive (Southside Carwash property).

Thomas Thiel and Nicole Merrill were present to discuss this item.

The trailer is proposed to be located parallel to and facing S. Business Dr. along the east side of property from May 25, 2013 to October 31, 2013, depending on the weather. Hours of operation would be from 11:00am to 7:00pm, Tuesday through Sunday. The menu will consist of Philly Cheese Steaks, chicken cheese style hoagies/subs and daily specials. Tables/chairs will be installed by the former Jo To Go facility and parking is available at the site.

Ryan Sazama motioned, Ald. Scott Versey seconded to approve with the following conditions:

1. Applicant will be required to obtain all licenses and permits to operate the food trailer. The requirements may include but are not limited to building, electrical, plumbing, HVAC, health, food, vendors, etc.
2. Applicant shall obtain all necessary City and County Health Department licenses/permits to operate.
3. Food trailer shall not obstruct/impact pedestrian or vehicular circulation, including vehicular sight distances.
4. No fluttering, undulating, swinging, rotting, or otherwise moving signs, pennants or other decorations shall be permitted.
5. No portion of the operation shall take place upon the City of Sheboygan public right-of-way (operation shall remain on the private property).
6. If the applicant vacates the 2732 S. Business Drive property for more than 30 days, the conditional use permit is null and void and the applicant would again need to apply for a new conditional use permit to operate from the site.
7. This conditional use permit is for Frog's Philly's food trailer only. No other temporary use is permitted to operate from the site (this conditional use permit is not transferable).
8. Applicant shall adequately monitor/regulate and maintain this property. In no instance shall the food trailer create a nuisance for neighboring properties (noise, hours of operation, garbage, etc.). If any issues arise, the Plan Commission may again review the conditional use permit

Variance granted:

- To operate the food trailer for more than 12 days a year.

The motion passed unanimously.

Conditional Use and variance application by Jeff Rittenhouse to convert existing 2nd floor storage space into a 2nd apartment at the commercial facility located at 1514 S.12th Street.

Jeff Rittenhouse was present to discuss this item.

Presently, the property maintains vacant commercial 1st floor space, a 2nd floor apartment and 2nd floor storage space. Mr. Rittenhouse is proposing to convert the 2nd floor storage space into another 2-bedroom apartment so there will now be two, 2-bedroom apartments on the 2nd floor. Mr. Rittenhouse is also trying to lease the existing 1st floor space to a commercial tenant(s) such as a barber, offices, retail, café, etc. This mixed use proposal is very similar to how many of the other commercial buildings/properties are used in the Heritage Square neighborhood.

John Van Der Male motioned, Don Cvetan seconded to approve with the following conditions:

1. Prior to construction, the applicant shall obtain all necessary permits and licenses including but not limited to building, plumbing, electrical, HVAC, fire, occupancy, health, etc.
2. 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.).

3. If a dumpster is used, a 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 and enclose the tanks.
4. Applicant shall remove the mattresses and garbage in the space between his building at 1514 S. 12th Street and the building to the south (rear of building).
5. If there is any exterior remodeling/renovating, the applicant will be required to submit architectural plans to the City of Sheboygan Architectural Review Board.
6. Prior to occupancy/operation of any new businesses on the 1st floor of this facility, all necessary land use and building/occupancy permits shall be obtained.
7. Applicant shall obtain the necessary conditional use/sign permits prior to installation. 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.
8. If there are any amendments to the approved use/floor plan, the applicant will be required to submit a new conditional use application reflecting those amendments.

Variance granted:

- To have 0 parking stalls.

The motion passed unanimously.

Conditional Use Permit and home occupation application by Jeremy Ebert to operate EZ Sign from the dwelling located at 2532 Mandy Circle.

Jeremy and Rebecca Bruder-Ebert were present to discuss this item.

Mr. Ebert explained that EZ Sign home occupation will operate from a 10 x 14 basement room. Mr. Ebert will design, cut and apply vinyl graphic lettering/logos for customers. Customers will contact EZ Sign and explain the type of graphic design/logo they would like. A proposed design is created and submitted to the customer for their review via email or occasionally in person for approval. Once approved the design will be cut from adhesive vinyl by an Anagraph cutting machine located in the basement work area. The design is then prepared for application. Rolls of vinyl in different colors, two (2) computers, the Anagraph machine and a lighted draftsman's table will be utilized to run the business. Upon occasion, a customer will want a logo applied to their business vehicle. In those instances the owner will deliver the vehicle to the house, vinyl will be applied using the garage and the owner of the vehicle will retrieve the vehicle when the application is complete. The business will operate on an as needed basis. Jeremy Ebert is the only employee.

Staff had concerns with the EZ Sign proposal because Mr. Ebert has not provided a lot of detail or specific information concerning the vinyl graphic installation process, the number of likely clients, customer interaction at the house, number of vehicles serviced, size of vehicles, where vehicles are stored, equipment used, etc. Because of all the unknowns related to this home occupation sign business and installation of graphics on vehicles at the home, staff recommended a condition of approval that stated "Applicant is prohibited from installing vinyl graphics onto vehicles, trailers, equipment and other similar types of vehicles/equipment from 2532 Mandy Circle."

The committee discussed hours of operation, number of clients, traffic, and effects on neighborhood.

Jeremy Ebert explained that his business is run on an appointment only basis because he does have another job so very few cars will be coming through the neighborhood and at times he will go to the site to apply the graphics.

Ald. Scott Versey motion, Don Cvetan seconded to with the following conditions:

1. All customer vehicles must be located in the garage and/or driveway on 2532 Mandy Circle private property. All customer vehicles are prohibited to be parked and/or stored on the public streets in the area (Mandy Circle, S. 25th Street, etc.).
2. Applicant shall meet all home criteria per Section 15.206(8)(s) of the City of Sheboygan Zoning Ordinance.
3. The home occupation may only utilize 25 percent of the living area of the dwelling.
4. If the business creates a nuisance, the Plan Commission will have the authority to again review the home occupation conditional use permit.
5. Applicant shall resubmit a home occupation application that states the correct business name (present application states J&B Signs).
6. If the applicant moves from the present location, the conditional use permit will discontinue immediately and the sign shall be removed immediately.

The motion passed unanimously.

Conditional Use and variance application by Coblyns, LLC to construct a new parking lot for Vreeke's at 935 Michigan Avenue.

Curtis Hinz was present.

The applicant purchased a duplex at 1217/1221 N 10th Street with was in poor condition. He razed the duplex in 2012 with the intention of constructing a parking lot. The new parking lot will serve the 5 apartment tenants and Vreeke's customers and this should open up additional on-street parking for other businesses and residences in the neighborhood.

Committee discussed closing the driveway approach on N. 10th Street to standard city specifications, storm drainage, landscaping, property lines and the possible need for an encroachment.

Mr. Hinz requested that the Plan Commission give him until the end of August to pave the parking lot so the gravel base could have more time to settle. Staff did not have any issues with the additional time request in order to allow for better parking lot construction.

Ryan Sazama motion, John Van Der Male seconded to with the following conditions:

1. Submittal and approval of a proposed storm drainage plan.
2. Submittal and approval of a proposed landscape plan.

3. All areas used for parking or maneuvering of vehicles shall be paved. Applicant shall pave parking lot by August 30, 2013.
4. The existing driveway cut on N. 10th Street shall be closed. 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, landscaping, etc.). This work shall be completed by August 30, 2013.
5. Applicant will provide adequate public access along N. 10th Street and will take all appropriate actions to minimize the time period that these sidewalks, streets and alley will be closed/affected.
6. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
7. Dumpsters shall be screened/enclosed and constructed of like materials and colors of the facility.
8. Outdoor storage of materials, products or equipment shall be prohibited.
9. 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.
10. Applicant is proposing a zero (0) foot paving setback. Applicant shall not cross property lines and shall not encroach onto City of Sheboygan public right-of-way with paving, vehicles, landscaping, signage, etc.
11. No building permits shall be issued until such time as the applicant can show City staff that the proposed lot has been officially created/recorded into one (1) parcel.

The motion passed unanimously.

Conditional Use and variance application by Dickey's Barbecue Pit to operate in the multi-tenant facility located at 2719 Calumet Drive.

Derrek Lemahieu and Laura Shank were present to discuss item.

Dickey's Barbecue Pit is proposing to operate from the vacant tenant space in the multi-tenant facility located at the NE corner of North Ave and Calumet Dr. Dickey's serves beef brisket, pulled pork, ham, polish sausage, turkey breast, chicken and extensive array of home style sides from jalapeno beans to mac n cheese. Dickey's will employ approximately 3 -6 fulltime and part-time employees. Hours of operation will be 11:00 am to 9:00 pm, seven days a week. The applicant is proposing to install a new 100sf (10 x 10) screened wood storage enclosure for storage of Hickory wood in the rear of the facility..

The owner of the multi-tenant facility is proposing to construct a new sidewalk on the north/rear side of the facility so tenants may receive deliveries and take their garbage out directly to the dumpster enclosure. Portions of the new sidewalk are proposed to actually cross the property line. In order to pave up to the property line the applicant needs a variance to the paving setback requirement and an encroachment to install the sidewalk into City of Sheboygan public right-of-way.

Staff will be recommending a condition that the applicant may not construct the sidewalk until such time as an encroachment has been reviewed and approved by the Common Council. It appears that the applicant is also requesting to place some landscaping in the public right-of-

way as well (it appears some of the existing arbor vitae's landscaping have already been planted in the r-o-w). This should be included in the applicant's encroachment request.

Laura Shank passed out a narrative to the board and gave a brief summary about Dickey's.

Ald. Scott Versey motioned, Ryan Sazama 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 and approval of a proposed storm drainage plan.
3. Submittal and approval of a proposed landscape plan.
4. Dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility.
5. Outdoor storage of materials, products or equipment shall be prohibited.
6. The 10 x 10 hickory wood fence enclosure shall be screened/enclosed and constructed of like materials and colors of the facility. All outdoor storage will take place in this enclosure. If using chain link fencing, the applicant shall install Privacy Decorative Slating (PDS) material in order to effectively screen and enclose the dumpsters.
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 properties or the streets.
8. 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.).
9. Applicant will be required to obtain a sign permit for each sign to be installed on the property prior to installation.
10. Applicant may construct sidewalk and landscaping in the City of Sheboygan public right-of-way if and only if an encroachment is obtained allowing such construction.

Variance granted:

- To have a zero (0) foot street/rear paving setback

The motion passed unanimously.

Site Plan Review application by Darren Weimann to construct a new concession stand on the north side of the softball field at Sheboygan South High School located at 3128 S.12th Street (softball field adjacent to Wells Fargo and Early Learning Center).

Peter Strysick was present to discuss this item.

The Sheboygan School District is proposing to construct a 256sf (16 x 16) concession stand by the softball diamonds located on the north side of the high school property adjacent to Wells Fargo and Early Learning Center. The Sheboygan South Softball program is an extremely competitive organization and is in need of a concession stand to help support the organizations operations through fund raising. The proposed concession stand will be located near the softball diamond in close proximity to the existing backstop for convenience

and announcing capabilities. The structure will be constructed of wood, 4 inch white vinyl siding, black asphalt shingles and on a concrete slab.

John Van Der Male motioned, Don Cvetan seconded to approve with the following conditions:

1. Prior to construction, the applicant shall obtain all necessary permits and licenses including but not limited to building, plumbing, electrical, HVAC, fire, occupancy, health, etc.
2. 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.).
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.
4. All disturbed areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
5. Applicant is responsible for working with all private and public utilities in order to adequately service the concession stand.

The motion passed unanimously.

Site Plan Application by Homes for Independent Living to operate an 8-person community based residential facility at 4170 S. 15th Street.

Michele Wangemann, Tracy Noble, Amy Culver, and Teri Strohschein were present to speak on behalf of Home for Independent Living. Neighbors in attendance: Mike and Chris Dufek, Ed Fleming, Frank Souik, Jean Gebler, and Michelle Holtrop.

The single-family residence at 4170 S. 15th Street had previously been licensed as a four (4) bed adult family home. The license was surrendered in 2011 and the home has been vacant since then. HIL is now proposing to operate a CBRF to provide services for eight (8) adults with disabilities, who are in need of mental health support and who may have cognitive disabilities. Individuals who reside within the home will receive supportive services which may include, but are not limited to, assistance with activities of daily living, increasing independent living skills, money management and ongoing support related to their mental health needs. Staff will be available and will provide support and supervision within the home when individuals or visitors are in the home. Typically, a staff base of two to three employees will be in the home when individuals are present, one staff typically providing support during sleeping hours. These staff will help the individuals with learning the skills they need to manage their disabilities and increase their independent living skills to successfully reside within the community. HIL is applying for the permit in response from Sheboygan County who indicate that there are individuals in Sheboygan who require the support services HIL offers. The CBRF is intended to provide a home environment to those who live there. The only difference is this is a home of unrelated individuals. HIL desire is that their home blends in with the rest of the neighborhood. HIL has been providing CBRF services to individuals with disabilities in Sheboygan for over 20 years and currently operates 13 programs in Sheboygan County.

Neighbors expressed concerns about the location and look of the fire escape, amount of vehicular traffic, trash, ruts in grass from vehicles, mud on road, lawn maintenance, parking on street, number of bedrooms to clients, co-ed, criminal background of clients, and safety of kids in the neighborhood.

Home for Independent Living (HIL) explained that they would like to have an open communication with the neighbors and asked them to contact them with any concerns/issues because they want to be good neighbors. The home is used to help the clients with living on their own; they learn how to cook, budget, find jobs and live out in the community. The socialization that they get within the home helps them to learn how to communicate with others. The fire escape will be constructed of wood and located on the south side of the property and painted white to match the rest of the house. Also discussed the HIL budget, clients don't have vehicles, how sq. ft. is determined for each client.

Steve McLean explained how CBRF's are covered under the Federal Fair Housing Act. The only way to deny the request is to provide that there is direct threat to the public.

John Van Der Male motioned, Ryan Sazama seconded to approve with the following conditions:

1. A building permit will be issued only at such times as Homes for Independent Living provides the Department of City Development with official documentation from the State of Wisconsin that the CBRF, as proposed, has been approved to operate from 4170 S. 15th Street.
2. Prior to operation/occupancy of the single-family dwelling, the applicant shall obtain an occupancy permit as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, health, etc.
3. Applicant shall adequately monitor the dwelling and in no instance shall the dwelling create a nuisance for neighboring properties (noise, hours of operation, garbage, etc.).
4. If a dumpster is to be used, the dumpsters shall be screened and enclosed and constructed of like materials and colors of the facility.
5. Outdoor storage of materials, products or equipment shall be prohibited.

Motion passed 4-0-1 (Abstain: Versey)

Gen. Ord. No. 1-13-14 amending various sections of the City of Sheboygan Zoning Ordinance so as to provide for regulation of Donation Drop-off boxes.

Ryan Sazama motioned to approve, Don Cvetan seconded.

The motion passed unanimously.

Gen. Ord. No. 80-11-12 amending various sections of the City of Sheboygan Zoning Ordinance so as to provide for regulation of Donation Drop-off boxes.

Ryan Sazama motioned to file, Don Cvetan seconded.

Staff recommended the document be filed.

The motion passed unanimously.

Adjournment.

John Van Der Male motion to adjourn, Ald. Scott Versey seconded.

The motion passed unanimously. Meeting adjourned at 5:23 pm.

Janet M Duellman
Recording Secretary