

MINUTES
CITY PLAN COMMISSION

City Plan Commission, Tuesday, May 24, 2011 at 4:00 P.M. in the Lower Level Training Room, City Hall, 828 Center Avenue. Vice-chairperson Jerry Jones presided.

Present: Jerry Jones, Ryan Sazama, John Van Der Male, Ald. Kevin Sampson and Steve Hemsing

Excused: Mayor Ryan and Don Cvetan

Staff present: Chad Pelishek and Steve Sokolowski

Others present: Char Pachniak, Chief Christopher Domagalski, Tim Maertz, Ald. Julie Kath, Larry Hinkelman, Rufus, Kathy and Amanda Martinez, Robert Keller, Herman Hass, Mark Hertzfeldt and Erik Jensen

Vice-chairperson Jerry Jones called the meeting to order and the Pledge of Allegiance was recited.

Approval of minutes of the May 10, 2011 meeting.

John Van Der Male moved, Ryan Sazama seconded to approve the minutes of the May 10, 2011 meeting. The motion passed unanimously.

Conditional Use Permit application by RMA Architects, Inc. to locate Planet Fitness at 549 S. Taylor Drive (former Piggly Wiggly grocery store).

Tim Maertz was present to discuss this matter with the Commission.

Mr. Maertz explained the fitness center will be located in the space formerly occupied by Piggly Wiggly. The exterior of the building will not be changed at this time. In the future, the exterior of the entire shopping center will be remodeled. There is ample parking in the existing parking lot.

The proposed 195 square foot wall sign is in compliance with the Zoning Ordinance.

Following due consideration, Steve Hemsing moved, Kevin Sampson seconded to approve the Conditional Use Permit and sign 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, alcohol, occupancy, etc.
2. If a dumpster is used, the 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 spillover light onto adjacent properties or the streets.
5. 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.).
6. Applicant will be required to obtain a sign permit for each sign to be installed on the property prior to installation.
7. If the applicant does any type of exterior renovation and/or remodel, the proposal must be reviewed and approved by the Architectural Review Board prior to beginning such exterior remodel work.

The motion passed unanimously.

Conditional Use Permit and variance application by Blessed Hope Baptist Church to operate a church at 1504 St. Clair Avenue.

Pastor Herman Hass was present to discuss this matter with the Commission.

The church plans to use the building for religious gatherings, office space and storage. The parish has approximately 20 members. The Zoning Ordinance requires 4 off-street parking spaces and the applicant is requesting a variance to provide no off-street parking spaces.

Following due consideration, John Van Der Male moved, 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. If a dumpster it to be used, the dumpster shall be screened and enclosed and constructed of like materials and colors of the facility.
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. Applicant will be required to obtain a sign permit for each sign to be installed on the site prior to installation.
5. Applicant shall remove the weathered slatting material in the chain link fence located at northeast corner of the building adjacent to N. 15th Street.

Variance was granted to provide no off-street parking spaces where a minimum of 4 parking spaces (1 space for 5 seats at maximum capacity; 20 members/5 seats) is required by the Zoning Ordinance.

The motion passed unanimously.

Conditional Use Permit and variance application by Rufino Martinez, Jr. to construct a new outdoor patio at the Rehab Bar and Grill, 1450 South 8th Street.

Rufus, Kathy and Amanda Martinez, and Chief Christopher Domagalski were present to discuss this matter with the Commission.

The applicant is requesting to construct a deck and fence to provide an area for their customers to be served food and beverages and smoke. The applicant indicates the area will be monitored by their security staff.

The Martinez's indicated they feel the deck and fenced in area would provide customers a place to smoke instead of congregating out on the sidewalk in front of their building.

Chief Domagalski indicated the Police Dept. has responded to several noise and disturbance calls involving the bar. He indicated management has a history of not being able to control the crowd inside and had concerns about their ability to control people using an outside area. He indicated the owners have been making progress in addressing the problems, but at this time, his recommendation would be not to grant the Conditional Use Permit.

Commission discussed giving the applicants the summer months to demonstrate they are making strides in controlling the noise and crowds. The Chief indicated he would support that option.

Following further discussion, Ryan Sazama moved to deny the application. Motion failed for lack of a second.

Ald. Sampson moved to hold until the August 23, 2011 meeting when the Plan Commission will again review the request, John Van Der Male seconded. The motion passed 4-1 with Jones voting no.

Conditional Use Permit and variance application by Lakeland Automotive Toyota/Subaru to construct a car wash facility, to reduce the amount of landscaping and to review a Certified Survey Map at 4400 North Frontage Road.

Mark Hertzfeldt was present to discuss this matter with the Commission.

The applicant is proposing to construct a car wash to the new dealership building that was previously approved and is requesting a variance to reduce the overall amount of landscaping to be installed on the site.

The car wash will be located at the northeast corner of the building and will be entirely enclosed in the building. The car wash will be used for customer vehicles only and will not be available for public use.

Mr. Hertzfeldt explained the need for a Certified Survey Map. The three existing properties will be combined into two lots, a Toyota lot and a Honda lot. The western lot will not have street frontage as required by the Zoning Ordinance but it will have an access agreement between the two lots along cross access between the lots.

Mr. Hertzfeldt explained the request for the variance from the Landscaping Ordinance. There will be landscaping to screen the car dealer property from the residential properties on the northwest and northeast corners of the property and are asking to reduce the amount of landscaping along Highway 23.

The applicant is requesting a variance from the required 5 foot paving setback. The applicant is proposing a 0 foot paving setback at the common property line.

Following due consideration, Steve Hemsing moved, Ald. Sampson 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.
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. 40th 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).

Variations were granted from the amount of landscaping points required by the Landscaping Ordinance and allow a 0 foot paving setback at the common property line where a required 5 foot paving setback is required.

The motion passed unanimously.

Site Plan Review application by LJM Architects, Inc. to construct an addition to an existing metal building at Plastics Engineering, 2732 N. 15th Street.

Erik Jensen was present to discuss this matter with the Commission.

The proposed building addition is 1,025 square feet and will match the existing building. The building is located on the northwest corner of the property. The building has limited visibility from the adjoining streets.

The Architectural Review Board approved the project at their May 23, 2011 meeting.

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

1. Applicant shall obtain all necessary permits for the construction of the buildings as well as all necessary permits for the storage of hazardous chemicals (applicant shall be in contact with building inspection, fire department, etc.).
2. Submittal and approval of a proposed storm drainage plan.
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 spillover light onto adjacent properties or the streets.
5. All areas used for parking or maneuvering of vehicles shall be paved.

6. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.

The motion passed unanimously.

R. O. No. 33-11-12 submitting a communication from Larry Hinkelman, Board President of the Wisconsin Naval Ship Association, requesting the City relinquish its Right of First Refusal on the Alliant Energy property, 824 South 8th Street.

Char Pachniak and Larry Hinkelman were present to discuss this matter with the Commission.

The City has a Right of First Refusal on the Alliant Energy property located at 824 South 8th Street and Wisconsin Naval Ship Association is requesting the City relinquish its Right of First Refusal so they can go forward with purchasing the building.

Staff recommended the document be held and request a copy of the Offer to Purchase and a proposed time line for the project.

Following due consideration, John Van Der Male moved, Ald. Sampson seconded to hold. The motion passed unanimously.

Gen. Ord. No. 9-11-12 and R. O. No. 34-11-12 relative to the annexation of the Schuchardt Farm, LLC.

Following due consideration, Steve Hemsing moved, Ald. Sampson seconded to recommend approval of the annexation. The motion passed unanimously.

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

Carol Rudie
Recording Secretary