

MINUTES
CITY PLAN COMMISSION

City Plan Commission, Tuesday, May 25, 2010 at 4:00 P.M. in the Third Floor conference room, City Hall, 828 Center Avenue. Acting chairperson Marilyn Montemayor presided.

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

Excused: Mayor Ryan and Jerry Jones

Staff present: Steve Sokolowski and Chad Pelishek

Others present Julie Kath, Scott Matula and Curt Hinz

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

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 and Curt Hinz were present to discuss this matter with the Commission.

This item was held at the last meeting and requested the applicant submit new plans that provide a larger building setback from the east and south property lines.

The revised plans showed a 3 foot setback from the south property line and no change to the east lot line (proposed 6 inch setback).

Mr. Matula explained why the setback from the east lot line was the same as the original proposal. If the addition was pushed 3 feet further back, it would cut into the space of the smoking room to a point where it may not be feasible and they might have to eliminate the courtyard concept.

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

1. Submittal and approval of a proposed storm drainage plan.
2. Submittal and approval of a proposed landscape 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. Outdoor storage of materials, products or equipment shall be prohibited.
6. 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.
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. Absolutely no portion of the new addition shall cross the property line (foundation, walls, gutters, eaves, roof, etc).
9. Building addition shall be located a minimum of three (3) feet to the south/rear property line and three (3) feet to the east/side property line.
10. Applicant shall obtain the necessary liquor license in order to serve alcohol in building addition tavern space.
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 Plan Commission approved the following variances:

- No building or other structure that is devoted wholly or in part to a nonconforming use shall be enlarged or added to . . . – applicant is requesting to enlarge the legal nonconforming tavern use by adding a 344 square foot tavern addition.
- A variance was granted to allow a three (3) foot side yard setback where a minimum 50 foot setback for a commercial building adjacent to a residential side lot line is required.
- A variance was granted to allow a three (3) foot rear yard setback where a minimum 25 foot setback for a commercial building adjacent to a residential rear lot line is required.
- A variance was granted to allow a 7 foot street/sideyard setback where a minimum of 25 foot setback for a commercial building adjacent to a street side lot line.
- Applicant is not proposing any bufferyard, screening and/or landscaping where a bufferyard with a minimum opacity of .60 along all borders of the property abutting residentially zoned property is required.

The motion passed 3-2 with Hemsing and Cvetan voting no.

Res. No. 15-10-11 authorizing the purchase of vacant property located at the northeast corner of 10th Street and Erie Avenue (936 Erie Avenue) a.k.a. the former Body Shoppe of Sheboygan, LLC property.

This property is located within the Neighborhood Revitalization Strategy Area designated as the Gateway Neighborhood by the Dept. of Housing and Urban Development. The parcel was

determined to be a good place for neighborhood green space and a Gateway Neighborhood Sign to identify the neighborhood. The property will be purchased with Community Development Block Grant funds. Maintenance of the property will be handled by a neighborhood association.

Following due consideration, John Van Der Male moved, Ryan Sazama seconded to recommend approval of the Resolution. The motion passed unanimously.

Being no further business, the meeting adjourned at 4:20 P.M.

Carol Rudie
Recording Secretary