

**MINUTES**  
**CITY PLAN COMMISSION**

City Plan Commission, Tuesday, June 14, 2011 at 4:00 P.M. in the Third Floor conference room, City Hall, 828 Center Avenue. Vice-chairperson Jerry Jones presided.

Present: Jerry Jones, John Van Der Male, Don Cvetan and Ryan Sazama

Excused: Mayor Bob Ryan, Ald. Kevin Sampson and Steve Hemsing

Staff present: Steve Sokolowski and Chad Pelishek

Others present: Char Pachniak, Bryan Brooks, Ray Haen, Scott Littell, Stan and Denise Petek, Craig Ostermann, Scott Matula, Fran and Barb Houseye, Susan Zhang, Pam Langan, Kurt Weis, Donna Liedtke and Larry Hinkelman

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

Approval of minutes of the May 24, 2011 meeting.

John Van Der Male moved, Don Cvetan seconded to approve the minutes of the May 24, 2011 meeting. The motion passed unanimously.

Conditional Use Permit and variance application by Sign Me Up to install signage at the Taylor Park Senior Apartments located at 826 Taylor Parkway.

Bryan Brooks, representing the applicant, was present to discuss this matter with the Commission.

The applicant is proposing to install a new 12 square foot (2.5 x 4.6), 5.25 feet high monument sign identifying "Taylor Park Senior Apartments" adjacent to the entrance from North 29<sup>th</sup> Street. A 5 square foot directional sign will be installed at the driveway.

The applicant is requesting a variance to locate the monument sign off-premise on the neighboring property. A letter has been received from the adjoining land owner authorizing the sign to be located on their lot.

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

1. Applicant shall obtain the necessary sign permits to install the sign.
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 monument sign shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular

conflicts.

4. Applicant shall obtain the necessary authorization to install the Taylor Park Senior Apartments sign on the adjoining land owner's property such as an easement and/or written agreement between parties.
5. Proposed monument sign shall be meet the minimum 12 foot setback from all property lines.

Variance was granted to locate the monument sign off-premises on Lot #1 where signs are to be located on-premise.

The motion passed unanimously.

Conditional Use Permit and variance application by RLO Sign, Inc. to install a new monument sign at Bullard Children's Dentistry located at 3304 Wilgus Avenue.

Bryan Brooks was present to discuss this matter with the Commission.

The proposed sign will be approximately 80 square feet per side (160 square feet total) and will advertise "Bullard Children's Dentistry". The existing twin-pole pylon sign has been removed.

The applicant is requesting variances to install a 12 foot high monument sign and locate the sign with a 4 foot setback where a 12 foot setback is required.

Following due consideration, Ryan Sazama moved, Don Cvetan seconded to approve with the following conditions:

1. Applicant shall obtain the necessary sign permits to install the sign.
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 monument sign shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
4. The sign will be a maximum of 12 feet high (grade to peak of sign).
5. The sign will meet the minimum 4 foot setback (edge of sign to property line).

The following variances were granted:

- Allow 4 foot setback where a minimum sign setback is 12 feet.
- Allow 12 foot high monument sign where a maximum height is 8 feet high.

The motion passed unanimously.

Conditional Use Permit application by Francisco and Barbara Houseye to change the use to a single-family dwelling with a home occupation at 1134 Ontario Avenue.

Francisco and Barbara Houseye were present to discuss this matter with the Commission.

The Houseyes are proposing to convert the retail shop to an owner occupied single-family residence and operate a recording studio from one of the bedrooms.

There is an existing 12 square foot sign on the west side of the building that will need to be removed. The applicant can install a two square foot non-illuminated and flush wall mounted sign to advertise the home occupation.

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

1. Prior to occupancy of the single-family dwelling, the applicant shall meet all required codes including but not limited to building, plumbing, electrical, HVAC, occupancy, 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. 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.
5. Applicant shall remove the 12 square foot "JJ Fab" wall sign on the west/N. 12<sup>th</sup> Street side of the building by Friday, July 1, 2011.
6. If the studio business 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.

Conditional Use Permit application by Susan Zhang to operate a China Star Take-Out Restaurant at 2119 South Business Drive.

Susan Zhang, Pam Langan and Ray Haen were present to discuss this matter with the Commission.

Ms. Susan Zhang is proposing to operate a Chinese takeout restaurant in the vacant 1,056 square foot tenant space at the existing retail strip center located at 2119 South Business Drive. The restaurant will be open seven days a week from 11:00 a.m. to 9:30 p.m. The majority of the business will be takeout, but there will be seating available for approximately 10 people. There is sufficient parking available in the existing parking lot.

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, 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 by Aspire Architecture and Design to construct a new storage facility at Lutheran High School located at 3323 University Drive.

Scott Matula was present to discuss this matter with the Commission.

The proposed storage facility will be located on the northwest corner of the Lutheran High School property. The purpose of the building is to provide additional storage for the athletic department. The garage will be constructed of split face masonry block with a metal roof and fascia matching the existing school. The existing wood frame shed located at the northwest of the parking lot will be razed.

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

1. Submittal/approval of a proposed storm drainage plan.
2. Prior to construction and operation, the applicant shall obtain all necessary permits and licenses including but not limited to building, plumbing, electrical, HVAC, occupancy, etc.
3. 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.).

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 that are not required to be paved shall be landscaped with grass and/or approved landscaping.
6. Applicant will obtain the necessary razing permits prior to demolition of the existing garage.
7. If garage is utilized for vehicle storage, the access drive shall be paved (all areas used for parking/maneuvering of vehicles shall be paved).

The motion passed unanimously.

Conditional Use Permit application by Lamar Advertising to replace the current back-to-back static billboard with a new back-to-back electronic message center billboard on Parcel # 431039 (west of the S. Business Drive and Mead Avenue intersection).

Kurt Weis was present to discuss this matter with the Commission.

Lamar Advertising is proposing to remove the current back-to-back, three pole, poster size billboard and replace it with a back-to-back, single-pole, poster size billboard. The new billboard's south face will be an electronic changeable message poster and the north face will be a static poster. The proposed billboard will be 23 feet high, 10.83 feet long and 21.83 feet wide for a total of 237 square feet.

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

1. Applicant shall obtain the necessary sign permits 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 that will cause nuisances or traffic hazards.
3. In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.30 footcandles above ambient lighting conditions on a cloudless night or no more than 5000 nits (candelas per square meter during day light hours and no more than 500 nits at night – whichever is more restrictive).
4. Applicant shall meet Sections 15.804(a) and (c) of the City of Sheboygan Zoning Ordinance relating to signage and pedestrian/ traffic safety and sign timing/cycles. No signs containing flashing, intermittent or moving sections or intermittent or flashing lights shall be permitted.
5. The standard time between message changes permitted for the Electronic Changeable Message face shall be ten (10) seconds (messages permitted to rotate every 10 seconds).
6. Sign permits shall be issued only at such time as the existing billboards are removed as presented by the applicant.
7. Audio speakers and all forms of pyrotechnics are prohibited.
8. If the electronic changeable message billboard is causing interference with traffic signals or controls, creates a confusing or dominating background that might reduce the clarity or effectiveness of a traffic control device, or otherwise obstructs a motorist's line of sight

with traffic signals or controls, this conditional use permit can be reviewed by the City of Sheboygan Plan Commission.

9. The continuing operation of a malfunctioning sign that causes and glare shall be considered an immediate traffic hazard. At such time the sign shall be turned off immediately and the applicant shall work with City staff to rectify the operational issue so as to mitigate the hazard prior to operation.
10. The applicant will include a default design to freeze a display in one still position so that if a malfunction occurs traffic safety is maintained.
11. Applicant will be willing to work with the City when necessary with regards to public service announcement messages such as Amber alerts, emergency weather issues, etc.

The motion passed unanimously.

Conditional Use Permit and variance application by Petek's restaurant/bar to construct a new outdoor covered and uncovered deck at 2702 S. 8<sup>th</sup> Street.

Stan and Denise Petek were present to discuss this matter with the Commission.

The proposed covered deck will be 504 square feet and the uncovered deck will be approximately 875 square feet. He is also proposing to construct a fence around his property.

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

1. Submittal/approval of a proposed storm drainage plan.
2. Submittal/approval of a proposed landscaping plan.
3. 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. Onsite 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 the dumpster. The dumpster shall be completed by August 19, 2011 prior to utilizing the patio area.
5. Applicant shall insure that all decks, landscaping, fencing, structures, overhangs, gutters, etc. will all be located on the Petek's property and shall not cross a property line (nothing will be located on the City of Sheboygan property).
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. A conditional use/sign permit shall be obtained prior to installing signage on the site. No temporary signage permitted.
8. Applicant shall adequately monitor/regulate and maintain the outdoor seating area.
9. In no instance shall the outdoor seating area create a nuisance for neighboring properties (noise, hours of operation, garbage, etc). If any issue(s) arises, the Plan Commission may again review the conditional use permit.
10. Outdoor storage of materials, products or equipment shall be prohibited.

11. Applicant shall immediately remove canopy structure located in the backyard west of the building.
12. Applicant may serve alcohol in the outdoor patio if and only if all required liquor licenses are obtained/amended.
13. Prior to issuance of a building permit, the covered/uncovered deck proposal must receive City of Sheboygan Architectural Review Board approval.
14. 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.
15. The old driveway cut on Humboldt Avenue, adjacent to the existing building and the proposed covered deck, shall be closed and shall be constructed to standard City specifications by September 9, 2011 (new curb, gutter, sidewalk, landscape area, etc.)
16. If applicant installs a fence, the applicant will obtain a fence permit and install the fence per Section 15.720(3)(c) of the City of Sheboygan Zoning Ordinance.
17. If applicant installs a fence, the fence shall be a "Shadow Box" style fence (board on board).

The following variances were granted:

- Allow to expand the legal nonconforming restaurant/bar by adding a new outdoor covered and uncovered deck area where a nonconforming use shall not be extended, expanded, enlarged or increased in intensity.
- Allow a zero (0) foot setback where a structure shall be a minimum 25 foot building setback to a front or street side yard.
- Allow a seventeen (17) foot setback where a structure shall be a minimum 50 foot building setback to a residential side yard.

The motion passed unanimously.

Conditional Use Permit application by US Cellular to install new antennas and equipment on the Sheboygan Housing Authority Wasserman Apartments located at 611 N. Water Street.

Scott Littell, representing the applicant and Donna Liedtke were present to discuss this matter with the Commission.

US Cellular is proposing to install three new antennas and six lines of coax cable. The antennas will look virtually the same. The new equipment will provide better service.

Followign due consideration, Ryan Sazama moved, Don Cvetan seconded to approve with the following conditions:

1. Antennas and related telecommunications equipment shall have a non-reflective surface and a neutral color that is the same or similar color as the supporting structure to be as visually unobtrusive as possible.
2. Applicant shall obtain all necessary permits required to install the antennas and related telecommunications equipment (including but not limited to building, electrical, HVAC, plumbing, etc.).

3. Antennas shall be designed and installed to meet all applicable governmental and industry safety standards (FCC, FAA, etc.).

The motion passed unanimously.

Conditional Use Permit application by US Cellular to install new antennas and equipment in the Flagpole Communication Tower located at 1224 Weeden Creek Road.

Scott Littell and Dale Sommer, an adjoining property owner, were present to discuss this matter with the Commission.

US Cellular is proposing to install three new antennas and six line of coax. The antennas will be located on top of the existing flagpole telecommunications tower.

Mr. Sommer indicated the hardware on the flag bangs on the pole. He also indicated he prefers the smaller flag as opposed to the larger one.

Mr. Littell indicated he would see what could be done about the hardware banging on the pole.

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

1. Antennas and related telecommunications equipment shall have a non-reflective surface and a neutral color that is the same or similar color as the supporting structure to be as visually unobtrusive as possible.
2. Applicant shall obtain all necessary permits required to install the antennas and related telecommunications equipment (including but not limited to building, electrical, HVAC, plumbing, etc.).
3. Antennas shall be designed and installed to meet all applicable governmental and industry safety standards (FCC, FAA, etc.).

The motion passed unanimously.

Conditional Use Permit application by US Cellular to replace/install new antennas and equipment on the existing Communication Tower located at 1705 Martin Avenue.

Scott Littell was present representing the applicant.

US Cellular is proposing to remove a total of nine antennas and install 3 new antennas which will improve service.

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

1. Antennas and related telecommunications equipment shall have a non-reflective surface and a neutral color that is the same or similar color as the supporting structure to be as visually unobtrusive as possible.

2. Applicant shall obtain all necessary permits required to install the antennas and related telecommunications equipment (including but not limited to building, electrical, HVAC, plumbing, etc.).
3. Antennas shall be designed and installed to meet all applicable governmental and industry safety standards (FCC, FAA, etc.).

The motion passed unanimously.

Site Plan Review application by Abacus Architects for the construction of new structures at Cleveland Park located at 2300 Cleveland Avenue.

A new restroom building will be built directly south of North 24<sup>th</sup> Street and Geele Avenue and a new 1,320 square foot picnic pavilion will be constructed in the area of the former tennis courts. The existing park shelter and restroom building will be demolished after the new facilities are completed.

Ryan Sazama moved, John Van Der Male 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, driveway, occupancy, etc.
2. Submittal and approval of a proposed storm drainage plan.
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.

The motion passed unanimously.

Site Plan Review application by Abacus Architects for the construction of new structures at Veterans Park located at 2300 Union Avenue.

A new restroom building will be constructed directly west of Arizona Avenue and a new 1,320 square foot picnic pavilion will be located south of the parking lot west of Arizona Avenue. The existing parking shelter and restroom building will be demolished after the completion of the new buildings. A new parking lot and driveway cut will be constructed off of Union Avenue (southeast corner of the park). There will be 8 new parking spaces.

Ryan Sazama moved, John Van Der Male 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, driveway, occupancy, etc.
2. Submittal and approval of a proposed storm drainage plan.
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.

The motion passed unanimously.

Site Plan Review application by Abacus Architects for the construction of a new structure at Optimist Park located at 2200 Carmen Avenue.

A new restroom building will be constructed directly southwest of the existing pavilion. The existing pavilion will remain.

Ryan Sazama moved, 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, driveway, occupancy, etc.
2. Submittal and approval of a proposed storm drainage plan.
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.

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 8<sup>th</sup> Street.

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

The matter was held at the last Plan Commission.

Following due consideration, Ryan Sazama moved, Don Cvetan seconded to approve the request with the condition that WINSA closes on the property by July 15, 2011 as stated in their offer to purchase. The motion passed unanimously.

Gen. Ord. No. 3-11-12 and R. O. No. 6-11-12 relative to granting Joint Venture Rentals, LLC the privilege of encroaching upon described portions of Michigan Avenue located at 920 Michigan Avenue.

The owner has withdrawn the request.

John Van Der Male moved, Don Cvetan seconded to recommend the documents be placed on file. The motion passed unanimously.

Being no further business, the meeting adjourned at 5:00 p.m.

Carol Rudie  
Recording Secretary

