

MINUTES
CITY PLAN COMMISSION

City Plan Commission, Tuesday, June 15, 2010 at 4:00 P.M. in the Third Floor conference room at City Hall, 828 Center Avenue. Vice-chairperson Jerry Jones presided.

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

Excused: Mayor Bob Ryan

Others present: Ald. Mark Hanna, Larry Wieberdink, Patricia Sherman-Cisler, Ken Aukerman, Paul Gottsacker, Gary Adler, Roger Mealiff, Jeff Smies, Ronald Erlie, Ald. Jean Kittelson, Ray Haen, Elizabeth Borowicz, Ozgur Acar, Wayne Emmer, Dale Ahrens, Scott Matula and Jason Dierkes

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

Approval of minutes of May 25, 2010 meeting.

John Van Der Male moved, Ald. Montemayor seconded to approve the minutes of the May 25, 2010 meeting. The motion passed unanimously.

Conditional Use Permit application by John Michael Kohler Art Center to construct a small parking lot addition and a new landscape garden in their parking lot on the south side of New York Avenue (formerly 620 and 622 North 6th St.).

Larry Wieberdink and Patricia Sherman-Cisler were present to discuss this matter with the Commission.

The John Michael Kohler Arts Center, located at 608 New York Avenue, is proposing to improve the land it owns on North 6th Street, directly east of its current parking lot and south of the Arts Center building.

The Arts Center proposes that the current site on 6th Street between New York and Pennsylvania Avenues which currently consists of grass, be upgraded to include a professionally landscaped and hardscaped area for residents, workers and visitors. The space will also be used for Arts Center programming, seating during outdoor festivals, and in 2010 as a salsa garden for Etude High School for the Arts. The space will also include four additional parking spots for the Arts Center which are needed during busy periods at the Arts Center.

Following due consideration, Ald. Montemayor moved, Steve Hemsing seconded to approve with the following conditions:

1. Submittal and approval of a proposed storm drainage plan.
2. Applicant shall obtain all necessary permits prior to construction.
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. Proposed landscape plan will not adversely impact vehicular or pedestrian vision heading into the parking lot, the alley and/or N. 6th Street.
5. 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 application by Ebenezer United Church of Christ to construct a new front entry addition to the church located at 3215 Saemann Avenue.

Gary Adler, Roger Mealiff and Jeff Smies were present to discuss this matter with the Commission.

The building addition is being constructed in the location of the existing outdoor canopy. The old canopy is being removed and the area is being enclosed with a brick exterior wall. The addition will have a small canopy extending over the existing parking lot. The addition will contain an office and small gathering space. The addition is approximately 1,000 square feet.

Following due consideration, John Van Der Male moved, Ald. Montemayor 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. Outdoor storage of materials, products or equipment shall be prohibited.
5. 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.
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. 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 Elizabeth Borowicz to construct a roof structure to cover the existing deck at Water Street Pub, 931 North 12th Street.

Ray Haen, Elizabeth Borowicz and Ozgur Acar were present to discuss this matter with the Commission.

The applicant is proposing to construct a roof over the existing deck. Currently there are steps located on the west end of the deck. These steps will be removed and new steps will be constructed on the east end of the deck.

Commission held a discussion regarding enclosing the dumpsters.

Following due consideration, Ald. Montemayor moved, Steve Hemsing seconded to recommend approval with the following conditions:

1. 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, alcohol, etc.
2. All new lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance.
3. Dumpster shall be screened and enclosed and constructed of like materials and colors of the facility. The dumpster shall be completed by August 27, 2010.
4. Applicant shall remove steps on the west end of the deck – the former step area will be constructed with like materials and colors in order to match the existing materials and colors of the deck.
5. Applicant is proposing to construct new steps on the east end of the deck – the new step area will be constructed with like materials and colors in order to match the existing materials and colors of the deck.
6. If not already done, applicant shall obtain the necessary liquor license in order to serve alcohol on the deck.

The motion passed unanimously.

Conditional Use Permit application by Emmers Tavern to construct a 143 square foot addition at the southwest corner of the tavern located at 906 South 15th Street.

Wayne Emmer and Scott Matula were present to discuss this matter with the Commission.

The applicant is proposing to construct an addition to the southwest corner of their building for a smoking area. The addition will be approximately 143 square feet.

Commission discussed the need to enclose and screen the dumpsters.

Following due consideration, Steve Hemsing 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 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.
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. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
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 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 motion passed unanimously.

Conditional Use Permit application by Mike Koenig Construction Co., Inc. to convert an existing office into a smoking area, to construct a deck addition and to construct new fencing at Suscha's Super Bar located at 1054 Pennsylvania Avenue.

Scott Matula was present representing the applicant.

The applicant is proposing to convert an existing office into a smoking area, construct a new 95 square foot deck on the east side of the tavern and replace existing fencing with new fencing.

The fencing along the south property line is located within the City's right-of-way and will need an encroachment in order to construct the fence in the same location.

The dumpsters are currently not screened and enclosed and staff is recommending the dumpsters be enclosed and constructed of materials and colors to match the existing building.

Following due consideration, Ald. Montemayor moved, Don Cvetan 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.
5. An encroachment will be required for the fence proposed to be reinstalled along Pennsylvania Avenue. A fence permit for this section of fence will be issued only at such time as the applicant has obtained an encroachment permitting the fence to be reinstalled in the City of Sheboygan Pennsylvania Avenue public right-of way.
6. Fencing shall be installed per Section 15.720(3)(c) of the City of Sheboygan Zoning Ordinance.
7. All new lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance.
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. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
10. A conditional use/sign permit shall be obtained prior to installing signage on the site.
11. Outdoor storage of materials, products or equipment shall be prohibited.
12. Applicant shall obtain the necessary liquor license in order to serve alcohol in building addition tavern space.
13. 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 Pollution Risk Services, LLC to use 923 South 21st Street and 838 South 19th Street to construct a dewatering facility as part of the Sheboygan River Super Funds Clean Up.

Ken Aukerman of Pollution Risk Services and Dale Ahrens of Verifine Dairy were present to discuss this matter with the Commission.

The applicant has been engaged with the Environmental Protection Agency to remove the PCBs from the Sheboygan River under the Superfund Program in 2010. The applicant is requesting to construct a dewatering facility adjacent to the river. The dewatering area will be used as a dredge support site for the removal of impacted sediment.

The applicant is proposing to purchase a portion of the property owned by Ellinger Realty and lease a small portion of paved area owned by Coppercraft Enterprises. Certain improvements will be made to the site to prepare the area to accommodate the dewatering site.

Dale Ahrens expressed concern on how Verifine's property would be impacted by the dewatering site. Mr. Aukerman addressed Mr. Ahrens concerns.

Following due consideration, Ald. Montemayor moved, John Van Der Male seconded to approve with the following conditions:

1. Applicant shall obtain all necessary razing permits for all structures to be demolished.
2. Submittal/approval of a proposed storm drainage plan.
3. All fencing shall be installed per Section 15.720(3)(c) of the City of Sheboygan Zoning Ordinance.
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.
7. All vehicles, equipment, materials, products, etc. shall be located on the dewatering site (no storage on public rights-of-way).
8. All trucks transporting materials shall use designated truck routes in the City of Sheboygan.
9. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands.
10. 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, etc.).
11. Applicant shall obtain all necessary licenses/permits and/or meet all requirements from the Environmental Protection Agency (EPA), the Wisconsin Department of Natural Resources (DNR), the City of Sheboygan, etc. for the construction and operations of the proposed dewatering project.
12. Applicant shall obtain all necessary permits for the construction of all dewatering project structures as well as all necessary permits for the storage of hazardous chemicals (applicant shall be in contact with building inspection, fire department, etc.).
13. If applicant is proposing to utilize any City of Sheboygan public right-of-way, the applicant shall obtain the necessary encroachments.
14. All encroachment areas shall be restored back to their original state at such time the applicant completes the dewatering project.
15. The applicant shall restore all private and public land/property with appropriate landscaping 60 days after the applicant completes the dewatering project.
16. Applicant shall provide written documentation that there are no environmental issues with any/all public/private properties involved in the dewatering project.
17. Prior to issuance of a building permit for construction of the dewatering facility, the applicant shall provide documentation that they own Lot #1 (former Ellinger facility/property), that they have a lease agreement with Coppercraft Enterprises, LLC and that they have obtained the necessary encroachments from the City.

18. 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, hazardous materials, health, etc.
19. At the completion of the project, the applicant shall either dedicate land or provide an easement for 30 feet of property along the Sheboygan River for a future City of Sheboygan pedestrian/bicycle path purposes (a 30 foot wide section running the length of the south side of the property located along the Sheboygan River).

The following variances were granted:

A zero foot paving setback variance where a minimum 5 feet from side, rear or street is required (requiring an approved encroachment permitting the dewatering facility to cross property lines and the City of Sheboygan S. 20th Street and Maryland Avenue public right-of-way).

The motion passed unanimously.

Gen. Ord. No. 4-10-11 and R. O. No. 66-10-11 relative to granting Pollution Risk Services the privilege of encroaching upon described portions of Maryland Ave., 15' from the property boundary and 66' at S. 20th St. between the purchased and leased properties for the purpose of allowing construction and use of a dewatering area for removal of impacted sediment under the Superfund project and any future betterment project.

Following due consideration, Ald. Montemayor moved, John Van Der Male seconded to recommend approval of the encroachment. The motion passed unanimously.

Com. No. 6-10-11 relative to a communication from various property owners on North Taylor Dr. stating that North Taylor Dr. from North Ave. to the cul-de-sac at the end of North Taylor Dr. stating this street is in very poor condition with many multiple patched potholes.

Ald. Hanna was present and explained this has been an ongoing problem with the neighbors. The Plan Commission placed a deadline of July 1, 2010 to complete the North Taylor street improvements and asked the Commission not to extend the deadline.

Greg Gottsacker was unable to attend this meeting, but submitted a communication requesting the deadline be extended.

Following due consideration, Ald. Montemayor moved, Ryan Sazama seconded to recommend the document be placed on file and the deadline of July 1, 2010 to pave North Taylor Drive approved by the Plan Commission at their August 11, 2009 meeting not be extended. The motion passed 6-1 with Hemsing voting no.

Com. No. 5-10-11 submitting a communication from Richard Rupp, Terry Martin, Konrad and James Testwuide requesting an opportunity to work with the current BID Board to bring about change to the BID district.

Paul Gottsacker, Jason Dierkes and Ronald Erlien were present to discuss this matter with the Commission and indicated they were unhappy with the current operation of the BID and asked some changes be made.

Following due consideration, John Van Der Male moved, Steve Hemsing seconded to hold and invite the City Attorney to the next meeting. The motion passed unanimously.

Being no further business, the meeting adjourned at 5:10 P.M.

Carol Rudie
Recording Secretary