

MINUTES
CITY PLAN COMMISSION

City Plan Commission, Tuesday, October 26, 2010 at 4:00 P.M. in the Third Floor conference room, City Hall, 828 Center Avenue. Vice-chairperson Jerry Jones presided.

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

Staff present: Steve Sokolowski and Chad Pelishek

Others present: Ryan and Michelle Moeller, Erik Jensen, Jason Valerius, Keith Duquaine, Robert Mangan and Steve Bieda

Vice-chairperson Jerry Jones opened the meeting and the Pledge of Allegiance was recited. Mayor Ryan had to briefly attend another meeting and therefore Mr. Jones presided.

Approval of minutes of October 12, 2010 meeting.

Ald. Montemayor moved, John Van Der Male seconded to approve the minutes of the October 12, 2010. The motion passed unanimously.

Precise Implementation Plan by Ryan and Michelle Moeller to construct a new retail building in the South Pier District.

Ryan and Michelle Moeller and Erik Jensen were present to discuss this matter with the Commission.

The proposed building will be a one-story 2,000 square foot shanty and will be used as an ice cream shop. The restaurant will seat approximately 42 people.

A portion of the proposed patio is located on the City's riverfront promenade public right-of-way. An encroachment will need to be granted by the Common Council prior to any construction taking place in the right-of-way.

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

1. Submittal and approval of a proposed landscape plan that provides a legend that shows how the four (4) landscape criteria are being met (create a legend along with the landscape plan site plan).
2. Submittal and approval of a proposed storm drainage plan.
3. Dumpster shall be screened and enclosed and constructed of like materials and colors of the facility. Outdoor storage of materials, products or equipment shall be prohibited.

4. 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.).
5. All lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance.
6. Applicant shall work with staff with regards to appropriate signage. Only at such time as a detailed sign package has been reviewed and approved may the applicant obtain sign permits to install the proposed signage.
7. If there are any amendments to the approved PIP, the applicant will have to submit an amended PIP for review by the City of Sheboygan Plan Commission that accurately reflects any and all proposed changes prior to making such changes to the structure and/or the site.
8. The City of Sheboygan Architectural Review Board shall review/approve the shanty design proposal. If there are any amendments to the final shanty design, the applicant will be required to submit a new PIP document with the final/approved shanty elevations.
9. If applicant intends on constructing any portion of the building, patios, awnings, sidewalks, etc. within the City of Sheboygan right-of-way and/or public promenade an encroachment will be required to be obtained. **Prior** to building permit issuance, the applicant shall obtain the required encroachments.
10. **Prior** to building permit issuance, applicant shall have an executed developer's agreement with the City of Sheboygan.

The following exemptions were granted based on the CC Central Commercial zone:

1. Minimum number of parking spaces required is 19 – Applicant is proposing 0 parking spaces.
2. Applicant is requesting an exemption from the 1.5 to 2.5 story peaked roof structure and is constructing a one-story building with 12 foot high sidewalls plus a 27 foot tower.
3. Applicant is requesting an exemption from the 1.2:1 height to width proportions and is proposing 0.875:1 height to width proportions.
4. Applicant is requesting an exemption from the terne standing seam metal and is proposing a prefinished standing seam metal for the tower.

The motion passed unanimously.

Conditional Use Permit, variance and Certified Survey Map application by Mau and Associates to construct an addition to the Villas at Union Square apartment complex located at 2128 Meadowland Drive (vacant, undeveloped property south of existing apartment complex).

Keith Duquaine, Robert Mangan and Steve Bieda were present to discuss this matter with the Commission.

The proposed apartment complex will have a total of 120 rental units ranging from 1-2 bedrooms. The proposed apartment complex will contain 10 apartment buildings with some

attached and detached garage buildings. The proposed parking spaces meet the requirements of the Zoning Ordinance.

There are numerous issues related to public and private utilities, easements for utilities and access, ingress/egress, fire protection, etc. that will need to be resolved before a building permit can be issued. The applicant indicated they are working with the Water Utility regarding some water related issues.

The applicant is requesting the following land use variances:

- Required 12 dwelling units per acre – applicant is proposing 12.2 dwelling units per acre.
- Required three (3) foot paving setback – applicant is requesting a zero (0) foot paving setback at the common property line where the main access easement drive crosses the property line.

A Certified Survey Map (CSM) has been submitted showing how the applicant wants to divide the property. The owner is proposing to subdivide this property into 2 lots:

- Lot #1 is proposed to be 6.75 acres and house the Villas at Union Square apartment complex.
- Lot #2 is proposed to be 9.87 acres and house the apartment complex as is proposed.

The applicant is requesting the following CSM variance:

- Required 60 feet of street frontage - applicant is requesting a variance to create a lot without the required 60 feet of street frontage.

Staff is recommending approval of this variance because there is a 30 foot access easement starting at Union Avenue and running the length of the property along its east side. It appears that both new lots, as well as the Oak Creek Apartments lot to the east, will all share this access drive. Therefore, a shared access agreement will have to be incorporated into the proposed CSM.

Following due consideration, Mayor Ryan moved, Ald. Montemayor seconded to approve the Conditional Use Permit, variances and Certified Survey Map with the following conditions:

1. Prior to issuing a building permit issuance, the applicant shall obtain all licenses and permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, water, sewer, health, storm drainage, etc. An occupancy permit will be granted only at such time as the applicant has met all requirements.
2. Submittal/approval of a proposed storm drainage plan.

3. Submittal/approval of a proposed landscape plan that provides a legend that shows how the four (4) landscape criteria are being met (create a legend along with the landscape plan site plan).
4. Dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility. Dumpster enclosure shall be completed prior to issuance of an occupancy permit for the first apartment building to be occupied.
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. Outdoor storage of materials, products or equipment shall be prohibited.
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 areas used for parking or maneuvering of vehicles shall be paved.
9. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
10. Applicant shall obtain the necessary conditional use/sign permits prior to installation.
11. Applicant shall be permitted a freestanding monument sign for the site. Minimum setback of a monument sign is 12 feet. Maximum height of the monument sign is 8 feet.
12. Absolutely no portion of the new building and other site improvements shall cross the property line including but not limited to balconies, decks, foundation, walls, gutters, eaves, roof, signs, landscaping, etc.).
13. Applicant is responsible for working with all private and public utilities in order to adequately service this apartment complex development proposal (applicant will need to provide the necessary easements and/or relocate utilities as necessary).
14. 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.).
15. The Conditional use permit is approved if and only if the City of Sheboygan Department of City Development and/or Planning Commission approves the Certified Survey Map (CSM) creating the two parcels as proposed. No building permits shall be issued until such time as the applicant can show City staff that the CSM has been officially recorded by Sheboygan County.
16. City Development staff will sign the proposed CSM only if the proposed CSM exactly matches the approved apartment's site plan/property layout. If there are any amendments to the approved site plan and/or parcel configuration, the applicant will have to submit an amended conditional use permit for review by the City of Sheboygan Plan Commission that accurately reflects any and all changes.
17. Prior to building permit issuance, the City of Sheboygan Architectural Review Board shall review/approve the apartment buildings and the garages.
18. City Development staff will issue a building permit only if the applicant has adequately satisfied all concerns related to the Sheboygan Water Utility, including but not limited to:
 - Applicant only obtain their water supply from a Public Water Main.
 - Applicant obtain and record an easement for the private water main across other private property for operation and maintenance of said private water main.

- Applicant submit the preliminary Utility Design Plan to the Sheboygan Water Utility for review and comment prior to submitting to the Wisconsin Department of Commerce.

19. City Development staff will issue a building permit only if the applicant has adequately satisfied all concerns related to the Sheboygan Fire Department, including but not limited to fire lane access at the site, sprinkler systems, hydrants, water pressures, etc.

20. A building permit will be issued only at such time as the applicant can provide documentation that Lot #2 has been officially created.

The motion passed unanimously.

R. O. No. 252-10-11 submitting a communication from Cathy Schnur stating her concerns over the proposed Highland House sign placement on City property next to the bike path.

Following due consideration, Mayor Ryan moved, Ald. Montemayor seconded to recommend the document be placed on file. The motion passed unanimously.

Closed Session

Motion by Mayor Ryan, second by Ald. Montemayor to convene in closed session under the exemption in State Statute Sec. 19.85(1)(e) for the purpose deliberating the investing of public funds where competitive or bargaining reasons require a closed session. Motion passed unanimously on a roll call vote.

Motion by Ald. Montemayor, second by Mayor Ryan seconded to reconvene in open session. The motion passed unanimously on a roll call vote.

Following due consideration, Ald. Montemayor moved, Ryan Sazama seconded to recommend Vandewalle & Associates be hired to update the City's Comprehensive Plan. The motion passed unanimously.

Being no further business, the meeting adjourned at 4:40 P.M.

Carol Rudie
Recording Secretary