



## CITY PLAN COMMISSION MINUTES

The City Plan Commission met on Tuesday, June 24, 2014 in the 3<sup>rd</sup> Floor Conference Room at City Hall, 828 Center Avenue. Mayor Mike Vandersteen presided.

Present: Mayor Mike Vandersteen, Ryan Sazama, Ald. John Belanger, John Van Der Male, and Don Cvetan

Excused: Jerry Jones and Jose Araujo

Staff present: Steve Sokolowski, Chad Pelishek and Janet M Duellman

Others: Kenneth Ringel, Kathleen Ringel, Jane Roberts, Connie Mehan, Amy Raml, Ryan Wilgreen, Steve Benish, Craig Ostermann, Justin Schueler, Bob Harley, Randy Ries, Jayne Ries, Richard Donner, Ald. Mark Hermann, Nick Steitz, Dan Welsch, and Mark Bettenhausen.

The meeting was called to order at 4:00 pm and the Pledge of Allegiance was recited.

Approval of minutes of the June 10, 2014 meetings.

Ald. John Belanger moved to approve the minutes, Don Cvetan seconded. Motion passed unanimously.

Conditional Use Permit and variance application by Dan Welsch to add new signage at Dumper Dan's Charter Fishing Fleet Shanty located at 676 S. Pier Drive.

Dan Welsch was present.

In March of 2014, the Plan Commission approved a Precise Implementation Plan by Dan Welsch to construct a new Shanty building in the South Pier District for Dumper Dan's Charter Fishing Fleet. Today, Mr. Welsch is requesting sign permits for his business located at 676 S. Pier Drive. The first sign (South Pier side) will be projecting and is 10sf made of wood with wrought iron brackets. The second sign will be on the boardwalk side will be 13 sf and also made of wood and located on the roof of the patio. Both signs will advertise "Dumper Dan's Fishing, Store, and Lodging".

Mr. Welsch stated that he would like to add two information signs to the request. One on the southeast corner of the building to direct people towards the boardwalk since there is no door on the South Pier side and the other on the west side of the building telling people where to check in. Both of these informational wall signs will be made with similar materials and will be white with burgundy print.

The committee inquired about the type of signs and if they would be like the others.

Ald. John Belanger moved, Jerry Jones 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.
3. The maximum projection (sign and/or support structure) is 4.5 feet.
4. Maximum 12sf projecting sign located 10 feet above grade.
5. Projecting sign may not swing or be internally illuminated.
6. All signs, including the new directional/information signs, shall meet the S. Pier Design Guidelines.

Variance Granted:

- To have the Dumper Dan's sign located on the roof of the outdoor patio – No roof signs permitted.

The motion passed unanimously.

Conditional Use Permit application by Kenneth Ringel to convert a single-family dwelling into a duplex at 1912 N 12<sup>th</sup> Street.

Kenneth Ringel was present along with neighbor Nick Steitz.

The applicant is requesting to convert a single family home into a duplex. He would live in the lower unit and lease the upper unit. There is off-street parking in the driveway and detached garage. The home was a duplex for many years according to the Assessor's Office and applicant. The duplex was converted to a single family dwelling in November of 2000.

Mr. Ringel stated that they only need the first floor space and that it was previously a duplex. Also the extra income would help.

Mr. Steitz stated that the neighborhood is a mixture of single family homes and multi-tenant. He didn't see any concerns with converting it to a two unit.

Ald. John Belanger moved, Don Cvetan seconded to approve with the following conditions:

1. Prior to construction and conversion, the applicant shall obtain all necessary permits and licenses including but not limited to building, plumbing, electrical, HVAC, occupancy, address, etc.

The motion passed unanimously.

Conditional Use Permit application by Amy Raml to operate Green Spin Gifting and Insights to Life home occupations from 3917 S. 18<sup>th</sup> Street.

Amy Raml was present along with neighbor Connie Mehan.

Green Spin Gifting LLC is an Eco-friendly gift bag system where she and/or her customers alter gift bags into reusable ones using every day, reusable and upcycled trash, such as tissue boxes, old greeting cards of any type and decorative calendars from years past. Green Spin Gifting has come up with a unique system of gift containment and beautification by using replacement name tags and interchangeable bows. This means the customer can reuse the SAME gift bag over and over again just by changing out the decorating elements and replacing

the name tag with a new one which is already attached to the gift bag. Customers love the idea that each gift bag can be reused without hassle of dealing with permanent name tags: it saves everyone time and money being able to have a ready-made gift bag at your fingertips rather than having to constantly purchase new gift bags, bows and name tags. All you have to do is get out a Green Spin Gifting gift bag, attach a renewed decoration of your choice and a replacement name tag and voila, you are done!

As for Insights to Life, the applicant states Insights to Life LLC is primarily an Internet based business, meetings with most clients via email sessions. There will be very little added activity due to this business in my home. 90% of all clinical hours are conducted via email sessions and plans to meet most clients off-site.

Ms. Raml explained she was a teacher for many years but due to a medical condition she needed to leave that profession. Because of her previous profession she would like to be a life coach and operate Insights to Life which is mainly computer based and if she did need to meet with someone she would do it at a public place not at her home. She explained that she would be holding workshops once a month on a Sunday. There will be 3 different sessions lasting 1 ½ hours each with a ½ hour between. Each session would have a maximum of 6 attendees for a total of 18 people during that day.

The neighbor expressed concerns about parking and traffic.

The committee discussed vehicular traffic and how the workshop would work.

John Van Der Male moved, Ald. John Belanger seconded to approve with the following conditions:

1. Applicant shall meet all home criteria per Section 15.206(8)(s) of the City of Sheboygan Zoning Ordinance.
2. The home occupation may only utilize 25 percent of the living area of the dwelling unit you reside in.
3. The applicant shall obtain all necessary permits and licenses including but not limited to building, plumbing, electrical, HVAC, health, occupancy, etc.
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. If the home occupation businesses create a nuisance, the Plan Commission will have the authority to again review the home occupation conditional use permit.
6. If the applicant moves from the present location, the conditional use permit will discontinue immediately.

The motion passed unanimously.

Conditional Use Permit, Variance and Certified Survey Map application by Steve Benish to construct a new Magic Car Wash Express on Parcel Number 431751 (Washington Square Outlot – Washington Avenue).

Steve Benish, Craig Ostermann and Ryan Wilgreen were present.

The applicant is proposing a new 3,562sf tunnel car wash that will provide express car washing and polishing to patron's vehicles (all automatic) along with self-service vacuuming. Hours of operation are 7 days a week from 7 am to 9pm. Project will create a total of 3-5 employees, (1-2 employees per shift). The façade will consist of block, renaissance stone, red brick and EIFS similar to many of the Washington Square developments. Clients will temporarily park on the property only to vacuum their vehicles. The applicant is proposing to install a free standing electronic readerboard monument sign and several wall signs.

A Certified Survey Map (CSM) has been submitted in order to create two parcels from the present 2 acre parcel. Lot 1 is 1.1 acres and is the lot the car wash will be constructed on. Lot 2 is .91 acres and is vacant and undeveloped.

Mr. Benish explained that the sign on the East and West sides of the building are visible from a distance even though they are not lit. Mr. Benish stated the wash will be able to comfortably stack 18-20 cars and the wait time should be around 10 minutes with that many cars.

The committee discussed type of signage and amount of cars.

Ryan Sazama moved, Ald. John Belanger seconded to approve with the following conditions:

1. Prior to building permit issuance, the applicant shall obtain all licenses/permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, health, water, sewer, storm drainage, etc. An occupancy permit will be granted only at such time as the applicant has met all requirements.
2. Submittal and approval of a proposed storm drainage plan.
3. Applicant will submit a landscape plan that addresses all four (4) landscaping requirements.
4. 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.
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. All new lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance. There shall be no spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity.
7. The car wash will meet all zoning requirements including but not limited to noise, vibration, hazardous materials, etc.
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. Any new ingress/egress driveway openings and any drives to be closed or modified shall be improved to standard City specifications.
11. The development shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts
12. Applicant shall obtain the necessary conditional use/sign permits prior to installation.
13. 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 10 feet.
14. 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.

15. Applicant will provide adequate public access along Washington Avenue, S. Business Drive II and the Washington Square frontage roads and will take all appropriate actions to minimize the time period that these streets will be closed/affected.
16. 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 street improvements, new and/or closed ingress/egress driveway openings, curb, gutter, sidewalk, pavement, utilities, retaining walls, street trees, etc.).
17. It will be the applicant's responsibility to work with all private and public utilities in order to provide easements and/or relocate utilities as necessary.
18. The Certified Survey Map (CSM) will be reviewed if and only if the Plan Commission approves the conditional use permit. The proposed CSM will exactly match the approved site plan/property layout.
19. Applicant shall submit a Certified Survey Map (CSM) that meets the City of Sheboygan Subdivision Ordinance.
20. Building permits will only be issued at such time as the applicant can provide documentation from Sheboygan County that the CSM has been officially recorded and the applicant can demonstrate that they are the owner of newly created Lot 1.
21. 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.

#### Variances Granted:

- To install a 10 foot high monument sign – maximum monument sign height is 8 feet tall.
- Applicant is proposing a total of nine (9) parking stalls - The minimum number of parking stall is 12.

The motion passed unanimously.

Request from Jandy Properties, LLC for an extension of the deadline to pave the parking lot at 1106/1110/1112 Michigan Avenue.

Jayne and Randy Ries were present.

On March 27, 2012, the City of Sheboygan Plan Commission approved a site plan request by Jandy Properties, LLC to operate Jams, Jellies and More from the property located at 1106/1110/1112 Michigan Avenue. The Plan Commission approved the conditional use permit with several conditions including condition #6 that stated:

*“All areas used for parking or maneuvering of vehicles shall be paved. Applicant/Owner shall submit a plan to the City of Sheboygan Department of City Development detailing the proposed parking lot (site plan showing location of parking area, paving setbacks, etc.). Applicant/owner shall pave the rear parking lot by June 28, 2013.”*

Jandy Properties, LLC requested and was granted a time extension for the parking lot in April of 2013 that gave them until June 28, 2014 to complete the parking lot.

Mr. Ries stated that they opened their doors in November 2013. There was a lot more work that needed to be done than originally thought. Mr. Reis questioned why he needed to pave his lot when others in the neighborhood don't.

Steve Sokolowski stated that as neighbors or any business make improvements to their property and/or building they are required to pave their lots as well. The present gravel parking lot is a legal nonconforming use. The Zoning Ordinance requires parking lots to be paved and the Plan Commission requires paving as a condition of approval for all developments/redevelopments. Mr. Sokolowski stated that the Ries only have to provide the required amount of paved parking so they can landscape some of the backyard if they choose to do so.

The committee discussed delivery vehicles, apartment, number of cars parked there.

Ms. Ries stated that they use her vehicle for deliveries.

Mr. Ries said that they live in the apartment that is attached to the store and they park two vehicles. On occasion they will also have an employee's vehicle parked there.

Mr. Sokolowski made a comment that the banner will need to be removed. Mr. Reis commented they are working on a new permanent sign.

Ryan Sazama moved, Don Cvetan seconded to approve a 1 year extension:

1. 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, etc.
2. Applicant shall obtain all necessary licenses/permits to operate including but not limited to the City of Sheboygan, Sheboygan County Health, State of Wisconsin, etc.
3. Dumpster shall be screened and 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 and enclose the dumpster. Dumpster shall be constructed prior to occupancy.
4. Outdoor storage of materials, products or equipment shall be prohibited.
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. All areas used for parking or maneuvering of vehicles shall be paved. Applicant/Owner shall submit a plan to the City of Sheboygan Department of City Development detailing the proposed parking lot (site plan showing location of parking area, paving setbacks, etc.). Applicant/owner shall pave the rear parking lot by **June 26, 2015**.
7. Prior to paving the parking lot, the applicant/owner shall submit a proposed storm drainage plan for City Engineering approval. Applicant shall also obtain the required building permits.
8. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping by no later than **August 3, 2015**.
9. 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.
10. Applicant shall obtain sign permits prior to the installation of any new signage at the site.

11. In no instance shall the proposed use create a nuisance for neighboring properties (noise, smells, garbage, etc.). If any issues arise, the Plan Commission may again review the site plan permit.
12. If there are any amendments to the approved site plan, the applicant will be required to submit a new site plan and/or conditional use application reflecting those amendments.
13. Applicant shall remove temporary banner by August 1, 2014

The motion passed unanimously.

Conditional Use Permit, Variance and Certified Survey Map Application by TMC Wisconsin 2, LLC to construct a new CVS Pharmacy at the northwest intersection of N.14<sup>th</sup> Street and Erie Avenue – Access Amendment

Attorney Richard Donner, Mark Bettenhausen, Bob Harley and Justin Schueler were present.

TMC Wisconsin 2, LLC is coming back to the Plan Commission to get a full access approved on Erie Ave. Their original plan was approved at the June 10, 2014 plan commission meeting provided a right-in/right-out.

Atty. Donner stated that CVS was requesting a full access to N 14<sup>th</sup> St but after working with the City it appeared that Erie Avenue would be better. Thus, CVS is amending their request to allow full access on to Erie Ave instead of the right-in/right-out.

The committee discussed who is paying for the change, backups on Erie Ave, changing the lights at the intersection and safety.

Chad Pelishek commented that Walgreens has a full access on Erie Avenue and that there is lots of pedestrian and vehicle movements going on with bike paths, hill, and other business parking lots access.

Ryan Sazama stated that if the lights need to be adjusted that is an easy fix and the Engineering Department was acceptable to the full access on Erie.

Justin Schueler noted that they did do a traffic study at that intersection and it didn't seem to be an issue. There was no traffic jam and traffic was moving with no problems.

Ryan Sazama moved, John VanDerMale seconded to approve with the following conditions:

1. Prior to building permit issuance, the applicant shall obtain all licenses/permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, health, water, sewer, storm drainage, alcohol, etc. (Applicant shall be in contact with building inspection, fire, police, etc.). An occupancy permit will be granted only at such time as the applicant has met all requirements.
2. Submittal and approval of a proposed storm drainage plan.
3. Applicant will submit a landscape plan that addresses all four (4) landscaping and bufferyard requirements.
4. Dumpster(s) and compactor shall be screened/enclosed and constructed of like materials and colors of the facility.
5. Outdoor storage of materials, products or equipment shall be prohibited.

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 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. Any new ingress/egress driveway openings and any drives to be closed or modified shall be improved to standard City specifications.
11. Absolutely no portion of the new building and/or site improvements shall cross the property line (buildings, parking, retaining walls, signs, landscaping, etc.). Structures and/or site improvements may cross the property line if and only if the applicant obtains the necessary encroachments permitting this.
12. Applicant shall obtain the necessary conditional use/sign permits prior to installation.
13. 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 10 feet.
14. 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.
15. Any future signage proposed for the north and/or west elevation shall not be internally lit.
16. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
17. Applicant shall install six (6) foot high solid (shadow box) fence along the west property line. Fence/landscaping at the southwest and northwest corners of the site shall be no higher than four (4) feet high and 50% opaque for a distance of 10 feet from the street property lines. Fence shall be installed per Section 15.720(3)(c) of the City of Sheboygan Zoning Ordinance.
18. Applicant shall meet all vision triangle requirements of Section 15.703 of the City of Sheboygan Zoning Ordinance.
19. Applicant shall obtain all necessary razing permits for all structures to be demolished.
20. Once the existing homes and commercial buildings have been demolished, the applicant will maintain the site(s) in a clean and dust free condition.
21. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets.
22. All vehicles, equipment, materials, products, etc. shall be located on the CVS property (no storage on public rights-of-way).
23. Applicant will provide adequate public access along N. 14<sup>th</sup> Street, Erie Avenue, St. Clair Avenue and the public alley and will take all appropriate actions to minimize the time period that these streets will be closed/affected.
24. 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 street improvements, new and/or closed ingress/egress driveway openings, curb, gutter, sidewalk, pavement, utilities, retaining walls, street trees, etc.).
25. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant.
26. It will be the applicant's responsibility to work with all private and public utilities in order to provide easements and/or relocate utilities as necessary.

27. Applicant will take all appropriate actions to minimize the time period that adjacent properties are impacted by the CVS development (utilities, streets, etc.).
28. All Semi-trucks shall use designated truck routes in the City of Sheboygan. No semi-trucks shall use St. Clair Avenue west of the new driveway access on St. Clair Avenue. Truck traffic will access CVS as depicted on Exhibit 6, Semi-Truck Route, of the CVS Transportation Study.
29. The Conditional use permit and variance are approved if and only if the City of Sheboygan Common Council approves the vacation of the alley that presently runs east and west through the middle of the development site. No building permits shall be issued until such time as the proposed vacation is approved.
30. The Certified Survey Map (CSM) will be reviewed if and only if the Plan Commission and Common Council approve the conditional use permit and the vacation of the alley. The proposed CSM will exactly match the approved site plan/property layout. No building permits shall be issued until such time as the applicant can show City staff that the CSM has been recorded.
31. Applicant shall submit a Certified Survey Map (CSM) that meets the City of Sheboygan Subdivision Ordinance and addresses all issues including but not limited to dedication of right-of-way, vacation of right-of-way, etc.
32. The City will not sign the CSM until such time as the applicant can demonstrate that TMC Wisconsin 2, LLC owns all the properties, has addressed all CSM requirements (vacation of alley, dedication of property, etc.) and all structures have been raised from each property so we do not create a legal nonconforming use or structure(s).
33. 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.
34. Applicant will need to submit an electronic copy of all updated and approved plans.
35. Applicant is responsible for constructing all required public improvements to N. 14<sup>th</sup> Street and Erie Avenue to standard City specifications prior to occupancy.

#### VariANCES Granted:

- Applicant is proposing a total of nine (9) signs - The maximum number of wall signs permitted is four (4) per business in the UC Zone.
- To install a 10 foot high monument sign – maximum monument sign height is 8 feet tall.
- To have a zero foot paving setback (area along former alley) – minimum paving setback is five (5) feet.
- Requesting a variance from the locational landscaping requirements – Applicant shall meet the four (4) locational landscaping requirements and bufferyard requirements.

The motion passed unanimously.

#### Discussion on Plan Commission using BoardDocs

The Mayor explained what BoardDocs is and how it is used.

The committee discussed how to access, if they will still be receiving the same information through BoardDocs, and if paper copies will still be available.

The Mayor stated that we will start posting agendas on BoardDocs along with corresponding documentation and will bring a few packets for those who do not have access to a laptop.

Adjournment.

John Van Der Male moved to adjourn, Ald. John Belanger seconded.

The motion passed unanimously. Meeting adjourned at 4:58 pm.

Janet M Duellman  
Recording Secretary