

MINUTES
CITY PLAN COMMISSION

City Plan Commission, Tuesday, January 10, 2012 at 4:00 P.M. in the Third Floor conference room at City Hall, 828 Center Avenue. Chairperson Mayor Bob Ryan presided.

Present: Mayor Ryan, Todd Wolf, John Van Der Male, Ald. Kevin Sampson, Ryan Sazama and Don Cvetan, Jerry Jones

Staff present: Steve Sokolowski, Chad Pelishek and Kristin Reichart

Others present: Jean Kittelson, Patrick Burke, Jennifer Lehrke, Paul Roberts, Jr., Steve Schmitt, Jeff Mehn, Paul Mentink, August and Marge Tarnowski

Approval of minutes of December 13, 2011 meeting.

John Van Der Male moved, Todd Wolf seconded to approve the minutes of the December 13, 2011 meeting. The motion passed unanimously.

Conditional Use Permit and Variance application by Meals on Wheels to install temporary advertising banners on the existing monument sign at 1004 S. Taylor Drive.

Steve Schmitt was present to discuss this matter.

On August 9, 2011, the Plan Commission approved a site plan application for Meals on Wheels to operate from the former Rex Appliance facility located at 1004 S. Taylor Drive. Meals on Wheels is requesting the ability to put temporary banner advertising signs on each face of the existing Rex Appliance monument sign to let people know that this will be the future home for Meals on Wheels.

Todd Wolf moved, Ryan Sazama seconded to approve the Conditional Use Permit and Variance application with the following conditions:

1. The temporary banner shall be removed **14 days** after Meals on Wheels receives an occupancy permit to operate from 1004 S. Taylor Drive.
2. Temporary banners shall be properly installed and maintained (banners shall not be ripped, unsecured, etc.).

The following variances were granted:

1. To have two (2) temporary banners (one on each side of the existing monument sign) – Maximum of one (1) temporary banner permitted.
2. To have 69sf (5.83 x 11.75) temporary banner signs – Maximum 32sf temporary sign is permitted.

3. To have the temporary banner sign installed until such time Meals on Wheels occupies and operates from the site – Maximum amount of time a temporary banner may be installed for is 30 days.

The motion passed unanimously.

Conditional Use Permit and variance application by Patrick Burke to permit a rear yard setback of 22.4 feet for an existing apartment building at Eisner Court Apartments located at 3427 Eisner Court.

Patrick Burke and August and Marge Tarnowski were present to discuss this matter.

On November 15, 2011, the Plan Commission approved a conditional use permit to construct a new manager's office/community room and to renovate all of the existing Eisner Court Apartment buildings.

In 2010, Eisner Court Apartment's was awarded Low Income Housing Tax Credits through the Wisconsin Housing and Economic Development Authority (WHEDA) for the purpose of renovating the ageing 30+ year old property. WHEDA stipulates certain criteria for these rehabilitation projects.

One issue that WHEDA wants addressed is the fact that one (1) of the apartment buildings (southern most building) was constructed 22.4 and 22.6 feet from the rear property line. The present rear yard setback in the Urban Residential zone is 25 feet. Thus, WHEDA wants the applicant to have the City address this setback issue so the structure is not considered a legal nonconforming structure.

The Plan Commission should be aware that the original apartment complex was constructed in 1980 under the previous zoning ordinance which may have had a rear yard setback of 20 feet. In fact, the City of Sheboygan Plan Commission originally approved the conditional use permit to construct the Eisner Court Apartments in May of 1978.

The applicant is requesting a variance to have a rear yard setback of 22.4 feet for the southern most apartment building – Minimum rear yard setback for an apartment building is 25 feet.

Staff is recommending approval of the conditional use permit and variance subject to conditions of approval.

Todd Wolf moved, Kevin Sampson seconded to approve the Conditional Use Permit and variance application 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 construction and operation, the applicant shall obtain all necessary permits and licenses including but not limited to building, plumbing, electrical, HVAC, fire, health, occupancy, etc.

4. Onsite dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility. Dumpster shall be constructed prior to occupancy.
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 areas used for parking or maneuvering of vehicles shall be paved.
8. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
9. Applicant will be to obtain a sign permit for each sign to be installed on the property prior to installation.
10. 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 following variance was granted:

1. To have a rear yard setback of 22.4 feet for the existing southernmost apartment building where the minimum rear yard setback is 25 feet.

The motion passed unanimously.

Gen. Ord. No. 53-11-12 and R. O. No. 294-11-12 relative to granting Above and Beyond Corporation the privilege of encroaching upon described portions of Niagara Ave. located at 902 N. 8th St. for the purpose of overhang encroachment.

Jeff Mehn and Paul Mentink were present to discuss this matter.

This matter was held at the last meeting so that Above and Beyond Corporation could provide drawings that illustrated what they are proposing to construct and the reason for the requested encroachment.

Above and Beyond Corporation is requesting an encroachment that would permit the construction of a ship to protrude from the Above and Beyond Children's Museum located at 902 N. 8th Street.

Jeff Mehn and Paul Mentink explained the proposal and how the ship ties into a future museum exhibit titled the Port of Sheboygan.

Staff comments that the applicant should be aware that the encroachment is just one process involved in such an exterior renovation to the museum. In addition to the required encroachment that permits the ship to be constructed over City of Sheboygan public right-of-way, the applicant will also need to submit an application to the City of Sheboygan Architectural Review Board for their consideration. A building permit for the construction will be issued only at such time as the encroachment and the architectural review board has approved the proposal. Staff is recommending that the encroachment be approved.

Todd Wolf moved, John Van Der Male seconded to approve the request. The motion passed unanimously.

Gen. Ord. No. 58-11-12 and R. O. No. 315-11-12 relative to granting Anglers Avenue, LLC the privilege of encroaching upon described portions of the public promenade located at 518 South Pier Drive for the purpose of building and maintaining a dining patio.

Paul Roberts and Jennifer Lehrke were present to discuss this matter.

On December 13, 2011, the Plan Commission approved Anglers Avenue Pub and Grill to operate from 518 S. Pier Drive. The applicant indicated in their site plan that they wanted to construct a new outdoor patio on the river side of the building. The proposed outdoor patio will permit Anglers Avenue Pub and Grill customers the opportunity to eat and drink along the Sheboygan River. Alcohol may be served only if the appropriate liquor license is obtained.

Ryan Sazama moved, and Todd Wolf seconded to approve the request. The motion passed unanimously.

Gen. Ord. No. 59-11-12 and R. O. No. 315-11-12 relative to granting Anglers Avenue, LLC the privilege of encroaching upon described portions of the public promenade located at 510 South Pier Drive for the purpose of building and maintaining a dining patio.

Paul Roberts and Jennifer Lehrke were present to discuss this matter.

On December 13, 2011, the Plan Commission approved Anglers Avenue Pub and Grill to operate from 518 S. Pier Drive. The applicant indicated in their site plan that they wanted to construct a new outdoor patio on the river side of the building of the Angler's Avenue retail store located at 510 S. Pier Drive. The proposed outdoor patio will permit Anglers Avenue customers the opportunity to eat and drink along the Sheboygan River. Alcohol may be served only if the appropriate liquor license is obtained.

Kevin Sampson moved, Todd Wolf seconded to approve the request. The motion passed unanimously.

Gen. Ord. No. 57-11-12 repealing and recreating the text of Subsection 15.205(12) of the City's Zoning ordinance relating to regulations applicable to large scale buildings, so as to include industrial buildings.

Staff explained that in June of 2011, the Common Council approved an amendment to the zoning ordinance to include language concerning large scale buildings (Plan Commission made a recommendation to the Common Council to approve the Large Scale Buildings amendment).

The large scale building ordinance was adopted because of concerns regarding vacant "large scale buildings" within the City of Sheboygan. As a result of vacant "large scale buildings," the City can be left with several vacant deteriorated structures that remain empty for many years, causing blight and often times eroding nearby property values.

Presently, the ordinance only addresses large scale retail and commercial buildings. The ordinance does not address vacant, large scale industrial buildings that also can have a detrimental impact on adjoining properties.

The proposed amendment will now include:

- Large scale industrial buildings.
- Places an absolute maximum building size of 155,000sf on retail and/or commercial uses (not industrial). Cap may be exceeded only if approved by the Plan Commission through the conditional use permit process.

Todd Wolf moved, John Van Der Male seconded to approve the request. The motion passed unanimously.

R.O. No. 285-09-10 submitting a communication from the Sheboygan Athletic Club requesting that the City assists them in an extensive renovation by putting up the Wildwood Park land as collateral for a loan that they would take out to finance this project; recommends that the Report of Officer be referred to the City Plan Commission with a request to have the City Plan Commission refer something back to Finance for their action.

This matter has previously been addressed.

Staff recommends filing this old document.

Kevin Sampson moved, Todd Wolf seconded to file the document. The motion passed unanimously.

Being no further business, John Van Der Male moved, Ryan Sazama seconded to adjourn the meeting 4:25 P.M.

Kristin Reichart
Recording Secretary