

MINUTES
CITY PLAN COMMISSION

City Plan Commission, Tuesday, January 24, 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, and Chad Pelishek

Others present: Heather Molzner, Joe Kerchner, Major Alan Hellstrom, Troy Mleziva, Martin and Dale Spaeth, Ross Manich, Ed Harvey, Dan Benson, Ken Horkan, Amy Getzelman, Jane Willmas, Jim Willmas, Gregg Lindner, Michael Wais, Matt Jacobs, Paul Gottsacker, Mark Wold

Approval of minutes of January 10, 2012 meeting.

Todd Wolf moved, Jerry Jones seconded to approve the minutes of the January 10, 2012 meeting. The motion passed unanimously.

Conditional Use Permit and variance application by Poblocki Sign Company, LLC to update existing monument signage at Associated Bank, 1217 North Taylor Drive.

Ross Manich was present from Poblocki Sign Company.

Associated Bank is requesting to add time and temperature units on the base of both monument signs located on the north and south ends of the property adjacent to Taylor Drive (unit would not be capable of displaying other messages or advertising.) The units will be 6sf (1.5 x 4). In order to do this the applicant is requesting variances to raise the height of the existing monument signs.

Todd Wolf moved, John Van Der Male seconded to approve the Conditional Use Permit and Variance application with the following conditions:

1. The necessary sign permits shall be obtained 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. 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.
4. All freestanding signs shall meet the required 12 foot setback from all property lines (closet edge of sign to property line). It is the responsibility of the applicant to insure the sign meets the required 12 foot sign setback.
5. The free standing signs shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.

6. Applicant shall verify that the proposed sign location is located outside of the vision triangle per Section 15.703 of the City of Sheboygan Zoning Ordinance, Visibility Standards (from the corner of the intersection, 15 feet to the west along Taylor Drive and 15 feet south along Wilgus Avenue).
7. If there are any amendments to the approved site/sign plan, the applicant will be required to submit a new conditional use application reflecting those amendments.

The following variance was granted:

1. To have two (2), 12 foot high monument signs – maximum monument sign height is eight (8) feet.

The motion passed unanimously.

Conditional Use Permit and Variance Application by Salvation Army to install a new monument sign at the day care facility located at 1125 N. 13th Street.

Major Hellstrom was present from the Salvation Army.

Salvation Army is proposing to install a new monument sign at their day care facility located at 1125 N. 13th Street.

Todd Wolf was concerned about the height of the sign in a high traffic area and wondered a single pole sign could be used.

Major Hellstrom indicated they did not look into a single pole sign.

Todd Wolf suggested the sign being moved a few feet more to the east to not interfere with traffic leaving the daycare or on the street.

Todd Wolf moved, Don Cvetan seconded to approve the request 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. Sign shall meet the minimum 15.5 feet setback from the face of curb.
5. The sign shall be completely located on the Salvation Army property and may not encroach onto the City of Sheboygan N. 13th Street right-of-way.

The following variance was granted:

1. Install a sign with a 15.5 foot sign setback to the back of curb – minimum sign setback required is 12 feet from the right-of-way line, or 24 feet from the face of the curb.

The motion passed unanimously.

Conditional Use Permit and variance application by Lingle Design Group to renovate the existing McDonalds, drive-thru at 2525 S. Business Drive.

Joe Kerchner and Heather Molzner representing McDonald's were present.

McDonalds is proposing to construct a new tandem in-line drive thru at 2425 S. Business Drive. A change from a single order point to a double order point reduces the time of the slowest process in drive thru operation. The dual order point is still served by a single drive thru lane that splits in two lanes prior to the order point – “split” and returns to a single lane immediately following the order point – “merge”. In addition, the new drive-thru layout will require new drive thru equipment to be added.

In order to add the additional drive-thru lane and to keep the traffic pattern the same we will be forced to lose parking spaces at the Northeast end of the lot. Based on the proposed drive thru reconfiguration, McDonald's will now have 45 regular spaces and 2 ADA accessible spaces (a total of 47 parking spaces) which complies with the parking requirements.

John Van Der Male moved, Todd Wolf seconded to approve the request subject to the following conditions:

1. Submittal and approval of a proposed storm drainage plan.
2. Submittal/approval of a proposed landscape plan.
3. Applicant shall obtain all necessary permits for the project.
4. All dumpster(s) 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 new lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance (site lighting, building lighting, signage, etc.). There shall be no spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.
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 shall obtain the necessary conditional use/sign permits prior to installation.
10. The drive-thru facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts. In no instance shall a drive-thru facility be permitted to operate which endangers the public safety.
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 and variance application by Kwik Trip, Inc. to construct a new Kwik Trip gas station, convenience store, car wash and signage on parcel 215124 (the property south of Festival Foods located at 595 S. Taylor Drive.

Troy Mlezvia, Martin and Dale Spaeth, Jane and Jim Willmas, Ken Horkan, Amy Getzelman, Michael Wais, and Matt Jacobs were present.

Kwik Trip, Inc. is proposing to construct a new Kwik Trip gas station, a 5,700sf convenience store, a 2,800sf carwash and signage on a parcel of south of the Festival Foods site located at 595. S. Taylor Drive (located in the southern part of the parking lot and directly south of the Festival Foods store.

Mr. Sokolowski indicated that the neighbors on N. 28th Street have concerns over the noise and light pollution both from the recently constructed Festival Foods Grocery Store and the proposed Kwik Trip. It appears the neighbors biggest concern is the carwash and they want some type of a barrier, such as a solid fence, berm, evergreen trees, to protect us from the added noise, light and air pollution from this type of development.

Mayor Ryan indicated that he has been notified that the contractor at Festival Foods will be installing new soundproofing materials in the next few days.

Dale Spaeth indicated that they live on N. 28th Street. Mrs. Spaeth stated that their house is located up on a hill and an 8ft fence will do nothing to keep the noise and/or light away.

Mr. Mlezvia indicated they will not have any wallpack lights similar to Festival Foods.

Based on concerns with the present carwash location, Mr. Mlezvia presented an alternative plan site plan to the Commission that would locate the carwash further to the west. The carwash would now be located adjacent to the southwest corner of the Festival Foods grocery store and the carwash dryer doors would be facing west towards the parking lot and away from the residential property owners to the east.

Jerry Jones stated that if the carwash is the issue, can we limit the carwash hours of operation? Mr. Mlezvia stated that Kwik Trip would not have a problem with a condition limiting the carwash hours of operation.

Following due consideration, Ald. Sampson moved, Don Cvetan seconded to approve the conditional use permit and variance with the revised location of the car wash, the exit of the building facing west, install an 8-foot fence around the property and with the following conditions:

1. Prior to 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 and 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). Applicant shall also meet all landscape buffer yard requirements.
4. Applicant shall install eight (8) foot high solid fence along the east property lines. Fence shall be installed per Section 15.720(3)(c) of the City of Sheboygan Zoning Ordinance.
5. Dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility.
6. Applicant shall obtain all necessary permits for the construction, the storage and the handling of hazardous chemicals and/or fuels (applicant shall be in contact with building inspection, fire department, etc.).
7. Outdoor storage of materials, products or equipment shall be prohibited.
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 new lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance (site lighting, building lighting, signage, etc.). There shall be no spillover light onto adjacent properties or the streets, except for those areas that received a variance.
10. All areas used for parking or maneuvering of vehicles shall be paved.
11. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
12. Applicant will be required to obtain a sign permit for each sign to be installed on the property prior to installation.
13. 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.
14. Minimum setback for the monument sign is 12 feet.
15. Maximum height of the monument sign is 8 feet.
16. Monument sign shall be located outside of the required 15 foot vision triangle.
17. No sign shall be located on the roof or the top horizontal plane of the canopy.
18. The total height of any overhead canopy shall not exceed 20 feet as measured to the highest part of the structure.
19. Any new ingress/egress driveway openings shall be improved to City standards. Any drives to be closed or modified shall be constructed to City standards.
20. Prior to building permit issuance, the applicant is responsible for providing all necessary ingress/egress, shared parking agreements, shared stormwater facilities agreements, etc. between Kwik Trip, Inc. and adjoining properties.
21. 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.
22. 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, street trees, etc.).
23. Applicant will provide adequate public access along S. Taylor Drive and Taylor Heights Frontage Road and will take all appropriate actions to minimize the time period that these sidewalks/streets will be closed/affected.
24. The carwash facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.

25. Applicant shall limit the daily carwash hours of operation from 6:00am to 8:00pm.
26. Applicant is responsible to design the gas station, convenience store, carwash facility, etc. to meet the City of Sheboygan Noise Ordinance.
27. The Conditional Use Permit is approved if and only if the approved site plan and proposed lot exactly match the parcel to be created. 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.
28. No building permits shall be issued until such time as the applicant can show City staff that the proposed lot has been officially created/recorded and Kwik Trip, Inc. actually owns the parcel.

The following variances were also granted:

1. To maintain the zero (0) foot paving setbacks on the north and south property lines, in order to continue permitting cross access between properties – minimum paving setback is five (5) feet.
2. To be permitted 25sf canopy signs - maximum 20sf canopy sign permitted.
3. To be permitted to exceed .50 footcandles along a property line - In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 footcandles above ambient lighting conditions on a cloudless night.

The motion passed unanimously.

Conditional Use Permit and variance application by O'Reilly Automotive Store, Inc. to construct a new O'Reilly auto parts retail store on parcels 629145 and 629150 (vacant, undeveloped property at the southeast corner of the Calumet Drive and N. 25th Street intersection.)

Mark Wold, Paul Gottsacker and Gregg Lindner were present for the meeting.

O'Reilly Automotive Store, Inc. is proposing to construct a new retail auto parts store on the vacant, undeveloped property located at the southeast corner of Calumet Drive and N. 25th Street. The new O'Reilly Auto Parts Store facility will be 8,000sf (121 x 66) and will face Calumet Drive.

Mr. Sokolowski stated that the applicant is proposing to install a six (6) foot wood fence along the north/northeast property line that abuts the apartment complex. However, the applicant does not show any fencing to be installed by the condos located at the south/southeast corner of the property line. There are condos that abut this property line and will look directly right at the new O'Reilly facility and parking lot. Staff is recommending a condition that the applicant also install a six (6) foot wood fence along the south/southeast property line that abuts the condos (approximately 160 feet) in order to buffer the residences from this commercial property (vehicle lights in parking lot will be shining directly into residences).

Following due consideration, Todd Wolf moved, Ald. Sampson seconded to approve the request with a landscape berm around the property in lieu of the fencing (can be landscaping and/or fencing) and subject to the following conditions:

1. Prior to 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 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). Applicant shall also meet all landscape bufferyard requirements.
3. Submittal and approval of a proposed storm drainage plan.
4. Dumpster 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. Applicant shall install a six (6) foot solid wood fence along the apartments to the north/northeast and along the condos to the south/southeast (approximately 160 feet). Staff can work with the applicant regarding the fencing along the condos to the south/southeast.
7. Fence shall be installed per Section 15.720(3)(c) of the City of Sheboygan Zoning Ordinance.
8. 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.
9. 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.).
10. All areas used for parking or maneuvering of vehicles shall be paved.
11. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
12. Any new ingress/egress driveway openings shall be improved to City standards. Any drives to be closed or modified shall be constructed to City standards.
13. 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, street trees, etc.).
14. Applicant will provide adequate public access along Calumet drive and N. 25th Street and will take all appropriate actions to minimize the time period that these sidewalks/streets will be closed/affected.
15. Applicant will be required to obtain a sign permit for each sign to be installed on the property prior to installation.
16. Applicant shall be permitted a 10-foot high freestanding monument sign and the monument sign shall be setback a minimum of 12 feet from the property line (closest part of sign to property line).
17. Prior to building permit issuance, the proposed O'Reilly building elevations will be reviewed and approved by the Architectural Review Board.
18. The Conditional Use Permit is approved if and only if the approved site plan and proposed lot exactly match the parcel to be created. 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.

19. No building permits shall be issued until such time as the applicant can show City staff that the proposed lot has been officially created/recorded and O'Reilly Automotive Store, Inc. actually owns the parcel.

The following variances were granted:

To have a ten (10) foot high monument signs – maximum monument sign height is eight (8) feet.

The motion passed unanimously.

Site Plan Review application by Sheboygan County to construct a parking lot addition at the Sheboygan County Highway Department located at 1211 N. 23rd Street. SI Zone

Ed Harvey was present for the meeting.

Sheboygan County Highway Department is proposing to construct a parking lot addition at 1211 N. 23rd Street. There will be a total of 11 parking spaces constructed on the north side of the main office facility and west of the garage. The space is currently lawn, and a small area of ornamental shrubbery.

Ald. Sampson moved, Todd Wolf seconded to approve the request subject to the following conditions:

1. Submittal and approval of a proposed storm drainage plan.
2. Submittal and approval of a landscape plan.
3. Outdoor storage of materials, products or equipment shall be prohibited in these parking spaces.
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.

The motion passed unanimously.

Document Agenda #20-32 R. O. No. - 11 – 12 submitting a request from Chad Pelishek, Development Manager, to allow U.S. Army Corp of Engineers and their consultant, Ecology and Environment, Inc, at no cost to the City, to prepare an invasive species control and management plan (ISCMP) which will be inclusive of specific measures to target the invasive species present at the Schuchardt Property.

Todd Wolf moved, Ald. Sampson seconded to approve the document and send a favorable recommendation to the Common Council. The motion passed unanimously.

Being no further business, John Van Der Male moved, Todd Wolf seconded to adjourn the meeting at 5:10 pm. Motion carried.

Chad Pelishek
Recording Secretary