

MINUTES  
CITY PLAN COMMISSION

City Plan Commission, Tuesday, January 29, 2013, at 4:00pm in the third floor conference room at City Hall, 828 Center Ave, Sheboygan WI. Chairperson Mayor Terry Van Akkeren presided.

Present: Mayor Terry Van Akkeren, Todd Wolf, John Van Der Male, Ryan Sazama, and Don Cvetan

Excused: Ald. Julie Kath, and Jerry Jones

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

Others: Brian Dunton (Sign Me Up), Tom Mertens (TJ's Twisted Chicken), Janet Mertens (TJ's Twisted Chicken), Derrek Lemahieu (Abacus), Joe Bronoski (Abacus), Avni Latifi (Harry's Diner), Harry Ljatifovski (Harry's Diner), Erik Jensen (LJM), and Woody Hanson (LJM).

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

Approval of minutes of the January 15, 2013 meeting.

John Van Der Male moved to approve the minutes of the January 15, 2013 meeting, Ryan Sazama seconded.

The motion passed unanimously.

Conditional Use Permit and variance application by Sign Me Up to install signage at TJ's Twisted Chicken at 1410 Indiana Avenue.

Brian Dunton, Tom Mertens, and Janet Mertens were present to discuss this item.

TJ's Twisted Chicken is requesting two 60sf internally illuminated (LED) cabinet signs located at the SE corner of the roof of the minimart facility.

Staff indicated they received a phone call from neighbor Les Jones who lives at 1407 Indiana Avenue. Mrs. Jones stated she had concerns with light coming from the sign into her living room.

Ryan Sazama moved, Don Cvetan seconded to approve the conditional use with the following conditions:

1. Applicant shall obtain the necessary sign permit 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. No sign shall be located above the top horizontal plane of the roof.
4. Temporary Banner shall be removed prior to installing new wall signs.

The following variance was granted:

1. The applicant is requesting a variance to locate signs on the roof - No sign shall be mounted on a roof.
2. The applicant is requesting two (2) 60sf wall signs – maximum square footage permitted is 53sf.

The motion passed unanimously.

Precise Implementation Plan (PIP) by Harry Ljatifovski and Al Latifi to construct a new building addition and to operate Harry's Prohibition Bistro at 668 S. Pier Drive

Erik Jensen, Woody Hanson, Al Latifi and Harry LJatifovski were present.

Applicant is proposing to construct a new building addition and operate Harry's Prohibition Bistro within the "Shanty" area of the South Pier District. The concept is a 1920's prohibition era theme with a statue of Al Capone, pictures, music, and dress attire. The Bistro will have indoor seating for 64 people and additional outdoor seating on a covered patio.

Todd Wolf moved, Don Cvetan seconded to approve 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, alcohol, etc. An occupancy permit will be granted only at such time as the applicant has met all requirements.
2. The addition and all exterior alterations to the building shall meet the South Pier Design Guidelines.
3. Applicant shall obtain the necessary liquor license in order to serve alcohol in the new restaurant/bar and outdoor patio area. Applicant may serve alcohol in the outdoor patio if and only if all required liquor licenses are obtained (extension of premises).
4. 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).
5. Submittal and approval of a proposed storm drainage plan.
6. Dumpster shall be screened and enclosed and constructed of like materials and colors of the facility.
7. 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.).

8. All lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance.
9. New fencing shall be installed per Section 15.720(3)(c) of the City of Sheboygan Zoning Ordinance.
10. Applicant shall work with staff with regards to constructing a well-designed signage for the site that utilizes colors and materials similar to the building. Signage will be wood and will not be illuminated. Applicant will be required to submit the final design package in order to be incorporated into the approved PIP. Only at such time as the sign package has been reviewed and approved may the applicant obtain sign permits to install the proposed signage. Staff may bring the proposed signage design back to the Plan Commission for review/approval
11. If applicant intends on constructing any structures, patios, sidewalks, etc. within the City of Sheboygan right-of-way and or public promenade an encroachment will be required to be obtained.
12. 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.).
13. 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.
14. Applicant will provide adequate public access along the promenade and S. Pier Drive and will take all appropriate actions to minimize the time period that these sidewalks/streets will be closed/affected.
15. The PIP is approved if and only if the approved site plan exactly matches the parcel to be created. 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.
16. Applicant will have an executed lease agreement with the Redevelopment Authority of the City of Sheboygan prior to issuance of a building permit.

The following exemptions were granted:

1. Minimum rear yard setback of 10 feet – Applicant is requesting a rear yard setback that varies from six (6) inches to 1.5 feet (the patio structure).
2. Minimum # of parking spaces required is 26 – Applicant is proposing 0 parking spaces.
3. Applicant is requesting an exception from the 1.5 to 2.5 story peaked roof structure – Applicant is requesting that half of the building be approved with 1-story with extra height walls.
4. Applicant is requesting an exception from the 2,000sf building footprint – Applicant is proposing a 3,420sf building footprint.

The motion passed unanimously.

Conditional Use Permit and variance by Abacus Architects to redevelop the Lamar Sign Building into a multi-tenant commercial facility at 924 N 14<sup>th</sup> Street.

Derrek Lemahieu and Joe Bronoski were present to discuss this item.

The applicant is proposing to redevelop the former Lamar Sign facility into a multi-tenant commercial building that will include a Cellcom retail store and a Glas Coffee House. They will be remodeling the exterior and interior of the existing facility and construction new site improvements such as parking, driveway cuts, landscaping, signage, dumpster enclosures, and a deck on the NW corner of the building.

The board discussed ingress/egress to the site, curb cuts, construction time frame, etc.

Todd Wolf moved, Don Cvetan seconded to approve the conditional use 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/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).
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. 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 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.).
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 shall be improved to City standards.
11. Applicant is required to close any unused driveway cuts and any drives to be closed or modified shall be constructed to City standards.
12. 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.).
13. 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.
14. Applicant will provide adequate public access along Niagara Avenue and N. 14<sup>th</sup> Street and will take all appropriate actions to minimize the time period that these sidewalks/streets will be closed/affected.
15. 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.
16. Applicant will be required to obtain a sign permit for each sign to be installed on the property prior to installation. Applicant shall work with staff with regards to constructing well-designed signage for the site that utilizes colors and materials

similar to the building. Staff may bring the proposed signage design back to the Plan Commission for review/approval.

17. Applicant shall be permitted an 8-foot high freestanding monument sign and the monument sign shall be setback a minimum of 5 feet to N. 14<sup>th</sup> Street and a setback of 9.6 feet to Niagara Avenue (closest part of sign to property line).
18. Applicant shall meet all vision triangle requirements of Section 15.703 of the City of Sheboygan Zoning Ordinance.
19. All improvements to the building and property shall be located outside of the Sheboygan River floodplain.
20. The Conditional Use Permit is approved if and only if the approved site plan exactly matches 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.
21. 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 into one (1) parcel; and that Office Service Co. actually owns the parcel.

The following variance was granted:

1. Applicant is requesting a monument sign setback of five (5) feet to N. 14<sup>th</sup> Street and a setback of 9.6 feet to Niagara Avenue – Minimum required monument sign setback is 12 feet to the property line.
2. Applicant is requesting a two (2) foot paving setback to Niagara Avenue – Minimum required paving setback to a street is five (5) feet.
3. Applicant is requesting to have 27 parking spaces – Minimum number of parking spaces required is 39.

The motion passed unanimously.

R.O. No. 234-12-13 submitting a communication from Nsight regarding City of Sheboygan ordinances and telecommunications facilities within residentially zoned districts.

Steve Sokolowski requested that the committee hold this matter until such time as the Mr. Weinmann can attend a meeting to discuss.

Todd Wolf moved to hold the item until the next meeting, John Van Der Male seconded.

Being no further business, John Van Der Male moved, Todd Wolf seconded to adjourn the meeting at 4:25 pm. Motion carried.

Janet M Duellman  
Recording Secretary