

**MINUTES**  
**CITY PLAN COMMISSION**

City Plan Commission, Tuesday, December 13, 2011 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, Jerry Jones, John Van Der Male, Ryan Sazama and Don Cvetan

Excused: Ald. Kevin Sampson and Todd Wolf

Staff present: Steve Sokolowski, Chad Pelishek, David Biebel, & James Amodeo

Others present: David Humbracht, Joleen Delker, Deb Humbracht, Frank Schuster, Jennifer Lehrke, Paul Roberts, Jr., Max Martinez & Dan Benson

Approval of minutes of November 29, 2011 meeting.

John Van Der Male moved, Ryan Sazama seconded to approve the minutes of the November 29, 2011 meeting.

Conditional Use Permit application by Anglers Avenue to operate Anglers Avenue Pub and Grill at 518 S. Pier Drive.

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

Anglers Avenue opened on February 26, 2010 at 510 South Pier Drive as a bait and tackle shop featuring the largest selection of Great Lakes fishing tackle in the area. The applicant is looking to expand their business and is requesting to operate Anglers Avenue Pub and Grill from 518 S. Pier Drive.

The menu will include burgers, chicken sandwiches/wings/tenders, hot dogs, brats, variety of different sandwiches and appetizers. Applicant will be looking to obtain a liquor license.

Applicant indicated that they will likely construct outdoor patios behind Angler's Avenue and Angler's Avenue Pub and Grill. Staff stated that the applicant would need to obtain the necessary encroachment permit prior to construction of the outdoor patios. Staff also informed the applicant they would only be able to serve alcohol in the Pub and Grill and on the outdoor patios if they obtained the necessary liquor license permitting them to do so.

Signage will be submitted at a later date.

Denise Jones, owner of Tres Chic Botique located at 522 S. Pier Drive, submitted an email to the Department of City Development indicating she is opposed to the proposal. Mrs. Jones wrote about her concerns about parking for her clientel and concerns about the noise the pub and grill will generate that may impact her business (music, loud talking/laughing). Mrs. Jones stated she does not believe we need a bar on South Pier.

John Van Der Male moved, Ryan Sazama seconded to approve the Conditional Use Permit application with the following conditions:

1. Prior to construction, the applicant shall obtain all necessary permits and licenses including but not limited to building, plumbing, electrical, HVAC, health, food, alcohol, occupancy, etc.
2. Submittal and approval of a proposed landscape plan (including relocation of existing landscaping).
3. Submittal and approval of a proposed storm drainage plan.
4. Dumpster shall be screened and enclosed and constructed of like materials and colors of the facility.
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 lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance.
7. Outdoor storage of materials, products or equipment shall be prohibited.
8. 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.
9. The restaurant and retail shop shall not be permitted to have temporary signage other than what is permitted by Section 15.807 of the City of Sheboygan Zoning Ordinance.
10. If applicant intends on constructing any portion of outdoor patio, decks, awnings, sidewalks, landscaping, etc. within the City of Sheboygan right-of-way and/or public promenade, an encroachment will be required to be obtained. The applicant shall obtain the required encroachment prior to building permit issuance.
11. Applicant may serve alcohol in the restaurant or on the outdoor patio if and only if all required liquor licenses are obtained.
12. If there are any amendments to the approved conditional use permit/site plan, the applicant will be required to submit a new conditional use application reflecting those amendments.
13. If the applicant proposes any new structures and/or any structural changes to the existing shanty structure such as new doors, windows, etc. (any exterior renovations), those changes will require Architectural Review Board review and approval.

The motion passed unanimously.

Conditional Use Permit application by Joleen Delker to operate Integrated Massage Therapy from the dwelling located 1014 Dillingham Avenue.

Joleen Delker, Dave and Deb Humbracht, Frank Schuster and Max Martinez were present to review this matter.

Joleen Delker is proposing to operate Integrated Massage Therapy from her dwelling located at 1014 Dillingham Avenue. Ms. Delker is a licensed massage therapist that will offer several types

of massage. She will operate on an appointment basis with approximately five customers per day and hours of operation from 7:00 AM to 9:00 PM, six days a week. The home occupation will be operated out of 1014/1014A Dillingham Avenue which is a duplex owned by David Humbracht (UOF Properties, LLC). The Plan Commission requires the property to be converted from a duplex to a single-family house.

Frank Schuster a neighbor was present and stated that his only objection is that there are no businesses currently in the neighborhood and felt that this would open the door for other businesses to operate here. Mayor Ryan indicated that any new business would need to submit an application for review similar to what Ms. Delker is doing.

Max Martinez, a neighbor stated he had similar concerns as Mr. Schuster.

Ryan Sazama moved, Don Cvetan seconded to approve the Conditional Use Permit application 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. Prior to operation, the applicant will be required to convert the duplex into a single-family dwelling in order for the applicant to meet the requirements of a home occupation. The applicant will provide the City of Sheboygan Building Inspection Department with the necessary documentation and shall make all required structural changes for such a conversion from a duplex to a single-family dwelling.
3. Prior to operation, the applicant shall obtain all necessary permits and licenses including but not limited to building, plumbing, electrical, HVAC, health, occupancy, etc.
4. The home occupation may only utilize 25 percent of the living area of the dwelling unit you reside in.
5. 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.
6. If the massage therapy business creates a nuisance, the Plan Commission will have the authority to again review the home occupation conditional use permit.
7. If the applicant moves from the present location, the conditional use permit will discontinue immediately.

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. 8<sup>th</sup> St. for the purpose of overhang encroachment.

Jerry Jones moved, Ryan Sazama seconded to hold this request until formal plans are submitted for review. The motion passed unanimously.

Res. No. 115-11-12 approving the Capital Improvements Program recommended by the Capital Improvements, for the program period of 2012 and adopting the program for implementation.

James Amodeo and David Biebel were present. Mr. Amodeo stated that the Capital Improvements Commission has review projects and ranked them to come up with the current list. The City has approximately \$2M in Capital Improvement expenditures in the 2012 budget. The intent is to proceed with the projects totaling \$1,068,000 and reserving the pending projects totaling \$940,000 in case any other opportunities come up through the year related to state or federal funding and a match for the grant is used. If no other projects are identified the pending projects will be implemented.

Jerry Jones moved, Ryan Sazama seconded to approve the 2012 Capital Improvements Program. The motion passed unanimously.

Res. No. 114-11-12 authorizing the appropriate City officials to execute the Reservation of Restrictions required by the DNR Stewardship Program upon the City-owned Gateway Neighborhood Park Parcel (NE corner of N. 10<sup>th</sup> St. and Erie Ave.).

Chad Pelishek stated that this is in relation to the property that the Redevelopment Authority owns behind the Bandage and Filter Company on Erie Ave. and Water Street. In the past, the City purchased this property with DNR grant funds and as a condition of approval, deed restrictions were posted on the property.

After months of working with the DNR, they agreed to transfer the deed restrictions about the property being publically owned to the parkland at the corner of N. 10<sup>th</sup> Street and Erie Avenue, allowing the remnant parcel of land adjacent to the Sheboygan River to be sold to the nearby business.

John Van Der Male moved, Jerry Jones seconded to authorize the execution of the Reservation of Restrictions and send a favorable recommendation back to the Common Council. The motion passed unanimously.

Being no further business, John Van Der Male moved, Jerry Jones seconded to adjourn the meeting 4:40 P.M.

Chad Pelishek  
Recording Secretary