

**CITY OF SHEBOYGAN**  
**CITY PLAN COMMISSION MINUTES**

**Tuesday, October 24, 2023**

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**MEMBERS PRESENT:** Mayor Ryan Sorenson, Marilyn Montemayor, Jerry Jones and Braden Schmidt

**EXCUSED:** Kimberly Meller, Ryan Sazama and Alderperson Trey Mitchell,

**STAFF/OFFICIALS PRESENT:** Program Assistant Ellise Rose

**OPENING OF MEETING**

1. Roll Call

Mayor Sorenson called the meeting to order.

2. Pledge of Allegiance

The Pledge is recited.

3. Identify potential conflict of interest

No committee member had a conflict.

**MINUTES**

4. Approval of the Plan Commission minutes from October 10, 2023.

Motion by Marilyn Montemayor, second by Jerry Jones to approve. Motion carried.

**ITEMS FOR DISCUSSION AND POSSIBLE ACTION**

5. Application for Conditional Use Permit with exceptions by Ramirez and Sons Auto Sales to operate an auto sales, towing and repair shop located at 2044 Calumet Drive

Motion by Marilyn Montemayor, second by Jerry Jones 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, etc. An occupancy permit will be granted only at such time as the applicant has met all requirements.
2. Outdoor storage of materials, products or equipment shall be prohibited.
3. All ground level and rooftop mechanicals shall be screened and/or enclosed and constructed of like materials and colors of the facility (HVAC equipment, etc.).
4. 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.
5. Applicant shall work with staff with regards to appropriate signage. Only at such time as the sign package has been reviewed and approved may the applicant obtain sign permits to install the proposed signage. If staff has any concerns with proposed signage design, the matter may be brought back to the Plan Commission for their consideration.
6. Applicant shall remove all unused signs and all signage referring to previous businesses.
7. 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.

8. If there are to be any remodel/renovations to the exterior of the facility, the applicant will be required to obtain approval from the Architectural Review Board prior to receiving a building permit for such remodel/renovation.
9. If there are any amendments to the approved conditional use permit (including but not limited to site plan, architectural design, use, etc.), the applicant will be required to submit a new conditional use and/or architectural review applications reflecting those amendments.
10. Applicant shall meet all zoning requirements including but not limited to noise, vibration, hazardous materials, etc.
11. Dumpster(s) 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 Slatted (PDS) material in order to effectively screen and enclose the dumpsters. Dumpster enclosure will be completed prior to issuance of an occupancy permit.
12. The applicant may not store any inoperable vehicles on the property
13. Vehicle location shall not cause any type of pedestrian/vehicle conflict or safety issues.
14. In no instance shall the auto repair create a nuisance for neighboring properties (noise, hours of operation, garbage, etc.). If any issue(s) arises, the Plan Commission may again review the conditional use permit.

Motion carried.

6. Application for Conditional Use with exceptions by Partners for Community Development to construct an apartment building located at parcels 59281204550, 5928104560, 5928104570, 5928104580.

Motion by Jerry Jones, second by Marilyn Montemayor 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, storm drainage, health, DNR, State of Wisconsin, 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/approval of a proposed storm drainage plan prior to building permit issuance.
3. Submittal and approval of a landscape plan prior to building permit issuance. Landscape plan shall provide a legend that shows how the four (4) landscape criteria are being met (create a legend along with the landscape plan site plan). Landscaping shall be installed prior to issuance of an occupancy permit.
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, etc.).
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 spillover light onto adjacent properties or the streets.
7. Applicant shall work with staff with regards to appropriate signage. Only at such time as the sign package has been reviewed and approved may the applicant obtain sign permits to install the proposed signage. If staff has any concerns with proposed signage design, the matter may be brought back to the Plan Commission for their consideration.
8. Applicant shall install individual letter signs – no cabinet or flat panel signs.
9. All areas used for parking/maneuvering of vehicles shall be paved.
10. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
11. Any new ingress/egress driveway openings shall be improved to standard City specifications. All existing access drives that are no longer used shall be removed and improved to standard City specifications.

12. Absolutely no portion of the new building and/or site improvements shall cross the property lines including but not limited to buildings, balconies, decks, foundations, walls, gutters, eaves, roof, parking, fencing/retaining walls, signs, landscaping, etc.
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, relocation of street lights, grading, etc.).
14. Applicant will provide adequate public access along all streets and sidewalks and will take all appropriate actions to minimize the time period that adjacent properties and streets/sidewalks are impacted by the development (utilities, streets, etc.).
15. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets.
16. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant.
17. Applicant is responsible for working with all private and public utilities in order to adequately service this apartment complex development proposal (applicant will need to provide the necessary easements and/or relocate utilities as necessary).
18. City Development staff will issue a building permit only if the applicant has adequately satisfied all concerns related to the Sheboygan Fire Department, including but not limited to fire lane access at the site, sprinkler systems, hydrants, water pressures, etc.
19. If applicant leases space to additional tenants, the tenants shall obtain all necessary land use and building approvals/permits prior to occupancy (future tenants, if any)
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.
21. Prior to building permit issuance, the City of Sheboygan Architectural Review Board shall review/approve the proposed building design.
22. If the applicant does not proceed, the applicant shall grade and landscape/grass all private and public lands/property, temporary roads, temporary access drives, etc. 60 days after the City is notified that the applicant is not proceeding. Within this same 60 day period, the applicant shall also be required to remove any permanent/temporary off-premise signage, structures, etc. from this parcel.
23. If there are any amendments to the approved conditional use permit (including but not limited to site plan, architectural design, use, etc.), the applicant will be required to submit a new conditional use and/or architectural review application reflecting those amendments.

Exceptions granted:

- To have 45 parking stalls on site
- From the locational landscaping bufferyard requirements. Landscape Plan still required and required point must be met.
- To have the building height equal to 50.5 ft
- To have a building setback of:
  - Street yard setback varies from 3.4 ft to 6.9 ft
  - Side yard setback varies from 7 ft to 8.7 ft

Motion carried.

7. Application for Site Plan Review by Wisconsin Power and Light Company to construct, own, and operate a 99 MW alternating current, 4-hour battery energy storage system at the site of WPL's Edgewater Generating Station (Parcels 59281321485, 59281321460, 59281321170, and 59281321160).

Motion by Marilyn Montemayor, second by Jerry Jones 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, storm drainage, health, Local, State, Federal, etc.
2. Applicant shall meet all zoning requirements including but not limited to noise, vibration, hazardous materials, etc.
3. Submittal/approval of a proposed storm drainage plan prior to building permit issuance.
4. Outdoor storage of materials, products or equipment shall be prohibited.
5. Fencing shall be installed per Section 105-945 of the City of Sheboygan Zoning Ordinance. Applicant shall work with staff with regards to constructing appropriate and well-designed fence/retaining wall and shall obtain the necessary permits prior to installation. If staff has any concerns with proposed fence design, the matter may be brought back to the Plan Commission for their consideration.
6. All new lighting shall be installed per Section 105-932 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 that will cause nuisances or traffic hazards.
7. Applicant shall appropriately maintain the landscaping on this site.
8. Applicant shall work with staff with regards to appropriate signage. Only at such time as the sign package has been reviewed and approved may the applicant obtain sign permits to install signage. If staff has any concerns with proposed signage design, the matter may be brought back to the Plan Commission for their consideration.
9. 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, grading, etc.).
10. Applicant is responsible for working with all private and public utilities in order to adequately service this development proposal (applicant will need to provide the necessary easements and/or relocate utilities as necessary).
11. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets.
12. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant.
13. All vehicles, equipment, materials, products, etc. shall be located on the applicant's property (no storage on public rights-of-way).
14. If there are any amendments to the approved use permit (including but not limited to site plan, use, etc.), the applicant will be required to submit a new conditional use application reflecting those amendments.

Motion carried.

8. Res. No. 85-23-24 by Alderpersons Mitchell and Perrella vacation the east-west alley east of North 9th Street, located in Block 127 of the Original Plat. REFER TO CITY PLAN COMMISSION

Motion by Jerry Jones, second by Marilyn Montemayor to recommend approval. Motion carried.

## **NEXT MEETING**

9. November 14, 2023

## **ADJOURN**

10. Motion to Adjourn

Motion by Jerry Jones, second by Braden Schmidt to adjourn. Motion carried.

Being no further business, the meeting was adjourned at 4:22 p.m.