

CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: Application for Conditional Use Permit with exceptions by Steve Rau to operate a fitness facility located at 2516 Superior Avenue. SR-5 Zone

REPORT PREPARED BY: Ellise Rose, Program Assistant

REPORT DATE: September 21, 2023

MEETING DATE: September 26, 2023

FISCAL SUMMARY:

Budget Line Item: N/A
Budget Summary: N/A
Budgeted Expenditure: N/A
Budgeted Revenue: N/A

STATUTORY REFERENCE:

Wisconsin Statutes: N/A
Municipal Code: N/A

BACKGROUND / ANALYSIS:

Steve Rau is proposing to operate Razor Fitness, a fitness center, located at 2516 Superior Avenue. The applicant states the following about the project:

- The proposed use for the building located at 2516 Superior Avenue is a fitness facility offering several levels of membership.
- The hours of operation for this business will be 24/7 with members having key code access with paid membership.
- Group fitness classes will only be taught three times per day at 5:30am, 9:00am, and 4:15pm.
- In addition to the facility access that members have we also offer a series of nutritional coaching and personal training.
- We have 67 members at our gym.
- The maximum number of members allowed for a class at a time is fourteen.
- Currently our class maximum size is not to capacity and the busiest time at our facility is typically around 4:00pm.
- We do not have employees; this is a small business run by myself and my wife.
- If allowed, we would like to have an illuminated polycarbonate sign made to display our business name, Razor Fitness. The size of the sign will be determined by City guidelines and available space to place this sign.
- To avoid nuisance issues, we will have parking regulations that all members must follow and a noise restriction on music.
- We will not have any waste removal issues as customers are only in our gym for a brief period. Waste is managed personally by us.

Specific site improvements include:

- If the City will allow our business to occupy this building, we would be renovating the interior to include drywall on the ceiling, tuck pointing all concrete block where needed, replacing current windows (to match same size), new overhead garage doors (matching same size), facial steel sheets for aesthetics only, and cosmetic upgrades inside.

STAFF COMMENTS:

2516 Superior Avenue is zoned Suburban Residential (SR-5) which is a single-family zone. The previous furniture outlet use was considered a legal nonconforming use because a retail use is not a permitted or conditionally permitted use in the Suburban Residential (SR-5) zone. The only way to change a legal nonconforming use is to apply for an exception. Therefore, the applicant is requesting an exception to operate a fitness facility at 2516 Superior Avenue.

The applicant is requesting the following exception:

- Applicant is proposing to operate a legal nonconforming fitness facility at 2516 Superior Avenue – A fitness facility is not a permitted use in the SR-5 Zone.

It is staff understanding that 2516 Superior Ave. has always been used commercially.

There are residences directly to the east of this property (share a common property line). The proposed use shall not negatively impact the residences with regards, to noise, garbage, parking, hours of operation, etc.

The Plan Commission may want to ask the applicant about where members will park because there appears to be minimal off-street parking.

ACTION REQUESTED:

Staff recommends approval of the conditional use with exceptions subject to the following conditions:

1. Prior to building permit issuance, the applicant shall obtain all licenses/permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, hazardous materials, health, water, sewer, storm drainage, 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. If using dumpsters, the dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility. If using chain link fencing, the applicant shall

install Privacy Decorative Slating (PDS) material in order to effectively screen and enclose the dumpster.

3. Outdoor storage of materials, products or equipment shall be prohibited.
4. 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.).
5. 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 and/or streets.
6. Applicant shall obtain the necessary sign permits prior to installation. 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.
7. The maximum sign square footage permitted for a legal nonconforming business is 32sf.
8. Applicant may propose refacing existing cabinet sign.
9. Any other new signage proposed shall be individual letter signs (no flat panel or interior lit cabinet signs). If staff has any concerns pertaining to sign design, staff may bring the proposed sign design back to the Plan Commission for review/approval.
10. Prior to issuance of sign permit, the applicant shall remove all signage referencing the previous business.
11. 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.
12. If the applicant is remodeling the exterior of the building, the applicant shall obtain City of Sheboygan Architectural Review Board approval prior to remodel construction.
13. If there are any amendments to the approved use/site plan, the applicant will be required to submit a new application reflecting those amendments.

ATTACHMENTS:

Conditional Use and required attachments