

CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: Application for Conditional Use with exceptions by Sheboygan Pop Ops, LLC to construct and operate a Popeyes Drive Thru Restaurant at 3207 S. Business Drive (former Ryder Truck). UC Zone

REPORT PREPARED BY: Ellise Rose, Program Assistant

REPORT DATE: July 21, 2023

MEETING DATE: July 25, 2023

FISCAL SUMMARY:

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

STATUTORY REFERENCE:

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

BACKGROUND / ANALYSIS:

Sheboygan Pop Ops, LLC is proposing to construct a new Popeyes Restaurant at 3207 S. Business Drive (former Ryder Truck facility). The applicant states the following about the project:

- Sheboygan Pop Ops, LLC is proposing construction of a 2,604sf Popeyes Restaurant on a newly created parcel at the former Ryder Truck facility.
- Popeyes will be open daily from 10:30 AM – 10 PM.
- The anticipated number of employees is 12-15 per shift with 2 shifts daily.
- The anticipated number of customers is 300 per day or 2,000 per week. This site was selected due to its prominent location on S. Business Drive.
- Weekly deliveries will include two (2) from Sysco (main deliveries) and two (2) from WPS (just poultry). A delivery loading zone is proposed in the rear (east side) of the facility, and an adjoining access easement is proposed for routing delivery trucks through the south drive entrance and into the loading zone. Deliveries typically occur prior to opening between 8AM and 11AM.

Specific site improvements include:

- The proposed restaurant will be 2,604sf in size.

- Provided parking spaces is 29. Required spaces is 28.
- The existing north driveway will be utilized for site access with the existing curb cut and approach remaining in its current state.
- A cross-access easement is recorded between the parcels as well as an access easement from the south property into the loading zone of the north property.
- Sidewalk within the right-of-way along S. Business Drive is remaining unchanged. Private sidewalk around the building is proposed to allow access for customers to the main entrance doors.
- A waste enclosure is proposed to the northeast of the building. Applicant indicates there will be no outdoor storage.
- Stormwater from the site will be directed to onsite storm sewer which will drain to the existing storm sewer located on the south property.
- Landscaping will be provided in accordance with the City ordinance, in an approach which ensures species resiliency and complimentary aesthetics.
- Site lighting will meet the City ordinance in a fashion that provides appropriate light intensity for safety with cut-off fixtures for minimal light trespass.

The applicant states the following about the restaurant architecture:

- Most of the existing buildings near the proposed development are constructed with brick, EIFS and fiber cement. The proposed development follows suit with this exterior façade.
- The front elevation facing S. Business drive is roughly half EIFS and half fiber cement in a wood look vertical panel.
- The side elevations have brick veneer towers along with the rest being constructed out of EIFS. Awnings and the brick veneer towers provide relief from having a continuous material elevation.
- The buildings primary colors are white and brown with the Popeyes Brand Orange and Red providing accents.
- Three (3) roof top mechanical units to be screened by building parapets.

The applicant states the following about signage:

- A ground mounted monument sign is proposed to the west of the proposed building.
- Building signage will be included on the front elevation as you enter the property from S Business Drive.
- Building signage will also be located above the main entrance as you enter the restaurant.

Other general information about the project:

- Construction is planned to commence as soon as possible with an opening in mid-January.

STAFF COMMENTS:

Applicant will be demolishing existing Ryder Truck facilities located on the north side of the property to construct the new drive thru restaurant. The property will need to be in a dustless condition if construction of the restaurant does not immediately take place.

Access to the site is proposed to come from the existing S. Business Drive driveway and will also have a shared access agreement with the new Lot 2 parcel to the south.

The applicant shows conceptual signage and no other sign information. Applicant shall work with staff with regards to constructing a well-designed sign package for the site that utilizes colors and materials similar to the building. Staff may bring the proposed signage design back to the Plan Commission if there any concerns.

Appears there are some contaminated soils on the east end of the property that are intended to remain covered/capped with concrete. Maybe the applicant can address what is taking place on the east end of the property and the timeframe for those contaminants to be mitigated. Once mitigated staff would like to see this property landscaped and/or grassed instead of remaining paved surface.

The Plan Commission may want the applicant to explain the following:

- A little explanation about the Popeyes Menu?
- How did Popeyes select Sheboygan?
- Explanation of drive thru business compared to sit down business.

The proposed Popeyes Restaurant is a nice redevelopment on this former Ryder Truck property and appears to be a nice fit with many of the other commercial restaurants and retail/service establishments located along S. Business Drive. Creating the 2nd parcel will also allow for future commercial development of this property.

Applicant is requesting the following exceptions:

- Requesting a paving variance to be zero (0) feet to the south property line – minimum paving setback is five (5) feet.
- Requesting a variance from the locational landscaping requirements - Applicant shall meet the four (4) locational and bufferyard landscaping requirements.

ACTION REQUESTED:

Staff recommends approval of the conditional use and exceptions 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, storm drainage, health, DNR, 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. Applicant shall obtain all necessary razing permits for all structures to be demolished. Once structures have been demolished, the applicant will maintain the site(s) in a clean and dust free condition.
3. Submittal/approval of a proposed storm drainage plan prior to building permit issuance. If properties are sharing stormwater facilities, the proper agreements/easements shall be officially documented and recorded prior to building permit issuance.
4. 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.

5. Dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility and shall be completed prior to issuance of an occupancy permit.
6. Outdoor storage of materials, products or equipment shall be prohibited.
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, etc.).
8. Any unused mechanical boxes, equipment, etc. shall be removed from the site.
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.
10. 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.
11. Applicant shall install individual letter signs – no cabinet or flat panel signs.
12. Applicant shall be permitted a freestanding monument sign for the site. Minimum setback of a monument sign is 12 feet. Maximum height of the monument sign is eight (8) feet.
13. All areas used for parking/maneuvering of vehicles shall be paved.
14. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
15. The parking lot and drive-through facilities shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
16. 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 all unused driveways shall be closed and improved to standard City specifications.
17. 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.
18. 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.).
19. 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.).
20. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets.
21. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant.
22. All vehicles, equipment, materials, products, etc. shall be located on the applicant's property (no storage on public rights-of-way).
23. 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).
24. City Development staff will issue a building permit only if the applicant has adequately satisfied all concerns related to water and sewer.
25. 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.

26. The Conditional use permit is approved if and only if the City of Sheboygan Department of City Development and/or Planning Commission approve the Certified Survey Map (CSM) reconfiguring lot lines and/or creating the parcels as proposed.
27. City Development staff will sign the proposed CSM only if the proposal exactly matches the approved development plan/property layout. If there are any amendments to the approved site plan and/or parcel configuration, the applicant will have to submit an amended conditional use permit for review by the City of Sheboygan Plan Commission that accurately reflects any and all changes.
28. Prior to building permit issuance, the applicant is responsible for providing all shared agreements/easements between the subject property and adjoining properties including but not limited to ingress/egress, shared access, parking, stormwater facilities, utilities, etc. This easement document shall be officially recorded by Sheboygan County.
29. 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 and the applicant can demonstrate that they are the owner of newly created lot.
30. Prior to building permit issuance, the City of Sheboygan Architectural Review Board shall review/approve the proposed building design.
31. 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 application reflecting those amendments.

ATTACHMENTS:

Conditional Use and required attachments