

CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: Application for Conditional Use Permit with exceptions by Old World Creamery to construct new building additions and off-site parking lot at 1606 Erie Avenue and parcel #59281205060. UI Zone

REPORT PREPARED BY: Steve Sokolowski, Manager of Planning and Zoning

REPORT DATE: April 8, 2022

MEETING DATE: April 12, 2022

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:

Old World Creamery is proposing construct a new addition and off-site parking lot at 1606 Erie Avenue and parcel #59281205060. The applicant states there are five (5) building additions proposed for this project, one (1) new off-site parking lot and relocation of existing truck scale.

1. Wastewater Building Addition – the applicant states:

- The first building addition is between the existing brick building (original building) and the brick/block Intake building. This addition is called **“Wastewater Building Addition”**. The addition roof area is approximately 2,050 sf.
- The wastewater building will be used to manage our new sewerage treatment system. The equipment that will be installed is the most up to date in wastewater treatment equipment. This addition will house the equipment that will help lower the BODs (Biochemical Oxygen Demand), suspended solids and phosphates in our wastewater. Our goal is to be self-sufficient.
- The Wastewater Building Addition will be constructed of prefinished concrete tip up panels of tan color to match existing brick colors as close as possible.

2. Intake Building Addition:

- The second building addition is called the **“Intake Building Addition”** and is located on the east side of the existing Intake Building. This is also next to and north of the Wastewater Infill Building Addition. Semi tractors and tanker trailers are backed into the Intake Building to unload. Four (4) additional feet will be added to the building to allow

for the overhead garage door to close when the trailer is attached to the tractor. Currently the trailer is disconnected from the tractor during the unloading process so the overhead door can be closed. The front of this building addition will line up with the Wastewater Infill Building Addition.

- Intake Building is a short extension of the existing intake building, which will allow us to close the overhead doors when we are unloading cream or milk. This is a requirement by the Department of Agriculture. Currently, we do not have the depth to this building and therefore we must unhook semi-tractors in order to close the door.
- Intake Building Addition – To be constructed of prefinished concrete tip up panels of tan color to match existing brick colors as close as possible.

3. Production Building Addition:

- The third building addition is called the **“Production Building Addition”** and is located on the east side of the existing production building. The location of the proposed addition is in the area of the old and unused loading dock. The area is concrete and asphalt surfaces. The addition roof area is 11,340sf. There are two (2) required emergency exits doors. One is located on the north side of the addition along St Clair Avenue and the second is located on the east side of the addition along N 16 Street.
- Production Building Addition is to manage our buttermilk demand. Buttermilk is a by-product from making butter. We are installing equipment that will remove all solids from the buttermilk. We will then be blending the buttermilk solids with milk to manufacture a cheese product. There will also be equipment added to manufacture cheese.
- Production Building Addition will be constructed of prefinished concrete tip up panels of tan color to match existing brick colors as close as possible.

4. Silo Building Extension:

- The fourth building addition is called the **“Silo Building Extension”**. This will connect the existing silo building to the proposed Production Building Addition. The extension roof area is approximately 73sf.
- Silo Building Extension is a connection/walkway between the existing silo alcove and the new cheese manufacturing building.
- Silo Building Extension – To be constructed of same materials as existing (face brick) colors to match as close as possible.

5. Infill Building Addition:

- The fifth building addition is called the **“Infill Building”** and is located to the South of the Production addition, which will be used for the storage of products and consists of approximately 3,375 sf.
- Infill Building Addition will be constructed of prefinished concrete tip up panels of tan color to match existing brick colors as close as possible

6. Parking Lot:

- The employee count on the largest shift is 18. With the building additions, there is an anticipated additional employment of 5 people, for a total of 23. Therefore, a minimum of 23 spaces are required for this development (1 per employee on the largest work shift). The existing parking lot located on-site and at the northwest corner of the project site allows 18 parking spaces.
- There is a vacant residential lot where a house was recently razed to the northeast of the Old World Creamery site. It is located at the southeast corner of the N. 16th Street and St Clair Avenue intersection. This lot is proposed to be used for additional parking. Entrance to the off-site parking lot is from N. 16th Street, similar to the razed house drive entrance. The surface will be asphalt pavement with a concrete drive entrance approach. The proposed lot will provide eight (8) standard parking spaces.
- One (1) handicap parking space will be relocated to the west side of the entrance to the retail shop located along Erie Avenue.
- This provides a total of 27 onsite and off-site parking spaces (18 existing spaces + 8 new off-site parking spaces + 1 relocated handicap space = 27 parking spaces).

7. Existing Truck Scale Relocation:

- With the proposed Production Building Addition, the existing truck scale located at the northeast corner of the parcel will have to be relocated north of the Production Building Addition. The scale allows the tractor and the tanker trailer to be weighed. The entrance approach is concrete and is along N. 16th Street. The exit is concrete and along St. Clair Avenue. This is similar to the existing scale ingress and egress.
- The routing of the tractor and trailer is north bound on N. 16th Street. Then travel onto the scale and exit on St. Clair Avenue. Then the tractor continues along west along St. Clair Avenue, south on N. 17th Street, east on Erie Avenue, and north of N. 16th Street. Then the tractor and trailer backs into the Intake Building to unload.

Access to the facility will remain as currently shown. Products will arrive and be shipped via both straight trucks as well as semi- tractor trailers. It is our intent to handle the shipping and receiving during our normal hours of operation. However, due to the nature our products and the sensitivity to heat, there may be times when receiving takes place after normal hours.

Site lighting will be limited to wall mounted fixtures that match existing.

Old World Creamery is part of a 4th generation family-owned cheese, butter, and dairy manufacturing company that got its start in 1912. The company purchased the old Verifine Dairy Products building in Sheboygan in 2016 and began to manufacture butter from cream at this location. The butter products manufactured here include their line of salted and unsalted butter as well as salted and unsalted Irish butter.

STAFF COMMENTS:

The applicant is requesting several exceptions for the building, scale and parking lot. Based on those requests, staff will be including a condition of approval that requires the applicant to reinstall curb, gutter, sidewalk etc. within the N. 16th Street right-of-way adjacent to the production facility. This area is all hard surface due to this being the former loading/unloading dock. Reinstalling this section of curb, gutter, green boulevard, etc. will improve this section of N. 16th Street along the facility.

The applicant discusses reconstructing the truck scale due to the proposed additions. It appears that the applicant is proposing to utilize a portion of the City of Sheboygan St. Claire Avenue public right-of-way for part of the truck scale entrance off of N. 16th Street. In order to utilize this area of public right of-way, the applicant will be required to obtain an encroachment permit (small triangle at the northeast corner of the property).

Applicant is proposing to install a six (6) foot tall fence to screen the house located at 1529 St. Clair Avenue from the off-street parking area.

Old World Creamery is somewhat limited in terms of land and appears to be adding structures where space allows and where the additions function well with their internal production.

The Plan Commission may want to have the applicant address:

- The approximate timeframe of project – begin, complete, etc.
- How do semi-trailers access the site (scale, loading, unloading, etc.)?
- What is the applicant's intention regarding the fence to be installed on the off-street parking lot (fence to screen the parking lot from the house at 1529 St Clair Avenue)?
- Does Old World Creamery have plans for other potential structures and/or improvements in the future?

The applicant is requesting the following exceptions:

- Production Building Addition to be 10 feet to the east/N. 16th Street property line and six (6) feet for required emergency door and stairs - the minimum building setback to a front/street yard is 25 feet.

The zoning code for the street building setback is 25 feet along N. 16th Street. In comparison the existing brick building closest to the property line along N. 16th Street is 13.95 feet. The existing and proposed buildings are not parallel with the property line along N. 16th Street, therefore the actual setback distances to the buildings will vary. The Production Building Addition will be closest to the property line with a distance of 10.14 feet. The production equipment determines the size of the building. There will be a required emergency door with stairs along the east side of the building addition. This will be 6.18 from the property line.

- Production Building Addition to be 21 feet to the north/St. Clair Avenue property line and 16 feet for required emergency door and stairs - the minimum building setback to a front/street yard is 25 feet.

The zoning code for the street building setback is 25' along St. Clair Avenue. In comparison the existing brick building closest to the property line along St. Clair Avenue is 21.93 feet. The proposed Production Building Addition will be almost parallel to the property line and will be 21.96 feet to the property line at the closest point. The building addition is an extension of the existing building. There will be an emergency door with stairs along the north side of the building addition. This will be 16.97' from the property line.

- Intake Building Addition to be 14 feet to the to the east/N. 16th Street property line - the minimum building setback to a front/street yard is 25 feet.

The zoning code for the street building setback is 25 feet along N. 16th Street. In comparison the existing intake building is approximately 18 feet to the N. 16th Street property line. The existing and proposed buildings are not parallel with the property line along N. 16th Street, therefore the actual setback distances to the buildings will vary. The production equipment determines the size of the building.

- Wastewater Treatment Addition to be 13.95 feet to the to the east/N. 16th Street property line - the minimum building setback to a front/street yard is 25 feet.

The zoning code for the street building setback is 25 feet along N. 16th Street. In comparison the existing facility south of this addition is approximately 13.95 feet to the N. 16th Street property line. The existing and proposed buildings are not parallel with the property line along N. 16th Street, therefore the actual setback distances to the buildings will vary. The production equipment determines the size of the building.

- Truck Scale to be zero (0) feet to the property line – Minimum paved surface setback is to the property line.

The zoning code for the street pavement setback is five (5) feet along St Clair Avenue. The existing truck scale will have to be relocated. In comparison, the existing truck scale location is encroaching on the road right-of-way. Considering the grade elevations for the relocated scale and the required truck turning radius, the scale will be positioned along the property line with a zero (0) foot setback. If the scale was positioned closer to the building, the smaller truck turning radius would cause interference between the trailer and the building corner.

- Off-site parking lot pavement setback of five (5) to the St Clair Avenue and N. 16th Street property lines – Minimum paving setback in the NR-6 zone is 10 feet to the property line.

The zoning code for the pavement street setback is 10' along St. Clair Avenue and N. 16th Street. The proposed parking lot is dimensioned with standard 10' x 20' stalls and a 24' wide travel lane and entrance. There is 5' wide x 24' long backup lane on the north end of the parking lot. The parking lot is positioned 11' from the east residential property line and 14.65' from the south residential property line. The parking lot is also positioned further north to allow clearance between the proposed parking lot entrance and the existing residential driveway to the south. The distance from the east property line and pavement

edge will allow for landscaping. The remaining setback distances from the asphalt pavement to the property line along the two streets is five (5) feet.

- Requesting a 7% landscape ratio – Minimum landscape ratio is 10%.

The zoning code landscape surface ratio is a minimum 10% for the Old World Creamery parcel. In comparison the existing landscape surface ratio is approximately 7%. The landscape surface ratio after the building additions and scale relocation will remain approximately 7% because the building addition locations are in areas of existing asphalt and concrete.

- Requesting an exception from the locational landscaping and bufferyard requirements - Applicant shall meet the four (4) locational landscaping and the number of points required.

The zoning code for the landscape points have location requirements. Because there is not green space available in specific areas. Most plantings will be on the east side of the Production Building Addition, the proposed parking lot, and on the parcel not adjacent to the building additions.

ACTION REQUESTED:

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

1. Prior to operation/occupancy, the applicant shall obtain all licenses and occupancy permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, water, sewer, health, food, State of Wisconsin, hazardous materials, etc. An occupancy permit will be granted only at such time as the applicant has met all requirements.
2. Applicant shall obtain all necessary permits for the construction, the storage and the handling of hazardous chemicals and/or fuels (applicant shall be in contact with building inspection, fire department, etc.).
3. The facility will meet all zoning requirements including but not limited to noise, smells, vibration, hazardous materials, etc.
4. Submittal/approval of a proposed storm drainage plan prior to building permit issuance.
5. Submittal and approval of a landscape plan prior to building permit issuance. Landscaping shall be installed prior to issuance of an occupancy permit.
6. If using dumpsters, the dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility.
7. Outdoor storage of materials, products or equipment shall be prohibited.
8. 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.).
9. 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.
10. Applicant shall obtain the necessary sign permits prior to installation.
11. Applicant shall install individual letter signs – no cabinet or flat panel signs.
12. Fencing shall be installed per Section 15.720(3)(c) of the City of Sheboygan Zoning Ordinance. Applicant shall work with staff with regards to constructing appropriate and well-designed fence 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.

13. The installation of the six (6) foot tall fence on the east property line of the off-site parking lot shall start/terminate at the northwest corner of the home located at 1529 St. Clair Avenue (no closer to the street yard than the northwest corner of the home).
14. All areas used for parking/maneuvering of vehicles shall be paved.
15. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
16. Any new ingress/egress driveway openings and any drives to be closed or modified shall be improved to standard City specifications.
17. 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.).
18. Absolutely no portion of the new building and/or site improvements shall cross the property line (buildings, parking, retaining walls, signs, landscaping, etc.).
19. Applicant shall be required to obtain the necessary encroachment to utilize and improve St. Clair Avenue public right-of-way for the truck scale (including, but not limited to ingress/egress, parking, driveway openings, curb, gutter, sidewalk, pavement, utilities, landscaping, grading, etc.). Applicant shall work with City Development and Engineering staff to determine the specifications that the proposed improvements shall meet. No building permits shall be issued until such time as the encroachment has been obtained.
20. 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.
21. 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.).
22. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets.
23. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant.
24. All Semi-trucks shall use designated truck routes in the City of Sheboygan.
25. City Development staff will issue a building permit only if the applicant has adequately satisfied all concerns related to the Sheboygan Water Utility.
26. 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.
27. Applicant shall be required to obtain the required approval for future additions and/or improvements to the facility/property (conditional use permits, building permits, etc.).
28. Prior to building permit issuance, the City of Sheboygan Architectural Review Board shall review/approve the proposed building design.
29. If there are any amendments to the approved use and/or site plan, the applicant will be required to submit a new site plan and/or conditional use application reflecting those amendments.

ATTACHMENTS:

Conditional Use and required attachments