

## CITY OF SHEBOYGAN

### REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

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**ITEM DESCRIPTION:** Application for Conditional Use Permit with exceptions by Nap4, LLC to operate a NAPA Auto Parts Store at 3619 Washington Avenue S. Frontage Road. SC Zone

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

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**REPORT DATE:** April 21, 2023

**MEETING DATE:** April 25, 202

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#### FISCAL SUMMARY:

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

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#### STATUTORY REFERENCE:

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

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#### BACKGROUND / ANALYSIS:

Nap4, LLC is proposing to relocate and operate a NAPA Auto Parts Store at 3619 Washington Avenue S. Frontage Road which is the former Dalton Carpet facility/site. The applicant states:

- S&A LLP ("Owner") is the owner of the Property. Geneva Pacific Development Fund NAP4 LLC ("Purchaser") is under contract to purchase the Property. Purchaser will be leasing the Property to Motor Parts & Equipment Corporation ("MPEC"). Owner has authorized Purchaser to seek a variance as noted below.
- The building on the property was constructed in 2000 for "indoor sale and services" as a Dalton Carpet Store. The building is 10,303 square feet. If purchaser acquires the property, MPEC will use the property for retail sales of auto parts (excluding any auto services like oil changes or battery installation).
- The retail sales area for the building will be around 2,500 square feet with the remainder of the building being used to store inventory and ancillary office uses. No expansion or change in the footprint of the building will be made with only general fixturing, painting and similar improvements for inside the building being made. Owner will obtain any and all required permits for such work and thereafter obtain an occupancy permit as required by Code.
- When the Property was originally developed by the owner in 2000, the Planning Commission approved the property with 20 parking spaces.
- The property was constructed with and presently contains 18 parking spaces. The existing zoning code was in existence when the property was constructed. The existing zoning

Code requires one space per 300 square feet of gross square footage. This would require 34 parking spaces.

- Although we are excited about having a NAPA auto parts store in Sheboygan at this location and feel it will be a successful business, without this variance, we are not sure we will be able to purchase the property. We appreciate the Commission's help in trying to address this situation.

NAPA Auto Parts is your source for quality automotive parts for your car or truck. Let us use our knowledge to help you find the right vehicle battery, brakes, filters, headlights, wipers and other parts needed to get your job done. We also stock tools, equipment and many other items for cars, heavy-duty trucks, boats, RVs and tractors.

### **STAFF COMMENTS:**

A couple of comments:

- The dumpster enclosure/screening fence by the loading dock is damaged and will either need to be repaired and/or removed. Any dumpster NAPA intends on using shall be screened and enclosed. In addition, there are some pallets and miscellaneous materials that need to be removed from the property in this same location.
- NAPA is presently located in the multi-tenant facility located at 2817 S. Business Drive. NAPA presently has a temporary banner affixed to City street trees in the City of Sheboygan S. Business Drive right-of-way. This temporary banner shall be removed immediately.

The applicant is concerned that the present facility does not meet the minimum required parking requirements for this proposed retail use. Thus, before purchasing the site Nap4, LLC is seeking an exception to the minimum parking space requirements:

- Requesting an exception to maintain the existing 18 parking spaces at the site – The minimum number of onsite parking for a retail use is 34 (one space per 300 square feet of gross square footage).  $10,303\text{sf} / 300\text{sf} = 34$  parking spaces.

The applicant believes the exception is justified for the following reasons:

- The Property has been used for 22 years for indoor sales and services with 18 parking spaces. The City issued an occupancy permit on the basis of the existing parking spaces and has, since the building was constructed, permitted such use with 18 parking spaces. To our knowledge, there have been no parking issues or lack of parking for the property.
- The permitted "indoor sales and service" use of a NAPA Auto Parts Store will not require any parking in addition to what has been needed at the property for the last 20 years. We are requesting a formal variance of the required number of parking spaces for the property to allow 18 parking spaces. We request that such variance apply for so long as the building is used for "indoor sales and services".

### **ACTION REQUESTED:**

Staff recommends approval of the conditional use permit 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, health, etc. An occupancy permit will be granted only at such time as the applicant has met all requirements.
2. The present dumpster screening fence is in disrepair and shall be appropriately repaired/replaced. New dumpster(s) shall be screened/enclosed/gated and constructed of like materials and colors of the facility and shall be completed prior to issuance of an occupancy permit. Applicant shall work with staff with regards to appropriate location and design of enclosure.
3. Outdoor storage of materials, products or equipment shall be prohibited. Applicant shall immediately remove all pallets and miscellaneous materials adjacent to the loading dock.
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 (site lighting, building lighting, signage, etc.). There shall be no spillover light onto adjacent properties or the streets.
6. 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.
7. Proposed and future signage at this property/facility shall be individual letter signs (no flat panel or interior lit cabinet signs).
8. 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 8 feet.
9. Applicant shall remove all unused signs and all signage referring to previous businesses.
10. NAPA shall immediately remove temporary banner affixed to City street trees at their present location at 2817 S. Business Drive (city street trees in public right-of-way).
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 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.
13. Building/occupancy permits shall be issued only at such time as the applicant can provide documentation that they own the parcel.
14. The approval is for retail use and not for any vehicle repairs, services, etc. Any future/additional uses of the facility/property (such as multi-tenant facility), additions, site improvements, etc. may require conditional use permit and architectural review.
15. 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.

## **ATTACHMENTS:**

Conditional Use and required attachments