

CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: Application for Conditional Use Permit with exceptions by Kamlesh Brahmbhatt to remodel the existing vacant carwash section of the building into additional dining and kitchen space at the BP Service Station located at 905 Erie Avenue. CC zone

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

REPORT DATE: February 24, 2023

MEETING DATE: February 28, 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:

Kamlesh Brahmbhatt is proposing to remodel the existing vacant carwash portion of the building into additional dining and kitchen space at the BP Service Station located at 905 Erie Avenue.

The applicant states the following about the existing business:

- The existing business is operating as a convenience store and service station. Current business activities include gasoline sales, grab and go snacks and beverages. The west portion of the building includes an abandoned carwash bay.
- There is on-site parking at the gas pumps, several spaces in front of the building and a parking lot located at the southwest corner of the property (rear of facility near car wash).

The applicant states the following about the proposed changes to the business/property:

- The existing building orientation, fuel canopy and site lighting design and overall characteristics will remain as is.
- The goal of the project is to convert the abandoned carwash into a small Indian restaurant (new dining and kitchen area). The restaurant/kitchen space is approximately 1,160sf.
- The renovations will occur mostly within the existing carwash building walls; no additions are planned as part of this project. The interior will be redone to mirror a chic and comfortable dining place with plenty of décor.
- In the front near the entrance will be customer seating for approximately 25 people.

- The back of the house is where the kitchen, preparation, dish washing and storage will occur (freezer, refrigerator, ovens, deep fryers, prep and wash stations, etc.).
- Included in the floor plan is a service counter and a bathroom that can be utilized by both guests and employees.
- The exterior of the building will be improved by removing the equipment on the roof, replacing the entrance door/wall with complete glass, adding some small windows and outside walls will be painted a solid color.
- There will be some minor exterior improvements that include:
 - New aluminum frame, insulated clear glass entrance with side lites and new metal awning.
 - There will be new signage
 - There will be new lighting
 - Replace existing door with new door on east side of the restaurant.
 - New small windows on east and west sides of the building.
 - Will remove existing metal wall panels on the south side of the carwash and replace with similar materials as existing wood panels on adjacent exterior storage and cooler enclosure screen fence.
 - Remove miscellaneous mechanical equipment on the roof that is no longer used.
- Applicant will be removing dumpster presently located at the northwest corner of the carwash facility so patrons can walk from the parking lot to the restaurant. The new dumpster is proposed to be located on the south side of the restaurant (rear of building facing alley).
- This restaurant will be a fast food, casual dining restaurant, where most of the orders will be to-go or for delivery, but can seat 10 to 14. It will focus on authentic Indian dishes, in hopes of diversifying the flavors of Sheboygan. Costs will be kept low by training all seven (7) food-preparing and serving staff. Thanks to the location, we expect fast growth and great marketing through word of mouth.
- There is a section of guardrail/fence missing where vehicles use to exit from the carwash to the alley. This section of guardrail/fence will be reinstalled and shall match in terms of design, materials and color.
- There is also some graffiti on the retaining wall by this missing guardrail/fence that shall be removed.

STAFF COMMENTS:

A couple of other comments the Plan Commission may want the applicant to address:

- The applicant indicates they will be relocating the dumpster enclosure to the rear of the building there is no discussion about the materials that will be used to construct the dumpster. The Plan Commission may want to have the applicant explain the design/materials of the dumpster enclosure and the timeframe in which the dumpster enclosure will be completed by. A condition of approval will require a date certain the enclosure needs to be completed by.

- The applicant gives examples of what signage may look like but a sign package has not been submitted at this time. 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.
- Applicant indicates there will be new exhaust vents for kitchen hoods that may be placed on the rear or the rooftop. Staff will be recommending a condition of approval that requires all kitchen exhaust shall vent through the roof of the building so all exhaust goes straight up into the air. Also, if the new rooftop mechanicals are visible they will need to be screened.
- There is quite a bit of mechanicals on the rooftop of this former car wash facility. Staff will be recommending that all unused roof top mechanicals are removed and any new rooftop units, venting, etc. to be installed shall be screened.
- Is the applicant proposing to sell alcohol?

There are a number of site issues that will need to be addressed including:

- Temporary cigarette signage on pipe bollards.
- Temporary cigarette signs on the convenience store window.
- Temporary signage on light poles (NW corner) and poles by monument sign (NE corner).
- Old weathered shed on east side of building by retaining wall needs to be repainted and/or removed.
- Ice-cooler and propane tanks
- Stone/gravel by property line fence at the NW corner of carwash bay.
- Graffiti and missing guardrail on rear/alley side retaining wall for former carwash exit.
- Unmaintained landscaping by monument sign at very visible 9th and Erie intersection.

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, storm drainage, health, food, alcohol, etc. An occupancy permit will be granted only at such time as the applicant has met all requirements.
2. Applicant shall obtain the necessary liquor license in order to serve alcohol. Applicant may serve alcohol if and only if all required liquor licenses are obtained.
3. 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.).
4. Dumpsters and/or grease receptacles 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 the dumpster. Applicant shall submit final dumpster enclosure plans and location to staff for review. Dumpsters shall be screened and enclosed prior to issuance of an occupancy permit or by July 28, 2023.

5. Missing section of guardrail/fence shall be reinstalled and shall match in terms of design, materials and color. Guardrail/fence shall be installed by July 28, 2023.
6. Graffiti on rear retaining wall shall be removed by July 28, 2023.
7. Old shed shall be removed or repainted by July 28, 2023.
8. Outdoor storage of materials, products or equipment shall be prohibited.
9. All unused rooftop mechanical equipment shall be removed.
10. 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.).
11. All kitchen exhaust shall vent through the roof.
12. The kitchen/restaurant and service station shall meet all zoning requirements including but not limited to noise, vibration, hazardous materials, etc.
13. 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.
14. 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.
15. Applicant shall install individual letter signs for future signage – no cabinet or flat panel signs.
16. Prior to sign permit issuance, applicant shall remove various types of temporary signage located throughout the site on the light poles, poles near monument sign, bollards near convenience store, building walls/windows, etc.
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, patio, 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, sidewalks and alley and shall 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 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).
21. The applicant shall construct the exterior renovations per the plan submitted and approved by the Plan Commission. However, if staff has any concerns with the design, the matter may be brought back to the Plan Commission for their consideration.
22. If there are to be any changes from the plans for the 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.
23. Any future/additional uses of the facility/property such as additional tenants, additions, site improvements, etc. may require conditional use permit, architectural review, occupancy permit, etc.
24. 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