

CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: Application for Conditional Use Permit with exceptions by Joel Pipkorn to construct a five-unit townhome building on the east side of S. Business Drive (parcel # 59281430782). UR-12 Zone

REPORT PREPARED BY: Ellise Rose, Associate Planner

REPORT DATE: September 12, 2024

MEETING DATE: September 24, 2024

FISCAL SUMMARY:

STATUTORY REFERENCE:

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

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

BACKGROUND / ANALYSIS:

Joel Pipkorn is proposing to construct a five-unit townhome building on the east side of S. Business Drive south of Washington Avenue. The applicant states the following:

- The current site used to be the location of a hotel. The buildings have since been demolished, and what is left is the hard asphalt drive surface and concrete pool/pool deck.
- The site is to be used for a single building, that will house a 5-unit, 2-story condo. The site was selected because it was a good and attractive location for new condo's, plus there is residential area surrounding the site.
- The building will have 5 livable units, which is a 2-story style. Kitchen, dining, living, and garage on lower level. Primary bedroom plus 2 other bedrooms are on the 2nd story.
- Each unit is 996 sqft on the first floor and 996 sqft on the second floor.
- Total building footprint is 5,023 sqft.
- Landscape area is 2,023 sqft.
- Existing paved parking area to remain is 21,010 sqft.
- Existing paved parking area to be removed is 11,150 sqft.

- Existing concrete pool/pool deck area to remain is 3,750 sqft.
- Total pre-development impervious area is 36,745 sqft.
- Proposed new parking/drive area is 8,460 sqft.
- Total post-development impervious area is 44,613 sqft.
- Total parcel area is 96,550.94 sqft.
- The parcel this land will be on is about 2.2 acres. There will be only 1 building on this parcel, using the existing ingress/egress off S. Business Drive. The front of this building faces north.
- There is a 24' wide drive from the street opening to this building.
- The building has 1 attached parking garage per unit, and there will be 4 parking stalls, plus 1 HC stall.
- The building will have dark grey asphalt roof shingles.
- The siding will be a medium grey LP Smartboard panel with board-n-batten stripes.
- The front/north side indents will be white siding.
- The windows and trim will be white.
- The building materials will blend well with the adjacent apartments.
- There is minimal building lighting at the front entrances and garage.
- Each unit will have its own garbage container.
- Only A/C condensers will be located outside. These condensers will be screened with landscaping.
- The access is adequate, and the parking is equal to or over the required amount as required per the ordinances. There will be a single car garage for each unit, with a space in front of the overhead doors. Overflow parking will be accessed across the driveway to the north.
- There will be no new signage.
- The project value is \$1.5m. The timeline of construction is October 2024 – May 2025.
- All 4 sides of this site have existing residential properties. Either single family or multi-family.

The applicant is requesting the following land use exceptions/variances:

- Requesting a variance from the street yard setback requirements – required setback is 30 feet. Applicant is requesting a 0 foot street yard setback.

There is a second parcel directly to the west of the main parcel that is also owned by the developer, but is in the Town of Wilson. Because of this, the parcels cannot be combined to meet the setback requirements.

- Requesting a variance from the locational and bufferyard landscaping requirements - Applicant shall meet the four (4) locational landscaping requirements.

STAFF COMMENTS:

It is the developer’s intent to construct additional townhome buildings in the future, but is currently only proposing one 5-unit building.

When the previous building that stood on this property burned down and was then demolished, the concrete drive and pool/deck remained and is currently in a state of disrepair. Staff is recommending a condition that concrete and gravel surfaces that are not being improved are removed and are landscaped with grass and/or approved landscaping.

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, State of Wisconsin, 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 is responsible to ensure that the proposed buildings are meeting all Federal, State and Local codes pertaining to hazardous materials and contamination.
3. Submittal/approval of a proposed storm drainage plan 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. In addition to the landscape plan, applicant will work with staff with regards to installation of street trees along the property’s street frontages (number, type, location, etc.). The street trees will be provided on the landscape plan and are in addition to the required development landscape plan points (not counted as landscape plan points). If any street trees are removed for the project, the applicant will be required to reinstall those street trees.
6. Concrete and gravel surfaces that are not being improved, including, but not limited to, the existing drive and concrete pool/deck, are to be removed and landscaped with grass and/or approved landscaping.

7. Outdoor storage of materials, products or equipment shall be prohibited.
8. Any fencing/retaining wall shall be installed per Section 105-945 of the City of Sheboygan Zoning Ordinance.
9. All new lighting shall be installed per Section 105-932 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. All areas used for parking/maneuvering of vehicles shall be paved.
11. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
12. 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 improved to standard City specifications.
13. Absolutely no portion of the new building shall cross the property lines including but not limited to buildings, balconies, decks, foundations, walls, gutters, eaves, roof, parking, fencing/retaining walls, signs, etc.
14. 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, relocation of street lights, grading, etc.).
15. 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.).
16. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets.
17. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant.
18. 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).
19. City Development staff will issue a building permit only if the applicant has adequately satisfied all concerns related to the Sheboygan Water Utility.
20. 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.
21. Prior to building permit issuance, the City of Sheboygan Architectural Review Board shall review/approve the proposed building design.
22. If the applicant does not proceed with either phase, the applicant shall grade and landscape/grass all private and public lands/property, temporary roads, temporary access drives, etc. 60 days after the City is notified that the applicant is not proceeding. Within this same 60 day period, the applicant shall also be required to remove any permanent/temporary off-premise signage, structures, etc. from this parcel.
23. 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 application reflecting those amendments.

ATTACHMENTS:

Conditional Use and required attachments