

**CITY OF SHEBOYGAN**

**REQUEST FOR PLANNING COMMISSION CONSIDERATION**

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**ITEM DESCRIPTION:** General Development Plan amendment by Malibu Apartments, LLC to construct the Malibu Apartments on parcel 59281318390. PUD Planned Unit Development Zone.

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**REPORT PREPARED BY:** Ellise Rose, Associate Planner

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**REPORT DATE:** September 12, 2024

**MEETING DATE:** September 24, 2024

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**FISCAL SUMMARY:**

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

**STATUTORY REFERENCE:**

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

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**BACKGROUND / ANALYSIS:**

Today the Plan Commission will be reviewing the amendment to the Malibu Apartments General Development Plan (GDP) for property located at parcel #59281318390.

The applicant states the following about the amendment to the Malibu Apartments project:

- Following recent consultations with local residents and members of the kite surfing community, we have decided to revise our site plan to enhance the project further and better serve the community's needs. We believe these adjustments will improve both the functionality and aesthetic of the development.

- Below, is outlined the proposed changes along with the rationale behind each:

- Relocation of the Building: We propose moving the building 5 feet westward and 6 feet northward. This adjustment aims to increase the distance between the building and the beach, preserving open space and minimizing impact on the natural surroundings. Additionally, this change will accommodate the planned cul-de-sac on Clara Avenue.

The original proposal allowed for a 5' pavement setback on the west side of the property. By shifting the building west 5', the pavement will now be setback 2.5' on the west side. On the south side of the property the building will now be 31.7' from the property line. This will allow for perpendicular parking and a cul-de-sac on Clara Avenue.

- Parking Garage Entrance Relocation: We intend to shift the entrance of the parking garage to the west side of the building. This modification will enhance public street parking availability on Clara Avenue and reduce garage traffic in the vicinity of adjacent

properties on the south side of Clara Avenue. Please note that the surface parking lot will retain its two entrances/exits, one on 7th Street and one on Clara Avenue.

In the original proposal, entrance into the 1<sup>st</sup> floor parking stalls happened off of Clara Avenue. This entrance will now be off of S. 7<sup>th</sup> St.

- Elevation Adjustment: We propose increasing the building's elevation by 3 feet to ensure it remains well above the new floodplain elevations. This adjustment will require the addition of new clean fill, potentially reducing the amount of contaminated fill that needs to be removed.
- New Public Parking and Cul-De-Sac: By moving the building as mentioned above, the city can incorporate perpendicular public parking along Clara Avenue and establish a cul-de-sac at its end. This will necessitate an easement for the city right-of-way. This will be a large enhancement to the current public access point at the end of Clara.

The original proposal did not include additional parking along Clara Ave, just the existing parallel street parking. This amendment creates 16 perpendicular parking spaces along Clara Ave.

- Removal of Commercial Restaurant Space: Although we recognize the potential benefits of a restaurant for both tenants and the community, we currently do not have an operator for this space. We believe it is more prudent to allocate this area for beachfront units.

The original proposal had a 3,758 sf commercial space in phase 1. This amendment eliminates the commercial space and reconfigures the 1<sup>st</sup> floor to include walk up units.

- Reconfiguration of 1st Floor Units: We propose relocating the 1st-floor units from the west side (7th Street) to the east side (Lake Michigan) to maximize lakefront views. The revised layout will feature two 3-bedroom units and two 2-bedroom walk-up units on the beachside, with two 1-bedroom units on Clara Avenue. The total unit count remains unchanged at 157.

The original proposal had five 1-bedroom units, and two 2-bedroom units on the first floor along S 7<sup>th</sup> St. The amendment two 3-bedroom units and two 2-bedroom walk-up units on the beachside, with two 1-bedroom units on Clara Avenue and one 1-bedroom unit on S 7<sup>th</sup> St.

### **STAFF COMMENTS:**

If the Common Council approves the amendment to the General Development Plan, the applicant needs to be aware that the amended Specific Implementation Plan will need to be reviewed and approved by the Common Council prior to construction of the Malibu Apartments.

## **ACTION REQUESTED:**

Motion to recommend the Common Council approve the amended General Development Plan subject to the following conditions:

1. Prior to building permit issuance, the applicant shall obtain all licenses/permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, water, sewer, storm drainage, health, 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. Submittal and approval of a proposed storm drainage plan prior to building permit issuance.
3. Dumpster enclosure shall be completed prior to issuance of an occupancy permit for the apartment building to be occupied.
4. Outdoor storage of materials, products or equipment shall be prohibited.
5. 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.).
6. All areas used for parking/maneuvering of vehicles shall be paved.
7. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
8. Any new ingress/egress driveway openings and any drives to be closed or modified shall be improved to standard City specifications.
9. 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.).
10. 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.).
11. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets.
12. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant.
13. 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, art, etc.
14. Applicant is responsible for working with all private and public utilities in order to adequately service this development (applicant will need to provide the necessary easements and/or relocate utilities as necessary).
15. 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.
16. Owner/Developer and City understand that the landscape plan is to be installed in phases.
17. Owner/Developer is responsible for installation of the entire approved landscape plan. If the owner/developer elects to amend the landscape plan in any fashion, the owner/developer shall resubmit an amended plan to Department of City Planning & Development for approval.

18. Plantings located around all ingress/egress of the site shall be maintained to not interfere with vehicular/pedestrian traffic.
19. Plantings located around the Fire Department Connection must be maintained to make sure that it is accessible at all times.
20. Plantings located by light poles should be maintained to keep areas well lite.
21. The Department of Planning & Development must inspect the landscaping. Failure to comply with any of the above conditions may require the removal and replanting of plants.
22. All plantings will need to be maintained per Section 105-894(b) Maintenance.

If there are any amendments to the approved GDP the applicant will have to submit an amended GDP for review that accurately reflects any and all proposed changes.

**ATTACHMENTS:**

General Development Plan amendments and required attachments.