

**CITY OF SHEBOYGAN
RESOLUTION 90-24-25**

BY ALDERPERSONS BELANGER AND PERRELLA.

OCTOBER 7, 2024.

A RESOLUTION approving the amendments to the General Development Plan submitted by Malibu Apartments, LLC for construction of the new Malibu Apartments on parcel no. 59281318390 within a Planned Unit Development (PUD) zone.

WHEREAS, Malibu Apartments, LLC submitted an amended Planned Unit Development General Development Plan (GDP) for construction of the new Malibu Apartments on parcel no. 59281318390, a copy of which is attached; and

WHEREAS, the packet submitted by Malibu Apartments, LLC included the required application fee and all items required pursuant to Sheboygan Municipal Code § 105-1005(e)(3); and

WHEREAS, the plan commission held a public hearing concerning the proposed amendments to the PUD-GDP designation after publication of a Class II legal notice in accordance with Chapter 985 of the Wisconsin Statutes, listing the time and place, and brief description of the PUD; and

WHEREAS, following the public hearing, the plan commission voted to recommend to the common council that the amendments to the GDP be approved as presented; and

WHEREAS, the common council has held a public hearing concerning the proposed amendments to the PUD-GDP designation after publication of a Class II legal notice in accordance with Chapter 985 of the Wisconsin Statutes, listing the time and place, and brief description of the PUD; and

WHEREAS, the common council has carefully considered the plan commission's recommendations and any comments at the public hearing it held; and

WHEREAS, in addition to the amendments to the GDP, Malibu Apartments, LLC submitted to the plan commission an application for amendments to the Specific Implementation Plan (SIP), a copy of which is attached; and

WHEREAS, the amendments to the SIP application included the required application fee and all items required pursuant to Sheboygan Municipal Code § 105-1005(e)(4); and

WHEREAS, the plan commission voted to recommend to the common council that the amendments to the SIP be approved 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 submit 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 lit.

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.

NOW, THEREFORE, BE IT RESOLVED: That the Common Council hereby approves the amendments to the GDP submitted by Malibu Apartments, LLC for construction of the new Malibu Apartments on parcel no. 59281318390 within a PUD zone and directs that the PUD boundaries be shown on the city's zoning map.

BE IT FURTHER RESOLVED: That the Common Council hereby approves the amendments to the SIP submitted by Malibu Apartments, LLC for the same property subject to the conditions imposed by the plan commission, noting that, pursuant to Code, all portions of an approved SIP not fully developed within five years of final common council approval shall expire, and no additional PUD-based development shall be permitted unless the common council extends the five-year period by up to five additional years via a majority vote following a public hearing.

BE IT FURTHER RESOLVED: That Common Council approval is made contingent upon the conditions and restrictions contained in Sheboygan Municipal Code § 105-1005(f)(3).

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan