

CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: Application for Conditional Use Permit with exceptions by Quasius Construction to renovate a new multi-tenant convenience store and service station at 2811 S Business Drive. UC Zone

REPORT PREPARED BY: Ellise Rose, Associate Planner

REPORT DATE: August 20, 2024

MEETING DATE: August 27, 2024

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:

Quasius Construction, on behalf of Basudev Adhikari, is proposing to construct a new multi-tenant convenience store/gas station at 2811 S Business Drive. The applicant states the following about the project:

- The current multi-tenant building was previously occupied by Able Light Thrift Shop and is currently and will remain the location of a NAPA auto parts store. It is a single story, 30,848 sq ft retail store space divided among several units for different businesses.
- The parking lot is around the entire building with main customer parking on the South and West sides of the building.
- It is proposed to remodel the space to create additional tenant spaces and a gas station and convenience store as the anchor tenant on the southwest corner of the building.
- The proposed pumps and canopy for the gas station would be installed in the existing parking lot space along Wilson Ave.
- The proposed businesses slotted to occupy the additional retail spaces include a liquor store, pizza restaurant, and a restaurant serving Indian cuisine similar to the owner's other successful restaurant locations around the city. The existing NAPA auto parts store is planned to stay in the same location.

- This property was selected for the development of this gas station/convenience store/restaurant location due to its appealing location along the South Business Drive Corridor.
- This new development will serve as a quick, easily accessible location for residents of the residential communities located to the East and South of the property to stop and grab food, drinks, and other convenience items while fueling their vehicles.
- The restaurants will have filtered exhaust to limit any potential smell emitted from the property.
- Traffic from and to the building will increase, but traffic flow will be a main focus during the design process.
- Only additional light to be on the canopy over the fuel stations.

Specific site improvements include:

- The exterior of the building will not change besides the addition of four storefront doors and windows and awnings covering these doors. See elevation plans for the changes to the building.
- The fuel stations will be placed per the plans.
- The canopy to be placed per the plans.
- Parking stalls to be reorganized slightly due to fuel pumps.
- Signage proposed later by the owner.

STAFF COMMENTS:

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 are any concerns.

The site plan indicates an existing drive thru window. It is staff understanding that this will only be used as a pick-up window and no ordering will be done at the window. Staff is recommending a condition that this window only be used as a pick up window and may not be used as a drive-thru.

The Plan Commission may want to have the applicant address:

- What are the hours of operation?
- The proposal does not mention a dumper enclosure. Where will this be located?

Applicant is requesting the following exceptions:

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

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, alcohol, DNR, 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 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.).
3. The facility will meet all zoning requirements including but not limited to noise, smells, vibration, hazardous materials, etc.
4. Submittal/approval of a proposed storm drainage plan prior to building permit issuance.
5. Submittal/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.
6. Dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility and shall be completed prior to issuance of an occupancy permit.
7. Window under canopy is only to be used as a pick-up window, not a drive-thru window.
8. 9. Outdoor storage of all of their materials, products or equipment shall be prohibited
9. Any fencing/retaining wall shall be installed per Section 105-945 of the City of Sheboygan Zoning Ordinance.
10. 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.
11. 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.
12. Applicant shall not be able to have string lights, pennants, inflatables, or other various types of temporary signage.
13. The total height of any overhead canopy shall not exceed 20 feet as measured to the highest part of the structure (top of canopy to grade).
14. All areas used for parking/maneuvering of vehicles shall be paved.
15. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
16. The parking lot and pick-up facilities shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
17. 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 all unused driveways shall be closed and improved to standard City specifications.
18. 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, etc.
19. 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.).
20. 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.).
 21. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets.
 22. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant.
 23. All vehicles, equipment, materials, products, etc. shall be located on the applicant's property (no storage on public rights-of-way).
 24. City Development staff will issue a building permit only if the applicant has adequately satisfied all concerns related to the Sheboygan Water Utility.
 25. 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.
 26. Applicant is responsible for working with all private and public utilities in order to adequately service this development proposal (applicant will need to provide the necessary easements and/or relocate utilities as necessary).
 27. Any future/additional uses of the facility/property, additions, site improvements, etc. may require conditional use permit and architectural review.
 28. If there are any amendments to the approved conditional use permit (including but not limited to site plan, architectural design, use, canopy, etc.), the applicant will be required to submit a new conditional use application reflecting those amendments.

ATTACHMENTS:

Conditional Use and required attachments