

CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: Application for Conditional Use Permit with exceptions by Quasius Construction to construct a new addition to the Tidy Store facility and service station located at 810 N. 14th Street. UC Zone

REPORT PREPARED BY: Steve Sokolowski

REPORT DATE: September 23, 2022

MEETING DATE: September 27, 2022

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 an addition to the existing Tidy Store facility and service station located at 810 N. 14th Street. The applicant states the following about the project:

- The existing business is operating as a convenience store, a liquor store and a service station. Business activities include gasoline sales, grab and go snacks, beverages, wine, beer and liquor. The convenience store presently has no room for additional products or storage.
- The goal of this project is to add additional space for storage, more product options, and a small café restaurant. The addition will be constructed on the west/rear and south sides of the existing building.
- The applicant is proposing to add approximately 2,770sf of storage room space, walk-in cooler space and restaurant to the existing 3,600sf building. Building will now be 6,370sf.
- The café restaurant, which is located at the southwest corner of the building, would include a kitchen, two restrooms, an order counter and limited seating. It is anticipated that most of the restaurant orders will be grab and go with most of them coming from fuel customers.

- The new restaurant will be seating for 12 or less. The menu will emphasize grab and go items such as pizza, sandwiches, chicken tenders, fish fry and appetizers. The owner will be operating the space. The restaurant will provide another quality option to for food as well as other additional items to pick from.
- Construction cost is estimated at \$600,000.

The applicant is also proposing to replace the existing weathered canopy and states:

- The new canopy footprint 1,872sf (24 x 78) and has six (6) fueling station.
- The canopy has a vehicle clearance of 15.5 feet and is 18.5 feet tall.
- This will now become a Shell fuel station and Shell signage will be on the canopy. Two (2) internally lit Helios will be installed on the facia of the canopy (canopy signs).

The applicant states the following about the addition and canopy architecture:

- The existing building has face brick, horizontal metal wall panels (east and south), vertical metal wall panels (north) and aluminum store front windows.
- Building addition to use exterior building materials to match existing facility, as discussed with review board at conceptual review meeting. Masonry base and horizontal (heavier gauge than what was used on existing) will be used on East, South, and West Elevations.
- Vertical metal panel siding will be used on North Elevation which is only visible from ally way.
- HVAC screening will be installed for new and existing equipment.
- New mechanical equipment will be shielded from West elevation by existing trees along West property line.
- The Canopy will consist of prefinished metal facia façade painted to align with the attached Shell standard architectural flow.
- Two (2) Helios will be installed on the north and east facias of the canopy (canopy signs). Helios are 9sf and will not extend above the horizontal plan of the canopy.

Specific site improvements include:

- The addition is 2,770sf so the building will now be a total of 6,370sf.
- The addition will be constructed on the west side of the existing facility.
- There will be 11 parking spaces (this does not include the 6 spaces at the fueling stations).

- The driveway located at the southwest corner of the property will be removed and greenspace will be added (south of the new restaurant). The area along Wisconsin Avenue will be constructed back to city standards (curb, gutter, green space, sidewalk, etc.).
- New storm drainage facility will be located on the west side of the property.
- Additional landscaping will be installed along the south side of property adjacent to the new restaurant along Wisconsin Avenue.
- Landscaping, lighting and storm water will be provided in accordance with the City ordinance.
- The dumpster enclosure will remain along the alley on the north side of the building.
- Outdoor storage on this site will be limited to Firewood, LP Storage & and Ice Storage. LP, Firewood & Ice Storage will remain in existing locations.
- There will not be any vending machines or dispensers located on the exterior of the building. Vending Machines currently displayed on south side of the building would be removed when addition is complete due to added refrigeration space in building addition.
- Air/Vacuum equipment will not be present on this site

The site has been selected by the property owner as an opportunity to expand upon his business operations that are currently established in this location. The Tidy Store gas station/convenience store is located along the busy 14th street corridor which provides high traffic and exposure. The building addition and new canopy will improve curb appeal to the existing building and align well with the redevelopment efforts in this area in recent years.

STAFF COMMENTS:

In October of 2021, the Plan Commission denied the conditional use permit request by Basudev Adhikari because the application was not complete and there were several concerns with the overall aesthetics of this property and his residential property to the west that included:

- The gas station is a very cluttered property. Pipe bollards with temporary cigarette signage throughout the site, temporary signage by the pylon sign, temporary cigarette signs on the window, garbage cans, vending machines, ice-cooler, product displays, newspaper dispenser, log rack, propane tanks, non-functioning air-dispenser, overgrown and unmaintained landscaping, etc.
- Issues at the single-family dwelling located at 1418 Wisconsin Avenue included the overgrown and unmaintained landscaping and front porch is weathered and not being properly maintained (chipped paint, etc.).

Mr. Adhikari states:

As far as maintaining the site is nice and clean, I have a dedicated person these days. He is taking care of things regularly. I have also assigned one of my staff to check all my sites on a weekly basis and report it to me. I would personally like to assure you and our city planning commission that I will be doing my best as soon as possible before issues come up. And based on the city's recommendation in our last meeting we removed 3 soda coolers from outside. Once the building is developed, we don't need any vending machine outside. The air pump is coming out in the next few days. Normally every gas station has a wood stack, propane cage and ice box in front of the store. We can take input from the planning commission what's going to be best for that and we can manage accordingly. The signs from the door and windows were taken out, I will

check again and make sure. Landscaping will be taken care of in a timely manner. Let me know if there are any other issues and love to make things better around my sites. At the end of the day a nice and clean site is good for all of us. I would appreciate any recommendation from the city and if you have any thoughts.

The Plan Commission should have the applicant address the following:

- How does the owner intend on managing the site so it does not become an issue once the new addition is added?
- How does the applicant intend on consistently taking care of the house and landscaping located at 1418 Wisconsin Avenue? The front porch is very tired and weathered. Is there any reason why the owner cannot repaint/stain this very visible front porch facing Wisconsin Avenue?
- When is construction of the addition and canopy to begin and be completed by?

N. 14th Street is redeveloping nicely and the City would like to see the overall look and feel of the N. 14th Street corridor continue to improve. The owners of the properties surrounding the Tidy Store have redeveloped and are well maintained properties/structures. The City is glad to see Mr. Adhikari invest in his property but Mr. Adhikari must consistently maintain the Tidy Store and his other properties within the City without the City having to write noncompliance letters.

The proposed project certainly has the ability to help address some of the aesthetic concerns with the property. The project has the potential to positively impact the look and feel of the neighborhood at the intersection of N. 14th Street and Wisconsin Avenue.

The applicant is requesting the following variances:

- Requesting to have 11 parking spaces – Minimum parking space required is 21.

This does not include the six (6) additional parking spaces at the fueling station.

- Requesting a variance from the locational landscaping requirements - Applicant shall meet the four (4) locational landscaping 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. An occupancy permit will be granted only at such time as the applicant has met all requirements.
2. Building permits will be issued only at such time as plans for both the addition and canopy have been reviewed and approved.
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. The uses shall meet all zoning requirements including but not limited to noise, vibration, hazardous materials, etc.
5. Submittal and approval of a storm drainage plan prior to building permit issuance.
6. Submittal and approval of a landscape plan prior to building permit issuance. Landscape plan shall include a legend that shows how the four (4) landscape criteria are being met. Landscaping shall be installed prior to issuance of an occupancy permit.
7. Dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility.
8. Fencing/retaining wall shall be installed per Section 15.720(3)(c) of the City of Sheboygan Zoning Ordinance. Applicant shall work with staff with regards to constructing appropriate and well-designed fence/retaining wall and shall obtain the necessary permits prior to installation. If staff has any concerns with proposed signage design, the matter may be brought back to the Plan Commission for their consideration.
9. Outdoor storage of materials, products or equipment shall be prohibited (no outdoor soda machines are permitted).
10. Outdoor display of ice, propane and firewood is permitted but shall be properly maintained in an orderly fashion at all times (east side of the building). Yearly and/or seasonal outdoor display is not permitted in the street yards and/or in the fueling island under the canopy. Prior to building permit issuance, the applicant shall work with staff and submit an updated site plan detailing exactly where these items will be displayed outdoors on the property (locations, dimensions, type of structures, etc.). If staff has any concerns with the proposed outdoor display/storage, this matter may be brought back to the Plan Commission for review.
11. All ground level and rooftop mechanicals shall be screened and/or enclosed and constructed of like materials and colors of the facility (HVAC equipment, generators, venting, etc.). This includes the new equipment as well as the existing equipment on the south end of the building on the roof of the existing convenience store (facing both south and west). Kitchen hood shall be concealed (kitchen hood shall not be visible).
12. 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.
13. 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.
14. Applicant shall install individual letter signs – no cabinet or flat panel signs.
15. Maximum canopy sign square footage permitted is 20sf and no sign shall be located on the roof or the top horizontal plane of the canopy.
16. Applicant shall not be able to have string lights, pennants, inflatables, or other various types of temporary signage.
17. All temporary signage needs to be removed prior to building permit issuance.
18. 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).
19. Masonry on canopy support columns shall be eight (8) feet tall. The masonry material/color shall match that of the building. Applicant shall submit final canopy elevations to staff prior to building permit issuance. If staff has any concerns with proposed canopy design, the matter may be brought back to the Plan Commission and/or Architectural Review Board for their consideration.
20. The canopy shall meet the minimum setback of 10 feet to the property line (closest edge of the canopy to the property line).

21. All areas used for parking or maneuvering of vehicles shall be paved. Applicant shall meet the minimum five (5) foot paving setback to all property lines.
22. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
23. Any new ingress/egress driveway openings and any drives to be closed or modified shall be improved to standard City specifications (curb, gutter, sidewalk, green space, etc.).
24. Absolutely no portion of the building and/or site improvements shall cross the property line (buildings, parking, retaining walls, signs, landscaping, etc.).
25. It will be the applicant's responsibility to work with all private and public utilities in order to provide easements and/or relocate utilities as necessary.
26. 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.).
27. Applicant will provide adequate public access along the streets and the alley and will take all appropriate actions to minimize the time period that these sidewalks/streets will be closed/affected.
28. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets.
29. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant.
30. 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).
31. Applicant shall properly maintain their landscaping at both of their properties located at 810 N. 14th Street (convenience store) and 1418 Wisconsin Avenue (single-family dwelling).
32. Prior to building permit issuance, the City of Sheboygan Architectural Review Board shall review/approve the proposed building/canopy design.
33. 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 and/or architectural review application reflecting those amendments.

ATTACHMENTS:

Conditional Use and required attachments