

## CITY OF SHEBOYGAN

### REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

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**ITEM DESCRIPTION:** Application for Conditional Use Permit with exceptions by Quasius Construction to construct a new multi-tenant convenience store and service station at the northwest corner of N. 15th Street and Geele Avenue (2206 N. 15<sup>th</sup> Street). UC Zone

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**REPORT PREPARED BY:** Steve Sokolowski, Manager of Planning and Zoning

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**REPORT DATE:** April 22, 2022

**MEETING DATE:** April 26, 2022

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#### FISCAL SUMMARY:

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

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#### STATUTORY REFERENCE:

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

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#### BACKGROUND / ANALYSIS:

Quasius Construction, on behalf of Basudev Adhikari, is proposing to construct a new multi-tenant convenience store/gas station at 2206 N. 15<sup>th</sup> Street (the northwest corner of Geele Avenue and N. 15<sup>th</sup> Street). The applicant states the following about the project:

- Applicant is proposing the construction of an approximately 6,000sf (58 x 103) multi-tenant facility and fueling station canopy that will face south towards Geele Avenue on this .61 acre parcel located at the northwest corner of N. 15th Street and Geele Avenue.
- The site is currently made up of several vacant undeveloped lots and an abandoned Select Auto Sales Shop located on the south side of the property. The existing building and all existing site concrete would be removed prior to construction.
- It appears the applicant is proposing three (3) tenants – a J-Mart Convenience Store with BP Gas Station Canopy, a small restaurant and United Parcel Service (UPS) Store.
- The J-Mart service station/convenience store is proposed to be open 24 hours a day and the proposed method of operation for this development will be consistent with that of his other existing convenience stores in the area that include 905 Indiana Avenue, the Shell Station at 1710 Indiana Avenue and the Tidy Store at 810 N. 14<sup>th</sup> Street.
- The type of products that will be sold will be like that of our existing stores: gasoline, groceries, hot and cold food and beverages, tobacco products, off-sale alcohol products, lotto, convenience store merchandise, ice, and propane.

- The second floor mezzanine will be used by the owner and employees (approximately 5 employees) for office space to run their multiple locations across the county.
- Owner will run the restaurant which will sell traditional Indian Foods. Restaurant will be a small sit and dine that can accommodate up to 12 sit-down customers at time.
- Dumpster enclosure to be constructed using hardy board material, to match exterior of building. Dumpster pickups will not interfere with sidewalk/traffic as truck will be backing in to dumpster corral from South to North .
- A six (6) foot tall buffer fence is to be installed on north property line adjacent to the home.
- Fence is to be solid wood fence painted to match Gray hardy board color used on exterior of building. Paint will also prevent weathering/aging that is a common concern for exposed wood fences. Wood fence to be pulled back from East property line 20'-0" to allow for better visibility for residential neighbors backing out of driveway.
- Rooftop water will be collected in gutters on north eve of building and drain to storm on north side of property.
- Quasius will work with the City to get an approved landscape plan installed.
- Monument sign to be submitted by separate contractor at a later date.
- Outdoor storage on this site will be limited to firewood, LP Storage and Ice Storage:
  - Firewood display: A small firewood rack will be displayed on the exterior of the building. Customers are to purchase the firewood at the register and pick up outside. The location for this display is shown on the site plan along the east side of the building.
  - LP & Ice Storage: A locked LP Storage cage and Ice box will be located on the east face of the building. Customers are to purchase LP & Ice products inside the convenience store and are to be assisted by a store employee to get access to the products.
  - There will not be any vending machines or dispensers located on the exterior of the building.
  - Air/Vacuum equipment will not be present on this site.
- Quasius has received and provided the City with a letter from the property Owner addressing efforts and commitments to maintaining properties going forward. Owner has committed to using the same/similar architectural flow provided and approved for this 26th and Superior building on future projects throughout the City. This is the architectural flow that was used in the building design for this development. Owner is aiming to achieve uniformed, identifiable building design going forward.
- This property was selected for the development of this proposed new gas station/convenience store/restaurant location due to its appealing location along the 15th Street Corridor. The 15th Street corridor was specifically identified as an area to target

commercial development and renovation in the City of Sheboygan's Comprehensive Plan. This location aligns well with the City of Sheboygan's Comprehensive plan for development and redevelopment of vacant and abandoned sites. Constructing a Gas Station & Mixed Use Building in this area would provide a quick, convenient location for residents to stop and satisfy multiple needs at one location.

The applicant states the following about the building's architecture:

- The building will be constructed using an architecturally pleasing combination of Gray Stone veneer masonry, gray hardy board siding, and black prefinished aluminum accent bands.
- The masonry veneer will be used as a base band for the building. It will also be used as accent columns at each corner of the building and to emphasize the second-floor centerpiece/J-Mart main entrance.
- Entrance storefront glass doors are emphasized with complimentary suspended awnings & store signage (signage to be submitted at a later date).
- Windows along East Elevation of the building will be blacked as they will have refrigeration equipment on the interior wall. Windows are left on elevations to continue uniform architectural flow.
- Building will have 4'-0" rooftop parapet walls to conceal all rooftop mechanical equipment.
- The proposed BP Fueling Canopy will follow the standard BP architectural guidelines outlined in the attached Canopy Renderings. This canopy aligns well with design of other BP fueling stations around the City of Sheboygan and will serve as a recognizable, convenient destination along a heavily traveled corridor.
- The proposed Canopy will include Masonry piers wrapping steel Canopy Columns as requested by the City of Sheboygan. Masonry piers will consist of a gray-tone stone veneer, matching the base material used on the exterior of the J-Mart Convenience Store.
- The stone veneer will wrap the columns up to the same elevations as shown on the base of the building and BP standard painting requirements will be followed for the exposed column above the Masonry.
- The Canopy will consist of prefinished metal fascia façade painted to align with the attached BP standard architectural flow.
- Two (2) Helios signs will be installed on the fascia of the canopy. Helios will not extend above the horizontal plan of the canopy. Helios will be under 20SF ea. as shown in the renderings (7SF each).

Specific site improvements include:

- The proposed multi-tenant commercial building is approximately 6,000sf in size.
- 1,920sf (24 x 80) BP gas fueling canopy with three (3) pumps on the south side of store.
- The canopy will be 18.5 feet tall and have a vehicular clearance of 15.5 feet.

- The site design includes 19 on-site parking stalls (does not include 6 fueling island spaces).
- Access to the site will be through driveways on the northeast corner and southwest corner of the property.
- Applicant appears to be showing a monument sign (concept only).
- Stormwater facilities are incorporated into the green space on the north side of the site.
- Applicant indicates there will be outdoor storage and sales of firewood, LP gas and ice on the east side of the building. Outdoor storage will be very visible from N. 15<sup>th</sup> Street.
- A dumpster enclosure is to be located on the northeast corner of store and is proposed to use the hardy board siding materials that match the building – dumpster will be very visible from N. 15<sup>th</sup> Street.

## **STAFF COMMENTS:**

The applicant is proposing a wood fence to minimize the impact of the new commercial building/use to the residence to the north located at 2220 N. 15<sup>th</sup> Street. The applicant is proposing a wood fence that will be painted grey (similar to the building). The Plan Commission should be aware that the applicant has installed fencing at his other service stations that have not been well maintained (specifically 17<sup>th</sup> and Indiana). Staff has a similar concern for the fencing proposed for this site and recommends that the fence should be vinyl which is a nice design and is a much more durable and long lasting material, especially since it will be installed at the common lot line with the residence to the north.

The fence is proposed to terminate approximately 20 feet from the property line so that the residence at 2220 S. 15<sup>th</sup> Street will have visibility as they back out of their driveway onto N. 15<sup>th</sup> Street.

The applicant is proposing to install the dumpster enclosure at the northeast corner of the building which is a very visible 15<sup>th</sup> Street location. The Plan Commission should be aware that the applicant has installed fencing at his other service stations that have not been well maintained. Staff has a similar concern for the long term maintenance of the dumpster facility especially in this very visible location. The applicant is proposing to construct the dumpster enclosure with treated plywood and then install the same hardi-board siding that they are using on the building (color and material). The gates are proposed to be cedar wood.

The Plan Commission should be aware that the applicant proposed a masonry dumpster enclosure with vinyl slatted gates at the recently approved and new service station to be constructed at Superior and N. 26<sup>th</sup> Street. This dumpster enclosure will be very visible from 15<sup>th</sup> Street. Staff is recommending a condition of approval that requires this dumpster to be the same masonry as used on the building with vinyl slatted gates. Such a design will minimize the possibility of this dumpster becoming an eyesore and/or in a state of disrepair in this very visible location.

Applicant states there will be no vacuums and no air on this property but does show outdoor storage of firewood in a rack, and locked LP and ice on the east side of the building. This is a very visible N. 15<sup>th</sup> Street location and the applicant will make sure that the outdoor storage is well maintained and will not become an eyesore.

The applicant indicates that the proposed fueling canopy will include masonry piers wrapping steel canopy columns. Staff will work with the architectural review board to specify the height of the masonry piers on these canopy columns.

Access to the site is proposed to come from two (2) new ingress/egress drives – one (1) on N. 15<sup>th</sup> Street and one (1) on Geele Avenue. These access drives have been located at the far north and west ends of the site to minimize congestion at the N. 15<sup>th</sup> and Geele intersection.

The applicant shows a conceptual signage and no other sign information. 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 any concerns.

Presently the property is made up of five (5) parcels (Parcel #'s 59281601870, 59281601880, 59281601890, 59281601900 and 59281601910). The applicant will be required to combine these parcels prior to issuance of a building permit.

The Plan Commission may want to have the applicant address:

- Is the owner proposing to rename all of his convenience stores/service stations into J-Marts? How does this work with the BP fuel brand?
- Will this J-Mart be a liquor store and/or will beer and wine be sold from the site?
- Have the owner address the other potential tenants of this multi-tenant commercial facility.
- Confirm there will be no vacuums and air because these items have not been properly maintained and have become unsightly at the owner's other gas stations in the City.
- Applicant is proposing to sell firewood, LP gas and ice which will be located along the east side of the building. There is nothing shown on the site plan indicating outdoor storage. Applicant should address this issue because these products will be very visible to 15<sup>th</sup> St.
- There are some residences on the east side of 15<sup>th</sup> Street. Applicants landscape plan should take this into consideration and try to strategically place landscaping to attempt to prevent vehicle lights from shining onto these properties.
- It should be noted that the Plan Commission has approved many projects over the years for Mr. Adhikari properties in the City of Sheboygan (905 Indiana Avenue, 1710 Indiana Avenue and 810 N. 14<sup>th</sup> Street). That being said, there have been many issues with regards to how the properties are managed/maintained. Building Inspection, Planning and the Police Department all have had interactions with Mr. Adhikari properties in the past concerning a miscellaneous debris, equipment, materials, signage, etc. throughout these properties. The Plan Commission should have the applicant address these concerns and what the applicant intends on doing to appropriately manage the facility/property so City staff does not need to spend time addressing these concerns especially in this mixed use neighborhood. The adjacent businesses and residences should not be negatively impacted by the proposed use and how the site is managed and maintained.
- This development will certainly change the appearance of this property and based on the building and site design has the ability to fit well in this Geele Avenue mixed-use neighborhood. Therefore, it is imperative that Mr. Adhikari properly maintain this new facility and property and not have the site scattered with temporary signs, soda machines, unenclosed storage and/or product, etc.

Applicant is requesting the following exceptions:

- Requesting to have 19 parking spaces – Minimum number of parking spaces required is 20 (6,000sf / 300sf = 20 parking spaces).
- 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 razing permits for all structures to be demolished. Once structures have been demolished, the applicant will maintain the site in a clean and dust free condition. If the applicant demolishes the building and removes the concrete from the site but does not move forward with the project, the applicant shall be required to landscape the property with grass in a timely fashion (property will not be left in a disturbed state).
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 facility will meet all zoning requirements including but not limited to noise, smells, vibration, hazardous materials, etc.
5. Submittal/approval of a proposed storm drainage plan prior to building permit issuance.
6. 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.
7. 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. The street trees 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.
8. 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 (dumpster to be masonry with privacy slatted gates).
9. Outdoor storage of all of their materials, products or equipment shall be prohibited (no soda machines, product displays for sale, equipment, etc.).
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. Any fencing/retaining wall shall be installed per Section 15.720(3)(c) of the City of Sheboygan Zoning Ordinance.
  12. Applicant shall install a vinyl fence along the north property line. The fence shall be a color similar to that of the building. Applicant shall submit proposed fence to staff for review. If staff has any concerns with proposed signage design, the matter may be brought back to the Plan Commission for their consideration. Applicant shall obtain the necessary permits prior to installation.
  13. 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.).
  14. 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.
  15. 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.
  16. Applicant shall install individual letter signs – no cabinet or flat panel signs.
  17. Applicant shall be permitted a freestanding monument sign for the site. Minimum setback of a monument sign is 12 feet. Maximum height of the monument sign is 8 feet. Sign shall be located outside of the 15-foot vision triangle.
  18. Maximum canopy sign square footage permitted is 20sf for the gas fuel canopy signage.
  19. No sign shall be located on the roof or the top horizontal plane of the canopy.
  20. Applicant shall not be able to have string lights, pennants, inflatables, or other various types of temporary signage.
  21. 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).
  22. All areas used for parking/maneuvering of vehicles shall be paved. Applicant shall meet the minimum five (5) foot paving setback to all property lines.
  23. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
  24. The parking lot and drive-through facilities shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
  25. 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.
  26. 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.
  27. 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.).
  28. 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.).
  29. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets.

30. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant.
31. All vehicles, equipment, materials, products, etc. shall be located on the applicant's property (no storage on public rights-of-way).
32. City Development staff will issue a building permit only if the applicant has adequately satisfied all concerns related to the Sheboygan Water Utility.
33. 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.
34. 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).
35. Any future/additional uses of the facility/property, additions, site improvements, etc. may require conditional use permit and architectural review.
36. Building permits shall be issued only at such time as the applicant can provide documentation that the lots have been combined into one (1) parcel which has been officially recorded by Sheboygan County.
37. Prior to building permit issuance, the City of Sheboygan Architectural Review Board shall review/approve the proposed building design and canopy.
38. 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