

## 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 fuel station canopy with signage at the previously approved new convenience store and service station at the southeast corner of N. 26th Street and Superior Avenue. SC 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:

In November of 2021, the Plan Commission approved a proposal from CR Structures, on behalf of owner Basudev Adhikari, to construct a new convenience store and service station at the southeast corner of N. 26th Street and Superior Avenue. This amended site plan changed the location and direction of the convenience store and canopy to face west towards N. 26<sup>th</sup> Street (original plan faced Superior). The reason for the change had to do with the location of the storm water facilities on the site.

At that time, the applicant only showed the footprint of the proposed canopy on the site plan and did not provide final drawings of the proposed canopy. The Plan Commission included a condition that the applicant had to submit a new conditional use permit to review the location and design of the proposed canopy so it was compatible with the design and look of the convenience store.

The applicant states the following about the proposed canopy:

- This will be a 1,920sf (24 x 80) gas fueling canopy with three (3) pumps on the west side of store.
- 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.
- The canopy footprint is 1,920sf (80 x 24).
- The canopy shall have a vehicle clearance of 15.5 feet.
- The top of the canopy will be 18.5 feet.
- 12 Scottsdale Vertex LED lights will be installed on the underside of the canopy structure.
- Two (2) Helios signs will be installed on the fascia of the canopy. The Helios signs will each be 7sf and will not extend above the horizontal plan of the canopy.

The applicant previously stated the following about the project:

- The proposed service station/convenience store is to be 3,200sf in size with an attached dumpster enclosure and separate fueling canopy for gas. The building will include typical convenience store products of snacks and beverages. There will also be a small restaurant space on the north side of the building. The convenience store will provide an opportunity for the neighborhood to fill up with gas as well shop and eat.
- The service station/convenience store method of operation 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, 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. We will also be applying for an off-sale alcohol license for this store.
- There will also be a small restaurant space on the west side of the building. The restaurant will have 6 -12 seats with a menu of pizza, sandwiches, fish fry and deep fried appetizers.
- The proposed store is projected to have between 8-10 full and part time employees.
- Access to the site is proposed to come from two (2) new ingress/egress drives – one (1) on N. 26<sup>th</sup> Street (west) and one (1) on Superior Avenue (north).

- The site design includes nine (9) on-site parking stalls, not including the six (6) additional parking stalls at the three (3) pumps.
- A dumpster will be located on the south side of the building and is proposed to be designed utilizing materials similar to that of the building.
- The proposed outdoor storage will be located at the southwest corner of the building. 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.
  - LP and Ice Storage: Customers are to purchase LP and Ice products inside the convenience store and are to be assisted by a store employee to get access to the locked LP Storage cage and Ice box 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.
- A monument sign has been designed for the intersection of 26th Street and Superior Avenue. The sign will be 8' high X 12' wide for total of 96 square feet. The sign will be constructed of materials that match the building. The sign will be internally lit. The sign will be located outside of the 15-foot vision triangle.
- Construction will begin upon receiving project approval.

#### **STAFF COMMENTS:**

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.

The applicant shows a couple of Helios signs to be installed on the canopy but 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.

The Plan Commission did set a condition on the hours of operation - The facility hours of operation shall be 5:00am to 10:00pm Sunday to Thursday and 5:00 am to 11:00pm on Friday and Saturday.

Presently the property is made up of two (2) parcels (Parcel #'s 59281213270 and 59281213260). The applicant will be required to combine these parcels prior to issuance of a building permit.

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 Superior 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.

### **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 and 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. 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.
7. 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).
8. Outdoor storage of materials, products or equipment shall be prohibited (no soda machines, product displays for sale, equipment, etc.).
9. Outdoor display of ice, propane and firewood is permitted but shall be properly maintained in an orderly fashion at all times (south end of the front/west side of the building and/or dumpster enclosure). 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.
10. Any 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.
  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, etc.).
  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. 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.
  16. Maximum canopy sign square footage permitted is 20sf for the gas fuel canopy signage.
  17. No sign shall be located on the roof or the top horizontal plane of the canopy.
  18. Applicant shall not be able to have string lights, pennants, inflatables, or other various types of temporary signage.
  19. 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).
  20. All areas used for parking/maneuvering of vehicles shall be paved. Applicant shall meet the minimum 10 foot paving setback to street property lines and minimum five (5) foot paving setback to all interior side or rear lot lines.
  21. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
  22. 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.
  23. 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.
  24. 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.
  25. 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.).
  26. 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.).
  27. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets.
  28. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant.

29. All vehicles, equipment, materials, products, etc. shall be located on the applicant's property (no storage on public rights-of-way).
30. 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).
31. 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.
32. The facility hours of operation shall be 5:00am to 10:00pm Sunday to Thursday and 5:00 am to 11:00pm on Friday and Saturday.
33. Prior to building permit issuance, the City of Sheboygan Architectural Review Board shall review/approve the proposed building design and canopy. Architectural Review Board shall determine the height of the masonry to be installed on the canopy support structures.
34. 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