

## CITY OF SHEBOYGAN

### REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

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**ITEM DESCRIPTION:** Application for Conditional Use with exceptions by Angelina Yang to operate Bestea at 1323 Michigan Avenue. CC Zone.

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

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**REPORT DATE:** January 6, 2023

**MEETING DATE:** January 10, 2023

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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:

Angelina Yang is proposing to operate Bestea at 1323 Michigan Avenue. The applicant states:

- Bestea, LLC proposes to operate a beverage café on the first floor of 1323 Michigan Avenue. This location is vacant and there is no current use of this commercial space. The second floor apartment is currently being occupied by other tenants.
- Bestea will provide a location where customers can gather to enjoy a variety of bubble teas and bakery items while being able to play board games, card games, or simply meet.
- Bestea plans to serve a variety of bubble teas, hot, iced, or blended. Bubble tea is a beverage that originated in Taiwan and has seen rapid growth worldwide. There are several variations of bubble tea, some including milk while others do not. Along with the bubble tea will be a few bakery items to accompany the delicious beverage
- The menu includes a selection of:
  - Hot or iced milk teas (5 flavors)
  - Hot or iced fruit teas (6 flavors)
  - Blended teas (7 flavors)
  - Bakery items
- In the front of the house near the entrance Bestea plans to have customer seating as well as a Point of Sales (POS) system where beverages and/or bakeries can be purchased.

- The back of the house is where the prep work and making of beverages will be performed.
- Included in the floor plan is a bathroom that can be utilized by both guests and employees.
- Bestea has begun working with Scott Weigert to make renovations to the 1,470sf of space available at the site. This includes the shifting of counters to create more dining space, removal of existing carpeting, and repainting of walls, trims, and counters. The desire is to create a comfortable and cozy feel to draw in customers and have them return not only for the products but also for the experience.
- The general interior design will be contemporary chic. The main colors are pink and white with complements of black for boldness.
- Currently, Bestea is not planning to do any exterior renovations except install signage.
- There will be an illuminated storefront sign placed on top of the entrance door. The signage will show the logo of Bestea.
- Bestea plans to have seven (7) employees and plans to be open Mondays through Saturdays with hours ranging from 11am to 10pm.
- With authorization of the city, Bestea desires to provide additional seating outside during warmer months for guests. This will provide a more enjoyable experience for customers especially with the limited indoor space.
- This site was specifically chosen due to it being within walking distance from surrounding neighborhoods and other local businesses. It is also near downtown Sheboygan which is an area that is growing due to the many apartment complexes that were recently built. Not only that, North High School is only 1.4 miles from this location. Bubble tea is rapidly trending within the Gen Z population.

#### **STAFF COMMENTS:**

There are several building/property issues that will need to be addressed including:

- There is an old legal nonconforming projecting sign on the building. Applicant shall remove this nonconforming sign.
- There is white painted plywood at the northeast corner on the east side of the building. Applicant shall install siding to match the existing siding in terms of design, color, materials, width, etc.
- There is an old weathered shed in the rear yard. Applicant shall paint and/or remove shed in the rear of the property.
- The cornice at the northeast corner of the front façade facing Michigan Avenue does not match the color of the rest of the cornice. Applicant shall paint this area to match the existing color of the cornice (entire cornice shall all be painted a consistent color).

- The property currently has a gravel driveway/parking lot in the backyard. Any areas used for parking are to be paved. Applicant shall pave this gravel driveway/parking lot. Applicant will obtain all required permits/approvals prior to constructing the driveway/parking lot including but not limited to building permit, site plan, storm water, etc.
- Appears there is no dumpster enclosure at this site. The dumpsters and/or grease receptacles shall be screened and enclosed and the applicant will work with staff with regards to the design and location of dumpster.
- Staff will be requiring all of the above items to be addressed by no later than June 30, 2023.

The applicant will need to work with the Sheboygan County Health Department and the City Inspections Department regarding required permits and occupancy.

The applicant mentions potential outdoor seating along the Michigan Avenue sidewalk. Applicant would be required to obtain the required Sidewalk Café permit prior to being able to serve customers in this Michigan Avenue sidewalk area.

The applicant mentions possible signage but no formal sign package has been submitted. 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 (individual letter sign). Staff may bring the proposed signage design back to the Plan Commission if there are any concerns.

Bestea is a nice way of filling this vacant Michigan Avenue commercial tenant space.

### **ACTION REQUESTED:**

Staff recommends approval of the conditional use permit subject to the following conditions:

1. Prior to operation/occupancy, the applicant shall obtain all licenses and occupancy permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, health, food, alcohol, etc. An occupancy permit will be granted only at such time as the applicant has met all requirements.
2. Applicant shall obtain the necessary liquor license in order to serve alcohol. Applicant may serve alcohol if and only if all required liquor licenses are obtained.
3. Dumpsters and/or grease receptacles shall be screened/enclosed and constructed of like materials and colors of the facility. If using chain link fencing, the applicant shall install Privacy Decorative Slating (PDS) material in order to effectively screen the dumpster. Dumpsters shall be screened and enclosed prior to issuance of an occupancy permit.
4. Outdoor storage of materials, products or equipment shall be prohibited.
5. All ground level and rooftop mechanicals shall be screened/enclosed and constructed of like materials and colors of the facility (HVAC equipment, etc.).
6. All new lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance. There shall be no spillover light onto adjacent properties or the streets.
7. Applicant shall obtain the necessary sign permits prior to installation. Applicant shall work with staff with regards to constructing a well-designed signage for the site that utilizes colors and materials similar to the building. Staff may bring the proposed signage design back to the Plan Commission for review/approval.
8. Proposed signage will be individual letter signs (no flat panel or interior lit cabinet signs).
9. Applicant may not use and shall remove nonconforming projecting sign by June 30, 2023.

10. Applicant shall remove the painted plywood at the northeast corner of the building (east elevation) by June 30, 2023. Applicant shall install siding to match the existing siding in terms of design, color, materials, width, etc.
11. Applicant shall paint and/or remove shed in the rear of the property by June 30, 2023.
12. The cornice area at the northeast corner of the front façade facing Michigan Avenue shall be painted to match the existing color (the entire cornice shall all be painted a consistent color). Applicant shall complete the painting of the cornice by June 30, 2023.
13. All areas used for parking/maneuvering of vehicles shall be paved. Applicant shall pave and landscape the all gravel areas on property by June 30, 2023. Applicant will obtain all required permits/approvals prior to constructing the driveway/parking lot including but not limited to building permit, site plan, storm water, etc.
14. No outdoor seating is permitted in the Michigan Avenue sidewalk area without obtaining the required Sidewalk Café permit.
15. If there are to be any renovation to the exterior of the facility, the applicant will be required to obtain approval from the Architectural Review Board prior to receiving a building permit for such renovation.
16. If there are any amendments to the approved use and/or floor/site plan, the applicant will be required to submit a new conditional use application reflecting those amendments.

**ATTACHMENTS:**

Conditional Use and required attachments