

## CITY OF SHEBOYGAN

### REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

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**ITEM DESCRIPTION:** Application for Conditional Use with exceptions by Partners for Community Development to construct an apartment building located at parcels 59281204550, 5928104560, 5928104570, 5928104580. UR Zone

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**REPORT PREPARED BY:** Ellise Rose, Program Assistant

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**REPORT DATE:** October 11, 2023

**MEETING DATE:** October 24, 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:

Partners for Community Development is proposing to construct the Gateway Apartments at the northeast corner of the N. 13<sup>th</sup> Street and Erie Avenue intersection. The applicant states:

- The existing land is vacant. Four residential homes were demolished a few years back.
- The proposed Use will be a 44-unit apartment building.

Dwelling Units: 44 (1 Bed=35 units, 2 Bed=4 units, 3 Bed= 5 units)

- Lower Level (Underground Parking) = 14,486s.f.
- 1st Floor = 14,486s.f.
- 2nd Floor = 14,077s.f.
- 3rd Floor = 14,077s.f.
- Total = 57,126s.f.
- This site was selected after discussion with the City and agreement that this will be a great building/location for a “Gateway” entrance into the City downtown and Gateway neighborhood.
- The exact number of residents is currently unknown. It is expected that there will be an apartment manager onsite at times.
- There will be 32 parking stalls located on the lower level and 13 additional spaces outside at grade. The entrance to the lower level parking will be off of N. 13th Street, close to the alley. The entrance into the exterior parking will be off of the alley.

- The exterior will be professionally landscaped and proper lighting will be provided per city/state codes. There will be a retaining wall located on the North Elevation along the alley.
- Most mechanicals will be located on the roof (out of sight). Any mechanicals that will need to be located at grade (Electric etc.) will be screened with landscaping. The dumpsters will be located in the lower level parking area.
- The look, feel, orientation, and neighborhood compatibility were very important to the developer of this project. Our team and the City agreed that the mixture of brick, LP Smartsiding and Metal Clad Panel Siding with prefinished aluminum coping in the colors shown fit the location very well.
- Based on discussions with City Staff we believe that the access to the site is sufficient and that there will be sufficient parking for the residents of the facility and guests.
- The proposed signage can be seen in the renderings. The sign will be located on the West and South Elevation and will be backlight.
- The estimated timeline is to start the project as soon as possible, hopefully sometime in November. The construction is expected to last 12-14 months. The current construction budget is approximately \$9,850,000.
- Partners for Community Development will be managing the property and will help ensure that there will be no nuisances to adjacent properties.
- The developer believes that the project will be a great addition to the neighborhood and will not provide any adverse effects to the neighboring properties.

#### **STAFF COMMENTS:**

##### Exceptions:

- Parking: Code requires two spaces for each unit with two or more bedrooms, 1 1/2 spaces for each unit with one bedroom or less. Code would require 71 spaces for this project. This project provides for 45 parking stalls, just over 1.0 parking stalls per apartment. The developer is seeking an exception to allow for 45 parking stalls. The developer believes that 45 parking stalls is sufficient for this development.
- Building Height: The code allows for 35' building height, with additional through conditional Use permit. Because the site is located on a hill the lower level parking will be fully exposed on the west side of the site. The maximum height along the west elevation is 50'6". The developer is seeking an exception to allow for 50'6" building height.
- Building Setbacks:
  - Code states the following: Side=10' Street=20' Rear=25'
  - Exception requested for Street Setback: Varies from 3.4' to 6.9'.
  - Exception requested for Side Yard Setback: Varies from 7.0' to 8.7'.
  - No variance requested for Rear Yard
- Landscaping: Developer is requesting an exception from the locational and buffer yard landscape requirements

The applicant shows conceptual signage (wall) 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.

The existing property is made up of four parcels and will be creating a Certified Survey Map (CSM) to create one (1) new lots.

The City has been seeking to improve this section of Erie Avenue for some time and the Gateway Apartments present a great opportunity to achieve this vision. The proposed project will:

- Provide revitalization to an area of the city that has been underutilized in a manner that compliments and positively will impact the mixed use neighborhood.
- Provide needed housing opportunities for individuals and families with varying income requirements.
- Increase the City's tax base on this vacant and undeveloped property.

#### **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, DNR, State of Wisconsin, 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. Submittal/approval of a proposed storm drainage plan prior to building permit issuance.
3. 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.
4. Outdoor storage of materials, products or equipment shall be prohibited.
5. 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.).
6. 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.
7. 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.
8. Applicant shall install individual letter signs – no cabinet or flat panel signs.
9. All areas used for parking/maneuvering of vehicles shall be paved.
10. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
11. 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 improved to standard City specifications.

12. 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.
13. 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, relocation of street lights, grading, etc.).
14. 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.).
15. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets.
16. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant.
17. Applicant is responsible for working with all private and public utilities in order to adequately service this apartment complex development proposal (applicant will need to provide the necessary easements and/or relocate utilities as necessary).
18. 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.
19. If applicant leases space to additional tenants, the tenants shall obtain all necessary land use and building approvals/permits prior to occupancy (future tenants, if any)
20. Building permits will only be issued at such time as the applicant can provide documentation from Sheboygan County that the CSM has been officially recorded.
21. Prior to building permit issuance, the City of Sheboygan Architectural Review Board shall review/approve the proposed building design.
22. If the applicant does not proceed, the applicant shall grade and landscape/grass all private and public lands/property, temporary roads, temporary access drives, etc. 60 days after the City is notified that the applicant is not proceeding. Within this same 60 day period, the applicant shall also be required to remove any permanent/temporary off-premise signage, structures, etc. from this parcel.
23. If there are any amendments to the approved conditional use permit (including but not limited to site plan, architectural design, use, 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