

## CITY OF SHEBOYGAN

### REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

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**ITEM DESCRIPTION:** Application for Conditional Use Permit with exceptions by General Capital Group to construct the Berkshire Sheboygan Riverfront apartments and townhomes at the northeast corner of the S. 10<sup>th</sup> Street and Indiana Avenue intersection. CC Zone

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

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**REPORT DATE:** April 6, 2023

**MEETING DATE:** April 11, 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:

General Capital is proposing to construct the Berkshire Sheboygan Riverfront apartments and townhomes at the northeast corner of the S. 10<sup>th</sup> Street and Indiana Avenue intersection. The Berkshire Sheboygan Riverfront project is a \$30.2 million redevelopment of City of Sheboygan Redevelopment Authority (RDA) owned property consisting of an 83-unit independent senior building with “podium-style” underground parking and 18 townhomes in a separate building facing Indiana Avenue. We intend to close on the project in late May/early June 2023. Construction will take approximately 12-14 months, including sitework and the city pocket park.

The property will contain 83 independent senior units and 18 workforce housing units, for a total of 101 units. They project that each senior unit will have an average of 1.2 residents (100 residents) and each townhome will have an average of 2.5 residents (45 residents). The commercial space will be a satellite office for Family Service Association of Sheboygan and will have +/- two (2) employees and daily client traffic attending meetings and classes. The property will not offer “assisted living” or other services associated with higher intensity senior properties.

The project will redevelop approximately 1.9 acres of the 2.5 acres of former brownfield and underutilized property on the Sheboygan River. The 2.5 acre parcel is currently vacant, with the exception of a small commercial building fronting 10th Street.

The parcel was formerly an industrial and commercial use on the northern portion of the property (former JJ Koepsell Company) and mixed-use residential along Indiana Avenue. The property is the subject of a WDNR Remedial Action Plan to clean up and cap any residual contamination of the property. The development of our proposed project is at the center of the

remedial plan, with some source removal of contaminated soil and a “cap and cover” implementation plan for both our site as well as the city’s park.

The site is a complex situation, with buried and overhead utilities dictating the layout of the site. The building is sited within the constraints of two (2) utility corridors: underground public utilities running along the former Commerce Street ROW and the high-tension ATC wires running within the vacated ROW.

Our team chose this site for our project because it is located in the middle of an existing, thriving neighborhood with dense residential housing and exciting local businesses. Our use is ideal for the constraints presented by this site. A large building can be tucked behind the “Main Street” style character of Indiana Avenue and our townhomes fit into the massing and scale of the street. Our residents will add vibrant activity to this area and provide customers for nearby businesses. In addition, our live/work units will provide a unique opportunity for small home-based occupations to “hang their shingle” in a high visibility corridor, acting as an incubator for businesses to potential grow into other commercial space. Finally, our commercial tenant, Family Service Association of Sheboygan, will provide the neighborhood with a valuable resource for financial literacy education and other classes promoting financial wellbeing.

The Berkshire Sheboygan Riverfront project was designed with the site-specific context as a guide to architectural massing, form and materials. The site, located at the NE corner of Indiana Avenue and S. 10th Street, is a key gateway into Sheboygan’s Downtown Business District and also a large, vacant development opportunity on the Sheboygan River. The intent of our layout and overall building design is to blend into the existing neighborhood, while enhancing the Sheboygan Riverfront as a focal point and destination for our residents and the larger community.

### 83 Unit Senior Housing Development (north side of site adjacent to Illinois Ave):

- The larger senior building is set back from Indiana Avenue, behind the townhome building, separated by a landscaped parking lot serving both the townhomes and senior building.
- The scale and massing of the building is a “U” shape courtyard-style building, with units having either city, lake or river views in every direction. The senior building consists of four stories of stick-frame construction over a pre-cast concrete “podium” covering the parking deck (5 story building). The site is constrained by poor soils, underground contamination and high water table, making underground parking impractical.
- The parking podium has the unexpected benefit of raising the housing units to offer better views of Downtown, the river and Lake Michigan to the east. The upper floors of the building will be clad in high quality materials including a combination of brick and cement-board siding.
- The ground floor will include our leasing office, mailroom and primary residential entry. In addition, a small commercial storefront will be included in the base of the building facing Indiana Avenue, that will house our “Community Serving Facility,” a local non-profit who will serve residents and the larger community with financial planning and literacy services. We have signed a Letter of Intent with Family Service Association of Sheboygan to use this space as a satellite facility to their larger operation in Sheboygan.

- The building itself will have a deep-colored brick masonry base, with two-tone mix of brick that will provide a strong sense of “base” to the building. The upper floors will be a combination of lighter, complimentary colored brick panels and cement-board siding as the field material. The colors will work together to create a warm “earth tone” pallet. Additional architectural interest and articulation is added with inset and hung balconies in key locations. Corner units are special conditions that include larger windows in corner living room to fully take advantage of building corners. Overall, the design is intended to be fresh and contemporary, but with traditional proportion and use of materials. We intend for our designs to fit the context of the mixed use neighborhood and withstand the test of time and trends.
- The project will provide high-quality, affordable independent senior housing units with a full array of amenities. Our approach to our Berkshire independent senior projects is different from much of our competition. Our properties are designed with a contemporary flair and promote community with stimulating community spaces, fitness center, Wi-Fi café and other spaces that encourage our residents to stay active and engaged in their surroundings. As a highlight for this community, we have placed our largest gathering space on the top floor, providing residents with river and Lake Michigan views and a space to share, rather than giving the best space to a private living unit. The property will also offer individual storage units for each apartment and heated parking in our underground garage.
- There are 83 units in this 5-story building and the proposed unit mix and sizes are:
  - 55, 1-bedroom units = approximately 640sf (35,200sf total)
  - 28, 2-bedroom units = approximately 970 - 1,245sf (29,365sf total)
- Number of units per floor in the apartment facility:
  - 1<sup>st</sup> floor – 55 parking spaces, vestibule, lobby, leasing office and mail area
  - 2<sup>nd</sup> floor 20 units – 13, 1-bedroom and 7, 2-bedrooms
  - 3<sup>rd</sup> floor 21 units – 13, 1-bedroom and 8, 2-bedrooms
  - 4<sup>th</sup> floor 21 units - 13, 1-bedroom and 8, 2-bedrooms
  - 5<sup>th</sup> floor 21 units – 16, 1 bedroom and 5, 2 bedrooms
- 5-story building that has a total of 121,358SF.

#### 18 Townhome Development (adjacent to Indiana Ave):

- The townhomes are contained in a single, two-sided building, with units facing Indiana Avenue and the interior parking court. This two-story building will have a strong street-facing orientation, with direct-entry units creating pedestrian activity and interest along Indiana. The massing of the building will express the individual townhomes units. The building will be clad in a combination of smooth textured cement-board siding and wood-look siding to create a harmonious composition.
- The building profile is modeled after many of the other structures across, and along the next couple of blocks, of the street. This area is a mix of single-family homes and small retail storefronts at the street level, often with a living unit above. Most of the existing retail/living buildings either have a flat roof, or a false front mimicking a two-story flat roof profile. This building design is intended to be a modern adaptation of this traditional use,

massing and appearance. While helping to define the street edge at the first floor, like the existing adjacent structures, there will be nine second floor decks providing visual interest and overlooking the streetscape. These inset decks will break up the massing of the street elevation and create a human-scale proportion and rhythm to each individual townhome.

- As a final detail of the townhome structure, the far west end of the building will include a lighted, branded “Berkshire” sign set in a field of siding. This will accentuate the importance of this corner and provide a gateway feature for the project.
- The townhome-style units along Indiana Avenue are sited to take advantage of this key gateway and high visibility corridor. The nine (9) units facing Indiana Avenue are designed as live/work units that include a space on the first floor that can be used as either a space/showcase for a small business, or a first floor additional bedroom. This unique “live/work” component offers residents the ability to run their home-based occupation from their unit. These businesses could include artists, hair stylist, designers, accountants and other home-based type occupations that are compatible with the neighborhood.
- The townhomes will not be age restricted.
- There is a total of 18, 3-bedroom units approximately 1,445sf (26,010sf total)

The applicant states the following about the site improvements:

- **TRAFFIC AND EGRESS** - Vehicular egress to/from the parking, service and underground parking will come from both 9th Street on the east and 10th Street on the west. The 10th Street access will serve as the primary ingress/egress to the property. The garage to the underground parking is purposefully located on the west side of the site to promote traffic to come and go from the west, rather than from the more congested 9th Street access point.
- **PARKING** - Parking is provided in both surface parking lots and an underground parking deck below the senior building. The project contains 55 underground spaces and 63 above ground spaces for a total of 118 parking spaces. Indiana and 10th both have on-street parking for visitors and guests. The parking ratio of 1.17 is adequate based on our previous experience with this product type.
- Traffic and parking appear to be the largest concern of our immediate neighbors. It is our intent to work with the City to improve the alley, including paving the full length of the alley between 9th and 10th Streets, as well as adding additional public parking at the northern terminus of 9th Street (approximately 10 spaces). We have set up our building access to be most convenient from the west, from 10th Street. We believe that this combination of additional parking for the neighborhood and directing traffic away from 9th Street should alleviate most of the neighbors’ concerns.
- **SIDEWALKS AND THE PEDESTRIAN ENVIRONMENT** - The site is located in a downtown environment with sidewalks surrounding the development and offering easy pedestrian access to the property. Internally, our project includes sidewalks to connect the local pedestrian network to our project. Sidewalks are placed along all parking areas and connecting all building entries. We are also providing new sidewalk connections to both the “east-west pedestrian corridor” following the former ROW as well as connecting Illinois

Avenue to the Riverwalk, creating a looped pedestrian path through the property and to the future public pocket park on the river.

- **RETAINING WALL AND SPECIAL FEATURES** - The site is relatively level, except along the Indiana Avenue frontage, which includes a slight grade change from west to east. To make the sidewalk meet ADA guidelines, a small retaining wall is required at the far east end of the sidewalk behind the townhomes.
- **STORM DRAINAGE** - In coordination with the City Engineer, our civil team has designed a compliant storm water management system that will use a combination of pervious pavement and “rain gardens” to accomplish the required suspended solid removal and timed release of storm water on the site. A Storm Water Management Plan has been prepared and submitted to the City Engineer as part of the approval process.
- **LANDSCAPING**- Landscaping has been proposed to be compliant with Section 15.6 of the code. In addition, we have directed our landscape architect to use only native Wisconsin plantings throughout the development. This will create a natural, robust landscaping scheme that highlights the special native species of the area.
- **LIGHTING** - Exterior lighting will include a combination of wall-mounted fixtures over pedestrian and vehicular entries, residential-scaled “coach” fixtures at the townhome entries and full cut-off pole mounted fixtures in the parking area. All fixtures will be high-efficiency LED, with a high-quality fixture consistent with the overall design scheme.
- **DUMPSTER ENCLOSURE** - The senior building will have trash chutes with an underground collection point. Trash will be collected internally and brought out on trash day. A fully-enclosed, masonry trash enclosure will serve the townhomes. The trash enclosure is placed in the least intrusive location on the site, between the townhome building and the neighboring property on the “alley” or north side of the buildings.
- **SCREENING OF MECHANICALS** - Mechanicals will be placed on the roofs of both the senior building and the townhomes. The commercial space will require one small air conditioning condenser, which will be placed on the northeast side of the space and screened with landscaping. The rooftop mechanicals will consist of roof-mounted air conditioning condensers only. No “RTU” style units will be part of the project. These units will be placed in a pre-identified zone down the middle of the roofs, bringing them out of sight of passersby.
- **Proposed Signage** - The project will include one primary wall sign as the main project identification sign. The sign will be placed on the west end of the townhome building, facing Indiana Avenue. It will be illuminated by three “shepherds hook” style overhead lights lighting the sign from above. A detailed sign design will be submitted at a later date once the branding consultant is engaged to design the sign.

In response to the City’s requirements for a Conditional Use, the following statements of justification demonstrate that our proposed use is consistent with the City’s vision for the neighborhood, consistent with surrounding land uses and will not result in any undue adverse impact to the neighborhood. More specifically: a) How is the proposed conditional use in harmony with the purposes, goals, objectives, policies and standards of the City of Sheboygan Comprehensive Master Plan? The Indiana Avenue Corridor Redevelopment Plan and

Implementation Strategy makes numerous references to housing development opportunities, the City of Sheboygan Affordable Housing Market Study very specifically identifies the need for additional affordable rental units in the targeted geographic area of our proposed site:

- There is a growing senior population and lack of independent and assisted living options in Sheboygan. Developing housing options for seniors will have the added benefit of putting additional affordable, single-family homes on the market (Page 1).
- There is a demonstrated need for affordable and market rate housing in the City. The development of market rate housing frees up more affordable units in the City that are currently rented/owned by households at higher income levels (Page 1).
- The Plan identifies senior housing and 3+ bedroom rentals appropriately sized for families as two of four “priority unit types” (Page 2).
- The Plan states that a major strategy for improving housing options should be “housing for all,” more specifically, the Plan states that “in all of the programs, strategies, and communication the City has related to housing, a core message should be that the City believes access to safe, affordable housing options for all.” (Page 2).
- The Plan recommends using Tax Increment Financing for affordable housing initiatives as well as using the affordable housing one year extension option for existing TIF Districts that are about to be closed (Page 3).
- The Plan contains numerous statistics, demographics and financial data supporting the final analysis that the City of Sheboygan needs 401-1,023 rental units by 2030 and 1,289 additional independent living senior units by 2030 (Page 69).

The proposed project will provide numerous benefits to the surrounding neighborhood and general public. First, the housing units will provide high-quality affordable housing in an area that is close to employment, shopping and entertainment. The City’s recent affordable housing market study indicated a serious need for high quality housing within the city limits and near amenities, especially for seniors. The site is also ideally located for pedestrian and bike transit. The site has a Walk Score® of 80, which is considered “Highly Walkable” with most errands accessible by foot. It also scores a Bike Score of 71, which is considered “Highly Bikeable” where biking is considered convenient for most trips. Third, the site itself is highly challenging to develop, as evidenced by the length of time the site has remained vacant. Our financing strategy, in addition to our partnership with the City, makes the redevelopment of this site feasible for this use, at this time. The rules are changing and we secured an allocation of housing tax credits just in time before new rules went in place, which would have placed this site at a disadvantage. Fourth, we are coordinating with the City to improve the alley behind Indiana and add public parking space, which will benefit the neighbors. Finally, as a result of our development activity, we will remediate the site of environmental contamination. This is a tremendous benefit to the immediate neighborhood and the City overall. Our project will not result in any substantial or undue hardship on the neighborhood and will provide numerous benefits to the immediate area and city overall.

The proposed conditional use, e.g. multi-family development in the Central Commercial (CC) zoning district, will be consistent with the mixed-use nature of the surrounding area and Downtown Sheboygan. Per the City’s plan for the area (“Sheboygan’s Downtown Districts: A

tactical master plan for urban design and activation”), the City desires a mix of uses in the core commercial area of town, including a variety of businesses and residential development to support and promote “24/7” activity. This property provides an opportunity to add over 100 housing units within walking distance of downtown and nearby businesses. We are also not proposing commercial development that could compete with existing downtown businesses, an important element of a “concentrate and contain” approach to economic development of Downtown Sheboygan. In addition, we would like to work with the city to install some of the “Art in Public Spaces” and placemaking initiatives envisioned in the Plan.

The applicant is requesting the following land use exceptions/variances:

- To have a minimum lot area of 997sf per unit for 1.9 acres (just the apartments) – Minimum lot area is 2,500sf per unit for 4.8 acres.

$$2,500\text{sf} \times 83 \text{ units} = 207,500\text{sf} \qquad 207,500\text{sf} / 43,560 \text{ (an acre)} = 4.8 \text{ acres}$$

$$1.9 \text{ acres} \times 43,560 = 82,764\text{sf} \qquad 82,764\text{sf} / 83 \text{ units} = 997\text{sf per unit.}$$

- To have a minimum lot area of 819sf per unit for 1.9 acres(apartments and townhomes) – Minimum lot area is 2,500sf per unit for 5.8 acres.

$$2,500\text{sf} \times 101 \text{ units} = 252,500\text{sf} \qquad 252,500\text{sf} / 43,560 \text{ (an acre)} = 5.8 \text{ acres}$$

$$1.9 \text{ acres} \times 43,560 = 82,764\text{sf} \qquad 82,764\text{sf} / 101 \text{ units} = 819\text{sf per unit.}$$

- To have a building height of 57 feet – Maximum building height in excess of 35 feet is permitted with a conditional use permit.

The requested variance is to allow the apartment building to be 57'. Due to site constraints, the building needs to be taller to achieve the same density as a more “sprawled” scheme. In addition, the increased building height will give more unit’s better views, thus increasing the value of the property. The proposed building height is consistent with buildings to the west such as Badger Street Lofts.

- To have 118 parking spaces – Minimum 175 parking spaces required.

The requested variance is to allow for fewer off-street parking spaces. By ordinance, 175 spaces are required, and the proposed development includes 118 spaces. The lower amount of spaces is desired because we feel our on-site parking ratio is appropriate and is consistent with similar mixed use projects and because the apartments will be marketed to individuals that are 55 years of age and older, many of whom are not expected to have multiple cars in the household.

- Requesting a variance from the locational and bufferyard landscaping requirements - Applicant shall meet the four (4) locational landscaping requirements.

The applicant states they are requesting exceptions to support the redevelopment of a unique infill location in the heart of Downtown Sheboygan. We believe this site requires special dispensation due to its physical constraints and unique attributes. We believe that our team has designed a high-quality project that fits the site and character of the surrounding context

and granting these exceptions will not negatively impact the immediate neighbors or community overall.

In summary, we are requesting the exceptions/variances to support the redevelopment of a unique infill location in the heart of Downtown Sheboygan. We believe this site requires special dispensation due to its physical constraints and unique attributes. Due to the mixed-use nature of our proposed buildings (commercial building code), we are using the nonresidential bulk requirements of the Central Commercial zoning district. This approach is consistent with other mixed-use projects within this district and is the most appropriate considering the surrounding context, e.g. zero setback, mixed-use "Main Street" style buildings.

### **STAFF COMMENTS:**

The properties and businesses along Indiana have used the RDA property for many years for parking and access to the rear/north side of their properties. It should be noted this private property and not a public right-of-way. The actual alley right-of-way runs east and west and is located directly south of the former Craft 30 Tavern building on S. 10<sup>th</sup> Street that remains. The Common Council will be vacating this unimproved alley in order for the applicant to be able to develop the property as proposed.

This property will now be owned by the Berkshire and parking will no longer be permitted for these businesses on the property. That being said, the applicant will be doing the following:

- A Certified Survey Map (CSM) will be created that details emergency access and permits existing building encroachments to remain for properties located at 908 and 912 Indiana Avenue.
- The CSM and site plan continue to show access availability for properties located at 902 and 904 Indiana Avenue from remaining section of Commerce Avenue.
- It is the intention of the applicant to leave these areas available and try to work with the neighbors with regards to how this area should be improved.
- The Berkshire outdoor parking lot that is located on their private property is intended for the Berkshire residents only. However, 10 parking spaces will be constructed in the northern portion of the Commerce Street right-of-way that remains along S. 9<sup>th</sup> Street. These parking spaces will be available to the Berkshire as well as to the public.

There presently are several driveway cuts on this property that will be removed and curb, gutter and sidewalk to City specifications shall be reinstalled. In addition, the applicant has indicated that new sidewalk will be installed along S. 10<sup>th</sup> Street and Illinois Avenue.

The applicant shows conceptual signage (monument, wall directional, etc.) 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 several parcels owned by the City of Sheboygan Redevelopment Authority (RDA). The applicant will be creating a Certified Survey Map (CSM) to create two (2) new lots. The RDA will sell the proposed 1.9 acre Lot 1 to General



Capital Group for the Berkshire development and the .7 acre Lot 2 parcel will remain the City's. The area will likely remain greenspace that may be improved over time.

The Plan Commission may want to have the applicant address:

- There is contamination and transmission lines that cross the property. How does the contamination and these lines impact the location of building and site improvements on the property?
- What is the applicant's intent with removing the numerous driveway cuts and installation of new sidewalk along S. 10<sup>th</sup> Street and Indiana Avenue?

The City has been seeking to improve this riverfront section of the Indiana corridor for some time and the Berkshire Sheboygan Riverfront apartments and townhomes 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 and supportive service needs.
- Increase the City's tax base on this challenging vacant and undeveloped Sheboygan Riverfront property.
- Has the opportunity to provide additional public space along the Sheboygan River.

#### **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. Applicant is responsible to ensure that the proposed buildings are meeting all Federal, State and Local codes pertaining to hazardous materials and contamination.
3. Submittal/approval of a proposed storm drainage plan prior to building permit issuance.
4. 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.
5. 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 and 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.

6. Dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility. Dumpster enclosure shall be completed prior to issuance of an occupancy permit for the first apartment building to be occupied.
7. Outdoor storage of materials, products or equipment shall be prohibited.
8. Fencing and retaining wall shall be installed per Section 15.720(3)(c) of the City of Sheboygan Zoning Ordinance. Applicant is required to submit specific fence and retaining wall details to staff. If staff has any concerns with the fence and/or retaining wall design, the matter may be brought back to the Plan Commission for their consideration (fencing and retaining wall need a decorative design).
9. 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.).
10. 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.
11. 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.
12. Applicant shall to install individual letter signs – no cabinet or flat panel signs.
13. Applicant shall be permitted a freestanding monument sign for the site. The sign shall meet the monument sign requirements.
14. All areas used for parking/maneuvering of vehicles shall be paved.
15. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
16. 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.
17. 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.
18. 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.).
19. 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.).
20. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets.
21. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant.
22. 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).
23. City Development staff will issue a building permit only if the applicant has adequately satisfied all concerns related to the Sheboygan Water Utility.
24. 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.
25. 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)

26. The Certified Survey Map (CSM) will be reviewed if and only if the Plan Commission approves the conditional use permit. The proposed CSM will exactly match the approved site plan/property layout.
27. Applicant shall submit a Certified Survey Map (CSM) that meets the City of Sheboygan Subdivision Ordinance.
28. 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 and that General Capital Group is the owner of the parcel.
29. Prior to building permit issuance, the City of Sheboygan Architectural Review Board shall review/approve the proposed building design.
30. If the applicant does not proceed with either phase, 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.
31. 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.
32. Applicant will have an executed developer's agreement prior to building permit issuance.

#### **ATTACHMENTS:**

Conditional Use and required attachments