

## CITY OF SHEBOYGAN

### REQUEST FOR PLANNING COMMISSION CONSIDERATION

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**ITEM DESCRIPTION:** Application for Conditional Use with exceptions by Jason Peterson for installation of concrete slab for parking and the potential future construction of a new accessory building at 2115 N. 18<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:** January 20, 2023

**MEETING DATE:** January 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:

Jason Peterson is requesting approval for installation of concrete slab for parking and the potential future construction of a new accessory building at 2115 N. 18<sup>th</sup> Street. The applicant states the following:

- The current commercial building at 2115 N. 18<sup>th</sup> street has been around for 50 plus years. Over the years some improvements have been made but not many. I am the new owner of this property and currently in the process of making improvements. I am planning to bring up its outside appearance to improve the look of the neighborhood. Currently there is a run-down garage that I would like to remove and rebuild a 1,200sf metal building next to that location. The purpose of this would be to allow for better parking and snow removal during winter months. The new commercial building will allow better use of the space and improve the overall appearance of the property.
- The proposed replacement of existing concrete and adding four (4) extra feet to each section. Adding an additional 30 x 40 concrete slab for the purpose of constructing a metal building for future commercial use.
- The new building will be constructed according to local codes and standards.
- Gravel driveway will be used for access to the building.
- New concrete area is 1,812sf.

## **STAFF COMMENTS:**

The applicant has already installed the concrete without obtaining the required approvals and permits to do so. In addition, the concrete that has been installed does not meet the minimum required paving setbacks of:

- 25 feet to a residential side property line to the north – zero (0) foot setback.
- Five (5) feet to a nonresidential rear property line to the east - 3.4 foot setback

In addition to getting the conditional use permit and exceptions for the concrete that has already been installed, the applicant will need to submit stormwater plans to the City Engineering Department for this project.

The applicant indicates he would eventually like to replace the existing weathered 400sf detached building with a new 1,200sf detached building. Applicant has provided some very general Menards plans for a metal building but will need much more detailed plans that will need to be reviewed by the Architectural Review Board. The applicant will want to propose a well designed building in order to help improve the overall design of the buildings on this property. In addition, the applicant will be required to address all commercial building codes for such a future structure (such as required spacing between buildings and fire codes).

There is a significant amount of gravel on this property that remains. All areas used for parking and/or maneuvering of vehicles are to be located on a paved surface. Thus, staff will be recommending that as part of these improvements the remaining gravel areas need to be paved and/or landscaped by June 30, 2023 (the timing of the paving can be discussed further).

The applicant and/or the contractor shall meet with staff to discuss the parking lot plans and shall obtain all required storm water, landscaping, lighting approvals prior to issuance of a building permit for constructing the new parking lot.

Applicant will obtain all required permits/approvals prior to constructing the new building and parking lot including but not limited to building permit, site plan, storm water, etc.

The Plan Commission may want to ask the applicant:

- What exactly is the present use of the facility?
- What is the proposed use of the proposed 1,200sf structure?
- Why does the structure need to be so big and why can't it be relocated?

Other property/site issues include:

- Remove outdoor piles of miscellaneous debris and materials located on the north, south and east sides of the building. These materials may be stored indoors.

- There is an old weathered sign structure with rusted poles in the front of the building property N. 18<sup>th</sup> Street. This structure shall be removed.
- Appears the applicant has installed a temporary Fortress Floor banner sign on the front of the building. This temporary banner shall be removed. The applicant can consider installing a new permanent wall sign in the future.

The applicant is requesting the following exception:

- Requesting to have a zero (0) foot building/paving setback to the north property line - Minimum building/paving setback to a residential property line is 25 feet.
- Requesting to have a 3.4 foot building/paving setback to the east property line - Minimum building/paving setback to a nonresidential property line is 25 feet.
- Requesting an exception from the landscaping requirements - Applicant shall meet the four (4) locational landscaping requirements.

It is staff's position that the paving and building setbacks should be a minimum of five (5) feet from all of the property lines in this area (north, south and east) and that the applicant be required to remove the concrete encroaching within the five (5) foot setback areas by June 2, 2023.

Staff will also be recommending that prior to issuance of a building permit for any new building structure and or site improvements the following must occur:

- Applicant shall submit and receive approval for a storm water permit for the paving recently installed.
- Applicant shall remove all required paving within five (5) feet of all property lines.
- Architectural Review Board will review plans for any new building.
- Applicant will submit new site plan for structure showing the minimum five (5) setbacks to all property lines.
- Paving of the gravel lot areas shall be completed.

#### **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/permits as well as meet all required codes including but not limited to demolition, building, plumbing, electrical, HVAC, fire, hazardous materials, health, water, sewer, storm drainage, demolition, etc. An occupancy permit will be granted only at such time as the applicant has met all requirements.
2. The applicant shall submit a stormwater plan to the City Engineering Department for the paving that has already been installed by March 3, 2023. An approved storm drainage

- plan is required prior to building permit issuance (for existing paving and for any future structures and/or site improvements).
3. Applicant shall meet the minimum building and paving setback of five (5) feet to all property lines. Applicant shall remove the existing concrete encroaching within the five (5) foot setback areas prior to building permit issuance for a new structure or by June 2, 2023 whichever occurs first.
  4. If using dumpsters, dumpster(s) 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 Slatting (PDS) material in order to effectively screen and enclose the dumpster.
  5. Outdoor storage of materials, products or equipment shall be prohibited. Applicant shall remove outdoor piles of miscellaneous debris and materials located on the north, south and east sides of the building by March 3, 2023.
  6. 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.).
  7. 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.
  8. 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.
  9. Applicant shall remove temporary Fortress Floors banner located on the front of the building facing N. 18<sup>th</sup> Street by March 3, 2023.
  10. Proposed and future signage at this property/facility shall be individual letter signs (no flat panel or interior lit cabinet signs).
  11. Applicant shall remove the old weathered sign structure with rusted poles in the front of the building along N. 18<sup>th</sup> Street by March 3, 2023.
  12. 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 parking lot including but not limited to building permit, site plan, storm water, etc.
  13. 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).
  14. 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, etc.).
  15. 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.
  16. Prior to issuance of a building permit for any new structure and/or exterior remodeling, the applicant shall submit plans to the City Architectural Review Board for review and approval.

17. Any future/additional uses of the facility/property such as additional tenants, additions, site improvements, etc. may require conditional use permit, architectural review, occupancy permit, etc.
18. 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 applications reflecting those amendments.

**ATTACHMENTS:**

Conditional Use Permit Application and required attachments.