

**CITY OF SHEBOYGAN  
RESOLUTION 211-23-24**

**BY ALDERPERSONS MITCHELL AND RAMEY.**

**APRIL 15, 2024.**

A RESOLUTION approving the General Development Plan submitted by Van Horn Properties of Sheboygan, LLC for construction of a new Van Horn Kia facility on parcel nos. 59281215827 and 59281215833 within a Planned Unit Development (PUD) zone.

WHEREAS, prior to consideration of this resolution, the Common Council will have approved rezoning of the parcels involved from Suburban Commercial (SC) to Suburban Commercial with Planned Unit Development (PUD) overlay; and

WHEREAS, Van Horn Properties of Sheboygan, LLC (Van Horn) submitted a Planned Unit Development General Development Plan (GDP) for construction of a new Van Horn Kia facility on parcel nos. 59281215827 and 59281215833, a copy of which is attached; and

WHEREAS, the packet submitted by Van Horn included the required application fee and all items required pursuant to Sheboygan Municipal Code § 105-1005(e)(3); and

WHEREAS, the plan commission held a public hearing concerning the proposed PUD-GDP designation after publication of a Class II legal notice in accordance with Chapter 985 of the Wisconsin Statutes, listing the time and place, and brief description of the PUD; and

WHEREAS, following the public hearing, the plan commission voted to recommend to the common council that the GDP be approved as presented; and

WHEREAS, the common council has held a public hearing concerning the proposed PUD-GDP designation after publication of a Class II legal notice in accordance with Chapter 985 of the Wisconsin Statutes, listing the time and place, and brief description of the PUD; and

WHEREAS, the common council has carefully considered the plan commission's recommendations and any comments at the public hearing it held; and

WHEREAS, in addition to the GDP, Van Horn submitted to the plan commission an application for a proposed Specific Implementation Plan (SIP), a copy of which is attached; and

WHEREAS, the SIP application included the required application fee and all items required pursuant to Sheboygan Municipal Code § 105-1005(e)(4); and

WHEREAS, the plan commission voted to recommend to the common council that the SIP be approved 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 building, plumbing, electrical, HVAC, fire, water, sewer, storm drainage, health, 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 and approval of a proposed storm drainage plan prior to building permit issuance.
3. Dumpster enclosure shall be completed prior to issuance of an occupancy permit for the first apartment building to be occupied.
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. Applicant shall work with staff with regards to appropriate signage. Applicant will be required to submit the final package in order to be incorporated into the approved PIP. 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.
7. All areas used for parking/maneuvering of vehicles shall be paved.
8. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
9. Any new ingress/egress driveway openings and any drives to be closed or modified shall be improved to standard City specifications.
10. 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.).
11. 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.).

12. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets.
13. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant.
14. 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, art, etc.
15. Applicant is responsible for working with all private and public utilities in order to adequately service this development (applicant will need to provide the necessary easements and/or relocate utilities as necessary).
16. 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.
17. Prior to building permit issuance, the City of Sheboygan Architectural Review Board shall review/approve the Van Horn facility.
18. Any changes to the landscape plan will need City Staff approval prior to installation.
19. Plantings located around all ingress/egress of the site shall be maintained to not interfere with vehicular/pedestrian traffic.
20. Plantings located around the Fire Department Connection must be maintained to make sure that it is accessible at all times.
21. Plantings located by light poles should be maintained to keep areas well lite.
22. All plantings will need to be maintained per Section 105-894(b) Maintenance.
23. The Department of Planning & Development must inspect the landscaping. Failure to comply with any of the above conditions may require the removal and replanting of plants. Please call Janet M Duellman for an onsite inspection at 920/459-3380.
24. If there are any amendments to the approved SIP (including but not limited to site plan, architectural design, etc.) the applicant will have to submit an amended SIP for review that accurately reflects any and all proposed changes.

25. If there are any amendments to the approved PIP (including but not limited to site plan, architectural design, etc.) the applicant will have to submit an amended PIP for review that accurately reflects any and all proposed changes.

NOW, THEREFORE, BE IT RESOLVED: That the Common Council hereby approves the GDP submitted by Van Horn Properties of Sheboygan, LLC for construction of a new Van Horn Kia facility on parcel nos. 59281215827 and 59281215833 within a PUD zone and directs that the PUD boundaries be shown on the city's zoning map.

BE IT FURTHER RESOLVED: That the Common Council hereby approves the SIP submitted by Van Horn Properties of Sheboygan, LLC for the same property subject to the conditions imposed by the plan commission, noting that, pursuant to Code, all portions of an approved SIP not fully developed within five years of final common council approval shall expire, and no additional PUD-based development shall be permitted unless the common council extends the five-year period by up to five additional years via a majority vote following a public hearing.

BE IT FURTHER RESOLVED: That Common Council approval is made contingent upon the conditions and restrictions contained in Sheboygan Municipal Code § 105-1005(f)(3).

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

\_\_\_\_\_

Presiding Officer

Attest

\_\_\_\_\_  
Ryan Sorenson, Mayor, City of  
Sheboygan

\_\_\_\_\_  
Meredith DeBruin, City Clerk, City of  
Sheboygan