

## CITY OF SHEBOYGAN

### REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

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**ITEM DESCRIPTION:** Application for Conditional Use Permit with exceptions by VUE 14, LLC to construct the View 14 Apartments at the southeast corner of the S. 14<sup>th</sup> Street and Illinois Avenue intersection. UR-12 Zone

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

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**REPORT DATE:** December 9, 2022

**MEETING DATE:** December 13, 2022

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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:

Vue 14, LLC is proposing to construct the View 14 Apartments at the southeast corner of the S. 14<sup>th</sup> Street and Illinois Avenue intersection. The applicant states the following:

- The subject site is a vacant, undeveloped property located at the southeast corner of the S. 14<sup>th</sup> Street and Illinois Avenue intersection. The site was formerly a convenience store and service station located at 1003 S. 14<sup>th</sup> Street and is made up of parcel #'s 59281506230, 59281506240, 59281506260 and 59281506350.
- The properties were recently rezoned to Urban Residential (UR-12) allowing for the proposed multi-family development. The sites prime location presents a unique and exciting opportunity allowing the redevelopment of a vacant, underutilized site into housing which will provide infill development and will be complementary to the adjoining mixed use neighborhood.
- The proposed View 14 development will consist of 48 apartment units, with 40 units deemed affordable and set aside for individuals making up 30 to 60 percent of the Area Median Income (AMI) for Sheboygan County. The remaining eight (8) units will serve as market rate units. Bedroom sizes shall vary from one, two and three-bedroom units. The project will also integrate ten (10) units of supportive housing targeting individuals and families who may require access to supportive services along with five (5) units targeting veterans.
- With this proposed unit mix, varying income requirements, and supportive set-asides, the intent is to serve individuals from all walks of life promoting a diverse tenant population.

Commonwealth Development Corp. has been working with the City of Sheboygan staff since the summer of 2020 in efforts of bringing a new affordable housing development to fruition with a few guiding principles:

- Qualified Census Tract (QCT): Project must reside within a QCT as these areas are suffering featuring 50 percent of households with incomes below 60 percent of the Area Median Income (AMI) or have a poverty rate of 25 percent or more. The impact of the COVID-19 pandemic only accentuates this objective.
  - Transit Oriented Development (TOD): Public transportation options must be on-site as it mitigates the concern of a limited job pool due to inaccessibility.
  - Proximity to Amenities: Daily amenities such as grocery store, public education, medical clinic, library, park and more must be within 1.0 mile to ensure on-foot convenience.
  - Additional Support: Project will feature a Community Service Facility designated to local non-profit support service organizations to provide assistance with financial literacy, seeking employment, counseling and promoting housing stability.
- With this, the team identified the subject site of 1003 S. 14th Street as it addresses the focal points originally identified in our discussions. Through a combination of these site characteristics, existing neighborhood pride, and sound execution in the redevelopment, this site boasts the potential to add significant value to the community.
  - The development team is currently amid the due diligence process with both our Tax Credit Investor and Lender. Assuming the process stays of course, projections indicate construction to commence early Spring 2023 once Winter conditions have surpassed. The assigned general contractor estimates a 14-month construction schedule netting an early Summer 2024 completion.
  - Total development costs are slated to be \$15.5 million.

The applicant states the following about the apartments:

- The development will consist of 48 apartment units in a 3-story building and each floor is 20,308SF for a total of 60,924SF.
- The in-unit amenities include features that you would see in a typical market rate apartment building such as energy star appliances, washer and dryer, spacious closets, open floor with kitchen and living areas, and energy efficient furnaces.
- The development will include many amenities to serve residents such as a community room, computer area, fitness center, tenant storage units, and an on-site management office. Family Service Association of Sheboygan, Inc., a local nonprofit, will have a presence onsite offering supportive services to residents and the surrounding neighborhood.
- Development will feature on-site professional management and maintenance, community room, guest suite for visitors, and a courtyard.

- The project will have between 100 – 130 residents, one (1) property manager and one (1) maintenance manager. Visitors will fluctuate on a day to day basis along with customers that would stop in the Family Service Association of Sheboygan, Inc. space, located at the building entrance.
- Upon construction completion, the proposed development will feature an on-site leasing office. This office will house both a leasing manager and maintenance technician provided by the designated property management company. It will be the day-to-day responsibility of these two (2) individuals to ensure proper upkeep is being performed of the property. As demonstrated at our existing complex within city limits, Mission Village of Sheboygan (Town of Sheboygan), these individuals are held to a high standard to ensure city expectations are being met, the property does not become a nuisance, and ultimately ensuring Commonwealth maintains in good graces with the city staff, council members, and the surrounding community.

The applicant states the following about the architecture:

- With the existing overhead power lines running east to west in the lower third of the site, we were forced to locate the majority of the building along Illinois Avenue. With Illinois Avenue being all residential houses, we used individual entries as a way to lower the overall height of the building and create the same residential feel that a single family house has. We also chose to match the surrounding area with a shingled roof rather than a flat membrane roof that has a more commercial feel.
- The three (3) story building is orientated as a 'L' shape that anchors the corner of 14th Street. and Illinois Avenue.
- The current design has all corners of the building with a cream panel board and trim. There is then a blue base color of horizontal siding that wraps around the entire building and occasionally jumps up to break up the fenestration.
- At multiple locations a brown accent color is used comprised of horizontal siding and shakes to bring an alternate material palette.
- The main grey body color then surrounds the building on the second and third floors.
- Glazing is a series of single and double mulled windows with grilles.
- The roof is pitched with a dark architectural shingle along with individual entry canopies and columns on the north side of the building located on Illinois Avenue.
- There are three (3) main entry points for residence to access on the parking lot portion of the building with canopies and columns as well at each location.
- Commonwealth strives to be as energy and eco efficient as possible. The features will align with the Wisconsin Green Built Home Program, a nationally recognized green building initiative that reviews and certifies multi-family units that meet sustainable building and energy standards.

The applicant states the following about the site improvements:

- There will be a total of 48 units:

○ 14 units – 1 bedroom/1 bath	673 - 684sf	29% of units
○ 14 units – 2 bedroom/1 bath	884sf	29% of units
○ 20 units – 3 bedroom/2 bath	1,153 – 1,368sf	42% of units
- Number of units per floor:
  - 1st floor 18 units – Two 1-bedroom, four 2-bedrooms and 12 3-bedrooms
  - 2nd floor 11 units – Two 1-bedroom, five 2-bedrooms and four 3-bedrooms
  - 3rd floor 19 units – 10 1-bedroom, five 2-bedrooms and four 3-bedrooms
- 3-story building and each floor is 20,308SF for a total of 60,924SF.
- The outdoor surface parking lot will have 72 parking spaces, 3 of which are handicap accessible. The total parking area is 25,625 SF (.588 acres).
- The apartments will be reusing the easternmost curb cut driveway on Illinois as ingress/egress. The five (5) remaining existing curb cuts/driveways are to be removed.
- There will be removal and replacement of existing sidewalk on S. 14th St and Illinois St along with proposed internal sidewalks.
- There will be two (2) proposed 1.5 foot keystone retaining walls that are needed to keep the existing power line pole at its current elevation.
- There is one (1) ADS underground detention system and three (3) biofiltration ponds to treat stormwater.
- On the exterior, the development feature flower beds and aesthetically pleasing bushes/trees that will meet the City of Sheboygan's landscaping requirements. The total landscaped areas are 8,200 SF (.188acres)
- Native landscaping will be planted around the proposed building and on the eastern/southern property edges that will be screening any condensing unit that is installed on the ground level.
- There will be egress lighting over building exit doors and 20 foot cut off pole lighting throughout the site to provide adequate lighting for tenants to circulate the site.
- There will be a 207sf detached maintenance shed and a 480sf trash enclosure that have trash and recycling containers to meet the needs of the tenants/staff.
- We are also proposing a six (6) foot high vinyl privacy fence on the southern edge to buffer the adjacent lot.
- The property will have a 42sf monument sign that will match the material and color consistency of the main building. It will have a base and column with shakes and a

prefabricated panel sign for View 14 that will have contact information and will be approximately 27sf. This will be located on the southwest portion of the site for visibility to Indiana Avenue and will have landscape edging with mulch and small plantings surrounding it.

The applicant states:

- Given this site's location we believe the View 14 Apartments present a great opportunity for a new infill development as it is one of the main entrances to the downtown corridor. The proposed development will provide revitalization to an area of the city that has been underutilized the past several years in a manner that compliments the mixed use neighborhood (surrounding single/two family houses and commercial/industrial businesses).
- The View 14 Apartments development will increase the City's tax base while also providing additional workforce housing that supports both existing local employers and the attraction of future employers to Sheboygan which appears to meet one of the City's comprehensive plan's goal of spurring economic development and job creation. Denser development closer to the urban centers place more residents closer to their jobs and cut down commuting distances.

#### **STAFF COMMENTS:**

Ingress/egress to the site will occur from the driveway located at the far east end of the property. There will not be access to S. 14<sup>th</sup> Street. However, an emergency access drive will be constructed permitting fire department access from 14<sup>th</sup> Street should there ever be the need to have a secondary access for emergency purposes.

There presently are several driveway cuts on both S. 14<sup>th</sup> street and Illinois Avenue 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. 14<sup>th</sup> Street and Illinois Avenue.

The applicant will be constructing:

- A new 207sf (13.5 x 15.3) maintenance shed to be located at the east end of the southernmost parking lot.
- A new masonry dumpster enclosure with vinyl slatted gates at the east end of the northern most parking lot (east side of the property).
- There will be a six (6) foot solid vinyl fence installed along the south side of the southern most parking lot at the common property line. Fence will be brown in color.

The Plan Commission should be aware that this development will require a developer's agreement because the developer is requesting City incentives for this project. As of today, a developer's agreement has not been executed for this project. The Plan Commission and applicant should be aware that this project may proceed only at such time as a developer's agreement is executed. Staff is including a condition of approval that requires a developer's agreement to be executed before building permits can be issued.

The applicant is proposing 42sf (6.3 x 6.7) monument sign at the southwest corner of the property along S. 14<sup>th</sup> Street. The sign cabinet used for advertising is approximately 27sf. The applicant will need exceptions for the proposed monument sign that include the square footage of the sign and the setback location.

The applicant shows conceptual signage 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 Plan Commission may want to have the applicant address:

- The transmission lines that cross the property and how these lines impacted 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. 14<sup>th</sup> Street and Indiana Avenue?
- How does the site plan provide emergency access and prevent access to 14<sup>th</sup> Street? How much green space is between the parking lot and the property line?
- Please talk about the individual front entrances along Illinois Avenue and how the grade changes required some units to have steps on the east end.

The applicant is requesting the following land use variances:

- To have 28 units per acre and more than 24 units per building – Maximum permitted is 12 units per acre and 24 units per building.
- To have a minimum lot area of 1,579sf per unit for 1.74 acres – Minimum lot area is 2,500sf per unit for 2.8 acres.

$$2,500\text{sf} \times 48 \text{ units} = 120,000\text{sf} \qquad 120,000\text{sf} / 43,560\text{sf (an acre)} = 2.8 \text{ acres}$$

$$1.74 \text{ acres} \times 43,560 = 75,794\text{sf} \qquad 75,794\text{sf} / 48 = 1,579\text{sf per unit}$$

- To have a zero (0) foot front/street yard setback along the N. 14<sup>th</sup> Street property line – Minimum front/street yard setback is 20 feet.
- To have a zero (0) foot front/street yard setback along the Illinois Avenue property line – Minimum front/street yard setback is 20 feet.
- To have a zero (0) foot setback for uncovered steps in the front/street yard – Minimum uncovered steps setback is 15 feet.
- To have a building height of 45 feet – Maximum building height in excess of 35 feet is permitted with a conditional use permit.
- To have a minimum eave width of one (1) foot – Minimum eave width is 1.5 feet.

- To have 72 parking spaces – Minimum 89 parking spaces required.
- To have a 2.27 foot paving setback for the parking lot adjacent to the S. 14<sup>th</sup> Street property line (emergency access) – Minimum paving setback is 10 feet to a street property line.
- To have a monument sign that is 42sf with an eight (8) foot setback to the west/14<sup>th</sup> Street property line – Maximum monument sign size is 24sf with a minimum of 12 foot setback to all property lines.
- To have a 207sf maintenance shed – Maximum 200sf accessory building permitted.
- Requesting a variance from the locational and bufferyard landscaping requirements - Applicant shall meet the four (4) locational landscaping requirements.

The City would like to see the overall look and feel of the Indiana Avenue and S. 14<sup>th</sup> Street intersection improve. The View 14 project positively impacts the look and feel of the neighborhood and provides needed housing opportunities for individuals and families with varying income requirements and supportive service needs.

### **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, 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. 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.
5. 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.
6. Outdoor storage of materials, products or equipment shall be prohibited.
7. 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).
8. 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.).

9. 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.
10. 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.
11. Applicant shall to install individual letter signs – no cabinet or flat panel signs.
12. Applicant shall be permitted a freestanding monument sign for the site. The maximum height of the monument sign is 8 feet.
13. The minimum setback of the monument sign is eight (8) feet to the west/14<sup>th</sup> Street property line and 12 feet to the south property line. It is the applicant's responsibility to insure the sign meets these required setbacks.
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. Applicant shall construct the emergency access drive to standards acceptable to the City Engineering and Fire Departments (emergency access drive at the southwest corner of the facility accessing S. 14<sup>th</sup> Street). This drive is for emergency purposes only and may not be utilized for everyday ingress/egress purposes.
18. 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.
19. 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.).
20. 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.).
21. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets.
22. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant.
23. 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).
24. City Development staff will issue a building permit only if the applicant has adequately satisfied all concerns related to the Sheboygan Water Utility.
25. 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.
26. If applicant leases space to additional tenants, the tenants shall obtain all necessary land use and building approvals/permits prior to occupancy
27. Building permits shall be issued only at such time as the applicant can provide a Certified Survey Map (CSM) or recorded documentation from Sheboygan County that the four (4) parcels have been combined into one (1) parcel as depicted on the approved site plan.



28. Prior to building permit issuance, the City of Sheboygan Architectural Review Board shall review/approve the proposed building design.
29. 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.
30. Applicant will have an executed developer's agreement prior to building permit issuance.

**ATTACHMENTS:**

Conditional Use and required attachments