



CITY PLAN COMMISSION AGENDA

January 10, 2023 at 4:00 PM

**City Hall, 3rd Floor - Council Chambers, 828 Center Avenue,
Sheboygan, WI**

Persons with disabilities who need accommodations to attend this meeting should contact the Department of City Development, (920) 459-3377.

OPENING OF MEETING

1. Roll Call
2. Pledge of Allegiance
3. Identify potential conflict of interest

MINUTES

- [4.](#) Approval of the Plan Commission minutes from December 13, 2022.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- [5.](#) Application for Conditional Use with exceptions by Angelina Yang to operate Bestea at 1323 Michigan Avenue.

NEXT MEETING

6. January 24, 2023

ADJOURN

7. Motion to Adjourn

In compliance with Wisconsin's Open Meetings Law, this agenda was posted in the following locations more than 24 hours prior to the time of the meeting:

*City Hall • Mead Public Library
Sheboygan County Administration Building • City's website*

CITY OF SHEBOYGAN
CITY PLAN COMMISSION MINUTES
Tuesday, December 13, 2022

OPENING OF MEETING

MEMBERS PRESENT: Mayor Sorenson, Jerry Jones, Marilyn Montemayor, Kimberly Meller and David Hoffman

EXCUSED: Alderperson Trey Mitchell and Ryan Sazama

STAFF/OFFICIALS PRESENT: Planning & Development Director Chad Pelishek and Manager of Planning & Zoning Steve Sokolowski

OPENING OF MEETING

1. Roll Call

Mayor Sorenson called the meeting to order.

2. Pledge of Allegiance

The Pledge of Allegiance is recited.

3. Identify potential conflict of interest

No committed member had a conflict of interest.

MINUTES

4. Approval of the Plan Commission minutes from November 29, 2022.

Motion by Dave Hoffman, second by Jerry Jones to approve. Motion carried.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

5. Application for Conditional Use Permit with exceptions by VUE 14, LLC to construct the View 14 Apartments at the southeast corner of the S. 14th Street and Illinois Avenue intersection.

Motion by Marilyn Montemayor, second by Jerry Jones to approve with 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, 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/14th 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. 14th 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 serve 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.

Exceptions granted:

- To have 28 units per acre and more than 24 units per building
- To have a minimum lot area of 1,579sf per unit for 1.74 acres
- To have a zero (0) foot front/street yard setback along the N. 14th Street property line
- To have a zero (0) foot front/street yard setback along the Illinois Avenue property
- To have a zero (0) foot setback for uncovered steps in the front/street yard
- To have a building height of 45 feet
- To have a minimum eave width of one (1) foot
- To have 72 parking spaces
- To have a 2.27-foot paving setback for the parking lot adjacent to the S. 14th Street property line (emergency access)
- To have a monument sign that is 42sf with an eight (8) foot setback to the west/14th Street property line
- To have a 207sf maintenance shed
- From the locational landscaping requirements. Landscape Plan still required and required point must be met.

Motion carried.

6. Application for Special Use Permit by Johnston Bakery to construct a new building addition to their facility located at 3320 Weeden Creek Road.

Motion by Jerry Jones, second by Dave Hoffman to approve with 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, health, storm drainage, hazardous materials, DNR, etc. An occupancy permit will be granted only at such time as the applicant has met all requirements.
2. The addition will meet all zoning requirements including but not limited to noise, vibration, hazardous materials, etc.
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. Dumpsters shall be screened and enclosed and constructed of like materials and colors of the facility.
 6. Outdoor storage of materials, products or equipment shall be prohibited.
 7. All ground level and rooftop mechanicals shall be screened and/or enclosed and constructed of like materials and colors of the facility (HVAC equipment, generators, etc.).
 8. All new lighting shall be installed per Section 15.707 of the Zoning Ordinance.
 9. Applicant shall obtain the necessary sign permits prior to installation. The proposed signage shall meet the City of Sheboygan Zoning Ordinance and Business Park Protective Covenants. All signage must be submitted to and reviewed/approved by the City of Sheboygan Architectural Review Board.
 10. Applicant shall be permitted to install individual letter signs – no cabinet or panel signs.
 11. Applicant shall meet minimum 50 foot building setback to the south street side property line. Applicant shall submit an updated site plan reflecting this 50 foot setback. It is the applicant's responsibility to insure the building meets the required setback.
 12. All areas used for parking/maneuvering of vehicles shall be paved (no gravel permitted).
 13. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
 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, etc.
 15. Any work within City of Sheboygan Public rights-of-way, stormwater easements, etc. shall be discussed with the City Engineering Department and constructed to standard City specifications (including, but not limited to, new street improvements, new and/or closed ingress/egress driveway openings, driveways over storm water easements, curb, gutter, sidewalk, pavement, utilities, retaining walls, street trees, etc.).
 16. 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.).
 17. Applicant shall immediately clean any and all sediments, materials, tracking, etc. that may be spilled off-site on private or public lands and streets.
 18. Streets and infrastructure damaged and/or disturbed during construction of all private and/or public improvements shall be promptly repaired by the applicant.
 19. All vehicles, equipment, materials, products, etc. shall be located on the applicant's property (no storage on public rights-of-way).
 20. It will be the applicant's responsibility to work with all private and public utilities in order to provide easements and/or relocate utilities as necessary.
 21. Applicant shall adequately address all Sheboygan Water Utility concerns related to this development.
 22. Applicant shall adequately address all Fire Department concerns related to this development.
 23. 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 two (2) parcels have been combined into one (1) parcel as depicted on the approved site plan.
 24. Applicant shall meet the Sheboygan Business Park Protective Covenants.
 25. Prior to building permit issuance, the City of Sheboygan Architectural Review Board shall review/approve the proposed building design.
 26. 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.

Motion carried.

NEXT MEETING

7. January 10, 2023

ADJOURN

8. Motion to Adjourn

Motion by Jerry Jones, second by Kimberly Meller to adjourn. Motion carried.

Being no further business, the meeting was adjourned at 4:14 p.m.

CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: Application for Conditional Use with exceptions by Angelina Yang to operate Bestea at 1323 Michigan Avenue. CC Zone.

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

REPORT DATE: January 6, 2023

MEETING DATE: January 10, 2023

FISCAL SUMMARY:

Budget Line Item:	N/A
Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin	N/A
Statutes:	
Municipal Code:	N/A

BACKGROUND / ANALYSIS:

Angelina Yang is proposing to operate Bestea at 1323 Michigan Avenue. The applicant states:

- Bestea, LLC proposes to operate a beverage café on the first floor of 1323 Michigan Avenue. This location is vacant and there is no current use of this commercial space. The second floor apartment is currently being occupied by other tenants.
- Bestea will provide a location where customers can gather to enjoy a variety of bubble teas and bakery items while being able to play board games, card games, or simply meet.
- Bestea plans to serve a variety of bubble teas, hot, iced, or blended. Bubble tea is a beverage that originated in Taiwan and has seen rapid growth worldwide. There are several variations of bubble tea, some including milk while others do not. Along with the bubble tea will be a few bakery items to accompany the delicious beverage
- The menu includes a selection of:
 - Hot or iced milk teas (5 flavors)
 - Hot or iced fruit teas (6 flavors)
 - Blended teas (7 flavors)
 - Bakery items
- In the front of the house near the entrance Bestea plans to have customer seating as well as a Point of Sales (POS) system where beverages and/or bakeries can be purchased.

- The back of the house is where the prep work and making of beverages will be performed.
- Included in the floor plan is a bathroom that can be utilized by both guests and employees.
- Bestea has begun working with Scott Weigert to make renovations to the 1,470sf of space available at the site. This includes the shifting of counters to create more dining space, removal of existing carpeting, and repainting of walls, trims, and counters. The desire is to create a comfortable and cozy feel to draw in customers and have them return not only for the products but also for the experience.
- The general interior design will be contemporary chic. The main colors are pink and white with complements of black for boldness.
- Currently, Bestea is not planning to do any exterior renovations except install signage.
- There will be an illuminated storefront sign placed on top of the entrance door. The signage will show the logo of Bestea.
- Bestea plans to have seven (7) employees and plans to be open Mondays through Saturdays with hours ranging from 11am to 10pm.
- With authorization of the city, Bestea desires to provide additional seating outside during warmer months for guests. This will provide a more enjoyable experience for customers especially with the limited indoor space.
- This site was specifically chosen due to it being within walking distance from surrounding neighborhoods and other local businesses. It is also near downtown Sheboygan which is an area that is growing due to the many apartment complexes that were recently built. Not only that, North High School is only 1.4 miles from this location. Bubble tea is rapidly trending within the Gen Z population.

STAFF COMMENTS:

There are several building/property issues that will need to be addressed including:

- There is an old legal nonconforming projecting sign on the building. Applicant shall remove this nonconforming sign.
- There is white painted plywood at the northeast corner on the east side of the building. Applicant shall install siding to match the existing siding in terms of design, color, materials, width, etc.
- There is an old weathered shed in the rear yard. Applicant shall paint and/or remove shed in the rear of the property.
- The cornice at the northeast corner of the front façade facing Michigan Avenue does not match the color of the rest of the cornice. Applicant shall paint this area to match the existing color of the cornice (entire cornice shall all be painted a consistent color).

- The property currently has a gravel driveway/parking lot in the backyard. Any areas used for parking are to be paved. Applicant shall pave this gravel driveway/parking lot. Applicant will obtain all required permits/approvals prior to constructing the driveway/parking lot including but not limited to building permit, site plan, storm water, etc.
- Appears there is no dumpster enclosure at this site. The dumpsters and/or grease receptacles shall be screened and enclosed and the applicant will work with staff with regards to the design and location of dumpster.
- Staff will be requiring all of the above items to be addressed by no later than June 30, 2023.

The applicant will need to work with the Sheboygan County Health Department and the City Inspections Department regarding required permits and occupancy.

The applicant mentions potential outdoor seating along the Michigan Avenue sidewalk. Applicant would be required to obtain the required Sidewalk Café permit prior to being able to serve customers in this Michigan Avenue sidewalk area.

The applicant mentions possible signage but no formal sign package has been submitted. 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 (individual letter sign). Staff may bring the proposed signage design back to the Plan Commission if there are any concerns.

Bestea is a nice way of filling this vacant Michigan Avenue commercial tenant space.

ACTION REQUESTED:


Staff recommends approval of the conditional use permit subject to the following conditions:

1. Prior to operation/occupancy, the applicant shall obtain all licenses and occupancy permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, health, food, alcohol, etc. An occupancy permit will be granted only at such time as the applicant has met all requirements.
2. Applicant shall obtain the necessary liquor license in order to serve alcohol. Applicant may serve alcohol if and only if all required liquor licenses are obtained.
3. Dumpsters and/or grease receptacles 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 Slating (PDS) material in order to effectively screen the dumpster. Dumpsters shall be screened and enclosed 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/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. There shall be no spillover light onto adjacent properties or the streets.
7. 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.
8. Proposed signage will be individual letter signs (no flat panel or interior lit cabinet signs).
9. Applicant may not use and shall remove nonconforming projecting sign by June 30, 2023.

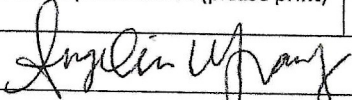
10. Applicant shall remove the painted plywood at the northeast corner of the building (elevation) by June 30, 2023. Applicant shall install siding to match the existing siding in terms of design, color, materials, width, etc.
11. Applicant shall paint and/or remove shed in the rear of the property by June 30, 2023.
12. The cornice area at the northeast corner of the front façade facing Michigan Avenue shall be painted to match the existing color (the entire cornice shall all be painted a consistent color). Applicant shall complete the painting of the cornice by June 30, 2023.
13. 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 driveway/parking lot including but not limited to building permit, site plan, storm water, etc.
14. No outdoor seating is permitted in the Michigan Avenue sidewalk area without obtaining the required Sidewalk Café permit.
15. If there are to be any renovation to the exterior of the facility, the applicant will be required to obtain approval from the Architectural Review Board prior to receiving a building permit for such renovation.
16. If there are any amendments to the approved use and/or floor/site plan, the applicant will be required to submit a new conditional use application reflecting those amendments.

ATTACHMENTS:

Conditional Use and required attachments

	CITY OF SHEBOYGAN	Fee: \$250.00 _____
	APPLICATION FOR CONDITIONAL USE	Review Date: _____

Read all instructions before completing. If additional space is needed, attach additional pages.

SECTION 1: Applicant/ Permittee Information			
Applicant Name (Ind., Org. or Entity) Angelina Yang		Authorized Representative Angelina Yang	
Mailing Address 5304 Pine Ct		City Sheboygan	Title Business Owner
Email Address bestellc@gmail.com		State WI	ZIP Code 53083
		Phone Number (incl. area code) 920-331-0742	
SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)			
Applicant Name (Ind., Org. or Entity) Angelina Yang		Contact Person Scott Weigert	
Mailing Address PO Box 68		City Kiel	Title Property Owner member
Email Address info@vineyardbranch.com		State WI	ZIP Code 53042
		Phone Number (incl. area code) 920-293-1444	
SECTION 3: Project or Site Location			
Project Address/Description 1323 Michigan Ave., Sheboygan, WI 53083		Parcel No.	
SECTION 4: Proposed Conditional Use			
Name of Proposed/Existing Business:		Bestea, LLC	
Existing Zoning:		1323 Michigan Ave	
Present Use of Parcel:		Currently unused	
Proposed Use of Parcel:		Beverage café	
Present Use of Adjacent Properties:		Residential housing	
SECTION 5: Certification and Permission			
<p>Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.</p>			
<p>Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.</p>			
Name of Owner/Authorized Representative (please print) Angelina Yang		Title Business Owner	Phone Number 920-331-0745
Signature of Applicant 		Date Signed 12/2/2022	

Complete application is to be filed with the Department of City Development, 828 Center Avenue, Suite 208. To be placed on the agenda of the City Plan Commission, application must be filed three weeks prior to date of meeting – check with City Development on application submittal deadline date. Applications will not be processed if all required attachments and filing fee of \$250 (payable to the City of Sheboygan) are not submitted along with a complete and legible application. Application filing fee is non-refundable.

BESTEALLC
BUSINESS PROPOSAL
1323 MICHIGAN AVE

Bestea, LLC proposes to function as a beverage café on the first floor of 1323 Michigan Ave., Sheboygan, WI 53081.

This location was formerly vacant and there is no current use of this commercial space. The second floor is an apartment which is currently being occupied by other tenants.

Bestea is looking to provide a location in which customers can gather to enjoy a variety of bubble teas and bakery items while being able to play board games, card games, or simply meet.

The menu includes a selection of:

- Hot or iced milk teas (5 flavors)
- Hot or iced fruit teas (6 flavors)
- Blended teas (7 flavors)
- Bakery items

Bestea plans to have customer seating in the front of the house near the entrance. Also in the front of the house will be the POS system where beverages and/or bakeries can be purchased. The back of the house is where the prep work and making of beverages will be performed. Also included in the floor plan is a bathroom that can be utilized by both guests and employees.

With authorization of the city, Bestea desires to provide additional seating outside during warmer months for guests. This will provide a more enjoyable experience for customers especially with the limited indoor space.

This site was specifically chosen due to it being within walking distance from surrounding neighborhoods and other local businesses. It is also near downtown Sheboygan which is an area that is growing due to the many apartment complexes that were recently built. Not only that, North High School is only 1.4 miles from this location. Bubble tea is rapidly trending within the Gen Z population.

Bestea has begun working with Scott Weigert to make renovations to the 1,470 sq. ft. of space available at the site. This includes the shifting of counters to create more dining space, removal of existing carpeting, and repainting of walls, trims, and counters. The desire is to create a comfortable and cozy feel to draw in customers and have them return not only for the products but also for the experience. Currently, Bestea is not planning to do any exterior renovations except install signage.

The general interior design will be contemporary chic. The main colors are pink and white with complements of black for boldness.

As previously mentioned, Bestea plans to serve a variety of bubble teas, hot, iced, or blended. Bubble tea is a beverage that originated in Taiwan and has seen rapid growth worldwide. There

are several variations of bubble tea, some including milk while others do not. Along with the bubble tea will be a few bakery items to accompany the delicious beverage. Bestea plans to have seven employees and plans to be open Mondays through Saturdays with hours ranging from 11am to 10pm. During operating hours, noise and lighting will be kept at a considerable level to alleviate nuisance to adjoining tenants.

At this time, there is no off-street parking designated for customers. Bestea plans to seek authorization for possible off-street parking in the future.

There will be an illuminated storefront sign placed on top of the entrance door. The signage will show the logo of Bestea.



