



CITY PLAN COMMISSION AGENDA

January 23, 2024 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. Persons other than commission, committee, and board members who wish to participate remotely shall provide notice to the City Development Department at 920-459-3377 at least 24 hours before the meeting so that the person may be provided a remote link for that purpose.

OPENING OF MEETING

1. Roll Call - Mayor Ryan Sorenson, Marilyn Montemayor, and Kimberly Meller may attend remotely.
2. Pledge of Allegiance
3. Identify potential conflict of interest

MINUTES

4. Approval of the Plan Commission minutes from January 9, 2024.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

5. Gen. Ord. No. 35-23-24 by Alderperson Ramey annexing territory to the City of Sheboygan, Wisconsin (Parcel # 59024351652).
6. R. O. No. 96-23-24 by City Clerk submitting a communication from Van Horn Properties of Sheboygan, LLC filing a petition for Direct Annexation by Unanimous Consent for land located in the Town of Sheboygan (1.75 acres – Parcel No. 59024351652).

NEXT MEETING

7. February 13, 2024

ADJOURN

8. 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, January 09, 2024

MEMBERS PRESENT: Mayor Ryan Sorenson, Ryan Sazama, Marilyn Montemayor, Braden Schmidt, Jerry Jones and Kimberly Meller

EXCUSED: Alderperson Trey Mitchell

STAFF/OFFICIALS PRESENT: Program Assistant Ellise Rose

OPENING OF MEETING

1. Roll Call

Mayor Sorenson called the meeting to order at 4pm.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Identify potential conflict of interest

No committee member had a conflict.

MINUTES

4. Approval of the Plan Commission minutes from December 12, 2023.

MOTION TO APPROVE THE MINUTES OF THE PREVIOUS MEETING HELD NOVEMBER 28, 2023.

Motion made by Marilyn Montemayor, seconded by Jerry Jones.

Voting yea: Mayor Ryan Sorenson, Ryan Sazama, Marilyn Montemayor, Braden Schmidt, Jerry Jones, Kimberly Meller.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

5. Preapplication Conference by Van Horn Properties of Sheboygan LLC to construct a new Van Horn Kia facility located at parcels 59281215827 and 59024351652. SC Zone.

Van Horn Kia developer introduced the proposed development.

6. Concept Plan by Van Horn Properties of Sheboygan LLC to construct a new Van Horn Kia facility located at parcels 59281215827 and 59024351652. SC Zone

Discussion was held regarding the proposed Van Horn Kia development.

7. Application for Conditional Use with exceptions by Jos. Schmitt Construction to install new fencing at the Humane Society of Sheboygan County located at 3209 N 21st Street. UI Zone.

MOTION TO APPROVE WITH THE FOLLOWING CONDITIONS:

1. Applicant shall obtain the necessary permits to install the fence.
2. The fence shall be screened on its external side with adequate plants so as to maintain an attractive appearance to said side.

3. All new lighting shall be installed per Section 105-932 of the City of Sheboygan Zoning Ordinance. There shall be no spillover light onto adjacent properties or the streets.
4. Fencing shall be installed per Section 105-945 of the City of Sheboygan Zoning Ordinance. Applicant shall work with staff with regards to constructing appropriate and well-designed fence.
5. No temporary signage is permitted on the fence.
6. If there are any amendments to the approved site plan, the applicant will be required to submit a new conditional use application reflecting those amendments.

Motion made by Jerry Jones, seconded by Ryan Sazama.

Voting yea: Mayor Ryan Sorenson, Ryan Sazama, Marilyn Montemayor, Braden Schmidt, Jerry Jones, Kimberly Meller.

8. Application for Conditional Use Permit with exceptions by Abacus Architects to construct a new addition to the Pig Stop located at 2917 N. 15th Street. UC Zone

MOTION 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, alcohol, DNR, 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. Applicant shall obtain all necessary permits for the construction, the storage and the handling of hazardous chemicals and/or fuels (applicant shall be in contact with building inspection, fire department, etc.).
4. The uses shall meet all zoning requirements including but not limited to noise, vibration, hazardous materials, etc.
5. Submittal and approval of a storm drainage plan prior to building permit issuance.
6. Submittal and approval of a landscape plan prior to building permit issuance. Landscape plan shall include a legend that shows how the four (4) landscape criteria are being met. Landscaping shall be installed prior to issuance of an occupancy permit.
7. 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 Slatting (PDS) material in order to effectively screen the dumpster.
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, generators, venting, etc.). All kitchen exhaust shall vent through the roof of the building so all exhaust goes straight up. Kitchen hood shall be concealed (kitchen hood shall not be visible).
9. All new lighting shall be installed per Section 105-932 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 not be able to have string lights, pennants, inflatables, or other various types of temporary signage.
11. All areas used for parking or maneuvering of vehicles shall be paved. Applicant shall meet the minimum five (5) foot paving setback to all property lines.
12. All areas that are not required to be paved shall be landscaped with grass and/or approved landscaping.
13. Absolutely no portion of the building and/or site improvements shall cross the property line (buildings, parking, retaining walls, signs, landscaping, etc.).
14. 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.

15. 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.).
16. Applicant will provide adequate public access along the streets and the alley and will take all appropriate actions to minimize the time period that these sidewalks/streets will be closed/affected.
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. 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).
20. If there are any amendments to the approved conditional use permit (including but not limited to site plan, architectural design, use, canopy, etc.), the applicant will be required to submit a new conditional use and/or architectural review application reflecting those amendments.

Motion made by Marilyn Montemayor, seconded by Jerry Jones.

Voting yea: Mayor Ryan Sorenson, Ryan Sazama, Marilyn Montemayor, Braden Schmidt, Jerry Jones, Kimberly Meller.

NEXT MEETING

9. January 23, 2024

The next meeting is scheduled to be held on January 23, 2024.

ADJOURN

10. Motion to Adjourn

MOTION TO ADJOURN AT 4:40 PM.

Motion made by Jerry Jones, seconded by Ryan Sazama

Voting yea: Mayor Ryan Sorenson, Ryan Sazama, Marilyn Montemayor, Braden Schmidt, Jerry Jones.

CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: R.O. 96-23-24 and G.O. 35-23-24 by City Clerk submitting a communication from Van Horn Properties of Sheboygan, LLC filing a petition for Direct Annexation by Unanimous Consent for land currently located in the Town of Sheboygan (1.75 acres - Parcel 59024351652).

REPORT PREPARED BY: Ellise Rose, Program Assistant

REPORT DATE: January 18, 2024

MEETING DATE: January 23, 2024

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:

Van Horn Properties, LLC owns two parcels (one in the Town of Sheboygan, one in the City of Sheboygan) on the west side of the City. Currently the east parcel contains a Van Horn Mazda dealership building and the west parcel contains the sales lot for the dealership. Van Horn would like to demo the building on the east lot and build a new Van Horn Kia dealership building on the west lot.

STAFF COMMENTS:

By annexing the west parcel the City will be able to keep the dealership within the City of Sheboygan.

ACTION REQUESTED:

Motion to recommend the Common Council approve the petition for Direct Annexation by Unanimous Approval from Van Horn Properties of Sheboygan, LLC.

ATTACHMENTS:

R.O. 96-23-24 and G.O. 35-23-24

**CITY OF SHEBOYGAN
GENERAL ORDINANCE 35-23-24**

BY ALDERPERSON RAMEY.

JANUARY 15, 2024.

AN ORDINANCE annexing territory to the City of Sheboygan, Wisconsin.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. In accordance with sec. 66.0217 of the Wisconsin Statutes and the petition for direct annexation by unanimous approval filed with the city clerk on the 10th day of January, 2024, signed by all of the electors residing in the territory and the owners of all the real property in the territory, together with a scale map and a legal description of the property to be annexed, the following described territory in the Town of Sheboygan, Sheboygan County, Wisconsin, is hereby annexed to the City of Sheboygan, Wisconsin:

Lot 2 of Certified Survey Map recorded in Volume 21 on Pages 117-118 in the Sheboygan County Register of Deeds Office as Document No. 1754914, being located in part of the Northwest 1/4 and Northeast 1/4 of the Northwest 1/4 of Section 21, Township 15 North, Range 23 East, Town of Sheboygan, Sheboygan County, Wisconsin being more particularly described as follows:

Commencing at Northwest corner of the Northwest 1/4 of said Section 21; thence North 88°-46'-57" East along said North line, a distance of 1,181.18 feet to the Northerly extension of the West line of said Lot 2; thence South 00°-47'-44" West along said Northerly extension, a distance of 340.02 feet to the Northwest corner of said Lot 2, said point being the point of beginning; thence continuing South 00°-47'-44" West along the West line of said Lot 2, a distance of 256.48 feet to the Southerly line of said Lot 2; thence South 64°-01'-24" East along said Southerly line, a distance of 262.49 feet to the East line of said Lot 2; thence North 01°-29'-05" East along said East line, a distance of 376.85 feet to the North line of said Lot 2; thence South 88°-44'-50" West along said North line, a distance of 242.23 feet to the point of beginning and containing 1.746 acres (76,052 sq. ft.) of land more or less.

Section 2. From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Sheboygan for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Sheboygan.

Section 3. In accordance with sec. 66.0217(14) of the Wisconsin Statutes, the City of Sheboygan agrees to pay annually to the Town of Sheboygan, for five (5) years, an amount equal to the amount of property taxes that the Town levied on the annexed territory, as shown by the tax roll under sec. 70.65 of the Wisconsin Statutes, in the year in which the annexation is final.

Section 4. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 5. Appendix A, Chapter 15, of the Sheboygan Zoning Ordinance establishing zoning districts and prescribing zoning standards and regulations is hereby amended by changing the Official Zoning Map thereof and establishing the Use District Classification of said lands as Suburban Commercial (SC) Classification.

Section 6. The territory described in Section 1 of this ordinance is hereby made a part of the 22nd Ward and the 5th Aldermanic District.

Section 7. This ordinance shall take effect upon passage and publication as provided by law.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

Presiding Officer

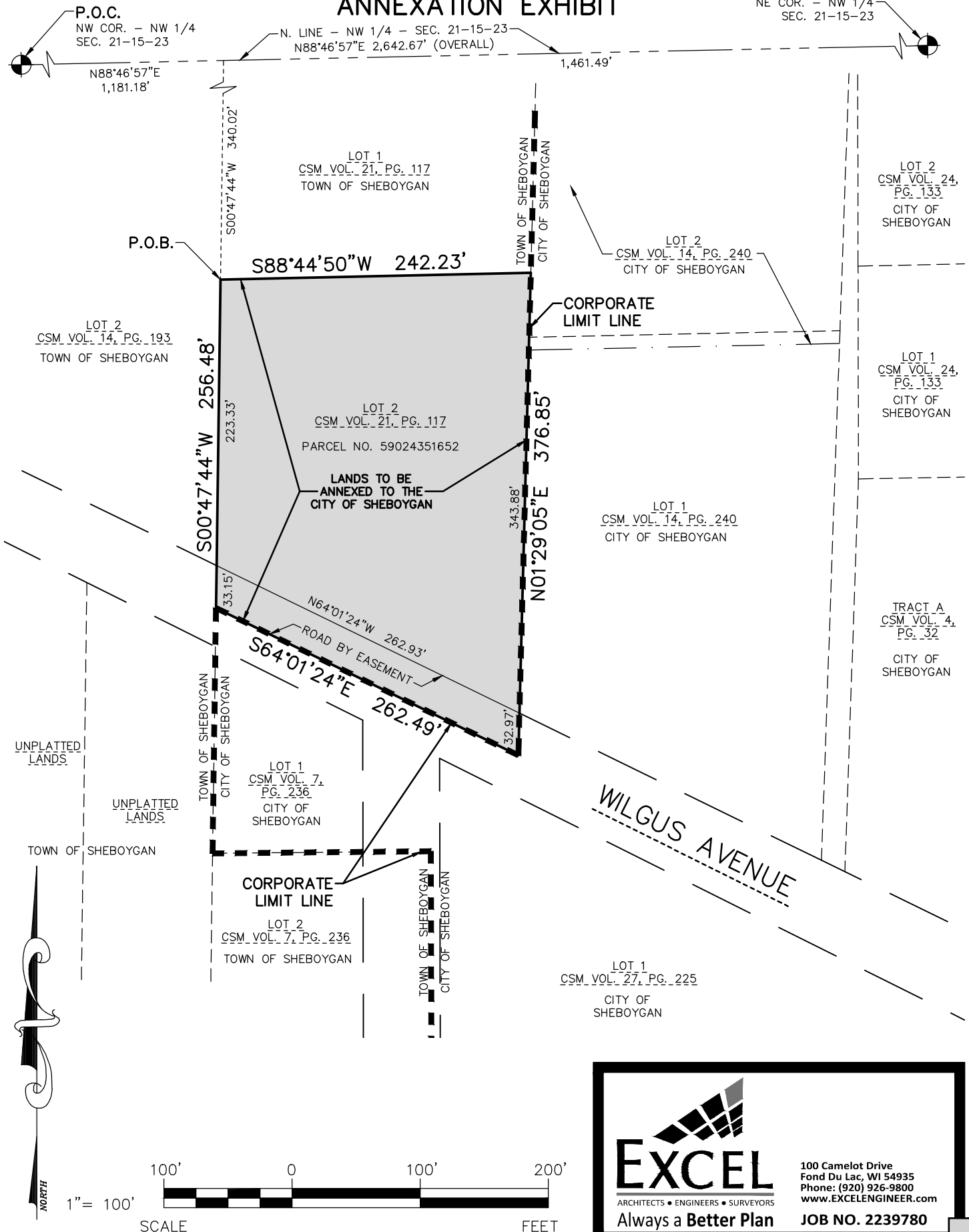
Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan

ANNEXATION EXHIBIT

NE COR. - NW 1/4-
SEC. 21-15-23



**CITY OF SHEBOYGAN
R. O. 96-23-24**

BY CITY CLERK.

JANUARY 15, 2024.

Submitting a communication from Van Horn Properties of Sheboygan, LLC filing a petition for Direct Annexation by Unanimous Consent for land located in the Town of Sheboygan (1.75 acres – Parcel No. 59024351652).

**PETITION FOR ANNEXATION OF LANDS
TO THE CITY OF SHEBOYGAN
DIRECT ANNEXATION BY UNANIMOUS CONSENT**

TO: City of Sheboygan

1. Pursuant to Section 66.0217 of the Wisconsin State Statutes, I/we the undersigned, being the sole owner(s) and elector(s) of the land described in Exhibit "A" attached hereto, petition for Direct Annexation by Unanimous Consent of the land described in said Exhibit "A" from the Town of Sheboygan, in Sheboygan County, Wisconsin, to the City of Sheboygan, Sheboygan County, Wisconsin.
2. The population of said land is 0. The number of electors that reside on the lands to be annexed is 0.
3. Said land is contiguous to the City of Sheboygan and is presently part of the Town of Sheboygan, in Sheboygan County, Wisconsin.
4. I/We, the undersigned request that upon annexation, the land as described in Exhibit "A" be zoned as Suburban Commercial (SC).
5. Area of lands to be annexed contains 1.75 acres.
6. Tax Parcel number(s) of lands to be annexed: 59024351652

- Attach a copy of a complete legal description of the property.
- Attach a copy of a scale map of the property.
- Attach a copy of the most recent real estate tax bill.

Dated this _____ day of January, 2024

PROPERTY OWNER SIGNATURE(S):

VAN HORN PROPERTIES OF SHEBOYGAN LLC

Jeffrey A. Niesen
By: Jeffrey A. Niesen (Jan 10, 2024 15:43 CST)

Jeffrey A. Niesen

Jan 10, 2024

Annexation Petition for Signature


Final Audit Report


2024-01-10


Created:	2024-01-10
By:	Lisa Van Handel (lisa.vanhandel@excelengineer.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAtkKkZ7ZNJm1FbGohixt389nTWD_6usy


"Annexation Petition for Signature" History


 Document created by Lisa Van Handel (lisa.vanhandel@excelengineer.com)
2024-01-10 - 9:38:04 PM GMT

 Document emailed to jniesen@vhcars.com for signature
2024-01-10 - 9:39:17 PM GMT

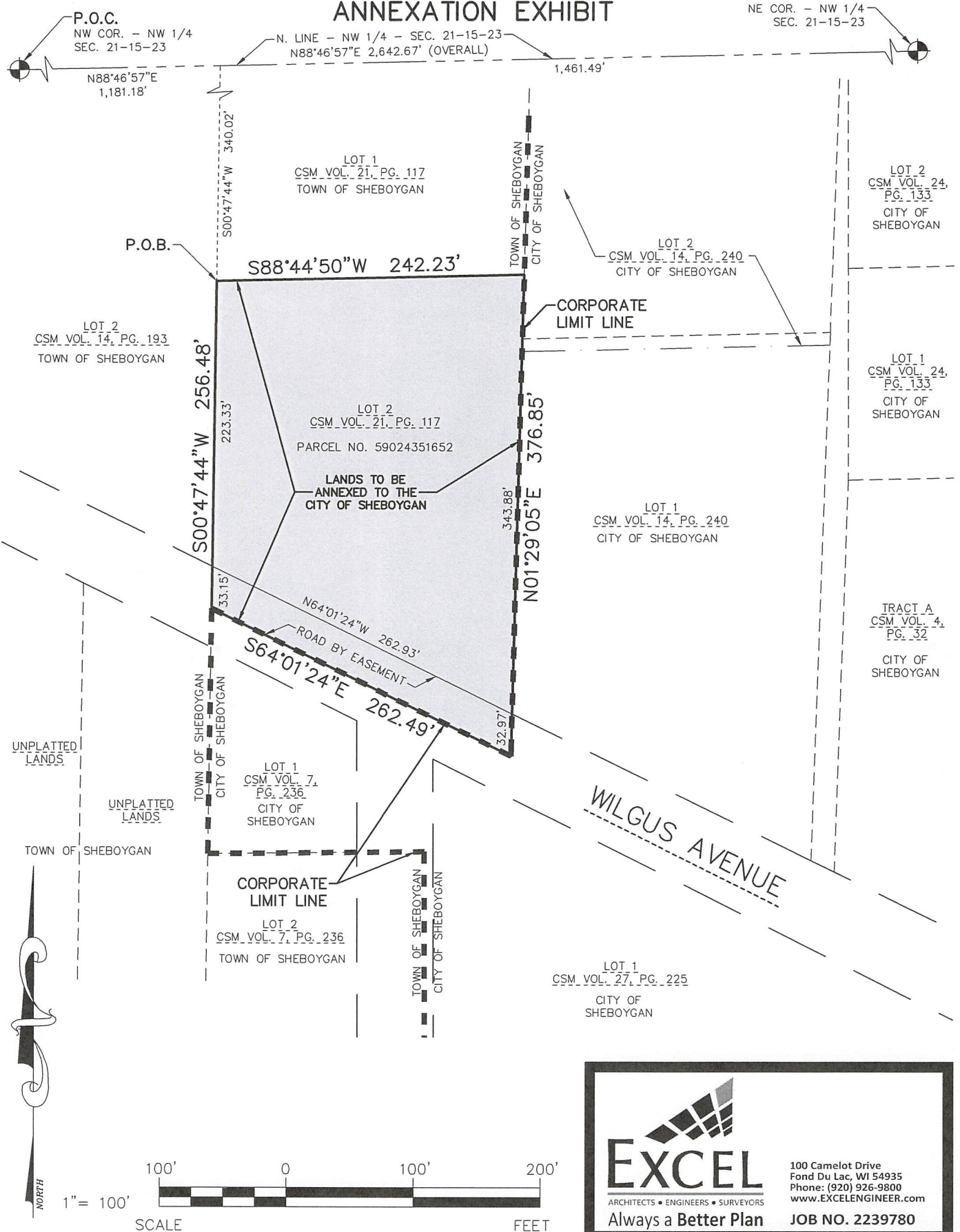
 Email viewed by jniesen@vhcars.com
2024-01-10 - 9:41:42 PM GMT

 Signer jniesen@vhcars.com entered name at signing as Jeffrey A. Niesen
2024-01-10 - 9:43:10 PM GMT

 Document e-signed by Jeffrey A. Niesen (jniesen@vhcars.com)
Signature Date: 2024-01-10 - 9:43:12 PM GMT - Time Source: server

 Agreement completed.
2024-01-10 - 9:43:12 PM GMT

ANNEXATION EXHIBIT



Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
PO Box 1645, Madison WI 53701
608-264-6102

wimunicipalboundaryreview@wi.gov
<https://doa.wi.gov/municipalboundaryreview>

Item 6.

Online Submittal and Payment: Instead of this form go to <https://appengine.egov.com/apps/wi/dir/annexation>
This will speed up the process by eliminating the time it used to take to mail the check to us.

Petitioner Information

Name: **Van Horn Properties of Sheboygan LLC**

Phone: **920-892-6466**

Email: **jniesen@vhcars.com**

Contact Information if different than petitioner:

Representative's Name: **David Gass**

Phone: **920-458-5501**

E-mail: **dgass@rohdedales.com**

1. Town(s) where property is located: **Town of Sheboygan**

2. Petitioned City or Village: **City of Sheboygan**

3. County where property is located: **Sheboygan County**

4. Population of the territory to be annexed: **0**

5. Area (in acres) of the territory to be annexed: **1.75**

6. Tax parcel number(s) of territory to be annexed (if the territory is part or all of an existing parcel):
59024351652

Include these required items with this form:

- ☒ Legal Description meeting the requirements of s.66.0217 (1) (c) [see attached annexation guide]
- ☒ Map meeting the requirements of s. 66.0217 (1) (g) [see attached annexation guide]
- ☒ Signed Petition or Notice of Intent to Circulate [see attached annexation guide]
- ☒ Check or money order covering review fee [see next page for fee calculation]

(November 2022)

Annexation Review Fee Schedule

Item 6.

A Guide for Calculating the Fee Required by ss.16.53 (4) and 66.0217, Wis. Stats.

Required Fees

There is an initial filing fee and a variable review fee

\$200 Initial Filing Fee (required with the first submittal of all petitions)

\$200 – 2 acres or less

\$350 – 2.01 acres or more

\$200 Review Fee (required with all annexation submittals except those that consist ONLY of road right-of-way)

\$200 – 2 acres or less

\$600 – 2.01 to 10 acres

\$800 – 10.01 to 50 acres

\$1,000 – 50.01 to 100 acres

\$1,400 – 100.01 to 200 acres

\$2,000 – 200.01 to 500 acres

\$4,000 – Over 500 acres

\$400 TOTAL FEE DUE (Add the Filing Fee to the Review Fee)

Include check or money order, payable to: **Department of Administration**

DON'T attach the check with staples, tape, ...

**THE DEPARTMENT WILL NOT PROCESS
AN ANNEXATION PETITION THAT IS NOT ACCOMPANIED
BY THE REQUIRED FEE.**

**THE DEPARTMENT'S 20-DAY STATUTORY REVIEW PERIOD
COMMENCES UPON RECEIPT OF THE PETITION AND REVIEW FEE**

Shaded Area for Office Use Only

Date fee & form received: _____

Payer: _____

Check Number: _____

Check Date: _____

Amount: _____

ANNEXATION SUBMITTAL GUIDE

Item 6.

s. 66.0217 (5) THE PETITION

- ☒ State the purpose of the petition:
- Direct annexation by unanimous approval; OR
 - Direct annexation by one-half approval; OR
 - Annexation by referendum.
- ☒ Petition must be signed by:
- All owners and electors, if by unanimous approval.
 - See 66.0217 (3) (a), if by one-half approval.
 - See 66.0217 (3) (b), if by referendum.
- ☒ State the population of the land to be annexed.

[It is beneficial to include Parcel ID or Tax numbers, the parcel area, and identify the annexee (Town) and annexor (Village or City) in the petition.]

s. 66.0217 (1) (c) THE DESCRIPTION

- ☒ The annexation petition must include a legal description of the land to be annexed. The land must be described by reference to the government lot, private claim, quarter-section, section, town and range in which the land lies. The land must be further described by metes and bounds commencing from a monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the land lies; OR
- ☒ If the land is wholly and entirely within a lot or lots, or all of a block or blocks of a recorded subdivision plat or certified survey map, it must be described by reference to the lot (s) and/or block (s) therein, along with the name of the plat or the number, volume, page, and County of the certified survey map.
- ☒ The land may NOT be described only by:
- Aliquot part;
 - Reference to any other document (plat of survey, deed, etc.);
 - Exception or Inclusion;
 - Parcel ID or tax number.

s. 66.0217 (1) (g) THE MAP

- ☒ The map shall be an **accurate reflection** of the legal description of the parcel being annexed. As such, it must show:
- A tie line from the parcel to the monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the parcel lies. The corner and monument must be identified.
 - Bearings and distances along all parcel boundaries as described.
 - All adjoining as referenced in the description.
- ☒ The map must include a **graphic scale**.
- ☒ The map must show and identify the existing municipal boundary, in relation to the parcel being annexed.

[It is beneficial to include a North arrow, and identify adjacent streets and parcels on the map.]

s. 66.0217 FILING

- ☒ The petition must be filed with the Clerk of the annexing City or Village and with the Clerk of the Town in which the land is located.
- ☐ If the annexation is by one-half approval, or by referendum, the petitioner must post notice of the proposed annexation as required by s. 66.0217 (4).