



City of Manitowoc

900 Quay Street
Manitowoc, WI 54220
www.manitowoc.org

Meeting Minutes Plan Commission

Wednesday, June 3, 2015

6:00 PM

Council Chambers

I. CALL TO ORDER

The Meeting of the City Plan Commission was called to order by Chairman Justin Nickels at 6:00 PM.

II. ROLL CALL

Present: 8 - Jim Brey, Dave Diedrich, Daniel Hornung, Mayor Nickels, Dan Koski, Jim Muenzenmeyer, Dennis Steinbrenner and Peter Dorner

Staff Present: Nic Sparacio, Paul Braun, Lisa Mueller, Tyler Caulum

Others Present: Jake Wenzel, Cassie Wenzel, Ed Rappe, Martin J. Sheck, Amy Sheck, Katelyn Sheck, Peter Wills, Frances Knipp, Terence P. Fox, Brian Buvid

III. APPROVAL OF MINUTES

[15-589](#)

Approval of the Minutes of the May 6th, 2015 Meeting.

Moved by Diedrich, seconded by Koski, that the Minutes of the May 6, 2015 Meeting be approved. The motion carried by the following vote:

Aye: 8 - Alderperson Brey, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

IV. PUBLIC INFORMATIONAL HEARINGS

[15-590](#)

PC 15-2015: Wenzel Properties, LLC; Request to Rezone Property at 2001 Marshall Street from "B-2" Neighborhood Business District to "R-7" Central Residence District.

Mr. Braun read the following into the plan commission record.

Tonight's public meeting is in regard to a request from Jacob and Cassie Wenzel, d.b.a. Wenzel Properties, LLC and Donald Sprang. The request from the owners is to rezone their property from B-2 Neighborhood Business to R-7 Central Residence District. The reason for the rezoning request is to allow the Wenzel's to have multi-family on the first floor of the building located at 2003 Marshall Street.

Wenzel Properties, LLC owns the property located at 2003 Marshall Street which is all of Lot 1 and the East 20 feet of Lot 2 Block 297 of the Original Plat. Mr. Sprang owns the west 40 feet of Lot 2 Block 297 which is a vacant lot. Since the rezoning application was submitted the Wenzel's have purchased Mr. Sprang's 40 foot lot. Wenzel Properties, LLC purchased the building at 2003 Marshall Street from Trident Real Estate LLC on April 13, 2015.

The area to be rezoned is approximately .25 acres and measures 110 feet along Marshall Street and 100 feet along S. 20th Street. The existing 2 story masonry building was constructed in 1897 and has 2,595 sf on the first floor and 2,025 sf on the second floor.

Since 1973 the building at 2003 Marshall Street was used as a dental office (Dr. Segerson) on the first floor and 3 - 1 bedroom apartments on the second floor. According to Building Inspection files the use prior to the dental office was a butcher shop, and store with one apartment on the first floor and 3 apartments on the second floor. The Wenzel's would like to keep the 3 existing apartments on the second floor and convert the first floor to 3 additional apartments; 1 - 1 bedroom, 1 - 2 bedroom, and 1 - 3 bedroom for a total of 6 apartments.

The current B-2 Neighborhood Business district allows multiple family but multiple family uses must follow the R-5 Low Density Multiple Family District regulations so the main reason for the rezoning is not a question regarding the multiple family use but it is the lot coverage requirement. The current B-2 Neighborhood Business District follows the R-5 Low Density regulations and would require 19,500 square feet of lot coverage. (3,000 s.f./1 bed; 3,500s.f./2 bed; 4,000s.f./3 bed). In the proposed R-7 Central Residence District the minimum lot coverage is 600 square feet per dwelling unit. There are 6 proposed dwelling units which require 3,600 square feet of lot coverage. The property owned by the Wenzel's totals 11,000 square feet.

The Wenzel's are planning on investing roughly \$15,000 into the building on interior remodeling, they don't have any plans for any major exterior building alterations. The renovations are planned to be completed in fall. In addition they have recently purchased the vacant lot to the west from Donald Sprang for additional off-street parking.

With the Wenzel's recent purchase of the vacant lot to the west there will be a total of 15 off street spaces available, 10 in the lot to the west and 5 to the rear of the building. Code requires a minimum of 12 spaces. Currently the property has a fair market value of \$208,600 and generates \$4,534 in taxes.

The surrounding land uses to the south and east are predominately single and two family residential uses being a mix of owner occupied and rental properties; to the north it's a mix of office, retail, and residential and to the west it's a mix of retail, office, residential and church/school uses.

The adjoining zoning is: B-2 Neighborhood Business to the north and west, R-4 Single and Two Family to the south and east, with the nearest R-7 Central residence district is 2 blocks to the east.

Staff has discussed with Mr. Wenzel the concept of a spot zoning and had encouraged Mr. Wenzel to contact his neighbors to see if they would be willing to participate in on the rezone process. Mr. Sprang, who owned the vacant lot to the west signed the original petition but has since sold the property to Mr. Wenzel. Mary Mikeal, 1112 S. 20th St has recently signed a letter stating that she would like to join in on the rezoning. Mr. Wenzel has tried to talk with some other neighbors about joining in on the rezoning; some of which he was unable to reach or others would be interested in participating but their properties wouldn't be contiguous with the subject area.

According to the Guide to Community Planning in Wisconsin, written by University of Wisconsin Professor Brian Ohm who is also the main author of Wisconsin's Comprehensive Planning law, states a Spot Zoning is when a zoning ordinance is amended to zone a relatively small area for uses significantly different from those allowed

in the surrounding area to favor the owner of a particular piece of property. Spot Zoning is not necessarily illegal however a rezoning should be consistent with long-range planning and based upon considerations which affect the whole community. Therefore spot zoning should only be indulged in where it is in the public interest and not solely for the benefit of the property owner requesting the rezoning.

The Comprehensive Plan's 20 year future land use map indicates the area as Urban Neighborhood. The goal of this category is intended to stabilize the land uses, densities, and character of existing neighborhoods. This category has been mapped in established neighborhoods, surrounding the downtown area which are characterized by a mix of housing-unit types as well as small public, institutional, and commercial uses. Per the Comprehensive Plan the recommended zoning districts that would fit into this land use category would be R-4 Single and Two Family and R-7 Central Residence. Based on the City's plan it appears that the proposed rezoning is consistent with the comprehensive plan.

Mr Braun noted that Mr. Wenzel had a neighborhood meeting on June 27th introducing the project to the neighbors and from his understanding the neighbors in attendance were supportive of the project.

Notices were mailed out to neighbors within 200' feet and I have received one phone call from Robert Donaldson who owns property across the street at 2006 Marshall Street, he doesn't have any concerns with the proposal but wanted to make sure his property was not affected.

Mayor Nickels opened the discussion to the Plan Commission, there were no comments from the Commission.

Mayor Nickels opened the discussion up to the public.

Francis Knipp, who owns property directly to the west of the subject property. Mr. Knipp is concerned with the location of the proposed parking which will be in between the Wenzel building and his residence. Mr. Knipp stated he and Mr. Wenzel discussed the parking situation and came to an understanding that the parking stalls will be relocated so they are adjacent to the Wenzel building away from Mr Knipp's residence. Mr. Knipp also stated that he wants to keep his property zoned B-2, Neighborhood Business.

Mr. Braun stated that the City cannot place conditions on the zone change but in his discussions with Mr. Wenzel; Mr. Wenzel said he had no objection with moving the parking stalls so they are adjacent to his building.

Jacob Wenzel, spoke regarding his project and thanked staff for their assistance. Mr Wenzel stated that they had a neighborhood meeting and was encouraged by the support and positive comments provided by the neighbors. The Wenzel's currently own multiple properties along the Marshall Street corridor. They want the building to be a positive influence on the neighborhood.

Public input was closed by Mayor Nickels.

Mr. Brey commented that he supports the rezoning proposal and states that he does not feel there is any issue with a spot zoning.

Moved by Brey, seconded by Diedrich, to recommend Council instruct the Clerk to call for a public hearing on this matter to be scheduled for July 20th and that the Plan Commission further recommends final approval of the zoning ordinance

amendment upon completion of the public hearing. The motion carried by the following vote:

Aye: 8 - Alderperson Brey, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dörner

[15-591](#)

PC 16-2015: Katelyn Sheck; 2019 S. 9th Street Home Occupation Expanded Use Conditional Use Permit pursuant to Chapter 15.030.

Mr. Braun read the following background information.

The request is from Katelyn Sheck, doing business as Four Paws Pet Care, and is the owner of property at 2019 S. 9th Street. She has filed an application for conducting an Expanded Home Occupation pursuant to Section 15.030 of the Municipal Code. This section of the Code requires such a use to be authorized by issuance of a Conditional Use Permit (CUP) pursuant to Section 15.370(27).

Currently the zoning code language for an Expanded Home Occupation has not been formally adopted by the Common Council but the public hearing for the new Expanded Home Occupation code will be on the June 15th Council agenda. The Plan Commission at the May 6th meeting reviewed the new code language for Expanded Home Occupations. This is the first request under the new Expanded Home Occupation portion of the Code. A regular Home Occupation does not require a CUP but an Expanded Home Occupation does require a CUP. A dog and cat sitting use does not fit into the regular Home Occupation definition.

Under a Conditional Use Permit pursuant to Section 15.370(27), the Commission and Council must determine if the proposed use: i) is reasonably necessary for the convenience and welfare of the public, ii) is in harmony with the character of the surrounding area, iii) will have a minimal effect or no effect on the surrounding property values. The Commission and Council can affix conditions to the CUP to provide assurances that the proposed use will remain in conformity with the criteria under subsection (27)c as well as compliance with regulations of the particular zoning district which the conditional use would be located.

The Expanded Home Occupation section of the code allows the Plan Commission and Common Council the right to determine:

- A. the appropriateness of a proposed land use qualifying as an Expanded Home Occupation; and*
- B. its compatibility to the neighborhood, based on any or all of the following factors: (i) there is no change in the external appearance of the existing buildings and structures on the property; (ii) there is no disruption to the quiet nature and visual quality of the neighborhood; (iii) there are no additional parking areas other than driveways located in the required front yard or any side yard areas of the property; and (iv) there is no offensive noise, vibration, sound, smoke, dust, odors, heat or glare detectable to the normal senses off the property, or X-rays or electrical disturbance to radio or television transmission that can be detected by the normal senses off the property where the home occupation is proposed to be located; and (v) there is no increased risk to health or safety in excess of that which is common to a residential neighborhood.*

In addition there are other general conditions or standards that an Expanded Home Occupation shall follow:

- A. the right shall not be transferable nor shall any person not named be authorized to carry on the use;*
- B. shall be located entirely in the primary residence and not more than one accessory*

building;

C. shall operate between the hours of 8am and 8pm as readily apparent from adjacent residences;

D. Shall not cause any external alterations to the residence or accessory building including the creation of a separate or exclusive business entrance, no exterior indication that a home occupation exists;

E. Shall not be permitted to use equipment which creates offensive noises, vibration, sound, smoke, dust, odors, heat or glare detectable to the normal senses off the property;

F. Shall have no outdoor display or storage of materials, goods, supplies or equipment,

G. Shall not be permitted to have any external signage including window displays or advertising signs,

H. Shall have adequate off-street parking for occupants of the principal residence,

I. Shall make reasonable efforts to keep all doors and windows closed during the hours,

J. Shall be limited to not more 10 clients per day in connection with the business,

K. Shall in no case be permitted to include a retail or wholesale store, a manufacturing business, a commercial food service requiring a license, an auto service or repair facility for any vehicles other than those registered to the residents of the property.

As stated earlier the Expanded Home Occupation is a Conditional Use Permit and additional conditions may be affixed to the use above and beyond the ones just mentioned.

The Sheck's house is located at 2019 S. 9th Street which is at the northeast corner of Dewey and S 9th Streets. The house is 1,520 s.f. with a detached garage. The lot measures 70' along S. 9th Street and 150' along Dewey. There is one residence directly adjacent to the north and Red Arrow Park is to the east. The rear yard is partially enclosed with a retaining wall and or fence along parts of the south, north and east property lines.

Per the letter from Katelyn Sheck, Four Paws Pet Care was established in the fall of 2011 when she saw a need for in-home pet care in the area. Katelyn is the sole proprietor but her fiancé Benjamin Burton and her parents, Amy and Martin Sheck help with the business. Her parents live at 1718 S. 15th Street which will be the next conditional use permit request on tonight's agenda. The business provides general care such as walking, feeding, administering medicines and playing with the pets. Katelyn Sheck also has two of her own dogs.

Historically she has primarily cared for dogs in her home but they have also watched cats, fish and a pig. They typically care for a maximum of 3 – 4 customer dogs at a time in addition to their 2 dogs. If there is too much demand or conflicts between the pets Katelyn's parents at the S. 15th Street location will also watch the pets.

The subject property is zoned R-4 Single and Two Family Residential and the surrounding zoning is either R-3 or R-4 Residential to the north, west and south with P-1 Conservancy to the east.

Again tonight's request is for an Expanded Home Occupation Conditional Use Permit. General Home Occupation language currently exists in the code but the Expanded Home Occupation code language is in the process of being adopted by the Council. A traditional Home Occupation is controlled through the zoning ordinance regulations and does not require a conditional use permit but an Expanded Home Occupation is required when a use doesn't meet the traditional Home Occupation regulations and for example, it may use an accessory building or need some outdoor space and not be entirely

contained in a residence. The Expanded Home Occupation is processed like a conditional use permit which requires tonight's informational hearing.

Chapter 14 of the municipal Code is titled "OFFENSES AGAINST PUBLIC POLICY, SAFETY, MORALS AND PEACE" and section 14.020 of this Chapter Regulates Dogs, Cats and other Animals. 14.020 (1) limits the number of Dogs or Cats per parcel. This section states that "No person shall own, harbor, or keep in their possession on any one parcel of property at any one time more than three dogs and more than three cats over six months of age, this section also continues to address litters of dogs or cats which does not apply.

The Chief of Police or his designee is authorized to issue a permit allowing a person to keep up to four dogs and four cats at one time on any one parcel of property upon receipt of an application. In determining whether or not to grant any such permit, the Chief of Police shall consider the likelihood of a public or private nuisance and may contact residents in the neighborhood prior to making a decision. Any such permit which is granted shall be limited to specifically identified dogs or cats and shall not apply to the dogs or cats owned or kept by such person.

Chapter 14.020(2)a states the following. "No person, except for a duly authorized licensed breeder or pet shop owner, shall keep, sell, breed or offer for sale one or more horses, cows, pigs, goats, sheep, chickens, geese, ducks, doves, pigeons or other fowl, bees, large predators, endangered species or poisonous snakes, rodents, reptiles, exotic species or wild animals (collectively "creatures") or construct or use shelters therefor within the City of Manitowoc without the written permission of the Chief of Police or his designee.

In considering any request for such permission, the Chief of Police shall consider the number and type of animals or creatures, their location, the facilities to be used for such purpose, the likelihood of a public or private nuisance being created or a health hazard, and the ability of the owner to responsibly control and care for the creatures.

Chapter 14.020(4) Governs Dogs, Cats and other Creatures not to run at large. A pet is considered to be running at large if it is off the premises of the owner or keeper and not under control.

Ms Sheck provided support letters and documents. Adam Myers at 2015 S. 9th Street, which is directly north of the Shecks provided a handwritten note stating he had no objection with proposal. There were also six general letters of support from customers located in the community and 4 signatures for support for the S. 15th Street location.

In closing, notices were sent out last week to neighbors within 200 feet of the subject property excluding right of way and I received the following comments.

Connie Quirk, 841 Dewey Street left a message and stated that she is strongly opposed to the proposed use and that type of use does not belong in a residential area. She also stated she has concerns of dogs off of leashes.

Mary Vasquez sent an email on behalf of her daughter who lives at 909 Dewey Street, Mrs Vasquez stated that her daughter's name was listed on a list of people in support of the project but she stated that no one talked with her daughter. I believe this was a misunderstanding, the list provided was a mailing list of individuals who received notice of the meeting not a list of individuals in favor of the project.

Mr. Nickels opened the discussion up to the Plan Commission. Mr. Muenzenmeyer

asked how long the business has been in operation. Mr. Braun stated since 2011. Mr. Muenzenmeyer asked if there were any complaints or issues on record with the City, Mr. Braun stated there were none. Mr. Braun stated that the City was made aware of the business based on a complaint from another business that provides similar services. Mr. Sparacio, stated that the Building Inspection Department investigated the complaint and found that the use did not fit into the existing home occupation definition of the Zoning Code, currently the existing use is not permitted because it is not completely contained in the residence.

Mayor Nickels opened the topic up to public input. Ed Rappe, 2103 S. 9th Street stated that he lives across Dewey Street, south of the residence. The area is zoned residential and the use does not belong in the neighborhood setting; the use changes the nature of the neighborhood and it may affect his property value. Mr. Rappe is concerned with traffic especially when school is in session and that there is some clutter in the Sheck's backyard. Mr. Rappe has witnessed dogs barking and going to the bathroom in the park area to the east.

Katelyn Sheck, 2019 S. 9th Street wanted to address some of the concerns brought up by Mr. Rappe; she stated that there is a car in their rear yard which they are trying to sell. The dogs are never unattended when they are outside and that they do take the dogs for a walk along Dewey Street. Mayor Nickels closes public input.

Mr Muenzenmeyer, stated that he applauds the Sheck's for trying to do the process the right way and once the neighbors hear the conditions the Sheck's shall follow they will be more at ease. He also stated the CUP will be reviewed annually by the Commission.

Mr. Braun stated that the proposed conditions were emailed to Katelyn Sheck earlier and to the Plan Commission for review. The proposed conditions were the following:

Grant CUP under Sections 15.030 and 15.150(3)(j) of the Manitowoc Municipal Code ("Code") to Katelyn Sheck d/b/a "Four Paws Pet Care" ("Four Paws"). This CUP ("2015 CUP") shall hereinafter serve as authorization for the location and operation of Four Paws as an Expanded Home Occupation to be conducted only and entirely within the parcel at 2019 S. 9th Street identified as Lot 10 and the North 20' of Lot 11 of Schroeder's Subdivision (tax parcel # 640-005-100 & 640-005-111) a/k/a the "CUP Area" (see attached Exhibit "A").

Four Paws is required to comply with the following conditions:

A. The 2015 CUP shall not become effective and binding until the date the Common Council approves the 2015 CUP as outlined herein.

B. Operation of the Expanded Home Occupation shall be permitted under this 2015 CUP as long as it is operated in conformance with the requirements and conditions set forth in Section 15.030(1) of the Code, including the following:

- (1) Shall be located entirely within the subject parcel,
- (2) Shall operate only between the hours of 8:00 a.m. and 8:00 p.m. as readily apparent from adjacent residences,
- (3) Shall not cause any external alterations to the residence including the creation of a separate or exclusive business entrance, and there shall be no exterior indication that a home occupation exists.
- (4) Shall not be permitted to use equipment which creates offensive noise, vibration, sound, smoke, dust, odors, heat or glare detectable to the normal senses off the

property, or X-rays or electrical disturbance to radio or television transmission in the area that would create visual or audible interference in excess of what is normally associated with a residential use.

(5) Shall have no outdoor display or storage of materials, goods, supplies or equipment.

(6) Shall not be permitted to have any external signage including window displays or advertising signs.

(7) Shall provide adequate off-street parking for occupants of the principal residence.

(8) Shall make reasonable efforts to keep all doors and windows closed during the hours of operation, except when entering or exiting.

(9) Shall be limited to not more than ten (10) clients per day in connection with the business. This condition is related to the number of customers not the number of dogs or cats that can be cared for at a single time.

C. Compliance with all federal, state and local regulations, licensing and Code requirements. This condition includes but is not limited to the requirements in Chapter 14 of the Municipal Code.

D. Four Paws shall not assign, transfer, sublet or convey its interest in the 2015 CUP.

E. The 2015 CUP shall automatically terminate effective the same date: (i) the property owner conveys title to the subject parcel; or (ii) Four Paws ceases to operate in the CUP Area. Four Paws agrees to provide the City's Community Development Department with written notice of its intent to discontinue operation in the CUP Area not less than 30 consecutive calendar days prior to the date operations are planned to cease.

F. At any date and time, non-compliance with the terms of the 2015 CUP may result in the modification of the terms and conditions of the CUP, issuance of citations and financial penalties, or immediate revocation of the 2015 CUP.

G. The maximum combined number of customer dogs and cats kept on the site shall not exceed 4. Smaller customer animals, like fish and birds, kept on the site, but in the residence shall not exceed 4. The owners' pets are not included into these counts.

H. No customer animals shall be kept outside of the residence overnight.

I. The Plan Commission and Common Council shall have an annual review of the CUP in June of 2016. The City reserves the right to review the CUP at any time based on complaints.

J. All animals under the supervision of the owners shall not be permitted to make excessive noise which would be an annoyance to the neighborhood.

K. The owners and operators shall carry the proper insurance as acceptable to the City Attorney and shall provide evidence of said insurance before this CUP is effective. Insurance verification shall be provided to the Department of Community Development on or before June 15, 2015.

L. There shall be no sales of animals, products or like items from the CUP area. There shall be no breeding of animals in the CUP area affiliated with Four Paws. Operations or activities, except for the animal lodging, which are similar to a kennel as defined in Chapter 15.030 are prohibited.

M. All waste from the animals shall be promptly picked up and shall be stored in a sealed, airtight container and said container shall be located out of public site and as far

away from the neighbors as possible.

The Commission discussed the number of customer pets that would be allowed at a single time. The maximum number of customer dogs or cats that can be cared for at a time for the business would be 4 dogs or cats, or combination of; and they could also have up to 4 additional pets such as birds and fish which must be in the residence at all times. Chapter 14 of the Municipal Code addresses many of the issues regarding dogs, cats and other animals. Mr. Muenzenmeyer stated that there will be an annual review of the CUP but if issues arise prior to the annual review the Commission has the right to review the operation sooner. It was stated that currently the business is operating illegally but when the issue was brought up to the Licensing, Permits and Inspections Committee the Committee said the Sheck's could still provide service for customers with appointments in the interim but they could not charge a fee for their services until an Expanded Home Occupation CUP was issued.

Mr Steinbrenner asked, if the proposal was approved could staff send out the list of conditions to the same neighbors that received the original notice of the meeting; staff stated that they would send out the conditions once they are approved. Mr Diedrich stated that he is leaning to vote no on the proposal because of the neighbors concerns. Mr. Koski stated that he also has mixed opinions regarding the proposal and the Sheck's may not have known they were required to have approval from the City. Now the City will have a mechanism to review the proposal and he that is why he will be supporting the conditional use permit.

Moved by Brey, seconded by Muenzenmeyer, to recommend Council grant a CUP under Sections 15.030 and 15.150(3)(j) of the Manitowoc Municipal Code to Katelyn Sheck d/b/a "Four Paws Pet Care" for conducting her business at 2019 S. 9th Street subject to the compliance conditions. The motion carried by the following vote:

Aye: 7 - Alderperson Brey, Hornung, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

Nay: 1 - Diedrich

[15-592](#)

PC 17-2015: Amy & Martin Sheck, 1718 S. 15th Street Home Occupation Expanded Use Conditional Use Permit Pursuant to Chapter 15.030.

Mr Braun stated that this item is related to the previous informational hearing. The general background information is identical but the site specifics are different. Mr. Braun summarized to the Commission the following background information.

The request is from Amy and Martin Sheck, who are partnered with their daughter Katelyn Sheck who is doing business as Four Paws Pet Care which is located at 2019 S. 9th Street. Amy and Martin Sheck live at 1718 S. 15th Street and assist their daughter who operates a dog and cat sitting service. In order for the Sheck's to care for dogs and cats at their residence they need to apply for an Expanded Home Occupation pursuant to Section 15.030 of the Manitowoc Municipal Code. This section of the Code requires such a use to be authorized by issuance of a Conditional Use Permit (CUP) pursuant to Section 15.370(27).

Currently the zoning code language for an Expanded Home Occupation has not been formally adopted by the Common Council but the public hearing for the new Expanded Home Occupation code language will be on June 15th. The Plan Commission at the May 6th meeting reviewed the new code language for Expanded Home Occupations. A regular Home Occupation does not require a CUP but an Expanded Home Occupation

does require a CUP. By nature of the dog and cat sitting use it does not fit into the regular Home Occupation definition.

Under a Conditional Use Permit pursuant to Section 15.370(27), the Commission and Council must determine if the proposed use:

A. is reasonably necessary for the convenience and welfare of the public.

B. Is in harmony with the character of the surrounding area.

C. Will have a minimal effect or no effect on the surrounding property values.

The Commission and Council can affix conditions to the CUP to provide assurances that the proposed use will remain in conformity with the criteria under subsection (27)c as well as compliance with regulations of the particular zoning district which the conditional use would be located.

The Expanded Home Occupation section of the code allows the Plan Commission and Common Council the right to determine:

A. the appropriateness of a proposed land use qualifying as an Expanded Home Occupation; and

B. its compatibility to the neighborhood, based on any or all of the following factors: (i) there is no change in the external appearance of the existing buildings and structures on the property; (ii) there is no disruption to the quiet nature and visual quality of the neighborhood; (iii) there are no additional parking areas other than driveways located in the required front yard or any side yard areas of the property; and (iv) there is no offensive noise, vibration, sound, smoke, dust, odors, heat or glare detectable to the normal senses off the property, or X-rays or electrical disturbance to radio or television transmission that can be detected by the normal senses off the property where the home occupation is proposed to be located; and (v) there is no increased risk to health or safety in excess of that which is common to a residential neighborhood.

In addition there are other general conditions or standards that an Expanded Home Occupation shall follow:

A. the right shall not be transferable nor shall any person not named be authorized to carry on the use;

B. shall be located entirely in the primary residence and not more than one accessory building;

C. Shall operate between the hours of 8am and 8pm as readily apparent from adjacent residences;

D. Shall not cause any external alterations to the residence or accessory building including the creation of a separate or exclusive business entrance, no exterior indication that a home occupation exists;

E. Shall not be permitted to use equipment which creates offensive noises, vibration, sound, smoke, dust, odors, heat or glare detectable to the normal senses off the property;

F. Shall have no outdoor display or storage of materials, goods, supplies or equipment.

G. Shall not be permitted to have any external signage including window displays or advertising signs

H. Shall have adequate off-street parking for occupants of the principal residence

I. Shall make reasonable efforts to keep all doors and windows closed during the hours

J. Shall be limited to not more 10 clients per day in connection with the business
K. Shall in no case be permitted to include a retail or wholesale store, a manufacturing business, a commercial food service requiring a license, an auto service or repair facility for any vehicles other than those registered to the residents of the property.

As stated earlier the Expanded Home Occupation is a Conditional Use Permit and additional conditions may be affixed to the use above and beyond the ones just mentioned.

Amy and Martin Sheck's house is located at 1718 S. 15th Street which is at the southwest end of S. 15th Street and terminates at the playground for St Francis of Assisi, the former St. Andrew's School. The house is a 1,236 s.f. single story brick structure. They own two lots for a total of half an acre of land. The northerly lot with the residence is approximately 62' x 154 and the vacant lot to the south measures 65' x 188'. The south line of their property borders the playfield for St. Francis of Assisi, there is a cyclone fence along this property line. From the photos provided the other property lines are not fenced.

Amy and Martin Sheck are partners with their daughter Katelyn in the business that provides boarding services for dogs, cats and occasionally other animals. Amy and Martin Sheck will typically board cats or dogs that are comfortable with other cats. The Shecks own 6 of their own cats; all of which are licensed. They also have the proper permits from the Police Department to have more than 3 animals.

Historically Amy and Martin typically board no more than 3 dogs and 1 cat at a time.

The subject property is zoned R-3 Single Family Residential; the surrounding zoning is also R-3 with R-4 Single and Two Family a bit further to the east.

Again tonight's request is for an Expanded Home Occupation Conditional Use Permit. General Home Occupation language currently exists in the code but the Expanded Home Occupation code language is in the process of being adopted by the Council. A traditional Home Occupation is controlled through the zoning ordinance regulations and does not require a conditional use permit. An Expanded Home Occupation is required when a use doesn't meet the traditional Home Occupation regulations and for example, it may use an accessory building or need some outdoor space and not be entirely contained in a residence, therefore the Expanded Home Occupation is processed like a conditional use permit which requires tonight's informational hearing.

Chapter 14 of the municipal Code is titled "OFFENSES AGAINST PUBLIC POLICY, SAFETY, MORALS AND PEACE" and section 14.020 of this Chapter Regulates Dogs, Cats and other Animals. 14.020 (1) limits the number of Dogs or Cats per parcel. This section states that "No person shall own, harbor, or keep in their possession on any one parcel of property at any one time more than three dogs and more than three cats over six months of age, this section also continues to address litters of dogs or cats which does not apply.

The Chief of Police or his designee is authorized to issue a permit allowing a person to keep up to four dogs and four cats at one time on any one parcel of property upon receipt of an application. In determining whether or not to grant any such permit, the Chief of Police shall consider the likelihood of a public or private nuisance and may contact residents in the neighborhood prior to making a decision. Any such permit which is granted shall be limited to specifically identified dogs or cats and shall not apply to the dogs or cats owned or kept by such person.

Chapter 14.020(2)a states the following. "No person, except for a duly authorized licensed breeder or pet shop owner, shall keep, sell, breed or offer for sale one or more horses, cows, pigs, goats, sheep, chickens, geese, ducks, doves, pigeons or other fowl, bees, large predators, endangered species or poisonous snakes, rodents, reptiles, exotic species or wild animals (collectively "creatures") or construct or use shelters therefor within the City of Manitowoc without the written permission of the Chief of Police or his designee.

In considering any request for such permission, the Chief of Police shall consider the number and type of animals or creatures, their location, the facilities to be used for such purpose, the likelihood of a public or private nuisance being created or a health hazard, and the ability of the owner to responsibly control and care for the creatures.

Chapter 14.020(4) Governs Dogs, Cats and other Creatures not to run at large. A pet is considered to be running at large if it is off the premises of the owner or keeper and not under control.

The Shecks provided a letter of support signed by Andy Mertz who lives across the street at 1715 S. 15th Street, Pamela Thompson, 1714 S. 15th Street, abutting neighbor to the north, La Rue Campbell, who lives across the street at 1703 S. 15th Street and Wes Biddle and Kim Schultz, 179 S. 15th Street who live across the street from the Shecks.

Notices were sent out last week to neighbors within 200 feet of the subject property excluding right of way and the following comments were received.

Anne Slattery, 1638 S. 16th Street called and voiced her concerns with the possibility of dogs barking at individuals walking or playing in the playground. She also stated that people buy a house in a residential setting expecting the area to remain residential not include businesses and finally she is concerned with dogs running free and the cleanliness of the operation.

Bob Becker, who through the rear yards at 1715 S. 16th Street stopped in the office and stated that he doesn't have any objections with the proposed conditional use permit.

Jane Gau, who lives to the north of the subject area at 1507 Philippen Street left a voice message and stated that she has no concerns with the use and has no objections.

Mayor Nickels opened the discussion up to the public. Brian Buvid, 1519 Philippen Street, expressed concerns with noise from barking dogs. Amy Sheck, 1718 S. 15th Street who is requesting the conditional use permit stated that they take the overflow of pets and have typically watched up to three animals and have never left them unattended or left to run wild. They have six cats of their own and have the proper permit from the Police Department and have never had any issues.

Mr. Braun reviewed the following conditions with the Plan Commission.

Grant CUP under Sections 15.030 and 15.130(3)(j) of the Manitowoc Municipal Code ("Code") to Amy & Martin Sheck d/b/a "Four Paws Pet Care" ("Four Paws"). This CUP ("2015 CUP") shall hereinafter serve as authorization for the location and operation of Four Paws as an Expanded Home Occupation to be conducted only and entirely within the parcel at 1718 S. 15th Street identified as parcel #'s 355-057-005 and 355-057-010 a/k/a the "CUP Area" (see attached Exhibit "A").

Amy & Martin Sheck / Four Paws are required to comply with the following conditions:

A. The 2015 CUP shall not become effective and binding until the date the Common Council approves the 2015 CUP as outlined herein.

B. Operation of the Expanded Home Occupation shall be permitted under this 2015 CUP as long as it is operated in conformance with the requirements and conditions set forth in Section 15.030(1) of the Code, including the following:

- (1) Shall be located entirely within the subject parcel,
- (2) Shall operate only between the hours of 8:00 a.m. and 8:00 p.m. as readily apparent from adjacent residences,
- (3) Shall not cause any external alterations to the residence including the creation of a separate or exclusive business entrance, and there shall be no exterior indication that a home occupation exists.
- (4) Shall not be permitted to use equipment which creates offensive noise, vibration, sound, smoke, dust, odors, heat or glare detectable to the normal senses off the property, or X-rays or electrical disturbance to radio or television transmission in the area that would create visual or audible interference in excess of what is normally associated with a residential use.
- (5) Shall have no outdoor display or storage of materials, goods, supplies or equipment.
- (6) Shall not be permitted to have any external signage including window displays or advertising signs.
- (7) Shall provide adequate off-street parking for occupants of the principal residence.
- (8) Shall make reasonable efforts to keep all doors and windows closed during the hours of operation, except when entering or exiting.
- (9) Shall be limited to not more than ten (10) clients per day in connection with the business. This condition is related to the number of customers not the number of dogs or cats that can be cared for at a single time.

C. Compliance with all federal, state and local regulations, licensing and Code requirements. This condition includes but is not limited to the requirements in Chapter 14 of the Municipal Code.

D. Four Paws shall not assign, transfer, sublet or convey its interest in the 2015 CUP.

E. The 2015 CUP shall automatically terminate effective the same date: (i) the property owner conveys title to the subject parcel; or (ii) Four Paws ceases to operate in the CUP Area. Four Paws agrees to provide the City's Community Development Department with written notice of its intent to discontinue operation in the CUP Area not less than 30 consecutive calendar days prior to the date operations are planned to cease.

F. At any date and time, non-compliance with the terms of the 2015 CUP may result in the modification of the terms and conditions of the CUP, issuance of citations and financial penalties, or immediate revocation of the 2015 CUP.

G. The maximum combined number of customer dogs and cats kept on the site shall not exceed 4. Smaller customer animals, like fish and birds, kept on the site, but in the residence shall not exceed 4. The owners' pets are not included into these counts.

H. No customer animals shall be kept outside of the residence overnight.

I. The Plan Commission and Common Council shall have an annual review of the CUP in June of 2016. The City reserves the right to review the CUP at any time based on complaints.

J. All animals under the supervision of the owners shall not be permitted to make excessive noise which would be an annoyance to the neighborhood.

K. The owners and operators shall carry the proper insurance as acceptable to the City Attorney and shall provide evidence of said insurance before this CUP is effective. Insurance verification shall be provided to the Department of Community Development on or before June 15, 2015.

L. There shall be no sales of animals, products or like items from the CUP area. There shall be no breeding of animals in the CUP area affiliated with Four Paws. Operations or activities, except for the animal lodging, which are similar to a kennel as defined in Chapter 15.030 are prohibited.

M. All waste from the animals shall be promptly picked up and shall be stored in a sealed, airtight container and said container shall be located out of public site and as far away from the neighbors as possible.

Moved by Hornung, seconded by Koski, to recommend Council grant a CUP under Sections 15.030 and 15.130(3)(j) of the Manitowoc Municipal Code to Amy and Martin Sheck d/b/a "Four Paws Pet Care" for conducting their business at 1718 S. 15th Street subject to compliance conditions. The motion carried by the following vote:

Aye: 8 - Alderperson Brey, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

V. REFERRALS FROM COMMON COUNCIL: None

VI. OLD BUSINESS

[15-593](#)

PC 24-2014: Update Revision to Municipal Code Chapter 15.450 Sign Ordinance.

Mr. Sparacio stated that staff was having difficulty getting attendance for the sign stakeholder meetings but the new members added to the group have been in attendance and the sign code revision process is moving forward. Mr. Sparacio continued to state that an interesting outcome from the stakeholder meetings is that the group is very concerned with aesthetics and is leaning towards a sign code stressing community aesthetics and the image we portray especially along the Calumet Avenue corridor. It's anticipated that a draft will be presented to the Plan Commission in July depending on how the stakeholder meetings progress.

This item was discussed. No Action taken

VII. NEW BUSINESS

[15-594](#)

PC 18-2015: Annual Review of Animated Signs pursuant to 15.450(18)(e) (7).

Mr. Braun began the discussion by stating in the new sign code the Plan Commission's annual review of animated signs will no longer exist, animated signs will be regulated entirely by the code. Mr. Braun stated that staff went to look at a vast majority of the animated signs but did not visit all the signs in the City and in general a majority of the signs are following the regulations. The item staff was looking for most was if the sign

was showing off-premise messages, all the signs visited were not showing off-premise messages. A few signs were not holding the required 1 1/2 seconds but they were not flashing or not being a distraction for vehicles or neighbors. There have not been any complaints or issues brought to the staff's attention so in general the animated signs are in conformance with the code.

Moved by Diedrich, seconded by Koski, that the 2015 Annual Review of Animated Sign report be accepted. The motion carried by the following vote:

Aye: 8 - Alderperson Brey, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

[15-595](#)

PC1-2015: Kent & Sara Keil : Quit Claim Deed - S. 35th Street.

Mr Braun stated that the Keil quit claim deed is related to a certified survey that was previously approved by the Plan Commission and staff. The quit claim deed is for S. 35th Street and there are no issues with the deed.

Moved by Diedrich, seconded by Muenzenmeyer, to recommend that: (i) the Council approve and accept the Quit Claim Deed; and (ii) the Clerk subsequently record the document at the Register of Deeds. The motion carried by the following vote:

Aye: 8 - Alderperson Brey, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

VIII. MISCELLANEOUS

A. Manitowoc County Activities: None

B. Certified Survey Maps (CSM):

[15-596](#)

Manitowoc Shell, LLC NW ¼, NW ¼ Section 36, Township 19 North, Range 23 East, City of Manitowoc

This Certified Survey Map was discussed. No Action taken.

[15-597](#)

Hackmann, NW ¼, Section 25, Township 19 North, Range 23 East, Town of Cato

This Certified Survey Map was discussed. No Action taken.

C. Summary of Site Plans

[15-598](#)

SP 3 - 2015: Wisconsin Aluminum Foundry, 838 S. 16th Street, 20,900 sf building addition

This Site Plan was discussed. No Action taken.

[15-599](#)

SP 4-2015: Grey Iron Foundry, 2701 Division Street, 2,625sf addition

This Site Plan was discussed. No Action taken.

[15-600](#)

SP 5-2015: HME - Home Medical Equipment, new construction 3,600 sf building

This Site Plan was discussed. No Action taken.

D. [15-603](#) Director's Report

Mr. Sparacio stated that the City of Manitowoc was the only city in the state to be awarded a \$400,000 EPA Area Wide Assessment grant. The monies are for phase I & II studies for any eligible site in the City and the monies are used for petroleum or hazardous substance sites.

IX. ADJOURNMENT

Moved by Brey, seconded by Steinbrenner, that this Meeting be adjourned at 7:24 PM. The motion carried by the following vote:

Aye: 8 - Alderperson Brey, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

Respectfully Submitted,

Paul Braun
Secretary