



City of Manitowoc

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

Meeting Minutes Plan Commission

Wednesday, June 11, 2014

6:30 PM

Planning /Engineering Conference Room

Pursuant to Section 19.84(2) and (3) of the Wisconsin Statutes, notice is hereby given to the public, to the Herald-Times-Reporter, the official newspaper of Manitowoc, and to those news media who have filed a written request for this notice that a meeting of the above-referenced will be held at the date, time and location listed above.

The above governmental body will meet to discuss and possibly take action on the agenda items set forth below.

I. CALL TO ORDER

The meeting of the City Plan Commission was called to order by Acting Chairman Jim Brey at 6:30 P.M.

II. ROLL CALL

NOTE: Dolly Stokes was not in attendance at the 6/11/2014 meeting as her term expired 5/31/2014.

Present: 5 - Steven Alpert, Dan Koski, Jim Muenzenmeyer, Jim Brey and Dennis Steinbrenner

Absent: 4 - Dave Diedrich, Daniel Hornung, Nickels and Dolly Stokes

Staff Present: David Less, Paul Braun

Others Present: Paul Steinbrecher, John Lukas, Jeff Beyer

III. APPROVAL OF MINUTES

[14-1235](#) Approval of the Minutes of the May 14, 2014 Meeting.

Moved by Koski, seconded by Muenzenmeyer, that the Minutes be approved. The motion carried by the following vote:

Aye: 5 - Alpert, Koski, Muenzenmeyer, Alderperson Brey and Member Steinbrenner

IV. PUBLIC INFORMATIONAL HEARINGS

[14-1173](#) PC11-2014: SMI/Abbey Ridge LLC; Proposed Vacation Under Wis. Stat. § 66.1003(2) and Official Map Amendment Under Wis. Stat. § 62.23(6) at Ravenswood Lane, West of N. 18th Street and West of Future Ebony Avenue.

Petition of Abbey Ridge LLC for vacation of a portion of Ravenswood Lane west of N. 18th Street, recommending acceptance and placing on file.

Mr. Less explained that tonight's public informational hearing was in regard to a request

from SMI on behalf of Abbey Ridge, LLC, as the record owner, and John Lukas in his individual capacity and as a member of the LLC. Mr. Less stated that the first request was to vacate and remove from the Official Map a dedicated R/W being an extension to the west of Ravenswood Lane at future Ebony Avenue, and secondly, for an amendment to the Official Map to remove the area to be vacated, plus to add a curve into the R/W alignment at Ravenswood Lane and Ebony Avenue. Mr. Less noted that the request to discontinue or vacate the R/W occurred pursuant to Wis. Stat. § 66.1003(2), and the Official Map amendment pursuant to Wis. Stat. § 62.23(6)(c). Mr. Less added that while both items would be discussed concurrently, a formal public hearing before the Council would only be required for the Official Map amendment.

Mr. Less continued that the street vacation process was governed under Wis. Stat. § 66.1003 and specifically subdivision (2) which provided that a portion of a public R/W may be vacated upon submittal of a written petition to the Common Council, signed by the owners of all of the frontage abutting the portion of the street sought to be vacated, plus the owners of more than one-third of the frontage of the remaining portion of the street which was within 2,650 feet of the ends of the portion of the street to be vacated. Mr. Less noted that a vacation petition was filed with the Clerk's office on May 15, 2014, and that a "Notice of Lis Pendens" had been prepared, and would be recorded prior to Monday night's Council meeting.

Mr. Less explained that the proposed vacation covered a .27-acre area of dedicated R/W on the west side of Ravenswood Lane where it turned north as Ebony Avenue; an area of R/W measuring 154.36' along its north line and 210.71' along its south line, with a R/W width of 66' on its west side, and a radius curve of approximately 122.01' along the west line of Ravenswood Lane. Mr. Less noted that the net result of the vacation would be the elimination of this future street which ran through property improvements and dead ended at the City limits. Mr. Less added that this R/W was dedicated in its entirety to the City by Abbey Ridge, LLC in December, 2001 (v. 1616, p. 261). Mr. Less stated that the R/W area to be vacated was abutted by 2 properties--818-201-013 to the south which was owned by Abbey Ridge, LLC (v. 1589, p. 255), and 818-201-012 to the north which was also owned by Abbey Ridge, LLC (v. 1461, p. 657).

Mr. Less continued that the vacation petition that was filed with the City was signed by John S. Lukas, as member of Abbey Ridge, LLC, and in his individual capacity. Mr. Less noted that this petition was reviewed by his office, and found to contain owner signatures representing 100% of the frontage abutting the area proposed to be vacated, and, for the purpose of determining satisfaction with the 2,650' requirement of the statute, Abbey Ridge, LLC and John S. Lukas were the owners of 48.45% of the remaining frontage. Mr. Less stated that the petition satisfied the statute, and added that regarding the reversion of title to the R/W upon vacation, the land would revert back to the same parcel from which it originated (Wis. Stat. § 66.1005(1)).

Mr. Less then noted that regarding the vacation under Wis. Stat. § 66.1003(2), the Council could act on the vacation Resolution without conducting a public hearing on the request, but a Class 3 notice was required to be published prior to the Council acting on the vacation Resolution. Mr. Less continued that the statute required that at least 40 days lapse between the date the vacation Resolution had been introduced, and the date Council could officially act to approve the vacation. Mr. Less noted that the Official Map amendment required a public hearing and a Class 2 notice, and these would be concurrently run processes, with the notices being combined to address both matters.

Mr. Less added that pursuant to Wis. Stat. § 66.1005(2), the City would retain all easement and utility rights incidental to the vacated R/W which were in place prior to the vacation of the R/W. He then noted that Planning did contact MPU regarding the proposed vacation, and heard back from MPU-Water which advised that there were no

issues, and assumed the same status for MPU-Electric.

Mr. Less continued that contemporaneous with the proposed street vacation, was an amendment to remove the identical area from the City's Official Map pursuant to Wis. Stat. § 62.23(6)(c), and to add to the Official Map a right triangle shaped area to complete an interior radius curve on the east side of Ravenswood Lane where it met future Ebony Avenue.

In closing, Mr. Less noted that regarding tonight's informational hearing, Planning did mail out notices on June 5th to property owners that would be directly affected by the proposal, and noted that there were no responses to this mailing received.

Mr. Less noted further that when proceeding under this portion of the vacation statute, there was a requirement that the City serve notice upon the property owners abutting the area to be vacated at least 30 days prior to the date of the hearing. Mr. Less then provided an outline for next steps going forward in this process:

- A. "Notice of Lis Pendens" regarding the vacation proceedings would be filed at the Register of Deeds office and recorded on or before June 16th.
- B. A Resolution for vacation and an Ordinance for amending the Official Map would be introduced at the June 16th Council meeting.
- C. The Class 3 notice pursuant to Wis. Stats. § 66.1003(8)(b) would publish on July 28th, August 4th and August 11th. The Official Map amendment notification would be part of the notice publications.
- D. Serving notice on the abutting property owners had to occur at least 30 days prior to the date of the Council hearing, which meant that service would have to occur on or before July 18th.
- E. The public hearing on the Official Map amendment will be held on August 18th.
- F. Final Council action on the Official Map amendment and the vacation could occur on or after September 15th.

On a final note, Mr. Less advised the Commission that concurrent with the completion of these proceedings, the City would receive a Quit Claim Deed for the R/W dedication of the remainder of Ebony Avenue so as to complete the street pattern in this area.

John Lukas, 1871 Nagle Avenue, commented that he had been working with Planning to develop this plan, and advised the Commission that they were in the process of solidifying the condominium development. Mr. Lukas noted that with the additional dedication of the balance of Ebony Avenue, this would complete the R/W loop in this area.

Mr. Brey asked Mr. Less for his recommendation.

Mr. Less recommended that the Commission recommend that Council instruct the Clerk to call for the public hearing and to publish notices on July 28th, August 4th and August 11th, and to provide a final recommendation to approve the vacation and amendment to the Official Map.

Mr. Steinbrenner asked what would happen with the new dedication of Ebony Avenue?

Mr. Less explained that the installation of the actual street would occur when development demanded its installation.

Moved by Alpert, seconded by Koski, that this Petition be recommended for approval to the Licensing, Permits & Inspections Committee. The motion carried by the following vote:

V. REFERRALS FROM COMMON COUNCIL[14-1064](#)

PC17-2014: SMI/Abbey Ridge LLC; Request for Release of Sanitary Sewer Easement.

Request from SMI as representative of Abbey Ridge LLC for a change to the official map eliminating a portion of Ravenswood Lane per attached map, recommending acceptance and place on file.

Mr. Less explained a request from SMI to release a 2007 "Utility Easement" in the area of Abbey Ridge Condominiums, between Ravenswood Lane and N. 18th. Mr. Less noted that this easement conflicted with future planned buildings in the area, and noted that an alternative routing for sanitary sewer service was available. Mr. Less recommended that the Commission recommend to Council that it: (i) authorize terminating the easement; (ii) authorize the City Attorney to draft the termination document; (iii) authorize the Mayor and Clerk to sign the document at the call of the Deputy City Planner; and (iv) authorize the Clerk to record the document, with SMI or its third party client to pay the recording fee.

Mr. Koski concurred that the area could be served from a different route, and that elimination of the existing easement would not be problematic.

Moved by Muenzenmeyer, seconded by Alpert, that this Request be recommended for approval to the Licensing, Permits & Inspections Committee. The motion carried by the following vote:

Aye: 5 - Alpert, Koski, Muenzenmeyer, Alderperson Brey and Member Steinbrenner

[14-1065](#)

PC17-2014: SMI/Abbey Ridge LLC; Request for Release of Sanitary Sewer Easement.

Request from SMI as representative of Abbey Ridge LLC for a street vacation for a portion of Ravenswood Lane per attached map, recommending acceptance and placing on file.

Mr. Less explained a request from SMI to release a 2007 "Utility Easement" in the area of Abbey Ridge Condominiums, between Ravenswood Lane and N. 18th. Mr. Less noted that this easement conflicted with future planned buildings in the area, and noted that an alternative routing for sanitary sewer service was available. Mr. Less recommended that the Commission recommend to Council that it: (i) authorize terminating the easement; (ii) authorize the City Attorney to draft the termination document; (iii) authorize the Mayor and Clerk to sign the document at the call of the Deputy City Planner; and (iv) authorize the Clerk to record the document, with SMI or its third party client to pay the recording fee.

Mr. Koski concurred that the area could be served from a different route, and that elimination of the existing easement would not be problematic.

Moved by Muenzenmeyer, seconded by Koski, that this Request be recommended for approval to the Licensing, Permits & Inspections Committee. The motion carried by the following vote:

Aye: 5 - Alpert, Koski, Muenzenmeyer, Alderperson Brey and Member Steinbrenner

[14-1066](#)

PC17-2014: SMI/Abbey Ridge LLC; Request for Release of Sanitary Sewer

Easement.

Request from SMI as representative of Abbey Ridge LLC for a vacation of a sanitary sewer easement along Ravenswood Lane and Ebony Avenue, recommending placing on file.

Mr. Less explained a request from SMI to release a 2007 "Utility Easement" in the area of Abbey Ridge Condominiums, between Ravenswood Lane and N. 18th. Mr. Less noted that this easement conflicted with future planned buildings in the area, and noted that an alternative routing for sanitary sewer service was available. Mr. Less recommended that the Commission recommend to Council that it: (i) authorize terminating the easement; (ii) authorize the City Attorney to draft the termination document; (iii) authorize the Mayor and Clerk to sign the document at the call of the Deputy City Planner; and (iv) authorize the Clerk to record the document, with SMI or its third party client to pay the recording fee.

Mr. Koski concurred that the area could be served from a different route, and that elimination of the existing easement would not be problematic.

Moved by Muenzenmeyer, seconded by Alpert, that this Request be recommended for approval to the Licensing, Permits & Inspections Committee. The motion carried by the following vote:

Aye: 5 - Alpert, Koski, Muenzenmeyer, Alderperson Brey and Member Steinbrenner

[14-1171](#)

PC6-2014: Sobel; Petition for Annexation to the City of Manitowoc Pursuant to Wis. Stat. § 66.0217(3) for 2.25-Acres at Viebahn Street and Fox Valley & Western Railroad Trackage.

Petition from Charlotte Sobel for direct annexation of approximately 2.25 acres of land from the Town of Newton to the City of Manitowoc, area known as Viebahn South #27, recommending acceptance and place on file.

Mr. Braun commented that this matter had been discussed at the Commission prior to tonight, and explained the filed Petition for Annexation pursuant to Wis. Stat. § 66.0217(5) for 2.25-acres from the Town of Newton. Mr. Braun noted that the annexation petition met the statutory demographic requirements, with the Petition being signed by the majority land owner in terms of acreage and valuation. Mr. Braun added that there was a single elector in the area. Mr. Braun noted that the property was currently receiving water from the City, and that the only other property included in the annexation belonged to the railroad.

Mr. Braun noted further that the proposed zoning classification for the annexation area was "R-4" Single-and Two-Family District, and added that the City had received a written communication from the Wisconsin Department of Administration pursuant to Wis. Stat. § 66.0217(6)(a), advising that they had reviewed the proposed annexation, and found it to be in the public interest. Mr. Braun recommended that the Commission recommend to Council approval of the Petition for Annexation, as well as an annexation Ordinance and accompanying Resolution.

Mr. Steinbrenner asked if the railroad R/W had been abandoned?

Mr. Brey commented on the status of the adjacent railroad trackage, noting that the railroad had abandon trackage, and the DNR had purchased trackage south of Newton to Cleveland, and that the plan was ultimately for establishment of a future trail.

Mr. Steinbrenner asked how the Sobel property could be receiving City water when it

was located outside of the City limits?

Mr. Braun explained that this was a property that had a non-resident sewer and water agreement with the City from back in the 1960's, and advised that it was no longer the policy of the City to enforce these agreements which called for a property to be annexed upon sale. Mr. Braun added that there had been around 40-45 properties with these agreements, but they were now down to around 15.

Moved by Steinbrenner, seconded by Koski, that this Petition be recommended for approval to the Licensing, Permits & Inspections Committee. The motion carried by the following vote:

Aye: 5 - Alpert, Koski, Muenzenmeyer, Alderperson Brey and Member Steinbrenner

[14-1174](#)

PC1-2014: Sobel; Quit Claim Deed to the City of Manitowoc for .12-Acres for Viebahn Street Purposes.

Quit Claim Deed from Charlotte J. Sobel, for .12 acres of land for street purposes, recommending acceptance and place on file.

Mr. Less explained the above referenced deed at Viebahn Street and the Fox Valley & Western Railroad trackage, related to the earlier referenced annexation on the agenda. Mr. Less recommended that the Commission recommend approval of the deed to Council, and with the Clerk to record the document.

Moved by Muenzenmeyer, seconded by Koski, that this Deed be recommended for approval to the Licensing, Permits & Inspections Committee. The motion carried by the following vote:

Aye: 5 - Alpert, Koski, Muenzenmeyer, Alderperson Brey and Member Steinbrenner

[14-1204](#)

PC1-2014: Manitowoc Cinema, LLC; Quit Claim Deed to the City of Manitowoc for .17-Acres for So. 44th Street Purposes .

Quit Claim Deed from Manitowoc Cinema LLC containing .17 acres of land for So. 44th Street purposes, recommending acceptance and place on file.

Mr. Less explained the above referenced deed for completion of a cul-de-sac at the south end of So. 44th Street. Mr. Less recommended that the Commission recommend approval of the deed to Council, and with the Clerk to record the document.

Moved by Muenzenmeyer, seconded by Koski, that this Deed be recommended for approval to the Licensing, Permits & Inspections Committee. The motion carried by the following vote:

Aye: 5 - Alpert, Koski, Muenzenmeyer, Alderperson Brey and Member Steinbrenner

VI. OLD BUSINESS

[14-1232](#)

PC27-2009: Annual Review of Special Permits for Fixed Animated Signs Pursuant to Section 15.450(18)(e)7. of the Manitowoc Municipal Code.

Mr. Less explained that this was an annual review process that the City went through to assure compliance with Special Permits previously issued for fixed animated signs. Mr. Less advised that he had outreached to the Building Inspector, and Police and Fire Chiefs, who didn't identify any problems with animated signs erected since the previous review in June, 2013. As such, Mr. Less recommended that the Commission advise the

Council of their review, and that no problems or issues were identified, and that no changes should be made to the previously issued Special Permits.

Mr. Muenzenmeyer commented on the need to upgrade the sign code to allow for the use of video on these animated boards, and felt the code needed to be upgraded to address and allow the moving images of video vs. the more fixed nature or hold time requirements of animated signage referenced in the City's code.

Mr. Steinbrenner asked if safety considerations entered into the discussion during the Special Permit or annual review discussions?

Mr. Less stated yes to that question.

Mr. Brey commented that on occasion, there were safety concerns that would be identified, and which had to be resolved.

Moved by Alpert, seconded by Muenzenmeyer, that this Report be recommended for approval to the Licensing, Permits & Inspections Committee. The motion carried by the following vote:

Aye: 5 - Alpert, Koski, Muenzenmeyer, Alderperson Brey and Member Steinbrenner

VII. NEW BUSINESS

[14-1233](#)

PC18-2014: Manitowoc County; Request for Demolition of Building at 823 Washington Street Pursuant to Section 15.650(c) of the Manitowoc Municipal Code.

Mr. Less explained the request from Manitowoc County regarding the proposed demolition of a building at 823 Washington, noting that this matter was covered under the City's historic preservation regulations at 15.650(c) of the Municipal Code (Code). Mr. Less explained that the responsibilities under this Code section were split between the Community Development Authority (CDA) for design review, and the Commission for demolition.

Mr. Less continued that the 823 Washington property was identified as a "contributing" or significant structure in the Eighth Street Historic District, being the former County Health Department building constructed in 1930, and which was further identified on an intensive survey form related to the 1988 "Manitowoc Intensive Resource Survey Final Report" as "...entirely intact example of the vernacular commercial architecture of the 1930's with elements of the modern style..." Mr. Less continued that while demolition of this important historic building would be contrary to the underlying intent of the City's historic preservation ordinance, there was a public benefit associated with the removal of the building from this site, that being the creation of additional off-street downtown parking.

Mr. Less then explained the protocol in Section 15.650(c) regarding the Commission's authority to approve requests of this nature, adding that the Commission could delay such approvals for up to 180 days to provide the property owner ample time to see if there were alternatives to demolition.

Mr. Less then reviewed his recommendation on this matter that he had shared earlier in the day with Jeff Beyer from Manitowoc County, and the Commission.

Mr. Brey asked Mr. Beyer if he had any comments to offer.

Jeff Beyer, 1028 So. 9th, commented that he had no concerns, and was comfortable with the contents of the recommendation. Mr. Beyer went on to explain that it took approximately 14 months to develop the current agreement with the State Historical Society.

Mr. Brey commented that the additional off-street parking would be of benefit to both the County and the downtown area.

Mr. Beyer noted that the main building would be addressed first, with the maintenance garage being the last to be demolished and removed.

Mr. Less then recommended that the Commission grant a Certificate of Appropriateness to Manitowoc County for demolition of the building at 823 Washington pursuant to Section 15.650(4)(c) of the Code, and subject to County satisfaction of all conditions contained in the recommendation as provided, and on file in the City Planner's office. Mr. Less added that in his advisement to Council of the Commission's action, the report would include a recommendation that upon the City's receipt of the payment in lieu identified in item F. of the recommendation, these funds would be placed in an account to be used only for enhancements to downtown landscaping.

Moved by Muenzenmeyer, seconded by Alpert, that this Report be recommended for approval to the Licensing, Permits & Inspections Committee. The motion carried by the following vote:

Aye: 5 - Alpert, Koski, Muenzenmeyer, Alderperson Brey and Member Steinbrenner

[14-1236](#)

PC19-2014: Manitowoc City Center Development, LLC; Request for Demolition of Building in Block 227 of Original Plat Pursuant to Section 15.650(c) of the Manitowoc Municipal Code.

Mr. Less explained that Mayor Nickels had requested that this item be placed on the agenda, but advised that there had been no information provided to date.

This Request was discussed. No action taken.

VIII. MISCELLANEOUS

A. Manitowoc County Activities:

Mr. Brey advised that Adam Backus would be leaving Manitowoc County for a position in the Calumet County parks department.

This was discussed.

B. Certified Survey Maps (CSM):

[14-1237](#)

Yindra/Becker/Keil; Proposed CSM in the NE¼ of the NW¼, Section 36, T19N, R23E, City of Manitowoc - Update.

Mr. Braun explained that this was a continuation of a discussion held at the Commission's last meeting regarding property located between So. 35th and So. 36th Street, south of Division Street, owned by Yindra and Becker who wanted to sell their vacant land to Kent and Sara Keil. Mr. Braun advised the Commission that as per their previous instruction, he talked about this matter with Jeff Schulz from the Manitowoc Public School District (MPSD). In his conversation with Mr. Schulz, Mr. Braun reported that the MPSD had no interest at this time in developing their school property to the south, and recommended maintenance of status quo in this area. Mr. Braun reported

that conceptually, he had no problem with the proposal by the Keils' to construct a home abutting So.36th, and to establish a future lot to the east. Mr. Braun noted that the Keils' could construct their home without any conflict with the non-dedicated, Official Map cul-de-sac that would be at the south end of their future property. Mr. Braun concluded his comments by reminding Commission members that the CSM for this property had been approved at their last meeting.

The Commission was comfortable with maintaining the status quo in this area.

This Certified Survey Map was discussed. No action taken.

[14-1234](#)

Check; Proposed CSM in the NE¼ of the SE¼, Section 11, T19N, R23E, City of Manitowoc.

Mr. Braun explained a proposed CSM located north of Menasha Avenue, and on the south side of Deerbrook Lane. Mr. Braun noted that the property owner had a motivated purchaser of the .38-acre property, adding that the purpose of the CSM was to create a new lot of record. Mr. Braun explained that all dedications were in place, and all utilities would be extended as needed. Mr. Braun then recommended approval of the CSM.

Mr. Muenzenmeyer questioned what the side yard setback was for this parcel after the lot line would be approved?

Mr. Braun replied that it was an existing lot line, but would double check to make sure that there were no setback issues.

Moved by Alpert, seconded by Koski, that the Commission approve the CSM as outlined, subject to any required easements, petitions, and other conditions as specified above. The motion carried by the following vote:

Aye: 5 - Alpert, Koski, Muenzenmeyer, Alderperson Brey and Member Steinbrenner

C. Summary of Site Plans

[14-1238](#)

SP6-2014.North 30th Street Mini Storage LLC; Buildings "I" and "J", 1426 N. 30th - New Construction (approved).

Approved.

[14-1239](#)

SP7-2014: Red Arrow Products Company LLC, 200 E. Waldo Boulevard - New Construction (approved).

Approved.

[14-1240](#)

SP8-2014/PC13-2014: JHA Properties, LLC/TLC Homes, Inc., 2213 Paul Road - New Construction (approved).

Approved.

Mr. Braun displayed the approved site plan and building elevations for the new Red Arrow Products corporate offices at 200 E. Waldo Boulevard. No action was taken.

IX. ADJOURNMENT

The meeting was adjourned at 7:15P.M.

Respectfully Submitted,

David Less
Secretary

CAUTION TO PLAN COMMISSIONERS: The documents attached to this agenda are for your review in preparation for the City Plan Commission meeting to be held on the above date. Any discussion or communication between members of the Plan Commission by any means prior to the Commission meeting regarding these documents may be a violation of the open meeting laws.