



# City of Manitowoc

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

## Meeting Minutes

### Plan Commission

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Wednesday, May 23, 2018

6:00 PM

Council Chambers

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#### I. CALL TO ORDER

The Meeting of the City Plan Commission was called to order by Chairman J. Nickels at 6:02 PM

#### II. ROLL CALL

**Present:** 5 - Jim Brey, Dave Diedrich, Mayor Nickels, Dan Koski and Jim Muenzenmeyer

**Absent:** 3 - Daniel Hornung, Dennis Steinbrenner and Peter Dorner

#### III. APPROVAL OF MINUTES

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

Others Present: Morgan Tienor, Ryan Morris, Petra Morris, Mary Morris, David Pahmeier, Steve Pahmeier, Paul Radermacher, John Ashenbrenner, Bruce Huffer, Janet Marx, Dennis Huckins, Tom Bare, Virginia Bare, Sue Bare, Don Cisler, James Larson, Leon Soeldner, Sally Schisel, Alex Allie, Peter Allie, The Davisons, Paul Steinbrecher, James Everett, Kim Everett, Barbara Koch, Raymond Bierberitz, Alder Rhienna Gabriel, Alder Eric Sitkiewitz.

[18-0515](#) Approval of the Minutes of the March 28, 2018 Meeting.

**Moved by Diedrich, seconded by Muenzenmeyer, that the Minutes of the March 28, 2018 Meeting be approved. The motion carried by the following vote:**

**Aye:** 5 - Mayor Nickels, Diedrich, Member Muenzenmeyer, Brey and Member Koski

#### IV. PUBLIC INFORMATIONAL HEARINGS

[18-0516](#) PC 17-2018: West of the Lake Gardens - Request to Rezone property located at 915 Memorial Drive from R-2 Single Family Residential to B-1 Office Residential. Recommending approval of the rezoning request with City Clerk having called for a public hearing.

P. Braun explained that the request is from the Ruth St. John and John Dunham West Foundation and that they are requesting a change in zoning to bring their foundation into conformance with the Zoning Code. The rezoning would also allow them to construct a parking lot which is not allowed in the current zoning district. The West Foundation is petitioning to rezone their property from R-2 Single Family to B-1 Office - Residential for

property located at 915 Memorial Drive. P. Braun reviewed the existing uses in the adjacent area and stated that the request is consistent with the Comprehensive Plan.

P. Braun commented that public notices were mailed out to the neighbors and no comments were received. P. Braun concluded his comments.

Mayor Nickels opened the public informational hearing. T. Bare, 827 Memorial Drive is Chairman of the West Foundation and is also the adjacent neighbor directly to the south. T. Bare stated that he wanted the foundation to be in conformance with the zoning code and that the zone change would allow for the development of the needed parking lot expansion due to the increase in visitors.

R. Bieberitz, 204 E. Parkview Lane commented that he hopes the expansion follows the wishes of West's. D. Huckins, 1015 Memorial Drive stated he has no issue with the rezoning and commented that parking is needed at the gardens. D. Cisler, Head Gardener / horticulturist at West of the Lake Gardens, stated that the parking lot will be heavily landscaped and will use pervious pavers.

Mayor Nickels closed the public information hearing.

**Moved by Diedrich, seconded by Koski, to approve the rezone request from R-2 Single Family Residential to B-1 Office - Residential District and instruct the City Clerk to call for a public hearing before the Common Council. The motion carried by the following vote:**

**Aye:** 5 - Brey, Diedrich, Mayor Nickels, Member Koski and Member Muenzenmeyer

[18-0517](#)

PC 15-2018: Larson Plumbing, LLC. - Request for a Conditional Use Permit to Allow for the Outside Storage of Merchandise in a B-3 General Business District located at 1010 Hamilton Street.

T. Caulum stated the request is from Jim Larson of Larson Plumbing; LLC for a Conditional Use Permit (CUP) to operate a plumbing shop which requires outside storage of merchandise in a B-3 General Business District at 1010 Hamilton St. T. Caulum began by defining the location and zoning of the property and explained that Mr. Larson would be renting out the house on the front half of the property and using the 1800 square foot garage on the back half of the property to run his plumbing business.

T. Caulum reported that Mr. Larson will be storing junked water heaters as well as cast iron and galvanized piping which will be recycled approximately once a month. To deter theft of the storage as well as block the view from the surrounding neighborhood, Mr. Larson has agreed to maintain a fence around storage area.

T. Caulum stated there were no public comments prior to the meeting, concluding his comments.

Mayor Nickels opened discussion to the Commission.

Discussion ensues regarding the proposed gating around the storage.

There were no more questions from the Commission so Mayor Nickels closed discussion amongst the Commission and opened the Public Hearing.

Sally Schisel, 1207 Hamilton Street, in Manitowoc had some specific questions for J. Larson regarding the plans on the property. J. Larson answered the questions until S. Schisel was satisfied.

There were no further comments from the public so Mayor Nickels closed the Public Hearing and called for a vote.

**Moved by Diedrich, seconded by Brey, to approve the request for outside storage of merchandise for a permitted use. The motion carried by the following vote:**

**Aye:** 5 - Brey, Diedrich, Mayor Nickels, Member Koski and Member Muenzenmeyer

[18-0518](#)

PC 10-2018: Tax Incremental District #12 (Manitowoc I-43 Industrial Park, Phase III) Territory Subtraction Amendment Public Hearing.

N. Sparacio presented the plans for the amendments to the boundary of TIF District 12 and the creation of TIF District 21. Several potential manufacturing construction projects are spurring the need for a new District, since none of the existing TIF Districts are functional. TID 12 in particular is designated as "Distressed," so it is a two step process to create a new district. The boundary of TID 12 must first be amended to ensure that the new district does not overlay any part of TID 21. The vast majority of existing increment value will remain in TID 12 after the boundary amendment is complete, but the vacant lands can be pulled into the new District so that projects will be eligible for TIF assistance.

N. Sparacio reviewed the potential uses of TIF funds, the financial projections, and the City's available capacity to create new TIF districts. The City remains well under the 12% maximum allowed by statute. N. Sparacio further explained the upcoming steps in the process of amending the TID 12 boundary and creating TID 21.

Mayor Nickels opened the public hearing. There were no public comments, so the public hearing was closed.

**This item was discussed. No action taken.**

[18-0519](#)

PC 12-2018: Tax Incremental District #21 (I-43 Technology and Enterprise Campus) District Creation, Project Plan, and Proposed Boundary Public Hearing.

N. Sparacio presented the plans for the amendments to the boundary of TIF District 12 and the creation of TIF District 21. Several potential manufacturing construction projects are spurring the need for a new District, since none of the existing TIF Districts are functional. TID 12 in particular is designated as "Distressed," so it is a two step process to create a new district. The boundary of TID 12 must first be amended to ensure that the new district does not overlay any part of TID 21. The vast majority of existing increment value will remain in TID 12 after the boundary amendment is complete, but the vacant lands can be pulled into the new District so that projects will be eligible for TIF assistance.

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Mayor Nickels opened the public hearing. There were no public comments, so the public hearing was closed.

**This item was discussed. No action taken.**

## V. REFERRALS FROM COMMON COUNCIL

[18-0520](#)

PC 16-2018: Request from James and Kimberly Everett to Purchase City Owned Land Adjacent to 1418 N. 3rd Street. Recommending approval of the sale of the lot with City staff to proceed with any steps required to coordinate the sale.

P. Braun stated that the request is from James and Kimberly Everett, who reside at 1418 N. 3rd Street. The Everetts recently purchased their home which is directly south of the city-owned parcel. The previous owners would cut the grass and shovel the snow on the city-owned parcel. The Everetts would like to construct a driveway on the lot in order to park their recreation vehicle.

P. Braun explained that the lot is not buildable due to its triangular shape and small lot size. P. Braun stated that he contacted other departments including Manitowoc Public Utilities and none of those departments stated any reason to retain the lot. The Department of Public Infrastructure stated that this is one of the properties that they would recommend the City dispose of.

**Moved by Muenzenmeyer, seconded by Diedrich, to approve the sale of the lot with the City Attorney's Office and other City Staff to proceed with any steps required to coordinate the sale. The motion carried by the following vote:**

**Aye:** 5 - Brey, Diedrich, Mayor Nickels, Member Koski and Member Muenzenmeyer

## VI. OLD BUSINESS

## VII. NEW BUSINESS

### ROLL CALL

#### **D. Steinbrenner arrives at 6:50 PM**

**Present:** 6 - Jim Brey, Dave Diedrich, Mayor Nickels, Dan Koski, Jim Muenzenmeyer and Dennis Steinbrenner

**Absent:** 2 - Daniel Hornung and Peter Dorner

#### [18-0521](#)

PC 14-2018: Discussion Regarding a Potential Rezoning from B-3 General Business to C-1 Commercial to allow for the Placement of a Digital Billboard Located at Rummele's Jewelers - 4101 Calumet Avenue.

Mayor Nickels introduced the discussion regarding a potential rezone from B-3 General Business to C-1 Commercial business for a property located at 4101 Calumet Avenue, also known as Rummele's Jewelers owned by David and Steve Pahmeier. Mayor Nickels reiterated the topic is being brought to Plan Commission for discussion reasons only.

Mayor Nickels stated the Pahmeiers are interested in erecting an animated billboard sign on their property. Though the sign would comply with the sign code regarding billboard signs in the City, they would need to rezone the property from a B-3 to a C-1.

Mayor Nickels called D. Pahmeier, S. Pahmeier, and P. Radermacher from Sign Me Up to the table to provide some back ground on the proposed sign.

After some discussion it was determined that the Plan Commission would consider the proposed rezone for the purpose of allowing a billboard on the property.

**This item was discussed. No action taken.**

#### [18-0522](#)

PC 19-2018: Bay Pointe Developers II, LLC - Concept Plan for the Former Elks Club Property.

Mayor Nickels introduced the topic to the Plan Commission and audience stating that the item is for discussion only and that there will be many future public meetings to apprise the neighbors of what is going on.

P. Braun explained that the Bay Pointe Developers II, LLC request is for discussion purposes only. Bay Pointe provided the Commission with a concept plan for the former Elks Golf Course property. P. Braun detailed the current zoning and adjacent land uses around the property. He also detailed the prior case history explaining the recent land sales, status of the Angelus / Americare Senior Living development, the certified survey approval, street dedication for Bayshore Drive and the previous future land use amendment that was never officially approved.

P. Braun explained that there will be many processes in the future and tonight the discussion is conceptual only. In the future there will need to be an amendment to the future land use map, zone change and a conditional use permit for the Planned Unit Development. P. Braun concluded his comments.

Mayor Nickels invited Alex and Peter Allie who are members of the LLC to present their plans. The Allies explained that the development will be a mix of residential condominiums, office professional and conservancy. There will be public open spaces and pathways in the development that will provide access to Lincoln Park. The development will be similar to the Waldo East office development which is directly to the south. The Allies also commented that their new road has been engineered to connect into the future roundabout and that the plans have been approved by WiDOT. Johnston Drive will also be reconfigured to eliminate the existing unsafe connection to Memorial Drive.

J. Brey stated that he is happy to see that the new right-of-way is designed to complement the future round-about. D. Diedrich said he likes the density of the development and that it is preserving a large amount of open space and public access.

P. Braun commented that the concept is much improved compared to some of the previous plans that were presented when the Elks Club still owned the property.

Mayor Nickels stated he wants to retain as much conservancy area as possible and would like to have more future conversations. Alder Sitkiewitz was favorable to the concept. Alder Gabriel was excited to see this plan and thought that the stormwater pond should be enhanced to be focal point of the development.

Mayor Nickels closed the discussion and stated to the audience that there will be additional opportunities for public input at future meetings.

**This item was discussed. No action taken.**

Phase III) Territory Subtraction Amendment and Adopting Resolution, recommending approval.

Mayor Nickels stated that the recommendation is to adopt the resolution approving the TID 12 territory subtraction including the boundary amendments and supporting project plan amendments

**Moved by Koski, seconded by Muenzenmeyer, to adopt the resolution approving the TID 12 territory subtraction including the boundary amendments and supporting project plan amendments. The motion carried by the following vote:**

**Aye:** 6 - Brey, Diedrich, Mayor Nickels, Member Koski, Member Muenzenmeyer and Member Steinbrenner

[18-0524](#)

PC 12-2018: Tax Incremental District #21 (I-43 Technology and Enterprise Campus) District Creation, Project Plan, Proposed Boundary, and Adopting Resolution.

Mayor Nickels stated that the recommendation is to adopt the resolution approving the TID 21 Project Plan and district boundary.

**Moved by Diedrich, seconded by Koski, to adopt the resolution approving the TID 21 Project Plan and district boundary. The motion carried by the following vote:**

**Aye:** 6 - Brey, Diedrich, Mayor Nickels, Member Koski, Member Muenzenmeyer and Member Steinbrenner

[18-0525](#)

PC 11-2018: Maritime Pointe Subdivision - Release of a Pedestrian Easement. Recommending approval of the release of easement.

P. Braun explained that Public Infrastructure and Council have already agreed with the Maritime Pointe Condominium Association to release the pedestrian easement. P. Braun stated that as a condition for the City to acquire a sanitary sewer easement through Maritime Pointe Subdivision the Condominium Association required that the pedestrian easement be released.

**Moved by Diedrich, seconded by Brey, to approve the release of the pedestrian easement. The motion carried by the following vote:**

**Aye:** 6 - Brey, Diedrich, Mayor Nickels, Member Koski, Member Muenzenmeyer and Member Steinbrenner

[18-0526](#)

PC 13-2018: MMC 3.050(2) Plan Commission Membership to serve as Second Vice-Chair

P. Braun explained that pursuant to Municipal Code Section 3.050(2) the Plan Commission shall elect a second vice-chair at the May Commission meeting. The Commission nominated and elected Dan Hornung to serve as second vice-chair.

**Moved by Brey, seconded by Diedrich, to approve the election of Dan Hornung as second vice-chair. The motion carried by the following vote:**

**Aye:** 6 - Brey, Diedrich, Mayor Nickels, Member Koski, Member Muenzenmeyer and Member Steinbrenner

[18-0527](#)

PC1-2018: Bay Pointe Developers II, LLC Quit Claim Deed for Bayshore Drive purposes. Recommending to approve the Quit Claim Deed for the dedication and the naming of the Bayshore Drive right of way and instructing the City Clerk to record said deed with the Register of Deeds.

P. Braun explained that the quit claim deed is related to a certified survey that was completed on behalf of Bay Pointe Developers II, LLC for the former Elks Club property. The quit claim deed is for Bayshore Drive.

**Moved by Diedrich, seconded by Koski, to accept the quit claim deed for the dedication and the naming of Bayshore Drive right-of-way and instruct the Clerk's Office to record the deed at the Courthouse after Council has accepted said deed. The motion carried by the following vote:**

**Aye:** 6 - Brey, Diedrich, Mayor Nickels, Member Koski, Member Muenzenmeyer and Member Steinbrenner

[18-0528](#)

PC 18-2018: Proposed Amendment to MMC Section 15.370(13) Regulating the definition of Swimming Pools, Hot tubs and Spas recommending approval following Public Hearing on June 18, 2018.

P. Braun explained that the changes are coming from the Attorney's Office. They are currently updating code regarding swimming pools in Chapter 16 and that chapter ties into the definition of swimming pools which is found in Chapter 15. The Commission had no discussion regarding the proposed changes.

**Moved by Koski, seconded by Steinbrenner, to approve the changes to Chapter 15.370 regarding the definition of Swimming Pools and instruct the City Clerk to schedule a public hearing before the Common Council. The motion carried by the following vote:**

**Aye:** 6 - Brey, Diedrich, Mayor Nickels, Member Koski, Member Muenzenmeyer and Member Steinbrenner

## VIII. MISCELLANEOUS

A. Manitowoc County Activities: None

B. Certified Survey Maps (CSM):

1. Kornely / Woodland Dunes: NW ¼, NE ¼, Section 9, Township 19 North, Range 24 East, City of Manitowoc.

2. Bay Pointe Developers II, LLC: Government Lot 1, Section 17, Township 19 North, Range 24 East, City of Manitowoc.

C. Summary of Site Plans:

1. SP 1-2018: Wisconsin Aluminum Foundry, 838 S. 16th Street



Building Expansion.

2. SP 2-2018: TLC Homes, 1795 Nagle Avenue Assisted Living Facility.

3. SP 3-2018: Manitowoc County Expo Grounds, Dairy Cattle Barn 4921 Expo Drive.

D. Director's Report

N.Sparacio reported that the Downtown Master Plan is making good progress. A draft of the plan should be available for Plan Commission review at its June meeting. The City has received approval from the Common Council to proceed with the next steps in the purchase of the Canadian National peninsula property. And all Plan Commission items forwarded to the Common Council to date have been approved.

The Plan Commission discussed pending development projects including manufacturing expansions in the I-43 Tech Park, Panera Bread at the northwest corner of Rapids Road and Calumet Avenue, and interest in the former Mid-Cities mall site. There is no new information on the Meijer timeline. There was further discussion on street projects including Calumet Avenue near I-43 and Waldo Boulevard. It was noted that the update of the City-wide Comprehensive Plan will be needed in 2019, as it is approaching 10 years since its original adoption. While the update does not need to be as involved as the original plan creation, consulting assistance will likely be needed.

## IX. ADJOURNMENT

ds / dd 7:38 pm

**Moved by Steinbrenner, seconded by Diedrich, to adjourn the Meeting at 7:30 PM. The motion carried by the following vote:**

**Aye:** 6 - Brey, Diedrich, Mayor Nickels, Member Koski, Member Muenzenmeyer and Member Steinbrenner

Respectfully Submitted,

Paul Braun  
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.

