



# City of Manitowoc

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

## Meeting Minutes

### Plan Commission

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Wednesday, February 23, 2022

6:00 PM

Council Chambers. Meeting also available via  
Zoom remote conferencing software.

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#### I. CALL TO ORDER

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

#### II. ROLL CALL

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

**Absent:** 2 - Greg Jagemann and Curtis Hall

Staff Present: Paul Braun, Adam Tegen, Kait Piazza, Jen Bartz

Others Present: Brian Hutchinson, Penny Hutchinson

#### III. APPROVAL OF MINUTES

[22-0150](#) Approval of the Minutes of the January 26, 2022 Plan Commission meeting.

**Moved by Diedrich, seconded by Hornung, that the Minutes of the January 26, 2022 Meeting be approved as amended. The motion carried by the following vote:**

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

#### IV. PUBLIC HEARINGS

[22-0151](#) PC 7-2022: Merrill: Rezone from B-1 Office Residential District to B-3 General Business District for property located at 435 N 8th Street.

P. Braun detailed the request and property location. He stated that the existing zoning is B-1 Office-Residential and then reviewed neighboring zoning districts. He stated that the applicant is Michael Merrill who indicated that he was approached by vendors of an existing retail use to relocate to the 435 N. 8th Street location. The current B-1 zoning district does not permit retail sales. The ability to allow retail sales is the reason for the B-3 General Business rezone. He went on to state that the 20-year future land use map shows this lot as central business district.

P. Braun said that the difference between B-3 General Business & B-4 Central Business districts is that B-3 requires off-street parking. He detailed the on-street parking available in the area of the property. He added that B-4 does not require off street parking. If the decision is to rezone at B-3, the site would be required to have 21 off-street spaces. He added that since the time he drafted the Plan Commission report he has thought that the B-4 Central Business district might be a more appropriate zoning classification because it is following what the Future Land Use map indicates. The B-4 zoning category would remove the need for the Plan Commission to waive the required 21 off-street parking spaces.

P. Braun stated that property owners within 200' were contacted by mail and only one call was received. Denise Blashka, a neighboring salon owner had a concern that if retail would be allowed, people would park in their parking lot. He added that the salon indicated they do not want to be rezoned.

Chairman J. Nickels asked Commissioners for questions.

D. Diedrich asked for clarification of the off-street parking requirement for the B-3 zoning district. He asked if they have room for two off-street spaces. P. Braun stated that they have space for four but they would need to be stacked. D. Diedrich stated that he agrees with B-4 recommendation.

D. Hornung asked if there was concern about creating an "island" of the B-4 zoning category. P. Braun said he encouraged the applicant to talk to the property owner to the south for a more comprehensive rezone but that property owner does not want to rezone from B-1; their current zoning designation. P. Braun said he is not concerned with the "island" because the property is shown on the Future Land Use Map as Central Business District and the B-4 zoning category is a recommended zoning classification. B-4 is also located in the same block to the south.

D. Steinbrenner asked about the property directly to the south. P. Braun stated that the property owner to the south is a hair salon with a residence on the second floor and the B-3 or B-4 districts do not allow residential on the first floor. He stated that the Merrills will be moving out and are aware that residential is not allowed in the B-4 or B-3 zoning districts on the first floor. He stated that if the retail finds a different location, technically the applicant could stay as legal non-conforming use and would be grandfathered. He added that B-4 allows for residential on upper floors only.

D. Hornung asked if the applicant moves out, can they move back in

full-time after the zoning has changed. P. Braun clarified that the owner would need to move back in within 12 months to maintain the legal non-conforming status. He also added that he did inform the applicant that should something change prior to going to Council, the request could be pulled from that agenda and the process would stop.

Chairman J. Nickels opened the meeting for public comments. There were no comments.

P. Braun read the revised recommendation to approve the request to rezone the property at 435 N. 8th Street from B-1 Office-Residential to B-4 Central Business not B-3 General Business.

**Moved by Brey, seconded by Steinbrenner, that the request to rezone the property at 435 N. 8th Street from B-1 Office-Residential to B-4 Central Business be approved and referred to council. The motion carried by the following vote:**

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

[22-0152](#)

PC 9-2022: Resolution Regarding a Comprehensive Plan Amendment to Modify the Map of Future Land Use for property generally located south of Viebahn and W. Viebahn Streets and being east and west of Hecker Road.

P. Braun stated that this is related to the rezone request that is next on the agenda. He stated that all annexed property receives a temporary zoning of R-1 Residential-Agricultural. The request is to amend the future land use map. He added that the City's goal for the property when purchased was for a future industrial park. He stated that the proposed area would be changed to industrial/office on future land use map making the Future Land Use Map and Zoning Map consistent with one another.

He stated that notices were sent to property owners within 200' in both the City and in the Town. P. Braun shared that neighboring property owner Chuck Leiker called and had questions on the map and the boundary of the area. P. Braun said generally C. Leiker had no concerns.

Chairman J. Nickels asked Commissioners for any questions. There were none.

Chairman J. Nickels asked if there were any public comments.

Brian Hutchinson, 4916 West Viebahn; stated that when it was originally purchased by the City, he thought it was planned residential and spoke with people who confirmed it would be as such. He asked what changed from the initial purchase to now. He added there was some confusion with the local newspaper indicating AMMO was locating to this site, but he later

found out it was an error. He added that the noise from the City shooting range was a concern as well, but everything has been going well since the one issue. He said that making it all industrial is a concern and added that an air conditioner has been dumped on the property since the City took ownership

Chairman J. Nickels closed the public informational hearing.

Chairman J. Nickels said the intended use has always been industrial. Ald. J. Brey added that the county has always known that it would be used for future industrial development. Conversation ensued as there appears to be misinformation throughout the entire process but the plan for the site has always been industrial.

Chairman J. Nickels added that while it looks like a lot of property, there is a lot of wetland in this area as well.

P. Braun added that there will be covenants for this location and the plan is to mirror the I-Tec Industrial Park with some small revisions.

P. Braun read the recommendation to approve the Amendment to the 20 Year Future Land Use Map and instruct the Mayor and Secretary to the Plan Commission to sign the Plan Commission Resolution.

**Moved by Diedrich, seconded by Hornung, that the Amendment to the 20 Year Future Land Use Map be approved and referred to council. The motion carried by the following vote:**

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

[22-0153](#)

PC 8-2022: City-Initiated Rezone from R-1 Residential-Agricultural to I-1 Light Industrial for property generally located south of Viebahn and W. Viebahn Streets and being east and west of Hecker Road.

P. Braun briefly explained the rezone request and stated that the proposed zoning district of I-1 Light is the same as the I-TEC industrial park. He said this discussion is related to the previous Plan Commission topic which was amending the Future Land Use Map.

Chairman J. Nickels asked Commissioners for questions. There were none.

Chairman J. Nickels asked for public comments. There were no comments.

P. Braun read his recommendation to approve the change in zoning from R-1 Residential-Agricultural to I-1 Light Industrial.

**Moved by Hornung, seconded by Diedrich, that the Rezone from R-1 Residential-Agricultural to I-1 Light Industrial be approved and referred to council. The motion carried by the following vote:**

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

## V. OLD BUSINESS

### [22-0082](#)

25-2021: Project Update Barriers to Development

P. Braun reviewed the communities surveyed and responses. He stated that 20 Northeast Wisconsin communities were contacted and asked to complete an on-line survey to see what subdivision standards they have and if they offer any financial assistance to developers. 9 communities responded to the survey.

D. Hornung stated that the point that stuck out to him was the number of communities that permitted asphalt versus concrete. Conversation ensued around this topic. D. Koski added that most communities he has worked with have used asphalt, and that properly maintained asphalt will last a long time.

D. Koski referred to articles provided and discussion ensued among Commissioners. P. Braun shared the League of Municipalities Zoning Guide to affordable housing and pulled some highlights from the new guide.

D. Hornung said that he recalls there are a lot of smaller lots on the south side. He added that the information seems to say that homes on substandard lots should be allowed. He suggested that there should be a way to make Accessory Dwelling Units (ADUs) acceptable on the same lot.

D. Diedrich stated that providing financial incentives to help with development costs is an area to consider. He shared that one of his customers stated that some other communities in the area are now paying for some of the development costs.

A. Tegen asked if Plan Commissioners are to the point where staff can bring forth ideas, recommendations and next steps.

D. Diedrich asked about ongoing conversation with builders. A. Tegen said that staff has had initial conversations and will now follow up for expanded discussions with possible action items.

**This project update was discussed.**

**VI. NEW BUSINESS**[22-0154](#)

PC 6-2022: Amendment to Chapter 15.310, C-1 Commercial District, regulating Mini-Warehouse and 15.370(2) regulating the Site Plan Letter of Credit and Performance Agreements.

P. Braun explained the two changes which are contained in a single ordinance.

As item one, he said that mini-warehouses will still be allowed in I-1 & I-2 industrial zoning districts, but the ordinance will remove them from the C-1 Commercial District after issuance of a Conditional Use Permit.

For item two, he explained that site plans require a letter of credit. He said that the City has never had to draw against one in 20 years. He said that large businesses have no issues completing the site plan conditions, but the small businesses have added costs and may not have the financial resources to obtain a letter of credit; it is an added cost they are not expecting. The proposed code amendment is that letter of credits will be requested if they ask for temporary occupancy permit but there are outstanding site plan conditions that still need to be completed. At that point, the city can require a letter of credit based on value of work to be completed; it would allow the business to open but the City has assurance that the site plan conditions will be completed. Typically unfinished items are related to landscaping, parking lot completion and storm water items which cannot be completed due to winter conditions. He added that this change would revert back to what was done 25 years ago.

D. Hornung asked D. Diedrich if this is proper. D. Diedrich, from his experiences working with letter of credits agreed with the occupancy versus up front because it is a significant cost to issue. He added that he does have a concern with the language regarding percentage as the fee is based on the requirement. He added that there should be an expiration added and that every time it renews there should be a fee.

D. Hornung asked what could be used other than a letter of credit. P. Braun clarified that new code section would allow any security instrument the city approves, which will allow for flexibility.

D. Diedrich asked P. Braun if a temporary occupancy permit could be pulled if the remaining work is not completed. P. Braun clarified that it could be pulled or they could be cited. This would be a Community Development tool to enforce requirements that are not a building issue.

D. Diedrich reiterated that there should be an expiration date in the letter of

credit. Commissioners agreed that P. Braun should work with D. Diedrich on amended language for site plan letter of credit requirement.

**Moved by Steinbrenner, seconded by Diedrich, that the amendment to Chapter 15.310, C-1 Commercial District, regulating Mini-Warehouse and 15.370(2) regulating the Site Plan Letter of Credit and Performance Agreements be approved as amended and referred to council. The motion carried by the following vote:**

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

## **VII. MISCELLANEOUS**

A. Manitowoc County Activities: None

B. Certified Survey Maps (CSM): None

C. Summary of Site Plans From January 20 - February 14, 2022: None

## **VIII. ADJOURNMENT**

**Moved by Brey, seconded by Diedrich, that the Meeting be adjourned at 6:53 PM. The motion carried by the following vote:**

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