



City of Manitowoc

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

Meeting Minutes

Plan Commission

Wednesday, September 16, 2020

6:00 PM

Council Chambers. Meeting will
also be available via Remote Conferencing.

Special Meeting

I. CALL TO ORDER

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

II. ROLL CALL

Present: 8 - Jim Brey, Dave Diedrich, Daniel Hornung, Mayor Nickels, Dan Koski, Dennis Steinbrenner, Greg Jagemann and Curtis Hall

Staff Present: Adam Tegen, Paul Braun, Jeremy DuChateau, Jen Bartz

Others Present: Doug Schwalbe, Brennan Seehafer, Terrance Fox, Mark Seehafer, Mark Molepske, Thomas O'Gartner, Ryan O'Toole, Craig Briess, Steve Carter

V. OLD BUSINESS

[20-0875](#) PC 28-2020: Seehafer / True Endeavors LLC; 606 Quay Street; request rezone property from I-2 Heavy Industrial to B-4 Central Business District pursuant to MMC 15.530(2)a.

Attachments: [20-0875 Report to Council Rezone.pdf](#)
[20-0875 PC Report Seehafer Rezone Special Mtg.pdf](#)
[20-0875 PC Report Seehafer True Endeavors Rezone.pdf](#)

P. Braun provided background on the request and noted that the action was tabled at the August Plan Commission meeting to allow for the 2 parties to discuss the proposed development. He stated that the Municipal Code grants the Plan Commission final authority to reduce the number of off-street parking. He went on to state that the requestor has decided to withdraw the rezoning request in lieu of the reduction in parking.

Mayor Nickels asked if A. Tegen would like to add anything discussed at the meetings held with the parties post the August 26 Plan Commission meeting. A. Tegen stated that the discussions evolved around potential options that the parties may be agreeable to but in the end there was no agreement or understanding between the two.

D. Diedrich asked if the issues presented in objection letter earlier today could be discussed. A. Tegen stated that the Commissioners can discuss.

Ald. J. Brey asked to clarify that if the zone change was approved, the request to approve the parking was null & void. Staff stated that yes if the zone change was approved the reduction in off-street parking would be null and void.

G. Jagemann clarified the text in the recommendation about the withdrawal of the rezone request. P Braun stated that the petitioner stated that he would withdraw request only if the parking reduction was approved.

D. Steinbrenner asked if Community Development staff could respond to the points in the letter from Briess Malt & Ingredient earlier today for clarification. Mayor Nickels stated that staff has not had time to fully and completely review as the letter was provided shortly before this meeting.

Motion by Hornung, seconded by Steinbrenner to deny the request to rezone 606 Quay Street from I-2 Heavy Industrial to B-4 Central Business District.

Aye: 8 - Brey, Diedrich, Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

VI. NEW BUSINESS

[20-0906](#)

Attachments: [20-0906 Wharf parking reduction discussion revised.pdf](#)
[The Wharf - Parking Rationale.pdf](#)
[Briess Letter to Manitowoc Plan Commission 09162020.pdf](#)
[Briess - Exhibits -- 28927695 v1.PDF](#)

Mayor Nickels introduced the item and noted that the original request was to approve rezoning the property.

P. Braun stated that his opinion is that a rezone is the best route and A. Tegen concurred as opposed to the reduction of off-street parking.

Ald. J. Brey asked if this would be considered spot zoning. P. Braun stated that spot zoning is only a theory and not defined in the state statutes; and there are many other existing properties throughout the City that could be looked at as spot zoned. He went on to compare this request to the Capital Civic Center where the B-4 zoning district doesn't require off-street parking and customers use on-street parking or other public parking lots.

D. Diedrich asked if the Commissioners had time to read through the letter.

He pointed out #4 in the Briess letter regarding the ground lease and stated his concern is the ground lease could be in jeopardy if we rezone.

Mayor Nickels asked if City sub leases spots. P. Braun stated that the closest use would be the Farmers Market, but they are used for an event and not leased.

P. Braun stated that Briess has an easement with the City for their conveyor system that runs under S. 6th Street; and he is not aware if the parking lease and S. 6th Street easement are connected.

Conversation ensued among Commissioners about the letters received from both parties.

D. Diedrich said he does not feel comfortable proceeding until the letter from Briess is reviewed by the City Attorney.

A. Tegen clarified that if the Plan Commission approves the parking reduction, the lot lease is not applicable.

D Steinbrenner clarified that the parking waiver does not guarantee any non-leased space in the Briess lot.

D. Hornung asked if the parking waiver would be instantaneous. P. Braun said that yes, it is within the authority of the Plan Commission to grant the parking reduction.

Mayor Nickels clarified that Commissioners would like City Attorney to review and a number of the Commissioners agreed.

C. Hall asked if a motion could be made to approve the waiver or reduction in parking. Mayor Nickels stated that anyone can make motion to reduce parking spaces. C. Hall said points are valid, but feels it is a private matter between two parties.

D. Hornung said that when waivers are granted there is generally an agreement in place. He went on to state that he feels Briess has been good corporate citizens and that dockage and the ability to trans-load product off of boats is important to their business.

Mayor Nickels stated that this is private property and the Plan Commission should not get involved.

G. Jagemann clarified points in the letter and asked if there is public comment discussion at the meeting. Mayor Nickels stated that there is not,

but said he would allow both parties to speak.

D. Diedrich referred to the section in the letter from Briess regarding Homeland Security.

P. Braun said that regardless of how it is zoned, the federal requirement would still stand. He agreed that this is not a Plan Commission issue and stated that he has reached out to his contacts and learned other ports are dealing with similar issues. He went on to provide additional information and background.

D. Koski stated he does not feel that ship dockage is a pertinent discussion.

Mayor Nickels asked if the petitioner would like to speak. Attorney Terry Fox, speaking on behalf of the petitioner, stated that the Briess letter was a lot of white noise and asked if the Plan Commission will be reconvening next week to discuss further.

All Commissioners agreed they would like to continue discussion at the regularly scheduled Plan Commission meeting.

D. Steinbrenner stated that he feels that the Plan Commission does not want to go between two parties and said that Plan Commission is looking to get guidance from the City Attorney and City Council. .

Moved by Hornung, seconded by Brey to postpone discussions to regularly scheduled Plan Commission meeting on Wednesday, September 23 at 6pm.

Aye: 8 - Brey, Diedrich, Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

VIII. ADJOURNMENT

Motion by Steinbrenner, seconded by Jagemann, that this Meeting be adjourned at 6:42 PM. The motion carried by the following vote:

Aye: 8 - Brey, Diedrich, Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall