



# City of Manitowoc

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

## Meeting Minutes

### Plan Commission

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Wednesday, May 27, 2020

6:00 PM

Council Chambers and via remote conferencing

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#### I. CALL TO ORDER

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

#### II. ROLL CALL

Dave Diedrich is excused.

**Present:** 7 - Jim Brey, Daniel Hornung, Mayor Nickels, Dan Koski, Dennis Steinbrenner, Greg Jagemann and Curtis Hall

**Absent:** 1 - Dave Diedrich

Staff Present: Paul Braun, Jeremy Du Chateau, Adam Tegen, Jen Bartz, Lisa Mueller

Others Present: Tom Markvart, Jana Markvart, Deanna Harp, Jeff Burish, Jim Janda, LeRoy Beilke, David Last, Jena Last

#### III. APPROVAL OF MINUTES

[20-0525](#) Approval of the Minutes of the February 19, 2020 Plan Commission Meeting.

**Attachments:** [2.19.2020 PC Minutes FINAL.pdf](#)

**Moved by Brey, seconded by Koski, that the Minutes of the February 19, 2020 Meeting be approved. The motion carried by the following vote:**

**Aye:** 7 - Brey, Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

#### IV. PUBLIC INFORMATIONAL HEARINGS

[20-0526](#) PC 5-2020: Vichil Properties LLC, d.b.a. Samaritan Group Homes: 1700 Block Mirro Drive, Request for a Conditional Use Permit for the establishment of a Community Living Arrangement in a R-4 Single and Two Family Residential Zoning District pursuant to 15.150(3)f.

**Attachments:** [20-0526 PC Report Samaritan Group Home Mirro Dr.pdf](#)

[20-0526 Report to Council Samaritan CLA.pdf](#)

[Memo from Director of Public Infrastructure](#)

P. Braun explained the request for the Conditional Use Permit (CUP) and

the location and zoning of the property. He reviewed the petitioners request, detailed plans for the overall campus buildings, and covered who will be served by the proposed Community-Based Residential Facility (CBRF).

P. Braun stated that several individuals called to share their concerns and reviewed their comments. Individuals who provided advance comments were Deanna Harp, Troy Modi, and Lori Beilke.

Mayor Nickels asked the Commissioners for questions or comments.

J. Brey asked why the City will need to issue a CUP for this property. P. Braun explained the rationale as to why this project requires a CUP.

D. Hornung clarified the property location in relation to the former outdoor theater property. P. Braun shared the location on a map.

G. Jagemann asked if rezoning of the property is required. P. Braun stated that it will not be required and reviewed zoning specifications.

Mayor Nickels opened the public informational portion of the hearing.

Deanna Harp provided development history of the area. She expressed concerns about water levels and basement water issues in local homes. She went on to state that an additional concern is community and home depreciation. She stated her concerns about the existing zoning, basement water seepage, and indicated she would like consideration given to residents of the area. She provided distances of existing CBRFs within the local area. She also expressed her concerns about the facility providing crisis center services within the community.

Jim Yanda stated he is a direct neighbor to the property and expressed concerns about the amount of water on the properties currently and if the project will lead to more issues. He also asked about property setback as he resides closest to first CBRF property being constructed and shared additional concerns about water as his neighbor had to tile property.

Leroy Beilke stated he is a neighboring property owner and has concerns about water. He indicated that he has a large number of drains in his yard to keep water moving and has concerns about more water if the project proceeds. He also stated that there may be additional expenses if there are continued water issues.

Jeff Burish stated his concern is water as well, and indicated that he feels a retention pond will not resolve the problem. He went on to share that he has

multiple sump pumps in his house and is concerned about his home's foundation if water issues increase.

Mayor Nickels closed the public informational hearing portion of the meeting. He asked if the Commissioner had any additional questions or comments.

D. Hornung clarified the location and asked if Lilac Street needs to be vacated. P. Braun stated that the street will not need to be vacated.

D. Koski explained the purpose of a storm water pond and indicated that his professional opinion is that the current water issues are groundwater related. He stated that the property owner digging a foundation will not start a new flow of water. Conversation ensued among the commissioners about the residents water concerns.

Mayor Nickels asked P. Braun for any additional input.

P. Braun stated that he spoke with Accurate Appraisal who provides property appraisal services for the City. A representative from Accurate Appraisal shared that in his opinion CBRF properties does not decrease or provide an adverse effect to property or land values.

P. Braun stated that he spoke with Paul Steinbrecher from SMI, the site plan developer, and he shared that based on his professional expertise the development will not create more water issues.

Mayor Nickels asked P. Braun if any neighbors sought to purchase property. P. Braun indicated that there has been interest in the property, but not in a number of years.

Mayor Nickels sought clarification on what could be built on R-4 Zoning District. P. Braun provided an overview of the uses.

Mayor Nickels asked the number of CBRFs in the City and the number of complaints received. P. Braun shared the number and indicated that there have been a limited number of issues in many years.

D. Steinbrenner asked P. Braun if engineering has stated there will be no adverse effect for property owners. P. Braun restated that he spoke with the site plan developer and he indicated that there may be an overall improvement, but there will be no new issues.

D. Koski further explained the science of the current groundwater flow in detail. Conversation ensued on the topic of water concerns. Mayor Nickels

clarified that the issues would still remain on Lilac Drive. D. Koski confirmed they would likely stay.

G. Jagemann asked if the property owner will meet conditions of the CUP. P. Braun stated yes. .

Mayor Nickels asked Paul B. to clarify state statute. P. Braun shared the statute in detail.

Mayor Nickels asked P. Braun if not issuing the CUP could be challenged. P. Braun clarified that federal fair housing and the American with Disabilities Act states that a CBRF cannot be discriminated against.

D. Last, property owner, explained that his company cannot cure the groundwater level. He went on to share with all in attendance that they are making a long term commitment to build and stay here. He indicated that their properties will have basements and they do not want water issues as well; and that they have been working with the DNR and Army Corp of Engineers for the last 18 months. They want to enhance a community and build up a neighborhood. He indicated that their goal is to manage these properties to be part of the community and will continue to work with City planning and permitting to do their best for the community.

Mayor asked P. Braun for his recommendation. P. Braun shared his recommendation and conditions.

**Moved by Hornung, seconded by Steinbrenner to approve the issuance of the Conditional Use Permit. The motion carried by the following vote:**

**Aye:** 7 - Brey, Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

## V. OLD BUSINESS

None

## VI. NEW BUSINESS

### [20-0534](#)

PC 1-2020: Quit Claim Deeds from the City of Manitowoc for Viebahn Street, West Viebahn Street and Hecker Road, recommend to approve and accept the quit claim deeds and instruct the City Clerk to record the deeds at the Manitowoc County Register of Deeds office after Council approval.

**Attachments:** [20-0534 PC Report Hecker Viebahn W Viebahn qc deeds.pdf](#)  
[20-0534 Report to Council Hecker Viebahn W. Viebahn QC Deeds.pdf](#)

**Moved by Hornung, seconded by Brey, that the Quit Claim Deed be approved.**

**The motion carried by the following vote:**

**Aye:** 7 - Brey, Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

[20-0529](#) PC 1-2020: W. Crescent Storm Sewer Easement

**Attachments:** [20-0529 W Crescent easement.pdf](#)

**Moved by Hornung, seconded by Koski, that the Easement be approved. The motion carried by the following vote:**

**Aye:** 7 - Brey, Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

[20-0532](#) PC 13-2020: Repeal Section 15.290 & Amend Section 15.650 and create Section 15.790 of the Municipal Code Regarding the Downtown Design Review Area and Historic Preservation.

**Attachments:** [20-0532 PC Report Design Review Historic District.pdf](#)  
[20-0532 Report to Council Design Review.pdf](#)

A. Tegen provided background on downtown review area and indicated that the Community Development Authority (CDA) recommended to expand the design review process area. He referred to the map included in the meeting packet and stated that the CDA asked Community Development staff to create handbook on sign requirements and approval process.

J. Brey asked why the whole CN peninsula property was not included. A. Tegen explained rationale of decision.

J. Brey sought clarification on the extension to South 10th Street. P. Braun explained that the area has a downtown feel and design review will enhance this downtown corridor.

G. Jagemann asked if zoning will remain unchanged and A. Tegen confirmed.

**Moved by Brey, seconded by Koski, that this Action Item be approved. The motion carried by the following vote:**

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

**Abstain:** 1 - Member Jagemann

[20-0527](#) PC 14-2020/14-2019: Assignment of a Conditional Use Permit from J&K School Hill LLC to Excel Auto LLC located at 1118 S. 10th Street for the Continued Operation of a Wrecker Service and Used Car Sale business, recommend to transfer the 2019 Conditional Use Permit from J & K School

Hill, LLC to Excel Auto LLC.

**Attachments:** [20-0527 PC Report Excel Auto CUP.pdf](#)  
[20-0527 Report to Council Excel Auto CUP.pdf](#)

P. Braun stated that this CUP is identical to previous and only the name of the business entity will change.

**Moved by Brey, seconded by Steinbrenner, that this CUP assignment be approved. The motion carried by the following vote:**

**Aye:** 7 - Brey, Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

[20-0528](#) PC 16-2020: City of Manitowoc; Resolution for Direct Annexation for Property located at Viebahn Street and Hecker Road - Hecker #3 Annexation Area.

**Attachments:** [20-0528 PC Report Hecker #3 Annexation.pdf](#)  
[20-0528 Report to Council Hecker Viebahn Annexation .pdf](#)

P. Braun reviewed the area and indicated it will be zoned R-1, with the future land use map and rezoning to be addressed at a later date.

D. Hornung asked if the City owns the property. Mayor Nickels stated that the City owns the property.

**Moved by Hornung, seconded by Koski, that this Action Item be approved. The motion carried by the following vote:**

**Aye:** 7 - Brey, Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

[20-0530](#) PC 17-2020: Review of Location and Architectural Design of the Blue Rail Restroom Building Pursuant to §62.23(5) "Matters Referred to City Plan Commission".

**Attachments:** [20-0530 Report to Council Blue Rail Bathroom.pdf](#)  
[20-0530 PC Report Blue Rail bathroom.pdf](#)

P. Braun shared the overall project background and referred to the description and drawings provided in packet.

**Moved by Hornung, seconded by Brey, that this Request be approved. The motion carried by the following vote:**

**Aye:** 7 - Brey, Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

[20-0533](#) PC 18-2020: Rename a Portion of Johnston Drive to Bayshore Drive.

**Attachments:** [20-0533 Johnston to Bayshore name change.pdf](#)  
[20-0533 Report to Council Johnston to Bayshore Dr.pdf](#)

**Moved by Brey, seconded by Jagemann, that this Request be approved. The motion carried by the following vote:**

**Aye:** 7 - Brey, Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

**20-0531** PC 19-2020: Amendment to Chapter 15.030 Definitions, 15.430 Off-Street Parking and Loading Regulations and 15.510 Mobile Home Parks, Mobile Homes, Manufactured Homes and Recreational Vehicles.

**Attachments:** 20-0531 PC Report Off Street Parking.pdf

P. Braun provided background on the rationale for the proposed ordinance amendment.

D. Hornung asked if there would be an impact to the people who currently utilize off-street parking. Conversation ensued by the Commissioners regarding the language, definitions, and current residents affected by the change.

D. Steinbrenner asked if there would be a cost impact on residents who may need to pay for storage if they can no longer store on their property. Additional conversation ensued about the change.

D. Hornung suggested the ordinance be tabled to the next meeting for further discussion. J. Brey suggested Scott Keil, City Housing Inspector, be invited when discussed.

No action taken.

**This Action Item was tabled for a future meeting.**

## VII. MISCELLANEOUS

A. Manitowoc County Activities: None

**B. Certified Survey Maps (CSM):**

1. Bay Pointe Developers II, LLC; Section 17 & 20 Township 19 North, Range 24 East, City of Manitowoc. 3 surveys total
  
2. Painting Pathways Clubhouse, Inc; Lot 14 and 20 Block 243 Original Plat of the City of Manitowoc
  
3. Brunner; NW ¼ of the NW ¼ Section 13, Township 19 North, Range 23 East City of Manitowoc
  
4. Vogel Family Farms LLC; SW ¼ & NW ¼ of the SW ¼ Section 2 Township 19 North, Range 23 East Town of Manitowoc Rapids. Wagon Wheel Road
  
5. Vogel Family Farms LLC; NW ¼ of the SW ¼ Section 16 Township 19 North, Range 23 East Town of Manitowoc Rapids. Friday Street
  
6. Lakebreeze Apartments; NW ¼ of the SW ¼ Section 9, Township 19 North, Range 24 East, City of Manitowoc
  
7. Bay Pointe Developers II, LLC; Resurvey of Lot 1, Volume 34, Page 235 Section 17 & 20 Township 19 North Range 24 East City of Manitowoc.

**C. Summary of Site Plans**

1. SP 1-2020: Lakeshore Mini Storage, 2424 Johnston Drive.
  
2. SP 2-2020: Salutz & Salutz, Parking Lot Expansion, 823 Marshall Street.
  
3. SP 3-2020: Jiffy Lube, 3,315 s.f. New Construction, 4656 Calumet Avenue.
  
4. SP 4-2020: Prevea, 11,518 s.f. Building Addition, 4810 Expo Drive.

**D Director's Report****A. Tegen provided information on several current projects:**

1. CN Peninsula - working with DOT on Waldo project to bring fill to CN and the City has applied for site assessment grants. He stated that the CDA will be applying for an RLF EPA loan.
2. Mirro Site: Hoping to bring to Council soon.
3. Industrial Parks: Limited interest in industrial parks
4. Sign Ordinance Kickoff: Project is in beginning stages. Goal to complete by end of 2020.

D. Steinbrenner asked if there has been any activity on the mall property. A. Tegen shared that the City is evaluating the best way to proceed with CDA for raze order and blight determination.

**VIII. ADJOURNMENT**

**Motion by Brey, seconded by Hornung, that this Meeting be adjourned at 7:21 pm.  
The motion carried by the following vote:**



**Aye:** 7 - Brey, Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

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.