



# City of Manitowoc

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

## Meeting Minutes Plan Commission

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Wednesday, June 3, 2015

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 Justin Nickels at 6:00 PM.

### II. ROLL CALL

**Present:** 8 - Jim Brey, Dave Diedrich, Daniel Hornung, Mayor Nickels, Dan Koski, Jim Muenzenmeyer, Dennis Steinbrenner and Peter Dorner

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

Others Present: Jake Wenzel, Cassie Wenzel, Ed Rappe, Martin J. Sheck, Amy Sheck, Katelyn Sheck, Peter Wills, Frances Knipp, Terence P. Fox, Brian Buvid

### III. APPROVAL OF MINUTES

15-589 Approval of the Minutes of the May 6th, 2015 Meeting.

Moved by Diedrich, seconded by Koski, that the Minutes of the May 6, 2015 Meeting be approved. The motion carried by the following vote:

**Aye:** 8 - Alderperson Brey, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

### IV. PUBLIC INFORMATIONAL HEARINGS

15-590 PC 15-2015: Wenzel Properties, LLC; Request to Rezone Property at 2001 Marshall Street from "B-2" Neighborhood Business District to "R-7" Central Residence District.

*Mr. Braun read the following into the plan commission record.*

*Tonight's public meeting is in regard to a request from Jacob and Cassie Wenzel, d.b.a. Wenzel Properties, LLC and Donald Sprang. The request from the owners is to rezone their property from B-2 Neighborhood Business to R-7 Central Residence District. The reason for the rezoning request is to allow the Wenzel's to have multi-family on the first floor of the building located at 2003 Marshall Street.*

*Wenzel Properties, LLC owns the property located at 2003 Marshall Street which is all of Lot 1 and the East 20 feet of Lot 2 Block 297 of the Original Plat. Mr. Sprang owns the west 40 feet of Lot 2 Block 297 which is a vacant lot. Since the rezoning application was submitted the Wenzel's have purchased Mr. Sprang's 40 foot lot. Wenzel Properties, LLC purchased the building at 2003 Marshall Street from Trident Real Estate LLC on April 13, 2015.*

The area to be rezoned is approximately .25 acres and measures 110 feet along Marshall Street and 100 feet along S. 20th Street. The existing 2 story masonry building was constructed in 1897 and has 2,595 sf on the first floor and 2,025 sf on the second floor.

Since 1973 the building at 2003 Marshall Street was used as a dental office (Dr. Segerson) on the first floor and 3 - 1 bedroom apartments on the second floor. According to Building Inspection files the use prior to the dental office was a butcher shop, and store with one apartment on the first floor and 3 apartments on the second floor. The Wenzel's would like to keep the 3 existing apartments on the second floor and convert the first floor to 3 additional apartments; 1 - 1 bedroom, 1 - 2 bedroom, and 1 - 3 bedroom for a total of 6 apartments.

The current B-2 Neighborhood Business district allows multiple family but multiple family uses must follow the R-5 Low Density Multiple Family District regulations so the main reason for the rezoning is not a question regarding the multiple family use but it is the lot coverage requirement. The current B-2 Neighborhood Business District follows the R-5 Low Density regulations and would require 19,500 square feet of lot coverage. (3,000 s.f./1 bed; 3,500s.f./2 bed; 4,000s.f./3 bed). In the proposed R-7 Central Residence District the minimum lot coverage is 600 square feet per dwelling unit. There are 6 proposed dwelling units which require 3,600 square feet of lot coverage. The property owned by the Wenzel's totals 11,000 square feet.

The Wenzel's are planning on investing roughly \$15,000 into the building on interior remodeling, they don't have any plans for any major exterior building alterations. The renovations are planned to be completed in fall. In addition they have recently purchased the vacant lot to the west from Donald Sprang for additional off-street parking.

With the Wenzel's recent purchase of the vacant lot to the west there will be a total of 15 off street spaces available, 10 in the lot to the west and 5 to the rear of the building. Code requires a minimum of 12 spaces. Currently the property has a fair market value of \$208,600 and generates \$4,534 in taxes.

The surrounding land uses to the south and east are predominately single and two family residential uses being a mix of owner occupied and rental properties; to the north it's a mix of office, retail, and residential and to the west it's a mix of retail, office, residential and church/school uses.

The adjoining zoning is: B-2 Neighborhood Business to the north and west, R-4 Single and Two Family to the south and east, with the nearest R-7 Central residence district is 2 blocks to the east.

Staff has discussed with Mr. Wenzel the concept of a spot zoning and had encouraged Mr. Wenzel to contact his neighbors to see if they would be willing to participate in on the rezone process. Mr. Sprang, who owned the vacant lot to the west signed the original petition but has since sold the property to Mr. Wenzel. Mary Mikeal, 1112 S. 20th St has recently signed a letter stating that she would like to join in on the rezoning. Mr. Wenzel has tried to talk with some other neighbors about joining in on the rezoning; some of which he was unable to reach or others would be interested in participating but their properties wouldn't be contiguous with the subject area.

According to the Guide to Community Planning in Wisconsin, written by University of Wisconsin Professor Brian Ohm who is also the main author of Wisconsin's Comprehensive Planning law, states a Spot Zoning is when a zoning ordinance is amended to zone a relatively small area for uses significantly different from those allowed

*in the surrounding area to favor the owner of a particular piece of property. Spot Zoning is not necessarily illegal however a rezoning should be consistent with long-range planning and based upon considerations which affect the whole community. Therefore spot zoning should only be indulged in where it is in the public interest and not solely for the benefit of the property owner requesting the rezoning.*

*The Comprehensive Plan's 20 year future land use map indicates the area as Urban Neighborhood. The goal of this category is intended to stabilize the land uses, densities, and character of existing neighborhoods. This category has been mapped in established neighborhoods, surrounding the downtown area which are characterized by a mix of housing-unit types as well as small public, institutional, and commercial uses. Per the Comprehensive Plan the recommended zoning districts that would fit into this land use category would be R-4 Single and Two Family and R-7 Central Residence. Based on the City's plan it appears that the proposed rezoning is consistent with the comprehensive plan.*

*Mr Braun noted that Mr. Wenzel had a neighborhood meeting on June 27th introducing the project to the neighbors and from his understanding the neighbors in attendance were supportive of the project.*

*Notices were mailed out to neighbors within 200' feet and I have received one phone call from Robert Donaldson who owns property across the street at 2006 Marshall Street, he doesn't have any concerns with the proposal but wanted to make sure his property was not affected.*

*Mayor Nickels opened the discussion to the Plan Commission, there were no comments from the Commission.*

*Mayor Nickels opened the discussion up to the public.*

*Francis Knipp, who owns property directly to the west of the subject property. Mr. Knipp is concerned with the location of the proposed parking which will be in between the Wenzel building and his residence. Mr. Knipp stated he and Mr. Wenzel discussed the parking situation and came to an understanding that the parking stalls will be relocated so they are adjacent to the Wenzel building away from Mr Knipp's residence. Mr. Knipp also stated that he wants to keep his property zoned B-2, Neighborhood Business.*

*Mr. Braun stated that the City cannot place conditions on the zone change but in his discussions with Mr. Wenzel; Mr. Wenzel said he had no objection with moving the parking stalls so they are adjacent to his building.*

*Jacob Wenzel, spoke regarding his project and thanked staff for their assistance. Mr Wenzel stated that they had a neighborhood meeting and was encouraged by the support and positive comments provided by the neighbors. The Wenzel's currently own multiple properties along the Marshall Street corridor. They want the building to be a positive influence on the neighborhood.*

*Public input was closed by Mayor Nickels.*

*Mr. Brey commented that he supports the rezoning proposal and states that he does not feel there is any issue with a spot zoning.*

**Moved by Brey, seconded by Diedrich, to recommend Council instruct the Clerk to call for a public hearing on this matter to be scheduled for July 20th and that the Plan Commission further recommends final approval of the zoning ordinance**

amendment upon completion of the public hearing. The motion carried by the following vote:

Aye: 8 - Alderperson Brey, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

15-591

PC 16-2015: Katelyn Sheck; 2019 S. 9th Street Home Occupation Expanded Use Conditional Use Permit pursuant to Chapter 15.030.

*Mr. Braun read the following background information.*

*The request is from Katelyn Sheck, doing business as Four Paws Pet Care, and is the owner of property at 2019 S. 9th Street. She has filed an application for conducting an Expanded Home Occupation pursuant to Section 15.030 of the Municipal Code. This section of the Code requires such a use to be authorized by issuance of a Conditional Use Permit (CUP) pursuant to Section 15.370(27).*

*Currently the zoning code language for an Expanded Home Occupation has not been formally adopted by the Common Council but the public hearing for the new Expanded Home Occupation code will be on the June 15th Council agenda. The Plan Commission at the May 6th meeting reviewed the new code language for Expanded Home Occupations. This is the first request under the new Expanded Home Occupation portion of the Code. A regular Home Occupation does not require a CUP but an Expanded Home Occupation does require a CUP. A dog and cat sitting use does not fit into the regular Home Occupation definition.*

*Under a Conditional Use Permit pursuant to Section 15.370(27), the Commission and Council must determine if the proposed use: i) is reasonably necessary for the convenience and welfare of the public, ii) is in harmony with the character of the surrounding area, iii) will have a minimal effect or no effect on the surrounding property values. The Commission and Council can affix conditions to the CUP to provide assurances that the proposed use will remain in conformity with the criteria under subsection (27)c as well as compliance with regulations of the particular zoning district which the conditional use would be located.*

*The Expanded Home Occupation section of the code allows the Plan Commission and Common Council the right to determine:*

- A. the appropriateness of a proposed land use qualifying as an Expanded Home Occupation; and*
- B. its compatibility to the neighborhood, based on any or all of the following factors: (i) there is no change in the external appearance of the existing buildings and structures on the property; (ii) there is no disruption to the quiet nature and visual quality of the neighborhood; (iii) there are no additional parking areas other than driveways located in the required front yard or any side yard areas of the property; and (iv) there is no offensive noise, vibration, sound, smoke, dust, odors, heat or glare detectable to the normal senses off the property, or X-rays or electrical disturbance to radio or television transmission that can be detected by the normal senses off the property where the home occupation is proposed to be located; and (v) there is no increased risk to health or safety in excess of that which is common to a residential neighborhood.*

*In addition there are other general conditions or standards that an Expanded Home Occupation shall follow:*

- A. the right shall not be transferable nor shall any person not named be authorized to carry on the use;*
- B. shall be located entirely in the primary residence and not more than one accessory*

- building;
- C. shall operate between the hours of 8am and 8pm as readily apparent from adjacent residences;
- D. Shall not cause any external alterations to the residence or accessory building including the creation of a separate or exclusive business entrance, no exterior indication that a home occupation exists;
- E. Shall not be permitted to use equipment which creates offensive noises, vibration, sound, smoke, dust, odors, heat or glare detectable to the normal senses off the property;
- F. Shall have no outdoor display or storage of materials, goods, supplies or equipment,
- G. Shall not be permitted to have any external signage including window displays or advertising signs,
- H. Shall have adequate off-street parking for occupants of the principal residence,
- I. Shall make reasonable efforts to keep all doors and windows closed during the hours,
- J. Shall be limited to not more 10 clients per day in connection with the business,
- K. Shall in no case be permitted to include a retail or wholesale store, a manufacturing business, a commercial food service requiring a license, an auto service or repair facility for any vehicles other than those registered to the residents of the property.

As stated earlier the Expanded Home Occupation is a Conditional Use Permit and additional conditions may be affixed to the use above and beyond the ones just mentioned.

The Sheck's house is located at 2019 S. 9th Street which is at the northeast corner of Dewey and S 9th Streets. The house is 1,520 s.f. with a detached garage. The lot measures 70' along S. 9th Street and 150' along Dewey. There is one residence directly adjacent to the north and Red Arrow Park is to the east. The rear yard is partially enclosed with a retaining wall and or fence along parts of the south, north and east property lines.

Per the letter from Katelyn Sheck, Four Paws Pet Care was established in the fall of 2011 when she saw a need for in-home pet care in the area. Katelyn is the sole proprietor but her fiancé Benjamin Burton and her parents, Amy and Martin Sheck help with the business. Her parents live at 1718 S. 15th Street which will be the next conditional use permit request on tonight's agenda. The business provides general care such as walking, feeding, administering medicines and playing with the pets. Katelyn Sheck also has two of her own dogs.

Historically she has primarily cared for dogs in her home but they have also watched cats, fish and a pig. They typically care for a maximum of 3 – 4 customer dogs at a time in addition to their 2 dogs. If there is too much demand or conflicts between the pets Katelyn's parents at the S. 15th Street location will also watch the pets.

The subject property is zoned R-4 Single and Two Family Residential and the surrounding zoning is either R-3 or R-4 Residential to the north, west and south with P-1 Conservancy to the east.

Again tonight's request is for an Expanded Home Occupation Conditional Use Permit. General Home Occupation language currently exists in the code but the Expanded Home Occupation code language is in the process of being adopted by the Council. A traditional Home Occupation is controlled through the zoning ordinance regulations and does not require a conditional use permit but an Expanded Home Occupation is required when a use doesn't meet the traditional Home Occupation regulations and for example, it may use an accessory building or need some outdoor space and not be entirely

contained in a residence. The Expanded Home Occupation is processed like a conditional use permit which requires tonight's informational hearing.

Chapter 14 of the municipal Code is titled "OFFENSES AGAINST PUBLIC POLICY, SAFETY, MORALS AND PEACE" and section 14.020 of this Chapter Regulates Dogs, Cats and other Animals. 14.020 (1) limits the number of Dogs or Cats per parcel. This section states that "No person shall own, harbor, or keep in their possession on any one parcel of property at any one time more than three dogs and more than three cats over six months of age, this section also continues to address litters of dogs or cats which does not apply.

The Chief of Police or his designee is authorized to issue a permit allowing a person to keep up to four dogs and four cats at one time on any one parcel of property upon receipt of an application. In determining whether or not to grant any such permit, the Chief of Police shall consider the likelihood of a public or private nuisance and may contact residents in the neighborhood prior to making a decision. Any such permit which is granted shall be limited to specifically identified dogs or cats and shall not apply to the dogs or cats owned or kept by such person.

Chapter 14.020(2)a states the following. "No person, except for a duly authorized licensed breeder or pet shop owner, shall keep, sell, breed or offer for sale one or more horses, cows, pigs, goats, sheep, chickens, geese, ducks, doves, pigeons or other fowl, bees, large predators, endangered species or poisonous snakes, rodents, reptiles, exotic species or wild animals (collectively "creatures") or construct or use shelters therefor within the City of Manitowoc without the written permission of the Chief of Police or his designee.

In considering any request for such permission, the Chief of Police shall consider the number and type of animals or creatures, their location, the facilities to be used for such purpose, the likelihood of a public or private nuisance being created or a health hazard, and the ability of the owner to responsibly control and care for the creatures.

Chapter 14.020(4) Governs Dogs, Cats and other Creatures not to run at large. A pet is considered to be running at large if it is off the premises of the owner or keeper and not under control.

Ms Sheck provided support letters and documents. Adam Myers at 2015 S. 9th Street, which is directly north of the Shecks provided a handwritten note stating he had no objection with proposal. There were also six general letters of support from customers located in the community and 4 signatures for support for the S. 15th Street location.

In closing, notices were sent out last week to neighbors within 200 feet of the subject property excluding right of way and I received the following comments.

Connie Quirk, 841 Dewey Street left a message and stated that she is strongly opposed to the proposed use and that type of use does not belong in a residential area. She also stated she has concerns of dogs off of leashes.

Mary Vasquez sent an email on behalf of her daughter who lives at 909 Dewey Street, Mrs Vasquez stated that her daughter's name was listed on a list of people in support of the project but she stated that no one talked with her daughter. I believe this was a misunderstanding, the list provided was a mailing list of individuals who received notice of the meeting not a list of individuals in favor of the project.

Mr. Nickels opened the discussion up to the Plan Commission. Mr. Muenzenmeyer

asked how long the business has been in operation. Mr. Braun stated since 2011. Mr. Muenzenmeyer asked if there were any complaints or issues on record with the City, Mr. Braun stated there were none. Mr. Braun stated that the City was made aware of the business based on a complaint from another business that provides similar services. Mr. Sparacio, stated that the Building Inspection Department investigated the complaint and found that the use did not fit into the existing home occupation definition of the Zoning Code, currently the existing use is not permitted because it is not completely contained in the residence.

Mayor Nickels opened the topic up to public input. Ed Rappe, 2103 S. 9th Street stated that he lives across Dewey Street, south of the residence. The area is zoned residential and the use does not belong in the neighborhood setting; the use changes the nature of the neighborhood and it may affect his property value. Mr. Rappe is concerned with traffic especially when school is in session and that there is some clutter in the Sheck's backyard. Mr. Rappe has witnessed dogs barking and going to the bathroom in the park area to the east.

Katelyn Sheck, 2019 S. 9th Street wanted to address some of the concerns brought up by Mr. Rappe; she stated that there is a car in their rear yard which they are trying to sell. The dogs are never unattended when they are outside and that they do take the dogs for a walk along Dewey Street. Mayor Nickels closes public input.

Mr Muenzenmeyer, stated that he applauds the Sheck's for trying to do the process the right way and once the neighbors hear the conditions the Sheck's shall follow they will be more at ease. He also stated the CUP will be reviewed annually by the Commission.

Mr. Braun stated that the proposed conditions were emailed to Katelyn Sheck earlier and to the Plan Commission for review. The proposed conditions were the following:

Grant CUP under Sections 15.030 and 15.150(3)(j) of the Manitowoc Municipal Code ("Code") to Katelyn Sheck d/b/a "Four Paws Pet Care" ("Four Paws"). This CUP ("2015 CUP") shall hereinafter serve as authorization for the location and operation of Four Paws as an Expanded Home Occupation to be conducted only and entirely within the parcel at 2019 S. 9th Street identified as Lot 10 and the North 20' of Lot 11 of Schroeder's Subdivision (tax parcel # 640-005-100 & 640-005-111) a/k/a the "CUP Area" (see attached Exhibit "A").

Four Paws is required to comply with the following conditions:

A. The 2015 CUP shall not become effective and binding until the date the Common Council approves the 2015 CUP as outlined herein.

B. Operation of the Expanded Home Occupation shall be permitted under this 2015 CUP as long as it is operated in conformance with the requirements and conditions set forth in Section 15.030(1) of the Code, including the following:

- (1) Shall be located entirely within the subject parcel,
- (2) Shall operate only between the hours of 8:00 a.m. and 8:00 p.m. as readily apparent from adjacent residences,
- (3) Shall not cause any external alterations to the residence including the creation of a separate or exclusive business entrance, and there shall be no exterior indication that a home occupation exists.
- (4) Shall not be permitted to use equipment which creates offensive noise, vibration, sound, smoke, dust, odors, heat or glare detectable to the normal senses off the

property, or X-rays or electrical disturbance to radio or television transmission in the area that would create visual or audible interference in excess of what is normally associated with a residential use.

(5) Shall have no outdoor display or storage of materials, goods, supplies or equipment.

(6) Shall not be permitted to have any external signage including window displays or advertising signs.

(7) Shall provide adequate off-street parking for occupants of the principal residence.

(8) Shall make reasonable efforts to keep all doors and windows closed during the hours of operation, except when entering or exiting.

(9) Shall be limited to not more than ten (10) clients per day in connection with the business. This condition is related to the number of customers not the number of dogs or cats that can be cared for at a single time.

C. Compliance with all federal, state and local regulations, licensing and Code requirements. This condition includes but is not limited to the requirements in Chapter 14 of the Municipal Code.

D. Four Paws shall not assign, transfer, sublet or convey its interest in the 2015 CUP.

E. The 2015 CUP shall automatically terminate effective the same date: (i) the property owner conveys title to the subject parcel; or (ii) Four Paws ceases to operate in the CUP Area. Four Paws agrees to provide the City's Community Development Department with written notice of its intent to discontinue operation in the CUP Area not less than 30 consecutive calendar days prior to the date operations are planned to cease.

F. At any date and time, non-compliance with the terms of the 2015 CUP may result in the modification of the terms and conditions of the CUP, issuance of citations and financial penalties, or immediate revocation of the 2015 CUP.

G. The maximum combined number of customer dogs and cats kept on the site shall not exceed 4. Smaller customer animals, like fish and birds, kept on the site, but in the residence shall not exceed 4. The owners' pets are not included into these counts.

H. No customer animals shall be kept outside of the residence overnight.

I. The Plan Commission and Common Council shall have an annual review of the CUP in June of 2016. The City reserves the right to review the CUP at any time based on complaints.

J. All animals under the supervision of the owners shall not be permitted to make excessive noise which would be an annoyance to the neighborhood.

K. The owners and operators shall carry the proper insurance as acceptable to the City Attorney and shall provide evidence of said insurance before this CUP is effective. Insurance verification shall be provided to the Department of Community Development on or before June 15, 2015.

L. There shall be no sales of animals, products or like items from the CUP area. There shall be no breeding of animals in the CUP area affiliated with Four Paws. Operations or activities, except for the animal lodging, which are similar to a kennel as defined in Chapter 15.030 are prohibited.

M. All waste from the animals shall be promptly picked up and shall be stored in a sealed, airtight container and said container shall be located out of public site and as far



away from the neighbors as possible.

The Commission discussed the number of customer pets that would be allowed at a single time. The maximum number of customer dogs or cats that can be cared for at a time for the business would be 4 dogs or cats, or combination of, and they could also have up to 4 additional pets such as birds and fish which must be in the residence at all times. Chapter 14 of the Municipal Code addresses many of the issues regarding dogs, cats and other animals. Mr. Muenzenmeyer stated that there will be an annual review of the CUP but if issues arise prior to the annual review the Commission has the right to review the operation sooner. It was stated that currently the business is operating illegally but when the issue was brought up to the Licensing, Permits and Inspections Committee the Committee said the Sheck's could still provide service for customers with appointments in the interim but they could not charge a fee for their services until an Expanded Home Occupation CUP was issued.

Mr Steinbrenner asked, if the proposal was approved could staff send out the list of conditions to the same neighbors that received the original notice of the meeting; staff stated that they would send out the conditions once they are approved. Mr Diedrich stated that he is leaning to vote no on the proposal because of the neighbors concerns. Mr. Koski stated that he also has mixed opinions regarding the proposal and the Sheck's may not have known they were required to have approval from the City. Now the City will have a mechanism to review the proposal and he that is why he will be supporting the conditional use permit.

**Moved by Brey, seconded by Muenzenmeyer, to recommend Council grant a CUP under Sections 15.030 and 15.150(3)(j) of the Manitowoc Municipal Code to Katelyn Sheck d/b/a "Four Paws Pet Care" for conducting her business at 2019 S. 9th Street subject to the compliance conditions. The motion carried by the following vote:**

**Aye:** 7 - Alderperson Brey, Hornung, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

**Nay:** 1 - Diedrich

15-592

PC 17-2015: Amy & Martin Sheck, 1718 S. 15th Street Home Occupation Expanded Use Conditional Use Permit Pursuant to Chapter 15.030.

Mr Braun stated that this item is related to the previous informational hearing. The general background information is identical but the site specifics are different. Mr. Braun summarized to the Commission the following background information.

The request is from Amy and Martin Sheck, who are partnered with their daughter Katelyn Sheck who is doing business as Four Paws Pet Care which is located at 2019 S. 9th Street. Amy and Martin Sheck live at 1718 S. 15th Street and assist their daughter who operates a dog and cat sitting service. In order for the Sheck's to care for dogs and cats at their residence they need to apply for an Expanded Home Occupation pursuant to Section 15.030 of the Manitowoc Municipal Code. This section of the Code requires such a use to be authorized by issuance of a Conditional Use Permit (CUP) pursuant to Section 15.370(27).

Currently the zoning code language for an Expanded Home Occupation has not been formally adopted by the Common Council but the public hearing for the new Expanded Home Occupation code language will be on June 15th. The Plan Commission at the May 6th meeting reviewed the new code language for Expanded Home Occupations. A regular Home Occupation does not require a CUP but an Expanded Home Occupation

does require a CUP. By nature of the dog and cat sitting use it does not fit into the regular Home Occupation definition.

Under a Conditional Use Permit pursuant to Section 15.370(27), the Commission and Council must determine if the proposed use:

- A. is reasonably necessary for the convenience and welfare of the public.
- B. Is in harmony with the character of the surrounding area.
- C. Will have a minimal effect or no effect on the surrounding property values.

The Commission and Council can affix conditions to the CUP to provide assurances that the proposed use will remain in conformity with the criteria under subsection (27)c as well as compliance with regulations of the particular zoning district which the conditional use would be located.

The Expanded Home Occupation section of the code allows the Plan Commission and Common Council the right to determine:

- A. the appropriateness of a proposed land use qualifying as an Expanded Home Occupation; and
- B. its compatibility to the neighborhood, based on any or all of the following factors: (i) there is no change in the external appearance of the existing buildings and structures on the property; (ii) there is no disruption to the quiet nature and visual quality of the neighborhood; (iii) there are no additional parking areas other than driveways located in the required front yard or any side yard areas of the property; and (iv) there is no offensive noise, vibration, sound, smoke, dust, odors, heat or glare detectable to the normal senses off the property, or X-rays or electrical disturbance to radio or television transmission that can be detected by the normal senses off the property where the home occupation is proposed to be located; and (v) there is no increased risk to health or safety in excess of that which is common to a residential neighborhood.

In addition there are other general conditions or standards that an Expanded Home Occupation shall follow:

- A. the right shall not be transferable nor shall any person not named be authorized to carry on the use;
- B. shall be located entirely in the primary residence and not more than one accessory building;
- C. Shall operate between the hours of 8am and 8pm as readily apparent from adjacent residences;
- D. Shall not cause any external alterations to the residence or accessory building including the creation of a separate or exclusive business entrance, no exterior indication that a home occupation exists;
- E. Shall not be permitted to use equipment which creates offensive noises, vibration, sound, smoke, dust, odors, heat or glare detectable to the normal senses off the property;
- F. Shall have no outdoor display or storage of materials, goods, supplies or equipment.
- G. Shall not be permitted to have any external signage including window displays or advertising signs
- H. Shall have adequate off-street parking for occupants of the principal residence
- I. Shall make reasonable efforts to keep all doors and windows closed during the hours

J. Shall be limited to not more 10 clients per day in connection with the business  
K. Shall in no case be permitted to include a retail or wholesale store, a manufacturing business, a commercial food service requiring a license, an auto service or repair facility for any vehicles other than those registered to the residents of the property.

As stated earlier the Expanded Home Occupation is a Conditional Use Permit and additional conditions may be affixed to the use above and beyond the ones just mentioned.

Amy and Martin Sheck's house is located at 1718 S. 15th Street which is at the southwest end of S. 15th Street and terminates at the playground for St Francis of Assisi, the former St. Andrew's School. The house is a 1,236 s.f. single story brick structure. They own two lots for a total of half an acre of land. The northerly lot with the residence is approximately 62' x 154 and the vacant lot to the south measures 65' x 188'. The south line of their property borders the playfield for St. Francis of Assisi, there is a cyclone fence along this property line. From the photos provided the other property lines are not fenced.

Amy and Martin Sheck are partners with their daughter Katelyn in the business that provides boarding services for dogs, cats and occasionally other animals. Amy and Martin Sheck will typically board cats or dogs that are comfortable with other cats. The Shecks own 6 of their own cats; all of which are licensed. They also have the proper permits from the Police Department to have more than 3 animals.

Historically Amy and Martin typically board no more than 3 dogs and 1 cat at a time.

The subject property is zoned R-3 Single Family Residential; the surrounding zoning is also R-3 with R-4 Single and Two Family a bit further to the east.

Again tonight's request is for an Expanded Home Occupation Conditional Use Permit. General Home Occupation language currently exists in the code but the Expanded Home Occupation code language is in the process of being adopted by the Council. A traditional Home Occupation is controlled through the zoning ordinance regulations and does not require a conditional use permit. An Expanded Home Occupation is required when a use doesn't meet the traditional Home Occupation regulations and for example, it may use an accessory building or need some outdoor space and not be entirely contained in a residence, therefore the Expanded Home Occupation is processed like a conditional use permit which requires tonight's informational hearing.

Chapter 14 of the municipal Code is titled "OFFENSES AGAINST PUBLIC POLICY, SAFETY, MORALS AND PEACE" and section 14.020 of this Chapter Regulates Dogs, Cats and other Animals. 14.020 (1) limits the number of Dogs or Cats per parcel. This section states that "No person shall own, harbor, or keep in their possession on any one parcel of property at any one time more than three dogs and more than three cats over six months of age, this section also continues to address litters of dogs or cats which does not apply.

The Chief of Police or his designee is authorized to issue a permit allowing a person to keep up to four dogs and four cats at one time on any one parcel of property upon receipt of an application. In determining whether or not to grant any such permit, the Chief of Police shall consider the likelihood of a public or private nuisance and may contact residents in the neighborhood prior to making a decision. Any such permit which is granted shall be limited to specifically identified dogs or cats and shall not apply to the dogs or cats owned or kept by such person.

Chapter 14.020(2)a states the following. "No person, except for a duly authorized licensed breeder or pet shop owner, shall keep, sell, breed or offer for sale one or more horses, cows, pigs, goats, sheep, chickens, geese, ducks, doves, pigeons or other fowl, bees, large predators, endangered species or poisonous snakes, rodents, reptiles, exotic species or wild animals (collectively "creatures") or construct or use shelters therefor within the City of Manitowoc without the written permission of the Chief of Police or his designee.

In considering any request for such permission, the Chief of Police shall consider the number and type of animals or creatures, their location, the facilities to be used for such purpose, the likelihood of a public or private nuisance being created or a health hazard, and the ability of the owner to responsibly control and care for the creatures.

Chapter 14.020(4) Governs Dogs, Cats and other Creatures not to run at large. A pet is considered to be running at large if it is off the premises of the owner or keeper and not under control.

The Shecks provided a letter of support signed by Andy Mertz who lives across the street at 1715 S. 15th Street, Pamela Thompson, 1714 S. 15th Street, abutting neighbor to the north, La Rue Campbell, who lives across the street at 1703 S. 15th Street and Wes Biddle and Kim Schultz, 179 S. 15th Street who live across the street from the Shecks.

Notices were sent out last week to neighbors within 200 feet of the subject property excluding right of way and the following comments were received.

Anne Slattery, 1638 S. 16th Street called and voiced her concerns with the possibility of dogs barking at individuals walking or playing in the playground. She also stated that people buy a house in a residential setting expecting the area to remain residential not include businesses and finally she is concerned with dogs running free and the cleanliness of the operation.

Bob Becker, who through the rear yards at 1715 S. 16th Street stopped in the office and stated that he doesn't have any objections with the proposed conditional use permit.

Jane Gau, who lives to the north of the subject area at 1507 Philippen Street left a voice message and stated that she has no concerns with the use and has no objections.

Mayor Nickels opened the discussion up to the public. Brian Buvid, 1519 Philippen Street, expressed concerns with noise from barking dogs. Amy Sheck, 1718 S. 15th Street who is requesting the conditional use permit stated that they take the overflow of pets and have typically watched up to three animals and have never left them unattended or left to run wild. They have six cats of their own and have the proper permit from the Police Department and have never had any issues.

Mr. Braun reviewed the following conditions with the Plan Commission.

Grant CUP under Sections 15.030 and 15.130(3)(j) of the Manitowoc Municipal Code ("Code") to Amy & Martin Sheck d/b/a "Four Paws Pet Care" ("Four Paws"). This CUP ("2015 CUP") shall hereinafter serve as authorization for the location and operation of Four Paws as an Expanded Home Occupation to be conducted only and entirely within the parcel at 1718 S. 15th Street identified as parcel #'s 355-057-005 and 355-057-010 a/k/a the "CUP Area" (see attached Exhibit "A").

Amy & Martin Sheck / Four Paws are required to comply with the following conditions:

A. The 2015 CUP shall not become effective and binding until the date the Common Council approves the 2015 CUP as outlined herein.

B. Operation of the Expanded Home Occupation shall be permitted under this 2015 CUP as long as it is operated in conformance with the requirements and conditions set forth in Section 15.030(1) of the Code, including the following:

- (1) Shall be located entirely within the subject parcel,
- (2) Shall operate only between the hours of 8:00 a.m. and 8:00 p.m. as readily apparent from adjacent residences,
- (3) Shall not cause any external alterations to the residence including the creation of a separate or exclusive business entrance, and there shall be no exterior indication that a home occupation exists.
- (4) Shall not be permitted to use equipment which creates offensive noise, vibration, sound, smoke, dust, odors, heat or glare detectable to the normal senses off the property, or X-rays or electrical disturbance to radio or television transmission in the area that would create visual or audible interference in excess of what is normally associated with a residential use.
- (5) Shall have no outdoor display or storage of materials, goods, supplies or equipment.
- (6) Shall not be permitted to have any external signage including window displays or advertising signs.
- (7) Shall provide adequate off-street parking for occupants of the principal residence.
- (8) Shall make reasonable efforts to keep all doors and windows closed during the hours of operation, except when entering or exiting.
- (9) Shall be limited to not more than ten (10) clients per day in connection with the business. This condition is related to the number of customers not the number of dogs or cats that can be cared for at a single time.

C. Compliance with all federal, state and local regulations, licensing and Code requirements. This condition includes but is not limited to the requirements in Chapter 14 of the Municipal Code.

D. Four Paws shall not assign, transfer, sublet or convey its interest in the 2015 CUP.

E. The 2015 CUP shall automatically terminate effective the same date: (i) the property owner conveys title to the subject parcel; or (ii) Four Paws ceases to operate in the CUP Area. Four Paws agrees to provide the City's Community Development Department with written notice of its intent to discontinue operation in the CUP Area not less than 30 consecutive calendar days prior to the date operations are planned to cease.

F. At any date and time, non-compliance with the terms of the 2015 CUP may result in the modification of the terms and conditions of the CUP, issuance of citations and financial penalties, or immediate revocation of the 2015 CUP.

G. The maximum combined number of customer dogs and cats kept on the site shall not exceed 4. Smaller customer animals, like fish and birds, kept on the site, but in the residence shall not exceed 4. The owners' pets are not included into these counts.

H. No customer animals shall be kept outside of the residence overnight.

I. The Plan Commission and Common Council shall have an annual review of the CUP in June of 2016. The City reserves the right to review the CUP at any time based on complaints.

J. All animals under the supervision of the owners shall not be permitted to make excessive noise which would be an annoyance to the neighborhood.

K. The owners and operators shall carry the proper insurance as acceptable to the City Attorney and shall provide evidence of said insurance before this CUP is effective. Insurance verification shall be provided to the Department of Community Development on or before June 15, 2015.

L. There shall be no sales of animals, products or like items from the CUP area. There shall be no breeding of animals in the CUP area affiliated with Four Paws. Operations or activities, except for the animal lodging, which are similar to a kennel as defined in Chapter 15.030 are prohibited.

M. All waste from the animals shall be promptly picked up and shall be stored in a sealed, airtight container and said container shall be located out of public site and as far away from the neighbors as possible.

Moved by Hornung, seconded by Koski, to recommend Council grant a CUP under Sections 15.030 and 15.130(3)(j) of the Manitowoc Municipal Code to Amy and Martin Sheck d/b/a "Four Paws Pet Care" for conducting their business at 1718 S. 15th Street subject to compliance conditions. The motion carried by the following vote:

Aye: 8- Alderperson Brey, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

## V. REFERRALS FROM COMMON COUNCIL: None

## VI. OLD BUSINESS

15-593

PC 24-2014: Update Revision to Municipal Code Chapter 15.450 Sign Ordinance.

Mr. Sparacio stated that staff was having difficulty getting attendance for the sign stakeholder meetings but the new members added to the group have been in attendance and the sign code revision process is moving forward. Mr. Sparacio continued to state that an interesting outcome from the stakeholder meetings is that the group is very concerned with aesthetics and is leaning towards a sign code stressing community aesthetics and the image we portray especially along the Calumet Avenue corridor. It's anticipated that a draft will be presented to the Plan Commission in July depending on how the stakeholder meetings progress.

This item was discussed. No Action taken

## VII. NEW BUSINESS

15-594

PC 18-2015: Annual Review of Animated Signs pursuant to 15.450(18)(e) (7).

Mr. Braun began the discussion by stating in the new sign code the Plan Commission's annual review of animated signs will no longer exist, animated signs will be regulated entirely by the code. Mr. Braun stated that staff went to look at a vast majority of the animated signs but did not visit all the signs in the City and in general a majority of the signs are following the regulations. The item staff was looking for most was if the sign

*was showing off-premise messages, all the signs visited were not showing off-premise messages. A few signs were not holding the required 1 1/2 seconds but they were not flashing or not being a distraction for vehicles or neighbors. There have not been any complaints or issues brought to the staff's attention so in general the animated signs are in conformance with the code.*

**Moved by Diedrich, seconded by Koski, that the 2015 Annual Review of Animated Sign report be accepted. The motion carried by the following vote:**

**Aye:** 8 - Alderperson Brey, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner .

15-595

PC1-2015: Kent & Sara Keil : Quit Claim Deed - S. 35th Street.

*Mr Braun stated that the Keil quit claim deed is related to a certified survey that was previously approved by the Plan Commission and staff. The quit claim deed is for S. 35th Street and there are no issues with the deed.*

**Moved by Diedrich, seconded by Muenzenmeyer, to recommend that: (i) the Council approve and accept the Quit Claim Deed; and (ii) the Clerk subsequently record the document at the Register of Deeds. The motion carried by the following vote:**

**Aye:** 8 - Alderperson Brey, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

## VIII. MISCELLANEOUS

A. Manitowoc County Activities: None

B. Certified Survey Maps (CSM):

15-596

Manitowoc Shell, LLC NW ¼, NW ¼ Section 36, Township 19 North, Range 23 East, City of Manitowoc

This Certified Survey Map was discussed. No Action taken.

15-597

Hackmann, NW ¼, Section 25, Township 19 North, Range 23 East, Town of Cato

This Certified Survey Map was discussed. No Action taken.

C. Summary of Site Plans

15-598

SP 3 - 2015: Wisconsin Aluminum Foundry, 838 S. 16th Street, 20,900 sf building addition

This Site Plan was discussed. No Action taken.

15-599

SP 4-2015: Grey Iron Foundry, 2701 Division Street, 2,625sf addition

This Site Plan was discussed. No Action taken.

15-600

SP 5-2015: HME - Home Medical Equipment, new construction 3,600 sf building

This Site Plan was discussed. No Action taken.

D. 15-603 Director's Report

*Mr. Sparacio stated that the City of Manitowoc was the only city in the state to be awarded a \$400,000 EPA Area Wide Assessment grant. The monies are for phase I & II studies for any eligible site in the City and the monies are used for petroleum or hazardous substance sites.*

## IX. ADJOURNMENT

Moved by Brey, seconded by Steinbrenner, that this Meeting be adjourned at 7:24 PM. The motion carried by the following vote:

Aye: 8 - Alderperson Brey, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

Respectfully Submitted,

Paul Braun  
Secretary





# City of Manitowoc

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

## Meeting Minutes Plan Commission

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Wednesday, July 29, 2015

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 Justin Nickels at 6:31 PM

### II. ROLL CALL

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

**Absent:** 2 - Dave Diedrich and Daniel Hornung

Staff Present: Nic Sparacio, Paul Braun, Tyler Caulum, Heather Sohlden

Others Present: Steve Mann, Beverly Mann, Harold Beckman, Albert Sears, Paulette Sears, Kathleen Zutz, Dennis Zutz, Fran Beckman, John Thompson, Lee Suess, Audrey Suess, Joshua Wendt, Kerry Trask, Michelle LeClair-Schroeder, Phyllis Novy, Vic Novy, Laura Weber, Max Lory, Eric Sitikiewitz, Joshua Bower, Chad Victor Ackley, Jody Ackley

### III. APPROVAL OF MINUTES

15-772 Approval of the Minutes of the June 3rd, 2015 Meeting.

**Moved by Muenzenmeyer, seconded by Koski, that the Minutes of the June 3rd, 2015 Meeting be approved. The motion carried by the following vote:**

**Aye:** 6 - Alderperson Brey, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

### IV. PUBLIC HEARING

15-773 PC 20-2015: Project Plan Amendment - Tax Incremental District #15.

*Mr. Sparacio explained the proposed amendments to Tax Incremental Financing District 15. State statutes allow for the use of TIF funds for project costs within one half mile of the district boundary if such projects are identified in the Project Plan. Dewey Street and the related stormwater infrastructure are proposed for reconstruction in 2016, and a portion of the project is located in TID 15, and a portion is located outside of TID 15 but within one half mile of the district boundary. The proposed amendment to the project plan would allow for TIF funds from the district to contribute toward a portion of the project within one half mile of the district boundary. The required notices for this public hearing were published. Mayor Nickels opened the public hearing and called three times for public comments on this matter. There were no public comments. The hearing was closed:*

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

**V. PUBLIC INFORMATIONAL HEARING**15-774

PC 22-2015: TLC Homes Request for Conditional Use Permit for an Adaptive Reuse Pursuant to 15.150(3)k and 15.370(29) at 1004 N. 17th Street for an Adult Day Care Facility and Office Use.

*Mr. Braun read the following into the plan commission report:*

*Request is from Tim Frey, from TLC Homes., who is the prospective purchaser of the original Grace Evangelical Church and most recently a former CBRF operation. TLC Homes is requesting that the City issue an adaptive reuse Conditional Use Permit (CUP) for the creation of an Adult Day Services use and related office administration operations pursuant to Section 15.37(29) of the Manitowoc Municipal Code.*

*15.37(29) establishes procedures for the issuance of a CUP to encourage the adaptive reuse of buildings such as churches and schools, as well as historically significant buildings, buildings larger than 100,000 sq ft in area, and governmental buildings.*

*15.37(29) the Adaptive Reuse code section requires procedural compliance with Section 15.37(27) the Conditional Use Section of the Manitowoc Municipal Code.*

*Under the adaptive reuse CUP, the Commission and Council must determine if the proposed use:*

- A. Is reasonably necessary for the convenience and welfare of the public.*
- B. Is in harmony with the character of the surrounding area.*
- C. Will have a minimal effect or no effect on the surrounding property values.*
- D. The reuse of the building is made more difficult to the extent that the marketable value of such properties may be substantially diminished.*
- E. The adaptive reuse of a building furthers the promotion and conservation of the economic value of such buildings and thereby protects and improves the City's tax base.*

*The Commission and Council can affix conditions to the CUP to provide assurances that the proposed use will not have a negative impact on the surrounding area.*

*15.37(29) further authorizes reductions to off-street parking requirements and other zoning requirements so as to not render the reuse of a building under this section unfeasible.*

*The building is currently owned by Bank First National and TLC Homes has submitted an offer to purchase. The building is currently vacant with the previous owner being Anthony and Tammy Chimileski who used the building as their residence from approximately 2005 to 2014 as a residence. The Chimileski's ran Open Arms CBRF up until 2005. Prior to the Chimileski's ownership Louise Wagner owned the building and before her the building was the location of Grace Evangelical Church. The property address is 1004 N. 17th Street and is located at the northwest corner of N. 17th Street and Wisconsin Avenue and has 88 feet of frontage along N. 17th Street and 155.4' along Wisconsin Avenue and is roughly 0.342 acres.*

*In 1994 Debbie Plekan requested a change in zoning from R-4 Single and Two Family to B-1 Office – Residential for the operation of a photography studio and residence but the Plan Commission voted against the rezoning 4-3 and the zone change never occurred.*

*After the denial of the rezone in 1994 the Plan Commission approved an Exception to the 2,500 foot rule for the establishment of a CBRF which was in operation until 2005. There were multiple issues and concerns with the owners of the CBRF throughout its operation. The requester is not affiliated or associated with the previous Open Arms CBRF operation.*

*TLC Homes owns and operates 8 separate CBRF's located throughout the City with a total of 52 residents being provided for. TLC is proposing to develop a central Adult Day Services operation for their residents from the outlying CBRF locations in the City. The Day Services would serve up to 30 individuals at a single time and would generally operate Monday – Friday between 6am – 6pm. The primary hours of operation are from 8:30am – 3:30pm. Before 8:30am and after 3:30pm there would be minimal activity which could be 10 or less individuals served and 4 or less employees. The number of individuals served is consistent with Wisconsin Department of Health Services which covers minimal square footage per individual served.*

*The population served would be intellectually disabled, developmentally disabled adults and traumatically brain injured adults. The individuals will have activities such as crafts, artwork, entertainment such as movies, videos, fine motor skill activities, socialization activities, memory games, gardening, and walks; there will not be any type of packaging or assembly work done at the location.*

*In addition to the Adult Day Services TLC is proposing to locate their administrative offices at the site. The office would operate Monday – Friday from 8am – 5pm and up to 3 Saturdays per month from 7am – 3pm. The Monday – Friday operations would primarily be office space, interviewing and training for employees; Saturday use would primarily be training of employees. There would be 3 to 4 permanent office staff located at the location and they would physically be located in the basement of the building.*

*TLC is proposing to use their own small passenger vans which would drop individuals off on N. 17th Street, the vans would then park on Wisconsin Avenue or the current off-street parking lot which provides 3 spaces. Currently TLC uses 4 vehicles but it is anticipated at full capacity they would be using 6-7 vans.*

*At maximum the Adult Day Services would have up to 15 employees, and 30 individuals with 6 – 10 of the employees riding along on the vans that transport the individuals to the location from the outlying CBRFs. 5 – 9 employees would be responsible for their own transportation to the location. The site currently provides 3 off-street spaces off of N. 17th Street. The exact number of parking spaces is not very clear in the application but I'm estimating it around 15 to 20 spaces.*

*Currently Wisconsin Avenue and N. 17th Street have unrestricted parking on the streets. The right of way width for both streets is 60 feet which is relatively narrow, for example the City's subdivision ordinance requires 66 feet of width for new subdivisions. Wisconsin Avenue's curb to curb width is 33 feet and N. 17th Street's curb to curb width is 29 feet which is narrow especially in winter. North and south bound traffic on N. 17th Street have a yield sign but east / west traffic on Wisconsin Ave are unimpeded.*

*TLC proposed to lease parking spaces at Citizens Park for their employees. Family*

members, guardians or social workers would need to use on street parking. The Parks Committee met last night and took no action and placed the request on file; they were not interested in leasing any of the parking lot spaces at Citizens Park.

The operation does not need to be licensed by the State of Wisconsin. The property will be owned by Priority One Investments, LLC which is entirely owned by Tim Frey, Mr. Frey is also 100% owner of TLC Homes.

The interior alterations TLC is proposing includes the addition of two bathrooms, a new shower/bath, removal of interior ramp, removal of walls and other miscellaneous cosmetic improvements. The proposed exterior changes are repair the ADA ramp, roof, windows and miscellaneous improvements like paint and landscaping.

The property is currently zoned R-4 Single and Two Family with Single and Two Family residential in four directions. The surrounding land uses is residential in all four directions with the Citizen Park Aquatic Center and roller skating building located one block to the west. In the R-4 Single and Two Family District Adult Day Services and Adaptive Reuse uses are permitted after issuance of a Conditional Use Permit.

Notices were mailed to property owners within 200' of the subject property on July 22, 2015 and the following comments or questions were received:

Stephen Mann, 1013 N. 17th Street came into the office and stated that he is opposed to the proposal and that the use does not fit into the neighborhood setting. He also stated that the use will have a negative effect on the property values. There will be a lot of traffic generated by the operation and there are a lot of kids in the neighborhood.

Kristy Kreie, 1022 N. 17th Street sent an email voicing her opposition to the proposal. Her concern is that the neighborhood is residential and very quiet and the proposed use would be more of a business. She is concerned with property values, traffic and lack of off-street parking.

Mr Braun noted that a mailing list of the neighbors was provided to Mr. Frey but he isn't aware if Mr. Frey has had any contact with the neighbors prior to tonight's meeting.

In closing, Mr. Braun noted that the General Land Use Policy in the City's 2009 Comprehensive Plan listed under "policies and programs" in this district is to "encourage the adaptive reuse of vacant and/or underutilized buildings and properties."

Mr. Braun then stated some of his general concerns with the proposal. The concept of the use is a good adaptive reuse but a concern is the intensity of the number of employees and individuals using the property with no available adjacent off street parking. The narrow 60' right of ways (29' curb to curb on North 17th Street and 33' curb to curb on Wisconsin Avenue) create unsafe vehicular and pedestrian conditions which would be magnified in the winter; the proposed use and associated vehicular demands would create unsafe conditions. The traffic generated and long hours and days of operation are not very conducive and compatible with the neighborhood setting.

Mayor Nickels asked for the staff recommendation.

Staff recommended denial of the application based on Adaptive Reuse and Conditional Use Permit criteria as mentioned in the code.

Under the adaptive reuse CUP, the Commission and Council must determine if the proposed use:

- A. Is reasonably necessary for the convenience and welfare of the public.

- B. *Is in harmony with the character of the surrounding area.*
- C. *Will have a minimal effect or no effect on the surrounding property values.*
- D. *The reuse of the building is made more difficult to the extent that the marketable value of such properties may be substantially diminished.*
- E. *The adaptive reuse of a building furthers the promotion and conservation of the economic value of such buildings and thereby protects and improves the City's tax base.*

*Planning staff recommends denial of application for an Adaptive Reuse Conditional Use Permit because of the lack of permanent off street parking to support the proposed use, the additional traffic and congestion on the narrow road ways, the density of the use with the number of permanent employees and individuals being served, and the length of the proposed businesses hours and days of operation create unsafe conditions. The Planning Department goes on record stating that the listed concerns are not in harmony and character of the surrounding area and that there will be a negative effect on the surrounding neighbors; staff also believes other non-residential locations in the City are more appropriate for the business type intensity of the proposed uses.*

*Mayor Nickels opened the discussion up to the Plan Commission.*

*Mr. Frey asked why a previously used "exception of the 2,500 foot" rule applied to the CBRF but not to the proposed Adult Day Services. Mr. Braun stated that the 2,500 foot rule does not apply to Adult Daycare Services and further elaborated on the difference between CBRF and an Adult Day service. Mr. Steinbrenner inquired about the staff's understanding of the need for an Adult Day Service in the City of Manitowoc. Mr. Braun claimed he was unsure of the need for such a service in the city, however Mr. Frey mentioned in the application that there were not Adult Day Services available for his CBRFs. It was made more clear that this particular Adult Day Service is made only for Mr. Frey's CBRFs. Mr. Koski stated that there could be moderate amounts of traffic caused by the business throughout the day, rather than just dropping off in the morning and picking up in the evening.*

*Mayor Nickels closed discussion to the Plan Commission.*

*Mayor Nickels opened discussion to the Public.*

*Beverly Mann, 1013 N 17th Street (across the street from the property): Stated her expertise as a registered nurse and having dealt with perspective clients for over 40 years. She agrees there needs to be adult daycare, but that someone is already hosting it at the old vocational school. Mrs. Mann thinks that 30 people in such a small area would be an injustice to the senior citizens on account of over crowding. Mrs. Mann is also concerned with the property values going down on account of the proposed business. She feels there is better uses for the building and does not care if the bank has to sit with the building. According to Mrs. Mann, the building has been used for adult services, but had a much smaller client base (4-6 clients). Overall she thinks the project is a poor plan.*

*Maxwell Long, 1036 N 17th Street: Mr. Long started by mentioning his credentials as an operator of two homes servicing adults with disabilities. He also talked about his doctorate in which he is minoring in special education. He agrees there is a need for adult services in the community, however to have 30 individuals with developmental*

disabilities in a place so small concerns him. Mr. Long continues by stating his concern for the safety of individuals in the neighborhood on account of the transportation vans that will be parking around the neighborhood.

Rachel George, 1026 N 17th Street: Mrs. George's main concern comes as a parent of a 7.5 and a 5.5 year old and she feels the proposed use would add on to the concerns she has with the neighborhood. The increased traffic on 17th is what bothers her the most because there is already so much traffic on 17th street when people try to "beat the light" on 18th. Mrs. George also raised the concern of adding a spot zone to the community. She is worried if spot zoning is accepted for one house then the banks will feel like spot zoning can be utilized for other houses they own in the area.

Harold Beckman, 1019 N 17th Street: Mr. Beckmans main concern is also about increased traffic on the street on account of all the children in the neighborhood.

Albert Sears, 1021 N 17th Street: Strongly opposed to the proposal. Claims there is no evidence that the facility is needed. Research will find there is plenty of other facilities in the town already providing these services. Another concern Mr. Sears had is about the lack of parking available as there is already lots of parking taking place on the street.

Mayor Nickels closes public input.

A move to deny was presented by Alderman Brey and seconded by Steinbrenner.

Mayor Nickels opened discussion on the motion.

Mr. Brey states though he is motioning to deny, he does recognize there is a need for this type of facility in the Manitowoc Community. Unfortunately the proposed use is not conducive to the neighborhood on account of the higher volumes of traffic in the area. Mr. Steinbrenner backs his second by explaining the nuisance is coming to the citizens, the citizens are not going to the nuisance.

**Moved by Brey, seconded by Steinbrenner, to deny issuing a CUP to TLC Homes, Inc. based on the findings that the proposed uses i) are not reasonably necessary for the convenience and welfare of the public, ii) are not in harmony with the character of the surrounding area, and iii) will not have a minimal effect or no effect on the surrounding property values. The motion carried by the following vote:**

**Aye:** 6 - Alderperson Brey, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dornier

## VI. REFERRALS FROM COMMON COUNCIL: None

## VII. OLD BUSINESS

15-775

PC 24-2014: Update Revision to Municipal Code Chapter 15.450 Sign Ordinance.

Mr. Sparacio provided an update on the Sign Code revision project. All comments of the Citizen Stakeholder Committee and staff have been provided to the consultant for inclusion in a revised draft of the code. Once the revised draft is received, the next Stakeholder Committee meeting will be set.

**This Item was tabled. No Action taken.**

**VIII. NEW BUSINESS**15-776

PC 25-2014: Annual Review of Ramirez Auto Repair and Towing's Conditional Use Permit for the Wrecker Service at 1545 S. 41st Street.

*Mr. Braun began the discussion by stating the Conditional Use Permit (CUP) was required because the towing service is in a B-3 zone. An auto-service is an allowed permitted use, however the towing/wrecker service requires a CUP. The owner has made incremental steps, he just moved to that location and the general site appearance has improved. After talking to him in the field it is clear he is trying to bring the site up to code as money becomes available.*

*Since last year, he brought in gravel beyond the city's knowledge and started parking cars on the gravel. Since then he has blacktopped portions of the gravel and has taken care of some of the landscaping, however parts of the lot are still gravel and being parked on. Mr. Ramirez seal coated the lot and painted his own lot lines, however in doing so he placed a stall in the ROW. To rectify the mistake Mr. Ramirez will simply have to paint over the misplaced parking stall.*

*Mr. Steinbrenner asked Mr. Braun what may be the problem if no citizens have complained and Mr. Ramirez is making steps in the right direction. Mr. Braun responded in saying that the steps are a little slower than generally permitted. Mr. Braun suggested a renewal of the CUP, and to send a letter to Mr. Ramirez encouraging him to speed up with the enhancements in the lot.*

*Mr. Braun's recommendation is a continuation of the CUP for the towing operation and waiving the annual review. Conditions are still in effect and can be reviewed at any time. No parking spaces or storage of material in R.O.W. or parking vehicles on the gravel will be allowed.*

**Moved by Brey, seconded by Muenzenmeyer, that the Council renew the 2014 CUP for 2015 with an annual review at the July, 2016 Plan Commission meeting. The motion carried by the following vote:**

**Aye:** 6 - Alderperson Brey, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

15-777

PC 49-2010: Saunders Review of Special Permit for a Parking Lot in a Residential District.

*Mr. Braun opened the discussion by explaining some history on the CUP. You can extend a parking lot 150' into a Residential District if it is adjacent to a business use. This lot was formerly a rundown house, which was purchased and razed by the Saunders the lot then was turned into a parking lot to serve the adjacent business. Since 2010 the Saunders have made incremental steps to improve the lot up to code (landscaping, graveled, concrete approach). Last year a letter was sent to the Saunders detailing that the lot improvements were not completed and that a citation would be sent if the lot was not brought up to code.*

*Mr. Braun commented on an email submitted prior to the Plan Commission by Mr. Saunders stated "To let you know, we have started the parking lot, as of right now we have had half of the lot blacktopped and the remainder will be completed in two months." Mayor Nickels asked what would happen were the city to deny the approval, to which Mr. Braun responded the council would have to decide if they wanted to issue citations. Mayor Nickels suggested that if the Saunders said in writing they will have it complete in*

two months the commission will extend the CUP for two months and if it is not completed by then they will issue citations and block off the lot. Mr. Brey agreed with the mayor, stating the commission wants to work with people and encourage development, but this has been a problem for too long.

Mr. Steinbrenner made a point that the original CUP stated completing construction including landscaping of the lot was due in 2011. He stated the City has accommodated for too long and a two month time period is gracious of the city.

**Moved by Brey, seconded by Dorner, to recommend that the Council: (i) Extend permit to Sept. 30th, 2015. (ii) If upgrades are not made to the parking lot to appease the code a citation will be sent after September 30th. The motion carried by the following vote:**

**Aye:** 6 - Alderperson Brey, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

15-778

PC 23-2015: Sign Me Up, Request for a Non-Animated Billboard at 1320 Washington Street - Novak's Service Center.

Mr. Braun opened with the location of the proposed sign. The property is located on the NE corner of Washington Street and S 14th Street and the sign is located at the SE corner of the lot. The sign is going to be pole mounted and face to the west. Mr. Braun summarized the regulations for off-premise signs.

- A. In this zoning district there is a maximum of 2 off premise billboards allowed that cannot be within 150' of a residential zoning district.
- B. Does not face a residence that is adjacent to the billboard.
- C. Does not exceed a total area of 500 Sq Ft, this is going to be 288 Sq Ft.
- D. Cannot be within 1000' of an existing off premise sign on the same side of the street.
- E. Does not obstruct or obscure line of sight of traffic.
- F. Stacking of billboard signs is prohibited.

The maximum height of a billboard is 35', the proposed overall sign height is 33'. The under clearance is estimated to be about 23'. The proposed sign is 24' by 12', single faced, facing west. The distance to the nearest traffic signal is 140', distance to Residential Zoning line is 180' to the south.

The landscaping required for a billboard in the sign code is 2 times the square footage of the sign area equaling 576 Sq Ft. The applicant requested a "payment in lieu of landscaping" in the amount of \$1000 to the "park board". Mr. Steinbrenner stated the accepting of payment in lieu of the landscaping requirements is not common practice of the Commission.

Mr. Braun recommended approval of the request, but not to accept the cash payment in lieu of landscaping, and require the owner and sign contractor to complete the landscaping to code.

Mr. Steinbrenner asked why would they not want to landscape?

Mayor Nickels suggested it was because it is paved parking lot and would be expensive to landscape.

Mr. Koski suggested they put some plants underneath the sign in a planter box.

Mr. Muenzenmeyer requested that staff confirm whether the sign is in an easement prior to beginning the landscaping.



**Moved by Brey, seconded by Steinbrenner, that the Council: (i) approve the construction of the off-premise billboard and (ii) deny the payment in lieu of landscaping so that Novak's Service Center is responsible for completing the landscaping per the sign ordinance. The motion carried by the following vote:**

**Aye:** 6 - Alderperson Brey, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

15-779

**PC 24-2015: Cenex Convenience Store, Request for an Animated Sign at 311 N. Rapids Road.**

*Mr. Braun stated the request was for a 2' by 5' animated sign on an existing sign structure; replacing an existing manual reader board. The actual overall sign square footage on the property would be reduced.*

*Mr. Braun explained that there are two issues. First is the separation distance of at least 100' from an intersection, however the commission has the right to waive the 100' separation. The code also requires 100' line of sight separation from a residential district; right across the street is the R-4 district, but the animated sign cannot be read at that 100' point from the sign but the distance from the point where the sign can be read at the residential zoning line is approximately 118 feet.*

*Mr. Braun's recommendation is to approve the proposal and waive the 100' distance from an intersection restriction as well as the 100' sight distance from a residential zone restriction. The property will have less total sign area with the new sign as proposed.*

*Mayor Nickels noted the commission has done something like this in the past.*

*Mr. Muenzenmeyer made a point that another reason the 100' separation rule is in place is because animated signs make noise. He does not think a sign of this size will generate enough noise or light to bother local residents.*

**Moved by Dorner, seconded by Brey, that the Plan Commission grant a special permit per Section 15.450(18)e to allow for the erection of fixed animated signs; and inform the Council that a special permit authorizing the animated sign was approved for the business at 311 N. Rapids Road. The motion carried by the following vote:**

**Aye:** 6 - Alderperson Brey, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

15-780

**PC 25-2015: John Thompson, Placement of fill in a P-1 Conservancy District off of Menasha Avenue, pursuant to 15.070(4)a.**

*The Commission moved this topic ahead in the meeting because the requester, John Thompson was present.*

*Mr. Braun stated the reason this topic was brought to the Commission was because the placement of fill in a P-1 Conservancy has to be approved by the Commission.*

*Mr. Braun stated he would recommend allowing the driveway to be installed and fill be placed in the P-1 Conservancy District.*

*Mayor Nickels opened discussion to the commission.*

*Mr. Muenzenmeyer asked for more recent wetland delineation than what was provided from 1994. Mr. Thompson, the requester, was able to provide an updated wetland map.*

*Mr. Thompson stated all the land where they are planning on installing the driveway has an elevation higher than Menasha Avenue, when you get to north end of the area in question its approximately 6.5 ft. above the wetland. Mr. Braun stated that the proposal is consistent with a 2004 concept plan that SMI created for Tony Butala who was the previous owner.*

*Mr. Koski stated Public Works is planning on a ditching project through the center of Mr. Thompson's property.*

*Mr. Muenzenmeyer asked if the drainage of the lots to the west of the driveway flow eastward, Mr. Thompson said the drainage does flow easterly, Mr. Muenzenmeyer asked if the proposed project is going to effect that flow to which Mr. Thompson claims it is not. Mr. Muenzenmeyer stated his concern for adding drainage onto the surrounding properties.*

*Mr. Thompson said the neighbors currently have standing water in their back yard and that problem is going to be alleviated after this project. The first part of the plan is to get permission to place fill in a P-1 zone. Mr. Thompson stated that the elevation of the driveway will not change but he has to remove the old ground and replace with the proper base and then black top.*

*Mr. Koski asked what the final elevation of the driveway is going to be compared to the current elevation. Mr. Thompson said it's going to be the same as it is now. Mr. Muenzenmeyer asked if they can request that certified elevations be provided to the City. Mr. Thompson stated that he will have SMI prepare the proper plans to address any drainage concerns.*

**Moved by Muenzenmeyer, seconded by Koski, that the Council approve the placement of fill in the P-1 Conservancy District, Pursuant to Section 15.070(4)a of the Municipal Code, with the condition that the owner, prior to filling the area, provide certification by a licensed Engineer or Surveyor showing that all drainage issues would be addressed to prevent the flooding or draining of water onto neighboring properties; said drainage plan shall be approved by the Department of Community Development prior to any placement of fill. The motion carried by the following vote:**

**Aye:** 6 - Alderperson Brey, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dornier

15-781

**PC 1-2015: Kaysun Corporation, 5500 West Drive Request for a Release of Easement.**

*Mr. Braun opened by saying they are going to remove the request from the agenda. Through the site plan process for Kaysun's building the comments came in that MPU AT&T are fine with having the electrical and phone lines below the slab, there is no action to be taken because the easement will remain in place.*

**Moved by Muenzenmeyer, seconded by Koski, that the Council take no action on the release of easement request and place said request on file. The motion carried by the following vote:**

**Aye:** 6 - Alderperson Brey, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dornier

15-782

**PC 1-2015: Abbey Ridge LLC: Quit Claim Deed - Ebony Avenue.**

*Mr. Braun stated that the quit claim deed is for a 1.29 acre area which is to be dedicated*

by Abbey Ridge LLC for the Ebony Avenue right of way.

Mayor Nickels opened discussion to the Commission.

Mr. Koski asked why Mr. Lukas has to do it as an LLC and an individual. To which Mr. Braun responded by saying Mr. Lukas personally owns some of the land and another part of the land is owned by the LLC which Mr. Lukas is a member of.

**Moved by Brey, seconded by Dorner, that (i) the Council approve and accept the Quit Claim Deed and (ii) the Clerk subsequently record the document at the Register of Deeds. The motion carried by the following vote:**

**Aye:** 6 - Alderperson Brey, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

15-783

PC 1-2015: John Lukas: Quit Claim Deed - Ebony Avenue.

Mr. Braun stated that the quit claim deed from John Lukas is for the dedication of 0.009 acres of land for the Ebony Avenue right of way. The piece is a small triangular shape and cleans up some dedication issues in the area.

Mayor Nickels opened discussion to the Commission. There was none, the motion was passed unanimously.

**Moved by Steinbrenner, seconded by Koski, that (i) the Council approve and accept the Quit Claim Deed and (ii) the Clerk subsequently record the document at the Register of Deeds. The motion carried by the following vote:**

**Aye:** 6 - Alderperson Brey, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

15-784

PC 21-2015 Manitowoc County Tax Foreclosure Properties.

Mr. Braun stated that the City gets a list of foreclosure properties annually from the County and that the Commission reviews the properties to consider whether the City has an interest in acquiring any of them. Community Development staff have reviewed the current list of foreclosure properties, and did not find any parcels in which the City would have an interest in.

Mr. Muenzenmeyer brought up a property on Park Street that is near the Rahr West Art Museum that he thinks the Museum Board might have an interest in. Mayor Nickels said he would pass it along to the Museum Board.

**Moved by Brey, seconded by Nickels, that the communication from Manitowoc County be placed on file, with no further action taken. The motion carried by the following vote:**

**Aye:** 6 - Alderperson Brey, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

15-785

PC 1-2015: Willow Spruce Trust: Request for Release of Easement at 2211 N. 8th Street.

Mr. Braun stated that this is a request from the property owner's surveyor - Bruce Robley. There is cable television and electric running through the back 3rd of the property in an existing easement that the surveyor did not anticipate. As of right now the surveyor hasn't gotten back to the property owner to find out if they want to pay to relocate the utilities or simply keep the easement in its current location. The property owner is planning on splitting the property to sell the house and vacant lot and the easement issue came to light.

**This Item was tabled until the August Plan Commission meeting . No Action taken.**

15-806

PC 20-2015. Discussion and Possible Action on Project Plan Amendment - Tax Incremental District # 15 and adoption of resolution.

*Mayor Nickels further explained that legally the City can go a half mile out of the current TIF District. When TIF Districts are finalized, the City is allowed to amend the final plan. This amendment would cover 40% of the street reconstruction, the City would still fund the other 60%.*

*Mr. Brey asked how the City handles assessments. To which Mr. Koski thought the City might not be able to assess the property because it would essentially be double dipping on the assessment. There is a request to have a more certain answer before the Council Meeting.*

*Mayor Nickels stated that with this amendment the TID still could close out in 2018, as projected when the TID was being created.*

**Moved by Muenzenmeyer, seconded by Koski, that the Commission unanimously approved the amendments to the Project Plan for Tax Incremental Financing District No. 15 and the resolution recommending adoption of the amendments to the Common Council. The motion carried by the following vote:**

**Aye:** 6 - Alderperson Brey, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

15-786

PC 19-2015: Discussion and Possible Action on Creation of Tax Incremental District #18.

*Mr. Sparacio described the proposed Tax Incremental District in the area of the former Mid-Cities/Lakeview Center Mall and the former Elks Club. It also includes the office complex south of Waldo Blvd. and Memorial Dr. The plan will include a number of anticipated public works and improvement projects and project future development types and values. The mall demolition is underway, but there are no development commitments in place currently. Therefore, the general strategy for the district will be pay-as-you-go. Unless there are truly catalytic public improvements that are needed to facilitate a committed development project, this district should not utilize debt to fund projects. The area is consistent with the Comprehensive Plan as a future mixed-use redevelopment area.*

*Mayor Nickels stated that the timing for this TIF district is important, because of Red Arrow Products' potential plans to construct their new corporate headquarters in the area. If the district is in place before they construct, the additional property value will be captured and can help fund infrastructure improvements.*

*The Commission discussed how Tax Incremental Financing works. The purpose of TIF is to serve as a catalyst to create additional development and tax base that would not otherwise take place. The Commission discussed the potential boundary and which properties should be included. The former hospital on Reed Avenue is not included. Mr. Sparacio explained that this item is informational at the present time, and will come back to the Plan Commission for formal action at a later date.*

**Moved by Brey, seconded by Dorner, that the Commission unanimously recommends to Council that staff is authorized to proceed with creation of TID 18. The motion carried by the following vote:**

**Aye:** 6 - Alderperson Brey, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

**IX. MISCELLANEOUS**

A. Manitowoc County Activities: None

B. Certified Survey Maps (CSM):

15-787 PH Manitowoc, LLC SW ¼, NE ¼ and NW 1/4, SE ¼ Section 35,  
Township 19 North, Range 23 East, City of Manitowoc.

**This Certified Survey Map was discussed. No Action taken.**

C. Summary of Site Plans

15-788 SP 6- 2015: MTM, 4330 Expo Drive - 20,000 sf building addition.

**This Site Plan was discussed. No Action taken.**

15-789 SP 7-2015: Kaysun Corporation - 31,000 sf building.

**This Site Plan was discussed. No Action taken.**

D. Director's Report

*Mr. Sparacio provided a Director's Report to the Commission via email. There were no questions on the Director's Report.*

**X. ADJOURNMENT**

**Moved by Steinbrenner, seconded by Brey, that this Meeting be adjourned at 7:44 PM. The motion carried by the following vote:**

**Aye:** 6 - Alderperson Brey, Mayor Nickels, Koski, Muenzenmeyer, Steinbrenner and Dorner

Respectfully Submitted,



Paul Braun  
Secretary