



City of Manitowoc

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

Meeting Minutes Plan Commission

Wednesday, October 8, 2014

6:30 PM

Council Chambers

I. CALL TO ORDER

The meeting of the City Plan Commission was called to order by Chairman Justin Nickels at 6:30 pm.

II. ROLL CALL

Present: 8 - Steven Alpert, Dave Diedrich, Daniel Hornung, Mayor Nickels, Dan Koski, Jim Muenzenmeyer, Jim Brey and Dennis Steinbrenner

Staff Present: Paul Braun

Others Present: Kent Keil, Sara Keil, Guillermo Ramierz, Martina Enriquez, Brian Matthies, Karen Blish, Dennis Kummer, Gregg Kadow, Jeff DeZeeuw

III. APPROVAL OF MINUTES

[14-2026](#) Approval of the Minutes of the September 3, 2014 Meeting.

Moved by Diedrich, seconded by Koski, that the Minutes of the September 3, 2014 meeting be approved. The motion carried by the following vote:

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

IV. PUBLIC INFORMATIONAL HEARINGS

[14-2027](#) PC25-2014: Ramirez Auto Repair & Towing; Request for a Conditional Use Permit (CUP) Under Section 15.310(3)c. for the Operation of a Wrecker Service in a C-1 Commercial District at 1545 S.41st Street.

Mr. Braun read the following background information into the record.

1. *Request is from husband and wife Guillermo Ramirez Balbuena and Martina Guzman, d.b.a. Ramirez Auto and Towing at 1545 S. 41st Street. They are requesting that the City grant a Conditional Use Permit (CUP) under Section 15.310(3)c to operate a wrecker service business as a conditional use in a C-1 Commercial Zoning District.*

2. *Under a 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.*

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.

- 3. The subject parcel is described as Tract 2 of a certified survey recorded in Volume 29, Page 183. The Tract is .52 acres and has a frontage along S. 41st Street of 138 feet more or less with an average depth of 163 feet. The parcel includes a 3,000 sf single story building constructed in 1988 that measures 75' wide x 40' deep.*
- 4. The property was purchased by the current owners on February 5th, 2014 from United One Credit Union. The building was originally constructed for Morris-Franz Electric and prior to Ramirez Auto Service purchasing the building it was home to Manitowoc Auto MD auto repair and Manitowoc Shell, LLC.*
- 5. The parcel has an estimated fair market value of \$169,000 according to the City Assessor records and generates approximately \$3,514 of taxes annually.*
- 6. Surrounding land uses are: Commercial, industrial and medical with the surrounding zoning being "C-1" Commercial to the northeast and southeast, "I-1" Light Industrial to the northwest and "B-3" General Business to the southwest.*
- 7. The subject parcel is zoned C-1 Commercial, which allows Motor Vehicle Service Shops but requires the issuance of a Conditional Use Permit for Wrecker Services.*
- 8. Section 15.030 of the City's code defines a "wrecker service" as a business providing towing and temporary storage of disabled vehicles, typically the result of a collision or accident. Wrecked or inoperable vehicles must be removed from temporary storage after 5 days and placed into an enclosed building, taken to a junk yard, or to a body shop for repair.*
- 9. Currently vehicles, semi-trailers, tires and miscellaneous items are located on the site. Some of the vehicles are parked on the grass. There are grass areas but no landscaping such as trees or shrubs present on the site. There is also no site screening present. Building Inspection has a complaint on file with the complainant voicing their concern over the general junk that is present and that a smashed vehicle is on the property.*
- 10. Regarding tonight's meeting, notices detailing tonight's informational hearing were mailed from our office on October 1st to property owners within 200' of the subject property.*
- 11. I received a phone call from Jane Curran-Mueli; Chief Operating Officer for Holy Family Hospital. She is not opposed to the CUP but wants to make sure that automobiles and other items are not scattered around the lot and are either fixed or removed from the site in a timely manner because that reflects on the condition of the entire area. She talked with the owner and stated that if there are any concerns that Mr. Ramirez has he should contact her. She mentioned that Mr. Ramirez stated that he plans on constructing a fence to house impound cars but that is a future project.*
- 12. The property is identified as "general business" in the City's 1999 comprehensive plan land use map so the consideration of the a CUP for the proposed use is consistent with the City's plan.*

Mr. Braun concluded his presentation and Mayor Nickels opened the discussion up to the Commission.

Mr. Brey commented why a business is operating but doesn't have a CUP; it seems that

there have been other instances where a business is operating without a CUP or the proper zoning. He also stated that the bank or realtors should somehow be made aware that some uses may need a CUP or zone change to operate. Mr. Braun commented that some other communities may issue a business license and the idea was raised internally a few years ago but the idea never materialized. In that scenario, there still is the chance that someone buys a building and doesn't realize a business license is needed.

Mr. Muenzenmeyer stated that in some cases the first time Building Inspection is aware of the change of use is when the new owner applies for a sign permit.

Mayor Nickels opened the meeting up to public input; there was no input given by the public. Mayor Nickels asked Mr. Braun to read the recommendation.

Recommendation to Council: Plan Commission recommends to the Council issuance of a Conditional Use Permit pursuant to Section 15.310(3)c to permit the establishment of a wrecker service in a "C-1" Commercial Zoning District pursuant to conditions attached.

Mr. Brey asked if the conditions were similar to the wrecker service that was located at N. 8th Street and Huron Street. Mr. Braun stated that yes the Ramirez CUP conditions were based off of the wrecker service at 8th and Huron.

Mr. Diedrich stated that the Commission should reevaluate the definition of wrecker service regarding the 5 day time period that vehicles can be on site before they have to be moved in doors or to a salvage yard. The 5 day time period seems too restrictive because in some cases the vehicle may need to be held longer for insurance or police investigative reasons.

Moved by Hornung, seconded by Brey, that this item be recommended for approval to the Common Council. The motion carried by the following vote:

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

[14-2028](#)

PC23-2014: Keil; Request Amendment to the Official Map pursuant to Wis. Stat. § 62.23(6); S. 36th Street south of Division Street.

Mr. Braun read the following background information to the Commission.

1. Tonight's public hearing is in response to a request from Kent and Sara Keil who currently live at 1517 S. 36th Street which is 5 lots to the north of the subject area.
2. The specific request is for a proposed amendment to the City's Official Map pursuant to Wis. Stat. § 62.23 (6)(c). The impacted areas are located at the South ends of S. 36th and 37th Streets directly north of the Manitowoc Public School District's soccer fields which is approximately between Grand Avenue extended and Division Street.
3. The Keil's recently purchased the two vacant lots that are at the southeast end of S. 36th Street and are impacted by the existing Official Map cul-de-sac. The cul-de-sac is off-set to the east side of S. 36th Street.
4. The Keil's will be selling a 20' strip along the north line of the vacant lots to their neighbor at 1533 S. 36th Street. They are then planning on constructing a new residence but the new house will be located in the 25' front yard setback from the Official Map. In order to construct their new residence the Official Map cul-de-sac will

need to be removed.

5. *A similar official map cul de sac is located at the end of S. 37th Street which encroaches on an existing residence located at 1546 S. 37th Street. The Keil's request only asked for removal of the Official Map Street on S 36th Street but staff expanded the official map change to S. 37th Street. In addition to the Keils, there are 3 other property owners affected by the Official Map changes (Manitowoc Public School District, Karen Blish and Dave Braun).*

6. *The current cul de sac Official Map pattern in this area dates back to at least 1973.*

7. *There is an existing dedicated but unimproved east – west right of way that connects South 36th & 37th Streets and runs through the School District property. This right of way was on the official map as far back as 1965.*

8. *I emailed Jeff Schulz from the School District twice and also left him a voice message but I haven't heard back from him; but when I talked with him back in May when the Plan Commission discussed the Keil's proposed Certified Survey; he didn't have an opinion if the Official Map cul-de-sac remained or was removed. He just didn't want the east/west right of way improved.*

9. *Assuming the Official Map street pattern is removed the Keil's will then finalize the Certified Survey Map and not show the cul de sac pattern on the survey map.*

Mr. Braun concluded his presentation and Mr. Nickels asked the Commission if they had any questions, there were no questions. Mayor Nickels opened the meeting up for public input. There was no input from the public.

Mr. Braun read the following: Recommend to the Plan Commission the final approval of the Official Map Changes as shown on the map and instruct the Clerk to call for a public hearing in front of the Common Council as required under Wis. Stat. §62.23(6)(c). The Public Hearing in front of the Council will be on Monday November 17.

Moved by Diedrich, seconded by Muenzenmeyer, that this item be recommended for approval to the Common Council. The motion carried by the following vote:

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

V. REFERRALS FROM COMMON COUNCIL - None.

VI. OLD BUSINESS

[14-1766](#)

Discussion regarding Comprehensive Plan Review.

This Report was tabled. No discussion.

VII. NEW BUSINESS

[14-2029](#)

PC 26-2014: Sale of City Property in the I-TEC / I-43 Industrial Park to Americollect.

Mr. Braun presented the background information related to Only C Good, LLC doing business as Americollect. Americollect's original building was 8,400 sf, the first addition was 9,472 sf and the proposed expansion is 19,000 sf. To accomodate the building expansion and related parking lot Americollect is requesting to purchase 3.00 acres

from the City. The 3 acre parcel would be directly east of the existing lot.

Mayor Nickels stated that the Industrial Development Corporation has already given their approval for the lot split. Mr Braun mentioned that he would like to have the Plan Commission go on record supporting the land sale and the certified survey map. Mr. Hornung questioned the north/south running street pattern that is shown on the concept map that was in the handout materials and wondered if the street needed to be removed from the Official Map. Mr. Braun stated that the street pattern is not on the Official Map and is simply a conceptual street that came from the I-43 Industrial Park Master Plan Study.

The Commission didn't need to take any official action but Mr. Braun said he would forward a Plan Commission report to Council indicating the Commission's support of the lot split and land sale.

This Report was discussed. No action taken.

14-2030

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

Mr. Braun provided an update regarding the on-going sign ordinance revision. Jim Muenzenmeyer, Lisa Mueller, Dennis Steinbrenner, Rick Schwarz and the Mayor have met on multiple occasions to begin the process of changing the existing sign ordinance. Mike Slavney from Vandewalle and Associates was contacted to help guide the process for the City. Vandewalle provided a model ordinance that has been used in some other communities in the state. Vandewalle is familiar with the City because they prepared the 2009 Comprehensive Plan for the City. Jim Muenzenmeyer has offered to lead the project due to his past experience and knowledge of the Sign Ordinance. When the proposed changes get more into a draft status it will then be discussed with the Plan Commission. At present staff is comparing the model ordinance with the existing code.

This Report was discussed. No action taken.

VIII. MISCELLANEOUS

A. Manitowoc County Activities:

14-2031

Discussion of Potential Rezoning on a portion of the Expo Grounds.

Mr. Braun informed the Commission that he had a discussion earlier in the day with Gerry Neuser from the County and based on that conversation the County decided to not move forward with the discussion at this time. Mr. Braun explained to the Commission that the County's original idea was to rezone a small triangular shaped piece of land where the existing baseball fields are located. The County was investigating the possibility of the zone change to either C-1, I-1 or I-2 to allow the potential placement of an animated billboard which would enable them to generate some revenues for the Expo facility.

Mr. Braun explained that he found some sign guidelines off of the Wisconsin D.O.T.'s website; the guidelines explain the criteria that must be met before a sign can be located next to the interstate. To place a sign adjacent to the interstate the following must occur: a.) the land must have been within the corporate boundary of a city or village on or before September 1, 1959 and today zoned commercial or industrial OR b.) the land must have been zoned commercial or industrial on or before September 1, 1959 and is still similarly zoned. Mr. Braun informed the Commission that the County will do some additional research on the issue. No action was taken by the Commission the discussion was informal.

This County Activity was discussed. No action taken.

B. Certified Survey Maps (CSM):

[14-2032](#) Americollect / Only C Good; CSM in the SW ¼ NW 1/4, Section 34, T19N, R23E, City of Manitowoc.

C. Summary of Site Plans

[14-2033](#) SP 12-2014: Scott's Custom Body, 414 N 41st Street - Building Addition (approved).

This Site Plan was discussed. No action taken.

[14-2034](#) SP 13-2014: Hietpas Mini Storage, 909 S 29th Street - Mini Storage (approved).

This Site Plan was discussed. No action taken.

[14-2035](#) SP 14-2014: Americollect, 1851 S Alverno Road - Building Addition (approved).

This Site Plan was discussed. No action taken.

[14-2036](#) SP 15-2014: Manitowoc County, 1010 S 8th Street - Parking Lot (approved).

This Site Plan was discussed. No action taken.

[14-2037](#) SP 16-2014: TLC Homes / Tim Frey, 2233 Cappaert Road - 8 Bed CBRF (approved).

This Site Plan was discussed. No action taken.

[14-2038](#) SP 17-2014: PH Manitowoc LLC, 4530 Calumet Avenue - Retail Building Phase II (pending).

This Site Plan was discussed. No action taken.

IX. ADJOURNMENT

The meeting adjourned at 7:15 pm.

Respectfully Submitted,

Paul Braun
Interim Secretary