



# City of Manitowoc

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

## Meeting Minutes

### Plan Commission

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Wednesday, March 23, 2016

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 6:02 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: Joshua Andreini, Erin Schultz, Ann Stockman, Barb Katz, Donna Bruns, Dan Below, Pat Shaw, Christopher Shaw, Anne Schuette, Elizabeth Becker, Tyler Martell, Wendy Smith, Tania Hale, Gary Drohman, Maxine Wachholz, Dan Wachholz, Sister Anne Turba, Sister Julie Ann Sheehan, Sister Linda Braunes, Katelyn Sandfort, Martin Nielson, Heather Krueger, Colleen Homb, Steve and Bev Mann

#### III. APPROVAL OF MINUTES

[16-218](#) Approval of the Minutes of the January 27, 2016 Meeting.

**Moved by Diedrich, seconded by Koski, that the Minutes of the January 27, 2016 Meeting be approved. The motion carried by the following vote:**

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

#### IV. PUBLIC INFORMATIONAL HEARINGS

[16-219](#) PC 10-2016: Hope House of Manitowoc County. Request for a Conditional Use Permit for the establishment of a Transitional Housing Use located at 3501 Custer Street.

Associate City Planner Tyler Caulum reviewed the request for those in attendance. The Hope House requested a Conditional Use Permit as a contingency to purchase property at 3501 Custer Street. Mr. Caulum reviewed that The Hope House is an overnight shelter for homeless families, single women, and adult couples without children, for up to 90 days. They also provide services such as the provision of meals and all basic necessities to live, case management, work search assistance, transportation assistance, life skills education via groups in one-on-one settings, referrals to community resources and aftercare services for households following their transition from shelter.

Mr. Caulum read an overview of the zoning requirements of a B-3 General Business District and gave a brief history of the Hope House to the Commission.

Mr. Caulum explained the building located at 3501 Custer Street is approximately 4,500 square feet with a finished basement. He went on to explain that the main entrance would be off of S 35th Street and that on-street parking would be available on S 35th Street if needed. Some interior renovations would include adding bathrooms as well as a plan to enlarge the kitchen area.

Mr. Caulum stated that staff determined the proposed use to be compliant with the general standards for CUPs as listed in 15.370(27) of the zoning code. The use as described earlier is found to be a reasonably necessary use for the welfare of the public. Mr. Caulum also stated the potential effect on surrounding property was addressed by The Hope House in its application materials.

Mr. Caulum relayed that there were no communications received from neighboring property owners at the time the staff report was drafted. The Hope House held an open house at their current facility located at 1110 S. 10th Street where the main concerns of those in attendance were the effect on property values and the type of exterior renovations. Mr. Caulum concluded his presentation.

The Mayor opened questioning from the Commission, there being none the Mayor opened the public hearing portion of the meeting.

Dan Wachholz, 3504 Custer Street, stated concern for the amount of traffic at the 4-way stop and questions the adequate number of parking stalls for the proposed CUP. Mr. Wachholz also stated concern that the Hope House is a non-profit and being so the property is not taxed. Mr. Wachholz is not in support of The Hope House moving to the Custer Street location.

Katelyn Sandloht, 1001 Sarah Miles Lane, a board member of The Hope House, Eric Schultz, 2213 S 35th Street, Director of the Hope House, Barbara Katz, 2320 Longwood Lane, a past board member of the Hope House and Michael Ethridge, 313 Riverview Drive, Director of the Haven all spoke in support of the CUP.

Dan Below, 3602 Marshall Street, asked the Commission to consider the size of the building in proportion to the requested overnight capacity; he had no other concerns regarding the CUP.

Tonia Haile, 849 Sarah Miles Court, read a letter on behalf of her daughter, Leah Haile, who volunteers at the Hope House. Her letter is in support of the Hope House CUP.

Erin Schultz, 2213 S 31 Street, Executive Director of The Hope House, addressed the concerns that have been brought to the attention of The Hope House board. Ms. Schultz stated there is the potential to replace the garage

with a parking lot and renting parking spaces from nearby businesses as two options to reduce the parking concerns. Ms. Schultz also addressed the square footage by stating the eventual plan would be to house clients in the basement once renovations are made to meet the building codes.

Christopher Shaw 3605 Custer Street, stated concerns about the increased pedestrian traffic at the intersection, however ultimately spoke in support of the Hope House CUP.

Mayor Nickels closed the public informational hearing portion of the meeting and opened up the discussion to the Commission.

Alderman Brey explained the process for the CUP approval for those in attendance that will include a Licensing Permits and Inspections meeting prior to April's Common Council meeting. Mr. Brey spoke in support of the Hope House CUP.

Mr. Caulum read the staff recommendation with conditions to the Commissioners. The staff recommendation is to grant The Hope House a Conditional Use Permit for a Transitional Housing use under the following conditions:

1. Annually submit (by January 1st) to the Community Development Department a report containing client statistics and demographics including but not limited to the number of clientele served, length of stay and rehabilitation into the workforce.
2. This CUP is granted exclusively to LIHN/Hope House for the purposes and operations as specifically identified in their application materials. The Hope House shall abide by the screening process as detailed in the submitted application.
3. This CUP shall not become effective and binding until the Common Council approves the CUP as outlined herein.
4. The maximum number of homeless residents shall not exceed 26 individuals at any time.
5. Non-compliance with the terms of the 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 CUP.
6. Compliance with the terms and conditions of the CUP shall be reviewed by the Plan Commission and Common Council in April 2017 and during the month of April in each subsequent year of the CUP. The annual review may result in the disclosure of non-compliance issues or the identification of terms and conditions that are no longer necessary or required to maintain the intent or compliance with the CUP, and may result in the modification of the terms and conditions of the CUP, issuance of citations and financial penalties, or immediate revocation of the CUP.

Mayor Nickels motioned to approve the CUP with a second from Dan Hornung, discussion was opened to the Commission. Alderman Brey commended The Hope House on the amount of out-reach and planning it had done prior to the Plan Commission meeting. Mayor Nickels, stated there has been no issues at the current location and in turn the use will prove beneficial to the community stating that the proposed location is a good long term use for the neighborhood. Mr. Dorner spoke about the concerns with the traffic at the intersection and requested an inquiry from Public Infrastructure staff to make the intersection safer.

Mayor Nickels closed the discussion and called for a vote.

**Moved by Nickels, seconded by Hornung, to approve the Conditional Use Permit for a Transitional Housing use located at 3501 Custer Street pursuant to the aforementioned conditions. The motion carried by the following vote:**

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

**Abstain:** 1 - Member Diedrich

[16-220](#)

PC 11-2016: Priority One Investments, LLC d.b.a TLC Homes Inc. Request for a Conditional Use Permit for the establishment of an Adult Day Services Use located at 1004 N. 17th Street.

Mr. Braun reviewed for those in attendance the conditional use permit request including the history and previous uses of the property. Mr. Braun continued by explaining the purpose of an adaptive re-use and its goal in the comprehensive plan. Mr. Braun explained that Mr. Frey, the applicant and owner of TLC is requesting a CUP for the operation of an Adult Day Service use for up to 25 individuals at a single time. The population served would be intellectually disabled, developmentally disabled and traumatically brain injured adults.

Mr. Braun explained that TLC has made multiple changes to their operation plan to address concerns brought up by the neighbors, Plan Commission and Common Council during the two previous CUP requests. The original 2015 request was denied by both the Plan Commission and Council, subsequently TLC made a second request. Mr. Braun explained that at the January 2016 Plan Commission meeting the Commission voted 4-3 in favor of the second request but at the February 15, 2016 Common Council meeting the Council voted 6 - 4 against the Conditional Use Permit which terminated the 2015 CUP request. Mr. Braun explained that a majority of the concerns raised where in regard to traffic congestion and vehicles parking on the street.

On March 14, 2016 TLC re-petitioned the City for the Conditional Use Permit with the major change addressing the parking issue. TLC is proposing to increase the width of the driveway off of North 17th Street to allow for up to 3 vehicles, they are also proposing to install a driveway off of Wisconsin Avenue for 2 other vehicles.

Mr. Braun stated that according to information provided by TLC there would be

18 arrivals or departures generated by the use. The Police Department provided accident data for the past 3 years and two accidents were reported with one of them being an individual backing out of their driveway and hitting a parked car, the other accident a driver failed to yield.

Mr. Braun summarized the neighborhood support and opposition. In response to the March 2016 mailing one neighbor showed opposition to the project; and since the original proposal was submitted a total of four neighbors voiced their opposition. Thirteen neighbors have expressed their support since the March 2016 mailing and 25 in total have shown support since the proposal was initially presented.

Mr. Braun concluded his presentation; Mayor Nickels asked the Commission if there were any questions, there were none. Mayor Nickels opened up the public input session of the meeting.

Stephen and Beverly Mann, 1013 N. 17th Street both spoke in opposition of the proposal. Ms. Mann stated that they were concerned with the parking and the expansion of the concrete driveways and if the property would be taxed. She felt the proposal is a detriment to the neighborhood. Mr. Mann questioned why the proposal is being discussed again after the Common Council denied the request in the past. He is also concerned with drivers using N. 17th street as a shortcut and the removal of landscaping at the location.

Anna Stockman, 1013 N. 16th Street, lives one block away but her daughter lives next door to the proposed use. Ms. Stockman is at her daughter's house everyday baby-sitting her granddaughter. Ms. Stockman is in support of the proposed use. She stated that she used to work with individuals with disabilities and stated that they have the same feelings and emotions as everyone else and that the individuals being served like to have different places to go versus staying in their same location all of the time. She has no issues with the proposal and is supportive.

Tim Frey, 1004 N. 17th Street is the owner of TLC. Mr. Frey stated that he has no intention of the using the building as a CBRF even if the adult day service use is not approved. If the adult day service is denied he would convert the building to a duplex and sell the property to an investor. TLC will be parking all transportation vehicles off street, there would be some limited on street parking for a couple of TLC employees. Mr. Frey stated they have 24 individuals who have formally supported the proposal and more may follow in the future. Mr. Frey also stated that in the past there were discussions that the current landlord for the adult day service, Lakeshore Methodist Church was evicting them, Mr. Frey said that was incorrect and that he has a support email from Pastor Kuntz from the church.

Mayor Nickels closed the public input session of the meeting.

The Commission reviewed the following conditions.

1. The CUP authorizing the siting and operation of TLC in the CUP Area shall not become effective and binding until the latest date that: (i) the Common Council

approves the CUP as outlined herein. In the event the Council does not approve said CUP on or before midnight on May 31, 2016, the authorization for this CUP by the Common Council shall automatically terminate effective June 1, 2016 and TLC shall be required to re-apply.

2. The maximum number of Day Service individuals at the CUP Area shall not exceed 25 individuals at any single time. The primary Day Service hours of operation shall be Monday - Friday from 9am - 3pm. Up to two staff may be on site prior to or after the hours of operation (9am - 3pm) to "setup" or "clean-up" after the Day Service operation is closed.
3. There shall be no office, administration or similar activities at the location with the exception of activities that are directly related to the 1004 N. 17th Street operation.
4. All exterior lighting from the CUP area shall be contained to the site and shall not filter over the property lines onto adjoining properties.
5. In the event the property comprising the CUP Area is sold or leased to a party other than an entity in which TLC or Tim Frey has a controlling interest, the CUP shall then terminate effective the date of conveyance.
6. The CUP shall not be assigned, transferred, sublet or conveyed without the written approval upon review and recommendation by the City Plan Commission, and approval by the Manitowoc Common Council.
7. Non-compliance with the terms of the 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 CUP.
8. Compliance with the terms and conditions of the CUP shall be reviewed by the Plan Commission and Common Council in April, 2017. The Plan Commission and Council shall at that time determine if an annual review shall continue into subsequent years. The annual review may result in the disclosure of non-compliance issues or the identification of terms and conditions that are no longer necessary or required to maintain the intent or compliance with the CUP, and may result in the modification of the terms and conditions of the CUP, issuance of citations and financial penalties, or immediate revocation of the CUP. The Plan Commission and Common Council reserve the right to review the CUP at any time.
9. There shall be no exterior signage allowed advertising the Adult Day Service use.
10. TLC transport vans and employees shall park in the locations as detailed in the TLC application.
11. TLC shall comply with all items and criteria as stated in their application packet.
12. A landscaping plan shall be submitted to and approved by the Community Development Department prior to any plantings.

**Moved by Hornung, seconded by Steinbrenner, to approve the request for an Adaptive Reuse Conditional Use Permit for the establishment of an Adult Day**

Services operation located at 1004 N. 17th Street pursuant to the aforementioned conditions and petitioner's submittal packet.

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

## V. REFERRALS FROM COMMON COUNCIL: None

## VI. OLD BUSINESS: None

**Present:** 7 - Jim Brey, Dave Diedrich, Daniel Hornung, Dan Koski, Jim Muenzenmeyer, Dennis Steinbrenner and Peter Dorner

**Absent:** 1 - Mayor Nickels

## VII. NEW BUSINESS

[16-221](#) PC 9-2016: Chapter 15 - Zoning Ordinance Text Amendment. Regarding Microbreweries, Distilleries, Wineries and Airport Height Limitations.

Mayor Nickels excused himself for another committment.

Mr. Brey replaces Mayor Nickels as Acting Chair.

The Commission was provided the draft ordinance and supporting documentation and didn't have any questions or concerns.

**Moved by Hornung, seconded by Diedrich, to approve said ordinance amendments relating to Breweries, Microbreweries, Distilleries, Wineries and the Airport Height Limitation and instruct the City Clerk to schedule a public hearing in front of the Common Council.**

**Aye:** 7 - Alderperson Brey, Member Diedrich, Member Hornung, Member Koski, Member Muenzenmeyer, Member Steinbrenner and Member Dorner

[16-222](#) PC 1-2016: Schmidt Quit Claim Deed for Mirro Drive Street Purposes.

The Commission reviewed the quit claim deed for Mirro Drive street purposes which was related to a Certified Survey for property owned by Christopher and Mary Schmidt. The Commission expressed no concerns with the quit claim deed.

**Moved by Diedrich, seconded by Koski, to approve the quit claim deed for Mirro Drive street purposes.**

**Aye:** 7 - Alderperson Brey, Member Diedrich, Member Hornung, Member Koski, Member Muenzenmeyer, Member Steinbrenner and Member Dorner

## VIII. MISCELLANEOUS

A. Manitowoc County Activities: None

## B. Certified Survey Maps (CSM):

1. Christopher and Mary Schmidt: NE ¼ , NW ¼ SE ¼ Section 9, Township 19 North, Range 24 East, City of Manitowoc.

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## C. Summary of Site Plans From January 16, 2016 – To March 11, 2016

1. SP 1-2016 Lakeshore Mini Storage LLC, 2424 Johnston Drive. Construction of 48' x 166' Mini-Storage Units.

2. SP 2—2016 Manitowoc County Law Enforcement Garage Addition, 1025 S. 9th Street.

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Construction of 48' x 166' Mini-Storage Units.

2. SP 2-2016 Manitowoc County Law Enforcement Garage Addition, 1025 S. 9th Street.

## D. Director's Report

Mr. Sparacio provided a Director's Report to the Commission via email. Discussion ensued regarding various development projects around the community as mentioned in the Report.

**IX. ADJOURNMENT**

**Moved by Hornung, seconded by Muenzenmeyer, that the Meeting be adjourned at 7:30 PM. The motion carried by the following vote:**

**Aye:** 7 - Alderperson Brey, Member Diedrich, Member Hornung, Member Koski, Member Muenzenmeyer, Member Steinbrenner and Member Dorner

Respectfully Submitted,

Paul Braun  
Secretary

CAUTION TO PLAN COMMISSIONERS: The documents attached to this agenda are for your review in preparation for the City Plan Commission meeting to be held on the above date. Any discussion or communication between members of the Plan Commission by any means prior to the Commission meeting regarding these documents may be a violation of the open meeting laws.