



# City of Manitowoc

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

## Meeting Minutes

### Plan Commission

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Wednesday, October 28, 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 Acting Chairman Dan Hornung at 6:00 PM.

#### II. ROLL CALL

**Present:** 6 - Dave Diedrich, Daniel Hornung, Dan Koski, Jim Muenzenmeyer, Dennis Steinbrenner and Peter Dörner

**Absent:** 2 - Jim Brey and Mayor Nickels

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

Others Present: Gerard Strharsky, Michael Huck, Joan McCarthy, Glenna Rodriguez, Gloria Yarbrough, Shawn Hamberg, Phyllis Wernli, Mary Vallis, Ted Vallis, Don Stechmesser, Tom Tomasiak, Kris Jacobs, Autumn Bosch, Corrie Skubal, Lt. Jeff Olson, Sue Tomasiak, Gary Underwood, Linda K. Underwood, Laura McMillan, Kelyn Netz, Rick Schwarz

#### III. APPROVAL OF MINUTES

15-1111 Approval of the Minutes of the September 23rd, 2015 Meeting.

Moved by Diedrich, seconded by Koski, that the Minutes of the September 23, 2015 Meeting be approved. The motion carried by the following vote:

**Aye:** 6 - Diedrich, Hornung, Koski, Muenzenmeyer, Steinbrenner and Dörner

#### IV. PUBLIC INFORMATIONAL HEARINGS

15-1112 PC 32-2015: The Crossing of Manitowoc County; Request for a Conditional Use Permit for a Transitional Housing use pursuant to 15.150(3) for property at 419 Park Street.

*Paul Braun reviewed the request for those in attendance. Nic Sparacio added that the item is not for a homeless shelter use. Acting Chairman Dan Hornung asked for questions from the committee members. Dan Koski provided clarification of parking requirements. Acting Chairman Dan Hornung opened the discussion for public input.*

*Mike Huck of 1002 Glenview Dr, spoke on behalf of Lakeshore CAP, in favor of the CUP.*

*Gary Underwood, spoke on behalf of The Park Bench, in favor of the CUP.*

Sue Tomasiak, 839 Wilson St, Executive Director of the Crossing, spoke in favor of the CUP.

L.T. Jeff Olson 1327 E Ivy Ln, representing Salvation Army, spoke in favor of the CUP.

Chris Jacobs, 1409 Shoto Rd, Two Rivers, shared a personal story and spoke in favor of the CUP.

Informational Hearing was closed. Paul Braun read the staff recommendation which was to approve the CUP with conditions as follows:

A. The Crossing shall not allow the Residence to exceed 12 residents at any one time. A resident advocate shall be present in the Residence at all times when residents are present. The resident advocate does not count towards the total Residence count.

B. The Crossing shall expressly prohibit the usage or consumption of alcohol and illegal drug usage in the Residence or anywhere on the 419 Park Street Property.

C. All over-night vehicles shall be parked off-street on hard surfaced areas on the 419 Park Street property.

D. Administration and office support services shall not be located at the 419 Park Street location.

E. The Crossing shall file a report with the Community Development Department by January 31st of each calendar year, beginning with January 31, 2017, detailing the status of the Residence in 2016, and in each subsequent year thereafter. This report shall be filed by January 31st in each year the CUP is effective, and each report shall detail the activities at the Residence from the prior calendar year. This report shall include, but not be limited to: (i) a summary of the financing in place to operate the Residence including a summary of foundation grants, donations, lender financing and State and/or Federal grants in hand, and volunteer hours worked ; (ii) residence summary identifying the number of residents in the Residence; (iii) a description of the services being provided at the Residence and the number of residents accessing various services; (iv) the number of residents that were at the Residence, but left without notice; (v) a summary of agreements with third party providers for support services for residents at the Residence; and (vi) any other information that may be requested by the Community Development Department to address identification of common characteristics or experiences of residents at the Residence.

Staff report to Plan Commission

F. The Crossing shall, at the written request of the Manitowoc Police Chief, install any required security enhancements into the Residence, on terms and conditions acceptable to The Crossing and Chief.

G. Compliance with all federal, state and local regulations, licensing and code requirements.

H. No party shall assign or transfer its interest in the CUP to any party without the prior written approval of the Manitowoc Common Council.

I. The CUP shall automatically terminate effective the same date The Crossing ceases to operate at the Residence. The Crossing shall provide the Community Development Department with written notice of its intent to discontinue operation of the Residence not

*less than 30 consecutive calendar days prior to the date operations are planned to cease.*

*J. Compliance with the terms and conditions of the CUP shall be reviewed by the Plan Commission and Common Council in February, 2017, and during the month of February 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.*

*K. At any date and time, 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.*

**Moved by Diedrich to approve the Conditional Use Permit with a reduction in the residency maximum from 12 persons to 10 persons. Motion failed for lack of a second.**

**Moved by Steinbrenner, seconded by Muenzenmeyer, to recommend that the Council issue the Conditional Use Permit to The Crossing subject to compliance conditions. The motion carried by the following vote:**

**Aye: 5 -** Diedrich, Hornung, Koski, Muenzenmeyer and Steinbrenner

**Abstain: 1 -** Dornier

## **V. REFERRALS FROM COMMON COUNCIL**

### **15-1113**

**PC 30-2015: City of Manitowoc; Proposed City Initiated Street Vacation under §66.1003(4) Wis. Stats for Plank Road.**

*Mr. Braun read the following report: The Public Infrastructure Committee has instructed staff to initiate the street vacation process for Plank Road. There will not be a change to the official map, the right-of-way will remain on the official map until future development occurs.*

*The abutting property owner, Town of Manitowoc Rapids and the City's Department of Public Infrastructure have been discussing the Plank Road corridor for past couple of years during which time the road has been closed to traffic. The owner, Town and City are all in agreement to vacate the street. The City is concerned with liability issues even though the road way is closed. Individuals are walking or bicycling on the road which is in very poor condition.*

*The Town of Manitowoc Rapids has already vacated their portion of right-of-way from Homestead Road south to the existing City Limits line. The City will vacate the portion from the City Limits to the west line of Benley Manor Apartments.*

*The City will retain easement rights along the Plank Road corridor.*

*Staff recommended that the Plan Commission give their final approval of the city initiated street vacation for Plank Road and instruct staff to move forward with the vacation pursuant to state statutes.*

**Moved by Diedrich, seconded by Koski, to recommend that the Council approve the following: i) instruct the City Clerk and Community Development Department's to prepare and introduce at the November 16th Council meeting**

the vacation resolution, ii) instruct the City Clerk to prepare the necessary public hearing notices and schedule a hearing for the next Council meeting in January, per statute the hearing must be no less than 40 days after the introduction of the resolution and iii) instruct the City Clerk to serve notices to all abutting owners of land adjacent to the area to be vacated. Also the City will retain all utility rights and the subject area will not be removed from the Official Map. The motion carried by the following vote:

Aye: 6 - Diedrich, Hornung, Koski, Muenzenmeyer, Steinbrenner and Dorner

## VI. NEW BUSINESS

### 15-1115

PC 31-2015: Holy Family Hospital; Request to Replace an Existing Animated Sign Pursuant to 15.450(18).

*Mr. Braun read the staff report.*

*Holy Family Hospital (HFM) is requesting the Plan Commission to issue a Special Permit for two animated sign faces to be placed on the existing pedestrian skywalk that crosses above S. 21st Street. HFM would like to replace two existing animated sign faces that are considered to be legal non-conforming. The existing animated signs were erected prior to the current animated sign code being in existence.*

*In April 2004 the Common Council granted to HFM an Air Rights Lease granting permission to construct the walkway/skywalk over the S.21st Street right of way; included in the lease, HFM was allowed to erect the signage. The original signs were erected with permission from the City and were approximately 110 square feet; the new animated signage would be approximately 101 square feet which is greater than the maximum allowed in the animated sign code text which is 30 square feet.*

*The lack of replacement components has caused HFM to look into replacing the old signs with a new ones.*

*Mr. Hornung opened the discussion to the committee.*

*Mr. Diedrich asked if there had been any complaints regarding the current sign. The only issue Mr. Braun was aware of was that there were some off premise advertisements on the sign which is not allowed.*

**Moved by Diedrich, seconded by Dorner, to recommend that the Council, pursuant to the authority granted to the Commission in Section 15.450(18)(e)1 of the Code, approve and authorize the issuance of a Special Permit for two fixed animated signs which will replace the two existing animated signs. Due to the unique circumstances of the original animated signs being erected prior to an animated sign code, the Commission is also recommending the new animated signs be a maximum of 101 square feet which exceeds the current maximum 30 square foot animated sign size limit. The Commission also recommends the issuance of the special permit after the following conditions have been completed: i) provide certificates or proof of insurance acceptable to the City Attorney for the placement of the signs in the S.21st Street air space, and ii) provide documentation that the sign contractor has coordinated with the Department of Public Infrastructure to address traffic control while the new signs are being erected. The motion carried by the following vote:**

Aye: 6 - Diedrich, Hornung, Koski, Muenzenmeyer, Steinbrenner and Dorner

**15-1116** PC 33-2015: Strharsky - Petition for Unanimous Annexation; Northwest #19.

*Staff read a recommendation to the Plan Commission to accept the annexation petition as presented and to place a temporary zoning classification of R-4 Single and Two Family District on the property.*

**Moved by Diedrich, seconded by Steinbrenner, to recommend that the Council approve the Petition as presented, and adopt an Annexation Ordinance and Resolution and that the annexation area be zoned "R-4" Single and Two Family Residential District in accordance with the attached map under Wis. Stat. § 66.0217(8)(a). The motion carried by the following vote:**

**Aye:** 6 - Diedrich, Hornung, Koski, Muenzenmeyer, Steinbrenner and Domer

**15-1117** PC 1-2015: Quit Claim Deed/Creation of Street Name - Florence Drive: Estate of Florence Pleuss.

**Moved by Diedrich, seconded by Muenzenmeyer, to recommend that: the Council (i) approve and accept the Quit Claim Deed; (ii) approve the naming of the dedicated street area to be established as Florence Drive and (iii) the Clerk subsequently record the document at the Register of Deeds Office. The motion carried by the following vote:**

**Aye:** 6 - Diedrich, Hornung, Koski, Muenzenmeyer, Steinbrenner and Domer

## **VII. OLD BUSINESS**

**15-1114** PC 24-2014: Update Revision to Municipal Code Chapter 15.450 Sign Ordinance.

*Nic Sparacio reviewed the current status of the sign code revision process and a recent Supreme Court case that will likely impact the revision process.*

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

## **VIII. MISCELLANEOUS**

A. Manitowoc County Activities: None

B. Certified Survey Maps (CSM):

1. Pekarske: NE ¼, SE ¼ & SE ¼, SE ¼ Section 6, Township 19 North, Range 24 East, Town of Manitowoc.
2. Dufek: E ½ NE ¼, Section 31, Township 19 North, Range 24 East, City of Manitowoc.
3. Sieker: SE ¼, SE ¼ Section 5, Township 18 North, Range 23 East, Town of Newton.
4. Wisconsin Central LTD: Blocks 1-11 & 13, and vacated streets and alleys in A.W. Buels Subdivision, located in Government Lots 2, 3 and 4 Section 19, Township 19 North, Range 24 East, City of Manitowoc.

## C. Summary of Site Plans From September 16, 2015 To October 21, 2015:

1. SP11-2015: Tender Reflections Memory Care; 2210 Dufek Drive. Community Based Residential Facility
2. SP 12-2015: KNM, 1950 Johnston Drive building addition
3. SP 13-2015: First Chrysler – Parking lot addition
4. SP 14-2015: Federal Mogul Addition, 2318 Waldo Blvd
5. SP 15-2015: Lakeside Foods Rooming House, 1801 S. 30th Street
6. SP 16-2015: Forest Creek Apartments, 2240 S. 42nd Street & 2280 S. 42nd Street, 8 unit buildings.

## 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.*

15-1118

Discussion regarding November and December Plan Commission meeting dates.

*The Plan Commission Meeting Dates will be revised as follows for the months of November and December: Wednesday, November 18th at 6:00 PM and Thursday, December 17th at 6:00 PM.*

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

**IX. ADJOURNMENT**

**Moved by Muenzenmeyer, seconded by Diedrich, that the Meeting adjourned at 7:12 PM. The motion carried by the following vote:**

**Aye: 6 - Diedrich, Hornung, Koski, Muenzenmeyer, Steinbrenner and Dornier**

Respectfully Submitted,



Paul Braun  
Secretary