



City of Manitowoc

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

Meeting Minutes

Plan Commission

Wednesday, May 24, 2017

6:00 PM

Council Chambers

I. CALL TO ORDER

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

II. ROLL CALL

Present: 7 - Jim Brey, Dave Diedrich, Daniel Hornung, Mayor Nickels, Jim Muenzenmeyer, Dennis Steinbrenner and Peter Dorner

Absent: 1 - Dan Koski

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

Others Present: Peter Allie, Troy Flentje, Alex Allie, Chris Nutini, Dennis Wejrowski, Quasan Shaw

III. APPROVAL OF MINUTES

[17-0535](#) Approval of the Minutes of the April 26, 2017 Meeting.

Moved by Diedrich, seconded by Hornung, that the Minutes of the April 26, 2017 Meeting be approved. The motion carried by the following vote:

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

IV. PUBLIC INFORMATIONAL HEARINGS

[17-0536](#) PC 7-2017: Trans-Link Services, LLC; Request for 2nd Amendment to a Conditional Use Permit for the Trans-Loading of Bulk Material

P. Braun provided the Commission with the background information regarding the request from Trans-Link Services LLC for a second amendment to a Conditional Use Permit that was originally approved in February, 2017. Trans-Link is requesting the amendment to expand the transloading of bottom ash, clay, wood chips, and small aggregates 7 days a week, 24 hours a day, except on holidays. Brick, coal and asphalt would remain prohibited from being transloaded or stored on the site.

P. Braun stated that in order for Trans-Link to be competitive with other ports they have to have the ability to transload materials 24 hours a day, 7 days a week. A barge or ship charges between \$1,000 to \$6,000 an hour

and if they have to wait to transload it becomes too cost prohibitive and their business will go elsewhere. Trans-Link will transload most of the materials by a conveyor assisted method which is identical to St. Mary's Cement which is adjacent. In some instances crane methods may be used depending on the product to be transloaded.

P. Braun explained that the subject property is zoned I-2 Heavy Industrial and has been zoned that way dating back to the 1930's. The Comprehensive Plan and various other studies project the area to be industrial with the area to remain a working port. Historically the property was owned by Rockwell Lime which used the property as a transloading terminal for their product.

P. Braun concluded by stating that prior to Trans-Link operating on the site there were instances where the neighbors along Revere Drive and Michigan Avenue were upset with the noise and dust from a stone transloading operation. Since Trans-Link has owned and operated there have been no major complaints on file from the neighborhood.

Mayor Nickels opened the public hearing portion of the meeting. D. Wejrowski, 1301 Spring Street stated that he didn't have any major concerns with the proposal but had some general questions. He stated that there was a pile of ash or sand at the site and wondered if there were any toxic or hazardous materials present; he also stated that some dirt and dust would blow off of the pile. He also asked if trucks would be running 24 hours a day? D. Wejrowski concluded his comments by stating he has no issues with the current owners and is thankful for them cleaning up the graffiti that was on the old Consumer Steel building.

T. Fentje from Trans-Link, 1616 Wollmer Street, stated that the pile is bottom ash from a power plant in Sheboygan and is inert. He also stated that trucks would only be moving material during day time hours. Trans-Link does not plan on transloading 24 hours a day but they wanted to have the ability to do so if the demand warrants. The transloading operation is dependent on the arrival of the ship or barge; most days there would be no transloading occurring at the site.

Mayor Nickels closed the public hearing portion of the meeting. There were no additional comments from the Commission.

P. Braun read the staff recommendation which includes the following conditions for the request for the amendment.

A. CUP shall be granted exclusively to Trans-Link Services, LLC (Trans-Link) for the storage in bulk, or transloading activities of materials

pursuant to Section 15.350(3)w of the Municipal Code and being located at 1615 Spring Street (tax # 819-402-052); 1311 Spring Street (tax # 000-039-020) and an easement area over the St Barbara Cement, Inc property (tax # 819-402-050), 0.92 acres all shown on the accompanying map. The following materials or products will not be allowed to be transloaded or stored unless authorized by the Plan Commission and Common Council: brick, coal, and asphalt.

B. The CUP shall not become effective until after the date that the Common Council adopts the Plan Commission report containing the conditions.

C. This CUP shall not be assigned, transferred, sublet or conveyed in any manner without the written consent of the Common Council and Plan Commission.

D. Trans-Link shall make every effort to reduce noise levels at the site, and shall maintain noise levels no greater than allowed by law.

E. The transloading of materials shall be permitted Monday thru Friday, between the hours of 7:00 AM and 7:00 PM; with the exception of conveyor assisted transloading or transloading of bottom ash, clay, wood chips, aggregates and other "light" products, which can be loaded 24 hours a day. The intent behind identifying "light" products is that these are materials which create minimal noise.

F. The transloading of materials shall be permitted on Saturday and Sunday between the hours of 8:00 AM and 5:00 PM with the exception of conveyor assisted transloading or transloading of bottom ash, clay, wood chips, aggregates and other "light" products, which can be loaded 24 hours a day. The intent behind identifying "light" products is that these are materials which create minimal noise.

G. Transloading shall not be permitted on any U.S. holiday.

H. In the event dust problems occur as a result of the operation, the owner shall apply dust palliatives as requested by the City in accordance with the Municipal Code.

I. Non-compliance with any terms or conditions 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, seconded by Steinbrenner, to approve the amendments to the Conditional Use Permit, originally issued November 5, 2014 and amended on February 20, 2017 subject to the recommended conditions. The motion carried by the following vote:

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

[17-0537](#)

PC 12-2017: TIF 15 Project Plan Amendment

N. Sparacio introduced the project plan relative to the Dowco expansion and explained the current stage of the Tax Incremental Financing (TIF) plan amendment process. N. Sparacio introduced Quasan Shaw, the TIF consultant from Vierbicher. Q. Shaw summarized the proposed changes to the TIF District #15 Project Plan. The Commission discussed the response of the TIF Joint Review Board at its initial meeting relative to this request.

Mayor Nickels opened the public hearing. There were no public comments, so the hearing was closed. Mayor Nickels stated that the staff recommendation notes that the Project Plan amendments meet the statutory requirements and the Dowco project meets the "but for" test and recommends that the Commission approve the Project Plan as amended.

Moved by Brey, seconded by Muenzenmeyer, to approve Project Plan Amendment #4 for Tax Incremental Financing District #15. The motion carried by the following vote:

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

V. REFERRALS FROM COMMON COUNCIL: None

VI. OLD BUSINESS

[17-0538](#)

PC 10-2017: Kwik Trip / La Crosse Sign Company: Request for Animated Sign in a B-3 General Business District at 2102 Washington Street

T. Caulum recapped the previously submitted Special Use Permit application for an animated sign for Kwik Trip located at the intersection of Washington and 21st Streets. T. Caulum stated the request was denied because of the visual clutter and traffic safety concerns caused by the proposed sign's close proximity to the nearest signaled intersection.

T. Caulum explained the amended request for the animated sign is located on the north east side of the fuel pump canopy. T. Caulum stated the new request is located more than 40' from the nearest signal light and that Kwik Trip would need a waiver from the 100' foot separation rule; however the

new location is more in line with waivers the Commission has approved in the past.

T. Caulum addressed the rebranding of Kwik Trip to a Tobacco Outlet and Grocery and stated that Kwik Trip is still the owner of the building. He commented that the canopy sign will be repainted so the animated sign does not partially block the signage that is currently on the canopy.

J. Muenzenmeyer asked if Dan Koski, the Director of Public Infrastructure, was consulted on the new proposal. J. Brey answered that he had personally spoken with Mr. Koski who told him the City Engineering Department had visited the site and had no concerns for traffic safety with the new proposal.

Mayor Nickels stated the staff recommendation was to approve the request for a Special Use Permit for an animated sign as well as a waiver of the 100' rule and called for a vote.

Moved by Diedrich, seconded by Brey, to approve the Special Use Permit for an animated sign and a waiver to Section 15.450(18)(g)9 of the Manitowoc Municipal Code subject to the following conditions.

- 1. Compliance with the terms and conditions of the Special Use Permit shall be reviewed by the Plan Commission and Common Council in January, 2018.**
- 2. The animated sign shall only operate the shorter period of time between store hours or from 6:00 A.M. to 10:00 P.M.**
- 3. The animated sign be limited to static images or text only at all hours of operation in order to reduce potential driver distraction.**
- 4. Due to the reduction in setback to the intersection traffic signal, all messages on the animated sign are to be held for a minimum of eight seconds in order to reduce potential driver distraction.**
- 5. In order to mitigate visual clutter at the intersection, prior to commencing use of the new animated sign, the existing reader board sign (below the price of gas display) shall be removed from the pylon sign.**
- 6. The applicants shall provide a landscape plan meeting the animated sign landscaping requirements to the satisfaction of Community Development staff.**

The motion carried by the following vote:

Aye: 6 - Alderperson Brey, Member Diedrich, Mayor Nickels, Member Muenzenmeyer, Member Steinbrenner and Member Dornier

Abstain: 1 - Member Hornung

VII. NEW BUSINESS

[17-0539](#)

PC 14-2017: City Initiated Official Map Amendment; N. 5th, N. 8th and

Huron Streets pursuant to § 62.23(6)

P. Braun explained to the Commission that the owner of property at the southwest corner of N. 8th and Huron Streets is contemplating a building addition. When researching the setbacks for the proposal it was discovered that the existing Official Map street is 100' wide and makes any addition impracticable. In addition, most of the existing residences along N. 8th Street do not have the proper front yard setback which is measured, per the Zoning Ordinance, from the Official Map street line.

In addition to N. 8th Street, the Community Development Department is also recommending removing the Official Map street lines from N. 5th and Huron Streets. Most of the properties in this area are currently developed and it is very unlikely that the proposed Official Map street line widths will be needed in the future. P. Braun stated that the Public Infrastructure Department has no issues with removing the Official Map and that there are no plans to widen any of the 3 street corridors.

P. Braun stated that the Official Map will be removed along N. 8th Street from Park Street to Reed Avenue, and on N. 5th Street from Buffalo Street to Cleveland Avenue, and on Huron Street from N. 8th Street to Michigan Avenue. The Official Map streets have been on record dating back to 1974, if not longer.

Moved by Hornung, seconded by Dorner, to approve the Official Map amendment and to instruct the City Clerk to schedule a public hearing before the Common Council. The motion carried by the following vote:

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

[17-0540](#)

PC 15-2017: Amendment to Zoning Ordinance 15.370(14) Code Regarding Setbacks from Major Streets

P. Braun stated to the Commission that this topic is related to the previous Official Map discussion. In addition to the issues created by the Official Map street discussed previously regarding the proposed development at the southwest corner of N. 8th and Huron Streets, Section 15.390(14) in the Zoning Ordinance titled Setbacks from Major Streets requires a 25 foot building and parking setback from the Official Map street line. N. 8th Street is listed as a major street and requires both a 25 foot building and parking setback, and with those requirements it is impossible for the owner to complete their building expansion.

P. Braun commented that staff is recommending to remove the 25 foot parking setback requirement along N. 8th Street from Park Street to Reed Avenue. The 25 foot building and parking setback would remain from Reed Avenue to the City Limits. He also stated that a new development would still need to follow the landscaping requirements in the Zoning Code

which requires at least a 5 foot perimeter of landscaping around a new parking lot.

P. Braun concluded his comments stating that a public hearing will be scheduled before the Common Council and that hearing notices will be published in the newspaper.

Moved by Hornung, seconded by Muenzenmeyer, to approve the change to Chapter 15.390(14) Setbacks from Major Streets removing the 25 foot parking setback provision along N. 8th Street from Park Street to Reed Avenue. The motion carried by the following vote:

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

VIII. MISCELLANEOUS

A. Manitowoc County Activities: None

B. Certified Survey Maps (CSM):

1. North Valley Development, Inc: SE ¼, SE ¼, Section 7, Township 19 North, Range 24 East, City of Manitowoc.
2. Nass: SW ¼, NE ¼, Township 18 North, Range 23 East, Town of Newton
3. Waack: SW ¼, SW ¼, Township 18 North, Range 23 East, Town of Newton

C. Summary of Site Plans From April 15, 2017 to May 12, 2017:

No Site Plans were submitted.

D. Director's Report

N. Sparacio provided a director's report via email. Discussion was held by the Commission regarding the date of the June Plan Commission meeting. Due to scheduling conflicts with the Commissioners and staff for the June 28th meeting date, it was decided to cancel the meeting unless some major items are submitted to the Plan Commission.

IX. ADJOURNMENT

Moved by Hornung, seconded by Steinbrenner, to adjourn at 6:47 pm. The motion carried by the following vote:

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

Respectfully Submitted,

Paul Braun
Secretary