



# City of Manitowoc

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

## Meeting Minutes Plan Commission

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Wednesday, August 6, 2014

6:30 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 6:30 PM.

### II. ROLL CALL

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

**Absent:** 1 - Steven Alpert

Staff Present: Paul Braun

Others Present: Michael Ethridge, Mark Legreve, Jeff DeZeeuw, Gene Maloney

### III. APPROVAL OF MINUTES

**14-1576** Approval of the Minutes of the June 11, 2014 Meeting.

**Moved by Diedrich, seconded by Hornung, that the Minutes of the June 11, 2014 meeting be approved. The motion carried by the following vote:**

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

### IV. REFERRALS FROM COMMON COUNCIL

**14-1420** Request from George Adelman of 2208 South 18th Street to remove existing curb head to access the west side of South 18th Street, recommending placing on file.

*PC20-2014: Adelman; Request for Access Over Unimproved Summit Street.*

*At the August 6, 2014 meeting of the City Plan Commission, the Commission reviewed a request from George Adelman, 2208 S. 18th Street; he is requesting that the City grant a "Temporary Access Easement Agreement Over an Unopened Summit Street". The Commission notes that the easement is for an unimproved driveway over Summit Street to provide access to a recently constructed 20' x 24' detached garage. The owner at his own expense will remove the curb and place a concrete approach per City specifications. Mr. Adelman is requesting the temporary easement so he can access his garage which will be used for the storage of his boat. The existing unimproved Summit Street is currently grass with a swale running along the north line of area and storm inlet located at the southeast portion of the dedicated street area. Mr. Adelman is currently driving over the grass as shown by the tire tracks on the site photos.*

Mr. Adelman would also like to cut a 12 foot wide section of the curb at his own cost for access. Mr. Braun was not aware if Mr. Adelman will be placing a concrete approach in the terrace area or if he is intending on keeping it grass. Mr. Braun noted that in a prior Access Over Unimproved Right of Way request on Viebahn Street and S. 19th Street the driveway approach was concrete.

Mr. Koski informed the Commission that Summit Street is not on any of Engineering's plans to be constructed in the near future, the street will be improved when development to the west occurs.

Mr. Braun stated to the Commission that the Temporary Access Agreement would have language in it stating that if and when Summit Street would be constructed the owner would not oppose the construction and that any of their driveway improvements would be lost.

The Commission unanimously recommended that: (i) the Council approve entering into the agreement after all public works petitions and permits have been either received or issued; (ii) the owner works with the City Engineer's Office to address any erosion and drainage concerns, (iii) the City Attorney be instructed to draft and negotiate the terms and conditions of the agreement; (iv) the Mayor and Clerk be authorized to sign the agreement; and (v) the Clerk subsequently record the agreement at the Register of Deeds Office at the grantee's expense.

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

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

**14-1413** Communication from Cheryl Duchow, Manitowoc County Treasurer, with public notice of tax foreclosure action In Rem 2014, recommending placing on file.

*PC21-2014: Manitowoc County; Various Tax Deeded Properties.*

*At the August 6, 2014 meeting of the Manitowoc City Plan Commission, the Commission reviewed a referral from Manitowoc County regarding a public notice of properties in the tax foreclosure with delinquent taxes from 2010 to present. The Commission expressed no interest in pursuing acquisition of any of properties identified in the communication from the County.*

*As such, the Commission unanimously recommended that the communication from Manitowoc County be placed on file, with no further action taken.*

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

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

**14-1403** Quit Claim Deed from Manitowoc Lake Breeze Apartments, LLC to the City of Manitowoc for 1.36 acres for Johnston Drive purposes, recommending acceptance of deed and place on file.

*PC1-2014: Manitowoc Lake Breeze Apartments, LLC; Quit Claim Deed to the City of Manitowoc for 1.36-Acres for Johnston Drive Purposes.*

*At the regular August 6, 2014 meeting of the City Plan Commission, the Commission reviewed the attached Quit Claim Deed for a portion of Johnston Drive (#14-1403) north*



of E. Albert Drive. The deed is related to the development of the Lakebreeze Apartment complex.

The Commission unanimously recommended that: (i) the Council approve and accept the Quit Claim Deed; and (ii) the Clerk subsequently record the document at the Register of Deeds.

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

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

## VI. OLD BUSINESS

**14-1577**

PC15-2013: Elks Lodge 687; Conditional Use Permit for Location and Operation of a Clubhouse at 1807 N. Rapids Road Pursuant to Section 15.270(3)(c) of Manitowoc Municipal Code.

*At the regular August 6, 2014 meeting of the Manitowoc City Plan Commission, the Commission conducted its annual compliance review in accordance with an originally issued July 18, 2013 CUP for the location and operation of a Clubhouse in a B-3 zoning district for the Elks Lodge 687 at 1807 N. Rapids Road.*

*Mr. Braun explained some of the key conditions in the 2013 CUP were as follows: i) Preparation of a landscape plan for the parking lot and improvement of the off street parking to comply with Section 15.690 of the Code; said improvements shall be completed on or before December 31, 2014; ii) Outside activities shall be limited to Monday – Saturday 9am – 9pm and Sunday and holidays 9am – 5pm; iii) the Elks cannot lease to any third party use which would require a CUP to locate in the “B-3” zoning district. CUP does authorize on-premise catering for not more than 3 days in any 7 consecutive days, as long any catering operation is not operated by, or in connection with a public tavern, café or other public space and iv) Annual Compliance Review in August of each subsequent year.*

*Mr. Braun contacted the Police and Building Inspection Departments and both have indicated that they have no complaints or nuisances on file.*

*The Commission notes that the Elks were first able to gain control of the building in March 2013 due to a pre-existing lease and that they focused their attention on interior renovations. They have hired S.M.I. to prepare a site plan to address the landscaping and off-street parking concerns of the Commission. Gene Maloney, trustee for the Elks, confirmed that due to a pre-existing lease the Elks could not gain control of building until March 2013 and then focused their attention on interior renovations. Mr. Maloney stated that they have hired SMI to create a site plan to address parking issues and related landscaping.*

*The Commission is advising the Council that its compliance review produced no negative findings or material disclosures related to the Elks Operation. The Commission unanimously recommends that the CUP be continued as originally issued with another compliance review occurring in August 2015. The Commission also recommends that item 4. regarding completion of a site plan for the off-street parking lot and completion of landscaping, be extended until July 31, 2015.*

**Moved by Brey, seconded by Muenzenmeyer, to approve. The motion carried by the following vote:**

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

**Abstain:** 1 - Hornung

**14-1578**

PC19-2013/PC36-2012: St. Francis of Assisi; Conditional Use Permit for Transitional Housing Facility at 1003 Marshall Street Pursuant to Section 15.210(3)(o) of Manitowoc Municipal Code - Annual Compliance Review.

*At the regular August 6, 2014 meeting of the Manitowoc City Plan Commission, the Commission conducted its annual compliance review in accordance with an originally issued August 23, 2013 CUP for the establishment of a Transitional Housing Facility (The Haven) at 1003 Marshall Street in the former St. Boniface School.*

*The property is zoned R-7 Central Residence District, which lists Transitional Housing as a Conditional Use.*

*Mr. Braun explained the major conditions in the 2013 permit: i) Permits up to 20 adult males at any singular time whose most recent residence was in Manitowoc County; ii) the facility and grounds shall prohibit the use and consumption of alcohol and illegal drugs; iii) the Haven shall provide to the City Planner by January 31st a written report of each year detailing the status of the facility. The report should at minimum address 1) summary of financing indicating grants, donations, lender financing and volunteer hours, 2) residence summary indicating general numbers regarding individuals served, 3) description of services provided, 4) number of residents in facility, and 5) summary of agreements with third party providers for support services; iv) the Haven shall at written request of the Police Department install any required security enhancements, acceptable to the Haven and Chief; and v) Annual Compliance Review in August of every year.*

*The Police and Building Inspection Department's reported that there were no complaints or issues on record for the Haven. The Haven reported that since their opening day on April 15, 2013 they have served 25 homeless men; 12 of which voluntarily exited the facility or were asked to leave after violating Haven policy and procedures; and 7 men have successfully transitioned out of the facility by finding work and relocating to different housing.*

*The CUP allows up to a maximum of 20 residents but currently the Haven is prepared to accept 8 residents; presently there are 6 residents in the facility. The facility averages 6 – 8 residents ranging from an age of 21 – 53 years old. The Haven offers case management Monday – Friday with the residents meeting with a case manager once or twice a week addressing goals, job searches, mock interviewing, budgeting, resident issues and housing contact information. The Haven has partnered with many local organizations to help provide assistance for the homeless adult males.*

*The Commission is advising the Council that its compliance review produced no negative findings or material disclosures related to the Havens' Operation. The Commission unanimously recommends that the CUP be continued as originally issued with another compliance review occurring in August 2015.*

**Moved by Hornung, seconded by Diedrich, that this Action Item be approved. The motion carried by the following vote:**

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

## VII. NEW BUSINESS



**14-1579** Review Planning Department Proposed 2015 Budget.

*Mr. Braun explained to the Commission that the proposed 2015 budget is identical to the 2014 budget. The Planning Department doesn't anticipate any major additions to the 2015 budget. Mr Nickels explained to the Commission that on the personnel end of the budget the Associate Planner position formerly held by Michelle Yanda will be refilled. In addition, Mr. Braun will become the City Planner and Dave Less' former City Planner position will now be renamed to the Director of Community Development. The department budget was for discussion purposes only and no action was needed from the Commission.*

**This item was discussed.**

**14-1580** Discussion of Future Meeting Dates and Plan Commission Procedures.

*Mr Nickels explained to the Commission that due to the new Granicus document management system that the Clerk's Department is now using it is practically impossible to meet the deadline date of getting Plan Commission reports to the City Clerk. Plan Commission reports must be forwarded to the Clerk on the proceeding Wednesday before the next Common Council meeting. With Plan Commission meetings occurring Wednesday night the reports had to be written prior to the meeting. Due to the timing issue the date of the Plan Commission meeting needs to be changed. After discussion by the Commission it was decided to move the Plan Commission meetings to the first Wednesday after the first Monday of the month. This change would give Planning staff ample time to prepare all necessary reports and documents.*

*For the remainder of 2014 the Plan Commission will meet on the First Wednesday after the First Monday of the month: September 3rd, October 8th, November 5th and December 3rd.*

*Mr. Nickels explained that he would like to have placed on the agenda a discussion item regarding the Comprehensive Plan. He would like to have all the Commissioners review the 2009 Comprehensive Plan and use that document as a guide to future projects. He would like the Plan Commission to actively discuss topics that are in the Comprehensive Plan and then, if needed, make recommendations to the Common Council.*

*Mr. Nickels and Mr. Braun explained to the Plan Commission that with the new Granicus system there will be some changes to the Plan Commission meetings. All future meetings will be in the Council Chambers because of the audio and video equipment that is in the room. Minutes and agendas will be prepared using Granicus. All of the meetings will be available on the internet so the minutes may not be as lengthy because an individual can now watch the actual meeting.*

*Mr. Diedrich brought up the topic of reviewing Certified Survey Maps; Mr. Diedrich felt that the Commission does not need to review the CSMs if staff feels comfortable approving them. If there are controversial CSMs staff can always have the survey placed onto the Plan Commission agenda for their review. The Commission all agreed that future CSMs need not go to them for review.*

*Mr. Hornung also suggested that all future Plan Commission packets be sent digitally; all of the Commissioners agreed that the future packets can be mailed out electronically in pdf format.*

**This item was discussed.**

**VIII. MISCELLANEOUS**

A. Manitowoc County Activities:

*None.*

B. Certified Survey Maps (CSM):

*None.*

C. Summary of Site Plans

- 14-1582**      SP9-2014: Jagemann Plating, 1324 So. 26th - Building Addition (approved).
  
- 14-1583**      SP10-2014: Orthopaedic Associates, 501 N. 10th Street - Parking Lot (approved).
  
- 14-1584**      SP11-2014: Domestic Violence Center, 300 E. Reed Avenue - Building Addition (approved).

**IX. ADJOURNMENT**

**Moved by Hornung, seconded by Diedrich to adjourn the meeting at 7:30 pm.**

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

Respectfully Submitted,

Paul Braun  
City Planner