



# City of Manitowoc

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

## Meeting Minutes Plan Commission

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Wednesday, July 29, 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 Chairman Justin Nickels at 6:31 PM

### II. ROLL CALL

**Present:** 6 - Jim Brey, Mayor Nickels, Dan Koski, Jim Muenzenmeyer, Dennis Steinbrenner and Peter Dornier

**Absent:** 2 - Dave Diedrich and Daniel Hornung

Staff Present: Nic Sparacio, Paul Braun, Tyler Caulum, Heather Sohlden

Others Present: Steve Mann, Beverly Mann, Harold Beckman, Albert Sears, Paulette Sears, Kathleen Zutz, Dennis Zutz, Fran Beckman, John Thompson, Lee Suess, Audrey Suess, Joshua Wendt, Kerry Trask, Michelle LeClair-Schroeder, Phyllis Novy, Vic Novy, Laura Weber, Max Lory, Eric Sitikiewitz, Joshua Bower, Chad Victor Ackley, Jody Ackley

### III. APPROVAL OF MINUTES

[15-772](#) Approval of the Minutes of the June 3rd, 2015 Meeting.

**Moved by Muenzenmeyer, seconded by Koski, that the Minutes of the June 3rd, 2015 Meeting be approved. The motion carried by the following vote:**

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

### IV. PUBLIC HEARING

[15-773](#) PC 20-2015: Project Plan Amendment - Tax Incremental District #15.

*Mr. Sparacio explained the proposed amendments to Tax Incremental Financing District 15. State statutes allow for the use of TIF funds for project costs within one half mile of the district boundary if such projects are identified in the Project Plan. Dewey Street and the related stormwater infrastructure are proposed for reconstruction in 2016, and a portion of the project is located in TID 15, and a portion is located outside of TID 15 but within one half mile of the district boundary. The proposed amendment to the project plan would allow for TIF funds from the district to contribute toward a portion of the project within one half mile of the district boundary. The required notices for this public hearing were published. Mayor Nickels opened the public hearing and called three times for public comments on this matter. There were no public comments. The hearing was closed.*

**This item was discussed. No action taken.**

**V. PUBLIC INFORMATIONAL HEARING**[15-774](#)

PC 22-2015: TLC Homes Request for Conditional Use Permit for an Adaptive Reuse Pursuant to 15.150(3)k and 15.370(29) at 1004 N. 17th Street for an Adult Day Care Facility and Office Use.

*Mr. Braun read the following into the plan commission report:*

*Request is from Tim Frey, from TLC Homes., who is the prospective purchaser of the original Grace Evangelical Church and most recently a former CBRF operation. TLC Homes is requesting that the City issue an adaptive reuse Conditional Use Permit (CUP) for the creation of an Adult Day Services use and related office administration operations pursuant to Section 15.37(29) of the Manitowoc Municipal Code.*

*15.37(29) establishes procedures for the issuance of a CUP to encourage the adaptive reuse of buildings such as churches and schools, as well as historically significant buildings, buildings larger than 100,000 sq ft in area, and governmental buildings.*

*15.37(29) the Adaptive Reuse code section requires procedural compliance with Section 15.37(27) the Conditional Use Section of the Manitowoc Municipal Code.*

*Under the adaptive reuse 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.*
- D. The reuse of the building is made more difficult to the extent that the marketable value of such properties may be substantially diminished.*
- E. The adaptive reuse of a building furthers the promotion and conservation of the economic value of such buildings and thereby protects and improves the City's tax base.*

*The 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.*

*15.37(29) further authorizes reductions to off-street parking requirements and other zoning requirements so as to not render the reuse of a building under this section unfeasible.*

*The building is currently owned by Bank First National and TLC Homes has submitted an offer to purchase. The building is currently vacant with the previous owner being Anthony and Tammy Chimileski who used the building as their residence from approximately 2005 to 2014 as a residence. The Chimileski's ran Open Arms CBRF up until 2005. Prior to the Chimileski's ownership Louise Wagner owned the building and before her the building was the location of Grace Evangelical Church. The property address is 1004 N. 17th Street and is located at the northwest corner of N. 17th Street and Wisconsin Avenue and has 88 feet of frontage along N. 17th Street and 155.4' along Wisconsin Avenue and is roughly 0.342 acres.*

*In 1994 Debbie Plekan requested a change in zoning from R-4 Single and Two Family to B-1 Office – Residential for the operation of a photography studio and residence but the Plan Commission voted against the rezoning 4-3 and the zone change never occurred.*

*After the denial of the rezone in 1994 the Plan Commission approved an Exception to the 2,500 foot rule for the establishment of a CBRF which was in operation until 2005. There were multiple issues and concerns with the owners of the CBRF throughout its operation. The requester is not affiliated or associated with the previous Open Arms CBRF operation.*

*TLC Homes owns and operates 8 separate CBRF's located throughout the City with a total of 52 residents being provided for. TLC is proposing to develop a central Adult Day Services operation for their residents from the outlying CBRF locations in the City. The Day Services would serve up to 30 individuals at a single time and would generally operate Monday – Friday between 6am – 6pm. The primary hours of operation are from 8:30am – 3:30pm. Before 8:30am and after 3:30pm there would be minimal activity which could be 10 or less individuals served and 4 or less employees. The number of individuals served is consistent with Wisconsin Department of Health Services which covers minimal square footage per individual served.*

*The population served would be intellectually disabled, developmentally disabled adults and traumatically brain injured adults. The individuals will have activities such as crafts, artwork, entertainment such as movies, videos, fine motor skill activities, socialization activities, memory games, gardening, and walks; there will not be any type of packaging or assembly work done at the location.*

*In addition to the Adult Day Services TLC is proposing to locate their administrative offices at the site. The office would operate Monday – Friday from 8am – 5pm and up to 3 Saturdays per month from 7am – 3pm. The Monday – Friday operations would primarily be office space, interviewing and training for employees; Saturday use would primarily be training of employees. There would be 3 to 4 permanent office staff located at the location and they would physically be located in the basement of the building.*

*TLC is proposing to use their own small passenger vans which would drop individuals off on N. 17th Street, the vans would then park on Wisconsin Avenue or the current off-street parking lot which provides 3 spaces. Currently TLC uses 4 vehicles but it is anticipated at full capacity they would be using 6-7 vans.*

*At maximum the Adult Day Services would have up to 15 employees, and 30 individuals with 6 – 10 of the employees riding along on the vans that transport the individuals to the location from the outlying CBRFs. 5 – 9 employees would be responsible for their own transportation to the location. The site currently provides 3 off-street spaces off of N. 17th Street. The exact number of parking spaces is not very clear in the application but I'm estimating it around 15 to 20 spaces.*

*Currently Wisconsin Avenue and N. 17th Street have unrestricted parking on the streets. The right of way width for both streets is 60 feet which is relatively narrow, for example the City's subdivision ordinance requires 66 feet of width for new subdivisions. Wisconsin Avenue's curb to curb width is 33 feet and N. 17th Street's curb to curb width is 29 feet which is narrow especially in winter. North and south bound traffic on N. 17th Street have a yield sign but east / west traffic on Wisconsin Ave are unimpeded.*

*TLC proposed to lease parking spaces at Citizens Park for their employees. Family*

members, guardians or social workers would need to use on street parking. The Parks Committee met last night and took no action and placed the request on file; they were not interested in leasing any of the parking lot spaces at Citizens Park.

The operation does not need to be licensed by the State of Wisconsin. The property will be owned by Priority One Investments, LLC which is entirely owned by Tim Frey, Mr. Frey is also 100% owner of TLC Homes.

The interior alterations TLC is proposing includes the addition of two bathrooms, a new shower/bath, removal of interior ramp, removal of walls and other miscellaneous cosmetic improvements. The proposed exterior changes are repair the ADA ramp, roof, windows and miscellaneous improvements like paint and landscaping.

The property is currently zoned R-4 Single and Two Family with Single and Two Family residential in four directions. The surrounding land uses is residential in all four directions with the Citizen Park Aquatic Center and roller skating building located one block to the west. In the R-4 Single and Two Family District Adult Day Services and Adaptive Reuse uses are permitted after issuance of a Conditional Use Permit.

Notices were mailed to property owners within 200' of the subject property on July 22, 2015 and the following comments or questions were received:

Stephen Mann, 1013 N. 17th Street came into the office and stated that he is opposed to the proposal and that the use does not fit into the neighborhood setting. He also stated that the use will have a negative effect on the property values. There will be a lot of traffic generated by the operation and there are a lot of kids in the neighborhood.

Kristy Kreie, 1022 N. 17th Street sent an email voicing her opposition to the proposal. Her concern is that the neighborhood is residential and very quiet and the proposed use would be more of a business. She is concerned with property values, traffic and lack of off-street parking.

Mr Braun noted that a mailing list of the neighbors was provided to Mr. Frey but he isn't aware if Mr. Frey has had any contact with the neighbors prior to tonight's meeting.

In closing, Mr. Braun noted that the General Land Use Policy in the City's 2009 Comprehensive Plan listed under "policies and programs" in this district is to "encourage the adaptive reuse of vacant and/or underutilized buildings and properties."

Mr. Braun then stated some of his general concerns with the proposal. The concept of the use is a good adaptive reuse but a concern is the intensity of the number of employees and individuals using the property with no available adjacent off street parking. The narrow 60' right of ways (29' curb to curb on North 17th Street and 33' curb to curb on Wisconsin Avenue) create unsafe vehicular and pedestrian conditions which would be magnified in the winter; the proposed use and associated vehicular demands would create unsafe conditions. The traffic generated and long hours and days of operation are not very conducive and compatible with the neighborhood setting.

Mayor Nickels asked for the staff recommendation.

Staff recommended denial of the application based on Adaptive Reuse and Conditional Use Permit criteria as mentioned in the code.

Under the adaptive reuse 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.*

D. *The reuse of the building is made more difficult to the extent that the marketable value of such properties may be substantially diminished.*

E. *The adaptive reuse of a building furthers the promotion and conservation of the economic value of such buildings and thereby protects and improves the City's tax base.*

*Planning staff recommends denial of application for an Adaptive Reuse Conditional Use Permit because of the lack of permanent off street parking to support the proposed use, the additional traffic and congestion on the narrow road ways, the density of the use with the number of permanent employees and individuals being served, and the length of the proposed businesses hours and days of operation create unsafe conditions. The Planning Department goes on record stating that the listed concerns are not in harmony and character of the surrounding area and that there will be a negative effect on the surrounding neighbors; staff also believes other non-residential locations in the City are more appropriate for the business type intensity of the proposed uses.*

*Mayor Nickels opened the discussion up to the Plan Commission.*

*Mr. Brey asked why a previously used "exception of the 2,500 foot" rule applied to the CBRF but not to the proposed Adult Day Services. Mr. Braun stated that the 2,500 foot rule does not apply to Adult Daycare Services and further elaborated on the difference between CBRF and an Adult Day service. Mr. Steinbrenner inquired about the staff's understanding of the need for an Adult Day Service in the City of Manitowoc. Mr. Braun claimed he was unsure of the need for such a service in the city, however Mr. Frey mentioned in the application that there were not Adult Day Services available for his CBRFs. It was made more clear that this particular Adult Day Service is made only for Mr. Frey's CBRFs. Mr. Koski stated that there could be moderate amounts of traffic caused by the business throughout the day, rather than just dropping off in the morning and picking up in the evening.*

*Mayor Nickels closed discussion to the Plan Commission.*

*Mayor Nickels opened discussion to the Public.*

*Beverly Mann, 1013 N 17th Street (across the street from the property): Stated her expertise as a registered nurse and having dealt with perspective clients for over 40 years. She agrees there needs to be adult daycare, but that someone is already hosting it at the old vocational school. Mrs. Mann thinks that 30 people in such a small area would be an injustice to the senior citizens on account of over crowding. Mrs. Mann is also concerned with the property values going down on account of the proposed business. She feels there is better uses for the building and does not care if the bank has to sit with the building. According to Mrs. Mann, the building has been used for adult services, but had a much smaller client base (4-6 clients). Overall she thinks the project is a poor plan.*

*Maxwell Long, 1036 N 17th Street: Mr. Long started by mentioning his credentials as an operator of two homes servicing adults with disabilities. He also talked about his doctorate in which he is minoring in special education. He agrees there is a need for adult services in the community, however to have 30 individuals with developmental*

disabilities in a place so small concerns him. Mr. Long continues by stating his concern for the safety of individuals in the neighborhood on account of the transportation vans that will be parking around the neighborhood.

Rachel George, 1026 N 17th Street: Mrs. George's main concern comes as a parent of a 7.5 and a 5.5 year old and she feels the proposed use would add on to the concerns she has with the neighborhood. The increased traffic on 17th is what bothers her the most because there is already so much traffic on 17th street when people try to "beat the light" on 18th. Mrs. George also raised the concern of adding a spot zone to the community. She is worried if spot zoning is accepted for one house then the banks will feel like spot zoning can be utilized for other houses they own in the area.

Harold Beckman, 1019 N 17th Street: Mr. Beckmans main concern is also about increased traffic on the street on account of all the children in the neighborhood.

Albert Sears, 1021 N 17th Street: Strongly opposed to the proposal. Claims there is no evidence that the facility is needed. Research will find there is plenty of other facilities in the town already providing these services. Another concern Mr. Sears had is about the lack of parking available as there is already lots of parking taking place on the street.

Mayor Nickels closes public input.

A move to deny was presented by Alderman Brey and seconded by Steinbrenner.

Mayor Nickels opened discussion on the motion.

Mr. Brey states though he is motioning to deny, he does recognize there is a need for this type of facility in the Manitowoc Community. Unfortunately the proposed use is not conducive to the neighborhood on account of the higher volumes of traffic in the area. Mr. Steinbrenner backs his second by explaining the nuisance is coming to the citizens, the citizens are not going to the nuisance.

**Moved by Brey, seconded by Steinbrenner, to deny issuing a CUP to TLC Homes, Inc. based on the findings that the proposed uses i) are not reasonably necessary for the convenience and welfare of the public, ii) are not in harmony with the character of the surrounding area, and iii) will not have a minimal effect or no effect on the surrounding property values. The motion carried by the following vote:**

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

## **VI. REFERRALS FROM COMMON COUNCIL: None**

## **VII. OLD BUSINESS**

### [15-775](#)

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

Mr. Sparacio provided an update on the Sign Code revision project. All comments of the Citizen Stakeholder Committee and staff have been provided to the consultant for inclusion in a revised draft of the code. Once the revised draft is received, the next Stakeholder Committee meeting will be set.

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

## VIII. NEW BUSINESS

[15-776](#)

PC 25-2014: Annual Review of Ramirez Auto Repair and Towing's Conditional Use Permit for the Wrecker Service at 1545 S. 41st Street.

*Mr. Braun began the discussion by stating the Conditional Use Permit (CUP) was required because the towing service is in a B-3 zone. An auto-service is an allowed permitted use, however the towing/wrecker service requires a CUP. The owner has made incremental steps, he just moved to that location and the general site appearance has improved. After talking to him in the field it is clear he is trying to bring the site up to code as money becomes available.*

*Since last year, he brought in gravel beyond the city's knowledge and started parking cars on the gravel. Since then he has blacktopped portions of the gravel and has taken care of some of the landscaping, however parts of the lot are still gravel and being parked on. Mr. Ramirez seal coated the lot and painted his own lot lines, however in doing so he placed a stall in the ROW. To rectify the mistake Mr. Ramirez will simply have to paint over the misplaced parking stall.*

*Mr. Steinbrenner asked Mr. Braun what may be the problem if no citizens have complained and Mr. Ramirez is making steps in the right direction. Mr. Braun responded in saying that the steps are a little slower than generally permitted. Mr. Braun suggested a renewal of the CUP, and to send a letter to Mr. Ramirez encouraging him to speed up with the enhancements in the lot.*

*Mr. Braun's recommendation is a continuation of the CUP for the towing operation and waiving the annual review. Conditions are still in effect and can be reviewed at any time. No parking spaces or storage of material in R.O.W. or parking vehicles on the gravel will be allowed.*

**Moved by Brey, seconded by Muenzenmeyer, that the Council renew the 2014 CUP for 2015 with an annual review at the July, 2016 Plan Commission meeting. The motion carried by the following vote:**

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

[15-777](#)

PC 49-2010: Saunders Review of Special Permit for a Parking Lot in a Residential District.

*Mr. Braun opened the discussion by explaining some history on the CUP. You can extend a parking lot 150' into a Residential District if it is adjacent to a business use. This lot was formerly a rundown house, which was purchased and razed by the Saunders the lot then was turned into a parking lot to serve the adjacent business. Since 2010 the Saunders have made incremental steps to improve the lot up to code (landscaping, graveled, concrete approach). Last year a letter was sent to the Saunders detailing that the lot improvements were not completed and that a citation would be sent if the lot was not brought up to code.*

*Mr. Braun commented on an email submitted prior to the Plan Commission by Mr. Saunders stated "To let you know, we have started the parking lot, as of right now we have had half of the lot blacktopped and the remainder will be completed in two months." Mayor Nickels asked what would happen were the city to deny the approval, to which Mr. Braun responded the council would have to decide if they wanted to issue citations. Mayor Nickels suggested that if the Saunders said in writing they will have it complete in*

two months the commission will extend the CUP for two months and if it is not completed by then they will issue citations and block off the lot. Mr. Brey agreed with the mayor, stating the commission wants to work with people and encourage development, but this has been a problem for too long.

Mr. Steinbrenner made a point that the original CUP stated completing construction including landscaping of the lot was due in 2011. He stated the City has accommodated for too long and a two month time period is gracious of the city.

**Moved by Brey, seconded by Dorner, to recommend that the Council: (i) Extend permit to Sept. 30th, 2015. (ii) If upgrades are not made to the parking lot to appease the code a citation will be sent after September 30th. The motion carried by the following vote:**

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

[15-778](#)

PC 23-2015: Sign Me Up, Request for a Non-Animated Billboard at 1320 Washington Street - Novak's Service Center.

Mr. Braun opened with the location of the proposed sign. The property is located on the NE corner of Washington Street and S 14th Street and the sign is located at the SE corner of the lot. The sign is going to be pole mounted and face to the west. Mr. Braun summarized the regulations for off-premise signs.

- A. In this zoning district there is a maximum of 2 off premise billboards allowed that cannot be within 150' of a residential zoning district.
- B. Does not face a residence that is adjacent to the billboard.
- C. Does not exceed a total area of 500 Sq Ft, this is going to be 288 Sq Ft.
- D. Cannot be within 1000' of an existing off premise sign on the same side of the street.
- E. Does not obstruct or obscure line of sight of traffic.
- F. Stacking of billboard signs is prohibited.

The maximum height of a billboard is 35', the proposed overall sign height is 33'. The under clearance is estimated to be about 23'. The proposed sign is 24' by 12', single faced, facing west. The distance to the nearest traffic signal is 140', distance to Residential Zoning line is 180' to the south.

The landscaping required for a billboard in the sign code is 2 times the square footage of the sign area equaling 576 Sq Ft. The applicant requested a "payment in lieu of landscaping" in the amount of \$1000 to the "park board". Mr. Steinbrenner stated the accepting of payment in lieu of the landscaping requirements is not common practice of the Commission.

Mr. Braun recommended approval of the request, but not to accept the cash payment in lieu of landscaping, and require the owner and sign contractor to complete the landscaping to code.

Mr. Steinbrenner asked why would they not want to landscape?

Mayor Nickels suggested it was because it is paved parking lot and would be expensive to landscape.

Mr. Koski suggested they put some plants underneath the sign in a planter box.

Mr. Muenzenmeyer requested that staff confirm whether the sign is in an easement prior to beginning the landscaping.



**Moved by Brey, seconded by Steinbrenner, that the Council: (i) approve the construction of the off-premise billboard and (ii) deny the payment in lieu of landscaping so that Novak's Service Center is responsible for completing the landscaping per the sign ordinance. The motion carried by the following vote:**

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

[15-779](#)

PC 24-2015: Cenex Convenience Store, Request for an Animated Sign at 311 N. Rapids Road.

*Mr. Braun stated the request was for a 2' by 5' animated sign on a an existing sign structure; replacing an existing manual reader board. The actual overall sign square footage on the property would be reduced.*

*Mr. Braun explained that there are two issues. First is the separation distance of at least 100' from an intersection, however the commission has the right to waive the 100' separation. The code also requires 100' line of sight separation from a residential district; right across the street is the R-4 district, but the animated sign cannot be read at that 100' point from the sign but the distance from the point where the sign can be read at the residential zoning line is approximately 118 feet.*

*Mr. Braun's recommendation is to approve the proposal and waive the 100' distance from an intersection restriction as well as the 100' sight distance from a residential zone restriction. The property will have less total sign area with the new sign as proposed.*

*Mayor Nickels noted the commission has done something like this in the past.*

*Mr. Muenzenmeyer made a point that another reason the 100' separation rule is in place is because animated signs make noise. He does not think a sign of this size will generate enough noise or light to bother local residents.*

**Moved by Dorner, seconded by Brey, that the Plan Commission grant a special permit per Section 15.450(18)e to allow for the erection of fixed animated signs; and inform the Council that a special permit authorizing the animated sign was approved for the business at 311 N. Rapids Road. The motion carried by the following vote:**

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

[15-780](#)

PC 25-2015: John Thompson, Placement of fill in a P-1 Conservancy District off of Menasha Avenue, pursuant to 15.070(4)a.

*The Commission moved this topic ahead in the meeting because the requester, John Thompson was present.*

*Mr. Braun stated the reason this topic was brought to the Commission was because the placement of fill in a P-1 Conservancy has to be approved by the Commission.*

*Mr. Braun stated he would recommend allowing the driveway to be installed and fill be placed in the P-1 Conservancy District.*

*Mayor Nickels opened discussion to the commission.*

*Mr. Muenzenmeyer asked for more recent wetland delineation than what was provided from 1994. Mr. Thompson, the requester, was able to provide an updated wetland map.*

Mr. Thompson stated all the land where they are planning on installing the driveway has an elevation higher than Menasha Avenue, when you get to north end of the area in question its approximately 6.5 ft. above the wetland. Mr. Braun stated that the proposal is consistent with a 2004 concept plan that SMI created for Tony Butala who was the previous owner.

Mr. Koski stated Public Works is planning on a ditching project through the center of Mr. Thompson's property.

Mr. Muenzenmeyer asked if the drainage of the lots to the west of the driveway flow eastward, Mr. Thompson said the drainage does flow easterly, Mr. Muenzenmeyer asked if the proposed project is going to effect that flow to which Mr. Thompson claims it is not. Mr. Muenzenmeyer stated his concern for adding drainage onto the surrounding properties.

Mr. Thompson said the neighbors currently have standing water in their back yard and that problem is going to be alleviated after this project. The first part of the plan is to get permission to place fill in a P-1 zone. Mr. Thompson stated that the elevation of the driveway will not change but he has to remove the old ground and replace with the proper base and then black top.

Mr. Koski asked what the final elevation of the driveway is going to be compared to the current elevation. Mr. Thompson said it's going to be the same as it is now. Mr. Muenzenmeyer asked if they can request that certified elevations be provided to the City. Mr. Thompson stated that he will have SMI prepare the proper plans to address any drainage concerns.

**Moved by Muenzenmeyer, seconded by Koski, that the Council approve the placement of fill in the P-1 Conservancy District, Pursuant to Section 15.070(4)a of the Municipal Code, with the condition that the owner, prior to filling the area, provide certification by a licensed Engineer or Surveyor showing that all drainage issues would be addressed to prevent the flooding or draining of water onto neighboring properties; said drainage plan shall be approved by the Department of Community Development prior to any placement of fill. The motion carried by the following vote:**

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

[15-781](#)

PC 1-2015: Kaysun Corporation, 5500 West Drive Request for a Release of Easement.

Mr. Braun opened by saying they are going to remove the request from the agenda. Through the site plan process for Kaysun's building the comments came in that MPU AT&T are fine with having the electrical and phone lines below the slab, there is no action to be taken because the easement will remain in place.

**Moved by Muenzenmeyer, seconded by Koski, that the Council take no action on the release of easement request and place said request on file. The motion carried by the following vote:**

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

[15-782](#)

PC 1-2015: Abbey Ridge LLC: Quit Claim Deed - Ebony Avenue.

Mr. Braun stated that the quit claim deed is for a 1.29 acre area which is to be dedicated

by Abbey Ridge LLC for the Ebony Avenue right of way.

Mayor Nickels opened discussion to the Commission.

Mr. Koski asked why Mr. Lukas has to do it as an LLC and an individual. To which Mr. Braun responded by saying Mr. Lukas personally owns some of the land and another part of the land is owned by the LLC which Mr. Lukas is a member of.

**Moved by Brey, seconded by Dorner, that (i) the Council approve and accept the Quit Claim Deed and (ii) the Clerk subsequently record the document at the Register of Deeds. The motion carried by the following vote:**

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

[15-783](#)

PC 1-2015: John Lukas: Quit Claim Deed - Ebony Avenue.

Mr. Braun stated that the quit claim deed from John Lukas is for the dedication of 0.009 acres of land for the Ebony Avenue right of way. The piece is a small triangular shape and cleans up some dedication issues in the area.

Mayor Nickels opened discussion to the Commission. There was none, the motion was passed unanimously.

**Moved by Steinbrenner, seconded by Koski, that (i) the Council approve and accept the Quit Claim Deed and (ii) the Clerk subsequently record the document at the Register of Deeds. The motion carried by the following vote:**

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

[15-784](#)

PC 21-2015 Manitowoc County Tax Foreclosure Properties.

Mr. Braun stated that the City gets a list of foreclosure properties annually from the County and that the Commission reviews the properties to consider whether the City has an interest in acquiring any of them. Community Development staff have reviewed the current list of foreclosure properties, and did not find any parcels in which the City would have an interest in.

Mr. Muenzenmeyer brought up a property on Park Street that is near the Rahr West Art Museum that he thinks the Museum Board might have an interest in. Mayor Nickels said he would pass it along to the Museum Board.

**Moved by Brey, seconded by Nickels, that the communication from Manitowoc County be placed on file, with no further action taken. The motion carried by the following vote:**

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

[15-785](#)

PC 1-2015: Willow Spruce Trust: Request for Release of Easement at 2211 N. 8th Street.

Mr. Braun stated that this is a request from the property owner's surveyor - Bruce Robley. There is cable television and electric running through the back 3rd of the property in an existing easement that the surveyor did not anticipate. As of right now the surveyor hasn't gotten back to the property owner to find out if they want to pay to relocate the utilities or simply keep the easement in its current location. The property owner is planning on splitting the property to sell the house and vacant lot and the easement issue came to light.

**This Item was tabled until the August Plan Commission meeting . No Action taken.**

[15-806](#)

PC 20-2015. Discussion and Possible Action on Project Plan Amendment - Tax Incremental District # 15 and adoption of resolution.

*Mayor Nickels further explained that legally the City can go a half mile out of the current TIF District. When TIF Districts are finalized, the City is allowed to amend the final plan. This amendment would cover 40% of the street reconstruction, the City would still fund the other 60%.*

*Mr. Brey asked how the City handles assessments. To which Mr. Koski thought the City might not be able to assess the property because it would essentially be double dipping on the assessment. There is a request to have a more certain answer before the Council Meeting.*

*Mayor Nickels stated that with this amendment the TID still could close out in 2018, as projected when the TID was being created.*

**Moved by Muenzenmeyer, seconded by Koski, that the Commission unanimously approved the amendments to the Project Plan for Tax Incremental Financing District No. 15 and the resolution recommending adoption of the amendments to the Common Council. The motion carried by the following vote:**

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

[15-786](#)

PC 19-2015: Discussion and Possible Action on Creation of Tax Incremental District #18.

*Mr. Sparacio described the proposed Tax Incremental District in the area of the former Mid-Cities/Lakeview Center Mall and the former Elks Club. It also includes the office complex south of Waldo Blvd. and Memorial Dr. The plan will include a number of anticipated public works and improvement projects and project future development types and values. The mall demolition is underway, but there are no development commitments in place currently. Therefore, the general strategy for the district will be pay-as-you-go. Unless there are truly catalytic public improvements that are needed to facilitate a committed development project, this district should not utilize debt to fund projects. The area is consistent with the Comprehensive Plan as a future mixed-use redevelopment area.*

*Mayor Nickels stated that the timing for this TIF district is important, because of Red Arrow Products' potential plans to construct their new corporate headquarters in the area. If the district is in place before they construct, the additional property value will be captured and can help fund infrastructure improvements.*

*The Commission discussed how Tax Incremental Financing works. The purpose of TIF is to serve as a catalyst to create additional development and tax base that would not otherwise take place. The Commission discussed the potential boundary and which properties should be included. The former hospital on Reed Avenue is not included. Mr. Sparacio explained that this item is informational at the present time, and will come back to the Plan Commission for formal action at a later date.*

**Moved by Brey, seconded by Dorner, that the Commission unanimously recommends to Council that staff is authorized to proceed with creation of TID 18. The motion carried by the following vote:**

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

## IX. MISCELLANEOUS

A. Manitowoc County Activities: None

B. Certified Survey Maps (CSM):

[15-787](#) PH Manitowoc, LLC SW ¼, NE ¼ and NW 1/4, SE ¼ Section 35, Township 19 North, Range 23 East, City of Manitowoc.

**This Certified Survey Map was discussed. No Action taken.**

C. Summary of Site Plans

[15-788](#) SP 6- 2015: MTM, 4330 Expo Drive - 20,000 sf building addition.

**This Site Plan was discussed. No Action taken.**

[15-789](#) SP 7-2015: Kaysun Corporation - 31,000 sf building.

**This Site Plan was discussed. No Action taken.**

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.*

## X. ADJOURNMENT

**Moved by Steinbrenner, seconded by Brey, that this Meeting be adjourned at 7:44 PM. The motion carried by the following vote:**

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

Respectfully Submitted,

Paul Braun  
Secretary