

Paul Braun

From: Saunderspw <saunderspw@tds.net>
Sent: Tuesday, September 23, 2014 7:24 AM
To: Paul Braun
Subject: RE: PC49-2010: Saunders; Request for an Extension of a Special Permit for a Parking Lot in a "R" Zoning District at 1201 So. 13th Street

Morning Paul we have had 2 bids 1 from Wrightway Application in the amount of 10 thousand, and C and R paving in the amount of 9600, as the stylist are there at different times I have never seen more then 5 cars there At one time thankyou Jon and Cheryl.

Sent from my U.S. Cellular® Smartphone

----- Original message -----

From: Paul Braun <PBraun@manitowoc.org>
Date: 09/22/2014 4:17 PM (GMT-06:00)
To: 'Saunderspw' <saunderspw@tds.net>
Cc: Lisa Mueller <lmueller@manitowoc.org>
Subject: RE: PC49-2010: Saunders; Request for an Extension of a Special Permit for a Parking Lot in a "R" Zoning District at 1201 So. 13th Street

Jon or Cheryl,

I will need to give a report to the Plan Commission and eventually the Common Council regarding the parking lot so is there any way you can provide a more detailed plan? Have you requested bids from any contractors or is it possible to do another portion of the lot and complete it in phases? Is the whole gravel area currently being used for parking? How many cars at peak periods are using the lot?

The Plan Commission in November will meet at 6:30 on the 5th I hope that either one or both of you could be present.

Thanks

Paul Braun

Paul Braun

City of Manitowoc

City Planner

900 Quay Street

Manitowoc, WI 54220

920.686.6930 ph

920.686.6939 fax

pbraun@manitowoc.org

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From: Saunderspw [mailto:saunderspw@tds.net]

Sent: Friday, September 19, 2014 3:52 PM

To: Paul Braun

Subject: RE: PC49-2010: Saunders; Request for an Extension of a Special Permit for a Parking Lot in a "R" Zoning District at 1201 So. 13th Street

Hi Paul we do plan on paving the parking lot we just haven't got the funds to do so at this point.

Sent from my U.S. Cellular® Smartphone

----- Original message -----

From: Paul Braun <PBraun@manitowoc.org>

Date: 09/19/2014 3:15 PM (GMT-06:00)

To: "'millyjock1@tds.net' (millyjock1@tds.net)" <millyjock1@tds.net>, "'saunderspw@tds.net'" <saunderspw@tds.net>

Cc: Greg Minikel <gminikel@manitowoc.org>, Rick Schwarz <rschwarz@manitowoc.org>, Lisa Mueller <lmuller@manitowoc.org>, Dan Hornung <dan@bldhound.com>, Dan Koski <dkoski@manitowoc.org>, Dave Diedrich <ddiedrich@investorscommunitybank.com>, Dennis Steinbrenner <wciv@hotmail.com>, James Brey - D4 <jbrey@manitowoc.org>, Jim Muenzenmeyer <jmuenzenmeyer@manitowoc.org>, Justin Nickels <jnickels@manitowoc.org>, "Steve Alpert (alpert@alpertfellowslaw.com)" <alpert@alpertfellowslaw.com>
Subject: RE: PC49-2010: Saunders; Request for an Extension of a Special Permit for a Parking Lot in a "R" Zoning District at 1201 So. 13th Street

Jon and Cheryl,

Can you give me an update regarding the paving of your parking lot for the Lakebreeze Salon at 1201 S. 13th Street. The item will be placed on the November 5th Plan Commission meeting for compliance review. We cannot continue to extend the Special Permit which was originally issued in January 2011. Please let me know what the status / plan is complete the paving.

Thanks

Paul

Paul Braun

City of Manitowoc

City Planner

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From: Dave Less

Sent: Wednesday, October 02, 2013 10:16 AM

To: 'millyjock1@tds.net' (millyjock1@tds.net)

Cc: alpert@alpertfellowslaw.com; Dan Koski; Dan Hornung; David Diedrich (ddiedrich@investorscommunitybank.com); galleryeast@milwpc.com; Greg Minikel; James Brey - D4; Jim Muenzenmeyer; Justin Nickels; Lisa Mueller; Michelle Yanda; Paul Braun; Rick Schwarz

Subject: PC49-2010: Saunders; Request for an Extension of a Special Permit for a Parking Lot in a "R" Zoning District at 1201 So. 13th Street

Importance: High

Jonathan and Cheryl. I wanted to send a reminder to you that back in December, 2012, the City extended the term of your Special Permit to construct a parking lot, with a new completion date on or before November 15, 2013. Well, we're here again, and I wanted to make you aware that I'll be placing this item for consideration on to our **November 13, 2013** Plan Commission agenda (6:30pm meeting, Planning/Engineering Conference Room, west end of City Hall). You should plan on attending the meeting.

I drove by the site today, and it looks like there is still work to be done to complete the parking lot, so hopefully it will all be finished, or contracted to be finished, by the November 15th deadline.

Just wanted to make sure I provided you with this reminder. I'm attaching the minutes from the December 12th Plan Commission meeting, along with the Council's 2012 affirmative action to extend the completion date.

David Less, City Planner

City of Manitowoc Planning Department

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*Lic, Permits
& Insp
11-18-13*



CITY OF
MANITOWOC

David Less
City Planner

614

NOVEMBER 2013
PLAN COMMISSION REPORT

November 18, 2013

To: Mayor and Common Council

From: Manitowoc City Plan Commission

Subject: PC49-2010: Saunders; Request for Extension of a Special Permit for a Parking Lot in a "R" Zoning District

Dear Mayor and Common Council:



At the regular November 13, 2013 meeting of the City Plan Commission, the Commission considered the status of a Special Permit originally issued in January, 2011 to Jonathan and Cheryl Saunders for establishment of a parking lot in a residential zoning district pursuant to Section 15.430(11) of the Municipal Code. Subsequent to the January, 2011 action, an extension to the completion date was authorized in October, 2011 which extended the completion date of the parking lot improvement to November 15, 2012. A further extension was granted in December, 2012 to November 15, 2013. To date, the parking lot improvement has not been completed. The Commission does acknowledge that substantial progress had been made to the area.

As such, the Commission unanimously approved a further extension of the Special Permit project completion date to November 15, 2014 with the express understanding that the parking lot shall not be used for the parking of five (5) or more vehicles at any time until the lot has been hard surfaced and striped in accordance with the Municipal Code. Failure to comply with this requirement will subject the owners to the issuance of citations.

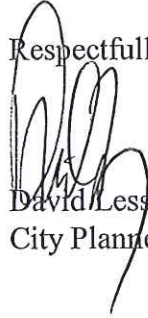
11-18-13

*Committee recommends acceptance of report
and placing on file*



The Commission is advising Council of its action. The Commission further notes that it will again review the status of this project at its November, 2014 meeting, at which time it will determine if additional progress has been made, and if the Special Permit should be terminated.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'DL', is written over the typed name 'David Less'.

David Less
City Planner

Attachment

Re: Document #2010-587
Documents #2011-022, 619 and 701
Document #2012-716

VI. OLD BUSINESS

A. PC49-2010; Saunders; Request for an Extension of a Special Permit for a Parking Lot in a "R" Zoning District at 1201 So. 13th Street

Mr. Less explained that tonight's discussion was in regard to the status of a Special Permit originally issued by the Commission in January, 2011 to Jonathan and Cheryl Saunders for establishment of a parking lot in a residential zoning district pursuant to Section 15.430(11) of the Municipal Code (Code). Mr. Less noted that there had been several extensions to this Special Permit since it was originally issued in January, 2011 and that the parking lot project was to be completed on or before November 15, 2011. Mr. Less displayed pictures of the parking lot over time, noting that while the project was not complete, substantial progress had been made to the area. Mr. Less explained that it would be an awkward position for the City to terminate the Special Permit at this time and to cause harm to this business, but added that something needed to be done so that the owners understood that they had to comply with the Code, and that there were ramifications for not completing the project.

Ms. Stokes commented that by granting the extension, the Saunders would hopefully complete the project.

Mr. Braun commented that the Saunders had done some landscaping in the area, including some on to an adjacent property owner's land, but it had died since it was first installed.

Mr. Less recommended that to maintain integrity to the Code, and at the same time allow the Saunders more time to complete their project, he felt a compromise position was to further extend the Special Permit project completion date to November 15, 2014 with the express understanding that the parking lot could not be used for the parking of 5+ vehicles at any time until the lot had been hard surfaced and striped in accordance with the Code, and that failure to comply with this requirement would subject the owners to the issuance of citations.

Mr. Muenzenmeyer commented that this had been an ongoing situation, but felt that Mr. Less' recommendation was sound.

Mr. Brey concurred with Mr. Less' suggested approach to this matter.

Mr. Diedrich commented that in an earlier discussion with Mr. Less, he found out that there had not been any complaints filed against the property, and added that this in itself was an improvement.

Mr. Braun commented that the Saunders were making the improvements incrementally.

Mr. Less explained the recommendation again as stated above, and added that he would also send a communication to Council advising that body of the Commission's action.

Motion by: Mr. Diedrich

Moved that: the Commission approve the Planner's recommendation above.

Seconded by: Mr. Hornung

Upon Vote: the motion was approved unanimously.

VII. NEW BUSINESS

A. PC31-2013: Manitowoc Place, LLC; Request for Approval of a "Non-Disturbance, Subordination and Attornment Agreement" at 204 N. 8th Street

Mr. Less explained a request from Bob Lemke, as the owner and developer of Manitowoc Place, 204 N. 8th Street. Mr. Less continued that this request came to the City by virtue of the City's TIF investment in this redevelopment project back in 2003-2004, and as a mortgagee against the title to the real estate. Mr. Less noted that Mr. Lemke had requested that the City execute a "Non Disturbance, Subordination and Attornment Agreement" related to a proposed lease with a telecommunication provider, Verizon, to locate its equipment on the top of their building. Mr. Less explained that the purpose of this Agreement was that in event of foreclosure of the City's or any other mortgage filed against the property, Verizon's lease would not be disturbed, and would remain subordinate to the real estate mortgages of record. Mr. Less continued that the Verizon lease would survive a future foreclosure action and remain a binding lease, in full force and effect, with the new owner bound by the lease terms. Mr. Less explained some of the elements of the original redevelopment project including the presence of low income housing tax credits, and made reference to the City's TIF investment in the property and its 2nd lien position, subordinate to a first mortgage with Bank Mutual.

Mr. Less recommended that the Commission recommend to Council that: (i) the Planner serve as the City's agent in this project; (ii) the Planner negotiate and finalize all terms and conditions of the Agreement, subject to a review of the final Agreement by the City Attorney; and (iii) at the instruction of the Planner, the Mayor and Clerk be authorized to sign any documents necessary to complete the transaction. Mr. Less noted that Verizon would also have to comply with the City's telecom ordinance.

Motion by: Mr. Hornung

Moved that: the Commission approve the Planner's recommendation above.

Seconded by: Mr. Alpert

Upon Vote: the motion was approved unanimously.

Mr. Diedrich commented that he couldn't tell what the City's lien position was against the property based on the title report that Mr. Less had provided.

Mr. Less responded that the City's mortgage was in 2nd position, subordinate only to a first mortgage by Bank Mutual in the original principal amount of \$3,444,820. Mr. Less concluded by noting that this type of request was a standard procedure in this kind



10.29.2014 16:03