



# City of Manitowoc

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

## Meeting Minutes

### Plan Commission

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Wednesday, January 22, 2020

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  
Chairperson J. Nickels at 6:00 PM

#### II. ROLL CALL

**Present:** 8 - Jim Brey, Dave Diedrich, Daniel Hornung, Mayor Nickels, Dan Koski, Dennis Steinbrenner, Greg Jagemann and Curtis Hall

#### III. APPROVAL OF MINUTES

Staff Present: Paul Braun, Jeremy Du Chateau, Jennifer Bartz, Lisa Mueller

Others Present: Michael Plate, Vicki Salm, Carl Knutson, Nick Knutson

[20-0062](#) Approval of the Minutes of the December 18th, 2019 Commission meeting.

**Attachments:** [20-0062 PC Minutes Granicus FINAL.pdf](#)

**Moved by Diedrich, seconded by Koski, that this Minutes be approved. The motion carried by the following vote:**

**Aye:** 8 - Alderperson Brey, Diedrich, Member Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

#### IV. PUBLIC HEARINGS

[20-0063](#) PC 4-2020: Michael Plate. d.b.a. Plate Enterprises: 1107 Franklin Street, Conditional Use Permit - for the establishment of a Recycling Facility pursuant to MMC 15.310(3)d.

**Attachments:** [Conditions only.pdf](#)  
[20-0063 PC Report Plate Recycling 1107 Franklin St REVISED.pdf](#)  
[20-0063 Report to Council Plate Recycling.pdf](#)

P. Braun introduced the request and reviews the location. The applicant is applying for a Conditional Use Permit (CUP) for a recycling facility in C-1 Commercial Zoning District. P. Braun provided the definition of Recycling Centers and recyclable materials. He stated that salvaging and scraping of vehicles are not allowed and there is approximately 4,800 SF of leased

area. Mr. Plate, the applicant, stated he would construct a fence along the west property line. P. Braun explained licensing and permits required by DNR and or D.O.T. and that the burden will be on Mr. Plate to be compliant with any licensing requirements and that the City would request proof of the licenses. P. Braun referenced the revised report and reviewed the additional conditions required. P. Braun stated that notices to neighbors were sent and no comments were received.

Mayor Nickels asked of there were any questions or comments from the Commission. D. Diedrich asked to clarify, since Mr. Plate is a tenant, if a Conditional Use Permit can be granted to an individual if they do not own the property? Discussion ensued on the topic. Mayor Nickels indicated CUP should likely include both the property owner and tenant. P. Braun stated that he will check with the City Attorney.

G. Jagemann asked if there are concerns of the operation and P. Braun indicated that he is not 100% sure of what State or other licensing is required so the CUP will put the burden on the applicant to be compliant. Mr. Plate is working with the City Clerk's office on whether a Commercial Hauler's license is required.

Mayor Nickels opened the public informational portion of the hearing.

Mr. Plate indicated he does not reside at, but will operate his business at 1107 Franklin Street. He provided overview of facility operations: receives phone calls, social media messages to pick up an item such as an appliance, brings to 1107 Franklin Street, and removes precious metals. The "carcass" goes to B & B Metals or another salvage yard to be sold as sheet metal. Mr. Plate also stated that his business collects waste oil such as smaller motorized items, waste oil crates and sells to an individual who uses it do heat their building. His business currently serves Manitowoc County. Mr. Plate asked Commissioners if there are questions. Public Hearing Closed. P. Braun reads recommendation.

**Moved by Diedrich, seconded by Brey, to approve the request for a Conditional Use Permit to allow for the operation of a Recycling Facility pursuant to the attached map, conditions and petitioner's submittal packet, and also subject to clarification on who is issued the Conditional Use Permit. The motion carried by the following vote:**

**Aye:** 8 - Alderperson Brey, Diedrich, Member Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

[20-0064](#)

PC 5-2020: Knutson: 2020 Dufek Drive, Conditional Use Permit for the establishment of an Open Sales Lot pursuant to MMC 15.270(3)g.

**Attachments:** [20-0064 PC report Open Sales lot.pdf](#)  
[20-0064 Report to Council Knutson Open Sales Lot.pdf](#)

P. Braun presented the request and reviewed the location of the Open Sales Lot requiring issuance of a Conditional Use Permit (CUP). Original CUP issued in 2017 and Commissioners added termination dates at that time. Termination was set for 1/1/2020 to encourage owners to redevelop and generate an opportunity for a better use. Carl & Nicholas Knutson have reapplied and are requesting a new CUP similar to 2017. The Knutson's plan to present plans for a drive-thru coffee shop in 2020. P. Braun stated that violations of CUP conditions have not been noted. P. Braun indicated that notices sent to neighbors and that no calls or comments were received from the public.

Mayor Nickels opened questions/comments of the Commissioners. D. Steinbrenner asked if CUP issued in 2017 specified building layout on property designed to prevent residents from "cutting" through the lot. P. Braun confirmed it did and indicated that he did not see any tire tracks indicating this type of activity. DK Aerial photo indicates that the sheds are blocking this access. P. Braun indicated this was not a condition of the CUP.

D. Koski asked if a termination date should be included on the new CUP because of the required annual review. P. Braun indicated that it will have a termination date.

Mayor Nickels opened the public hearing portion of the meeting.

Carl & Nicholas Knutson both now owners of the property and are interested in improving the property. C. Knutson indicated that they are looking at models of drive-thru coffee shops and it is their intent is to have the building operational in 2020. Mayor Nickels asked if shed and vehicle sales would continue at the location. C. Knutson stated that the size of the building would not allow the vehicles sales to continue; however, the shed sales may remain.

Mayor Nickels Closed public hearing.

P. Braun recommended to approve the CUP. Conversation ensued regarding termination date or annual review. D. Hornung and G. Jagemann inquired how to proceed and decision was made to issue the CUP with a two-year termination.

**Moved by Steinbrenner, seconded by Koski, to approve the request for a Conditional Use Permit to allow for the "outside storage or sales of merchandise" in a B-3 General Business District for property located at 2020 Dufek Drive pursuant to the attached map, conditions and petitioner's submittal packet.**

**Moved by Steinbrenner, seconded by Hornung, to approve and amend the request for a Conditional Use Permit to allow for the "outside storage or sales of merchandise" in a B-3 General Business District for property located at 2020**

Dufek Drive pursuant to the attached map, conditions and petitioner's submittal packet, and to add a two-year termination requirement. The motion carried by the following vote:

**Aye:** 8 - Alderperson Brey, Diedrich, Member Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

## V. OLD BUSINESS:

None

## VI. NEW BUSINESS

[20-0065](#) PC 3-2020: Amendment to Chapter 15.450 - Sign Ordinance; Amending the Ordinance to Incorporate Content Neutrality language.

**Attachments:** [20-0065 PC Report Sign Content Neutrality.pdf](#)  
[20-0065 Report to Council Sign Neutrality.pdf](#)

P. Braun provided the background information regarding the reasoning for the proposed amendment to the Chapter 15 Zoning Ordinance. P. Braun explained that the Supreme Court case Reed vs. Gilbert basically made a vast majority of all sign codes in the country non-compliant because they could be in conflict with the first amendment and the freedom of speech. Basically a sign ordinance is invalid if the permitting entity has to read a sign in order to determine how to regulate the sign; all signs must be treated equally. Signs can't be regulated differently as to what is displayed on the sign.

P. Braun stated that the Community Development Department will be working with a consultant in 2020 to rewrite the Sign Code to address content neutrality issues among other sign design criteria. The previous sign code rewrite was halted due to the Supreme Court ruling. Community Development worked with the City Attorney's Office to come up with some language to address the content neutrality issue in the interim until the new sign code is adopted.

**Moved by Hornung, seconded by Diedrich to approve the ordinance as requested. The motion carried by the following vote:**

**Aye:** 8 - Alderperson Brey, Diedrich, Member Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

[20-0066](#) PC 6-2020: Amendment to Chapter 15 Regarding Bed and Breakfasts, Residential Dwellings and Short-Term Rentals.

**Attachments:** [20-0066 PC Report short term rentals.pdf](#)  
[20-0066 Report to Council Bed and Breakfast.pdf](#)

P. Braun provided the background information regarding the proposed ordinance to amend the Chapter 15 Zoning Code. Currently short-term rentals are not addressed by the existing zoning code and with increase in the popularity of VRBO and Air BnB the City needs to amend the zoning code. P. Braun explained that the State of Wisconsin has created a statute which created an even playing field for all communities in the state. In the past communities would regulate short term rentals in a variety of nonstandard ways.

P. Braun stated that the Community Development worked with the City Attorney's Office to draft the proposed ordinance language which mirror's the state statutes. Bed & breakfast's and short-term rentals would become a permitted use in zoning districts which permit residential uses.

All the facilities are licensed by DATCP - Department of Agriculture, Trade and Consumer Protection. DATCP provides the county health department a list of the facilities and the county health department is responsible for the licensing. The City Finance Department will also be notified of the facilities so they can enforce the Room Tax requirement. P. Braun concluded his comments.

Mayor Nickels asked the Commissioners if there were any questions. The Commission discussed some of the language in the Ordinance and that there should be an outreach to the community as to what is required to operate a short-term rental.

**Moved by Brey, seconded by Jagemann to approve the proposed amendments to Chapter 15 - Zoning Code. The motion carried by the following vote:**

**Aye:** 8 - Alderperson Brey, Diedrich, Member Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

[20-0067](#) PC 2-2020: Annual Review of Community Living Arrangements.

**Attachments:** [20-0067 Report to Plan Commission CLAs.pdf](#)  
[20-0067 Report to Council CLAs.pdf](#)

P. Braun stated that section 15.370(19)b of the Zoning Code requires an annual review of the licenses for all the Community Living Arrangements in the City. P. Braun stated that the Police and Building Inspection/Life Safety Department reported no issues with the 37 facilities in 2019. Community Living Arrangements are either 3 & 4 bed Adult Family Homes or 5 or more bed Community Based Residential Facilities. P. Braun concluded by stating that in the City there are 539 total beds in the 37 facilities.

**Moved by Hornung, seconded by Diedrich to approve the associated licenses for the Community Living Arrangements for 2020. The motion carried by the**

**following vote:**

**Aye:** 8 - Alderperson Brey, Diedrich, Member Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

[20-0068](#) PC 1-2020: Koenig: Quit Claim Deed for Viebahn Street.

**Attachments:** [20-0068 PC Report Viebahn Street Koenig.pdf](#)  
[20-0068 Report to Council Viebahn St.pdf](#)

P. Braun explained that the quit claim deed is related to a recent annexation and that the deed is for Viebahn Street purposes.

**Moved by Hornung, seconded by Diedrich to approve the quit claim deed and instruct the City Clerk to record the deed at the Manitowoc County Register of Deeds Office. The motion carried by the following vote:**

**Aye:** 8 - Alderperson Brey, Diedrich, Member Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

[20-0069](#) PC 7-2020: Release of Sanitary Sewer Easement - Bayshore Development - former Elks Club Golf Course.

**Attachments:** [20-0069 PC Report easement release Bayshore.pdf](#)  
[20-0069 Report to Council Bayshore Sanitary Sewer Release.pdf](#)

P. Braun stated that the release of easement is for a sanitary sewer that is being relocated into the Bayshore Drive right-of-way. The relocation of the sewer and easement will allow for the construction of a medical facility.

**Moved by Hornung, seconded by Jagemann to approve the Release of Easement document as presented. The motion carried by the following vote:**

**Aye:** 8 - Alderperson Brey, Diedrich, Member Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

## VII. MISCELLANEOUS

A. Manitowoc County Activities: None

B. Certified Survey Maps (CSM):

1. Manitowoc Lake Breeze Apartments, LLC: NW ¼, SW ¼ Section 19, Township 19 North, Range 24 East, City of Manitowoc.

2. Chad & Roger Dworak: Resurvey of Lot 1 of Certified Survey Map Recorded in V. 29, Pg 11 all in SE ¼, SW 1/4, Section 30, Township 19 North, Range 23 East, Town of Manitowoc Rapids.

3. LCR Development, LLC: NW ¼, NE ¼, and NE ¼, NE 1/4 , Section 1, Township 18 North, Range 23 East City of Manitowoc.

C. Summary of Site Plans: None

D. Director's Report

No director's report was provided at the meeting.

The February 26th Plan Commission meeting was rescheduled to February 19th at 6:30 PM due to some conflicts with some of the Commissioner's calendars.

### VIII. ADJOURNMENT

**Moved by Brey, seconded by Diedrich, that this be adjourned at 7:03 PM. The motion carried by the following vote:**

**Aye:** 8 - Alderperson Brey, Diedrich, Member Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

Respectfully Submitted,

Paul Braun  
Secretary

CAUTION TO PLAN COMMISSIONERS: The documents attached to this agenda are for your review in preparation for the City Plan Commission meeting to be held on the above date. Any discussion or communication between members of the Plan Commission by any means prior to the Commission meeting regarding these documents may be a violation of the open meeting laws.