

Report to the Manitowoc Plan Commission

Meeting Date: January 25, 2023

Request: PC 6-2023: McMullen & Pitz Construction Co. / IMF Real Estate Holdings, LLC; Request for a Conditional Use Permit pursuant to 15.330(4)b. for the establishment a Contractor’s Equipment storage area.

Existing Land Use for Subject Property: Vacant / Light Industrial

Existing Zoning for Subject Property: I-1, Light Industrial

Surrounding Property Land Uses and Zoning

Direction	Existing Land Use	Existing Zoning
North, east, west	Business, light industrial	I-1 Light Industrial
South	Contractor’s storage yard, retail	I-1 Light Industrial and B-3 General Business

Comprehensive Plan: Industrial / Office

Consistency Analysis

While a Conditional Use is not required to be consistent with the Comprehensive Plan, in this instance the requested use would be consistent with the land use category identified.

Report:

McMullen & Pitz (M&P) has entered into an agreement with IMF Real Estate Holdings, LLC (IMF/ Invincible) to purchase approximately 4.5 acres to be used as a storage yard for their business. Invincible will remain on the lot in their current building. A condition of the purchase is that M&P is able to obtain a conditional use permit for their proposed use. The subject property is located at the west side of the Franklin Street and S. 26th Street intersection. M&P is planning to relocate their materials and equipment from their lot on the Riverpoint District to the 26th Street location. Currently the subject property is vacant and overgrown with trees and vegetation. M&P will have access to the subject property over an access easement off of S. 26th Street. M&P will not be using the area on a daily basis, the peak use of the site will be during the construction season. Their office and yard on Maritime Drive will remain unchanged.

Attached is a letter from M&P providing additional information regarding their project.

Municipal Code:

Pursuant to Section 15.370(27)(c) of the Municipal Code, “the Plan Commission and Council shall consider whether the requested 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.

The Commission and Council can affix conditions to the CUP to provide assurances that the proposed use will remain in conformity with the criteria under subsection (27)(c) as well as compliance with regulations of the particular zoning district which the conditional use would be located.”

State Statute:

“ §62.23(7)(de) *Conditional use permits.*

1. *In this paragraph:*

a. *“Conditional use” means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.*

b. *“Substantial evidence” means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.*

2. a. *If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.*

b. *The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city's decision to approve or deny the permit must be supported by substantial evidence.*

3. *Upon receipt of a conditional use permit application, and following publication in the city of a class 2 notice under ch. 985, the city shall hold a public hearing on the application.*

4. *Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the city may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the city zoning board.*

5. *If a city denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10.”*

Public Comments: Notices were mailed out to adjacent and abutting property owners on January 18th. At the time of this writing no comments were received by staff.

Recommendation: Approve the issuance of a Conditional Use Permit to McMullen & Pitz Construction Company for the establishment of a Contractor's Equipment Storage Yard in a I-1 Light Industrial zoning district pursuant to the conditions.

REQUIREMENTS FOR
CONDITIONAL USE PERMIT (CUP) APPROVAL FOR
McMULLEN & PITZ CONSTRUCTION COMPANY (M&P)
LOCATED AT 842 S. 26TH STREET
TAX PARCEL # 000-363-100
2/21/2023

Note: The address and Tax parcel # above are for the current parcel. If the CUP is approved, a Certified Survey will be prepared and a new address and parcel # will be created for the M&P parcel.

- A. The CUP shall require compliance with all applicable local and state regulations.
- B. The CUP will automatically terminate if M&P is not successful in purchasing the property by December 31, 2023.
- C. M&P shall not assign or transfer its interest in the CUP to any party without the written approval of the Plan Commission and Common Council. The CUP shall automatically terminate effective the date any license or certification granted to M&P by the State or other licensing entity is closed, denied, revoked, or terminated.
- D. Non-compliance with the terms 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.
- E. No inoperable, unlicensed, junked or disassembled vehicles are allowed on the Property.
- F. The volume of sound inherently or recurrently generated shall not exceed 70 decibels at the CUP boundary line.
- G. The ground vibration inherently or recurrently generated shall not be perceptible, without instruments, at any point of any boundary line of the lot on which it is located.
- H. The use shall not emit an obnoxious, dangerous degree of heat, glare, radiation or fumes beyond any boundary line of the lot on which the use is located.
- I. The applicant shall work with City staff on approval of appropriate site screening.

City of Manitowoc

NE 1/4 Sec 25 T19N, R23E

NW 1/4 Sec 30 T19N, R24E



Request for a Conditional Use Permit for Construction Storage Yard

MERO ST.

FRANKLIN ST.

R-4

I-1

BL. G

R-4

S. 26TH ST.

S. 29TH ST.

WASHINGTON ST.

B-3

B-3

B-2

CUSTER ST.

1/4 Section Line

CALUMET AVE.

I-2

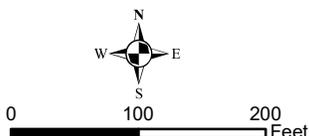
SE 1/4 Sec 25 T19N, R23E

C-1

SW 1/4 Sec 30 T19N, R24E

CONDITIONAL USE PERMIT

City of Manitowoc, WI



 Area of Conditional Use Permit for Construction Storage Yard (Location to be verified with future survey)

DISCLAIMER: Maps and associated data are believed to be accurate, but are not warranted. This information is not intended for legal, survey, or other related uses. Please obtain the original recorded documents for legal or survey information.

Prepared by City of Manitowoc Community Development Department www.manitowoc.org Map Plotted: 1/16/2023

O:\Planning\PC Plan Commission\PC_CUP\2023\PC 6-2023 McMullen Pitz CUP_842 S 26th Street\Maps\PC 06-2023 CUP Zoning.mxd

PC 06-2023 842 S. 26th St.

City of Manitowoc Plan Commission

City of Manitowoc

3

NE 1/4
Sec 25
T19N, R23E

NW 1/4
Sec 30
T19N, R24E

MERO ST.

FRANKLIN ST.

LOT 1

LOT 2

2618

Request for a Conditional Use Permit for Construction Storage Yard

BL. G

S. 26TH ST.

S. 29TH ST.

TR C

TR B

TR A

929

935

13

12

961

942

946

950

954

31

2904

SE 1/4
Sec 25
T19N, R23E

WASHINGTON ST.

CUSTER ST.

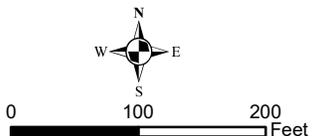
1/4 Section Line

CALUMET AVE.

SW 1/4
Sec 30
T19N, R24E

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O:\Planning\PC Plan Commission\PC_CUP\2023\PC 6-2023 McMullen Pitz CUP_842 S 26th Street\Maps\PC 06-2023 CUP.mxd

PC 06-2023
842 S. 26th St.

City of Manitowoc Plan Commission



LAND USE APPLICATION

APPLICANT McMullen & Pitz Construction Co. PHONE 920-682-0131

MAILING ADDRESS PO Box 8 Manitowoc, WI 54221 EMAIL ted@mcпитz.net

PROPERTY OWNER IMF Real Estate Holdings, LLC PHONE 920-682-4601

MAILING ADDRESS 842 S. 26th St. Manitowoc, WI 54220 EMAIL sschenian@scheniantrucking.com

REQUEST FOR:

- Conditional Use Permit (CUP) \$350*
- Zoning District Change/Map Amendment \$350*
- Site Plan Review \$350
- Request for Annexation \$350*
- Certified Survey Map (CSM) \$100
- Planned Unit Development (PUD) \$350*
- Official Map Review \$350*
- Street/Alley Vacation \$350*

**Publication of legal notice fees additional.*

STATUS OF APPLICANT: Owner Agent Other

PROJECT LOCATION ADDRESS 842 S. 26th St. Manitowoc, WI 54220

PARCEL ID# 052-00036310000 CURRENT ZONING I-1

CURRENT USE OF PROPERTY None - tree covered portion of IMF property

PROPOSED USE OF PROPERTY Construction Storage Yard

REQUIRED: Attach a detailed written description of your proposal or request.

Include as much information as possible including planned use, maps, project renderings or drawings, etc.

The undersigned hereby certifies that the information contained in this application is true and correct.

Signed *[Signature]* Date 1-13-23
(Property Owner)

For Office Use Only	
Date Received: <u>1/16/2023</u>	PC #: <u>6-2023</u>
Fee Paid: <u>\$350</u>	Check#: <u>416672</u>
Plan Commission Date: <u>1/25/2023</u>	

**The City of Manitowoc Plan Commission meets the fourth Wednesday of each month at 6pm.
Deadline for submission is the Friday two weeks prior to the meeting.**

Please contact the Community Development Department at 920-686-6930 if you have any questions.



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P.O. Box 8
Manitowoc, WI 54221-0008
Phone: (920) 682-0131
Fax: (920) 682-1099
www.mcmullenandpitz.net

Proposed Conditional Use Activities at New Construction Storage Yard

McMullen & Pitz Construction Company

Property Background & History:

- The creation of the River Point District has forced McMullen & Pitz Construction Co. to relocate its' current construction storage yard which is currently located at the end of Chicago Street along the Manitowoc River.
- McMullen & Pitz Construction Co. is planning to acquire approximately 4.5 acres of land on the southwest portion of what is currently known as the Invincible Furniture property, located at: 842 South 26th Street, Manitowoc, WI.
- A map is enclosed showing the property McMullen & Pitz Construction Co. will be purchasing shaded in red.
- This new property is being acquired to serve as the construction storage yard for McMullen & Pitz Construction Co.
- This property has been used for industrial purposes dating back to the early 20th century. The property is currently zoned I-1, which allows for construction storage operations.
- It is bordered by railroad tracks on the east and west sides, the Invincible Furniture facility on the north side, and a wooded area to the south.
- The property is located on the Franklin Street and 26th Street Truck Route. Heavy truck traffic in and out of the property is common.
- The current parcel is approximately 12.8 acres in size and is approximately 65% developed. The 35% portion that is currently wooded/undeveloped comprises the area we are planning to purchase and develop.
- An existing MPU storm sewer and inlet structure run through the section of property that will be purchased.
- The undeveloped portion of the parcel was previously used to dispose of construction debris (Bahr Construction?). There are buried mounds of concrete, masonry, and steel debris throughout this section of the parcel.
- Evidence of trespassers is scattered throughout the undeveloped portion of the parcel. General litter, alcohol containers, and fire pits can be found throughout the wooded area.





Proposed Use & Improvements:

- McMullen & Pitz Construction Co. intends to obtain a WI DNR Storm Water Permit and Grading Permit to allow clearing and grading improvements of over 1 acre of land.
- General tree and shrub clearing will be done to facilitate the grading and storm water management infrastructure.
- The property will be developed from the north progressing south over time, likely over several years.
- Construction storage will consist of miscellaneous steel items, wood items, concrete items, crane booms, sectional barge tanks, pile driving equipment, and miscellaneous tools. Construction equipment, including lattice boom cranes and material handling equipment will also be located on the property.
- Hours of operation are Mon-Fri 7AM – 5PM. Some rare circumstances may require activities to be performed on Saturdays during daylight hours.
- Note, this property will not be active on a daily basis. Activities will be more frequent during the construction season when materials and equipment are being loaded and unloaded to support construction projects.
- Semi tractor-trailers will enter and exit the property for the purposes of moving materials and equipment in and out of the storage property.
- Access to and from the property will be via easement using the existing gravel access located at the intersection of Franklin and S. 26th Streets.
- No excessively loud activities are contemplated. Standard construction equipment will be operated which includes occasional back-up alarms.
- A yard light might be installed for security purposes.
- New building construction is not currently planned on the property, but storage shed(s) or lien-two type structures may be built over time to accommodate the company needs.
- McMullen & Pitz Construction Co. does not engage in activities that require the use of hazardous materials which would require any special protections or DNR approvals.

