



City of Manitowoc

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

Meeting Minutes

Plan Commission

Wednesday, July 28, 2021

6:00 PM

Council Chambers. Meeting also available via
Zoom remote conferencing software

I. CALL TO ORDER

The meeting of the City Plan Commission was called to order by Chairman J. Nickels at 6:05 PM.

II. ROLL CALL

Present: 6 - Mayor Nickels, Greg Jagemann, Daniel Hornung, Dan Koski, Dennis Steinbrenner and Jim Brey

Absent: 2 - Curtis Hall and Dave Diedrich

Staff Present: Paul Braun, Adam Tegen, Bill Nichols, Jen Bartz

Others Present: Joseph Wetak, Jason & Kelly Phelps, Fred Radandt, Scott Retzak, Ken Schafer, Bill Nicholas, Dan Luisier

III. APPROVAL OF MINUTES

[21-0690](#)

Approval of the Minutes of the June 23 and July 14, 2021 Minutes.

Moved by Koski, seconded by Jagemann, that this Minutes of the June 23 and July 14, 2021 meetings be approved. The motion carried by the following vote:

Aye: 6 - Mayor Nickels, Member Jagemann, Member Hornung, Member Koski, Member Steinbrenner and Alderperson Brey

IV. PUBLIC HEARINGS

[21-0691](#)

PC 21-2021: Phelps; Rezone from R-1 Residential-Agricultural District to R-4 Single- and Two-Family District; related to a Petition for Direct Annexation for property located on West Custer Street.

P. Braun detailed the location of the property and provided specifics of the request. He stated that the rezone is related to an oncoming annexation which is also on the agenda. He went on state that all annexations are given a temporary zoning district of R-1 Residential-Agriculture District and the rezone to R-4 Single - and Two-Family District is current request. He said that the applicants plan to build a home on the property. He stated that notices were mailed to neighbors within 200' of the property alerting them of the request.

Chairman J. Nickels asked the Commissioners for questions. There were no questions.

Chairman J. Nickels opened the public hearing.

Joe Wetak, 4837 West Custer Street, asked how can land that is willed by a previous owner as conservancy change and be sold off by Wood Land Dunes. P. Braun responded that that would be a private deed restriction which is not something the city enforces. He stated that this would be a question that should be addressed to Woodland Dunes.

J. Wetak asked if the Phelps' plan to build a subdivision after they build their home and asked how their purchase of the property transpired as he was told by the previous owner that the land is conservancy and would never be sold.

Jason Phelps, applicant, stated that it was their understanding that when land was gifted to Woodland Dunes, they could sell this one lot and the proceeds from the sale would go toward future upkeep. He stated that they approached Woodland Dunes as they are members to inquire if the property was for sale. He went on to share that there will be one house and it is his understanding that there will be no additional lots available.

Chairman J. Nickels closed the public hearing.

P. Braun read his recommendation to approve the rezone.

Motion by Ald. J. Brey, seconded by D. Steinbrenner, to approve the proposed zoning classification of R-4 Single- and Two-Family Residential. The motion carried by the following vote:

Aye: 6 - Mayor Nickels, Member Jagemann, Member Hornung, Member Koski, Member Steinbrenner and Alderperson Brey

[21-0692](#)

PC 32-2021: Bay Area Holdings LLC / Schaffer; Petition to Rezone from B-1 Office - Residential to B-3 General Business, 2102 Marshall Street.

P. Braun detailed the location of the property and provided specifics of the requested rezone from B-1 Office-Residential to B-3 General Business District. He went on to state that this should be considered an urban neighborhood per the Comprehensive Plan and this rezone fits within this category. He also stated that the neighboring parking lot is not part of the rezone and that Plan Commission issued a special permit for the parking lot in 2010.

The applicant plans to open a Virtual Reality arcade and B-3 zoning seems to be best fit.

He stated that letters were mailed to neighbors within 200' of the property

alerting them of the request. No comments were received.

Chairman J. Nickels asked the Commissioners for questions. There were no questions.

Chairman J. Nickels opened the public hearing. There were no comments.

Chairman J. Nickels closed the public hearing.

Ald. J. Brey said that as Alderman representing the district this property is located he thinks this is a great use and he will support the rezone.

P. Braun read his recommendation to approve the rezone.

Motion by D. Hornung, seconded by G. Jagemann, to approve the proposed zoning classification of B-3 General Business District. The motion carried by the following vote:

Aye: 6 - Mayor Nickels, Member Jagemann, Member Hornung, Member Koski, Member Steinbrenner and Alderperson Brey

V. OLD BUSINESS: None

VI. NEW BUSINESS

[21-0693](#)

PC 20-2021: Phelps; Petition for Direct Annexation pursuant to §66.0217(2) from the Town of Manitowoc Rapids, West Custer Street.

P. Braun said that the direct annexation was related to earlier rezoning discussion. The annexation is 1.31 acres and is currently undeveloped land. The State's Boundary Review letter has been received and indicated that the annexation is in the public interest and the State has no objections. He also stated that since the property was owned by Woodland Dunes, which is tax exempt, there are no taxes owed by the City to the Town.

Motion by Hornung, seconded by Koski, that the annexation petition be accepted as presented. Motion carried by the following vote:

Aye: 6 - Mayor Nickels, Member Jagemann, Member Hornung, Member Koski, Member Steinbrenner and Alderperson Brey

[21-0694](#)

PC 29-2021: Retzak; 812 S. 8th Street, Request to purchase a portion of City Owned Property - City Hall Parking Lot recommending to approve the request to purchase the city owned property pursuant to the following: City Attorney's Department to negotiate and complete the land sale transaction, and Mr. Retzak to pay for any title work, recording costs, legal descriptions, survey work, easements or other items related to the sale

P. Braun provided background on the location of Mr. Retzak's lot in relation to City Hall. He stated that the request is for an approximate area of 6'7" x 25' to extend a garage. Some of the existing garage is currently on City

property. A legal description will be needed from a Registered Land Surveyor. If the land is sold to Mr. Retzak there still should be 42" of sidewalk remaining.

Chairman J. Nickels asked distance from furthest south to garage and asked if the remaining space will be ADA- accessible? P. Braun Stated that the space will be approximately 42" according to the applicant and the map provided.

Motion by Brey, seconded by Hornung, that the request be approved pursuant to the City Attorney's Office completing the land sale transaction, and the buyer to pay for all items related to the sale. Motion passed by the following vote:

Aye: 6 - Mayor Nickels, Member Jagemann, Member Hornung, Member Koski, Member Steinbrenner and Alderperson Brey

[21-0695](#)

PC 31- 2021: Luisier; 712 Buffalo Street, Request to purchase a portion of City Owned Property, part of Lot 10, Block 156, Original Plat, recommending to approve the sale of the subject area pursuant to the following conditions: the City Attorney's Department finalize all aspects of the land sale and; Mr. Luisier pays for recording costs, title report, certified survey costs, legal descriptions or other items related to the transaction

P. Braun explained that the request from Mr. Luisier is to purchase a portion of City-owned property that is adjacent to a City parking lot that is located in the 700 hundred block of Buffalo Street. The area of the request would not affect the existing the parking lot. The City purchased the property from Dick Brothers Bakery Company in 1981 and the owners prior to Dick Brothers created some easements providing access to the building at 712 Buffalo Street. Staff assumed that because of the easements the City parking lot was not constructed in the area Mr. Luisier is requesting to purchase.

Motion by Hornung, seconded by Jagemann, that the request be approved pursuant to the City Attorney's Office completing the land sale transaction, and the buyer to pay for all items related to the sale. Motion passed by the following vote:

Aye: 6 - Mayor Nickels, Member Jagemann, Member Hornung, Member Koski, Member Steinbrenner and Alderperson Brey

[21-0698](#)

PC 30-2021: Ordinance to create Section 15.370(32) of the Manitowoc Municipal Code regulating Portable Storage Units.

P. Braun stated that this ordinance is coming forward as there are an

increase in portable storage units in the City and that the intent is to limit them in residential districts. He also said that the ordinance was created based upon models from other communities.

D. Hornung asked if the ordinance includes construction waste boxes. P. Braun indicated that it does and read the response from the attorney's office which indicated that dumpsters in right of way need a permit and dumpsters on private property do not. Discussion ensued among Commissioners about temporary versus permanent and their definitions.

G. Jagemann clarified that a dumpster on private property and not in the right of way is excluded currently.

B. Nichols stated that with construction projects, dumpsters need to be removed with 14 days of the end of construction.

P. Braun stated that the definition section may need to be refined to clearly define dumpster and he will work with the Attorney's Office.

D. Hornung asked who would be responsible for getting a permit. P. Braun stated that it would be a shared responsibility between entities.

Discussion ensued among the Commissioners about the ordinance as presented.

Chairman J. Nickels stated that the point of the ordinance would be to avoid non-permanent structures in back yards. If a property owner needs space, they should build a shed or garage.

Chairman J. Nickels suggested the ordinance be reviewed and fine tuned and come back to Plan Commission in August.

This Action Item was tabled

[21-0696](#)

PC 28-2021: Manitowoc County: Review of County-Owned Tax Foreclosure Properties, recommending to place the foreclosure list on file with no further action taken

The Commission reviewed the list of County-Owned properties. J. Brey asked if 905 Washington Street could be considered for public parking. P. Braun stated that the area would be very tight.

B. Nichols stated that there is an offer to purchase for the property.

This Action Item was placed on file

[21-0697](#)

PC 1-2021: Soaring Eagle Dairy, LLC Quit Claim Deed for Goodwin Road, recommending to accept the quit claim deed for the dedication of Goodwin Road.

Motion by Brey, seconded by Koski, to accept the quit claim deed for Goodwin Road. Motion carried by the following vote:

Aye: 6 - Mayor Nickels, Member Jagemann, Member Hornung, Member Koski, Member Steinbrenner and Alderperson Brey

[21-0702](#)

PC 1-2021: Northland Associates LLC; Release of Easement, Northwest Corner of Lilac Drive and Memorial Drive, Tracts 1, 2, & 3 CSM Volume 6, Page 555, recommending to approve the request for the Release of Easement if all the utilities and City Engineering have approved the easement release.

Motion by Koski, Seconded by Steinbrenner, to approve the request for the release of easement. Motion carried by the following vote:

Aye: 6 - Mayor Nickels, Member Jagemann, Member Hornung, Member Koski, Member Steinbrenner and Alderperson Brey

[21-0699](#)

PC 33-2021: Ordinance to create amend Section 15.310 of the Manitowoc Municipal Code regulating C-1, Commercial District.

P. Braun said that there is only language in the light industrial zoning district that regulates noise levels. The ordinance proposes to add similar language to the C-1 Commercial District to regulate noise levels.

B. Nichols stated that some of these properties are adjacent to residential districts and this ordinance would provide a level of control in regard to noise levels.

D. Hornung stated that he agrees with the noise regulation, but has concerns with vibration and fumes being included in a commercial district. He went on to say that it is expected in I-1, but not in the C-1 as they seem arbitrary.

Ald. J. Brey used Wisconsin Aluminum Foundry as an example for vibration, although the foundry is in an I-2 district.

Chairman J. Nickels asked Commissioners if there was any harm in keeping the vibration and fumes language.

D. Hornung reiterated that some of the items seem subjective, where noise has a decibel level.

Chairman J. Nickels recommended the language be consistent between the two districts.

This Ordinance was approved and referred to council

Aye: 6 - Mayor Nickels, Member Jagemann, Member Hornung, Member Koski, Member Steinbrenner and Alderperson Brey

[21-0700](#)

PC 34-2021: Ordinance to amend Section 15.270 of the Manitowoc Municipal Code regulating B-3, General Business District.

P. Braun stated that currently the language in B-3 General Business District allows plumbing contractors. The change will be made to allow other similar contractors in the B-3 such as electricians and HVAC uses. P. Braun concluded by saying that the B-3 zoning district does not allow any outside display or storage of materials or products.

Moved by Hornung, seconded by Koski, to approve the amendment to Section 15.270(2) changing Plumbing shops to Contractor shops. Motion carried by the following vote:

[21-0703](#)

PC 36 & 37-2021: Discussion regarding River Point District Rezone from I-2 Heavy Industrial to B-4 Central Business and the Planned Unit Development.

P. Braun provided background of the River Point District project and detailed what will be coming to Plan Commission in August. He stated that a Planned Unit Development (PUD) will be created and one requirement is that the underlying use must be a predominant use in the underlying zoning district. The rezone request will be from I-2 Heavy Industrial to B-4 Central Business. At the same meeting, there will be a request for a Conditional Use Permit for the creation of the PUD.

P. Braun also stated that the final development plan will also be on the August Plan Commission agenda. He went on to detail what is in a PUD. He provided the Commissioners with a sample map and preview of the PUD document. He also stated that the Community Development Authority, who are technically the owners, approved proceeding with rezone and creation of PUD.

A. Tegen stated that ultimately the goal is to not recreate a historic downtown, rather a unique urban neighborhood that will be high quality. It will have a downtown feel, but will be flexible.

D. Hornung asked if part of area is in a remediation area. A. Tegen stated that there is a remediation area in River Point District, but it is not located on City property.

Mayor stated that even though the PUD and rezone will not be completed by the groundbreaking of the apartments, the building will emulate the entire vision for the River Point District.

This Action Item was discussed

VII. MISCELLANEOUS

- A. Manitowoc County Activities: None
- B. Certified Survey Maps (CSM): None
- C. Summary of Site Plans:
 - 1. Soaring Eagle / Luckow, NW 1/4 of the NE 1/4 Section 11, T19N, R23E Town of Manitowoc Rapids

VIII. ADJOURNMENT

Moved by Hornung, seconded by Koski, that the Plan Commission meeting be adjourned.