

**City of Manitowoc  
Brownfields Advisory Committee**

**Tuesday, December 9, 2014 10:00 am  
Planning/Engineering Conference Room  
Main Floor - City Hall**

**Meeting Summary**

1. Introductions

The meeting of the City of Manitowoc Brownfields Advisory Committee (BAC) was called to order by N. Sparacio, Community Development Director, at 10:00 a.m.

2. Approval of Minutes – July 15, 2014 Meeting

Motion by D. Diedrich, second by K. Szyman to approve of the July 15, 2014 meeting minutes. The BAC discussed several questions on the progress of items covered in the meeting minutes. Motion approved unanimously.

3. Discussion on FY2011 USEPA Brownfield Community Wide Assessment Grant

a. Update and overview

P. Braun advised the BAC that the 2011 USEPA Community Wide Assessment Grant is nearing completion; there is only \$1,789.29 remaining from an original grant amount of \$400,000. The remaining monies will be spent on closeout reports, which is the responsibility of Symbiont.

b. Grant closeout status

The City and Symbiont are in the process of closing out the Community Wide Assessment Grant.

4. Discussion on FY2015 USEPA Brownfield Community Wide Assessment Grant

a. Draft grant application review

H. Byers of Stantec presented the approach to an EPA grant application for a new round of site assessment funds for the City. He provided a mapping analysis of the potential brownfield sites in three target Census tracts, described the grant scope of work and proposed budget, and explained how the BAC can provide a role.

In particular, there may be a role for students at Silver Lake College and others to participate in research and mapping, there is a need for letters of support for the grant application, and interested BAC members can review the draft grant application. Letters of support are needed prior to December 19. H. Byers will have a draft of the

grant application ready for BAC review on December 15 and 16. The application is due December 19.

5. Discussion on FY2013 USEPA Brownfields Revolving Loan Fund

a. Update and potential loans

N. Sparacio stated that there are two potential projects coming forward with combined loan requests of about \$700,000 – the Artist Lofts apartments (i.e., Mirro Plant 3) and the Lakeview Center mall demolition.

P. Braun stated that the Artist Lofts has received confirmation that they will be awarded low income and affordable housing tax credits as well as a commitment of loan funds from the City's Community Development Authority. It is expected to move forward with construction starting in September of 2015. It will include 40 residential units with artisan workspace and covered parking on the first floor. The nature of their cleanup needs has to do with contaminated soil and vapor intrusion, asbestos abatement, and lead-based paint removal.

N. Sparacio explained the scope of the Lakeview Centre mall project – complete demolition of the buildings and related asbestos abatement. The funding mix for the project includes a WEDC Idle Sites grant, property owner equity, and the brownfield RLF.

b. Community outreach plan

N. Sparacio explained that the work to increase community awareness of the RLF still lies ahead. H. Byers explained that part of Stantec's contract is to provide community outreach with each RLF that is approved. There may also be some opportunities to expand participation in the BAC by community based groups.

6. Discussion and Potential Action on Revolving Loan Fund Application – 828 Memorial Drive

N. Sparacio explained the future intent of the demolition as facilitating redevelopment of the Lakeview Town Center. It will be mixed-use, will be better integrated into the surrounding neighborhood, and will include much more green space than the existing site condition. The total estimated cost of the asbestos abatement and demolition is \$1.3 million, and the requested RLF will be \$450,000.

The BAC discussed that this is an appropriate use of the RLF and that the progress toward clearing the site is encouraging. March 1, 2015 is the goal for approval of the loan. J. Peterson stated that March is doable and explained the loan review process. A motion was made by T. Fox and seconded by M. Golay to direct staff to work with the owner of 828 Memorial Drive to prepare a loan application under FY2013 USEPA Brownfields Revolving Loan Fund. The motion was approved unanimously.

7. Adjournment

The meeting was adjourned at 11:25 a.m.

**Attendance**

Members Present

Dennis Tienor  
Michaelleen Golay  
Terence P. Fox  
David Diedrich  
Erik Hoyer  
Karen Szyman  
Peter Wills (for Connie Loden)  
Rich Hoerth

Members Excused

None

Staff Present

Nic Sparacio  
Paul Braun

Others Present

Jon Peterson (EPA)  
Harris Beyers (Stantec)

Manitowoc Crime Prevention Committee Meeting November 6, 2014

1. Roll-Call: Bruce Jacobs, Vicki Wetenkamp, Amy Schoepp, Rita Muench, Christma Hochkammer, Steve Kleinfeldt, Keith Shaw, Norma Hernandez, Charles Rasmussen, Ralph Kramer, Dylan Koski, June Kramer, Jeremy Kronforst, Melia Prange, and the Roncalli Civic Class.

2. Minutes Accepted.

3. Treasure Report: \$27,090.51. Accepted.

4. No public input.

5. Membership is full.

6. Triad Update: Triad Members meet with Manitowoc Community Youth Diversion Program tomorrow to move forward on the collaboration of the two committees to mentor our youth.

7. Retail/Financial Crime Prevention Task Force: Met today at 1:30pm discussing the Wells Fargo bank robbery and the Two Rivers store being the same subject. The local businesses exchanged information on who in our community has been writing bad checks. There has been 11 hand held BB guns stolen from WalMart recently so the guns have been moved behind the counter. Shopko still needs to move their guns from the back.

8. High School Members Update: Norma reported that Lincoln High School is having issues with truancy along with the growing concern of what the students are doing if not in school. Norma also stated there are concerns of cyber bullying along with sexing among students. Ethan reports that Roncalli concerns of youth sharing each others prescription drugs. Dylan reports of Lutheran expelling a student for truancy.

9. SRO Update: Jeremy Kronforst reports that he is enjoying the new position at Wilson Jr High along with his McKinley responsibilities. Kronforst is having issues with a small handful of students with truancy, thefts, disorderly conduct, and obstructing. Kronforst teaches Dare along with a Jr Police Academy during Hawk Time with 15 students on Tuesdays, Thursdays, and Fridays. Kronforst stated the North Dare Graduation is set for December 9, 2014.

10. Citizens Academy Alumni Update: The alumni ran the food booth at the Crime Prevention Days. The applications for 12 new students to start in January or February 2015 will come out sometime in December.

11. Manitowoc Community Youth Diversion Program Update: Christma reports that they are meeting tomorrow with TRIAD at 10:00am. Christma gave out a hand out and reports 6 out of 10 youth wish to stay on the youth advisory. The program takes 12 to 19 year old youth and also offer a scholarship for exiting seniors.

12. CPC Activities:

Dick Weber Memorial is now being projected to be a tile engraving on a wall that will be named after Dick along with engraving sketches of Manitowoc three fallen officers. There are concerns of the garden not getting the attention it will require.

Crime Prevention Day had 1250 in attendance. The sound system was the only concern expressed.

Vicki Wetenkamp requested an audit and Bruce Jacobs stated he would check into an audit conducted by a local business.

13. Dates to remember:

Next meeting: December 4th, 2014

North Dare Graduation: December 9th, 2014 submitted by Melia Prange



# City of Manitowoc

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

## Meeting Minutes Plan Commission

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Wednesday, June 11, 2014

6:30 PM

Planning /Engineering Conference Room

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Pursuant to Section 19.84(2) and (3) of the Wisconsin Statutes, notice is hereby given to the public, to the Herald-Times-Reporter, the official newspaper of Manitowoc, and to those news media who have filed a written request for this notice that a meeting of the above-referenced will be held at the date, time and location listed above.

The above governmental body will meet to discuss and possibly take action on the agenda items set forth below.

### I. CALL TO ORDER

The meeting of the City Plan Commission was called to order by Acting Chairman Jim Brey at 6:30 P.M.

### II. ROLL CALL

*NOTE: Dolly Stokes was not in attendance at the 6/11/2014 meeting as her term expired 5/31/2014.*

**Present:** 5 - Steven Alpert, Dan Koski, Jim Muenzenmeyer, Jim Brey and Dennis Steinbrenner

**Absent:** 4 - Dave Diedrich, Daniel Hornung, Nickels and Dolly Stokes

Staff Present: David Less, Paul Braun

Others Present: Paul Steinbrecher, John Lukas, Jeff Beyer

### III. APPROVAL OF MINUTES

14-1235 Approval of the Minutes of the May 14, 2014 Meeting.

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

**Aye:** 5 - Alpert, Koski, Muenzenmeyer, Alderperson Brey and Member Steinbrenner

### IV. PUBLIC INFORMATIONAL HEARINGS

14-1173 PC11-2014: SMI/Abbey Ridge LLC; Proposed Vacation Under Wis. Stat. § 66.1003(2) and Official Map Amendment Under Wis. Stat. § 62.23(6) at Ravenswood Lane, West of N. 18th Street and West of Future Ebony Avenue.

Petition of Abbey Ridge LLC for vacation of a portion of Ravenswood Lane west of N. 18th Street, recommending acceptance and placing on file.

*Mr. Less explained that tonight's public informational hearing was in regard to a request*

from SMI on behalf of Abbey Ridge, LLC, as the record owner, and John Lukas in his individual capacity and as a member of the LLC. Mr. Less stated that the first request was to vacate and remove from the Official Map a dedicated R/W being an extension to the west of Ravenswood Lane at future Ebony Avenue, and secondly, for an amendment to the Official Map to remove the area to be vacated, plus to add a curve into the R/W alignment at Ravenswood Lane and Ebony Avenue. Mr. Less noted that the request to discontinue or vacate the R/W occurred pursuant to Wis. Stat. § 66.1003(2), and the Official Map amendment pursuant to Wis. Stat. § 62.23(6)(c). Mr. Less added that while both items would be discussed concurrently, a formal public hearing before the Council would only be required for the Official Map amendment.

Mr. Less continued that the street vacation process was governed under Wis. Stat. § 66.1003 and specifically subdivision (2) which provided that a portion of a public R/W may be vacated upon submittal of a written petition to the Common Council, signed by the owners of all of the frontage abutting the portion of the street sought to be vacated, plus the owners of more than one-third of the frontage of the remaining portion of the street which was within 2,650 feet of the ends of the portion of the street to be vacated. Mr. Less noted that a vacation petition was filed with the Clerk's office on May 15, 2014, and that a "Notice of Lis Pendens" had been prepared, and would be recorded prior to Monday night's Council meeting.

Mr. Less explained that the proposed vacation covered a .27-acre area of dedicated R/W on the west side of Ravenswood Lane where it turned north as Ebony Avenue; an area of R/W measuring 154.36' along its north line and 210.71' along its south line, with a R/W width of 66' on its west side, and a radius curve of approximately 122.01' along the west line of Ravenswood Lane. Mr. Less noted that the net result of the vacation would be the elimination of this future street which ran through property improvements and dead ended at the City limits. Mr. Less added that this R/W was dedicated in its entirety to the City by Abbey Ridge, LLC in December, 2001 (v. 1616, p. 261). Mr. Less stated that the R/W area to be vacated was abutted by 2 properties--818-201-013 to the south which was owned by Abbey Ridge, LLC (v. 1589, p. 255), and 818-201-012 to the north which was also owned by Abbey Ridge, LLC (v. 1461, p. 657).

Mr. Less continued that the vacation petition that was filed with the City was signed by John S. Lukas, as member of Abbey Ridge, LLC, and in his individual capacity. Mr. Less noted that this petition was reviewed by his office, and found to contain owner signatures representing 100% of the frontage abutting the area proposed to be vacated, and, for the purpose of determining satisfaction with the 2,650' requirement of the statute, Abbey Ridge, LLC and John S. Lukas were the owners of 48.45% of the remaining frontage. Mr. Less stated that the petition satisfied the statute, and added that regarding the reversion of title to the R/W upon vacation, the land would revert back to the same parcel from which it originated (Wis. Stat. § 66.1005(1)).

Mr. Less then noted that regarding the vacation under Wis. Stat. § 66.1003(2), the Council could act on the vacation Resolution without conducting a public hearing on the request, but a Class 3 notice was required to be published prior to the Council acting on the vacation Resolution. Mr. Less continued that the statute required that at least 40 days lapse between the date the vacation Resolution had been introduced, and the date Council could officially act to approve the vacation. Mr. Less noted that the Official Map amendment required a public hearing and a Class 2 notice, and these would be concurrently run processes, with the notices being combined to address both matters.

Mr. Less added that pursuant to Wis. Stat. § 66.1005(2), the City would retain all easement and utility rights incidental to the vacated R/W which were in place prior to the vacation of the R/W. He then noted that Planning did contact MPU regarding the proposed vacation, and heard back from MPU-Water which advised that there were no

issues, and assumed the same status for MPU-Electric.

Mr. Less continued that contemporaneous with the proposed street vacation, was an amendment to remove the identical area from the City's Official Map pursuant to Wis. Stat. § 62.23(6)(c), and to add to the Official Map a right triangle shaped area to complete an interior radius curve on the east side of Ravenswood Lane where it met future Ebony Avenue.

In closing, Mr. Less noted that regarding tonight's informational hearing, Planning did mail out notices on June 5th to property owners that would be directly affected by the proposal, and noted that there were no responses to this mailing received.

Mr. Less noted further that when proceeding under this portion of the vacation statute, there was a requirement that the City serve notice upon the property owners abutting the area to be vacated at least 30 days prior to the date of the hearing. Mr. Less then provided an outline for next steps going forward in this process:

- A. "Notice of Lis Pendens" regarding the vacation proceedings would be filed at the Register of Deeds office and recorded on or before June 16th.
- B. A Resolution for vacation and an Ordinance for amending the Official Map would be introduced at the June 16th Council meeting.
- C. The Class 3 notice pursuant to Wis. Stats. § 66.1003(8)(b) would publish on July 28th, August 4th and August 11th. The Official Map amendment notification would be part of the notice publications.
- D. Serving notice on the abutting property owners had to occur at least 30 days prior to the date of the Council hearing, which meant that service would have to occur on or before July 18th.
- E. The public hearing on the Official Map amendment will be held on August 18th.
- F. Final Council action on the Official Map amendment and the vacation could occur on or after September 15th.

On a final note, Mr. Less advised the Commission that concurrent with the completion of these proceedings, the City would receive a Quit Claim Deed for the R/W dedication of the remainder of Ebony Avenue so as to complete the street pattern in this area.

John Lukas, 1871 Nagle Avenue, commented that he had been working with Planning to develop this plan, and advised the Commission that they were in the process of solidifying the condominium development. Mr. Lukas noted that with the additional dedication of the balance of Ebony Avenue, this would complete the R/W loop in this area.

Mr. Brey asked Mr. Less for his recommendation.

Mr. Less recommended that the Commission recommend that Council instruct the Clerk to call for the public hearing and to publish notices on July 28th, August 4th and August 11th, and to provide a final recommendation to approve the vacation and amendment to the Official Map.

Mr. Steinbrenner asked what would happen with the new dedication of Ebony Avenue?

Mr. Less explained that the installation of the actual street would occur when development demanded its installation.

**Moved by Alpert, seconded by Koski, that this Petition be recommended for approval to the Licensing, Permits & Inspections Committee. The motion carried by the following vote:**

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**V. REFERRALS FROM COMMON COUNCIL**14-1064

PC17-2014: SMI/Abbey Ridge LLC; Request for Release of Sanitary Sewer Easement.

Request from SMI as representative of Abbey Ridge LLC for a change to the official map eliminating a portion of Ravenswood Lane per attached map, recommending acceptance and place on file.

*Mr. Less explained a request from SMI to release a 2007 "Utility Easement" in the area of Abbey Ridge Condominiums, between Ravenswood Lane and N. 18th. Mr. Less noted that this easement conflicted with future planned buildings in the area, and noted that an alternative routing for sanitary sewer service was available. Mr. Less recommended that the Commission recommend to Council that it: (i) authorize terminating the easement; (ii) authorize the City Attorney to draft the termination document; (iii) authorize the Mayor and Clerk to sign the document at the call of the Deputy City Planner; and (iv) authorize the Clerk to record the document, with SMI or its third party client to pay the recording fee.*

*Mr. Koski concurred that the area could be served from a different route, and that elimination of the existing easement would not be problematic.*

**Moved by Muenzenmeyer, seconded by Alpert, that this Request be recommended for approval to the Licensing, Permits & Inspections Committee. The motion carried by the following vote:**

**Aye:** 5 - Alpert, Koski, Muenzenmeyer, Alderperson Brey and Member Steinbrenner

14-1065

PC17-2014: SMI/Abbey Ridge LLC; Request for Release of Sanitary Sewer Easement.

Request from SMI as representative of Abbey Ridge LLC for a street vacation for a portion of Ravenswood Lane per attached map, recommending acceptance and placing on file.

*Mr. Less explained a request from SMI to release a 2007 "Utility Easement" in the area of Abbey Ridge Condominiums, between Ravenswood Lane and N. 18th. Mr. Less noted that this easement conflicted with future planned buildings in the area, and noted that an alternative routing for sanitary sewer service was available. Mr. Less recommended that the Commission recommend to Council that it: (i) authorize terminating the easement; (ii) authorize the City Attorney to draft the termination document; (iii) authorize the Mayor and Clerk to sign the document at the call of the Deputy City Planner; and (iv) authorize the Clerk to record the document, with SMI or its third party client to pay the recording fee.*

*Mr. Koski concurred that the area could be served from a different route, and that elimination of the existing easement would not be problematic.*

**Moved by Muenzenmeyer, seconded by Koski, that this Request be recommended for approval to the Licensing, Permits & Inspections Committee. The motion carried by the following vote:**

**Aye:** 5 - Alpert, Koski, Muenzenmeyer, Alderperson Brey and Member Steinbrenner

14-1066

PC17-2014: SMI/Abbey Ridge LLC; Request for Release of Sanitary Sewer



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Easement.

Request from SMI as representative of Abbey Ridge LLC for a vacation of a sanitary sewer easement along Ravenswood Lane and Ebony Avenue, recommending placing on file.

*Mr. Less explained a request from SMI to release a 2007 "Utility Easement" in the area of Abbey Ridge Condominiums, between Ravenswood Lane and N. 18th. Mr. Less noted that this easement conflicted with future planned buildings in the area, and noted that an alternative routing for sanitary sewer service was available. Mr. Less recommended that the Commission recommend to Council that it: (i) authorize terminating the easement; (ii) authorize the City Attorney to draft the termination document; (iii) authorize the Mayor and Clerk to sign the document at the call of the Deputy City Planner; and (iv) authorize the Clerk to record the document, with SMI or its third party client to pay the recording fee.*

*Mr. Koski concurred that the area could be served from a different route, and that elimination of the existing easement would not be problematic.*

**Moved by Muenzenmeyer, seconded by Alpert, that this Request be recommended for approval to the Licensing, Permits & Inspections Committee. The motion carried by the following vote:**

**Aye:** 5 - Alpert, Koski, Muenzenmeyer, Alderperson Brey and Member Steinbrenner

14-1171

PC6-2014: Sobel; Petition for Annexation to the City of Manitowoc Pursuant to Wis. Stat. § 66.0217(3) for 2.25-Acres at Viebahn Street and Fox Valley & Western Railroad Trackage.

Petition from Charlotte Sobel for direct annexation of approximately 2.25 acres of land from the Town of Newton to the City of Manitowoc, area known as Viebahn South #27, recommending acceptance and place on file.

*Mr. Braun commented that this matter had been discussed at the Commission prior to tonight, and explained the filed Petition for Annexation pursuant to Wis. Stat. § 66.0217(5) for 2.25-acres from the Town of Newton. Mr. Braun noted that the annexation petition met the statutory demographic requirements, with the Petition being signed by the majority land owner in terms of acreage and valuation. Mr. Braun added that there was a single elector in the area. Mr. Braun noted that the property was currently receiving water from the City, and that the only other property included in the annexation belonged to the railroad.*

*Mr. Braun noted further that the proposed zoning classification for the annexation area was "R-4" Single-and Two-Family District, and added that the City had received a written communication from the Wisconsin Department of Administration pursuant to Wis. Stat. § 66.0217(6)(a), advising that they had reviewed the proposed annexation, and found it to be in the public interest. Mr. Braun recommended that the Commission recommend to Council approval of the Petition for Annexation, as well as an annexation Ordinance and accompanying Resolution.*

*Mr. Steinbrenner asked if the railroad RW had been abandoned?*

*Mr. Brey commented on the status of the adjacent railroad trackage, noting that the railroad had abandon trackage, and the DNR had purchased trackage south of Newton to Cleveland, and that the plan was ultimately for establishment of a future trail.*

*Mr. Steinbrenner asked how the Sobel property could be receiving City water when it*

*was located outside of the City limits?*

*Mr. Braun explained that this was a property that had a non-resident sewer and water agreement with the City from back in the 1960's, and advised that it was no longer the policy of the City to enforce these agreements which called for a property to be annexed upon sale. Mr. Braun added that there had been around 40-45 properties with these agreements, but they were now down to around 15.*

**Moved by Steinbrenner, seconded by Koski, that this Petition be recommended for approval to the Licensing, Permits & Inspections Committee. The motion carried by the following vote:**

**Aye:** 5 - Alpert, Koski, Muenzenmeyer, Alderperson Brey and Member Steinbrenner

14-1174

PC1-2014: Sobel; Quit Claim Deed to the City of Manitowoc for .12-Acres for Viebahn Street Purposes.

Quit Claim Deed from Charlotte J. Sobel, for .12 acres of land for street purposes, recommending acceptance and place on file.

*Mr. Less explained the above referenced deed at Viebahn Street and the Fox Valley & Western Railroad trackage, related to the earlier referenced annexation on the agenda. Mr. Less recommended that the Commission recommend approval of the deed to Council, and with the Clerk to record the document.*

**Moved by Muenzenmeyer, seconded by Koski, that this Deed be recommended for approval to the Licensing, Permits & Inspections Committee. The motion carried by the following vote:**

**Aye:** 5 - Alpert, Koski, Muenzenmeyer, Alderperson Brey and Member Steinbrenner

14-1204

PC1-2014: Manitowoc Cinema, LLC; Quit Claim Deed to the City of Manitowoc for .17-Acres for So. 44th Street Purposes .

Quit Claim Deed from Manitowoc Cinema LLC containing .17 acres of land for So. 44th Street purposes, recommending acceptance and place on file.

*Mr. Less explained the above referenced deed for completion of a cul-de-sac at the south end of So. 44th Street. Mr. Less recommended that the Commission recommend approval of the deed to Council, and with the Clerk to record the document.*

**Moved by Muenzenmeyer, seconded by Koski, that this Deed be recommended for approval to the Licensing, Permits & Inspections Committee. The motion carried by the following vote:**

**Aye:** 5 - Alpert, Koski, Muenzenmeyer, Alderperson Brey and Member Steinbrenner

## VI. OLD BUSINESS

14-1232

PC27-2009: Annual Review of Special Permits for Fixed Animated Signs Pursuant to Section 15.450(18)(e)7. of the Manitowoc Municipal Code.

*Mr. Less explained that this was an annual review process that the City went through to assure compliance with Special Permits previously issued for fixed animated signs. Mr. Less advised that he had outreached to the Building Inspector, and Police and Fire Chiefs, who didn't identify any problems with animated signs erected since the previous review in June, 2013. As such, Mr. Less recommended that the Commission advise the*

*Council of their review, and that no problems or issues were identified, and that no changes should be made to the previously issued Special Permits.*

*Mr. Muenzenmeyer commented on the need to upgrade the sign code to allow for the use of video on these animated boards, and felt the code needed to be upgraded to address and allow the moving images of video vs. the more fixed nature or hold time requirements of animated signage referenced in the City's code.*

*Mr. Steinbrenner asked if safety considerations entered into the discussion during the Special Permit or annual review discussions?*

*Mr. Less stated yes to that question.*

*Mr. Brey commented that on occasion, there were safety concerns that would be identified, and which had to be resolved.*

**Moved by Alpert, seconded by Muenzenmeyer, that this Report be recommended for approval to the Licensing, Permits & Inspections Committee. The motion carried by the following vote:**

**Aye:** 5 - Alpert, Koski, Muenzenmeyer, Alderperson Brey and Member Steinbrenner

## VII. NEW BUSINESS

### 14-1233

PC18-2014: Manitowoc County; Request for Demolition of Building at 823 Washington Street Pursuant to Section 15.650(c) of the Manitowoc Municipal Code.

*Mr. Less explained the request from Manitowoc County regarding the proposed demolition of a building at 823 Washington, noting that this matter was covered under the City's historic preservation regulations at 15.650(c) of the Municipal Code (Code). Mr. Less explained that the responsibilities under this Code section were split between the Community Development Authority (CDA) for design review, and the Commission for demolition.*

*Mr. Less continued that the 823 Washington property was identified as a "contributing" or significant structure in the Eighth Street Historic District, being the former County Health Department building constructed in 1930, and which was further identified on an intensive survey form related to the 1988 "Manitowoc Intensive Resource Survey Final Report" as "...entirely intact example of the vernacular commercial architecture of the 1930's with elements of the modern style..." Mr. Less continued that while demolition of this important historic building would be contrary to the underlying intent of the City's historic preservation ordinance, there was a public benefit associated with the removal of the building from this site, that being the creation of additional off-street downtown parking.*

*Mr. Less then explained the protocol in Section 15.650(c) regarding the Commission's authority to approve requests of this nature, adding that the Commission could delay such approvals for up to 180 days to provide the property owner ample time to see if there were alternatives to demolition.*

*Mr. Less then reviewed his recommendation on this matter that he had shared earlier in the day with Jeff Beyer from Manitowoc County, and the Commission.*

*Mr. Brey asked Mr. Beyer if he had any comments to offer.*

Jeff Beyer, 1028 So. 9th, commented that he had no concerns, and was comfortable with the contents of the recommendation. Mr. Beyer went on to explain that it took approximately 14 months to develop the current agreement with the State Historical Society.

Mr. Brey commented that the additional off-street parking would be of benefit to both the County and the downtown area.

Mr. Beyer noted that the main building would be addressed first, with the maintenance garage being the last to be demolished and removed.

Mr. Less then recommended that the Commission grant a Certificate of Appropriateness to Manitowoc County for demolition of the building at 823 Washington pursuant to Section 15.650(4)(c) of the Code, and subject to County satisfaction of all conditions contained in the recommendation as provided, and on file in the City Planner's office. Mr. Less added that in his advisement to Council of the Commission's action, the report would include a recommendation that upon the City's receipt of the payment in lieu identified in item F. of the recommendation, these funds would be placed in an account to be used only for enhancements to downtown landscaping.

**Moved by Muenzenmeyer, seconded by Alpert, that this Report be recommended for approval to the Licensing, Permits & Inspections Committee. The motion carried by the following vote:**

**Aye:** 5 - Alpert, Koski, Muenzenmeyer, Alderperson Brey and Member Steinbrenner

14-1236

PC19-2014: Manitowoc City Center Development, LLC; Request for Demolition of Building in Block 227 of Original Plat Pursuant to Section 15.650(c) of the Manitowoc Municipal Code.

Mr. Less explained that Mayor Nickels had requested that this item be placed on the agenda, but advised that there had been no information provided to date.

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

## VIII. MISCELLANEOUS

### A. Manitowoc County Activities:

Mr. Brey advised that Adam Backus would be leaving Manitowoc County for a position in the Calumet County parks department.

**This was discussed.**

### B. Certified Survey Maps (CSM):

14-1237

Yindra/Becker/Keil; Proposed CSM in the NE¼ of the NW¼, Section 36, T19N, R23E, City of Manitowoc - Update.

Mr. Braun explained that this was a continuation of a discussion held at the Commission's last meeting regarding property located between So. 35th and So. 36th Street, south of Division Street, owned by Yindra and Becker who wanted to sell their vacant land to Kent and Sara Keil. Mr. Braun advised the Commission that as per their previous instruction, he talked about this matter with Jeff Schulz from the Manitowoc Public School District (MPSD). In his conversation with Mr. Schulz, Mr. Braun reported that the MPSD had no interest at this time in developing their school property to the south, and recommended maintenance of status quo in this area. Mr. Braun reported

that conceptually, he had no problem with the proposal by the Keils' to construct a home abutting So.36th, and to establish a future lot to the east. Mr. Braun noted that the Keils' could construct their home without any conflict with the non-dedicated, Official Map cul-de-sac that would be at the south end of their future property. Mr. Braun concluded his comments by reminding Commission members that the CSM for this property had been approved at their last meeting.

The Commission was comfortable with maintaining the status quo in this area.

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

14-1234

Check; Proposed CSM in the NE¼ of the SE¼, Section 11, T19N, R23E, City of Manitowoc.

Mr. Braun explained a proposed CSM located north of Menasha Avenue, and on the south side of Deerbrook Lane. Mr. Braun noted that the property owner had a motivated purchaser of the .38-acre property, adding that the purpose of the CSM was to create a new lot of record. Mr. Braun explained that all dedications were in place, and all utilities would be extended as needed. Mr. Braun then recommended approval of the CSM.

Mr. Muenzenmeyer questioned what the side yard setback was for this parcel after the lot line would be approved?

Mr. Braun replied that it was an existing lot line, but would double check to make sure that there were no setback issues.

**Moved by Alpert, seconded by Koski, that the Commission approve the CSM as outlined, subject to any required easements, petitions, and other conditions as specified above. The motion carried by the following vote:**

**Aye:** 5 - Alpert, Koski, Muenzenmeyer, Alderperson Brey and Member Steinbrenner

#### C. Summary of Site Plans

14-1238

SP6-2014.North 30th Street Mini Storage LLC; Buildings "I" and "J", 1426 N. 30th - New Construction (approved).

**Approved.**

14-1239

SP7-2014: Red Arrow Products Company LLC, 200 E. Waldo Boulevard - New Construction (approved).

**Approved.**

14-1240

SP8-2014/PC13-2014: JHA Properties, LLC/TLC Homes, Inc., 2213 Paul Road - New Construction (approved).

**Approved.**

Mr. Braun displayed the approved site plan and building elevations for the new Red Arrow Products corporate offices at 200 E. Waldo Boulevard. No action was taken.

#### IX. ADJOURNMENT

The meeting was adjourned at 7:15P.M.

Respectfully Submitted,

David Less  
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.

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Plan Commission Offices  
Manitowoc City Hall

Regular Meeting  
Manitowoc City Plan Commission  
Wednesday  
July 10, 2013  
6:45 P.M.

I. CALL TO ORDER

The meeting of the City Plan Commission was called to order by Acting Chairman Jim Brey at 6:30 P.M.

II. ROLL CALL

Members Present

Dan Hornung  
Maureen Stokes  
Jim Brey  
Jim Muenzenmeyer  
Dave Diedrich  
Dan Koski

Members Excused

Justin Nickels  
Steven Alpert

Staff Present

David Less  
Paul Braun  
Michelle Yanda

Others Present

See Attached Sign In Sheet

III. APPROVAL OF MINUTES of the Regular June 12, 2013 Meeting.

Motion by: Mr. Diedrich

Seconded by: Mr. Muenzenmeyer

Moved that: the minutes be approved as presented.

Upon Vote: the motion was approved unanimously.

IV. PUBLIC INFORMATIONAL HEARINGS

- A. PC14-2013: Community Bible Church, Inc.: Request for Conditional Use Permit for Location and Operation of a Church and School at 2711 Wollmer Street Pursuant to Sections 15.150(3)(a) and (b) of Manitowoc Municipal Code

Mr. Less explained that this was a request from Pastor Guy Corrigan representing the Community Bible Church, and Life Academy, a private Christian school, at 2711 Wollmer Street. Mr. Less noted that the request was for the City to issue a Conditional Use Permit (CUP) for operation of a church and a school at this property under the "R-4" zoning district regulations. Mr. Less noted that the CUP was to be considered in accordance with Section 15.370(27) of the Manitowoc Municipal Code which established procedures for the issuance of a CUP by which, the Commission and Council must

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determine if the proposed use: (i) was reasonably necessary for the convenience and welfare of the public; (ii) was in harmony with the character of the surrounding area; and (iii) would have a minimal or no effect on surrounding property values. Mr. Less noted that the Commission and Council could affix conditions to the CUP to provide assurances that the proposed use would not have a negative impact on the surrounding area.

Mr. Less explained that the subject parcel was also identified as tax parcel No. 260-003-041, and was legally described as Lots 1-4, Block 3 of Factory Heights Addition. Mr. Less then noted that the subject parcel was rectangular in shape with 222.67' of frontage on Wollmer Street, and a lot depth of 100', for a total area of 22,267sf or .51-acres. Mr. Less continued that the parcel abutted both So. 27<sup>th</sup> and So. 28<sup>th</sup> Streets, and was currently zoned "R-4" Single and Two Family Residential District, which required a CUP under Sections 15.150(3)(a) and (b) for usage of the site as a church and as a school. Mr. Less noted that the property was currently assessed at \$72,000 by the Assessor which reflected the value of the single family home on the property at 2705 Wollmer, and which generated just over \$1,500 in annual real estate taxes. Mr. Less added that the church at 2711 Wollmer was tax exempt. Mr. Less continued that the Community Bible Church also owned the residence at 709 So. 28<sup>th</sup>, being Lot 5 of Block 3, which they purchased in 1989, satisfying a Land Contract from 1988. Mr. Less noted that it was assessed at \$57,800. Mr. Less stated that it was his understanding from the Pastor that this property would be used as a residence for a teacher.

Mr. Less continued that the "R-4" zoning district permitted single and 2 family residential, along with community living arrangements and day care facilities for not more than 8 individuals, along with vacant lot residential gardens, and conditionally permitted such uses as churches, schools, hospitals, private clubs and lodges, domestic violence centers, and community living arrangements for 9 or more individuals.

Mr. Less stated that regarding the current ownership of the property, it appeared to be owned by the "Community Bible Church, Inc.", which acquired it from the Bethany Evangelical Lutheran Church in December, 1958. Mr. Less added that it appeared that the ownership of the property prior to that date was also with various churches, adding that in a check of Plan Commission records as far back as 1973, he found no record of a CUP ever being issued for this property. Mr. Less added that a 2006 appraisal of the property identified the owner as "Cornerstone Community Church", but stated that he couldn't find any conveyance documents to validate that reference.

Mr. Less continued that the property under the church ownership included 3 buildings: (i) a 1½ story frame, 2-bedroom residence to the south that was the former parsonage; (ii) a small, brick church on the west side of the parcel; and (iii) another 1-1/2 story residence being located on the east side of the parcel. Mr. Less explained that the church building was the planned site for the school, that would, according to the information provided by the Pastor, be for kindergarten through 6<sup>th</sup> grade, operate Monday - Friday with the same schedule and hours as the public schools, and with the expectation of 50 students. Mr. Less added that according to the Pastor, the lawn area would be used



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for play and physical education activities. Mr. Less noted that the far east end of the property abutting So. 27<sup>th</sup> was vacant, and currently has a volleyball net strung across it.

Mr. Less continued that while there was no off-street parking, there were no parking restrictions on Wollmer, nor So. 27 or So. 28<sup>th</sup>, so there appeared to be ample on-street parking. Mr. Less explained that the City's off-street parking code for a church was 1 space for each 6 seats, and for an elementary school would require 1 parking stall per staff person, plus seating for an auditorium, which was not relevant in this case. Mr. Less noted that there was another section under the parking code that specified that for a church, the off-street parking requirement was to be calculated at 1 seat for each 18" of such seating facilities. Mr. Less stated that while there was limited parking for the 2 residential structures owned by the church, there was ample parking along the RR trackage that was probably part of the former Jagemann Stamping complex.

Mr. Less then explained the zoning and land uses surrounding the subject property, and added that notices were mailed from Planning to property owners within 200' of the subject property on July 3<sup>rd</sup>. Mr. Less noted that he did receive a telephone call from Melissa Miller, 2710 Wollmer, who expressed concern with introducing a school into their neighborhood, and that other than this contact, he had not received any other response to the mailing.

In closing, Mr. Less noted that the City's 20 year future land use map that was part of the 2009 Comprehensive Plan identified the church area of the subject property as "Institutional and Community Facilities", with the balance of the subject property identified as "Single and Two Family Residential - Urban". Mr. Less added that the land use map matched the existing land uses, which were not being disturbed by this proposed CUP, and therefore, concluded that this proposed CUP was consistent with the City's Comprehensive Plan.

Mr. Diedrich asked for clarification on Mr. Less' comments regarding "Cornerstone".

Mr. Less stated that Cornerstone did not appear to be the name of the property owner from his search of the records, and was just a name affiliated with the property.

Mr. Koski asked about the maximum number of students expected to attend the school.

Pastor Guy Corrigan, 2709 Clark Street, commented that he was estimating a maximum enrollment of 50, and felt that this was likely a high number. Mr. Corrigan continued that the school would not be operational at this site for more than 1 year, and then they would move to a more permanent facility. Mr. Corrigan added that they had 20 students enrolled at present, and noted that they were in discussions with the Methodist Church on 9<sup>th</sup> Street regarding a future home for the school.

Mr. Muenzenmeyer asked about the status of the residence at 2705 Wollmer?

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Mr. Corrigan replied that there was currently a renter in the home, who had been there for 5 years, and that there were no plans to change this arrangement.

Robin Brandl, 2706 Wollmer, commented that she didn't want a school across from where she lived, and expressed concern with increased traffic in the area, and children safety. Ms. Brandl asked about where the playground for the students would be located, and expressed concern with her ability to sell her home in the future, and whether or not a school would reduce her property value. Ms. Brandl stated that she was against the school.

Mr. Less commented that he didn't believe there would be any negative impacts upon property values, but told Ms. Brandl that she should go and talk with the City Assessor for a more definitive response to that question.

Mr. Corrigan stated that there would not be a formal playground for the kids, and added that there was no fencing planned. Mr. Corrigan again stated that the plan was to stay at this location for not more than 1 year with the school. Mr. Corrigan added that they had 3 teachers to start the school with.

Vicki Karbon, 729 So. 27<sup>th</sup>, stated that she was only concerned with parking availability, and was more at ease with the proposal knowing that the school would only be there for 1 year.

Jim Heyduk, 719 So. 27<sup>th</sup>, asked what would happen if the 1 year timetable was not adhered to?

Mr. Corrigan replied that the Church Board had limited the school function to 1 year, and they'd have to relocate to another church building at that time.

Wally Ahrens, 709 So. 27<sup>th</sup>, stated that he had concerns with kids running around in a heavy traffic area, and asked if there was someone that should be contacted at the City regarding installing school safety zone signs.

Mr. Brey explained that the Pastor should write a letter to the Council making this request, and added that he would talk with Alderman Sitkiewitz as Chairman of the City's Public Safety Committee.

Mr. Brey asked Mr. Less for his recommendation.

Mr. Less explained his proposed CUP compliance conditions, and recommended that the Commission recommend to Council approval of the CUP under Section 15.150(3)(a), subject to the compliance conditions as presented.

Motion by: Ms. Stokes

Seconded by: Mr. Diedrich

Moved that: the Commission approve the

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Planner's recommendation above.

Mr. Hornung suggested that a 1-year limit be placed in the CUP for the school operation, with a termination date of December 31, 2014. Commission members agreed to that amendment.

Upon Vote: the motion was approved unanimously, with the 1-year amendment as noted above.

B. PC 15-2013: Elks Lodge 687; Request for Conditional Use Permit for Location and Operation of a Clubhouse at 1807 N. Rapids Road Pursuant to Section 15.270(3)(c) of Manitowoc Municipal Code

Mr. Less explained that this was a request from Steven Brogan, the Exalted Ruler of the Manitowoc Elks Lodge No. 687, which was the contract purchaser of the current Timber Lodge liquor store, and was requesting that the City issue a Conditional Use Permit (CUP) for operation of a private club and lodge at the property at 1807 N. Rapids Road. Mr. Less stated that the CUP was to be considered in accordance with Section 15.370(27) of the Manitowoc Municipal Code, which established procedures for the issuance of a CUP by which, the Commission and Council had to determine if the proposed use was reasonably necessary for the convenience and welfare of the public, was in harmony with the character of the surrounding area, and would have a minimal or no effect on surrounding property values. Mr. Less noted that the Commission and Council could affix conditions to the CUP to provide assurances that the proposed use would not have a negative impact on the surrounding area.

Mr. Less explained that the subject parcel was also identified as tax parcel No. 814-103-050, was currently owned by James Ziegelbauer, and was occupied by Timber Lodge Liquor, which had hours of operation listed as Monday - Saturday 9:00 A.M. - 9:00 P.M., and Sunday and holidays, 9:00 A.M. - 5:00 P.M. Mr. Less continued that according to the City Clerk's office, the City had issued Timber Lodge a current liquor store license, which he noted was not the same as a tavern license.

Mr. Less continued that the "B-3" zoned subject parcel was quadrilateral in shape with frontage on N. Rapids Road of 178.5', a north line measuring 311', a south line measuring 224', and a rear or east line measuring 160'. Mr. Less added that the proposed use required a CUP under Section 15.270(3)(c) of the code. Mr. Less continued that the "B-3" zoning district permitted all types and kinds of retail and some types of service business, as well as office and professional land uses. Mr. Less added that conditionally permitted uses in this district included a wrecker service, apartment hotels, homes for the elderly, and private clubs and lodges.

Mr. Less stated that the existing building measured approximately 40' in width on the Rapids Road side, 72' along its north wall, 49' along its east wall, and just over 73' on its south wall, or a total of approximately 3,229sf. Mr. Less added that there was an

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adjacent blacktop, off-street parking area striped for 18 vehicles, which did not meet the City's landscaping code.

Mr. Less added that on the point of off-street parking, the municipal code for off-street parking for a private club or lodge was a minimum of 1 parking space for each 100sf of gross floor area, which would actually be the net public square footage for a service type business. Mr. Less continued that in this case, using the current interior layout of the Timber Lodge business, there was approximately 673sf of non-public space, which would leave the remaining net public space at 2,556sf or a requirement of 26 parking spaces. Mr. Less did note that the Plan Commission could reduce off-street parking requirements pursuant to Section 15.430(5) of the code.

Mr. Less continued that the subject parcel measured .95-acres in area, and was currently assessed by the City Assessor for \$159,700, and generated approximately \$3,400 in annual real estate taxes. Mr. Less explained the surrounding land uses and zoning.

Mr. Less then pointed out that the Elks sold their former clubhouse property to I & S Holdings, LLC in June, 2011, and had been searching for a permanent new home since then. Mr. Less added that he believed the Elks had been using the lower level of their former facility for their meetings through the end of September, at which time their current plan was to share space at the Amvets Club until they took occupancy on N. Rapids Road which was expected at the end of February, 2014. Mr. Less added that the "Club" property had since been sold to Red Arrow Products earlier this year.

Mr. Less explained that the Elks entered into a purchase and sale agreement with the current owner on June 7<sup>th</sup>, 2013 that included a contingency of issuance of a CUP by the City to allow the property to be used as the Manitowoc Elks Lodge. Mr. Less identified other contingencies in the offer including approval of the purchase by the Elks membership, and approval by the Elks Grand Lodge. Mr. Less noted that the closing would be scheduled on or before September 30<sup>th</sup>. Mr. Less added that there was an existing lease in place which could extend the occupant's current occupancy through the end of June, 2014, so physical occupancy by the Elks was not clear at this time, other than while hopeful occupancy was by the end of February, 2014, it could be the end of June, 2014. Mr. Less noted that according to information provided to him, the Elks membership voted in the affirmative on June 25<sup>th</sup>, and the Grand Lodge approval was still pending.

Regarding the intention of the Elks, Mr. Less noted the following:

- 1) The Elks were chartered in 1901, and had functioned continuously in Manitowoc since that time.
- 2) Membership was both male and female, and had been declining over time, with current membership at approximately 123.
- 3) The Elks meet twice/month, currently on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday's, with attendance at these meetings between 15 and 20 persons.

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- 4) The hours of operation at the subject were not clear or known at this time, but their preference would be for the clubhouse to be open from early afternoon until 10:00 P.M., Monday - Saturday.
- 5) The Elks were not planning a physical expansion of the facility, but were intending on structural repairs including a new roof and parking lot repairs.
- 6) The Elks envisioned usage of the open area to the east for summer picnics for members and their families, as well as holiday celebrations and fund raising events.
- 7) While they did not intend to have a kitchen facility, they would rely on caterers for providing food service for large group meals, which they estimated at 4-6 times per year.
- 8) Finally, the Elks intend to apply to the City for a liquor license for the premises.

Mr. Less noted that notices were mailed from Planning to property owners within 200' of the subject property on July 3<sup>rd</sup>. Mr. Less explained that he did receive an email on July 8th from Tim Frey, JHA Properties, as a property owner at 4436 and 4438 Fleetwood Drive, stating he was not opposed to the proposed CUP. Mr. Less noted further that Mr. Braun had received a phone call today from Pat Hartlaub, 1629 Sylvan Drive, who was not opposed to the use, but had questions and concerns. Mr. Less added that Mr. Hartlaub felt that the liquor store was a well maintained business, and a quiet neighbor that closed at 9:00 P.M., but did have questions centered on whether the Elks would be seeking a liquor license, hours for special events lasting into the evening, and general concerns regarding noise and traffic. Mr. Less advised that Mr. Braun sent him a copy of the proposed CUP conditions, along with the "B-3" district regulations, making the point that a lot worse uses would already be permitted in that zoning district. Mr. Less noted that other than that, there were no other responses received to the mailing.

In closing, Mr. Less noted that the City's 20 year future land use map as part of the City's 2009 Comprehensive Plan identified the subject property as "General Business", an area which was described in the text of the plan as being suitable for commercial and retail use at a neighborhood scale, and appropriate for neighborhood-oriented retail and service businesses. Therefore, Mr. Less concluded, the proposed CUP was consistent with the City's Comprehensive Plan.

Mr. Diedrich asked about the Official Map cul-de-sac at the end of Beaupre Court, and whether that was included in tonight's discussion?

Mr. Less stated "no".

Tom Johnson, 1821 N. Rapids, asked if this re-use of the property would impact his taxes?

Mr. Less stated that Mr. Johnson should have a conversation with the City Assessor, but didn't believe there would be any impact.

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Mr. Johnson did mention the removal of a fence in the past by the City.

Mr. Brey commented that this was not an issue for the Plan Commission, and recollected that the fence had been located on City-owned property.

Pat Hartlaub, 1619 Sylvan Drive, expressed additional noise and traffic concerns that could arise from this operation, and explained that there were 13 kids on Sylvan Drive, and he didn't want people cutting through their lots. Mr. Hartlaub added that parking in the area was also a concern, as there was no parking allowed on N. Rapids. Mr. Hartlaub stated that he was also concerned with activities taking place after 9:00 P.M., that might include issues with intoxicated drivers.

Gene Maloney, 634 N. 8<sup>th</sup>, explained that he was a Trustee for the Elks, and emphasized that they were a fraternal organization, and were not party folks. Mr. Maloney continued that Mr. Ziegelbauer had told him that the area to the east of the building was actually a former parking lot, and was actually grass growing over concrete. Mr. Maloney continued that he didn't see a problem with parking on the grass over stone area, and assured everyone that the Elks were not interested in encouraging public drunkenness. Regarding parties at the property, Mr. Maloney noted that members could have a party there.

Gail Terry, 1720 Kellner, stated that she was not excited about the prospect of private parties and campfires that would extend past 9:00 P.M.

Mr. Less explained that the proposed compliance conditions included a limitation on hours that activities could take place outside, that being no later than 9:00 P.M.

Ms. Terry asked if the Official Map at Beaupre Court was being considered tonight?

Mr. Less stated "no".

Cathy Stangel, 4410 Knuell Court, commented that she supported the Elks proposal, and emphasized the other uses that could potentially locate in the existing "B-3" zoning district.

Mr. Muenzenmeyer commented that the Elks had been a very good player in the City.

Mr. Brey asked Mr. Less for his recommendation.

Mr. Less recommended that the Commission recommend to Council approval of the CUP under Section 15.270(3)(c) of the code, subject to the compliance conditions as presented.

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Motion by: Mr. Muenzenmeyer

Seconded by: Ms. Stokes

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

Upon Vote: the motion was approved unanimously.

- C. PC16-2013: SMI/Popp Enterprises, LLC/Vandermause; Request for Exception to 2,500' Separation Requirement Pursuant to Wis. Stat. § 62.23(7)(i)1. for Establishment of an 26-Person Community Based Residential Facility (CBRF) at Dewey and So. 19<sup>th</sup> Street, and Associated Conditional Use Permits Pursuant to Sections 15.150(3)(f) and 15.170(3)(f) of Manitowoc Municipal Code

Mr. Less explained that this was a request from SMI on behalf of the contract purchaser of property at Dewey and So. 19<sup>th</sup>, Jerry Vandermause, which was requesting: (i) that the City grant an exception to the 2,500' spacing requirement under WI's Community Living Arrangement (CLA) statute, Wis. Stat. § 62.23(7)(i)1. to operate a Community Based Residential Facility (CBRF) for a maximum of 26 persons; and (ii) that the City issue a Conditional Use Permit (CUP) under both the "R-4" and "R-5" zoning district regulations to authorize the location and placement of a CLA.

Mr. Less explained that the subject property was a vacant lot located on the south side of Dewey midway between So. 18<sup>th</sup> and So. 21<sup>st</sup> Street, and which included a portion of the 60' wide So. 19<sup>th</sup> Street R/W. Mr. Less continued that the non-R/W parcels were more specifically identified as: (i) part of tax #355-081-001 owned by Popp Enterprises LLC, being part of Hinckley's Subdivision, and being part of Lots 81, 84 and 85; and (ii) part of tax #355-084-001 being part of Lot 1 of a CSM Recorded in V. 30, P. 223. Mr. Less noted that the first parcel had an assessed valuation from the City Assessor of \$62,800, and generated approximately \$1,300 in annual real estate taxes, while the second parcel had an assessed valuation of \$47,100, and generated total real estate taxes of just over \$1,100. Mr. Less noted further that the subject property had split zoning with the north 140' being zoned "R-5" Low Density Multiple Family District, and the south 135' being zoned "R-4" Single and Two Family District.

Mr. Less explained that the contract purchaser, pursuant to a Vacant Land Offer to Purchase dated and accepted on June 4<sup>th</sup>, would be purchasing a rectangle that, excluding the So. 19<sup>th</sup> Street R/W, had a lot depth of 275', and Dewey Street frontage of approximately 305'. Mr. Less stated that when the 60' wide R/W of Dewey was added in (which was contemplated to be vacated), the total area being purchased would measure 365' along Dewey by 275' of lot depth, or a total of 100,375sf or 2.3-acres. Mr. Less continued that regarding the Offer to Purchase, it specified that the sale was contingent upon:

- 1) Closing the land sale on or before September 1, 2013.
- 2) Financing contingency.
- 3) Appraisal contingency.
- 4) Proposed use contingency - construction of a CBRF measuring approximately 14,500sf.

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- 5) Obtaining a CUP from the City for the CBRF.
- 6) Buyer's ability to receive a license from WI for a CBRF.
- 7) A lot survey including access to the retention pond to the south.

Mr. Less then explained that a CBRF was a community facility for 5+ adults who were not related, and did not require care above intermediate level nursing care, and which resided and received care, treatment or services that were above the level of room and board, but included no more than 3 hours of nursing care per week per resident.

Mr. Less then commented that the petitioner was requesting that the City grant an exception to the 2,500' provision contained in Wis. Stat. § 62.23(7)(i)1. which stated that the City, at its discretion, may grant an exception to this statute to permit a CLA to locate within 2,500' of an existing CLA, and added that the proposed CBRF was located within 2,500' of The Villa, 1600 So. 18th, and HIL Yorktown Home, 2136 So. 13<sup>th</sup>. Mr. Less continued that the proposal CBRF would be for a maximum of 26-persons, and would operate as Maritime Gardens. Regarding the proposed facility, Mr. Less noted the following from information provided by the petitioner:

- 1) Care at the facility would be coordinated by a Registered Nurse.
- 2) The facility would be staffed on-site 24 hours/day.
- 3) The facility planned to seek licensing as a CNA, serving residents who were ambulatory, semi-ambulatory and non-ambulatory.
- 4) The facility would serve residents 62+ in age, advanced aged, terminally ill, dementia and Alzheimer clients.

Mr. Less added that the proposed facility would measure approximately 14,816sf in area, including approximately 2,400sf of common area, and with 24 suites of which 2 of the units were being designed for double occupancy. Mr. Less noted that construction was anticipated to be completed by the end of February, 2014, with landscaping and finishing the parking lot in May, 2014.

Mr. Less then commented that as he had mentioned in past sessions regarding this kind of request, the purpose of the 2,500' spacing requirement was to disperse CLA's throughout the community, and to avoid over intensifying the location of such person's into limited geographic areas. Mr. Less continued that CLA's were regulated under Wis. Stat. § 62.23(7)(i) which included the following provisions: (i) subd. (i)1. which was related to the 2,500 separation requirement, and which specified that the City had the discretion to grant the spacing exception; and (ii) subd. (i)5. which stated that for CLA's with a capacity for 16 or more, they could petition the City to locate in any residential zoning district, and could apply for a special exception. Mr. Less noted that according to the City's annual CLA report filed in January, 2013, there were 7 Adult Family Homes and 22 CBRF's in the City, with a combined total capacity of 359 residents.

Mr. Less continued that additionally, CBRF's were regulated by the State's Department of Health Services (DHS), Division of Quality Assurance, and were further required to meet the certification requirements under Wisconsin Administrative Code



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DHS Chapter 83, as well as Caregiver Background Checks under DHS 12, and Allegation Reporting under DHS 13. Mr. Less noted that the Division of Supportive Living was responsible for the licensing of all CBRF's in Wisconsin, and no CLA could operate unless they had been certified to do so by DHS. Mr. Less then detailed other statutory requirements for operation of a CBRF.

Mr. Less then explained the surrounding zoning and land uses at the facility.

In closing, Mr. Less advised that notices were mailed from Planning on July 3<sup>rd</sup> to property owners within 200' of the subject property, and that there were no responses received.

Mr. Diedrich questioned if there would be any benefit to eliminating the split zoning on the parcel through a rezoning proceeding?

Mr. Less replied that the CUP was a more timely and easier procedure to follow, and that there was no real benefit to rezoning the parcel.

Mr. Diedrich stated that he had a CBRF in his neighborhood, and commented that they were stellar residents.

James Revolinsky Jr., 3114 So. 18<sup>th</sup>, stated that he lived to the east of the subject parcel, and had no problem with the proposal, and asked if there would be another developable lot created between the proposed CBRF and his residence?

Mr. Less replied that there would not be an intervening lot.

Mr. Brey asked Mr. Less for his recommendation.

Mr. Less recommended that the Commission recommend to Council that it grant the exception to the 2,500' spacing requirement as requested to Popp Enterprises LLC, and Jerry Vandermause for the subject property at Dewey and So. 19<sup>th</sup> pursuant to Wis. Stat. § 62.23(7)(i)1. and (i)5. with the understanding that if the contract purchaser did not purchase the property, and secure all required licenses from the State by September 30, 2014, that this exception would become void and terminates effective October 1, 2014.

Motion by: Mr. Hornung

Seconded by: Ms. Stokes

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

Upon Vote: the motion was approved unanimously.

Mr. Less then transitioned to the second informational hearing on this subject parcel regarding the issuance of a CUP, noted that he would be following the protocol outlined in Section 15.370(27) of the code, which established procedures for the issuance of a CUP by which, the Commission and Council had to determine if the proposed use

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was reasonably necessary for the convenience and welfare of the public, was in harmony with the character of the surrounding area, and would have a minimal or no effect on surrounding property values. Mr. Less stated that the Commission and Council could affix conditions to the CUP to provide assurances that the proposed use would not have a negative impact on the surrounding area.

Mr. Less stated that in this matter, due to the split zoning of the subject parcel, there were actually 2 code sections that had to be applied: (i) Section 15.150(3)(f) in the "R-4" district regulations dealing with the issuance of a CUP for the location of a CLA for 9+ individuals; and (ii) Section 15.170(3)(f) in the "R-5" district regulations dealing with the issuance of a CUP for the location of a CLA for 16+ individuals.

Mr. Less again advised that notices were mailed from Planning on July 3<sup>rd</sup> to property owners within 200' of the subject property. Mr. Less added that this was a combined notice along with the 2,500' spacing issue, and that there were no responses received.

Mr. Brey asked Mr. Less for his recommendation on this matter.

Mr. Less recommended that the Commission recommend to Council granting the CUP to Popp Enterprises LLC, and Jerry Vandermause for the property at Dewey and So. 19<sup>th</sup>, pursuant to Sections 15.150(3)(f) and 15.170(3)(f) of the code, and subject to the compliance conditions as presented.

Mr. Hornung suggested that the requirement for filing any leases related to the property be reduced to an inspection of the documents by the City Planner. Commission members agreed and instructed Mr. Less to modify the compliance conditions accordingly.

Motion by: Mr. Diedrich

Seconded by: Ms. Stokes

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

Upon Vote: the motion was approved unanimously.

- D. PC13-2013: SMI/Popp Enterprises LLC/Vandermause; Proposed Vacation Under Wis. Stat. § 66.1003(2) and Official Map Amendment Under Wis. Stat. § 62.23(6) at Dewey and So. 19<sup>th</sup> Street

Continuing on Dewey and So. 19<sup>th</sup>, Mr. Less explained that this set of public informational hearings were in regard to a request from SMI on behalf of Popp Enterprises for a proposed amendment to the Official Map impacting a portion of So. 19<sup>th</sup> Street, south of Dewey, and a related vacation to eliminate a portion of So. 19<sup>th</sup> Street R/W. Mr. Less stated that the amendment of the Official Map occurred pursuant to Wis. Stats. § 62.23(6), and the concurrent discontinuance or vacation of a portion of So. 19<sup>th</sup> Street occurred pursuant to Wis. Stats § 66.1003(2).

PLAN COMMISSION MINUTES - 7/10/2013

Mr. Less noted that the purpose of these proceedings was to amend the Official Map to remove a portion of So. 19<sup>th</sup>, to vacate the north 383' of So. 19<sup>th</sup> Street, and to establish a cul-de-sac at what would be the new terminus of So. 19<sup>th</sup>. Mr. Less continued that procedurally, the proposed street vacation process was initiated by the filing of a petition from 100% of the property owners abutting the area to be vacated, plus the owners of at least 1/3 of the frontage of the lots and lands abutting on that portion of the remainder of the public way which was within 2,650 feet of the ends of the portion to be discontinued. Mr. Less added that this "petition by abutting owners" procedure was governed under Wis. Stats. § 66.1003(2).

Mr. Less added that he had reviewed the petition as filed by SMI and signed by Popp Enterprises, LLC, Summit Pond, LLC, and Manitowoc County Habitat for Humanity, and that based on the frontage analysis provided by SMI, he had concluded that the vacation petition, as filed, was adequate under the statute. Mr. Less noted that the petition was signed by 100% of the owners abutting the area to be vacated, and that regarding the remaining frontage (extending south to Viebahn Street), there was total frontage of 4,359.44'. Mr. Less continued that the 1/3 threshold was 1,453.14', and the signatures on the petition totaled 1,866.46', which was greater than 1,453.14'. Mr. Less concluded, therefore, that the petition was valid and met the requirements of the statute.

Mr. Less continued that with this statutory protocol, while there was no public hearing to be held on the vacation, there was a public hearing required for the amendment to the Official Map. Mr. Less explained that procedurally for the vacation, the City would prepare the "Notice of Lis Pendens" and record it at the Register of Deeds; the Plan Commission would, subsequent to tonight's informational hearings, file a recommendation to the City Council to proceed on this matter; and assuming Council approval, Council would then introduce a vacation resolution and an ordinance to amend the Official Map. Mr. Less continued that while no public hearing for the vacation was required, there was a requirement for publishing a Class 3 notice stating when and where the vacation petition would be acted upon. Mr. Less noted that as a public hearing was required for the Official Map amendment, those notices would be combined with the 2<sup>nd</sup> and 3<sup>rd</sup> publications of the Class 3 notice. Mr. Less stated that once the public hearing was held, Council could subsequently adopt the resolution and Official Map ordinance.

For the current project, Mr. Less noted the following:

- 1) A "Notice of Lis Pendens" regarding the vacation proceedings would be filed at the Register of Deeds office and recorded on July 11th.
- 2) Plan Commission tonight would be asked to offer a final recommendation on the vacation and Official Map amendment.
- 3) An ordinance for amending the Official Map, and a resolution for vacation would be introduced at the July 15<sup>th</sup> Council meeting.
- 4) The required Council public hearing regarding the Official Map amendment would be scheduled for August 19<sup>th</sup>, preceded by publication of the Class 3 notice to be published pursuant to Wis.

PLAN COMMISSION MINUTES - 7/10/2013

Stats. § 66.1003(8)(b) on July 29th, August 5<sup>th</sup> and August 12<sup>th</sup> .  
The Official Map amendment required a Class 2 notice to be published, and would be combined with the notices published on August 5<sup>th</sup> and 12<sup>th</sup> .

- 5) Final Council action on the Official Map amendment and the vacation would occur after September 2<sup>nd</sup> .

Mr. Less continued that in the case of the proposed amendment to the Official Map, and the associated vacation, each area measured 22,977sf in area. Mr. Less clarified that the changes resulting from these processes were as follows: (i) elimination from the Official Map of the N 383' of Dewey Street R/W, and adding to the Official Map a 60' wide radius cul-de-sac at the north terminus of So. 19<sup>th</sup> Street (the cul-de-sac to be dedicated to the City via separate QCD's from Summit Pond, LLC and Popp Enterprises LLC); and (ii) the vacation of the 60' wide Dewey Street R/W from the south line of Dewey Street extending south, 383'. Mr. Less continued that the City would retain all easement and utility rights incidental to the vacated So. 19<sup>th</sup> Street R/W which were in place prior to the vacation of the R/W.

Mr. Less added that post amendment to the Official map and vacation, and related to this transaction, there was a reversion of title issue to be addressed, as referenced in Wis. Stats § 66.1005. Mr. Less wanted to make sure that all parties were advised that the R/W area, once vacated, would divide and become attached to the legal descriptions for the abutting properties, and that once that has happened, the sale of land and subsequent construction could occur.

Finally, Mr. Less noted that prior to tonight's informational hearings, Planning had mailed on July 3<sup>rd</sup>, notices to the same property owners as in the CBRF and CUP informational hearings, and added that there were no responses to the mailing.

Ms. Stokes asked what happened to So. 20<sup>th</sup> Street?

Mr. Braun explained that there were longer block widths in this area of the City.

Mr. Brey asked Mr. Less for his recommendation.

Mr. Less recommended that the Commission recommend to Council that it: (i) approve proceeding with the vacation and Official Map amendment; (ii) instruct the Clerk to call for publication of the notices and the required public hearing; and (iii) make its final recommendation to approve the Official Map ordinance and vacation resolution completing the amendment process.

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.

PLAN COMMISSION MINUTES - 7/10/2013

Mr. Less then recommended that the Commission approve the proposed CSM that had been outlined in his presentation that would be ultimately created at this location.

Motion by: Mr. Koski

Moved that: the Commission approve the CSM as outlined, subject to any required easements, petitions, and other conditions as specified above.

Seconded by: Mr. Diedrich

Upon Vote: the motion was approved unanimously.

V. REFERRALS FROM COMMON COUNCIL

A. None

VI. OLD BUSINESS

A. PC44-2012: JHA Properties, LLC/TLC Homes, Inc.; Request for Exception to 2,500' Separation Requirement Pursuant to Wis. Stat. § 62.23(7)(i)1. for Establishment of an 8-Person Community Based Residential Facility (CBRF) at 703 and 705 East Cedar Avenue - Request for Modification of Terms of Previous Approval

Mr. Less explained the email request from Tim Frey d/b/a JHA Properties, LLC and TLC Homes, Inc. related to a previously approved Council action in December, 2012 for the siting of a Community Based Residential Facility (CBRF) at 703 and 705 E. Cedar. Mr. Less noted that the 2012 approval granted an exception to the 2,500' spacing requirement under Wisconsin's Community Living Arrangement (CLA) statute, Wis. Stat. § 62.23(7)(i)1. to operate a CBRF at this location for a maximum of eight (8) individuals, and further included a compliance condition that all required licenses from the State be obtained by July 1, 2013, or the action granting the special exception would become void. Mr. Less explained that Mr. Frey's email from July 2<sup>nd</sup> stated that there had been delays in Madison in terms of a timely review of their licensing request, and that he was now requesting an extension to the July 1<sup>st</sup> deadline. Mr. Less recommended that the Commission recommend to Council a 90 day extension to the licensing requirement, through September 28, 2013.

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.

B. PC38-2012 Proposed Changes to the Sign Code Section of Chapter 15.450

No discussion was held. No action was taken.

VII. NEW BUSINESS

PLAN COMMISSION MINUTES - 7/10/2013

- A. PC17-2013: Nagle Signs Inc./Fleet Farm: Request for Fixed Animated Sign at 1235 So. Rapids Pursuant to Section 15.450(18) of Manitowoc Municipal Code

Mr. Less reviewed with the Commission an application for, and his analysis of a request for a fixed, animated sign on to the existing pole structure at the southwest corner of the property at Custer Street and So. Rapids Road. Mr. Less reviewed the application, and recommended that the Commission approve a Special Permit for the sign pursuant to Section 15.450(18)(e)1. of the code. Mr. Less recommended further that the Commission waive the 100' separation requirement under Section 15.450(18)(g)9. from the existing Custer and Rapids Road intersection, and further authorize the Building Inspector to issue a sign permit upon request.

Motion by: Mr. Hornung  
Moved that: the Commission approve the Planner's recommendation above.

Seconded by: Mr. Diedrich  
Upon Vote: the motion was approved unanimously.

VIII. MISCELLANEOUS

- A. Manitowoc County Activities:

1. None

- B. Certified Survey Maps (CSM):

1. Schneider; Proposed CSM Being in the NE¼ of SW¼ Sec. 36, T.19N., R23E, City of Manitowoc

Mr. Braun explained a proposed lot split related to the Dean Schneider property on the south side of Dewey, west of So. 35th. Mr. Braun explained the history of this area, and displayed a previously approved concept plan for the area.

Mr. Braun stated that the proposal was to split existing TR2 located east of the public access easement and abutting Dewey Street for development. Mr. Braun continued that he had met with the owner and the land surveyor, and had no problem with the proposal. Mr. Braun did make reference to the Job Center sign, and wanted to make sure that the remainder of TR2 to the south would still have access from the access easement. Mr. Braun advised the Commission that once more development took place in this area, it might be timely to revisit the concept to see if it needed further altering in such areas as dedicated R/W's and the overall street pattern. Mr. Braun advised further that he had been in conversation with Rob Michaelson at MPU, and water service to TR2 and the future lot to the south was not an issue. Mr. Braun noted that this was a public water main in a permanent perpetual easement. Mr. Braun recommended approval of the proposed CSM.

PLAN COMMISSION MINUTES - 7/10/2013

Mr. Muenzenmeyer commented that transit buses had a difficult time making the turn from Dewey into the roadway leading to the Job Center.

Motion by: Mr. Hornung

Moved that: the Commission approve the CSM as outlined, subject to any required easements, petitions, and other conditions as specified above.

Seconded by: Mr. Muenzenmeyer

Upon Vote: the motion was approved unanimously.

2. Kordiyak; Proposed CSM Being in the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  Sec. 10, T.19N., R23E, Town of Manitowoc Rapids

Mr. Braun explained a proposed CSM for property located west of I-43, and on the north side of CTH "P". Mr. Braun noted that the owner wanted to split off a 2.1-acre parcel upon which a homestead was located, from an 11.17-acre parcel. Mr. Braun advised that the CSM required both Town and County approvals, but otherwise had no issue with the proposal. Mr. Braun noted that the Official Map for 100' wide CTH "P" would have to be shown on the CSM, and recommended approval of the proposed CSM.

Motion by: Mr. Diedrich

Moved that: the Commission approve the CSM as outlined, subject to any required easements, petitions, and other conditions as specified above.

Seconded by: Mr. Koski

Upon Vote: the motion was approved unanimously.

3. Resch; Proposed CSM Being in the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  Sec. 33, T.20N., R23E, town of Kossuth

Mr. Braun explained a proposed CSM for property located west of Stone Road and south of Rockwood Road. Mr. Braun noted that the owner wanted to split off a 4.4-acre parcel for the owner to sell to his son. Mr. Braun advised that the CSM required both Town and County approvals, and the CSM would have to show the 80' Official Map for Stone Road. Mr. Braun noted that he had no issue with the proposal, and recommended approval of the proposed CSM.

C. Summary of Site Plans 6/7/2013 – 7/3/2013

1. SP10-2013: Manitowoc Cinema, LLC, 2555 So. 44<sup>th</sup> – New Construction (approved).
2. SP11-2013: Ozone Night Club LLC/Scherwinski, 1819 So. 9<sup>th</sup> – New Construction (approved).
3. SP12-2013: Dewey Properties, LLC/Buffalo Wild Wings, 4140 Harbor Town Lane – Parking Lot Expansion (approved).

PLAN COMMISSION MINUTES - 7/10/2013

IX. ADJOURNMENT

The meeting was adjourned at 8:00 P.M.

Respectfully Submitted,

David Less  
City Planner



PLAN COMMISSION MINUTES - 6/12/2013

Plan Commission Offices  
Manitowoc City Hall

Regular Meeting  
Manitowoc City Plan Commission  
Wednesday  
June 12, 2013  
6:45 P.M.

I. CALL TO ORDER

The meeting of the City Plan Commission was called to order by Chairman Justin Nickels at 6:45 P.M.

II. ROLL CALL

Members Present

Dan Hornung  
Jim Muenzenmeyer  
Dan Koski  
Steve Alpert  
Justin Nickels  
Jim Brey

Members Excused

Maureen Stokes  
Dave Diedrich

Staff Present

David Less  
Michelle Yanda

Others Present

See Attached Sign In Sheet

III. APPROVAL OF MINUTES of the Regular May 22, 2013 Meeting.

Motion by: Mr. Brey

Moved that: the minutes be approved as presented.

Seconded by: Mr. Muenzenmeyer

Upon Vote: the motion was approved unanimously.

Mayor Nickels introduced Dan Koski as the new Director of Public Infrastructure.

Mr. Koski made some introductory comments regarding his background.

IV. PUBLIC INFORMATIONAL HEARINGS

A. None

V. REFERRALS FROM COMMON COUNCIL

A. PC12-2013: Neuser; Request for Access Across City-Owned Land East of So. 10<sup>th</sup> Street

Mr. Less explained that this was a request from a property owner of land located on the east side of So. 10<sup>th</sup>, and south of the south entrance to Silver Creek Park. Mr.

PLAN COMMISSION MINUTES - 6/12/2013

Less noted that the City-MPU owned a strip 33' wide that was part of an Official Map pattern, and which appeared to be City-owned and not dedicated for R/W purposes). Mr. Less explained that the Deed was to "The City of Manitowoc (Manitowoc Public Utilities)" as grantee, and was dated August, 1953. Mr. Less noted that it was for 16.34-acres, and included riparian rights along Lake Michigan, and a 16.5' wide driveway easement, neither of which were located in the 33' strip to the south of the Neuser property.

Mr. Less continued that the existing/current Official Map pattern was adopted in January, 2004 (PC59-03), and replaced a mapping pattern established around 1964. Mr. Less noted that the purpose of the 2004 action was to eliminate excessive R/W in this area, and to re-set the future street pattern to better match anticipated development patterns.

Mr. Less noted that regarding the Neuser property: (i) it was not in the City; (ii) he acquired the property in February, 2013; and (iii) according to his letter, he wanted to split his parcel, and either purchase, or use via easement, the 33' City-owned strip to the south. Mr. Less added that he had talked with Steve Bacalzo, MPU on this matter, and was advised that MPU had power poles running N-S along the E side of So. 10<sup>th</sup>, and poles running E-W from So. 10<sup>th</sup> towards the lake. Mr. Less explained that according to Mr. Bacalzo, the E-W line of poles were placed on City-owned property sometime in the 1980's, and there was no easement of record identified. Mr. Less added that according to Mr. Bacalzo, the E-W line was essential as it ultimately served one of MPU's wells. Mr. Less continued that Mr. Bacalzo had no issue with placement of a driveway in the easement area, but the grantee (Mr. Neuser) would have to clear out the area, and not interfere with the existing power poles. Mr. Less reported that Mr. Bacalzo felt this would also require the approval of the MPU Commission on this matter.

Mr. Less then explained that he felt the options for the Commission's consideration were to: (i) sell the 33' strip, which he did not support; (ii) grant an easement to Mr. Neuser as requested, but he did not support this option as he felt that an easement was too permanent a property interest; (iii) grant Mr. Neuser a "Sidewalk Privilege Agreement" (SPA) for placement of a driveway on to City-owned property (Wis. Stat. § 66.0425(2)), subject to (a) dedication of R/W on So. 10<sup>th</sup>, (b) execution of a Public Works and Water Petition for So. 10 and the future E-W running Street, and (c) consent from MPU; and (iv) take no action on the request and place it on file. Mr. Less noted that based on the aerial mapping, it appeared that Mr. Neuser could establish an easement across his lot for access to his future sale lot, and that it appeared that there was approximately 45' available along the N lot line to do so.

Regarding the SPA option, Mr. Less added that the document should probably include MPU as a party to the agreement, as MPU was referenced in the original deed, and added that the document should also include indemnification language due to the placement of a driveway near the MPU poles. Mr. Less noted that the SPA was, in effect, a license, and not a property right.

PLAN COMMISSION MINUTES - 6/12/2013

Mr. Hornung commented on power poles in the area.

Mr. Muenzenmeyer asked if an SPA would satisfy the City's access/frontage requirement when the Neuser lot was split?

Mr. Less replied that he felt it would, as long as the ingress and egress authorization was included in the SPA.

David Neuser, 1404 Michigan and the owner of property at 3329 So. 10<sup>th</sup>, commented that there were 2 septic tanks at the north end of his property, one of which was shared with the property owner to the north. Mr. Neuser added that this was why he didn't see the north side of the property as being a viable option for ingress/egress. Mr. Neuser added that his intent would be to remove the trees on his property to take advantage of lake views, as well as the City's 33' strip so he could install a driveway.

Mr. Brey asked Mr. Neuser if he had considered annexation into the City?

Mr. Neuser replied that he didn't know about annexation, and asked if he had to do that. Mr. Neuser added that all he was looking for was an easement.

Mr. Less noted that annexation was a great idea, and that in terms of value added to his property, would probably enhance its value. Mr. Less added that it was Mr. Neuser's call, and added that his preference was for an SPA instead of an easement. Mr. Less explained the SPA statute, and emphasized that it was a revocable license and not a property right. Mr. Less added that there were no condemnation rights with an SPA, and that at such time that the City would choose to install a public street, his improvements would be removed with no remuneration to Mr. Neuser.

Mr. Neuser stated that he understood this, and added that his plan was to sell off the existing home.

Mr. Less added that the SPA would have to include language regarding the permanency of access to the lot to be created to the east.

Mr. Neuser stated that he understood.

Mr. Hornung commented that if the parcel was split, the east parcel would not be abutting a true street, which would make him landlocked.

Mr. Less replied that the SPA would have to specify that at the time the City installed the street, the 33' would have to be declared and dedicated as R/W, or that would create a landlocked parcel. Mr. Less added that regarding the 25' access requirement, it would be satisfied by including the ingress/egress provision into the SPA. Mr. Less noted that he wasn't aware of the septic system issue to the north.

PLAN COMMISSION MINUTES - 6/12/2013

Mr. Less stated that he felt the SPA was the most prudent way to proceed, and recommended that the Commission recommend to Council, subject to approval of the plan by Manitowoc County and MPU, that the Council authorize: (i) preparation of the SPA pursuant to Wis. Stat. § 66.0425(2); (ii) the Attorney's office to prepare the document, coordinate with MPU terms and conditions that would be required to be included in the SPA document; and (iii) prior to execution of the SPA, the delivery of a Quit Claim Deed and Public Works and Water Petitions from Mr. Neuser to the City and MPU for the So. 10<sup>th</sup> Street frontage, and future E-W running street frontage.

Mr. Brey asked Mr. Neuser if he had talked with the Manitowoc County Highway Department regarding adding a new driveway at this location so close to the existing driveway?

Mr. Neuser replied that he hadn't yet talked with the County, and wanted to address matters first with the City. Mr. Neuser stated that he understood new driveways would be allowed on the east side of So. 10<sup>th</sup>.

Motion by: Mr. Brey

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

Seconded by: Mr. Alpert

Upon Vote: the motion was approved unanimously.

VI. OLD BUSINESS

- A. PC41-2012: Allie/Carstens/Carstens Trust; Proposed Official Map Amendment Under Wis. Stat. § 62.23(6) for Property in Section 35, at Viebahn and So. 42<sup>nd</sup> Street (CTH "CR")

Mr. Less explained the status on this request, and noted that there was an Offer to Purchase now in place for City-owned Tract 8. Mr. Less then recommended that the Commission recommend to Council approval of the ordinance effectuating the amendment to the Official Map.

Mr. Brey wanted to clarify that the Allie's d/b/a Manitowoc Cinema, LLC, would be paying for the entire construction of the cul-de-sac.

Mr. Less replied that this was the purpose behind the required sale of Tract 8.

Motion by: Mr. Hornung

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

Seconded by: Mr. Muenzenmeyer

Upon Vote: the motion was approved unanimously.

- B. PC27-2009: Annual Review of Special Permits for Fixed Animated Signs Pursuant to Section 15.450(18)(e)7. of the Manitowoc Municipal Code

Mr. Less reviewed the status of previously issued Special Permits for fixed, animated signs, and noted that the only response he received was from the Fire Chief

PLAN COMMISSION MINUTES - 6/12/2013

stating that there were no concerns. Mr. Less recommended to the Commission that they recommend to Council the continuation of these previously issued Special Permits, and with no changes to be made.

Motion by: Mr. Hornung

Seconded by: Mr. Brey

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

Upon Vote: the motion was approved unanimously.

C. PC4-2013: City of Manitowoc; Sale of Land to PBJC Fest I, LLC at Dewey and So. 42<sup>nd</sup> Street/CTH "CR" – Update

Mr. Less explained that the Commission had discussed this matter in the past, and had recommended to Council moving forward with the sale of this land pursuant to Wis. Stat. § 62.23(5). Mr. Less added that a draft "Real Estate Purchase Agreement" was in hand for the sale of the "development parcel" adjacent to the City's Visitor Information Center property.

Mr. Less continued that tonight's discussion had to do with formalizing the previous Council action in closed session on January 21, 2013, and then reviewed with the Commission the recommendations that were approved by Council at that time. Mr. Less recommended to the Commission that it recommend to Council re-adopting these recommendations in open session, with would serve as official authorization to negotiate and complete the planned land sale.

Mr. Less commented on the limited developability of the 1.04-acre property due to existing easements, and noted that the site would be occupied with a new KFC business.

Motion by: Mr. Brey

Seconded by: Mr. Alpert

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

Upon Vote: the motion was approved unanimously.

D. PC38-2012 Proposed Changes to the Sign Code Section of Chapter 15.450

Mr. Less provided Commission members with a draft memo to the City Attorney regarding corrective changes related to a recently adopted ordinance which amended certain sections of the City's sign code. Mr. Less stated that the Commission's previous directive was for the Planner to not spend time on the document, but rather to prepare a memo to the Attorney. Mr. Less added that he wanted the Commission to review the draft, and provide him with any comments or suggestions he might have prior to the July meeting. Mr. Less noted that he planned on completing the recommendation section of the memo for the July meeting for further Commission review. Mr. Less emphasized that he didn't feel comfortable sending this type of memo to the City Attorney without the express blessing and support of the Commission.

No action was taken.

VII. NEW BUSINESS

A. PC13-2013: Popp Enterprises LLC/Vandermause; Proposed Vacation Under Wis. Stat. § 66.1003(2) and Official Map Amendment Under Wis. Stat. § 62.23(6) at Dewey and So. 19<sup>th</sup> Street

Mr. Less explained that tonight's discussion on this new topic was informational only, and stated that the property owner wanted to sell his land to Mr. Vandermause for construction of a building to house a 24-person Community Based Residential Facility (CBRF). Mr. Less advised the Commission that he had met with them on June 6<sup>th</sup> to review the various procedures needed to be completed in order to make the project feasible from a land use perspective, in addition to compliance with City site plan requirements. Mr. Less outlined the following procedures and timetables that would need to be completed and approved before construction could take place:

1. Assisted Living Facility – Exception to 2,500' Provision. City would have to grant an exception as the site was located within 2,500' of another Community Living Arrangement (CLA).
2. Conditional Use Permit (CUP) for CLA. City would have to consider issuance of a CUP for a CBRF in both the "R4" (Section 15.150(3)(f) for 9+ residents) and "R5" (Section 15.170(3)(f) for 16+ residents) zoning districts.  
Vacation/Official Map Amendment. City would process a proposed R/W vacation pursuant to Wis. Stat § 66.1003(2) for a portion of So. 19<sup>th</sup> Street, south of Dewey Street, and the associated amendment to the Official Map pursuant to Wis. Stat § 62.23(6).

Mr. Less then reviewed mapping which identified the location of the proposed facility, as well as the area of So. 19<sup>th</sup> proposed to be vacated, as well as the Official Map treatment for that portion of So. 19<sup>th</sup> to the south. Mr. Less explained that regarding the vacation, there was no required public hearing (as the vacation was not being City-initiated), and explained the petition requirements that would have to be complied with. Mr. Less added that Paul Steinbrecher, SMI, Inc., would have to run the calculation to demonstrate compliance with the statute.

Mr. Less explained that there was no action to be taken by the Commission this evening, and added that he was just looking for a tacit consent from the Commission to proceed.

Mr. Muenzenmeyer stated that he didn't know if the licensing request would be for 24 or 26 beds in the proposed CBRF.

PLAN COMMISSION MINUTES - 6/12/2013

Jerry Vandermause, 22200 Rockville Road, Kiel, explained that this would be a CBRF with a capacity up to 26 residents. Mr Vandermause added that he had an RN administrator for the planned facility.

No action was taken, but the Commission indicated its support to proceed on these identified matters.

VIII. MISCELLANEOUS

A. Manitowoc County Activities:

Mr. Brey commented that Manitowoc County had received a request for a wind tower farm in the Town of Mishicot. Mr. Brey added that the County had hired a 3<sup>rd</sup> party consultant to assist with this matter.

No action was taken.

B. Certified Survey Maps (CSM):

1. Risch Revocable Trust; Proposed CSM in the SW¼ of the SE¼, Section 11, T19N, R23E, City of Manitowoc

Mr. Less explained a proposed lot split for property on the south side of Menasha Avenue, east of N. Rapids Road. Mr. Less recommended approval of the proposed CSM.

Motion by: Mr. Hornung  
Moved that: the Commission approve the CSM as outlined, subject to any required easements, petitions, and other conditions as specified above.

Seconded by: Mr. Alpert  
Upon Vote: the motion was approved unanimously.

2. Joseph Jr. and Susan M. Resch, Proposed CSM in the NE¼ of the SE¼ of Section 33, T20N, R23E, Town of Kossuth, Manitowoc County

Mr. Less explained a proposed CSM located north of USH10, and west of Stone Road, and added that the owner wanted to split the homestead from the balance of the property. Mr. Less recommended approval of the proposed CSM.

Motion by: Mr. Muenzenmeyer  
Moved that: the Commission approve the CSM as outlined, subject to any required easements, petitions, and other conditions as specified above.

Seconded by: Mr. Brey  
Upon Vote: the motion was approved unanimously.

PLAN COMMISSION MINUTES - 6/12/2013

C. Summary of Site Plans 5/14/2013 – 6/6/2013

1. SP8-2013: Phipps Construction Warehouse, 823 So. 21<sup>st</sup> Street – New Construction (approved)
2. SP9-2013: 2013: Cellcom, 4140 Harbor Town Lane – Build Out (approved)

IX. ADJOURNMENT

The meeting was adjourned at 7:25 P.M.

Respectfully Submitted,

David Less  
City Planner



PLAN COMMISSION MINUTES - 5/16/2012

Plan Commission Offices  
Manitowoc City Hall

Regular Meeting  
Manitowoc City Plan Commission  
Wednesday  
May 16, 2012  
6:30 P.M.

I. CALL TO ORDER

The meeting of the City Plan Commission was called to order by Mayor Nickels at 6:30 P.M.

II. ROLL CALL

Members Present

David Diedrich  
Jim Muenzenmeyer  
Jim Brey  
Val Mellon  
Steve Alpert  
Justin Nickels

Members Excused

Dan Hornung  
Maureen Stokes

Staff Present

Paul Braun  
Michelle Yanda

Others Present

See Attached Sign In Sheet

III. APPROVAL OF MINUTES of the Regular April 11, 2012 Meeting.

Motion by: Mr. Brey  
Moved that: the minutes be approved as presented.

Seconded by: Ms. Mellon  
Upon Vote: the motion was approved unanimously.

IV. PUBLIC INFORMATIONAL HEARINGS

- A. PC19-2012: Schultz/Dave's Auto; Request for a Conditional Use Permit pursuant to 15.370(27) of the Municipal Code for the Construction of 2 Mini-Warehouse Structures at 2329 N. Rapids Road

Mr. Braun stated to the Commission the following background information regarding the Conditional Use Permit informational hearing.

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The Conditional Use Permit (CUP) request is from Paul Steinbrecher, S.M.I. as the representative for David and Lori Schultz who are doing business as Dave's Auto located at 2329 N. Rapids Road. The CUP is to be considered in accordance with Section 15.370(27) of the Manitowoc Municipal Code.

Section 15.370(27) establishes procedures for the issuance of a CUP by which, 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.

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.

The subject property is 1.03 acres in size with 231.22 feet of frontage along N. Rapids Road, the south line is 190.44 feet deep, the north line is 247.2 feet deep and the rear lot line is 200.71 feet. The Schultz's currently operate Dave's Auto on the site which sells used cars. The dealership will remain in operation and will operate in addition to the proposed mini-warehouses. The property includes the garage facility for repairing the automobiles in addition to an indoor automobile display building that was constructed in 2009, there is also a paved area that is used for the outside display of vehicles. A residential structure is also located on the parcel and is used as a rental property by the Schultz's.

The Schultz's would like to construct two mini warehouse structures on their property. The southerly structure would be 40' x 90' and have 18 units, the second structure would be 20' x 90' and have 9 units. The proposed structures would be 13' - 8" at the peak of the roof and be constructed of a metal wall and roof system. The color of the buildings will match the existing Dave's Auto building. The zoning for the property is currently C-1 Commercial - which allows Mini-Warehouses after the issuance of a conditional use permit per section 15.310(3)b.

The 20' x 90' northern most mini-warehouse structure will be located 10 feet from the north property line, 47 feet from the east property line, and 10 feet from an existing residential garage that is accessory to the rental structure. The 40' x 90' mini-warehouse will be 50 feet north of the auto dealership building and 47 feet from the east property

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line; both buildings are setback from N. Rapids Road an average of 90'.

Currently along the north line of the subject property there are mature trees that are planned to be cut down; but the property owner to the north has an existing row of 10 - 15' high evergreens. The east line is moderately lined with mature trees and vegetation. The area west of the mini-warehouses has 3 to 4 mature ornamental trees.

The surrounding zoning is C-1 Commercial to the south, east and north and a mix of C-1 Commercial and I-1 Light Industrial to the west. The adjacent land uses are residential to the south, east and north and a combination of residential and industrial to the west. The Commission may remember that the property across N. Rapids Road was rezoned in 2009 from C-1 Commercial to I-1 Light Industrial. The area that was rezoned to I-1 is currently being used for a small machine shop.

Some of the permitted uses in the C-1 Commercial district are: Contractor office and shop, automobile laundries, dry cleaning, motor vehicle service shops, wholesale sales etc. Some examples of conditional uses permitted include trucking, distribution and load assembly depot, and wrecker services.

The area of the CUP will only cover the location of the proposed mini-warehouses. The area is approximately 0.25 acres measuring 103' X an average of 109'.

Notices were mailed to property owners within 200' of the subject property on May 9th, 2012.

Ms. Yanda received a call from Harold Erdman who lives at 2304 Risch Lane. He is concerned with drainage issues. He lives east of the property and has already placed a 4" tile to drain water out of his backyard. He is concerned that the storage unit will increase the flooding issues. He is unable to attend the meeting due to health reasons.

In closing, Mr. Braun noted that the City's 2009 Comprehensive Plan identifies the subject property as "General Business". The 2009 plan describes this district to include future land uses intended for commercial and retail uses at a neighborhood scale or at a larger community scale. The City's "B-2", "B-3" and "C-1" zoning districts are most appropriate for the General Business land use. Therefore, this proposed CUP would be consistent with the City's Comprehensive Plan.

Mr. Braun concluded his background commentary and Mr. Nickels asked the Commission if they had any comments or concerns.

Mr. Diedrich asked if the drainage issues would be addressed during the formal site plan

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process, he also asked if there were any concerns with setbacks or parking? Mr. Braun confirmed that yes the drainage issues would be addressed during the site plan process and that there were no setback or parking relating issues as depicted by the concept plan. There were no other questions or comments from the Commission.

Mayor Nickels opened the informational hearing up to the public.

Carol Kasten, 9806 Wehausen Road, along with her brother and his wife own the property at 2415 N. Rapids Road, the property is directly to the north of the proposed CUP property. Ms. Kasten's concern is the property she owns has always been wet and is worried additional development will cause an increase of water in their backyard.

Mr. Braun stated that if the CUP is approved the Schultz's will have to submit a site plan to the Planning Department and any drainage issues will have to be addressed at that time. Mr. Braun stated the owner's engineer will need to survey the site and insure that water is not drained on to the abutting properties. Mr. Braun stated there may need to be a storm sewer installed because the site seemed to drain from west to east away from N. Rapids Road.

Ms. Kasten believes there is an existing storm sewer that is located east of their property but she is not certain if the sewer goes towards Risch Lane or if it is private.

Ms. Mellon believes that there is not an existing storm sewer along N. Rapids Road because it is maintained by the County is most likely ditch drained.

Mr. Braun explained how the site plan process works and who the reviewing agencies are in the process.

Ms. Kasten stated that they are not against the project at all its just that they are concerned with the additional impervious surfaces the drainage issues in the area maybe increased.

Mr. Braun believes that historically there are some drainage issues in the entire neighborhood. Mr. Muenzenmeyer agreed that the area used to be historically marshy and is still problematic due to the lack of storm sewers.

Dave Schultz, 904 Schatzie Lane, stated that the water has always flowed in an easterly direction and that the drainage pattern will not be able to be changed. Mr. Schultz mentioned that the site plans for his show room showed the water flowing to the east and that there was no other alternative.

Mr. Muenzenmeyer reiterated that the drainage issues will be addressed during the site

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plan process.

Joan Koldoff, 7514 C.T.H. "C", stated that there has always been a drainage problem in the area but her concern is that the additional impervious surfaces will magnify the problem. Mr. Schultz said that the property at 2415 N. Rapids Road may be sold and that he would be interested in purchasing it.

Mayor Nickels closed the public input portion of the meeting and asked for Mr. Braun's recommendation.

Mr. Braun recommended that the Commission recommend to Council that they: (i) grant the Conditional Use Permit, as requested, to David and Lori Schultz d.b.a. Dave's Auto for the construction of two (2) mini-warehouse structures; an 18 unit structure and a 9 unit structure pursuant to Section 15.310(3)b of the Municipal Code subject to compliance conditions on file in the City Planner's office.

Motion by: Mr. Diedrich

Seconded by: Mr. Muenzenmeyer

Moved that: the Commission approve

Upon Vote: the motion was

the Planner's recommendation above. approved unanimously.

B. PC18-2012/7-2012: Silveridge Park; Discussion Regarding Funding of Future Park Improvements

Mayor Nickels began the Silveridge discussion by stating that the Silveridge Park issue has been on-going since the days that he was an alderman and at that time the discussion was that the City doesn't have enough money to develop the park. Mayor Nickels continued to say that the Silveridge Subdivision area has been one of the leaders in new residential construction in the past few years. Mayor Nickels stated that the developers have bent over backwards and provided multiple alternatives to partner with the City to have the park area developed. Mayor Nickels hopes that the City can move forward with guidance from the Plan Commission to begin to develop the park.

Mr. Braun provided the Commission with some background information regarding the phases of the Silveridge development. Mr. Braun handed out copies of the Plan Commission report from their October 2011 meeting. Mr. Braun had highlighted sections of the report that pertained only to the Silveridge Park area, references to the entryway and berm areas were not going to be the focus of the discussion.

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Mr. Braun explained that phase one of the Silveridge Subdivision No. 1 was platted on January 27, 2003 and consisted of 54 lots. Silveridge Subdivision No. 2 was platted on July 19, 2006 and consisted of 24 lots. The original concept plan showed that there would be a total of 121.53 acres developed after all of the phases have been platted. Mr. Braun stated that the original concept plan showed the required park area to be 8 acres in size but the formula to determine the acreage was based on the R-1 zoning classification, which was the zoning at that time. The current zoning is R-4 which changes the park acreage formula to 9% of the total subdivision area resulting in a required parkland area of approximately 11.2 acres.

Mr. Braun began highlighting the key points from the October 2011 Plan Commission report that was handed out earlier in the meeting. In 2011, College Glen Developers proposed to provide \$10,000 to go towards park development and they would also grade and seed the park area in return College Glen Developers wanted the City to maintain the park area. Mr. Braun stated that there were six (6) recommendations provided in the Plan Commission report, one of which was directly related to the park area. The park recommendation stated the following. City Council should establish the development of Silveridge Park as a priority, and should take the following steps: (i) instruct Park & Recreation Director to begin maintenance of Silveridge Park; (ii) authorize Park & Recreation Department to meet with area residents to determine needs and wants for the park; (iii) modify and detail the originally prepared park concept plan; and (iv) begin funding Silveridge Park improvements through the 2012 capital program.

Mr. Braun stated that there were some e-mails in the project file that were sent between Terry Fox and Dave Less in regards to writing the amendment to the original developer's agreement that was written in 2003. Mr. Fox was going to write the first draft and provide it to the Planning Department for review and comments but the draft never occurred.

Mr. Braun then began to explain the April 5, 2012 letter from Northland Associates / College Glen Developers highlighting the key issues in Mr. Fox's letter. The key points of the letter are: (i) Northland buys back 3.42 acres of parkland for \$30,000, leaving 7.61 acres of park area, according to the concept plan, (ii) the City uses the \$30,000 to be put toward the construction of a shelter or develop a part of the park, (iii) Northland makes another \$30,000 available to help develop the park, (iv) Northland writes a grant application seeking State monies, Mr. Braun noted that the deadline was May 1, 2012 which has passed, (v) Northland would give the City an option to buy back the 3.42 acre area for \$30,000 provided the City would contribute \$2,000 a year to be used exclusively for Silveridge Park.

Mr. Braun stated that there was some confusion as to what action the Parks and Recreation

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Committee was expecting to receive from the Plan Commission. Mr. Braun stated that he assumed the Parks and Recreation Committee was looking to the Commission to provide some guidance to Northland Associates proposal. Mr. Brey confirmed that is exactly what the Parks and Recreation Committee was looking for from the Commission.

Mr. Braun explained to the Commission the current Payment in Lieu of Parkland Dedication fund balance and legal status. Mr. Braun explained how the Payment in Lieu formula works to determine either the amount of acreage that will be donated or the amount of payment that will be made in lieu of the land.

Mr. Braun stated that the current balance of Parkland fund is \$251,785.12 which does not include the most recent payment for Popp Subdivision No. 3 which would be an additional \$6,631.38. Mr. Braun explained statutorily how the funds can be used. Section 21.030(4)5 of the Municipal Code defines the use of funds as the following: "Payments received hereunder shall be held in a non-lapsing, interest bearing account to be used exclusively for site acquisition or capital improvement of park and recreational lands acquired after enactment of the ordinance codified in this chapter."

Mr. Braun continued to say that the Payment in lieu of parkland dedication was statutorily created around 1994, it was removed from statutes on June 13, 2006 by Wisconsin Act 477 and later recreated under the 2007 Wisconsin Act 44 legislation; Act 44 became effective January 19, 2008. Act 44 specifically provides that a municipality may impose a fee or other charge to fund the acquisition or initial improvement of land for public parks.

Mr. Braun went on to explain that Act 44 defines "improvement of land for public parks" to mean "grading, landscaping, installation of utilities, construction of sidewalks, installation of playground equipment, and construction, installation of restroom facilities on land intended for public park purposes. Act 44 also requires a Rational Relationship and Proportionality test. Under the act, fees for the acquisition or initial improvement of land for a public park must, like land dedications, easements and public improvements, must bear a rational relationship to a need for the fee resulting from the subdivision and must be proportional to the need; hence the fee must meet the rational relationship and proportionality tests.

Mr. Braun concluded his background commentary by saying he did not expect the Commission to take any specific action at tonight's meeting but the discussion was intended to bring the Commissioners up to speed on the issue.

Mayor Nickels opened the discussion up to the Commissioners. Mr. Muenzenmeyer stated that with the City's current financial and staffing levels he is supportive of the current proposal submitted by Northland Associates. Mr. Brey concurred with the Mayor's

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introductory statement and the comments made by Mr. Muenzenmeyer. Mr. Brey also stated that he and Bill Fessler visited the park area in the field and Mr. Brey felt that reducing the park area would not be a deterrent to the development of the park. Mr. Brey asked if Northland Associates' proposal was \$30,000 and the \$10,000 for a total of \$40,000.

Terry Fox, 528 N. 7<sup>th</sup> Street, stated that the City originally wanted the developers to give the land in lieu of the payment; the developers would have preferred to make the payment and develop the land.

Mr. Braun explained that if 3.42 acres of parkland are removed from the park status there may need to be a payment made to compensate for the removal of the park acreage. Mr. Braun stated if the fee was made today and the \$13,300 current average equalized assessed value was used the fee would be \$48,545. Mr. Braun also mentioned that the 3.42 acres would have to be rezoned from P-1 to a zoning district that allows residential uses.

Mr. Diedrich asked Mr. Fox how the claw back provision works? Mr. Fox stated that there were many different development concepts one of which is to have the east / west running cul de sacs terminate at the edge of the park instead of terminating at the west side of the larger development. By revising the street layout and including the 3.42 acres of parkland there will be an additional 24 lots available to be developed. The claw back provision would allow the City the option to buy back the lots in the future if they were not developed at that point in time.

Ms. Mellon stated that the Parks Department staff met with some of the neighbors in the area to try to determine what amenities the neighborhood wanted to see developed in the park. Ms. Mellon stated there was not much input received and the neighbors that were present wanted a survey to be sent out to all the neighbors to garner their opinions. The survey was never sent out because the Parks and Recreation Committee felt that the survey should be the responsibility of the developers and not the City, at that point the Parks Department stopped any action regarding the work.

Bill Fessler, 5629 Calumet Avenue, restated that the east / west cul de sacs would terminate at the west edge of the park which is opposite of the concept plan that was being displayed at the meeting.

Mr. Diedrich commented that he agrees with everyone else that this issue has been sitting idle for too long and the proposal presented is a great idea but there are some issues that still need to be worked out. Mr. Diedrich went on to say that the Commission approved a recommendation 7 to 8 months ago and nothing happened due to the budget situation and is concerned that the Commission will make another recommendation and it too will die



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on the vine.

Mr. Brey stated that he has been on Council for 20 years and in those years has chaired the Parks and Recreation Committee; he has seen a lot of new park areas created but not enough of those areas are being developed. With the proposal on the table there is now a chance to have the park land and also have it developed. The proposal will need some tweaking but it is a good starting point.

Mr. Braun stated that before bathrooms and other amenities are built the first step is to grade, seed and maintain the park so the developers can at least show potential buyers of the adjacent lots where the park will be in the field. Mr. Braun also suggested to use some of the Payment in Lieu of money keeping in mind the rough proportionality issues to complete the initial steps.

Dan Wergin, 100 Maritime Drive, questioned as to how Mr. Braun calculated the payment in lieu fee if the 3.42 acres were removed from the park. Mr. Braun stated he used \$13,300 per acre which is the amount that was recently paid for Popp Subdivision No. 3; the thought was to give an idea of what the fee may be. There was additional discussion on what the fee per acre would be by the group with no final answer being given.

Mayor Nickels wanted the discussion to move forward and suggested that the Planning Department and other City Departments as needed draft an agreement using the Northland Associates, LLC letter as a template. Mayor Nickels also stated that it appears that all the Commissioners are in agreement that we need to move forward and the proposal by Northland Associates is a good starting point.

Mr. Braun then read the recommendation to the Commission. The Commission should take no action, tonight's discussion was for informational purposes only to determine if there was general agreement or disagreement to move forward based on the letter from Terry Fox. The plan is to have the topic on the June Plan Commission agenda to formulate a final recommendation giving staff and the property owners more time to study the issue.

Mayor Nickels asked the Commissioners if the proposal presented by Northland Associates was acceptable to use as a template. Mayor Nickels stated that he saw all the Commissioners heads nodding in a positive action. Mr. Brey added that he does not have an issue with deeding back the 3.42 acres to developers, in his mind the remaining park area would be sufficient space for park land.

Steve Lauson, 4541 Harvest Circle, stated that they gave everything that the city requested and now they receive questions from potential buyers asking where the park will be and

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what will be in it and he has no answer for them.

Mayor Nickels restated that the City has to make a commitment to develop the park area and that this issue has been sitting idle for too long. The Planning Department will contact the developers to start the discussions on how to move forward with the Silveridge Park development and the topic will be placed on the June Plan Commission agenda.

V. REFERRALS FROM COMMON COUNCIL

A. PC 20-2012: Barbarossa /Leschke: Request for a Release of Easement, N. 40<sup>th</sup> Street

Mr. Braun presented the background information regarding the release of easement. Pat Barbarossa who lives at 715 N. 40<sup>th</sup> Street would like to purchase some additional land from Ron Leschke that is to the west of his residence. Mr. Barbarossa would like to construct a detached garage on the property but there is an existing sanitary clean out line in the way and also an existing easement would need to be released.

Mr. Braun stated that a Certified Survey will need to occur to redivide the lands in question. When the CSM is complete there will be two new lots; one each for Mr. Leschke and Mr. Barbarossa.

In addition to the CSM process there are existing easements that will need to either be released or relocated. The easement that was retained when a portion of N. 40<sup>th</sup> Street right-of-way was vacated will need to be released. Prior to releasing the easement the existing sanitary clean out line will need to be relocated into the N. 40<sup>th</sup> Street right of way. The easement to be relocated is located on Mr. Leschke's property located at 3921 Indian Bluff Drive. This easement will be relocated around an existing deck structure and recreated on the proposed CSM.

Mr. Braun stated that Colin Rayford, the surveyor for the property owners dropped off release letters from all the affected utilities with the exception of AT&T. Mr. Rayford also provided the legal descriptions for the easements to be released and relocated.

The Commission asked for the recommendation. Mr. Braun read the following: The Plan Commission recommends to Council to authorize the City Attorney or Planning Department to write the easement release documents and authorize the mayor and City Clerk to sign said documents after the following items have been addressed:

1. The existing sanitary clean out pipe is relocated at no cost to the City into the N. 40<sup>th</sup> Street right of way to the satisfaction of the Engineering Department.

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2. Delivery to the Planning Department of all the easement release letters from all the applicable utilities.
3. Recording of the easement release documents at the Courthouse with recording costs being paid by the owners.

Motion by: Mr. Diedrich

Seconded by: Mr. Alpert

Moved that: the Commission approve

Upon Vote: the motion was

the Planner's recommendation above. approved unanimously.

Mr. Braun also made the Commission aware of an issue that he noticed on the aerial photograph. There is City owned property that is being used by R&J Transport for their semi-trailer parking lot. Mr. Braun stated that the Planning Department will initiate discussions with R&J Transport regarding the issue and that the topic will most likely be before the Plan Commission at a future meeting. The Commission concurred with Mr. Braun's comments.

VI. OLD BUSINESS

A. PC17-2012/PC44-2011: City of Manitowoc; Proposed Ordinance Changes to Chapters 3,14, 15 and 21, Manitowoc Municipal Code.

There was no discussion or action regarding the proposed ordinance changes. The topic will be placed on the June Plan Commission meeting.

VII. NEW BUSINESS

A. PC21-2012: MPU; Request for Easement from the City for MPU Pump Stations

Mr. Braun detailed the subject area on an aerial. The easement area covers an area that contains MPU's two Raw Water Buildings extending easterly into Lake Michigan approximately 1,460 feet. Mr. Braun noted that MPU's water intake lines extend out into Lake Michigan 9,000 feet well beyond the easement area. Mr. Braun also noted that the City has lake bed rights 1,700 feet from the east right of way line of S. Lake Street easterly into Lake Michigan.

MPU originally requested the easement for the RAW Water Buildings in 2005 based on Site Plan comments from the Engineering Department. The MPU Commission approved the easement in 2006 and forwarded the document to the City and for unknown reasons the easement was never signed or recorded.

Mr. Braun recommended to the Commission that they recommend to Council to authorize

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the Mayor and City Clerk to sign the Utility Easement and instruct the City Clerk to record said easement at the Manitowoc County Courthouse and bill MPU accordingly for any recording costs.

Mayor Nickels asked for comments from the Commission, there was none.

Motion by: Mr. Albert

Seconded by: Ms. Mellon

Moved that: the Commission approve

Upon Vote: the motion was

the Planner's recommendation above. approved unanimously.

B. PC22-2012: City of Manitowoc; Partial Release of Sign Easement at Lot 5, Block 1, Manitowoc I-43 Industrial Park Subdivision No. 2

Mr. Braun explained to the Commission that Hennessey Development, LLC., d.b.a. Baileigh Industrial is planning to construct an addition to their existing building that is located on Lot 5, Block 1 in the I-43 Industrial Park Subdivision No. 2. Hennessey is requesting that the City release a 30' x 50' area of a sign easement. The easement was originally created to allow the City the ability to locate their I-43 Industrial Park animated marketing sign.

Mr. Braun recommended to the Commission to recommend to Council to authorize the City Attorney or Planning Department to write the partial release of the sign easement; and to instruct the Mayor and City Clerk to sign said document; and instruct the City Clerk to record the document at the Manitowoc County Register of Deeds Office after a site plan has been approved by the Planning Department for the building expansion; and lastly the City Clerk is instructed to bill the requesting party for any recording costs.

Motion by: Mr. Muenzenmeyer

Seconded by: Ms. Mellon

Moved that: the Commission approve

Upon Vote: the motion was

the Planner's recommendation above. approved unanimously.

VIII. MISCELLANEOUS

A. Manitowoc County Activities:

1. There was no discussion regarding any Manitowoc County activities.

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B. Certified Survey Maps (CSM):

1. Fischer: Proposed CSM in the SE $\frac{1}{4}$ , NW $\frac{1}{4}$ , Section 20, T.19N., R.23E., Town of Manitowoc Rapids

Mr. Braun provided Commission members with information on a proposed CSM located south of CTH“JJ”, and west of Freeway Lane for creation of a 2.8-acre lot.

Motion by: Mr. Diedrich

Moved that: the Commission approve the CSM as presented, subject to required easements, petitions, and other conditions as specified above.

Seconded by: Mr. Brey

Upon Vote: the motion was approved unanimously.

2. Holschbach: Proposed CSM in the SE $\frac{1}{4}$ , SE $\frac{1}{4}$ , Section 1, T18N, R23 E., Town of Newton

Mr. Braun provided Commission members with information on a proposed CSM located north of Silver Creek Road and east of C.T.H.“CR” for creation of a 4 +/- acre tract.

Motion by: Mr. Diedrich

Moved that: the Commission approve the CSM as presented, subject to required easements, petitions, and other conditions as specified above.

Seconded by: Mr. Brey

Upon Vote: the motion was approved unanimously.

3. Barbarossa/Leschke: Proposed Resurvey of TR1 & 2, of CSM Rec. V. 11 P. 89, and TR26-2 of CSM Rec. V. 13 P. 175, in NW $\frac{1}{4}$ , SW $\frac{1}{4}$  and the SW $\frac{1}{4}$ , NW $\frac{1}{4}$ , Section 24, T19N, R23E, City of Manitowoc

Mr. Braun provided Commission members with information on a proposed CSM located north of N. 40<sup>th</sup> Street, and south of Indian Bluff Drive for creation of a 1.56 acre tract and a 1.16 acre tract.

Motion by: Mr. Diedrich

Moved that: the Commission approve the CSM as presented, subject to required easements, petitions, and other conditions

Seconded by: Mr. Brey

Upon Vote: the motion was approved unanimously.

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as specified above.

4. Kortens: Proposed CSM in the NW¼, NE¼, Section 36, T20N, R23E, Town of Kossuth

Mr. Braun provided Commission members with information on a proposed CSM located south of CTH“JJ” and east of North Union Road for creation of a 7.56 acre tract and a 2.48.

Motion by: Mr. Diedrich

Moved that: the Commission approve the CSM as presented, subject to required easements, petitions, and other conditions as specified above.

Seconded by: Mr. Brey

Upon Vote: the motion was approved unanimously.

5. Rothmund: Proposed Resurvey of Existing TR1, V. 7, P. 409, in the SW¼, NE¼, Section 10, T19N, R23E, Town of Manitowoc Rapids.

Mr. Braun provided Commission members with information on a proposed CSM located south of CTH“P”, and east of Poplar Road for creation of a 2.87-acre tract.

Motion by: Mr. Diedrich

Moved that: the Commission approve the CSM as presented, subject to required easements, petitions, and other conditions as specified above.

Seconded by: Mr. Brey

Upon Vote: the motion was approved unanimously.

C. Summary of Site Plans 2/10/2012 - 4/5/2012:

1. None

D. Discussion of Status of September Plan Commission Meeting:

Mr. Braun explained to the Commission that he will be at a conference and that Mr. Less will be away on vacation on the dates of the September Plan Commission meeting. The Commission was asked if they would like to reschedule the September Commission meeting or cancel the meeting. The Commission stated that its too early determine and that they will revisit the issue at a later meeting.

No action was taken.

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IX. ADJOURNMENT

The meeting was adjourned at 8:00 P.M.

Respectfully Submitted,

Paul Braun  
Deputy City Planner