

Report to the Manitowoc Plan Commission

Meeting Date: May 24, 2017

Report Print Date: May 19, 2017; 8:06 AM

Request: PC 7 – 2017: Trans-Link Services, LLC; 1311 & 1615 Spring Street. Request for a second amendment to a Conditional Use Permit.

Reason for Request: Section 15.350(3)w of the Zoning Code (the I-2 Heavy Industrial District) permits “storage in bulk, or transloading activities” only after issuance of a Conditional Use Permit (CUP). The applicants would like to ask for an additional amendment to their CUP to allow for conveyor assisted transloading 24 hours a day including bottom ash, clay, wood chips, aggregates and other “light” products.

Existing Land Use for Subject Property: Industrial – current transloading and storage operations.

Existing Zoning for Subject Property: I-2 Heavy Industrial

Surrounding Property Land Uses and Zoning

Direction	Existing Land Use	Existing Zoning
West	Industrial, Transloading, Cement Plant	I-2 Heavy Industrial
South	Industrial, Manufacturing	I-2 Heavy Industrial
East	Industrial and Residential	I-2 heavy Industrial & R-4 Single and Two Family
North	Residential Single and Two Family	R-4 Single and Two Family

Comprehensive Plan: The future Land Use Map indicates the area as Office/Industrial. The Comprehensive Plan states that the City’s B-3, I-1 and I-2 zoning districts are most appropriate in the Office/Industrial Land Use category.

The Downtown & River Corridor Master Plan identifies the area as “Peninsula Harbor” and states that this area is “Manitowoc’s working river harbor providing active commerce and employment in the heart of the community. With a diverse mix of thriving industrial uses, the district should focus on the maintenance and advancement of the working riverfront.” The master plan also specifically references the former Rockwell Lime property promoting the redevelopment and reuse of the property for an active working harbor business use.

In addition the “Manitowoc Riverwalk Master Plan and Design Guidelines” categorizes the area upriver from the 10th Street bridge as the Industrial District working harbor area.

Report: The request for the second amendment submitted by Troy and Bobbie Flentje and Peter and Alex Allie, all doing business as Trans-Link Services, LLC (Trans-Link). Trans-Link operates its transloading and storage business on property owned by 1615 Spring LLC and 1311 Spring LLC. The CUP area is depicted on the accompanying map.

The amended CUP area includes all of the 1615 Spring LLC (tax # 819-402-052, 6.68 acres), 1311 Spring LLC (tax # 000-039-020, 3.311 acres) and an easement over the St Barbara Cement, Inc property (819-402-050, 0.92 acres); the total acreage for the CUP area is 10.91 acres.

In February 2017 the Council approved an amendment to a 2014 CUP allowing additional working hours for Trans-Links' transloading operation; in addition stone products were removed from the prohibited list of products.

Trans-Link is now requesting permission to perform conveyor assisted transloading of vessels 24 hours a day, seven days a week. Transloading of materials by methods other than conveyor would be limited to the conditions in February 2017 CUP (i.e., Monday thru Friday 7:00 AM – 7:00 PM, and Saturday and Sundays 8:00 AM to 5:00 PM, with no loading on holidays). Trans-Link is requesting 24 hour conveyor transloading of the following materials: bottom ash, clay, wood chips, aggregates and other light products.

The conveyor method is the same as other transloading operations (St. Mary's Cement, Anheuser Busch, MPU coal) that are currently on-going or were occurring in the past at other locations in the port of Manitowoc.

Under a CUP, 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. And 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 property is currently zoned I-2 Heavy Industrial, and the Heavy Industrial zoning for this property dates back to 1930. Section 15.350(3)w (the I-2 Heavy Industrial district) permits "storage in bulk, or transloading activities of materials as listed in section 15.330(4)b," which is the I-1 Light Industrial Conditional Use Permit section of the code. This section lists 27 items that could be transloaded or stored on site and include the following: asphalt, brick, building materials, butane and propane, cement, clay products, coal, contractors equipment, feed, fertilizer, fuel, grain, gravel, hay, ice, lime, lumber, machinery, paper, pipe, roofing, sand, stone, tar and creosote products, wood, wool and other similar materials.

Historically the property was the location of the former Rockwell Lime transloading operation prior to being acquired by 1615 Spring, LLC. The current owners have cleaned up the site compared to its former use and have razed many of the former buildings. The current owners have recently done some environmental cleanup and are currently implementing a WisDOT Harbor Assistance Grant to repair and install approximately 500 feet of sheetwall. WisDOT and the Trans-Link are investing \$3,600,000 towards the sheet wall project.

Manitowoc is one of a few ports on Lake Michigan that offers deep water access points. The river depths in this area are approximately 18 - 21 feet.

Historically, the neighbors along Revere Drive and Michigan Avenue voiced concerns with noise and dust issues when a previous entity was operating a quarry stone operation at the location. Since Trans-Link has been operating at the location there have not been any complaints reported.

Public Comments Notices were mailed to property owners in our standard 200' radius in addition the list was expanded to include the residences along Revere Drive and Michigan Avenue. As of the time of this writing no comments have been received.

Recommendation: The Community Development Department recommends approval of the amendments to the Conditional Use Permit (originally issued November 5, 2014 and amended on February 20, 2017) as noted on the attached list of conditions.

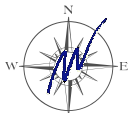
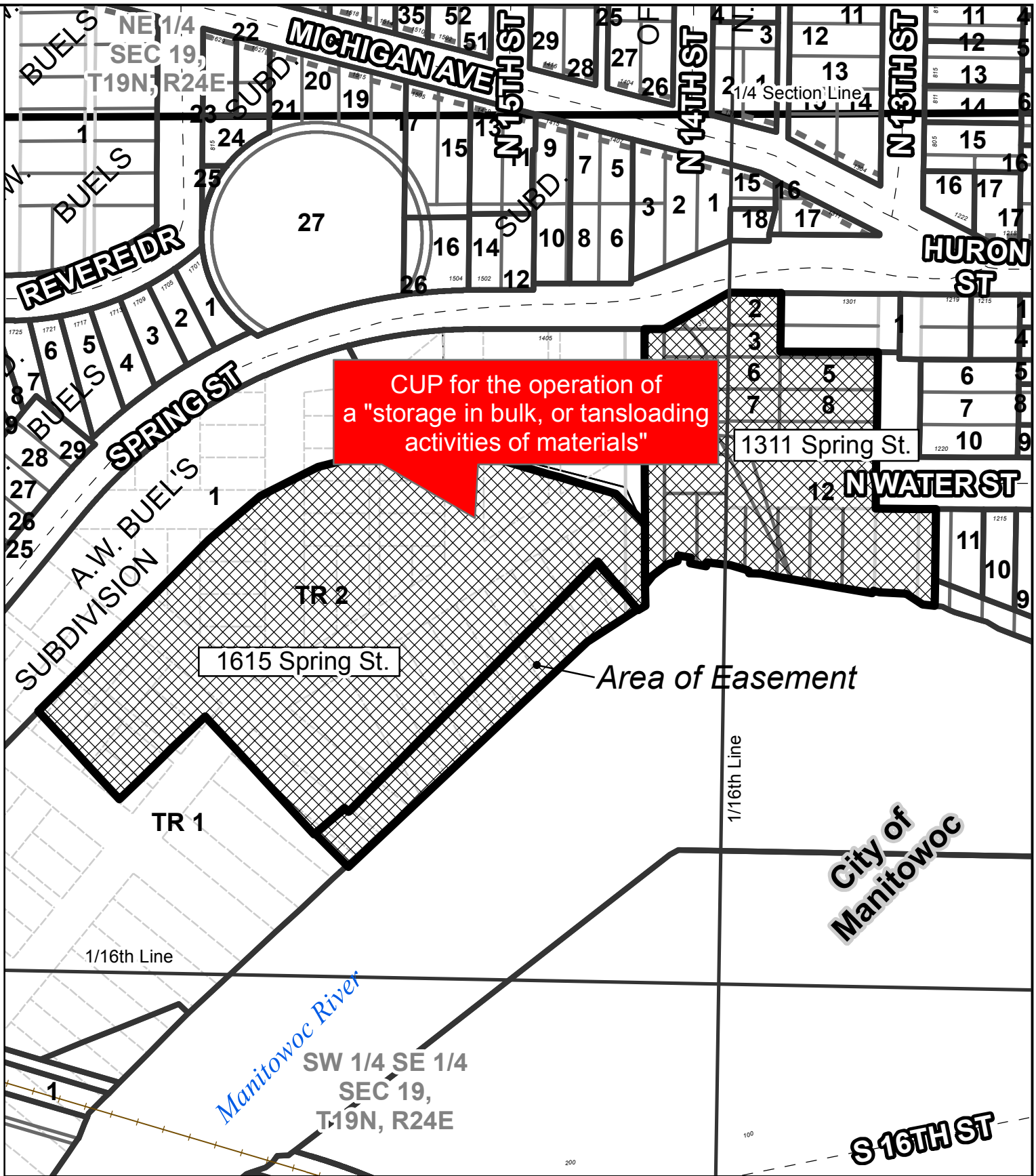
SECOND AMENDMENT TO A CONDITIONAL USE PERMIT (CUP)
TRANS-LINK SERVICES, LLC
MAY 25, 2017

CUP CONDITIONS PC7-2017

This CUP replaces a previously approved CUP dated November 5, 2014 and subsequently amended February 20, 2017.

Recommend approval of the CUP, subject to the following conditions:

- A. CUP shall be granted exclusively to Trans-Link Services, LLC (Trans-Link) for the storage in bulk, or transloading activities of materials pursuant to Section 15.350(3)w of the Municipal Code and being located at 1615 Spring Street (tax # 819-402-052); 1311 Spring Street (tax # 000-039-020) and an easement area over the St Barbara Cement, Inc. property (tax # 819-402-050), 0.92 acres all shown on the accompanying map. The following materials or products will not be allowed to be transloaded or stored unless authorized by the Plan Commission and Common Council: brick, coal, and asphalt.
- B. The CUP shall not become effective until after the date that the Common Council adopts the Plan Commission report containing the conditions.
- C. This CUP shall not be assigned, transferred, sublet or conveyed in any manner without the written consent of the Common Council and Plan Commission.
- D. Trans-Link shall make every effort to reduce noise levels at the site, and shall maintain noise levels no greater than allowed by law.
- E. The times and days for transloading of materials shall be the following:
- Bulk materials trans-loaded by conveyor assisted methods can be 24 hours a day 7 days a week.
 - Bulk materials trans-loaded by non-conveyor assisted methods shall be permitted Monday thru Friday between the hours of 7:00 a.m. and 7:00 p.m.; and Saturday and Sunday between 8:00 a.m. and 5:00 p.m.
 - Products which are not in bulk such as machinery, equipment, hardware, and like manufactured products can be transloaded 24 hours a day 7 days a week except holidays.
- G. Transloading by any method shall not be permitted on any U.S. holiday.
- H. In the event dust problems occur as a result of the operation, the owner shall apply dust palliatives as requested by the City in accordance with the Municipal Code.
- I. Non-compliance with any terms or conditions of the CUP may result in the modification of the terms and conditions of the CUP, issuance of citations and financial penalties, or immediate revocation of the CUP.

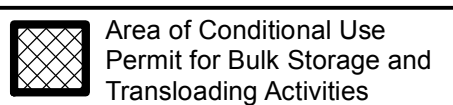


CONDITIONAL USE PERMIT

City of Manitowoc, WI

Prepared by City of Manitowoc
Planning Department
www.manitowoc.org
Map Plotted: 01/17/2017
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PC7-2017 CUP Trans Link Services

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



0 100 200 300 Feet

PC7-2017 Conditional Use Permit;
1311 and 1615 Spring St.

Manitowoc City Plan Commission



CITY OF MANITOWOC

WISCONSIN, USA

www.manitowoc.org



May 17, 2017

NOTICE OF PUBLIC INFORMATIONAL HEARING

As a property owner within 200 feet of a proposed amendment to a Conditional Use Permit (CUP) that was issued for property located at 1311 and 1615 Spring Street, Manitowoc WI, you are being notified that the Manitowoc City Plan Commission will meet on **May 24th, 2017 at 6:00 o'clock P.M.** in the Common Council Chambers, Main Floor, City Hall, 900 Quay Street, and shall hold a public informational hearing to consider an amendment to a CUP pursuant to Section 15.370(29) and 15.350(3)w of the Manitowoc Municipal Code. The CUP area is identified on the attached map.

Petitioner is: PC7-2017 / PC28-2014: 1615 Spring LLC & 1311 Spring LLC d.b.a. Trans-Link Services LLC.; Requesting a Second Amendment to a Conditional Use Permit that was issued pursuant to Section 15.370(29) and 15.350(3)w for Property at 1311 and 1615 Spring Street for the operation of a "Storage in bulk, or transloading activities of materials" business.

You are invited to attend this informational meeting in order to voice your opinion regarding the proposed CUP.

If you wish, you can call (686-6930) or visit the office of the City Plan Commission, Main Floor, City Hall, and we will be glad to discuss the proposed development with you.

Respectfully Submitted,

Paul Braun
City Planner

Enclosure

Trans-Link Services LLC
1616 Wollmer Street
Manitowoc, WI 54220

May 11, 2017

City of Manitowoc
Attn: Mayor Justin Nickels
900 Quay Street
Manitowoc, WI 54220

RE: 2nd Amendment of Conditional Use Permit for transloading operation in Manitowoc

Dear Mayor Nickels,

I write this letter to you to request permission to amend our existing Conditional Use Permit to conduct transloading activities at our facility located at 1615 Spring Street. Over the past two years, we've used the facility for the transloading and storage of bulk, break bulk and project cargo.

The City of Manitowoc's Comprehensive Plan and Downtown and River Corridor Master Plan calls for the "reuse of the former Rockwell Lime Company property for active working harbor business use". The property is also zoned I-2 "heavy industrial". Since the late 1800s the property has been used as a dock for cement products, coal and oil.

Beginning this summer, the owners of the property and the State of Wisconsin are investing \$3,600,000 to replace the dock wall and dredge the river. This will allow significantly more local products to be loaded onto barges and vessels from this property. More and more opportunities are arising for Trans-Link to increase the number of commodities entering and exiting Manitowoc by water. With the traction that we are gaining, we are quickly realizing that Trans-Link needs flexibility in order to compete with other ports on the Great Lakes.

Since beginning our operations at the Spring Street property in late 2014, we have been very courteous to the surrounding home owners, and the noise generated by our operations has been minimal which nothing out of the ordinary for heavy industrial zoned property. On Spring Street and at the Manitowoc peninsula, we've handled tens of thousands of tons of cargo in the past two years which have resulted in substantial savings in logistical costs for local manufacturers, as well as opened new opportunities for manufacturers to compete on work that freight would have been otherwise too costly.

With our original request for a Conditional Use Permit and its first amendment, we submitted several self-imposed restrictions on commodities that can be transloaded at the property. These restrictions include the hours of operation that we can transload cargo.

The vessels that come into Manitowoc to deliver commodities and cargo are very expensive to run. Currently, should a vessel arrive at our dock past 7pm on a week day, they are required to wait until 7am the following day to unload their cargo. On the very low end, the cost of a tug and barge to wait is \$1,000 per hour. With a ship, that cost can be \$6,000 per hour or more. If we are unable to provide service to vessels in the overnight hours, they will simply pass the Port of Manitowoc by and either head to Milwaukee or Green Bay as our port will become too costly.

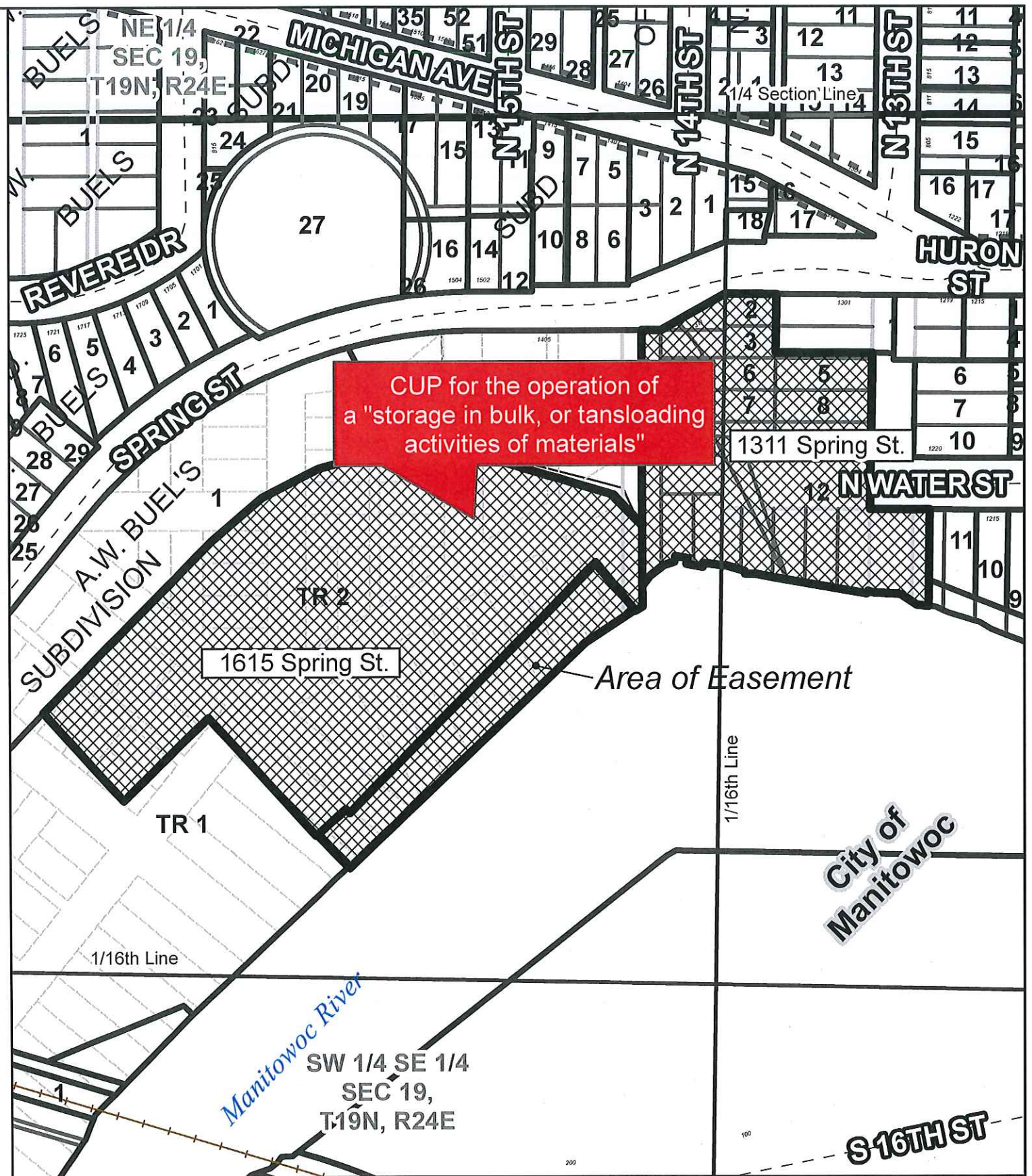
Based on our current restrictions, we are asking for a compromise on the hours of service. We are not requesting that all activities can be done 24 hours per day. We would like our conditional use permit to be amended to allow us to perform conveyor assisted transloading of vessels 24 hours per day, and also transloading of bottom ash, clay, wood chips, aggregates and other light products 24 hours per day. The process of using a conveyor to transload is no different than how other transloaders on the Manitowoc River operate and any disruption is kept to a minimum. Bottom ash, clay, wood chips and aggregates are also considered 'light products' and any disruption will be minimized. As always, we will remain in full compliance with the Manitowoc Municipal Code.

The deep water working river that Manitowoc has is perhaps our greatest resource and we ask for your continued assistance and support as we amend our conditional use permit to expand our loading activities on the Manitowoc River.

Sincerely,

Troy and Bobbie Flentje
Trans-Link Services LLC

With copy to: City of Manitowoc
Attn: Paul Braun, City Planner
900 Quay Street
Manitowoc, WI 54220



CONDITIONAL USE PERMIT

City of Manitowoc, WI

Prepared by City of Manitowoc

Planning Department

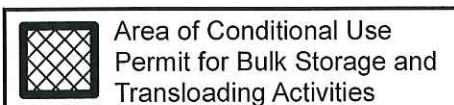
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Map Plotted: 01/17/2017

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PC7-2017 CUP Trans Link Services

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1311 and 1615 Spring St.

Manitowoc City Plan Commission

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Trans-Link Services LLC

With copy to: City of Manitowoc
Attn: Paul Braun, City Planner
900 Quay Street
Manitowoc, WI 54220



Re: Evening loading in Manitowoc, WI

On Apr 25, 2017, at 3:30 PM, Chuck Leonard <cleonard@pmship.com> wrote:

Troy,

As agreed, for the first two loads of ash out of your new facility, Pere Marquette Shipping waived demurrage fees for the time spent not loading at the dock at night; allowing for the evaluation of the noise produced during the loading operation.

We hope that the end result of the evaluation allows for nighttime operations moving forward. If not please notify us as soon as possible, because the resulting financial impact will likely make utilizing your facility for this type of material impractical.

If you or anyone else has questions or concerns regarding this, please feel free to contact me.

Sincerely

Chuck Leonard

COO, Pere Marquette Shipping

Cell Phone: [231-590-8695](tel:231-590-8695)



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