

PLAN COMMISSION MINUTES - 3/16/2011

Plan Commission Offices  
Manitowoc City Hall

Regular Meeting  
Manitowoc City Plan Commission  
Wednesday  
March 16, 2011  
6:30 P.M.

I. CALL TO ORDER

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

II. ROLL CALL

Members Present

Steve Alpert  
Justin Nickels  
David Diedrich  
Dan Hornung  
Val Mellon  
Jim Muenzenmeyer

Members Excused

Maureen Stokes  
Jim Brey

Staff Present

David Less  
Paul Braun  
Michelle Yanda  
Elizabeth Werdermann

Others Present

See Attached Sign In Sheet

III. APPROVAL OF MINUTES of the Regular February 16, 2011 Meeting.

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

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

IV. PUBLIC INFORMATIONAL HEARINGS

- A. PC10-2011: Wisconsin Aluminum Foundry Company, Inc.; Request to Rezone Property Located at 1623 Clark, and 1701 and 1703 Clark Street from "R-6" Multiple Family District and "B-2" Neighborhood Business District, to "I-2" Heavy Industrial District

Mr. Less explained that tonight's public informational hearing was in regard to a request from the Wisconsin Aluminum Foundry Company, Inc. (WAF), whose corporate offices and principal place of business was located on Blocks 207 and 208 of the Original Plat. Mr. Less noted that WAF was the contract purchaser of 2 parcels of property abutting So. 17<sup>th</sup> Street, south of Clark Street, and added that WAF was requesting that these properties be rezoned from "R-6" Multiple Family District and "B-2" Neighborhood Business District, to "I-2" Heavy Industrial District to authorize the expansion of the WAF operation in this area as a permitted use.

Mr. Less noted that WAF, founded in 1908, was engaged in the manufacturing and sales of tooling, patterns, and cast aluminum and brass OEM (Original Equipment Manufacturers) products, as well as proprietary consumer products. Mr. Less continued that the plan was for WAF to expand its in-building operation by constructing an estimated 160' x 186' facility expansion in the northwest corner of their operation, but not into the proposed rezoning area, which was identified for proposed yard storage. Mr. Less noted that the expansion of a foundry beyond its current "I-2" zoned area would require a conditional use permit under Section 15.35(3)6. of the Manitowoc Municipal Code (Code).

Mr. Less continued that the 2 parcels included in the proposed rezoning that were under a purchase agreement with WAF were: (i) a property currently owned by Kathleen M. Scherer and Thomas R. Ferry, and identified as Lot 1, and Lot 4 (excepting the South 3.80'), Block 207, Original Plat - Tax #000-207-010; and (ii) a property owned by Clarkbridge Apartments LLC, and identified as the West 50' of Lots 2 and 3, Block 208, Original Plat - Tax #000-208-031.

Mr. Less detailed that the Scherer/Ferry parcel had an Offer to Purchase accepted on February 7<sup>th</sup>, was assessed at \$143,800, and was currently zoned "B-2". Mr. Less continued that this parcel was acquired by the current owner in mid-September, 2001 for \$85,800, and contained a combination of structures: (i) a 2-story masonry structure which appeared to be used for storage at present, and whose rear yard abutted the WAF yard, separated by a fence; (ii) a single story frame structure which appeared to be used for residential purposes; and (iii) a detached garage structure. Mr. Less noted that when

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this property was acquired by the current owner, it had functioned as a storefront and apartment on the 1<sup>st</sup> floor, plus 2 additional apartments on the 2<sup>nd</sup> floor.

Regarding the Clarkbridge parcel, Mr. Less noted that it had an Offer to Purchase accepted on February 24<sup>th</sup>, was assessed at \$90,200, and was currently zoned "R-6" Multiple Family District. Mr. Less added that this parcel was acquired by the current owner at the end of May, 2008 for \$27,500, and currently contained a 2-story, frame structure which appeared to be used for residential purposes, and whose rear yard abutted the WAF yard, separated by a fence. Mr. Less noted that there was no garage associated with this structure, and that this property appeared to contain 4 apartments (2-1st floor, 2-2nd floor), and had a history of code compliance problems that went back as far as 1968 when it was a rooming house.

Mr. Less advised that both Offers to Purchase included a zoning to "I-2" contingency, and identified the specified closing dates contained in those agreements.

Mr. Less then explained that the area proposed for rezoning included the following: (i) Scherer/Ferry parcel which measured 110' along Clark Street, and 116.2' along So. 17<sup>th</sup> Street; (ii) Clarkbridge parcel which measured 50' along Clark Street, and 120' along So. 17<sup>th</sup> Street; and (iii) that portion of un-vacated, 66' wide So. 17<sup>th</sup> Street, south of Clark Street which measured 116.2' along its west side and 120' along its east side. Mr. Less added that the rezoning would extend to the centerline of Clark Street which was an 80' wide R/W, and in total, represented an area of 36,160sf or .83-acres.

Mr. Less then reviewed a map prepared which identified the change in total property valuation for residential properties abutting WAF, and noted the increase in valuation between 2000 and 2010. Mr. Less added that the information displayed was from the Assessor's records, and represented an independent source of information.

Mr. Less then proceeded to outline the history of City actions in this area, and summarized the following:

1. PC#24-87 Vacation of a portion of So. 17<sup>th</sup> extending from the south line of Lot 7, Block 208 and the south line of Lot 8, Block 207, south a distance of approximately 285' to just shy of the Franklin Street R/W. This was adopted in December, 1987, with utility rights retained by the City.

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2. PC#21-94 Rezoning of Lots 5 and 8 in Block 207 (directly south of the current rezoning proposal) from "R-4" to "I-2". This was adopted in July, 1994.
3. PC#22-94 Vacation of a 60' portion of So. 17<sup>th</sup>, between Lot 7 in Block 208 and Lot 8 in Block 207, and which was adopted in July, 1994, with utility rights retained by the City.
4. PC#21-97 Conditional Use Permit (CUP) approved for conversion of a warehouse building to a foundry operation at 816 So. 15<sup>th</sup>.
5. PC#30-98 Vacation of a 60' portion of So. 17<sup>th</sup>, directly south of the proposed rezoning area. This was that portion of the R/W between Lot 6 in Block 208 and Lot 5 in Block 207, and which was adopted in August, 1998, with certain utility rights for sanitary, storm wand water lines in that location, retained not by the City, but by WAF.
6. PC#6-2000 & #6-2001 Issuance of a CUP in 2000, and the subsequent modification of the CUP in 2001 to permit sand core production and knockout procedures, as well as permanent mold production at 816 So. 15<sup>th</sup>.

Mr. Less noted that the proposed WAF expansion of their physical plant was an estimated 29,760sf in area that would be located at the northwest corner of their current property, and would fill in WAF's current yard area. Mr. Less continued that the yard area would be relocated further north into the proposed rezoning area. Mr. Less noted that the preliminary plan identified a new stack, estimated at 80' in height, to be located in roughly the center of the physical expansion area. Mr. Less continued that the project was estimated to cost between \$500,000 and \$2mm, and the plans were to create an additional 20 jobs. Mr. Less noted that WAF employed 277 at the end of 2010.

Mr. Less then detailed that under the existing "R-6" zoning district, permitted uses were essentially limited to single, two family and multiple family residential, along with boarding and rooming houses, and day care centers and community living

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arrangements for not more than 15 persons. Mr. Less added that conditionally permitted uses included churches, schools, private clubs and day care centers and community living arrangements for 16 or more persons.

Mr. Less noted that under the existing "B-2" portion of the property, permitted uses included office and professional uses, multiple family residential, auto service stations, minor retail uses, and 1-2 family residential as long as that land use had remained continuous at the property since August 1, 1987. Mr. Less noted that conditionally permitted uses included bed and breakfast operations, domestic violence centers, tattoo and body piercing establishments, and adaptive reuse properties under Section 15.37(29).

Mr. Less then explained permitted and conditionally permitted land uses under the proposed "I-2" zoning district, and added that the "I-2" district had a 100' height limitation as well. Mr. Less then detailed the zoning surrounding the subject parcels.

Mr. Less then explained that notices were mailed from the Planning Department on March 10<sup>th</sup> (with a correction notice mailed on March 11<sup>th</sup>) to property owners within 200' of the subject property. Mr. Less commented that there were no written comments received in response to this mailing, but added that 2 property owners did visit the Planning offices:

1. March 11<sup>th</sup> - Dion Schultz, 1612 Clark Street expressed concern with increasing proximity between the foundry and area residential land uses. He was also concerned with smell and vibration, although he admitted that conditions had improved over the past 10 years. Mr. Schultz added his preference for increased landscaping in the area.
2. March 15<sup>th</sup> - the owner of the John Higgins property, 1706 Western, stopped in. She was concerned with the diminution of property values in the area. Mr. Less discussed this dynamic with her, and then explained to her that property values had not been negatively impacted by WAF over time.

In closing, Mr. Less noted that this request for rezoning was generally consistent with the City's 2009 Comprehensive Plan in that the plan identified this general area as "Urban Neighborhood" - a land use category "...intended to stabilize the land uses, densities, and character of existing neighborhoods that are not characterized by a

homogeneous land use pattern.” Mr. Less added that this was a district characterized by a mix of housing types, along with small public, institutional and commercial uses. Mr. Less then detailed that a principal policy identified under this district was to “maintain the urban character of areas mapped in this future land use category by supporting existing non-residential uses which do not negatively impact the surrounding neighborhood.” Mr. Less continued that the plan included the following, more overarching land use goals: (i) support land uses and development designs with continued public infrastructure investments that help to enhance Manitowoc’s manufacturing economy, as well as its identity as a sustainable community; (ii) actively promote infill development, adaptive reuse, and redevelopment of blighted and/or brownfield sites, where opportunities exist as a means to improve neighborhood conditions, increase local economic and shopping opportunities, and make use of existing infrastructure investments; and (iii) ensure logical transitions between potentially incompatible land uses whenever possible, avoid locating potentially conflicting or nuisance-producing land uses adjacent to each other. Where necessary, buffer potentially incompatible uses through landscaped buffers, open space uses, or less intensive uses.

Mr. Less concluded by stating that based on the City’s Plan, it appeared that the proposed rezoning would therefore be relatively consistent with the current Comprehensive Plan, adding that the pre-existing nature of the foundry, which had existed in this area for over 100 years, and the history of public and private investments in the area, was a reality of unlike land uses having to co-exist. Mr. Less stated that this area was emblematic of the origin of this City; meaning that at the time of its origin, walking to work was a preferred and common practice.

Dion Schultz, 1612 Clark Street, explained that he had lived in this location for 41 years, and proceeded to read a statement in which he expressed concern with the rezoning. Mr. Schultz raised issues of quality of life and diminution of property values, and noted that he felt historically WAF had been more reactive, and less pro-active in dealing with the surrounding neighborhood and quality of life issues.

Ted Schmitt, 1613 Clark Street, stated that everyone wanted more job opportunities, but then echoed Mr. Schultz’s concerns, and added that there were numerous issues associated with the WAF operation. Mr. Schmitt explained that he had lived in this area for 20 years, adding that area property owners were forced to take legal action against WAF several years ago. Mr. Schmitt continued and acknowledged that the issue of co-existing with WAF had improved over the years, but that WAF’s history and relationship with the area was not good. Mr. Schmitt did acknowledge that he

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moved into the area after WAF was present, but felt that issues of WAF's future expansion plans and their impacts upon the neighborhood had to be considered. Mr. Schmitt asked about the remaining residential parcels to the northwest of WAF that were sandwiched in by the "R-6" zoning, and asked where WAF's expansion would stop?

Kathryn Lane, 1601 Clark Street, explained that she had lived in this location for the past 9 years, and cited increasing and constant noise level problems over the past few years. Ms. Lane added that excessive vibration continued to be a problem, and added that WAF had already torn down houses in the area, and felt WAF was enveloping the neighborhood. Ms. Lane added that she was concerned with WAF's impacts upon area property values, and was against the rezoning.

Gwen Groothoff, 813A So. 18<sup>th</sup> Street, expressed her concern with declining property valuations, noting that her property was currently assessed for less than what she had paid for it. Ms. Groothoff noted that adding 20 jobs was not a big impact (compared to the impact upon the neighborhood), and added that she was concerned about adding another stack into this area, and about excessive noise at night. Ms. Groothoff noted that her main issue was declining property valuations.

Philip Lane, 1601 Clark Street, stated that he felt it was unusual for a property's zoning to make such a substantial jump from "R-6" to "I-2", and asked if that was typical, or was unique to this area?

Mr. Less replied that when there was a pre-existing land use of this nature, the jump in zoning was not atypical. Mr. Less continued that he had advised WAF in the past that land acquisition and parcel assembly was the best approach for them to take if they wanted to expand on this site. Mr. Less added that WAF's current request was consistent with this suggested strategy.

Ms. Groothoff stated that she was a private person, and had only told a single person that WAF wanted to acquire her property. Ms. Groothoff continued she was very surprised to find out all the people that were aware of this matter. Ms. Groothoff added that she was not sure who to talk with about declining property values, and added that business owners from Two Rivers had also contacted her, and were upset about her stopping progress.

Ben Jacobs, WAF, 838 So. 16<sup>th</sup> Street, stated the following: (i) that WAF's current employment as of yesterday was 330; (ii) WAF had already created 30 new jobs in 2011 and with the proposed expansion, would be closer to 60 new jobs in 2011

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including finishers, shake out, etc.; (iii) the expansion area would be for WAF's air set casting which was no-bag sand (sand hardens when exposed to air), and was not a very loud process; (iv) dust and noise impacts had been ameliorated with isolation platforms to absorb vibrations, as well as dust collectors; (v) regarding the stack, it would be a new design, efficient and clean, which had already been approved by the DNR; and (vi) that the foundry was not expanding into the rezoning area, and would not extend to So. 17<sup>th</sup> Street.

Mr. Schmitt again expressed concern with property valuations in the area, and felt that a comparison of assessed valuations vs. actual sold prices would show the impact of WAF on the surrounding area.

Mr. Less explained that he had relied upon the City Assessor records to show the 10-year change in assessments, as it was an independently generated and objective source of demographic information. Mr. Less added that there was no effort made to compare assessed valuations to actual sale prices in this area.

Mr. Schmitt stated that a comparison of assessments vs. actual purchase prices were significantly different and would lead to a different conclusion.

Mr. Less stated that there were many things going on in the world economy that had an impact upon property valuations, and felt that as the Assessor valuations were measured in the same manner over time, they were therefore an acceptable standard for measuring change. Mr. Less noted that the trend comparing 2000 vs. 2010 valuations was positive.

Mr. Schmitt noted that the market dictated the valuation of property, and the assessed valuation was not reflective of the current reality.

Ms. Groothoff again commented on her concerns with excessive noise at night.

Mr. Schmitt asked what the primary purpose of the new stack would be?

Mr. Jacobs replied that the stack would be needed if WAF moved permanent mold machines into the expansion area.

Mayor Nickels asked Mr. Jacobs if the planned building area was currently a parking lot?

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Mr. Jacobs replied that it was being used as a lay down area primarily for pattern storage.

Mr. Less stated that WAF would have to meet all site plan requirements for their expansion project.

Mayor Nickels asked when construction of the addition was planned?

Mr. Jacobs replied as soon as feasible, with the hopeful start during the summer of 2011. Mr. Jacobs added that WAF was currently taking bids on the project.

Mayor Nickels asked about the relevancy of the noise at night issue?

Mr. Jacobs replied that WAF ran 3 shifts, and as a going business, noise would be present, but added that WAF would do their best to continue to minimize the noise at night.

Mayor Nickels asked Mr. Less if the City had regulations on noise, and if they would be effective in an "I-2" area?

Mr. Less replied that the City's noise ordinance was administered by the Police, but was not well defined or effective.

Ms. Groothoff commented that the Police Department had been called in the past to deal with WAF noise issues, and that by the time the Police arrived, the noise had stopped. Ms. Groothoff cited WAF employees banging filters as one source of the noise.

Mr. Muenzenmeyer commented that he was happy the expansion of a foundry required a conditional use permit.

Mr. Less added that the conditional use would be needed if it expanded into the proposed rezoning area.

Mr. Alpert asked for clarification regarding whether or not WAF needed a conditional use permit for this proposed expansion?

Mr. Less replied that he did not think WAF needed a conditional use permit, as they had been in existence for over 100 years in this location, and the expansion would be within the existing "I-2" area. Mr. Less added that historically, WAF was required to

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secure a conditional use permit for their So. 15<sup>th</sup> Street building, but added that he did not believe historically the City had ever required a conditional use for any other portion of the WAF operation.

Mr. Muenzenmeyer added that this made sense as the land use existed before the ordinance.

Mr. Diedrich commented that it appeared WAF could implement the proposed expansion without any City-approval of the proposed rezoning.

Mr. Less affirmed Mr. Diedrich's statement, and added that the reference to legal issues made by some of the public speakers was a problem that existed between WAF and select area property owners through the mid-1980's. Mr. Less added that his recollection was that the vibration problems were addressed in the latter part of the 1980's by replacing and upgrading of molding machines to quieter units over time, and felt that issues of vibration and noise had been largely addressed, and were inherent to this type of business, and that the trending in these areas was towards improvement. Mr. Less stated that recognizing that a foundry and the neighborhood were incompatible land uses was a reality, and that in the absence of any magic wands, the foundry's operation would remain at this location for a very long time. Mr. Less added that the foundry did not fit as a permitted land use in the City's industrial park, and noted further that as the foundry pre-existed those homes, this situation was a throwback to the way this City historically developed, with people walking to work. Mr. Less closed by noting the City has done the best it could to balance the needs of the business with the neighborhood, but the reality was that both had the right to exist.

Mr. Diedrich added that Mr. Schmitt was correct in his assertion that the market would dictate the valuation of area properties, and added that over the past 2-3 years, property valuations were depressed with market values declining anywhere from 10 to 40 per cent.

Mr. Less didn't think the foundry would be identified as the sole cause of depressed market values, as foreclosures, bankruptcies, jobs etc. had taken their toll on the economy at a national, State and local level.

Mayor Nickels asked why this location for the proposed WAF expansion?

Mr. Jacobs replied that WAF needed to expand, and the new plant provided them an opportunity to reconfigure their existing operation. Mr. Jacobs added that WAF was

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continuing to improve in becoming a leaner manufacturer, and added that they could only do so much with their existing footprint.

Mayor Nickels commented that he hoped the new addition would not enhance noise problems, and then asked Mr. Less for his recommendation.

Mr. Less recommended that the Commission recommend to Council that they instruct the Clerk to call for a public hearing to be held on April 18th, and to further recommend adoption of a rezoning ordinance upon completion of the public hearing.

Motion by: Mr. Hornung \_\_\_\_\_ Seconded by: Mr. Muenzenmeyer  
Moved that: the Commission approve \_\_\_\_\_ Upon Vote: the motion was  
the Planner's recommendation above. \_\_\_\_\_ approved unanimously.

Mr. Less explained that the property owners who received notice of tonight's hearing would not be notified in writing of the public hearing, and explained that notices for the public hearing would be published in the HTR on the 2 Monday's prior to the date of the hearing.

- B. PC11-2011: Holiday House of Manitowoc County, Inc.; Request for Conditional Use Permit (CUP) Under Section 15.27(3)(7) of the Manitowoc Municipal Code for Establishment of an Adult Day Care Facility at 2802 Meadow Lane

Mr. Less explained that tonight's public informational hearing was in regard to a request from Scott Matula with Aspire Architecture & Design in Sheboygan, on behalf of the property owner, Holiday House of Manitowoc County, Inc., related to a request that the City issue a Conditional Use Permit (CUP) for operation of an adult day care (ADC) center in the former Brewer Furniture building at 2802 Meadow Lane pursuant to Section 15.27(3)7. of the City's Municipal Code (Code). Mr. Less noted that the CUP would be considered in accordance with Section 15.37(27) of the Code, and added that Section 15.37(27) 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 the surrounding property values. Mr. Less added 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 area covered under this proposed CUP was described via a metes and bounds legal description in a Personal Representatives Deed transferring the property to Holiday House in mid-December, 1995, and which was recorded in V. 1151, P. 633, and was further identified as tax parcel #824-404-050. Mr. Less continued that this parcel and the proposed CUP area measured 54' along Meadow Lane, and 80' along Riverview Drive, and was tax exempt according to the City Assessor records. Mr. Less noted that the subject parcel abutted the Holiday House facility and operations to the west, and added that the zoning underlying the proposed CUP area was "B-3" General Business District.

Mr. Less continued that as per the request, Holiday House would like to convert the subject parcel into an ADC. Mr. Less noted that the property was presently utilized for Holiday House storage, and then explained that the ADC, or what Holiday House referred to as their "Day Services", would be relocated from the main Holiday House operation to the west, to the first floor of the subject parcel which measured approximately 3,010sf in area. Mr. Less noted that Holiday House was in the process of bidding out this project, so a start and completion timetable was not clear at this time.

Mr. Less explained that "Day Services" was one of Holiday House's programs designed for individuals that required a bit more help, and which offered program participants support for social, education, vocational and recreational activities. Mr. Less added that the clientele for the ADC would be adult, developmentally disabled individuals, with the new location removing these individuals from the current "work-like" environment in Holiday House, to a more recreation and functional environment. Mr. Less stated that according to the project architect, the ADC would accommodate a maximum of 39 individuals.

Mr. Less then proceeded to provide some additional clarity as to the ADC definition, and described it as a facility that provided services for part of a day in a group setting to adults who needed an enriched social or health-supportive experience, or who may need assistance with activities of daily living, supervision and/or protection.

Mr. Less then explained how an ADC was regulated in WI, and noted the following:

1. ADC was voluntary. Certification would not be required unless the facility was a provider of medical assistance, and would serve participants receiving Medicaid Waiver funding from a county.

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2. WI's Department of Health Services (DHS), Division of Quality Assurances (DQA) was responsible for oversight and regulation of facilities primarily serving adults.
3. Staffing was required with: (i) a program director; (ii) at least 1 staff present at all times when participants were present; (iii) at least 1 staff present for each 8 non-severely impaired participants; and (iv) at least 1 staff for each 4 severely impaired participants.
4. A written plan would be required for providing orientation and training to staff members.

Mr. Less noted that an ADC was not a "Community Living Arrangement" as that term was defined in the statutes. Mr. Less then explained the surrounding zoning and land use in the area, adding that the parcel immediately west of the subject parcel at 2804 Meadow Lane (current parking lot) was rezoned in 1991 from "R-3" to "I-1".

In closing, Mr. Less stated that notices were mailed to property owners within 200' of the subject property on March 10, 2011, and that there were no responses received.

Mr. Less then noted that the City's 2009 Comprehensive Plan identified the subject property as "Institutional and Community Facilities", and added that the plan describes this district to include a variety of public buildings including special care facilities. Mr. Less noted that one of the "policies" in this district was to "encourage the adaptive reuse of vacant and/or underutilized buildings and properties." Mr. Less concluded that this proposed CUP would be consistent with the City's Comprehensive Plan.

Scott Matula, Aspire Architecture, 417 St. Clair, Sheboygan, explained that he was assisting Holiday House with this project, and explained that they would be restoring the underutilized former furniture building, including exterior tuckpointing and window replacement. Mr. Matula noted that regarding the operation of the ADC, it would be primarily during daytime hours, adding that the facility would not have a kitchen. Mr. Matula explained other changes to the garage portion of the building, as well as the creation of a covered, handicap accessible ramp on the west side of the building.

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Mr. Hornung asked what would happen with the second floor of the building?

Mr. Matula replied that it would remain as a storage area.

Alderman Matt Kadow, 619A. So. 26<sup>th</sup>, commented that he was very supportive of the project, and felt that it would be a great asset for the area.

Mayor Nickels asked Mr. Less for his recommendation on this matter.

Mr. Less noted that the draft recommendation/compliance conditions had been provided earlier in the day to Commission members, as well as to Holiday House, and added that his recommendation was to have the Commission recommend to Council granting of the CUP under Section 15.27(3)7. of the Code, subject to the conditions on file in the City Planner's office.

Motion by: Mr. Alpert \_\_\_\_\_ Seconded by: Mr. Diedrich  
Moved that: the Commission approve \_\_\_\_\_ Upon Vote: the motion was  
the Planner's recommendation above. approved unanimously.

V. REFERRALS FROM COMMON COUNCIL

- A. PC12-2011: Popp Enterprises LLC; Temporary Access Easement Over an Un-Improved East-West Running, Un-Named Right-of-Way located East of So. 35<sup>th</sup> Street and South of Yorkshire Lane

\_\_\_\_\_ Mr. Less explained a request from Popp Enterprises LLC regarding a request for an ingress/egress easement over an unimproved public R/W. Mr. Less reviewed a map detailing the location of the proposed easement on the east side of So. 35<sup>th</sup>, and which would provide Popp with access to their property to the east.

Mr. Less recommended that the Commission recommend to Council that they: (i) approve entering into the agreement; (ii) instruct the City Attorney to draft and negotiate the terms and conditions of the agreement; (iii) authorize the Mayor and Clerk to sign the agreement; and (iv) authorize the Clerk to record the agreement at the Register of Deeds at Popp's expense.

Motion by: Mr. Hornung \_\_\_\_\_ Seconded by: Mr. Diedrich  
Moved that: the Commission approve \_\_\_\_\_ Upon Vote: the motion was  
the Planner's recommendation above. approved unanimously.

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- B. PC13-2011: Manitowoc County Habitat for Humanity, Inc. f/k/a Two Rivers-Manitowoc Habitat for Humanity, Inc.; Temporary Access Easement Over an Un-Improved S. 19<sup>th</sup> Street Right-of-Way, North of Flambeau Street

\_\_\_\_\_ Mr. Less explained a request from Habitat regarding a request for an easement over an unimproved public So. 19<sup>th</sup> Street R/W, north of Flambeau Street. Mr. Less reviewed a map detailing the location of the proposed ingress/egress easement, and explained that a home would be constructed on Tract 1 (CSM V. 26, P. 141) at the northwest corner of So. 19<sup>th</sup> and Flambeau.

Mr. Less recommended that the Commission recommend to Council that they: (i) approve entering into the agreement; (ii) instruct the City Attorney to draft and negotiate the terms and conditions of the agreement; (iii) authorize the Mayor and Clerk to sign the agreement; and (iv) authorize the Clerk to record the agreement at the Register of Deeds at Habitat’s expense.

Motion by: Mr. Hornung \_\_\_\_\_ Seconded by: Mr. Diedrich  
Moved that: the Commission approve \_\_\_\_\_ Upon Vote: the motion was  
the Planner’s recommendation above. approved unanimously.

- C. PC14-2011: City of Manitowoc; Declaration of Dedication for Michigan Avenue Purposes

Mr. Less explained the “Declaration of Dedication” related to land that was City-owned and was to be dedicated as Michigan Avenue R/W. Mr. Less added that the Declaration was related to a new and recently approved CSM that reflected the recent transfer of a 22' wide strip of land abutting the west line of the Evergreen Cemetery expansion area between Waldo Boulevard and Michigan Avenue.

Mr. Less recommended that the Commission recommend to Council approval and acceptance of the Declaration.

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.

VI. OLD BUSINESS

- A. None.

VII. NEW BUSINESS

A. PC8-2011: City of Manitowoc; Proposed Para-Transit Center - Review of Location and Architectural Design Pursuant to §62.23(5) Wis. Stats. and Section 15.37(2)(g) of the Manitowoc Municipal Code

Mr. Less reviewed a proposed City-owned project to be located east of So. 11<sup>th</sup> Street, and south of Franklin Street in Block 241 of the Original Plat. Mr. Less explained that this was the proposed Para-Transit Center, and that the Commission was being asked to recommend approval of the location and architectural design of the facility, as well as approval of a preliminary site plan for the development. Mr. Less noted that the site plan was preliminary, and that a formal site plan would be filed and approved by staff, if the Commission was comfortable with that approach.

Ms. Mellon commented that she was very pleased with the overall design, and explained the sawtooth bus parking area that would improve movement through and across the site.

Mayor Nickels commented that this project was entirely federally funded, and added that the project had previously been reviewed and authorized by several Committees.

Ms. Mellon displayed colored renderings of the proposed project, and noted that with the site's design, buses would be able to flow through the site without blocking each other.

Mayor Nickels added that the project had been cut back so as to minimize any extravagant elements.

Ms. Mellon agreed with Mayor Nickels comments, and added that the facility would have a full basement which could be of future benefit to the City.

Mr. Less advised that if approved as presented, the formal site plan would be approved administratively, and without Commission approval.

Mr. Less recommended that the Commission advise the Council that it had completed its review of the location and architectural design of the structure, and further approved a preliminary site plan for the proposed project, and found it acceptable, and further that the Commission recommend to Council approval of the project as described

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pursuant to §62.23(5) Wis. Stats. as well as Section 15.37(2)(g) of the Manitowoc Municipal Code.

Motion by: Mr. Muenzenmeyer \_\_\_\_\_ Seconded by: Ms. Mellon  
Moved that: the Commission approve \_\_\_\_\_ Upon Vote: the motion was  
the Planner's recommendation \_\_\_\_\_ approved unanimously.  
above.

B. PC16-2011: City of Manitowoc; Proposed Lincoln Park Cabin #1-  
Review of Location and Architectural Design Pursuant to §62.23(5) Wis.  
Stats. and Section 15.37(2)(g) of the Manitowoc Municipal Code

Mr. Less introduced a proposed City-owned project to reconstruct a new Cabin #1 in Lincoln Park.

Mayor Nickels explained that the reconstruction of Cabin #1 was approved in the 2011 budget, and the intent was to replace existing Cabin #1 with a new Cabin #1, which would be larger in area than Cabin #2. Mayor Nickels explained the rationale for relocation of the cabin.

Ms. Mellon noted that the current Cabin #1 would be torn down after new Cabin #1 was constructed. Mayor Nickels added that labor for its construction was being contributed by the Manitowoc County Home Builders Association.

Mr. Less commented on a preliminary site plan and architectural details for the project, and explained that the Commission was being asked to recommend approval of the location and architectural design of the facility, as well as approval of a preliminary site plan for the development. Mr. Less noted that the site plan was preliminary, and that a formal site plan would be filed and approved by staff, if the Commission was comfortable with that approach.

Mr. Less recommended that the Commission advise the Council that it had completed its review of the location and architectural design of the structure, and further approved a preliminary site plan for the proposed project, and found it acceptable, and further that the Commission recommend to Council approval of the project as described pursuant to §62.23(5) Wis. Stats. as well as Section 15.37(2)(g) of the Manitowoc Municipal Code.

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Motion by: Mr. Diedrich \_\_\_\_\_ Seconded by: Mr. Hornung  
Moved that: the Commission approve \_\_\_\_\_ Upon Vote: the motion was  
the Planner's recommendation \_\_\_\_\_ approved unanimously.  
above.

C. PC17-2011: Initial Discussion Regarding Elks Lodge 687; Request to Rezone Elks Club Lodge Property Located at 200 East Waldo from "R-2" Single Family District to "B-3" General Business District

Mr. Hornung and Mr. Alpert advised that they were members of the Elks Club.

Mr. Less explained that tonight's discussion was to determine the Commission's comfort level with a proposed and yet-to-be-filed request for rezoning by the Elks Club, before the Club would proceed to formally file the application. Mr. Less added that if the discussion was positive this evening, the informational hearing on the rezoning would be held at the April Commission meeting.

Mr. Less advised that the Manitowoc Elks had an accepted offer to purchase with the owners of Charcoal Grill, and they would be filing a request to rezone the club house parcel from its current "R-2" to a "B-3" zoning, with the golf course portion of the property remaining unchanged. Mr. Less stated that his understanding was that the proposed rezoning and sale was being driven by declining club membership and revenues, and explained that the current plan was that the Elks would utilize the lower level of the club house for their meetings. Mr. Less added that he had been advised by the Elks that this sale and arrangement had been approved by the Elks Grand Lodge, which was acceptable under their charter as long as the club didn't have any ownership interest in the property. Mr. Less added that the future owners saw this facility as an opportunity for banquets and larger groups of 100+, that couldn't be handled at the Charcoal Grill, adding that they had been looking for a location to do this for some time.

Mr. Less then explained a slight revision to the rezoning alignment that had been sent to Commission members on March 15<sup>th</sup> to limit the extent of the "B-3" area, and to increase the area of the "P-1" zoning. Mr. Less explained that staff wanted to restrict the size of the "B-3" to avoid any future intentions to encourage additional retail or commercial uses at this location. Mr. Less noted that the breadth of permitted uses under the "B-3" district was his concern, and that increasing the size of the "B-3" area could ultimately allow for a land use such as a convenience/gas station facility at the site; a prospect he did not look favorably upon. Mr. Less compared the department's original concept for the rezoning, with a revision to the concept prepared by SMI and which was emailed to Commission members. Mr. Less explained the SMI proposal

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which made the following changes to the March 15<sup>th</sup> version under consideration: (i) on the north, relocate the line south to 100' north of the building; (ii) on the east, keep the east line where it exists until a point 75' south of the southeast corner of the parking lot; and (iii) then angle southwesterly to a point 150' east of the west line.

Ms. Mellon asked what purpose was further achieved by Mr. Steinbrecher's version of the proposed rezoning area?

Paul Steinbrecher, SMI, Inc., 102 Revere Drive, explained that the Elks had asked him to prepare an alternative to the proposal, so as to allow the future owners to expand the club house building.

Mr. Less again stated his concern was allowing a larger area that could invite additional commercial development on the site of the club house. Mr. Less did advise that the Elks would need a CSM for any future lot split, and if such an event would occur in the future, the approval would rest with the Commission. Mr. Less added that if the Commission viewed the rezoning in a favorable light, he wanted all parties to remember going forward that this was about the re-use of only the club house as a restaurant, and not about encouraging or creating a new opportunity for a future, new outlet commercial development at this site in addition to a restaurant in the club house.

Mr. Diedrich asked if the location of the proposed zone line on the west side of the Elks property was correct?

Mr. Braun advised that Mr. Steinbrecher had provided him with the deeds to the Elks property, and that the west property line would be relocated accordingly.

Mr. Steinbrecher commented that there were some discrepancies between the deeds and the City's base mapping. Mr. Steinbrecher added that they would be clarifying the west property line for the Elks, and would be providing City Planning with that information, as the City's parcel maps identified the west property line bisecting the driveway and cart shed. Mr. Steinbrecher noted that his research indicated that the west property line was actually located 10'± west of the drive and cart shed.

Mr. Less added that the maps revised subsequent to tonight's meeting would reflect the legal descriptions in the deeds provided.

Mr. Diedrich then asked if there was a different zoning district wherein a conditional use permit could be used in this case that would not be as liberal as a "B-3"?

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Mr. Less explained that based on the square footage of the club house, the "B-3" was the minimum zoning that would work. Mr. Less noted that while restaurants were permitted in a "B-2" district, they were limited in size to 2,500sf and the size of the club house was around 7,000sf.

Mr. Diedrich expressed his support, but advised he had some concerns and wondered what would happen if Charcoal Grill was not successful at this site?

Mr. Less advised that under the "B-3", Charcoal Grill could increase the land usage at the property to any land use permitted in that zoning district, and could encourage additional development on the site under a leasehold arrangement as long as no CSM was required. Mr. Less added that if the intent of the future owners was to development the site further, they could sell lands in the future "B-3" area, but would have to have Commission approval first before a CSM could be issued.

Mr. Diedrich stated that the new owners could subsequently re-sell the property in the future if they decided to not operate it as a restaurant in the future.

Mr. Less agreed, and added that the sale would not require any City approvals.

Mr. Muenzenmeyer commented that under the "B-2" the size of a restaurant would be limited to 2,000sf.

Mr. Less emphasized that the golf course was not included in this rezoning proposal.

Mr. Alpert stated that he did not have a problem with the SMI proposal, and felt that the revised angle at the southeast corner would prohibit future development between the club house and Waldo Boulevard.

Gene Maloney, 634 N. 8<sup>th</sup>, commented that he was a Trustee for the Elks, and they had been in discussions with the proposed buyers for the past month. Mr. Maloney continued that at no time in their discussions was there any hint or consideration given by the buyers to do anything at the site other than a restaurant. Mr. Maloney added that he couldn't imagine the future owners doing anything of that sort that would degrade their restaurant operation. Mr. Maloney continued that the buyers were concerned that the City's March 15<sup>th</sup> re-configuration would limit the ability to expand the club house building. Mr. Maloney concluded by noting that the club membership had met last night, and approved the decision to sell, contingent upon the successful rezoning of the parcel in accordance with Mr. Steinbrecher's proposal. Mr. Maloney added that he felt it

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would be handcuffing the proposed buyers if the "B-3" zoning did not permit any future expansion of the club house building.

Mr. Braun explained the City's future land use map included in the comprehensive plan, and that the intent was to keep the commercial operation consistent with the area detailed on the land use map.

Commission members indicated their support for the yet-to-be-filed rezoning proposal and the SMI concept.

Additional discussion was held. No action was taken.

VIII. MISCELLANEOUS

A. Manitowoc County Activities:

1. None.

B. Certified Survey Maps (CSM):

1. Pie LLC: Proposed CSM in Block 242, Original Plat, also being the SE¼ of NE¼, Sec. 30, T.19N., R.24E., City of Manitowoc

Mr. Braun explained that the proposed CSM for 1.046-acres of land located south of Franklin Street, and east of So. 12<sup>th</sup>, was to re-establish the boundaries of this parcel for a planned office development. Mr. Braun noted that the CSM was required by the buyer of the property, and added that the CSM would not be creating a new lot of record. Mr. Braun added that all easements required at the site would be identified when the project site plan was filed with the City. Mr. Braun recommended approval of the CSM.

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

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

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2. Mueller: Proposed CSM in the NE¼ of NE¼, Sec. 29, T.19N., R.23E., Town of Manitowoc Rapids, Manitowoc County

Mr. Braun explained that the proposed CSM was for property located south of Dutch Road and east of So. Union Road, and advised that the owner wanted to split off a 1.8-acre parcel including their home from a larger 40-acre parcel. Mr. Braun commented on a wetland at this property that had been in place for at least the past 40 years, and added that he did not have any issues with the proposed CSM. Mr. Braun continued that he would work with the County and Town to determine whether or not public access would be required for access to the waterway. Mr. Braun added that he would want Dutch Road identified on the CSM as an 80' wide Official Map R/W, and recommended approval of the CSM.

Motion by: Mr. Hornung

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

Seconded by: Mr. Muenzenmeyer

Upon Vote: the motion was approved unanimously.

3. Hoffman; Proposed CSM in the NE¼ of SW¼, Sec. 8, T.18N., R.23E., Town of Newton

Mr. Braun detailed a request for the creation of a 2-acre CSM located north of Borgwardt Lane and west of STH "42", and explained that the owner wanted to construct a new home next to their existing home, with the latter to be used as a guest house for their adult children. Mr. Braun identified an existing 16.5' wide access easement on the property between the existing and proposed parcels, and continued that he had no issues with the proposal. Mr. Braun continued that he would follow Town and County requirements regarding the adequacy of the ingress/egress between the parcels. Mr. Braun added that the proposed CSM was located approximately 1.5 miles from the City limits. Mr. Braun recommended approval of the CSM.

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: Ms. Mellon

Upon Vote: the motion was approved unanimously.

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4. Kocourek Revocable Trust: Proposed CSM in the SW¼ of SW¼, Sec. 26, T.20N., R.23E., Town of Kossuth, Manitowoc County

Mr. Braun explained a proposed 7-acre CSM located north of Rockwood Road, east of Wagon Wheel Road, and west of CTH "R". Mr. Braun noted that the owner held approximately 200-acres of land, and wanted to split an existing building from the tillable property. Mr. Braun stated that the 90' wide Official Map R/W for Rockwood Road and Wagon Wheel Road would have to be identified on the CSM, along with the existing drainageway that snaked through the area. Mr. Braun recommended approval of the CSM.

Motion by: Mr. Alpert

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

Seconded by: Mr. Muenzenmeyer

Upon Vote: the motion was approved unanimously.

5. Nass: Proposed CSM in the SW¼ of NE¼ and NW¼ of SE¼, Sec. 4, T.18N., R.23E., Town of Newton, Manitowoc County

Mr. Braun explained a proposed 5.75-acre CSM located north of Newtonburg Road and west of Lambert Lane. Mr. Braun noted that the owner wanted to split off the home from the remaining tillable acreage, and referenced the presence of a gas line easement through the property. Mr. Braun commented that the current CSM was approved approximately 2 years ago, and recommended approval of the CSM.

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. Hornung

Upon Vote: the motion was approved unanimously.

C. Summary of Site Plans 2/10/2011 - 3/9/2011:

1. SP1-2011: Glenn's Bar, 835 So. 15<sup>th</sup> - New Construction (pending).

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IX. ADJOURNMENT

The meeting was adjourned at 8:50 P.M.

Respectfully Submitted,

David Less  
Secretary