

PLAN COMMISSION MINUTES - 10/10/2012

Common Council Chambers
Manitowoc City Hall

Regular Meeting
Manitowoc City Plan Commission
Wednesday
October 10, 2012
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

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

Members Excused

Maureen Stokes

Staff Present

David Less
Paul Braun
Michelle Yanda

Others Present

See Attached Sign In Sheet

III. APPROVAL OF MINUTES of the Special September 17, 2012 Meeting.

Motion by: Mr. Diedrich

Moved that: the minutes be approved as presented.

Seconded by: Mr. Brey

Upon Vote: the motion was approved unanimously.

IV. PUBLIC INFORMATIONAL HEARINGS

- A. PC36-2012: The Haven of Manitowoc County Inc.; Proposed Conditional Use Permit (CUP) to Locate a Transitional Housing Establishment at 610 S. 29th Street Pursuant to Section 15.150(3)(l) of Manitowoc Municipal Code

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

PLAN COMMISSION MINUTES - 10/10/2012

request from The Haven of Manitowoc County, Inc., as the contract purchaser of property at 610 and 612 So. 29th Street, and Donald Wergin representing the property owner, for the issuance of a Conditional Use Permit (CUP) under Section 15.150(3)(1) of the City's municipal code for the establishment and operation of a transitional housing facility for adult males at said location. Mr. Less explained that under a CUP, 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 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 first provided a description of the key players in this proposal:

1. The Haven of Manitowoc County, Inc., which is:
 - a. A 501(c)(3) designation from the IRS in June, 2012.
 - b. A nonstock corporation under Chapter 181 of Wis. Stats.
 - c. Organized for the purposes of providing emergency services, food, clothing and shelter for homeless in Manitowoc County.
 - d. Owner of a .137-acre parcel of property at 731 N. 11th Street (000-042-052) which they acquired from St. Francis of Assissi School Foundation, Inc. in March, 2012. The property is assessed at \$55,500, and generated property taxes of approximately \$1,200.
2. Wergin-Schoeneman Partnership, which is:
 - a. Owner of a .440-acre parcel of property identified as TR 12 of a CSM recorded V. 26, P. 1 (825-101-130) which they acquired in September, 2006 from Bilon Partners 2/3 Interest and Judd Schoeneman 1/3 Interest. The property is assessed at \$89,400, and generated taxes of approximately \$1,935.
3. Donald J. Wergin, which is:
 - a. The owner of property identified as TR11 of a CSM recorded V. 26, P. 1, and identified as 825-101-131.
 - b. Acquired this .234-acre parcel in April, 2006 from Bilon Partners, Judd Schoeneman Partner and Donald J. Wergin Partner.
 - c. The parcel is assessed at \$16,500 and generated taxes of approximately \$360.

PLAN COMMISSION MINUTES - 10/10/2012

- d. This parcel has delinquent taxes payable in the current amount of \$805.06.

Mr. Less explained that The Haven and the Wergin-Schoeneman Partnership executed a "Simultaneous Exchange Agreement" regarding the parcels at 731 N. 11th, and 610 So. 29th and the vacant lot to the south, on August 8th, which was accepted by The Haven on August 9th. Mr. Less continued that a counter offer was accepted on August 18th, but of note was a financing contingency, a November 30th closing deadline, and the contemporaneous closing of the Wergin-Schoeneman property including the building to The Haven, and the vacant Wergin property to The Haven. Mr. Less continued that at the same time, the parties executed a "Vacant Land Offer to Purchase" dated August 8th by and between Donald Wergin and The Haven for the vacant parcel to the south—an agreement, which included a counter offer, required satisfaction of a financing contingency, and closing of the land sale by November 30th. Mr. Less added that a second counter offer specified September 24th as the date by which a property inspection and Phase I report were to be completed for the benefit of The Haven.

Mr. Less continued that regarding the property on So. 29th, the parcels that were party to this discussion were TR11 and TR12 of a CSM recorded in V. 26, P. 1. For TR12, Mr. Less noted that this was a parcel containing a 23' x 212' building measuring approximately 4,876sf in area with a full basement, and with the underlying lot measuring 19,177sf or .440-acres in area, with 254' of frontage on So. 29th Street, and with just under 72' of frontage on Meadow Lane. Mr. Less added that a building inspection report was prepared as part of The Haven's due diligence at the end of August which identified a host of suggested improvements to the building and lot. For TR11, Mr. Less noted that this was a vacant parcel to the south which contained 10,210sf or .234-acres in area, had 100' of frontage on So. 29th, and 102' of lot depth.

Mr. Less noted further that the So. 29th Street property was currently zoned "R-4" Single- and Two Family District, and had "R-4" zoning to the south, "R-3" zoning to the west, and "I-1" to the east and north, and then identified surrounding land uses including residential to the west and south, a Kwik Trip convenience station and the CN railroad line to the east, Kaufman Manufacturing, a vacant commercial building and residential to the north, and Holiday House to the northeast. Mr. Less added that there was no parking on either side of So. 29th from the south edge of the subject building to Meadow Lane, and that there were no parking restrictions on either side of So. 29th, south of the building. Mr. Less noted further that both sides of Meadow Lane, between 29th and 30th, were impacted by a winter parking ban prohibiting parking between December 1st and March 31st, 1:00am - 6:00am.

Mr. Less then provided a history of this property, and the uses that had occupied this building, and noted the following: (i) the building was constructed in the early 1970's, and between 1980-1990, the building was used by Rainbow House for

PLAN COMMISSION MINUTES - 10/10/2012

developmentally disabled, until they moved to their current location on Southbrook Court; (ii) in 1991, the City denied a request by Eugene Flentje to rezone the property from "R-4" to "R-6"; and (iii) in 1993, the City approved a CUP to Don Wergin and New Beginnings for operation of a CBRF at this location for a maximum of 14 persons being developmentally disabled and/or elderly (after a few years, New Beginnings disappeared from the City's CBRF records, and the building was used as essentially a boarding house-type usage that wasn't licensed through the State). Mr. Less noted that in 1997, the South 29th Street Estates was platted from the area south of the Wergin property to Dale Street.

Mr. Less continued, and noted the following elements of The Haven's proposal:

1. Their request was inspired by the lack of a safe option for homeless men in Manitowoc County, and their primary objective was to provide safe shelter for men that don't otherwise have it., and to direct these individuals to other specialized services already offered elsewhere in the community. This would be the only homeless shelter in Manitowoc County.
2. They are seeking a CUP for up to 20 homeless individuals. Their demographics indicate an estimated 28 homeless men in the City of Manitowoc.
3. Haven resident length of stay would not exceed 90 days.
4. The Haven's screening process would be as follows:
 - a. Everyone must have identification.
 - b. If there was no identification, the individual could choose to be identified at the Police Station or Sheriff's Office.
 - c. There would be a search of records for background information related to open warrants, arrests, parole compliance and sex offender status.
 - d. There would be daily reporting to local law enforcement of the occupants at the facility.
 - e. No one deemed to be a threat to the community, themselves, or others, would be allowed access.

As a supplementary note on this planned protocol, Mr. Less explained that reliance on the City's Police Department for same day background checks and validation of identification might be more problematic, so the Haven would have to sit down with the Police Chief to work out those details.

PLAN COMMISSION MINUTES - 10/10/2012

5. The building would include sleeping areas for a maximum of 20 adult men, showers and restrooms to code, and a food service area.
6. Haven would offer case management services to guide residents back into the mainstream. Additionally, services planned would include drug, alcohol and mental health screening, transportation assistance, job search and employment assistance, help in identifying stable housing, access and referrals to other community service agencies, financial and budgeting counseling, and educational development and goal setting.
7. The Haven would be working with temporary residents to prepare "Individual Development Plans" (IDP) which would be the extent of counseling provided. These plans are agreements between residents and case managers or service providers on specific goals to be met in order to attain independent living. Compliance with these Plans would be a factor in determining a resident's length of stay as well.
8. This was not planned to be a facility where individuals would be staying during the day other than perhaps for checking in and for periodic meetings with shelter representatives to check on the status of their IDP's.
9. As they move forward with their operation to secure operating funds, The Haven would be pursuing State and Federal grants, which would have to function within the construct of the CUP, if approved by Council.
- 10.. Resident services would be provided in line with guidelines published by the WI Division of Housing for homeless prevention, which would be pre-requisite to securing State or Federal funding.
11. They ultimately plan on hiring an Executive Director once the facility becomes operational, and would recruit and hire employees. The business plan details professional and advisory support persons related to the planned operation.

PLAN COMMISSION MINUTES - 10/10/2012

12. The Haven would have to fund raise monies to amass capital for their annual operating budget. Their business plan identified a first year operating cash need for \$375,000 (based on discussions with other shelters), with \$150,000 towards building acquisition and renovation, \$75,000 towards non-salaried personnel, and \$150,000 for wages, taxes and insurance for a full time director, and an overnight paid security. The business plan included a balance sheet for The Haven as of August 31st which identified total assets of just under \$17,000. Evening staff and overnight support were identified as volunteers, which would provide food, laundry and cleaning services.
13. The Haven applied to Bank First National and other lenders to secure \$90,000 in financing towards the purchase of the real estate, but no firm lender commitment was in place at this time as The Haven was shopping their project to various lenders.
14. Regarding their operation, the facility would have hours between 5:00pm and 8:00am; there would be no entry past 9:45pm; smoking would be permitted only outside the building and in designated areas; no drugs, weapons, alcohol, pornography or other criminal activity would be permitted; no intimate display of affection would be permitted; failure of a person to show up at the facility for 3 days would result in them being considered abandoned; and residents would be expected to maintain appropriate hygiene.
15. The business plan also identifies the need for 10 off-street parking spaces, although no information had been provided as to how this will be accomplished.

Mr. Less then noted that notices were mailed from Planning on October 3rd to property owners within 200' of the subject property, and added that The Haven held a neighborhood meeting for which they sent out mailers for the 200' area that was held on September 29th which included attendance by area residents, Haven Board members and 2 aldermen. While the content of the meeting was not clear, what subsequently emanated from the October 3rd mailing and the September 29th meeting were the following communications that he was in possession of:

1. Against
Bob Kaufman, Kaufman Manufacturing, 547 So. 29th
Debra Pratt, address not provided (but could be 425 So. 31st based

PLAN COMMISSION MINUTES - 10/10/2012

on phone book)
Rebecca Watt, 555 So. 30th

2. Supportive

Sarah Campbell, Lindbergh Drive

Brian Joseph Joseph and Amity Hoenisch, both Volunteer at Hope House on So. 10th which provides support services for homeless persons.

Lisa Beattie, 632 So. 31st

Amber Daus, 542 So. 29th

Brad Daus, 542 So. 29th

Amy Sonnemann, United One Credit Union

Erin Schultz, Director at Hope House, 1110 So. 1th

Keith Wakeman, Principal, Franklin Elementary, So. 35th Street - no formal position, but tacit support.

Brian Kohlmeier, Captain of Administrative Services, Two Rivers Police Department

Mr. Less noted that he was also in receipt of a notice prepared by someone in the neighborhood which alerted everyone to tonight's meeting, and detailed concerns centered on crime, operational questions regarding staffing, resident make-up, the impact of this proposed use on property valuations, security, parking and lack of funding. Mr. Less noted that he had no idea to whom or how this was disseminated. Mr. Less then noted that today, he received a copy of a petition for denial of the CUP which contained 113 signatures. Mr. Less explained that unlike other petitions detailed in the statutes, this petition was only an expression of the position of these signators, but had no legal bearing upon the deliberations regarding a CUP.

Mr. Less then stated that the City's 2009, 20-year land use map that was part of the City's Comprehensive Plan identified this property as "Multi-Family Residential", so there were no apparent conflicts with the proposed CUP. Mr. Less continued that a major theme underlying the Plan was to promote infill development and adaptive reuse of blighted and underutilized properties, which again was consistent with the proposed CUP and the historic usage of this property. Finally, Mr. Less noted that this property was located on a bus route, and in terms of the location of a facility of this type, he felt it was a very good fit in a mixed use area, and in a structure that was not likely to find a different caliber of occupancy.

Mr. Less continued that WI's 5-year consolidated housing plan prepared by WDOA for 2010-2014, identified as high priorities, assisting special subpopulations and special needs groups with shelter, and other services including homeless prevention. In closing, Mr. Less commented that it was his understanding that the objective of The

PLAN COMMISSION MINUTES - 10/10/2012

Haven was that this facility would be more than an offering of just food and shelter, but their overarching objective was to act more as a “one stop shop”; a model under which shelter residents could obtain a variety of services at the shelter as well as food and a bed. Mr. Less continued that it was his hope that The Haven would not define their success by the number of meals provided and beds filled, but rather by the number of residents placed in permanent housing, and the progress each resident makes toward independent living.

Mr. Brey asked Mr. Less if he had used a template for crafting his recommendation?

Mr. Less replied “no”, that there was no template used, and that he had shared his recommendation in advance of tonight’s meeting with The Haven and the Commission. Mr. Less stated that he would take full credit for any problems or inadequacies in the recommendation.

Mr. Diedrich commented that due to a conflict of interest, he would be abstaining from the discussion and voting on this issue.

The Mayor opened up the session to the public, and advised that a speaker would be limited to 3 minutes. The Mayor advised further that he had received several communications on this matter, and added that the notice that was circulated throughout the neighborhood had his name spelled incorrectly, and that emails sent to him might not have reached him (if his name was incorrect in the email).

Robert Hansen, 714 Woodlawn Drive, spoke against the proposal, and commented on his personal history and interactions with the homeless. Mr. Hansen noted that he had been around homeless, but had never been homeless, and talked about the problem people these facilities attracted. Mr. Hansen continued that based upon his experiences with only homeless men, single men were screwed up in the head, and had no future, and noted that he felt this kind of facility would cost money and felt that if approved, the homeless would come. Mr. Hansen concluded that he did not think Manitowoc could afford this kind of facility for homeless men. Mr. Hansen stated that he didn’t have any evidence, but had been there.

Bob Kaufman, President, Kaufman Manufacturing, 514 So. 29th, encouraged the Commission and City to take its time in reviewing this matter. Mr. Kaufman noted that he had no issue with the homeless, but not next to his business. Mr. Kaufman added that he had not received any information from The Haven, and felt this decision should not be rushed through, and that the matter should be deferred for a month. Mr. Kaufman continued that there should be some explanation as to why these individuals were homeless, and again expressed concern that this facility would negatively impact his business, and was not a use he would want in his backyard. Mr. Kaufman felt that the

PLAN COMMISSION MINUTES - 10/10/2012

details regarding this proposal were not transparent enough at this time, and felt deferring action on this would be the prudent action to take, and then encouraged denial of the request.

Rebecca Watt, 555 So. 30th, stated that she was sympathetic for the need for a shelter, but had concerns with its impact upon the surrounding neighborhood including such things as loitering, child safety, proximity to parks and schools, theft, and the impact upon property values. Ms. Watt added that she bought her home 1½ years ago, and wouldn't have purchased it if she knew of these plans. Ms. Watt noted further that she had attended The Haven's neighborhood meeting, and was told at that time a director and security personnel would be the only paid staff, with all other positions being filled by volunteers. Ms. Watt expressed concern that a 90-day period for a resident stay could become a longer period of time, and that it was not clear if this would be the protocol used by The Haven, or if it would be a longer period. Ms. Watt then suggested that a housing voucher program, supporting services provided by churches, might be a better model.

Terrance Kilroy, 3114 Meadow Lane, stated that the people proposing this use had a good heart, and asked the neighborhood to be considerate in this matter as well. Mr. Kilroy asked if the shelter would be limited only to individuals from Manitowoc County?

Joyce Schleis, 615 So. 30th, stated that she and her husband were against the proposal, and that the shelter would effectively be in her backyard. Ms. Schleis added that she was not against the homeless, but didn't feel this kind of facility belonged in a residential area with schools, church and children. Ms. Schleis stated that as there was no fence around the property, she expressed concern with people peering through her windows, and general safety. Ms. Schleis added that they had been told that if any residents committed a crime, they could not stay, but noted that it would be too late at that point.

Patrick Berndt, 924 So. 23rd, stated that he felt many of the neighborhood's concerns had been addressed in the business plan for The Haven, and should be part of the City's consideration along the way. Mr. Berndt explained his church and volunteer background. Mr. Berndt added that he felt there were many individuals at the Faith Free Church who would support this kind of effort, and added that responsible people, well seated in the community were involved in the project. Mr. Berndt added that he had lived in this location for the past 3 years, and drove by the So. 29th Street facility all the time, and asked that people look within themselves to be helpful to those that needed help. Mr. Berndt noted that a fence requirement could be added into the permit

PLAN COMMISSION MINUTES - 10/10/2012

conditions, and added that the program and business plan was geared to helping people, and was not designed to attract riffraff, and hoped people would think through their heart and faith.

Dawn Uselding, 10309 Middle Road, commented that she ran a nonprofit called “Women’s Lifeline” and ran a home named “My Sister’s House” in Ozaukee County, and felt that the business plan was comprehensive and addressed many of the neighborhood’s concerns. Ms. Uselding explained that she had used many college students in social work and police science programs as volunteers, and who received school credit for their work. Ms. Uselding added that there were homeless in Manitowoc whether there was a place for them or not. Ms. Uselding asked if it was better to have them in a structured environment, or to have them disbursed through the community without support? Ms. Uselding added that because they were homeless did not mean they were criminals, and closed by saying the neighborhood needed to open its heart in this situation as long as it could be done safely.

Heather Bleier, 619 Cleveland, stated that she was a volunteer house coordinator at Hope House, and wanted to encourage support for the proposal. Ms. Bleier noted that there were homeless here, and explained that she was a student who did volunteer work in St. Paul, MN. Ms. Bleier encourage people to ask questions of The Haven and to do it right, and closed by noting that in her experience, homeless were regular, everyday people.

Paula DeBauch, 715 So. 32nd, explained that she was homeless 6 years ago, and recently bought a home, and was concerned that people in the neighborhood were so offended by the proposal. She added that she got help from others, and had made it today, and felt it was harmful that people could only think about their backyards, and emphasized that most homeless were not criminals. Ms. DeBauch encouraged area residents to be kind.

Kim Schweigut, 541 So. 30th, stated that she did not want to be part of an experiment with homeless men, and was concerned with the proposal. Ms. Schweigut asked if she would receive training in how to deal with this matter, or if they should just call the Police? Ms. Schweigut felt that asking the neighborhood to shoulder the burden of this experiment was not fair, adding that she was a McGruff House, and understood the concerns of neighbors of people showing up in her backyard. Ms. Schweigut asked how these transients would be trained?

Tom Tracy, 514 So. 31st, asked what would happen in the morning, and if the residents of the building would just be let loose? Mr. Tracy added that most people

PLAN COMMISSION MINUTES - 10/10/2012

worked during the day, which would leave the neighborhood wide open to those people, and asked if they'd have people wandering around their area?

Crystal Zich, 525 So. 32nd, stated that the YMCA used to offer housing for transients, and questioned why this service wasn't provided anymore?

Tammy Seidl, 616 So. 29th, stated that she lived next door to the proposed Haven House, and asked what would these residents would do on Sunday when the municipal bus service was not operating?

David Charney, 735 N. 11th, explained that he actually lives in Milwaukee, and had begun investing in Manitowoc as he felt it was a tight knit community that he believed in. Mr. Charney continued that his experience in Milwaukee was not good, and that he owned property next to a homeless shelter, which ultimately evolved into a rooming house. Mr. Charney added that trash, graffiti, and police were now a regular part of the Milwaukee picture, and cautioned that if The Haven failed, there was no telling what could happen, but felt that neighborhood investment would go elsewhere.

Nancy Slattery, 9704 Pautz Road, Maribel, commented that she had been homeless, and relied on Hope House for help where she was currently a volunteer and on their Board for the past 7 years. Ms. Slattery noted that she slept there approximately 5 times per month. Ms. Slattery continued that the problem was that these people became homeless often because they did not earn enough to gain self sufficiency, and would typically be off working at night because they had a job. Ms. Slattery continued that they would typically stay in the program for up to 3 months until they could earn enough money to pay for rent. Ms. Slattery added that she had worked with shelter programs in many cities, and her experience was that men would work during the day, but as they were making minimum wages, remained at shelters as they couldn't afford to pay rent. Ms. Slattery concluded that she didn't think Manitowoc residents wanted their own homeless from the community to be shipped off to Green Bay and Appleton, which had their own homeless, and that Manitowoc should take care of their own.

Mark Stevens, 1436 N. 8th, commented that he was the client-services director at Marco Manor, and was once homeless. Mr. Stevens stated that someone had helped him, and he ended up going back to college and made something of himself, and today was a clinical substance abuse counselor and director at Marco, all because someone cared about him. Mr. Stevens noted that he did not believe there was a relationship between a homeless shelter and increased crime or loitering in an area, and cited his experience with Hope House and the area surrounding that facility. Mr. Stevens noted that regarding those opposed, with a little help, those less fortunate would make it.

Jim Sustman, 227 N. Park, Mishicot, stated that he worked with Hope House, and was amazed at how little information neighborhood residents had regarding The

PLAN COMMISSION MINUTES - 10/10/2012

Haven's proposal, and the success of Hope House. Mr. Sustman continued that Hope House has done a wonderful thing for Manitowoc, and noted that he was a foster parent for 87 children in Manitowoc County, and cared for mainly teens and pre-teens. Mr. Sustman noted that the Manitowoc community needed to reach out, and cited Hope House as an example of an organization that has provided hope and direction, and encouraged the neighborhood to learn more about the Hope House operation before passing judgment on The Haven, and added that most of the fears were baseless.

Erinn Schultz, 2213 So. 35th, explained that she was the director of Hope House, Manitowoc County's homeless shelter, and dealt with homeless on a regular basis. Ms. Schultz noted that the reality was that the homeless were already in Manitowoc and were already staying in the parks, as they had no where else to go. Ms. Schultz added that the homeless needed a place to go, and while respecting the neighborhood's fear, asked if not here, then where? Ms. Schultz continued that she felt the So. 29th Street property was a good location for the proposed use, and commented as to the major differences between homeless in Milwaukee vs. Manitowoc. Ms. Schultz noted that there were major differences between "urban" and "rural" homelessness, with Manitowoc being considered the latter. Ms. Schultz noted that this year, Hope House had served 76 homeless individuals, and last year 83 individuals, and the 79 the year before. Ms. Schultz concluded by noting that the homeless needed a place to go and receive guidance. Ms. Schultz noted that she had reviewed The Haven's business plan, and felt that the case management component would help not all, but the vast majority of homeless clientele. She concluded by noting that these homeless men were our neighbors and were part of our community, but had been alienated, and needed to be given an opportunity.

Arletta Petty, 2740 7th Street, Two Rivers, understood the concerns of homeowners and respected their opinions. Ms. Petty noted that the homeless were not always as imagined, and added that in 1994, she was homeless for 2 months with 2 children. Ms. Petty added that while the area had a number of organizations that you didn't typically hear a lot about such as Hope House and the Domestic Violence Center, there were some people that needed help with getting their lives together, and a private place where they could be safe. Ms. Petty noted that soldiers returning from the Middle East would be returning to the community, and might need help to figure out how to live their lives.

Colleen Homb, 1708 28th Street, Two Rivers, stated that she represented Lakeshore CAP in Manitowoc, and worked with homeless and at-risk homeless, and closely with Hope House. Ms. Homb noted that they were the central intake for the homeless in the community, and that in July-September, 2012, there were 30 homeless men seeking shelter and help from CAP, with 9 housed for 1 night in a hotel. Ms. Homb added that there were very few options, and added that Milwaukee and Green Bay

PLAN COMMISSION MINUTES - 10/10/2012

shelters were already full, and in Green Bay, they took Brown County residents first over outside county residents. Ms. Homb noted that she has never been fearful with these men, and did not have a concern with safety and urged the Commission to consider the needs of the community. Ms. Homb stated that the community needed to figure out a better way to address this problem than putting these individuals on a bus, or having them walk Walmart for a night.

Dave Johanek, 623 So. 30th, stated that he lived behind the open lot, and had resided at this location for 20 years. Mr. Johanek noted that tonight he was speaking for young families in the neighborhood with many young children. Mr. Johanek continued that his concern was with neighborhood safety, and asked what the homeless men would be doing during the day? Mr. Johanek noted that a smoking area had been brought up, and noted that if they could afford cigarettes, then maybe they could afford housing as well. Mr. Johanek added that he didn't want to smell second hand smoke in his backyard, and closed by saying that he didn't want any foot traffic in his backyard either. Mr. Johanek stated his biggest concern was the safety issue in the neighborhood, and asked how The Haven could guarantee the neighborhood's safety?

Rebecca Rice, 1120 New York Avenue, commented that homeless shelters didn't create homeless people, and acknowledged that the homeless were already in this community. Ms. Rice continued that there were criminals in all our neighborhoods already, and encouraged support for The Haven's proposal. Ms. Rice added that the community couldn't keep shipping people away, as they were sending a message to their children that they didn't care.

Denise Brilliant, 721 So. 30th, commented that she was a daughter of the original property owner, and noted that they had put an addition onto the building years ago to increase property values. Ms. Brilliant noted that she didn't have a problem with homeless, or people who needed assistance. Ms. Brilliant added that she was a health care worker, and dealt with these issues daily. Ms. Brilliant hoped their neighborhood would grow and prosper, and noted that when Mr. Flentje built the structure and opened Rainbow House, the neighborhood was in opposition to the use at that time. Ms. Brilliant continued that there had not been any problems with developmentally disabled at the property to date, which she noted were different from homeless individuals. Ms. Brilliant closed by noting that she hadn't received any communication from The Haven, and did not receive an invitation to a community meeting on this proposal. Ms. Brilliant expressed neighborhood safety concerns, and was not comfortable that a CUP would adequately protect the neighborhood, and would be glad to support a different location.

Gina Wotruba, 1903 Richmond, commented that she has grandparents residing in the same block as the proposed shelter and was concerned. She added that she had 2 small children, and worked at Marco Services with open eyes. Ms. Wotruba commented

PLAN COMMISSION MINUTES - 10/10/2012

that many of these homeless men could be fathers, and asked the community to have an open heart and mind in this matter. Ms. Wotruba noted that there was a great deal of stigma associated with the homeless, and asked for support of The Haven's proposal, as homelessness could happen to anyone.

Tesha Kono, 531 Westlawn Blvd., commented that she had 2 young daughters, and was concerned with neighborhood safety, and asked why a homeless shelter wasn't being considered in downtown or near the Police Department?

Bridget Brennan, Deputy Chief, Manitowoc Police Dept., 910 Jay, commented that she felt The Haven's business plan was good, and added that the Police Dept. recognized the need for a shelter of this kind, and also recognized the fears and concerns of the neighborhood. Ms. Brennan added that she called around to see the experiences with shelters in other communities, and noted that at Green Bay's homeless shelter, there were isolated intoxication issues, and the same was true in Appleton, but didn't specify the nature of these calls. Ms. Brennan added that in Appleton, their Police Department had liaison officers assigned to their homeless facilities, and added that she would be discussing that program more with them.

Doug Jones, 820 Shorewood Blvd., commented that he spent 20 years in the County's District Attorney's office, and for 8 years was the County's child abuse, child sexual assault and sensitive crimes prosecutor. Mr. Jones noted that he didn't feel that risk to the community was related to transients. Mr. Jones noted the risk to children was more from within the homes in which they lived. Mr. Jones stated that he understood Mr. Kaufman's concerns, but noted that homeless men were not in the community during normal business hours, and did not see any increase in crime when a well thought out facility was placed in the community. Mr. Jones noted that the proposed shelter did not equate to increased risk for the neighborhood, and felt it was a good plan that was well thought out. Mr. Jones added that if it would help, The Haven should work with adjacent property owners to address security concerns with construction of a fence, and volunteered to help work on the fence.

Bill Wheelis, 619 So. 30th, stated that he had nothing against the homeless, but asked why they were homeless in the first place? Mr. Wheelis stated that he didn't know what Hope House was, and questioned a volunteers ability to handle a larger man. Mr. Wheelis expressed concern for children in the area, and suggested that this matter be tabled for a later date, so that more information could be brought forward and shared. Mr. Wheelis noted that The Haven only had \$17,000, and that the people should be told what was going on.

Mark LeGreve, 2208 12th Street, Two Rivers, stated that several had asked what homeless people would do during the day, and rhetorically implied that everyone was

PLAN COMMISSION MINUTES - 10/10/2012

likely working or having 2 jobs. Mr. LeGreve noted that the homeless problem was City-wide, and added that poverty was not prideful, noting that many people were a paycheck away from that status. Mr. LeGreve closed by noting that poverty was a fear, but not criminal.

Helen Nasep, 542 So. 31st, commented that she had spoken with many people in the neighborhood, and that no one was discounting the need to address homelessness, but stated “not in my backyard, not in our neighborhood”. Ms. Nasep noted that she was hearing from several people tonight who did not reside in the neighborhood, and added that women homeless were different than male homeless, and was against the proposal.

June Kramer, 1406 Kuhl, asked for clarification if a homeless shelter could be located in any residential area of the City? Ms. Kramer thanked everyone and applauded everyone that took the time to participate in this open dialogue and getting issues out into the open.

Ms. Watt noted that she heard a lot of pros and cons this evening, and wanted to know why this matter was not ripe for a community-wide referendum? Ms. Watt noted that this kind of use could occur in other residential areas of the City as well.

Ms. Kono commented the homeless were not the same clientele that frequented Marco Manor, and noted that she was not sure what would happen if the proposal was approved.

Mr. Johanek noted that he had heard through the grapevine that a homeless shelter was tried elsewhere in the City by The Haven, and asked if this was the case, and if they tried, was it rejected earlier in the year?

Mr. LeGreve asked Ms. Brennan that in comparing shelters, to please make sure they were comparable to what was being proposed (ie. 30 day emergency shelters). Mr. LeGreve continued that regarding funding, local donors wanted to solve local issues and to help local residents, and felt The Haven would be full once opened. Finally, Mr. LeGreve noted that The Haven had considered property at a different location in Manitowoc that would have been donated by St. Francis, but it was not suitable for the proposed use, and had huge renovation costs.

Mr. Hansen noted that people were confusing homeless families with homeless men, and cautioned that if The Haven was opened, the homeless men would come.

Ms. Schweigut commented that most people in favor of the proposal didn't live

PLAN COMMISSION MINUTES - 10/10/2012

in the area, and those against the proposal lived in the area, and added that she was not against the homeless, but didn't want to be part of an experiment. Ms. Schweigut suggested that a different location for a homeless shelter be identified in a secluded place, on the outskirts of the City.

Ms. DeBauch commented that this was her neighborhood, and noted that homeless were not criminals, and that the group should be listening to people working in this field. Ms. DeBauch cited Mr. Jones' comments earlier in the meeting.

Ms. Schultz commented that at Hope House, the homeless were not criminals nor sex offenders nor pedophiles, and added that they were supervised. Ms. Schultz noted that the homeless were typically middle class people, and added these individuals required more social skills and further education to move them out of a below living wage job. Ms. Schultz noted that she had worked around homeless men, and never had any problems, including her time in inner city Milwaukee. Ms. Schultz concluded by noting that this was a matter of mutual respect, and felt there would not be a problem with the shelter as proposed.

Bill Wheelis, 619 So 30th, asked how the homeless would find jobs, as they would have to be qualified to do the work, and would probably only qualify for minimum wage positions. Mr. Wheelis noted that he didn't believe a shelter could cause a change in the outcome of life for the homeless.

Ms. Slattery asked if the neighborhood wanted a jail in their area, and suggested that many people were being motivated by fear. Ms. Slattery continued that the public was afraid of what they didn't understand, and that the community needed to support people in our community, and urged approval of the proposal.

Ms. Brilliant stated that she appreciated this position, and felt for both sides of this discussion, adding that this was the wrong location and plan. Ms. Brilliant added that the subject building was not in good condition, and while agreeing on the need to address the homeless, felt another location was more appropriate. Ms. Brilliant added that she felt the families of homeless should be taking care of their homeless relations.

There was no more public input.

Mr. Less commented that the ordinance recently adopted by Council would allow for transitional housing in other residential neighborhoods, but only as a conditional use. Mr. Less added that similar proposals could come forward, and would be dealt with through this same process. Mr. Less added that regarding the property, the

PLAN COMMISSION MINUTES - 10/10/2012

existing building was not conducive to many re-uses, and could become property of the City if it was left to go tax delinquent. Mr. Less noted again that the parcel to the south was tax delinquent.

Mr. Muenzenmeyer stated that he believed the question previously asked was what would happen to this property if The Haven failed, and could it become a boarding house? Mr. Muenzenmeyer replied “no”, and continued that the CUP would be terminated, and the property would exist with its current zoning status. Mr. Muenzenmeyer noted that the zoning underlying this property would not be changed by issuance of a CUP.

Mr. Brey asked Mr. Less to read his recommendation aloud to the Commission and audience.

Mr. Less read his recommendation in its entirety.

Mr. Hornung asked if the following portion of item D. of the recommendation could be stricken to protect privacy rights of people helping and residing at the facility:

“(ii) residence summary identifying the daily number of residents in the Facility; (iii) a description of the services being provided at the Facility and the number of residents accessing various services; (iv) the number of residents that were at the Facility, but left without notice; (v) a summary of agreements with third party providers for support services for residents at the Facility; and (vi) any other information that may be requested by the City Planner to address identification of common characteristics or experiences of residents at the Facility.”

Motion by: Mr. Hornung

Moved that: the Commission amend the Planner’s recommendation above by deleting the above referenced text, and recommend approval to Council.

Seconded by: Mr. Alpert

Upon Vote: the motion was approved. Mr. Diedrich abstained.

Mr. Brey discussed his desire to further amend the CUP to require installation of an 8' high site screen fencing along the west and south sides of the proposed CUP Area by June 30, 2013 (subsequently changed to 6' high fence—see below).

Motion by: Mr. Brey

Moved that: the Commission amend the Planner’s recommendation further by adding in the fencing requirement at 6' along the southern and western sides of the CUP Area.

Seconded by: Mayor Nickels

Upon Vote: the motion was approved. Mr. Diedrich abstained.

Mr. Hornung asked if an 8' high fence was normal in a residential zoning district? Mr. Muenzenmeyer noted that fence height would be limited by code to 6', which could be exceeded if a variance would be granted by the Building Board of

PLAN COMMISSION MINUTES - 10/10/2012

Appeals.

Mr. Brey changed his motion to an 6' high fence as noted above. Mr. Brey noted that he had a cousin living on Meadow Lane, and a concern amongst the neighbors was that people from the shelter would be cutting through their properties. Mr. Brey added that he felt the fence would enhance the CUP and calm the neighborhood. Mr. Brey did note that he was in attendance at the neighborhood meeting convened by The Haven.

Ms. Mellon commented that in regard to the CUP recommendation as originally revised above by Mr. Hornung's motion, she felt that the requirements proposed to be deleted in D. above were important, and recommended further that items (ii) - (iv) under D. be added back into the CUP as they were measurables that could be helpful to evaluate the performance of the facility under the CUP in the future, and that names of volunteers be eliminated and only item (v) under D. be eliminated.

Motion by: Ms. Mellon
Moved that: the Commission amend the Planner's recommendation further by re-instating the entirety of the Planner's original item D., except for deleting only item (v) and not requiring the naming of volunteers.

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

Mr. Hornung asked about identification of service providers.

Mr. Less noted that this was included in his recommendation, so that the City had clarity regarding who was contractually affiliated with the operation and The Haven.

Mr. Brey commented that Council may choose to modify these terms and conditions further. Mr. Brey asked Mr. Less about item C. of the CUP which read as follows:

"Haven shall not allow residency to any individual who has just been released from jail or prison as a registered sex offender, or drug and alcohol offender."

Commission members discussed whether or not a timing element regarding people moving directly from the jail to the shelter should be included, but the decision was made to not modify this provision at this time as the timing issue would be different in every case.

Mr. Brey asked Deputy Chief Brennan if there had been problems at Hope House since they opened?

PLAN COMMISSION MINUTES - 10/10/2012

Ms. Brennan noted that there had been only 1 call regarding a theft.

Regarding action to recommend the CUP terms and conditions to Council as amended herein, the following motion related to Mr. Hornung's original motion was made:

Motion by: Mr. Hornung

Moved that: the Commission recommend Council approval of the Planner's recommendation, as amended and detailed above.

Seconded by: Mr. Alpert

Upon Vote: the motion was approved. Mr. Diedrich abstained.

Mr. Brey asked Alderman Sladky to not act on the Commission's recommendation on Monday night, as he wanted Council to take a look at the proposal. Mr. Brey suggested that a Committee of the Whole be convened to discuss the project.

Alderman Jason Sladky, 1417 Lee Circle, stated that he felt there were many unanswered questions.

Mayor Nickels suggested that the matter would be considered for approval by Council at its November 5th meeting.

Mr. Brey noted that Alderman Sladky should let the public know when the Council would meet to take action on this proposal, and suggested there was nothing firm about November 5th.

- B. PC32-2012: AMVETS Post #99, Inc.; Proposed Conditional Use Permit (CUP) to Construct a New Clubhouse Upon Lots 9-12, Block 21, and Lots 7-11 and the West 30' of Lot 12, Block 22 and Vacated N. 43rd Street, Manitowoc Rapids Subdivision Pursuant to Section 15.150(3)(d) of Manitowoc Municipal Code

Mr. Braun explained that this request was from Dennis Scherer, chairman of the building committee for AMVETS Post #99 which was located at 4310 Conroe. Mr. Braun advised that the CUP was to be considered in accordance with Section 15.370(27) of the Manitowoc Municipal Code, with the CUP process occurring pursuant to Section 15.370(27). Mr. Braun explained that regarding the issuance of a CUP, 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. Braun 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.

PLAN COMMISSION MINUTES - 10/10/2012

Mr. Braun explained the current zoning of the property was "R-4" Single and Two Family, and that pursuant to Section 15.150(3)(d), private clubs and lodges were allowed after the issuance of a CUP. Mr. Braun continued that the AMVETS would like to construct a 7,000sf, single story clubhouse building to replace their existing facility, and that their fundraising target was to raise \$900,000 for the project. Mr. Braun explained that the new building would be located on property east of the existing facility, north of Conroe Street, and west of N. Rapids Road. Mr. Braun continued that the AMVETS would like to construct the new facility to replace the outdated building which was difficult for some of their 285 members to access, and would be available for weddings and other special events.

Mr. Braun continued that in addition to the new building, there would be a new parking lot constructed with 37 new parking spaces, and that according to the preliminary site plan, the existing clubhouse structure would be razed and converted to additional parking providing a total of 70 spaces. Mr. Braun cautioned that after discussions with the AMVETS, they were undecided if the old building will be razed or retained, and this decision was predicated on funding availability, and that if the

building was not razed, it would be used for storage. Mr. Braun added that if the old building was not razed, a total of 58 spaces would be available in both parking lots. Mr. Braun explained the availability of on-street parking along Conroe Street.

Mr. Braun then explained that the AMVETS acquired their property in phases, with Lots 9, 10, 11 and 12 in Block 21 (the western half) acquired in 1973 from Joseph Stelzer. Mr. Braun continued that prior to Mr. Stelzer, the property and building was the location of the former Manitowoc Rapids School, and that in 1996, the AMVETS acquired property from Edwin Schmitt which included Lots 11 and 12, Block 22 of the Manitowoc Rapids Subdivision.

Mr. Braun continued that a portion of N. 43rd Street was vacated in 1984, and that the City was still in search of a deed evidencing AMVETS ownership of Lots 7, 8, 9 and 10 in Block 22. Mr. Braun noted that from the records he reviewed, the City acquired these lots by court order from the Manitowoc Rapids School District, but no evidence had been found transferring these lots to the AMVETS, although materials and records reviewed suggested that the AMVETS did own the property.

Mr. Braun then noted that in 1973, the AMVETS obtained a CUP from the City to operate a private club on Lots 9, 10, 11, and 12 in Block 21, and noted that a CUP was never acquired for the easterly portion, as it was acquired at a later date and was never developed. Mr. Braun explained that tonight's recommendation would be to wrap

PLAN COMMISSION MINUTES - 10/10/2012

the 1973 CUP in a 2012 CUP encompassing all of the AMVETS property.

Mr. Braun did advise the Commission of surrounding land uses, and noted further that the AMVETS hosted a neighborhood meeting regarding the project in September, and approximately 8 individuals showed up. Mr. Braun noted that notices were mailed by Planning to property owners within 200' of the subject property on October 3rd, and that the only comment received was from Tim Terp as the owner of property east of N. Rapids Road. Mr. Braun noted that Mr. Terp left a voice message, and said he was in favor of the project, and that the AMVETS had been good neighbors, were a good organization, and he would like to go on record saying that if the AMVETS ever needed to use his parking lot for overflow parking, they were more than welcome.

In closing, Mr. Braun explained that the City's 2009 Comprehensive Plan identified the subject property as "Planned Mix Use"; a district intended to be a blend of community business, mixed residential, office, light industrial and institutional and community services land uses. Mr. Braun noted that the proposed CUP was consistent with the City's Comprehensive Plan.

Mr. Diedrich asked when construction would take place?

Dennis Scherer, 3415 So. 15th, indicated that the club was working on that detail, which was not clear at this time.

Barry Nelson, 1012 Lincoln Blvd., commented that he hadn't heard about the AMVETS, and explained how he became involved with the club. Mr. Nelson commented on the amount of community work the club did locally, and emphasized that the new facility would address problems with the current clubhouse.

Ed Schleis, 615 So. 30th, commented that the new clubhouse would be open to all veterans groups.

Rod Hiller, 4214 Delta, commented that the AMVETS had never had any opposition to their operation in this area.

Mr. Braun noted that there was no rezoning of property being proposed.

Tom Seiler, 4221 Delta, commented that had lived at this location since 1979, and added that he was in support of the AMVETS.

Ed Mahloch, 4015 Custer, commented that he was the Commander of the AMVETS, and noted that the new building would be open to the general public as well.

There was no more public comment.

PLAN COMMISSION MINUTES - 10/10/2012

Mr. Braun then reviewed his recommendation with the Commission, and recommended that the Commission recommend approval of the CUP to Council, subject to the compliance conditions, as presented.

Ms. Mellon commented that there might be stormwater issues related to the site due to the addition of impervious area, and that this would need to be an issue reviewed when a formal site plan was filed with the City.

Mr. Braun noted that it was the intent of the AMVETS to stay under 20,000sf of impervious to reduce stormwater issues by having split parking lots.

Mr. Muenzenmeyer offer his congratulations to the club for their effort.

Motion by: Mr. Hornung

Moved that: the Commission recommend Council approval of the Deputy Planner's recommendation as detailed above.

Seconded by: Mr. Brey

Upon Vote: the motion was approved unanimously.

- C. PC37-2012: Trident Real Estate, LLC.; Special Permit Request for a Parking Lot located in a "R" District located at 934 S. 25th Street, pursuant to 15.430 (11) Manitowoc Municipal Code

Mr. Braun explained that this was a request from SMI, Inc. on behalf of Trident Real Estate LLC, who was requesting approval to establish an off-street parking lot in a residential zoning district pursuant to Section 15.430(11) of the Municipal Code. Mr. Braun noted that this was not a proposal to change the underlying zoning of the proposed parking area. Mr. Braun stated that Section 15.430(11) authorized the Commission to issue a Special Permit to allow for a parking lot to locate in a residentially zoned area, when the parking lot was used in connection with an adjoining "B", "C" or "I" zoning district.

Mr. Braun continued that in this request, Trident was the record owner of property at the northwest corner of So. 25th and Washington Street, and that they acquired title to Lots 17, 18, 19 and 20 in December, 2011 via Warranty Deed recorded in V. 2684, P. 549. Mr. Braun noted that the existing building at 2500 Washington Street was currently being used for dental offices, and was the former location of the Century 21 Real Estate offices. Mr. Braun noted that the request for a new parking lot applied only to Lot 18, which was currently zoned "R-4" Single and Two Family Residential. Mr. Braun explained that Lot 18 measured 50' along S. 25th Street by 110.7' in depth, and noted further that Lot 17, also owned by Trident and which was west of Lot 18, was also zoned "R-4" but was not a part of the request. Mr. Braun added that the existing dental office was located on Lots 19 and 20, was south of the proposed parking lot, and was zoned "B-

PLAN COMMISSION MINUTES - 10/10/2012

3" General Business.

Regarding improvements on Lot 18, Mr. Braun explained that the property included a 1½ story, frame home that appeared to be vacant, along with an existing detached garage located north of the home. Mr. Braun continued that the parcel was currently valued at \$21,600, with a 2012 tax bill of \$415.45. Mr. Braun added that along the south property line was a fully mature hedge row of arbor vitae trees, and that the residence north of the proposed parking lot appeared to be recently remodeled on the exterior with new siding, trim, roof and gutters.

Regarding the dental office at the corner, Mr. Braun explained that it had a fair market value of \$318,360, generated annual property taxes in the amount of \$6,880, and employed 6 individuals. Mr. Braun noted that the site currently had 9 off-street parking spaces, and that the additional parking would provide 8 additional needed off-street parking spaces for the dental office which occupied 100% of the building.

Mr. Braun then explained surrounding land uses and zoning in the area, and then explained the off-street parking code requirements for a professional business office as: (i) a minimum of 5 spaces, plus; (ii) 1 additional parking space for each 300sf of gross floor area (net public space) over 1,500sf (12 based on all floor area being public which in reality would be less); plus (iii) 1 additional parking space for each 2 staff members working the same hours. Mr. Braun then explained that under Section 15.430(11), the parking lot design had to meet certain conditions in order to comply with this section of the code:

1. Accessory to a use in an adjacent "B", "C" or "I" zoning district (the adjacent dentist office to the south was zoned "B-3").
2. Parking lot shall not extend more than 150' into the residential zone (the property extends 110' into a residential zone).
3. Parking lot used solely for parking of passenger vehicles.
4. No commercial repair work or service of any kind was permitted to take place in the parking lot.
5. No sign of any kind, other than those designating entrances, exits and conditions of use shall be maintained on such parking lot.
6. No charge shall be made for parking in such parking lot.

PLAN COMMISSION MINUTES - 10/10/2012

7. Parking permitted from 5AM - 11PM, and closed at all other times.
8. Each entrance and exit to and from the parking lot shall be at least 20' distant from any adjacent property located in a residential zone. Access to the new lot will be from the existing lot.
9. Plan Commission can modify these requirements where desirable.

Mr. Braun then explained additional requirements contained in Section 15.430(12) regarding parking area development and maintenance for lots of 5+ vehicles, requirements under Section 15.690 (Landscaping and Off-Street Parking), and Section 15.370(2) regarding site plan approval.

Mr. Braun noted that notices of tonight's meeting were mailed to adjacent and abutting property owners on October 3rd, and that no comments were received.

In closing, Mr. Braun noted that the proposed parking lot was identified in the City's 2009 comprehensive plan as "Single and Two Family Residential - Urban" which lists as a policy for this district pursuing residential infill and redevelopment opportunities where feasible, and ensuring that new development complements the character and scale of existing homes. Mr. Braun stated that the proposed improvement appeared to be consistent with the plan and land use for this area, and not only would address what appeared to be a vacant property, but would result in reducing any on-street parking issues.

Mr. Brey concurred with Mr. Braun's assessment of this matter, and felt that removal of the vacant home and a new parking lot would be beneficial to the neighborhood.

Mr. Muenzenmeyer commented that the new parking lot would serve as a good buffer between commercial and residential land uses.

Mr. Braun recommended that the Commission approve the Special Permit under Section 15.430(11) to Trident, subject to: (i) completion of the project in total on or before September 30, 2013; (ii) compliance with all conditions under Sections 15.370(2), 15.430(11), 15.430(12) and 15.690; and (iii) subject further to compliance with conditions of a site plan to be reviewed and approved by the City that was substantially consistent with the plan authorized under this Special Permit.

Mayor Nickels commented that on previous matters, he had warned Commission members that this type of usage would become invasive into other areas of the City.

PLAN COMMISSION MINUTES - 10/10/2012

Motion by: Mr. Diedrich
Moved that: the Commission recommend Council approval of the Deputy Planner's recommendation as detailed above.

Seconded by: Mr. Muenzenmeyer
Upon Vote: the motion was approved. Mayor Nickels voted against the motion.

V. REFERRALS FROM COMMON COUNCIL

A. PC33-2012: Heresite Protective Coatings, Inc, and GLTF Enterprises, Inc; Petition for Direct Annexation - Orchard Lane No. 1

Mr. Less reviewed this project with the Commission, and the 100% Petition for Direct Annexation of 20.05-acres, and recommended that the property be temporarily zoned "I-2". Mr. Less added that Council would be advised that they could not take

official action on the annexation until receipt by the City of a letter from WDOA that they had reviewed the annexation, and found it to be in the public interest.

Motion by: Mr. Hornung
Moved that: the Commission recommend Council approval of the Petition as per the Deputy Planner's recommendation above.

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

VI. OLD BUSINESS

A. PC35-2012: Riverland Ag Corp/PC30-99: Conditional Use Sign & Graphics Pursuant to Section 15.450(5)(j) of Manitowoc Municipal Code - Update on Silo Signage on Former Busch Agricultural Resources, Inc. Towers on Washington Street

Mr. Less explained that he had not had time to review his backlogged emails upon returning from vacation this past Monday. Mr. Less stated that he would keep this item on the agenda for November, and would review his emails in the interim to see if there was a response from Riverland. Mr. Less noted that the purpose for placing this item on the agenda was so that everyone was aware of the provision in the original letter of intent with the company. Mr. Less explained that the bottom line was that the current signage was legal and nonconforming.

No action was taken.

VII. NEW BUSINESS

PLAN COMMISSION MINUTES - 10/10/2012

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

Mr. Less stated that he had not had a chance to review the proposed changes to the sign code as proposed by Mainly Manitowoc since returning from vacation. Mr. Less suggested that Mainly Manitowoc's intent was to begin meeting with City staff to work on the draft, and to return to the Commission with proposed changes that met everyone's needs and concerns. Mr. Less suggested that the Commission authorize staff to work on this project with Mainly Manitowoc, and that he would keep this item on the November Commission agenda.

Jamie Zastrow, Mainly Manitowoc, affirmed Mr. Less's comment about the intent to begin discussions on the proposed draft.

Mr. Braun commented that comments from former City Building Inspector Larry Maloney in 2005 should also be reviewed and addressed in this consideration.

Mr. Hornung noted that he had comments and concerns that should be addressed.

Mayor Nickels commented that he wanted to move this along, and added that he had vetted these changes, and had them reviewed and confirmed by the City Attorney.

Mr. Muenzenmeyer commented that he had many questions, and wasn't clear if Mainly Manitowoc's intent was to geographically limit coverage of these proposed changes to the "B-4" zoning district or not? Mr. Muenzenmeyer added that the draft needed revising.

Tony Fadden, Mainly Manitowoc, replied that the intent was to limit coverage to only areas which currently limited projecting signs.

Mayor Nickels commented that he did have the Mainly Manitowoc draft reviewed by the Attorney's office, which felt that what was being proposed would all be legal, if adopted.

Mr. Braun noted that sandwich boards in the public R/W were an issue that also needed to be addressed.

Mr. Less commented that there were ways to deal with this material, to minimize more procedures in the future, such as a built-in sidewalk privilege.

Mr. Braun asked how problematic items such as sandwich boards would be enforced with limited staffing?

PLAN COMMISSION MINUTES - 10/10/2012

Motion by: Mr. Muenzenmeyer
Moved that: the Commission authorize staff to work with Mainly Manitowoc on these revisions.

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

B. PC 39-2012: Discussion regarding proposed 2013 Coastal Management Grant Application for River Walk Engineering Study

Mr. Braun explained that he had been meeting with private sector property owners and the River Alliance regarding pursuit of a Coastal Management grant through the State, regarding the area along the river at the WPS property to the former Consumers,

Inc. property (currently owned by "1311 SPRING LLC"). Mr. Braun noted that this private group had organized themselves to spur investment into the river corridor.

Mr. Braun noted that this group had previously met on October 1st with the City's Park and Recreation Committee, which endorsed moving forward with the filing of a 2013 program application, and that the City should commit up to \$40,000 as the local share to come from a non-property tax account. Mr. Braun continued that subsequent to the Committee's recommendation, this decision was affirmatively acted upon later that evening by Council by a vote of 8-1.

Mr. Braun stated that he wanted to make the Commission aware of what was going on, and to seek their endorsement and a recommendation back to Council to adopt a Resolution authorizing the filing of the application. Mr. Braun noted that the application deadline was November 5th.

Ms. Mellon commented that she had met with a consultant regarding the design phase of this project, and it would likely cost around \$80,000, as there was a lot of geo-technical issues related to the extreme slopes in this area abutting the river, and that this could be a very expensive project.

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

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

VIII. MISCELLANEOUS

A. Manitowoc County Activities:

PLAN COMMISSION MINUTES - 10/10/2012

1. None
- B. Certified Survey Maps (CSM):
 1. PRE-APPROVED Luckow: Proposed CSM in the SW¼, NW¼, Section 16, T.18N., R.23E., Town of Newton

Mr. Braun explained the he had pre-approved this CSM located north of Carstens Road in the Town of Newton. Mr. Braun explained that the house was being split off from the tillable property, and noted that the real estate closing was scheduled for September, and that he pre-approved the CSM as there was no regular Commission meeting that month.

Motion by: Mr. Brey

Seconded by: Ms. Mellon

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

Upon Vote: the motion was approved unanimously.

C. Summary of Site Plans 8/10/2012 - 10/3/2012:

1. None

IX. ADJOURNMENT

The meeting was adjourned at 9:50pm.

Respectfully Submitted,

David Less
City Planner