

PLAN COMMISSION MINUTES - 12/12/2012

Common Council Chambers
Manitowoc City Hall

Regular Meeting
Manitowoc City Plan Commission
Wednesday
December 12, 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 arrived at 7:20pm
Maureen Stokes
Justin Nickels
Jim Muenzenmeyer
Dan Hornung
Jim Brey
Greg Minikel

Members Excused

Steve Alpert

Staff Present

David Less
Paul Braun
Michelle Yanda

Others Present

See Attached Sign In Sheet

III. APPROVAL OF MINUTES of the Regular October 10, 2012 Meeting.

Motion by: Mr. Brey

Moved that: the minutes be approved as presented.

Seconded by: Mr. Muenzenmeyer

Upon Vote: the motion was approved unanimously.

IV. PUBLIC INFORMATIONAL HEARINGS

- A. PC43-2012: Michels/Raddatz; Request for Rezone Property at 118-120 Cleveland Avenue from "R-5" Low Density Multiple-Family District to "B-1" Office-Residential District Pursuant to Section 15.230(2)(c) of the Manitowoc Municipal Code

Mr. Less explained that this was a rezoning request by Robert Michels, the

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owner, and Nathan Raddatz, contract purchaser of 3 parcels of land on Cleveland Avenue. Mr. Less noted that together, they were requesting that a 1.01-acre area (exclusive of public R/W) comprised of 3 CSM tracts be rezoned from "R-5" (Low Density Multiple-Family District) to "B-1" (Office-Residential District). Mr. Less added that the petitioner was proposing to construct a professional office building for Raddatz and Associates, a financial advisory practice of Ameriprise Financial Services, Inc.

Mr. Less noted that these properties were located north of Cleveland Avenue and Maritime Drive, south of Hawthorne Court, east of Shorewood Blvd. and west of the City's lift station, and were more specifically described as Tract 1 (Vol. 1, Pg. 283) measuring .27-acres and currently zoned "R-5", Tract 2 (Vol. 1, Pg. 283) measuring .31-acres and currently zoned "R-5", and Tract "D" (Vol. 8, P. 179) measuring .437-acres and currently zoned "R-5". Mr. Less added that these 3 parcels were purchased by the owner between 1970 and 1984.

Mr. Less continued that this rezoning request had been initiated pursuant to a "Vacant Land Offer to Purchase" between the parties which was accepted by the seller on July 26, 2012, with said Offer being contingent upon the successful rezoning of these 3 parcels to allow for construction of an office building. Mr. Less noted that collectively, these 3 parcels had an estimated fair market value of \$64,300, and generated approximately \$1,392 in annual real estate taxes. Mr. Less added that with the exception of the central Tract 2 which housed a garage structure with an improvement value of \$6,500, the other 2 parcels included in this rezoning were vacant land. Mr. Less continued that these lots had a slightly lower elevation than the condominiums to the north, adding that the elevations in the area were lower as one moved from the condominiums north of the subject parcels east towards the lake, and towards the City's lift station.

Mr. Less detailed that the rezoning area had 213' of frontage on Cleveland Avenue, 233' along the north line of the property which abutted Maritime Pointe Subdivision, an east line measuring 236', and a west line measuring 194'. Mr. Less then explained current setback requirements, noting that the 3 tracts included in the proposed rezoning had 25' setbacks in their front and rear yard areas.

Mr. Less continued that there was a history to this area, which he briefly wanted to summarize for the Commission:

1. February, 2002 - City was unsuccessful in attempting to rezone a 1.47-acre portion of a larger 2.44-acre of City-owned property to the north of Tract "D" from "P-1" to "B-1", to prepare the site for development of a professional office building. This was property

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that had been owned by the City since 1971, when it was purchased from the Wisconsin Public Service Corporation for \$62,000.

2. 2002 - City demolished the old park maintenance building at 850 Maritime Drive.
3. May, 2003 - Westmark Development , LLC (Greg Gottsacker) acquired approximately 11-acres from Ann Raeber and the Fricke Estate, plus 2 parcels abutting Cleveland Avenue to the south and abutting the Michels parcels. This conveyance included a deed restriction which limited the development of these parcels to single and two family residential, condominium developments, and public parks.
4. May, 2003 - City approved the zone change for 5.28-acres of the Gottsacker property from "R-2", "R-3" and "P-1", to "R-5". A deed restriction was filed by Mr. Gottsacker to preserve the area for single family and condominiums.
5. November, 2003 - City approved an amendment to the Official Map to re-align Hawthorne Court to accommodate the planned Maritime Pointe Subdivision.
6. April, 2004 - City secured a 20' wide public walkway easement from Westmark Development LLC that extended from the north line of the Maritime Pointe Condominium just south of River Court, to the south line of the Condominium just east of the City's lift station.
7. June, 2004 - Maritime Pointe Subdivision and Maritime Pointe Condominium were platted.
8. September, 2004 - City entered into an agreement with a local non-profit to establish the prairie that exists today, adjacent to the City lift station.
9. February, 2006 - City approved the rezoning of approximately 2.2-acres for the benefit of Mr. Gottsacker located west of

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Hawthorne Court and east of Lawton Terrace from "R-2" to "R-5".

10. June, 2006 - City approved rezoning of the 3 tracts comprising tonight's hearing from "R-3" and "P-1" to "R-5". This was a proposed condominium project to be completed by Jack Mrozinski, who subsequently grew ill and passed away, without ever taking title to the property, and never moved forward with his proposed development.
11. August, 2006 - Maritime Pointe Condominium No. 2 was platted.

Mr. Less continued that according to a preliminary site plan provided by the petitioner, their current proposal called for the construction of a 3,026sf, 2-story building on the property (total square footage of 6,072sf), along with off-street parking for 25 vehicles. Mr. Less noted that the site featured extensive landscaping abutting the Maritime Pointe Condominiums, adding that the building height was identified on a preliminary site plan as being 28' vs. a maximum code height in the "B-1" district of 45' (the maximum height in the current "R-5" district was 35'). Mr. Less added that the estimated number of employees to occupy the site was 17, with the cost of the construction (planned for 2014) estimated at \$750,000.

Mr. Less noted that in none of the Maritime Pointe conveyance or condominium documents was there any reference to, or transmittal of air rights or viewing or view protection rights, or conservation easements related to Lake Michigan, and that while preservation of views of Lake

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Michigan
were
desirable,
there were no
code
requirements
that
compelled
this. Mr.
Less
continued
that while the
City's site
planning
process
would do its
best to pay
attention to
the height,
location and
rooflines of
the proposed
building, it
was a
negotiated
process. Mr.
Less stated
that if the
rezoning was
approved,
and the
project
moved
forward, staff
would make
their best
effort to
reduce
heights where
practical, in
order to not
compromise

significant
views of the
Lake.

Mr. Less did emphasize that the graphic renderings of the proposed building, and the proposed site layout were preliminary, adding that he wanted to be clear that these drawings and layouts were merely representations of one plan option that might be pursued by the petitioner.

Regarding the property, Mr. Less then advised that there was a R/W dedication requirement as per the City's Official Map, which would be required under the site plan, and that he was noting this for information purposes only. Mr. Less added that Cleveland Avenue was a 66' wide R/W and Maritime Drive an 80' wide R/W, and that he would rely on a determination from Engineering regarding the ultimate R/W width and the width of the dedication that may be required.

Mr. Less then explained surrounding zoning and land use around the subject parcels, and regarding the former, noted that under the current "R-5" zoning, the 1.01-acre site could accommodate any combination of the following: (i) 8.7 units/acre of single family dwellings; (ii) 6.6 units/acre of 2-family dwellings; and as a multiple family development, could develop: 1) 14.5 units/acre of 1-bedroom units; 2) 12.4 units/acre of 2-bedroom units; or 3) 10.8 units/acre of 3-bedroom units. Mr. Less continued that within the "R-5" district, setback regulations would limit the scale of development with a 25' front yard setback, a 25' rear yard setback, a 6' side yard setback for single and 2 family dwellings, a 12' side yards for multifamily dwellings, a 35' building height maximum, and a maximum lot occupancy of 50%, or in this case, a maximum for all buildings of 21,998sf.

Mr. Less continued that within the proposed "B-1" district, these setbacks were the same as in the "R-5", with the following exceptions: (i) a minimum rear setback would be reduced to 20'; (ii) side yard setbacks would be a minimum of 10'; and (iii) a maximum building height would be 45'.

Mr. Less then noted that the proposed zoning and land use were consistent with

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the City's 2009 Comprehensive Plan and 20-year land use map which identified the area as "planned mixed use" – an area featuring a carefully controlled mix of commercial and residential uses on public utilities and infrastructure. Mr. Less continued that a priority theme throughout the plan was to, whenever feasible, encourage the redevelopment of vacant, underutilized land into productive land uses. Mr. Less noted that recognizing that zoning dealt with the appropriateness of land uses in a particular location, the proposed zoning and land use were deemed consistent with the City's plan.

In closing, Mr. Less added that regarding tonight's informational hearing, notices were mailed from Planning on December 4th to property owners within 200' of the subject property, and noted the following responses.

- 1) He had met with Greg Gottsacker and Eric Volcheff on November 9th to discuss this project in detail; their position was not to support the proposal.
- 2) He received a telephone call from Patty Sturtz, 924 Hawthorne Court on November 26th, stating that she was supportive of the rezoning, and was having similar lake visibility issues from a nearby neighbor of hers.
- 3) He received a phone call from Cindy Hacker, 907 Hawthorne Court on December 7th, who advised him that there had been a meeting between the petitioner and area property owners on Wednesday, December 5th, which was attended by approximately 30 area residents. Ms. Hacker advised that there was substantial opposition to the proposed rezoning, and stated that her concerns centered on security and privacy. She was also concerned with the City's ability to rezone its property to the north of the subject parcels at some time in the future. Mr. Less told her that he thought that was highly unlikely.
- 4) He also received an email from Doug Schwalbe, A.C.E. Building Service on December 11th, advising him about the December 5th meeting and basically stating the same findings as Ms. Hacker. He noted in his email general concurrence with the preliminary site plan and building layout. Mr. Schwalbe noted that the neighborhood was generally against commercial development at this site.

Mr. Brey asked if site screening would be addressed in the site plan process?

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Mr. Less stated "yes".

Mr. Brey added that he had talked with Ms. Hacker regarding concerns raised about the prairie area, and that the Council had previously decided to not sell or develop this property, and he did not anticipate any issues of that nature in the future.

Mr. Hornung asked about the adequacy of the off-street parking as depicted on the preliminary site plan for the project.

Mr. Less replied that as the off-street parking was actually determined based upon the net public space of the building, and not the gross building area (as was the case with the current preliminary site plan), it would be expected that the parking would be reduced by 5-7 stalls.

Ms. Stokes expressed concern with traffic flow at Cleveland Avenue, and felt that a business at this location could contribute to excessive traffic congestion where it intersected with Maritime Drive.

Eric Volcheff, 911 Hawthorne Court, commented that he was also the President of the condominium association, and clarified that he believed the elevation of the subject parcel to be approximately 15' higher than that of the adjacent condominium property.

Mr. Less replied that his earlier comments on this matter had to do with the slope of the subject parcel land downward towards Lake Michigan as one moved from west to east.

Mr. Volcheff stated that he was speaking on behalf of the 12 current condominium owners who were unanimously against the rezoning. Mr. Volcheff continued that there was no "B-1" zoning on Cleveland Avenue, and felt that this proposed rezoning would lessen the level of safety in this area. Mr. Volcheff then read the intent section of the "B-1" zoning district regulations, and questioned Cleveland Avenue as a high service area as it did not have any commercial uses until 8th Street. Mr. Volcheff then identified other permitted uses in the "B-1" district, and felt that rezoning this parcel would invite a multitude of problems into the area. Mr. Volcheff then commented on the drastic slope of property, and felt that drainage and runoff would negatively impact their property. Mr. Volcheff then commented on additional on-site, employee and visitor traffic from this development, and stated that the neighborhood already had lighting issues emanating from the Waldo/Maritime Drive business park area, and asked the City to not rezone this property simply for a tax grab. Mr. Volcheff closed by stating that the rezoning should be sensitive to preserving a residential area which he felt did not complement the abutting residential areas. Mr. Volcheff added that rezoning this parcel would create a domino effect for rezoning along Maritime Drive.

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Greg Gottsacker, 915 Hawthorne Court, explained that he was the owner of the properties to the south and adjacent to the proposed rezoning area. Mr. Gottsacker stated that he was the party that established the condominium development, and made a reference to compliance with a planned unit development concept and "R-5" zoning, and commented that he had deed restricted his property. Mr. Gottsacker asked why the zoning of this subject parcel should be changed at this time? Mr. Gottsacker felt that a "B-1" zoning was intended for a high service area, and added that the development would add substantial traffic to the area as the rezoning application noted that there would be approximately 17 people and 25 vehicles at this new building. Mr. Gottsacker stated that this was not the time to create new tax base at this location, and felt that residential property values would be reduced if the rezoning was approved.

Ann Winter, 201 Cleveland Avenue, commented that she resided south of Cleveland Avenue and across the street from the proposed rezoning area, and had resided there for the past 19 years. Ms. Winter commented about the multitude of families in the area, and felt the area should remain as residential and conservancy. Ms. Winter continued that rezoning the subject parcels to "B-1" would be spot zoning, and expressed concern with conflicts between vehicles, hikers and bikers in the area. Ms. Winter felt that Cleveland Avenue was an important recreational access point to the area, and didn't want to see a business added which would bring more outside traffic to this intersection. Ms. Winter added that she was confident that these parcels could be developed within their current "R-5" zoning designation, and should not be modified further.

Cindy Hacker, 907 Hawthorne Court, expressed concerns with personal security, particularly at night time, and felt that she would be placed in a vulnerable position if this rezoning was approved.

Chris Able, Alderman, 715 N. 5th, commented that he had received over 15 telephone calls on this matter, with all expressing concern with the rezoning. Mr. Able added that the message had been given to him that the neighborhood wanted to preserve the residential nature of this area.

Nathan Raddatz, 9213 North Lake Drive, commented that he disagreed, and added that he had been leasing business space from Chris Allie over the past 18 years, and was now looking for a nice place to put his office for several reasons, including his love of the lakeshore. Mr. Raddatz added that he did not think he was blocking anyone's view of the lake, and that Ms. Hacker's comments had to do with more security, to which he would have no problem with enhancing the barrier between his property and the condominiums to the west. Mr. Raddatz continued that he was also okay with reducing the amount of off-street parking, and emphasized that he wanted to

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work with the neighborhood and felt that they realized this as well. Mr. Raddatz did state that the neighborhood did not appear to like a commercial building in this area, and disagreed that there would be a substantial amount of traffic generated, as they were not a high traffic generating business, and his clientele were generally solid citizens. Mr. Raddatz closed by noting that the business buildings along the lakeshore formed a business corridor, to which his development would be an addition.

Howard Zimmerman, 913 Hawthorne Court, commented that this would be a spot zoning, and expressed concern that runoff from the parking lot would impact his property. Mr. Zimmerman added that he was against a business in this location.

Doug Schwalbe, A.C.E. Building Service, 3510 So. 26th, commented that they were not very far in the design phase of this building or property, and noted that the petitioner wanted to be a good neighbor. Mr. Schwalbe continued that if approved, they hoped to blend neighborhood concerns into the site and building design to produce a win:win situation for everyone. Mr. Schwalbe added that Mr. Raddatz was going above and beyond what code required in terms of site aesthetics, including building size, additional site screening, keeping the building and roof line low to the ground, the hiring of a professional landscaper to keep the grounds looking good, usage of natural building materials, and minimizing lighting. Mr. Schwalbe noted that these design considerations were not going to be added to the current design until the outcome of the rezoning was known.

Norm Schroeder, 919 Hawthorne Court, commented that the petitioner was just making promises, and added that if he didn't want to move forward with the project upon rezoning, they would be left with a rezoned parcel that they could sell to someone else. Mr. Schroeder stated that this was a zoning issue, and not one of promises.

Charles Sontag, 208 Huron, commented that there was no compelling reason to rezone this parcel when there were other commercial sites available in the City along Huron Street and Johnston Drive.

Mayor Nickels asked Mr. Less for his recommendation.

Mr. Less advised that the Commission should recommend to Council that it instruct the Clerk to call for the required public hearing to be scheduled for January 7th at 7:00pm, and that the matter should be referred back to the Commission for final consideration and recommendation upon completion of the hearing.

Mr. Less clarified that individual notices would not be sent to property owners for the Council public hearing, and that the hearing notices would appear in the Herald-Times-Reporter.

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Mr. Gottsacker asked what the protocol and benefit of a public hearing was?

Mayor Nickels commented that the hearing would be in front of the Council which was the ultimate decision making body on these matters, and that the hearing would be an opportunity for the elected to hear directly from the people on this matter. Mayor Nickels added that the next Commission meeting would be held on January 16, 2013

Mr. Hornung asked why this process was moving forward in the face of clear opposition from the neighborhood and elected officials?

Additional discussion was held.

Motion by: Mr. Brey

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

Seconded by: Ms. Stokes

Upon Vote: the motion was approved. Mr. Hornung voted against the motion.

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

Mr. Less explained that this was a request from Tim Frey as President of TLC Homes, Inc., which was a provider of group homes and associated services for challenged individuals. Mr. Less noted that they were requesting that the City grant an exception to the 2,500' spacing requirement under Wisconsin's Community Living Arrangement (CLA) statute, Wis. Stat. § 62.23(7)(i)1. to operate a Community Based Residential Facility (CBRF) for a maximum of 8 persons. Mr. Less added that the subject property was a 1-story residential duplex located east of Johnston Drive at 703 and 705 East Cedar, also known as the N½ of W½ of Lot 3, and also the N½ of Lots 4 and 5, Block 4 of Harbor View Addition (Tax Parcel # 330-004-051).

Mr. Less commented that Mr. Frey was also the sole member of JHA Properties, LLC, which was the owner of the subject property by virtue of a Warranty Deed dated September 12, 2012, adding that JHA Properties, LLC purchased the property from Rosemary Schmidt for \$110,000.

Mr. Less continued that a CBRF was a community facility for 5+ adults who were not related to the operator or administrator, and who did not require care above intermediate level nursing care or treatment or services that were above the level of

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room and board, but included no more than 3 hours of nursing care per week per resident.

Mr. Less stated that the petitioner was requesting that the City grant an exception to the 2,500' provision contained in Wis. Stat. § 62.23(7)(i)1. which specified that the City may grant an exception (at its discretion) to this statute to permit a CLA to locate within 2,500' of an existing CLA. Mr. Less noted that the proposed CBRF was located approximately 2,432' from a 15-person CBRF located at 1858 Mirro Drive (Care Partners Manitowoc) for advanced aged, irreversible dementia/Alzheimer's, and terminally ill residents.

Mr. Less then noted that TLC Homes was currently the licensee for 2 support facilities in the City for developmentally disabled, and emotionally disturbed clients at TLC Homes Expo Drive, 5053 Expo Drive (4-person AFH), and TLC Kimberly Circle, 3302 Kimberly Circle (4-person AFH). Mr. Less continued that TLC was also the licensee for an 8-person CBRF on 11th Street in Two Rivers, which appeared to be non-problematic. Mr. Less added that their intent was to open the East Cedar CBRF in March, 2013. In 2012, Mr. Less noted, the City also granted 2,500' exceptions to the petitioner for establishing a 4-person adult family home at 2127 Menasha, and an 8-person CBRF at 4436 and 4438 Fleetwood Drive.

Regarding the East Cedar Avenue site, Mr. Less stated that the subject parcel was owned by JHA Properties, and was located on the south side of East Cedar, east of Fern Drive; contained an 80' x 35' home built in 1974 measuring approximately 2,800sf in area, which at that time featured 6 bedrooms and a total of 10 rooms, with a full basement with 2 bathroom areas, and a 2 car garage; had an assessed valuation of \$150,000 by the City Assessor, and generated approximately \$3,250 in annual real estate taxes. Mr. Less added that the property was formerly established as a 5-person CBRF known as "The Cedars" in 1983, at which time the owner converted the 2 car garage to 2 additional sleeping rooms. Mr. Less continued that the property was currently being renovated with improvements to the east and west units including ADA ramps and platforms; replacing doors, closets and flooring; updating electrical; and installing a sprinkler and fire protection system, and that upon completion, the structure would contain 7 bedrooms, a therapy room, living room, dining room and kitchen, along with a fenced in back yard.

Mr. Less then described the subject parcel as rectangular in shape and measuring 140' on East Cedar with 66.7' of lot depth along Fern Drive, and was currently zoned "R-3" Single-Family District. Mr. Less continued that under the "R-3" zoning, a CLA for 8 or fewer individuals was a permitted use, and did not require a Conditional Use Permit (CUP). Mr. Less then referenced the surrounding zoning and land uses in the area, and that regarding off-street parking, there was no overnight or winter parking ban

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restrictions on Fern Drive, but there were restrictions on both sides of East Cedar, and as such, there was no overnight parking from December 1st - March 31st, 1am - 6am.

Mr. Less continued that the proposed CBRF would be for a maximum of 8- persons, and would operate as a facility for physically disabled, traumatic brain injured and developmentally disabled adults, age 18 and older. Mr. Less added that placements would occur through the Lakeland Care District (a regional long term care district providing family care program services in Manitowoc, Fond du Lac and Winnebago Counties), and the facility would be staffed 24 hours/day, with shifts featuring double coverage (2 direct care staff on duty) and triple coverage (3 direct care staff on duty) as well.

Mr. Less added that in past sessions, he had advised the Commission that regarding this kind of request, the purpose of the 2,500' spacing requirement was to disperse CLA's throughout the community, and to avoid over intensifying the location of such person's into limited geographic areas. Mr. Less then noted that CLA's were regulated under Wis. Stat. § 62.23(7)(i) which included Section (7)(i)3. which stated that any CLA for 8 or fewer individuals was entitled to locate in any residential zone without restriction as to the number of CLA's and may locate in any residential zone, without being required to obtain "special zoning permission", except for the annual review provision under (7)(i)9. of the statute.

Mr. Less continued that CBRF's were regulated by the State's Department of Health Services (DHS), Division of Quality Assurance, and were further required to meet the certification requirements under Wisconsin Administrative Code DHS Chapter 83, as well as Caregiver Background Checks under DHS 12, and Allegation Reporting under DHS 13. Mr. Less noted that the Division of Supportive Living was responsible for the licensing of all CBRF's in Wisconsin, and no CLA could operate unless they had been certified to do so by DHS. Mr. Less then explained statutory staffing requirements for this type of facility, and noted that the operator would need to be able to demonstrate to DHS evidence of financial ability to operate; evidence that they have made a good faith effort to involve the neighborhood in its planning process; had in place a fire evacuation plan, resident rights and grievance policies; had medication storage areas; and met administration requirements regarding criminal background checks and training.

In closing, Mr. Less stated that regarding tonight's informational hearing, notices were mailed from Planning on December 4th to property owners within 200' of the subject property. Mr. Less noted that he had not received any responses to the mailing.

Mr. Diedrich asked if there would be an off-street parking issue related to the staffing of this operation?

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Mr. Less stated that staffing at any time was not expected to be more than 1-2, so he did not anticipate any parking issues, as Fern Drive had unlimited parking, and East Cedar was impacted only by the winter overnight parking ban.

Mr. Diedrich asked if this situation would fall under the court opinions on this issue that Mr. Less had detailed on previous occasions?

Mr. Less stated “yes”, and added that the courts had previously found denial of these types of facilities without factual basis constituted a violation of the federal Fair

Housing Act Amendments. Mr. Less added that there were around 28 of these facilities in the City, and that they had historically been very good neighbors within City neighborhoods, and not problematic.

Mr. Muenzenmeyer noted that if the garage had been converted to residential usage, the municipal code required off-street parking for 4 vehicles.

Mr. Less advised that there was a driveway that could accommodate 2 vehicles, coupled with on-street parking.

Mr. Muenzenmeyer noted that historically, neighborhood concerns had centered on off-site parking.

Mr. Less added that there was also an apartment complex to the north that could provide additional parking for the facility.

Steve Hendrikse, Director of Services, TLC Homes, Inc., 633 St. Clair, Sheboygan, spoke on behalf of the owner, and explained that they operated 16 programs between Sheboygan and Manitowoc Counties. Mr. Hendrikse commented that in regard to staffing and parking, they typically had 1 staff person on site and required parking at night between midnight and 8am, and that during daylight hours, potentially 2-3 staff would be present at any one time. Mr. Hendrikse added that visitors and managers would come and go from the site, and noted in closing that the State’s review of their facilities had been good.

Mayor Nickels asked Mr. Less for his recommendation.

Mr. Less recommended that the Commission recommend to Council that it grant the exception to the 2,500' spacing requirement as requested to JHA Properties, LLC d/b/a TLC Homes, Inc. (together “TLC”) for properties at 703 and 705 East Cedar

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pursuant to Wis. Stat. § 62.23(7)(i)1. with the understanding that if TLC did not secure all required licenses from the State by June 30, 2013, this exception would be void and terminate effective July 1, 2013.

Motion by: Ms. Stokes

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

Seconded by: Mr. Hornung

Upon Vote: the motion was approved unanimously.

C. PC40-2012: Allie/Carstens/Carstens Trust; Request to Rezone Property in Section 35 At Viebahn and So. 42nd Street (CTH "CR") from "I-1" Light Industrial District to "B-2" Neighborhood Business District Pursuant to Section 15.250(2)(a) of the Manitowoc Municipal Code

Mr. Less explained that this was a rezoning request from SMI, Inc. on behalf of Peter and Alex Allie as the Vendees to a 2012 Land Contract with Robert W. Eberhardt, individually, and Arnold H. Carstens and June F. Carstens as Trustees of the Arnold H. Carstens and June F. Carstens Revocable Trust Dated May 10, 2000 (Carstens). Mr. Less stated that they were requesting that a portion of this property abutting So. 42nd Street/CTH "CR" on the east and extending west to the east line of the existing "P-1" Conservancy zoning line, be rezoned from its current "I-1" Light Industrial District to "B-2" Neighborhood Business District to allow for the expansion of the Forest Creek Apartments located to the north of the subject parcel.

Mr. Less noted that the subject parcel was irregular in shape and measured approximately 16.75-acres, having approximately 628' along its north line to the c/l of So. 42nd Street/CTH "CR"; approximately 527' along its south line from the c/l of So. 42nd Street/CTH "CR" along the south City limits line of Viebahn Street; approximately 1,313' along the east line, being the c/l of So. 42nd Street/CTH "CR"; and approximately 1,620' along the east line of a drainage ditch currently zoned "P-1" Conservancy. Mr. Less continued that the subject was located directly south of a 4.84-acre parcel currently housing the Forest Creek Apartments at South Frontage Road and So. 42nd Street/CTH "CR"; a residential complex featuring 44 apartment units in 3 buildings, plus associated garage structures. Mr. Less noted that this parcel was owned by Forest Creek, LLC by virtue of a July, 2011 Special Warranty Deed; Forest Creek, LLC had the Allie's as its members. Mr. Less added that this parcel was rezoned from a "B-3" status to its current "R-6" status in 1998.

Mr. Less continued that in regard to the subject parcel that was the topic of tonight's hearing, it was part of a 35.5-acre parcel of land currently owned by Peter C.

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Allie and Alex C. Allie in their individual capacities by virtue of a Land Contract with Carstens, which was recorded on July 30, 2012 in Vol. 2740, P. 403. Mr. Less added that by the nature of a Land Contract, the rezoning application had been signed by both the Allie's and Carstens.

Mr. Less then noted that the subject parcel was the recipient of a 2001 delayed special assessment for sanitary sewers installed along Viebahn Street, and that this assessment was paid in full in August, 2012. Mr. Less added that the subject parcel had an estimated fair market value of \$6,900 from the City Assessor, and generated approximately \$150 in annual real estate taxes. Mr. Less stated that the subject property was impacted by a large wetland that effectively bisected the 35-acres, and was located generally midway between So. 42nd Street/CTH "CR" and So. 44th Street.

Mr. Less continued that the proposal, if rezoning was approved, called for the ultimate construction of 6, 8-unit, and 2, 16-unit buildings and associated garages on the subject parcel. Mr. Less noted further that the concept plan also identified a major storm water feature at the corner of Viebahn and So. 42nd Street/CTH "CR". Mr. Less emphasized that this was only a concept plan for development and should not be construed as a formal site plan. Mr. Less then explained surrounding land uses and zoning.

Mr. Less continued that under the existing "I-1" light industrial zoning, residential developments of all types and kinds were not permitted, and that permitted principal uses included general retail of all types and kind, light manufacturing businesses, warehouses and mini-warehouses, and contractor offices. Mr. Less added that conditional uses would include bulk storage of certain raw materials, recycling facilities, and transitional housing.

Mr. Less added that under the proposed "B-2" zoning district, permitted uses included multiple family dwellings subject to the "R-5" district regulations, barber and beauty shops, banks and other financial institutions, churches, and community living arrangements and adult day care centers for not more than 15 individuals; conditional uses would include domestic violence centers, community living arrangements and adult day care centers for 16 or more, greenhouses and hoopouses, transitional housing, and continuing care communities.

In closing, Mr. Less noted that the proposed zoning and land use were currently not consistent with the literal interpretation of the City's 2009 20-year land use map which identified the area as "office/industrial" – an area featuring business and research parks, and office-supported land uses. Mr. Less continued that a priority theme throughout the plan was to, whenever feasible, encourage the redevelopment of vacant, underutilized land into productive uses. Mr. Less added that recognizing that zoning

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dealt with the appropriateness of land uses in a particular location at a particular time, and as the land use map was a snapshot of land use frozen in time, and as the proposed zoning was being formulated to respond to existing environmental conditions, and to expand the multifamily housing to the north, the proposed zoning and land use were deemed to be in the best interest of the City, with the additional notation that when updated, the City's 20-year land use map should be modified accordingly.

Mr. Less noted that in regard to tonight's informational hearing, notices were mailed from Planning on December 4th to property owners within 200' of the subject property, and that there were no responses received.

Mr. Braun reported that Tony Vogel, an owner of land to the south of the subject parcel, did not have any concern with the rezoning.

Mayor Nickels asked Mr. Less for his recommendation.

Mr. Less recommended that the Commission recommend to Council that it instruct the Clerk to call for the required public hearing (January 7, 2013), and further that they recommend approval of the rezoning upon completion of the public hearing.

Motion by: Mr. Hornung

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

Seconded by: Mr. Brey

Upon Vote: the motion was approved unanimously.

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

Mr. Less explained that tonight's informational hearing was related to a request from SMI, Inc. on behalf of Peter and Alex Allie as the Vendees to a 2012 Land Contract with Robert W. Eberhardt, individually, and Arnold H. Carstens and June F. Carstens as Trustees of the Arnold H. Carstens and June F. Carstens Revocable Trust Dated May 10, 2000 (Carstens). Mr. Less continued that the specific request was for a proposed amendment to the City's Official Map pursuant to Wis. Stat. § 62.23 (6)(c), with the impacted area being located east of I-43 and the Holiday Inn, and was an extension of So. 44th Street from its current dedicated terminus adjacent to property owned by The Manitowoc Company d/b/a Manitowoc (Bermuda) Ltd., a Bermuda Corporation, extending to the south and southeast to So. 42nd Street/CTH "CR".

Mr. Less noted that the current Official Map pattern was established as an 80' public R/W reservation in late 1990, and was designed to provide internal access to the

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area in anticipation of commercial development. Mr. Less continued that the 2012 proposal had 2 parts: (i) elimination and removal from the Official Map of the R/W reservation between the current dedicated terminus of So. 44th Street extending south and southeast to the west line of So. 42nd Street/CTH "CR"; a distance of approximately 1,498' in length along the north line of the current Official Map, and 1,618' along its south line; and (ii) the addition to the Official Map of a cul-de-sac at the current terminus of dedicated So. 44th Street with a 60' radius bulb at its south end. Mr. Less noted that the current extension of So. 44th Street crossed a major wetland generally centered in the 35-acre Allie property.

Mr. Less added that regarding the proposed cul-de-sac, nearly three quarters of it was shown to be located on the Allie property, with approximately one quarter located on a City-owned parcel of land. Mr. Less stated that under the current ownership arrangement, the City would have to dedicate a portion of this portion for R/W purposes, and would bear the partial cost of construction of the cul-de-sac.

Mr. Less explained that the City-owned parcel was a 6.10-acre piece of land that was part of a 1999 arrangement to remove barriers to a land sale from Manitowoc County to the Manitowoc Company for establishment of their corporate offices. Mr. Less noted that this 6.10-acre parcel had 310' of linear frontage along the east side of So. 44th Street, and also featured a 30' wide permanent public access easement extending from So. 44th Street. In addition, Mr. Less added, this parcel contained only about 1.25-acres of developable land area, with the remainder being impacted by wetlands, including that part identified and proposed to be part of the cul-de-sac. Mr. Less added that the City-owned parcel was currently zoned "I-1" in its southwest corner, was then bisected with a "P-1" designated drainageway, with the remainder of the property being zoned "B-3". Mr. Less noted that he had advised the Allie's that the City wasn't interested in placing a portion of the cul-de-sac on its property, and would entertain an offer to purchase the City-owned parcel in its entirety "as is with all faults".

In closing, Mr. Less noted that notices of tonight's public informational hearing were mailed on December 4th to the same group of property owners contacted regarding the rezoning of lands abutting So. 42nd Street/CTH "CR", and that no comments had been received in response to this mailing.

Mr. Hornung stated that he had no issue with removal of the Official Map R/W east of the west line of the wetland, and asked why the Official Map pattern wouldn't be retained west of the wetland, noting that the proposed cul-de-sac could be moved further south to protect access to the interior lands if there was no idea what the development plans for this area were.

Mr. Less commented that there was a development pending in this area that would require the Official Map to be eliminated. Mr. Less noted that this was not the first time

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that an Official Map pattern was being modified in advance of an anticipated development.

Mr. Hornung commented that he was not privy to the development plans for this area, and as a Plan Commission member, wanted to protect the City's land use in the future, and suggested moving the cul-de-sac bulb further south, and when the development occurred, to move the bulb back to the north.

Mr. Less commented that this would create yet another amendment process that would have to take place.

Mr. Hornung asked Mr. Less if he could guarantee the development would occur?

Mr. Less stated that he was a third party and couldn't guarantee anything, and that based upon information he had received, was comfortable with the current proposed amendment.

Chris Allie, 100 Maritime Drive, commented that the road could not be extended through the wetland. Mr. Allie continued that to follow Mr. Hornung's suggestion would be problematic, as the development was expected to begin in the spring of 2013.

Mr. Diedrich asked how much of the City-owned parcel was wetland?

Paul Steinbrecher, SMI, 102 Revere Drive, commented that the wetland had expanded over the past 10 years, but added that the proposed location of the bulb was not impacted by the wetland. Mr. Steinbrecher added that a new wetland delineation had been completed and there was probably only a few thousand feet of unimpacted area on the City-owned parcel. Mr. Steinbrecher noted that to date, the DNR had not signed off on the wetland delineation.

Mr. Less commented that under the current proposal, the City would have a fiscal responsibility in construction of the cul-de-sac, and added that he didn't think the City would have an interest in participating financially. Mr. Less continued that the City became owners of this tract as part of the Manitowoc Company corporate office project, and felt that there was no reason for the City to retain ownership of it at this time.

Mr. Diedrich asked Mr. Allie if the cul-de-sac was even necessary?

Mr. Allie stated that the bulb was necessary and normal to enhance turning around, and was normal for a City street.

Mr. Steinbrecher stated that it would be better for his clients if it was eliminated.

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Mr. Hornung asked if the bulb was even necessary?

Mr. Less commented on developable lands to the south of the Manitowoc Company property, and felt the bulb should be retained to provide future access to that area.

Mr. Diedrich felt access could be accomplished by a private drive.

Mr. Hornung commented that snow plowing was probably the only reason to have the bulb.

Mr. Minikel asked Mr. Steinbrecher if there was enough room to accommodate snow plowing if the bulb was eliminated?

Mr. Steinbrecher stated that he had not looked at that, but acknowledged that there would probably be some snow plowing issues.

Mr. Diedrich asked why the proposed rezoning area was going to be rezoned to "B-2"?

Mr. Steinbrecher replied that it would give the owners greater flexibility of land usage.

Bill Fessler, 5629 Calumet, commented on the undersized culverts at Viebahn Street, and noted that the current Official Map pattern was not what WisDOT had thought back in the 1970's when they cut off So. 44th Street, and had placed a crossing at Viebahn Street to get across the wetland. Mr. Fessler noted that the crossing was installed along with culverts and rocks. Mr. Fessler added that WisDOT created the wetland when they installed 2, 5' culverts under the I-system and put it through an 18" culvert.

Additional discussion was held.

Mayor Nickels asked Mr. Less for his recommendation.

Mr. Less recommended that the Commission recommend to Council that it: (i) instruct the Clerk to call for public hearing as required under Wis. Stat. § 62.23(6)(c), but not until there was an accepted Offer to Purchase in place for Tract 8, at which time the Clerk would call for the required public hearing; (ii) the City Attorney's office be instructed to negotiate an Offer to Purchase for Tract 8; and (iii) that the Commission recommend approval of the Official Map amendments upon completion of the public hearing.

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

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

V. REFERRALS FROM COMMON COUNCIL

A. PC42-2012: Manitowoc County - Various Tax Deeds

Mr. Less explained that as there was no meeting in November, the redemption date had lapsed, and recommended that the Commission recommend to Council that no further action be taken regarding this matter.

Motion by: Ms. Stokes
Moved that: the Commission recommend Council approval of the Planner's recommendation as detailed above.

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

Mr. Diedrich inquired about the status of the property at the NW corner of N. 8th and Waldo that had been identified as a parcel of interest at a past Commission meeting?

Mr. Less noted that he didn't think anything was happening with the lot.

Mr. Brey commented that the County was still negotiating terms regarding the property, and wasn't clear on its status at present.

Mr. Muenzenmeyer commented that this was a nonconforming lot of record.

VI. OLD BUSINESS

A. PC21-2010/PC53-2009/PC28-2007: Great Lakes Energy Technologies, LLC/Orion Energy Systems, Inc.; Proposed Small Wind Energy System on Woodland Drive Under Section 15.770 of Manitowoc Municipal Code - Annual Compliance Review

Mr. Less explained that tonight's action was related to the annual compliance review contained in Section "K" of a Conditional Use Permit (CUP) originally issued in December, 2009 for construction and erection of a 115' tall monopole wind turbine, and Section "I" of a 2010 CUP issued in June, 2010 for a 176.5' tall monopole wind turbine, at the Great Lakes Energy Technologies, LLC/Orion Energy Systems, Inc. property between Mirro and Woodland Drives. Mr. Less noted that he had communicated with

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several municipal departments, and Woodland Dunes, and that no one identified any problems associated with the wind towers. Mr. Less suggested that as they had been performing the reviews for several years without any problems, it would be appropriate to eliminate the annual compliance review requirements.

Commission members concurred.

Mr. Less then recommended that the Commission recommend to Council that: (i) Section "K" of the 2009 CUP (PC53-2009) requiring the annual compliance review be removed from the permit; (ii) Section "I" of the 2010 CUP (PC21-2010) requiring the annual compliance review be removed from the permit; (iii) other than the modifications under (i) and (ii) above, the 2009 and 2010 CUPs' should not be modified, amended or revoked; and (iv) the Council confirm the findings and action of the Commission in this matter.

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

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

B. PC49-2010: Saunders; Request for an Extension of a Special Permit for a Parking Lot in a "R" Zoning District

Mr. Less explained that tonight's discussion was in regard to a Special Permit originally issued in January, 2011 to Jonathan and Cheryl Saunders for establishment of a parking lot in a residential zoning district pursuant to Section 15.430(11) of the Municipal Code. Mr. Less continued that subsequent to the January, 2011 action, an extension to the completion date was authorized in October, 2011 which extended the completion date of the parking lot improvement to November 15, 2012. Mr. Less noted that as of today, the parking lot improvement had not been completed, but noted that substantial progress had been made to the area.

Mr. Less suggested that the Commission consider another extension of the Special Permit project completion date to November 15, 2013, as the City would have little rationale for terminating the Special Permit, and should give the Permit holders more time to complete the nearly completed project.

Mr. Less recommended that the Commission extend the Special Permit to November 15, 2013, and that the Planner advise Council of its action. Mr. Less added that the report to Council would include a notation that if the project, in its entirety, was not completed by the November 15, 2013 date, the Commission could take action at that time to cause the termination of the Special Permit.

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Motion by: Mr. Brey

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

Seconded by: Mr. Hornung

Upon Vote: the motion was approved unanimously.

C. PC32-2012: Amvets Post #99, Inc.; Discussion Regarding Deed Restriction for Lots 7-10, Block 22, Manitowoc Rapids Subdivision in Regards to Conditional Use Permit Request

Mr. Less advised the Commission that its action back in October, the Council approved a CUP to the Amvets. Mr. Less noted that contained in that report to Council was a notation regarding their property located on the west side of N. Rapids Road and north of Conroe Street. Mr. Less continued that at that time of Council issuance of the CUP, it was noted to the Commission and Council that the Amvets ownership of certain Lots 7, 8, 9 and 10 in Block 22 (included in the Amvets CUP) had not been documented. Mr. Less noted that subsequent to that previous action, Ms. Yanda found the missing ownership deed from 1976 at the Register of Deeds office.

Mr. Less continued that the most interesting component to the deed from the City to the Amvets covering these lots was a deed restriction. Mr. Less commented that this restriction was ambiguous and likely unenforceable as it lacked any quantifiable measures. As such, Mr. Less noted that while deed restrictions often contained a declared term of existence, along with clear and specific guidelines, this restriction did not. Mr. Less then referenced a court procedure under Wis. Stat. § 847.03 that the Amvets could pursue if they wanted to extinguish the restriction.

Mr. Less then recommended that the Commission first advise Council that the missing ownership deed had been found, and secondly, recommend that Council go on record stating that it was the City's intent that the issuance of the October, 2012 CUP to the Amvets and the language in the CUP controlled over the language in the deed restriction, and that going forward, the language of the CUP should take precedence. Mr. Less added that the Commission should further recommend that Council approve that any future action to remove the restriction should be at the call of the Amvets, with the City authorizing the City Planner and Deputy City Planner to serve as the City's agent in that matter, if required, and with the Mayor and Clerk authorized to sign any documents required to extinguish the restriction of record.

Mr. Diedrich asked if there was a mechanism to extinguish the restriction?

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Mr. Less stated that the City could file an affidavit to accomplish what he had stated above, but didn't think that would officially extinguish the restriction. Mr. Less added that the restriction would be difficult to challenge as there was nothing quantifiable in it, and its intent was not at all clear.

Mr. Muenzenmeyer felt that approval of the CUP by Council would override the restriction.

Mr. Less agreed that this would be one way to interpret the restriction.

Additional discussion was held.

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

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

- D. 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 stated that there was no action to be taken on this matter, and added that the Mayor would be handling all communications with Riverland going forward.

No action was taken.

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

Mr. Less explained that this matter was being worked on with Mainly Manitowoc. Mr. Less noted that there was an ordinance introduced at the last Council meeting which effectively took the Mainly Manitowoc proposal verbatim, and which was not the direction that the City should pursue in this matter. Mr. Less continued that subsequently, there was a meeting with Tony Fadden representing Mainly Manitowoc, at which the framework for changes to the sign ordinance and design review provisions of the code were discussed.

Mr. Less continued that the intent was to restructure the sign code so as to give Mainly Manitowoc what they wanted regarding enhanced flexibility of signage for downtown. Mr. Less stated that his current thought was to transfer the design review

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authority (currently the jurisdiction of the CDA) to Mainly Manitowoc, and empower them to handle design issues in the downtown, which would give them more standing amongst downtown property and business owners. Mr. Less added that the City would not be giving up code authority, only its review authority to interpret and determine quality design. Mr. Less stated that he felt this would be good for Mainly Manitowoc, as it would give them a direct say in how signage and facade improvement issues in downtown were to be handled. Mr. Less hoped to have a draft of the ordinance by the January Commission meeting, and added that the current ordinance introduced at Council would have to be placed on file at some time.

Mayor Nickels commented that they'd keep the existing ordinance introduced at Council in place at this time.

Mr. Less added that in addition to the ordinance, he felt an agreement would have to be put into place authorizing Mainly Manitowoc to serve as the City's agent to perform design review services. Mr. Less noted that sign and facade-related permits would not be issued until so authorized by Mainly Manitowoc, under whatever procedure they would choose to utilize, and that there would be no further role of the CDA in design review matters.

Mr. Diedrich expressed his concern and frustration with the rush meeting that had been called to accommodate Mainly Manitowoc's request for murals a few months ago, and which was never followed through.

Mayor Nickels stated that he shared Mr. Diedrich's frustration.

Commission members concurred with this approach as outlined above by Mr. Less.

No action was taken.

VII. NEW BUSINESS

A. PC46-2012: Modification to Fee Schedule

Mr. Less explained a proposed change to the City's fee Resolution, and stated that its purpose was to clarify the various types of bond issues changes for which the City would be charging a review fee. Mr. Less noted that the changes would be effective January 1, 2013, if the Resolution was adopted by Council. Mr. Less recommended that the Commission recommend approval of the Resolution to Council.

Commission members discussed a flat fee instead of the .001 multiplier currently

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in the ordinance. Mr. Less commented on the risk to the issuer inherent in these bonds, and that the .001 multiplier was scaled upwards as the size of the bond issue was increased. Additional discussion was held on this topic, but no changes were made to the recommendation.

Motion by: Mr. Diedrich

Seconded by: Ms. Stokes

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

Upon Vote: the motion was approved unanimously.

B. Update - Waldo Boulevard Reconstruction Project and Advisory Committee

Mr. Hornung led the Commission in an update of the Waldo Boulevard reconstruction project, noting that 2 meetings had been held, along with a public hearing. Mr. Hornung noted that he had been invited to be on the "Waldo Boulevard Advisory Committee", and advised the Commission that there was overwhelming support to keep Waldo Boulevard designed as a boulevard.

Mr. Brey noted that the Council had previously unanimously passed a Resolution to that same effect.

Mr. Hornung wanted to call to the Commission's attention from a planning perspective, areas of future development/redevelopment opportunities that could emerge as a result of this project. Mr. Hornung explained that in addition to a re-design of the Waldo/Menasha Avenue intersection, the WisDOT preliminary design plans identified roundabouts at Waldo and Memorial Drive, and at Waldo and N. Rapids Road. Mr. Hornung noted that the WisDOT design at N. Rapids Road currently called for removal of the current sweeping curve lane in front of Time Out, regardless of whether or not the roundabout option was pursued.

Mr. Less commented on the volume of truck traffic at this intersection.

Mr. Hornung commented that if someone would purchase the 4-5 homes along this curve, this could become a prime location for a commercial development in the future.

Mr. Minikel noted that he had received an email from Gary Kennedy, Manitowoc County, advising that his Highway Committee went on record supporting these roundabouts.

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Mr. Hornung noted that the roundabout alignment at Maritime Drive could create a nice developable pad in the location of a current burned out business park building owned by Chris Allie. Mr. Hornung then explained the Menasha/N. 11th proposed intersection reconfiguration, noting that WisDOT would make Menasha a “T” intersection, and would cut off N. 12th Street so as to not allow access across Waldo Boulevard. Mr. Hornung noted that south of Waldo, this area could become a development opportunity as well. Mr. Hornung added that WisDOT would install cobra head lighting along Waldo, and that if the City wanted to upgrade to ornamental lighting, the City would have to pay the additional cost. Mr. Hornung noted that these improvements were currently planned for 2017-2018.

Additional discussion was held. No action was taken.

VIII. MISCELLANEOUS

A. Manitowoc County Activities:

1. None

B. Certified Survey Maps (CSM):

1. Kraynek: Proposed CSM in the W¹/₂, SE¹/₄, & NE¹/₄, SW¹/₄, Section 2, T.19N., R.23E., Town of Manitowoc Rapids

Mr. Braun explained a proposed CSM located west of CTH “R”, and explained that the proposed CSM lots were existing parcels which had been created by metes and bounds, and not by a CSM. Mr. Braun continued that the County had required the owner to remedy the situation by the end of 2012, and to re-create the lots via CSM. Mr. Braun noted that all property and building lines were existing, and the CSM was not creating any new property lines. Mr. Braun added that the County had previously granted the owner variances for barn structures that crossed property lines.

Ben Kraynek, 3624 N. Rapids, commented that these were old barns and they had already addressed that issue.

Mr. Braun recommended approval.

Motion by: Mr. Hornung

Seconded by: Mr. Diedrich

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Moved that: the Commission approve Upon Vote: the motion was the CSM as outlined, subject to any approved unanimously. required easements, petitions, and other conditions as specified above.

2. Holschbach; Proposed CSM in SW¹/₄, SE¹/₄, Town of Newton

Mr. Braun explained a proposed CSM located north of Silver Creek Road, and west of So. 26th Street and the Fox Valley and Western RR trackage. Mr. Braun noted that the owner wanted to create 2 tracts, with one being transferred to a son and the second lot to be retained by the owner. Mr. Braun continued that the son currently had a home on Lot 3 (6.03-acres) abutting So. 26th Street, and that to the south was Lot 2 (15.30-acres) that was the location of the owner's farm. Mr. Braun stated that he had no issues with the proposal, and recommended approval.

Motion by: Mr. Brey Seconded by: Mr. Minikel
Moved that: the Commission approve Upon Vote: the motion was the CSM as outlined, subject to any approved unanimously. required easements, petitions, and other conditions as specified above.

3. Holschbach; Proposed CSM in SE¹/₄, SE¹/₄ and Incl. TR1 of CSM V. 1, P. 193, Town of Newton

Mr. Braun stated that the proposed CSM was the same owner as 2. above, but the parcel was located to the east of the railroad trackage. Mr. Braun stated that he had no issues with this proposal, and recommended approval.

Motion by: Mr. Muenzenmeyer Seconded by: Ms. Stokes
Moved that: the Commission approve Upon Vote: the motion was the CSM as outlined, subject to any approved unanimously. required easements, petitions, and other conditions as specified above.

4. Kieselhorst: CSM in the NW¹/₄, NW¹/₄, Section 5, T.18N., R.23E., Town of Newton

Mr. Braun explained a proposed CSM located east of South Union Road, south of USH151. Mr. Braun noted that the owner wanted to create a new 2.5-acre parcel which he would transfer to his daughter and son-in-law for a new home construction, and which would be located immediately north of the home in which the owner lived. Mr. Braun

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stated that other than placement of a reference on the CSM identifying South Union Road as a 100' R/W on the City's Official Map, he had no issues with the proposal, and recommended approval.

Motion by: Mr. Hornung

Seconded by: Mr. Diedrich

Moved that: the Commission approve

Upon Vote: the motion was

the CSM as outlined, subject to any approved unanimously.
required easements, petitions, and other
conditions as specified above.

5. Moore: CSM in the SE¹/₄, NE¹/₄, Section 1, T.18N., R.23E.,
Town of Newton

Mr. Braun explained a proposed CSM located west of So. 26th Street and south of Orchard Lane and east of the railroad tracks. Mr. Braun advised that the owner wanted to split his 5.49-acre parcel into 4 separate lots, adding that there was a buyer for the southernmost lot (Lot 4) who planned on construction of a storage building at that site. Mr. Braun noted that the owner would retain ownership of Lots 1-3. Mr. Braun noted that: (i) Orchard Lane was an 80' wide R/W on the City's Official Map, and felt that the owner should dedicate 33' for Orchard Lane purposes; and (ii) So 26th was an 80' wide R/W and felt that the owner should dedicate 40' for So. 26th Street purposes. Mr. Braun recommended approval of the proposed CSM, subject to Township and County approvals, and subject to the R/W dedications as outlined above.

Motion by: Mr. Brey

Seconded by: Mr. Minikel

Moved that: the Commission approve

Upon Vote: the motion was

the CSM as outlined, subject to any approved unanimously.
required easements, petitions, and other
conditions as specified above.

6. Laurent: CSM in the SE¹/₄, SE¹/₄, Section 4, T.19N., R.24E.,
Town of Manitowoc

Mr. Braun explained a proposed CSM located north of Roncalli High School, and west of Mirro Drive. Mr. Braun explained the Official Map pattern in this area, and noted that the owner wanted to create a 5.01-acre lot that would be put up for sale. Mr. Braun continued that the owner would need to secure a variance from the County to allow for the creation of a lot without direct access to a public R/W, and added that at present, access was provided by an easement to Mirro Drive. Mr. Braun noted that he would require that the Official Map be shown on the CSM, and subsequently recommended approval of the CSM.

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2. SP12-2012: Northern Labs, Inc., 5800 West Drive; Building Addition (approved).
3. SP13-2012: Trident Real Estate LLC/RLJ Dental, S.C., 934 So. 25th - Parking Lot (approved).
4. SP14-2012: Merwynn Trade Group, LLC/Northland Restaurant Group LLC/Hardee's, 3900 Calumet - New Construction (approved).
5. SP15-2012: Drumm/Lakeshore Aviation, 1853 Freedom Way - Hangar #27 - Building Expansion (approved).
6. SP16-2012: Marathon Convenience Store, 1807 Washington Street - Building Expansion (approved).

IX. ADJOURNMENT

The meeting was adjourned at 8:50pm.

Respectfully Submitted,

David Less
City Planner