

PLAN COMMISSION MINUTES - 3/10/2010

Plan Commission Offices  
Manitowoc City Hall

Regular Meeting  
Manitowoc City Plan Commission  
Wednesday  
March 10, 2010  
6:30 P.M.

I. CALL TO ORDER

The meeting of the City Plan Commission was called to order by Acting Chairman Jim Brey at 6:30 P.M. Justin Nickels arrived at 6:35 P.M. to chair the remainder of the meeting.

II. ROLL CALL

Members Present

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

Members Excused

None

Staff Present

David Less  
Paul Braun  
Michelle Yanda

Others Present

See Attached Sign In Sheet

III. APPROVAL OF MINUTES of the Regular February 10, 2010 Meeting.

Motion by: Ms. Stokes  
Moved that: the minutes be  
approved as presented.

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

IV. PUBLIC INFORMATIONAL HEARINGS

A. None

V. REFERRALS FROM COMMON COUNCIL

A. PC12-2010: City of Manitowoc; Declaration of Dedication at So. 10<sup>th</sup> Street

\_\_\_\_\_ Mr. Less explained the “Declaration of Dedication” for a 12' strip of City-owned land along the west side of So. 10<sup>th</sup> Street, south of Grand Avenue a/k/a the east 12' of TR3 of the land at 1920 So. 10<sup>th</sup>, which was recently acquired by the City for siting of a storm water pond. Mr. Less advised the Commission that the effect of the “Declaration” was to put the world on notice that the City would be dedicating R/W to itself. Mr. Less recommended that the Commission recommend to Council approval of the “Declaration”.

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

B. PC1-2010: Town of Manitowoc; Quit Claim Deed to City of Manitowoc for 1.1-Acres for Woodland Drive Purposes

\_\_\_\_\_ Mr. Less explained a R/W dedication on Woodland Drive adjacent to property currently owned by Koenig & Vits, Inc. Mr. Less noted that this dedication occurred in 2004, and named the “Town of Manitowoc” as the grantee in the transaction. Mr. Less noted that the Town’s Quit Claim Deed to the City would now put the R/W under City ownership and control.

\_\_\_\_\_ Mr. Braun noted that the new Quit Claim Deed was the result of a scrivener’s error.

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

C. PC17-2005/PC7-2005/PC50-98: SMI, Inc./Allie; Discussion Regarding Former Rahr Farm Property and 22' Strip of City-Owned Land Along

West Edge of Evergreen Cemetery on Waldo Boulevard

Mr. Less explained that this matter had been referred to the Commission by the City Council, and was in regard to the disposition of a 22' wide strip of land located on the south side of Waldo Boulevard, along the west edge of Evergreen Cemetery and east of the Allie home at 3109 Waldo Boulevard, between Waldo Boulevard and Michigan Avenue. Mr. Less explained that there was an extensive history of the 22' strip, and reviewed a March 10<sup>th</sup> handout he had prepared detailing this issue, the facts, the conjecture, conclusions and his recommendations.

Mr. Less continued to frame the discussion, noting that along with the discussion of the 22' strip of land, was a discourse regarding the City's need for a new sanitary sewer and easement across the Allie property located south of Michigan at the Manitowoc River. Mr. Less explained that back on September 21, 2009, the DNR had issued a permit to Mr. Allie to install rip rap along the banks of the Manitowoc River for a distance of 545 linear feet of shoreline, with the project to be completed before September 21, 2012.

Mr. Less reviewed the March 10<sup>th</sup> handout, and recommended that the Commission recommend the following actions to the Council:

1. That the Council authorize the sale of the strip of land to Chris Allie up to existing fence line, which is 25' off the government lot line at the north and 34' off the government lot line at the south (an area of approximately .90-acres), with the City Attorney and City Engineer to negotiate and finalize all terms and conditions of the sale.
2. That the City Attorney and City Engineer be authorized to prepare, negotiate and finalize all easement requirements and agreements necessary to span the entirety of the Allie property at lands abutting the Manitowoc River, with all current and future easements to be at no cost to the City.
3. That the City Attorney and City Engineer be authorized to prepare, negotiate and finalize deeding of the parcel of land to the City on Michigan Avenue, east of River Bluff Drive that was adjacent to the City sludge lagoons, as well as any additional

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Michigan Avenue R/W dedications from the east line of the entrance into the former Rahr farm property west to the juncture of Michigan Avenue and Broadway Street, plus any required Public Works and Water Petitions for any R/W and land dedications.

4. That SMI would prepare all legal descriptions at Mr. Allie's cost related to items 1-3 above.

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

VI. OLD BUSINESS

- A. PC44-2009: Menard, Inc.; Easement Modification at 5120 Calumet Avenue

Mr. Less explained and reviewed a draft "Master Easement Agreement" which he had prepared, and had now been accepted by Menard, Inc. Mr. Less stated that this document involved the Menard, Inc. property on the east side of Dufek Drive, and north of Calumet Avenue, and modified various easements impacting the Menard, Inc. property. Mr. Less noted that the document: (i) created 2 new easements; (ii) vacated 1 easement in its entirety; (iii) vacated portions of 2 easements; and (iv) relocated a portion of 1 easement.

Mr. Less recommended that the Commission recommend to Council that they enter into the attached agreement, subject to the previously authorized actions and recommendations contained in a September 21, 2009 Commission report.

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

VII. NEW BUSINESS

- A. PC10-2010/PC38-02: Manitowoc Elks Lodge 687; Proposal to Fill Certain Lands at Waldo Boulevard and Memorial Drive Pursuant to

Section 15.07(4) and 15.37(6) of Manitowoc Municipal Code

Mr. Less explained a draft Easement agreement with the Manitowoc Elks Club, noting that the document had been prepared by the City Attorney in conjunction with the City Engineer. Mr. Less noted that the agreement addressed a public safety problem related to snow accumulations along Memorial Drive. Mr. Less stated that the City Engineering Department wanted to install a snow fence on the Elk's property to minimize snow accumulation impacts on to Memorial Drive, and along the Waldo Boulevard curve, and added that the Elk's also had a drainage issue on their property. Mr. Less continued that the draft Easement called for the City, at the City's expense, to fill a low portion of a proposed half-acre area of the Elk's property with approximately 1,000 cubic yards of fill, to ultimately improve drainage on the Elk's property, and that in return for the granting of the Easement, the City would receive a 20' wide easement for placement of the snow fence. Mr. Less noted that under the Easement, the City would be responsible for placing topsoil and seeding the fill area, while the Elk's would be responsible thereafter for watering and annual maintenance.

Mr. Muenzenmeyer explained that he had worked with Ms. Mellon on the plan for this project, and felt that the property protections would be in place.

Ms. Mellon noted that according to Randy Junk, DPW Operations Manager, if there was no fence at this location, there would be a huge drifting problem. Ms. Mellon added that the Elks would not allow the City to install the fence as they did in the past.

Mr. Less asked Ms. Mellon what the cost of the fill would be?

Ms. Mellon indicated around \$10,000.

Mr. Less asked if the funding for this project had been approved?

Ms. Mellon stated that the funding had been approved by the Streets and Sanitation Committee.

Mr. Brey questioned if this was correct, as he did not recall the Streets Committee approving the expenditure, and asked where the fill would come from?

Ms. Mellon again stated that the funding had been approved by Streets approximately 6 months ago.

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Mr. Brey asked if the fill project conflicted with the Elks concept plan for developing duplexes along the perimeter of their property?

Additional discussion was held.

Mr. Less explained the pre-requisite approvals under Section 15.07(4)(a) and 15.37(6) of the Municipal Code regarding filling of lands, and recommended the following:

1. The Commission recommend to Council that they grant to the Elks approval and authorization to fill the identified area pursuant to Section 15.07(4)(a) of the Municipal Code concerning development plans in conservancy areas, and pursuant to the terms of the Easement;
2. The Commission approved the issuance of a temporary use permit to the Elks under Section 15.37(6) of the Municipal Code;
3. The Council authorize: (i) the City Engineer and City Attorney to negotiate all final details of the transaction; (ii) the Mayor and Clerk to sign the final Easement agreement; and (iii) the plan to fill the area shall be reviewed and approved first by the Director of Building Inspection before any activity is conducted on the Elk's property.

Motion by: Ms. Stokes \_\_\_\_\_

Seconded by: Mr. Diedrich

Moved that: the minutes be approved as presented.

Upon Vote: the motion was

approved 6-0. Mr. Hornung and Mr. Alpert abstained.

B. PC11-2010: Behnke; Discussion of Possible Rezoning of Lots 5-8, Block 14, Manitowoc Rapids Subdivision

Mr. Less introduced this discussion, noting that the subject property was a 4-lot area located in Block 14 of the Manitowoc Rapids subdivision area, east of N. 40<sup>th</sup> Street, between Conroe and Broadway. Mr. Less reviewed a map of the area, noting that the property was located in the flood plain, and was current zoned "P-1" Conservancy. Mr. Less noted that the discussion tonight was preliminary regarding whether or not

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rezoning the property was feasible.

Mr. Muenzenmeyer continued that the owners were interested in pursuing rezoning of these 4 lots. Mr. Muenzenmeyer explained that the lots were not served by utilities, and was currently not suitably zoned for siting of a single family home. Mr. Muenzenmeyer continued that he was not sure if there were wetland issues related to the subject property, and added that he encouraged the owners to pursue the “low cost” information. Mr. Muenzenmeyer contained that the owners have also contacted MPU and the City’s Engineering Departments regarding sewers. Mr. Muenzenmeyer stated that the owners had gone about as far as they could without having to spend more capital to complete their due diligence to determine the buildability of this property. Mr. Muenzenmeyer added that the owners were also aware of flood plain issues impacting the property.

Mr. Muenzenmeyer stated that the owners now had to begin spending some money to determine whether or not such a project was feasible, and added that there were residential land uses to the west, and that the discussion of rezoning this area was consistent with the City’s current comprehensive plan. Mr. Muenzenmeyer continued the more detailed engineering work would have to be done next, and added that the owner’s would need a land use permit, would need to determine the amount of fill required to elevate the structure 2’ above the base flood elevation and determine if adding this fill would increase flooding problems in the surrounding areas, and would have to meet FEMA and DNR requirements. Mr. Muenzenmeyer continued that the owner’s understood the roadmap, and that the owners were clear that if they wanted to move forward with a formal rezoning request after tonight’s discussion, they’d now have to hire an architect and engineer. Mr. Muenzenmeyer added that the owner’s had also met with the Fire and Police Department to determine the adequacy of dry land access and required future agreements.

Mr. Less added that he felt a “Letter of Map Amendment” from FEMA was probably the first step in this process, followed by DNR approval for filling in the area, with all this being in place prior to the City considering a request for rezoning from the owner. Mr. Less continued that he would want to see the FEMA and DNR approvals prior to beginning any rezoning proceedings.

Mr. Diedrich suggested that the Behnke’s continue working with Mr. Muenzenmeyer, but cautioned about causing them to spend a lot of money on this project, if it did not appear feasible or affordable.

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Mr. Muenzenmeyer concurred with Mr. Diedrich.

Mr. Hornung stated that the question for the Commission was whether or not the City was inclined to support a future rezoning request.

Mr. Brey asked what staff felt was the first item for the owner's to accomplish?

Mr. Less stated FEMA approval should be the first item.

Mr. Muenzenmeyer agreed, and added that it would be a mistake for the City to move forward on a rezoning quest if the FEMA approval was not in place, as the City could end up with rezoned, but undevelopable property as a result of the process.

Commission members appeared supportive of the rezoning concept at this time.

Mr. Muenzenmeyer stated again that he felt the approval from FEMA was the next step for the Behnke's to take.

Mr. Brey added that if all the pre-requisite approvals fell into place, he did not have a problem with the rezoning request.

Mr. Hornung asked what the Behnke's were planning on building?

Mr. Muenzenmeyer replied that it would be a single home located in the center of the 4 lots.

Mr. Hornung asked when the Behnke's should consider petitioning the City for rezoning?

Mr. Less replied that this should happen once the FEMA and DNR approvals were in place, and Mr. Muenzenmeyer was comfortable with the totality of the submittals related to the project. Mr. Less then explained the rezoning process, and emphasized to the Behnke's that they should take the guidance from Jim Muenzenmeyer and they proceeded on their due diligence quest.

The Commission expressed a consensus of support for this project.

No action was taken.

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C. PC13-2010: City of Manitowoc; Consideration of Tax Incremental Financing (TIF) Activities Regarding TIF District #16 (Boundary and Text Amendment), and TIF Districts #7, 9 and 10 (Boundary Amendment)

\_\_\_\_\_ Mr. Less began a discussion with Commission members about 2 potential amendments to existing TIF project plans:

1. Boundary amendment to eliminate split real property improvements in TIF Districts No. 7, 9 and 10; and
2. Boundary and text amendment related to TIF District No. 16 relative to Block 246 which contains the former Mirro building at 1512 Washington.

\_\_\_\_\_ Mr. Less explained the boundary amendment options related to TIF Districts No. 7, 9 and 10 in the I-43 Industrial Park, and noted that this has occurred because of the recent expansion at Northern Labs in which their building is split into 2 TIF districts. Mr. Less noted that his preference for the amendment described as "Scenario 1".

Mr. Less then led the Commission in a discussion regarding a potential boundary and text amendment related to TIF District No. 16. Mr. Less identified on a map the potential boundary amendment area, and explained that the sole purpose of the amendment would be to provide a potential funding source for the demolition and redevelopment of Block 246. Mr. Less then reviewed a handout that he had provided to Commissioners that identified: (i) the creation, expenditure and statutory district life for TIF District No. 16; (ii) various TIF district projections; (iii) a current calculation of the equalized value of TIF in the City, including the proposed amendment area; and (iv) a current cash flow statement for TIF District No. 16. Mr. Less then provided Commission members with a Department of Revenue matrix of TIF District criteria.

\_\_\_\_\_ Mr. Less continued that to maximize these efforts, the TIF amendments would have to be approved on or before September 30, 2010, which meant that he'd have to start the amendment process in June.

\_\_\_\_\_ No action was taken.

D. PC14-2010: Manitowoc Public School District; Review of Proposed Franklin School Building Pursuant to Section 15.37(2)(g) of Manitowoc

Municipal Code

\_\_\_\_\_Mr. Less reviewed a preliminary site plan for an expansion project at Franklin Elementary School, 800 So. 35<sup>th</sup> Street. Mr. Less explained that the Commission was being asked to review the plan pursuant to Section 15.37(2)(g) of the City's Municipal Code which dealt with the required review of site plans for public buildings. Mr. Less stated that the proposed 94' x84' building addition of approximately 7,500sf would extend to the south of the existing building towards Dale Street. Mr. Less added that this site plan review did not constitute official site plan approval under Section 15.37(2).

Geoffrey Bray, Bray Architects, 1202A N. 8<sup>th</sup> Street, Sheboygan, explained that the new addition would include a conversion of the existing gymnasium in the center of the building into a new library, and then creation of a new gymnasium which would also be utilized as a cafeteria, and other spaces for kitchen, bathrooms, offices and storage. Mr. Bray noted that the new addition would be separated from the existing building with a firewall.

Mr. Less asked when the construction project would begin?

Jeff Schulz, Manitowoc Public School District, 2902 Lindbergh Drive, commented that the new building addition project would begin in mid-April, with remodeling of the interior space to occur throughout the summer months. Mr. Schulz added that they were planning on having the construction work completed in time for the beginning of the next school year.

Mr. Less asked Mr. Schulz how much the building addition was expected to cost?

Mr. Schulz responded that it would be approximately \$3.5mm.

Mr. Less noted that this approval was not the formal site plan approval required under Section 15.37(2) of the City's municipal code.

Mr. Brey commented that this was a good project for the City.

Mr. Less recommended approval by the Commission of the preliminary site plan pursuant to Section 15.37(2)(g) of the City's Municipal Code.

Motion by: Mr. Brey \_\_\_\_\_ Seconded by: Mr. Diedrich

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Moved that: the minutes be approved as presented.

Upon Vote: the motion was approved unanimously.

Ms. Stokes left the meeting at 7:50 P.M.

- E. PC15-2010: City of Manitowoc; Three Year Harbor Assistance Program (2010 - 2012)

\_\_\_\_\_ Mr. Braun explained the proposed 3-year “Harbor Development, Statement of Intentions” for the term of 2010-21012. Mr. Braun continued that he had worked with Mike Huck, Harbor Master on this “Statement” which was due to WisDOT by April 1<sup>st</sup>. Mr. Braun reviewed the projects contained in the “Statement”, explaining that they had been slightly re-ordered when compared to last years filed “Statement”. Mr. Braun recommended that the Commission recommend to Council approval of the “Statement”.

Mr. Less added that there was a companion Resolution that the Council would be asked to introduce and adopt on Monday night.

Motion by: Mr. Hornung \_\_\_\_\_ Seconded by: Mr. Diedrich  
Moved that: the Commission recommend \_\_\_\_\_ Upon Vote: the motion was Council approval of the above referenced \_\_\_\_\_ approved unanimously.  
“Statement, and adoption of the companion Resolution as referenced above.

VIII. MISCELLANEOUS

- A. Manitowoc County Activities:

1. None.

- B. Certified Survey Maps (CSM):

1. PBJC Fest, LLC; Proposed CSM, Being a Redivision of Lot 2 of a CSM Rec. V. 27, P. 263, Located in SW<sup>1</sup>/<sub>4</sub> of Sec. 36, T.19N., R.23E., City of Manitowoc

\_\_\_\_\_ Mr. Braun explained a proposed CSM to be created to the north of Festival Foods, on the south side of Dewey Street. Mr. Braun noted that a proposed 1.019-acre tract would be created consistent with a previously approved concept plan for the area. Mr.

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Braun then detailed a development concept for the area, which depicted a retail building for 3 future tenancies measuring approximately 6,300sf in area. Mr. Braun noted that the 40' separation between the north wall of Festival Foods and the south line of the proposed CSM tract would likely be reduced to 35'. Mr. Braun stated that he had no problem with the proposed CSM, and recommended approval.

Motion by: Mr. Hornung

Seconded by: Mr. Alpert

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

Upon Vote: the motion was approved unanimously.

C. Summary of Site Plans 2/5/2010 - 3/3/2010:

1. None.

IX. ADJOURNMENT

The meeting was adjourned at 7:55 P.M.

Respectfully Submitted,

David Less  
Secretary