

PLAN COMMISSION MINUTES - 5/13/09

Plan Commission Offices
Manitowoc City Hall

Regular Meeting
Manitowoc City Plan Commission
Wednesday
May 13, 2009
5:00 P.M.

I. CALL TO ORDER

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

II. ROLL CALL

Members Present

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

Members Excused

None

Staff Present

Paul Braun
Michelle Yanda
Elizabeth Werdermann

Others Present

See Attached Sign In Sheet

III. APPROVAL OF MINUTES of the Regular April 14, 2009 Meeting.

Motion by: Mr. Diedrich _____ Seconded by: Mr. Hornung
Moved that: the minutes be _____ Upon Vote: the motion was
approved as presented. approved unanimously.

IV. PUBLIC INFORMATIONAL HEARINGS

A. PC21-2009: Gauthier; Request for a Conditional Use Permit (CUP) Under Section 15.37(29) for the Adaptive Reuse of Property at 1402 Clark Street for Various Business and Professional Uses

Mr. Less explained that this was a request from Keith Gauthier, the owner of property located at 1402 Clark Street, who was requesting that the City issue an adaptive reuse CUP for his property pursuant to Section 15.37(29) of the Manitowoc Municipal Code. Mr. Less advised that Section 15.37(29) established procedures for the issuance of a CUP to encourage the adaptive reuse of buildings such as churches and schools, as well as historically significant buildings, buildings larger than 100,000sf in area, and governmental buildings. Mr. Less added that Section 15.37(29) required procedural compliance with Section 15.37(27) of the Manitowoc Municipal Code.

Mr. Less stated that under the adaptive reuse 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, would have a minimal effect or no effect on surrounding property values, that the reuse of the building would be made more difficult to the extent that the marketable value of such properties may be substantially diminished, that the adaptive reuse of a building furthered the promotion and conservation of the economic value of such buildings and thereby protected and improved the City's tax base. 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 continued that Section 15.37(29) further authorized reductions to off-street parking requirements and other zoning requirements so as to not render the reuse of a building under this section unfeasible.

Mr. Less then explained that Mr. Gauthier was the owner of the property at 1402 Clark Street. Mr. Less noted that the building was constructed as the Manitowoc Vocational School in 1931 for \$236,000, and dedicated in 1932. Mr. Less continued that the building measured approximately 80' x 250', with an annex on its west side measuring approximately 55' x 100'. Mr. Less noted that the building's footprint measured approximately 25,500sf, and consisted of approximately 55,000sf on 3 floor levels. Mr. Less added that the property included a detached garage at its north end which measured approximately 624sf in area.

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Mr. Less stated the following: (i) that in 2000, the City sold this property, legally described as Lots 5, 8, 9 12, 13, 16 and 17, in Block 189 of the Original Plat, to Richard Gehrke for \$75,000; (ii) that Gehrke then sold the property to 2XR, LLC in June, 2006; and (iii) that 2XR, LLC sold it to Keith Gauthier in March, 2007 for \$190,000. Mr. Less explained that Gehrke had originally purchased the property from the City with the intent of converting the building to loft studio apartments with living quarters, but this never materialized. Mr. Less added that the 2006 Gehrke transfer to 2XR, LLC was exempt, as it was a transfer between an LLC and a member of the LLC, or a relative or spouse.

Mr. Less stated that the Clark Street property was currently zoned "R-6" Multiple Family District which permitted single and two family uses, multiple family dwellings, boarding and lodging houses, day care centers for not more than 15 children and community living arrangements for not more than 15. Mr. Less continued that Mr. Gauthier was seeking a greater latitude in terms of the types of businesses that could occupy his building. Mr. Less noted that he was assuming this to mean that Mr. Gauthier was seeking approval for other business and professional uses that would be eligible under the "B-1" office-residential zoning district. Mr. Less noted that subsection 4. of the adaptive reuse provisions allowed for the City Council to authorize any permitted or conditionally permitted land use to locate in an adaptive reuse building.

Mr. Less continued that the most recent history regarding this building involved the issuance in 2007 of a CUP to Mr. Gauthier for Parents' Choice Child Care Center, Inc. to locate in the Clark Street property. Mr. Less noted that Parents' Choice license to operate was ultimately revoked by the Wisconsin Department of Health and Family Services in December, 2007, and contemporaneous with that revocation, the City's CUP automatically terminated effective the date the Parents' Choice license was revoked by the State.

Mr. Less then stated that the "R-6" district listed as conditional uses churches, schools, private clubs and lodges, homes for the elderly, and day care centers and community living arrangements for 16 or more persons. Mr. Less noted that the Clark Street property had a fair market value of \$191,100, and was currently assessed at \$187,900, with land valued at \$78,800, and generated just over \$3,700 in real estate taxes annually. Mr. Less continued that the property measured 420' on So. 14th Street and 150' on Clark Street, or a total area of 1.45-acres. Mr. Less noted that off-street parking areas were located at the southwest corner (approximately 65' x 125') and at the north end of the property (approximately 150' x 100).

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Mr. Less advised that Northern Wisconsin Produce Company bordered the entire east side of the subject property, with residential land uses abutting the north, south and west sides. Mr. Less added that the subject parcel had "B-3" and "R-6" zoning to the west, and was surrounded on all other sides by "I-2" Heavy Industrial District zoning.

Regarding this evening's informational hearing, Mr. Less explained that notices were mailed to property owners within 200' of the subject property on May 6, 2009, and that in reply to that mailing, he had received a single telephone call from Loretta Kloida, 709 So. 15th Street. Mr. Less explained that Mrs. Kloida owned property adjacent to the northwest corner of the subject property, which was adjacent to the parking lot on the north side of the building. Mr. Less noted that she had no problem with the current proposal, but did elaborate on a story regarding the removal of a tree located on their common lot line. Mr. Less added that no other comments were received in response to the mailing.

In closing, Mr. Less noted that the City's 1999 Comprehensive Plan identified the subject property as sewer residential, and added that the plan further identified encouraging the adaptive reuse of buildings, the conversion of second and upper floors into residential uses, and encouraging the redevelopment of underutilized sites.

Mr. Muenzenmeyer commented that he felt this proposed use was in perfect alignment with the intent behind the adaptive reuse provisions in the code.

Ms. Mellon stated that she felt the presence of on-site parking was very helpful.

Mr. Brey asked for clarification on the tree issue, and added that Mr. Gauthier had done a good job with the property.

Mr. Less explained his understanding of the tree issue, and re-stated his conversation with Mrs. Kloida.

Keith Gauthier, 7500 Middle Road, commented on the tree removal issue at the north end of his property, noting that the tree was located on the lot line, and that the portion not on his property had been cleared by another party, and that the remainder of the tree was left overgrown and into his parking lot. Mr. Gauthier stated that he cleaned up the tree to match the work done on the other side of the tree, and then added that he ultimately removed the tree, planted grass, and the neighbor was happy.

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Mike Arant, 1411 Clark Street, commented that he resided on the south side of Clark Street, and directly across from the entranceway of the smaller parking lot. Mr. Arant continued that his home and living room were in direct alignment with vehicle headlights when they exited the southernmost parking lot. Mr. Arant complained about the amount of traffic and the lighting invasive into his home, and stated that he didn't know if Mr. Gauthier could fix this problem or not.

Mr. Gauthier stated that typically by 9:00 P.M. there was nothing going on at the facility, and did not know how to address this concern.

Mayor Nickels asked how much traffic came out of the parking lot?

Mr. Gauthier noted that the parking lot was used principally between 4:00 P.M. and 8:00 P.M., with 9:00 P.M. being the latest. Mr. Gauthier added that Jean Wolfmeyer was probably the last occupant to leave the building, but noted that she was on the north side of the building.

Mayor Nickels asked if the problem was felt more in the winter?

Mr. Arant replied "yes", adding that he had no problem with the traffic, but when it got dark earlier, he had problems with the vehicle headlights.

Mr. Gauthier concurred.

Mr. Brey asked Mr. Gauthier if it would be possible for his building tenants to use the northernmost parking lot?

Mr. Gauthier noted that he tried to split it up, so as to have his tenants utilize both parking lots and separate entrances.

Mr. Arant commented that there were typically 20-30 cars coming out of the parking lot in a 2-hour period.

Mr. Gauthier agreed.

Mr. Brey asked if vehicles could instead travel around the perimeter of the building when exiting?

Mr. Gauthier noted that the placement of a garage at the north end would not

allow vehicles to easily traverse the site.

Mr. Brey asked when the garage was located at the property?

Mr. Muenzenmeyer stated that it had been there a long time, and added that there was also a fire escape on the west end of the 2-story part of the building. Mr. Muenzenmeyer added that additionally, a vehicle would also have to ride over a curb and grass to get through the garage area.

Mr. Less recommended that the Commission recommend to Council approval of the adaptive reuse CUP under 15.37(29), subject to the conditions provided to the Commission.

Mayor Nickels asked if the traffic flows in the area were increasing?

Mr. Gauthier commented that his parking lots were only so big, and usage of the lots was occurring over a 3-4 nights per week.

Mr. Arant stated that this was not a true statement, and that this problem was consistently occurring 3-4 nights per week.

Motion by: Ms. Stokes _____ Seconded by: Mr. Hornung
Moved that: the Commission recommend _____ Upon Vote: the motion was
Council approval of the CUP as per the _____ approved unanimously.
Planner's recommendation above.

V. REFERRALS FROM COMMON COUNCIL

A. PC14-2009: Jinks; Petition for Direct Annexation - Interstate #14

Mr. Less explained that this matter had been before the Commission at last month's meeting, and tonight was a continuation of that discussion. Mr. Less noted that since the April meeting, the Jinks' had filed with the City Clerk's office, a Petition for Direct Annexation for 1.09-acres from the Town of Manitowoc Rapids.

Mr. Less recommended that the Commission recommend to Council that they approve the Petition as filed, and adopt an Annexation Ordinance and Resolution, and

that the temporary zoning of the property be established as "R-4" Single and Two Family District in accordance with §66.0217(8) Wis. Stats.

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Moved that: the Commission recommend _____ Upon Vote: the motion was
Council acceptance of the Planner's _____ approved unanimously.
recommendation above.

Mr. Less advised the Commission that the annexation documents could not be approved by Council until written receipt by the City of confirmation by the Wisconsin Department of Administration (WDOA), that they had reviewed the annexation and found it to be in the public interest. Mr. Less added that he hoped to have the WDOA letter prior to the Council meeting on Monday night.

B. OLD BUSINESS

- A. PC40-2006/8-2005: Michels Corporation/City Centre LLC; Request for a Conditional Use Permit (CUP) Under Section 15.35(3)23. for Operation of a Stone Transloading Operation on So. 16th Street - Annual Compliance Review

Mr. Less explained that this was the annual compliance review for the above referenced CUP in accordance with Section "Q" of the CUP originally issued in 2005 and subsequently amended in 2006. Mr. Less noted that there were no problems identified by either the Building Inspection or Police Departments regarding the Michels operation.

Mr. Less recommended that the Commission advise the Council that it had conducted its annual compliance review which produced no negative findings or material disclosures related to the Michels operation, and that the Commission further recommend to Council that the CUP not be modified, amended or revoked.

Mr. Brey complimented Michels on the quality of their operation, noting that they had handled historic complaints expediently, and publicly thanked the company.

Motion by: Mr. Brey _____ Seconded by: Ms. Stokes
Moved that: the Commission recommend _____ Upon Vote: the motion was
Council acceptance of the Planner's _____ approved unanimously.
recommendation above.

- B. PC8-2007: Thuermer/Baas; Request for a Conditional Use Permit (CUP) Under Section 15.37(29) for the Adaptive Reuse of Property at 630 N.

10th to Operate as a Theater - Annual Compliance Review

Mr. Less explained that this was the annual compliance review for the above referenced CUP in accordance with Section 9 of a CUP issued in 2007, which was issued to Joe Thuermer and Rachel Baas for their theater operation at the former St. Paul Norwegian Lutheran Church a/k/a St. Paul Evangelical Lutheran Church at 634 N. 10th Street. Mr. Less noted that there were no problems identified by either the Building Inspection or Police Departments regarding this operation.

Mr. Less recommended that the Commission advise the Council that it had conducted its annual compliance review which produced no negative findings or material disclosures related to the Thuermer/Baas operation, and that the Commission further recommend to Council that the CUP not be modified, amended or revoked.

Motion by: Mr. Hornung _____ Seconded by: Mr. Alpert
Moved that: the Commission recommend _____ Upon Vote: the motion was
Council acceptance of the Planner's _____ approved unanimously.
recommendation above.

C. PC52-2006: FY2007 Comprehensive Planning Grant - Multi-Jurisdictional Project with Manitowoc County:

1. Update - Manitowoc County Planning Advisory Committee (MCPAC)

Mr. Muenzenmeyer noted that there was nothing to report regarding Manitowoc County.

No action was taken.

2. Vandewalle Update

Mr. Braun commented that staff would be traveling to Madison to meet with Vandewalle & Associates on Tuesday, May 19th to review project status.

No action was taken.

D. PC6-2009: Reinertson; House Moving Application Under Section 15.37(3)

_____ Mr. Less asked Mr. Muenzenmeyer how long this item should remain on the agenda as there had not been any action for several months?

Mr. Muenzenmeyer commented that if more information was not filed within the next 2 months, the project would not occur in 2009, and could be stricken from the agenda at that time.

Mr. Less asked if the detail was not provided in the next 2 months, could the request be terminated from the agenda?

Mr. Muenzenmeyer stated "yes".

No action was taken.

VII. NEW BUSINESS

D. PC20-2009: Paternoster; Annexation Discussion at So. 10th Street, South of Viebahn - So. 10th Street No. 4

Mr. Braun explained a proposed annexation located on So. 10th Street, south of Viebahn. Mr. Braun outlined the ownership pattern in the area, and commented that the Norman Paternoster request was not an emergency situation, but rather, a request for enhancing the overall area. Mr. Braun commented that Mr. Paternoster had contacted his neighbors regarding their interest in annexation, and identified on a map those parties that appeared to be supportive, mildly supportive, and against annexation. Mr. Braun explained that City staff had met recently to discuss the feasibility of servicing the area, and continued that the purpose of tonight's discussion was to suggest a pathway for Mr. Paternoster to pursue; one that would be acceptable to Mr. Paternoster, the Commission and the City. Mr. Braun identified properties that had been previously issued non-resident sewer and water agreements, some of which dated back to the 1940's. Mr. Braun explained that these agreements attempted to prohibit a property owner from contesting annexation, but were not consistent for the various property owners on Viebahn Street and So. 10th. Mr. Braun noted that in some cases, properties had City water service but no agreement could be found.

Mr. Braun then explained that staff recently had a meeting to discuss the potential for annexation back on May 6th, and that the most expensive municipal component to consider was installation of a sanitary sewer that would be needed in So. 10th Street. Mr. Braun explained that sewage currently flowed south to a lift station on

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So. 10th, and then would be pumped back north.

Mr. Braun noted that there were no non-resident sewer and water agreements around the Paternoster property, and added that the property owners abutting Viebahn Street had not been approached by Mr. Paternoster.

Mr. Braun noted that his preference in this discussion was to limit the consideration of annexation to the properties closer to Mr. Paternoster, as the prospective petitioner had a chance to talk with those property owners. Mr. Braun stated that he was looking for direction from the Commission. Mr. Braun then identified town island implications related to the ownership patterns in the area.

Mr. Less commented that he liked this area around the Paternoster property because of its concentration of tax base, and cautioned about annexing larger areas, as they would have the potential for greater opposition and problems. Mr. Less commented on an annexation in the southwest side of the City back in the 1990's which was legally challenged, and became problematic because of its size. Mr. Less noted that the larger the annexation area, the more the potential for opposition to an annexation. Mr. Less continued that the staff meeting held recently was designed to get a handle on the cost and benefit of this potential annexation to the City, and that the City needed to determine if this particular annexation was in the best financial interest of the City.

Mr. Braun commented that he did not foresee other costs, as many of the non-City properties being considered were already receiving City services. Mr. Braun added that the City was already losing monies by not collecting the tax base in the City, and could begin to recoup this investment through annexation of these properties.

Ms. Mellon commented that the estimated cost for the so. 10th Street sanitary line was in the area of \$120k to get the sewage to the lift station, and added that as the City was the landowner for much of the east side of So. 10th, that portion would not be recoverable through assessments. Ms. Mellon added that the project could assess at \$22 per lineal foot, but for only a small portion of the total frontage. Ms. Mellon noted that while perhaps a quarter of the cost could be recovered from assessments, the balance of the cost would be borne by the Wastewater Treatment Plant.

Mr. Braun noted that So. 10th, from Viebahn Street south, was Manitowoc County's jurisdiction, so the City would not maintain or plow at this time.

Mr. Brey noted that the County would likely ask the City to take over

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maintenance for the So. 10th Street R/W.

Mr. Less commented that other than the sanitary sewer issue, there were no other significant issues identified by various City staff and departments.

Mr. Diedrich asked why those in-City properties already connected to the City sanitary sewer would not be included in annexation?

Mr. Braun noted that these property owners were receiving the service, and might not be inclined to annex.

Mr. Less advised the Commission of the contiguity requirement related to annexation, and then explained the formula for annexation. Mr. Less noted that this would not be a 100 per cent unanimous annexation. Mr. Less added that the tax base strength of the properties on So. 10th might be enough to bring in the properties abutting Viebahn, but again reminded Commission members of the problems related to that approach and the lessons learned from the southwest annexation in the mid-1990's.

Mr. Hornung commented that he felt taking in the larger area, including properties abutting Viebahn, was in the best interest of the City.

Mr. Braun stated that he didn't know if anyone had contacted property owners on Viebahn.

Mayor Nickels asked if additional R/W dedication would be required along So. 10th?

Mr. Braun stated "yes", that additional R/W dedication would be needed, and that there could be some issues with front yard setbacks.

Mr. Hornung commented that if the Viebahn properties were not included, that would be a larger problem for the City in the future, and could shut off development options in this area.

Mr. Muenzenmeyer asked Mr. Less if the City's current comprehensive plan would support an annexation as residential in this area?

Mr. Less replied "yes", and noted that while the tax base at the south end of So. 10th was likely the easiest to annex, he added that Mr. Hornung was correct in his assertion. Mr. Less added that the larger the annexation, the more potentially

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problematic. Mr. Less concurred with Mr. Hornung's comments, but noted that while he would also like to annex the larger area, the area abutting the Paternoster property represented the strongest bastion of support, and pursuing the larger area could make the entire annexation problematic.

Norman Paternoster, 2916 So. 10th, explained that he had talked with various property owners, and noted that some were in favor, and some against annexation. Mr. Paternoster noted that Mr. Jost, owner of a bar in the area, was against annexation as he had recently installed a holding tank. Mr. Paternoster continued that those interested in discussing annexation wanted to know more about assessments and taxes once annexed into the City. Mr. Paternoster noted that his current septic system was installed in the mid-1970's and was currently non-compliant, adding that he did not know where his drain field was located, and added that if he had to sell his property, he would need to replace the entire septic system in order to pass public inspection. Mr. Paternoster continued that his choice was to either annex, or install a new system, and added that he first wanted to explore annexation into the City. Mr. Paternoster added that he did not plan on moving, and liked the park to the east. Mr. Paternoster continued that he wished the overall area was cleaned up, and cited the Brandl home to the south that was built over a natural spring, and where water flowed over the front yard. Mr. Paternoster explained that water on So. 10th flowed from south to west, and then identified washout areas to the south. Mr. Paternoster stated that he would like to see this area restored and modernized, and the environment in this area cleaned up and preserved. Mr. Paternoster noted that in his discussion with some of the other property owners, it was noted that at least one of them had brought up annexation to the City 26 years ago for the same reasons.

Mr. Less suggested that as a next step in the process, Mr. Paternoster should talk with the owners on Viebahn to ascertain their level of interest in annexation, and then to determine if an annexation petition could meet the statutory formula to meet annexation requirements. Mr. Less added that this information should be brought back to the Commission for continued discussion in June.

Mr. Braun commented that there was a nearby home in this area that was annexed into the City 7-8 years ago, and which was currently on a holding tank because of the absence of sanitary services. Mr. Braun continued that it was unlikely that the City would find a 100 per cent annexation in this area.

Mr. Hornung commented that it would be nice to be able to annex the larger area so that the City could comprehensively plan for this area.

Bill Fessler, 5629 Calumet Avenue/USH151, commented on the southwest

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annexation from the mid -1990's, and explained that he had started that annexation. Mr. Fessler continued that the township ultimately complained about the size of the annexation, and ultimately a large percentage of the area detached via a referendum proceeding, adding that within 4 years, much of the area was re-annexed back into the City.

Mr. Braun asked Mr. Paternoster if he was currently being billed by MPU for City water?

Laura Paternoster, 2916 So. 10th, stated “yes”.

The Commission decided to continue this discussion at its June meeting. No action was taken.

- E. PC22-2009: Merwynn Trade Group, LLC; Request for Temporary Access Easement over Unopened So. 39th Street, South of Dewey Street

Mr. Less explained that the Council had recently approved a letter request from SMI, Inc. on behalf of Merwynn Trade Group, LLC for a temporary access easement over dedicated So. 39th Street R/W south of Dewey Street. Mr. Less added that the easement would provide ingress/egress into a planned development in this area. Mr. Less continued that while the Council has previously approved the request for the easement on May 4, 2009, the Council action did not provide any clarity or directives for follow up action. Mr. Less added that he felt the Commission should provide such direction.

Mr. Less recommended that the Commission recommend to the Council that they: (i) authorize the City Attorney to negotiate and prepare the document; (ii) that the document be filed with and reviewed by the Plan Commission for recommendation to Council; (iii) if the document is approved by Council, that the Mayor and Clerk be authorized to sign the document on behalf of the City; and (iv) upon its full execution, that the City Clerk record the agreement at the Register of Deeds office at the requester’s expense.

Motion by: Ms. Mellon _____ Seconded by: Mr. Muenzenmeyer
Moved that: the Commission recommend _____ Upon Vote: the motion was
Council acceptance of the Planner’s _____ approved unanimously.
recommendation above.

VIII. MISCELLANEOUS

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A. Manitowoc County Activities:

1. None

B. Certified Survey Maps (CSM):

1. Merwynn Trade Group, LLC; Proposed CSM in NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec.36, T.19 N., R23.E, City of Manitowoc

Mr. Braun explained a proposed CSM for property located on the south side of Dewey Street and east of So. 39th Street. Mr. Braun stated that the concept plan for this area had been previously reviewed by the Commission in July, 2008, and identified a current proposal to create a 1.13-acre parcel at the northeast corner of the property for development, with a second tract measuring approximately 8.5-acres to the west and south of the proposed smaller tract. Mr. Braun added that currently this was a single large lot of record, and added that there was no dedication of public R/W required. Mr. Braun commented on the ultimate need for an easement along the east side of the property to service lands to the south via a common access drive. Mr. Braun stated that he had no other issues with the proposal.

Mr. Less asked Mr. Steinbrecher if a future CSM lot split for the southernmost lot would be required?

Paul Steinbrecher, SMI, Inc., 102 Revere Drive, commented that ultimately there would be 3 tracts created in this area, with the remaining land to the south currently envisioned to be a strip mall.

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.

2. Richard Klassen; Proposed CSM in W $\frac{1}{2}$ Government Lot 2 in NE $\frac{1}{4}$, Sec.24, T.19 N., R23.E, City of Manitowoc

Mr. Braun explained a proposed CSM for the property at the northwest corner of Waldo Boulevard and Fleetwood Drive, and noted that the proposed CSM was being prepared in advance of a planned real estate sale of the property at the end of May. Mr.

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Braun added that a new lot of record was not being created, but rather the CSM was required as a condition of the sale.

Mr. Braun explained that he had no issue with the proposed CSM, but did note that the existing wooden fence was located in the public R/W, and suggested that the City issue a "Sidewalk Privilege Agreement" (SPA) to take care of the fence issue. Mr. Braun indicated that a portion of the existing fence line existed in the public R/W, without any apparent municipal authorization. Mr. Braun noted that this was clearly the case on the Waldo Boulevard side of the property, but it was not as clear on the Fleetwood Drive side.

Mr. Less recommended that the Commission approve the proposed CSM, and further, that they recommend to Council: (i) authorizing the preparation and issuance of a SPA pursuant to §66.0425 Wis. Stats. (ii) authorizing the City Attorney to negotiate and prepare the document with the current property owner; (iii) authorizing the Mayor and Clerk to sign the document on behalf of the City; and (iv) upon its full execution, that the City Clerk record the agreement at the Register of Deeds office at the property owner's expense.

Motion by: Ms. Stokes Seconded by: Mr. Diedrich
Moved that: Commission approve the _____ Upon Vote: the motion was approved
CSM as presented, subject to required easements, petitions, and other conditions
as specified above, and that the Commission further accept the Planner's recommendation
above regarding the SPA. unanimously.

3. Custer Village, LLC; Proposed CSM in Doneff's Custer Village Subdivision in SW¼ of SW¼ Sec. 26, T.19N., R.23E., City of Manitowoc

Mr. Braun explained a proposed CSM for property located to the south of West Custer, west of Expo Drive and east of I-43. Mr. Braun noted that the owner wanted to create a single large lot out of the Doneff's Custer Village Subdivision, by combining into a single lot existing CSM Tract 2, and Lots 1-12 of the Subdivision. Mr. Braun stated that the owner wanted to place additional rentals on to this new lot.

Mr. Steinbrecher stated that the owner ultimately planned for the construction of 1, 16-unit building, and 2, 8-unit buildings on the site.

Motion by: Mr. Diedrich Seconded by: Mr. Alpert

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

C. Summary of Site Plans 4/8/09 - 5/7/09:

1. SP4-2009: Larry's Piggly Wiggly, 1339 N. 8th, Building Addition (approved).
2. SP5-2009: Dave's Auto, 2329 N. Rapids Road, Building Addition (pending).

IX. ADJOURNMENT

The meeting was adjourned at 7:30 P.M.

NOTICE OF CLOSED SESSION - see attachment "A" for motion to convene in closed session, and to reconvene into open session.

Respectfully Submitted,

David Less
Secretary