

PLAN COMMISSION MINUTES - 6/10/09

Plan Commission Offices
Manitowoc City Hall

Regular Meeting
Manitowoc City Plan Commission
Wednesday
June 10, 2009
6:30 P.M.

I. CALL TO ORDER

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

II. ROLL CALL

Members Present

Steve Alpert
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 May 13, 2009 Meeting.

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

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

IV. PUBLIC INFORMATIONAL HEARINGS

A. PC28-2009: UnitedOne Credit Union a/k/a Manitowoc Community Credit Union; Request for Special Permit for Creation of Parking Lot in Residential District - Lots 14 & 15, Block 287, Original Plat

Mr. Less explained that this was a request from SMI, Inc. on behalf of their client, UnitedOne Credit Union a/k/a Manitowoc Community Credit Union. Mr. Less noted that the credit union was requesting approval to establish an off-street parking lot upon residentially zoned land pursuant to Section 15.43(11) of the Manitowoc Municipal Code (“Code”). Mr. Less emphasized that this was not a proposal to change the underlying zoning of the proposed parking area.

Mr. Less then explained that Section 15.43(11) was a section of the Code that authorized the issuance of a Special Permit to allow for a parking lot to locate in a residentially zoned area, when the parking lot was used in connection with an adjoining “B”, “C” or “I” zoning district. Mr. Less continued that the credit union was requesting a Special Permit to develop a surface parking lot to the west of their property under Section 15.43(11) of the Code, and that the subject properties were legally described as Lots 14 and 15, Block 287 of the Original Plat of the City of Manitowoc. Mr. Less clarified that the Special Permit was only for Lot 14 which was zoned “R-7”.

Mr. Less continued that under Section 15.43(11), such an off-street parking lot could not extend more than 150' into a residential zone without the issuance of a Special Permit, and that in this instance, the full length or depth of Lot 14 was 150'.

Mr. Less added that historically, these 2 lots were identified as 1126 So. 10th and 1125 So. 11th – the former parcel on So. 11th was a 1-story frame garage demolished back in 1985; the latter parcel was a 2-story mixed use commercial/residential property demolished in 2008. Mr. Less continued that these parcels were purchased by the Manitowoc Community Credit Union in July, 2000, and together had 60' of frontage on So. 11th and So. 10th, and spanned a total length of 300'. Mr. Less noted that these parcels were currently assessed at a land value of \$50,400, and that former buildings on these lots had an improvement value of \$49,300, but these structures had since been demolished.

Mr. Less continued that these parcels were zoned “B-3” (Lot 15) and “R-7” (Lot 14), and explained the surrounding land use and zoning. Mr. Less added that the area to the west of So. 11th was zoned “R-7”.

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Mr. Less stated that there was also fencing in place along the north side of the proposed Special Permit area, and along the south line, there was limited fencing closer to So. 11th. Mr. Less continued that otherwise, along the south side of the proposed Special Permit area, there were various industrial warehouse buildings.

Mr. Less then reviewed the site plan for the proposed off-street parking area, noting that the proposed plan for the area identified 38 off-street parking spaces. Mr. Less added that a portion of Lot 15 abutting So. 10th was currently being used by the credit union for parking, and added that the credit union on the east side of So. 10th had a footprint of approximately 11,000sf (which reflected its development between 1980 as the Aluminum Workers Credit Union and the present), excluding a drive-through facility and 36 marked parking stalls. Mr. Less noted that this facility employed approximately 50 people. Mr. Less then stated that in addition to the lots in Block 287, the credit union purchased in 2005 the property at 1028 So. 9th at Marshall (former Michigan Shores), which was currently occupied by LBR Tax Service and a local attorney, and included 14 off-street parking stalls. Mr. Less stated that on occasion, the credit union relied on this property to accommodate overflow parking when they were doing training in this facility.

Mr. Less then explained the off-street parking requirements for a credit union contained in the Code as: (i) a minimum of 5 spaces; plus (ii) 1 additional parking space for each 300sf of gross floor area over 1,500sf; plus (iii) 1 additional parking space for each 2 staff members working the same hours. Mr. Less continued that under 15.43(11), the parking lot had to meet certain design and operational conditions in order to comply with this section of the Code:

1. Accessory to a use in an adjacent "B", "C" or "I" zoning district (the credit union east of So. 10th was zoned "B-3").
2. Parking lot shall not extend more than 150' into the residential zone (the property extends 150' into a residential zone).
 1. Parking lot to be used solely for parking of passenger vehicles.
 2. No commercial repair work or service of any kind was permitted to take place in the parking lot.
 3. No sign of any kind, other than those designating entrances, exits and conditions of use shall be maintained on such parking lot.

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4. No charge shall be made for parking in such parking lot.
5. Parking in the lot was permitted between 5AM - 11PM, and was closed at all other times.
6. Each entrance and exit to and from the parking lot shall be at least 20' distant from any adjacent property located in a residential zone.

Mr. Less explained that based on the site plan, it appeared that the separation distance on the south side of So. 11th was around 14' , and stated that the entrance way would have to be adjusted to attain the 20' separation distance. Mr. Less then noted that under the Code, the Plan Commission could modify these requirements under this section where desirable.

Mr. Less advised that notices were mailed to adjacent and abutting property owners on June 3, 2009, and that the only response to this mailing was from John Gallenberger, the owner of property at 1010 Hamilton, on the south side of the proposed parking lot. Mr. Less noted that Mr. Gallenberger had visited his office today, and that he had no problem with the proposed parking lot, and felt it would be an improvement to the area. Mr. Less stated that no other comments were received in response to the mailing.

Mr. Less stated in closing, that this area was identified as “sewered residential” in the City’s 1999 comprehensive plan, and that the improvement appeared to be consistent with the plan and land use for this area. Mr. Less added that he felt this would be an improvement for the area, and would go a long way to alleviate the credit union’s parking problems.

Mr. Brey asked where the parking lot time limits under 7. above came from?

Mr. Less replied they were included in the Code, and were likely included so as to discourage free usage of the lot at all hours of the night.

Mr. Brey noted that he wanted to make sure that the parking lot was not unregulated so as to encourage loitering.

Mr. Less noted that over the years, the City had granted Special Permits in 3-4 instances, and added that the Code had always contained a time limitation for parking

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lots in residential areas, and felt the time reference was in the Code to discourage after hours loitering.

Mr. Diedrich asked if the entrances into the lot would be gated?

Mr. Less stated that the entrances would have to be secured under the ordinance.

Mr. Diedrich commented that he felt the issue of attaining the 20' clearance on the south side of the So. 11th entrance would be an extra cost for the credit union. Mr. Diedrich asked why the existing curb cut would be disturbed?

Paul Steinbrecher, SMI, Inc., 102 Revere Drive, noted that the alignment of the driveway and the parking lot in the site plan was based on the location of the existing curb cut.

Mr. Less asked if it was problematic to shift the curb cut to the north to attain the 20' separation?

Mr. Steinbrecher stated that the issue was just cost to the owner.

Mr. Diedrich stated that the Commission could waive the 20' requirement due to the presence of the existing curb cut.

Mr. Less stated that the Commission did have the authority under this section to modify the requirements, but added that he felt it was preferable to not deviate from the regulations if it was not necessary.

Mr. Diedrich noted that making the owner incur additional costs for 6' did not make sense to him.

Mr. Muenzenmeyer commented that he agreed with Mr. Diedrich on this matter, and noted that he wanted to make sure that the 6' high existing fence on the south side did not conflict with the vision corner at the driveway, which, Mr. Muenzenmeyer added, it would, and noting that it would have to be adjusted accordingly.

Ms. Mellon stated that she felt the Code requirement was in place to allow for the placement of an additional off-street parking space between driveways, and added that she had no problem with the proposal.

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Bob Jeffery, 9017 Hwy "F", Newton, stated that he was the owner of the property at 1123 So. 11th, and that his tenant was displeased with the proposal, as the tenant's children played on the credit union's property. Mr. Jeffery stated that he did not see why the credit union needed more parking, and was therefore against the proposal.

Mayor Nickels asked Mr. Less for his recommendation.

Mr. Less recommended that the Commission approve the Special Permit for Lot 14, Block 287 of Original Plat: (i) subject to conditions under 15.43(11); (ii) that the entire area intended for parking and travel of vehicles be blacktopped or re-coated; (iii) that the entrance on the So. 11th Street side be adjusted on the south side so as to attain the 20' spacing requirement; and (iv) that the improvement be constructed in compliance with conditions of the approved site plan #6-2009.

Mr. Braun asked about the condition of the fencing?

Mr. Less stated that fencing was not included in the recommendation, and hoped the credit union would upgrade the overall fencing in this area.

Mr. Alpert noted that the property was the credit union's and not a playground, and noted that he was in favor of the credit union proposal.

Motion by: Ms. Stokes _____ Seconded by: Mr. Muenzenmeyer
Moved that: the Commission approve the _____ Upon Vote: the motion was
Special Permit as per the Planner's recom- approved unanimously.
mendation above, including the exception
from the 20' separation requirement on the
south side of the So. 11th entrance to the
planned parking lot, and to satisfy the
vision clearance issue as referenced above.

V. REFERRALS FROM COMMON COUNCIL

- A. PC25-2009: Mike Check Builders, Inc.; Access Easement Over
Unopened Future Homestead Road for Parcel in Royal Oaks Subdivision
No. 3

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Mr. Less explained that this referral from the Council was a “Temporary Access Easement Agreement Over Unopened Street” document (Agreement) that was originally prepared for the benefit of the property owner of Lot 11, Block 9, Royal Oaks Subdivision No. 3. Mr. Less stated that this Agreement was drafted and recently referred to the Commission from Council for the area at the southeast corner of Red Fox Lane and Homestead Road. Mr. Less continued that subsequent to the original drafting of the Agreement, Lot 11 was sold by Mike Check Builders to a new property owner, Gary D. and Lynn P. Retzak on March 13, 2009.

Mr. Less recommended that the Commission recommend that the Council not approve the original Agreement (Document #2009-283), and that it be placed on file with no further action required, and further, that the Council take the following additional actions: (i) authorize the City Attorney to negotiate and prepare a replacement document (NEWDOC) with the current property owner; (ii) that the NEWDOC reference that this right of ingress/egress was authorized pursuant to 66.0425 Wis. Stats. and incorporated all rights, remedies and entitlements under this statute; (iii) that the NEWDOC be filed with and reviewed by the Plan Commission for recommendation to Council; (iv) that if the NEWDOC was approved by Council, that the Mayor and Clerk be authorized to sign the NEWDOC on behalf of the City; and (v) upon its full execution, that the City Clerk record the NEWDOC at the Register of Deeds office at the expense of the new property owner.

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

B. PC1-2009: Klassen; Quit Claim Deed to the City of Manitowoc for .31-Acres for Fleetwood Drive Purposes

Mr. Less explained tonight’s discussion was a follow up to a CSM approval from last month’s meeting, and noted that the proposed deed was for the re-dedication of a portion of Fleetwood Drive adjacent to the former Klassen property. Mr. Less recommended that the Commission recommend approval and acceptance by the Council.

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

C. PC1-2009: Klassen; Quit Claim Deed to the City of Manitowoc for .65-Acres for Waldo Boulevard Purposes

Mr. Less explained the proposed deed for the re-dedication of a portion of Waldo Boulevard adjacent to the former Klassen property. Mr. Less recommended that the Commission recommend approval and acceptance by the Council.

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

VI. OLD BUSINESS

A. PC49-2008: City of Manitowoc; GIS Needs Assessment - Presentation by R.A. Smith National

Mr. Less provided background information, and stated that Michelle Yanda had been leading on this project. Mr. Less added that Commission members had received an executive summary of the draft report.

Ms. Yanda stated that the Geographic Information Systems (GIS) project began in January, 2009, and introduced David Haines from R.A.Smith National, Inc. Ms. Yanda noted that Mr. Haines would be leaving R.A. Smith for new employment in Colorado, and that he would be replaced by Kyle Belott who would be taking over the project. Ms. Yanda noted that the project was at the 95 per cent completion level, and that subsequent to tonight's presentation, there would be presentations made by R.A. Smith to department directors and the Common Council.

David Haines, R.A. Smith National, Inc., took the Commission through his GIS presentation focused on how the City could make better use of GIS, and made the following key points:

1. GIS is a powerful analytical tool to analyze and graphically depict the relationship between various types of data.
2. The City and MPU have used GIS technology for over 10 years.
3. Lack of coordination and multiple GIS software systems were

barriers to a more effective use of GIS. The City and MPU could benefit from greater coordination amongst departments utilizing GIS technology.

4. To overcome barriers to GIS effectiveness, the following re-organization, conversion and investment actions should take place:
 - a. Core GIS datasets and their custodians should be stored in a production/publication/product tiered system.
 - b. There are several levels of GIS users--GIS Professionals, Editors, Analysts, Power Users and Casual Users.
 - c. Several viewing applications are recommended and organized around multi-departmental workflows that utilize data from multiple systems.
 - d. The City and MPU should migrate away from Microstation and move towards an ESRI-based GIS platform.
 - e. A GIS Coordinator position should be created, or as an alternative, an existing position upgraded to reflect additional job responsibilities geared to coordinating overall GIS activities throughout the City.
 - f. The overall system should be designed as a centralized-weak GIS organizational structure, with the GIS Coordinator located in Planning, and with a GIS steering committee formed to provide guidance in further developing GIS in the City.

Mr. Haines explained a proposed 3-5 year implementation plan and timetable, and identified suggested budget targets for proposed City and MPU activities in such areas as software, training and data conversion. Mr. Haines emphasized that a key initial component of this project was for the City to upgrade its aerial photos by participating in a 2010 aerial photography project, which had a cost advantage to it, as it was a multi-jurisdictional project.

Mr. Hornung asked how a return on investment was calculated for this type of investment?

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Mr. Haines replied that it was not easy to do, but noted that by comparing old technology vs. new technology, the time savings related to the new technology could be a measure of return. Mr. Haines continued that looking at a time savings would be one way to evaluate the return on these projects.

Mr. Hornung asked what WPS used?

Mr. Haines stated that he was not very familiar with WPS, but surmised that they had their own base maps. Mr. Haines continued that he was more familiar with the American Transmission Company (ATC), which used GIS a great deal, and found it beneficial in managing their assets. Mr. Haines added that he had done several projects for ATC.

Ms. Mellon asked if the GIS Coordinator position was a full or part-time position?

Mr. Haines replied that he felt it would be a full-time position.

Mr. Hornung asked how many full-time equivalent positions were doing GIS?

Mr. Haines stated that there was a single person doing GIS.

Ms. Yanda estimated 2.5 full-time equivalent positions were doing extensive work with GIS.

No action was taken.

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

Mr. Braun explained that this was a follow up to last month's meeting and discussion on this proposed annexation. Mr. Braun reviewed a map which identified the results of Mr. Paternoster's visits to area property owners to determine the level of interest in annexation. Mr. Braun identified property owners that, based on Mr.

Paternoster's input, appeared to be in favor of annexation, that were against annexation, and that were not sure of their position. Mr. Braun noted that Mr. Paternoster had not yet talked with Delbert Schmidt regarding his position on this matter.

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Norman Paternoster, 2916 So. 10th, stated that he had not talked with Mr. Schmidt yet.

Mr. Braun asked Mr. Paternoster if the map depicting support/non-support for a potential annexation was accurate?

Mr. Paternoster stated that the map appeared to be accurate.

Mr. Braun explained that the property owners on Viebahn Street had non-resident water and sewer agreements. Mr. Braun continued that there were 3 generations of these agreements related to the Burkhart, Schweigel and Bridenhagen properties. Mr. Braun continued that there was water, but no sanitary sewer service in So. 10th Street, and that the sanitary would require an extension of approximately 800' to service the area.

Mr. Brey asked if there was any further clarification regarding the presence or absence of an east-west running R/W in the proposed annexation area?

Mr. Braun stated that there was no more clarity to that question. Mr. Braun added that last week, they learned that regarding the Schweigel property, there were 2 homes located on this parcel, with a home to the north having water and sewer service, and the house to the south being on a septic system.

Mr. Less stated that he felt there were 2 options: (i) consider annexing only the strongest tax base area generally surrounding the Paternoster property; or (ii) based on the Paternoster survey, encourage the annexation of the larger area. Mr. Less added that Mr. Paternoster was present to get some direction from the Commission, and suggested that the latter was the direction he should be encouraged to move towards.

Mr. Braun commented that they would plan on convening a neighborhood meeting to provide an opportunity to provide a question/answer forum to these owners, prior to Mr. Paternoster circulating an annexation petition.

Mr. Hornung asked how the parcel with 2 homes on the same lot would be handled, when 1 unit had sanitary sewer and the other didn't?

Mr. Braun noted that he would have to talk with Bob Netzler regarding this parcel, as there were other lots with 2 houses in the City, but in those cases, both had sanitary service.

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Mr. Less suggested that this would be a pre-existing condition, and that the first time some action was required at the property, would require that the second home hook up to the sanitary.

Mr. Braun noted that the current Code stated that if sanitary was available, a property owner had 1 year to hook up to the sanitary. Mr. Braun added that in this case, the sanitary had been available for 50 years.

Mr. Less questioned if the lot could be temporarily zoned as multifamily at the time of annexation?

Mr. Hornung stated that the City would not permit 2 homes on the same lateral.

Mr. Muenzenmeyer stated that he did not think the multifamily zoning solution would work for 2 single family homes on the same lot, and noted that there were several lots in the City that had 2 homes on it, and that they would be given 1 year to hook up to sanitary once made available.

Commission members stated that they would be most interested in seeing the larger area identified as the annexation area.

No action was taken.

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

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

Ms. Mellon explained that she had attended a MCPAC meeting on May 27th, and that the time line for completion of the County's project was discussed. Ms. Mellon added that at the July MCPAC meeting, they would begin discussion of any conflict points between the County plan and the City plan.

Mr. Less asked how the City would know if the plans conflicted, as he had not seen a draft of the County's plan?

Ms. Mellon stated that she assumed that the County would provide the City with

a draft of their plan for review and comment.

Mr. Brey noted that he would talk with Tim Ryan about this matter as well.

Mr. Muenzenmeyer noted that the next MCPAC meeting was scheduled for June 24th, at which time they would be reviewing the draft of the County plan, its goals, objectives, policies and vision statements, as well as have an initial discussion of the County Plan categories, growth and preservation areas.

No action was taken.

2. Vandewalle Update

Mr. Less stated that they were waiting for a draft from Vandewalle of the entire plan, before proceeding to an open house. No action was taken.

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

_____Mr. Less advised the Commission that Mr. Muenzenmeyer had sent an e-mail to Mr. Reinertson requesting an update. No action was taken.

VII. NEW BUSINESS

D. PC23-2009: Wisconsin Waterfront Grant / Riverwalk Planning Grant - Presentation by Kindness Architecture + Planning

Mr. Less provided a brief history of this project, noting that several months ago the City applied for waterfront planning monies that were available from the WI Department of Commerce (DOC). Mr. Less advised that the total \$25k project was funded in part with a \$15k CDBG grant from the DOC, along with a \$10k match from the City's comprehensive planning account. Mr. Less explained that the purpose of the grant was to prepare a vision for establishment of a long range riverwalk program along the Manitowoc River. Mr. Less introduced Scott Kindness, Kindness Architecture + Planning, Inc. as the project consultant.

Scott Kindness, introduced his team members – Melissa Rudolph and Claudio Maxwell, and noted that they were around the midpoint in terms of project completion. Mr. Kindness then took the Commission through his riverwalk presentation, noting that a vision session had recently been held, and then made the following key points:

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1. The proposed riverwalk in Manitowoc represented a study in diversity with 3 distinct areas– natural, industrial and urban areas.
2. There were a lot of activities, events and amenities identified in the visioning session that were to be considered in the riverwalk planning process.
3. The visioning session also produced a prioritization of areas and opportunities to be improved.
4. City-owned parcels of land and privately-owned properties in the study area were identified, and overlaid with the activities and events identified in 2. above, to identify critical parcels in the riverwalk program.
5. The highest priority area to be developed was in the downtown, generally between 8th and 10th Street. The second highest priority was the western extremity of the study area in the areas of Manitou and Schuette Parks. The third priority, presenting the greatest challenge, was the central industrial area generally between 10th Street and 21st Street.
6. The challenge was to promote the diversity of the study area, and to encourage people to come down to the river–respect the landscape, and to be environmental.
7. Cross-river connections were discussed to make for shorter, cross river options and linkages to encourage people to use the entire riverwalk.
 1. Design elements for the riverwalk and improvements could include renewable products, recycled spancrete, recycled sidewalk, crushed aggregate, reclaimed wood, or other environmentally friendly materials.
 2. The riverwalk was an opportunity to present not only the history of Manitowoc and the river, but to also create viewing areas or nodes for the creation of focal points, such as local artist displays.
 3. An alternate route through the industrial area was being explored,

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as moving pedestrians through heavy industrial properties could be problematic. The steep bluffs could present an opportunity in this portion of the study area.

Mr. Kindness noted that they had computer modeled the City along the river, and would ultimately place the riverwalk into the computer model.

Mr. Hornung identified the location of an MPU substation to the south of the Burger Boat property.

Mr. Kindness emphasized that they took time to dream a bit about what this riverwalk could look like, and reviewed some design renderings of what downtown Manitowoc could look like. Mr. Kindness noted that he would be making a presentation to the Council on June 15th, and added that his goal was to have the project completed by the end of June.

Mr. Brey noted that this was a plan, and noted that most of the lands in the plan were not owned by the City, and cited the Busch Agricultural Resources (BAR) property abutting the south side of the river.

Mr. Less noted that in some instances, securing easements could be difficult.

Mr. Hornung commented that he did not see this as a barrier, and felt the BAR wanted to protect their river access, and likely would not have problems with other uses at their property along the river.

Mr. Diedrich stated that he was impressed with Mr. Kindness and his concepts, adding that this was a long term vision.

Ms. Stokes commented that there were small things that could be done.

Mr. Diedrich referenced the success of Mariner's Trail as a precursor and impetus to the expansion of the riverwalk.

Mr. Hornung commented on the area to the west and north of the Osuld Torrison property, and asked Mr. Kindness what he envisioned for this portion of downtown?

Mr. Kindness commented that he felt the driving factor was the river, and noted that the river evolved from being originally pristine to a working harbor, and was now

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reverting back to its more natural state. Mr. Kindness noted that establishing a critical mass along the river would be the catalyst for the redevelopment of interior blocks.

Mr. Less noted that he felt the Canadian National railroad property west of 10th Street was also a trigger for new downtown development.

Mr. Kindness noted that the one-way 10th Street was a huge barrier to development in this area.

Mr. Diedrich noted that he originally was not in favor of changing from a 1-way to a 2-way street, but his thought process was evolving towards supporting that idea.

Mr. Hornung commented that 100 per cent State highway funding of the bridges was impetus for the current 1-way system, but added that the funding formula had since changed.

Mr. Nickels commented that he liked the idea of converting lands next to Burger Boat to a park.

Additional discussion was held. No action was taken.

B. PC26-2009: City of Manitowoc; Proposed Land Sale and Modification of Easement in Manitowoc Industrial Park

Mr. Less explained that this 2008 approved land sale in the Manitowoc Industrial Park was for an area measuring approximately .32-acres in area, and identified the area on various maps. Mr. Less noted that back in April, 2008, the Industrial Development Corporation and the Council approved the sale, and authorized the Planner to negotiate the terms and conditions of the sale, and to close the transaction. Mr. Less added that Mr. Troullier held up the sale as he wanted to know what was going on with storm water pond discussions related to some Dowco, Inc. property that the City was proposing to acquire for siting a pond.

Mr. Less reviewed an approved site plan for Lee Troullier d/b/a 4435 Custer, LLC, and stated that he was now ready to move forward on the purchase of the subject property. Mr. Less explained that the entirety of the .32-acre parcel was covered by a utility easement for installing and maintaining above ground or underground electric, sewer and water facilities. Mr. Less noted that this easement was created and appeared on the plat of the Manitowoc Industrial Park Subdivision which was platted back in 1976. Mr. Less noted further that in the past, the City had sold off parts of this easement

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area extended, but always retained easement rights and prohibited the construction of buildings and structures in the easement area.

Mr. Less explained that in this case, Mr. Troullier intended on erecting a building within this subject property/easement area. Mr. Less noted that currently there were overhead electrical lines running through the subject property, and that upon completion of the land sale, Mr. Troullier intended to construct a 90' x 36' warehouse building that would be centered on the south line of the easement. Mr. Less added that the Commission had previously received information on this transaction including a draft of the Offer to Purchase. Mr. Less emphasized that the Offer to Purchase for the parcel had since been accepted by both the parties, and included and incorporated by reference, the "Standard Utility Easement Conditions" (SUEC) document recorded at the Manitowoc County Register of Deeds on November 7, 1997 in Volume 1252, Page 498 of Records, Document No. 798738. Mr. Less emphasized that the existing easement would not be extinguished or modified; rather, the property would be sold subject to the existing easement. Mr. Less added that MPU and other relevant utilities had been contacted regarding this development, and were not opposed to authorizing the construction of a building within the easement area.

Mr. Less recommended that the Commission recommend to Council that they take the following actions by adoption of this report: (i) re-confirmation to sell the subject parcel pursuant to the accepted Offer to Purchase; and (ii) authorize a modification/exception to Section 9 of the SUEC to permit the construction of a building within the easement area, as detailed in approved SP7-2009. Mr. Less added that the recommendation would also include a statement that the Commission's review of this matter was done pursuant to §62.23 (5) Wis. Stats.

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

C. PC27-2009: Annual Review of Special Permits for Fixed Animated Signs Pursuant to Section 15.45(18)(e)7. of the Manitowoc Municipal Code

Mr. Less explained that this annual review pursuant to Section 15.45(18)(e)7. of

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the Code occurred in June of each year, and noted that some of the signs which had received a Special Permit had not fulfilled their landscaping requirements. Mr. Less provided Commission members with a handout detailing signs that had not yet fulfilled the landscaping requirement under Section 15.45(18)(c)8. of the Code.

Mr. Less recommended that the Commission advise Council that they had completed their annual review, and found that excepting the landscaping deficiencies identified above, all existing animated signs as of this date were found to be substantially in compliance with the Code. Mr. Less recommended further that for the signs not yet constructed, or with landscaping deficiencies, were to be contacted by the Director of Building Inspection, and so notified that if they were not yet completely constructed to meet code and in compliance with the landscaping requirements referenced above by the Commission's June, 2010 annual review, the Commission would consider actions against the recipients of these Special Permits including, but not limited to modification of the terms and conditions of the original Special Permit, issuance of citations and financial penalties under Section 15.63(2) of the Code, or immediate revocation of the Special Permit.

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

VIII. MISCELLANEOUS

A. Manitowoc County Activities:

1. None

B. Certified Survey Maps (CSM):

1. City of Manitowoc/4435 Custer, LLC; Proposed CSM in the Manitowoc Industrial Park Subdivision, Located Partly in Lots 20-26 of Subd. of SW¹/₄ Sec. 25, T.19N., R.23E., and Partly in

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NE¹/₄ of SE¹/₄ and Partly in SE¹/₄ of SE¹/₄ Sec. 26, T.19N., R.23E.,
City of Manitowoc

_____ Mr. Braun explained that the proposed CSM was related to the Troullier land sale as discussed under VII.B. above.

Motion by: Mr. Hornung

Seconded by: Mr. Diedrich

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 5/8/09 - 6/7/09:

1. SP6-2009: UnitedOne Credit Union a/k/a Manitowoc Community Credit Union, 1126 So. 10th, Parking Lot (pending).
2. SP7-2009: Troullier/4435 Custer LLC, 4435 Custer, New Construction (pending).
3. SP8-2009: Felician Village, Inc./St. Mary's Home for the Aged, Inc., 225 Division, Phase III - Skilled Nursing Facility and Residential Care Apartment Complex.

IX. ADJOURNMENT

The meeting was adjourned at 8:30 P.M.

Respectfully Submitted,

David Less
Secretary