

PLAN COMMISSION MINUTES - 4/14/2010

Plan Commission Offices
Manitowoc City Hall

Regular Meeting
Manitowoc City Plan Commission
Wednesday
April 14, 2010
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
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
Elizabeth Werdermann

Others Present

See Attached Sign In Sheet

III. APPROVAL OF MINUTES of the Regular March 10, 2010 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. PC17-2010: McMahon; Request for a Conditional Use Permit (CUP) Under 15.27(3)7. for the Operation of a Tattoo/Body Piercing Business at 2203B N. Rapids Road

Mr. Less explained that this was a request from Scott and Tiffany McMahon d/b/a Sticky's Tattoos LLC, a Wisconsin Limited Liability Company, as the lessee of property located at 2203B N. Rapids Road, who were requesting that the City issue a CUP pursuant to Section 15.27(3)7. of the Manitowoc Municipal Code for the operation of a tattoo and body piercing business. Mr. Less stated that the CUP would allow for the operation of a tattoo and body piercing business under the "B-3" General Business District zoning district regulations.

Mr. Less explained that under a CUP, the Commission and Council must determine if the proposed use was reasonably necessary for the convenience and welfare of the public, was in harmony with the character of the surrounding area, and would have a minimal or no effect on surrounding property values. Mr. Less noted that the Commission and Council could affix conditions to the CUP to provide assurances that the proposed use would not have a negative impact on the surrounding area.

Mr. Less commented that Sticky's was first registered as a Wisconsin LLC in May, 2005. Mr. Less continued that previously, they had been located at 914 So. 10th Street, where they've operated since 2006 and in a location zoned "C-1", Commercial District; a district in which in September, 2004, these businesses became a permitted use in that particular zoning district.

Mr. Less reminded Commission members that back in 2004, the City amended Chapter 15 regarding the operation of tattoo and body piercing operations. Mr. Less explained that the ordinance changed and expanded the locational opportunities for tattoo and body piercing establishments, authorizing them as conditional uses in all "B" zoning district, and as permitted uses in the "C" and "I" zoning districts. Mr. Less stated that the proposed N. Rapids Road location was zoned "B-3" and as such, the proposed use required the issuance of a CUP.

Mr. Less continued that prior to 2004, tattoo and body piercing establishments were permitted by CUP in only the "B-1", "B-2" and "B-3" zoning districts, and were not permitted or conditionally permitted in any residential district, nor in the "B-4", "C-1", "I-1" or "I-2" districts.

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Mr. Less noted that regarding the current and proposed location of Sticky's at 2203B N. Rapids Road, this parcel, a portion of which was referred to as the "CUP Area", was located on the east side of N Rapids Road, north of Remiker Lane, and was identified as a 1.11-acre Tract 3 of a CSM recorded in Vol. 16, Page 85, Document No. 773874, and was a parcel that measured 177.07' along N. Rapids Road, and with an average lot depth of approximately 275'. Mr. Less continued that the property owner was Richard Bellin, pursuant to a Warranty Deed dated April 7, 1999, and that the property was purchased by Mr. Bellin for \$88,000, generated approximately \$4,250 in annual property taxes in 2009, and had an estimated fair market value of \$219,500 according to City Assessor records. Mr. Less noted that the property included a single storied, metal frame building that had approximately 10,091sf of gross leasable area available, and which measured approximately 77' across its front, and had a depth of 190'.

Mr. Less stated that the property owner and the McMahan's entered into a "Commercial Lease" dated March 19, 2010, which included: (i) a 1-year lease term expiring on March 31, 2011; (ii) a 36-month renewal option that had to be exercised not later than January 31, 2011; (iii) a limitation of use clause allowing for only a tattoo and body piercing business, unless consent would be granted by the landlord; (iv) a non-assignment clause; and (v) an allowance of 5 parking spaces in the rear parking lot at the property for the new business.

Mr. Less noted that the eastern half of the building appeared to be the location of the "CUP Area" being leased for the Sticky's operation, and while not defined in the Lease, appeared to be an area measuring approximately 29' x 93', or a total leased area of 2,697sf. Mr. Less continued that this area had adequate parking available in what was essentially an unimproved parking lot comprised in part of asphalt, and in part gravel. Mr. Less noted that a fence separated the subject from the abutting properties along the north and east property lines. Mr. Less continued that Sticky's service offerings would include tattoo and body piercing, aftercare supplies, art-related clothing, custom art from other local artists, and the sale of jewelry. Mr. Less commented that total employment at Sticky's was expected to ultimately range between 3 and 5 employees, and noted that their current hours of operation were Tuesday - Saturday, 11am - 9pm., and they were closed on Sunday and Monday's.

Mr. Less noted that the western half of the building was occupied by the property owner's business, CTT Enterprises which was a computer sales and service

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establishment. Mr. Less noted that there were 9 off-street parking spaces abutting the CTT operation, and that CTT, which opened approximately 11 years ago, occupied approximately 6,400sf of the building and employed the owner and one additional employee. Mr. Less noted that their hours of operation were typically 8am - 5pm.

Mr. Less then explained the requirements for licensing tattooists and body piercing establishments, noting that these requirements were specified in §252.23 and 252.24 Wis. Stats. respectively, and specified that the Department of Health Services (DHS) was the responsible party for licensing and regulating these facilities. Mr. Less referenced Chapter DHS 173.04 of the Wisconsin Administrative Code which established the operating and licensing requirements for tattooists and body piercing establishments pursuant to §252.23 and 252.24 Wis. Stats., and that the law required anyone operating as a tattooist or body piercer to be certified and licensed for their facility and person under this section. Mr. Less added that in Manitowoc County, the County was the designated agent of the State, and as such, the State licensed practitioners and the County licensed establishments.

Mr. Less then noted that the business site at 2203B N. Rapids Road was licensed by the Manitowoc County Health Department through June 30, 2010, and that Scott McMahon, the artist and tattooist, was individually licensed by the State's Department of Health Services through June 30, 2010. Mr. Less emphasized that these licenses would require renewal by the operator, always remaining valid, in good standing, and in place during the term of the CUP.

Mr. Less explained surrounding land uses and zoning.

Mr. Less noted that regarding tonight's informational hearing, notices were mailed from Planning on April 7th to property owners within 200' of the proposed CUP area, and that in response to the mailing, Paul Braun received the following phone calls:

1. On April 13th, he received a phone call from the property owner/landlord supporting the proposed CUP.
2. On April 13th, he also talked with the owner of the residential home to the north, David Anhalt, 2205 N. Rapids Road, to explain some of the proposed compliance conditions recommended for the CUP.

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3. On April 14th, he received a phone call from Barb Warden, 4530 Bleser Court, who expressed concerns with the proposal because of the added noise, traffic, garbage and loitering. She explained that there was a lot of noise coming from the location such as revving of motorcycles, music and swearing, and her concern was that those nuisances would increase. She seemed to have more of a concern with individuals loitering at this location, than with the proposed use. She felt that currently, motorcycles and automobiles raced up and down the driveway creating a lot of noise, and Ms. Warden added there was a potential for more noise, loitering and swearing. Weekends were the worst because this was when the neighbors were not at work and would be outside. She also questioned why the McMahan's would want to locate at this location, with no visibility from N. Rapids Road.

Mr. Less noted that other than these noted responses, there were no other comments received in response to this mailing.

In closing, Mr. Less noted that the City's 2009 Comprehensive Plan identified the subject property as "general business", and as such, the proposed use and CUP would be consistent with the City's current comprehensive plan.

Richard Bellin, 2203 N. Rapids Road, responded to the noise issue and comments that were raised, and commented that Sticky's was not the source of the noise as they hadn't been operating at his building yet. Mr. Bellin went on to explain that he owned a motorcycle, and was responsible for any noise being made. Mr. Bellin noted that he was comfortable with the proposed tattoo and body piercing operation, was pleased with the building improvements made by Sticky's, and would be drafting changes to the lease that would include a noise and non-loitering provision.

Mayor Nickels noted that this was a CUP and as such, the operating conditions could be modified over time if noise became an issue.

Melissa Benfield, 2224 N. Rapids Road, commented that this was a nice residential neighborhood, and noted that there was an establishment across the street from her residence which served liquor, but this did not seem to be problematic at this time. Ms. Benfield continued that she felt that this type of business was not a draw for the area, and would not be good for property values in the area. Ms. Benfield noted that she had 7 children being raised at her residence for which she provided foster care and

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other services, and didn't feel that this use belonged in this part of the City. Ms. Benfield added that she had friends with tattoos and had nothing against this type of business, but added that she had seen loitering at other tattoo establishments around the City.

Scott McMahon, 3402 Goodwin Road, identified himself as the owner of Sticky's Tattoos, and explained that they chose this location because it was set back from the main road, and noted that most of the work he would do would be by appointment-only. Mr. McMahon continued that there was no reason for people hanging around the outside of his business, and stated that he had kids of his own, so was sensitive to neighborhood concerns. Mr. McMahon stated that he was tired of the negative stereotyping of tattoo businesses, and noted that a dance studio, which generated a lot more traffic, was in this location prior to his business. Mr. McMahon added that most of the area was fenced off, and added that he did not see any impact from 2-3 vehicles a day at this site.

David Anhalt, 2205 N. Rapids Road, commented that the dance studio generated a lot of traffic. Mr. Anhalt noted that he resided to the north of the subject property, and felt that the tattoo business should be given a chance at this location.

Coreen Trainer, 4520 Bleser Court, asked for an explanation of what a CUP was.

Mr. Less explained what was meant by the term "CUP", and explained that these uses could become permitted, with operating conditions.

Ms. Trainer asked how long a permit would be good for?

Mr. Less replied that in this matter, it would be continuous as long as the permitted party was a lessee at this location. Mr. Less then explained the annual review provision which was proposed as part of the permit's operating conditions.

Mayor Nickels explained that the CUP annual review provision gave the City the authority to review compliance, and to take a variety of actions at that time including termination of a CUP, if it became a problem for the neighborhood.

Mr. Bellin explained that his building was offset from the road, and that their part of the building where the business would locate was not visible. Mr. Bellin stated at most, the general public would see vehicles pulling in and out of the property, as it was

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offset. Mr. Bellin added that his CTT business would be the most likely entity to be concerned with the proposed new business, but added that he didn't have any concerns that his business would be harmed. Mr. Bellin concluded that he did not feel there was a need for concern over noise.

Ms. Benfield stated that she was not concerned with the proposed tattoo businesses noise or clientele, but felt that the visible advertising of a tattoo parlor would detract from the family-oriented nature of the area.

Paul Benfield, 2224 N. Rapids Road, stated that he felt the proposed use did not fit with the family model.

Greg Trainor, 4520 Bleser Court, asked if the hours of operation could change?

Mr. Less reviewed the key proposed operating conditions for the CUP, including licensing requirements, lease extension deadlines, and specified hours of operation, which, under the CUP, would be limited to 11:00 A.M. - 9:00 P.M., 7 days/week.

Mayor Nickels commented that if the hours of operation for the business became problematic, they could be changed in the future.

Tiffany McMahon, 2402 Goodwin Road, asked Mr. Less what type of documentation he'd want regarding the re-issuance of the operator and facility licenses? Ms. McMahon asked if receipts from these agencies would suffice?

Mr. Less explained that receipts evidencing that license extensions beyond June 30th were in place would suffice.

Mr. Muenzenmeyer commented that the proposed use was okay with the Building Inspection Department, and added that he had talked with Jim Blaha today, and the business was also in good standing with the County Health Department.

Ms. Mellon expressed concern with the adequacy of off-street parking for the business at the property.

Mr. Less commented that there was more than adequate parking at the site.

Mr. Brey stated that he appreciated Mr. Bellin's comments on loitering, and then recalled a similar business that had been located at Washington and So. 21st Street

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several years ago, and noted that loitering was a problem at this site. Mr. Brey added that he did not observe loitering at the Sticky's operation on So. 10th, and did not see a reason to not recommend approval of this request.

Mr. Less recommended that the Commission recommend to Council the issuance of a 2010 CUP exclusively to Scott and Tiffany McMahon d/b/a Sticky's Tattoos, LLC for operation of a tattoo and body piercing establishment at 2203B N. Rapids Road, and subject to the conditions provided to the Commission and on file in the City Planner's office.

Mr. Alpert stated that his law office abutted the So. 10th Street location, and he did not observe any problems with the Sticky's operation.

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

B. PC19-2010: Peltier/D.P. Enterprises, L.L.C.; Request to Rezone Property at 2510 Marshall Street and 1037 So. 26th Street from "B-3" General Business District to "C-1" Commercial District

Mr. Less explained that this was a request from the following property owners and lessees:

1. Daniel Luisier, representing D.P. Enterprises, L.L.C., as the owner of west 10' of Lot 20, and the east 40' of Lot 21, in Block "I" in the City of Manitowoc.
2. Richard Peltier, representing himself as the owner of the west 20' of Lot 21 and all of Lot 22, in Block "I" in the City of Manitowoc.
3. Paul Reiser, representing himself, Nitro Motorsports L.L.C., and Creative Linings LLC, as tenants at 2510 Marshall Street.

Mr. Less stated that these parties were requesting that the properties at the northeast corner of Marshall and So. 26th Street be rezoned from "B-3" General Business District and "R-4" Single and Two Family Residential District, to "C-1" Commercial

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District pursuant to Section 15.31 of the City's Municipal Code to clarify Manitowoc Brake Service as a permitted use, and to authorize the location of Nitro Motorsports as a permitted use for the sale and repair of motorcycles.

Mr. Less noted that the area proposed for rezoning was identified as Lots 17, 21 and 22, plus the west 10' of Lot 20, Block "P" in the City of Manitowoc (tax parcels 000-366-210, and 000-366-220). Mr. Less added that as an additional note, the State owned a triangular shaped piece of property at the southwest corner of Lot 22 that was dedicated for R/W purposes back in 1966, and which measured approximately 126sf in area.

Mr. Less commented that the subject property was generally rectangular in shape, and exclusive of public R/W, measured 105' along the north line of Marshall Street, by 186' along the east line of So. 26th Street. Mr. Less noted that the rezoning area would extend to the centerline of the respective R/W's including the State-owned parcel at the southwest corner of Lot 22 that was part of the R/W. Mr. Less noted that the State-owned area was a triangle measuring 20.52' along the hypotenuse, by 14' along So. 26th Street and 18' along Marshall Street.

Mr. Less stated that the subject property included the underlying land, plus various buildings including a warehouse, a building housing "The Sharper Edge" hair salon, and a building housing Manitowoc Brake Service at 1037 So. 26th Street. Mr. Less continued that the buildings along Marshall Street included a 1-story, concrete block and wood structure constructed around 1959 that measured approximately 2,684sf in area. Mr. Less added that the easternmost building was a warehouse/garage structure measuring approximately 1,144sf in area, with the larger building to the west housing the hair salon and measuring approximately 1,540sf. Mr. Less noted that the tenant from the garage portion currently operated Creative Linings Truck Accessories, a business where he installed bed liners in pickup trucks, but now would like to begin selling mopeds and motor scooters and parts from that location under a relationship with Motofino scooters, and to obtain a motorcycle dealership license with the State. Mr. Less noted that this business operation would include an outside display area. Mr. Less stated that it was his understanding that there was no written lease related to this tenancy.

Mr. Less continued that the Manitowoc Brake Service building was a single story, masonry structure built between 1953 and 1960, and which measured approximately 2,058sf in area. Mr. Less noted that this property had been a former gas station, was acquired by Mr. Peltier in 1975, and had historically been used as an auto

repair facility. Mr. Less continued that originally, there were 5 gas pumps on the property, located on 2 concrete islands, and that the property was a site with leaking underground storage tanks which were removed in the late 1990's. Mr. Less noted that the site received conditional closure in 2001 from the Department of Commerce. Mr. Less continued that in 1990, Mr. Peltier envisioned entering into the used car business, and in March, 1990, the City issued Mr. Peltier a Conditional Use Permit (CUP) to sell used cars and vehicles at this property, with certain limitations.

Mr. Less stated that the proposed rezoning area had a total estimated fair market value of \$237,200, and generated approximately \$4,650 in annual real estate taxes. Mr. Less explained the surrounding zoning and land uses in the area, adding that the area proposed for rezoning to "C-1" Commercial had "B-3" General Business District zoning covering all of Lots 17 and 22, as well as the west 50' of Lot 21, and that the east 10' of Lot 21 was zoned "R-4" Single and Two Family Residential District.

Mr. Less noted that under the existing "B-3" zoning, permitted uses included all types and kind of retail, business and professional uses permitted in the "B-2" and "B-1" zoning districts, as well as auto accessory and parts stores including minor auto repairs. Mr. Less continued that conditionally permitted uses in the district included wrecker services, the sale or rental of used vehicles, apartments, private clubs and lodges, and other conditional uses permitted in the "B-2" district. Mr. Less continued that under the existing "R-4" zoning district, permitted uses were essentially limited to single and two family residential, day care centers and community living arrangements for not more than 8 persons, and conditionally permitted uses included churches, schools, private clubs and day care centers and community living arrangements for 9 or more persons.

Mr. Less explained that the proposed "C-1" zoning district was intended to accommodate heavy service industries at locations directly accessible to the City's arterial and transportation systems where they could conveniently serve the business and industrial areas of the City. Mr. Less noted that under the proposed "C-1" zoning, permitted uses included the same type of retail, business and professional uses permitted in a "B-3" district, as well as contractor offices, laboratories, motor vehicle and motorcycle sales and repair shops, motor vehicle service shops for body repair, painting, radiator and engine repair, tire sales, rental agencies for autos, trailers, trucks and heavy equipment, and the like. Mr. Less added that conditional uses in the "C-1" district would include mini-warehouses and recycling facilities.

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Mr. Less continued that part of the rationale for including the Manitowoc Brake Service property in this rezoning had to do with the distinction between "minor" repair (permitted in existing "B-3" district) and what was permitted in a "C-1" zoning district.

In closing, Mr. Less noted that notices were mailed from the Planning office on April 7th to property owners within 200' of the subject property regarding tonight's hearing. Mr. Less stated that: (i) on April 9th, Mr. Braun received a phone call from Jim Dempsky, owner of a rental property at 1110 So. 26th, who had various questions to ask about the rezoning, but did not appear to be opposed to the rezoning; and (ii) on April 12th, Mr. Braun received a phone call from Jeff Peterman, owner of property at 1036 So. 25th, similarly with some general questions, but again not opposed to the rezoning.

Mr. Less advised that this request was consistent with the City's 2009 Comprehensive Plan that identified this area as "General Business", adding that the proposed rezoning would therefore be consistent with the current comprehensive plan.

Ray Luisier, 2506 Marshall Street, noted that he was owner of the adjacent property, and was concerned with excessive noise emanating from the motorcycle operation.

Tom Arndt, 1019 So. 25th Street, noted that he was not opposed to the rezoning, but questioned if it could be done as a CUP? Mr. Arndt stated that he was concerned with the other potential uses that could go into the property under the new zoning. Mr. Arndt stated that this portion of Marshall Street was a race way to bypass the adjacent intersection.

Mr. Less responded that a CUP would not work in this matter, as there were multiple issues to be resolved by this rezoning proposal.

Paul Reiser, 2009 Crystal Springs Road, Two Rivers, explained that his wife operated the adjacent hair salon, and noted that he would be selling scooters of up to 150cc's, and that above that level, the machines would be classified as motorcycles. Mr. Reiser explained that the Motofino brand of scooter that he would be selling was a 4-stroke scooter, and not the typical scooter and 2-cycle engine. Mr. Reiser continued that he sold truck accessories through his bedliner business, and they would be delivering the scooters for him as well. Mr. Reiser added that his business would be primarily internet-

based, and that he did not want to carry a huge inventory, as he would be able to get a scooter delivered the next day. Mr. Reiser added that he understood the noise issue, and he did not want to do anything that would be harmful to his wife's adjacent business as well as his.

Mayor Nickels rhetorically questioned if a nearby business was also selling scooters?

Mr. Reiser noted that the nearby Custer Street Shell was also selling scooters.

Mr. Brey asked Mr. Reiser to confirm that he would not use the driveway in front of his business for outside scooter storage?

Mr. Reiser replied "no", and that the parking spaces in front of the warehouse were also the off-street parking spaces for his wife's business. Mr. Reiser added that this area would remain open for customer parking. Mr. Reiser noted that he had been operating Creating Linings for the past 3 years from that location.

Mayor Nickels asked Mr. Less for his recommendation.

Mr. Less recommended that the Commission recommend to Council that they instruct the Clerk to call for a public hearing on this matter to be scheduled for May 17th, and if they were inclined to do so, to make a final recommendation for approval of the zone change upon completion of the public hearing. Mr. Less noted that the earliest Council action could be taken on the ordinance would be either May 17th or June 7th.

Motion by: Mr. Diedrich _____ Seconded by: Mr. Brey
Moved that: the Commission approve the Upon Vote: the motion was
Planner's recommendation above, including approved unanimously.
a final recommendation to approve the
zone change upon completion of the public
hearing.

V. REFERRALS FROM COMMON COUNCIL

- A. PC18-2010: SMI, Inc./Manitowoc Tool & Machining, LLC; Release of Easement in Manitowoc Industrial Park

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Mr. Less explained the request to release a 10' wide drainage easement across the Manitowoc Tool & Machining, LLC (MTM) property located west of So. 41st Street, between Clipper Drive and Expo Drive. Mr. Less displayed the impacted Certified Survey Map (CSM), noting the release was related to MTM's current expansion program. Mr. Less added that he had asked MTM to check with MPU and Comcast regarding their position regarding releasing the easement.

Mr. Less recommended that the Plan Commission recommend that the Council: (i) authorize issuance of a release of easement as requested, subject to receipt by the City Planner of written confirmation from MPU and Comcast that they have no problem with the release; (ii) authorize the City Attorney to prepare the release document; and (iii) authorize the Mayor and Clerk to sign the release, with the Clerk to record the document, and with SMI or MTM to pay for all recording fees.

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

B. PC44-2009: Menard, Inc.; Easement Modification at 5120 Calumet Avenue - Review of Correction Instrument

_____ Mr. Less reviewed a correction instrument prepared by SMI pursuant to a "Master Easement Agreement" by and between the City and Menard, Inc. recorded in Volume 2540, Page 733. Mr. Less noted that the "Correction Instrument" was filed pursuant to Section 4. of the Agreement, and corrected and modified various easements impacting the Menard, Inc. property on the east side of Dufek Drive, and north of Calumet Avenue.

Mr. Less recommended that the Commission recommend to Council that the Council: (i) approve the "Correction Instrument"; (ii) authorize the Mayor, Clerk and/or City Planner to sign the Instrument on behalf of the City; and (iii) that the Instrument be recorded at the expense of SMI or Menard, Inc.

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

VI. OLD BUSINESS

- A. 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)(this includes a presentation by Annette Weissbach, WI DNR, Bureau of Remediation & Redevelopment Regarding 1512 Washington)

_____ Mr. Less introduced Annette Weissbach, DNR Remediation and Redevelopment Program, and explained that she had been a long time, integral part of brownfield remediation activities in Manitowoc. Mr. Less noted that Ms. Weissbach was intimate with the environmental status of the former Mirro Building at 1512 Washington Street.

Mr. Less then led the Commission in a discussion of the following proposed TIF amendments in the City of Manitowoc:

1. A boundary amendment impacting existing TIF Districts No. 7, 9 and 10 to correct overlapping TIF districts in the I-43 Industrial Park; and
2. A boundary and potential text amendment, if required, related to existing TIF District No. 16.

Mr. Less noted that a request was made at the last meeting to ascertain if there were any facility expansion plans for the Wisconsin Aluminum Foundry (WAF) and Heresite Protective Coatings that could impact the delineation of the proposed amendment area. Mr. Less stated that he did modify the proposed boundaries of the amendment area to include the residential properties abutting WAF on the south side of Clark Street in Block 208, and to include the entire Heresite Block #210. Mr. Less then provided Commission members with a table detailing the valuation that would be added to the TIF district under the proposed amendment. Mr. Less explained that the main objective of the amendment would be to begin accumulating capital in TIF 16 towards the ultimate demolition and reclamation of 1512 Washington. Mr. Less stated that he did not think the current owner of the 1512 Washington property had any real intention to do anything productive with the property, and added that he felt this property would only continue to decline in its condition beyond its current state as a health and safety hazard. Mr. Less then outlined the various handouts that he had provided to Commission members in previous e-mails, as well as handouts provided to Commission

members this evening, which summarized the ownership history for 1512 Washington from when it was owned by Newell to the present, provided a summary of the environmental reports completed at the site since 2003, and detailed the valuation impact of a TIF 16 amendment as a percentage of the City's equalized value. Mr. Less continued that his strategy for 1512 Washington was to complete as much of the environmental assessment work for this property, prior to the time when it would be demolished. Mr. Less added that the environmental assessment and remediation work would need to be done prior to demolition being able to proceed at the site. Finally, Mr. Less noted that one of his handouts was a summary of the cost recovery statutes in WI.

Annette Weissbach, 2984 Shawano Avenue, Green Bay, provided Commission members with a handout summary of the environmental history of 1512 Washington, along with a map identifying areas where contamination had been previously identified. Ms. Weissbach explained that when Newell-Rubbermaid (N-R) owned the property, they had removed 7 tanks and did some investigation and clean up work related to these while they were still operating. Ms. Weissbach stated that the tanks were removed and the sites cleaned up and subsequently closed in the 1999-2000 period. Ms. Weissbach continued that STS Consultants did a Phase I for N-R in 2003, and that also in 2003, while Lemberger owned the property, he had hired the firm of "Earth Science and Technology" to do a limited Phase II report which identified what, if any, solid/hazardous wastes would have to be dealt with if demolition occurred. Ms. Weissbach continued that the 2003 study, while limited in its sampling, was oriented to determine if there was hazardous waste in the building. Ms. Weissbach went on to state that Mirro or N-R did what they had to do while they were operating at the facility, with the emphasis on tank removal, and nothing else. Ms. Weissbach noted that while these miscellaneous findings had been observed, there were no single "hot spots" in the building.

Ms. Weissbach then addressed the multiple ownerships of the property since it was owned by N-M, and commented that regarding the cost recovery statutes, they were getting further away from the causer of the contamination.

Ms. Weissbach then explained the assessment work done in 2009, which included a very complete Phase I and a Phase II report. Ms. Weissbach explained the key findings of the Phase II report, noting that there were PCB's in a few locations in the building, as well as in the soil and sump areas.

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Mr. Diedrich asked if the contamination lessened towards Washington Street?

Ms. Weissbach stated that the newer part of the building was towards Washington, and that the structure began on the Franklin Street side. Ms. Weissbach added that the building featured a railroad track and courtyard areas.

Mr. Hornung asked about the condition of the timber floors?

Ms. Weissbach explained the substantial timbers used for the flooring, noting that some of the floors had been destroyed.

Mr. Hornung asked if the wood had been contaminated?

Ms. Weissbach explained that probably most of the floors were probably not contaminated, and added that with the underlying concrete and sand layers, the latter was more likely to be housing oil, and would probably require further investigation.

Mr. Less stated that the EPA report identified the floor material as ash, and not sand.

Mr. Braun asked if there had been any testing done in the interior area of the northwest corner of the building where the tower was located to determine if the tower had been breached, as the outflow for Sherman Creek ran by Red Arrow Products?

Ms. Weissbach stated that she did not think any testing was done in this area, adding that while a Phase I and II had been done for the property, a full site investigation was still needed to determine the degree and extent of contamination. Ms. Weissbach continued that the Phase II work stated that there were problems and encouraged further sampling. Ms. Weissbach noted that there was still a lot of sampling that could be done at this property, and added that the work done in 2009 by the EPA's consultant was unique, and provided an excellent inventory of internal hazardous materials. Ms. Weissbach noted that her program typically didn't deal with items such as asbestos, lead-based paint or mercury ballast, and was typically limited to soil and groundwater considerations; all matters that would have to be addressed prior to demolition. Ms. Weissbach continued that the value of the EPA-funded research was around \$37,000. Ms. Weissbach added that the environmental condition of the building was not that bad, and that she had seen a lot worse. Ms. Weissbach noted that dealing with the environmental condition of the site was the easier problem to solve vs. the demolition.

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Mr. Diedrich if natural attenuation would be relied upon for this property?

Ms. Weissbach agreed, and added that the primary issue was building safety.

Mayor Nickels asked if the City could pursue N-R?

Ms. Weissbach replied that she felt it was a slim shot, noting that the way the statute was written, the intervening owners of the property would make it easy for N-R to claim that they were not responsible. Ms. Weissbach continued that regarding the cost recovery statutes, the City would have to first own the property, would first have to do the work, expend monies, and then attempt to recover the costs from N-R. Ms. Weissbach noted that there had been other instances in Manitowoc where parties had tried to go back against N-R unsuccessfully. Ms. Weissbach added that the statute required a 50 per cent local share under the cost recovery approach as part of the bargaining portion. Ms. Weissbach added that until the property was under public ownership, it would be difficult to secure grants for remediation and/or demolition.

Mr. Less explained that under the cost recovery statute, at best, the City might be awarded a judgment. Mr. Less stated that he did not think the City could reasonably expect to have success under these statutes, based on the intervening facts.

Mr. Brey commented that the TIF could become the required match, and emphasized that TIF monies were property tax dollars.

Mr. Alpert asked what might be generated from the TIF district?

Mr. Less stated that this was difficult to answer and a moving target, as the source of increment growth was inflation, and new taxable property. Mr. Less noted that he hoped to be able to generate in the area of \$3mm towards the project. Mr. Less then referenced the distressed TIF legislation that was going to the Governor for signature, but he did not think the proposed amendment being discussed was applicable in that case.

Mr. Hornung commented that he thought the objective of today's discussion was to bring to light that pursuing N-R, or the chances to recover from them was not worth the effort. Mr. Hornung added that he did not think it was a good idea to spend legal fees to pursue N-R.

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Mr. Less stated that he felt Mr. Hornung's statement was a fair one to make.

Mr. Brey concurred with Mr. Hornung's comments, and felt that the odds were slim in terms of getting N-R to agree to participate in the demolition of the site.

Ms. Weissbach said the City could pursue this route, but felt they would just be spending attorney fees.

Mr. Less noted that he did not need this work load, but added that this was a proactive position for the City to take regarding 1512 Washington; a problem that he felt was coming back ultimately to the City. Mr. Less then reminded Commission members that a second TIF issue was to amend the boundaries of 3 districts in the I-43 Industrial Park to resolve overlapping boundary problems. Mr. Less explained that his plan would be to run both of these amendments concurrently.

Mr. Alpert asked if there was a way to get a handle on the cost of the demolition project?

Mr. Less estimated the cost at around \$6 million, and noted that during the EPA work, the current property owner had solicited a bid spec from various demolition contractors, and represented a figure between \$4-5 million.

Ms. Mellon stated that she had been contacted by a demolition contractor recently who had provided a bid to the owner, adding that she could get a hold of his bid estimate if necessary.

Mr. Less noted that at this point they did not have any kind of firm number regarding demolition, adding that part of this would be the creativity level of the contractor in this type of project.

Mr. Alpert noted that if the City could generate \$3mm towards the demolition, at least that would be a good start towards assembling the capital needed to complete the project.

Mr. Brey commented that he was frustrated that the taxpayers of Manitowoc would have to pay for this problem, and felt that the City let slip the opportunity over the past 7 years to go back against Newell. Mr. Brey asked other than Dermatology, what other obligations were outstanding in TIF District No. 16?

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Mr. Less stated that Dermatology was the only authorized investment that had not been expended to date, but added that he did not know what others might be charging off to that district.

Mr. Hornung commented that he would never condone an industry for leaving behind a building of this nature, and have it the City's responsibility to demolish, but added that this building historically paid a lot of taxes and jobs in Manitowoc. Mr. Hornung noted that even though the taxpayers would ultimately be paying for taking down the building, it was a building that generated a great deal of wealth for the community.

Mr. Brey added that he did not disagree with Mr. Hornung, but felt that there was some responsibility for Newell to participate. Mr. Brey commented that he no longer believed that there was anyone on the Commission or the Council that believed this building could be saved, and that it was now a matter of when and why it would come down. Mr. Brey felt that it was probably better going forward for the City to take possession of this building.

Ms. Weissbach noted that the City could go through a friendly condemnation proceeding, or could go through the blight and slum clearance statute.

Mayor Nickels stated that someday, someone was going to have to pay for this, as well as deal with other City issues such as quality of life in the surrounding area, health concerns from asbestos blowing off of the roof, people living in the building, and the like. Mayor Nickels felt that implementing the TIF proposal could position the City towards getting other grants and other funding options.

Mr. Less noted that the practical reality of this matter was that if the Council decided to not proceed with the TIF amendment, or even if they did and the Joint Review Board decided to not approve the amendment, the costs would most likely be borne by the City and/or the County. Mr. Less continued that in his opinion, through TIF, inserting a mechanism into place that would act as a means of at least giving the City some financial wherewithal towards leveraging those dollars towards those costs, would be beneficial.

Mayor Nickels added that the usage of TIF in the future would be at the City's option.

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Mr. Less then explained his recommendation to the Commission. Mr. Less recommended that the Commission recommend to Council that they authorize the City Planner and his staff to proceed to prepare the required amendment documents related to the I-43 TIF Districts No. 7, 9 and 10, and TIF District No. 16, and to take any and all steps necessary to complete said TIF amendments, with the City Clerk authorized to call for a required public hearing before the City Plan Commission upon the call of the City Planner.

Motion by: Ms. Stokes _____ Seconded by: Mr. Alpert

Mayor Nickels asked if anyone had any issues with the changes described for TIF Districts No. 7, 9 and 10?

_____ Mr. Less stated that this was simply a boundary adjustment, and did not include any proposed additions to project costs. Mr. Less added that this would eliminate at least one instance where private improvements were being split between 2 TIF Districts.

_____ Mr. Diedrich asked Mr. Less which boundary alignment he preferred?

_____ Mr. Less replied that Scenario #1 was his preference.

_____ Mayor Nickels then asked for any additional issues regarding a proposed amendment at TIF District No. 16?

Mr. Brey asked for some clarification regarding the Heresite property, and questioned the addition of areas identified as Option "A" and Option "B".

Mr. Hornung commented that his original thought was that the residential area identified as Option "A", located to the north of the Wisconsin Aluminum Foundry, was an opportunity area.

Mr. Brey stated that with these new areas, more tax base would be added into the TIF and its subsequent increments.

Mr. Less stated that there were some items of discussion regarding Heresite that he did not want to speak on at this time, but added that his recommendation would be to include the Heresite block into the TIF amendment area, as well as the area identified as Option "A". Mr. Less continued that in terms of the impact of adding in Options "A" and "B" into the TIF boundary amendment, the effect of this addition was to increase the

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percentage of total equalized value of TIF vs. total equalized value of the City, by approximately one-half percent. Mr. Less felt that adding these 2 areas into the amendment made sense because, he felt there were development opportunities in these locations.

Mr. Brey asked if making investments in these amendment add-on areas could detract from being able to fund the demolition at 1512 Washington?

Mr. Less stated that in theory it would, and then made reference to his desire to acquire the Canadian National property west of 10th. Mr. Less stated that in the original design of TIF District No. 16, the acquisition of that property was a primary objective, but added that this project first required a willing seller. Mr. Less continued that if the railroad suddenly wanted to sell the land, it would be a competing use for the capital available for 1512 Washington. Mr. Less added that all the City could do was move forward with the best information available at the time, and to build flexibility into the TIF project plan to position the City to adapt, maneuver and respond to changes and opportunities in the future.

Mr. Diedrich stated that he would hope other businesses would not just walk away from their buildings in the future, leaving them to the taxpayers.

Mr. Brey stated that he would support this motion to Council, but was not entirely sold on including Options "A" and "B" yet. Mr. Brey then stated that he did not see an easy road with the TIF Joint Review Board on this matter.

_____ Mr. Less commented that what he didn't want was to proceed down this path, knowing there was an absence of support with the Joint Review Board over this property because it was in the City.

Mr. Brey then suggested that at least to make this more palatable, the City should be willing to look at redevelopment options at that site, post-demolition? Mr. Brey added that he felt the purpose of TIF was not just for demolition, but for the ultimate redevelopment of these sites.

_____ Mr. Less stated that this was a given.

Mr. Brey commented that the redevelopment discussions on this site had been for demolition, a park and storm water pond.

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_____ Mr. Hornung stated that he felt the point was being missed that it was “given” that TIF was meant for development.

_____ Mr. Less continued that ideally the block was large enough to accommodate the green space the area desperately needed, but also new development. Mr. Less stated that the issue of new development would be driven by market demand, and noted that the problem this property had was that it was not downtown to take advantage of water, nor was it interstate-oriented, and able to access and benefit from I-43. Mr. Less noted that he felt it would take an unusual type of development to occur at this time, but added that he would love to have a development occur at this location.

_____ Mr. Brey noted that he felt the barrier for redevelopment of the site was the building itself, and that the development ripeness of the site would be revealed once the building was demolished.

Mr. Less noted that new development on this site would benefit the TIF overall, but added that there was a market issue and reality to be dealt with as well.

Mr. Diedrich commented that 3-years ago, he would never have guessed that the City would today have a Dermatology Associates project in downtown.

_____ Ms. Mellon commented that she applauded moving forward with this TIF proposal with the City taking a pro-active stance, rather than waiting for a disaster to force the City into an action.

Mr. Brey commented that he didn't see the building coming down in a year, as it would take a while to build up the increment.

Mr. Less commented that if the TIF amendment would move forward in a timely manner so that it would be approved on or before September 30,2010, then the effective date of the amendment would be January 1, 2010. Mr. Less continued that in the event the City had to spend monies on the building in 2010, at least the TIF amendment would provide the City with an opportunity to recover its investment this year and over time.

Mr. Muenzenmeyer commented that this was not his favorite usage of TIF monies, but added that he did not think there was a better solution.

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Moved that: the Commission approve the _____ Upon Vote: the motion was
Planner's recommendation above. approved unanimously.

- B. PC3-2010/PC5-2009: City of Manitowoc; Proposed City-Initiated
Vacation Under §66.1003(4) Wis. Stats and Official Map Amendment
Under §62.23(6) Wis. Stats. for Portion of So. 22nd Street

_____ Mr. Less explained that the proposed vacation and Official Map matters for So. 22nd Street were now back at the Commission for final consideration and recommendation. Mr. Less advised that there was no opposition to this change in the So. 22nd Street R/W at the April 5th Council public hearing.

Mr. Less recommended that the Commission recommend that the Council approve a Resolution for the vacation of a portion of So. 22nd Street R/W pursuant to §66.1003(4) Wis. Stats., and approve an Ordinance for amendment of the Official Map for the same area pursuant to §62.23(6) Wis. Stats. Mr. Less then recommended that the Resolution and Ordinance not be adopted until the City Attorney had been successful in completing a negotiation for the sale of the easternmost 6.25 feet of the proposed vacated area to Mr. Burgarino, as well as any further modifications, amendment or termination of the current "Sidewalk Privilege Agreement".

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

- C. PC12-2009: Zahn/Ancient Rites Tattoo & Body Piercing, LLC; Request
for a Conditional Use Permit (CUP) Under 15.27(3)7. for the Operation
of a Tattoo/Body Piercing Business at 1802 Washington Street - Annual
Compliance Review

_____ Mr. Less explained that there were no findings for the above referenced CUP, other than that the business was no longer operational at the Washington Street location. Mr. Less continued that this meant the CUP was effectively terminated at the time occupancy ceased at the property. Mr. Less recommended that Commission recommend that Council officially terminate the CUP, with no further action required related to the above captioned matter.

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

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

_____ Mr. Less explained the annual review provision in this CUP, and noted that there were no negative findings or material disclosures related to the Gauthier operation, and recommended that the Commission recommend to Council that the CUP not be modified, amended or revoked.

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

- E. 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 the annual review provision in this CUP, and noted that there were no negative findings or material disclosures related to the Michels operation on the City Centre, L.L.C. peninsula property, and recommended that the Commission recommend to Council that the CUP not be modified, amended or revoked. _____

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

- F. PC8-2007: Thuermer/Baas; Request for a Conditional Use Permit 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 the annual review provision in this CUP, and noted that there were no negative findings or material disclosures related to the Thuermer/Baas

children's theater operation on N. 10th Street, and recommended that the Commission recommend to Council that the CUP not be modified, amended or revoked.

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

VII. NEW BUSINESS

A. PC16-2010: Manitowoc County; Discussion Regarding Possible Deeding of Certain Lands to City at So. Alverno and West Custer

Mr. Braun explained an opportunity for the City to take title to certain lands located in the City, which were currently owned by Manitowoc County, and which currently had around \$44,000 in outstanding taxes and assessments against it. Mr. Braun stated that the land in question was located at the southeast corner of So. Alverno Road and West Custer, was entirely in the flood plain, and was identified as a 2.35-acre parcel that was currently owned by the County pursuant to a foreclosure of tax liens sale. Mr. Braun noted that there was an existing deteriorated garage on the parcel, as well as old tires and other garbage. Mr. Braun then introduced Adam Backus, Manitowoc County Parks Superintendent, who had been approached by the Manitowoc County Fish and Game Association on the restoration of the property to natural habitat.

Adam Backus, Manitowoc County Parks Superintendent, 5034 Brookfield Circle, explained the history of the property, noting that Fish and Game had called him regarding the availability of the property. Mr. Backus noted that there were sewer laterals into the property, and that fill was illegally put on to the property 15-20 years ago while it was in the County. Mr. Backus explained that Fish and Game wanted the land to remain an open space, and that they were in the process of seeking a grant to pay off the outstanding taxes and assessments, so that the property could be then turned over to the City.

Mr. Braun noted that the future land use map for the area identified it as "industrial/office" with an environmental corridor overlay upon it.

Mr. Backus explained that he was present tonight to see if there was interest by the City in the land, and that the County would like to turn the land over to the City, and get it out of the County's hands.

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Mr. Diedrich asked if the land was big enough for a retention pond?

Mr. Less stated that he doubted it was a viable site for a pond as it was already in the flood plain.

Ms. Mellon concurred that this was the issue.

Mr. Brey added that a pond at that site would not generate much benefit towards achieving the City's storm water mandates.

Mr. Less made reference to a plan done a few years ago by the consulting firm of Foth & Van Dyke for an walkway and environmental corridor along Silver Creek, through the I-43 Industrial Park. Mr. Less continued that he felt this property was important towards achieving that objective. Mr. Less added that he would be interested in acquiring title to the property, as long as it was at no cost to the City, and as long as there was an environmental indemnification in place to protect the City from whatever might be existing and discovered on the property.

Mr. Braun commented that there was no information regarding the origin of the fill that was placed on the property.

Mr. Backus stated that the fill was placed on the property sometime between 15 and 20 years ago.

Mr. Diedrich asked if there were grant monies available to help clean up the property?

Mr. Hornung asked if the fill would have to be removed from the property?

Mr. Less stated that his objective would be to remove structures, but to not tamper with the fill.

Mr. Brey stated that he liked the idea of keeping the land in its natural state, and envisioned doing something in this area similar to the prairie area on Maritime Drive.

Mr. Backus stated that Fish and Game wanted the land left an open space.

Mr. Braun advised that the former owner had filed a site plan 6-7 years ago which was not approved.

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Mr. Muenzenmeyer recommended that before the City would take title to the property, that the structures, tires and debris on the site all be removed. Commission members agreed.

Mr. Less recommended that the Commission recommend to Council that: (i) the City move forward with this project to explore the feasibility, cost and benefit of taking title to this land under a “no cost” scenario, and to determine the terms and conditions for assuming ownership to the property; and (ii) the Deputy City Planner be authorized to act as the City’s agent in this matter, and to negotiate the terms and conditions of a property transfer agreement which would ultimately be subject to approval by the Council.

Mr. Backus did make reference to an encroachment issue related to an adjacent landscaping business and the County property.

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

B. PC4-2006: Budnik; Inquiry Regarding Interest in Selling Lands Located North of Custer Lane and East of South Rapids Road

Mr. Less explained that he had a brief conversation with Tom Tadych regarding the City’s interest in lands located west of Springhill Drive, south of Ravine Drive and east of So. Rapids Road. Mr. Less noted that the original conversation with Mr. Tadych was regarding the donation of land to the City, but that in a subsequent conversation, it became clear that Mr. Tadych was looking for a buyer to acquire the property on behalf of his client. Mr. Less advised that he wasn’t interested in acquiring this land for a price, and felt it was not a competitive usage of City monies.

Mr. Less added that he had a similar conversation with the owner of the property, Joan Budnik, earlier in the day, at which time he advised her that he wasn’t interested in paying her for her land.

Mr. Less recommended that the Commission go on record confirming a “no interest” position regarding acquiring title to this land.

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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.

VIII. MISCELLANEOUS

A. Manitowoc County Activities:

1. None.

B. Certified Survey Maps (CSM):

1. Marvin Laabs; Proposed CSM in the SE¼ of the SW¼ Sec. 22
T.19N., R.23E., Town of Manitowoc Rapids

_____Mr. Braun explained a proposed CSM for property located north of Middle Road, and west of I-43. Mr. Braun stated that the owner owned 40-acres in this area, and wanted to split the existing farm house from the farm land, thereby creating a new CSM tract measuring approximately 1.3-acres. Mr. Braun noted that this tract would be sold to the owner's daughter for her homestead. Mr. Braun added that there were no ingress/egress issues related to the owner's 40-acre tract, as the farm would still have access to the back lands from a third driveway. Mr. Braun recommended approval of the CSM, with the requirement that the west line of the tract be modified to include or exclude the existing barn. Mr. Braun noted that while he had no problem with the proposed CSM and recommended approval, the project still required Town and County approvals.

Motion by: Mr. Hornung _____ Seconded by: Mr. Brey
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. unanimously.

2. MTM Real Estate LLC/Manitowoc Tool & Machining LLC;
Proposed CSM Being a Redivision of TR1.2, V. 26 P. 129 and
TR1.4, V. 16 P. 167 in the SE¼ of SE ¼ and the NE 1/4 of SE 1/4
Sec. 26, T.19N., R.23E., City of Manitowoc

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_____ Mr. Braun explained that the proposed CSM was part of the discussion earlier in the meeting regarding the release of a 10' drainage easement for the MTM property. Mr. Braun noted that once the easement was released, the CSM would be finalized and recorded. Mr. Braun recommended approval of the CSM.

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.

3. Two Rivers - Manitowoc Habitat for Humanity, Inc. a/k/a Manitowoc County Habitat for Humanity, Inc.; Proposed CSM Being a Redivision of TR4, V. 26 P. 141 plus Additional Lands all in Lots 88 and 89 of Hinckley's Subdivision in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 31, T.19N., R.23E., City of Manitowoc

_____ Mr. Braun explained a proposed CSM to be created north of Flambeau Street and west of So. 19th in the City. Mr. Braun stated that Habitat wanted to split this parcel into 3 tracts, and then would subsequently sell the westernmost 2 tracts measuring .25-acres and 1.11-acres to Popp Enterprises towards the creation of a larger subdivision by Popp, with Habitat retaining ownership of Tract 3 measuring 1.11-acres.

Mr. Braun then explained the proposed Popp Subdivision for which he expected to see a preliminary plat in the next few months. Mr. Braun noted that this would be a subdivision for an estimated 16 new lots of record. Mr. Braun added that he did not see a problem with either this Habitat CSM, or the Popp CSM described under "5." below.

Motion by: Mr. Alpert

Seconded by: Mr. Diedrich

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

Upon Vote: the motion was approved unanimously.

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_____ Mr. Braun explained a proposed CSM for lands located south of English Lake Road, west of STH "42" and east of Newtonburg Road. Mr. Braun noted that the owner wanted to split off the existing home and 2 sheds into a 1-acre tract out of a larger 11.35-acre parcel. Mr. Braun noted that originally the owners wanted a larger lot that would have actually split an existing barn structure, but the Town denied the request, and was encouraging the owner to rezone the property to a zoning designation that allowed for 1-acre lots of record. Mr. Braun recommended approval of the CSM, subject to Town and County approvals.

Motion by: Mr. Diedrich

Seconded by: Ms. Mellon

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 3/4/2010 - 4/7/2010:

1. SP1-2010: Manitowoc Tool & Machining, LLC, 4330 Expo Drive - Building Addition (pending).

IX. ADJOURNMENT

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

Respectfully Submitted,

David Less
Secretary