

PLAN COMMISSION MINUTES - 2/16/2011

Plan Commission Offices
Manitowoc City Hall

Regular Meeting
Manitowoc City Plan Commission
Wednesday
February 16, 2011
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
Justin Nickels
David Diedrich
Maureen Stokes
Dan Hornung
Val Mellon
Jim Muenzenmeyer

Members Excused

None

Staff Present

David Less
Paul Braun

Others Present

See Attached Sign In Sheet

III. APPROVAL OF MINUTES of the Regular January 12, 2011 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. PC4-2011: Steven Kratz; Request to Rezone Property Located North of Custer Lane, East of Springhill Drive, and West of the Canadian National RR from "R-4" Single and Two Family District to "B-3" General Business District

Mr. Less explained that tonight's public informational hearing was in regard to a request from Steven Kratz, the record owner of property at the northeast corner of Custer Lane and Springhill Drive, who was requesting that his property be rezoned from "R-4" Single and Two Family District to "B-3" General Business District pursuant to Section 15.27(2)33. of the City's Municipal Code, so as to authorize the location and construction of a private garage on the property as a permitted use. Mr. Less noted that the area proposed for rezoning was identified as Tract 2 of a CSM Rec. V. 24, P. 11 (tax parcel number 826-104-070), and was acquired by the petitioner in April, 2004 from Joan Budnik for \$8,500.

Mr. Less continued that the subject property was triangular in shape, and had a total area of .513-acres, and measured 333.84' along the north line of the Canadian National Railroad property, 169.92' along the east line of Springhill Drive, and 257.59' along the north line of the property which was also the City limits line. Mr. Less noted that the rezoning area would extend to the centerline of Springhill Drive which was identified as a 66' wide R/W. Mr. Less noted that the subject property was vacant, had an estimated fair market value of \$3,200, and generated under \$70 in total property tax. Mr. Less added that the petitioner had his homestead on the south side of Custer Lane, southwest of the subject parcel.

Mr. Less explained that the subject had development challenges in that while its gross area of 22,330' exceeded the minimum lot area requirement under the current "R-4" zoning, and exceeded the minimum lot width requirement of 50' along Springhill Drive (its only public frontage), the lot was limited by its triangular shape, by 10' wide utility easements along the south and north lines of the property, and further by its proximity to an active rail line. Mr. Less continued that the property's developable portion was further limited by the setbacks that would be required under the "R-4" zoning, including a 25' front and rear yard setback. Finally, Mr. Less noted that the lot sloped from south to north, with a significant drop in elevation of approximately 10' at the north end of the property.

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Mr. Less stated that under the "B-3" district, there was no front yard setback requirement, and a minimum 15' rear yard setback if it abutted an "R" zone. Mr. Less noted further that the land to the north of the subject parcel which was located outside the City limits and was previously owned by Joan Budnik, had recently sold to R&J Property Management, LLC at the end of January, 2011.

Mr. Less explained that the rezoning was being requested so that the petitioner could construct a private garage on this property, which would require, at minimum, a "B-3" zoning designation. Mr. Less noted that according to the rezoning application, the proposed garage was estimated to be 2,400sf in area, and that the current "R-4" zoning would require the construction of a garage to be on the same lot as a home structure.

Mr. Less then explained that under the existing "R-4" zoning district, permitted uses were essentially limited to 1 and 2 family residential, and day care centers and community living arrangements for not more than 8 persons, and that conditionally permitted uses included churches, schools, private clubs and day care centers and community living arrangements for 9 or more persons.

Mr. Less continued that the proposed "B-3" zoning district would allow office and professional uses, along with a variety of retail uses, as well as garages for storage. Mr. Less noted that conditionally permitted uses included private clubs and lodges, homes for the elderly, amusement establishments, barber and beauty shops, and tattoo and body piercing establishments. Mr. Less then explained the zoning and land uses surrounding the subject parcel.

In closing, Mr. Less noted that notices were mailed from the Planning office on February 8th to property owners within the City limits that were within 200' of the subject parcel, and that there were no comments received in response to this mailing.

Mr. Less reminded Commission members that they had looked at this rezoning proposal at their January 12th meeting, and were generally supportive of the Petitioner filing the rezoning application. Mr. Less added that the Commission advised the petitioner at that time, that the garage project would be required to comply with City site plan requirements under Section 15.37(2).

Mr. Less then noted that this request for rezoning was generally consistent with the City's 2009 Comprehensive Plan in that it identified this general area as "Urban Neighborhood" in the City, and "Single Family Residential - Exurban" to the north. Mr. Less continued that the "Urban Neighborhood" district was described in the

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Comprehensive Plan as a land use category “...intended to stabilize the land uses, densities, and character of existing neighborhoods that are not characterized by a homogeneous land use pattern.”, and was a district characterized by a mix of housing types, along with small public, institutional and commercial uses. Mr. Less added that the “Single Family Residential - Exurban” district was intended for larger lot single family development. Mr. Less concluded that based on the City’s Plan, it appeared that the proposed rezoning would therefore be relatively consistent with the current Comprehensive Plan.

Mr. Diedrich asked what the maximum size of the structure was that could be constructed in a “B-3” district?

Mr. Muenzenmeyer stated that the site would accommodate a large structure, and explained that there was a 60' height limit for structures in the “B-3” district.

Mr. Diedrich noted that the shape of the parcel was a prohibitive factor in its developability.

Mayor Nickels asked for public comment.

There was no public comment.

Mayor Nickels asked Mr. Less for his recommendation.

Mr. Less recommended that the Commission recommend that Council instruct the City Clerk to call for a public hearing to be held on March 21st and to further recommend adoption of a rezoning ordinance upon completion of the informational hearing.

Mr. Muenzenmeyer stated that he would not be supporting the action, as he did not feel this project was a good mesh with the City’s Comprehensive Plan, and further noted that he felt there was a compatibility issue with larger homes that could likely be built to the north of the subject parcel.

Ms. Mellon asked for clarification regarding Mr. Muenzenmeyer’s concern, and asked if the problem was that the proposed garage would be at the entrance to this area of larger homes in the future?

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Mr. Less stated that it was likely there would be some type of Official Map modification in this area, once the new owner's plans were made public. Mr. Less added that the area to the north had a lot of unusual topographic relief, but added that if the site plan for the storage garage was done correctly, the subject parcel would be adequately buffered.

Ms. Mellon asked if a site plan would be required for the garage?

Mr. Less stated "yes", and added that this point was first made at the last Commission meeting.

Steven Kratz, 4607 Custer Lane, commented that he had contacted Sue Krcma at the Town of Manitowoc Rapids, and noted that he was advised the new land owner to the north wanted to keep that land in the township, and that access to the property would be from Ravine Drive.

Mr. Less commented that currently Springhill Drive was a long cul-de-sac off of Meadow Lane, and that the current Official Map pattern may, or may not be suitable for the development plans of the owner to the north.

<u>Motion by:</u> Ms. Stokes	<u>Seconded by:</u> Mr. Brey
<u>Moved that:</u> the Commission approve the Planner's recommendation above.	<u>Upon Vote:</u> the motion was approved by a vote 7-1. Mr. Muenzenmeyer voted against the motion.

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

Mr. Less explained that tonight's public informational hearing was in regard to the proposed revocation and termination of 2 previously issued Special Permits for fixed animated signs under Section 15.45(18) of the Manitowoc Municipal Code. Mr. Less noted that the following signs had not been constructed to date, and it appeared that there was no intention to construct these animated signs by the common sign constructor, Lamar Advertising:

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1. PC47-2008: Lamar Advertising Co./Kaderabek; Proposed Animated Sign at Leonard Lane and Rapids Road.
2. PC48-2008: Lamar Advertising Co./Coldwell Banker; Proposed Animated Sign at 2406 Washington Street.

Mr. Less offered the following progression of events leading up to today, and noted the following:

1. October 15, 2008 - Plan Commission issued a Special Permit for a fixed animated sign at the Leonard Lane location.
2. November 19, 2008 - Plan Commission issued a Special Permit for a fixed animated sign at 2406 Washington.
3. June 15, 2009 - Plan Commission conducted its annual review of Special Permits for animated signs, and identified these 2 signs as deficient, and included in its action a recommendation that in instances of non-performance, the Director of Building Inspection would contact the sign constructors and advise them that if their signs were not constructed by the time the June, 2010 Commission review occurred, the Commission would consider actions including revocation of the Special Permits.
4. June 21, 2010 - Plan Commission conducted its annual review of Special Permits for animated signs, and identified these 2 signs as still being deficient, and included in its action a recommendation that noncompliance by December 31, 2010 would result in initiation of the Special Permit revocation process.
5. October 6, 2010 - Jim Muenzenmeyer sent written notice to Lamar Advertising advising them that failure to install by December 31, 2010 would result in revocation of the Special Permits.

Mr. Less explained that Section 15.45(18)(e)7. of the Municipal Code specified the annual review of the Special Permits by the Commission, and that actions of the

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Commission resulting from non-compliance could include revocation of the Special Permits. Mr. Less continued that Section 15.45(18)(e)8. provided the following framework for the revocation process: (i) the Commission would hold a public informational hearing on the proposed revocation; (ii) the Commission would make a recommendation to Council with its determination regarding compliance with this section of the ordinance; and (iii) the Council, at its sole discretion, could hold an actual public hearing regarding the proposed revocation.

In closing, Mr. Less noted that notices were mailed on February 9th to Lamar Advertising as the sign constructor at both locations, as well as to the respective property owners, and in the case of the property at 2406 Washington, the property occupant, advising them of tonight's hearing. Mr. Less noted that there were no responses received to the mailing, other than from Kurt Weis, General Manager at Lamar Advertising, who emailed him on February 9th to advise that he would not be attending tonight's meeting, and that he understood the issue and was not going to challenge this process.

Mr. Less added that as Lamar Advertising would be the constructor for both of the non-performing Special Permits, he was recommending that the Commission recommend to Council that the Special Permits previously issued for PC47-2008 and PC48-2008 be terminated, effective immediately, and that should a new application be filed for these signs at some time in the future, the application would be governed by all current regulations and permit fees then in place.

Mayor Nickels asked for public comment.

There was no other public comment.

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

V. REFERRALS FROM COMMON COUNCIL

- A. PC7-2011: Manitowoc County; Offering of Tax Deed Property at 1012 Hamilton Street

_____ Mr. Less explained that this matter was in regard to a communication received from the Manitowoc County Public Works Department for a parcel of real estate located

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at 1012 Hamilton Street, that was in the process of foreclosure. Mr. Less described the parcel as the S½ of Lot 19, Block 287, Original Plat of the City of Manitowoc (Tax ID No. - 000-287-190).

Mr. Less stated that this parcel appeared to be a nice, residential lot with a 2-story wood framed home and detached garage, that by itself should be marketable, without any City support or ownership. Mr. Less recommended that the Commission recommend to the Council that the communication from Manitowoc County be placed on file, and that no further action be taken regarding this property.

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

Mr. Brey noted that the County opened bids for several properties on Monday, including the above referenced property, and that there were no bids received for the Hamilton Street property.

- B. PC1-2011: Sack Realty, LLC; Quit Claim Deed to the City of Manitowoc for .34-Acres for N. Rapids Road /CTH "R" Purposes

_____ Mr. Less explained that this deed was for a portion of N. Rapids Road, adjacent to, and west of the former Coach Lite Inn. Mr. Less noted that this deed was associated with a previously approved Certified Survey Map (approved at the December 15, 2010 Commission meeting). Mr. Less recommended that the Commission recommend to Council that it approve and accept the Quit Claim Deed, and that the Clerk subsequently record the document at the Register of Deeds.

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

VI. OLD BUSINESS

- A. PC47-2010 City-Wide Rezoning of Lands Annexed into City (August 15, 2000 - August 10, 2010) Pursuant to §66.021(7)(a) Wis. Stats. - Consideration to Modify Zoning at Certain Additional Non-Annexation Areas

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_____ Mr. Less explained that this was a continuation of a project spanning the last several months, and advised the Commission that the required public hearing had been held before the Council on February 7th. Mr. Less noted that there was no public opposition at the hearing.

Mr. Less reminded Commission members that the areas included in this zoning amendment were lands annexed into the City after March 14, 2000 which received a “temporary” zoning designation pursuant to §66.021(7)(a) Wis. Stats., along with several map corrections which either: (i) eliminated split zoning of certain parcels and re-aligned zoning lines with the recorded subdivision lot lines; (ii) re-aligned the “P-1” Conservancy zoning district lines so that they were centered (100’ in width) on certain waterways; (iii) eliminated a property’s nonconforming status so as to encourage the redevelopment of certain commercial land uses; or (iv) clarified and removed certain parcels from the flood plain upon which the existing homesteads had been removed from the flood plain as identified on the FEMA Flood Insurance Rate Maps (FIRM) for the City.

_____ Mr. Less recommended that the Commission recommend to Council approval of the ordinance to effectuate the zoning changes as described.

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

B. PC23-2010: Popp/SMI: Popp Enterprises LLC; Popp Subdivision No. 3 - Update

Mr. Less explained the current status of the proposed Popp Subdivision No. 3. located between Summit and Flambeau Streets at So. 21st Street. Mr. Less advised the Commission that they were in possession of a copy of the DNR’s Water Quality Certification that would allow for an adjustment in the So. 21st Street right-of-way (R/W) width and to allow the public street to bisect a wetland. Mr. Less then reviewed maps which identified how the So. 21st Street R/W would be revised, and how the subdivision lots would be platted.

Mr. Less stated that he wanted the Commission to go on record supporting the re-design of So. 21st Street, and then outlined the following next steps to be taken in this process:

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1. A new preliminary plat shall be filed with the City to reflect the adjustment in R/W width for a portion of So. 21st Street, and the revised lot alignment. This revised preliminary plat would supersede and replace the previously filed and approved preliminary plat approved by Resolution No. 266 on May 17, 2010.
2. The subdivider should file a request with the City for the vacation of a portion of So. 21st Street, and an accompanying request to amend the Official Map, both of which should reflect the adjustment in R/W.
3. Upon completion of the vacation and Official Map amendment procedures, the subdivider should then file a final plat which would reflect all permanent changes to the R/W resulting from the vacation and Official Map proceedings.

Mr. Less recommended that the Commission forward his recommendation to Council regarding approval of the re-design of So. 21st Street, and the protocol to follow in the development of this future subdivision.

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

VII. NEW BUSINESS

- A. PC 9-2011: City of Manitowoc; Three Year Harbor Assistance Program Statement of Intentions (2011 - 2013)

Mr. Braun explained the proposed 3-year "Harbor Development, Statement of Intentions" for the term of 2011-2013. Mr. Braun continued that he had worked with Mike Huck, Harbor Master on this "Statement" which was due to WisDOT by April 1st. Mr. Braun reviewed the projects contained in the "Statement", explaining that they had been slightly re-ordered and re-organized when compared to last years filed "Statement". Mr. Braun did note that while the 2 bridges flanking the Canadian National (CN) property were to be torn down this year at CN's cost, he had included these sites in the program in the event there were some unanticipated costs to be borne by the City.

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Mr. Braun recommended that the Commission recommend to Council approval of the "Statement", and added that there was a companion Resolution that the Council would be asked to introduce and adopt on Monday night.

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

VIII. MISCELLANEOUS

A. Manitowoc County Activities:

1. None.

B. Certified Survey Maps (CSM):

1. City of Manitowoc: Proposed CSM in Government Lots 1 and 2, Sec. 24, T.19N., R.23E., City of Manitowoc - Evergreen West Cemetery

Mr. Braun explained that the proposed CSM had to do with re-surveying the lands comprising a future phase of Evergreen Cemetery, located south of Waldo Boulevard and north of Michigan Avenue. Mr. Braun noted that the re-survey reflected the City's deeding back a 22' wide strip of land that had previously been located at the west end of the City property to Christopher Allie, whose residence was to the west of the proposed CSM lot. Mr. Braun added that the City would dedicate Michigan Avenue to itself as well. Mr. Braun recommended approval of the CSM.

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

2. Bank First National: Proposed CSM in the NE¼ of NW¼, Sec.12, T.19N, R.23E., Town of Manitowoc Rapids

Mr. Braun explained that the proposed CSM was for property formerly owned by Jeff Maretti, and located south of Goodwin Road. Mr. Braun stated that Bank First

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National now owned the parcel, and acquired title to it through a foreclosure proceeding. Mr. Braun continued that the owner wanted a CSM prepared for the property to facilitate its sale. Mr. Braun noted that Manitowoc County had issued an area variance for the property as well. Mr. Braun stated that he didn't have any issues with the proposed CSM.

Jeff DeZeeuw, SMI, Inc., 102 Revere Drive, commented that the lands at the south end of the parcel were wet, and added that there were 2 zonings on the property, with the north 250' being zoned "A-1" for the homestead, and with the remainder of the parcel being zoned "A-3".

Mr. Braun commented that Goodwin Road had already been dedicated, and recommended approval of the CSM.

Motion by: Mr. Hornung

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

Seconded by: Mr. Alpert

Upon Vote: the motion was approved unanimously.

C. Summary of Site Plans 1/7/2011 - 2/9/2011:

1. None.

IX. ADJOURNMENT

The meeting was adjourned at 7:10 P.M.

Respectfully Submitted,

David Less
Secretary