

PLAN COMMISSION MINUTES - 5/11/2011

Plan Commission Offices  
Manitowoc City Hall

Regular Meeting  
Manitowoc City Plan Commission  
Wednesday  
May 11, 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  
Justin Nickels  
David Diedrich  
Dan Hornung  
Val Mellon  
Jim Muenzenmeyer  
Maureen Stokes

Members Excused

Jim Brey

Staff Present

David Less  
Paul Braun  
Michelle Yanda  
Elizabeth Werdermann

Others Present

See Attached Sign In Sheet

III. APPROVAL OF MINUTES of the Regular April 13, 2011 Meeting.

Motion by: Mr. Diedrich \_\_\_\_\_ Seconded by: Ms. Stokes  
Moved that: the minutes be \_\_\_\_\_ Upon Vote: the motion was  
approved as presented. approved unanimously.

IV. PUBLIC INFORMATIONAL HEARINGS

- A. PC24-2011/PC10-2011: WAFCO LLC; Proposal for the Discontinuance and Vacation for Portion of So. 17<sup>th</sup> Street Under §66.1003(2) Wis. Stats. and Official Map Amendment Under §62.23(6) Wis. Stats. for Portion of So. 17<sup>th</sup>, South of Clark Street

Mr. Less explained that tonight's public informational hearings were in regard to a request from the Wisconsin Aluminum Foundry Company, Inc., whose corporate offices and principal place of business was on Blocks 207 and 208 of the Original Plat. Mr. Less noted that WAF d/b/a WAFCO, LLC had recently purchased 2 parcels of property abutting So. 17<sup>th</sup> Street, south of Clark Street, and were now requesting that the City amend the Official Map to remove the remaining portion of So. 17<sup>th</sup> R/W south of Clark Street, and concurrently, to discontinue or vacate the same portion of So. 17<sup>th</sup> Street. Mr. Less added that the Official Map amendment proceedings were pursuant to §62.23(6)(c) Wis. Stats., and the request to discontinue or vacate a portion of the So. 17<sup>th</sup> Street R/W was pursuant to §66.1003(2) Wis. Stats.

Mr. Less then explained that the street vacation process was governed under §66.1003 of Wis. Stats., and that §66.1003(2) Wis. Stats. provided that a portion of a public R/W may be vacated upon submittal of a written petition to the Common Council, signed by the owners of all of the frontage abutting the portion of the street sought to be vacated, plus the owners of more than one-third of the frontage of the remaining portion of the street which was within 2,650 feet of the ends of the portion of the street to be vacated. Mr. Less advised that a vacation petition was filed with the Clerk's office on May 2, 2011, and that a "Notice of Lis Pendens" was filed at the Register of Deeds office on May 2<sup>nd</sup>, and recorded the same day in V. 2640, P. 502.

Mr. Less stated that for purposes of this discussion, he would use the term "vacation" to describe these proceedings, but noted that more correctly, the term "discontinuance" was the term used in §66.1003 Wis. Stats. Mr. Less noted that he would use these terms interchangeably.

Mr. Less continued that the vacation petition that was filed with the Clerk's office had been signed by WAFCO, LLC as the owner of 100% of the frontage abutting the area proposed to be vacated, and the 100% owner in Blocks 207 and 208 of the Original Plat abutting the previously vacated portion of So. 17<sup>th</sup> Street from the south line of the proposed area to be vacated, to just north of the Franklin Street R/W line. Mr. Less continued that the petition was deemed to meet the statutory requirements for completeness in this matter. Mr. Less stated that proceeding under this statute included

a requirement for owner signatures representing at least one-third of the frontage for the remainder of the public way which was within 2,650' from the ends of the area proposed to be vacated. Mr. Less explained that in the case of this proposed vacation and for the purpose of determining satisfaction with the 2,650' requirement of the statute which required the 2,650' provision applying to "one continuous route of public travel", So. 17th Street only existed as far north as the south line of Western Avenue, and as far south as the WAF production facility. Mr. Less noted that for purposes of determining who must petition, the ownership of intersections was not considered, but the length of the intersection was included within the calculation of the 2,650'.

Mr. Less stated that regarding the vacation under §66.1003(2) Wis. Stats., the Council could act on the vacation petition without conducting a public hearing on the request, but added that the Official Map amendment required a public hearing, and these would be concurrently run processes.

Mr. Less continued that pursuant to §66.1005(2) Wis. Stats., the City traditionally retained all easement and utility rights incidental to the vacated R/W which were in place prior to the vacation of the R/W, but noted that this might change based on conversations with WAF.

Mr. Less then explained that the properties abutting the proposed area to be discontinued were properties owned by Kathleen M. Scherer-Ferry and Thomas R. Ferry (acquired by WAFCO, LLC on April 27<sup>th</sup> via Warranty Deed recorded in V. 2639, P. 742); and Clarkbridge Apartments, LLC (acquired by WAFCO, LLC on April 28<sup>th</sup> via Warranty Deed recorded in V. 2640, P. 133). Mr. Less stated that these properties were the recent subject of a rezoning in which these parcels were rezoned from "R-6" Multiple Family District and "B-2" Neighborhood Business District, to "I-2" Heavy Industrial District to facilitate a planned 29,000sf expansion of the WAF operation in this area as a permitted use. Mr. Less advised that this rezoning was approved by the Common Council on April 18th.

Mr. Less continued that as noted during the recent rezoning hearings and subject to approval of the proposed vacation and Official Map amendment, the expansion of a foundry building into the proposed vacation area would require the City to issue a conditional use permit under Section 15.35(3)6. of the Manitowoc Municipal Code. Mr. Less noted that the plan was for WAF to expand its in-building operation by constructing an estimated 160' x 186' facility expansion in the northwest corner of their operation on property currently zoned "I-2", and which would encroach only slightly into the proposed vacation area, which was identified on a preliminary site plan as being used

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for proposed yard storage. Mr. Less added that the proposed WAF expansion would be for WAF's airset sand casting operation, which was a modified sand casting process that combined dry sand with liquid resins as a binder, and would allow WAF to produce larger parts in shorter periods of time. Mr. Less noted that the yard area would be relocated further north into the proposed rezoning area. Mr. Less added that WAF employed 277 at the end of 2010, and currently employs around 330.

Mr. Less then explained that the property that was previously owned by Kathleen M. Scherer and Thomas R. Ferry, was identified as Lots 1 and 4 (excepting the South 3.80'), Block 207, Original Plat (tax #000-207-010), and that the property previously owned by Clarkbridge Apartments LLC, was identified as the West 50' of Lots 2 and 3, Block 208, Original Plat (tax #000-208-031).

Mr. Less added that the former Scherer/Ferry parcel contained a combination of structures: (i) a 2-story masonry structure which appeared to be used for storage at present, and whose rear yard abutted the WAF yard, separated by a fence; (ii) a single story frame structure which appeared to be used for residential purposes; and (iii) a detached garage structure.

Mr. Less continued that the former Clarkbridge parcel contained a 2-story, frame structure which appeared to be used for residential purposes, and whose rear yard abutted the WAF yard, separated by a fence. Mr. Less added that there was no garage associated with this structure, and added that this property appeared to contain 4 apartments (2-1st floor, 2-2nd floor), and had a history of code compliance problems that went back as far as 1968 when it was a rooming house.

Mr. Less noted that the proposed vacation of the 66' wide R/W of So. 17<sup>th</sup> Street, south of the south R/W line of Clark Street covered a distance of 116.2' along the west line of the So. 17<sup>th</sup> Street R/W, and 120' along the east R/W line of So. 17<sup>th</sup>, along with that portion of un-vacated 66' wide So. 17<sup>th</sup> Street, south of Clark which measured 116.2' along its west side and 120' along its east side.

Mr. Less then provided a bit of historical perspective, noting that the current vacation proposal would be the 4<sup>th</sup> for the So. 17<sup>th</sup> area between Clark and Franklin Street and summarized the following previous vacation-related actions:

PC#24-87	Vacation of a portion of So. 17 <sup>th</sup> extending from the south line of Lot 7, Block 208 and the south line of Lot 8, Block 207, south a distance of approximately 285' to just shy of
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the Franklin Street R/W. This was adopted in December, 1987, with utility rights retained by the City.

PC#22-94 Vacation for a 60' portion of So. 17<sup>th</sup>, between Lot 7 in Block 208 and Lot 8 in Block 207, and was adopted in July, 1994, with utility rights retained by the City.

PC#30-98 Vacation for a 60' portion of So. 17<sup>th</sup>, directly south of the recently rezoned area. This was that portion of the R/W between Lot 6 in Block 208 and Lot 5 in Block 207, and was adopted in August, 1998, with certain utility rights for sanitary, storm wand water lines in that location, retained not by the City, but by WAF.

Mr. Less continued that regarding the proposed vacation, there were several utilities beneath the proposed area to be discontinued, and noted that the area contained a water main and sanitary sewer main. Mr. Less again stated that while it was not precisely clear how these utilities would be handled in the vacation proceedings, it appeared that the impacted utilities would reach agreement with WAF to have these utilities become privately owned and maintained.

Mr. Less added that notices were mailed from the Planning Department office on May 4<sup>th</sup> to property owners directly impacted by the proposed vacation, as well as the property owners on the north side of Western and Clark Street between So. 16<sup>th</sup> and So. 17<sup>th</sup> Streets. Mr. Less noted that there were no written comments received in response to this mailing.

Mr. Less noted that this request for vacation of public R/W and amending of the Official Map were consistent with the City's 2009 Comprehensive Plan in that it identified this general area as "Urban Neighborhood" - as described in the 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." Mr. Less added that this was a district characterized by a mix of housing types, along with small public, institutional and commercial uses, and included a principal policy to maintain the urban character of areas mapped in this future land use category by supporting existing non-residential uses which did not negatively impact the surrounding neighborhood. Mr. Less continued that included in the more overarching land use goals were the following objectives and general policies:

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Support land uses and development designs with continued public infrastructure investments that help to enhance Manitowoc's manufacturing economy, as well as its identity as a sustainable community.

Actively promote infill development, adaptive reuse, and redevelopment of blighted and/or brownfield sites, where opportunities exist as a means to improve neighborhood conditions, increase local economic and shopping opportunities, and make use of existing infrastructure investments.

Ensure logical transitions between potentially incompatible land uses. Whenever possible, avoid locating potentially conflicting or nuisance-producing land uses adjacent to each other. Where necessary, buffer potentially incompatible uses through landscaped buffers, open space uses, or less intensive uses.

Mr. Less concluded that based on the City's Plan, the proposed R/W vacation and Official Map amendment were consistent with the current Comprehensive Plan.

Mr. Less again stated that the proposed street vacation did not require a formal public hearing, but it was necessary to publish a Class 3 notice notifying the public when and where the vacation resolution may be acted upon. Mr. Less continued that contemporaneous with the proposed street vacation, was an amendment to remove So. 17<sup>th</sup> (south of the south line of Clark Street) from the City's Official Map pursuant to §62.23(6)(c) Wis. Stats. Mr. Less noted that the City viewed any vacation proceeding as an amendment to the Official Map. Mr. Less added that the Official Map process required that a Class 2 notice be published prior to a formal public hearing, and stated further that the area to be removed from the Official Map was identical to the area proposed for vacation.

Mr. Less then explained the process and timetable moving forward as follows:

1. City Council introduces vacation resolution, and Official Map ordinance - May 16th.
2. Publication of public notices - May 30<sup>th</sup>, June 6<sup>th</sup> and June 13th.
3. Public hearing on Official Map (combined notice) - June 20th.
4. Plan Commission final recommendations - July 13th.
5. Council adopts resolution and Ordinance - July 18th.

There was no public comment at the informational hearing.

Mayor Nickels asked Mr. Less for his recommendation.

Mr. Less recommended that the Commission recommend to Council that it instruct the Clerk to call for public hearing on the Official Map amendment, and to publish notices; and that both matters be referred back to Commission for final recommendation prior to final Council action on these matters.

Mr. Alpert asked if the properties abutting Clark Street would be demolished?

Mr. Less surmised that they would be demolished.

Ms. Mellon stated that the sanitary sewer in So. 17<sup>th</sup> Street only serviced WAF, and therefore, Engineering had no issue with that utility going private and being taken over by WAF, and she believed the same would be true for MPU.

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

B. PC20-2011: Bennett; Structure Moving Application to Relocate a Building From Valders, to 1961 and 1963 So. 35<sup>th</sup> Street (South of Yorkshire Lane and North of Dewey Street) Under Section 15.37(3)

Mr. Less explained that this was a request from Beau Bennett, who was requesting approval to move a residential structure from Valders WI, to 1961 and 1963 So. 35<sup>th</sup> Street pursuant to Section 15.37(3) of the Manitowoc Municipal Code.

Mr. Less identified the "Donor" property, or the original location of the structure to be moved, as a 76' x 30' x 12' single story, side-by-side duplex (including attached garages) to be moved from the DeVooght Yard in Valders.

Mr. Less identified the "Recipient" property, or the location where the structure would be moved to, as a vacant lot on the east side of So. 35<sup>th</sup> Street, north of Dewey Street, and legally described as Lot 1 of a CSM recorded in V. 26, P. 325. Mr. Less noted that this parcel did not appear to be owned by the petitioner, so he was assuming the petitioner was a contract purchaser of the property. Mr. Less continued that the parcel was currently zoned "R-4" Single and Two Family Residential District, and was

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owned by Todd Musial and 4 others in a tenants in common arrangement. Mr. Less added that this parcel was identified by tax #836-103-040, and was currently valued by the City Assessor at an estimated fair market value of \$28,000 and an assessed land value of \$27,900. Mr. Less noted that Lot 1 measured 91.37' along So. 35<sup>th</sup> Street with an average lot depth of 251.7', with a total area of 21,578sf or .49-acres in area.

Mr. Less continued that the proposed structure move route was from the Donor property east on USH151, south to Hecker Road, south to Viebahn Street, east to So. 35<sup>th</sup> Street, and north to the Recipient property; a travel distance of approximately 9 miles as measured along public R/W's.

Mr. Less explained that pursuant to Section 15.37(3), his department did send notices to the property owners abutting and adjacent to the Recipient property on May 4<sup>th</sup>, and advised that there were no responses to the mailing. Mr. Less did note that he was playing phone tag with a property owner in the area, but had not connected with that person yet.

Mr. Less continued that regarding the requirements before issuance of a permit for moving a structure in the City, he noted that they included the following:

1. Building inspection report of building to be moved (*on file and provided*);
2. Applicant to contact other city officials (*other than contact with Jim Muenzenmeyer, no documentation provided that other officials have been contacted. Mr. Less did send an email to MPU and DPW on May 2<sup>nd</sup> advising them of this matter*);
3. Other than Mr. Bennett representing that he intended to re-side the structure and possibly replace some windows after the structure had been relocated to the Recipient property, if there were additional improvements required to be made to the structure by the Plan Commission or Director of Building Inspection, an irrevocable Letter of Credit in an amount approved by Director of Building Inspection would be required (*no information provided*);
4. Performance bond (at least \$25k) which would indemnify the City for any costs or expenses incurred related to moving process (*no information provided*);

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Mr. Less concluded his comments by noting that there were no specifics provided regarding the date or time to complete this relocation.

Beau Bennett, 5021 Cypress Court, explained that he would re-side the home, and expected that he would finish this project within the next 90-120 days, and anticipated having the structure moved in mid-June.

Mr. Less asked Mr. Bennett is he was the contract purchaser of the Recipient property?

Mr. Bennett stated that he was the contract purchaser, and that his Offer to Purchase was accepted and contingent upon City approval of the structure moving request.

Don DeVooght, 113003 USH151, Valders, commented that he was the structure mover, and that his performance bond and insurance were still current.

Mr. Muenzenmeyer commented that the remaining items, including a \$15,000 Letter of Credit, would be provided prior to his department issuing a permit for the structure move. Mr. Muenzenmeyer stated that he believed the role of the Plan Commission in this matter was to determine the appropriateness of the style of the house, and whether or not the structure would be a good "fit" into the neighborhood where it was proposed to be relocated.

Mr. Less reviewed a photo mosaic of the block where the Recipient property was located, and stated that the structure would be a good fit in this area.

Mr. Muenzenmeyer added that in this case, the neighborhood was comprised of similar styled homes, and a mixture of single and two family units.

Mayor Nickels asked Mr. Less for his recommendation.

Mr. Less recommended that the Commission recommend to Council approval of the request for structure moving, subject to compliance with Section 15.37(3); with the Director of Building Inspection authorized to issue the necessary permits upon review and approval of: (i) documentation that the petitioner was the owner of the Recipient property; (ii) identification and resolution of any obstruction or traffic issues along the proposed route identified by the Police Chief, Department of Public Works and MPU-Electric; (iii) a performance bond; (iv) an Irrevocable Letter of Credit pursuant to

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Section 15.37(2)(k); (v) a foundation plan; and (vi) and any other requirements deemed necessary by the Director of Building Inspection for the project to proceed.

\_\_\_\_\_ Mr. Diedrich asked if there would be any problem with getting a curb cut for this lot?

Mr. Muenzenmeyer replied that the lot was mid-block, and shouldn't be a problem, but advised that Mr. Bennett would have to secure whatever necessary permits would be necessary.

\_\_\_\_\_ Additional discussion was held.

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.

V. REFERRALS FROM COMMON COUNCIL

A. PC21-2011: SMI, Inc.; Request for Easement Over Unopened Woodridge Place East of Wild Oak Drive, Woodridge Estates Subdivision No. 6

\_\_\_\_\_ Mr. Less explained that this was a request from SMI for an ingress/egress easement over an unopened public street in Woodridge Estates Subdivision No. 6, and more specifically that portion of Woodridge Place located east of Wild Oak Drive. Mr. Less stated that this was a fairly routine matter, and that the easement was for the benefit of the 2 abutting lots located north and south of the proposed easement area.

Mr. Less recommended that the Commission recommend to Council that it: (i) approve entering into the agreement; (ii) instruct the City Attorney to draft and negotiate the terms and conditions of the agreement; (iii) authorize the Mayor and Clerk to sign the agreement; and (iv) upon being fully executed, that the Clerk record the agreement at the grantee's expense.

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

VI. OLD BUSINESS

- A. None.

VII. NEW BUSINESS

- A. PC22-2011: Sign Me Up/Bill's Auto; Proposed Animated Billboard and Animated Sign at 3836 Calumet Pursuant to Sections 15.45(14)(g) and 15.45(18) of Manitowoc Municipal Code

Mr. Less explained this situation, and identified various maps and graphics on display. Mr. Less noted that there were 2 requests from "Sign Me Up", a sign vendor from Howards Grove regarding the property owned by William E. Grosshuesch and Barbara C. Grosshuesch Revocable Trust Dated April 2, 1999 d/b/a Bill's Auto Sales, 3836 Calumet: (i) an animated off-premise billboard sign to replace an existing non-animated billboard at the east end of the property, and which abutted against the southeast corner of the building; and (ii) an animated ground sign to replace an existing non-animated ground sign at the southwest corner of the property. Mr. Less stated that, in effect, there would be 2 animated signs on this property.

Mayor Nickels stated that there would be 2 signs on a single pole.

Mr. Less replied that the billboard and ground sign would both be animated, both with back-to-back faces.

Mr. Less referenced his previous emails sent on this topic, noting that after being first contacted by the sign contractor, he initially attempted to reconcile the sign ordinance with the billboard ordinance, and included a conclusion in the email (shared with sign contractor, Council and Commission) that he was not enthusiastic about seeing more than 1 animated sign on this property, as the angle of the curve in USH151 would result in the visual stacking of these signs on top of each other. Mr. Less noted that his email recommendation was to approve the animated billboard and issue a Special Permit, subject to various compliance conditions, with the location of the billboard to be in accordance with the City's billboard ordinance, but with the animated component of this sign meeting the animated sign requirements, including the requirement for landscaping.

Mr. Less continued that his recommendation regarding the ground sign was that the proposed animated ground sign not be approved as it did not meet the code requirements, and added that there was also a 5' wide strip of land that would be required

to be dedicated to the City as it was identified as a land reservation on the City's Official Map, if either of the animated signs would be approved. Mr. Less continued that this was a lot that was completely covered with blacktop, and with literally no landscaping to be found, and felt that the City should be working towards enhancing the high visibility image of Calumet Avenue, and not moving in the opposite direction. Mr. Less acknowledged that the animated billboard could be an additional revenue generator for the business if this was the driver for this project, and asked the Commission to recognize the motivation of the parties involved. Mr. Less noted that he had no problem with a non-animated ground sign, but noted that the layout of the property gave him concern, and added that he did not have conflicts with other components of the ordinance such as proximity to other animated signs on the same side of the road, or the distance to residential zoning district, but re-stated that his concern was with the visual stacking and clutter of the animated signs which would occur, and made specific reference to the reverse curve at Calumet and So. 39th.

Mayor Nickels asked what kind of ground sign could be authorized?

Mr. Less replied that the ground sign would be an on-premise sign that could only advertise the business at the property, while the animated billboard sign was an off-premise sign that could not promote the on-site business. Mr. Less continued that he felt upgrading the billboard at the far east end of the property was an easier situation to deal with, and more acceptable visually due to its greater distance from So. 39<sup>th</sup> Street, and would minimize the visual conflicts that he had previously detailed.

Mr. Hornung asked what would happen if the ground sign fell down?

Mr. Less explained that this sign was likely currently in the Official Map R/W, but added that it might, or might not be able to be re-built. Mr. Less noted that there was an amendment to the non-conforming sign statute that allowed the re-building of these signs if they were destroyed after a certain date by an Act of God. Mr. Less added that if the sign was struck by a vehicle, it could not be re-built in its current location if it was non-conforming.

Mayor Nickels asked if the owner could have an animated ground sign if it was moved back 5'?

Mr. Less replied "no", that he could have a backlit ground sign, but discouraged an animated sign in this location, as it would have to be approved by the Commission. Mr. Less noted that even in that slightly revised location, he felt it would still create a visual stacking problem.

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Mr. Alpert asked for clarification regarding what was meant by a ground sign?

Mr. Less explained that the existing sign at the southwest corner of the property was a ground sign, and that it would have to meet the district height requirements. Mr. Less said the existing sign was different than a monument sign.

Mr. Alpert asked if there had been a discussion with the petitioner regarding not making the billboard animated, but allowing the ground sign to be animated?

Mr. Less stated “no”, and added that the ground sign was complicated by the proposed R/W dedication and the landscaping requirement. Mr. Less continued that a landscaping plan was filed by the sign company showing landscaping not around the base of the sign, but rather around the perimeter of the building. Mr. Less noted that this was not what was intended by the landscaping requirement associated with animated signs and billboards. Mr. Less added that in his opinion, if the ground sign became animated, it would still cause a vision/site problem due to its proximity to So. 39<sup>th</sup> and the position of the sign in relationship to Calumet Avenue. Mr. Less stated that he wanted to work with this project, but felt that while the billboard conversion was an upgrade, he did not feel converting the ground sign to an animated sign was an improvement to this corridor.

Mr. Muenzenmeyer commented that if the owner wanted to replace the ground sign legally, the City’s sign code did not have a separation requirement between animated signs, and that while he agreed with Mr. Less, Mr. Less’ view of the clutter issue was just an opinion. Mr. Muenzenmeyer added that one problem with the proposed ground sign was that it was 100% animated, and would therefore, not meet code. Mr. Muenzenmeyer noted that the City did have a separation requirement for billboards.

Mr. Less explained that the ground sign, as proposed, would not meet the 30% requirement contained in the code, as it would be a 100% animated sign as well. Mr. Less noted that he felt public safety was the premiere issue in this instance, and viewed this corner, and the proposed placement of these signs, as problematic.

Mr. Muenzenmeyer commented that regarding public safety, the existing ground sign did not obscure traffic lights. Mr. Muenzenmeyer added that the clearance under the existing ground sign was legal, and added that while he tended to not see this as a public safety concern as expressed by Mr. Less, he felt that the sign was legal the way it currently was, and was less a public safety issue and more a visual clutter issue. Mr. Muenzenmeyer then commented about the proposal to place plantings around the

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perimeter of the building to satisfy the billboard landscaping requirement, and noted that he felt improving the border of the building was acceptable, as having a large landscape area beneath billboards would not work for many of the placements in the City.

Mr. Less replied that his concern was that the site was essentially void of landscaping, and had concerns about planting, and then not maintaining the green area.

Mr. Muenzenmeyer noted that these permits were reviewed annually.

Mr. Less stated again that his preference was to convert the billboard to animated, and to not convert the ground sign to animated.

Ms. Mellon asked if the perimeter landscaping would do much good at this site, as it would largely be hidden by parked cars, and added that the landscaping should be designed to make the view of the property from Calumet Avenue more attractive.

Mr. Hornung noted that for this site, wherever landscaping could be added would be positive.

Mayor Nickels asked Mr. Less for his recommendation.

Mr. Less stated that his handouts included the recommendations, and noted that regarding the proposed animated billboard, he would recommend that the Commission approve the Special Permit, with the Director of Building Inspection authorized to issue a sign permit for the animated billboard, subject to compliance conditions as specified in the handout, including compliance with all relevant sections of Section 15.45, and including the required dedication of a 5' wide strip of property to the City that had been identified on the City's Official Map, and for all facets of this project to be completed within a 180 day time frame. Mr. Less added that regarding the proposed animated ground sign, his recommendation was to deny the request due to public safety concerns as well as the failure to comply with the 30% size requirement, impacts of R/W dedication, etc.

Mr. Hornung asked Mr. Less when the sign company was first made aware that he would be recommending against their request?

Mr. Less reviewed his file, and noted that his position was articulated in his email dated April 27, 2011. Mr. Less noted that the Commission and sign contractor received this email. Mr. Less continued that there were several questions raised in his email that had yet to be addressed. Mr. Less did identify a requirement for an

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indemnification agreement related to the animated billboard that would be required to protect the City in any matters that might arise related to the City's approval which would cause the removal of the existing billboard structure owned by Lamar Advertising.

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

Moved that: the Commission approve \_\_\_\_\_  
the Planner's recommendation  
above.

Mr. Muenzenmeyer asked if these 2 items would be taken together or via separate motions.

Mr. Less stated that separate motions would be fine.

Mr. Hornung and Mr. Diedrich agreed to handle the 2 signs as separate motions.

Paul Radermacher, Sign Me Up, 422 Mill Street, Howards Grove, explained his proposal on behalf of Bill's Auto, and stated that they appreciated the affirmative action on that matter with the exception of the requirement for the 5' strip dedication. Mr. Radermacher continued that this would cause an undue hardship for the property owner, and would severely limit and negatively impact the operation of the business operation. Mr. Radermacher stated that he did not believe this was a reasonable request, and might cause issues with emergency vehicles. Mr. Radermacher added that they were interested in upgrading the property and the signage, and added that the owner didn't have the property to dedicate, and requiring this would be a burden on the business.

Ryan Grosshuesch, 1808 Michigan Avenue, stated that he did not think it would be reasonable to take the 5', and that he had future plans for possibly adding and expanding inventory. Mr. Grosshuesch added that regarding the landscaping around the building, they had ripped out old shrubs last fall, and had plans to beautify the site.

Mr. Less stated that the requirement to dedicate an area on the Official Map was an issue visited before, and noted that, in this case, there was a land reservation impacting this property which was very clearly identified on the City's Official Map. Mr. Less noted that whether by virtue of a Certified Survey Map, or other means, the City's past practice, as consideration for granting an approval, had been to require the R/W dedication in accordance with the Official Map. Mr. Less explained that at the time the Grosshuesch's purchased the property, the Official Map land reservation was in place, and was likely referenced and identified at that time in their title work. Mr. Less

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continued that he felt that to not compel the dedication would be bad practice for the City, and his feeling was that the dedication requirement should be kept in place. Mr. Less noted that while he wanted to help the owner, the dedication of R/W was a priority to obtain at this time.

Mr. Hornung asked about subsequent approvals that the City could grant to the property owner authorizing them to utilize a portion of the dedicated R/W.

Mr. Less replied that while not being able to speak on behalf of the Council, it was possible that the City would grant the property owner a "Sidewalk Privilege Agreement" to authorize an obstruction in the public R/W, so that they could continue to use the land, post dedication.

Mr. Hornung asked that the Commission could make that suggestion to the Council.

Mr. Less stated "yes".

Mr. Radermacher commented that while he appreciated Mr. Less' suggestion, the current owner acquired this property back in 1989.

Bill Grosshuesch, 1808 Michigan, commented that it was 1989 when they bought the property, and that the billboard was put up by Tom Lavey as Lakeland Signcrafters. Mr. Grosshuesch added that regarding the animated ground sign, it would simply be a separate sign box hung beneath the existing "Bill's Auto" sign on the same post.

Mr. Less stated that this was not the design that was sent to the City.

Mr. Radermacher stated that there must have been some confusion on that matter, and explained that his assumption was that the City would prefer to reduce the overall square footage of the sign area. Mr. Radermacher continued that he was not clear that the animated sign could not be the entire sign area.

Mr. Less commented that regardless of compliance with the 30% factor, the Commission would need to address whether or not a visual/site problem was going to be created at this property at a very difficult corner. Mr. Less added that the discussion was not about just a single animated sign, but rather 2 animated signs (both double faced), and added that he understood the sign company's motivation was to sell signs, and that the owner's motivation was to generate additional revenues and to be able to promote special offerings. Mr. Less continued that the City had a responsibility to improve the

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appearance of Calumet Avenue, and to not allow this to happen when the City knew about a problem that was about to be created.

Mr. Radermacher commented that regarding the visual concern, the billboard would flip once every 10 seconds, while the animated sign ordinance allowed a flip speed of 1½ seconds. Mr. Radermacher stated that the owner was okay with a more restrictive flip speed, and then stated that he did not feel an animated ground sign would be visually problematic. Mr. Radermacher noted that the main issue with the ground sign was that he didn't think the separation distance from a "controlled intersection" was applicable as the intersection of Calumet and So. 39<sup>th</sup> was uncontrolled. Mr. Radermacher cited animated signs at Rummele's, MacDonald's, and other locations as examples of where these signs were within 100' of an intersection. Mr. Radermacher stated that he did not think the presence of animated signs had caused problems in other locations, and didn't think this one would either.

Mr. Less clarified that the animated sign ordinance stated that the separation distance of at least 100' was from an existing intersection or a future intersection as measured from the sign, and could be waived. Mr. Less added that the separation distance had been waived on occasion, but only when a single animated sign was being considered, and in the case of Bill's, there were 2 animated signs being proposed. Mr. Less added that regarding the ground sign, it was not clear what the proposal was at this time. Mr. Less continued that if the proposal for the ground sign was an electronic message board, he cautioned about the effectiveness of using that as a means of disseminating information to customers.

Mr. Radermacher noted that the ground sign discussion could be held over until the next meeting, but the main issue for them was the requirement for dedication which would have a huge negative impact upon the business.

Mr. Alpert asked if the City would be compelling the 5' dedication because of the sign application?

Mr. Less stated "yes", and cited the recent discussions with the owner of the PDQ Car Wash property, and that the same issue of a required R/W dedication on the Official Map as a condition of Certified Survey Map approval came up, and in that case, the owner ultimately went to the Streets and Sanitation Committee which upheld the decision of the Commission to require the dedication, consistent with the City's past practice.

Mr. Diedrich stated that this was the City's past practice.

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Mr. Muenzenmeyer added that this issue was not isolated to Bill's Auto, and was relevant and had been enforced for the entire length of Calumet.

Mr. Radermacher noted that he understood this, but emphasized that in the case of this property, it would be an undue hardship on the owners.

Mr. Grosshuesch commented that they couldn't expand the business by giving away frontage, and that they didn't sell grass or trees, but rather sold cars.

Mayor Nickels asked Mr. Hornung if he wanted to amend his motion to deal with the 2 signs as separate issues and motions.

Mr. Hornung stated that he was fine with that if the petitioner wanted another month to work on the ground sign.

Mr. Radermacher stated "yes".

Mr. Diedrich explained that he hoped the owner understood about the "Sidewalk Privilege Agreement" portion of this discussion, and that if approved, they might be able to use City R/W the same as they were doing at present.

Mr. Radermacher replied that he understood, but added that there were no guarantees, and that it seemed unreasonable to take this 5' strip without consideration of compensation.

Mayor Nickels re-stated the motion as first detailed above by Mr. Less, and noted that this vote would only be on the animated billboard.

<u>Motion by:</u> Mr. Hornung _____	<u>Seconded by:</u> Mr. Diedrich
<u>Moved that:</u> the Commission approve _____	<u>Upon Vote:</u> the motion was approved 5-2,
the Planner's recommendation above for _____	with Mayor Nickels and Mr. Alpert voting
the animated billboard.	against the motion.

The Commission did not vote on the proposed animated ground sign at this time.

- B. PC25-2011: Mr. Otek/Boelter's Jewelers; Proposed Animated Sign at 2101 Washington Pursuant to Section 15.45(18) of Manitowoc Municipal Code

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Mr. Less explained that this was a request for a Special Permit to authorize the construction of a fixed animated ground sign at the west end (So. 22<sup>nd</sup> Street) side of property at 2101 Washington. Mr. Less noted that this was property owned by Richard and Janice Francois and was operated as Boelter's Jewelers. Mr. Less reviewed his recommendation to have the Commission approve the Special Permit, and that the Building Inspector be authorized to issue a Special Permit for a fixed animated ground sign at the location specified in their application, and further that the Commission waive the 100' separation requirement (15.45(18)(g)9.) from an existing, unregulated intersection. Mr. Less added that his recommendation included fixing any code deficiencies related to the existing ground sign at the east end of the property, and that the 180 day performance period would be included as a condition of this Special Permit too.

Ms. Mellon commented that she originally had problems with this sign proposal, but felt that as it was moved closer to the So. 22<sup>nd</sup> Street side of the property, the consensus amongst her staff was that it was okay. Ms. Mellon stated that if it was closer to the So. 21<sup>st</sup> Street intersection, they would likely be opposed to the sign. Ms. Mellon commented that there would be problems with this sign had it been located closer to the So. 21<sup>st</sup> Street intersection, which was a busy and already congested intersection.

Mayor Nickels asked how this circumstance was different than the So. 39<sup>th</sup> Street discussion?

Ms. Mellon stated that the So. 21<sup>st</sup> Street intersection was a very busy interchange, more so than at So. 39<sup>th</sup>. Ms. Mellon noted that regarding So. 39<sup>th</sup>, she struggled with that issue as well.

Mayor Nickels commented that he supported both the Boelter's and So. 39<sup>th</sup> Street proposals.

Mr. Hornung commented that the petitioners on So. 39<sup>th</sup> did not have an adequate proposal at this time.

Mr. Muenzenmeyer commented that Mr. Otek, the sign contractor in this instance, came to his office first, to figure out potential problems with their proposal. Mr. Muenzenmeyer noted that the Boelter's sign was originally proposed to be on the So. 21<sup>st</sup> Street side of the property, but after visiting with the sign contractor, it was relocated. Mr. Muenzenmeyer explained that this interaction did not occur with the sign contractor related to the Bill's Auto property, and felt that the problems with Bill's Auto

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might have been alleviated had the sign contractor visited them first before filing the application.

Additional discussion was held.

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

- C. PC26-2011: Mr. Otek/City of Manitowoc; Proposed Animated Sign at Manitowoc Family Aquatic Center Pursuant to Section 15.45(18) of Manitowoc Municipal Code

Mr. Less explained that no consideration for a Special Permit was needed as this was not a sign to be viewed from a public R/W, and was internal to that facility.

After discussion, no action was taken.

- D. PC23-2011: Proposed Changes to Chapter 15 Including Discussion Regarding Amendments to Flood Plain Ordinance and Non-Conforming Bulk Situations

Mr. Less explained that he was working with Mr. Muenzenmeyer to prepare a draft ordinance to amend and update the City's floodplain zoning requirements under Section 15.490 of the Municipal Code. Mr. Less stated that the amendments were required by both FEMA and DNR so that the City's floodplain regulations remained compliant with Federal and State standards, and reflected new Flood Insurance Rate Maps (FIRMSs) and a new Flood Insurance Study (FIS) for the City. Mr. Less added that to remain compliant, the amendments had to be adopted on or before August 2, 2011.

Mr. Less recommended that the Commission recommend that the Council instruct the Clerk to call for a public hearing on the proposed changes to the floodplain ordinance, and further that they recommend that the Council adopt the ordinance to effectuate these changes upon completion of the required public hearing.

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.

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Mr. Less noted that he would have ordinances for Commission consideration in June regarding non-conforming uses and structures, as well as changes to Chapter 21 regarding subdivisions.

Alderman Jason Sladky, 1417 Lee Circle, commented that he was supportive of the non-conforming ordinance, and asked the Commission to move this matter along.

Mr. Less commented that he would keep Alderman Sladky in the loop regarding this proposed ordinance.

VIII. MISCELLANEOUS

A. Manitowoc County Activities:

1. None.

B. Certified Survey Maps (CSM):

1. None.

C. Summary of Site Plans 4/7/2011 - 5/5/2011:

1. None

IX. ADJOURNMENT

Discussion was held and the decision made to change the meeting date for the next Commission meeting to June 22<sup>nd</sup> at 6:30 P.M., as there were scheduling conflicts with the original June meeting date.

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

Respectfully Submitted,

David Less  
Secretary

