

PLAN COMMISSION MINUTES - 10/12/2011

Plan Commission Offices
Manitowoc City Hall

Regular Meeting
Manitowoc City Plan Commission
Wednesday
October 12, 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

Dan Hornung

Justin Nickels

Jim Brey

Val Mellon

Jim Muenzenmeyer

David Diedrich

Members Excused

Steve Alpert

Maureen Stokes

Staff Present

David Less

Paul Braun

Elizabeth Werdermann

Others Present

See Attached Sign In Sheet

III. APPROVAL OF MINUTES of the Regular September 14, 2011 Meeting.

Motion by: Mr. Diedrich _____

Moved that: the minutes be approved as presented.

Seconded by: Mr. Brey

Upon Vote: the motion was approved unanimously.

IV. PUBLIC INFORMATIONAL

A. None

V. REFERRALS FROM COMMON COUNCIL

A. None

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VI. OLD BUSINESS

A. PC42-2011/PC48-2003/PC57-2001/PC61-98: College Glen Developers LLP; Proposed Improvements at Silveridge Park in Silveridge Subdivision

Mr. Less explained that this was a continuation of a discussion from the September meeting regarding the request from College Glen Developers (CGD). Mr. Less noted that the request involved multiple components of Silveridge, including Silveridge Park, the “median” area, a 2006 “Agreement for Subdivision Improvements” (Agreement) between the City and CGD, the extension of Twin Ponds Drive, and an offer to provide \$10,000 in park improvements for Silveridge Park. Mr. Less noted that he had provided both the Commission and CGD with a handout that outlined the key elements of the CGD request, and which included in blackline type the original text of the analysis dated September 14, 2011, and in redline text, included updated information plus his 6 point recommendation. Mr. Less stated that he felt the City had a responsibility to take care of Silveridge Park, and proceeded to identify on a map the area referenced as “entryway” in the CDG written request, and the “median” area as defined and detailed in the Agreement. Mr. Less noted that subsequent to the September meeting, Mr. Braun and Kevin Glaeser, Fleet Manager, met with Dan Wergin in the field to identify the areas referenced in the CGD request to the City, and that the displayed map was prepared subsequent to this field visit. Mr. Less explained that the CGD request was for:

CGD to:

1. Extend Twin Ponds Drive, at CGD cost, its remaining length (approximately 1,220').
2. Grade and seed Silveridge Park at CGD cost.
3. Donate up to \$10,000 in park improvements for Silveridge Park.

City to:

1. Maintain Silveridge Park.
2. Not require concrete road and curb/gutter for the portion of Twin Ponds extended by CGD until either Silveridge Park was open or until certain lots were sold.
3. Take responsibility for the areas identified as “East Berm” and “West Berm Area” on the map (this was the “entryway” reference included in the CGD letter dated August 22, 2011).

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Mr. Diedrich asked Mr. Less to focus his comments on his recommendation.

Mr. Less recommended that the Commission recommend to Council the following:

- 1) City to not take over maintenance of the “entryway”, except for the “median” area as that term was defined in the current subdivision agreement. The City would immediately take over maintenance of the “median” area, with CGD remaining responsible for the “entryway” areas, less the “median” area.

Mr. Less identified complicating factors, noting that the “entryway” area was actually privately owned lands (owned by others than CGD); the lot to the east of Crossing Meadows Drive was owned by a condominium association (existing unit owners on a tenant-in-common basis w/undivided percentage interest in the common area which would include the “entryway”), and a concern with the precedent that would be established.

- 2) Extension of Twin Ponds Drive to be treated as a private drive.

Mr. Less suggested that the City should not accept dedication until such time that the future R/W was dedicated pursuant to Wis. Stat. § 236.29. Mr. Less further suggested that the City would agree to not hard surface (concrete) Twin Ponds Drive R/W including curb and gutter, until at least such time when 50% of the lots in a future subdivision plat (which would include Twin Ponds Drive) were sold by the subdivider to a new third party owner (first generation sales).

- 3) City Council should establish the development of Silveridge Park as a priority, and should take the following steps: (i) instruct the Park & Recreation Director to begin maintenance of Silveridge Park; (ii) authorize the Park & Recreation Director to meet with area residents to determine needs and wants for the park; (iii) modify and detail the originally prepared park concept plan; and (iv) begin funding Silveridge Park improvements through the 2012 capital program.
- 4) CGD to extend current Twin Ponds Drive at their expense and to City specification, to grade/seed Silveridge Park, and to donate \$10,000 in park equipment as per the CDG letter.

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- 5) Authorize the City Planner to negotiate an amendment to the Agreement to incorporate these changes.
- 6) Amend the Agreement to revise its terms and conditions to the mutual agreement of the parties as outlined above, including waivers as referenced above, but expressly predicated upon approval of the Council to maintain and develop the City park going forward.

Ms. Mellon commented that she did some checking as to what level of playground equipment could be acquired for \$10,000, and noted that it was not very much. Ms. Mellon continued that should the neighborhood around the park want more, what should she do?

Mr. Less noted that his intent was that the meeting with the neighbors would result in a new and more detailed concept plan, along with a timetable for implementation of the improvements. Mr. Less continued that regarding the \$10,000, he intended to write the amendment so that the \$10,000 could be used flexibly either for park equipment, or as a payment in lieu of park equipment for uses that might include a utility line extension, or as part of a funding package for a restroom.

Mayor Nickels asked if this was implying capital funding for 2012?

Mr. Less stated “yes”, adding that it should be driven on a needs basis as an outcome of the meeting with the neighborhood.

Mr. Brey noted that he was supportive of this proposal, as outlined, but noted that his only concern was with the City budget, as that was an unknown to him at present. Mr. Brey stated that he couldn’t commit to supporting funding improvements until he had clarity on the City’s 2012 budget.

Mr. Less commented that he was envisioning a 3-5 year plan for improving the park.

Terence P. Fox, PO. Box 1180, Manitowoc, stated that he hoped CGD would be part of this process, and added that he was supportive of the proposal, and suggested that CGD’s might be able to leverage more capital to the table in order to accelerate the development of Silverridge Park. Mr. Fox noted that they were not looking for a “Great America” caliber program, but rather for a start to the development of the park.

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Mr. Hornung commented that he liked the concept of being flexible with the \$10,000.

Mr. Muenzenmeyer commented that he was concerned with the ability of the City to take care of extra parkland due to budget and staffing constraints.

Mr. Less noted that if the City wanted to give back the dedication, they certainly could, but added that neighborhoods needed parks. Mr. Less continued that Silveridge would grow into a more complete subdivision over time, and added that the City would be glad it owned this property, as it would be prohibitively more expensive to acquire raw land for a park sometime in the future. Mr. Less added that if the “median” and park needed to be mowed and maintained by the City, due to their proximity to one another, he did not see this as a difficult situation at all.

Ms. Mellon stated that this was why she had Kevin Glaeser take a look at the “entryway” area, and did not see this as problematic.

Mr. Diedrich commented that the City should be planning for the future, and emphasized this was the function of the Commission. Mr. Diedrich stated that while things did not look good now, it did not mean the future would be bleak as well and things may be better.

Dan Wergin, 1016 N. 40th, Manitowoc commented that they took a farm field and increased its value, which could be generating around \$4mm in real estate taxes in the future when the subdivision was more fully developed.

Mr. Less stated that the original Silveridge discussion and Agreement was a joint effort, and added that at the time of the approval of Subdivision No. 1, CGD wanted to maintain the “median” area. Mr. Less asked if there was a reason that the responsibility for maintaining the “median” area should not go back to the City at this time?

Mr. Wergin stated that there was no urgency regarding maintenance of the “median”, and then acknowledged that as developers, they were not aware that the lots at the north end of the subdivision abutting the south line of Calumet Avenue/USH151 were privately owned. Mr. Wergin stated that he thought the top of the berm was a publicly-owned area.

Mr. Less stated that he felt this proposal established a roadmap for moving forward, and would now be dependent upon the ultimate action and directives of the Council.

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Motion by: Mr. Diedrich

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

Seconded by: Ms. Mellon

Upon Vote: the motion was approved unanimously.

Mr. Wergin asked if the City would have any issue with the extension of Twin Ponds Drive to include gravel street, and curb and gutter improvements so as to clean up the area abutting future lots?

Mr. Less noted that if installed as a private road, he did not know why the City Engineer would have an issue with this arrangement.

Ms. Mellon commented that she would not have a problem with this arrangement, and noted that it had been previously done up in the Woodridge area.

- B. PC49-2010: Saunders; Request for Special Permit Under Section 15.430(11) for Creation of a Parking Lot in a Residential Zoning District - 1205 So. 13th / Lot 3, Block 314, Original Plat - Request for Modification of Special Permit

Mr. Less explained that the Commission was familiar with this issue, as it had been briefly discussed at the September meeting, and noted that the owner would not be able to meet the completion date included in the original Special Permit (November 15, 2011).

Mr. Less recommended that the expiration date of the Special Permit be extended to November 15, 2012 for completion of the parking lot project in its entirety. Mr. Less noted that if the project was not finished by that date, then the City could consider revocation of the Special Permit at that time.

Mr. Brey commented that he did not know if the hole had been filled in at the site.

Mr. Less noted that the hole had been filled in.

Mr. Muenzenmeyer commented that the site would have to be seeded and free of erosion problems.

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Mr. Braun stated that while the hole had been filled in, it had not been sealed, but hoped that it would be rough graded shortly based on his conversation with Madson Tile & Excavating.

Motion by: Mr. Hornung
Moved that: the Commission approve the Planner's recommendation above.

Seconded by: Mr. Muenzenmeyer
Upon Vote: the motion was approved unanimously.

VII. NEW BUSINESS

- A. 1. None

VIII. MISCELLANEOUS

- A. Manitowoc County Activities:

1. None

- B. Certified Survey Maps (CSM):

1. Plagenz/Konop; Proposed CSM in NW¼ SW¼ Sec. 25, T.19N., R23E., City of Manitowoc

_____ Mr. Braun explained that this was a proposed CSM for lands on the west side of So. 39th Street, north of Mangin Street. Mr. Braun explained that this was a land swap between abutting property owners, and added that he had no issues with the proposal which involved the abutting properties re-aligning their common property line. Mr. Braun stated that Plagenz would acquire a strip of land from Konop, and Konop would acquire a strip of land from Plagenz. Mr. Braun noted that he would instruct the surveyor to identify the location of lot lines in relation to existing improvements on the CSM, so as to not have any setback problems. Mr. Braun added that Plagenz would be tearing down an existing garage and building a new structure. Mr. Braun recommended approval.

Motion by: Mr. Hornung
Moved that: the Commission approve the CSM as presented, subject to required easements, petitions and other conditions as stated above.

Seconded by: Mr. Diedrich
Upon Vote: the motion was approved unanimously.

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2. Foster; Proposed CSM in SW¼ SE¼ of Sec. 1, T.19N., R23E.,
Town of Manitowoc Rapids

Mr. Braun explained a proposed CSM located outside of the City, north of Goodwin Road at its juncture with Herman Road to the south. Mr. Braun stated that Foster owned a lot that abutted the north side of Goodwin Road, and which included a 40' wide strip which extended to the north abutting the CN Railroad property. Mr. Braun continued that the plan was for Foster to ultimately create 2 tracts of land: (i) a .88-acre parcel with 110' of frontage on Goodwin Road; and (ii) a 1.50-acre parcel to the east of item (i) measuring 40' x 555' in length and with an area overhanging the north side of the .88-acre tract. Mr. Braun noted that the owner's ultimate goal was to sell off the 1.50-acre parcel at which time the CSM would be created. Mr. Braun stated that the 40' wide strip served only as an ingress/egress to 32-acres owned by Foster to the north. Mr. Braun commented that the owner had already secured a variance from Manitowoc County as the property did not meet a 150' width requirement, and added that he would also get the dedication for Goodwin Road as part of this process. Mr. Braun recommended approval of the CSM.

Mr. Diedrich asked if the City had any Official Map in this area?

Mr. Braun explained the Official Map pattern in this area.

Motion by: Mr. Brey

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

Seconded by: Ms. Mellon

Upon Vote: the motion was approved unanimously.

C. Summary of Site Plans 9/8/2011 - 10/5/2011:

1. None

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IX. ADJOURNMENT

The meeting was adjourned at 6:55 P.M.

Respectfully Submitted,

David Less
City Planner