

PLAN COMMISSION MINUTES - 6/13/2012

Plan Commission Offices  
Manitowoc City Hall

Regular Meeting  
Manitowoc City Plan Commission  
Wednesday  
June 13, 2012  
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

David Diedrich  
Jim Muenzenmeyer  
Jim Brey  
Val Mellon  
Maureen Stokes  
Justin Nickels

Members Excused

Dan Hornung  
Steve Alpert

Staff Present

David Less  
Paul Braun  
Michelle Yanda

Others Present

See Attached Sign In Sheet

III. APPROVAL OF MINUTES of the Regular May 16, 2012 Meeting.

Motion by: Mr. Diedrich

Seconded by: Ms. Stokes

Moved that: the minutes be approved as presented.

Upon Vote: the motion was approved unanimously.

IV. PUBLIC INFORMATIONAL HEARINGS

A. PC24-2012: Felician Village, Inc.; Request for a Conditional Use Permit (CUP) Under 15.190(3)(f) and (3)(n) for Operation of a Resale Shop at 1920 Grand Avenue, and Consolidation of Previously Issued CUP's into 2012 CUP

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Mr. Less explained that tonight's public informational hearing was in regard to a request from Felician Village, Inc., for the issuance of a Conditional Use Permit (CUP) under Sections 15.190(3)f. and (3)n. of the City's municipal code for the establishment and operation of a resale shop at 1920 Grand Avenue. Mr. Less clarified that references to Felician Village were intended to include not only Felician Village, Inc., but also St. Mary's Home for the Aged, Inc., the latter of which would be managing the proposed resale shop.

Mr. Less noted that under a CUP, the Commission and Council had to 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 the surrounding property values. Mr. Less added 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 continued that Felician Village was the owner of just under 23-acres of land in the City of Manitowoc, and noted that in 2008, their property was assessed at \$2,331,600, vs. 2012, when their entire land area was tax exempt. Mr. Less noted that this status was a result of changes in 2009-2010 to Wis. Stat. § 70.11(4d) which exempted up to 30-acres for usage as a benevolent retirement home for the aged.

Mr. Less noted that Felician Village was originally licensed as a 203-bed nursing home, and that in 2012, it was licensed for: (i) an 84 bed skilled care nursing home (St. Mary's Home for the Aged, 1635 So. 21<sup>st</sup>); (ii) 32 CBRF occupants (The Villa, 1600 So. 18<sup>th</sup>); and (iii) 48 RCAC apartments (The Court, 1903 Division). Mr. Less continued that on the nursing home side in 2012, St. Mary's represented 13.5% of the 622 nursing home beds in the County vs. 2008 when they represented just under 20% of the County's nursing home beds. Mr. Less continued that this was a continuation of nursing home industry trends towards more managed care, and assisted living facilities vs. skilled nursing home facilities; in other words, a direction towards a least restrictive, more home-like environment. Mr. Less continued that on the RCAC side in 2012, Felician Village represented over 30% of the 157 RCAC apartment units in Manitowoc County.

Mr. Less then spent some time defining the various types of assisted living facilities previously referenced:

Nursing Home - a place where 5 or more persons who are not related to the operator or administrator reside, receive care or treatment and,

because of their mental or physical condition, require access to 24-hour nursing services. Nursing homes are regulated under Chapter DHS 132, and under ch. 50 Wis. Stat.

Community Based Residential Facility (CBRF) - a place where 5 or more adults, unrelated to the operator or administrator, and who do not require care above intermediate level nursing care reside and receive care, treatment or services that are above the level of room and board, but that include no more than 3 hours of nursing care per week per resident. CBRF's are regulated under Chapter DHS 83, and under ch. 50 Wis. Stat.

Residential Care Apartment Complex (RCAC) - a place where 5 or more adults reside that consists of independent apartments, each of which has an individual lockable entrance and exit, a kitchen, including a stove, and individual bathroom, sleeping and living areas, and that provides not more than 28 hours per week of services that are supportive, personal and nursing services. An RCAC does not include a nursing home or a CBRF, but may be physically part of a structure that is a nursing home or a CBRF. RCAC's are regulated under Chapter DHS 89, and under ch. 50 Wis. Stat.

Mr. Less then went on to explain that the specific request tonight was to authorize Felician Village to operate a resale shop at 1 of 3 de-commissioned CBRF's located on Grand Avenue. Mr. Less noted that in 2003, the City issued 2,500' separation waivers to Felician Village for 3, CBRF's: (i) 1820, 22, 24 & 26 Grand; (ii) 1920, 22, 24 & 26 Grand; and (iii) 2010, 12, 14 & 16 Grand. Mr. Less noted that at that time, the Felician Village's campus was comprised of 102 congregate living apartments, 32 garden homes, a 203-bed skilled nursing home, and 32-apartments of RCAC housing. Mr. Less continued that in 2004, the City issued CUP's for establishing 3, 8-person CBRF's at the 3 Grand Avenue locations previously identified, and added that in 2006, the former CBRF at 2010, 12, 14 & 16 Grand was de-commissioned, and changed to an independent living arrangement. Mr. Less added that the 2 other Grand Avenue CBRF's had similarly been closed and de-commissioned.

Mr. Less noted that in 2008, Felician Village presented a new master plan to the City Plan Commission which, upon completion, would contain approximately 84 nursing home beds, 48 RCAC apartments (up from 32) in a RCAC, and 32 (up from 16) CBRF beds. Mr. Less explained that this 3-year project was completed, and in that same

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year, the Zoning Board of Appeals also granted a variance to required side yard setbacks, and a CSM was recorded to reflect the current 2 lot configuration on the property, bringing everyone to date regarding the current status of the property.

Mr. Less continued that in 2009, the City granted an exception to Felician Village regarding the 2,500' separation provision under Wis. Stat. § 62.23(7)(i)1. for the siting of a 32-bed CBRF at 1600 So. 18<sup>th</sup> for frail elderly and elderly with dementia. Mr. Less added that the City also granted a CUP for establishment of a 32-bed CBRF at 1600 So. 18<sup>th</sup>, and issued another CUP for the relocation of St. Mary's Nursing Home to 1635 So. 21<sup>st</sup> (maximum 84 beds), and to expand "The Court" (RCAC), 1903 Division from 32 to 48 apartments.

Regarding the current proposal, Mr. Less noted that the proposed 2012 CUP area for the location of the resale shop at the former CBRF measured approximately 147' along Grand Avenue, and 124' in lot depth. Mr. Less added that this structure was a single story building built in the 2003-2004 period, originally as an assisted living facility as part of the Felician Village complex. Mr. Less continued that the building, which measured approximately 5,400sf in area, contained 2, 2-bedroom and 2, 3-bedroom units, and was licensed as a CBRF in 2004, the same year the City issued a Certificate of Occupancy. Mr. Less noted that there were 4 attached garages associated with this building, and a large, blacktopped area from Grand to the north end of the buildings. Mr. Less stated that the building was vacated in 2009 upon completion of the 32-bed CBRF at 1600 So. 18<sup>th</sup> Street.

Mr. Less then referenced the Felician Village letter to the City dated May 31<sup>st</sup> outlining the planned operation of the proposed resale shop, which would be staffed by Felician Village volunteers, and would operate during the day, Monday - Friday, potentially expanding to weekends as well. Mr. Less continued that regarding parking, there was no off-street area immediately accessible in this area, but did note that there was unrestricted parking on both sides of Grand Avenue, except for street sweeping restrictions. Mr. Less noted that under the City's off-street parking code, off-street parking required for a resale shop would be a minimum of 5 parking spaces, plus 1 space for each 200sf of gross floor area (net public space), plus 1 space for each 2 staff members working the same hours, plus additional customer parking as may be required. Mr. Less noted that if this proposed use was a freestanding business operation, not proposed to be part of the Felician Village campus, it would require a "C-1" zoning designation under City code.

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Mr. Less then explained the surrounding land uses and zoning in the area., and noted that the entire Felician Village complex between Grand, Division, So. 18<sup>th</sup> and So. 21<sup>st</sup> Streets was zoned "R-6", Multiple-Family District.

In closing, Mr. Less noted that notices were mailed from the Planning office on June 6th to property owners within 200' of the subject property, and that there was no response to the mailing.

Mr. Less then noted that the City's 2009, 20- year land use map that was part of the City's Comprehensive Plan identified this area as "Institutional and Community Facilities". Mr. Less added that there were no conflicts between the plan and the proposed CUP.

There was no other public comment.

Mayor Nickels asked Mr. Less for his recommendation.

Mr. Less explained that his recommendation was a bit different today, in that he had consolidated and re-stated the 3 previously issued CUP's for Felician Village, in tandem with the current 2012 CUP request, into a single 2012 CUP. Mr. Less continued that this would allow for ease of monitoring and regulation going forward, instead of having to work through multiple, previously issued permits. Mr. Less reviewed his recommendation (on file in the Planner's office), noting that he had shared the recommendation with Pat Kaldor in advance of this evening's meeting, and then recommended that the Commission recommend to Council approval and issuance of the CUP as outlined, subject to the conditions as presented and on file.

Mr. Muenzenmeyer asked if there would be any signage related to the resale shop, as he was concerned that Felician Village had already used all available signage square footage under the City's sign ordinance?

Mr. Less noted that there was a ground sign at the property when the building was used for assisted living. Mr. Less added that he did not know about any proposed signage for the resale shop.

Mr. Muenzenmeyer again stated he was concerned that the allowable sign square footage under the code had been maximized for the entire parcel.

Pat Kaldor, President/CEO, Felician Village, 1635 So. 21<sup>st</sup>, commented that she would check with Building Inspection regarding the sign issue.

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Mr. Diedrich commented that he appreciated the effort to clean up the previous CUP's into a single, 2012 CUP.

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

V. REFERRALS FROM COMMON COUNCIL

A. PC23-2012/SP34-2000: City of Manitowoc/Fire Department; Location of New Training Structure Pursuant to Wis. Stat. § 62.23(5) at 3820 Dewey Street - Fire Station #3

Mr. Less explained the role of the Commission in this matter pursuant to Wis. Stat. § 62.23(5), and then reviewed various maps and plans depicting the location and construction of a proposed 2-story, Fire Station No. 3 training center. Mr. Less noted that the proposed building would measure 16' x 32' (512sf) in its footprint, and would be located at the northeast corner of an area measuring 150' x 175' that had been removed from Dewey Street Park several years ago to facilitate the construction of Fire Station No. 3. Mr. Less noted that the process involved mitigating the loss of land out of a 28.76-acre park. Mr. Less identified the following:

1. 1981 City received a parks grant through the Federal Land and Water Conservation Fund for the acquisition of Dewey Street Park.
2. 2000 City accepted a "Warranty Deed" from Habitat for Humanity for the future Emma Radandt Park (rec. V. 1529, P. 499).
3. 2001 A 150' x 175' area (current Fire Station No. 3 location) was removed from Dewey Street Park under the 1981 grant.

In April, the National Park Service (NPS) approved the City's request and removal of the 150' x 175' area from coverage under the grant, and required a deed restriction to be recorded that stated that the City would not sell, lease,

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assign or mortgage Emma Radandt Park without the approval of the NPS and Department of Natural Resources.

In early April, the actual amendment to the grant's "Project Agreement" was signed by the NPS, deleting 26,250sf of land out of Dewey Street Park for use in construction of Fire Station No. 3, and replacing this area with 5.11-acres of new parkland, being Emma Radandt Park.

In May, the "Deed Restriction" was executed and recorded in V. 1529, P. 502.

Mr. Less stated that when he met with the Fire Department representatives in the field a week ago, he told them that the proposed structure had to be located in its entirety within the 150' x 175' area. Mr. Less added that he did not believe the structure would have any utilities associated with it.

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

- 1) Approval of the location and architectural design of the proposed training center building pursuant to the authority under Wis. Stat. § 62.23(5), with the understanding that the location of the building may be shifted somewhat to the south and west, but shall remain in its entirety within the 150' x 175' area removed from the parkland grant;
- 2) Fire Department shall provide a final "as built" site plan or written confirmation to the City Planner verifying that upon completion of construction, the structure was located in its entirety within the 150' x 175' area removed from the parkland grant;
- 3) Fire Department shall review the building plans with the City Engineering Department prior to construction to address any drainage issues that may be relevant to the development; and
- 4) The site plan requirement for this project to be waived as the

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proposed building was less than 1,000sf in area, pursuant to the authority granted under Section 15.37092)(a) of the municipal code.

Mr. Less stated that he wanted a paper trail regarding the City's authorization as to where the facility would be built, and assurances that it was actually built within the 150' x 175' area.

Mr. Diedrich asked if there were any setback issues related to the proposed construction?

Mr. Less stated that there were no lot lines in this area, so there were no setback issues.

Mr. Brey then explained that this matter had been before the Public Property and Safety Committee the previous evening, and was aware that the Fire Department would be fundraising for this project. Mr. Brey noted that the size of the building could change, based on the level of received donations.

Mr. Less commented that he had emailed a copy of this evening's recommendation to Chief Manis, and that the Chief was comfortable with its contents.

Ms. Stokes stated that she hoped the aesthetics of the proposed building would not be out of place in relationship to the existing fire station structure.

Mr. Brey commented that Ben Kraynek of the Fire Department had advised his Committee that the exterior of the proposed training facility would match that of the existing fire station building.

Motion by: Mr. Brey \_\_\_\_\_ 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. PC5-2012: City of Manitowoc; Proposed Vacation Under Wis. Stat. § 66.1003(4) Wis. Stat. and Official Map Amendment Under Wis. Stat. § 62.23(6) for Clay Pit Road

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Mr. Less explained that the Clay Pit Road matter had progressed through the Council public hearing stage, and that there was no opposition to the proposed vacation and Official Map amendment.

Mr. Less recommended that the Commission recommend approval of the vacation Resolution, and the Official Map Ordinance, at the June 18<sup>th</sup> Council meeting.

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

B. PC50-2011: City of Manitowoc; Proposed 2012 Tax Incremental Financing (TIF) District Activities

Mr. Less explained the current plan and timetable for addressing the establishment of certain existing TIF districts as "donor" districts (10, 13, 15 and 17), and other districts as "recipient" and "distressed" districts (8, 11 and 12). Mr. Less added that the July Commission meeting would be the actual public hearing on the various TIF amendments. Mr. Less explained the proposed TIF process, and stated that this was expressly a matter of adjusting the cash flows of these districts.

Mr. Less recommended that the Commission recommend to Council that they authorize the Planner to implement the attached TIF schedule, with the City Clerk further authorized to call for, and publish required notices related to upcoming public hearings before the Plan Commission, Common Council, as well as statutorily required meeting notices of the TIF Joint Review Board (JRB).

Mayor Nickels asked if the status of TIF 12 reflected the recent re-allocation of \$901,000 back to that district

Mr. Less stated "yes", and noted that the impact of that move was that #12 would be classified as "distressed" and not "severely distressed".

Mayor Nickels explained that the City recently took back \$901,000 from the Industrial RLF program that originally came from earlier City bond issues, and added that the RLF accounts were well funded today due to a history of solid loans made by the City. Mayor Nickels added that moving the \$901,000 back into TIF 12 freed up capital from the City's general fund that would otherwise have been reserved to support shortfalls in the TIF district capital account.

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Mr. Diedrich asked what happened if there was a sudden increase in development activity in a TIF District identified as “distressed”?

Mr. Less stated that more growth meant that the District could be terminated earlier than the additional 10 years provided by the “distressed” designation. Mr. Less added that he was writing the amendments so that any of the 4 donor districts could contribute to any of the 3 “distressed” districts. Mr. Less added that he would be sending the Commission 7 amendments prior to the July 11<sup>th</sup> meeting. Mr. Less stated that of great import, was the date when the Council would be asked to approve both the Commission’s amendment of TIF project plans, and the “distress” designations. Mr. Less emphasized that the Council had to first designate the districts as “distressed”, prior to approving the project plan amendments.

Mayor Nickels commented that passage of these changes by the Commission, Council and JRB would be viewed very favorably by Moody’s.

Mr. Less referenced a recent report which cited a statewide decline in property values over the past 2 years, as well as changes made to the valuation of commercial and industrial property by the DOR from back in 2010, all of which have resulted in a decline in City property values.

Mayor Nickels added that this was a cash flow issue, and not a TIF issue, and added that Manitowoc was not alone in WI, as many cities were negatively impacted by the decline in property valuation.

Mr. Brey commented that his concern was with the JRB, and emphasized that the “distressed” status did not mean a district’s life would be extended for a guaranteed 10 years, and hoped that these designated districts would see growth and terminate well before the maximum 10 year term.

Additional discussion was held.

Mr. Less again recommended that the Commission recommend to Council that they authorize the Planner to implement the attached TIF schedule, with the City Clerk further authorized to call for, and publish required notices related to upcoming public hearings before the Plan Commission, Common Council, as well as statutorily required meeting notices of the JRB.

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

C. PC17-2012/PC44-2011: City of Manitowoc; Proposed Ordinance Changes to Chapters 3, 14, 15 and 21, Manitowoc Municipal Code

Mr. Less advised that he had not made any progress on this matter. No action was taken.

D. PC27-2009: Annual Review of Special Permits for Fixed Animated Signs Pursuant to Section 15.450(18)(e)7. of the Manitowoc Municipal Code

Mr. Less reviewed the list of animated sign permit holders, and noted that he did not have any problems identified by any of the reviewing agencies, and recommended that the Commission recommend to Council continuation of the permits issued, with no changes to be made.

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

E. PC18-2012/7-2012: Silveridge Park; Discussion Regarding Funding of Future Park Improvements

Mr. Less explained that he and Mr. Braun had met last week with representatives from Silveridge - Terence Fox, Dan Wergin and Bill Fessler regarding a plan for funding the improvement of the park area, and how to move the process forward. Mr. Less stated that he felt giving back parkland was bad practice, and that ultimately, this area would be a large neighborhood generating a large tax base, and that the City should do everything it could to seed this development and to nurture it to fruition.

Mr. Braun reviewed maps identifying the entire Silveridge area, and provided Commission members with an economic impact and overview of the 122-acre Silveridge development at full development. Mr. Braun noted the following: (i) the current fair market value (FMV) for the 78 lots platted in Silveridge Subdivision No. 1 and 2 was \$8.14mm, and generated \$177,393 in real estate taxes; (ii) 93 additional lots were possible beyond the already platted areas; (iii) the average FMV of developed lots in Subdivision No. 1 and 2 was \$281,643, and the average property taxes generated was

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\$6,120/lot; (iv) projecting a total of 171 lots at full development, Silveridge's FMV would be \$48mm, and would generate over \$1mm in real estate taxes. Mr. Braun noted that those numbers were based on current valuations of the 20 lots developed in Silveridge No. 1 and 2, and were not enhanced under assumptions such as appreciation of real estate values. Mr. Braun added that his analysis did not include property transfers to Schaus or other parties related to the College Glen ownership group.

Mr. Less then explained that the funding arrangement detailed at the June 13<sup>th</sup> meeting was based on the concepts that: (i) an incentive plan was needed to jointly share in the park infrastructure costs; and (ii) improving Silveridge Park enhanced the marketability and therefore the profitability of the overall Silveridge development, and in turn enhances Manitowoc's tax base growth. Mr. Less continued that the concept of deeding parkland back to the developers at a value of approximately \$8,700/acre should be tabled, as the ultimate growth of Silveridge would require a sizeable park to support the development of the area. Mr. Less added that vacant, non-agricultural land valuations in Silveridge today was generally in the area of \$75-\$80,000/acre.

Mr. Less continued that under the funding arrangement described last week: (i) the City would provide \$120,000 in funding from the parkland dedication account towards grading, seeding and other site work; (ii) the developer would provide an additional \$40,000 in either cash or inkind towards improvements to the park; and (iii) the Mayor's 2013 capital budget would include funding for additional park improvements. Mr. Less added that with the potential at full development to generate in excess of \$1,000,000 in real estate taxes, the City's position should be to encourage development of this parkland and the balance of the subdivision, and that the enhancement of Silveridge Park was a small investment in terms of the financial rewards that can be generated over time.

Mr. Less then outlined his recommendation on how to proceed, which he noted was agreed upon by the parties at their meeting a week ago. Mr. Less recommended that the Commission recommend to Council that it take the following actions to resolve this matter: (i) review, and, if necessary, amend the ordinance which established the parkland payment in lieu of dedication to allow for funding of improvements in newly acquired or established parks; (ii) approve the funding arrangement outlined above; (iii) allocate from the parkland fund (Fund 2830 with a balance at the end of 2011 of \$252,097) the sum of \$120,000 principally for grading and seeding of Silveridge Park; (iv) maintain the authorization for the City Planner to negotiate and prepare an amendment to the subdivision agreement as previously authorized; and (v) authorize the Mayor to

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incorporate Silveridge Park improvements into the City's 2013 capital budget. Mr. Less noted that if this would be approved by Council, he'd then have to prepare an amendment to the subdivision agreement to address all of these matters previously and currently on the table.

Mayor Nickels asked if the developer would give the City \$40,000?

Mr. Less stated that the contribution would be cash or inkind. Mr. Less asked Mr. Wergin if that was correct?

Dan Wergin, 1016 N. 40<sup>th</sup>, stated "yes".

Mr. Less stated that the reality in Silveridge was that the park needed to be improved for the balance of the Silveridge development to take place, and that basic improvements to the park today would be the foundation for more costly improvements ie. restroom facilities, in the future as the Silveridge neighborhood continued to grow.

Mr. Brey commented that he wanted to hear from Mr. Wergin and Mr. Fessler on the matter of the land swap that was discussed in May.

Bill Fessler, 5629 Calumet Avenue, commented that Mr. Less took the land swap off the table.

Mr. Brey stated that this did not mean the City Council had taken it off the table.

Mr. Wergin stated they wanted the park developed at 11-acres.

Mr. Fessler stated that they did not need the entire park area graded at one time, as the cost of maintaining the area would be larger, but did note that if the last phase of Silveridge was not put in, there would be no where to drain the park. Mr. Fessler continued that everything had to mesh, including the park development and future phases of residential platting. Mr. Fessler then asked if it was the developer's responsibility to pay for storm sewer lateral to service the park, adding that College Glen Developers had spent between \$60-70k on street improvements and sewer laterals for the park. Mr. Fessler closed by noting that he needed clarification as to when the developer would need to stop funding the development of the park. Mr. Fessler noted that the storm sewer at Crossing Meadows was shallow, and would not drain the park.

Mr. Less stated that his proposal could move this subject forward on a revenue

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neutral basis for the City.

Mr. Wergin commented that he was in agreement with Mr. Braun's analysis of tax dollars, adding that he felt Mr. Braun's numbers were probably on the conservative side. Mr. Wergin noted that in 2011, his recollection was that 6 new home constructions occurred in Silveridge, and which generated an estimated \$80k in taxes paid to the City.

Additional discussion was held.

<u>Motion by:</u> Mayor Nickels _____	<u>Seconded by:</u> Mr. Muenzenmeyer
<u>Moved that:</u> the Commission approve _____	<u>Upon Vote:</u> the motion was
the Planner's recommendation above.	approved unanimously.

Prior to the vote on this motion, the following additional discussion was held.

Mr. Brey stated that he agreed with the solution proposed this evening, and would support it at Council, but added that he also supported the proposal from last month to sell back lands to the developer, to generate cash to fund park improvements.

Mr. Less explained the problems with securing future parklands for a city, and explained that securing 11-acres in Silveridge through the parkland dedication requirement was a huge, future benefit for the City, and that the City should not be giving these lands back, as replacing those lands in the future would be a very expensive proposition. Mr. Less noted that he would hate to see the City return land to the developers in this instance, and that all the City had to do was to fulfill its municipal obligation to improve the park.

Mr. Diedrich stated that he did not agree with Mr. Brey on his point, and felt that returning parkland to residential lot development was bad policy.

Mr. Brey stated that he was overall supportive of the project, and wanted to get something done at the park, and motioned to recommend approval of last month's proposal to deed back 3.42-acres to the developer as outlined in the developers letter to the City. The motion failed for lack of a second.

The Planner's original motion first stated above was then considered and voted upon.

Mayor Nickels commented that the ordinance to do what the Planner suggested was already before Council for consideration, and added that he would put monies into his 2013 capital program for Silveridge improvements in some fashion.

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Mr. Brey noted that he was concerned with the ability of the current proposal to pass through Council, adding that the \$40k contribution from the developer would help. Mr. Brey stated that he would support this newest proposal at Council.

Mayor Nickels noted that he'd be glad to make the presentation that the tax revenues generated from the Silveridge development would pay for the park several times over.

Ms. Stokes noted that she agreed with Mr. Brey about wanting to get the park development moving forward, and did not want to delay this current funding proposal further.

The vote on the Planner's original motion as described above was taken, and approved unanimously.

VII. NEW BUSINESS

A. None

VIII. MISCELLANEOUS

A. Manitowoc County Activities:

1. None

B. Certified Survey Maps (CSM):

1. Henrickson: Proposed CSM in Lots 11 and 12, Block 23, Plat of Manitowoc Rapids, SW<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub>, Section 24, T.19N., R.23E., City of Manitowoc

Mr. Braun provided Commission members with information on a proposed CSM located north of Conroe Street, and west of N. 41<sup>st</sup> Street, and explained that the land owner wanted to sell the north 60' x 120' to the owner of Scott's Custom Body on Conroe Street. Mr. Braun noted that he had no issues with the proposed split, but noted that there were delinquent City and County real estate taxes payable of approximately \$5,400 related to the property proposed for the CSM, and noted that he would not sign off on the CSM until he was comfortable that the taxes would be brought current as part of the transaction (ie. paid at closing).

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Mr. Less asked if there was any title work provided, to see if there were other issues related to delinquent taxes, liens etc.?

Mr. Braun noted that the owner (seller) had represented to him that he needed to realize cash from the sale in order to be able to pay off the delinquent taxes. Mr. Braun recommended approval, subject to the payment of taxes.

Mr. Diedrich stated that any title problems should be cleared up before the property would transfer, and suggested that Mr. Braun work with the seller on this matter.

Commission members asked Mr. Braun to work with the seller regarding determining if there were other title issues that were relevant to the transaction.

Motion by: Mr. Diedrich

Moved that: the Commission approve the CSM as presented, subject to required easements, petitions, and other conditions as specified above, as well as payment of back taxes due, and resolution of any other pertinent title issues.

Seconded by: Ms. Stokes

Upon Vote: the motion was approved unanimously.

2. Laurent: Proposed CSM in the NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, Section 24, T.19N., R.23E., City of Manitowoc

Mr. Braun provided Commission members with information on a proposed CSM located north of Waldo Boulevard at Glenview Drive. Mr. Braun explained that the owner wanted to split their lot into 2 parcels—one measuring .64-acres with an existing house, and a new tract of .55-acres. Mr. Braun noted that there was a storm sewer issue that involved the SW corner of this parcel and a drainage ditch in that area, and that this matter was being looked at by the Engineering Department. Mr. Braun noted that an easement would likely have to be created to protect the drainage in this area.

Mr. Braun recommended approval of the CSM

Motion by: Mr. Brey

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

Seconded by: Mr. Diedrich

Upon Vote: the motion was approved unanimously.

PLAN COMMISSION MINUTES - 6/13/2012

C. Summary of Site Plans 5/11/2012 - 6/7/2012:

1. SP3-2012: Panda Express, 4510 Calumet - New Construction (approved).
2. SP4-2012: Pfeffer Funeral Home, 928 So. 14 - New Garage (approved).
3. SP5-2012: Doneff Custer Village, 5121 Expo Drive - New Construction (16 units) (approved).
4. SP6-2012: Dave's Auto, 2329 N. Rapids - New Construction (mini-warehouse)(pending).
5. SP7-2012: Baileigh Industrial, Inc., 1625 Dufek Drive - Building Addition (pending).

IX. ADJOURNMENT

Mayor Nickels noted that he would not be present at the July and August Commission meetings, due to scheduling conflicts.

Mr. Less noted that the July meeting was the TIF public hearing, so a quorum was imperative.

The meeting was adjourned at 7:45 P.M.

Respectfully Submitted,

David Less  
City Planner