



# City of Manitowoc

900 Quay Street  
Manitowoc, WI 54220  
www.manitowoc.org

## Meeting Minutes

### Plan Commission

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Wednesday, July 22, 2020

6:00 PM

Council Chambers. Meeting will  
also be available via Remote Conferencing

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#### I. CALL TO ORDER

The Meeting of the City Plan Commission was called to order by Chairman J. Nickels at 6:00 pm.

#### II. ROLL CALL

**Present:** 8 - Jim Brey, Dave Diedrich, Daniel Hornung, Mayor Nickels, Dan Koski, Dennis Steinbrenner, Greg Jagemann and Curtis Hall

Staff present: Paul Braun, Adam Tegen, Jennifer Bartz, Lisa Mueller, Elizabeth Majerus, Scott Keil

Others present: Peter Allie, Alex Allie, Steve Weber, Ryan Morris

#### III. APPROVAL OF MINUTES

[20-0710](#) Approval of the Minutes of the May 27, 2020 Meeting.

**Attachments:** [5.27.2020 Minutes FINAL-REVISED.pdf](#)

**Moved by Hornung, seconded by Koski, that the Minutes of the May 27, 2020 Meeting be approved. The motion carried by the following vote:**

**Aye:** 8 - Brey, Diedrich, Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

#### IV. PUBLIC HEARINGS

[20-0711](#) PC 20-2020: Bay Pointe Developers LLC, Request to Rezone property located in the 1100 block of Bayshore Drive from "P-1" Conservancy to "R-5" Low Density Multiple-Family District.

**Attachments:** [20-0711 Report to Council Bay Pointe P-1 to R-5.pdf](#)  
[20-0711\\_PC Report Bay Point Rezone.pdf](#)

P. Braun reviewed the rezoning petition and the detailed the area to be rezoned. He discussed the previous uses that were on the site and shared that the change in zoning is needed for the construction of six, 8-unit buildings and a clubhouse. He shared a map of the proposed development and stated that it is anticipated the improved value of the construction will be approximately \$6.2MM and will generate \$72,000 in annual taxes.

P. Braun stated that in 2018 the Commission and Council approved an amendment to the Future Land Use Map in anticipation of the rezoning petition. P. Braun stated that the public notices were mailed to property owners beyond the normal 200 foot mailing area to include the residents along the north side of E. Park View Lane. The reason for the larger mailing area was because the neighbors along E. Park View Lane were noticed for earlier meetings regarding the Future Land Use Map amendment. P. Braun concluded his comments by stating he didn't receive any comments regarding the hearing.

Mayor Nickels asked the Commissioners for any questions.

Mayor Nickels stated that there is a Development Agreement with the developers and that a Tax Incremental Financing(TIF) District has been supporting infrastructure such as roads including Bayshore Drive and a sewer lateral and that the proposed uses is consistent with earlier discussions between the City and the developers.

D. Steinbrenner asked if there are appearance guidelines for the complex to blend in to area. P. Braun stated that there are no design guidelines as a Planned Unit Development (PUD) was not pursued. A. Tegen stated that a TIF project plan does not include design review.

Mayor Nickels opened the hearing for public input.

Alex Allie, project developer, stated that the development has decreased from 56 to 48 units to add green space. He indicated that they do have design standards for anyone who builds in area.

Steve Weber, neighboring resident, has concerns about traffic. He stated that the letter did not indicate use was for apartments and he is concerned about the quality of people who will live in the units.

Ryan Morris, neighboring resident, asked what brought on this change and why the area is being rezoned for a second time.

Peter Allie, project developer, stated that a multi-family complex has been discussed from the beginning of the project. He also stated that he does not agree with the comment regarding the quality of people who live in apartments.

Mayor Nickels closed public input

Mayor Nickels stated that his records do indicate a multi-family

development throughout the process.

D. Hornung asked for clarification as it relates to the comprehensive plan as it appears there is confusion why the rezone.

P. Braun provided clarity regarding the past Future Land Use Map amendment and zoning history for the location. He also stated that there will be another rezoning step for the northern part of the Bay Pointe area, which is the property south of E. Park View Ln.

G. Jagemann pointed out that the apartment complex will have only have one exit onto Bayshore Road. He also stated that diverse neighbors are healthy neighborhood and this will lead to future development.

P. Braun shared his recommendation to approve the rezone.

**Motion by Diedrich, seconded by Jagemann to approve the request to Rezone property located in the 1100 block of Bayshore Drive from "P-1" Conservancy to "R-5" Low Density Multiple-Family District. Motion carried by the following vote:**

**Aye:** 8 - Brey, Diedrich, Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

## V. OLD BUSINESS

### [20-0531](#)

PC 19-2020: Amendment to Chapter 15.030 Definitions, 15.430 Off-Street Parking and Loading Regulations and 15.510 Mobile Home Parks, Mobile Homes, Manufactured Homes and Recreational Vehicles.

**Attachments:** [20-0531 Report to Council off street parking.pdf](#)  
[20-0531 PC Report Off Street Parking July report.pdf](#)  
[20-0531 PC Report Off Street Parking May report.pdf](#)

P. Braun reviewed the overall background and rationale for the text amendment. He deferred to S. Keil, Housing Inspector, for his feedback on the updates.

S. Keil stated that in his opinion the revisions will be less restrictive for property owners. He went on to state that the current code is difficult to apply to things like boats and utility trailers and that the goal with the change is to make things clearer.

L. Majerus stated that the code needed to be changed as it currently indicates 72-hour of continuous monitoring, which is difficult to enforce. She reviewed specific changes and rationale behind said changes. She shared that the revisions also address recreational vehicles being used for a secondary residence. She also indicated that the overall goal is to clean up definitions and set in place clear rules that can be followed for residents.

D. Hornung asked if consideration was given during COVID, where perhaps a family member would need to quarantine.

L. Majerus stated that this ordinance was drafted pre-COVID, so that was not considered. She and S. Keil agreed that there would be accommodation from an enforcement standpoint. This ordinance was written for the long term.

D. Hornung sought clarification and definition on a number of revisions.

L. Majerus responded to each question and stated that she would share the final version with Plan Commission members in advance of the Common Council meeting in August.

D. Steinbrenner stated that we are asking inspections to make determinations and decision making.

L. Majerus related the decisions to police officers and stated that the City cannot legislate to eliminate decision making.

D. Steinbrenner asked about the statement made by L. Majerus that these changes are less restrictive.

L. Majerus indicated that the proposed changes are consistent with what many communities Manitowoc's size are doing in terms of being less restrictive.

D. Diedrich asked if S. Keil was comfortable with the changes and S. Keil indicated that he is.

P. Braun read his recommendation to approve the text amendment with the proposed revisions discussed.

**Moved by Hall, seconded by Brey, that this Action Item be approved and referred to council. The motion carried by the following vote:**

**Aye:** 8 - Brey, Diedrich, Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

## VI. NEW BUSINESS

[20-0712](#)

PC 22-2020: Release of Easement ; Lot 3 & Lot 4, Block 5, Doneff Addition No. 3

**Attachments:** [20-0712 Report to Council River Bluff Easement Release.pdf](#)  
[20-0712 PC Report River Bluff Release of Easement.pdf](#)

The Commission reviewed the request and voiced no concerns or comments.

**Moved by Diedrich, seconded by Hornung to approve the Release of Easement; Lot 3 & Lot 4, Block 5, Doneff Addition No. 3. The Motion carried by the following vote:**

**Aye:** 8 - Brey, Diedrich, Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

[20-0713](#) PC 23-2020: Manitowoc County: Review of Tax Foreclosure Properties

**Attachments:** [20-0713 Report to Council Foreclosure Properties.pdf](#)  
[20-0713 PC Report Manitowoc County Tax Foreclosure.pdf](#)

P. Braun stated that the properties were reviewed by City staff and he indicated there are no properties that would be of interest to the City.

**Moved by Brey, seconded by Hornung that the review of tax foreclosed properties has been reviewed and placed on file. The Motion carried by the following vote:**

**Aye:** 8 - Brey, Diedrich, Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

[20-0719](#) PC 21-2020: Amendment to Chapter 15.030 Definitions and 15.310(3) Removing Recycling Facilities as a Conditional Use in the C-1 Commercial Zoning District.

**Attachments:** [20-0719 Report to Council Remove Recycling from C-1.pdf](#)  
[20-0719 PC Report Amend Ch 15 Remove Recycling in C1.pdf](#)

P. Braun provided background on how this ordinance came about for review. He went on to state that recycling will be allowed in the I-1 and I-2 Industrial zoning districts.

D. Diedrich asked about existing CUPs and if they would be grandfathered in with the proposed change.

P. Braun stated yes and noted that if a CUP is revoked, the facility will need to find a new location.

**Moved by Steinbrenner, seconded by Hall, that this Amendment to Chapter 15.030 Definitions and 15.310(3) Removing Recycling Facilities as a Conditional Use in the C-1 Commercial Zoning District be approved and referred to council.**

**The motion carried by the following vote:**

**Aye:** 8 - Brey, Diedrich, Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

[20-0720](#)

PC 24-2020: Manitowoc Public Utilities: Request for an Electrical Utility Easement from the City of Manitowoc located at 900 Maritime Drive, south of the Little Manitowoc River Walkway.

**Attachments:** [20-0720 Report to Council MPU Easement Request.pdf](#)  
[20-0720 PC Report MPU Easement 900 Maritime Drive.pdf](#)

The Commission reviewed the request and had no comments or concerns.

**Moved by Diedrich, seconded by Brey to approve the Manitowoc Public Utilities request for a utility easement from the City of Manitowoc located at 900 Maritime Drive, south of the Little Manitowoc River Walkway. The Motion carried by the following vote:**

**Aye:** 8 - Brey, Diedrich, Hornung, Mayor Nickels, Member Koski, Steinbrenner, Member Jagemann and Member Hall

**VII. MISCELLANEOUS**

A. Manitowoc County Activities: None

B. Certified Survey Maps (CSM):

1. Wagner, NE ¼ of the SW ¼ Section 31, T19N, R23E, Town of Manitowoc Rapids
2. Schauss, NE ¼ & SE ¼ of the SW ¼ Section 10, T18N, R23E Town of Newton

3. Oak Park Developers LLC, NE ¼ of the SE ¼ and in the SE ¼ of the NE ¼ Section of 11 T19N, 23E City of Manitowoc being a resurvey of part of Lot 11 and all of Lot 12, Block 8 of Royal Oaks Subdivision No. 3

C. Summary of Site Plans From May 16 to July 15, 2020.

1. SP 5-2020: Legacy Care Partners Parking Lot Expansion, 4638 Expo Drive.
2. SP 6-2020: Painting Pathways Clubhouse, 1226 Washington Street.

D Director's Report

A. Tegen had nothing to report at this time.

D. Diedrich asked if a discussion on easements could be discussed at a future meeting.

P. Braun shared with the Commissioners a recently legal story found in a publication indicating easements have shelf life of 40 years. A. Tegen and P. Braun agreed it should be discussed and will be added to the August 26 Plan Commission meeting.

P. Braun stated that he will check with City Attorney's office to clarify if the law pertains to City or residential property.

D. Koski agreed with seeking clarification as many easements for utility lines some are hundred years old.

## VIII. ADJOURNMENT