



City of Manitowoc

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

Meeting Minutes Plan Commission

Wednesday, May 6, 2015

6:00 PM

Council Chambers

I. CALL TO ORDER

The Meeting of the City Plan Commission was called to order by Chairman Justin Nickels at 6:04 pm.

II. ROLL CALL

Present: 7 - Jim Brey, Dave Diedrich, Daniel Hornung, Mayor Nickels, Dan Koski, Jim Muenzenmeyer and Dennis Steinbrenner

Staff Present: Nic Sparacio, Paul Braun, Lisa Mueller

Others Present: Marcus Nesemann, Peter Wills

III. APPROVAL OF MINUTES

[15-499](#)

Approval of the Minutes of the April 8th, 2015 regular Plan Commission Meeting.

Moved by Diedrich, seconded by Koski, that the Minutes of the April 8, 2015 meeting be approved. The motion carried by the following vote:

Aye: 7 - Alderperson Brey, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer and Steinbrenner

IV. PUBLIC INFORMATIONAL HEARINGS: None

V. OLD BUSINESS

[15-500](#)

PC 24-2014: Update Revision to Municipal Code Chapter 15.450 Sign Ordinance

Mr. Sparacio described the continued work on the sign code. Staff has worked to expand the stakeholder advisory committee by inviting additional citizen members to join the discussion. Meaningful public participation is important to this process. The expanded stakeholder committee is anticipated to meet two times to discuss the proposed code revisions.

This item was discussed. No action taken.

[15-501](#)

PC 12-2015: Discussion on Ehlers presentation regarding Tax Incremental Financing Districts Analysis and Recommendations study

Mr. Sparacio provided the Commission with an update regarding Ehlers presentation of TIF status and recommendations moving forward. On April 20th Ehlers presented to both the Plan Commission and TIF Joint Review Board; not all the members of the Plan Commission and TIF Joint Review Board could attend the meeting so staff decided to put the item on tonight's Plan Commission agenda if any member wanted to discuss the

presentation.

Mr. Diedrich commented that the presentation was very well done and he was impressed as to how well the City has been using TIF. TIF projects have really helped the community and have paid back in some instances sooner than what was expected. Mr. Diedrich also stated that the City should continue to use TIF whenever possible.

Mr. Brey stated that TIF District Number 8 will be closed in the very near future.

Mayor Nickels stated that there is an opening on TIF Joint Review Board, the open position is the citizen member on the Board.

This item was discussed. No action taken.

VI. NEW BUSINESS

15-502

PC 11-2015: Revision to Municipal Code Chapter 15.030 regarding Home Occupations

Mr. Sparacio explained that home occupations are generally a positive option for small, home-based businesses, but there are some potential home occupations that cannot meet all the standards for a permitted use as currently required by the code. For example, a pet sitting service was recently proposed to the Licensing, Permits, and Inspection Committee, which is the driver behind this proposed ordinance change. There are other potential home occupations that could be allowed with no negative impact on surrounding neighborhoods. The proposed ordinance names these "expanded home occupations" and allows them as conditional uses with Plan Commission and Common Council approval.

There was discussion on the draft ordinance. The Commission asked whether an attached garage is currently considered part of a primary residence. Staff explained that attached garages are not considered part of the primary residence. Additional flexibility is provided for hours of operation where the business activities are not apparent to the adjacent residences. The Commission noted that the accessory building option was added recently.

Mr. Meunzenmeyer asked whether an expanded home occupation can be 100% of a residence. Mr. Sparacio stated that this would then no longer be a home occupation by definition. The primary use must still be a residence. The conditional use process is intended as the control mechanism, and the Commission would not want to create a situation where an intensive business is being allowed in a residential district. Such allowances have been abused in the past, and that potential continues to exist.

Ald. Brey explained additional details behind the recent request to the Licensing, Permits, and Inspection Committee. The proposed pet sitting service was not contained entirely within the home, since the dogs are taken out into the yard at various times. It was denied as a permitted use, and the current ordinance would not allow it to even be considered as a home occupation. The Commission discussed how expanded home occupations could work with appropriate conditions, as long as reasonable limitations are adopted and enforced. This should not be a way around rezoning to a commercial district for intensive business operations.

Staff is recommending approval of the ordinance amendments.

Moved by Brey, seconded by Koski, that this Item be approved. The motion carried by the following vote:

Aye: 7 - Alderperson Brey, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer and Steinbrenner

[15-503](#)

PC 14-2015: Harmony Living Centers, LLC - Assignment of Conditional Use Permit for a 43 Bed Community Based Residential Facility, 2115 Cappaert Road

Mr. Braun read into the record the following background information regarding the project.

Kathryn Nurmberg, from Ensign Services, Inc. on behalf of Manitowoc Senior Living, Inc. is requesting an assignment of a Conditional Use Permit that was originally issued to Harmony Living Centers, LLC in 2003. The property will still remain under the ownership of NHP WI Manitowoc, LLC but Manitowoc Senior Living will lease the building and operate the Community Based Residential Facility.

Manitowoc Senior Living, Inc. is planning to take over operation of the CBRF on or around June 1, 2015 and will be doing business as Manitowoc Commons Assisted Living. Manitowoc Commons is currently working on their licensing with the State of Wisconsin.

The number of beds in the facility will still remain at 43 beds, no expansion is planned by Manitowoc Senior Living. The client group provided for will include advanced age, irreversible dementia and Alzheimer individuals which is consistent with the current residents. The property is zoned B-1 Office-Residential District which permits by a conditional use permit Community Living Arrangements for 16 or more beds.

The City first issued a conditional use permit in 1996 to Oak Park Developers, LLC for the development of a 28 bed CBRF and then in 2003 the conditional use permit was expanded by Harmony Living Centers, LLC to the current 43 bed facility.

The Police, Fire and Building Inspection Departments were contacted and no recent complaints were on file.

Mr. Braun stated that Kathryn Nurmberg e-mailed him today and she stated that the deal may be put on hold for the moment but they should know more by the end of the week. Mr. Braun informed the Commission that he will hold the report to Council until he has heard back from Mrs Nurmberg regarding the transaction.

Moved by Hornung, seconded by Steinbrenner, that this Item be approved. The motion carried by the following vote:

Aye: 7 - Alderperson Brey, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer and Steinbrenner

VII. MISCELLANEOUS

- A. Manitowoc County Activities: None
- B. Certified Survey Maps (CSM): None
- C. Summary of Site Plans: None
- D. Director's Report

Mr. Sparacio provided the Commission with an update on various economic development activities.

VIII. ADJOURNMENT

**Moved by Muenzenmeyer, seconded by Diedrich, that this Meeting be adjourned.
The motion carried by the following vote:**

Aye: 7 - Alderperson Brey, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer and Steinbrenner

Respectfully Submitted,

Paul Braun
Secretary