



City of Manitowoc

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

Meeting Minutes Plan Commission

Wednesday, November 5, 2014

6:30 PM

Council Chambers

I. CALL TO ORDER

The meeting of the City Plan Commission was called to order by Chairman Justin Nickels at 6:30 pm.

II. ROLL CALL

Present: 8 - Steven Alpert, Dave Diedrich, Daniel Hornung, Mayor Nickels, Dan Koski, Jim Muenzenmeyer, Jim Brey and Dennis Steinbrenner

III. APPROVAL OF MINUTES

Staff Present: Nic Sparacio, Paul Braun, Lisa Mueller

Others Present: Christopher Allie, Peter Allie, Alex Allie, Lynn Bartelme, Bill Schramm, Bill Niquette, Tom VanHorn, Jackie Kiesow, Andrew Kiesow, Deputy Fire Chief Gregg Kadow

14-2220

Moved by Diedrich, seconded by Koski, that that the Minutes of the October 8, 2014 meeting be approved. The motion carried by the following vote:

Aye: 8 - Alpert, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer, Alderperson Brey and Steinbrenner

IV. OLD BUSINESS

14-2218

PC 26-2013: Salvation Army Compliance Review for the Operation of a Church and related functions.

Nic Sparacio explained that this is the annual review for a Conditional Use Permit granted in 2013. The purpose of the CUP was to reflect the existing operation and its related accessory uses as a permitted church in a Residential district. There were some parking issues at the time that precipitated the CUP request. Mr. Sparacio stated that he checked with the Police Department and Building Inspectors for any issues or complaints on the subject property over the last 12 months. There have been no Police or Inspection complaints or issues. A recent improvement to the site is a partially enclosed dumpster area. Planning staff finds that the approved use is fitting in well with the surrounding neighborhood and recommends that the CUP be modified to remove condition F, so that annual reviews are no longer required.

Dan Hornung asked whether the daycare portion of the operation is closed. Mr. Sparacio stated that condition C states that if their license for a daycare lapses, then a daycare is no longer an approved use. The Plan Commission discussed the daycare and believes that it has closed. No modification to the CUP is necessary in this regard.

Moved by Diedrich, seconded by Muenzenmeyer, that the CUP be modified to remove condition F, so that annual reviews are no longer required and that this be approved. The motion carried by the following vote:

Aye: 8 - Alpert, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer, Alderperson Brey and Steinbrenner

V. PUBLIC INFORMATIONAL HEARINGS

14-2064

Communication from Manitowoc Baptist Church, Inc. requesting a Conditional Use Permit to use educational building at 2411 Wollmer Street for a Day Care for up to 72 children, recommending placing on file.

PC 27-2014: Manitowoc Baptist Church; Request for a Conditional Use Permit (CUP) under Section 15.230(3)c. for the Operation of a Child Day Care Center in a B-1 Commercial District at 2411 Wollmer Street.

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

1. *The request for the Conditional Use Permit is from Reverend Ronald O'Bryon, from the Manitowoc Baptist Church on behalf of Jackie Kiesow from The Peanut Gallery Childcare facility. Manitowoc Baptist Church, which purchased the former St. Paul church and school property in November 2006, is the lessor and The Peanut Gallery is the tenant of a portion of the property at 2411 Wollmer Street. The Peanut Gallery is requesting a CUP in accordance with Section 15.370(27) for the operation of a group day care center for a capacity up to 72 children. Granting of the CUP by the Common Council will allow the parties to proceed under Section 15.230(3)c. to occupy a portion of the building for a day care center for 16 or more children. The CUP will allow for the operation of a child day care center under the "B-1" zoning district regulations.*

2. *Under a CUP, the Commission and Council must determine if the proposed use:*

- A. is reasonably necessary for the convenience and welfare of the public.*
- B. Is in harmony with the character of the surrounding area.*
- C. and will have a minimal effect or no effect on the surrounding property values.*

The Commission and Council can affix conditions to the CUP to provide assurances that the proposed use will not have a negative impact on the surrounding area.

3. *The property is located on the south side of Wollmer Street, between So. 24th and So. 25th Streets. The subject property covers all of Lots 1-9, 12, and parts of Lots 10 and 11, in Block 199 of the Original Plat. The property measures 220' of frontage on Wollmer, 215' on So. 24th, and 300' on So. 25th Street.*

4. *The property was rezoned from "R-4" to its current "B-1" Office-Residential District in 1991. The property was used historically as a school or daycare center; St Paul's elementary school and Parent's Choice Child Care operated at the location in the past.*

5. *The Peanut Gallery is an existing Day Care that is looking for a larger location where the age groups of children can have their separate rooms. Their current location does not provide enough separation for the various age groups. The Peanut Gallery currently operates at 1402 Clark Street and has been open for approximately two years, it was formerly known as AB-Z Child Learning Center prior to being purchased by the*

current owner.

6 The Peanut Gallery currently has 50 children enrolled but is licensed by the Wisconsin Department of Children and Families to have a maximum of 40 children present at a single time. They are licensed to care for children between the ages of 6 weeks old to age 11. They are requesting a CUP for up to 72 children which would allow for future expansion.

7 The Peanut Gallery's hours of operation would be from 5:00 am to 6:00 pm, Monday – Friday. The parent drop off would be at the south end of the school in the existing parking lot and the bus drop off would be off of Wollmer Street at the north end of the school. Currently there are 8 employees working at the day care.

8 The Peanut Gallery would occupy 5 of the 6 rooms on the first floor of the school. All of the rooms are in almost turn key condition with a lot of the former day care's toys and improvements still in place. They are in the process of entering into a lease with the Manitowoc Baptist Church.

9 Currently there are approximately 52 off-street parking stalls available in the parking lot which is south of the school. On the south side of Wollmer Street in front of the school it is signed as "Loading Zone" no parking from 6:30am – 5:30pm; no parking is allowed in front of the church. There are no parking restrictions along the north side of Wollmer Street and S. 25th Street is signed as "No Parking" 7:30 am – 4:30 pm during school hours.

10 The property also contains a fenced in outside play area at the north end of the property between the school and church which measures approximately 2,500sf in area.

11 The school was inspected by Jane Drager, Commercial Building Inspector and her report indicates that there are no current building code issues. Also note that the Fire Department and building owner are in discussions regarding the fire alarm system. The question is: does the new use warrant the fire alarm system to be at current codes or does it fall under old codes? The Fire Department and owner are working on the issue.

12 The parcel is zoned "B-1" Office-Residential with "B-2" Neighborhood Business zoning to the northeast, and "R-4" single and two family zoning on all other sides.

13 Group child care centers for 9+ children are licensed and regulated under the Department of Children and Families under Chapter DCF 251, and under the authority of §48.65 Wis. Stats. which represents the minimum level of acceptable care that a licensee may provide to children in a group child care center in Wisconsin.

14 The Comprehensive Plan future land use map shows the property as Institutional and Community Facilities which includes large scale public buildings, schools and religious institutions. One of general policies of the land use section of the comprehensive plan encourages the infill development, adaptive reuse and redevelopment of existing infrastructure and investments.

15 Notices were mailed to neighbors within 200' and no comments were received.

Mr. Braun concluded his presentation. Mayor Nickels opened up the discussion to the Commission.

Mr. Muenzenmeyer asked if there were any action items listed in Jane Drager's inspecton report, Mr. Braun stated that there were no action items listed. Mr. Koski

asked if there was enough off-street parking available and if it met code. There are at least 52 off-street parking stalls available which meets the zoning code requirements for minimum parking standards.

Deputy Chief Kadow, stated that he met with Carl Frisk, Fire Prevention Coordinator State of Wisconsin, and Mr. Frisk said that because it was a vacant building it reverts back to a K through 12 building and it now is going from a K through 12 to a daycare the fire alarm system has to meet the current codes. Mr Kadow stated that he has not had a chance to relay this information to the building owners. The current system is working but it is activated manually using a pull switch system, the new system would need to be automated.

The Commission discussed the on-street signage regarding parking and it was stated that some of the signage is dated and needs to be updated or removed to reflect the current use of the building.

Bill Schramm, 2309 Wollmer Street voiced his concerns with the drop off and pick up locations. He is also concerned with the speed of the traffic and the signage in the area.

Mr. Braun read the following recommendation: Issuance of a CUP exclusively to The Peanut Gallery for operation of a group child day care center at 2411 Wollmer Street with a maximum occupancy of 72 children, subject to the conditions.

Moved by Hornung, seconded by Brey, that this Item be recommended for approval to the Common Council. The motion carried by the following vote:

Aye: 8 - Alpert, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer, Alderperson Brey and Steinbrenner

14-2150

Request from Peninsula Logistics, LLC for a Conditional Use Permit to conduct transloading and storage activities of bulk, break-bulk and project cargo from and onto vessels entering the Manitowoc River, recommending placing on file.

PC 28-2014: Peninsula Logistics, LLC; Request for a Conditional Use Permit (CUP) under Section 15.350(3)w for the Operation of a Storage in Bulk, or Transloading Activity Use in a I-2 Heavy Industrial District at 1615 Spring Street.

Mr. Braun read the following background information into the Plan Commission record.

1. Request is from Peter Allie, d.b.a. Peninsula Logistics, LLC for a Conditional Use Permit (CUP) under Section 15.350(3)w. for the storage in bulk, or transloading activities of materials as listed in Section 15.330(4)b. The CUP area is located at 1615 Spring Street and is owned by 1615 Spring LLC. Mr. Allie is a member of both the Peninsula Logistics and 1615 Spring LLC entities. 1615 Spring LLC is the property owner and Peninsula Logistics is the entity which will perform the transloading operations.

Peninsula Logistics is requesting a CUP in accordance with Section 15.370(27) to commence its transloading and bulk storage operation.

2. Under a CUP, the Commission and Council must determine if the proposed use:

- A. is reasonably necessary for the convenience and welfare of the public.
- B. Is in harmony with the character of the surrounding area.
- C. and will have a minimal effect or no effect on the surrounding property

values.

3. *The Commission and Council can affix conditions to the CUP to provide assurances that the proposed use will not have a negative impact on the surrounding area.*

4. *The subject property is described as Tract 2 of a Certified Survey Recorded in Volume 10, Page 357; tax parcel number 819-402-052 and is located north of the Manitowoc River and south of Spring Street. The former Consumer Steel property is to the east and St. Barbara Cement is to the west. The property is irregularly shaped and covers 6.80 acres.*

5. *The 1615 Spring property has roughly 60' of access to the Manitowoc River but they do have an access easement over the St. Barbara Cement property to conduct any activities.*

6. *The property is currently zoned I-2 Heavy Industrial and the Heavy Industrial zoning for this property dates back to 1930. Section 15.350(3)w which is the I-2 Heavy Industrial district permits "storage in bulk, or transloading activities of materials as listed in section 15.330(4)b" which is the I-1 Light Industrial Conditional Use Permit section of the code. This section lists 27 items that could be transloaded or stored on site and includes the following: asphalt, brick, building materials, butane and propane, cement, clay products, coal, contractors equipment, feed, fertilizer, fuel, grain, gravel, hay, ice, lime, lumber, machinery, paper, pipe, roofing, sand, stone, tar and creosote products, wood, wool and other similar materials.*

7. *Historically the property was the location for the former Rockwell Lime cement and lime transloading operation prior to being acquired by 1615 Spring, LLC. The current owners have cleaned up the site compared to its former use and have razed many of the former buildings.*

8. *One of the main reasons Peninsula Logistics is requesting the CUP is so that they can be responsive and timely to requests from other businesses which need to transload product and materials. The owners do not want to enter into contracts and agreements without knowing that they have the proper approvals from the City in place. Peninsula Logistics may also need to store tower sections on the property for Broadwind Energy because the peninsula property across the river doesn't have any more available storage space.*

9. *As part of this request Peninsula Logistics is not asking for a CUP to transload stone, coal, brick, or asphalt which have been problematic materials in the past. The CUP, if granted would allow the owners to go out and solicit contracts from other businesses and be more timely in their responses to such requests.*

10. *Manitowoc is one of a few locations on Lake Michigan that offers accessibility to a deep water access point. This past summer the owners received Harbor Assistance funds to dredge. The river depths in this area are approximately 15 -18 feet deep.*

11. *Depending on the product it is anticipated that the equipment needed to perform the transloading operation will include cranes and endloaders. At this time it is not anticipated that any employees will be on site unless a transloading operation is taking place.*

12. *The surrounding zoning is I-2 Heavy Industrial to the west, east and south with R-4 Single and Two Family to the north up along the bluff on Revere Drive and Michigan Avenue. The adjacent land uses include St. Barbara Cement's transloading operation to the west, the former Consumer Steel business to the east, Broadwind Energy across*

the river to the south on the former Manitowoc Shipbuilding peninsula property and Wisconsin Central Railroad tracks to the north.

13. *The 2009 Comprehensive Plan's Future Land Use map shows the area as Office/Industrial.*

14. *The Downtown & River Corridor Master Plan identifies the area as "Peninsula Harbor" and states that this area is "Manitowoc's working river harbor providing active commerce and employment in the heart of the community. With a diverse mix of thriving industrial uses the district should focus on the maintenance and advancement of the working riverfront." The master plan also specifically references the former Rockwell Lime property promoting the redevelopment and reuse of the property for active working harbor business use.*

15. *In addition the "Manitowoc Riverwalk Master Plan and Design Guidelines" categorizes the area north of the 10th Street bridge as the Industrial District working harbor area.*

16. *Notices were mailed to property owners to our standard 200' radius but the list was expanded to include the residences along Revere Drive and Michigan Avenue.*

17. *Staff received one call from Jim Thorison, 1725 Revere Drive. Mr Thorison had some general questions as to the products being transloaded. I explained that the owners didn't have any specific product to transload at this time but wanted to be positioned for the future. Mr Thorison remembered the issues when Specification Stone operated at the site years ago and he actually was one of the truck drivers transporting the stone, he commented that a lot of noise was due to the dumping of the stone from the truck. Mr. Thorison didn't state if he was opposed or supportive.*

Mayor Nickels opened the discussion up to the Commissioners. Mr. Brey commented that transloading has historically always occurred at the site.

Peter Allie, Peninsula Logistics LLC, stated that over the past few years he has recieved many requests to transload a wide variety of products at the site ranging from steel, machinery, lumber, calcium, and fiberglass tanks. None of the requests were solicited by Peninsula Logistics. He would like to be more responsive to the requests, and the delay of having to request a CUP for each transloading customer individually would be problematic.

Lynn Bartelme, 1505 Michigan Avenue, questioned what the hours of operation would be. Mayor Nickels mentioned that the CUP states the hours to be Monday - Friday, 6:00 am to 9:00 pm; Saturday 7:00 am to 7:00 pm and no operations on Sundays or Holidays. Mrs. Bartelme is also concerned with the bigger truck loads that will be transported on Spring Street.

Bill Niquette, 751 Revere Drive, stated he hears a lot of noises from the valley and that he is also concerned with the number of heavy trucks which are wrecking the street in front of his house.

It was stated that many of the trucks are due to the existing cement operation on the St. Barbara Cement property.

Mayor Nickels summarized the conditions which address noise issues, dust, and hours of operation. He also stated that the permit is unique to the current owner and not transferrable unless authorized by the City.

Mr Braun read the recommendation to the Commission: recommend issuance of a Conditional Use Permit exclusively to 1615 Spring LLC. and Peninsula Logistics, LLC. for the operation of storage in bulk or transloading activities of materials subject to the conditions.

Moved by Hornung, seconded by Alpert, that this Item be recommended for approval to the Common Council. The motion carried by the following vote:

Aye: 8 - Alpert, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer, Alderperson Brey and Steinbrenner

VI. REFERRALS FROM COMMON COUNCIL: None.

VII. OLD BUSINESS

14-2217

PC 49-2010 Saunders Annual Compliance Review for a Parking Lot in a Residential District located at 1205 S. 13th Street.

Mr. Braun gave a quick summary of the Plan Commission's past actions. The Special Permit was originally issued in January, 2011 allowing for the establishment of a parking lot in a residential zoning district. There have been several extensions granted in 2011, 2012 and 2013 for a variety of reasons. The parking lot is currently gravel with a concrete approach. The Municipal Code requires parking lots for 5 or more vehicles to be either blacktop or concrete.

The Commission felt that they have been very accommodating to Saunders but now feel the code has to be enforced. The Commission agreed to extend the compliance date to July 1, 2015 and if the parking lot is not complete citations shall be issued. If the lot is not hard surface it could also be returned to grass. The Commission also requested a letter be sent out to the Saunders explaining the Commission's position on the project and the ramifications of non-compliance.

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

Aye: 8 - Alpert, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer, Alderperson Brey and Steinbrenner

14-2219

PC39-2012 Coastal Management Grant for the River Walk Corridor Engineering Study

Mr. Braun explained to the Commission that the Preliminary Design and Engineering Study for the River Walk project which extends from the former WPS office building to the former Consumer Steel property is now finished. AECOM gave their final presentation to the Council in October; the presentation highlighted the major points of the study. The next step in the process is that in 2015 the Mayor, staff and Council will meet to determine if there is enough interest and support to move forward with the next step in the project. The item was for discussion only, no Commission action was needed.

No action taken. Discussion only.

14-1766

Discussion regarding Comprehensive Plan Review.

The Mayor stated that this will always be on the Commission agenda and that in the

future the Comprehensive Plan will be used to help set department and staff goals.

No action taken. Discussion only.

VIII. NEW BUSINESS

14-2030 PC 24-2014: Revision to Municipal Code Chapter - 15.450 Sign Ordinance.

Mr. Muenzenmeyer is the lead on the sign ordinance revision project. He stated that a working group of staff have met multiple times to discuss the sign code revisions. Vandewalle and Associates has forwarded a contract for services. Vandewalle provided a model sign ordinance which the working group is now going through comparing it with the existing sign code and highlighting the major changes.

No action taken. Discussion only.

IX. MISCELLANEOUS

A. Manitowoc County Activities: None.

B. Certified Survey Maps (CSM):

14-2221

Stocks Harley Davidson; Proposed CSM in Section 35, Township 19 North, Range 23 East, City of Manitowoc.

No action taken. Discussion only.

14-2222

Popp; Proposed CSM in Section 13, Township 18 North, Range 23 East, Town of Newton.

No action taken. Discussion only.

14-2223

Wagner; Proposed CSM in Section 31, Township 19 North, Range 23 East, Town of Manitowoc Rapids.

No action taken. Discussion only.

14-2224

Holy Family Memorial Reed Avenue Campus; Proposed CSM in Section 17, Township 19 North, Range 24 East, City of Manitowoc.

No action taken. Discussion only.

C. Summary of Site Plans 8/18/2014 - 10/1/2014: None.

X. ADJOURNMENT

The Meeting adjourned at 7:20 pm. Motion by Dave Diedrich, seconded by Jim Brey. All in favor.

Respectfully Submitted,

Nicolas Sparacio
Secretary