



# City of Manitowoc

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

## Meeting Minutes

### Plan Commission

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Wednesday, March 12, 2014

6:30 PM

Planning /Engineering Conference Room

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#### I. CALL TO ORDER

The meeting of the City Plan Commission was called to order by Acting Chairman Dan Hornung at 6:30 P.M.

#### II. ROLL CALL

**Present:** 6 - Steven Alpert, Jim Brey, Daniel Hornung, Dan Koski, Dolly Stokes and Jim Muenzenmeyer

**Absent:** 2 - Dave Diedrich and Mayor Nickels

Staff Present: David Less, Paul Braun

Others Present: Jeff DeZeeuw, Edward Wagner, Paul Radermacher, Brian Dunton, Beth Wagner

#### III. APPROVAL OF MINUTES

[14-287](#) Approval of the Minutes of the January 15, 2014 Meeting (see enclosure # 1)

**Attachments:** [01-15-2014 plan commission minutes](#)

**Moved by Stokes, seconded by Alpert, that the Minutes be approved. The motion carried by the following vote:**

**Aye:** 6 - Alpert, Alderperson Brey, Member Hornung, Member Koski, Stokes and Member Muenzenmeyer

**Excused:** 2 - Member Diedrich and Mayor Nickels

#### IV. PUBLIC INFORMATIONAL HEARINGS

[14-286](#) PC8-2014: Red Arrow Products Company, LLC; Request to Rezone Property located at 200 E. Waldo Blvd from "B-3" General Business to "C-1" Commercial District. (see enclosure # 2).

**Attachments:** [PC 8-2014 Red Arrow Rezone](#)

*Mr. Less explained that tonight's public informational hearing was in regard to a request from the Red Arrow Products Company LLC, the record owner of property located on the north side of Waldo Boulevard, and west of Memorial Drive, and that they were requesting that the portion of their property currently zoned "B-3" General Business District be rezoned to "C-1" Commercial. Mr. Less noted that this rezoning proposal was related to a planned redevelopment of the former Elk's clubhouse and "The Club" restaurant*

building into new corporate offices for Red Arrow, including laboratories. Mr. Less added that the former golf course portion of the property was not impacted by this rezoning.

Mr. Less explained that the proposed rezoning area measured approximately 272,100sf± or 6.24-acres including R/W, and added that this was the property upon which the former Elks Club, and then "The Club" restaurant building sat which had a footprint of 7,285sf, along with a cart shed, a blacktopped parking lot, and an access drive. Mr. Less added that the total acreage owned by Red Arrow was 57.3-acres, and that I & S Holdings, LLC acquired the property from the Elks Club in June, 2011, and subsequently sold the property to Red Arrow in May, 2013. Mr. Less added that the property acquired by Red Arrow was further identified as tax parcel #'s 817-404-010 and 817-404-020. Mr. Less noted that according to City Assessor records, tax parcel #817-404-010 had a land value at \$263,600 for 48.4-acres, and generated approximately \$5,500 in annual real estate taxes; tax parcel #817-404-020 had a total assessment of \$392,300 for 10.13-acres, and generated approximately \$8,300 in annual real estate taxes.

Mr. Less again stated that the redevelopment project occurring on the parcel currently zoned "B-3" involved a new corporate headquarters for Red Arrow, and then noted the following elements that were included in the proposed development:

1. Renovation of the existing 2-story, 14,200sf building.
2. New construction of a 1-story, 25,212sf building.
3. Establishment of parking areas for laboratory staff, visitor and overflow parking (approximately 113 spaces).
4. The existing pool would be capped w/concrete.
5. A new monument sign would be installed to replace the existing sign.
6. Uses in the building would include offices, conference rooms, chemical lab, flavor lab, tasting areas, kitchen and culinary training areas.

Mr. Less noted that the estimated value of the project was \$5.5mm, based on a preliminary estimate, with the plan being to break ground in July, 2014, with full occupancy expected in 2015.

Mr. Less explained that the "B-3" portion of the property would need to be rezoned to "C-1" to permit the laboratories, explaining that the labs would be producing and fine tuning product in small batches, which would then be sent elsewhere for production. Mr. Less noted that laboratories weren't permitted in the current "B-3" district.

Mr. Less continued by noting that there were no improvements planned in the "P-1" area, and to the best of his knowledge, the golf operation would cease. Mr. Less added that the site designers would be working on transitioning the golf course landscaping to a different landscape theme.

Mr. Less explained that the existing "B-3" zoning district allowed office and professional uses, along with a variety of retail uses, and garages for storage; and that conditionally permitted uses included private clubs and lodges, homes for the elderly, amusement establishments, barber and beauty shops, and tattoo and body piercing establishments. Mr. Less added that under the proposed "C-1" zoning designation, permitted uses included virtually every professional, office and retail use, along with contractor offices, laboratories (excepting a physical testing laboratory), and motor vehicle sales. Mr. Less then explained the zoning and land uses surrounding the proposed rezoning area.

Mr. Less then noted that notices regarding tonight's informational hearing were mailed on

March 5th to property owners within 200' of the proposed rezoning area, and added that there were no comments received in response to this mailing.

In closing, Mr. Less noted that this request for rezoning was consistent with the City's 2009, 20-year land use map as part of the Comprehensive Plan, in that it identified the proposed rezoning area as "General Business"; a land use category intended for commercial and retail uses at a neighborhood scale. Mr. Less continued that the recommended zoning for this land use category was "B-2", "B-3" and "C-1", and called for developments featuring a higher level of design standards and building materials. Mr. Less concluded that based on the City's Plan, the proposed rezoning would therefore be found to be consistent with the current Comprehensive Plan.

There was no public comment at the informational hearing.

Mr. Brey asked Mr. Less for his recommendation.

Mr. Less recommended that the Commission recommend to Council that it instruct the Clerk to call for a public hearing (April 7th), and further that the Council recommend adopting a rezoning ordinance upon completion of the public hearing.

**Moved by Hornung, seconded by Stokes, that this Action Item be recommended for approval to the Licensing, Permits & Inspections Committee. The motion carried by the following vote:**

**Aye:** 6 - Alpert, Alderperson Brey, Member Hornung, Member Koski, Stokes and Member Muenzenmeyer

**Excused:** 2 - Member Diedrich and Mayor Nickels

## V. REFERRALS FROM COMMON COUNCIL

[14-288](#) PC1-2014: Maltby; Quit Claim Deed to the City of Manitowoc for .18-Acres for So. 26th Street Purposes (see enclosure #3).

**Attachments:** [PC 1-2014 Maltby Quit Claim](#)

Mr. Less explained that this deed was related to a recently approved CSM by the Commission, and recommended that the Commission forward a recommendation to Council to approve and accept the deed, and to record the document at the Register of Deeds office.

**Moved by Hornung, seconded by Muenzenmeyer, that this Action Item be recommended for approval to the Licensing, Permits & Inspections Committee. The motion carried by the following vote:**

**Aye:** 6 - Alpert, Alderperson Brey, Member Hornung, Member Koski, Stokes and Member Muenzenmeyer

**Excused:** 2 - Member Diedrich and Mayor Nickels

## VI. OLD BUSINESS

[14-289](#) PC33-2013: Bamco Real Estate LLC/Wisconsin Redevelopment, LLC - Update of Rezoning and Redevelopment Project in Block 200 of Original Plat, and Block Lettered "E" in Original Plat (see enclosure #4).

**Attachments:** [PC 33-2013 Bamco Redev & Rezone](#)

*Mr. Less provided an update to this planned redevelopment effort, noting that he was hopeful that in either April or May, the developers would know whether or not WHEDA Low Income Housing Tax Credits (LIHTC) were awarded to this project. Mr. Less then discussed certified historic tax credits from the State and federal levels, which were also needed to make this project move forward. Mr. Less emphasized that it appeared that the State Historic Preservation Officer (SHPO) would be supportive of the certified historic status of the former Mirro Plant #3, but noted that Wisconsin Redevelopment, as the contract purchaser of the property, would not be filing the Part I, Historic Preservation Certification Application with SHPO until the outcome of the LIHTC's was known. In closing, Mr. Less noted that this update was relevant to the Commission as the City had recently rezoned this property.*

*Mr. Muenzenmeyer asked who had researched the former Mirro Plant #3 property?*

*Mr. Less stated that some was done by City staff, but the majority was done by the historic consultant from Chicago that had been hired by Bob Lemke as Wisconsin Redevelopment.*

**This Presentation was discussed. No Action Taken.**

## VII. NEW BUSINESS

[14-290](#)

PC6-2014: Discussion Regarding Proposed Annexation at 2903 Viebahn Street (see enclosure #5).

**Attachments:** [PC 6-2014 2903 Viebahn Annexation](#)

*Mr. Braun explained a proposed annexation on the south side of Viebahn, west of So. 26th Street, and west and adjacent to the Canadian National RR trackage. Mr. Braun provided a document to Commission members summarizing the key points of the matter, and noted that the area to be considered was the Charlotte Sobel property which measured 2.31-acres. Mr. Braun continued that the owner had a non-resident water agreement with the City from many years ago. Mr. Braun continued that the owner had contacted him about a month ago, and wanted to make sure the property was positioned for future sale. Mr. Braun continued that Ms. Sobel was interested in annexation into the City as part of that process. Mr. Braun explained that this would not be a unanimous annexation because of the adjacent railroad property that would be included in the annexation, and so would have to go through the process including a Notice of Intent to Circulate an Annexation Petition as a first step. In closing, Mr. Braun noted that he anticipated that the temporary zoning would be set as "R-4", if the Council accepted the annexation.*

*Commission members did not take any formal action on this matter, but were supportive of moving forward with the annexation as described above, should it be filed with the City.*

*Additional discussion was held.*

**This Presentation was discussed. No Action Taken.**

[14-292](#)

PC2-2014: Review of Community Living Arrangement Statute and 1% Provision in Wis. Stat. 62.23(7)(i)2. (see enclosure #6).

**Attachments:** [PC 2-2014 Review CLA Statute](#)

Mr. Less explained that this discussion emerged from recent discussions with Tim Frey of TLC Homes, the owner of several Community Based Residential Facilities (CBRF) in Manitowoc. Mr. Less noted that tonight's discussion was for informational purposes only. Mr. Less then reviewed a handout that had been provided to Commission members regarding a provision in the Community Living Arrangement (CLA) statute under Wis. Stat. § 62.23(7)(i)2. Mr. Less noted that the statute contained a 1% provision that stated that if the CLA population in a community was more than 1% of its current population, the community would not be required to approve a special exception for a CLA above this 1% threshold. Mr. Less continued that the issue was whether or not enforcement of this portion of the statute, much like the enforcement of the 2,500' separation requirement contained in the statute, was a violation of the federal Fair Housing Amendment Act (FHAA). Mr. Less questioned that as the City had accommodated CLA's to a point where their population exceeded the official 2013 population estimate for the City, hadn't the City provided an accommodation, or would the City be further limited by a similar argument on the 1% factor? Mr. Less noted that legal counsel for TLC Homes felt that a decision to deny based on the 1% factor would be a violation of the FHAA, that there wasn't any WI court precedence at this time. Mr. Less added that the legal counsel for TLC had been in contact with Kathleen McDaniel to discuss the 1% matter. Mr. Less noted that he was not clear on how to proceed on this matter.

Mr. Muenzenmeyer asked how long the 1% provision had been in the law?

Mr. Less guessed that the 1% was in the law for at least 40 years. Mr. Less noted that other cities that had provided accommodations to CLA's would likely be encountering this 1% issue as well, but it was unclear as to the original legislative intent, or how to proceed when the next request for an exception was received by the City. Mr. Less added that should an issue arise of this nature in the future after he was gone, his suggestion would be for the Commission to err on the side of a more liberal interpretation of the statute; that denial on the 1% factor would be viewed as a discriminatory action.

Mr. Hornung commented that no problems had been identified during the Commission's annual review in January, and over the past several years.

Mr. Brey concurred with Mr. Hornung's comments.

After discussion, the Commission felt in the absence of more clarifying information, attempting to deny an accommodation to a proposed CLA by enforcing the 1% provision would not be appropriate and would be a violation of the FHAA, and as such, that would be their position going forward.

**This Presentation was discussed. No Action Taken.**

[14-291](#)

GIS Shared Service Model - Discussion Regarding Potential Re-Alignment of GIS Services (see enclosure #7).

**Attachments:** [GIS Shared Service Model](#)

Mr. Less explained that he was still processing a second set of meeting notes on this topic, and noted that when Michelle Yanda left the City in December, the City effectively lost its GIS talent. Mr. Less noted that his plan was to prepare a request for GIS services to be centralized in Manitowoc County, so that the County could quantify for the City the cost to centralize these services.

*Mr. Hornung asked where MPU was at with the GIS discussion?*

*Mr. Less replied that it appeared that MPU-Water was making inroads into GIS, but not MPU-Electric.*

*Mr. Braun added that MPU was just getting into GIS and would likely stay separate from the City, maintaining their own water information, and continuing to use City base mapping.*

*Mr. Brey commented that the City of Two Rivers had been involved in these discussions as well. Mr. Brey continued that he felt the Associate Planner position was needed in City Planning, and added that the City needed full access to GIS.*

*Mr. Muenzenmeyer commented that the City was only hitting the tip of the iceberg in terms of what the City could do with GIS. Mr. Muenzenmeyer stated that he was concerned with the County's capacity to handle what he viewed as the City's increasing need into the future.*

*Cathy Delain, Manitowoc County, commented that she was a 1-person shop with no backup, and added that she hoped the City would generate enough work to justify the County hiring a second GIS person, which would also address redundancy for her position. Ms. Delain replied that she hadn't had any conversations with Two Rivers, and was not sure where that community was at in terms of GIS.*

*Mr. Hornung commented that this matter sounded more like a cost share arrangement with the County.*

*Mr. Less agreed, adding that he needed to reduce the City's needs to writing, so as to provide the County with a document to which they could respond back to the City.*

*Mr. Braun explained that while Elizabeth Werdermann was working for the City, she was responsible for taking GIS to a "next" level, but she was terminated at the end of 2012, with the GIS responsibilities transferred to Michelle Yanda, who recently left the City's employment in December, 2013. Mr. Braun noted that he didn't want to lose the long range goal of planning, but emphasized that a lot of the GIS usage in Planning was currently focused on getting ready for meetings.*

*Mr. Less noted that upcoming planning issues would not have available mapping inventory to rely upon, and was concerned with that problem which was coming to the forefront.*

*Additional discussion was held.*

**This Presentation was discussed. No Action Taken.**

[14-293](#)

PC4-2014: City of Manitowoc - Annual Three (3) Year Harbor Assistance Statement of Intentions (see enclosure #8)

**Attachments:** [PC 4-2014 Annual 3 yr Harbor Assistance Statement of Intentions](#)

*Mr. Braun explained the City's proposed 3-year "Harbor Development, Statement of Intentions" for the term of 2014-2016. Mr. Braun continued that projects were just listed, and not ranked, and added that he had worked with the Harbor Commission to refine the "Statement" which was due to WisDOT by April 1st. Mr. Braun reviewed the projects*

contained in the "Statement".

Mr. Hornung asked about item #4 in the listing which was located at the Manitowoc Marina, and questioned what commercial transportation value there was at this location?

Mr. Braun noted that these projects were just a guess at this time.

Mr. Less noted flexibility in the event an operation of a commercial nature would utilize the Marina in the future.

Mr. Braun added that the "Statement" was a wish list, and noted that everything in the "Statement" could be funded, but it would have to be in the listing to have any opportunity to receive funding in the future. Mr. Braun again stated that members of the Harbor Commission had provided him comments on the listing.

Mr. Less stated that the recommendation was for the Commission to recommend to Council approval of the "Statement", and added that there was a companion Resolution that the Council would be asked to introduce and adopt next Monday night.

**Moved by Muenzenmeyer, seconded by Alpert, that this Report be recommended for approval to the Public Infrastructure Committee. The motion carried by the following vote:**

**Aye:** 6 - Alpert, Alderperson Brey, Member Hornung, Member Koski, Stokes and Member Muenzenmeyer

**Excused:** 2 - Member Diedrich and Mayor Nickels

[14-294](#)

PC5-2014/PC52-2006: Discussion regarding the update of the 2009 Comprehensive Plan.

Mr. Less advised the Commission that under Statute, the 2009 comprehensive plan required updating on or before 10 years after its initial adoption by Council. Mr. Less continued that there was no urgency on this matter, but noted that it was something that should be kept in mind by this Commission for future department budget requests, and noted that it might make sense to hire a consultant to update the plan, in light of current department staffing.

Mr. Braun commented that regarding consistency, the 20-year land use map had been thoroughly prepared, and so there would only be minor changes to be made to that aspect of the plan.

Mr. Less felt that the update would be more demographic and policy oriented.

Additional discussion was held.

**This Presentation was discussed. No Action Taken.**

[14-295](#)

PC7-2014: Wergin - Release of Utility Easement west of North 8th Street (see enclosure #9)

**Attachments:** [PC 7-2014 Wergin N 8th Release of Easement](#)

Mr. Braun explained the situation surrounding an existing 1999, 100' wide utility easement previously granted to the City from Dennis and Kay Wergin, at their property on the west side of N. 8th Street, south of Albert Drive. Mr. Braun continued that a replacement

easement for the same purpose at a different location on the Wergin property had been signed and recorded in 2001, and the 1999 easement had never been officially terminated. Mr. Braun noted that in advance of a new CSM for the property being recorded (which had been previously approved by the Commission), this was an opportune time to terminate the 1999 easement so as to not have to show it on the new CSM. Mr. Braun reviewed a termination document that had been prepared by Attorney Tim Salutz for this purpose.

Mr. Braun recommended that the Commission recommend to Council that it approve entering into an agreement to terminate the 1999 easement; authorize the Mayor and Clerk to sign the document at the call of the Deputy City Planner; with the document, upon full execution, to be recorded by the Salutz Law Offices, at no expense to the City.

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

**Aye:** 6 - Alpert, Alderperson Brey, Member Hornung, Member Koski, Stokes and Member Muenzenmeyer

**Excused:** 2 - Member Diedrich and Mayor Nickels

[14-297](#)

PC9-2014: Peltier/Autowerks Vehicle Maintenance Center, LLC/Sign Me Up; Proposed Fixed Animated Billboard at 1037 So. 26th Street Pursuant to Section 15.450(14)(h) and 15.450(18) of Manitowoc Municipal Code (see enclosure #10).

**Attachments:** [PC 9-2014 1037 S 26th Animated Sign REVISED](#)

Mr. Less explained a request for issuance of a Special Permit to authorize the construction of a fixed, animated, 12' x 23' billboard on the east side of So. 26th Street, at the Autowerks property, 1037 So. 26th Street. Mr. Less reviewed his staff write-up of the proposed billboard, including the recommendation to approve, and noted that he did not find anything out of compliance with this request. Mr. Less added that this property was currently zoned "C-1" Commercial District.

Mr. Less recommended that the Commission approve the issuance of a Special Permit for a fixed animated billboard at the location specified in the application, and to further authorize the Building Inspector to issue a permit for the billboard, with the sign to comply with all relevant sections of Section 15.450.

Mr. Koski advised that his engineering staff had reviewed the proposed animated billboard, and was satisfied that it would not be a traffic distraction. Mr. Koski added that if the sign was lower, there was a concern that the sign would conflict with traffic signals, but that was not the case. Mr. Koski added that he wanted the minutes to reflect the initial concern for the distraction issue.

**Moved by Stokes, seconded by Muenzenmeyer, that this Action Item be recommended for approval to the Licensing, Permits & Inspections Committee. The motion carried by the following vote:**

**Aye:** 6 - Alpert, Alderperson Brey, Member Hornung, Member Koski, Stokes and Member Muenzenmeyer

**Excused:** 2 - Member Diedrich and Mayor Nickels

## VIII. MISCELLANEOUS



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

[14-296](#)

SP1-2014: Manitowoc Pattern Manufacturing, 4315 Expo Drive - Building Expansion (approved).

**This Site Plan was discussed. No Action Taken.**

[14-298](#)

SP 2-2014: CR Mini Storage LLC, 2131 S. 26th Street.

**This Site Plan was discussed. No Action Taken.**

## IX. ADJOURNMENT

*Meeting adjourned at 7:20 pm.*

Respectfully Submitted,

David Less  
Secretary

CAUTION TO PLAN COMMISSIONERS: The documents attached to this agenda are for your review in preparation for the City Plan Commission meeting to be held on the above date. Any discussion or communication between members of the Plan Commission by any means prior to the Commission meeting regarding these documents may be a violation of the open meeting laws.