



# City of Manitowoc

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

## Meeting Minutes

### Plan Commission

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Wednesday, May 14, 2014

6:30 PM

Planning / Engineering Conference Room

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Pursuant to Section 19.84(2) and (3) of the Wisconsin Statutes, notice is hereby given to the public, to the Herald-Times-Reporter, the official newspaper of Manitowoc, and to those news media who have filed a written request for this notice that a meeting of the above-referenced will be held at the date, time and location listed above.

The above governmental body will meet to discuss and possibly take action on the agenda items set forth below.

#### CALL TO ORDER

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

#### ROLL CALL

**Present:** 9 - Steven Alpert, Dave Diedrich, Daniel Hornung, Mayor Nickels, Dan Koski, Dolly Stokes, Jim Muenzenmeyer, Jim Brey and Jim Brey

Staff Present: David Less, Paul Braun

Others Present: Stacy Schweppe, Carol Bauer, Craig Schweppe, Jeff DeZeeuw, David Pawlowski, Scott Renhard, Andrew Flowers (AT & T), Shane Bagley (AT & T), William Jindra, Steve Groth, Kathy Groth

#### APPROVAL OF MINUTES

[14-1035](#) Approval of the Minutes of the April 16, 2014 Meeting.

**Attachments:** [04-16-2014 pc minutes](#)

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

**Aye:** 8 - Alpert, Member Diedrich, Member Hornung, Mayor Nickels, Member Koski, Stokes, Member Muenzenmeyer and Alderperson Brey

#### PUBLIC INFORMATIONAL HEARINGS

[14-709](#) Request from Manitowoc Lutheran High School Federation, Inc. and A T & T for change in zone from R-2 to I-1 for property at 4045 Lancer Circle.

PC23-2013: Manitowoc Lutheran High School; Request to Rezone a

Portion of Property at 4045 Lancer Circle from "R-2" Single-Family District to "I-1" Light Industrial District for a Future Telecommunication Facility Pursuant to Section 15.330 of the Manitowoc Municipal Code.

**Attachments:** [14-709.pdf](#)  
[pc 23-2013 mtwc lutheran hs rezone request](#)

*Mr. Less explained that tonight's public informational hearing was in regard to a request from The Manitowoc Lutheran High School Federation, Inc. (MLHS), as owner, and Shane Begley, as agent for AT&T, as tenant. Mr. Less continued that together, they were requesting that the City rezone an 80' x 100' area of the MLHS property from its current "R-2" Single-Family District to "I-1" Light Industrial District, as a first step towards authorizing the construction of a new telecommunication tower, that would ultimately require a Conditional Use Permit (CUP) pursuant to Section 15.330(4)(c) of the Manitowoc Municipal Code. Mr. Less advised that the project comprised the raw land construction of a 130' tall, monopole telecommunication tower and support equipment to be placed within a 60' x 80' fenced compound, within an 80' x 100' lease area. Mr. Less continued that the lease area was the property proposed for rezoning, and additionally, a 30' wide access easement would run approximately 300' between the tower compound and an existing parking lot on the property; and a separate 10' wide utility easement would run approximately 350' north-south between the tower compound and the R/W along Waldo Boulevard, where buried electric and telecom utilities would be sourced.*

*Mr. Less noted that MLHS had entered into an Option and Lease Agreement with New Cingular Wireless PCS, which was formerly known as AT&T Mobility, and which was a wholly owned subsidiary of AT&T, Inc. Mr. Less stated that the effective date of the lease was March 26, 2014, and it detailed the terms and conditions for usage of the 80' x 100' lease area. Mr. Less noted that the tenant had indicated that the new tower would provide better cellular coverage for this area with an impact radius of approximately 1.3-miles.*

*Mr. Less continued that the proposed rezoning area was located to the south of the existing MLHS school building and parking lot, with the north line of the lease area being approximately 35' south of the school building. Mr. Less continued that in addition to a monopole tower centered in the lease area, this area would also include an 11'5" x 28' AT&T equipment shelter. Mr. Less added that the lease area would be accessed from a gate on the west side, and an 8' high steel fence would surround the 4 sides of the compound. Mr. Less noted that landscaping outside of the compound was proposed to be in the form of arbor vitae, and would be located on the north, east and west sides. Mr. Less added that a 9' high cedar privacy fence would be located along the south side of the lease area, but outside of the compound.*

*Mr. Less continued that immediately beyond the perimeter of the rezoning area would be a 10' wide paved access fire lane along the north and west sides of the lease area; a 30' wide utility and ingress/egress easement, and a 10' wide utility easement. Mr. Less then explained the surrounding zoning and land uses in the area, noting that the property was currently tax exempt. Mr. Less noted that while schools were conditionally permitted in the "R-2" zoning district, the placement of a telecommunication tower required an industrial zoning, and subsequent authorization by issuance of a CUP.*

*Mr. Less then noted that the MLHS property was identified on the City's current 20-year land use map as "Institutional and Community Facilities" which was in conformance with the map. Mr. Less added that while the addition of a telecommunication facility was not specifically referenced in the City's Comprehensive Plan, the description of this district*

stated that it was designed to facilitate large scale public buildings, including airports, power plants and substations, and that it also encouraged future small scale institutional uses, which, while undefined in the plan, would then seem to include facilities such as telecommunication towers. As such, Mr. Less concluded, the proposed telecom facility was in effect an accessory use at the MLHS property being a subordinate use on the same property as the school, and as such, the proposed rezoning and subsequent potential placement of a telecommunication facility in this area were deemed to be compatible with the Plan.

Mr. Less then went on to explain that there were 2 other issues that filtered into tonight's rezoning discussion: (i) the matter of whether or not this proposal constituted a spot zone; and (ii) Wisconsin's telecommunication siting law under Wis. Stat. § 66.0404. As to the spot zoning question, Mr. Less concluded that this was not a spot zone, as it would meet a public purpose and benefit, it would be compatible with surrounding land uses, it would not disturb the tenor of, or harm neighboring properties, and it appeared to align with State priorities. Mr. Less noted that while spot zoning was the singling out of a parcel for a use classification inconsistent with that of the surrounding area, for the benefit of the owner and to the detriment of others, it was not necessarily illegal when it was consistent with the purposes for which the zoning ordinance had been passed, and added that it should only be indulged in where it was in the public interest, and not solely for the benefit of the owner requesting the rezoning. Mr. Less continued that while MLHS would benefit financially from the rezoning and the income from the telecommunication lease, he believed the essential services nature of the proposed telecom facility within the rezoning area would benefit a greater public, and would satisfy the public interest requirement. Mr. Less explained that the courts had tended to find spot zoning invalid when the amendment fostered only private gain, rather than serving the public and promoting the general welfare of the public.

Mr. Less continued, and cited the State's new "Mobile Tower Siting Regulations" law that was part of the 2013 Biennial Budget Act found under Wis. Stat. § 66.0404. Mr. Less noted that this new law was the State's effort to create a standardized regulatory framework pertaining to these facilities, which provided a 90-day period to review a completed application. Mr. Less noted that the new law had the impact of altering local authority to regulate cell tower siting, and imposed limits on the manner and extent to which a city could use its zoning authority to regulate the siting and modification of mobile service facilities. Mr. Less added that the new law stated that if a political subdivision had in effect on July 2, 2013 an ordinance that applied to new mobile service support structures and facilities, or the substantial modification of an existing structure and mobile service facilities, then a community could rely upon its local ordinance, but only to the extent that it was not inconsistent with the State law (66.0404(2)1.)). Mr. Less added that if the local ordinance was inconsistent, it would not apply and couldn't be enforced. Thus, he concluded, Wis. Stat. § 66.0404 severely limited the ability of a community to use its zoning authority to regulate cell towers and only if the zoning ordinance didn't violate the parameters set forth in the new law.

Mr. Less explained that the new statute defined projects into 1 of 3 categories: (i) new tower construction; (ii) substantial modification of an existing tower (Class 1 collocations); and (iii) existing facilities with less than substantial modification (Class 2 collocations). Mr. Less then proceeded to explain the key elements comprising the law, and the limitations of the City's zoning ordinance for this project. Mr. Less did note that under the statute and within 90-days of receiving a complete application, a community had to complete its review and make a final decision on the request, and if the 90-day period lapsed, the application was deemed to be approved, unless the municipality and applicant agreed in writing to extend the 90 day period.

Mr. Less then explained the telecommunication support documents that were submitted with the rezoning application:

1. FAA determination of no hazard issued on February 19, 2014, and with no requirement for tower markings or lighting.
2. Letter from AT&T Mobility Corporation regarding their own rationale for no collocation dated February 6, 2014. It was signed by a person self identified as having responsibility over the placement of the mobile service support structure. There was also a graphic dated February 7, 2014 identifying a 1.3-mile radius area around the proposed tower, and identifying this area as being deficient in coverage.
3. Structural report stamped by a Professional Engineer (PE) and dated January 28, 2014 for a Sabre Industries tower and pole stating soundness of the structure, and that the tower was designed for a basic wind speed of 90 mph with no ice, and 40mph with 3/4" radial ice. This report also stated that if it failed, the tower would "fold over" onto a lower portion, and this determined a fall radius of 33% of the tower height from the base, or in this case, 42.9'.
4. Geotechnical report stamped by a PE and dated December 12, 2013.
5. Site plan with construction detail dated March 4, 2014 that was stamped by a PE.
6. NEPA compliance document dated March 28, 2014.
7. Phase I Archeological Report dated December 3, 2013.
8. Executed Option and Lease Agreement between the petitioner and the landowner.
9. Application for zoning ordinance amendment dated April 1, 2014 which identified a tower construction cost at \$148,000.

In closing, Mr. Less advised that notices of tonight's informational hearing were mailed from Planning on May 7th to property owners within 200' of the proposed rezoning area, and added that there were no comments received in response to that mailing.

Mr. Less identified key dates going forward, and noted that there was a statutory timing issue to address. Mr. Less noted that in terms of the date a completed application was received, a FedEx package was delivered to the City on April 8, 2014, and as such, the 90-day period under this new statute in which a final decision regarding the application was to be made, would therefore end on Monday, July 7th. Mr. Less then stated that the Commission should also consider addressing the CUP matter at this time in order to meet the 90-day statutory timeframe.

Mr. Hornung questioned the need to rezone this parcel if a cell tower couldn't be restricted in any zone under State law?

Mr. Less replied that his read of the statute was that for a new tower, the City's zoning ordinance still controlled, as long as it was consistent with the State law. Mr. Less added that as this was a brand new regulation, how it would be interpreted going forward was not yet written. Mr. Less stated that the City's ordinance still applied, but added that the City's ordinance at this time didn't match the new State law.

*Mr. Diedrich asked why rezone the property?*

*Mayor Nickels commented that the zoning right appeared to be preserved under the new State law, and that State law would trump the City's ordinance.*

*Mr. Less commented that there were portions of the City's ordinance that were assertable, and in concert with the new State law, but added that the rezoning was necessary, as it was a right preserved at the federal level, and in the new State law for new towers.*

*Mr. Muenzenmeyer asked if the City could rightfully deny the request?*

*Mr. Less stated that the City would be hard pressed to deny the request, and to approve the zone change would comply with the City's ordinance and the new State law. Mr. Less added that this would be a different discussion with greater municipal restrictions, if this was an existing tower or collocation. Mr. Less noted that the petitioner provided all information required under the statute, and felt that the City would be hard pressed to deny the request. Mr. Less noted that the public benefit was the distinguishing factor in this situation.*

*Mr. Muenzenmeyer asked if the City could deny any new tower request in any zoning district if the information submitted complied with the new State law?*

*Mr. Less stated that this was not clear at this time, but again stated that the preservation of local zoning did originate at the federal level with the 1996 Federal Telecommunications Act; a right that appeared to be preserved in the new State law.*

*Additional discussion was held on this matter, but noted that the Commission was uncomfortable with the lack of clarity regarding how the new State law interfaced with both the federal law, and local ordinance.*

*Mr. Less stated that he did not have a problem with the proposed rezoning, and felt that the request did comply with the new State law.*

*Mr. Muenzenmeyer asked if there was a legal opinion to validate the position being taken on this matter?*

*Mr. Less replied that he had talked about this matter with the City Attorney, who concurred with his assessment of how the law was intended to function. Mr. Less added that this law was so new that there was no basis for writing a legal opinion. Mr. Less stated that the City retained a barrier of protection for new towers under local ordinance.*

*Jeff DeZeeuw, 4529 Andrea Court, commented that he was currently dealing with Manitowoc County who had been discouraged from establishing multiple zoning patterns on a single parcel, and asked if this was the same situation?*

*Mr. Less stated that he was not familiar with any discussions at the County.*

*Mayor Nickels asked Mr. Less for his recommendation.*

*Mr. Less recommended that the Commission recommend to Council that it: (i) instruct the Clerk to call for a public hearing to be scheduled for June 16th; and (ii) approve the zone change upon completion of the public hearing. Mr. Less continued that regarding the issue of a CUP, he felt that the Commission should further recommend that Council*

*waive the requirement for following the procedure under Section 15.370(27) of the Code for this project, due to the duplicitous nature of that proceeding vs. the information proved at the current rezoning proceeding. Mr. Less added that as the CUP process and the information presented would be a redundancy as a result of the State's new "Mobile Tower Siting Regulations" law under Wis. Stat. § 66.0404, and restrictions imposed therein, he felt that there was no need to pursue a separate proceeding for a CUP.*

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

**Aye:** 7 - Alpert, Member Diedrich, Member Hornung, Mayor Nickels, Member Koski, Stokes and Alderperson Brey

**Nay:** 1 - Member Muenzenmeyer

14-946. PC15-2014/PC17-92: Schweppe; Request for a Conditional Use Permit (CUP) for Operation of a Group Child Care Center at 1501 N. Rapids Road 14-946. Pursuant to Section 15.110(3)(c) of the Manitowoc Municipal Code

*Mr. Less explained that this was a request from Stacy and Craig Schweppe as the owner of property at 1501 N. Rapids Road. Mr. Less noted that they had filed a request for a Conditional Use Permit (CUP) for operation of a group child care center at 1501 N. Rapids Road, pursuant to Section 15.110(3)(c) of the Manitowoc Municipal Code. Mr. Less noted that the CUP would follow the procedure outlined in Section 15.370(27), and that under that procedure, 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 surrounding property values.*

*Mr. Less explained that the subject property was currently titled in the name of Falling Star Child Care, LLC by Quit Claim Deed from Stacy and Craig Schweppe dated April 2, 2014, and then traced the following historic events at this location:*

- 1. March 20, 2014 Special Warranty Deed from Department of Veterans Affairs to Stacy and Craig Schweppe.*
- 2. March 19, 2014 Termination of Right of First Refusal document from Calvary Assembly of God Church, clearing title for the V.A. and the Schweppes'.*
- 3. November 25, 2013 Special Warranty Deed between Bank of America to The Secretary of Veterans Affairs.*
- 4. October 14, 1994 Warranty Deed and Easement from Calvary Assembly of God Church to Richard and Marcia Barbier (easement between TR1 and TR2 for access and parking adjacent to the south side of 1501 N. Rapids).*
- 5. June 1, 1992 City issued a CUP to Marcia Barbier d/b/a Tender Beginnings Day Care, Inc. for a maximum capacity of 39 children.*
- 6. April 27, 1992 Lease between Calvary Church and Tender Beginnings Day Care for 2 year term, ending July 31, 1994.*
- 7. April 14, 1991 Warranty Deed from Faith Evangelical Free Church to Calvary Assembly of God Church.*

Mr. Less commented that the 1992 CUP was issued only to Tender Beginnings, and included language that it would expire automatically upon expiration of the lease (July 31, 1994) or occupancy of the facility. Mr. Less continued that the City lost track of uses in the building after Tender Beginnings, and no additional CUP's were issued by the City for day care operations at this location. Mr. Less did note that it appeared that a "Precious in His Site Christian Childcare Academy Inc." day care was in the building sometime around 2006, and referenced federal tax liens recorded against that entity at 1501 N. Rapids Road for tax years 2007-2008, 2010 and 2011. Mr. Less noted that the status of these liens was unknown.

Mr. Less continued that regarding the subject property, it was located on the east side of N. Rapids Road, and was identified as Tract 2 of a CSM recorded in V. 15, P. 15. Mr. Less noted that it was a tract measuring 21,447sf in area, with 115' of frontage on N. Rapids Road, 95.32' along its rear lot line, and 211' along the north and south property lines. Mr. Less further identified the property as tax parcel # 814-101-012, which he noted had an assessed value from the City Assessor of \$138,900, and generated just over \$2,900 in annual real estate taxes. Mr. Less added that the property was currently zoned "R-2", Single-Family District, which permitted day care centers for not more than 8, but for more than 8, required a CUP.

Mr. Less explained the surrounding zoning and land uses in the area, and added that for the current request, the proposed CUP would cover the land and building comprising Tract 2. Mr. Less continued that the building on the property was a 1-story frame structure of approximately 2,125sf in area, and contained a first floor and basement. Mr. Less noted that the site contained a large, off-street parking lot as well, and that based on his field count, it appeared that there were approximately 15 striped parking stalls that were included in the adjacent easement area. Mr. Less noted that the larger parking lot included parking for the Church, and had 103 parking spaces in total. Mr. Less added that City off-street parking requirements for a day care for 50 children would be: (i) a minimum of 1 parking space for each 7 children authorized; and (ii) 1 parking space for each staff member working the same hours. Mr. Less added that the parking requirement could be reduced to 1 parking space for each 10 children if a customer pick up and drop off zone was provided. Mr. Less commented that it appeared that off-street parking should be more than adequate.

Mr. Less went on to explain that according to information provided by the petitioner: (i) children would arrive at the facility between 5:00 A.M. -7:00 A.M., and would leave between 4:00 P.M. and 6:00 P.M.; (ii) child care would be available for children from birth through 11 years; and (iii) the proposed maximum enrollment was 50 children.

Mr. Less then explained that these facilities were regulated by the State, and noted the following: (i) Wis. Stat. §66.1017 prohibited a municipality from preventing a family child care home for not more than 8 children in a zoning district where a single family residence was permitted; (ii) because of its size, the facility at 1501 was not a family child care center, but was a group child care center for 9 or more children; (iii) child care was regulated and licensed through the Wisconsin Department of Children and Families; (iv) group child care centers facilities were required: (a) to meet the Wisconsin Commercial Building Code, the compliance to which was pre-requisite to being able to obtain a license from the State; (b) to have at least 35sf of usable space for each child counted in capacity; and (iii) to have in place compliance policies for a variety of topics including, but not limited to admission, discharge, education, nutrition, continuing education of staff, and transportation that are submitted with the application for licensure. Mr. Less noted that licenses issued by

*the State were not transferrable.*

*In closing, Mr. Less noted that notices were mailed from Planning to property owners within 200' of the subject property on May 7th regarding tonight's meeting, and there were no comments received to date in response to the mailing. Mr. Less advised that a copy of his recommendation had been previously provided to the Schweppes' and the Commission, and that no comments had been received*

*Mr. Hornung asked about the relevance of the federal tax liens?*

*Mr. Less noted that they were referenced only because they were recorded against the property, and he wanted to make the Commission aware of their presence. Mr. Less stated that the liens weren't relevant for the CUP consideration.*

*Mr. Diedrich commented that they should have been relevant for the purchaser of the property.*

*Steve Groth, 1504 Kellner, asked about limiting the hours of day care operation at the property, and noted that this was part of the discussion years ago when the Tender Beginnings CUP was issued. Mr. Groth was concerned about the day care operation extending into the later evening hours.*

*Mr. Alpert asked if a timing limit could be added into the CUP compliance conditions?*

*Mr. Less noted that this would not be a big issue to add time limitations into the CUP conditions.*

*Stacy Schweppe, 4325 Danmar Road, commented that extending the hours of operation to overnight would require the State to issue a different kind of license than what they were pursuing. Ms. Schweppe noted that their license would just be for a day use.*

*Mr. Brey stated that he was more comfortable adding the time limitation into the CUP conditions.*

*Commission members were comfortable with limiting the hours of operation to between 5:00 A.M. and 7:00 P.M.*

*The Schweppes' concurred.*

*Mayor Nickels asked Mr. Less for his recommendation.*

*Mr. Less recommended that the Commission recommend to Council that it grant a CUP under Section 15.110(3)(c) of the Code to Stacy and Craig Schweppe d/b/a Falling Star Child Care LLC, for a maximum of 50 children, and subject further to the conditions outlined for the Commission and on file in the City Planner's office.*

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

**Aye:** 8 - Alpert, Member Diedrich, Member Hornung, Mayor Nickels, Member Koski, Stokes, Member Muenzenmeyer and Alderperson Brey

**REFERRALS FROM COMMON COUNCIL**

14-956 PC1-2014: MPU; Request for Utility Easements from the City of Manitowoc in Block 230 of the Original Plat.

*Mr. Less explained a request from MPU for an easement covering 2 sites in Block 230 of the Original Plat for the placement of an above ground pad transformer at each location.*

*Mr. Less recommended that the Commission recommend to Council that it approve entering into the "Utility Easement" but prior to executing the document, the Deputy City Planner work with MPU to determine a strategy for replacement of the green space that would be lost at these 2 sites due to the placement of the above ground pad transformers.*

*Mr. Muenzenmeyer wanted to make sure a vision triangle conflict on the Franklin Street site would not be created by the placement of the transformer.*

*Mr. Koski noted that he had met with Mr. Bacalzo, and they were comfortable that the vision clearance would not be an issue.*

*Mr. Less noted that Block 230 was part of a downtown underground utility district as per Section 15.370(28) of the Code, which allowed for the location of associated equipment and facilities which were appurtenant to underground electric and communication systems to be located above ground. Mr. Less added that these 2 locations were currently landscaped areas, which would effectively be lost upon the installation of the transformers.*

*Mr. Hornung commented that the underground vaults were getting old and needed to be replaced.*

*Mr. Braun commented on the Franklin Street corridor as a possible location for future street trees.*

*Additional discussion was held.*

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

**Aye:** 8 - Alpert, Member Diedrich, Member Hornung, Mayor Nickels, Member Koski, Stokes, Member Muenzenmeyer and Alderperson Brey

OLD BUSINESS: None.

NEW BUSINESS: None.

MISCELLANEOUS

Manitowoc County Activities:

*Mr. Brey advised that the County had received State approval to demolish the old health department building at 823 Washington, and would be seeking approval to demolish from the City. Mr. Brey noted that the Commission should expect to see*

*this request next month, and added that in light of the landscaping discussion regarding the MPU easement, there would be minimal landscaping, and felt that the County would be open to an off-site landscaping arrangement to meet the spirit of the City's off-street parking code and landscaping requirements.*

*Mr. Koski commented that he had talked with Mr. Beyer today, and believed the site would create 22 new off-street parking spaces.*

*Mr. Muenzenmeyer asked if the building was located in the Eighth Street Historic District?*

*Mr. Less stated "yes".*

**This was discussed. No action was taken.**

Certified Survey Maps (CSM):

[14-1036](#)

Richard Ewald; Proposed CSM in the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$ , Section 19, T19N, R23E, Town of Manitowoc Rapids.

**Attachments:** [csm ewald](#)

*Mr. Braun explained the proposed CSM on the north side of Middle Road, west of South Union Road. Mr. Braun noted that the owner wanted to transfer land to his daughter, while he would retain 5.10-acres for his existing residence, and would sell the remaining agricultural lands to a neighboring farmer. Mr. Braun recommended approval of the proposed CSM, subject to Town and County requirements.*

**Moved by Dietrich, seconded by Muenzenmeyer, that the Commission approve the CSM as outlined, subject to any required easements, petitions, and other conditions as specified above. The motion carried by the following vote:**

**Aye:** 8 - Alpert, Member Diedrich, Member Hornung, Mayor Nickels, Member Koski, Stokes, Member Muenzenmeyer and Alderperson Brey

[14-1037](#)

Hallwachs; Proposed CSM in the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  Section 15, T18N, R23E, Town of Newton.

**Attachments:** [csm hallwachs](#)

*Mr. Braun explained a proposed CSM located on the south side of Luckow Lane, and west of Gass Lake Road. Mr. Braun explained that the owner wanted to transfer her farmland to her son, and retain 4-acres for her residence. Mr. Braun recommended approval of the CSM, subject to Town and County requirements.*

**Moved by Dietrich, seconded by Muenzenmeyer, that Moved by Dietrich, seconded by Muenzenmeyer, that the Commission approve the CSM as outlined, subject to any required easements, petitions, and other conditions as specified above. The motion carried by the following vote:**

**Aye:** 8 - Alpert, Member Diedrich, Member Hornung, Mayor Nickels, Member Koski, Stokes, Member Muenzenmeyer and Alderperson Brey

[14-1038](#)

Yindra/Becker; Proposed CSM in the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$ , Section 36,

T19N, R23E, City of Manitowoc.

**Attachments:** [csm yindra becker](#)

*Mr. Braun explained a proposed CSM located between So. 35th and So. 36th Streets in the City, and advised that the property owners (Yindra and Becker) wanted to sell their vacant land to Kent and Sara Kiel. Mr. Braun continued that the Kiels' wanted to create 3 lots of record to construct a home on the westernmost lot, and to create 2 future lots for sale abutting the west side of So. 35th.*

*Commission members discussed the need for the current Official Map cul-de-sac impacting the property, with Mr. Hornung recommending that it be removed from the Official Map.*

*Mr. Braun stated that Greg Minikel in Public Infrastructure had some concerns about removing the cul-de-sac.*

*Mr. Brey advised that the original pattern in that area was related to an anticipated new school to be constructed to the south, which was a topic discussed in the 1970's or 80's.*

*Mr. Hornung recommended approval of the CSM, with Mr. Braun to talk with the MPSD about their property and the existing Official Map pattern, and addressing that matter in June.*

**Moved by Alpert, seconded by Brey, that the Commission approve the CSM as outlined, subject to any required easements, petitions, and other conditions as specified above. The motion carried by the following vote:**

**Aye:** 8 - Alpert, Member Diedrich, Member Hornung, Mayor Nickels, Member Koski, Stokes, Member Muenzenmeyer and Alderperson Brey

[14-1039](#) Kaderabek; Proposed CSM in the SE¼ of the NW¼, Section 11, T19N, R23E, Town of Manitowoc Rapids.

**Attachments:** [csm kaderabek](#)

*Mr. Braun advised that there was no action to be taken on this matter at the owner's request, as the potential land sale had not materialized.*

**This Certified Survey Maps was discussed. No action taken.**

#### Summary of Site Plans

[14-1041](#) SP3-2014: Manitowoc Lake Breeze Apartments, LLC, Johnston Drive - New Construction (pending).

**This Site Plan was discussed. No action taken.**

[14-1042](#) SP4-2014: Progreso Mexicano, LLC, 1533 So. 41st - New Construction (pending).

**This Site Plan was discussed. No action taken.**

[14-1043](#) SP5-2014: Lakeshore Mini Storage, LLC, 2424 Johnston Drive - New

Construction (pending).

**This Site Plan was discussed. No action taken.**

ADJOURNMENT

*The meeting was adjourned at 7:30 P.M.*

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.