

It is expected that a Quorum of the Board of Public Works, Park Board, Administration Committee, and/or Common Council may attend this meeting: (although it is not expected that any official action of any of those bodies will be taken)

**CITY OF MENASHA
PLAN COMMISSION
Council Chambers
140 Main Street, Menasha**

January 6, 2009

3:30 PM

REVISED AGENDA

Informal Public Hearing – Floodplain Map Amendments

- A. CALL TO ORDER
- B. ROLL CALL/EXCUSED ABSENCES
- C. MINUTES TO APPROVE
 - 1. [Minutes of the December 16, 2008 Plan Commission Meeting](#)
- D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA
Five (5) minute time limit for each person
- E. DISCUSSION
 - 1. None
- F. ACTION ITEMS
 - 1. [Proposed Ordinance O –XX – 09 Relating to the Adoption of Floodplain Maps – Recommendation to Common Council](#)
 - 2. [Proposed Ordinance O – XX – 09 Relating to the Adoption of Utility Cabinets](#)
 - 3. [Extraterritorial CSM – Town of Menasha](#)
 - 4. [Consideration of Comprehensive Plan Review Procedures](#)
- G. ADJOURNMENT

**CITY OF MENASHA
Plan Commission
Third Floor Council Chambers
140 Main Street, Menasha**

December 16, 2008

3:30 PM

MINUTES

PUBLIC HEARINGS:

Special Use Permit – Commonwealth Development – Midway Road

Mayor Merkes opened the public hearing by asking if anyone would like to speak regarding the Special Use Permit. No one from the gallery spoke. The hearing was closed.

Special Use Permit – Veterans of Foreign Wars (VFW) – 546 Third Street

Mayor Merkes opened the public hearing by asking if anyone would like to speak regarding the rezoning. No one from the gallery spoke. The hearing was closed.

Rezoning – St. John's Polish Cemetery – Valley Road

Mayor Merkes opened the public hearing by asking if anyone would like to speak regarding the rezoning. No one from the gallery spoke. The hearing was closed.

A. CALL TO ORDER

The meeting was called to order at 3:32 p.m. by Mayor Merkes.

B. ROLL CALL/EXCUSED ABSENCES

PLAN COMMISSION MEMBERS PRESENT: Mayor Merkes, Ald. Benner , DPW Radtke and Commissioners Sanders, Cruickshank, and Schmidt.

PLAN COMMISSION MEMBERS EXCUSED: Commissioner Sturm.

OTHERS PRESENT: CDD Keil, AP Beckendorf, Paul Fluette, Tom Robinson, Robert J. Acord, Christopher Jaye, and Lonnie Pichler.

C. MINUTES TO APPROVE

1. Minutes of the December 2, 2008 Plan Commission Meeting.
 - a. Moved by Comm. Sanders, seconded by Comm. Schmidt to approve the December 2, 2008 Plan Commission meeting minutes. Motion carried.

D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA

No one from the gallery spoke.

E. DISCUSSION

1. None

F. ACTION ITEMS

1. Special Use Permit – Commonwealth Development – Midway Road.
 - a. CDD Keil explained that the proposed project is one that relies on tax credits. The site plan is preliminary, project details will be brought back for approval in 2009 before project implementation if tax credits are awarded by WHEDA.
 - b. Commissioners discussed the following:
 - I. The difference between the proposed plan and what was proposed for the property in 2004.
 - II. Fire access concerns regarding the northernmost building.
 - III. Shared access possibilities with a neighboring property owner.
 - IV. Discharge locations for retention ponds.
 - V. Requiring a PILOT payment should the property ever become tax-exempt.
 - c. Comm. Schmidt made and Comm. Sanders seconded a motion to recommend approval of the Special Use Permit for 1655 University Drive with the following conditions:
 - I. That the following plans are submitted for approval by July 31, 2009:
 - a. Lighting/photometrics
 - b. Landscaping/paving/parking
 - c. Erosion Control
 - d. Stormwater Management
 - e. Grading/Drainage
 - f. Building Elevations
 - g. Dumpster Enclosure detail
 - h. Any other materials as requested by staff for site plan review
 - i. A Payment In Lieu of Taxes (PILOT) agreement
 - II. That the owner study the addition of a second access point and review fire department to all buildings with the fire department.
The motion carried.
2. Special Use Permit – Veteran of Foreign Wars (VFW) – 546 Third Street.
 - a. AP Beckendorf described the location and reviewed the proposal. Commissioners discussed the following:
 - I. Landscaping and compliance with code requirements.
 - II. Transitional area compliance and its relationship to the existing hedge on the neighboring residential property.
 - III. Site lighting.
 - IV. Whether landscaping should be added to the street frontage or to the west property line.
 - V. Plant material variety.
 - VI. The addition of street trees in the terrace.
 - VII. Location of the sign.
 - b. Mayor Merkes made and Comm. Cruickshank seconded a motion to recommend approval of the Special Use Permit for 546 Third Street with the following conditions:
 - I. The Appleton Street terrace, except for point of ingress and egress, is restored to grass with a minimum of three street trees to be planted. The curb must be replaced and specially assessed at the time of road reconstruction.
 - II. A minimum six-foot landscaped front setback must be added to the Appleton Street frontage.
 - III. The handicap stall must be moved to the west side of the parking lot.
The motion carried.

3. Rezoning – St. John's Polish Cemetery – Valley Road

- a. AP Beckendorf stated that the CSM splitting this property was approved by the Plan Commission earlier this year. The rezoning application is for Outlot 2 of the CSM. The intended use is to provide additional space for Miron. The impact is expected to be minimal because the surrounding uses are mainly commercial and industrial.
- b. Commissioners discussed the following:
 - I. Status of the land use plan amendment process.
- c. Mayor Merkes made and Comm. Sanders seconded a motion to recommend approval of the rezoning of Outlot 2 of CSM 6330 from R-1 Single Family Residential to I-1 Industrial contingent on the approval of the proposed land use plan amendment and with the following findings:
 - I. The proposed use is consistent with surrounding land uses;
 - II. That the change in land use was not anticipated at the time of plan adoption.The motion carried.

G. ADJOURNMENT

Moved by Comm. Sanders, seconded by DPW Radtke to adjourn at 4:40 p.m. The motion carried.

Minutes respectfully submitted by Jessica Beckendorf, Associate Planner

AN ORDINANCE RELATING TO THE ADOPTION OF FLOODPLAIN MAPS

Introduced by Mayor Donald Merkes

The Common Council of the City of Menasha does ordain as follows:

SECTION 1: Sec. 13-3-11(a) is repealed and recreated to read as follows:

(2) OFFICAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the City of Menasha Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the City Clerk, City of Menasha. If more than one map or revision is referenced, the most restrictive information shall apply.

OFFICAL MAPS: Based on the Calumet County Flood Insurance study (FIS), dated (February, 2009), volume number 55015CV000A and based on the Winnebago County Flood Insurance Study (FIS), dated (March, 2003), volume number 55139CV000A.

(1) Calumet County Flood Insurance Rate Map (FIRM), panel numbers (55015C0007E, 55015C0009E, 55015C0026E, and 55015C0028E) dated February 4, 2009; with corresponding profiles that are based on the FIS.

(2) Winnebago County Flood Insurance Rate Map (FIRM), panel numbers (55139C0110E and 55139C0105E) dated March 17, 2003; with corresponding profiles that are based on the FIS.

SECTION 2. This Ordinance shall become effective upon its passage and publication as provided by law.

Passed and approved this _____ day of January, 2009.

Donald J. Merkes, Mayor

ATTEST: _____
Deborah A. Galeazzi, City Clerk

AN ORDINANCE RELATING TO THE INSTALLATION OF UTILITY CABINETS

Introduced by _____

The Common Council of the City of Menasha dose ordain as follows:

SECTION 1: Chapter 4, Title 9 is created to read as follows:

SEC. 9-4-1 UTILITY CABINETS REGULATED.

(a) Public franchise utility cabinets, electric distribution system cabinets and telecommunication system utility cabinets, hereafter referred to as Utility Cabinets, are subject to requirements of this section.

SEC. 9-4-2 APPLICABILITY.

(a) A permit is required for the installation of all Utility Cabinets except as follows:

(1) Cabinets under 32 cubic feet located in the rear yard or outside of a front yard setback.

SEC. 9-4-3 APPLICATION REQUIREMENTS.

Application for the installation of Utility Cabinets shall be made on forms available from the Department of Public Works and shall include the following information:

- (a) Name, address, phone number and e-mail address of the applicant.
- (b) A description of the project including the relationship of the Utility Cabinet(s) to the overall system, size and location of related elements of the proposed Utility Cabinet.
- (c) A description of the function of the cabinet documenting the required size of the cabinet, the maximum spacing from other cabinets serving a related function.
- (d) A site plan drawn to scale of the proposed cabinet location and a scale drawing showing the location of street right-of-way, sidewalks, terraces, driveways, above and underground utilities, trees, traffic control devices, fences, hedges, structures within 100 feet of the proposed site.
- (e) A scaled drawing showing the dimensions of the cabinet and base. The drawing shall indicate the color of the cabinet and shall depict the location and size of any lettering, logo's or other symbols that may be applied on or attached to the cabinet. The location of any electric meters shall also be depicted.
- (f) Any other information as the Department of Public Works may determine as relevant to the placement of the Utility Cabinet.
- (g) Payment of a Utility Cabinet application fee in an amount as may be set by the Common Council.

SEC. 9-4-4 GUIDELINES FOR PLACEMENT OF UTILITY CABINETS.

The Department of Public Works shall consider the following criteria when evaluating a permit application for a Utility Cabinet:

- (a) The rationale set forth by the applicant in Sec. 9-4-3(b & c) stating the need for a Utility Cabinet at the specified location.
- (b) The location of the Utility Cabinet in relation to the features described in 9-4-3(d).
- (c) The overall appearance of the Utility Cabinet including the features described in 9-4-3(e).
- (d) Other factors as may be relevant to the placement of the Utility Cabinet.

SEC. 9-4-5 PERMIT ISSUANCE:

Following review, the Department of Public Works may issue, deny, or issue with conditions a permit for the proposed Utility Cabinet within 30 days of receipt of the completed application. If denied, the Department of Public Works shall state the reasons for such denial in writing. The Department of Public Works may attach conditions to the permit related to the size, height, location

or appearance of the Utility Cabinet including requirements for landscaping or other screening of the cabinet.

SEC. 9-4-6 APPEAL.

The applicant may appeal any permit denial or condition attached to the Utility Cabinet permit. Such appeal shall be made, in writing, to the Board of Public Works within 30 days of permit denial or issuance with conditions. In considering an appeal of a permit denial the Board of Public Works may affirm the Department of Public Works denial or grant the permit with such conditions as it deems necessary. In considering an appeal of permit conditions, the Board of Public Works may affirm the conditions as noted by the Department of Public Works, or rescind, modify or add conditions as it deems necessary.

SEC. 9-4-7 REVOCATION.

Permits for Utility Cabinets may be revoked by the Department of Public Works if:

- (a) The project is not constructed in accordance with the plan submitted under Sec. 4(a).
- (b) The conditions attached to the permit by the Department of Public Works have not been met within 180 days of permit issuance.
- (c) The use of the cabinet has been disconnected for a period of not less than 60 days.

SECTION 2. This ordinance shall become effective upon its passage and publication as provided by law.

Passed and approved this _____ day of January, 2009.

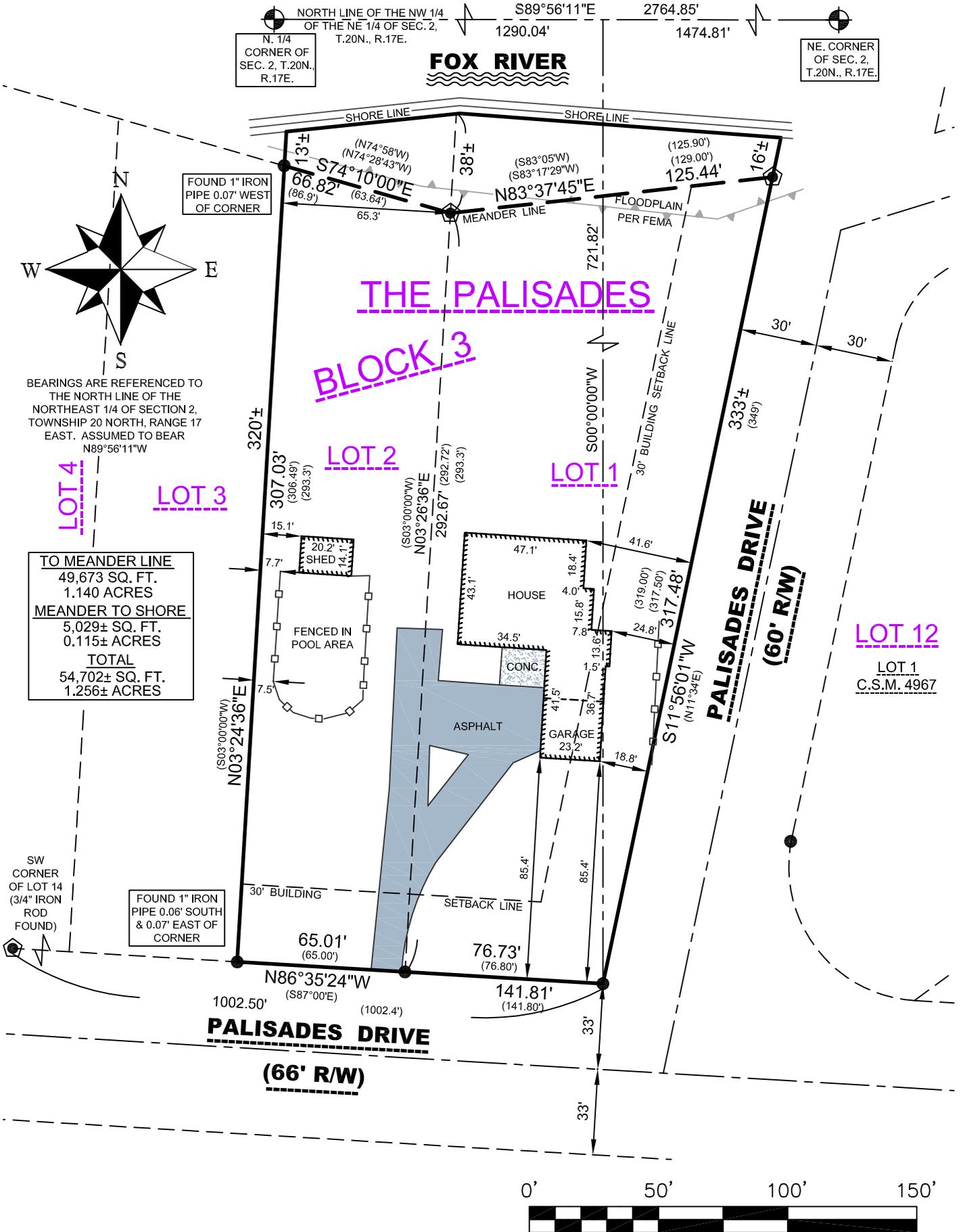
Donald J. Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk

CERTIFIED SURVEY MAP NO. _____

ALL OF LOTS 1 AND 2 OF BLOCK 3, IN THE PLAT OF PALISADES, LOCATED IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, SECTION 2, T.20N., R.17E., TOWN OF MENASHA, WINNEBAGO COUNTY, WISCONSIN.



Date Filed:	_____
Fee:	_____
Check #:	_____
Application #:	_____

**City of Menasha
Comprehensive Plan
Map Amendment
Application**

Fee: \$200.00 Regular Meeting / \$350.00 Special Meeting

A comprehensive plan map amendment is a change or revision to a land use map designation assigned to a specific property (or properties). Applications for plan map amendments and the applicable fee **must be submitted by March 1st** for consideration during the City's annual comprehensive plan amendment cycle. Applicant will be notified of the date and place of meetings and the public hearing for this proposed amendment and it is strongly recommended that applicants and owners attend all meetings and public hearings related to the amendment request.

1. Applicant Information

Applicant _____ Telephone _____

Address _____

Email Address: _____ Fax _____

2. Owner Information (If different than applicant)

Owner _____ Telephone _____

Address _____

Email Address: _____ Fax _____

3. Correspondence Address: (This is the address to which all agendas, letters and other materials will be forwarded.)

Name: _____ Telephone _____

Address: _____

Email Address: _____ Fax _____

4. Applicant is (Check one): Owner () Agent () Other () _____
(If Applicant is not the owner, provide letter of Authorization from All Property Owners) (Specify)

5. The present Owner acquired legal title to the subject property on _____
 (Date)

6. Property location & address: _____

7. Parcel I.D. Number: _____

8. Parcel Size/Dimension: (Square feet/Acres) _____

9. Existing Use of Property: _____

10. Future Land Use of Property (Future Land Use Map Designation):

11. Proposed Future Land Use (by Applicant): _____

12. Existing Zoning: _____

13. Proposed Zoning change (if Applicable): _____

14. Surrounding Future Land Use/Zoning Classification/Existing Use: _____

15. The following additional procedures and enclosures are required to complete this application:

____ A pre-application meeting with Community Development Department staff is required prior to formal submittal.

____ Application Fee (\$200 for the annual meeting, \$350 for a special meeting).

____ Property map showing adjacent properties and clearly outlining the subject parcel(s).

____ Where the property is not owned by the applicant, a letter must be attached giving consent of the owner for the applicant to request the comprehensive plan amendment.

____ On a separate sheet(s) of paper, thoroughly address the following:

a. Why the comprehensive plan amendment is being proposed.

b. Justification and support for the proposed map amendment. Examples might include (but are not limited to) a discussion of changes that have occurred in the area of the proposed plan map amendment since the comprehensive plan's adoption, consistency of the proposed amendment with the adopted comprehensive plan and/or how the proposed change will benefit the community.

I hereby depose and say that all the above statements and all accompanying statements and drawings are correct and true.

Signature of Applicant

Applicant attendance at this hearing is not mandatory, but is strongly recommended.

For Staff Use Only

Date of Initial Consultation: _____

Date Filed: _____

Application #: _____

Staff Review Date: _____

Plan Commission Meeting Date: _____

Date of Public Hearing: _____

Recommendation of the Planning Commission: _____

Resolution #: _____ Resolution Adoption Date: _____

NOTE: This is only a recommendation. Requires adoption of ordinance by City Council to become effective.

30-Day Public Review Period Began on: _____

Common Council Meeting Date: _____

Date of Plan Amendment Public Hearing: _____

Ordinance #: _____

Ordinance Approved: _____

Ordinance Published: _____

Sent to Statutory Distribution List: _____

Map Amendment: (Adopted / Denied)

Deborah A. Galeazzi, City Clerk