

It is expected that a Quorum of the Joint Review Board, 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**

**August 4, 2015
3:30 PM**

AMENDED AGENDA

- A. CALL TO ORDER
- B. ROLL CALL/EXCUSED ABSENCES
- C. MINUTES TO APPROVE
 - 1. [Minutes of the July 21, 2015 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. Mini Storage Facilities in Commercial Districts
- F. ACTION ITEMS
 - 1. [Utility Easement – 163, 165, 167 Main Street, Rear](#)
 - 2. [Utility Easement – Broad Street Parking Lot](#)
 - 3. [Land Acquisition – Woodland Developments, LLC](#)
 - 4. [Land Acquisition – 320 Chute Street](#)
 - 5. [Extension of Shared Use Path – Oak Park Place to Barker Farms Park](#)
- G. ADJOURNMENT

CITY OF MENASHA
Plan Commission
Council Chambers, City Hall – 140 Main Street
July 21, 2015
MINUTES

A. CALL TO ORDER

The meeting was called to order at 3:35 PM by Mayor Merkes.

B. ROLL CALL/EXCUSED ABSENCES

PLAN COMMISSION MEMBERS PRESENT: Mayor Merkes, Ald. Benner, DPW Radtke and Commissioner Sturm.

PLAN COMMISSION MEMBERS EXCUSED: Commissioners Cruickshank, DeCoster, and Schmidt.

OTHERS PRESENT: CDD Keil, CDC Heim, AP Englebort, Steve Grenell, Menasha Utilities, Dan Gueths (2035 Manitowoc Road) and Tom Grade (999 Brighton Drive).

C. MINUTES TO APPROVE

1. **Minutes of the July 7, 2015 Plan Commission Meeting**

Motion by Comm. Sturm, seconded by Ald. Benner to approve the July 7, 2015 Plan Commission meeting minutes. The motion carried.

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

1. No one spoke.

E. DISCUSSION

1. **Mini Storage Facilities in Commercial Districts**

CDD Keil indicated that Mr. Gueths has approached him on several occasions regarding his property at 2035 Manitowoc Road. CDD Keil provided an overview of the three locations within the city where storage facilities exist on C-1 (General Commercial District) and C-4 (Business Park District) zoned properties; storage facilities are not a permitted or special use within those zoning classifications. CDD Keil explained that Mr. Gueths' property had been rezoned from industrial to commercial in 2002 which made the use of the storage units a non-conforming use and cannot be expanded or enlarged. There are possibilities that could argue for a variance; however those possibilities do not indicate a hardship. Mr. Gueths' desire to expand the indoor facility as well as the current outdoor items would be stored inside. Commissioners discussed the following:

- Rezone property back to Industrial use
- Amend current zoning ordinance to allow where existing, non-conforming facilities may be expanded
- Current site restrictions to meet landscaping requirements
- Eliminate outdoor storage
- Add value to building
- Gain landscaping that currently is not present at the site
- Impact of ordinance change if similar proposals were brought forward

Mr. Gueths addressed the commission regarding the following:

- Current building is full, if allowed to expand feels could fill another building
- Size differences in self-storage and mini warehousing
- Variance from landscaping requirements

CDD Keil indicated that the 2002 rezoning was intended to make uses more compatible with

the residential properties in the area.

Additional discussion by Commissioners included:

- Resolving this issue with property owner while protecting the city in the future
- If building expanded, Fire Department would need to review to have proper access around the building
- Special Use Permit to address this specific location, wouldn't have impact on other sites and commission could place conditions on the Special Use Permit.

Consensus of the Commissioners was to bring this item to the next Plan Commission meeting to allow more time to consider options.

F. ACTION ITEMS

1. Third Street / Brighton Drive Greenspace Alterations

CDD Keil gave a brief overview of this project. Tom Grade addressed the Commission and provided letters of support from the neighbor residents supporting the proposed project. Mr. Grade also explained to the Commission that he and other neighbors have been planting flowers and maintaining the flower beds within the area. The concept of repurposing salvaged materials from the former hotel to create a bench as well as extending the concrete seawall with donated concrete are the main focus of this project.

Commissioners discussed the following:

- Ice shoves and the possibility of damage to a new seawall
- Protecting the intake area
- The expectation that City staff would provide in-kind labor for the concrete work and reseed the area
- Who would be constructing the proposed bench and request to have city staff oversee the design and provide engineering assistance

Motion by Comm. Sturm, seconded by DPW Radtke to recommend to the Common Council the Third Street/Brighton Drive greenspace alterations as proposed. Motion carried 4-0

H. ADJOURNMENT

Motion by DPW Radtke, seconded by Comm. Sturm to adjourn at 4:25 PM. The motion carried 4-0.

Minutes respectfully submitted by CDC Heim.

Document Number

Utility Easement

KNOW ALL PEOPLE BY THESE PRESENTS that in consideration of One Dollar (\$1.00) and other good and valuable consideration paid to the Grantor, hereinafter appearing as signator to this document, City of Menasha, dba, Menasha Utilities, Herein after referred to as Grantee, the receipt of which is hereby acknowledged, said grantor (signator hereto) does hereby grant, bargain, sell, transfer, and convey unto the Grantee, its successors and assigns, the right to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with distribution of electricity, electric energy and communications for such purposes as the same is now or may hereafter be used and for sounds and signals, all in, over, under, across, along and upon the property shown within those areas designated as "Utility Easement Areas" together with the rights to install service connections upon, across, and beneath the surface of each lot to serve improvements thereon, or on an adjacent lots, also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or caused to have restored, the property, as nearly as is reasonably possible, to the conditions existing prior to such entry by the Grantees or their agents. Buildings shall not be placed over grantee's facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without the written consent of Grantees. The Grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Recording Area

Menasha Utilities
PO Box 340
Menasha, WI 54952-0340
Attn: Dan Hutter

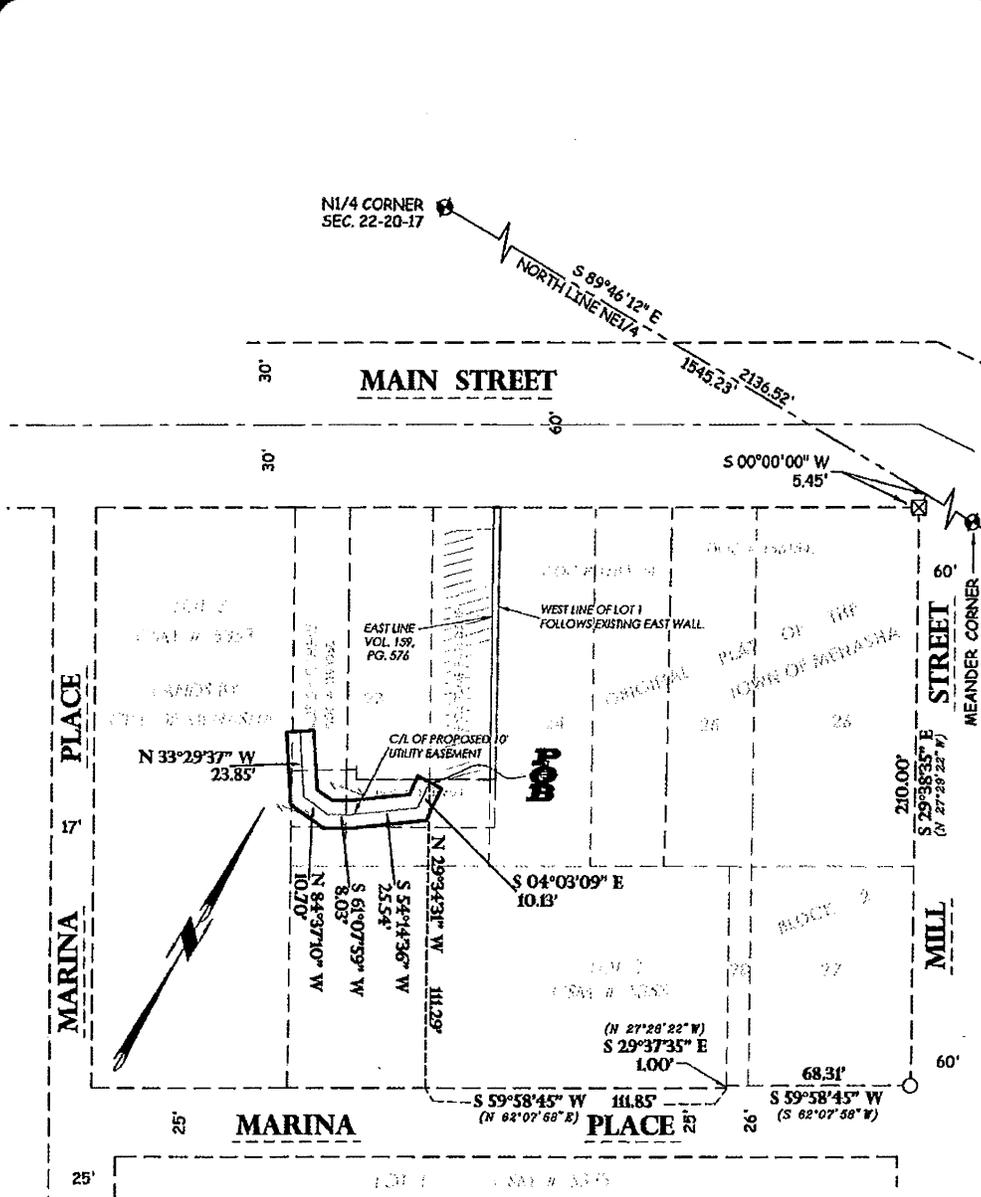
This grant likewise includes the right of ingress and egress on the lands of the undersigned for the purpose of exercising the rights herein.

Through the lands of the Grantor situated in the City of Menasha, Winnebago County, State of Wisconsin, said lands being as follows:

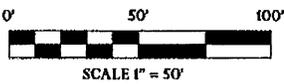
Being part of Lots 23 and 24 of Block 2, Original Plat of the Town of Menasha, and being part of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 22, Township 20 North, Range 17 East, City of Menasha, Winnebago County, Wisconsin, the centerline of a proposed 10' utility easement described as follows:

Commencing at the North $\frac{1}{4}$ corner of Section 22, Township 20 North, Range 17 East; thence S 89°46'12"E along the North line of the Northeast $\frac{1}{4}$ of said Section 22, 1545.23 feet; thence S 00°00'00"W, 5.45 feet to the Northeasterly corner of Block 2, Original Plat of the Town of Menasha; thence S 29°38'35"E along the Westerly line of Mill Street, 210.00 feet to the North line of Marina Place; thence S 59°58'45"W along the North line of Marina Place, 68.31 feet; thence S 29°37'35"E, along the North line of Marina Place, 1.00 feet to the Southeasterly corner of Lot 3, Certified Survey Map #5353; thence S 59°58'45"W along the North line of Marina Place, 111.85 feet; thence N 29°34'31"W, 111.29 feet to the centerline of proposed 10' utility easement and the point of beginning, (POB) of the parcel to be described; thence S 04°03'09"E along said centerline of proposed 10' utility easement, 10.13 feet; thence S 54°14'36"W along said centerline, 25.54 feet; thence S 61°07'59"W along said centerline, 8.03 feet; thence N 84°37'10"W along said centerline, 10.70 feet; thence N 33°29'37"W along said centerline, 23.85 feet to the terminating point of said centerline of proposed 10' utility easement.

PROPOSED 10' UTILITY EASEMENT EXHIBIT MAP



LEGEND



BASE FOR BEARING

THE NORTH LINE OF THE NE 1/4, SEC. 22, T.20N, R.17 E, ASSUMED TO BEAR S 89°46'12" E.

- 1-1/4" O.D. IRON PIPE FOUND
- ⊗ CHISELED "X" IN CONC. SET
- ⊕ BERNTSEN ALUM. MON. FOUND
- ⊗ CHISELED "X" IN CONC. FOUND
- ⊠ RECORDED AS



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AND DRAWN BY TRAVIS PLANTICO

FIELD BOOK GB 2 PAGE 33-36
JOB # 15.101

SHEET 1 OF 2 SHEETS

Document Number

Utility Easement

KNOW ALL PEOPLE BY THESE PRESENTS that in consideration of One Dollar (\$1.00) and other good and valuable consideration paid to the Grantor, hereinafter appearing as signator to this document, City of Menasha, dba, Menasha Utilities, Herein after referred to as Grantee, the receipt of which is hereby acknowledged, said grantor (signator hereto) does hereby grant, bargain, sell, transfer, and convey unto the Grantee, its successors and assigns, the right to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with distribution of electricity, electric energy and communications for such purposes as the same is now or may hereafter be used and for sounds and signals, all in, over, under, across, along and upon the property shown within those areas designated as "Utility Easement Areas" together with the rights to install service connections upon, across, and beneath the surface of each lot to serve improvements thereon, or on an adjacent lots, also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or caused to have restored, the property, as nearly as is reasonably possible, to the conditions existing prior to such entry by the Grantees or their agents. Buildings shall not be placed over grantee's facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without the written consent of Grantees. The Grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Recording Area

Menasha Utilities
PO Box 340
Menasha, WI 54952-0340
Attn: Dan Hutter

This grant likewise includes the right of ingress and egress on the lands of the undersigned for the purpose of exercising the rights herein.

Through the lands of the Grantor situated in the City of Menasha, Winnebago County, State of Wisconsin, said lands being as follows:

Being part of Lot 8 of Block 43, Addition to the Village of Menasha, and being part of the Northwest ¼ of the Northeast ¼ of Section 22, Township 20 North, Range 17 East, City of Menasha, Winnebago County, Wisconsin, the centerline of a proposed 10' utility easement described as follows:

Commencing at the North ¼ corner of Section 22, Township 20 North, Range 17 East; thence S 89°46'12"E along the North line of the Northeast ¼ of said Section 22, 1679.58 feet; thence N 00°24'30"E, 195.38 feet to the centerline of proposed 10' utility easement and the point of beginning, (POB) of the parcel to be described; thence N 00°24'30"E along said centerline of proposed 10' utility easement, 119.94 feet to the terminating point of said centerline of proposed 10' utility easement.

The consideration herein above recited shall constitute payment in full for any damages present or future to the lands of the Grantor, his successors and assigns, by reason of the installation, operation, and maintenance of the structures or improvements referred to herein (utilities). The Grantee covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to adjacent lands of the Grantor, his successors and assigns.

IN WITNESS WHEREOF, Authorized Representative, City of Menasha, as grantor, has executed this document on the date set forth opposite his signature.

This easement was signed this ____ day of _____, 2015.

GRANTORS:

By: _____
Authorized Representative, City of Menasha

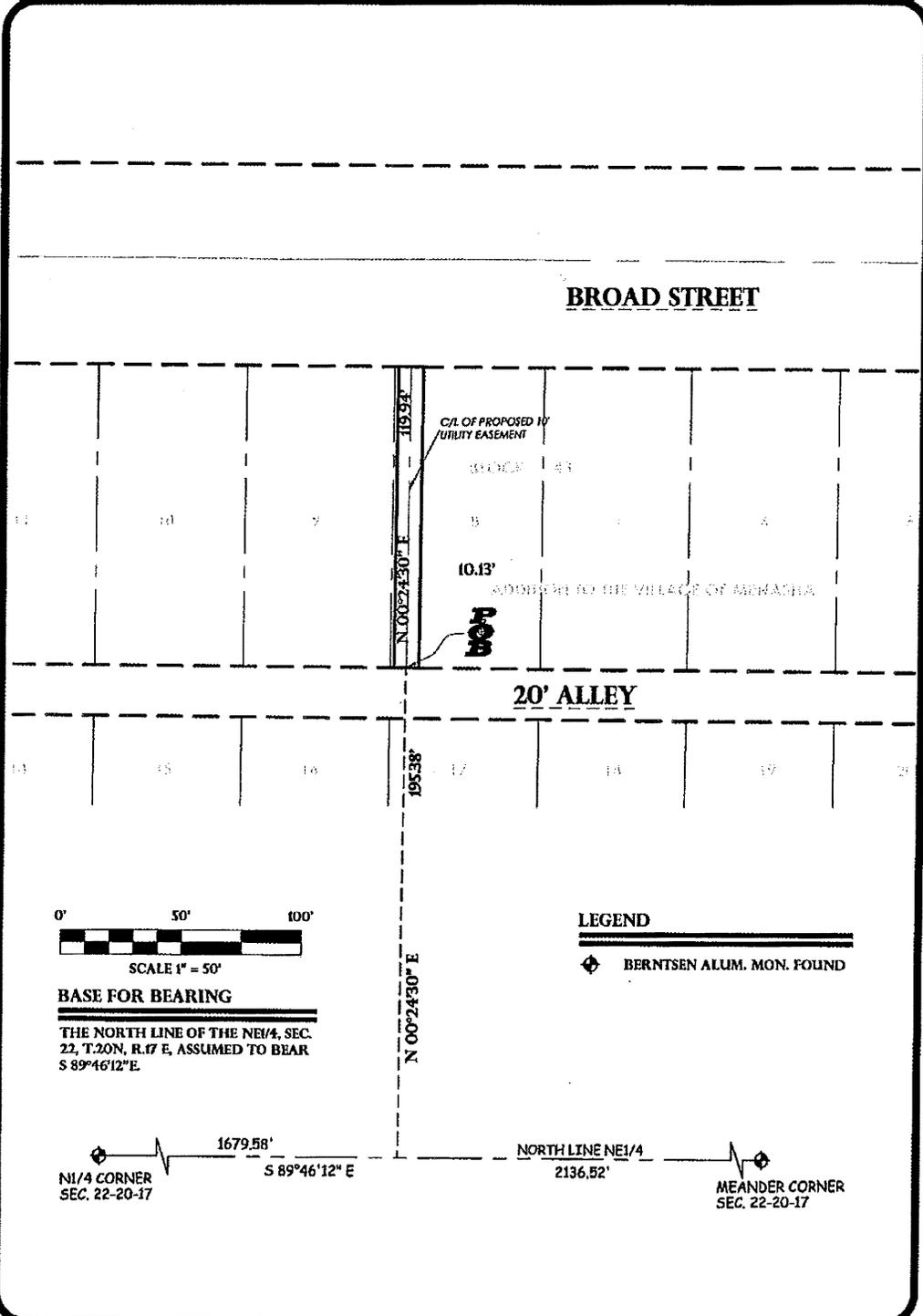
STATE OF WISCONSIN)
) SS
COUNTY OF)

personally came before me this ____ day of _____, 2015, the above named _____, to me known to be the person(s) who executed the foregoing instrument and acknowledged that they executed the foregoing instrument.

NOTARY PUBLIC, _____ County, Wisconsin.

My Commission (expires) (is permanent) _____

PROPOSED 10' UTILITY EASEMENT EXHIBIT MAP

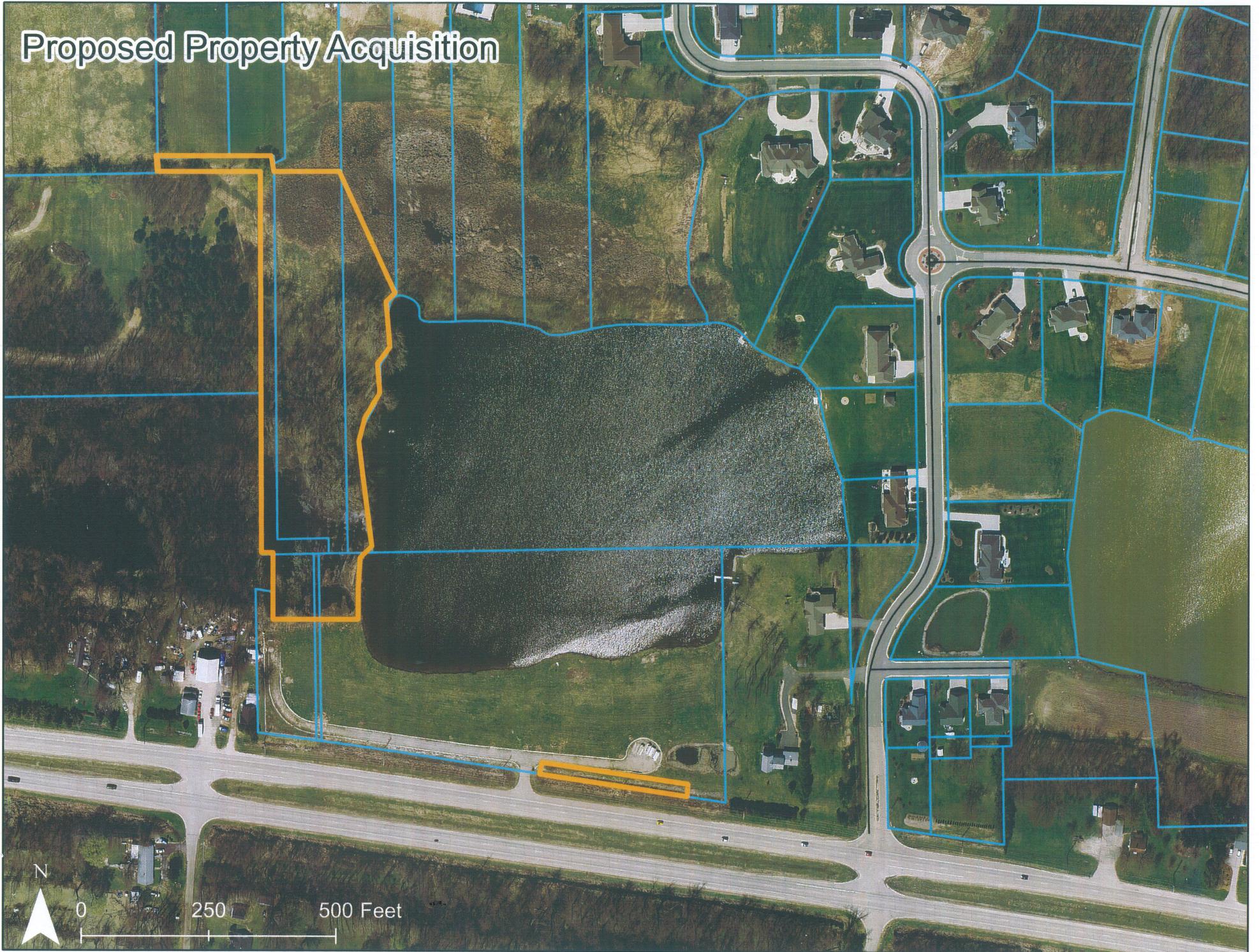


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AND DRAWN BY TRAVIS PLANTICO

FIELD BOOK <u>GB 2</u> PAGE <u>33-36</u>	SHEET <u>1</u> OF <u>2</u> SHEETS
JOB # <u>15,401</u>	

Proposed Property Acquisition



320 Chute Street

BROAD ST



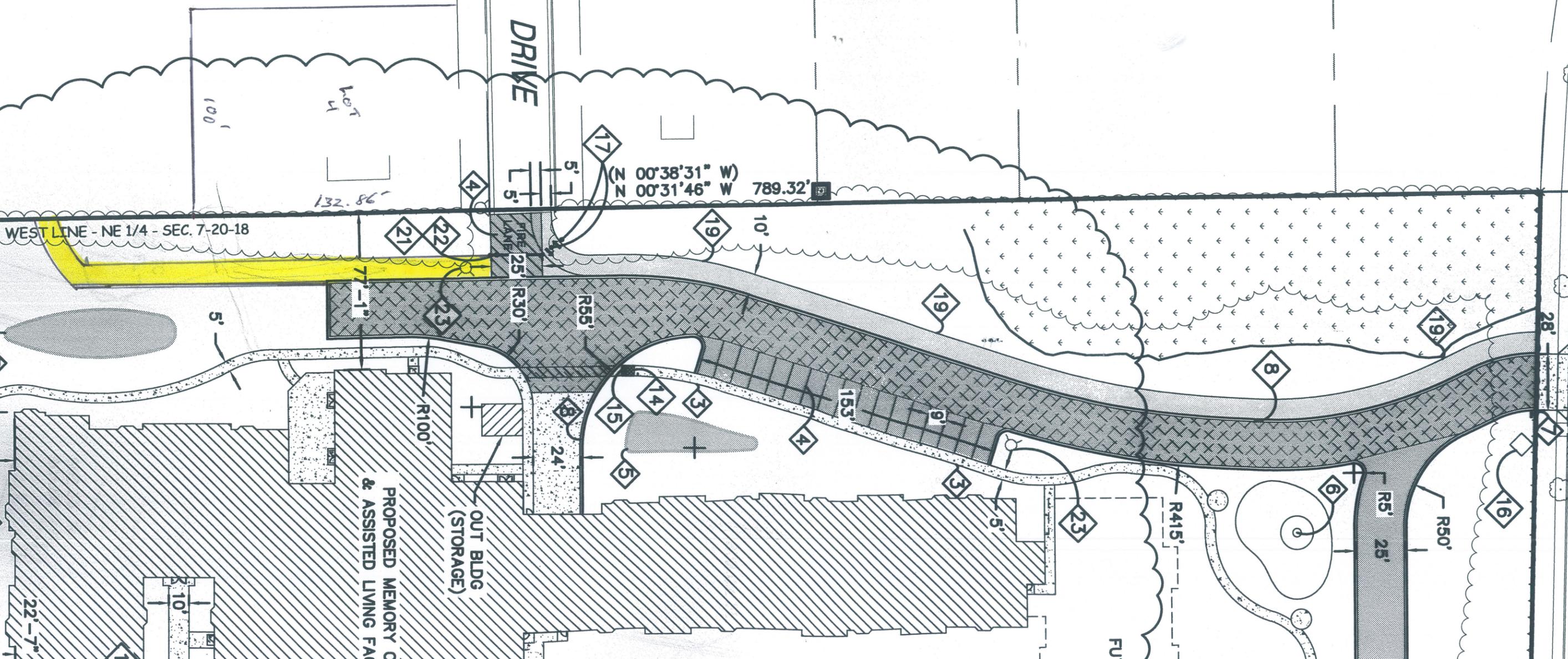
CHUTE ST



C.T.H. "AP"

TUCKAWAY
LANE

COTTONWOOD
DRIVE



WEST LINE - NE 1/4 - SEC. 7-20-18

PROPOSED MEMORY C.
& ASSISTED LIVING FAC.

OUT BLDG
(STORAGE)

100'

132.86'

N 00°38'31" W
N 00°31'46" W

789.32'

77'-1"

25' R30'

R55'

R100'

153'

R415'

R5' 25'

R50'

22'-7"

R10'

27'