

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**

**August 16, 2016
3:30 PM**

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL/EXCUSED ABSENCES
- C. MINUTES TO APPROVE
 - 1. [Minutes of the August 2, 2016 Plan Commission Meeting](#)
- D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA
Five (5) minute time limit for each person
- E. CORRESPONDENCE
 - 1.
- F. DISCUSSION
 - 1.
- G. ACTION ITEMS
 - 1. [Certified Survey Map – Lake Cottage Estates, West](#)
 - 2. [Certified Survey Map – Carpenter Street](#)
- H. ADJOURNMENT

CITY OF MENASHA
Plan Commission
Council Chambers, City Hall – 140 Main Street
August 2, 2016
DRAFT MINUTES

A. CALL TO ORDER

The meeting was called to order at 3:31 PM by Mayor Merkes.

B. ROLL CALL/EXCUSED ABSENCES

PLAN COMMISSION MEMBERS PRESENT: Mayor Merkes, Ald. Benner and Commissioners Sturm, Schmidt, and DeCoster.

PLAN COMMISSION MEMBERS EXCUSED: Comm. Cruickshank.

OTHERS PRESENT: AP Englebert, CDC Heim, Ald. Arnie Collier, Thomas Almendarez (418 Broad St.), Ashley Breyer and Bill Blair (412 Broad St.), Chris Bratz (Century 21 Acre Realty), and Steve Grenell (Menasha Utilities).

C. MINUTES TO APPROVE

1. **Minutes of the July 12, 2016 Plan Commission Meeting**

Motion by Comm. Schmidt, seconded by Comm. DeCoster to approve the July 12, 2016 Plan Commission meeting minutes. The motion carried.

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

1. No one spoke.

E. CORRESPONDENCE

1. None.

F. DISCUSSION

1. None.

G. ACTION ITEMS

1. **Proposed Rezoning – 412 Broad Street – Parcel #1-00041-00**

AP Englebert delivered an overview of the rezoning request. Plan Commission had requested staff to look at potential for rezoning a larger area within the neighborhood. Staff review indicated that within the neighborhood the following uses were found: single family, two-family, three-family, four-family and commercial. If the direction would be to rezone a larger area within the neighborhood, staff would recommend multi-family zoning to accommodate the varying uses currently in existence. Staff also recommended the Comprehensive Plan be amended prior to the rezoning taking place.

Chris Bratz, realtor with Century 21 Acre Realty, shared statements made in an email by the current owner of the property at 412 Broad Street. The email indicates the difficulty in selling the house with the current Central Business District zoning classification.

Ashley Breyer and Bill Blair, applicants of the rezoning request, both spoke in favor of the property being rezoned to Single Family Residential. The rezoning would allow financing for them to purchase the home and continue to restore the home with period appropriate indoor lighting and paint.

Thomas Almendarez, adjoining property owner, indicated he purchased his property seven years ago and has been working on converting the house back to a single family residence. He

would prefer to have the area rezoned as well as his property to Single Family Residential.

Commissioners discussed the following:

- Rezoning procedures
- Review of Comprehensive Plan as a whole and focus on neighborhoods with similar issues
- Use of “transitional zoning” which would leave the current zoning as outlined in the Comprehensive Plan but allow for single family use for a period of time
- Comprehensive Plan amendment which would allow for rezoning of the parcels to multi-family and concerns with the multi-family classification
- Rezoning neighborhood as single family; however creates legal non-conforming parcels for many parcels
- Rezoning area to Single Family could stiffen the vision the Comprehensive Plan
- Viability of neighborhood if single family use is not allowed
- Possibility of opening neighborhood to blight if homes have been converted and not able to be used as single family.

Motion by Mayor Merkes, seconded by Comm. Sturm to recommend approval of the rezoning at 412 Broad Street to R-1 Single Family to the Common Council based on the following findings:

- rezoning preserves historic structure
- the structure was built as a single family home
- the existing use of the structure is single family home
- the current zoning is not consistent with the current use of the property
- the parcels surrounding the property have residential uses
- rezoning the parcel to its current use will not detrimentally effect the future use of the area as commercial if that use is desired in the future as envisioned in the comprehensive plan

Further discussion ensued to include: what is best for the community and the neighborhood, the use as a single family is not be prohibited by the city; the bank is not financing due to the current zoning, historic significance/preservation, intent of comprehensive plan to what the future of Menasha will look like, not following the comprehensive plan just to get financing approved, and continue use until comprehensive plan catches up. Motion carried on voice vote 3-2. Ald. Benner and Comm. Schmidt voted no.

2. **Proposed Rezoning – 1861-1863 Beck Street – Parcel #4-00919-01**

AP Englebert presented information regarding the proposed rezoning. Staff had been directed to review the property stated above along with five other properties in the neighborhood and that all six meet the zoning requirements to be zoned R2-A. Staff requested the commission approve the request before them and the other five properties would be brought back a future date.

Motion by Comm. Schmidt, seconded by Ald. Benner to recommend approval of the proposed rezoning of 1861-1863 Beck Street to the Common Council. The motion carried.

3. **Certified Survey Map – North Ridge Court**

AP Englebert explained the sixty (60) feet by one hundred twenty (120) feet section of Lot 1 had at one point been split off from the lot to the south by Warranty Deed and an official CSM had not been brought forward for review. The current owner of Lot 1 is proposing to build a new single family residence on the proposed Lot 1. Because the two lots have not yet been combined via a CSM, the owner would not be allowed to build a house as they are proposing as the house would cross over the property lines. All existing lots currently meet zoning standards.

Motion by Comm. Schmidt, seconded by Comm. DeCoster to recommend approval of the Certified Survey Map, North Ridge Court. The motion carried.

4. **Easement Agreement – Outlot 1 Second Addition Woodland Hills**

AP Englebert described that a plat was approved by the Plan Commission late 2015/early 2016 which a 15'x30' outlot was deeded to the City. Waverly Sanitary District was under the understanding that an easement was in place for the deeded property. Waverly Sanitary is not allowing hook up to new single family construction within the development. AP Englebert

stressed the importance to move this agreement forward which will allow current and future construction of new single family homes. This easement also allows the city to maintain a good faith relationship with the developer.

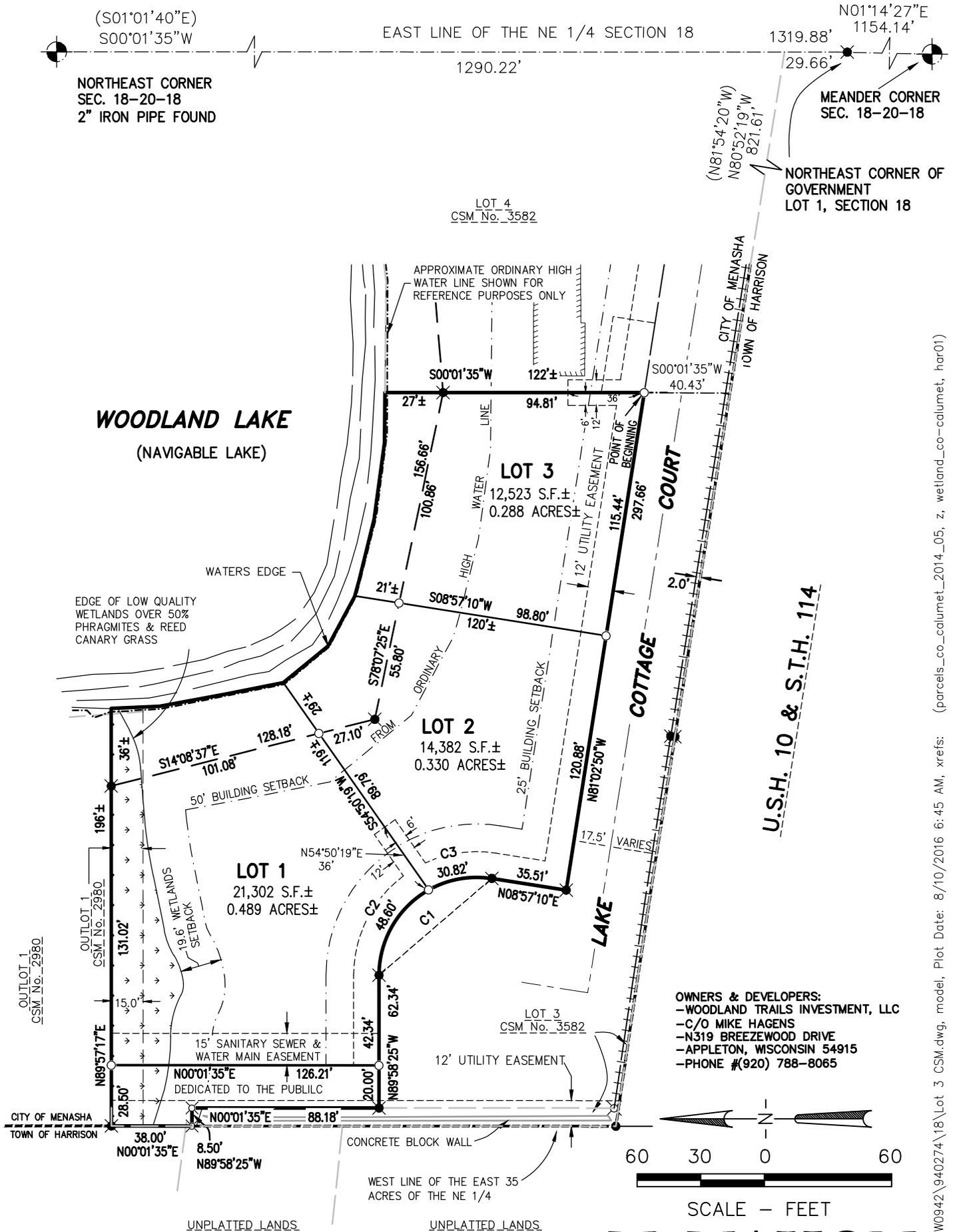
Motion by Mayor Merkes, seconded by Ald. Benner to recommend the easement, Outlot 1 Second Addition to Woodland Hills subdivision to the Common Council. The motion carried.

H. ADJOURNMENT

Motion by Comm. DeCoster, seconded by Ald. Benner, to adjourn at 4:31 PM. The motion carried.

Minutes respectfully submitted by CDC Heim.

A PART OF LOT 3 OF CERTIFIED SURVEY MAP NO. 3582 AS RECORDED IN VOLUME 31 OF MAPS ON PAGE 268 AS DOCUMENT NO. 514769 BEING A PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF MENASHA, CALUMET COUNTY, WISCONSIN.



NOTES:
THE WETLAND BOUNDARY AS SHOWN ON THIS MAP IS PER A SETTLEMENT OF CALUMET COUNTY CIRCUIT COURT CASE #08 CX 001 STATE OF WISCONSIN vs. MICHAEL HAGENS, et al AS FIELD VERIFIED BY NICK DOMER US ARMY CORPS OF ENGINEERS & JOHN BRAND WDNR

SEE PAGE 2 FOR MAPPING LEGEND, NOTES AND CURVE DATA

DRAFTED BY: SHANE KELLIHER

skellier, W:\PROJECTS\W0942\940274\18\Lot 3 CSM.dwg, model, Plot Date: 8/10/2016 6:45 AM, xrefs: (parcels_co_calumet_2014_05, z, wetland_co_calumet, har01)

A PART OF LOT 3 OF CERTIFIED SURVEY MAP NO. 3582 AS RECORDED IN VOLUME 31 OF MAPS ON PAGE 268 AS DOCUMENT NO. 514769 BEING A PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF MENASHA, CALUMET COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

I, DAVID M. SCHMALZ, WISCONSIN PROFESSIONAL LAND SURVEYOR S-1284, CERTIFY THAT I HAVE SURVEYED, DIVIDED AND MAPPED A PART OF LOT 3 OF CERTIFIED SURVEY MAP NO. 3582 AS RECORDED IN VOLUME 31 OF MAPS ON PAGE 268 AS DOCUMENT NO. 514769 BEING A PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF MENASHA, CALUMET COUNTY, WISCONSIN, CONTAINING APPROXIMATELY 48,207 SQUARE FEET (BEING 1.07 ACRES) OF LAND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 18; THENCE S00°01'35"W (RECORDED AS S01°01'40"E), 1290.22 FEET ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 18 TO THE NORTH RIGHT-OF-WAY LINE OF U.S.H. 10 AND S.T.H. 114; THENCE N80°52'19"W (RECORDED AS N81°54'20"W), 821.61 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE S00°01'35"W, 40.43 FEET ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 3 TO THE SOUTHEAST CORNER OF SAID LOT 3, BEING THE POINT OF BEGINNING; THENCE THE FOLLOWING FOUR CALLS ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF LAKE COTTAGE COURT; THENCE N81°02'50"W, 297.66 FEET; THENCE N08°57'10E, 35.51 FEET TO THE START OF A 46.00 FOOT RADIUS CURVE TO THE LEFT; THENCE 79.42 FEET ALONG THE ARC OF SAID CURVE HAVING A 69.92 FOOT CHORD WHICH BEARS N40°30'37"W; THENCE N89°58'25"W, 62.34 FEET TO THE NORTHWEST CORNER OF LAKE COTTAGE COURT; THENCE N00°01'35"E, 88.18 FEET; THENCE N89°58'25"W, 8.50 FEET TO THE WEST LINE OF SAID LOT 3; THENCE N00°01'35"E, 38.00 FEET ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE N89°57'17"E, 159.52 FEET TO THE STARTING POINT OF A MEANDER LINE OF THE SOUTHERLY SHORE OF WOODLAND LAKE, SAID POINT BEARS S89°57'17"W, 36 FEET MORE OR LESS FROM SAID SOUTHERLY SHORE; THENCE THE FOLLOWING TWO CALLS ALONG SAID MEANDER LINE; THENCE S14°08'37"E 128.18; THENCE S78°07'25"E, 156.66 FEET TO THE EAST LINE OF SAID LOT 3 AND THE TERMINATION POINT OF SAID MEANDER LINE; SAID POINT BEARS S00°01'35"W, 27 FEET MORE OR LESS FROM THE SOUTHERLY SHORE OF SAID WOODLAND LAKE; THENCE S00°01'35"W, 94.81 FEET TO THE POINT OF BEGINNING. INCLUDING ALL THOSE LANDS LYING BETWEEN THE ABOVE DESCRIBED MEANDER LINE AND THE SOUTHERLY SHORE OF WOODLAND LAKE AND THE RESPECTIVE LOT LINE EXTENDED TO SAID SOUTHERLY SHORE.

THAT I HAVE MADE THIS SURVEY BY THE DIRECTION OF THE OWNER(S) OF SAID LAND.

I, FURTHER CERTIFY THAT THIS MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARY LINES OF THE LAND SURVEYED AND THE DIVISION OF THAT LAND, AND THAT I HAVE COMPLIED WITH SECTION 236.34 OF THE WISCONSIN STATUTES AND THE CITY OF MENASHA SUBDIVISION ORDINANCE IN SURVEYING, DIVIDING AND MAPPING THE SAME.

GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____, 2016.

DAVID M. SCHMALZ, WI PROFESSIONAL LAND SURVEYOR S-1284

LEGEND

- ⊗ - 1 1/4" x 30" ROUND STEEL REBAR WEIGHING 4.30 lbs./lineal ft. SET
- ⊗ - 1 1/4" ROUND STEEL REBAR FOUND
- - 3/4" ROUND STEEL REBAR SET
- ⊙ - CERTIFIED LAND CORNER CALUMET COUNTY
- () - RECORDED BEARING AND/OR DISTANCE
- S.F. - SQUARE FEET
- - CORPORATE BOUNDARY
- - EXISTING UTILITY EASEMENT (10' UNLESS NOTED)
- 10'
- TTTTTTT - ACCESS RESTRICTED ROAD

CURVE	RADIUS	DELTA ANGLE	CHORD LENGTH	CHORD BEARING	ARC LENGTH	TANGENT BEARINGS
C1	46.00'	98°55'34"	69.92'	N 40°30'37" W	79.42'	S 89°58'25" E S 08°57'10" W
C2	46.00'	60°32'07"	46.37'	N 59°42'21" W	48.60'	
C3	46.00'	38°23'28"	30.25'	N 10°14'34" W	30.82'	

NOTES:

1. All lots within the boundaries of this survey are restricted to Residential / Non-Commercial use only.
2. No direct Public Road Connection will be allowed within the boundary of this CSM.
3. The Public Road shall be extended if either the Fire Lane 3 (north extension) or Kernan Ave (or new road connection to it) is connected to the boundary of this CSM.
4. It is expressly intended that these restrictions are for the benefit of the public and enforceable by the Wisconsin Department of Transportation or its assigns.

McMAHON
ENGINEERS ARCHITECTS
1445 McMAHON DRIVE NEENAH, WI 54956
Mailing: P.O.BOX 1025 NEENAH, WI 54957-1025
Tel: (920) 751-4200 Fax: (920) 751-4284
www.mcmgrp.com

A PART OF LOT 3 OF CERTIFIED SURVEY MAP NO. 3582 AS RECORDED IN VOLUME 31 OF MAPS ON PAGE 268 AS DOCUMENT NO. 514769 BEING A PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF MENASHA, CALUMET COUNTY, WISCONSIN.

NOTES:

- THE LOCATION OF THE APPROXIMATE ORDINARY HIGH WATER MARK SHALL BE THE POINT ON THE BANK OF A NAVIGABLE STREAM OR ON THE SHORE OF A LAKE UP TO WHICH THE PRESENCE AND ACTION OF SURFACE WATER IS CONTINUOUS AS TO LEAVE A DISTINCTIVE MARK BY EROSION, DESTRUCTION OF TERRESTRIAL VEGETATION, OR OTHER EASILY RECOGNIZED CHARACTERISTICS.

-ANY LAND BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION.

- ELEVATIONS AS SHOWN ON THIS PLAN ARE REFERENCED FROM PREVIOUS ELEVATION WORK PREPARED BY OTHERS. BASED ON GPS OBSERVATIONS TO NGS DATA POINT 4K05 (PID #DE7787), THE ELEVATIONS SHOWN ARE 0.27 FEET ABOVE NAVD 88(12) DATUM.

-FRONT YARD BUILDING SETBACKS TO BE 25 FEET

-THIS CERTIFIED SURVEY MAP IS A PORTION OF TAX PARCEL NUMBERS: 770181101, 770181102, AND 770181103.

-THE PROPERTY OWNER OF RECORD IS: WOODLAND DEVELOPMENT, LLC

-THIS CERTIFIED SURVEY MAP IS CONTAINED WHOLLY WITHIN THE PROPERTY DESCRIBED IN DOCUMENT NOS. 380967 AND 362613

-CITY OF MENASHA SETBACK REQUIREMENTS FROM WATERWAYS MUST BE FOLLOWED.

OWNER'S CERTIFICATE

Woodland Trails Investment, LLC, as Owner(s) I/We hereby certify that I/we caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on this Certified Survey Map. We also certify that this Certified Survey Map is required to be submitted to the following for approval.

City of Menasha

Dated this _____ day of _____, 2016

Authorized Signature

Authorized Signature

Printed Name

Printed Name

State of _____)
)ss
_____ County)

Personally appeared before me on the _____ day of _____, 2016, the above named persons to me known to be the persons who executed the foregoing instrument, and acknowledged the same.

Notary Public

_____ County, _____
My commission expires _____

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COMMON COUNCIL RESOLUTION

RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MENASHA, THAT THIS CERTIFIED SURVEY MAP IS HEREBY

APPROVED BY RESOLUTION NUMBER _____

THIS _____ DAY OF _____, 2016.

CITY CLERK DATE
DEBBIE GALEAZZI

CITY MAYOR DATE
DON MERKES

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS ON ANY OF THE LANDS SHOWN HEREON.

CITY TREASURER
PEGGY STEENO

COUNTY TREASURER
MIKE SCHLAAK

UTILITY EASEMENT PROVISIONS

An easement for electrical and communication service is hereby granted by Woodland Trails Investment, LLC to AT & T, MENASHA UTILITIES and TIME WARNER CABLE MIDWEST LLC, Grantees, to their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy 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 on the CSM designated as "Utility Easement Areas" and the property designated on the CSM for streets and alleys, whether public or private, together with the rights to install service connections upon, across within and beneath the surface of each lot to serve improvements thereon, or on 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. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities or communications facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Buildings shall not be placed over grantees' 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.

NO UTILITY TRANSFORMERS OR PEDESTALS ARE TO BE SET WITHIN 2 FEET OF A LOT CORNER MONUMENT.

NO CONDUCTORS ARE TO BE BURIED WITHIN 1 FOOT OF A LOT CORNER MONUMENT.

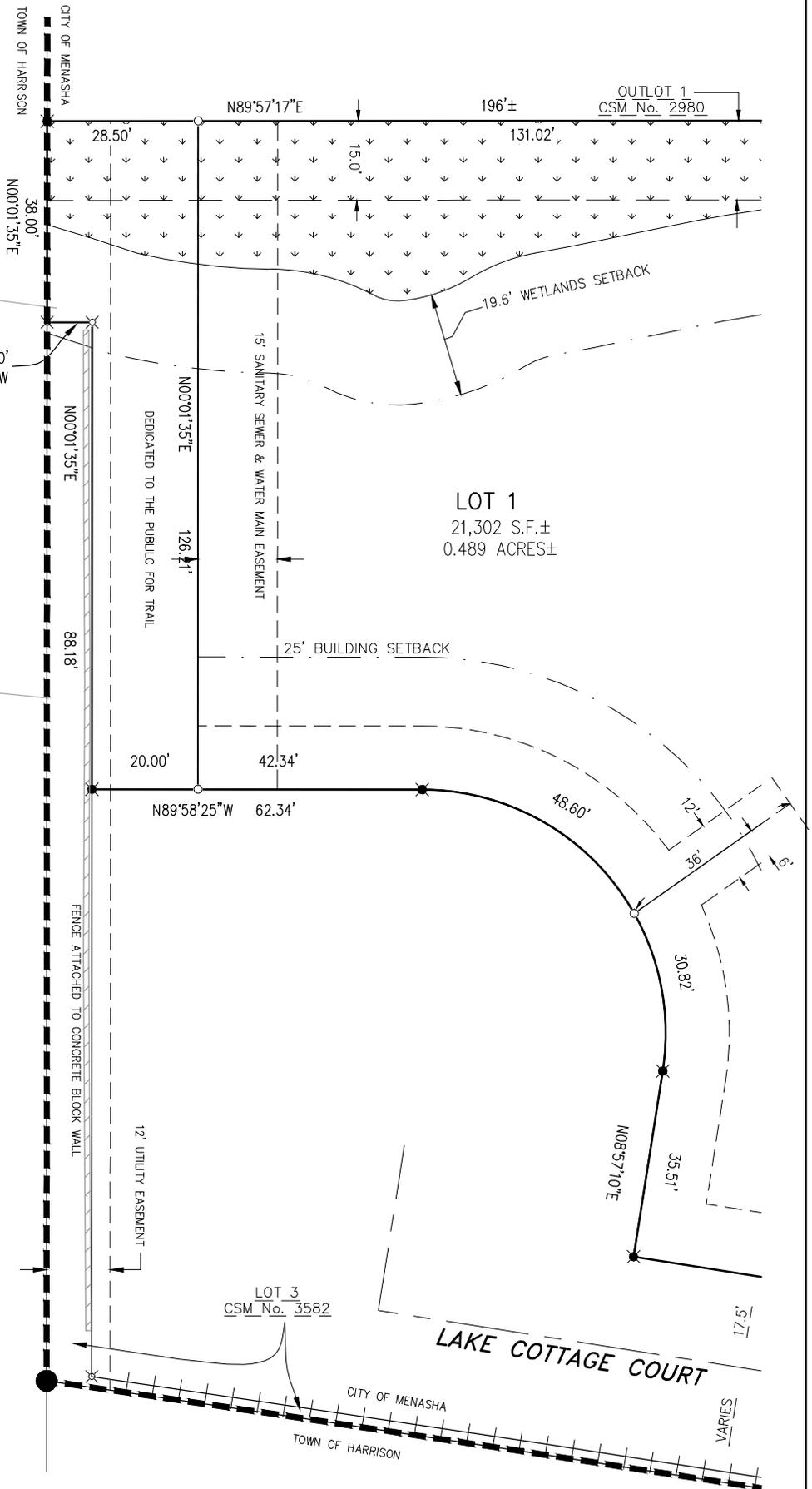
skel\her_w:\PROJECTS\W0942\940274\18\Lot_1_of_Lot_3_Wall_detail.dwg_model_Plot Date: 8/11/2016 7:47 AM_xrefs: (parcels_co_columet_2014_05_z_wetland_co_columet_har01)

UNPLATTED LANDS

UNPLATTED LANDS



SCALE - FEET



McMAHON
ENGINEERS ARCHITECTS

Project No. W0942-940274 Date AUG., 2016 Scale 1" = 30'
Drawn By SKK Field Book _____ Page _____
1445 McMAHON DRIVE NEENAH, WI 54956
Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025
Tel: (920) 751-4200 Fax: (920) 751-4284

File No.

Certified Survey Map No. _____

All of Lot 2 and 3 CSM 3218 being part of the Southeast 1/4 of the Northwest 1/4 of Section 7,
Township 20 North, Range 18 East, City of Menasha, Calumet County, Wisconsin.

Treasurers' Certificate

We, being the duly elected, qualified and acting Treasurers' of the City of Menasha and Calumet County, do hereby certify that in accordance with the records in our office, there are no unredeemed tax sales and unpaid taxes, or special assessments on and of the land included in this certified survey map.

City Treasurer Date

County Treasurer Date

Common Council Resolution

Resolved, this minor subdivision in the City of Menasha is hereby approved by the Common Council on
this _____ day of _____, 20_____.

Mayor Date

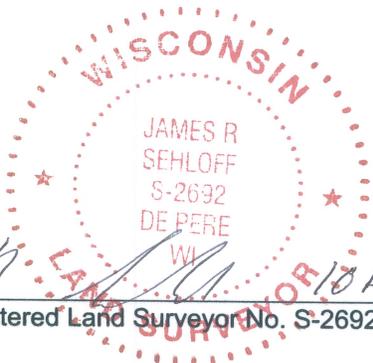
Clerk Date

This Certified Survey Map is contained wholly within the property described in the following recorded instruments:

the property owners of record:
Rule Investments 3, LLC

Recording Information:
Document No. 452075

Parcel Number(s):
070-0039-00
070-0039-01



James R. Sehloff
James R. Sehloff Registered Land Surveyor No. S-2692 Date 10 Aug 2016