

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**

June 2, 2009

3:30 PM

AGENDA

A. CALL TO ORDER

B. ROLL CALL/EXCUSED ABSENCES

C. MINUTES TO APPROVE

1. [Minutes of the of the May 19, 2009 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. [Rezoning of 910-912 Clovis Avenue – R-1 to R-2](#)

F. ACTION ITEMS

1. [Proposed Amendment to Title 13, Article “B” Related to the Height, Setback and Area Exceptions](#)

G. ADJOURNMENT

CITY OF MENASHA
Plan Commission
Council Chambers, City Hall – 140 Main Street
May 19, 2009
MINUTES

INFORMAL PUBLIC HEARING:

1. *Proposed Amendment to Title 13, Article F of the Code of Ordinance Related to the Regulation of Signs.*
No one spoke and no comments were received.
2. *Creation of an Ordinance for Proposing and Enacting Amendments to the City of Menasha Comprehensive Plan.*
No one spoke and no comments were received.
3. *Creation of an Exception to Setback Requirements Prohibiting the Placement of Structures Within 10 Feet of a Dedicated Drainage Easement.*
No one spoke and no comments were received.

A. CALL TO ORDER

The meeting was called was called to order at 3:30 p.m. by Mayor Donald Merkes.

B. ROLL CALL/EXCUSED ABSENCES

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

PLAN COMMISSION MEMBERS EXCUSED: Commissioner Norm Sanders and DPW Radtke

OTHERS PRESENT: CDD Keil

C. MINTUES TO APPROVE

1. **Minutes of the April 7, 2009 Plan Commission Meeting**
Moved by Comm. Strum, seconded by Comm. Benner to approve the April 7, 2009 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. None.

F. ACTION ITEMS

1. **Release of Road Reservation – 921 Midway Road**
CDD Keil reported that Habitat for Humanity is in the process of purchasing the building at this address. They are requesting that the city release the 30 foot access easement along the east lot line as it may limit future use or development on that part of the lot. CDD Keil stated that he reviewed the proposal with DPW Radtke, and staff recommends the decision on releasing the easement should be deferred until such time as there is either a plan for the use of the easement area by Habitat for Humanity, or a development plan for the vacant parcel to the south of the site is presented.

Motion by Mayor Merkes, seconded by Ald. Benner to retain the road reservation based on the finding that access may be needed for the development of the adjacent vacant parcel to the south of the 921 Midway Road parcel.

The motion carried.

2. **Site Plan Review – 23 Main Street – Jitters**

CDD Keil stated that the applicant withdrew his site plan review application pending resolution of building and zoning code conflicts associated with the plan that was originally advanced.

3. **Proposed Amendment to Title 13, Article F Related to the Regulation of Signs**

CDD Keil stated that this item was formerly addressed by the Plan Commission with a recommendation for approval, but was held at the Common Council based on concerns related to guidelines for electronic message centers. The ordinance as now proposed contains specific limitations on illumination.

Motion by Ald. Benner, seconded by Comm. Cruickshank to recommend approval of the changes to Title 13, Article F related to the Regulation of Signs.

The motion carried.

4. **Proposed Amendment to Title 2, Chapter 4 Related to the Adoption and Amendment of the Comprehensive Plan**

CDD Keil stated that this item was formerly reviewed by the Plan Commission with a recommendation for approval, but based on comments from former City Atty. Jeff Brandt, the format needed to be reconfigured to fit within the organizational framework of the city's code of ordinances. There were no substantive changes to the text.

Motion by Comm. Schmidt, seconded by Comm. Sturm to recommend approval of the proposed amendment to Title 2, Chapter 4 Relating to the Adoption and Amendment of the Comprehensive Plan based on the finding that a procedure is needed to guide the public through the amendment process,

The motion carried.

5. **Proposed Amendment to Title 13, Article B Related to the Height, Setback and Area Exceptions**

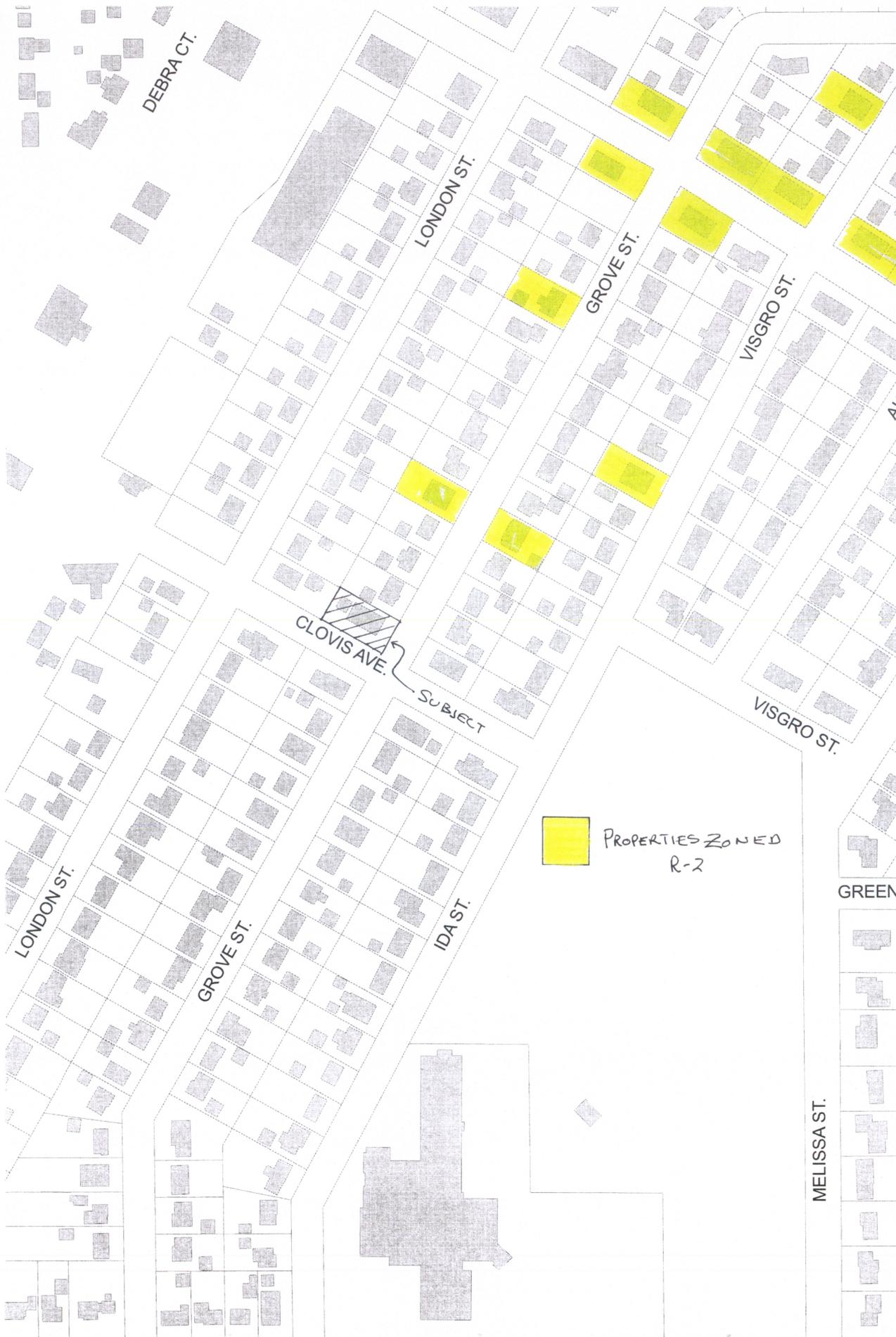
CDD Keil stated that this amendment was proposed to limit the placement of structures in close proximity to drainageways. Ald. Benner requested that this item be held over pending consideration of the relationship of the proposed amendment to International Building Code requirements

This item was held.

G. ADJOURNMENT

Moved by Comm. Schmidt, seconded by Comm. Cruickshank to adjourn at 4:20 p.m.

The motion carried.



CLOVIS AVE.

SUBJECT



PROPERTIES ZONED R-2

DEBRA CT.

LONDON ST.

GROVE ST.

VISGRO ST.

LONDON ST.

GROVE ST.

IDA ST.

VISGRO ST.

GREEN

MELISSA ST.

NINTH ST.

NINTH ST.

ORDINANCE O-__-09

AN ORDINANCE RELATING TO HEIGHT, SETBACK, AND AREA EXCEPTIONS

Introduced by Ald. _____ at the recommendation of the Plan Commission.

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

SECTION 1: Article B, SEC.13-1-14(k) is created to read as follows:

- (k) No principal structure or accessory structure erected after June 1, 2009 shall be placed within ten (10) feet of a dedicated drainage easement.

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

Passed and approved this _____th day of June, 2009.

Donald Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk

2 inches by $\frac{3}{16}$ inch (51 mm by 51 mm by 4.8 mm) thick shall be used on each bolt. The maximum anchor bolt spacing shall be 4 feet (1219 mm) for two-story structures.

R403.1.7 Footings on or adjacent to slopes. The placement of buildings and structures on or adjacent to slopes steeper than 1 unit vertical in 3 units horizontal (33.3-percent slope) shall conform to Sections R403.1.7.1 through R403.1.7.4.

R403.1.7.1 Building clearances from ascending slopes.

In general, buildings below slopes shall be set a sufficient distance from the slope to provide protection from slope drainage, erosion and shallow failures. Except as provided in Section R403.1.7.4 and Figure R403.1.7.1, the following criteria will be assumed to provide this protection. Where the existing slope is steeper than one unit vertical in one unit horizontal (100-percent slope), the toe of the slope shall be assumed to be at the intersection of a horizontal plane drawn from the top of the foundation and a plane drawn tangent to the slope at an angle of 45 degrees (0.79 rad) to the horizontal. Where a retaining wall is constructed at the toe of the slope, the height of the slope shall be measured from the top of the wall to the top of the slope.

R403.1.7.2 Footing setback from descending slope surfaces. Footings on or adjacent to slope surfaces shall be founded in material with an embedment and setback from the slope surface sufficient to provide vertical and lateral support for the footing without detrimental settlement. Except as provided for in Section R403.1.7.4 and Figure R403.1.7.1, the following setback is deemed adequate to meet the criteria. Where the slope is steeper than one unit vertical in one unit horizontal (100-percent slope), the required setback shall be measured from an imaginary plane 45 degrees (0.79 rad) to the horizontal, projected upward from the toe of the slope.

R403.1.7.3 Foundation elevation. On graded sites, the top of any exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved drainage device a minimum of

12 inches (305 mm) plus 2 percent. Alternate elevations are permitted subject to the approval of the building official, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.

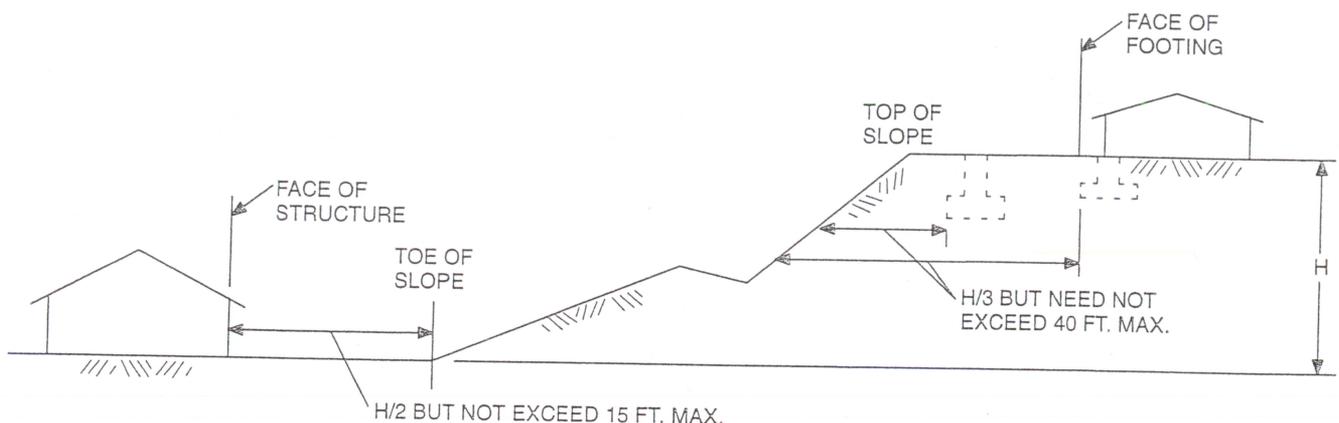
R403.1.7.4 Alternate setback and clearances. Alternate setbacks and clearances are permitted, subject to the approval of the building official. The building official is permitted to require an investigation and recommendation of a qualified engineer to demonstrate that the intent of this section has been satisfied. Such an investigation shall include consideration of material, height of slope, slope gradient, load intensity and erosion characteristics of slope material.

R403.1.8 Foundations on expansive soils. Foundation and floor slabs for buildings located on expansive soils shall be designed in accordance with Section 1805.8 of the *International Building Code*.

Exception: Slab-on-ground and other foundation systems which have performed adequately in soil conditions similar to those encountered at the building site are permitted subject to the approval of the building official.

R403.1.8.1 Expansive soils classifications. Soils meeting all four of the following provisions shall be considered expansive, except that tests to show compliance with Items 1, 2 and 3 shall not be required if the test prescribed in Item 4 is conducted:

1. Plasticity Index (PI) of 15 or greater, determined in accordance with ASTM D 4318.
2. More than 10 percent of the soil particles pass a No. 200 sieve (75 μ m), determined in accordance with ASTM D 422.
3. More than 10 percent of the soil particles are less than 5 micrometers in size, determined in accordance with ASTM D 422.
4. Expansion Index greater than 20, determined in accordance with UBC Standard 18-1.



For SI: 1 foot = 304.8 mm.

FIGURE R403.1.7.1
FOUNDATION CLEARANCE FROM SLOPES