



136 North Monroe Street, Waterloo, Wisconsin 53594-1198
Phone (920) 478-3025
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**PUBLIC NOTICE OF A CITY OF WATERLOO
PLAN COMMISSION MEETING**

Pursuant to Section 19.84 Wisconsin Statutes, notice is hereby given to the public and the news media, the following meeting will be held:

MEETING: PLAN COMMISSION
DATE: Tuesday, August 25, 2015 TIME: 7:00 p.m.
LOCATION: 136 N. Monroe Street, Municipal Building Council Chambers

to consider the following:

1. Call to Order and Roll Call
2. Approval of Previously Unapproved Meeting Minutes
3. Citizen Input
4. Unfinished Business
 - a. Approval of a Proposed Certified Survey Map – 843 S. Monroe Street
5. Future Agenda Items and Announcements
6. Adjourn

Mo Hansen
Clerk/Treasurer

Please contact the Clerk/Treasurer at 478-3025 if you are unable to attend.

Posted, Distributed & Emailed: August 20, 2015

Members: Leisses, Thompson, Crosby, Butzine, Reynolds, Lannoy and Oelke

PLEASE NOTE: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above meeting(s) to gather information. No action will be taken by any governmental body other than that specifically noticed. Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request such services please contact the clerk's office at the above location.

**CITY OF WATERLOO
PLAN COMMISSION PUBLIC HEARING MINUTES
COUNCIL CHAMBER OF THE MUNICIPAL BUILDING
LAND USE REZONING AND CONDITIONAL USE PERMIT REQUEST
217 N. MONROE STREET
OCTOBER 28, 2014**

1. Call Land Use Rezoning and Conditional Use Permit Public Hearing to Order

Mayor Thompson called the public hearing meeting to order at 7:00 p.m. Members present: Leisses, Crosby, Thompson, Lannoy, Reynolds and Butzine. Absent: none with one vacancy. Others present: Diane Graff; The Courier, Dave Porterfield of Movin' Out of Madison, Jim Glueck of Glueck Architects, Chris Jaye of Mirus Partners, Interim Clerk/Treasurer Lois A.M. Baird and numerous other citizens (list attached).

The applicant, Movin' Out of Madison, WI, is requesting a change in land use from C-1, General District to R-2 Single-Family Residential District to allow the redeveloping of the former Perry Printing parking lot into a twenty-four unit multifamily rental apartment community.

Further the applicant is requesting a conditional use permit to allow for multifamily dwellings per Chapter 385.10 B (3) conditional use permit required.

The property is described as follows:

Tax Parcel: #290-0813-0644-026,

Legal Description: Lot 1, CSM 2522-9-127, Jefferson County, Wisconsin

Also known as: 217 N Monroe Street, Waterloo

Dave Porterfield, Movin' Out of Madison and Chris Jaye, Mirus Partners, the development partner of the project: Porterfield explained that the project was a joint venture between the two companies and that they were a non-profit organization and they provide affordable housing for people with permanent disabilities. It is a mixed use project to accommodate other working class people. Porterfield introduced Jim Glueck, the architect of the project from Glueck Architects. He thanked the City for their support and felt there was a good working relationship with the City supporting the project and helping to make it happen. He further stated that they financed the project with a variety of funding sources to be able to make it affordable to a number of the working population. The financing sources include the WHEDA program and a number of other financing programs to make the rent as affordable as possible. We worked with our architect and the city to come up with a plan. The financing is done and ready to close this year. The construction will be weather permitting, but hoping to start construction this year. Porterfield explained that they have a great team, which work very well together and they just completed a project in Watertown and came in on budget and completed on time. This project will have the same builders, developers and project managers.

Jim Glueck, Glueck Architects presented the plans of the project. The shape of the parcel limits the size and placement of the building. There is a 75' high water mark so the building will be placed right at that line. The proposed parking has been increased to 40 spaces and garages will be added at a later date. The bridge will stay and Edison Street will be blocked off. The only access will be from N. Monroe Street. There will be a retaining wall in place. The building is 3 stories with no basement, no underground parking and 6 x 10 porches. He explained the storm water plan and the landscape plan.

Sue Teubert, 218 N. Monroe Street: Lives directly across the street and there is a lot of traffic from both directions on State Highway 89. With 40 additional parking spaces, there will be more traffic. She asked if that could be done on a state highway. Glueck replied that the number of spaces was increased so there would not be additional parking on N. Monroe Street. Teubert said the employees did not usually park in that lot. Mitch Leisses added that City Ordinance states that 1½ stalls are required per apartment, so only 36 stalls are required. Also, being on a highway is irrelevant.

Wes Benisch, Asst Chief of the Waterloo Fire Department: There were no fire hydrants close to the building and asked if there were plans to place some near the building. Porterfield said there were three reasonably close to the project. Benisch said it would not be good to drop LDH hoses across a state highway. A lot of traffic would have to be detoured. A hydrant closer to the building would be more feasible. Mayor Thompson asked Leisses if he was aware of restrictions of hydrants in that area. Leisses replied that he was not and that there were no utility plans submitted for either water or sewer. He reported that in his site plan review, they should work closely with the fire department and the utilities. Benisch questioned if the building would have a sprinkler system. Glueck answered that the state does not require it to be. Porterfield asked if they could see a list of what is needed from the City. Leisses said he was compiling a list.

Resident: Questioned the 75' high water mark. It was explained that the building had to be 13' higher than the water mark. Another question about the retaining wall was asked. The answer was that it would be about 3 to 4 feet high. The resident felt it was too dense.

Vanessa Cook: Have you ever seen a project like this in a small town like Waterloo? Glueck answered yes. Cook said she could see this in a larger town like Watertown, but was concerned that a project like this in Waterloo would ruin the small town feel in our neighborhood. She felt it would give a very negative impact on the quiet neighborhood and she was very concerned,

Tim Thomas: I am opposed to the project in its current state. I feel it is too large for the area and the density is too great when you are looking at the number of parking spaces, which is 40 spaces, and being right next to the intersection of Edison Street and N. Monroe Street. Edison Street is a major artery to all the traffic coming out of that sub-division and going downtown. I co-own the property at 235 N. Monroe Street along with my daughter who lives there. He presented some pictures of the property and said he was interested in the landscaping plan. In talking with the architect earlier, he mentioned that there would be plantings right next to the house. There is 9 feet from her bedroom to the parking lot. So anyone parking in that lot would be that close to her bedroom. The driveway is about 4 feet lower than the parking lot. At the informational meeting, we asked someone to talk to us about our concerns and no one has called. There is a drainage hole on the property and they don't know where it is and it is not on the plan presented tonight. Her back yard will flood. Glueck said, given the height of the house and the slope of the property, a fence would never be high enough to block anything. His suggestion would be for plantings along the line. Melissa Thomas mentioned people going through her yard and leaving garbage and everything else and all the drainage. Glueck said we can handle the drainage and the plowing. He said that there are usually 4 or 5 cars parked there every night. Tim Thomas said that 3 or 4 cars going through there isn't like 40 cars. Glueck said the current plantings could be left.

Glueck asked about the storm drain size. There was discussion on the storm sewer system in that area.

Thomas: Re-iterate that the project is too dense and the 40+ cars going in and out of there along with the traffic off of Edison Street is too great.

Mike Kohls: Questioned how many stalls were in the back of city hall. A guess was about 24. Kohls also felt the project was too dense.

Nate Novak: Southeast property owner wondered about fencing and closing it off to prevent foot traffic through their property. He said they already have a shared driveway. He was assured that something could be worked out. The developers did not want people trespassing onto other property.

Thomas: Re-iterated that parking 13 feet from the property line and the lights on and off all the time would be a problem. He was assured that the bushes that were there at present would be saved.

Craig Strobel, Captain of the Waterloo Fire Department and live on Riverside Drive: What is the definition of medium income? Porterfield answered that the rents are restricted. We arrange for different rates for different people according to their affordability through market rate housing. A few are set aside for low income and those who have disabilities and veterans who have an arrangement with the Veterans Service. Strobel asked if this would be comparable to the School Street apartments in Marshall. Porterfield answered that it was completely

different, this is not subsidized housing. Strobel then asked if it was a Section 8. There are four insurance companies and two banks that buy into this program who buy the tax credits. The developers explained that it was not the tenant being subsidized it was the investors being subsidized. They are getting these tax credits in exchange for investing in our project.

Melissa Thomas, 235 N. Monroe Street: Mentioned that living next to the dentist office, there is traffic from there and then after school having a hard time getting onto N. Monroe Street. She mentioned that she knows a lot of people struggle with entering on Monroe Street at certain times but this will not help. She was also concerned about her property value decreasing, which was the biggest concern that she has.

Porterfield said that the project will be adding to the tax base, which was just a parking lot before.

Joanne Kohls: Asked if this project would be like Knowlton Street. If the apartments cannot be rented at \$700 will they all or most be rented at \$375 and have 2 to 3 families living in one apartment?

Porterfield replied that they would be in trouble with the city and the financiers if that would happen. We are getting financial guarantees from the investors. We cannot afford to rent these all out for \$375. Two market studies have been done. Some investors say that higher rents could be charged. He asked that people look at the Watertown project.

Dan Cook, Edison Street: Asked how the project was being financed. He also asked how many developments they had.

Jaye: This project is funded by 75% equity and 25% debt and there is a mortgage. He explained that with the investors they have funds that are set aside for certain things that cannot be touched, only for those specific things. A list of properties that they own and manage is accessible.

Porterfield: They try to select good partners for their developments. He said they will be good neighbors. He said they are proud to be able to be part of Waterloo.

Deanna Niesen, 235 Edison Street: They are not worried about the developers being bad neighbors; they are worried about the residents of the building being in their yard. She wondered about the trees being trimmed. Porterfield said the trees along the river will not be touched. Permission from the DNR would need to be obtained to touch anything within 75' of the river. We want to leave it natural. Our property manager is one of the best who screens the people for the development. The tenants are usually people who already live in the community. The program is really for people in the community that are in need of help.

Lindsay Reynolds: Stated Oakbrook, the property manager who does the screening is very particular about who they rent their facilities to.

Mike Kohls: Questioned the construction hours. He mentioned the Perry plant project working until 9 at night and had lights shining all the time. Porterfield informed him that their construction people go home by 5. We are willing to work with the city on construction hours.

Debbie Gorder Niesen: Family from Waterloo and have always liked the small town area and is looking at a home in Waterloo. She asked why that particular area was chosen. She wondered why some other area could not have been chosen such as the Burger King property and the gas station being right off the main street.

Mayor Thompson: The parking lot was the former Perry Printing property that the City got. They came forward with a proposal to develop the property which is now standing still. The grass area by Burger King is in the flood plain so it is not a buildable lot. They came to the city with a proposal to alleviate the problem with vacant land.

Pete Niesen: The fact is that if all 24 units were rented and each family typically having 2 cars, there needs to be 48 parking spaces. He was informed that normally ¼ of the complex are people with disabilities and probably do not drive. Part of the reason for choosing this area is that it is fairly close to all the services a person would need

who does not use a car. So actually in most of our developments we end up having more parking than is actually used. Niesen disagreed because he is a disabled veteran and he drives. If you have disabled veterans or disabled people, there are going to be taxis or vans driving in there to pick up people and Waterloo does not have the kind of economy to support a taxi service. He was informed that the developers work closely with services for the elderly and disabled, such as Care Wisconsin, family care agencies, the Veterans Affairs, etc. We are looking at people who already live here, have lived here before and want to return.

Craig Strobel: Is there going to be access for the fire department to access the back of the building, which would be closest to the river side. You mentioned that there was the 75' right of way in the back. Is there going to be an area that our apparatus can get behind there? Since Edison Street is going to be blocked off, is there going to be only one way in and one way out, which is going to be a major traffic issue anyway. Porterfield said being the fire department; you can drive wherever you want. You can access off Edison Street. Someone else said that Edison was going to be closed. Porterfield said it wouldn't be blocked off so access would still be accessible. There won't be any pavement. The building is going to be sprinklered. Strobel wondered if there would be a fire department access gate to allow us to access the back from Edison Street. Porterfield said if we are given a list of items to discuss we will address them.

Vern Butzine: Since there are 24 units, is there any play area for children? There is an area south of the building that could be a play area. We don't know if we would put that in prior to knowing the rental situation. We do expect to have some families. There is another area that could be utilized as a play area near the river. Citizens did not feel that was a good idea. The developers said it would not be right next to the river. Some citizens said that there is nothing keeping kids from the river. Porterfield mentioned that they have other projects in Stoughton and Watertown that are very similar and to his knowledge there have not been any issues. Families choose to live in certain areas and the families need to watch their children.

Mike Lannoy: Mo Hansen mentioned to him that the developers put in gardens for some of the tenants, to make it feel more like their home. He said you are good landlords. Porterfield replied that they are good landlords. The mix of people that we are talking about is a real asset to the community. He suggested calling the Mayor of Stoughton. She will tell you how it has worked for them. They spent a lot of time meeting with them and they had similar concerns. He said they have done a lot of things for that community to make it a better place.

Dave Niesen: Are sidewalk going along the river from the bridge to Edison Street? Glueck said that it was part of the agreement when purchasing the development and they requested it be put in. Mayor Thompson said there will be a continuous trail on the other property along the river.

Vern Butzine: When does the tax revenue begin? Mayor Thompson replied as soon as they take possession of the property.

Citizen: The sidewalk issue was not answered. She asked where the sidewalk would be leading to since there is no sidewalk on that side of Edison Street. Crosby said there are numerous people who walk by your house down that road every day. Right now they are walking in the road. This will give them a geographic area from Edison Street to the bridge. He said he walked down there today and I live on Monroe Street. He said he sees kids walking down there now and there are a lot of people walking through. Crosby felt that the sidewalk should not be an issue right now. He said he understood her concern because she lives in a very quiet corner of the street right now. He said if Perry Printing was still going that would not be a very quiet corner. There used to be 20 to 30 cars going into that area off Edison Street a day. People can't read signs. There is significant car traffic now by your house, the city does it with their trucks, and the garbage trucks go down there and turn. The high density of people in there is more of an issue than the traffic. Crosby said he has lived in his house for 43 years and is not going to move if the apartment building goes up or not. We have to look at the bigger picture which is constructive opportunities for the city. He said he is going to make a motion at the Plan Commission meeting to table this until the developers can resolve these questions. At that point he invited all people present to come back to the plan commission meeting and find out if this is really good for Waterloo or if it is not, because that is what our concern is, whether it is good for Waterloo or not, not whether there is too much traffic or too little traffic. You have to look at the big picture. You have to look 15 to 20 years from now. It takes time, there are going to be changes and ask is this going to be good for Waterloo or not.

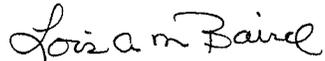
Kelly Thurnbauer: Felt the building was too big for the area. She felt that fewer units might be better. She also asked when they could find out more whether this is good for the city or not. Mayor Thompson said the plan commission meetings are always the fourth Tuesday of each month at 7 pm.

Citizen: Is there only one way in and out. Thompson said yes. The citizen said that would be heavy traffic coming in and out with construction vehicles.

2. PUBLIC HEARING ADJOURNED

With no additional comments for or against coming from the floor, Mayor Thompson concluded the public hearing at approximately 8:08 p.m.

Attest:



Lois A.M. Baird
Interim Clerk/Treasurer

**CITY OF WATERLOO
SPECIAL PLAN COMMISSION MEETING MINUTES
COUNCIL CHAMBER OF THE MUNICIPAL BUILDING
OCTOBER 28, 2014**

1. Call to Order and Roll Call

Mayor Thompson called the meeting to order at approximately 8:08 p.m. Members present: Thompson, Crosby, Butzine, Reynolds, Lannoy and Leisses. Absent: none with one vacancy. Others present: Diane Graff; The Courier, Dave Porterfield of Movin' Out of Madison, Jim Glueck of Glueck Architects, Chris Jaye of Mirus Partners, Mary Coppens and friend and Interim Clerk/Treasurer Lois A.M. Baird.

2. Approval of Previous Minutes

September 23, 2014

October 10, 2014 Special Meeting

Motion: Moved by Crosby, seconded by Butzine to approve the Plan Commission meeting minutes as presented. Voice vote: All yes. Motion carried.

3. Citizen Input

None

4. New Business

a. Mary Coppens, Mary's Service Boutique, 500 Riverside Drive

i. Home Occupation in a Residential District

The applicant stated her business is to serve customers that are shut in and can't get out to shop for women's wear. Most of the customers are served by appointment, not much traffic. Coppens said she is on the road a lot holding shows away from Waterloo. She said she does go to people's apartments or homes to help them shop also.

Leisses asked about signage. Mary said it wouldn't be anything more than a small sign like a tax accountant sign. The municipal code states only one sign allowed, which cannot be illuminated and/or exceed 3 square feet.

Motion: Moved by Crosby, seconded by Reynolds to approve the Home Occupation permit in a residential district as presented. Voice vote: All yes. Motion carried.

b. Movin' Out of Madison, WI – 217 N Monroe Street

i. Land Use Rezoning from C-1 General District to R-2 Single-Family Residential District to allow the redeveloping of the former Perry Printing parking lot into a twenty-four unit multifamily rental apartment community

ii. Conditional Use Permit to allow for multifamily dwellings per Chapter 385.10 B (3) conditional use permit required for multifamily dwellings

iii. Architectural Design Review, for the construction of a 24 unit 3 story apartment building

Motion: Moved by Crosby, seconded by Butzine to table item b, Movin' Out of Madison, land use rezoning, conditional use permit, and architectural design for the 24 unit apartment building until the next scheduled meeting. Voice vote: All yes. Motion carried.

Discussion:, Crosby stated there are several items that need to be addressed such as the storm water study, high density, make the project a little smaller, make it meets more of the needs of the City, fire access and a number of issues that the engineer has addressed. A clearer storm water study is needed particularly the Thomas property and the other water issues that have been discussed, downsizing the project and fire access. Leisses said the building itself would need a couple different variances, such as the height of the building and the minimum number of square feet per unit. Leisses stated he would provide a list of the items that need to be addressed. The developers felt that they have been very open with the City of Waterloo and have worked diligently to try to answer any questions.

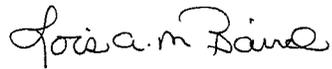
5. Future Agenda Items and Announcements

None

6. Adjournment

Motion: Moved by Butzine, seconded by Leisses to adjourn. Voice Vote: All yes. Motion carried. Time: 8:25 p.m.

Attest:



Lois A.M. Baird
Interim Clerk/Treasurer

**CITY OF WATERLOO
PLAN COMMISSION MEETING MINUTES
COUNCIL CHAMBER OF THE MUNICIPAL BUILDING
NOVEMBER 25, 2014**

1. Call to Order and Roll Call

Mayor Thompson called the meeting to order at approximately 7:00 p.m. Members present: Thompson, Crosby, Reynolds, Lannoy, Oelke and Leisses. Absent: Butzine. Others present: Diane Graff; The Courier, Dave Porterfield of Movin' Out of Madison, Chris Jaye of Mirus Partners, Kelly Edwards with Oak Brook Corp., Bruce Dorn of Van Holtens & Sons, Inc., Tim and Wanda Thomas, Melissa Thomas and Interim Clerk/Treasurer Lois A.M. Baird.

2. Approval of Previous Minutes

October 28, 2014 - Open & Closed Minutes

Motion: Moved by Crosby, seconded by Reynolds to table the Plan Commission meeting minutes. Voice vote: All yes. Motion carried.

3. Citizen Input

None

4. Unfinished Business

a. Movin' Out of Madison, WI – 217 N Monroe Street

- i. Land Use Rezoning from C-1 General District to R-2 Single-Family Residential District to allow the redeveloping of the former Perry Printing parking lot into a twenty-four unit multifamily rental apartment community
- ii. Conditional Use Permit to allow for multifamily dwellings per Chapter 385.10 B (3) conditional use permit required for multifamily dwellings
- iii. Architectural Design Review, for the construction of a 24 unit 3 story apartment building

Discussion: Mayor Thompson informed the Plan Commission that this issue was tabled from the October 28, 2014 Plan Commission meeting. There were many concerns and questions that needed to be addressed.

Porterfield: We provided a packet to the City of Waterloo about two weeks ago. The site plan review and revisions were resubmitted. The City Engineer submitted his recommendations for the architectural design and site plan. One of the questions of concern was fire protection. We met with the Fire Chief and later with Tim Thomas, one of the property owners with concerns and addressed their concerns. The only major changes are regarding fire protection. The Fire Chief met on site with the architect and wanted to make sure there was a fire hydrant in a certain location near the building, which we have changed. When I met with the neighbor, Tim Thomas, their house is fairly close to the property line and he asked if the current shrubs could be left where they are. We agreed to move the fence that we had planned to install and Thomas agreed to maintain the grass on their side of the fence. Another concern of Thomas' was an additional drainage inlet. When they met with Thomas, he pointed out the location of that drainage inlet which is on the property that we will be acquiring and most likely attaches to the drainage inlet on their property. Porterfield said that they would maintain the drainage so the drainage from his property would flow properly.

Leisses asked Porterfield if they planned to rebuild the drainage system and if the lid on that structure would be replaced since it is not actual casting with a cover for safety.

Porterfield said he did not know, it would depend on the structure of it and yes they would replace the lid. He felt that the issues raised were addressed with the City Engineer and the Fire Chief. He stressed that there were concerns about their track record and that they included information regarding their records in other municipalities.

Leisses said the variances would still need to be obtained. He did not feel that the process would not be interrupted by having to obtain the variances. The variances would be for exceeding the allowable height of the building and the density.

Kelly Edwards, Oakbrook Corp, property management of Monroe Street Apartments provided history of the management company.

Oelke asked if there would be employees on site.

Edwards answered that there would be part-time property manager for this site and also a part-time maintenance person and backup employees. She said snow removal, janitorial services, pest control, maintenance of the elevator and landscaping/lawn mowing services would most likely be out-sourced by local vendors.

Crosby said he is still being approached by people asking if this project is going to be a Section 8 program. He asked for an explanation of their program.

Edwards explained the Section 8, which is through HUD. The Tax Credit Program, Section 42 is from the Internal Revenue Code, which is a private ownership. She supplied a table of the rents in comparison to salaries.

Lannoy questioned the variance approvals and who approved them.

Thompson said the granting of the variances would be through the Zoning Board of Appeals.

Baird said in order for a variance to be applied for a building permit would need to be denied.

Thompson said the Plan Commission will recommend to the Council approval, denial or nothing. The Council makes the final approval and then the building inspector will deny the building permit based on the zoning requirements which then will be referred to the Zoning Board of Appeals for approval.

Porterfield said that the density issues were brought up a number of times. He said that Waterloo did not have a lot of multi-family dwellings but he did find two parcels. He also mentioned that he submitted letters of support from local businesses. We are building this complex for workers in the community that are having a hard time finding a place to live. It helps the local economy. It allows renters to have extra dollars to spend in Waterloo. We are doing affirmative marketing to veterans, people with disabilities. Yvonne is available by phone if needed. She is with the Jefferson County Veterans Services. Yvonne told me that there are 3 households that are eligible for the program. We focus on helping people with disabilities. There are six units set aside for people with disabilities at the lower rent and two that are affirmative marketing. We are closely in touch with the Family Care System and they will let us know if there are any individuals in need of this type of housing. Impact on property values was a question raised by many, which the answer is that it has low or no impact. If anything we are adding positive impact.

Motion: Moved by Lannoy, seconded by Oelke to approve the land use rezoning request, the conditional use permit and the architectural design review. **Discussion:** Crosby asked if Thomas if he was satisfied with the results. Thomas thanked Porterfield for taking the extra time to meet with him. Lindsey questioned the process to which Thompson said from here it goes to Council for approval. The Zoning Board of Appeals will make their decision on the variances. **Roll Call Vote:** Ayes - Crosby, Reynolds, Lannoy, Oelke and Leisses. Noes – none with Butzine absent. Motion carried.

5. New Business

- a. Van Holtens & Sons, Inc., 703 W. Madison Street
 - Architectural Design Review, for the construction of a 1,440 square foot pole barn

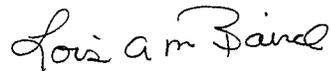
Motion: Moved by Lannoy, seconded by Reynolds to approve the Architectural Design for Van Holtens & Sons, Inc. for construction of a pole barn as presented. Roll Call Vote: Ayes – Crosby, Reynolds, Lannoy, Oelke and Leisses. Noes – none with Butzine absent. Motion carried.

6. Future Agenda Items and Announcements

7. Adjournment

Motion: Moved by Reynolds, seconded by Leisses to adjourn. Voice Vote: All yes. Motion carried. Time: 7:40 p.m.

Attest:

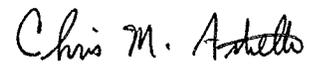


Lois A.M. Baird
Interim Clerk/Treasurer

CITY OF WATERLOO PLAN COMMISSION MINUTES
WATERLOO MUNICIPAL BUILDING - COUNCIL CHAMBER
December 23, 2014

No meeting held due to the lack of agenda items.

ATTEST:



Chris Astrella
Clerk/Treasurer

Waterloo City Hall

From: Matt Jennings <matt@jenningsupnorth.com>
Sent: Wednesday, August 05, 2015 9:02 AM
To: cityhall@waterloowi.us
Cc: Lee Fiedorowicz
Subject: Jennings Fiedorowicz Parcel Split Request
Attachments: Jennings Fiedorowicz Property.jpg

To whom it may concern-

Matt Jennings and Lee Fiedorowicz are requesting consideration for a proposed split of the parcel described at <http://jeffersoncountyapps.jeffersoncountywi.gov/jclrs/LIO/parcelInfo.php?pnmun=290&pntown=08&pnrang=13&pnsect=07&pnqtr=41&pnid=002&Results=true>

The proposed split of this parcel can be seen in the attached JPG titled "Jennings Fiedorowicz Property." We have engaged Birrenkott Surveying of Sun Prairie to prepare a more formal preliminary survey map, which will be followed by a Certified Survey Map upon approval of the request. The preliminary survey map is forthcoming and I will forward immediately upon completion.

It is our intention to maintain the agricultural zoning of the property via cash rental for haying purposes, future small fruit crops such as apple and grapes, and small livestock for 4H purposes. While the intention is to remain agricultural in zoning, each parcel will become a primary residence for both families in the coming years. Any changes made to the property that would negate their agricultural zoning would be brought to the city in advance allowing for a rezoning.

Matt Jennings will purchase the existing 23.9 acre parcel on or about September 1st, with the contingency of the approval of the City of Waterloo. Assuming this approval is given, the sale will proceed. Once the closing is complete on the full parcel, the full Certified Survey Map will be completed, legal descriptions obtained, and filings placed for the new parcels. Once filing is complete, one of the parcels will immediately be sold to Lee Fiedorowicz.

Please let Lee or I know of any question or further information that is required to obtain an approval of the city for this parcel split. Thanks in advance for your consideration.

Matt Jennings
113 Autumn Lane
Marshall, WI 53559
608-628-2114

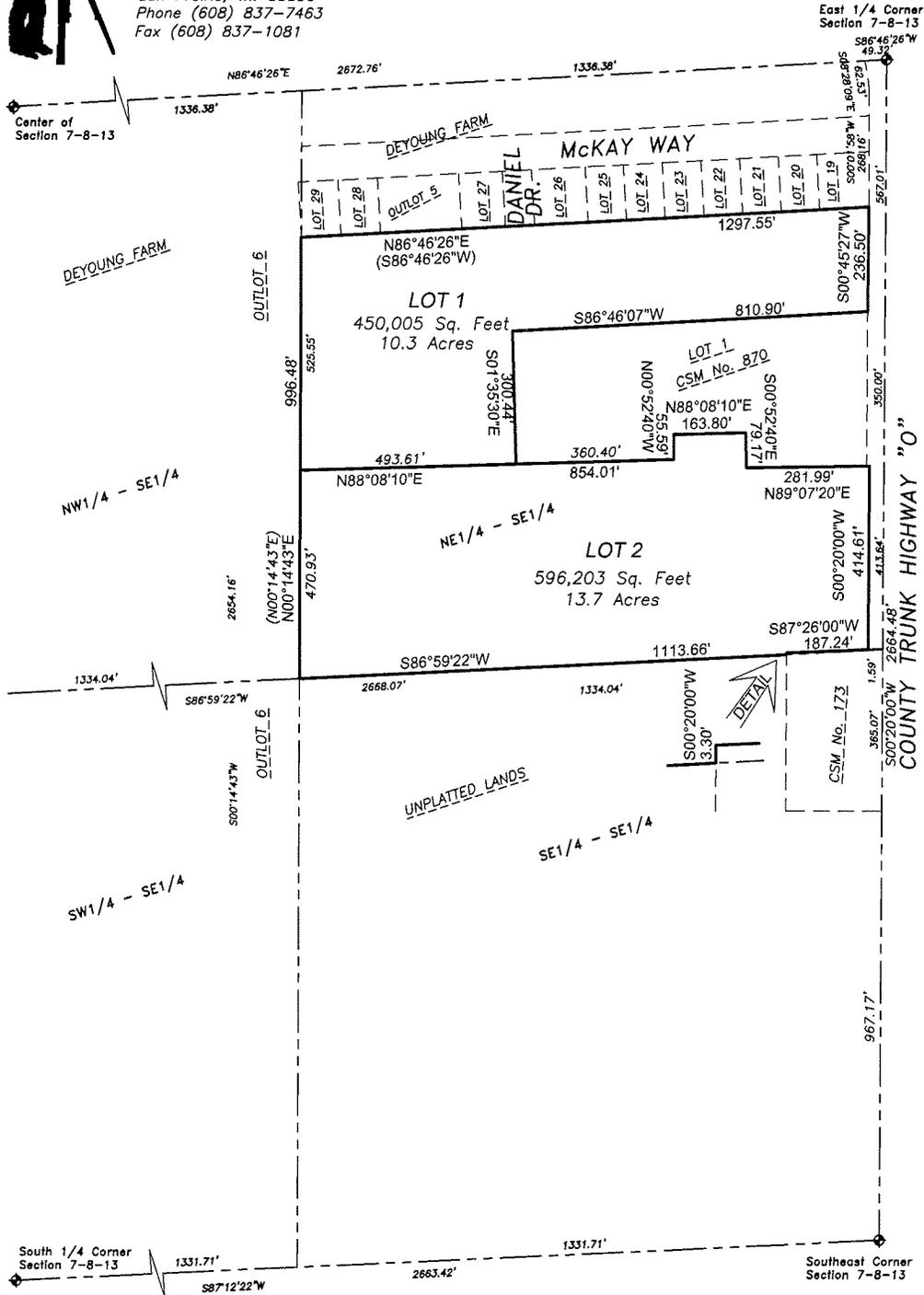


**BIRRENKOTT
SURVEYING, INC.**

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, WI 53590
Phone (608) 837-7463
Fax (608) 837-1081

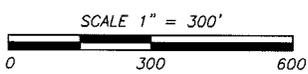
CERTIFIED SURVEY MAP

A PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4
OF SECTION 7, T8N, R13E, CITY OF WATERLOO,
JEFFERSON COUNTY, WISCONSIN.



Prepared For:
Matt & Kim Jennings
113 Autumn Lane
Marshall, WI 53559

SHEET 1 OF 2
Office Map No. 150614



CERTIFIED SURVEY MAP NO. _____
 VOLUME _____ PAGE _____
 DOCUMENT NO. _____

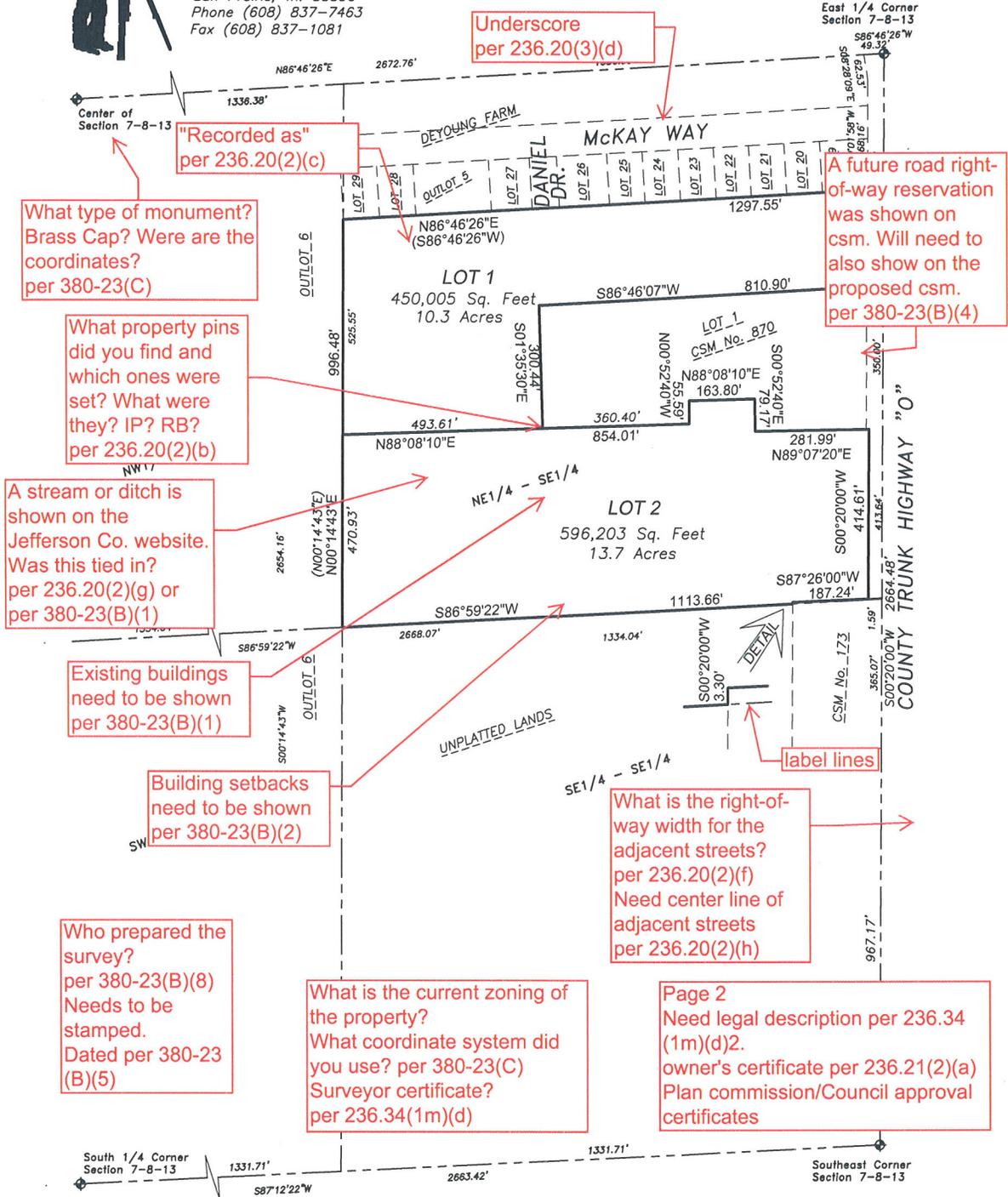


BIRRENKOTT SURVEYING, INC.

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, WI. 53590
Phone (608) 837-7463
Fax (608) 837-1081

CERTIFIED SURVEY MAP

A PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4
OF SECTION 7, T8N, R13E, CITY OF WATERLOO,
JEFFERSON COUNTY, WISCONSIN.



What type of monument?
Brass Cap? Were are the
coordinates?
per 380-23(C)

What property pins
did you find and
which ones were
set? What were
they? IP? RB?
per 236.20(2)(b)

A stream or ditch is
shown on the
Jefferson Co. website.
Was this tied in?
per 236.20(2)(g) or
per 380-23(B)(1)

Existing buildings
need to be shown
per 380-23(B)(1)

Building setbacks
need to be shown
per 380-23(B)(2)

Who prepared the
survey?
per 380-23(B)(8)
Needs to be
stamped.
Dated per 380-23
(B)(5)

What is the current zoning of
the property?
What coordinate system did
you use? per 380-23(C)
Surveyor certificate?
per 236.34(1m)(d)

Page 2
Need legal description per 236.34
(1m)(d)2.
owner's certificate per 236.21(2)(a)
Plan commission/Council approval
certificates

Underscore
per 236.20(3)(d)

"Recorded as"
per 236.20(2)(c)

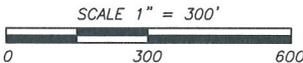
A future road right-
of-way reservation
was shown on
csm. Will need to
also show on the
proposed csm.
per 380-23(B)(4)

label lines

Need North Arrow
per 236.20(2)(i)

Prepared For:
Matt & Kim Jennings
113 Autumn Lane
Marshall, WI 53559

SHEET 1 OF 2
Office Map No. 150614



CERTIFIED SURVEY MAP NO. _____
VOLUME _____ PAGE _____
DOCUMENT NO. _____

Waterloo City Hall

From: Timothy D. Fenner <TFenner@axley.com>
Sent: Tuesday, August 18, 2015 11:31 AM
To: 'Mitchell Leisses'; 'Waterloo City Hall'; Andrea V. Roth; Gesina M. Seiler
Cc: Bob Thompson Traveling; City of Waterloo, Mayor
Subject: RE: 843 South Monroe Street / FW: waterloo survey

All:

I concur in the comments of Mitchell; and urge the city to confer with its planner to address these issues. At this point in time, it would not appear that the submittal of the proposed CSM, satisfies applicable city ordinances; and therefore, should be denied.

From: Mitchell Leisses [mailto:mleisses@kunkelengineering.com]
Sent: Monday, August 17, 2015 2:16 PM
To: Timothy D. Fenner; 'Waterloo City Hall'; Andrea V. Roth; Gesina M. Seiler
Cc: Bob Thompson Traveling; City of Waterloo, Mayor
Subject: RE: 843 South Monroe Street / FW: waterloo survey

Mo:
From the standpoint of the CSM, I've reviewed and have made notes on the attached pdf. It appears that Birrenkott Surveying may have wanted this document to be considered PRELIMINARY in order to obtain conceptual approval from the City given the number of omissions evident upon the document. To review the map in light of considerations relating to long term plans for both the city and the neighborhood. A number of "long range" issues I think need to be addressed:

1. The parent parcel appears to be approximately 24 acres. According to Map 7 within the City's Land Use Plan the entire parcel is designated "Planned Neighborhood" Therefore the owner must provide the city with supplemental information including:
 - a. The location of future streets. Daniel Drive abuts the parcel adjacent to McKay Way. Where will the future extension of Daniel Drive be located?
 - b. Will there be a future street extension from CTH O?
 - c. Will other streets bisect the parcel(s)? I believe that ALL future street extensions should be developed prior to the CSM being accepted and moreover that same be incorporated within a "Street Reservation" designation reflected upon the proposed map.
2. Has the property owner developed plan(s) for the future extension of municipal utilities? Is the property serviceable by gravity sanitary sewer or will a pumping station be required? Again, assuming a pumping station MAY be needed I would suggest a location be reserved and reflected upon the map.
3. How will future storm water be managed? Will future development require a storm water pond and IF so where will it be located? Again a location should be reflected upon the map.
4. The City's Official Map reflects that the western half of the parent parcel lies within a "Future Park/ Conservancy" designation. Customarily a parcel with that designation falls within a "planned Neighborhood" or is within an environmentally sensitive area. In this case the river plays a part however the designation extends far beyond the reaches of the waterway. The question is "What was the City of Waterloo's intent and how does the planned neighborhood fit into that equation.

Mo, based upon the City adopting both the "Official Map" and "Comprehensive Plan" I do not see a way that the proposed CSM can be approved without the owner undertaking due diligence to ensure that this or any future property divisions do not adversely impact the long range plans and vision of

the City of Waterloo. The size of the parent parcel, 24 acres, would seem to dictate that the owner MUST address how the property may be developed so that the plan commission can comprehensively judge its acceptability and ensure that an integrated approach to serving the parcel(s) with municipal services can be accomplished. Once it's subdivided and houses and structures are erected it is too late. The time for planning is now. My suggestion is that the property owner meet with representatives of both the City and the planner(???) in order to proactively determine if and how a division of the parent parcel could be undertaken in a manner so as to not negatively impact the future planning that has been contemplated by the City of Waterloo.

Please let me know if you have any questions.

Sincerely,

Mitchell Leisses, Project Manager
Kunkel Engineering Group, LLC
Beaver Dam, WI 53916
(920) 356-9447 Office (920) 210-6330 Cell
mleisses@kunkelengineering.com

From: Timothy D. Fenner [<mailto:TFenner@axley.com>]
Sent: Thursday, August 13, 2015 11:08 AM
To: 'Waterloo City Hall'; Mitchell Leisses; Andrea V. Roth; Gesina M. Seiler
Cc: Bob Thompson Traveling; City of Waterloo, Mayor
Subject: RE: 843 South Monroe Street / FW: waterloo survey

Mo:

I defer to Mitch as to whether or not the map satisfies the technical requirements of your ordinances as well as the statutes. As a result, I will focus on the legal issues. At the meeting before the Plan Commission, the developer must satisfy the requirements of city ordinances and state statutes. Accordingly, the developer has the burden of proof to establish that the land division is in compliance with applicable ordinances. In that regard, I note the following:

1. Sec 310-3 sets forth the intent of the city land division ordinances. Some of these intents are (i) further the orderly layout and appropriate land-use; (ii) provide adequate provision for housing, water supply and wastewater; (iii) preserve natural vegetation and promote the natural beauty; (iv) implement comprehensive plans etc. In this case, I recollect you indicating that the comprehensive plan has a significant portion of this property being located in a Conservancy area with no development; and also that the area is subject to the requirement for sewer installation. The developer should demonstrate how this land division is going to satisfy these requirements.
2. If my recollection serves me, the current zoning is agricultural; and the minimum lot size is 5 acres. The primary permitted use is an agricultural activity with a residential activity being incidental thereto. The developer, assuming he's going to keep the existing zoning, must explain the agricultural use component resulting from this land division. It may be appropriate to condition any approval of the CSM, upon the conduct of the particular agricultural use.
3. The developer will have to address section 380-9 B dealing with the reservation of the area earmarked for Conservancy, as will the city.
4. Should there be a land dedication in order to address the concerns set forth in section 380-9.1? Subsection B in particular?
5. Are any public improvements required to be installed such as public streets, sewer, water etc. Do any utility easements need to be reserved for these purposes? If so, should they be set forth on the face of the proposed CSM?
6. Section 380-11 deals with "land suitability". No property is to be subdivided unless it is determined to be suitable. It seems to me the developer must demonstrate that the proposed CSM satisfies the criteria of this ordinance.
7. Has the developer had a pre-application conference as referenced in section 380-13?

8. The proposed land division must comply with the official map as well as the comprehensive plan. The developer must demonstrate this compliance.

It is incumbent upon the developer to satisfy the Plan Commission, and therefore the common Council, that the proposed land division satisfies all of the requirements of the statutes and the ordinance. The developer bears this burden of proof..... Not the city.

Attorney

Timothy D. Fenner
Axley Brynelson, LLP
d: 608.283.6733 | c: 608.219.8169
o: 800.368.5661
TFenner@axley.com

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From: Waterloo City Hall [<mailto:cityhall@waterloowi.us>]
Sent: Thursday, August 13, 2015 5:40 AM
To: mleisses@kunkelengineering.com; Andrea V. Roth; Gesina M. Seiler; Timothy D. Fenner
Cc: Bob Thompson Traveling; City of Waterloo, Mayor
Subject: FW: 843 South Monroe Street / FW: waterloo survey

Mitch and Tim,

Attached is the applicants submittal for municipal considerations. You have both commented previously on this topic. Any further comments after seeing the attached? Below is a standard communication back to the applicant. Nothing new or noteworthy. Thank you.

Mo Hansen
Clerk/Treasurer
City of Waterloo

From: Waterloo City Hall [<mailto:cityhall@waterloowi.us>]
Sent: Thursday, August 13, 2015 5:37 AM
To: 'Matt Jennings' <matt@jenningsupnorth.com>
Cc: 'cityhall@waterloowi.us' <cityhall@waterloowi.us>; fied1@frontier.com
Subject: 843 South Monroe Street / FW: waterloo survey

Matt,

Thank you for the Certified Survey Map submittal received August 12th for municipal consideration. In reply to your question, what constitutes CSM approval?

1. Payment of a non-refundable application fee of \$50 (check or cash) payable to the City of Waterloo is a next step if you have not already done so.

2. The Plan Commission is scheduled to meet the fourth Tuesday of the month, August 25th. The Plan Commission may recommend to the City Council approval, denial or approval with conditions. A condition of approval may mean the CSM itself is to be modified in some manner prior to a final signature from the City. An second type of condition may be applied which doesn't directly affect the CSM document, but rather requires an action in addition to the recording of the CSM. In this case I or the City Attorney may draft a simple statement signed by the City and the applicant stating the condition(s). The statement may then be recorded along with the CSM.

A Plan Commission recommendation then goes to the City Council which is scheduled to meet the evening of September 3rd. The Council may take final action with the same options as listed above for the Plan Commission. Upon affirmative City Council action, the CSM has been approved.

3. The surveyor then creates a final document – meeting any conditions that may have been part of the Council approval – for the purpose of recording a fully signed and executed document with the Register of Deeds in Jefferson. My signature is required as a final check that the document is as it should be. The CSM applicant then records the executed certified survey map in Jefferson (the surveyor commonly provides this service...).

4. We request that a photocopy of the recorded CSM be provided to the City for our records. This step is not time sensitive and isn't relevant to your closing date. We have a drop box outside of the municipal building where the document can be left with us 24/7.

Contact information for members of the [Plan Commission](#) and the [City Council](#) can be found at the [municipal website](#). A digital meeting packet of material will be prepared and made available simultaneously to the Council, Plan Commission and to the public prior to both the Plan Commission and City Council meeting. You will receive an email notification with a link to our municipal website when that material is available.

Mo Hansen

Clerk/Treasurer
City of Waterloo

From: Matt Jennings [<mailto:matt@jenningsupnorth.com>]

Sent: Wednesday, August 12, 2015 9:06 PM

To: cityhall@waterloowi.us

Cc: Lee Fiedorowicz <fied1@frontier.com>

Subject: Fw: waterloo survey

Mo-

Attached find the draft CSM for the city's consideration.

I should also let you know that I am submitting an offer to purchase tomorrow and should know early next if that offer is accepted. The offer is contingent upon 'approval' of the city of the split of the existing parcel according to this draft map.

To select a closing date, I need to understand what constitutes 'approval' from your point of view. Assuming all would go according to plan, might approval be gained on the 25th, or the following week meeting of the full council? Or are there additional steps required after the city council meets?

Thanks for your consideration, and as always, keep me posted on any information you should need from me.

Based

From: Anthony Kasper <AKasper@birrenkottsurveying.com>
Sent: Wednesday, August 12, 2015 4:43 PM
To: Matt Jennings
Subject: RE: waterloo survey

Here is a draft for you to look over.

From: Anthony Kasper
Sent: Wednesday, August 12, 2015 11:29 AM
To: 'matt@jenningsupnorth.com' <matt@jenningsupnorth.com>
Subject: waterloo survey

Hi Matt

I have a very rough map put together. I want to clean it up a bit before I get it to you. hopefully today but the north most lot looks to be about 10.3 acres and the other lot is about 13.7 acres.

Anthony Kasper

Birrenkott Surveying, Inc.
1677 N. Bristol Street
Sun Prairie, WI 53590
(608) 837-7463
(608) 837-1081 (Fax)
akasper@birrenkottsurveying.com

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Waterloo City Hall

From: Timothy D. Fenner <TFenner@axley.com>
Sent: Friday, July 31, 2015 11:23 AM
To: 'Waterloo City Hall'; 'Mitchell Leisses'; cbutschke@safebuilt.com
Cc: 'Bob Thompson Traveling'; 'City of Waterloo, Mayor'; Andrea V. Roth; Gesina M. Seiler
Subject: RE: 843 S Monroe Street / input on likely forthcoming proposal for parcel split adjacent to DeYoung Farm subdivision

Mo:

I took a look at the materials; and the following are my comments:

I

1. You indicate that the current zoning of the entire 23 acres is "agricultural". I assume this is a zoning district created by the city because the property is located within the city. Under that zoning classification, minimum lot size is 5 acres. Permitted uses are "farming" with an incidental residential use. See section 385-18 of the City Code.
2. The proposed land division is facially consistent with the zoning district, not necessitating a zoning change. The minimum lot size requirements would still be met. However, the concept of "farming" may become more problematic because it's simply not cost-effective to have farming operations on minimal acreage.
3. In order to subdivide the property, a request for land division would have to be made. That can either be in the form of a CSM or a preliminary plat. The immediate plans of the owners/buyers would suggest that they are not in a position to plat, but would be satisfied with the CSM. Whenever a municipality is requested to approve of a land division, the municipality can impose conditions for approval. One of the conditions of approval is that the plat must be in compliance with applicable city ordinances. In this case, it appears that the official map indicates that a substantial portion of this area, 10.73 acres, is to be devoted as a "future conservancy". Section 385-19 establishes conservancy districts; and essentially permitted uses in that area are public parks, playgrounds etc. At this stage, it does not appear that any land division would be consistent with the applicable official map; and as a result, the effect would be a denial.
4. You make reference to the existing CSM. Please provide it.
5. The materials suggest that the area in question is included within the sewer service area. Therefore, the city could condition any land division upon the appropriate extension of sewer and water service, to actually serve any structures constructed thereon. Since there's only two structures contemplated, the practical effect may be to make this subdivision not cost-effective.
6. A land division under the existing zoning district allows only for incidental residential uses. As a result, conditions could be imposed that deal with the use of the existing uncompleted structure. Such conditions could include bringing it up code, and making other improvements.

The foregoing on my preliminary thoughts. If you need anything else, let me know.

From: Waterloo City Hall [mailto:cityhall@waterloowi.us]
Sent: Friday, July 31, 2015 7:50 AM
To: Timothy D. Fenner; 'Mitchell Leisses'; cbutschke@safebuilt.com
Cc: 'Bob Thompson Traveling'; 'City of Waterloo, Mayor'; Andrea V. Roth; Gesina M. Seiler
Subject: RE: 843 S Monroe Street / input on likely forthcoming proposal for parcel split adjacent to DeYoung Farm subdivision

Tim,
July 22 information via email to you and the Axley team shortly.
-Mo

From: Timothy D. Fenner [<mailto:TFenner@axley.com>]
Sent: Thursday, July 30, 2015 10:28 AM
To: 'Mitchell Leisses'; Waterloo City Hall; cbutschke@safebuilt.com
Cc: Bob Thompson Traveling; City of Waterloo, Mayor; Andrea V. Roth; Gesina M. Seiler
Subject: RE: 843 S Monroe Street / input on likely forthcoming proposal for parcel split adjacent to DeYoung Farm subdivision

Mitch:

For reasons I don't understand, I never did receive your original email under date of July 22, 2015. It has not appeared in any of our files nor in our spam filter. As a result, this is the first opportunity I have to weigh in.

With respect to this matter, we probably should have a telephone conference call. Since I never got the maps, I don't know if the property is located within or without the city. If it's without the city, then the property is subject to countywide zoning, unless the city has established extraterritorial zoning authority.

Please resend the maps referred to in your email of July 22. Thank you.

Attorney

Timothy D. Fenner
Axley Brynelson, LLP
d: 608.283.6733 | c: 608.219.8169
o: 800.368.5661
TFenner@axley.com

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From: Mitchell Leisses [<mailto:mleisses@kunkelengineering.com>]
Sent: Thursday, July 30, 2015 10:09 AM
To: Waterloo City Hall; Timothy D. Fenner; cbutschke@safebuilt.com
Cc: Bob Thompson Traveling; City of Waterloo, Mayor
Subject: RE: 843 S Monroe Street / input on likely forthcoming proposal for parcel split adjacent to DeYoung Farm subdivision

Good Morning Mo,

Sorry for the delay on a response but I wanted to also talk with Craig & Don in our office to see if they have had any similar experiences. That said, as a practical matter I don't think it's in the City's best interest to allow the parcel split. My rationale is as follows:

- 1) It is better to address future code compliant issues on the parent parcel, i.e. zoning, future planning, street and utility extensions etc.

- 2) I would suggest that the future street ROW be reserved thru the property and driveways be extended from the Phase 1 street improvements.
- 3) Plans for a code/master plan compliant development should be forthcoming NOW before any other land splits are allowed.
- 4) I would also suggest that a PRELIMINARY PLAT be prepared and approved by the Village prior to allowing future land splits

Mo, recently we worked with the City of Berlin to resolve storm water drainage issues and obtain drainage easements due to flooding upstream of the Waushara Street culvert. IF the city would have had the area mapped out, this exercise and costly easement acquisition process could have been eliminated, but unfortunately they allowed land splits and there was a fair amount of cleanup after the fact. Just my thoughts.

Sincerely,

Mitchell Leisses, Project Manager
Kunkel Engineering Group, LLC
Beaver Dam, WI 53916
(920) 356-9447 Office (920) 210-6330 Cell
mleisses@kunkelengineering.com

From: Waterloo City Hall [<mailto:cityhall@waterloowi.us>]
Sent: Wednesday, July 22, 2015 10:46 AM
To: Mitchell Leisses; Timothy Fenner; cbutschke@safebuilt.com
Cc: cityhall@waterloowi.us; Bob Thompson Traveling; City of Waterloo, Mayor
Subject: 843 S Monroe Street / input on likely forthcoming proposal for parcel split adjacent to DeYoung Farm subdivision

TO: City Engineer, City Attorney and Building Inspector (Mitch, Tim and Chris),

I am writing to get advice and input on how to best to approach a likely proposal to split a parcel into two immediately east of the DeYoung Farm subdivision. My purpose is to identify and bring to light all municipal items as early on as possible. Your comments are encouraged.

BACKGROUND:

- I've been in communication with an individual interested in buying 23 acres of land being offered for sale immediately east of the DeYoung Farm subdivision. Attached is an Untitled Map show the U-shaped subject parcel. A second map shows what has been described to me as a proposed parcel split from one parcel to two.
- The municipal Future Land Use Map from the Comprehensive Plan calls for park space and residential development. The Official Map has 10.72 acres of park space designated in this area.
- The buyer intends to partner with a second party and split the parcel into two, each roughly eleven plus acres. The stated intent is to not seek a zoning change from the current Ag District. Another stated objective is to save funds, and for the owner of each lot to build or establish a single family dwelling on each parcel while retaining the Ad District zoning designation and indirectly retaining the opportunity for a future subdivision. In conversation, the individual has describe the parcels as ten acre hobby farms.
- An unfinished, incomplete dwelling exists on the property. This is an open file in the Building Inspector's office. I'm told the structure has deteriorated since 2007. The potential buyer said he may want to relocate that structure on site, complete construction and live in it in the future.
- Because the parcel is within a "Future Sanitary Service Area" as defined by the DeYoung Farms Subdivision development agreement, I've calculated what a sanitary lift station charge would be for two lots and forwarded that to the prospective buyer.

BIG PICTURE QUESTION:

Is it recommended to allow for this simple land division given the stated intent of the buyer and what is stated on the Official Map? What future constraints are created by this action?

DETAILS TO ADDRESS:

Legal –

- A CSM exists. I have not seen it. I've encourage the prospective buyer to review the recorded CSM. I've said a new CSM would be required and that contingencies may be applied.
- Should the CSM be the only manner in which a second driveway access is determined?
- Can we insist upon a completed occupancy permit as a condition of the CSM?
- How do we best communicate municipal intent covering 340-26 to these property owners?

Chapter 340: Utilities

§ 340-26 Sewer and water connections required.

<http://ecode360.com/9839547>

Engineering –

- Daniel Drive was suggested by the potential buyer as the driveway access point for one of the two parcels. Any suggestions for properly transitioning from a stubbed road to driveway?
- We have an ordinance provision that requires water/sewer hook-up after a period of time when service is brought to a parcel. If they are taking the half step of just splitting the land, what do we signal now in terms of the municipal intent to require hook-up if they are using Daniel Drive for road access. Our clear signal now will significantly affect projected construction costs for any new building. I'm guessing in the future an owner of a new ten acre parcels would seek well & septic. Water/Sewer is on McKay Way NOT South Monroe Street.

Building Inspection –

Do we let the land split go forward knowing the dilapidated of the unfinished dwelling unit?

Again, your comments are welcomed.

Mo Hansen

Clerk/Treasurer
City of Waterloo
136 North Monroe Street
Waterloo, WI 53594-1198

email - cityhall@waterloowi.us

website - <http://www.waterloowi.us>

voice - [920-478-3025](tel:920-478-3025)



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