

WATERLOO PLAN COMMISSION – Minutes for September 16, 2020

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PLAN COMMISSION PUBLIC HEARING - CONDITIONAL USE APPLICATION, Petry Trust No. 1989 Belleville, WI, To Allow For The Construction Of Two-Family And Multi-Family Dwellings On Parcels Zoned R-2 In The DeYoung Farms Subdivision. A Conditional Use Permit Is Required For Residential Dwellings Other Than Single-Family Dwellings In A R-2 Residential District.

1. PUBLIC HEARING CALL TO ORDER. Mayor Quimby called the public hearing to order at 7:00 pm. Plan Commissioners attending: Leisses, Crosby, Reynolds, Quimby, Sorenson and Petts. Absent: Lannoy. Others attending: Maureen Giese; Richard Korth; Janae O'Connell; Sher Mitchell Her; Lorren Her; Dave & Judy Westermeier; Lee Stock; Don Nell; Amber Gerber; John Knabe representing Petry Trust No. 1989 and the Clerk/Treasurer.
2. PUBLIC HEARING COMMENT
 - a. John Knabe described the conditional use request as lots 32-36 being duplex, and lots 2-6 as four-unit buildings. He said provided floor plans & elevations complied with what was allowable in an R-2 District.
 - b. Lee Stock, 515 McKay Way, questioned the notification process, Hansen said he had an affidavit of notification and would share it with the attendees. Stock wanted his conditional use opposition noted, reserving the right to contest work based on restrictive covenants. He stated his approval concern meant allowing less than median quality housing onto his street. He asked if the developer was looking to add capacity. Quimby answered no. Stock asked if existing covenants would be followed. Knabe said they intended to not violate covenants. Stock referenced the quality standards such as percentage stone on the exterior. Stock wanted quality standards in the covenant upheld.
 - c. Don Nell, 400 McKay Way, said concrete driveways were called for in covenants, but the developer's website showed asphalt. Knabe repeated they would not violate covenants. Knabe said the plan was to sell the multi-unit properties. Nell said his concerns revolved around quality. He said his online research found red-flags and customer dissatisfaction. Hansen said his research did not uncover quality questions. Sorenson said the City had no right to question a private transaction. Hansen asked for Nell to submit his research. Crosby said the Plan Commission's role was specific to the application. Nell also wanted to go on record as objecting.
 - d. Hansen said the city is not a party to the private covenants and did not have an enforcement role.
 - e. Multiple people started talking simultaneously.
 - f. In reply to a Sorenson question, Quimby replied a single person could buy the whole unit. Hansen restated that enforcement of the covenants not a municipal matter. Quimby referenced page 13, item 5, of the covenants regarding owner occupancy.
 - g. In reply to a Petts question, Knabe said he had confirmed single-family could be built even after this application was approved. Petts said the properties were already on the radar of the Community Development Authority.
 - h. Janae O'Connell asked if it is already zoned R-2, what was changing? Hansen replied saying in R-2 zoning districts only single-family dwelling are permitted, anything else requires a conditional use. O'Connell asked what marketing is taking place? Knabe said properties would be marketed through a realty service. Knabe asked what the community is doing to draw business? The Mayor directed the question to another time. O'Connell asked if there would be vacant buildings? Knabe was unable to answer a pricing question.
 - i. Judy Westermeier, 100 McKay Way, asked why the lots are staked. Knabe said a plat of survey was needed, so a surveyor brought in. That surveyor surveyed all lots, not just the lots under the application.
 - j. Maureen Giese, Lot 9, asked why the stakes looked like they were for multiple dwellings. She described the lots staked. Knabe said it was not illegal to put stakes on a lot and a plat of survey was recorded and the houses were staked out at that time.
 - k. Dave Westermeier said no communication occurred when lots adjacent to his home were staked, leading to confusion. Westermeier clarified that the AHJ (meaning: Building Official) was responsible for the project to meet the minimum building standards.
 - l. Replying to a Sorenson question Stock and O'Connell said they wanted homes of greater than median value on the street.
 - m. Quimby said the municipal role does not involve enforcing the private covenants. Hansen confirmed Stock's earlier statement that covenant disputes would be resolved in Circuit Court and did involve the City.
 - n. Don Nell asked if the houses would have finished basements. Knabe replied likely not.
 - o. Petts said the city does not have anything to do with covenants.

- p. Mitchell Her said he had to abide by the covenants when building his home. He said he was not notified. He spoke against substandard housing and crime. He was shocked to see stakes. He wanted all to better informed.
 - q. Maureen Giese objected to the application.
 - r. Hansen made the meeting notice affidavit available to attendees in printed form.
3. ADJOURN PUBLIC HEARING. Mayor Quimby adjourned the public hearing.

PLAN COMMISSION REGULARLY SCHEDULED MEETING

1. CALL TO ORDER AND ROLL CALL. Mayor Quimby called the meeting immediately after the public hearing. Plan Commissioners attending: Leisses, Crosby, Reynolds, Quimby, Sorenson and Petts. Absent: Lannoy. Others attending: Maureen Giese; Richard Korth; Janae O'Connell; Sher Mitchell Her; Lorren Her; Dave & Judy Westermeier; Lee Stock; Don Nell; Amber Gerber; John Knabe representing Petry Trust No. 1989 and the Clerk/Treasurer.
2. APPROVAL OF PRIOR MEETING MINUTES – July 28, 2020 and August 25, 2020 (no meeting). MOTION: Moved by Crosby, seconded by Leisses to approve the minutes. VOICE VOTE: Motion carried.
3. CITIZEN INPUT. Maureen Giese noted a correction to add the year “2019” to the “July 28th minutes.
4. COMPLIANCE & ENFORCEMENT REPORT. Note.
5. UNFINISHED BUSINESS
 - a. Comprehensive Plan Review. MOTION: Moved by Petts, seconded by Crosby to table the item. VOICE VOTE: Motion carried.
6. NEW BUSINESS
 - a. City Of Waterloo Conditional Use Permit Request, Petry Trust No. 1989 Belleville, WI, To Allow For The Construction Of Two-Family And Multi-Family Dwellings On Parcels Zoned R-2 In The DeYoung Farms Subdivision. A Conditional Use Permit Is Required For Residential Dwellings Other Than Single-Family Dwellings In A R-2 Residential District. MOTION: Moved by Crosby, seconded by Sorenson to recommend Council application approval. VOICE VOTE: Motion carried.
 - b. Architectural Design Review ([§385-25 Municipal Code](#)), Petry Trust No. 1989 Belleville, WI, For Residential Projects Having Four Or More Dwelling Units In The DeYoung Farm Subdivision (See Handouts For 6a). DISCUSSION: In reply to the Mayor's question, Hansen said a one-page design review and checklist is provided for applicants and the applicants submittal is as submitted. Knabe described the plan as submitted. Sorenson asked Leisses if there was enough access to get to the driveways. Leisses said it was hard to read the dimensions, a wide swing was needed. Knabe pointed to the site plan. It was noted that no landscape plan was submitted. Knabe said no storm water challenges existed. Knabe said he was willing to work with the City on any outstanding items. Leisses said there was no dimension specifics provided. Leisses said absent items in-hand, the Building Inspector was not charged with enforcement. Hansen said the Plan Commission could request additional information. Leisses said submittal information was minimal. Hansen recommended the applicant submit additional information for the 22nd meeting. MOTION: Moved by Petts and seconded by Crosby to table the matter until the next meeting. VOICE VOTE: Motion carried.
 - c. Procedures For Building Permit Applications ([§140-7 Building Inspector](#)) And Future Development Plans ([§380-13 Subdivision Of Land Preapplication](#)). MOTION: Moved by Sorenson, seconded by Petts to table. VOICE VOTE: Motion carried.
7. FUTURE AGENDA ITEMS & ANNOUNCEMENTS
 - a. Concept Plan Presentation Lot 2 Treyburn Farms, Julie Busche (9/22/2020 tentative). Noted.
8. ADJOURNMENT. MOTION: Moved by multiple, seconded by multiple to adjourn. Approximate time: 8:50 p.m.



Mo Hansen
Clerk/Treasurer