



CITY OF WAUPUN PLAN COMMISSION MEETING
Video Conference and Teleconference
Wednesday, September 16, 2020 at 4:45 pm
(Approved 10/21/20))

VIDEO CONFERENCE AND TELECONFERENCE

The Waupun Plan Commission met virtually at 4:45 pm on August 31, 2020, via Zoom.

CALL TO ORDER

The Waupun Plan Commission met virtually at 4:45 pm via Zoom.

ROLL CALL

Members Present: Julie Nickel, Fred Lueck, Elton TerBeest, Jerry Medema, Jeff Daane, Jill Vanderkin and Mike Matoushek

Staff Present: Sarah VanBuren Sue Leahy and Steve Brooks

PERSONS WISHING TO ADDRESS THE PLAN COMMISSION-

Chairman Nickel asked if there were any persons wishing to address the committee on any items not included on today's agenda. Hearing nothing, Chairman Nickel proceeded to address the items listed for consideration and action on today's committee agenda.

FUTURE MEETINGS AND GATHERING INVOLVING THE PLAN COMMISSION

Chairman Nickel indicated the next meeting of the Plan Commission will be October 21, 2020, at 4:45 pm.

CONSIDERATION - ACTION

1. **APPROVE MINUTES** of the August 31, 2020 Plan Commission Meeting.
Motion by Matoushek, seconded by TerBeest to approve the minutes of the August 31, 2020 Plan Commission meeting as presented. Motion carried, unanimously.
2. **PUBLIC HEARING – PETITION TO AMEND CHAPTER 16 OF THE MUNICIPAL CODE OF THE CITY OF WAUPUN “ZONING ORDINANCE”**. The petition seeks to amend :
Section 1 – 16.04(1) B-1 Business/Professional Office District (d) entitled “Conditional Uses” to add subsection (iii) Outdoor Premises as defined in Section 11.12 of the Waupun Municipal Code.
Section 2 – 16.04(2) B-2 Central Business District (d) entitled “Conditional Uses” to add subsection (xi) Outdoor Premises as defined in Section 11.12 of the Waupun Municipal Code.
Section 3 – 16.04(3) B-3 Shopping Center Business District (d) entitled “Conditional Uses” to add subsection (vii) Outdoor Premises as defined in Section 11.12 of the Waupun Municipal Code.
Section 4 – 16.04(4) B-4 Interchange Business District (d) entitled “Conditional Uses” to add subsection (iv) Outdoor Premises as defined in Section 11.12 of the Waupun Municipal Code.

Chairman Nickel read the call of the hearing and its purpose. Sue Leahy, City Zoning Administrator explained the amendment is to bring the City’s Zoning Ordinance into compliance with the new amendment to Chapter 11.12 of the City of Waupun Ordinance which pertains to sidewalk cafes and other outdoor services. Such uses will now be allowed in the B-1, B-2, B-3, and B-4 Zoning Districts as a Conditional Use. No further facts or questions were made, so Chairman Nickel closed the hearing and asked for a motion to act on this proposed ordinance amendment.

Motion by Vanderkin, seconded by Matoushek to provide a favorable recommendation to the City Council to allow sidewalk café’s and other outdoor services in the B-1, B-2, B-3, and B-4 Zoning Districts as a conditional use and in accordance with Chapter 11.12 of the City of Waupun Municipal Code.

Vote: Matoushek, Vanderkin, Daane, Medema, TerBeest, Lueck & Nickel – “AYE”. Motion carried, unanimously, 7/0.

3. **CONDITIONAL USE PERMIT APPLICATION.** To allow a split two family dwelling in an R-2 Two Family Zoning District.

Chairman Nickel read the call of the hearing and its purpose. An application for a Conditional Use Permit was made by Pat Stanton to convert a newly constructed duplex into a split two family dwelling at 720 Beekman St. and 605 Beske St. per Section 16.03(2)(d)(iii) of the Waupun Zoning Ordinance.

Daane noted he has concerns that the structure is already up and a permit for a duplex has been issued and they have already sold one of the units. He feels the contractor knows when they build a duplex they will be selling the units and creating a split two family home as soon as they can get a buyer. He wanted to know what the City can do to prevent this problem from continuing to happen. Lueck said the use of the structure is actually changing if they get a permit for a duplex and then sell the units individually afterward thereby changing its use to two single family residences. Therefore, they are in violation of the City’s Zoning Ordinance by creating a new land use without the required City permit and therefore the contractor should be cited with a violation to get their attention.

Sue Leahy, City Zoning Administration, says she can try to find out when the contractor applies for a permit for a duplex if it is their intent to actually create a split two family home. If they are, then they will have to apply for a Conditional Use Permit and get a CSM prior to starting construction.

Lueck feels the contractor usually comes out smelling like a rose by getting a permit for a duplex and then selling it as two single family residences. He’s never been in favor of split single family homes with a lot line down the middle of their home as it can result in many problems between the owners that can’t be resolved, even with recorded restrictive covenants. If you have a duplex, and you can’t get along with the neighbor on the other side of the wall, you can always move out at anytime. If you have a condo, the Condo Association should be able to resolve any problem, but with a split single family home, you may have to put up with the problem or the neighbor until you can sell your unit.

TerBeest noted that most contractors know before they start construction what kind of structure it is going to be, they don’t change their mind after it is build. Chairman Nickel said she will discuss this problem with the City Attorney to see what the City can do to prevent a contractor from applying for a permit for one type of structure and then going out and selling part of the structure for another use without the proper permits or survey approval. Matoushek feels we should move forward with a decision on this proposal.

Chairman Nickel after hearing no further input on this Conditional Use Permit Application declared the hearing closed and called for a motion to act on this request for a Conditional Use Permit.

Motion by Matoushek, seconded by Nickel to grant a Conditional Use Permit to Pat Stanton for a split two family dwelling at 720 Beekman St. and 605 Beske St. in accordance with Section 16.03(2)(d)(iii) of the Waupun Municipal Code as we find the proposed use will not be detrimental to adjacent lots as it is an appropriate use, will not create a traffic hazard at this intersection, will not hinder future development in the area, will not create undesirable levels of noise or light and will not cause property values to measurably decline.

Vote: Matoushek, Vanderkin, Daane, Medema, TerBeest, and Nickel – “AYE”
Lueck – “NAY”
Motion carried 6-1

4. **REVIEW CERTIFIED SURVEY MAP**

The committee reviewed a proposed CSM for Stanton & Son LLC in order to re-divide Lot 31 of Woodland Hills Subdivision. The purpose of the survey is to divide Lot 31 of Woodland Hills which presently contains a

duplex structure into two units for the separate sale as a split two family dwelling. The new lot line will be essentially down the center of the structure. It was noted one unit has already been sold without the benefit of an approved CSM. A local attorney has also provided a declaration of restrictive covenants, which are applicable to the Zero Lot Line situation.

Chairman Nickel called for a motion to provide a recommendation to the City Council on this proposed CSM.

Motion by TerBeest, seconded by Matoushek to provide a favorable recommendation to the City Council for a CSM for Stanton & Son LLC being a re-division of Lot 31 of Woodland Hills, in the SE ¼, NE ¼, Section 31, T14N, R15E, City of Waupun, Fond du Lac County, Wisconsin.

Vote: Matoushek, Vanderkin, Daane, TerBeest, Medema, Nickel – “AYE”

Lueck – “NAY”

Motion carried, 6/1.

5. **ADJOURNMENT**

Motion by Medema, seconded by Matoushek to adjourn the meeting. Motion carried, unanimously.

Meeting adjourned at 5:05 pm.

Fred Lueck

Secretary