



A G E N D A
CITY OF WAUPUN PLAN COMMISSION MEETING
201 E Main St
Wednesday, September 16, 2020 at 4:45 PM

VIDEO CONFERENCE AND TELECONFERENCE

**The Waupun Plan Commission will meet virtually at 4:45 pm on September 16, 2020, via Zoom.
The public may access the conference meeting online or by phone. Instructions to join the meeting are
provided below:**

To join the zoom meeting:

<https://us02web.zoom.us/j/84950684453?pwd=dGZUOGlFQjBpMUlMN3FYNUkSIVNQQT09>

Meeting ID: 849 5068 4453

Passcode: 460427

Telephone: 312 626 6799 US (Chicago)

CALL TO ORDER

ROLL CALL

PERSONS WISHING TO ADDRESS THE PLAN COMMISSION--*State name, address, and subject of comments. (2 Minutes)*

No Public Participation after this point.

FUTURE MEETINGS AND GATHERING INVOLVING THE PLAN COMMISSION

CONSIDERATION - ACTION

- 1.** Approve minutes of the August 31, 2010 meeting
- 2.** Ordinance Amendment - Outdoor Service
- 3.** Conditional Use Permit Application of Pat Stanton at 720 Beekman St. and 605 Beske St. for a split two-family dwelling per section 16.03(2)(d)(iii) of the Waupun Municipal Code.
- 4.** Certified Survey Map Review - Stanton & Son LLC - a re-division of Lot 31 of Woodland Hills

ADJOURNMENT

Upon reasonable notice, efforts will be made to accommodate disabled individuals through appropriate aids and services. For additional information, contact the City Clerk at 920-324-7915.



CITY OF WAUPUN PLAN COMMISSION MEETING
Video Conference and Teleconference
Monday, August 31, 2020 at 4:45 pm
(DRAFT)

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 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 September 16, 2020, at 4:45 pm.

CONSIDERATION - ACTION

1. **APPROVE MINUTES** of the August 19, 2020 Plan Commission Meeting.
Motion by TerBeest, seconded by Medema to approve the minutes of the August 19, 2020 Plan Commission meeting as presented. Motion carried, unanimously.
2. **PUBLIC HEARING – CONDITIONAL USE PERMIT** - Wind & Unwind Coffee & Wine House, 310 E Main St. Waupun.
Application to provide outside service under Section 11.12(4)(a) of the City of Waupun ordinance in a B-2 Central Business District subject to a Conditional Use Permit. Chairman Nickel read the call of the hearing and its purpose. Chairman Nickel said that the Council approved restrictions and guidelines for outdoor service, sidewalk café, and beer gardens with a license and in accordance with Chapter 11.12 of the City of Waupun Ordinance. She also noted that Jeff Collien, owner of Wind & Unwind at 310 E. Main St. applied for a Conditional Use Permit to allow tables and chairs on the sidewalk in front of his coffee and wine house business. The applicant nor anyone representing the applicant appeared to discuss his Conditional Use Permit Application.

A general discussion of the need for these type of services in Waupun outside certain businesses in the B-1, B-2, B-3, and B-4 Zoning districts was had. Chairman Nickel noted that the owner of the business to the east of Wind & Unwind Coffee and Wine House was not opposed to the outside service as long as it is not in the street. Daane referred to a business blocking off one parking stall in front of the street for a band. Lueck feels that Main Street in Waupun is a state highway and the state probably would not allow anything on its right of way except the parking of cars.

Lueck said he is in favor of outdoor service, sidewalk café, and beer gardens but the ordinance recently approved by the Council appears only to refer to licenses for those uses, but not for permits for these type of land uses under the City's Zoning Ordinance. He said he could not vote for this Conditional Use Permit tonight as the City Zoning Ordinance has not been amended to allow these type of uses in the B-1, B-2, B-3

& B-4 zoning districts under the Conditional Use Permit section at this time. He feel the City Attorney or the City Zoning Administrator should have filed an amendment to the Zoning Ordinance as soon as the Council approved the Chapter 11.12 amendment to the City Ordinance. As he understands this amendment may not be accomplished until late September. In addition, he noted that the business address on this Conditional Use Permit Application is 310 E. Main St., however, his site plan shows the tables and chairs extending on to property at 306 E Main St. (Club Fitness). Mr. Collien apparently owns both properties. Lueck questioned whether he meets the restriction for a sidewalk café as that ordinance requires that you derive more than 50% of your gross business revenue from the sale of food on that premises in the B-2 Zoning District. Does the property owner west of Club Fitness actually know that the outside café (6 tables and 12 chairs) are proposed to extend right up to his lot line.

No further facts or questions were entered into the record so Chairman Nickel closed the hearing and asked for a motion on the Conditional Use Permit Application.

Motion by Daane, seconded by Matoushek to grant the Conditional Use Permit for a sidewalk Café at 310 E. Main St. which is located in a B-2 Zoning District on the condition this use meets the restrictions, requirements, and guidelines of Chapter 11.12(5)(a) of the City Ordinance. We find that this Conditional Use Permit will not be detrimental to adjacent businesses, will be an appropriate use, will not create traffic hazards, will not hinder future development in the area, will not create undesirable levels of noise or light in the area and will allow property values to increase.

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

Lueck – Abstain

Motion carried 6-0-1

3. **Site Plan Review:** Municipal Well and Pump at 1212 Storbeck Dr.

Chairman Nickel briefly noted that Municipal Well and Pump is proposing a new storage building at 1212 Storbeck Dr.

Dale Pokorny representing Municipal Well & Pump appeared and discussed their plan for a 72' x 120' new storage building behind their parking lot. The structure will be used for storage of more trucks, pumps, etc. and give them a better area to load and unload vehicles and equipment. Daane had some questions on drainage around the area where the new building is to be located. Mr. Pokorny said they have had the drainage checked out by their engineers and it should be OK. Daane made reference to MSA checking this out. Lueck noted he had spoken to the owner of Horizon Construction across the street today and he was unaware of this new structure and didn't have any concerns if constructed at its proposed location

Chairman Nickel called for a motion to act on the site plan.

Motion by Matoushek, seconded by TerBeest to approve the site plan for Municipal Well & Pump for construction of a 72' x 120' storage building on their lot at 121 Storbeck Dr.

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

Motion carried, unanimously 7/0.

4. **ADJOURNMENT** Motion by Matoushek, seconded by TerBeest to adjourn the meeting. Motion carried, unanimously. Meeting adjourned at 5:09 pm.

Fred Lueck
Secretary

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that at a meeting of the Plan Commission of the City of Waupun, to be held via zoom on Wednesday, the 16th day of September, 2020 at 4:45 pm there will be considered an ordinance to amend Chapter 16 of the Municipal Code of the City of Waupun.

To join the zoom meeting:

<https://us02web.zoom.us/j/84950684453?pwd=dGZUOGIFQjBpMUIMN3FYNUkSIVNQOT09>

Meeting ID: 849 5068 4453

Passcode: 460427

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ORDINANCE # 20 - ____

AN ORDINANCE TO AMEND CHAPTER SIXTEEN OF THE MUNICIPAL CODE OF THE CITY OF WAUPUN ENTITLED "ZONING ORDINANCE."

THE COMMON COUNCIL OF THE CITY OF WAUPUN ORDAINS:

SECTION 1: 16.04(1) B-1 Business/Professional Office District (d) of the Waupun Municipal Code entitled "Conditional Uses" is amended to provide the following subsection:

- (iii) Outdoor premises as defined in Section 11.12 of the Waupun Municipal Code (Ord #20-06)

SECTION 2: Section 16.04(2) B-2 Central Business District (d) of the Municipal Code of the City of Waupun entitled "Conditional Uses" is amended to provide the following subsection:

- (xi) Outdoor premises as defined in Section 11.12 of the Waupun Municipal Code (Ord #20-06)

SECTION 3: Section 16.04(3) B-3 Shopping Center Business District (d) of the Municipal Code entitled "Conditional Uses" is amended to provide the following subsection:

- (vii) Outdoor premises as defined in Section 11.12 of the Waupun Municipal Code (Ord #20-06)

SECTION 4: Section 16.04(4) B-4 Interchange Business District (d) of the Municipal Code of the City of Waupun entitled "Conditional Uses" is amended to provide the following subsection:

- (iv) Outdoor premises as defined in Section 11.12 of the Waupun Municipal Code (Ord #20-06)

SECTION 5: All ordinances or portions of ordinances inconsistent with the provisions of this ordinance are repealed.

SECTION 6: This Ordinance shall be in full force and effect on its passage and publication as provided by law.

Enacted this ____ day of _____, 2020.

Julie J. Nickel
Mayor

ATTEST:

Angela Hull
City Clerk

PLEASE TAKE FURTHER NOTICE that the ordinance is on file in the office of the Zoning Administrator in the City Hall of the City of Waupun, Wisconsin and may be inspected during regular business hours.

PLEASE TAKE FURTHER NOTICE that all persons desiring to be heard on the proposed ordinance in support thereof or in opposition thereto, must appear at the said meeting of the Plan Commission of the City of Waupun.

Susan Leahy
Zoning Administrator
City of Waupun
(PUBLISH September 2, and September 9, 2020)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that at a meeting of the Plan Commission of the City of Waupun, to be held via zoom on Wednesday the 16th day of September, 2020 at 4:45 O'clock in the P.M., there will be considered the application for a Conditional Use Permit of:

1. Pat Stanton at 720 Beekman St. and 605 Beske St for a split two-family dwelling per section 16.03(2)(d)(iii) of the Waupun Municipal Code

The meeting will be held via zoom.

To join the zoom meeting:

<https://us02web.zoom.us/j/84950684453?pwd=dGZUOGIFQjBpMUIMN3FYNUkSIVNQT09>

Meeting ID: 849 5068 4453

Passcode: 460427

Telephone: 1 312 626 6799 US (Chicago)

PLEASE TAKE FURTHER NOTICE that all persons desiring to be heard on the proposed Conditional Use in support thereof or in opposition thereto, must contact the Zoning Administrator prior to said meeting of the Plan Commission of the City of Waupun.

Dated this 27th day of August, 2020

Susan Leahy
Zoning Administrator
City of Waupun

(PUBLISH September 9, 2020)

Fee: \$150.00 Paid: \$150.00 Date: August 26, 2020



CITY OF WAUPUN
201 E. Main Street
WAUPUN, WISCONSIN 53963

Conditional Use Permit Application

Applicant Name: Pat Stanton Phone #920-346-2517

Address: N4982 Liner Road E-mail:

City, State, Zip Brandon, WI 53919

Property Description and address:

720 Beekman Street & 605 Beske Street

Conditional Use Requested:

Zero Lot Line

Zoning Ordinance Section Involved:

16.03(2)(d)(iii) - Split Two-Family

Date Presented to Plan Commission:

CONDITIONAL USE: ☐ Granted ☐ Denied

Comments:

Signature of Applicant (s)

Pat Stanton

RESTRICTIVE COVENANTS

Document Number:

Return Address: Vande Zande & Kaufman, LLP
408 East Main Street
P.O. Box 430
Waupun, WI 53963
(920) 324-2951
dan@vklaw.us

Parcel ID Number: see attached Exhibits "A" and "B"

**DECLARATION OF RESTRICTIVE COVENANTS APPLICABLE TO
ZERO LOT LINE CONDITIONAL USE**

THIS AGREEMENT, is made between Barbara M. Fenske ("Ms. Fenske") and Stanton & Son LLC, a Wisconsin limited liability company ("The Company"), as the Owners of a Split Two-Family Dwelling as defined by the Waupun Municipal Code. Ms. Fenske and the Company may be collectively identified here as "the parties."

Ms. Fenske has on this date acquired title to real estate located in Fond du Lac County which is more particularly described on the attached Exhibit "A," and which may be identified here as "the Fenske property." The Company currently holds title to real estate which adjoins the Fenske property on the west, which is more particularly described on the attached Exhibit "B," and which may be identified here as "the Stanton property."

The parties wish to make the following restrictive covenants with regard to both the Fenske property and the Stanton property, and they wish to set forth their various rights and responsibilities with respect to the matters identified here.

cost of restoration, and shall have an easement with respect to the adjoining lot and living unit for purposes of making such restoration.

5. Weatherproofing. Notwithstanding any other provision contained here, if any repair or restoration of a party wall is made necessary by the negligent or willful act of any party, or that party's agent, employee or guest, that party shall bear the entire cost of such repair or restoration.

6. Encroachment. If any portion of a living unit shall actually encroach on the adjoining lot, or if any such encroachment shall in the future occur because of settling or shifting of the building or any other cause, there shall be deemed to be an easement in favor of the party that owns the encroaching living unit to the extent of the encroachment so long as it shall continue to exist.

7. Contractor's Liens. Each of the parties agree to indemnify and hold harmless the party owning the adjoining unit for any contractor's liens arising from the work done or materials supplied to make repairs or replacements for which the defaulting party is responsible.

8. Insurance. Each of the parties shall maintain fire and extended coverage insurance on that party's living unit in the amount of the full replacement cost, and shall, in the event of damage to or destruction of the living unit, restore it to the condition in which it was prior to the damage or destruction.

9. Maintenance. The parties shall each maintain their own lot and the exterior of their living unit in good condition and repair and in a clean and neat condition, excepting only reasonable wear.

all of the terms and provisions of these Restrictive Covenants. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

14. Severability. Invalidation of any of these Restrictive Covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

15. Amendments. These Restrictive Covenants may be amended only by an instrument executed by all legal owners and the City of Waupun, being in unanimous agreement to change such Restrictive Covenants in whole or part.

16. Indemnification. Although these Restrictive Covenants were made a condition of a zoning and/or conditional use approval by the City of Waupun, each of the parties, and those all who may claim under them, indemnify and hold harmless the City of Waupun, and all who act under the City of Waupun, with respect to any and all liability or claims with regard to these Restrictive Covenants, of any kind whatsoever.

17. Binding Agreement. These Restrictive Covenants shall run with the land and shall be binding on each of the parties and all persons claiming under them in perpetuity. The provisions of these Restrictive Covenants shall bind each of the parties, together with their respective heirs, personal representatives, successors and assigns.

18. Recording. These Restrictive Covenants shall be recorded with the Register of Deeds for Fond du Lac County, Wisconsin, in order to give public notice of these terms.

Dated this ____ day of _____, 2020.

Stanton & Son LLC

By: _____
Patrick Stanton
Authorized Agent

STATE OF WISCONSIN)
):
FOND DU LAC COUNTY)

Patrick Stanton, as authorized agent of the Stanton & Son LLC, a Wisconsin limited liability company, personally appeared before me on this date, to me known to be the person who executed these Restrictive Covenants and acknowledged the same.

Daniel L. Vande Zande
Notary Public, Wisconsin
My Commission is permanent.

These Restrictive Covenants were drafted by Attorney Daniel L. Vande Zande

EXHIBIT "B"

STANTON PROPERTY DESCRIPTION

[Insert Property Description Here]

Property Address:

Tax Parcel Number:

CERTIFIED SURVEY MAP NO. _____

For Stanton & Son LLC

Being a Re-Division of Lot 31 of Wooden Hills,

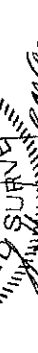
Except the East 2 Feet; Located in the SE1/4-NE1/4 of Section 31,

T14N-R15E, City of Waupun, Fond du Lac County, Wisconsin

LEGEND

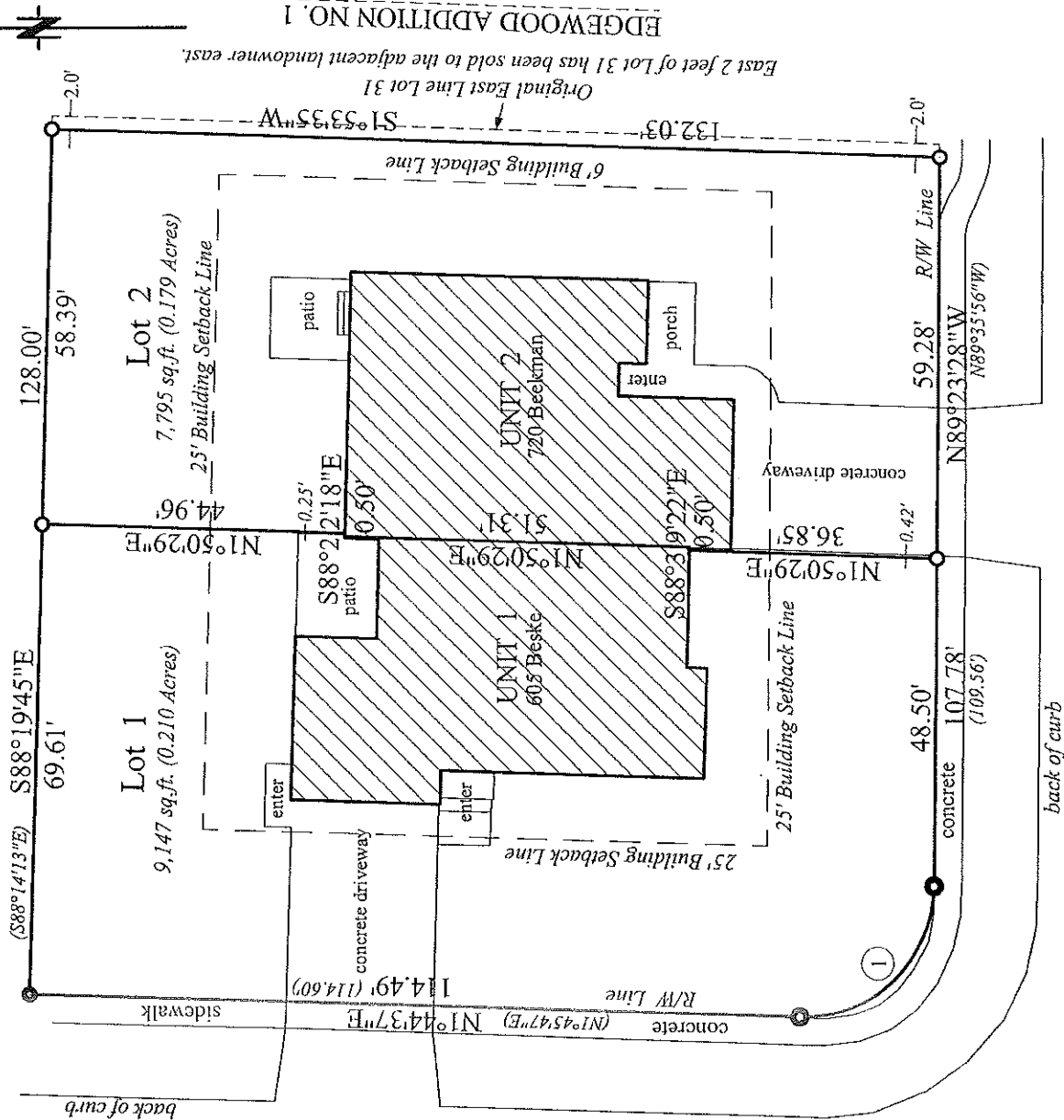
- 2" Iron Pipe Found
- 1" Iron Pipe Found
- Set 0.75"x 18" rebar weighing 1.5 lbs. per lineal foot w/orange plastic ID cap

MISSOURI
RICH J.
LEAVER
S-1492
BEAVER DAM
WI
LAND SURVEYOR



The line between Units 1 and 2 is the center of the 9.6 inch common firewall between the 2 units. There are 0.50 foot jogs in the dividing line to clear the concrete patio on the north by 0.25' and the concrete driveway on the south by 0.42'. Bearings are referenced to the Fond du Lac County Coordinate System, with a bearing of N1°44'37"E on the east right-of-way line of Beske Street. Previously recorded bearings and/or distances are indicated in parentheses.

Lot 30 WOODLAND HILLS



BESKE ST
(platted at 66')

BEEKMAN ST
(platted at 66')

CURVE TABLE

| Reference | Curve | Bearing | Chord | Radius |
|-----------|----------|-----------------|----------|----------|
| 1 | 31.03' | N43°49'25"W | 27.86' | 19.51' |
| | (31.89') | (N43°55'04.5"W) | (28.62') | (20.00') |



CERTIFIED SURVEY MAP NO. _____

For Stanton & Son LLC
Being a Re-Division of Lot 31 of Wooden Hills,
Except the East 2 Feet; Located in the SE1/4-NE1/4 of Section 31,
T14N-R15E, City of Waupun, Fond du Lac County, Wisconsin


SURVEYOR'S CERTIFICATE

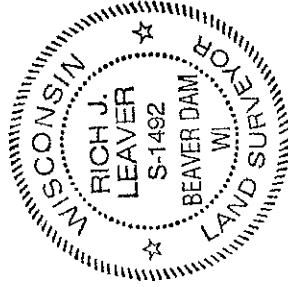
I, Rich J. Leaver, Wisconsin Licensed Land Surveyor, hereby certify that I have surveyed, divided and mapped a parcel of land by the direction of Patrick Stanton, representing the owner. This parcel is described and located as indicated above, and more particularly described as the following:

Being a Re-Division of Lot 31 of Wooden Hills, except the East 2 feet, located in the SE1/4-NE1/4 of Section 31, T14N-R15E, City of Waupun, Fond du Lac County, Wisconsin.

The above described parcel contains 16,942 square feet (0.389 acres) of land, and is subject to all easements, including utility easements and restrictions, either recorded or unrecorded, if any. This parcel shall also comply with the restrictive covenants applicable to zero (0) lot line conditional use for the City of Waupun, Wisconsin.

I further certify that the information contained herein is a correct representation of the boundaries of the land surveyed, divided and mapped, and that I have fully complied with the provisions of Chapter 236.34 of the revised Wisconsin State Statutes, and the subdivision ordinances of the City of Waupun in surveying and mapping the same, to the best of my knowledge and belief.


Rich J. Leaver, WI LS-1492
Leaver Land Surveying LLC
W8871 Gossfeld Ln.
Beaver Dam, WI 53916
920-887-2401



Owner of Record
Stanton & Son LLC
N4982 Liner Rd.
Brandon, WI 53919

CITY OF WAUPUN CERTIFICATE

Approved by the City of Waupun this _____ day of _____ 2020,

Julie Nickel, Mayor

Angela Hull, City Clerk/Treasurer and
Director of Human Resources