

Village of Weston, Wisconsin
OFFICIAL PROCEEDINGS OF THE PLAN COMMISSION

held on Monday, March 9, 2020, at 6:00 p.m., in the Board Room, at the Municipal Center

AGENDA ITEMS.

- 1. Meeting called to order by Plan Commission (PC) Chair & Trustee Mark Maloney.**
- 2. Meeting called to order by Extraterritorial Zoning (ETZ) Committee Chair Loren White.**
- 3. Roll Call of Village PC by Secretary Parker.**

Roll call indicated 7 Plan Commission members present.

<u>Member</u>	<u>Present</u>
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

- 4. Roll Call of Joint Village & Town of Weston ETZ Committee by Secretary Parker.**

Roll call indicated 5 ETZ members present.

<u>Member</u>	<u>Present</u>
White, Loren	YES
Hull, Mark	YES
Christiansen, Randy	YES
Guerndt, Gary	YES
Meinel, Steve	YES
Olson, Milt	NO - Excused

Village Staff in attendance: Donner, Higgins, Wodalski, Wheaton, Tatro, Chartrand, and Parker.

There were about 5 people in the audience.

- 5. Approval of minutes from the January 13, 2020 – Regular PC meeting**

Motion by Sparks, second by White: to approve the January 13, 2020, Regular PC Meeting minutes.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting:0 Result: PASS

<u>Member</u>	<u>Voting</u>
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

6. Approval of minutes from the October 14, 2019 – Regular ETZ meeting

Motion by Hull, second by Guerndt: to approve the October 14, 2019, Regular ETZ Meeting minutes.

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Hull, Mark	YES
Christiansen, Randy	YES
Guerndt, Gary	YES
Meinel, Steve	YES
Olson, Milt	---

COMMUNICATIONS

7. Opportunity for citizens to be heard.

None.

8. Written communications received.

None.

UNFINISHED BUSINESS

9. Unfinished Business – Discussion and possible recommendation to the BOT on the petition to vacate an unimproved portion of the Dominika Street right-of-way laying south of Mary Lane. (PC)

Joe Muzynoski, 5803 Mary Lane was present.

Donner stated this topic is outlined in the packet, which dates back to 2018, when Muzynoski was made aware that his house does not comply with the minimum required setbacks. He explained the sentiment of Plan Commission was to not vacate Dominika Street in its entirety. He explained some of the options we had looked at.

Donner explained staff looked at the Wandering Springs West Plat from 1999 to confirm access to property to the south from west and east sides. This plat includes Outlot 1, which consists of two outlots, a small triangle on the southeast corner, and a larger lot on the southwest corner. The Plat notes Outlot 1 is set aside for future possible street extensions. Donner referred to a legal article in the packet by Claire Silverman in the League of Municipalities Newsletter, stating that staff is looking at whether these constitute a dedication. Donner stated he received an opinion from Attorney Yde that confirms since these outlots are common law dedications, these lands would be held for public uses.

Donner stated last Thursday, he met with Muzynoski and Budleski. Donner stated Budleski followed up with a phone call today stating that he agrees that he intended for these outlots to be dedicated as public street. The problem is that a CSM was created in 1999 and again in 2002, when land was conveyed to Joe Buska. The west 33' of Outlot 1 in the southeast was included in the CSM that created that parcel. We want to be sure we have that entire right-of-way that was intended to be dedicated as part of this plat, reconfigured and explicitly dedicated before the Plan Commission decides whether to consider vacating that piece of Dominika Street.

Maloney questioned if we would still be using part of the Dominika Street right-of-way for public utilities and a public path. Donner stated first we need to be sure Outlot 1, on both corners of this plat, are available and would be public right-of-way for access to the property to the south. Donner stated if this is satisfied, then staff would recommend to PC to vacate all or part of Dominika Street right-of-way to the south.

Donner stated he has had some e-mail exchanges from Attorney Paul Duerst, of County Land & Title (attached). Duerst stated to Donner that he would need to follow up with Buska to get Buska's approval to

release a copy of his title policy, as we need to receive verification from Buska that he is not claiming ownership of the 33 feet of Outlot 1 land, or that Duerst is making good on the fact that the 33-feet of outlot land should not have been conveyed to Buska (to the property Buska bought from Mitch King). Meinel explained Mitch King signed a deed that was prepared by Duerst, with his title policy, who did the closing. Meinel stated it appears Duerst mistakenly included this 33 feet of outlot land.

Meinel questioned if Duerst or Yde indicated if we could just re-record the deed with the correct legal description? Donner stated when he spoke to Buska, Buska intended for that to remain right-of-way. Donner does not know if there was any exchange of compensation of that land. However, that would have to be worked out between County Land & Title and Joe Buska.

Donner stated there is no ultimate resolution at this time. The question to the Plan Commission is once we satisfy the access to south, whether PC would recommend to the Board of Trustees to hold a public hearing to hear whether to vacate all or part of Dominika Street, south of Mary Lane.

Guerndt questioned if there would still be an issue with the length for a future proposed road, with no outlet. Donner stated this is something that would be non-conformance with the code. Guerndt stated there are driveways coming down Old Costa Lane and the outlot along the west side is vacant.

White stated are still a few things up in the air. He has a hard time recommending if we do not know right now if those two parcels (Outlot 1) can be used. Donner state we are recommending to defer this until the right-of-way issue is resolved. Donner explained the law states that during the public hearing, if anyone objects to the vacation, the Board of Trustees could not take action to vacate, and would have to keep the right-of-way as is.

Maloney stated this will stay on the agenda until we can get a recommendation to the Board.

Gary Barnett, represents the 33 acres to the south. He stated it has been 2 years now and he would like to get this settled.

Motion by Sparks, second by White: to recommend deferring action to forward a resolution to vacate the east half of Dominika Street until after Outlot 1, as configured on the Plat of Wandering Springs West is explicitly dedicated to the Village to assure access to the south. Question – Gau questioned the way motion is read, it states if we have resolved the outlots, we will consider dedicating half the street, which is against the subdivision ordinance.

Sparks amended his motion to state he recommends deferring action to forward a resolution regarding Dominika Street, until Outlot 1 is configured on the plat of Wandering Springs West is explicitly dedicated to the Village to assure access to the south. White restated his second to the motion.

Meinel questioned if a portion of Dominika Street is vacated, if Muzynoski's house will be conforming to setbacks. Higgins stated he needs about 16 feet. Higgins stated the current setback minimum is 20 feet, so Muzynoski's house is encroaching by 14.5 feet into the setbacks for the right-of-way. Donner stated his garage would be 5.5 feet from right-of-way. Wodalski stated typically, there is about 16 feet from back of curb to the right-of-way.

Motion carried.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting:0 Result: PASS

<u>Member</u>	<u>Voting</u>
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	YES

Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

Meinel confirmed the plat has been recorded, which gives the Village the common law right to the outlots. He feels what happens between Buska and Duerst does not matter, other than the fact that Budleski was still involved in the ownership of those lots, and he did not transfer those to the Village. He feels the common law rights allows us to run the road. Higgins stated these need to be dedicated, as when you look at a map, you can't tell, and this can happen again later. She stated there will be costs for a CSM and it will come down to who is responsible to pay that. Higgins stated there are several of these older plats where outlots have become issues. She stated we have stormwater ponds that are outlots which should have been dedicated to the Village. Donner stated we need to be sure outlots for street extensions are specified to be what they are for and dedicated to the Village at the time.

Barnett questioned if it is possible to placate everybody to reconfigure the garage on the property. Higgins stated we could shift the road within the road right of way so the road right of way required could be less.

REVIEW OF REZONING & CONDITIONAL USE PERMIT PETITIONS

10. Public Hearing – Discussion and recommendation to the Board of Trustees (BOT) on Adoption of 2020 Official Zoning Map and Official Extraterritorial Zoning Map for the Village of Weston (PC & ETZ).

a. Open Public Hearing.

Maloney opened the public hearing at 6:24 p.m.

b. Presentation by Staff.

Higgins stated at the beginning of each year, we adopt the official zoning map, which gives us a starting point and historical snapshot for the year. This is something the previous County Zoning Administrator suggested we do annually.

c. Public Hearing/Public Comment Period.

None.

d. Close Public Hearing.

Maloney closed the public hearing at 6:26 p.m.

e. Discussion by Plan Commission and ETZ Members.

None.

f. Recommendation from Staff.

Higgins stated staff recommends approval.

g. Action and Recommendation to the BOT by Plan Commission.

Motion by White, second by Meinel: to recommend to the Board of Trustees on Adoption of 2020 Official Zoning Map and Official Extraterritorial Zoning Map for the Village of Weston.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	YES

Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

h. Action and Recommendation to the BOT by ETZ Committee.

Motion by Guerndt, second by Meinel: to recommend to the Board of Trustees on Adoption of 2020 Official Zoning Map and Official Extraterritorial Zoning Map for the Village of Weston.

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Hull, Mark	YES
Christiansen, Randy	YES
Guerndt, Gary	YES
Meinel, Steve	YES
Olson, Milt	---

11. Public Hearing – Discussion and recommendation to the Board of Trustees (BOT) on an amendment to Chapter 94 Zoning, Figure 5.01(1) Rural, Open Space, and Residential District Lot Dimensions and Intensity Standards in regards to decreasing the minimum lot area required per dwelling unit in a MF (Multiple Family Residential) Zoning District and Figure 5.01(2) Rural, Open Space and Residential District Setback and Height Standards in regards to increasing the maximum building height in a MF (Multiple Family Residential) Zoning District.

a. Open Public Hearing.

Maloney opened the public hearing at 6:28 p.m.

b. Presentation by Staff.

Higgins stated this is a recommendation that came out of the housing assessment report that the RPC did for the Village late last year. One recommendation was to modify the zoning to encourage higher density housing. She stated we do have an infill project at the old Kennedy Park nursing home that this will help them with their masterplan of that development. Currently we are at 3,000 square feet per dwelling unit. Higgins talked to Mark Roffers for his suggestions, and these changes were his suggestions. The proposed drops this down to 1,600 square feet per dwelling unit for a studio; and then for each bedroom, you would add 400 square feet (amounting to 2,000 square feet per dwelling unit for 1 bedroom). Roffers suggested changing the story from 3 to 4, which then requires the height adjustment. She stated that Roffers told her that developers are now going up to 4 stories because it allows wood construction yet and they do not have to use the steel beam construction. Higgins stated we met with a developer today looking at a 5-story building over by the hospital, which we think as staff we may want to create an overlay district over there for that type of development, as we would want higher around the interchange. She stated for infill developments, we would not want to go that high. She stated with costs getting more expensive for land, people are going to want to go up. Higgins stated Roffers told her Villages of our size are going this route with multi-family density.

Guerndt questioned if this would incorporate mixed uses also? Higgins stated this is just related to the multi-family zoning district so any uses allowed in the MF district would be incorporated.

Maloney questioned if elevators are mandated in multi-family. Tatro stated if the public comes in, then yes. Tatro believes they are required.

c. Public Hearing/Public Comment Period.

None.

d. Close Public Hearing.

Maloney closed the public hearing at 6:32 p.m.

e. Discussion by Plan Commission and ETZ Members.

Meinel stated in the past few months, there were four parcels that came up, where the neighborhoods came out and questioned the density. He questioned by changing this, are we changing all the properties then to allow the increase in the density? He referred to the Swiderski Development on Callon Avenue, and questioned if there is a different way to doing this that would allow some townhouses, which would require the increased density, but not do this blanket-wide through the Village. Higgins stated we used to have the MF-3 and MF-4 that were based on number of units. Higgins stated the whole idea with the new zoning code was so we would not have so many different residential districts. She explained there are different standards based on how big the development is and how many units are there. These standards require those to have more amenities. Meinel stated with the Swiderski development that has submitted their site plan, if this gets approved, and they then change their planned density, the neighborhood will not know. Higgins stated anything the Plan Commission approves affects all the properties. Higgins stated there is no way to pick and choose unless doing some kind of an overlay. Gau stated the only way to look at certain things is through overlay districts. Gau stated if we pass this, staff needs to take a look at what this does to all of our multifamily districts. Gau feels we should take a look at overlay districts. Higgins stated we are looking at a Planned Unit Development (PUD), which allows an increase in density by having more amenities. She stated however, our standards are already pretty high, so there is no trade off. Meinel and Gau would like to see more information and to see how it affects the entire Village. Gau stated there are areas in the Village where we would want to see this, but does not agree with blanket change.

Guerndt brought up past discussions on where the costs for many of the projects are right now. It is very difficult to come into budget. He commented on how staff says we need to fill the gap with rents, but the gap of rents does not come with the high standards that they are put under, with the requirements of the landscaping, etc. He agrees there should be some kind of an overlay. Guerndt stated there is a challenge with keeping a project within budget and keeping the rent down. Guerndt stated if we do look at something like this, we may need to then lighten up on some other areas.

Maloney questioned to Meinel if he thinks the neighborhood concern was due to the density or to change. Meinel stated his concern is that we specifically addressed the density of this development to the neighborhood, and now we will be making a blanket change for the whole Village.

Guerndt questioned how the rest of the Commission feels. Maloney stated he agrees with the comments, but the fact is we are short on housing. Maloney commented on how people now are more transient and do not want to own a home. Guerndt commented people are concerned that \$600-\$800 rents will bring trouble.

Sparks commented he agrees, when thinking of buffer zones, and questioned how would we structure this? He agrees a builder has to make it more affordable to build, and you need enough density to make it worthwhile for that missing middle. When you have large open land, it is easier to design, but when working with these smaller parcels, and making it fair to citizens and developers, would we need to incorporate into our plan, duplexes, then smaller multi-family developments before the larger ones. He questioned how do you conceptually put this on a map, and how do you account for those 120-acre parcels that has never been developed compared to these 5 acre parcels.

Meinel questioned how other communities are doing this. He questioned if lot size could be used as a requirement. If you have a 2-acre parcel surrounded by single-family residences, it should not have this high of a density.

Higgins stated will only have those issues in the old areas like on Willow Street. She stated later when we discuss the Weston Avenue corridor plan, or other corridor plans, this is being incorporated in there. She stated in the case today, where staff talked to someone who is interested in a 40-acre piece of land, talking about apartments and looking at rowhouses or townhouses. She stated along the highway, you could look at multifamily, leading to duplexes, and then leading to single-family. She discussed the trend of duplexes that look like single-family houses.

Higgins stated how we have no multifamily zoned vacant property available to develop except the ones PC recently reviewed. Nothing is zoned MF. The only MF to come through are those rezoned by PC. Higgins explained how the last time the Future Land Use Map was approved, staff was instructed only what is currently MF will remain, and no more MF is allowed to be added. The negative mindset for Multi-family seems to be changing and it will be readdressed in our update to the housing and future land use chapters of the Comprehensive Plan. She stated right now we have an infill lot that it makes sense to have more density. We are trying to chip away at the recommendations of the recent audit and housing report.

White stated when looking at our map of the Village on the west end, those lots are small lots, and the further east you go they get bigger. We have to consider some pieces of land here that people can't sell because it is too expensive to put in sewer and water, the expense is more feasible when you can have more dense development.

Maloney feels Rollie Lokre and Mark Roffers are trying to create a vibe, making this community more pedestrian and bicycle friendly.

Jordan stated to determine what an overlay district on a map would look like. He gave an example of Lokre's apartments. Guernndt agrees that if Lokre needs more apartments than what is allowed, he will vacate the project, and the property will just sit there.

Gau is fascinated and understands what we are trying to do. He is torn as he hears citizens' concerns. Jordan stated Roffers is trying to make something with what we have. Maloney feels the citizens' concerns were due to change, not density.

Hull stated the multifamily ordinances were substantially revised in the last revision to the ordinance. They used to be in these slotted numbers by units (primarily for State code), but realistically were similar. Hull stated Roffers revisions went away from the old code and the new code is more for making the costs work. Hull suggested that everyone know what the new code states, where it is based on number of units. He pointed out the new code puts higher standards on developments based on the number of units. It will become cost prohibitive to put in a bunch studio apartments, where this gives the flexibility when they start designing and looking at a floor plan, and they say they can't get another full-sized 3-bedroom, when looking at setbacks. This allows the flexibility within the footprint. Looking at making sure everyone understands how the multifamily ordinance was changed, which may eliminate some questions. The other thing he suggests is we should look again and make sure the setbacks on taller buildings are being looked at. He gave the example of currently side setback is 8 feet, and what would happen if you have a 4-story building 8 feet from the property line. This could be an issue of life safety.

White commented with regards to having access to daylight, our ordinance provides for energy (solar), etc.

Sparks commented how we are planning for the future and what his preference is now, may not be the preference of what the millennials will want. He pointed out the typical NYMBY response, and how we can't get caught up in those comments. Housing study shows we need to find that gap, and we have to be responsive to the next generation.

Christiansen stated he has 2 – 3 acre lots next to him, where those people can't maintain the lots (mowing). Having 1 acre lots are better. Also easily developable land, left in the Village and Town, you need to use it all, as far as there being a lot of wetland in the area, we need to use all the good land that we have.

Guerndt commented how the current members here like privacy, but the needs of our children are different.

f. Recommendation from Staff.

Higgins stated staff recommends approval.

g. Action and Recommendation to the BOT by Plan Commission.

Motion by White, second by Jordan: to recommend to the Board of Trustees an amendment to Chapter 94 Zoning. Question: Gau stated listening to Hulls comments, he recalls when working for DeForest, they had the same discussion.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

h. Action and Recommendation to the BOT by ETZ Committee.

Motion by Guerndt, second by White: to recommend to the Board of Trustees an amendment to Chapter 94 Zoning.

Yes Vote: 3 No Votes: 2 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Hull, Mark	NO
Christiansen, Randy	NO
Guerndt, Gary	YES
Meinel, Steve	YES
Olson, Milt	---

NEW BUSINESS

12. Weston Avenue Corridor Plan Project.

a. Workorder and Scope of Services.

Donner stated the idea of a Weston Avenue corridor plan was discussed a number of months ago, as we went through the discussion on the Transport Way extension to Weston Avenue. This should be looked at more holistically as it will be a critical corridor and for transportation going forward. We have agreed to proceed with Mark Roffers to move forward with this plan. Donner stated the Village Board has adopted this and is just an informational item.

b. Meeting and Milestones.

Higgins stated page 59 details the planned meetings and milestones. She stated Roffers will meet with staff in April. This will come to PC at their May meeting. She stated in April will come up with a list of property owners

along Weston Avenue for Roffers to interview. The plan is to formally adopt this plan in February or March of 2021. The public informational meeting is scheduled for late October/November.

STAFF REPORTS

13. Acknowledge Report re: January & February 2020 Staff-Approved Certified Survey Maps and Site Plans.

Motion by Gau, second by Sparks to acknowledge item #13.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

14. Acknowledge Report re: January & February 2020 Building Permits.

Motion by Sparks, second by Guerndt to acknowledge item #14.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

15. Acknowledge Report re: January & February 2020 New Business Occupancy Permit Issuance.

Motion by Gau, second by Jordan to acknowledge item #15.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
Maloney, Mark	YES
Sparks, Wally	YES
Gau, Duane	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Meinel, Steve	YES
White, Loren	YES

16. Update on 2020 Project/Tasks for Plan Commission.

Higgins stated this is a standing agenda item where she updates Plan Commission on projects to come or that are related to PC. Two things to note on the commercial activity, in TIF 2, she just received preliminary plans for the Markovich outlot by Pizza Ranch. This would be a 3-tenant building, facing west, and the Metro Animal Hospital is coming back. Their new architect, Ellis Stone, is working on plans.

Maloney questioned the term “stalled” in #4, whether it should be used, as this project won’t come back anymore. Higgins stated different project could come. Maloney feels we should not use “Camp Phillips Centre” for any future project here, as it would be confusing. Sparks stated this project is dead, and if something else comes up there, it should have a different project name. Maloney feels we should not use the term “stalled”.

Higgins stated the RFP for signs was released, but have not received proposals yet. Maloney was referring to concerns of property owners for existing signs.

MISCELLANEOUS

17. Next meeting date

a. Tuesday, March 10, 2020 @ 5pm – Special Joint Meeting with CDA & BOT.

Gau and Jordan will not be present. White stated he has an earlier meeting, and may not get done by the time this meeting starts.

b. Monday, April 13, 2020 @ 6pm – Regular Meeting.

18. Future Meeting Topics

a. Continued discussion of needed amendments to Chapter 94 Zoning.

i. Chapter 94, Article 13, Signs

Maloney stated Rollie Lokre contacted him. He stated with the snowbanks, you can’t see the sign. He took calls from other businesses about wanting to use or change their sign (Klasinski Insurance and Graphics Plus). He wonders if we are not doing justice to businesses with our sign code (referring to the height versus setback requirement) when you can’t see their signs.

Higgins stated our previous code was more restrictive. There are ways in our new code that allows businesses to come to Plan Commission to get a special exception. Higgins stated Wheaton put together a comparison, which shows our new code is less restrictive.

Wheaton explained that she got into an agreement with Kevin Klasinski and what he can do for his sign, but he has not pulled a permit yet.

Sparks stated he took a call from Rich Bartig, of Graphics Plus about his sign. Sparks stated he asked Bartig to call staff. Higgins stated she has not taken a call from him. Maloney asked Wheaton if she could reach out to Bartig and discuss the sign code and find out what he needs.

b. Chapter 14 Ordinance Amendment re: Addressing Flag Signs.

Higgins stated this is being done as part of Tatro making changes to Chapter 14, building regulations, where the addressing is. Maloney confirmed only regarding existing signs. Maloney stated he would be open to the blue reflective signs.

c. Schofield Avenue Corridor Plan Adoption

Higgins stated this is still coming.

19. Remarks from Staff, Committee, and Commission Members.

None.

ADJOURNMENT

20. Adjournment of ETZ.

Motion by Hull, Second by Christiansen: to adjourn at 7:24 p.m.

21. Adjournment of PC

Motion by Gau, Second by Guerndt: to adjourn at 7:24 p.m.

Mark Maloney, Plan Commission Chair and Trustee
Jennifer Higgins, Director of Planning & Development
Valerie Parker, Recording Secretary

Valerie Parker

Subject: FW: Wandering Springs West Plat and Outlot 1

From: Keith Donner <kdonner@westonwi.gov>
Sent: Monday, March 9, 2020 6:00 PM
To: Plan Commission <plancommission@westonwi.gov>; PlanDev <plandev@westonwi.gov>
Subject: FW: Wandering Springs West Plat and Outlot 1

FYI

From: Paul Duerst <PDuerst@title-pros.com>
Sent: Monday, March 9, 2020 5:22 PM
To: Keith Donner <kdonner@westonwi.gov>
Subject: RE: Wandering Springs West Plat and Outlot 1

Sure. I'll reach out to him. Thanks.

From: Keith Donner <kdonner@westonwi.gov>
Sent: Monday, March 9, 2020 5:21 PM
To: Paul Duerst <PDuerst@title-pros.com>
Subject: RE: Wandering Springs West Plat and Outlot 1

OK. Is that something you will follow up on with Joe?

Keith

From: Paul Duerst <PDuerst@title-pros.com>
Sent: Monday, March 9, 2020 5:10 PM
To: Keith Donner <kdonner@westonwi.gov>
Subject: RE: Wandering Springs West Plat and Outlot 1

Keith:

It's not referenced in the Deed. Since that is in the file, I would need to review that with Mr. Buska, and get his approval to release a copy of his title policy.

From: Keith Donner <kdonner@westonwi.gov>
Sent: Monday, March 9, 2020 5:04 PM
To: Paul Duerst <PDuerst@title-pros.com>
Subject: RE: Wandering Springs West Plat and Outlot 1

Thanks Paul. Where in the 2002 Warranty Deed is the reference to Gold Key Investments' ownership interest?

Keith

From: Paul Duerst <PDuerst@title-pros.com>
Sent: Monday, March 9, 2020 4:57 PM
To: Keith Donner <kdonner@westonwi.gov>
Subject: RE: Wandering Springs West Plat and Outlot 1

Keith:

I have taken a look at the attachments that you have provided, and this email.

The 2002 Warranty Deed did transfer title to Lot One (1) of CSM No. 11013 to Joseph Buska Jr. This Warranty also included the West 33 feet of Outlot One (1) of Wandering Springs West Addition, but per the chain of title the Grantor, Mitch King, did not have title to this West 33 feet. Title to the West 33 feet was vested in Gold Key Investments, Inc. In fact per the tax bill Gold Key Investments, Inc. still holds title to Outlot 1 in Block 5 of Wandering Springs West Addition.

This possible ownership interest of Gold Key Investments, Inc. was noted at the time of the conveyance, as well the fact that the Plat of Wandering Springs contained the notation that Outlots "...shown hereon reserved for possible street extensions."

Please let me know if you'd like to discuss this further.

Regards,

Paul

From: Keith Donner <kdonner@westonwi.gov>
Sent: Friday, March 6, 2020 8:38 AM
To: Paul Duerst <PDuerst@title-pros.com>
Subject: Wandering Springs West Plat and Outlot 1

Hi Paul:

I left a message yesterday. As we have other issues which take us off of specific issues only to return to them at a later time, this question about the Wandering Springs West Plat and Outlot 1 remains unresolved.

I spoke to Joe Buska a couple of weeks ago and he had recollection of creating the lot that now exists at the southwest corner of the Wandering Springs West Plat.

What I did not obtain clarification on from you is an issue regarding the deed created in 2002 combining the west 33 feet of Outlot 1 with the lot created by Chester Nowaczyk in 1980 (copy attached). At the time this deed was created, Outlot 1 (the southwest corner of the Wandering Springs West Plat) was (or should have been) owned by Stan Budleski as part of the plat or whatever company name he may have been using at the time because Wandering Springs West was platted in 1999. The transfer of 33 feet from the west side of Outlot 1 should have involved a transaction between Budleski and Buska, not King and Buska, unless something else happened.

In the end what the Village is asking for is to have Outlot 1 (actually 2 lots at the southeast and southwest corners of the plat) explicitly dedicated in their entirety as platted for public R.O.W.

Joe Buska indicates his intention was to have property for R.O.W. but, it is unclear to me whether he paid anything to anyone for the 33 foot strip of Outlot 1 now combined with his lot.

I finally came to this question after looking at the 2002 deed recently and realizing the west 33 feet of Outlot 1 should not have been Mitch King's to sell.

My earlier correspondence with you was simply to gain perspective as to whether the note on the plat related to Outlot 1 was/is a dedication. If so, it should not have been conveyed to Buska's Outlot either. If the 33 feet is something Buska paid for though, he could request compensation I would think.

We need to get this cleared up as it affects access to the property to the south and another issue with a nonconforming setback on the R.O.W. for the piece of Dominika street south of Mary Lane. We are talking about a proposal to vacate all or part of this south piece of Dominika at our Plan Commission meeting on Monday, March

9. Village staff does not want to vacate all of Dominika but, would support doing so as long as Outlot(s) 1 of Wandering Springs West have been explicitly dedicated for access to the south.

Please call or e-mail questions and to discuss.

Keith

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