

# Memo

To: Village Board

Fr: Tracy Flucke, Administrator

Re: Request to Begin Work on Project Prior to Finalization of Certified Survey Map for 289 East St Joseph Street

Date: October 10, 2013

The PDD for 289 W. St Joseph was approved July 17<sup>th</sup> 2012 and the Certified Survey Map was approved September 4, 2012.

Recently the surveyor brought the CSM to the village for signatures. Upon review it was noticed that the CSM did not match the one that was approved in September of 2012. Staff then completed some additional research and it was determined that the developer did not address the walkway issue as required thru the PDD process.

Attached for your information are the original PDD approval minutes. I have also attached a copy of the certified survey approval minutes and the original CSM which was approved.

The CSM which was recently received for signatures is also attached. Upon noticing the concerns with the new CSM staff spoke with the village attorney to determine what the path forward for approval should be. Dennis recommended:

“In follow up to our telephone conversation I have had an opportunity to review the CSM that was originally approved by the Village Board, the East St. Joseph PDD approval and the new CSM submitted by Mr. Macco for the PDD. I find that the new CSM is materially different from the CSM that was approved by the Village Board regarding access to St. Joseph Street. If Mr. Macco wants to proceed with the new CSM it will require approval by the Village Board with an amendment to the PDD.

It also appears that Mr. Macco has not submitted a written statement from the abutting day care center indicating they do not want a sidewalk easement in favor of and for the benefit of the child care property with a perpetual maintenance obligation. This statement would still be required if Mr. Macco elects to proceed with the CSM that was approved by the Village Board or the new CSM.”

This direction was provided to Mr. Macco and he stated they would stay with the original CSM and he would speak with a representative from the abutting daycare and ask them for a letter in regard to their interest in the sidewalk easement. Sue Vincent the daycare representative told me she would need to take the discussion to her board before she could write a letter either way in regard to the walkway – they do not meet until October 22<sup>nd</sup>.

Mr. Macco would like to get going on the project and we have not allowed him to until the CSM and daycare situation is taken care of. Mr. Macco then asked if I would let him get started if he provides a letter saying he would provide the easement on the CSM for the daycare. Upon review of his last request with our attorney, Dennis said this needs to go to the Village Board for their approval – neither Tracy nor I can make that decision.

So attached is a letter from Mr. Macco’s attorney asking the board to accept the attached letter in regard to the CSM and allow Mr. Macco to begin work with the assurance they would put the walkway on the CSM if the daycare accepts it.

The Village Board is asked to decide if you will allow the project to continue with the assurance if the daycare elects to accept this proposed easement for the walkway it will be provided.

July 17, 2012 (Village Board Meeting)

- antennas to be placed on the inside of the existing flag pole

Hearing closed at 6:48 pm

APPROVAL OF CONDITIONAL USE FOR AT&T FOR INSTALLATION OF CELL ANTENNA ON FLAG POLE AT 3010 RIVERSIDE DRIVE (FELD PROPERTY)

**Kopish / Rasmussen moved to approve the Conditional Use for installation of cell antennas on flag pole at 3010 Riverside Drive. Motion carried.**

PUBLIC HEARING TO CONSIDER FINAL APPROVAL OF A PLANNED DEVELOPMENT DISTRICT ON PARCEL AL-50-9-1 LOCATED AT 289 E. ST. JOSEPH STREET

A public hearing was held to consider the request from Alpha Family Limited Partnership and Harry Macco for final approval of a Planned Development District to build a Residential Care Apartment Complex on the north section of Parcel AL 50-9-1 at 289 E St. Joseph Street.

Al Hanold, 2005 Woodrow Way

- What is the plan? What is going in there?

Harry Macco, developer and owner of the project

- explained the plan for a 50 unit RCAC building
- has no objection to including an easement for a sidewalk from north to south on the easterly property line if it is determined who will be responsible for it on a long term basis (neither the Day Care or Village wanted the cost or responsibility for it)

Hearing closed at 6:58

ADOPTION OF ORDINANCE 2012 - 08, ESTABLISHMENT OF A PLANNED DEVELOPMENT DISTRICT FOR PART OF PARCEL NUMBER AL 50-9-1 LOCATED AT 289 EAST ST. JOSEPH STREET WITH PLAN COMMISSION AND OTHER RECOMMENDED CONDITIONS

**Gast / Kopish moved to adopt Ordinance 2012-08 and include the following recommendations (from memo dated July 3, 2012):**

- **Obtain an easement for a future walkway**
- **Building Inspector to approve sign and sign location**
- **Designate driveway as a fire lane – Allow No Parking**
- **Secure approved storm water management plan**
- **Director of Parks, Recreation and Forestry to approve Landscape Plan**
- **Require State approved building plan**

**and with a further provision:**

- **that the easement for a future walkway runs with the land of the Day Care property concerning all future maintenance activities associated with any sidewalk that is ultimately developed.**

Discussion:

- easement for sidewalk is for adjoining property / maintenance obligation to run with the land

July 17, 2012 (Village Board Meeting)

**Amended motion by Gast / Kopish that the easement with perpetual maintenance obligations be offered to the adjoining property owner and if they refuse it (if they don't want that easement, they don't want the maintenance obligation), then that easement requirement drops from the requirements of the PDD. Motion carried**

**Upon the vote, the motion as amended carried.**

ADOPTION OF ORDINANCE 2012-01, AMENDING SECTION 5.03A, PARKING BOATS, TRAILERS AND MOBILE HOMES (from 6/19/12)

Discussion:

- replace the definition of "front yard" with "driveway"
- allow the parking of utility trailers year round and in the back yard
- determine dates for seasonal use
- limit the number of trailers allowed in a yard to two but exempt utility trailer from that count
- size of the trailers allowed
- provision for ATV's and pop up campers
- use of camping equipment for living and sleeping in residential zoned districts
- enforceability / enforcement
- hard surface requirement for everything but a utility trailer

Jackie Gelhar, 3285 Waubenoor Drive

- allowing a nice looking boat is a matter of judgment / some neighbors are more picky than others / restrictions in Allouez have gotten ridiculous

Clarence Matuszek, 2680 S. Webster Avenue

- aesthetics have always been important to this community / a lot of people may object to weakening the ordinance. Table until after input can be obtained from the community.

**Gast / Green moved to postpone to the 1<sup>st</sup> meeting in August. Motion carried.**

APPROVAL OF TRAFFIC & SAFETY COMMITTEE MINUTES DATED JUNE 20, 2012 (postponed from 7/3/12)

- a. Remove the west stop sign on Iroquois at Du Charme making this a 3-way stop

Discussion:

- Berndt explained the Committee looked at signage for all intersections on Du Charme after receiving a request for signage at the intersection of Warren and Du Charme. To be consistent with what is being done on other streets in the village they recommended the 3 way stop.

**Zeller / Vanden Avond moved that the intersection at Iroquois and Du Charme remain a 4 way stop. Motion carried.**

APPROVAL OF PUBLIC WORKS MEETING MINUTES DATED JULY 12, 2012

- a. recommendation to proceed with the water main replacement project and WDNR Financial

September 4, 2012 (Village Board Meeting)

CERTIFIED SURVEY MAP FOR 289 E ST. JOSEPH

**Gast / Dart moved to approve Certified Survey Map for 289 W. St. Joseph Street. Motion carried.**

ORDINANCE 2012-10, AMENDING CHAPTER 11, ZONING CODE RELATING TO TRANSITIONAL FACILITIES AND SCHEDULE HEARING

**Green / Dart moved to approve Ordinance 2012-10 amending Chapter 11 relating to Transitional Facilities and schedule hearing for October 2. Motion carried.**

CERTIFICATION OF PROJECT COMPLETION FOR KIWANIS AND HOFFMAN PONDS

**Green / Zeller moved to approve Certification of Project Completion for Kiwanis and Hoffman Ponds. Motion carried.**

ADOPTION OF ORDINANCE 2012-11, AMENDING SECTION 26.03, PERMIT OF CHAPTER 26, FENCES OF THE VILLAGE OF ALLOUEZ MUNICIPAL CODE

**Green / Gast moved to adopt Ordinance 2012-11 amending Section 26.03 of the Municipal Code. Motion carried.**

PUBLIC WORKS MEETING MINUTES DATED AUGUST 16, 2012

- a. recommendation to reimburse \$2000 to each of the 3 residents on East Mission Road to defray a portion of the cost for replacing their sanitary sewer laterals

**Green / Zeller moved to accept recommendation to reimburse \$2000 to each of the 3 residents on East Mission Road to defray a portion of the cost for replacing their sanitary sewer laterals. Motion carried.**

- b. update Ordinance 5.01B(7) to delete the reference to “the 3<sup>rd</sup>” full week of brush collection

**Green / Kopish moved to update Ordinance 5.01B(7) to delete the reference to “the 3<sup>rd</sup>” full week of brush collection as recommended. Motion carried.**

- c. proceed with promoting use of EZ Pay using the CBCWA program to pay for the cost and to implement a credit card payment option for utility bills

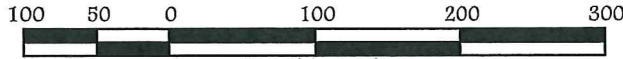
**Kopish / Green moved to proceed with promoting use of EZ Pay using the CBCWA program to pay for the cost and to implement a credit card payment option for utility bills as recommended. Motion carried.**

APPROVAL OF ELECTION INSPECTORS

**Dart / Gast moved to approve Jim Thompson - 2344 Serenade Lane, Alfred (Fred) Crane - 1418 S. Clay Street, Jeanette Krysiak - 3820 East River Drive, Carol Weinhaus - 519 E. Briar Lane, Kim**

Original CSM  
approved by Board

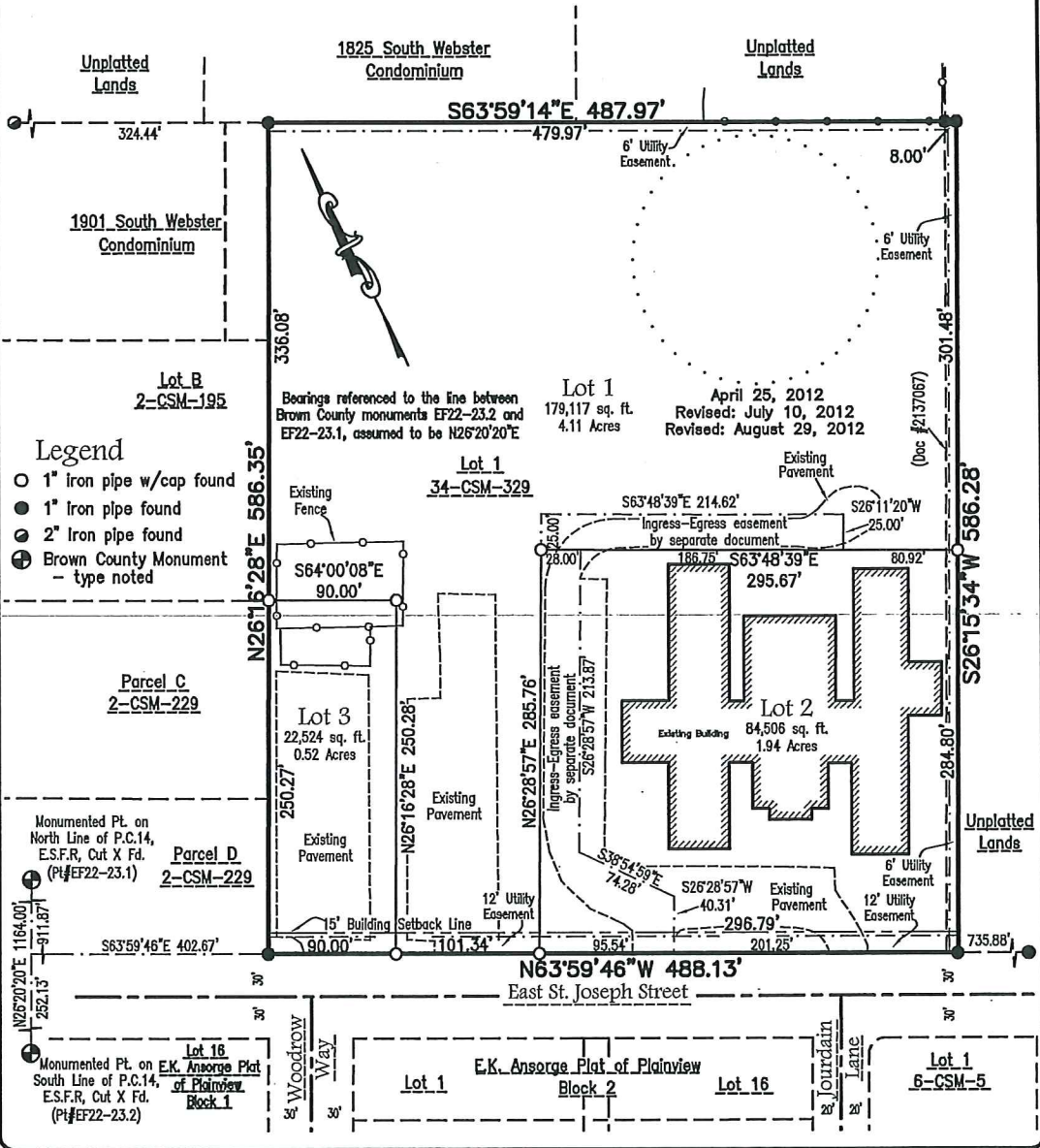
# Certified Survey Map



## SURVEYOR'S CERTIFICATE

I, Steven M. Bieda, Registered Land Surveyor, S-2275, do hereby certify that I have surveyed, divided and mapped all of Lot 1 of Volume 34, Certified Survey Maps, page 329 (Map#5305-Doc#1529724), Brown County Records and part of Private Claim 14, East Side Fox River, Village of Allouez, Brown County, Wisconsin, more fully described on sheet 2:

That such plat is a correct representation of all the exterior boundaries of the land survey and the division thereof. That I have made such a survey, land division and plat by the direction of the owners listed hereon. That I have fully complied with the provisions of Chapter 236, section 236.34 of the Wisconsin Statutes, the Village of Allouez, and the Brown County Planning Commission in surveying, dividing and mapping the same.

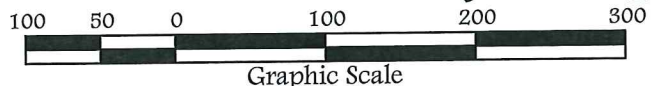


- Legend**
- 1" iron pipe w/cap found
  - 1" iron pipe found
  - 2" iron pipe found
  - ⊕ Brown County Monument - type noted

Client: Hillcrest Lumber Drafted By: RJO File: M-26088CSM 071212.dwg	Scale: 1"=100' Tax Parcel Number AL-50-9-1	<b>Mau &amp; Associates</b> LAND SURVEYING & PLANNING CIVIL & WATER RESOURCE ENGINEERING Phone: 920-434-9670 Fax: 920-434-9672	Sheet One of Three Project No.: M-26088 Drawing No.: L-8124
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New CSM -  
 (Received last week)

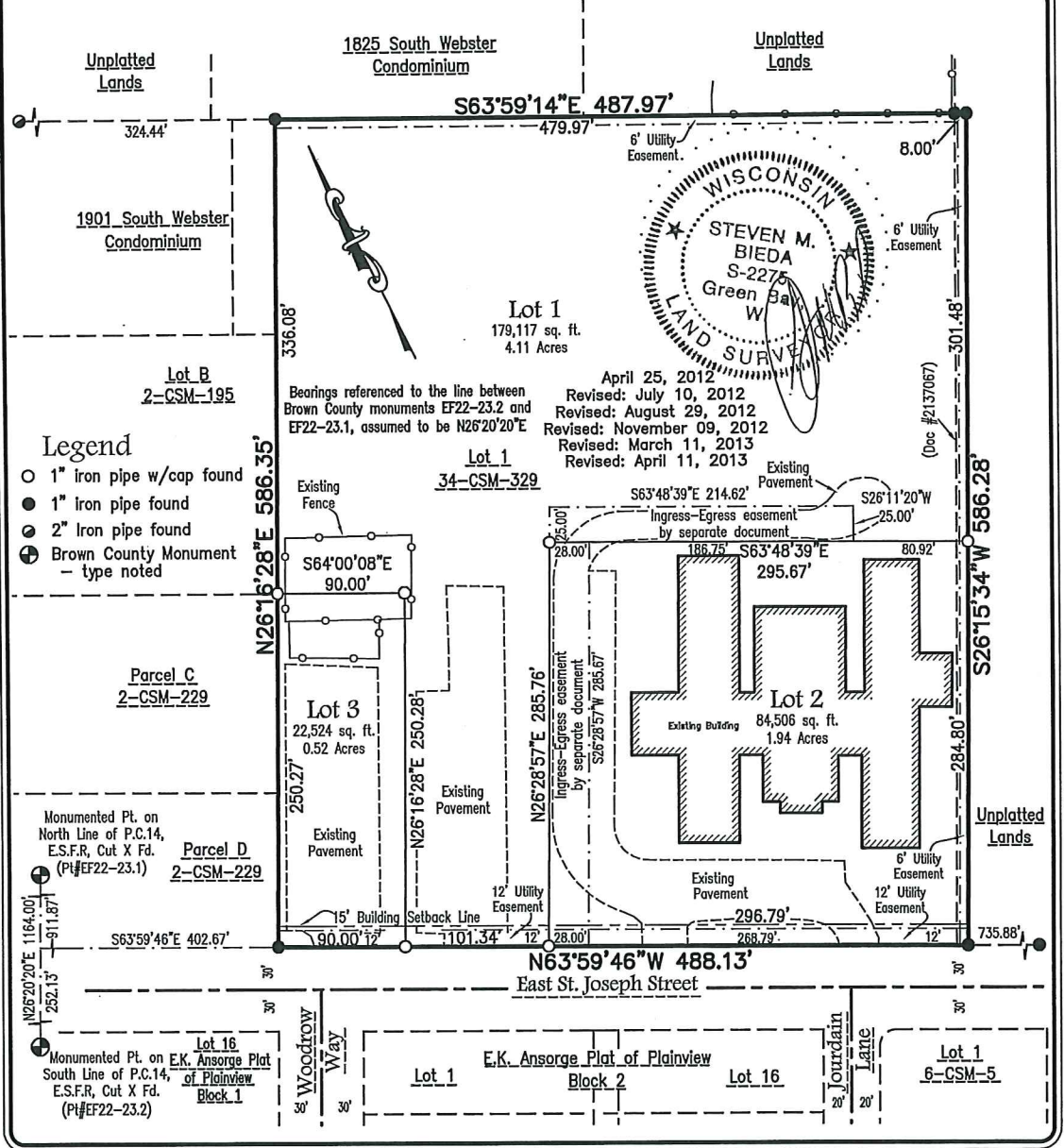
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October 9, 2013  
(via email to [tracy@villageofallouez.com](mailto:tracy@villageofallouez.com))

Allouez Village Board  
Allouez Village Hall  
1900 Libal Street  
Green Bay, WI 54301-2453

Re: PDD for Part of Parcel No. 50-9-1

Dear Board Members:

As condition to approval of the PDD for Part of Parcel No. 50-9-1 to construct a residential care apartment complex, the Village Board agreed that approval would be provided subject to the condition that Alpha Family Limited Partnership ("Alpha") offer to Encompass Early Education and Care, Inc. (the "Daycare") a 5 foot easement along the easterly boarder of Parcel No. 50-9-1 for the possible construction of a walkway allowing the Daycare access to St. Joseph Street. It was further discussed at this meeting that Alpha would offer such an easement provided that they not have responsibility for construction or maintenance of any walkway that is installed (including maintenance, snow removal, liability for injury, etc.) ("Proposed Easement").

Mr. Macco, as a representative of Alpha, has offered this Proposed Easement to the Daycare. It is our understanding that the Daycare has yet to determine if they desire to accept this Proposed Easement. It is further our understanding that they have a meeting scheduled for October 22, 2013, to discuss this issue.

With winter conditions rapidly approaching, Mr. Macco desires to begin construction as soon as possible and would like to move forward and secure his building permit so he can break ground. He would like to Village to approve his request for a building permit with the anticipation that if the Daycare elects to accept this Proposed Easement over Parcel No. 50-9-1 for the walkway, it will be provided.

I am enclosing the proposed CSM from Mau & Associates which has been revised to show where the Proposed Easement for the walkway (and for utilities) would exist.

Please let me know if you have any questions or if I can be of further assistance.

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318 S. Washington Street Suite 300, Green Bay, WI 54301  
[apatteson@dkattorneys.com](mailto:apatteson@dkattorneys.com)

BROOKFIELD | GREEN BAY | MADISON | MILWAUKEE | OSHKOSH | SHEBOYGAN


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Allouez Village Board  
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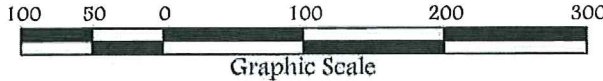
Very truly yours,

Davis & Kuelthau, s.c.

  
Ann L. Patteson

ALP:kl  
Enclosure  
cc: Harry Macco

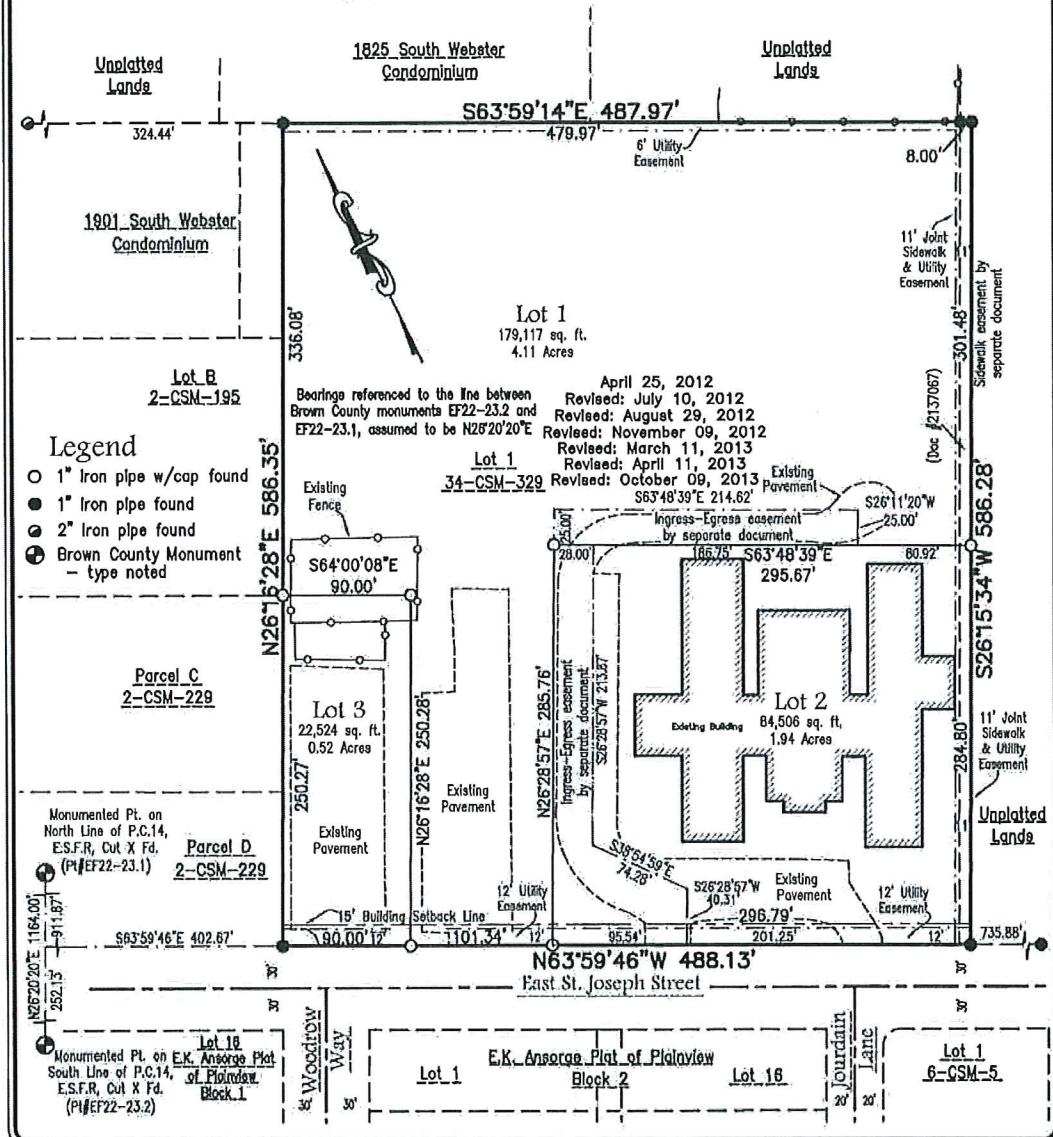
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**Mau & Associates**  
 LAND SURVEYING & PLANNING  
 CIVIL & WATER RESOURCE ENGINEERING  
 Phone: 920-614-9670 Fax: 920-614-9672

Sheet One of Four  
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