1. Plan Commission Regular Meeting Agenda

Documents:

06.01.2020 - PC AGENDA.PDF

1.I. Plan Commission Regular Meeting Agenda Packet

Documents:

06.01.2020 - PC AGENDA PACKET.PDF

Plan Commission

Regular Meeting Notice and Agenda

Village of Cross Plains
Rosemary Garfoot Public Library – Community Room
2107 Julius Street
Cross Plains, WI 53528
(608) 798-3241

Monday, June 1, 2020
7:00 pm

Please note that due to current spacing requirements concerning COVID-19, the facility will have limited seating. The Village of Cross Plains will provide opportunities for, and encourage that the public participate virtually or by calling in. The log in information is as follows:

Zoom Meeting Link:
https://us02web.zoom.us/j/83459730362

Conference telephone line:
+1 312 626 6799
Meeting ID: 834 5973 0362

I. Call to Order

II. Roll Call

III. Public Comment – This is an opportunity for anyone to address the Village Board on **ANY** issue **EITHER ON OR NOT ON THE** current agenda. *Please observe the time limit of 3 minutes.* While the Village Board encourages input from residents, it may not discuss or act on any issue that is not duly noticed on the agenda.

THOSE WISHING TO SPEAK DURING THE VIRTUAL MEETING ARE ENCOURAGED TO REGISTER PRIOR THE START TIME OF THE CURRENT MEETING BY SENDING AN EMAIL TO BCHANG@CROSS-PLAINS.WI.US OR BY CALLING VILLAGE HALL DURING REGULAR BUSINESS HOURS. THE VIRTUAL MEETING ROOM WILL ALSO BE OPENED 30 MINUTES BEFORE THE MEETING TO COLLECT REGISTRATIONS. IN ORDER TO REGISTER A PUBLIC COMMENT DURING THIS TIME YOU WILL NEED TO RAISE YOUR HAND VIRTUALLY TO BE UNMUTED. TELEPHONE PARTICIPANTS WILL ALSO BE UNMUTED ONE AT A TIME DURING THIS PERIOD TO ENSURE THAT NO ONE IS MISSED.

IV. General Business – Regular Meeting

1. Approval of the minutes from the Plan Commission meeting held May 4, 2020.

2. Discussion and Possible Action Regarding the Site Plan and Specific Implementation Plan for 1821 Main Street – Hooty's Bar and Grill.

3. Initial Review Comment on Scenic Valley Lot 45 Lot Division Request.

V. Adjournment

This meeting notice constitutes an official meeting of the above referenced group and was posted in accordance with all applicable laws related Open Meetings Law. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals. For additional information or to request this service, contact the Village Hall at (608) 798-3241 or bchang@cross-plains.wi.us.

Plan Commission

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Plan Commission

Regular Meeting Minutes

Village of Cross Plains
Rosemary Garfoot Public Library – Community Room
2107 Julius Street
Cross Plains, WI 53528
(608) 798-3241

Monday, May 4, 2020
7:00 pm

President Lengfeld suspended Robert's Rules of Order.

I. Call to Order, Roll Call – Plan Commission

President Lengfeld called the Regular Plan Commission meeting to order at 7:00 pm.

Present: Commissioners Todd DuQuette, Kevin Thusius, Cliff Zander, Judy Ketelboeter, and President Jay Lengfeld.

Absent: Randy Case and Eric Padrutt

Also present: Village Administrator/Clerk Bill Chang, Corey Ballweg, and Brett Sargent.

Attended by WebEx: Village Planner Mike Slavney, Joshua Faul, Julie Smith, Tammy Stanek, and Dan Torgerson.

II. **Public Comment** - None

III. General Business – Regular Meeting

1) **Approval of the minutes from the Plan Commission meeting held April 14, 2020.**
A motion was made by Trustee Ketelboeter, seconded by Trustee Thusius, and unanimously carried by the Plan Commission, to approve the April 14, 2020 Plan Commission meeting minutes.

2) **Public Hearing for a request from Patrick Duzan, for a Conditional Use Permit for Small Solar Energy System use located at 4001 Creek Side Way, Cross Plains, WI.**
A motion was made by Commissioner DuQuette, seconded by Trustee Ketelboeter, and unanimously carried by the Plan Commission, to open the public hearing for a Conditional Use Permit for Small Solar Energy System use located at 4001 Creek Side Way, Cross Plains, WI.

After no comments were provided, a motion was made by Commissioner Zander, seconded by Commissioner DuQuette, and unanimously carried by the Plan Commission, to close the public hearing for a Conditional Use Permit for Small Solar Energy System use located at 4001 Creek Side Way, Cross Plains, WI.

3) **Discussion and Possible Action regarding the request from Patrick Duzan, for a Conditional Use Permit for Small Solar Energy System use located at 4001 Creek Side Way, Cross Plains, WI.**
A motion was made by Trustee Thusius and seconded by Commissioner DuQuette, to recommend the approval of the Conditional Use Permit for Small Solar Energy System use located at 4001 Creek Side Way, Cross Plains, WI. Roll call vote requested. YES – Trustees Thusius and Ketelboeter, Commissioners DuQuette and Zander, and President Lengfeld. NO – none. Motion carried 5-0.

4) **Public Hearing for a petition from Corey Ballweg, Mid Towne Construction to amend its Specific Implementation Plan for 1504 Main Street, Cross Plains, WI.**
A motion was made by Trustee Ketelboeter, seconded by Commissioner Zander, and unanimously carried by the Plan Commission, to open the public hearing to amend the Specific Implementation Plan for 1504 Main Street, Cross Plains, WI.

Comments were heard from Dan Torgerson, Tammy Stanek, and Joshua Faul in favor of the petition.

A motion was made by Trustee Ketelboeter, seconded by Commissioner Zander, and unanimously carried by the Plan Commission, to close the public hearing to amend its Specific Implementation Plan for 1504 Main Street, Cross Plains, WI.

5) **Discussion and possible action regarding the petition from Corey Ballweg, Mid Towne Construction to amend its Specific Implementation Plan for 1504 Main Street, Cross Plains, WI.**
A motion was made by Commissioner DuQuette, and seconded by Commissioner Zander to approve the Specific Implementation Plan for 1504 Main Street as proposed. Roll call vote requested. YES – None. No - Trustees Thusius and Ketelboeter, Commissioners DuQuette and Zander, and President Lengfeld. Motion failed 0-5.

A motion was made by Commissioner DuQuette, and seconded by Trustee Ketelboeter to approve the Specific Implementation Plan for 1504 Main Street adding points #1, 2, 3, 6, 7 and 8 of the applicant's request; making the change to address #4 of the applicant's request; and not addressing #5 of the applicant's request through the Specific Implementation Plan. Roll call vote requested. YES – Trustees Thusius and Ketelboeter, Commissioners DuQuette and Zander, and President Lengfeld. No-None. Motion carried 5-0.

6) **Discussion and Possible Action Regarding Options for Downtown Public Parking.**
There was a general discussion regarding parking areas for downtown. Trustee Thusius will lead a sub committee to explore downtown public parking options.

V. **<u>Adjournment</u>**
A motion was made by Trustee Ketelboeter and seconded by Commissioner Zander, and unanimously carried Plan Commission to adjourn at 7:59 pm.

Proper notice of this meeting was given to the public and posted on the public bulletin boards in accordance with the Open Meeting Law.

Respectfully submitted,

_____
Bill Chang
Village Administrator/Clerk

Agenda Memorandum

Staff/Department: Bill Chang, Community Development - Zoning
Subject Matter: 1821 Main Street Specific Implementation Plan Amendment
Meeting Date: June 1, 2020
Referral History: PC-05/25/19

Executive Summary:

Hooty's Bar and Grill, 1821 Main Street, currently operates as a bar and grill with outdoor entertainment. Hooty's Bar and Grill cannot currently meet the requirements of its Specific Implementation Plan/site plan and has therefore requested an amendment for the following:

1) Relocate the Volleyball Court lights and keep the old street light on the property.
2) Remove the proposed fence on the west side of the parking lot (between the parking lot and the volleyball courts.

Project Background:

In March of 2019, the Village Plan Commission and Village Board approved a zoning map amendment to rezone this property from Main Street Mixed Use to Planned Development. The general development plan and specific implementation plan were approved (see minutes). Thereafter, the development of the property was constructed. A SIP document was never recorded, nor was a post inspection conducted to certify compliance to the plan. The non-compliant property has operated since.

There have been several complaints from the adjoining properties about lighting, netting, balls in yard, damage to fencing, and water/sand runoff. On May 14, staff sent a compliance letter to Mr. Kuester to bring the property into compliance. Mr. Kuester stated that he did not add the chain link fence due to safety concerns. He was also not able to remove the current street light in the middle of the property as proposed because of the cost and hardship with Madison Gas and Electric. Mr. Kuester add LED court lighting and adjusted the location of the courts instead.

Code/Policy Review:

Section 84.167 of the Village Municipal Code provides the approval process for amending a SIP

This section of the zoning code allows for developments to have certain flexibilities. It also allows for staff, the Plan Commission, and the Village Board to add certain restrictions unique to the property.

Fiscal Impact:

None to the Village.

Agenda Memorandum

Recommendation:

Staff recommends the following:

1) The current street light in the middle of the property may be allowed, but LED court lights must be facing into the property and meeting the Villages lighting ordinance (Section 84.106).
2) Approve the relocated volleyball court setbacks.
3) The chain link fence between the parking lot and the volleyball may be removed from the site plan.
4) The privacy fence shall be extended to the northernmost property line. The applicant's liquor license shows that the north law area is a permitted drinking area. The parking lot is not a drinking area.
5) Add a stormwater retention system and erosion control along the west property line.

Appendices:

Hooty's original proposal and site plan, PC and VB Minutes, Code enforcement letter.

Plan Commission and Village Board

Regular Joint Meeting Notice and Agenda

Village of Cross Plains
2417 Brewery Road, PO Box 97
Cross Plains, WI 53528
(608) 798-3241

Monday, March 25, 2019
6:30 pm

I. Call to Order, Roll Call – Plan Commission

President Andreoni called the meeting to order at 6:30 pm.

Present: Commisioners Randy Case, Bud Busch, Todd DuQuette, Kevin Thusius, Cliff Zander, Eric Padrutt and President Andreoni.

Also present: Mike Slavney (Village Planner), Jerry Gray (Public Facilities Director), Thomas Kuester (Hooties Bar and Grill), Doug Brunner, Kathy Acker, Pam Born, Anne Koeppe, Ron Klaas.

II. Roll Call– Village Board

Present: Trustee Kevin Thusius, Michael Pomykalski, Lee Sorenson, Jeanne Statz, Bud Busch and President Andreoni.

Not Present: Trustee Sarah Francois

III. Public Comment –

a. Kathy Acker, 2915 Brewery Road regarding the recent flooding/sewer backup in her basement.
b. Pam Born, 2612 Thinnes Street, asking if the Village has a disaster plan in place and if not, she'd like to be a part of this. She feels there's been a disconnect with Village residents on this issue. She'd also like to see something change with the "right turn no stop" at Thinnes/Brewery. There's a lot more traffic and plans to be more with the new subdivision plans.
c. Anne Koeppe, 2825 Brewer Road, she's lived in the Village for 45 years and has never seen flooding like we experienced last year. She's concerned with the new development being added (Sundance) and what impact that's going to have with flooding in the Village.

IV. General Business – Joint Meeting

1. **Consideration of a request from Hooties Bar and Grill, for a Zoning Map Amendment and General Development Plan (GDP) for 1821 Main Street, from Main Street Mixed Use (MSMU) to Planned Development (PD) in order to redevelop their property.**

   a. **Public Hearing – A motion was made by Commissioner DuQuette, seconded by Commissioner Case and unanimously carried to enter into a public hearing at 6:33 pm.**
      i. Mary Jo Diebold, owner of 1814 Park Street is in favor of the plan providing the property is surveyed, a privacy fence is added between the new parking lot and her home so lights/sound don't make there way into her home late at night, and there's a stormwater management plan that doesn't impact her property.
      ii. Kimberly Maas, owner of 1809 Main Street questions the noise that will come from this addition and the effect that will have on her business. What about the trees on my property hanging over the fence? What about the stage? Didn't think music was going to be allowed.
      iii. Doug Brunner, owner 6004 Laufenberg Blvd, thinks this is a wonderful project and addition to the Village of Cross Plains. Host the Spike-Rhetts fundraiser and feel this is a great way to bring people into our community.

   A motion was made by Commissioner Thusius and seconded by Commissioner Zander, and unanimously carried by the Plan Commission to close the Public Hearing at 7:06 pm.

   b. **Plan Commission discussion and action to the Village Board, a request from Hooties Bar and Grill for a Zoning Map Amendment and General Development Plan (GDP) for 1821 Main Street, Main Street Mixed Use (MSMU) to Planned Development (PD) in order to redevelop their property. –** Following discussion, a motion was made by Commissioner DuQuette, seconded by Commissioner Thusius, for the Plan Commission to recommend approval to the Village Board regarding the request from Hooties Bar and Grill for a Zoning Map Amendment and General Development Plan for 1821 Main Street, from Main Street Mixed Use to Planned Development allowing requirements and flexibilities to consider by the Village Board:
      i. Outdoor Activities, Volleyball and games.
      ii. Outdoor eating and drinking.
      iii. Outdoor Amplified Sound – *Not approved*
      iv. The property is surveyed prior to any disturbance of land.
      v. Paved area setback for parking lot extension less than 5 feet from right-of-way along Mill Street.
      vi. Allow a 0' setback for the fence along the paved area (Parking Lot)

vii. A stormwater management plan is in place and reviewed by Village Staff.
viii. This zoning request approved as listed for the current owner only.

Roll Call Vote: (Yes) Commissioner(s) Padrutt, Thusius, Case, DuQuette, Zander, Busch, and President Andreoni. (No)- None

c. **Village Board discussion and action regarding a request from Hooties Bar and Grill for a Zoning Map Amendment and General Development Plan (GDP) for 1821 Main Street, Main Street Mixed Use (MSMU) to Planned Development (PD) in order to redevelop their property. –** A motion was made by Trustee Sorenson, seconded by Trustee Thusius to approve the Plan Commission recommendation for 1821 Main Street, from Main Street Mixed Use to Planned Development with the following flexibilities:
   i. Outdoor Activities, Volleyball and games.
   ii. Outdoor eating and drinking.
   iii. Outdoor Amplified Sound – Not approved
   iv. The property is surveyed prior to any disturbance of land.
   v. Paved area setback for parking lot extension less than 5 feet from right-of-way along Mill Street.
   vi. Allow a 0' setback for the fence along the paved area (Parking Lot)
   vii. A stormwater management plan is in place and reviewed by Village Staff.
   viii. This zoning request approved as listed for the current owner only.

Roll Call Vote: (Yes) Trustee(s) Sorenson, Statz, Pomykalski, Thusius, Busch and President Andreoni. (No) - None

d. **Plan Commission discussion and action to the Village Board, regarding a request from Hooties Bar and Grill for a Specific Implementation Plan (SIP) for 1821 Main Street, in order to redevelop their property.** – A motion was made by Commissioner Thusius, seconded by Commissioner Padrutt, and unanimously approved to recommend to the Village Board a Specific Implementation Plan as presented with the following flexibilities: Motion Approved.
   i. Chain link fence along the east side of volleyball courts acceptable.
   ii. 6' high fence be allowed along new parking lot
   iii. A survey be required for the property
   iv. The Village Engineer will approve the new and current parking lot stormwater management plan.
   v. A photometric plan and lighting be approved by staff and added to the new and current parking lot.
   vi. Netting be completely independent of the fence and all of the way to the ground.

e. **Village Board discussion and action regarding a request from Hooties Bar and Grill for a Specific Implementation Plan (SIP) for 1821 Main Street, in order to redevelop their property.** – A motion was made by Trustee Statz, seconded by Trustee Busch to accept the recommendation from the Plan Commission with the following flexibilities: - Motion Carried.
    i. Chain link fence along the east side of volleyball courts acceptable.
    ii. 6' high fence be allowed along new parking lot
    iii. A survey be required for the property
    iv. The Village Engineer will approve the new and current parking lot stormwater management plan.
    v. A photometric plan and lighting be approved by staff and added to the new and current parking lot.
    vi. Netting be completely independent of the fence and all of the way to the ground.

2. Presentation by Creekside Crossing at St. Francis, regarding their concept plan for development. Ron Klaas presented the Plan Commission and Village Board on the proposed concept plan for Creekside Crossing at St. Francis, also known as the Zander Farm.

V. Adjournment

A motion was made by Commissioner DuQuette, seconded by Commissioner Zander and unanimously approved to adjourn at 7:57 pm.

Hooties Bar and Grill
Thomas Kuester
1821 Main Street
Cross Plains, WI 53528

Village of Cross Plains – Village Board
2417 Brewery Road
Cross Plains, WI 53528

To Whom it May Concern:

As the owner of 1821 Main Street, Hooties Bar and Grill, I am submitting this Specific Implementation Plan to change my Zoning from Main Street Mixed Use to Planned Development for the purpose of allowing outdoor recreation and amplified sound within my property boundaries.

The intended development project:

(1) Intended Development

- **Location: 1821 Main Street, Cross Plains, WI 53528**
- **Zoning: Main Street Mixed Use (Current) to Planned Development**
- **Parking: 16 additional parking stalls**
- **Site Amenities: two outdoor sand volleyball courts, fencing and a deck.**

(2) The existing property includes 2 stories; 1st floor bar/restaurant and 2nd floor single family apartment. The surrounding neighborhood includes a mix of businesses, restaurants, retail, single family and multi family housing. The proposed upgrades to the exterior of the building will compliment the current site and allow for personal safety for both users and outside traffic.

(3) The site will be under the ownership of Hooties Bar and Grill, Thomas Kuester, who has experience building and maintaining this type of outdoor space. I would like to be a bigger part of the community, offering fundraisers and events for an array of organizations throughout the Village of Cross Plains.

(4) The following is a description of the proposed outdoor use:

- **Two (2) 25’ X 55’ sand volleyball courts for both league and tournament play.**
- **Outdoor deck area for amplified sound and music.**
- **50’ decorative fencing 4’ high (Main Street)**
- **60 linear feet chain link fencing 4’ high along backside of property**
- **115 linear feet chain link fence 4’ high parallel to 1814 Park Street**
- **180 linear feet of netting 16’ high**
- **Roughly 115’ X 70’ asphalt parking lot to add 16 parking stalls, open for public use.**

(5) The following briefly describes the proposed hours of operation and potential advantages to the community.

- **Volleyball**
  - ⇨ **11:00 am – Dusk (Not to exceed 9:30 pm) Sunday – Saturday**
- **Amplified Music**
  - ⇨ **12:00 pm – 9:00 pm Friday – Sunday (No music Monday-Thursday)**

The new volleyball courts will allow for a safe gathering space for individuals and teams residing both inside and outside of the Village of Cross Plains to go and hangout. Our goal is to add a positive attraction to our community while respecting both our patrons and our neighbors. We've received nothing but positive feedback from our patrons and to date neighbors, regarding the plan and desire for such a facility in our community.

(6) We are requesting a rezone to accommodate the requirements within the current zoning code.

(7) We are not requesting any modifications to the setbacks within the current requirements for fencing and/or netting

(8) At this time, we are not proposing any lighting changes to the outdoor space.

In summary, we feel the proposed zoning change and use would be a wonderful and welcoming addition to our community. We look forward to working with the Village and our neighbors to bring this important amenity to our community for everyone to enjoy.

Sincerely,

Thomas Kuester
Hooties Bar and Grill

GENERAL INFORMATION

VOLLEYBALL COURTS USAGE: Leagues and Events HOURS PER WEEK: Approx. 30 to 40 QUIET TIME: By or Before 10:00pm Sharp

STAGE AREA USAGE: Events, Music, Local Bands HOURS PER WEEK: Approx. 15 to 20 AMPLIFIED SOUND: Yes QUIET TIME: By or Before 10:00pm Sharp

1 Site Plan - Schematic

PARK STREET

FUTURE PARKING 16 STALLS (4425 SF)

3, 6_ , 5' − 10"_ 6" 8"
6' − 6"

MILL STREET

4' − 0" 5' − 6"

15'x15' FUTURE STAGE

FENCE

EXISTING PARKING
FUTURE VOLLEYBALL

FENCE

FUTURE VOLLEYBALLYARD
EXISTING PATIO

MAIN STREET − HWY 14

EXISTING BUILDING

NORTH

ADDITIONAL PARKING 16 STALLS (4425 SF)

STAGE

MILL STREET
55' x 25'
55' x 25'
15' x 15'
FENCE

EXISTING PARKING
VOLLEYBALL COURT

FENCE

VOLLEYBALL COURT

1 Site Plan - Proposed

1" = 30'-0" YARD

PATIO
MAIN STREET - HWY 14
NORTH

1 3D Sketch

1 3D Sketch

1 3D Image

1 3D Image

GENERAL INFORMATION

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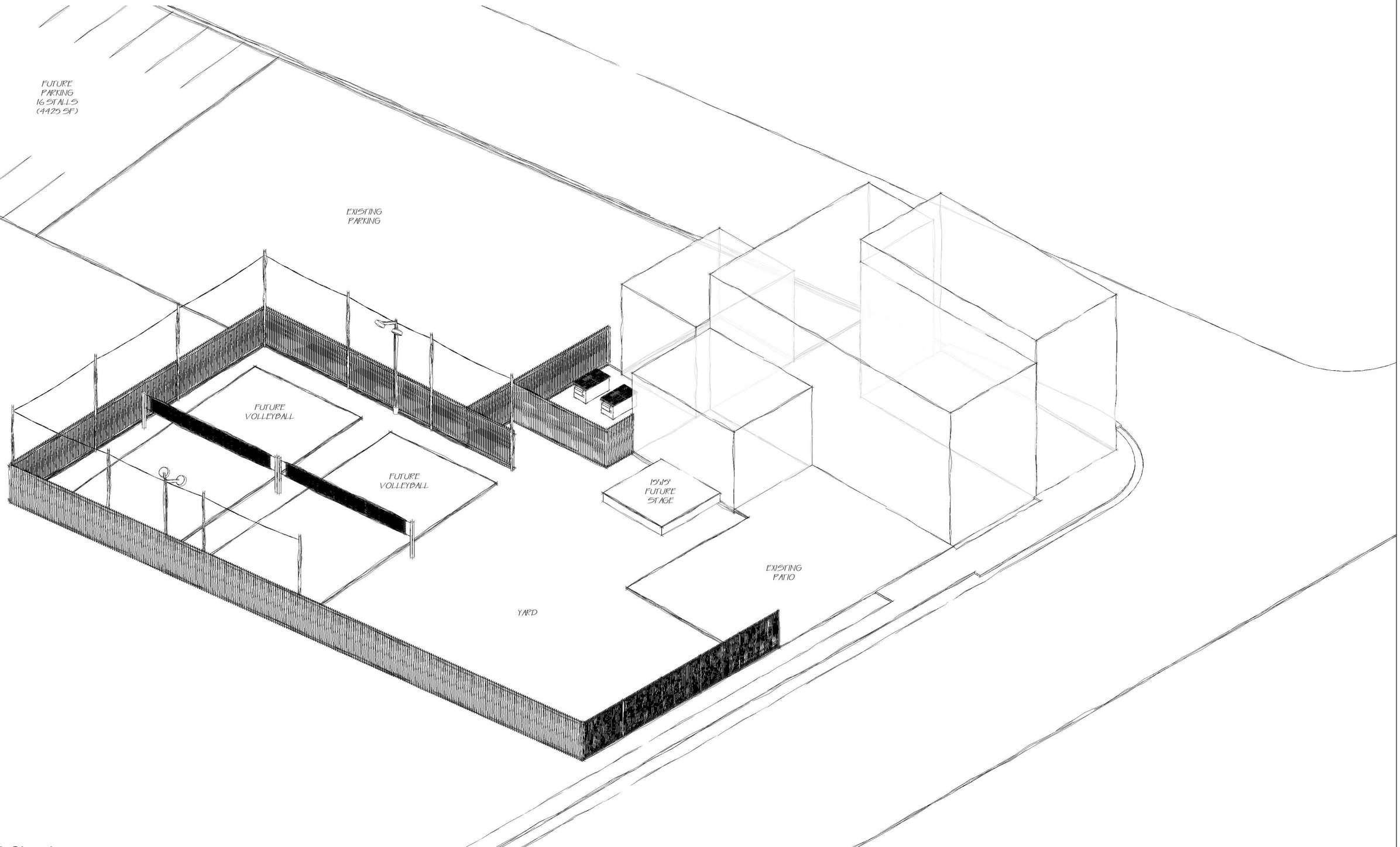
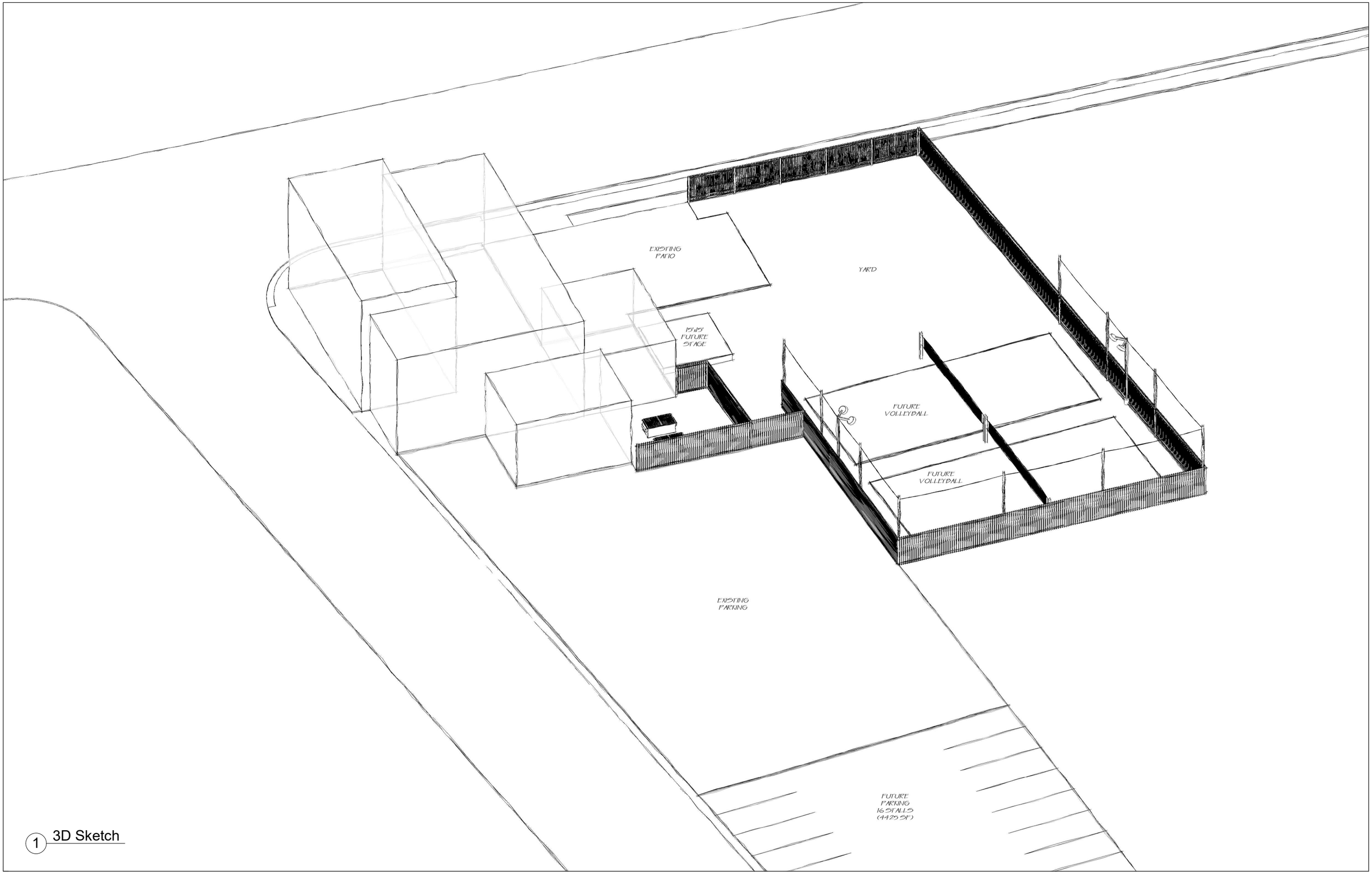
1 Site Plan - Schematic

NORTH

1 Site Plan - Proposed
1" = 30'-0"


FUTURE
PARKING
16 STALLS
(4425 SF)
EXISTING
PARKING
FUTURE
VOLLEYBALL
FUTURE
VOLLEYBALL
15'x15'
FUTURE
STAGE
EXISTING
PATIO
YARD

1 3D Sketch


EXISTING PATIO
YARD
15'x15' FUTURE STAGE
FUTURE VOLLEYBALL
FUTURE VOLLEYBALL
EXISTING PARKING
FUTURE PARKING 16 STALLS (4425 SF)

1 3D Sketch

ADDITIONAL
PARKING
16 STALLS
(4425 SF)
EXISTING
PARKING
VOLLEYBALL
COURT
VOLLEYBALL
COURT
15' x 15'
STAGE
YARD
PATIO

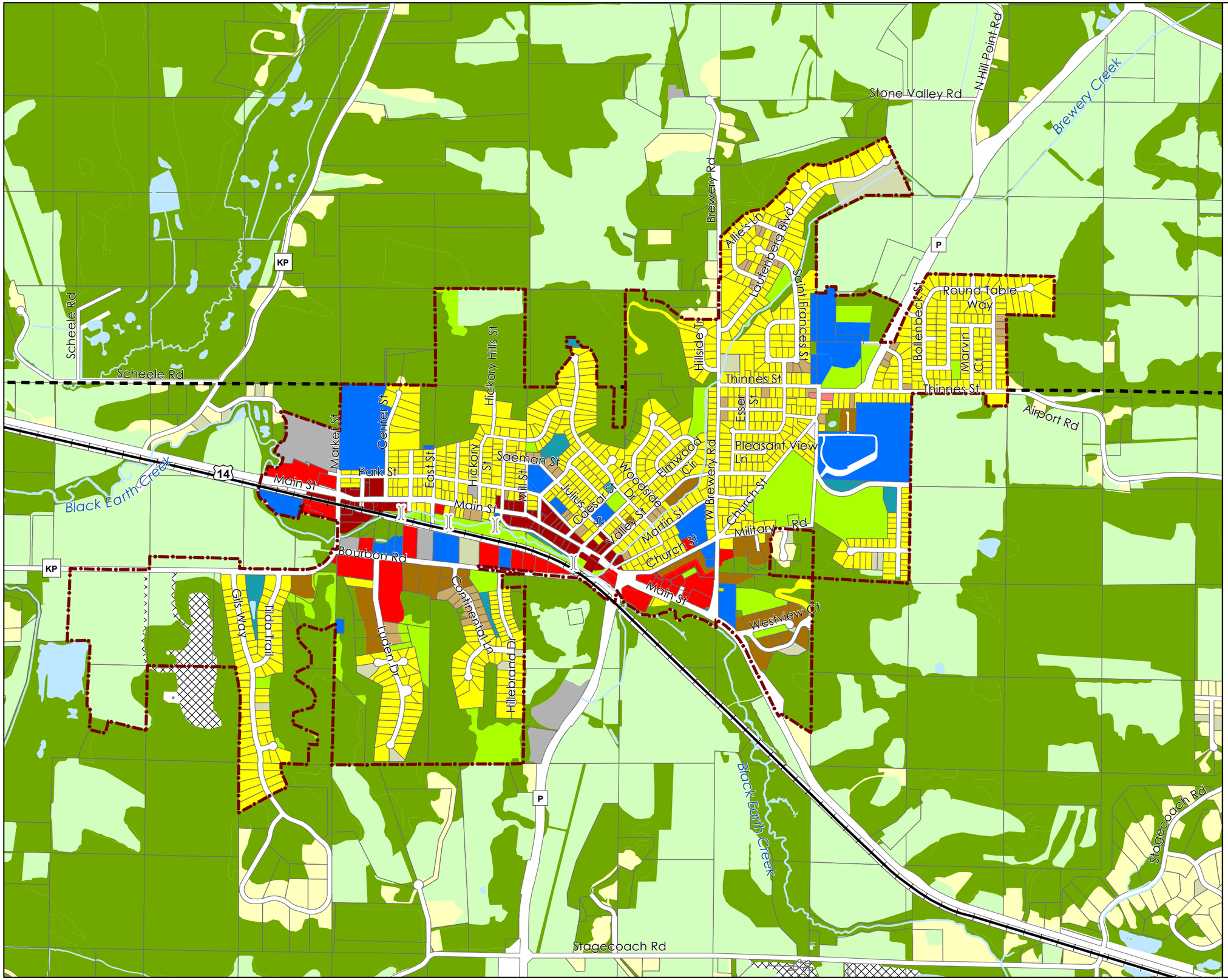
1 3D Image

PATIO
YARD
15' x 15'
STAGE
VOLLEYBALL
COURT
VOLLEYBALL
COURT
EXISTING
PARKING

1 3D Image

Village of Cross Plains Comprehensive Plan

Map 3: Existing Land Use



- Village of Cross Plains Boundary
- Town Boundaries
- Parcels
- Railroads
- Surface Water
- Pedestrian/Bike Bridge
- Single Family Residential-Exurban
- Single Family Residential-Urban
- Duplex Residential
- Multi-Family Residential
- Neighborhood Mixed Use
- Planned Business
- Downtown Mixed Use
- Community Facilities
- Light Industrial
- Extraction
- Vacant Subdivided
- Agriculture/Rural
- Conservancy & Other Open Space
- Parks
- Stormwater
- Right-of-Way

0 0.125 0.25 0.5 Miles

VANDEWALLE & ASSOCIATES INC.
Shaping places, shaping change

Date: July 24, 2018
Sources: Dane Co. LIO, Vandewalle & Associates

PIZZA
HOOTY'S

Agenda Memorandum

Staff/Department: Bill Chang, Community Development - Zoning
Subject Matter: Scenic Valley Lot 45 Subdivision
Meeting Date: June 1, 2020
Referral History: None

Executive Summary:

Horizon Investment Associates, LLC (Horizon) is requesting to divide Lot 45 of the Scenic Valley Residential Subdivision Plat. Lot 45 is the Light Industrial lot that has been proposed for mini-storage units. Horizon and Wingra is currently negotiation the release of current easements so that Horizon may move forward with its plans. Please see the request from Horizon attached.

Project Background:

The final plat for Scenic Valley was approved in March 2020. The corresponding agreements have also been executed and filed. A requirement of the development agreement and project is that all current easements be redirected through Lot 45 and Rocky Bluff Court.

Code/Policy Review:

Chapter 83 provides Land Division and Subdivision Regulations.
Chapter 84 provides Zoning Regulations.

Fiscal Impact:

None to the Village.

Recommendation:

Staff recommends no action at this time. We would like to collect comment and questions so that we may properly address this request.

Appendices:

Horizon Subdivision Request Memo, proposed lot maps.

MEMORANDUM

TO: Village of Cross Plains, Wisconsin
Plan Commission ("Village")

FROM: Horizon Investment Associates, LLC
("Horizon")

DATE: May 27, 2020

RE: CSM to Divide Lot 45 of Plat of Scenic Valley in Cross Plains, Wisconsin

---

Horizon is requesting that Lot 45 of the Plat of Scenic Valley be divided into three (3) lots. The Village provided comments and questions regarding this proposed division in a letter dated April 29, 2020 from Bill Chang on behalf of the Village ("Village Letter"). This Memorandum provides an outline of the structure, transactions, terms and conditions on which the proposed division of Lot 45 would occur and addresses the questions and comments contained in the Village Letter.

Included with this Memorandum are two (2) proposed certified survey maps which identify the two proposed options for the division of Lot 45. One map calls for Lot 45 to be divided such that only the middle resulting lot has direct access to public Ridgetrail Drive (this is referred to as "Option A"). The other map calls for each of the three (3) resulting lots to have access directly to public Ridgetrail Drive (this is referred to as "Option B"). Option A is Horizon's preference but Horizon could make either Option A or Option B work.

As background in order to clear the Scenic Valley property of certain easements that impede development, an agreement needs to be reached with Wingra concerning access to the Wingra property south of the Scenic Valley property. As a condition of releasing the easements that impede development Wingra has asked to be provided with fee title access to its property South of the Scenic Valley property if possible. Wingra and the applicable cell phone companies having access through Lot 45 was always contemplated as a way to clear easements from other developable lots in the project.

The following provides the structure, transactions, terms, and conditions for Option A and Option B. Horizon is providing two options that have been prepared in consultation with Wingra. Horizon asks that one of the two options be approved by the Village Plan Commission. We have attempted to request below all ordinance variances and waivers which we think would be needed, however our intention is to apply for all waivers and variances that would be necessary to accomplish the objective of providing fee title access to Wingra through what is now Lot 45. Horizon's intention is that Lots 45A and 45B as described in the options below would continue to be used for storage unit purposes once developed and would be subject to the provisions of the development agreement and covenants which refer to Lot 45, subject to the modifications contemplated by this memorandum.

- **Option A:**
  1. Private Rocky Bluff Court and a 66' wide strip of fee title ownership running south of Private Rocky Bluff Court to the North line of the Wingra property would become a separate Outlot 10 of the CSM to be conveyed to Wingra.

2. The remaining two Lots, Lot 45A (West) and Lot 45B (East), would have an easement for access over Outlot 10 and a variance is requested for Lots 45A and 45B with no public road frontage.
3. The Village would retain its access easement over original Private Rocky Bluff Court.
4. Lots 45A and 45B would continue to be obligated as to the Village to maintain original Private Rocky Bluff Court in accordance with the terms of the existing easement. Additional assurances could be added to the Village access easement if the Village believes that is necessary.
5. As between the owners of Lots 45A and 45B on the one hand and Wingra on the other, there may be separate allocations of responsibility but Lots 45A and 45B would remain obligated as to the Village to maintain original Private Rocky Bluff Court.
6. Easements for ingress/egress and utilities for Lots 45A and 45B would be granted over Private Rocky Bluff Court.
7. To the extent the use by Wingra of Outlot 10 for ingress and egress is not a permitted use under the zoning district for Lot 45 a variance is requested.
8. A variance as to lot width is also requested for Outlot 10.
9. A change to the Declaration of Covenants and Restrictions would be made to allow for the use by Wingra of Outlot 10 for ingress/egress and utility purposes.
10. A change to the Development Agreement with the Village would be made to remove the conditional use permit requirement as to Outlot 10 and to permit Outlot 10 to be used as an ingress/egress and utility road. For a specific use of Outlot 10 only for ingress/egress and utility purposes, a conditional use permit should not be necessary.
11. The Hillside Development ordinance waiver would continue to be needed and is requested to the extent it would not otherwise continue to apply.
12. The variances as to sidewalks and street grade would continue to be needed and are requested to the extent they would not otherwise continue to apply.
13. The applicable cell phone companies and utilities would be given an easement over Outlot 10 to access and provide utility service to the cell phone tower site located on the Wingra property south of Lot 45.
14. A variance for Outlot 10 from the minimum landscape surface ratio requirement is also requested. Wingra would be willing to plant some vegetation to address concerns in this area.
15. To the extent other dimensional variances from the terms of the Village zoning code are needed for any of the three (3) lots they are hereby requested.

- **Option B:**
  1. This option would provide for a three (3) lot division similar to that described in Option A but with Private Rocky Bluff Court divided in such a way so that each of the three (3) lots has direct access onto Ridgetrail Drive via a 22 foot wide strip from what is now Private Rocky Bluff Court.
  2. The middle lot (Outlot 10) would widen from 22 feet to 66 feet of width at the south end of what is now Private Rocky Bluff Court. The 66 feet of width for Outlot 10 would run from the south line of what is now Private Rocky Bluff Court to the North line of the Wingra property. Outlot 10 as described under this Option B would be conveyed to Wingra. Lots 45A and 45B would each widen at the south end of original Private Rocky Bluff Court as well.
  3. Each of the lots (Outlot 10 and Lots 45A and 45B) would have a mutual cross access easement over Outlot 10 and Lots 45A and 45B would have easements for utilities over Outlot 10 as well.
  4. The Village would retain its access easement over original Private Rocky Bluff Court.
  5. Lots 45A and 45B would continue to be obligated to the Village to maintain original Private Rocky Bluff Court in accordance with the terms of the existing easement. Additional

assurances could be added to the Village access easement if the Village believes that is necessary.

6. As between the owners of Lots 45A and 45B on the one hand and Wingra on the other, there may be separate allocations of responsibility but Lots 45A and 45B would remain obligated as to the Village to maintain original Private Rocky Bluff Court.
7. To the extent the use by Wingra of Outlot 10 for ingress and egress and utility purposes is not a permitted use under the zoning district for Lot 45 a variance is requested.
8. A variance as to lot width and frontage width is also requested for the three (3) lots.
9. To the extent other dimensional variances from the terms of the Village zoning code are needed for any of the three (3) lots they are hereby requested.
10. A change to the Declaration of Covenants and Restrictions would be made to allow for the use by Wingra of Outlot 10 for ingress/egress and utility purposes.
11. A change to the Development Agreement with the Village would be needed to remove the conditional use permit requirement as to Outlot 10 and to permit Outlot 10 to be used as an ingress/egress and utility road. For a specific use of Outlot 10 for ingress/egress and utility purposes, a conditional use permit should not be necessary.
12. The Hillside Development ordinance waiver would continue to be needed and is requested to the extent it would not otherwise continue to apply.
13. The variances as to sidewalks and street grade would continue to be needed and are requested to the extent they would not otherwise continue to apply.
14. A variance for Outlot 10 from the minimum landscape surface ratio requirement is also requested. Wingra is willing to plant vegetation to address concerns in this area.
15. The applicable cell phone companies and utilities would be given an easement over Outlot 10 and original Private Rocky Bluff Court to access and provide utility service to the cell phone tower site located on the Wingra property south of Lot 45.

* * * * * *

OPTION A

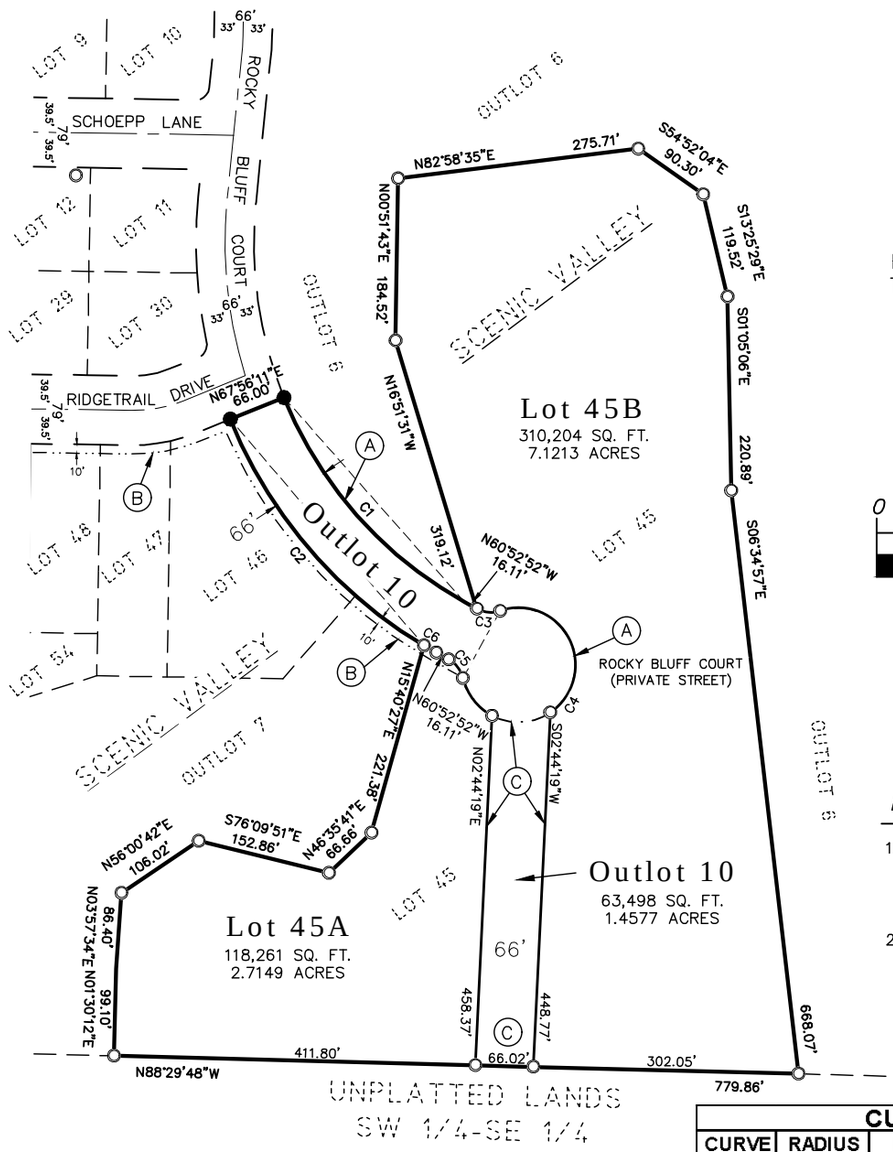
PRELIMINARY CERTIFIED SURVEY MAP

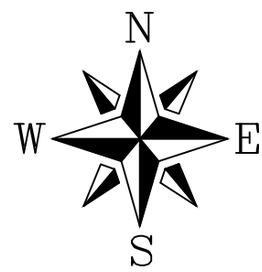
Lot 45 of Scenic Valley, being located in the NW 1/4 of the SE 1/4, Section 4, T.7N., R.7E., Village of Cross Plains, Dane County, Wisconsin

C.S.M. No. _____

Doc. No. _____

Vol. _____ Page _____





BEARINGS ARE REFERENCED TO THE SOUTH LINE OF LOT 45 OF SCENIC VALLEY, WHICH IS RECORDED TO BEAR NORTH 88°29'48" WEST

GRAPHIC SCALE

0 100 200 400

(IN FEET)

Owner & Subdivider:
Horizon Investment Assoc., LLC
Jamie Zajicek
2809 Birchwood Pass
Cross Plains, WI 53528

Notes:

1. Outlot 10 is to be sold to the southerly adjoining property (SW 1/4 of the SE 1/4) and is not a separately saleable parcel.
2. Lot 45A, Lot 45B and Outlot 10 are subject to the the applicable provisions of Documents 5572879, 5572880, 5572881 and 5572877 and ingress/egress and utility easements to be granted by separate instruments as noted hereon.

CURVE DATA TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD
C-1	467.00'	38°49'03"	316.39'	S41°28'20"E - 310.37'
C-2	533.00'	37°04'33"	344.90'	N40°36'05"W - 338.92'
C-3	33.00'	47°39'53"	27.45'	S84°42'48"E -26.67'
C-4	65.00'	275°19'45"	312.35'	S29°07'08"W - 87.55'
LOT 45B		164°32'35"	186.67'	S26°16'27"E - 128.82'
OUTLOT 10 ESMT.		61°23'53"	69.65'	N86°41'47"E - 66.37'
LOT 45A		49°23'17"	56.03'	N37°54'37"W - 54.31'
C-5	33.00'	47°39'53"	27.45'	N37°02'55"W - 26.67'
C-6	533.00'	01°44'30"	16.20'	N60°00'37"W - 16.20'

LEGEND

- ● 1–1/4" by 18" Iron Rebar to be set by Scenic Valley Plat
- ○ 3/4" by 18" Iron Rebar Weighing 1.50 lbs./ft. to be set
- (A) Rocky Bluff Court (Private Street) per plat of Scenic Valley and non–exclusive Village Access Easement per Doc No. 5572879. Non–exclusive ingress/egress & utility easement to be granted to Lot 45A, Lot 45B, Outlot 10 & others by separate instrument.
- (B) 10' Utility Easement per Scenic Valley Plat as Doc No. 5572877
- (C) Non–exclusive ingress/egress & utility easement to be granted to Lot 45A, Lot 45B & others by separate instrument.
- Boundary Lines per this Survey
- Deed/Survey Line of Record
- Existing R/W Line
- Ingress/Egress Easement Line (See Note Above)
- Utility Easement Line (See Note Above)
- Lot Line
- Centerline

WISCONSIN MATTHEW E. HOGLUND S-1970 FALL RIVER WI LAND SURVEYOR

QUAM ENGINEERING, LLC
4604 SIGGELKOW RD. STE. A, McFARLAND WI, 53558
608–838–7750 www.quamengineering.com

SHEET 1 OF 1 Project # JZ–06–16 Date: 5/26/20

OPTION B

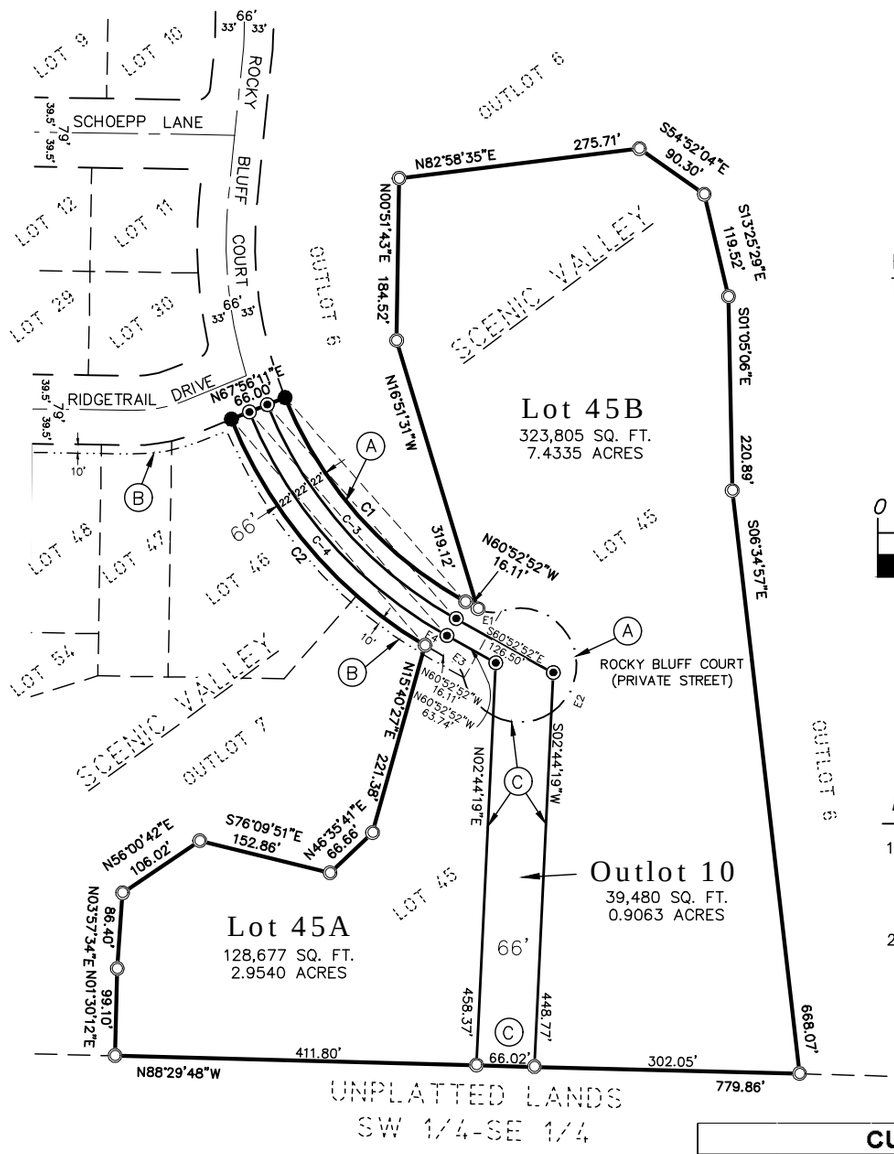
PRELIMINARY CERTIFIED SURVEY MAP

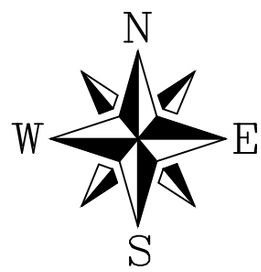
Lot 45 of Scenic Valley, being located in the NW 1/4 of the SE 1/4, Section 4, T.7N., R.7E., Village of Cross Plains, Dane County, Wisconsin

C.S.M. No. _____

Doc. No. _____

Vol. _____ Page _____





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GRAPHIC SCALE

0 100 200 400

(IN FEET)

Owner & Subdivider:
Horizon Investment Assoc., LLC
Jamie Zajicek
2809 Birchwood Pass
Cross Plains, WI 53528

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C-3	489.00'	38°49'03"	331.29'	S41°28'20"E - 324.99'
C-4	511.00'	38°49'03"	346.20'	N41°28'20"W - 339.62'
E-1	33.00'	47°39'53"	27.45'	S84°42'48"E -26.67'
E-2	65.00'	275°19'45"	312.35'	S29°07'08"W - 87.55'
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LEGEND

- ● 1-1/4" by 18" Iron Rebar to be set by Scenic Valley Plat
- ○ 3/4" by 18" Iron Rebar Weighing 1.50 lbs./ft. to be set
- ◉ Survey Marker Nail to be set in pavement
- (A) Rocky Bluff Court (Private Street) per plat of Scenic Valley and non-exclusive Village Access Easement per Doc No. 5572879. Non-exclusive ingress/egress & utility easement to be granted to Lot 45A, Lot 45B, Outlot 10 & others by separate instrument.
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WISCONSIN
MATTHEW E. HOGLUND
S-1910
FALL RIVER
WI
LAND SURVEYOR
DRAFT

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Project # JZ-06-16 Date: 5/26/20