

**CITY OF EDGERTON
EDGERTON CITY HALL
12 ALBION STREET
EDGERTON, WI**

PLANNING COMMISSION

Tuesday, November 21, 2023 at 6:00 P.M.

NOTICE: The meeting noticed above will also be live streamed on a Zoom platform: To view the meeting, please select the link to the meeting listed on the **calendar events** on the City website's home page at www.cityofedgerton.com. Due to occasional technical difficulties, citizen participation via Zoom may not be possible.

1. Call to Order; Roll Call.
2. Confirmation of appropriate meeting notice posted Friday, November 17, 2023.
3. PUBLIC HEARING:
 - A. The Plan Commission will hold a public hearing to hear comments regarding the Project Plan and Boundary for proposed Tax Incremental Financing District No. 10 (TID #10).
 - B. Close the public hearing.
4. Consider Resolution 27-23 adopting City of Edgerton Tax Incremental Financing District No. 10 (TID #10) Project Plan.
5. PUBLIC HEARING:
 - A. The Plan Commission will hold a public hearing to hear comments regarding the Project Plan and Boundary for proposed Tax Incremental Financing District No. 11 (TID #11).
 - B. Close the public hearing.
6. Consider Resolution 28-23 adopting City of Edgerton Tax Incremental Financing District No. 11 (TID #11) Project Plan.
7. Consider approval of August 29, 2023 Plan Commission meeting minutes.
8. Discuss Access to Hwy 51 for Orchard Subdivision extension.
9. Set next meeting date and future agenda items.
10. Adjourn.

cc: Commission Members All Council Members Department Heads
City Engineer Newspapers

NOTICE: If a person with a disability requires that the meeting be accessible or that materials at the meeting be in an accessible format, call the City Administrator's office at least 6 hours prior to the meeting to request adequate accommodations. Telephone: 884-3341.

Notice is hereby given that a majority of the Common Council is expected to be present at the above scheduled noticed meeting to gather information about a subject over which they have decision-making responsibility. The only action to be taken at this meeting will be action by the Planning Commission."

TO: Edgerton Plan Commission

FROM: Ramona Flanigan

MEETING DATE: November 21, 2023

REQUEST: TIF planning

STAFF DISCUSSION

On Tuesday's agenda are the public hearings for the creation of two TIFs: a new downtown TIF and a TIF in the area of the shoe factory. The draft TIF plans are attached.

Both districts are "blight" type TIF districts meaning the planning consultants have made a determination of which properties are considered blighted. The attached letter to property owners that are within the TIFs explains this blight designation. The blight designation may cause concern for property owners. The city's planning consultants will be prepared to address the blight designation during the hearing.

The most significant component of the new shoe factory TIF is the redevelopment of the shoe factory property. TIF assistance will be necessary to undertake the environmental investigation and to incentivize the redevelopment of this complicated site.

The proposed new downtown TIF is being considered **at this time** primarily due to IKI's donation of their office building (the Child High School) at 116 Swift Street. This potential project is also apt to require funding for investigation and a TIF incentive for the redevelopment.



October 25, 2023

CITY OF EDGERTON
12 ALBION ST
EDGERTON, WI 53534-1866

Re: City of Edgerton Proposed Tax Increment District No. 10, Parcel No. 6-26-884

Property Address: 20 S MAIN ST

To Whom It May Concern:

As part of an effort to encourage investment and revitalization in the Downtown area, the City of Edgerton has prepared a Project Plan and Boundary Map for the proposed City of Edgerton Tax Increment District No. 10 (TID #10), which generally includes a portion of the downtown area of the City. The purpose of the Plan is to promote redevelopment within the proposed TID #10 Boundary by implementing a number of needed projects ranging from infrastructure improvements within the District and within a half-mile of the District, to promotion and economic development programs, as well as providing for potential cash grants to property owners, lessees, and developers of land within the District. Our goal is to encourage and work with property and business owners to use this important economic tool to help ensure the long-term viability of this important part of our community.

Under Wisconsin statutes, the best option for making improvements in the area is to establish TID #10 as a district within a "blighted area," which requires the City make a finding that not less than 50% of the real property within the proposed District qualifies for that designation as defined in Wis. Stat. § 66.1105(2)(ae)1. and that we notify property owners of this finding. The attached map indicates property conditions in proposed TID #10 as determined by our planning consultants, including those found to be vacant or exhibiting physical characteristics meeting the criteria as defined in the statute. On the back of the map are the addresses and parcel numbers for each of the properties in the District.

For most of those properties found to have conditions that meet the statutory definition of blight, this finding is in no way intended to suggest that the property and/or business owners are somehow neglectful or creating a nuisance. Rather, it means that one or more aspects of the property meet the rather broad, statutory definition of being in need of such work, which in most instances includes such things as: the building's age or use for something other than what it was originally constructed for; minor building defects such as peeling paint, wall cracks, torn/missing roof shingles, broken/missing gutters and downspouts, or broken/missing windows

CITY OF EDGERTON RESOLUTION No. 27-23

**RESOLUTION RECOMMENDING ADOPTION OF
TAX INCREMENTAL FINANCE DISTRICT NO. 10 PROJECT PLAN
PLAN COMMISSION OF THE CITY OF EDGERTON, WISCONSIN**

WHEREAS, pursuant to Wis. Stats. § 66.1105, the City of Edgerton Plan Commission has prepared the Project Plan of Tax Incremental District No. 10 (TID #10) including: 105 parcels; costs for capital, infrastructure and land acquisition projects and related expenditures within the TID #10 Boundary and within one-half mile of the district boundary; costs for promotion, development and administrative programs; donations to TID #9 and/or #11; and providing assistance to owners, lessees, and developers of land within the district boundary; and

WHEREAS, on November 21, 2023, the City of Edgerton Plan Commission met and held a public hearing for the TID #10 Project Plan and Boundary; and

WHEREAS, such public hearing was properly noticed in the City's official newspaper, and a copy of such notification was duly transmitted to all local governmental entities having the power to levy taxes on property within TID #10, including Rock County, Blackhawk Technical College, and the Edgerton School District pursuant to Wis. Stats. § 66.1105(4)(a); and

WHEREAS, such public hearing afforded interested parties an opportunity to express their views on the proposed TID #10 Project Plan and Boundary; and

WHEREAS, pursuant to such procedure and after due reflection and consideration, the Plan Commission desires to favorably recommend to the Common Council of the City of Edgerton the TID #10 Project Plan and Boundary in the forms attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission of the City of Edgerton as follows:

1. The project plan and boundary for Tax Increment District #10 in the form attached hereto as Exhibit "A" are hereby approved in accordance with Wis. Stats. § 66.1105(4)(h)1.
2. Such project plan for Tax Increment District #10 is financially feasible.
3. The project plan for TID #10 is in conformity with the Comprehensive Plan of the City of Edgerton, as well as other policies and laws of the City of Edgerton.
4. That only whole parcels are included within TID No. 10 and that all parcels are contiguous and not connected only by railroad rights-of-way, rivers or highways.

BE IT FURTHER RESOLVED that the Plan Commission recommends the City of Edgerton Common Council approve Tax Incremental Finance District #10, City of Edgerton, Wisconsin, pursuant to the provisions of Wis. Stats. § 66.1105(4)(h)1.

This Resolution was adopted at a regular meeting of the Plan Commission of the City of Edgerton on the 21st day of November, 2023.

PLAN COMMISSION

By:

Mayor Chris Lund,
Plan Commission Chairperson

ATTEST:

Wendy Loveland, City Clerk

CITY OF EDGERTON RESOLUTION No. 28-23

**RESOLUTION RECOMMENDING ADOPTION OF
TAX INCREMENTAL FINANCE DISTRICT NO. 11 PROJECT PLAN
PLAN COMMISSION OF THE CITY OF EDGERTON, WISCONSIN**

WHEREAS, pursuant to Wis. Stats. § 66.1105, the City of Edgerton Plan Commission has prepared the Project Plan of Tax Incremental District No. 11 (TID #11) including: 14 parcels; costs for capital, infrastructure and land acquisition projects and related expenditures within the TID #11 Boundary and within one-half mile of the district boundary; costs for promotion, development and administrative programs; donations to TID #9 and/or #10; and providing assistance to owners, lessees, and developers of land within the district boundary; and

WHEREAS, on November 21, 2023, the City of Edgerton Plan Commission met and held a public hearing for the TID #11 Project Plan and Boundary; and

WHEREAS, such public hearing was properly noticed in the City's official newspaper, and a copy of such notification was duly transmitted to all local governmental entities having the power to levy taxes on property within TID #11, including Rock County, Blackhawk Technical College, and the Edgerton School District pursuant to Wis. Stats. § 66.1105(4)(a); and

WHEREAS, such public hearing afforded interested parties an opportunity to express their views on the proposed TID #11 Project Plan and Boundary; and

WHEREAS, pursuant to such procedure and after due reflection and consideration, the Plan Commission desires to favorably recommend to the Common Council of the City of Edgerton the TID #11 Project Plan and Boundary in the forms attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission of the City of Edgerton as follows:

1. The project plan and boundary for Tax Increment District #11 in the form attached hereto as Exhibit "A" are hereby approved in accordance with Wis. Stats. § 66.1105(4)(h)1.
2. Such project plan for Tax Increment District #11 is financially feasible.
3. The project plan for TID #11 is in conformity with the Comprehensive Plan of the City of Edgerton, as well as other policies and laws of the City of Edgerton.
4. That only whole parcels are included within TID No. 11 and that all parcels are contiguous and not connected only by railroad rights-of-way, rivers or highways.

BE IT FURTHER RESOLVED that the Plan Commission recommends the City of Edgerton Common Council approve Tax Incremental Finance District #11, City of Edgerton, Wisconsin, pursuant to the provisions of Wis. Stats. § 66.1105(4)(h)1.

This Resolution was adopted at a regular meeting of the Plan Commission of the City of Edgerton on the 21st day of November, 2023.

PLAN COMMISSION

By:

Mayor Chris Lund,
Plan Commission Chairperson

ATTEST:

Wendy Loveland, City Clerk

**August 29, 2023 PLAN COMMISSION MEETING MINUTES
CITY OF EDGERTON**

Commission Chair Chris Lund called the meeting to order at 6:00 p.m.

Present: Chris Lund, Jim Burdick, Theran Springstead, Jim Kapellen, Julie Hageman and Ron Webb.

Excused: Paul Davis

Also present: City Administrator Ramona Flanigan, and a few citizens.

Flanigan confirmed the meeting agendas were properly posted on Friday, August 25, 2023 at the Post Office, Edgerton Library, the City's website and City Hall.

PUBLIC HEARING: The Plan Commission held a public hearing to hear comments regarding a request by David Bachr/Tom Dickinson for approval of a conditional use permit to allow the establishment of a 10-unit residential apartment for the property located at 1 W Fulton St.

Flanigan stated the proposal is to create 10 apartments at 1 W Fulton St. Some of the units may be marketed as short-term rentals. The proposed plan indicates six one-bedroom units and four two-bedroom units. This parcel is zoned B-2 Central Business District. The Plan Commission did grant a parking waiver subject to some proposed changes to the existing parking. This zoning district prohibits residential units on the "first floor" of structures having less than a 10 foot setback. The main floor of this building is a half story above grade so the Commission should determine if this would be considered the first floor. If so, the petitioner would need to apply for a variance.

The site plan has not been submitted to show curb elevations and more detail on dumpster location.

David Bachr, developer, stated he met with Brett and Nicky Eddy, owners of the Depot Coffee Shop, and they stated they are in favor of the paved parking lot improvements. They also agreed to work with the developer on dumpster placement that would work for both.

Ilijir Banushi, downtown business owner, spoke about the lack of parking in the downtown. He stated even with the additional parking, there will still be a need.

Numerous other citizens stated they also have concerns with lack of parking in the downtown.

Hearing no further comments, the Mayor closed the public hearing.

CONSIDER REQUEST BY DAVID BAEHR/TOM DICKINSON FOR APPROVAL OF CONDITIONAL USE PERMIT FOR 1 W FULTON ST: A Jim Kapellen/Jim Burdick motion to require a variance to first floor provision passed on a 6/0 roll call vote.

A Jim Kapellen/Ron Webb motion to not require developer to install EV charging stations passed on a 6/0 roll call vote.

A Jim Kapellen/Jim Burdick motion to postpone a decision about the conditional use permit to allow establishment of a 10-unit apartment building at 1 W Fulton St until an engineering plan is submitted passed on a 6/0 roll call vote.

PUBLIC HEARING: The Plan Commission held a public hearing to hear comments regarding a request by the City of Edgerton for approval to amend Section 405-61A(3) Electronic Message Center to allow message center signs in all non-residential districts.

Tri-County Community Center has requested to have a message sign on their building. The property is zoned Office. The change would allow electronic message center signs in all non-residential districts. The Commission will also need to decide if they want to allow them in the Central B-2 Downtown Business District.

Ramona Flanigan stated the time limit for the cycle was originally 1 minute and was changed to 30 seconds. It is now being requested to be lowered to 15 seconds.

Hearing no further comments, the Mayor closed the public hearing.

CONSIDER REQUEST FOR APPROVAL OF AMENDMENT TO SECTION 405-61A(3) ELECTRONIC MESSAGE CENTER TO ALLOW MESSAGE CENTER SIGNS IN ALL NON-RESIDENTIAL DISTRICTS: Jim Burdick/Theran Springstead moved to approve an amendment to Section 405-61A(3) Electronic Message Center to allow message center signs in all non-residential districts.

A Jim Burdick/Theran Springstead motion to amend the original motion to add reducing the time to 15 seconds passed on a 6/0 roll call vote.

A Jim Burdick/Theran Springstead motion to approve an amendment to Section 406-61A(3) Electronic Message Center to allow message center signs in all non-residential districts and reduce the time to 15 seconds passed on a 6/0 roll call vote.

MINUTES: A Ron Webb/Julie Hagemann motion to approve the August 8, 2023 Plan Commission meeting minutes passed, all voted in favor.

EDGERTON BUSINESS PARK REGULATIONS FOR OUTDOOR STORAGE: Currently outdoor storage is not allowed in the Business Park on Hwy 51. The city has had a few requests for some form of outdoor storage in the business park. In order to allow this provision, the covenants would need to be modified to allow outdoor storage and regulations to screen outdoor storage. The current owners in the business park would need to approve the changes.

The Commission requested staff provide some ordinance language for their review.

EXTRATERRITORIAL LAND DIVISION FOR SCHULTZ ON CNTY HWY F: A Jim Kapellen/Ron Webb motion to approve an extraterritorial land division for Schultz on Cnty Hwy F in Section 16 of the Town of Fulton to combine lots passed, all voted in favor.

Being no other business before the Commission, a Ron Webb/Julie Hagemann motion to adjourn passed, all voted in favor.

Ramona Flanigan/wjl
City Administrator

TO: Edgerton Plan Commission

FROM: Staff

MEETING DATE: November 21, 2023

GENERAL DESCRIPTION

Description of Request: Plan Commission opinion regarding access to Hwy 51 for the Orchard Subdivision extension.

Location: Hwy 51 near Lois Lane

STAFF REVIEW COMMENTS

The developer of the extension of the Orchard Subdivision has been pursuing approval from the DOT to install a street connecting to Hwy 51 at the Lois Lane intersection. (See map) The DOT has determined that they will not allow another street accessing Hwy 51 for this development unless the three private driveways on the east side of Hwy 51 south of Orchard Street are removed. (See attached email from the DOT.) The owners of these driveways have easements that provide them with access to Shearer Street so their driveways could be removed (see map). Based on conversations that the developer had with one of the driveway owners, those owners are not likely to agree to the removal of their driveways onto Hwy 51. Both the DOT and the City have condemnation authority to close the driveways. The DOT has indicated they will not use their condemnation authority in this situation. The DOT has review authority over plats adjacent to highways even if no access points are requested.

In addition to the conversation with the DOT about an additional street access at Lois Lane, staff asked the DOT about the option of removing Orchard Street (turning it into a cul de sac) in order to allow a street to be constructed at the Lois Lane intersection. (City Engineering staff believes that having one access street at Lois would be preferable to having one access street at Orchard Street.) Below is the DOT's response.

"This section of highway has controlled access via §84.25. Any modification to access along this section of highway that is different than what was agreed to in the past will need to be reviewed and approved by our statewide access committee. The proposed change in access must be proved to be a benefit to the safety and operations of USH 51 before the committee will approve any changes. While the removal of a street connection [Orchard St] is definitely a step in the right direction, I do not speak for the committee and cannot guarantee that the removal of Orchard Street alone would be enough to allow the new street connection at Lois Lane. There would still be concern with the driveway in the functional area of the intersection across the street

and the need for a Traffic Impact Analysis to determine the impacts the development would have on the highway if a street connection was allowed across from Lois Lane.”

My suggestion would be to officially bring your request to the Department for consideration. Identifying how you plan to provide a benefit to the state highway, for example, removal of the Orchard Street connection to USH 51 and relocate the connection across from Lois Lane, etc.. This would allow the SW Region to begin discussions with the statewide committee regarding your request.”

The developer is seeking input from the Plan Commission regarding street access before going back to the DOT. The developer has asked the following questions:

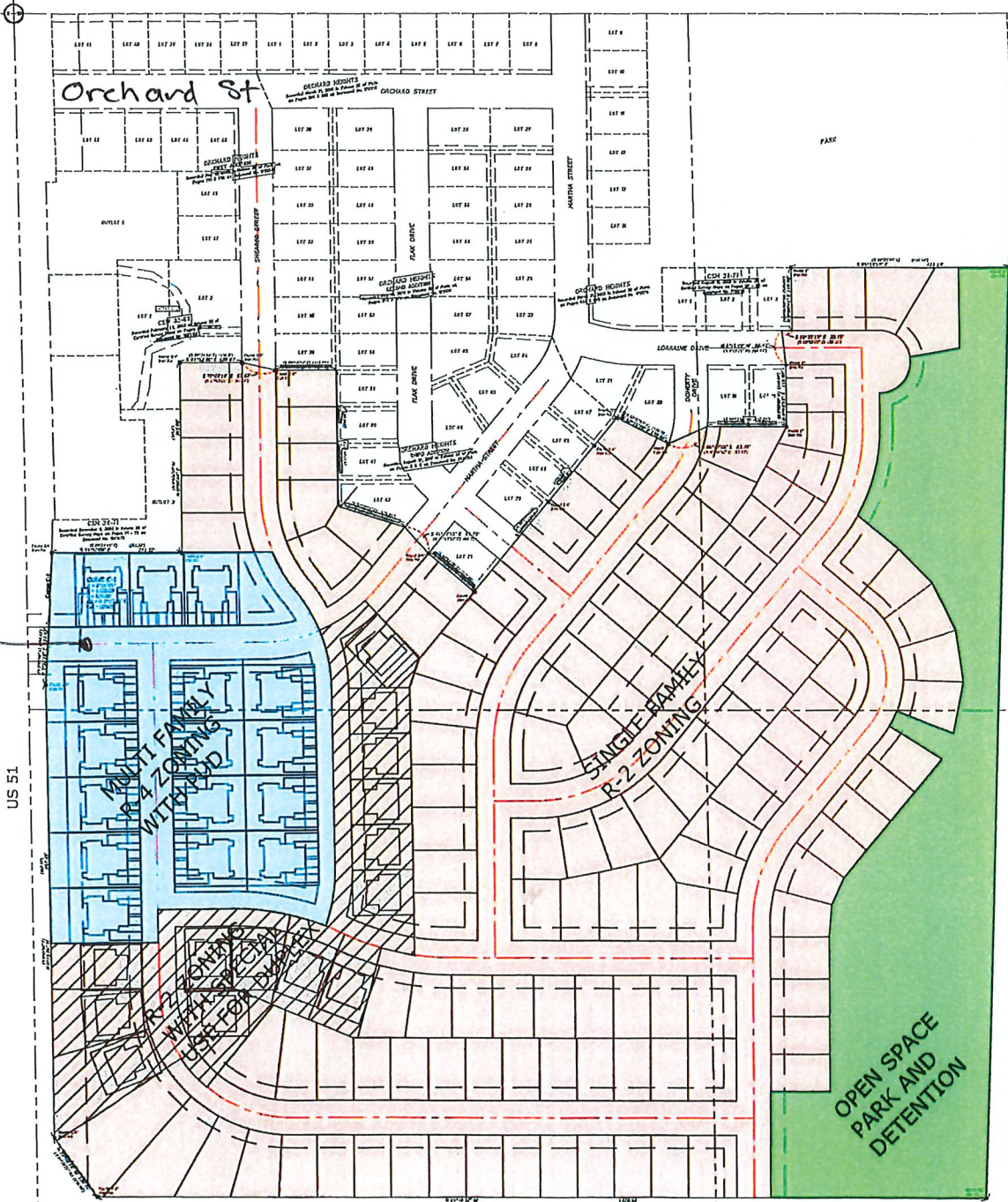
1. If the developer replaces the 4-unit buildings with duplexes, would the city approve a plat without an additional entrance to Hwy 51?
2. Is there an option of doing a certain number of houses/units without having to connect [a new street] to Hwy 51? For example, doing just the multi-family?
3. The connection at Lois is relatively expensive. Is there a compromise that would allow the access at Orchard only to remain?

Questions for the Plan Commission:

- Does the Plan Commission want to get a determination from the DOT regarding the option to close Orchard Street in exchange for a new street at Lois Lane?
- Does the Plan Commission recommend the city take whatever steps are necessary to obtain DOT approval for two street access roads before considering allowing the entire subdivision to be developed with one access street?
- Does the Plan Commission want to get a determination from the DOT about allowing future plats with one public street access at Orchard Street?

**COMPREHENSIVE LAND USE PLAN OPTION 5:
ORCHARD HEIGHTS**

Louis Lane Intersection



US 51

8.75 ACRES MULTI FAMILY R-4 ZONING (16 lots, 64 units)
5.95 ACRES R-2 ZONING WITH SPECIAL USE FOR DUPLEX UNITS (14 lots, 28 units)
37.98 ACRES R-2 ZONING FOR SINGLE FAMILY (128 lots)
9.49 ACRES PARK/DETENTION OPEN SPACE



RE: Approval for Access Point on Hwy 51

Sommerfield, Arthur - DOT <Arthur.Sommerfield@dot.wi.gov>

Fri 10/13/2023 1:02 PM

To: kmcarrier2053 <kmcarrier2053@gmail.com>

Cc: Braun, Wendy - DOT <Wendy.Braun@dot.wi.gov>; Murphy Lybek, Rita J - DOT <rita.murphylybek@dot.wi.gov>; Hinkle, Scot - DOT <scot.hinkle@dot.wi.gov>; Ramona Flanigan <rflanigan@edgerton.wi.gov>; jlinkenheld <jlinkenheld@arcdesign.com>; Roach, Michael - DOT <Michael.Roach@dot.wi.gov>; Voight, Susan - DOT (DTSD Consultant) <susan.voight@dot.wi.gov>; Sydow, Stephen - DOT <Stephen.Sydow@dot.wi.gov>

Kyle,

As we have mentioned in the past, WisDOT is obligated to protect the safety and operations of the state highways. In this case that is extremely important because USH 51 is a minor arterial that serves as a signed alternate route for traffic should an incident occur on the IH39/90. While WisDOT can summarily dismiss any request to change access along highways regulated by §84.25 (controlled-access highways), the Department prefers to work with municipalities and developers to preserve the safety and operation of state highways through access management, while also fostering smart growth and economic development in the State of Wisconsin.

The development associated with these parcels along USH 51 has been reviewed and discussed at length in the past:

- In 1977 WisDOT declared this section of US 51 as a Controlled Access Highway under §84.25.
- WisDOT recorded an Authorization for Access to or Across a Controlled Access Highway in 1980, 4 Private drives, 3 to the original farmstead and 1 unconstructed driveway to be located at the south 40-acre field. Marjorie Falk was the sole owner of the entire parcel
- October 29, 2003 – a letter from WisDOT Planning Chief, Michael Rewey to Ramona Flannigan, City of Edgerton Administrator, providing access guidelines for US 51.
- The letter indicated that a driveway needed to be removed in exchange for a public street connection. (Orchard Street). It also indicated that a second public street connection may be allowed. (Lois Lane) However, for this to occur the remaining private connection to the existing “Falk Homes” would need to be removed.
- April 21, 2006 – Orchard Height First Addition abutting plat was conditionally certified. This plat laid out the Orchard Street connection. It also showed the easements that were created to facilitate the future removal on the highway access to “Falk Homes”.

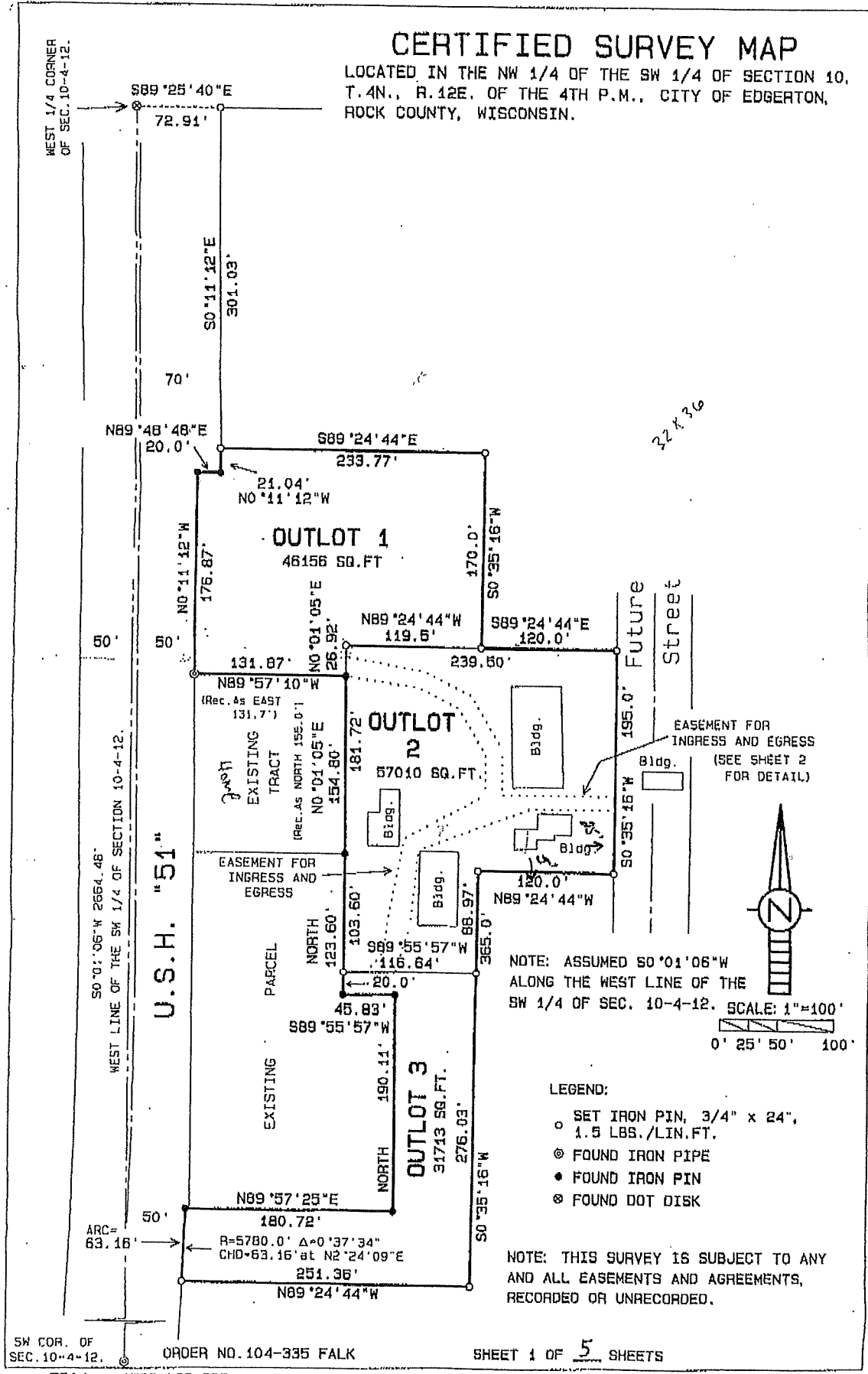
The SW Region spoke with the Statewide Access Committee on September 5, 2023, regarding your request to eliminate one private access connection along USH 51 in exchange for a street connection to USH 51 across from Lois Lane. During this discussion, the committee reviewed the previous §84.25 access review history outlined above, including the WisDOT letter from 2003, and the easements created and shown on the Orchard Heights First Addition plat. The committee believes that these documents clearly outline WisDOT’s intent for street connections and access along this section of highway. Therefore, the committee has agreed with the SW Region, determining that the request does not fulfill the requirements of §84.25 and has denied your request. The elimination of a single private access point, that currently serves approximately ten vehicular trips per day, in exchange for a public street connection that would serve hundreds of vehicles per day does not provide a public benefit to the users of USH 51. The committee indicated they would be willing to allow a street connection across from Lois Lane, but approval for this connection would require adherence to the conditions outline back in 2003, the removal of the remaining private access to the original Falk property as shown on WisDOT’s original 84.25 plat from 1980.

2006

Falk

CERTIFIED SURVEY MAP

LOCATED IN THE NW 1/4 OF THE SW 1/4 OF SECTION 10,
T.4N., R.12E. OF THE 4TH P.M., CITY OF EDGERTON,
ROCK COUNTY, WISCONSIN.



SW COR. OF SEC. 10-4-12.

ORDER NO. 104-335 FALK

SHEET 1 OF 5 SHEETS