**Fact Sheet 4403 Main Street**

Below is a series of facts regarding 4403 Main Street.

If you have any additional questions regarding the property please contact Casey Griffiths at c.griffiths@windpoint.org or 262-639-3524.

**Why did the Village initially take ownership of the property at 4403 Main Street?**

In December 2016, Racine County officials informed the Village that it was preparing to foreclose on the property for nonpayment of taxes. The Village administrator asked County staff what the County’s plans for the property would be after foreclosure. County staff did not provide an answer. At this point, the property had been listed on the market for several months, for a price of $224,000.

In June, 2017, the Village board approved the Village’s acquisition of the residential property to control its future use. The sale was completed on June 7, 2017 for $110,000.

**Why did the Village demolish the home located on the property?**

Upon inspection, it was determined that the house was in such blighted condition that it was dangerous and unsalvageable. The structure had several openings that were attracting wild animals and letting in rain and snow, and there was concern that it could attract vandals.

**What are spite strips?**

A spite strip is a platted area in a development, comprised of one or more or outlots, that is too narrow to be used for any other purpose than to limit access to or from an adjacent parcel. Spite strips are considered to be poor planning practice, and it is now illegal in Wisconsin to create a spite strip during the platting process.

**Why were spite strips placed adjacent to the 4403 Main Street property long Deepwood Dr.?**

According to a long-time resident with knowledge of the history of Wind Point, as Wind Meadows was being developed, Johnson Development Corporation offered to purchase the two lots at 4403 and 4325 Main Street, but the owners declined to sell. As the developer platted the Wind Meadows subdivision around the two parcels, four two-foot wide outlots (the spite strips) were created along Deepwood Drive. These outlots effectively sealed off these properties from the Wind Meadows development by restricting access to these two properties from Deepwood Drive. (Deepwood Dr is a public road that is maintained by the Village).

**Why did the Village use the eminent domain process to correct the spite strip?**

As noted above, spite strips are now illegal in Wisconsin and considered poor planning practice. To correct the spite strips issue, the Village originally offered to purchase the outlots that comprised the spite strip from the owners—Wind Meadows Corporation and S.C. Johnson Corporation (the successor organization to Johnson Development Corporation).
Wind Meadows representatives declined to sell stating that it would be impossible for the Wind Meadows Corporation Board to obtain the required homeowner approvals to sell common property.

S.C. Johnson representatives did not agree to sell but indicated that they would not oppose an eminent domain action by the Village.

Therefore, the Village initiated the process of purchasing the outlots through the eminent domain process in order to clean up the right of way along Deepwood Drive and allow the parcels at 4403 and 4343 Main Street and to have access to and from Deepwood Drive.

Did the Village use eminent domain to obtain the entire property at 4403 Main Street?

No, the Village did not use eminent domain to obtain the property. The property was purchased outright by the Village. At the time of purchase, the property had been publicly listed for sale for several months.

Was 4403 Main Street ever owned by the S.C. Johnson Company, Johnson Foundation, or Wind Meadows?

No. The property was never owned by S.C. Johnson Corporation, the Johnson Foundation or the Wind Meadows Corporation.

Did the Village ever receive an offer from S.C. Johnson or the Johnson Foundation to purchase the property?

No. The Village never received an offer from S.C. Johnson or the Johnson Foundation to purchase the property.

What was the zoning on the property and what is the current zoning?

At the time of purchase by the Village, the property was zoned as R-1 Estate District, which is the lowest density residential zoning classification in the Village. There has been a claim that the property was zoned as agricultural. Village staff has found no evidence that this property was ever zoned as agricultural, although it is possible. Prior to the re-zoning in 2019, the property had been zoned as R-1 Single-Family Residential for many decades. It is believed that the recently demolished structure on the property had existed since the mid-1960s.

On October 10, 2019, the Village formally rezoned the property to R-4 Multiple Family Residential District, which is the same zoning as the properties located directly to the north and east of the property. The re-zoning process followed the same process as any other re-zoning in the Village, including public meetings by the Plan Commission and a public hearing by the Village Board.

Has there ever been a proposal to develop the property?

In the past fifty years there have been proposals to develop the property.
**Late 1960’s/Early 1970’s.** As previously stated, based upon information from a long time Wind Point resident, the Johnson Development Corporation attempted to purchase the property to incorporate it into the Wind Meadows Development.

**December 1998.** The owner of 4403 Main Street and the owner of 4325 Main Street jointly requested that the Village rezone their parcels from R-1 to R-3, to allow the owners to divide the properties into multiple single-family lots. The owners stated that the change would make future development of the properties more economically feasible. The proposal would have divided the two parcels into 17 single-family lots.

Ultimately the owners withdrew this request for rezoning. However, prior to the withdrawal, in a letter dated December 23, 1998 to Village President Bernberg, Wind Meadows Corporation Board President Pettibone stated: “The Wind Meadows Corporation Board believes that R4 Multiple Family zoning would better protect our property values. Under this zoning development would be controlled as Planned Unit Development and subject to conditions well beyond minimum square foot requirements. An Architectural Committee would establish design and material requirements for the Developer to follow. Perhaps the development could be done under the same guidelines as stated in the Master Plan for Wind Meadows 1968 negotiated between the Village and Johnson Development.” This same letter also stated, “Although many WMC residents prefer to see the “woods” undisturbed and remain R1, this may be unrealistic.”

**2016-2017:** The Village had received notice from Wind Meadows that Newport Development had proposed a project for the site. The issue of spite strips along Deepwood Drive was discussed as an impediment to any development as the access to the road was blocked. Representatives from the Village attended meetings with Wind Meadows to investigate possible solutions to the spite strip issue. No resolution came out of those meetings.

**2020:** The Village sent out a request for proposal document to solicit potential developers for the property. More is discussed regarding this proposal document later.

**How did the Village come to its decision to rezone and redevelop the property?**

In the summer of 2019, the Village Board requested that the Plan Commission review possible land use options for the property. At a meeting on July 31, 2019 the Plan Commission evaluated the pros and cons of the following possible land use designations: keeping the property zoned as Single-Family Residential R-1; rezoning the property to Single Family Residential R-2/R-3; rezoning to multi-family residential R-4; rezoning the property to park and conservancy; or rezoning the property to business district. The Plan Commission determined that the best option would be to rezone the parcel to R-4 because that zoning is compatible with the majority of the parcels that surround the property.

In September 2019 the Plan Commission recommended that the Village Board amend the Village’s Comprehensive Plan and rezone the parcel from R-1 Single Family Residential to R-4
Multi-Family Residential. In October 2019, following a public hearing, the Village Board approved the recommended rezoning. In December 2019, the Village Board directed staff to move forward with marketing the property to potential developers through a request for proposal process.

**Why didn’t the Village determine that the best land use available for this site was as a park?**

As the Plan Commission evaluated all of the possible options for the site, including the park option, it considered existing amenities and open space nearby, the fact that this property had been a private residential property for decades, the costs of establishing and maintaining another village park, the loss of future revenue by permanently removing the property from the tax rolls, and the potential benefit to all Village residents. After carefully considering all options, the Plan Commission concluded and recommended that rezoning the property to R-4 afforded a much better opportunity for the Village as a whole. At a later meeting and public hearing, the Village Board voted to approve the Plan Commission’s recommendation.

**The Village has said that it is interested in investing in park land, why are you not doing this at 4403 Main Street?**

The Village made a significant investment in 2018 to improve the Village Green park with expanded acreage and new amenities, including a new playground, expanded multi-sport courts, and a multi-use picnic shelter. Additionally, the Village has budgeted $121,500 in 2020 to continue improvements on the Lighthouse grounds with paths and landscaping and beautify this park and to increase recreational opportunities for residents. The total acreage of these two parks is 11 acres.

**Is the Village only interested in developing this property in order to increase tax revenues?**

Tax revenue is always an important consideration in any development decision, but especially under the current constraints of Wisconsin law. The State of Wisconsin has placed stringent limits on a municipality’s ability to increase its overall tax levy. Since 2012, the State “levy limit” law has mandated that, with few exceptions, municipalities can only increase their tax levy by no more than the percentage change in the local government annual property value due to new construction. The percentage of net new construction is determined by the State of Wisconsin.

For municipalities like Wind Point that have had little or no new construction, this limit has caused serious concern. Currently, the Village is in a strong financial position with no debt and a tax rate that is among the lowest in Southeastern Wisconsin. However, to maintain the high level of services that residents expect, the Village Board must find ways to: 1) keep pace with the rising costs of services and, 2) provide funds for planned capital projects, such as the repaving of Three Mile Road-Lighthouse Drive-Four Mile Road scheduled for 2026.
Did the Plan Commission and Village Board seek public input prior to the rezoning?

All Plan Commission and Village Board decisions regarding this property have been made at public meetings in accordance with open meeting laws and required public notice and hearings. These meetings are always open to the public. The meeting agendas serve as a notice of what will be discussed at that meeting. These can be found on the Village’s website, Facebook page and Twitter. The Village also posts its agendas on the display board outside the Village Office.

The only exception to this was when the Village Board used a closed session to deliberate on the purchase price to offer for the parcel. Such a closed session for real estate purchase deliberations is permitted Wisconsin Statutes 19.85 (1)(e) “for deliberation of or negotiation for purchase of public properties, investment of public funds, or conduct of other specific public business, whenever competitive or bargaining reasons require a closed session”.

When will a developer be selected for the project?

Currently, the Request for Proposal (RFP) document is out, and developers are free to submit proposals to the Village. It is expected that the Village Board will review the proposals and select a developer sometime in Spring 2020.

Did the Village have a developer in mind for the project?

No. As part of this process, the Village sent the RFP to the broader development community to solicit a variety of development proposals.

Are there other properties in the Village, besides 4403 Main Street, that could be developed?

The Village is a fully developed community so there are very few parcels that can be developed. Development opportunities are generally limited to infill redevelopment of existing developed parcels.

Currently, there are two properties in the Village that are potential candidates for development:

- Village-owned parcel 4403 Main Street; 5 acres.
- Developer-owned property at the former Wind Point School property; 13.8 acres (owned by Newport Development)- currently under development review.

Three privately-owned parcels are currently vacant. The Village is not aware of any owner plans to develop or sell these parcels.

The Village is unable to annex new land for development as it is bordered by the Village of Caledonia and the City of Racine.
Isn’t any development going to destroy the natural areas of the property?

There is no plan to clear-cut the property at 4403 Main Street. Even if the property were not developed, however, it is extremely likely that a significant percentage of trees—Ash infested with the emerald ash borer as well as invasive species—would have to be removed from this property. There is wildlife on the property, however the Village doesn’t anticipate that there would be significant dislocation as there is abundant open space close by. Good stewardship of this property would require the removal and replacement of significant amounts of trees and brush, which would be a significant investment in time and money for the Village.

It should be noted that the Village Board passed an ordinance in 2019 that the development of any R-4 or commercial parcel set aside 20 percent of the total acreage for green space. This ordinance was in response to resident concerns expressed at public meetings.

For any proposed development on the property at 4403 Main St, the Village Board will require an explanation of the project’s incorporation of natural areas and green space. The relevant evaluation criterion to the Request for Proposal for this property: “Site Use, design and efficient land uses and use of natural features and greenspace are critical issues for the success of the project.”

Will development ruin wetlands on the property?

There may be wetlands on the property, but only the Wisconsin Department of Natural Resources has authority over them. A potential developer will need to complete a wetland delineation to determine their location. If there are wetlands on the property, the developer must comply with mitigation requirements in accordance with Wisconsin Department of Natural Resources rules and State statutes.

Has a development impact study for development at 4403 Main Street already been performed? If not, will a development impact study be performed?

The Village has not completed a development impact study, nor does the Village anticipate the need for one because the R-4 zoning is the same as the parcels across Deepwood Drive to the north and east.

Due to the size of the lot, setback requirements, unit density limits, greenspace requirements and building height limits, the potential number of buildings is likely to be relatively limited. Under existing requirements, the maximum allowable units would be 14 units, which is about 2.8 units per acre. The condos to the north of Deepwood Drive are 12 units on 4 acres (3 units per acre) and 17 units on 3.25 acres (5 units per acre).