

Minutes Plan Commission Meeting

October 17, 2016

Members Present: Brad Czebotar, Cathy Kirby, Bruce Fischer, Kate Barrett, Jeff Sorenson, Ron Berger, Dan Kolk

Members Absent: None

Staff Present: Pauline Boness, Matt Schuenke, Karen Knoll

Others Present: Sharyn Gussick, Deanne Funkhauser, Craig Howery, Bonnie Allbough, Ron Gussick, David Swofford, Maureen Gaffney, Ken Nordlie, Sue Smith, Korianne Kerkenbush, Tim Gill, Deanna Durnford, Mike Klune, Grant LaPlant, Lori LaPlant, Jeff Maertz, Lois Pfister, Larry Pfister, Kris Sturman, Dawn Faust, Rebecca McGuire, Scott Smith, Kathleen Smith, Gail Posen, John Posen, David Baehr, Kitty Brussock, Clair Utter, Cindy Weber, Art Weber, Ron Trachtenberg, Mary Jo Olson, Philip Olson, Larry Lehman, David Schiefelben, Robert Bouril, David Silverberg, Sarah Berry, Stuart Allbough, Tammy Thayer, Deb Braun, John Wenderling, Jim Joehnk, Mark Wegner, Wayne Charlie, Darrel Braun, Kelsy Boyd

- 1. Call to order.** Czebotar called the meeting to order at 7:05 p.m.
- 2. Review and approval of draft Minutes from the September 19, 2016 Plan Commission meeting.**
Barrett asked the word “it” be removed from the last paragraph on page 7 in the September 19, 2016 minutes as the sentence would sound better. Czebotar called for approval of the minutes as changed per Barrett’s request, motion carried 7-0.
- 3. Public Hearing – Review and possible approval regarding a 2-Lot Certified Survey Map (CSM) request for property owned by Art and Cindy Weber. The property address is 5306 Falling Leaves Lane is currently zoned R-1, Single Family Residence. (Postponed from the September 19, 2016 Plan Commission meeting.)**

Czebotar opened the public hearing at 7:06 p.m. Art Weber, 5306 Falling Leaves Lane stated they are seeking to split their current 26,000 sq.ft. lot into two lots, creating a 9,435 sq.ft. lot which is smaller than 10,000 sq.ft. required for R-1 zoning. This smaller lot would need to be zoned R-1A. Their intention is to sell their current home and build a new smaller one on the second lot. They have met with neighbors to discuss their proposal along with meeting with Building Inspector, Marty Pilger and Pauline Boness, Community Development Director. Nothing has changed from when they came before the Commissioners previously on this request.

Czebotar closed the public hearing at 7:08p.m.

Czebotar moved to approve a 2-Lot Certified Survey Map (CSM) request for property owned by Art and Cindy Weber. The property address is 5306 Falling Leaves Lane is currently zoned R-1, Single Family Residence. Kirby seconded the motion, motion carried 7-0.

4. Public Hearing - Review and possible recommendation to the Village Board regarding Ordinance No. 2016-06. AN ORDINANCE TO REZONE LANDS AT 5306 FALLING LEAVES LANE FROM THE R-1 RESIDENTIAL DISTRICT TO R-1A RESIDENTIAL DISTRICT. (Postponed from the September 19, 2016 Plan Commission meeting.)

Czebotar opened the public hearing at 7:08 p.m., with no one wishing to speak the public hearing was closed at 7:08 p.m.

Czebotar moved to recommend to the Village Board approval of Ordinance 2016-06. An Ordinance to rezone lands at 5306 Falling Leaves Lane from the R-1 Residential District to R-1A Residential District. Kolk seconded the motion, motion carried 7-0.

5. Review and possible recommendation to the Village Board on a request by Beach House Properties LLC to approve a General Plan to redevelop Lots 1 (former Beach House Restaurant site) and 2 of CSM 1256 with 37 multi-family units and a restaurant. The addresses are 4506 Larson Beach Road and 5604 Lake Edge Road. (Postponed from the September 17, 2016 Plan Commission meeting.)

Ron Trachtenberg – attorney with Von Briesen is representing the developers. He has with him Bob Bouril and Jeff Maertz of the architectural firm and Jim Joehnk an engineer who will speak on water quality. They made a presentation for the neighbors on October 5, 2016, it is essentially the same presentation Commissioners will hear tonight, they were not however able to come to any satisfactory conclusion at the neighborhood meeting.

There were four issues raised; setbacks and sideyards; they are equal to the adjacent homes and have scaled the building back on the third story so the setback to each neighbor is similar to a two story. Owner occupancy; they will eventually be owner occupied, but feel it will take time and they want to build both buildings at the same time as it will be easier for construction costs, they do not expect all units to sell at once, and they want time to be able to sell them, units will

be rentals until they sell, when they get ready to sell after being a rental they will totally refurbish the unit. The density concern, they are now at 37 units, there was discussion they go down to a two story building, to take them down to the R-3 zoning of 27 units. They do not feel that is correct as they have the empty lot to develop which would give them another 6 units; they feel the comparison is actually 33 vs 37 units. With 37 units you will have a restaurant. They have brought down the height of the building, but they need three stories to get the design they wish.

Bob Bouril and Jeff Maertz presented a slide show of the sites at 4506 Larson Beach Road and 5604 Lake Edge Road showed current views and how they propose it will look with their request for the property to be rezoned to Planned Development Infill.

Jim Joehnk explained their design for stormwater management for the proposed project. Barrett asked if the bio retention area was designed to hold snow. Joehnk replied it will hold some, and they have identified parking areas for snow storage. Joehnk reviewed plans for stormwater runoff and how they feel it will work if their request is approved. Barrett inquired how salt and snow will be handled in the bio retention areas, as the soil type is crucial. Joehnk replied that is what the bio retention pond component is. Barrett encouraged them to contact the DNR as there is work being done on revising the standards at this time.

Bouril stated they have added a green roof to the area above the restaurant. Bouril then reviewed other standards of a Planned Infill District, and their proposal for the Lake Edge and Larson Beach Road properties, as well as the additional site located at 5611 Lake Edge Road. This is a three site development and they feel the same standards would apply.

They do not want to phase the construction and anticipate starting three months after approval, with completion in approximately 11 months.

Chris Sturman advised they are at the maximum they can cut back, per their financial analysis. They are holding at 37 units, if they reduced the plan to 27 units, it would cost them a loss of \$36,000 per unit; this is why they need the density to support their project.

Czebotar advised they will take public comments at this time.

Bonnie Allbaugh – 5622 Lake Edge Road – Spoke in opposition

Kathleen Smith – 5624 Lake Edge Road – Spoke in opposition

Dawn Faust – 5426 Bremer Road – Spoke in opposition

Susan Smith – 5434 Bremer Road – Spoke in opposition

Maureen Gaffney- 5438 Bremer Road – Spoke in opposition.

Stuart Allbaugh – 5622 Lake Edge Road – Spoke in opposition

Scott Smith – 5624 Lake Edge Road – Spoke in opposition

Tammy Thayer – 5728 Lake Edge Road – Spoke in opposition

Gail Posen – 5822 Lake Edge Road – Spoke in opposition

Sharyn Gussick – 5708 Lake Edge Road – Spoke in opposition

Mike Wegner – 5704 Lake Edge Road – Spoke in opposition

Sarah Berry -did not wish to speak, registered her opposition.

Timothy Gill- 5410 Bremer Road, did not wish to speak, registered his opposition.

Deanne Funkhauser - 5834 Lake Edge Road, did not wish to speak, registered her opposition.

Deanna Durnford – 5504 Bremer Road, did not wish to speak, registered her opposition.

Mike Klune – 5508 Bremer Road, did not wish to speak, registered his opposition.

Kitty Brussock – 6214 South Court, did not wish to speak, registered her opposition.

David Silverberg – 5810 Lake Edge Road, did not wish to speak, registered her opposition.

Philip R. Olson – 6212 South Court #1, did not wish to speak, registered his opposition.

Ron Gussick – 5708 Lake Edge Road, did not wish to speak, registered his opposition.

Mary Jo Olson – 6212 South Court, #1, did not wish to speak, registered her opposition.

Korianne Kierkenbush – 5304 Bremer Road, did not wish to speak, registered her opposition.

John Poser – 5822 Lake Edge Road, did not wish to speak, registered his opposition.

Darrell Braun – 5804 Lake Edge Road, did not wish to speak, registered his opposition.

Debra Braun – 5804 Lake Edge Road, did not wish to speak, registered her opposition.

Wayne Charlie -5504 Bremer Road, did not wish to speak, registered his opposition.

Received letter in opposition from Roy Carter, Yahara Lakes Association Ltd. And the Board of Directors – Yahara Lakes Association Ltd.

Received letter in opposition from Mark Wegner.

Czebotar closed the public comments section of the meeting. Czebotar stated why he felt the changes made by the proposed developer are good. Czebotar stated it is the Plan Commissions responsibility to make a recommendation to the Village Board that it either be approved as submitted, approved with modifications or disapproved. Ultimately the Village Board has the final authority.

Czebotar moved to recommend to the Village Board approval of the request by Beach House LLC for the General Plan to redevelop Lots 1 (former Beach House Restaurant site) and 2 of CSM 1256 with 37 multi-family units and a restaurant. The addresses are 4506 Larson Beach Road and 5604 Lake Edge Road with the following conditions:

- Stormwater management plan shall be reviewed and accepted by the Village Engineer prior to the detailed plan.
- Acceptance of the recommendations from the Public Safety Committee incorporated into the general plan.
- The developer shall make contact with the McFarland School District in order to confirm the planned development will not adversely affect the ability of the public agency to provide school services.
- The developer shall incorporate additional screening into the landscaping plan within the 22' side yard setback in order to shield neighboring properties from any perceived adverse external effects of the proposed development. The developer is further encouraged to explore with neighboring property owners the need for fencing.
- The developer shall maintain public access to the lake either by boat or pedestrian in designated areas within the property in use with the public pier, plaza and community room.
- The developer will be responsible for the ongoing care and maintenance of the offsite parking lot. Discontinuance and or alterations to the offsite parking lot shall be considered a revision to the general and detailed plan for this planned development and shall follow the process for revisions as is outlined in the zoning code.
- The developer shall hire an arborist to assess the conditions of each of the mature trees on the site and make a recommendation regarding the ongoing care and inclusion in the site as well as will be presented in the final landscaping plan with the detailed plan submittal.
- The developer shall carry forward all changes made during the review of the general plan and as is included in the submittal to the detailed plan.
- Contracts with vendors serving the restaurant will be made by smaller box trucks and not by 18 wheeler delivery trucks.
- An exemption will be granted to the standard floor area ratio listed in section 62.66 (d) (2) as allowed to be made by section 62.66 (f) for the exceptions for the standards.

With no second to the motion, the motion failed.

Kirby stated as discussed at previous meetings, this is a unique property and the Village needs to take the time to make sure it is done right; she does not feel this proposal is right. In comparison there is a new 3 story, 36 unit apartment building on Farwell Street, which is a commercial district, she cannot imagine placing something of that size in a residential district. The codes call for 16 units on the Beach House site, with up to 27 with a conditional use permit. While the developers feel they have all the points for this to be a PDI, she does not feel this site should be a PDI, it should be built with the conditions set forward in the ordinance, with the possibility of a CUP, putting it into the 27 – 30 unit range. Kirby cannot recall any project where they have made the exceptions this developer group is asking for. She does not agree with the developer's calculations for FAR, by using what could be called an "out lot" across the street, and by doing so would set a precedent for future problems. It has to be contiguous property. While the developers have good intentions, she does not feel they realize this is a residential neighborhood which they are working with.

Kirby moved to postpone the project until the development can be reduced to no more than 30 units as well as other conditions which will be outlined at that time. Barrett seconded the motion.

Kirby advised the reason she made this motion is because if they postpone it they send the developers back to the drawing board, and send the message, which they tried to send last month, that this project is too dense. Kirby feels the developers tried to work with every other issue brought up except for the density. While a great presentation, the primary issue is still density. A motion to deny would send the proposal to the Village Board giving them the opportunity to approve the project. This is similar to the process which was gone through with the Kwik Trip project, it took many meetings, and in the end a project was proposed that both the developer and the neighborhood could agree on. While the length of time and process may be frustrating, it is a process which if followed can have a good outcome for everyone.

Barrett commented the developers were instructed by someone there needed to be a restaurant on the site, she is not sure that is what is really needed. If the developer needs to delete the restaurant from the project to make it economically feasible for them, they should consider it. While the building proposed may be beautiful, it is too big of a building for that site. Barrett feels if you cannot find the time to do it right, you cannot do it over. Whatever goes up there is something they will have to live with for the next 50 -100 years. As with the Kwik Trip project, the neighbors were very engaged attended multiple meetings, to speak with the developers. Everyone was at the table for the right reason, to do what was best for the community. Barrett summarized what she wants is something which will fit into the neighborhood and be good for McFarland.

Kolk advised he was in support of the project as designed with the exception of the floor area ration (FAR). If this was approved in a PDI, you run the risk of setting precedent which cannot be turned back. He understands the difficulty in this, but only they can look at their finances and decide if this is a feasible project for them. We need to be cautious on a project like this, and they have not yet achieved the standard of density. He personally would hate to lose the restaurant, but if that is what it takes to achieve the density, he is fine with it. We have to listen

to the neighbors and residents. He would like to see more discussion, and while no one likes more meetings, if that is what it takes he would be in favor of that.

Berger concurred with Barrett and Kolk, the key issues is using the parking lot in their calculations. He thought after the last Plan Commission meeting the developers would have come back with a proposal in the low 30's for number of units, he was disappointed to see it only went down by two units. He asked of Kirby, does her motion need to be tied to a number of units. Kirby responded she could be flexible, but you need to select a number, if not a PDI the number would be 27. Czebotar asked for review of the verbiage of the motion. Knoll read back the motion. Kirby clarified the reason she did that was she wanted to send a clear message, she did not want to be coming back month after month, with the proposal only being reduced each time by one unit.

Sorenson he agrees with almost everything that has been said, he was disappointed when he received his packet and reviewed it, he thought it was made very clear at the previous meeting; the main concern was the size and the bulk of the building. He did not think the developer took what was said last month and put the best effort into it. It comes down to density and FAR, he agrees they cannot use the additional lot in the floor area ratio. While items such as stormwater, bio-retention pond, trees have all been addressed, but feels it was more of a smokescreen to ignore what the main concern is.

Kolk would like to see the motion reworded to address the floor area ratio, rather than just the number of units. Kirby would accept a friendly amendment. Berger made a friendly amendment to read the project to meet the floor area ratio of .7 without using the non-contiguous lot. Commissioners discussed various options of the motion. Berger withdrew his friendly amendment.

Kirby requested to modify her original motion to read; I move to postpone action on this development until the developers can provide them with a plan that meets the floor area ratio ordinance of .7 without using the non-contiguous lot and is 30 units or less. Sorenson seconded the motion.

Kolk inquired of Boness if the restaurant is calculated in the floor area ratio. Boness responded yes. Commissioners discussed options of setting a firm number, versus a range of units.

Czebotar requested Kirby's motion be reread. Knoll reread motion. Czebotar called for the vote, Motion carried 5-2 with Kolk and Czebotar voting nay.

- 6. Public Hearing - Review and possible recommendation to the Village Board regarding Ordinance No. 2016-04. An Ordinance REZONING LANDS IN THE VILLAGE OF MCFARLAND AT 4506 LARSON BEACH ROAD FROM C-G COMMERCIAL GENERAL TO PDI-GPA PLANNED DEVELOPMENT INFILL DISTRICT GENERAL PLAN APPROVED AND 5604 LAKE EDGE ROAD FROM R-3 GENERAL RESIDENCE TO PDI-GPA PLANNED DEVELOPMENT INFILL DISTRICT GENERAL PLAN APPROVED. Legally described as: Lot One (1) and Lot Two (2),**

Certified Survey Map No. 1256, recorded in Volume 5 of Certified Survey Maps of Dane County, Wisconsin, Page 178, as Document Number 1376444, in the Village of McFarland, Dane County, Wisconsin. Addresses are 4506 Larson Beach Road and 5604 Lake Edge Road (Postponed from the September 19, 2016 Plan Commission meeting).

Due to Agenda Item #5 being postponed, the public hearing on Agenda Item #6 is postponed.

Staff Reports:

- a. **Highlights and Updates** – Comprehensive Plan update, Resolution CARPC No 2016-12-A. Boness summarized there was an application to CARPC for a variance for some areas in the Gannon development, they did receive a variance and what CARPC would like to see is indicated in the resolution. The largest issue is limiting the amount of fertilizer used on the properties. Boness is not sure how that can be done; but it can be discussed. There is also a restoration plan, along with other issues which will be discussed with Gannon's engineers.

Boness updated Commissioners about the sign code, a recent conference she attended, and communities currently updating their sign codes. Boness has asked Attorney Fleming to review the updated code, and see if there is anything we need to incorporate, she hopes to hear back by the end of the year.

- b. **Property Maintenance Report** – Commissioners questioned the timeframe for follow up and extensions granted to parties who are not in compliance with ordinances. Kirby inquired about the property on Wisconsin Street where there have been numerous extensions granted, why do we keep granting them if a party is not in compliance and how do we contact them? Knoll advised the Building Inspector will try to make follow-up contact by phone with this party, as for serving of notices they are done by mail, and/or posting on the property, it depends on the violation; some parties will refuse to sign for certified mail when they know they are in violation. Sorenson feels we have been more than patient and we should be citing people when in violation. Boness advised she has spoken with the Village Attorney, and has spoken with other communities about similar situations, there will be meetings per Czebotar request to discuss ways to handle these types of situations.

7. **Adjournment** – Kirby moved to adjourn, Sorenson seconded the motion, motion carried. Meeting adjourned at 9:25 p.m.