

Minutes Plan Commission Meeting

November 21, 2016

Members Present: Brad Czebotar, Bruce Fischer, Jeff Sorenson, Ron Berger, Dan Kolk
(arriving at 7:02)

Members Absent: Cathy Kirby, Kate Barrett

Staff Present: Pauline Boness, Matt Schuenke, Craig Sherven, Karen Knoll

Others Present: Kyle Cheramy, Shaun O’Hearn, Lauren Sladek, Tom Anderson, Jason Buchman, David Johnson: FBM Gypsum Supply, Brock Roder; Spartan Bowl, Mark Roffers, MDRoffers and Associates, Don Rogers, Rob Blosham, Brian Spanos, Brett Riemen; Preston Place.

- 1. Call to order.** Czebotar called the meeting to order at 7:00 p.m.
- 2. Review and approval of draft Minutes from the October 17, 2016 Plan Commission meeting.**
Czebotar called the minutes from the October 17, 2016 Plan Commission meeting approved by unanimous consent.
- 3. Public Hearing – Review and possible recommendation to the Village Board regarding a 2-Lot Certified Survey Map (CSM), for property owned by FBM Gypsum Supply. Legal description as follows: A parcel of land located in the NE ¼ of section 33, and in the SE ¼ of section 28, and in the NW ¼ of section 34, and in the SW ¼ of section 27, all in Township 7 north, range 10 east in the Village of McFarland, Dane County, Wisconsin. The property addresses are 4412 and 4414 Terminal Drive and are currently zoned M-IC Manufactured Intensive Commercial.**

Czebotar opened the Public Hearing at 7:01 p.m.

Dave Johnson on behalf of FBM Gypsum supply stated they are the new owners of the property located at 4412 and 4414 Terminal Drive and are seeking approval of a CSM to divide the property into 2 parcels with the intent to sell the portion which they will not need for their business.

Boness advised staff has reviewed the request and there are no problems. They have a 48' driveway from the road to the building. They are dedicating some right-of-way, which will need to be approved by the Village Board.

Czebotar closed the public hearing at 7:03 p.m.

Czebotar moved to recommend to the Village Board approval of a request regarding a 2-Lot Certified Survey Map (CSM), for property owned by FBM Gypsum Supply. Legal description as follows: A parcel of land located in the NE ¼ of section 33, and in the SE ¼ of section 28, and in the NW ¼ of section 34, and in the SW ¼ of section 27, all in Township 7 north, range 10 east in the Village of McFarland, Dane County, Wisconsin. The property addresses are 4412 and 4414 Terminal Drive and are currently zoned M-IC Manufactured Intensive Commercial. Sorenson seconded the motion. Motion carried 5-0.

4. Extraterritorial review CSM section 1 Town of Dunn property owner Tom Anderson

Tom Anderson 3393 Hwy. MN – They are requesting the CSM in order to clean up some lot lines. The original CSM had 3 lots on it, with joint ownership of one lot. Boness added the new CSM will depict where the actual driveway is. Anderson stated he has taken an easement and owns the driveway now; they are using the existing culverts.

Czebotar stated the Plan Commission has no objections to the CSM.

5. Review and possible recommendation to the Public Safety Committee regarding an application for a 83' x 40' (3000 sq.ft.) outdoor sports activity area by Carter Smith, Spartan Bowl at 4711 Farwell Street, McFarland, WI.

Brock Roder 5811 East Open Meadow, representing Spartan Bowl – They have made some changes for the proposed volleyball area to be located on the north side of Spartan Bowl, since they last met with the Plan Commission. They have had meetings with Village staff; he believes they have met all staff concerns. The changes they have made are: Barriers were originally only two on the east side, they have closed off the west side of the driveway; the existing driveway will be large enough to handle traffic flow; They will be adding a fire exit to the current outside patio. They will have 20' netting to try to keep volleyballs in the play area; there will be just one single playing court. A boundary will be created around the entire area with pipe going through the volleyball area to allow rain to drain; the piping will be covered with matting to keep all of the sand from running into the tubing, and into the street. They will have stacked 6 x 6 timbers to define the volleyball court, and hold in the sand. They will have jersey barriers to close off the parking lot from the Kwik Trip side of the property. There will also be jersey barriers on the west edge boarding the Kwik Trip property. Sorenson asked why is this project preferred in the front of the property instead of the side of the property.

Roder replied as they would be within 200' of residential property if on the side or rear. Czebotar asked, hypothetically, if the ordinance could be modified, would they be interested in moving the project to the side of the property. Roder felt there are more steps than just that, as

they cannot have bystanders standing in the area watching the game, they prefer the front as there is seating in their outdoor eating and drinking patio for people to watch the games, with only the players in the recreational area.

Kolk stated the design as proposed is temporary; and, will be taken down at the end of the season, if some of the ordinance changes could be made, this year, would they be interested in moving it the next year? Roder replied, yes, but they are making some permanent changes to the property to put this up, it could be costly to them. Kolk inquired about the fire exit stairs from the enclosed outdoor area, will that be used for any type of access, it is not specific to this project, but they will be using it in conjunction to this project. Roder replied it will be used year round as the outside exit from the outdoor patio as well as the volleyball area. Kolk inquired if putting the stairs there is consistent with the uses for an outdoor drinking area, or does it change the intent. Boness was not sure and would have to review it. Sorenson feels that is a valid question which needs to be checked into. Kolk wants to make sure this is consistent with what is expected. Boness inquired how they will get from the outdoor drinking area to the volleyball court, are they going to construct another stairway. Roder responded there may be a step or two added. They were not required to have an exit when they first constructed the outdoor drinking area as the fence is only 4' tall; as they will be adding the volleyball area they need the exit. Kolk inquired how the exit steps will be handled, will it be gated, if not they have changed the intent of the enclosure. Roder advised it will be gated and never used as an entrance; they will not have a door handle on it. The volleyball netting will not enclose the drinking area.

Sorenson asked for further explanation to what makes this temporary, what is the seasonal process. Roder replied they will be drilling sleeves into the parking lot in April; they will install poles, raise the net, add the sand and have a volleyball area. In September they will remove all poles, pipes, netting, sand and return it to a driveway. Kolk inquired if the barriers on the Kwik Trip side will be left year round. Roder replied no, they will be removed. Boness asked where all the materials will be stored when not in use. Roder responded they will sell the sand, and they have multiple bowling centers throughout the area, and they will find a spot, they hope to rent the jersey barriers.

Sorenson asked if the 20' netting is standard. Roder replied it is the height they use at their other locations. Sorenson stated he does not feel this will keep balls from going into the street in an area which is already a bad location with all of the driveways converging so close to the Hwy 51 interchange. He has safety concerns about the project, along with aesthetic concerns, as they are working on the Comprehensive Plan, is this what you want to see in the main entrance to the Village, from his perspective this does not fit with first impressions of McFarland.

Fischer inquired of Roder if he has any experience with temporary volleyball areas such as they are proposing. Roder did not respond.

Rob Blosham 5718 Norfolk Drive, Fitchburg, WI – They built a similar 2 court design in Madison this past year. On occasion they did have balls which went over the net, but it was not many times. They feel there is room when you include the trees, grass and sidewalk to the street. When a ball goes over the net it is an inconvenience to the players. They cannot

guarantee it will not happen. They also want courts in the front as people who are playing want to be close to an area where they can get a cocktail and eat either before or after the game. He feels it would be confusing to have people eat and drink at a deck which is separate from the area in which they play. Sorenson stated while he understands their view, he feels a different location should be pursued.

Kolk stated he has reviewed this, along with the comments from Chief of Police, Craig Sherven, it keeps going back to safety concerns. Boness stated Commissioners can add standards which they feel are justified.

Czebotar reviewed the Ordinance, and what Commissioners should be focusing on when making the recommendation. He does agree with Sorensen about this being the gateway to the community and, his main concern is he does not necessarily feel having a volleyball area in front of the building rather than the side is in keeping with the character of the area, even though he feels Spartan Bowl has met most of the standards. Fischer stated while he feels it is a good idea, he is not comfortable with having it that close to the road.

Rodar stated they are up against a timeline so they can get this done, he understands the safety concerns, and they cannot make any guarantee that balls will not go over, and while the trees are not the best barrier, he feels they do provide some protection.

Czebotar again inquired if the Village was able to expedite an ordinance change, would Spartan Bowl be willing to move it to the side of the building? Rodar replied their two concerns are the 200' setback and the ability to have people sit and watch. Volleyball is an outdoor sport where people like to sit and watch and drink, if you cannot they might as well play at Lewis park and make it a rec league. Czebotar inquired, one of the previous proposals had indicated a spectator area off the side of the building. Rodar replied that is a long term plan, they are not going to make any changes at this time, and parking was also an issue, they are only losing 8 parking stalls with this location. Rodar advises this will be something which means a lot to them, they are going to put up the best structure possible, something they can be proud of. He feels many business in the area will benefit from customers because of this.

Kolk asked if it is their intention to have all of the spectators in the outdoor drinking area, how many people are allowed in that area. Roder replied they have tables set up, and feels they will meet the occupancy standards. Kolk asked of Boness if the approval can be made conditional in any way. Boness indicated the Public Safety Committee will make the final decision; Commissioners can make a recommendation to have conditions one of which could be, one season and then have Spartan Bowl come back for a review to the Public Safety Committee.

Commissioners discussed the aesthetics of the proposed project and the traffic flow with the jersey barriers. Kolk advised they may find some challenges with maintaining this location. He has viewed many other outdoor volleyball areas, they do not have to be shabby in appearance, they can be well maintained and attractive. Sherven pointed out there is an issue and potential safety problem with the area being closed off for one half of the year, and then open the other half. The barriers need to be substantial and angled to help with the traffic flow so you don't

create a pinch point. Some of the main concerns are the proximity to the road, and that it overhangs the main entrance to the business. Sherven stated it is something which is going to take drivers some time to get used to. Sherven stated he would rather see it off to the side of the building and have to deal with some noise complaints, than on the front and be dealing with safety issues. Fischer felt it is difficult for him to approve when the Police Department has concerns, and he himself feels it is a difficult location which will cause safety issues. Roder feels the construction time frame for this will ease people into the change. Kolk inquired about leaving the jersey barriers up year round, but felt that would fall under Public Safety Committee. Sorenson stated he has had the same thoughts on this. Roder agreed and feels this is something he will have to discuss with Kwik Trip.

Czebotar asked if there was a condition to come back, what would Kolk like the premise to be. Kolk responded he did not think it would be a Plan Commissions issue, but a Public Safety one; the distracted driver would be a main concern, balls into the street, we need to take the time to see whether or not the steps Roder has taken are adequate. Sorenson inquired how you track that, how will you really know there was an incident, or a close one and the Police were not notified. Roder added there is no way to place netting over the top of the area due to the weight of the nets.

Commissioner's discussed options before them for making motions, and the pathways for this proposal.

Kolk moved to make consideration to the Public Safety Committee for a conditional approve an application for an 83' x 40' (3,000 sq.ft.) outdoor sports activity area as presented by Carter Smith, Spartan Bowl at 4711 Farwell Street with the condition that it receive a one year review and approval by the Public Safety Committee. Czebotar called the motion seconded based on discussion of the motion. Motion carried 4 – 1 with Sorenson voting nay.

Sorenson asked for explanation as to how this comes before Plan Commission and if they do not like the appearance, Public Safety gets the final approval. Czebotar responded it is based on how the ordinance was written. Fischer did not want to be credited with seconding the motion.

6. Discussion - Mark Roffers, MDRoffers and Associates relating to partial draft of Vol. 2 of updated Comprehensive Plan.

Mark Roffers with MDRoffers and Associates addressed Commissioners. They will be discussing three chapters from the Visions and Directions volume of the Comprehensive Plan. It will take this session and at least one more meeting to cover. Once that is concluded there will be a public review version of that volume and have some sort of community meeting, using the website, the McFarland Thistle, and other means to get the word out on the Draft Plan so people in the community can get involved and give input. They are looking to have that meeting sometime in the middle of the winter, there would be a time to fine-tune the Plan and then get together with the Village Board to adopt the Plan sometime in the spring.

Roffers advised they have time available to have a few shorter meetings rather than two longer meetings. Czebotar would rather see more frequent meetings of shorter basis; people tend to lose direction when meetings run long.

Roffer's reviewed the information provided in the packets to Commissioners, with the intention of going over chapters 4 – Land Use; 5 – Economic Development and 6- Housing. Depending upon the pace of the reviews the intent will be to review chapters going forward in blocks of three.

Roffers reviewed how each chapter will have a cover page to provide a snapshot of each chapter; it should provide a clear description, along with a few maps, of what the plan is. They will also include goals, objectives and the initiatives' in each chapter. Each chapter will have only one page of policies.

Roffers reviewed the general format and content of each of the three chapters along with the maps as updated per discussions at previous meetings. Commissioners were advised to review their drafts, and if there was anything they felt was missing or if it did not reflect their view to contact Boness and have that information forwarded on to Roffers. Commissioners discussed various options on maps, colors, and ideas in reference to the draft. Roffers reviewed Village Board goals and initiatives and how they compare to the Plan. He will include them in the document. He can provide links in the Plan to related Village Plans, i.e. Terminal Triangle Plan, but it will be up to the Village to maintain those links on the website.

Commissioners and Roffers discussed the long term farming as a use in the Village, as it is something new to the Village. Along with explanation of the Parks and Recreation Plan and how it ties to the Comprehensive Plan, rail is no longer an active topic, and revisions to the idea of interchanges in the Village. Roffers reviewed what connects people to a place and what makes them want to stay, along with discussion regarding the viability of a commercial park near the interstate. Due to the time, they will review Chapter 5, Economic development at the December meeting.

7. Review and possible recommendation to the Village Board regarding the Development Agreement for Preston Place, 5401 Paulson Road, by Brett Riemen and Brian Spanos.

Brett Reimen advised they are here to ask for approval, with conditions, for their Paulson Road project. Their attorney and the Village Attorney have been working on the final draft, they have agreed to all conditions. Brian Spanos advised all major issues have been worked out, they have the letter of credit with them tonight, and they just need the final draft to be completed. Boness indicated Village Engineer, Brian Berquist has reviewed this and he has no problems. There is a list of nine items from Attorney Bechler and he is fine having approval given subject to those conditions and review by staff and Village Attorney

Czebotar moved to recommend to the Village Board approval of a Development Agreement for Preston Place, 5401 Paulson Road, by Brett Riemen and Brian Spanos, based on email

comments by Attorney Larry Bechler, with approval by staff and Village Attorney on those additional terms and conditions. Kolk seconded the motion.

Sorenson asked about the reference to applicable regulations of any government entity, but it does not address that those items take precedent if there is found to be any conflict, he would recommend that to be in the agreement. If there was any conflict between this agreement and those regulations, the regulations need to have precedence, unless that is not the intent of the regulation. Boness advised she would mention that to Bechler and review that portion. Czebotar asked if that needs to be part of the conditions. Boness suggested it be listed as a question. Czebotar requested his motion be revised to include Sorenson's comments as an additional condition. Kolk accepted the amendment. Motion carried 5-0.

8. Discussion and possible recommendation to the Village Board regarding annual review of fees in lieu of Parkland Dedication – sec. 56-176 of the Village Of McFarland Municipal Code.

Boness reviewed what the fees in lieu are, and in 2015 the Park and Recreation and Natural Resource Committee did considerable scrutiny of them. The current amount is \$4,115.00 per dwelling unit. The consumer price index or land sales in the area can be used to make adjustments, there have not been many land sales and the CPI is 3.4%. We are sometimes higher than some communities, or lower than others. Czebotar inquired if a developer has ever indicated they thought our fee was high and they would look elsewhere. Boness replied no, most developers pass the impact fees on to the cost of the home. The only time we have gotten complaints is when a private party purchases a lot which has been vacant for a long time and intends to build their own home, they find out what the fees are. Commissioners generally concurred there is no reason to change them; they would like to see what other communities fees in lieu are. Boness advised she will look into this and bring that information to a future Village Board meeting. Kolk inquired about not charging fees for a single lot, versus a developer. Boness advised this is something which has come forward previously, she felt it was decided to treat all lots the same, you cannot charge a developer fees that you do not charge an individual. Sorenson moved to recommend to the Village Board the fees in lieu of dedication be left at the current rate. Kolk seconded the motion. Motion carried 5-0.

9. Staff Reports:

a. Highlights and Updates –

i. December meeting – availability December 19, 2016

b. Property Maintenance Report – Sorenson questions why an owner was supposed to have corrected an issue by June of 2016 and has yet to be in compliance. Commissioners questioned the timeframe for follow up, and, extensions granted to parties who are in violation. Consensus was there is too much time given for extensions; the time frame in the code is what should be

followed. Commissioners would like to see the situations resolved in a timelier manner and the issue on Marsh Road brought into compliance.

- 10. Adjournment** –Sorenson moved to adjourn, Kolk seconded the motion, motion carried. Meeting adjourned at 9:53 p.m.

APPROVED