

Minutes Plan Commission Meeting

September 19, 2016

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

Members Absent:

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

Others Present: Deanne Funkhauser, Bonnie Allbough, Ron Gussick, Charlene Schulz, Egon Schulz, Debbie Nelson, Lars Barber, Maureen Gaffney, Sue Smith, Tim Gill, Mike Klune, Jeff Maertz, Lois Pfister, Larry Pfister, Dawn Faust, Scott Smith, Kathleen Smith, Gail Posen, John Posen, Clair Utter, Jerry Adrian, Cindy Weber, Alyse Weber, Dee Hughes, Ron Trachtenberg, Mary Jo Olson, Philip Olson, Chad Hollett; Kwik Trip, Roy Carter; Yahara Lakes Association, Martin Griffin, Larry Lehman, Art Luetke, Doreen Runge, David Schiefelben, Robert Bouril, Kris Sturman and Cory Sturman; Mad City Roofing, Sarah Berry, Kate Moran, Stuart Allbough, Tammy Thayer, Deb Braun, John Wenderling, Aaron Reunapinyophon, Jim Joehnk, Mark Wegner, Dea Larson-Converse

- 1. Call to order.** Czebotar called the meeting to order at 7:05 p.m.
- 2. Review and approval of draft Minutes from the August 15, 2016 and August 29, 2016 Special Plan Commission meetings.**
Czebotar called the minutes of the August 15, 2016 approved by unanimous consent. Czebotar called the minutes from the August 29, 2016 Special Plan Commission meeting approved by unanimous consent.
- 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.**

Czebotar opened the public hearing at 7:08 p.m. Cindy Weber, 5306 Falling Leaves Lane stated they are seeking to split and rezone their current lot with the intention of selling their current home and building a new smaller one on the second lot.

Clair Utter 5220 Rustling Oaks – spoke in opposition.

Martin Griffin, 5305 Valley Drive did not wish to speak, registered his opposition.

Czebotar closed the public hearing at 7:11p.m.

Czebotar asked of Boness if this is spot zoning, and, are there alternatives to the request? Boness replied she has spoken with Village Attorney Matt Fleming and he does not feel it is spot zoning as it is not a change of use, only the size of the lot. Their alternative would be to go to the Board of Zoning Appeals, but as this is not a hardship they would likely be turned down. The minimum R-1 lot size is 10,000 square feet, if this was approved the second lot would be 9,435 sq.ft. Sorenson asked what the minimum setback is, assuming this is the only reason why they cannot achieve the 10,000 sq.ft. Boness replied there is a deck on the existing home. Kolk stated the only way to achieve the 10,000 sq.ft. in size would be to reduce the size of the existing deck. Sorenson pointed out if it is a 10' side yard setback, they would have to remove a portion of the deck, possibly only the steps to meet requirements based on the drawings provided. Kirby inquired if they have looked into other ways to come up with a larger lot, would they be willing to do so. Weber replied they would be willing to look into removing part of the deck and reconfiguring it, they are not on a tight schedule. Kirby moved to postpone any action to allow Weber's and staff time to research options to come up with the additional square footage needed. Sorensen 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.

Due to no action on Agenda item #3 the public hearing is postponed.

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 39 multi-family units and a restaurant. The addresses are 4506 Larson Beach Road and 5604 Lake Edge Road.

Czebotar requested Matt Schuenke make comments on the proposal. Schuenke reviewed on July 18, 2016 the first request was in front of the Plan Commission, they presented an update on August 15, 2016 attempting to address concerns. Schuenke reviewed public hearing process and what a Planned Development Infill project is.

Bob Bouril - they have listened to the neighbors, Commissioners, and Village Administrators and feel they have a plan which is very compatible with the neighborhood. He stated it is

already zoned for commercial and multi-family, but by being an infill development they will have more flexibility. He reviewed items from previous proposals to the current one. They have taken a larger area out of the center of the project so lot lines are now 22' from the building and 20' from the exterior decks. They have added screening to the parking, and feel theirs will be a great improvement compared to the quality and lack of inspiration of other multifamily buildings in McFarland. They have met with Public Safety and met all of their concerns. They will enclose the trash area, the boat slips will be available to the residents of the project and they have added sidewalks to the proposal. There will be no 18 wheel trucks accessing the property and have reduced the most recent proposal from 44 units to 39. They are proposing 53 parking stalls, and 9 additional shared stalls. The proposed restaurant will have shared bathrooms with the outside deck area, but overall it is a few 100' sq.ft. smaller than the former Beach House restaurant. Sorenson inquired how do they know or how can they insure there will be no 18 wheelers accessing the site. Bouril replied if it was something Commissioners felt was important they could enforce it, the restaurant will be served by smaller box trucks. Sorenson asked if they will have a contract with the vendors servicing the restaurant requiring they could not access with 18 wheelers. Bouril replied it could be, or Commissioners could make it a condition of approval.

Ron Trachtenberg, Attorney with Von Briesen is representing the developers, the Village could put in the condition of approval, having the restaurant require all vendors accessing the property not using 18 wheelers, they would not oppose that condition.

Kirby inquired if there will be any landscaping for additional barriers in the 20' sideyard setback area. Bouril advised they will submit a landscape plan if this is approved. These units will be marketed as high end developments and the types of people who will be occupying them will have high expectations for landscaping. Fischer inquired about the setback from the shoreline and the current oak tree's on the property. Bouril replied they have increased it by about 4 feet, they will prune what they can, but conditions during construction may result in them being removed. Trachtenberg indicated they welcome the condition that they hire a professional arborist for this project. Kolk asked if they were still going to be ½ condominiums and ½ rental units. Bouril replied, the intent which would be ideal for the developer is to be all condos, but if the market doesn't support it the south tower would be rentals designed to become condos in the future.

Kirby asked about the maximum floor area and the need for an exception to be granted. Boness replied it is a ratio between building size and lot size; Sorenson added they are proposing 66,000+ square feet and need to be at 54,000 to stay at the .70 maximum ratio. Boness said if they go beyond the .70 they would need to have an exception granted. Jeff Maertz from unidentified architect firm stated if they were allowed to use the square footage of the satellite parking lot which they are proposing as part of this project they would be under the minimum amount, they have not included it as they are two separate and not continuous properties. Kirby asked how to they intend to monitor the satellite parking lot, and not have it used by other parties. Maertz replied it is intended for the restaurant, so they will have to monitor it, they will have signs up, or have an entry where you have to get a ticket, and they have the ticket stamped in order to exit if it became an issue.

Czebotar advised they will take public comments at this time.

Lars Barber 5434 Bremer Road – Spoke in opposition

Susan Smith – 5434 Bremer Road – Spoke in opposition

Kathleen Smith – 5624 Lake Edge Road – Spoke in opposition

Dawn Faust – 5426 Bremer Road – Spoke in opposition

Tammy Thayer – 5728 Lake Edge Road – Spoke in opposition

Dea Larson-Converse – 618 Chila Court, Madison -Clean Lake Alliance – presented their voluntary standards for developers to help maintain the lakes and water quality. Submitted a check list to Commissioners and the developers.

Roy Carter – President of the Yahara Lakes Association – Spoke in opposition on their behalf.

Gail Posen – 5822 Lake Edge Road – Spoke in opposition

Kate Moran – 4520 Lake View Road – Spoke in opposition

Bonnie Allbaugh – 5622 Lake Edge Road – Spoke in opposition

Stuart Allbaugh – 5622 Lake Edge Road – Spoke in opposition

Scott Smith – 5624 Lake Edge Road – Spoke in opposition

Doreen Runge -4515 Bellevue Court, did not wish to speak, registered her opposition

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

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

Maureen Gaffney- 5438 Bremer Road, did not wish to speak, registered her opposition.

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

Dee Hughes, 5508 Bremer Road, did not wish to speak, registered her opposition.

Letter in opposition from Lars Barber, 5434 Bremer Road submitted.

Letter with 266 signatures from residents submitted indicating their opposition to the proposal, and encouraging that redevelopment should occur under the current existing zoning regulations.

Schuenke summarized what the Commissioners can do at this time as they are considering the general plan as it has been proposed, they have three options for recommendation to the Village

Board; Approval as submitted, approval with modifications, or disapproval. Boness added Commissioners have a list of standards in their packets, it comes down to an issues of density and scale; do they feel this is an appropriate project for the area, we have not done anything like this in McFarland, are you satisfied with the buffers, do you think the buffers are enough, etc. This is a general plan, if approved when we receive a detailed plan items such as stormwater, will be tweaked and reviewed by the Village engineer. Fischer asked, overall if this is given even a conditional approval is it basically out of Commissioners hands. Boness responded it would come back if approved, with the submittal of a detailed plan, and, if you had conditions which you wanted met. The Village Board is actually making the final decision, they will look at the submission and what Commissioners recommend, but they will be making the final decision, and can make a decision which was not favored by the Plan Commission.

Czebotar summarized some of the main concerns brought forward are density, height and parking. Czebotar asked for clarification from Schuenke on the access to the lakefront property from the public. Schuenke responded, based on records, all the property is private, the former owner may have allowed access, it is not part of the Village or Parks Department, or something which we maintain. Schuenke reviewed the results of the Comprehensive Plan survey in relationship to housing in McFarland and the processes of how properties are appraised and how home evaluations are made.

Kolk stated he has heard a lot which causes conflict in his mind; he has not heard from a single person, other than the developer, who thinks this is a good idea. He reviewed what he sees as options for the site, and how do we reconcile what is currently on the site with what the developer wants versus what neighbors and residents want for McFarland. The developer has the option of working within the current zoning or applying to have the sites rezoned. It is a unique site and needs to be treated as such. The density is a concern for him, is it appropriate for that site? Berger feels the size and density is not appropriate for the site. Barrett concurred; the density is an issue, based on what is proposed, while a beautiful design, it is too large for the site and too large for the neighborhood.

Kirby advised this is a unique property, and we need to get it right by taking our time and doing due diligence on the project. Public participation is the key in making the end decision. Kirby heard and shares the concerns over density, height of the building and closeness to the lake. We only have one chance to get this right, and it is not there yet. It needs to be something that is not only good for the neighborhood, but the Village as a whole. Kirby stated while there are people who would like to have a condo on the lake, she also has heard the concerns about costs, and lack of actual onsite parking, it may, as people at tonight's meeting have pointed out, be harder to sell to potential buyers.

Fischer is concerned about the density, along with the nearness to the lake. He does not feel the footprint proposed will allow for enough greenspace and holding ponds to keep all water on site along with the blocking of neighboring homes views by being too close to the lake.

Sorenson advised while originally in support of the project, based on tonight's input he has heard the comments on how McFarland does not want to be Monona or Madison with such

large venues and is backing off on his approval. His liking of it was partially due to his engineering background and own personal liking of such projects, however he understands this is not what the community wants.

Kirby feels the developer needs to work on the size and density and look to see if they can come up with something more in line with what the neighborhood, and Plan Commission would find acceptable. It would need to be more in the range of 20's for unit number and perhaps not three stories but two, further back from the lake with increased holding areas for water and snow.

Czebotar asked if the developer had any comments they wished to make tonight, he feels if they could bring down the size and density this project can be put together.

Trachtenberg stated they will go back and consider. They have heard tonight's comments, if they decreased the size into the 20's he does not feel it makes sense to have the restaurant or the public patio. He feels it will be a very typical multifamily building, he does not feel two story buildings are very architecturally interesting. They will go back, but it will be a very different project and based on the way their economics work they may not be able to do something like this with a restaurant. Fischer stated, it appears there are mixed messages coming from somewhere regarding the restaurant. Trachtenberg replied, they have been told McFarland wants a restaurant there, it is a very costly feature, it would be easier to do the project without a restaurant, they would not have to have the ancillary parking lot, which could then be developed as the previously approved townhouses, it would be easier, but it is not the project they were told McFarland wants. Fischer asked, as he is not sure how the developers were told that it has to be a restaurant along with the project, who told them this, or was it just a conception idea of what could be there. Trachtenberg replied if they proceed it will be a very different project. Czebotar advised 20 units without a restaurant or deck is not something he is interested in, he would like something between that and what they have proposed now, this is his personal view, he would like to see them try something like that. Trachtenberg replied if you build with what is allowed per current zoning, the economics would become so marginalized it would not be worth the risk. They were told this is what McFarland wants, they have heard tonight what they neighbors want, they have yet to hear what Commissioners would like to see. Fischer replied he would be happy to have met with them to discuss options, but there have been no meetings he would prefer something more pyramid style, more tiered up with maybe smaller third floor area if they had a third floor, so as not to be so tall near the end of the buildings. Trachtenberg replied they were told McFarland wanted the center portion left open. Berger asked, they keep stating "we were told" who were they told by? Trachtenberg replied they were told by Schuenke there was a large interest in having the restaurant as part of the project, and Czebotar seems to support it. Kirby replied not all are as interested in a restaurant as some are, there needs to be a middle ground, she would suggest looking at different scenarios which have not been looked at, and it may well be one without a restaurant. Perhaps they should have a meeting with the neighbors and concerned parties to look at options. Trachtenberg replied he would be willing to meet with a few people but not forty to discuss options, and at an appropriate time.

Czebotar moved to postpone the decision until the developer can come back to the Plan Commission if they wish with a revised plan for consideration. Kirby seconded the motion. Motion carried.

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 August 15, 2016 Plan Commission meeting).**

Due to Agenda Item #5 being postponed, the public hearing on Agenda Item #6 is postponed. Czebotar advised there is no specific date for this.

7. **Discussion only – Potential Kwik Trip facility on Terminal Drive**

Chad Hollett, Kwik Trip – they requested an informal discussion about building a blending facility in McFarland to enhance their alternative fuel ability. Hollett reviewed Kwik Trips policies and consumer interaction. They want to not have a middle party, but do the blending themselves, and they are looking at two parcels on Terminal Drive. They do not feel there will be a large increase in truck traffic. Joel Hirshbeck with Kwik Trip explained how biodiesel is a renewable resource made through different seed oils and animal renderings and they want to start blending in at high amounts. The production will take place in Iowa this will just be the finished product for blending. Hollett added there is a demand for them to bring more fuels to the marketplace.

By having the blending station they can bring more fuels to the market, they have started one in Iowa and feel this is one of the largest markets for Wisconsin; this is a key location for them. The locations they are looking at are 4703 Terminal Drive and 4306 Terminal Drive, as there is no storage at the site, they will be bringing in storage facilities. The tanks will be above ground on solid surface with spill control, they do not have the vapor issues which have been seen in the past as they use vapor recovery systems. All safety issues will be encompassed in the facility. They would be creating approximately 10 – 20 new positions with this from drivers, to people working on the site. They will not be using any rail as there is no access to it from either site. They are looking for feedback at this time, and then will come back with a formal application. Barrett asked about a recent spill in the area. Boness responded, there was one, and there is an ongoing discussion regarding the cleanup and Village responsibility. Barrett feels if we keep expanding there, we keep expanding the risk as it is close to the Waubesa wetlands.

Boness advised Commissioners, our Comprehensive Plan discourages the adding of additional blending facilities. What is needed tonight is this a use you have interest in considering. Commissioners generally agreed it would be logical to move forward and explore the possibilities as these parcels would probably not move forward in any other direction.

Department Reports:

- a. Highlights and Updates – Boness** review in the budget they are looking to add 4 hours per week to the clerk position due to the workload. They are also working with the City of Monona to add the position of a shared code enforcement officer. The position would take over enforcement duties in both communities, enabling the Building Inspector to focus on the other areas. Czebotar feels we also still need to look at possible changes in the codes and processes.
 - b. Property Maintenance Report –** No report
- 8. Adjournment** –Barrett moved to adjourn, Sorenson seconded the motion, motion carried meeting adjourned at 9:48 p.m.