

Minutes Plan Commission Meeting

January 19, 2016

Members Present: Brad Czebotar, Bruce Fischer (arriving at 7:05), Dan Kolk, Ron Berger, Steve Jackson (leaving at 7:31)

Members Absent: Steve Jackson, Kate Barrett, Cathy Kirby

Staff Present: Pauline Boness, Eric Rindfleisch, Brian Berquist, Karen Knoll

Others Present: Jane Lynaugh, Steve Scott Smith, Dan Martinez & Jerry Berquin
Dimension IV Architects

- 1. Call to order.** Chair Czebotar called the meeting to order at 7:00 p.m.
- 2. Review and possible approval of draft Minutes from the December 21, 2015 Plan Commission meetings.**

Czebotar requested the word “ordinance” be replaced with the word “bill” under section 5-Update – regulation of tourist rooming houses.

Czebotar moved to approve the minutes as corrected, seconded by Kolk the November 15, 2015 minutes. Motion carried 6-0.

- 3. Public Hearing - Review and possible action regarding a request for a 2-Lot Certified Survey Map (CSM), for property owned by Spartan Properties of McFarland LLC. Legal description as follows: Lots One(1) and Two (2), Certified Survey Map No. 4586, recorded in Volume 20 of certified surveys, page 97 and 98, as document No. 1867607, Located in the Village of McFarland, Dane County, Wisconsin. The property addresses are 5611 and 5613 Lake Edge Road, and currently zoned C-G General Commercial.**

Czebotar moved to open the public hearing at 7:03 p.m.

Jerry Burquin with Dimension IV Architects is the project manager for Tim Neitzel six unit townhome projects. He can only address the 6 unit project; there will be a future commercial project on the adjoining property.

Czebotar closed the public hearing at 7:04 p.m.

Czebotar stated per the background information, a CSM was approved in 2012, now there is a change in the utilities easement width from 30’ to 22’. Boness stated there are also changes in

ownership from NHL to Spartan Properties along with the utility easement and McFarland State Bank is now the mortgagee. There is a cross easement shown across the commercial property which only pertains to Lot 2.

Czebotar moved to approve a request for a 2-Lot Certified Survey Map (CSM), for property owned by Spartan Properties of McFarland LLC. Legal description as follows: Lots One(1) and Two (2), Certified Survey Map No. 4586, recorded in Volume 20 of certified surveys, page 97 and 98, as document No. 1867607, Located in the Village of McFarland, Dane County, Wisconsin. The property addresses are 5611 and 5613 Lake Edge Road, and currently zoned C-G General Commercial. With the stipulation that dates get changed from 2014 to 2016. Motion seconded by Kolk. Motion carried 5-0.

4. Public Hearing - Review and possible action regarding a Conditional Use Permit (CUP), requested by Tim Neitzel, for approval of a 6-unit multi-family residential structure for property located at 5611 Lake Edge Road currently zoned C-G General Commercial.

Czebotar opened the public hearing at 7:09 p.m.

Jane Lynaugh managing partner for Sweeney Investments 2969 Woods Edge Way, Fitchburg, WI. indicated their partnership opposed the proposed CUP and distributed a letter to Commissioners.

Scott Smith 5624 Lake Edge Road – has two concerns in regards to the propose project, one is the impervious surface, Lake Edge has a tendency to collect water as it does not have a strong drainage system, he is concerned about the added impervious surface and the two new proposed driveways directed towards his home. Secondly he is concerned about increased traffic with two driveways; one accessing the Bisbee strip mall, the other bringing increased residential traffic from the townhouses. While he understands this is just for discussion of tonight's proposed townhouse project, the traffic of all possibilities needs to be considered. You will have the additional commercial site and also the redevelopment of the Beach House site bringing traffic onto Lake Edge. At some point you will also have the future bike path bringing additional safety concerns, the posted speed limit is 15 mph and most do not follow it.

Burquin stated this project was originally proposed for six units in 2011-2012; due to the economy, Neitzel did not move forward with it as he was not able to get financing. With the residential market improving they are looking to now move forward. It will be six townhome style units with each having a front door facing the street along with a garage off the back of each unit. Visitor parking is in the rear backing up against the parking of the future commercial project. The units will each have a first floor with living room, kitchen and dining room, bedrooms upstairs along with a den. There will be laundry built into the units. Two units are stacked flats, one being all on the main floor and the other entirely on the second level.

The exterior is designed to establish a character that looks like six separate townhomes, broken up by different colors and textures. There will be trim boards to separate out the units from each other. Burquin explained materials and color schemes for the proposed project; they are looking for a traditional feel.

Boness inquired about the driveway situation and how it has changed since the 2011 proposal, it was originally a shared driveway with the Bisbee property. Neitzels's driveway as proposed, will now be separate.

Brian Berquist – Village Engineer stated the storm water management for the site is proposed with two swales which will serve both as infiltration and treatment of the water. The swales will handle cleanliness before water moves on to the lake. The infiltration areas are intended mostly for quality, it will most likely not affect the neighbors in the area when there is a larger storm, it will handle maybe ½" during a smaller rain storm but infiltration areas are not intended to handle larger storms. If every property in the watershed installed one of these they would be in much better shape, which is the intention of requirements on new projects. This project does meet the ordinance; but by itself, will not make a noticeable change to the entire area. Berquist reviewed the location of the swales, along with a small collection area. Most of the pollutants are captured during a small rainfall with the first ½", after that, the rain is coming so fast it will just run off and it is free discharge. The different thought process between new development and redevelopment is to encourage these types of projects within these types of areas. Berquin concurred the emphasis is actually the water quality for a small rainfall.

Smith stated this actually highlights his concern of water running off the proposed project onto his property. Currently, you have an open field and the commercial site which is next to it which is not controlled, you will be adding more asphalt which will direct water into an already constrained system. Lake Edge is not able to handle large rainfalls and this will only exasperate the situation by adding more impervious surface. Currently, with the vacant lot the water does have a place to soak into, but, even with that Lake Edge floods; this proposal only adds asphalt and more impervious surface, and while cleaner, will only flow towards the lake. Berquist responded the only way to address those concerns would be similar to what was done on Valley Drive where land was purchased and turned into a pond, which is part of the reason as Boness had stated that redevelopment requirements are different than new development, the intention is to be better than what was there before.

David Martinez – Dimension IV Architects, Madison -reviewed and passed around some of the color palettes and product samples of vinyl siding and brick veneer. The proposed colors are tan, grey and brown shades. There will be different widths and textures of siding for variation. Overview of the doors and garage doors was also discussed. Berquin stated in regards to the water, they are grading to keep all water on their site, not to dump off the edge of their property. Berger asked is that what the small holding pond is designed for.

Berquin stated the holding pond will collect and store some of the water from the front of the building as it is designed with a gable roof and will be dumping some of the water in the parking lot; the parking lot in the back is designed to drain the water back towards the swale. Fischer questioned what would this accommodate if there was a 2" rainfall, has this been looked at? Berquist responded it is not intended to make a difference for a large amount of water, or a ten year event. Berquin said they will be placing rain guard material in the landscaping and will have plantings to help soak up water. Kolk asked compared to the development which existed there until a few years ago, how this development compares, based on the concerns we hear about the problems on Lake Edge, does this add to it or is it relatively

neutral? Berquist indicated stormwater management will improve; as, it will have all the required elements designed to help overtime, improve stormwater runoff and quality concerns. However, it is not going to be better than creating a storage pond.

Smith asked about the impervious surface, almost the entire lot is covered with asphalt on this project as well as the future commercial site. The water has to go somewhere, if we are only planning for a one year rainfall, there is something wrong, we should be planning for much more than an annual flooding event on Lake Edge, we already have an issue and now we will be adding to it. He feels we will have more and more flooding events.

Berger stated he does have some of the same issues and concerns when it comes to flooding, future development and the bike trail; it appears, we are looking at this in an ad hoc manner rather than a comprehensive approach.

Lynaugh has concerns over the drainage ditch running between the two properties, it has been clogged and full of debris, who is responsible for maintaining it and will it be cleaned up with the new development? Boness responded the ditch was supposed to be reshaped when the Walgreens went in; and, if it may need to be reshaped again, so it does function. Lynaugh questioned who is responsible for maintaining and cleaning the ditches out, does the Village take care of them? Boness responded it is the property owner's responsibility to maintain them.

Czebotar referred to the letter received from Stuart and Bonnie Allbaugh indicating their concerns with the proposed project.

Berger stated the letter does raise the concerns of the problematic parts of this area and the development; there apparently have been no discussions about the general problems.

Berquin asked about the parcel being zoned where under a conditional use a four unit would be acceptable, they are just applying for a conditional use for a six unit. He feels they are trying to keep the density compact and in keeping with the area. Berquin does not feel a six unit will create much more traffic or parking concerns on the street. Boness pointed out they will have garages and parking in the rear of the project with visitor parking also in the back.

Fischer feels there is a balance to be met with the need for housing of the townhouse design and the jewel of McFarland which is its lake. It is a difficult balance to meet.

Czebotar closed the public hearing at 7:46 p.m.

Czebotar moved to approve a Conditional Use Permit (CUP); request by Tim Neitzel, for a 6-unit multi-family residential structure for property located at 5611 Lake Edge Road currently zoned C-G General Commercial. Kolk seconded the motion.

Berger stated he is torn about the project, he does feel there are problems in the area and while the project may not be causing them, he understands owners are worried about flooding in the basements of their homes as he would be. Berger feels it would be ideal if there was a comprehensive plan for the area in place now, so the developer can come in know what to

expect rather than doing it in an ad-hoc manner. Fischer stated he likes the idea of stopping urban sprawl; but, is concerned with a project where there are known reoccurring issues, and the Village is expected to go in and correct or solve the problem. Knowing the lakes as well as he does, he feels the time has come where we have to be more proactive rather than just doing a little bit at a time. Berger concurred with Fischer on the aspect of doing infill projects rather than expanding out. He does agree with the residents' concerns about there just not being enough room in the area for traffic and truck deliveries to local retail stores.

Czebotar asked Eric Rindfleisch to address some of the concerns from a Village standpoint. Rindfleisch stated there is a stormwater management plan; as we do our infill, we do incrementally increase stormwater capacity, while it may not be ideal for every lot, the plan is not for us to capture every inch of stormwater. The ordinances are based on a desire to be a good steward of the lands in our area. The area is a challenge for traffic flow and it is not an area which is unified, one area has older smaller homes; the other has newer homes. We do need housing which fits multiple areas of the economy. Both are necessary along with the commercial development in the area, it is valuable to have all of these uses. Rindfleisch stated he is not speaking on if this is the highest and best use for the site, from a Village perspective it fits what we are looking to do in the area. Kolk asked for confirmation, previously there was a four unit apartment building on the site with a four unit garage, those uses have been in place on that parcel, it does not mean we cannot change the use. We either have an area for water runoff or we utilize the property as has been done in the past. He does share the concerns of the neighbors, but if the very least we are not working the problem, and he understands there is not a guarantee there will not be flooding, but the question is how do we utilize the property. He would not be in favor if it was proposed to be multi-family on the entire parcel. He does feel the multifamily proposal does at least address the situation, and we need to redevelop the property, unless there is an advantage to maintain an empty lot. Rindfleisch feels this is a good option to other things which could potentially go on the site.

Fischer asked if there was any funding available for which we could increase the retention ponds. Boness responded there probably is, however the problem is not just quality but quantity. We had small cottages with little impervious surface on small lots; now we have huge homes on small lots with very little pervious surface which is adding to the problem. Boness asked of Berquist, did we ever explore increasing the size of the pipe which goes under Lake Edge into the lake? Berquist indicated the Village did undertake a village wide study of different trouble spots, the frequency and severity. The pipes in place are simply not big enough to remedy flooding. Most are designed for the 10 year event, and after that the water just runs down the streets. The pipes just get way too big and expensive and also there is not enough room to bury them. We look at where the water goes when the pipes are full, it goes over land, some home and properties are in the natural low areas could be candidates for not rebuilding, or purchasing to create a ditch as ditches are what carries the water for those types of events, pipes are not designed for it.

Kolk inquired what are the realities of flooding in the area, how often does it flood? Smith stated he did redevelop a property in that area, and he manages the water on his property.

Boness inquired how is it managed. Smith responded once it hits his roof it goes into a drain and into the lake. His property used to be the low lying property, it was the last of the cottages, and 3' lower than other properties. It was always a wet parcel. He is not against development; he is concerned about the water runoff and traffic, which he feels is manageable by the Plan Commission to protect the other residents. It is an area which is congested already, but are we going to try to manage the congestion? Czebotar asked what he feels would be a good use of development, with this you are only adding maybe 12 residents to the area. Smith responded installing water management systems, he understand the more units the more rental income; however, in an area such as this, a four unit would be a better fit, possibly then also a retention pond on the site.

Berger asked what a 4 unit vs a 6 unit would be. Berquist replied he is not sure; you would have to run the models on it. A four vs six would be incrementally better, however this is a big watershed issue, you do need more upstream to help with the entire problem.

Boness asked when this stormwater drains off the site, which direction would it go, to the swale, then to the ditch and end up in the lake? Berquist indicated it will all still go where it went before; they are not actually proposing any changes. Boness asked when the pipe backs up, where will the water go? Berquist stated initially it will back up into the swales, as they fill, it will back up on the east side of lake edge first, then it is a complex issue from there.

Kolk stated he is trying to understand if we are dealing with a hypothetical situation or if this is an area which deserves a much more intensive look from a stormwater management perspective, if it does, we perhaps shouldn't let the property be developed. However, based on what we looked at, it will not worsen the situation, if there is a 6" rain it is going to flood. To address some of the issues from the Sweeny group, he does not feel any of the issues have changed, the issues will stand on their own when they request to be open 24 hours a day. He feels they do address the parking issue appropriately.

Czebotar inquired if they had any idea of the timeframe for development of the commercial portion of the site. Berquin responded he was not a part of that decision.

Berger stated he is not trying to be insensitive to the situation; part of this is something which goes with owning a business or home in the area. It was previously a mixed use area. Smith responded while it was mixed use previously, there was not as much impervious surface as is now being proposed, when you say it comes with the territory, he would expect the Plan Commission to have plans in place to have new development manage their water, he feels other communities are doing this, it does not appear McFarland is.

Fischer agrees with the parking, he feels the residents and their guests will use the parking lot, he is concerned the water issue are not being addressed, we have many issues causing problems, but he is not sure what the problem is, he is concerned this only takes care of the quality and not the quantity, he is concerned with both quality and quantity.

Czebotar called for the vote. Czebotar and Kolk voted aye, Fischer voted nay and Berger abstained. Motion did not pass.

5. Review and possible action on a site design plan for a 6 unit multi-family residential structure at 5611 Lake Edge Road. The property is currently zoned C-G General Commercial.

Kolk asked for them to address the driveway access on the property, how it will change? Berquin stated it was originally for a shared driveway access in 2011; they have now changed that and pulled all of the access onto their property.

Boness asked if there will be all residential lighting, will there be any lighting in the parking lot? Berquist responded it will just be residential lights by the doors and garages. Boness stated she has been working with their landscape architect to make sure the bio swales will be clear of landscaping; we will also need a signed stormwater management plan.

Czebotar moved to approve the site design plan for the residential structure at 5611 Lake Edge Road. The property is currently zoned C-G General Commercial. Contingent upon a signed stormwater management agreement. Kolk seconded the motion. Motion carried 3 – 1 with Fischer voting no.

6. Consultant report – Comprehensive Plan update.

Boness advised they have met with Mark Roffers at the last department head meeting to discuss projects and portions of the plans that dealt with facilities, there will be additional meetings with department heads as needed and they are hoping to have their kick off meeting in March. It does appear they will need a special meeting so please review your calendar for March.

7. Department Reports:

a. Highlights and Updates – No Comment

b. Property Maintenance Report – No comment

8. Adjournment –

Kolk moved to adjourn, Czebotar seconded the motion, motion carried unanimously. Meeting adjourned at 8:30 p.m.