

## **Minutes Plan Commission Meeting**

**February 15, 2016**

**Members Present:** Brad Czebotar, Bruce Fischer, Kate Barrett, Cathy Kirby

**Members Absent:** Ron Berger, Dan Kolk, Steve Jackson

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

**Others Present:** Kevin Urso, Richard Bee, Kathleen Smith, Dan Schmuclach, Dan Martinez & Jerry Berquin Dimension IV Architects, Gail Posen, John Posen, Bob Newell, Mary Pat Lytle, Dea Larson Converse

- 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 January 19, 2016 Plan Commission meetings.**

Barrett asked for clarification on page 5 where Rindfleisch refers to “do we have a full comprehensive plan, no”

Czebotar moved to approve the January 19, 2016 minutes as amended, seconded by Barrett. Barrett unable to second the motion as Barrett was not present at the January 19, 2016 meeting. Motion to approve ~~tabled~~ postponed to March meeting due to lack of quorum from January meeting.

- 3. Review and possible action regarding a 2-Lot Certified Survey Map (CSM), for property owned by Elaine Urso LLP. Legal description as follows: Lot 45, Parkview Estates lying in the SW ¼ of the SE ¼ of Section 02,T06N, R10E, Village of McFarland, Dane County, Wisconsin. The property addresses are 6310/20/30/40 Perrot Place, and are zoned R-3 General Residence.**

Kevin Urso, representing Elaine Urso LLP stated Urso Brothers were previously approved to build a four unit building on the site. The project was put on hold due to a busy schedule. Urso stated they reviewed the site and neighborhood, and feel two duplexes will better fit and the density will not change. In reviewing the site plan, the lots are large enough to build two duplexes with 10' side yards with no variances needed. Kirby felt this is a better fit for the area. Barrett inquired if they will be one or two story buildings. Urso responded they are in the drawing stage, and will most likely be two story buildings.

Czebotar moved to approve the 2-Lot Certified Survey Map (CSM), for property owned by Elaine Urso LLP. Legal description as follows: Lot 45, Parkview Estates lying in the SW ¼ of the SE ¼ of Section 02, T06N, R10E, Village of McFarland, Dane County, Wisconsin. The property addresses are 6310/20/30/40 Perrot Place, and are zoned R-3 General Residence. Kirby seconded the motion, motion carried 4-0.

**4. Reconsideration, 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. Date of original public hearing was January 19, 2016.**

Fischer moved to reconsider the vote relating to approval of a conditional use permit to allow a 6 unit multifamily structure at 5611 Lake Edge Road, and indicated voted nay on this motion previously. Barrett seconded the motion, motion carried 4-0. Czebotar declared the request open for reconsideration.

Jerry Berquin of Dimension IV Architects in Madison is working with Tim Neitzel on this project which was approved in 2011 but, for various reasons, Neitzel did not move forward. They are back now seeking approval on a similar project for the site. The proposal is for a six unit townhome structure, each unit will have their own door facing the street. Four units will have enclosed 2 car garages and enclosed one car garages for the two flats. Twelve additional guest and visitor parking stalls are to the rear. The lot is currently vacant; there had been an older four unit building and garages which were torn down in 2013. Berquin reviewed the floor plans for the units, along with discussion of the exterior building materials. The structure will have a masonry base with vinyl siding, using multiple colors and texture. There will not be many side facing window on the two end units. All six units will be broken up so they read as individual town homes.

At the January meeting there was a different site plan layout; they have curbed the driveway back a little, giving it a subtle change. Berquin reviewed the landscape and stormwater areas. . The stormwater is designed per the DNR and state of Wisconsin requirements along with local ordinances.

Czebotar pointed out they are somewhat combining two agenda items, the CUP request and the site plan. Kirby stated she is not impressed with the project; she is not sure what was presented at the previous meeting, but did not find this appealing.

Gail Poser 5822 Lake Edge Road – She is concerned over the project being able to handle only one inch of rainfall. Brian Berquist, Village Engineer replied the focus of the discussion at the January meeting was mainly the stormwater runoff. These sites are considered redevelopment sites; there are different requirements for redevelopment vs new development sites which have much higher requirements for different forms of stormwater management including speed, quantity and quality of the water runoff. For redevelopment sites, the quantity is not considered as a requirement partly as an effort to encourage redevelopment. The infiltration swale for this site is designed for stormwater quality, and this focuses specifically on the first ½” of rainfall. Swales are designed for smaller events, after 1” they will start to pond up, after that with a 1 – 5 year event they will top off and water will head downstream. They are not

sized for a 5, 10, 20 year storm nor are they required to be. They are specifically set up for quality to scrub off the small suspended particles.

Poser is concerned as this area in 2013 had severe flooding both the entire lot and the road in front of it, along with neighboring lots across the street. Poser provided photos to the Plan Commissioners. She and her husband have lived in this area since the 1980's. Her concern is there is always discussion of the 100 year rains; she feels they have had 3 – 4 of those while she has lived in the area. Poser referred to a neighbor's letter which was submitted in regards to this proposal along with her concerns of the size of ponds to handle only one inch of rain, the majority of this water will runoff into the lake. She is not in approval of this proposal.

Dea Larson Converse – of the Clean Lake Alliance Community Board read the letter she submitted along with reviewing a list of suggested practices for use both during and after construction on a property. They are concerned about the increased in higher level rain storms, they feel it is time to go above and beyond when doing construction rather than just is what is required. They are commenting on this due to the close proximity to Lake Waubesa.

Kathleen Smith – 5624 Lake Edge Road – Her husband was at the previous month's meeting and they submitted a letter. They built their home with filtration systems and the knowledge of potential flooding due to heavy rain runoff. They are not as concerned about their home as they are about the current proposed plan meeting requirements; they feel we can do more than just what is required, the Village may have a current plan meeting requirements, we will get more rain, history has proven that, we need to do more than required if we want a top notch Village we need to look to the future for water control and quality rather than just the minimum standards. She would like the Village to look at the checklist and standards from the Clean Lake Alliance.

Dan Schudlach 2425 County Hwy AB, Town of Dunn- he is the building contractor working with Mr. Neitzel in the past seven months, he feels the stormwater issue should be dealt with in the Public Works department.

Berquist summarized the intention of the ordinances when drawn and updated, is trying to balance a lot of issues. Many of the items suggested from Clean Lakes Alliance are above and beyond the ordinances, this can be a question for the Board at some point, if they want to make changes. The project as proposed does meet the ordinances. The amount of water coming through this area is significant as it comes from a large watershed. The project as it is proposed will be better than what is there today. This specific project will probably not have significant impact either way. We are trying to retrofit as we go, accumulatively over time, this will help relieve some of the water issues. Over time, some of the large basin wide issues will be addressed. Barrett asked of Berquist, in response to some of the comments, are there plans to start looking Village wide at this problem, all you need to do is look at the retention pond by the bank to see there is a large quantity of water going through. Berquist responded they did look at it from a 30,000 foot level, and, they did identify some practice and policy suggestions to start working at these issues, they did not adopt any ordinance changes. In the past several years McFarland taken their cues from Dane County, we have not intended to ever fall behind; but, there is nothing currently in place to make any changes.

Kirby asked for a summary, what is proposed is better than what is currently there, and you do not feel it will have an impact one way or another. Berquist responded, yes it is better than what is there; but, he could not say it is going to have a measurable impact. With the major events which are occurring more and more frequency, they have designed the streets with overland flow in mind, to be used as a ditch, it is better to have the water in the streets for a short time period than in someone's home. All new subdivisions plan on the street flooding, in some areas it may be beneficial to purchase properties. It has been recommended the Village keep their eye on key parcels in some areas and purchase properties to take structures down creating overland flow areas to handle some of the water. Industry wise no one designs their pipes to handle the 100 year events, the pipes would be too large to use. Kirby asked of Smith, when they purchased the property and built their home, they knew of flooding issues, were there other suggestions made at the time of how water could be handled? Smith responded they knew of the flooding issues; and, they took steps to make sure that did not happen. They took the majority of the suggestions when building so this would be prevented. Kirby stated she understands the responsibility for flooding is on both sides of the street, is there something which could be done when a property is redeveloped, i.e. older home taken down and new one put up, is there something that we can do, were there suggestions from a Village perspective that were made, when they took out their permit did we make suggestions as to what could be done? Berquist responded yes as the property changed hands, he and the Public Works Dept. approached the new owners about creating a swale or drainage ditch on the property, but it is private property, from a single family perspective he does not know if the Village has the same type of review process as they do for commercial. You do not have an approval process, the Smiths were not interested at that time to have the swale installed. Smith responded her husband was more involved in that process, their concern was of the garbage and weeds in the proposed drainage ditch, and as their children swim or partake in water activities they would be doing so at the drainage point. They did work with their builder and paid for a process where the water which lands on their roof is taken care of. Kirby summarized there is the opportunity from a Village standpoint to have some input, while keeping in mind it is private property. Berquist confirmed this and did say there are a few sites he and Allan Coville, Director of Public works, are interested in.

Barrett asked in regards to the proposal before them, she would like to see the use of porous pavement, does Berquist know if this property would qualify for stormwater credit if they implemented any of the practices. Berquist responded if they implemented enough of them he believes they would. The permeable pavement is a great tool, it is more costly, and you do see it in more downtown areas. Barrett advised she would be interested in Neitzel looking into using this as the parking lot is a relatively large one, or is here a way to reduce the size of the parking lot? Berquin stated, they need the larger area due to the garages in the back, he is concerned about the porous pavement not being able to handle the weight of garbage trucks which will be using the area. The pavement will also handle oil and sediment from those using the parking lot, he is not sure how porous pavement handles this. Berquist stated the loads are a concern but they can handle them if designed properly, regarding the sediment what happens is those areas are vacuumed once or twice a year, the Village owns a vacuum truck. Kirby asked when the front area is expanded is there the opportunity to expand the retention area, could you just make one larger one to handle more water runoff? Berquist responded it will

actually be doubled, there will be another one on the east side when it is developed. Total volume would be the same whether one large retention pond or the two as proposed.

Smith stated she is all for development and the proposed project is much better than the former building, and later, the debris and vacant lot. Her concern is when this is built, coupled with the commercial site behind it, and redevelopment of the former Beach house site, is the accumulative effect. What will the impact be when these three projects have moved forward? She would like the Village to look at the plan overall and come up with something proactive. Berquist stated what they would expect is each site will have their own areas, it is easier to maintain, what is a challenge from the regulator side is the developments happen as the market demands it, Boness and her staff do a good job of getting parties together if they are developing as the same time. However this does not always happen at the same time, what he would expect is the Beach House site will have its own system. If the community wanted to really tackle this issue they would need to condemn properties and create space and open flow channels to collect the water. That is always expensive and a divisive proposal for a community. Kirby concurred, when they did the east side development, it was all open land, no one wants their property condemned in order to create this in an existing neighborhood. Berquist stated it is hard, yet the Village has had some successes, for example the site on Valley. Fischer wanted to comment he feels this is difficult and the public doesn't understand it is a balancing act. He has seen enormous sized homes being built on the lake with no area or plans to handle the runoff. He does feel the lakeshore property owners have their responsibilities also, you cannot have massive homes, and pristine lawns without doing damage to the lake, people seem to want their cake and to eat it too. He feels everyone needs to work together.

Barrett stated she agrees with his comments, the people are here because they love the lake, but there are ways to change the ordinances and ramp things up with how things are handled in the stormwater issue. These areas are being developed in small tight areas where there is not a lot of room and it is not just the quantity of water but the quality of water, the two issues go together. McFarland has had to buy property, and it is controversial, but rather than a piece meal approach she would like to have the stormwater utility committee meet and take a look at what can be done and how can we evaluate this, come up with a plan for all to create a cumulative plan; stop using fertilizer, do things with your property as the Smiths have done, have commercial properties put practices into place, making it a positive for everyone, at what point do we start asking everyone to do a little bit more. There are little things we can do and she would like to see Neitzel look at this, and see what other things he can do with this site, they may not make a measurable improvement, but it would show he is willing to go the extra step on this process. Kirby commented this development meets every standard we have on the books, there is no reason to turn them down, having said that, it doesn't mean we cannot use the list to develop a better process, and have more parties play a part in the solution of this problem. By the attendance and interest it is apparent we need to review this and come up with better solutions.

Smith wanted to follow-up over some of the comments made, her intention was never to infer she did not want this project to move forward, she felt some of the comments about people on the lake wanting their cake and eating it too, being anti-development, were not appropriate, all they are asking for is for Neitzel to do like they did when they built their home, a little more

than is asked, it will be more economical and better for everyone in the future if all put in a little extra effort.

Converse wanted to summarize the Clean Lakes Alliance is not against this development, they are just asking for Neitzel, as his site is close to the lake, to consider doing a little more when doing this project and using some of their suggestions to help improve the quality of the lake for all in the Village.

Czebotar summarized it appears this project meets the ordinances both of McFarland and Dane County, and State requirements, the project itself will not exacerbate the situation which exists, it is something the Village needs to work on. The stormwater issue is not just a Village issue but one for everyone to be involved in.

Czebotar moved to approve 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. Kirby seconded. Motion carried 4-0.

**5. Review and possible action on updated site design plan for a 6 unit multi-family residential structure at 5611 Lake Edge Road. Previous site plan was approved at the January 19, 2016 meeting. The property is currently zoned C-G General Commercial.**

Berquin advised they have worked to move the driveway just a bit over to make it work better on the site, the landscape plan will remain the same, per plans submitted, Neitzel is trying to make this very affordable yet desirable. The townhome style apartments will have individual front doors, varied color schemes, masonry base and vinyl siding with traditional trim around the windows and dimensional shingles. He has worked with Boness to make some of the changes requested from their original plans, prior to submission. They will gladly go through the list provided by the Clean Lakes Alliance to see if they can work any of the items from the checklist into their development. They have not looked at porous pavement in the past due to the concern over weight issues. Barrett encouraged them to go through the list to see if they utilized enough of the items they may qualify for stormwater credit. Kirby asked if last month did they discuss the entryway design where there are little triangles over the door, and where there are three entryways tight together as it does not make for an attractive, or distinctive entryway. She understands the pattern of repeating but, it is done over 12 times on the front of this building, couldn't they come up with something more attractive, something to soften the entry way and make them more distinctive? Berquin advised he understood and they can work to move the entryway down a bit and give them more separation. Boness asked for clarification, the pillars on the entry ways will be ½ veneer brick. Berquin replied, yes, there will be brick veneer on the pillars.

Czebotar moved to approve the updated site plan for a 6 unit multi-family residential structure at 5611 Lake Edge Road. The property is currently zoned C-G General Commercial with the developer working with staff to redesign the entryway location of the two single flat entrances,

looking into the use of porous pavement and reviewing and utilizing items from the Clean Lake Alliance checklist. Kirby seconded the motion, motion carried 4-0.

**6. Department Reports:**

- a. **Highlights and Updates** – At the next meeting they will look at public participation, and they are trying to schedule a special meeting on March 31<sup>st</sup> with MDROffers. There are already items for the March agenda and we will need 1 ½ hours of time for the Comprehensive Plan meeting. Czebotar suggested waiting to see how many items will be on the March meeting to see if it can be worked in.
  
- b. **Property Maintenance Report** – No report provided.

**7. Adjournment –**

Kirby moved to adjourn, Barrett seconded the motion, motion carried. Meeting adjourned at 8:30 p.m.