

## **Minutes Plan Commission Meeting**

**March 21, 2016**

**Members Present:** Brad Czebotar, Bruce Fischer, Cathy Kirby, Ron Berger, Dan Kolk, Steve Jackson

**Members Absent:** Kate Barrett

**Staff Present:** Pauline Boness, Eric Rindfleisch, Allan Coville, Karen Knoll

**Others Present:** David Jenneke, Harv Thompson, Anthony Barresi, Brock Roder; Spartan Bowl

- 1. Call to order.** Chair Czebotar called the meeting to order at 7:00 p.m.
- 2. Review and approval of draft Minutes from the January 19, 2016 Plan Commission meeting, tabled from the February 15, 2015 meeting) and the February 15, 2016 Plan Commission meeting.**

Czebotar called for the vote on the January 19, 2016 minutes postponed from the February 15, 2016 meeting. Motion carried 5 – 0 -1 with Jackson abstaining.

Czebotar moved to approve the February 15, 2016 Plan Commission minutes, Kirby seconded the motion. Motion postponed until next meeting as no quorum of Commissioners present attended the February 15, 2016 meeting.

- 3. Public Hearing - Review and possible recommendation to the Village Board regarding a 2-Lot Certified Survey Map (CSM), for property owned by Village of McFarland. The property addresses are 5524-5526 N. Cook Street, and 5100 Broadhead Street and are currently zoned R-2, Single and Two Family Residence.**

Czebotar opened the public hearing at 7:02 p.m. With no one wishing to speak, the public hearing was closed by Czebotar.

Czebotar moved to recommend to the Village Board approval of a 2-Lot Certified Survey Map (CSM), for property owned by Village of McFarland. The property addresses are 5524-5526 N. Cook Street, and 5100 Broadhead Street and are currently zoned R-2, Single and Two Family Residence. Jackson seconded the motion. Motion carried 6-0.

- 4. Public Hearing - Review and possible recommendation to the Village Board on a request by Timothy LeBrun, College Properties LLC for approval of a revised condominium plat and First Amendment to Declaration of Condominium for Storage Shop USA for expansion of current commercial condominium plat. The current addresses are 4901 – 4943 Ivywood Trail. The property is currently zoned C-H Highway Commercial.**

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

Dave Jenneke - 6415 Exchange Street - Jenneke is in support of the expansion but wanted to know why the project is being revised at this time; he previously thought it had been approved. Boness replied it had not been recorded as an expandable condominium. Basically what is being done is straightening out paperwork identifying the expansion.

Czebotar closed the public hearing at 7:07 p.m.

Czebotar moved to recommend to the Village Board approval of a request by Timothy LeBrun, College Properties LLC for approval of a revised condominium plat and First Amendment to Declaration of Condominium for Storage Shop USA for expansion of current commercial condominium plat. The current addresses are 4901 – 4943 Ivywood Trail. The property is currently zoned C-H Highway Commercial. Kirby seconded the motion. Motion carried 6-0.

- 5. Review and possible recommendation to the Public Safety Committee and Village Board regarding an application for a 40' x 75' outdoor sports activity area with the consumption of alcohol by Carter Smith, Spartan Bowl at 4711 Farwell Street, McFarland, WI.**

Brock Roder of Spartan Bowl advised Commissioners they are close to what they want to do, there had been some issues with Ken's Automotive Repair and Village Ordinances needing to be worked out so they shifted the volleyball area to the western front of the building, where he feels it will be a good looking project. They will follow all Ordinances with lighting, activities done by 9:30 and no alcohol after 9:00 p.m. Czebotar stated when this project started it was going to be located on the east side of the building, could Roder elaborate why it has been changed from the first tentative proposal? Roder stated he had a meeting with staff; the apartment complex in the southeast corner of the property was too close if he wanted to go forward with the project, as he was designing it at that time. Kirby feels shifting the location at this time is unacceptable. It has been moved to one of the busiest traffic locations in McFarland. Commissioners and staff put many hours into the Kwik Trip project and getting it just right, the location being proposed is first and foremost a safety hazard being located next to a driveway, placing volleyball right on the street, the Ordinance states the majority of the play stays in the playing area, all it will take is one ball in the street or driveway to cause an accident. There is always the potential of someone pulling into the driveway, or, adjacent Kwik Trip and hitting the gas instead of the breaks risking the injuring of people. Roder stated they are having barriers to hopefully cut down on the risk, or, if a car went through it would go

through parking blocks and the volleyball netting. Kirby felt this was too great a risk with the number of people who would be in the area. Roder responded it would not be a lot of people, there would only be six people per side, and the number is not the matter, he did not feel a car would go completely through a barrier, volleyball netting and sand. Kirby stated in the best case scenario, in the worst case one person injured or worse is too many. Roder agreed. Kirby asked about the viewing stands. Roder stated they are no longer proposing benches or a seating area. Kirby felt they are not being realistic if they do not think people will gather outside of the netting to watch by standing in the driveway, parking lot or sidewalks. It's too much to expect, to assume the referees are going to monitor play as well as the drinking along with who is entering the area. Roder stated they will only have people playing volleyball in the volleyball area, those who will be drinking will be in the current patio area, and he will have his staff in charge of the drinking. It is his responsibility as the business manager to be in charge of what is going on at the establishment, there will be no congregating of people. Kirby referred back to when they originally applied for their outdoor drinking area and Spartan Bowl was adamant they wanted wrought iron when others were going for a solid wood. The problem you now have is people drinking on a patio with a wrought iron fence, and people standing on the other side of the fence watching volleyball. Kirby does not think this is a good combination, of location, placement, or safety. Roder did not want to discuss the patio area at this time. He feels the only people who will be in the volleyball area are the players. Kirby disagreed, and stated she cannot support the project in this location. Jackson asked how far the patio is from the proposed volleyball area. Roder replied the patio will essentially lead right into the volleyball area. Czebotar inquired how far from the street will they be? Roder replied he thinks it will be about 10' feet, he recently took a trip to a bowling center which has volleyball year-round. He showed Commissioners a photo of a 6' man with 18' netting in a dome with three courts, Roder stated they have six to eight balls a year which go over. Roder feels the odds are in his favor. Kirby replied it only takes one ball to go over the net, into the street, hit a car and cause an accident, or, something worse. Czebotar asked if Roder has spoken with staff from Kwik Trip. Roder stated he has spoken with Kwik Trip to see if they have any issues with closing off the street access from that location and they did not. Kolk inquired about the issue of spectators watching the games from around the netting, this would be a safety issue. Roder did not feel there would be, he feels staff can control this and would say the game does not get played with people standing around outside of the netting.

Czebotar asked Roder where the lights would be. Roder replied it will just be standard lights from the building. Czebotar stated when they were looking at the east side of the building there was going to be additional lighting, they are no longer going to add lighting? Roder replied it will just be building lighting; it is not their intention to add lighting. Kolk asked about the direction of the lights, there won't be more lights shining to try to accommodate the volleyball games? Roder responded no, however they are going to be updating lighting as it is inadequate. They are working with Focus on Energy to update lighting around the building, now knowing the volleyball will be on the north side of the building, they will be meeting with them to make sure there is proper lighting. The lighting for the parking needs to be updated. Kolk feels the driveway which connects to Kwik Trip is a potential safety problem, if there is anyone in the parking lot, it presents a safety issue, putting the volleyball in that location could create a safety issue, with it there you will now have parking which is only accessible from one

area of the building and customers will have to drive around the building to access it. Roder stated they can either access it by driving around or they can access it through the Kwik Trip lot. Kolk stated per the map provided there will be less parking. Roder agreed there will be less, but people can still access Spartans Bowl's lot through the Kwik Trip lot. The majority of the parking will be next to Kens Automotive repair.

Czebotar asked is there anything which is being proposed which is contrary to the Ordinance. Boness replied there is some language about traffic safety which would need to be decided. Czebotar asked if this is a Plan Commission decision or Public Safety. Boness responded Commissioners could make recommendations to that issue. The staff did not meet collectively to discuss the latest plan, there were some verbal comments received but nothing in writing. Public Works Director, Allan Coville responded to stormwater and debris issues. Roder replied there will be no runoff. Czebotar asked how he can make that guarantee. Roder stated he was working with builder Lou Cheramy who works with fabric for runoff. Roder will have fabric within the frame and tubing with a sock which will not allow sand to get out of the frame of the volleyball area. Czebotar inquired of Coville, if this is something which would be feasible, will this prevent the sand from running off, part of his concern is not only the backup and flooding which occurs, but this does add an additional expense to the Village if they have to clean this out. Coville stated what he thinks Roder is referring to is a corrugated pipe which will keep sand from running through but allow moisture through. Will this keep sand from ever coming through, he is not sure, wind would allow sand to come out of there, and a specific rain could. What he would suggest is to have them be put on some type of watch duty for the area. Coville stated as it is they have to go and clean out the inlet at least one time a year due to frozen road conditions, larger storms bringing paper blowing with it. From that standpoint, if Roder agrees to keep an eye on it and lets them know if there is an issue it can be addressed. It would be reasonable to say if it is sand, Roder would have to pay for the expense of clearing it out. Roder agreed. Kolk inquired where this is located. Coville replied between the bowling alley and Ken's automotive, it drains into the 5' drainage pipe.

Czebotar asked Roder how this will look. Roder replied they are trying to have it be the best looking, and keep the sand in. He showed a photo of materials from Menards which people use in their residences. He feels people will be excited about volleyball, when people drive into a town they look for bars, etc. that have volleyball; he himself looks around for bars or whatever having volleyball, right now McFarland does not offer this. He feels there are people who leave town to play volleyball. He feels they will put up something which will make them happy, it will look nice the way Commissioners want it. He feels it could be aimed at six year olds as they have a sand base and a daycare may want to come and build sand castles, they may hold kids beach parties out in the volleyball area. Kirby replied she hears what he is saying but on any other location other than one of the main streets, she might feel differently. This is not an issue of does McFarland need or want volleyball, but where, and she is not in agreement with such a high traffic location. She does not feel it is safe or appropriate. This is not an improvement from the original location.

Czebotar feels some of these issues need to be discussed at the Public Safety Committee. Czebotar asked Roder if they have lighting on around the building all night. Roder replied absolutely. Czebotar pointed out according to the Ordinance, the lighting must be turned off by at 9:30, how is that going to affect what he is proposing, will that create a potential hazard to those coming into the parking lot after 9:30 p.m.? Roder stated the lighting will be the same lighting year round, they are not adding any additional lighting. Czebotar stated the Ordinance does not differentiate how this will be handled. Roder stated they will not be adding additional lights; it will be the same for the parking as for the volleyball. Jackson felt if the activity is done it is not a lighting issue. Fischer inquired about the current lighting, what is the issue with it. Roder responded the current lighting is not adequate for the parking lot which is why they are upgrading, they wish to use the lighting for both issues. Fischer asked what they will do if it turns out the lighting is not adequate for volleyball. Roder replied he will come back next year with a lighting plan. Kolk stated Roder needs to be very clear with his intent to change the lighting for the building, they will not be competition lights, but they are for the parking lot and need to fall within those guidelines. Roder agreed.

Boness questioned on the explanation for the volleyball project, Roder originally spoke of having concrete blocks stacked for a frame to keep sand in play and now they are looking at composite timbers? Roder responded they are looking at the safety side of it, comparing the two and having people running around concrete blocks was scary for them. Boness asked how they will secure the netting as he originally had stated the netting would be secured between the blocks. Roder stated the netting will be also tucked between the timbers to make sure there is not the possibility of people going in and out of the area. Boness asked how the timbers will be anchored on the ground so they will be stable as they are fairly light weight timbers. Roder stated they will be anchored into the driveway. Boness stated given this plan she would insist on some type of bollard in front of this on the Kwik Trip side as previously it was designed with concrete block, which is no longer the case. Something needs to be in place to protect this. Roder agreed, he may use parking blocks, he is also thinking of changing the parking area. He understands this area needs to be closed off for safety reasons; they will definitely block it off with some sort of material.

Kolk stated we can all acknowledge this is a problematic area, he does not think the volleyball necessarily will create a problem. He does think the location is a safety concern and you need to have protection high enough to prevent someone losing control and driving into the area. Kolk does not think this creates a new safety risk, but the risk is for those using the court area and you have to anticipate any potential problem. He does agree there are different perspectives of on this; he feels we would know how it works out after it is started. Kirby stated because this has had many changes, location, materials, lighting, the need for bollards or jersey barriers, she would suggest this goes to Public Safety with a finalized plan. She would still like to hear from the Police and Fire Chiefs along with Coville with further information on the filtration system and issues. Give Roder the opportunity to draw up what would be a finalized plan, showing all details, parking blocks, timbers, materials used; have Public Safety look at the finalized submittal and then bring it back to the Plan Commission once it is in its final stage.

Berger stated with the information he has, it does appear there are many unanswered questions to this proposal, he would prefer the Plan Commission receive a finalized submittal with all variables answered before they are asked to vote on something.

Roder did not feel Public Safety needed to see it again. Kirby replied this submission has changed greatly from the first one, if this was a submission for a condominium, or some other project we would be asking them for a finalized plan before any action was taken. There are key important components which are missing.

Kirby moved to take the application for a 40' x 75' outdoor sports activity area with the consumption of alcohol by Carter Smith, Spartan Bowl at 4711 Farwell Street, McFarland, WI. and send the proposal to the Public Safety Committee for their comment and review of the finalized plan and it then be returned to the Plan Commission. Berger seconded the motion. Boness informed the dates for the next Public Safety Committee meeting is April 13<sup>th</sup>, the Plan Commission will then be meeting on April 18<sup>th</sup> and the Village Board will meet on the 25<sup>th</sup> of April. Roder stated he is then out of time and cannot do his project. Kolk asked what is expected from Public Safety. Kirby stated the key components have not been submitted which is why it should go to Public Safety, there are no safety components showing in any plan, there has been a change of location, and there has been no written feedback from either the Police or Fire Chief. You cannot approve a plan and hope that something is done; they can always change their mind after the approval if there is no firm plan submitted. These are items we can get from them when they review a finalized plan submitted from Roder. Kolk agreed. Boness pointed out we are not slowing down the process as typically the earliest this would go to the Village Board would be on the 25<sup>th</sup>. Czebotar asked of Roder what his timeline was. Roder stated he was under the impression from the Plan Commission it would go to the Village Board. Czebotar restated that his question was what Roder's timeline on this is. Roder stated if they cannot get it approved by the end of the month he cannot advertise and get teams set up. Berger stated his timeframe is all tied to the original plan, he does not feel the Plan Commission would be doing due diligence by approving it without a finalized plan submitted. Roder stated he felt he was waiting to work on his plans due to issues on wording which had to be worked out by the attorney, he has not moved forward on his drawings since December 28<sup>th</sup>, 2015. Czebotar clarified the process as it took place, there were a number of changes made as requested by Roder, the Plan Commission went forward with what they understood he originally was seeking and then that changed. Roder agreed there was some delay on his part in this process.

Kirby summarized the changes of the location has brought up a whole new set of safety issues, this discussion may not even be taking place if Roder had left the location as he originally submitted. It was due to him moving the location which has created the other issues and concerns.

Czebotar called for the vote, motion carried 5-1 with Kolk voting against.

**6. Discussion – review of draft by MDRoffers for public participation procedures for the update to the Village of McFarland Comprehensive Plan.**

Boness advised this will be scheduled for formal action in April, Commissioners have been provided materials to review for the March 31, 2016 meeting.

**7. Department Reports:**

- a. **Highlights and Updates** – No comments
  
  - b. **Property Maintenance Report** – No comments
- 8. Adjournment** –Kirby moved to adjourn, Czebotar seconded the motion, motion carried meeting adjourned at 8:08 p.m.

APPROVED