

Minutes Plan Commission Meeting

June 20, 2016

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

Members Absent:

Staff Present: Pauline Boness, Brian Berquist, Town & Country Engineering, Karen Knoll

Others Present: Dick Becker, Judi Becker, Kathy Dutter, Brian Dutter, Tom Bailey, Dan Morrill US Ventures Inc.; Mike Buhalog, Paul Schlieve, Jeff Deane, Kurt Pederson, Dale Marsden, McFarland Historical Society; Tim Thorson, Royal Oak Associates Inc.; Tom Gannon, Gannon Construction; Mark Shubak & Jim McCarthy, Strand Associates; Jerry Dietzel, Ruth Ann Whitehorse-Burns, Art Weber, Cindy Weber; Brett Riemen, Brian Spanos; Spanrie Properties, Don Goben, John Bloyer

- 1. Call to order. Czebotar called the meeting to order at 7:00 p.m.**
- 2. Review and approval of draft Minutes of the April 18, 2016 Plan Commission minutes.**

Czebotar called the minutes of May 16, 2016 approved by unanimous consent.

- 3. Public Hearing – Review and possible action regarding a Conditional Use Permit (CUP), requested by US Ventures, Inc. to allow propane bulk storage, rail car transfer and truck loading at 4402 Terminal Drive, property zoned M-IC Manufactured Intensive.**

Czebotar opened the public hearing at 7:01 p.m.

Dan Morrill with US Venture based out of Appleton WI – indicated the company wishes to install 2 tanks to store propane for the purpose of offloading rail cars and loading of trucks for distribution in south central Wisconsin.

Czebotar closed the public hearing at 7:02 p.m.

Kolk inquired if the proposal covers all safety and storage standards. Morrill replied the standards are the same for what is on site, and is covered. With the standards there are safety valves, shut down procedures, there is also a mechanical engineer on staff who has reviewed

the plans along with annual reviews of the site. The State has reviewed the plans along with performing practice procedures with the Village of McFarland. By recycling older tanks, they are actually a thicker steel but built to the same burst pressure specifications, they are also tested and x-rayed for any damage. They carry a UNA certification for the State of Wisconsin. Kolk asked about anticipated traffic per day. Morrill replied they will have about 8 – 12 truckloads per day. Sorenson inquired about frequency of propane being brought in by rail. Morrill replied, it all depends on the rail schedules, they normally take in a rail receipt every 2 - 3 days, size depends on the request. Boness inquired about the maintenance of the tracks. Morrill replied they own the spur with five other parties, WSOR does an annual inspection, with published deficiencies. They bring in contractors to repair any deficiencies, the tracks are inspected and maintained by them to the main line, on an annual basis, after the main line they are WSOR's responsibility.

Commissioners discussed locations of propane being shipped into the area, benefits of having it further north for consumers, shipping of the product out of state.

Chris Dennis, McFarland Fire Chief discussed how the incident command structure falls under the local jurisdiction, utilizing Madison and Dane County as additional resources. They have met with US Ventures and received their plan for review, they did not see any deficiencies, and all appears to be operating smoothly. Any incident would be treated the same whether butane or propane. There are many agreements in place to handle many types of possible issues. US Venture takes on any financial responsibilities if an incident took place.

Kirby inquired if we have notified neighborhoods where the tracks are located another source of combustible materials is moving through their neighborhood. Boness replied it would be up to the Plan Commission to decide if notifications are warranted. Kolk stated McFarland already receives materials by rail. Dennis agreed, and we have very limited knowledge of what actually travels through McFarland by rail, companies are very guarded with that information. Dennis informed Commissioners he reviewed all electronic records going back 16 years and there has only been one incident on the tank farms, with a truck driver hitting a bollard. There are no documented safety issues with US Ventures.

Barrett inquired about the impact on the TIF district, and how the CDA felt. Boness responded the CDA did recommend approval of this at their last meeting, they did not feel it was as if an entirely new terminal was being created.

Kolk moved to approve a Conditional Use Permit (CUP), requested by US Ventures, Inc. to allow propane bulk storage, rail car transfer and truck loading at 4402 Terminal Drive, property zoned M-IC Manufactured Intensive. Sorenson seconded the motion. Motion carried 5 – 2 with Kirby and Berger opposed.

4. Review and possible action regarding a Site/Design review, requested by US Ventures, Inc., for approval of propane bulk storage tanks, rail car and transfer rack at their US Oil Terminal located at 4402 Terminal Drive, property zoned M-IC Manufactured Intensive.

Morrill reviewed with Commissioners the site design consisting of two tanks and one compressor; there will be meters so truck drivers can receive a bill of lading. It takes about 30-45 minutes to load one truck. Dennis advised the proposal meets standards.

Czebotar moved to approve a Site/Design review, requested by US Ventures, Inc., for approval of propane bulk storage tanks, rail car and transfer rack at their US Oil Terminal located at 4402 Terminal Drive, property zoned M-IC Manufactured Intensive. Sorenson seconded the motion. Motion carried 5-2 with Kirby and Berger opposed.

5. Public Hearing – Review and possible recommendation to the Village Board regarding Ordinance No. 2016-03. An Ordinance REZONING LANDS IN THE VILLAGE OF MCFARLAND AT 5401 PAULSON ROAD FROM M-IC MANUFACTURED INTENSIVE COMMERCIAL TO R-3 GENERAL RESIDENCE DISTRICT.

Czebotar opened the public hearing at 7:30 p.m.

Brett Reimen and Brian Spanos of Spanrie Property Group are local developers, owners and managers of residential rental properties. Reimen indicated a neighborhood was held meeting regarding this proposal. This site is 3 acres backing up to 6 duplexes and 1 commercial business; it has been on the market for a while. The site has high infrastructure costs; the topography is an issue for development, along with other issues. They like the location for residential development; it has a high walkability score. They are looking to build 11 multifamily duplexes, both single and two story ranging in 1700 – 1900 sq. ft. per unit, 3 bedroom, 2 ½ baths and 2 car garage, with extra storage areas in them. The plan is to do this in 2 phases, with possibly occupancy for Phase 1 as early as next spring providing approvals are received.

Based on the Village Comprehensive Plan this site is identified as mixed use, which meets their proposal. They have met with Public Works to discuss traffic patterns, and sidewalks.

Spanos advised they have an office in McFarland, and their current Farwell Street project is 30% leased with letters of intent at this time. They have been receiving requests for duplex style rentals in the area. They hired a company who did a recent survey for them, which showed a need for newer 3 bedroom duplexes in the McFarland area. They are building similar duplexes in Oregon at this time; which are higher end, meeting the demand for upscale condo-style rentals. As the owners, they will be maintaining the landscaping, and snow removal for the project. Spanos reviewed floor plans, and specifics of the project.

Kathy Dutter – 5408 N. Cook Street – feels her area is mainly owner occupied and is concerned about rentals, and the traffic of potentially 22 more families in the area. She is also concerned about runoff in the N. Cook and Ridge Road area.

Curt Peterson – 5404 N. Cook Street – would like to have a say as to what goes on in their neighborhood. He is concerned about people using area streets as shortcuts, causing traffic issues. He is concerned about approvals going through and if the developer finds this too expensive to develop due to the costs, they may back out, or have too many vacancies. He would prefer McFarland remain a small town community, and not have so much development. He does not feel the Village has worked hard enough to put a commercial business on the site.

John Bloyer - 5405 N. Cook Street – His largest concern is safety due to the way Ridge Road wraps around. He does not feel the site is a good one for that many potential families.

Czebotar closed the public hearing at 7:45 p.m.

Fischer asked of Commissioners how actively they have been trying to attract businesses to the location. Boness responded she has worked with many potentially looking to move into the area, their main concern is they do not wish to be close to residences and have to worry about noise, vapors, truck traffic etc. Fischer responded there are two issues here, would neighbors rather have a business on the site or residences, or is it a matter of they wish it could just remain in its wild natural state. They will have to decide, would they be happier if there were less units. Fischer asked if Paulson road is accessible for firetrucks. Dennis responded it is gated, and only has to be unlocked. Reimen responded, after their meeting they did find a different plan and reduce the area by 1 unit, while it may not seem like much, overall it is to them, but they did make concessions, there will now be 10' between units. To reduce it any further would not make it a fiscally viable option due to the costs of the infrastructure. Spanos advised they are also making every effort to save as many tree's as possible to maintain the current look and privacy along the back lot lines and keep as much green space as possible along with attractive landscaping and retaining walls between units.

Kolk confirmed being one way traffic, how will this be handled with the project being done in phases? Reimen responded they are working with the Fire Department to design either a firetruck roundabout, or drive so there will be safety and emergency access. Kolk was also concerned about the contours of the land, and potential flooding. Spanos responded Dane County requires 100% retention of water on their site with new developments, they will have a dry retention pond to handle heavy rains, and the site has been designed to cover all local ordinances.

Kolk pointed out this is a manufacturing industrial site; he hates to lose that type of use in McFarland. However; due to the location, this site may never be used for manufacturing, and we do not have this type of housing in McFarland.

Kirby feels the issues the neighborhood brings up are valid; however, based on similar projects making requests, neighbors have to decide would they rather have residential or commercial

backing up to them. You will have traffic, stormwater and similar issues no matter what is built there. She feels McFarland does need quality duplexes, people are always looking for this type of housing. Sorenson feels the walkability of the site will improve some of the traffic issues for the site being residential rather than commercial.

Barrett inquired about sidewalks for the site, if they have the desire, will there be room in the future. Boness responded the sidewalk issues has always been a contentious one for the Village Board; at this time, they are not interested in moving forward with the sidewalk issue. Berquist responded, there is the space for sidewalks; but it would likely require some tree removal. Barrett feels this is a much more compatible use for the neighborhood, and also pointed out, they have the ability to approve the site design, where with some projects they do not, and she feels this is a positive.

Commissioners discussed neighbors' concerns over empty rentals, or reduced rents just to attract tenants. The Spanrie Group is local, and has many years of experience and will be managing the project themselves. Safety concerns due to the railroad tracks, and, how it is not the owner's responsibility, but parents and the school districts, for how the kids play in the area and go to school.

Czebotar asked of Berquist, understanding he has not had time to review the stormwater plans, will this add to the problem in the area. Berquist responded, while this will not make it better, as you will be putting in blacktop, by design it will be made reasonably neutral, it does depend on the storm, in a normal small event, it will likely be better, in an event where you have 3" in an hour, just as discussed with other proposals, it will make it a little bit worse. This however is not a large enough site in the scheme of the drainage area and watershed to cause measurable problems.

Czebotar moved to recommend approval to the Village Board regarding Ordinance No. 2016-03. An Ordinance rezoning lands in the Village of McFarland located at 5401 Paulson Road from M-IC Manufactured Intensive Commercial to R-3 General Residence District. Barrett seconded the motion, Motion carried 7-0.

6. Review and possible action regarding a Site/Design review, requested by Spanrie Property Group, for site plan approval for a multi-family development located at 5401 Paulson Road.

Spanos indicated after looking at many options and site plans for this proposed project; they feel this is will work given the limitations of the site. They are using a two story plan for some units to have a smaller footprint. Kirby inquired how much green space there will be. Boness responded there is 35' from the back lot line and 20+ feet between each duplex, and an area which is owned by the Village which they will have to get an easement for.

Commissioners discussed some trees and foliage on the site, there are many scrub trees not worth saving, the older trees towards the back will try and be kept for privacy. They liked the overall concept of more room between units rather than having more units, tighter together.

Barrett inquired if Public Works has looked at the plan. Boness responded Public Works, Police, and Fire Departments were all provided plans for review. There will be issues to be handled in the Development Agreement.

Czebotar moved to approve a Site/Design review, requested by Spanrie Property Group, for site plan approval for a multi-family development located at 5401 Paulson Road contingent upon approval of a Developers Agreement by the Plan Commission and Village Board, approval by the Village Engineer of a stormwater and erosion control plan; an executed stormwater maintenance agreement. Surety to cover the cost of public improvements and an ingress and egress easement agreement with the Village of McFarland; and a favorable recommendation from the Public Safety and Public Works Committees. Sorenson seconded the motion, Motion carried 7-0.

7. Review and possible action on an amended CSM by Spanrie Property Group, regarding 5020 Farwell Place to include easements granted to the Village of McFarland for sanitary, water and stormwater purposes.

Boness reviewed for Commissioners the CSM showing the two changes for easements granted to the Village for stormwater and utilities needed for the youth center.

Czebotar moved to approve an amended CSM by Spanrie Property Group, regarding 5020 Farwell Place to include easements granted to the Village of McFarland for sanitary, water and stormwater purposes. Kirby seconded the motion. Motion carried 7-0.

8. Review and possible action regarding a Site/Design review, requested by the McFarland Historical Society, for approval of a 500 sq.ft. addition to the McFarland Historical Museum located at 5814 Main Street currently zoned C-C Central Commercial.

Dale Marsden – spoke on behalf of the McFarland Historical Society, they are looking to add 17’ to the current building located at 5814 Main Street, allowing for more room to accommodate a display of a 100 year old boat from Lake Waubesa along with meeting and work room space. This addition will fit into the allowable square footage for the lot, and maintain a 10’ separation from the cabin. They will be using cement board on the addition and in the future residing the current building and garage. It is felt this material will be more durable than the current cedar siding.

Czebotar moved to approve a Site/Design requested by the McFarland Historical Society, for approval of a 500 sq.ft. addition to the McFarland Historical Museum located at 5814 Main Street currently zoned C-C Central Commercial conditional upon review of the stormwater drainage design by the Building Inspector and Village Engineer. Kolk seconded the motion. Motion carried 7-0.

9. Review and possible recommendation to the Village Board on a request by Thomas Gannon regarding Preliminary Plat approval for Prairie Place Subdivision located on

33.5 acres east of Holscher Road and north of MN. (Continued from May 16, 2016 PC meeting).

Tom Gannon – with Gannon Properties – Since the May meeting they have met with Boness, the Parks Committee, along with Allan Coville and Brian Berquist. Mark Shubak, Strand & Associates identified the changes on the plat from last month's meeting. They have added the cul – du- sac as requested. Removed 200' from lot 57 creating Outlot 2, for parkland dedication and allowing some flexibility for Holscher Road improvements. Shubak reviewed sanitary sewer changes and the trail change per recommendation from the Village and Berquist.

Gannon feels the project is coming together with 25 lots backing up to open space, along with larger lots, cul-du- sac lots, and some level lots. He reviewed types of homes potentially to be built with minimum size of 1300 – 1500 sq.ft. with prices ranging in the \$250,000 to \$450,000 range. Gannon met with the Park and Recreation Committee on Thursday; he intends to have a more passive park due to the wetland issues. The door is open to possibly adding more size to the park. There is no definitive agreement with the Parks Committee; they will be going back to them. Prior to moving forward they need a variance from Capital Area Regional Planning Commission (CARPC), and in order to move forward that request must first be sponsored by the Village. He feels it is a unique wetland, mainly dry, offering a nice alternative to many of the existing Village parks. CARPC seeks a 75' buffer. This would set aside a huge amount of land, but they are asking for some small variances. Gannon reviewed potential home layouts on the lots which they would be seeking the variance and the buffer zones which would be affected.

Gannon reviewed various cross sections, how deep they can put a basement in the ground, and potential effect of water in a basement, and the elevation of a 100 year storm. Bore holes were done in May of 1997, the previous year was considered a wet year for rain, that area was considered behind in rain received. The basement floors will be above the lowest spot of the wetland. This wetland, receives some water, which then dissipates.

In response to a question by Boness, Berquist indicated he received the soil data. Boness inquired if he can determine if the soil type is conducive for basements. Berquist responded the tests are fairly old, and a blunt instrument for soil testing, they are used to design and try to predict behaviors. Density used was typical. Actual ground water in a bore hole will depend on when the test was taken. In regards to the summer when it was wet for months, the overflow pipe was required for that type of situation, it functions as a type of "bathtub" drain where public works can pull the plug, and meter out the water, it does end up in another wetland, which is mapped as more of a traditional wetland. Boness asked does he have any confidence the lots proposed on the east side of the basin will be out of those soils which would have severe limitations for basements? Berquist responded he does not feel he has enough information to answer that. Kirby responded which is why she feels this is an issue, there will be some lots almost 80% into a wetland. What is being asked the Village support going to CARPC and say we are going to allow a developer to build in a wetland buffer, if we do this for one, we will have to do it for all. This would be setting policy which we may not want to be a part of. Whether people feel it is a good or bad wetland, it is designated a wetland with a

buffer which is not to be disturbed in any way. She does not feel it is for us to determine, DNR determined it is a wetland and we should not be in favor of disturbing the buffer and building homes in one.

Kolk asked if CARPC's standards are based on good soil science, and why do they exceed the DNR standards. Berquist responded the body attempts to be more conservative rather than less conservative when it comes to protecting what they feel are natural resources. They do not concern themselves with wet or dry basements, it is more to do with impervious areas and they are trying to protect the wetlands and wildlife. He has not been involved in a request for a variance, the biggest question before the Plan Commission is that question, do we support building in a wetland. Kolk would rather let this go to CARPC and let them decide if this is a good idea or not. He does not want to be the one to decide, as he doesn't feel we know enough about their standards. Barrett feels there are two issues, one is the grading which will increase runoff, the other is impervious surface, when you have basements, and asphalt which has contaminates which can then flow into the wetlands. Some of the lots in question would have over 50% of the home in the setback, and this is more of a precedent than she is willing to accept. Gannon stated at some time this will be turned over to the Village after 80% of the lots are built upon.

Mark Shubak with Strand and Associates – they have met with CARPC staff on multiple occasions. They are looking to see what they can do to address the variance. They feel the restoration is a cornerstone of the plan, and something which is not required of them. It is currently agricultural land and lacks wetland functionality. Shubak reviewed plans and photos taken of the site. They anticipate the establishment of flora and fauna to turn it into a functioning wetland. He feels they are proposing minor variance requests to the buffers. The feedback they received from CARPC was this is a proposal they could support. Shubak reviewed wetland buffer setbacks and what is required to offset potential impacts and how they feel they have met the requirements. They will not be allowing sheds or any impervious surface in the zone, they will have restrictive covenants in the subdivision. Sorenson inquired what happens in the future when the homes are sold, the developer is gone, who will be enforcing this requirements. Gannon replied there will be restrictions and if someone does not abide by them the neighborhood would have to take them to court. Commissioners discussed the issues with restrictions and no one being around to enforce them. Gannon stated they would be happy to work with the Village so they would have the ability to enforce them once the subdivision is developed. Shubak felt people purchasing a home with an area such as a wetland behind them would not want to place a shed or other building in their backyard or would mow into a prairie.

Czebotar asked for a sense from Commissioners where they are at with this proposal. Sorenson feels this is a good plan, and the wetland will be better when developed, if it makes sense for the Village to back this he does not have a problem. Kolk feels CAPRC has taken the decision from them, as they have the final say, if this is adequate CARPC will issue the variance. Our decision is to whether we should support the petition for variance. Kirby does not feel we should be passing these decisions to someone else; we should be making the decisions for our Village. If there are setbacks, she feels they are for a good reason, it is a great plat, but she cannot support it with those five lots having homes built in the buffer area. Czebotar concurs

with Kolk and Sorenson, this is a decision CARPC should be making, we have an opportunity to provide wetland and feels we should proceed. Barrett worries about the precedent being set, they are asking for a variance of almost the entire lot on four of them. Berger questioned if this is an all or nothing, he would be more included to support it if it did not include the lots 53-56. Fischer is concerned about the buffer, but feels it is up to CARPC to decide, and to have covenants put in place to protect the wetlands.

Gannon stated this has to be a viable plat for him to move forward. He has lost one lot on the cul-du-sac, if he had to give up more lots you are asking for him to loose over 10% of his plat.

Czebotar moved to recommend approval to the Village Board on a request by Thomas Gannon regarding Preliminary Plat approval for Prairie Place Subdivision located on 33.5 acres east of Holscher Road and north of MN conditional upon;

- Approval of rezoning of all lots within the plat that would permit land uses specified for the Prairie Place Plat.
- Submission and approval of a Development Agreement with the Village of McFarland.
- Variance granted by the Capital Area Regional Planning Commission to the 75' setback buffer from the wetland boundary to those lots affected.
- Variance granted by the Capital Area Regional Planning Commission to the 35' grading setback from the wetland.
- Submittal and approval by the Village Engineer of five sets of all plans for public streets, public sidewalk, temporary T turnarounds, sanitary sewers and public water to be located within the boundaries of the plat including revision of White Daisy Lane to a permanent cul-du-sac and other comments in the Village Engineers review letter dated May 17,2016.
- Submittal and approval of a stormwater management, and erosion control plan by all applicable entities.
- Surety to cover cost of required public improvements.
- Submittal and approval by the Village Board of dedicated parkland and fees-in-lieu of parkland dedication.
- Submittal to and approval by the Village of any deed restrictions or covenants for the plat including but not limited to lowest elevation for building openings.
- Approval by the Village Attorney of an easement agreement between Prairie Place Property LLC and Westshore Pipeline.
- Future sanitary sewer easement parallel with the Westshore Pipeline supply pipe.

- Identification on the preliminary plat of all public spaces proposed to be dedication for parkland use.
- Submittal to and review by the Village Engineer of any soil borings required by the Village.
- Development Agreement to include waterproofing measures to be used for residential basements, details of which will be submitted with residential building permits for lots as determined by the Village Engineer.

Fischer seconded the motion. Barrett pointed out they have not discussed the parkland fee's- in-lieu, and feels it is something which has to be agreed upon. Boness responded it will have to be discussed and agreed upon as one of the conditions.

Motion carried 4-3 with Kirby, Barrett and Berger opposed.

10. Discussion – Don Goben – Truck Movers site redevelopment.

Discussion tabled to July 18, 2016 Plan Commission meeting.

11. Discussion – Possible division of a residential lot located at 5306 Falling Leaves Lane.

Cindy and Art Weber – 5306 Falling Leaves Lane they are looking for feedback on the possibility of splitting their larger lot into two, and rezoning them to R-1A to accommodate a smaller lot in the neighborhood, so they can build a new home on the second lot. They are looking to downsize and feel this will fit into the neighborhood as Summer Trail has three homes on it across from them, and on their side of the street currently only two homes. Berquist pointed out they will need to pay for sewer and water lateral along with street patch.

Fischer suggested speaking with the neighbor behind them to purchase some of their lot. Weber indicated he had spoken to the original owner a few years back, and he was not real receptive at the time, he has not spoken to the current owners. Barrett is concerned they meet all the setback requirements. Setbacks were reviewed by the Webers and Commissioners. Berquist added you will need a CSM to split the lot. Commissioners concurred this would be a good option, but encouraged Webers to check into all costs, and measurements.

12. Discussion – Grell property redevelopment– carry over from May 16, 2016 meeting.

Commissioners would like to see something done with the site, however they are not inclined to pay for all of the remediation costs. Czebotar suggested there may possibility be something worked out with a discussion between the Village and the owner, some type of trade off where the Village pays for the removal, but gets something in return. Sorenson would like to see more details on where it is located, are there contaminated materials on the site. Boness stated the DNR suggested doing some probes to sample and see what is there; it was formerly a hardware store with a gas tank on site.

13. Department Reports:

- a. Highlights and Updates** – No report this month
- b. Property Maintenance Report** – Czebotar feels in looking around the village there appear to be more parties not in compliance. Barret added there are some construction sites where they are not in compliance with erosion control. Czebotar inquired does the Building Inspector tour the Village checking on properties, or just respond to complaints. Boness responded if he is out in the area he will look around, or he will be sent out if staff notices something, Boness will also go out. Czebotar suggested if the police officers see something they should pass the information on. Commissioners asked for June report to be emailed to them when complete.

- 14. Adjournment** –Kirby moved to adjourn, Barrett seconded the motion, motion carried meeting adjourned at 10:25 p.m.

Approved