

Minutes Plan Commission Meeting

July 18, 2016

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

Members Absent: Kate Barrett, Jeff Sorenson

Staff Present: Pauline Boness, Brian Berquist, Karen Knoll

Others Present: Deanne Funkhauser, Stuart Allbough, Mike Wokasch, Terry Nelson, Debbie Nelson, Lois Barber, Maureen Gaffney, Sue Smith, Tammy Thayer, Eqon Schulz, Char Schulz, Tanner Ring, Tedd Ring, Al Powers, Tom Ring, Robert Bouril, David Doll, Dan Day D'Onfrio Kottke & Associates, A.E. Powers, David Schiefelben, Kris Sturman, Cory Sturman, Tim LeBrun, Storage Shop USA; Darrell Braum, Debra Braum, Mark Winter, Katie Gletty-Syoen, David Baehr, Dorice Hughes, Michael Klune, Scott Gussick, Ron Gussick, Timothy Gill, Scott Smith, Lars Barber, Jon Wendling, Mary Connery

- 1. Call to order.** Czebotar called the meeting to order at 7:00 p.m.
- 2. Public Hearing - Review and possible recommendation to the Village Board on a request by Timothy LeBrun, College Properties LLC for approval of a Condominium Plat and Declaration of Condominium for Storage Shop USA – McFarland II. Lot 1, CSM 12282, Village of McFarland, Wisconsin, Recorded in the Office of the Register of Deeds for Dane County, Wisconsin, October 15, 2007, in Volume 76 of Certified Survey Maps, Pages 97-98, as Document No. 436582. The current addresses are 4901 – 4943 Ivywood Trail. The property is currently zoned C-H Highway Commercial.**

Developer Tim LeBrun of Storage Shop USA wishes to create a separate condominium plat for the next phase of Storage Shop U.S.A. Back in March 2016 a revised condominium plat which encompassed Phase II was approved by the Village.

Tim LeBrun and his attorney now believes creating a separate condominium plat – McFarland II is a better way to make some changes to the declaration. Attorney Jeff Bartzen drafted an email explaining his clients reasoning.

Attorney Matt Fleming has reviewed and doesn't see any problems. Essentially the overall project is the same. Both condo plats will be responsible for maintaining the detention pond.

Czebotar moved to approve a request by Timothy LeBrun, College Properties LLC for approval of a Condominium Plat and Declaration of Condominium for Storage Shop USA – McFarland II. Lot 1, CSM 12282, Village of McFarland, Wisconsin, Recorded in the Office of the Register of Deeds for Dane County, Wisconsin, October 15, 2007, in Volume 76 of Certified Survey Maps, Pages 97-98, as Document No. 436582. The current addresses are 4901 – 4943 Ivywood Trail. The property is currently zoned C-H Highway Commercial, contingent upon securing a signed stormwater management agreement with College Properties LLC. Kirby seconded the motion. Motion carried 5-0.

3. Review and possible recommendation to the Village Board on a request by Beach House Properties LLC to approve a General Plan to redevelop Lots 1 (former Beach House Restaurant site) and 2 of CSM 1256 with 44 multi-family units and a restaurant. The addresses are 4506 Larson Beach Road and 5604 Lake Edge Road.

Kris Sturman – they are proposing a 44 unit condominium and restaurant building on Bremer and Larson beach road. They held a neighborhood meeting approximately six weeks ago and felt it was very positive. They did take some points into consideration from that meeting. They feel they have some local interest in the project.

Jim Burbaker – unidentified engineering firm – reviewed the site plan, stormwater plan, and bio retention facility. They are meeting the quantity component per the DNR. The parking lot will be graded to drain and capture all of the water off the front of the property.

There will be a landscaping plan submitted. There will be a deck with open plaza area, lining an open area to the public for a right-of-way and an ADA ramp. Burbaker reviewed the overview of the former Beach House property and their proposal.

Bob Bouril – outlined the building design. They worked to accommodate the scale of the neighborhood in the design while working with the slope of the site. They will be within 2' of the 100 year flood plain. They are separating the building into two components, toning down the scale and mass of the building. There will also be a restaurant in the building. They looked at options of condominiums and/or apartments for this project and are moving towards a combination of having both in the project, depending upon the market demand. Parking will be a combination of surface and underground.

Bouril reviewed roof pitch, layering effects for a smaller feel, along with an over view of building materials and color for the proposed project; almost every unit will have a view of the lake.

Per request from Plan Commissioners Bouril reviewed the interior, they are proposing 15 - two bedroom, and 5 one bedroom units in the south building– ranging in size from 880 sq.ft. – to 1600 sq.ft. the north wing will have 24 units total with 21 - 2 bedroom and 3 one bedroom units. The restaurant will be located in the north wing and they have several people who are interested in leasing that space.

David Baehr, a realtor (firm not identified) feels the market price will be \$275. - \$325. per square foot and the market is strong in that range for those who want the lake lifestyle. Baehr feels they will cater to those who want to stay in McFarland but want to remove maintenance from their lives. Sturman summarized the price range will be \$300,000 - \$500,000 range.

Kirby asked are the setbacks from the lake approved by the DNR, can they be as close as they are proposing? Burbaker responded they feel they have setback the building in accordance with requirements. Commissioners discussed the viewshed for residents who currently live on the lake and near the proposed project. Kirby felt there is very little green space proposed for this project. Developers do not have the figures with them, but feel there will be more than is currently on the site. They will also have retaining walls with planters to mask the parking. Kirby asked for confirmation that balconies cannot be counted as open space, and also, what are the sideyard setbacks, are there not single family homes on either side of this proposed project? Bouril replied there are single family homes on both sides, the setback is 10' and they are generally within that range. He does not believe they used the decks in the calculations include the decks or balconies in the open space figures. Fischer questioned why they could not terrace the end of the buildings to lessen the impact on the single family homes on either side; he feels something this large will greatly impact those on either side. Fischer inquired as to the total of units currently on the site. Bouril responded there is currently a 12 unit apartment, they are proposing 44 units. Boness informed Commissioners in response to questions, balconies cannot be used in open space calculations, as they are not open to the public; the existing Beach house restaurant is 55' from the ordinary high water mark and the 12 unit is 75' from the ordinary high water mark. The side yards are currently is 38' from the apartment and the Beach house is 20'.

Kirby has concerns over the size of this in the scope of the other properties in the area and feels the traffic is a major concern. She would like to hear from the Police Chief, Fire Chief and Public Safety Committee as to the scope of any concerns, needs for additional stop signs, etc. With adding 44 units and a restaurant there will be additional traffic.

Sturman replied they are only building an 1800 sq.ft. restaurant, they do not feel it will add much traffic. He feels they originally wanted 40 units on just the one site; they are now combining two sites and only asking for 44 units and will not add much additional traffic. He feels the only issue is to put up a stop sign at the corner.

Debbie Nelson - 5618 Lake Edge Road – She questions how others would feel to have a 3 story complex with window looking right into your property. While she understood when she purchased her home, what was next door, however, it is much further away than what they are proposing, also; on their plans they do not show her home, but do show a tree planted where her living room actually is, amongst other errors in drawings. She is also concerned about the noise of an overhead garage door right near her property. Sturman questioned if it was her bedroom or kitchen windows which look out? Nelson responded it would be her living room. He understands it would be a big change, but they have angled the decks to not look straight out at the neighboring properties.

Larry Laymen - 5417 Bremer Road – formerly worked with group which handled pier installation, have they considered how they will be handling that with this development. Sturman responded they will have that professionally managed, and will be stored off site.

Scott Smith - 5624 Lake Edge Road – Are they seeking to combine the two parcels or will they be two separate planned developments. Boness responded they will have to combine them with a CSM at some point, this group has decided to do their Planned Development in a two stage process. They are looking for approval of a General Plan first and then if approved would have to come back within a year with a Detailed Plan Approval. Smith inquired if they meet all runoff requirements. Bouril responded they do.

Dorice Hughes - 5508 Bremer Road- how many surface and underground parking spaces will they have and how are they assigned to residents. Bouril replied they will have 36 onsite surface parking and 72 underground for a total of 108.

Sturman stated residents will each get one stall per unit; there will be others optionally available for purchase after that. He feels based on the number of units this meets the average. They will offer outside stalls to people at a reduced rate. Kirby inquired where visitors will be able to park and restaurant parking. Sturman responded there will be some stalls for visitors and the restaurant blocked off in the surface lot. They feel the Walgreens does not use all of their stalls and they may pursue an option with them to use some of their parking. Sturman inquired what is required for parking. Boness responded you need 2 stalls for a one bedroom and 2 stalls for a two bedroom, 2 ½ stalls are required for a three bedroom; and, for a restaurant the number of stalls depends on the capacity. She is concerned you may have patrons of the restaurant using tenant's stalls. In regards to the Walgreens, all stores are leased and they have guidelines for use of their property. Kirby feels this project needs to stand alone and not rely on other businesses and street parking to solve their parking issues. Bouril replied there are 8 one bedroom units and the market they are looking at are singles, which would have one car. He feels with 108 stalls they have the 2 per unit covered with 20 stalls for the restaurant. He doesn't feel there is a high probability that all residents will be home at the same time. There will also be bike parking. He feels if they cannot get the density they want the ability to have the open plaza diminishes.

Stuart Allbaugh - 5622 Lake Edge Road – What if someone chooses to not purchase parking, will they be parking on the street? Sturman responded they are required to purchase only one stall. Allbaugh questioned how is that handled, most families have 2 cars, if they only purchase one, will they be parking on the street? Will there also be boat launches, and has a traffic study been reviewed for this site. Sturman responded there will be no boat launches and a traffic study has not been done. Allbaugh is concerned as this is already a busy traffic area, this does not include street parking. He would like to see them consider scaling this project back. Allbaugh provided photos of parking and traffic issues in the area.

Mike Wolcash – 5420 Bremer – He concurs with the same concerns about parking, if this moves forward he would like to see no street parking in the area. He has questions as to how a

property such as this would be taxed. He feels each unit should be taxed to the same level as individual home owners are on the lakefront.

Sue Smith - 5434 Bremer Road – Also concurs with the previous concerns over parking. Where will people be parking who will be using the boat slip rentals? Sturman replied they do not have a count on allowable slips, there will be less than 44 slips and will have 44 units; the residents will have rights to the boat slips. He does not feel there will be as many using the boat slips from the outside. The slips will be available to residents to purchase. He feels they will have no problem selling condos to people who wish to also purchase a boat slip.

Mike Klune - 5508 Bremer Road – Who will own the piers, there were two previously giving access to people coming to the restaurant. Will there be one available to people for the new restaurant? Sturman replied those questions are still being worked out, it is likely the condo association will handle it; if it is apartments and condos the management company will handle it

Todd Ring -4608 Larson Beach Road – Where will boat trailers be parked for the 44 slips? When he moved in due to health issues they change filters in their home every six months, now with increased traffic and business in the area they are now changing them every two months. There is definitely increased traffic, and this will add more. Sturman replied they will be working to find offsite storage of boat trailers.

Lars Barber - 5435 Bremer Road – do they know how many slips are currently allowed and what is required to add more slips, could they potentially double that amount. Sturman responded he believes 27 or 28 slips, he is not clear on what is allowed with the additional property. They will have to go through the DNR to add any additional slips.

Scott Gussick - 5708 Lake Edge Road – How many other similar condominium projects has this developer done and how much are you involved after the sale. You are discussing adding slips in the future, but, if you are not involved and only a condo association is, how do you know what they will select to do. Sturman feels that is a question which needs to go through an approval process. In regards to condo developments, this is their largest.

Dave Schiefelbein - 5427 Bremer Road – They had stated the taxes brought in would be \$300,000., is that the total taxes or just the portion which goes to the village. Sturman replied it is just a figure they calculated based on current mil rate and if they all went to condos.

Kirby moved to postpone action until it has gone to Public Safety Committee and they have received comments from the Committee and EMS, Fire Department and Police departments as to traffic and safety. Motion seconded by Berger. Kirby feels there are serious issues which need to be addressed prior to moving forward. For the developers there are also parking and setback issues, she would encourage them to work with staff on this before this comes back. The combining of multifamily and restaurant is not out of the question, as the neighbors knew this when they purchased homes in the area, will it be this project, that remains to be seen. She encourages neighbors to keep in touch with staff, board members and the developer. Boness said there are no specific setbacks for this type of property; Commissioners should set what they

feel is appropriate for this project. We have no say in regards to expansion of boat slips on the lake, that is all handled by the DNR.

Czebotar encouraged developers to look at changing the sideyard setbacks. Kolk concurs, he feels it makes sense to have the traffic issued addressed prior to any vote. He does not feel we can minimize the impact that this density will do to traffic in the neighborhood.

Sturman inquired what the timing is for this, as it can vastly effect their decisions moving forward. He understands some of the issues, but would have preferred approval with contingencies. Kirby responded the timing is how quickly the developer requests to be on the Public Safety agenda and how quickly they move forward with addressing some of the concerns brought up tonight. Boness stated this is probably one of the most important projects they will be working on and it is important they take the time to look at everything carefully, in a proper manner with proper planning.

Bouril wanted to poll Commissioners as to their overall thoughts on the project. Fischer felt this is something which cannot be rushed through, he feels they can still make a profit, but downsize the project a bit to work with the neighbors. Berger concurred with Fischer's comments.

Czebotar called for the vote.

Motion carried 4 – 1 with Kolk voting against.

- 4. Public Hearing - Review and possible recommendation to the Village Board regarding Ordinance No. 2016-04. An Ordinance REZONING LANDS IN THE VILLAGE OF MCFARLAND AT 4506 LARSON BEACH ROAD FROM C-G COMMERCIAL GENERAL TO PDI-GPA PLANNED DEVELOPMENT INFILL DISTRICT GENERAL PLAN APPROVED AND 5604 LAKE EDGE ROAD FROM R-3 GENERAL RESIDENCE TO PDD-GPA PLANNED DEVELOPMENT INFILL DISTRICT GENERAL PLAN APPROVED. Legally described as: Lot One (1) and Lot Two (2), Certified Survey Map No. 1256, recorded in Volume 5 of Certified Survey Maps of Dane County, Wisconsin, Page 178, as Document Number 1376444, in the Village of McFarland, Dane County, Wisconsin. Addresses are 4506 Larson Beach Road and 5604 Lake Edge Road.**

Czebotar advises since Agenda Item #3 was postponed they will not be addressing this item. If there is project, there is no rezoning.

Kirby moved to postpone Review and possible recommendation to the Village Board regarding Ordinance No. 2016-04. An Ordinance REZONING LANDS IN THE VILLAGE OF MCFARLAND AT 4506 LARSON BEACH ROAD FROM C-G COMMERCIAL GENERAL TO PDI-GPA PLANNED DEVELOPMENT INFILL DISTRICT GENERAL PLAN APPROVED AND 5604 LAKE EDGE ROAD FROM R-3 GENERAL RESIDENCE TO PDD-

GPA PLANNED DEVELOPMENT INFILL DISTRICT GENERAL PLAN APPROVED. Legally described as: Lot One (1) and Lot Two (2), Certified Survey Map No. 1256, recorded in Volume 5 of Certified Survey Maps of Dane County, Wisconsin, Page 178, as Document Number 1376444, in the Village of McFarland, Dane County, Wisconsin. Addresses are 4506 Bremer Road and 5604 Lake Edge Road. Czebotar seconded the motion. Motion carried 5-0.

5. Review and possible recommendation to the Village Board of First Amendment to Development Agreement for Juniper Ridge Subdivision.

Dan Day D’Onfrio, Kottke and Associates – representing Veridian and the Juniper Ridge development. They feel it is necessary to approve the first amendment this fall and move forward with the project. There have been conversations by email and Veridian is ready to accept the amendment as requested in the emails.

Czebotar does not feel there has been enough time for this to be properly reviewed.

Czebotar moved to postpone action on a request for recommendation to the Village Board of the First Amendment to Development Agreement for Juniper Ridge Subdivision until language has been worked out relating to the issues of building permits, Holscher Road right – of – way, the sanitary lift station that can be resolved by staff. Seconded by Kirby.

Plan Commissioners felt this was too much information to have to act on the “spur of the moment” without having the ability to review properly and make a decision. They felt this is an important project and deserved proper time for them to review as the information was submitted late, and all issues need to be resolved. The Holscher Road project needs to be resolved and done right, it should not be rushed. They cannot act on something when emails received earlier in the day indicated otherwise from the Developers attorney than what they are being told tonight. They were not willing to approve until that is complete. Motion carried 5-0.

6. Community Garden – Katie Gletty-Syoen request for approval for a second shed on the site.

Katie Gletty-Syoen representing the Community Garden; the current shed is at capacity and the committee voted to allocate \$2,400.00 towards a second shed for the site. It will be a locked shed with only committee members having a access, it will be similar in design to the current shed, but will be 10 x 12 in size rather than the current 8 x 10. There will not be windows. It will be in the northwest corner of the site. The exact placement will depend upon where the current water line is located so it is not covered.

Boness referred to the letter from the United Church of Christ approving the shed placement and asked if they have spoken with the Cemetery Association. Gletty-Syoen advised they are aware of this request, and did not indicate any concerns.

Czebotar moved to approve a second shed on the Community Garden site. Fischer seconded the motion. Motion carried 5-0.

7. Discussion – Short term rentals of single family residential homes.

Commissioners wish to continue to work with this as it is an evolving discussion, but will postpone until next month's meeting.

8. Department Reports:

- a. Highlights and Updates** – Boness updated Commissioners on the Comprehensive Plan Update process. MDRoffers will likely be attending the August meeting to provide their updates.
- b. Property Maintenance Report** – Kirby inquired as to the timeframe in writing a ticket to a party who is in violation as it appears some are given a lot of extra time and still do not resolve the violation. Also once a citation is issued, what is the timeframe and when is an additional citation issued, or when does the process start over again. Czebotar pointed out he has suggested we move in the direction of other communities where you get one warning, and after that you are issued a ticket, without having to start the process over each time. He would also like to look into hiring private contractors to mow, if the Village is unable to in a timely manner, has had complaints where people do not mow and are ticketed, but it takes a long timeframe to get it mowed. Neighbors should not have to wait that long.

- 9. Adjournment** – Kirby moved to adjourn, Kolk seconded the motion, motion carried meeting adjourned at 9:04 p.m.