

PLAN COMMISSION

Tuesday, January 22, 2019

7:00 PM

McFarland Municipal Center
Community Room

AGENDA

1. CALL TO ORDER
2. PUBLIC APPEARANCES.
3. APPROVAL OF MINUTES.
 - a. Review and possible approval of draft minutes from the December 17, 2018 Plan Commission meeting.
4. BUSINESS.
 - a. Review and possible action - Extraterritorial review CSM Lot 1 and Lot 2 CSM NO. 12377, Town of Dunn, Dane County, WI property owners Zach & Kelsey Buehl
 - b. Discussion only - concept plan by developer Ryan Quam to develop approximately 10 acres at 4703 Terminal Drive to a mixed use office and residential development.
 - c. Discussion only - changes to the Municipal Code as it relates to conditional uses.
 - d. Discussion and possible action on the 2019 Plan Commission application as revised.
5. STAFF REPORTS
 - a. Highlights and updates
 - b. Discussion only - notable projects for 2018
 - c. Property maintenance report
6. SCHEDULE NEXT MEETING DATE.
7. ADJOURNMENT.

This meeting notice constitutes an official meeting of the above referenced group and was posted in accordance with all applicable laws related to Open Meetings Law. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals. For additional information or to request this service, contact the McFarland Municipal Center at (608) 838-3153 or cassandra.suettinger@mcfarland.wi.us.

Working Draft Minutes

Plan Commission

Meeting

December 17, 2018

Members Present: Bruce Fischer, Peter Bloechl-Anderson, Brad Czebotar, Dan Kolk, Tom Rogers

Members Absent: Jeff Sorenson, Cathy Kirby

Staff Present: Pauline Boness, Dan Evans, Karen Knoll

1. CALL TO ORDER

Czebotar called the meeting to order at 7:00 p.m.

2. PUBLIC APPEARANCES

None

3. APPROVAL OF MINUTES

- a. **Review and approval of draft Minutes from the November 19, 2018 Plan Commission meeting.**

Czebotar called the minutes approved by unanimous consent.

4. BUSINESS:

- a. **Review and possible action on a request by Lou Cheramy (BizyLou LLC) for a 2 Lot Certified Survey Map (CSM), to create a zero lot line duplex at 5764 and 5772 Lexington St., McFarland, WI. The properties are zoned R2, Single & Two Family Residence.**

Boness summarized this is a zero lot line, lot number 11; the proposal meets all the setback criteria. There is nothing unusual about this request.

Czebotar moved to approve a request by Lou Cheramy (BizyLou LLC) for a 2 Lot Certified Survey Map (CSM), to create a zero lot line duplex at 5764 and 5772 Lexington St., McFarland, WI. The properties are zoned R2, Single & Two Family Residence. Fischer seconded the motion. Motion carried 4-0.

- b. **Discussion only - potential changes to the Municipal Code relating to conditional uses.**

Dan Evans, Village Attorney, reviewed some changes; he feels should be included in the Ordinance. The burden is on the applicant to make sure they provide the information needed; information needs to be required in writing and provide the proof of meeting substantial evidence. It should be clear in the ordinance that it is the applicant's responsibility to meet. As a standard, this will comply with other laws or regulations including but not limited to wetlands, municipal codes, noise violations, environmental standards to name a few. Czebotar inquired, by including this will it then be the applicant's responsibility to show evidence that they are meeting the standards? Evans replied, yes if the standard is applicable to the specific application. This is a cross reference of sorts where they are going to have to show they are complying with other state regulations. This way you do not find out after the fact, they have violated state law. If they did violate state law, they have then violated the CUP. You can tie it in to make sure they have gotten all other governmental approvals needed, i.e. if it was from the DOT or safety regulations through the state.

It is better to list the standards you might want to impose on every permit. Evans pointed out in the zoning code there are some DNR regulations, which need to be updated.

Kolk inquired about 62-111 – where it discusses diminished use of value and enjoyment. Does the applicant have to provide proof of no loss of property value or enjoyment? Evans replied, the applicant could not just say it will not affect, following the standard. They have to show how it would potentially affect or not impact something, just saying it would not, does not meet the standard. Kolk brought up issues of density, traffic or building height, while all were not CUP applications, but would a public statement have to need more substance to it? Evans replied yes, or personal experience would also have weight, i.e. "I live in this neighborhood and I know the traffic is busy at this time". Kolk is concerned about measurable testimony from an applicant, but not from someone opposed to something. He feels this is not just a change of an ordinance but a change of practice and how they do things. Evans replied he understands the concern of meeting substantial evidence, but something like a traffic study would hold more weight. Evans reviewed how the process would work, and how the Plan Commission would review the evidence. Czebotar summarized this is not just if something is added in the ordinance, state law now requires substantial evidence, and this will assist the applicant and the Plan Commission for applying the standards. Evans agreed and feels by putting it in writing that they have to produce something in writing this assists both the applicant and the reviewing board. Commissioners discussed who and how the evidence would need to be provided and by whom. How you cannot rule against something nor approve it just based on opinion. The applicant would have to show the application has merit to move forward to the Plan Commission. Approvals would have to have merit, and not just be opinion based. If the applicant has not provided enough information they would need to be held over to another meeting, no action has to be taken at a specific meeting. The Plan Commission can

require an applicant to provide a study, or provide additional information. Evans gave the example of an expertise report on noise levels. The Plan Commission also would have the option of picking their own, an independent, and have the applicant pay for it if they felt the applicants expert is showing favoritism for the applicant, and not acting as an independent. If the applicant choses to not use the party selected by the Plan Commission, the applicant can choose to not move forward with their proposal. Evans can also tweak a few parts indicating it has to be a qualified professional, and what certifications they would need. Evans added you could add information that evidence is applicable to both the applicant and the public. If the Commission feels something would be an issue or a concern you would need to provide them feedback that you are concerned about something and that you would want them to provide information to cover that concern.

Boness pointed out it appears this may no longer be a one meeting process. Commissioners will need to remember to separate out the conditional use issues versus site design. Boness stated in the past some of those items at a meeting became intertwined, Commissioners would need to pay more attention to what pertains to the site plan versus the conditional use. Boness is putting together a longer more detailed application, it will have a check list of what applicants need to provide, they can no longer say "see plan" for details. They will have to be more specific. Evans pointed out you will need to have good recordings of the meetings, keep records/copies of what was submitted, and in the minutes reflect how an applicant did or did not meet the standards. The best way is to articulate how the standards have been met, and the evidence to support it, or if not met, why and you need to keep a clear record. What was submitted or what was not submitted along with the recording of the meeting.

Czebotar inquired about having a party come in to "discuss only" whether a project would be a worthy one. People have come in and asked for onion prior to an actual application. Should Commissioners be concerned about how this is handled, is this something they should even be doing? Evans replied you could still have parties come in to indicate what they are thinking of proposing, you would not be able to give any feedback indicating any type of approval. You could indicate items, which may be of concern, but they would have to fill out the application and submit all paperwork through the process before you could comment on anything, which would be an indication of approval of any type.

Czebotar inquired if they wanted to go through the list of conditional uses, would they be better to get rid of the entire list and start over? Evans advised he had not thought about it that way, no municipality has done that, you also have to be careful of spot zoning. You would have to look at districts, their proximity to other zoning, residential or elderly neighborhoods. Evans advised he had not reviewed them for tonight's meeting. Boness advised she could circle some and send them to Commissioners to review; they would need to do so with a zoning map, and then review at a later meeting. Boness stated some of them came about to try to accommodate things moving into the area. Czebotar asked if there was a way for

Boness and other staff to go through this list, this way they could potentially avoid missing something. Boness replied yes she could do that and have some other staff help. Boness inquired if they make the change and take away a conditional use, would someone who was approved be legal, non-conforming. Evans replied yes as long as they continued that use. Evans will address the concerns about the experts, and draft something regarding evidentiary standards. As this is a first step if you had, other thoughts email them to Boness. Czebotar inquired if there could be a standardized process, or flow chart document as to how they will run a CUP application at meetings. Evans will put something together for the next meeting. Kolk feels once this is all complete, there should be a training session for Commissioners. Bloechl-Anderson questioned the CDA's involvement, as they will sometimes give opinions on what they would like to see when a presentation is before them. Boness replied moving forward they will need to stick to whatever is required by the standards for the TIF.

c. Retirement - Community Development Director

Boness stated she had brought this up at a prior meeting. She will be retiring as of July 5, 2019. Boness is trying to give everyone ample time to review the job description, how the department is layed out, if there are any changes they want to make and allow enough time for the hiring process. She hopes to have a smooth transition with whomever is hired.

5. STAFF REPORTS

- a. Highlights and updates – No comments
- b. Property maintenance – No comment

6. ADJOURNMENT

Kolk moved to adjourn, Rogers seconded the motion, motion carried. Meeting adjourned at 8:00 p.m.



PLAN COMMISSION SUMMARY SHEET

MEETING DATE: Tuesday, January 22, 2019

SECTION: Business

DEPARTMENT: Community Development

CONTACT:

AGENDA ITEM: Review and possible action - Extraterritorial review CSM Lot 1 and Lot 2 CSM NO. 12377, Town of Dunn, Dane County, WI property owners Zach & Kelsey Buehl

PREVIOUS ACTION:

ISSUE SUMMARY:

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Property owners Zack and Kelsey Buehl wish to merge two lots of a four lot CSM that was created and approved back in 2008. The driveway easement will be removed, as it will not be necessary to serve two separate lots. Back in 2008, Lot 2 was to be sharing a well with the adjacent Lot 1 to the east. Now each lot will have its own well. I believe the sanitary easement may be eliminated as well.

Recommendation: Approval, I see no issue with the CSM. Dates on the survey should be updated.

ATTACHMENTS:

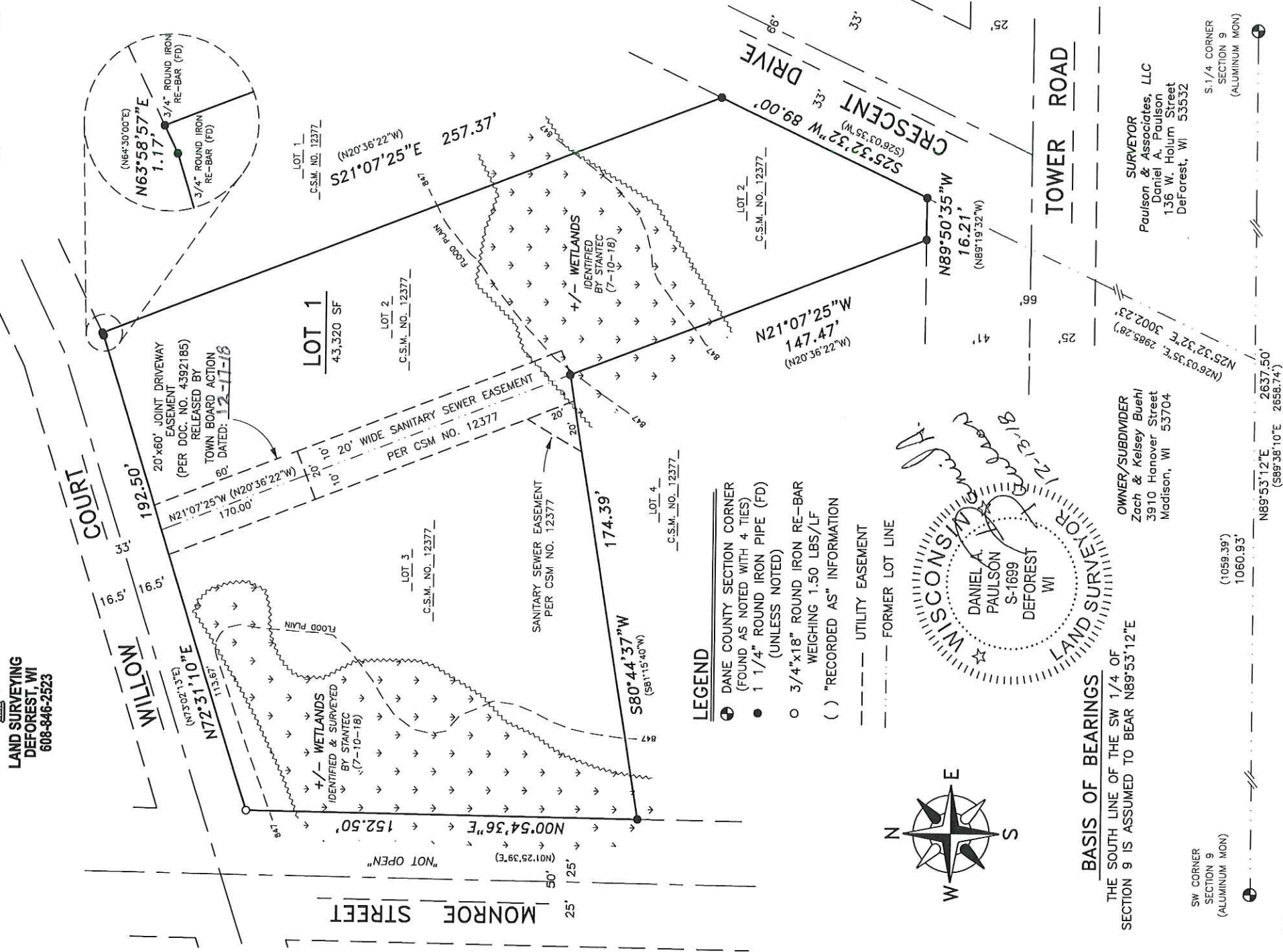
1. 1.22.19 CSM Town of Dunn
2. 1.22.19 willow court email



COPY

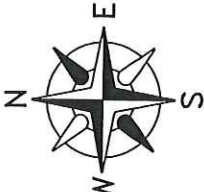
DANE COUNTY CERTIFIED SURVEY MAP NO. _____

LOT 2 & 3, C.S.M. NO. 12377; LOCATED IN THE SE 1/4 OF THE NW 1/4,
SECTION 9, T6N, R10E, TOWN OF DUNN, DANE COUNTY, WISCONSIN



LEGEND

- DANE COUNTY SECTION CORNER (FOUND AS NOTED WITH 4 TIES)
- 1 1/4" ROUND IRON PIPE (FD) (UNLESS NOTED)
- 3/4"x18" ROUND IRON RE-BAR WEIGHING 1.50 LBS/LF
- () "RECORDED AS" INFORMATION
- UTILITY EASEMENT
- FORMER LOT LINE



BASIS OF BEARINGS

THE SOUTH LINE OF THE SW 1/4 OF SECTION 9 IS ASSUMED TO BEAR N89°53'12"E

OWNER/SUBDIVIDER
Zach & Kelsey Buehl
3910 Hanover Street
Madison, WI 53704

SURVEYOR
Paulson & Associates, LLC
Daniel A. Paulson
136 W. Holm Street
DeForest, WI 53532

SW CORNER
SECTION 9
(ALUMINUM MON)

S 1/4 CORNER
SECTION 9
(ALUMINUM MON)

DRAFTED BY: D.A.P.

SHEET 1 OF 3

FILE NO. 18-111

SURVEYOR'S CERTIFICATE

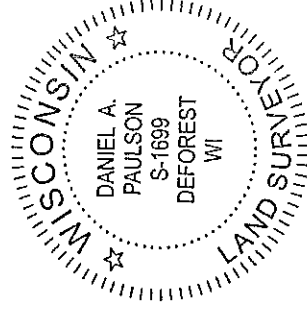
I, Daniel A Paulson, Professional Land Surveyor **DO HEREBY CERTIFY** that by the direction of Zachary J. & Kelsey M. Buehl, I have surveyed, monumented, and mapped **LOT 1 AND LOT 2, CSM NO. 12377**, located in the SE ¼ of the NW ¼ of Section 9, Town 6 North, Range 10 East, Town of Dunn, Dane County, Wisconsin.

Containing 43,320 square feet, 0.99 acres.

Subject to as existing 20 foot wide sanitary sewer easement.

Subject to all recorded and unrecorded easements.

I do hereby certify that to the best of my knowledge and belief this survey is a correct representation of the boundaries of land surveyed and the division of that land and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes, Chapter 75.17 of Dane County Subdivision Ordinance and the Town of Dunn Code of Ordinances in surveying and mapping the same.



Daniel A. Paulson
Daniel A. Paulson PLS-1699

12-13-18
Date:

CERTIFICATE OF THE DANE COUNTY REGISTER OF DEEDS

Received for recording this _____ day of _____, 20____, at _____ o'clock ____ M.
and recorded in Volume _____ of Certified Survey Maps of Dane County, Pages _____.

DOCUMENT NO. _____
Dane County Register of Deeds

DANE COUNTY APPROVAL CERTIFICATE

Approved for recording by the Dane County Zoning and Land Regulation Committee.

Date: Daniel Everson
Authorized Representative

TOWN OF DUNN APPROVAL CERTIFICATE

Approved for recording by the Dunn Town Board this 10th day of December, 2018.

Chas Buehl
Authorized Representative
Dunn Town Board

OWNERS CERTIFICATE OF DEDICATION

We, Zachary J. and Kelsey M. Buehl, as owners, do hereby certify that we caused the land described to be surveyed, and mapped as represented on the map. I also certify that this certified survey map is required by S.75.17(1)(a), Dane County Code of Ordinances to be submitted to the Dane County Zoning and Land Regulation Committee for approval.

Zachary J. Buehl _____ Date _____

Kelsey M. Buehl _____ Date _____

STATE OF WISCONSIN)
_____**COUNTY)**)SS

Personally came before me this _____ day of _____, 20____, the above Zachary J. and Kelsey M. Buehl to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public _____, Wisconsin
My commission expires: _____

VILLAGE OF McFARLAND APPROVAL CERTIFICATE

This Certified Survey Map is approved for recording on this _____ day of _____, 20____.

Authorized Representative
McFarland Village Board

CONSENT OF MORTGAGEE

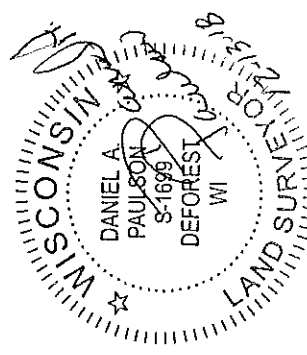
I, _____, as representative of _____, mortgagee of the above described land, do hereby consent to the surveying, dividing, mapping and dedicating of the land described on this map.

Date: _____

STATE OF WISCONSIN)
_____**COUNTY)**)SS

Personally came before me this _____ day of _____, 20____, the above _____ to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public _____, Wisconsin
My commission expires: _____

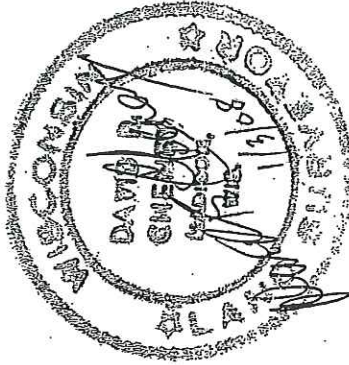
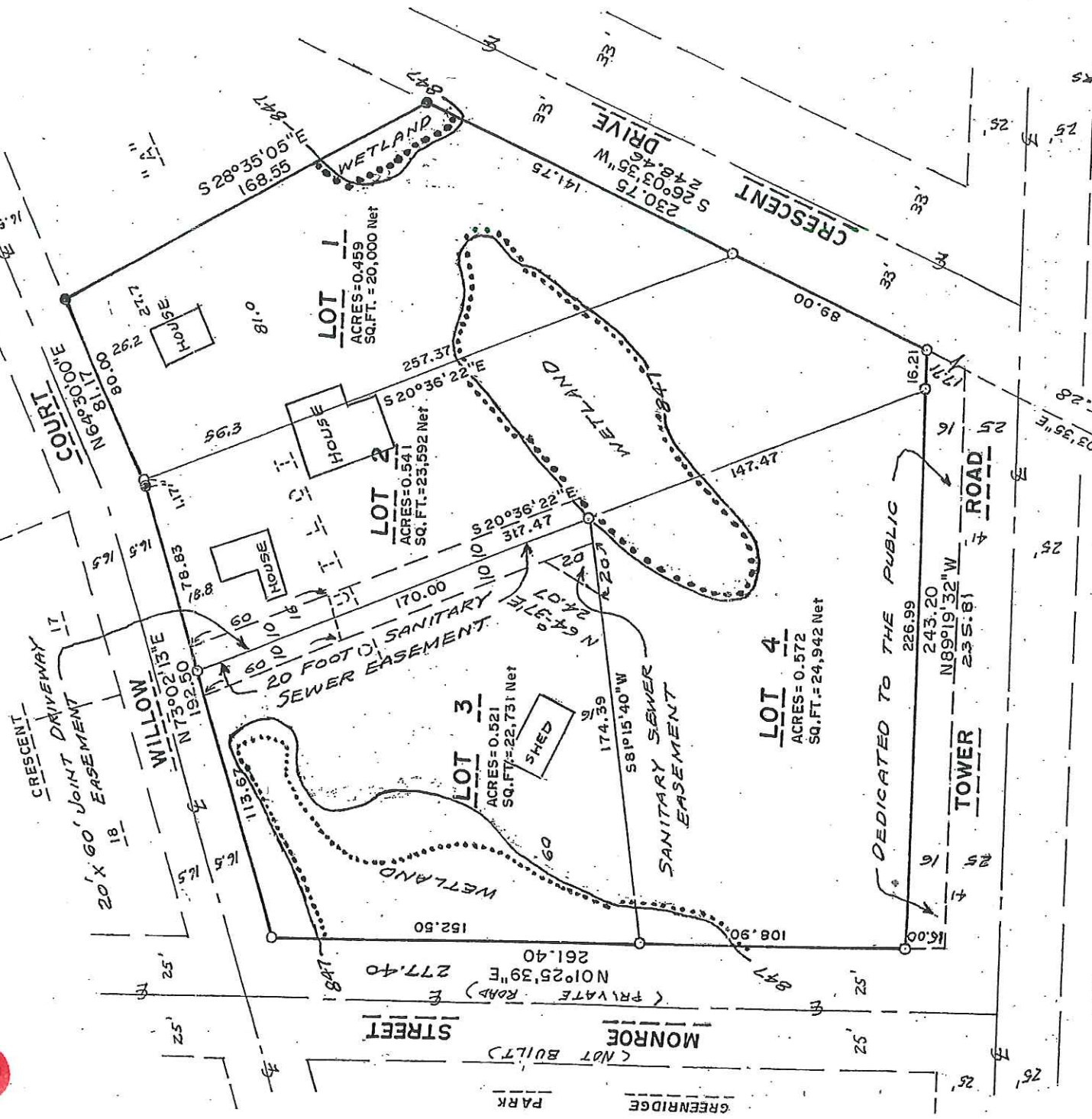


CERTIFIED SURVEY MAP

Sheet 1 of 3 sheets

#4392184

A PART OF OUTLOT "A", plat of CRESCENT PARK,
TOWN OF DUEN, DANE COUNTY, WISCONSIN



GRID NORTH REFERS TO THE
S. LN. OF THE SW 1/4 WHICH BEARS
S 89°38'10"E (ASSUMED)

RECEIVED FOR RECORDING ON THIS 28 DAY OF
January, 2008 at 1:16 o'clock P.M.
and recorded in Volume 77 of Certified
Survey Maps on pages 61-63

SW Cor. Sec. 9-6-10
(Fd. C.A.M.)

SI/4 Cor. Sec. 9-6-
(Fd. C.A.M.)

DOCUMENT NO.

Survey Maps on pages 61-63

LEGEND: (Also see sheet 3)

Kristi Chlebowsky & Martha P. St. John
Kristi Chlebowsky, Register of Deeds

- Denotes iron stake found
- Denotes iron stake set

CERTIFIED SURVEY MAP NO. 12377

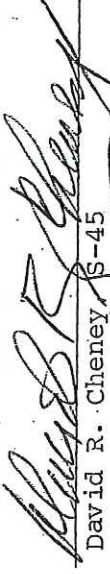


Stock No. 26273

Sheet 2 of 3 sheets

COPY
SURVEYOR'S CERTIFICATE

I, David R. Cheney, Wisconsin Land Surveyor No. S-45, do hereby certify that I have surveyed, divided and mapped a division of Outlot "A", plat of CRESCENT PARK, Town of Dunn, Dane County, Wisconsin, more fully described as follows: Commencing at the Southwest Corner of Section 9, T 6 N, R 10 E; Thence S 89°-38'-10"E 1059.39 feet along the South Line of the Southwest Quarter, Thence N 26°-03'-35"E 2985.28 feet to the POINT OF BEGINNING; Thence N 89°-19'-32"W 235.81 feet, Thence N 1°-25'-39"E 277.40 feet, Thence N 73°-02'-13"E 192.50 feet, Thence N 64°-30'-00"E 81.17 feet, Thence S 28°-35'-05"E 168.55 feet, Thence S 26°-03'-35"W 248.46 feet to the POINT OF BEGINNING. Containing 95,096 square feet or 2.18 Acres. I further certify that this map is a correct and accurate representation of all the exterior boundaries of the land surveyed and the land divisions thereof made and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the subdivision regulations of the Town of Dunn in surveying, dividing and mapping the same.

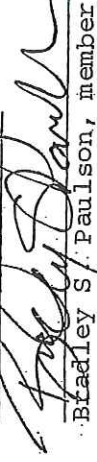

David R. Cheney, S-45
Wisconsin Land Surveyor

404 S. Blount St. suite 203
Madison, WI 53703

CORPORATE OWNERS CERTIFICATE

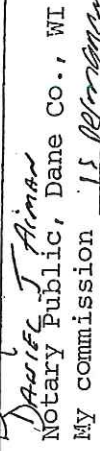
WAUBESA WILLOW LLC, a limited liability corporation duly filed and existing under and by virtue of the laws of the State of Wisconsin, as owner, hereby certifies that it has caused the lands in this Certified Survey Map to be surveyed, divided, mapped and dedicated as shown on this Certified Survey Map. WAUBESA WILLOW LLC does further certify that this Certified Survey Map is required by s. 75.17(1) (a) of the Dane County Code of Ordinances to be submitted to the Dane County Zoning and Land Regulation Committee for approval.

WAUBESA WILLOW LLC


Bradley S. Paulson, member


Susan L. Paulson, member

Personally appeared before me on this 3rd day of January, 2008, the above named Bradley S. Paulson and Susan L. Paulson, to me known to be the persons who executed the foregoing instrument and acknowledged the same.


David J. Aiman
Notary Public, Dane Co., WI
My commission 15 permanent

TOWN OF DUNN CERTIFICATE

"This Certified Survey Map is hereby approved by the Town of Dunn, Dane County, Wisc. and the public highway right-of-way dedication designated herein is hereby acknowledged and accepted."

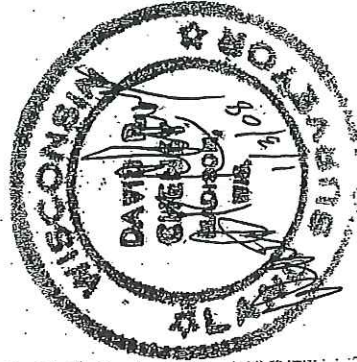
As Town Clerk of the Town of Dunn, Dane Co., Wi., I hereby certify that the above is a true copy of a resolution of the Town Board of the Town of Dunn.


Rosalind Gausman, Town Clerk

VILLAGE OF MCFARLAND CERTIFICATE

This Certified Survey has been approved by the Village Board of the Village of McFarland, Dane County, Wisconsin.


Deb Neal, Village Clerk



COPY

DANE COUNTY ZONING AND LAND REGULATION COMMITTEE CERTIFICATE

Approved for recording by the Dane County Zoning and Land Regulation Committee.

 01/28/08
Norbert Scribner, Authorized Representative date

Note: This Certified Survey is served by Public Sanitary Sewer

Note: All buildings on this Certified Survey Map shall be removed

Note: Wetlands were delineated by Natural Resources Consulting, Inc., 119 S. Main St. Cottage Grove, Wis. on Oct. 16, 2006

Note: No sewer laterals shall be constructed through the wetlands as delineated on this Certified Survey Map.

Note: All lots in this Certified Survey Map are subject to the

Rain Garden Maintenance Agreement and the Water Drainage Plan and the restrictions on impervious surface areas, minimum building elevation, driveway areas and the restriction that there shall be no basements as recorded in

Doc # 4392183

Note: Lots 2 and 3 are subject to a sanitary sewer easement for the benefit of Lot 4. See Sanitary Sewer Easement Agreement recorded in PREVIOUS DOCUMENTS

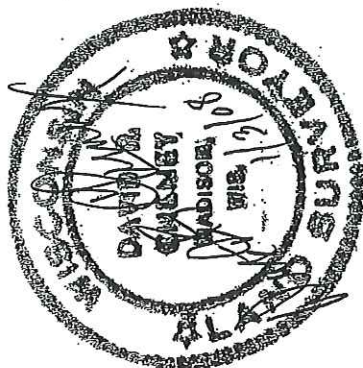
Note: Lots 2 and 3 are subject to a reciprocal joint driveway easement recorded in PREVIOUS DOCUMENTS

I.

LEGEND (Also see sheet 1)

..... Denotes boundary of wetland

847 — Denotes Regional Flood Contour referred to U.S.G.S. Datum



Pauline Boness

From: Kelsey Buehl <kelsey.buehl@gmail.com>
Sent: Wednesday, January 9, 2019 5:11 PM
To: Pauline Boness
Subject: 2806 Willow Court Combined CSM

Hi Pauline!

We spoke last week about the combined CSM that my husband and I would like to have reviewed at the planning commission meeting on 1/22. Here are some detailed points about why we would like to combine the lots into one:

- Currently there is a joint driveway easement between the two lots that we own (on the lot line between the two). However, the building plans we are working off of have the driveway on the outer side of one of the lots, to provide more usable yard space.
- Based on the wetlands that are on the two lots, if we were to leave the lots separate, we would be required to install a rain garden that is over 1,000 square feet. This is based on our percent impermeable surface. If we combine the two lots, the new size for a rain garden would be just 75 square feet, and could be more easily located near the wetlands for better rainwater mitigation.

Also to consider, there is a well agreement in place between the lot that we own and the adjacent lot. This original agreement was drawn up in 1962 and then last amended in 1983. We, along with our future neighbors, intend to release this well agreement. There is one existing well on the lot at 2808 Willow Court. Dan and Nicole Cardamone are the owners of that well and they agree that sharing a well would not be in the best interest of anyone. We can provide a letter from Dan Cardamone, if necessary.

I spoke with John Hausbeck from Dane County Department of Health about the existing well. He said that it was created before there was consistent record keeping in the DNR (implemented around 1980). Therefore, the Department of Health doesn't have any information on the location or permitting from when it was created. In order to guarantee a well on our property that is up to current standards and health requirements, it would be best if we can dig our own well.

Please let me know if you have any questions on these points or think that anything else should be provided for the planning commission.

Kelsey and Zach Buehl
kelsey.buehl@gmail.com
608-461-1078



PLAN COMMISSION SUMMARY SHEET

MEETING DATE: Tuesday, January 22, 2019

SECTION: Business

DEPARTMENT: Community Development

CONTACT:

AGENDA ITEM: Discussion only - concept plan by developer Ryan Quam to develop approximately 10 acres at 4703 Terminal Drive to a mixed use office and residential development.

PREVIOUS ACTION:

ISSUE SUMMARY:

Developer Ryan Quam would like to develop 10.5 acres owned by Robert Anderson at 4703 Terminal Drive as a Planned Development. He envisions a total of 4 phases, 56,000 sq.ft. of Class A office space, 54 units of multi-family and \$930,000 in TIF loans. This site would need amendments to the Comprehensive & Redevelopment Plans; as industrial uses are identified for future land uses. A zoning change from Commercial Highway to Plan Development would also be necessary. Robert Anderson would be allowed continued use of his residence and storage of military vehicles on the property. A courtesy notice to neighbors has been sent. Ryan would like to close on the property by July and would like Plan Commissioners to consider recommending changes to the Comprehensive and Redevelopment Plan to the Village Board at your February meeting. If you chose to move this project forward, meetings in March and April would address rezoning, CSM, and General & Detailed plan processes. The CDA and Village Board will address financial participation.

My initial review indicated: traffic conflicts with having only a single access, tanker trucks vs passenger vehicles heading north on Terminal Dr., and land use conflicts with adjacent industrial uses raising the potential of complaints from new residents relating to operations of adjoining businesses. Staff is excited about the possibility of new office space but has reservations about the compatibility of multi-family units given the surrounding land uses. The existing mini-warehouses on either side of Terminal Dr., south of this site, currently act as a good buffer between more heavy industrial uses and existing residential uses further south towards Siggelkow Rd.

Mr. Quam has indicated he has a potential tenant who is vacating their existing office space in October 2020. We have not been made aware of who they are. The CDA has been given an initial presentation and has indicated to Mr. Quam he should appear before the Plan Commission and the Village Board for informal feedback.



FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

ATTACHMENTS:

1. 1.22.19 4703 Terminal Drive



concept



QUAM ENGINEERING, LLC
Residential and Commercial Site Design Consultants
www.quamengineering.com
604 Siggelow Road, Suite A - McFarland, Wisconsin 53555
Phone (608) 838-7750; Fax (608) 838-7752

MAP 6

FUTURE LAND USE



COMPREHENSIVE PLAN

Legend

Future Land Use

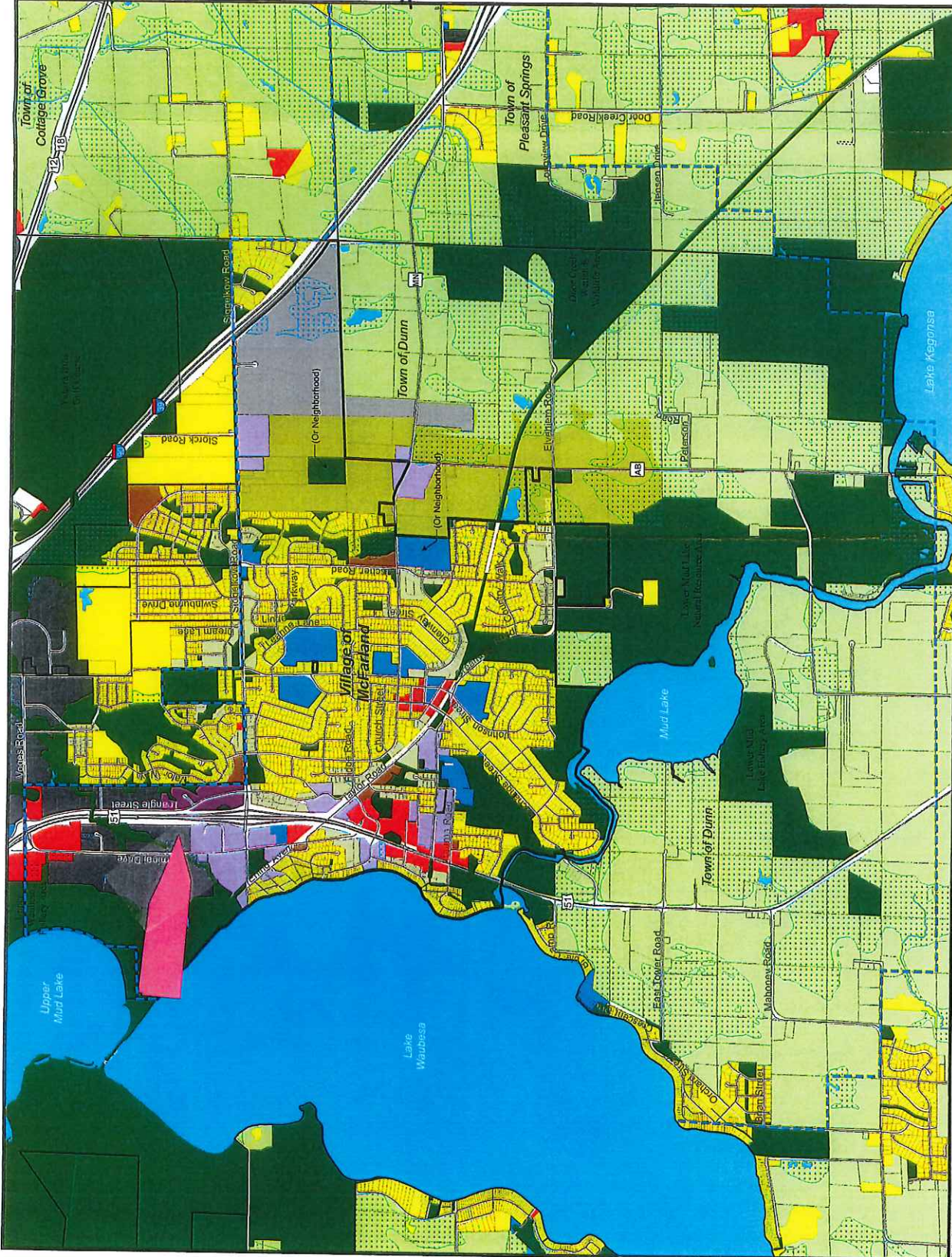
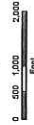
- Single Family Residential
- Two Family and Townhouse Residential
- Multiple Family Residential
- Neighborhood
- Downtown
- Highway and General Commercial
- Commercial Park
- Industrial
- Mixed Use/Flex Commercial
- Institutional and Governmental
- Public Lands, Recreation, and Environmental Corridor
- DNR Wetlands and Potential Wetland Indicators over
- Undeveloped Lands
- Agricultural Preservation
- Urban Reserve
- Water
- Rights-of-Way

- Village of McFarland Extraterritorial Jurisdiction Boundary
- Village of McFarland Limits (8/17)
- Other Municipal Limits (2017)

Shapes on this map represent the Village's vision for future land use within the Village and its extraterritorial jurisdiction. For such lands, this map is not intended to represent existing land use or zoning, or to compel property owners to change their land use. The map is intended to show agricultural or other rural land may maintain their current land use. Actual boundaries between different future use categories and implementing zoning districts may vary somewhat from representations on this map. This map also includes the Village's extraterritorial jurisdiction boundary, which is the boundary of the Village's Plan area of the Interstate and Highway Road, and existing land use elsewhere beyond the Village's extraterritorial jurisdiction.

Date: August 2017

Data Sources: Village of McFarland, Dane County LIC, WDNR, and CARPC



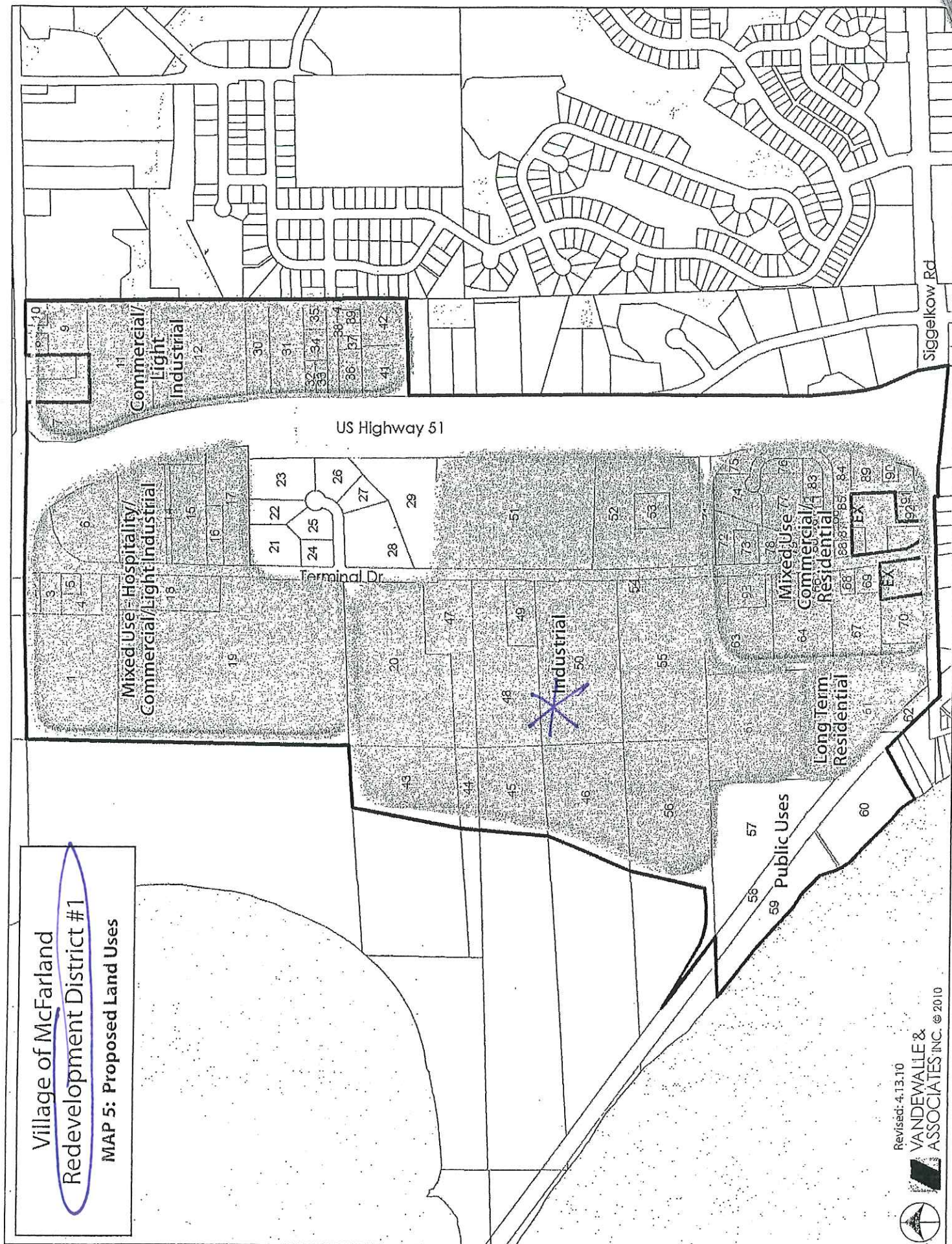
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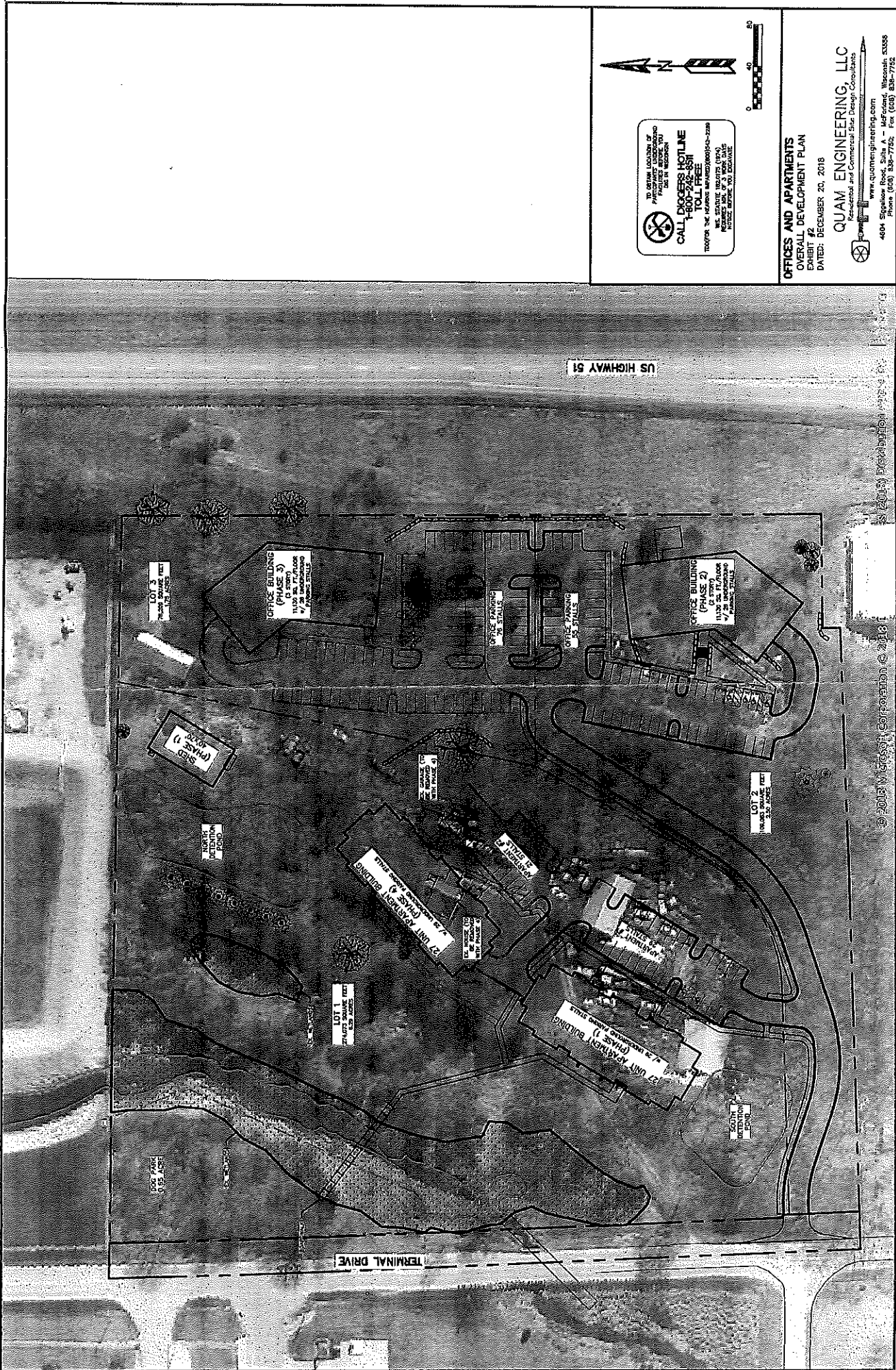
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Village of McFarland Redevelopment District #1

MAP 5: Proposed Land Uses





TO KNOW LOCATION OF
PROPERTY VISIT
PROPERTY VISIT
PROPERTY VISIT

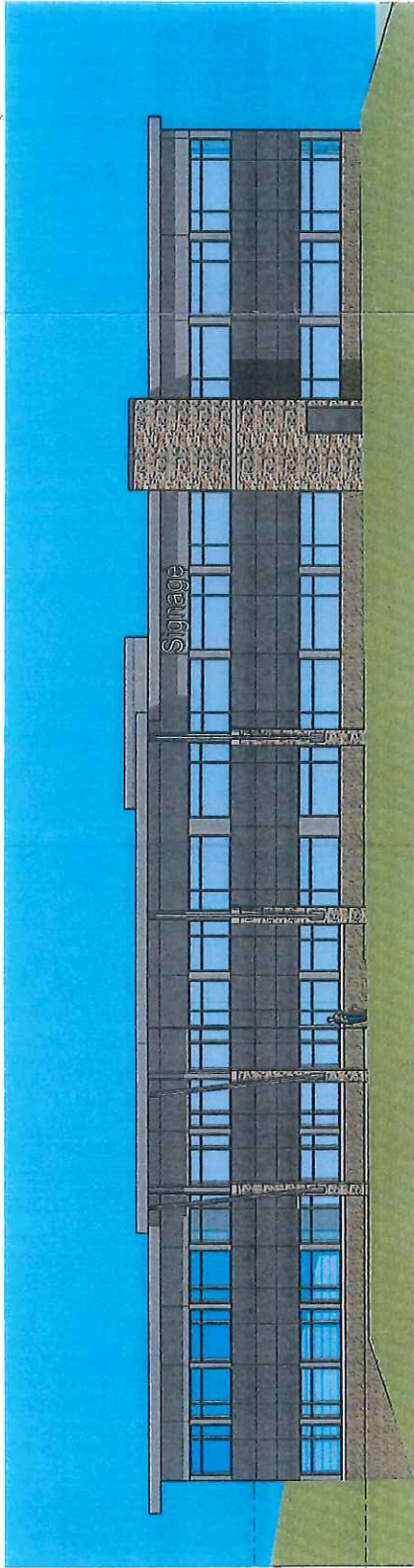
CALL QUAM ENGINEERING, LLC
1-800-742-8581
TOLL FREE

FOR THE QUAM ENGINEERING, LLC
RESIDENTIAL AND COMMERCIAL SITE DESIGN CONSULTANTS

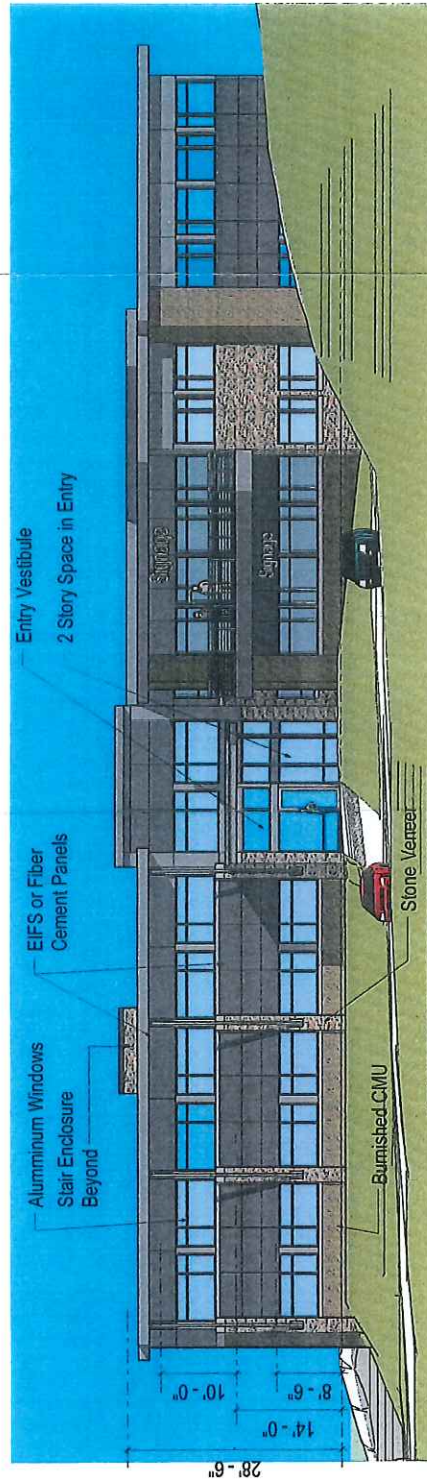
4604 SIGGELKOW ROAD, SUITE A - MCFARLAND, WISCONSIN 53558
PHONE (608) 838-7750 FAX (608) 838-7752

OFFICES AND APARTMENTS
OVERALL DEVELOPMENT PLAN
EXHIBIT #2
DATED: DECEMBER 20, 2018

QUAM ENGINEERING, LLC
Residential and Commercial Site Design Consultants
www.quamengineering.com



① East Elevation
W x E



② West Elevation 1
W x E



QUAM ENGINEERING NEW OFFICE

MC FARLAND, WI
1500 S. KILBUCK RD.
DUNBAR, WI 53009
20 DEC 2007 2:10
11/07

EXHIBIT #7

DIMENSION
Madison Design Group
ARCHITECTURE INTERIOR DESIGN PLANNING
1500 S. KILBUCK RD.
DUNBAR, WI 53009
608.828.4441 dmadison.com



PLAN COMMISSION SUMMARY SHEET

MEETING DATE: Tuesday, January 22, 2019

SECTION: Business

DEPARTMENT: Community Development

CONTACT:

AGENDA ITEM: Discussion only - changes to the Municipal Code as it relates to conditional uses.

PREVIOUS ACTION:

ISSUE SUMMARY:

Attorney Dan Evans has provided additional information, which is in your packets. As requested by Commissioners, I have looked over the table of uses listed in sections 62-70 & 71 and noted some changes to consider.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

ATTACHMENTS:

1. 1.22.19 CUP discussion
2. 1.22.19 draft ord amnd cup standards

RESIDENTIAL DISTRICT BULK STANDARDS

Bulk Standards	A-1	R-1	R-1A ⁽⁹⁾	R-1B ⁽⁹⁾	R-2 ⁽³⁾	R-3 ⁽³⁾	R-MH	R-E	RH-1
Minimum lot area (sq. ft.)	35 acres	10,000	6,000	6,000	10,000	None	6,000	None	1 acre
Minimum lot width (ft.)	-	80	50	50	80	80	50	80	150
Building height (ft.)	35 ⁽¹⁾	35	35	35	35	35	35	35	35
Yards ⁽⁷⁾⁽¹⁰⁾									
Front yard (ft.)	-	25	25	20 ⁽⁶⁾	25	25 or 35 ⁽⁴⁾	25	25	40
Front yard with snout garage ⁽²⁾	-	30	30	20	30	25 or 35 ⁽⁴⁾	30	30	40
Side yard (ft.)									
One story building	6	6	7	7	8	8	6	8	10
Both sides combined	14	14	14	14	18	20	14	20	20
Two story building	7	7	7	7	8	10	7	10	10
Both sides combined	18	18	14	14	18	20	18	25	20
Reversed corner	25	25	25	15	25	25 or 30 ⁽⁸⁾	15	25	40
Rear yard (ft.)	30	30	30	30 or 40 ⁽⁷⁾	30	35	25	30	50
Usable open space per dwelling unit (sq. ft.)	-	1,300	1,000	1,000	750	500	1,000	500	4,000
Minimum lot area per dwelling unit (sq. ft.)	-	10,000	6,000	6,000	5,000	5,445	6,000	4,356	1 acre
As conditional use	-	10,000	6,000	6,000	5,000	2,904	6,000	2,178	1 acre
Parking spaces required per dwelling unit (sq. ft.)									
Efficiency	-	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
One bedroom	-	2.0	2.0	2.0	2.0	2.0	2.0	1.0	2.0
Two bedrooms	-	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Three bedrooms	-	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Four+ bedrooms	-	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Minimum landscaping points ⁽⁵⁾									
Per 100 ft. of bldg. foundation						50		45	
Per 1,000 sq. ft. gross floor area						20		20	
Per 100 ft./street frontage						50		45	
Per 10,000 sq. ft. of paved area						100		90	

⁽¹⁾ Barns, sheds, silos and other farm buildings shall not exceed in height twice their distance from the nearest lot line; however, these buildings have to be setback at least 60 feet from the street and no closer than 100 feet from the property line of adjacent properties, if those properties are located in a Residence District.

⁽²⁾ Attached garages that are closer to a street than any other portion of structure are snout garages.

⁽³⁾ R-2 and R-3 Districts allow zero lot line duplexes of 5,000 square feet minimum lot area and a 40 feet minimum lot width, with side yard setback requirements of eight feet for a one-story structure and ten feet for a two-story structure.

Sec. 62-71. Permitted or conditional uses—Commercial Districts.

The permitted and allowable conditional uses in each district of the commercial zoning districts shall be set forth in the following table:

COMMERCIAL DISTRICT PERMITTED USES^(4, 5, 6, 7)

<i>Land Uses⁽¹⁾</i>	<i>NAICS</i>	<i>C-G⁽²⁾</i>	<i>C-H</i>	<i>C-P</i>	<i>C-L</i>	<i>M-IC</i>
Agricultural services and support	115000	C	C	C	N	N
Mining	212000	N	N	N	N	C
Utilities	221000	N	PE	NQ	N	C
Construction contractors	236000	N	P	P	N	P
Wood product manufacturing	321000	N	P ⁽⁷⁾	P ⁽⁷⁾	N	P
Drugs manufacturing	325410	N	P ⁽⁷⁾	P ⁽⁷⁾	N	P
Plastics manufacturing	326100	N	P ⁽⁷⁾	P ⁽⁷⁾	N	P
Printing	323000	PE	PE	P ⁽⁷⁾	N	P
Fabricated metal manufacturing	332000	N	P ⁽⁷⁾	P ⁽⁷⁾	N	PE
Machinery & equipment	333000	N	P ⁽⁷⁾	P ⁽⁷⁾	N	P
Computer manufacturing	334000	N	P ⁽⁷⁾	P ⁽⁷⁾	N	P
Electrical manufacturing	335000	N	P ⁽⁷⁾	P ⁽⁷⁾	N	P
Manufacturing not listed above		N	P ⁽⁷⁾	P ⁽⁷⁾	N	P
Retail buildings						
20,000 sq. ft. or greater	44000— 450000	C	N	N	N	N
Auto dealers (new and used)	441100	NQ	PE	N	N	N
Motorcycle, boat, and other vehicle dealers	441220 & 441229	Q N	Q P	N	N	N
Furniture store	442110	P	N	N	N	N
Electronics/appliance store	443100	P	N	N	N	N
Building materials (fully enclosed only)	444100	N	Q P	Q P	N	P
Hardware store	444130	P	Q PE	N	N	N
Landscape/nursery	444220	N	C	N	N	N
Food store (except convenience)	445110	P	Q PE	N	N	N
Liquor store	445310	P	N	N	N	N
Pharmacies and drug stores	446110	P	P	N	N	N
Cosmetic and beauty supplies	446120	P	P	N	N	N
Gasoline stations and convenience stores	447110	C	C	N	N	N
Clothing store	448100	P	N	N	N	N
Jewelry store	448310	P	N	N	N	N
Sporting goods, hobby, book and music	451100	P	N	N	N	N
Department store	452110	P	N	N	N	N

<i>Land Uses⁽¹⁾</i>	<i>NAICS</i>	<i>C-G⁽²⁾</i>	<i>C-H</i>	<i>C-P</i>	<i>C-L</i>	<i>M-IC</i>
Miscellaneous shopping	453000	P	N	N	N	N
Mail-order houses	454113	NC	PC	NC	N	P
Fuel dealers	454310	N	N	N	N	C
Rail transportation	482110	N	N	N	N	C
Trucking	484000	N	PC	N	N	P
Transit and ground passenger transportation	485000	C	C	C	N	C
Wholesale, trade (except for petro terminals)	423000 & 424000	N	C	C	N	P
Petro terminal	424710	N	N	N	N	C
Post office	491110	P	N	N	N	N
Warehousing & storage (fully enclosed only)	493110	C	C	P	N	P
Custodial services	561720	N	P	P	PC	C,P
Vehicle repair and body shops	811111 & 811121	C	C	N	C	C
Car wash/oil change	811190	C	P	N	N	N
Consumer electronics repair	811211	PC	PC	N	PC	C,P
Mini-warehouses	531130	N	C	N	CN	N
Commercial banking	522110	P	P	N	P	N
Financial services	522291	P	P	N	P	N
Insurance	524113	P	P	N	P	N
Real estate offices	531210	P	P	N	P	N
Auto leasing	532110	NC	PC	N	N	N
Movies/videos	532230	P	N	N	N	N
Commercial and industrial equipment rental ⁽³⁾	532400	P	P	P	P	P
Legal services	541110 & 541190	P	P	P	P	N
Accounting and tax preparation	541210	P	P	P	P	N
Architectural engineering and related services	541310	P	P	P	P	N
Computer services	541510	P	P	P	P	N
Management consulting services	541610	P	P	P	P	N
Research/testing services	541710	N	P	C	P	N
Advertising service agencies	541810	P	P	P	P	N
Photo studios	541921	P	C	N	P	N
Employment services	561300	P	P	P	P	N
Business support services	561400	P	P	P	P	N
Travel services	561510	P	N	N	NC	N
Veterinary clinics	541940	C	PC	N	N	N

ZONING

§ 62-71

Land Uses ⁽¹⁾	NAICS	C-G ⁽²⁾	C-H	C-P	C-L	M-IC
Elementary and secondary schools	611110	CP	CP	N	P	N
Library	519120	CP	CP	N	P	N
Medical services and offices	621100	P	CP	P	P	N
Medical labs	621500	N	C	P	N	N
Hospitals and clinics	622110	C	CP	N	N	N
Nursing homes	623110	P	P	N	N	N
Individual and family services, and commercial day care	624100	P	C	N	P	N
Museum/gallery/historical sites	712100	P	CP	N	P	N
Bowling center	713950	P	CP	N	N	N
Sports and recreation instruction	611620	P	CP	N	C	N
Fitness centers	713940	P	CP	N	CP	N
Amusement arcades (except billiards)	713120	C	CP	N	C	N
Lodging	721110	C	P	CP	N	N
Restaurants	722100	P	P	N	CP	N
Limited-service restaurants, including fast food	722211	C	C	N	N	N
Taverns	722410	P	N	N	CP	N
Furniture repair and re-upholstery	811420	PC	PC	N	PC	N
Computer and office machine repair	811212	P	P	N	N	N
Other household repair	811490	P	P	N	PC	N
Personal care services	812100	P	N	N	N	N
Funeral home and services	812210	P	CP	N	P	N
Kennels and pet boarding	812910	C	CP	N	N	N
Laundry, coin-operated	812310	P	N	N	N	N
Dry cleaning and laundry (except coin-operated)	812320	C	N	N	N	N
Parking lots	812930	C	C	N	N	N
Religious/civic/business/professional organizations	813000	P	PC	N	P	N
Executive, legislative and other general government	921100	P	N	N	N	N
Residences permitted R-2 and R-3		C	N	N	N	N
Adult businesses (see Section 11-261(d))		N	P	N	N	P
Adult bookstore (see Section 11-261(c))		P	P	N	N	P
Commercial laundry (no direct customer pickups and drop-offs, no dry cleaning)	812331	N	N	N	N	PC

P = Permitted, C = Conditional, N = Not Allowed

- (1) The meaning of the terms shall be the same as that used in the North American Industry Classification System (NAICS), 2007 Edition or revised edition thereof, published by the U.S. Printing Office, with the number of the intended NAICS number following the land use name.
- (2) All uses that are permitted or conditional in C-G are permitted or conditional in the C-C Central Commercial District.
- (3) Indoor storage only. Outdoor storage allowed upon issuance of a conditional use permit.
- (4) All businesses, servicing, processing or display of materials for rent or sale, except for off-street parking of motor vehicles in operable condition and open storage of materials accessory to a principal use shall be conducted within completely enclosed buildings. Open storage accessory to principal uses in the C-G, C-H, C-P, C-L, and C-C^{by M.C.} zoning districts ~~may~~ ^{shall} be allowed, upon issuance of a conditional use permit. *TO BE REVIEWED*
- (5) All nonenclosed areas of the site that are used for off-street parking, loading or driveways for motor vehicles shall be paved or effectively dust-proofed and measures shall exist on-site to prevent tracking of mud from the site on to public streets.
- (6) All commercial business in the C-C, C-G, C-L or M-1C Districts that are open to the public between the hours of 2:30 a.m. and 5:30 a.m. shall require a conditional use permit. *?*
- (7) Light manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, provided all manufacturing activities are contained entirely within an enclosed building, and noise, odor, smoke, heat, glare, and vibration resulting from manufacturing activity, are confined entirely within the building. Does not include industrial processing from raw materials.

(Code 1998, § 13-1-50; Ord. No. 2003-03, § 1(13-1-50), 3-24-2003; Ord. No. 2004-02, § 1, 1-29-2004; Ord. No. 2009-16, § 1, 8-24-2009; Ord. No. 2011-03, § 1, 1-10-2011; Ord. No. 2014-07, § 1, 6-23-2014; Ord. No. 2015-03A, § 2, 4-27-2015; Ord. No. 2018-06, § 1, 5-29-2018)

Sec. 62-72. Bulk standard—Commercial Districts.

No structure or lot shall be developed, used or occupied unless it meets the minimum lot frontage, lot area, yard requirements, height limits and other dimensional standards set forth in the following table:

ORDINANCE 2019-

**AN ORDINANCE AMENDING THE STANDARDS FOR
GRANTING CONDITIONAL USE PERMITS**

Purpose: Recent changes by the Wisconsin Legislature regarding Conditional Use Permits modified the standards in which permits are reviewed and granted by municipalities. Also known as the Landowner's Bill of Rights, 2017 Wisconsin Act 67 provides new requirements of applicants and authorities in the review and granting of Conditional Use Permits.

Sponsor: Community Development Director Boness

Recommended Referral: Plan Commission (Required)

Public Hearing: Required; Preceded by Class 2 Notice

WHEREAS, The Plan Commission has reviewed proposed changes to the process and standards under which Conditional Use Permits are granted; and,

WHEREAS, the Village Board accepts the recommendations of the Plan Commission and Village staff and finds that it is in the public interest to amend the McFarland Municipal Code to reflect changes in Wisconsin law with respect to Conditional Use Permits.

NOW THEREFORE, The Village Board of the Village of McFarland does hereby ordain as follows:

1. Sections 62-105 through 62-116 of the McFarland Municipal Code are amended to read as follows:

Sec. 62-105. - Statement of purpose; conditional uses; definitions.

(a) The development and execution of this Article is based upon the division of the Village into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district, provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

(b) As used in this Subdivision, the term "substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and

conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

(Code 1998, § 13-1-60; Ord. No. 2003-03, § 1(13-1-60), 3-24-2003)

Sec. 62-106. - Authority of the Plan Commission; requirements.

- (a) The Plan Commission may authorize the Zoning Administrator to issue a conditional use permit for either regular or limited conditional use after review and public hearing, provided that such conditional use and involved structures are found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. In the instance of the granting of a limited conditional use, the Plan Commission in its findings shall further specify the delimiting reasons or factors which resulted in issuing limited rather than regular conditional use. Such Plan Commission resolution, and the resulting conditional use permit, when, for limited conditional use, shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a conditional use, the Plan Commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with. The Plan Commission's findings and decision to approve or deny a conditional use permit must be supported by substantial evidence.
- ~~(b) Any development within 500 feet of the existing or proposed rights-of-way of freeways, expressways and within one-half mile of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The Plan Commission shall request such review and await the highway agency's recommendation for a period not to exceed 20 days before taking final action.~~
- (cb) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.
- ~~(dc)~~ Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses. No conditional use permit shall be issued unless the applicant provides a detailed written description and proof that all of the standards set forth in Sec. 62-111 shall be met, to the satisfaction of the Plan Commission.

(Code 1998, § 13-1-61; Ord. No. 2003-03, § 1(13-1-61), 3-24-2003)

Sec. 62-107. - Initiation of conditional use; burden.

(a) Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest that may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one or more of the conditional uses in the zoning district in which such land is located.

(b) An applicant for a conditional use permit must demonstrate and prove, by substantial evidence, that the application and all requirements and conditions established by the Village relating to the conditional use are or shall be satisfied.

(Code 1998, § 13-1-62; Ord. No. 2003-03, § 1(13-1-62), 3-24-2003)

Sec. 62-108. - Application for conditional use.

(a) *Required application materials.* An application for a conditional use shall be filed in duplicate on a form prescribed by the Village. Such applications shall be forwarded to the Plan Commission on receipt by the Zoning Administrator. Such applications shall include where applicable:

- (1) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all property owners of record within 100 feet.
- (2) Description of the subject site by lot, block and recorded Subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees and the zoning district within which the subject site lies.
- (3) Plat of survey prepared by a registered land surveyor showing all of the information required for a building permit and existing and proposed landscaping.
- (4) Additional information as may be required by the Plan Commission or other authorities, boards, commissions or officers of the Village. The Plan Commission may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and soil types; high-water mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

(5) A detailed written description and proof meeting the substantial evidence standard showing each of the standards set forth in Section 62-111 (a) through (h) will be satisfied, including a detailed description of how each said standard is met, and how the proposed use will comply with any applicable regulations regarding light, noise, traffic, nuisance, health, safety, welfare and environment. When any applicable law, ordinance or other regulation prohibits a certain measurable level of any activity or substance, including but not limited to noise, light, dust, particulate emissions, odor, visibility, pollution, and vibration and frequency levels, the applicant shall also demonstrate and prove how the proposed use will comply with such regulations.

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(6) Upon request by the Village Board, Plan Commission or Zoning Administrator, the applicant shall provide reports and studies, prepared by a qualified professional, addressing any applicable standard. The applicant is solely responsible for the cost of such reports and studies. A qualified professional is one with appropriate education, experience, license and/or certification pertinent to the applicable standard, and the professional's qualifications should be provided with the report or study (e.g. a curriculum vitae or resume).

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(57) The fee established by the Village Board from time to time and provided in Appendix A to this Code for application for a conditional use. The applicant shall also pay all costs incurred by the Village in notifying the public and property owners pursuant to Section 62-110.

(b) *Plans.* In order to secure information upon which to base its determination, the Plan Commission may require the applicant to furnish, in addition to the information required for a building permit, the following information:

- (1) A plan of the area showing contours, soil types, high-water mark, groundwater conditions, bedrock, slope and vegetation cover;
- (2) Location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping, lighting;
- (3) Plans for buildings, sewage disposal facilities, water supply systems and arrangements of operations;
- (4) Specifications for areas of proposed filling, grading, lagooning or dredging;
- (5) Other pertinent information necessary to determine if the proposed use meets the requirements of this Chapter.

(c) *Third party consultants.* If necessary expertise is not available from staff or other appropriate governmental agency, the Village Board, Plan Commission or Zoning Administrator may consult with a third-party consultant to effectively evaluate the application. The Zoning Administrator will select the consultant. The applicant is solely responsible for all reasonable costs and expenses associated with such consultation. Applicants retain the right to withdraw an application if they choose not to pay consultant fees.

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(Code 1998, § 13-1-63; Ord. No. 2003-03, § 1(13-1-63), 3-24-2003; Ord. No. 2006-04, § 1, 2-13-2006)

Sec. 62-109. - Hearing on application.

All requests for conditional uses shall be to the Plan Commission or the Plan Commission can, on its own motion, apply conditional uses when applications for rezoning come before it. Upon receipt of the complete application and statement referred to in Section 62-108, the Plan

Commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by the Plan Commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Plan Commission shall, by rule, prescribe from time to time. The Plan Commission may inform the applicant and members of the public attending the hearing of the substantial evidence standard and that statements and information will be considered subject to that standard. This may include examples that speculative opinions not based on reliable evidence or knowledge do not meet the evidentiary standard (such as a potential loss in value of a neighboring property based on pure speculation and not an appraisal, market analysis or other reliable information).

(Code 1998, § 13-1-64; Ord. No. 2003-03, § 1(13-1-64), 3-24-2003)

Sec. 62-110. - Notice of hearing on application.

Notice of the time, place and purpose of such hearing shall be given by publication of a class 2 notice under the Wisconsin Statutes in the official Village newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Village Board and Plan Commission, and the owners of record as listed in the office of the Village Assessor who are owners of property in whole or in part situated within 100 feet of the boundaries of the properties affected, said notice to be sent at least five days prior to the date of such public hearing. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

(Code 1998, § 13-1-65; Ord. No. 2003-03, § 1(13-1-65), 3-24-2003)

Sec. 62-111. - Standards; conditional uses.

No application for a conditional use shall be approved by the Plan Commission or appeal granted by the Village Board unless the Plan Commission and Village Board shall find that the following conditions are present:

- (a) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (b) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
- (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (d) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- (e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(f) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.

(g) That the proposed use does not violate floodplain regulations governing the site.

(h) That the proposed use will not violate any applicable regulation in the McFarland Municipal Code or any other applicable law or regulation.

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(ih) That, when applying the standards to any new construction of a building or an addition to an existing building, the Plan Commission and Board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.

(ii) That, in addition to passing upon a conditional use permit, the Plan Commission and Village Board shall also evaluate the effect of the proposed use upon:

- (1) The maintenance of safe and healthful conditions.
- (2) The prevention and control of water pollution including sedimentation.
- (3) Existing topographic and drainage features and vegetative cover on the site.
- (4) The location of the site with respect to floodplains and floodways of rivers and streams.
- (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- (6) The location of the site with respect to existing or future access roads.
- (7) The need of the proposed use for a shoreland location.
- (8) Its compatibility with uses on adjacent land.
- (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

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(Code 1998, § 13-1-66; Ord. No. 2003-03, § 1(13-1-66), 3-24-2003)

Sec. 62-112. - Denial of application for conditional use permit.

When a decision of denial of a conditional use application is made, the Plan Commission shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the Plan Commission has used in determining that each standard was not met.

(Code 1998, § 13-1-67; Ord. No. 2003-03, § 1(13-1-67), 3-24-2003)

Sec. 62-113. - Appeals.

Any action of the Plan Commission in granting or denying a conditional use permit may be appealed to the Village Board, if a written request for an appeal is filed within ten days after the date of the Plan Commission's action in granting or denying the permit. Such request for appeal

shall be signed by the applicant or by the owners of at least 20 percent of the land area immediately adjacent extending 100 feet therefrom or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land. The request shall be filed with the Zoning Administrator who shall submit it to the Village Board at its next meeting, together with any documents and other data used by the Plan Commission in reaching its decision. The Village Board may consider the matter forthwith, refer the matter to a subsequent meeting or set a date for a public hearing thereon. In the event the Village Board elects to hold a public hearing, notice thereof shall be given by mail to the known owners of the lands immediately adjacent thereto and directly opposite any street frontage of the lot or parcel in question and by publication of a class 1 notice in the official newspaper at least ten days before the date of the hearing. The Village Board may either affirm or reverse in whole or in part the action of the Plan Commission and may finally grant or deny the application for a conditional use permit. The Village Board's decision to approve or deny the conditional use permit must be supported by substantial evidence.

(Code 1998, § 13-1-68; Ord. No. 2003-03, § 1(13-1-68), 3-24-2003)

Sec. 62-114. - Conditions and guarantees.

The following provisions shall apply to all conditional uses:

- (a) *Conditions.* Prior to the granting of any conditional use, the Plan Commission, or the Village Board on appeal, may stipulate or impose such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 62-111. In all cases in which conditional uses are granted, the Plan Commission or Village Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated or imposed in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:

- (1) Landscaping;
- (2) Type of construction;
- (3) Construction commencement and completion dates;
- (4) Sureties;
- (5) Lighting;
- (6) Fencing;
- (7) Operational control;
- (8) Hours of operation;
- (9) Traffic circulation;
- (10) Deed restrictions;
- (11) Access restrictions;

- (12) Setbacks and yards;
- (13) Type of shore cover;
- (14) Specified sewage disposal and water supply systems;
- (15) Planting screens;
- (16) Piers and docks;
- (17) Increased parking; or
- (18) Any other requirements necessary to fulfill the purpose and intent of this Chapter.

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- (b) *Site review.* In making its decision, the Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Plan Commission may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- (c) *Alteration of conditional use.* No alteration of a conditional use shall be permitted unless approved by the Plan Commission.
- (d) *Architectural treatment.* Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Plan Commission may require the use of certain general types of exterior construction materials and/or architectural treatment.
- (e) *Sloped sites; unsuitable soils.* Where slopes exceed six percent and/or where a use is proposed to be located on areas indicated as having soils that are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.
- (f) *Conditional uses to comply with other requirements.* Conditional uses shall comply with all other provisions of ~~this Chapter~~ the McFarland Municipal Code such as lot width and area, yards, height, parking and loading. No conditional use permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, dust, odors, noise, vibration, lighting, health hazards or possibly of accident.

(g) Provisions applicable to all conditional uses. In addition to any conditions imposed under sub. (a), *supra.*, the following conditions apply to all conditional use permits:

(1) No building or use may violate any other provision set forth in the McFarland Municipal Code, or any other applicable law or regulation.

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(2) No building or use is permitted unless all necessary permits, licenses and approvals are obtained from the applicable regulatory authority, including but not limited to, approvals by the Wisconsin Department of Transportation for ingress and egress to the property, and permits issued by the Wisconsin Department of Natural Resources related to air, water, and other environmental regulations.

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(Code 1998, § 13-1-69; Ord. No. 2003-03, § 1(13-1-69), 3-24-2003)

Sec. 62-115. - Validity of conditional use permit.

Where the Plan Commission has approved or conditionally approved an application for a conditional use, such approval shall become null and void within 12 months of the date of the Plan Commission's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately 45 days prior to the automatic revocation of such permit, the Zoning Administrator shall notify the holder by certified mail of such revocation. Extensions of up to one year each may be granted by the Plan Commission for just cause, if application is made to the Village at least 30 days before the expiration of said permit. Conditional use permits shall also expire if the use is abandoned or terminated for a period of 12 months.

(Code 1998, § 13-1-70; Ord. No. 2003-03, § 1(13-1-70), 3-24-2003)

Sec. 62-116. - Complaints regarding conditional uses.

The Plan Commission shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official, the Plan Commission shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in Section 62-111, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Section 62-110. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Plan Commission may, in order to bring the subject conditional use into compliance with the standards set forth in Section 62-111 or conditions previously imposed by the Plan Commission, modifying existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. Additionally, the offending party may be subjected to a forfeiture as set forth in this Chapter and Section 1-16. In the event that no reasonable modification of such conditional use can be made in order to assure that Section 62-111(a) and (b) will be met, the Plan Commission may revoke the subject conditional approval and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Plan

Commission shall be furnished to the current owner of the conditional use in writing stating the reasons therefor. An appeal from a decision of the Plan Commission under this Section may be taken to the Village Board.

(Code 1998, § 13-1-71; Ord. No. 2003-03, § 1(13-1-71), 3-24-2003)

The above and foregoing Ordinance was duly adopted at a regular meeting of the McFarland Village Board on the ____ day of _____, 2019.

APPROVED:

Brad Czebotar, Village President

ATTEST:

Cassandra Suettinger, Village Clerk-
Treasurer

ORDINANCE 2019 --	
MOTION	SECOND
ACTION	DATE
Adopted	
Referred	
Tabled	
Withdrawn	
Defeated	
Published	
INDIVIDUAL VOTING	
RECORD	
Adrian	Koik
Brassington	Lytle
Clow	O'Hearn
Czebotar	
VOTING RESULTS	
Motion Carried	
Motion Defeated:	



PLAN COMMISSION SUMMARY SHEET

MEETING DATE: Tuesday, January 22, 2019

SECTION: Business

DEPARTMENT: Community Development

CONTACT:

AGENDA ITEM: Discussion and possible action on the 2019 Plan Commission application as revised.

PREVIOUS ACTION:

ISSUE SUMMARY:

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

ATTACHMENTS:

1. 1.22.19 pc app

**Village of McFarland
Community Development Department**

Plan Commission Application – 2019

~Please complete application in full~

Applicant - Owner		Applicant's Agent	
		Name	
Address		Address	
Email		Email	
Phone #		Phone #	
Fax #		Fax #	

Type of Proposal – Please check boxes below that apply - Parcel No(s). _____

Requires Public Hearing (Class One)	FEES	Requires Public Hearing (Class Two)	FEES	Public Hearing Not required	FEES
☐ Preliminary Plat	\$500+AF	☐ Conditional Use	\$275+F	☐ Annexation	At cost
☐ Preliminary Plat (reapplication)	\$500+BF	☐ Rezoning (map)	\$175+	☐ Dev. Agreement Including Addendums	\$400 F
☐ Certified Survey Map	\$300+F	☐ Zoning Amendment (text)	\$250+F	☐ Final Plat	\$500 +CF
☐ Condominium	\$300+EF	☐ Variance-Board of Zoning Appeals	\$250+F	☐ Final Plat (reapplication)	\$400 +DF
				☐ Site/Design Review	\$400 + F

Escrow Deposits
(covers costs for outside consultants; e.g., engineers, attorneys, etc.)

☐ R-E, R-3 & PD (up to 50 acres)	\$5,000
☐ R-E, R-3 & PD (greater than 50 acres)	\$10,000
☐ Commercial Site/Design Review (5,000 sq. ft. or more)	\$2,000
☐ All Plats including condominiums	\$5,000

Legend:

+ = Plus publication and notification charges

A = Plus \$50.00 per lot

B = Any preliminary plat which has previously been reviewed/revised within the last 36 months

C = Plus \$50.00 for each lot within the final plat

D = Any final plat which has been previously reviewed or/ revised within the last 36 months

E = Plus \$40.00 for each unit shown

F = Plus actual legal, engineering and financial consulting costs incurred by the Village

G = Plus \$25.00 per lot for two or more lots.

Nature of the development proposal: Must provide address of proposed development, legal description, current zoning and description of proposal. (Attach additional paper if needed)

What action is the applicant requesting of the Plan Commission?

Has this specific proposal been previously discussed or acted upon by the Plan Commission?

☐ YES ☐ NO (If "yes" state the nature and the date(s) of the previous application.)

PLEASE READ AND SIGN ON THE REVERSE SIDE - AT THE BOTTOM

Schedule: The Village of McFarland Plan Commission conducts meetings on the third Monday of each month at 7:00 p.m. at the McFarland Municipal Center in the Community Room. To ensure adequate time for staff review, and publication of legal notices, all potential agenda item materials are required to be submitted, per the schedule listed below.* **Twelve (12) Copies** of all materials, **one copy must be 8 ½ x 11, - 11 copies to be 11 x 17** (only one copy of application, completed in full, is necessary) shall be submitted to the Community Development Department (608-838-3154), with fees paid **by NOON of the deadline day**, according to the following schedule:

Village of McFarland Plan Commission 2019 Schedule

***Submittal Deadline Noon on:**

For Scheduled 2019 Meeting date of:

December 12 (2018) -----	January Tuesday Jan. 22
January 8-----	February 18
February 12-----	March 18
March 12-----	April 15
April 9-----	May 20
May 14 -----	June 17
June 11 -----	July 15
July 9 -----	August 19
August 13-----	September 16
September 10-----	October 21
October 8 -----	November 18
November 5 -----	December 16 (Pending)
December 10-----	(Pending) Tuesday, Jan. 21, 2020

*** Submittal deadline: No exceptions can be given for above deadlines**

- **Materials submitted for review after the submittal deadline date (or incomplete submittals) will be held over until the next scheduled meeting.**
- **I understand failure to provide required materials/information/fees by the submittal deadline can result in this application being withdrawn for consideration by the Plan Commission. In addition any fees not paid for (i.e. legal notices, mailings, etc.) will require any permits to be withheld until all payments are made in full.**

X _____

Signature of Applicant/Agent

Date

DRAFT

Conditional Uses

The McFarland zoning code identifies land uses, which are not permitted, permitted, and permitted upon approval of a conditional use permit. Conditional uses are land uses not permitted outright but may be allowed if certain standards and conditions are met and Plan Commission grants approval.

All submitted Plan Commission applications which encompasses a request for a Conditional Use Permit (CUP) must include a written narrative, which identifies specifically how the proposed conditional use meets each of the standards listed below. Responses such as “see plans” are not acceptable; The applicant must identify what specific portion of the project supports the contention that a standard will be met.

Conditional Use Standards

- The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
- The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- The conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
- The proposed use does not violate floodplain regulations governing the site.
- The proposed use does not defeat the purposes(s) and objectives(s) of the zoning district.

In its review, the Plan Commission shall evaluate the effect of the proposed conditional use upon the following items listed below. Identify how your project will impact and/or address each of these items.

- The maintenance of safe and healthful conditions.
- The prevention and control of water pollution including sedimentation.

- Existing topographic and drainage features and vegetative cover on the site.
- The location of the site with respect to floodplains and floodways of rivers and streams.
- The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- The location of the site with respect to existing or future access roads.
- The need of the proposed use for a shoreland location. (if applicable)
- Its compatibility with uses on adjacent land.
- The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

All written responses to CUP standards must be submitted as part of your Plan Commission Application by the submission date and time identified on page _____.

Community Development Highlights

December 2018

- For the month of December, 29 permits were issued with four permits issued for new single-family homes. Total revenue for the month was approximately \$52,600.00. During 2018, we issued 610 permits and took in approximately \$813,000 of revenue.
- Attended open house sponsored by the Chamber of Commerce at the Larson House.
- Conducted phone and in person interviews for the building inspector position. We received 26 resumes with no candidate possessing similar certifications of our current inspector. We ultimately decided to temporarily hire a consulting firm for six months or so to allow us time to review salary ranges and possibly re-advertise the position.
- Met with other staff members regarding a project proposed by Shaun O'Hearn for McFarland Café.
- Met with a local business regarding the possible relocation to a parcel providing Hwy. 51 visibility.
- Met with a local developer and landowner regarding redevelopment of a Terminal Drive property.
- CDA continues their review of the two RFPs submitted for the Farwell St. redevelopment project. In January, an open house will be held to inform the public as to the substance of each proposal and get their feedback. CDA at their February meeting should make a decision whether to accept one proposal (with some amendments) or re-issue the RFP with an alternate idea for redevelopment. I have provide CDA members with information regarding the largest single-parcel taxpayers in the Village as well a comparison with other communities as to the percentage breakdown of the various housing types. CDA members requested this information as part of their discussion as to the amount of commercial retail needed in the Village vs. other land uses.
- Coordinated Christmas in the Village. Business reported very good turnouts for their events. The bonfire turnout was better than expected due to the weather. Next year a different location for the bonfire will be needed. The location used at Arnold Larson Park proved to be too close to the existing trees.
- Attended the following monthly meetings in December:
 - Plan Commission

- CDA
- Park Recreation and Natural Resources
- Chamber of Commerce
- Christmas in the Village Committee

Submitted by:
Pauline Boness
Community Development Director

Recap of Notable Projects in 2018

- The Department issued 71 permits for new single-family housing. The total value of all new construction reached \$29,153,925. Total revenues for the department reached \$949,824.18.
- Building Inspector Marty Pilger and Community Development Director Pauline Bones announced their 2019 retirements. Marty will retire at the end of January and Pauline will retire the first week of July.
- Completed branding initiative with the help of the consultant Zebradog. Implementation will begin in 2019.
- Streetscape improvement were installed along Farwell Street from the 4-way stop to Hwy. 51.
- Construction began for a multiple duplex project – The Village at Cedar Glade on the southeast corner of Siggelkow and Marsh Roads.
- Exterior renovation of 5910 Main Street was completed. Now home to Lakestone Properties.
- Restored fulltime hours to the Building Inspector position. For the previous seven years, Marty Pilger has been putting in 20 hours a week with the City of Monona.
- Annexed property on the Villages east side.
- Approved phases for Park View Estates, Juniper Ridge and Prairie Place Subdivisions.
- 4,000 sq.ft. soccer association building was constructed at William McFarland Park.
- Submitted application to State Historical Society to achieve status as a Certified Local Government.
- Approved plans for construction projects at all three McFarland school sites.
- Began preliminary work relating to the upcoming 2020 census.
- Created design guidelines for TID #5.

- Able to clear away building at 5411 Bashford Street owned by the Village. The Village most likely will put this property on the market in 2019.
- Village purchased 4719-4723 Farwell Street as a development/redevelopment site. An RFP was issued in September with selection of a developer expected in February 2019.
- Work began on the 5-year update to the Villages Outdoor Recreation and Open Space Plan. Adoption is expected in the first quarter of 2019.



People Parking

Planners are reevaluating parking requirements for affordable housing.

By JEFFREY SPIVAK

LIKE A LOT OF CITIES, Minneapolis has experienced the dual trends of rising multi-family rents and dwindling housing affordability. For years it offered the usual carrots of tax incentives and development subsidies for residential projects with affordable units. But three years ago, it tried a different strategy: The city slashed its multi-family parking requirements in certain parts of town.

The usual ratio of one parking space for every one unit was cut in half for larger apartment projects and was eliminated entirely for projects with 50 or fewer units located near high-frequency transit. Lo and behold, the market mostly responded in the exact ways planners had predicted.

Apartment developers proposed projects with fewer parking spaces. That lowered the cost of construction. So, such projects began offering rents below the market's established levels. New studio apartments, which typically went for \$1,200 per month, were being offered for less than \$1,000 per month.

"There's definitely a new type of residential unit in the market that we haven't seen much before," says

Nick Magrino, a Minneapolis planning commissioner who has researched apartment development trends since the parking code change. "Outside of downtown, there's been a lot of infill development with cheaper, more affordable units."

Tinkering with minimum parking requirements is not new. Cities have been fiddling with regulations for decades, sometimes raising them, sometimes lowering them, and sometimes giving variances for specific projects. What's different now is an evolving understanding that urban lifestyles are changing, traditional parking ratios are outdated, and too much supply can be as harmful as too little.

So there's a burgeoning movement of municipalities across the U.S. reducing or eliminating parking requirements for certain locales or certain types of development or even citywide.

"This would have seemed inconceivable just a few years ago," says Donald Shoup, FAICR, a Distinguished Research Professor in UCLA's Department

Carless in Seattle: Plymouth on First Hill's apartments (opposite) are now home to some of the city's formerly homeless disabled population. The mixed use transit-oriented development Artspace Mt. Baker Lofts (below) is located on the Central Link light-rail line. It has bicycle storage and a reserved car-share space, but no parking garage.

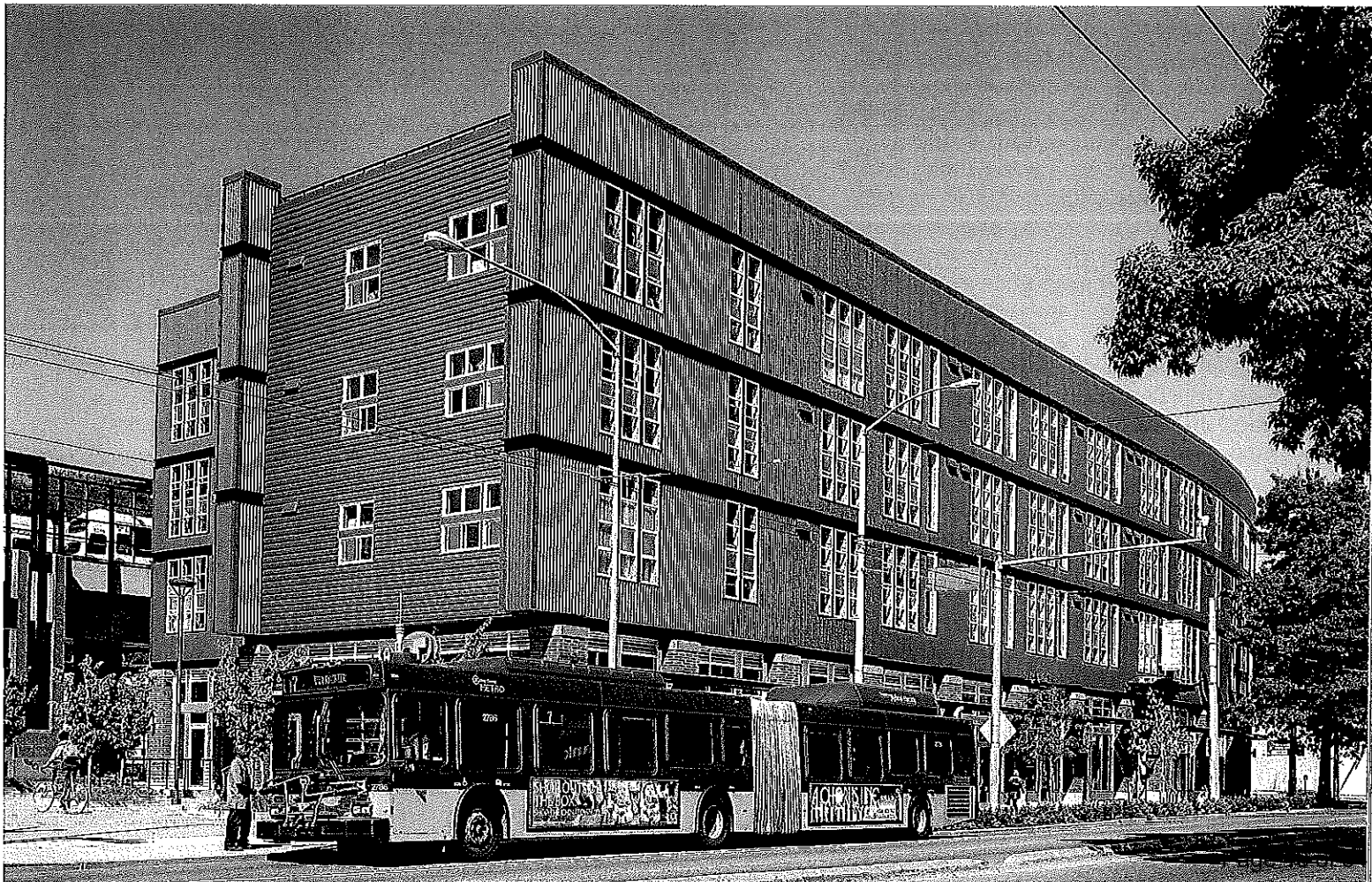
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AND PLYMOUTH HOUSING
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COURTESY SMR ARCHITECTS
AND ARTSPACE

of Urban Planning who has studied and written about parking policies for years and is considered the godfather of the current reform movement. (See an article based on his new book, *Parking and the City*, on page 33.)

Over the past three years, a Minnesota-based smart-growth advocacy organization called Strong Towns has compiled, through crowdsourcing, more than 130 examples of communities across the country addressing or discussing parking minimum reforms. And that list hasn't captured all the cities taking actions.

Communities are reforming these regulations in a variety of ways.

Some have ditched parking minimums entirely. Buffalo, New York, in early 2017 became the first U.S. city to completely remove minimum parking requirements citywide, applied to developments of less than 5,000 square feet. Late last year Hartford, Connecticut, went a step further and eliminated parking minimums citywide for all residential developments.



Some have targeted their reforms to certain areas or development districts. Lexington, Kentucky, earlier this year scrapped parking requirements in a shopping center corridor to allow the development of new multifamily housing. Spokane, Washington, this past summer eliminated parking requirements for four-plus-unit housing projects in denser parts of the city.

Some have tied new policies specifically to spur affordable housing. Seattle this past spring eliminated parking requirements for all nonprofit affordable housing developments in the city, among other provisions. A couple of years ago, Portland, Oregon, waived parking requirements for new developments containing affordable housing near transit. Also in 2016, New York eliminated parking requirements for subsidized and senior housing in large swaths of the city well served by the subway.

Even some suburbs are doing it. Santa Monica, California, removed parking requirements entirely last year for new downtown developments as part of a new *Downtown Community Plan*. And this year, the Washington, D.C., suburban county Prince George's, Maryland, revised its zoning code to significantly reduce parking minimums.

"We're trying to create a new model of mobility and not emphasize the car as much as we've done in the past," says David Martin, Santa Monica's director of planning and community development.

Catalysts for change

Three primary factors are driving this new reform:

1. **CITIES ALREADY HAVE MORE THAN ENOUGH PARKING.** The Research Institute for Housing America, part of the Washington, D.C.-based Mortgage Bankers Association, used satellite imagery and tax records this year to tally parking space totals in different-sized U.S. cities, and determined that outside of New York City, the parking densities per acre far exceeded the population densities.

Meanwhile, two different groups—TransForm, which promotes walkable communities in California, and the Chicago-based Center for Neighborhood Technology, a nonprofit sustainable development advocacy group—have both conducted middle-of-the-night surveys of parking usage at apartment projects on the West Coast and in Chicago, respectively. They consistently found one-quarter to one-third of spaces sat empty. The Chicago center concluded "it is critical to 'right size' parking at a level below current public standards."

APA HOUSING INITIATIVE: PLANNING HOME

BY EMILY PASI

Planners know better than anyone the critical role that housing plays in our communities, and the severity of the U.S.'s housing affordability and availability crisis. Lack of housing choice and affordability hurts people and limits communities' prosperity. To this end, APA is actively working to develop new tools and better planning practices to encourage and deliver more and better housing options for all.

Earlier this year, APA's board of directors greenlit Planning Home, an organization-wide, multiyear housing initiative that aims to reshape the way planners, elected officials, decision makers, advocates, and the public use planning to address the nation's housing challenges.

Grounded in the philosophy that better tools can get communities the housing people need, APA's Planning Home action agenda is driven by six board-approved principles, which call on policy makers at all levels of government to:

- Modernize state planning laws
- Reform local codes
- Promote inclusive growth strategies
- Remove barriers to multifamily housing
- Turn NIMBY into YIMBY
- Rethink finance

Learn what you can do now to advance APA's Planning Home action agenda at PlanningHome.com.

Pasi is the public affairs manager at APA.

We want to remove any barriers to the supply of housing options and affordability, and parking is one of them.

—SAMUEL ASSEFA,
DIRECTOR,
SEATTLE'S OFFICE
OF PLANNING
AND COMMUNITY
DEVELOPMENT

2. **TRANSPORTATION PREFERENCES ARE SHIFTING.** A variety of converging trends point to the possibility of fewer cars in the future. Fixed-rail transit lines continue to be developed in more urban centers, and millennials are not driving as much as previous generations. Meanwhile, transportation alternatives are proliferating, from passenger services such as Uber to car-sharing services such as Zipcar. Then there's the potential of driverless cars and the expansion of retail delivery services.

3. **BOTTOM LINE: WE'RE GOING TO NEED MUCH LESS SPACE TO STORE CARS.** In fact, Green Street Advisors, a commercial real estate advisory firm, analyzed what it calls the "transportation revolution"—encompassing ride-hailing services, driverless cars, etc.—and estimated that U.S. parking needs

could decline by 50 percent or more in the next 30 years. (See "Future-Proof Parking, March: planning.org/planning/2018/mar/futureproofparking.)

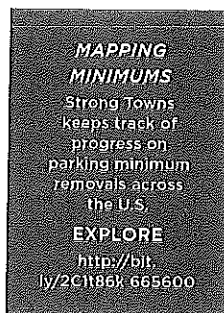
"In the old days, you built an apartment and you expected it needed two cars," says Doug Bibby, president of the National Multifamily Housing Council, an apartment trade association in Washington D.C. "Those parking ratios are outdated and no longer valid in any jurisdiction."

Concerns about housing affordability

With the U.S. economy reasonably strong and most urban crime rates on a long-term decline, housing costs have increasingly emerged as a hot-button issue. In Boston University's nationwide Menino Survey of Mayors last year, housing costs were cited as the number one reason residents move away, and more affordable housing was the top-ranked improvement mayors most wanted to see.

"It's on the minds of mayors now more than it has been in the past," says Kimble Ratliff, the National Multifamily Housing Council's vice president of government affairs.

They're concerned because there's ample evidence of a continued national shortage of affordable housing. The latest "State of the Nation's Housing" report from Harvard University's Joint Center for Housing



Studies noted that a decade-long multifamily construction boom has increased total occupied rental units by 21 percent, but mainly at the top end of the market. Total units deemed "affordable"—costing less than 33 percent of median income—have remained basically static during the last decade, while the number of extremely low-income renter households has grown by more than 10 percent. The 2018 report concluded that there is a "tremendous pent-up demand for affordable rental housing."

So as cities have searched for ways to generate more affordable housing, parking has emerged as an easy target. Parking ratios are simple to change, and the process doesn't lead to future cost obligations like subsidies do.

That was the approach taken by Seattle this year. "The number one issue facing our city is the lack of housing options and affordability. We're looking to remove any barriers to the supply of housing, and parking is one of them," says Samuel Assefa, the director of Seattle's Office of Planning and Community Development.

Impacts on housing costs

Planners' shifting strategies toward parking are now supported by a growing body of evidence that parking requirements negatively impact multifamily housing, especially affordable projects.

In a nutshell, building parking costs a lot, and that cost usually ends up raising tenant rents.

Various studies indicate that surface parking lot spaces cost upwards of \$5,000 each, while above-ground parking garages average around \$25,000 per space and below-ground garages average around \$35,000 per space. That can translate into higher rent, particularly in big cities. Two UCLA urban planning professors studied U.S. rental data and reported in the journal *Housing Policy Debate* in 2016 that garage parking typically costs renter households approximately \$142 per month, or an additional 17 percent of a housing unit's rent. Other studies have found even larger impacts on rents.

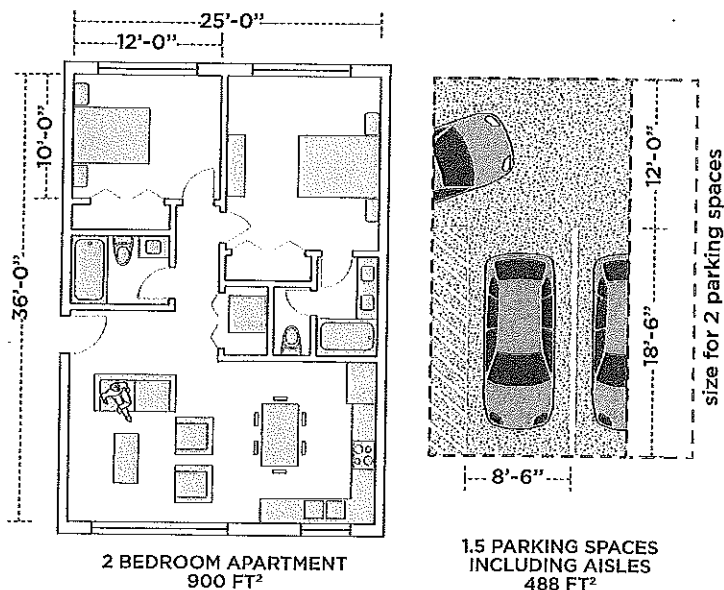
"That can be a significant burden on lower-income households," says David Garcia, policy director of the Turner Center for Housing Innovation at the University of California–Berkeley.

Changing that equation can help produce additional affordable housing. That's a scenario actually playing out in Portland, Oregon.

In 2016 the Portland Community Reinvestment Initiatives, a nonprofit developer and manager of low-income housing, began planning a 35-unit

LIVING SPACE VERSUS PARKING SPACE

The typical median parking required for a two-bedroom apartment in many large North American cities is more than half the size of the apartment itself.



SOURCE: SETH GOODMAN, GRAPHINGPARKING.COM

senior housing project called Kafoury Court. At the time, Portland's code required providing five parking spaces for the project, and the developer was struggling to find financing. But late that year, the city changed its parking requirements, and Kafoury now only needs to provide two spaces.

While that change doesn't seem like much, it allowed the development to be totally redesigned. A first-floor parking garage was no longer needed, so the building has been scaled back from five stories to four stories, which led to cost-saving ripple effects. "This has made the project financially feasible," says PCRI's Julia Metz.

She adds: "We prefer to build houses for people, not cars. When it comes down to choosing space for people or parking, we're going to choose people."

Affordable housing projects, with their lower rent revenue streams, are already challenging to finance. So parking is an increasingly key factor in whether or not a project works financially. But to developers, reducing or removing parking requirements does not mean eliminating parking supply. It simply allows developers to decide how many spaces to build based on market and locational demand.

"I've had developers say to me, 'Hey, I could make this deal work if I only had to build a garage that's one-third smaller,'" says Greg Willett, chief economist of RealPage, a provider of property management software and services. "Any way you can take costs out of the deal is meaningful."

'The debate is now won'

When it comes to utilizing parking to augment planning and development policies, U.S. cities still have a long way to go to catch up to some European counterparts. Zurich, Switzerland; Copenhagen, Denmark; and Hamburg, Germany, have all capped the total number of allowable parking spaces in their cities. Oslo, Norway—where a majority of center-city residents don't own cars—is pursuing plans to remove all parking spaces from that district, to be replaced by installations such as pocket parks and phone-charging street furniture.

And last year the largest city in North America, Mexico City, eliminated parking requirements for new developments citywide and instead imposed limits on the number of new spaces allowed, depending on the type and size of building.

In the U.S., however, parking is still sacred in many places. Sometimes when parking reductions are proposed for a certain urban district or a specific new development, nearby residents complain it will

BUILDING PARKING RAISES RENT

Parking costs a lot to build, and that cost usually ends up raising tenant rents.

\$5,000
Cost per surface space

\$25,000
Cost per above-ground garage space

\$35,000
Cost per below-ground garage space

\$142
The typical cost renters pay per month for parking

+17%
Additional cost of a unit's rent attributed to parking

SOURCE: HOUSING POLICY DEBATE, 2016

force new renters to park on their residential streets. Because so many people still own cars, the National Multifamily Housing Council's *2017 Kingsley Renter Preferences Report* ranked parking as renters' second-most desired community amenity, behind only cell-phone reception.

Not surprisingly, then, some places are still demanding more parking, not less. In Boston, for instance, an influx of new residents clamoring for parking in the booming South Boston neighborhood led to zoning code changes in 2016 that require developers to build two-thirds more off-street parking than before.

Nevertheless, the movement to reduce parking is now widespread, involving big cities and small towns, urban districts and suburban locales, affordable housing and market-rate units. "It's pretty well accepted now that reforming parking minimums is a good way to manage cities," says Tony Jordan, founder of Portlanders for Parking Reform, which has advocated for better parking policies. "The debate is now won."

The lessons for planners are, first, to be open to adjusting parking policies in zoning codes and comprehensive plans and, second, to be flexible in crafting new parking limits depending on the location or desired outcome, such as spurring affordable housing development.

"As we update our policies, we as planners need to learn from the past and adjust," says Seattle planning director Assefa. "We constantly need to tweak our policies and face the challenges of what's not necessarily working. More often than not, there's significant space dedicated to the car that is not utilized." ■

Jeffrey Spivak, a market research director in suburban Kansas City, Missouri, is an award-winning writer specializing in real estate planning, development, and demographic trends.

RESOURCES

FROM APA

APA Knowledgebase Collection, "Rethinking Off-Street Parking Requirements": planning.org/knowledgebase/parkingrequirements.

MORE

Harvard University Joint Center for Housing Studies' *The State of the Nation's Housing 2018*: hchs.harvard.edu/state-nations-housing-2018.

Center for Neighborhood Technology, "Stalled Out: How Empty Parking Spaces Diminish Neighborhood Affordability:" <http://bit.ly/2MrObES>.



Memorandum

TO: Plan Commission Members

FROM: John Griffith, Code Enforcement Officer

DATE: January 14, 2019

RE: December Property Maintenance Report

<u>ADDRESS-OWNER OR TENANT OCCUPIED (NOVEMBER AND PRIOR LETTERS/CONTACT)</u>	<u>VIOLATION:</u>	<u>STATUS</u>
4709 Taylor Road (Howe)	Van stored on lawn	2nd notice sent in November
5706 Wisconsin (Frisch)	Accumulated junk, debris & unlicensed inoperable vehicles stored on property. Weeds & grass height	Still in compliance
4761 McFarland Ct. (Nietzel)	Outside storage by tenant not permitted by conditional use permit.	Spoke to tenant in November
5116 Erling (Richel)	Garage repairs needed	Letter mailed - removing garage
McFarland School district new ball fields	Noxious weeds	Letter delivered to maintenance
5915 Exchange St. (Byrne)	Tuck pointing	Letter sent to owner
6611 Sleepy Hollow Rd. (Steuer) 11-1 18	Lawn not mowed mowed by owner	Mowed 11-5-18
4715 Terminal Dr. (Faust)	Construction materials in	Moved by owner

	trees	
5905 Main St. (Schnieder)	2 nd notice about repairs	Working with fire dept.
4714 Dale St.	Call from resident about illegal dumping in collection area	No evidence visible upon inspection of area

<u>LETTERS /CONTACT IN DECEMBER :</u>	<u>VIOLATION:</u>
5502 Alben Ave (Hansen)	Trailer on lawn Moved 12-10-18
5901 Anthony St. (Sherry)	Trailer on lawn Moved 12-17-18
5315 N. Pass (McGraw)	Trailer on Lawn Moved 12-20-18
5506 Creamery Rd. (Reilly)	Trailer on lawn Moved 12-20-18
5506 Valley Rd. (Vogel)	Trailer on Lawn Moved 12-20-18
