

**Minutes**  
**Plan Commission**  
**Meeting**

**May 20, 2019**

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

**Members Absent:** Jeff Sorenson

**Staff Present:** Pauline Boness, Karen Knoll

**Others Present:**

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 March 18, 2019 Plan Commission meeting.

Czebotar called the minutes from the March 18, 2019 meeting approved by unanimous consent.

4. BUSINESS:

- a. **Public Hearing Review and possible recommendation to the Village Board on a request by the Village of McFarland regarding Ordinance 2019-08 an Ordinance amending the standards for granting Conditional Use Permits in the Village of McFarland.**

Czebotar opened the public hearing 7:01 and with no one wishing to speak, he closed the public hearing.

Czebotar summarized this project has been in process for a few months. The Village Attorney provided some updated language, which is recommended at this time. Kolk felt even with the changes in place, there would have to be an interpretation assigned to any individual applicant's comments. There may be

situations where you may have to challenge and ask for documentation to support what an applicant proposes. Commissioners should anticipate how they would do this in a consistent manner.

Czebotar advised it adds a substantial burden to both the applicant and the Commission in its determination. Decisions can be challenged and a record needs to be kept. The Commission will have to indicate point by point in a motion why they approve or deny an application.

Kolk moved to recommend approval to the Village Board Ordinance 2019-08 an Ordinance amending the standards for granting Conditional Use Permits in the Village of McFarland. Fischer seconded the motion. Motion carried 5-0.

**b. Discussion possible development of Outlot 3 Freeway Manor**

Mike Wolf – Town of Blooming Grove – 1880 S. Stoughton Road – The Town of Blooming Grove owns a parcel, which was annexed into McFarland. They do not feel it is in anyone's best interest for them to own it; it would be better to have it be owned by McFarland or sold to a private party. Tonight they are looking for feedback to see if Commissioners would be in favor of development and building homes on it. If so, they will work with an engineering firm to look at the issues that coincide with it, and then come back for Village approval.

Czebotar asked Boness, based on information they received from the attorney, there are some hurdles and potential liability on the Villages part if they agreed to consider this being developed. Is that still the case? Boness summarized one of the main questions, is why this was made an outlot in the first place? Chances are it did not meet a perk test for septic at one time. Standards have changed overtime; however, if buildable, Boness did not feel you would get more than one house on it due to septic requirements and an existing easement. This would be a matter of working with the attorney to see what we can do, and if it looks positive, a soil test would be the next step.

Ron Bristol – Town of Blooming Grove Chair – Bristol indicated he has spoken with an engineer for an opinion, he did not feel the easement was correct as shown on the map. If they were to get some perk tests done, they would look into the type of septic systems available, along with storm water runoff. They have noticed there is not much standing water on the site; over the years, they have maintained it. They do not feel it is a huge problem. If it were buildable, they would like some assurance from the Village before they spend the money to improve it. If they do not receive the assurance, they will just sell the property as is.

Boness reviewed an email from the Village Attorney discussing some possible issues with getting it to a buildable lot. There may need to be a release on the deed restrictions. Bristol reviewed which parties have the authority to ok items. Boness

stated the drainage easement as noted on the plat would have to be resolved. Bristol stated the Village has the authority to accept or not accept the plan to make it buildable. If they make the effort, and the Village is unwilling to do that, (allow building on the property) they are not going to make the effort. They would either sell it; or, let Madison take it over in the future. Czebotar pointed out the memo from the Village Attorney is from approximately a year ago, he would not be comfortable making any decision without having the attorney revisit it and providing some direction. Czebotar is still concerned about the potential liability for the Village. Boness summarized, they know there are some potential hurdles, if they were to overcome them, what would be the Village's position on building on the property?

Bristol felt an update from the Village Attorney would make sense, the County has weighed in; they feel the Village is the starting point at this time. Czebotar advised he had heard from some neighbors who were possibly interested in adding a few extra feet to their own properties. Bristol indicated they did sell one outlot to one of the neighbors who wanted to expand their yard. It is not all-contiguous property, there has been a for sale sign so the neighbors know it is on the market, they have not been contacted by anyone. They want to be open-minded and do the right thing in the long term. This was not supposed to be owned by a public entity, and they feel it would even make a nice park. Fischer agreed with that idea, especially since the Village is expanding in that direction. Czebotar felt they should touch base with the Village Attorney to see if anything has changed, he feels part of it is tied to the issue of private ownership versus public ownership. Czebotar asked of Boness if she could have Schuenke forward the email to Bristol as they have not seen it, and it has raised concerns. Bristol felt that would be a good idea, as they have not seen it and their attorney has not raised these same issues.

**c. Review and possible recommendation to the Village Board of Resolution # 2019- 10 a Resolution adopting the 2019-2023 Outdoor Recreation and Open Space Plan.**

Boness advised a public hearing was held on April 25<sup>th</sup>, there was no written feedback received, or in person at the public hearing. The plan has gone through a couple of versions and changes with the committee; they feel it is where they want it to be as a document. The next step is the Plan Commission before going to the Village Board. There is an outline plan summary in your packets along with the actual document.

Kolk questioned if the 16.3 acres included the land that is not entirely under our control. Boness advised per the table this acreage, which is just Village property. If everything were included, it would be 24.5 acres per thousand. Kolk said there is a note about mini parks, which are small neighborhood parks, provided by a developer, we have a number of them, but they are fairly small. The PRNC is not

as enthusiastic about these types of parks. They are more in favor of natural type use, passive areas and the need for a large eastside park.

Czebotar questioned the word “must” on Page 7, third paragraph. In other areas it says, “should” and he would prefer to see them all say, “should”. The William McFarland Park write-up does not include the new soccer shelter. Czebotar inquired on the recommendations under McDaniel Park is there anything about developing or refining the swimming possibilities. Kolk responded they have made efforts to enhance the beach area and it was rejected by the DNR. If there were ways, the Village would essentially have to divert lake water into an interior pond. Czebotar discussed how at Goodland Park, in Madison, they worked in conjunction with Dane County and created a barrier around the swimming area along with a filtration system to keep the water swimmable. We also do not have a sandy beach. Rogers pointed out they prefer gravel over sand as gravel is more reflective of natural conditions and sand can erode and cause sedimentation issues. Kolk pointed out gravel also helps to keep the geese away. Kolk stated he would like it to say “we would continue to investigate alternative methods to improve the area”. We also have the issue of the prevailing summer winds, and it is harder to protect that beach compared to Goodland Park. Boness pointed out if there is a master plan for McDaniel Park you would need to include that language. Kolk felt it might already be in the document. He would like to see pursue an updated master plan included, as it is at capacity with all the different groups who use it.

Kolk moved to recommend to the Village Board adoption of Resolution # 2019- 10 a Resolution adopting the 2019-2023 Outdoor Recreation and Open Space Plan with the suggested changes. Rogers seconded the motion. Motion carried 5-0.

**d. Discussion possible changes to the Village of McFarland sign code**

Boness reviewed a memo from Attorney Dan Evans regarding the sign code, and court cases relating to municipalities regulating signs. Attorney Evans has reviewed the code and made some proposed changes. He did not feel most changes were that significant that we would need to redo the entire code.

Czebotar inquired if you are able to limit the size of the sign, without considering the substance of the sign. He has had people inquire about this. Boness replied there are sizes for political signs in the code, which are still standard today. Czebotar asked if there is a limit on how large a sign can be on a private property, without focusing on the message? Boness replied if it is a political sign. Boness can look into it again, the Attorney advised it has not changed; it falls under “signs which do not need a permit.” Signs permitted under section 12.04 Wisconsin Statutes, the regulation is in the statute, which we have to follow. Commissioners discussed temporary signs, and sizes, along with the lawsuit the Village Attorney referenced. It was more content than location or size, it became a free speech issues.

Commissioners felt it would be excessive to have the attorney at the next meeting, they would prefer Boness bring the information to the next meeting.

f. STAFF REPORTS

- a. Highlights and updates – Kolk inquired how the new building inspector were working out, are they able to keep up? Boness replied they were supposed to be here 3 days a week and they are sometimes here five days although some are ½ days. The arrangement is working out.
- b. Property Maintenance – Czebotar would like to see more updates on the report, more current dates of when something takes place, and details that are more specific and resolution of issues. For example instead of “notice given” “5 day notice given” or “30 day notice given” .

g. ADJOURNMENT

Motion to adjourn by Kolk, seconded by Fischer. Motion carried. Meeting adjourned at 7:58 p.m.