

Minutes

Plan Commission

Meeting

March 18, 2019

Members Present: Cathy Kirby, Jeff Sorenson, Dan Kolk, Bruce Fischer, Brad Czebotar, Peter Bloechl-Anderson

Members Absent: Tom Rogers

Staff Present: Pauline Boness, Matt Schuenke, Karen Knoll, Tim Stieve (Town & Country Engineering)

Others Present: Aaron Falkosky, Quam Engineering, Tara Furst, Nathan Furst, Adam Hebgen (McFarland Liquor), Gary and Karyn Schneider, Robert Anderson, Carolyn Simpson

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 February 18, 2019 Plan Commission meeting.

Boness indicated Karen Knoll needs to be identified under staff present.

Czebotar requested the unidentified male speaker in item "4. c" be identified as Chris Fredrick. Boness indicated under item "4.e" it should state "with a for sale sign on property indicating it was for sale".

Czebotar moved to accept the minutes as amended. Kolk seconded the motion. Motion carried 6-0.

4. BUSINESS:

- a. **Public Hearing Review and possible recommendation to the Village Board regarding a request by developer Ezra Properties LLC to approve a Detailed Development Plan for Phase 1 and a General Development Plan for Phases 2,3, & 4 for 4703 Terminal Drive, McFarland, WI. Ezra Properties LLC plans to**

construct a 3-story 27-unit multifamily apartment building on Phase 1. Phases 2 & 3 will each have one office building. Phase 4 will consist of a 27-unit 3 story multi-family apartment building. The site is approximately 10.5 acres and currently owned by RCA Trust.

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

Gary Schneider – 5508 Cardinal Drive (owner of 4804 Ivywood Trail) – concerned over traffic issues with the proposal including the blind intersection, increased traffic, speed of vehicles in the area.

Aaron Falkosky – Quam Engineering – available to answer any questions on the project. They have recently responded to the Village Engineers comments, and have brought paper copies with some revised plans.

Falkosky pointed out they added three burn pit locations to the plan, permits have been obtained from the Fire Department. Per request, the plan has been submitted to CARPC for review of wetland grading. Falkosky stated the site is being serviced by private sanitary, water and storm sewer as shown on C-2. The general development plan shows all four phases of the project. Regarding the request for additional curb and gutter, they would prefer not to add it, as they want to be able use the area to push snow up, and use for future driveway extension in Phase IV. Boness spoke with Mitch Sutter in Fire and Rescue; they had spoken with Quam regarding making the driveway 26' wide instead of 20', which also includes the curb and gutter. Falkosky stated he thought it was one portion, Boness replied it would be the entire driveway down to Terminal Drive. Falkosky stated, Quam is working to get a grading easement from the neighboring property. He also met with the Fire Department regarding the grade, and it will be less than 10%, which the Fire Department was comfortable with. The safety shelf will now be 10' wide rather than 8', the width of the berms are enlarged to 8', per the engineers request to have them be 8' – 10' rather than 3' wide. Fischer inquired about the steepness of the grade, and how they would handle it so as not to cause silting and run off into the retention pond. Falkosky replied they intend to plant the area as soon as they could to help prevent any issues. He also went over the proposed run off, green space and 100-year rain event potentials. They have made the material change of using a reinforced concrete culvert rather than corrugated metal culvert.

On sheet C-5 for the private water main, they do have the easements. Per some of the Village comments, they have submitted the erosion plan for approval on Friday and it has been updated. At the entrance at Terminal Drive, there will be some acceleration and deceleration lanes and additional tapering at the entrance. Regarding future curb, gutter and sidewalks on Terminal Drive, they are acceptable to it; they would like to review the proposal in advance. Boness advised that would be part of the Development Agreement.

Karyn Schneider -5508 Cardinal Drive – voiced concerns over sidewalks and bike lanes in the area due to the large population moving into the area. Bike lanes and sidewalks should be included in future Terminal Drive planning due to residential density.

Czebotar closed the public hearing at 7:25 p.m.

Kolk asked for clarification on the turn lanes on Terminal Drive. Stieve stated they wanted to identify this in order to accommodate a possible expansion of Terminal Drive and to create more of a “creeper lane” rather than an acceleration/deceleration lane. Town & Country did a brief review of the plans received on Friday, and do need to take a deeper look into what was submitted. It does appear Quam has addressed the majority of the comments they made previously. Kolk inquired about the obstructed view in the area. Steive replied that was not one of the initial questions they were to review, but is something they can look into. Sorenson questioned if there would be fencing around the retention ponds, with the location next to apartment complexes this makes for an attractive nuisance. Falkosky replied there is no proposed fencing.

Kirby felt the Commission should not be focusing on the smaller issues but the larger one of whether this a good proposal for the Villages’ vision for this area. It is identified as commercial highway, which is what it should be used for. To change zoning to accommodate apartments is the wrong vision, and creates a precedent for the area. This takes away one of the prime areas for commercial development, of which there are very few parcels. There are many which could be used for apartments. Mr. Quam himself stated he is not a business developer, but an apartment developer. Kirby doubts we will ever see a business development on this site. This will increase car traffic, bike traffic, and pedestrian traffic in an area where there is already a lot of truck traffic. There could be other potential for this site rather than apartments. There was another business developer interested in this site; but, because that did not work out does not mean another business developer would not be interested in the site. Kirby stated she cannot support this project, and is voicing her opinion for all four agenda items pertaining to this project. Kirby quoted Czebotar in saying the last thing he wants to see on this site is an apartment building with no other commercial development. Bloechel-Anderson felt while it has not been developed to date; it is an odd area for apartments. When this was first brought forward, Commissioners were told there was a tenant who was almost committed to the project, since then, in the past 2 – 3 months they have heard little to nothing on this commitment, and he would rather see a project like this driven by the office portion rather than the by apartments. Czebotar concurred but said in order to move forward with the office space, you would need more than 50% of the space rented, and they have heard very little about any commitment from Quam in regards to that. Falkosky stated, that is a question Quam would have to answer; he does know it is their desire to have Phases II and III as office space, with Phase IV as an apartment, which is their general intention. Kirby pointed out, he understands that is his desire, and the financing issues; however, Quam has stated commercial is not his expertise area of development, he is more an apartment developer, and hopes the office building will come along. Should the Village finance someone’s hopes, give money for

something that is not business related, and then subsequently qualify for TID money for hundreds of thousands of dollars? Kirby cannot recall in the past 20 years when they have ever put housing on a commercial property, in the hopes that there will be business there. There does not appear to be any form of a lease or contract for the business aspect. They also need to consider some businesses may be concerned about security issues with a 27-unit apartment complex on the site of their business. Czebotar stated while he understands the risk, Quam feels there is potential, and if the business end falls through, Quam himself stated his business is growing and he could possibly take some of the space. It is the Village Board's intention that there be office buildings developed on this site. Fischer asked of Kirby if she is opposed to the mix of office and apartments; or, the fact that there are going to be apartments there first, without confirmation of the office buildings? Kirby replied, if the office were to go up first she would not have an issue with this proposal, it is the phasing of it. Bloechel-Anderson agreed he has the same feeling and would rather the office go up first. Czebotar stated it comes down to financing, Quam cannot finance the office buildings first, he can finance the office using monies off the apartments. Czebotar stated he would prefer to see the office first. Kirby stated because Quam cannot finance it without the apartments, does not mean some other company could not, the lack of financing is Quam's issue. Czebotar feels passing this up would hurt the TID, and time is running out before the TID closes. Kirby stated there is no guarantee with an apartment building that the TID is not going to close without some commercial development, if that is the case, there should be some type of commitment and deadline for Quam to do the commercial portion. The TID can still close with no commercial and all you would have is the apartment.

Robert Anderson – owner of the property, currently residing on the property, said the problem with the site is it is not commercially construction ready; the topography is a large issue for the site. Czebotar asked of Anderson how many people he had knock on his door and inquire about building something on the site. Anderson replied he has had three that he can remember. One was very interested but the economy then dropped and that proposal did not move forward.

Boness summarized concerns for the general plan – is generally ok, she is questioning the timetable for phase II, there is the need for grading easements. Parking is adequate for phase I, but not for II – IV, these phases are short about 18 stalls. Additional parking can be addressed in future site plans; they should be able to figure out locations for additional stalls, and better identification for the common areas.

The detailed plan is much the same, the timeframe is still October of 2019 for Phase I. Better identification of common areas, grading easements, adequate parking for future phases, storm water are still being worked on, if approved tonight, you should condition approval of the storm water plan, the Comprehensive Plan would need to be changed and the Redevelopment Plan, both those are pending. The private street, which is longer than 800', is actually a cul – du – sac, which is not allowed by ordinance, when you vary that, it is approved as part of the review and approval process. The Police

Department wants stop signs at the intersection of the driveways, a Development Agreement is needed. Off street parking needs to be addressed, as does storm water management. Fees in Lieu will be paid as there is no parkland dedication as part of this project, we do not accept land in floodplains as part of the dedication. Some additional items on the list have already been addressed. There are erosion and easements being worked on, along with the Developer's Agreement.

Fischer feels it is a strange place to put an apartment, what happens if the property is built and he cannot rent them? Boness replied, Quam would likely do what others do if they have vacant properties, lower the rents. If Quam then wants to change his detailed plan in the future, that would remain to be seen. He would have to go through all committees and boards for approval. Kolk feels if the developer feels there is a need for apartments, market research must have been done to back the need for them. Kolk did not feel there would be time for a different commercial project to be proposed before the TIF would close, he would prefer to see the office building, but feels the apartments are an improvement to the site. Sorensen questioned the Villages ability to hold the developer to the proposed time schedule, if only one portion is completed. Boness replied that would all be worked out in the Development Agreement, it was discussed in depth at the Village Board meeting. Kirby questioned, if this proposal is not accepted, you could always build apartments on this site. Boness replied yes, you would still have to go through the same steps, there would be no financial assistance offered to the developer, unless a new TID was opened. She commented, it is possible to finance apartments on your own in Dane County. Bloechel-Anderson questioned, will they get the office building, which is being proposed, or will they just get more apartment buildings. Boness pointed out, once Quam purchases the land, he will have to move forward with developing it, and it is unlikely he will just develop one phase.

Commissioners discussed the availability of rental units, both apartment and duplex style in McFarland, and the other rental projects, which may be moving forward in the coming year.

Kolk feels while it does not reflect the commercial development they would like to see, it does represent development, while not optimal, he feels it is worth taking a risk. Sorenson questioned having him do Phase I & II at the same time. Czebotar replied they had tried to do that but Quam was not willing, as he did not have a tenant for the office space. The Village Board originally wanted it with the office space. Schuenke summarized if this is the plan that is put forth, and approved, this is what Quam has to follow. The Village Board struggled with the same issues, and decided this is a project, which utilizes the whole site; they provided the approval on the first phase to give it a chance. If after 10 years, Quam has tried as hard as he can to get the commercial aspect and cannot, they can be given a chance to consider something different at that point.

Kolk moved to recommend approval to the Village Board regarding a request by developer Ezra Properties LLC to develop a Detailed Development Plan for Phase 1

and a General Development Plan for Phases 2, 3, & 4 for 4703 Terminal Drive, McFarland, WI. with the conditions of approval by staff of revised landscaping, street, utilities, stormwater and erosion control plans. Bloechl-Anderson seconded the motion. Kolk amended his motion to add “and an approved Development Agreement by the Village Board” There were no objections to the amendment. Bloechl-Anderson seconded the amendment to the motion. Motion carried 5-1 with Kirby opposed.

- b. Public Hearing Review and possible recommendation to the Village Board on a request by RCA Trust regarding Ordinance No. 2019-03. Rezoning lands in the Village of McFarland at 4703 Terminal Drive Parcel A to be rezoned from Commercial Highway (C-H) to Planned Development District Detailed Plan Approved (PDD-DPA) and Parcel B to be rezoned from Highway Commercial (C-H) to Planned Development District General Plan Approved (PDD-GPA), to accommodate a Planned Development by Ezra Properties LLC.**

Czebotar opened the public hearing at 8:21 p.m. with no one wishing to speak Czebotar closed the public hearing.

Boness summarized all items listed by Atty. Dan Evans included in packets unless Commissioners wanted to add something.

Czebotar moved to recommend approval to the Village Board on a request by RCA Trust regarding Ordinance No. 2019-03. Rezoning lands in the Village of McFarland at 4703 Terminal Drive Parcel A to be rezoned from Commercial Highway (C-H) to Planned Development District Detailed Plan Approved (PDD-DPA) and Parcel B to be rezoned from Highway Commercial (C-H) to Planned Development District General Plan Approved (PDD-GPA), to accommodate a Planned Development by Ezra Properties LLC., conditioned upon approval of changes to the Comprehensive Plan and Redevelopment Plan. Sorenson seconded the motion. Motion carried 5-1 with Kirby opposed.

- c. Public Hearing Review and possible recommendation to the Village Board regarding a request by RCA Trust LLC to approve a 4 Lot Certified Survey Map (CSM), property located at 4703 Terminal Drive, McFarland, WI. to accommodate a Planned Development by Ezra Properties LLC.**

Czebotar opened the public hearing at 8:25 p.m., with no one wishing to speak Czebotar closed the public hearing.

Czebotar moved to recommend approval to the Village Board a request by RCA Trust LLC to approve a 4 Lot Certified Survey Map (CSM), property located at 4703 Terminal Drive, McFarland, WI. to accommodate a Planned Development by Ezra Properties LLC. Kolk seconded the motion.

Boness requested the motion include conditioned upon review by the Village Engineer due to some changes to the easements on the CSM.

Czebotar revised his motion without objections to include conditioned upon review and approval by the Village Engineer. Czebotar called the motion modified. Motion carried 5-1 with Kirby opposed.

d. Review and possible action regarding a Site/Design for a proposed 1200 sq.ft. addition to McFarland Liquors located at 4716 Farwell Street. Property is located in TIF #5 and is zoned General Commercial (C-G).

Adam Hebgin 2605 S. Stoughton Road - representing McFarland Liquors. They are looking to expand the building by approximately 1200 sq.ft. to accommodate business needs and some structural issues. They will add an ADA compliant bathroom, updated insulation, and front facade along with bringing the building up to current energy standards. They would like to keep the plantings along the front of the building, with a 3 ½ feet planting strip. The parking lot will be double-loaded with the removal of the west parking lot access, and the addition of a landscape island in the last 2 stalls. They propose to remove the current freestanding sign and wish to install a lighted sign at grade along with a sign on the building with some down lighting. There is no drive access currently behind the building, nor will there be any added. Boness inquired if they had brought a color palette. Hebgin advised he did not, they were thinking of staying with a LP smart clade siding with some stone.

Sorenson did not feel expanding the width of the building is the way to go, but to expand the building forward with parking on the side to go with the approved guidelines for the TID. We should move towards eliminating the parking of cars in front towards the street. Kirby stated she does not disagree, but others in the area do have the parking in the front. Sorenson felt they should move toward the vision for the area as approved last year. Kolk inquired if they had looked at having an eastward facing entrance with the building expanded toward Farwell, Hebgin replied he did not think they had looked into that type of design. Czebotar inquired if they did expand toward the front instead of the side would that give them the space needed. Hebgin replied it would give an awkward long design. Commissioners discussed the pros and cons of the proposed design versus expanding the building forward towards Farwell Street. Boness advised the CDA looked at this as an improvement to an existing property, it may not be ideal but it serves the function of the interior space.

Boness reviewed the landscaping plan; they will keep the planters in front so they can keep a 5-foot sidewalk and address the parking. Boness also informed per conversations with Village Engineer Brain Berquist, they will be required to take the apron out of the terrace and replace any sidewalk and curbing as necessary. Kirby inquired if there is any opportunity to create a barrier similar to Culvers, with plantings, something to make the front area more appealing, or something near the sidewalk to create a barrier,

a decorative fence or some shrubs. Kolk pointed out Police Chief Sherven was concerned about trees or shrubs near the street blocking the view, but something could be done to soften the area up.

Kolk moved to approve the Site/Design for a proposed 1200 sq.ft. addition to McFarland Liquors located at 4716 Farwell Street. Property is located in TIF #5 and is zoned General Commercial (C-G) conditioned upon staff approval of a landscaping plan with visual screening for four parking stalls, which abut the sidewalk, and conditioned upon replacement of curb and gutter and approval of expanded liquor license. Kirby seconded the motion. Sorenson stated he does not feel this is moving Farwell Street in the direction they wanted to go, with having many buildings with parking lots in front of them. Motion carried 5-1 with Sorenson opposed.

e. Review and possible action on a Detailed Plan for the development of Lot 20, Woodland Commons with a 3 unit multi-family structure.

Tara Furst 5210 Rustic Way – they are proposing a three unit, designed to be built into the hill similar to other properties in the area. Furst reviewed the proposed elevations, and they will be dropping the garages to have the same incline as adjacent properties. Boness reviewed staff comments on the development plan, along with her comments on items C, D, J & K. A development plan for Woodland Commons was approved in 2003. This is one of the last lots in the subdivision. There is a burial mound on the back of the site, which this project is not infringing upon; the project will be constructed in one phase. This is generally in compliance of the general plan. Furst anticipates construction starting in the summer with completion in late fall. Furst showed samples of the shingles, siding and brick work color renderings, along with photos of area properties and their color schemes.

Kirby moved to approve a Detailed Plan for the development of Lot 20, Woodland Commons with a 3 unit multi-family structure conditioned upon approval by the Village Engineer of a grading plan. Sorenson seconded the motion. Motion carried 6-0.

f. Review and possible action on Resolution 2019-06 Plan Commission resolution approving Detailed Plan for the Development of Lot 20 Woodland Commons.

Kirby moved to approve Resolution 2019-06 Plan Commission resolution approving Detailed Plan for the Development of Lot 20 Woodland Commons. Sorenson seconded the motion. Motion carried 6-0.

g. Discussion on process and timetable regarding changes to the zoning code relating to conditional uses.

Boness summarized there was discussion of forming a sub-committee. A two-person committee can be done; a larger committee would need to go before the Village Board

for approval. Schuenke, in talking to Boness suggested reviewing additional portions of the zoning code, i.e. parking, planned development, and possibly other items like cell towers.

There are two options, one is to hold off and not do anything until the new Community Development Director is in place, the other option would be to review, with a two or three person committee to get it done, and if it has to be updated later, it has at least been reviewed. Amenments with a more encompassing review of the zoning code would take more time, and there is concern about parties applying for CUP's in the near future. The text only revisions for CUP's could be done now and wait on the table of permitted and conditional uses and other topics until a later time. Commissioners previously reviewed the narrative changes for CUPS and the Village Attorney addressed many of the questions by Commissioners.

Czebotar inquired if they did the comprehensive review are there concerns about putting off the review of the table of permitted and conditional uses, is there anything the staff is concerned about if the table was not revised at this time? Boness replied the only time you need to be concerned about the new state statute regarding CUPS is if you were to turn down an application, you need to have the grounds for a denial. Boness stated if they wanted to hold off looking at the table, she would recommend addressing the text portion, in packets, at a future meeting; as, a public hearing is required. Commissioners discussed the pros and cons of what to handle at this time and concurred to move forward with the public hearing of the text change ordinance, and hold off on the review of the table of permitted and conditional uses.

h. STAFF REPORTS

- a. Highlights and updates – Kirby inquired when the new Commissioners would take over, as she is not going to be continuing at the end of her term. Boness indicated new Commissioners would be seated in May.
- b. Property Maintenance – no comments.

i. ADJOURNMENT

Motion to adjourn by Kirby, seconded by Sorenson. Motion carried. Meeting adjourned at 9:07 p.m.