VILLAGE OF MCFARLAND *NOTICE OF PUBLIC MEETING*

PLAN COMMISSION

Monday, July 19, 2021 **7:00 PM** **McFarland Municipal Center**
Community Room

AGENDA

You are invited to this meeting through a Zoom webinar. The Public is strongly encouraged to watch and participate in these meetings remotely through either the webinar or telephone options listed below.

PLEASE CLICK THE LINK BELOW TO JOIN THE ZOOM WEBINAR:
https://us02web.zoom.us/j/83245177136

Or by Telephone: +1 (312) 626-6799
Webinar ID: 832 4517 7136

1. CALL TO ORDER

2. PUBLIC APPEARANCES.

3. APPROVAL OF MINUTES.
   a. Review and possible approval of the June 21, 2021 Plan Commission draft minutes.

4. BUSINESS.
   a. Discussion and possible action on a Conditional Use Permit requested by Anderson-Hood LLC and Grey Duck LLC for wholesale trade for L'eft Bank Wine Company, a wholesale wine and fine liquor business, at 4910 Triangle Street, McFarland, WI, property zoned C-P Commercial Park.

   b. Discussion and possible action regarding a Conditional Use Permit (CUP), requested by Wisconsin Power and Light & Alliant Energy for a natural gas regulator station, at Grand View Lot 3, parcel 0610-023-5350-7, (approximate northwest corner of Creamery Road and Elvehjem Roads), McFarland, WI property zoned CO Conservancy.

   c. Discussion and possible action on a Site Design Review Permit submitted by Wisconsin Power & Light and Alliant Energy for a natural gas regulator station at Grand View Lot 3, parcel 0610-023-5350-7 (approximate northwest corner of Creamery Road and Elvehjem Road), McFarland, WI, property zoned CO Conservancy.

   d. Discussion and possible recommendation to the Village Board on Ordinance 2021-07, An Ordinance Rezoning Outlot 20 of Assessor's Plat No. 4 – Township of Blooming Grove (4908 Terminal Drive), and Lot 1 of CSM 7449 (4902 Terminal Drive), McFarland, WI from Commercial Highway (C-H) to Planned Development District – General & Detailed Plan Approved. Rezoning requested by Waubesa Village LLC.

   e. Discussion and possible action on a Certified Survey Map (CSM) requested by the Waubesa Village LLC to combine Lot 1 of CSM 14104 (4604, 4606, and 4608 Siggelkow Road), Outlot 20 of

Assessor's Plat No. 4 – Township of Blooming Grove (4908 Terminal Drive), and Lot 1 of CSM 7449 (4902 Terminal Drive), McFarland, WI, to create one parcel. The properties are currently zoned C-H Highway Commercial and PD Planned Development District.

f. Discussion regarding potential use and revitalization of 5979 Siggelkow Road, former Waubesa School, preapplication meeting requested by property owner Urso Bros LLC.

g. Discussion regarding future updates to the Village East Side Neighborhood Growth Area Plan and Comprehensive Plan.

5. STAFF REPORTS

   a. Property Maintenance Report

   b. Director's Report

6. SCHEDULE NEXT MEETING DATE.

   a. Discussion of Hybrid Meetings 2.0.

   b. Monday, August 16, 2021 at 7:00 PM.

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
June 21, 2021

Members Present: Scott Peters, Eric Green, Carolyn Clow, Chris St. Clair

Members Absent: Peter Bloechl-Anderson

Staff Present: Andrew Bremer, Andrew Day, Karen Knoll, Kong Thao

1. CALL TO ORDER

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

2. PUBLIC APPEARANCES.
   None

3. APPROVAL OF MINUTES.

   a. Review and possible approval of the May 17, 2021 Plan Commission minutes.

      Clow moved to approve the May 17, 2021 Plan Commission minutes. St. Clair seconded the motion. Motion carried 4-0.

4. PUBLIC HEARING

   a. Public hearing on a Conditional Use Permit requested by Anderson-Hood LLC and Grey Duck LLC for wholesale trade for L'eft Bank Wine Company, a wholesale wine and fine liquor business, at 4910 Triangle Street, McFarland, WI, property zoned C-P Commercial Park.
      Clow opened the public hearing at 7:08 p.m.

      Bremer reviewed the history of the property and business at 4910 Triangle Street. The business has been a tenant and operating at the site since approximately since 1998. They are in the process of purchasing the property, and want to make sure all permits were in order. The operation is currently a conditional use in the district. The use and the building were originally approved as office and warehouse, as they operate under the wholesale trade it was recommended they apply for a CUP prior to closing on the property. There is no change to the site or building.

      Mark Johnston reviewed the history of his company, which he started in 1985, when they moved to McFarland their current property owner built this site to their specifications. L'eft Bank Wine has been working out of that location for

approximately 21 years. They are mainly a warehousing facility with deliveries coming in, storage and delivers going out, however as they do employ salespeople, who do not work at the premises, but out of their specific territories, they would need a CUP.

Clow closed the public hearing at 7:15 p.m.

b. Public hearing on Ordinance 2021-07, An Ordinance Rezoning Outlot 20 of Assessor's Plat No. 4 –Township of Blooming Grove (4908 Terminal Drive), and Lot 1 of CSM 7449 (4902 Terminal Drive), McFarland, WI from Commercial Highway (C-H) to Planned Development District – General & Detailed Plan Approved. Rezoning requested by Waubesa Village LLC.

Clow opened the public hearing at 7:16 p.m.
Bremer summarized this ordinance is to rezone two properties located in TID #3. There is another public hearing to then combine these to an existing property. The building would consist of a three story multifamily garden apartment similar to those already constructed. Twenty-seven residential units consisting of one and two bedroom units. There is a separate development incentives request, which was reviewed by the CDA and they postponed action to allow time for the applicant to revise their application on his TIF application. The existing properties are zoned C-H, Highway Commercial. Quam has an offer to purchase on 4902 Terminal Drive and the Village owns 4908 Terminal Drive. The sites total about 8/10ths of an acre in size. The proposed general and detailed plans are in packets. Bremer reviewed the approval process with Commissioners. There may be a future addition, which would be Phase V, however tonight what is being considered is only Phase IV.

Quam reviewed the history of the project with Commissioners along his proposal for 4902 & 4908 Terminal Drive, which would be Phase IV. Quam indicated he has high demand for this type of unit, and Phase III is completely rented, the building should be complete in July and August. Quam reviewed the parking, the current access drive, along with a potential grass volleyball court and ice rink. Quam said the residents indicated they like the outdoor lifestyle offered in the area. The volleyball court will not be lighted or used for tournaments or the likes; it will just be for residential use. Quam went over the site plan, stormwater management, his desire to keep as many trees as possible and potential landscaping plan with Commissioners. He feels he can meet the items listed in the staff comments.

Carol Austin 4618 Siggelkow Road – Unit #2 – spoke in opposition. Concerns were loss of the charm of the neighborhood, it does respect or protect the elderly, allowing apartments to be near tank farms, the need to have a safety study to be close to tank farms.

Dale Weideman – manager of Park View Apartments spoke in opposition. Concerns were he feels he needs to support his residents. Privacy and safety

reasons, traffic, noise, Waubesa Village accepts dogs, and Park View Apartments does not, the residents do not like the construction noise.

St. Clair indicated the area, per the Comprehensive Plan, is set for mixed, flex commercial. Based on his readings he feels this area is in an industrial based plan to attract people to the Lake District; this area should be heavily retail to give something for the citizens to do. St. Clair read portions of the Comprehensive Plan. He does not feel there should be use of TIF funds for a residential project; St. Clair also had concerns over park fees. He does not feel this plan is consistent with Village plans.

Bremer reviewed the future land use map with Commissioners, along with the Comprehensive Plan, conceptual plans with the information as provided in packets.

Quam responded he appreciates the feedback and does have a property at 4703 Terminal Drive with commercial components to it and has been marketing it for two years with no interest in the property. He feels the one at 4703 Terminal Drive is a much more desirable location for commercial use with the views, better parking and design potential than the site at 4902 & 4908 Terminal Drive. There is little demand for commercial properties at this time.

Clow addressed the letter from the Parkview Apartment residents. She understands their concerns over timelines. She is not taking action on the same night as a public hearing to hopefully address residents' concerns. Clow asked of Bremer the reference to the proximity to tank farms, if it is a one-mile radius as Austin indicates in her concerns there are already properties closer than one mile to the tank farms. Bremer responded given the time frame from when the letter was received and the meeting there was not time for staff to review in detail the questions or concerns raised. He will be looking into this for the next Plan Commission meeting.

Green advised in response to the concerns over lighting strikes, he indicated in his experience, tank farms have lightening protection on the top of them.

Clow closed the public hearing at 8:03 p.m.

c. Public hearing on a Certified Survey Map (CSM) requested by the Waubesa Village LLC to combine Lot 1 of CSM 14104 (4604, 4606, and 4608 Siggelkow Road), Outlot 20 of Assessor's Plat No. 4 – Township of Blooming Grove (4908 Terminal Drive), and Lot 1 of CSM 7449 (4902 Terminal Drive), McFarland, WI, to create one parcel. The properties are currently zoned C-H Highway Commercial and PD Planned Development District.

Clow opened the public hearing at 8:04 p.m.

Bremer reviewed the project as submitted in packets, this is part of the process to combine the lots as a separate action. Bremer reviewed per staff reports his recommendation the consideration to removing, through dedication to the Village, the two small jogs in the property line to maintain a consistent right-of-way of 42 feet for the entire length of the property. Quam was in agreement to the request.

Clow closed the public hearing at 8:07 p.m.

5. BUSINESS.

a. Discussion and possible action regarding a Conditional Use Permit (CUP), requested by Wisconsin Power and Light & Alliant Energy for a natural gas regulator station, at Grand View Lot 3, parcel 0610-023-5350-7, (approximate northwest corner of Creamery Road and Elvehjem Roads), McFarland, WI property zoned CO Conservancy.

Aaron Welsh – Project Manager with Alliant Energy reviewed the current regulator station, proposed regulator station, along with an additional alternate location, and landscaping plans with Commissioners through his presentation. The current location is an obsolete design, and has been in existence since the 1970's. Welsh shared photos of the current and proposed location along with details and map layout. Alliant staked the proposed site out in advance so community members could see the actual proposed location as discussed with staff. Welsh indicated this was done so their proposal was transparent; there are no "back door deals" as indicated by a community member at the previous meeting.

Welsh reviewed answers to questions pertain to the existing station, easement staking, wildlife, station relief valve, wetland disturbance, and alternative locations as brought up at the May 17, 2021 Plan Commission meeting. Welsh indicated if they were to move the station to the east they would have to get easements from private landowners, which could be a potential risk to the project, install 6+ additional tie in's so they could repurpose the existing 4" steel. To make the system have the same capacity, safety and reliability they would have to install 2100 additional feet. This would bring a 19.6% increase cost in the project; increases are passed on to consumers. Welsh reviewed the revised landscaping plan as included in packets, to include more native Wisconsin landscaping as deer eat arborvitae, which was originally proposed. The updated landscaping plan would mean they need to request a larger footprint, the original was a 20' x 20' area they will have to incase it to 26' x 26' to accommodate the change in landscaping.

Shannon Morrison – 6129 Meadowsweet Trail – spoke against the proposal.

Peters understood the concerns the resident had, however this is something which is needed to provide reliable gas to existing homes, not just potential growth on the east side. He appreciates the changes Alliant has made per the Plan Commissions

request. Peters advised he can see both sides, however we use gas to heat our homes and this is something which is needed to keep up the infrastructure.

St. Clair felt due to the conditional use law change in 2017 there is a clear understanding for a request to be judged on and substantial evidence is needed. He does feel placing a regulator station on top of a bike path that is used by residents in the community will impair the use of the bike path. As a resident has spoken up tonight, and there is no substantial evidence that the bike path will not be impaired this cannot be approved. It may increase the cost of the site; Alliant's profit margins are not the Villages concern. It is still a doable project for them if costs go up 19%

Green advised he concurs with Peters, he does not see the issue with the proposed placement, it is no different then if it were near a sidewalk. The proposed site has a small footprint. Green does not see how it will impair the bike path except for potential annual maintenance of the site. It is a necessary utility needed to continue to bring gas to the residents of McFarland and he is in favor of the proposal.

Clow and Commissioners discussed the previous practice of reading through the requirements for meeting approval for a CUP, or possibility of polling Commissioners to see if they feel all have been met. St. Clair wanted to confirm it was their duty to not bring their opinions in but to judge this based on the conditional use code. Clow confirmed that is the Commissions responsibility.

Clow read the eleven conditional use standards with Commissioners and polled them if they were in approval that the condition was met. Bremer indicated it appears there was a majority of "ayes' on most of the items except item "b". Bremer would recommend the opportunity for the applicant to address item 'b" and for additional Planning Commission discussion and the need to meet substantial evidence. Commissioners discussed how Condition "b" is a very subjective matter.

Clow moved to postpone action regarding a Conditional Use Permit (CUP), requested by Wisconsin Power and Light & Alliant Energy for a natural gas regulator station, at Grand View Lot 3, parcel 0610-023-5350-7, (approximate northwest corner of Creamery Road and Elvehjem Roads), McFarland, WI property zoned CO Conservancy until the July 19, 2021 Plan Commission meeting. Seconded by St. Clair. St Clair moved to amend the existing motion to include that Alliant submit additional information pertaining to section 62-111-(b) based on the substantial evidence standard by July 9th to be heard at the Plan Commission in July. With no second, St. Clair's amendment failed. Peters stated he would like to give Walsh more specifics as to what the Commission is looking for for them to bring back to the meeting, as the bar for approval for that item is very subjective. Walsh advised they have regulator stations adjacent to public spaces, right of ways, bike paths in Wisconsin and Iowa. He noted that they have look into other locations to the east by the dog park but these locations are wet areas, the pipeline has been there since 1963 and there were previous stations out there that were retired when

the existing location was built in 1975. Clow provided feedback of what additional information they are looking, perhaps more information on why other sites would be more substantially impaired if selected. Maybe part of the consideration is what is the least impaired location.

Clow called for the vote. Motion passed 3-1 with Green voting nay.

b. Discussion and possible action on a Site Design Review Permit submitted by Wisconsin Power & Light and Alliant Energy for a natural gas regulator station at Grand View Lot 3, parcel 0610-023-5350-7 (approximate northwest corner of Creamery Road and Elvehjem Road), McFarland, WI, property zoned CO Conservancy.

Clow moved to table the item of a Site Design Review Permit submitted by Wisconsin Power & Light and Alliant Energy for a natural gas regulator station at Grand View Lot 3, parcel 0610-023-5350-7 (approximate northwest corner of Creamery Road and Elvehjem Road), McFarland, WI, property zoned CO Conservancy until the July meeting. Peters seconded the motion. Motion carried 3-1 with Green voting Nay.

c. Discussion and possible action on a Site Design Review Permit from 4313 LLC (CTW Flooring) for a new commercial building on Lot 1 of CSM 12030, 4313 Triangle Street, McFarland, WI, property zoned M-IC Manufactured Intensive Commercial.

Bremer reviewed the history of the property as included in his staff review and the application as provided in packets. Burkeland would like to build a 27,000 sq. ft. building mainly warehousing with some office space for his company. It would house Wisco Cabinets, and part of CTW flooring along with a small 5,000 sq. ft. tenant space. Burkeland has made a TIF request, which was reviewed by the CDA at their June 2021 meeting. The CDA provided a recommendation to the Village Board to provide an incentive consisting of sale of the property for $1 and an additional Tax Increment Loan at Occupancy of $25,000 for the addition of the solar panels, for a total incentive of $500,000.

Burkeland indicated Ryan Quam and Mark McCaulley are assisting him with the project. Bremer reviewed the site plan, landscaping, photometrics as submitted in packets. Quam reviewed the stormwater management plan, along with the grade and drainage for the site. McCaulley reviewed the exterior and interior details of the proposal along with the solar for the site as provided in packets. It will not be retail but warehouse and offices for his business. Bremer reviewed this is in the Terminal Triangle Overlay District and subject to those guidelines along with the traditional site design review. There was not any bicycle parking shown on the plans, that is something can be added as a condition if Commissioners decide they want it, there is also screening for the dumpster location required. The signage will

be determined at a later date, with a sign permit being required. Burkeland indicated he will likely be only having a wall sign, similar to other businesses in the area. Bremer reviewed the Meinders /Triangle Sub district guidelines including staff comments from all departments as included in packets. Green inquired on the pad for support of the HVAC. Burkeland responded there will be no air conditioning in the warehouse, and the heating units will be inside.

Clow moved to approve a Site Design Review Permit from 4313 LLC (CTW Flooring) for a new commercial building on Lot 1 of CSM 12030, 4313 Triangle Street, McFarland, WI, with the following conditions:

1. Applicant to provide screening of the refuse receptacles per Section 9.(d) of Appendix B - Village of McFarland Landscaping Standards. Applicant to provide revised final landscaping plan for staff review and acceptance prior to obtaining a building permit.
2. Addressing those conditions of approval identified in the Fire & Rescue Department review letter dated June 16, 2021.
3. Approval of the Real Estate Acquisition and Development agreement by the Village Board.

St Clair asked for clarification the TIF application is for action by the CDA and not consideration by the Plan Commission. Bremer responded the CDA has control and recommendation to the Village Board for approval, he does include information in the Plan Commission packets so they are aware of the agreement, but it is not for them to take action on. The Plan Commission reviews the site plan; the CDA can provide their opinions and feedback on the site plan.

Peters seconded the motion. Motion carried 4-0.

d. Discussion regarding future updates to the Village East Side Neighborhood Growth Area Plan and Comprehensive Plan.

Clow indicated this agenda item is for discussion only. The Village Board approved funding in the budget to update the eastside plan. Bremer summarized the eastside plan was adopted in 2008; it is a sub area plan to provide greater detail than traditional contained in a comprehensive plan. These plans are adopted as a component of the Comprehensive Plan. Bremer reviewed the location of land in the recently annexed areas. The intent of the June 21 Plan Commission meeting is to simply introduce this topic. Between the June and July meeting, Bremer requests that Plan Commission members review the East Side Plan in greater detail and to begin to think about aspects of the plan that you feel remain relevant and those you feel do not. The July meeting will provide an opportunity to discuss your initial perspectives which will help to inform and guide staff's preparation of a request for proposal (RFP), or request for qualification (RFQ), for later consideration by the Plan Commission and Village Board to select a consultant to assist the Village with this project. This will be a longer process with many opportunities for public

engagement and comment. Bremer asked that Commissioners give equal thought to what they like about the current plan, not just what they do not like. St. Clair inquired if Bremer could send out a map showing all the recently annexed land. Bremer advised he can send out each map, there is not currently one with all land indicated on it. Clow asked for a link to the plan be sent out also.

7. STAFF REPORTS

   a. Property maintenance report – no comments

   b. Director's report – no comments

8. SCHEDULE NEXT MEETING DATE

   a. July 19, 2021 at 7:00 p.m.

9. ADJOURNMENT.

   Clow moved to adjourn, Peters seconded the motion. Motion carried, meeting adjourned at 9:37 p.m.

VILLAGE OF
McFarland

SUMMARY SHEET

MEETING DATE: **Monday, July 19, 2021**

SECTION: **Business**

DEPARTMENT: **Community Development**

CONTACT: **Kong Thao, Intern, Andrew Bremer, Comm & Eco Dev Director**

AGENDA ITEM: **Discussion and possible action on a Conditional Use Permit requested by Anderson-Hood LLC and Grey Duck LLC for wholesale trade for L'eft Bank Wine Company, a wholesale wine and fine liquor business, at 4910 Triangle Street, McFarland, WI, property zoned C-P Commercial Park.**

PREVIOUS ACTION:

Construction of the commercial office and warehouse building was approved in 1998.
Approval of 7,500 sq. ft warehouse expansion to the existing building in 2006.
6.21.2021 a public hearing was held on this application by the Plan Commission.

ISSUE SUMMARY:

Summary of Request

The applicant is requesting a conditional use permit to continue the operations for Left Bank Wine Company Limited (hereby referred to as Operating Company) located at 4910 Triangle Street. The Operating Company functions as a wholesale wine and fine liquor trade business and has been leasing the building from the current property owner since completion of construction of the building in 2000. The Operating Company is seeking to acquire the property. As part of their pre-acquisition due diligence, it was determined that the business should have a conditional use permit. While both “office” and “warehousing & storage (fully enclosed only)” are listed in Sec. 62-71 as permitted uses in the C-P District, “wholesale trade” is listed as a conditional use. Currently, the Operating Company operates under the North American Industrial Classification System (NAICS) Code 424800 for Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers. The Village lists “wholesale trade (except for petro terminals)”, NAICS Codes 423000 and 424000 as conditional uses in the C-P District. NAICS Code 424800 is a sub-code under 424000 and is described as "this industry comprises establishments primarily engaged in the merchant wholesale distribution of beer, ale, porter, and other fermented malt beverages." Warehousing and Storage (NAICS Code 493110) is described as "this industry comprises establishments primarily engaged in operating merchandise and storage facilities. These establishments generally handle goods in containers, such as boxes, barrels, and/or drums, using equipment such as forklifts, pallets and racks. They are not specialized in handling bulk products of any particular type, size, or quantity of goods or products." Also, noting NAICS Code 493, which states, in part, "they do not sell the goods they handle." So, while both the design layout of the building, and the operational needs of the Operating Company include office and warehouse space, which are permitted uses in the C-P District, the classification (use) of the business falls under the wholesaler NAICS category. To remove any uncertainty

regarding the conformity of the use under the Village's Zoning Code prior to acquisition of the property, submittal and approval of a conditional use permit was recommended. No additional request for changes, design submittals, extensions or modifications to the existing property or building are included in this request, only the action regarding the approval of the use of the premise.

Existing Property Conditions
The property is 1.77 acres and sits in the area zoned C-P, Commercial Park. For reference, the property is located near Highway 51 and Siggelkow Road. The existing building is a single two-story commercial building with approximately 25,000 sq. ft. The largest portion of the building is dedicated to warehousing, 20,000 square feet, while 5,000 square feet is used as office space. The Operating Company employs between 10-15 employees during their peak hours. They do not allow for direct sales onsite as they operate on a delivery system, directly to their customers only. The Operating Company operates between 8:00 AM to 6:00 PM, Monday through Friday. The Operating Company has been with the Village of McFarland since 2000 and is also the singular owner and occupant at this location.

Conditional Use Permit Requirements
Sec. 62-108(a)(5) of the Zoning Code requires CUP applicants to provide a detailed written description and proof meeting the substantial evidence standard showing how each of the standards set forth in Sec. 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. Sec. 62-105 defines "substantial evidence" as 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. The packet includes the Applicant's responses to the conditional use standards in Sec. 62-111. Sec. 62-114 provides that prior to granting of any conditional use the Plan Commission 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 Sec. 62-111. In the Director's opinion, the written responses to the standards have been reasonably met, subject to addressing any additional conditions the Plan Commission may seek during the course of their review.

Other Village Staff Comments
Review letters from the Village Engineer, Fire Inspector, Director of Public Works, and Police Chief are included in the packet. No concerns were identified with the application from these staff members.

Public Comments
The Department did not receive any public comments to forward to the Plan Commission prior to the publication of the meeting packet.

FINANCIAL/BUDGET IMPACT:

VILLAGE OF
McFarland

VILLAGE PLAN REFERENCE:

4910 Triangle Street is identified in the "Commercial Park" Future Land Use category of the Village's Comprehensive Plan (adopted 2017). Figure 4.1 describes Typical Implementing Zoning Districts as including the C-P District. The conditional use permit also supports the following plan policies and objectives:

- Proactively work to retain and grow existing businesses.
- Expand the local tax base and good paying jobs through business park development and redevelopment.

ORDINANCE REFERENCE:

Sec. 62-71 Permitted and Conditional Uses - Commercial Districts
Subdivision II, Conditional Uses

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Motion to recommend approval of the Conditional Use Permit as submitted.

ATTACHMENTS:

1. 6.21.21 - Leftbank wine - CUP - 4910 Triangle St
2. 4910 Triangle Street_Left Bank Wine_Conditional Use Permit_05.11.2021
3. Village Engineer Ltr-4910 Triangle Street Review-06.11.21
4. Police Ltr-4910 Triangle St-06.10.21
5. DPW Ltr-4910 Triangle Street-06.10.21
6. Fire&Rescue Ltr-4910 Trinagle Street-Left Wine Bank-06.09.21

Please publish in the
McFarland Thistle on
June 3, 2021 and June 10, 2021

VILLAGE OF MCFARLAND
NOTICE OF PUBLIC HEARING
BEFORE THE PLAN COMMISSION

NOTICE IS HEREBY GIVEN that there will be a public hearing before the Plan Commission on Monday, June 21, 2021 at 7:00 p.m. in the Community Room of the Municipal Center, 5915 Milwaukee St., McFarland, Wisconsin, at which time interested parties and citizens shall have an opportunity to be heard concerning the following:

> A Conditional Use Permit (CUP) requested by Anderson-Hood LLC and Grey Duck LLC for wholesale trade for L'eft Bank Wine Company, a wholesale wine and fine liquor business, at 4910 Triangle Street, McFarland, WI property zoned C-P Commercial Park.

Information regarding this request is available for review online at www.mcfarland.wi.us/activedevelopmentprojects or at the Village of McFarland Municipal Center lobby, 5915 Milwaukee Street, McFarland, WI 53558 (Monday-Friday, 8:00 a.m. to 4:30 p.m.).

COVID-19 RELATED INFORMATION

Due to the COVID-19 Pandemic, the Village recommends and **URGES** all residents to view the meeting that evening live on the Charter cable channel 982; TDS channel 1009 or online at mcfarlandcablechannel.com and those who wish to participate and provide public comment do so via Zoom (the Village's virtual meeting software). You can join the Zoom Webinar by visiting https://us02web.zoom.us/j/87130361177 or Telephone: Dial (for higher quality, dial a number based on your current location): US: +1 (312) 626-6799 Webinar ID: Webinar ID: 871 3036 1177.

Due to limitations from Dane County Public Health, only 10 non-employees are allowed in the Municipal Center at one time. **If you choose to attend the meeting in-person, the Village CANNOT GUARANTEE you will be allowed a spot inside the building to view the meeting.** Those who wish to provide public comment at the meeting will be ushered in and out of the building to accommodate the 10 person gathering limit.

If you cannot attend the meeting, you may submit your written comments to the Plan Commission by email to community.development@mcfarland.wi.us or by mail to Community Development Department, Village of McFarland, P.O. Box 110, McFarland, WI 53558-0110. Submission must be received no later than the Thursday prior to the meeting date.

Village of McFarland
Community & Economic Development Department

Plan Commission Application – 2021

~Application must be completed in full~

Applicant - Owner	Anderson-Hood, LLC (Owner) and Grey Duck, LLC (Purchaser)	Applicant's Agent	Matthew Hood and Greg Anderson (Owners) Mark Johnston (Purchaser)
		Name	
Address	921 Walsh Road, #209, Madison, WI 53714	Address	4910 Triangle Street, McFarland WI, 53558
Email	ahllc@tds.net	Email	mark.johnston@leftbankwine.com
Phone #	(608) 849-9896	Phone #	(608) 527-2183
Fax #	N/A	Fax #	N/A

Parcel No(s). 154/0710-342-6112-5_____ Type of Proposal – Please check boxes below that apply

Requires Public Hearing (Class One)	FEES	Requires Public Hearing (Class Two)	FEES	Public Hearing Not required	FEES
❑ Preliminary Plat	$500+AF	☒ Conditional Use	$370+F	❑ Annexation	At cost
❑ Preliminary Plat (reapplication)	$500+BF	❑ Rezoning (map)	$405+	❑ Dev. Agreement Including Addendums	$400 F
❑ Certified Survey Map	$300+FG	❑ Zoning Amendment (text)	$405 +F	❑ Final Plat	$500 +CF
❑ Condominium	$300+EF	❑ USA/MMSD Annexation	At cost	❑ Final Plat (reapplication)	$400 +DF
❑ Comprehensive Plan Amendment	$500+F			❑ Site/Design Review	$400 + F

+ = 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.

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
❑ Site/Design Review (less than 2,000 sq. ft.)	$1,000
❑ Site/Design Review (2,000 sq. ft. or more)	$2,000
❑ All Plats including condominiums	$5,000

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

See Attached Exhibit A.

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 AT THE BOTTOM ON THE REVERSE SIDE

Schedule: The Village of McFarland Plan Commission normally 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. **Three (3) copies** of all materials, **one (1) copy must be 8 ½ x 11, two (2) copies to be 11 x 17 and one (1) electronic copy** (*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 2021 Schedule

*Submittal Deadline Noon on:	For Scheduled 2021 Meeting date of:
December 8 (2020)	January Tuesday Jan. 19
January 5	February 15
February 2	March 15
March 9	April 19
April 6	May 17
May 11	June 21
June 8	July 19
July 7	August 16
August 10	September 20
September 7	October 18
October 5	November 15
November 2	December 20 (Pending)
December 7	(Pending) Tuesday, Jan. 18, 2022

*** Submittal deadline:**

- **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. Materials submitted for review after the submittal deadline date, or incomplete submittals, may be held over until the next scheduled meeting.**
- **I understand 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. In addition, all application fees are non-refundable.**

X Matthew J Hood — 05/10/2021

Signature of Applicant/Agent — Date

Anderson-Hood, LLC
Member

Mark A Dahlet — 05/11/2021

Greg Duch LLC.

Applicant - Owner	**Anderson-Hood, LLC (Owner) and Grey Duck, LLC (Purchaser)**	Applicant's Agent	**Matthew Hood and Greg Anderson (Owners) and Mark Johnston (Purchaser)**
Address	**921 Walsh Road, #209, Madison WI 53714**	Address	**4910 Triangle Street, McFarland, WI 53558**
Email	**ahllc@tds.net**	Email	**mark.johnston@leftbankwine.com**
Phone #	**(608) 849-9896**	Phone #	**(608) 527-2183**
Fax #	**N/A**	Fax #	**N/A**
Project Site Address	**4910 Triangle Street, McFarland WI 53558**	Parcel No.	**154/0710-342-6112-5**

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 "substantial evidence", which identifies specifically how the proposed conditional use meets each of the standards listed below. Substantial evidence is defined as facts and information other than merely personal preferences or speculation directly pertaining to the requirements and conditions the applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

Written responses such as "see plans" are not acceptable. The applicant must identify what specific portion of the project or plans supports the contention that a standard will be met by including for example a detailed description of compliance with any applicable regulations regarding light, dust, particulate emissions, noise, frequency, vibration, traffic, nuisances, odors, visibility, health, safety welfare and the environment. All written responses to CUP standards must be submitted as part of your Plan Commission Application.

Sec. 62-111, Conditional Use Standards

a. 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. 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. 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. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

e. 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. The conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.

g. 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.

i. That, when applying the standards to any new consecution 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 objectives of the zoning district.

j. In its review, the Plan Commission shall also 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.

    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. (if applicable)

    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.

EXHIBIT A TO PLAN COMMISSION APPLICATION – VILLAGE OF MCFARLAND

Applicant: Anderson-Hood, LLC ("**Owner**") and Grey Duck, LLC ("**Purchaser**")

Property: 4910 Triangle Street, McFarland, WI 53558

Legal Description of Property:

LOT TWO (2) OF CERTIFIED SURVEY MAP NO. 8581 RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR DANE COUNTY, WISCONSIN ON MAY 22, 1997 IN VOLUME 47, PAGES 98 AND 99 AS DOCUMENT NO. 2855827, BEING A DIVISION OF LOTS 17 AND 18, COMMERCE PARK SUBDIVISION LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 10 EAST, VILLAGE OF MCFARLAND, DANE COUNTY, WISCONSIN. (A copy of Certified Survey Map No. 8581 is attached hereto as Exhibit B.)

Current Zoning of Property: C-P, Commercial Park

Adjacent Landowners (within 100 feet):

- 4904 Triangle Street is owned by E&D Real Estate LLC.
- 4909 Triangle Street is owned by 4909 Triangle Street LLC.
- 4915 Triangle Street is owned by Gerald and Janice Helmer.
- 4918 Triangle Street is owned by ACNE Properties LLC.

Existing Building: One, two-story commercial building consisting of approximately 25,000 square feet. (An aerial photo of the Property and Existing Building from 2020 is attached hereto as Exhibit C.)

Background Information:

The Owner and Purchaser are seeking a conditional use permit for L'eft Bank Wine Company Limited, a Wisconsin corporation ("**Operating Company**") to continue to operate its wholesale wine and fine liquor trade business at the Property (NAICS classification 424800). The Operating Company and Purchaser are wholly owned by Mark Johnston. Currently, the Operating Company is the sole tenant and user of the Property, and has continuously been the sole tenant and user of the Property since the building was initially on the Property in 1998. The Operating Company has been a part of the business community in the Village of McFarland for the past 21 years.

By way of background, the Village of McFarland approved building permit #1998-163 on August 17, 1998, and building permit #45-98, dated September 16, 1998, for the initial construction of the building on the Property which was specifically designed for the Operating Company. (Copies of both permits are attached hereto as Exhibit D.) Upon construction completion, the Operating Company began leasing and operating at the Property on or around January of 2000, and has continually operated its business at the Property. In 2006, the Village of McFarland approved building permit #2006-0564, dated August 10, 2006, to add an approximately 7,500 square foot rear addition to the building (the "**Existing Building**"). (Attached here to as Exhibit E is a copy of the building permit, the 2006 site plan submittal, the 2006 revised landscaping plan and partial minutes from the Plan Commission meeting on June 19, 2006, hearing and approving the 2006 addition request.) No other additions or buildings have been constructed on the Property. The Owner and Purchaser are not requesting any changes to the Property or the Existing Building.

The Purchaser has entered into a contract with the Owner to purchase the Property. Unbeknownst to both Purchaser and Owner, based on the Operating Company's NAICS code, a conditional use permit is

required for the Operating Company's business operation at the Property. The Community & Economic Development Director for the Village of McFarland now recommends that Owner/Purchaser obtain a conditional use permit for the Operating Company to continue to operate its business at the Property. Upon the sale, the Operating Company will lease the Property from Purchaser.

The Operating Company is a leading distributor of fine wines and spirits in the state of Wisconsin and operates under NAICS classification 424800 as a wholesaler/trader. Presently, the Operating Company uses approximately 20,000 square feet of the Existing Building for warehousing and the remaining 5,000 square feet as general office space. Under the Property's C-P zoning designation, warehousing/storage and general office are both permitted uses. For all practical purposes, warehousing is no different than wholesaling. The Operating Company employs 10-15 employees at the Property during peak hours and does not permit any direct sales to take place at the Property. The Operating Company delivers its products directly to its customers. Additionally, the Operating Company operates between the hours of 8:00am to 6:00pm, Monday through Friday. The Operating Company plans to continue to operate its business in substantially the same manner. The Owner and Purchaser are not proposing any material changes to the operation of the Property or to any improvements located thereon as part of this request.

The Purchaser and Owner kindly request that the Plan Commission approve a conditional use permit for the Operating Company to continue operating its business at the Property with minimal conditions.

Sec. 62-111, Conditional Use Standards:

a. *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 Operating Company has continuously occupied and used the Property since 2000. The Operating Company has complied with and passed all fire, building and other inspections since occupying the Property. The Operating Company does not permit any direct sales to occur at the Property, and delivers goods sold directly to its customers.

b. *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.*
    - Since 2000, the conditional use has existed in harmony with and has not impaired or diminished the permitted uses and/or other conditional uses within the Commerce Park Subdivision. The Operating Company is a wholesaler of fine wines and liquors and uses the Existing Building on the Property as warehousing and office space, which are permitted uses under the C-P zoning designation. The Operating Company does not produce any noxious odors or excessive noise. Additionally, the Operating Company does not permit direct sales at the Property, which limits traffic congestion to and from the Property.

c. *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.*
    - The Commercial Park Subdivision is substantially or completely developed to date. The Owner and Purchaser are not requesting any further development or improvements to the Property. Additionally, no changes in the use of the Property are being requested.

d. *Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.*

- The Existing Building is serviced by all utilities and the Property has direct access to and from Triangle Street. The Owner/Purchaser are not requesting any further development or improvements to the Property.

e. *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 Property has direct access to and from Triangle Street. No changes in the use of the Property are being requested and there are no anticipated changes in the amount of traffic congestion along Triangle Street or other nearby public streets.

f. *The conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.*
   - Except for the Operating Company's nonconforming use of the Property, to the knowledge of the Operating Company and Owner, there are no zoning violations.

g. *The proposed use does not violate floodplain regulations governing the site.*
   - The Property is not located in a floodplain.

h. *That the proposed use will not violate any applicable regulation in the McFarland Municipal Code or any other applicable law or regulation.*
   - Over the last 21 years, the Property and Operating Company have been subject to routine inspections by the Village of McFarland and U.S. Food and Drug Administration. At this time, the Operating Company has no current knowledge of any violations affecting the Property or the Operating Company.

i. *That, when applying the standards to any new consecution 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 objectives of the zoning district.*
   - The Owner and Purchaser are not requesting any further development or improvements to the Property. Additionally, no changes in the use of the Property are being requested.

j. *In its review, the Plan Commission shall also 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.*

   1. *The maintenance of safe and healthful conditions.*
      - The Operating Company has complied with and passed all fire, building and other inspections since occupying the Property. The Operating Company does not permit any direct sales to occur at the Property, but rather delivers any goods sold directly to its customers.

   2. *The prevention and control of water pollution including sedimentation.*
      - No liquid waste is generated at the Property. The Village of McFarland approved the landscaping plans for the Property to account for storm water run-off and drainage at the Property.

   3. *Existing topographic and drainage features and vegetative cover on the site.*
      - The building perimeter is surrounded on all sides by lawn with several small trees. Additionally, there are two grass medians with trees located in parking lot. More specifically, one of parking medians is located in the middle of the parking lot and one

small median is located between the two driveways on the Property. To the West of the Property, there is a retaining pond just off of Highway 51 that is surrounded by brush and trees. This retaining pond is that is maintained by the Village of McFarland under the Plat of Commerce Park Subdivision and McFarland Commerce Park Subdivision Deed Restrictions and Protective Covenants, as amended.

- There are no proposed changes to the Property or improvements thereon. The existing topographic and drainage features, as well as vegetation and landscaping, as described above, will remain the same. As detailed and depicted above, the Village of McFarland approved the various building permits for the existing structure in 1998 and the addition in 2006.

4. *The location of the site with respect to floodplains and floodways of rivers and streams.*
   - An existing drainage pond is located adjacent to the Property that is maintained by the Village of McFarland under the Plat of Commerce Park Subdivision and McFarland Commerce Park Subdivision Deed Restrictions and Protective Covenants, as amended. The Property is not located near any rivers or streams.

5. *The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.*
   - None.

6. *The location of the site with respect to existing or future access roads.*
   - The Property has direct access to and from Triangle Street.

7. *The need of the proposed use for a shoreland location. (if applicable)*
   - The Property is not located along shoreland.

8. *Its compatibility with uses on adjacent land.*
   - The Operating Company has used the Property for its business since 2000. During that time, the Commerce Park Subdivision and the bulk of the surrounding area has been developed. The Operating Company's use of the Property does not produce any noxious odors or excessively loud noises. To the current knowledge of Operating Company and Owner, there have been no complaints from the neighbors or residents about the wholesaling use of the Property.

9. *The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.*
   - No liquid waste is generated at the Property.

EXHIBIT B TO PLAN COMMISSION APPLICATION – VILLAGE OF MCFARLAND

CERTIFIED SURVEY MAP NO. 8581

(*See attached.*)

FORM NO. 985-A

H.C. Miller

Stock No. 26273

0000850

DANE COUNTY CERTIFIED SURVEY MAP NO. 8581

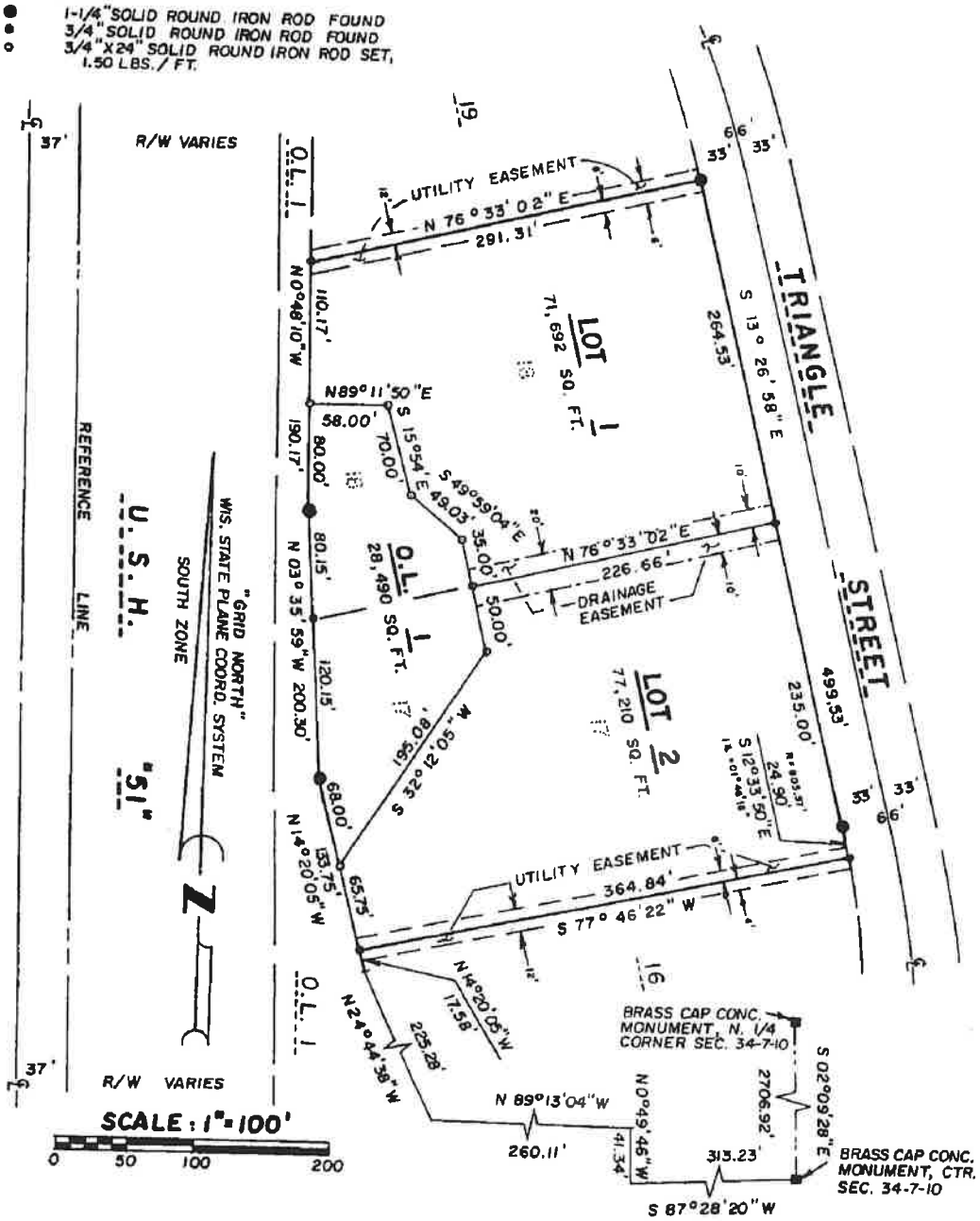
BEING A DIVISION OF LOTS 17 AND 18, COMMERCE PARK SUBDIVISION LOCATED IN THE SE 1/4 OF THE NW 1/4 OF SECTION 34, T7N, R10E, VILLAGE OF MCFARLAND, DANE COUNTY, WISCONSIN.

PREPARED FOR: VILLAGE OF MCFARLAND
ATTN: DENNIS DANCKER
P.O. BOX 110
MCFARLAND, WI 53558-110
(608) 838-3154

PREPARED BY: BADGER SURVEYING & MAPPING SERVICE
2121 N. SHERMAN AVENUE
MADISON, WI 53704
(608) 244-2010

LEGEND

- 1-1/4" SOLID ROUND IRON ROD FOUND
- 3/4" SOLID ROUND IRON ROD FOUND
- 3/4" X 24" SOLID ROUND IRON ROD SET, 1.50 LBS./FT.



DOCUMENT NO. 2855827

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CERTIFIED SURVEY MAP NO. 8581

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PAGE 1 OF 2 PAGES

2/2

FORM NO. 985-A

H.C. TIMMER

Stock No. 26273

0000851

DANE COUNTY CERTIFIED SURVEY MAP NO. 8581

SURVEYOR'S CERTIFICATE:

I, ALDEN G. KAUKL, WISCONSIN LAND SURVEYOR, S-1384, DO HEREBY CERTIFY THAT I HAVE SURVEYED, DIVIDED AND MAPPED A DIVISION OF LOTS 17 AND 18, COMMERCE PARK SUBDIVISION LOCATED IN THE SE 1/4 OF THE NW 1/4 OF SECTION 34, T7N, R10E, VILLAGE OF MCFARLAND, DANE COUNTY, WISCONSIN. I ALSO CERTIFY THAT THIS MAP IS A CORRECT AND ACCURATE REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LANDS SURVEYED AND THE LAND DIVISION THEREOF MADE AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34, WISCONSIN STATUTES AND THE SUBDIVISION REGULATIONS OF THE VILLAGE OF MCFARLAND IN SURVEYING, DIVIDING AND MAPPING THE SAME.

DATE: MAY 21, 1997

Alden G. Kaukl

ALDEN G. KAUKL,
WISCONSIN LAND SURVEYOR, S-1384

WISCONSIN
ALDEN G. KAUKL
S-1384
MADISON, WIS.
LAND SURVEYOR

VILLAGE OF MCFARLAND APPROVAL CERTIFICATE:

APPROVED FOR RECORDING PER VILLAGE OF MCFARLAND ACTION OF April 28, 1997.

DATE: 5-22-97

Don Peter

AUTHORIZED REPRESENTATIVE
VILLAGE OF MCFARLAND

REGISTER OF DEEDS CERTIFICATE:

RECEIVED FOR RECORDING THIS 22 DAY OF MAY, 1997, AT 4:45 O'CLOCK P.M., AND RECORDED IN VOLUME 47 OF CERTIFIED SURVEY MAPS OF DANE COUNTY ON PAGES 98 AND 99.

Jane Licht by Carol Kuespel, Deputy

JANE LICHT, REGISTER OF DEEDS
DANE COUNTY, WISCONSIN

DOCUMENT NO. 2855827

VOLUME 47 PAGE 99

CERTIFIED SURVEY MAP NO. 8581

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PAGE 2 OF 2 PAGES

EXHIBIT C TO PLAN COMMISSION APPLICATION – VILLAGE OF MCFARLAND

2020 AERIAL PHOTO OF PROPERTY AND EXISTING BUILDING

(*See attached.*)

EXHIBIT D TO PLAN COMMISSION APPLICATION – VILLAGE OF MCFARLAND

APPROVED 1998 BUILDING PERMITS

(*See attached.*)

Permit Number: 163-98

BUILDING PERMIT APPLICATION

Date of Application: 8-6-98

The undersigned hereby applies for a permit to build, construct, remodel, or install according to the following statement and as more fully in the plans herewith filed.

Property Owner: 4 LAKES PROPERTIES

Occupant: LEFT BANK WINE CO.

Property Address: 4910 TRIANGLE ST.

Telephone #

Zoning: CP Cubic Feet — Square Feet 15,000 Type of Construction: #6, METAL FRAME UNPRO,

CONTRACTOR INFORMATION

COMPANY NAME, ADDRESS, TELEPHONE NUMBER AND STATE LICENSE NUMBER

General Contractor: McKEE ASSOC.

HVAC Contractor:

Plumbing Contractor:

Electrical Contractor:

Other (Specify):

TYPE AND COST OF CONSTRUCTION (CHECK ONE)

New Building (X) Alteration ( ) Addition ( ) Moving ( ) Garage ( ) Repairs ( ) Wrecking ( )

Esitmated Cost of Completed Construction - Not over $

Permit Fee Due: $ 100.00

New Commercial Construction Fees

.06c per square foot	
Early Start Permit	$100.00
Erosion Control	See Handout

New Residential Construction Fees

0-2000 Square Feet	$110.00
2001-2500 Square Feet	$135.00
2501-3000 Square Feet	$160.00
3001-3500 Square Feet	$185.00
3501-5000 Square Feet	$250.00
5001 or more Square Feet	$250.00+
	$15.00/1000 SF
Early Start Permit	$50.00
Occupancy Permit	
Single Family	$15.00
Multi-Family	$15.00
All Other Uses	$50.00
Sprinkler System	$25.00
Plan Review Fee	
One and Two Family	$30.00
Other Uses	$50.00
Sprinkler System	$25.00
Red Tag/Reinspection Fee	**$30.00**

Alteration, Addition and Repair Work

Under $300.00 (No Inspection Required)		$0
Under $300.00 (With Inspection)		$25.00
$301.00 to $1,000.00		$35.00
Additional fee per $1,000.00 to $25,000.00 of valueor fraction there of		$11.00/$1000
$25,000 and up		$1.00/$1000
Red Tag/Reinspection Fee		**$30.00**
Other Fees (If Applicable): Specify:		
Razing a Building		$20.00
Reroofing/Residing	1st $500	$10.00
Above $500 +		$2.00/$1000
		$
		$
		$
		$

PAID 8-7-98
100.00 EARLY START
400.00 EROSION

* **All Fees Will Be Doubled If Work Is Commenced Prior to Issuance of a Permit.**

* Red Tag/Reinspection Fees are payable **by the Contractor** at the completion of each project.

Company: License #

Address: Telephone #

Application Approved By: M. F. Pflum **DATE:** 8-17-98

Permit Number: 45-98

BUILDING PERMIT APPLICATION

Date of Application: 9-17-98

The undersigned hereby applies for a permit to build, construct, remodel, or install according to the following statement and as more fully in the plans herewith filed.

Property Owner: _____ Occupant: LEFT BANK WINE CO

Property Address: 4910 TRIANGLE ST Telephone # _____

Zoning: CP Cubic Feet 330,000 Square Feet 18045 Type of Construction: METAL FRAME FULLY SPRINKLED

CONTRACTOR INFORMATION

COMPANY NAME, ADDRESS, TELEPHONE NUMBER AND STATE LICENSE NUMBER

General Contractor: McKEE ASSOCIATES

HVAC Contractor: OBERLO HVAC

Plumbing Contractor: FITCHBURG PLMB

Electrical Contractor: KRAUTZ ELECTRIC

Other (Specify): PERTZBORN - FIRE PROTECTION

TYPE AND COST OF CONSTRUCTION (CHECK ONE)

New Building ( ) Alteration ( ) Addition ( ) Moving ( ) Garage ( ) Repairs ( ) Wrecking ( )

Esitmated Cost of Completed Construction - Not over $ 690,000.00

Permit Fee Due: $ 1407.70

New Commercial Construction Fees

✓ .06¢ per square foot X 18045 = 1082.70	
Early Start Permit	$100.00
Erosion Control	See Handout

New Residential Construction Fees

0-2000 Square Feet	$110.00
2001-2500 Square Feet	$135.00
2501-3000 Square Feet	$160.00
3001-3500 Square Feet	$185.00
3501-5000 Square Feet	$250.00
5001 or more Square Feet	$250.00+ $15.00/1000 SF
Early Start Permit	$50.00
✓ Occupancy Permit	
Single Family	$15.00
Multi-Family	$15.00
All Other Uses	$50.00
Sprinkler System	$25.00
✓ Plan Review Fee	
One and Two Family	$30.00
Other Uses	$50.00
Sprinkler System	$25.00
Red Tag/Reinspection Fee	**$30.00**

Alteration, Addition and Repair Work

Under $300.00 (No Inspection Required)		$0
Under $300.00 (With Inspection)		$25.00
$301.00 to $1,000.00		$35.00
Additional fee per $1,000.00 to $25,000.00 of valueor fraction there of		$11.00/$1000
$25,000 and up		$1.00/$1000
Red Tag/Reinspection Fee		**$30.00**
Other Fees (If Applicable): Specify:		
Razing a Building		$20.00
Reroofing/Residing	1st $500	$10.00
Above $500 +		$2.00/$1000
bldg		$ 1082.70
see to plan review		$ 100.00
water impact fee		$ 175.00
Sprinkler		$ 50.00
TOTAL		$ 1407.70

Paid 9-24-98 JL

* **All Fees Will Be Doubled If Work Is Commenced Prior to Issuance of a Permit.**

* Red Tag/Reinspection Fees are payable **by the Contractor** at the completion of each project.

Company: _____ License # _____

Address: _____ Telephone # _____

Application Approved By: M. J. Pilgrim **DATE:** 9-16-98

EXHIBIT E TO PLAN COMMISSION APPLICATION – VILLAGE OF MCFARLAND

DOCUMENTS REGARDING APPROVED 2006 ADDITION

(See attached.)

Village of McFarland
Community Development Department
5915 Milwaukee Street, P.O. Box 110
McFarland, WI 53558

VILLAGE OF MCFARLAND PERMIT APPLICATION

Permit No. 2006-0564

Parcel No. 0710-342-6112-5

PERMIT REQUESTED ☑ Construction ☑ HVAC ☑ Electric ☑ Plumbing ☐ Erosion ☐ Other:

Owner's Name	Mailing Address	Tel.
WILLIAM BACHER	901 PAISLEY COURT VENICE, FLORIDA 34293	941.497.1327

Contractor's Name	Lic/Cert#	Mailing Address	Tel. / FAX
☑ Con ☐ Elec ☐ HVAC ☐ Plbg: McKEE ASSOCIATES INC.		925 WATSON AVE. MADISON 53713	Tel. 271.4900 FAX 271.4957
☐ Con ☑ Elec ☐ HVAC ☐ Plbg: KRAHTZ ELECTRIC		2650 MINE MOUND RD VERONA, WI 53593	Tel. 845.9156 FAX 845.7584
☐ Con ☐ Elec ☑ HVAC ☐ Plbg: CAPITOL MECHANICAL INC.		3444 CAPITOL DR. SUN PRAIRIE, WI 53590	Tel. 241.9342 FAX 837.0278
☐ Con ☐ Elec ☐ HVAC ☑ Plbg: PERTZBOLD PLUMBING & FIRE PROTECTION		802 JOHN NOLEN DR. MADISON, WI 53713	Tel. 256.3900 FAX 256.5004

PROJECT LOCATION Lot area Sq. ft. of Section , T N, R E (or) W

Building Address 4910 TRIANGLE MCFARLAND WI 53558 | Subdivision Name | Lot No. | Block No.

Zoning District(s)	Zoning Permit No.	Setbacks:	Front ft.	Rear ft.	Left ft.	Right ft.

Project Description: 7,500 ☐ REAR ADDITION TO EXISTING FACILITY

1. PROJECT	3. OCCUPANCY	6. ELECTRICAL	9. HVAC EQUIPMENT	12. ENERGY SOURCE
☐ New ☐ Repair ☐ Alteration ☐ Raze ☑ Addition ☐ Move ☐ Other:	☐ Single Family ☐ Two Family ☐ Garage ☑ Other: COMM	Entrance Panel Amps: ☐ Underground ☐ Overhead	☐ Forced Air Furnace ☐ Radiant Baseboard/Panel ☐ Heat Pump ☐ Boiler ☐ Central Air Conditioning ☐ Other:	Fuel / Nat Gas / LP / Oil / Elec. / Solid / Solar; Space Htg; Water Htg; ☐ Dwelling unit has 3 kilowatt or more electric space heating equip. Infiltration control option is ☐ Sealing of all joints ☐ Blower door test. ☐ Exterior air infiltration barrier
2. AREA INVOLVED	**4. CONST. TYPE**	**7. FOUNDATION**	**10. SEWER**	**13. HEAT LOSS (Calculated)**
Unfin. Bsmt ____ Sq Ft; Living Area ____ Sq Ft; Garage ____ Sq Ft; TOTAL 7500 Sq Ft	☐ Site-Built ☐ Mfd: ☐ UDC ☐ HUD	☑ Concrete ☐ Masonry ☐ Treated Wood ☐ Other:	☐ Municipal ☐ Septic Permit No.:	Envelope ____ BTU/HR; Infiltration ____ BTU/HR
	5. STORIES	**8. USE**	**11. WATER**	**14. EST. BUILDING COST**
	☑ 1-Story ☐ 2-Story ☐ Other: ☐ Plus Basement	☐ Seasonal ☐ Permanent ☐ Other:	☐ Municipal Utility ☐ Private On-Site Well	$ 392,469

I agree to comply with all applicable codes, statutes and ordinances and with the conditions of this permit; understand that the issuance of the permit creates no legal liability, express or implied, on the state or municipality; and certify that all the above information is accurate. If I am an owner applying for an erosion control or construction permit, I have read the cautionary statement regarding contractor financial responsibility on the reverse side. I expressly grant the building inspector, or the inspector's authorized agent, permission to enter the premises for which this permit is sought at all reasonable hours and for any proper purpose to inspect the work which is being done.

APPLICANT'S SIGNATURE [signature] **DATE SIGNED** 8/8/2006

FEES:	
Early Start	200.00
Building	675.00
Electrical	222.50
Plumbing	91.25
HVAC	222.50
MMSD	
Park Fund	
Erosion Control	350.00
Wis. Seal	
Occupancy	75.00
Water Impact	
Stormwater	
Other:	
TOTAL:	$ 1836.25

APPROVAL CONDITIONS The permit is issued pursuant to the following conditions. Failure to comply may result in suspension or revocation of this permit or other penalty.

(1) Per all conditions of State of WI approvals
(2) Per all conditions of Plan Commission approval of 6-20-06
(3) Fire suppression to be app. + insp by McFarland Fire

ISSUING JURISDICTION		Municipality Number of Dwelling Location
	☑ Village ☐ City ☐ State of: WI Village of McFarland	13-154

PERMIT(S) ISSUED	WIS. PERMIT SEAL #	PERMIT ISSUED BY:
☑ Construction ☑ HVAC ☑ Electrical ☐ Plumbing ☐ Erosion ☐ Other:	(For New UDC Homes Only) pd rec 10208 10263	Name M.7 Plgn; Date 8-10-06; Cert. No. 70540

Copies to: Issuing Jurisdiction, State (if new dwelling), Inspector, and Owner/Agent

Village of McFarland

COPY

June 6, 2006

NOTICE TO INTERESTED RESIDENTS

On Monday, June 19, 2006 there will be a Plan Commission Meeting to discuss the possible approval of a site plan submitted by William Bacher to construct an addition to the L'eft Bank Wine Company located at 4910 Triangle St.

Time & Date: 7:00 p.m., Monday, June 19, 2006
Location: Community Room, McFarland Municipal Center

If you have any questions regarding this meeting, please feel free to contact the Community Development Department at 838-3154. You may submit your written comments to the Plan Commission before June 19, 2006. The mailing address is:

Village of McFarland
Community Development Department
P.O. Box 110
McFarland, WI 53558

5915 Milwaukee St. • P.O. Box 110 • McFarland, WI 53558-0110 • FAX: (608) 838-3619

Administration	Community Development	EMS	Fire	Outreach	Police
838-3153	838-3154	838-3152	838-3278	838-7117	838-3151

COPY

MAY 24 2006

SITE DATA

LOT 2 C.S.M. #8581
VILLAGE OF MCFARLAND, DANE COUNTY

LOT AREA: 77,155 S.F.

BUILDING AREA:
- EXISTING 15,000 S.F. (19.4%)
- PROPOSED 7,580 S.F. (9.7%)
- TOTAL 22,580 S.F. (29.1%)

PAVED AREA:
- EXISTING 17,518 S.F. (22.7%)
- PROPOSED 2,916 S.F. (3.7%)
- TOTAL 20,434 S.F. (26.4%)

TOTAL IMPERVIOUS AREA:
- EXISTING 32,518 S.F. (42.1%)
- PROPOSED 10,416 S.F. (13.5%)
- TOTAL 42,934 S.F. (55.6%)

OWNER
WILLIAM BACHER
901 PAISLEY CT
VENICE, FLORIDA 34293

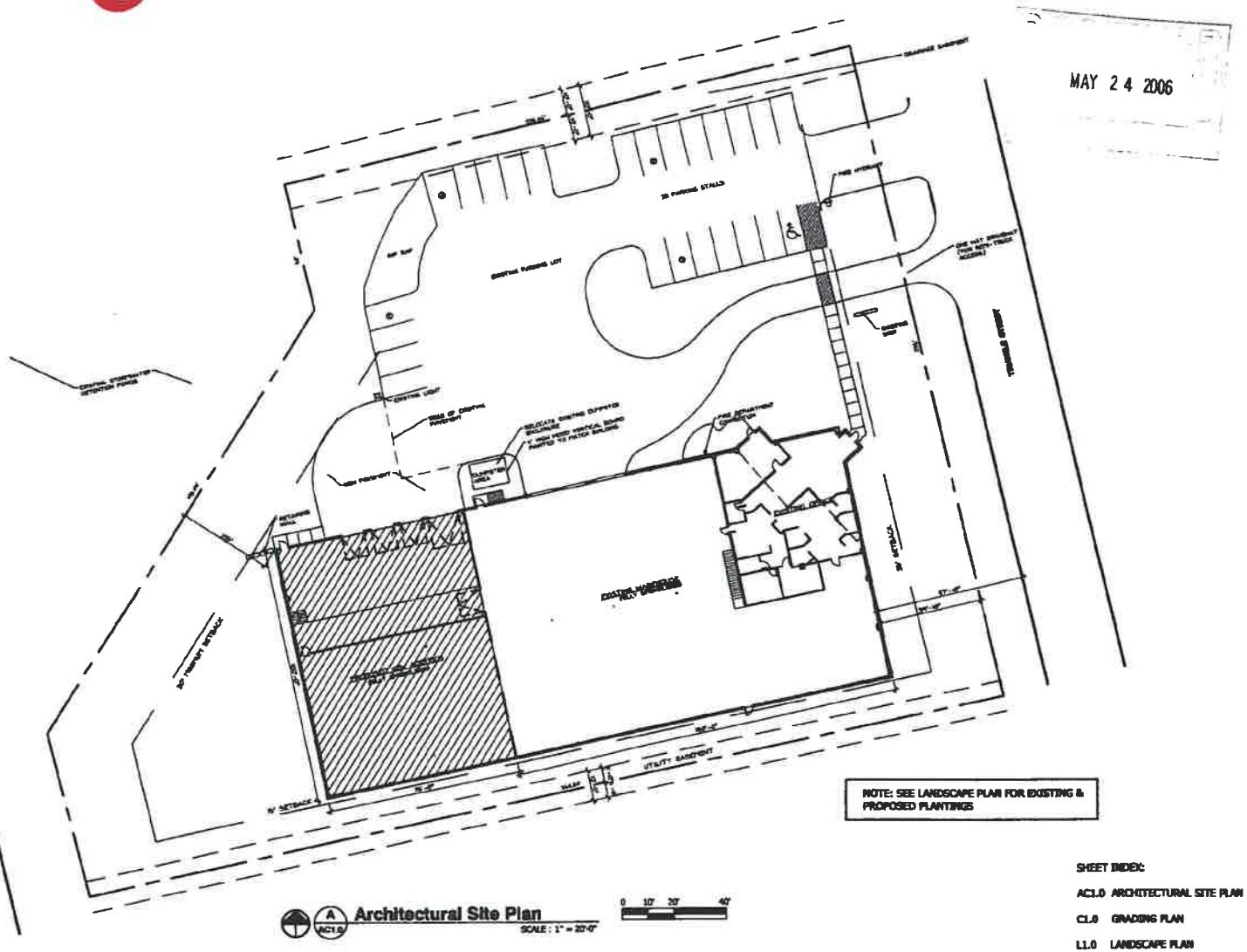
TENANT
L'EFT BANK WINE COMPANY
4910 TRIANGLE STREET
MCFARLAND, WISCONSIN
PH: 608-838-0400
ATTN: FRANK JOHNSTON

GENERAL CONTRACTOR
MCREE ASSOCIATES, INC.
925 WATSON AVENUE
MADISON, WISCONSIN 53713
PH: 608-271-4900
ATTN: MIKE HAAS

ARCHITECTURE
JGS ARCHITECTS, INC.
102 SOUTH WASHINGTON STREET
PO BOX 1024
SPRING GREEN, WISCONSIN 53588
PH: 608-588-3691
FAX: 608-588-3582
ATTN: BRIAN STODDARD

CIVIL ENGINEER
CALKINS ENGINEERING,LLC
5910 VOGES ROAD
MADISON, WISCONSIN 53718
PH: 608-838-0444
FAX: 608-838-0445
ATTN: MATT MORRIS

LANDSCAPE ARCHITECT
LANDSCAPE ARCHITECTURE
5806 SOUTH HILL DRIVE
MADISON, WISCONSIN 53705
PH: 608-233-6909
FAX: 608-233-6941
ATTN: JOE HANAUER



NOTE: SEE LANDSCAPE PLAN FOR EXISTING & PROPOSED PLANTINGS

A AC1.0 **Architectural Site Plan**
SCALE: 1" = 20'-0"

0 10' 20' 40'

SHEET INDEX:

AC1.0	ARCHITECTURAL SITE PLAN
C1.0	GRADING PLAN
L1.0	LANDSCAPE PLAN
A2.0	EXTERIOR ELEVATIONS

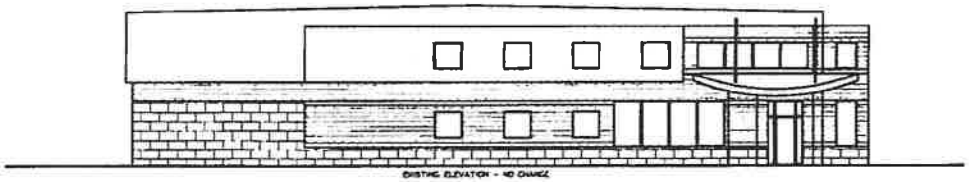
JGS ARCHITECTS INC.

L'eft Bank Wine Company
McFarland, Wisconsin

Date: 5-19-2006

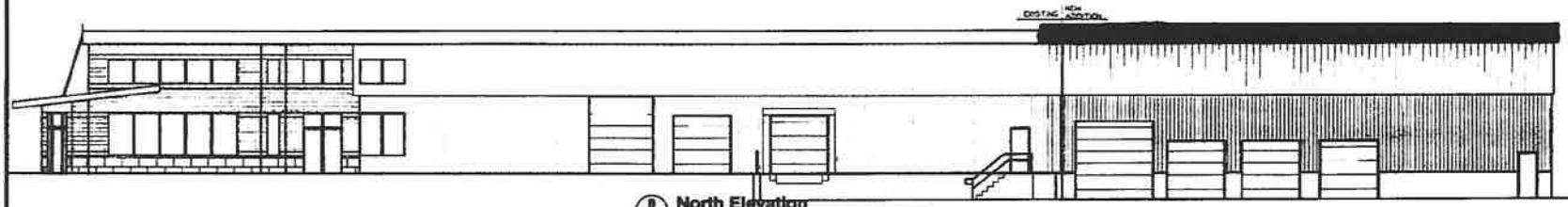
Drawing Name: Architectural Site Plan

Project Number: 0622 | Sheet No.: AC1.0



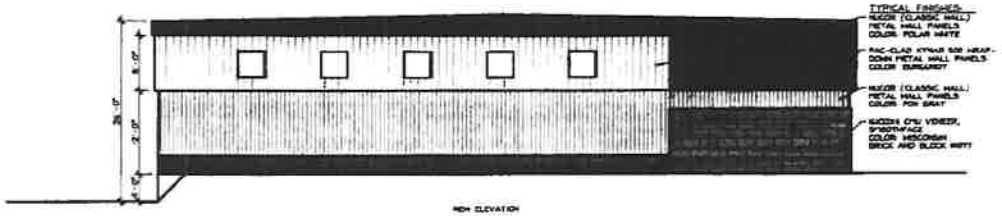
A A2.0 **East Elevation**

SCALE : 1/8" = 1'-0"



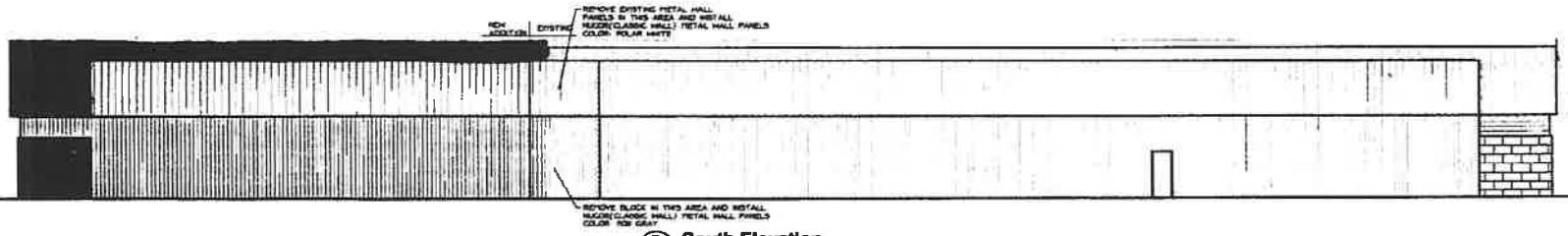
B A2.0 **North Elevation**

SCALE : 1/8" = 1'-0"



C A2.0 **West Elevation**

SCALE : 1/8" = 1'-0"



D A2.0 **South Elevation**

SCALE : 1/8" = 1'-0"

JGS ARCHITECTS INC.

L'eft Bank Wine Company
McFarland, Wisconsin

Date
5-12-2006

Elevations

Project Number: 0622

Sheet No.: A2.0

BBG Investments LLP
4904 Triangle St.
McFarland, WI 53558

Gerald & Janice Helmer
4915 Triangle St.
McFarland, WI 53558

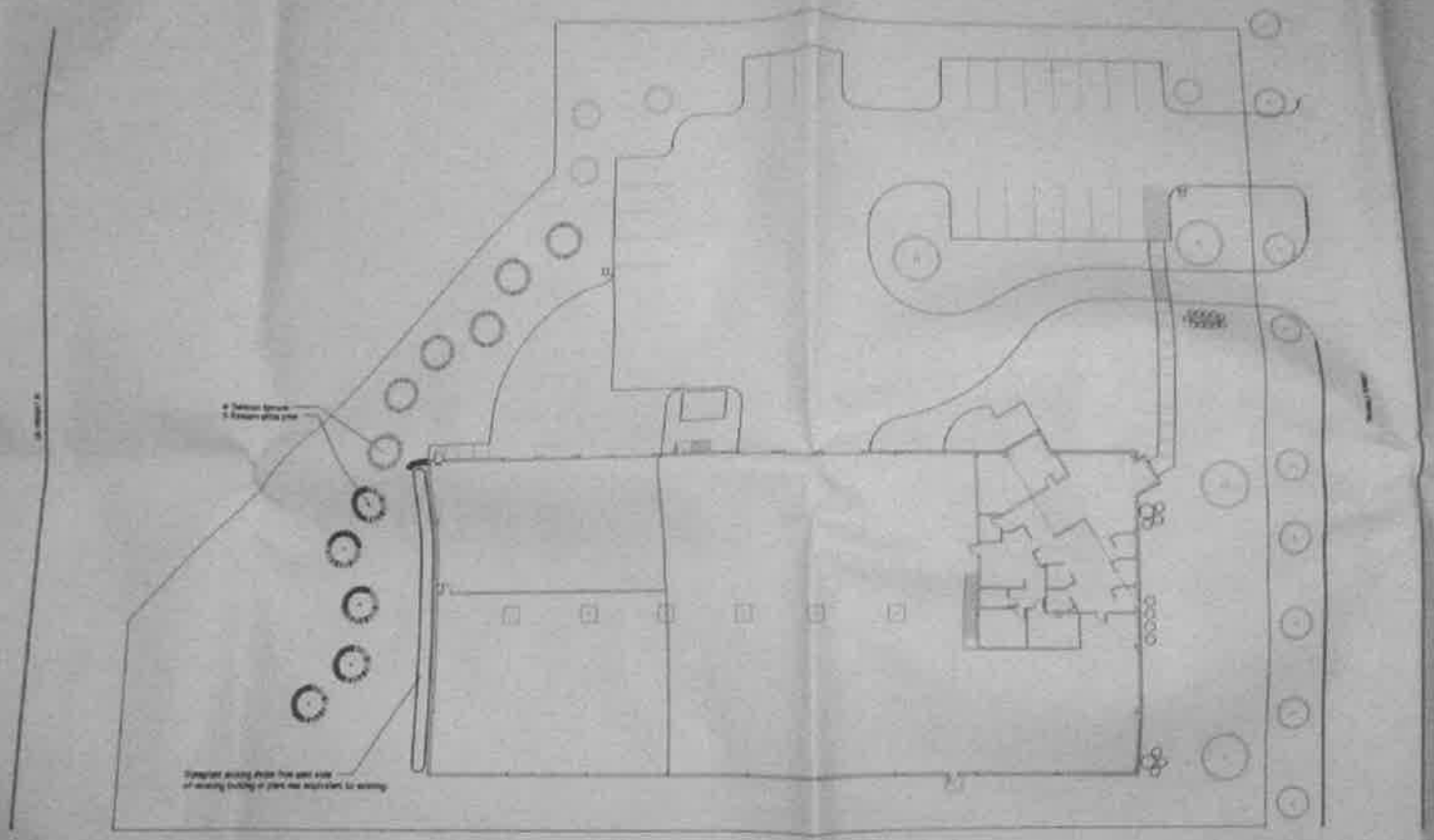
Seeblick Investments LLC
3045 W. Rangeline Ct.
Mequon 53092

First Holdings LLC
4920 Triangle St.
McFarland, WI 53558

Community Publication
Fred Schoepp 2819
USH 51 McFarland, WI 53558

S & R Holdings
4921 Triangle St.
McFarland, WI 53558

Current Owner
3162 Waucheeta Trl
Madison, WI 53711



PLANT LIST

Quantity	Planting Size	Scientific name	Common name	Points	Total Points
4	6' BB	Picea pungens	Serbian Spruce	40	160
4	6' BB	Picea omorika	Colorado white pine	40	160
				Total Points	440

MINIMUM LANDSCAPING POINTS

Building Foundation	40 points per 300 linear feet	300 linear feet	40
Gross Floor Area	10 points per 1000 square feet	5000 square feet	5
Street Frontage	40 points per 300 linear feet	0 linear feet	0
Parked Area	40 points per 10,000 square feet	7844 square feet	32
		Required Points	76

LANDSCAPE PLAN

L'EFT BAN
WINE COM

TRIANGLE STREET
HOMELAND, WASHIN

SCALE

DATE
DESIGN
REVISION

PLAN #

VILLAGE OF MCFARLAND *NOTICE OF PUBLIC MEETING*

PLAN COMMISSION

Monday, June 19, 2006 **7:00 P.M.** **Municipal Center Community Room**

AGENDA

1. Call to order.

2. Review and possible approval of minutes from the May 15, 2006 Plan Commission meeting.

3. Public Hearing – Review and possible action on a Certified Survey Map submitted by James Brussock to create a zero lot line duplex lot. The addresses are 5115 and 5117 Linden Parkway. The property is zoned R-2.

4. Public Hearing – Review and possible recommendation to the Village Board on Ordinance No. 2006-12 regarding a request by K&K Enterprises to rezone Lot 2 CSM No. 2667, 4517 Triangle St. from C-P Commercial Park to M-IC Manufactured Intensive Commercial.

5. Public Hearing – Review and possible Action on a request by K&K Enterprises for a Conditional Use Permit to allow trucking operations at 4517 Triangle St.

6. Public Hearing - Review and possible recommendation to the Village Board on Ordinance No. 2006-11 amending Section 13-1-224 (e) (6) of the municipal code regarding the appeals procedure for Site/Design review.

7. Review and possible action on Resolution No. 10-2006 amending the Village of McFarland Comprehensive Plan to remove property owned by Tom Gannon from parkland and environmental corridor to single-family residential – sewered.

8. Review and possible action on a site /design plan submitted by A-1 Budget Warehouses Inc. to construct a Walgreens at 4605 and 4611 Larson Beach Rd. The property is zoned C-G General Commercial.

9. Review and possible action on a site/design plan submitted by William Bacher of L'eft Bank Wine for a 7,500 sq. ft. addition to their existing facility at 4910 Triangle St. The property is zoned C-P Commercial Park.

10. Discussion only – Presentation by Norm Herro to request an amendment to the Village of McFarland Comprehensive Plan.

11. Continued discussion relating to amendments to Section 13-1-82 (d) (2) of the Municipal Code relating to non-conforming structures.

c. The width of the proposed forty (40) foot wide driveway opening onto Lake Edge Road will be subject to review and approval by the Public Works Committee.
d. Another matching column line and set of windows is to be added to the north elevation of the building.
e. Fire Department approval of the hydrant and Fire Department connection locations.
f. Review and approval by staff and the Village attorney of the agreement detailing the cost sharing of curb and gutter, sidewalk, and storm sewer improvements and the permitting of a future access connection to properties to the south.
g. Add eight (8) shrubs along the north frontage to block car lights from shining into the homes across Larson Beach Road. Add landscaping to screen the new location of the transformer.
h. Staff approval of a revised light lighting plan to include cut off fixtures. Modify number and placement of light poles to comply with the maximum .5 foot candles at the property lines.
i. Adding appropriate "no left turn" provisions at the driveway exit onto Lake Edge Road.
j. Specify the day and time of semi-truck deliveries based on input from Walgreen's at the next Plan Commission meeting.
k. Review and approval by staff of the final landscaping plan.
l. Painting the overhead door and protective bollards on the west elevation to blend with the building colors.

Obst left the meeting and 9:36 p.m.

9. Review and possible action on a site/design plan submitted by William Bacher for a 7,500 square foot addition to the L'Eft Bank Wine facility at 4910 Triangle Street. The property is zoned (C-P) Commercial Park.

Mike Haas, of McKee Associates, presented the site/design plans and answered questions. The building was originally designed for such an addition off the west end and the materials/colors of the addition were designed to match the existing building. Jenkins confirmed that the original stormwater management measures for the site were sized with sufficient capacity to accommodate the expanded building. Most of the Commission discussion related to landscaping details and to the color/screening of the overhead doors. Motion by Plotkin, seconded by Kensgaard and carried unanimously to approve the site/design plans for the addition to L'Eft Bank Wine building at 4910 Triangle Street, subject to the following conditions, and to grant a variance to the current requirements for minimum amount of non-metallic finishes on the exterior of the building:

a. Approval by the Village engineer of the final erosion control plan.
b. The color of the new overhead doors should be painted to match the existing doors.

c. Review and approval by staff of a revised landscaping plan which will incorporate five (5) new large evergreens and two (2) additional deciduous trees to better screen the west and north elevations from Highway 51.

10. Presentation by Norm Herro requesting an amendment to the Comprehensive Plan.

Norm Herro, owner of lands in the Town of Dunn, read into the record a request that the Plan Commission amend the Comprehensive Plan to restore language that was modified by the Village Board when they adopted the Plan on March 27th. The Specific request was to restore the following language at the end of Chapter Nine, Section B.2.

> "The Village should amend its *Plan* if warranted under any further intergovernmental agreements reached with neighboring towns and city, and if the existing intergovernmental agreement expires, is amended, or is voided."

Boness raised the question of whether the circumstances of this situation were unusual enough to merit separate consideration of this request or whether it should be considered as part of the annual amendment policy suggested by the Plan itself. Boness asked if Commissioners wanted any additional information prior to considering a resolution, i.e. conformance to goals and objectives of the Plan. Commissioners were satisfied with the information presented. Klar thought the situation was similar to the River Edge amendment and supported moving ahead now. Plotkin preferred to wait until the outcome of the current lawsuit challenging the legality of the Intermunicipal Agreement with the Town of Dunn is decided as that may render the proposed amendment moot. Following further discussion, the Commission directed staff to have a resolution expressing support for the amendment for consideration at the July meeting.

11. Continued discussion relating to amendments to Section 13-1-82 (d)(2) of the Municipal Code relating to non-conforming structures.

The Commissioners reviewed a draft ordinance containing proposed amendments pertaining to non-conforming structures as discussed previously by the Commission. The ordinance had been drafted to comply with recent changes in applicable State Statutes. The Commission directed staff to schedule the required public hearing on the proposed ordinance for the July meeting.

12. Review and possible action on a Request for Proposal for consulting services regarding preparation of a Neighborhood Plan for the eastside growth area.

Due to the late hour and the need to further explore what related planning services might be available through a demonstration project of the newly created

TOWN & COUNTRY
ENGINEERING, INC.

June 11, 2021

Mr. Andrew Bremer, AICP
Community & Economic Development Director
Village of McFarland
5915 Milwaukee Street
P.O. Box 110
McFarland, WI 53558

Subject: 4910 Triangle Street Conditional Use Submittal Review

Dear Andrew:

We have received the Conditional Use application plans included in the May 11, 2021 Conditional Use Submittal for continuing an existing use at 4910 Triangle Street.

We have no concerns for the existing and continued use of the property as presented.

Very truly yours,
TOWN & COUNTRY ENGINEERING, INC.

Brian R. Berquist, P.E.
President

cc: Mr. Jim Hessling, Director of Public Works, Village of McFarland *(5915 Milwaukee Street, P.O. Box 110, McFarland, WI 53558)*

Mr. Matthew Schuenke, Administrator, Village of McFarland *(5915 Milwaukee Street, P.O. Box 110, McFarland, WI 53558)*

BRB:sai
J:\JOB#S\McFarland\MC-00-00\Correspondence\2021\4910 Triangle Street Review Letter.docx

VILLAGE OF McFarland
Police Department
5915 Milwaukee St, McFarland, WI 53558 | 608.838.3151 | www.mcfarland.wi.us/police
Aaron P. Chapin | Chief of Police

DATE: June 10, 2021

TO: Andrew Bremer – Community and Economic Development Director

FROM: Aaron P. Chapin, Chief of Police

REFERENCE: Recommendation of Approval

I have reviewed the Conditional Use Permit application for 4910 Triangle St and do not have any issues with the plan as presented.

Respectfully,

Aaron P. Chapin
Chief of Police

www.mcfarland.wi.us | 5115 Terminal Drive, McFarland, WI 53558 | 608.838.7287

June 10, 2021

Andrew Bremer
Community & Economic Development Director
5915 Milwaukee Street
McFarland, WI 53558

RE: 4910 Triangle Street

Andrew,

I would like to take this opportunity to comment on the Conditional Use Permit at the above mentioned address.

The department of public works does not have any issue with this plan as presented.

Sincerely,

James R. Hessling
Director of Public Works

McFarland Fire & Rescue Department
5915 Milwaukee Street • PO Box 110 • McFarland, WI 53558-0110
(608) 838-3278 • Fax: (608) 838-3619
Emergency: 911

June 9, 2021

Andrew Bremer, AICP
Community & Economic Development Director
5915 Milwaukee St.
McFarland, WI 53558

RE: Left Wine Bank at 4910 Triangle Street

Dear Andrew,

Currently there are not any outstanding fire code violations or fire prevention concerns with the property or the business at 4910 Tringle Street in the Village of McFarland.

If you have any questions regarding the above, please contact me via phone at 608-838-3278 or via email at mitchell.sutter@mcfarland.wi.us

Sincerely,

Mitchell Sutter

Mitchell Sutter
Fire Inspector/Public Education Specialist

Cc: Chris Dennis, Fire & EMS Chief (McFarland Fire & Rescue Department)

VILLAGE OF
McFarland

SUMMARY SHEET

MEETING DATE: **Monday, July 19, 2021**

SECTION: **Business**

DEPARTMENT: **Community Development**

CONTACT: **Andrew Bremer, Comm & Eco Dev Director**

AGENDA ITEM: **Discussion and possible action regarding a Conditional Use Permit (CUP), requested by Wisconsin Power and Light & Alliant Energy for a natural gas regulator station, at Grand View Lot 3, parcel 0610-023-5350-7, (approximate northwest corner of Creamery Road and Elvehjem Roads), McFarland, WI property zoned CO Conservancy.**

PREVIOUS ACTION:
May 17, 2021, public hearing held by the Plan Commission on the Conditional Use Permit.
June 21, 2021, Plan Commission postponed action.

ISSUE SUMMARY:
Summary of Request
Wisconsin Power & Light and Alliant Energy have petitioned the Village to install a 20'x20' natural gas regulator station on Grand View Lot 3; considered the Southern Unit of Grandview Conservancy Park. The site is in the vicinity of existing underground natural gas mains. The property is owned by the Village, zoned CO Conservancy District, and within a designed Capital Area Regional Planning Commission (CARPC) Environmental Corridor. "Utility lines and pumping stations" are a conditional use in the CO District. Applicants are seeking approval of a conditional use permit, and associated site/design review application and easement, the latter will require Village Board approval after consideration of the CUP and site/design application by the Plan Commission. The packet includes the applicant's Plan Commission Application, including responses to the Conditional Use Standards in Sec. 62-111 (as revised), site/design checklist, easement document, and example images of similar installations.
Representatives from Alliant Energy provided an overview of their request at the public hearing held for the project at the May 17th Plan Commission meeting, and again at the June 21 meeting. Based on input received at the May meeting the Applicant has provided additional supplemental materials including a summary of their environmental review and a revised landscaping plan which are included in the packet, along with revised responses to the CUP standards.

The regulator station will replace an existing underground regulator station that is located on Village property further north on the east side of Creamery Road (parcel 0610-023-3350-1), adjacent to the rear yard of 5702 Country Walk. The existing site is part of the Northern Unit of Grandview Conservancy Park, and is also zoned CO and within the CARPC Environmental Corridor.

Alliant has field staked the location of the proposed station (pink stakes) for informational purposes. The station is proposed to be built on a gravel pad and the applicants propose to screen the regulator station with a locked 6' chain-link fence which will include green privacy slats similar to the representative image in the packet. Bollards will also be placed on the inside of the fence for safety. The original application included planting arborvitae around the entire station per initial request by Village Public Works Staff. However, upon further discussion, Public Works Staff requested an alternative species as deer and drought conditions are likely to prevent the establishment and survival of the arborvitae. Preferred species include: Little Bluestem (Schizachyrium scoparium), Prairie Dropseed (Sporobolus heterolepis), or New Jersey Tea (Ceanothus americanus). Staff have also requested a 2' gravel pad around the perimeter of the fence to limit the need to trim vegetation along the fence line. Per Village Staff request, Alliant would also provide a 16-foot area around the fence with planted grass which the Village would mow once the grass is established. This grass area would provide a fire break for future prairie prescribed burns completed by Village Staff. Alliant has submitted a revised landscaping plan that addresses Public Works Staff requests for consideration by the Plan Commission. Per Village Staff request, Alliant would also agree to removing the invasive tree/brush growth in approximately the southern 350 feet of the Grandview Conservancy, refer to image in the Village Engineer's Staff Report dated May 5, 2021. This will aid Village Staff efforts to restore the area with native plantings per the Village's 2007 Management Plan for Conservancy Parks. Note, in order to incorporate the new screening species, Alliant needed to expand the entire are to 26' x 26'; however, the station footprint did not change. Staff recommends as a condition of approval revising the easement to include the revised landscape area.

Conditional Use Permit

"Utility lines and pumping stations" are a conditional use in the CO District. Sec. 62-108(a)(5) of the Zoning Code requires CUP applicants to provide a detailed written description and proof meeting the substantial evidence standard showing how each of the standards set forth in Sec. 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. Sec. 62-105 defines "substantial evidence" as 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. The packet includes the Developer's responses to the conditional use standards in Sec. 62-111. Sec. 62-114 provides that prior to granting of any conditional use the Plan Commission 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 Sec. 62-111. In the Director's opinion, the written responses to the standards have been reasonably met, subject to addressing the staff comments provided in the packet, and those additional conditions the Plan Commission may seek.

At the June 21, 2021 Plan Commission meeting, the Plan Commission discussed the Applicant's responses to the standards for conditional uses under Sec. 62-111. The Plan Commission (in the majority) reached a preliminary determination that the Applicant's responses were satisfactory

for all items in Sec. 62-111, save sub. (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*. The Plan Commission postponed action and requested the Applicant provide additional information regarding their response to this portion of the standards. The packet includes the Applicant's revised response. In the Director's opinion, the establishment, maintenance and operation of the proposed regulator station will not substantially impair or diminish the uses, values, and enjoyment of other property in the neighborhood. The proposed station provides a utility service which aids in the use, value, and enjoyment of other property in the neighborhood. As noted by the Applicant, the proposed site places the regulator station further from surrounding residences then the existing site and the Applicant has proposed several design considerations to minimize the view of the station from other property in the neighborhood. The proposed location also places the regulator station further from a public trail then the existing site. While the proposed site may be more visibly noticeable as an above ground installation, versus the existing pit designed station, the Applicant has proposed several design enhancements to improve the aesthetics of the project and the installation itself is small in size rendering it less noticeable to adjacent property owners and trail users, and requiring only a small portion of Grand View Lot 3 in an area located to minimize habitat restoration plans for the remaining property.

At the June 21 Plan Commission meeting there was general discussion regarding what is "substantially impaired" and "substantial evidence". "Substantial evidence" is already defined under Sec. 62-105, noting that part of said definition includes "that reasonable persons would accept in support of a conclusion." Similarly in determining whether uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner "substantially impaired" (i.e. significantly or sizably impaired) by the proposed conditional use, the basis of this determination can also be viewed from the lens of what reasonable persons would accept in support of a conclusion. The packet includes two additional resources for informational purposes that further discuss the changes to conditional use permit reviews resulting from 2017 Wisconsin Act 67. The first is a memo from the Village Attorney to the Plan Commission dated November 15, 2018 and the second is from UW-Madison Planning and Law Professor Brian Ohm.

Site Design Review

Site Design Review is required under Sec. 62-310 for any development for which the applicant is a public utility. There are no setback or minimum landscape point requirements under Sec. 62-72 for development in the CO District. The proposed station may be considered similar to an accessory structure given its characteristics. Accessory structures are required to be three feet from the lot lines, which would be provided as submitted. The existing site is flat and the applicant proposes to grade and install a seed mix/landscaping per the prior description. No buildings, additional access, parking areas, or lighting are proposed with the application.

Other Village Staff Comments

The packet includes review letters provided by the Village Engineer, Police Chief, and Fire & Rescue Department. The Village Attorney has provided recommended revisions to the

submitted easement. Alliant has indicated their acceptance of these revisions; however, further revisions are necessary to incorporate the revised landscaping plan. These revisions can be prepared by Alliant and reviewed by the Village Attorney prior to action on the easement by the Village Board.

Public Comments
The packet includes a copy of the two written public comments received by the Department prior to the May public hearing along with the minutes from the public hearing.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:
The property is identified in the Public Lands, Recreation, and Environmental Corridor Future Land Use category of the Village's Comprehensive Plan. Figure 4.1 describes the Typical Implementing Zoning Districts as including the CO Conservancy District. Utility and Community Facilities Policy #1 provides the following general statement requiring utilities: Ensure that utility systems have adequate capacity to serve existing customers, and expand capacity if necessary to serve future needs. UCF Policy #3 also states: Coordinate utility and community facility planning with land use, transportation, natural resource, and recreation planning. The property is also part of the Village's 2007 Management Plan for Conservancy Parks. This plan recommends the removal of invasive species and overstocked woody species from the conservancy to allow the establishment of desired prairie species.

ORDINANCE REFERENCE:
Sec. 62-69, Permitted Uses CO District
Sec. 62-72, Bulk Standards CO District
Subdivision II, Conditional Uses
Sec. 62-311, Site Design Review

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:
Motion to approve the Conditional Use Permit, as submitted including revised landscaping plan, by Wisconsin Power and Light & Alliant Energy for a natural gas regulator station, at Grand View Lot 3, parcel 0610-023-5350-7, with the following conditions:

1. Village Board approval of the associated project easement. Applicant to revise the easement in the Village Attorney's staff letter dated June 15, 2021 to include the area within the revised landscaping plan for review by the Village Attorney prior to consideration of the easement by the Village Board.
2. Applicant to provide site invasive tree/brush removal services as outlined in the Village Engineer's staff review letter dated May 5, 2021. Applicant to contact the Director of Public Works to coordinate removal prior to completion of said services.

ATTACHMENTS:
1. Grand View Lot 3 Revised Conditional Use Standards_7_15_21
2. Grand View Lot 3-WisconsinPowerLight-Application-03.15.21

VILLAGE OF
McFarland

3. WPL-Alliant Example Images of Fence and Station
4. Creamery Rd Reg Station Landscape Screening_061621
5. Creamery Rd Reg Station Environmental Permits Letter-06.14.21
6. Village Attorney Memorandum - Alliant Energy Gas Regulation Station - 6-15-21
7. Police Ltr-Alliant Natural Gas Regulation Station-06.10.21
8. Village Engineer-Aliiant Energy Gas Regulation Station-05.05.2021
9. McFarland Fire & Rescue-Alliant Energy Gas Regulation Station-03.26.2021
10. Kathy Pease Comments to Plan Commission
11. Nancy Skeffington Comments to Plan Commission - Alliant Energy CUP request
12. Outline of Changes in the CUP review process 11.19.18
13. Perspectives on Planning-Conditinal Uses After Act 67

Updated Submittal for July 19, 2021
Plan Commission Meeting

VILLAGE OF McFarland
Community & Economic Development

Applicant - Owner	Wisconsin Power and Light	Applicant's Agent	Jordan Oosterhouse
Address	4902 North Biltmore Lane, Madison, WI 53718	Address	459 Rosewood Dr, Waupun, WI 53963
Email		Email	jordanoosterhouse@alliantenergy.com
Phone #		Phone #	920-382-8816
Fax #		Fax #	
Project Site Address		Parcel No.	

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 "substantial evidence", which identifies specifically how the proposed conditional use meets each of the standards listed below. Substantial evidence is defined as facts and information other than merely personal preferences or speculation directly pertaining to the requirements and conditions the applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

Written responses such as "see plans" are not acceptable. The applicant must identify what specific portion of the project or plans supports the contention that a standard will be met by including for example a detailed description of compliance with any applicable regulations regarding light, dust, particulate emissions, noise, frequency, vibration, traffic, nuisances, odors, visibility, health, safety welfare and the environment. All written responses to CUP standards must be submitted as part of your Plan Commission Application.

Sec. 62-111, Conditional Use Standards

a. 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 proposed reg. station will replace the existing reg. station pit that is located along Creamery Rd. It will provide the residents of McFarland with safe and reliable natural gas service. It will be protected from the public via a locked chain-link fence and bollards inside the fence to prevent vehicle damage. The proposed station will also be further from the roadway helping reduce the threat of vehicle damage. Additionally, the proposed station will also have natural vehicle protection via the large tree that is currently located between the proposed station and Creamery/Elvehjem Rd. It will be screened with various native grasses and shrubs to help blend it into the proposed prairie restoration area to the north. The current reg. station pit has 11 homes located within a 350' radius of the station. The proposed location will have 0 homes located within that same radius.

b. 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 definition of substantially impaired per Law Insider is a dwelling unit or premises that has been deemed unfit for human habitation by a governmental authority or is in a condition that renders more than half of the dwelling unit or premises unusable by the tenant or that has caused a failure of utilities to the dwelling unit or apartment for a period of more than three days. The parcel in which the proposed easement is being requested is approximately 7.3 acres. The proposed easement area for the reg station is 20' x 20' or 400 sq. ft. This area represents 0.125% of the entire parcel or premise. Per the definition above, the proposed station will not substantially impair the use of the conservancy property as it will not cause the parcel to be deemed unfit for human habitation, and it will occupy an area smaller than the requirement of rendering more than 50 percent of the conservancy area unusable.
The most significant change to the conservancy area will be the visual impact of the station from the bike path. The closest neighbor is located just outside of the approximately 350' radius discussed in part a above. This resident is located directly east of the proposed site. The existing trees and proposed landscaping plan of native grasses and shrubs should restrict visibility of the site from any residences in the area. The landscaping plan will also help address the visual impact from the bike path by blending the station into the conservancy habitat to the north.
The lot in which the proposed reg. station is being requested to be located on is zoned as conservancy. Installation of utilities are allowed on parcels zoned as conservancy in McFarland. The parcel already contains Alliant's gas main which feeds the current Creamery Rd reg. station. This main would also be utilized to feed the proposed station. Additionally, there are other municipal utilities located to the north of the proposed reg. station location which also occupy the conservancy parcel. The new station would not impact the reliability or usefulness of existing utilities located on the conservancy property. Placing the proposed station near the existing station allows Alliant to use existing facilities to ensure the residents of McFarland continue to receive safe and reliable natural gas service in the most cost-efficient manner possible.

c. 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. The area surrounding the proposed reg. station is currently zoned as conservancy. Areas zoned as conservancy restrict the construction of dwellings but do allow for the construction of utilities. The new reg. station which is classified as a public utility asset will continue to allow the expansion of natural gas service to residents and businesses surrounding the conservancy area. Alliant is working with McFarland's Parks and Rec. Department to establish a 16' buffer area to the north of the proposed station. The buffer will allow future burning and prairie restoration to the conservancy area and should have no effect on the operation of the reg. station or the enhancement of the prairie habitat.

d. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided. All necessary utilities are located adjacent to the proposed site. The bike path at the corner of Creamery and Elvehjem Roads will be used for access to the site. The site currently slopes to the north. Post construction, the site will maintain a northernly slope that will be mowable with a commercial mower.

e. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Ingree/egress is included in the proposed easement at the corner of Creamery and Elvehjam Rd. Post construction the site will only require a few visits yearly to perform maintenance. These visits will be by technicians in light/medium duty pickup trucks.

f. The conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located. Utility installation is allowed in conservancy areas per McFarland's guidelines. The proposed station will meet all state and federal codes required by PSC 135 (WI Gas Safety) and US DOT Part 192 (Transportation of Gas by Pipeline).

g. The proposed use does not violate floodplain regulations governing the site. The proposed site is not located within any floodplains.

h. That the proposed use will not violate any applicable regulation in the McFarland Municipal Code or any other applicable law or regulation. N/A, several reg. stations currently feed the Village of McFarland. The proposed station will meet all state and federal codes required by PSC 135 (WI Gas Safety) and US DOT Part 192 (Transportation of Gas by Pipeline).

i. That, when applying the standards to any new consecution 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 objectives of the zoning district. N/A, no buildings will be constructed on the proposed easement.

j. In its review, the Plan Commission shall also 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.

1. The maintenance of safe and healthful conditions. This reg. station feeds the southern portion of McFarland with natural gas. Maintenance will be performed per state and federal regulations at least one visit to the site will be required annually. The station will be surrounded with a chain-link fence to protect it from intrusion. The 20' x 20' gravel pad will allow for vegetation management between the chain-link fence and the proposed landscaping plan.

2. The prevention and control of water pollution including sedimentation. The area will be surrounded by straw wattles during construction to prevent any runoff from leaving the site. Post construction, the slopes will be stabilized and all disturbed areas will be seeded. Erosion control measures will be removed once area has achieved 70% growth.

3. Existing topographic and drainage features and vegetative cover on the site. Half of the existing site is a mowed area along the bike path. The other half is a natural area that may be restored to a prairie habitat in the future.

4. The location of the site with respect to floodplains and floodways of rivers and streams. This location is not located in any floodplains.

5. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover. The site will feature a 20' x 20' gravel pad. Approximately, 16' from the gravel pad north will be graded and replanted with a seed mix so that it can be maintained by a commercial mower.

6. The location of the site with respect to existing or future access roads. The proposed easement site will be accessed by medium to light duty trucks for maintenance. The access will be via the bike path at the corner of Creamery and Elvehjem Roads.

7. The need of the proposed use for a shoreland location. (if applicable) N/A

8. Its compatibility with uses on adjacent land. The proposed station location is located on property zoned as conservancy. Utility installation is allowed on conservancy property per McFarland's guidelines. The station will be surrounded with a chain-link fence containing privacy slats. Additionally, landscaping will be installed around the station consisting of native grasses and shrubs to help screen the station from distance resistances as well as bike path users.

9. The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems. N/A

Village of McFarland
Community & Economic Development Department

Plan Commission Application – 2021

~Application must be completed in full~

Applicant - Owner	Wisconsin Power and Light	Applicant's Agent	Seth J. Raasch
		Name	
Address	4902 North Biltmore Lane, Madison, WI 53718	Address	1209 Hyland Dr., Stoughton, WI 53589
Email		Email	sethraasch@alliantenergy.com
Phone #		Phone #	608-501-4270
Fax #		Fax #	

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

Requires Public Hearing (Class One)	FEES	Requires Public Hearing (Class Two)	FEES	Public Hearing Not required	FEES
❑ Preliminary Plat	$500+AF	✓ Conditional Use	$370+F	❑ Annexation	At cost
❑ Preliminary Plat (reapplication)	$500+BF	❑ Rezoning (map)	$405+	❑ Dev. Agreement Including Addendums	$400 F
❑ Certified Survey Map	$300+FG	❑ Zoning Amendment (text)	$405 +F	❑ Final Plat	$500 +CF
❑ Condominium	$300+EF	❑ USA/MMSD Annexation	At cost	❑ Final Plat (reapplication)	$400 +DF
❑ Comprehensive Plan Amendment	$500+F			✓ Site/Design Review	$400 + F

+ = 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.

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
❑ Site/Design Review (less than 2,000 sq. ft.)	$1,000
❑ Site/Design Review (2,000 sq. ft. or more)	$2,000
❑ All Plats including condominiums	$5,000

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

Grand View Lot 3- Parcel Number: 154/0610-023-5350-7

SW 1/4 of SW 1/4- Section 2-T06N-R10E

Natural Gas Regulator Station, Ingress/Egress & Utility Easement (Attached)

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 AT THE BOTTOM ON THE REVERSE SIDE

Schedule: The Village of McFarland Plan Commission normally 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. **Three (3) copies** of all materials, **one (1) copy must be 8 ½ x 11, two (2) copies to be 11 x 17 and one (1) electronic copy** (*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 2021 Schedule

*Submittal Deadline Noon on:	For Scheduled 2021 Meeting date of:
December 8 (2020)	January Tuesday Jan. 19
January 5	February 15
February 2	March 15
March 9	April 19
April 6	May 17
May 11	June 21
June 8	July 19
July 7	August 16
August 10	September 20
September 7	October 18
October 5	November 15
November 2	December 20 (Pending)
December 7	(Pending) Tuesday, Jan. 18, 2022

*** Submittal deadline:**

- **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. Materials submitted for review after the submittal deadline date, or incomplete submittals, may be held over until the next scheduled meeting.**
- **I understand 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. In addition, all application fees are non-refundable.**

X Seth J. Raasch Digitally signed by Seth J. Raasch DN: cn=Seth J. Raasch, o=Wisconsin Power and Light, ou, email=sethraasch@alliantenergy.com, c=US Date: 2021.03.15 11:08:44 -05'00' 03/15/2021

Signature of Applicant/Agent Date

VILLAGE OF McFarland
Community & Economic Development

Applicant - Owner	Wisconsin Power and Light	Applicant's Agent	Seth J. Raasch
Address	4902 North Biltmore Lane, Madison, WI 53718	Address	1209 Hyland Dr, Stoughton, WI 53589
Email		Email	sethraasch@alliantenergy.com
Phone #		Phone #	608-501-4270
Fax #		Fax #	
Project Site Address		Parcel No.	

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 "substantial evidence", which identifies specifically how the proposed conditional use meets each of the standards listed below. Substantial evidence is defined as facts and information other than merely personal preferences or speculation directly pertaining to the requirements and conditions the applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

Written responses such as "see plans" are not acceptable. The applicant must identify what specific portion of the project or plans supports the contention that a standard will be met by including for example a detailed description of compliance with any applicable regulations regarding light, dust, particulate emissions, noise, frequency, vibration, traffic, nuisances, odors, visibility, health, safety welfare and the environment. All written responses to CUP standards must be submitted as part of your Plan Commission Application.

Sec. 62-111, Conditional Use Standards

a. 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. This reg. station will replace the existing reg. station that is located along Creamery Rd. It will provide the residents of McFarland with natural gas service. It will be protected from the public via a locked chain-link fence and bollards inside the fence to prevent vehicle damage. It will be screened with arbor vitae to help blend it into the proposed prairie restoration area to the north.

b. 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 residents in the area should see no noticable change in natural gas service. The closest neighbor is approx. 350' to the east. The existing trees and arbor vitae screen should restrict visability of the proposed site from their residence.

c. 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. The new reg. station will continue to allow the expansion of natural gas service to residents and businesses within the McFarland gas district.

d. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided. All necessary utilities are located adjacent to the proposed site. The bike path at the corner of Creamery and Elvehjem Roads will be used for access to the site. The site currently slopes to the north. Post construction the site will maintain a northernly slope that will be mowable with a commercial mower.

e. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Ingree/egress is included in the proposed easement at the corner of Creamery and Elvehjam Rd. Post construction the site will only require a few visits yearly to perform maintenance. These visits will be by technicians in light/medium duty pickup trucks.

f. The conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located. N/A, The proposed station will meet all state and federal codes required by PSC 135 (WI Gas Safety) and US DOT Part 192 (Transportation of Gas by Pipeline).

g. The proposed use does not violate floodplain regulations governing the site. The proposed site is not located within any floodplains.

h. That the proposed use will not violate any applicable regulation in the McFarland Municipal Code or any other applicable law or regulation. N/A, several reg. stations currently feed the Village of McFarland. The proposed station will meet all state and federal codes required by PSC 135 (WI Gas Safety) and US DOT Part 192 (Transportation of Gas by Pipeline).

i. That, when applying the standards to any new consecution 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 objectives of the zoning district. N/A, no buildings will be constructed on the proposed easement.

j. In its review, the Plan Commission shall also 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.

1. The maintenance of safe and healthful conditions. This reg. station feeds the southern portion of McFarland with natural gas. It will be surrounded with a chain-link fence to protect it from intrusion.
2. The prevention and control of water pollution including sedimentation. The area will be surrounded by straw wattles during construction to prevent any runoff from leaving the site. Post construction, the slopes will be stabilized and all disturbed areas will be seeded. Erosion control measures will be removed once area has achieved 70% growth.
3. Existing topographic and drainage features and vegetative cover on the site. Half of the existing site is a mowed area along the bike path. The other half is a natural area that may be restored to prairie in the future.
4. The location of the site with respect to floodplains and floodways of rivers and streams. This location is not located in any floodplains.
5. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover. The site will feature a 20' x 20' gravel pad. Approximately, 16' from the gravel pad north will be graded and replanted with a seed mix so that it can be maintained by a commercial mower.
6. The location of the site with respect to existing or future access roads. The proposed easement site will be accessed via the bike path at the corner of Creamery and Elvehjem Roads.
7. The need of the proposed use for a shoreland location. (if applicable) N/A
8. Its compatibility with uses on adjacent land. The station will be screened with a chainlink fence and privacy slats. Arbor vitae will surround the site to screen it from the surrounding area.
9. The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems. N/A

Site and Design Plans

Check List

Date received: _____

Subject property address: _____
_____

Landowner's name: _____

Landowner's address: _____
_____

Landowner's phone/fax: _____

Landowner's email: _____

Agent's name: _____

Agent's address: _____
_____

Agent's phone/fax: _____

Agent's email:

X A. Title Block that indicates name and address of the current property owner.

NA B. Name and signature of the designer.

X C. Date of original plan and latest date of revised plan.

X D. North arrow and graphic scale. Said scale shall not be smaller than 1 inch equals 100 ft.

NA E. Existing zoning _____ Proposed rezoning _____yes _____no

X F. All property lines, and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.

NA G. All required building setback lines.

X H. The location of all access points and connections to public streets, off-street parking, and loading areas on the subject property including a summary of the number of parking stalls, accessible parking stalls, and labels indicating the dimension of such areas.

X I. All existing and proposed building structures and paved areas, including walks, drives, decks, patios, balconies, fences, retaining walls, utility poles, exterior utility and mechanical equipment, and any accessory structures.

NA J. Existing and proposed site and building signage.

NA K. Color exterior façade elevations of all proposed buildings including descriptions of materials and colors.

NA L. The location of all outdoor storage areas; including proposed screening materials and colors.

NA M. The location of existing and proposed drainage facilities including stormwater and erosion control plan.

NA N. The location and type of any permanently protected green space areas.

NA O. The location and elevation of any wetlands or floodplains.

NA P. Grading Plan including existing & proposed topography shown at a contour interval of not more than two (2) ft.

X Q. In the legend, data for the subject property:

(1) Lot area

(2) Building area

(3) Paved area

(4) Total impervious area

(5) Landscaping points provided and required for building foundations, gross floor area, street frontage, and paved area.

(5) Building height

(6) Existing zoning, proposed zoning

(7) Number of parking stalls provided and required.

X R. Landscaping Plans including proposed species, quantity and planting size. Refer to Appendix B of the Village's Zoning Code for more information.

NA S. Hydrant locations and Fire Department Connection.

NA T. Lighting Plans including photometrics and description of fixture types, heights and orientation.

X U. Utility plans, including the location of existing and proposed overhead or underground site utilities, including piping and meter sizes and associate appurtenances.

X V. Existing or proposed easements.

X W. A legal description of the subject property.

General Comments:

Alliant Energy is requesting a 20'x20' easement from the Village of McFarland for the construction of a regulator station that will feed the southern portion of McFarland. The station will be protected by a 6' chain-link fence with green privacy slats. Per Jim Hessling's request, the area will be mowed prior to construction and the reg. station will be surrounded by arbor vitae for screening. Additionally, 16' feet north of the gravel pad, located within the easement, will be sloped to allow mowing with a commercial mower.

Note: In addition to Site and Design Permit approval, a building permit from the Village Building Inspector is required prior to the start of construction of any building, fence, or sign.

File: $FILE$

EXHIBIT B

BEING LOT 3, GRAND VIEW, RECORDED IN VOLUME 54 OF PLATS, PAGES 32 AND 33, DOCUMENT NO. 1824481, LOCATED IN THE SW 1/4 OF THE SW 1/4 OF SECTION 2, TOWN 6 NORTH, RANGE 10 EAST, VILLAGE OF McFARLAND, DANE COUNTY, WISCONSIN

BEARINGS REFERENCED TO WISCONSIN COUNTY COOR. SYSTEM, DANE COUNTY

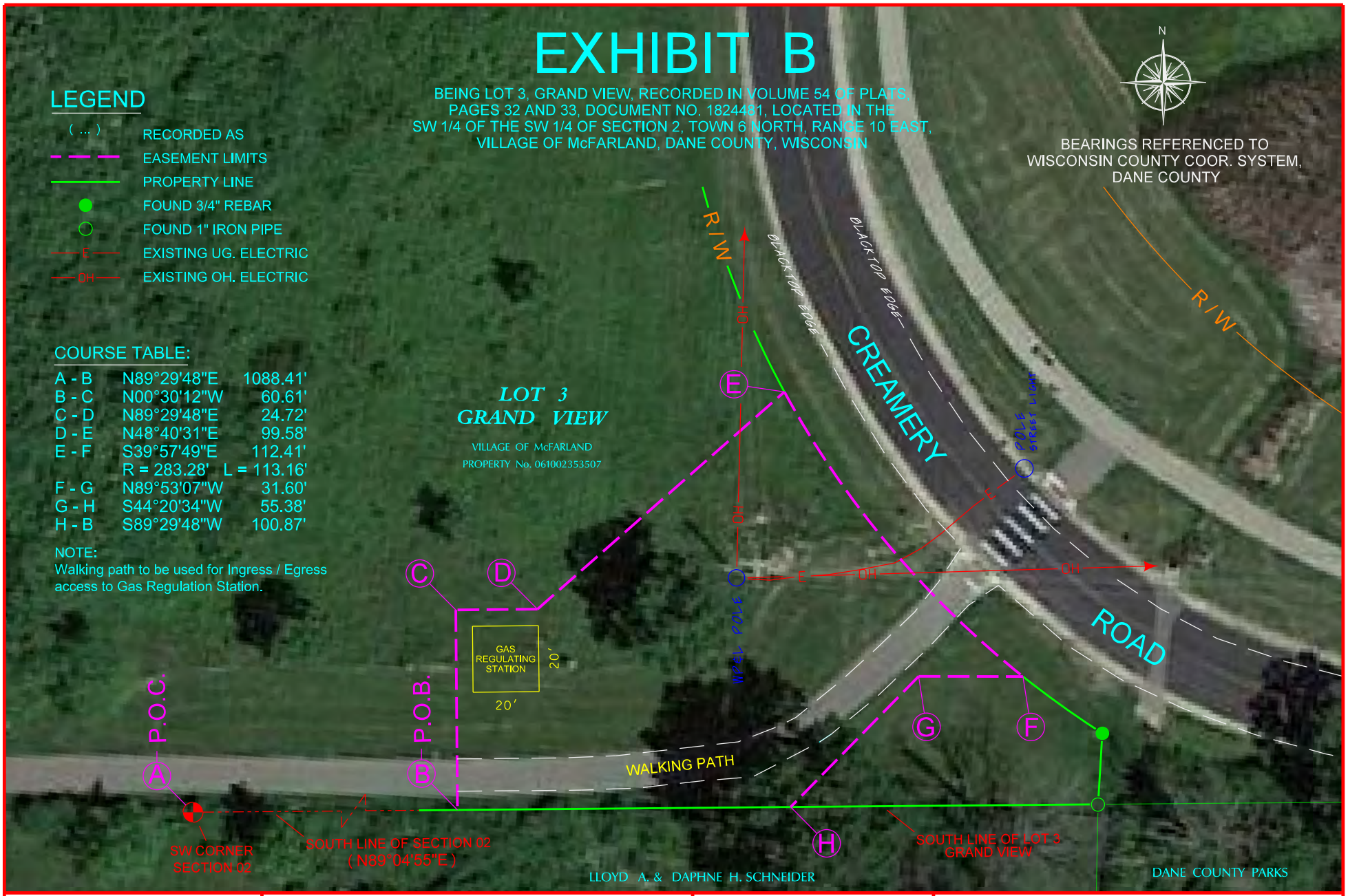
LEGEND

(...)	RECORDED AS
	EASEMENT LIMITS
	PROPERTY LINE
	FOUND 3/4" REBAR
	FOUND 1" IRON PIPE
—E—	EXISTING UG. ELECTRIC
—OH—	EXISTING OH. ELECTRIC

COURSE TABLE:

A - B	N89°29'48"E	1088.41'
B - C	N00°30'12"W	60.61'
C - D	N89°29'48"E	24.72'
D - E	N48°40'31"E	99.58'
E - F	S39°57'49"E	112.41'
	R = 283.28'	L = 113.16'
F - G	N89°53'07"W	31.60'
G - H	S44°20'34"W	55.38'
H - B	S89°29'48"W	100.87'

NOTE:
Walking path to be used for Ingress / Egress access to Gas Regulation Station.



Alliant Energy

This drawing shall be used solely for easement description purposes and thus may only be relied upon for such purpose.

If this bar does not measure 1" then drawing is not to scale.

0 20 40

SCALE: 1" = 40'

WP&L UTILITY EASEMENT MAP

PROPERTY OWNER / EASEMENT GRANTOR: VILLAGE OF McFARLAND

Drawn:	TJT	Date:	01/06/2021
Scale:	1" = 40'	SHEET	1 OF 1

Document No.

EASEMENT
NATURAL GAS REGULATOR STATION, INGRESS/EGRESS & UTILITY EASEMENT

Record this document with the Register of Deeds

Name and Return Address:

Alliant Energy
Attn: Real Estate Department
4902 North Biltmore Lane
P.O. Box 77007
Madison, WI 53707-1007

Parcel Identification Number(s)

154/0610-023-5350-7

The undersigned **Village of McFarland, a Wisconsin municipal corporation, (hereinafter called the "Grantor")**, in consideration of the sum of one dollar ($1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant, convey and warrant unto **Wisconsin Power and Light Company, a Wisconsin corporation, (hereinafter called the "Grantee")**, the Grantee's successors and assigns, the perpetual right and easement to construct, install, maintain, operate, repair, inspect, replace, add, relocate and remove the Designated Facilities, as defined below, upon, in, over, through and across lands owned by the Grantor **in the Village of McFarland, County of Dane, State of Wisconsin,** said "Easement Area" to be described as follows:

See Exhibit "A" for the legal description of the Easement Area and Exhibit "B" for the depiction of the Easement Area, attached hereto and made a part hereof.

This easement is subject to the following conditions:

1. **Designated Facilities:** This easement is for a gas regulator station, along with underground natural gas line and communication line facilities, including but not limited to pipelines with valves, main and service laterals, fences and any other components as Grantee may select for use in transmission and distribution of natural gas products or communication signals (collectively, the "Designated Facilities").

2. **Access:** The Grantee and its agents shall have the right of reasonable ingress and egress to, over and across the Grantor's land adjacent to the Easement Area.

3. **Buildings and Structures:** The Grantor agrees within the Easement Area not to construct or place buildings, structures, or other improvements, or place water, sewer or drainage facilities; all without the express written consent of the Grantee.

4. **Landscaping and Vegetation:** No plantings and landscaping are allowed within the Easement Area that will interfere with the easement rights herein granted. The Grantee has the right to trim or remove trees, bushes and brush within the Easement Area without replacement or compensation hereinafter. The Grantee may treat the stumps of any trees, bushes or brush to prevent re-growth and apply herbicides in accordance with applicable laws, rules and regulations, for tree and brush control.

5. **Elevation:** After the installation of the facilities and final grading of the Easement Area, the Grantor agrees not to alter the grade of the existing ground surface by more than six (6) inches or place rocks or boulders more than eight (8) inches in diameter, within the Easement Area, without the express written consent of the Grantee**.**

6. **Restoration and Damages:** The Grantee shall restore, cause to have restored or pay a reasonable sum for all damages to property, crops, fences, livestock, lawns, roads, fields and field tile (other than trees trimmed or cut down and removed), caused by the construction, maintenance or removal of said facilities.

7. **Rights not granted to the Grantee:** The Grantee shall not have the right to construct or place buildings or any other facilities other than the above Designated Facilities.

8. **Reservation of use by the Grantor:** The right is hereby expressly reserved to the Grantor, the heirs, successors and assigns, of every use and enjoyment of said land within the Easement Area consistent with rights herein granted.

9. **Binding Effect:** This agreement is binding upon the heirs, successors and assigns of the parties hereto, and shall run with the lands described herein.

WITNESS the signature(s) of the Grantor this _____ day of _____, 20_____.

Village of McFarland, a Wisconsin municipal corporation

_____(SEAL)
Signature

_____
Printed Name and Title

_____(SEAL)
Signature

_____
Printed Name and Title

_____(SEAL)
Signature

_____
Printed Name and Title

_____(SEAL)
Signature

_____
Printed Name and Title

ACKNOWLEDGEMENT

STATE OF WISCONSIN)
) SS
COUNTY OF DANE)

Personally came before me this _____ day of _____, 20_____, the above named _____

_____

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

_____
Signature of Notary

_____
Printed Name of Notary

Notary Public, State of Wisconsin

My Commission Expires (is) _____

ACKNOWLEDGEMENT

STATE OF _____)
) SS
COUNTY OF _____)

Personally came before me this _____ day of _____, 20_____, the above named _____

_____

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

_____
Signature of Notary

_____
Printed Name of Notary

Notary Public, State of _____

My Commission Expires (is) _____

This instrument drafted by

Seth J. Raasch
_____

Jordan R. Oosterhouse
_____
Checked by

Project Title:	**Creamery RD. Reg Station**
ERP Activity ID:	**4062292**
Tract No.:	**1 of 1**
REROW No.:	

March 15, 2021

ECRM1333042 Rev 2 05/18

Exhibit A

An easement for a gas regulator station twenty (20) feet in width located within Lot 3, of Grand View Subdivision, recorded on March 20, 1984, in Volume 54 of Plats, on Pages 32 & 33, as Document Number 1824481, in the office of the Register of Deeds for Dane County Wisconsin and more particularly described as follows:

Commencing at the southwest (sw) corner of Section 2, Township 6 North, Range 10 East, Village of McFardland, Dane County, Wisconsin;
thence North 89°29'48" East, 1088.41 feet along the south line of said Section 2;
thence North 44°29'48" East, 50.36 feet to the Point of Beginning of the gas regulator station, lying ten (10) feet on each side of the following described reference line;
thence North 00°30'12" West, 20.00 feet and there terminating.

ALSO,

A ten (10) foot wide ingress/egress easement lying five (5) feet on each side of the following described reference line and more particularly described as follows:

Commencing at the southwest (sw) corner of said Section 2;
thence North 89°29'48" East, 1088.41 feet along the south line of said Section 2;
thence North 44°29'48" East, 50.36 feet to the Point of Beginning of said ingress/egress easement;
thence South 00°30'12" East, 26.10 feet;
thence South 89°53'20" East, 24.50 feet;
thence North 84°32'46" East, 27.86 feet;
thence North 77°28'21" East, 32.97 feet;
thence North 51°16'39" East, 33.35 feet;
thence North 44°20'34" East, 30.74 feet to a point on the southwesterly right-of-way of Creamery Road and there terminating.

ALSO,

A twenty (20) foot wide utility easement, lying ten (10) feet on each side of the following described reference line and more particularly described as follows:

Commencing at the southwest (sw) corner of said Section 2;
thence North 89°29'48" East, 1088.41 feet along the south line of said Section 2;
thence North 44°29'48" East, 50.36 feet;
thence North 00°30'12" West, 10.00 feet to the Point of Begininning of said utility easement;
thence North 48°40'31" East, 116.00 feet, to a point on the southwesterly right-of-way of Creamery Road and there terminating.

AND,

Commencing at the southwest (sw) corner of Section 2;
thence North 89°29'48" East, 1088.41 feet along the south line of said Section 2;
thence North 44°29'48" East, 50.36 feet;
thence North 00°30'12" West, 10.00 feet to the Point of Beginning of said utility easement;
thence South 89°53'07" East, 150.47 feet, to a point on the southwesterly right-of-way of Creamery Road and there terminating.

AND,

Commencing at the southwest (sw) corner of Section 2;
thence North 89°29'48" East, 1088.41 feet along the south line of said Section 2;
thence North 44°29'48" East, 50.36 feet; to the Point of Beginning of said utility easement;

thence South 86°04’18” East, 69.10 feet;
thence North 01°16’20” East, 39.45 feet;
thence South 87°37’32” West, 28.55 feet and there terminating.

Easement widths are lengthened of shorted to end at the property lines that are intersected by the above described reference lines and as depicted on Exhibit “B”.

Grantor’s deed recorded on January 8, 1996, as Document Number 2730179, in the office of the Register of Deeds for Dane County, Wisconsin.

Being located within Said Lot 3, in the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of Section 2, Town 6 North, Range 10 East, Village of McFarland, Dane County, Wisconsin.

EXHIBIT B

BEING LOT 3, GRAND VIEW, RECORDED IN VOLUME 54 OF PLATS, PAGES 32 AND 33, DOCUMENT NO. 1824481, LOCATED IN THE SW 1/4 OF THE SW 1/4 OF SECTION 2, TOWN 6 NORTH, RANGE 10 EAST, VILLAGE OF McFARLAND, DANE COUNTY, WISCONSIN

LEGEND

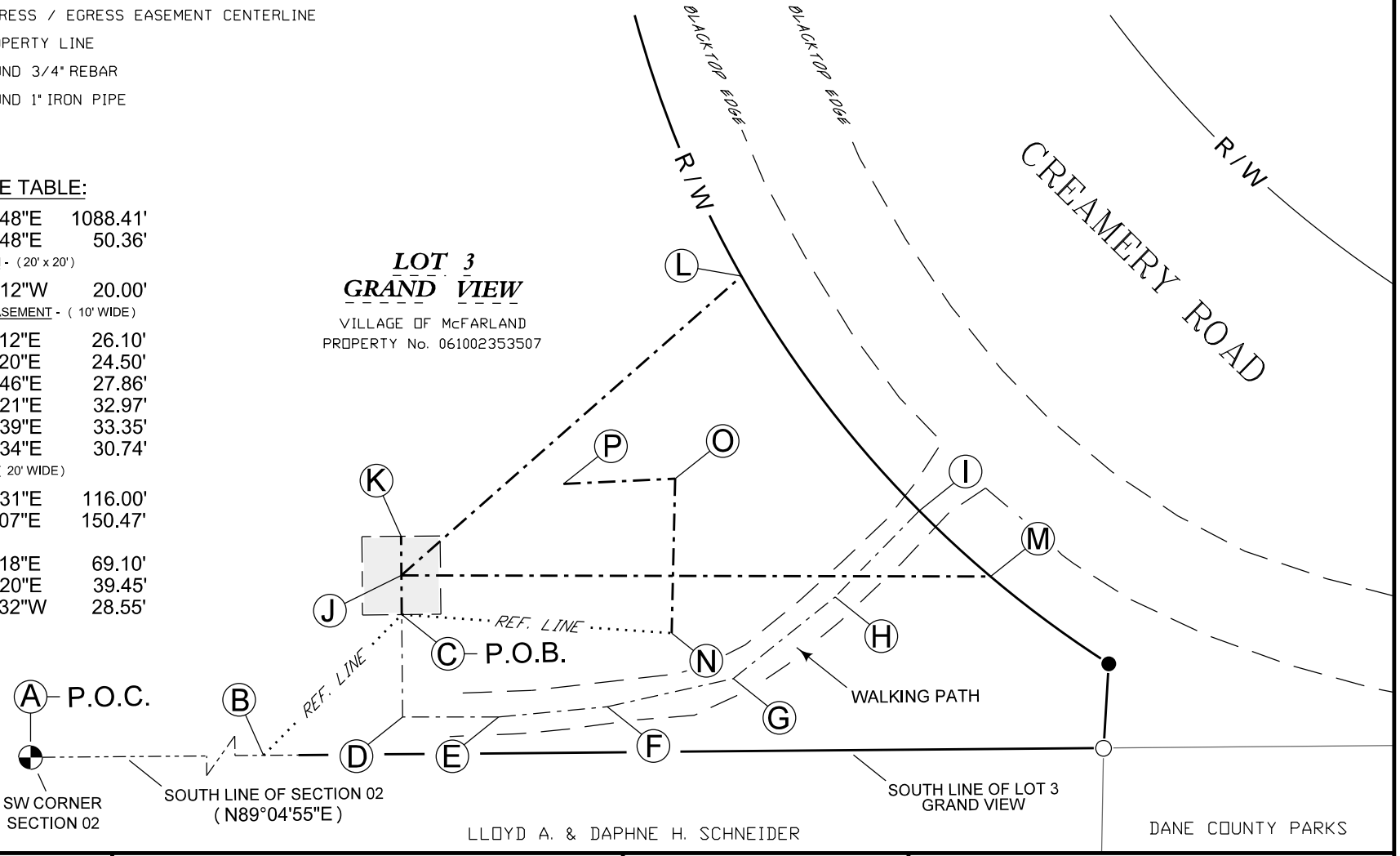
(...)	RECORDED AS
— — —	EASEMENT LIMITS
— · — · —	UTILITY EASEMENT CENTERLINE
— - — - —	INGRESS / EGRESS EASEMENT CENTERLINE
———	PROPERTY LINE
●	FOUND 3/4" REBAR
○	FOUND 1" IRON PIPE

N

BEARINGS REFERENCED TO WISCONSIN COUNTY COOR. SYSTEM, DANE COUNTY

COURSE TABLE:

A - B	N89°29'48"E	1088.41'
B - C	N44°29'48"E	50.36'
REGULATING STATION - (20' x 20')		
C - K	N00°30'12"W	20.00'
INGRESS / EGRESS EASEMENT - (10' WIDE)		
C - D	S00°30'12"E	26.10'
D - E	S89°53'20"E	24.50'
E - F	N84°32'46"E	27.86'
F - G	N77°28'21"E	32.97'
G - H	N51°16'39"E	33.35'
H - I	N44°20'34"E	30.74'
UTILITY EASEMENT - (20' WIDE)		
J - L	N48°40'31"E	116.00'
J - M	S89°53'07"E	150.47'
C - N	S86°04'18"E	69.10'
N - O	N01°16'20"E	39.45'
O - P	S87°37'32"W	28.55'



Alliant Energy

This drawing shall be used solely for easement description purposes and thus may only be relied upon for such purpose.

If this bar does not measure 1" then drawing is not to scale.

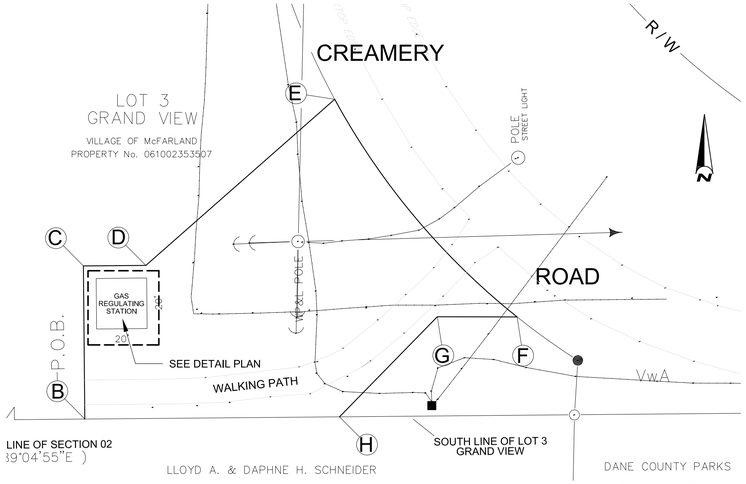
0 20 40

SCALE: 1" = 40'

WP&L UTILITY EASEMENT MAP

PROPERTY OWNER / EASEMENT GRANTOR: VILLAGE OF McFARLAND

Drawn:	TJT	Date:	11/11/2020
Scale:	1" = 40'	SHEET	1 OF 1



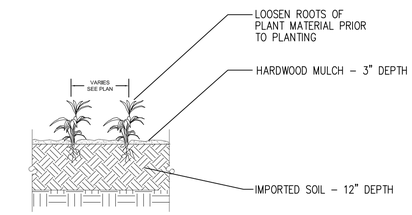
CONTEXT PLAN

GENERAL NOTES

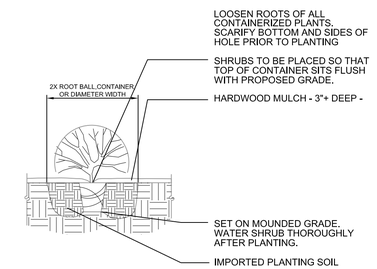
1. LANDSCAPE CONTRACTOR SHALL INSPECT THE SITE AND BECOME FAMILIAR WITH EXISTING CONDITIONS RELATING TO THE NATURE AND SCOPE OF WORK.
2. LANDSCAPE CONTRACTOR SHALL VERIFY PLAN LAYOUT AND BRING TO THE ATTENTION OF THE LANDSCAPE ARCHITECT DISCREPANCIES WHICH MAY COMPROMISE THE DESIGN OR INTENT OF THE LAYOUT.
3. LANDSCAPE CONTRACTOR SHALL ASSURE COMPLIANCE WITH APPLICABLE CODES AND REGULATIONS GOVERNING THE WORK AND MATERIALS SUPPLIED.
4. LANDSCAPE CONTRACTOR SHALL VERIFY ALIGNMENT AND LOCATION OF UNDERGROUND AND ABOVE GRADE UTILITIES AND PROVIDE THE NECESSARY PROTECTION FOR SAME BEFORE CONSTRUCTION BEGINS.
5. LANDSCAPE CONTRACTOR SHALL REVIEW THE SITE FOR DEFICIENCIES IN SITE CONDITIONS WHICH MIGHT NEGATIVELY AFFECT PLANT ESTABLISHMENT, SURVIVAL OR WARRANTY. UNDESIRABLE SITE CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO BEGINNING OF WORK.
6. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ONGOING MAINTENANCE OF NEWLY INSTALLED MATERIALS UNTIL TIME OF FINAL ACCEPTANCE BY LANDSCAPE ARCHITECT. REPAIR OF ACTS OF VANDALISM OR DAMAGE WHICH MAY OCCUR PRIOR TO FINAL ACCEPTANCE SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR.

PLANTING NOTES

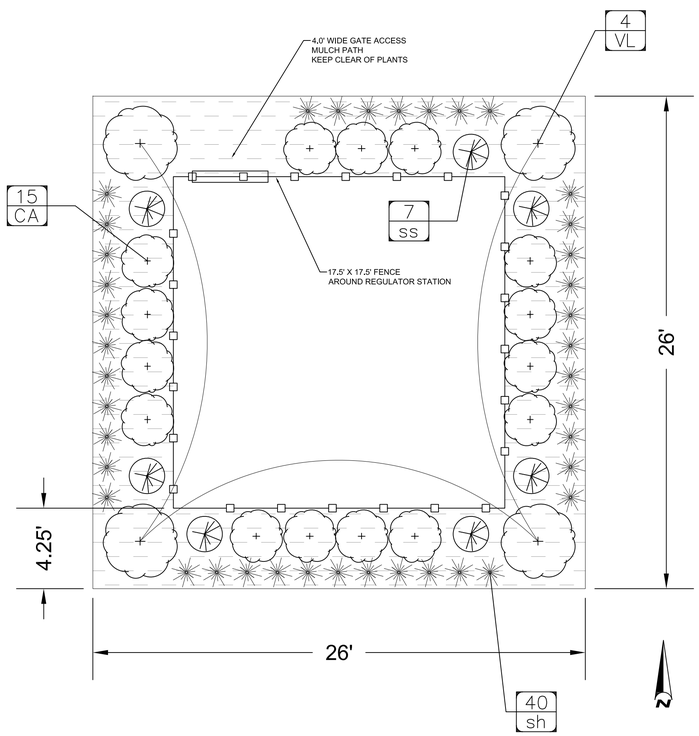
1. NO PLANTS WILL BE INSTALLED UNTIL FINAL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
2. PROPOSED PLANT MATERIAL SHALL COMPLY WITH THE CURRENT EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, ANSI Z60.1. UNLESS NOTED OTHERWISE, DECIDUOUS SHRUBS SHALL HAVE AT LEAST 5 CANES AT THE SPECIFIED HEIGHT. ORNAMENTAL TREES SHALL HAVE NO 'V' CROTCHES AND SHALL BEGIN BRANCHING NO LOWER THAN 3' FEET ABOVE THE ROOT BALL. STREET AND BOULEVARD TREES SHALL BEGIN BRANCHING NO LOWER THAN 6' ABOVE PAVED SURFACE.
3. PLANT SYMBOLS ON PLAN DRAWING TAKES PRECEDENCE OVER PLANT SCHEDULE IF DISCREPANCIES IN QUANTITIES EXIST. SPECIFICATIONS AND DETAILS TAKE PRECEDENCE OVER NOTES.
4. NO PLANT MATERIAL SUBSTITUTIONS WILL BE ACCEPTED UNLESS APPROVAL IS GRANTED BY THE LANDSCAPE ARCHITECT TO THE LANDSCAPE CONTRACTOR.
5. ADJUSTMENTS IN LOCATION OF PROPOSED PLANT MATERIALS MAY BE NEEDED IN FIELD. LANDSCAPE ARCHITECT MUST BE NOTIFIED PRIOR TO ADJUSTMENT OF PLANTS.
6. PLANT MATERIALS TO BE INSTALLED PER PLANTING DETAILS.
7. PLANTING AREA TO RECEIVE 12" IMPORTED TOPSOIL TO BE COVERED WITH WOVEN GEOTEXTILE WEED CONTROL FABRIC AND 3" DEPTH SHREDDED HARDWOOD MULCH.
8. HARDWOOD MULCH TO CONSIST OF RAW WOOD MATERIAL FROM HARDWOOD SPECIES THAT IS THE PRODUCT OF A MECHANICAL CHIPPER, HAMMERMILL, OR TUB GRINDER. MATERIAL TO BE FREE OF MOLD, DIRT, SAWDUST, AND DELETERIOUS MATERIAL. MAXIMUM LENGTH OF INDIVIDUAL PIECES NOT TO EXCEED 12". MAXIMUM WIDTH OF INDIVIDUAL PIECES NOT TO EXCEED 2". MIX SHALL BE DARK BROWN IN COLOR AND CONSIST OF NO MORE THAN 20% BARK OR GREEN-LEAF MATERIAL.
9. WATER ALL PLANT MATERIAL WITHIN 2 HOURS OF PLANTING. APPLY ENOUGH WATER TO THOROUGHLY SATURATE ALL PLANTING SOIL.
10. LANDSCAPE CONTRACTOR SHALL WARRANTY NEW PLANT MATERIAL THROUGH ONE (1) CALENDAR YEAR FROM THE DATE OF FINAL ACCEPTANCE BY LANDSCAPE ARCHITECT. NO PARTIAL ACCEPTANCE WILL BE CONSIDERED. CONTRACTOR TO REPLACE ALL DEAD AND/OR DYING PLANT MATERIAL AT THE END OF THE WARRANTY PERIOD AND WATER ADEQUATELY TO ENSURE SURVIVAL.



01 00 PERENNIAL PLANTING DETAIL
NO SCALE



02 00 SHRUB PLANTING DETAIL
NO SCALE



LEGEND:

- LITTLE BLUESTEM GRASS
- PRAIRIE DROPSEED GRASS
- DECIDUOUS SHRUB
- HARDWOOD MULCH

Deciduous Shrub Planting Schedule

Symbol	Quantity	Scientific Name	Common Name	Size	Cont.	Type
CA	15	Ceanothus americanus	New Jersey Tea	24" Height	#3 Cont.	4' O.C.
VL	4	Viburnum lentago	High Bush Cranberry	36" Height	#5 Cont.	10' O.C.
	19	**Deciduous Shrub Total**				

Perennial Planting Schedule

Symbol	Quantity	Scientific Name	Common Name	Size	Type	Spacing
ss	7	Schizachyrium scoparium	Little Bluestem	#1	Cont.	24" O.C.
sh	40	sporobolus heterolepis	Prairie Dropseed	#1	Cont.	24" O.C.
	47	**Perennial Total**				

DETAIL SCREENING PLAN

SCALE IN FEET
0 2 4 8

NO	DATE	BY	REVISION
6			
5			
4			
3			
2			
1			

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF WISCONSIN.

BRITTA M. HANSEN
DATE: 06/16/2021 LICENSE # 736-14

SUBMISSION DATE: 06/16/2021

DESIGN BY BH DRAWN BY BH

EOR PROJECT NO. 1530-6008

Emmons & Olivier Resources, Inc.
119 South Main Street
Cottage Grove, WI
Tele: 608.839.4422
www.eorinc.com

Alliant Energy

GAS REGULATOR STATION

VILLAGE OF McFARLAND, DANE COUNTY, WISCONSIN

STATE PROJECT NO. CITY PROJECT NO.

LANDSCAPE SCREENING PLAN

SHEET 00 OF 00 SHEETS

Plot Date: 06/16/2021
Drawing name: \\wi1-fs.eorinc.office\projects\1530-6000 Alliant Energy Miscellaneous Projects\6008 - McFarland Gas Regulator Station\Drawings\McFarland_Regular_Screening_Plan.dwg
Xrefs:, REG EASEMENT 1-6-2021

Alliant Energy
4902 North Biltmore Lane
P.O. Box 77007
Madison, WI 53707-1007

1-800-ALLIANT (800-255-4268)
alliantenergy.com

June 14th, 2021

Andrew Bremer
5915 Milwaukee St
PO Box 110
McFarland, WI 53558

Andrew,

A full environmental review was performed by Alliant Energy's Environmental Group and environmental consultant (EOR – Emmons & Oliver Resources formerly Montgomery Associates: Resource Solutions).

- EOR put an application together and submitted it to Village of McFarland.

Required Permits: Village of McFarland Erosion Control Permit

Permits Evaluated:
Department of Natural Resources (WDNR) General Permit (GP) 3 Wetland Permit – it was determined the project did not trigger coverage under the GP3 (due to less than 400 sq. ft of disturbance in wetland or hydric soils).

National Heritage Inventory (NHI) Threatened and Endangers (T&E) Species – the WDNR NHI confidential database was used to review for the for presence of T&E species by a WPL Certified NHI Reviewer.

- Rusty patch bumble bee – not suitable habitat exists on the project area
- Bald eagle's nest – no Incidental Take permit or avoidance measures are needed due to the nest being greater than 660' away from an active nest or constructed outside of nesting season (Jan. 15 – July 31).

Wisconsin Historical Society (WHS) Confidential database of known culturally sensitive archeological sites and historical structures was reviewed by WPL internal certified reviewer and no sites were within the project boundary.

Please let me know if you have any questions.

Best regards,

Aaron Welsh, PE | Mgr Project Manager

ALLIANT ENERGY
4902 North Biltmore Ln | Madison, WI 53718
Office: (608) 458-3085
Cell: (608) 630-0515
alliantenergy.com I aaronwelsh@alliantenergy.com

REUTER, WHITISH & EVANS, S.C.
ATTORNEYS AT LAW
44 EAST MIFFLIN ST., SUITE 306
MADISON, WISCONSIN 53703

ALLEN D. REUTER
BARBARA O. WHITISH (1952-2013)
DANIEL J. EVANS
DAVID D. RELLES
KEVIN F. MILLIKEN (OF COUNSEL)
NOAH B. RELLES

TELEPHONE
(608) 250-9053

FACSIMILE
(608) 250-9054

MEMORANDUM

To: Andrew Bremer, Community & Economic Development Director
From: Allen D. Reuter, Village Attorney
Date: June 15, 2021
Re: WP&L Gas Regulator Station Easement

I have reviewed the revised easement provided by Alliant Energy on June 7, 2021 for the proposed Creamery Road gas regulator station. The revised easement incorporates all of the changes I requested on April 2, 2021. There is, however, one typographical error in paragraph 2 that should be corrected. (See attached)

With the minor correction noted, I have no further recommendations for changes to the revised easement.

Document No.

EASEMENT
NATURAL GAS REGULATOR STATION, INGRESS/EGRESS & UTILITY EASEMENT

Record this document with the Register of Deeds

Name and Return Address:

Alliant Energy
Attn: Real Estate Department
4902 North Biltmore Lane
P.O. Box 77007
Madison, WI 53707-1007

Parcel Identification Number(s)

154/0610-023-5350-7

The undersigned **Village of McFarland, a Wisconsin municipal corporation, (hereinafter called the "Grantor")**, in consideration of the sum of one dollar ($1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant, convey and warrant unto **Wisconsin Power and Light Company, a Wisconsin corporation, (hereinafter called the "Grantee")**, the Grantee's successors and assigns, the perpetual right and easement to construct, install, maintain, operate, repair, inspect, replace, add, relocate and remove the Designated Facilities, as defined below, upon, in, over, through and across lands owned by the Grantor **in the Village of McFarland, County of Dane, State of Wisconsin,** said "Easement Area" to be described as follows:

See Exhibit "A" for the legal description of the Easement Area and Exhibit "B" for the depiction of the Easement Area, attached hereto and made a part hereof.

This easement is subject to the following conditions:

1. **Designated Facilities:** This easement is for a gas regulator station, along with underground natural gas line and related communication line facilities, including but not limited to pipelines with valves, main and service laterals, fences and any other components as Grantee may select for use in transmission and distribution of natural gas products or communication signals (collectively, the "Designated Facilities"). All Designated Facilities other than fencing, security and protective devices and landscaping shall be located underground except those natural gas facilities required by regulation or good engineering practices to be located at or above grade. The Designated Facilities and landscaping shall be installed and maintained in accordance with the site plan approved by the Village of McFarland, and all applicable codes and regulations.

2. **Access:** The Grantee and its agents shall have the right of reasonable ingress and egress to, over and across the lands described as ten (10) foot wide ingress/egress easemetns in Exhibit A.

3. **Buildings and Structures:** The Grantor agrees within the Easement Area not to construct or place buildings, structures, or other improvements, or place water, sewer or drainage facilities other than within the access easement area described in Exhibit A; without the express written consent of the Grantee.

4. **Landscaping and Vegetation:** No plantings and landscaping are allowed within the Easement Area that will interfere with the easement rights herein granted. The Grantee has the right to trim or remove such trees, bushes and brush within the Easement Area without replacement or compensation hereinafter. The Grantee may treat the stumps of any trees, bushes or brush to prevent re-growth and apply herbicides in accordance with applicable laws, rules and regulations and manufacturer recommendations, for tree and brush control. Provided, however, that nothing in this paragraph permits Grantee's removal of landscaping plantings required by the applicable site plan approval.

5. **Elevation:** After the installation of the facilities and final grading of the Easement Area, the Grantor agrees not to alter the grade of the existing ground surface by more than six (6) inches or place rocks or boulders more than eight (8) inches in diameter, within the Easement Area, without the express written consent of the Grantee**.** This paragraph does not apply to the access easement described in Exhibit A provided that reasonable access is maintained.

6. **Restoration and Damages:** The Grantee shall restore, cause to have restored or pay a reasonable sum for all damages to property, crops, fences, livestock, lawns, roads, paths, fields and field tile (other than trees trimmed or cut down and removed as permitted hereunder), caused by the construction, maintenance or removal of said facilities.

7. **Rights not granted to the Grantee:** The Grantee shall not have the right to construct or place buildings or any other facilities other than the above Designated Facilities.

8. **Reservation of use by the Grantor:** The right is hereby expressly reserved to the Grantor, the heirs, successors and assigns, including the general public as permitted by Grantor, of every use and enjoyment of said land within the Easement Area consistent with rights herein granted.

9. **Binding Effect:** This agreement is binding upon the heirs, successors and assigns of the parties hereto, and shall run with the lands described herein.

WITNESS the signature(s) of the Grantor this _____ day of _____, 20_____.

Village of McFarland, a Wisconsin municipal corporation

_____(SEAL)
Signature

_____
Printed Name and Title

_____(SEAL)
Signature

_____
Printed Name and Title

_____(SEAL)
Signature

_____
Printed Name and Title

_____(SEAL)
Signature

_____
Printed Name and Title

ACKNOWLEDGEMENT

STATE OF WISCONSIN)
) SS
COUNTY OF DANE)

Personally came before me this _____ day of _____, 20_____, the above named _____

_____

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

_____
Signature of Notary

_____
Printed Name of Notary

Notary Public, State of Wisconsin

My Commission Expires (is) _____

ACKNOWLEDGEMENT

STATE OF _____)
) SS
COUNTY OF _____)

Personally came before me this _____ day of _____, 20_____, the above named _____

_____

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

_____
Signature of Notary

_____
Printed Name of Notary

Notary Public, State of _____

My Commission Expires (is) _____

This instrument drafted by

Seth J. Raasch
_____

Jordan R. Oosterhouse
_____
Checked by

Project Title:	**Creamery RD. Reg Station**
ERP Activity ID:	**4062292**
Tract No.:	**1 of 1**
REROW No.:	

June 7, 2021

ECRM1333042 Rev 2 05/18

Exhibit A

An easement for a gas regulator station twenty (20) feet in width located within Lot 3, of Grand View Subdivision, recorded on March 20, 1984, in Volume 54 of Plats, on Pages 32 & 33, as Document Number 1824481, in the office of the Register of Deeds for Dane County Wisconsin and more particularly described as follows:

Commencing at the southwest (sw) corner of Section 2, Township 6 North, Range 10 East, Village of McFardland, Dane County, Wisconsin;
thence North 89°29'48" East, 1088.41 feet along the south line of said Section 2;
thence North 44°29'48" East, 50.36 feet to the Point of Beginning of the gas regulator station, lying ten (10) feet on each side of the following described reference line;
thence North 00°30'12" West, 20.00 feet and there terminating.

ALSO,

A ten (10) foot wide ingress/egress easement lying five (5) feet on each side of the following described reference line and more particularly described as follows:

Commencing at the southwest (sw) corner of said Section 2;
thence North 89°29'48" East, 1088.41 feet along the south line of said Section 2;
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thence South 00°30'12" East, 26.10 feet;
thence South 89°53'20" East, 24.50 feet;
thence North 84°32'46" East, 27.86 feet;
thence North 77°28'21" East, 32.97 feet;
thence North 51°16'39" East, 33.35 feet;
thence North 44°20'34" East, 30.74 feet to a point on the southwesterly right-of-way of Creamery Road and there terminating.

ALSO,

A twenty (20) foot wide utility easement, lying ten (10) feet on each side of the following described reference line and more particularly described as follows:

Commencing at the southwest (sw) corner of said Section 2;
thence North 89°29'48" East, 1088.41 feet along the south line of said Section 2;
thence North 44°29'48" East, 50.36 feet;
thence North 00°30'12" West, 10.00 feet to the Point of Begininning of said utility easement;
thence North 48°40'31" East, 116.00 feet, to a point on the southwesterly right-of-way of Creamery Road and there terminating.

AND,

Commencing at the southwest (sw) corner of Section 2;
thence North 89°29'48" East, 1088.41 feet along the south line of said Section 2;
thence North 44°29'48" East, 50.36 feet;
thence North 00°30'12" West, 10.00 feet to the Point of Beginning of said utility easement;
thence South 89°53'07" East, 150.47 feet, to a point on the southwesterly right-of-way of Creamery Road and there terminating.

AND,

Commencing at the southwest (sw) corner of Section 2;
thence North 89°29'48" East, 1088.41 feet along the south line of said Section 2;
thence North 44°29'48" East, 50.36 feet; to the Point of Beginning of said utility easement;

thence South 86°04’18” East, 69.10 feet;
thence North 01°16’20” East, 39.45 feet;
thence South 87°37’32” West, 28.55 feet and there terminating.

Grantor’s deed recorded on January 8, 1996, as Document Number 2730179, in the office of the Register of Deeds for Dane County, Wisconsin.

Being located within said Lot 3, in the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of Section 2, Town 6 North, Range 10 East, Village of McFarland, Dane County, Wisconsin.

EXHIBIT B

BEING LOT 3, GRAND VIEW, RECORDED IN VOLUME 54 OF PLATS, PAGES 32 AND 33, DOCUMENT NO. 1824481, LOCATED IN THE SW 1/4 OF THE SW 1/4 OF SECTION 2, TOWN 6 NORTH, RANGE 10 EAST, VILLAGE OF McFARLAND, DANE COUNTY, WISCONSIN

LEGEND

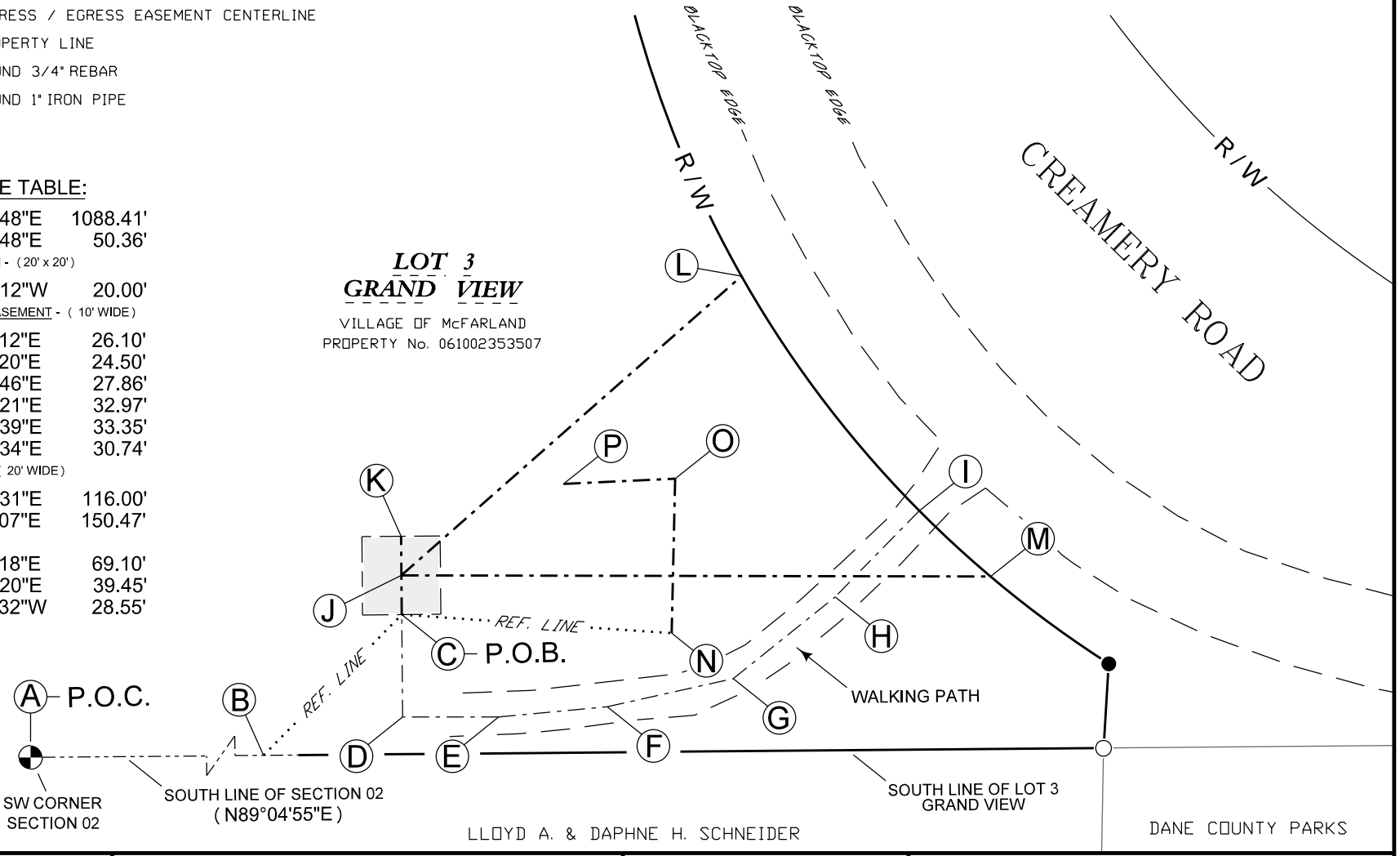
(...)	RECORDED AS
— — —	EASEMENT LIMITS
— · — · —	UTILITY EASEMENT CENTERLINE
— - — - —	INGRESS / EGRESS EASEMENT CENTERLINE
———	PROPERTY LINE
●	FOUND 3/4" REBAR
○	FOUND 1" IRON PIPE

N

BEARINGS REFERENCED TO WISCONSIN COUNTY COOR. SYSTEM, DANE COUNTY

COURSE TABLE:

A - B	N89°29'48"E	1088.41'
B - C	N44°29'48"E	50.36'
REGULATING STATION - (20' x 20')		
C - K	N00°30'12"W	20.00'
INGRESS / EGRESS EASEMENT - (10' WIDE)		
C - D	S00°30'12"E	26.10'
D - E	S89°53'20"E	24.50'
E - F	N84°32'46"E	27.86'
F - G	N77°28'21"E	32.97'
G - H	N51°16'39"E	33.35'
H - I	N44°20'34"E	30.74'
UTILITY EASEMENT - (20' WIDE)		
J - L	N48°40'31"E	116.00'
J - M	S89°53'07"E	150.47'
C - N	S86°04'18"E	69.10'
N - O	N01°16'20"E	39.45'
O - P	S87°37'32"W	28.55'



Alliant Energy

This drawing shall be used solely for easement description purposes and thus may only be relied upon for such purpose.

If this bar does not measure 1" then drawing is not to scale.

0 20 40

SCALE: 1" = 40'

WP&L UTILITY EASEMENT MAP

PROPERTY OWNER / EASEMENT GRANTOR: VILLAGE OF McFARLAND

Drawn:	TJT	Date:	11/11/2020
Scale:	1" = 40'	SHEET	1 OF 1

VILLAGE OF McFarland
Police Department
5915 Milwaukee St, McFarland, WI 53558 | 608.838.3151 | www.mcfarland.wi.us/police
Aaron P. Chapin | Chief of Police

DATE: June 10, 2021

TO: Andrew Bremer – Community and Economic Development Director

FROM: Aaron P. Chapin, Chief of Police

REFERENCE: Recommendation of Approval

I have reviewed the application for a new natural gas regulator station on Creamery Rd and have no concerns with the project as outlined.

Respectfully,

Aaron P. Chapin
Chief of Police

TOWN & COUNTRY
ENGINEERING, INC.

May 5, 2021

Mr. Andrew Bremer, AICP
Community & Economic Development Director
Village of McFarland
5915 Milwaukee Street
P.O. Box 110
McFarland, WI 53558

Subject: Alliant Energy Gas Regulation Station Plan Review

Dear Andrew:

We have received the proposed plans for a new natural gas regulation station site at the bend in the road where Creamery Road becomes Elvehjem Road. The submittal has been reviewed from a public works perspective in conjunction with Jim Hessling, Director of Public Works. We recommend approval with the following conditions:

-A 6-foot high chain link fence with neutral color (green or brown) privacy slats should be added around the building. A gravel pad should be extended several feet beyond the fence to discourage vegetation near the fence.

-An approximately 16-foot area around the fence should be planted as grass. The Village will mow that area once grass is established.

-Lastly, Alliant representatives had previously indicated they would remove the invasive tree/brush growth in approximately the southern 350 feet of the Grandview Conservancy where the station is proposed to be placed (shown on the map below), in order to facilitate easier Village maintenance of that area as a prairie in the future. This should be made a condition of approval.

2912 Marketplace Drive · Suite 103 · Madison, Wisconsin 53719 · (608) 273-3350 · www.tcengineers.net
Madison ♦ Rhinelander ♦ Kenosha

Regards,

Very truly yours,
TOWN & COUNTRY ENGINEERING, INC.

Brian R. Berquist, P.E.
President

cc: Mr. Jim Hessling, Director of Public Works, Village of McFarland *(5915 Milwaukee Street, P.O. Box 110, McFarland, WI 53558)*

Mr. Matthew Schuenke, Administrator, Village of McFarland *(5915 Milwaukee Street, P.O. Box 110, McFarland, WI 53558)*

BRB:sai
J:\JOB#S\McFarland\MC-00-00\Correspondence\2021\Gas Regulating Station Letter.docx

McFarland Fire & Rescue Department
5915 Milwaukee Street • PO Box 110 • McFarland, WI 53558-0110
(608) 838-3278 • Fax: (608) 838-3619
Emergency: 911

March 26, 2021

Andrew Bremer, AICP
Community & Economic Development Director
5915 Milwaukee St.
McFarland, WI 53558

RE: Wisconsin Power and Light Natural Gas Regulator Station

Dear Andrew,

I have reviewed the submitted development plans and application by Wisconsin Power and Light for the Natural Gas Regulator Station at Creamery Road becomes Elvehjem Road dated March 15, 2021.

At this time, the proposal does not show any indication there would be any conflicts with the International Fire Code-2015 (IFC), Appendix D. The McFarland Fire & Rescue Department recommend approval of the Alliant Energy Gas Regulation Station at Creamery /road and Elvehjem Road.

If you have any questions regarding the above, please contact me via phone at 608-838-3278 or via email at mitchell.sutter@mcfarland.wi.us

Sincerely,

Mitchell Sutter

Mitchell Sutter
Fire Inspector/Public Education Specialist

Cc: Chris Dennis, Fire & EMS Chief (McFarland Fire & Rescue Department)

From:	Katharine Pease
To:	Andrew Bremer; Community Development
Cc:	Jim Hessling; Sayer Larson
Subject:	Natural Gas regulator station Grand View Conservancy
Date:	Wednesday, April 21, 2021 5:54:15 AM

We will not be able to attend the plan commission Zoom meeting in May since we will be out of town in a remote area without internet access.
While we recognize the need to allow utilities to locate structures on both private and public lands, we do have some concerns about this location. It is far too close to the trail. It certainly does not mesh with the ambience of a conservancy area and will be startlingly visible even with screening. It will be an eyesore in what has become a heavily traveled, valued, and lovely natural area. It should be located farther north. The farther north location may be more expensive for Alliant due to having to remove some earth, but is a much more acceptable location visually, and is still a dry area.
There is also a little prairie area which has begun to grow in this spot which will be decimated with the regulator station. Construction may also pose risks to the small burr oak trees in the same area. Moving heavy machinery around these trees and compaction of the soil pose risks.
Regarding screening, arborvitae is a poor choice. Arborvitae = favorite deer food. They will chew it down to nubs. Any screening needs to be non invasive as well as non spreading into the more open areas. Deer resistant would be preferable, otherwise screening is a waste of money. Our parks superintendent, Sayer Larson, can provide names of suitable plant choices.
Thank you for the opportunity to present our concerns.
Kathy and Marko Pease
5705 West Open Meadow
McFarland

Sent from my iPad

From: Nancy Skeffington
To: Community Development
Subject: Alliant Energy CUP request
Date: Sunday, May 16, 2021 10:04:30 AM

To the plan commission:

As a nearby resident to this proposed site, I wanted to comment on the location next to the busy hiking/biking path. Frankly, I am shocked and surprised that the village would consider this site to be in any way appropriate. Hundreds of people, including young children, pass within feet of this site every day. To place a natural gas regulator station in a conservancy area, next to a busy community path, seems extremely ill-advised.

In addition to being an eyesore, there are some inherent risks in situating this type of station. In my research, it became apparent that although rare, there have been some dangerous incidents involving fires or explosions when there was a mechanical failure. There have also been reports of toxic gas emissions. In addition, state and federal regulations of these stations are notoriously lax. It is the responsibility of individual communities to assess the risks and decide the best placement of stations that would limit the negative impact on their residents.

In the future, I believe that Dane County has plans to connect this path to a larger Madison to Stoughton trail. This indicates that the number of people impacted by any risk factors would be much greater. If the village seriously considers this proposal from Alliant Energy, it would be necessary to get an independent risk assessment from someone outside of the energy company. I believe that the Dane County Park System should also be contacted as part of the decision making process. This is a serious decision that could have far reaching implications for the future of our community.

I regret that I cannot attend the meeting, but hope that you have a chance to read my comments.

Respectfully yours,

Nancy Skeffington

REUTER, WHITISH & EVANS, S.C.
ATTORNEYS AT LAW
44 EAST MIFFLIN ST., SUITE 306
MADISON, WISCONSIN 53703

ALLEN D. REUTER
BARBARA O. WHITISH (1952-2013)
DANIEL J. EVANS
DAVID D. RELLES
KEVIN F. MILLIKEN (OF COUNSEL)
BLAYNE NICOLE STEINKRAUS

TELEPHONE
(608) 250-9053

FACSIMILE
(608) 250-9054

To: McFarland Plan Commission
From: Dan Evans, Assistant Village Attorney
Date: November 15, 2018
Re: Outline of Changes in the Law involving Conditional Use Permits.

On November 27, 2017, the Wisconsin Legislature enacted a set of new laws known as the Landowner's Bill of Rights, 2017 Wisconsin Act 67. Some of the stated goals of the Act were to protect property rights and specifically address the lack of statutory language related to Conditional Use Permits.

The new laws provide an evidentiary standard in the permit review process and impose new requirements on applicants and reviewing authorities. These changes include:

1. Requiring use of a "*substantial evidence*" standard. Under the new law, decisions by the municipality related to conditional use permits must be based on substantial evidence, which means *"facts and information, other than merely personal preferences or speculation, directly pertaining to the requirement and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion."*

2. Any condition imposed must be related to the purpose of the zoning ordinance and be based on *substantial evidence*. The requirements and conditions must be reasonable and, to the extent practicable, *measurable* and may include conditions such as the permit's duration, transfer and renewal.

3. The permit applicant *must* demonstrate that the application and all requirements and conditions imposed by the zoning code or the municipality relating to the conditional use are or will be satisfied, both of which must be supported by *substantial evidence*.

4. If an applicant meets or agrees to meet all of the requirements and conditions imposed by a zoning code or zoning board, the permit *shall* be issued.

5. The municipality's decision to *approve or deny* the conditional use permit must be supported by *substantial evidence*.

Based on the new law, the Plan Commission should consider:

1. Ensuring that the applicant, and interested members of the public, are aware of the "substantial evidence" standard. As an example, residents concerned with a proposed use may contend that the use will have an adverse impact on their property value. Simple speculation that value may go down is not sufficient evidence, while a report or testimony from a qualified appraiser or other expert would most

likely meet the standard. Other evidence, such as changes in the values of other properties immediately after a similar use was commenced elsewhere, may be substantial evidence if the facts and circumstances are similar enough. Statements made at a public hearing or in an application are not sufficient to support the Commission's decision unless the facts stated are supported by reasonable evidence.

2. When a condition is imposed, ensuring it is related to the purpose of the zoning code, and based on the substantial evidence standard. Include a "measurable" standard to determine compliance whenever possible. "Measurable" conditions may set forth a specific minimum or maximum level or amount (such as a decibel level if noise is a concern). Certain detrimental impacts, such as odor, are not objectively measurable, and a more general standard should still be permissible. The Commission may also consider limiting the duration, transfer and renewal of the permit if there is a rational basis to do so.

3. The permit applicant must demonstrate that the conditions will be satisfied, by substantial evidence, so there is a burden for the applicant to provide sufficient information to the Plan Commission to enable it to make its decision. The applicant cannot simply speculate that his or her use will meet conditions.

4. Preserving a good record so that it is clear what evidence was relied upon as the basis for the decision to deny or approve to application. Minutes reflecting the reasons given for approving, denying or adding conditions to a CUP will generally be helpful in defending the Commission's decision. Make findings of fact as part of the review process, and include those findings in the record.

5. Given the new standard that conditional use permits "shall" be granted when the applicant meets or agrees to meet all the requirements of the zoning code and Commission, consider whether some conditional uses should be eliminated from certain districts, and amend the zoning code accordingly.

6. Specifying in the motion which standards for approval are or are not met, and why that decision is made. If a permit is denied, state whether that decision is based on the failure of the applicant to meet its burden of proof (substantial evidence) or on other evidence refuting the applicant's evidence. If the permit is approved, state that the applicant has met its burden of proof and that the applicant's evidence outweighs the opposing evidence if the issue is contested. The new law does not expressly state what is to happen if substantial evidence is presented on both sides of an issue relevant to the CUP decision. We believe that the Commission must decide the weight to be given to the evidence, and that its decision is likely to be upheld if the issue is fairly debatable.

Perspectives on Planning

January 2018

Department of Planning & Landscape Architecture
University of Wisconsin-Madison/Extension
925 Bascom Mall
Madison, Wisconsin 53706-1317

https://dpla.wisc.edu

Conditional Use Permits After 2017 Wisconsin Act 67

By Brian W. Ohm

2017 Wisconsin Act 67 adds new sections to the *Wisconsin Statutes* governing the issuance of conditional use permits to the general zoning enabling laws for cities, villages, towns, and counties.[1] Until the addition of these sections, the general zoning enabling statutes did not include the term "conditional use permit" nor provide any guidance for the issuance of conditional use permits. Rather, the law governing conditional use permits was based on court decisions.

Act 67 Responds to the Wisconsin Supreme Court Decision in *AllEnergy Corp. v. Trempealeau County*

The Wisconsin Supreme Court's May 2017 decision in ***AllEnergy Corp. v. Trempealeau County***, 2017 WI 52, provides important context for understanding the conditional use requirements inserted in Act 67.

The *AllEnergy* case involved the denial of a conditional use permit for a proposed frac sand mind in Trempealeau County. The County voted to adopt 37 conditions for the mine, which AllEnergy agreed to meet, but then the County voted to deny the conditional use permit in part relying on public testimony in opposition to the mine. A divided Wisconsin Supreme Court upheld the County's denial of the conditional use permit acknowledging the discretionary authority of local governments in reviewing proposed conditional uses.

Act 67 in part reflects the sentiment articulated by the dissent in the *AllEnergy* decision According to the Dissent in *AllEnergy*: "When the Trempealeau County Board writes its zoning code, or considers amendments, . . . is the stage at which the County has the greatest discretion in determining what may, and may not, be allowed on various tracts of property." "Upon adding a conditional use to a zoning district, the municipality rejects, by that very act, the argument that the listed use is incompatible with the district." "An application for a conditional use permit is not an invitation to re-open that debate. A permit application is, instead, an opportunity to determine whether the specific instantiation of the conditional use can be accomplished within the standards identified by the zoning ordinance."

While local governments did not need to change their ordinances in response to the *AllEnergy* decision, Act 67 should prompt local governments to review their zoning ordinances, practices, and procedures to ensure they meet the new statutory requirements.

The New Statutory Requirements

Act 67 Act 67 limits local government discretion related to the issuance of conditional use permits.

[1]Act 67 creates section 62.23 (7) (de) for cities, villages, and towns exercising zoning under village powers, section 60.61 (4e) for towns exercising zoning without village powers, and section 59.69 (5e) for counties.

The new law adds the following definition of "conditional use" to the Statutes: "'Conditional use' means a use allowed under a conditional use permit, special exception, or other zoning permission issued by a [city, village, town, county] but does not include a variance."

Act 67 also includes the following definition of "substantial evidence," a term used in several places in the Act: "'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." This language softens the language of earlier versions of the bill that stated substantial evidence did not include "public comment that is based solely on personal opinion, uncorroborated hearsay, or speculation." Public comment that provides reasonable facts and information related to the conditions of the permit is accepted under Act 67 as evidence.

Act 67 then provides that "if an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the [city, village, town, county] ordinance or imposed by the [city, village, town, county] zoning board, the [city, village, town, county] shall grant the conditional use permit." This new language follows the argument made by the plaintiffs and the dissenting opinion in the *AllEnergy* case. The use of the term "zoning board," however, is at odds with current Wisconsin law that allows the governing body, the plan commission, or the zoning board of adjustment/appeals to grant conditional uses. This "zoning board" terminology may lead to some confusion.

Act 67 also provides that the conditions imposed "must be related to the purpose of the ordinance and be based on substantial evidence" and "must be reasonable and to the extent practicable, measurable" This new statutory language emphasizes the importance of having clear purpose statements in the zoning ordinance. In addition, since local comprehensive plans can help articulate the purpose of ordinances that implement the plan, local governments should consider including a requirement that the proposed conditional use furthers and does not conflict with the local comprehensive plan.

Act 67 states that permits "may include conditions such as the permit's duration, transfer, or renewal." In the past, sometimes there was confusion about whether local governments had the authority to place a time limit on the duration of a conditional use permit. This new statutory language clarifies that local governments have that authority.

Next, Act 67 provides that the applicant must present substantial evidence "that the application and all requirements and conditions established by the [city, village, town, county] relating to the conditional use are or shall be satisfied." The city, village, town or county's "decision to approve or deny the permit must be supported by substantial evidence."

Under the new law, a local government must hold a public hearing on a conditional use permit application, following publication of a class 2 notice. If a local government denies an application for a conditional use, the applicant may appeal the decision to circuit court. The conditional use permit can be revoked if the applicant does not follow the conditions imposed in the permit.

The New Requirements In A Nutshell:

- The requirements and conditions specified in the ordinance or imposed by the zoning board must be reasonable, and to the extent practicable, measurable.

- Any condition imposed must relate to the purpose of the ordinance and be based on substantial evidence.

- 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 a reasonable person would accept in support of a conclusion.

- If an applicant meets, or agrees to meet, all of the requirements and conditions specified in the ordinance or imposed by the zoning board, the local government must grant the CUP.

- The applicant must provide substantial evidence that the application and all requirements and conditions are, or shall be, satisfied.

- If an applicant does not meet one or more of the requirements (for example the application is incomplete) or conditions specified in the ordinance or imposed by the zoning board, the local government can deny the CUP.

- A local government's decision to approve or deny a conditional use permit must be supported by substantial evidence.

The new conditional use law applies to applications for conditional use permits filed on and after November 28, 2017.

Local governments should review the requirements of their ordinance to consider adding to or revising the conditions listed in the ordinance to ensure that the local government will be able to review specific development proposals against the purpose of the ordinance and be able to support conditions imposed on a specific application with substantial evidence. Act 67 may prompt some local governments to reconsider what might be listed as a conditional use in certain zoning districts and explore creating new districts or other ways to regulate the use. Local governments might also want to a multi-step process that informs applicants of the conditions the zoning board will imposed prior to the board's decision so the applicant can prove that they can comply with the conditions.

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Frequently Asked Questions About Act 67[2]

■Does Act 67 Limit Local Discretion to Deny a Conditional Use Permits?

Act 67 attempts to limit the level of discretion implied in the lead opinion of Wisconsin Supreme Court in the *AllEnergy* case.

Clearly under Act 67, if an applicant agrees to meet all the requirements of the ordinance and all the conditions imposed, the local government has no discretion to deny the permit.

However, local governments still have discretion in terms of whether or not something is listed as a conditional use in the zoning ordinance. Local governments also have discretion as to whether or not to impose a condition (for example every permit might not need conditions related to hours of operation). Local governments also have the authority to deny a permit if the applicant cannot meet the requirements of the ordinance or the conditions imposed. The fact that Act 67 talks about denial of a permit and the right challenge a denial in court shows the legislature did not take away all authority to deny an application for a conditional use permit.

A local government still has the ability to approve or deny a permit, and to attach conditions. A local government either approves a CUP because it complies with the requirements of the ordinance and the conditions imposed or they deny it because it does not meet the requirements of the ordinance and the conditions imposed.

Local governments have more discretion when rezoning a property. Act 67 may prompt some local governments to limit what is a conditional use and require a rezoning to a different district for certain uses.

■Is a local government obligated to craft conditions that will help the applicant meet the ordinance requirements?

No, but the local government needs to articulate why the proposed use does not meet the ordinance requirements and allow the applicant to suggest conditions that address the deficiencies.

For example, say an ordinance has general standards for CUPS like "protect public health, safety, and welfare." The zoning board uses that standard to say "we should not allow this project because it will lead to traffic congestion leading to unsafe traffic conditions." Under Act 67, the local government can't deny it unless they back it up with substantial evidence. The local government decides to conduct a traffic study. The traffic study concludes that if truck traffic to the site is limited to certain hours, there will be no congestion. The applicant proposes a condition to limit truck traffic based on the findings of the study.

There needs to be an opportunity for some back and forth between the applicant and the local government -- for example, the local government says we're concerned about water quality. They will need to provide specific facts about the water quality impacts. They may use that information to impose a specific condition that will address the water quality issue or it might be that the local government identifies the threat posed by the conditional use and the applicant responds by saying "I've hired a hydrologist, here is their report about the water quality impacts. The hydrologist recommends we do x, y, and z to address those impact. We propose doing that". The applicant develops the alleviating conditions.

What Act 67 changes is that in the past a group of citizens who are opposed to a project would say "deny the CUP because it will have traffic impact" and the local government would deny the CUP. Act 67 changes that.

[2] Thanks to Becky Roberts with the Center for Land Use Education at UW-Stevens Point for compiling these questions.

Local governments can't just say, "We have a standard in or ordinance that a CUP promote public health, safety, and welfare. We think there are traffic impacts so we deny the CUP." Local governments need substantial evidence that there will be traffic impacts. That evidence will provide the basis for more specific conditions imposed by the local government or suggested by the applicant. There are engineering solutions for many impacts so it will be difficult for there to be no condition that could be imposed to meet the ordinance standards. It may be extremely expensive to follow the condition -- that might stop the project. Perhaps the hours of operation end up being so limited the applicant drops the project. That may lead the applicant to argue the condition is unreasonable. Resolution of that issue will take further litigation.

Historically, most CUPs are approved. Denials are very limited. Act 67 may make denials harder.

■*How closely do conditions imposed by the zoning board need to match the "standards" (requirements and conditions) outlined in the zoning ordinance? In other words,* do *you need to rely on the ordinance purpose or ordinance standards when crafting conditions?*

Yes, Act 67 requires that "any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence." Many ordinances include general statements like protect public health and safety in the purpose statement of the ordinance, as a requirement of the ordinance, or as a standard for granting conditions. *Kraemer & Sons Inc. v. Sauk Cnty. Adjust. Bd*., 183 Wis. 2d 1, 13, 515 N.W.2d 256 (1994), provides guidance that standards in ordinances can include general standards like the "need to protect public health, safety, and welfare" and more specific standards like "mining operations must not impair water quality." Act 67 does not prohibit the use of general standards so local governments should still include them. They just will need to provide substantial evidence to justify why the condition is necessary to protect public health, safety, and welfare.

■*Act 67 requires applicants to demonstrate that all requirements and conditions <u>are, or shall be, satisfied</u>. This seems like it will be problematic. Do you have any tips that a local government can use to avoid situations where the applicant promises to meet the requirements/conditions and then never follows through?*

A local government could revoke the permit or take other legal action if the requirements and conditions are not met. The body granting a conditional use permit retains jurisdiction over the permit to insure that the applicant complies with the conditions over the life of the permit and the applicant does what they said they would do. Just like the enforcement of any zoning matter, the zoning administrator will need to monitor the activity to insure compliance. Neighboring property owners also can monitor compliance and can file a complaint with the local government --"The permit allows the mine to operate from 8am to 5pm and they have been working until 7 pm this past week." The local government could revoke the permit for noncompliance. They could also impose a monetary penalty for not being in compliance. They should check the enforcement section of their zoning ordinance to see what it currently provides. Now Act 67 requires that the applicant provide <u>substantial evidence</u> that they will comply. It is not clear that applicants have been held to this standard before. This might prove helpful when dealing with, for example, "bad actors" -- "In the past, you had a CUP for a similar use and you didn't do x, y, and z as you were supposed to do. Provide us with substantial evidence that you will do things differently." It might be difficult for the applicant to do.

■*Does Act 67's reference to only the "zoning board" mean that the plan commission and/or governing body cannot grant conditional use permits?*

Under prior Wisconsin law, it was interpreted that the authority to grant conditional use permits could rest with either the zoning board of appeals/adjustment, the plan commission, or the governing body.[3] It is not clear whether the use of "zoning board" was a drafting error or intentional.

It may lead some people to argue that as a result of Act 67 only the zoning board can grant conditional use permits despite the language elsewhere that conditional use permits can be decided by the zoning board, the plan commission, or the governing body. (When there is a conflict in the statutes, the most recently adopted statute controls.)

The language of Act 67 may lead others to argue that Act 67 only applies to conditional use permits issued by the zoning board. The plaintiffs in *AllEnergy* made the argument that the county committee did not have the

[3] See Wis. Stat. §§ 59.694(1), 60.65(3) and 62.23(7)(e)

legal authority to make the decision it did because the decision to not allow the mine was a legislative decision that could only be made by the county board -- the legislative body. The lead opinion in the Supreme Court's decision determined that the ordinance (the standards in the ordinance, etc.) properly authorized the committee's actions so it was not an improper delegation of legislative authority. Since Act 67 is limited to the zoning board, it does raise the argument that if it is the governing body that issues the conditional use permit, the governing body, as a legislative body, has more discretion to act on conditional use permits because they are not bound by the requirements of Act 67.

■*Can a local ordinance provide for an appeal of a conditional use permit decision to another local body?*

A number of local governments provide for appeal of a plan commission decision on a conditional use permit to the zoning board of appeals or the governing body. It is not clear from the wording of Act 67 if it preempts local ordinances from having an intermediate step of appeal to a zoning board or the governing body before the denied applicant could appeal the decision to circuit court. An ordinance providing for an intermediate appeal in an ordinance should still be acceptable under an argument that if the applicant succeeds in the appeal it saves the time and expense of having to bring a lawsuit in a court of law.

Brian W. Ohm, an attorney, is a professor in the UW-Madison Department of Planning and Landscape Architecture and the state specialist in planning law for UW-Extension.

VILLAGE OF
McFarland

SUMMARY SHEET

MEETING DATE: **Monday, July 19, 2021**

SECTION: **Business**

DEPARTMENT: **Community Development**

CONTACT: **Andrew Bremer, Comm & Eco Dev Director**

AGENDA ITEM: **Discussion and possible action on a Site Design Review Permit submitted by Wisconsin Power & Light and Alliant Energy for a natural gas regulator station at Grand View Lot 3, parcel 0610-023-5350-7 (approximate northwest corner of Creamery Road and Elvehjem Road), McFarland, WI, property zoned CO Conservancy.**

PREVIOUS ACTION:

ISSUE SUMMARY:
Details regarding this agenda item, including Applicant's submittal and associated staff reviews are included in the prior agenda Item 4.b.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:
Motion to approve the Site Design Review Permit, as submitted including revised landscaping plan, by Wisconsin Power and Light & Alliant Energy for a natural gas regulator station, at Grand View Lot 3, parcel 0610-023-5350-7, with the following conditions:

1. Village Board approval of the associated project easement. Applicant to revise the easement in the Village Attorney's staff letter dated June 15, 2021 to include the area within the revised landscaping plan for review by the Village Attorney prior to consideration of the easement by the Village Board..
2. Applicant to provide site invasive tree/brush removal services as outlined in the Village Engineer's staff review letter dated May 5, 2021. Applicant to contact the Director of Public Works to coordinate removal prior to completion of said services.

ATTACHMENTS:
None

VILLAGE OF
McFarland

SUMMARY SHEET

MEETING DATE: **Monday, July 19, 2021**

SECTION: **Business**

DEPARTMENT: **Community Development**

CONTACT: **Andrew Bremer, Comm & Eco Dev Director**

AGENDA ITEM: **Discussion and possible recommendation to the Village Board on Ordinance 2021-07, An Ordinance Rezoning Outlot 20 of Assessor's Plat No. 4 – Township of Blooming Grove (4908 Terminal Drive), and Lot 1 of CSM 7449 (4902 Terminal Drive), McFarland, WI from Commercial Highway (C-H) to Planned Development District – General & Detailed Plan Approved. Rezoning requested by Waubesa Village LLC.**

PREVIOUS ACTION:

2006, Village acquisition of 4902 Terminal Drive
June 22, 2015 Village Board approval of Planned Development District General Plan Phase I-III and Detailed Plan Phase I.
2015 TIF Development Agreement for Waubesa Village Phase 1.
July 17, 2017 Plan Commission approval of Planned Development District Detailed Plan Phase II.
2017 TIF Development Agreement for Waubesa Village Phase 2.
July 20, 2020 Plan Commission approval of Planned Development District Detailed Plan Phase III.
2020 Amendment to TIF Development Agreement for Waubesa Village Phase 2.
April 7, 2021 Pre-Application meeting with CDA.
April 19, 2021 Pre-Application meeting with Plan Commission.
June 2, 2021, CDA review of TIF Development Incentives Application (action postponed)
June 21, 2021, Plan Commission held public hearing on proposed rezone.
July 7, 2021, CDA recommended a TIF Development Incentives Application to the Village Board

ISSUE SUMMARY:

Summary of Request

Ryan Quam has acquired an option to purchase 4908 Terminal Drive and is seeking to acquire 4902 Terminal Drive from the Village in order to develop Waubesa Village Phase 4, a three-story 27-unit garden apartment building similar to Waubesa Village Phase 2 & 3. This building would consist of a combination of one and two bedroom apartments with underground parking. Ryan also has a long-term option to purchase 4810 & 4818 Terminal Drive for the potential future development of Waubesa Village Phase 5. The Phase 4 and Phase 5 concepts were reviewed at pre-application meetings before the CDA on April 7, 2021 and the Plan Commission April 19, 2021. The current proposal is only for Phase 4. A request to develop

Phase 5 would likely not occur for several years. In addition to the request for Planned Development General Plan Approval and Detailed Plan Approval, the associated project includes a request for approval of a Certified Survey Map to combine 4902 & 4908 Terminal Drive with the existing Waubesa Village Phase 1-3 lot (see Agenda Item 4.c.).

Existing Property Conditions

- 4902 Terminal Drive: Vacant, Zoned C-H Commercial Highway, 0.31 Acres, $0 Assessed Value
- 4908 Terminal Drive: Single Family Home, Zoned C-H Commercial Highway, 0.52 Acres, $233,300 Assessed Value

Planned Development District Standards

The packet includes the revised Planned Development General Plan for Waubesa Village Phase 1-4, and the Detailed Plan for Phase 4. This includes the Applicant's responses to the standards for PDD general and detailed plans under Sec. 62-67 of the Zoning Code. A copy of Sec. 62-67 is provide in the packet for reference purposes. The following are some initial staff comments regarding Sec. 62-67(a) General Requirements for Planned Development District:

1. Use. Refer to Village Plan Reference. Noting also that the existing Commercial Highway zoning would allow for potential commercial uses (permitted or conditional) that may be deemed less compatible compared to multi-family residential.
2. Density. The revised density of Waubesa Village (Phases 1-4) would be 18.25 DU/AC. Sec. 62-67(a)(2) provides no prescribed density requirements for the PDD. For comparison purposes, the Village's R-3 General Residence District allows up to 15 DU/AC.
3. Off-Street Parking. Sec. 62-67(a)(3) provides no prescribed off-street parking requirements. The proposed development provides 28 underground parking stalls (at least one per unit) and 26 surface stalls for a total of 54 stalls. For non-PDD projects, the Zoning Code requires two spaces per one and two bedroom units. Therefore, the Phase 4 Detailed Plan meets the off-street parking requirements for a non-PDD project.
4. Standards.
    - Grouping of Buildings (setbacks). The proposed building would be located at an angle to Terminal Drive in order to take advantage of the existing grade for access to the underground parking lot from the existing emergency access drive serving Phases 1-3. At it's closest point, the proposed building is 22 feet from the front property line; however, this increases to over 80 feet at the northeast corner of the building. Similar at it's closest point, the building would be setback 33 feet from the Phase 3 building currently under construction; however, this increases to 140 feet at the southwest corner of the building. The building would be setback 83 feet from the north property line and 24 feet from the southern property line. For comparison purposes, the minimum setback requirements to property lines for the R-3 General Residence District are 25 feet (front), 10 feet (side), 35 feet (rear). In addition, under the current C-H Commercial Highway zoning, the minimum setback requirements are 35 feet (front), 10 feet (side) and 30 feet

(rear). Adjacent Parkview Apartments are setback ~30 feet from shared lot line. Structures would be ~54 feet apart. Addressing question/concerns regarding compatibility/transitions with adjacent Parkview Apartments recommended for discussion.

- Landscaping. Concerning the review of 4908 Terminal Drive Apartments C-5, Landscaping Plan for the Waubesa Village Development, Phase 4 Development Plan, staff found the points required in the earlier phases have been met with the large surplus from Phase 1. Although Phases 2 & 3 do not meet the required points in their respective phases, Phase 1 supports the total points provided up to this point. The current phase 4 requires 836 points based on the development. The points provided, along with any additional points from the prior phases, does not meet the required points due to several issues. To elaborate, the southern exterior of the proposed building had five shrubs unaccounted for. By inferring the similarity in the placement and symbols used, staff identified these plants as: two Emerald Arborvitae (EA), two Magic Carpet Spirea (MCS) and one Sargent Juniper (SJ). This gives an additional 17 points provided to the total. The deficit falls in staff only being able to identify five of the six proposed Large Deciduous Trees, Autumn Blaze Maple. This large canopy tree creates a deficit of 40 points. The corrected total for phase 4 will be 685 points provided. From the total points required including Phase 4, the total comes to 3,028 points. With the corrected Phase 4 points provided, this puts the total points provided at 3,020, a difference of 8 points. In consideration of the request for PDD zoning, and to increase compatibility with surrounding properties, staff recommend the following additional landscaping installations:
    - Increase landscaping along southern lot line. Include a mix of shrubs, deciduous and evergreen trees to provide enhanced year-long, and varying height, screening to adjacent property. An additional solid decorative fence could be consider here as well. Note, the Applicant has provided a revised Landscaping Plan (dated July 8, 2021) included in the packet for the southern lot line. Applicant has proposed adding 2 Norway Spruce trees and 6 Arborvitae to the existing and planned landscaping along the shared lot line. The revised Landscaping Plan also includes the locations of existing arborvitae and shrubs on the adjacent Parkview Apartments property to further illustrate the existing screening. Staff recommends further consideration for additional Norway Spruce (or similar evergreen species) along other portions of the shared lot line to provide greater year-round screening.

    - Provide small-medium evergreen or deciduous shrubs along northern property line adjacent to the front of the three parking locations marked as 7-stalls, 6-stalls, and 3-stalls. These should have a mature height of 3-6 feet to screen vehicles. This recommendation considers the developer's plans for potential reconstruction of the access drive and parking lot in this area for Phase 5, as costs of removal of small species of trees and shrubs would be less impactful compared to a larger canopy tree.

- Lighting. Note, the Applicant has provided a revised Lighting Plan (dated June 19, 2021) which addresses the Director's request for confirmation of the setback for the northern property line and south facing ground mounted accent light. Director recommends removal of this light feature for increased compatibility with Parkview Apartments. Confirmation of specifications for the proposed light fixtures and a photometric plan for the property is still needed to confirm acceptance to Village requirements.

5. Minimum Area. The required minimum lot size for PDD projects are three acres. The proposed PDD is 5.534 acres.
6. Subdivision (CSM) Review. The Applicant has include a request for approval of a Certified Survey Map to combine 4902 & 4908 Terminal Drive with the existing Waubesa Village Phase 1-3 (Lot 1 of CSM No. 14104). Refer to Agenda Item 4.e. Recommend consideration to removing, through dedication to the Village, the two small jogs in the property line to maintain a consist right-of-way of 42 feet for the entire length of the property.

Parkland Dedication

The proposed development site is not identified in either the Village's Comprehensive Plan, or Outdoor Recreation & Open Space Plan, for a future Village park, thus requiring a parkland dedication under Sec. 56-173(a). The latter does propose an off-street bike/ped path along Terminal Drive, as envisioned in the Terminal & Triangle District Plan. The proposed CSM provides sufficient right-of-way to accommodate this planned trail and the Village is currently discussing this improvement as part of a potential reconstruction of Terminal Drive (or a portion thereof) in 2022. Sec. 8-464(c) provides that a park-land impact fee shall be collected for construction of all new single-family and multi-family residential units, condominium units, and additions that increase the number of dwelling units on a lot. If the Village accepts dedication of parkland from the developer, the fee required under this paragraph shall apply only with respect to the number and type of dwelling units in excess for which the land dedication was made. The Applicant is proposing to provide fees in lieu of parkland dedication in an amount to meet the service standards under Sec. 56-173(a) and Appendix A of the Municipal Code. Payment of the park-land impact fee will be included as part of a Real Estate Acquisition and Development Agreement for the property.

Site Design Review Standards

The proposed development is subject to the site design requirements in Sec. 62-310 and the Mixed Use Lakeview Subdistrict Design Guidelines from the Terminal and Triangle District Plan. A staff review of these site and building design requirements and guidelines are included in the packet. Note, the Applicant has provided a revised Site Plan (dated June 19, 2021) that includes the location of the planned cluster mail box units (CBU) and ground mounted building address sign. The following items have been called out for consideration:

1. The proposed sidewalk and curbing along Terminal Drive should be shown as extending the full frontage of the lots to the southern property line.
2. Confirmation required of site light fixtures and photometrics. Consideration of necessity for the southern building wall accent light, possibility of removal for increased

compatibility with Parkview Apartments.

Other Village Staff Comments
Review letters from the Village Engineer, Fire Inspector, and Police Chief are included in the packet.

Public Comments
The packet includes a copy of written comments received by the Department prior to the June 21 public hearing from residents of the adjacent Parkview Apartments (dated June 17, 2021) . The packet includes a letter from Ryan Quam (dated July 9, 2021) addressing responses to several of the concerns raised in the Parkview Letter. The packet includes a memo from the Village Engineer (dated July 15, 2021) addressing those items of concern from the Parkview Letter regarding the stormwater management. The packet also includes a memo from the Village Fire Chief (dated July 3, 2021) addressing proximity and safety concerns from the Parkview Letter regarding the existing fuel tank terminals. The Parkview Letter included a number of concerns and requests. Staff responses are summarized below:

- Late Notice of Parties/Request for Delay. All notice requirements of the Village Zoning Code were met or exceeded concerning the June 21, 2021 public hearing. The Plan Commission may determine whether additional information is required before making a recommendation to the Village Board.
- Constructing Any New Buildings Near Tank Farms/Safety Studies. The packet also includes a memo from the Village Fire Chief (dated July 3, 2021) addressing proximity and safety concerns from the Parkview Letter regarding the existing fuel tank terminals.
- Use of TIF Funds/Need or Appraisal. The packet includes a memo from the Village Attorney addressing this matter.
- Location of Detention Ponds/Revisit & Redesign. The packet includes a letter from Ryan Quam (dated July 9, 2021) and a memo from the Village Engineer (dated July 15, 2021) addressing those items of concern from the Parkview Letter regarding the stormwater management.
- Adverse Impacts to Residents Enjoyment of Living at Parkview. The packet includes a letter from Ryan Quam (dated July 9, 2021) with his responses to these concerns. Refer also to the Director's comments within this staff report regarding potential design improvements to improve compatibility with the adjacent Parkview Apartments.

FINANCIAL/BUDGET IMPACT:
TID #3 previously provided incentives of $552,583 (Phase 1) and $360,000 (Phase 2), for a total of $912,583. The Phase 1 & 2 Development Agreement obligates the Applicant to a Guarantee of Tax Increment based on a fair market value of the property of no less than $8,100,000 ($4,300,000 for Phase 1 plus $3,800,000 for Phase 2). Phase 3, currently under construction, did not include TIF development incentives. The 2021 Fair Market Value of Waubesa Village is $8,469,000, not including the majority of the anticipated value of Phase 3.

The Applicant is seeking $176,500 (revised from $260,000) in a Tax Increment Loan at Occupancy plus sale of 4902 Terminal Drive for $1 (estimated value $73,255), plus completion by the Village of the curbing and sidewalk along Terminal Drive (estimated value $24,000) as part of future Village consideration of reconstruction of Terminal Drive, for a total incentive valued at $273,755. The Village acquired 4902 Terminal Drive for the purpose of blight removal and to encourage redevelopment of the property. TID #3 previously invested $153,787 in the acquisition and clean-up of 4902 Terminal Drive. These costs have been offset by revenue from rental of the prior home (2004-2014) before its demolition, $85,849 in total rental revenue. Therefore, TID #3 has invested a net of $67,938 in this property. The prior single family home was razed due to it's poor condition. The Applicant estimates land acquisition and construction cost for Phase 4 of $4,910,000. The Applicant intends to provide an Assessment Guarantee upon completion of the project of $3,800,000 similar to the Phase 2 and Phase 3 developments. This would provide an estimated $69,373 in additional annual tax increment to TID #3 upon build-out and an estimated $272,955 prior to closure of the District. At the July 7th CDA meeting, the CDA motioned to recommend approval by the Village Board of the revised TIF.

In addition to generating tax increment revenue for TID #3, Phase 4 will also generate general revenues to the Village through the collection of building permit and impact fees. The Applicant would pay the following impact fees based on current 2021 rates:

- Park Land Impact Fees (Fees in Lieu of Parkland Dedication): $2,755.26 x 27 Units = $74,392.02
- Park Improvement Impact Fees: $990.38 x 27 Units = $26,740.26
- Library Impact Fees: $431.00 x 27 Units = $11,637.00

VILLAGE PLAN REFERENCE:

4902 & 4908 Terminal Drive are located within the following adopted Village plans available for review on the Community & Economic Development website:

- TIF District #3 (adopted 2004).
- Terminal and Triangle District Plan (adopted 2005), specifically the Mixed-Use Lakeview Village Subdistrict. Preferred land uses include mixed-use buildings & sites, office & residential, neighborhood & lake-oriented retail, higher profile buildings, and under-building parking. Map 2 and 6 of the TTDP conceptualized potential office development in the area of Phases 2-4. This was premised, in-part on a potential future transit station adjacent to Brandt Park, which is unlikely to materialize. In the Director's opinion office and mixed-use buildings (similar to Waubesa Village Phase 1) are more likely to materialize at the intersection of Terminal Drive and Siggelkow Road. The market potential/compatibility for office or commercial development on 4902 & 4908 Terminal Drive seems questionable at this time. Appendix B of the plan includes a Summary of Site and Building Design Standards applicable to the Mixed-Use Lakeview Village Subdistrict.
- Redevelopment District No. 1 (adopted 2010), specifically within the Mixed Use Commercial/Residential Subdistrict.

- Comprehensive Plan (adopted 2017). This plan identifies the property for future Mixed Use/Flex Commercial. Figure 4.1 of the plan, identifies the General Description of Land Uses Allowed includes a carefully designed blend or option of commercial services, retail, office, business park, multiple family residential, and/or institutional land uses, including mixed use sites and/or buildings. Compared to the Neighborhood future land use category, Mixed Use/Flex Commercial areas typically are denser, include some non-residential component, and do not typically include single family housing. All uses served by public sewer and water systems. Page 33 of Volume Two further describes that "in these spots, the actual future land use is less critical than in success in land use transitions and in managing impacts on surrounding land uses." Typical Implementing Zoning Districts includes the PD Planned Development District. General Land Use Policy #5 also states to actively promote infill development and redevelopment where opportunities present themselves, particularly for underutilized properties along Terminal Drive.

ORDINANCE REFERENCE:

Sec. 62.67, PD Planned Development District
Sec. 62-73, Terminal and Triangle Design Overlay Zoning District
Sec. 62-310, Site/Design Review

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Motion to recommend approval of Ordinance 2021-07, An Ordinance Rezoning Outlot 20 of Assessor's Plat No. 4 – Township of Blooming Grove (4908 Terminal Drive), and Lot 1 of CSM 7449 (4902 Terminal Drive), McFarland, WI from Commercial Highway (C-H) to Planned Development District – General & Detailed Plan Approved, condition on:

1. Approval of a Real Estate Acquisition and Development Agreement by the Village Board.
2. Addressing those conditions of approval provided in the May 5, 2021 McFarland Fire & Rescue Department staff memo.
3. Addressing those conditions of approval provided in the June 11, 2021 Village Engineer staff memo.
4. Revising the Landscape Plan to include installation of (4) additional Norway Spruce (or similar evergreen species) along the southern lot line and installation of (15) Arborvitae (or similar evergreen species) along the northern lot line between the 16 off-street parking spaces and the adjacent property line. Said installations in addition to those on the revised Landscaping Plan dated July 8, 2021.
5. Revising the proposed Lighting Plan to remove the proposed ground mounted building accent light on the south facing building wall.
6. Submittal of specifications for the proposed light fixtures and a photometric plan for the property to the Community Development Director for staff review and acceptance.
7. Applicant to submit revised site plans addressing the conditions of approval to the Community Development Director for staff review and acceptance prior to issuance of a building permit.

VILLAGE OF
McFarland

ATTACHMENTS:

1. 6.21.21 - Quam - rezone - Terminal dr
2. 2021-07 Rezoning 4902 & 4908 Terminal Drive
3. 4902 and 4908 Terminal Drive_Waubesa Village Phase 4 Plans_04.05.21
4. Waubesa Village Phase 4 Revised Site Plan 6-19-21
5. Waubesa Village Phase 4 Revised Lighting Plan 6-19-21
6. Waubesa Village Phase 4 Landscape Plan - South Lot Line 7-8-21
7. Appendix B Design Guidelines for Mixed Use Lakeview Subdistrict-Waubesa Village Phase 4-06.17.21
8. Sec. 62-310 Site Design Review_Waubesa Village Phase 4_06.17.21
9. Village Engineer Ltr_Waubesa Village Phase 4-06.11.21
10. Police Department Ltr-Waubesa Village Phase 4-06.15.21
11. Fire & Rescue Ltr-Waubesa Village Phase 4-05.05.21
12. CONCERNED RESIDENTS OF PARKVIEW APARTMENTS Ltr_06.17.2021
13. Quam Letter-Village of McFarland - Responses to Concerned Resident of Parkview Apartments Letter
14. Chief Dennis Memo - Waubesa Village 4-5 with Terminals - 07.03.21
15. Village Attorney Waubesa Village Phase 4 Property Sale Memo_07.16.21
16. Village Engineer Waubesa Village Phase 4 Stormwater Letter_07.15.21
17. McFarland_Comprehensive_Plan_-_Future_Land_Use_Map
18. Figure 4.1(page 36)
19. Map_2_-_Planned_Land_Use_TTD Plan
20. Map_6_-_Mixed-use_Lakeview_Village
21. Sec. 62-67 Planned Development District

Please publish in the
McFarland Thistle on
June 3, 2021 and June 10, 2021

VILLAGE OF MCFARLAND
NOTICE OF PUBLIC HEARING
BEFORE THE PLAN COMMISSION

NOTICE IS HEREBY GIVEN that there will be a public hearing before the Plan Commission on Monday, June 21, 2021 at 7:00 p.m. in the Community Room of the Municipal Center, 5915 Milwaukee St., McFarland, Wisconsin, at which time interested parties and citizens shall have an opportunity to be heard concerning the following:

> Ordinance No. 2021-07, An Ordinance Rezoning Outlot 20 of Assessor's Plat No. 4 – Township of Blooming Grove (4908 Terminal Drive), and Lot 1 of CSM 7449 (4902 Terminal Drive), McFarland, WI from Commercial Highway (C-H) to Planned Development District – General & Detailed Plan Approved. Rezoning requested by Waubesa Village LLC.

Information regarding this request is available for review online at www.mcfarland.wi.us/activedevelopmentprojects or at the Village of McFarland Municipal Center lobby, 5915 Milwaukee Street, McFarland, WI 53558 (Monday-Friday, 8:00 a.m. to 4:30 p.m.).

COVID-19 RELATED INFORMATION

Due to the COVID-19 Pandemic, the Village recommends and **URGES** all residents to view the meeting that evening live on the Charter cable channel 982; TDS channel 1009 or online at mcfarlandcablechannel.com and those who wish to participate and provide public comment do so via Zoom (the Village's virtual meeting software). You can join the Zoom Webinar by visiting https://us02web.zoom.us/j/87130361177 or Telephone: Dial (for higher quality, dial a number based on your current location): US: +1 (312) 626-6799 Webinar ID: Webinar ID: 871 3036 1177.

Due to limitations from Dane County Public Health, only 10 non-employees are allowed in the Municipal Center at one time. **If you choose to attend the meeting in-person, the Village CANNOT GUARANTEE you will be allowed a spot inside the building to view the meeting.** Those who wish to provide public comment at the meeting will be ushered in and out of the building to accommodate the 10 person gathering limit.

If you cannot attend the meeting, you may submit your written comments to the Plan Commission by email to community.development@mcfarland.wi.us or by mail to Community Development Department, Village of McFarland, P.O. Box 110, McFarland, WI 53558-0110. Submission must be received no later than the Thursday prior to the meeting date.

ORDINANCE 2021-07

AN ORDINANCE TO REZONE LANDS ON TERMINAL DRIVE FROM THE C-H ZONE, COMMERCIAL HIGHWAY DISTRICT, TO THE PLANNED DEVELOPMENT DISTRICT - GENERAL PLAN APPROVED AND DETAILED PLAN APPROVED.

Purpose: To rezone the lands on Terminal Drive as part of the proposed project at 4902 and 4908 Terminal Drive, Waubesa Village Phase 4.

Sponsor: Community & Economic Development Director Bremer

Recommended Referral: Plan Commission (Required)

Public Hearing: Required; Preceded by Class 2 Notice

WHEREAS, the developer of the proposed 4902 & 4908 Terminal Drive, Waubesa Village Phase 4 Development, submitted a development plan to the Village on April 6, 2021, a copy of which is attached hereto as Exhibit A, and requested that the General Plan and the Detailed Plan for Waubesa Village Phase 4 be processed and approved as a single stage Planned Development District; and

WHEREAS, the developer has submitted documents fulfilling the requirements for approval of an amendment to the General Plan for Phases 1-3 of Waubesa Village to include Phase 4 for the planned development for the lands specified below, as well as the Detailed Plan for Phase 4 of the development; and

WHEREAS, the Village Board is willing to conditionally approve the General Plan and the Detailed Plan, and the Village Board finds approval thereof is in the public interest;

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

1. Section 62-62(a) of the McFarland Municipal Code and the Official Zoning Map are hereby amended so that the following described real estate is hereby rezoned from the C-H Zone, Commercial Highway District, to Planned Development District – General and Detailed Plan Approved (PD-GPA and PD-DPA):

PARCEL A (Waubesa Village Phase 4):

All of Outlot 20 of Assessor's Plat No. 4 – Township of Blooming Grove (4908 Terminal Drive) and Lot 1 of CSM 7449 (4902 Terminal Drive), all being located in the SW ¼ of the NW ¼ of Section 34, Township 6 North, Range 10 East, Village of McFarland, Dane County, Wisconsin.

2. The Zoning Administrator is hereby directed to label these changes on the Official Zoning Map, once the rezoning is effective.

3. This ordinance does not constitute approval of any earthwork or building construction within any of the property described in the ordinance. No construction of any kind, including earthwork or building construction, is permitted on Parcel A until a development agreement is reached between the Village and developer. If the developer fails to reach a development agreement with the Village within one (1) year after the approval of this ordinance, then this ordinance shall become null and void, and the zoning of Parcel A shall continue to be the existing C-H zoning.

The above and foregoing Ordinance was duly adopted at a regular meeting of the McFarland Village Board on the _____day of _____, 2021.

APPROVED:

_____
Carolyn A. Clow, Village President

ATTEST:

_____
Cassandra Suettinger, Village Clerk-Treasurer

ORDINANCE 2021 –07	
MOTION	SECOND
ACTION	DATE
Adopted	
Referred	
Tabled	
Withdrawn	
Defeated	
Published	
INDIVIDUAL VOTING RECORD	
Brassington -	Rupert -
Clow -	St. Clair -
Flaherty -	Wreh -
Nelson -	
VOTING RESULTS	
Motion Carried:	
Motion Defeated:	

Village of McFarland
Community & Economic Development Department

Plan Commission Application – 2021

~Application must be completed in full~

Applicant - Owner	Waubesa Village, LLC	Applicant's Agent	Ryan Quam
		Name	Received
Address	4604 Siggelkow Road, Suite A McFarland, WI 53558	Address	APR 06 2021
Email	rquam@quamengineering.com	Email	Village of McFarland
Phone #	608-838-7750	Phone #	
Fax #		Fax #	

Parcel No(s). 154/0710-342-4122-7
154/0710-342-4100-3 **Type of Proposal – Please check boxes below that apply**

Requires Public Hearing (Class One)	FEES	Requires Public Hearing (Class Two)	FEES	Public Hearing Not required	FEES
☐ Preliminary Plat	$500+AF	☐ Conditional Use	$370+F	☐ Annexation	At cost
☐ Preliminary Plat (reapplication)	$500+BF	☒ Rezoning (map)	$405+	☐ Dev. Agreement Including Addendums	$400 F
☒ Certified Survey Map	$300+FG	☐ Zoning Amendment (text)	$405 +F	☐ Final Plat	$500 +CF
☐ Condominium	$300+EF	☐ USA/MMSD Annexation	At cost	☐ Final Plat (reapplication)	$400 +DF
☐ Comprehensive Plan Amendment	$500+F			☒ Site/Design Review	$400 + F

+ = 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.

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
☐ Site/Design Review (less than 2,000 sq. ft.)	$1,000
☒ Site/Design Review (2,000 sq. ft. or more)	$2,000
☐ All Plats including condominiums	$5,000

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

The site is located at 4902 and 4908 Terminal Drive. 4902 Terminal is lot 1 of CSM 7449 and zoned "X4 - Exempt". 4908 Terminal is Lot 20 of Assessors Plat 4 Blooming Grove and zoned "G1-Residential". The application request is for a PDD to allow for a 27 unit apartment building (phase 4 of Waubesa Village).

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 AT THE BOTTOM ON THE REVERSE SIDE

Schedule: The Village of McFarland Plan Commission normally 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. **Three (3) copies** of all materials, **one (1) copy must be 8 ½ x 11, two (2) copies to be 11 x 17 and one (1) electronic copy** (*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 2021 Schedule

*Submittal Deadline Noon on:	For Scheduled 2021 Meeting date of:
December 8 (2020)	January Tuesday Jan. 19
January 5	February 15
February 2	March 15
March 9	April 19
April 6	May 17
May 11	June 21
June 8	July 19
July 7	August 16
August 10	September 20
September 7	October 18
October 5	November 15
November 2	December 20 (Pending)
December 7	(Pending) Tuesday, Jan. 18, 2022

*** Submittal deadline:**

- **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. Materials submitted for review after the submittal deadline date, or incomplete submittals, may be held over until the next scheduled meeting.**
- **I understand 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. In addition, all application fees are non-refundable.**

X _____ 4-5-2021

Signature of Applicant/Agent Date

Planned Development District

Statement of Owners Intent,
Updated General Plan for Staged
Development, and Detailed Plan for
Phase 4 Development

Project:
Waubesa Village Development

Owner:
Waubesa Village, LLC
Attn: Ryan Quam

Statement of Owners Intent

It is the intent of the Owner to develop the lands controlled by the Owner as a Mixed Use development in general conformance with the TIF plan and previously approved General Plan. The purpose of this submittal is to seek the following Village approvals:

1) Updated General Plan for Phases 1-4;
2) Detailed Plan for phase 4 development;
3) Zoning amendment creating the Planned Development District to allow phase 4 development;

Legal Description

The lands controlled and uncontrolled by the Owner addresses and legal descriptions are as follows:

1) 4604, 4606, and 4608 Siggelkow Road (Lot 1, C.S.M. 14104) - Controlled;
2) 4908 Terminal Drive (Lot 20 of Assessors Plat 4 Blooming Grove) – Controlled;
3) 4902 Terminal Drive (Lot 1 of CSM 7449) – Village Land;

Description of General Plan for Staged Development

The General Plan proposes the development of the land with five buildings and associated drive aisles, parking lot, and regional pond as shown on the General Development Plan included as sheet G-1. The buildings and site layout are described as follows:

1) Phase 1 Mixed Use Building
   - Existing three story mixed use building;
   - Approximately 22,000 square feet of leased apartment space;
   - 12,300 square foot leased commercial space on first floor;
   - 6 one-bedroom and 14 two-bedroom apartment units on second and third floors;
   - 32 underground parking stalls;
   - 31 surface parking stalls;
   - Approximately 190 feet long;
   - Approximately 70 feet deep;
2) Phase 2 Apartment Building
   - Existing three story apartment building;
   - Approximately 30,000 square feet of leased apartment space;
   - Approximately 11,300 square foot footprint;
   - 28 underground parking stalls;
   - 29 surface parking stalls;
   - Approximately 175 feet long;
   - Approximately 70 feet deep;
   - 9 one-bedroom and 18 two-bedroom apartment units with individual washers and dryers and private balconies;
3) Phase 3 Apartment Building
   - Existing three story apartment building;
   - Approximately 30,000 square feet of leased apartment space;
   - Approximately 11,300 square foot footprint;
   - 28 underground parking stalls;
   - 27 surface parking stalls;
   - Approximately 175 feet long;
   - Approximately 70 feet deep;
   - 9 one-bedroom and 18 two-bedroom apartment units with individual washers and dryers and private balconies;
4) Phase 4 Apartment Building

- 27 unit, three story apartment building which will be described in the Detailed Plan for Phase 4 Development portion of this submittal;

5) Site Layout
   - 113 above ground parking stalls are proposed to supplement the underground parking and to meet overall parking requirements;
   - One regional detention pond will meet rate runoff control, sediment control requirements and multiple infiltration ponds will meet infiltration requirements for all proposed impervious areas;
   - 128 approximate total number of apartment units;
   - 22.9 Dwelling Units / Acre (overall development site which is 5.59 acres)
6) Schedule
   - Phase 1 mixed use building open on June 2016
   - Phase 2 three-story apartment building open on June 2018
   - Phase 3 three-story apartment building open on May 2021
   - Phase 4 three-story apartment building open on May 2022

Existing Site (Phase 4)

The Existing Site Plan is included as Sheet C-1 and site features are as follows:

1) 5.56 total acres;
   a. 4604, 4606, 4608 Siggelkow Road is 4.73 acres;
   b. 4908 Terminal Drive is 0.52 acres;
   c. 4902 Terminal Drive is 0.31 acres;
2) Phase 1 and 2 developments have been completed per the plans and phase 3 development is substantially completed with an anticipated June 30th completion date;
3) Detention pond has been installed and is sized for all four phases of development with minor modifications;
4) Terminal Drive is adjacent to the east;
5) Existing house and attached business are adjacent to the north;
6) Existing Waubesa Village phase 3 building is adjacent to the west;
7) Existing multifamily units are adjacent to the south;
8) Public sanitary sewer and water main is available under Terminal Drive to serve phase 4 of development;

Description of Detailed Plan for Phase 4 Development

A three story 27-unit apartment building as the fourth phase of development and the details are as follows:

1) The Site Plan is included as Sheet C-2 with features as follows:
   - 11,300 square foot footprint;
   - 175 feet long;
   - 72 feet deep;
   - 26 above ground parking stalls;
2) The Grading Plan is included as Sheet C-3 with features as follows:
   - Underground garage entrance on the north side of the building;
   - First floor doors on the west side of the building;
   - Garage floor doors on the north, south, and west side of the building;
   - Retaining walls to accommodate the natural grade changes;
3) The Rendering is included as Sheet A-1
   - Intended to meet the TIF goal to "vary building facades by using different but complementary colors, material arrangements, well setbacks (staggered facades), roof lines, and/or windows";

4) The Exterior Elevations drawing are included as Sheet A-2.1 and Sheet A-2.2
   - Intended to meet the TIF goal to "emphasize high quality natural building wall materials such as brick, block, and glass - particularly on the first floor";
   - Materials include single hung vinyl windows, aluminum railing systems, thin stone veneer, fiber-cement lap siding, and fiber-cement siding panels with reveal joints;
   - Roof materials include three dimensional asphalt shingles and standing seam metal accent roofs;
5) The Utility Plan is included as Sheet C-4
   - A 6" sanitary lateral will be extended from the Terminal Drive sanitary sewer to serve building "D";
   - A 6" water service will be extended from the Terminal Drive water main to serve building "D";
   - Inlets and catch basins will collect runoff from all impervious areas and storm sewer will carry runoff to the bioretention devices and detention pond;
6) The Landscape Plan is included as Sheet C-5
7) The Lighting Plan is included as Sheet C-6
8) The Apartments Basement Floor Plan is included as Sheet A-3
   - Tenant storage and mechanical rooms in the garage;
   - 28 parking stalls;
9) The Apartments First Floor Plan is included as Sheet A-4
   - 8,912 approximate apartments area;
   - Six two bedrooms;
   - Three one bedrooms;
   - Each unit will have individual washers and dryers and private balconies;
10) The Apartments Second Floor Plan is included as Sheet A-5
   - 8,912 approximate apartments area;
   - Six two bedrooms;
   - Three one bedrooms;
   - Each unit will have individual washers and dryers and private balconies;
11) The Apartments Third Floor Plan is included as Sheet A-6
   - 9,712 approximate apartments area;
   - Four two bedroom with lofts;
   - Two two bedrooms;
   - Three one bedrooms;
   - Each unit will have individual washers and dryers and private balconies;

Planned Development District Standards and Responses

Section 62-67(4) lists the standards shall apply in the review of all general or detailed plans proposed for the Planned Development District. The standards and this submittals responses are as follows:

a) "*The uses proposed in the planned development shall be in general conformance with the Village Comprehensive Plan*". The proposed Detailed Plan for Phase 4 Development is in general conformance with the "Mixed-use Lakeview Village Subdistrict" guidelines of the "Terminal and Triangle District Plan".

b) "*The establishment, maintenance or operation of the uses proposed in the planned development shall not substantially impair or diminish the use, value and enjoyment of other properties within the neighborhood*". The proposed Phase 4 Development will be an asset to the neighborhood and proposed building and pavement setbacks are sufficient so as to not negatively impact the neighboring buildings.

c) "*Traffic circulation into and within the development shall be designed to minimize traffic congestion and traffic hazards, provide for the accessibility of all uses and buildings and also provide for the safe and convenient movement of both vehicles and pedestrians*". The proposed parking stalls will connect to a 24' wide driveway and will provide safe and convenient movement of vehicles. The proposed sidewalk will connect to existing sidewalks and will provide safe movement for pedestrians.

d) "*The planned development shall incorporate environmental design considerations, including the preservation of topography, trees and ground cover, streams and natural bodies of waters, and other significant natural features and control of erosion and runoff in accord with the Village Erosion Control and Stormwater Management Ordinances*". There are no existing environmental features to preserve. The proposed development will include storm sewer, rain garden, and detention pond to meet Village Erosion Control and Stormwater Management Ordinances. The Landscape Plan will meet Village landscaping ordinances.

e) "*The planned development shall provide for convenient and harmonious groups of buildings, structures and uses; and buildings shall be spaced and sited to ensure adequate safety, light, ventilation and privacy*". The three existing and one proposed building will be designed with similar materials and architectural style and will be located over thirty-three feet apart to maximize privacy.

f) The following provisions shall apply:

a. "*In a planned development for residential use, adequate open space and recreational areas shall be provided in appropriate locations, and all public and common open spaces shall be designed and located to provide safe and convenient access to residents*". There is a proposed grass volleyball/ice rink proposed as a part of this planned development. The planned development currently includes a playground, and the lawn and landscaped areas provide a common open space that is safe and accessible to residents. Also nearby are Brandt Park, the bike trail, and McDaniel Park which also provide additional recreational opportunities.

b. "*Planned Development District housing impacts on community resources in the same manner as other new developments, which are characterized by division of land into lots. In particular, the additional population density places demands upon Village parks and recreation areas. Accordingly, each dwelling unit newly established shall be required to dedicate land or provide fees in lieu of land, in accordance with the procedures set forth in Section 62-64*." The existing 74 dwelling units and proposed 27 dwelling units will provide fees-in-lieu of parkland dedication, Park Improvement fees, and Library Impact fees.

g) "*The planned development will not adversely affect the ability of public agencies to provide school or other municipal services*". The planned development will include a street connection to Terminal Drive which will improve vehicular traffic circulation within the existing Phase 1-3 development and assist with the fire access lane.

h) "*The width of street rights-of-way, width of paving, width and location of street or other paving, outdoor lighting, location of sewer and water lines, provision for stormwater drainage or other similar environmental engineering considerations shall be based on a determination and the appropriate standards necessary to implement the specific function in the specific situation; provided, however, that in no case shall standards be less than those necessary to ensure the public safety and welfare as determined by the Village*". The proposed drive aisles are 24' wide to accommodate two way traffic and sufficient distance to back up from 18' deep parking stalls. Sidewalk widths are proposed to be 5' wide which is a sufficient width for pedestrian traffic. Bollard lights and parking lot lights are provided to provide sufficient outdoor lighting. The Village and WDNR stormwater

requirements will be met with the existing detention pond and proposed infiltration devices which will take advantage of the existing sandy soils.

i) "*The proponents of a Planned Development District application shall provide evidence satisfactory to the Village Board of its economic feasibility of available adequate financing and that it would not adversely affect the economic prosperity of the Village or the values of surrounding properties*". The applicant will provide a personal financial statement for the Village attorney review. The applicant has received many compliments from Village residents over the years regarding the phase 1 – 3 buildings and feels that the phase 4 development will be received similarly and will be viewed as a benefit to the Village and not adversely affect surrounding properties;

j) "*The proponents of a Planned Development District shall submit a reasonable schedule for the implementation of the development of the development to the satisfaction of the Village Board, including suitable provisions for assurance that each phase could be brought to completion in a manner that would not result in an adverse effect upon the community as a result of termination at that point*". The proposed phase 4 building anticipated completion date is May 31, 2022.

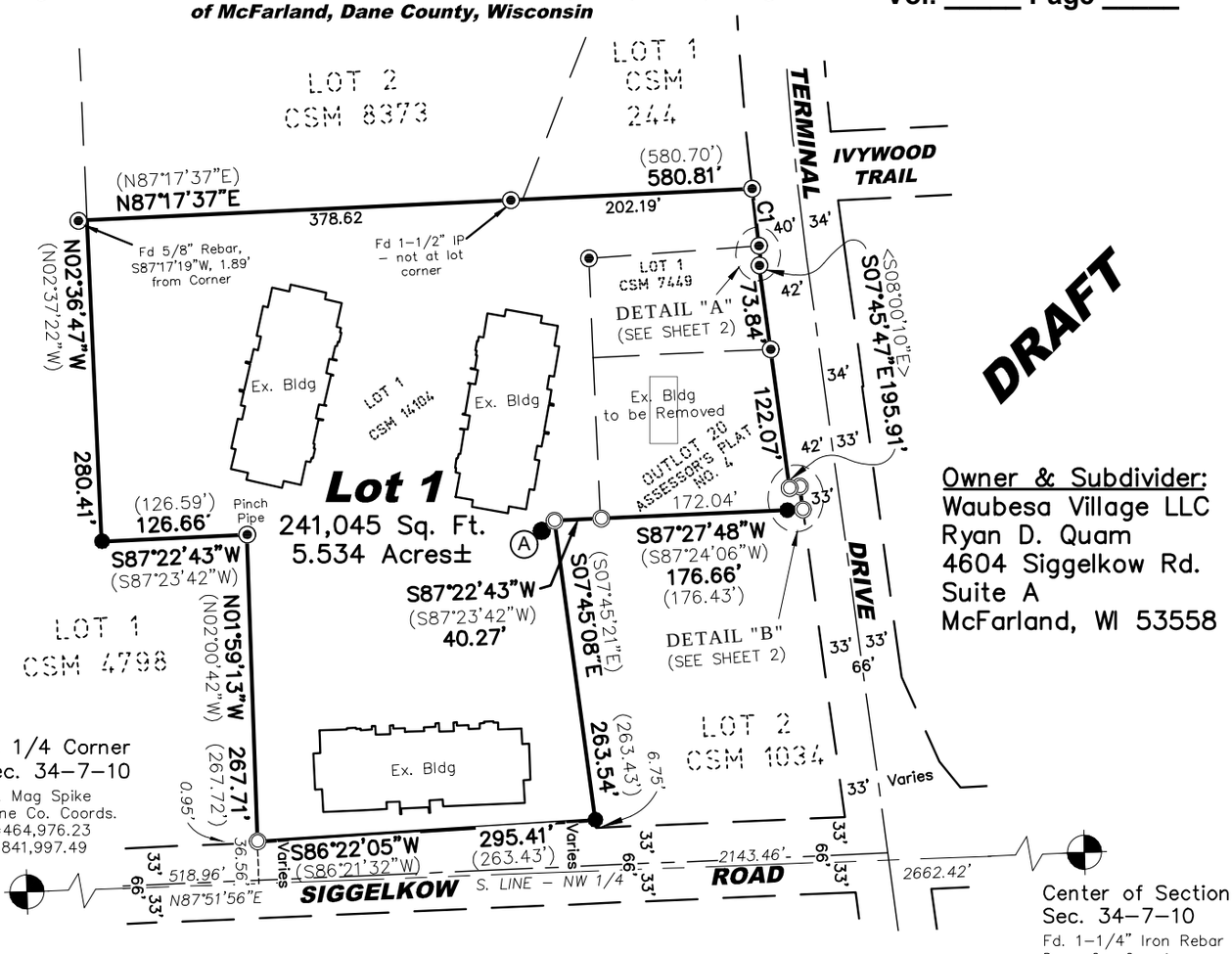
DANE COUNTY
CERTIFIED SURVEY MAP # _____

C.S.M. No. _____

Doc. No. _____

Vol. _____ Page _____

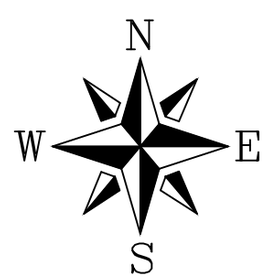
Lot 1 of Certified Survey Map No. 14104, Outlot 20 of Assessor's Plat No. 4 - Township of Blooming Grove, and Lot 1 of Certified Survey Map No. 7449, all being located in the SW 1/4 of the NW 1/4 of Section 34, T7N., R10E., Village of McFarland, Dane County, Wisconsin



Owner & Subdivider:
Waubesa Village LLC
Ryan D. Quam
4604 Siggelkow Rd.
Suite A
McFarland, WI 53558

Notes:

1. See Sheet 2 for Details "A" and "B".
2. See Sheet 2 for Curve Data.
3. This CSM was done without benefit of a Title Report and may not depict all matters of title that affect the property shown hereon.



Bearings are referenced to the South line of the Northwest 1/4 of Section 34, which is measured to bear North 87°51'56" East on the Dane County Coordinate System – NAD 83 (2011).

LEGEND

- ⊙ Found 1" Iron Pipe, Unless Noted
- ● Found 3/4" Rebar
- ◎ 3/4" by 24" Iron Rebar Set Weighing 1.5 lbs./ft.
- (303.63') Record Data per CSM 14104
- [303.63'] Record Data per CSM 8373
- {303.63'} Record Data per CSM 244
- <303.63'> Record Data per CSM 7449
- Boundary Line
- Existing R/W Line
- Platted Lot Line
- Section Line

Ⓐ Also a Fd. 1-1/2" I.P. lies S61°28'55"W, 1.46' from corner

GRAPHIC SCALE

0 75 150 300

(IN FEET)

QUAM ENGINEERING, LLC
4604 SIGGLEKOW ROAD – SUITE A McFARLAND, WI 53558
608–838–7750 www.quamengineering.com
Project # RQ–02–15

SHEET 1 OF 5

DRAFT

DANE COUNTY
CERTIFIED SURVEY MAP # _____

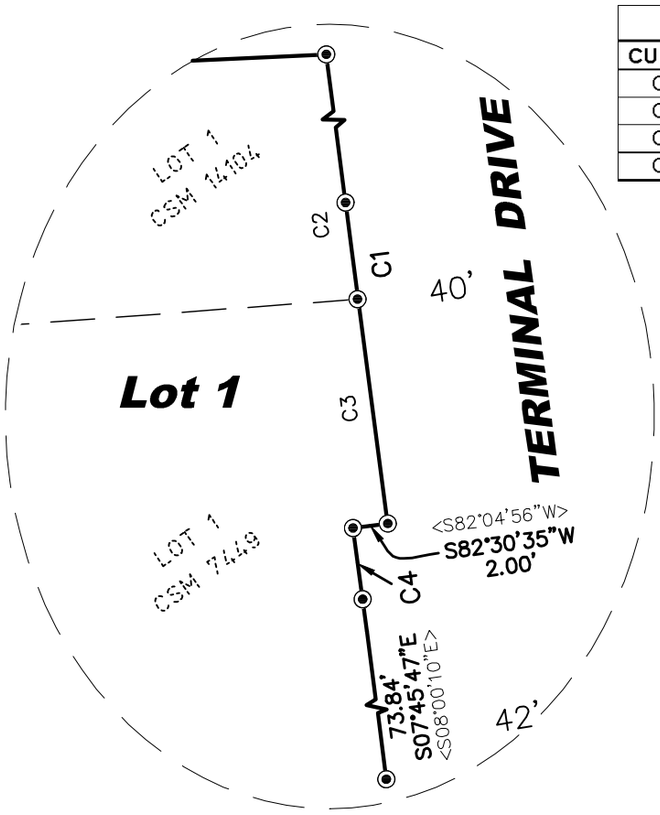
Lot 1 of Certified Survey Map No. 14104, Outlot 20 of Assessor's Plat No. 4 - Township of Blooming Grove, and Lot 1 of Certified Survey Map No. 7449, all being located in the SW 1/4 of the NW 1/4 of Section 34, T7N., R10E., Village of McFarland, Dane County, Wisconsin

C.S.M. No. _____

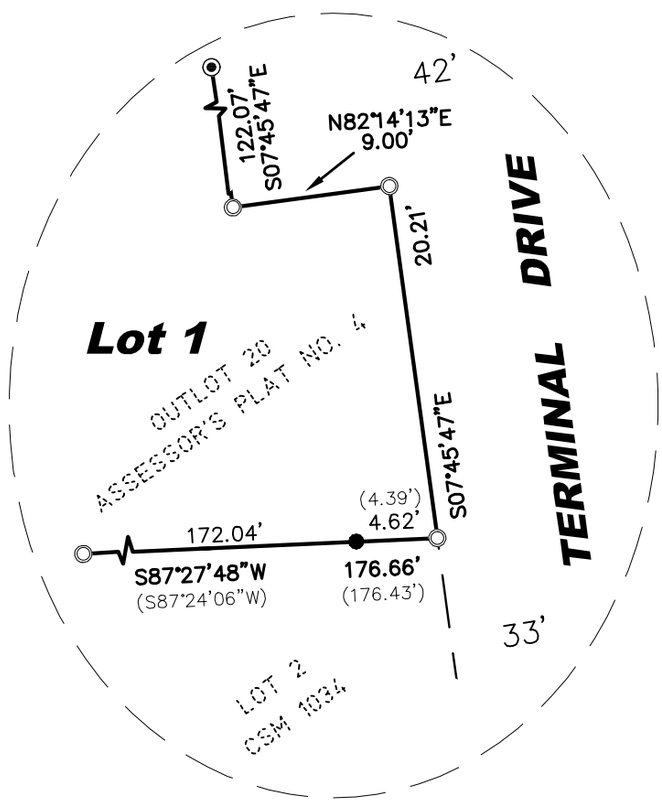
Doc. No. _____

Vol. _____ Page _____

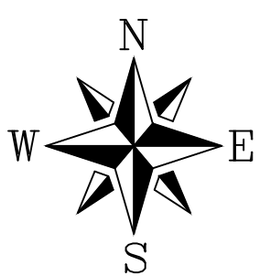
CURVE DATA TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	2905.00'	01°14'35"	63.03'	S07°03'40"E - 63.03'
C2	2905.00'	00°59'21"	50.15'	S06°56'02"E - 50.15'
C3	2905.00'	00°15'15"	12.88'	S07°33'20"E - 12.88'
C4	2907.00'	00°04'50"	4.09'	S07°43'22"E - 4.09'



DETAIL "A"



DETAIL "B"



Bearings are referenced to the South line of the Northwest 1/4 of Section 34, which is measured to bear North 87°51'56" East on the Dane County Coordinate System – NAD 83 (2011).

LEGEND

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●	Found 3/4" Rebar
◎	3/4" by 24" Iron Rebar Set Weighing 1.5 lbs./ft.
(303.63')	Record Data per CSM 14104
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{303.63'}	Record Data per CSM 244
<303.63'>	Record Data per CSM 7449
———	Boundary Line
—— ——	Existing R/W Line
— —— —	Platted Lot Line
—— – – ——	Section Line

GRAPHIC SCALE

0 5 10 20

(IN FEET)

QUAM ENGINEERING, LLC

4604 SIGGLEKOW ROAD – SUITE A McFARLAND, WI 53558

608–838–7750 www.quamengineering.com

Project # RQ–02–15

Drawn By: MEH
Project # RQ-02-15

DANE COUNTY
CERTIFIED SURVEY MAP #_____

Lot 1 of Certified Survey Map No. 14104, Outlot 20 of Assessor's Plat No. 4 - Township of Blooming Grove, and Lot 1 of Certified Survey Map No. 7449, all being located in the SW 1/4 of the NW 1/4 of Section 34, T7N., R10E., Village of McFarland, Dane County, Wisconsin

SURVEYOR'S CERTIFICATE:

I, Matthew E. Hoglund, Registered Land Surveyor, do hereby certify to the best of my knowledge and belief, that I have surveyed, divided, and mapped the following Certified Survey being:

Lot 1 of Dane County Certified Survey Map No. 14104, recorded in Volume 95 of Certified Survey Maps on Pages 54 through 56 as Document No. 5192757 of Dane County Records.

Outlot 20 of Assessor's Plat No. 4 - Town of Blooming Grove, recorded in Volume 13 of Plats on Pages 15 and 16 as Document No. 777053 of Dane County Records.

Lot 1 of Dane County Certified Survey Map No. 7449, recorded in Volume 38 of Certified Survey Maps on Pages 214 through 216 as Document No. 2602577 of Dane County Records.

all being located in the Southwest 1/4 of the Northwest 1/4 of Section 34, Township 7 North, Range 10 East, Village of McFarland, Dane County, Wisconsin, containing 241,045 square feet or 5.534 acres, more or less.

BEING SUBJECT TO all easements and agreements, if any, of record and/or fact.

I further certify, to the best of my knowledge and belief, that this map is a correct representation of all exterior boundaries of the land surveyed and the subdivision thereof made; that I have made such survey, land division, and map by the direction of Ryan D. Quam of Waubesa Village LLC, the owner of said land; that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the Village of McFarland Subdivision Regulations in surveying, dividing, and mapping the same.

Dated this 11th day of May, 2021.

WISCONSIN MATTHEW E. HOGLUND S-1910 MILL RIVER WI LAND SURVEYOR DRAFT

_____
Quam Engineering, LLC
By: Matthew E. Hoglund
P.L.S. S-1910

VILLAGE OF McFARLAND PLAN COMMISSION CERTIFICATE:

This land division is hereby approved by the Plan Commission of the

Village of McFarland on this ____ day of _____, 2021.

_____
Cassandra Suettinger, Clerk, Village of McFarland

C.S.M. No. _____

Doc. No. _____

Vol. _____ Page _____

SHEET 3 OF 5

Drawn By: MEH
Project # RQ-02-15

DANE COUNTY
CERTIFIED SURVEY MAP #_____

Lot 1 of Certified Survey Map No. 14104, Outlot 20 of Assessor's Plat No. 4 - Township of Blooming Grove, and Lot 1 of Certified Survey Map No. 7449, all being located in the SW 1/4 of the NW 1/4 of Section 34, T7N., R10E., Village of McFarland, Dane County, Wisconsin

OWNERS CERTIFICATE:

Waubesa Village LLC, a Limited Liability Company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said company caused the land described on this Certified Survey Map to be surveyed, divided, mapped, and dedicated as represented on this map. Waubesa Village LLC, does further certify that this map is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

Village of McFarland

IN WITNESS WHEREOF, the said ouffiou Waubesa Village LLC has caused these presents to be signed by Ryan D, Quam, Managing Member, at _____, Wisconsin, and its corporate seal to be hereunto affixed on this _____, day of _____, 20__.

In the presence of: _____ _____

STATE OF WISCONSIN)
COUNTY DANE) SS

Personally came before me this ___ day of _____, 20___, Ryan D. Quam, Managing Member of the above named Limited Liability Company, to me known to be the person who executed the foregoing instrument, and to me known to be a partner of said Limited Liability Company and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

(Notary Seal) _____ Notary Public, _____, Wisconsin

My commission expires _____.

WISCONSIN
MATTHEW E. HOGLAND
S-2910
FULL RIVER
WI
5/11/2021
DRAFT
LAND SURVEYOR

VILLAGE OF McFARLAND BOARD CERTIFICATE:

Resolved, that this Certified Survey Map is hereby approved and dedications accepted by the Village Board of the Village of McFarland

Dated this ___ day of _____, 2021.

_____
Cassandra Suettinger, Clerk, Village of McFarland

REGISTER OF DEEDS CERTIFICATE:

Received for recording this ___ day of _____, 20___, at _____ o'clock __M. and

recorded in Volume _____of Certified Survey Maps on Pages _____

as Document No. _____.

_____
Kristi Chlebowski, Dane County Register of Deeds

Drawn By: MEH
Project # RQ-02-15

DANE COUNTY
CERTIFIED SURVEY MAP #_____

Lot 1 of Certified Survey Map No. 14104, Outlot 20 of Assessor's Plat No. 4 - Township of Blooming Grove, and Lot 1 of Certified Survey Map No. 7449, all being located in the SW 1/4 of the NW 1/4 of Section 34, T7N., R10E., Village of McFarland, Dane County, Wisconsin

CONSENT OF CORPORATE MORTGAGEE:

State Bank of Cross Plains, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping, and dedication of the land described on this map, and does hereby consent to the above certificate of Waubesa Village LLC, owner.

IN WITNESS WHEREOF, the said _____ has caused these presents to be signed by _____, its President, and countersigned by _____, its Secretary (cashier), at _____, Wisconsin, and its corporate seal to be hereunto affixed on this _____, day of _____, 20__.

In the presence of:

_____ _____ (Corporate Seal)

_____ , Date: _____
By: President

_____ , Date: _____
By: Secretary (Cashier)

WISCONSIN MATTHEW E. HOGLUND S-1910 FOX RIVER, WI 5/11/2021 DRAFT LAND SURVEYOR

STATE OF WISCONSIN)
_____COUNTY) SS

Personally came before me this ___ day of _____, 20___, _____, its President, and countersigned by _____, its Secretary (cashier) of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such President and Secretary(cashier) of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

(Notary Seal) _____ Notary Public, _____, Wisconsin

My commission expires _____.

CONSENT OF CORPORATE MORTGAGEE:

Village of McFarland, a _____ duly organized and existing under and by virtue of the laws of the State of Wisconsin, as mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping, and dedication of the land described on this map, and does hereby consent to the above certificate of Waubesa Village LLC, owner.

IN WITNESS WHEREOF, the said _____ has caused these presents to be signed by _____, its _____, and countersigned by _____, its _____, at _____, Wisconsin, and its corporate seal to be hereunto affixed on this _____, day of _____, 20__.

In the presence of:

_____ _____ (Corporate Seal)

_____ , Date: _____
By: Title

_____ , Date: _____
By: Title

STATE OF WISCONSIN)
_____COUNTY) SS

Personally came before me this ___ day of _____, 20___, _____, its _____, and countersigned by _____, its _____ of the above named _____, to me known to be the persons who executed the foregoing instrument, and to me known to be such _____ and _____of said _____, and acknowledged that they executed the foregoing instrument as such officers as the deed of said _____, by its authority.

(Notary Seal) _____ Notary Public, _____, Wisconsin

My commission expires _____.

C.S.M. No. _____

Doc. No. _____

Vol. _____ Page _____

Site and Design Plans

Check List

Date received: _____

Subject property address: 4902-4908 Terminal Drive

Landowner's name: Village of McFarland/Tim Blum

Landowner's address: _____

Landowner's phone/fax: _____

Landowner's email: _____

Agent's name: Ryan Quam - Waubesa Village

Agent's address: 4604 Siggelkow Road, Suite A McFarland, WI 53558

Agent's phone/fax: 608-838-7750

Agent's email: rquam@quamengineering.com

All A. Title Block that indicates name and address of the current property owner.

C2 B. Name and signature of the designer.

4/5/21 C. Date of original plan and latest date of revised plan.

ALL D. North arrow and graphic scale. Said scale shall not be smaller than 1 inch equals 100 ft.

- E. Existing zoning X4 and G1 Proposed rezoning X yes _____no

C1 & C2 F. All property lines, and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.

C2 G. All required building setback lines.

C2 H. The location of all access points and connections to public streets, off-street parking, and loading areas on the subject property including a summary of the number of parking stalls, accessible parking stalls, and labels indicating the dimension of such areas.

C2 I. All existing and proposed building structures and paved areas, including walks, drives, decks, patios, balconies, fences, retaining walls, utility poles, exterior utility and mechanical equipment, and any accessory structures.

C1 & C2 J. Existing and proposed site and building signage.

Elevations K. Color exterior façade elevations of all proposed buildings including descriptions of materials and colors.

N/A L. The location of all outdoor storage areas; including proposed screening materials and colors.

C3 M. The location of existing and proposed drainage facilities including stormwater and erosion control plan.

C3 N. The location and type of any permanently protected green space areas.

N/A O. The location and elevation of any wetlands or floodplains.

C3 P. Grading Plan including existing & proposed topography shown at a contour interval of not more than two (2) ft.

_____ Q. In the legend, data for the subject property:

PDD (1) Lot area

PDD (2) Building area

C2 (3) Paved area

C2 (4) Total impervious area

C5 (5) Landscaping points provided and required for building foundations, gross floor area, street frontage, and paved area.

A2 (5) Building height

PDD (6) Existing zoning, proposed zoning

C2 (7) Number of parking stalls provided and required.

C5 R. Landscaping Plans including proposed species, quantity and planting size. Refer to Appendix B of the Village's Zoning Code for more information.

C4 S. Hydrant locations and Fire Department Connection.

C6 T. Lighting Plans including photometrics and description of fixture types, heights and orientation.

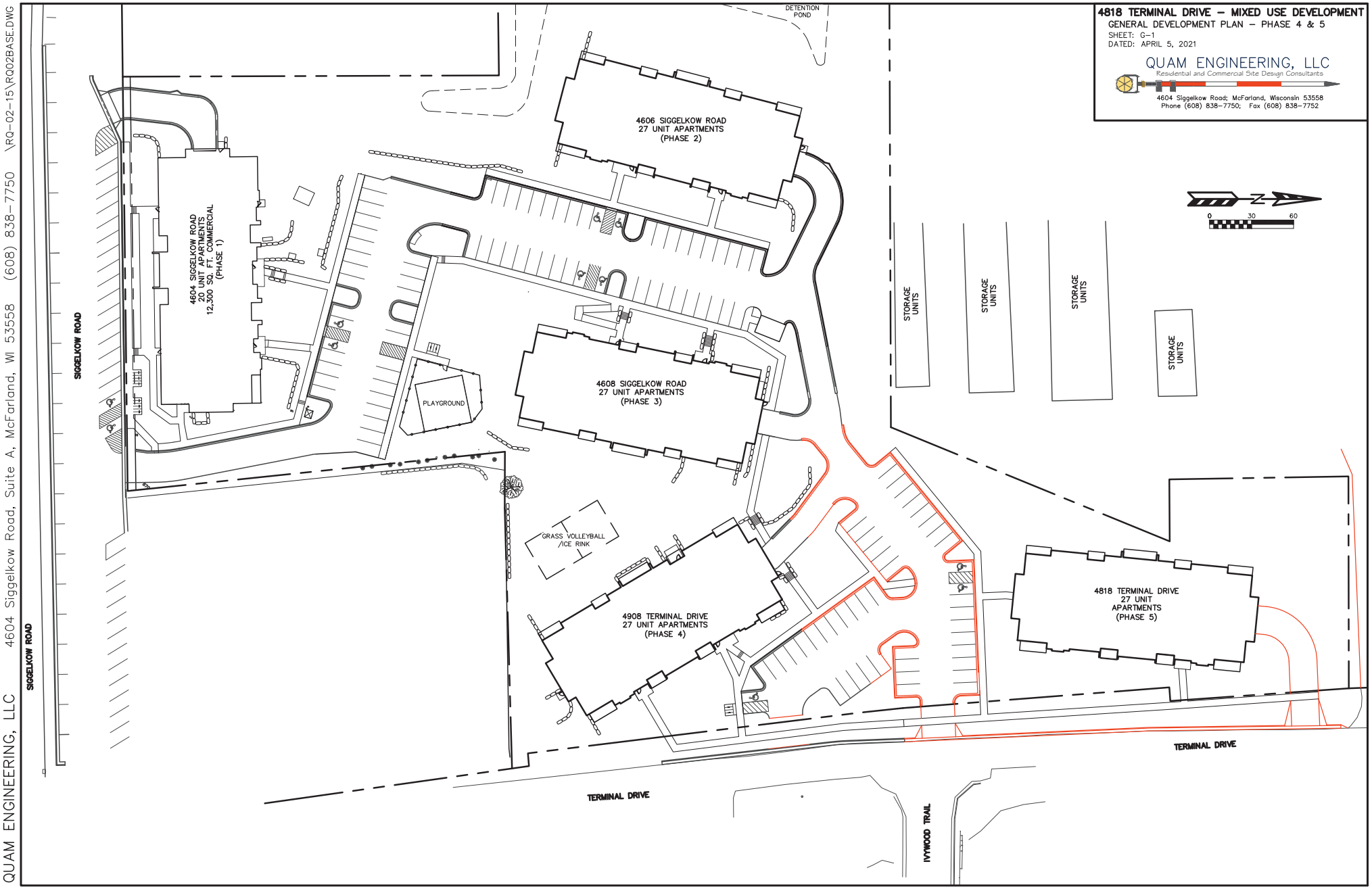
C4 U. Utility plans, including the location of existing and proposed overhead or underground site utilities, including piping and meter sizes and associate appurtenances.

N/A V. Existing or proposed easements.

see below W. A legal description of the subject property.

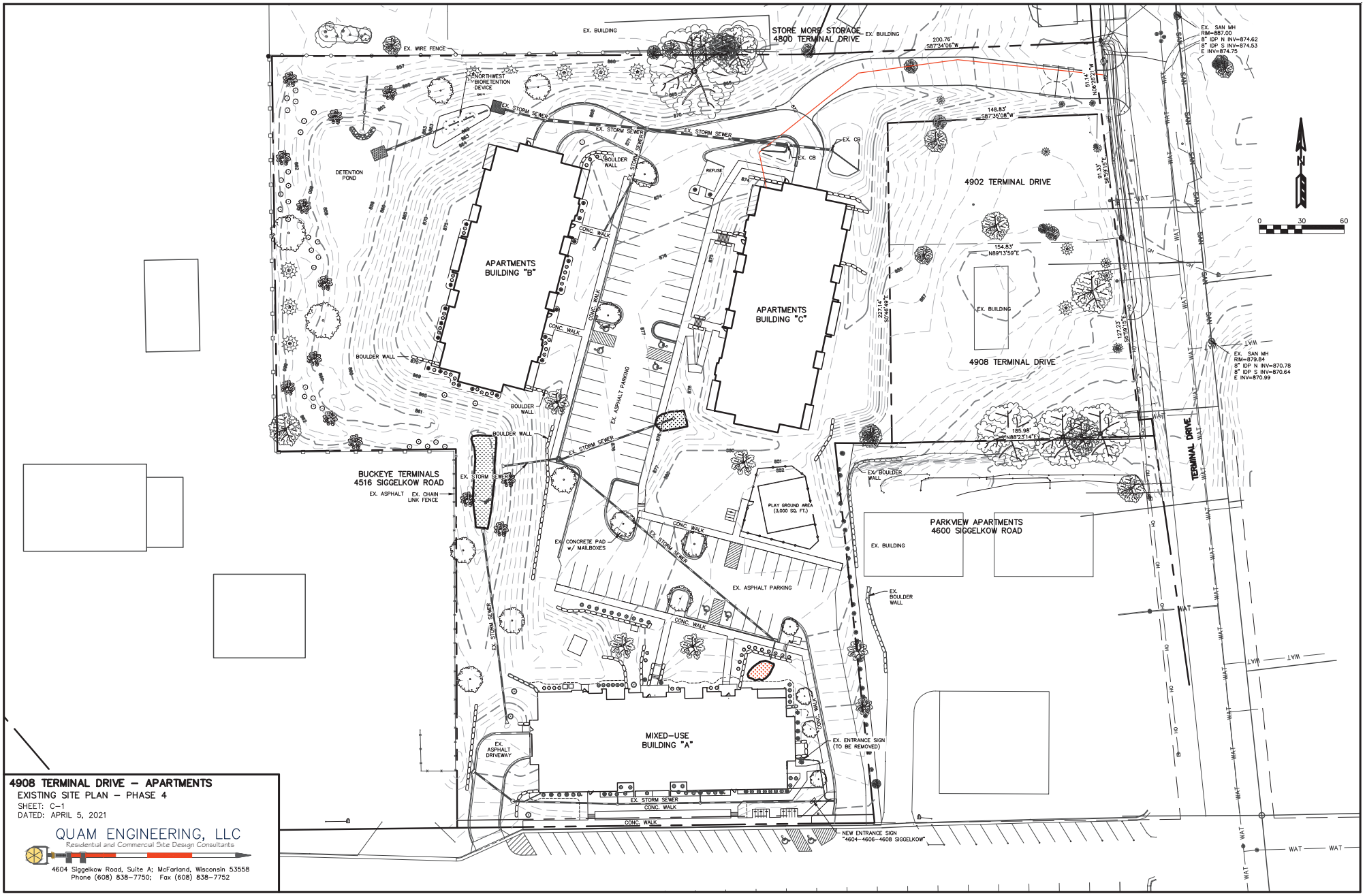
General Comments: CSM of property to follow

Note: In addition to Site and Design Permit approval, a building permit from the Village Building Inspector is required prior to the start of construction of any building, fence, or sign.



QUAM ENGINEERING, LLC 4604 Siggelkow Road, Suite A, McFarland, WI 53558 (608) 838-7750 \RQ-02-15\RQ02BASE.DWG

QUAM ENGINEERING, LLC 4604 Siggelkow Road, Suite A, McFarland, WI 53558 (608) 838-7750 \RQ-02-15\RQ02BASE.DWG



4908 TERMINAL DRIVE – APARTMENTS
EXISTING SITE PLAN – PHASE 4
SHEET: C-1
DATED: APRIL 5, 2021

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

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SITE INFORMATION BLOCK – PHASE 4

Site Address 4908 TERMINAL DRIVE

Site acreage (total) 5.56 ACRES

Proposed Zoning PD, PLANNED DEVELOPMENT

Phase 4 Surface Coverage:

Building	12,400 SQFT
Parking Lot/Asphalt Drive	11,175 SQFT
Sidewalk & Ret. Walls	760 SQFT
TOTAL IMPERVIOUS	24,335 SQFT

Maximum Building Height: 55' – 1"

RESIDENTIAL STALLS REQUIRED	STALLS REQUIRED
1–BEDROOM: 9 D.U. AT 2.0 STALLS	= 18 STALLS REQUIRED
2–BEDROOM: 18 D.U. AT 2.0 STALLS	= 36 STALLS REQUIRED
TOTAL REQUIRED:	= 54 STALLS REQUIRED

RESIDENTIAL STALLS PROVIDED	STALLS PROVIDED
SURFACE PARKING LOT	= 26 STALLS PROVIDED
UNDERGROUND PARKING LOT	= 28 STALLS PROVIDED
TOTAL PROVIDED:	= 54 STALLS PROVIDED

4908 TERMINAL DRIVE–APARTMENTS

SITE PLAN – PHASE 4

SHEET: C–2

DATED: MAY 13, 2021

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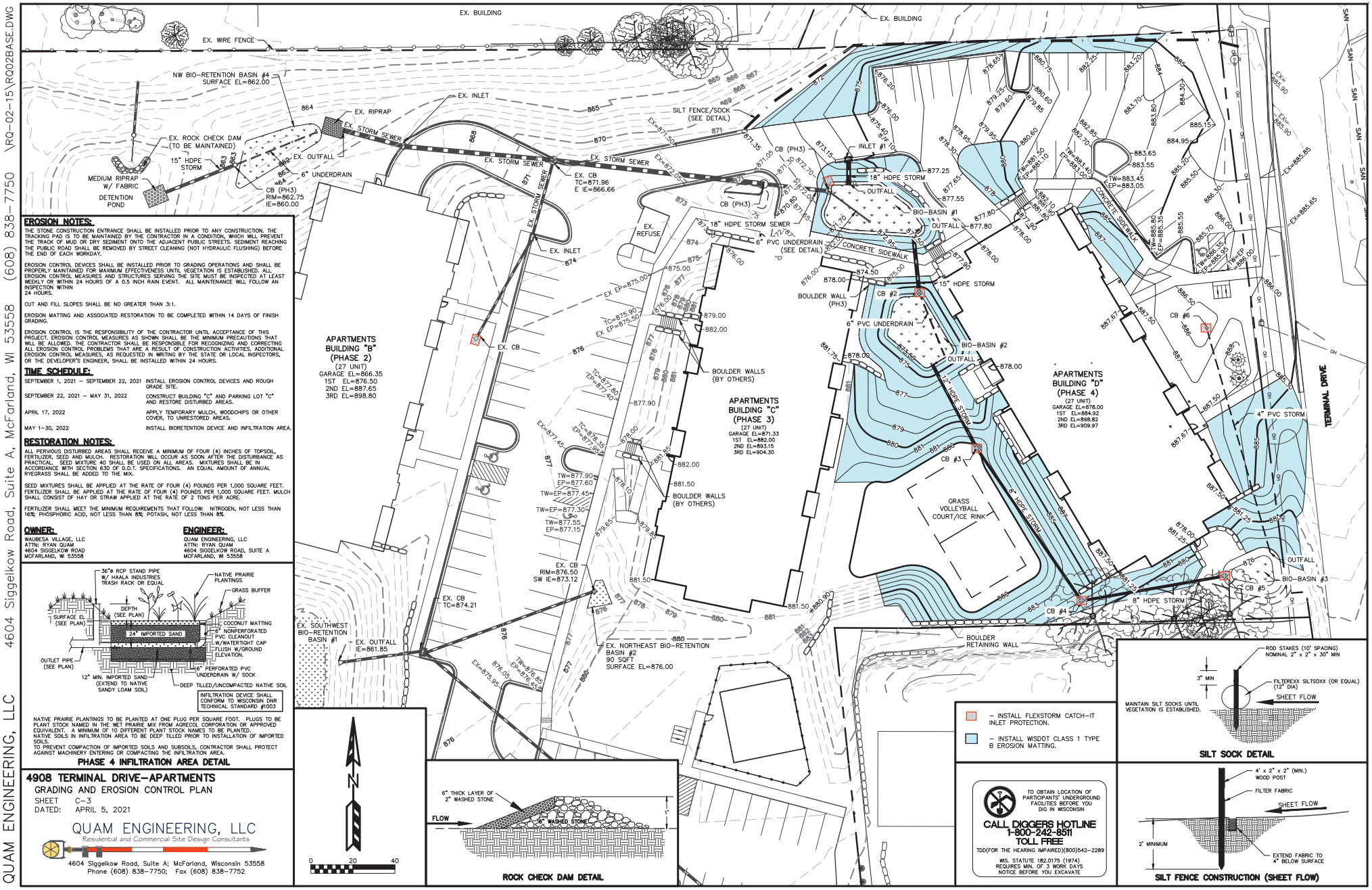

EROSION NOTES:

THE STONE CONSTRUCTION ENTRANCE SHALL BE INSTALLED PRIOR TO ANY CONSTRUCTION. THE TRACKING PAD IS TO BE MAINTAINED BY THE CONTRACTOR IN A CONDITION, WHICH WILL PREVENT THE TRACK OF MUD OR DRY SEDIMENT ONTO THE ADJACENT PUBLIC STREETS. SEDIMENT REACHING THE PUBLIC ROAD SHALL BE REMOVED BY STREET CLEANING (NOT HYDRAULIC FLUSHING) BEFORE THE END OF EACH WORKDAY.

EROSION CONTROL DEVICES SHALL BE INSTALLED PRIOR TO GRADING OPERATIONS AND SHALL BE PROPERLY MAINTAINED FOR MAXIMUM EFFECTIVENESS UNTIL VEGETATION IS ESTABLISHED. ALL EROSION CONTROL MEASURES AND STRUCTURES SERVING THE SITE MUST BE INSPECTED AT LEAST WEEKLY OR WITHIN 24 HOURS OF A 0.5 INCH RAIN EVENT. ALL MAINTENANCE WILL FOLLOW AN INSPECTION WITHIN 24 HOURS.

CUT AND FILL SLOPES SHALL BE NO GREATER THAN 3:1.

EROSION MATTING AND ASSOCIATED RESTORATION TO BE COMPLETED WITHIN 14 DAYS OF FINISH GRADING.

EROSION CONTROL IS THE RESPONSIBILITY OF THE CONTRACTOR UNTIL ACCEPTANCE OF THIS PROJECT. EROSION CONTROL MEASURES AS SHOWN SHALL BE THE MINIMUM PRECAUTIONS THAT WILL BE ALLOWED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RECOGNIZING AND CORRECTING ALL EROSION CONTROL PROBLEMS THAT ARE A RESULT OF CONSTRUCTION ACTIVITIES. ADDITIONAL EROSION CONTROL MEASURES, AS REQUESTED IN WRITING BY THE STATE OR LOCAL INSPECTORS, OR THE DEVELOPER'S ENGINEER, SHALL BE INSTALLED WITHIN 24 HOURS.

TIME SCHEDULE:

SEPTEMBER 1, 2021 – SEPTEMBER 22, 2021	INSTALL EROSION CONTROL DEVICES AND ROUGH GRADE SITE.
SEPTEMBER 22, 2021 – MAY 31, 2022	CONSTRUCT BUILDING "C" AND PARKING LOT "C" AND RESTORE DISTURBED AREAS.
APRIL 17, 2022	APPLY TEMPORARY MULCH, WOODCHIPS OR OTHER COVER, TO UNRESTORED AREAS.
MAY 1–30, 2022	INSTALL BIORETENTION DEVICE AND INFILTRATION AREA.

RESTORATION NOTES:

ALL PERVIOUS DISTURBED AREAS SHALL RECEIVE A MINIMUM OF FOUR (4) INCHES OF TOPSOIL, FERTILIZER, SEED AND MULCH. RESTORATION WILL OCCUR AS SOON AFTER THE DISTURBANCE AS PRACTICAL. SEED MIXTURE 40 SHALL BE USED ON ALL AREAS. MIXTURES SHALL BE IN ACCORDANCE WITH SECTION 630 OF D.O.T. SPECIFICATIONS. AN EQUAL AMOUNT OF ANNUAL RYEGRASS SHALL BE ADDED TO THE MIX.

SEED MIXTURES SHALL BE APPLIED AT THE RATE OF FOUR (4) POUNDS PER 1,000 SQUARE FEET. FERTILIZER SHALL BE APPLIED AT THE RATE OF FOUR (4) POUNDS PER 1,000 SQUARE FEET. MULCH SHALL CONSIST OF HAY OR STRAW APPLIED AT THE RATE OF 2 TONS PER ACRE.

FERTILIZER SHALL MEET THE MINIMUM REQUIREMENTS THAT FOLLOW: NITROGEN, NOT LESS THAN 16%; PHOSPHORIC ACID, NOT LESS THAN 8%; POTASH, NOT LESS THAN 8%.

OWNER:
WAUBESA VILLAGE, LLC
ATTN: RYAN QUAM
4604 SIGGELKOW ROAD
MCFARLAND, WI 53558

ENGINEER:
QUAM ENGINEERING, LLC
ATTN: RYAN QUAM
4604 SIGGELKOW ROAD, SUITE A
MCFARLAND, WI 53558

NATIVE PRAIRIE PLANTINGS TO BE PLANTED AT ONE PLUG PER SQUARE FOOT. PLUGS TO BE PLANT STOCK NAMED IN THE WET PRAIRIE MIX FROM AGRECOL CORPORATION OR APPROVED EQUIVALENT. A MINIMUM OF 10 DIFFERENT PLANT STOCK NAMES TO BE PLANTED.
NATIVE SOILS IN INFILTRATION AREA TO BE DEEP TILLED PRIOR TO INSTALLATION OF IMPORTED SOILS.
TO PREVENT COMPACTION OF IMPORTED SOILS AND SUBSOILS, CONTRACTOR SHALL PROTECT AGAINST MACHINERY ENTERING OR COMPACTING THE INFILTRATION AREA.

PHASE 4 INFILTRATION AREA DETAIL

4908 TERMINAL DRIVE–APARTMENTS

GRADING AND EROSION CONTROL PLAN
SHEET C–3
DATED: APRIL 5, 2021

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ROCK CHECK DAM DETAIL

– INSTALL FLEXSTORM CATCH–IT INLET PROTECTION.

– INSTALL WISDOT CLASS 1 TYPE B EROSION MATTING.

TO OBTAIN LOCATION OF PARTICIPANTS' UNDERGROUND FACILITIES BEFORE YOU DIG IN WISCONSIN
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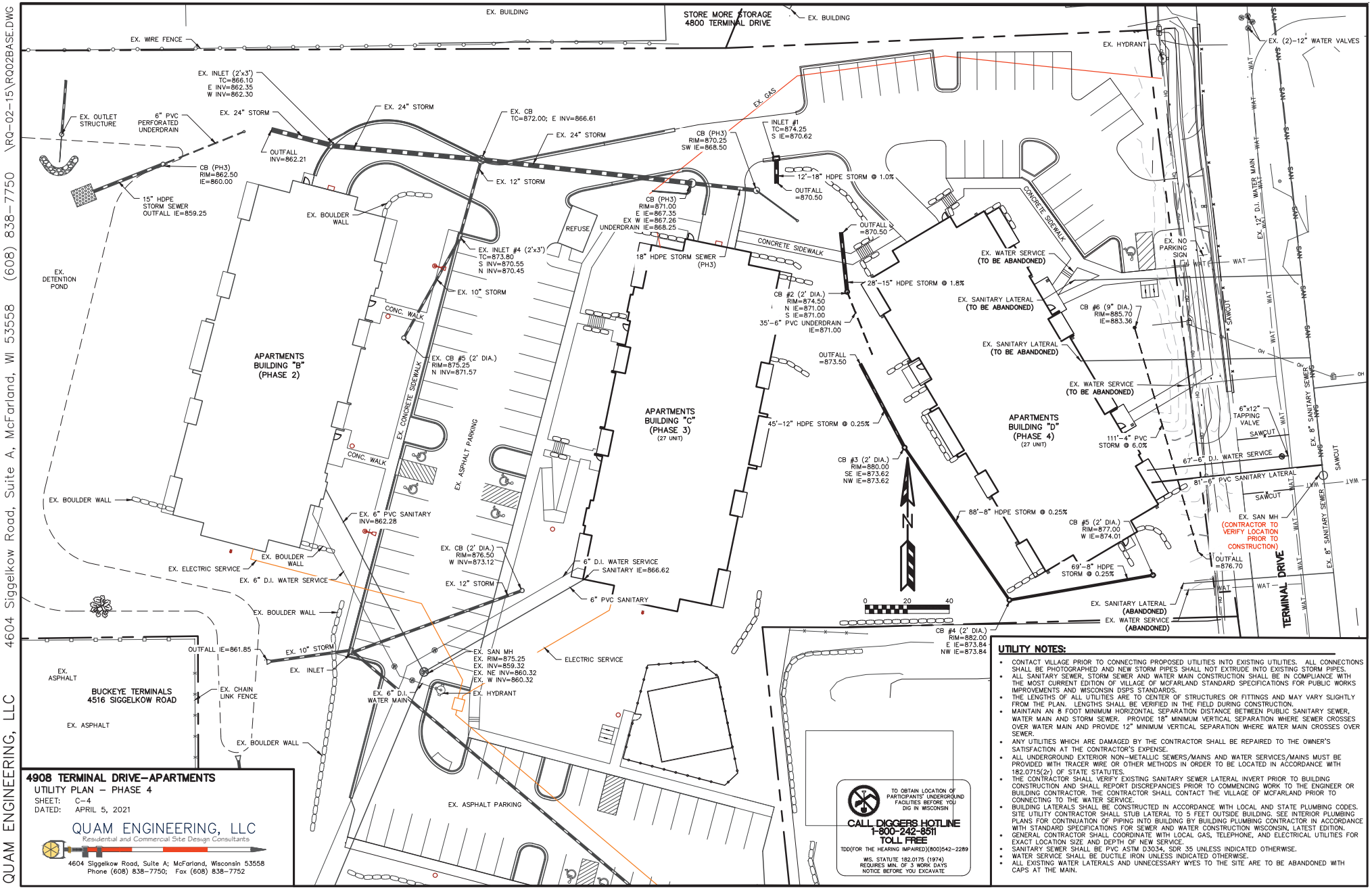
TOLL FREE
TDD(FOR THE HEARING IMPAIRED)(800)542–2289
WIS. STATUTE 182.0175 (1974) REQUIRES MIN. OF 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE

SILT SOCK DETAIL

SILT FENCE CONSTRUCTION (SHEET FLOW)



4908 TERMINAL DRIVE–APARTMENTS

UTILITY PLAN – PHASE 4

SHEET: C–4

DATED: APRIL 5, 2021

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UTILITY NOTES:

- CONTACT VILLAGE PRIOR TO CONNECTING PROPOSED UTILITIES INTO EXISTING UTILITIES. ALL CONNECTIONS SHALL BE PHOTOGRAPHED AND NEW STORM PIPES SHALL NOT EXTRUDE INTO EXISTING STORM PIPES.
- ALL SANITARY SEWER, STORM SEWER AND WATER MAIN CONSTRUCTION SHALL BE IN COMPLIANCE WITH THE MOST CURRENT EDITION OF VILLAGE OF MCFARLAND STANDARD SPECIFICATIONS FOR PUBLIC WORKS IMPROVEMENTS AND WISCONSIN DSPS STANDARDS.
- THE LENGTHS OF ALL UTILITIES ARE TO CENTER OF STRUCTURES OR FITTINGS AND MAY VARY SLIGHTLY FROM THE PLAN. LENGTHS SHALL BE VERIFIED IN THE FIELD DURING CONSTRUCTION.
- MAINTAIN AN 8 FOOT MINIMUM HORIZONTAL SEPARATION DISTANCE BETWEEN PUBLIC SANITARY SEWER, WATER MAIN AND STORM SEWER. PROVIDE 18" MINIMUM VERTICAL SEPARATION WHERE SEWER CROSSES OVER WATER MAIN AND PROVIDE 12" MINIMUM VERTICAL SEPARATION WHERE WATER MAIN CROSSES OVER SEWER.
- ANY UTILITIES WHICH ARE DAMAGED BY THE CONTRACTOR SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AT THE CONTRACTOR'S EXPENSE.
- ALL UNDERGROUND EXTERIOR NON–METALLIC SEWERS/MAINS AND WATER SERVICES/MAINS MUST BE PROVIDED WITH TRACER WIRE OR OTHER METHODS IN ORDER TO BE LOCATED IN ACCORDANCE WITH 182.0715(2r) OF STATE STATUTES.
- THE CONTRACTOR SHALL VERIFY EXISTING SANITARY SEWER LATERAL INVERT PRIOR TO BUILDING CONSTRUCTION AND SHALL REPORT DISCREPANCIES PRIOR TO COMMENCING WORK TO THE ENGINEER OR BUILDING CONTRACTOR. THE CONTRACTOR SHALL CONTACT THE VILLAGE OF MCFARLAND PRIOR TO CONNECTING TO THE WATER SERVICE.
- BUILDING LATERALS SHALL BE CONSTRUCTED IN ACCORDANCE WITH LOCAL AND STATE PLUMBING CODES. SITE UTILITY CONTRACTOR SHALL STUB LATERAL TO 5 FEET OUTSIDE BUILDING. SEE INTERIOR PLUMBING PLANS FOR CONTINUATION OF PIPING INTO BUILDING BY BUILDING PLUMBING CONTRACTOR IN ACCORDANCE WITH STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION WISCONSIN, LATEST EDITION.
- GENERAL CONTRACTOR SHALL COORDINATE WITH LOCAL GAS, TELEPHONE, AND ELECTRICAL UTILITIES FOR EXACT LOCATION SIZE AND DEPTH OF NEW SERVICE.
- SANITARY SEWER SHALL BE PVC ASTM D3034, SDR 35 UNLESS INDICATED OTHERWISE.
- WATER SERVICE SHALL BE DUCTILE IRON UNLESS INDICATED OTHERWISE.
- ALL EXISTING WATER LATERALS AND UNNECESSARY WYES TO THE SITE ARE TO BE ABANDONED WITH CAPS AT THE MAIN.

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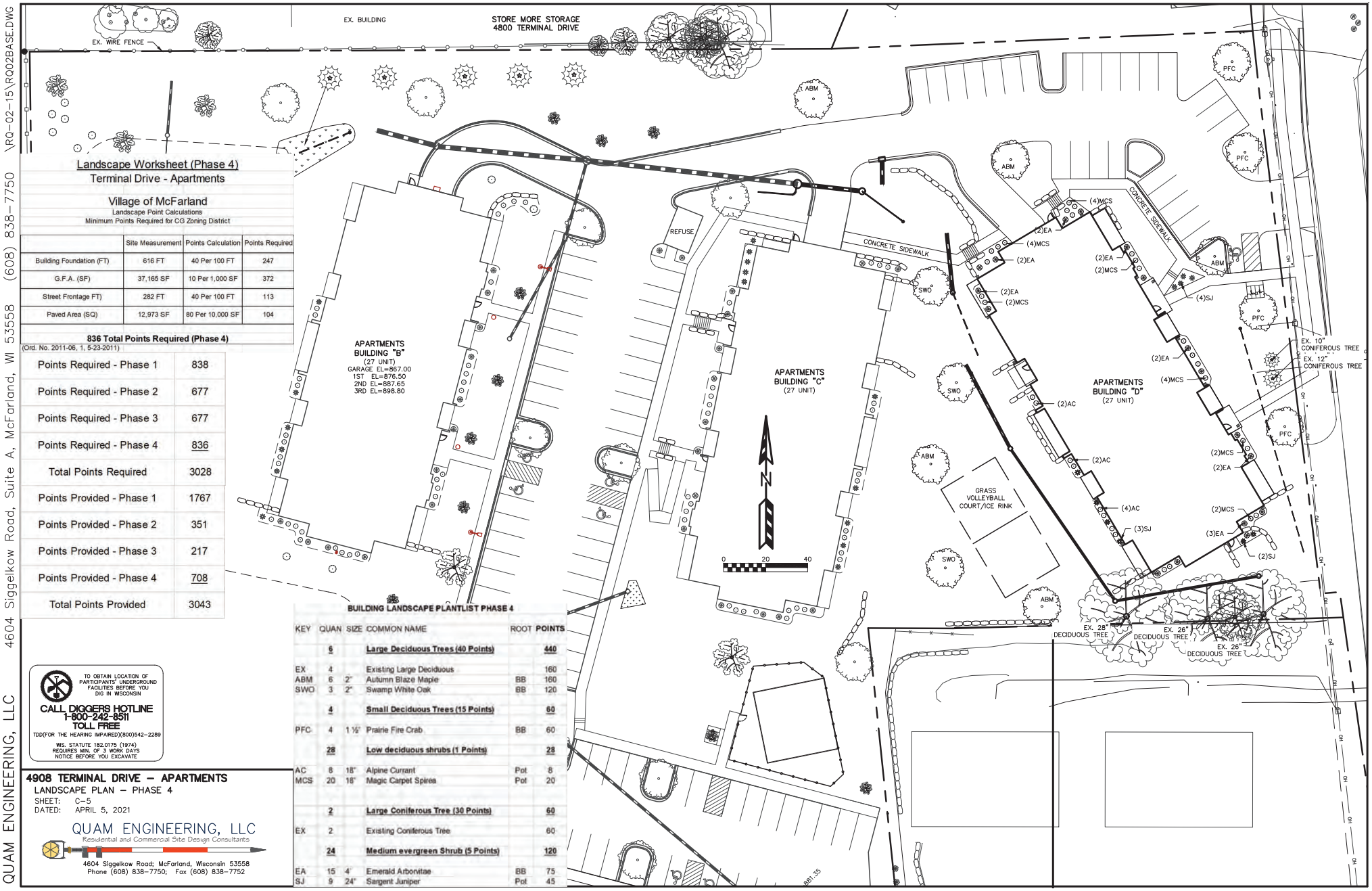

Landscape Worksheet (Phase 4)

Terminal Drive - Apartments

Village of McFarland

Landscape Point Calculations

Minimum Points Required for CG Zoning District

	Site Measurement	Points Calculation	Points Required
Building Foundation (FT)	616 FT	40 Per 100 FT	247
G.F.A. (SF)	37,165 SF	10 Per 1,000 SF	372
Street Frontage FT)	282 FT	40 Per 100 FT	113
Paved Area (SQ)	12,973 SF	80 Per 10,000 SF	104
836 Total Points Required (Phase 4)			

(Ord. No. 2011-06, 1, 5-23-2011)

Points Required - Phase 1	838
Points Required - Phase 2	677
Points Required - Phase 3	677
Points Required - Phase 4	836
Total Points Required	3028
Points Provided - Phase 1	1767
Points Provided - Phase 2	351
Points Provided - Phase 3	217
Points Provided - Phase 4	708
Total Points Provided	3043

BUILDING LANDSCAPE PLANTLIST PHASE 4

KEY	QUAN	SIZE	COMMON NAME	ROOT	POINTS
	6		Large Deciduous Trees (40 Points)		440
EX	4		Existing Large Deciduous		160
ABM	6	2"	Autumn Blaze Maple	BB	160
SWO	3	2"	Swamp White Oak	BB	120
	4		Small Deciduous Trees (15 Points)		60
PFC	4	1 ½"	Prairie Fire Crab	BB	60
	28		Low deciduous shrubs (1 Points)		28
AC	8	18"	Alpine Currant	Pot	8
MCS	20	18"	Magic Carpet Spirea	Pot	20
	2		Large Coniferous Tree (30 Points)		60
EX	2		Existing Coniferous Tree		60
	24		Medium evergreen Shrub (5 Points)		120
EA	15	4'	Emerald Arborvitae	BB	75
SJ	9	24"	Sargent Juniper	Pot	45

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4908 TERMINAL DRIVE – APARTMENTS

LANDSCAPE PLAN – PHASE 4

SHEET: C-5

DATED: APRIL 5, 2021

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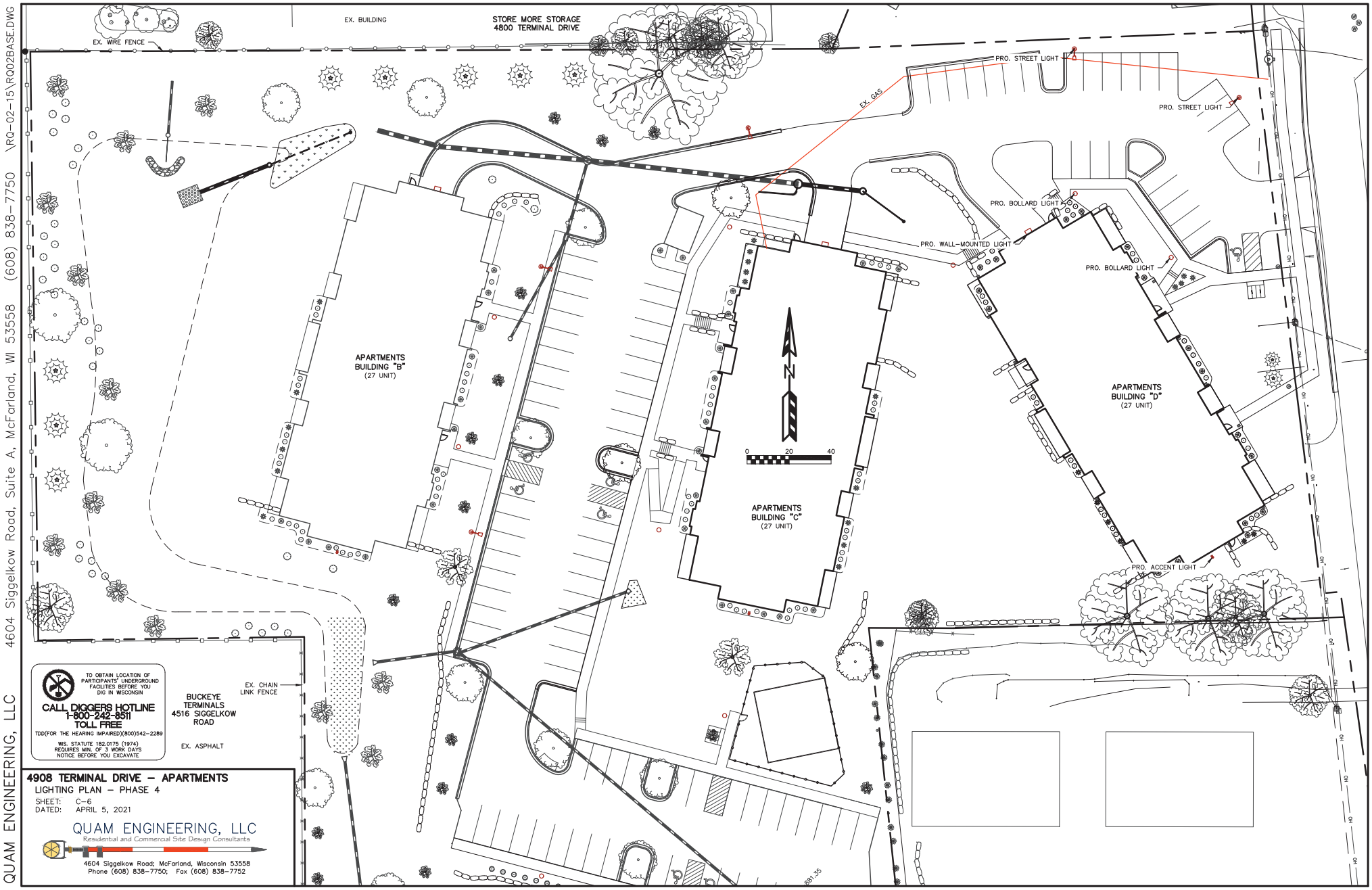
QUAM ENGINEERING, LLC 4604 Siggelkow Road, Suite A, McFarland, WI 53558 (608) 838-7750 \RQ-02-15\RQ02BASE.DWG
EX. WIRE FENCE
EX. BUILDING
STORE MORE STORAGE
4800 TERMINAL DRIVE
EX. GAS
PRO. STREET LIGHT
PRO. STREET LIGHT
PRO. BOLLARD LIGHT
PRO. WALL-MOUNTED LIGHT
PRO. BOLLARD LIGHT
APARTMENTS
BUILDING "B"
(27 UNIT)
APARTMENTS
BUILDING "C"
(27 UNIT)
APARTMENTS
BUILDING "D"
(27 UNIT)
N
0 20 40
PRO. ACCENT LIGHT
TO OBTAIN LOCATION OF PARTICIPANTS' UNDERGROUND FACILITIES BEFORE YOU DIG IN WISCONSIN
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BUCKEYE TERMINALS
4516 SIGGELKOW ROAD
EX. CHAIN LINK FENCE
EX. ASPHALT
4908 TERMINAL DRIVE – APARTMENTS
LIGHTING PLAN – PHASE 4
SHEET: C-6
DATED: APRIL 5, 2021
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Sheet A-1 Rendering

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Q:\Projects\ROQ-16\Waubesa Village Phase 4 Cad Drawings\Waubesa Village Phase IV - Revit 2019 - Sheet - A2-2 - EXTERIOR ELEVATIONS.dwg

2 SOUTH ELEVATION

1/8" = 1'-0" ON 22x34 HALF SCALE ON 11x17

1 EAST ELEVATION

1/8" = 1'-0" ON 22x34 HALF SCALE ON 11x17

EXTERIOR ELEVATIONS GENERAL NOTES AND LEGEND

LEGEND

FCS-1	FIBER CEMENT SIDING	SW 6102 - PORTABELLO
FCS-2	FIBER CEMENT SIDING	SW 2803 - TERRA COTTA
FCP	FIBER CEMENT PANELS	JH - IRON GRAY
TRIM	VERTICAL REVEAL TRIM	TAMILYN - PAINTED TO MATCH SIDING
FCT	FIBER CEMENT TRIM	COLOR TO MATCH SOFFIT AND FASCIA 1X4 @ WINDOWS, TYP. 1X10 @ BAND BOARD 1X12 @ FRIEZE BOARD
STN	STONE VENEER	CYPRESS DRY STACK DUTCH QUALITY STONE WATER TABLE SILL - COLOR "BROWN" DUTCH QUALITY STONE PROVIDE SILL @ WINDOW BASE, HEAD AND TOP OF STONE
CMU	SPLIT-FACE CMU	COUNTY MATERIALS 01-034A CLIFF GRAY
PCS	PRE CAST SILL	
PCL	PRE CAST LINTEL	
PMF	PREFINISHED METAL FASCIA - MUSKET (ROLLEX)	
MR	METAL RAILING SYSTEM	

GENERAL NOTES

A. NOT ALL MASONRY PENETRATIONS SHOWN, COORDINATE WITH MEP CONTRACTORS.

B. REFER TO WINDOW TYPE SHEET A6.2 FOR ALL WINDOW INFORMATION.

C. CONTROL JOINTS CONTINUOUS FROM TOP OF FOUNDATION TO TOP OF WALL.

4908 TERMINAL DRIVE MULTIFAMILY
EXTERIOR ELEVATIONS
SHEET: A2.1
DATED: MAY 10, 2021

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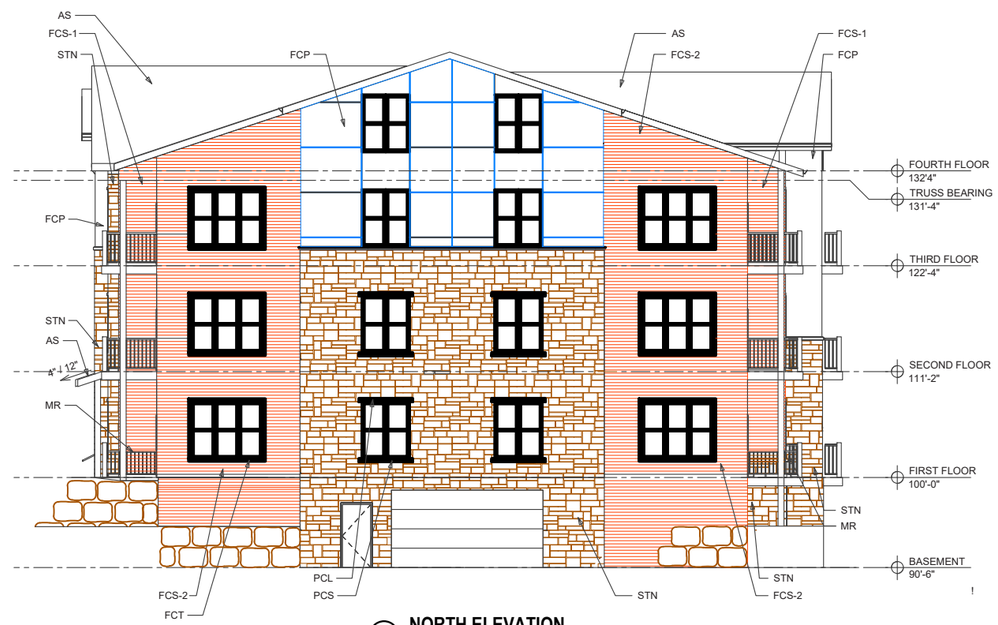

1 **NORTH ELEVATION**
1/8" = 1'-0" ON 22x34 HALF SCALE ON 11x17

EXTERIOR ELEVATIONS GENERAL NOTES AND LEGEND

LEGEND

FCS-1	FIBER CEMENT SIDING	SW 6102 - PORTABELLO
FCS-2	FIBER CEMENT SIDING	SW 2803 - TERRA COTTA
FCP	FIBER CEMENT PANELS	JH - IRON GRAY
TRIM	VERTICAL REVEAL TRIM	TAMILYN - PAINTED TO MATCH SIDING COLOR TO MATCH SOFFIT AND FASCIA
FCT	FIBER CEMENT TRIM	1X4 @ WINDOWS, TYP. 1X10 @ BAND BOARD 1X12 @ FRIEZE BOARD
STN	STONE VENEER	CYPRESS DRY STACK DUTCH QUALITY STONE WATER TABLE SILL - COLOR "BROWN" DUTCH QUALITY STONE PROVIDE SILL @ WINDOW BASE, HEAD AND TOP OF STONE
CMU	SPLIT-FACE CMU	COUNTY MATERIALS 01-034A CLIFF GRAY
PCS	PRE CAST SILL	
PCL	PRE CAST LINTEL	
PMF	PREFINISHED METAL FASCIA - MUSKET (ROLLEX)	
MR	METAL RAILING SYSTEM	

GENERAL NOTES

A. NOT ALL MASONRY PENETRATIONS SHOWN, COORDINATE WITH MEP CONTRACTORS.

B. REFER TO WINDOW TYPE SHEET A6.2 FOR ALL WINDOW INFORMATION.

C. CONTROL JOINTS CONTINUOUS FROM TOP OF FOUNDATION TO TOP OF WALL.

2 **WEST ELEVATION**
1/8" = 1'-0" ON 22x34 HALF SCALE ON 11x17

4908 TERMINAL DRIVE MULTIFAMILY
EXTERIOR ELEVATIONS
SHEET: A2.2
DATED: MAY 10, 2021

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FLOOR PLAN GENERAL NOTES

A. SEE SHEET A5.0 - 5.3 FOR LARGE SCALE PLANS.

B. SEE SHEET A6.2 FOR INTERIOR ELEVATIONS.

C. PROVIDE VERTICAL CONTROL JOINTS (CJ'S) WHERE STRUCTURAL SYSTEMS CHANGE, LOCATIONS THAT ARE PRONE TO CRACKING AND AS REQUIRED BY MANUFACTURES INSTALLATION RECOMMENDATIONS.

D. VERIFY SIZE AND LOCATIONS OF ALL MECHANICAL OPENINGS. GENERAL CONTRACTOR TO PAINT AND SEAL LOUVER PERIMETER, TYPICAL.

E. GENERAL CONTRACTOR TO PROVIDE CONCRETE EQUIPMENT PADS/CURBS AS REQUIRED FOR MECHANICAL/ELECTRICAL EQUIPMENT. VERIFY SIZE/PROFILE/LOCATION WITH PLUMBING/MECHANICAL/ ELECTRICAL.

F. GENERAL CONTRACTOR TO INSTALL FOAM FILLER AT ALL MASONRY WALL CONTROL/EXPANSION JOINTS AND SEAL BOTH SIDES (WALL REINFORCING TO DISCONTINUE AT JOINTS).

G. GENERAL CONTRACTOR TO PROVIDE WOOD BLOCKING BETWEEN WOOD/METAL STUDS AS REQUIRED FOR CASEWORK/HANDRAIL/TOILET ACCESSORIES ETC. MOUNTING.

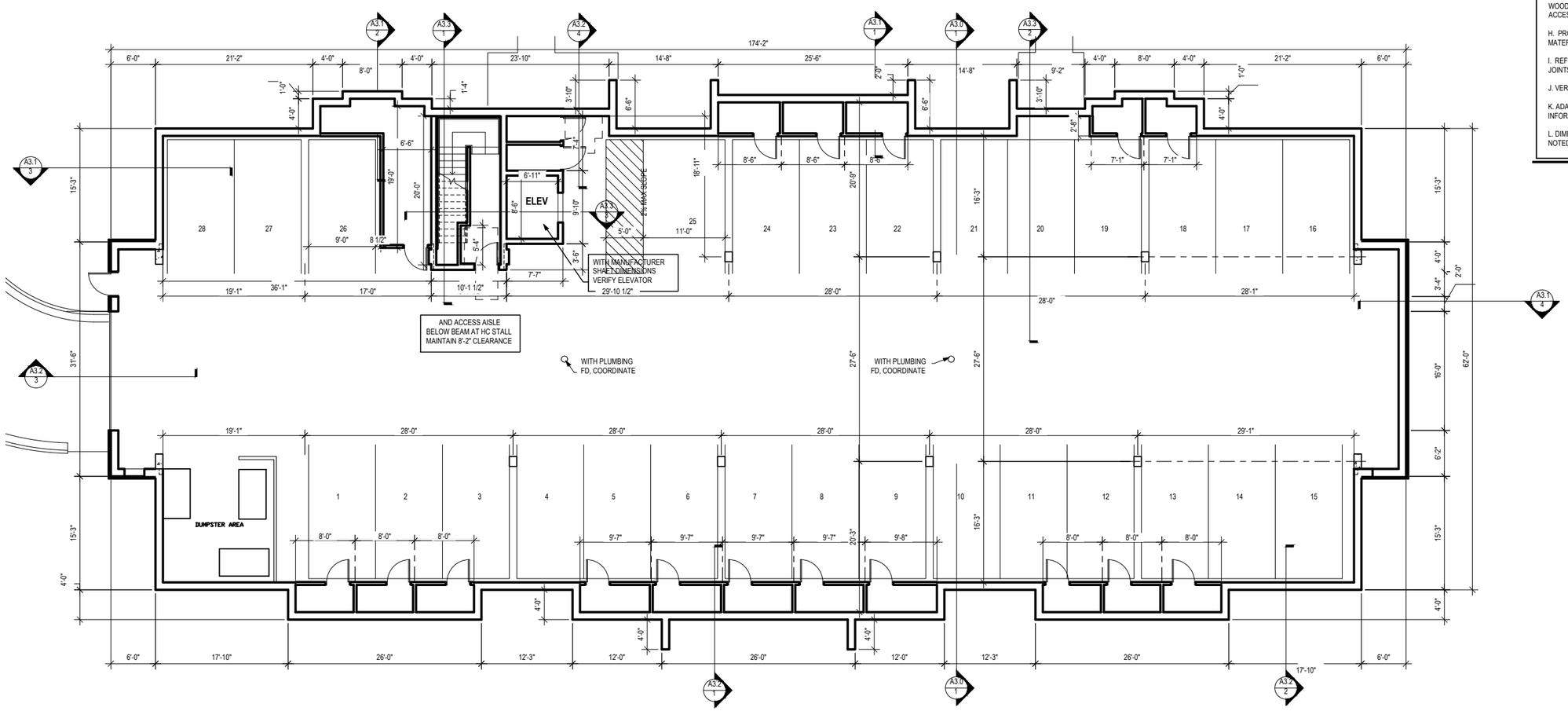
H. PROVIDE VINYL CARPET EDGE AT ALL CARPET TO DISSIMILAR FLOOR MATERIALS UNLESS NOTED OTHERWISE (U.N.O.).

I. REFER TO EXTERIOR ELEVATIONS FOR EXTERIOR WALL CONTROL JOINTS.

J. VERIFY ALL ACTUAL CHASE DIMENSIONS WITH HVAC CONTRACTOR.

K. ADA CLEARANCE CIRCLES AND BOXES SHOWN ON PLAN ARE FOR INFORMATION PURPOSES ONLY.

L. DIMENSIONS ARE FROM FACE OF STUD TO FACE OF STUD UNLESS NOTED OTHERWISE.



1 **BASEMENT PLAN**
1/8" = 1'-0" ON 22x34 HALF SCALE ON 11x17

NORTH

WAUBESA VILLAGE – PHASE IV
BASEMENT FLOOR PLAN
SHEET: A1.0
DATED: MAY 13, 2021

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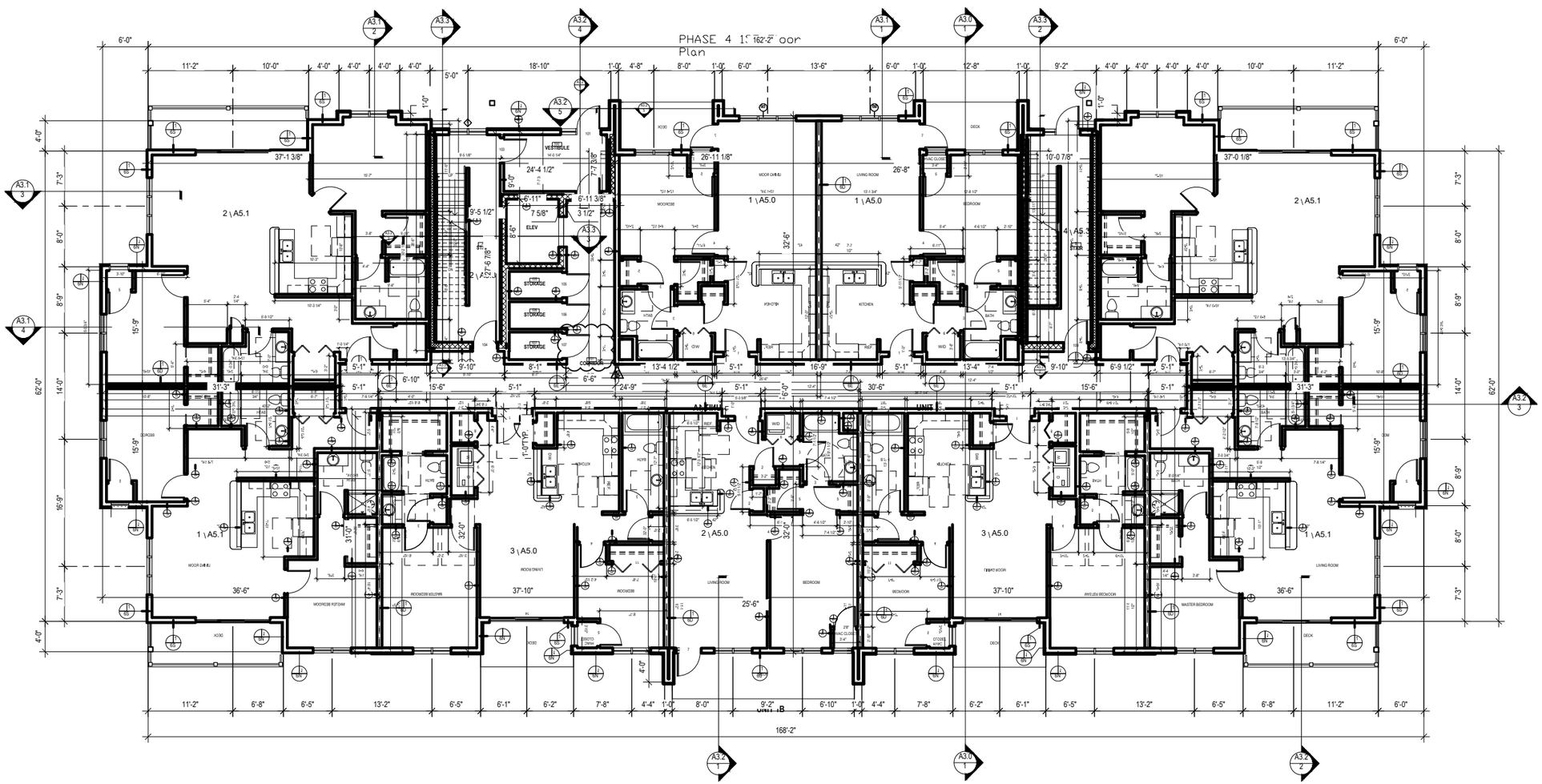

1 **FIRST FLOOR PLAN**
1/8" = 1'-0" ON 22x34 HALF SCALE ON 11x17

NORTH

0' 2' 4' 8'

FLOOR PLAN GENERAL NOTES

A. SEE SHEET A5.0 - 5.3 FOR LARGE SCALE PLANS.

B. SEE SHEET A6.2 FOR INTERIOR ELEVATIONS.

C. PROVIDE VERTICAL CONTROL JOINTS (CJ'S) WHERE STRUCTURAL SYSTEMS CHANGE, LOCATIONS THAT ARE PRONE TO CRACKING AND AS REQUIRED BY MANUFACTURES INSTALLATION RECOMMENDATIONS.

D. VERIFY SIZE AND LOCATIONS OF ALL MECHANICAL OPENINGS. GENERAL CONTRACTOR TO PAINT AND SEAL LOUVER PERIMETER, TYPICAL.

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4908 TERMINAL DRIVE MULTIFAMILY
FIRST FLOOR PLAN
SHEET: A4.0
DATED: MAY 10, 2021

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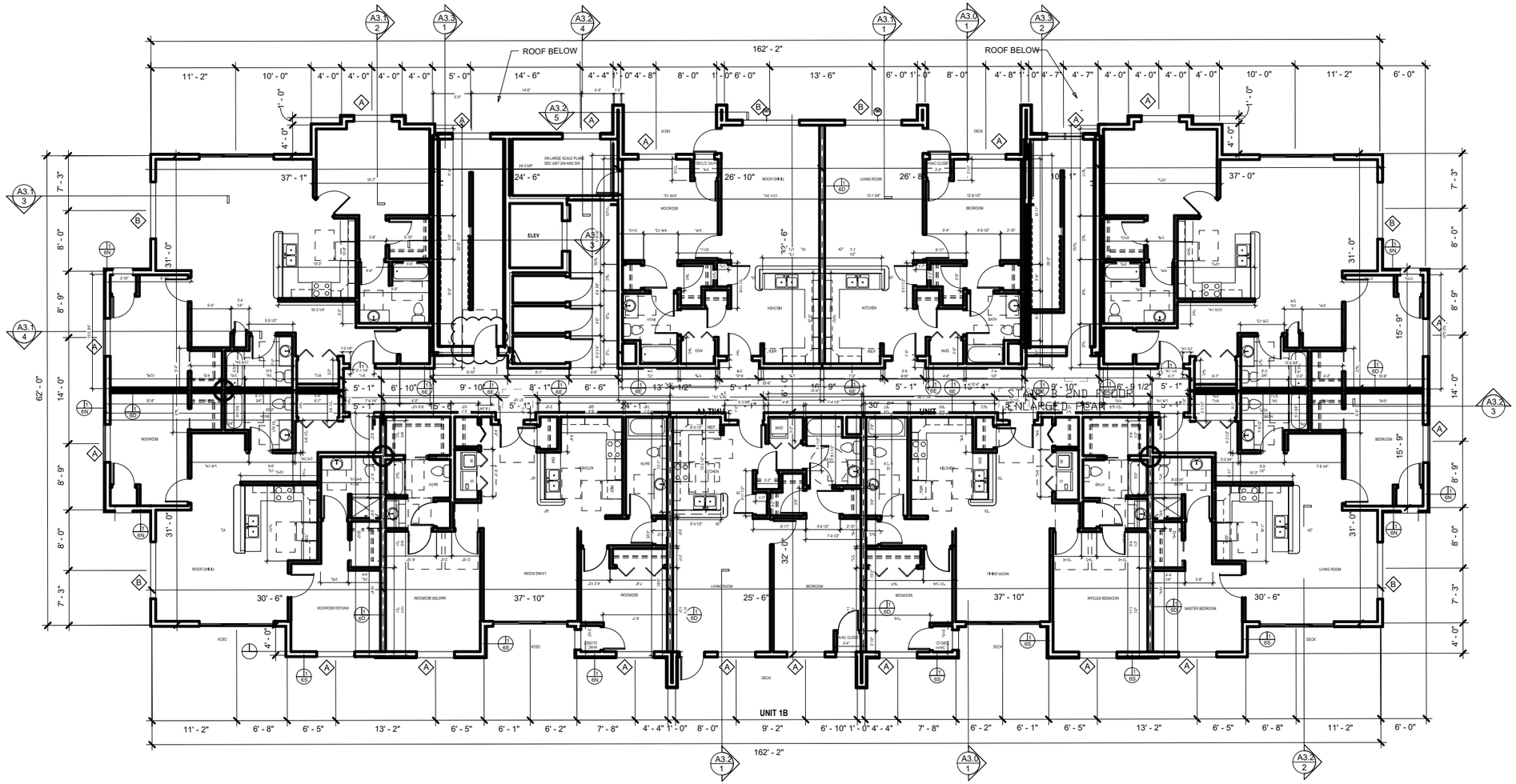

1 **SECOND FLOOR PLAN**
1/8" = 1'-0" ON 22x34 HALF SCALE ON 11x17

NORTH

0' 2' 4' 8'

FLOOR PLAN GENERAL NOTES

A. SEE SHEET A5.0 - 5.3 FOR LARGE SCALE PLANS.

B. SEE SHEET A6.2 FOR INTERIOR ELEVATIONS.

C. PROVIDE VERTICAL CONTROL JOINTS (CJ'S) WHERE STRUCTURAL SYSTEMS CHANGE, LOCATIONS THAT ARE PRONE TO CRACKING AND AS REQUIRED BY MANUFACTURES INSTALLATION RECOMMENDATIONS.

D. VERIFY SIZE AND LOCATIONS OF ALL MECHANICAL OPENINGS. GENERAL CONTRACTOR TO PAINT AND SEAL LOUVER PERIMETER, TYPICAL.

E. GENERAL CONTRACTOR TO PROVIDE CONCRETE EQUIPMENT PADS/CURBS AS REQUIRED FOR MECHANICAL/ELECTRICAL EQUIPMENT. VERIFY SIZE/PROFILE/LOCATION WITH PLUMBING/MECHANICAL/ ELECTRICAL.

F. GENERAL CONTRACTOR TO INSTALL FOAM FILLER AT ALL MASONRY WALL CONTROL/EXPANSION JOINTS AND SEAL BOTH SIDES (WALL REINFORCING TO DISCONTINUE AT JOINTS).

G. GENERAL CONTRACTOR TO PROVIDE WOOD BLOCKING BETWEEN WOOD/METAL STUDS AS REQUIRED FOR CASEWORK/HANDRAIL/TOILET ACCESSORIES ETC. MOUNTING.

H. PROVIDE VINYL CARPET EDGE AT ALL CARPET TO DISSIMILAR FLOOR MATERIALS UNLESS NOTED OTHERWISE (U.N.O.).

I. REFER TO EXTERIOR ELEVATIONS FOR EXTERIOR WALL CONTROL JOINTS.

J. VERIFY ALL ACTUAL CHASE DIMENSIONS WITH HVAC CONTRACTOR.

K. ADA CLEARANCE CIRCLES AND BOXES SHOWN ON PLAN ARE FOR INFORMATION PURPOSES ONLY.

L. DIMENSIONS ARE FROM FACE OF STUD TO FACE OF STUD UNLESS NOTED OTHERWISE.

4908 TERMINAL DRIVE MULTIFAMILY
SECOND FLOOR PLAN
SHEET: A5.0
DATED: MAY 10, 2021

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O:\Projects\RQ-02.15\Waubesa Village Phase 4 Cad Drawings\Waubesa Village Phase IV - Revit 2019 - Sheet - A1-3 - THIRD FLOOR PLAN.dwg

FLOOR PLAN GENERAL NOTES

A. SEE SHEET A5.0 - 5.3 FOR LARGE SCALE PLANS.

B. SEE SHEET A6.2 FOR INTERIOR ELEVATIONS.

C. PROVIDE VERTICAL CONTROL JOINTS (CJ'S) WHERE STRUCTURAL SYSTEMS CHANGE, LOCATIONS THAT ARE PRONE TO CRACKING AND AS REQUIRED BY MANUFACTURES INSTALLATION RECOMMENDATIONS.

D. VERIFY SIZE AND LOCATIONS OF ALL MECHANICAL OPENINGS. GENERAL CONTRACTOR TO PAINT AND SEAL LOUVER PERIMETER, TYPICAL.

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J. VERIFY ALL ACTUAL CHASE DIMENSIONS WITH HVAC CONTRACTOR.

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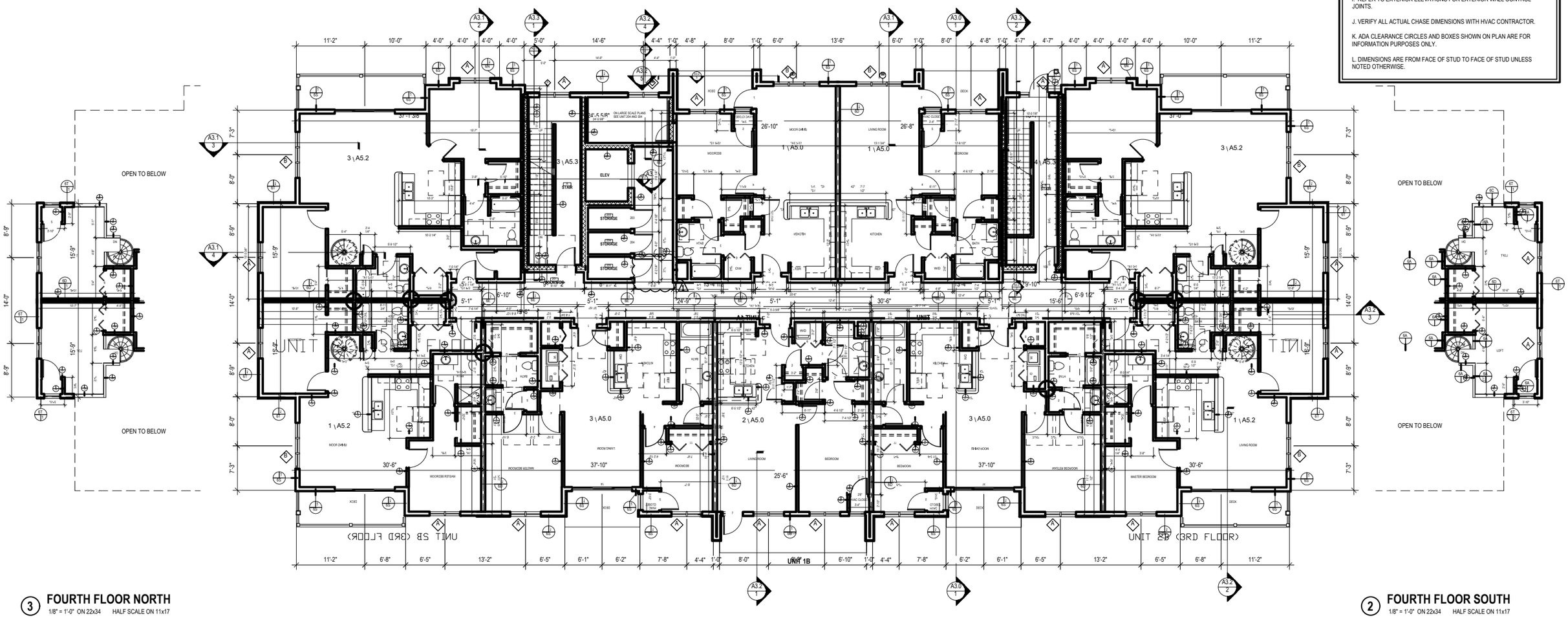

3 **FOURTH FLOOR NORTH**
1/8" = 1'-0" ON 22x34 HALF SCALE ON 11x17

2 **FOURTH FLOOR SOUTH**
1/8" = 1'-0" ON 22x34 HALF SCALE ON 11x17

1 **THIRD FLOOR PLAN**
1/8" = 1'-0" ON 22x34 HALF SCALE ON 11x17

NORTH

0' 2' 4' 8'

4908 TERMINAL DRIVE MULTIFAMILY
THIRD FLOOR PLAN
SHEET: A6.0
DATED: MAY 10, 2021

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SITE INFORMATION BLOCK – PHASE 4

Site Address 4908 TERMINAL DRIVE

Site acreage (total) 5.56 ACRES

Proposed Zoning PD, PLANNED DEVELOPMENT

Phase 4 Surface Coverage:

Building	12,400 SQFT
Parking Lot/Asphalt Drive	11,175 SQFT
Sidewalk & Ret. Walls	760 SQFT
TOTAL IMPERVIOUS	24,335 SQFT

Maximum Building Height: 55' – 1"

RESIDENTIAL STALLS REQUIRED	STALLS REQUIRED
1–BEDROOM: 9 D.U. AT 2.0 STALLS	= 18 STALLS REQUIRED
2–BEDROOM: 18 D.U. AT 2.0 STALLS	= 36 STALLS REQUIRED
TOTAL REQUIRED:	= 54 STALLS REQUIRED

RESIDENTIAL STALLS PROVIDED	STALLS PROVIDED
SURFACE PARKING LOT	= 26 STALLS PROVIDED
UNDERGROUND PARKING LOT	= 28 STALLS PROVIDED
TOTAL PROVIDED:	= 54 STALLS PROVIDED

4908 TERMINAL DRIVE–APARTMENTS

SITE PLAN – PHASE 4

SHEET: C–2

DATED: JUNE 19, 2021

QUAM ENGINEERING, LLC
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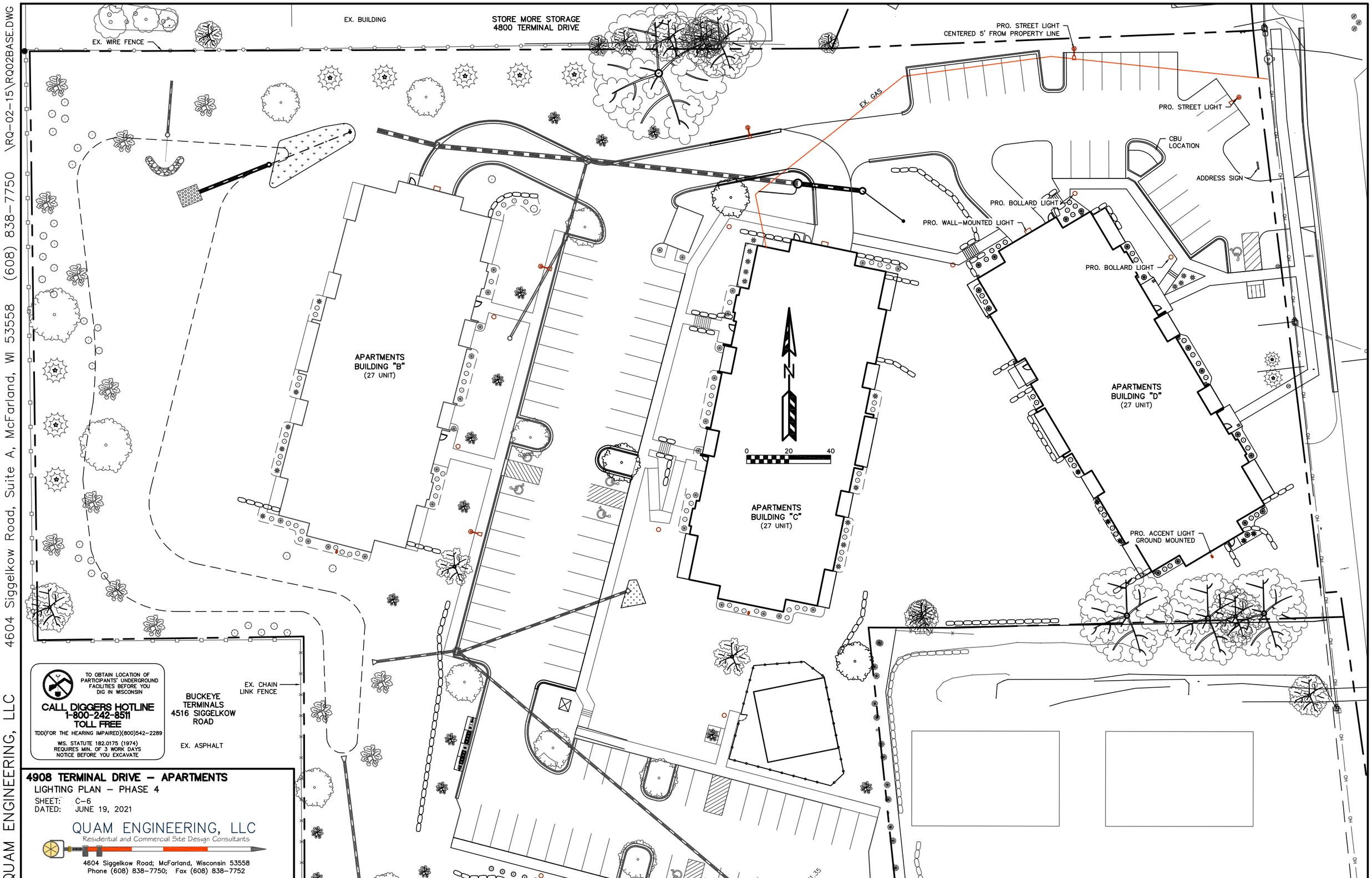
Phone (608) 838–7750; Fax (608) 838–7752


EX. BUILDING
STORE MORE STORAGE
4800 TERMINAL DRIVE
EX. WIRE FENCE
PRO. STREET LIGHT
CENTERED 5' FROM PROPERTY LINE
EX. GAS
PRO. STREET LIGHT
CBU
LOCATION
ADDRESS SIGN
PRO. BOLLARD LIGHT
PRO. WALL-MOUNTED LIGHT
PRO. BOLLARD LIGHT
APARTMENTS
BUILDING "B"
(27 UNIT)
N
0
20
40
APARTMENTS
BUILDING "C"
(27 UNIT)
APARTMENTS
BUILDING "D"
(27 UNIT)
PRO. ACCENT LIGHT
GROUND MOUNTED
EX. CHAIN
LINK FENCE
BUCKEYE
TERMINALS
4516 SIGGELKOW
ROAD
EX. ASPHALT
TO OBTAIN LOCATION OF
PARTICIPANTS' UNDERGROUND
FACILITIES BEFORE YOU
DIG IN WISCONSIN
CALL DIGGERS HOTLINE
1-800-242-8511
TOLL FREE
TDD(FOR THE HEARING IMPAIRED)(800)542-2289
WS. STATUTE 182.0175 (1974)
REQUIRES MIN. OF 3 WORK DAYS
NOTICE BEFORE YOU EXCAVATE
4908 TERMINAL DRIVE – APARTMENTS
LIGHTING PLAN – PHASE 4
SHEET: C-6
DATED: JUNE 19, 2021
QUAM ENGINEERING, LLC
Residential and Commercial Site Design Consultants
4604 Siggelkow Road; McFarland, Wisconsin 53558
Phone (608) 838-7750; Fax (608) 838-7752
QUAM ENGINEERING, LLC 4604 Siggelkow Road, Suite A, McFarland, WI 53558 (608) 838-7750 \RQ-02-15\RQ02BASE.DWG

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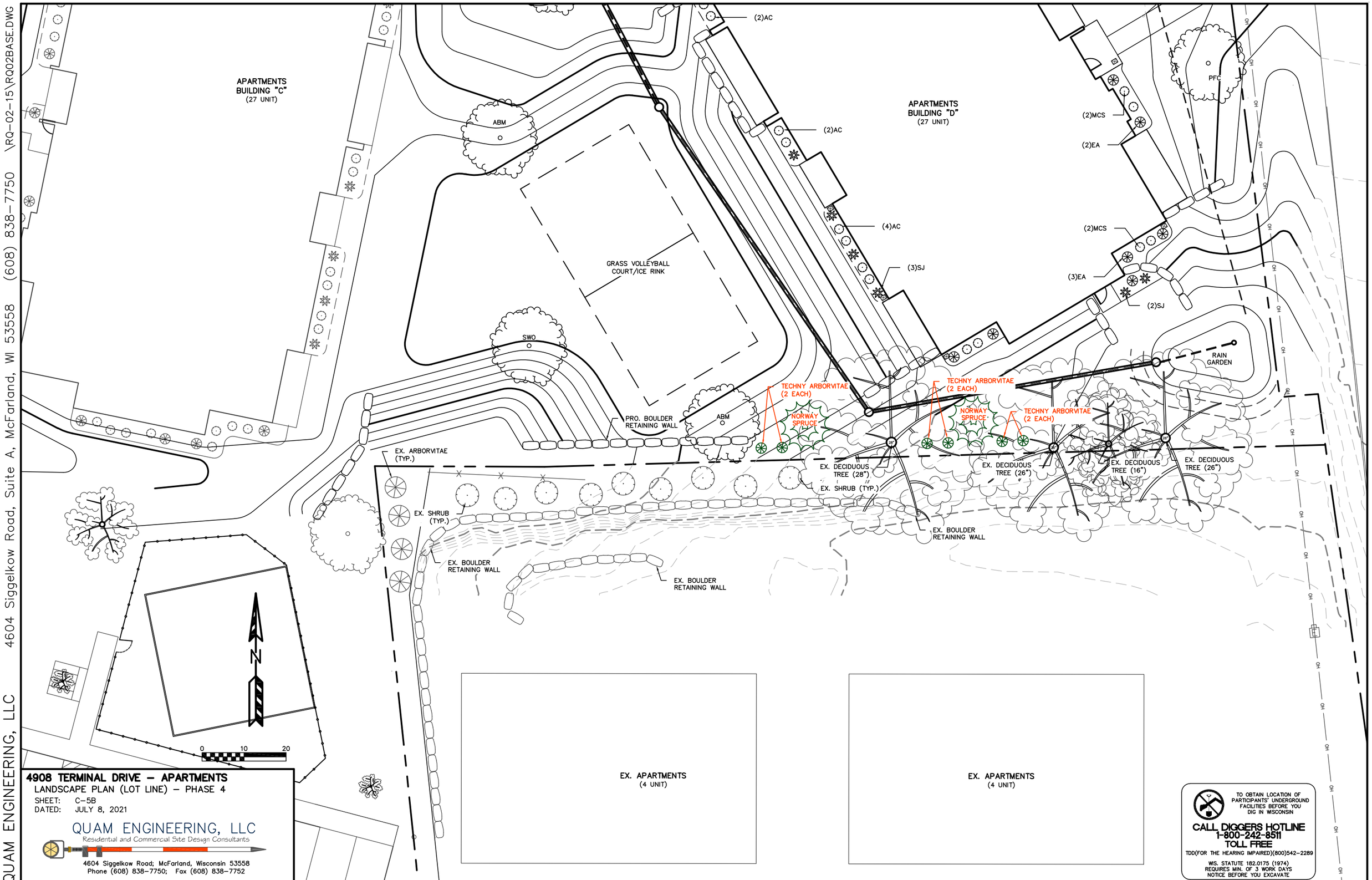

4908 TERMINAL DRIVE – APARTMENTS

LANDSCAPE PLAN (LOT LINE) – PHASE 4

SHEET: C-5B

DATED: JULY 8, 2021

QUAM ENGINEERING, LLC

Residential and Commercial Site Design Consultants

4604 Siggelkow Road; McFarland, Wisconsin 53558

Phone (608) 838-7750; Fax (608) 838-7752

TO OBTAIN LOCATION OF PARTICIPANTS' UNDERGROUND FACILITIES BEFORE YOU DIG IN WISCONSIN

CALL DIGGERS HOTLINE

1-800-242-8511

TOLL FREE

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WIS. STATUTE 182.0175 (1974)
REQUIRES MIN. OF 3 WORK DAYS
NOTICE BEFORE YOU EXCAVATE

Mixed-Use Lakeview Village Subdistrict

Guidelines	Yes	No
Site Design		
1. Does the project coordinate vehicular and pedestrian circulation with development on adjacent lots? Front sidewalk needs to be extended to southern property line. Refer to Village Engineer review letter. Possible inclusion as part of Village consideration of reconstruction of Terminal Drive.	✓	✗
2. Does the project include sidewalks?	✓	✗
3. Does the project connect building entries to sidewalks and crosswalks?	✓	
4. Does the project provide bicycle parking?	✓	
5. Does the project locate service areas, mechanical equipment, and refuse containers to the rear of buildings and screen them? Refuse containers in basement	✓	
6. Does the project screen ground-, roof-, and wall-mounted mechanicals? Verify location of gas meters. If in front should be screened with landscaping		
7. Does the project minimize curb cuts and access points to public streets and coordinate with the recommended street pattern? Phase 5 achieves desired coordination with Ivywood Trail, but not a given that will be constructed. Refer to Village Engineer and Fire Inspector staff review ltrs	✓	
8. Does the project construct parking areas and landscaped islands with curbs and gutters at edges? Parking lot includes islands, not all parking areas have curbs only where necessary for stormwater management purposes	✓	
9. If near the transit oriented" sites close to the future transit stop and Sigglelkow Road, does the project include urban, landscaped plazas in lieu of front lawns for?	NA	
10. Does the project include front yards, plazas and parking areas with plantings and sculpture that reflect the "lakeview village" orientation and character of this district?	✓	No sculptures; however, this has not been a requirement for past projects approved by the PC/VB.
11. Does the project preserve woods, lake views, and topography when sites develop?	✓	
12. Does the project seek out and protect Capitol views? Likely would require a taller building to maximize which may not be compatible with surrounding properties	✓	
13. Does the project have a FAR between 0.35 and 3.0? Phase 4 FAR = 1.03	✓	
14. Is a minimum of 50% of the front building wall 5' to 20' from Siggelkow Road right-of-way?	NA	
Building Design & Materials		
1. Does the project include buildings which are between two and five stories in height?	✓	
2. Does the project incorporate architectural styles that are compatible with the surrounding lakefront community? Maybe too compatible, could consider variation in secondary siding colors to distinguish from other buildings if desired	✓	
3. Do the lower levels of commercial and office buildings have at least 50% transparent surfaces?	NA	
4. Does the project create a design character easily utilized for a wide variety of business identities?	NA	
5. Does the project include buildings which continue the architectural theme, design elements, and detailing on all sides (particularly on all facades adjoining public streets)?	✓	See last comment
6. Does the project include buildings which are compatible in height and scale to surrounding buildings, or provide appropriate transitions?	✓	Surrounding buildings range from 1-3 stories. Due to base elevation of the site the property does site ~10 higher than the base elevation of the Parkview Apartments. Development proposes to maintain existing trees along shared lot line which will provide screening to aid transition. Recommended Plan Commission discussion of this aspect of development.
7. Does the project vary building facades by using different but complementary colors, material arrangements, wall setbacks, roof lines, and/or windows?	✓	
8. Does the project provide overhangs for pedestrian shelter?	✓	
9. Does the project use high-quality natural building wall materials, such as stone, brick and glass?	✓	

Guidelines	Yes	No
Building Orientation		
1. Does the project consider the placement and orientation of surrounding buildings and streets for cohesion between sites and an attractive street scene?	✓	
2. Does the project orient building facades parallel to the primary abutting street, with entrances and storefronts oriented toward that street? NA-storefronts		
3. If the proposed building is oriented toward Siggelkow Road, is a minimum of 75% of the front building wall 5' to 20' from the street's right-of-way?	NA	
4. If the proposed building is not on Siggelkow Road, it is set back from the street to maximize lake and possible Capitol views and to minimize tree disturbance?	✓	
5. Does the project make public entrances clearly identifiable and accessible?	✓	
6. Does the project site buildings to allow for safe pedestrian and vehicular circulation?	✓	
Lighting The Phase 3 Detailed plan required an emergency access drive/gate along the north property line. Approval of Phase 4 would remove the necessity of a gate and reroute the access drive. Potential future development of Phase 5 would reallign access drive with Ivywood Trail. Refer to Village Engineer and Fire Inspector staff review ltrs as well.		
1. Does the project include pedestrian scale lighting in front of buildings?	✓	
2. Does the project include parking lot lighting to not exceed 25 feet in height?	TBD	
3. Are all exterior light fixtures at least three feet from all lot lines? Applicant to confirm setback for northern parking lot light pole	TBD	
4. Does the project utilize incandescent or high-pressure sodium (HPS) light fixtures? LED similar to Phase 1-3		✓
5. Do average illumination levels in parking lots exceed 5 footcandles?	TBD	
6. Do illumination levels at lot lines exceed 0.5 footcandles?	TBD	
Parking		
1. Does the project rely on-street parking (except on Terminal Drive, Highway 51, and Triangle Street before reconstruction)? Does not rely on on-street parking. Provides two off-street spaces per dwelling unit	✓	
2. Does the project site parking to the rear or non-street side of the main building?	✓	
3. Does the project buffer front and side parking from the public street?	✓	
4. Does the project share parking lots among uses with demands at different times?	NA	
4. Does the project divide larger parking lots into pods, each less than 100 spaces?	✓	
5. Does the project provide landscaped islands, each a minimum or 200 square feet, and at a minimum rate of one island for every 20 parking spaces?	✓	
6. Does the project encourage safe pedestrian walkways to the building? sidewalk should be extended to southern property line per Village Engineer review letter	✓	
7. Does the project include paved parking areas?	✓	
Signage		
1. Does the project locate new signs along Siggelkow Road on the first floor areas only?		
2. Does the project include signs which are shaped to reflect the use of the building, scaled with relation to the size or the building and the pedestrian orientation of the district, and designed to reflect the desired "lakeview village" theme of the area?		
3. Does the project integrate signage location and shape with building design?		
4. For sites not along Siggelkow Road, does the project include either wall-mounted or monument-style ground mounted signs only?		
5. Are monument signs constructed of durable base materials that are similar to main building materials?		
6. Do monument signs include landscaping near the base?		
7. Does the project screen external spot or flood lighting of signs?		

Building is angled based on site topography to allign entrance to underground parking with existing grade of emergency access drive. Building would need to be designed with an angle to maintain a portion parallel to Terminal Drive but may not be desired. Angle increases compatibility with height transition to SF homes on east side of Terminal Drive.

Refer to prior comment on maximizing Lake and Capital views in relation to building height.

Need photometric plan sheet and fixture information to confirm those marked as TBD. Phase 1-3 have met standards, anticipate similar lighting but need verification.

some front yard parking mostly side yard and under ground. Could use taller canopy trees to minimize front view and more landscaping shrubs on north side of parking stalls to north lot line and in front of the three stalls between the two proposed Prairie Fire Crabtrees.

Project would not include commercial style signage. Need for small monument property address sign at Terminal Drive entrance should be discussed. In addition, the likely location of CBU's for Phase 4.

Sec. 62-310. - Site/design review.

(a) *Purpose.* Site/design review is implemented under municipal authority to promote the public health, safety and welfare and under municipal zoning authority by the Plan Commission. Requirements for design review and approval apply to uses and developments regardless of the characterization of the use or development within this Chapter as a permitted use or conditional use.

(b) *Scope of site/design review.*

(1) *Applicability.* The following developments shall be subject to site/design review by the Plan Commission:

a. Development of residential projects consisting of three or more dwelling units.

b. Any development in a Commercial District.

c. Any development in an Industrial District.

d. Any development for which the applicant is a public utility or governmental entity or religious organization.

e. Any parking area including five or more parking spaces.

(2) *Limit.* Site/design review shall be limited to development for which current application is made for an erosion control or building permit. This Section shall not be deemed to apply to any existing development or use of land that is not affected by current application for erosion control or building permit, nor shall this Section apply to any rehabilitation of an existing structure so long as the size of the rehabilitated structure is not increased.

(3) *Development.* Any new construction or exterior improvement to real property for which application for a building permit may be required by this Code.

(4) *Village planning consultant.* Any Village planning consultant appointed by the Village Board.

(c) *Development to comply with site/design standards.* No development subject to site/design review shall occur unless such development complies with all applicable site/design review standards.

(d) *Manner of site/design review.*

(1) Upon application for a building permit, the applicant shall be advised by the Zoning Administrator whether compliance with site/design review standards is required by this Section. If such compliance shall be required, the applicant shall be provided with a checklist and a site/design review application, which shall be in such form as the Zoning Administrator shall approve, and which shall be accompanied by such information as may be necessary to determine and provide for enforcement of this Section.

(2) The site/design review application shall be reviewed by the Zoning Administrator, who may consult with a planning consultant, if necessary.

(3) When the Zoning Administrator deems the application to be complete, review by the Plan Commission shall be scheduled.

(4) The Plan Commission's determination of compliance or noncompliance with this Section shall be issued by the Zoning Administrator, in writing, within ten business days of the determination and sent to the applicant via U.S. Mail. The written determination shall specifically describe all areas

of noncompliance and shall identify changes necessary to bring the proposed development into compliance.

(5) No building permit shall be issued for any development until the Plan Commission has determined that the development is in compliance with site/design review standards. All construction and improvement subject to site/design review shall conform with approved site/design plans.

(6) The determinations of the Plan Commission on site/design plan applications shall be appealable to the Village Board pursuant to the procedures set forth in Section 62-113.

(e) *Site/design standards.* In reviewing plans for development the Plan Commission shall determine that the following standards are met:

Review by Village Engineer

(1) *Grading.* Grading shall insure a positive drainage consistent with established water runoff patterns in the area. All grading shall allow for the installation and maintenance of appropriate landscape materials. Respect for the natural topography in site development will be recommended as a means of capitalizing on the sloping terrain, and earth berms are required to screen out unpleasant views and accentuate pleasant views.

Additional landscaping recommended. Refer to Summary Sheet in packet.

(2) *Landscaping.* Landscaping shall be required to be installed in accordance with an approved landscaping plan as a component of site and design review. The requirements for landscaping plans are set forth in Appendix B to this Chapter [Code], Village of McFarland Landscaping Standards. All references to the Village Forester shall have the same meaning as referenced in Section 59-20(d).

(3) *Building relationships.*

Refer to other notes on increasing compatibility with southern Parkview Apartments

a. The structures shall be related to the site to enhance or maintain current contours. New development shall consider activities on adjacent properties with relation to access from abutting streets, parking areas, service areas, building setbacks, height of structures, and color and materials of adjacent or nearby buildings.

b. In the development of the site, the existing quality vegetation should ordinarily be maintained in accordance with Section 59-29.

(4) *Lighting.* The functions of exterior lighting on private property shall be:

Need/details for proposed southern facade accent light TBD. Possible removal to increase compatibility with adjacent Parkview Apartments

TBD a. To illuminate building facades, especially those bearing business identification signs. Architectural lighting should be free from glare and of a type to complement the existing development in the district.

TBD b. To illuminate pedestrian walks and spaces. Security lighting should provide necessary levels of illumination to insure safety of the property and its residents, while not reflecting direct rays of light into adjacent property.

Need photometric plan sheet and fixture information to confirm those marked as TBD. Phase 1-3 have met standards, anticipate similar lighting but verification needed.

TBD c. To illuminate parking and service areas. Off-street parking area lighting should be so arranged as to conform with applicable provisions of Section 62-172. (The choice of equipment, design, quantity, and placement of on-site lighting shall relate to these functions. Lighting shall be adequate but not excessive. The height and number of lighting standards shall be appropriate to the building and its function and to the neighborhood.)

Review by Village Engineer

(5) *Utility service.* It shall be a goal of the Village to eliminate overhead wiring within the Village. To

this end, owners of property within the Village, working with the utilities servicing the Village shall, in all new development and major additions, make provision for underground service. This shall be accomplished during building development and construction. Sanitary sewer and water utility services shall comply with Village Standard Specifications.

Possible consideration given to utilization of different accent siding colors to differentiate from Phases 1-3?

(6) *Building design.* Buildings shall meet the following requirements:

✓ a. Materials shall be of a durable, low-maintenance type. The colors shall be harmonious with other buildings in the neighborhood.

Need to verify location of gas meters/ screening. If in front, should be screened with landscaping.

TBD b. Mechanical elements on the roof or ground shall be screened from the view of adjacent properties and roadways.

✓ c. Buildings shall be designed with an architectural flavor that will complement and enrich the character of the Village.

✓ d. The overall design of the building shall be of high quality, considering the importance of the particular zoning district.

✓ e. With the exception of the M-IC Zoning District, the front, sides, and rear of all commercial and industrial buildings shall be entirely faced with nonmetallic or wood material. In the M-IC District, a minimum of 15 vertical feet of the front of all buildings shall be faced with nonmetallic or wood material extending across the full front of the building, and also extending a distance of not less than 20 feet on each side of the building. The portion of any building facing or backing onto public streets, or abutting a Residential Zoning District, shall be held to the same requirements as that of the front. These requirements may be waived in whole or in part by the Plan Commission.

Recommend increasing landscaping on southern lot line to increase compatibility and transition to adjacent Parkview Apartments

NA f. An addition shall relate to the existing building in terms of scale, materials and color.

TBD g. Structures should be designed to be compatible with the structures that are adjacent to them.

Surrounding buildings range from 1-3 stories. Due to base elevation of the site the property does sit ~10 higher than the base elevation of the Parkview Apartments. Development proposes to maintain existing trees along shared lot line which will provide screening to aid transition. Recommend Plan Commission discussion of this aspect of development.

✓ h. Unbroken exterior facades exceeding 70 feet in length shall be avoided.

✓ i. All building elevations are of importance and should be carefully designed. Building should avoid blank facades.

(f) *Recommendation of Village Plan Commission.* The Village Plan Commission may, during the site/design review process, suggest features of site/design, and construction, building and structural design, that are not a part of site/design standards but that, in the opinion of the Village Plan Commission, would be desirable to make the development a positive asset to the visual appearance of the community and a positive contribution to the growth and stability of the community tax base. Compliance with such recommendations shall not be required of the developer.

(g) *Validity of site/design approval.* Where the Plan Commission has approved or conditionally approved an application for site/design approval, such approval shall become null and void within 12 months of the date of the Plan Commission's action unless construction is commenced 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 diligently pursued. No sooner than 60 days nor less than 45 days prior to the automatic revocation of such

site/design approval, the Zoning Administrator shall notify the property owner 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.

(h) *Fees.* The fee for review of a site/design review application shall be the fee established by the Village Board from time to time and provided in Appendix A to this Code, to be paid at the time of submission of the application.

(i) *Penalties.* Violations of this Section shall be subject to Section 62-311, except that each day a violation continues shall not be deemed a separate violation until the 30 day notice period expires. Nothing herein shall preclude the Village from maintaining a separate action to prevent or abate or remove violations.

(Ord. No. 2011-06, § 1, 5-23-2011)

Editor's note— Section 1 of Ord. No. 2011-06, adopted May 23, 2011, repealed the former § 62-310, and enacted a new § 62-310 as set out herein. The former § 62-310 pertained to similar subject matter, and derived from the Code of 1998, § 13-1-224; Ord. No. 2003-03, § 1(13-1-224), adopted March 24, 2003; Ord. No. 2006-11, § 1, adopted June 26, 2006; and Ord. No. 2008-03, § 2, adopted Feb. 25, 2008.

TOWN & COUNTRY
ENGINEERING, INC.

June 11, 2021

Mr. Andrew Bremer, AICP
Community & Economic Development Director
Village of McFarland
5915 Milwaukee Street
P.O. Box 110
McFarland, WI 53558

Subject: Waubesa Village Apartment Development – Phase 4 review

Dear Andrew:

We have received the revised project plans for the a new 4th phase of Waubesa Village Apartments, located on Siggelkow Road, received May 19, 2021 and dated May 10, 2021. The plan proposes to construct a fourth building with connections to Terminal Drive for both utilities and vehicle access (a future 5th phase is contemplated on the site plan). The stormwater management plan for this 4th phase involves utilizing previous phase best-management-practices, with some modifications to account for the additional impervious areas.

The plans have been reviewed from a public works perspective and are combined with those from Public Works staff below:

- The building does not show any new dumpster enclosure. The applicant should confirm that the existing garbage facilities on the site are sufficient for the additional building.
- The drive aisle coming off of Terminal Drive has a reverse curve that may be difficult to navigate for long trucks. The applicant should show the turning movements for a fire truck through this area.
- The existing sewer and water laterals for the site must be abandoned at the main. New sewer and water laterals are proposed to connect to the existing mains in Terminal Drive. Pavement patches associated with both of these items should have a minimum 10 foot length and extend across the entire width of Terminal Drive.
- A new sidewalk and curb and gutter is proposed along the west side of Terminal Drive. These should be extended to cover the entire frontage to make connection to future Village infrastructure on this corridor.
- Relative to the proposed sidewalk, we recommend that it be placed 1 foot off of the right-of-way line per Village practice to maximize snow storage area and flexibility for future roadway projects.

Please feel free to contact us with any questions or comments regarding this review.

Very truly yours,
TOWN & COUNTRY ENGINEERING, INC.

2912 Marketplace Drive · Suite 103 · Madison, Wisconsin 53719 · (608) 273-3350 · www.tcengineers.net
Madison ♦ Rhinelander ♦ Kenosha

Brian R. Berquist, P.E.
President

cc: Mr. Jim Hessling, Director of Public Works, Village of McFarland *(5915 Milwaukee Street, P.O. Box 110, McFarland, WI 53558)*

Mr. Matthew Schuenke, Administrator, Village of McFarland *(5915 Milwaukee Street, P.O. Box 110, McFarland, WI 53558)*

Mr. Ryan Quam, Quam Engineering, LLC *(4604 Siggelkow Road, Suite A, McFarland, WI 53558)*

BRB:brb
J:\TCDead\McFarland\MC-90-15 Waubesa Village\Admin\Review Letter 5.docx

VILLAGE OF McFarland
Police Department
5915 Milwaukee St, McFarland, WI 53558 | 608.838.3151 | www.mcfarland.wi.us/police
Aaron P. Chapin | Chief of Police

DATE: June 15, 2021

TO: Andrew Bremer – Community and Economic Development Director

FROM: Aaron P. Chapin, Chief of Police

REFERENCE: Recommendation of Approval

I have reviewed the Plan Commission Application for 4902 & 4908 Terminal Dr and do not have any issues with the plan as presented.

Respectfully,

Aaron P. Chapin
Chief of Police

McFarland Fire & Rescue Department
5915 Milwaukee Street • PO Box 110 • McFarland, WI 53558-0110
(608) 838-3278 • Fax: (608) 838-3619
Emergency: 911

May 5, 2021

Andrew Bremer, AICP
Community & Economic Development Director
5915 Milwaukee St.
McFarland, WI 53558

RE: 4902 and 4908 Terminal Drive-Waubesa Village Phase 4 & 5 Fire & Rescue Department Position Statement

Dear Andrew,

I have reviewed the 4902 and 4908 Terminal Drive, Waubesa Village Phase 4 & 5 development in the Village of McFarland.

At this time, the proposal does not show any indication there would be any conflicts with the International Fire Code-2015 (IFC), Appendix D.

However, this review is based on compliance with the International Building Code (IBC) - 2015 Edition, section 420, all buildings within the proposed development having fire sprinkler and fire alarm protection.

The following will also be required for conditional approval:

1. All new commercial or multi-residential properties will require a Knox Box to be installed.
2. McFarland Fire & Rescue is a Delegated Agency of the Department of Safety and Professional Services (DSPS). Therefore, all fire protection systems plans (fire alarm and sprinkler) shall be submitted for approval to the McFarland Fire & Rescue along with a completed application and corresponding fees.
3. A Fire Prevention Inspection will take place upon building construction completion and building occupancy permit issued

McFarland Fire & Rescue would request electronic floor plans of the building if available.

The McFarland Fire & Rescue would like to offer to have a meeting with the project engineers and project developer to address any issues in regards to the fire protection systems and fire hydrant requirements. The goal would be to attempt to achieve an agreement that addresses the concerns of the fire department yet allowing the developer to meet their project objectives.

If you have any questions regarding the above, please contact me via phone at 608-838-3278 or via email at mitchell.sutter@mcfarland.wi.us

Sincerely,

Mitchell Sutter

Mitchell Sutter
Fire Inspector/Public Education Specialist

Cc: Chris Dennis, Fire & EMS Chief (McFarland Fire & Rescue Department)

CONCERNED RESIDENTS OF PARKVIEW APARTMENTS

June 17, 2021

McFarland Plan Commission
Email: community.development@mcfarland.wi.us

Re: Objections to Plan Commission Application – 2021
Waubesa Village, LLC Expansion Rezoning Proposal

Dear Chairperson Clow:

These objections were prepared in response to the above-identified Rezoning Application submitted by Waubesa Village, LLC via its agent, Ryan Quam (Quam) and received by the Village of McFarland (the Village) on April 6, 2021 (the Application). I, Carol Austin, am the author of this document and am currently acting as spokeperson for the undersigned. I am a resident of McFarland, a property tax payer via rent and a voter.

The parties to these objections (the Objections) are individual residents who reside at Parkview Apartments either at 4616, 4618 or 4620 Siggelkow Rd (Residents). The Residents have mutual Objections although those living in the 4618 and 4620 buildings are more directly and significantly affected by the outcome of the Application. PV LLC, the owner/manager of Parkview Apartments, via its agent, Dale Weidemann (PV), signs onto these Objections in support of the Residents. The Residents' Objections are found in Part II.

In addition the Residents' Objections, some Objections would likely affect all or most McFarland residents, including, of course, the Residents (McFarland Citizens). These Objections are addressed in Part I.

Upon information and belief, all Residents are voters and taxpayers.

I. OBJECTIONS AFFECTING MCFARLAND CITIZENS

A. Late Notice to the Parties Subverts Due Process

As noted above, Quam's rezoning Application was stamped as received by the Village on April 6, 2021. Yet, the Village did not provide PV with notice until Friday, June 4, 2021, essentially two full months later. PV immediately notified its residents the following business day: Monday, June 7, 2021. The Plan Commission's (the Commission) meeting to address the Application is scheduled for June 20, 2021.

Upon information and belief, Quam did not provide any advance notice to the Residents or PV of this scheduled Commission meeting.

The Village's failure to provide a reasonably timely notice to PV and thereby its Residents, subverts due process and creates substantial obstruction of the Residents' due process rights. The Commission and Quam should know that the Application involves complex issues and that giving affected parties only 13-16 days to investigate and respond is inherently unfair and even appears to lack good faith.

McFarland Citizens are likewise deprived of their due process rights through this untimely notice since it will likely be only through, or when, the Residents' Objections are made public that McFarland Citizens will become aware of the reasons to express their own concerns and objections to the Application.

Please note that I have been consulting with and considering retaining legal counsel about this matter. In addition, I have been contacting expert input for some of the Objections. This matter presents several serious safety issues that need to be fully investigated, researched and publicly addressed before the Commission makes a recommendation. The Residents, therefore, require additional time to develop a strategic action plan.

Request: In in order to give the Residents reasonable time to adequately prepare for objecting to the Application and alerting McFarland Citizens of this matter, the Residents request that the Commission not make an initial determination on the Application at the June 20 meeting and instead reschedule the initial rezoning meeting for Monday, September 19, 2021, or at a later date to be determined by the Commission.

B. Constructing Any New Buildings Near BSTs/Tank Farms Violates McFarland Ordinances Secs. 62-5 (a), 62-15 and 20-112 (g) and(h) and Possibly Other Applicable Laws and Regulations

1. The Village is Aware that Tank Farms are Potentially Dangerous

McFarland has within its boundaries approximately 108 currently in-use bulk storage tanks (BSTs), mostly placed aboveground (ASTs) but a few underground (USTs). See Exhibit. The vast majority of these BSTs are located within the Terminal/Triangle District aka Redevelopment District #1 (RD #1). The BSTs generally hold explosive, flammable and toxic petroleum and chemical fluids and gases. The McFarland-based BSTs were first constructed in the 1960s (the Tank Farms). In the 1980s, McFarland started permitting more residential properties to be built in RD#1. RD #1 is also the location of Waubesa Village and its proposed expansion. PV and each of the Residents also reside in RD#1. PV was built and first occupied in 1993. Phase 1 of Waubesa Village was approved by the Commission some 22 years after PV's construction; Waubesa Village Phase 1 has been occupied since 2018.

Various scientific studies have been conducted on the dangers of ASTs and USTs which include fires, explosions and toxic chemical releases. In one 2005 study, fires and explosions accounted for 85% of the BST accidents, lightening 33%, and human

error 30%. Other lesser causes were equipment failure, sabotage, structural issues, leaks, static electricity, natural disaster and worst of all … runaway reaction, i.e., where adjacent tanks explode or burn in a domino effect from a first tank exploding and burning. (See recent photos of June 15, 2021 Rockton, IL explosion as an example of why proper zoning is required near BSTs. As of this date, the fire is still burning.)

Several Village planning documents created in the last 15 years clearly acknowledge the existence of the Tank Farms and even give lip service to potential safety, environmental and other serious health and welfare issues involving siting redevelopment areas near hazardous facilities. Incredibly, the 2010 Comprehensive Plan even references the possibility of developing the buffer property of the Tank Farm owners. However, to date, I have not been able to find any substantive proof that the Village took affirmative steps to study these issues.

The Residents understand and are grateful that the Tank Farms have not suffered any catastrophic events which endangered the nearby residents, the public and/or the environment. **The Residents are NOT advocating for closing the Tank Farms as it is recognized that they have seniority rights, contribute financially to the Village, provide necessary services to the Village and Wisconsin citizens, and also take their responsibilities to the public seriously.** However, it seems to be the Village that does not recognize that there is always the potential for a catastrophic event and that the Village has the responsibility to plan for and protect the public should such event happen in the future.

It is my understanding that one or more McFarland Citizens even voiced concerns over this exact issue while Waubesa Village was in the development process. Unfortunately, it appears that these concerns were summarily dismissed without further investigation. To date, I have not discovered or been made aware of any safety studies undertaken by the Village (or Quam). If such a document exists, I would like a copy of it.

2. McFarland's Ordinances Prohibit Unsafe Construction

McFarland's Zoning Ordinance Sec. 62-5(a), requires the Commission to "… protect the comfort, public health, safety, morals, prosperity, aesthetics and general welfare of the people." Similarly, subsection (g) restricts the use of structures that do not "secure safety from fire, panic, flooding, pollution, contamination and other dangers." Sec. 62-15 addresses potential hazards and public nuisances which include fire and explosive hazards where it threatens public health, safety, comfort or welfare. Finally, under the Public Nuisance ordinances (Sec. 20-112 (h) and (l), noxious odors and air pollution are prohibited.

Each of those subsections reference the potential dangers of a catastrophic Tank Farm incident. Since Tank Farms are widely and patently known to be potentially dangerous to the public, it is puzzling to see more construction -- and residential in particular -- to be permitted in RD#1 when that entire area is in such close proximity to the Tank

Farms. For example, Quam's Terminal Drive 27-unit apartment building development (which may or may not be part of Waubesa Village) is just a stone's throw (approximately 300 feet) from a 2 million gallon tank. And, Quam's Phases 1 and 2 apartment buildings overlook the Siggelkow Drive fuel station at an approximate distance of 200-300 feet.

To most McFarland Citizens, the Ordinance subsections cited above would mean that any rezoning application would first be reviewed to see if the proposed construction is in compliance with these health and welfare sections and, if not, would be denied. The Residents' position at this time is that the Application does not meet the non-negotiable criteria set forth in the McFarland Ordinances and should be denied.

3. Federal Regulations Require a **ONE MILE** Buffer from ASTs

As mentioned in Objection A above, the Residents are still in the process of investigating this matter and, due to the late notice, have not had the opportunity to complete their investigation. However, I was able to easily discover that the federal government has been aware of the potential dangers of residing near tank farms for decades and have taken regulatory steps to protect people's lives and property along with federal funds.

The Department of Housing and Urban Development (HUD) has established a **ONE MILE buffer zone** to be required for any project involving residential (especially those projects increasing residential density), institutional, office, recreational, commercial or industrial uses if the project includes any HUD subsidy, grant, assistance, loan, loan guarantee or mortgage insurance. Beginning in the 1980s, HUD thoroughly studied the dangers involved in hazardous siting, even to the point of studying at what temperatures and distance human skin burns. The outcome of their study was the creation of the Acceptable Separation Distance Guidebook (ASD) which offers calculators and other tools for professionals to use. The ASD is currently being updated. There are also limited mitigation standards that may apply to a project to determine if it can be sited within the one mile buffer but if the mitigation does not meet the ASD guidelines, then the project must be cancelled or a different site in compliance found.

I have also discovered other authorities which have adopted similar BST buffer zone standards, including Massachusetts which passed a **5,000 foot** buffer in 2008 … just 280 feet short of a mile. Some localities have used NFPA LPG BST structure separation distance standards which is (or was) 10 feet for lpg tanks up to 500 gallons and 25 feet for 501-1,000 gallons. In those instances, a 2 million gallon AST like the one within approximately 300 feet of Quam's Terminal Drive apartment extrapolate to an almost **one mile** buffer. And, typically if there is a catastrophic event involving a BST, the evacuation buffer zone is also generally **one mile**. See news reports of the Rockton, IL event.

The Residents do not know at this time, of course, whether there are any HUD-assisted dollars involved in the currently-occupied or proposed expansion of Waubesa Village.

Presumably the Village knows the answer to that question. But, even if there is none, it is clear that the federal government has set a reasonable buffer safety standard for siting projects near Tank Farms. What the Residents want to know is … what safety standards does the Village use?

Request: The Residents request that the Commission either (1) stay any recommendation on the Application until such time that the Village retains qualified experts to determine if it is reasonably safe and entirely legal under all applicable Ordinances, laws and regulations to rezone for the purpose of expanding Waubesa Village, including whether the appropriate public services including a comprehensive evacuation plan, have been established, or (2) in the alternative, deny the Application in its entirety.

Further, the Residents request that Waubesa Village Phase 3 (or 4, it's unclear from Quam's Application what project building number is assigned to the building at 4608 Siggelkow Rd) not be permitted an approved Certificate of Occupancy until this matter is fully settled. It is not fair (or potentially safe) to allow people to move into Quam's apartment building if it does not and cannot meet the Ordinance criteria and safety standards.

Finally, it is requested that the Village amend the Planned Development District Standards to include issues covering the safety, health & welfare of McFarland Citizens.

C. TIF Funds Should Not be Used for the Waubesa Village Expansion

As noted several times in these Objections, the Residents have not been provided the opportunity to fully research and investigate all of the complex issues presented by this rezoning Application. And, one of the most complex for the uninitiated is those involving TIF/TID funding.

It is my understanding that Quam and the Village have an agreement which provides that the Village will give Quam the Village-owned property located at 4902 Terminal Drive for the Waubesa Village expansion. It is the Residents' further understanding that Wisconsin law provides that public funds cannot be used for private purposes except in limited circumstances. Clearly, Quam's Application to rezone this parcel for the purpose of expanding his Waubesa Village enterprise is solely for his private purpose.

As noted in the Wisconsin League of Municipalities (WLM) FAQ 1, "(f)or the public purpose requirement to be met, the subject matter of the appropriation must be a public necessity, convenience or welfare." Based on the safety issues raised above, it would seem that Quam's purpose is the complete opposite of those requirements.

In addition, the same WLM FAQ advises that municipalities "should obtain an appraisal of any parcels to be sold to eliminate possibility of a successful taxpayer's suit challenging the adequacy of the purchase price. ** If a municipal governing body sells property for substantially less than a fair consideration in money or other benefits, it may

have been found to have abused its discretion. ** This is especially true if the land is sold to private parties who intend to use the land for purely private purposes."

McFarland Citizens, are affected by and have an interest in the use of their property tax dollars for redevelopment projects. We have the right to know that public funds are being used for a public purpose. The Parties do not believe that the Waubesa Village expansion meets the public purpose criteria for several reasons, including that it is not safe to construct more residential buildings near Tank Farms. In addition, there is no evidence that 4902 Terminal Drive has been independently appraised for its fair market value.

Request: That the Village either (1) not grant to Quam the Village-owned property at 4902 Terminal Drive under any TIF or other financing agreement, or (2) not grant the property to Quam until and unless such time an independent appraisal assessing the fair market value of this parcel is determined and is in compliance with the applicable Ordinances and Wisconsin laws.

D. The Location of the Detention Ponds Creates a Serious Safety Hazard

There are a number of studies and reports on the dangers of detention and retention ponds, especially for children. These ponds are routinely viewed as public nuisances and best engineering practices advise that they should not be placed where children can routinely and easily access them. Basically, they should not be a visual temptation causing anyone to play near to or enter into the pond. Nor should any pond be located so close to a road that if a driver loses control of their vehicle for any reason (icy roads are the most prominent cause), they will not slide into the pond. It was shocking when researching this subject to learn that there are more drowning deaths from these ponds than ever imagined.

Quam's Application contains markings for the location of various detention/retention ponds for the expansion. However, several are shown to be adjacent to Terminal Drive which is regularly frequented by young pedestrians or bike riders.

It is unclear what type of ponds Quam has envisioned in the expansion as he uses the words "detention", "retention" and "biobasin" and possibly other terms interchangeably. Detention ponds are designed to stay dry until a large rain event happens and the rainwater collects in the detention area until it drains through the designed means. Retention ponds, on the other hand, contain water all of the time. In comparison, it is retention ponds that are more hazardous but children (mostly) have also drowned in detention ponds after a sudden rain event when trapped underwater. The stories are tragic and horrific.

It is of great concern to the Residents and the McFarland Citizens that all detention/ retention ponds be designed and located with utmost regard for public safety. As the Commission knows, there are several parks located in this immediate area which means children are often in the area. As an example from Quam's current expansion plan, the pond sited at the southwest corner of the expansion is adjacent to Terminal Drive and is also on a downward slope. Icy road conditions could lead to a tragedy if a

vehicle or bicyclist -- or even pedestrian --loses control and ends up trapped underwater.

Request: Quam's design and location of all of the ponds sited on his expansion plan documents should be revisited to review and re-design in order to eliminate potentially dangerous locations, according to engineering best practices.

II. OBJECTIONS SOLELY AFFECTING THE RESIDENTS

A. The North Expansion Adjacent to PV Property Will Adversely Affect and Substantially Impair the Residents Enjoyment of Living at PV

As mentioned in Part I -1 above, Quam not only never provided notice of this Application to the Residents or PV, but he also never inquired of the Residents (or PV) whether the Waubesa Village project, including the proposed expansion, would negatively impact or have an adverse effect upon the Residents (or PV), including whether we would continue to enjoy living at PV.

This issue is raised here because the Application section covering Planned Development District Standards and Responses includes Quam's responses to certain standards. Please take note of the following:

The Village standard states that "[t]he establishment, maintenance or operation of the uses proposed in the planned development shall not substantially impair or diminish the use, value and enjoyment of other properties within the neighborhood." (Emphasis added). Quam's response? "The proposed Phase 4 Development will be an asset to the neighborhood and proposed building and pavement setbacks are sufficient so as to not negatively impact the neighboring buildings." Contrary to Quam's assumption, the proposed "building" directly adjacent to PV property contains eight occupied apartments whose Residents are indeed substantially impaired based on loss of enjoyment of living in these units. Those ways in which the Residents will lose the right to quiet enjoyment of living at PV because of this expansion are described below.

B. Ways the Residents' Quality of Life and Enjoyment Will Be Substantially Impaired by the Expansion

The following list describe the ways in which the proposed expansion shall substantially impair the Residents' quality of life and enjoyment for living at PV.

1. Privacy – The Residents have to right to privacy under the Ordinances, along with state and federal law. While Quam assures the Commission that privacy will be achieved because (his buildings?) will be 33 feet apart, the siting of both Phase 3 and proposed Phase 4 offer no such privacy to the Residents as Phase 4 is sited 24' from PV's lot line and 26' from Phase 3's lot line. Perhaps the Commission should make a site visit to Waubesa Village to see how our privacy has been and will be even more affected by the expansion.

Then there is Quam's plan to add a "grass volleyball and ice rink" directly in view of the 4618 Residents. The noise and lighting emitting from volleyball games are extremely intrusive disturbances to the Residents and those Quam residents who are in this area will have a close-up and direct view of the Resident's living rooms through the patio doors unless the Residents keep their blinds pulled. Unfortunately, this action would still not block the noise.

2. Natural Environment – Part of the reason that the Residents enjoy living at PV had to do with the natural environment found on the north side of the PV buildings. The Village has Ordinances about retaining green space and the natural environment. Just three years ago, because of the many trees and other natural features found in this area, wild turkeys, fox, rabbits, chipmunks, raccoons, ground hogs, various birds, etc., could be seen by the Residents on a regular basis. However, in the three years' time of constructing Waubesa Village, that regular enjoyment has been dissipating. Yet, Quam responds that "there are no existing environmental features to preserve" to the standard controlling preservation of topography and trees. He also plans to destroy all trees in the adjacent property and level the ground for his Phase 4 building. He basically has destroyed all of the exterior charm of living at PV.

3. Safety - As a related example of Quam's destroying the topography and natural environment as described above, when constructing the Phases I – 3 of Waubesa Village, prior to the construction, there was a hill on the property which acted as a natural berm to protect PV and its residents from an explosion or fire from the Siggelkow Rd fueling station. This natural topographical feature would have met the ASD mitigation requirements for PV. Now, Quam plans to again level the adjacent property which also acts as an acceptable natural berm to protect the Residents from a catastrophic Tank Farm event.

4. Traffic – Aside from the Residents concern about an established and adequate emergency evacuation plan due to the proximity to the Tank Farms, all phases of the Waubesa Village has negatively impacted the Residents and created a real safety issue. First, there is the PV Siggelkow driveway (the only one) within approximately 6 feet of the Waubesa Village Siggelkow driveway. Then, there are angled public parking spaces in front of PV and Phase I which very often block the vision needed to see whether traffic is approaching from the Siggelkow/Terminal intersection and/or from Siggelkow from the west. After the Waubesa Village driveway was sited so close to PV's, a Resident leaving PV is put at undue risk in attempts to see if the traffic is clear. Upon information and belief, Quam was directly notified of this issue but failed to correct it.

5. Financial Impact – I am already aware of a few of the Residents who plan to move if the latest proposal is approved and Quam is allowed to construct the next Phase. I also plan to move. I love living at PV as these are beautiful apartments which PV takes excellent care of. I had planned on living here the remainder of my life. However, our quality of life and statutory and contractual right to quiet enjoyment

(including at least two more years of construction noise) will so breached that it makes continued living in this location intolerable. Obviously, moving is costly both financially and in other ways. Essentially, Quam's proposal will cause a constructive eviction of some of the PV residents.

For the reasons set forth above, the Residents request that the Application be permanently denied.

I plan to attend by telephone and speak at the meeting. Because of the short timeframe from notice to scheduled meeting, I have not had the opportunity to talk to every resident about this matter but for those with whom I have spoken, I have commitments to be active participants.

I want the Commission to be aware that even if the Application is approved and construction of the expansion proceeds constructively forcing me to move from PV, I will actively remain involved in protecting the people of McFarland from the Tank Farms. There should be someone who stands up for people over profits/tax dollars and if it has to be, so be it.

The Residents reserve the right to add to these Objections as further relevant information is discovered.

Submitted by:

Carol Austin, on behalf of herself and the Residents
4618 Siggelkow Rd #2
McFarland, WI 53558
608-838-1428

Supported by:

s/s

Dale Weidemann, on behalf of PV LLC

Tank Search Public Access

Number of matching records: 108

6/12/2021 4:25 PM

Tank Type	Tank ID	Facility ID	Street Address	Tank Status	Tank Contents	Tank Size(Gal)	Facility Owner
County: Dane County, FDID: 1301							
Underground Storage Tank	102587	433272	5206 Siggelkow Rd	In Use	Fuel Oil	1,111	Greg CALLAWAY/WEBER Realty
Underground Storage Tank	68442	441521	5102 Siggelkow Rd	In Use	Leaded Gasoline	250	Maurie Peterson
County: Dane County, FDID: 1305							
Underground Storage Tank	108980	412479	4701 Farwell St	In Use	Gas-Ethanol Blend	10,000	Kwik Trip Inc *
Underground Storage Tank	110229	412479	4701 Farwell St	In Use	Unleaded Gasoline	10,000	Kwik Trip Inc *
Underground Storage Tank	111400	412479	4701 Farwell St	In Use	Diesel	12,000	Kwik Trip Inc *
Underground Storage Tank	113927	412479	4701 Farwell St	In Use	Unleaded Gasoline	15,000	Kwik Trip Inc *
Underground Storage Tank	114658	412479	4701 Farwell St	In Use	Unleaded Gasoline	20,000	Kwik Trip Inc *
Underground Storage Tank	106490	412616	4701 Burma Rd	In Use	Diesel	8,000	Loeder Oil Co
Underground Storage Tank	107118	412616	4701 Burma Rd	In Use	Unleaded Gasoline	8,000	Loeder Oil Co
Underground Storage Tank	109682	412616	4701 Burma Rd	In Use	Unleaded Gasoline	10,000	Loeder Oil Co
Underground Storage Tank	111949	412616	4701 Burma Rd	In Use	Unleaded Gasoline	12,000	Loeder Oil Co
Aboveground Storage Tank	9917	413597	4402 Terminal Dr	In Use	Empty	278	U S Venture Inc *
Aboveground Storage Tank	9918	413597	4402 Terminal Dr	In Use	Other	278	U S Venture Inc *
Aboveground Storage Tank	9919	413597	4402 Terminal Dr	In Use	Other	278	U S Venture Inc *
Aboveground Storage Tank	9920	413597	4402 Terminal Dr	In Use	Other	278	U S Venture Inc *
Aboveground Storage Tank	21364	413597	4402 Terminal Dr	In Use	Other	2,000	U S Venture Inc *
Aboveground Storage Tank	21728	413597	4402 Terminal Dr	In Use	Chemical	2,500	U S Venture Inc *
Aboveground Storage Tank	22827	413597	4402 Terminal Dr	In Use	Other	4,135	U S Venture Inc *
Aboveground Storage Tank	24269	413597	4402 Terminal Dr	In Use	Other	8,225	U S Venture Inc *
Aboveground Storage Tank	24462	413597	4402 Terminal Dr	In Use	Chemical	9,840	U S Venture Inc *
Aboveground Storage Tank	27444	413597	4402 Terminal Dr	In Use	Chemical	20,538	U S Venture Inc *
Aboveground Storage Tank	27445	413597	4402 Terminal Dr	In Use	Other	20,538	U S Venture Inc *
Aboveground Storage Tank	28080	413597	4402 Terminal Dr	In Use	Bio Diesel	51,000	U S Venture Inc *
Aboveground Storage Tank	28276	413597	4402 Terminal Dr	In Use	Fuel Oil	692,748	U S Venture Inc *
Aboveground Storage Tank	28323	413597	4402 Terminal Dr	In Use	Unleaded Gasoline	1,028,286	U S Venture Inc *
Aboveground Storage Tank	28324	413597	4402 Terminal Dr	In Use	Unleaded Gasoline	1,033,578	U S Venture Inc *
Aboveground Storage Tank	28352	413597	4402 Terminal Dr	In Use	Unleaded Gasoline	1,325,478	U S Venture Inc *

Aboveground Storage Tank	28381	413597	4402 Terminal Dr	In Use	Diesel	1,820,532	U S Venture Inc *
Aboveground Storage Tank	28393	413597	4402 Terminal Dr	In Use	Unleaded Gasoline	2,122,218	U S Venture Inc *
Underground Storage Tank	103253	413597	4402 Terminal Dr	In Use	Other	2,000	U S Venture Inc *
Underground Storage Tank	105021	414159	4004 Terminal Dr	In Use	Diesel	6,000	Gurmail S Mangat
Underground Storage Tank	105807	414159	4004 Terminal Dr	In Use	Unleaded Gasoline	6,000	Gurmail S Mangat
Underground Storage Tank	112474	414159	4004 Terminal Dr	In Use	Unleaded Gasoline	12,000	Gurmail S Mangat
Underground Storage Tank	108916	415355	4800 Larson Beach Rd	In Use	Gas-Ethanol Blend	10,000	Loeder Oil Co
Underground Storage Tank	110152	415355	4800 Larson Beach Rd	In Use	Unleaded Gasoline	10,000	Loeder Oil Co
Underground Storage Tank	114536	415355	4800 Larson Beach Rd	In Use	Unleaded Gasoline	20,000	Loeder Oil Co
Aboveground Storage Tank	13046	434838	4103 Triangle St	In Use	Chemical	500	Cenex Petroleum Terminal
Aboveground Storage Tank	22024	434838	4103 Triangle St	In Use	Chemical	3,000	Cenex Petroleum Terminal
Aboveground Storage Tank	23997	434838	4103 Triangle St	In Use	Chemical	8,000	Cenex Petroleum Terminal
Aboveground Storage Tank	23998	434838	4103 Triangle St	In Use	Chemical	8,000	Cenex Petroleum Terminal
Aboveground Storage Tank	23999	434838	4103 Triangle St	In Use	Chemical	8,000	Cenex Petroleum Terminal
Aboveground Storage Tank	27758	434838	4103 Triangle St	In Use	Chemical	30,000	Cenex Petroleum Terminal
Aboveground Storage Tank	27759	434838	4103 Triangle St	In Use	Chemical	30,000	Cenex Petroleum Terminal
Aboveground Storage Tank	28200	434838	4103 Triangle St	In Use	Fuel Oil	231,000	Cenex Petroleum Terminal
Aboveground Storage Tank	28298	434838	4103 Triangle St	In Use	Unleaded Gasoline	840,000	Cenex Petroleum Terminal
Aboveground Storage Tank	28300	434838	4103 Triangle St	In Use	Unleaded Gasoline	840,000	Cenex Petroleum Terminal
Aboveground Storage Tank	28301	434838	4103 Triangle St	In Use	Unleaded Gasoline	840,000	Cenex Petroleum Terminal
Aboveground Storage Tank	28302	434838	4103 Triangle St	In Use	Unleaded Gasoline	840,000	Cenex Petroleum Terminal
Aboveground Storage Tank	28362	434838	4103 Triangle St	In Use	Fuel Oil	1,470,000	Cenex Petroleum Terminal
Aboveground Storage Tank	18119	434865	4606 Terminal Dr	In Use	Chemical	1,000	Citgo Petroleum Corp
Aboveground Storage Tank	21726	434865	4606 Terminal Dr	In Use	Chemical	2,500	Citgo Petroleum Corp
Aboveground Storage Tank	22021	434865	4606 Terminal Dr	In Use	Chemical	3,000	Citgo Petroleum Corp
Aboveground Storage Tank	25291	434865	4606 Terminal Dr	In Use	Other	10,000	Citgo Petroleum Corp
Aboveground Storage Tank	28332	434865	4606 Terminal Dr	In Use	Unleaded Gasoline	1,050,000	Citgo Petroleum Corp
Aboveground Storage Tank	28363	434865	4606 Terminal Dr	In Use	Unleaded Gasoline	1,470,000	Citgo Petroleum Corp
Aboveground Storage Tank	28413	434865	4606 Terminal Dr	In Use	Unleaded Gasoline	2,310,000	Citgo Petroleum Corp
Aboveground Storage Tank	20830	435359	4405 Terminal Dr	In Use	Chemical	2,000	Flint Hills Resources Pine Bend, LLC
Aboveground Storage Tank	20831	435359	4405 Terminal Dr	In Use	Chemical	2,000	Flint Hills Resources Pine Bend, LLC

Aboveground Storage Tank	20832	435359	4405 Terminal Dr	In Use	Chemical	2,000	Flint Hills Resources Pine Bend, LLC
Aboveground Storage Tank	20833	435359	4405 Terminal Dr	In Use	Chemical	2,000	Flint Hills Resources Pine Bend, LLC
Aboveground Storage Tank	20834	435359	4405 Terminal Dr	In Use	Chemical	2,000	Flint Hills Resources Pine Bend, LLC
Aboveground Storage Tank	22522	435359	4405 Terminal Dr	In Use	Chemical	4,000	Flint Hills Resources Pine Bend, LLC
Aboveground Storage Tank	22523	435359	4405 Terminal Dr	In Use	Chemical	4,000	Flint Hills Resources Pine Bend, LLC
Aboveground Storage Tank	22524	435359	4405 Terminal Dr	In Use	Chemical	4,000	Flint Hills Resources Pine Bend, LLC
Aboveground Storage Tank	25601	435359	4405 Terminal Dr	In Use	Chemical	11,845	Flint Hills Resources Pine Bend, LLC
Aboveground Storage Tank	25602	435359	4405 Terminal Dr	In Use	Chemical	11,845	Flint Hills Resources Pine Bend, LLC
Aboveground Storage Tank	28100	435359	4405 Terminal Dr	In Use	Other	69,762	Flint Hills Resources Pine Bend, LLC
Aboveground Storage Tank	28187	435359	4405 Terminal Dr	In Use	Chemical	215,000	Flint Hills Resources Pine Bend, LLC
Aboveground Storage Tank	28311	435359	4405 Terminal Dr	In Use	Unleaded Gasoline	987,126	Flint Hills Resources Pine Bend, LLC
Aboveground Storage Tank	28354	435359	4405 Terminal Dr	In Use	Unleaded Gasoline	1,344,840	Flint Hills Resources Pine Bend, LLC
Aboveground Storage Tank	28401	435359	4405 Terminal Dr	In Use	Diesel	2,291,310	Flint Hills Resources Pine Bend, LLC
Aboveground Storage Tank	28402	435359	4405 Terminal Dr	In Use	Unleaded Gasoline	2,291,352	Flint Hills Resources Pine Bend, LLC
Aboveground Storage Tank	28410	435359	4405 Terminal Dr	In Use	Fuel Oil	2,310,000	Flint Hills Resources Pine Bend, LLC
Aboveground Storage Tank	28487	435359	4405 Terminal Dr	In Use	Unleaded Gasoline	4,200,000	Flint Hills Resources Pine Bend, LLC
Aboveground Storage Tank	14034	436036	6002 Lake Edge Rd	In Use	Unleaded Gasoline	500	Steve Barrs Resort
Aboveground Storage Tank	11826	436499	4715 Farwell Dr	In Use	Waste/Used Motor Oil	300	Kenneth F Olson
Aboveground Storage Tank	16265	437243	5115 Terminal Dr	In Use	Waste/Used Motor Oil	550	Village Of Mcfarland
Aboveground Storage Tank	12239	437282	4009 Triangle St	In Use	Chemical	350	Zenith Energy Terminals Holdings LLC
Aboveground Storage Tank	17030	437282	4009 Triangle St	In Use	Chemical	595	Zenith Energy Terminals Holdings LLC
Aboveground Storage Tank	22022	437282	4009 Triangle St	In Use	Chemical	3,000	Zenith Energy Terminals Holdings LLC
Aboveground Storage Tank	24032	437282	4009 Triangle St	In Use	Chemical	8,000	Zenith Energy Terminals Holdings LLC
Aboveground Storage Tank	27667	437282	4009 Triangle St	In Use	Chemical	29,600	Zenith Energy Terminals Holdings LLC

Aboveground Storage Tank	28327	437282	4009 Triangle St	In Use	Diesel	1,050,000	Zenith Energy Terminals Holdings LLC
Aboveground Storage Tank	28344	437282	4009 Triangle St	In Use	Unleaded Gasoline	1,260,000	Zenith Energy Terminals Holdings LLC
Aboveground Storage Tank	28377	437282	4009 Triangle St	In Use	Diesel	1,680,000	Zenith Energy Terminals Holdings LLC
Aboveground Storage Tank	28415	437282	4009 Triangle St	In Use	Unleaded Gasoline	2,310,000	Zenith Energy Terminals Holdings LLC
Underground Storage Tank	103278	437282	4009 Triangle St	In Use	Other	2,000	Zenith Energy Terminals Holdings LLC
Aboveground Storage Tank	14511	437319	4517 Triangle St	In Use	Waste/Used Motor Oil	500	Klemm Tank Lines
Aboveground Storage Tank	25003	437319	4517 Triangle St	In Use	Diesel	10,000	Klemm Tank Lines
Aboveground Storage Tank	13428	437434	5806 Main	In Use	Diesel	500	Verizon North Inc
Aboveground Storage Tank	12238	444444	4516 Siggelkow Dr	In Use	Chemical	350	Buckeye Terminals LLC
Aboveground Storage Tank	20394	444444	4516 Siggelkow Dr	In Use	Chemical	1,500	Buckeye Terminals LLC
Aboveground Storage Tank	24224	444444	4516 Siggelkow Dr	In Use	Other	8,000	Buckeye Terminals LLC
Aboveground Storage Tank	24225	444444	4516 Siggelkow Dr	In Use	Other	8,000	Buckeye Terminals LLC
Aboveground Storage Tank	28277	444444	4516 Siggelkow Dr	In Use	Chemical	693,000	Buckeye Terminals LLC
Aboveground Storage Tank	28340	444444	4516 Siggelkow Dr	In Use	Unleaded Gasoline	1,244,430	Buckeye Terminals LLC
Aboveground Storage Tank	28361	444444	4516 Siggelkow Dr	In Use	Unleaded Gasoline	1,411,200	Buckeye Terminals LLC
Aboveground Storage Tank	28434	444444	4516 Siggelkow Dr	In Use	Fuel Oil	2,545,200	Buckeye Terminals LLC
Aboveground Storage Tank	28435	444444	4516 Siggelkow Dr	In Use	Unleaded Gasoline	2,545,200	Buckeye Terminals LLC
Aboveground Storage Tank	217625	444444	4516 Siggelkow Dr	In Use	Fuel Oil	5,000	Buckeye Terminals LLC
Aboveground Storage Tank	10215	444514	4015 Terminal Dr	In Use	Waste/Used Motor Oil	280	Lawrence National Lease
Aboveground Storage Tank	14577	445072	5402 Paulson Rd	In Use	Waste/Used Motor Oil	515	Toms Automotive Center - Tom Schoenemann
Aboveground Storage Tank	9232	449908	4910 Triangle St	In Use	Bio Diesel	275	Left Bank Wine Company
Aboveground Storage Tank	9251	449908	4910 Triangle St	In Use	Chemical	275	Left Bank Wine Company
Aboveground Storage Tank	28092	450031	4508 Terminal Dr	In Use	Unleaded Gasoline	63,000	West Shore Pipeline Co
Aboveground Storage Tank	28093	450031	4508 Terminal Dr	In Use	Unleaded Gasoline	63,000	West Shore Pipeline Co
Underground Storage Tank	73164	458233	3922 County B	In Use	Leaded Gasoline	300	George R Stenjem
Aboveground Storage Tank	24983	463665	4215 Terminal Dr	In Use	Diesel	10,000	Venture Fuels LLC

QUAM ENGINEERING, LLC
Residential and Commercial Site Design Consultants

July 9, 2021

McFarland, Village of
Attn: Andrew Bremer
5915 Milwaukee Street
McFarland, WI 53558-0110

Re: Waubesa Village – Phase 4
Responses to Concerned Residents of Parkview Apartments Letter

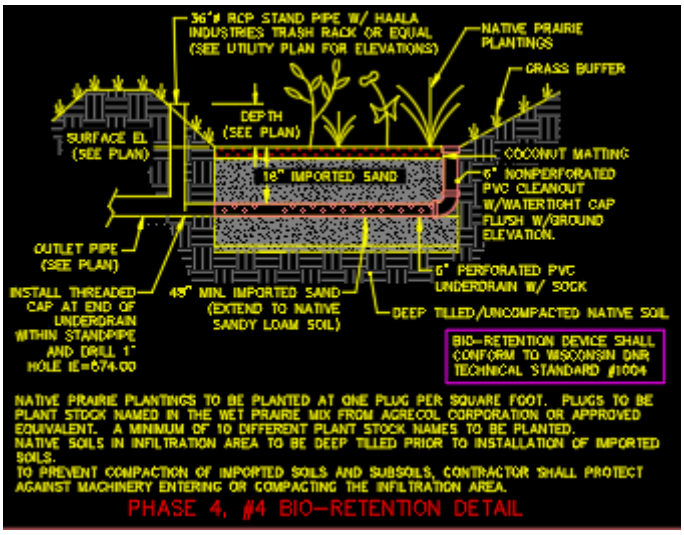
Dear Mr. Andrew Bremer,

In preparation for the upcoming Plan Commission meeting, I have prepared some responses to the "Concerned Residents of Parkview Apartments" letter. Some of the stated concerns and the associated responses are as follows:

Concern:

D. The Location of the Detention Ponds Creates a Serious Safety Hazard

Response: The proposed bioretention basins are proposed to meet infiltration requirements. They have been designed according to WDNR requirements and specifications and I would consider them safe. They will have up to 12" of standing water in them during rain events and will be drained dry within 24 hours of the end of rain. They are planted with native prairie grasses and flowers. A detail of the bioretention basin is shown below:



4604 Siggelkow Road, Suite A ♦ McFarland, Wisconsin 53558 ♦ www.quamengineering.com
Phone (608) 838-7750 ♦ Fax (608) 838-7752 ♦ E-mail rquam@quamengineering.com

Concern:

A. The North Expansion Adjacent to PV Property Will Adversely Affect and Substantially Impair the Residents Enjoyment of Living at PV

Response: I have worked with the landowner of Parkview Apartments to prepare the attached Landscape Plan for the south lot line. The landscape plan displays the large amount of existing vegetation, the proposed landscaping, the existing boulder walls, and the proposed boulder walls. The proposed landscaping includes six additional "Techny Arborvitae" as well as two additional "Norway Spruce" trees to assist with year-round screening between the buildings. The boulder walls and 3:1 slopes will limit foot traffic in the area. There are no decks on the south side of the building so I feel the property line area will be very private.

Concern:

B. Ways the Residents' Quality of Life and Enjoyment Will Be Substantially Impaired by the Expansion

Response: Note that the grass volleyball and ice rink are not to be lighted. The floor of the grass volleyball and ice rink area is 3' – 6' below the shared property line and there are existing retaining walls, proposed retaining walls, existing shrubs, and proposed trees and arborvitae between the grass volleyball/ice rink and the Parkview Apartments.

Concern:

4. Traffic – Aside from the Residents concern about an established and adequate emergency evacuation plan due to the proximity to the Tank Farms, all phases of the Waubesa Village has negatively impacted the Residents and created a real safety issue. First, there is the PV Siggelkow driveway (the only one) within approximately 6 feet of the Waubesa Village Siggelkow driveway. Then, there are angled public parking spaces in front of PV and Phase I which very often block the vision needed to see whether traffic is approaching from the Siggelkow/Terminal intersection and/or from Siggelkow from the west. After the Waubesa Village driveway was sited so close to PV's, a Resident leaving PV is put at undue risk in attempts to see if the traffic is clear. Upon information and belief, Quam was directly notified of this issue but failed to correct it.

Response: The sight distance to Siggelkow Road westbound traffic is significantly less than the sight distance to Siggelkow eastbound traffic. The historic street parking adjacent to Parkview Apartments limits the sight distance to westbound traffic. The Waubesa Village driveway prevents historic Siggelkow Road parking near the Parkview Apartments driveway and increases the sight distance to Siggelkow eastbound traffic. The new phase 1 handicap parking stall is 5' further west then the historic parallel parking stall which has improved the sight distance. I have not been notified of any increase in vision issues since building Waubesa Village Phase 1. The proposed phase 4 building would provide a driveway connection to Terminal Drive which would reduce the use of the Siggelkow Road driveway.

I look forward to the Plan Commission meeting on Monday, July 19th and please feel free to contact me if you have any questions or comments,

Sincerely,

Ryan D. Quam, P.E.

FN: RQ-02-17

McFarland Fire & Rescue Department
5915 Milwaukee Street • PO Box 110 • McFarland, WI 53558-0110
(608) 838-3278 • Fax: (608) 838-3619
Emergency: 911

July 13, 2021

Andrew Bremer, AICP
Community & Economic Development Director
Village of McFarland
5915 Milwaukee Street
McFarland, WI 53558

Re: Bulk Fuel Terminals with Waubesa Shores Development

I am writing in response to the submitted plans for Phase 4 and Phase 5 of the Waubesa Shores and the relationship to the bulk fuel terminals in the area. I understand some concerns have risen with developing in the area bulk fuel terminals, resulting in risks for the facility owners, operators, residents, and the Village of McFarland. The facilities have many safety features to help mitigate the risk, but there is still risk present. I will share some of the safety features of the bulk fuel terminals, provide an overview of our response plans to significant hazard incidents, and review some of the concerns noted with the proposed development.

Below is a list of Terminal safety features and aspects located on Sigglekow Road, which is the closest to the proposed development.

- Storage tanks are inspected once a year by the Wisconsin Department of Agriculture, Trade, and Consumer Protection.
- The facility is inspected by McFarland Fire & Rescue twice a year
- The facility is equipped with an Emergency Shut Down system that will stop all equipment if a safety alarm or emergency button is pushed
- The vehicle loading rack is equipped with a foam fire suppression system
- The storage tanks are remote from most of the facility. Providing separation from spark-generating items.
- The electrical equipment located near any piping, tanks, or areas of liquids or vapors is rated for vapor separation and withstand an explosion.
- The storage tanks are provided with diking surrounding the tanks to contain leaks within the tank farm.

- The storage tanks are equipped with high-level alarms that sound an alarm when the tank is nearing fuel and a high-high interface that will create an emergency stop before allowing the tank to be overfilled.
- The large storage tanks are equipped with internal floating ceilings with seals to reduce vapor accumulation inside the tank.
- Transport trucks are loaded from the bottom with vapor recovery to reduce vapors being released into the atmosphere
- Transport trucks are required to be grounded and interlocked with the loading equipment to dissipate static electricity.

The general response for an incident involving chemical, flammable liquid, or flammable gas includes identification, isolation, mitigation, and recovery. The scale applied to each phase is unique, with each incident based on numerous factors from the product involved, amount of product, location of the incident, etc. Our first step is the identification of the product, which can be completed through several different means. The first being placarding and general knowledge of the products. Secondarily we will rely on the facility staff, drivers, conductors, and restricted software.

Once we have identified the product, we utilize a few tools that include emergency response guidebooks, modeling software, facility staff, and regional resources to determine our isolation zones. The isolation zones will vary from a hundred feet to miles and typically include a responder zone with limited protection, often referred to as a warm zone, and an active hazard zone where complete protection is required often referred to as a hot zone. Once we have identified the initial isolation zones, we will begin evacuating individuals, establishing perimeters around the zones, and eliminating possible hazards. Some hazard elimination may be disconnecting utilities to the isolation zones. We will be monitoring the zones to ensure the zones are adequately sized.

After the isolation zones are established, a mitigation plan is developed in conjunction with the responsible party. The responsible party is included in the mitigation plan developed as they will be responsible for the financial impacts of implementing the mitigation plan. The mitigation plan will depend on several different factors: stopping a leak, applying suppression foam, deploying third-party vendors, etc. The mitigation plan can be complex and consider the impact on human life, environmental, economic, and convenience of residents. Our Village does have substantial transportation routes that

have hazards near or associated with them. The Highway 51 corridor and the railroad, both if closed for a significant amount of time, will impact the region's economics and must be considered in the mitigation plan but will not supersede human life. While the mitigation plan may include private parties, the incident commander will have the final approval of the migration plan and oversight.

Once the mitigation plan has been developed and completed, the process of the recovery phase will begin. Recovery may include the responsible party, adjoining properties, the Village, County, State, or Federal resources. The recovery phase will often have a plan to return residents to their homes in a safe manner. The phase can be short to a long time measured in days or even years. Returning residents may occur during the mitigation phase for more prolonged incidents. Like the mitigation plan, the responsible party will be involved in the recovery phase as they will be responsible for the implementation and financial aspects.

While we have plans to respond to incidents involving hazardous materials that pose significant risks to the residents and visitors of McFarland, the problematic issue is balancing the amount of risk allowed and life within the Village. The proposed expansion of the Waubesa Village Apartment is an example of the balance required with the existing properties and new development. If an incident occurred at the Buckeye Terminal located on Sigglekow Road, it may or may not impact the Waubesa Village apartment complex. Small spills, loading rack fire, or larger diesel spills will more than likely impact the Terminal only. Larger spills of gasoline or ethanol may require the evacuation of 1,000 feet minimum from the spill. The general area would include Brandt Park, north of Card Avenue, Ivywood Trail, north portion Sigglekow road to Whitehorse Place, and Terminal Drive to the 4500 block (Citgo Terminal). In a large fire such as a tank fire, a similar area would be required to be evacuated but would be increased based on smoke dispersion.

The codes restricting development adjacent to fuel terminals are limited. Generally, the codes require minimum standards of construction within the terminal and fence lines of the terminals. The HUD Acceptable Separation Distance (ASD) guide does provide separation guidance for projects to meet with HUD funding. The ASD is not a standard is adopted into a code that applies for the Village of McFarland. The HUD ASD references the usage of the electronic assessment tool to determine the acceptable distance from Hazardous Operations Handling Conventional Fuels or Chemicals of an

Explosive or Flammable Nature. The tool utilizes information beyond the storage capacity of a tank. The first component is if a tank is pressurized (or under pressure) or not. The tanks of concern are not pressurized. A pressurized tank an increased capacity of impact from explosions. The next is if the tank contains cryogenic liquified gas or not. The tanks of concern do not have a cryogenic liquefied gas. The trouble with cryogenic liquified gas is often associated with the heating and conversion to gas with the rapid expansion possibility. The third component that significantly impacts the tanks of concern is whether the tanks are diked. The diking refers to an earth berm around the tanks to contain the tank's liquid in the event of a leak or tank wall failure. The tanks of concern are diked and sized based on the tank capacity. When a tank is not diked, the contents are not contained with an area, and the size of a possible must be considered in determining acceptable distances. The ASD doesn't base the separation of diked tanks on the capacity of the tanks but the square footage of the diked area. We completed a review of the diked areas of the tanks in question and noted the largest diked area resulted in 190' separation from buildings based on the ASD. The results of the ASD assessment tool for buildings have been applied to the map below for reference.

It should be noted that several existing commercial buildings are included in the area identified by the ASD assessment tool for buildings.

In summary, the fuel terminals in McFarland do present a risk to the community that we must keep in mind. If one of the facilities experiences a large spill or fire, the area around the affected tank will be required to be evacuated and will be impacted for hours and maybe even days. An additional factor to consider is the methods of transport for fuel in and out of the terminals. The transport modes include underground pipelines, railroad, and semi-trucks. The underground pipeline and railroad both transect the Village through many of the residential neighborhoods. The semi-trucks are directed to use Sigglekow Road and Highway 51 for the Sigglekow Road Terminal. The Terminal Drive and Triangle Street Terminals, the semi-trucks are directed to entry and exit from the north to avoid residential areas as much as possible. The railroad and underground pipeline are existing, and there is no mechanism that I am aware of modifying their locations or operations for the Village. The method of transport we can is the semi-truck traffic routes, and we have done so in the best manner available in my opinion.

The Terminals have increased safety standards over the years and have provided a record of safe operations within the Village. I wish to eliminate risks to the residents and visitors in the Village as much as possible. However, e need to do so within the limits of the codes and ordinances that have been adopted. I am not aware of any codes or ordinances that can be applied to restrict the development of the property as being requested within the scope of the Fire & Rescue Department.

Sincerely,

Christopher C. Dennis
Fire & Rescue Chief
Village of McFarland

REUTER, WHITISH & EVANS, S.C.
ATTORNEYS AT LAW
44 EAST MIFFLIN ST., SUITE 306
MADISON, WISCONSIN 53703

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MEMORANDUM

To: Andrew Bremer, Community & Economic Development Director
From: Allen D. Reuter, Village Attorney
Date: July 16, 2021
Re: Sale of municipally-owned real estate.

You asked for my opinion with regard to a concern raised by a local resident regarding the Village's authority to sell real property. The resident letter quotes several selected sections of an FAQ response published by the League of Wisconsin Municipalities for the proposition that the Village-owned property involved in the Waubesa Village Phase 4 development should not be conveyed to the developer for less than an appraised fair market value. The FAQ at issue addresses the long-standing "Public Purpose" doctrine and is a reasonable summary of the rules. However, the selected quotes do not address the broad discretion the Village has in determining an appropriate purchase price. The FAQ at issue also says:

> Cities and villages are expressly authorized to sell and convey property. See Wis. Stat. secs. 61.34(3) and 62.22(1). The statutes do not specify any procedures a municipality must follow when selling property. We often get asked whether a municipality must, when selling property, solicit bids and sell to the highest bidder. A municipality may, but is not required to, use a competitive bidding process when selling property. A municipality may, just as well, choose to list the property with a real estate broker or establish any other reasonable sales procedure.
>
> When a party interested in buying a particular parcel of land from a municipality initiates discussion with the municipality about the possibility of purchasing the parcel, the municipality may negotiate exclusively with the interested party and need not publicly advertise the property's availability before selling the property to the interested party.
>
> * * *
>
> The courts have stated that what constitutes a public purpose is, in the first instance, a matter for the legislature to determine and that the legislature's determination is entitled to great weight.

Consideration received by a municipality for property sold is not limited to the cash price paid, but rather considers the obligations assumed by the purchaser to promote a public purpose. The benefits provided by developers may include one or more of the following:

- Creation of a guaranteed amount of new taxable value, which provides revenues to fund the project and other projects in the Tax Incremental District (TID), and provide new revenue to offset tax rates when the TID closes.
- The expansion of commercial or housing opportunities deemed beneficial by the municipality.
- Job creation benefitting residents of the municipality and surrounding areas.
- Removal of blight conditions increasing the property value of the site and neighboring properties.
- Encouragement of other beneficial development in the TID or the area in general.

The Wisconsin Statutes recognize that the sale price of property consists of more than the cash received at closing. For example, Wis. Stats. §66.1333(9)(a)1.b, which regulates redevelopment authorities provides:

> Any real property sold or leased under subd. 1. a. shall be leased or sold at its fair market value for uses in accordance with the redevelopment plan, notwithstanding that the fair market value may be less than the cost of acquiring and preparing the property for redevelopment. *In determining fair market value, an authority shall give consideration to the uses and purposes required by the redevelopment plan; the restrictions upon and covenants, conditions and obligations assumed by the purchaser or lessee, the objectives of the redevelopment plan for the prevention or recurrence of slum and blighted areas; and other matters that the authority considers appropriate.*

Similarly, the TIF Law contemplates the use of TIF funds to provide land "write downs" to encourage development in the TID. "Project Costs" which may be recovered through tax increments generated by the development include:

> Real property assembly costs, meaning any deficit incurred resulting from the sale or lease as lessor by the city of real or personal property within a tax incremental district for consideration which is less than its cost to the city.

Wis. Stats. §66.1105(2)(f)1.c.

The sale of municipal land is permissible if the Village reasonably determines that the consideration received, both in cash and in benefits to the public, is reasonable. It is not uncommon that land is sold for development deemed beneficial to the municipality with a cash payment substantially below the full value of the property. Appraisal is not required either of the land itself or the public benefits anticipated from the sale.

Please let me know if you have additional questions.

TOWN & COUNTRY
ENGINEERING, INC.

July 15, 2021

Mr. Andrew Bremer, AICP
Community & Economic Development Director
Village of McFarland
5915 Milwaukee Street
P.O. Box 110
McFarland, WI 53558

Subject: Waubesa Village Apartment Development – Phase 4 stormwater discussion

Dear Andrew:

We had previously received and reviewed the project plans for a new 4th phase of Waubesa Village Apartments, located on Siggelkow Road, dated May 10, 2021. The plan proposes to construct a fourth building with connections to Terminal Drive for both utilities and vehicle access (a future 5th phase is contemplated on the site plan). The stormwater management plan for this 4th phase involves utilizing previous phase best-management-practices BMPs, with some modifications to account for the additional impervious areas.

The intent of this letter is to discuss the proposed types of stormwater management on the site and how they physically are located and how they relate to Village ordinance.

- The site utilizes several different BMPs for previous phases and this newly proposed phase.
    - Detention Pond: The site's existing pond will continue to operate. It is normally dry, but will fill during rain events. The depth can be 1-4 feet depending on the severity of the storm. The water is stored temporarily and then drains out over 1-2 days.
    - Bio-Retention Area: The existing site has five of these, with the proposed Phase 4 adding four additional areas. These are shallower depressions planted with deep-rooted specie that can tolerate inundation. In normal times these are dry, but in rain events will hold approximately 12-inches of water. In normal events the water will infiltrate over the next 1-2 days. In large events (or in frozen ground conditions) there are fixtures in place to allow for either drain down or stable overflow to downstream areas.
    - Infiltration Area: The bottom of the existing detention pond is also constructed to encourage infiltration via soil amendments.
- The new bio-retention areas are located in various locations around the propose Phase 4 building, in configurations fairly typical throughout the Village. These are located outside of the public right-of-way and are separated from the roadways by ditching.
- The BMPs as designed and proposed satisfy the Village, County, and State requirements and are consistent with industry practices. While some property owners have chosen to construct fencing around stormwater ponds, this is typically only done for "wet" ponds that have a permanent pool of water that are in high-traffic areas (like the Village pond near Valley Drive).

Please feel free to contact us with any questions or comments regarding this review.

Very truly yours,
TOWN & COUNTRY ENGINEERING, INC.

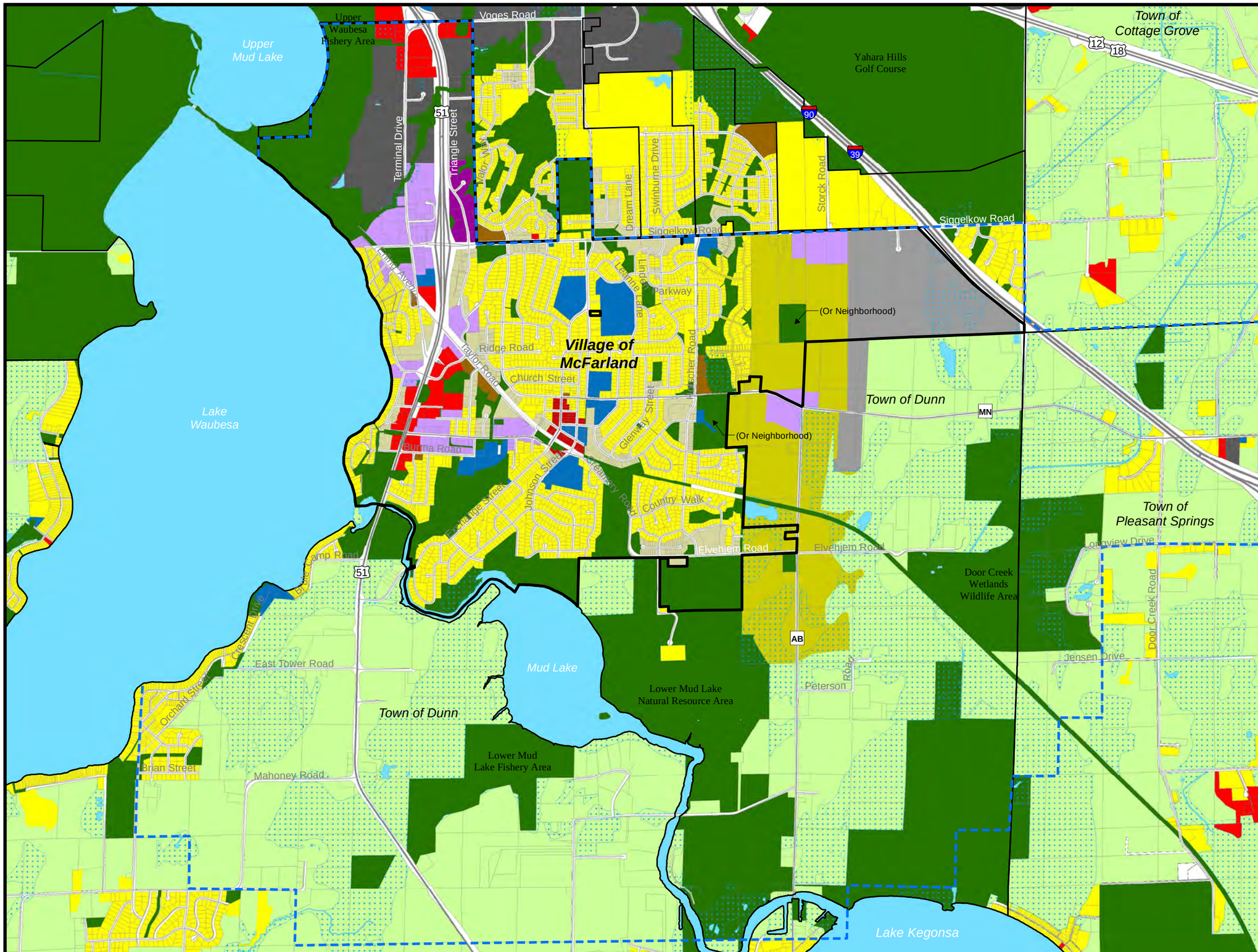
Brian R. Berquist, P.E.
President

cc: Mr. Jim Hessling, Director of Public Works, Village of McFarland *(5915 Milwaukee Street, P.O. Box 110, McFarland, WI 53558)*

Mr. Matthew Schuenke, Administrator, Village of McFarland *(5915 Milwaukee Street, P.O. Box 110, McFarland, WI 53558)*

Mr. Ryan Quam, Quam Engineering, LLC *(4604 Siggelkow Road, Suite A, McFarland, WI 53558)*

BRB:brb
J:\TCDead\McFarland\MC-90-15 Waubesa Village\Admin\Stormwater Letter.docx



MAP 6

FUTURE LAND USE

Village of McFarland

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 (8/18)
- Other Municipal Limits (2018)

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 the use of their land. For example, owners of 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 identifies the City's Marsh Road Neighborhood Plan west of the Interstate and north of Siggelkow Road, and existing land use elsewhere beyond the Village's extraterritorial jurisdiction.

0 500 1,000 2,000
Feet

Date: May 2019

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

N W E S

Path: S:\MAD\3600--3699\3688\007\Data\GIS\Figures\Map 6 Future Land Use 11x17.mxd User: Danc Date: 5/6/2019 Time: 4:02:37 PM

Future Land Use Category	General Description of Land Uses Allowed	Typical Implementing Zoning Districts	Development Policies (see also Village zoning, subdivision, stormwater management, and other ordinances)
Commercial Park	Light industrial, office, research, testing, health care, and other compatible and support uses (e.g., day care, health club, bank). Arranged in a controlled commercial, business, or office park setting, where allowable uses and activities include those associated with low levels of environmental impact, noise, odor, vibrations, and particulate emissions. Served by public sewer and water.	C-P Commercial Park PD Planned Development C-H Highway Commercial (limited use) C-G General Commercial (limited use)	1. Design Commercial Park areas to result in higher-end business campus settings, with high quality building, site, landscape, lighting, signage, and other aspects of project design. 2. Direct heavy industry, truck terminals, large warehouses, and other higher-impact uses to planned Industrial areas instead. 3. Restrict outdoor storage and activities, except where essential to the business operation and fully screened from nearby uses and streets. Fully screen loading and other less attractive areas from off-site views. 4. Rezone sites designated for Commercial Park use only after public sanitary sewer and water service is available, the land is within Village limits, and a specific development proposal is offered. 5. Promote lot sizes and site design that enables future on-site expansion.
Industrial	Manufacturing, warehousing, distribution, office, storage, utility, and other compatible businesses and support uses (e.g., day care, health club, bank). May include screened outdoor storage, and more intensive uses than in other future land use categories. All uses served by public sewer and water systems.	M-IC Manufacturing-Intensive Commercial C-H Highway Commercial (limited use) C-G General Commercial (limited use) Some lands may also be mapped within the "Terminal and Triangle Design Overlay District"	1. Rezone sites designated for Industrial use only after public sanitary sewer and water service is available, the land is within Village limits, and a specific development proposal is offered. 2. Require performance standards as necessary to avoid placing excessive demand on municipal utilities and roads, or creating environmental hazards or unwanted neighborhood impacts. 3. Encourage the redevelopment or intensification of older industrial, storage, and contractor uses and buildings in the Terminal and Triangle District area. Refer to more detailed plans such as the TID #3 Project Plan and Terminal and Triangle District Plan for more detailed policies and recommendations for planned Industrial areas. 4. Encourage the redevelopment of older fuel storage or blending facilities and sites. See the Economic Development chapter for the Village's updated policy related to new or expanded fuel storage and blending operations.
Mixed Use/Flex Commercial	A carefully designed blend or option of commercial services, retail, office, business park, multiple family residential, and/or institutional land uses, including mixed use sites and/or buildings. Compared to the Neighborhood future land use category, Mixed Use/Flex Commercial areas typically are denser, include some non-residential component, and do not typically include single family housing. All uses served by public sewer and water systems.	Appropriate traditional zoning districts (e.g., C-H, C-P, R-3) or PD or PD-I Planned Development zoning	1. Design "Mixed Use/Flex" areas to skillfully mix different uses on the same area, site, and/or building, and/or to serve as transitions between broader areas of different land uses. This future land use category is NOT intended to enable an unplanned or haphazard mix of different uses on any site or in any area. 2. Preserve and blend with surrounding residential character through appropriate building scale, building appearance, landscaping, screening, signs, and limited traffic and loading, and access from the adjacent collector or arterial street. Utilize the approach and standards in Figure 4-2 in such settings. 3. Rezone sites designated for Mixed Use/Flex use only after public sanitary sewer and water service is available, the land is within Village limits, and a development proposal is offered. 4. Refer also to policies applicable to Two and Multiple Family Residential, Highway and General Commercial, Commercial Park, and other more specific future land use categories that logically guide the development of each planned Mixed Use/Flex area given the range of proposed uses there.

Map 2: Planned Land Use

Terminal & Triangle District Plan

Village of McFarland, Wisconsin

12/18 Beltline

Planned Employment Center

Triangle/Meinders Subdistrict

- Land use mix similar to Badger Business Park & employment center to the south
- Stormwater improvements
- Possible land assembly/consolidation

Highway 51

Madison

McFarland

Voges

Entrance Feature

Beltline-Oriented Commercial Subdistrict

- Hotel
- Retreat/conference center
- Sit-down restaurant
- Highway & job-oriented retail
- Clinics and daycare
- Office
- Limited fuel/convenience

Upper Mud Lake

Badger Business Park

McFarland

Meinders

Triangle

Terminal

Municipal Line

Industrial Center

- Manufacturing
- Distribution
- Office
- Compatible commercial

Highway 51 Design Subdistrict

TIF Boundary

Planned Residential

Future Connection

Long-Term Residential

Office

Mixed-Use

Ivywood

McFarland

Madison

McDaniel Park

Mixed-Use Lakeview Village

- Mixed-use buildings & sites
- Office & residential
- Neighborhood & lake-oriented retail
- Potential transit station
- Higher profile buildings
- Under-building parking

Siggelkow

Potential Future Transit

Brandt Park

Entrance Feature

Lake Waubesa

Highway 51

TIF Boundary

Municipal Boundary

Planning Area Boundary

0 300 600 1,200 Feet

Created: 4.26.05
Revised: 8.31.05

Vandewalle & Associates
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Map 6: Mixed-Use Lakeview Village

Terminal & Triangle District Plan

Village of McFarland, Wisconsin

Sec. 62-67. - PD Planned Development District.

(a) *General requirements.*

(1) *Use regulations.* The uses allowable in this district are the uses approved as part of the general or detailed plan for particular sites that are placed in the Planned Development District.

(2) *Density and dimensional regulations.* This Section sets no prescribed density or dimensional regulations in the Planned Development District.

(3) *Off-street parking and loading.* There shall be no prescribed requirements for off-street parking and loading in the Planned Development District. However, in the review and approval of any general or detailed plan in a Planned Development District, due consideration shall be given to Subdivision IV of this Division of regulations and requirements for off-street parking and loading facilities for uses similar to those proposed in such plan.

(4) *Standards.* The following standards shall apply in the review of all general or detailed plans proposed for the Planned Development District:

a. The uses proposed in the planned development shall be in general conformance with the Village Comprehensive Plan.

b. The establishment, maintenance or operation of the uses proposed in the planned development shall not substantially impair or diminish the use, value and enjoyment of other properties within the neighborhood.

c. Traffic circulation into and within the development shall be designed to minimize traffic congestion and traffic hazards, provide for the accessibility of all uses and buildings and also provide for the safe and convenient movement of both vehicles and pedestrians.

d. The planned development shall incorporate environmental design considerations, including the preservation of topography, trees and ground cover, streams and natural bodies of waters, and other significant natural features and control of erosion and runoff in accord with the Village Erosion Control and Stormwater Management Ordinances.

e. The planned development shall provide for convenient and harmonious groups of buildings, structures and uses; and buildings shall be spaced and sited to ensure adequate safety, light, ventilation and privacy.

f. The following provisions shall apply:

1. In a planned development for residential use, adequate open space and recreational areas shall be provided in appropriate locations, and all public and common open spaces shall be designed and located to provide safe and convenient access to residents.

2. Planned Development District housing impacts on community resources in the same manner as other new developments, which are characterized by division of land into

lots. In particular, the additional population density places demands upon Village parks and recreation areas. Accordingly, each dwelling unit newly established shall be required to dedicate land or provide fees in lieu of land, in accordance with the procedures set forth in Section 62-64.

g. The planned development will not adversely affect the ability of public agencies to provide school or other municipal services.

h. The width of street rights-of-way, width of paving, width and location of street or other paving, outdoor lighting, location of sewer and water lines, provision for stormwater drainage or other similar environmental engineering considerations shall be based on a determination of the appropriate standards necessary to implement the specific function in the specific situation; provided, however, that in no case shall standards be less than those necessary to ensure the public safety and welfare as determined by the Village.

i. The proponents of a Planned Development District application shall provide evidence satisfactory to the Village Board of its economic feasibility of available adequate financing and that it would not adversely affect the economic prosperity of the Village or the values of surrounding properties.

j. The proponents of a Planned Development District shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Village Board, including suitable provisions for assurance that each phase could be brought to completion in a manner that would not result in an adverse effect upon the community as a result of termination at that point.

(5) *Minimum area.* A Planned Development District shall not be less than three acres of contiguous land under the same ownership. This Subsection shall not be interpreted to prohibit the post-development sale of all or part of an approved PD subject to the provision of this Section and all applicable statutes and Subdivision regulations.

(6) *Subdivision review.* The applicable Subdivision review under Chapter 56 shall be carried out as an integral part of the review of a Planned Development District. The plan required must be submitted in a form that substantially satisfies requirements of the Subdivision regulations for the Preliminary and Final Plat approvals. Subdivision application may be submitted for the whole, a part, or parts of the overall planned development as indicated by phases in the detailed plan for staged development.

(b) *Procedure for establishment of Planned Development Districts.* The provisions set forth in Division 4 of this Article shall apply for the establishment of any Planned Development District, provided the amendatory ordinance shall be considered only in conjunction with a general or detailed plan.

(c) *Preapplication procedures.* Applicants are encouraged to seek preapplication, conceptual review of proposed plans by the Plan Commission. The Plan Commission is under no obligation to give a

response to such submittals at the same meeting as they are presented. The Plan Commission is entitled to seek outside assistance and sources of critique. No responses by the Plan Commission or by individual Plan Commissioners shall bind the Plan Commission or the Village unless the response is on behalf of the Plan Commission, is in writing and is expressed as a binding response.

(d) *Approval of general or detailed plan and adoption of zoning ordinance amendment.* In the event that the Village Board approves a general (or detailed) plan and adopts a zoning amendment creating a Planned Development District in connection with such general (or detailed) plan, the requirements of the plan shall constitute the zoning regulations for the district and the zoning district maps shall be amended to show all lands included in such general (or detailed) plan as within the Planned Development District. In the approval of any general (or detailed) plan, the Village Board may stipulate any conditions or restrictions in the establishment, maintenance and operation of any uses proposed in such plan and may also require any guarantees, including the filing of a contract together with a surety, satisfactory in form to the Village Attorney and satisfactory in amount to the Village Engineer, with the Village to ensure that improvements will be installed and completed as proposed in the plan.

(e) *Recording of approved general or detailed plans and zoning ordinance amendments.* Whenever the Village Board designates land as being within a Planned Development District, the Village Attorney shall record in the Office of the Register of Deeds of Dane County a facsimile copy of the approved general (or detailed) plan, together with a certified copy of the related zoning ordinance amendment and any other action taken thereon by the Village Board. The cost for preparing a facsimile copy of the general (or detailed) plan in recordable form and the recording fee shall be paid by the owners of the lands included in the general (or detailed) plan.

(f) *Changes or modifications to general or detailed plans and zoning ordinance amendments.* Any approved general or detailed plan, together with the related zoning ordinance amendment, may be amended in whole or in part pursuant to the same procedure and subject to the same limitations by which general or detailed plans were approved and the zoning ordinance amended. However, minor modifications may be made by any general or detailed plan upon approval of the Village Plan Commission provided that such modifications shall be in general conformity with the approved general or detailed plan and shall not substantially change the concept of such approved plan. All approved minor modifications shall become a part of the approved general or detailed plan and shall be recorded as provided in Subsection (e) of this Section. The Plan Commission shall decide whether a proposed amendment is minor or major, with appeals made to the Village Board.

(g) *Construction of building and establishment of uses.* No zoning or building permit shall be issued until the detailed plan and the related zoning ordinance amendment have been recorded as required above. Within one year of the date of recording of any detailed plan and the zoning ordinance, construction thereon must begin; and construction must be substantially completed

throughout the project within three years of such date of recording, unless extensions are granted by the Village Board. If initial construction has not begun within one year of the date of recording or within the prescribed time period granted as an extension by the Village Board, the approval of the detailed plan and the related zoning ordinance amendment shall become null and void, and the zoning shall revert to the classification that applied prior to the approval of the PDD zoning. No occupancy of dwelling units shall occur until all public works that have been scheduled to be completed before occupancy are completed to the satisfaction of the Village.

(h) *Procedure for establishment of the Planned Development District—General plan for staged development.*

(1) *Submittal of general plan.* The general plan shall contain any information and representations deemed necessary by the Plan Commission and shall consist of a statement entitled "Planned Development District—General Plan, Statement of Owner's Intent and Description of Development," which shall include, without limitation, the following:

a. A legal description describing all of the tract of land included in the proposed development.

b. A statement indicating the nature of the applicant's interest in the land included in the proposed development.

c. A statement describing the proposed development, including the character, method and operation of the development and a development schedule or timetable for construction.

d. A statement as to the following data or graphic information referenced to a map or plan of the proposed development:

1. The location and size of the site including dimensioned exterior boundaries, topography and other salient features, and existing buildings and structures, and also adjacent properties and streets, including all public utilities and public easements.

2. The use and approximate location and bulk of buildings and structures, including number of stories and dimensions of buildings.

3. The approximate location of vehicular and pedestrian facilities, such as streets, sidewalks and off-street parking areas, including approximate number of parking spaces.

4. The approximate location of areas for public or common open spaces and for other public or semipublic uses.

5. A tabulation of land areas for the different types of uses in relation to the total area.

6. A tabulation of the gross floor areas of buildings by types of uses.

7. A tabulation of the number of types of dwelling units.

(2) *Review of general plan.* The Plan Commission shall review the general plan and determine whether it complies with the standards set forth in Subsection (h)(1) of this Section. Following

the review of the general plan, the Plan Commission shall forward the petition to the Village Board, together with a recommendation that the general plan be either approved as submitted, or approved with modifications or disapproved.

(3) *Approval of general plan.*

a. In the event that the Village Board approves the general plan and adopts the related zoning ordinance amendment, the zoning district maps shall be amended to include all of the lands within the general plan as within the Planned Development District (general plan approved). However, no building construction shall be permitted in any portion of the approved general plan until a detailed plan prepared in accordance with the requirements hereunder has been approved by the Village as provided below.

b. In the event the Village Board fails to approve the general plan and ordinance, the Village Board shall communicate its objections back to the Plan Commission for reconsideration and further discussions.

(i) *Procedure for establishment of the Planned Development District—Detailed plan for staged development.*

(1) *Submittal of plan.* Within one year after the recording of the general plan and the copy of the related zoning ordinance amendment, a detailed plan for at least one stage of the general plan shall be filed with the Village Clerk-Treasurer, unless an extension is granted by such Village Board. The detailed plan shall contain any information and representation deemed necessary by the Plan Commission and shall consist of a statement entitled, "Planned Development District—Detailed Plan, Statement of Owner's Intent and Description of Development," which shall include without limitations, the following:

a. A legal description describing all of the tract of land included in the proposed development, referenced to a locational map indicating the relationship of the tract to the total general plan.

b. A statement indicating the nature of the applicant's interest in the land included in the proposed development.

c. A statement describing the proposed development, including the character, method and operation of the development, and a development schedule or timetable for construction. Where the formation of organizations such as a homeowners' association is proposed, such statement shall include any agreements, bylaws or covenants which govern the organizational structure, use, maintenance and protection of the development and any of its common services, common open spaces or other common facilities.

d. A statement as to the following date or graphic information referenced to a map of the proposed development:

1. The location and size of the site, including dimensioned exterior boundaries, topography and other salient features, and existing buildings and structures, and also

adjacent properties and streets.

2. The use and location of all buildings or structures, including the architectural character and design of each building, the number of stories and dimensions of each building, and the dimensioned yards between buildings or structures and lot lines.
3. The location of vehicular and pedestrian facilities, including dimensioned streets, walkways, access driveways, off-street parking spaces and loading berths, and refuse receptacle areas.
4. The location and size of areas for public or common open spaces and for other public and semi-public uses.
5. A grading plan, including any storm sewer system, a landscaping plan, and an erosion control plan.
6. A sanitary sewer and water distribution system plan.
7. A tabulation of land areas for the different uses in relation to the total tract area.
8. A tabulation indicating the number of buildings and the use and the total gross floor area for each building.
9. A tabulation indicating the number and types of dwelling units in each building.

(2) *Review of the detailed plan.*

a. The Plan Commission shall review the detailed plan as a conditional use review and shall determine whether the plan complies with the standards set forth in Subsection (h)(1) of this Section and is in general conformance with the approved general plan. Following Plan Commission approval of a detailed plan, the Village Attorney shall record in the Office of the Register of Deeds of Dane County a facsimile copy of the approved detailed plan and a certified copy of the Plan Commission action approving the same. The costs for copies and recording shall be paid by the owners of land within the plan areas.

b. The action of the Plan Commission on the proposed detailed plan shall be appealable to the Village Board. The Village Board shall consult with the Plan Commission before making its appeal decision, but in no case shall a detailed plan be approved that is out of conformity with a general plan approved.

(3) *Approval of detailed plan.* Once the detailed plan is approved, the zoning district maps shall be amended to include all of the lands within the detailed plan as Planned Development District—detailed plan approved.

(j) *Planned Development District—Single-stage procedure.* Upon request by applicants and subject to Village Board concurrence, the general and detailed stages of plan review and approval can be combined. Under this option, the plan is submitted in detailed form and is processed as is a general plan.

(Code 1998, § 13-1-46; Ord. No. 2003-03, § 1(13-1-46), 3-24-2003; Ord. No. 2017-13 , § 29, 7-24-2017)

VILLAGE OF
McFarland

SUMMARY SHEET

MEETING DATE: **Monday, July 19, 2021**

SECTION: **Business**

DEPARTMENT: **Community Development**

CONTACT: **Andrew Bremer, Comm & Eco Dev Director**

AGENDA ITEM: **Discussion and possible action on a Certified Survey Map (CSM) requested by the Waubesa Village LLC to combine Lot 1 of CSM 14104 (4604, 4606, and 4608 Siggelkow Road), Outlot 20 of Assessor's Plat No. 4 – Township of Blooming Grove (4908 Terminal Drive), and Lot 1 of CSM 7449 (4902 Terminal Drive), McFarland, WI, to create one parcel. The properties are currently zoned C-H Highway Commercial and PD Planned Development District.**

PREVIOUS ACTION:
June 21, 2021, Plan Commission held public hearing on proposed CSM.

ISSUE SUMMARY:
As part of the development plans for Waubesa Village Phase 4, the Applicant is proposing combining Lot 1 of CSM 14104 (existing Waubesa Village Phases 1-3; 4604, 4606, and 4608 Siggelkow Road), Outlot 20 of Assessor's Plat No. 4 – Township of Blooming Grove (4908 Terminal Drive), and Lot 1 of CSM 7449 (4902 Terminal Drive), McFarland, WI, to create one parcel. Background on the development proposal is presented under Item 4.d of the agenda.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:
CSM's are reviewed and approved by the Plan Commission. The recommended motion below is premised on prior recommendation of the rezoning application under Agenda Item 4.d.

Motion to approve the Certified Survey Map requested by Waubesa Village LLC to combine Lot 1 of CSM 14104 (4604, 4606, and 4608 Siggelkow Road), Outlot 20 of Assessor's Plat No. 4 – Township of Blooming Grove (4908 Terminal Drive), and Lot 1 of CSM 7449 (4902 Terminal Drive), McFarland, WI, to create one parcel, conditioned on the following:

1. Approval by the Village Board of the rezoning application from Waubesa Village LLC for Outlot 20 of Assessor's Plat No. 4 - Town of Blooming Grove and Lot 1 of CSM 7449, Ordinance 2021-07.
2. Approval by the Village Board of a Real Estate Acquisition and Development Agreement for

the proposed development.

3. Revising the CSM to include a 42-foot right-of-way from the center line of Terminal Drive across the entire frontage of the proposed CSM.

ATTACHMENTS:

1. 6.21.21 - Quam - CSM - 4902-4908 Terminal Dr - 6.21.21

Please publish in the
McFarland Thistle on
June 3, 2021

VILLAGE OF MCFARLAND
NOTICE OF PUBLIC HEARING
BEFORE THE PLAN COMMISSION

NOTICE IS HEREBY GIVEN that there will be a Public Hearing before the Plan Commission on Monday June 21, 2021 at 7:00 p.m. in the Community Room of the Municipal Center, 5915 Milwaukee St., McFarland, Wisconsin, at which time interested parties and citizens shall have an opportunity to be heard concerning the following:

> A Certified Survey Map (CSM) requested by the Waubesa Village LLC to combine Lot 1 of CSM 14104 (4604, 4606, and 4608 Siggelkow Road), Outlot 20 of Assessor's Plat No. 4 – Township of Blooming Grove (4908 Terminal Drive), and Lot 1 of CSM 7449 (4902 Terminal Drive), McFarland, WI, to create one parcel. The properties are currently zoned C-H Highway Commercial and PD Planned Development District.

Information regarding this request is available for review online at www.mcfarland.wi.us/activedevelopmentprojects or at the Village of McFarland Municipal Center lobby, 5915 Milwaukee Street, McFarland, WI 53558 (Monday-Friday, 8:00 a.m. to 4:30 p.m.).

COVID-19 RELATED INFORMATION

Due to the COVID-19 Pandemic, the Village recommends and **URGES** all residents to view the meeting that evening live on the Charter cable channel 982; TDS channel 1009 or online at mcfarlandcablechannel.com and those who wish to participate and provide public comment do so via Zoom (the Village's virtual meeting software). You can join the Zoom Webinar by visiting https://us02web.zoom.us/j/87130361177 or Telephone: Dial (for higher quality, dial a number based on your current location): US: +1 (312) 626-6799 Webinar ID: Webinar ID: 871 3036 1177.

Due to limitations from Dane County Public Health, only 10 non-employees are allowed in the Municipal Center at one time. **If you choose to attend the meeting in-person, the Village CANNOT GUARANTEE you will be allowed a spot inside the building to view the meeting.** Those who wish to provide public comment at the meeting will be ushered in and out of the building to accommodate the 10 person gathering limit.

If you cannot attend the meeting, you may submit your written comments to the Plan Commission by email to community.development@mcfarland.wi.us or by mail to Community Development Department, Village of McFarland, P.O. Box 110, McFarland, WI 53558-0110. Submission must be received no later than the Thursday prior to the meeting date.

VILLAGE OF
McFarland

SUMMARY SHEET

MEETING DATE: **Monday, July 19, 2021**

SECTION: **Business**

DEPARTMENT: **Community Development**

CONTACT: **Andrew Bremer, Comm & Eco Dev Director**

AGENDA ITEM: **Discussion regarding potential use and revitalization of 5979 Siggelkow Road, former Waubesa School, preapplication meeting requested by property owner Urso Bros LLC.**

PREVIOUS ACTION:

January 19, 2021 pre-application meeting with the Plan Commission. At the January 19, 2021 Plan Commission meeting, the Director advised the property owner complete a Plat of Survey or CSM by a registered land surveyor to be used to assist in determining appropriate zoning designations, ROW dedication/vacations, and site plan development prior to submitting applications for rezoning or comprehensive plan amendment. In addition, Village staff recommended the property owner revisit options for providing public sewer and water to the property to replace the existing well and septic systems. Kevin Urso has requested to appear before the Plan Commission for a second pre-application meeting to update the Plan Commission members on progress he has made since the January 19, 2021 meeting.

ISSUE SUMMARY:

Urso Bros LLC purchased the former Waubesa School, 5979 Siggelkow Road, and is renting back to the former owner Common Threads until they find a new location. Note, Common Threads has now vacated the building. Urso Bros LLC would like to move their offices to this property and renovate the interior back to its more original condition. Common Threads previously renovated the interior to include new walls/ceilings for classroom purposes. The property is on the National Register of Historic Properties. Mr. Urso is also interested in adding an accessory 30' x 60' workshop/storage building for the business to the property. As discussed at the January 19th, 2021 Plan Commission meeting, there are a number of unique aspects to this property that Mr. Urso would like to discussion with the Plan Commission prior to submitting applications for official Village consideration.

1. **Right-of-Way.** The packet includes a conceptual site plan with an aerial photo of the property. The legal description for the property illustrates how the property line along Siggelkow Road extends beyond the sidewalk into the road. It is generally understood that 33 feet of right-of-way was created by Town Order (date unknown) for right-of-way along Siggeklow Road and Holscher Road when these roads were originally constructed. The 33 feet along Siggelkow Road still extends beyond the sidewalk and into portions of the reconstructed Siggelkow Road. The 33 feet of right-of-way on Holscher Road extends beyond an existing fence on the east side of the property, placing the fence in the ROW. As part of consideration of a rezoning application, Village Staff recommends

consideration to dedicate additional ROW along Siggelkow Road to the Village, and Village consideration of vacating excess ROW along Holscher Road to clean-up these property line/ROW issues. The packet includes a draft Certified Survey Map prepared by Urso. The proposed property line along Siggelkow Road wound follow the inside of the current sidewalk, placing the sidewalk in the ROW but maintaining the existing front yard fence, retaining wall, and private well on private property. Along Holscher Road, the revised ROW line would be reduced from the current 33 feet to 18 feet to place the existing fence on private property. To accomplish this, the CSM will need to be revised to show the existing 33 feet. After the CSM is approved, by separate action, the Village would vacate the western 15 feet back to the property owner to create the 18 feet of ROW shown on the CSM. From Village Staff's perspective, this 15 feet of ROW is not necessary given the realignment of Holscher Road created additional ROW width to this property. An alternative to vacating the 15 feet of ROW could include granting a Limited Liability Agreement with provisions to allow the fence to remain and be maintained/replaced as needed.

2. **Zoning Designation.** The property is 1.3 acres in size and is currently zoned A-1 Exclusive Agricultural (Dane County Zoning), which was the zoning designation of the property when it was annexed to the Village in 2008. The current A-1 zoning classification provides for very limited opportunities for non-agricultural uses; thus Mr. Urso would like to discuss potential rezoning opportunities. The packet includes a copy of the Statement of Purpose for the Village's Zoning Districts, along with the tables of permitted and conditional uses within the Village's commercial districts. One consideration is for rezoning of the property to the Commercial-Limited (C-L) District. The purpose of the C-L District is "to accommodate business and neighborhood consumer needs for services and storage space located in proximity to residential areas without creating a nuisance to the neighborhood." "Architectural Engineering and Related Services" is a permitted use in the C-L District. This is defined by the 2007 US Census North American Industrial Classification System (NAICS) as "This industry comprises establishments primarily engaged in planning and designing residential, institutional, leisure, commercial, and industrial buildings and structures by applying knowledge of design, construction procedures, zoning regulations, building codes, and building materials." Real estate offices, photo studios, accounting and tax preparation, insurance businesses are also permitted uses in the C-L District. The Plan Commission has previously discussed rezoning the property in 2008 and 2013. In 2008, Common Threads was seeking to rezone the property Commercial General C-G as part of proposed expansion of the building and parking lot. This application was ultimately withdrawn due to the recession causing Common Threads to reconsider their building expansion project. At the time, there was concern about other potential commercial uses allowed in the C-G District that could occupy the property in the future should Common Threads vacate the premise and their associated impact on the surrounding properties. The same could be said of the C-L District. In 2013, zoning of the property was again discussed at a pre-application meeting with the Plan Commission as Common Threads was considering a parking lot addition off Holscher Road. An alternative to the C-L District is to rezone to the Planned Development Infill District (PD-I) to tailor use and setback restrictions more specifically to the property. The draft CSM included in the packet would place the front entry of the building within 21.6 feet of the proposed right-

of-way line. The minimum front setback distance for the C-L District is 25 feet, thus the structure would be non-conforming to this requirement. Under the General and Detail Plans for the PD-I zoning, the minimum front setback could be established as 20 feet, while maintaining the existing minimum side setback of 8 feet and rear setback of 20 feet from the C-L District. Uses within the General and Detailed Implementation Plan could be limited to just "Architectural Engineering and Related Services" or expanded to include a select list of permitted and conditional uses in the C-L District, for example real estate offices, photo studios, accounting and tax preparation, insurance businesses. If in the future, Urso Bros sells the property any new users would have to meet the required uses of the General and Detailed Implementation Plan or request approval by the Village to add any particular use not granted in the original approval.

3. **Comprehensive Plan Designation.** Any consideration to rezone the property will need to be consistent with the Village's Comprehensive Plan at the time of the rezone approval. The property is identified as Institutional and Governmental on the Future Land Use Map of the Village's Comprehensive Plan. This designation is likely a reflection of the type of property owner/use at the time the plan was adopted. The packet includes a copy of the Future Land Use Map and Figure 4.1 which further describes the general description of land uses allowed and typical implementing zoning districts. The latter describes "different residence or commercial districts" as typical implementing zoning districts, due to the fact that institutional and government uses are contained within the Village's residential and commercial zoning districts, as opposed to a standalone institutional zoning district. Therefore, as part of, or prior to an application to rezone the property, Urso would need to request a Comprehensive Plan Amendment to change the future land use designation of the property. One consideration is to designate the property under the Mixed-Use/Flex Commercial District. Note, that the C-L district is not listed as a Typical Implementing Zoning District under the Mixed-Use/Flex Commercial land use in Figure 4.1; however, page 32 of Volume 2 of the plan notes other zoning districts besides those listed in the table may be appropriate. Given the C-H district is listed as a typical implementing zoning district, a rezone to C-L could be considered consistent with the Mixed-Use/Flex Commercial land use designation as the C-L district is a less intensive commercial district as compared to the C-H district. The PD-I District is also listed as a Typical Implementing Zoning District in the Mixed-Use/Flex Commercial land use.
4. **Accessory Structures.** Commercial accessory structures are limited to rear yards and must be 10 or more feet from property lines. The property has a small rear yard area given it is a corner lot and the location of the principal building. Urso's has submitted a conceptual site plan illustrating the proposed accessory structure. While the structure meets the 10-foot setback requirements it is partially located in the side yard. The owner would need to obtain a variance from the Board of Zoning Appeals to develop the structure as proposed. Alternatively, if the property were rezoned PD-I the structure could be allowed as part of a Detailed Implementation Plan. The property size and principal building location will present challenges to developing the desired accessory structure.
5. **Site Utilities.** The property is currently on a private well and septic system. Ideally these systems would be terminated, and the building would be connected to public sanitary and water services. The packet includes a map of Village sewer and water mains

in the vicinity of the property. Note there are no Village mains along Siggelkow Road. Connection of the building to public utilities was previously considered in 2008 as part of Common Threads desire to rezone the property and expand the premise. The plan drafted, but not executed, was to have Common Threads obtain an easement from the Black Walnut Condominium at Cedar Glade Owners Association to connect sewer and water laterals to the mains located on the condominium property. Urso has explored this option, along with the another option to bring sewer and water laterals along Holscher Road. A third option Urso has explored is to bring sewer and water laterals along the shared lot line between 5908 and 5910 Juniper Ridge to connect to the existing mains in the ROW of Juniper Ridge. This is the shortest distance for a connection to Village utilities and would provide connection to the rear of the building. The connection would be completed via directional boring to minimize at grade disturbance. Urso has reached a preliminary agreement with the two Juniper Ridge property owners, including drafting an easement for signature and recording.

6. **Historic Designation.** The property was added to the National Register of Historic Places on July 17, 1997 and was designated a local historic structure/site by the Village Board on June 24, 2019. Urso has met with Jane Licht from the McFarland Historical Society to review historical photos of the building as part of his planning for future renovations. Under Sec. 62-395(b)(2) of the Village's Zoning Code, the Landmarks Commission reviews and grants Certificates of Appropriateness for exterior building improvements for historically designated properties. Neither a CSM/ROW vacation, Comprehensive Plan Amendment, nor a rezoning application, require the review or approval by the Landmarks Commission. These types of applications are reviewed by the Plan Commission for recommendation to the Village Board. However, Department Staff recommends referring these future items to the Landmarks Commission, prior to Plan Commission consideration, in order to obtain their input to help inform the Plan Commission's recommendation to the Village Board on these potential future matters.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

The property is identified as Institutional and Governmental on the Future Land Use Map of the Village's Comprehensive Plan.

ORDINANCE REFERENCE:

Sec. 62-68 Statement of Purpose
Sec. 62-71 Permitted Uses
Sec. 62-71 Permitted or Conditional Uses - Commercial Districts
Chapter 62, Article II, Division 6, Historic Preservation

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

This agenda item is presented for discussion only. Input from the Plan Commission is non-binding but assists the applicant in the preparation of official zoning applications.

ATTACHMENTS:

VILLAGE OF
McFarland

1. 5979 Siggelkow Road_Urso Bros Pre-Application_01.12.21
2. 2021-02-10_REV Urso Site Plan with Aerial
3. 5979 Siggelkow Road_Urso Bros Draft CSM_2021.06.08
4. 5979 Siggelkow Road Zoning_2021
5. Sec. 62-68 Statement of Purpose
6. Sec. 62-71 Commercial District Uses
7. McFarland_Comprehensive_Plan_-_Future_Land_Use_Map
8. McFarland Comp Plan Figure 4.1
9. 5979 Siggelkow Road Utilities_2021

Urso Bros. LLC

Custom Home Builders
4720 Farwell Street, Suite 1, McFarland, WI 53558
608.838.2017

Urso Bros. purchased the Waubesa School House at the corner of Holscher and Siggelkow In October of 2020.

We are currently renting back to Common Threads while they are looking for a larger location to continue their business.

A little history on the building, the school was built in 1920 by Mcfarland contractor Louis Harrison and was last used as a school in 1961. It was more than a one room school house, it had several small rooms off the large classroom. Up front it had a library and side by side cloak rooms and in the back were a small kitchen and a sick room. The school closed in 1961 and was purchased by Emmett Harp. Mr. Harp owned it for 28 years and was a beekeeper using the building for storage of his honey and equipment.

In 1989 it was purchased by Lucia Rhodehamel and Mark Lorenzi. They had moved from Vermont looking for a space to live and house their art studio. The building was very much intact but was in need of a mechanical overhaul and they began to refurbish the building. They added a kitchen in the back and altered part of the attic space to create a loft for a bedroom. The cloak rooms up front were combined and converted into a bathroom.

In 1992 they decided to put on an addition to the rear of the school. Madison architect Ed Linville designed the addition which added an upstairs bedroom, bathroom and family room connected to the loft space.

In 2003 Rhodehamel and Lorenzi decided to move. In 2004 Oak Song School purchased and provided preschool and kindergarten programs. In 2007 Common Threads purchased the building providing education for children with autism. During the last two owners many changes were made to the interior of the building adding walls and dropping ceilings in certain areas. The exterior remained the same other than the access ramp added to the west side of the building. In 2008 the property was annexed from the Town of Blooming Grove to McFarland and is currently on a private well and septic system.

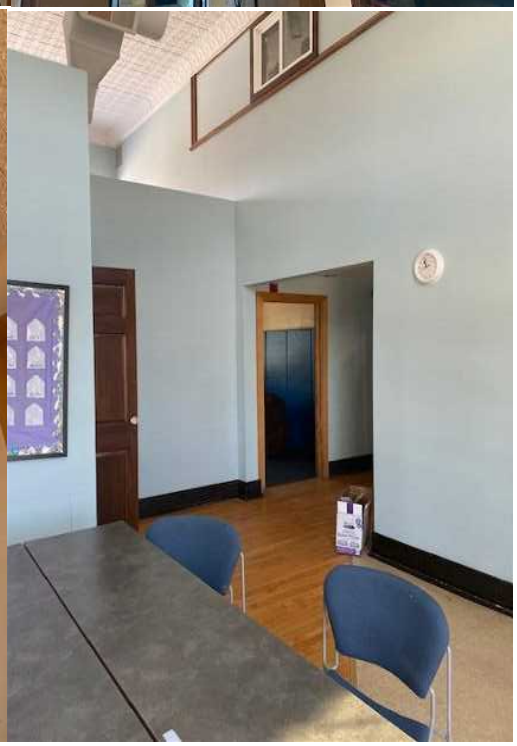
Urso Bros. intends to use the school house for their offices. On the inside our plan is to return the interior back to its school form by removing the walls and drop ceilings that have been added and returning the space to 16 foot ceilings while opening the space back up. Refinishing the original staircase, trim and floors where possible. Some updates will be necessary, such as windows but we want to keep the original school-house charm. On the outside the building itself just needs some maintenance including paint, caulk and general clean up. We would like to remove the access ramp on the west side of building and provide a different ADA access. We would also like to connect to the Village for sewer and water services.

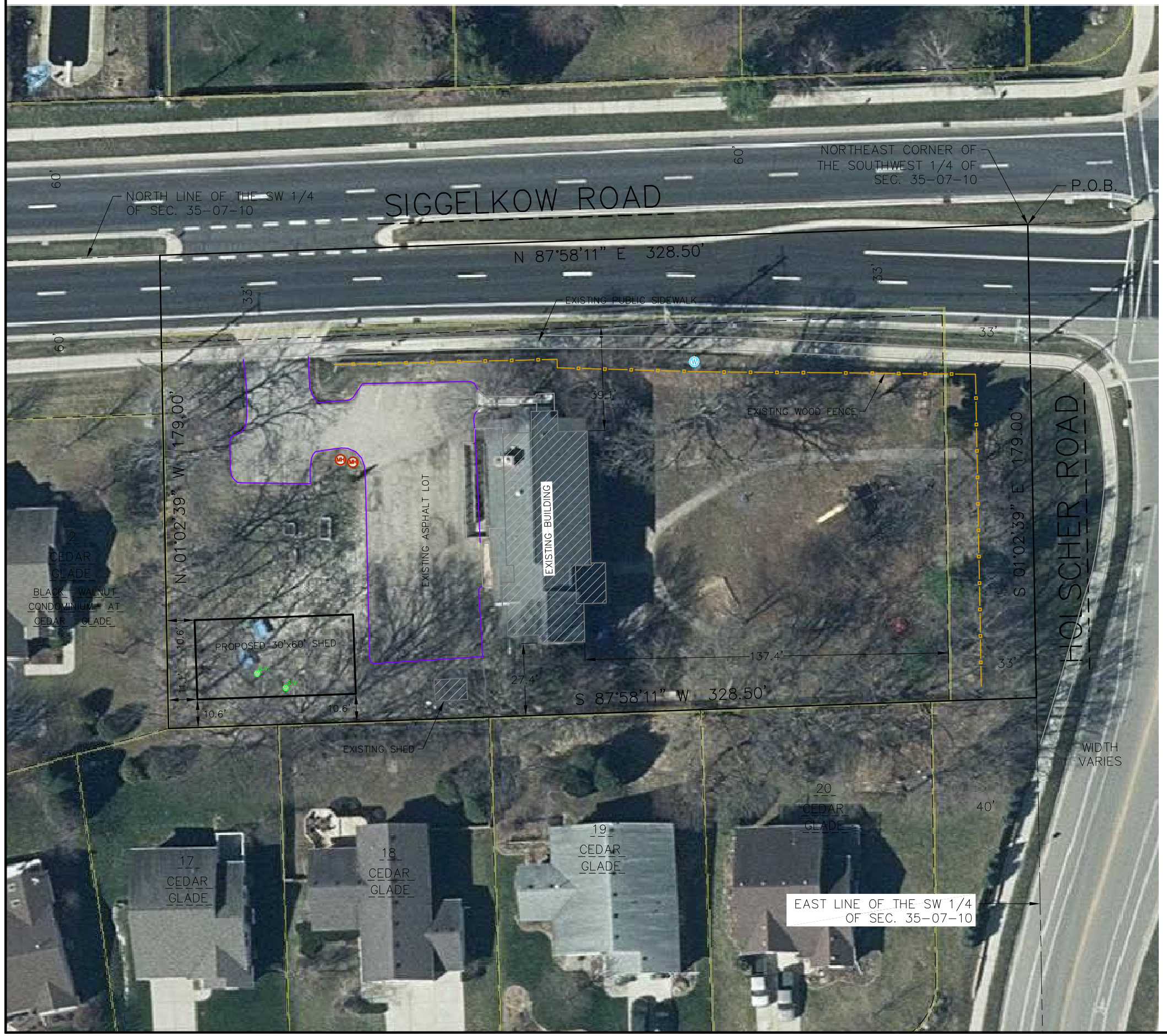
This plan requires new zoning for the property and we are meeting with you to determine which zoning will work best for Urso Bros, the village and this property. The uses we are requesting would be for the main school house, office space and meeting rooms for Urso Bros. and in the addition on the rear would be space to rent for business such as realtor, photographer, accountant, insurance agent businesses with low traffic and not a retail type business. We would also like to build an accessory building on the property (map included) a 30 x 60 garage to use for storage of building supplies. This shop space would not have any additional office space. Included are some pictures of the School House from the past and some more current along with an open invitation to tour the property individually or as a group, we are looking forward to bringing the beauty of this historic building back to life.

Thank you,

Kevin Urso

DCiMap
Version 3.6.3
Find address or PIN
30×60
60.1'
30.2'
0.2'
40ft





LEGAL DESCRIPTION FURNISHED: (WARRANTY DEED DOC. No. 5656787)

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 07 NORTH, RANGE 10 EAST, IN THE VILLAGE OF McFARLAND, DANE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4; THENCE SOUTH ON THE QUARTER SECTION LINE 10 RODS AND 14 FEET (179'); THENCE WEST 19 RODS AND 15 FEET (328.5'); THENCE NORTH TO THE QUARTER SECTION LINE; THENCE EAST TO THE POINT OF BEGINNING.

DATE OF FIELD SURVEY:

JANUARY 14, 2021. ANY CHANGES IN SITE CONDITIONS AFTER JANUARY 14 ARE NOT REFLECTED BY THIS SURVEY.

TOTAL AREA OF PARCEL SURVEYED: 58,793 SQ. FT. (1.35 ACRES)

PARCEL ADDRESS: 5979 SIGGELKOW ROAD, McFARLAND, WI
PARCEL NUMBER: 154-0710-353-8001-1

THIS SURVEY IS SUBJECT TO ANY AND ALL EASEMENTS AND AGREEMENTS RECORDED AND UNRECORDED.

WETLANDS, IF PRESENT, HAVE NOT BEEN SHOWN OR DELINEATED.

N

BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, DANE COUNTY, WISCONSIN, THE NORTH LINE OF THE SW 1/4 OF SECTION 35 MEASURED AS BEARING N87°58'11"E

0 10 20 40

SCALE: ONE INCH = TWENTY FEET

PREPARED FOR:
Urso Bros LLC
4720 Farwell Street
McFarland, WI 53558
608-838-2017

TOPOGRAPHIC SYMBOL LEGEND

- S.V. EXISTING SEPTIC VENT
- MH EXISTING SEPTIC TANK MANHOLE
- W EXISTING WELL

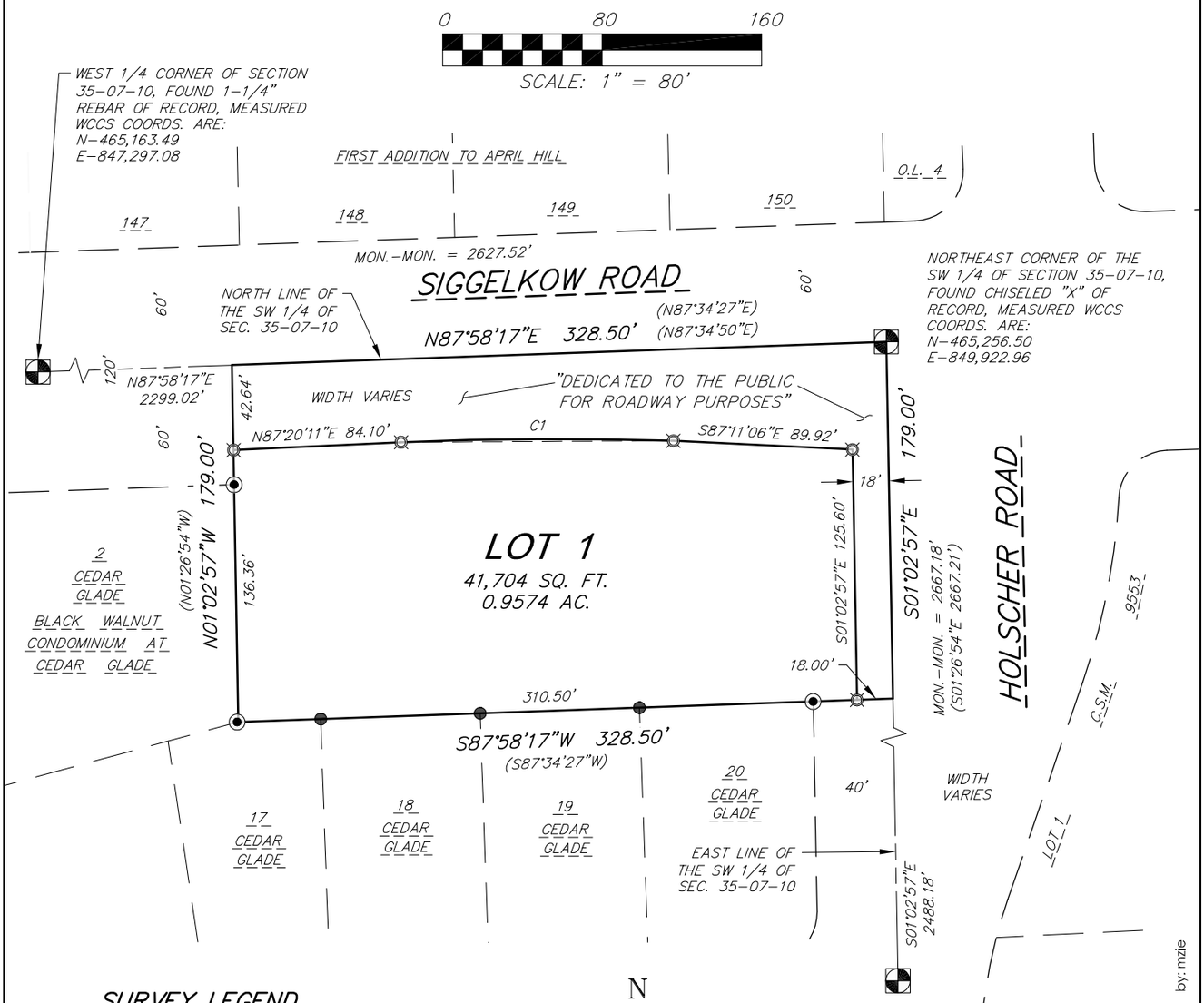
SITE PLAN – URSO BROS LLC, 5979 SIGGELKOW ROAD, McFARLAND, WI

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 07 NORTH, RANGE 10 EAST, VILLAGE OF McFARLAND, DANE COUNTY WISCONSIN.

SHEET 1 OF 1

CERTIFIED SURVEY MAP No._____

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 07 NORTH, RANGE 10 EAST, VILLAGE OF MCFARLAND, DANE COUNTY, WISCONSIN



SURVEY LEGEND

- ● FOUND 3/4" ø IRON ROD
- ◉ FOUND 1-1/4" ø IRON ROD
- ⌘ SET 3/4" x 18" SOLID IRON RE-ROD, MIN. WT. 1.50 lbs./ft.
- ( ) INDICATES RECORDED AS

DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT

NOTE: SEE SHEET 2 FOR SITE DETAILS.

N
W E
S

BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, DANE COUNTY, WISCONSIN, THE NORTH LINE OF THE SW 1/4 OF SECTION 35 MEASURED AS BEARING N87°58'17"E

CURVE 1 (C1)
R=1957.00'
I=04°00'08"
L=136.70'
LCB=N89°41'10"E
LC=136.67'

NOTE: THE U.S. PUBLIC LAND SURVEY MONUMENTS SHOWN ON THIS C.S.M. HAVE BEEN FOUND AND VERIFIED ALONG WITH THEIR CORRESPONDING WITNESS TIES. THE MONUMENTS AND WITNESS TIES CHECK WITH ANDREW MOORE'S MONUMENT RECORD, DATED 05/29/2018, FOR THE WEST 1/4 CORNER; BOB O'NEILL'S MONUMENT RECORD, DATED 03/30/2017, FOR THE CENTER OF SECTION. A NEW MONUMENT TIE SHEET WILL BE COMPLETED FOR THE SOUTH 1/4 CORNER AS PART OF THIS C.S.M. THE DATE OF FIELD RECOVERY FOR EACH CORNER WAS MAY 20, 2021.

08 Jun 2021 - 8:31a M:\Urso\210087 Siggelkow Road School House\CADD\210087_CSM.dwg by: mzie

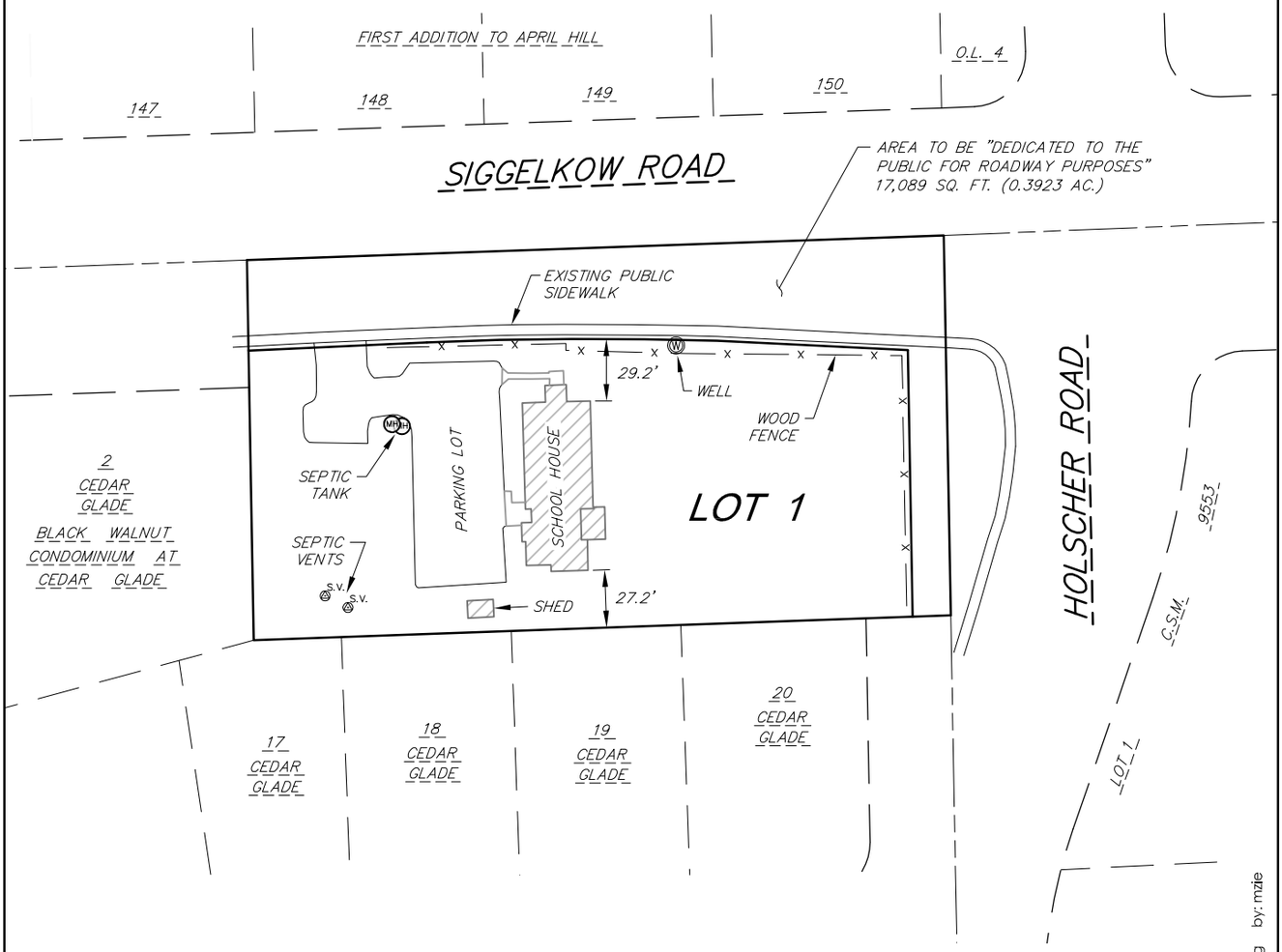
vierbicher planners | engineers | advisors Phone: (800) 261-3898	FN: 210087 DATE: 06/08/2021 REV: Drafted By: MZIE Checked By: MMAR	SURVEYED FOR: Urso Bros. LLC 4720 Farwell Street McFarland, WI 53558	C.S.M. No._____ Doc. No._____ Vol._____ Page_____	SHEET 1 OF 4

CERTIFIED SURVEY MAP No._____

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 07 NORTH, RANGE 10 EAST, VILLAGE OF MCFARLAND, DANE COUNTY, WISCONSIN

0 80 160

SCALE: 1" = 80'



EXISTING SITE DETAILS

08 Jun 2021 - 8:31a M:\Urso\210087 Siggelkow Road School House\CADD\210087_CSM.dwg by: mzie

vierbicher planners | engineers | advisors Phone: (800) 261-3898	FN: 210087 DATE: 06/08/2021 REV: Drafted By: MZIE Checked By: MMAR	SURVEYED FOR: Urso Bros. LLC 4720 Farwell Street McFarland, WI 53558	C.S.M. No._____ Doc. No._____ Vol._____ Page_____	SHEET 2 OF 4

CERTIFIED SURVEY MAP No._____

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 07 NORTH, RANGE 10 EAST, VILLAGE OF MCFARLAND, DANE COUNTY, WISCONSIN

OWNER'S CERTIFICATE

Urso Bros. LLC, a Wisconsin limited liability company, as owner(s), we hereby certify that we caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on the map hereon. We further certify that this Certified Survey map is required by S236.34 to be submitted to the Village of McFarland for approval. Witness the hand and seal of said owner this _____ day of _____, 2021.

Urso Bros. LLC

By: _____

State of Wisconsin)
)ss.
County of Dane)

Personally came before me this _____ day of _____, 2021, the above named _____, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

_____ My Commission expires: _____
Notary Public, State of Wisconsin

CONSENT OF MORTGAGEE

_____, a banking association duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping, and dedicating of the land described on this Certified Survey Map and does hereby consent to the Owner's Certificate.

IN WITNESS WHEREOF, the said _____, has caused these presents to be signed by _____ its _____, at _____, Wisconsin, on this _____ day of _____, 2021.

_____

By: _____

State of Wisconsin)
)ss.
County of Dane)

Personally came before me this _____ day of _____, 2021, _____, of the above named banking association, to me known to be the persons who executed the foregoing instrument, and to me known to be such _____ of said banking association, and acknowledged that they executed the foregoing instrument as such officer as the deed of said banking association, by its authority.

_____
Notary Public, State of Wisconsin

My Commission expires: _____

08 Jun 2021 - 8:31a M:\Urso\210087 Siggelkow Road School House\CADD\210087_CSM.dwg by: mzie

vierbicher planners | engineers | advisors Phone: (800) 261-3898	FN: 210087 DATE: 06/08/2021 REV: Drafted By: MZIE Checked By: MMAR	SURVEYED FOR: Urso Bros. LLC 4720 Farwell Street McFarland, WI 53558	C.S.M. No._____ Doc. No._____ Vol._____ Page_____	SHEET 3 OF 4

CERTIFIED SURVEY MAP No._____

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 07 NORTH, RANGE 10 EAST, VILLAGE OF MCFARLAND, DANE COUNTY, WISCONSIN

VILLAGE OF McFARLAND APPROVAL

Approved for recording by the McFarland Village Board this _____ day of _____, 2021.

_____
Village Clerk, Village of McFarland

LEGAL DESCRIPTION

Part of the Northeast Quarter of the Southwest Quarter of Section 35, Township 07 North, Range 10 East, Village of McFarland, Dane County, Wisconsin, more fully described as follows:

Beginning at the northeast corner of the southwest quarter of said Section 35; thence South 01 degree 02 minutes 57 seconds East, along the east line of the southwest quarter of said Section 35, a distance of 179.00 feet; thence South 87 degrees 58 minutes 17 seconds West, 328.50 feet; thence North 01 degree 02 minutes 57 seconds West, 179.00 feet to the north line of the southwest quarter of said Section 35; thence North 87 degrees 58 minutes 17 seconds East, along said north line, 328.50 feet to the point of beginning.

Said description contains 58,793 square feet or 1.3497 acres.

SURVEYOR'S CERTIFICATE

I, Michael J. Ziehr, Professional Land Surveyor, S-2401, do hereby certify to the best of my knowledge and belief, that I have surveyed, divided and mapped the lands described herein and that the map on sheet one (1) is a correct representation of the exterior boundaries of the land surveyed and the division of that land in accordance with the information provided. I further certify that this Certified Survey Map is in full compliance with Section 236.34 of the Wisconsin State Statutes, Chapter A-E7 of the Wisconsin Administrative Code and the Subdivision Ordinance of the Village of McFarland in surveying, dividing and mapping the same.

Vierbicher Associates, Inc.
By: Michael J. Ziehr

Date:_____

Signed: _____
Michael J. Ziehr, P.L.S. S-2401

REGISTER OF DEEDS CERTIFICATE

Received for recording this _____ day of _____, 20_____, at _____ o'clock _____.m. and recorded in Volume _____ of Certified Survey Maps on pages _____, as Doc. No. _____.

_____
Kristi Chlebowski,
Dane County Register of Deeds

08 Jun 2021 - 8:30a M:\Urso\210087 Siggelkow Road School House\CADD\210087_CSM.dwg by: mzie

vierbicher planners | engineers | advisors Phone: (800) 261-3898	FN: 210087 DATE: 06/08/2021 REV: Drafted By: MZIE Checked By: MMAR	SURVEYED FOR: Urso Bros. LLC 4720 Farwell Street McFarland, WI 53558	C.S.M. No._____ Doc. No._____ Vol._____ Page_____	SHEET 4 OF 4

5979 Siggelkow Road Zoning

1/11/2021, 2:47:57 PM

Village Zoning

- A-1 (Agriculture-Transition Village)
- R-1 (Single Family Residence)
- R-1A (Single Family Residence)
- R-3 (General Residence)
- C-G (General Commercial)
- Parcels

1:1,161

0 37.5 75 150 ft

0 10 20 40 m

na

Sec. 62-68. - Statement of purpose.

The district regulations are intended to govern the location intensity and method of development. The regulations of each district are designed to provide protection to the character of existing development while allowing new growth in accordance with specific development standards and objectives. Public utility services are required as a prerequisite to development in all districts within the Village.

(a) *A1 Agriculture-Transition District.* The purpose of the Agriculture-Transition District is to preserve in agricultural and related open space uses those lands generally located in proximity to developed areas within the Village where urban expansion is likely and in keeping with long-term plans for development. It is intended that urban development be deferred in such areas until the appropriate authorities determine that it is economically and financially feasible to provide public services and facilities. It is also intended that the status of all areas in this district be reviewed by the appropriate authorities periodically in order to determine whether, in light of current land development trends, there should be a transfer of all or any part of those areas to some other appropriate use district. Any such review will consider local and regional land use plans. Existing homes are grandfathered as are existing house lots. No new house lots can be created without rezoning.

(b) *CO Conservancy District.* The Conservancy District is established to preserve and perpetuate in an open and natural state certain areas such as lakeshores and waterways, wetlands and marshes, floodplains and stream beds, woods, slopes, Indian antiquity areas and other areas of aesthetic or historic value which, because of their unique physical and topographical features, are deemed desirable and functional as natural drainageways and water retention areas, natural habitat for plant and animal life, green belts and other multi-purpose uses beneficial to the community.

(c) *PD Planned Development District.* The Planned Development District is established to provide a voluntary regulatory framework designed to encourage greater variety and flexibility in land development while achieving substantial compliance with the Village Land Use Plan and basic intent of the zoning ordinance and land uses beneficial to the Village. Such district is also established to promote the maximum benefit from coordinated area site planning, including diversified location of structures and mixed compatible uses, and to provide for safe and efficient systems for pedestrian and vehicular traffic, attractive recreation and landscaped open spaces, and economic design and location of public and private utilities and community facilities. Within this district are allowed the diversification and variation in the bulk and relationship of uses, structures and spaces in developments planned as comprehensive and cohesive unified plans and projects.

(d) *PD-I Planned Development Infill District.* The Planned Development Infill District (PD-I) standards and regulations have been created for the purpose of allowing flexibility to accommodate infill and redevelopment on parcels less than three acres. Parcels of more than

three acres should comply with the normal PD regulations. The application procedures and review criteria for the PD-I are the same as those outlined for the basic PD District in addition to the following provisions.

(e) *R-1 Single-Family Residence District.* The R-1 Single-Family Residence District is established to stabilize and protect the essential characteristics of certain low density residential areas of the Village and to promote and encourage a suitable environment for family life where children are members of most families. Development in the R-1 Single-Family Residence District is limited primarily to single-family dwellings and certain community and recreational facilities to serve residents of the district

(f) *R-1A Single-Family Residence District.* The R-1A Single-Family Residence District is established to stabilize and protect the essential characteristics of existing low density residential areas normally located in the outlying as well as some inlaying urban parts of the Village, and to promote and encourage a suitable environment for family life where children are members of most families. Development in the R-1A Single-Family Residence District is limited primarily to single-family dwellings and certain community recreational facilities to serve residents of the district.

(g) *R-1B Single-Family Residence District.* The purpose of the R-1B Single-Family Residence District is to stabilize and protect the essential characteristics of existing low density residential areas normally located near or in close proximity to the Lake Waubesa or Yahara River areas, and to promote and encourage a suitable environment for family life where children are members of most families. Development in the R-1B Single-Family Residence District is limited primarily to single-family dwellings and certain community recreational facilities to serve residents of the district.

(h) *R-2 Single- and Two-Family Residence District.* The R-2 Single- and Two-Family Residence District is established to protect the essential characteristics of certain low-density residential areas of the Village and to promote and encourage a suitable environment for family life where children are members of most families. Development in the R-2 Single- and Two-Family Residence District is limited primarily to single-family and two-family detached dwellings and certain community and recreational facilities to serve residents of the district.

(i) *R-3 General Residence District.* The R-3 General Residence District is established to stabilize and protect certain medium density residential areas in the Village and to promote and encourage a suitable environment for family life where children are members of most families. Development in the R-3 District is limited primarily to smaller multiple-family dwellings, boarding homes, convalescent homes and recreational facilities to serve residents of the district.

(j) *R-MH Manufactured Home Residence District.* The R-MH Manufactured Home Residence District is established to provide for the permanent placement of manufactured homes in a low- to medium-density residential area of the Village and to promote and encourage a

suitable environment for family life where children are members of many families. Development in the R-MH Manufactured Home Residence District is limited primarily to manufactured houses and single-family residences on smaller lots and certain community and recreational facilities to serve residents of the district.

(k) *R-E Elderly Residence District.* The R-E Elderly Residence District is established to stabilize and protect certain medium density residential areas in the Village and to promote and encourage a suitable environment for elderly persons in duplex and multiple-family dwellings, pursuant to state and federal regulations.

(l) *C-G General Commercial District.* The C-G District is intended to provide an area for the business and commercial needs of the community, especially those which can be most suitably located in a compact and conveniently located business district. Residences that are compatible with surrounding uses are allowed as conditional uses.

(m) *C-P Commercial Park District*. The C-P District is established to provide an esthetically attractive working environment exclusively for and conducive to the development and protection of offices, non-nuisance type manufacturing operations, research and development institutions and limited retail businesses. The essential purpose of this district is to achieve development, which is an asset to the owners, neighbors and the Village, and to promote and maintain desirable economic development in a park-like setting.

(n) *C-H Highway Commercial District.* The C-H District is intended to provide an area for those business and commercial activities which especially have to do with motor vehicles or highway transportation, or which provide goods or services primarily to travelers on a highway, or for which location adjacent to a major thoroughfare or highway is a compelling practical consideration, or for which it is especially appropriate for some other reason to be located adjacent to a major thoroughfare or highway.

(o) *C-L Limited Commercial District.* The C-L Limited Commercial District is established to accommodate business and neighborhood consumer needs for services and storage space located in proximity to residential areas without creating a nuisance to the neighborhood.

(p) *C-C Central Commercial District.* The C-C District is designed to accommodate those retail, service and office uses characteristic of the original downtown area of McFarland.

(q) *M-IC Manufactured-Intensive Commercial District.* The M-IC District is intended to provide an area for manufacturing and industrial activities. It is also intended to provide an area for a variety of uses which require relatively large installation, facilities or land area, or which would create or tend to create conditions of public or private nuisance, hazard or other undesirable conditions, or which for these or other reasons may require special safeguards, equipment, processes, screening, barriers, or other forms of protection, including spatial distance, in order to reduce, eliminate, or shield the public from such conditions.

(r) *RH-1 Rural Home District.* The RH-1 Rural Home District is established for annexed properties

previously developed with low-density single family residential areas that are characterized by larger lot sizes and having some agricultural accessory uses.

(Code 1998, § 13-1-47; Ord. No. 2003-03, § 1(13-1-47), 3-24-2003; Ord. No. 2015-03A, § 1, 4-27-2015; Ord. No. 2018-02 , § 5, 1-23-2018)

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]

Land Uses [1]	NAICS	C-G [2]	C-H	C-P	C-L	M-IC
Agricultural services and support	115000	C	C	C	N	N
Mining	212000	N	N	N	N	C
Utilities	221000	N	C	C	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	C	C	P [7]	N	P
Fabricated metal manufacturing	332000	N	P [7]	P [7]	N	C
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	C	C	N	N	N
Motorcycle, boat, and other vehicle dealers	441220 & 441229	C	C	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	C	C	N	P
Hardware store	444130	P	C	N	N	N
Landscape/nursery	444220	N	C	N	N	N
Food store (except convenience)	445110	P	C	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
Miscellaneous shopping	453000	P	N	N	N	N
Mail-order houses	454113	C	C	C	N	P
Fuel dealers	454310	N	N	N	N	C
Rail transportation	482110	N	N	N	N	C
Trucking	484000	N	C	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	C	C
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	C	C	N	C	C
Mini-warehouses	531130	N	C	N	C	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	C	C	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	C	N
Veterinary clinics	541940	C	C	N	N	N

Elementary and secondary schools	611110	C	C	N	P	N
Library	519120	C	C	N	P	N
Medical services and offices	621100	P	C	P	P	N
Medical labs	621500	N	C	P	N	N
Hospitals and clinics	622110	C	C	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	C	N	P	N
Bowling center	713950	P	C	N	N	N
Sports and recreation instruction	611620	P	C	N	C	N
Fitness centers	713940	P	C	N	C	N
Amusement arcades (except billiards)	713120	C	C	N	C	N
Lodging	721110	C	P	C	N	N
Restaurants	722100	P	P	N	C	N
Limited-service restaurants, including fast food	722211	C	C	N	N	N
Taverns	722410	P	N	N	C	N
Furniture repair and re-upholstery	811420	C	C	N	C	N
Computer and office machine repair	811212	P	P	N	N	N
Other household repair	811490	P	P	N	C	N
Personal care services	812100	P	N	N	N	N
Funeral home and services	812210	P	C	N	P	N
Kennels and pet boarding	812910	C	C	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	C	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	C

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.

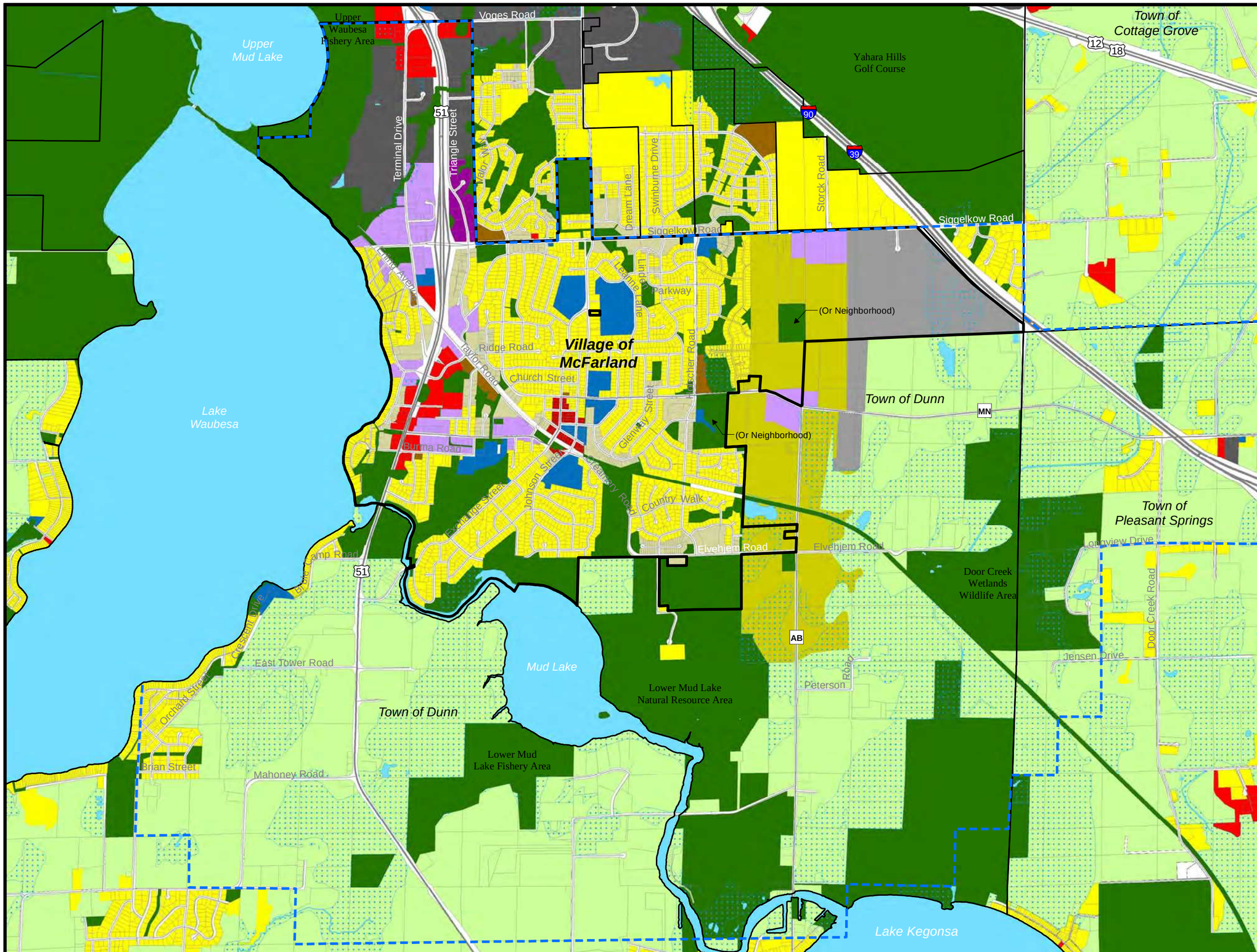
(4) All businesses, servicing, processing or display of materials for rent or sale, except for off-street parking of motor vehicles in operable condition and open storage of materials accessory to a principal use shall be conducted within completely enclosed buildings. Open storage accessory to principal uses in the C-G, C-H, C-P, C-L, and C-C zoning districts may be allowed upon issuance of a conditional use permit.

(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)



MAP 6

FUTURE LAND USE

Village of McFarland

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 (8/18)
- Other Municipal Limits (2018)

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 the use of their land. For example, owners of 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 identifies the City's Marsh Road Neighborhood Plan west of the Interstate and north of Siggelkow Road, and existing land use elsewhere beyond the Village's extraterritorial jurisdiction.

0 500 1,000 2,000
Feet

Date: May 2019

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

N W E S

Path: S:\MAD\3600--3699\3688\007\Data\GIS\Figures\Map 6 Future Land Use 11x17.mxd User: Danc Date: 5/6/2019 Time: 4:02:37 PM

Figure 4-1: Future Land Use Categories and Policies

Future Land Use Category	General Description of Land Uses Allowed	Typical Implementing Zoning Districts	Development Policies (see also Village zoning, subdivision, stormwater management, and other ordinances)
Single Family Residential	Predominantly single family detached homes, generally in "subdivision" settings. May include limited two family residences where compatible with a predominantly single family environment. Within the Village, all such areas will be served by public sanitary sewer and water systems.	Within Village, R-1, R-1A, and R-1B Residence Districts and R-2 Single- and Two-Family Residence (more limited) CO Conservancy (for parks, stormwater, and other open areas)	1. Prepare or require a neighborhood plan/concept development plan in advance of each subdivision proposal. 2. Promote interconnection in road and trail networks; minimize long cul-de-sacs and dead-end streets. 3. Require submittal of stormwater management and erosion control plans for new developments. 4. Encourage conservation neighborhood design, including allowing smaller lots and preservation of large open space corridors, in areas with soil limitations and natural resource amenities. 5. Where smaller lots are permitted, pay careful attention to home quality, variety, design, setbacks, and garage placement through zoning, covenants, and development agreements. 6. Pursue residential infill opportunities where feasible, applying standards and approaches in Figure 4-2.
Two Family and Townhouse Residential	Duplexes and two-flats, townhouses, single family residences, home occupations, and small-scale institutional and recreational uses, all served by public sanitary sewer and water systems.	R-2 Single- and Two-Family Residence R-E Elderly Residence PD, PD-I Planned Development	1. Disperse two family and townhouse residential uses through the Village, rather than repeating blocks of this type of future land use in just a few areas. 2. Encourage design of two family houses and townhouses to relate to public streets and integrate with the fabric of the surrounding neighborhood, rather than being designed as isolated enclaves or with garage-door dominance. 3. Hold new two family houses and townhomes to similar standards for quality and livability expected of single family housing. These standards include high-quality building materials, architectural variation and interest, durable and lasting finish materials (inside and out), and garage parking. 4. Work with County, State, and local lenders to assist with rehabilitation of older duplexes in the Village. 5. Pursue residential infill opportunities where feasible, applying standards and approaches in Figure 4-2.
Multiple Family Residential	A range of housing types, including multiple family residences (e.g., condominiums, apartments, multiplexes), including independent elderly housing. May also include single family residences. Served by public sanitary sewer and water systems.	R-3 General Residence R-E Elderly Residence PD, PD-I Planned Development	1. Disperse higher-density residential uses through the Village, rather than high concentrations in a few areas. 2. Encourage design of multiple family developments to relate to public streets and integrate with the fabric of the surrounding neighborhood, rather than being designed as isolated enclaves or with large parking lot dominance. 3. Hold new multiple family housing to similar standards for quality and livability expected of single family housing. These standards include high-quality building materials, architectural variation and interest, durable and lasting finish materials (inside and out), garage or underbuilding parking, and responsible management. 4. Monitor areas of aging multiple family housing so that they are community assets. Work with owners and property managers to address problems, and direct them to County and State programs and local lenders. 5. Pursue residential infill opportunities where feasible, applying standards and approaches in Figure 4-2.

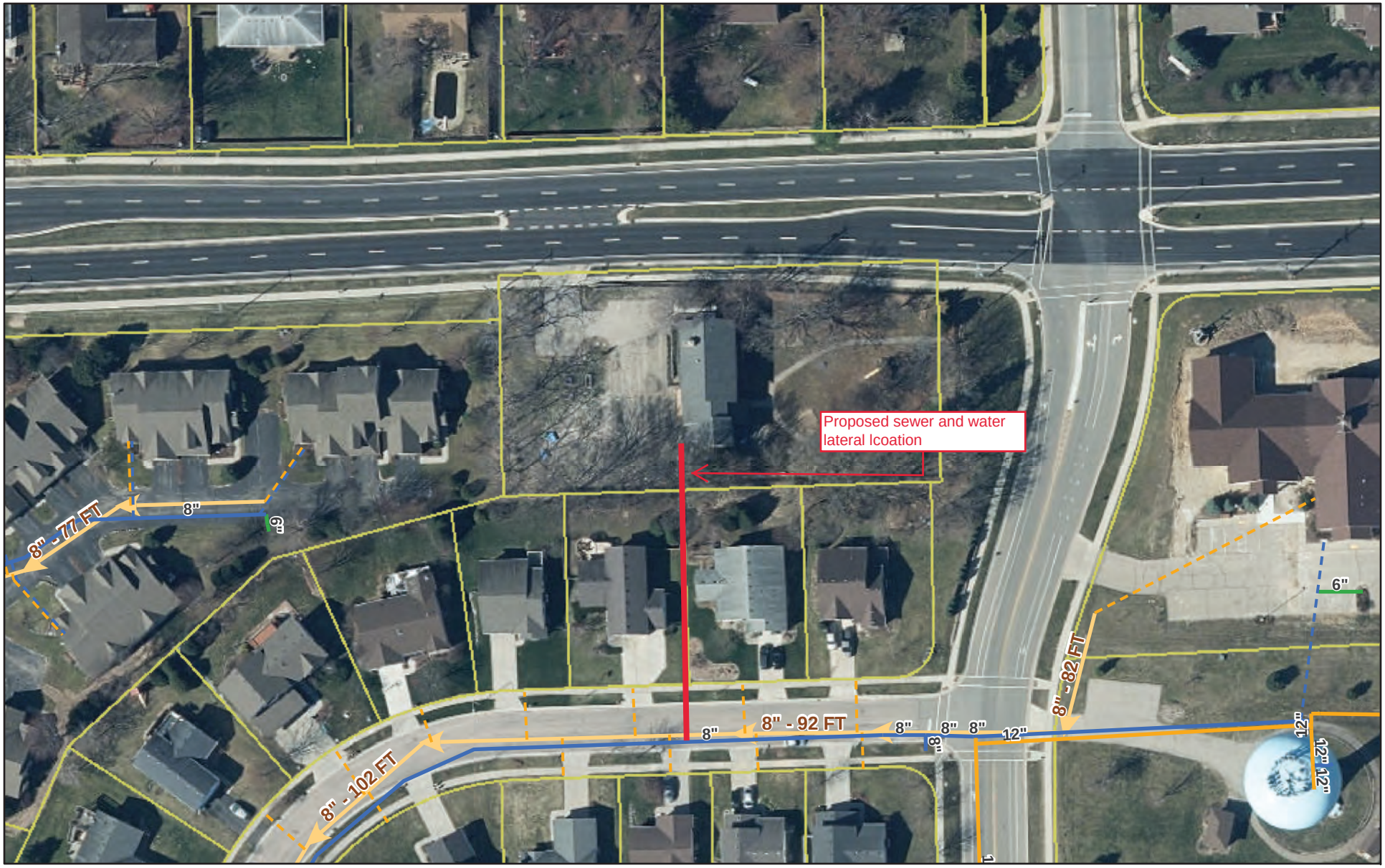
Future Land Use Category	General Description of Land Uses Allowed	Typical Implementing Zoning Districts	Development Policies (see also Village zoning, subdivision, stormwater management, and other ordinances)
Neighborhood	A carefully planned mix of mostly single-family residential development, with well-designed, limited components of two family and townhouse residential, multiple family residential, institutional, and recreational land uses. All served by public sanitary sewer and water systems.	R-1 Residence District R-2 Single- and Two-Family Residence R-3 General Residence R-E Elderly Residence PD, PD-I Planned Development (Village may also wish to establish a "neighborhood" zoning district)	1. Unless the developer is following the Village's East Side Neighborhood Growth Area Plan, require preparation of detailed neighborhood plans in advance of development applications in planned Neighborhood areas. Neighborhood development plans specify the arrangement of different land uses, environmentally sensitive areas, roadways, parks and trails, and other major infrastructure investments. 2. Accommodate a mixture of housing types, costs, and densities, while maintaining the predominance of single-family housing in the community. The Village policy is that at least 65% of new housing units in the planned Neighborhood area as a whole should be single family residences. 3. Promote neighborhoods that instill a sense of community with their design – including gathering places, parks, open spaces, pedestrian and bicycle access, schools, and churches. 4. Refer also to policies applicable to Single Family Residential, Two Family and Townhouse Residential, Multiple Family Residential, and other future land use categories that comprise each Neighborhood area.
Downtown	Mapped within the historic Downtown area of the Village, generally aligning with the Village's TID #4 boundary. Land uses and activities here are designed to create vibrant places and community gathering spots. Desirable land uses include commercial services, retail, restaurants, lodging, office, multiple family residential (mainly in upper stories), and institutional, including on sites and/or buildings that mix uses.	C-C Central Commercial PD-I Planned Development-Infill R-3 General Residence (limited use)	1. Follow the recommendations of more detailed plans for the Downtown area, such as the TID #4 Project Plan, the Downtown Strategic Market Analysis and Opportunities Assessment, the Downtown Plan (1999), and the Village Center Master Plan. Per the recommendations of the Economic Development chapter, the Village may update and possibly consolidate such plans. 2. Preserve the architectural and historic character of the Downtown with the application of such detailed plans, design standards there and in the zoning ordinance, and incentives where practical. 3. Arrange uses in a bike and pedestrian oriented environment with off- and on-street parking; minimal building setbacks; and building materials, designs, placement, and scale that are compatible with existing development form. 4. Retain and expand governmental facilities in the Downtown area to reinforce public commitment and enhance activity, perhaps including a new family-oriented recreational facility and/or municipal campus expansion.
Highway and General Commercial	A range of retail, commercial service, office, restaurant, lodging, health care, outdoor sales, and institutional uses, with limited outdoor display and storage. Mapped mainly along Highway 51. All uses served by public sanitary sewer and water services.	C-H Highway Commercial C-G General Commercial PD, PD-I Planned Development	1. Rezone sites designated for Highway and General Commercial use on Map 6 only after public sanitary sewer and water service is available, the land is within Village limits, and a specific development proposal is offered. 2. Require larger-scale commercial developments to address traffic, environmental, and neighborhood impacts, including neighborhood-sensitive recommendations in areas adjacent to existing single family uses using the standards in Figure 4-2 and the zoning code.

Future Land Use Category	General Description of Land Uses Allowed	Typical Implementing Zoning Districts	Development Policies (see also Village zoning, subdivision, stormwater management, and other ordinances)
Commercial Park	Light industrial, office, research, testing, health care, and other compatible and support uses (e.g., day care, health club, bank). Arranged in a controlled commercial, business, or office park setting, where allowable uses and activities include those associated with low levels of environmental impact, noise, odor, vibrations, and particulate emissions. Served by public sewer and water.	C-P Commercial Park PD Planned Development C-H Highway Commercial (limited use) C-G General Commercial (limited use)	1. Design Commercial Park areas to result in higher-end business campus settings, with high quality building, site, landscape, lighting, signage, and other aspects of project design. 2. Direct heavy industry, truck terminals, large warehouses, and other higher-impact uses to planned Industrial areas instead. 3. Restrict outdoor storage and activities, except where essential to the business operation and fully screened from nearby uses and streets. Fully screen loading and other less attractive areas from off-site views. 4. Rezone sites designated for Commercial Park use only after public sanitary sewer and water service is available, the land is within Village limits, and a specific development proposal is offered. 5. Promote lot sizes and site design that enables future on-site expansion.
Industrial	Manufacturing, warehousing, distribution, office, storage, utility, and other compatible businesses and support uses (e.g., day care, health club, bank). May include screened outdoor storage, and more intensive uses than in other future land use categories. All uses served by public sewer and water systems.	M-IC Manufacturing-Intensive Commercial C-H Highway Commercial (limited use) C-G General Commercial (limited use) Some lands may also be mapped within the "Terminal and Triangle Design Overlay District"	1. Rezone sites designated for Industrial use only after public sanitary sewer and water service is available, the land is within Village limits, and a specific development proposal is offered. 2. Require performance standards as necessary to avoid placing excessive demand on municipal utilities and roads, or creating environmental hazards or unwanted neighborhood impacts. 3. Encourage the redevelopment or intensification of older industrial, storage, and contractor uses and buildings in the Terminal and Triangle District area. Refer to more detailed plans such as the TID #3 Project Plan and Terminal and Triangle District Plan for more detailed policies and recommendations for planned Industrial areas. 4. Encourage the redevelopment of older fuel storage or blending facilities and sites. See the Economic Development chapter for the Village's updated policy related to new or expanded fuel storage and blending operations.
Mixed Use/Flex Commercial	A carefully designed blend or option of commercial services, retail, office, business park, multiple family residential, and/or institutional land uses, including mixed use sites and/or buildings. Compared to the Neighborhood future land use category, Mixed Use/Flex Commercial areas typically are denser, include some non-residential component, and do not typically include single family housing. All uses served by public sewer and water systems.	Appropriate traditional zoning districts (e.g., C-H, C-P, R-3) or PD or PD-I Planned Development zoning	1. Design "Mixed Use/Flex" areas to skillfully mix different uses on the same area, site, and/or building, and/or to serve as transitions between broader areas of different land uses. This future land use category is NOT intended to enable an unplanned or haphazard mix of different uses on any site or in any area. 2. Preserve and blend with surrounding residential character through appropriate building scale, building appearance, landscaping, screening, signs, and limited traffic and loading, and access from the adjacent collector or arterial street. Utilize the approach and standards in Figure 4-2 in such settings. 3. Rezone sites designated for Mixed Use/Flex use only after public sanitary sewer and water service is available, the land is within Village limits, and a development proposal is offered. 4. Refer also to policies applicable to Two and Multiple Family Residential, Highway and General Commercial, Commercial Park, and other more specific future land use categories that logically guide the development of each planned Mixed Use/Flex area given the range of proposed uses there.

Future Land Use Category	General Description of Land Uses Allowed	Typical Implementing Zoning Districts	Development Policies (see also Village zoning, subdivision, stormwater management, and other ordinances)
Institutional and Governmental	Buildings and land owned by governmental, educational, religious, and other non-profit organizations intended for public uses, gathering places, membership clubs, or elderly care. Small-scale institutional uses may be located in areas mapped in other future land use categories.	Different residence or commercial districts (Village may wish to establish a "public and institutional" zoning district; current standards in residential districts may not fit institutional use needs)	1. Assure high quality building, site, landscape, lighting, signage, and other aspects of project design. 2. Preserve and blend with surrounding residential character through appropriate building scale, building appearance, landscaping, screening, signs, and limited traffic and loading, and access from the adjacent collector or arterial street. Utilize the approach and standards in Figure 4-2 in such settings. 3. Continue to work with institutions with larger areas of vacant land and/or additional land needs, including the McFarland Cemetery Association and McFarland School District. Coordinate uses and activities on District-owned land, including the vacant site at the southeast corner of Broadhead Street and Holscher Road.
Public Lands, Recreation, and Environmental Corridors	Publicly owned lands used for recreation, natural areas, stormwater management areas, or cemeteries. Also includes continuous systems of open space that include environmentally sensitive lands, natural resources, and endangered or threatened species habitat intended for long-term open space, whether or not in public ownership. See CARPC environmental corridor maps by clicking here in digital versions. Future parks may also be on lands mapped under other future land use categories.	CO Conservancy For Village parks, different residential or commercial districts may also be used, though the Village may wish to establish and use a "public and institutional" zoning district. Such areas may also be subject to wetland, floodplain, or shoreland zoning rules.	1. Utilize the Outdoor Recreation & Open Space Plan and Utilities and Community Facilities chapter to guide the siting and development of future parks and recreation areas. 2. Designate environmental corridors with CARPC when land is added to the Urban Service Area. 3. Where compatible with natural resource and farmland preservation objectives, permit within environmental corridors cropping, grazing, underground utilities, and passive recreational and educational activities such as trails and low-impact athletic fields. Direct other development away from environmental corridors. 4. Collaborate with Dane County and others on the preservation of the large environmental corridors adjacent to Upper Mud Lake, "Lower" Mud Lake, and the Yahara River. 5. Where development is proposed near a mapped environmental corridor, determine the exact boundaries based on the features that define those areas. In consultation with CARPC and where consistent with the County Water Quality Plan, the Village Board will de-map any such area as environmental corridor by resolution if: a. More detailed information or studies reveal that the characteristic(s) that resulted in its designation as an environmental corridor is not actually present, b. Approvals from appropriate agencies are granted to alter a property so that the characteristic that resulted in its designation will no longer exist, and/or c. A mapping error has been identified and confirmed.
DNR Wetlands and Potential Wetland Indicators over Undeveloped Lands **(blue dot pattern overlay areas on Map 6)**	WisDNR mapped wetlands, along with other areas with soil or other conditions that indicate prior and possible wetlands, such as hydric soils, but that are not yet designated as wetland by the WisDNR. Such areas may have building limitations.	CO Conservancy, or development-based zoning districts if soil limitations and associated regulations can be overcome	1. Where such areas are mapped over a property, require a wetland screening in advance of development. If the screening suggests the possibility of actual wetlands, require a wetland delineation in advance of development and buffer such wetlands in accordance with CARPC policy. Some of these areas may be redesignated as environmental corridor in the future. 2. Areas within this designation should remain undeveloped if other, more appropriate building sites can be found on the property. If more appropriate building sites are not available, the underlying land use designation should guide future land use types and density (e.g., Single Family Residential).
Agricultural Preservation	Envisioned for long-term (15+ year) farming and open space. Also allows farmsteads, limited non-farm housing, and associated home occupations and family businesses. May be served by private well and septic.	Generally A-1 (Ex) Exclusive Agriculture in the County's zoning jurisdiction	1. Support continued farming, open space uses, and operations that process farm products grown mainly on-site and agricultural entertainment, where farming remains the primary activity. 2. Limit non-farm residential development to a maximum density of 1 home per 35 acres of lands in contiguous single ownership, within clusters of smaller individual home sites as opposed to housing on 35+ acre lots. 3. Assure that rural uses do not impede very long-term urban development or road or utility extensions.

Future Land Use Category	General Description of Land Uses Allowed	Typical Implementing Zoning Districts	Development Policies (see also Village zoning, subdivision, stormwater management, and other ordinances)
Urban Reserve	The Village has applied this future land use category to lands near the eastern edge of the Village's planned growth area. Lands designated as Urban Reserve are appropriate for future urban (Village) development following extension of sewer, water, road, and other urban infrastructure and services. Such lands may be annexed to the Village and remain in agricultural or other rural uses for years, pending the property owners' and Village's future determination that they are ripe for more intensive development served by a full range of urban services.	Upon annexation to the Village, A1 Agriculture-Transition and other zoning districts consistent with the then-current use of the land. Development-based zoning districts will be assigned following future amendment to this Comprehensive Plan, per the policies to the right.	1. Within the area mapped as Urban Reserve, enable the continuation of farming, existing housing, and other rural uses, and generally limit new development per the Agricultural Preservation future land use category policies, until such time when the Village identifies that particular mapped area as appropriate for more intensive development. In such case, this Comprehensive Plan and the Urban Service Area will be amended accordingly. 2. Approve non-farm/rural residential development projects within the Urban Reserve only if designed and laid out to not impede the orderly future development and extension of utilities and roads when Village designates the area as appropriate for more intensive development. 3. Consider amending this Comprehensive Plan to redesignate all or part of the Urban Reserve to one or more specific development-based future land use categories, once the Village determines that the following standards are met: a. The Village has received a property owner request for more intensive development following annexation. b. The property owner or developer has submitted a conceptual development plan for the property, showing proposed land use patterns, existing and proposed roads and trails including connections to adjacent properties, proposed parks or other recreational spaces, stormwater management systems, and environmentally sensitive areas. c. There is a plan for extension of public utilities, which is feasible, cost-effective, and environmentally sound. d. The proposed development is justified by community growth forecasts or by a particular identified community need, such as for economic (generally non-residential) development. e. The proposed development will not have a substantial adverse effect upon adjacent property, the planned character of the area, the environment, or the fiscal health of the Village. 4. Prioritize future economic development within areas marked as Urban Reserve, rather than residential/neighborhood development, per the recommendations in Chapter 5—Economic Development, until and unless the Village can verify that economic development will not be viable in the future.

5979 Siggelkow Road Utilities



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Water Laterals

Water Mains

6"

8"

12"

Sanitary Laterals

Gravity Sewer

8"

Parcels

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na

Village Staff
and MMSD

VILLAGE OF
McFarland

SUMMARY SHEET

MEETING DATE: **Monday, July 19, 2021**

SECTION: **Business**

DEPARTMENT: **Community Development**

CONTACT: **Andrew Bremer, Comm & Eco Dev Director**

AGENDA ITEM: **Discussion regarding future updates to the Village East Side Neighborhood Growth Area Plan and Comprehensive Plan.**

PREVIOUS ACTION:

ISSUE SUMMARY:

The Village adopted the East Side Neighborhood Growth Area Plan (East Side Plan) in 2008. The East Side Plan was incorporated within the Village's last Comprehensive Plan update in 2017, as a sub-area plan. The East Side Plan is one of several more detailed neighborhood, downtown, and corridor plans the Village has developed to provide a higher degree of land use planning than typically included, or required, in a Comprehensive Plan. Since the Comprehensive Plan was adopted in 2017, the Village has approved requests for annexation for additional properties on the east side, including areas north of Siggelkow Road and east of the Interstate that were not included in the East Side Plan in 2008. Refer to map of annexations since 2017 in the packet. In addition, land ownership changes, changes in market conditions, impacts from climate change, etc. since 2008 also suggest a need to revisit land use policies for the land areas already included in the East Side Plan. As part of the 2021 budget, the Village Board has authorized funding for an update to the East Side Plan. While this project is anticipated to primarily focus on the East Side, as a sub-area plan of the Comprehensive Plan, the Director anticipates the need to make some amendments to the Comprehensive Plan to reflect the outcomes of the planning process. However, the intent is not to make wholesale changes to other areas of Comprehensive Plan.

The intent of the July 19 Plan Commission meeting is to discuss those aspects of the east side plan that Commissioner's feel remain relevant (i.e. keep or strengthen) and those you feel do not (i.e. revise, remove, replace). The July meeting will provide an opportunity to discuss your initial perspectives which will help to inform and guide staff's preparation of a request for proposal (RFP), or request for qualification (RFQ), for later consideration by the Plan Commission and Village Board to select a consultant to assist the Village with this project.

The East Side Plan can be found on the Community & Economic Development, Community Development Plans website.

FINANCIAL/BUDGET IMPACT:

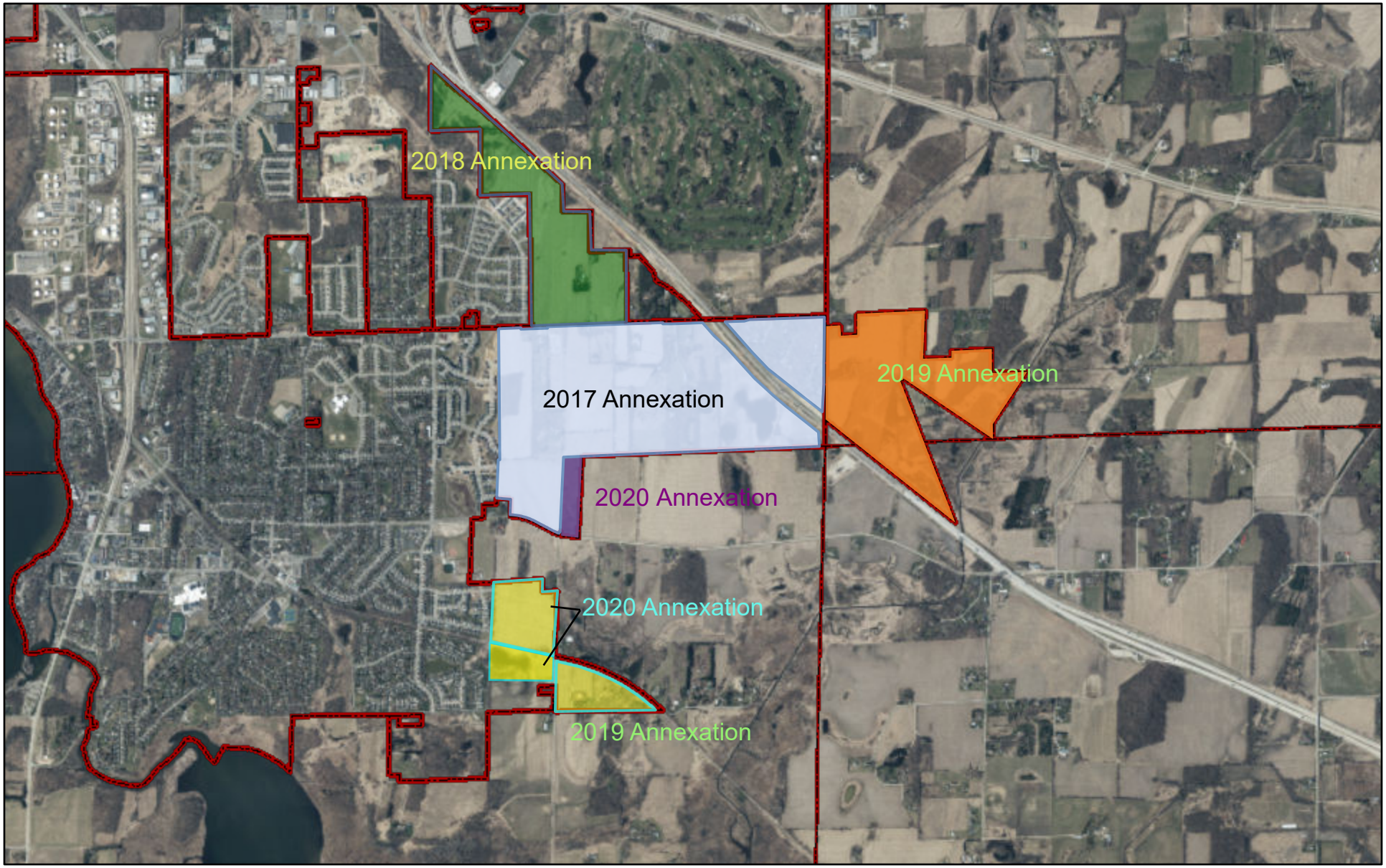
VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:
This agenda item is presented for discussion only.

ATTACHMENTS:
1. 2017-2020 Annexation Map

Village of McFarland - Annexation (2017-2020)



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Areas

Override 1

Override 2

Override 3

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Override 5

Municipalities

City

Village

Town

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na

Village Staff
na | MMSD |

Memorandum

To: McFarland Plan Commission

From: Karen Knoll, Property Maintenance Officer

Date: July 15, 2021

Re: June Property Maintenance Report

Date	Address	Owner	Complaint Type	Complaint Comments	Status
6.1.21	5909 Juniper Ridge	Stoller	ROW/Sidewalk Encroachment	bushes over sidewalk	Monitoring
6.3.21	5612 Glenway Street.	Woodstock & Hoffer	ROW/Sidewalk Encroachment	bushes over sidewalk	Resolved
6.3.21	5302 N. Peninsula Way	Conrad & Miller	Lawn/Weeds	lawn & weeds over 8" tall	Monitoring
6.5.21	5910 Glenway Street	POC LLC	Work w/o Permit	deck/screened porch	Letter Sent
6.7.21	5108 Falling Leaves Lane	Ellefson	Work w/o Permit	new driveway no permit	Resolved
6.8.21	4516 Lakeview Avenue	Konkol & Atkinson	Junk/Debris	lawn, junk, RV, debris	Letter Sent
6.11.21	5702-5746 Lexington St	Simply Homes P.M LLC	Work w/o Permit	Plumbing & elec work no pmt	Letter Sent
6.15.21	5115 Paulson Road	Mayr	Vehicle Improperly Parked	RV on lawn	Letter Sent
6.16.21	4604 Lakeview Avenue	Davenport	Work w/o Permit	Installation of pergola	Monitoring
6.18.21	4516 Lakeview Avenue	Konkol & Atkinson	Lawn/Weeds	lawn & weeds over 8" tall	Resolved
6.21.22	5503 Alben Avenue	Torbleau	Other Property Maintenance	chickens, weeds, rooster	Letter Sent
6.21.21	6403 Crestwood Circle	Dodge	Lawn/Weeds	weeds rear yard/pool 8" tall	Ticket Issued
6.22.21	5502 Alben Avenue	Hansen	Other Property Maintenance	junk, weeds, brush, non lic vehicle	Letter Sent
6.25.21	5619 Alben Avenue	Hund, Wexler	Other Property Maintenance	sidewalk encroachment	Letter Sent
6.25.21	5690 Lexington Street	Smith/Bruns	Other Property Maintenance	business out of residence, noise	Inspection Pending
6.28.21	5311 Long Street	Smith	Work w/o Permit	driveway w/out permit	Letter Sent
6.30.21	5611 Lake Edge Road	Bisbee	Lawn/Weeds	lawn & weeds over 8' tall	Phoned

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Memorandum

To: McFarland Plan Commission

From: Andrew Bremer, AICP
Community & Economic Development Director

Date: July 14, 2021

Re: June 2021, Community & Economic Development Department Highlights

The following is a summary of new construction activity for the month and YTD, including permit numbers and associated revenues.

YTD New Construction Building Permits

	2020	6-Year	4-Year	2-Year	2021
Building Permits (new construction)	**Actual**	**Average**	**Average**	**Average**	**Actual YTD**
SF (Total Units)	50	52	62	58	12
Duplex (Total Units)	2	10	14	8	0
MF (Total Units)	100	34	42	64	55
Total Res. Units	**152**	**96**	**117**	**130**	**67**
Commercial	2	3	3	2	0

79 total building permits issued in the month, including four new single-family homes. The year started with 17 vacant SF lots in the active east-side subdivisions (excluding Rosewood Fields), there are 7 remaining.

YTD Department Revenues

		2020	6-Year	4-Year	2-Year	2021	2021	YTD % of
Account		**Actual**	**Average**	**Average**	**Average**	**Budget**	**Actual YTD**	**Budget**
44300-101	Building Permit	$ 107,880	$ 86,912	$ 108,271	$ 107,597	$ 100,000	$ 41,502	42%
44300-102	HVAC Permit	$ 35,771	$ 31,876	$ 39,038	$ 33,402	$ 42,500	$ 11,429	27%
44300-103	Plumbing Permit	$ 34,745	$ 33,641	$ 40,767	$ 36,058	$ 42,500	$ 13,687	32%
44300-104	Electrical Permit	$ 50,335	$ 42,755	$ 52,062	$ 48,718	$ 48,000	$ 17,564	37%
44300-105	Sprinkler Fee	$ 6,210	$ 3,197	$ 4,776	$ 4,466	$ 7,750	$ 6,315	81%
44300-106	Fire Alarm Inspection Fee	$ 2,465	$ 2,485	$ 3,728	$ 3,490	$ 5,000	$ 645	13%
44300-108	CD Occupancy Inspection Fee	$ 9,535	$ 8,148	$ 9,496	$ 8,993	$ 9,000	$ 3,685	41%
44900-000	Misc. CD Permit Fees	$ 136,217	$ 125,238	$ 156,972	$ 120,464	$ 75,000	$ 22,076	29%
46800-000	Community Development Fees	$ 22,556	$ 11,887	$ 12,530	$ 16,166	$ 12,500	$ 7,042	56%
47210-000	City - Building Inspection	$ -	$ 18,696	$ 10,159	$ -	$ -	$ -	0%
	Total Revenue	**$ 405,713**	**$ 364,834**	**$ 437,798**	**$ 379,353**	**$ 342,250**	**$ 123,945**	**36.2%**

* As of 5/31, 50% through calendar year

Total C&ED deposits for the month were $43,480.16.

Summary of Department Activities:

- Completion of Annual Reports for TIDs #3, #4, and #5.
- Continued work with the Ad-Hoc Sustainability Committee on development of the Sustainability Plan. Plan recommended for acceptance by the Village Board at their July 26th meeting.
- Continued work on McFarland Park and Community Park Master Plans.
- Preliminary planning for TID #3 public works (road & utility) projects for 2022.
- Economic development planning for various properties in TID #3.
- Village Board action on prior month C&ED related applications/projects:
    - No agenda items.
- Status update of larger development projects previously approved:
    - 4608 Siggelkow Road (Waubesa Village Phase 3). Building completed, temporary occupancy permit approved.
    - Condos at Prairie Place Condominium (CF Investments). Construction completed, working on final landscaping.
    - 4900 Larson Beach Road (Taylor Pointe Apt). Exterior framing/roofing nearing completion.
    - Northpointe Development (Holscher & Brodhead). Received WHEDA project funding, anticipated to start construction later this summer/fall.
    - Rosewood Fields (Veridian). Final plat approved for signature and recording, Phase 1 Engineering Plans approved, anticipated to start construction activities in July.
- Public Meetings, Webinars & Conferences attended by Department Director:
    - June 2nd, CDA meeting
    - June 9th, Chamber Tourism Committee meeting
    - June 9th, CARPC Regional Development Planning Technical Advisory Committee meeting
    - June 10th, Sustainability Committee meeting
    - June 15th, Chamber Board meeting
    - June 21st, Plan Commission meeting
    - June 30th, Joint Review Board meeting

Look ahead to potential August 4th, CDA Items:

- 5411 Bashford Street, Development Agreement (Dan Chin Homes)
- 4313 Triangle Street, Development Agreement (CTW Flooring)
- Continued discussion on TID #3 Project Plan Review & 2022 Public Improvement Projects for Terminal Drive and Triangle Street.

Look ahead to potential August 16th, PC Agenda Items:

- 5411 Bashford Street, Public Hearing on PUD (Dan Chin Homes)
- Elvehjem Acres (Urso Bros) pre-application meeting for condominium concept plan at CTH AB/Elvehjem Road
- Presentation by the Capital Area Regional Planning Commission on the Regional Development Framework
- Presentation by the Greater Madison Metropolitan Planning Organization on the Regional Transportation Plan 2050 Update.