

**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 increase 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.