

**Plan Commission
Minutes
March 21, 2022**

Members Present: Chris St. Clair, Scott Peters, Eric Green, Christopher Reynolds, Carolyn Clow, Peter Bloechl-Anderson

Members Absent: Tammy Olson

Staff Present: Andrew Bremer, Karen Knoll, Kong Thao

1. CALL TO ORDER

St. Clair, acting chair, 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 February 21, 2022 Plan Commission meeting minutes.

St. Clair moved to approve the February 21, 2022 Plan Commission minutes.
Clow seconded the motion. Motion carried 6-0.

4. BUSINESS

- a. Discussion and possible action on a Conditional Use Permit (CUP) requested by Underdog Pet Rescue of Wisconsin, Lauren Brinkman, Executive Director for a pet rescue office and veterinary clinic including dog boarding, daycare and training services at 4800 Ivywood Trail, McFarland, WI. Property zoned C-H Highway Commercial.

Kong Thao, Planning and Zoning Assistant gave a summary of the request as included in packets. Bremer reviewed how the Village noise ordinance is handled in reference to concerns brought up at the prior public hearing. Thao discussed the four recommended conditions of approval for the proposal:

- 1. No outdoor kenneling of animals is permitted.
- 2. No animals may be kept outdoors without direct staff observation.
- 3. Pet training classes shall be limited to indoors or in the fenced in rear yard.
- 4. Applicant to install a minimum six-foot high solid wooden fence in the rear yard, meeting the standards of Chapter 8, Article VII Fences and

Hedges, for commercially zoned properties. Applicant to obtain a building permit from the Village for said fence and install said fence prior to occupancy of the premise.

Karyn Schneider 5508 Cardinal Drive indicated she has a warehouse address of 4804 Ivywood Trail. She uses the property for her business. She was out of town and did not attend the prior public hearing. Schneider spoke in opposition to the proposal.

St. Clair explained the zoning of the property, permitted uses along with uses allowed with a Conditional Use Permit. He summarized the municipal code and the process for which a CUP can be approved or denied through substantial evidence per state law.

Clow requested a review of the applicants answers as provided at the previous meeting. Bremer provided the answers on the screen, along with reviewing what would be allowed under a CUP.

Commissioners discussed the changes in approvals of CUP's, which took place a few years ago, and how they, per state law, require substantial evidence now rather than personal preference to be turned down. Along with discussing the fence being eight foot along the west side rather than six foot.

Clow moved to approve the Conditional Use Permit (CUP) requested by Underdog Pet Rescue of Wisconsin, as submitted with the conditions:

1. No outdoor kenneling of animals is permitted.
2. No animals may be kept outdoors without direct staff observation.
3. Pet training classes shall be limited to indoors or in the fenced in rear yard.
4. Applicant to install a minimum six-foot high solid wooden fence in the rear yard, except for the west lot line where an eight foot high solid wood fence is required meeting the standards of Chapter 8, Article VII Fences and Hedges, for commercially zoned properties. Applicant to obtain a building permit from the Village for said fence and install said fence prior to occupancy of the premise.

St. Clair seconded the motion. Motion carried 6-0.

- b. Discussion and possible action on Ordinance 2022-03: An Ordinance Amending Various Provisions of the McFarland Municipal Code Relating to Powers and Duties of the Landmarks Commission.

Bremer reviewed the ordinance amendment as included in packets indicating a public hearing was held in March with no one wishing to speak at the meeting.

St. Clair moved to recommend approval to the Village Board on action on Ordinance 2022-03: An Ordinance Amending Various Provisions of the McFarland Municipal Code Relating to Powers and Duties of the Landmarks Commission. Seconded by Peters. Motion carried 6-0.

- c. Discussion and possible action on a Site Design Review Permit amendment submitted by Louis Cheramy, Bizy Lou LLC, for the Park Woods Condominium located at 4719-4747 Lorraine Way, McFarland, WI.

Bremer reviewed the history of the project, as included in packets. This was approved by the Planning Commission and Village Board in 2018 originally as rental units and then later converted into owner occupied condominiums. At the original public hearing neighboring residents voiced concerns of people cutting through the properties to get to Brandt Park rather than using the sidewalks. The developer met with neighbors at that time, and updated the proposal to include a fence along the shared lot line which currently does not have a fence. Bremer reviewed the area with current fences along with the proposed fence location with Commissioners.

The developer, who is also an owner, is now requesting the fence not be installed. The fence was approved as part of a site plan and this is not something staff can make the decision to approve this request. Bremer reviewed current photos of the area which are included in packets along with property lines with Commissioners.

David Franchek – 4739 Lorraine Way, President of the Park Woods Condominium Association spoke on behalf of himself and the association in favor of keeping the fence, which was approved per the original site plan. Franchek raised six questions/comments regarding the application include if the fence is not installed do the condo owners get a refund from the developer, if the fence is not completed is there a penalty, if the request is denied the timeline for completion of the fence, whether the fence is four or six feet tall, request that the condo board be involved in design material of the fence, and whether landscaping was placed by the developer to prevent the fence or to force a zig zag fence.

Chase Horne - 4706 Grandview Court –representing Lou Cheramy as his legal representative. Horne advised when this project was proposed the fence was included due to adjoining property owners who wanted the fence and now do not feel the same way. Horne indicated Cheramy has planted trees in the area and it is not practical to have the fence with the storm water basin. Horne advised Cheramy understands some of the condominium owners would like the fence but feels it is a private issue between the condominium board and Bizy Lou to resolve. Cheramy is requesting the Plan Commission remove the fence requirement.

Commissioners discussed the request and the uniqueness of it. The fence was approved as part of a project proposal; the developer desire to now change part of

the proposal, after approval, and the condominium board who voted unanimously to keep the fence. Along with discussing the need for the developer to work with the association with a proposal that would be acceptable to them before the developer brought this to the Plan Commission. Possible legal issues of overturning something, which was approved as part of an original approved plan. There is currently an approved plan in place, if the developer cannot come to an agreement with the current owners the original plan should stand. Commissioner's discussed the developer's plantings creating an issue with putting the fence in. Commissioners concurred this is a developer and condominium association issue for them to resolve before bringing this back to the Plan Commission.

St. Clair asked for Bremer's opinion. Bremer replied this is a site plan amendment which the Plan Commission has the authority to act on under the Zoning Code. He can ask for the Village Attorneys input on any legal issues for the Village if the Plan Commission approved the request. Per the staff report, Bremer advised approving the request. A fence can be fit in, there are different location possibilities, likely offset from the property line. The possible need for relocation of some of the developers plantings and a gate to access land on the other side for maintenance. Bremer responded to the six points, brought up by Franchek.

Clow moved to postpone action on a Site Design Review Permit amendment submitted by Louis Cheramy, until the April 18, 2022 Plan Commission meeting pending discussion between the developer and the condominium association and an opinion from the Village Attorney regarding the Plan Commissions ability to rule on this item. St. Clair seconded the motion. Motion carried 5-1 with Peters voting nay.

- d. Discussion and possible action on submittal of a memorandum to the Capital Area Regional Planning Commission regarding their draft 2050 Regional Development Framework Plan.

Bremer introduced Steve Steinhoff – Agency Director of CARPC – CARPC is finishing their draft 2050 Regional Development Framework Report and a copy is included in packets, along with being available on the CARPC website. Steinhoff explained the purpose of the Regional Development Report and reviewed the draft report along with discussing any questions or concerns with Commissioners.

Bremer summarized the various concerns he had with the draft report as it relates to the Village as summarized in the memorandum in the packet.

St Clair moved to Motion to approve submittal of a memorandum to the Capital Area Regional Planning Commission regarding their draft 2050 Regional Development Framework report. Green seconded the motion. Motion carried 6-0.

- e. Discussion regarding East Side Neighborhood Plan update.

Bremer indicated this is a monthly meeting update, he summarized the Village Board approved the contract at their February 28, 2022 meeting. Bremer reviewed the general information as included in his staff report. You can sign up on the Village website for email notifications of meetings regarding the plan, and there is an area where people can submit questions or comments. Commissioners are encouraged to sign up for the emails for this project.

5. STAFF REPORTS

- a. Property Maintenance Report – Clow asked in regards to an action plan how long does someone have to complete one. Knoll replied it depends on the scope of work needing to be accomplished, and if the person is moving forward to bring their property into compliance. Property owners are given specific dates to meet certain goals.
- b. Director's Report - Bremer reviewed his staff report as provided in packets along with upcoming meeting items.

6. SCHEDULE NEXT MEETING DATE.

- a. Monday April 18, 2022 at 7:00 p.m.

7. ADJOURNMENT.

Clow motioned to adjourn, Peters seconded the motion. Motion carried 6-0.
Meeting adjourned at 9:06 p.m.