

Tuesday, August 15, 2023

7:00 PM

McFarland Municipal Center
Community Room

AGENDA

You are invited to this meeting through a Zoom webinar. The public may attend in-person or remotely through the webinar or telephone options listed below.

PLEASE CLICK THE LINK BELOW TO JOIN THE ZOOM WEBINAR:

<https://us02web.zoom.us/j/81726729769>

Or by Telephone: +1 (312) 626-6799

Webinar ID: 817 2672 9769

Press *9 to raise/lower hand. Press *6 to mute/unmute.

1. CALL TO ORDER, ROLL CALL.

2. PUBLIC APPEARANCES.

- a. This is an opportunity for members of the public to address the Plan Commission for items that are not on the agenda. Please remember this is a hybrid meeting conducted in person and through the Zoom online meeting platform. Meeting attendees wishing to address the Commission about items not on the agenda may do so at this time. Zoom attendees should type their name and address in the Question and Answer feature within the Zoom online meeting platform at this time. Members of the public who are present in person and wish to address the Commission should fill out a public comment form and turn into the meeting chairperson. When you are called upon to speak, state your name, address, and provide your comments to the Commission for their consideration. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to community.development@mcfarland.wi.us to be included as part of the meeting.

Members of the public may also speak during their selected agenda item as they designate on the public comment form or in the Question and Answer feature on Zoom.

3. APPROVAL OF MINUTES.

- a. Motion to approve the minutes of the July 18, 2023 Plan Commission meeting.

4. BUSINESS.

- a. Discussion and action on a Certified Survey Map (CSM) requested by Kolton and Elizabeth Urso to create a two-acre single family parcel located at 4056 Mahoney Road, Town of Dunn, WI.
- b. Discussion and action on a Certified Survey Map (CSM) requested by Lineage Logistics Services LLC for 4704 Terminal Drive.
- c. Discussion and action on a Conditional Use Permit requested by Lyschel Bersch for wholesale and warehouse uses for a candle supply business located at 4903 Commerce Court.
- d. Discussion and action on a Site Design Review Permit for an accessory structure requested by Flint Hills Resources located at 4405 Terminal Drive.
- e. Discussion and action on a Site Design Review Permit for an accessory structure requested by Avant Gardening & Landscaping located at 3055 Siggelkow Road.

- f. Discussion on a preapplication development concept plan submitted by Tim Neitzel for a 53-unit multifamily building located at 5513 Bremer Road.
- g. Discussion and action to recommend to the Village Board a proposal from MSA Professional Services for Land Use Planning for Redevelopment District Plans No. 1 & 2.
- h. Discussion regarding proposed changes to Chapter 8, Article XVII, Site Erosion Control and Article XVIII Stormwater Management.
- i. Discussion regarding proposed changes to Chapter 62, Zoning regarding solar energy collection systems.
- j. Discussion and action regarding Plan Commission procedures and timelines for considering action on applications requiring public hearings.

5. SCHEDULE NEXT MEETING DATE.

- a. Tuesday September 19, 2023 at 7:00 p.m.

6. ADJOURNMENT.

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format should contact the McFarland Municipal Center at (608)838-3153, 5915 Milwaukee Street, McFarland, Wisconsin, or village.clerk@mcfarland.wi.us by 2:00 p.m. at least 5 business days prior to the meeting so that any necessary arrangements can be made to accommodate each request. If the meeting or request is less than 5 business days from the meeting, requests for accommodations may still be made and reasonable efforts will be made to accommodate each request.

Plan Commission Minutes July 18, 2023, at 7:00 P.M.

Members Present: Carolyn Clow, Peter Bloechl-Anderson, Scott Peters, Austen Conrad,

Members Excused: Stephanie Brassington, Chris Reynolds, Jill Halverson

Staff Present: Andrew Bremer, Kong Thao

1. CALL TO ORDER, ROLL CALL

Chair Clow called the meeting to order at 7:00 P.M.

2. PUBLIC APPEARANCES.

None.

3. APPROVAL OF MINUTES

- a. Motion to approve the minutes of the June 20, 2023, Plan Commission meeting.

Clow moved to approve the minutes of the June 20, 2023, Plan Commission meeting. Peters seconded the motion. Motion carried 3-0-1, with abstention from Bloechl-Anderson.

4. PUBLIC HEARINGS

- a. Public hearing for a Certified Survey map (CSM) requested by Kolton and Elizabeth Urso to create a two-acre single family parcel at 4056 Mahoney Road, Town of Dunn, WI.

Thao provided summary on the agenda item highlighting a metes and bounds legal description error observed by County planning staff. The applicant Kolton Urso was present virtually to take any comments or questions. The Commission did not have any comments or questions on the agenda item. Clow opened the public hearing at 7:06PM. No comments or questions were received. Clow closed the public hearing at 7:08PM.

- b. Public Hearing on a Certified Survey map CSM requested by Lineage Logistics Services LLC for 4704 Terminal Drive.

Bremer provided a summary on the agenda item addressing the changes provided in the associated CSM. Bremer shared Staff's recommendation to update the CSM to provide a metes and bounds description of Lot 1. This has been communicated with the applicant. Bremer commented that the applicant had raised concerns regarding whether the Village Subdivision requires the draft staff

recommendation to provide two additional feet of ROW dedication to be included as part of the associated CSM given the nature of the proposal. Bremer indicated he will discuss with the Village Attorney, prior to the August 15, 2023 Plan Commission meeting. Ed Lawton, Attorney for Lineage Logistics Services LLC, attended the meeting virtually to answer additional questions or concerns. The Commission did not have any comments or questions for the agenda item. Clow opened the public hearing for the item at 7:11PM. No comments or questions were received. Clow closed the public hearing at 7:12PM.

- c. Public hearing on a Conditional Use Permit requested by Lyschel Bersch for wholesale and warehouse uses for a candle supply business located at 4903 Commerce Court.

Thao provided summary on the agenda item, commenting that no site or exterior building improvements are being proposed with the CUP request. Thao also added that the Fire Department is ongoing in their communication with the applicant about the site's potential high piled storage and sprinkler system. Details are expected to be included at the next Plan Commission meeting. Lyschel Bersch attended the meeting virtually to answer questions or comments. Bloechl-Anderson inquired about the storage and potential for flammable components associated with the materials. Bersch replied they are not a candle making facility but sell supplies to make candles. Peters confirmed the CUP was for the wholesale trade in a commercial park district. Bremer affirmed Peter's inquiry, whereas warehousing is permitted and wholesale is conditional. Clow opened the public hearing at 7:20PM. No comments or questions were received. Clow closed the public hearing at 7:21PM.

5. BUSINESS

- a. Discussion and action on a Conditional Use Permit requested by Jason Preisler for an additional fifth dwelling unit located at 6212 South Court.

Bremer commented that the only new information to include would be to require the property owner to privately contract for trash and recycling pick-up, as required under Village ordinances for 5 or more dwelling units in one building. Emily Preisler, spouse of applicant, was present virtually on their behalf to address any questions or concerns. No further discussion and comments from the Commission on the item.

Clow motioned to approve a Conditional Use Permit requested by Jason Preisler for an additional fifth dwelling unit located at 6212 South Court, with the following conditions of approval:

- 1. The applicant to provide confirmation of private trash and recycling pick-up services for the property to Village Public Works Department prior to receiving an occupancy permit for the fifth dwelling unit.

2. Applicant to provide payment for all applicable Village impact fees for the additional fifth dwelling unit as part of the building permit.

Motion seconded by Conrad. Motion passes 4-0.

- b. Discussion and action on a Site Design Review Permit requested by the Village of McFarland and McFarland School District for park improvements at 5605 Red Oak Trail, Waubesa Intermediate School.

Matt Schuenke, Village Administrator, Blake Theisen, Parkitecture + Planning Architect, and Jeff Mahoney, McFarland School District were present to provide details and comments on the agenda item. Theisen provided summary on the scope of the project, highlighting the amenities of the inclusive park, additional ADA parking, firetruck turnaround, and park shelter.

Discussion by the Commission included positive feedback for gender-neutral restrooms, restroom stall layouts, lighting, water refill station height, shelter materials, security cameras, park design regulations, and stormwater management.

Clow motioned to approve a Site Design Review permit requested by the Village of McFarland and McFarland School District for the park improvements at 5605 Red Oak Trail, Waubesa School. Seconded by Bloechl-Anderson. Motion passes 4-0.

- c. Discussion and action to submit a letter of opposition to the Dane County Zoning & Land Regulation Committee, and Town of Dunn Town Board, regarding a proposed cell tower at 3486 CTH MN in the Town of Dunn, Dane County, WI. Dane County CUP #2583.

Bremer provided a summary on the agenda item highlighting past actions, actions taken by Village Staff, the previously submitted letter of opposition, the plan revisions, and the associated letter of opposition. The associated letter of opposition maintains opposition to the project while addressing the revisions submitted. Bremer concluded the summary by providing a timeline of activities following this Plan Commission's meeting.

Derek McGrew, Representative for Tower King; Jake Remington, Husch Blackwell LLP; and Bene Dituri, Dish Network were present in the room to speak on the item. McGrew provided a summary on their application for a CUP through the Town of Dunn, which included outreach, feasibility of alternative locations and a summary of the revisions submitted to staff. Prior to the meeting, Dituri provided Commission members and Staff with a packet pertaining to the details of their discussion. The packet includes details on coverage growth in recent years

and the level of additional coverage the tower may provide to the area.¹ Dituri stated this would account for approximately 12,000-13,000 cell phone users that this coverage could impact.

Discussion from the Commission members include comments about the original site plan submittal compared to the revised site plan, rationale on the tower's revised location, landscaping, setback requirement, alternative locations, and communication at earlier stages of the project. McGrew addressed the Commission's concerns regarding the potential collapse of the tower and assured its falling distance to be at a maximum of 35 feet, mostly collapsing on itself.

Clow asked Bremer to provide background information on past communications with the Village related to alternative sites and projects. Bremer asked if the property owner was aware of the tower's proposed location change. McGrew commented there was none that they are aware of, but that the revised location was still within the lease area. Peters asked why this location is a benefit to the Village. Dituri commented that the list of benefits may include reliability of network services with fewer dropped calls, emergency 911 services, and improvements to daily usage. The Commissioners noted the location of the tower was within a planned residential area as shown in the Village's East Side Neighborhood Plan from 2008, updated 2023.

Clow motioned to submit a letter of opposition to the Dane County Zoning & Land Regulation Committee, and Town of Dunn, regarding a proposed cell tower at 3486 CTH MN in the Town of Dunn, Dane County, WI. Bloechl-Anderson seconded the motion.

Further discussion clarified that the letter being submitted is in addition to the previous letter of opposition dated March 24, 2023. Bremer clarified that it is undetermined if the ZLR will accept into records the proposed changes based on their proceedings. The second letter of opposition reflects the revised site plan and is to be on Village record for the Town of Dunn and ZLR Committee should the ZLR accept the revised plans.

Motion fails, 2-2, with Clow and Bloechl-Anderson voting aye, and Conrad and Peters voting nay.

6. SCHEDULE NEXT MEETING DATE.

- a. Tuesday, August 15, 2023 at 7:00PM

¹ Scanned copies of the packet provided to Commission members at the meeting are not included with the July 18, 2023 packet or minutes. Please contact the C&ED Department for additional details.

7. ADJOURNMENT.

Peters motioned to adjourn, Conrad seconded the motion. Motion carried 4-0.
Meeting adjourned at 8:34 PM.

**VILLAGE OF
McFarland
SUMMARY SHEET**

MEETING DATE: Tuesday, August 15, 2023

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion and action on a Certified Survey Map (CSM) requested by Kolton and Elizabeth Urso to create a two-acre single family parcel located at 4056 Mahoney Road, Town of Dunn, WI.

PREVIOUS ACTION:

July 18, 2023 - Public hearing held for this item

ISSUE SUMMARY:

Kolton and Elizabeth Urso, applicants and property owners, are seeking approval of a Certified Survey Map to divide a 2 acre parcel from an existing 40 acre parcel 028/0610-094-9000-7 for a future single family home. The applicants also own the adjacent properties to the west and east totaling approximately 96 acres. The associated CSM will create the 2 acre parcel, zoned RR-2 (Dane County Zoning), with the remaining parcel zoned Farmland Preservation (FP-35, Dane County Zoning). The property is within the Village's extraterritorial plat review jurisdiction, which requires the Plan Commission's review per Chapter 56, Subdivision of the Village Code of Ordinance.

EXISTING CONDITIONS

The property is 40 acres and zoned FP-35, Farm Preservation, located in the Town of Dunn.

The property includes approximately 17 acres of farm land and 9 structures in its southern half, while the remaining northern half of the property is largely undeveloped wetlands. Adjacent to the north includes undeveloped wetlands and radio towers. The applicant owns the adjacent lots to the west and east that are used as farmland. Adjacent to the south is another farmland property that includes undeveloped land.

C&ED STAFF COMMENTS

Staff notes the description provided on page two of the CSM for Lot 1 describes the size as 97,713 SF or 2.243 acres. However, the map's calculation excludes the dedicated right-of-way space, hence the space is 87,120 SF and 2 acres.

DEPARTMENT HEADS COMMENTS

No other comments or concerns were received from the Village Engineer, Public Works Director, Fire Chief, and Police Chief.

PUBLIC COMMENTS

The Department did not receive any written comments or concerns prior to the publication of



this packet.

FINANCIAL/BUDGET IMPACT:

The applicant will incur all costs associated with the request.

VILLAGE PLAN REFERENCE:

The property is identified as Agricultural Preservation on the Future Land Use Map of the Village's Comprehensive Plan. Figure 4.1 identifies the General Description of Land Uses Allowed under this classification as *"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."* The development Policies further describe *"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."* and *"assure that rural uses do not impede very long-term urban development or road or utility extensions."* In Staff's opinion, the proposed CSM is consistent with the Village's Comprehensive Plan.

The property is also within the Town of Dunn and Village of McFarland 2005 Intermunicipal Cooperative Agreement. The property is located within the Village's "No Annexation Area". Under the Agreement, the Village is restricted from considering approval of submitted annexation petitions.

ORDINANCE REFERENCE:

Chapter 56, Subdivisions.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Motion, and second, to approve a Certified Survey Map (CSM) requested by Kolton and Elizabeth Urso to create a two-acre single family parcel located at 4056 Mahoney Road, Town of Dunn, WI.

ATTACHMENTS:

1. 4056 Mahoney Road_ CSM PC Application_06.01.23
2. McFarland Comprehensive Plan_Map 6_Future Land Use



Plan Commission Application – 2023

~Application must be completed in full~

Applicant - Owner	Kolton and Elizabeth Urso	Applicant's Agent	Birrenkott Surveying
		Name	Mark Pynnonen
Address	1233 N. Page St., Stoughton	Address	1677 N. Bristol St., Sun Prairie
Email	koltonurso@gmail.com	Email	mpynnonen@birrenkottsurveying.com
Phone #	608-770-6035	Phone #	608-837-7463
Fax #		Fax #	608-837-1081

Parcel No(s). 0610-094-9000-7

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	\$425+F	☐ Annexation	At cost
☐ Preliminary Plat (reapplication)	\$500+BF	☐ Rezoning (map)	\$475+F	☐ Dev. Agreement Including Addendums	\$400 F
☒ Certified Survey Map	\$300+FG	☐ Zoning Amendment (text)	\$475 +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 Ursos are considering splitting off a two-acre parcel from their ~96-acres. Address of the proposed CSM: 4056 Mahoney Road. Legal description: Southwest 1/4 of the Southeast 1/4, Section 9, T6N, R10E, Town of Dunn. Current zoning: FP-35, pending a proposed rezone to RR-2. Please see the attached letter of intent.~~

PLEASE READ AND SIGN AT THE BOTTOM ON THE REVERSE SIDE

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.)

Submittal Requirements: One (1) hard copy 8 ½ x 11, except site plan sheets which should be 11 x 17, and one (1) electronic (pdf) copy. A completed in full application can be submitted to the Community Development Department (5915 Milwaukee Street, McFarland, WI 53558, community.development@mcfarland.wi.us), with fees included with submittal **by *NOON of the deadline day**, according to the schedule below.

Village of McFarland Plan Commission 2023 Schedule

The Village of McFarland Plan Commission normally conducts meetings on the third Tuesday of each month, unless otherwise noted below 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; potential agenda item materials are required to be submitted per the schedule listed below.

<u>*Submittal Deadline Noon on:</u>	<u>For Scheduled 2023 Meeting date of:</u>
December 6 (2023)-----	January 17
January 10 -----	February 21
February 7 -----	March 21
March 7 -----	April 18
April 4-----	May 16
May 9-----	June 20
June 6-----	July 18
July 5 -----	August 15
August 8 -----	September 19
September 5 -----	October 17
October 10-----	November 21
November 7 -----	December 19 (Pending)
December 5-----	January 16, 2024 (Pending)

Note, applications requiring a public hearing will be scheduled for a hearing according to the schedule above, with action considered at the next scheduled Plan Commission meeting following the public hearing. Applicants are encouraged to contact the Community & Economic Development Director for a pre-application meeting to review the project and submittal requirements prior to submitting an official application.

Acknowledgements:

- 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, consultant review costs, etc.) will require any permits to be withheld until all payments are made in full. In addition, all application fees are non-refundable.
- I understand Plan Commission applications requiring a Public Hearing will not be acted on the same night as the Public Hearing.

X Mark A. Fenneman AGENT FOR June 1, 2023
Signature of Applicant/Agent KOLTON KRSO Date

Letter of Intent
4056 Mahoney Road
McFarland, WI 53558
Kolton Urso

Hello,

In Jan 2022 my wife and I purchased 3 parcels (~96 acres) at the corner of HWY 51 and Mahoney Road. The property is all zoned FP-35 with approximately 3 acres of non-farmed land with structures on it. We are looking to create two (2) 2-acre residential envelopes that encompasses the 3 acres that currently have structures on it.

(West Lot) This lot would be a 2-acre spot rezone that contains most of the current structures. This area would remain attached to the farmland. We would be looking to build our future home here.

(East Lot) This lot would be a land division and rezone to create a new 2-acre residential lot. This lot would be directly adjacent to the other lot and overlap with the current non-farmed are. We are planning to sell this lot to relatives.

The goal of this land divisions/rezone is to keep the residential properties clustered and to preserve additional farmland by overlapping the new lot with the current non-farmed area with structures.

We have met with a builder and the location of these two lots capture the two flattest areas for home sites. This will require the least amount of earth moving/shaping and reduce the need for retention wall/ erosion control.

We have had a pre-application meeting with the Town of Dunn, and they have signaled that this plan is acceptable to them and meets the towns Comp. Plan and overall town goals.

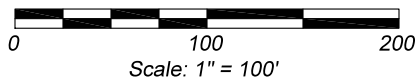
Thank you for the consideration, please reach out to me if you have any questions.

Thank you,

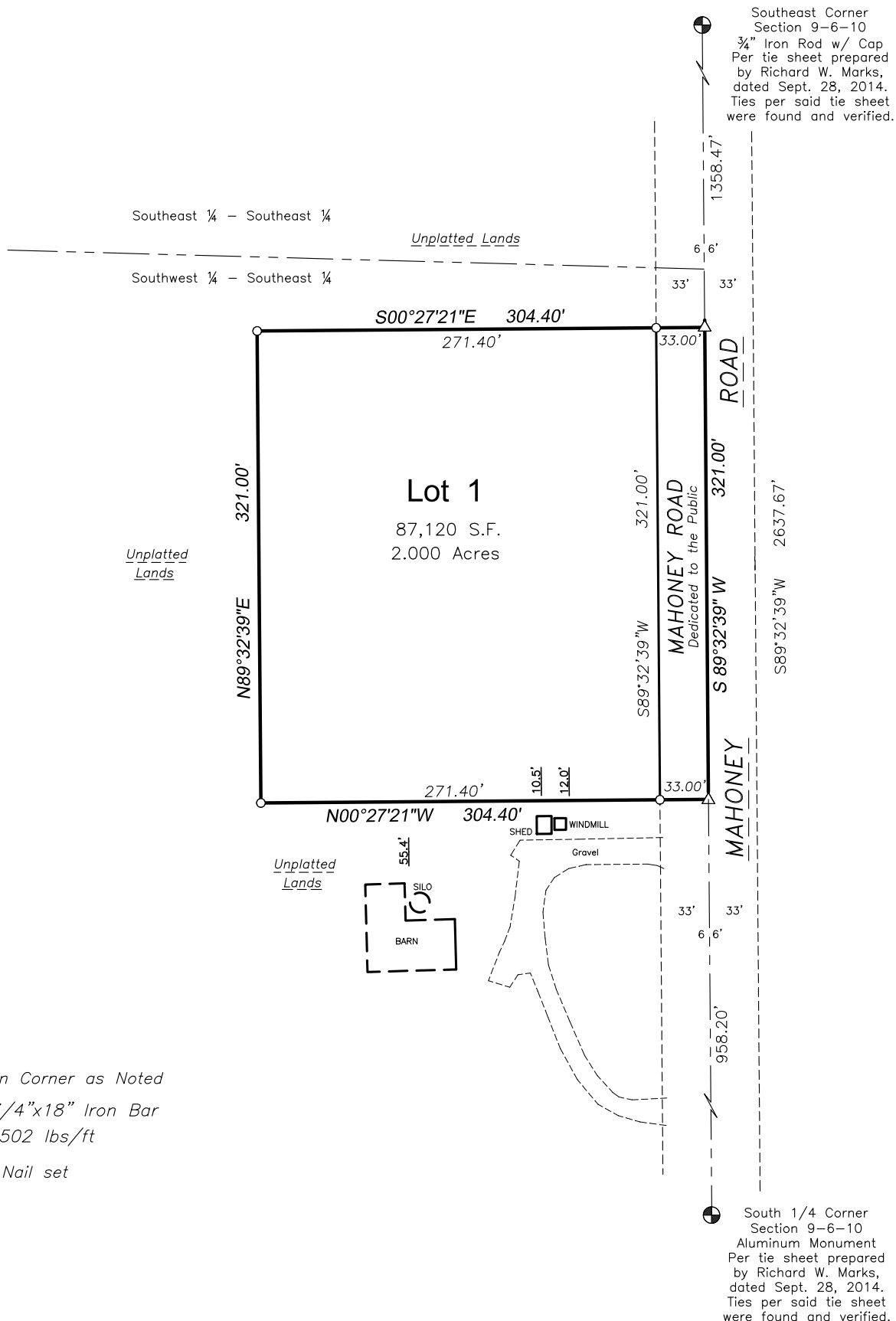
Kolton Urso
608-770-6035
koltonurso@gmail.com



CERTIFIED SURVEY MAP
Part of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 9, T6N, R10E,
Town of Dunn, Dane County, Wisconsin



*Bearings referenced to the South
line of the Southeast ¼, bearing
S89°32'39"W*



⊕ = Section Corner as Noted
 ○ = Set 3/4"x18" Iron Bar
 Wght. 1.502 lbs/ft
 Δ = "PK" Nail set

CERTIFIED SURVEY MAP NO. _____
VOLUME _____ PAGE _____
DOCUMENT NO. _____

Sheet 1 of 3
Office Map No. **220987CSM**



CERTIFIED SURVEY MAP

DATED: June 12, 2023

**Birrenkott
Surveying**
P.O. Box 237
1677 N. Bristol Street
Sun Prairie, Wisconsin 53590
Phone (608) 837-7463
Fax (608) 837-1081

Surveyor’s Certificate:
I, Chris K. Casson, hereby certify that this survey is in full compliance with Chapter 236.34 of Wisconsin Statutes. I also certify that by the direction of the owners listed hereon, I have surveyed and mapped the lands described hereon and that the map is a correct representation of all the exterior boundaries of the land surveyed and the division of that land, in accordance with the information provided.

Chris K. Casson, Professional Land Surveyor No. S-3264

Description:
Part of the Southwest ¼ of the Southeast ¼ of Section 9, T6N, R10E, Town of Dunn, Dane County, Wisconsin, described as follows: Commencing at the Southeast Corner of said Section 9; thence S89°32'39"W, 1358.47 feet along the South line of said Southeast ¼ to the point of beginning; thence continuing along said South line S89°32'31"W, 321.00 feet; thence N00°27'21"W, 304.40 feet; thence N89°32'39"E, 321.00 feet; thence S00°27'21"E, 304.40 feet to said South line and the point of beginning; Containing 97,713 square feet or 2.243 acres.

Owners Certificate:
We, Kolton and Elizabeth Urso, as owners do hereby certify that we have caused the lands described on this Certified Survey Map to be surveyed, divided, dedicated and mapped as represented on this Certified Survey Map. We also certify that this Certified Survey Map is required by S.75.17(1)(a), Dane County Code of Ordinances to be submitted to the Dane County Zoning and Land Regulation Committee for approval.

Kolton Urso, Owner Elizabeth Urso, Owner

State of Wisconsin)
Dane County) ss Personally came before me this _____ day of _____, 2023, the above-named Kolton and Elizabeth Urso to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Dane County, Wisconsin. My Commission Expires

Printed name

Town of Dunn Approval Certificate
This Certified Survey Map, including the road dedication herein, is hereby acknowledged, accepted and approved for recording by the Town Board of the Town of Dunn, Dane County.

Cathy Hasslinger – Clerk/Treasurer Dated _____
Town of Dunn

Notes: Utilities Easement: No poles or buried cables are to be placed on any lot line or corner.
-The disturbance of a survey stake by anyone is in violation of Section 236.32 of Wisconsin Statutes.
-Wetlands, if present, have not been delineated.
-This survey is subject to any and all easements and agreements both recorded and unrecorded.
-Refer to building site information contained in the Dane County Soil Survey.
-This survey shows only above-ground improvements, others may exist. No guarantee is made for below-ground structures.

Approved for recording per Dane County Zoning and Land Regulation Committee

action of _____, 2023 by Daniel Everson, Authorized Representative

Surveyed For:
Kolton & Elizabeth Urso
1233 N Page Street
Stoughton, WI 53589

Surveyed: TAS
Drawn: BTS
Checked: CKC
Approved: CKC
Field book:
File:J:\2022\Carlson

Register of Deeds Certificate:
Received for recording this _____ day of _____, 2023
at _____ o'clock ____ m and recorded in Volume _____ of Certified Survey
Maps of Dane County on Pages _____.

Kristi Chlebowski, Register of Deeds

Sheet 2 of 3
Office Map No.: 220987CSM

Document No. _____
Certified Survey Map No. _____, Volume _____, Page _____



CERTIFIED SURVEY MAP

Dated: June 12, 2023

**Birrenkott
Surveying**
P.O. Box 237
1677 N. Bristol Street
Sun Prairie, Wisconsin 53590
Phone (608) 837-7463
Fax (608) 837-1081

Village of McFarland Certificate:
Resolved that this Certified Survey Map, is hereby acknowledged,
accepted and approved for recorded by the Village of McFarland.

Cassandra Suettinger, Clerk
Village of McFarland

Dated _____

Surveyed For:
Kolton & Elizabeth Urso
1233 N Page Street
Stoughton, WI 53589

Surveyed: TAS
Drawn: BTS
Checked CKC
Approved: CKC
Field book:
File:J:\2022\Carlson



MAP 6

FUTURE LAND USE



COMPREHENSIVE PLAN

Legend

Future Land Use

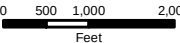
- Single Family Residential
- Two Family and Townhouse Residential
- Multiple Family Residential
- Neighborhood
- Downtown
- Highway and General Commercial
- Commercial Park
- Industrial
- Mixed Use/Flex Commercial
- Institutional and Governmental
- Public Lands, Recreation, and Environmental Corridor
- 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.



Date: May 2019

Data Sources: Village of McFarland, Dane County LIO, WDNR, and CARPC



VILLAGE OF
McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, August 15, 2023

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion and action on a Certified Survey Map (CSM) requested by Lineage Logistics Services LLC for 4704 Terminal Drive.

PREVIOUS ACTION:

July 18, 2023 - Public hearing held for this item

ISSUE SUMMARY:

Lineage Logistics Services LLC, applicant and property owner, is requesting approval of a Certified Survey Map (CSM) to combine parcels 154/0710-342-8711-1 and 154/0710-331-8250-7, located at 4704 Terminal Drive. Both parcels are owned and occupied by the applicant.

The CSM includes a 50' x 60' area ("Parcel B") between the adjacent 4606 Terminal Drive property. This land area was recently purchased by the applicant from the adjacent landowner and is part of the applicant's driveway.

EXISTING PROPERTY

Parcel 154/0710-342-8711-1 is approximately 19.8 acres and parcel 154/0710-331-8250-7 is approximately 10.5 acres. Together, the combined properties make 30.3 acres and are zoned M-IC, Manufactured Intensive Commercial. Near the west connection to the railroad, approximately 0.8 acres, this land is zoned CO, Conservancy. The properties include a rail road which enters from the southwest corner, traveling east along the south lot line then exits north near the 50' x 60' areas. Across both parcels is a single story 195,146 square foot metal building. West of this building is a rainwater retention pond. Further east, closer to Terminal Drive, includes an 11,000 building. Adjacent along Terminal Drive and outside of the security fence is Lift Station #4.

Adjacent to the north are two parcels owned by Citgo Petroleum at 4606 Terminal Drive, a petroleum manufacturer. These properties are zoned M-IC, Manufactured Intensive Commercial. There are three adjacent properties to the south which include an undeveloped property owned by WI DNR, zoned CO Conserverancy, another petroleum manufacturer at 4516 Siggelkow Road, M-IC and 4712 Terminal Drive, a storage facility zoned C-H Highway Commercial. Adjacent to the east is a multi-family building, zoned PD Planned Development.

C&ED STAFF COMMENTS

Staff recommends the boundary description and map be updated to reflect the metes and bounds description of the outer boundary of proposed Lot 1.

**DEPARTMENT HEAD COMMENTS**

No other comments or concerns were received from the Village Engineer, Public Works Director, Fire Chief and Police Chief.

PUBLIC COMMENTS

The Department did not receive any written comments or concerns prior to the publication of this packet.

FINANCIAL/BUDGET IMPACT:

The applicant will incur all costs associated with the request.

VILLAGE PLAN REFERENCE:

Terminal and Triangle District Plan, 2005 - The property falls within the TID #3 boundary. The associated CSM does not look to add any additional or alter any existing structures and impervious surfaces. The property maintains the existing use.

Comprehensive Plan, 2017 - Future Land Use Map 6 identifies the property as Industrial. The associated CSM does not propose rezoning the property. The current use is consistent with the Future Land Use Map.

ORDINANCE REFERENCE:

Chapter 56 - Subdivisions

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Motion, and second, to approve a Certified Survey map (CSM) requested by Lineage Logistics Services LLC for 4704 Terminal Drive conditioned on updating the boundary description and map to reflect the metes and bounds description of the outer boundary of proposed Lot 1 prior to recording with the Dane County Register of Deeds.

ATTACHMENTS:

1. 4704 Terminal Drive_CSM PC Application_05.24.23
2. McFarland Comprehensive Plan_Map 6_Future Land Use

May 24, 2023

Village of McFarland
Community & Economic Development
5915 Milwaukee Street
McFarland, WI 53558

Re: *Our Client: Lineage Logistics Services LLC*
RE: Plan Commission Application re: CSM
4704 Terminal Drive, McFarland, Wisconsin

Dear Sir/Madam:

Enclosed please find the Plan Commission Application – 2023 together with the attached documents for the Planning Commission's approval.

Sincerely,

AXLEY BRYNELSON, LLP



Edward J. Lawton
Enclosures
EJL/lt



Plan Commission Application – 2023

~Application must be completed in full~

Applicant - Owner	Lineage Logistics Services LLC	Applicant's Agent	Axley Brynson, LLP
		Name	Attorney Ed Lawton
Address	4704 Terminal Drive, McFarland, WI 53558	Address	N17W24222 Riverwood Drive, Suite. 250, Waukesha, WI 53188
Email		Email	elawton@axley.com
Phone #	(800) 678-7271	Phone #	(262) 409-2278
Fax #		Fax #	(262) 524-9200

154/0710-342-8711-1 and

Parcel No(s). 154/0710-331-8250-7

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	\$425+F	☐ Annexation	At cost
☐ Preliminary Plat (reapplication)	\$500+BF	☐ Rezoning (map)	\$475+F	☐ Dev. Agreement Including Addendums	\$400 F
☒ Certified Survey Map	\$300+FG	☐ Zoning Amendment (text)	\$475 +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)

Please reference the attached document.

PLEASE READ AND SIGN AT THE BOTTOM ON THE REVERSE SIDE

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.)

Submittal Requirements: One (1) hard copy 8 ½ x 11, except site plan sheets which should be 11 x 17, and one (1) electronic (pdf) copy. A completed in full application can be submitted to the Community Development Department (5915 Milwaukee Street, McFarland, WI 53558, community.development@mcfarland.wi.us), with fees included with submittal **by *NOON of the deadline day**, according to the schedule below.

Village of McFarland Plan Commission 2023 Schedule

The Village of McFarland Plan Commission normally conducts meetings on the third Tuesday of each month, unless otherwise noted below 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; potential agenda item materials are required to be submitted per the schedule listed below.

***Submittal Deadline Noon on:**

For Scheduled 2023 Meeting date of:

December 6 (2023)-----	January 17
January 10 -----	February 21
February 7 -----	March 21
March 7 -----	April 18
April 4 -----	May 16
May 9 -----	June 20
June 6 -----	July 18
July 5 -----	August 15
August 8 -----	September 19
September 5 -----	October 17
October 10 -----	November 21
November 7 -----	December 19 (Pending)
December 5 -----	January 16, 2024 (Pending)

Note, applications requiring a public hearing will be scheduled for a hearing according to the schedule above, with action considered at the next scheduled Plan Commission meeting following the public hearing. Applicants are encouraged to contact the Community & Economic Development Director for a pre-application meeting to review the project and submittal requirements prior to submitting an official application.

Acknowledgements:

- 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, consultant review costs, etc.) will require any permits to be withheld until all payments are made in full. In addition, all application fees are non-refundable.
- I understand Plan Commission applications requiring a Public Hearing will not be acted on the same night as the Public Hearing.

X


Signature of Applicant/Agent

May 19, 2023

Date

Nature of the Development Proposal

Address: 4704 Terminal Drive, McFarland, WI 53558

Parcel Numbers: 154/0710-342-8711-1 and 154/0710-331-8250-7

Legal Description:

Parcel A:

PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33 AND PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, ALL IN TOWN 7 NORTH, RANGE 10 EAST OF THE 4TH P.M., VILLAGE OF MCFARLAND, DANE COUNTY, WISCONSIN, WHICH FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 34; THENCE SOUTH 2 06'41" EAST FOR A DISTANCE OF 847.06 FEET TO THE POINT OF BEGINNING; THENCE NORTH 87 07'39" EAST A DISTANCE OF 593.90 FEET; THENCE SOUTH 2 52'21" EAST 50.00 FEET; THENCE NORTH 87 07'39" EAST 60.00 FEET; THENCE NORTH 2 52'21" WEST 50.00 FEET; THENCE NORTH 87 07'39" EAST 343.93 FEET TO THE CENTERLINE OF TERMINAL DRIVE; THENCE SOUTH 2 24'47" EAST 500.80 FEET; THENCE SOUTH 87 06'22" WEST 2173.21 FEET; THENCE NORTH 53 32'42" WEST 576.44 FEET; THENCE SOUTH 59 03'19" EAST 419.19 FEET; THENCE EASTERLY ALONG A CURVE TO THE LEFT 272.38 FEET HAVING A RADIUS OF 454.75 FEET AND THE CHORD BEARING SOUTH 79 31'00" EAST, 268.33 FEET; THENCE NORTH 87 06'22" EAST 100.33 FEET; NORTH 16 56'05" EAST 457.75 FEET; THENCE NORTH 87 07'39" EAST 760.63 FEET TO THE POINT OF BEGINNING. EXCEPTING, A PARCEL OF LAND OWNED BY THE VILLAGE OF MCFARLAND, COMMENCING AT THE NORTHWEST CORNER OF SECTION 34; THENCE SOUTH 2 06'41" EAST, 847.06 FEET; THENCE NORTH 87 07'39" EAST A DISTANCE OF 593.00 FEET; THENCE SOUTH 2 52'21" EAST 50.00 FEET; THENCE NORTH 87 07'39" EAST, 59.98 FEET; THENCE NORTH 2 52'21" WEST, 50.00 FEET; THENCE NORTH 87 07'39" EAST 310.93 FEET; THENCE SOUTH 2 24'07" EAST 97.89 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 2 24'07" EAST 60.00 FEET; THENCE SOUTH 87 36'00" WEST 65.00 FEET; THENCE NORTH 2 24'07" WEST 60.00 FEET; THENCE NORTH 87 36'00" EAST 65.00 FEET TO THE POINT OF BEGINNING.

PARCEL B:

PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, ALL IN TOWN 7 NORTH, RANGE 10 EAST OF THE 4TH P.M., TOWNSHIP OF BLOOMING GROVE, DANE COUNTY, WISCONSIN, WHICH FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 34; THENCE SOUTH 2 06'41" EAST, FOR A DISTANCE OF 847.06 FEET, THENCE NORTH 87 07'39" EAST A DISTANCE OF 593.90 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 2 52'21" EAST 50.00 FEET; THENCE NORTH 87 07'39" EAST 60.00 FEET; THENCE NORTH 2 52'21" WEST 50.00 FEET; THENCE SOUTH 87 07'39" WEST 60.00 FEET TO THE POINT OF BEGINNING.

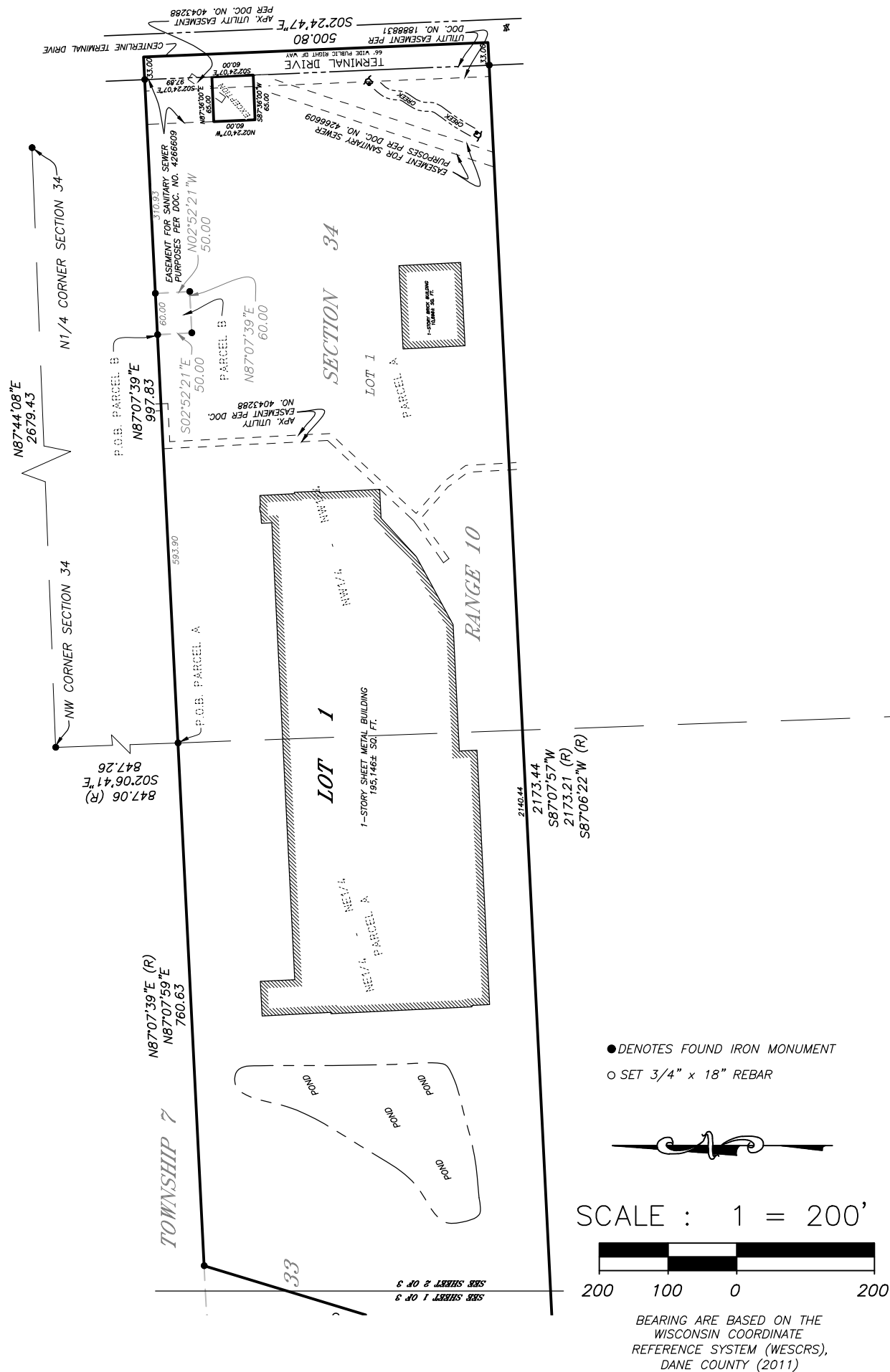
Zoning: MI – Manufacturing and Industrial

Description of Request: Approval of the Certified Survey Map ("CSM") prepared by Michael A. Stang, License No. S-3058-8, of Northwestern Surveying and Engineering, Inc., for both parcels 154/0710-342-

8711-1 and 154/0710-331-8250-7. The purpose of the CSM is to incorporate the property conveyed by Citgo Petroleum Corporation to Lineage Logistics Services LLC into a current CSM of the parcels owned by Lineage Logistics Services LLC.

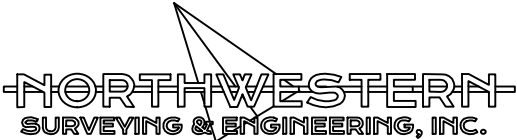
CERTIFIED SURVEY MAP NO. _____

LOCATED IN THE NW1/4-NE1/4 AND THE NE1/4-NE1/4 OF SECTION 33 AND THE NW1/4-NW1/4 OF SECTION 34, T7N, R10W, VILLAGE OF MCFARLAND, DANE COUNTY, WISCONSIN



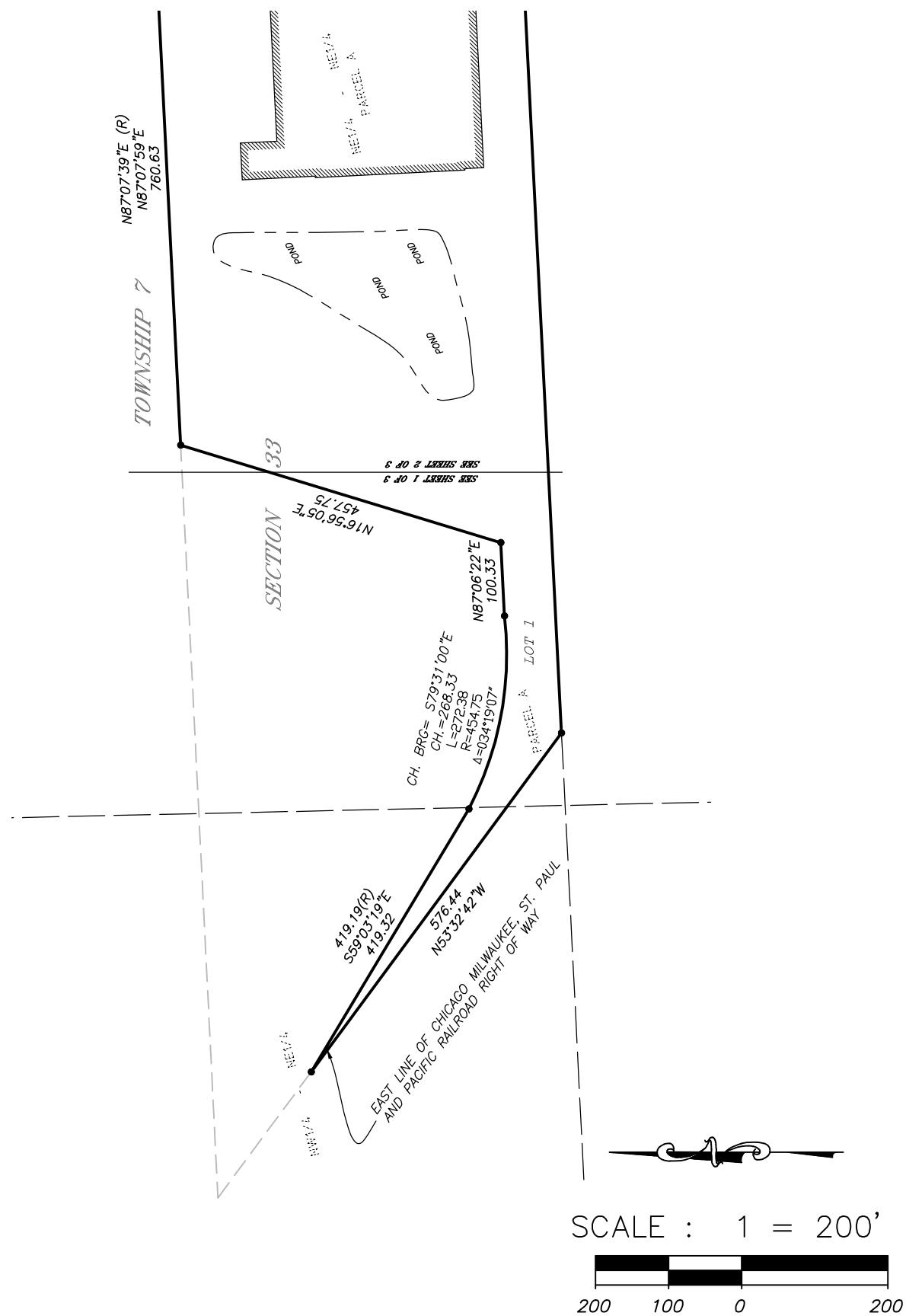
PREPARED FOR: Lineage Logistics Services, LLC,
a Delaware limited liability company

NWSE JOB NO. 23555
SHEET 1 OF 4



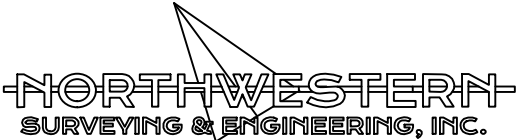
CERTIFIED SURVEY MAP NO. _____

LOCATED IN THE NW1/4-NE1/4 AND THE NE1/4-NE1/4 OF SECTION 33 AND THE NW1/4-NW1/4 OF SECTION 34, T7N, R10W, VILLAGE OF MCFARLAND, DANE COUNTY, WISCONSIN



PREPARED FOR: Lineage Logistics Services, LLC,
a Delaware limited liability company

NWSE JOB NO. 23555
SHEET 2 OF 4



CERTIFIED SURVEY MAP NO. _____

LOCATED IN THE NW1/4-NE1/4 AND THE NE1/4-NE1/4 OF SECTION 33 AND THE NW1/4-NW1/4 OF SECTION 34, T7N, R10W, VILLAGE OF MCFARLAND, DANE COUNTY, WISCONSIN

PARCEL A:

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SURVEYOR'S CERTIFICATE

I, MICHAEL A. STANG, PROFESSIONAL LAND SURVEYOR S-3058-8, DO HEREBY CERTIFY THAT BY THE DIRECTION OF THE VILLAGE OF MCFARLAND, I HAVE SURVEYED, COMBINED, AND MAPPED THE LANDS DESCRIBED HEREON AND THAT THE MAP IS A CORRECT REPRESENTATION IN ACCORDANCE WITH THE INFORMATION PROVIDED. I FURTHER CERTIFY THAT THIS CERTIFIED SURVEY MAP IS IN FULL COMPLIANCE WITH CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE SUBDIVISION REGULATIONS OF THE VILLAGE OF MCFARLAND, DANE COUNTY, WISCONSIN.

MICHAEL A. STANG S-3058-8 DATED
PROFESSIONAL LAND SURVEYOR

OWNER'S CERTIFICATE:

LINEAGE LOGISTICS SERVICES, LLC A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, DO HEREBY CERTIFY THAT SAID OWNER HAS CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, COMBINED, MAPPED, AND DEDICATED AS REPRESENTED HEREON. SAID OWNER FURTHER CERTIFIES THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.236.34, WISCONSIN STATUTES TO BE SUBMITTED TO THE VILLAGE OF MCFARLAND FOR APPROVAL.

IN WITNESS WHEREOF, LINEAGE LOGISTICS SERVICES, LLC A DELAWARE LIMITED LIABILITY COMPANY, HAS CAUSED THESE DOCUMENTS TO BE SIGNED BY THEIR REPRESENTATIVE THIS ____ DAY OF _____, 2023

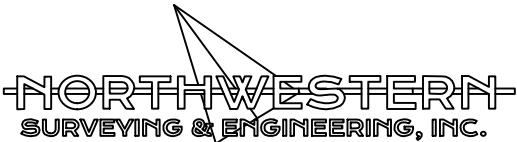
LINEAGE REPRESENTATIVE DATED

STATE OF WISCONSIN
COUNTY OF _____

PERSONALLY CAME BEFORE ME ON THIS ____ DAY OF _____, 2023
THE ABOVE NAMED _____, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE
FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC, _____ COUNTY, _____ MY COMMISSION EXPIRES

PREPARED FOR: Lineage Logistics Services, LLC,
a Delaware limited liability company



CERTIFIED SURVEY MAP NO. _____

LOCATED IN THE NW1/4-NE1/4 AND THE NE1/4-NE1/4 OF SECTION 33 AND THE NW1/4-NW1/4
OF SECTION 34, T7N, R10W, VILLAGE OF MCFARLAND, DANE COUNTY, WISCONSIN

VILLAGE OF MCFARLAND PLAN COMMISSION CERTIFICATE

THIS CERTIFIED SURVEY MAP, INCLUDING ANY DEDICATIONS SHOWN THEREON, IS HEREBY APPROVED BY THE PLAN COMMISSION
OF THE VILLAGE OF MCFARLAND ON THIS _____ DAY OF _____, 2023

CASSANDRA SUETTINGER, VILLAGE CLERK/TREASURER

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 ON THIS _____ DAY OF _____, 2023

CASSANDRA SUETTINGER, VILLAGE CLERK/TREASURER

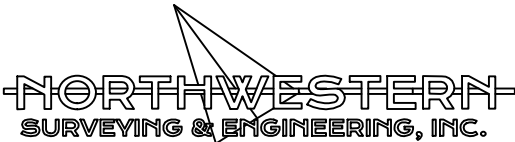
DANE COUNTY REGISTER OF DEEDS CERTIFICATE

RECEIVED FOR RECORDING THIS _____ DAY OF _____, 2023, AT _____ O'CLOCK ____M. AND
RECORDED IN VOLUME _____ OF CERTIFIED SURVEY MAPS OF DANE COUNTY ON PAGES _____ AS
DOCUMENT NO. _____

KRISTI CHLEBOWSKI, REGISTER OF DEEDS
DANE COUNTY, WISCONSIN

PREPARED FOR: Lineage Logistics Services, LLC,
a Delaware limited liability company

NWSE JOB NO. 23555
SHEET 4 OF 4





MAP 6

FUTURE LAND USE



COMPREHENSIVE PLAN

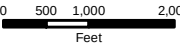
Legend

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 Siggekow Road, and existing land use elsewhere beyond the Village's extraterritorial jurisdiction.



Date: May 2019

Data Sources: Village of McFarland, Dane County LIO, WDNR, and CARPC



**VILLAGE OF
McFarland
SUMMARY SHEET**

MEETING DATE: Tuesday, August 15, 2023

SECTION:

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion and action on a Conditional Use Permit requested by Lyschel Bersch for wholesale and warehouse uses for a candle supply business located at 4903 Commerce Court.

PREVIOUS ACTION:

July 18, 2023 - Public hearing held on this item.

ISSUE SUMMARY:

Lyschel Bersch, applicant, is requesting a conditional use permit to operate a wholesale and warehouse candle supply business located at 4903 Commerce Court. The applicant's submittal does not include any improvements to the exterior of the property or building. Additional truck shipping several times a week will be the extent of the activity on the property. The company currently has four employees. The hours of operation will be between 11:00am - 6:00pm.

EXISTING PROPERTY

The property is 1.26 acres and is currently zoned C-P Commercial Park. The property includes an 11,000 SF single tenant commercial building. The property includes three driveways on the property with the main entrance facing Trangle Street. There are 19 off-street parking spaces on the property and a truck loading dock at the building's southeast corner.

Adjacent to the north is 4911 Commerce Court, occupied by Mad City Storage, a moving company. Adjacent to the northwest is 4904 Commerce Ct, occupied by Credo Product Development, an engineering and design firm. Adjacent to the south is 4803 Triangle Street, occupied by Zorn Compressor & Equipment, a distributor of compressed air equipment and parts. Adjacent to the east is mostly undeveloped land which also includes a water retention pond, owned by the Village. All adjacent properties mentioned are zoned C-P Commercial Park.

CONDITIONAL USE PERMIT REVIEW

The packet includes the Applicant's responses to Sec. 62-111, Conditional Uses Standards. 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.



The property is zoned C-P Commercial Park. "Wholesale trade (except for petro terminals) are a conditional use in the C-P District. Sec. 62-68(m), Statement of Purpose, C-P Commercial Park District, states that this 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."*

In Staff's opinion, the applicant's responses to Sec. 62-111 are generally adequate. Staff comments are provided below regarding the applicant's responses.

- Sec. 62-111(f) - The applicant's response indicates that they are not proposing any modifications to the building or site plan. This includes no intent to store items outdoors or in any yard spaces.
- Sec. 62-111(h) - The Village's Fire Chief is working with the applicant to determine potential high piled storage requirements on the property in relation to applicable International Fire Codes.
- Sec. 62-111(j)(2) - With no change being proposed to the site or building plan as indicated by the applicant's response, Staff have no concern regarding the potential and control of water pollution, including sedimentation, as the applicant intends to use the property as is.
- Sec. 62-111(j)(8) - The applicant did not indicate why their business will not interfere with other lands. However, based on the proposed operation from their responses and Staff's review of adjacent businesses, staff would concur with the statement.

C&ED STAFF COMMENTS

No additional comments or concerns to add to what was already stated in Staff's review.

DEPARTMENT HEAD COMMENTS

The packet includes the Village's Fire Chief's letter on the recommendation for a condition of approval concerning the high piled storage potential of the site. No additional comments or concerns from the Village Engineer, Public Works Director, and Police Chief.

PUBLIC COMMENTS

The Department did not receive any written comments or concerns prior to the publication of this packet.

FINANCIAL/BUDGET IMPACT:

The applicant will incur all costs associated with the request.

VILLAGE PLAN REFERENCE:

Comprehensive Plan, 2017 - Future Land Use Map 6 identifies the property as Commercial Park. The Figure 4.1 General Description of Land Uses allowed provides the following description for Commercial Park, *"Light industrial, office, research, testing, health care, and*



other compatible and support uses (e.d., 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." In Staff's opinion, the proposed business is of compatible use, meeting the description for minimal impact on business-related activities.

ORDINANCE REFERENCE:

Sec. 62-111. - Conditional Use Standards

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Motion, and second, to approve a Conditional Use Permit requested by Lyschel Bersch for wholesale and warehouse uses for a candle supply business located at 4903 Commerce Court with the following condition of approval:

1. The applicant to maintain storage of wax no greater than 6 feet in height unless approved by the McFarland Fire & Rescue Department.

ATTACHMENTS:

1. 4903 Commerce Court_Candle Cocoon CUP_06.02.2023
2. McFarland Comprehensive Plan_Map 6_Future Land Use
3. 4903 Commerce Court MFR CUP Review_20230731



Plan Commission Application – 2023

~Application must be completed in full~

Applicant - Owner	Lyschel Bersch	Applicant's Agent	
		Name	Lyschel Bersch
Address	4903 Commerce Ct, McFar	Address	
Email	lyschel@candlecocoon.com	Email	
Phone #	6082582558	Phone #	
Fax #	NA	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	\$425+F	☐ Annexation	At cost
☐ Preliminary Plat (reapplication)	\$500+BF	☐ Rezoning (map)	\$475+F	☐ Dev. Agreement Including Addendums	\$400 F
☐ Certified Survey Map	\$300+FG	☐ Zoning Amendment (text)	\$475 +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)

To be used primarily as a warehouse for wholesale internet sales. The property is zoned C-P Commercial Park. Conditional use for warehousing and wholesale uses (non-petro)

PLEASE READ AND SIGN AT THE BOTTOM ON THE REVERSE SIDE

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.)

Submittal Requirements: One (1) hard copy 8 ½ x 11, except site plan sheets which should be 11 x 17, and one (1) electronic (pdf) copy. A completed in full application can be submitted to the Community Development Department (5915 Milwaukee Street, McFarland, WI 53558, community.development@mcfarland.wi.us), with fees included with submittal **by *NOON of the deadline day**, according to the schedule below.

Village of McFarland Plan Commission 2023 Schedule

The Village of McFarland Plan Commission normally conducts meetings on the third Tuesday of each month, unless otherwise noted below 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; potential agenda item materials are required to be submitted per the schedule listed below.

*Submittal Deadline Noon on:

For Scheduled 2023 Meeting date of:

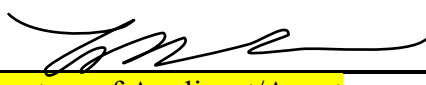
December 6 (2023)-----	January 17
January 10 -----	February 21
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November 7 -----	December 19 (Pending)
December 5-----	January 16, 2024 (Pending)

Note, applications requiring a public hearing will be scheduled for a hearing according to the schedule above, with action considered at the next scheduled Plan Commission meeting following the public hearing. Applicants are encouraged to contact the Community & Economic Development Director for a pre-application meeting to review the project and submittal requirements prior to submitting an official application.

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- I understand Plan Commission applications requiring a Public Hearing will not be acted on the same night as the Public Hearing.

X


Signature of Applicant/Agent

6/2/23
Date



www.mcfarland.wi.us/communityandeconomicdevelopment | 5915 Milwaukee St, McFarland, WI 53558 | 608.838.3154

Conditional Use Permit Application

Statement of Purpose

The Village of McFarland Zoning Code is based upon the division of the Village into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district, provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses. As used in this Subdivision, the term "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 (Sec. 62-105(b)).

Submittal Requirements

Applicants shall submit one (1) hard copy of this application, along with the applicable fee, to the Community & Economic Development Department 5915 Milwaukee Street, PO Box 110, McFarland, WI 53558. In addition to the one hard copy, applicants shall submit one (1) electronic (pdf) copy to community.development@mcfarland.wi.us. Applicants shall also complete the separate [Plan Commission Application](#). Please refer to the second page of the Plan Commission Application for a list of submittal deadlines and meeting dates.

Per Sec. 62-108(a)(4) of the Village's Zoning Code, applicants may be required to provide additional information as may be required by the Plan Commission or other authorities, boards, commissions or officers of the Village. The Plan Commission may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and soil types; high-water mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

Per Sec. 62-108(a)(6) upon request by the Village Board, Plan Commission or Zoning Administrator, the applicant shall provide reports and studies, prepared by a qualified professional, addressing any applicable standard. The applicant is solely responsible for the cost of such reports and studies. A qualified professional is one with appropriate education, experience, license and/or certification pertinent to the

applicable standard, and the professional's qualifications should be provided with the report or study (e.g. a curriculum vitae or resume). If necessary, expertise is not available from staff or other appropriate governmental agency, the Village Board, Plan Commission or Zoning Administrator may consult with a third-party consultant to effectively evaluate the application. The Zoning Administrator will select the consultant. The applicant is solely responsible for all reasonable costs and expenses associated with such consultation. Applicants retain the right to withdraw an application if they choose not to pay consultant fees.

Per Sec. 62-114(a), prior to the granting of any conditional use, the Plan Commission, or the Village Board on appeal, 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 Section 62-111. In all cases in which conditional uses are granted, the Plan Commission or Village Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated or imposed in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:

1. Landscaping;
2. Type of construction;
3. Construction commencement and completion dates;
4. Sureties;
5. Lighting;
6. Fencing;
7. Operational control;
8. Hours of operation;
9. Traffic circulation;
10. Deed restrictions;
11. Access restrictions;
12. Setbacks and yards;
13. Type of shore cover;
14. Specified sewage disposal and water supply systems;
15. Planting screens;
16. Piers and docks;
17. Increased parking; or
18. Any other requirements necessary to fulfill the purpose and intent of this Chapter

Applicants are encouraged to review the full list of [Conditional Use regulations](#) within the Village's Zoning Code prior to completing this application.

Applicant/Owner	Lyschel Bersch	Applicant's Agent (If applicable)	
Applicant Address	5728 Monona Dr. Monona WI 53716	Agent Address	NA
Email	lyschel@candlecocoon.com	Email	
Applicant's Phone #	608-258-2558	Agent's Phone #	NA
Project Site Address	4903 Commerce Ct, McFarland, WI 53558	Project Site Parcel #	
Current Zoning	C-P	Proposed Zoning (If applicable)	conditional use
Current Lot Size (Square Feet)	54879	Current Building Size (Square Feet)	10540
Proposed Lot Size (If applicable)	No change	Proposed Building Size (If applicable)	No change
Proposed Use	Wholesale, trade	Number of Residential Units (If applicable)	NA
Describe the Proposed Operations (hours of operation, number of employees, truck delivery schedules, outdoor storage needs, etc.)	Hours of operation will generally be 11am - 6:00 pm. Hours may start as early as 9am. Number of employees currently is 4. Hoping to have 6 total employees. Trucks delivery products. There is no set schedule. General wholesale warehouse use for internet sales.		
Describe any Proposed Changes to the Building Interior*	None		
Describe any Proposed Change to the Building Exterior or Site**	None		

* Changes to the interior of a building may require approval of a Building Permit after consideration of the CUP.

**Changes to the exterior of the building or site may require approval of a Site Design Review Permit from the Plan Commission.

Please contact Department Staff to determine if a Building Permit or Site Design Review permit are required.

Sec. 62-111, Conditional Use Standards

Applicants are required to provide a detailed description addressing each item described in Sec. 62-111, (a) through (j) and (j)1 through (j)9. Applicants shall describe why in their opinion each standard is met by providing substantial evidence. 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 Village land use plan or zoning regulations regarding light, dust, particulate emissions, noise, frequency, vibration, traffic, nuisances, odors, visibility, health, safety welfare and the environment. Applicants may attach submittal information to the application, including any reports, studies, or site plans.

Sec. 62-111(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.

Our operation is already occurring withing in Monona WI and has also operated in Madison. We are not noisy and do not possess harmful environmental substance. Our business prides itself on being "green". Any lifters will operate within the building and those are not a major source of noise and it is battery operated. We will not change the

Sec. 62-111(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.

At this time we are located next residential buildings and a Yoga studio and we do not interfere with any of their use and enjoyment of the area. Prior to that we were located on Monroe Street underneath a residential apartment building. We were there for 5 years and never had a complaint. We are good neighbors.

Sec. 62-111(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.

We wish to warehouse and sell to our internet customers. This includes having a few trucks a week use our loading dock and USPS, UPS and Spee-Dee delivery making daily appearances. We do not intend to have large amounts of traffic.

Sec. 62-111(d) – Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

Everything is as it needs to be. Our use would not increase current needs.

Sec. 62-111(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.

There will not be a lot of vehicles into and out of our establishment. With only 4 employees and limited delivery trucks there isn't an issue.

Sec. 62-111(f) – The conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.

We will not be keeping anything in the yard.

Sec. 62-111(g) – The proposed use does not violate floodplain regulations governing the site. Looking at the FEMA site we don't seem to be in a designated 10 or 100 year floodplain.

Sec. 62-111(h) – That the proposed use will not violate any applicable regulation in the McFarland Municipal Code or any other applicable law or regulation.

After checking with the municipal code we will not violate regulations. We have been operating our business in much the same way for over 20 years in Monona and Madison

Sec. 62-111(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.

We are not building.

Sec. 62-111(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.

We do not work with products that cause harm when used properly. i.e. not eaten, etc. Gloves and masks are worn more so for the protection of the product.

2. The prevention and control of water pollution including sedimentation.

We will not be dumping any products outside. All of our products are packaged properly before coming or going. If there is a spill we follow MSDS guidelines. Never have we had a spill that was more than 8 ounces and easily cleaned up using paper towels. Our packaging is stored such that it would be

3. Existing topographic and drainage features and vegetative cover on the site.

We will not be changing anything

4. The location of the site with respect to floodplains and floodways of rivers and streams.

We don't seem to be in an immediate floodplain. Any area can flood but we don't seem to be at high risk.

5. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.

We are not changing anything.

6. The location of the site with respect to existing or future access roads.

We are not changing anything.

7. The need of the proposed use for a shoreland location.

There is no shoreland.

8. Its compatibility with uses on adjacent land.

Our business will not interfere with other lands.

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

There are no liquid wastes generated.

DISCLAIMER

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Applicant's Name (Print): Lyschel Bersch Date: _____

Applicant's Signature: 



MAP 6

FUTURE LAND USE



COMPREHENSIVE PLAN

Legend

Future Land Use

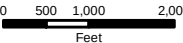
- Single Family Residential
- Two Family and Townhouse Residential
- Multiple Family Residential
- Neighborhood
- Downtown
- Highway and General Commercial
- Commercial Park
- Industrial
- Mixed Use/Flex Commercial
- Institutional and Governmental
- Public Lands, Recreation, and Environmental Corridor
- 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.



Date: May 2019

Data Sources: Village of McFarland, Dane County LIO, WDNR, and CARPC



July 31, 2023

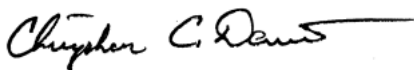
Re: Review of Conditional Use Permit Application for 4903 Commerce Court

We have reviewed the conditional use permit application submitted by Lyschel Bersch for 4903 Commerce Court. The permit application states the building will be used for a warehouse and wholesale internet sales. We have the understanding the usage will include the storage of candle making supplies including bulk candle wax. The proposed storage methods and uses appear to follow the applicable codes and standards. It should be noted during our review that the storage methods and uses could be altered with the products to cause concern. If the conditions change, they should be found during our routine inspections of the building.

We don't find any reason in preventing the issuance of the Conditional Use Permit.

As background to the review the following information has been provided. The building is equipped with fire sprinklers. Our review was based on the National Fire Protection Association 13 Standard for the installation of sprinkler systems – 2013 edition (NFPA 13) is the adopted standard for fire sprinklers in the State of Wisconsin. NFPA 13 A.5.6.3 lists Wax (blocks, cartoned) as group A plastics. NFPA 13 has specific requirements on the storage of group A plastic pertaining to quantities, height, and arrangement. Additionally, the International Fire Code 2015 edition (IFC) defines, high piled combustible storage to include group A plastics where the storage is greater than 6 feet in height. IFC chapter 32 has specific requirements of high piled combustible storage, including the development of life safety plan development which is typically completed by an architect.

Sincerely,



Christopher C. Dennis, Chief

VILLAGE OF
McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, August 15, 2023

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion and action on a Site Design Review Permit for an accessory structure requested by Flint Hills Resources located at 4405 Terminal Drive.

PREVIOUS ACTION:

ISSUE SUMMARY:

Flint Hills Resources, applicant, is requesting a site design review permit for an accessory structure on their property at 4405 Terminal Drive. The proposed accessory structure is a fully enclosed and is intended to replace an existing open air accessory structure that shelters several electrical control panels. Currently, the accessory structure is wrapped in heavy tarp during the winter season. The proposed accessory structure will expand the building's footprint from 11'x6' to 15'x10', an increase of 84 square feet. The existing concrete slab will also be expanded to meet the proposed accessory structure's size.

EXISTING PROPERTY

The property is 15.3 acres and is currently zoned M-IC Manufactured Intensive Commercial.

The property includes four existing buildings and eight above-ground cylindrical tank containers. The property includes an intermittent stream passing through from the northeast corner of the lot to the southwest corner. The property includes a security fence along the property's border, a bridge over the stream described and additional above-ground utility pipes.

There are two entrances to the property, one located near the southwest corner of the lot and the other near the northwest corner. There is an existing off-street parking lot for 13 vehicles near the northwest egress point.

Adjacent to the north is 4.3 acres of undeveloped land owned by the Village. This parcel of land is zoned C-H Commercial Highway and separates 4405 Terminal Drive from the existing businesses located at McFarland Court. Adjacent to the west along Terminal Drive are four companies all zoned M-IC. First to the northwest is Foundation Building Materials, a distributor of drywall, steel framing and construction supplies. Continuing south, is Lincoln Contractors Supply, a company specialized in construction equipment sales and rentals. South of this is an existing building with two cylindrical containers. This property is owned by Badger Pipeline Co. The last adjacent property to the southwest is another petroleum manufacturing site. Adjacent to the south are four parcels, zoned PD Planned Development, totaling approximately 10.6 acres. Of the four lots, the east lots are under development. The central lot, and largest lot, is approximately 5.3 acres. This lot includes a multi-family building and a privately owned



property, historically used for the storage of vehicles. The last lot is located in the northwest corner, approximately 1 acre in size, and includes a fenced open space area for residents of the nearby multifamily building with a connecting boardwalk and pathway.

SEC. 62-310 SITE DESIGN REVIEW

- **Grading & Surfacing.** The proposed accessory structure increases the building footprint of the existing structure by 84 square feet. The expansion of the accessory structure maintains its use as an electrical control panel for the property and its function. In Staff's opinion, the additional surfacing does not significantly alter the property's current grading or erosion control plan.
- **Landscaping.** The applicant's landscaping plan provided at the May 16, 2023 Plan Commission meeting includes a surplus of 44 landscaping points for the improvements to a new fire pump building. Staff notes that the proposed accessory structure does not sit adjacent to the street and is located behind an existing building, therefore screening from street view is not required. Staff recommends this standard be waived for the reasons provided.
- **Building Relationship.** The proposed location will expand on the existing accessory structure's footprint. The current accessory structure is set back approximately 117' from the west lot line and 248' from the north lot line. The proposed accessory structure's footprint appears to expand toward an unoccupied space of the interior and meets all setback requirements.
- **Lighting.** The proposed accessory structure does not include alterations to the existing lighting plan for the site.
- **Utility Service.** The proposed accessory structure does not include water or sanitary connections.
- **Building Design.** The proposed accessory structure is a fully enclosed metal structure with a door located at its west elevation. Access inside can be made from the adjacent existing pathway. The selected materials for the proposed structure are consistent with the surrounding buildings adjacent to them.

STAFF COMMENTS

No additional comments or concerns at this time from the Village Engineer, Fire Chief, Police Chief, and Public Works Director.

PUBLIC COMMENTS

The Department did not receive any comments or concerns prior to the publication of this meeting's packet.

FINANCIAL/BUDGET IMPACT:

The applicant will incur all costs associated with the request.

VILLAGE PLAN REFERENCE:

Sec. 62-310. - Site/Design Review



ORDINANCE REFERENCE:

Terminal and Triangle Street District, 2005. The property is located within the Industrial Center Subdistrict. This subdistrict is intended to operate as a hub for industrial manufacturers. Recommended uses in this area should include manufacturing, distribution, offices, and support uses. The applicant's submittal does not alter the existing use on the property.

Comprehensive Plan, 2017. Map 6 of the Future Land Use identifies the property as Industrial and Public Lands, Recreation, and Environmental Corridor. The Public Lands, Recreation and Environmental Corridor account for the existing intermittent stream on the property. The general description of land uses in areas mapped Industrial state the following: *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.*

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Motion, and second, to approve a Site Design Review Permit for an accessory structure requested by Flint Hills Resources located at 4405 Terminal Drive as submitted.

ATTACHMENTS:

1. 4405 Terminal Drive_Flint Hills_Site Design App_07.05.23



Plan Commission Application – 2023

~Application must be completed in full~

Applicant - Owner	Flint Hills Resources	Applicant's Agent	Ascent Construction, LLC
	Madison Terminal, Timothy Solberg	Name	Ron Adamski
Address	4405 Terminal Drive, McFarland, WI	Address	PO Box 114, Rudolph, WI
Email		Email	radamski@ascentconnstruct.com
Phone #		Phone #	715-572-0024
Fax #		Fax #	

Parcel No(s). 071027393505

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	\$425+F	☐ Annexation	At cost
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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)

Enlarging an existing small accessory building

PLEASE READ AND SIGN AT THE BOTTOM ON THE REVERSE SIDE

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.)

Submittal Requirements: One (1) hard copy 8 ½ x 11, except site plan sheets which should be 11 x 17, and one (1) electronic (pdf) copy. A completed in full application can be submitted to the Community Development Department (5915 Milwaukee Street, McFarland, WI 53558, community.development@mcfarland.wi.us), with fees included with submittal **by *NOON of the deadline day**, according to the schedule below.

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October 10-----	November 21
November 7 -----	December 19 (Pending)
December 5-----	January 16, 2024 (Pending)

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X



Signature of Applicant/Agent
Ronald J. Adamski

7/5/23

Date

Site and Design Plans

Check List

Date received: _____

Subject property address: 4405 Terminal Dr.

Landowner's name: Flint Hills Resources

Landowner's address: 4111 E 37TH ST N
WITCHITA KS 67220

Landowner's phone/fax: (608) 838-3370

Landowner's email: tim.solberg@fhr.com

Agent's name:	_____
Agent's address:	_____
Agent's phone/fax:	_____
Agent's email:	_____

- A. Title Block that indicates name and address of the current property owner.
- X B. Name and signature of the designer.
- X C. Date of original plan and latest date of revised plan.
- N/A D. North arrow and graphic scale. Said scale shall not be smaller than 1 inch equals 100 ft.
- N/A E. Existing zoning _____ Proposed rezoning _____yes X no
- N/A F. All property lines, and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.
- X 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.
- X J. Existing and proposed site and building signage.
- X K. Color exterior façade elevations of all proposed buildings including descriptions of materials and colors. Steel Siding to match the existing buildings (Hawaiian Blue)
- N/A L. The location of all outdoor storage areas; including proposed screening materials and colors._
- N/A M. The location of existing and proposed drainage facilities including stormwater and erosion control plan.
- N/A N. The location and type of any permanently protected green space areas.
- N/A O. The location and elevation of any wetlands or floodplains.

- N/A P. Grading Plan including existing & proposed topography shown at a contour interval of not more than two (2) ft.
- N/A 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.
- N/A R. Landscaping Plans including proposed species, quantity and planting size. Refer to Appendix B of the Village's Zoning Code for more information.
- N/A S. Hydrant locations and Fire Department Connection.
- N/A T. Lighting Plans including photometrics and description of fixture types, heights and orientation.
- N/A 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.
- N/A W. A legal description of the subject property.

General Comments: _____

Expanding the size of an existing small metal accessory building from 10' x 6' to 15' x 10'

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.

Find address or PIN





Measure

Warning! Distance and area tools are calculations derived from Dane County data. Results will be limited in accuracy. Please use measurements with caution. Dane County is not liable for any liability resulting from the misuse of this tool.

Select measure tool





Preview:







Color:

Style:

Solid

Transparency:

0% 100%

Width:

Preview: 116.6'

Text: 116.6'

Font color:

Font size:

Area Units

Square feet

Distance Units

Feet

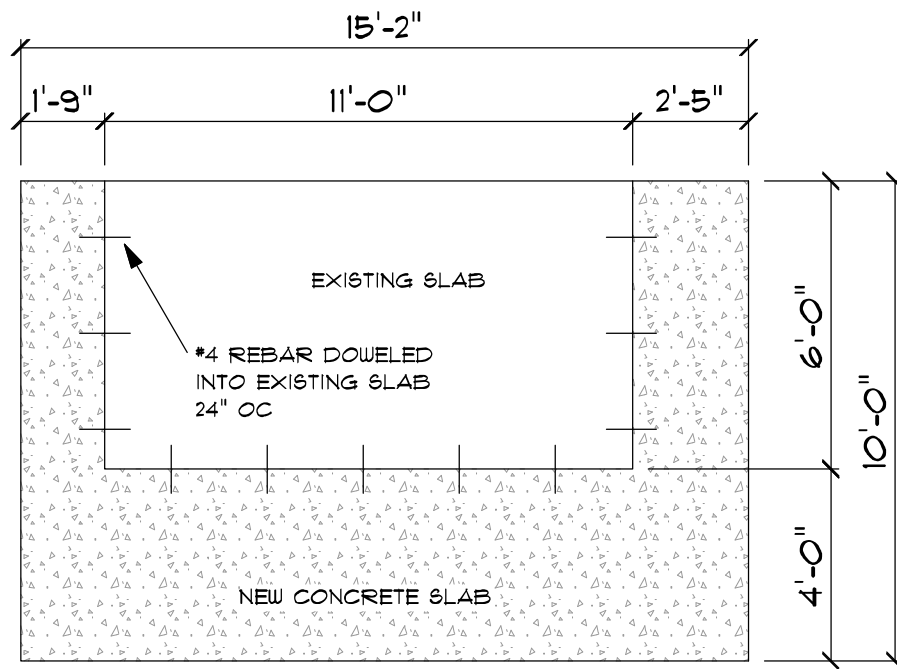
☒ Show Measurement Totals

Existing

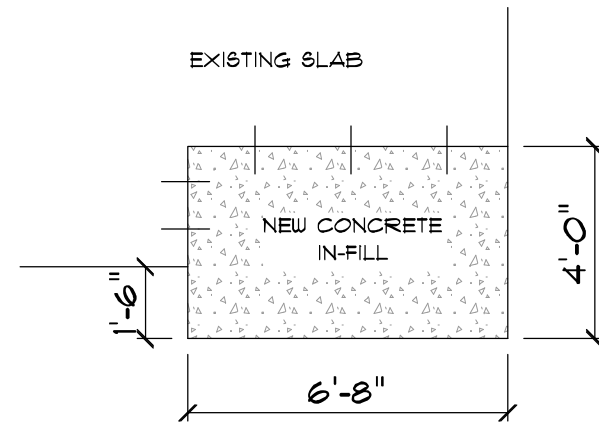


Existing



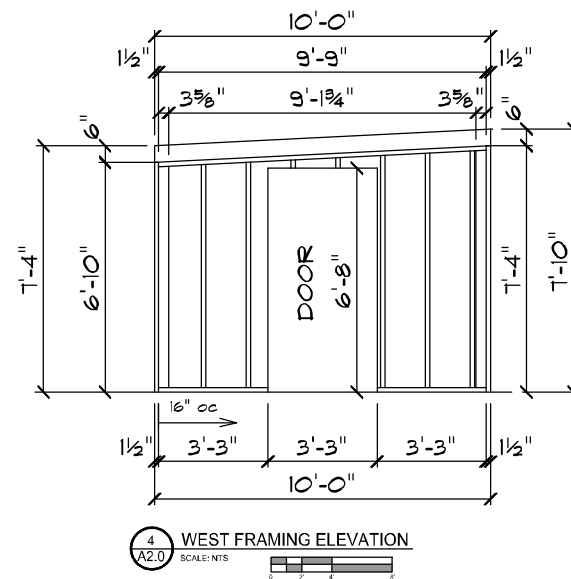
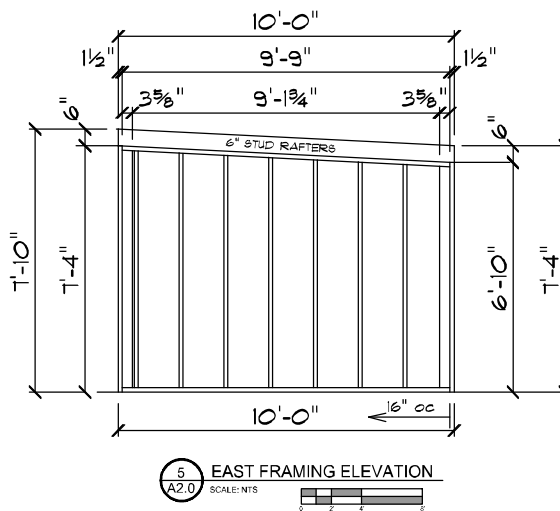
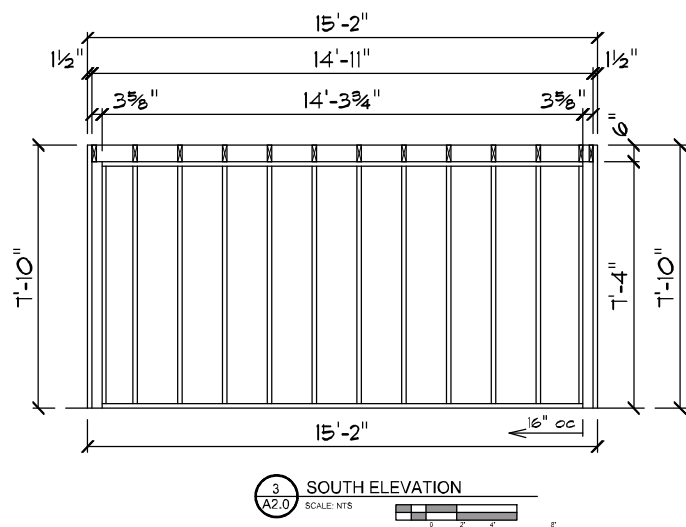
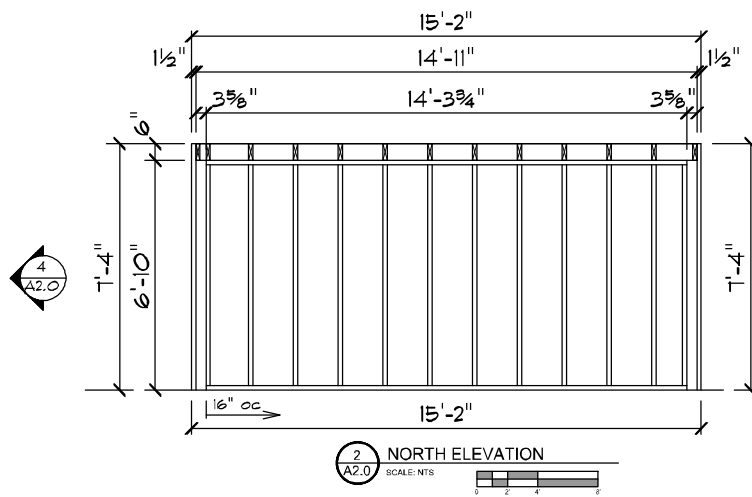
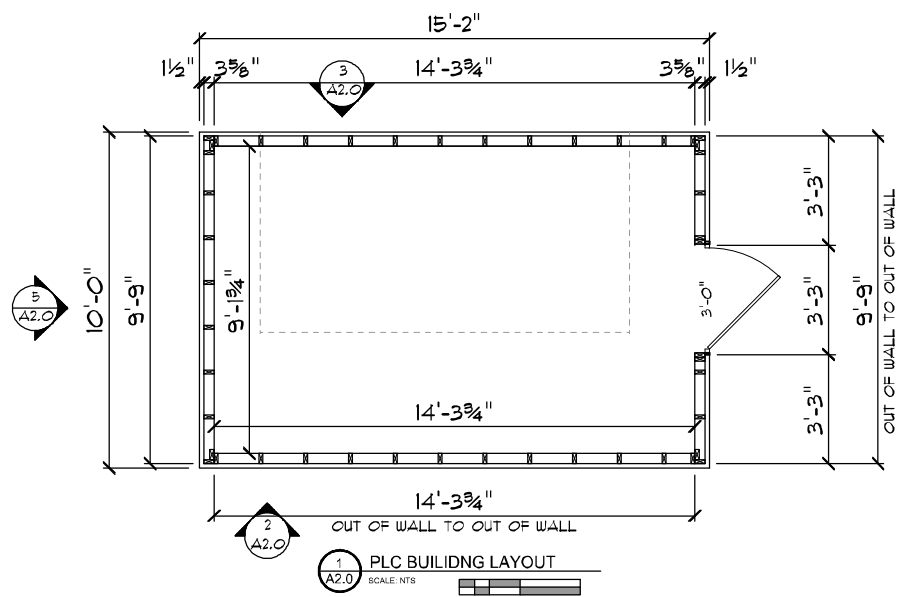


1 PLC BUILDING CONCRETE
A1.0 SCALE: NTS



2 KEM-UNIT PAD CONCRETE
A1.0 SCALE: NTS

DRAWING DATE: 6/15/23 rev. 1



McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, August 15, 2023

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion and action on a Site Design Review Permit for an accessory structure requested by Avant Gardening & Landscaping located at 3055 Siggelkow Road.

PREVIOUS ACTION:

ISSUE SUMMARY:

Liza Lightfoot, owner for Avant Gardening & Landscaping, is requesting a Site Design Review permit for an accessory structure located at 3055 Siggelkow Road. The proposed accessory structure will be 20'x20'x20', intended for outdoor soil storage. The proposed accessory structure is a clearspan structure, made with a metal frame typically covered by a durable material. The proposed accessory structure will be secured by concrete blocks for its base and will not be a fully enclosed structure. The request also includes a proposed asphalt pad of 35' x 16' where storage of soil will be situated on top of it. An existing accessory structure of similar use sits adjacent to the west of the proposed location.

DANE COUNTY ZONING

The evaluation of Dane County Zoning Ordinances for this request is required as the Village has not rezoned the property following its annexation to a Village Zoning District. Therefore, the Village administers the County zoning regulations for the property. Dane County zoning for this proportion of the property is GC General Commercial. Under Sec. 10.272(2)(c) of the Dane County Zoning Ordinance, landscaping operations are a permitted use in this district. Staff's review of the code shows the proposed accessory structure meets the setback requirements for the side and rear yards. Additionally, the addition of the structure does not appear to significantly increase the total lot coverage beyond 60 percent. Staff anticipates that the zoning for the property will be brought under a Village zoning district as part of the Village's planned comprehensive rewrite of the Zoning Code in 2024, along with the few other properties in the Village that remain under County zoning classifications at the time of their annexation.

EXISTING PROPERTY CONDITIONS

The property is approximately 38 acres and includes two zoning classifications by Dane County. The zoning classification for this property includes GC General Commercial and A-1 Exclusive Agriculture. The proposed accessory structure will be placed in the portion of the property zoned GC zoning district. The property includes a warehouse, an existing clearspan structure, and a paved asphalt parking space. Most of the existing roads and driveways are gravel.



Adjacent to the north is a property also owned by the applicant and includes two Dane County zoning classifications. They are C-L Limited Commercial and A-1 Exclusive Agriculture. This property is also operated in conjunction with the site location's activities. Adjacent to the east is farmland and undeveloped land, in the Town of Cottage Grove. Adjacent to the south is a single family residence, approximately 20 acres, located in the Town of Cottage Grove. This property is zoned RM-16, Rural Mixed Use 16 Acres, Dane County. Adjacent to the west are three properties. The property located at 3063 Siggelkow Road is zoned RH-1 Rural Homes, Village of McFarland. The property includes a single family home on its northern half and undeveloped land. Adjacent to this property is parcel 071131390031, the property is zoned by the Village as A1 Agricultural Transition and used as farmland. North of this property is 3234 County Highway AB, the planned location for the Village's Community Park.

SEC. 62-310(e) - SITE DESIGN REVIEW

- **Grading & Surfacing.** The proposed project will include a 35' x 16' concrete pad on top of an existing impervious surface. The concrete pad does not appear to significantly change or alter the existing site grading or erosion control plan for the site.
- **Landscaping.** The minimum required screening per Sec. 10.270(1)(c) of the Dane County Zoning state: *For commercial uses within 100 feet of any residence, screening must be provided as required in s. 10.102(12).* Staff finds that existing screening on the property adjacent to the residential property meets these criteria. Staff recommends waiving the requirement for additional landscaping and screening per Sec. 10.102(12)(b)(3)(b), as the project does not create a significant alteration to the property and there is already existing interior side lot line landscaping that screens the adjacent home from the proposed structure.
- **Building Relationship.** The selected location for the proposed project is centrally located within the existing area used for commercial landscaping material storage, optimizing its use in relationship to existing structures. The proposed structure is aligned consistently with the surrounding concrete configuration on the property. The location of the proposed structure exceeds the 10-foot setback guidelines for Dane County's zoning for GC General Commercial and Sec. 62-227(f) of the Village's Code of Ordinances for accessory structures. Staff notes that the surrounding space is occupied by piles of decorative bricks and stones.
- **Lighting.** The proposed accessory structure will utilize the existing lighting plan.
- **Utility Service.** The proposed accessory structure does not require sewer or water connections.
- **Buliding Design.** The proposed accessory structure is consistent in material and design with the existing adjacent accessory structure. This makes the addition a suitable fit for the function and operation on the property.

STAFF COMMENTS

The Department did not receive any additional comments or questions from the Village Engineer, Fire Chief, Police Chief, and Public Works Director.

PUBLIC COMMENTS



No public comments were received prior to the publication of the meeting packet.

FINANCIAL/BUDGET IMPACT:

The applicant will incur all costs associated with this request.

VILLAGE PLAN REFERENCE:

Comprehensive Plan, 2017 - The Future Land Use Map 6 identifies the property as partially Highway and General Commercial and Agricultural Preservation. The use and characteristics of the property are unchanged with this request and remain consistent with the comprehensive plan.

East Side Plan, 2023 - The property is included in the Master Concept plan of Chapter 4 Land Use Development. The map in this chapter identifies the location for future low and medium density residential areas. Staff notes that it is unlikely the development of this accessory structure would hinder the development of adjacent properties, or long-term adaptive reuse of the property for residential purposes.

ORDINANCE REFERENCE:

Sec. 62-310. - Site/Design Review

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Motion, and second, to approve a Site Design Review permit for an accessory structure requested by Avant Gardening & Landscaping located at 3055 Siggelkow Road as submitted.

ATTACHMENTS:

1. 3055 Siggelkow Road_Site Design App_6.29.23
2. 3055 Siggelkow Road Zoning
3. Dane County GC General Commercial Zoning District

VILLAGE OF McFarland

Community & Economic Development

Plan Commission Application – 2023

~Application must be completed in full~

Applicant - Owner	Avant Gardening & Landscaping	Applicant's Agent	Tim Stenzel
	Liza Lightfoot	Name	
Address	3055 Siggelkow Rd McFarland, WI 53558	Address	3055 Siggelkow Rd. McFarland, WI 53558
Email	avant@avantgardening.com	Email	tim@avantgardening.com
Phone #	608.838.2054	Phone #	608.838.2054
Fax #		Fax #	

Parcel No(s). 071131490021

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	\$425+F	☐ Annexation	At cost
☐ Preliminary Plat (reapplication)	\$500+BF	☐ Rezoning (map)	\$475+F	☐ Dev. Agreement Including Addendums	\$400 F
☐ Certified Survey Map	\$300+FG	☐ Zoning Amendment (text)	\$475 +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

PLEASE READ AND SIGN AT THE BOTTOM ON THE REVERSE SIDE

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.)

Submittal Requirements: One (1) hard copy 8 ½ x 11, except site plan sheets which should be 11 x 17, and one (1) electronic (pdf) copy. A completed in full application can be submitted to the Community Development Department (5915 Milwaukee Street, McFarland, WI 53558, community.development@mcfarland.wi.us), with fees included with submittal **by *NOON of the deadline day**, according to the schedule below.

Village of McFarland Plan Commission 2023 Schedule

The Village of McFarland Plan Commission normally conducts meetings on the third Tuesday of each month, unless otherwise noted below 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; potential agenda item materials are required to be submitted per the schedule listed below.

***Submittal Deadline Noon on:**

For Scheduled 2023 Meeting date of:

December 6 (2023)-----	January 17
January 10 -----	February 21
February 7 -----	March 21
March 7 -----	April 18
April 4-----	May 16
May 9-----	June 20
June 6-----	July 18
July 5 -----	August 15
August 8 -----	September 19
September 5 -----	October 17
October 10-----	November 21
November 7 -----	December 19 (Pending)
December 5-----	January 16, 2024 (Pending)

Note, applications requiring a public hearing will be scheduled for a hearing according to the schedule above, with action considered at the next scheduled Plan Commission meeting following the public hearing. Applicants are encouraged to contact the Community & Economic Development Director for a pre-application meeting to review the project and submittal requirements prior to submitting an official application.

Acknowledgements:

- 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, consultant review costs, etc.) will require any permits to be withheld until all payments are made in full. In addition, all application fees are non-refundable.
- I understand Plan Commission applications requiring a Public Hearing will not be acted on the same night as the Public Hearing.

X

Signature of Applicant/Agent

Date

6/29/23

Address of proposed development:

3055 Siggelkow Rd
McFarland, WI 53558

Legal description:

SEC 31-7-11 PRT SW1/4, PRT W1/2SE1/4 & PRT SE1/4SE1/4 DESCR
AS COM AT W1/4 COR SD SEC 31 TH N86DEG44'29"E 1570.40 FT ALG
E-W 1/4 LN TH S0DEG54'36"E 1271.42 FT TH ALG CRV TO R RAD 60.00
FT L/C S50DEG36'53"E 18.92 FT TO POB TH CONT ALG SD CRV TO R
RAD 60.00 FT L/C S9DEG04'35"E 64.42 FT TH S56DEG35'02"E 2172.38
FT TO SE COR OF SW1/4SE1/4 TH N1DEG19'23"W 308.98 FT ALG E LN
OF SW1/4SE1/4 TH N32DEG53'10"E 1250.97 FT ALG DD TH
S88DEG56'00"W 703.54 FT ALG N LN SE1/4SE1/4 TH S88DEG01'36"W
1793.97 FT TO POB (DESCRIPTION DOES NOT CLOSE)

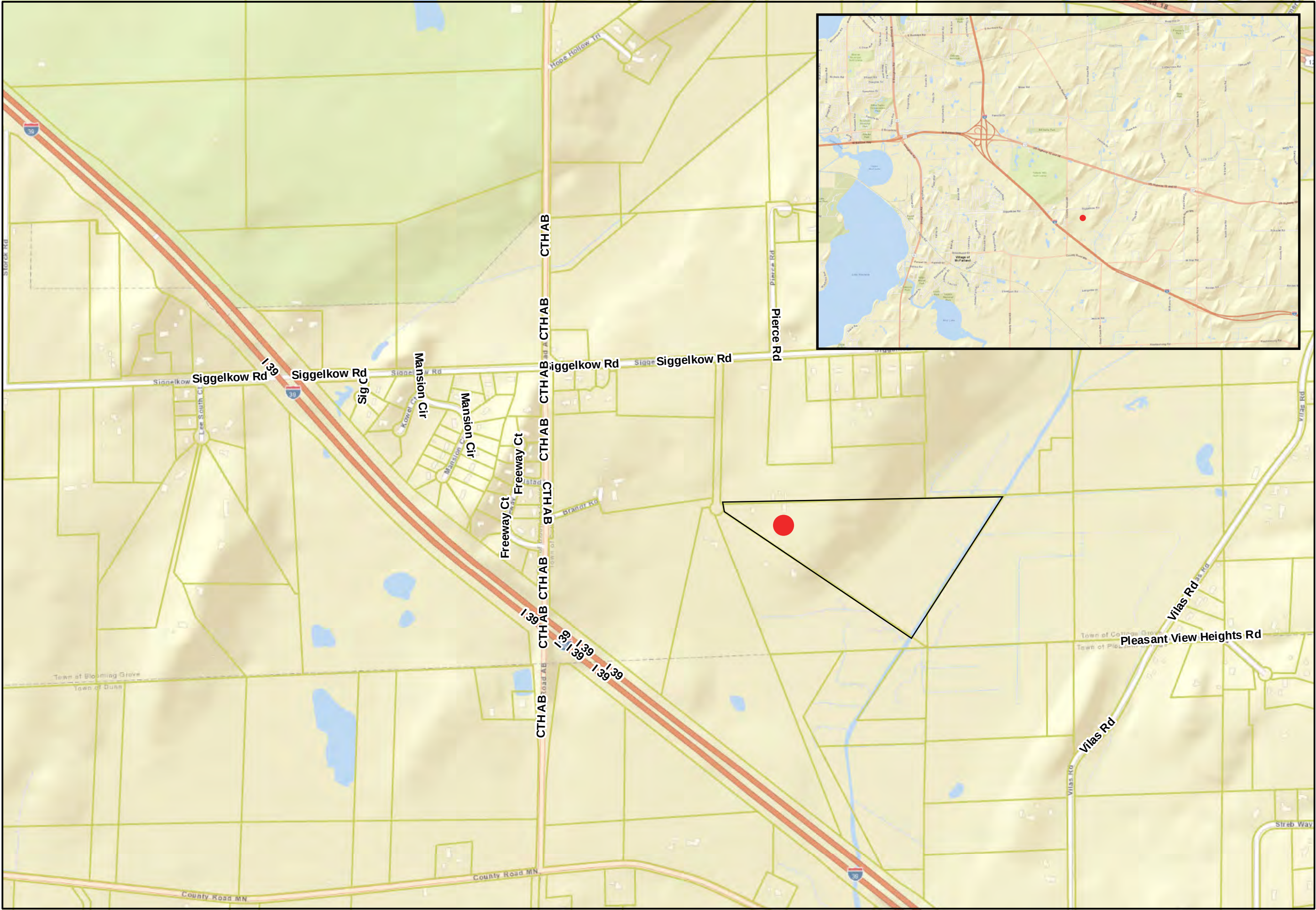
Current zoning:

General Commercial

Description of request:

We propose to erect a clearspan structure to store soil. The structure is 20' x 20' x 20'. A clearspan structure consists of a series of 1" metal poles that create a domed frame (see attached photo). The frame is covered by a heavy-duty vinyl tarp. The metal frame will sit on top of concrete blocks which are on a compacted gravel base. An asphalt pad will be under the structure to separate the soil from gravel.



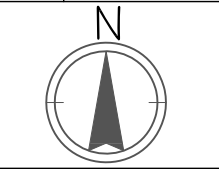


3055 SIGGELKOW ROAD
MCFARLAND, WI 53558
PHONE: 608.838.2054
AVANTGARDENING.COM
AVANT@AVANTGARDENING.COM

Avant Gardening & Landscaping

3055 Siggelkow Rd
McFarland, WI 53558

DRAWING TITLE:	
Clearspan 2023	
DATE:	29 June 2023
DRAWN BY:	Tim Stenzel
REVIEWED BY:	-
REVISED:	



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CONSENT.

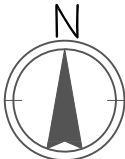


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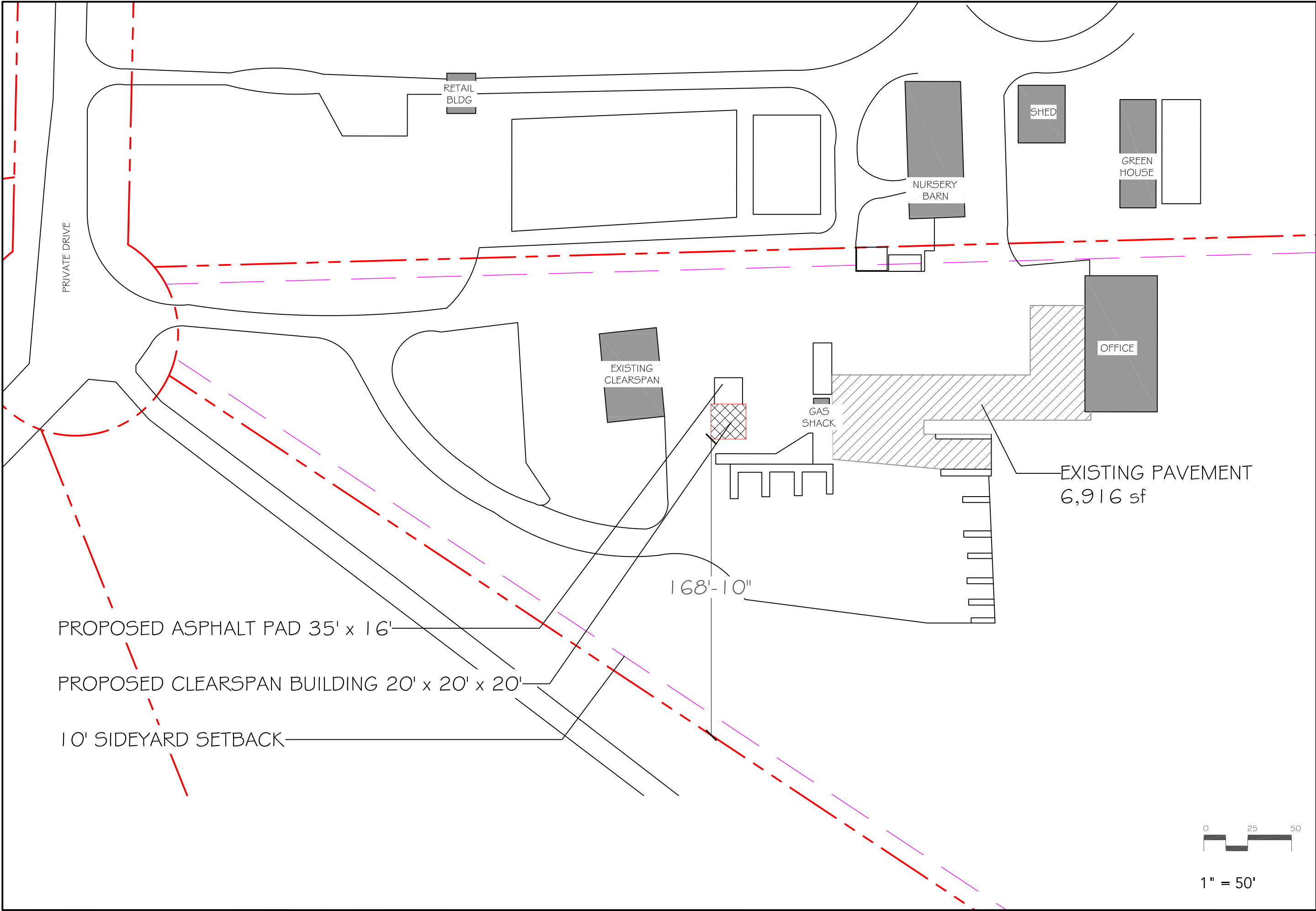
Avant Gardening & Landscaping

3055 Siggelkow Rd
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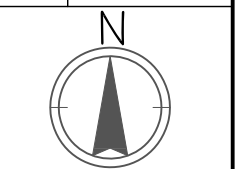


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DATE:	29 June 2023
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REVIEWED BY:	-
REVISED:	

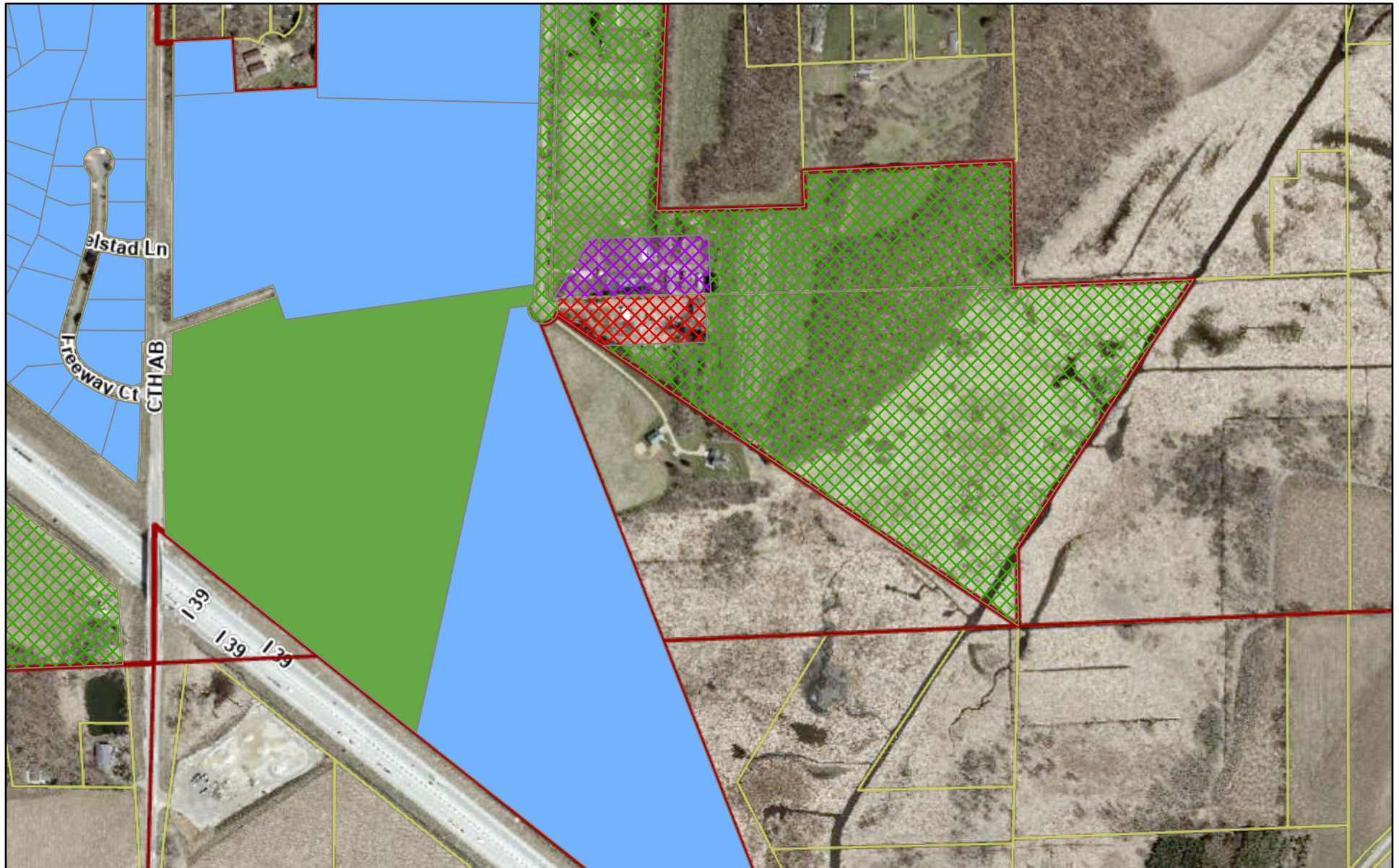


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Avant Gardening & Landscaping
 3055 Siggelkow Rd. McFarland, WI 53558

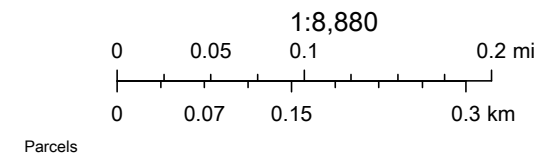
	Existing (SF)	Proposed Additional (SF)
Lot Area	1,646,132	No Change
Building Area	9,964	400
Paved Area	6,916	160
Impervious Area	16,880	560
Building Height	NA	20'
Zoning	General Commercial	No Change

3055 Siggelkow Zoning



8/9/2023, 2:14:35 PM

Zoning		Municipalities	
	A-1 Exclusive Agriculture (Dane County)		Village
	A1 Agricultural Transition		Town
	RH-1 Rural Homes		
	FP-B Farm Preservation Business (Dane County)		
	GC General Commercial (Dane County)		



GC General Commercial Zoning District

Zoning district for commercial uses – CH. 10-Zoning [Section 10.272](#)

Permitted Uses 10.272(2)

- Contractor, landscaping or building trade operations
- Undeveloped natural resource and open space areas
- Day care centers
- Governmental, institutional, religious, or nonprofit community uses
- Light industrial
- Office uses
- Indoor entertainment or assembly
- Indoor sales
- Indoor storage and repair
- Personal or professional service
- A transportation, utility, communication, or other use required by law.
- Transient or tourist lodging
- Utility services associated with a permitted use
- Veterinary clinics
- Agriculture and accessory uses (livestock not permitted)

Conditional Uses: 10.272(3)

- Airport, landing strip or heliport
- Animal boarding, domestic pets
- Cemeteries
- Commercial Indoor Lodging
- Contractor, landscaping or building trades operation (outdoor)
- Communication towers
- Drive-in establishment
- Marinas
- Outdoor active recreation
- Outdoor entertainment
- Outdoor storage
- Offsite parking
- Residential and associated accessory uses
- Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.
- Vehicle repair or maintenance service

Setbacks and Height Requirements 10.272(4),(6)

Front setback for all structures from highway centerline / right-of-way line (whichever is greater)

State or Fed. Hwy: 100/42 feet minimum

County Highway: 75/42 feet minimum

Town Road: 63/30 feet minimum

Subdivision streets platted prior to ordinance: 20 feet minimum

All other streets: 30 feet minimum

Height:

Business, multi-family, mixed-use: 4 stories maximum

Single family residential: 2 stories or 35 feet maximum

Side yard:

10 feet minimum

Rear yard:

Exclusive business use: 10 Feet minimum

Residential or combined use: 25 feet minimum

Lot Width & Area: 10.272(5)

Commercial lots: None

Residential or mixed-use: lot width 60 feet

Private sewer: 5,000 sq. feet per apartment

Public sewer: 2,000 - 2,250 sq. feet per apartment

Lot Coverage 10.11(5)

60% maximum

Residential uses by conditional use permit 10.272(3)

- Caretaker's residence
- Single family residential
- Attached or detached accessory dwelling units
- Two family residential
- Multifamily residential
- Mixed residential and commercial developments
- Institutional residential
- Manufactured housing communities , subject to s. 10.103(14)
- Rooming house

**VILLAGE OF
McFarland**
SUMMARY SHEET

MEETING DATE: Tuesday, August 15, 2023

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion on a preapplication development concept plan submitted by Tim Neitzel for a 53-unit multifamily building located at 5513 Bremer Road.

PREVIOUS ACTION:

ISSUE SUMMARY:

Tim Neitzel, and his development team (Brad Crowly from 1848 Construction and Jake Morrison from Knothe & Bruce Architects), have requested to appear before the Plan Commission for a voluntary preapplication meeting to discuss a preliminary concept for a 53-unit market-rate garden style multifamily apartment building located at 5513 Bremer Road. Note the legend in the concept plan indicates 52 total units; however, floor elevations show 2 studio units in lieu of 1 one-bedroom unit for a total of 2 studio units, 17 one-bedroom units, and 34 two-bedroom units. Common spaces for tenants include an event room, a gym and outdoor patio space. The proposed building includes an elevator located near the building's entrance with three stairwells. The project includes 50 underground parking spaces and 25 surface parking stalls for a total of 75 stalls. Underground parking access is staged to be from Bremer Road. The underground area includes a designated tenant trash, a dog wash station, a car wash bay and heating. Additional features for the project's exterior include a fire truck turn-around at the end of the driveway, a designated dog park area, and a stormwater management area. Exterior building materials include a combination of brick and fiber cement lap siding. The developer has indicated that the intent would be to seek to rezone the property from R-1 Single Family Residence to the PD-I Planned Development Infill District. No official rezoning applications have been filed at this time.

Purpose of a Preapplication Meeting

This is a pre-application meeting for discussion only. No official permit application has been submitted to the Village and no permit approval action will be taken at the meeting. Pre-application meetings are voluntary and provide an opportunity for the developer to share their initial concept plans for a property to receive non-binding feedback from the Plan Commission and interested residents. Pre-application meetings are encouraged within the Village's Comprehensive Plan (Figure 4.2) and within the Village's Zoning Ordinance. The Department provided notice of the pre-application meeting to all property owners within 300 feet of the property. The pre-application meeting provides an opportunity for the Plan Commission to ask questions of the development team and to provide non-binding feedback regarding the proposed use of the property, permitting requirements, conceptual site and building designs including



parking and vehicle circulation, pedestrian and bicycle amenities, site amenities, stormwater management, erosion control, sewer and water utilities, building orientation, building massing, building setbacks, building materials, lighting, and landscaping. Per Sec. 62-67(c), 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.

Existing Zoning, Site Conditions, and Prior Approvals

The proposed development consists of two parcels (061003223066 and 061003223002), totaling just over 2 acres. An existing Plat of Survey on file with the Department is included in the packet. Both properties are undeveloped with a single driveway from Bremer Road (parcel 061003223002) and zoned R-1 Single Family Residence. The applicant has obtained an option to purchase parcel 061003223066 (Outlot 26). Note parcel 061003223002 is under different property ownership than the larger parcel 061003223066. The former is a remnant parcel (Outlot 25) from a prior land transaction. The applicant is working to obtain an option to purchase this property and combine it with the larger parcel. Outlot 26 does have approximately 35 feet of frontage on Bremer Road to accommodate an alternative access point. The property is primarily woodlands and includes some topographical challenges with a peak elevation of 887 feet and a low elevation of 855 feet. Approximately two-thirds of the property surface drains east toward the Terminal Drive cul-du-sac, while the remaining property surface drains west toward Bremer Road. Surrounding land uses include a mix of single family homes, duplexes, four-plex, commercial, mixed-use (Waubesa Shores), institutional (MMSD lift station), and woodlands.

In 2019, the current property owner of Outlot 26 obtained approval from the Village to rezone the property from R-1 to R-3 Elderly Residence in order to construct a 40 bed assisted living memory care facility (Ordinance 2019-18). The rezone approval was conditioned on the property owner obtaining approval of a conditional use permit and site design review permit within one year of approval of the rezone. For a variety of reasons, the property owner was unable to bring forward the development permits within one year after adoption of Ordinance 2019-18; therefore, the property's zoning has reverted back to R-1. At this time there are no pending plans to reintroduce the 40 bed assisted living memory care facility.

Comprehensive Plan

The Village Comprehensive Plan identifies the proposed development envelope for future "Two Family and Townhouse Residential" uses. Figure 4.1 of the plan (page 34) provides the following description of this category: 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. The proposed submittal would exceed the description provided in this section as a multi-unit garden style apartment building. Figure 4.1 lists "Typical Implementing Zoning Districts" to include R-2 Single and Two Family Residence, R-E Elderly Residence, PD Planned Development, and PD-I Planned Development Infill.

Land Use Objective #3 (page 42) states "provide for compatible reinvestment along Lake



Waubesa and in Residential Areas." The plan states the Village will consider community-sensitive infill development including on larger parcels on mainly residential sites that have been passed over for development...including sites that are on or near the waterfront, particularly Lake Waubesa. Figure 4.2 of the plan (page 44) includes a suggested approach and standards for infill development and redevelopment in such settings. It also includes and illustrates several urban design principles appropriate to some of these settings. Figure 4.2 includes 12 guiding design principles and procedural standards for infill redevelopment, noting that all 12 may not be applicable to all development sites. The following is an initial summary of the concept plan to the 12 design principles.

- a. Maintain compatible setbacks. The front yard setback is set deeper (80') than the adjacent properties to accommodate the underground parking entrance. The adjacent duplex to the north is setback approximately 32 feet from the right-of-way while the single family residence to the south is setback approximately 65 feet from the right-of-way. Properties across Bremer Road, including Waubesa Shores, have principal building setbacks ranging from 22-45 feet at their closest point from the right-of-way. Design considerations should address ways to maintain a more consistent frontage with adjacent properties.
- b. Use scale transitions. The proposed building would have a peak height of 47' and utilize a flat roof to reduce the scale of the building. The adjacent duplex to the north is two-stories with a hip roof and the single family home to the south is a single story with a hip roof. Properties across Bremer Road are generally two-story with hip roofs. Waubesa Shores is three stories with a flat roof. Given the amount of elevation change between this site and adjacent properties the concept could benefit from the inclusion of some streetview renderings to better understand the visual impacts to adjacent properties. Design considerations could also include stepping the building down to two stories for units adjacent to Bremer Road.
- c. Back-to-back is best. Not applicable to the location as there are no adjacent lots to its rear.
- d. Provide gathering and focal points. The submittal includes shared common areas within the building and an outdoor patio space. There is a designated dog park or pet play area. Given the proximity of homes to the south, it may be advisable to relocate the outdoor patio space to the north side of the building.
- e. Manage uses. Not applicable to the submittal.
- f. Keep it green. A preapplication concept plan is not required to include a detailed landscaping plan. If the project progresses, staff recommends meeting or exceeding the minimum landscaping points required for the R-3 General Residence District as applied to the concept. Staff also recommends the development team identify any mature oak trees on the property that may be impacted by the development project and other existing mature trees that would not be removed during construction. Detailed landscaping plans should include proper landscaping in the front yard to screen the underground garage entrance. Although not mentioned within Figure 4.2, staff recommends considerations for the inclusion of other green features including roof top solar, underground and surface bicycling parking, underground EV charging stations (minimum Level 2).
- g. Use stormwater as a design feature. The submittal includes a conceptual location for a designated stormwater management area near Terminal Drive. It is unclear at this time



whether the stormwater management will include progressive stormwater management techniques that improves water quality or designs stormwater features as an aesthetic and natural element. Given the proximity of the property to Lake Waubesa, managing stormwater, including meeting or exceeding Village stormwater management requirements, should be an important consideration of the design team.

- h. Limit driveway access. The submittal does not include commercial uses. There is one proposed residential driveway to Bremer Road. Further consideration could be given to extending the driveway to connect to Terminal Drive. This would provide two access points to the property, which may be beneficial during an emergency situation. In that situation, it is likely that most traffic would utilize the Bremer Road access for more convenient access to US 51 and McFarland retail and commercial businesses.
- i. On-site circulation. Additional project details for the review of this standard are needed. Based on the conceptual site plan landscaping to screen vehicle headlights will be needed along the north lot line to screen headlights from vehicles exiting the underground parking garage and surface parking lot. Although not specifically addressed within Figure 4-2, other important circulation considerations not shown in the conceptual site plan include providing sidewalks along the frontage of the property and walkways from the public sidewalk to the main building entrance. This should be considered similar to how Waubesa Shores was developed.
- j. Hide parking. The proposed project includes 50 underground parking stalls and 25 surface parking stalls for a total of 75 stalls or 1.4 stalls per dwelling unit . Surface parking is wrapped around the building's north and east-facing sides, hiding parking from streetview. Sec. 62-172(j) of the Zoning Code requires one off-street parking stall per dwelling unit, and two off-street parking stalls per one and two bedroom units. Based on these requirements, the concept plan would require 104 off-street parking stalls. Staff notes, that under the PD-I zoning, variations to these minimum off-street parking requirements may be considered on a case-by-case basis. The Plan Commission has in the past acknowledged that the minimum parking requirements under Sec. 62-172(j) may not align with current best practice, or sustainable design, and has granted lower parking requirements for other development projects. Staff also notes that there are some existing on-street parking limitations on Bremer Road, including no parking restrictions on a portion of the east side of Bremer Road and multiple curb cuts on the west side of the road, which further limit opportunities to supplement off-street parking with on-street parking. Therefore, consideration should be given to increasing the off-street parking.
- k. Details matter. This section establishes screening of mechanicals, loading areas, dumpsters, lighting and signage. These design features are typically not shown in the concept design phase. The underground parking area includes a designated dumpster area and room for mechanical and water heaters.
- l. Consider non-physical solutions. This standard is more relevant to commercial uses. The standards would not be applicable to the proposed submittal.

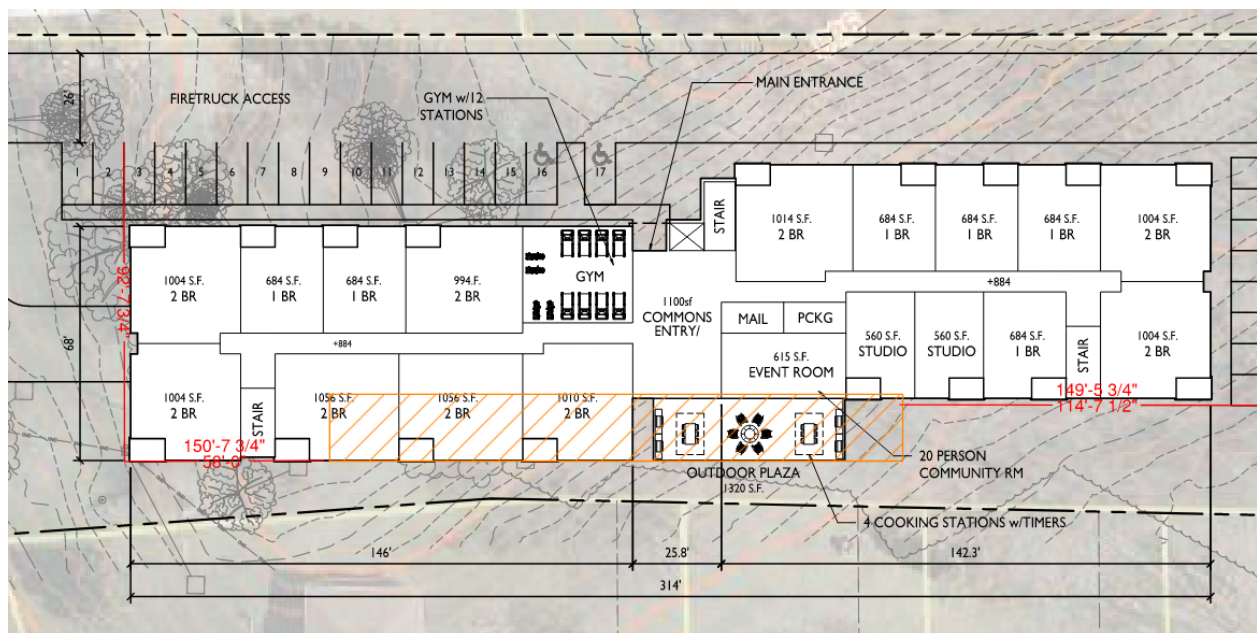
Per page 42 (Volume II Comprehensive Plan), in addition to the guidelines in Figure 4-2, each redevelopment or infill development proposal will be subject to more detailed standards elsewhere in Volume 2, the Village's zoning ordinance, and other regulations. The goal is to enable quality redevelopment projects, while still protecting the integrity of the surrounding

neighborhood and water quality. Other significant zoning ordinance provisions include, but are not limited to, the standards and criteria found within Sec. 62-66 (PD-I Planned Development Infill District), Sec. 62-67 (PD Planned Development District), and Sec. 62-310 (Site Design Review).

Preliminary Department Head Comments

- The Village Engineer suggested the addition of a 30-foot-wide east-west easement along the northerly property line for future sewer and water connections, serving other properties on the south end of Terminal Drive. The Village Engineer also noted that additional information is needed to better understand how on-site stormwater will be directed to the eastern stormwater basin given the topography challenges of the site.
- The Fire Chief indicated that the building would be required to have a standpipe system installed. In addition, the Fire Chief noted that complying with International Fire Code (IFC) 503.1.1 Buildings and Facilities may be difficult without additional design considerations. Under IFC 503.1.1 approved fire apparatus, access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. The portions of the current concept (orange hatch on image below) does not meet this standard. It is also unclear whether the west length of the building would meet this standard due to assumed retaining walls near the parking garage.

Alternative designs may be able to address IFC 503.1.1 requirements, such as wet standpipe systems. Emergency access routes from all stair case exits also needs further consideration.



Public Comments

The packet includes several written comments submitted to the Plan Commission from adjacent



property owners opposing the current concept plan. Concerns expressed include, but are not limited to:

- Compatibility with the Village's Comprehensive Plan
- Scale of the development (use, height, size, and density) in relation to compatibility with other properties in the neighborhood
- Increased traffic on Bremer Road and limited on-street parking
- Lack of sidewalks, off-street bike paths, or on-street bike lanes
- Impacts to Lake Waubesa, including runoff into Lake Waubesa pre and post construction
- Loss of green space and trees
- Impacts to property values

Permit Requirements & Next Steps

After the pre-application meeting, the developer will decide whether they want to submit official permit applications, further refine the concept in some manner for continued discussion, or drop the project entirely. Per the recommendations in Figure 4.2 of the Comprehensive Plan, staff recommends the applicant engage with the surrounding residents and hold a neighborhood meeting to obtain additional input related to the design concept and any future revision/alternative designs addressing feedback from the pre-application meeting. These types of meetings are voluntary. Besides revising the current concept to address preliminary feedback, other considerations could include developing an alternative design that might include several smaller duplex or townhouse buildings in lieu of one garden style multi-family apartment building.

If the development proposal progresses further, the following official zoning applications will be required:

1. **Comprehensive Plan Amendment.** The developer will be required to petition the Village to amend the Comprehensive Plan Future Land Use Map to change the designation of the development site from Two Family and Townhouse Residential to Multiple Family Residential. The comprehensive plan amendment will require a public hearing by the Plan Commission, recommendation to the Village Board, and approval by the Village Board.
2. **Rezoning (Zoning Map Amendment).** The developer will be required to petition the Village to rezone the property from R-1 Single Family Residence to PD-I Planned Development Infill District. The developer shall stipulate whether they are seeking a single stage or two stage approval process per Sec. 62-67 of the Zoning Code. The rezoning petition will require a public hearing by the Plan Commission, recommendation to the Village Board, and approval by the Village Board.
3. **Site Design Review Permit.** As part of the PD-I Detailed Plan review a site design review permit shall be required. If the developer utilizes a two stage approval process, a separate public hearing shall be held on the Detailed Plan by the Plan Commission.
4. **Certified Survey Map.** Prior to submitting an official comprehensive plan amendment or zoning application, the developer shall secure an option to purchase parcel 061003223002. Any future applications to rezone the parcels 061003223066 and 061003223002 from R-1 to PD-I shall include a separate application and Certified Survey



Map to combine the parcels into one lot. Based on the existing Plat of Survey, the developer shall be required to dedicate sufficient public right-of-way, including a minimum of 33 feet from the center line of Bremer Road. The CSM will require a public hearing by the Plan Commission and approval by the Plan Commission. CSM's do not require Village Board approval under Chapter 56 of the Municipal Code.

FINANCIAL/BUDGET IMPACT:

Estimated construction costs for the project have not been provided to date to calculate potential property tax revenues from the proposed development. The developer would be responsible for all project costs, including payment of applicable building permit and impact fees.

VILLAGE PLAN REFERENCE:

Comprehensive Plan, 2017

In addition to the previous information provided, the Comprehensive Plan, Volume 2 - Chapter 6 on Housing and Neighborhood Policies, provides other relevant goals, objectives, and policies.

Objectives include *expanding the range of quality and affordable housing choices for empty nesters, seniors, and the McFarland workforce, while remaining a family-oriented community.*

Policies include *guiding new Village housing to planned neighborhoods and mixed use areas with convenient access to commercial and recreational facilities, transportation, schools, shopping, services, and jobs. Integrate two and multiple family developments into the fabric of neighborhoods and the community, rather than isolating and concentrating them. Promote affordable housing through allowing modest lot sizes and higher suburban densities, revisiting certain public improvement requirements (e.g., street widths), appropriately planned and located multiple family housing, incentives where practical, and continued participation in County and State housing programs.*

Housing Needs Assessment, 2022

This plan identified a shortage of renter-occupied housing units in the Village, including market rate apartments. The plan also includes a goal to create healthy neighborhoods including *varied housing types, size and price points, including both owner- and renter-occupied units. This enables more people to stay in the neighborhood through shifting housing needs, and it limits future instability due to changes in the housing market. Sidewalks and urban design features that make walking pleasant and safe (whether for transportation or for pleasure). Convenient access to public transit and daily needs retail and services.*

ORDINANCE REFERENCE:

Sec. 56-39 Certified Survey Maps

Sec. 62-66, PD-I Planned Development Infill

Sec. 62-67, PD Planned Development

Subdivision IV, Vision Clearance, Parking and Loading Facilities, Screening

Sec. 62-310, Site/Design Review

Division 62-II-4, Changes and Amendments to the Zoning Code

Appendix B, Landscaping Standards

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

This agenda item is for discussion only.



ATTACHMENTS:

1. 5513 Bremer Road_MF Concept Plan_07.25.2023
2. Outlot 26 POS 9-10-19
3. 5513 Bremer Road Zoning
4. 5513 Bremer Road Topography
5. Map 6 McFarland_Comprehensive_Plan - _Future_Land_Use_Map
6. Figure 4.1(page 34)
7. Figure 4.2 (page 43)
8. Hein Comments_08.04.2023
9. Turner Comments_08.05.2023
10. Hughes Comments_08.06.2023
11. Klune Comments_08.08.2023
12. Knott Comments_08.08.2023
13. Wilson Comments_08.09.2023

ISSUED
CONCEPT REVIEW - 5-30-23
CONCEPT REVIEW - 6-5-23
CONCEPT REVIEW - 6-9-23
UPDATED CONCEPT - 7-12-23
UPDATED - 7-25-23

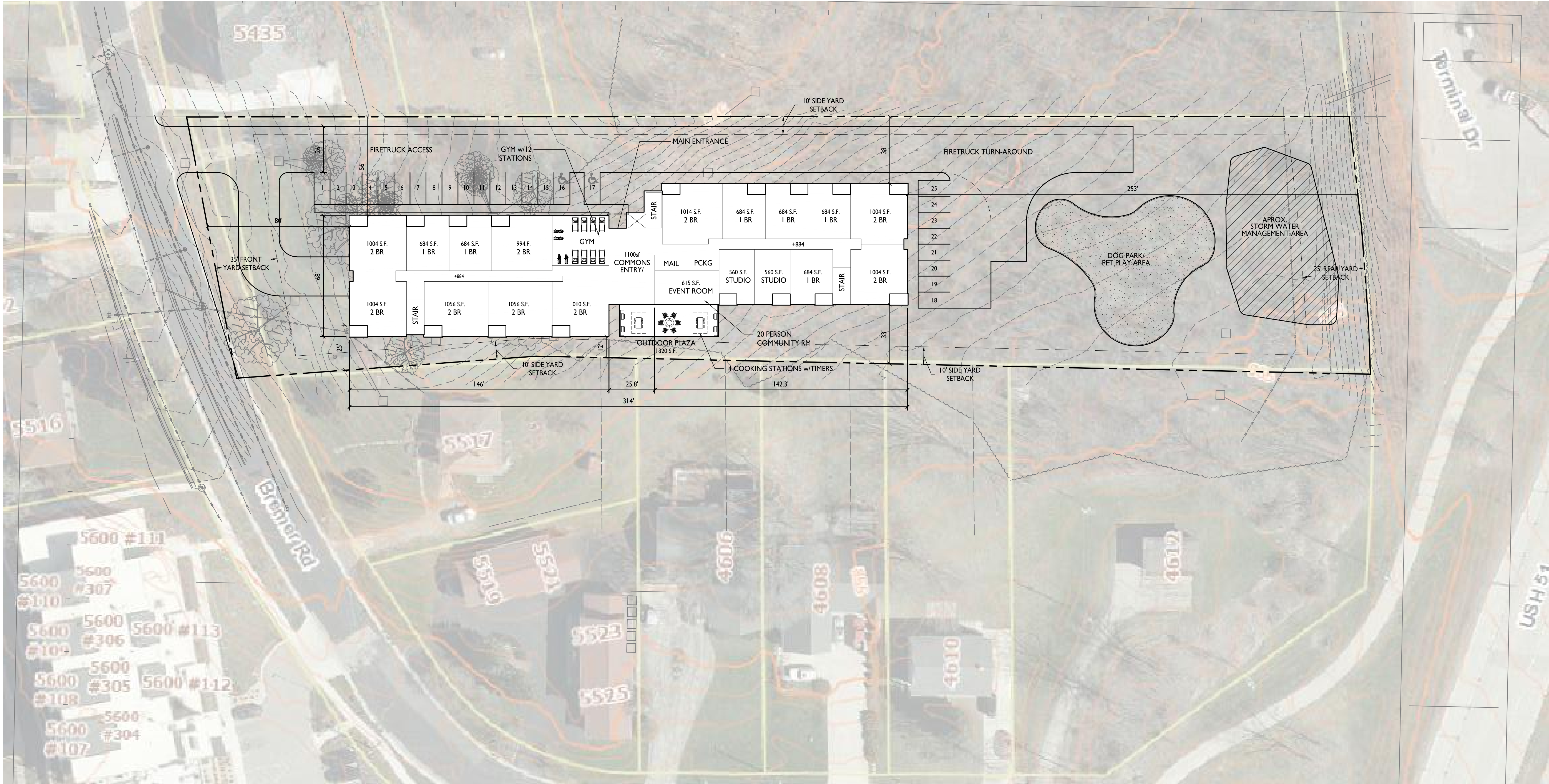
PROJECT TITLE
Development

5513 Bremer Road
McFarland, WI 53555
SHEET TITLE
Site Plan

SHEET NUMBER

C-1.1

PROJECT NO. 2
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Page 16 of 200



3 FLOORS TOTAL
18 1 BEDROOMS - 35%
34 2 BEDROOMS - 65%

52 TOTAL UNITS

PARKING
50 STALLS UNDERGROUND
25 STALLS AT GRADE

75 TOTAL STALLS

APROX. SQUARE FOOTAGE
BLDG 1ST FLOOR =
x3 =

FAR .7 = 64,351.7 MAX

21,137 BLDG FP = 21,137
63,411 PAVING FP = 24,423
TOTAL = 45,560

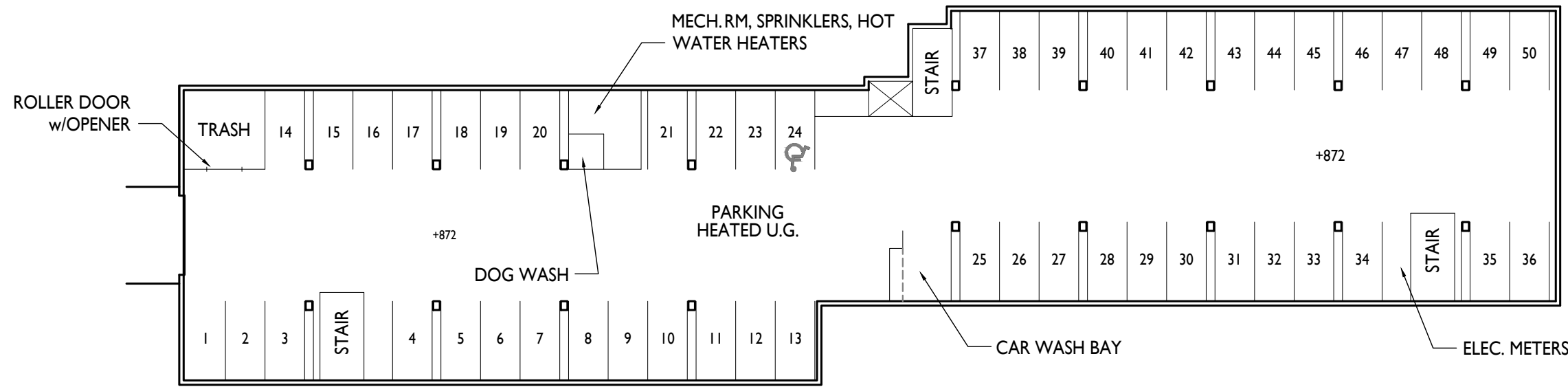
LOT AREA = 91,931
LOT AREA/TOTAL PAVED+BLDG FP = 49.6%

REMAINING GREENSPACE ON LOT = 46,371

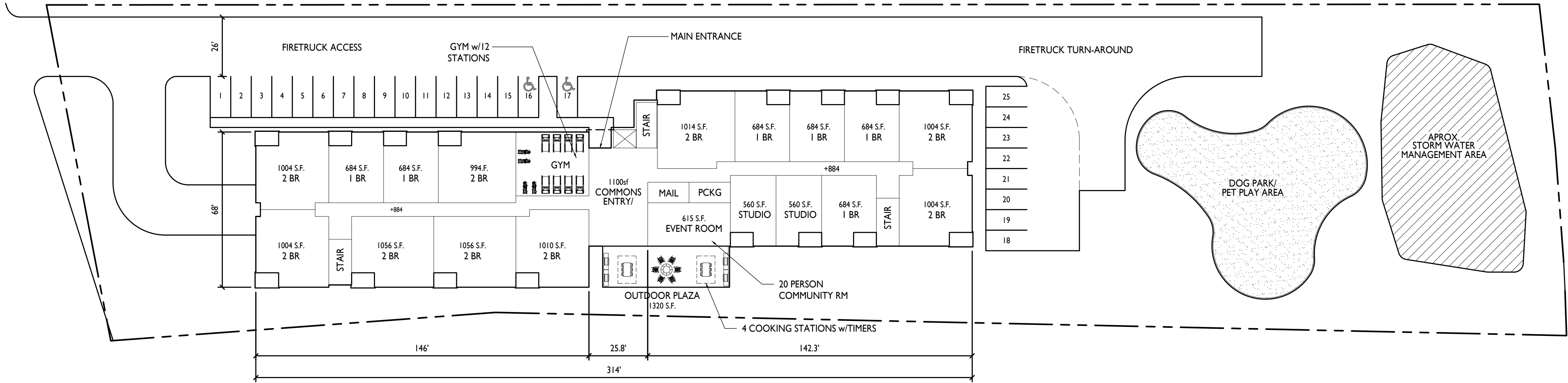


knothe • bruce
ARCHITECTS

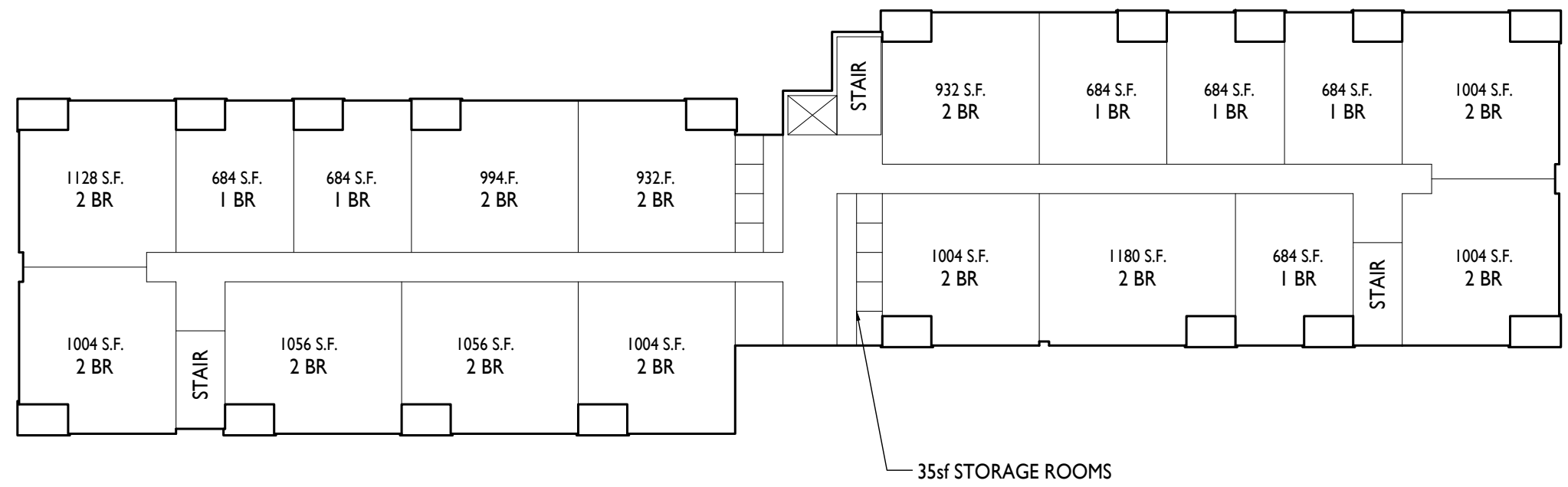
Phone: 7601 University Ave, Ste 201
608.836.3690 Middleton, WI 53562



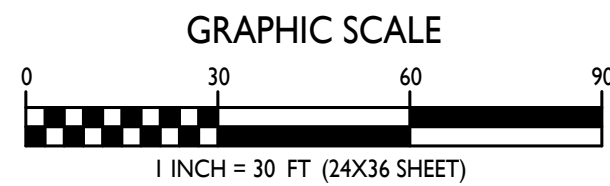
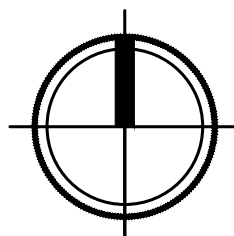
1 LOWER LEVEL (PARKING)
C-1.2 1" = 30'-0"



2 1ST FLOOR
C-1.2 1" = 30'-0"



3 2ND & 3RD FLOORS
C-1.2 1" = 30'-0"



ISSUED

CONCEPT REVIEW - 5-30-23
CONCEPT REVIEW - 6-5-23
CONCEPT REVIEW - 6-9-23
UPDATED CONCEPT - 7-12-23

PROJECT TITLE

Development

5513 Bremer Road
McFarland, WI 53558

SHEET TITLE
FLOOR PLANS

SHEET NUMBER

C-1.2

PROJECT NO. 2338

© Knothe & Bruce Architects, LLC



1 SOUTH ELEVATION
A2.1 3/32"=1'-0"



2 NORTH ELEVATION
A2.1 3/32"=1'-0"



3 WEST ELEVATION
A2.1 3/32"=1'-0"



4 EAST ELEVATION
A2.1 3/32"=1'-0"



knothe • bruce
ARCHITECTS
Phone: 7601 University Ave, Ste 201
608.836.3690 Middleton, WI 53562

ISSUED
Issued For Pricing - June 4, 2020
Issued for Plan Review - August 21, 2020
Issued for Construction - November 3, 2020

PROJECT TITLE
Development

5513 Bremer Road
McFarland, WI 53558
SHEET TITLE
Exterior
Elevations

SHEET NUMBER

A-2.1

PROJECT NO. 2338

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knothe • bruce
ARCHITECTS

Phone: 7601 University Ave., Ste 201
608.836.3690 Middleton, WI 53562

ISSUED
Issued For Pricing - June 4, 2020
Issued for Plan Review - August 21, 2020
Issued for Construction - November 3, 2020

PROJECT TITLE
Development

5513 Bremer Road
McFarland, WI 53558
SHEET TITLE
Exterior
Elevations

SHEET NUMBER

A-2.1

PROJECT NO. 2338

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Page 79 of 200

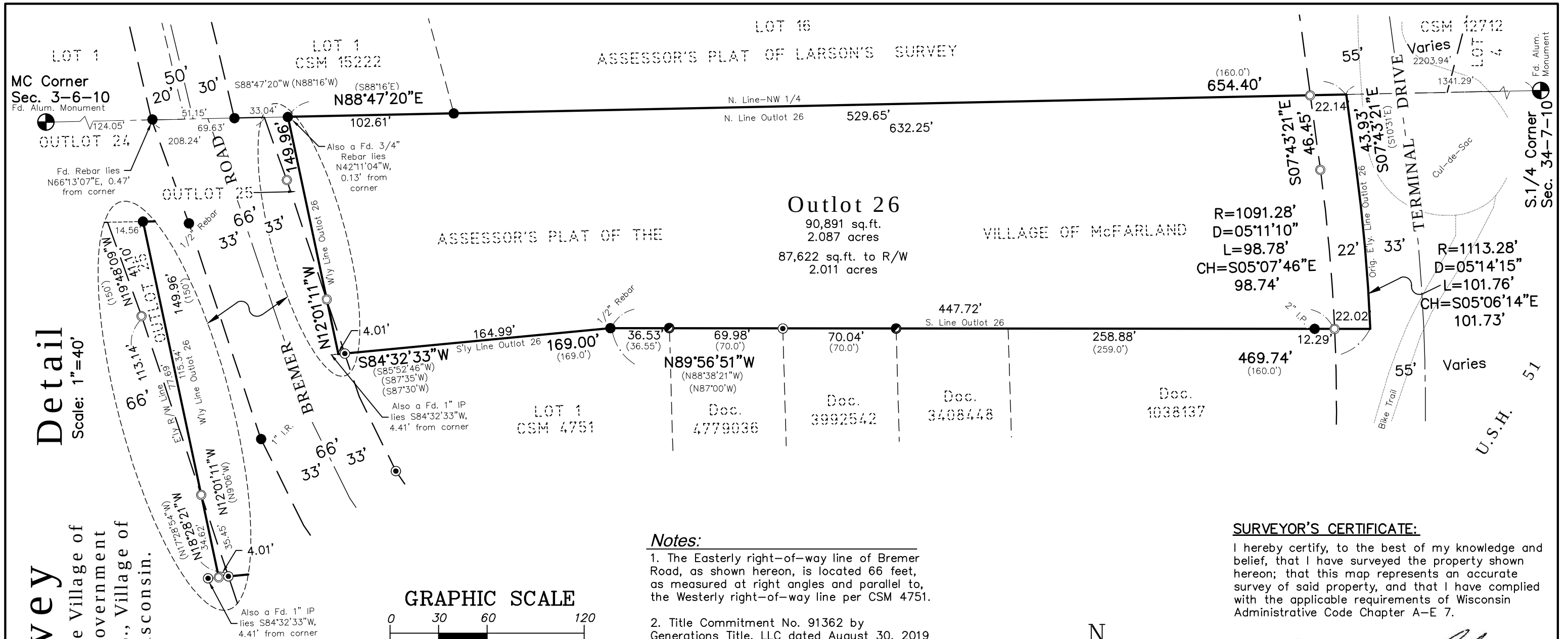


1
A2.2
1/4"=1'-0"
DETAIL OF SOUTH ELEVATION

Plat of Survey

Outot 26, Assessor's Plat of the Village of McFarland, being located in Government Lot 1 of Section 3, T.6N., R.10E., Village of McFarland, Dane County, Wisconsin.

Detail
Scale: 1"=40'



Notes:

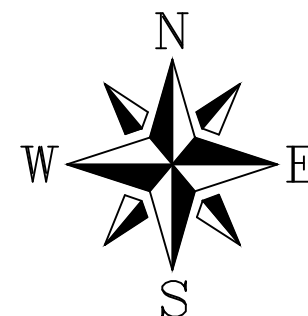
1. The Easterly right-of-way line of Bremer Road, as shown hereon, is located 66 feet, as measured at right angles and parallel to, the Westerly right-of-way line per CSM 4751.

2. Title Commitment No. 91362 by Generations Title, LLC dated August 30, 2019 was provided by the client and was used as the sole source of the legal description of the property and record encumbrances on the property.

3. Existing R/W of U.S. Hwy. 51 and Terminal Drive (former U.S.H. 51) per R/W plats for Project No. T 05-1(6) {1955-1958}, Fed. Aid Project No. 450-A & Div. Job No 1021 {1928-1937} and R/W Project No. 5381-00-21 {1990-1197}.

4. A legal description has been provided on a separate sheet.

Client:
Seth Allen
2416 Stone Crest Road
Stoughton, WI 53589



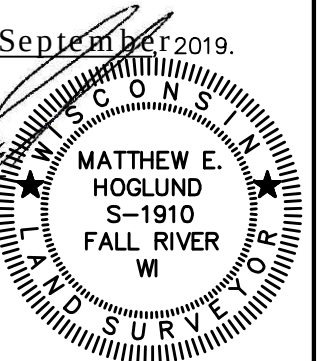
Bearings are referenced to the North line of the Northwest 1/4 of Section 3, which bears N88°47'20"E on the Dane County Coordinate System.

SURVEYOR'S CERTIFICATE:

I hereby certify, to the best of my knowledge and belief, that I have surveyed the property shown hereon; that this map represents an accurate survey of said property, and that I have complied with the applicable requirements of Wisconsin Administrative Code Chapter A-E 7.

Dated this: 10th day of September 2019.

By: Matthew E. Heglund
P.L.S. S-1910

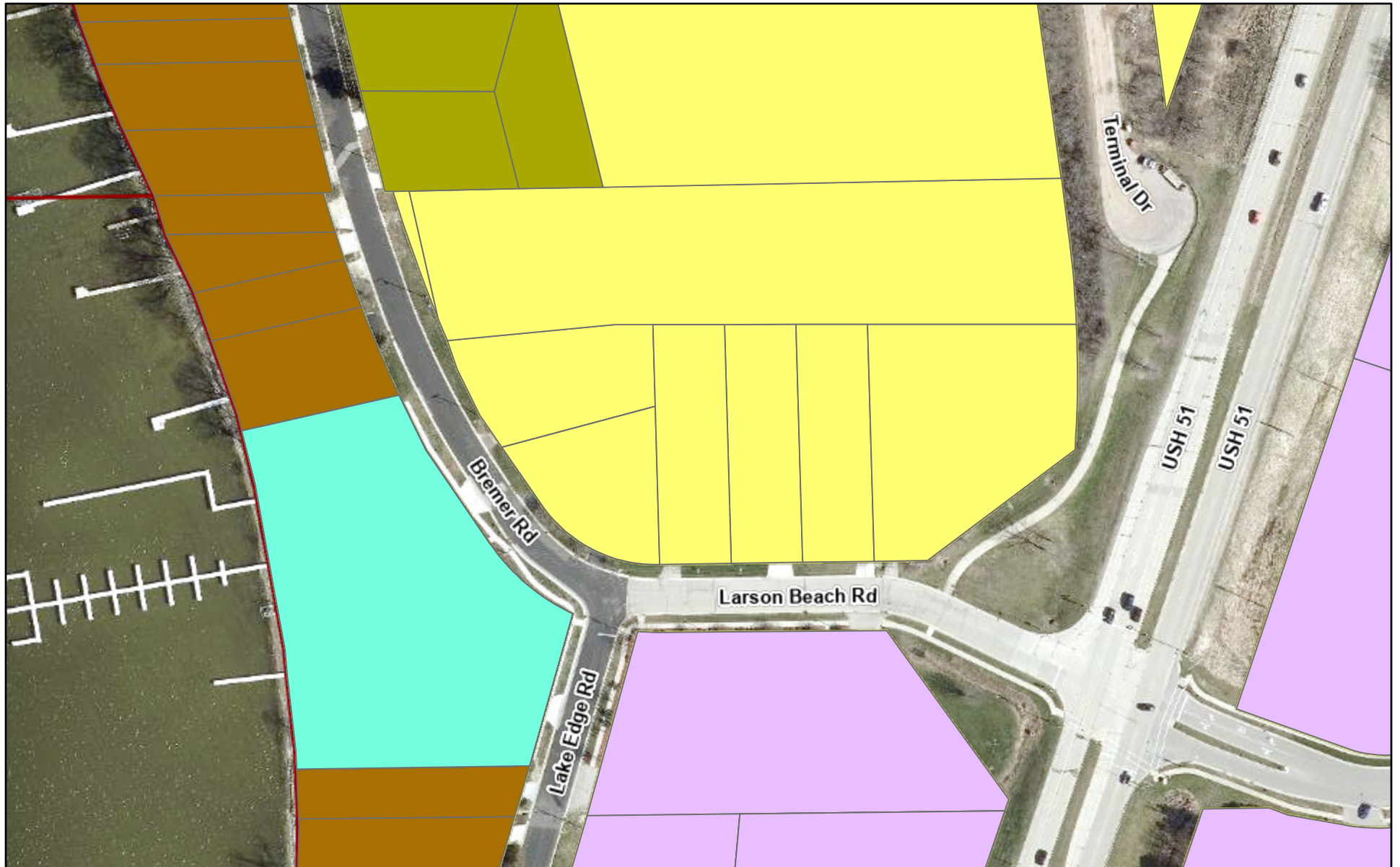


SHEET 1 OF 1

5513 BREMER ROAD - VILLAGE OF MCFARLAND
PLAT OF SURVEY
SEPTEMBER 10, 2019
QUAM ENGINEERING, LLC
Residential and Commercial Site Design Consultants
www.quamengineering.com
4604 Siggelkow Road, Suite A - McFarland, Wisconsin 53558
Phone (608) 838-7750; Fax (608) 838-7752

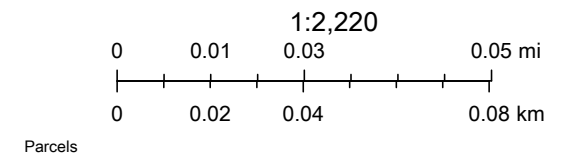
Project No. SA-37-19

5513 Bremer Zoning



8/9/2023, 2:17:20 PM

Zoning		Municipalities
 R-1 Single Family Residence	 R-2 Single & Two Family Residence	 Village
 R-1B Single Family Residence	 PD Planned Development	 Town
 C-G General Commercial		

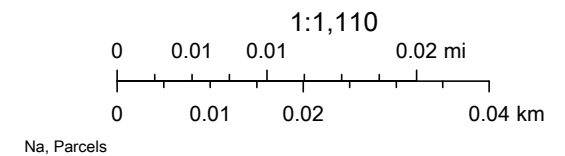


5513 Bremer Topography



8/9/2023, 2:50:12 PM

Municipalities  Parcels  1 foot Intervals  1 foot Intervals
 Village  Road Names  5 foot Intervals





MAP 6

FUTURE LAND USE



COMPREHENSIVE PLAN

Legend

Future Land Use

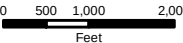
- Single Family Residential
- Two Family and Townhouse Residential
- Multiple Family Residential
- Neighborhood
- Downtown
- Highway and General Commercial
- Commercial Park
- Industrial
- Mixed Use/Flex Commercial
- Institutional and Governmental
- Public Lands, Recreation, and Environmental Corridor
- 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.



Date: May 2019

Data Sources: Village of McFarland, Dane County LIO, WDNR, and CARPC



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.



WHAT DESIGN PRINCIPLES ARE IMPORTANT?

- (A) Maintain compatible setbacks.** Extra-shallow or deep setbacks interrupt neighborhood form and place incompatible activities next to each other.
- (B) Use scale transitions.** Site taller and bulkier aspects away from adjacent single family homes, tapering down close to residential lot lines. Consider solar access.
- (C) Back-to-back is best.** Abut back yard of the project to back yards of existing residential uses where possible.
- (D) Provide gathering and focal points.** This may mean better waterfront access, recreational facilities, places of respite, or art.
- (E) Manage uses.** Uses that require drive-through lanes, outdoor storage, and bright lights are not the best residential or waterfront neighbors.
- (F) Keep it green.** Continue and establish landscaped buffers, including natural shoreline restoration. Use walls and fences only where necessary.
- (G) Use stormwater as a design feature.** Practice progressive storm water management that improves water quality. Design stormwater features as an aesthetic and "natural" element.
- (H) Limit driveway access.** Direct commercial driveways away from residential streets and to intersections.
- (I) On-site circulation.** Avoid parking and circulation patterns that result in headlights pointing towards residential windows. Otherwise, use berms, all-season landscaping, or fencing.
- (J) Hide parking.** Underbuilding, garage, and side yard/rear parking should be the norm in redevelopment projects. Avoid large waterfront parking lots.
- (K) Details matter.** Carefully site and screen mechanicals, loading areas, dumpsters, lighting, and signage. Direct to yards away from residential neighbors where possible.
- (L) Consider non-physical solutions.** Explore opportunities to limit hours of operation, deliveries, or other bothersome activities, including time-of-day considerations.

Figure 4-2

Infill and Redevelopment Standards in Residential and Waterfront Settings



WHY INFILL?

- Utilizes existing roads, utilities, and services.
- Renews obsolete, run-down, and vacant sites.
- Limits conversion of farmland and natural areas elsewhere.
- Increases property tax revenue and re-circulates dollars.
- Diversifies living options for empty-nesters, seniors, young professionals, and workforce.
- Increases shopping, dining, and recreational options.

WHAT STEPS SHOULD "REDEVELOPERS" FOLLOW?

1. **Initial Consultation.** Talk with Community Development Department staff to identify opportunities and pitfalls.
2. **Consistency Evaluation.** Refer to Map 6: Future Land Use and plans for areas like the downtown and Terminal and Triangle Drives. Determine whether a Village plan or ordinance amendment will be required.
3. **Land Control.** Secure option on property. Pursue an extended option period (e.g., 120-180 days) to allow approvals before acquisition is finalized.
4. **Concept Plan Development.** Prepare conceptual site and building plans with initial engineering and stormwater review.
5. **Village Concept Plan Review.** Submit for Village staff and Plan Commission review. This step and the next could be combined or reversed in order, depending on the project.
6. **Neighborhood Meeting.** Meet with neighbors to present the concept and hear and consider comments.
7. **Possible Plan Amendment Request.** State law requires that rezonings be consistent with the comprehensive plan. For simpler projects, this step and the next could be combined.
8. **Rezoning Application.** Determine with Village staff the appropriate zoning district, considering standard Village zoning districts and the PD-I Planned Development Infill district. Include a "general implementation plan" submittal.
9. **Possible Follow-up Meeting.** Assuming approved rezoning, reconnect with the neighborhood, Village staff, and/or Plan Commission to work through detailed issues.
10. **Detailed Implementation Plan.** Include all plans required by ordinance, plus phasing, construction, and operational plans.

From: [Dean Hein](#)
To: [Community Development](#)
Subject: Re: 5513 Bremer Road proposal of a 52 unit multi-family residential building
Date: Friday, August 4, 2023 7:56:08 AM

Dear Andrew,

We have added concern no. 6 to our list of concerns! Thanks for attention to this matter,
Dean & Mary

Dear Plan Commissioners,

We are opposed to this proposal on this site for the following reasons;

- 1) It will create more traffic on Bremer Road, which has already increased due to Waubesa Shores Condominiums and the approved Bed and Breakfast on Bremer Road.
- 2) There appears to be only one retaining pond on the east side on the hill and not on the west side of the property where the water will runoff.
- 3) This is a natural berm (grass & woods) that has always percolated the rain and now will have over 49.6% paved; this is not good for runoff into Lake Waubesa.
- 4) Also, more parking on the Bremer Road will happen for their guests. This street already has people parking on Bremer Road who rent slips from Waubesa Shores condominiums. Waubesa Shores was granted the DNR permit to allow people to rent boat slips and the village approved to have the boat slip renters parking on Bremer Road.
- 5) There is already a Bed & Breakfast (across from the proposed residential building) on Bremer Road that was approved by the Plan Commission to allow multiple parking places on the street!
- 6) On the side of the Road where this 52 unit is proposed there is "NO Parking on this side" of Bremer Road. (Photo Attached)

Thanks for your attention to this matter,
Dean & Mary Hein



To:

Andrew Bremer and the McFarland Village Planning Commission
5915 Milwaukee St.
McFarland, WI. 53558

From:

Janine Turner
5516 Bremer Rd.
McFarland, WI. 53558

Re: Construction Proposal for a 52 unit apartment building at 5513 Bremer Rd, McFarland, WI

Hello Andrew,

Thank you for the time you gave me during our recent discussion regarding the proposal for the construction of a 52 unit apartment building at 5513 Bremer Rd, McFarland which is directly across the street from my single family, residential home at 5516 Bremer Rd. My family has lived on this property since 1906 when my great-grandfather settled this area and began its development with Larson's Beach Resort. I have seen a great deal of change in my life-time in regards to housing density and the health of our greatest natural resource, Lake Waubesa. I have significant concerns about a high density apartment building being proposed so close to Lake Waubesa as well as in this long-standing single family residential location. These concerns include the following:

1. R1 Zoned: It is my understanding that this location is currently zoned for R1 usage
2. Traffic: There is already a dangerous traffic pattern at this location on the weekends. During the weekends, there is parking on both sides of the road. Many times, particularly during summer, time there is only enough space for 1 car to drive through this area and no safe place for pedestrians or bicyclists to walk or ride. I am unable to park in front of my home during the week-ends due to the significant increase of others parking on the road since the construction of Waubesa Shores Condominium. Visibility is obscured when I back out of my driveway because of others parked on the roadside in front of my home. It is a very dangerous situation.
3. Environmental effects to Lake Waubesa: Lake Waubesa is an enormous natural resource both to the Village of McFarland and all of Dane Co. and their residents. The construction of each new building's footprint so close to this natural resource contributes to a decrease in the health of our lake. The health of our lakes is actively being monitored and addressed by several environmental organizations. Coordination with these associations should be imperative to any new construction. Particularly so with a high occupancy capacity and a significant concrete and asphalt foot print that would affect the natural resource of Lake Waubesa. These organizations include:
 - Clean Lakes Alliance (CLA) which focuses on water quality, specifically phosphorus reduction in the Yahara watershed. <https://www.cleanlakesalliance.org/>
 - Yahara Lakes Association (YLA) represents all lakeshore property owners and advocates with governmental agencies for the vitality of the chain of Yahara lakes. <https://www.yaharalakes.org/>
 - a. Lake Waubesa Conservation Association (LWCA) which is solely dedicated to "advancing the well-being of Lake Waubesa and its Watershed" Their mission is specific: 'to

Preserve, Protect, and Enhance the Lake Waubesa Ecosystem for ALL to enjoy.
<https://www.waubesa.org/>

4. Location as to where high density housing should occur: Referring the 2016 survey to the Village McFarland residents, 44% responded that new residential buildings should be limited to ***single family homes and 4-person condominiums***. It was also noted that new construction of multiple resident housing to meet community needs would be ***most appropriate in the downtown area***. This is opposed to proposing a high density non-resident owned structure not in the downtown vicinity.
 - Survey result: *"The survey also revealed support for senior housing, condominiums in smaller buildings, and housing mixed with commercial uses in planned developments. These housing types are often indicative and appropriate in downtown settings, which corresponds with support reported earlier for downtown redevelopment."*
5. Property values: I was issued a 15% reduction on my property tax after the construction of the Waubesa Shores condominium which was built directly next to my home. This indicates that future construction of a high density building in this neighborhood will continue to erode property values.

I appreciate your time and attention given to my concerns about the proposal for construction of an apartment building at 5513 Bremer Rd. Thank you for your consideration from a property owner that will be directly affected by this proposal.

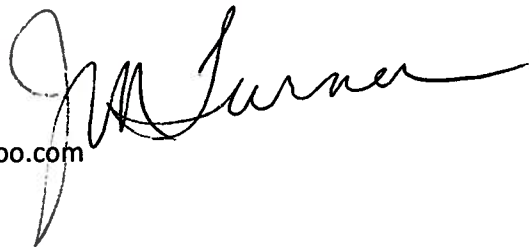
Respectfully,

Janine Turner

5516 Bremer Rd

(804)306-0408

jmtturner_23233@yahoo.com



Andrew Bremer

From: Dee Hughes
Sent: Sunday, August 6, 2023 1:48 PM
To: Community Development
Subject: proposed development at 5513 Bremer Road

Hello,

I am writing to express my strong opposition to the proposed apartment building development at 5513 Bremer Road. While I am aware that this property is zoned for multi-unit housing, I believe that this project would have a negative impact on our community. My hope is that neighbors will have the opportunity to voice concerns regarding the size/scope of this project and have input as it moves forward.

First and foremost, the proposed development is simply too large for the neighborhood. The increase in population density would put a strain on our infrastructure, leading to increased traffic congestion, noise pollution, and strain on our public services. The increased traffic resulting from a development of this size is a safety concern in a neighborhood where there are no sidewalks; pedestrians and bicyclists must share Bremer Road with vehicle traffic. And, while the Waubesa Shores Condominium owners have been good neighbors, we have certainly seen an increase in traffic and on-street parking since the construction of those units; another 51 units would most certainly exacerbate that problem.

Furthermore, the type of housing being proposed is simply not in keeping with the character of our neighborhood. The neighborhood is nearly all single-family, owner-occupied homes. With the exception of a few townhomes, the Waubesa Shores Condominiums project is the only multi-story, multi-unit development in the neighborhood.

This development would also negatively impact Lake Waubesa. A project of this scope would drastically increase pollution and runoff into the lake. With 49.6% of the project's square footage comprising the building footprint and pavement, Lake Waubesa would most certainly be negatively impacted. The loss of green space and trees to a largely impervious surface will cause runoff to flow directly in the lake. Located at the top of a hill, runoff during the construction phase will undoubtedly travel downhill to the drains on Bremer Road; those drains lead directly into Lake Waubesa.

Projects of this size are in direct opposition to the results of the 2016 Community Survey. Based on those survey results, 44% of respondents said the village should work towards slowing residential growth and encourage projects with single family homes and condominium units with 4 or fewer units. However, that same survey also suggested that the village should be working towards development of the downtown area and said that: ***"The survey also revealed support for senior housing, condominiums in smaller buildings, and housing mixed with commercial uses in planned developments. These housing types are often indicative and appropriate in downtown settings, which corresponds with support***

reported earlier for downtown redevelopment." To that end, the current mixed-use development on Farwell Road is not nearly as large as this project.

Additionally, a 2019 resident/employee survey found that 94% of respondents believe a core strength of the village is its small-town feel; the continued development of humongous apartment buildings does nothing to foster that. Approving this project as it is proposed, goes against the wishes of village residents. However in the last 10 years the village has seen the development of several immense apartment projects. Since 2020 alone, we have seen the development of 5 massive apartment projects with nearly 300 units; how does this correspond with the survey results?

In conclusion, I strongly urge you to reconsider this development as it is being proposed. I believe that this project is simply not the right fit for our neighborhood. Thank you for your attention to this matter.

Regards - Dorice Hughes/5508 Bremer Road

Andrew Bremer

From: Michael Klune
Sent: Tuesday, August 8, 2023 2:05 PM
To: Community Development
Subject: 5513 Bremer Rd

Commission Members,

Tim Neitzel has proposed a 52 Unit Multi-family apartment building at 5513 Bremer Rd. This proposal should be denied at the earliest stag.

Currently this property is zoned "R-1 Single Family Residence". The property is encircled by R-1 Single Family Residence, except for a small section on the northwest corner which is zoned "R-2 Single & Two Family Residence" and is an owner-occupied duplex.

The McFarland "Comprehensive Plan Future Land Use" document created in 2019 proposes the property in question be used for "Two Family and Townhouse Residential".

The onus of justification for rezoning belongs to the developer, not the neighborhood. A 52-unit apartment building in the middle of this single-family neighborhood is completely out of character with the rest of the surrounding properties. Also, the apartment building proposal does not follow the comprehensive village future land use plans.

Until the developer provides a plan that fits into current single family zoning or fits the future land use planing of 2-family residential, there should be no further consideration.

Mike Klune

5508 Bremer Rd

Andrew Bremer

From: carol knott
Sent: Tuesday, August 8, 2023 10:36 PM
To: Community Development
Subject: Bremer Rd. Proposed Apartments

Dear Planning Commission,

My husband and I are residents of McFarland and live on Lake Edge Road, near the proposed apartment development. We are unable to attend the planning commission meeting so we wish to express our serious concern and disagreement with this proposal for a densely populated apartment development on this quiet residential street.

There is no place for a development of this magnitude with 52 units squeezed on to an R1 zoned lot for a single family residence. The planning commission needs to consider how a development like this would effect home owning neighbors, parking, natural resources around the lake, safety, traffic, and the quality of life that we as homeowners enjoy and have invested in our neighborhood. This proposed complex is far to dense for a single family zoned area.

An apartment complex would change the entire nature of this single family residence neighborhood. We purchased a home here understanding these lots were zoned single family residential R1. To change this zone for this lot owner is not equitable or fair to many homeowners who have invested and built homes here, who live and enjoy this neighborhood and who have the expectation that the city planning commission will support us as taxpayers and McFarland residents in maintaining our quality of life here.

A project this size has no place in our neighborhood. It is nowhere near the size of any other development on this street of single family homes on Bremer Road.

Bremer Road already has limited street parking and it is heavily used by bikers and pedestrians who also share this street with cars because we don't have sidewalks here. I can't imagine the safety hazards that may result with a proposal to add 100 more vehicles from a 52 unit complex on this street. This is far too densely populated for our small neighborhood road to handle safely for all who use it.

In addition, this development is not what McFarland residents have expressed that they want to see built in our village. The recent survey results show that they do NOT want more multi family living units but rather single family or smaller 4 unit condo developments. McFarland has already had several apartment developments built over the last 5 years which should satisfy this need for apartment housing. These have all been built in areas that can handle they added traffic and population in those parts of the village.

Residents of McFarland enjoy a small town environment, unlike in some other communities. We have purposely chosen that for ourselves in purchasing a home here.

Please visit this site, come in the evening, on a weekend, walk down our street, consider the impact of putting a densely packed development of apartments and how it would detrimentally impact our quality of life, our environment, our homes, our safety, our traffic and our lives.

We ask that you deny this zoning change request and this proposal for an apartment complex here.

Thank you,

Carol and Doug Knott
5604 Lake Edge Road, McFarland.

Andrew Bremer

From: Molly Wilson
Sent: Wednesday, August 9, 2023 8:37 AM
To: Community Development
Subject: Fwd: HUGE OPPOSITION TO 5508 Bremer Road Application

----- Forwarded message -----

From: Molly Wilson <mk.my.wilson@gmail.com>
Date: Wed, Aug 9, 2023 at 8:32 AM
Subject: HUGE OPPOSITION TO 5508 Bremer Road Application
To: <community.development@mcfarland.wi>

Dear Sir/Madam,

This letter is sent to EMPHATICALLY EXPRESS OUR OPPOSITION to the possibility of construction of the multi-residential complex at 5508 Bremer Road.

We are honestly PERPLEXED that this concept is even being considered.
We would ask that you use wisdom and good conscience as you look at this breach of zoning laws and very dangerous proposal.

This area is currently zoned for R-1 Single Residential Housing so HOW CAN THIS BE IGNORED????

Also a building of this type would violate the residential survey regarding the size and style of construction allowed in the neighborhood in keeping with aesthetics and character. This would destroy the beauty of our lakefront neighborhood which makes McFarland unique and coveted. PLEASE PROTECT THIS!

Street parking is only allowed on the west side of the street which equates to inadequate places for parked cars as it sits today.

There are NO sidewalks for walking dogs, runners or walkers forcing them to use the narrow street.

There are NO bike paths or lanes on this street forcing them to use this narrow street.

There are hundreds of cars also competing for this stretch of street as Walgreens increases traffic flow in this area. All of these factors force many people and vehicles to compete for this already small space on this street.

Can you imagine adding vehicles for 52 residential units to this already dangerous and congested stretch of Bremer Road. CONSIDER THE DANGERS THIS WOULD CREATE!!

This complex violates every zoning and planning guideline in McFarland and would DESTROY our lovely lake neighborhood and we oppose this concept. Please let your conscience and values guide any and all decisions regarding this type of construction in this area.

Respectfully,
Mark and Molly Wilson
5600 Lake Edge Road #211
McFarland, Wisconsin 53558

McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, August 15, 2023

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion and action to recommend to the Village Board a proposal from MSA Professional Services for Land Use Planning for Redevelopment District Plans No. 1 & 2.

PREVIOUS ACTION:

May 10, 2023, CDA recommends issuance of Request for Proposals

May 16, 2023, Plan Commission recommends issuance of Request for Proposals

May 23, 2023, Village Board authorizes issuance of Request for Proposals

ISSUE SUMMARY:

Included within the packet is a proposal from MSA Professional Services to assist the Village with the update of Redevelopment District Plans 1 & 2. A copy of the approved Request for Proposals (RFP) is also included in the packet for reference purposes. The Village advertised the RFP through the Wisconsin League of Municipalities, Wisconsin Chapter of the American Planning Association, and the Village's website. The Village only received the one proposal from MSA. The Evaluation Committee (President Clow, Trustee Brassington, Trustee Jerke, Administrator Schuenke, and C&ED Director Bremer) reviewed the proposal from MSA and determined that it met the requirements as requested in the Village's RFP. MSA has a good track record having recently worked with the Village on the 2023 East Side Neighborhood Plan, 2023 Economic Strategic Plan, 2023 Housing Needs Assessment, and 2021 Sustainability Plan.

MSA also has significant experience working on similar projects in other municipalities. The CDA will provide a recommendation to the Village Board on August 9th and the Plan Commission on August 15th. Pending action by the Village Board at their August 22nd meeting, the project would kickoff and is estimated to be completed by May 2024. There will be many opportunities for public engagement throughout the project including:

- 2 - Community Surveys
- 2 - Public Involvement Meetings
- 2 - Developer/Real Estate Broker Focus Group Meetings
- 4 - Stakeholder Focus Group Meetings
- 2 - Park & Recreation Committee Meetings
- 1 - Landmarks Commission Meeting
- 5 - Joint CDA & Plan Commission Working Sessions
- 1 - Public Hearing with the Plan Commission
- 1 - Village Board plan acceptance meeting

FINANCIAL/BUDGET IMPACT:



Funding for this project is provided through the 2023 Capital Funds and the proposal from MSA is within the project budget.

VILLAGE PLAN REFERENCE:

A number of recent Village plans have identified the need to update the land use plans for Redevelopment Districts No. 1 and No. 2:

- 2022-23 Strategic Plan, Goal C Housing & Economic Development, Action ii. Development RFP, bid, hire and complete Terminal & Triangle District Plan/Redevelopment District Plan No. 1, including new Overlay TIF District.
- 2022-23 Strategic Plan, Goal C Housing & Economic Development, Action iii. Begin process (i.e. RFP, Award, Plan Development) to establish a new Downtown Redevelopment Plan.
- 2017 Comprehensive Plan, Initiative #4. Implement and Update Plans for Downtown Revitalization.
- 2017 Comprehensive Plan, Initiative #5. Implement and Review the Terminal and Triangle District Plan.

Other relevant existing plans this project will build from or replace:

- 1999 Village Center Master Plan (replace)
- 2004 TIF District #3 Project Plan
- 2005 Terminal & Triangle District Plan (replace)
- 2005 Highway 51 Corridor Plan
- 2007 TIF District #3 Amendment Project Plan
- 2008 TIF District #4 Project Plan
- 2010 Redevelopment District #1 Plan (replace)
- 2010 Redevelopment District #2 Plan (replace)
- 2023 Housing Needs Assessment
- 2023 Economic Strategic Plan

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Motion, second, to recommend to the Village Board approval of a proposal from MSA Professional Services for Land Use Planning for Redevelopment District Plans 1 & 2.

ATTACHMENTS:

1. 09361030 McFarland Land Use Planning for Redevelopment Districts 1 & 2_2023_08_03
2. Village of McFarland RFP Land Use Planning for Redevelopment Districts 1 and 2_05.23.2023(final)



PROPOSAL TO PROVIDE Land Use Planning for Redevelopment Districts 1 & 2

Prepared for:
Village of McFarland Department of
Community & Economic Development
August 3, 2023 (updated)





MSA PLANNING + DESIGN STUDIO
1702 PANKRATZ STREET, MADISON, WI 53704

Contact: Steve Tremlett, AICP, CNU-A
Phone: (608) 242-6621
Email: stremlett@msa-ps.com

Dear Andrew,

We commend the Village for proactively updating your 2010 plans for Redevelopment Districts #1 and #2. Aging buildings and development formats, as underutilized properties, within two primary Village economic districts (Terminal & Triangle District and Downtown District) have primed these areas for redevelopment to accommodate new residents and businesses. But those changes must happen deliberately, with input from existing residents, property owners and businesses. We can facilitate that process.

Both study areas feature a wide variety of parcel sizes, uses, and ownership, presenting both challenges and opportunity. Some of the larger sites that may be identified as redevelopment targets are immediately adjacent to residential areas, requiring careful consideration of design strategies to effectively blend new infill development into the neighborhood. The planning process needs to engage residents and build consensus on acceptable infill uses and design strategies.

The MSA Planning + Design Studio has been working with communities to envision and guide redevelopment for the past 15 years. We fully understand the final planning document will need to take into account the interests of residents, property owners and business tenants, Village staff, elected officials and other stakeholders. Our team understands the importance of engaging stakeholders in the planning process using a genuine, multi-faceted approach. An effective public involvement process is paramount in creating the best plan possible and building support for its adoption and implementation.

We understand the objectives and are excited about the prospect to contribute to McFarland's Redevelopment Plans, which will serve as a guide for land use, infill development and provide implementation and placemaking strategies in the Village's two primary economic areas (51 Corridor and Downtown). While the plan will allow for incremental evolution of the corridor's character and identity, an important goal is to provide a bold vision and a set of immediate actions that the Village can implement to set that vision in motion.

We have worked closely with the Village on various projects, including the Sustainability Plan, Housing Study, and the East Side Neighborhood Plan. We have the staffing and experience to support and manage both plans as proposed. We welcome questions about our approach to the project and look forward to this opportunity to help McFarland realize the potential of these important areas!

Sincerely,
MSA Professional Services, Inc. | Planning + Design Studio



Stephen Tremlett, AICP, CNU-A

Statement of
Qualifications
to Provide:
LAND USE PLANNING
FOR REDEVELOPMENT
DISTRICTS 1 & 2

July 6, 2023
Andrew Bremer,
Community
& Economic
Development Director
5915 Milwaukee Street,
P.O. Box 110
McFarland, WI 53558

Steve Tremlett, AICP,
CNU-A
1702 Pankratz Street
Madison, WI 53704

stremlett@msa-ps.
com
(608) 242-6621



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PLANNING + DESIGN STUDIO

At MSA, we know that every project starts with a plan – a clear and consensus-driven vision for the future that can be realistically implemented. Our Planning and Design Studio is 29 strong consisting of:

- 12 American Institute of Certified Planners (AICP)
- 3 Professional Landscape Architects (PLA)
- 2 Landscape designers
- 2 Housing Specialists
- 10 Planning & Economic Development Specialists

Members of our studio regularly give presentations on various planning topics at state and national conferences. The professional planners that comprise the Studio have helped hundreds of communities and private organizations define their vision, obtain funding, and implement the improvements they seek. And, because our planners are part of a multi-disciplinary firm, they are able to engage our professional engineers and architects in the planning processes to aid our clients in developing sustainable, implementable plans.

CORE SERVICES

Below is a sample of the services that MSA's Planning and Design Studio can offer.

- Capital Improvement and Strategic Plans
- Comprehensive Plans
- Zoning: Ordinance Creation, Code Rewrites, Development Regulations and Zoning Administration
- Community Blight Studies
- Cooperative Boundary Agreements
- Economic Development: Market Analysis, Tax Increment Financing, Feasibility Studies
- Funding: Grant Writing, Grant Administration, Fundraising
- Housing Studies: Analysis of Impediments to Fair Housing, Market Analysis
- Impact Fee Studies
- Landscape Architecture
- Park and Recreation Planning: Park Master Plans, Comprehensive Outdoor Recreation Plans, ADA Studies
- Public Engagement
- Redevelopment Studies: Downtown, Neighborhood, Corridor, and Site Planning
- Transportation Planning: Bicycle + Pedestrian Plans, Safe Routes to Schools Plans, Access Management Studies
- Urban Design: Wayfinding, Streetscaping, and Design Standards

FIRM PROFILE

MSA Professional Services, Inc. (MSA) specializes in the sustainable development of communities. We achieve this by building honest, open relationships that go beyond the project to become a trusted source of expertise and support for immediate challenges and long-term goals. Big or small, we do whatever it takes to meet each need, working to make communities stronger in the process. *It's more than a project. It's a commitment.*

MSA's roots reach back to 1919. Once a rural land survey company, our firm now consists of 400+ engineers, architects, planners, funding experts, surveyors, GIS experts and environmental scientists. MSA excels at helping clients identify grant and funding sources and then delivering high-quality, cost-effective solutions.

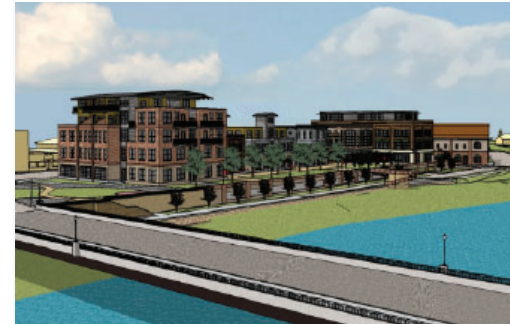
CLIENT EXPERIENCE

As part of our ongoing quality assurance program, we periodically request feedback from clients and project stakeholders to create better project outcomes for you.

These easy-to-complete surveys offer you the opportunity to comment on several areas of our performance throughout the duration of your project, which in turn helps us adapt our processes to your unique needs. Your feedback is specific to your project, and is returned directly to the people working with you. We pledge to respond to any issues you identify as the project proceeds.

To the right, you'll find the percentage of clients who say MSA met or exceeded their expectations based on the following categories.





PLANNING EXPERIENCE

URBAN DESIGN | NEIGHBORHOOD PLANNING

MSA's Planning and Design Studio is an award-winning team with expertise in market analysis, stakeholder engagement and urban design. We help our clients identify opportunities and resolve barriers to positive change - this includes large to small communities and private developers.

RECENT PROJECT EXPERIENCE

NEIGHBORHOOD/CORRIDOR PLANNING

- City of Baraboo, WI
- City of Des Moines, IA
- City of Fitchburg, WI
- City of River Falls, WI
- City of Sun Prairie, WI
- City of Wilton, IA

• DOWNTOWN PLANNING

- City of Clinton, IA
- City of La Crescent, MN
- City of Solon, IA
- City of Tomah, WI
- City of Tuscola, IL
- City of Verona, WI

AREA PLANS/CONCEPTS

- City of Abbotsford, WI
- Village of Pardeeville, WI
- Village of Somerset, WI

HOUSING STUDIES AND PLANS

- City of Marshfield, WI
- City of Stevens Point, WI
- City of Sheboygan, WI

PRIVATE CLIENT NEIGHBORHOOD DEVELOPMENT

- Highlands of Ridgestone (Lodi, WI)
- Fieldstone Subdivision (Prairie du Sac, WI)
- Western Sunset Estates (Sun Prairie, WI)
- Stoneridge Commons (Sun Prairie, WI)
- 51 West Mixed Use District (Stoughton, WI)
- Pumpkin Patch Shopping District (Sun Prairie, WI)
- Mixed Use Subdivision Concept (Rice Lake, WI)
- City of Fitchburg, WI
- City of Park Falls, WI



DOWNTOWN PLAN

LA CRESCENT, MN

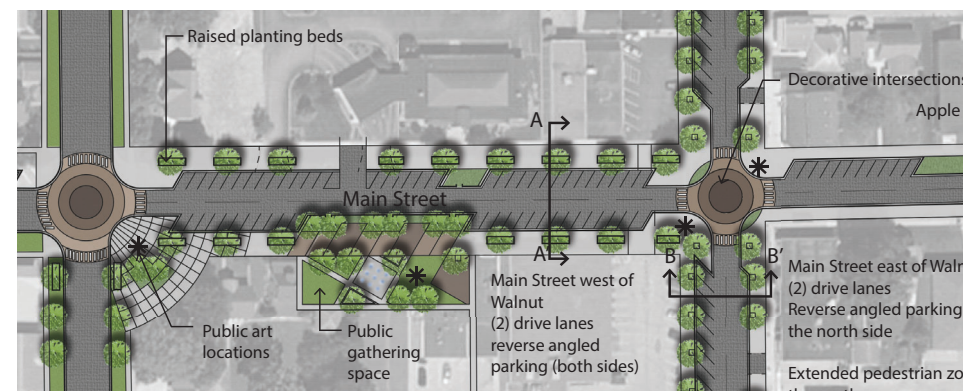
Small town, big opportunities

The City of La Crescent has big opportunities. Nestled between the bluffs and the marsh along the west shore of the Mississippi River, La Crescent has little land into which it can grow outward. But with just a five-minute drive to downtown La Crosse, Wisc., this city of 5,000 residents has the potential to add new housing and commercial space to its downtown that could attract a variety of new residents and visitors, as acknowledged in its 2016 Comprehensive Plan. The challenge? Accepting and encouraging narrower streets and multi-story redevelopment in a place where residents are accustomed to the way things are today.

City's downtown planning encourages economic development

The City retained MSA to continue the work begun in the comprehensive planning process, which encouraged downtown reinvestment. Our Planning and Design Studio worked with local stakeholders to explore the details of redevelopment so that everyone could see and understand the potential. Beginning with walking tours and proceeding through a series of site illustrations, we helped residents see how three-

and four-story buildings can fit in Downtown La Crescent. We designed streetscapes for primary downtown streets with more green space, including a new pocket park to facilitate public gathering and outdoor dining along Main Street. And we spent time to work out parking, to show that parking can remain convenient through a combination of public and below-grade parking lots without giving up valuable sites along Main Street. The resulting plan is guiding efforts to encourage the redevelopment of key sites, including the planned replacement of City Hall as a catalyst downtown project.





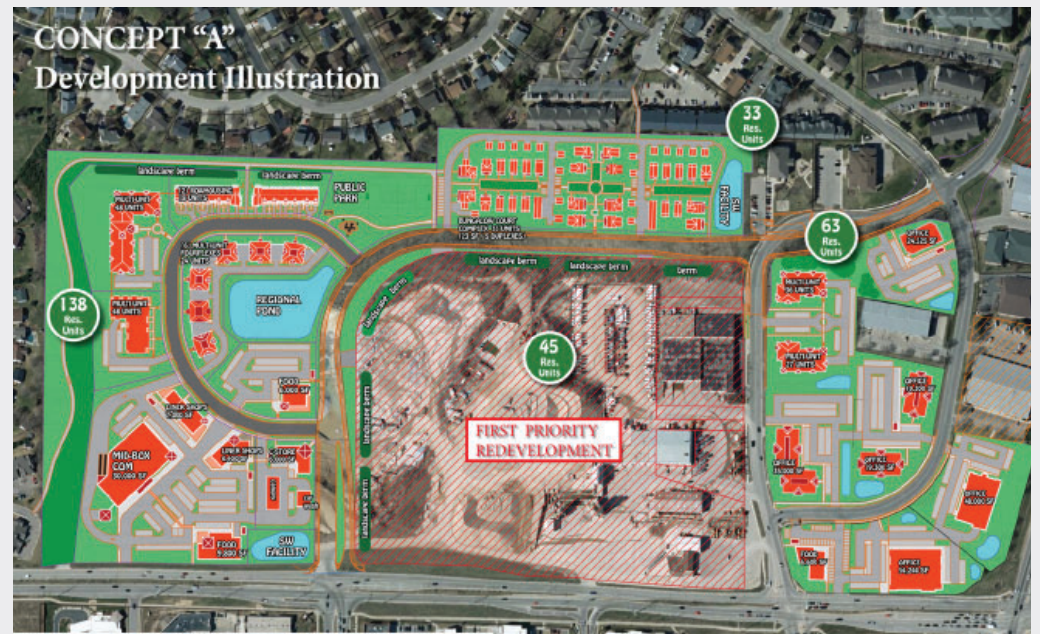
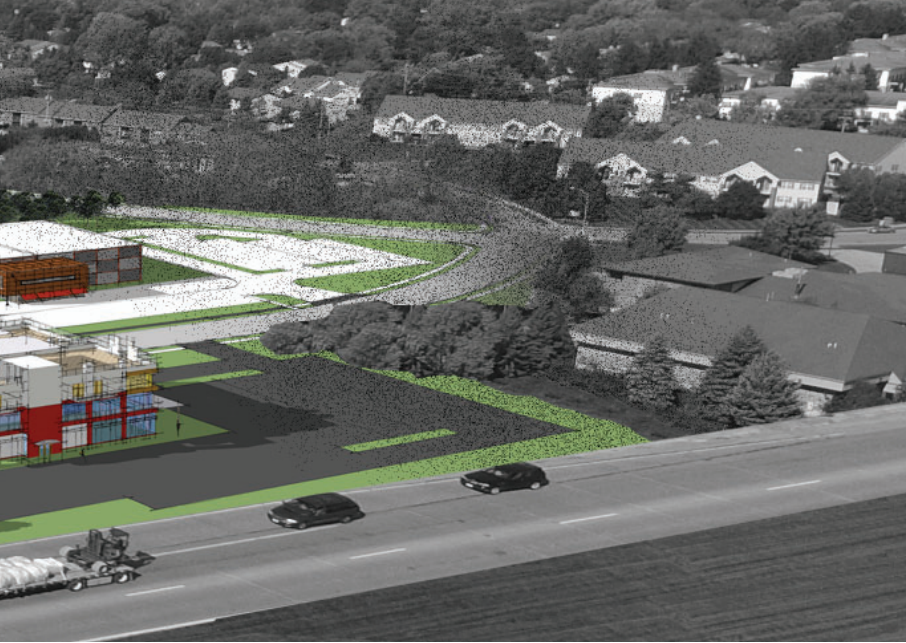
FITCHBURG, WI

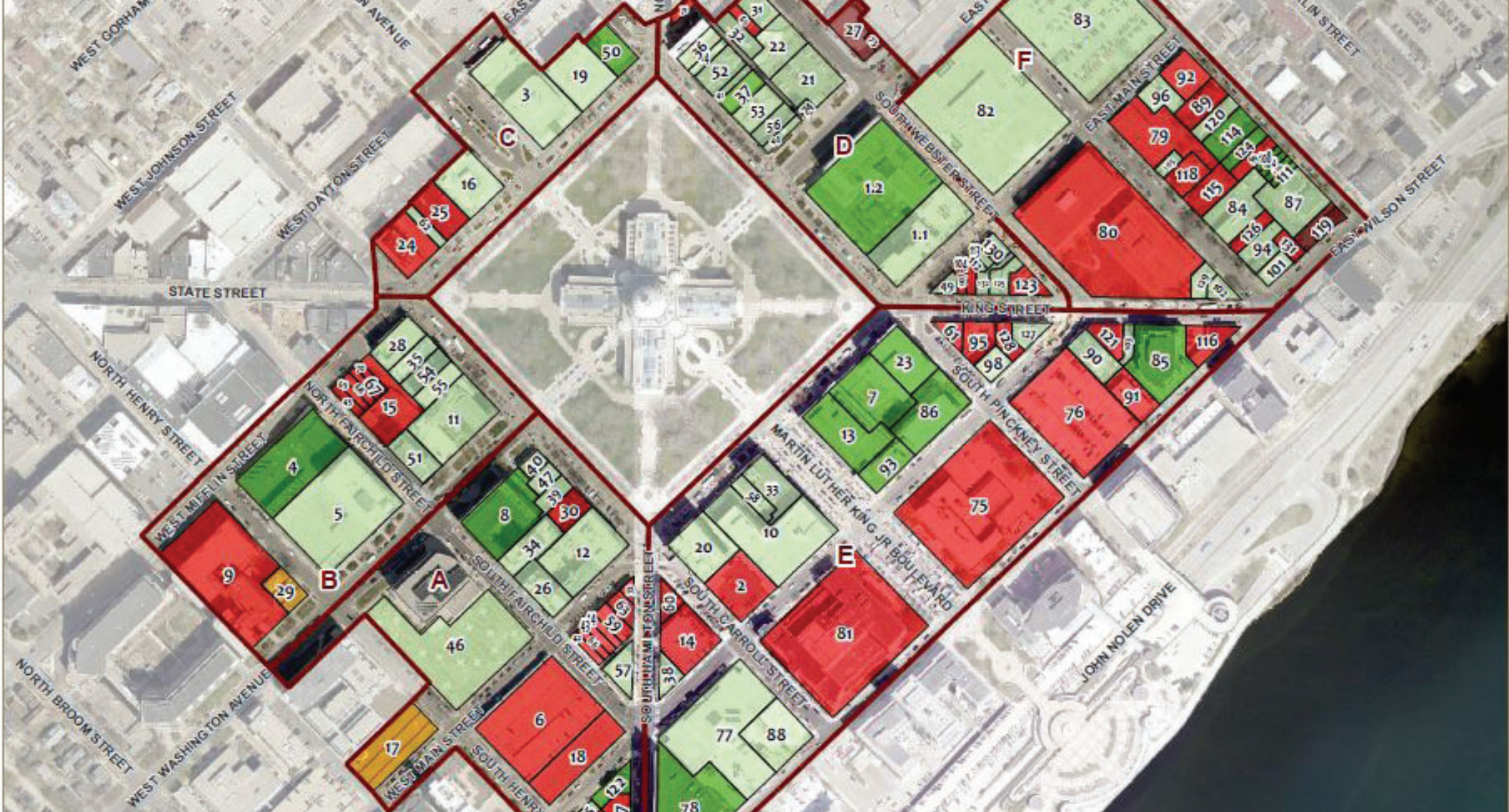
ANTON DRIVE REDEVELOPMENT PLAN

The purpose of this study was to create a redevelopment plan and implementation strategy for lands in the northwest quadrant of the US 18/151 and CTH PD intersection. The impetus for this study is a Wisconsin Department of Transportation's (WisDOT) major reconstruction project of US 18/151 (Verona Road), which started near the end of the planning process. The primary improvements planned with impacts on the planning area include two new grade-separated interchanges, a roundabout intersection conversion, and the extension of a major collector street through a large undeveloped portion of the study area (i.e., Wingra Stone Quarry). These changes will improve the overall regional transportation network, but will reduce the visibility of some Anton Drive parcels (from US 18/151) and change access routes to and from the planning area. The plan's overall vision will help guide land use, urban design, transportation, utilities and stormwater decisions during and after the US 18/151 reconstruction project and it was finished in 2020.

The objectives of this study included:

1. Identify development and redevelopment opportunities in the planning area, including planning for any sites where a change in use is likely or desirable.
2. Identify market opportunities and trends likely to influence redevelopment decisions and outcomes.
3. Identify any infrastructure improvements (water, wastewater, stormwater, etc.) needed to accommodate new development.
4. Project future traffic patterns and volumes to identify any traffic-related constraints on new uses in the planning area.
5. Enhance bike, pedestrian and transit accessibility throughout the planning area.
6. Identify opportunities to support and improve the adjacent Jamestown neighborhood.
7. Establish a plan for new development, including uses, intensity of use and urban design guidance, within the constraints of public infrastructure systems.
8. Create an action plan for things the City can do to implement the plan.





MADISON, WI

BLIGHT STUDIES

The MSA Planning and Design Studio is under contract with the City of Madison to provide blight evaluation services on an as-needed basis. The City requires independent evaluations of blight status for certain projects involving eminent domain, redevelopment districts and tax incremental districts. MSA planners visit, photograph and evaluate each parcel for blighting conditions as defined by Wisconsin statutes. Each project includes 1 to 300+ parcels and is completed in one to eight weeks. MSA evaluates each parcel using a detailed spreadsheet to note the condition of various building and site elements. The City receives an overall blight score for the entire study area and for blocks or sub-areas within the study area, indicating the percentage of land area deemed blighted. Photos and evaluation forms are provided for every parcel. With these evaluations the City can decide if and how to proceed with property acquisition or TID creation.



DOWNTOWN MASTER PLAN

TOMAH, WI

In 2013, MSA assisted the City of Tomah with adoption of a new comprehensive plan, which identified through a series of community surveys a strong desire to revitalize Downtown Tomah as one of 10 community enhancement projects. In 2015, MSA assisted the City with creation of a new Tax Increment Finance District within the downtown to provide a funding mechanism to support future public and private enhancement projects. Having established a community desire to revitalize the downtown and a funding mechanism, the City retained MSA to assist with the development of a detail-oriented master plan for the area.

Through a series of community surveys, downtown walkabouts, public involvement meetings and steering committee meetings, MSA developed a Downtown Master Plan Manual. The manual includes three volumes.

- Volume One includes a summary of the extensive public feedback obtained during the planning process and an analysis and summary of key study area conditions including a parking study and retail market analysis completed by MSA.
- Volume Two includes the overall vision, strategies and actions to guide public and private improvements within the Downtown. This manual includes detailed recommendations on the style of new streetlights; streetscaping furniture; decorative crosswalk and terrace improvements; wayfinding signs; and conceptual site plans and renderings illustrating how a number of underutilized properties can be redevelopment to meet the vision of the plan.
- Volume Three includes detailed site and building design guidelines and standards, presented in a highly illustrative format, for the purpose of regulating future public and private building construction in a manner that reflects the historic look and feel of the downtown.

Scale, Articulation & Roofline

INTENT: To reinforce the existing character of downtown area, and to provide variety and visual interest.

BUILDING DESIGN

APPROPRIATE The above example illustrates the desired historic storefront base with a decorative cornice top with the horizontal expression line defining the middle of the building between the first and upper floors.

APPROPRIATE This example illustrates techniques used to vary the facade heights along a long facade.

Standards

1. New buildings **shall** be at least eighteen (18) feet in height from grade to the top of the parapet or midpoint of a pitched roof.
2. Any building over three (3) stories **shall** set back the upper stories from the lower floors. This technique could be utilized for buildings over two stories as well.
3. New buildings **shall** establish vertical proportions for the street facade, and for the elements within that facade (windows, doors, structural expressions, etc).
4. Any building with a total width equal to or greater than its height **shall** utilize one or more of the following techniques:
 - expression of structural bays,
 - variations in material, and/or
 - variation in the building plane.
5. All new buildings **shall** utilize details or changes in materials to create a discernible base, middle and top. A discernible "base" **shall** be at least two (2) feet in height, but may include the entire first floor.
6. Any secondary facade facing a public street (corner buildings) **shall** incorporate design qualities similar to the primary front facade.
7. **Downtown Core Only:** new buildings **shall** utilize a horizontal expression line that projects at least two (2) inches, articulating the transition between the first floor and upper floors.
8. Street-facing building facades over hundred (100) feet in length **shall** have a minimum of twenty-five (25) percent of the facade vary in overall height, with such difference being four (4) feet or more measured eave to eave or parapet to parapet.

(continued on the next page)

20 City of Tomah, WI



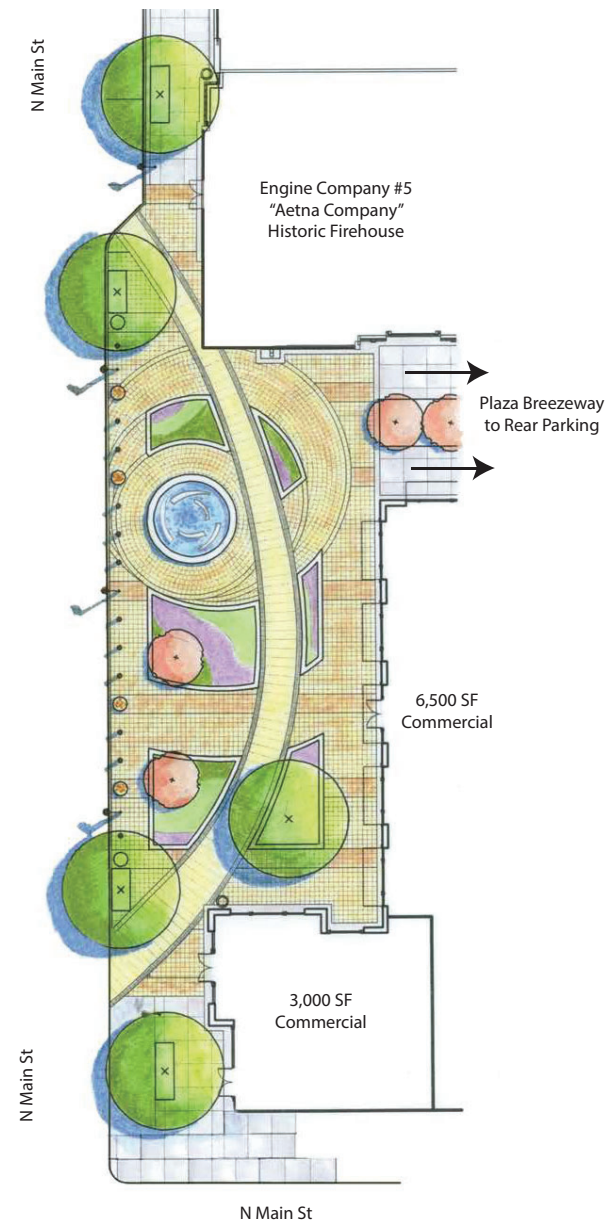
NORTH MAIN STREET CORRIDOR PLAN

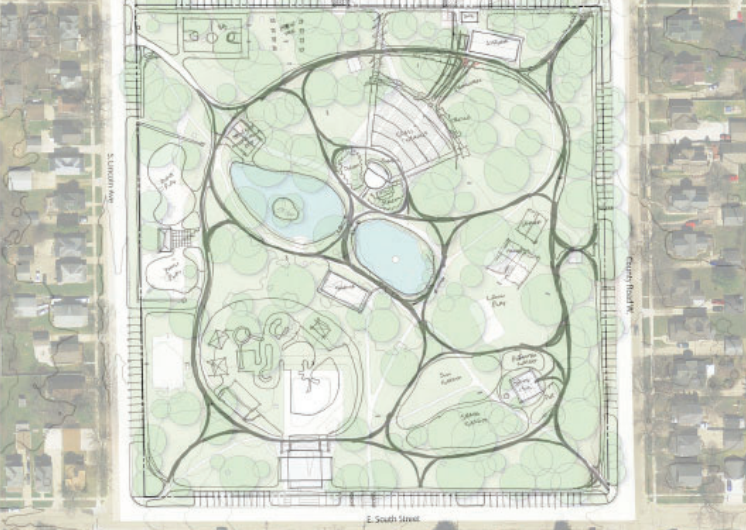
FOND DU LAC, WI

The City has recently undertaken a number of initiatives in the Downtown and Lakeside Park areas to enhance the quality of life for residents, employees and visitors. North Main Street corridor connects both assets, but lacks streetscape character and an overall sense of place. During development of the 2040 Comprehensive Plan, the public reinforced the need to improve this corridor as identified in a community survey.

One of the major focal points of this plan will be the redevelopment of a former cheese factory which was recently demolished by the City. The use, density and scale of this site can set the stage for future redevelopment along the corridor. A major concern is that larger sites identified for redevelopment opportunities are immediately adjacent to one- and two-unit homes, requiring careful consideration of design strategies to effectively blend new infill development into the existing neighborhood fabric.

MSA evaluated the urban environment and identified overarching goals and policies to create a corridor reinvestment guidebook, including recommendations on land use, infill development, streetscaping and other placemaking strategies. Stakeholders, City residents and the general public were actively involved through interviews, an online survey and a public open house.





SWAN PARK MASTER PLAN

BEAVER DAM, WI

Swan Park in the City of Beaver Dam, Wisconsin, is the community's most heavily used park. Encompassing 10.5 acres and containing a play area, amphitheater/bandshell, wading pool, picnic shelters, lagoons, sport courts and the beautiful 1880s-era Vita Spring Park Pavilion, it is a favorite destination for summer concerts, fairs and recreation.

Swan Park was beginning to show its age, however, and the City hired MSA to lead a master planning effort to assess infrastructure and use, and create a vision to revitalize this beloved community gathering place. The master plan will allow the City to plan, budget and implement park improvements in a thoughtful and phased manner.

Next, we initiated a robust public and stakeholder engagement effort to collect information about Swan Park from the vantage of the people who use it most. Utilizing public information meetings, interviews, and an online survey, MSA collected opinions on park use, needs and wants to inform and define conceptual designs for the Master Plan. 1,269 people participated in the online survey.

The Comprehensive Master Plan for Swan Park outlines a variety of exciting park enhancements and upgrades that will carry it confidently into the future. A new walking path will wind through the property past the park's original stone light posts and columns. The amphitheater will continue to be a focal point, with grass terraces added for increased seating, picnicking and play areas during events. The deteriorating wading pool will be replaced with a vibrant new splash pad to provide safe, accessible aquatic play for visitors of all ages and abilities. A new garden will be added near the historic Vita Spring Park Pavilion, and repairs will be made to existing lagoons and retaining walls to bring the fountains back to life — a central theme of this property which is home to a renowned ancient spring and former resort and spa. The playground areas will also be upgraded, adding a second basketball court, improved horseshoe court, new sand volleyball court and shade structures. Access and ramps to park amenities and parking areas will all be ADA compliant. Site landscaping will include native gardens and strategic plantings of sun, shade and perennial plant varieties that will be resilient and low maintenance.

When complete, Swan Park will continue to shine as a beloved gathering place — one that retains its historic character while celebrating the next phase of its evolution, with water and community camaraderie remaining at the heart of its legacy.

WHAT OUR CLIENTS ARE SAYING

CITY OF FITCHBURG

PROJECT: ANTON DRIVE NEIGHBORHOOD PLAN

Mike Zimmerman, Economic Development Director
(608) 270-4245
michael.zimmerman@fitchburgwi.gov

CITY OF MADISON

PROJECT: BLIGHT STUDIES

Dan Rolfs, Community Development Project Manager;
Office of Real Estate Services - Economic Development
Division
(608) 267-8722
drolfs@cityofmadison.com

CITY OF LA CRESCENT, MN

PROJECT: DOWNTOWN VISION PLAN

Bill Waller, Administrator
(507) 895-4668
bwaller@cityoflacrescent-mn.gov

CITY OF FOND DU LAC, WI

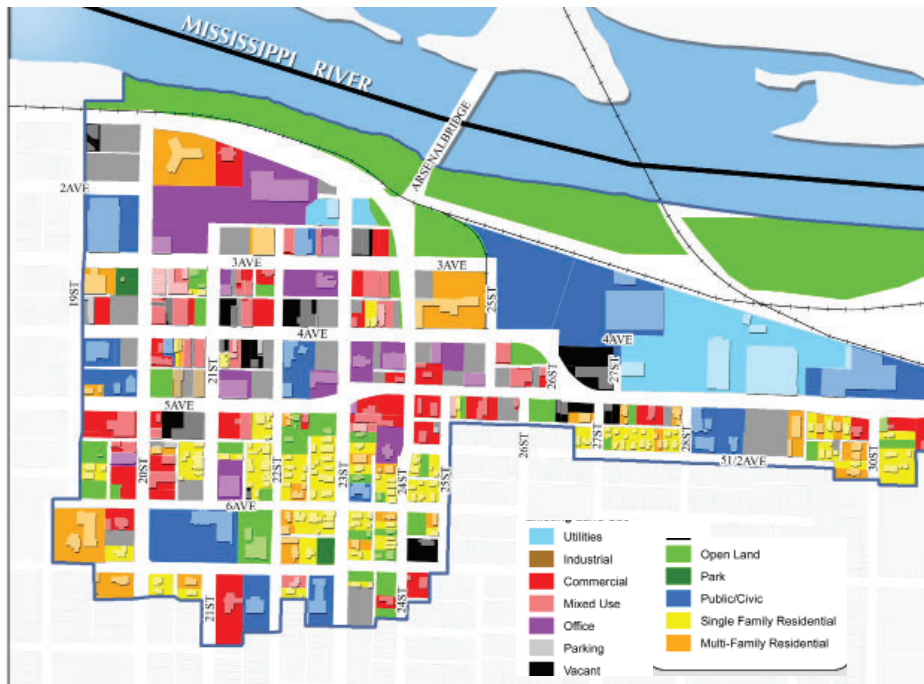
PROJECT: NORTH MAIN STREET CORRIDOR PLAN

Dyann Benson, AICP, Community Development Director
(920) 322-3440
dbenson@fdl.wi.gov

5. Current Zoning: Is the parcel current zoning district a hindrance to redevelopment?

Plan Item 2.3: Blight Evaluation

While there is not a defined expiration date on blight evaluations, we generally suggest an evaluation is good for 3-4 years before a new evaluation is necessary. Also a new evaluation is recommended if eminent domain is being considered for a property. For these reasons, we propose reviewing a subset of the properties in the proposed district areas based on those designated as “blighted” in the current Redevelopment District Plans, as well as other properties we determine could be blighted based on a windshield survey. This list of potential (or previously identified) blighted parcels will be vetted by staff to determine all properties that should be evaluated for blight. This selection process will efficiently use project funds (vs. evaluating all properties in the districts), especially if a future evaluation will be required per our comments above.



Existing Land Use Map | Rock Island, IL
(Arsenal Gateway Neighborhood Plan)

Using the photo inventory from Task 1.2, we evaluate the conditions of each parcel and score the site using an excel spreadsheet evaluation tool. The parcel evaluation tool was developed to standardize the parcel evaluation process and to ensure that the evaluation focuses on conditions consistent with the statutory definition of blight. The law indicates that the presence of any of a variety of conditions that impair the growth of the Village, or are an economic or social liability, allows for the “blighted” designation. Our approach with all parcels is to begin with an assumption of satisfactory conditions and a full 100-point rating, and then to deduct points as blighting conditions are observed. There are four categories reviewed with several elements within each category, as shown below. Elements not visible from the public right of way will be excluded from the calculation, as we would not be able to evaluate that item. If any of the sections (i.e., Utilization, Primary Structure Exterior Condition, Accessory Structure & Site Improvements Condition, Other Blighting Influences) result in a score below 50, the property will be determined to be blighted in accordance with the statutory definition.

Redevelopment District:		Evaluator:	
Blight Study #:		Date:	
Parcel #:		Preferred Land Use:	
Address:		Zoning:	
Property Owner:		Improvement Value:	
Total Assessed Value		Land Value:	

A. UTILIZATION	Factor	Value	Minor 50%	Major 0%	Condition	Points	Comments
Lot Utilization (compared to Land Use Plan)	25	100%			100%	25	
Occupancy (percent of building used)	25	100%			100%	25	
Lot Size/Layout (suitability for preferred land use)	25	100%			100%	25	
Zoning/Platting Issue	25				100%	25	
Total	100					100	

B. PRIMARY STRUCTURE EXTERIOR CONDITION	Factor	Value	Minor 50%	Major 0%	Condition	Points	Comments
Foundation, Walls & Cladding	40				100%	40	
Roof, Gutters & Downspouts	25				100%	25	
Windows & Awnings	15				100%	15	
Porches & Overhangs	5				100%	5	
Chimneys & Vents	5				100%	5	
Exterior Stairs/Stoops/Ramps	5				100%	5	
Exterior Doors & Entranceways	5				100%	5	
Total	100					100	

C. ACCESSORY STRUCTURE & SITE IMPROVEMENTS CONDITION	Factor	Value	Minor 50%	Major 0%	Condition	Points	Comments
Accessory Structures	40				100%	40	
Storage & Screening	20				100%	20	
Signage & Lighting	20				100%	20	
Drives/Parking/Walks	20				100%	20	
Total	100					100	

D. OTHER BLIGHTING INFLUENCES	Factor	Value	Minor 50%	Major 0%	Condition	Points	Comments
Minor Maintenance Issues (weeds, overgrown landscape, etc.)	20				100%	20	
Major Maintenance Issues (piles of trash, dead landscaping, graffiti, etc.)	40				100%	40	
Use Incompatible with Adjacent Use	20				100%	20	
Building Bulk Incompatible with Neighborhood	10				100%	10	
Safety Hazards, Erosion Issues	10				100%	10	
Total	100					100	

Potential Blight Evaluation Form (simplified Madison Blight Evaluations)

PLAN ITEM #3: LAND USE + CONCEPTS

Plan Item 3.1: Redevelopment Map

Based on the physical and market assessments, MSA will develop a Redevelopment Opportunities Map that prioritizes potential redevelopment sites based on their marketability (location, visibility, size, etc.), relationship to other reinvestment sites (with the potential to be combined for more intensive development), and assumed effort/cost to ready the site for new development.

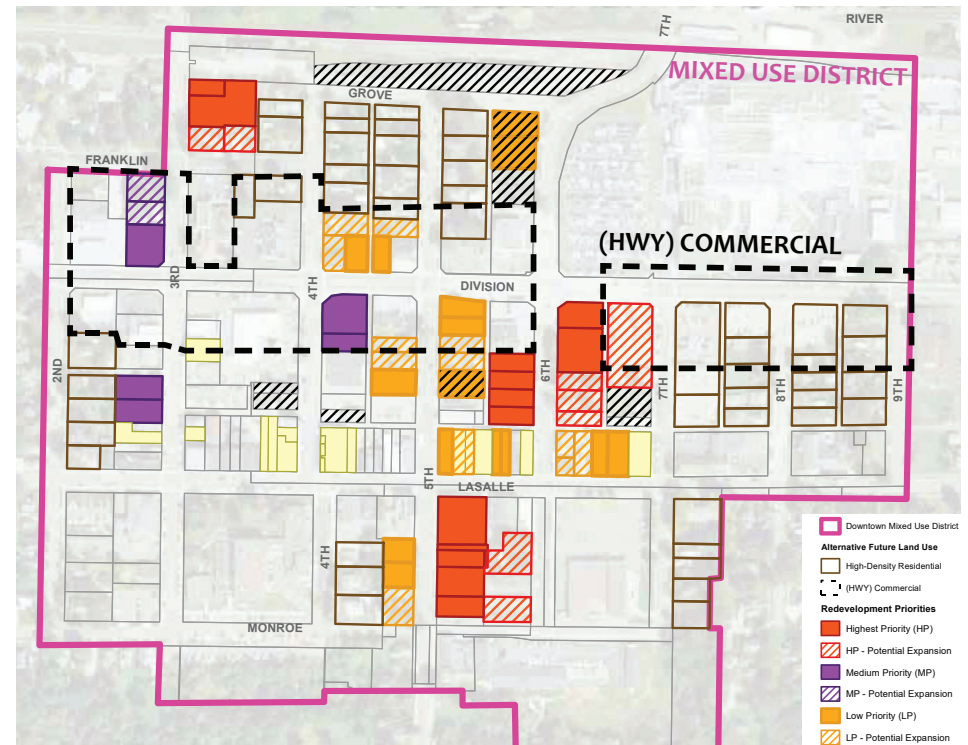
Task 3.2: Land Use Scenario Planning

The land use scenario planning is broken into three parts, as outlined below, and further detailed in the Master Plan (see Plan Item #5). Concepts will cover all areas identified in the RFP.

- 1. Initial Development + Park Scenarios.** Based on the analysis in Plan Items #1 and #2, MSA will prepare three (3) “generalized” land use concept alternatives. Based on feedback from the staff and Plan Commission / CDA (see Plan Item #8), two (2) concepts will be further analyzed.
- 2. Detailed Development + Park Concepts.** The two (2) detailed development concept alternatives will identify uses inclusive of building footprints, open spaces, parking areas with representative images defining typical development character and scale. These concepts will be vetted by the Village staff, Plan Commission/CDA and the general public through an online preference survey (see Task 8.2 A).
- 3. Preferred (or Further Refined) Concepts.** We can either further refine the initial concepts to provide two alternative development scenarios, or provide a preferred concept. These concepts will be developed per stakeholder and Village feedback (see Plan Item #6) inclusive of building footprints, walkways, parking stalls, etc. This concept will receive edits per feedback from Working Meeting #4.



Generalized Concept | Rock Island, IL



Redevelopment Opportunities Map | Barron, WI



Redevelopment Concept | Fond du Lac, WI

Task 3.3: Design Policies

Design policies and standards for all elements of the development will be established based on this preferred concept (e.g., location of preferred land uses, suggested development density and intensity, preferred building materials or styles, recommended building heights, floor area ratios, principal building setbacks, minimum or maximum parking requirements, and typical implementing zoning districts).

Task 3.4: Vision Graphic + Typical Sections

Vision graphics can be provided through Sketchup and/or Lumion to support the vision statement and policies. This likely will be several images from one area of the district establishing the general character and/or highlighting a primary node. We will also provide typical sections for roadway improvements to support final recommendations within the plan.

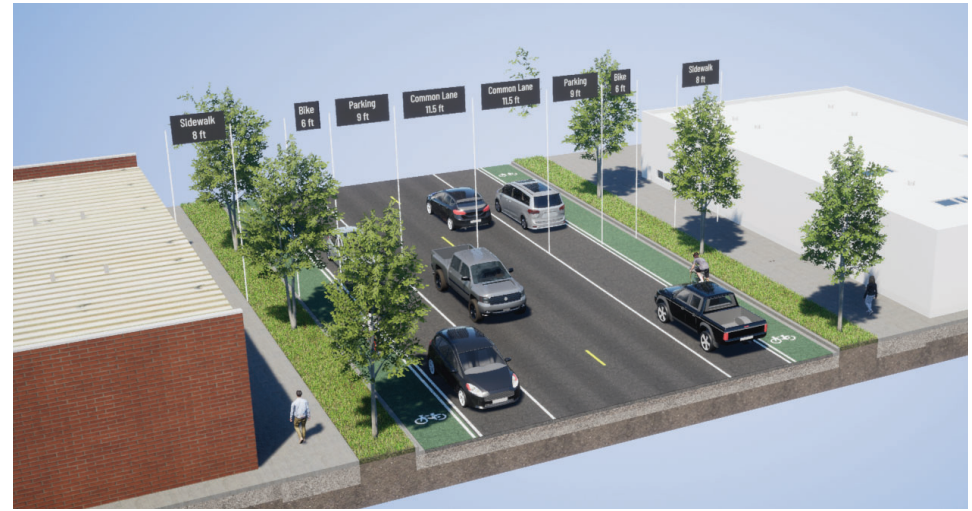
PLAN ITEM #4: DESIGN STANDARDS

Task 4.1 - Design Guidelines & Standards

Through discussions with steering committee (CDA and Plan Commission) and input obtained through the survey MSA will assist the Village in establish an identified design theme or vision for the study area. This vision will be illustrated through representative photos in the final master plan and implemented through design standards. The design standards will be a stand-alone document and will be available in the appendix of the plan. It will be provided in the form of a color handbook that will be referenced in the Village's zoning code ordinance. Results from the Vision Preference Survey will serve to inform decisions regarding design guidelines and standards. The handbook will include the following sections:

- Administration
- Site Design (*setbacks, building orientation, parking, service areas, stormwater and rear frontages adjacent to public parking*)
- Building Design (*height, massing, roof, projection features, colors and materials*)
- Historic Preservation (Redevelopment District #2 only)
- Checklist (to be filled out by the applicant and reviewed by the Village)

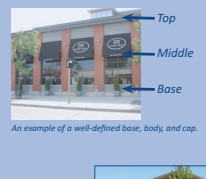
The handbook will include both guidelines and standards for each aspect of site and building design. Guidelines will be considered best practice but generally not enforceable by ordinance. Standards will be requirements that must be adhered to by ordinance. The distinction allows the Village to provide flexibility to the property owner for certain aspects of construction projects while provide a mechanism to ensure that some design elements



Typical Section | Juneau, WI

Scale & Articulation

INTENT: To strengthen the character within the neighborhood/district by providing visual interest and human scale.

BUILDING DESIGN	
 The above images show how a building can differentiate its facade to break up the facade (varying building planes, structural bay expression, and varying building heights). An example of a well-defined base, body, and cap.	Recommendations - Structures should be consistent or compatible with the surrounding area. Compatibility may be achieved through the use of various visual architectural elements, such as similar rooflines, building orientations, forms/shapes, proportions (scale and mass), door and window patterns (fenestration), materials, and other architectural detailing. - Building design should have details and proportions that are scaled to the pedestrian. - Two story buildings are encouraged with additional stories where appropriate. - Avoid large, undifferentiated building walls and roof lines. Desired design features include variation in materials and colors, projecting and recessed bays, and variation in building heights. - All architectural elevations of buildings should consist of a base, middle and top. The base and the cap should be clearly distinguishable from the body through changes in color, material, profile or texture. - New buildings should establish vertical proportions for the street facade, and for the elements within that facade (windows, doors, structural expressions, etc). Seven Bridges: Building design is encouraged to complement the character and theme of the Seven Bridges Master Plan, including franchise businesses. Retail and Mixed Use: Buildings should be easily utilized for a wide variety of businesses, avoiding franchise design that signifies a particular brand or product. Big Box Commercial: Integrating smaller retail stores as part of a larger retail building is encouraged.
 The images above illustrate techniques used to vary the facade heights along a long facade.	Minimum Standards - An accurately-measured elevation of each exposed building facade shall be submitted with the Design Standards Checklist. - One-story buildings shall be designed with extended facades and parapets to give the impression of a two-story building; however, they shall be designed three-dimensionally to hide their "fake" characteristics. - Each principal building shall have clearly defined, highly visible customer entrances featuring architectural elements such as canopies or porticos, overhangs, arcades, raised parapets, arches or roof forms. - Any building with a total width equal to or greater than its height shall utilize one or more of the following techniques: • expression of structural bays, • variation in roofline, • variations in material, and/or • variation in the building plane. - Accessory buildings and structures shall be compatible with the principal building in terms of building facade character, roof shapes, materials, colors and architectural details. - All building facades facing a public street shall receive full design consideration. This means that the facades shall be subdivided and proportioned using features such as windows, frames, sills and lintels, shading devices, and wall modulations. Industrial: Office components shall be subdivided and proportioned using architectural features such as windows, entrance features, arcades, porches, trellises, and/or stainless steel cables with vines along no less than fifty (50) percent of the facade.
 These images provide examples of the desired design for a retail building (upper) and a franchise fast-food restaurant (lower). Also the color/material palette fits the "naturalistic" theme desired in the Seven Bridges Neighborhood.	

24 Village of Holmen, WI

VILLAGE WIDE design standards 25

Village-Wide Design Standards (multiple design districts) | Holmen, WI

are specifically adhered to. The Village may choose to make some or all guidelines requirements if the applicant is seeking tax increment financing assistance (potentially through a Village-sponsored façade improvement program).

Plan Item 4.2: Placemaking Strategies

Placemaking is the process of creating quality places that attract people. MSA will identify opportunities to create unique public spaces or elements to enhance the design of the corridor, considering accessibility, comfortability, and engagement/activity opportunities. This will be provided through conceptual streetscape plans and specific strategies and actions in the final documents.

PLAN ITEM #5: REDEVELOPMENT DISTRICT PLAN + IMPLEMENTATION STRATEGY

Task 5.1: Redevelopment District Plans

MSA will complete final and separate Redevelopment District Plan No. 1 and No. 2 plan documents that contain the background information, analyses, concepts, tables and maps produced through this planning process. The final plan documents will be user friendly, incorporating graphics and minimizing text to present clear and concise planning documents. We will develop the plans per the principles outlined in the RFP, as follows:

1. Build on what has been accomplished or worked well and revisit planning assumptions, concepts and strategies that have not worked well or have yet to come to fruition in the 2010 Redevelopment Plans.
2. Strengthen opportunities to diversify the Village's housing stock, including affordable rental and homeowner units, accessory dwelling units, and mixed-use developments.
3. Identify locations that are most desirable and feasible for the (re)development of new recreation, residential, mixed-use, retail, commercial, office, and light industrial businesses.
4. Identify specific strategies to implement the vision and recommendations within the plan and to ensure land use development occurs in a sustainable manner.
5. Identify the type and location of future transportation infrastructure, including streetscaping enhancements applicable to the desired design character of each redevelopment area, including subareas. Identify what type of land use and zoning design considerations would support future opportunities to provide transit services within these areas.

6. Obtain input from a broad set of community stakeholders. Provide innovative approaches to educate and obtain input from stakeholders on desired urban planning principles.

Task 5.2: Implementation Strategy

The reward of completing a planning project is watching it become a reality. Creating a detailed Implementation Plan is a critical step towards that reality, including identifying key activities to implement the short-term and long-term goals. We will provide implementation strategies and actions addressing housing, marketing commercial/industrial development, sustainability, transportation, and open space/parks. Tools to be reviewed include Village ordinances (i.e., zoning, subdivision, etc.), capital improvement plan, and outdoor recreation plan.

PLAN ITEM #6: MAPPING

Task 6.1: Existing Conditions Maps

We will provide the following maps to aid in the plan development:

1. *Planning Area*
2. *Existing Land Use*
3. *Existing Zoning*
4. *Natural Resources*
5. *Existing Infrastructure*
6. *Blight Conditions*

Task 6.2: Implementation Maps

We will provide the following maps to aid in the plan development:

1. *Proposed Infrastructure*
2. *Park Concepts*
3. *Future Land Use / Redevelopment Concepts*
4. *Updated Comp Plan Future Land Use Maps*



PLAN ITEM #7: TID #6 OVERLAY DISTRICT PROJECT PLAN

Task 7.1: TID Project Plan

Prepare Tax Incremental District (TID) Project Plan, including preliminary cost estimates for proposed projects, economic feasibility analysis, and projected tax increment shares for inclusion in the TIF Project Plans as required. This work does not assume creating the base packet or attending any adoption or JRB meetings.

PLAN ITEM #8: ENGAGEMENT + OUTREACH

We view this project as a conversation and collaboration with many stakeholders, including Village staff, elected and appointed officials, business and property owners, and the general public (especially nearby residents). We have designed a process that will enable an effective exchange of ideas on a variety of topics. While we know we cannot satisfy all interests and preferences, we are committed to honest, open discussion about future changes in the district areas. Public participation is critical to the success of this plan. The Village should understand the interests and intentions of business and property owners in the corridor, and also the interests of nearby residents most likely to be affected by changes to the corridor. The purpose of this plan is to facilitate infill development, by seeking input and vetting alternatives now so that the Village can make the path to

redevelopment more predictable for everyone involved.

We have budgeted for meetings and public participation and we will work with you to optimize the use of that budget. Our cost proposal is based on the following specific activities.

Plan Item 8.1: Engagement Plan

We understand the need for quality and frequent communication to make the process run smoothly. As such, we propose the following procedure for communication between MSA and the Village regarding materials, draft documents, and meetings:

Typical Schedule

- **3 weeks** prior to the working meeting: MSA to provide draft materials to Village staff.
- **2 weeks** prior to the working meeting: Teams/Zoom call with staff to review revisions and comments.
- **1 week** prior to the working meeting: Provide meeting materials.

1. Working Meetings (Plan Commission with CDA): MSA will attend five (5) interactive working meetings, utilizing breakout tables based on defined objectives or discussing specific issues. The topics of each meeting is described below. Steve (project manager) will attend in person with support staff attending remotely.

- **Meeting #1:** Review existing conditions findings, discuss issues and opportunities, and market assessments.
- **Meeting #2:** Priority redevelopment site identifications and initial concepts. A public input summary will be provided to support this discussion.
- **Meeting #3:** Review preferred/refined concepts and placemaking recommendations/strategies.
- **Meeting #4:** Review full draft plan, including draft implementation plan.
- **Meeting #5:** Review stakeholder feedback and consider recommendation for adoption by the Village Board.

- 2. Village Committees/Commissions.** We will attend a two (2) Parks and Recreation Committee meetings to discuss initial and preferred/refined concepts for the parks and a Landmarks Commission meeting once initial recommendations and concepts have been created.
- 3. Public Hearing:** MSA will present the Final Plan at a public hearing.
- 4. Village Board:** Adoption by the Village Board will be done without MSA attendance. It is encouraged to have Board members invited to some of the public outreach activities and Working Meetings (especially meeting #4 and #5).

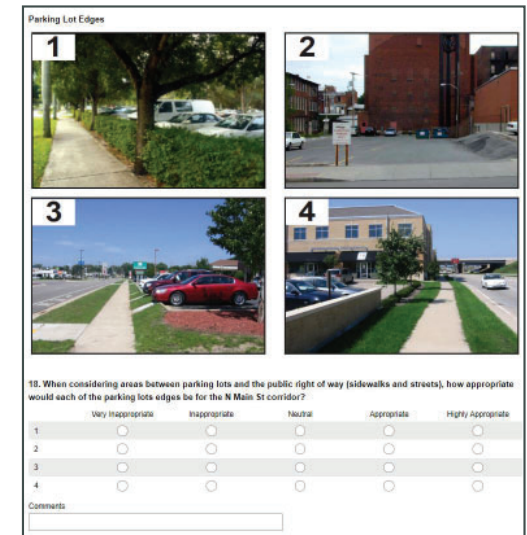
Plan Item 8.2: Outreach Plan

Providing opportunities for elected officials, property owners and other stakeholders will offer valuable input and increase support of the final plan. Based on our past successful public outreach projects, we are recommending the following process to involve a diverse population with varying interests.

- 1. Online Preference Survey.** We propose administering two (2) online surveys (using surveymonkey.com) covering both district areas with the first identifying public preferences on redevelopment massing, heights and general character to support crafting concepts and design guidelines/standards. The second survey will request preferences on the design concept alternatives both as an overall concept, as well as specific elements within each planned project area.



Preference Surveys | Fond du Lac, WI



- 2. Stakeholder Focus Groups.** MSA will conduct a total of (4) stakeholder focus groups meetings (i.e., two rounds for each district - reviewing initial concepts and then preferred/refined concepts).
- 3. (Remote) Developer Focus Groups.** We will facilitate two (2) remote focus group meetings with local developers and real estate brokers, community leaders and business leaders. MSA has some contacts with local real estate brokers and developers but would welcome Village contacts as well. The first focus group will verify our market conditions analysis, as well as review previous concepts in the current Redevelopment District Plans. The second focus group will review the initial concepts, offering an opportunity to suggest potential modifications to the concepts. Remote meetings utilizing Zoom and/or Microsoft Teams allows greater flexibility for the participants to identify a time that works into their daily lives (vs. in-person interviews designated to time slots over one or couple days).
- 4. Public Open Houses.** MSA will facilitate two (2) public open houses with one to kick-off the project and another after Working Meeting #5 to garner feedback and review the draft document and implementation strategy. Both district plans will be discussed in the same room, but divided to allow for feedback on specific areas. This can bring additional voices to the fold, as participants can choose to discuss/review one or both areas on the same night. A MSA staff person will be stationed around each of the district area tables with assistance from Village staff.

ORGANIZATIONAL CHART

The team we have organized includes experienced planners and technical service leads who bring an efficient blend of skills that will assist the Village of McFarland with the upcoming projects. What you may not see, however, is that this team is backed by 400+ engineers, architects, planners, funding experts, surveyors, GIS experts and environmental scientists. **Rest assured, you will always have the support necessary to achieve a successful project.**

PROJECT MANAGEMENT: At MSA, our client service approach is simple: We strive to be our clients' trusted partner. We proactively communicate opportunities and identify potential issues early on so small concerns do not grow into big problems. To do this, you need a trusted planner who is well versed in managing a full range of projects and can effectively communicate back to all vested stakeholders. **Steve Tremlett is just that. He believes that effective, efficient communication is critical to project success. Steve will serve at the Village's main point of contact throughout the project.**

AVAILABILITY: Based on our honest commitment to our clients, we immediately establish accountability of all personnel involved in a project's completion. When our team starts a project, we analyze the proposed schedule and compare it to each team member's potential workload. We then obtain commitments from all individuals on the project team to complete the work as identified within the proposed schedule. This approach helps to foster a team mentality and results in personal accountability of all team members involved.

QUALITY CONTROL: We assign a senior staff member to provide QA/QC review at identified milestones in the project. Jason Valerius will serve in this role. Steve Tremlett, as project manager, will utilize our project management software to review hours and budget based on regular basis to verify individual tasks are staying on budget.



Steve Tremlett, AICP, CNU-A
Project Manager



Brad Vowels-Katter
Urban Designer | Associate Planner



Jason Valerius, AICP
Principal In Charge



Yusuf Tayo
Project Planner

The planning and urban design staff above will be the primary team members working with the Village on this project with the three technical senior staff below providing a wealth of knowledge and support the planning process. Redevelopment Resources staff will support economic development tasks.



Dan Schmitt, PLA, ASLA, CPSI, CPO
Landscape Architect II



Sarah Morrison
GIS Analyst



Jeff Thelen
Associate Planner



Stephen Tremlett, AICP, CNU-A

PROJECT MANAGER | URBAN DESIGNER

Steve will be responsible for the planning, coordinating and conducting the majority of the work, including meeting attendance with Village Staff, Plan Commission and CDA.

With more than 15 years of consulting experience, Steve has taken on primary roles in downtown planning and design projects, commercial/residential development concept plans, bike/pedestrian plans, and the development of comprehensive plans and design standards. His architectural and planning background includes emphases in site planning, urban redevelopment, zoning administration and urban design using a variety of applications, including AutoCAD, Photoshop, InDesign, Illustrator, GIS, SketchUp, Lumion and Microsoft Office applications.

EDUCATION

M.S., Architecture & Urban Planning
University of Wisconsin-Milwaukee

B.S., Architecture
University of Wisconsin-Milwaukee

CERTIFICATIONS

American Institute of Certified
Planners

AFFILIATIONS

Congress of New Urbanism –
Accredited American Planning
Association

AREAS OF EXPERTISE

- Urban Design and
Redevelopment
- Comprehensive Planning
- Park Planning
- Streetscape Planning
- 3-D Modeling

SELECTED PROJECT EXPERTISE

East Side Neighborhood Economic Development and Land Use Plan, McFarland, WI

Project manager for an ambitious community-oriented guidebook that is economically practical, environmentally focused and locally sustainable. Provided a full range of planning services from background analysis to neighborhood master plan and design standards and implementation strategy.

Anton Drive Redevelopment Plan, Fitchburg, WI

The purpose of this study was to create a redevelopment plan and implementation strategy for lands in the northwest quadrant of the US 18/151 and CTH PD intersection. The primary improvements impacted the planning area include two new grade-separated interchanges, a roundabout intersection conversion, and the extension of major collector street through a large undeveloped portion of the study area (i.e., Wingra Stone Quarry). The changes improved the overall regional transportation network, and change access routes to and from the planning area. The Plan's overall vision guided land use, urban design, transportation, utilities and stormwater decisions during and after the US 18/151 reconstruction project in 2020.

Westside Neighborhood Plan Update, Sun Prairie, WI

From the initial 2003 neighborhood plan to MSA-led 2015 amendment, the west side of Sun Prairie is thriving with a mix

of uses supporting housing diversity, economic development, and workforce opportunities. The approved amendment to the neighborhood plan paved the way for a well-planned mixed-use neighborhood with 600+ residential units already approved and planned, ample open space and thriving commercial district – adding to the ever growing west side of Sun Prairie.

Additional Neighborhood/Corridor Plans:

Cross Plains, WI; Holmen, WI; Middleton, WI; Fitchburg, WI; Rothschild, WI; Sun Prairie, WI; Verona, WI; Rock Island, IL

Downtown Plans:

Over 20 communities across the Upper Midwest

Economic Development Strategies:

Black River Falls, WI; LeRoy, IL; Casey, IL

Industrial/Business Park:

Alliant Energy (Beaver Dam | Sheboygan properties); Fitchburg, WI; Prairie du Sac, WI; River Falls, WI; Sparta, WI; Whitewater, WI

Private Development:

Cambridge, WI; DeForest, WI; Lodi, WI; Madison, WI; Merrimac, WI; Richfield, WI; Stoughton, WI; Sun Prairie, WI; Sussex, WI



Brad Vowels-Katter

Urban Designer | Associate Planner

Brad specializes in spatial analysis, community planning, and landscape design with experience across a variety of project types and scales. Brad combines his experience of landscape architecture, planning, and social science into an interdisciplinary approach toward planning, design, and research projects. Brad has worked as a landscape designer at small private design firms, coordinated community grant programs, and managed park development for a rural municipality.

Education

M.S., Water Resources Management, University of Wisconsin-Madison

M.S., Landscape Architecture, University of Wisconsin-Madison

B.S., Landscape Architecture, University of Kentucky

Selected Project Experience

- Zoning Administration and Planning Services, Lodi, WI
- North Main Street Redevelopment Plan, Fond du Lac, WI
- Downtown Master Planning and Street Reconstruction Preliminary Engineering 2021, Ely, IA
- LaFollette Street Area Development, Pardeeville, WI
- Stockbridge Munsee Community Civil Engineering for New Subdivision, Red Springs, WI
- 2023 Comprehensive Plan Update, Somerset, WI
- East Neighborhood Plan, McFarland, WI
- Junction Road Conceptual Design, Jefferson, WI
- Zoning Administration, Fulton, WI
- Rock River Threshere Master Plan, Fulton, WI
- Community Outreach Coordinator/Landscape Designer, Mazomanie, WI*
- Transportation Master Plan, Somerset, WI
- Comprehensive, Bike, and Ped/Parks Plans, Waverly, IA
- Moffit Lake Park Restoration and Redevelopment, Morganfield, KY*
- Community Outreach Coordinator/Landscape Designer, Mazomanie, WI*
- Restoration and Recreational Enhancement of Lake Marion and the Black Earth Creek Corridor, Mazomanie, WI*

*Denotes experience prior to MSA.



Jason Valerius, AICP

Principal In Charge | QA/QC

Jason has more than 20 years of community planning and design experience across the Midwest. He has led the development of housing plans and studies, comprehensive plans, neighborhood plans, redevelopment plans, and zoning ordinances. As team leader for the Madison-based Planning and Design Studio team, Jason manages a talented staff with expertise ranging from comprehensive planning and transportation planning to park and recreation plans, landscape architecture, and urban design. Jason has presented at many state chapter American Planning Association conferences across the Midwest, most recently in 2022 on the topic of the Lean Comprehensive Plan.

Education

M.S., Architecture and Urban Planning, University of Wisconsin-Milwaukee

B.A., Government/Psychology, Lawrence University

Certifications

American Institute of Certified Planners

Selected Project Experience

- East Side Neighborhood Plan (*Principal in Charge*), McFarland, WI
- Sustainability Plan (*Project Manager*), McFarland, WI
- **Economic Development Planning:** Black River Falls, WI; Casey, IL; Le Roy, IL; Lyndon Station, WI
- **TIF Creation, Amendment And Management:** 51 West Development, Stoughton, WI; City of Waupun; Village of Cross Plains; Village of New Glarus; City of Sparta; City of Lodi; Village of Pardeeville
- **Neighborhood/Corridor Plans:** Balsam Lake, WI; Clinton, IA; Cross Plains, WI; Gilbert, MN; Guthrie Center, IA; Holmen, WI; La Crescent, MN; Mauston, WI; Middleton, WI; Platteville, WI; Port Byron, IL; Richland Center, WI; River Falls, WI; Rothschild, WI; Sauk City, WI; Sun Prairie, WI; Tomah, WI; Verona, WI
- **Downtown Plans:** Over 10 communities
- **Private Development:** Madison, WI; Merrimac, WI; Prairie du Sac, WI; Roxbury, WI; Stoughton, WI; Sun Prairie, WI
- **Housing Studies:** More than 12 communities



Yusuf Tayo

Project Planner

Yusuf recently joined MSA and has more than eight years of experience developing and planning various development projects worth over \$500 million in Lagos, Nigeria. He also has experience working at an intern at the Iowa State University GIS Facility where he worked on Agricultural Conservation Planning Framework (ACPF) using ArcGIS toolbox that leverages high-resolution geo-spatial data to help local farming communities better address their soil and water conservation needs.

Education

M.S., Community and Regional Planning; Iowa State University

B.S., Urban and Regional Planning Obafemi Awolowo University Ile-Ife, Osun State, Nigeria

Selected Project Experience

- **Neighborhood/Corridor Plans:** East Side Plan, McFarland, WI; North Main Street Redevelopment Plan, Fond du Lac, WI
- **Private Development:** Magnolia Springs Subdivision, Stoughton, WI; Junction Road Development, Jefferson, WI; Mixed Residential Subdivision, Nekoosa, WI
- **Other Plans/Studies:** Blight Studies - Planning and Community and Economic Development, Madison, WI



Dan Schmitt, PLA, ASLA, CPSI, CPO

Landscape Architect II

Dan is a professional landscape architect and plays a key role in each of our recreation-based projects. His academic focus was to design enriching outdoor spaces for children and he enjoys working on playground projects and exploring techniques for implementing Natural Play. His experiences provide a comprehensive knowledge of site inventory, concept development, landscape plans, planting design and construction details.

Education

M.S., Landscape Architecture, University of Wisconsin-Madison

B.S., Landscape Architecture, University of Wisconsin-Madison

Registration | Certifications

Professional Engineer Landscape Architect, WI, MN, IL

Certified Playground Safety Inspector (CPSI)

Certified Pool & Spa Operator (CPO)

American Society of Landscape Architects (ASLA)

NCI Charrette System™ Certificate

Selected Project Experience

- **Housing Development Landscape Plans:** Wales, WI; Hales Corners, WI; Abbotsford, WI
- **Park (Master) Plans:** More than 10 communities
- Elm Street Downtown Plaza, Wisconsin Dells, WI
- Downtown Plaza Master Plan, Shawano, WI
- Vilas Park Master Plan, Madison, WI
- Greenspace Improvements, Sun Prairie, WI
- Indianhead Park Master Plan, Mukwonago, WI



Sarah Morrison
GIS Analyst | Mapping

Sarah is a GIS Analyst on MSA's Stormwater team, but her work expands to many disciplines at MSA. Sarah has more than six years of GIS experience, varying from planning corridor studies, to housing studies, to stormwater modeling, to producing applications in ArcGIS Online. She is familiar with creating maps and exhibits for both internal and external clients, and has experience coordinating with utilities and municipalities, assisting with public involvement meetings, and discussing projects with project staff, officials, and members of the public. Sarah also is proficient in creating online maps for field surveys with Survey123 and ArcGIS Field Maps, and using completed field collected data and translating it for use in ArcGIS and AutoCAD.

Education

B.S., Geography, University of Wisconsin-La Crosse

Selected Project Experience

Comprehensive Plans – *including multiple maps showing varied levels of data analysis for various aspects of developing urban areas and planned development. Focused on creating deliverables that were efficient data displays while also being visually appealing.*

- Fond du Lac, WI
- Shorewood Hills, WI
- Belleville, WI
- Cambridge, WI
- Dane, WI

Housing Affordability Studies and Plans – *where we analyzed and displayed city, county, and assessor's data highlighting key issues on housing market conditions to supplement and inform municipal strategy and plans.*

- Verona, WI
- Lake Delton, WI
- Monticello, MN



Jeff Thelen
Associate Planner

Jeff is a planner and funding specialist with a broad range of experience in the fields of economic development, land use planning and community finance. He has more than 12 years of experience administering federal grant programs including Community Development Block Grant and Economic Development Administration grant programs. Jeff is also a successful grant writer – he has attained more than \$25 million in CDBG funding for public infrastructure improvements and housing rehabilitation. In addition to Jeff's grant expertise, he has also assisted numerous communities in creating and amending tax increment finance (TIF) districts, and has prepared comprehensive plans, park and recreation plans and redevelopment plans.

Education

Master of Science in Planning (MSP), Urban and Regional Planning, Florida State University

B.S., Geography and Public Administration, University of Wisconsin-LaCrosse

Selected Project Experience

- 2022 Comprehensive Plan Update/TID Amendment, Westby, WI
- Comprehensive Plan Update, Belleville, WI
- Comprehensive Plan Update, Pardeeville, WI
- Comprehensive Plans-Smart Growth Plan, Friesland, WI and Plainfield, WI
- CDBG-Public Facilities Administration: Necedah, WI; Merrilan, WI; Elroy, WI; Richland Center, WI; Alma Center, WI; Westfield, WI; Kendall, WI; Fall River, WI; Pittsville WI
- TIF District Amendment/Creation, CDBG-CV Administration, and Haskins Park Stewardship Grant Admin., West Baraboo, WI
- 2017-2020 General Engineering Services, West Baraboo, WI



VILLAGE STAFF COMMITMENTS

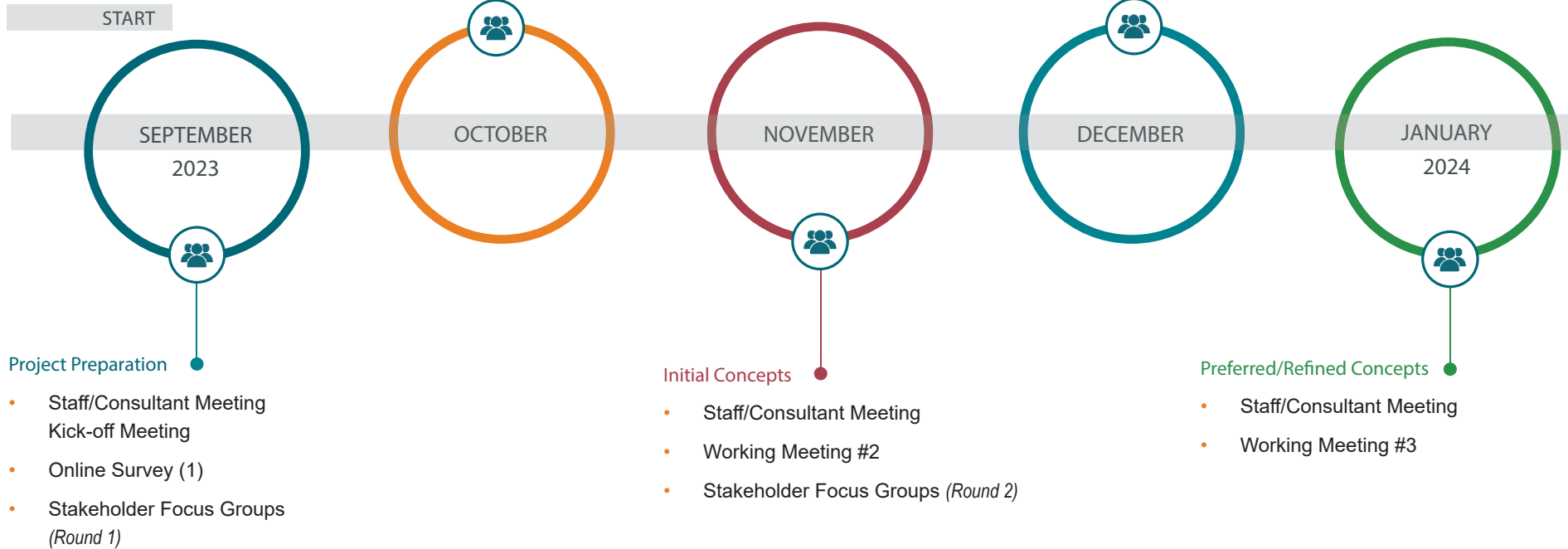
We value local perspective, knowledge, and leadership, and we see staff as critical stakeholders. Working knowledge of current conditions and other stakeholder needs is your daily work – and we see your input as vital to project success. MSA asks the following of McFarland Village staff during this process:

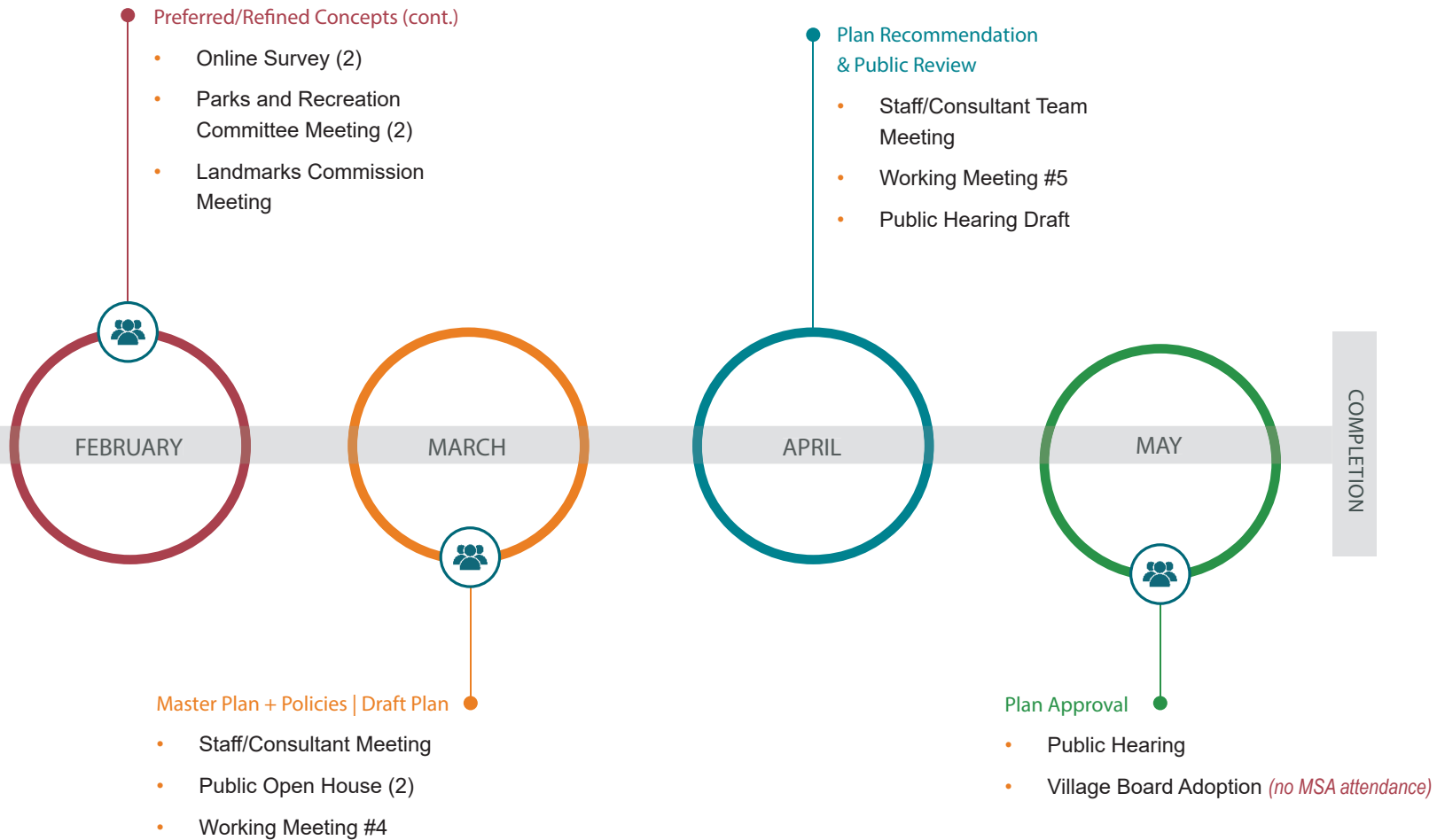
- All coordination and arrangement for engagement and outreach efforts, including the location, publishing and posting of public meeting notices, printing and distribution of draft meeting materials to committee members.

- A list of interview candidates with contact information and space to meet, if needed.
- Copies of all relevant studies that have been completed prior to this project.
- Assistance with obtaining existing relevant building permit, GIS and CADD data (e.g. land use, zoning, utilities, etc.) for the project.

PROPOSED TIMELINE

MSA anticipates the following estimated project schedule.





COST DETAIL

Based on the scope provided, the base cost of the project is \$143,470.

STAFF AVAILABILITY

TASK	RATE/HR	HOURS
Jason Valerius, AICP	\$200.00	14
Stephen Tremlett, AICP, CNU-A	\$145.00	388
Brad Vowels-Katter	\$120.00	262
Jeff Thelen	\$120.00	40
Yusuf Tayo	\$95.00	394
Dan Schmitt, PLA, ASLA, CPSI, CPO	\$140.00	26
Sarah Morrison	\$90.00	75
TOTAL HOURS		1,199

COST DETAIL

SCOPE ITEM	HOURS	COST
Plan Item 1 - Background Analysis + Photo Inventory		
Stephen Tremlett, AICP, CNU-A	10	\$1,450
Brad Vowels-Katter	8	\$ 960
Yusuf Tao	30	\$2,850
TOTAL	48	\$5,260
Plan Item 2 - Existing Conditions + Blight Evaluation		
Stephen Tremlett, AICP, CNU-A	25	\$3,625
Brad Vowels-Katter	14	\$1,680
Yusuf Tao	90	\$8,550
TOTAL	129	\$13,855

SCOPE ITEM	HOURS	COST
Plan Item 3 - Land Use + Concepts		
Stephen Tremlett, AICP, CNU-A	50	\$7,250
Brad Vowels-Katter	65	\$ 7,800
Yusuf Tayo	150	\$14,250
Jason Valerius, AICP	4	\$ 800
Dan Schmitt, PLA, ASLA, CPSI, CPO	26	\$ 3,640
TOTAL	295	\$33,740

COST DETAIL (CONT.)

SCOPE ITEM	HOURS	COST
Plan Item 4 - Design Standards		
Stephen Tremlett, AICP, CNU-A	20	\$2,900
Brad Vowels-Katter	8	\$ 960
Yusuf Tao	60	\$5,700
TOTAL	88	\$9,560

SCOPE ITEM	HOURS	COST
Plan Item 5 - Redevelopment District Plan		
Stephen Tremlett, AICP, CNU-A	44	\$6,380
Brad Vowels-Katter	66	\$7,920
Yusuf Tayo	40	\$3,800
Jason Valerius, AICP	2	\$400
TOTAL	152	\$18,500

SCOPE ITEM	HOURS	COST
Plan Item 6 - Mapping		
Stephen Tremlett, AICP, CNU-A	16	\$2,320
Sarah Morrison	75	\$6,750
TOTAL	91	\$9,070

SCOPE ITEM	HOURS	COST
Plan Item 7 - TID #6 Overlay		
Stephen Tremlett, AICP, CNU-A	8	\$1,160
Brad Vowels-Katter	16	\$1,920
Jeff Thelen	40	\$4,800
Jason Valerius, AICP	8	\$1,600
TOTAL	72	\$9,480

SCOPE ITEM	HOURS	COST
Plan Item 8 - Engagement + Outreach		
Stephen Tremlett, AICP, CNU-A	215	\$31,175
Brad Vowels-Katter	85	\$10,200
Yusuf Tao	24	\$ 2,280
TOTAL	324	\$43,655

SCOPE ITEM	HOURS	COST
Reimbursables		\$350

IT'S MORE THAN A PROJECT. IT'S A COMMITMENT.

LAND USE PLANNING FOR REDEVELOPMENT DISTRICTS 1 & 2

MCFARLAND, WI | JULY 6, 2023



Request For Proposals

Land Use Planning for Redevelopment Districts 1 & 2

RFP Issuance Date: May 23, 2023

RFP Due Date: By 4:00 PM on July 6, 2023

Please Submit to:

Village of McFarland
Department of Community & Economic Development
Attn: Andrew Bremer, AICP
Community & Economic Development Director
5915 Milwaukee Street
PO Box 110
McFarland, WI 53558

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SECTION 1 Purpose

The purpose of this Request for Proposals (RFP) is to receive competitive proposals from qualified consultants who are interested in completing updated land use plans for Redevelopment District Plan No. 1 and No. 2 for the Village of McFarland. The creation of these separate plans is meant to provide detailed recommendations regarding the development character of the Village's Redevelopment District No. 1 (aka Terminal & Triangle District) and Redevelopment District No. 2 (aka Downtown District), including the specific future locations, types, densities, and intensities of a variety of land uses and future public infrastructure improvements. The updates to Redevelopment District No. 1 are also anticipated to include the creation of a new overlay Tax Increment Finance District. The inclusion of redevelopment concepts, site and building design guidelines, affordable housing, sustainable land use and transportation planning strategies will be vital to the final deliverables of both plans. The planning process will require input from various Village committees/commissions/board, Village staff, residents, property, and business owners.

The selected consultant will need to demonstrate experience in the development of neighborhood, district, and downtown master plans and the creation of Tax Increment Finance District Project Plans under Wis. Stat. 66.1105, including performing blight analysis. A preferred consultant likely consists of a multidisciplinary team including urban planners, landscape architects, civil engineers, housing professionals, economic development professionals, commercial broker and real estate professionals. The Village prefers to work with one consultant to complete both Redevelopment Plans; however, consultants may submit a proposal for completion of just one of the Redevelopment Plans and the Village reserves the right to select separate consultants for each project if deemed in the best interests of the Village.

SECTION 2 History and Background

The Village of McFarland is located adjacent to the southeast side of the City of Madison in Dane County. The January 1, 2023 population of McFarland is estimated at 9,537 residents. US Highway 51 serves as the main connection point between the cities of Madison and Stoughton. The Village of McFarland has 75 permanent employees supplemented by seasonal, temporary, and part-time employees when necessary. The Village's primary departments include Administration, Community & Economic Development, Communications/Technology, Fire and Rescue, Library, Public Works (including Parks and Utilities), Police, and Senior Outreach. More information about the Village is available at www.mcfarland.wi.us.

Redevelopment District No. 1 (Terminal & Triangle District)

On August 9, 2004, the Village adopted the Project Plan for Tax Increment District #3 (TID #3). TID #3 is located along US 51 between Siggelow Road and Vogus Road. TID #3 was created as an Industrial post-95 TID. The expenditure period for TID #3 ended on August 9, 2022, and the TID is anticipated to close in 2027. The TID #3 Project Plan was amendment in 2007 to add additional territory and again in 2015 to establish TID #3 as a Donor to TID #4.

In 2005, the Village adopted the Terminal & Triangle District Plan to guide future public and private investments within and adjacent to TID #3, including areas within the City of Madison north of Terminal Drive. In 2010, the Village adopted Redevelopment District No. 1. The study area for Redevelopment District No. 1 matches the current TID #3 boundary. The 2010 plan carried forward many of the land use recommendations from the 2005 Terminal & Triangle District Plan, with the addition of a property blight analysis.

Several public and private redevelopment projects have occurred in Redevelopment District No. 1 since the inception of TID #3. Significant private redevelopment projects include the development of Lineage Logistics (4704 Terminal Drive), Lincoln Contractors Supply (4414 Terminal Drive), development of the Badger Business Park (McFarland Court), various fuel terminal improvements including the addition of 4110 Terminal Drive, Waubesa Village a mixed-use development at 4604-4608 Siggelkow Road & 4908 Terminal Drive, Humble Oaks Apartment at 4703 Terminal Drive (phase 1 of a four phase office and multi-family development site), and development of a new office and warehouse facility at 4313 Triangle Street. In 2021, Kwik Trip received approval of a conditional use permit to develop a new gas station and convenience store at 4015 Terminal Drive. Construction is anticipated to occur in 2025 or sooner based on existing property leases. In 2023, structures at 4008 and 4012 Terminal Drive were razed by the property owner in anticipation of future redevelopment. Despite these improvements, many properties within and adjacent to Redevelopment District No. 1 remain under-utilized including industrial, commercial, and residential areas. The Village desires to continue to improve these areas.

Recent and upcoming public infrastructure improvement projects include the 2022 reconstruction of Terminal Drive from Siggelkow Road to 4703 Terminal Drive. The Village's Capital Improvement Plan identifies reconstruction of the remaining portion of Siggelkow Road from 4703 Terminal Drive to US Highway 51 in 2027. There is also a segment of Triangle Street planned for reconstruction from a rural to urban cross-section in 2028. Future pavement rehabilitation projects include Ivywood Trail in 2024 and McFarland Court in 2025. The study area also includes two Village Parks (Brandt and McDaniel), adjacent to the Lower Yahara River Trail connecting McFarland to Madison. Several park improvement projects have occurred over the past two decades. In 2023, the Village may improve the beach at McDaniel Park with the installation of a water filtration system in collaboration with Dane County Parks Department. The Village desires to continue to improve these two parks, including potential expansion opportunities.

The WisDOT is also currently working on two USH 51 projects and studies that are included within the Redevelopment District No. 1 area. The first project is in the design phase and extends from Stoughton to Meinders Road ([US 51 Stoughton to McFarland](#)). The second project is in the study phase and extends from Vogus Road/Terminal Drive to WIS 30 ([US 51 Stoughton Road South Study](#)).

Redevelopment District No. 2 (Downtown District)

A desire to improve the Downtown area of McFarland has been a consistent theme within Village planning projects for many decades. In 1999, the Village adopted a Village Center Master Plan. The most significant outcome of this planning project was the development of the E.D. Locke Public Library. On January 14, 2008 the Village adopted the Project Plan for Tax Increment District #4 (TID #4). TID #4 was created as a Blighted post-95 TID. Due to the Great Recession, the financial performance of TID #4 underperformed until 2015 when the Village approved a Base-Value Redetermination and identified TID #4 as a Receipt to TID #3. Due to the Base-Value Redetermination, the expenditure period for TID #4 was revised to January 14, 2028 and the TID is anticipated to close in 2033. In 2010, the Village completed a Downtown Strategic Market Analysis Opportunities Assessment. This project included a retail market analysis to identify niche market opportunities. Concurrent with the Market Analysis, in 2010 the Village adopted Redevelopment District No. 2. The study area for Redevelopment District No. 2 matches the current TID #4 boundary. The 2010 plan carried forward many of the land use recommendations from the Market Analysis, with the addition of a property blight analysis.

Several public and private redevelopment projects have occurred in Redevelopment District No. 2 since the inception of TID #4. Significant private redevelopment projects include the development of the Farwell Place Apartments (5020 Farwell Street, phase 1 of a planned 2 or 3 phase development site), a new mixed-use building at 5411 Bashford Street opened in 2023, rehabilitation of 5910 Main Street a locally designated historical property, rehabilitation of 5923 Exchange Street (McFarland Café) a local and nationally designated historical property and the oldest building within McFarland. Despite these improvements, many properties within and adjacent to Redevelopment District No. 2 remain under-utilized including industrial, commercial, and residential areas. The Village desires to continue to improve these areas.

In 2017, Exchange Street was reconstructed from Bashford/Farwell Street to Broadhead Street. This project included new decorative terraces, benches, cross walks, trash receptacles, and bike lanes. In addition, a new public parking lot was added at 6001 Exchange Street. More recently the Village has purchased two residential properties (5802/04 Main Street and 5817 Milwaukee Street) with an eye toward future redevelopment opportunities. In 2022, the Village began construction of a new Public Safety Center at 6001 Broadhead Street. This building is nearing completion and the Village's Police, Fire/EMS, and Municipal Court services will relocate from the Municipal Center. The Village is also nearing completion of a [Municipal Campus Plan](#). The purpose of this study is to identify a plan for the adaptive reuse of the Municipal Building into a Community Center, including relocation of the existing Youth Center (5114 Farwell Street) within the building, adding a new Senior Center, space for additional Library programming, and growth for the remaining Village Departments and services (Administration, Community & Economic Development, Communications & Technology, Senior Outreach). The study area also includes Arnold Larson Park and the Lower Yahara River Trail. The Village desires to continue to build on these past and current public improvement projects. In 2020, the Village developed a draft Enhancement Plan for Arnold Larson Park and the Village desires to build-off this initial concept. This park is part of a closed WDNR BRRTS site (#03-13-000811) with a soil cover barrier maintenance plan.

The Village most recently updated its Comprehensive Plan in 2017, Land Use Initiatives #4 and #5 directly speak to this planning RFP:

- 2017 Comprehensive Plan, Initiative #4. Implement and Update Plans for Downtown Revitalization.
- 2017 Comprehensive Plan, Initiative #5. Implement and Review the Terminal and Triangle District Plan.

Other relevant previous studies include:

- 2023 Municipal Center Campus Master Plan
- 2023 Economic Strategic Plan
- 2023 Housing Needs Assessment Study
- 2021 Sustainability Plan
- 2020 Larson Park Enhancement Plan
- 2019 Outdoor Recreation & Open Space Plan
- 2019 Hotel Feasibility Study
- 2017 McDaniel Park Master Plan
- 2015 TIF #3 Amended Project Plan
- 2015 TIF #4 Amended Project Plan
- 2010 Redevelopment District No 1
- 2010 Redevelopment District No. 2
- 2010 Downtown Strategic Market Analysis and Opportunities Assessment
- 2008 TIF District #4 Project Plan
- 2007 TIF District #3 Amended Project Plan
- 2007 Larson Park Clay Cap Cover Barrier Maintenance Plan
- 2006 Brandt Park Master Plan
- 2005 Terminal & Triangle District Plan
- 2005 Highway 51 Corridor Concept Plan
- 2004 TIF District #3 Project Plan
- 1999 Village Center Master Plan

Copies of these plans are available on the Community & Economic Development website under the [Community Development Plans tab](#).

The planning area for the updated redevelopment plans will be finalized with input from the selected consultant but is anticipated to include those areas within the 2010 plans along with expansion to adjacent properties. Preliminary study area maps are provided in Exhibit A and B of this RFP.

This planning process will be guided under the Direction of the Community & Economic Development Director and the Village's Plan Commission and Community Development Authority. The Plan Commission holds its regular meeting on the Third Tuesday of the month at 7:00pm. The Community Development Authority holds its regular meeting on the Second Wednesday of the month at 7:00pm. For this project, the Plan Commission and CDA may consider holding joint meetings on either of these two nights. Consultants should anticipate project meetings with the Plan Commission and CDA on either of these dates throughout the project as needed. Additional input from other Village committees and boards is anticipated through the planning process including the Parks & Recreation Committee (park concepts), Public Works and Utilities Committee, Landmarks Commission, and the Village Board. The Village is

currently utilizing a hybrid of in-person and Zoom public meetings. The Consultant should anticipate a combination of in-person, remote, or hybrid meetings throughout the planning process.

SECTION 3 Plan Objectives

Broad objectives for this planning project include, but are not limited to:

1. Reassess the land use plans, concepts, and strategies identified in the 2010 Redevelopment Plans No. 1 & 2. Build on what has been accomplished or worked well and revisit planning assumptions, concepts and strategies that have not worked well or have yet to come to fruition. Build-off the work completed as part of the 2023 Municipal Center Master Plan, 2023 Housing Needs Assessment, 2023 Economic Strategic Plan, and the other prior plans identified in Section 2, including past park master plans.
2. Strengthen opportunities to diversify the Village's housing stock, including affordable rental and homeowner units, accessory dwelling units, and mixed-use developments.
3. Identifying locations that are most desirable and feasible for the (re)development of new recreation, residential, mixed-use, retail, commercial, office, and light industrial businesses. Based on market research, identify the types of retail, commercial, office, and light industrial businesses that are desired and likely to succeed within each redevelopment area. Identify how the Village's existing Zoning Map and list of permitted or conditional uses may need to be revised to implement the plan recommendations.
4. Identify specific strategies (e.g. plan policies, zoning and subdivision ordinance revisions, public and private infrastructure improvements, land acquisition, funding sources, etc.) to implement the vision and recommendations within the plan and to ensure land use development occurs in a sustainable manner.
5. Identify the type and location of future transportation infrastructure, including streetscaping enhancements (e.g. lighting, sidewalks, terraces, crosswalks, benches, receptacles, bike racks, etc.) applicable to the desired design character of each redevelopment area, including subareas. This includes the location and design characteristics of future new or reconstructed roadways, as well as the location of future on- and off-road recreational trails. Identify what type of land use and zoning design considerations would support future opportunities to provide transit services within these areas.
6. Obtain input from a broad set of community stakeholders including various Village committees/commissions/board, Village staff, residents, property, business owners, real estate and development professionals. Provide innovative approaches to educate and obtain input from stakeholders on desired urban planning principles, including reaching and obtaining input from typically unrepresented stakeholders and silent supporters.

Upon adoption, the plans will replace the Village's existing 2010 Redevelopment District No. 1 and No. 2, as well as replace the Village's 2005 Terminal & Triangle District Plan, 2010 Downtown Strategic Market Analysis and Opportunities Assessment, 2005 Terminal and Triangle District Plan, and 1999 Village Center Master Plan.

SECTION 4 Scope of Work

The selected Consultant will provide a full range of municipal planning services required to create new Redevelopment District No 1 & 2 Plans. While it is anticipated that the new plans will build off the prior 2010 plans, neither the planning process nor the final deliverable need to prescriptively follow those used in the creation of the 2010 plans. The desired services include, but are not specifically limited to the following:

1. Planning Area Identification & Background Analysis. Identification of the final planning area boundary. A description of the planning area, including a summary of prior planning activities, relevant planning documents and studies identified in Section 2, existing natural resources and infrastructure, issues & opportunities within the redevelopment districts, etc. This includes both Village plans, and those relevant plans adopted by regional entities such as the Capital Area Regional Planning Commission (e.g. [Regional Development Framework](#)), [Dane County Housing Initiative](#) (e.g. Dane County Housing Needs Assessment, Dane County Regional Housing Strategy), Greater Madison Metropolitan Planning Organization (e.g. [Connect Greater Madison 2050](#)), Madison Region Economic Partnership (e.g. [Advance Now 2.0 Strategy](#)), and [City of Madison Comprehensive Plan and neighborhood plans](#) (as related to Redevelopment District No. 1 only). Incorporate WisDOT US 51 design plans and studies as applicable (as related to Redevelopment District No. 1 only).
2. Existing Conditions Analysis & Blight Evaluations. The consultant shall perform a combination of land use, zoning, demographic, housing, and economic development market profiles and assessments in order to evaluate the planning areas and inform creation of concepts and recommendations within each redevelopment plan. This task shall also include a blight analysis of properties within the two studies areas following best practices and applicable Wis. Stat. (e.g. Wis. Stat. 66.1105, 66.1301 to 66.1329, 66.1331, 66.1333, and 66.1337).
3. Preferred Land Use Plan, Conceptual Renderings and Site Plans. The consultant shall develop a preferred land use map for each redevelopment area. The Preferred Land Use Plan for both redevelopment plans are expected to include more detailed subdistrict land use categories, maps, concepts, policies, and recommendations. This includes recommendations regarding the location of preferred land uses, suggested development density and intensity, preferred building materials or styles, recommended building heights, floor area ratios, principal building setbacks, minimum or maximum parking requirements, and typical implementing zoning districts. The use of representative images and more detailed conceptual renderings and scaled site plans for specific

strategic properties or land use categories is anticipated, including both public and private properties. The creation of roadway conceptual cross sections is also anticipated. The level of detail should match or exceed what was provided in the 2010 redevelopment plans. It is anticipated that the consultant will likely need to produce several alternative development scenarios, preferred land use maps, and conceptual renderings and site plans for review and consideration by the Village as part of an iterative planning process. Areas for more specific conceptual renderings and site plans may include, but are not limited to:

Redevelopment District No. 1:

- a. McDaniel Park. Potential future expansion south to include 4912 and 4914 McDaniel Lane.
- b. Brandt Park. Potential future expansion west to include 4519 Siggelkow Road, primarily for additional off-street parking and opportunities to add parking along the Terminal Drive side of the park.
- c. Areas adjacent to the intersection of Siggelkow Road and Terminal Drive, including the area by Ivywood Trail, Terminal Drive, Siggelkow Road, and US 51.
- d. Areas north of McFarland Court along Terminal Drive north to the Village limits.
- e. Properties in the vicinity of Meinders Road north to Vogus Road.
- f. Properties along Erling Avenue, including 5100 Erling Avenue.

Redevelopment District No. 2:

- a. McFarland Centre (5210 Farwell Street), including the existing Youth Center (5114 Farewell Street).
 - b. Farwell Street, from Merrill Street to Exchange Street.
 - c. Chase Lumber (5417 Long Street).
 - d. 5800 block of Main, Milwaukee and Wisconsin Street.
 - e. 5300 block of Long Street.
 - f. Arnold Larson Park.
4. Design Guidelines. The consultant shall prepare detailed site and building design guidelines for each redevelopment area and applicable subdistricts. This shall include representative photos and illustrations to convey design principles. Site and building design guidelines shall be tailored to the context of each redevelopment area and applicable to McFarland, including recommendations specific to [historically designated properties](#) within the project areas. This task shall also include the development of a checklist that developers, Village staff and Plan Commission can utilize in the future when reviewing actual development proposals. The consultant shall also identify recommended street and streetscaping enhancements within each redevelopment area including preliminary cost estimates.
5. Implementation Recommendations & Strategies. Describe implementation strategies including amendments to the Village's existing zoning, subdivision, capital improvement plan, outdoor recreation plan which will be necessary in order to implement the

recommendations of the plan. Identify strategies for addressing affordable housing, sustainability, or transportation related recommendations. Identify potential implementation, timelines, and marketing strategies to redevelop the planning areas, including potential land acquisition needs. Provide preliminary cost estimates for proposed recommendations and where applicable estimated impacts to future property values and tax increment generation. Identify specific funding programs or partners, including public or private, that would be applicable to McFarland.

6. Mapping. The planning project is anticipated to result in several planning maps for each redevelopment plan which may include, but are not limited to, the following:
 - a. Planning Area
 - b. Existing Land Use
 - c. Existing Zoning
 - d. Natural Resources, including WDNR wetlands, FEMA Floodplains, steep slopes, hydric soils, surface water, woodlands, existing Capital Area Regional Planning Commission (CARPC) mapped Environmental Corridors and Future Potential Environmental Corridors, etc.
 - e. Infrastructure & Project Locations Map. Locations of existing and future public utilities (e.g. sewer, water, etc.), stormwater management areas, transportation, landscaping and streetscaping improvements.
 - f. Blight Determination Parcels. A map of properties determined to be blighted based on the work completed within Task 2.
 - g. Park Concept Plans & Preliminary Cost Estimates. Park improvement concept plans for McDaniel Park, Brandt Park, and Arnold Larson Park including preliminary cost estimates.
 - h. Future Land Use. A map illustrating the locations of those future land uses described within Task 3, including conceptual locations for road improvements, bike and pedestrian facilities, park expansions, drainage areas and stormwater management facilities, etc.
 - i. Comprehensive Plan Future Land Use Map. The consultant will provide the Village with an updated Comprehensive Plan Future Land Use Map that incorporates the final Future Land Use Plan for both redevelopment areas.
7. TID #6 Overlay District Project Plan. Based on the analysis completed in Task 1-6, the consultant shall prepare a TID #6 Overlay District Project Plan meeting the requirements of Wis. Stat. 66.1105. The Village does not assume that all areas within the existing TID #3 and Redevelopment District No. 1 will be included in the new TID #6 Overlay District. Note, this task does not assume assistance with adoption of the TID #6 Project Plan. Adoption of the Project Plan will be coordinated by Village staff.
8. Community Input. The consultant shall develop and execute a public engagement plan to inform and gather input from stakeholders regarding this planning project. The plan must identify a representative group of stakeholders, including underserved

communities, in addition to those who live or work within the study areas, and apply the principles of environmental justice, if applicable. The plan also must include key messages and messages tailored to each stakeholder group. Consultants are expected to work with Village Staff to inform and gather input from these stakeholders on an ongoing basis through a variety of methods including but not limited to listening sessions, surveys, interviews, focus groups, open houses, virtual meetings, or other means to be suggested and determined. Given the distinct nature of each planning area, the consultant may need to consider separate public involvement meetings for each redevelopment plan. The consultant should also budget for an appropriate number of meetings with Village Staff, the Plan Commission/CDA, and other various Village committees and stakeholders, to develop the plan based on the experience of the Consultant and the needs of this project. A final presentation of the plans will be required once the document is complete to both the Plan Commission/CDA and Village Board. This includes public hearings on the final draft documents. Proposals shall specifically describe the public engagement tools and meetings the consultant proposes as part of their cost estimate.

These are the general requirements for the creation of a new Redevelopment District No. 1 and No. 2 Plans and are not intended to be an all-inclusive list of every task necessary to complete the project. It is expected that consultants will submit proposals that provide the Village with more specific recommendations for approaches, tasks, and deliverables based on their expertise from past work on similar projects. Innovative approaches that meet the intent of the Plan Objectives and Scope of Work are welcomed, these could be presented as additional services or additional approaches in the consultant response if desired.

SECTION 5 Deliverables

The selected consultant shall complete a final and separate Redevelopment District Plan No. 1 and No. 2 plan documents that contain at a minimum those items described in the final Scope of Services. The final plan documents shall be user friendly, incorporating graphics and minimizing text to present clear and concise planning documents.

The final plans put forth for acceptance shall be completed in such a way that they can be fully integrated with other plans and initiatives adopted by the Village. The selected Consultant shall provide the Village with an electronic copy of the final plan in its original and pdf format, including all maps, GIS data and GIS map packages, graphics, or tables used to create the plans. The selected Consultant shall provide the Village with one (1) hard copy of the final plans and an electronic PDF copy of the final plans. Draft deliverables may be provided in PDF format.

SECTION 6 RFP Submittal Requirements

1) Qualification Details consisting of:

- a. Cover Letter – Including, but not limited to a statement of understanding and approach to this project. Consultants shall clearly identify whether they are

submitting a proposal for completion of only one specific individual Redevelopment District Plan or both Redevelopment District Plans.

- b. Experience – A summary of five to seven similar or relevant projects that the consultant has executed within the last seven years. Electronic links to full copies of similar or relevant plans are encouraged. Hard copies of similar or relevant plans are not desired and can be provided electronically.
- c. References – Provide three to five municipal client references for which the consultant has provided similar planning services within the last seven years. Include the name, email, and telephone number of the contact person and a description of services provided to that contact.

2) Technical Proposal consisting of:

- a. Scope of Work – A description of the approach to be taken toward completion of each item listed under Section 4 of this RFP, including any draft and final deliverables. An explanation of any variances to the proposed Scope of Work as outlined in the RFP, and any insights into the project gained as a result of developing the proposal or from past project experiences.

3) Project Management Plan Proposal consisting of:

- a. Key Personnel – A list or organization chart of personnel directly assigned to the project, along with responsibilities on this project and resumes. Clearly illustrate the responsibilities and lines of communication and authority relative to your project management team. Describe your plan to interface with Village staff. The Consultant's Project Manager, who will be responsible for planning, coordinating, and conducting the majority of the work, including meeting attendance with Village Staff, Plan Commission and CDA, must be identified and committed to the project. The Village reserves the right to approve Consultant's Project Manager and any requested personnel and subcontractor changes during the course of the project.
- b. Quality Control – Describe quality control measures and processes to ensure the project requirements are achieved within the project budget and schedule.
- c. Village Staff Commitments – Identification of those items within the Scope of Work for which the consultant anticipates assistance by Village Staff. Village Staff will serve as the point of contact for public inquires during the planning process, will attend all public meetings, will maintain a project website, and provide public outreach of planning activities through existing Village social media outlets, electronic and community newsletters. Village Staff can also assist in providing

parking occupancy counts within the study areas as needed and providing existing GIS data as available.

- d. Project Schedule – A proposed schedule that indicates project milestones by phases or tasks, delivery of draft and final project deliverables, and overall timeline for completion of the Redevelopment Plans. Identification of meetings with Village Staff, Village committees, and the public, including summary of targeted discusses and meeting outcomes.
- e. Supplemental Information – Any other information deemed necessary to address the requests of this RFP.

4) Cost and Labor Hours Proposal consisting of:

- a. Cost – Lump Sum price to complete the plan as proposed in the Consultant’s base Scope of Work.
- b. Estimated Labor Hours – A summary of estimated labor hours by task, or phase, that clearly identifies the project team members, their hourly rate, and the number of hours performed by each participant organized by task or phase.
- c. Additional Scope/Fees – Total fee, hours per employee, and hourly rates by employees, for any additional services not identified as included in the Consultant’s base Scope of Work.

5) General requirements consisting of:

- a. Due Date – **Responses to the RFP must be received by 4:00 PM CST on Thursday July 6, 2023.** Proposals received late, for any reason, shall not be accepted.
- b. Format & Location – Prospective consultants shall provide one (1) electronic PDF copy. RFP submittals shall be emailed to the Community & Economic Development Director at andrew.bremer@mcfarland.wi.us, subject: Proposal for Redevelopment Districts 1 & 2. Note, an email more than 30 MB won’t be accepted by the Village’s email server. Alternatively, consultants may submit an electronic PDF copy via a USB flash drive to the McFarland Department of Community & Economic Development:

Attn: Andrew Bremer, AICP
Community & Economic Development Director
Proposal for Redevelopment Districts 1 & 2
5915 Milwaukee Street, PO Box 110,
McFarland, WI 53558.

- c. Property – All information developed as part of this RFP, including graphics and data, shall become the property of the Village. All text shall be submitted electronically as is most convenient. All original graphics generated as a part of the RFP shall be submitted to the Village in an easily reproducible hardcopy and electronic format as applicable.

SECTION 7 Evaluation Criteria

The following criteria will be used to evaluate each proposal submitted:

- Key Personnel (15 points). Experience and qualifications relevant to key personnel and their associated project roles and estimated labor hours.
- Project Experience (15 points). Level of experience completing similar projects with local government entities of similar size, structure, and complexity.
- Scope of Work (25 points). Level of responsiveness and technical approaches to the scope of work outlined within the RFP. Demonstration of knowledge and innovative approaches particular to the desired Scope of Work and Plan Objectives.
- Cost Effectiveness (25 points). Ability to meet budget/value as related to proposed and additional costs. Hourly rates of key personnel. Estimated total labor hours. Total project budget.
- Project Schedule (10 points). Ability to be responsive in meeting schedule required to complete the plan and deliverables. Quality, clarity and creativity of proposed planning process and public engagement, including specific proposed engagement tools and project meetings.
- Quality of Submittal (10 points). Quality, clarity and completeness of submittal package, including identification of draft and final deliverables. Consultants shall not submit verbatim sections of this RFP as their proposal.

SECTION 8 Method & Timeline of Selection

The Village Administrator; Community and Economic Development Director; Chairperson and Vice-Chairperson for the Planning Commission, and the Chairperson and Vice-Chairperson of the Community Development Authority will conduct the evaluation of proposals submitted. This will comprise the RFP Evaluation Team. They will make a recommendation to the Planning Commission & Community Development Authority who will make the final joint recommendation to the Village Board for action. The following method and timeline will be utilized in order to select the desired proposal:

- **May 23rd – RFP Issuance Date.**

- **June 14th – Deadline for submittal of written questions.** Questions regarding this RFP shall be emailed to the Community & Economic Development Director at andrew.bremer@mcfarland.wi.us.
- **June 16th – Responses to written questions.** Responses to all submitted written questions will be posted to the Village website.
- **July 6th – RFP Due Date.** RFP's shall be submitted no later than 4:00 PM on Thursday, July 6th.
- **July 10-21 – Evaluation.** The Evaluation Team will review the proposals and decide which, in its sole discretion, it chooses to further consider via an in-person or virtual interview.
- **July 24th – August 2nd – Interviews.** At its discretion, the Evaluation Team may host interviews of perspective consultants in order to make a selection.
- **August 3rd – Evaluation Team Recommendation.** The Evaluation Team will make its recommendation to the Plan Commission & Community Development Authority for further consideration following completion of their work to evaluate the proposals. The Village prefers to work with one consultant to complete both Redevelopment Plans; however, the Village reserves the right to select separate consultants for each project if deemed in the best interests of the Village.
- **August 9th – Community Development Authority Recommendation.** The CDA will consider the recommendation of the Evaluation Team in order to make their own recommendation to the Village Board.
- **August 15th – Plan Commission Recommendation.** The Plan Commission will consider the recommendation of the Evaluation Team in order to make their own recommendation to the Village Board.
- **August 22nd – Village Board.** The Board will take final action to consider acceptance of the recommended proposal and enter into a contract for this purpose.
- **August 23rd – September 1st – Final Contract.** The Village Attorney will draft the final contract for signatures utilizing the approved proposal and the Village's Standard Contract.
- **September 5th – Estimated project commencement date.**
- **March 26th, 2024 – Estimated project completion date.** Village Board acceptance of final plans.

SECTION 9 Terms and Conditions

Each proposal will be reviewed to determine if it meets the submittal requirements contained within this RFP. Failure to meet the requirements for the RFP can be cause for rejection of the proposal. The Village may reject any proposal if it is conditional, incomplete, contains irregularities, or if in the sole discretion of the Village not considered in our best interest. The Village may waive an immaterial deviation in a proposal, but this shall in no way modify the proposal document or excuse the Consultant from compliance with the contract requirements if the Consultant is awarded a contract. A prospective Consultant may be requested for an interview at the sole discretion of the Village. The recommended Consultant will be selected and approved by the Village Board.

The Village uses a standard template contract for such services and will require its utilization for this project. A copy of the standard template can be provided for review upon request and will be updated to adapt to the proposal ultimately selected.

There is no expressed or implied obligation for the Village to reimburse firms for any expenses incurred in preparing proposals in response to this request. Materials submitted by respondents are subject to public inspection under Wisconsin law. Any language purporting to render the entire proposal confidential or proprietary will be ineffective and will be disregarded.

The Village will not discriminate against individuals due to sex, race, religion, creed, color, national origin, age, disability, sexual orientation, ancestry, marital status, arrest or conviction record, military service, or any other characteristics protected by law. This applies to all Consultants submitting proposals to this project and their sub-consultants.

The Village reserves the right to retain all proposals submitted, and to use any idea in a proposal, regardless of whether the proposal was selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in the RFP, unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the Village and the Consultant.

All property rights, including publication rights of all reports produced by the selected firm in connection with services performed under this agreement shall be vested in the Village.

The Village reserves the right to reject any or all proposals submitted.

SECTION 10 RFP Exhibits

Exhibit A: Draft Redevelopment District No. 1 Study Area

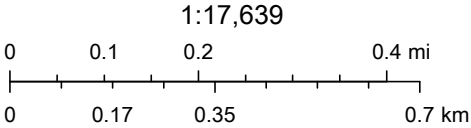
Exhibit B: Draft Redevelopment District No. 2 Study Area

Exhibit C: Standard Contract Template

Preliminary Redevelopment District No. 1 Study Area



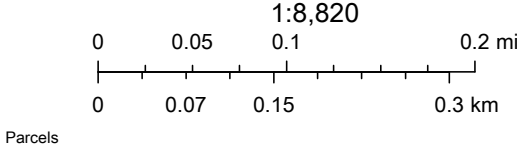
4/14/2023, 2:42:00 PM



Preliminary Redevelopment District No. 2 Study Area



4/14/2023, 2:52:49 PM



VILLAGE OF MCFARLAND CONTRACT

Expiration Date: _____

Maximum Cost: _____

Registered Agent: _____

Street Address of
Registered Agent: _____

City, State, Zip: _____

THIS CONTRACT, made and entered into, by and between the Village of McFarland (hereinafter referred to as "VILLAGE") and _____ (hereinafter referred to as "PROVIDER"),

WHEREAS VILLAGE, whose address is 5915 Milwaukee St., P.O. Box 110, McFarland, WI 53558, desires to purchase services from PROVIDER for the purpose of _____; and

WHEREAS PROVIDER, whose business address is _____, is able and willing to provide such services;

NOW, THEREFORE, in consideration of the above premises and the mutual covenants of the parties hereinafter set forth, the receipt and sufficiency of which are acknowledged by each party, VILLAGE and PROVIDER agree as follows:

- I. TERM. The term of this Contract shall commence as of the date on which all parties have executed this Contract and shall end as of the EXPIRATION DATE set forth on page 1 hereof, unless sooner agreed to in writing by the parties or as provided in Section IV. VILLAGE may, in its sole discretion, extend the completion date of PROVIDER's services, under the same terms and conditions. PROVIDER shall complete its obligations under this Contract not later than the EXPIRATION DATE, and by the date set by the VILLAGE and agreed to by PROVIDER if this Contract is extended.
- II. SERVICES.
 - A. PROVIDER agrees to provide the services detailed in the attached Schedule A, which is fully incorporated herein by reference.
 - B. PROVIDER shall commence, carry on and complete its obligations under this Contract with all deliberate speed and in a sound, economical and efficient manner, in accordance with this Contract and all applicable laws. In providing services under this Contract, PROVIDER agrees to cooperate with the various departments, agencies, employees and officers of VILLAGE. Time is of the essence with regard to all dates for completion of any services under this Contract unless expressly provided otherwise.
 - C. PROVIDER agrees to secure at PROVIDER's own expense all personnel necessary to carry out PROVIDER's obligations under this Contract. Such personnel shall not be deemed to be

employees of VILLAGE nor shall they or any of them have or be deemed to have any direct contractual relationship with VILLAGE.

III. ASSIGNMENT/TRANSFER. PROVIDER shall neither assign nor transfer any interest or obligation in this Contract, without the prior written consent of VILLAGE unless otherwise provided herein, provided that claims for money due or to become due to PROVIDER from VILLAGE under this Contract may be assigned to a bank, trust company or other financial institution without such approval if and only if the instrument of assignment contains a provision substantially to the effect that the right of the assignee in and to any moneys due or to become due to PROVIDER shall be subject to prior claims of all persons, firms and corporations for services rendered or materials supplied for the performance of the work called for in this Contract. PROVIDER shall promptly provide notice of any such assignment or transfer to VILLAGE.

IV. TERMINATION.

A. VILLAGE may terminate this Contract for any reason upon thirty (30) day written notice to PROVIDER.

B. The following shall constitute grounds for immediate termination:

1. violation by PROVIDER of applicable State, Federal or local law, or failure by PROVIDER to comply with applicable State and Federal service standards, as expressed by applicable statutes, rules and regulations.
2. failure by PROVIDER to carry applicable licenses or certifications as required by law in order to complete the services to be provided under this Contract.
3. failure of PROVIDER to comply with reporting requirements contained herein.
4. inability of PROVIDER to perform the work provided for herein.

C. Failure of the Village Board to appropriate sufficient funds to carry out VILLAGE's obligations hereunder shall result in automatic termination of this Contract as of the date funds are no longer available, without notice.

D. Failure by VILLAGE to make payment to PROVIDER as required under the terms of this Contract, after PROVIDER has provided written notice to VILLAGE of non-payment and the failure continues unremedied for twenty-one (21) days.

E. Upon the expiration or any termination of this Contract, all finished and unfinished documents, services, papers, data, products, and the like prepared, produced or made by PROVIDER under this Contract shall at the option of VILLAGE become the property of VILLAGE, and PROVIDER shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents, services, papers, data, and/or products. Notwithstanding the above, PROVIDER shall not be relieved of liability to VILLAGE for damages sustained by VILLAGE by virtue of any breach of this Contract by PROVIDER, and VILLAGE may withhold any payments to PROVIDER for the purpose of offset.

V. PAYMENT. VILLAGE agrees to make such payments for services rendered under this Contract as and in the manner specified herein and in the attached Schedule B, which is fully incorporated herein by reference. Notwithstanding any language to the contrary in this Contract or its attachments, VILLAGE shall never be required to pay more than the sum set forth on page 1 of this Contract under the heading MAXIMUM COST, for all services rendered by PROVIDER under this Contract for the contracted services, unless otherwise agreed to by the parties by written agreement.

VI. REPORTS. PROVIDER agrees to make reports on the status of its services upon reasonable request by VILLAGE.

VII. DELIVERY OF NOTICE. Notices, bills, invoices and reports required by this Contract shall be deemed delivered as of the date of postmark if deposited in a United States mailbox, first class postage attached, addressed to a party's business address as set forth above. Either party may change the address to which notices should be sent by written notice to the other party.

VIII. INSURANCE.

- A. PROVIDER shall indemnify, hold harmless and defend VILLAGE, its boards, committees, agencies, officers, employees and representatives against any and all liability, loss (including, but not limited to, property damage, bodily injury and loss of life), damages, costs or expenses which VILLAGE, its officers, employees, agencies, boards, commissions and representatives may sustain, incur or be required to pay by reason of PROVIDER's acts or omissions in the course of furnishing the services or goods required to be provided under this Contract, provided, however, that the provisions of this paragraph shall not apply to liabilities, losses, charges, costs, or expenses to the extent caused by or resulting from the acts or omissions of VILLAGE, its agencies, boards, commissions, officers, employees or representatives. The obligations of PROVIDER under this paragraph shall survive the expiration or termination of this Contract.
- B. In order to protect itself and VILLAGE, its officers, boards, committees, agencies, agents, volunteers, employees and representatives under the indemnity provisions of the subparagraph above, PROVIDER shall, at PROVIDER's own expense, obtain and at all times during the term of this Contract keep in full force and effect the insurance coverages, limits, and endorsements listed below. When obtaining required insurance under this Contract and otherwise, PROVIDER agrees to preserve VILLAGE's subrogation rights in all such matters that may arise that are covered by PROVIDER's insurance. Neither these requirements nor the VILLAGE's review or acceptance of PROVIDER's certificates of insurance is intended to limit or qualify the liabilities or obligations assumed by the PROVIDER under this Contract.

Commercial General Liability.

PROVIDER agrees to maintain Commercial General Liability insurance at a limit of not less than \$1,000,000 per occurrence. Coverage shall include, but not be limited to, Bodily Injury and Property Damage to Third Parties, Contractual Liability, Personal Injury and Advertising Injury Liability, Premises-Operations, Independent Providers and Subcontractors, and Fire Legal Liability. The policy shall not exclude Explosion, Collapse, and Underground Property Damage Liability Coverage unless the VILLAGE waives such requirement in writing. The policy shall list the VILLAGE as an Additional Insured.

Professional Liability.

PROVIDER agrees to maintain Professional Liability insurance at a limit of not less than \$1,000,000 per occurrence. The policy shall list VILLAGE as an Additional Insured.

Commercial/Business Automobile Liability.

PROVIDER agrees to maintain Commercial/Business Automobile Liability insurance at a limit of not less than \$1,000,000 Each Occurrence. PROVIDER further agrees coverage shall include liability for Owned, Non-Owned & Hired automobiles. In the event PROVIDER does not own automobiles, PROVIDER agrees to maintain coverage for Hired & Non-Owned Auto Liability, which may be satisfied by way of endorsement to the Commercial General Liability policy or separate Business Auto Liability policy.

Workers' Compensation.

PROVIDER agrees to maintain Workers' Compensation insurance to the extent required by law.

Umbrella or Excess Liability.

PROVIDER may satisfy the minimum liability limits required above for Commercial General

Liability and Business Auto Liability through an Umbrella or Excess Liability policy provided that the Annual Aggregate limit shall not be less than the highest "Each Occurrence" limit for the Commercial General Liability and Business Auto Liability. PROVIDER agrees to list the VILLAGE as an "Additional Insured" on its Umbrella or Excess Liability policy.

- C. Upon execution of this Contract, PROVIDER shall furnish VILLAGE with a Certificate of Insurance listing VILLAGE as an additional insured and, upon request, certified copies of the required insurance policies. If PROVIDER's insurance is underwritten on a Claims-Made basis, the Retroactive Date shall be prior to or coincide with the date of this Contract. The Certificate of Insurance shall state that professional malpractice or errors and omissions coverage, if the services being provided are professional services, is Claims-Made and indicate the Retroactive Date, and PROVIDER shall maintain coverage for the duration of this Contract and for six (6) years following the completion of this Contract. PROVIDER shall furnish VILLAGE, annually on the policy renewal date, a Certificate of Insurance as evidence of coverage. It is further agreed that PROVIDER shall furnish the VILLAGE with a 30-day notice of aggregate erosion, in advance of the Retroactive Date, cancellation, or renewal. It is also agreed that on Claims-Made policies, either PROVIDER or VILLAGE may invoke the tail option on behalf of the other party and that the Extended Reporting Period premium shall be paid by PROVIDER. In the event any action, suit or other proceeding is brought against VILLAGE upon any matter herein indemnified against, VILLAGE shall give reasonable notice thereof to PROVIDER and shall cooperate with PROVIDER's attorneys in the defense of the action, suit or other proceeding. PROVIDER shall furnish evidence of adequate Workers' Compensation Insurance, if required. In case of any sublet of work under this Contract, PROVIDER shall furnish evidence that each and every subcontractor has in force and effect insurance policies providing coverage identical to that required of PROVIDER.
 - D. The VILLAGE, acting at its sole option and through its Village Board, may waive any and all requirements contained in this Contract, such waiver to be in writing only. Such waiver may include or be limited to a reduction in the amount of coverage required above. The extent of waiver shall be determined solely by Village Board taking into account the nature of the work and other factors relevant to VILLAGE's exposure, if any, under this Contract.
- IX. NO WAIVER BY PAYMENT OR ACCEPTANCE. In no event shall the making of any payment or acceptance of any service or product required by this Contract constitute or be construed as a waiver by VILLAGE of any breach of the covenants of this Contract or a waiver of any default of PROVIDER and the making of any such payment or acceptance of any such service or product by VILLAGE while any such default or breach shall exist shall in no way impair or prejudice the right of VILLAGE with respect to recovery of damages or other remedy as a result of such breach or default.
- X. NON-DISCRIMINATION. During the term of this Contract, PROVIDER agrees not to discriminate on the basis of age, race, ethnicity, religion, color, gender, disability, marital status, sexual orientation, national origin, cultural differences, ancestry, physical appearance, arrest record or conviction record, military participation or membership in the national guard, state defense force or any other reserve component of the military forces of the United States, or political beliefs against any person, whether a recipient of services (actual or potential) or an employee or applicant for employment, except to the extent that such factors are substantially related to the qualifications of such person to perform the work or receive the services. Such equal opportunity shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment, advertising, layoff, termination, training, rates of pay, and any other form of compensation or level of service(s). PROVIDER agrees to post in conspicuous places, available to all employees, service recipients and applicants for employment and services, notices setting forth the provisions of this paragraph.
- XI. PUBLIC RECORDS. The PROVIDER acknowledges and understands that the VILLAGE is a governmental entity. As such, all communications and other documents prepared or received by the PROVIDER in connection with the services provided by PROVIDER under this Contract may

be governed by the Wisconsin Public Records Law and that, in the event of a request for such documents, the VILLAGE may be legally obligated to produce them. The PROVIDER agrees that it will provide all such documents to the VILLAGE if determined by VILLAGE to be necessary to comply with a proper Public Records Law request by either (1) retaining all such documents for a period of not less than seven (7) years after completion of the Work and providing copies to the VILLAGE promptly upon request in exchange for the reasonable cost of copying or (2) providing a copy of each such document to the VILLAGE upon the expiration of the Contract. In the event the PROVIDER fails to make such documents available to the VILLAGE as provided herein, the PROVIDER shall indemnify the VILLAGE for any penalties, costs, expenses (including reasonable attorney fees) incurred due to its inability to comply with the Public Records Law with respect to such documents. The obligations under this paragraph to produce and retain records, including the provisions for indemnity, shall survive the expiration or termination of this Contract.

XII. MISCELLANEOUS.

- A. PROVIDER is registered to do business in the State of Wisconsin; the persons executing this Contract on its behalf are authorized to do so, and the name and address of PROVIDER's registered agent is as set forth opposite the heading REGISTERED AGENT on page 1 of this Contract. PROVIDER shall notify VILLAGE immediately, in writing, of any change in its registered agent, his or her address, and PROVIDER's legal status. For a partnership, the term 'registered agent' shall mean a general partner. The person(s) executing this Contract on behalf of PROVIDER individually represent(s) that he, she or they are duly authorized to enter into this Contract and bind the PROVIDER hereto, and that no signatures other than those shown in the signature blocks below are necessary to make this Contract binding on PROVIDER.
- B. Controlling Law and Venue. It is expressly agreed that in the event of any disagreement or controversy between the parties, Wisconsin law shall be controlling. Venue for any legal proceedings shall lie solely in the Dane County Circuit Court.
- C. Limitation of Contract. This Contract is intended to be an agreement solely between the parties hereto and for their benefit only. No part of this Contract shall be construed to add to, supplement, amend, abridge or repeal existing duties, rights, benefits or privileges of any third party or parties, including but not limited to employees of either of the parties.
- D. Entire Contract. The entire agreement of the parties is contained herein and this Contract supersedes any and all oral agreements and negotiations between the parties relating to the subject matter hereof. The parties expressly agree that this Contract shall not be amended in any fashion except in writing, executed by both parties.
- E. Counterparts. The parties may evidence their agreement to this contract upon one or several counterparts of this instrument, which together shall constitute a single instrument.
- F. Severability. In the event any provision, term or clause contained in this Contract shall be determined unlawful or unenforceable, such determination shall not affect the remaining provisions of this Contract which shall remain in full force and effect. In the event any such provision, term or clause shall be determined unlawful or unenforceable as to any particular person or circumstances, such determination shall not affect the applicability of such provision to any other person or under any other circumstances.
- G. Neither Party shall be liable to the other Party for failure or delay in performance of this Contract due to acts of God, acts of governmental authorities other than the VILLAGE, extraordinary weather conditions or other natural catastrophes, or any other cause beyond the reasonable control or contemplation of either Party or as otherwise defined by law ("Force Majeure Event"), provided the delayed Party shall make reasonable efforts to avoid

or mitigate such delay and shall promptly notify the other Party in writing of the cause of the delay and its extent.

IN WITNESS WHEREOF, VILLAGE and PROVIDER, by their respective authorized agents, have caused this Contract and its Schedules to be executed, effective as of the date by which all parties hereto have affixed their respective signatures, as indicated below.

FOR PROVIDER:

Date Signed: _____

FOR VILLAGE:

Date Signed: _____
Carolyn Clow, Village President

Date Signed: _____
Cassandra Suettinger, Deputy Administrator/Clerk

Approved as to form:

Daniel J. Evans
Attorney for the Village

VILLAGE OF MCFARLAND CONTRACT

Schedule A – Scope of Services

Pursuant to Section II(A) of this Contract, the PROVIDER shall provide _____

In accomplishing the scope of services and providing the deliverables as outlined above, the PROVIDER will provide the services in a timely and professional manner.

VILLAGE personnel shall cooperate with the PROVIDER and its agents in the performance of the PROVIDER's obligations hereunder.

VILLAGE OF MCFARLAND CONTRACT

Schedule B – Payment for Services

For and in consideration of the services provided under this Contract, the VILLAGE will pay PROVIDER as follows:

VILLAGE OF MCFARLAND CONTRACT

Schedule C – Project Schedule

Please note the following project schedule:

Task

Time Frame

The term of the Contract shall be in effect within the dates stated unless otherwise provided according to the terms of this contract. The Project Schedule may be amended at any time by mutual agreement between the VILLAGE and PROVIDER.

McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, August 15, 2023

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion regarding proposed changes to Chapter 8, Article XVII, Site Erosion Control and Article XVIII Stormwater Management.

PREVIOUS ACTION:

ISSUE SUMMARY:

Dane County made several updates to their code of ordinances to help mitigate flooding, including requiring peak rate control for the 200-year storm, the previous requirement was 100-year, definition updates (e.g. redevelopment sites), definition additions (e.g. green infrastructure), and adding volume requirements for closed watersheds. The latter actually mirrors what the Village already did for Juniper Ridge. As a municipality within the County, the Village is required to enforce these new requirements and has been doing so since they went into effect. Within the packet is a redline copy of Article XVII Site Erosion Control and Article XVIII Stormwater Management prepared by the Village Engineer illustrating the proposed revisions in order to bring the Municipal Code up to the current County requirements. These ordinances are part of Chapter 8, Building Code. The purpose of the August 15 Plan Commission is to simply introduce these ordinance amendments. A future meeting will be scheduled to recommend the final ordinance change to the Village Board for approval.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

Article XVII Site Erosion Control
Article XVIII Stormwater Management

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

This agenda item is presented for discussion only.

ATTACHMENTS:

1. Erosion Control and Stormwater Management Ordinance Redline_08.10.2023

ARTICLE XVII. SITE EROSION CONTROL¹

DIVISION 1. GENERALLY

Sec. 8-668. Authority.

This Article is adopted pursuant to the guidelines in Wis. Stats. § 61.354.

(Code 1998, § 15-5-1)

Sec. 8-669. Findings and purpose.

- (a) *Findings.* The Village Board finds that soil erosion from land development activities and subsequent development can disturb natural cover and land surfaces resulting in a change of run-off patterns that may have a detrimental effect on water quality and downstream uses. This is of particular concern in the Village, in which a substantial portion of the surface water of the Village is within the boundaries of the Yahara Monona Priority Watershed Project boundaries. Land development activities and subsequent development need to be strictly regulated to avoid damage to other properties and sensitive areas. Further, effective sediment and stormwater management depends upon proper planning, design and timely installation of conservation practices, as well as continuing maintenance practices.
- (b) *Purpose.* It is the purpose of this Chapter to preserve the natural resources; to protect the quality of the waters of the state and Village; and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment, soil loss, and other pollutants carried by runoff or discharge from land development activities on the property to lakes, streams and wetlands.

(Code 1998, § 15-5-2; Ord. No. 2005-04, § 1, 3-28-2005)

Sec. 8-670. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (a) *Agricultural building.* Any structure directly incidental or devoted primarily to agricultural land use activities such as barns, silos or storage structures for agricultural equipment.
- (b) *Agricultural land use.* Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.

¹State law reference(s)—Site erosion control, Wis. Stats. § 61.354; special charges for services, Wis. Stats. § 66.0627; stormwater systems, Wis. Stats. § 66.0821; soil and water resource management practices, Wis. Stats. § 92.11; erosion control, Wis. Stats. § 281.33; stormwater discharge permits, Wis. Stats. § 283.33.

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- (c) *Best management practice (BMP)*. A practice, technique, or measure that is an effective, practical means of preventing or reducing soil erosion and/or water pollution from runoff both during and after land development activities. These can include structural, vegetative or operational practices.
 - (d) *Commercial land use*. Use of land for the retail or wholesale sale of goods or services.
 - (e) *Construction site erosion control*. Preventing or reducing soil erosion and sedimentation from land development activity.
 - (f) *Control measure*. A practice or combination of practices to control erosion and attendant pollution.
 - (g) *Control plan*. A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this Article submitted by the application for review and approval by the Building Inspector and/or Village Engineer.
 - (h) *Erosion*. The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
 - (i) *Erosion control measure*. A control measure used to meet the requirements of Section 8-672.
 - (j) *Excavation*. Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the resulting conditions.
 - (k) *Existing development*. Buildings and other structures and impervious area existing prior to adoption of the ordinance from which this Article is derived.
 - (l) *Fill*. Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved to a new location and shall include the resulting conditions.
 - (m) *Gully erosion*. A severe loss of soil caused by or resulting in concentrated flow of sufficient velocity to create a defined flow channel.
 - (n) *Impervious surface*. Any land cover that prevents rain or melting snow from soaking into the ground, such as roofs (including overhangs), roads, sidewalks, patios, driveways and parking lots. For purpose of this Chapter, all road, driveway or parking surfaces including gravel surfaces shall be considered impervious, unless specifically designed to encourage infiltration and approved by the Village.
 - (o) *Infiltration*. The process by which rainfall or runoff seeps into the soil.
 - (p) *Land development activity*. Any activity that changes the volume or peak flow discharge rate of rainfall runoff from the land surface. These land development activities include, but are not limited to, any manmade alteration of the land surface that results in a change in topography or existing vegetative and nonvegetative soil cover, which may lead to changes in stormwater runoff and result in increased soil erosion and movement of sediment into waters of the state, clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, and the construction or redevelopment of buildings, roads, parking lots, paved and unpaved areas and similar facilities. This term does not include agricultural land use activities.
 - (q) *New development*. Any of the following activities:
 - (1) Structural development, including construction of a new building or other structures;
 - (2) Expansion or alteration of an existing structure that results in an increase in the surface dimensions of the building or structure;
 - (3) Land development activities; or
 - (4) Creation or expansion of impervious surface.

- (r) *Pervious surface.* A surface that allows infiltration of precipitation or surface flow during a large portion of a precipitation event. Lawns, fields and woodlands are examples of pervious surfaces.
- (s) *Plan.* The erosion control plan required by Section 8-672.
- (t) *Runoff.* The rainfall, snowmelt, or irrigation water flowing over the ground surface.
- (u) *Sediment.* Solid earth material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity or ice, and has come to rest on the earth's surface at a different site.
- (v) *Sedimentation.* The deposition of eroded soils at a site different from the one where the erosion occurred.
- (w) *Sensitive area.* Lakes, perennially flowing an intermittent streams or wetlands.
- (x) *Set of one-year design storms.* The following rain intensities and rain volumes or corresponding values specific to the community for the storm durations of one-half, one, two, three, six, 12 and 24 hours that occur approximately one per year. The following are typical characteristics of these one-year storms for most of the state:

Storm Duration (hours)	Rain Intensity (inches/hour)	Average Total Rain (inches)
0.5	1.8	0.9
1	1.1	1.1
2	0.7	1.3
3	0.5	1.5
6	0.3	1.7
12	0.2	2.0
24	0.1	2.5

- (y) *Sheet and rill erosion.* A loss of soil caused by sheet flow or shallow concentrated flow, and characterized by an absence of channeling or a relatively uniform loss across the exposed upper layer of the soil or shallow irregular scouring of the soil surface.
- (z) *Site.* The bounded area described in an erosion control plan or stormwater management plan.
- (aa) *Slope.* The net vertical rise over horizontal run, expressed as a percentage, which represents a relatively homogenous surface incline or decline over the area disturbed.
- (bb) *Soil loss rate.* The rate, measured in tons per acre per year, at which soil movement occurs as a result of sheet and rill erosion and does not apply to ditches or areas of concentrated flows.
- (cc) *Unnecessary hardship.* That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with regulations unnecessarily burdensome or unreasonable in light of the purposes of this Article.

(Code 1998, § 15-5-4; Ord. No. 2005-04, § 2, 3-28-2005)

Sec. 8-671. Design criteria, standards and specifications for control measures.

All control measures required to comply with this Article shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the Building Inspector and/or Village Engineer to prevent or reduce all of the following:

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1. -deposition of soil from being tracked onto streets by vehicles.
 2. The discharge of sediment from disturbed areas into on-site storm water inlets.
 3. The discharge of sediment from disturbed areas into adjacent waters of the state.
 4. The discharge of sediment from drainage ways that flow off the site.
 5. The discharge of sediment by dewatering activities.
 6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 - ~~4-7.~~ The transport by runoff of chemicals, cement and other building compounds and materials on the construction site during the construction period.

(Code 1998, § 15-5-5)

Sec. 8-672. Maintenance of control measures.

All sedimentation basins and other control measures necessary to meet the requirements of this Article shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions. The BMPs used to comply with this section shall be implemented as follows:

1. Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
2. Erosion and sediment control practices shall be maintained until final stabilization.
3. Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
4. Temporary stabilization activity shall commence when land disturbing construction activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
- ~~4-5.~~ BMPs that are no longer necessary for erosion and sediment control shall be removed.

(Code 1998, § 15-5-6)

Secs. 8-673—8-702. Reserved.

DIVISION 2. SPECIFIC EROSION CONTROL PLANS

Sec. 8-703. Applicability.

Activities on public lands and on all private lands shall be subject to this Article if:

- (1) There is a Subdivision of land or a land division, as those terms are defined in Wis. Stats. Ch. 236 and Chapters 41 and 56 including the Village's extraterritorial jurisdiction and wherever so applied, the Village may enter into intergovernmental cooperative agreements pursuant to Wis. Stat. § 66.0301 to enhance enforcement of this Article.
- (2) An area of 4,000 square feet or greater will be disturbed by grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activities, or activities on a slope of ten percent or more.

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- (3) Excavation, filling or a combination thereof exceeds 400 cubic yards or more of dirt, sand or other excavation or fill material.
 - (4) Any public street, highway, road or bridge is to be constructed, enlarged, relocated or substantially reconstructed.
 - (5) Any public or private utility laying, repairing, replacing or enlarging an underground pipe or facility for a distance of 300 feet or more.
 - (6) Land disturbing activity that disturbs more than 100 lineal feet of road ditch, grass waterway, or other land area where surface drainage flows in a defined open channel; including the placement, repair, or removal of any underground pipe, utility, or other facility within the cross section of the channel.
 - (7) Any new public or private road or access drive longer than 125 feet.
 - (8) Land development activity of any size that in the opinion of the Village Engineer may cause undue channel erosion, increased water pollution, or the transportation of particulate matter or which endangers downstream property or public safety.

(Code 1998, § 15-5-7(a); Ord. No. 2002-09, §§ 2—6, 9-9-2002; Ord. No. 2005-04, §§ 3—6, 3-28-2005)

Sec. 8-704. Exemptions and clarifications.

- (a) The following activities are exempt from all requirements of this Article:
 - (1) Any activity directly related to the planning, growing, and harvesting of agricultural crops.
 - (2) Construction of agricultural buildings, provided the resulting new total impervious surface area does not exceed 20,000 square feet.
 - (3) One- and two-family dwelling units regulated under the Wisconsin Uniform Dwelling Code; these sites shall be regulated during the period that residential building permits are in effect, consistent with then-existing Wisconsin Uniform Dwelling Code requirements.
 - (4) State building projects subject to Wis. Stats. § 13.48(13), and state highway projects subject to Wis. Admin. Code Ch. Trans. 401.
- (b) Notwithstanding the language of Subsection (a)(2) of this Section, activities unrelated to actual building construction shall be subject to all the requirements of this Article. These activities shall include, but are not limited to:
 - (1) Land disturbing activity prior to excavation for foundation work.
 - (2) Landscaping.
 - (3) Installation of driveways, parking areas, and sidewalks.
 - (4) Earthwork on an area greater than 4,000 square feet on sites not directly related to structural concerns.
 - (5) Development of ponds and channelized watercourses, commercial parks, and landing strips or airport runways.

(Ord. No. 2002-09, §§ 7, 8, 9-9-2002; Ord. No. 2005-04, §§ 3, 7, 3-28-2005)

Sec. 8-705. General plan requirements.

- (a) *Generally.* Erosion control plans required under Section 8-703 may include consideration of adjoining landowners' cooperative efforts to control transport of sediment, and shall include the items required in Section 8-672.
- (b) *Plan elements.* All erosion control plans shall include the following elements:
 - (1) Site boundaries superimposed on a USGS 7.5-minute topographical map;
 - (2) Cross sections of road and drainage ditches;
 - (3) Profiles within road and drainage ditches;
 - (4) Culvert sizes;
 - (5) Direction of flow of runoff;
 - (6) Watershed size for each drainage area;
 - (7) Design discharges for ditches and structural measures;
 - (8) Runoff velocities for particular projects:
 - a. The standard design shall include run-off velocities for the two-year 24-hour storm event;
 - b. Designs of detention basins shall include, in addition to the two-year 24-hour storm, runoff velocities for the ten-year 24-hour storm event;
 - (9) Fertilizer, mulching and seeding rates and recommendations;
 - (10) Time schedules for stabilization of ditches and slopes;
 - (11) Plans shall adhere to the following minimum standards:
 - a. ~~Limit total off-site permissible annual aggregate soil loss for exposed areas resulting from sheet and rill erosion to an annual, cumulative soil loss rate not to exceed 5.0 tons sediment yield per acre annually, as determined using the U.S. Natural Resources Conservation Service Technical Guide~~
~~Prevent gully erosion and limit off-site permissible annual aggregate soil loss for exposed areas resulting from sheet and rill erosion to an annual, cumulative rate not to exceed 7.5 tons per acre per year;~~
 - b. Plan compliance under Subsection (b)(2)k.1. shall be determined using the Natural Resource Service Technical Guide or other commonly accepted soil erosion control methodology approved by the Dane County Conservationist and the Village Engineer, which includes the following considerations:
 - 1. Season of year;
 - 2. Site characteristics;
 - 3. Soil erodibility and slope; and
 - c. For internally drained sites, erosion control measures for plan approval need not attempt to regulate soil transportation within the limits of the disturbed area;
 - (12) Description of methods by which sites are to be developed, indicating how the project will be phased to minimize the extent of area disturbed throughout the construction period;
 - (13) A proposed timetable of steps to mitigate the erosion caused by land development activity, in a manner consistent with accepted erosion control methods suitable to the specific site, including a

timetable for prompt revegetation; all revegetation by seeding must be completed by September 15. Any seeding not completed by September 15 must be accomplished using sod. Any vegetated areas not established by November 15, shall be considered as though no vegetation is established until April 15 of the following year at the soonest and may be subject to additional erosion control measures such as sod, erosion mat, increased application rates of seed and mulch, or other measures required by the Village Engineer;

- (14) Provisions to ensure no increase in surface water drainage from sites during or after construction, unless water is discharged into existing, adequate drainage areas, specifying all stormwater management controls such as outlet control structures or basins necessary to comply with maximum permitted discharges;
- (15) Provisions to prevent mud-tracking off-site onto public thoroughfares during the construction period;
- (16) Special provisions for erosion control practices and maintenance on sites with disturbed slopes greater than ten percent;
- (17) Special provisions for erosion control practices and maintenance on sites adjacent to wetlands or surface water bodies; and any proposed modifications to approved plans or alterations to accepted sequencing of land disturbing activities at the site shall be approved by the Village Engineer prior to implementation of said changes;
- (18) Provisions to ensure streets are swept clean of sand, dirt, mud, trash, straw, etc., daily;
- (19) Limits of disturbed area;
- (20) Limits of impervious area; and
- (21) Provisions to reduce dust by means of watering or application of polymers or other acceptable means of dust control.

(Code 1998, § 15-5-7(b); Ord. No. 2002-09, § 7, 9-9-2002; Ord. No. 2005-04, §§ 3, 8—13, 3-28-2005)

Sec. 8-706. Content of standard erosion control plan for land development activity.

Applicants submitting erosion control proposals not meeting the criteria for simplified plan checklist under Section 8-707 shall submit the following:

- (a) *Existing site map.* A map of existing site conditions on a scale of at least one inch equals 100 feet showing the site and immediately adjacent areas:
 - (1) Site boundaries of adjacent lands that accurately identify site location;
 - (2) Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site;
 - (3) One-hundred-year floodplains, floodfringes and floodways;
 - (4) Location of the predominant soil types;
 - (5) Vegetative cover;
 - (6) Location and dimensions of stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site;
 - (7) Locations and dimensions of utilities, structures, roads, highways and paving; and
 - (8) Site topography at a contour interval not to exceed two feet.

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- (b) *Plan of final site conditions.* A plan of final site conditions on the same scale as the existing site map showing the site changes including site topography with the same contour interval as the existing site map.
 - (c) *Site construction plan.* A site construction plan including:
 - (1) Locations and dimensions of all proposed land development activities;
 - (2) Locations and dimensions of all temporary soil or dirt stockpiles;
 - (3) Locations and dimensions of all construction site management control measures necessary to meet the requirement of this Article;
 - (4) Schedule of anticipated starting and completion dates of each land development activity, including the installation of erosion control measures needed to meet the requirement of this Article.
 - (d) *Control measures during construction.* Provisions of maintenance of the erosion control measures during construction and until permanent cover is well established.

(Code 1998, § 15-5-7(b)(3); Ord. No. 2002-09, § 7, 9-9-2002; Ord. No. 2005-04, §§ 3, 14, 3-28-2005)

Sec. 8-707. Simplified plan checklist.

Applicants may submit erosion control proposals using simplified checklists of standard erosion control practices to be installed on sites, on a standard form approved by the Village, wherever all of the following conditions exist:

- (a) The site is not more than 20,000 square feet in area;
- (b) The site is not adjacent to and does not directly drain into any sensitive areas nearby; and
- (c) There is a slope of less than six percent throughout the site.

(Code 1998, § 15-5-7(c); Ord. No. 2002-09, § 7, 9-9-2002; Ord. No. 2005-04, §§ 3, 15, 3-28-2005)

Secs. 8-708—8-727. Reserved.

DIVISION 3. ADMINISTRATION

Sec. 8-728. Application.

No person may begin, or receive a zoning permit for, any land development activity subject to this Article, without having received prior approval of an erosion control plan pursuant to Division 2 of this Article. The applicant shall submit an application for approval of an erosion control plan and pay an application fee as established by the Village Board from time to time and provided in Appendix A to this Code. By submitting an application, the applicant authorizes Village enforcement officials to enter the site to obtain specific information required for an informed review of the erosion control plan. The applicant must provide the following when applying for approval of an erosion control plan:

- (a) A completed application form signed by the landowner or including a notarized statement signed by the landowner authorizing the applicant to act as the landowner's agent and bind the landowner to the terms of this Article.

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- (b) A proposed erosion control plan.
 - (c) Copies of permits or permit applications or approvals required by any other governmental entity to begin land development activities.
 - (d) A proposed timetable and schedule for completion and installation of all elements of the erosion control and stormwater management plans and a detailed schedule for completion of construction.
 - (e) An estimate of the cost of completion and installation of all elements of the erosion control and stormwater management plans.

(Code 1998, § 15-5-8(a); Ord. No. 2005-04, §§ 16, 17, 3-28-2005)

Sec. 8-729. Review.

Within 20 days of receipt of the application, the Village shall review the application. A simplified plan checklist pursuant to Section 8-707 may be reviewed by the Zoning Administrator, other staff or a Building Inspector certified by the Wisconsin Department of Commerce to review such plans. In all other cases, erosion control plans shall be reviewed by the Village Engineer. If the application and proposed plan are deficient, the approving official shall inform the applicant, in writing, of any deficiency and may either ask for additional information or disapprove the plan, giving written reasons for the disapproval. All deficiencies in the application and in the erosion control plan shall be corrected before an erosion control plan may be approved or a zoning permit issued. Upon approval of the Village Engineer or Building Inspector, the erosion control permit shall be issued by the Director of Public Works after the applicant has met all other requirements of this Article.

(Code 1998, § 15-5-8(b); Ord. No. 2005-04, §§ 16, 18, 3-28-2005)

Sec. 8-730. Duration of erosion control permit.

Any approval of an erosion control plan shall be valid for a period of 180 days. Upon application, the Director of Public Works may extend the period for an additional 180 days, and may require additional erosion control measures as a condition for the extension if necessary to meet the requirements of this Article. The applicant shall not be required to pay any additional fee for any extension granted.

(Code 1998, § 15-5-8(c); Ord. No. 2005-04, §§ 16, 19, 3-28-2005)

Sec. 8-731. Surety.

As a condition of approval and issuance of an erosion control permit, the Director of Public Works may require the applicant to deposit a surety bond, irrevocable letter of credit or other form of surety satisfactory in form and amount to the Village Attorney to assure execution of the approved erosion control plan and any conditions upon the erosion control permit.

(Code 1998, § 15-5-8(d); Ord. No. 2005-04, §§ 16, 20, 3-28-2005)

Sec. 8-732. Conditions of permit.

All erosion control permits shall require the permittee to:

- (a) Notify the Director of Public Works at least 48 hours prior to commencing any land disturbing activity;
- (b) Notify the Director of Public Works of completion of any erosion control measures within ten days after their installation;

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- (c) Obtain written permission from the Director of Public Works and/or Village Engineer prior to modifying the erosion control plan;
 - (d) Install all erosion control measures identified in the approved erosion control plan;
 - (e) Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the erosion control plan;
 - (f) Promptly repair any situation or erosion damage to adjoining services and drainageways resulting from the land disturbing or land developing activities regulated under the terms of the erosion control plan, initiating the repair within 24 hours of notice of the situation or erosion damage;
 - (g) Inspect the erosion control measures after each rain of one-half-inch or more and at least once per week, and to initiate repairs within 24 hours;
 - (h) Allow the Director of Public Works and/or Village Engineer to enter the site for the purpose of inspecting compliance with the erosion control plan and for performing any work necessary to bring the site into compliance with the erosion control plan;
 - (i) Keep a copy of the erosion control plan on the site;
 - (j) Clean up and remove all off-site incidental mud-tracking on adjacent public thoroughfares by the end of each working day using proper disposal methods;
 - (k) Sweep all streets affected by permitted project clean of sand, dirt, mud, trash, straw, etc., daily.

(Code 1998, § 15-5-8(e); Ord. No. 2005-04, §§ 16, 21, 3-28-2005)

Sec. 8-733. Implementation of plan.

The erosion control plan shall be implemented prior to the start of any land disturbing or land developing activity, and shall be maintained throughout the entire term of such activity. The applicant is responsible for successful completion of the erosion control plan as approved. Upon issuance of the permit, the permittee shall be liable for any and all costs incurred resulting from noncompliance with the permittee's approved plan. When a permittee seeks to transfer an interest in property subject to an approved erosion control plan prior to completion of the steps necessary to attain soil stabilization, the permittee must secure approval from the Village to transfer any portion of the permittee's responsibility for implementing the approved plan to another party.

(Code 1998, § 15-5-8(f); Ord. No. 2005-04, § 16, 3-28-2005)

Secs. 8-734—8-764. Reserved.

DIVISION 4. ENFORCEMENT

Sec. 8-765. Inspections.

As part of the plan approval process, the Director of Public Works or designee shall establish a minimum number of inspections to be conducted consistent with the land development activity proposed to be undertaken. The site of any regulated land development activity shall be inspected once every 30 days, or more frequently as determined by the Director of Public Works.

(Code 1998, § 15-5-9(a); Ord. No. 2005-04, § 22(a), 3-28-2005)

Sec. 8-766. Verification.

Within ten days after completion of installation of all required erosion control measures in an approved plan, and when soil stabilization has been achieved, the permittee shall notify the Village to arrange a final inspection to verify plan compliance. This inspection shall not relieve the permittee from the responsibility to maintain erosion control measures or uphold plan requirements as set forth in Section 8-705. The Village shall inspect the property to verify compliance with the erosion control plan within ten days of notification of soil stabilization.

(Code 1998, § 15-5-9(b); Ord. No. 2005-04, § 22, 3-28-2005)

Sec. 8-767. Plan or permit amendments.

Any proposed modifications to approved plans, construction schedules or alterations to accepted sequencing of land development site activities shall be approved by the Village in consultation with the plan review agency prior to implementation of said changes.

(Ord. No. 2005-04, § 22(b), 3-28-2005)

Sec. 8-768. Noncompliance.

Whenever the Village finds any noncompliance with the provisions of this Article, the Village may attempt to communicate with the owner or person performing the work to obtain immediate and voluntary compliance if such person is readily available. The following enforcement actions shall also be taken:

(a) *Notice.*

- (1) If an inspection reveals any noncompliance with an approved erosion control plan, the Director of Public Works or designee shall notify the permittee by certified or registered mail or personal service of all specific instances of noncompliance. The notice shall describe the nature of the violation, remedial actions needed, a schedule of remedial action and additional enforcement action which may be taken.
- (2) Upon receipt of written notification from the Director of Public Works or designee, the permittee shall bring the work into compliance with the erosion control plan as necessary to meet the specifications and schedule set forth by the Director of Public Works or designee in the notice. The permittee shall initiate such corrective action within 24 hours of notification by the Village.

(b) *Stop work orders.*

- (1) The Director of Public Works or designee shall issue and post a stop work order under either of the following circumstances:
 - a. Any land disturbing or land developing activity regulated under this Article is being undertaken without a permit;
 - b. Any noncompliance with an approved erosion control plan in which the permittee has failed to initiate corrective action within 24 hours or to follow the specifications and schedule set forth by the Director of Public Works or designee under Subsection (a)(1) of this Section.
- (2) The stop work order shall be posted in a conspicuous place on the premises subject to the erosion control plan and indicate the date of issuance, site location, reason for posting and the signature of the inspector posting the order.

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- (3) It shall be a violation of this Article to remove the stop work order from the premises without authorization from the Director of Public Works.
 - (4) Upon issuance of a stop work order, the only permissible activity on the project shall be actions to bring the project into compliance with the approved plan following the specifications and schedule set forth by the Director of Public Works or designee, or actions to assure issuance of an approved erosion control plan until such time as the Director of Public Works or designee certifies compliance.
 - (5) In addition to posting a stop work order, the Village may provide written notification to the owner or contractor by personal service, by certified mail, or facsimile transmission.
 - (c) *Injunction.* Every violation of this Article is a public nuisance. Compliance with this Article may be enforced by an action for an injunction by the Village pursuant to Wis. Stats. § 62.23(8). It shall not be necessary for the Village to prosecute for forfeiture pursuant to Subsection (d) of this Section before resorting to injunctive proceedings.
 - (d) *Forfeitures.* Any person violating any of the provisions of this Article shall also be subject to a forfeiture, as provided in Section 1-16.

(Code 1998, § 15-5-9(c)—(f); Ord. No. 2003-05, § 40, 3-24-2003; Ord. No. 2005-04, § 22(d), 3-28-2005)

Sec. 8-769. Transfers of ownership.

- (a) When a permittee transfers ownership, possession or control of property subject to an uncompleted erosion control plan, the party who is successor in interest to any portion of said real estate shall bear responsibility to control soil erosion on that portion of the real estate under the successor's ownership, possession or control, and shall comply with the standards provided in this Article.
- (b) When ownership, possession or control of property subject to an uncompleted erosion control plan is transferred from one party to another, the former owner shall notify the party taking possession of the current status of compliance with the approved erosion control plan, shall provide a copy of said notice to the Director of Public Works, and shall provide a copy of the approved erosion control plan to the purchaser if the soil on the property being transferred has not been stabilized prior to the date of transfer.
- (c) Transfers of interest in real estate subject to an approved, uncompleted erosion control plan may be completed consistent with this Article under any of the following circumstances:
 - (1) The transferee shall file a new, approved erosion control plan;
 - (2) The transferee shall obtain an approved assignment from the Village as sub-permittee to complete that portion of the approved erosion control plan for the transferred property; or
 - (3) The permittee shall provide the Village with a surety or a cash deposit in an amount sufficient to complete the work proposed in the approved plan. At the time of transfer, the permittee may seek to reduce any prior surety to the amount necessary to complete the remaining work. If the permittee enters into escrow agreements with transferees to complete an approved plan, such escrowed amounts shall be available to the Village to attain plan compliance. When an approved erosion control plan is not completed as proposed, the Director of Public Works or designee may obtain the surety to complete remaining work to achieve plan compliance.

(Code 1998, § 15-5-9(g); Ord. No. 2005-04, § 22(e), 3-28-2005)

Secs. 8-770—8-791. Reserved.

PART II - CODE OF ORDINANCES
Chapter 8 - BUILDINGS AND BUILDING REGULATIONS
ARTICLE XVII. - SITE EROSION CONTROL
DIVISION 5. APPEALS

DIVISION 5. APPEALS

Sec. 8-792. Generally.

The Board of Zoning Appeals shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Director of Public Works, Village Engineer or the Building Inspector in administering this Article. Upon appeal, the Board of Zoning Appeals may authorize variances from the provisions of this Article, which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of this Article will result in unnecessary hardship. The Board of Zoning Appeals shall use the rules, procedures, duties and powers authorized by statute for zoning boards of appeals in hearing and deciding appeals and authorizing variances.

(Code 1998, § 15-5-10(a); Ord. No. 2005-04, § 23, 3-28-2005)

Sec. 8-793. Who may appeal.

Any applicant, permittee, landowner or land user may appeal any order, decision or determination made by the Director of Public Works, Village Engineer and/or Building Inspector in administering this Article.

(Code 1998, § 15-5-10(b); Ord. No. 2005-04, § 23, 3-28-2005)

Sec. 8-794. Stay of enforcement.

Filing an appeal under this Section shall automatically stay all enforcement actions relating to the subject matter of the appeal until the appeal is decided. Filing of an appeal shall not prevent the Village from performing work or correcting conditions to the extent necessary to protect against conditions which threaten to cause personal injury or damage to off-site property.

(Code 1998, § 15-5-10(c); Ord. No. 2005-04, § 23, 3-28-2005)

Secs. 8-795—8-811. Reserved.

ARTICLE XVIII. STORMWATER MANAGEMENT²

DIVISION 1. GENERALLY

Sec. 8-812. Authority.

- (a) This Article is adopted by the Village pursuant to its general police powers and Wis. Stats. § 61.354. This Article supersedes all conflicting and contradictory stormwater management regulations previously enacted.
- (b) The provisions of this Article are deemed not to limit any other lawful regulatory powers of the Village Board.
- (c) The Village Board hereby designates the Director of Public Works to administer and enforce the provisions of this Article.
- (d) The requirements of this Article do not limit any additional stormwater management requirements that may be imposed by WPDES Stormwater Permits issued by the Department of Natural Resources under Wis. Stats. § 283.33.

(Code 1998, § 15-5-20; Ord. No. 2002-10, § 1(15-5-20), 9-9-2002; Ord. No. 2005-05, § 1, 3-28-2005)

Sec. 8-813. Findings.

The Village Board finds that uncontrolled stormwater runoff from land development activity has a significant impact upon water resources and the health, safety, and general welfare of the community. Specifically, uncontrolled stormwater runoff can:

- (a) Degrade physical stream habitat by increasing stream bank erosion, increasing stream bed scour, diminishing groundwater recharge, and diminishing stream base flows;
- (b) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational, and water supply uses by increasing loadings of nutrients and other urban pollutants;
- (c) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads;
- (d) Reduce the quality of groundwater by increasing pollutant loading;
- (e) Threaten public health, safety, property, and general welfare by overtaxing storm sewers, drainageways and other drainage facilities;
- (f) Threaten public health, safety, property, and general welfare by increasing major flood peaks and volumes;
- (g) Undermine floodplain management efforts by increasing the incidence and levels of flooding; and

²State law reference(s)—Stormwater and erosion control, Wis. Stats. § 61.354; special charges for services, Wis. Stats. § 66.0627; stormwater systems, Wis. Stats. § 66.0821; soil and water resource management practices, Wis. Stats. § 92.11; stormwater and erosion control, Wis. Stats. § 281.33; stormwater discharge permits, Wis. Stats. § 283.33.

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- (h) Diminish the public enjoyment of natural resources.

(Code 1998, § 15-5-21; Ord. No. 2002-10, § 1(15-5-21), 9-9-2002)

Sec. 8-814. Purpose.

The general purpose of this Article is to set forth stormwater management requirements and criteria that will diminish the threats to public health, safety, welfare, and to the environment due to runoff of stormwater from land development activity. Specific purposes are to:

- (a) Maintain and enhance safe and healthful conditions;
- (b) Regulate longterm, post-development stormwater discharges from land development activities;
- (c) Prevent and control the adverse effects of stormwater, prevent and control soil erosion, prevent and control water pollution, and protect spawning grounds, fish, and aquatic life;
- (d) Reduce runoff velocities and retain sediments and pollutants on the site to the maximum practical extent;
- (e) Control the overflow of existing drainage facilities and receiving water bodies;
- (f) Prevent undue channel erosion;
- (g) Control increases in the scouring of drainageways and transportation of particulate matter;
- (h) Prevent conditions that endanger downstream property;
- (i) Control building sites, placement of structures, and promote sound economic growth; and
- (j) Provide services to maintain and enhance the quality of life within the community.

To this end, the Village will manage stormwater to protect, maintain and enhance the natural environment, human life, diversity of fish and wildlife, and recreational use of waterways within the Village limits.

(Code 1998, § 15-5-22; Ord. No. 2002-10, § 1(15-5-22), 9-9-2002)

Sec. 8-815. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (a) *Agricultural land use/activity*. Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption; pasturing or yarding of livestock; growing and tending of gardens and trees; and harvesting of trees.
- (b) *Best management practice (BMP)*. A practice, technique, or measure that is an effective, practical means of preventing or reducing soil erosion and/or water pollution from runoff both during and after land development activities. These can include structural, vegetative or operational practices.
- (c) *Business day*. A day on which Village offices are routinely and customarily open for business.
- (d) Closed Watershed. An area that does not have a surface outlet, with water only able to leave through evaporation, infiltration, or mechanical means. For the purposes of this ordinance, the following are considered closed watersheds:
 - 1. Internally drained watersheds that are at least 20,000 square feet in area and at least 1 foot in depth from invert to lowest surface outlet.

2. Watersheds with no surface outlet discharges from a 2-year, 24-hour design storm.

3. Areas that have historically not drained through surface outlets, as determined by the local approval authority

- (e) Common plan of development or sale. All lands included within the boundary of a certified survey or ~~Subdivision~~ plat, or with a series of adjacent surveys or plats created for the purpose of development or sale where multiple, separate and distinct land-developing activity may take place at different times and on different schedules.
- (e) *Community water supply.* A public water supply system that serves at least 15 service connections used by yearround residents or regularly serves at least 25 yearround residents. Any water supply system serving seven or more homes, ten or more mobile homes, ten or more apartment units or ten or more condominium units shall be considered a community water supply system unless the owners of the property served by the water supply system provide information to the satisfaction of the Director of Public Works indicating that 25 yearround residents will not be served.
- (f) *Design storm.* A hypothetical discrete rainstorm characterized by a specific duration, spatial distribution, rainfall intensity, return frequency, and total rainfall depth.
- (g) *Discharge volume.* The quantity of runoff discharged from the land surface as the result of a rainfall event.
- (h) *Division of land.* Either a minor or major Subdivision as defined in this Section respectively.
- (i) *Existing development.* Buildings, other structures and impervious surfaces existing prior to the adoption of the ordinance from which this Article is derived.
- (j) *Fee in lieu.* A payment of money to the Village in place of meeting all or part of the stormwater performance standards required by this Article.
- (k) *Financial guarantee.* A cash deposit, performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantee submitted to the Village by an applicant to ensure that requirements of this Article are carried out in compliance with the stormwater management plan.
- (l) Green Infrastructure. Practices that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspire stormwater and reduce flows to sewer systems or to surface waters. Green Infrastructure includes, but is not limited to, the following practices: rainwater harvesting/reuse, rain gardens, bioretention systems, infiltration basins, planters that are connected to roof drainage, vegetated swales, permeable pavement, green roofs, and rain barrels.
- (m) Gross aggregate area. The total area, in acres, of all land located within the property boundary containing the land development activity.
- (m) *Groundwater enforcement standard.* A numerical value expressing the concentration of a substance in groundwater, which is adopted under Wis. Stats. § 160.07 and Wis. Admin. Code § NR 140.10 or Wis. Stats. § 160.09 and Wis. Admin. Code § NR 140.12.
- (n) *Groundwater preventive action limit.* A numerical value expressing the concentration of a substance in groundwater, which is adopted under Wis. Stats. § 160.15 and Wis. Admin. Code §§ NR 140.10, 140.12, or 140.20.
- (o) *Heavily disturbed site.* A site where an area of land is subjected to significant compaction due to the removal of vegetative cover or earth moving activities, including filling.

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- (p) *Hydrologic soil group (HSG)*. The same meaning as used in the runoff calculation methodology promulgated by the United States Natural Resources Conservation Service Engineering Field Manual for Conservation Practices.
- (q) *Impervious surface*. A surface that does not allow infiltration during precipitation events. Rooftops, sidewalks, parking lots, and street surfaces are examples of impervious surface.
- (r) *Infiltration*. The process by which rain or surface runoff penetrates into the soil.
- (s) *Land development activity*. Any activity that changes the volume or peak flow discharge rate of rainfall runoff from the land surface. These land development activities include, but are not limited to, any manmade alteration of the land surface that results in a change in topography or existing vegetative and nonvegetative soil cover, which may lead to changes in stormwater runoff and result in increased soil erosion and movement of sediment into waters of the state, clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, and the construction or redevelopment of buildings, roads, parking lots, paved and unpaved areas and similar facilities. This term does not include agricultural land use activities.
- (t) *Lightly disturbed site*. A site where an area of land is subjected to minor compaction due to the limited removal of vegetative cover or earth moving activities.
- (u) *Maintenance agreement*. A legal document that is filed with the County Register of Deeds as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.
- (v) *Municipal water supply system*. A community water supply system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.
- (w) *New development*. Any of the following activities:
- (1) Structural development, including construction of a new building or other structures;
 - (2) Expansion or alteration of an existing structure that results in an increase in the surface dimensions of the building or structure;
 - (3) Land disturbing activities; or
 - (4) Creation or expansion of impervious surface.
- (x) *Nonerosive velocity*. A rate of flow of stormwater runoff, usually measured in feet per second, that does not erode soils. Nonerosive velocities vary for individual sites, taking into account topography, soil type, and runoff rates.
- (y) *Nonstorm discharge*. A discharge to the stormwater management system created by some process other than stormwater runoff.
- (z) *Nonstructural measure*. A practice, technique, or measure to reduce the volume, peak flow rate, or pollutants in stormwater that does not require the design or installation of fixed stormwater management facilities other than residential development. Development of the following land uses: commercial, industrial, government and institutional, recreation, transportation, communication, and utilities. The term does not include agricultural land use activity.
- (aa) *Peak flow discharge rate*. The maximum rate at which a unit volume of stormwater is discharged resulting from a rainfall event.
- (bb) *Pervious surface*. A surface that allows infiltration of precipitation or surface flow during a large portion of a precipitation event. Lawns, fields and woodlands are examples of pervious surfaces.

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- (cc) *Plan*. An erosion control plan under Article XVII, Division 2 of this Chapter or a stormwater management plan under Division 4 of this Article.
- (dd) *Post-construction stormwater discharge*. Any stormwater discharged from a site following the completion of land development activity and final site stabilization.
- (ee) *Post-development condition*. The extent and distribution of land cover types, anticipated to occur under conditions of full development that will influence stormwater runoff and infiltration.
- (ff) *Practice/management practice*. A practice, technique or measure that is an effective, practical means of preventing or reducing soil corrosion and/or water pollution from runoff both during and after land development activities.
- (gg) *Predevelopment condition*. The extent and distribution of land cover types present before the initiation of land development activity, assuming that all land uses prior to land development activity are managed in an environmentally sound manner. Lands shall be deemed to have runoff characteristics equivalent to NRCS TR-55 Curve Numbers (CNs) of 30, 58, 71 and 78 for Hydrologic Soil Groups A, B, C, and D, respectively. This term is used to match pre- and post-development stormwater peak flows and volumes as required by this Article. In a situation where cumulative impervious surface created after the adoption of the ordinance from which this Article is derived exceeds the 20,000 square feet threshold, the pre-development conditions shall be those prior to any land disturbance.
- (hh) *Pretreatment*. The treatment of stormwater prior to its discharge to the primary stormwater treatment practice in order to reduce pollutant loads to a level compatible with the capability of the primary practice.
- (ii) *Redevelopment*. Any development that replaces existing impervious surfaces or results in the cumulative increase of less than 20,000 square feet of impervious surface to a site since August 21, 2001 on sites predominately developed as commercial, industrial, institutional or multifamily. Sites may be a combination of new development and redevelopment. Any construction, alteration or improvement exceeding 4,000 square feet of land disturbance performed on sites where the entire existing site is predominantly developed to commercial, industrial, institutional or multifamily residential uses. Projects may include a mix of redevelopment and new impervious surfaces.
- (jj) *Residential*. A residential dwelling containing one or two dwelling units.
- (kk) *Runoff*. The rainfall, snowmelt, or irrigation water flowing over the ground surface.
- (ll) *Runoff curve number (RCN)*. The meaning used in the runoff calculation methodology promulgated by the United States Natural Resources Construction Service Engineering, Field Manual for Conservation Practices.
- (mm) *Site*. The bounded area described in an erosion control plan or stormwater management plan.
- (nn) *Site restriction*. Any physical characteristic that limits the use of a stormwater best management practice.
- (oo) *Slope*. The net vertical rise over horizontal run, expressed as a percentage, which represents a relatively homogeneous incline or decline over an area of land.
- (pp) *Storm events*. The precipitation amounts that occur over a 24-hour period that have a specified recurrence interval for Dane County, Wisconsin. For example, one-year, two-year, ten-year and 100-year storm events mean the precipitation amounts that occur over a 24-hour period that have a recurrence interval of one, two, ten and 100 years.
- (qq) *Stormwater conveyance system*. Any method employed to carry stormwater runoff from a land development activity to the waters of the state. Examples of methods include: swales, channels and storm sewers.

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- (rr) *Stormwater management measure*. Structural or nonstructural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.
- (ss) *Stormwater management plan*. One or more documents that together identify the actions to be taken and/or the practices to be installed to reduce stormwater peak discharge rates, volumes and pollutant loads, from land development activity, to levels meeting the purpose and intent of this Article.
- (tt) *Stormwater management system plan*. A comprehensive plan developed to address stormwater drainage and nonpoint source pollution control problems on a watershed or sub-watershed basis, and which meets the purpose and intent of this Article.
- (uu) *Stormwater runoff*. That portion of precipitation falling during a rainfall event, or that portion of snow- and ice-melt, that does not soak into the soil, and flows off the surface of the land and into a natural or artificial conveyance network.
- (vv) *Street reconstruction*. Removal and replacement of the road subgrade, where existing stormwater conveyance systems are modified.
- (ww) *Structural measure*. A source area practice, conveyance measure, and/or end-of-pipe treatment that is designed to control stormwater runoff pollutant loads, discharge volumes, and peak discharge rates. Channels, weirs, swales, detention and retention ponds, and overflow and outfall structures are all examples of structural measures to contain storm events.
- (xx) *Structure*. Any human-made object with form, shape and utility, either permanently or temporarily attached to, placed upon, or set into the ground, stream bed or lake bed.
- (yy) *Submission*. The plan materials and/or hydrologic calculations required to be presented to the Village for review.
- (zz) *TR-55*. Technical Release 55, Urban Hydrology for Small Watersheds, published by the Engineering Division, United States Natural Resource Conservation Service, United States Department of Agriculture, June 1992.
- (aaa) *Unnecessary hardship*. That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with regulations unnecessarily burdensome or unreasonable in light of the purposes of this Article.
- (bbb) *Village Engineer*. The individual designated to administer the Article.
- (ccc) *Well*. An excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater.
- (ddd) *Wetland functional value*. The type, quality, and significance of the ecological and cultural benefits provided by wetland resources, such as: flood storage, water quality protection, groundwater recharge and discharge, shoreline protection, fish and wildlife habitat, floral diversity, aesthetics, recreation, and education.
- (eee) *Wetlands*. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. These wetlands include existing, mitigated and restored wetlands.
- (fff) *WPDES*. Wisconsin Pollutant Discharge Elimination System.
- (ggg) *WPDES stormwater permit*. A permit issued by the Wisconsin Department of Natural Resources under Wis. Stats. § 283.33 that authorizes the point source discharge of stormwater to waters of the state.
- (Code 1998, § 15-5-23; Ord. No. 2002-10, § 1(15-5-23), 9-9-2002; Ord. No. 2005-05, § 2, 3-28-2005)

Sec. 8-816. Applicability and jurisdiction.

- (a) *Applicability.* This Article applies to land development activities within the boundaries of the Village as well as all land development activities subject to the Village's extraterritorial plat review jurisdiction that meet the following criteria:
- (1) Any development other than agricultural development after August 22, 2001, that results in the cumulative addition of 20,000 square feet of impervious surface to the site;
 - (2) Agricultural development where the resulting new total impervious surface area exceeds 20,000 square feet;
 - (3) Any development that requires a ~~Subdivision~~ plat, as defined in Chapter 56;
 - (4) Any development that requires a Certified Survey Map, as defined in Chapter 56 for property intended for commercial or industrial use;
 - (5) Land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development or sale that meets any of the criteria herein, even though multiple, separate and distinct land development activities may take place at different times on different schedules;
 - (6) Land development activity of any size that, in the opinion of the Village Engineer, is likely to result in stormwater runoff which exceeds the safe capacity of the existing drainage facilities or receiving body of water, which causes undue channel erosion, which increases water pollution or the transportation of particulate matter, or which endangers downstream property or public safety.
- (b) *Exemptions and clarifications.* Exemptions from the provisions of this Article shall be as follows:
- (1) Any activity directly related to the planting, growing and harvesting of agricultural crops that creates no impervious surfaces shall be exempt from all requirements of this Article.
 - (2) Redevelopment where no additional impervious surfaces are created shall be exempt from the requirements of Section 8-844. Where new impervious surfaces are created in a redevelopment project, all provisions of this Article shall apply to the new impervious surfaces.

(Code 1998, § 15-5-24; Ord. No. 2002-10, § 1(15-5-24), 9-9-2002; Ord. No. 2005-05, § 3, 3-28-2005)

Sec. 8-817. Enforcement and penalties.

- (a) Any land development activity initiated after the effective date of the ordinance from which this Article is derived by any person, firm, association, or corporation subject to the Article provisions shall be deemed a violation unless conducted in accordance with said provisions.
- (b) The Director of Public Works shall notify the responsible owner or operator by certified mail of any noncomplying land development activity. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- (c) Upon receipt of written notification from the Director of Public Works, the permit holder shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The permit holder shall make corrections as necessary to meet the specifications and schedule set forth by the Director of Public Works in the notice.
- (d) If the violations to this Article are likely to result in damage to properties, public facilities or waters of the state, the Director of Public Works or designee may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Village, plus interest and legal costs, shall be billed to the

record owner of the property, and if not paid, shall be entered on the tax rolls and collected as a special charge pursuant to Wis. Stats. § 66.0627.

- (e) The Director of Public Works is authorized to post a cease and desist order on all land development activity in violation of this Article, or to request the Village Attorney to obtain a cease and desist order from a court.
- (f) The Director of Public Works may revoke a permit issued under this Article for noncompliance with Article provisions.
- (g) Any permit revocation or cease and desist order shall remain in effect unless retracted by the Director of Public Works or by a court of competent jurisdiction.
- (h) The Director of Public Works is authorized to refer any violation of this Article, or of a cease and desist order issued pursuant to this Article, to the Village Attorney for the commencement of further legal proceedings.
- (i) Any person, firm, association, or corporation who does not comply with the provisions of this Article shall be subject to a forfeiture under Section 1-16. Each day that the violation continues shall constitute a separate offense.
- (j) Every violation of this Article is a public nuisance. Compliance with this Article may be enforced by injunctive order at the suit of the Village. It shall not be necessary to prosecute for forfeiture before resorting to injunctive proceedings.
- (k) When the Director of Public Works determines that the holder of a permit issued pursuant to this Article has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in said stormwater management plan, the Director of Public Works or a party designated by the Director of Public Works may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Director of Public Works shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial guarantee posted pursuant to Section 8-880. Where such a guarantee has not been established, or where such a guarantee is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property pursuant to Wis. Stats. § 66.0627, and collected with any other taxes levied thereon for the year in which the work is completed.

(Code 1998, § 15-5-31; Ord. No. 2002-10, § 1(15-5-29), 9-9-2002; Ord. No. 2003-05, §§ 42, 43, 3-24-2003; Ord. No. 2005-05, § 18, 3-28-2005)

Secs. 8-818—8-842. Reserved.

DIVISION 2. STANDARDS

Sec. 8-843. Stormwater discharge quality.

Unless otherwise provided for in this Article, all land development activities subject to this Article shall establish on-site management practices to control the quality of stormwater discharged from the site. On-site management practices shall be used to meet the following minimum standard:

- (a) *Best management practices.* Best management practices shall be designed in accordance with the methods set forth in the latest edition of the Wisconsin Storm Water Manual, Part 2: Technical Design Guidelines for Storm Water BMP's as published and amended by the State of Wisconsin Department of Natural Resources, the Natural Resources Conservation Service's Field Office Technical Guide, Chapter 4, and any other technical methodology approved by the Dane County Conservationist.

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- (b) *Runoff volumes and peak flow rates.* Runoff volumes and peak flow rates used in designing the water quality components of stormwater structures shall be calculated using the "Small Storm Hydrology" method set forth in the latest edition of the Wisconsin Storm Water Manual, Part 2: Technical Design Guidelines for Storm Water BPMs as published and amended by the State of Wisconsin Department of Natural Resources.
- (c) *Discharge of urban stormwater pollutants to wetlands.* Discharge of urban stormwater pollutants to wetlands without pre-treatment shall be minimized. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to the Village Engineer. Significant changes to wetland functional values due to stormwater pollutant loads shall be avoided.
- (d) *Stormwater pretreatment and infiltration.* Stormwater discharges shall be pre-treated prior to infiltration, to prolong maintenance of the infiltration practice and to prevent discharge of stormwater pollutants at concentrations that will result in exceedances of groundwater preventive action limits or enforcement standards established by the Department of Natural Resources in Wis. Admin. Code Ch. NR 140. Stormwater shall not be injected underground through excavation or openings that would violate Wis. Admin. Code § NR 812.05. Stormwater infiltration is prohibited under the following circumstances:
- (1) Stormwater runoff is generated from highly contaminated source areas at manufacturing or industrial sites;
 - (2) Stormwater runoff is carried in a conveyance system that also carries contaminated, nonstormwater discharges;
 - (3) Stormwater runoff is generated from active construction sites.
- (e) *Stormwater ponds and infiltration devices.* Stormwater ponds and infiltration devices shall not be located closer to water supply wells than indicated in this Subsection without first notifying the Village Engineer:
- (1) Within 100 feet from a nonpublic water supply well;
 - (2) Within 400 feet from a municipal water supply well.
- (f) *Land development activities.* Land development activities with stormwater runoff reaching Outstanding or Exceptional Resource Waters as identified in Wis. Admin. Code Ch. NR 102, may be required to use additional stormwater management measures that exceed the minimum requirements in this Article.
- (g) *Stormwater management goals.* The following standards shall be met whenever possible, and proposed design, suggested location and implementation of practices to meet these goals shall be included in plans:
- (1) For existing development, design practices to retain soil particles greater than 40 microns on the site (20 percent reduction) resulting from a one-year 24-hour storm event, according to approved procedures, and assuming no sediment resuspension.
 - (2) For street reconstruction, design practices to retain soil particles greater than 20 microns on the site (40 percent reduction) resulting from a one-year, 24-hour storm event, according to approved procedures, and assuming no sediment resuspension.
- (h) *Oil and grease control.* For all stormwater plans for commercial or industrial developments and all other uses where the potential for pollution by oil and/or grease exists, the first 0.5 inches of runoff will be treated. This requirement may be waived by the Village Engineer only when the applicant can demonstrate that installation of such practices is not necessary.

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- (i) *Sediment control.* Plans shall be designed, engineered and implemented to achieve the following results:
- (1) For new development, design practices to retain soil particles greater than five microns on the site (80 percent reduction) resulting from a one-year 24-hour storm event (2.5 inches over 24 hours), according to approved procedures, and assuming no sediment resuspension;
 - (2) For redevelopment resulting in exposed surface parking lots and associated traffic areas, design practices to retain soil particles greater than 20 microns on the entire site (40 percent reduction) resulting from a one-year 24-hour storm event, according to approved procedures, and assuming no sediment resuspension. Under no circumstances shall the site's existing sediment control level or trapping efficiency be reduced as a result of the redevelopment.

(Code 1998, § 15-5-25(a); Ord. No. 2002-10, § 1(15-5-25(a)), 9-9-2002; Ord. No. 2005-05, §§ 4—6, 3-28-2005)

Sec. 8-844. Stormwater discharge quantity.

Unless otherwise provided for in this Article, all land development activities subject to this Article shall establish on-site management practices to control the peak flow rates of stormwater discharged from the site as described in this Article. Infiltration of stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas shall be incorporated to the maximum extent practical to provide volume control in addition to control of peak flows. On-site management practices shall be used to meet the following minimum performance standards, however, redevelopment projects shall not be required to comply with Subsections (a), (b) or (c) of this Section:

(a) *Runoff rate control.*

- (1) *Hydrologic calculations.* All runoff calculations shall be according to the methodology described in TR-55, or other methodology approved by the Village Engineer and the Dane County Conservationist. The pre-development runoff curve number (RCN) used in such calculations shall be 30 for HSG A, 58 for HSG B, 71 for HSG C, and 78 for HSG D.

Heavily disturbed sites will be lowered one permeability class for hydrologic calculations. Lightly disturbed areas require no modification. Where practices have been implemented to restore soil structure to predeveloped conditions, no permeability class modification is required.

- (2) *Design standards.* All stormwater facilities shall be designed, installed and maintained to effectively accomplish the following [storms, using the NOAA Atlas 14 website](#):
 - a. Maintain predevelopment peak runoff rates for the two-year, 24-hour storm event (~~2.9~~ [2.83](#) inches over 24 hours duration);
 - b. Maintain predevelopment peak runoff rates for the ten-year, 24-hour storm event (~~4.24.05~~ [inches over 24 hours duration](#));
 - c. Maintain predevelopment peak runoff rates for the 25-year, 24-hour storm event (~~4.84.94~~ [inches over 24 hours duration](#));
 - d. Maintain predevelopment peak runoff rates for the 100-year, 24-hour storm event (~~6.06.51~~ [inches over 24-hour duration](#)).
 - e. [Maintain predevelopment peak runoff rates for the 200-year, 24-hour storm event \(7.39 inches over 24-hour duration\).](#)

- (b) *Peak flow rates of stormwater runoff.* The proposed land development shall not increase peak flow rates of stormwater runoff from that which would have resulted from the same storm occurring over

the site with the land in its predevelopment conditions for storms of 24-hour duration and recurrence intervals of two, ten, 25, ~~and 100~~ and 200 years.

- (c) *Conveyance systems.* All stormwater conveyance systems within the proposed development, and receiving surface runoff from the proposed development, shall be designed to completely contain peak storm flows as described in this Article. Calculations for determining peak flows for conveyance system sizing shall use curve numbers based on the existing or future proposed land use for off-site areas (whichever results in the highest peak flows), and the proposed land use for the on-site areas. Appropriate post-development curve numbers are described in TR-55.
- (d) *Open channel conveyance systems.* For open channel conveyance systems the peak flow from the 100-year, 24-hour storm shall be completely contained within the channel bottom and banks.
- (e) *Storm sewer pipes.* For storm sewer pipes the peak flow from the ten year, 24-hour storm shall be completely contained within the pipes.
- (f) *Determination of peak flow rates and volume of runoff.* Determination of peak flow rates and volume of runoff for purposes of meeting the requirements of this Article shall be computed based on the principals and procedures described in TR 55. The Village Engineer may approve other calculation methods.
- (g) *Rainfall distributions.* The rainfall distributions for the storm events shall be based on the NRCS Type II storms as described in TR-55.
- (h) *Increases or decreases in the hydrology of wetlands.* Increases or decreases in the hydrology of wetlands shall be minimized to the extent practical. Where such changes are proposed, the impact of the proposal on wetland functional values shall be assessed using methods acceptable to the Village Engineer. Significant changes to wetland functional values shall be avoided as defined in Wis. Admin. Code Ch. NR 103.
- (i) *Runoff from the ~~24~~100-year storm.* Runoff from the 24100-year storm to public right-of-way stormwater easements, or environmental corridors where downstream accommodations are not in place shall be maintained.
- (j) For redevelopment with proposed impervious surface area greater than 80% of existing, the first 0.5 inches of runoff must be captured using green infrastructure.
- (k) Closed Watersheds. Pre-development modeling must include closed watersheds areas. Sites within closed watersheds must be designed to achieve 90% Stay-on without exemption. Sites with areas subject to inundation (ground elevations below the watershed outlet elevation) must include:
 - 1. a stable outlet capable of handling overflow events.
 - 2. an emergency drawdown or pumping plan.
 - 3. storage capacity for back-to-back 100-yr storm events.

(Code 1998, § 15-5-25(b); Ord. No. 2002-10, § 1(15-5-25(b)), 9-9-2002; Ord. No. 2005-05, § 7, 3-28-2005)

Sec. 8-845. Outlets.

Discharges from new construction sites must have a stable outlet capable of carrying designed flow as required in Section 8-844(a)(2), at a nonerosive velocity. Outlet design must consider flow capacity and flow duration. This requirement applies to both the site outlet and the ultimate outlet to stormwater conveyance or waterbody.

(Ord. No. 2002-10, § 1(15-5-25(c)), 9-9-2002; Ord. No. 2005-05, § 8, 3-28-2005)

Sec. 8-846. Infiltration.

All downspouts, driveways and other impervious areas shall be directed to pervious areas, unless infeasible.
(Ord. No. 2002-10, § 1(15-5-25(d)), 9-9-2002)

Sec. 8-847. Exceptions.

The Village Engineer may establish stormwater management requirements either more stringent or less stringent than those set forth in this Article, provided that at least one of the following conditions applies:

- (a) Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the Village Engineer and that is required to be implemented by this Article.
- (b) The proposed land development shall limit peak flow rates of storm runoff after development to 100 percent of that which would have resulted from the same storm occurring over the site with the land in its predevelopment conditions for storms of 24-hour duration and recurrence intervals of two, ten, 25, and 100 years.
- (c) Provisions are made to manage stormwater by an off-site facility. This requires that the off-site facility is in place, is designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices meeting the requirements of this Article, and has a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.
- (d) The Village Engineer finds that meeting the minimum on-site management requirements is not feasible due to site conditions.
- (e) The Village Engineer determines that an added level of protection is needed to protect sensitive resources.
- (f) The Village Engineer determines that no benefit will result from construction of specified management requirements.

(Code 1998, § 15-5-26(c); Ord. No. 2002-10, § 1(15-5-25(e)), 9-9-2002)

Sec. 8-848. Fee in lieu of on-site stormwater management practice.

Where the Village Engineer otherwise determines that it would be inappropriate to require a site to meet the minimum stormwater management requirements on-site, the applicant shall pay a fee to the Village.

- (a) The fee shall be based upon the differing costs and requirements for managing stormwater arising from residential, commercial, or industrial development. Based upon a study by the Village Engineer performed in 1995, the fees established in lieu of on-site stormwater management practices shall be as established by the Village Board from time to time and provided in Appendix A to this Code.
- (b) The fee shall be adjusted annually as of January 1 of each year by the Village Engineer, utilizing the Consumer Price Index—All Urban Consumers for Midwest Region, prepared by the United States Department of Labor.
- (c) All such fees collected shall be placed in a designated fund and used exclusively for land acquisition, engineering, design, construction, administration and maintenance of regional stormwater management practices.

(Code 1998, § 15-5-26(d); Ord. No. 2002-10, § 1(15-5-25(f)), 9-9-2002)

Sec. 8-849. General considerations for on-site and off-site stormwater management measures.

The following considerations shall be observed in managing stormwater runoff:

- (a) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this Article.
- (b) Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.
- (c) Stormwater management measures used in developing the stormwater management plan should be considered according to the following order of preference. Limitations to this order of preference that may be recognized include natural site characteristics, financial feasibility, type of development, legal rights in redirecting stormwater flows and The Wisconsin Stormwater Manual, Part Two: Technical Design Guidelines for Stormwater BMP's (Wisconsin Department of Natural Resources).
 - (1) On-site infiltration measures for rooftop, sidewalk, parking lot and driveway runoff.
 - (2) On-site and off-site infiltration-style conveyance measures.
 - (3) Off-site wet detention measures.
 - (4) On-site wet detention measures.
 - (5) Extended detention measures.
 - (6) Off-site infiltration measures.

(Code 1998, § 15-5-26(e); Ord. No. 2002-10, § 1(15-5-25(g)), 9-9-2002)

Secs. 8-850—8-876. Reserved.

DIVISION 3. PERMITTING REQUIREMENTS, PROCEDURES AND FEES

Sec. 8-877. Required.

No landowner or operator may undertake a land development activity subject to this Article without receiving a stormwater management plan permit from the Director of Public Works or Building Inspector prior to commencing the proposed activity.

(Code 1998, § 15-5-27(a); Ord. No. 2002-10, § 1(15-5-26(a)), 9-9-2002; Ord. No. 2005-05, § 9, 3-28-2005)

Sec. 8-878. Application and fee.

Unless specifically excluded by this Article, any landowner or operator desiring a stormwater management plan permit shall submit to the Director of Public Works or Building Inspector a stormwater management plan permit application on a form provided by the Director of Public Works or Building Inspector for that purpose. The

completed application form must be signed by the landowner or include a notarized statement signed by the landowner authorizing the applicant to act as the landowner's agent and bind the landowner to the terms of this Article. Unless otherwise exempted by this Article, a stormwater management plan permit application must be accompanied by the following information before the stormwater management plan permit application will be considered by the Director of Public Works or Building Inspector:

- (a) A stormwater management plan;
- (b) A maintenance agreement;
- (c) Any payment of proposed fees in lieu of on-site stormwater management practices;
- (d) A deed restriction as provided for in this Article;
- (e) Copies of permits or completed permit applications or approvals required by any other governmental entity to begin land disturbing activity;
- (f) A proposed timetable and schedule for completion and installation of all elements of approved erosion control and stormwater management plans and a detailed schedule for completion of construction;
- (g) An estimate of the cost of completion and installation of all elements of the approved erosion control and stormwater management plans;
- (h) The nonrefundable permit fee.

(Code 1998, § 15-5-27(b); Ord. No. 2002-10, § 1(15-5-26(b)), 9-9-2002; Ord. No. 2005-05, § 9, 3-28-2005)

Sec. 8-879. Review and approval of permit application.

The Director of Public Works or Building Inspector shall forward a copy of all application materials to the Village Engineer. The Village Engineer shall review the application materials and provide a recommendation to the Director of Public Works or Building Inspector. The following approval procedure shall be used:

- (a) Within 30 business days of the receipt of a complete permit application, including all documents required by this Article, the Director of Public Works or Building Inspector shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved. The Director of Public Works or Building Inspector shall base the decision on requirements set forth in this Article.
- (b) If the stormwater permit application, plan and maintenance agreement are approved, the Director of Public Works or Building Inspector shall issue the permit.
- (c) If the stormwater permit application, plan or maintenance agreement are disapproved, the applicant may revise the stormwater management plan or agreement, or may appeal the decision of the Director of Public Works or Building Inspector as provided for in this Article.
- (d) If additional information is submitted, the Director of Public Works or Building Inspector shall have 30 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
- (e) If the stormwater permit application, plan or maintenance agreement are disapproved, the Director of Public Works or Building Inspector shall detail in writing the reasons for disapproval.

(Code 1998, § 15-5-27(c); Ord. No. 2002-10, § 1(15-5-26(c)), 9-9-2002; Ord. No. 2005-05, § 9, 3-28-2005)

Sec. 8-880. Financial guarantee.

The Village may require the submittal of an installation financial guarantee and a maintenance financial guarantee, in a form acceptable to the Village Attorney, prior to issuance of the permit in order to insure that the stormwater practices are installed and maintained by the permit holder as required by the stormwater management plan. The amount of the installation financial guarantee shall be determined by the Village Engineer, not to exceed the total estimated construction cost of the stormwater management practices approved under the permit, plus 25 percent. The amount of the maintenance financial guarantee shall be determined by the Village Engineer, not to exceed the maintenance costs estimated in the stormwater plan for the period during which the permit holder has maintenance responsibility. The financial guarantees shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. Conditions for the release of financial guarantees are as follows:

- (a) The installation financial guarantee shall be released in full only upon submission of as built plans in written and digital form and written certification by a registered professional engineer in the state that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this Article. The Village Engineer may make provisions for a partial pro-rata release of the installation financial guarantee based on the completion of various development stages.
- (b) The maintenance financial guarantee, minus any costs incurred by the Village to conduct required maintenance, shall be released at such time that the responsibility for practice maintenance is passed on to another private entity, via an approved maintenance agreement, or to the Village.

(Code 1998, § 15-5-30; Ord. No. 2002-10, § 1(15-5-26(d)), 9-9-2002; Ord. No. 2005-05, § 9, 3-28-2005)

Sec. 8-881. Permit conditions.

All permits issued under this Article shall be subject to the following conditions, and holders of permits issued under this Article shall be deemed to have accepted these conditions. The Director of Public Works or Building Inspector may suspend or revoke a permit for violation of a permit condition, following written notification of the permittee. An action by the Director of Public Works or Building Inspector to suspend or revoke this permit may be appealed in accordance with this Article.

- (a) Compliance with this permit does not relieve the permit holder of the responsibility to comply with other applicable federal, state, and local laws and regulations.
- (b) The permit holder shall design, install, and maintain all structural and nonstructural stormwater management measures in accordance with the approved stormwater management plan, maintenance agreement, and this permit prior to the start of any land disturbing activity through the duration of the project.
- (c) The permit holder shall notify the Director of Public Works or Building Inspector at least two business days before commencing any work in conjunction with the stormwater management plan, and within five business days upon completion of the stormwater management practices. If required as a special condition, the permit holder shall make additional notification according to a schedule set forth by the Director of Public Works or Building Inspector so that practice installations can be inspected during construction.
- (d) Once installed, stormwater management practices must pass a final inspection to determine if they are in accordance with the approved stormwater management plan and ordinance. The inspection must be made by the Director of Public Works or Building Inspector, or other competent professional selected by the Director of Public Works or Building Inspector. The Director of Public Works or Building Inspector shall notify the permit holder in writing of any changes required in such practices to bring

them into compliance with the conditions of this permit. The permit holder is further required to submit a certificate of completion, stating the completion of the permitted work in accordance with the plans, as well as all applicable Village, state and federal requirements. The certificate must be signed by the permit holder, the contractor and the designer engineer.

- (e) The permit holder shall notify the Director of Public Works or Building Inspector of any significant modifications it intends to make to an approved stormwater management plan. The Director of Public Works or Building Inspector may require that the proposed modifications be submitted for approval prior to incorporation into the stormwater management plan and execution.
- (f) The permit holder shall maintain all stormwater management practices specified in the approved stormwater management plan until the practices either become the responsibility of the Village, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
- (g) The permit holder authorizes the Director of Public Works or Building Inspector to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special charge against the property pursuant to Wis. Stats. § 66.0627, or to charging such costs against the financial guarantee posted under this Article.
- (h) If so directed by the Director of Public Works or Building Inspector, the permit holder shall repair at the permit holder's own expense all damage to adjoining municipal facilities and drainageways caused by stormwater runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.
- (i) The permit holder shall permit property access to representatives of the Village for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.
- (j) Where a stormwater management plan involves direction of some or all runoff off-site, it shall be the responsibility of the permit holder to obtain from adjacent property owners any easements or other necessary property interests concerning flowage of water. Issuance of this permit does not create or affect any such rights.
- (k) The permit holder is subject to the enforcement actions identified in this Article if the permit holder fails to comply with the terms of this permit.

(Code 1998, § 15-5-27(d); Ord. No. 2002-10, § 1(15-5-26(e)), 9-9-2002; Ord. No. 2003-05, § 41, 3-24-2003; Ord. No. 2005-05, § 9, 3-28-2005)

Sec. 8-882. Inspections.

The site of any regulated land disturbing activity shall be inspected once every 30 days, or more frequently as determined by the Director of Public Works or Building Inspector during the plan construction phase with assistance from the plan review agency staff.

- (a) Within ten days after installation of all practices in an approved stormwater management plan, the permittee shall notify the Director of Public Works or Building Inspector and submit drawings documenting construction. The person who designed the stormwater management plan for the permittee shall submit as-built certification to ensure that constructed stormwater management practices and conveyance systems comply with the specifications included in the approved plans. At minimum, as-built certification shall include a set of drawings comparing the approved stormwater management plan with that was constructed. Other information shall be submitted as required by the Director of Public Works or Building Inspector or designee.

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- (b) The Director of Public Works or Building Inspector or designee shall inspect the property to verify compliance within ten days of notifications.
 - (c) Maintenance is the responsibility of the owner, and facilities are subject to inspection and orders for repairs.

(Ord. No. 2005-05, § 9, 3-28-2005)

Sec. 8-883. Deed restriction.

A deed restriction notifying future landowners of applicable stormwater management practice maintenance requirements, timetables and the potential liability imposed by this Chapter for failure to bring the property into compliance with this Article after notification, shall be recorded with the Dane County Register of Deeds prior to issuance of a permit. The foregoing information shall also be noted on every plat and Certified Survey Map.

(Ord. No. 2002-10, § 1(15-5-26(f)), 9-9-2002; Ord. No. 2005-05, § 9, 3-28-2005)

Sec. 8-884. Permit duration.

Permits issued under this Article shall be valid from the date of issuance through the date the Village Engineer notifies the permit holder that all stormwater management practices have passed the final inspection required under Section 8-881.

(Code 1998, § 15-5-27(e); Ord. No. 2002-10, § 1(15-5-26(g)), 9-9-2002; Ord. No. 2005-05, § 9, 3-28-2005)

Sec. 8-885. Transfers of ownership.

- (a) When a permittee transfers ownership, possession or control of property subject to an uncompleted stormwater management plan, the party who is successor in interest to any portion of said real estate shall bear responsibility to control soil erosion on that portion of the real estate under the successor's ownership, possession or control, and shall comply with the standards provided in this Chapter.
- (b) When ownership, possession or control of property subject to an uncompleted stormwater management plan is transferred from one party to another, the former owner shall notify the party taking possession as to the current status of compliance with the approved stormwater management plan, also providing a copy of said notice to the Village Engineer, and shall provide a copy of the approved stormwater management plan to the purchaser if the soil on the property being transferred has not been stabilized prior to the date of transfer.
- (c) Transfers of interest in real estate subject to an approved, uncompleted stormwater management plan may be completed consistent with this Chapter under any of the following circumstances:
 - (1) The transferee shall file a new, approved stormwater management plan;
 - (2) The transferee shall obtain an approved assignment from the Village as subpermittee to complete that portion of the approved stormwater management plan for the transferred property; or
 - (3) The permittee shall provide the Village with a surety or a cash deposit in an amount sufficient to complete the work proposed in the approved plan. At the time of transfer, the permittee may seek to reduce any prior surety to the amount necessary to complete the remaining work. If the permittee enters into escrow agreements with transferees to complete an approved plan, such escrowed amounts shall be available to the Village to attain plan compliance. When an approved stormwater

management plan is not completed as proposed, the Village Engineer may obtain the surety to complete remaining work to achieve plan compliance.

(Code 1998, § 15-5-27(i); Ord. No. 2002-10, § 1(15-5-26(h)), 9-9-2002; Ord. No. 2005-05, § 9, 3-28-2005)

Secs. 8-886—8-903. Reserved.

DIVISION 4. STORMWATER MANAGEMENT PLANS³

Sec. 8-904. Requirements.

- (a) *Enumerated.* The stormwater management plan required under this Article shall comply with the requirements in Chapter 14 of the Dane County Ordinances, as well as the following:
- (1) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person responsible for installation of stormwater management practices; person responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party.
 - (2) A proper legal description of the property proposed to be developed referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land ~~Subdivision~~ plat. Include a USGS 7.5-minute topographical map showing the property boundaries of the proposed development.
 - (3) Predevelopment site conditions, including:
 - a. One or more site maps at a scale of not less than one inch equals 100 feet. The site maps shall show the following:
 1. Site location and legal property description;
 2. Predominant soil types and hydrologic soil groups;
 3. Existing cover type and condition;
 4. Topographic contours of the site at the scale not to exceed two feet;
 5. Topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site;
 6. Watercourses that may effect or be affected by runoff from the site;
 7. Flow path and direction for all stormwater conveyance sections, including time of travel and time of concentration applicable to each;
 8. Watershed boundaries used in determinations of peak flow discharge rates and discharge volumes from the site;
 9. Lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site;
 10. Limits of the 100-year floodplain;

³State law reference(s)—Site erosion control and stormwater management, Wis. Stats. § 61.354.

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11. Location of wells located within 1,200 feet of stormwater detention ponds, infiltration basins, or infiltration trenches;
 12. Delineation of wellhead protection areas delineated pursuant to Wis. Admin. Code § NR 811.16.
- b. Computations of peak flow discharge rates and discharge volumes for the two-year/24-hour, ten-year/24-hour, 25-year/24-hour design storm events and 100-year/24-hour storm events. All major assumptions used in developing input parameters shall be clearly stated. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross referenced to the required maps.
- (4) Post-development site conditions, including:
- a. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.
 - b. Explanation of any restrictions or stormwater management measures in the development area imposed by wellhead protection plans and Village ordinances.
 - c. One or more site maps at a scale of not less than one inch equals 100 feet showing:
 1. Revised pervious land use including vegetative cover type and condition;
 2. Impervious land use including all buildings, structures, and pavement;
 3. Revised topographic contours of the site at a scale not to exceed two feet;
 4. Revised drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site;
 5. Locations and dimensions of drainage easements;
 6. Locations of maintenance easements specified in the maintenance agreement;
 7. Flow path and direction for all stormwater conveyance sections, including time of travel and time of concentration applicable to each;
 8. Location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage area;
 9. Location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainageway; watershed boundaries used in determinations of peak flow discharge rates and discharge volumes;
 10. Any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.
 - d. Computation of the runoff volume resulting from the 1.5-inch rainfall, and computations of peak flow discharge rates and discharge volumes for the two-year/24-hour, ten-year/24-hour, 25-year/24-hour storm events, and 100-year/24-hour storm events. All major assumptions used in developing input parameters shall be clearly stated. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required maps.
 - e. Results of investigations of soils and groundwater required for the placement and design of stormwater management measures.
 - f. Results of impact assessments on wetland functional values.

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- g. Design computations and all applicable assumptions for the stormwater conveyance (open-channel, closed-pipe) system.
 - h. Design computations and all applicable assumptions for stormwater quality practices (sedimentation type, filtration-type, infiltration-type) as needed to show that practices are appropriately sized to accommodate runoff from the 1.5-inch rainfall. For practice designs that depart from those specified in the Wisconsin Storm Water Manual, Part 2, the results of continuous simulation modeling, conducted according to the guidelines established in this manual, shall be presented in such a way as to show the reduction in average annual total suspended solids loading from the developed site.
 - i. Detailed drawings including cross sections and profiles of all permanent stormwater conveyance and treatment practices.
 - j. Cost estimates for the construction, operation, and maintenance of each stormwater management practice.
 - k. Other information as needed by the Village Engineer to determine compliance of the proposed stormwater management measures with the provisions of this Article.
 - l. All site investigations, plans, designs, computations, and drawings shall be certified by a competent engineer, to be prepared in accordance with accepted engineering practice and in accordance with The Wisconsin Storm Water Manual, Part 2: Technical Design Guidelines for Storm Water BMP's as published and amended by the State of Wisconsin Department of Natural Resources, the Natural Resources Conservation Service's Field Office Technical Guide, Chapter 4, and any other technical methodology approved by the Dane County Conservationist.
- (b) *Exceptions.* The Village Engineer may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under this Article.

(Code 1998, § 15-5-28; Ord. No. 2002-10, § 1(15-5-27), 9-9-2002; Ord. No. 2005-05, §§ 10—12, 3-28-2005)

Sec. 8-905. Maintenance agreement.

- (a) *Required.* The maintenance agreement required for stormwater management practices under this Article shall be an agreement between the Village and the permittee to provide for maintenance of stormwater management practices beyond the duration period of the permit. The agreement shall be recorded as a property deed restriction by the permit applicant with the Dane County Register of Deeds so that it is binding upon all subsequent owners of land served by the stormwater management practices. Where this Article is applied pursuant to the Village's extraterritorial plat review jurisdiction, the town in which the land disturbing activity occurs the town shall be a party to the maintenance agreement.
- (b) *Agreement provisions.* The maintenance agreement shall contain the following provisions:
 - (1) Identification of all stormwater management practices and designation of the drainage areas served by these practices.
 - (2) A schedule for regular maintenance and a description of the maintenance procedures for each aspect of the stormwater management system consistent with the stormwater management plan.
 - (3) Identification of the person or party responsible for long-term maintenance of the stormwater management practices.
 - (4) The responsible party shall maintain stormwater management practices in accordance with the schedule included in the agreement.

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- (5) The Village Engineer is authorized to access the property to conduct inspections of stormwater practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 - (6) The Director of Public Works or designee shall maintain public records of the results of all site inspections, shall inform the party responsible for maintenance of the inspection results, and shall indicate any specific corrective actions required to bring the stormwater management practice into accordance with this Article.
 - (7) The party designated under the maintenance agreement shall perform the corrective action upon receipt of notification of deficiencies by the Director of Public Works or designee and within the time established by the Director of Public Works.
 - (8) If the responsible party does not make the corrective actions within the specified time period, the Director of Public Works or designee is authorized to perform the corrective actions identified in the inspection report. The Director of Public Works shall enter the costs of these corrective actions on the tax rolls, and collect the money as a special charge against the property pursuant to Wis. Stats. § 66.0627.
- (c) *Exceptions.* The Village may waive the requirement for a separate maintenance agreement for cases in which:
- (1) The Village intends to accept the practices for ownership and maintenance upon completion of construction and expiration of any warranty period; and
 - (2) An alternative agreement, such as a Village/developer agreement, is in place to provide for maintenance during the warranty period.
- (d) *Termination.* The maintenance agreement shall be terminated at such time that responsibility for maintenance of the stormwater management practice is legally transferred to the Village or agency acceptable to the Village, through a written, binding agreement. The termination date for the maintenance agreement shall be the date upon which the legal transfer of maintenance responsibility to the Village or agency is made effective.

(Code 1998, § 15-5-29; Ord. No. 2002-10, § 1(15-5-28), 9-9-2002; Ord. No. 2005-05, §§ 13—17, 3-28-2005)

Sec. 8-906. Appeals.

Village Board. The Village Board shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Director of Public Works or designee in administering this Article. The Village Board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. The Village Board may consider recommendations on appeals made by the Plan Commission or the Public Works and Utilities Committee.

(Code 1998, § 15-5-32; Ord. No. 2002-10, § 1(15-5-30), 9-9-2002; Ord. No. 2005-05, § 19, 3-28-2005; Ord. No. 2022-02, § 43, 2-28-2022)

Sec. 8-907. Abrogation and greater restrictions.

This Article is not intended to repeal, abrogate, annul, impair or interfere with any existing covenants, deed restrictions, agreements, rules, regulations, ordinances or approvals previously adopted or issued pursuant to law. However, in cases where previous approvals did not allow the proper restriction of runoff and pollutant levels, the provisions of this Article shall govern.

(Ord. No. 2002-10, § 1(15-5-32), 9-9-2002)

Sec. 8-908. Interpretation.

In their interpretation and application, the provisions of this Article shall be held to be the minimum requirements to be met by an applicant, and shall be liberally construed in favor of the Village, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(Ord. No. 2002-10, § 1(15-5-33), 9-9-2002)

Sec. 8-909. Fees.

- (a) *Fees for erosion control plans.* Each applicant desiring to undertake a regulated activity subject to this Chapter shall submit to the Director of Public Works a fee required by the following fee schedule:
- (1) *Simplified plan checklists.* As established by the Village Board from time to time and provided in Appendix A to this Code.
 - (2) *Sites larger than 20,000 square feet in area and two acres or less in area.* As established by the Village Board from time to time and provided in Appendix A to this Code.
 - (3) *Sites larger than two acres in area and five acres or less in area.* As established by the Village Board from time to time and provided in Appendix A to this Code.
 - (4) *Sites larger than five acres in area.* The applicant shall be responsible for paying a fee equal to the actual cost to the Village for all engineering work and inspections incurred by the Village in connection with review of the erosion control plan and inspections of the implementation of the plan. At the time the application is submitted, the applicant shall prepay the estimated fee established by the Village Board from time to time and provided in Appendix A to this Code. Following review of the plan, the Village Engineer shall estimate the total cost of the Village Engineer's review and inspections in connection with the review and implementation of the plan. If the amount is estimated to be more than the \$1,000.00 deposited with the application, the Director of Public Works shall require the applicant to deposit with the Village Clerk-Treasurer, in escrow, the remaining sum required by the Village Engineer's estimate.
- (b) *Fees for stormwater management plans.* Each applicant desiring an activity regulated by this Article, shall submit to the Director of Public Works a fee required by the following schedule:
- (1) *Stormwater management plan without detention plan.* As established by the Village Board from time to time and provided in Appendix A to this Code.
 - (2) *Stormwater management plan with detention plan.* As established by the Village Board from time to time and provided in Appendix A to this Code.
- (c) *Payment; accountability.* The Village Clerk-Treasurer shall pay bills submitted for engineering and inspection out of the funds escrowed under Subsection (a)(4) of this Section. In the event the amount deposited with the Village Clerk-Treasurer falls below 25 percent of the amount required to be deposited, the Director of Public Works or designee shall require the permittee to replenish the escrow to the original amount required hereunder. Upon final acceptance of implementation of the erosion control plan, the amounts remaining in the escrow shall be refunded to the applicant. An account of all fees paid by the Village and the status of the escrow shall be provided to the permittee at least quarterly. In the event the applicant or permittee defaults in establishing or replenishing the escrow, the Village may take enforcement action as contemplated under Article XVII, Division 4 of this Chapter.

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(Code 1998, § 15-5-40; Ord. No. 98-20, § 18, 12-14-1998; Ord. No. 2002-02, § 16, 1-14-2002; Ord. No. 2006-06, § 1, 3-28-2005; Ord. No. 2017-12, §§ 53—55, 6-26-2017)

Secs. 8-910—8-936. Reserved.

VILLAGE OF
McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, August 15, 2023

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion regarding proposed changes to Chapter 62, Zoning regarding solar energy collection systems.

PREVIOUS ACTION:

ISSUE SUMMARY:

The Village's Zoning Code does not specifically address uses and regulations for "solar farms", generally defined as where the principal use of the property is for multiple solar collectors on ground mounted racks or poles that harvest and convert solar energy into the electrical grid. On-site or on-building "solar collectors", where the solar collectors are not the principal use of the property, are also not particularly well defined under the Village Zoning Code, but are considered permitted accessory uses in all zoning districts. The Zoning Code classifies permitted and conditional uses using the North American Industrial Classification System (NAICS). Sec. 62-69 does provide regulations for where "utility lines and pumping stations" are permitted within agricultural, conservancy and residential districts. Sec. 62-71 also provides regulations for where "Utilities (NAICS 221000)" are permitted in commercial districts. Staff desires to clarify the definitions and regulations concerning the approval processes for solar uses within the Zoning Code.

The 2022 NAICS Code 221114 Solar Electric Power Generation is defined as: *"This U.S. industry comprises establishments primarily engaged in operating solar electric power generation facilities. These facilities use energy from the sun to produce electric energy. The electric energy produced in these establishments is provided to electric power transmission systems or to electric power distribution systems."* NAICS Code 22114 also includes Corresponding Index Entries titled "electric power generation, solar", "power generation, solar electric," and "solar farms".

To clarify the zoning regulations related to solar farms (principal uses) and solar collectors (accessory uses), staff is considering the following revisions to the Zoning Code:

- Add the following definitions to Section 62-4:
 - a. *Solar Energy Collection, Farm (Land Use).* A site on which the primary land use is an array of multiple solar collectors on ground-mounted racks or poles that harvest and convert solar energy into thermal, chemical or electrical energy and transmit the same.



- b. *Solar Energy Collection System.* All equipment required to harvest solar energy to generate electricity, including storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items.
 - c. *Solar Energy Collection System, Roof & Building Mounted (Accessory Land Use).* A solar energy collection system that is structurally mounted to the roof or side of a building or other permitted structure, including limited accessory equipment associated with the system which may be ground mounted. It is installed parallel to the roof or building surface with a few inches gap.
 - d. *Solar Energy Collection System, Ground Mounted (Accessory Land Use).* A solar energy collection system and associated mounting hardware that is affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems.
 - e. *Solar Energy Collection System, Canopy Mounted (Accessory Land Use).* A solar energy collection system consisting of elevated solar panels installed above parking lots, carports and other paved areas.
-
- Amend Section 62-69 to list Solar Energy Collection, Farm as a conditional use in the A-1 Agricultural Transition District.
 - Amend Section 62-69 and 62-71 to list Solar Energy Collection System (Roof & Building Mounted, Ground Mounted, Canopy Mounted) as permitted accessory uses in all zoning districts. These collection systems would be subject to the existing principal and accessory structure bulk requirements within each specific zoning district.
 - Add Section 62-210 Solar Energy Collection Systems (within Signal Receiving Antennas, Wind Energy Systems) to add specific regulations, including:
 - 1. Solar energy collection systems (roof & building, ground, and canopy mounted) are permitted in all zoning districts as accessory structures.
 - 2. Ground mounted solar energy collection systems shall comply with the requirements for accessory structures. Roof & building and canopy mounted solar energy collection systems shall comply with the height limits and setbacks for primary structures, or accessory structures, when affixed to a permitted accessory structure.
 - 3. Solar Energy Collection Systems, Farms:
 - a. A certified professional engineer shall certify that the foundation and design on the solar panels are within accepted professional standards, given local soil and climate conditions.
 - b. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground.
 - c. Systems, equipment, and structures shall not exceed thirty (30) feet in height when ground mounted.
 - d. Vegetation under ground mounted solar energy collection systems should consist of pollinator-friendly vegetation or similar prairie grass seed mix.
 - e. Ground mounted solar energy collection systems as part of a solar farm



- shall have a minimum setback for all equipment, excluding fences, of 25 feet from the front lot line and 10 feet from side and rear lot lines.
- f. Systems equipment and structures shall be fully enclosed and secured by a fence or wall per the requirements in Sec. 8-369. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
 - g. An appropriate warning sign shall be provided at the entrance to the facility and along the perimeter of the solar farm. The sign at the entrance to the facility shall include the facilities 911 address and a twenty-four-hour emergency contact number.
- 4. Any conditions or restrictions placed on the solar energy collection system shall be limited to those that serve to preserve or protect the public health and safety, or do not significantly increase the cost, or decrease the efficiency of the system. Conditions or restrictions that allow for an alternative system of comparable cost and efficiency may also be imposed.
 - 5. The requirements of Wisconsin Statutes, including but not limited to 66.0401 and 66.0403, shall apply to all solar energy collection systems.

The purpose of the August 15 Plan Commission is to simply introduce these ordinance amendments. A future meeting will be scheduled to recommend the final ordinance changes to the Village Board for approval.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

This agenda item is presented for discussion only.

ATTACHMENTS:

None

**VILLAGE OF
McFarland
SUMMARY SHEET**

MEETING DATE: Tuesday, August 15, 2023

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion and action regarding Plan Commission procedures and timelines for considering action on applications requiring public hearings.

PREVIOUS ACTION:

May 17, 2021, enactment of procedural changes.

ISSUE SUMMARY:

On May 17, 2021 the Plan Commission discussed changing scheduling procedures to no longer consider action on applications requiring a public hearing in the same meeting as the public hearing. The basis for this decision was to allow more time for staff, applicants and the Plan Commission to take public comments from the public hearing into consideration prior to the Plan Commission taking action on the associated application. During that meeting, the Plan Commission acknowledged that the change in procedures could also negatively impact the perceptions of applicants/developers/businesses towards the Village as being difficult to work with given the longer approval schedule. One solution discussed was to hold additional monthly meetings to take action after the night of the public hearing. However, holding additional monthly meetings as needed is challenging given the competing use of the Community Room for other purposes and general issues of securing quorum. Note, deferring action to a subsequent meeting is not a Village ordinance requirement, but is a procedural change the Plan Commission opted to start using at its discretion.

Given it has been over two years since the change in meeting procedures, President Clow and Director Bremer thought it would be beneficial to check-in with the Plan Commission members on how well the procedures have been working and any desired changes. From January 2021 through July of 2023, the Plan Commission has held 38 public hearings. Of those public hearings, six (16%) included either submittal of written objections prior to the public hearing or public opposition at the public hearing. Another five public hearings (13%) included people who spoke with questions regarding the application but did not directly speak for or against the application.

Summary of public hearings held from January 1, 2021 through July 18, 2023.

VILLAGE OF
McFarland

Type of Hearing	Number of Public Hearings	Number of Hearings with Objections	% of Hearings with Objections
CUP	14	4	29%
Rezone	7	2	29%
CSM	10	0	0%
Plat/Condo	3	0	0%
Ordinance	2	0	0%
Comp. Plan	2	0	0%
Total	38	6	16%

The data indicates that the majority of the public hearings included no one objecting to the application. Where objections were registered, they were more common for conditional use and rezone permits than for certified survey maps. This makes sense due to the fact that CSM's are more often related to smaller lot line adjustments versus changes in the use of property. Given the vast majority of public hearings have not included individuals speaking against the application, the Plan Commission may be creating unnecessary delays by not considering action at the same meeting as the public hearing. In light of this research, the Plan Commission may desire to make some modifications to its current procedures. Options for consideration include:

1. As a matter of default for all applications requiring a public hearing include an agenda item under Business for action that evening (return to pre-May 2021 practice). The Plan Commission always has the option to table action to the next meeting to consider public feedback and unresolved issues on a case by case basis.
2. As a matter of default, include action items on the agenda for the same meeting as the public hearing for CSM, plat and condominium applications, but not rezone and conditional use permit applications. There are State Statute and Municipal Code limits on the maximum timeline for action on a CSM or plat that the current procedures can extend beyond. These action deadlines can be extended by mutual agreement between the applicant and the Village. However, these extensions require mutual agreement between the applicant and the Village. In contrast, there are no required action timelines under the Municipal Code for CUP and rezone petitions. The Plan Commission always has the option to table action to the next meeting to consider public feedback and unresolved issues on a case by case basis.
3. As a matter of default for all applications requiring a public hearing include an agenda item under Business for action that evening; however, at the start of the public hearing provide all interested parties with a reading of the following Plan Commission public hearing procedure: *"If there is written or verbal public opposition submitted as part of the public hearing the Plan Commission will postpone action on the application to a subsequent meeting so that concerns can be analyzed. If there is no public opposition and no unresolved issues by Village Staff or Plan Commission members, the Plan Commission may take action on the application under Business items this evening."*



Staff's recommendation is to utilize Option 3 as it would treat all applications equitably and allows those applications that are not controversial, and that have no unresolved issues, to continue with action without unnecessary delay. Staff notes that this is very similar to how the Dane County Zoning & Land Regulation Committee operates. The example written procedure could be incorporated into the Plan Commission application and the notifications the Department sends to adjacent property owners.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

2023 McFarland Housing Needs Assessment, Strategies for Implementation

1. *"Improve Staff & Developer Communications & Processes—Improve the experience for developers by evaluating the review process and the number of required public meetings. Consider Plan Commission action at the same meeting as the public hearing, especially in those instances where there are no public concerns raised at the public hearing. Increasing efficiency should also decrease costs to developers."*

2017 Comprehensive Plan, Economic Development Policies

1. *"Maintain a business-friendly environment through customer service, streamlined development approvals, fair and reasonable zoning standards, and development incentives where advancing the vision of this and other Village plans."*

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

This agenda item is presented for discussion and possible action regarding potential changes to Plan Commission procedures and timelines for considering action on applications requiring a public hearing. Example motion:

Motion, and second, to direct Community Development Department staff to prepare future Plan Commission applications, adjacent property owner public hearing notifications, and agendas utilizing the written procedures under option 3 of the staff report.

ATTACHMENTS:

None