

1. Agenda

Documents: [ZBA_20150727AG.PDF](#)

2. Complete Packet

Documents: [ZBA_20150727_PK.PDF](#)



CITY OF FITCHBURG

Planning Department

5520 Lacy Road
Fitchburg, WI 53711-5318

Phone: (608) 270-4256 ■ Fax: (608) 270-4275

www.fitchburgwi.gov

NOTICE

Zoning Board of Appeals
July 27, 2015

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the City of Fitchburg, Dane County, Wisconsin will hold a meeting on **Monday, July 27, 2015 at 5:00 p.m.** in the Meeting Room of Fitchburg City Hall, 5520 Lacy Road, Fitchburg, WI 53711 for the purposes of:

1. Call to order.
2. Roll Call.
3. Approval of minutes of June 24, 2014.
4. Public hearing and consideration of variance request, VR-2070-15, by Daniel Motl, agent for Promega Corporation, to exceed the allowed 30 foot commercial drive width at 5445 E Cheryl Pkwy, Lot 1 CSM 09025.
5. Such other matters as may come before the Board.
6. Adjournment.

Full coverage of this meeting is available through FACTv and Streaming Video, accessible on the city web site at <http://factv.city.fitchburg.wi.us/Cablecast/Public/Main.aspx?ChannelID=3>

Note: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact City Clerk's office (270-4200), Fitchburg City Hall, 5520 Lacy Rd, Fitchburg, WI 53711



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DRAFT MINUTES

CITY OF FITCHBURG

Planning Department

5520 Lacy Road
Fitchburg, WI 53711-5318

Phone: (608) 270-4255 ■ Fax: (608) 270-4275

www.city.fitchburg.wi.us

MINUTES BOARD OF APPEALS June 24, 2014

Members Present: Gary Mella, Ron Buchholz, Jenny Sanders, Dan Crowley, Craig Stevenson, Bill Tishler (for discussion only – no action, as 2nd alternate was not needed)
Others Present: Susan Badtke – Community Planner

1. **Call to Order** – Chair Gary Mella called the meeting to order at 4:31 p.m.
2. **Roll call** – Roll call indicated those present being members listed above.
3. **Approval of minutes of December 2, 2013.**

Motion by Buchholz, second by Crowley, to approve the minutes of December 2, 2013 was carried unanimously.

4. **Public hearing and consideration of variance request, VR-2025-14, by Daniel Motl, agent for Promega Corporation, to exceed the allowed 30 foot commercial drive width on Lot 24 of proposed Techlands Plat.**

Chair Mella opened the public hearing.

Bill Dalrymple, 5500 E Cheryl Pkwy Suite 110 Fitchburg, representing Promega, registered in support of the request and was sworn in as he was available to answer questions.

Sigardar Sigmarrson, 4210 Bucky Road Madison, representing Montgomery Associated, was sworn in as he was available to answer questions.

Community Planner Susan Badtke provided an overview of the request noting that Promega was requesting a variance to allow the two proposed entrance drives to be 40 feet in width; the current ordinance limits the commercial drive width to 30 feet in width. She explained that Public Works had reviewed the request and recommended approval.

Bill Dalrymple provided some information on the site noting that it was approximately 16 acres in size and will be a processing facility.

Sigardar Sigmarrson explained that the increased drive width will improve truck turning movements and allow for a clean turn into the facility. He also explained that trucks will enter the facility on Nobel and then exit out onto Mica.

Chair Mella closed the public hearing.

Motion by Crowley, second by Buchholz, to approve variance request VR-2025-14 due to the unnecessary hardship or practical difficulty that exists within the code by limiting truck turning movements, that there

DRAFT MINUTES

are unique property limitations including curved roads that present a safety issue and that there is no harm to the public interest as the increased width will allow trucks to make a clean turn into the site.

Roll call vote: Sanders – aye, Buchholz – aye, Mella – aye, Crowley – aye, Stevenson – aye

Motion was carried unanimously.

5. Public hearing and consideration of variance request, VR-2031-14, by Tracey Diehl, agent for Target Corporation, to allow for an additional 35.66 sq ft of signage, exceeding the 150 sq ft allowance, at 6321 McKee Road, more fully described as Lot 3 CSM 11969.

Chair Mella opened the public hearing.

Charles Zimmerman, 6321 McKee Road Fitchburg, representing Target, was sworn in and spoke in support of the variance request.

Community Planner Susan Badtke explained the request by Target to allow for an additional 35.66 sq ft of signage for a pharmacy sign. She stated that Target was granted a variance in 2006 to exceed the 150 sq ft of allowed signage by 87.5 sq ft, to allow for a total of 237.5 sq ft of signage. She also noted that the Commission, at its last meeting, had approved a request by HyVee for additional signage; HyVee was granted the 237.5 sq ft of signage that was granted to Target. She also questioned why, if the pharmacy was a critical service, a sign wasn't proposed for the pharmacy with the original sign package. Staff recommended denial of the request due to a lack of unnecessary hardship, as Target does have the ability to reduce the size of other signage to allow for this additional sign.

Charles Zimmerman stated that he does feel a hardship is present as the pharmacy is a service that it wishes to advertise and a sign is a way of presenting this service. He stated that the pharmacy inside the store is not getting visibility. He noted that while reducing signage is a possibility, it would be a waste of materials and does not make sense. He also mentioned that the proposed sign if smaller than other signs on the building and is a reasonable size that is not overpowering.

Dan Crowley questioned the purposes of the sign, whether it was to let people know which entrance to use to access the pharmacy. Zimmerman commented that it is simply to make people aware that there is a pharmacy.

Ron Buchholz questioned whether the pharmacy was installed with the original building. Zimmerman stated that it has been part of the store since it originally opened.

Stevenson questioned why a pharmacy sign wasn't included in the original sign package back in 2006 when the initial variance was granted. Zimmerman stated that he was not aware of the reasoning. Stevenson stated that he would be more comfortable if the sign would have been introduced as part of the variance that was previously granted. He noted that there is now a competing business across the street, and while it would be wise to have from a business perspective, it's not part of the approved package.

Chair Mella questioned whether other stores have a pharmacy sign on the exterior of the building. Zimmerman responded that both of the Madison stores have separate pharmacy signs.

Jenny Sanders commented that she supports local businesses and the pharmacy sign could help raise sales, but that it seems like this is an advertising/marketing issue that could be solved elsewhere through mailings or other marketing means.

Crowley commented that he does not see the request meeting the criteria for granting a variance as he doesn't see the hardship or practical difficulty.

DRAFT MINUTES

Stevenson commented that he views this as a self-created hardship.

Motion by Crowley, second by Stevenson, to deny variance request VR-2031-14 as no unnecessary hardship was found to exist as no evidence was presented that would indicate it was not possible to comply with the amount of signage previously granted; no unique property limitations were found to exist and the variance would be contrary to the public interest as the intent of the sign ordinance includes controlling the total area of signs.

Roll call vote: Sanders – aye, Buchholz – aye, Mella – aye, Crowley – aye, Stevenson – aye

Motion was carried unanimously.

6. Public hearing and consideration of variance request, VR-2032-14, by Hans Justeson, to exceed the allowed 30 foot commercial drive width on property associated with 5253 Verona Road.

Hans Justeson of JSD Professional Services, 161 Horizon Drive, Suite 101 Verona, representing Saris Cycling Group, was sworn in. Justeson spoke in support of the request and was available to answer questions.

Community Planner Susan Badtke explained the request to exceed the allowed drive width to allow for 50 foot drives off of the proposed Sprockett Drive for the Saris site at 5253 Verona Road. She stated that the 50' wide entrance minimizes the encroachment of trucks into on-coming traffic lanes as trucks proceed in and out of the site. Public Works had reviewed the request and recommended approval.

Justeson stated that Sprockett Drive is designed as a 40 foot street face to face. He explained that with the construction of Spoke and Sprockett Drive, Saris will now access the site off of Sprockett.

Jenny Sanders stated she had no issues with the request.

Craig Stevenson stated that there is a hardship as the site is a commercial/industrial site that will need to allow for truck access. The small drive width presents a safety issue with trucks. He also stated that the curve of the road illuminates the need for trucks to take a wide swing and the increased width will improve circulation and maneuvers for large trucks.

Motion by Crowley, second by Buchholz, to approve variance request VR-2032-14 based on that there is no harm to the public interest, the unnecessary hardship is present in the code for truck turning movements and that there are unique property limitations including the curve roads that present a safety issue.

Roll call vote: Sanders – aye, Buchholz – aye, Mella – aye, Crowley – aye, Stevenson – aye

Motion was carried unanimously.

7. Such other matters as may come before the Commission

None.

8. Adjournment

Motion by Buchholz, second by Mella, to adjourn at 5:15 p.m., was carried unanimously.

Submitted by,

Susan Badtke, Community Planner



MEMORANDUM

City of Fitchburg Planning/Zoning Department

5520 Lacy Road
Fitchburg, WI 53711
(608) 270-4256

TO: Zoning Board of Appeals
FROM: Susan B. Badtke, Community Planner
DATE: July 15, 2015
SUBJECT: July 27, 2015 Board of Appeals Meeting

4. Public hearing and consideration of variance request, VR-2070-15, by Daniel Motl, agent for Promega Corporation, to exceed the allowed 30 foot commercial drive width at 5445 E Cheryl Pkwy, Lot 1 CSM 09025.

Request:

Promega Corporation is requesting approval to exceed the maximum 30 foot drive width for the east driveway to the BTC located at 5445 E Cheryl Pkwy. The current driveway exceeds the allowed width; Promega is looking to replace the driveway and it would remain the same as it currently is after construction. The current driveway is 28' at the right-of-way line and 72' at the curb line.

City Regulations:

Chapter 27 (section 27-402) of City Ordinance, Streets & Public Ways, requires that "the width of any driveway opening intended to afford access to commercial or industrial property shall be determined and prescribed by the Department, but no greater than thirty feet (30') in width." Section 27-276 of Chapter 27 also lists the process for approving variances from the Code. "Where the Zoning Board of Appeals finds that unnecessary hardship or practical difficulty from strict compliance with this Access Code, it may vary the application of the Access Code; provided (1) the public interest is secured; and (2) the Board finds that: a) such variation will not establish an undesirable precedent; and b) will not have the effect of nullifying the intent and purpose of this article or chapter 22, pertaining to zoning, chapter 24, pertaining to land division or chapter 25, pertaining to architectural control."

Staff Review:

The applicant has provided drawings showing the drive widths required for truck turning movements.

Public Works has reviewed the submitted request and has commented that they are agreeable to the driveway width variance request because the turning templates show the need for the additional width to accommodate the right turn movement for trucks and also because the applicant is agreeable to providing colored concrete within the driveway approach, in the areas that exceed the standard driveway curb opening. Public Works recommends approval of the variance request for the wider curb opening.

Staff Recommendation:

If the Board finds that the variance request is acceptable and meets the requirements outlined above for issuing a variance, including:

- a.) Unnecessary hardship or practical difficulty from strict compliance with the Code
- b.) Such variation will not establish an undesirable precedent
- c.) Will not have the effect of nullifying the intent and purpose of the General Code of Ordinances

the Board may choose to approve the variance request VR-2070-15 and staff would recommend the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Approval is based on the submitted application and materials.
- 3.) Driveway width is limited to 72' at the curb; driveway width at the property line shall comply with the maximum 30' width requirement.



CITY OF FITCHBURG
 PLANNING/ZONING DEPARTMENT
 5520 LACY ROAD
 FITCHBURG, WI 53711
 (608) 270-4200

VARIANCE - ADMINISTRATIVE APPEAL APPLICATION

UNDER THE RULES AND REQUIREMENTS OF THE FITCHBURG ZONING ORDINANCE, THE UNDERSIGNED OWNER, OR OWNER'S AGENT, OF THE PROPERTY HEREIN DESCRIBED

HEREBY APPLIES FOR A Variance
Variance or Appeal of an Administrative Decision

1. OWNER OF PROPERTY Promega Corporation PHONE NO. 608-443-3260

2. LOCATION OF PROPERTY
 STREET ADDRESS 5445 E. Cheryl Parkway
 LEGAL DESCRIPTION (METES & BOUNDS, OR LOT NO. & PLAT) Lot 1 of CSM 09025

3. EXPLAIN THE VARIANCE, OR ADMINISTRATIVE APPEAL REQUESTED Variance to the commercial driveway standard is requested to allow the existing width of the east driveway to BTC to remain the same after reconstruction of the driveway. The current driveway is 28' at the right-of-way line and 72' at the curb line.

4. REASON(S) WHY THE APPLICANT CANNOT COMPLY WITH THE ORDINANCE REQUIREMENTS, OR WHY YOU FEEL THE ADMINISTRATIVE DECISION IS INCORRECT: (ADDITIONAL COMMENTS OR INFORMATION MAY BE ATTACHED)
Standard commercial driveway width of 40' at the curb line is insufficient to allow trucks to turn into and out of the driveway shown on the exhibit. The current driveway width was established based on the turning movements of trucks using the driveway.

ATTACH TWO (2) COPIES OF A SITE PLAN, DRAWN TO SCALE, INDICATING WHERE A VARIANCE IS REQUESTED. ONE (1) COPY SHALL BE NO LARGER THAN 11" X 17" SUBMIT ONE (1) PDF DOCUMENT OF THE COMPLETE SUBMITTAL (planning@city.fitchburg.wi.us).

5. CONTACT PERSON Dan Moll / Promega Corporation
 ADDRESS 2800 Woods Hollow Road, Fitchburg PHONE NO. 608-443-3260

RESPECTFULLY SUBMITTED BY *Daniel Moll* 06/30/15
Signature of Owner's or Owner's Authorized Agent

FOR CITY USE ONLY
 DATE RECEIVED 7/6/2015 PUBLISH _____
 ORDINANCE SECTION NO. _____ FEE PAID \$550.00 REQUEST NO. VR-2010-15

July 1, 2015

Tom Hovel
City of Fitchburg
Planning/Zoning Department
5520 LACY Road
Fitchburg, Wisconsin, 53711

RE: Promega BTC East Drive submittal for Board of Appeal Variance

Dear Tom,

On behalf of our client, Promega Corporation, we are pleased to transmit the following information for your staffs review and consideration by the City of Fitchburg's Board of Appeal for a variance to allow the BTC East Parking Lot commercial driveway to exceed the commercial drive standard. The existing driveway exceeds City of Fitchburg's commercial driveway width but the additional width is necessary to allow large trucks access to the loading dock on the east side of BTC without jumping the East Cheryl curb. The driveway in its current width has been functioning well but a reduced width driveway would not allow trucks to make the turn. Promega is reconstructing BTC's east parking lot and driveway this summer and needs a driveway permit which is triggering the need for approval of a variance for the existing driveway width. We are requesting that this project be placed on the Board of Appeal agenda for review and approval that would grant Promega permission to maintain the current width for the east driveway of BTC.

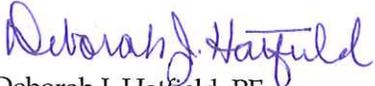
Enclosed are the following:

Variance Application
Exhibit
Email from Ahnaray Bizjak
Check for Application Fee

Please contact me at 608-839-4422 with any questions.

Sincerely,

Montgomery Associates: Resource Solutions, LLC


Deborah J. Hatfield, PE
Project Engineer

Enclosures:

Copy, w/enclosures:

Deborah Hatfield

From: Ahnaray Bizjak <Ahnaray.Bizjak@fitchburgwi.gov>
Sent: Thursday, June 25, 2015 9:53 AM
To: Deborah Hatfield
Cc: Susan Badtke
Subject: FW: Promega BTC East Parking Lot Driveway
Attachments: driveway autoturn right in 40.pdf; driveway autoturn right out 40.pdf

Hello Debbie ~ Thank you for sending the autoturn exhibits. It does appear that the additional driveway width is appropriate to accommodate the turning movements for the delivery trucks. However, I am unable to approve this variance to the driveway width standard at a staff level.

If Promega has received prior City approval for the wider driveway, it can be replaced at its current width. However, if they have not received a variance approval, a variance request will need to be submitted for the wider driveway. This would go to the Board of Appeals for review and approval. According to Susan, once the variance request is submitted, it would be a minimum of 2 weeks before that board could schedule a meeting to take action on the request.

Please contact Susan or myself if you have any questions about this process.

Sincerely,
Ahna

Ahnaray Bizjak, P.E.

Transportation Project Engineer
City of Fitchburg, WI
Ahnaray.bizjak@fitchburgwi.gov
608.270.4262



From: Deborah Hatfield [mailto:debbie@ma-rs.org]
Sent: Thursday, June 18, 2015 3:31 PM
To: Ahnaray Bizjak
Subject: Promega BTC East Parking Lot Driveway

Hi Ahna,

Attached are Autoturn exhibits for the Promega BTC east parking lot. I've also talked to Dan Motl with Promega about the driveway and he really has strong concerns about reducing the driveway width from existing. While the right in exhibit looks like the driveway could be a little narrower at the curb line, the right out shows the east side needs to be bigger. If the driveway were adjusted to what Autoturn shows, the overall driveway width would end up essentially the same as it is now. Dan just wants to leave the driveway as is, based on the input he's received from his shipping and logistics. Below is what he emailed me:

If she would like to meet with my shipping and logistics managers they can help explain the need for this. They feel strongly that anything narrower than what we have would be a mistake that will cause problems for drivers and will be more dangerous.

Please let me know how to proceed.

Deb

Deborah J. Hatfield, P.E.

Montgomery Associates Resource Solutions, LLC

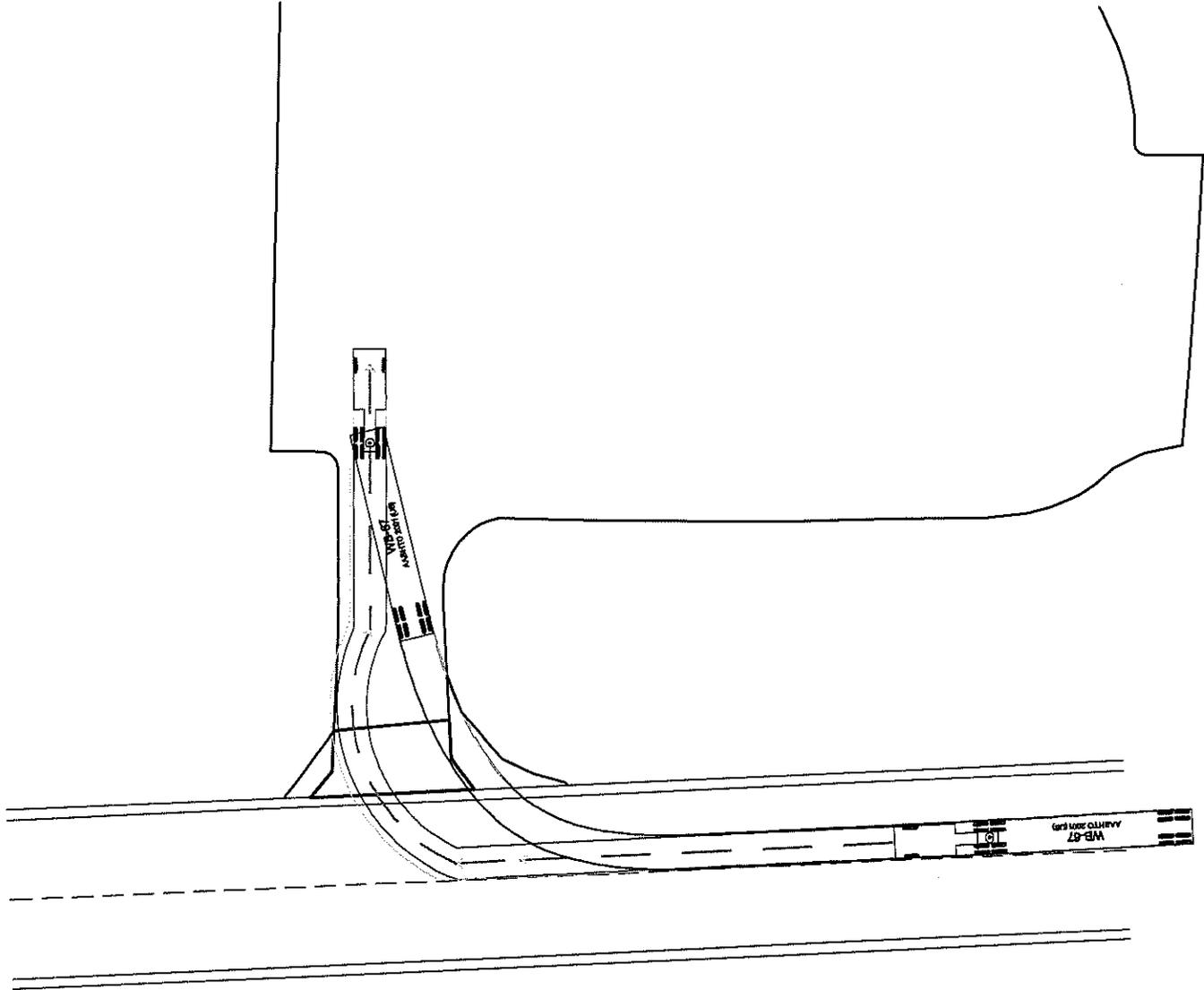
119 South Main Street | Cottage Grove, WI 53527

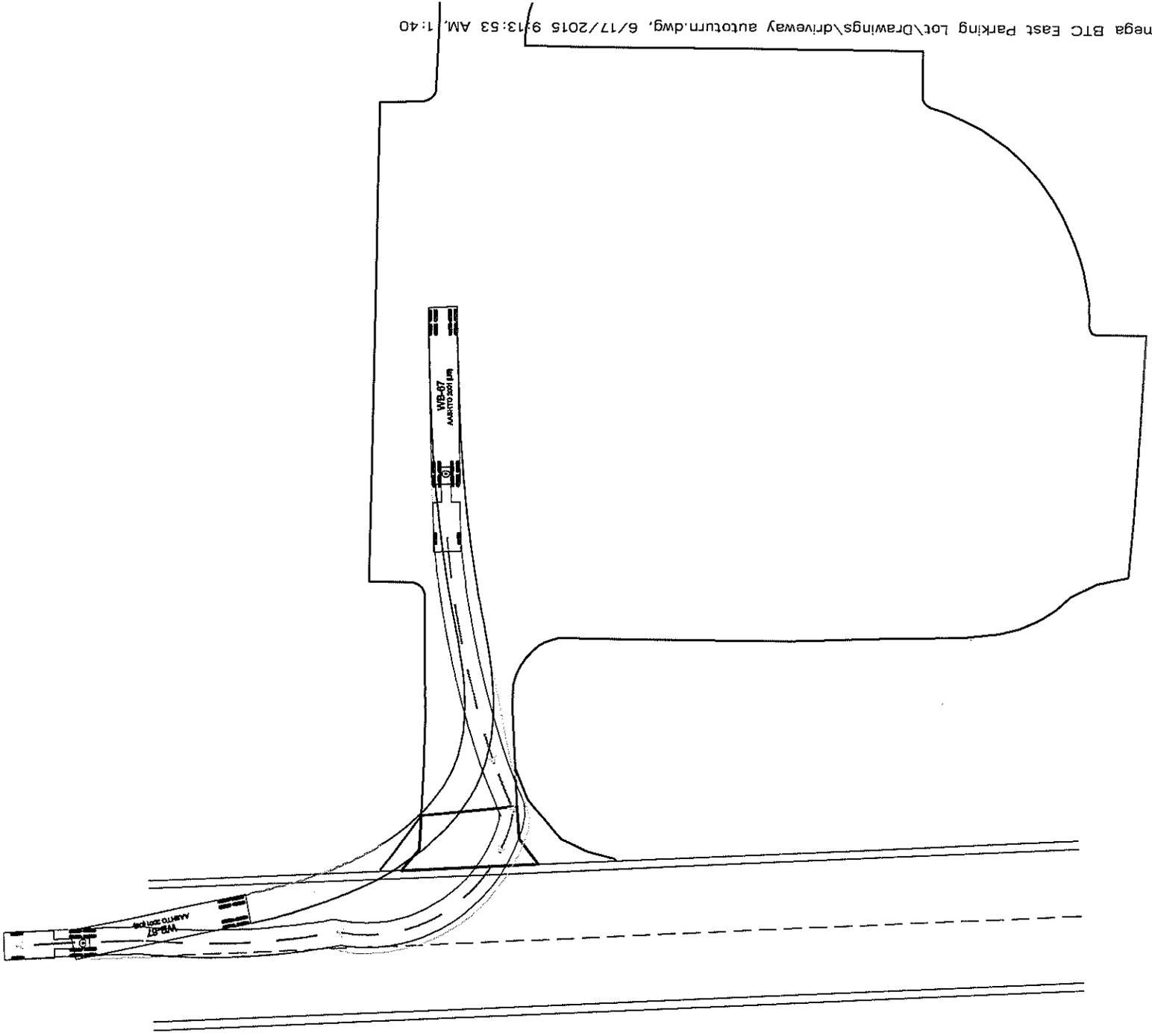
Phone: (608) 839-4422

Cell: (608) 807-6186

Fax: (608) 839-3322

debbie@ma-rs.org

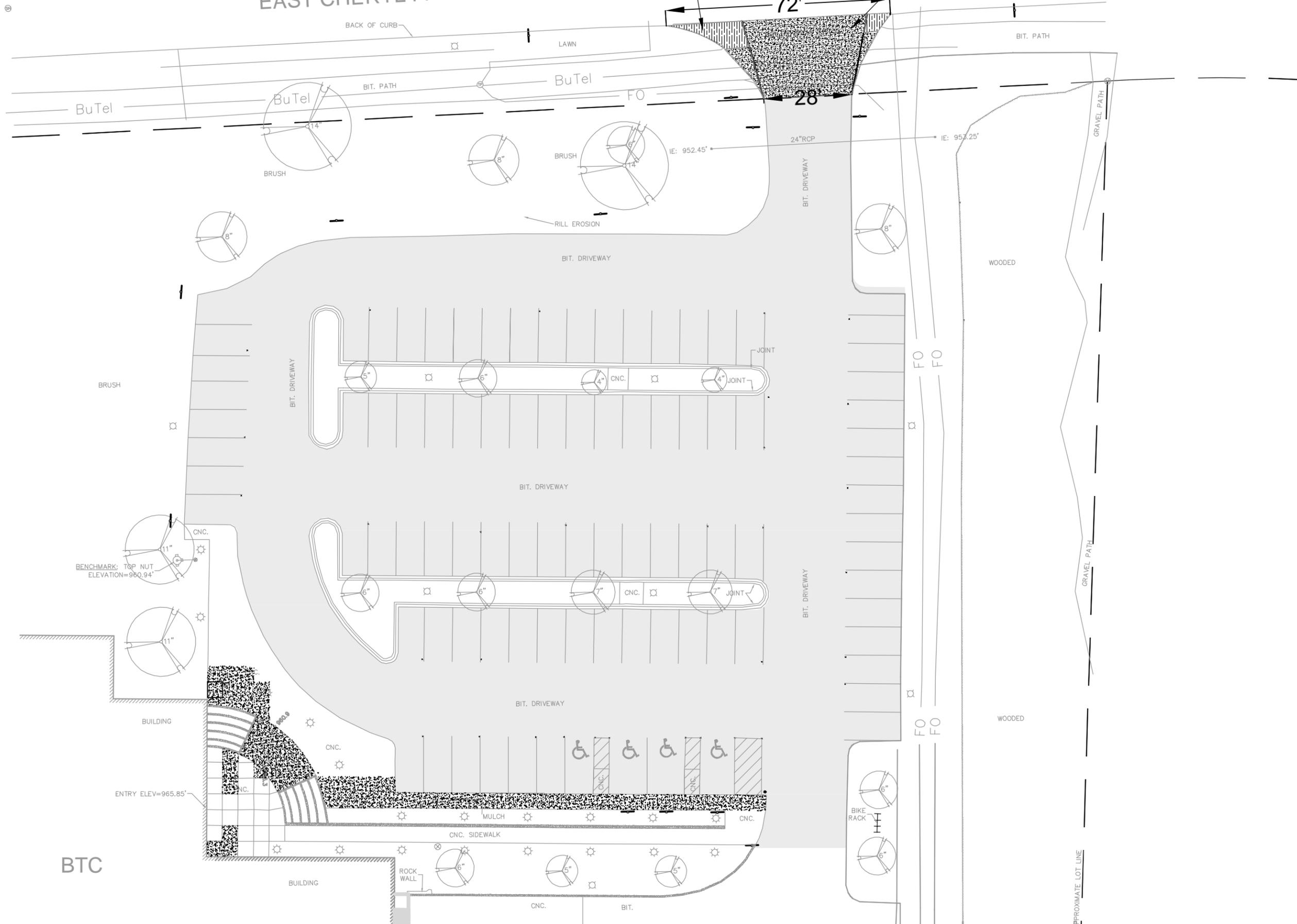




EAST CHERYL PARKWAY

COLORED CONCRETE

PLAIN CONCRETE DRIVE APRON



DRAWN BY	LMS	CHECKED BY	DJH
DATE			
REVISION / ISSUE			
NO.			

MONTGOMERY ASSOCIATES:
 RESOURCE SOLUTIONS, LLC
 119 SOUTH MAIN STREET
 SUITE A
 COTTAGE GROVE, WI 53527
 www.mars.org



DRIVEWAY EXHIBIT
BTC EAST PARKING LOT RECONSTRUCTION
 LOT 1, CSM 9025
 5445 E. CHERYL PKWY., FITCHBURG, WI
PROMEGA CORPORATION

IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE

SCALE
1"=30'

PROJECT NO. **1680** DATE **07/13/15**

FIGURE NO.
NA



Memo

5520 Lacy Road
 Fitchburg, WI 53711
 (608) 270-4260
 Fax: (608) 270-4275

To:	Board of Appeals
From:	Ahna Bizjak, P.E. – Transportation Project Engineer
Date:	July 14, 2015
Subject:	Promega Variance Request for wide curb opening

The existing driveway configuration for the BTC east parking lot is wider than allowed by Ordinance and does not meet the standard dimensions as set by the commercial/industrial driveway detail. Promega is planning to reconstruct this parking lot and driveway this summer. The request from Promega is to allow the driveway to be reconstructed at the same dimensions.

The drawbacks to a wider driveway section are that:

- it increases the width of the conflict area between pedestrians/bicyclists and vehicular traffic entering and exiting the site.
- it may encourage exiting traffic to “stack” along the wider driveway, allowing two vehicles to exit at the same time in a parallel path.

Although the Public Works Department would prefer a narrower driveway approach, we are agreeable to the request for a wider approach at this location for two reasons. First, the turning templates show the need for the additional width to accommodate the right turn movement for trucks. Allowing the additional hard surface will eliminate rutting and erosion within the terrace area. Second, the applicant is agreeable to providing colored concrete within the driveway approach, in the areas that exceed the standard driveway curb opening. The colored concrete will provide a visual cue to guide motorists who don’t need the additional width to enter/exit within the narrower opening, but allow truck movements to use the full width as needed for their turning movements.

The recommendation from Public Works is to approve the variance request for the wider curb opening.