

DRAFT MINUTES



CITY OF FITCHBURG

Planning Department

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MINUTES

PLAN COMMISSION

December 15, 2015

Plan Commission Members Present: Steve Arnold, Ed Kinney, Carol Poole, Rachel Lee, Ron Johnson, Bill Tishler

Others Present: Thomas Hovel – City Planner/Zoning Administrator, Susan Badtke – Community Planner

1. Call to order

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

2. Approval of minutes of 11/17/2015.

Motion by Johnson, second by Poole, to approve the minutes of 11/17/2015 was carried unanimously.

3. Public Appearances – non agenda items – None.

4. Agenda Review – No changes.

5. Public hearing and consideration of Rezone request, RZ—2095-15, by Fred DeVillers, agent for Forward Community Partners LLC, for reapproval of the PDD-SIP (Planned Development District – Specific Implementation Plan) zoning to allow for 13 duplex Adult Family Homes (26 units) and a 28 unit independent living facility on E Cheryl Parkway/Inspiration Way, Lot 1 CSM 13827.

Chair Arnold opened the public hearing.

Fredric DeVillers, 1225 N 36th St Phoenix, AZ, representing Forward Community Partners, registered in support of the request and was available to answer questions.

Brian Stoddard, 550 Sunrise Dr #201 Spring Green, WI, representing Forward Community Partners, registered in support and was available to answer questions.

Holly Hanewall, 2759 Tower Road McFarland, WI, representing EnTrust Care Partners, registered in support and was available to answer questions.

Myrna Peterson, N7849 St. Rd 104 Brooklyn, WI, representing EnTrust Care Partners, registered in support and was available to answer questions.

Cheryl Huck, N7849 State Road 104 Brooklyn, WI, registered in support of the request.

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Chair Arnold closed the public hearing.

City Planner Tom Hovel provided the staff report noting that the request was for reapproval of a project from a year ago; the applicant was delayed in starting construction as they were waiting to obtain financing. Staff recommend approval with conditions in a draft ordinance. He also commented on the Architectural Design Review request noting that the plans were identical to those previously approved by the Commission.

Motion by Kinney, second by Poole, to approve RZ-2095-15, with the following conditions:

- (A) PDD-SIP zoning is hereby granted in accord with submitted plans and materials dated November 12, 2015 with responses to staff comments provided on November 25, 2015 to allow the following:
1. No other permit or approval is waived or deemed satisfied except for the approval herein provided.
 2. It is applicant's responsibility to assure that all local and state fire code requirements are met.
 3. Applicant shall provide appropriate easement for the proposed public watermain. City sign off of watermain easement shall be required prior to the issuance of any permit. Common Council directs the Clerk, Mayor and Public Works to execute any watermain easement documents approved by the Public Works Director.
 4. A separate subdivision improvement agreement shall be approved by the Common Council and shall be signed prior to the issuance of any permit.
 5. The 26 twin home adult family home units shall have no more than 4 assisted care residents and the family care providers per dwelling unit.
 6. The 28 dwelling unit independent living building shall be senior (55 or older) living with no more than 2 persons per dwelling unit.
 7. Any trees removed from the right-of-way due to driveways or other operations shall be replaced at the applicant's expense.
- (B) This ordinance shall take effect following its publication, or the consent of the property owner, whichever occurs last. However, in accord with section 22-596 of the zoning code, owners shall consent within 30 days of approval for the PDD-SIP zoning to take effect.
- (C) Applicant shall pay cost of publication to avoid a two Council meeting approval process.

Bill Tishler questions the lack of sidewalk connections. DeVillers stated that there were some modifications made with the last approval to provide site connection versus front door connection to the public sidewalk as it poses a risk to those with dementia.

Motion carried unanimously.

6. Architectural Design Review request by Brian Stoddard of Avenue Architects, Inc., agent for Forward Community Partners LLC, for site and structure development of 13 duplex Adult Family Homes (26 units) and a 28 unit independent living facility on E Cheryl Parkway/Inspiration Way, Lot 1 CSM 13827.

Motion by Kinney, second by Lee, to approve ADE request with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Erosion Control and Stormwater Management Permit shall be obtained prior to issuance of any permit.
- 3.) Applicant shall provide appropriate easement for the proposed public watermain. City sign off of watermain easement shall be required prior to the issuance of any permit.
- 4.) A Subdivision Improvement Agreement shall be executed prior to the issuance of any permit.
- 5.) Any trees removed from the right-of-way due to driveways or other operations shall be replaced at the applicant's expense.

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Chair Poole questioned the timeline for the project. DeVillers responded that given there hasn't been frost they will likely look to start construction this winter and will start with the northwest adult family home and move to the east.

Motion carried unanimously.

7. Public hearing and consideration of Conditional Use Permit request, CU-2098-15, by Chris Armstrong, agent for Avante Properties, to allow a 30 dwelling unit building on Outlot 2 TechLands.

Chair Arnold opened the public hearing.

Karyl Lynn Bruckner, 418 Toepfer Ave Madison WI, representing Avante Properties, registered in support of the request.

Kevin Burow, 7601 University Ave Ste. 201 Middleton, WI, representing Knothe & Bruce Architects, spoke in support of the request. He provided an overview of the project, site plan, landscaping, and proposed materials and colors for the building.

Ed Kinney questioned the grade of vinyl. Burow stated it was a high grade, high quality vinyl by Mastic, but did not know the grade. He provided a sample of the vinyl to the Commission and it was noted that the vinyl appeared to be pretty thick.

Rachel Lee commented that the City's parking standards required 2 stalls per unit. Burow commented that they are requesting relief from the parking standard to allow 1.75 stalls per unit.

Chair Arnold closed the public hearing.

City Planner Tom Hovel provided the staff report noting that the conditional use permit is required because they are proposing more than 8 dwelling units in a building. He stated that in the 1986 code this requirement was included to push people to use PDD for larger multi-family projects; the code was then changed in 2010 to allow flexibility under standard R-H zoning. The proposed 30-unit project maximizes the density on the site.

Motion by Lee, second by Poole, to approve CU-2098-15 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Council approval and execution of CS-2094-15 to create a buildable lot.
- 3.) Approval of ADR request for site and structural development.

Motion was carried unanimously.

8. Certified Survey Map request, CS-2094-15, by Michael Marty, agent for Tralee, LLC, to replat Outlot 2 TechLands into a Lot.

City Planner Tom Hovel explained that the parcel was originally platted as an outlot as they were unsure of the timing for development; a CSM is now requested to replat the outlot into a buildable lot.

Motion by Johnson, second by Tishler, to recommend approval of CS-2094-15 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) All park fees, including fee in-lieu of parkland dedication and park improvement fees, shall be paid prior to the City signing of the final plat.
- 3.) Prior to the City signing of the CSM, applicant shall provide sufficient evidence to Public Works for review and approval that the 100% stay-on requirement for stormwater is being satisfied, as required by CARPC Resolution No. 2009-15 which specifies a condition to "control post development runoff volumes to be equal to or less than pre-development runoff volumes for the one-year average annual

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rainfall period as well as the five year average rainfall period as defined by WisDNR.

Motion was carried unanimously.

9. Architectural Design Review request by Chris Armstrong of Avante Properties for site and structural development of a 30 unit multi-family residential building with request for parking reduction on Outlot 2 TechLands.

Motion by Poole, second by Lee, to approve AD request with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Approval includes reduction in parking standards to allow project to have a parking ratio of 1.73 parking stalls per dwelling unit to provide for a total of 52 stalls for the 30 dwelling units.
- 3.) Erosion Control and Stormwater Management Permit shall be obtained prior to issuance of any permit.
- 4.) Applicant shall provide sufficient evidence to Public Works for review and approval that the 100% stay-on requirement for stormwater is being satisfied, as required by CARPC Resolution No. 2009-15 which specifies a condition to "control post development runoff volumes to be equal to or less than pre-development runoff volumes for the one-year average annual rainfall period as well as the five year average rainfall period as defined by WisDNR.
- 5.) Site Plan shall be updated for review and approval by the Zoning Administrator to include shade trees on the south side of the building.
- 6.) All lighting shall be full cut-off or dark sky compliant.

Motion was carried unanimously.

10. Architectural Design Review request by Jacob Nauta of Fitchburg Farms for site and structural development of a greenhouse, outbuilding and horse barn at 1839 CTH MM, Lot 1 CSM 12929.

Jacob Nauta, 1839 CTH MM Fitchburg WI, representing Nauta Properties, registered in support and was available to answer questions.

City Planner Tom Hovel provided the staff report noting that the applicant was proposing three new buildings, a greenhouse, outbuilding and horse barn.

Motion by Poole, second by Johnson, to approve ADR request with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Erosion Control and Stormwater Management Permit shall be obtained prior to issuance of any permit.
- 3.) The horse barn is to be used only for personal use as there is no approval for a boarding facility.
- 4.) The parking lot for the greenhouse is to be paved per the approved Conditional Use Permit.
- 5.) Applicant's responsibility to comply with all fire and building code requirements.
- 6.) Applicant shall provide complete plans on proposed greenhouse to planning staff for final review and approval, prior to the issuance of any permit.

Ron Johnson questioned whether the applicant still had intentions to build a house on the property. Nauta stated that he was still planning to build a house and understands that he would need to seek reapproval as the approval has expired. Chair Arnold questioned whether the application will house his own horses in the barn. Nauta stated that the horses would be his own and that it is his daughter's hobby; he sought a certain structure size to plan ahead.

Motion was carried unanimously.

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11. Request for reapproval of Certified Survey Map request, CS-2060-15, by Randall Guenther, Downtown Fitchburg II LLC, to divide property at Syene Road and Clayton Road, property in section 11, into 3 parcels.

City Planner Tom Hovel provided the staff report noting that the request is for reapproval of a previously approved CSM that expired. A 90 day timeline was placed on the CSM approval but it was not recorded within that timeframe as they were waiting to get wetland concurrence from the DNR which has now been received. He stated that Lot 1 is a potential site for a City fire station with the other outlots to be replatted for future development.

Ed Kinney questioned the usability of Outlot 2. Hovel commented that the owner has been talking to the property owner to the east to see if they are willing to purchase but staff has not heard the outcome of those discussions.

Motion by Kinney, second by Lee, to recommend reapproval of CS-2060-15 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) A note shall be added to the CSM that reads "If there is 20,000 sq ft or more of development on any lot and/or outlot, or combination of lots and/or outlots, a Stormwater Management Permit shall be required prior to the issuance of any permit.

Motion was carried unanimously.

12. Request for minor modification to PDD-SIP zoning by Craig Raddatz of Fiduciary Real Estate Development to allow for a deviation in the setback for Elan Apartments on Lot 15 Quarry Vista.

Glenn Hofer, Madison WI, representing Fiduciary Real Estate Development, was available to answer questions.

Bruce Hollar, 7530 Westward Way Madison, representing D'Onofrio Kottke & Associates, spoke in support of the request and was available to answer questions. He explained that the buildings were staked and built incorrectly and that they noticed this after the foundation was installed. He stated that the building does not encroach into the outlot of the bike path but falls within the setback from the property line. The request is to modify the plans to bring into conformance with the as-built plans.

Ed Kinney commented that the building is largely already up and that this approval should not create a precedent for future requests but an exception due to this specific situation. The City would not normally allow an encroachment into the setback.

Motion by Kinney, second by Poole, to approve minor modification with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Applicant has indicated that there is no change to the impervious area between what was approved under the Erosion Control and Stormwater Management (ECSWM) permit and the proposed plan. If the impervious area changes the applicant shall obtain either a new ECSWM permit or request an amendment to the current permit.

Motion was carried unanimously.

13. Resolution R-140-15, Approving Letter of Intent to Convey Excess Land to Certco, Inc.

City Planner Tom Hovel provided an overview of the resolution noting that after the Verona Road reconstruction project there will be excess right-of-way; this resolution would direct the Mayor to sign a letter of intent that the city will convey this excess land to Certco in the future.

Motion by Poole, second by Johnson, to recommend approval of Resolution R-140-15, was carried unanimously.

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14. Planning Department Report

There was nothing to report.

15. Announcements

- a. Next Plan Commission Meeting Scheduled for January 19, 2016 at 7:00 p.m.

16. Adjournment

Motion by Tishler, second by Lee, to adjourn at 7:44 p.m. was carried unanimously.

Submitted By,
Susan Badtke, Community Planner