



MINUTES
PLAN COMMISSION
January 20, 2015

Plan Commission Members Present: Carol Poole, Ed Kinney, Tony McGrath, Becky Baumbach, Rachel Lee

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

1. Call to order and approval of minutes of 12/16/2014.

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

Motion by Kinney, second by Baumbach, to approve the minutes of 12/16/2014 was carried unanimously.

2. Public Appearances – non agenda items – None.

3. Agenda Review – No changes. unanimous consent

4. Public hearing and consideration of rezone request, RZ-2046-14, by Michael Barry to rezone from the A-T (Transitional Agriculture) to the A-S (Small Lot Agriculture) district a portion of property associated with 5556 CTH M, part of Lot 2 CSM 13071.

Chair Poole opened the public hearing.

Greg Paradise, 20 N. Carroll Street Madison, representing C. J. Raymond, registered in support and was available to answer questions.

Chair Poole closed the public hearing.

City Planner Tom Hovel provided a staff memo stating that Michael Barry owns land and a property owner at the corner of the property desires to buy a portion of the land. Mr. Barry is requesting approval to divide the property; rezoning to A-S is needed to accommodate the smaller lot size associated with the land division.

Ed Kinney stated that Ag & Rural Affairs recommended approval of the rezoning and land division.

Motion by Kinney, second by Baumbach, to recommend approval of RZ-2046-14 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.

Motion carried unanimously.

5. Certified Survey Map request, CS-2047-14, by Michael Barry to divide Lot 2 CSM 13071 into two lots.

Motion by Baumbach, second by Lee, to recommend approval of CS-2047-14 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Signature line for the Fitchburg City Clerk shall be updated to reflect the current Clerk prior to the City signing of the CSM.

Motion carried unanimously.

6. Public hearing and consideration of rezone request, RZ-2049-14, by Michael McMahon, agent for Fitchburg Development, LLC, to rezone from the B-H (Business Highway) to the B-G (General Business) property addressed as 5973 Executive Drive, Lots 14 & 15 and part of Outlot 2 Fitchburg Business Park.

Chair Poole opened the public hearing.

Tim Scheibe, 7342 Blue Maple Trail Madison, representing Pinnacle Health & Fitness, explained the rezoning request. He noted that a chiropractic office is looking to lease part of the property; the current zoning does not accommodate the use so they are requesting to rezone to allow for the medical office.

Chair Poole closed the public hearing.

City Planner Tom Hovel provided a staff report noting that the comp plan designates the property as business land use which allows for the business zoning.

Motion by McGrath, second by Baumbach, to approve RZ-2049-14 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.

Motion carried unanimously.

7. Public hearing and consideration of Ordinance 2015-O-02, An Ordinance Amending Chapter 22 Relative to Convenience Cash Businesses and Secondhand Businesses.

Chair Poole opened and closed the public hearing as there were no registrants for this item.

City Planner Tom Hovel provided a staff report noting that the ordinance would regulate Convenience Cash Businesses and Secondhand Businesses. He stated that the City Attorney weighed in on the ordinance and that it was modeled after Watertown, Wauwatosa and a few other example communities.

Chair Poole stated that the Public Safety and Human Services Committee is also working on putting regulations into Chapter 66, the Licensing Chapter, to further regulate these businesses, making sure that they are reputable and working with law enforcement. She stated that the Committee will also be working on addressing whether a license can be issued to a business if it is a non-conforming use.

Motion by Baumbach, second by Kinney, to recommend approval of 2015-O-02, was carried unanimously.

8. Architectural Design Review request by Branford Kerns of Bucky's Portable Toilets to allow for a new 60' x 100' steel building at 2182 CTH MM.

Charles Kerns, 2182 CTH MM Fitchburg, provided a brief overview of the request noting that they are looking to build a 60' x 100' building. He stated that the building will be a steel building and approximately 20' high; they would also like to have four overhead doors to allow trucks to get in and out of the building.

City Planner Tom Hovel provided a brief staff report noting that the project involved simple construction in keeping with the existing buildings on the site. He noted that they will need to go through the fire department to ensure compliance with all fire regulations.

Ed Kinney questioned whether Bucky's has been in compliance with outdoor restrictions that have been in place on past approvals. Hovel responded that he hasn't had any real complaints regarding the business.

Kinney commented that the City previously approved a building that was intended to help eliminate outdoor storage; the building was constructed but the outdoor storage remains. He stated that they seem to have proliferating uses that are unrelated to Bucky's core business and was curious about the plan for the new building.

Mr. Kerns stated that the business has put up a fence to accommodate the neighbors and works to keep the yard nice; the porta-potties are outside as it is not possible to get all of the equipment inside. He commented that only one building on the site is not occupied by Bucky's as it doesn't have overhead doors needed for the equipment. The toilets will not be going in the proposed building but other equipment (trucks, etc.) would be nice to have inside. He stated that they don't at this time have plans to rent additional space to outside users.

McGrath commented that one of the plan sheets submitted with the application indicates that the building would be for contract rental shops. Kerns stated that at this time the building is for their own use and they are looking for four overhead doors so that the trucks can pull straight in.

Kinney stated he would be in favor of placing a restriction on the approval that the building not be rented to other businesses as it is not appropriate outside of the urban service area. McGrath understood Kinney's concern but questions whether the type of restriction could be placed on an ADR request.

City Planner Tom Hovel asked how many service doors the building would have. Kerns stated that they don't know at this time how many service doors but that they want four overhead doors.

Hovel suggested that the Plan Commission add a condition to the approval that any alterations to the building, which encompasses both interior and exterior changes, will require approval by the Plan Commission. Under this condition, if Bucky's wants to have dividing walls and break-up the building, they will need approval from the Plan Commission.

Rachel Lee expressed concerns regarding stormwater and suggested that a condition be added that the applicant review stormwater management with Public Works Department prior to obtaining any permit.

Motion by Lee, second by Kinney, 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.) Parking shall be hard surfaced, per the City's parking standards.
- 3.) Shall comply with all requirements of Chapter 22 Zoning Ordinance, including required setbacks, height, open space, etc.
- 4.) Applicant shall review stormwater management with Public Works Department prior to obtaining any permit.
- 5.) Any alterations to the building are required to come back to the Plan Commission for approval.

Motion carried unanimously.

9. Resolution R-05-15, Resolution to Approve Amendment to TechLands Development Agreement.

Greg Paradise, 20 N. Carroll Street Madison, representing Veridian Homes, registered in support and was available for questions.

City Planner Tom Hovel stated that the main thing this will do is to allow a homeowner to protect their assessment.

Ed Kinney recused himself from discussion and action on this item noting that he does some work with Veridian.

Motion by McGrath, second by Baumbach, to recommend approval of Resolution R-05-15, was carried unanimously with Kinney recusing himself.

10. Planning Department Report

City Planner Tom Hovel stated that SRF will be presenting some initial findings on a Transit Plan to TTC and then to the Committee of the Whole in February.

The Space Needs Study will also be presented to the Committee of the Whole in February.

Hovel provided an updated on the Fire station Oversight Committee noting that the site may be changing from McKeown to a site on the opposite side of Syene Road.

11. Announcements

Chair Poole announced that the next Plan Commission meeting is scheduled for February 17, 2015.

12. Adjournment

Motion by Kinney, second by Baumbach, to adjourn at 8:00 p.m. was carried unanimously.

Submitted by,
Susan Badtke, Community Planner

Approved February 17, 2015