



**MINUTES**  
**PLAN COMMISSION**  
June 16, 2015

Plan Commission Members Present: Carol Poole, Ed Kinney, Tony McGrath, Rachel Lee, Ron Johnson

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

**1. Call to order and approval of minutes of 5/19/2015.**

Alder Carol Poole, acting as Chair for Mayor Arnold as he was unable to attend, called the meeting to order at 7:00 p.m.

Motion by Kinney, second by McGrath, to approve the minutes of 5/19/2015. Poole requested one minor correction to page 6 of the minutes so the text reads a “good fit” instead of “permit fit”.

Motion, with correction, was carried unanimously.

**2. Public Appearances – non agenda items –**

None.

**3. Agenda Review –**

Chair Poole informed the Commission that the applicant for item 12 was not able to be present and requested that their item be postponed until the July Commission meeting.

The Commission provided unanimous consent for the amended agenda (postponing item 12 to the July meeting).

**4. Public hearing and consideration of rezone and conditional use permit request RZ/CU-2058-15 by Tom Weigand, to rezone property from the B-G (General Business) District to the B-H (Business Highway) District and a Conditional Use Permit to allow for storage, distribution and light production at 5352 King James Way, Lot 2 CSM 10250.**

Chair Poole opened the public hearing.

Tom Weigand, representing Base Camp Venture, explained his request to rezone property along Verona Road and to allow for office, warehouse and distribution uses in the building. He stated that historically the property has been retail but retailers have concerns with the construction and end results of the Verona Road reconstruction project.

Chair Poole closed the public hearing.

City Planner Tom Hovel provided the staff report noting that the biggest concern was deliveries and truck traffic but that the applicant has stated that there are 16-25 deliveries per month. The changing uncertainty of the corridor makes it difficult to locate users. Staff recommended approval with conditions.

Ed Kinney recused himself from all votes associated with this request due to a conflict of interest.

Rach Lee stated that she thinks it is great that the City can allow flexibility during this challenging time to allow for viable uses.

Motion by Lee, second by McGrath, to recommend approval of the rezoning portion of RZ/CU-2058-15 with the following conditions:

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

Motion carried with Kinney recusing himself from vote.

Motion by McGrath, second by Lee, to approve conditional use portion of RZ/CU-2058-15 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) The rezoning portion of RZ/CU-2058-15 is approved by the Common Council.

Motion carried with Kinney recusing himself from vote.

**5. Public hearing and consideration of conditional use permit request, CU-2059-15, by Carl Ruedebusch, agent for TechLands LLC, to allow for agriculture use on property along Nobel Drive, Lot 25 TechLands.**

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

City Planner Tom Hovel provided the staff report noting that the lot proposed for agricultural use is to the east of the data center on Nobel Drive. He stated that this request is different from the request for ag use in Orchard Pointe as this site does not have any retail nearby, and the site backs up to a farm field.

Ed Kinney questioned whether the TID analysis factored in interim ag uses. Hovel responded that because the property already has ag use value it doesn't cause a decrease into the TID. This is another difference between this request and the request in Orchard Pointe.

Motion by Johnson, second by Kinney, to approve CU-2059-15 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) A permanent buffer needs to be installed along the north and east side of Lot 25 per the buffer plan approved by Public Works on 5-20-15.
- 3.) Per the approved buffer plan, 4x4 posts shall be placed adjacent to the curb at access points prior to mounting curb.
- 4.) Applicant shall be responsible for any repair or replacement necessary if damage occurs to the public sidewalks as a result of equipment driving over.

Motion was carried unanimously.

**6. Public hearing and consideration of rezone request, RZ-2061-15, by John Seamon, agent for Benjamin Properties, to rezone from the B-H (Business Highway) district to the B-G (General Business) district, to allow for an office/retail building at 5400 King James Way, Lot 2 CSM 05649.**

Chair Poole opened the public hearing.

Dale Benjamin, 5396 King James Way Fitchburg, representing Benjamin Investments LLC, registered in support of the request.

Bob Feller, 6917 Ramsey Road, representing Iconica and Benjamin Properties, was available to answer questions. He noted that they plan to remove two existing buildings and provide two new office space buildings.

Chair Poole closed the public hearing.

City Planner Tom Hovel provided the staff memo noting that there is uncertainty with the Verona Road project and businesses are having to adjust due to the project.

Ron Johnson pointed out that one property close by is going from B-G to B-H while this is going from B-H to B-G and questioned why this was occurring. Hovel commented that the other property had trouble marketing for retail due to the construction and what the end product may be; in this case, the state is acquiring some of the property.

Ed Kinney commented that it is a great use for the corner and it is great to see the property redevelop.

Motion by Lee, second by Kinney, to recommend approval of RZ-2061-15, with the following conditions:

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

Motion was carried unanimously.

**7. Public hearing and consideration of rezone request, RZ-2063-15, by Hawk Sullivan of Atomic Koi, to amend the PDD-SIP (Planned Development District – Specific Implementation Plan) zoning to allow for a blade sign with metal starbursts at 2685 Research Park Drive, Lot 32, Fitchburg Technology Campus – 1<sup>st</sup> Addition.**

Chair Poole opened the public hearing.

Hawk Sullivan, 4613 Maher Avenue Madison, representing Atomic Koi, spoke in support of the request and was available to answer questions. He provided an overview of his request for a blade sign with metal starbursts on the street entrance along Research Park Drive.

Chair Poole closed the public hearing.

City Planner Tom Hovel provided the staff memo noting that staff recommended approval with conditions.

Motion by Kinney, second by Johnson, to recommend approval of RZ-2063-15 with the following conditions:

- (A) PDD-SIP zoning is hereby amended to allow for a 12 square foot blade sign with metal starbursts on lot 32 Fitchburg Technology Campus – First Addition in accord with submitted plans and information which accompanied the rezoning application received on May 19, 2015, which is hereby made a part of this ordinance, and with the following additional requirements:
  1. No other permit or approval is waived or deemed satisfied except for the approval provided herein.
  2. Approval is based on the submitted plans (plans associated with application submitted on May 19, 2015).
  3. This approval is for one 12 square foot blade sign on the Research Park Drive building elevation and associated metal starbursts; all aspects of the original approvals, and previous amendments, remain in force and effect except for those specifically altered herein.

(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-GIP zoning to take effect.

(C) Applicant shall pay cost of publication to avoid a two Council meeting approval process.

Motion was carried unanimously.

**8. Public hearing and consideration of rezone request, RZ-2064-15, by James Anderson, agent for Pranke Holding LLC, to amend the PDD-SIP (Planned Development District – Specific Implementation Plan) zoning to allow for a Convenience Cash Business (EZ Money is an existing tenant in the building who is looking to relocate into a different suite) at 5401 Caddis Bend, Lot 4 Hatchery Hill.**

Chair Poole opened the public hearing.

Robert Rowe, 4914 W Wildwood Avenue Whitefish Bay, representing Pranke Holding LLC, spoke in support of the request and was available to answer questions. He noted that Pranke has an opportunity to fill out the space; a dental clinic would like to locate in the building but needs a larger space than that which is available. The option that Pranke is looking to proceed with is to relocate EZ Money to a different location in the building to allow the dentist to have a contiguous space.

Chair Poole closed the public hearing.

City Planner Tom Hovel provided the staff memo noting that the PDD zoning for the property references the BG zoning which now requires a Conditional Use Permit for Convenience Cash Businesses. He stated that the business is relocating to help another business.

McGrath stated that the approval should include a clear statement that the Commission is overlooking the 1,000 foot distance from a residential use because it is an existing business as the Commission should not be locked into this in the future. Staff noted they would make reference in the minutes and include a new whereas clause to this effect in the ordinance.

Motion by Lee, second by Kinney, to recommend approval of RZ-2064-15 with the following conditions:

- (A) PDD-SIP zoning is hereby amended to allow EZ Money, or an equivalent use, in a tenant space of 1,852 square feet on lot 4 Hatchery Hill in accord with submitted plans and information which accompanied the rezoning application received on May 19, 2015 and supplemental information provided via email on June 10, 2015, which is hereby made a part of this ordinance, and with the following additional requirements:
4. No other permit or approval is waived or deemed satisfied except for the approval provided herein.
  5. All aspects of Ordinance 2003-O-32 and 2008-O-12 remain in place, except for the amendment provided herein to allow for one Convenience Cash Business (CCB) user of a maximum of 1,852 square feet.

(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-GIP zoning to take effect.

(C) Applicant shall pay cost of publication to avoid a two Council meeting approval process.

Motion carried unanimously.

**9. Public hearing and consideration of rezone request, RZ-2065-15, by Thomas Sanford, agent for Homeville Fitchburg/Bill Clemens, to amend the PDD-GIP (Planned Development District – General Implementation Plan) zoning for Lot 1 CSM 12135.**

Chair Poole opened the public hearing.

Alder Dan Carpenter, 3590 Breckenridge Ct Fitchburg, spoke in support of the request noting that the N Fish Hatchery Road corridor is a gateway into the City and could use reinvestment like the proposed project.

Tom Sanford, 533 D'Onofrio Drive St 275 Madison, representing Homeville Fitchburg LLC, spoke in support of the request and was available to answer questions. He explained his request to amend the PDD-GIP zoning to allow for two buildings on the property. The northern building will contain coffee with a drive thru as well as retail; if a restaurant or food service use wishes to locate they would need a conditional use due to the additional trips. The south building is proposed as a financial institution; UW Credit Union is looking to locate but requires the signalized intersection.

Paul Palzkill, 2917 Fish Hatchery Road Fitchburg, registered in support of the request.

John Jackson, 2917 Fish Hatchery Road Fitchburg, spoke in support of the request but requested that there be consistency in the neighborhood. He stated that he has been after for something like this to get going in the corridor for quite some time.

Chair Poole closed the public hearing.

City Planner Tom Hovel provided the staff memo noting that engineering is working through various issues related to the intersection design and roadway connections. He stated that there were a number of options identified in the request but the biggest concern was the second restaurant or food service use, which is addressed by making it a conditional use so that it can be further evaluated if proposed.

Chair Poole stated that this is a good project to start getting redevelopment of the corridor.

Motion by Kinney, second by Johnson to recommend approval of RZ-2065-15 with the following conditions:

- (A) PDD-GIP zoning is hereby amended for lot 1 CSM 12135 in accord with submitted plans and information which accompanied the rezoning application received on May 19, 2015, and as amended by additional information in response to staff comments received on June 3 and 4, 2015 which is hereby made a part of this ordinance, and with the following additional requirements:
1. The proposed project allows for development of lot 1 CSM 12135 (subject property or site), with an option to add approximately 6400 sq ft of land to the south of lot 1 CSM 12135. One option shall be selected and submitted with the Planned Development District Specific Implementation Plan (PDD-SIP) zoning request. If the option adding 6,400 sq ft is chosen, a Planned Development District General Implementation Plan (PDD-GIP) shall be submitted for the property prior to or with the PDD-SIP.
  2. The submitted proposal provides the possibility of either retaining one lot for both buildings or dividing the subject property to place each building on a separate lot. If the site is to be divided into two lots, a land division request shall be submitted prior to or with the PDD-SIP zoning request, and such division specifically recognized as part of the PDD-SIP.
  3. The submitted proposal increases the Impervious Surface Ratio (ISR) of the site from 63% that was allowed in the 2007 approval, up to 85% (as detailed in the submission). At this time no specific calculations have been submitted to indicate sufficiency of the storm water system to handle the increase in impervious surface. Verification of storm water sufficiency, including any calculations as may be required by the City Engineer, shall be submitted prior to or with the PDD-SIP zoning request. Depending upon the results of the storm water analysis, site plan changes may be required.
  4. Applicant shall obtain, prior to the Plan Commission or Common Council approving any PDD-SIP for the subject property, an Erosion Control and Storm Water Management Permit.
  5. Second (and possible third floor if a residential use) of the north building may have up to 5 dwelling units or about 3,000 sq ft of office space. The use option for floor area above the first floor shall be submitted with the PDD-SIP zoning application. If the residential option is selected, all required park fees shall be paid prior to the city signing the PDD-SIP zoning document.
  6. This approval allows for: (a) South building as a financial institution or office space with up to four drive-through lanes for the financial institution. (b) a number of options are identified for the north building in the submitted documents, however, the only food, restaurant or beverage use specifically approved is 1940 sq ft for a coffee shop with one drive-through lane. Other uses may be allowed as identified in the submittal for the first floor (second floor use shall be chosen

- by time of PDD-SIP submittal as noted in point 5, above), except that any additional restaurant, food service or beverage use shall require specific Plan Commission approval and treated as if it were a conditional use under section 22-640. Of specific concern is the traffic generation of an additional restaurant, food service or beverage user at the site and the ability of the existing traffic system, and the proposed Pike Drive extension to sufficiently handle the peak hour traffic. The city may require more specific transportation analysis by the applicant for the restaurant, food service or beverage use that is subject to treatment as a conditional use.
7. Provide, prior to submission of the PDD-SIP zoning request, a waiver for the installation of street trees.
  8. Maintain provision of access to a future Pike Drive extension (which would run south of the south lot line of the subject property).
  9. Obtain all necessary other permits as may be required or necessitated by the state, county or city. This approval does not grant approval for any other permits or approvals other than Planned Development District Zoning.
  10. Provide prior to submission of the PDD-SIP zoning request, the following executed documents which are to have been approved as to content by the Public Works Department: (a) Private water main easement; (b) a water access agreement for municipal or utility employees to operate valves for each building on the property. The City Attorney and City Engineer are hereby authorized to approve and have the appropriate officials execute such agreement.
  11. Water impact fees shall be required to be paid prior to receipt of any building permit.
  12. Building height shall not exceed 45 feet. Proper screening of mechanical equipment shall be provided on the PDD-SIP rezoning submission.

(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-GIP zoning to take effect.

(C) Applicant shall pay cost of publication to avoid a two Council meeting approval process.

Motion carried unanimously.

**10. Certified Survey Map request, CS-2060-15, by Randall Guenther of 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. He explained that the CSM would divide the land into 3 parcels – one lot for the possible fire station site and two outlots for future development.

Motion by McGrath, second by Lee, to recommend approval 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.) CSM shall be signed and recorded within 90 days of this approval; applicant shall provide a copy of the recorded CSM to the City within 10 days of recording.

**11. Certified Survey Map request, CS-2062-15, by Robert Blettner, agent for Marketplace of Fitchburg LLC, to reconfigure lots 2 & 3 of CSM 9367 into a new two-lot CSM.**

City Planner Tom Hovel provided the staff memo explaining the request to reconfigure and divide off the existing daycare building onto a separate lot.

Motion by Johnson, second by Kinney, to recommend approval of CS-2062-15 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Access Easement Agreement shall be executed and recorded before or with the CSM.
- 3.) CSM shall be signed and recorded within 90 days of this approval; application shall provide a copy of the recorded CSM to the City within 10 days of recording.

Motion carried unanimously.

**12. Sign waiver request by Kenneth Jahn, agent for A1 Furniture, for an additional 25 square feet of signage under Section 26-7 Verona Road Reconstruction Project, at 5302 Verona Road.**

At the request of the applicant this item was postponed until the July Plan Commission meeting.

**13. Pre-application request by Ron Klaas, agent for Subzero, for review of a concept site plan for proposed facility expansion.**

Clinton Collins, W8373 County Road K Arlington, representing SubZero, was available to answer questions.

Ron Klaas of D'onofrio Kottke, 7530 Westward Way Madison, representing Sub-Zero, registered in support and was available to answer questions. He explained the proposed expansion plan for Subzero which includes an approximately 300,000 square foot addition onto the building.

Chair Poole stated that the North Stoner Prairie Neighborhood Plan identifies areas for stormwater management. Klaas stated that there is a low area around the wetland for stormwater but that they are also incorporating infiltration basins to infiltrate water.

Collins provided information on the corporate garden which is used to provide vegetables or cooking demonstrations.

Ed Kinney questioned whether Klaas was aware of the conditions recommended by staff. Klaas stated that the conditions are pretty clear and that they will be working with the city to resolve the outstanding items.

Rachel Lee questioned whether there is the potential for the east/west connector to not be able to be finished and wondered about timing of road connections.

City Planner Tom Hovel provided the staff memo pointing out the main issues, which include stormwater and transportation connections. The Neighborhood Plan discusses stormwater and states that about 43-44 acres are needed to handle back-to-back 100 year events. He stated that staff met with the DNR and DOT and in urban areas they only allow a crossing of a public trail every half mile. They are not against relocating the public crossing down to the proposed east/west road but Subzero would need to apply for their own private crossing if they wanted to retain the private crossing at Marketplace Drive. He also stated that timing is an issue as not certain when property to east will develop and allow for connection out to Seminole Highway. SubZero prefers to have a connection on the east side of the trail but it would need to go between a road and storm pond and there's no guarantee that there is enough room. If it is not feasible, SubZero would look to grant a temporary easement up to Marketplace Drive with the street to be vacated sometime in the future when additional connection is provided. Hovel also noted that there are issues with timing of utilities. He stated there are challenges but staff is working through them as best as they can.

Poole requested that Klaas provide an explanation on a 100-year event. Klaas stated that a 100-year event in this area is a little over 6 inches of rain in a 24-hour period. It does happen throughout the County in spot areas from time to time. Hovel commented that MARS, a consultant on the Neighborhood Plan, said that the Dells flood of 2008 was two 100-year events back to back.

Chair Poole stated that this is a good project for Fitchburg and would be a great addition to the City.

Kinney questioned how FEMA has this area mapped. Klaas commented that the building will be well above any floodplain levels.

Staff will continue to work with the consultant and SubZero to get these issues resolved.

#### **14. Resolution R-62-15, Adopting Capitol Improvement Program – 2016 through 2020.**

Chair Poole informed the Commission that the staff report contains the main projects from the CIP that are germane to the Plan Commission. City Planner Tom Hovel walked the Commission through the select projects.

John Jackson, 2917 Fish Hatchery Road, spoke in opposition to project number 3103, Intersection Signalization, noting that he does not want Fitchburg to become a stoplight community and does not see a need for a stoplight at the Pike Drive extension. He emphasized the need for the City to have a program and a plan for development in the corridor rather than having it come in little by little. Chair Poole responded that the City is somewhat limited by what comes in for review but that the City does need a comprehensive study to bring the area together.

City Planner Tom Hovel commented that he has been in discussions about the possibility of hiring a consultant next year to help formulate some things based on the work and plans that have already been completed. The consultant would help formulate what else the city needs to do to help have a stronger vision for the area. Kinney stated it might be nice at a future meeting to recap the studies that have been done for the area.

Chair Poole stated that it is a very ambitious Capitol Improvement Plan and that there will be amendments. McGrath expressed concerns with the amount of spending.

After discussion and a motion/withdrawal of motion, motion by Kinney, second by Johnson, to state that “The Plan Commission reviewed the following projects from a landuse standpoint: 1034, 3428, 3103, 3365, 4712, 4518, 4524, 4532, 4630, 4631, 4634, 4635, and 4636. If these projects are to be included in the CIP, the Commission finds these projects to be consistent with the Comprehensive Plan.”

Roll call vote: Poole – aye, Kinney – aye, McGrath – nay, Lee – aye, Johnson – aye

Motion carried.

#### **15. Resolution R-63-15, A Resolution Directing the City’s Agriculture and Rural Affairs Committee to Development the Agriculture Plan.**

City Planner Tom Hovel explained the resolution which directs the Ag & Rural Affairs Committee to develop an Agriculture Plan that would be consistent with the Comprehensive Plan and Farmland Preservation Plan.

Ed Kinney commented that farming has changed a lot and continues to change. He stated that the plan should recognize ag infrastructure issues and look at different issues that make farming workable or not workable.

Tony McGrath stated he would like the Plan to look at the urban/rural interface and the issues that it presents. Kinney stated that the Plan would look at this and also consider borders with neighboring jurisdictions.

Motion by Kinney, second by McGrath, to recommend approval of R-63-15, was carried unanimously.

#### **16. Election of Plan Commission Vice Chair**

Motion by Kinney, second by McGrath, to elect Alder Carol Pool as Vice Chair and if she is unable to serve to elect Ed Kinney. Motion carried unanimously.



### **17. Appointment of Plan Commission representative to the Agriculture and Rural Affairs Committee.**

Motion by Lee, second by Johnson, to nominate Ed Kinney to the Agriculture and Rural Affairs Committee was carried unanimously.

### **18. Appointment of Plan Commission representative to the Transportation and Transit Commission.**

Tony McGrath stated he would not volunteer for TTC again because the vast majority of items are updates, chats, etc. He said that as a whole, TTC is worthless and purposeless. McGrath recommended that the Commission not appoint anyone to TTC.

Chair Poole commented that it is possible that TTC would have more action in the next two years as the City is looking at an overhaul of bus service and bus alternative service as well as the update to the Bike & Ped Plan. Rachel Lee commented that perhaps the City could look to have different committees for specific efforts.

Ron Johnson volunteered to serve on TTC.

Motion by Johnson, second by Kinney, to appoint Ron Johnson to Transportation and Transit Commission was carried unanimously.

### **19. Planning Department Report**

City Planner Tom Hovel informed the Commission that the Joint Review Board had approved TID 9 for Subzero. He also noted that there is a Lacy Road reconstruction project kickoff meeting open house schedule for 6:30 – 8:00 p.m. at the Quarry Hill Park Shelter next week Thursday, June 25.

Chair Poole commented that there is also a Verona Road project open house scheduled for June 25.

### **20. Announcements**

The next Plan Commission meeting is scheduled for July 21, 2015.

### **21. Adjournment**

Motion by Lee, second by McGrath, to adjourn at 9:17 p.m. was carried unanimously.

Submitted By,  
Susan Badtke, Community Planner