



MINUTES
PLAN COMMISSION
October 20, 2015

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

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

1. Call to order and approval of minutes of 9/15/2015.

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

Motion by Johnson, second by Tishler, to approve the minutes of 9/15/2015 was carried unanimously.

2. Public Appearances – non agenda items – None.

3. Agenda Review – No changes.

4. Public hearing and consideration of Ordinance 2015-O-27, An Ordinance Amending Chapter 22, Section 22-345(5) to allow Landscape Sales in the R-D (Rural Development) District.

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

Motion by Poole, second by McGrath, to recommend approval of Ordinance 2015-O-27.

City Planner Tom Hovel provided the staff memo noting that the amendment follows the comp plan amendment for Fitchburg Farms and would add landscape sales as a conditional use in the R-D zoning district.

Motion carried unanimously.

5. Public hearing and consideration of rezone request RZ-2079-15 by Craig Raddatz, agent for Fiduciary Real Estate Development, Inc., to amend the PDD-SIP (Planned Development District – Specific Implementation Plan) zoning to allow for the addition of two picnic areas with grills, a single-story maintenance shop building addition as well as other minor exterior modifications on Lot 15 Quarry Vista.

Chair Arnold opened the public hearing.

Craig Raddatz, 789 N Water Street Milwaukee, representing Fiduciary Real Estate, was available to answer questions.

Chair Arnold closed the public hearing.

Motion by Poole, second by Lee, to recommend approval of RZ-2079-15 with the following conditions:

- (A) PDD-SIP zoning is hereby amended to allow for modifications to the plans for Lot 15 Quarry Vista in accord with submitted plans and information which accompanied the rezoning application received on September 22, 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. All aspects of Ordinance 2015-O-14 remain in place, except for the amendments provided herein to modify specific development aspects as detailed in the submittal materials of September 22, 2015.
- (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.

Chair Arnold noted concerns with the physical look of the maintenance shop and suggested that the applicant undertake lots of landscaping to screen the building from the street.

City Planner Tom Hovel provided the staff report noting that the proposed improvements did not increase the ISR significantly.

Motion carried unanimously.

6. Architectural Design Review request by Craig Raddatz, agent for Fiduciary Real Estate, Inc., to allow for the addition of two picnic areas with grills, a single-story maintenance shop building addition as well as other minor exterior modifications on Lot 15 Quarry Vista.

Motion by McGrath, second by Kinney, to approve ADR with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Applicant shall confirm whether the net impervious area is increasing from the approved Erosion Control and Stormwater Management (ECSWM) permit. If so, the applicant will need to submit either a new ECSWM permit application or request an amendment to the current permit prior to issuance of any permit.

Motion carried unanimously.

7. Public hearing on rezone request, RZ-2082-15, by Thomas Sanford, agent for Homeville Fitchburg/Bill Clemens, to rezone Lot 1 CSM 12135 from PDD-GIP (Planned Development District – General Implementation Plan) zoning to PDD-SIP (Planned Development District – Specific Implementation Plan) to allow for commercial development.

Chair Arnold opened the public hearing.

Konrad Opitz, 502 N Eau Claire Ave Madison, agent for UW Credit Union, registered in support of the request.

Dan O'Callaghan, 1 S Pinckney St Suite 700 Madison, representing Bowman Farms, Inc, spoke in opposition to the request. He noted concerns with the proposed development, primarily as it relates to the configuration

of the Pike Drive extension. He stated that Bowman Farms had previously expressed that any extension of Pike Drive through their property would render the property unusable and had outlined these concerns in a letter to the City in June 2015. The letter had also requested that Bowman's be engaged in the process before development proceeds. O'Callahan provided exhibit documents, including a copy of the June 2015 letter. He also commented that the site plan proposed for this specific property relies on the use of the Bowman property for the road extension and there has not been conversations regarding location, acquisition, cost, etc. He also expressed concerns with the location of the proposed building, sitting very close to the south property line.

Chair Arnold closed the public hearing and noted that no action would be taken on the item as it was deferred to a future meeting.

Chair Arnold reopened the public hearing after identifying an additional speaker.

Bill Clemens, N 5085 Hemlock St Dekorra, representing Homeville Fitchburg LLC, spoke in support of the request and was available to answer questions. He stated that they had received prior approval and now are looking for the next approvals. He showed the proposed building elevations and site plan.

Rachel Lee questioned whether Clemens had any comment regarding the setbacks. Clemens responded that the setbacks were established by the engineering firm but that he didn't see any issues with what is proposed. Lee then questioned whether some of the assumptions made on land outside of the applicant's property line came from, such as the location of the Pike Drive extension. Clemens stated that there were 3 road alternatives prepared and that they looked at the development proposed for the west side of Fish Hatchery Road and came up with an option that worked best for both sides of the street.

Bill Tishler commented that the materials on the building appear to lack harmony. Chair Arnold stated that materials will be evaluated in the future with the ADR process.

Chair Arnold questioned whether there are separate entries from the street for spaces in the coffee shop building. He also commented that the building does not appear to address the street. Clemens commented that there are pedestrian entrances from the street into each space and that the patio is not a private patio specific to one user.

Chair Arnold stated he would like to see how the project fits into the final location of Pike Drive and stated that the applicant should be prepared to answer all of the identified questions when the applications are reviewed, likely next month.

Ed Kinney stated he hopes to better understand the location of the Pike Drive extension and relationship to the Bowman property at the next meeting.

Rachel Lee questioned why the Commission was not hearing about the Pike Drive extension alternatives at the same time as this development proposal. City Planner Tom Hovel explained that public works is still working on the alignment and is trying to balance concerns and competing interests. He noted that developers are pushing the envelope by making submittals without any decision on the road right-of-way.

Chair Arnold commented that it would seem appropriate for the applicant to engage Bowman to see if a joint plan could be developed and that the property owners should work together.

Chair Arnold closed the reopened public hearing.

8. Public Hearing regarding the proposed project plan, boundaries and creation of Tax Incremental District No. 10 (See the Public Hearing Notice which was published on October 6, 2015 & October 13, 2015).

Chair Arnold opened the public hearing.

Chuck Chvala, 10 E Doty St Madison, representing Crowne Point Development, spoke in support of the TID Resolution and provided some information on his proposed project on the west side of Fish Hatchery Road,

which would be a project located in the TID boundary. The proposed project consists of a restaurant, hotel and conference center along with a relocation of the existing church to a new building on the other side of the Pike Drive extension. Chvala provided some history and information as to the various road design alternatives noting that there are issues with the location and elevation of the road. Chvala stated that without TID, this development will not happen. He also commented that given challenges identified with the road elevation there is heavy excavation that will need to be done and so the development is requesting an additional \$100,000 from the TID to help cover earthwork expenses.

Alder Carol Poole thanks Chvala for bringing the project forward.

Mike Harrigan of Ehler's Associates, the City's TIF consultant, provided an overview of the TID boundary and project plan noting that it would be a developer funded TID. He commented that the Council could amend the project plan to include the additional request of \$100,000 for earthwork.

Discussion was had on the financing mechanisms. He stated he prefers to see as pay as you go to minimize risk.

Chair Arnold closed the public hearing.

City Planner Tom Hovel provided a brief staff report noting that page 11 needed to be updated to include the appropriate numbers.

Chair Arnold reopened the public hearing after noticing one more speaker registration.

Dan O'Callaghan, 1 S Pinckney St Suite 700 Madison, representing Bowman Farms, Inc, spoke in opposition to the TID noting that it is not ready for prime time yet. He stated that the City should have all the facts before making a decision. He also noted that his client would like to be part of the conversation and perhaps the TID should consider a wider boundary to include properties on the east side of Fish Hatchery Road.

Chair Arnold closed the reopened public hearing.

9. Consideration of Plan Commission Resolution PCR-05-15, "Resolution Designating Proposed Boundaries and Approving a Project Plan for Tax Incremental District No. 10, City of Fitchburg, Wisconsin".

Chair Arnold questioned whether the updated site plan provided by Mr. Chvala should be included in the project plan. Mike Harrigan of Ehlers stated that the project plan should reflect the most current thinking at the time of adoption and recommended incorporating the updated site plan.

Ed Kinney questioned the need to extend Pike Drive to the east from Fish Hatchery Road. Chair Arnold commented that several studies envisioned the need for smaller blocks for more intense development and better land access. The area to the east of Fish Hatchery Road is greenfield and likely wouldn't be eligible for TID. Carol Poole commented that by approving the TID we would be creating more demand for the property on the east by providing more quality development at this intersection. She also noted that the task is to determine whether this is a good project for the west side of the road and agree with the boundaries; the east side is a future discussion to be had at a different time.

Tony McGrath stated that moving forward on the west side of Fish Hatchery Road is a no brainer but noted that the east side road location needs to get figured out.

Mike Harrigan commented that the opportunity exists for the City to amend the boundary of the TID in the future to add additional territory; the City can amend the boundary up to four times throughout the life of the district.

Motion by Lee, second by Tishler, to approve PCR-05-15 with the following amendments:

1. Insert site areas into conservation rehabilitation acreages on page 11
2. Potential \$100,000 for additional earthwork

3. Replace site plan on page 18 with updated site plan provided by applicant at 10/21/2015 Plan Commission meeting.

Motion carried unanimously.

10. Architectural Design Review request by Jim Spahr for approval of a site and structural development of a building expansion for Saris at 5253 Verona Road.

Jim Spahr, 6817 Fairhaven Madison, representing Lionshare and Saris, provided an overview of the building addition noting that they had added some windows for light and ventilation. He noted they are trying to save as many oaks as possible.

City Planner Tom Hovel provided the staff memo.

Motion by Poole, 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.) Erosion Control & Stormwater Management Permit (ECSWM) shall be provided to Public Works for review and approval prior to the issuance of any permit.

Ed Kinney questioned whether the retaining wall was back-drained. Hovel commented that the applicant has indicated it will be back-drained.

Bill Tishler questioned what precautions will be taken to minimize disturbance of the Oak trees. Spahr responded that there is a 30 foot slope and will stay back as much as possible but will also build a rock retaining wall to give area around the trunk of the tree.

Motion was carried unanimously.

11. Architectural Design Review request by Tim Nietzel, agent for Orchard Pointe Fitchburg LLC, for site and structural development of a 8,950 square foot Pet Supply Plus store on Lot 8 Orchard Pointe.

Jerry Bourquin, 6515 Grand Teton Plaza Madison, representing Dimension IV Madison as the project architect, was available to answer questions. He provided an overview of the project noting that the site was prepped for this addition so the parking and lighting are already there. He noted that they will bring in a screen wall on the back side of the parapet to screen the mechanicals.

David Martinez, 6515 Grand Teton Plaza Madison, representing Dimension IV Madison, spoke in support of the request and presented the materials and colors that are proposed for the building.

City Planner Tom Hovel provided the staff report.

Chair Arnold questioned whether they are aware of the City's sign ordinance regulations. Bourquin responded that the business would prefer to have a larger sign but was sure they could work something out.

Motion by Johnson, second by Poole, 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.) All signage shall comply with Chapter 26 Fitchburg Sign Ordinance.
- 3.) Shall provide a landscaping plan for review and approval by Planning staff prior to issuance of any permit.
- 4.) If any additional exterior lighting is proposed, applicant shall provide an exterior lighting plan and lighting fixture cut sheets for review and approval by Planning staff prior to the issuance of any permit.

- 5.) Applicant shall provide mechanical screening for the south and west sides of the roof top equipment; screening plan shall be provided to planning staff for review and approval prior to issuance of any permit.
- 6.) Applicant shall address any outstanding Public Works items prior to the issuance of any permit.
- 7.) MMSD fees, if due, shall be paid prior to the release of a building permit.
- 8.) Applicant shall obtain an Erosion Control & Stormwater Management (ECSWM) permit from Public Works prior to the issuance of any permit.

Motion was carried unanimously.

12. Request for minor modification to PDD-SIP (Planned Development District – Specific Implementation Plan) zoning, by Adam Helt-Baldwin, agent for Habitat for Humanity, to allow a porch encroachment on Lot 73 Second Addition to Renaissance on the Park.

Adam Helt Baldwin, 1014 Fiedler Ln Madison, representing Habitat for Humanity of Dane Co, was available to answer questions.

City Planner Tom Hovel provided the staff memo noting that Habitat had built a porch onto a house that was not shown on the site plan; the porch encroaches into the setback area. The porch also goes into the stormwater easement but Public Works did not have concerns with this encroachment.

Motion by Kinney, second McGrath, to approve minor modification was carried unanimously.

13. Ordinance 2015-O-28, An Ordinance Amending Chapter 27 Streets and Public Ways – Section 27-402(b) Relative to Curb Opening Width For Commercial or Industrial Driveways.

City Planner Tom Hovel provided a brief overview of Ordinance 2015-O-28 noting that there has been an increase in requests for larger drive widths for commercial and industrial properties.

Motion by Tishler, second by Johnson, to recommend approval of Ordinance 2015-O-28, was carried unanimously.

14. Planning Department Report

City Planner Tom Hovel informed the Commission of the upcoming Neighborhood Center meeting on October 21 and the Ag Plan workshop on October 22. He also noted that the City would be holding a SmartCode workshop on November 30 and December 1 and invited the Commission to attend whatever portions they can.

15. Announcements

- a. Next Plan Commission Meeting Scheduled for November 17, 2015 at 7:00 p.m.
- b. SmartCode Workshop – November 30, 2015 (5:30 – 7:30 p.m.)
December 1, 2015 (8:30 a.m. – 5:15 p.m.)

16. Adjournment

Motion by Tishler, second by Lee, to adjourn at 9:08 p.m. was carried unanimously.

Submitted By,
Susan Badtke, Community Planner

Approved November 17, 2015