



MINUTES
PLAN COMMISSION
September 15, 2015

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

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

1. Call to order and approval of minutes of 8/18/2015.

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

Motion by Lee, second by Kinney, to approve the minutes of 8/18/2015 was carried unanimously.

2. Public Appearances – non agenda items – None.

3. Agenda Review – No changes.

4. Public hearing and consideration of Rezone request and Conditional Use Permit request, RZ/CU-2077-15, by Bob Sieger, agent for Crespt LLC, with authorization from Joanne Jensen and Ernest Schupenbach, to rezone from the A-T (Transitional Agriculture) and R-M (Residential – Medium Density) districts to the R-H (Residential- High Density) and P-R (Park & Recreation) district along with a conditional use permit to allow for more than two multi-family buildings per lot, on property along Anderberg Drive, associated with 3046 & 3048 Anderberg Drive.

Chair Arnold opened the public hearing.

Joanne Jensen, 2830 S Syene Rd Fitchburg, registered in support of the request and also agenda item 5.

Kristen Johnson, 3034 Anderberg Drive Fitchburg, spoke in opposition to items 4 & 5 noting that she currently owns the only house on the block. She stated that part of the reasoning for purchasing the property was the conservancy across the street and she fears that this project might compromise the integrity of the conservancy. She also noted concerns with additional traffic.

Rob Helm, 7818 Big Sky Drive #209 Madison, representing Jensen & Schuepbach property owners, spoke in support of the request stating that the project is a good use of the land and is in accordance with the comprehensive plan.

Bob Sieger, 73 White Oaks Madison, spoke in support of the request and explained his proposed 12 multi-family unit project. Each unit will have a two car heated garage with living space above the garage, like a coach-house situation. He stated that the units are geared towards simple living; a similar project that he

owns on Seminole Highway have all single professional renters so he doesn't foresee families of multi-occupant situations.

Tony McGrath questioned who will own and manage the project. Sieger responded that he will own and manage and is also the architect and construction manager.

Chair Arnold closed the public hearing.

City Planner Tom Hovel provided the staff report. He commented that the lighting is low level at the entry so there won't be a large street light for the project, which should address one of the noted concerns.

Bill Tishler questioned why the buildings aren't placed close to the lot lines. Sieger responded that the setbacks are in keeping with the zoning requirements.

Motion by Kinney, second by Lee, to recommend approval of rezone portion of RZ/CU-2077-15 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Applicant shall record a statement at the Dane County Register of Deeds treating the three multi-family parcels as one parcel.
- 3.) All park fees shall be paid in order for this rezoning to take effect.
- 4.) Applicant shall address all park requirements prior to this rezoning taking effect. Wetlands will not be accepted as park dedication. With this rezoning, the council accepts parcel D as park dedication, provided that no wetlands are on-site.

Lee commented that the project is a creative fit for the parcel and that 12 units works well on the site. Chair Arnold noted that he had initial concerns about how the development would affect the e-way but after discussions with Fitchburg and Dane County staff his concerns have been addressed. He also noted that the amount of traffic on Anderberg would not be significantly increased and the area would also see less tractor trailer storage on Anderberg.

Motion was carried unanimously.

Motion by Kinney, second by Lee, to approve conditional use portion of RZ/CU-2077-15 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Council approval of rezoning portion of RZ/CU-2077-15.
- 3.) Applicant shall record a statement at the Dane County Register of Deeds treating the three multi-family parcels as one parcel.
- 4.) Satisfaction of all park fees and requirements.

Motion was carried unanimously.

5. Architectural Design Review request by Bob Sieger, agent for Crespt LLC, with authorization from Joanne Jensen and Ernest Schupenbach, for site and structural development of three multi-family buildings each containing four dwelling units, on property along Anderberg Drive, associated with 3046 and 3048 Anderberg Drive.

Applicant Bob Sieger provided an overview of the proposed materials and colors for the project noting that it is a simple design with simple use of materials.

Ed Kinney questioned whether the buildings are designed in a way that would lend to condo conversion if appropriate. Sieger responded that all have private entrances and demising walls so they could be converted in the future.

Motion by Tishler, 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.) Approval is based on submitted plans and materials dated August 18, 2015 and some plan sheets with revised date of August 29, 2015 and responses to staff comments.
- 3.) Applicant shall address all outstanding Public Works comments prior to the issuance of any permit.
- 4.) A street tree waiver will need to be signed by the Owner for the street trees to be planted by the City along Anderberg Drive.
- 5.) Erosion Control & Stormwater Management Permit shall be obtained from Public Works prior to issuance of any permit.
- 6.) Satisfaction of all park fees and requirements.

Motion was carried unanimously.

6. Public hearing and consideration of Conditional Use Permit request, CU-2078-15, by Bob Feller, agent for Benjamin Properties, to exceed the allowed height limitation of 42 feet for the new proposed 3-story building at 5400 King James Way, Lot 2 CSM 5649.

Chair Arnold opened the public hearing.

Bob Feller, 901 Deming Way Madison, representing Dale Benjamin, explained the request for a 3-story building with underground parking. He noted that a conditional use permit is requested because the proposed building exceeds the 42' height limitation. The project will be a similar design to the previously approved 2-story building. He also noted that some of the land will be lost to the DOT for the Verona Road reconstruction project so the impervious surface ratio has gone up slightly.

Tony McGrath questioned the status of the sidewalk/terrace easement. Feller responded that this is a non-issue as the applicant is open to having an easement to accommodate the sidewalk and terrace.

Bill Tishler questioned the level of added impervious area and how it compares to the existing site. Feller responded that the proposed project will decrease the ISR from the current level.

Chair Arnold closed the public hearing.

City Planner Tom Hovel provided the staff report noting that the standard height for the B-G district is 42' in height and that the code was altered in the past to allow some flexibility to the building height by conditional use permit.

Motion by McGrath, second by Lee, to approve CU-2078-15 with 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 submitted plans.

Motion was carried unanimously.

7. Architectural Design Review request by Bob Feller, agent for Benjamin Properties, for approval of site and structural development of a three-story office/retail building with underground parking at 5400 King James Way, Lot 2 CSM 5649.

Motion by McGrath, second by Lee, 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.) Approval is based on submitted plans and materials dated 8/18/15 and some plan sheets with revised date of 9/1/15 and responses to staff comments.
- 3.) Prior to the issuance of any permit, applicant shall obtain an Erosion Control and Stormwater Management permit from the Fitchburg Public Works Department.
- 4.) Prior to the issuance of any permit, applicant shall sign a street tree waiver for street trees to be planted by the City along King James Way.
- 5.) Signage is not approved under this ADR request; signage shall follow Chapter 26 Sign Ordinance and a permit shall be obtained for each requested sign.

- 6.) Applicant shall provide on-site stormwater management to handle the difference between the City's Impervious Surface Ratio (ISR) standard of 65% and the applicant's proposed ISR.
- 7.) Applicant shall provide the necessary sidewalk easement along King James Way to provide for a minimum 5 foot sidewalk and minimum 5.5 foot terrace.

Ed Kinney stated that he is pleased to see this project and that it is a great statement building at this location.

Motion was carried unanimously.

8. Pre-application land division request by Roger Cohee on a proposed land division to create a new residential lot on Lot 3 CSM 10695.

Roger Cohee, 2682 CTH MM Fitchburg, explained his exploring the possibility of creating a new 1.5 acre house site at the far SW corner of his farm. He stated that the site meets all of the siting requirements of the RRDC (Rural Residential Development Criteria) with the exception of the history of tillage, which can be waived as the site is located along a fence row and does not impact farming of rest of the property.

Cohee also explained that there is a deed restriction that was placed on the property when a CSM was done in 2003; this restriction does not allow any additional development until urban services are available. He noted that at the time the CSM was done the property was under A-T (Transitional Agriculture) zoning and today it is zoned A-X (Exclusive Agriculture). The restriction would need to be removed by the Council in order for a new lot to be created.

Chair Arnold pointed out that two Commission members are absent and that any formal requests would be referred to Ag & Rural Affairs and then on to Council.

Chair Arnold questioned the intent of the deed restriction. Hovel commented that this was a time of transition for the City and that the City had allows a new home site but limited any further development. The City now has the updated RRDC that is the policy for siting new residential lots in the rural area.

Bill Tishler commented that his initial concern is that this could open the door to additional rural development.

City Planner Tom Hovel provided an overview of the RRDC explaining that a rural landowner is provided 1 potential development claim for every 35 acres dating back to 1979 as the base year. There are criteria that must be followed for siting the claim.

Ed Kinney questioned whether the County had looked at the driveway visibility. Cohee responded that the County looks at speed limits and that relates to the driveway location and visibility; the County was out and the have identified that the concept plan would meet their regulations.

Kinney questioned whether there is another place where the lot could be located without removing cropland. Cohee stated that there is not a location for the lot that wouldn't take away farmland and no other place to meet the RRDC.

Rachel Lee stated that as far as the cropland waiver she would defer to Ag & Rural Affairs Committee as that is their expertise. As far as the deed restriction she thinks that this site is the type of development that meets the requirements the city is expecting for the rural area.

Chair Arnold commented that one argument can be made that the city should not be developing in the rural areas and creating additional house, but the city does have the RRDC and rural cluster that allows for rural development. He stated that he is concerned about the loss of rural land but that the proposal seems to comply with the city's ordinance. He stated that in regards to removing the deed restriction, he doesn't see this additional rural home as dramatically worse than a rural home somewhere else in the city.

Ed Kinney commented that the rural cluster ordinance was an attempt to balance and reduce the amount of land taken out of agriculture.

Tony McGrath stated he would be supportive of the request for two reasons: 1) this is a classic example of regulation run amuck as there is a highly complicated set of regulations but also a deed restriction that is neither fair or logical and 2) while the history of tillage requirement is well intended it has unintended consequence; because effective farmers found a way to till most of the property you are penalized from locating a house site. He said he would be happy to waive the history of tillage requirement.

No formal action was taken on this item as it was a pre-application item for discussion purposes only.

9. Resolution R-94-15, A Resolution Granting An Underground Electric Right-of-Way Grant to Madison Gas and Electric Company on Outlots 24, 25, 26 and 28 Third Addition to Nine Springs, City of Fitchburg, Wisconsin.

City Planner Tom Hovel provided the staff memo noting that MG&E is going to be charged for some of the proposed easements.

Motion by Kinney, second by McGrath, to recommend approval of R-94-15 was carried unanimously.

10. Resolution R-97-15, A Resolution Granting A Private Access Easement On Lot 2 of CSM 445 (McGaw Park) For 5267 Lacy Road, City of Fitchburg, Wisconsin.

Sam Cooke, 5335 Lacy Road, former owner of 5267 Lacy Road Fitchburg, explained the situation and need for the private access easement. He noted that there has always been a driveway to the farmhouse which became the McGaw Park access road but no easement was ever provided. The house was recently sold and the title company notice the lack of easement and is requesting one be provided for the driveway.

Motion by Tishler, second by McGrath, to recommend approval of R-97-15 was carried unanimously.

11. Resolution R-100-15, A Resolution Releasing a Platted Public Sanitary Sewer Easement on Lot 21 In First Addition to Fitchburg Technology Campus City of Fitchburg, Wisconsin.

City Planner Tom Hovel stated that with Nobel Drive and the TechLands Plat this easement is no longer required so the City is looking to vacate the easement.

Motion by McGrath, second by Kinney, to recommend approval of Resolution R-100-15 was carried unanimously

12. Plan Commission Resolution PCR-04-15, Resolution of the Plan Commission Calling for a Public Hearing on Proposed Tax Incremental District No. 10 Creation in the City of Fitchburg.

City Planner Tom Hovel explained that the City is looking to create a Tax Increment District on N Fish Hatchery Road that would include the Pike Drive extension and to assist with redevelopment of the church site and apartment building.

Rachel Lee questioned if the church was going to relocate. Chair Arnold and Hovel commented that it is not fully clear where the church will go as there have been several plans showing various options.

Motion by Kinney, second by McGrath, to approve PCR-04-15 was carried unanimously.

13. Planning Department Report

Nothing to report.

14. Announcements

Chair Arnold announced that the next meeting is scheduled for October 20, 2015 at 7:00 p.m.

15. Adjournment

Motion by Tishler, second by Lee, to adjourn at 8:32 p.m. was carried unanimously.

Submitted By,
Susan Badtke, Community Planner

Approved October 20, 2015