

Planning Commission Meeting

Thursday, April 2, 2009

ANNOUNCEMENT: Chair Greg Schnelle announced on March 30th, the Village Board appointed Pat Molzahn to a full voting member on the Planning Commission and appointed Doug Brethauer as the new alternate on the Planning Commission. Schnelle thanked Pat for his continuing service and welcomed Doug.

Gracz stated the Joint meeting with the Village Board, Historic Preservation Commission and Planning Commission was cancelled due to a public hearing publication technicality and was rescheduled for April 16, 2009. It was noted the Planning Commission would continue with their regular agenda items.

1. **Planning Commission – CALL TO ORDER:** Chair Greg Schnelle called the Planning Commission meeting to order at 6:30 pm on Thursday, April 2, 2009.
2. **ROLL CALL:** Present: Greg Schnelle; Jeff Groenier, Larry Mahr, John Bieno, Scott Meier, Pat Molzahn, and Phil Harms. Also Present: Village Administrator Mike Gracz, Public Works Director Mark Below, Village Planner Mike Slavney, Alternate Doug Brethauer, and Deputy Clerk/Deputy Treasurer Tracey Hicks.
3. **APPROVAL OF MINUTES:**
 - a) 1/6/09 - **Molzahn moved to approve the regular Planning Commission minutes of January 6, 2009. Second by Mahr. Motion carried 7-0.**
 - b) 2/5/09 – Being Prepared
 - c) 3/5/09 – Being Prepared
4. **PUBLIC APPEARANCES:**
 - a) Conceptual Discussion regarding Rolling Meadows (Al Miller). Al Miller, President of Rolling Meadows Inc, was present regarding the Rolling Meadows property. Miller stated there are 66 homes on the property and 23 different buildings. Miller stated there is a total of 9 parcels, and one building is on 3 different parcels. Miller explained they would like to essentially clean up the paper work. Ross Michaels was also in attendance to represent Rolling Meadows. Michaels noted there are 9 parcels and some vacated streets that don't seem to be in the parcel mapping of Dane County. Michaels summarized the map of the Rolling Meadows development, noting the parcels and zoning they would like to clean up. Michaels stated the goal on this to make as many lots with one building per lot as possible. Michaels explained in the southerly area there are a few exceptions due to buildings sharing driveway entrances. Michaels questioned if the wetlands should be a separate lot, an outlot, dedicated to the public, or something else. Michaels stated the unique situation of the development. Michaels explained that no roads or buildings are being built they are just reconfiguring the lot lines. Michaels hoped they would be able to waive some of the requirements leading up to the platting requirements, due to the special circumstances. Michaels stated they are looking for advice. Groenier stated he believes some of the information regarding a survey and wetland delineations for the property was done. Below stated he would need to dig for the information. There was discussion regarding the zoning of the property and Slavney recommend the whole property be zoned under Planned Development (PD). Slavney stated PD zoning will allow the most flexibility and make sure the lots are completely legal and conforming. Below summarized by stating they would be able to use the existing General Development Plan and Specific Implementation Plan and tailor to what they are trying to do. Below stated the County brought this to his attention the other day that Waterman Street right of way runs through the middle of a building in that development. Below stated it would be the perfect time to clean this up. Below explained he would like to run this by the legal consultants. Schnelle stated the applicant should meet with staff to start the clean up process. It was noted Rolling Meadows is 'maxed out' as far as build able property.

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- b) Discussion and Possible Recommendation to the Village Board regarding Preliminary Certified Survey Map for Jaycee Park east of North Perry Parkway – Oregon School District. Brian Busler - School superintendent, Doug Kornetzke – School Board President, and Mike Chapes – Sports administrator were in attendance to represent the Oregon School District. Busler gave an overview of the project noting they met with the Park Board in March 2009. Busler stated the community benefits from the project. Busler stated the long term development plan noting the estimated costs. Busler stated they do have a short term plan, which includes upgrading the proposed soccer fields for use for the next few years before they could begin the proposed long term plan. Busler stated they have met with Village staff where several restrictions and convinces were discussed in the request to have the land transferred. Kornetzke stated they are not looking at limiting the use of the property but enhancing and utilizing it more. Kornetzke stated there will be competitive fields. It was noted the long range plan will go out for referendum to request money to update, however that will not be until the economy turns around. Kornetzke stated they do have short term dollars to use in the near future. Schnelle stated they are dealing with a CSM. Schnelle stated this is simply dividing the parcel. Harms questioned if Below was happy with the boundary line for future Waste Water Treatment Plan expansion. Below stated he was and the School did follow the request of the Village. **Groenier moved to recommend to the Village Board approval of the preliminary Certified Survey Map for Jaycee Park East of North Perry Pkwy per Ruekert Mielke’s letter date March 20, 2009. Second by Meier. Motion carried 7-0.**
- 1) Discussion and Possible Recommendation to the Village Board re: Resolution #09-07 - Transfer of Property (Resolution available at meeting) Schnelle noted his concern regarding the transfer of the property explaining he would like to see what the agreement is and what the usage in the future will be. Schnelle explained he would like to see something more concrete regarding the restrictions of use. Slavney stated any outdoor recreation facility that is active recreation would be subject to a conditional use permit so the Planning Commission would likely see the project again and any institutional development in the Village is also subject to a conditional use permit. Slavney stated if one of the concerns is over a long range would be that this is maintained as open space rather used for school buildings this would also come before the Planning Commission as a conditional use permit. Slavney noted Schnelle’s concerns explaining the Village does maintain a relatively high degree of control through site plan and conditional use approval. Slavney noted if it is unlit and just recreation facilities the Commission would see a site plan, but not a conditional use permit. Harms stated this is currently Village property and he would like to see the Village residents have a priority on the use. Harms noted his concern on the potential limited use to residents and associations. Bieno questioned if it would be any trouble to the applicant to define what the long term objectives are. Busler noted the process was started with staff at their March meeting. Busler noted the School District is comfortable, if the Village is interested in identifying the specific sites for fields and what percentage would be 100% access and what would be less than 100% access. Busler noted in all honesty he cannot tell the Village that a competition field will be 100% accessible because it is a function of use and/or weather conditions. Busler stated clearly the walking/jogging path will have 100% access. Busler stated the current School Board has no interest in using this property for anything other than athletic fields, and in the spirit of binding future School Boards and Village Trustees to that commitment they are very agreeable to the concept of putting that limitation at the beginning of the agreement. Busler explained that if in the future the need would change the School District would need to come before the Village and work through that process. Busler noted the School District has no plans of using the site for anything other than athletic fields. There was discussion regarding the sense of urgency. It was noted the sense of urgency from the School District’s stand point is the \$50,000 is a commitment for the soccer fields

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and they scheduled with a company and believe they are already on the schedule list so they would potentially be spending resources on something they do not own. It was noted the School District would like to have the fields ready for the Oregon Soccer tournament. Schnelle stated the Planning Commission is in favor of the transfer but would like to see something in writing with the details discussed. Gracz stated the Village Attorney is currently working on the agreement. Gracz also stated staff is meeting with Busler on April 13th with the draft of the agreement. It was noted this could be discussed at the Joint meeting on April 16th. Gracz stated if the agreement is not seen on April 13th the agreement will have to be brought to the April 16th meeting. Schnelle stated if the Commission has to they will also come on April 20th.

Groenier stepped down

- c) Public Hearing regarding the Rezoning Request for Property located at 1056 Park Street from Commercial PB (Planned Business) to PD Planned Development (Paul Lynch). The Public Hearing opened at 7:16 pm. Schnelle stated the request is to rezone the property from PB to PD. Paul Lynch and Andy Look were present to summarize the request. Lynch gave an overview of the project, highlighting the color renderings, access points to the hotel, and signage. Arthur Oscar of Concord Drive, noted his concerns of traffic emptying from the hotel on to Concord Drive, and shrubbery on the backside of the building. Schnelle stated these items will be addressed with GDP. Mark Arzercar of Concord Drive, noted his concerns regarding accessing/exiting the hotel on the side. Schnelle stated if you exit the hotel you can only turn right. Lynch confirmed this, noting a high percentage will enter and exit from the main entrance off of Park Street. There was discussion regarding garbage trucks and access. Lynch noted the dumpsters are not in the rear by residential but near the Park St side. The Public Hearing was closed at 7:26 pm.
- 1) Discussion and possible recommendation to the Village Board to rezone the property located at 1056 Park Street. **Bieno moved to recommend to the Village board to approve the rezoning request for the property located at 1056 Park Street. Second by Mahr. Motion carried 6-0-1. Groenier abstaining.**
- d) Public Hearing regarding the General Development Plan for 1056 Park Street (Paul Lynch). The Public Hearing was opened at 7:27 pm. Schnelle stated the Public Hearing is for the GDP for 1056 Park Street. Slavney stated he has several comments noting the most important is that the only exemption needed on the basic requirements is that in the long run there maybe two separate buildings on one parcel. Slavney stated this is allowed under a conditional use permit process but if it is approved as part of the GDP, the applicant knows it is already approved not as a concept any more but has permission for two separate buildings. Slavney explained it still has to come back with all of the details and any entertainment use like a restaurant needs conditional use approval. Slavney suggested a list of conditions for uses. Slavney recommended that the Village receive a detailed landscaping plan for the site and if there is any landscape buffer yard required that those requirements be complied with fully. Slavney stated he recommends compliance with all exterior lighting and any other conditions that relate to the zoning of the Village Staff and Planning Commission. Slavney recommends if they favor the zoning for GDP he recommends the Village Board acknowledge the three findings in his report and it furthers the purpose of the zoning ordinance. Slavney stated it will improve the predictability for the applicant and the neighborhood related to permitted uses and it is consistent with the objectives of the comprehensive plan and overall zoning ordinance. Slavney noted there are no development flexibilities being asked for aside from the permitted uses. Harms questioned the lighting in the parking lot? Slavney stated that is the next step and they would want to specify to relieve any concerns the neighbors have. Slavney stated the tough lighting requirements will not

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be waived. Lynch noted he will address the lighting. Beino had questions regarding the drive through lane. Beino noted the two curb cuts on the west side (north on the plans) that are close together. Beino questioned if there is any opportunity to combine any of the driving lanes to minimize the amount of asphalt. Beino offered a few suggestions. Lynch noted Holiday Inn gave them the CAD file and they have built many of these and it has worked for them. There was discussion regarding possible options of buildings that could potentially be put in next to the hotel. It was noted a drive through type business could be a possibility. Slavney questioned where the drive through window would be. It was noted the window would be more than likely located facing Park Street. Slavney noted he was wondering if they needed a by pass lane and if Lynch just had one lane coming behind the drive through building. Slavney noted they typically don't see that much stacking for a drive through. Slavney noted it would eliminate 11 feet of pavement and would allow for more green space. Slavney stated it would even be dashed in, if at a later point they decided they needed it. Slavney noted it would give more separation. Slavney noted the hotel site plan would remain in tact. Slavney suggested leaving it dashed in on the plan. Schnelle noted by virtue of the applicant showing the plan at this time they will need to go through the process of a conditional use permit and a site plan review. Schnelle noted if they leave it how it is, are they 'stuck' with that plan? Slavney noted there would be an expectation if the applicant brought it in the Commission would approve it. Schnelle noted he would feel more comfortable if they could strike some of that and revert back to the possibility of some sort of commercial building on the site. Slavney suggested resolving that with a more detail site plan for the second building and for now just say that one or two isle will be provided depending upon the Planning Commission review. It was noted Slavney was referring to the two isles behind the multi tenant building. The Public Hearing was closed at 7:45 pm.

1) Discussion and possible recommendation to the Village Board re: General Development Plan for 1056 Park Street. **Mahr moved to recommend to the Village Board approval of the General Development Plan with clarification that the drive lanes be labeled as proposed drive lanes and attach the recommended conditions and findings per Mike Slavney. Second by Molzahn. Motion carried 6-0-1. Groenier abstaining.**

- e) Discussion and Possible Recommendation to the Village Board regarding the Specific Implementation Plan and Site Plan for 1056 Park Street (Paul Lynch). Slavney listed the conditions they have to approve as part of the implementation plan and the details on any exterior finishes and colors of both the main building and trash enclosure. Slavney noted they do have a detailed approval for the fencing and landscaping, however it was noted they need a list of each species for the landscaping plan. Slavney stated they need to make a detailed approval of the exterior lighting fixtures and signage. Slavney noted when he did his memo he did not have the detailed information in hand and asked if the applicant could give an update regarding the details. Paul Lynch gave an overview of the requested information noting the building materials will be similar to the 'Pizza Hut/Stoughton Hospital' buildings. Lynch stated this will be similar to the Holiday Inn Express in Verona. Lynch explained the fence will be made of PVC and is off white/tan in color. Lynch showed pictures of sample interior designs and a front desk area. Slavney noted the applicant needs the species identified in the landscaping plan, noting he does meet all the required points. Slavney suggested approving this knowing that before construction starts there is approval of the details on the landscaping. Slavney made an inquiry of the lighting fixtures. There was discussion regarding what type of lighting will be in the parking lot. Beino inquired for the cut sheets on the lighting. Lynch noted he will provide them. Lynch noted there is only one brick being used. Slavney noted they still need to keep conditions noted in his memo numbers 1, 3 and 4 in the motion. Slavney stated these items related to the final landscaping plan and the lighting fixtures. Slavney gave the applicant suggestions for sidewalks. There was discussion regarding the Commission wanting specific

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information. Gracz noted they could bring this item to the April 16th special meeting. Slavney reviewed for the applicant what materials are needed for the April 16th meeting.

- f) Public Hearing regarding Request for Conditional Use Permit at 155 Braun Road to allow for a second building to be built on the same lot. *Groenier returned.* The public hearing opened at 8:06 pm. Keith West was in attendance to address the Conditional Use Permit at 155 Braun Road. West gave a summary regarding their proposal, stating they are proposing building a 7,800 square foot separate building on the same site as the old fitness center. West stated it is to the north of the site and they will be using the existing curb cut. The public hearing closed at 6:10 pm.
- 1) Discussion and possible recommendation to the Village Board regarding Conditional Use Permit request at 155 Braun Road to allow for a second building. Groenier stated there is nothing in the packet to review, stating they can't issue a conditional use permit if they don't have anything to act on. There was discussion regarding either tabling the item or denying the item. It was noted there are too many concerns and not enough information with this project to table the item. Ruckert Mielke was unable to do a storm water review because there was no storm water submittal and Vandewall and Associates was unable to make a recommendation due to the incomplete submittal. **Beino moved to recommend to the Village Board denial of the conditional use permit at 155 Braun Road due the lack of information. Second by Groenier. Roll Call Vote: Groenier – yes; Harms – yes; Mahr – yes; Meier – no; Beino - yes; Molzahn – no; Schnelle – yes. Motion carried 5-2.**
- g) Public Hearing regarding Request for Conditional Use Permit at 135 N Main Street to allow for an electronic message center with an L.E.D. sign (Kwik Trip Store #731)(Bryan Novy). The public hearing opened at 8:25 pm. Brian Novy was in attendance to represent Kwik Trip. Novy stated they are presenting something similar to the sign that is at the north side Kwik Trip. The sign will have LED lighting with moving and flashing messages. Slavney stated this type of sign does not fit with the downtown historic district. The public Hearing closed at 8:30 pm. Harms noted the Village spent a lot of money downtown to improve it and this sign would be moving backward. Slavney recommend denial because the proposal does not match the Village comprehensive plan. Harms noted the Village would be open to a sign that would fit with the historic feel downtown and suggested the applicant come back with a different option more appropriate to the surroundings.
- 1) Discussion and possible recommendation to the Village Board regarding Conditional Use Permit request at 135 N Main Street to update the existing fuel price sign by allowing an electronic message center with an L.E.D. sign. **Molzahn recommended to the Village Board denial of the conditional use permit request at 135 N Main Street. Second by Mahr. Motion carried 7-0.**
- h) Conceptual Discussion regarding Proposed First Presbyterian Church's Site Plan. Ted Belanus was in attendance to represent the First Presbyterian Church. Belanus gave a brief history of the project and the conceptual design. Belanus noted the architects for the project were also in attendance. Belanus explained the short term phase and long term phases, noting the drive in the rear of the proposed building would be gravel. Groenier noted the Village no longer allows gravel drives. There was discussion regarding restricting access to Netherwood. It was noted to put the restriction access to Netherwood on the CSM. The applicant noted they would follow the new storm water regulations. Schnelle stated the Commission overall had a favorable comments regarding the conceptual design.

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- i) Discussion and Possible Action by Planning Commission to Adopt Resolution #09-10 to Amend the Urban Service Area for Proposed First Presbyterian Church. Slavney suggested proceeding with approval, noting it fits in with the comprehensive plan as planned neighborhood. **Bieno moved to approve adopting Resolution #09-10 to Amend the Urban Service Area for proposed First Presbyterian Church. Second by Groenier. Motion carried 7-0.**

5. **COMMUNICATION AND MISCELLANEOUS BUSINESS:**
 - a) Review of March 10th Planning Staff Meeting. Gracz noted this is for informational purposes.

 - b) FYI – Regarding CARPC’s Planning Area. Gracz stated this is for informational purposes only.

6. **UNFINISHED BUSINESS:**
 - a) None – There was no discussion.

7. **NEW BUSINESS:**
 - a) None – There was no discussion.

8. **STAFF REPORT:**
 - a) Status of Developments/Projects. Below gave an overview regarding the BrouxNellie’s/ Academy of Sound signage.
 - 1) Alpine Meadows, Bergamont & Oregon Parks Neighborhood
 - 2) Alpine Business Park
 - 3) Update on the status of the Downtown Project
 - 4) Update on the status of the Jefferson St. railroad bridge

9. **ITEMS FOR FUTURE MEETINGS:**
 - a) **Master Bike Path Plan and May 7th Public Forum (rescheduled from the March meeting due to scheduling conflicts)**
 - b) Extraterritorial Zoning
 - c) Downtown Design Overlay Zoning District
 - d) Abandon a portion of Waterman St.

10. **ADJOURNMENT:** **Bieno moved to approve the Planning Commission meeting at 8:55 pm. Second by Mahr. Motion carried 7-0.**

Respectfully Submitted by
Tracey Hicks,
Deputy Clerk/Deputy Treasure