



**MINUTES**  
PLAN COMMISSION  
February 18, 2014

Plan Commission Members Present: Carol Poole, Kathi Kilgore, Tony McGrath, Ed Kinney, Rachel Lee, Jim Anderson

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

**1. Call to order and approval of minutes of 1/21/2014.**

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

Motion by Kilgore, second by McGrath, to approve the minutes of 1/21/2014 was carried unanimously.

**2. Public Appearances – non agenda items - No changes.**

**3. Agenda Review - No changes.**

**4. Public Hearing and Consideration of Ordinance 2014-O-06, An Ordinance Amending Chapter 24 – Land Division, Chapter 30, Article II – Erosion Control and Stormwater Management and Chapter 40, Article V – Stormwater Utility.**

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

Chair Poole asked that action be deferred on this item. City Planner Tom Hovel explained that there are some additional changes that need to be made to Chapter 30; once these changes are made the ordinance would come back to the Commission for action. He stated that the public hearing is for Chapter 24 Land Division Ordinance so the Commission would not need another hearing on the ordinance.

Motion by Poole, second by Kinney, to defer action on Ordinance 2014-O-06 was carried unanimously.

**5. Public Hearing & Consideration of Conditional Use Request CU-1995-14 by Anwar Zaidi for restaurant at 5957 McKee Road, suite 108, Condo unit #2 Market Place Business Park**

Chair Poole opened the public hearing.

Anwar Zaidi, 555 Donofrio Drive Madison, representing Haveli Restaurant, Inc, registered in support of the request and was available for questions. He explained that Haveli will be an authentic Indian family restaurant, similar to the Taste of India on Monroe Street.

Chair Poole closed the public hearing.

City Planner Tom Hovel provided the staff report noting that there is a long history of restaurants in this space. The restaurant will have beer and wine served at the table.

Motion by Kilgore, second by Kinney, to approve CU-1995-14 with the following conditions:

1. No other permit or approval is waived or deemed satisfied except for the approval herein provided.
2. The restaurant shall have a maximum patron capacity of 90 persons.

Motion carried unanimously.

**6. Public Hearing & Consideration of Rezone Request RZ-1996-14 by Avante Properties to amend Planned Development District General Implementation Plan (PDD-GIP) zoning for lot 3 CSM 11600 & lot 27 1<sup>st</sup> Addition Fitchburg Research Park for reduction of building height.**

Chair Poole opened the public hearing.

Paul Graman, 5510 Nobel Drive, representing The Madison Group, was available to answer questions. Graman explained that due to the topography of the land the previous site that they had proposed building on was prohibitive so they have worked to find a flatter site to build their single-story office building on.

Chair Poole closed the public hearing.

Motion by Lee, second by Kinney, to recommend approval of RZ-1996-14 with the following conditions:

- (A) PDD-GIP zoning is hereby amended in accord with submitted plans and information dated January 7, 2014, and responses to staff comments of February 4, 2014 which is hereby made a part of this ordinance, and with the following additional requirements:
1. Madison Group lot) will contain a one-story office building, with a maximum Impervious Surface Ratio (ISR) of .56, and a Floor Area Ratio (FAR) of .22;
  2. The other two lots, noted on what is termed the Overall Site Plan, shall together (on a first-come first served basis) provide for a maximum floor area ratio not to exceed 42%, and a maximum impervious surface ratio of 60%. In addition, building heights may be two to four stories on site A, and one to three stories on site B.
  3. Any of the three sites may be allowed to increase their impervious surface ratio up to 62%, provided the difference between the noted ISR and the provided ISR is accounted for by on-site infiltration and/or evapo-transpiration.
  4. A CSM creating the three lots out of the current two lots, shall be recorded within 120 days of its council approval for this rezone request to be valid.
  5. Setbacks from Nobel Drive shall be 20' for one to three story building, and 30' if a four story building.
  6. Applicant shall coordinate with the city for a sidewalk easement along the west property line abutting South Fish Hatchery Road.

(B) This ordinance shall take effect following its publication, or the consent of the property owner, whichever occurs last. However, in accord with section 22.92 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.

**7. Certified Survey Map request CS-1997-14 to divide lot 3 CSM 11600 and lot 27 1<sup>st</sup> Addition Fitchburg Technology Campus into three lots.**

City Planner Tom Hovel provided a brief staff report noting that staff would have liked to see a driveway easement between lots 2 and 3 for a potential future median break, but the developer is not interested in providing at this time.

Motion by Kilgore, second by Kinney, to recommend approval of CS-1997-14 with the following conditions:

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

Motion carried unanimously.

**8. Public Hearing & Consideration of request RZ-1999-14 by Goldleaf Fitchburg, LLC to rezone parcels associated with 2653 S Syene Road, part of NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> and SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> section 14, T6N, R9E from Agriculture Transitional (A-T) to SmartCode New Community (SC-NC)**

Chair Poole opened the public hearing.

Patrick Cheney, 5211 Kittycrest Drive Fitchburg, representing the E Fitchburg Neighborhood Association, registered mostly in support of the rezone request. He questioned whether the bike path along Lacy and Syene would be located in the right-of-way, suggested that measures be taken for the connection of Tarpleywick Drive to minimize traffic into the neighborhood, suggested that the entire wood area be preserved and also questioned the calculations for parkland dedication.

Mike Filkouski, 7266 Cty Rd VV Sun Prairie, representing Goldleaf Development, was available to answer questions.

Dave Glusick, 999 Fourier Drive Madison, representing Vierbicher, spoke in support of the rezone request. He responded to Cheney's questions noting that after discussions with public works the bike path will be in the ROW, a tree evaluation of the trees will be undertaken but the development is designed to preserve most of the wooded areas, and that the parkland calculations were based on SmartCode guidelines.

Dave Halford, 2621 Tarpleywick Drive Fitchburg, was available to answer questions.

Nancy Halford, 2621 Tarpleywick Drive Fitchburg, questioned what the plan is for the existing house on the property. Glusick responded that the plans for the house depend on the market. If there is a ready buyer for the land the developer would like to see the single-family developed, but if there is not a buyer the developer may keep the house and rent it for a period of time. Halford also questioned whether sidewalk would be required in front of their house. Hovel suggested that she discuss this with public works.

Jeff Ballard, 5541 Quarry Hill Drive Fitchburg, questioned the area on Lacy Road of T5 next to existing single-family residential. City Planner Tom Hovel responded that where practicable, the development should avoid T5 next to existing single-family but there are a lot of puzzle pieces that have to fit together in the SmartCode and not every situation can be avoided.

Chair Poole closed the public hearing.

City Planner Tom Hovel provided a brief staff report noting that the SmartCode had recently been changed to allow 35 acres sites to be rezoned to SmartCode. He noted that it makes sense to have this be Transit-Oriented Development and develop under SmartCode as it is kitty corner from Uptown, which is a SmartCode development. He explained that the Article 3 plan can be changed over time provided it is in the parameters of the SmartCode.

Mike Filkouski informed the Commission that the plan is to build as the units fill and the market will determine the rate of development. They are anticipating 4-7 years to complete the project if the market stays as is. Hovel also commented that under SmartCode there is flexibility so that if the market changes the development could be changed to have more single-family housing or even zero-lot line row houses.

Kinney questioned the target market for the housing product and also the rental rates. Filkouski responded that the market is young professionals and rates go from \$970 for one bedrooms and about \$1,400 for two bedroom units.

The Commission discussed the "other uses" required under the SmartCode. Glusick stated that T5 requires uses other than residential and those specific uses would be dictated by the market. If the transit station comes across Syene Road it could spark some other types of retail uses but an office component could also work.

Chair Poole explained that she brought the idea of SmartCode forward for this development as the area is designated as TOD which is to be the highest dense development in the City. She stated that SmartCode is meant for use in the TOD areas.

Motion by Kilgore, second by Kinney, to recommend approval of RZ-1999-14 with the following condition:

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

Jim Anderson commented that while he is supporting this rezoning, he does not have a good feel for what the development will look like and would like to see more information with future submittals.

Motion carried unanimously.

**9. Architectural and Design Review Request by Thomas Knoop agent for Oak Bank for improvements to lot 18 2<sup>nd</sup> Add. To Fitchburg Research Park, 5530 Research Park Dr; includes reduction of parking standard.**

Tom Knoop, 1314 Emil Street Madison, representing Oak Bank, spoke in support of the project and presented the project to the Commission for a new bank building at the southwest corner of E Chery Parkway and Research Park Drive.

Richard Slayton, 821 W Lakeside Street Madison, representing Oak Bank, spoke in support of the project and provided an overview of the landscaping. Native plans will be used on the site.

Rachel Lee questioned whether they considered incorporating any green infrastructure into the landscape design. Slayton responded that some green infrastructure was looked at but not pursued.

Bob Gorsuch, 3016 Woods Edge Way Fitchburg, representing Oak Bank, stated that the bank is pleased with the design that the architects have come up with and look forward to starting the project this summer.

Marc Jones, 2266 S Syene Road Fitchburg, spoke in support of the plan and the growth of the business but cautioned that they should consider snow removal and where snow storage will be on the site. Slayton responded that some of the medians can hold snow as well as some of the parking area. In extreme storms the snow can be hauled off to another site.

Aaron Filkousky, Quam Engineering, representing Oak Bank, walked the Commission through the stormwater drainage and that the bioretention devices are sized to meet state and local stormwater requirements.

City Planner Tom Hovel commented that there is a reduction of parking stalls to 107 from the required 136. Staff is fine with this as long as the applicant accepts responsibility for this should there be problems.

Motion by Anderson, second by McGrath, to approve ADR request with the parking reduction, with the following conditions:

1. No other permit or approval is waived or deemed satisfied except for the approval herein provided.
2. Satisfaction of any outstanding Public Works issues (from Public Works Review #1).

Motion carried unanimously.

**10. Minor Amendment to PDD-SIP zoning (request by Grant Signs for Pizza Hut So. WI granted by Ordinances 94-O-22 & 94-O-10 to allow illuminated awning above drive-through with signage, 2935 S Fish Hatchery Rd**

Tony McGrath recused himself from items 10 & 11.

City Planner Tom Hovel explained the request for a signed awning and stated if the Commission feels it is a minor amendment it can approve the request.

Motion by Kinney, second by Kilgore, to approve minor amendment with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Amendment is granted for the addition of a 24 sq ft signed awning on the south side of the building only, as represented in the submitted plans. All other aspects of current PDD zoning approvals remain in place.

Motion was carried unanimously.

## **11. Architectural and Design Review Request by Grant Signs for Pizza Hut So WI for Awning at 2935 S Fish Hatchery Rd**

Motion by Kinney, second by Anderson, 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.

Motion carried unanimously.

## **12. Resolution R-18-14 Approving Central Urban Service Amendment Requests for Northeast and North Stoner Prairie Neighborhoods**

Phylis Hasbrook, 3113 View Road Dunn, representing the West Waubesa Preservation Coalition, spoke in opposition to the Resolution and urged the Commission to oppose the Urban Service Area amendment applications. She stated there is no need for more developable land in the City as there are other areas in the City that could be developed.

Alder Steve Arnold, 2530 Targhee Street Fitchburg, representing District 4, spoke in opposition to the Resolution and asked the Commission to defer application for the Urban Service Area expansion based on 3 principles - 1) fire and response times; 2) potable water; 3) aquifer recharge is on edge.

Marc Jones, 2266 S Syene Road Fitchburg, spoke in support of the Resolution noting that some of the literature distributed is deceiving but the City has few areas for residential development. He stated that the 1970 land use plan includes the Northeast Neighborhood for future development and it is time to move on and open this area up for development.

John Freiburger, 5438 CTH M Fitchburg, spoke in support of the Resolution. He stated that he has been involved in multiple land use plans for the City which directed development to the east side of the City. He stated that the Northeast Neighborhood has existing transportation structure that is bought and paid for and able to handle development and it is time to finally bring this area in for urban services and development. Regarding North Stoner Prairie Neighborhood, Freiburger stated that there will be traffic problems but he had no opinion as to whether to bring it in for urban services.

Chair Poole questioned whether Freiburger believes that the City has a good land use plan and whether it has done a good job preserving agricultural land for the City. Freiburger responded that the City has an exceptional land use plan and the city needs to keep a commitment to the plan and also to the developers who are willing to work with the plan. He stated that timing decisions should be left to the developer and to the market.

Kevin Unbehaun, 6061 Basswood Drive, representing Sub-Zero, Inc., was willing to answer questions. He commented that Sub-Zero owns approximately 70 acres in the North Stone Prairie Neighborhood and have contingency plans for expanding into the neighborhood if it is brought into the urban service area.

Phil Sveum, 5500 E Cheryl Pkwy Fitchburg, spoke in support of the Resolution. He stated that the North Stoner Prairie Neighborhood Plan is a well-vetted plan and that the City needs more business space. He stated that the Community continues to blossom and part of that growth is providing housing for people that want to live here. He stated there is not nearly the availability of housing that there should be for a community of this size; with the four neighborhoods available for residential, Fitchburg will probably be set up for our lifetime as far as neighborhood plans and the

market will dictate how quickly new homes are built. In regards to the Northeast Neighborhood, Sveum commented that this area, with its position in the County cannot be considered “urban sprawl”.

Comments from Alder Becky Baumbach, who was unable to attend the meeting, were read by Chair Poole as were comments from Tom Thoresen.

Ed Kinney asked for Mike Zimmerman, Economic Development Director, to share his view from an economic development standpoint. Zimmerman stated that the inclusion of the NSPN came about with existing employers in the area. The plan provides for land to accommodate some businesses who are looking for larger acreages, which the city currently does not have.

Ed Kinney commented that the key is phasing. While the land will be brought into the Urban Service Area at once, it will not all be developed at the same time.

City Planner Tom Hovel noted that are a few more tweaks that need to be made to the draft applications but if the resolution is approved they would then be submitted to CARPC for review.

Motion by Kinney, second by Kilgore, to recommend approval of R-18-14.

Roll call vote: Poole – aye, Kinney – aye, Anderson – aye, McGrath – aye, Lee – aye, Kilgore - aye

Motion carried unanimously.

### **13. Resolution R-10-14, Recommended Design Elements for Stage 2 of the Wisconsin Department of Transportation Verona Road (USH 18/151) Project (tabled 1/21/14)**

City Planner Tom Hovel pointed out the red-line version of the Resolution that had TTC’s recommendations.

Tony McGrath commented that Strand presented revised plans to TTC and the updated Resolution would supplement the previously approved Resolution.

Alder Steve Arnold, 2530 Targhee Street, representing District 4, stated he supports what the City has asked for but would like the City to take a stand that the DOT do more to help strengthen the local road network so that people can stay off the highway and don’t have to make long trips to go short distances. He shared some suggestions for how this could be accomplished.

Chair Poole stated that while she understands Arnold’s suggestions, the DOT has always been up-front that this will be challenging and the DOT has worked to address connectivity issues, with a compromise being the construction of a backage road through the quarry and also preserving some left turns.

City Engineer Paul Woodard gave the Commission and overview of the DOT project noting that left turns to Nesbitt and Kapec will be preserved.

Chair Poole stated that the Resolution would share the City’s comments and recommendations. Woodard stated that it would give the recommendations and ask the DOT to consider some additional things in the design along with the City’s concerns.

Lee recused herself from the vote.

Motion by Kinney, second by Anderson, to recommend approval of R-10-14 as amended by TTC.

Roll call vote: Poole – aye, Kinney – aye, Anderson – aye, McGrath – nay, Kilgore – aye.

Motion carried.

#### **14. Planning Department Report**

No items to report.

#### **15. Announcements**

Chair Poole informed the Commission that the next meeting will be held on March 18, 2014. Jim Anderson stated he will be absent from the March meeting.

#### **16. Adjournment**

Motion by Kinney, second by Lee, to adjourn at 9:52 p.m. was carried unanimously.

Submitted By,  
Susan Badtke, Community Planner

*Approved on 3/18/2014*