

**Minutes  
Plan Commission Meeting  
June 27, 2016  
7:00pm**

Chair Busse called the meeting of the City of Monona Plan Commission to order at 7:00pm.

Present: Chair Alder Jim Busse, Mr. Grif Dorschel, Ms. Susan Fox, Mr. Chris Homburg, Ms. Kathy Thomas, Alder Brian Holmquist

Excused: Mr. Dale Ganser and Mr. Robert Stein

Also present: City Planner & Economic Development Director Sonja Reichertz

**Approval of Minutes**

A motion by Ms. Thomas, seconded by Mr. Dorschel, to approve the minutes of May 23, 2016 carried without corrections.

**Appearances**

Alder Mary O'Connor, 5103 Winnequah Road, described her concern with single-family residential development standards. Residents contacted her with complaints regarding recently constructed homes that appear out of character with the neighborhood, and questioned whether they comply with standards such as height, impervious surface, and grading. After speaking with the Building Inspector, it appears these homes are code-compliant, but she would like the Plan Commission to review and consider Zoning Code revisions to address these concerns. The code states that new homes must be architecturally harmonious with the neighborhood. She questions whether this is being met and what the standards are. Also per code, the existing natural character of the site must be preserved and that the excess dirt brought in for development contradicts this; the maximum height allowed is 35ft, but this does not include building up the property grade. Alder O'Connor said the 40% lot coverage maximum only addresses structures, so a property owner could potentially cover the remainder of their lot with concrete. In summary, she would like clarification and consideration of revisions that limits impervious surface, addresses height versus grading issues, and clarifies issues regarding architectural and natural character of a neighborhood.

Alder Chad Speight, 5000 Wallace, spoke for informational purposes and supported Alder O'Connor's comments regarding a structure's height and added that there is a lack of any requirement for impervious surfaces, which contradicts Monona's sustainability commitment. He stated Madison's zoning ordinance requires 40% of property to be permeable green space.

**Unfinished Business**

**A. Public Hearing on a Zoning Permit Request for a 15,000 SF Building Addition for Wiedenbeck Inc., at 2451 Kilgust Road.**

Jane Young, Wiedenbeck Inc, asked for approval to move forward with their proposed addition and described plan revisions made. She stated that both additions will be constructed at the same time, they added rock creek dams to the ponds, revisions to the south pond, removal of pavement at the southeast corner of the site, and a revised utility plan showing a private hydrant with a 6" pipe off the existing water lateral. Regarding signage, she said the Wiedenbeck sign to wall surface area is essentially equal to the ratio of signage to wall on the property to the north. There were no other appearances and the public hearing was declared closed.

**B. Consideration of Action on a Zoning Permit Request for a 15,000 SF Building Addition for Wiedenbeck Inc., at 2451 Kilgust Road**

Planner Reichertz summarized the major plan revisions in response to the prehearing conference. She said the city's consultant engineer reviewed the civil engineering revisions and said most concerns were addressed. He said he would need to review the dry ponds in further detail before recommending final approval.

Mr. Homburg asked the applicant if they are okay with addressing final details with the consultant. Ms. Young said she is confident that the dry ponds will be acceptable and they are okay with working out final details with the consultant.

A motion was made by Ms. Thomas and seconded by Mr. Homburg to approve the zoning permit request for a 15,000 SF Building Addition for Wiedenbeck Inc. at 2451 Kilgust Road, according to Section 13-1-180 of the Monona Municipal Code of Ordinances, with the following findings of fact and conditions of approval:

Findings of Fact:

1. The property is located in the City's South Towne business park which has a regional off-site stormwater management basin which provides the ordinance required runoff rate control and the required sediment (TSS) control for all properties in the South Towne business park.

Conditions of Approval:

1. All the required building permits from state and local agencies shall be obtained
2. Both the approximately 11,000 square foot addition and approximately 4,000 square foot addition shall be constructed at the same time. If the applicants are unable to complete both additions at the same time, plans shall return to the Plan Commission to review design considerations including any additional requirements for landscape screening.
3. A private hydrant is required and shall be added to the site at the owner's expense as shown on the approved plans.
4. The Fire Chief has approved connection of the private hydrant via a 6" pipe instead of 8" which may be tapped into the existing lateral rather than the water main in Kilgust Road; this change shall be shown on a revised Utility Plan.
5. If the water main in Kilgust Road is tapped in the street for the new hydrant, then City of Monona street patching requirements shall apply.
6. Any work in City Right-Of-Way (ROW) requires approval of a ROW Permit and submittal of the ROW Permit fee of \$50.00.
7. A fire suppression system and monitored alarm system shall be added to the building additions as required by Fire Chief.
8. A Knox box shall be added to the building if not already present as required by the Fire Chief.

9. A letter and revised plans that address comments found in the 6/7/16 Vierbicher Letter and subsequent Vierbicher review shall be submitted.
10. A revised stormwater management plan that supports that the proposed stormwater management features comply with the ordinance requirements shall be submitted.
11. A Dane County Register of Deeds Office recorded copy of the stormwater maintenance agreement which includes provisions for maintenance of the on-site storm sewer pipe, inlet and catch basin shall be provided to the City by the Applicant before an Erosion Control and Stormwater Management Permit can be issued by the City.
12. A revised City of Monona Erosion Control and Stormwater Management Permit application signed by the Landowner or Applicant, and accompanied by a check in the amount of the review fee shall be submitted to the Public Works Director prior to issuance of building permits.
13. A stormwater report that supports the proposed stormwater management features comply with the ordinance requirements shall be submitted prior to issuance of an Erosion Control and Stormwater Management Permit.
14. Submittal of required permits from other agencies shall be obtained and submitted to the City prior to issuance of building permits, including the WNDR Construction Site Erosion Control Permit (WRAPP/NOI).

The motion carried.

**C. Recommendation on Wall Sign Permit for Wiedenbeck Inc., 2451 Kilgust Rd.**

A motion to remove this from the table was made by Alder Holmquist and seconded by Ms. Thomas. The motion carried.

Planner Reichertz stated that this item was tabled at the 6/13/16 meeting so the applicants could provide additional information on the ratio of the sign to the building façade and regarding questions over phasing of the two additions. The additions will be constructed simultaneously and the sign-to-wall ratio is equal to the other business to the north.

A motion for was made by Alder Holmquist and seconded by Mr. Dorschel to approve the sign permit request, as proposed, according to Section 13-1-220 of the Monona Municipal Code of Ordinances, with the following findings of fact and conditions of approval:

Findings of Fact:

1. Two wall signs are allowed because the building fronts on more than one street.
2. An exception to the size requirements of Wall Signs in the Commercial Signage District, to exceed the allowance by 125 SF, is approved due to the large scale of the west building elevation; a larger sign is more compatible with the evaluation factors of the Code including compatibility with building characteristics and adjacent signs, and legibility and visual clarity.

Conditions of Approval:

1. The proposed building additions shall be constructed at once rather than done in phases, as proposed, and if only one addition is constructed, then the sign permit shall be subject to review by Plan Commission for consideration of size reduction.

The motion carried.

**D. Plan Commission Review and Recommendation to City Council on Recodification Summary by General Code Regarding Land Use Legislation Sections of the Monona Municipal Code of Ordinances.**

Planner Reichertz explained that the City is updating all City Ordinances, assisted by the company General Code. The Plan Commission reviewed this in May and requested additional information regarding 1) zoning fees, 2) non-conforming use language, 3) land disturbance language, 4) earth station dish antenna diameters, and 5) Monona Drive access management guidelines.

Regarding fees, Intern Sydney Prusak surveyed area communities and provided recommendations for fee changes based on comparison to other communities, staff time for a type of application, and considerations of a desire to reduce barriers to commercial or residential improvements to keep fees relatively low. Staff recommended all the fees stay the same as current except for the following: 1) increase variance application fee from \$250 to \$350, 2) increase base fee for sign permit from \$25 to \$50, while maintaining the additional \$1 per square foot of signage, 3) increasing base fees for CSMs and Plats from \$125 to \$200, and 4) adding a new Zoning Verification Letter fee of \$30.

There was discussion regarding the appropriateness of a variance fee increase. Ms. Thomas spoke against an increase because of the development limitations in Monona. She said homeowners in Monona often have small or lack a two-car garage. She said they often need a small variance to get a normally accepted two-car garage. Chair Busse said every variance application must be considered individually for specific lot conditions and that a lot of staff time goes into it. Mr. Homburg compared variance staff time to commercial zoning permit staff time and said the commercial permit likely takes more time. Therefore he said he is not in favor of the variance fee increase.

Ms. Fox asked how Staff reached the \$350 amount. Staff responded that it was in part to make the fee more comparable to area communities, but also that there are higher and more difficult standards for a variance application like newspaper notifications and preparing applicants than there are for a commercial zoning permit before the Plan Commission. Staff stated that ultimately the Plan Commission should determine whether \$250 or higher is appropriate, but her opinion is that the variance fee in general should be higher when compared to a commercial zoning permit because the variance applicant is asking for special treatment. Staff noted the other communities all have much higher variance fees, as high as \$560 in Fitchburg.

The Plan Commission consensus was that a \$250 fee is appropriate for a variance instead of \$350.

Staff discussed clarification of language in the non-conforming use section. She recommended replacing the confusing wording with a reference to Article G, rather than repeating standards in two separate code sections. The Plan Commission agreed with this change.

Staff commented on the Land Disturbance section and provided the Plan Commission with additional context, as requested at the May meeting. The recommendation at the last meeting was to add a sentence to these requirements that references the stormwater and erosion control ordinance. The Plan Commission had no additional requests.

Staff reviewed the earth station dish antenna regulations for diameter. Currently, a 9' diameter is allowed. Planning Intern Prusak reviewed 108 WI communities on the General Code website, 38% of

which have diameter restrictions. The average diameter allowed was 11 feet. Staff therefore recommended maintaining the 9' width. Staff added that an earth station dish is different than a typical cable TV dish. The earth station dish is an outdated technology, and is a larger structure which is rarely used.

Mr. Homburg questioned why we should allow these in the first place. The Commission discussed how earth stations are obsolete and there is no longer a demand for them. Ms. Fox stated that if we decide not to allow them, existing stations can be grandfathered in. Staff noted that if the dish is less than 2ft in diameter, State law prohibits any land use regulations. The Commission recommended changes to prohibit new earth station dishes, except for anything grandfathered in or below the 2' diameter, and to allow someone to ask for a variance to allow it under special circumstances.

Staff discussed Appendix B, and the sections that do not make sense due to errors in transcribing the ordinance in the past. The Commission agreed to request that Public Works review the section for more modern guidelines, since it was adopted prior to the Monona Drive reconstruction.

The Commission discussed the comments made regarding single-family residential development. Mr. Homburg explained that it is a complicated issue and it is difficult to require property owners to conform to a certain grade. For impervious surfaces, it depends on the lot size. Monona has substandard lots and we don't want to discourage additions.

Ms. Thomas noted the distinction between paving the entire front yard as a driveway rather than impervious surface in the backyard. She added that property owners are encouraged for property owners in a floodplain to elevate their property if they are currently developed within the floodplain and we would not want to restrict this.

Ms. Fox stated that it is worth thinking about. At least one of the new homes could have been built without building up the land and what she sees is not in keeping with the character of the neighborhood. She agrees it is a slippery slope, but it is worth looking into the grading issue and impervious surfaces. For substandard lots there maybe could be an exception.

Alder Holmquist commented that it can be thought about in terms of proportionality. For one of the homes, there was a significant elevation change possibly to change their views, as opposed to a minor change for drainage purposes.

Chair Busse commented on the new homes on Femrite built in a new urbanist style. Alder Holmquist does not want to restrict that kind of development. Staff clarified that the development was rezoned out of single family and went through a planned unit development process. Alder Holmquist asked if stormwater management was discussed when the development was constructed. Mr. Homburg said yes; it was planned for the development overall through the planned development process.

Mr. Homburg asked if it is unreasonable for a lot with a basement to raise the height of the home if they experience flooding. He said it is not reasonable to expect the property to install sump pumps and pump for the next 40 to 50 years.

Chair Busse asked if it is an issue if the water that fell on the site was retained and handled on site, but the concrete was greater than one would normally like to see. Mr. Homburg said some communities will require permeable pavement or concrete in that scenario. They will have a maximum for impervious areas and if you want to go beyond that then you have to take out existing pavement to put additional impermeable on as compensation. Mr. Homburg expressed the need to consider the unintended consequences.

There was discussion of establishing rules, and then encouraging the property owner to apply for a variance before the ZBA if they want to do something different. Staff cautioned against this because a variance applicant has a strict standard for proving there is a hardship due to physical lot conditions, and just a desire for a larger house or garage, etc. is not grounds to approve a variance.

Chair Busse asked the Commission if they want to have further discussion on this issue. Mr. Homburg said that what we have now does not tell you the numbers on what is out of character and asked if there is a review authority to make the call that something is above and beyond. Mr. Dorschel commented that some of the new construction diminishes the value of the adjacent properties. He thinks that there needs to be something to deal with these egregious cases.

There was discussion regarding a sub-committee to review physical and architectural design in special circumstances. Staff said in most cases the Plan Commission or ZBA are the bodies in charge of interpreting the zoning code, but there could be sub-committees like an architectural design review committee or an environmental advisory committee. The Commission discussed not wanting to add the burden of additional committee review. The Commission requested that staff review the discussion and concerns presented at this meeting and research other communities for similar issues regarding height, impervious surface, grading, and neighborhood character.

### **New Business**

There was no new business.

### **Reports of Staff and Commission Members**

#### **A. Staff Report Regarding Status of Development Project Proposals.**

Applications have not been received for the July 11<sup>th</sup> meeting, and the July 25<sup>th</sup> meeting is likely cancelled due to multiple members being absent. Potential future applications include a proposed 105' wireless communications tower in the South Towne Industrial Park at 2180 Industrial Drive. Staff stated that the Sign Code Sub-Committee is still expected to meet.

#### **B. Plan Commission Requests for Information Concerning Development Projects.**

Mr. Homburg asked if there is a plan for the landscaping of Monona Drive. Planner Reichertz stated that Public Works may have a tree replacement plan and she will discuss with the Director. Mr. Homburg also expressed his concern that the intensity of the landscaping may be reduced with the tree replacement plan. Chair Busse said the goal was to have a living wall.

### **Adjournment**

A motion by Mr. Dorschel, seconded by Ms. Fox, to adjourn was carried. (8:10 pm)

Respectfully submitted by:  
Sonja Reichertz, City Planner