

**DRAFT MINUTES FOR THE VILLAGE OF SHOREWOOD HILLS
PLAN COMMISSION**

The Tuesday, November 12, 2024 meeting of the Plan Commission via Zoom was called to order at 7:02 pm by Chair John Imes. Members present were: Mr. Imes, Mark Lederer, Jim Etmanczyk, Tessa Martin and Craig Weinhold. Cara Coburn Faris joined the meeting at 7:04 pm. Earl Munson joined the meeting at 7:07 pm. Also present was Administrator Brian Mooney, Administrative Services Coordinator David Sykes, Trustee Shabnam Lotfi, Sonja Kruesel & Evan Hoier (Vandewalle), Therese Hanson (TKWA) and a number of representatives from UW.

Mr. Mooney confirmed the meeting had been properly posted and noticed.

Approval of Minutes – October 8, 2024 Minutes

Ms. Martin moved and Mr. Weinhold seconded a motion to approve the October 8, 2024 minutes as presented. Motion carried.

Public Comment: There were no public comments at this meeting.

Informational presentation on Lakeshore Nature Preserve Frautschi Center plans

Therese Hanson of The Kubala Washatko Architects (TKWA) provided a presentation on the proposed Frautschi Center at the Lakeshore Nature Preserve. The ~11,500 sq. ft. facility would be a visitors center and building to house the students and staff that do research and maintenance in the preserve. The nature preserve is the largest living laboratory on campus and the Frautschi Center would serve as the “front door” to the preserve. The overall cost is estimated at \$16M+.

Ms. Hanson provided details on the concept plan. University Bay Drive and the Lakeshore Path would be redesigned to reduce the existing conflicts between automobiles and pedestrians/bicycles on the existing curved road. The facilities would not be any closer to the 1918 Marsh than the existing parking lot. The building would include a ramp and overlook providing excellent views of the preserve and hopefully the downtown skyline. There will be separate staff and visitor entrances and some community space that could serve a lot of different public uses. She described the staff areas and proposed layout within the building.

They are hoping to receive certification via The Living Building Challenge (similar to LEEDS certification). The plan features improvements to sustainability, safety and water quality. This will be the UW’s first net-positive building, creating more power than it uses. Solar panels and green roofs will be included. The construction schedule is tentatively Fall of 2025 through December of 2026.

Plan Commission members asked about new utilities coming to the building, parking and the proposed relocation of the bike path.

Discussion of possible changes to the Floor Area Ratio (FAR) calculations in the Zoning Code

Ms. Lotfi brought this issue to the Plan Commission at its October meeting. She feels the ordinance impacts houses on smaller lots unequally, compared to larger lots. She presented data on existing properties that are not in compliance with the Village’s FAR regulations (existing when the code was approved). She also provided anecdotal information on a recent variance that was denied because of the FAR limit.

The FAR regulations were imposed 20 years ago to address occurrences of so-called McMansions being built on properties along the lakeshore. She is proposing the Plan Commission review and possibly adjust the formulas to be more equitable for houses on medium or smaller sized lots.

Mr. Imes reported that former Village President/Trustee Dave Benforado emailed the Commission about his research into the history of the original ordinance and would like to address the Commission at its next meeting.

Commission members discussed some of the possible changes to the FAR calculations or possibly expanding the exemptions allowed. The data appears to show most average sized homes have capacity to add a significant amount of square footage before reaching the FAR limit and this only impacts a small number of properties. The Commission wanted more research into the matter and to understand more about the variance process and how many variances have been approved/denied with regard to the FAR regulations.

This item will continue to be on the Commission's agenda until resolved.

Provide an update on Accessory Dwelling Units (ADUs): Policy Considerations and Community Comparisons

Mr. Imes reported that Vandewalle's October meeting presentation was shared with the Board, who directed the Plan Commission to continue working on options for a possible ordinance. Mr. Imes culled some items from other municipalities' existing ordinances concerning ADUs to provide a list of topics for the Commission to discuss.

The Commission had concerned about parking with regard to new spots on and off the road, new driveway entrances, and increased impervious surfaces.

Mr. Lederer urged the Commission to investigate the justification of some of the proposed regulations listed. Are they necessary in Shorewood Hills or were they simply copied from another municipalities' ordinance.

The Commission discussed a public input meeting or townhall meeting to solicit feedback from residents. The Commission also needs to consider how ADUs might interact with the FAR regulations.

Future Agenda Items (includes items that will be considered at a future meeting):

Electric Vehicles Ordinance

Fence Ordinance referral from Zoning Board of Appeals

Locust Drive Multi-Use Path

Next Meeting Dates

The Plan Commission next regularly scheduled meeting is Tuesday, December 10, 2024 at 7:00 pm.

Adjourn

Ms. Coburn Faris moved and Mr. Lederer second a motion to adjourn at 8:40 pm.

Respectfully submitted,

David Sykes

Administrative Services Coordinator

Upcoming Soil Testing at University Bay Fields

[*Information from UW-Madison*] Starting soon, you may notice soil testing activity at University Bay Recreation Fields (Far West Play Fields), including an excavator and a soil boring rig that looks like a small oil derrick. This work is part of the first phase of UW-Madison's improvement project for the fields, aimed at gathering information to guide future enhancements.

Approved as part of UW-Madison's 2023-25 biennial capital budget, the project will improve play surfaces, drainage, irrigation, and amenities like restrooms and drinking fountains. These upgrades will expand usability for students and the community.

The soil investigation is planned to begin in December 2024, and UW-Madison will use the results to plan next steps.

For questions or additional details, please contact us or our contact at UW Madison, Brenda Gonzalez at brenda.gonzalez@wisc.edu.

Thank you for your interest in this project!

FAQs

What will the project look and sound like?

The selected contractor will perform soils and environmental testing in an organized grid throughout the entire field.

12/6/24 (tentative):

- First, five test pits will be dug with an excavator. The pits will be roughly 5 feet wide x 15 feet long x 10 feet deep.
- See photos below for an approximate visualization. (Please note these are generic images and do not necessarily depict the exact excavator and size of pits.)



- Currently, the work is scheduled to begin at 8:30 am and end by noon on Friday, Dec. 6. No road closures are anticipated.
- Possible noise could include the motor or beeping when the equipment moves. Although the work will not be silent, it will not be the loud, constant noises one may hear during a

construction project or the vibrations that may be associated with pile driving for digging a foundation. Work is expected to conclude by noon the same day.

12/13/24 or following week:

- The contractor will dig soil borings (16 at this point) that will be between 10 and 40 feet deep. Because these are borings, they will not be as wide as the test pits. Please see photo below for approximate visualization but note this is a generic image and exact equipment may differ.
- More details to be provided.



Why is this project necessary?

Improvement Project: The project addresses poor playing conditions and limited facilities at the 38-acre Far West Play Fields (University Bay Recreation Fields) near UW Hospital. Planned upgrades include improved surfaces, irrigation, drainage, and amenities like bathrooms and drinking fountains. These enhancements will increase usability, reduce maintenance costs, and support community wellbeing, which is key for recruitment and retention.

How did this project come about?

The need for improvements was identified in the 2013 RecWell Master Plan. It was included in UW-Madison's 2023-25 biennial capital budget, approved by the Universities of Wisconsin Board of Regents, and enumerated by the State of Wisconsin. An advance plan was completed in 2022.

Why is UW Health involved?

UW Health and UW-Madison often collaborate on projects that benefit both organizations, such as the WIMR West Wedge. UW Health, as a neighbor, is administering this project due to its proximity and potential community benefits, but the project is led by UW-Madison.

Are there archaeological concerns?

Yes, a habitation site on the northwest corner of the fields will be avoided. Areas east and south of University Bay Drive will have archaeological monitoring during the work, per guidance from the Wisconsin State Historical Society.

Will this affect Athletics practices?

No, the testing area is outside the boundaries of Athletics practice fields, ensuring no disruptions.

What happens next?

The soil report will guide next steps for the University Bay Fields and inform the 2025 Campus Framework Plan.

Brenda

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Brief History of the Development of the Village of Shorewood Hills FAR (Floor Area Ratio) Ordinance

Dave Benforado (Village President, 2017-2023; Village Board, 2004-2023;
Village Plan Commission, 2007-2023).

December 04, 2024

Developed after years of resident complaints, research and healthy debate, the Village of Shorewood Hills enacted a FAR (Floor Area Ratio) Ordinance (Village Ordinances, Sec. 10-1-110) on September 23, 2006. The history and evolution of this local ordinance is a good example of how a Village government was responsive to resident complaints, enacting a creative solution to a macroeconomic problem.

The Backdrop

The early 2000's was an era of low interest rates and relaxed home lending regulation, both of which lead to increased speculation in and a general quest for larger homes. In Shorewood Hills, that resulted in a number of "tear down rebuild" situations where buyers purchased existing homes, tore them down and replaced them with larger homes. While those larger homes complied with then existing Village zoning regulations such as front, rear and side yard setbacks, the newer homes were much, much larger than and out of character with adjoining or nearby homes. This in turn created much unrest in the Village, residents wondering if this trend continued, what the Village would look and feel like in future years, with many homeowners complaining to Village leaders.

2005: Culmination of Three Years of Study, Analysis and Discussion

As an illustration of how long the matter was considered, and how much debate took place, compare the way the matter was described in the January 2005 Village Bulletin and then in the December 2005 Village Bulletin!

Village Bulletin, Jan. 2005, p. 2:

"At its regular meeting on December 20, 2004, the Board of Trustees held a public hearing and deferred any changes to the zoning ordinances that may affect some residents' plan for new construction. The Plan Commission has recommended that the zoning code be changed so that all homes in the Village are subject to a "Floor Area Ratio Rule." This action was taken in response to concerns from residents about the character of the village changing for the worse if the construction of large homes were to continue without additional zoning regulation ... The hearing was very well attended, thought provoking and provided the Board with very valuable information as they work to represent you on this issue ... The Board of Trustees and Plan Commission have been working on these issues for quite some time. As many residents will recall, the first step was taken with the adoption of the Lakeshore Conditional Use Permit Process due to small homes along the lakeshore being torn down and replaced by much larger homes blocking the view of the lake from the road (and often blocking the views of the lake from existing homes). Residents not living along Lake Mendota Drive have expressed concerns about

*residential construction elsewhere in the Village. The zoning code changes being recommended are the **result of almost three years of study, analysis and discussion** [emphasis added].”*

Village Bulletin, Dec. 2005, President’s Message on p. 1:

“We near the end of another busy year, during which we find ourselves working well together, even though we don’t always agree about what needs to be done or how to accomplish our objectives ... We began the year discussing proposed changes to the Zoning Code relating to teardowns, rebuilds and substantial remodeling of homes. By summer, that discussion became a debate. In the end, no significant changes were adopted but we certainly became more educated.”

And during this time period, it is important to note that in addition to a building’s mass (i.e., the various FAR proposals), Village residents were also growing increasingly concerned with new home heights and the “creep toward Lake Mendota” that was occurring with teardown/rebuilds and home renovations along the north side of Lake Mendota Drive.

The angst amongst Village residents drove the process. Much of the debate and discussion over these three issues centered around the time old tension of zoning laws – the tension between the general public good and an individual property owner’s use of their land. And in terms of development of a Village FAR ordinance, there was research on how other communities across the country responded to the building of McMansions. There was also an acknowledgement that if the Village crafted a FAR ordinance with a maximum based on the attributes of existing Village homes, the resulting ordinance would be too weak. (That was noted in then Village Administrator Karl Frantz’ memo to the Board for the May 20, 2005, Village Board meeting.)

2006: Resolving the Matter; Adopting a Village FAR Ordinance

Based on all of the research, data crunching by residents, Village staff and consultants, resident comments and discussions on the FAR issue over the course of 2002, 2003, 2004 and through the end of 2005, the Village Board and Plan Commission worked together in 2006 to craft a FAR Ordinance that was ultimately recommended by the Plan Commission. The FAR Ordinance was then discussed and adopted by the Village Board after an August 28, 2006, public hearing and over the course of three subsequent Board meetings (Aug. 28, Sept. 25, and Oct. 23, 2006).

Around the same time, the Village Board adopted a revised residential home height ordinance which took into account sloping lots (common in the Village), giving leeway for lots sloping up from the street and protecting neighboring properties where the lots sloped down from the street, as along the north side of Lake Mendota Drive. The Village Board also made permanent the Lake Mendota setback line, applicable to homes on the north side of Lake Mendota Drive. In the case of the FAR Ordinance, the Plan Commission and Board of Trustees held a joint meeting to discuss teardown /rebuild regulations on Tue., July 11, 2006.

Village Bulletin, July 2006, p. 4:

“The Village continues to hear concerns over the teardown, rebuild and substantial remodeling of homes that residents fear may, or already have, overwhelmed their homes or neighborhood.

Thus far, the Village has been unsuccessful in fashioning changes to its zoning code that would place further restrictions regulating such things as height, lot density and setback. This has been in part due to concerns over existing homes becoming non-conforming, private property rights, and the limitation on some existing homes from expanding.

One possibility [... would be to use a ...] conditional use process that would allow a homeowner to exceed the regulations. In this way, the context of the neighborhood and adjoining properties could be taken into consideration when reviewing and approving projects ...

The Village has been subject to criticism on projects that have maxed out the bulk regulations [on] relatively small lots, where the neighboring homes are small, in relation to the home. On the other hand, the new floor area regulations, as originally proposed, drew criticism from property owners who have homes on larger lots ...

The Plan Commission and Board will try and sort these issues out, together, on July 11. Residents and interested parties are encouraged to attend.”

A good summary of what action the Plan Commission and Village Board agreed to as a result of that July 11, 2006, joint meeting appears in an article in the August 2006 Village Bulletin:

Village Bulletin, August 2006, p. 4:

“Resident concerns have surfaced again over possible new home construction and remodeling projects that seem to overwhelm the neighborhood and, in some individuals’ opinion, do not fit with the character of the Village. The most recent cause for concern seems to have arisen out of the possible division of lots and subsequent possible construction of “large” homes on these lots. There have also been a number of substantial home expansions that have raised some concerns.

In response to this, the Village Plan Commission on August 8 at 7:00 pm and the Village Board on August 28 at 7:00 pm will consider changes to the zoning code similar to those considered last summer (the Board meeting will include a public hearing). In the proposed ordinance the current zoning regulations in terms of bulk and setback are maintained as maximums, however, included in the regulations are more restrictive requirements that can be exceeded up the maximum regulations through the issuance of a conditional use permit.

What this means is that if a project meets all other code requirements but exceeds newly established floor area ratios and / or height restrictions, then a conditional use permit could be applied for, as opposed to a variance. If this zoning code change occurs, the Plan Commission would review the conditional use permit application and make a recommendation to the Board regarding the project. The Board would then hold a public hearing (with surrounding property owners being notified) and either grant, revise or reject the request.

The Village FAR Ordinance as originally written included a CUP (Conditional Use Permit) appeal process. A property owner could seek a CUP for a new home or a home addition that would exceed the FAR Ordinance or height maximum limits. Under that appeal process, the Plan Commission would review an

appeal, make its recommendation to the Village Board, followed by Village Board review and decision. The Plan Commission did hear a few such CUP appeals about the FAR Ordinance from property owners who were up against the FAR max limits. The Commission took each one up on a case-by-case basis, hearing testimony from the homeowner and their builder or architect, along with testimony from neighbors. In the first few years, the Commission ultimately approved some limited variations from FAR limits. Over time, the FAR appeals to the Plan Commission all but disappeared; residents became more accepting to that zoning regulation.

Then Village President Peter Hans summarized where the Village had landed in terms of the enactment of the Village FAR Ordinance in his 2006 end of year President's Message:

Village Bulletin, December 2006, p. 3:

"We debated and adopted a zoning ordinance relating to teardowns, rebuilds and substantial remodeling of homes. The primary purposes of the ordinance are to help ensure preservation of Village character as the societal desire for ever larger homes continues, and to provide some opportunity for neighbor notice / feedback as plans for construction are submitted to Village Hall. The ordinance should help Shorewood Hills continue to be a village with smaller homes on smaller lots and larger homes on larger lots."

2017: Change in State Law Requires Change in Village FAR Ordinance

Fast forward to 2017; the WI State Legislature significantly limited a municipality's ability to legally utilize the CUP process (see February 2018 League of WI Municipalities article on that change here: <https://www.lwm-info.org/DocumentCenter/View/1930/2-2018-Legislature-Curtails-Municipal-Conditional-Use-Permit-Authority?bidId=>). As a result, at the strong recommendation of then Village Administrator Karl Frantz and Stafford Law Firm counsel, the Village Board extracted CUP appeals from most if not all Village ordinances (including the FAR Ordinance). This meant that FAR appeals are now necessarily heard by Village Board of Zoning Appeals with its more stringent review standard (petitioners must prove "hardship", which has a very narrow statutory meaning).

Conclusions

- The Village FAR Ordinance was carefully crafted over the course of four years with extensive resident input and Plan Commission inventiveness;
- The Village FAR, Height and Lake Mendota Setback Ordinances have served Village residents well. These "bright line" portions of the Village Zoning Code work. And that's the thing with local zoning codes; they establish a bright line for the public good. There will always be property owners who do not like that bright line, and who would like it weakened or removed; and
- The Village FAR Ordinance allows proportionally larger homes on smaller lots, with the allowable proportion stepping down for larger lots, thus preserving a diverse array of housing sizes and options for future generations of homeowners in the Village.

A Brief History of Variances

Date	Address	Variance Request Details	Category	Approved	Denied
10/14/2024	1239 Wellesley Rd	To encroach 7' into the 10' side yard setback for a two car garage.	Side Yard Encroachment		Denied (0-4-1)
5/13/2024	1111 Dartmouth Rd	To exceed the Floor Area Ration rule by 826 sq ft for a second floor addition	FAR		Denied (0-5)
5/13/2024	1223 Shorewood Blvd	To allow a 6' screening fence of a screening variety on the rear lot line.	Fence	Approved (5-0)	
12/11/2023	3417 Crestwood Dr	To allow up to a 7' fence of a screening variety.	Fence		Denied (2-3)
1/9/2023	3512 Blackhawk Dr	To exceed the fence height limitation of 4' by 2.5" along the rear lot line adjacent to 3433 Sunset Drive.	Fence		Denied (1-4)
7/21/2022	3225 Tally Ho Ln	To encroach at most 6' on the south end of a garage into the 25' setback adjacent to Western Road for an expanded garage and second floor living space.	Front Yard Encroachment (corner lot)	Approved (5-0)	
7/21/2022	3407 Circle Close	To allow splitting of a driveway creating two 20' approaches on a lot width that is less than 100'.	Driveway		Denied (0-5)
7/21/2022	3419 Crestwood Dr	To allow a 6' screening fence contingent upon written approval from the adjacent neighbor.	Fence	Approved (4-1)	
7/21/2022	1007 University Bay Dr	To allow a 6' screening fence contingent upon written approval from the adjacent neighbor (The Waisman Center).	Fence	Approved (5-0)	
4/21/2022	3416 Blackhawk Dr	To allow an encroachment of the porch to be 5' at its maximum point into the rear yard setback, excepting the landing and stairs, in the configuration of the attached drawing.	Rear Yard Setback	Approved (4-0-1)	
11/30/2021	933 Cornell Ct	To allow for 3'6" front yard and 2' side yard setback variances and to exceed the 25% lot coverage regulation by 77 sq ft.	Front & Side Yard Setbacks; 25% Lot Coverage		Denied (3-2)
11/30/2021	3326 Lake Mendota Dr	To allow a 6'5" height variance over the 15' maximum for a detached garage.	Height of Detached Garage	Approved (5-0)	
11/19/2020	918 Cornell Ct	To exceed the roof height limit of 30' by 5'1".	Roof Height		Denied (2-3)
8/27/2020	3426 Lake Mendota Dr	To allow up to a 4' variance from the 30' height limit.	Roof Height	Approved (5-0)	

Date	Address	Variance Request Details	Category	Approved	Denied
8/27/2020	3414 Lake Mendota Dr	To 1) allow a 36" side yard variance for steps, a 24" lakefront setback variance for steps, 2) a 10'6" lakefront setback variance for a deck, and 3) a 48" lakefront setback variance for a balcony.	Side Yard & Lakefront Setbacks	1) Approved (5-0) 2) Approved (5-0) 3) Approved (5-0)	
8/27/2020	3400 Topping Rd	To allow a 3' encroachment into the 15' side yard setback for an addition.	Side Yard Setback	Approved (5-0)	
8/6/2020	2906 Harvard Dr	To allow a flat/shed roof to exceed the maximum height by 4.5'.	Roof Height	Approved (5-0)	
5/28/2020	3334 Lake Mendota Dr	To allow a deck extension to encroach 4' into the side yard setback.	Side Yard Setback		Denied (2-3)
5/28/2020	914 Columbia Rd	To allow a roof height variance for a shed roof above the 22' limit.	Roof Height		Denied (1-4)
5/28/2020	3426 Lake Mendota Dr	To allow an encroachment into the front yard setback and an encroachment into the rear yard beyond the Lakefront Setback Line.	Front Yard & Lakefront Setbacks	Approved (5-0)	
1/16/2019	3308 Tally Ho Ln	To allow a 14" encroachment into the 10' side yard setback for a garage enlargement.	Side Yard Setback	Approved (5-0)	
10/22/2018	3415 Edgehill Pkwy	To allow two driveways on a lot that is less than 100' wide and to allow a 30" encroachment into the side yard setback for an attached garage.	Driveway & Side Yard Setback	Approved	
5/2/2018	959 University Bay Dr	To allow a 6' screening fence.	Fence	Approved	
4/4/2018	2909 Hunter Hill	To allow a 1' encroachment into the front yard setback for a garage and a 2'-2'6" encroachment into the front yard setback for a roof overhang and plinth.	Front Yard Setback	Approved (5-0)	
2/21/2018	939 University Bay Dr	To allow a 2' encroachment into the 10' side yard setback for a new screened porch and deck (the encroachment is less than the existing non-conforming principle structure that already encroaches 3'8" into the side yard setback).	Side Yard Setback	Approved (5-0)	
2/21/2018	1018 Shorewood Blvd	To allow a driveway closer than 3' from the lot line.	Driveway	Approved (5-0)	
2/21/2018	928 University Bay Dr	To allow for a second driveway leading from Cornell Court to an attached garage on a parcel less than 100' wide (contingent upon an attached garage being built for the principle structure.	Driveway	Approved (5-0)	