

City of Verona
Minutes
Plan Commission
August 1, 2016
Verona City Hall

1. Jon Hochkammer called the meeting to order at 6:30 p.m.
2. **Roll Call:** Jon Hochkammer, Jeff Horsfall, Jack Linder, Patrick Lytle, Scott Manley, Jon Turke. Steve Heinzen was absent and excused. Also present: Adam Sayre, Director of Planning and Development; Jeff Montpas, City Engineer; Holly Licht, Deputy Clerk.
3. **Minutes:** Motion by Horsfall, seconded by Turke, to approve the July 6, 2016 Plan Commission Minutes. Motion carried 6-0.
4. **Public Hearing: Conditional use permit for a proposed Indoor Commercial Entertainment land use to be located at 958 Liberty Drive.**

Motion by Turke, seconded by Manley, to open the public hearing at 6:32 p.m. Motion carried 6-0.

There were no comments from the public.

Motion by Lytle, seconded by Horsfall to close the public hearing at 6:33 p.m. Motion carried 6-0.

- a. **Conditional use permit for a proposed Indoor Commercial Entertainment land use, known as Lineage Restaurant, to be located at 958 Liberty Drive.**

Mr. Sayre presented the staff report for the proposed 5,900 square foot restaurant. The applicant is proposing 78 parking spaces for the project. Although the overall parking does not meet the zoning requirement of 85 to 117 spaces, staff has no concerns with the parking due to time of day uses. The applicant is proposing a 95 seat outdoor patio. Staff has no concerns about the patio.

Motion by Linder, seconded by Turke, to recommend that the Common Council approve a conditional use permit for a proposed Indoor Commercial land use, known as Lineage Restaurant, to be located at 958 Liberty Drive with the following conditions:

1. The use of the outdoor seating area is permitted to operate from 7:00 a.m. to 10:00 p.m. seven days per week.
2. Outdoor patio fencing shall be a minimum of 48 inches tall.
3. The outdoor patio fencing material shall be approved by the Director of Planning and Development.
4. The exit for the patio shall be label as "exit only."
5. The fence and gate for the outdoor patio shall comply with the requirements from the Police Department and Building Inspector.

Motion carried 6-0.

Steve Turner, owner of the restaurant, said there will be an additional 75 parking stalls constructed by the property owner in the near future that will be located west of the outdoor patio.

5. Public Hearing : Conditional use permit for a proposed Indoor Commercial Entertainment land use to be located at 110 Keenan Court.

Motion by Manley, seconded by Horsfall, to open the public hearing at 6:38 p.m. Motion carried 6-0.

There were no comments from the public.

Motion by Manley, seconded by Turke, to close the public hearing at 6:39 p.m. Motion carried 6-0.

a. Conditional use permit for a proposed Indoor Commercial Entertainment land use, known as Gus's Diner, to be located at 110 Keenan Court.

Mr. Sayre presented the staff report for the project. The proposed building conforms to the required setbacks and height requirements. Access to the site will remain unchanged. The stormwater management facilities were created in 2015 when the Pizza Ranch was constructed. The applicant is proposing a 1950s style look to the building while using brick and stone to incorporate materials from other projects in the area.

Mr. Manley asked about the stormwater facilities and if it could be moved. Mr. Sayre said all three stormwater ponds already exist and were created when Pizza Ranch was built in 2015.

Mr. Linder asked if the brick and the stone venire were added since the last Plan Commission meeting. Mr. Sayre said that it was previously submitted. He added the biggest change was now we have all 4 elevations.

Motion by Lytle, seconded by Turke, to recommend that the Common Council approve a conditional use permit for a proposed Indoor Commercial Entertainment land use, known as Gus's Diner, to be located at 110 Keenan Court. Motion carried 6-0.

b. Site plan review to allow for the construction of a 2,835 square foot restaurant, known as Gus's Diner, to be located at 110 Keenan Court.

Motion by Manley, seconded by Turke, to approve the site plan review to allow for the construction of a 2,835 square foot restaurant, known as Gus's Diner to be located at 110 Keenan Court. Motion carried 6-0.

~~**6. Public Hearing: Conditional Use Permit for a proposed group daycare center to be located at 951 Kimball Lane.**~~

~~**a. Conditional Use Permit for a proposed group daycare center to be located at 951 Kimball Lane.**~~

This item was removed from the agenda. It was not discussed and no action was taken.

7. Public Hearing: Zoning Map Amendment to rezone lots 1 through 174 located and outlots 1-4 located within the proposed Kettle Creek North Plat from their current classification of Rural Agricultural (RA). The proposed Zoning Map Amendment would zone lots 1-174 to Neighborhood Residential (NR) and outlots 1-4 to Public Institutional (PI).

Motion by Turke, seconded by Manley, to open the public hearing at 6:49 p.m. Motion carried 6-0.

Wade Whitmus and Tim Hancock of Verona Area Girls Softball Association spoke as users of the softball field adjacent to the new subdivision. They were concerned with the drainage from fields going into the new subdivision, parking issues, and proximately of the neighborhood to the fields.

Motion by Turke, seconded by Horsfall, to close the public hearing at 6:58 p.m. Motion carried 6-0.

a. Final Plat for Kettle Creek North to create 174-single-family parcels, and 4-outlots located south of CTH PD, west of CTH M, east of Cross Country Circle, and north of the Kettle Creek Subdivision.

The proposed development would encompass approximately 66 acres. The lands for this project were originally annexed to the City in 2000. The applicant is proposing to extend 4 roads for access to the neighborhood: Esker Drive, Tamarack Way, Hemlock Drive, and Zingg Drive. The applicant is proposing 2 parks and 2 outlots. The uses for this area are consistent with the North Neighborhood Plan.

Mr. Sayre responded to the public comments regarding the existing softball fields. Regarding parking, there is sufficient parking along Hemlock Drive. If there were a need for additional parking, the school district would need to provide it as they own the softball fields. Mr. Sayre also added that the residential lots that abut the softball fields will be deep lots and the potential for balls coming from the softball fields into residential lots is possible, but not a significant concern.

Mr. Horsfall asked why there was not CR zoning in the development. Ron Klass, D'Onofio Kottke said that NR zoning gave them more variety in lot size. Mr. Horsfall mentioned that because the neighborhood was next to a school, it would make sense to zone some of the neighborhood CR to provide affordable housing.

Mr. Lytle asked about the drainage of the softball fields and what direction the stormwater would flow. Mr. Klass responded that he was not aware of the drainage tile under the softball fields. The stormwater flow from the softball fields is generally to the north.

Mr. Manley asked if the school district would be responsible for the stormwater on the softball fields. Mr. Sayre and Mr. Montpas responded that they were not aware of the drain tile being installed on the field and directed to the north. Mr. Manley also commented that he believes the parking on Hemlock is sufficient, but would encourage the school district to construct a parking lot to limit some of the on-street parking.

Mr. Linder asked which lots were currently developable. Mr. Klass said that the lots on the east side would be able to be developed now because the stormwater and sewer system already exist. Mr. Linder asked about the timeline. Mr. Klass said that Phase 1 is ready to build this fall. Mr. Linder asked if the extension of Hemlock would be completed this fall. Mr. Klass said that only a small portion of Hemlock would be improved this year.

Mr. Manley said he wouldn't be in favor of requiring an easement along any of the parcels that border the north end of the softball field. He doesn't believe that the potential of softballs coming into the residential lots is a significant reason to devalue an owner's land by making an easement.

Mr. Horsfall said that when the school built the fields, the North Neighborhood was planned to have public lands directly north of the softball fields. Mr. Manley said that the ball fields were built before the North Neighborhood and the Comprehensive plans. Mr. Horsfall said it might not have been laid out in a document, but that it what was intended.

Motion by Manley, seconded by Turke, to recommend that the Common Council approve the Final Plat for Kettle Creek North to create 174-single-family parcels, and 4-outlots located south of CTH PD, west of CTH M, east of Cross Country Circle, and north of the Kettle Creek Subdivision with the following condition:

1. Prior to the issuance of building permits, the developer shall enter into a developer's agreement with the City.

Motion carried 5-1 with Mr. Horsfall voting 'no'.

- b. Zoning Map Amendment to rezone lots 1 through 174 and outlots 1-4 located within the proposed Kettle Creek North Plat from their current classification of Rural Agricultural (RA). The proposed Zoning Map Amendment would zone lots 1-174 to Neighborhood Residential (NR) and outlots 1-4 to Public Institutional (PI).**

Motion by Manley, seconded by Turke, to recommend that that Common Council approve a Zoning Map Amendment to rezone lots 1 through 174 and outlots 1-4 located within the proposed Kettle Creek North Plat from their current classification of Rural Agricultural (RA).The proposed Zoning Map Amendment would zone lots 1-174 to Neighborhood Resident (NR) and outlots 1-4 to Public Institutional (PI).

Motion carried 5-1 with Mr. Horsfall voting 'no'.

- 8. Site plan review to allow for the construction of a pool restroom building to be located at 1061 Acker Lane.**

Mr. Sayre explained that the applicant is requesting approval of a bathroom facility for an existing pool. The building will be setback 180 feet from Acker Lane. The design would be consistent with the existing apartment buildings on the property. Staff has no concerns.

Motion by Linder, seconded by Manley, to waive the initial review and approve the site plan review to allow for the construction of a pool restroom building to be located at 1061 Acker Lane. Motion carried 6-0.

- 9. Initial site plan review for a proposed 9,240 square foot building addition to St. James Lutheran Church located at 427 South Main Street.**

Mr. Sayre explained the proposed addition would provide additional space for the preschool, kitchen, and offices. The proposed project would add be more parking spaces and would also require the demolition of the existing preschool. The applicant would need to rezone the property to Public Institutional (PI). The applicant is proposing one- way traffic through the parking lot. Staff recommends that the applicant change the design to two-way traffic; the applicant will lose some spaces, but it will help the flow of traffic. One access point will remain on Melody lane. The applicant is proposing a second access from Franklin Street that would only be open on Sundays and during large events. Staff has no concerns with the materials or the design of the addition.

Mr. Lytle asked how the phasing of the project would work while keeping the preschool open. Mike Zuehlke, Engberg Anderson, said the plan is to have the preschool remain where it

currently is. He is not sure how the phasing is going to work yet, but they are looking at options. Mr. Lytle asked how the Plan Commission could ensure that the existing building would be demolished. Mr. Sayre said the Plan Commission could place a condition on the project that they would have to demolish the existing building within a specific timeline. Mr. Lytle added that he has concerns about traffic on Franklin Street.

Mr. Manley suggested that the fence colors and materials be changed to better fit in with the surrounding area.

Mr. Linder said his biggest concern was the Franklin Street parking access. He said that the applicant needs to talk to the neighbors and get their feedback.

10. Initial site plan review for a proposed 10,500 square foot retail building to be located on Lot 28 of Liberty Business Park.

Mr. Sayre presented the staff report for a single story retail building located immediately east of Sugar River Pizza. A CSM may be required for this project to combine lots and ensure parking spaces are not divided by lot lines. There is a current access point on Liberty Drive and another is proposed with the extension of Laser Street. The applicant will need to replat the roadway in order to accommodate for the development. Staff encourages the applicant to provide a cross-access easement pedestrian access points connecting the retail area.

Mr. Hochkammer commented that cross easements made sense in the event that the buildings in the development were ever sold.

Mr. Manley commented that he liked the look of the building and he likes the development and growth in the area.

11. Initial concept review for a proposed mixed-use building containing 21,000 square feet of commercial space and 70-residential units to be located at the northeast corner of CTH M and CTH PB.

The applicant is proposing a mixed use building with 21,000 square feet of commercial space and 70-residential units. An amphitheater is also proposed at the intersection of CTH M and CTH PB. The project would require a planned unit development because of the 57 feet height of the building and the mixed-use component. The project would also require a Comprehensive Plan amendment, as residential wasn't planned on this property. Staff recommends that the applicant position the amphitheater behind the proposed building because of potential noise from 18/151 and CTH PB and CTH M. Staff doesn't support the project in Liberty Park for the following reasons: Liberty Park was not planned for residential land uses; staff is concerned about the long-term viability of a mixed use project in this location; Liberty Business Park is a State certified "shovel ready" business park; if this project is approved, will more residential projects be submitted north and east of the site. Staff recommends that the developer work on a master plan for the entire development.

Mr. Manley thinks that the amphitheater and the commercial space is a good concept. However, he doesn't like the location because CTH M and CTH PB are heavily traveled roads. He added that he was in support of rezoning this land from industrial to commercial. He wants to make sure that this land is used for commercial uses.

Mr. Lytle likes the concept but doesn't understand how a 70-unit apartment would fit in what was originally planned for Liberty Business Park. He agreed that the developer needed to work towards a master plan for the whole development.

Mr. Linder and Mr. Horsfall agreed that the orientation would need to be shifted because of noise. They agreed that this spot was a valuable spot for commercial and believe that residential does not belong within Liberty Business Park.

Mr. Hochkammer disagrees with putting residential in this location. He urged the developer to come up with a master plan for the entire site. He also mentioned that as a region, we are building too much multi-family.

12. Release of plat restriction for the Badger Prairie Neighborhood Plat relating to the rear yard setback.

Mr. Sayre explained Lots 1-14 of the Badger Prairie neighborhood abut Badger Prairie Park and currently have a 50-foot rear setback restriction. The typical City setback is 25- feet. The owners from lots 1-14 have requested a release from this plat restriction. City Staff and Dane County Parks have no concerns with changing the setbacks of these lots to 25-feet.

Motion by Linder, seconded by Manley, to recommend that Common Council approve the release of plat restriction for the Badger Prairie Neighborhood Plat relating to the rear yard setback. Motion carried 6-0.

13. Public Hearing: Zoning Text Amendment to amend Section 13-1-89(j) relating to commercial animal boarding.

Motion by Turke, seconded by Manley, to open the public hearing at 8:12 p.m. Motion carried 6-0.

Jill Kaeder, 6750 Rolling Oaks Lane, spoke in opposition of the text amendment. Dog daycare near Wisconsin Brewing Company would negatively affect the business. The noise of the music would also negatively affect the dogs.

Motion by Manley, seconded Lytle, to close the public hearing at 8:15 p.m. Motion carried 6-0.

a. Zoning Text Amendment to amend Section 13-1-89(j) relating to commercial animal boarding.

The zoning text amendment will modify the definition of commercial animal boarding facilities and allow for outdoor exercise areas. The outdoor play areas must be at least 300 feet from a residential land area and hours will be limited to 7:00 a.m.-7:00 p.m.

Mr. Manley asked how the City would regulate noise coming from the outdoor play areas during the day. Mr. Sayre said you could put conditions in place. You could potentially limit the number of animals. He added if you are allowing outdoor exercise areas, there is going to be some kind of noise. Mr. Manley asked if the police would have authority over the noise. Mr. Sayre said the police could intervene.

Mr. Lytle said in his past experience he has not heard dogs barking at these types of facilities. He suggested we check with neighboring municipalities to see if they have received noise complaints.

Mr. Linder asked where the 300 feet from a residential area came from. Mr. Sayre said it was a reasonable distance. He added that we notify people of public hearings within 200 feet. Mr. Linder asked if any facilities in the City that would be affected by this. Mr. Sayre said that the current facility on Half Mile Road is currently zone industrial, so it would have to be rezoned as commercial and the facility would then have to request a CUP. Mr. Linder

asked if a facility needed to be more than 300 feet away from a hotel. Mr. Sayre said it wouldn't need to be 300 feet from a hotel because it is not zoned residential.

Mr. Linder asked if the Plan Commission did not pass this, what would happen. Mr. Sayre said that most likely the proposed dog care facility project would not move forward.

The Plan Commission did not take action on the item.

14. Public Hearing: Zoning Text Amendment to repeal Section 13-1-47(c)(2)h. relating to the maximum living space requirements of residential homes in the Community Residential (CR) zoning district.

Motion by Lytle, seconded by Turke, to open the public hearing at 8:34 p.m. Motion carried 6-0.

There were no comments from the public.

Motion by Turke, seconded by Manley, to close the public hearing at 8:35 p.m. Motion carried 6-0.

a. Zoning Text Amendment to repeal Section 13-1-47(c)(2)h. relating to the maximum living space requirements of residential homes in the Community Residential (CR) zoning district.

Mr. Sayre explained that this text amendment is a request from the City to repeal the existing requirement that caps the maximum living space for houses zoned Community Residential at 1,900 square feet for two-story homes and 1,600 for single-story dwellings. Staff questions long term success with trying to limit the size of homes in order to create affordable housing within the City. Mr. Sayre added that at the very least, he would like to define "living space" in the code.

Mr. Horsfall referred to the Comprehensive Plan and said that garage and basement space were not considered living space. He added that the CR zoning was designed to provide affordable housing. Mr. Horsfall said he believed that when people grew out of their CR homes, they should move to NR homes instead of adding on to their CR homes.

Mr. Manley doesn't believe that restricting how somebody uses their property makes it more affordable. He added the market decides how people want to build their homes and make use of their property.

Mr. Linder said that if we eliminate the CR zoning, builders are going to build larger homes on smaller lots and there will be significantly less variance. Mr. Linder asked if there was any difference between the setbacks in NR and CR. Mr. Sayre responded that there is a slight difference, NR is 10 feet and CR is 6 feet for a single-story and 8 feet for a two-story. Mr. Linder said that he would not support the repeal of existing CR requirements.

Mr. Lytle asked how many CR lots are not currently built on. Mr. Sayre said there are a couple in Cathedral Point, one in the Westridge Neighborhood, and Hometown Grove will be CR. Mr. Lytle thinks the City does need a variety of housing options available, but he doesn't believe we should limit homeowners adding onto their homes.

Mr. Manley believes that the City already has enough housing that varies. Mr. Manley does not agree with Mr. Linder that builders will just build larger homes on smaller lots. He believes that a homeowner is going to decide what type of home they want depending on the market.

Mr. Sayre suggested that if there was considerable disagreement among the Plan Commission, the City could do a brief study and then come back with more data. Mr. Hochkammer said that even if the City comes back with more data, he still believes that there is going to be differing opinions.

Mr. Manley asked if staff could find out what the median value of single family residential homes was and then figure out how many homes we have below the median. He predicts that they will find that the City has an abundance of NR homes below the median price. Mr. Lytle agreed that this information would be beneficial.

Mr. Horsfall asked how many people in the City have requested that the City repeal the CR zoning requirements. Mr. Sayre said that he hears from 5-10 people a year that want to add onto their homes and aren't able to because of the CR zoning.

The Plan Commission took no action on this item.

15. Reports and comments from the Planning Department

Mr. Sayre announced that the November Plan Commission meeting will be Wednesday, November 9th to accommodate for the Presidential Election.

16. Reports and comments from the Plan Commissioners

17. Motion by Manley, seconded by Lytle, to adjourn at 9:03 p.m. Motion carried 6-0.

Holly Licht
Deputy Clerk