

City of Verona
Minutes
Plan commission
February 6, 2017

1. Jon Hochkammer called the meeting to order at 6:30 p.m.
2. **Roll Call:** Jack Linder, Scott Manley, Jon Hochkammer, Jeff Horsfall, Pat Lytle, and Steve Heinzen. Jon Turke was absent and excused. Also present: Adam Sayre, Director of Planning and Development; Jeff Mikorski, City Administrator; Jeff Montpas, City Engineer; Brad Stiner, Alderperson; Holly Licht, Deputy Clerk.
3. **Minutes:** Motion by Horsfall, seconded by Manley, to approve the minutes from the January 3, 2017 Plan Commission meeting. Motion carried 6-0.
4. **Public Hearing : Conditional use permit for a proposed Indoor Commercial Entertainment land use, known as 4 Sisters Restaurant, to be located at 958 Liberty Drive.**

Motion by Linder, seconded by Manley to open the public hearing at 6:31 p.m. Motion carried 6-0.

There were no comments from the public.

Motion by Lyle, seconded by Horsfall, to close the public hearing at 6:32 p.m. Motion carried 6-0.

- a. **Conditional use permit for a proposed Indoor Commercial Entertainment land use, known as 4 Sisters Restaurant, to be located at 958 Liberty Drive.**

Motion by Manley, seconded by Lytle to approve a conditional use permit for a proposed indoor commercial land use known as 4 Sisters 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" 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 labeled as an "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.

5. **Public Hearing : Conditional use permit for a proposed Indoor Commercial Entertainment land use, known as Nalah Restaurant, to be located at 957 Liberty Drive.**

Motion by Linder, seconded by Horsfall, to open the public hearing at 6:35 p.m. Motion carried 6-0.

There were no comments from the public.

Motion by Horsfall, seconded by Linder to close the public hearing at 6:36 p.m. Motion carried 6-0.

a. Conditional use permit for a proposed Indoor Commercial Entertainment land use, known as Nalah Restaurant, to be located at 957 Liberty Drive.

Mr. Sayre explained that based on the seating capacity of the existing uses and future uses the proposed parking does not meet the minimum parking requirements.

Mr. Manley asked how many additional parking spaces would be needed. Mr. Sayre said that the applicant would need to add 21 parking spaces to meet the minimum requirement. He added that 40 spaces would be more appropriate in order to accommodate current and future uses of the building. Jerry Bourquin, the architect for the project, said that the applicant would be able to add 25 additional parking spaces by expanding the drive aisle.

Mr. Lytle asked if there would be problems with the hours of operation of the restaurant being later than the hours of the outdoor patio. Mr. Sayre said that there haven't been any problems with patio hours in other establishments in the city.

Motion by Manley, seconded by Linder to recommend that the Common Council approve a conditional use permit for a proposed indoor commercial land use, known as Nalah Restaurant, to be located at 957 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 a week.
2. Outdoor patio fencing shall be approved by the Director of Planning and Development.
3. The outdoor patio fencing material shall be approved by the Director of Planning and Development.
4. The exit for the patio shall be labeled as an "exit only."
5. The fence and gate for the outdoor patio shall comply with the requirements from the Police Department and Building Inspector.
6. Prior to the issuance of building permits, the applicant shall submit a site plan for approval that meets the minimum parking requirements of the Zoning Ordinance.
7. Occupancy for Nalah Restaurant shall not be granted until the applicant constructs parking that meets the minimum parking requirements of the Zoning Ordinance.

Motion carried 6-0.

6. Public Hearing : General Development Plan for a Planned Unit Development, known as Sugar Creek Commons, located at 501 West Verona Avenue, 503 West Verona Avenue, 507 West Verona Avenue, 513 West Verona Avenue, 100 Legion Street, and 501-522 Topp Avenue that would allow for the construction of 284-apartment units, 18,500 square feet of retail space, and a 63,000 square foot office/retail building.

Motion by Linder, seconded by Manley, to open the public hearing at 6:53 p.m. Motion carried 6-0.

There were no comments from the public.

Motion by Linder, seconded by Heinzen, to close the public hearing at 6:55 p.m. Motion carried 6-0.

- a. **General Development Plan for a Planned Unit Development, known as Sugar Creek Commons, located at 501 West Verona Avenue, 503 West Verona Avenue, 507 West Verona Avenue, 513 West Verona Avenue, 100 Legion Street, and 501-522 Topp Avenue that would allow for the construction of 284-apartment units, 18,500 square feet of retail space, and a 63,000 square foot office/retail building.**

Mr. Sayre explained that in the initial concept plan there was a hotel/banquet center on the west end of the project. The applicant still intends to construct the hotel, but it wasn't included in this submittal as the current owner of that property didn't authorize the developer to move forward until the developer purchases the property. He added that the applicant is requesting exemptions for setbacks, density, parking reduction, and building height.

Mr. Horsfall commented that the project was too dense. Mr. Linder and Mr. Manley agreed that the residential portion was too dense. Mr. Heinzen added that although it is dense, there aren't any residential areas surrounding the project. Therefore, he doesn't see the density as being an issue.

My. Lytle asked if it was possible for the applicant to construct the residential part of the project and then not build the commercial. Mr. Sayre responded that it was possible. He added that the applicant is cleaning the contamination on the site and that would allow for another developer to construct on the site if the commercial portion fell through.

Mr. Linder asked if there were concerns about the potential drive through on the site being located so close to the access point on Verona Ave. Mr. Montpas said that there could be potential issues with stacking and queuing. He added that a traffic analysis would need to be constructed. Justin Frahm, JSD Professional Services, said that the drive through would exit to the north. He added that there would be a stop sign for those exiting the property from the drive through.

Mr. Hochkammer said that he would support the project, even the density, if the city and the developer could come up with a phasing agreement that would guarantee that the retail space would be constructed. Ron Henshue, Forward Development Group, spoke saying that a high population would be needed to support the retail in the area. As for phasing, they would start with the multi-family in order to make the retail successful.

Mr. Linder asked if the applicant would consider lowering the density of the apartments. Mr. Henshue said that the number of apartments proposed is needed to help finance the retail portion of the project. He added if they lowered the number of apartments they would need financial assistance, given the amount of money needed to clean up the contamination on the property.

Mr. Heinzen asked what the phasing of the site would be. Mr. Henshue said that the multi-family would be built first, but not necessarily all at the same time. He added that the hotel would likely be the next, and finally the retail. Mr. Heinzen asked how much the cleanup would cost. Mr. Henshue said it could cost \$3-4 million for one part of the site. If the contamination has spread, it could cost more.

Motion by Horsfall to recommend that the Common Council approve a General Development Plan for a Planned Unit Development, known as Sugar Creek Commons,

located at 501 West Verona Avenue, 503 West Verona Avenue, 507 West Verona Avenue, 513 West Verona Avenue, 100 Legion Street, and 501-522 Topp Avenue that would allow for the construction of 284-apartment units, 18,500 square feet of retail space, and a 63,000 square foot office/retail building with the following conditions:

1. Prior to the submittal of a PIP, a TIA shall be completed and approved by City Staff.
2. The GDP shall become effective upon Forward Development Group acquiring the properties identified within the GDP submittal.

There was no second to the motion. The motion failed. The developer agreed to postpone action on the project until the March 2017 Plan Commission meeting.

7. Certified Survey Map to create one (1) lot south of West Verona Avenue, west of West End Circle, and east of Wall Street.

Mr. Sayre explained that Steve Brown apartments is proposing to combine two lots and designate the existing lots as a fire lane so that the City will be able to enforce parking and tow vehicles if necessary. He added that the applicant has applied for building permits for all buildings on the site and should start breaking ground this spring.

Motion by Lytle, seconded by Heinzen, to recommend that the Common Council approve the certified survey map to create one lot in the West End with the following condition:

1. The shared access easement identified on the CSM shall be modified to allow the City to enforce parking on the easement.

Motion carried 6-0.

8. Initial plat review for a proposed eleven (11) lot single-family subdivision to be located east of North Nine Mound Road on Pollow Road.

Mr. Sayre explained that the concept plat is part of the former Cross Point Subdivision which was approved in 2004. The applicant is proposing 11 single-family lots to be zoned Neighborhood Residential (NR) and one outlot for stormwater.

Mr. Horsfall commented that 11 lots seemed like too many for the site. He added that lot 9 would be difficult to build on. Mr. Linder agreed that maybe one less lot would fit the area better.

9. Initial site plan review for a proposed 12,400 square foot daycare center to be located on Lot 25 of Liberty Business Park.

Mr. Sayre explained that the applicant would need to extend Laser Street as part of the project. The applicant is also proposing to re-plat Laser Street to straighten it and allow for the development of the daycare center. Staff recommends that the applicant construct either a pedestrian connection or a drive to the buildings to the north to increase connectivity.

Mr. Lytle asked if there would be a signal at Liberty Drive and HWY M. Mr. Montpas said that the Public Works Department is looking at TIAs right now in that area. He said eventually traffic signals will be needed there, but is unsure of the timing.

10. Planned Development (PUD) concept plan located at 114 South Main Street and 108 Park Lane. The proposed PUD would allow for the construction of approximately 18,000 square feet of commercial space and 55-apartment units.

Mr. Sayre explained that the project would consist of 2 mixed-use buildings located where the former World of Variety is and the Ace Hardware building. The applicant is proposing to construct the site in 2 phases. The City is requesting that the =both the building on Main Street and Verona Ave be setback 15 feet from the right-of-way to allow for future expansion those streets. The applicant is proposing to keep the existing access points from W. Verona Ave. and Main St.

Mr. Lytle had concerns about the height of the building and suggested that a 3 story building would be better in the area. Mr. Horsfall and Mr. Linder agreed that 4 stories are too tall for Main Street.

Mr. Linder and Mr. Manley agreed that the density was too high. Mr. Linder suggested eliminating the 4th story could bring down the density. Mr. Manley added that adding this many apartments along with the Steve Brown apartments may add too many apartments in the same area in a short period of time.

- 11. Reports and comments from the Planning Department**
- 12. Reports and comments from the Plan Commissioners**
- 13. Adjournment:** Motion by Heinzen, seconded by Manley, to adjourn the meeting at 8:44 p.m. Motion carried 6-0.