

City of Verona
Minutes
Plan Commission
September 4, 2018

1. **Call to Order:** Luke Diaz called the meeting to order at 6:33 p.m.
2. **Roll Call:** Beth Tucker Long, Mike Bare, Luke Diaz, Sarah Gaskell, Steven Heinzen, and Pat Lytle were present. Also present: Adam Sayre, Director of Planning and Development; Katherine Holt, Community Development Specialist; Jeff Mikorski, City Administrator; and Jeff Montpas, AECOM. Scott Manley was absent and excused.
3. **Minutes:** Motion by Ms. Gaskell, seconded by Mr. Lytle, to approve the August 6, 2018 Plan Commission Minutes. Motion carried 6-0.
4. **Public Hearing – General Development Plan (GDP) amendment for a Planned Unit Development (PUD), 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, and 26,000 square feet of commercial space.**

Motion by Mr. Bare, seconded by Ms. Tucker Long, to open the public hearing at 6:35 p.m. Motion carried 6-0.

There were no public comments.

Motion by Ms. Gaskell, seconded by Mr. Lytle, to close the public hearing at 6:36 p.m. Motion carried 6-0.

- a. **Discussion & Possible Action – General Development Plan (GDP) amendment for a Planned Unit Development (PUD), 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, and 26,000 square feet of commercial space**

Forward Development Group (“Applicant”) is requesting a Planned Unit Development (PUD) General Development Plan (GDP) Amendment from the previously approved PUD – GDP from March of 2017. The proposed PUD – GDP amendment will comprise the entire site including the hotel and conference center, which was not included in the PUD – GDP from March of 2017. The hotel and conference center have been previously discussed by the Plan Commission as an initial review in June of 2018.

At this time, Staff has issues with the parking. The applicant has proposed, for buildings B & C 144 parking spaces. The way City normally looks at situation like this is 1 underground parking space per unit. There are 150 units in buildings B & C. The Applicant is 6 parking spaces short from what Staff typically likes to see in these developments. Staff has been consistent with this because we feel the City gets a better product. Staff is not comfortable with how this underground parking is laid out.

The Applicant has connected the two buildings together in the parking. There are two access points for the underground parking.

The other issue that Staff has is that parking is not included as part of the leasing fees. Staff understands that not everyone needs parking, but is concerned about utilization of the underground parking verses surface parking.

Another parking issue is the conference center. The other hotels on West Verona Avenue have said that they are willing to house overflow guests and parking. As of right now, Staff feels that the surface parking is appropriate. The Applicant is concerned that surface parking could be excessive.

The phasing for this project will be Buildings A, B, & C, and then the hotel and conference center. Building D, E, & F will be the last phase. Potentially if Buildings B, C, & the hotel are online, Staff could look at parking numbers before D, E, & F are built to determine if adjustments could be made at that point.

The rest of the site is still consistent to the way Staff had looked at it before. The building itself will contain high quality materials. The building would be four stories tall. Staff would like to see the fourth story stepped back.

The Applicant is requesting a density exemption. The overall density for the entire project is 40.57 dwelling units per acre.

The Applicant is requesting a parking reduction and exemption to the minimum parking requirements. This is not for just the underground parking, but for the overall parking unit.

The Applicant is requesting a height exemption from the 45-foot height requirement and has identified the buildings to be 4-stories. Staff is comfortable with the 4-story building in this location.

The Applicant is requesting a front yard setback exemption to be less than fifteen (15) feet, a side yard setback exemption to be less than ten (10) feet, and a rear yard setback exemption to be less than twenty-five (25) feet.

Staff is comfortable with all of these exemptions except for the lack of underground parking. Staff feels that the Applicant should keep with the requirements of 1 parking space per unit.

Ms. Gaskell asked why the Applicant would lease the underground parking separate from the apartment. She is ok with being short parking spots if the parking is included in the lease.

Mr. Diaz likes the idea of doing this project in phases and being able to come back and make adjustments along the way.

Ms. Tucker Long asked if Lot 4 will be built at the same time as Lots 2 & 3. She also asked if a tenant has more than one vehicle, where would they be able to park if there are not enough parking spaces in the surface lot. Could you build more underground parking under surface Lot 3?

Mr. Sayre answered that Lot 3 would be the first phase, Lot 2 potentially second phase, Lot 1 could go whenever, and Lot 4 would be the last phase.

Mr. Kevin Yeska, from JSD, answered that the Applicant divided up the parking based on the lot itself. The lots just on the other side of the line by building 4, would be built immediately. As for adding more underground parking, the problem is the elevation. There would be exposed foundation if they expanded it in an east-west direction. The Applicant looked at a few other options but none were very efficient and to extend the building is a big cost impact.

Mr. Bare asked if Mr. Sayre could expand on the precedence that the City has about the 1-to-1 ratio for apartment parking and what other leases are.

Mr. Sayre answered that as far as the leases go, the City does not get involve in the leases. Other projects that he has been involved with are the Scenic Ridge Apartments, the Velocity Project, Murry Glen Apartments, and the Steve Brown Apartments. Typically underground parking is done to create a better appeal and to help lease apartments.

Mr. Lytle understands the discussion about the 6 missing parking spaces. He also thinks that Mr. Sayre has some good points about setting back the fourth floor. Mr. Lytle asked if we could we use that opportunity to only add 15 units to the fourth story with some amenities. He also said that, as it is right now, he would not vote for this.

Ms. Gaskell asked the Applicant why they are leasing the stalls separate from the rent.

Mr. Ron Henshue, Forward Development Group (FDG), answered that they are doing that so they can preserve the right to be able to do that. As we get to more urban style for multifamily then your tenant style changes as far as how much they are willing to pay. If he remembers correctly, there are no other places in Verona that charge for underground parking and they would be the leader. The Applicant is considering adding the cost for the underground parking space back to the lease rate.

Mr. Diaz asked Mr. Sayre if the lease were to change to include parking, would Staff feel more comfortable with moving forward.

Mr. Sayre answered that he cannot change his opinion because of that. Staff has had other developers want this as well and Staff has stuck to the standard of 1-to-1. One idea is that parking stalls are normally 9'x18', you could potentially shrink the stalls to 8' to add in a couple of extra stalls.

Ms. Tucker Long asked if they could move the garbage and recycling to another location.

Mr. Yeska answered that commercial trash enclosures are not underground, but are in the middle of the parking lot. The Applicant would like to keep the residents trash underground just so they do not have to walk outside. The Applicant has explored many options. We would prefer not to go down to the 8' stalls.

Mr. Heinzen thinks having 9' parking spaces is a better idea, but was wondering if the Applicant has given thought to having smaller stalls for smaller cars.

Mr. Yeska answered that they have not really explored that option because 8' stalls were not preferred by Staff or the Applicant. There may be a possibility for that.

Ms. Gaskell stated that another option that they could look at would be to reduce the number of units by 6 to make up for the parking spaces. She would also like to see the parking spaces come with units.

Mr. Diaz asked the Applicant how much time they would need to look at reducing the plans by 6 units.

Mr. Henshue answered that in anticipation to that questions they have already taken a look at that option and it is something that the Applicant could make work. What they would like to suggest for approval is to say that upon approval from staff they could make the reductions and then be able to move forward.

Ms. Gaskell asked if the Applicant reduces units, could they provide a step back on West Verona Avenue.

Mr. Yeska replied that right now the elevations do have a step back but he believes that Ms. Gaskell is talking about more of a visual step back.

Mr. Henshue stated that there is a challenge with that based on structural design and construction costs. They have been trying to do what Staff has asked without doing a complete step back. If we cannot get to a good setback length, Mr. Lytle is not comfortable approving this tonight.

Mr. Lytle stated that the commission is pretty open-minded considering the building will have a fourth story, having a setback improves the look of the building, decreases the bulk of the building and could solve the issue of the underground parking.

Mr. Sayre stated that if you are looking to approve the GDP with explicit conditions, we will need to be clear of what those are. They are already asking for a height exemption for the fourth floor. If you would like to put explicit conditions on the fourth floor and/or parking stalls, then we need to do that before the Plan Commission approval. If you approve without conditions, then it is too late in the process to change anything.

Ms. Tucker Long asked if there is anything in that area that is four stories tall or higher.

Mr. Sayre answered that both hotels on that street are three stories. The Hyatt in Liberty Park is four stories.

Mr. Heinzen asked if lot two will follow lot three immediately or what the timeframe will be on that.

Mr. Henshue answered that they are anticipating a two to three month lag.

Mr. Lytle stated that he would feel more comfortable approving this with the fourth story having a bigger setback. But he does not want to waste everyone's time if everyone else is comfortable with approving it. He is not comfortable if the setback won't be accomplished.

Mr. Heinzen asked Mr. Henshue what his plan is to reduce the number of apartments if needed.

Mr. Henshue answered that the City made it clear that the retail space is very important and so is density. If we decrease retail space and add more apartments to the ground level, we could remove the fourth floor solving the parking issue. It is the concern of vacancy if retail that the City can support that was our initial concern. The only way to add additional density was to add a fourth floor. Underground parking is easily done with three stories; but because of the density that was requested and the retail space, we had to go to four stories and run into issues of parking. That is why we had to connect the two buildings underneath and other things to make it work. We have made other changes and didn't take the complete density that we have. We have added other community rooms and a fitness center in each of the buildings to accompany the density. We did not specifically redesign exactly what we would need to do to reduce those units, but we have ideas if needed.

Ms. Gaskell asked Mr. Sayre how it works if they approve certain exemptions and not others to get to a consensus.

Mr. Sayre answered but clarifying what the committee has concerns with: parking and potentially the fourth floor. Starting with parking, Mr. Sayre asked if the committee is okay with Mr. Heinzen idea a mixture of compact stalls and normal stalls for parking or are they more interested in reducing the number of units.

Ms. Gaskell asked how the first option would work.

Mr. Sayre stated that the Applicant is trying to add a certain number of stalls and would determine how many would be compact to meet the parking requirements.

Mr. Henshue stated that they were only looking at the underground stalls and not the surface lot. They could look at the surface lot but that would not be ideal. If we did all compact stalls underground, they would only be looking at adding 2 stalls.

Ms. Gaskell stated that it needs to be a reduction of units then.

Mr. Sayre stated that the Commission would want to add a condition that the Applicant shall provide a 1-to-1 unit to underground parking ratio in the GDP.

Mr. Yeska clarified that Plan Commission would not agree to have 8-foot stalls underground to create a few more stalls.

Mr. Sayre said that since he is seeing heads shaking no, then the Plan Commission would want to add the condition that the Applicant shall provide a 1-to-1 unit to underground parking ratio.

Mr. Bare stated that he thinks Mr. Sayre made a good argument for the 1-to-1 ratio and has good wording with it. Mr. Bare is supportive of this option.

Ms. Tucker Long asked what was discussed regarding the retail space.

Mr. Sayre answered that it was a conversation that Mr. Diaz, Mr. Sayre and Mr. Henshue had a few months ago about having retail space along Verona Avenue. Mr. Henshue wanted to put residential on the first floor along Verona Avenue, but the City does not want residential along Verona Avenue. The developer was concerned about how viable it is. How much retail can the City support financially and long term? From a Staff stand point, we have always been very particular making sure there is a strong retail presence. The Staff could not support the reduction in commercial space. Everything in the front by Verona Avenue will remain commercial. Along Legion Street, Staff feels like it is acceptable to have residential.

Mr. Diaz said that a good example of this is the West End Apartments. The City was promised commercial and apartments and then we only got apartments. The developer refused to build commercial. This has made the City more cautious about it.

Ms. Gaskell asked Mr. Henshue if the relocation plan for the Topp Avenue tenants was still in place.

Mr. Heinzen clarified that the motion involves that building without the significant setback. The Applicant is looking at the structure that we were presented with in the packet and the single change is the additional language requiring one underground parking spot per residential unit.

Mr. Sayre replied that is correct, but that there are also exemptions in there that refer to setbacks. This is something the minutes reflect and we would like to see more details on that. You have the density exemption, parking exemption, the condition that was added tonight, and the height requirement. Approving this tonight, the Plan Commission would grant the Applicant those exemptions with the project.

Mr. Lytle stated that he thinks the Commission is giving maximum flexibility with how to get to this 1-to-1 ratio. The materials that the Commission is looking at now will not be accurate once they reach that 1-to-1 ratio. There will either be a change in the parking layout or in the facade of the building. Mr. Lytle reiterated that he thinks there needs to be a greater stepback on the fourth floor. He is likely to vote no on the precise implementation plan if

some additional provisions aren't made related to the bulk of the four story building. He asked Mr. Sayre if the new plans would be part of the precise implementation plan.

Mr. Sayer answered that this is correct.

Ms. Gaskell thinks that everyone is on the same page that this is a model project. She thinks that everyone wants a great outcome.

Motion, to recommend that the Common Council approve the General Development Plan Amendment for the development plan 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, 501-522 Topp Avenue that would allow for the construction of 284 apartment units and 26,000 square feet of commercial space with the condition that the Applicant shall provide 1 underground parking ratio of 1-to-1.

Motion carried 6-0.

5. Discussion & Possible Action – Planned Unit Development (PUD) concept plan review of a proposed development, known as Whispering Coves, located within the City's North Neighborhood that is generally located southwest of the intersection of CTH M and CTH PD. The developer is proposing to construct 378 single-family homes, 130 multi-family units, 450 senior residential units, and 8- acres of commercial development.

The Applicant is requesting a Concept Plan ("Application") to develop approximately 198-acres of land located west of CTH M and south of CTH PD ("Property"), which is zoned Rural Agriculture (RA-35) within the City of Verona. The Property is within the North Neighborhood Plan ("Plan"). The Property currently has two (2) single-family detached dwelling units with various barns and sheds. Accesses to the houses are provided by two (2) separate existing driveways from CTH PD.

Land uses surrounding the Property include wooded single-family lots located in the Town of Verona along CTH PD and to the southwest of the Property. The Kettle Creek North Subdivision is located to the south of the Property and will contain single-family homes, which are located in the City of Verona. Farmland is located to the southeast of the Property along CTH M as well as northeast along CTH PD, which is in the Town of Verona.

Mr. Sayre updated the Commission on where this project is in the development process. Staff has completed pre-development review agreement, the pre-annexation agreement, and the annexation. Tonight is only a discussion item and there will be no motion. In the packet, there are three different land use options.

Ms. Gaskell stated that she supports the ratio of senior living verse multi-family housing.

Mr. Diaz asked what would happen to senior housing become over built and we could not find seniors to live there.

Mr. Sayre replied that it would probably open up to market rate and open it up to other options. This will also add additional needs on the Senior Center and that is a big concern that Ms. Hanson, Senior Center Director, made.

Ms. Gaskell said that from what she understood the senior apartments would be progressive senior living with independent, assisted, and memory care.

Mr. Heinzen stated that he feels without more information it is hard to see what this plan ought to look like. He would put more into the family housing and less in the senior.

Mr. Lytle stated that he feels the opposite of Mr. Heinzen.

Ms. Tucker Long stated that with a school being placed there, she would like to see more family housing than senior.

Mr. Diaz stated that he is concerned about building more senior living apartments and not being able to rent them out.

Ms. Gaskell asked why the school district wants a school here when Country View Elementary School is very close by.

Mr. Sayre replied that Staff met with the school district about this and Verona Area School District (VASD) feels that with their projected numbers, a school will be needed here with the added residential area. The intent is just to have the site there for the future.

Mr. Lytle feels like it makes more sense to plan for a school being there rather than hope that VASD can add it in later.

Mr. Bare asked Mr. Sayre if he feels this would be the best spot for the school.

Mr. Sayre replied that they have not had a lot of time to look at this option for the school but that it would be good to have it as centrally located as possible.

Mr. Bare feels like they need a lot more information from VASD to really know how this will benefit the City and housing.

Mr. Diaz asked if the Plan Commission could get a timeline from the school district about this.

Mr. Sayre said that they could talk to them about it, but it really depends on where the land is located.

Ms. Gaskell would like to give the school district a deadline to get back to the Commission with their thoughts on building a school on this Property.

Mr. Bare asked if the Applicant has had any conversations with the school district about it.

Mr. Henshue answered that yes there have been several meeting with the school district about this. As a developer, he recommends option one. They are not seeing the benefit of having a school there. The school district feels like there is a need for a school there. We are just not sure on the placement of it.

Ms. Gaskell feels that when looking at bike lanes, shared lanes with bikes and vehicles work fine.

Mr. Diaz stated that the roads by the villa should be public, not private streets.

Mr. Heinzen asked why there is an option for private verses public streets.

Mr. Sayre replied that it is mostly because of the way it is set up right now, City snow plows cannot maintain the roads because there is no place to turn around. Police will also have a hard time patrolling the area.

Ms. Tucker Long asked how you would get to the villas if you cannot park on the street or walk on a sidewalk. She is not in favor of giving up the sidewalks.

Mr. Sayre responded that there are some parking areas nearby. Typically, the City requires sidewalks on both sides of the street. In this instance, the developer is looking at the large pathways to take place of those sidewalks.

Ms. Tucker Long asked if the path would be paved and who would maintain it.

Mr. Sayre answered that it would be paved and that the City would maintain it. The thought is that it would be 12 feet wide and would have lighting as requested by the Police Department.

Ms. Gaskell feels that the path is an amenity and needs to be treated as such. She does not feel like the lighting will be an issue.

Mr. Diaz stated that he feels it would be nice to offer walkways that are not on the street.

Mr. Sayre asked what peoples thoughts are for having smaller streets and restricting parking.

Mr. Heinzen answered that he likes the 32 foot wide streets and feels like it would be just fine to have alternate side parking.

Ms. Gaskell stated that the Commission needs to keep in mind the more rules there are that there will be a need for more enforcement.

Mr. Sayre started talking about the parks in this development. Staff does not feel like the cul-de-sacs should be counted as park area just from a maintenance stand point. They also do not feel like the wild life area should be counted as it does not have easy access.

Mr. Heinzen supports the path as a linear park. He does not think that the cul-de-sacs can be counted as parkland.

Mr. Sayre stated that the amount of parkland is based on amount of units.

Ms. Gaskell expressed that as long as the cul-de-sacs is big enough it would be nice for the surrounding houses. She feels that it would be good to think outside of the box and maybe have smaller parks rather than one big park. She also asked Mr. Sayre what improvements would need to be made for the conservancy spot to be nice rather than just a wetland.

Mr. Sayre said that is something they would take a look at but there are no plans yet. There would definitely be some clean-up needed.

Mr. Lytle asked if the developer has thought of any plans for the conservatory area.

Mr. Henshue replied that the storm water is just in general areas. They are basically looking at a path way that goes all the way around the conservancy and once it has been reshaped and cleaned-up, it will bring in lots of wildlife. They are envisioning a walking path around it. The cul-de-sacs will be quite large and have different things on each of them.

Ms. Tucker Long is ok with the cul-de-sacs being counted for parkland if there are other big areas as well; such as a park shelter, basketball courts, and soccer fields. As for the trails, she is ok with counting them as parkland as long as it is not just a trail.

Mr. Bare asked Mr. Sayre if there are any other cul-de-sacs in Verona like the ones being presented.

Mr. Sayre answered that they is not anything like this. There are a couple of them that are just grass and maybe used for storm water management.

Mr. Bare feels that when this is brought to the Parks Commission, they will be very against this due to maintenance issues. He is having trouble seeing the difference between stormwater and a conservancy. Unless there is some sort of improvements, it seems hard to call it a conservancy.

Ms. Gaskell asked if the City has a conservancy classification and how is it handled.

Mr. Sayre responded that he is not sure how it is handled. It depends on the use of it. The only one he can think of is the conservancy off of Edward Street.

Ms. Holt stated that there is a park that has a small tot lot and has a hill with forest by Melody Lane that she believes is a nature park.

Mr. Diaz thinks that the City needs to have a better description on what a conservancy is. He is fine with keeping the trails as parkland as long as it is well maintained. He is also okay with having the cul-de-sacs be parks but that we need to figure out the maintenance issue.

Mr. Henshue explained more about the parks and such. He stated that there will be an HOA for this subdivision that will take care of the area and will supplement the extra work. There will also be creeks and other things along the trail.

Mr. Midthun stated that they took a trip to Minnesota to look at a similar development. Most of the neighbors really liked the pocket parks. We have been working on this for a year and really want to make this a good, safe neighborhood. He also mentioned that he has been working with school district for the past year or so, and they have gone back and forth with wanting and not wanting the land.

Ms. Gaskell would like to see a shelter with water and bathrooms.

6. Discussion & Possible Action – Zoning Ordinance rewrite process

Mr. Sayre said that he is requesting funds from the Council to look at the zoning ordinances; possibly getting a consultant in 2019.

Mr. Sayre would like to hear what the Committees thoughts on how they see their roll in this process.

Ms. Tucker Long responded that she thinks they should be involved because they use zoning in everything that they do on the committee and to know the background to the changes.

Mr. Heinzen thinks that being involved at the subcommittee level would be a good idea.

Mr. Sayre would also like to know how the Commission feels about the public being involved.

Mr. Diaz would like to have a sort of plan and idea before the public gets involved.

Mr. Heinzen would like to get a summary of what was changed and then send it out to the public for public comment.

Ms. Tucker Long said that one thing Town of Verona did was to send out a survey to different sections. Once the surveys come back, they had a public meeting about the results of the meeting and talking about the topics. This may be a good idea to know what to talk about during the meeting and allow other people to have some input.

Ms. Gaskell feels that there are better ways of hearing the public's voice rather than having a bunch of open houses.

7. Reports and comments from the Planning Department

- **Update on development projects.**

All updates were included in the packet for this meeting.

Next meeting will be the first Monday of October.

SBR Coaching is complete and they had their open house last week.

8. Reports and comments from the Plan Commissioners

None

9. Adjournment

Motion by Mr. Heinzen, seconded by Mr. Bare, to adjourn at 8:42 p.m.

Motion carried 6-0.