

## 7/6/2021 - Minutes

### 1. Call To Order

Luke Diaz called the meeting to order at 6:32 p.m.

### 2. Roll Call

Luke Diaz, Steve Hingle, Tyler Powers, Mike Hankard, and Beth Tucker Long. Pat Lytle is absent and excused. Also present: City Administrator Adam Sayre, Community Development Specialist Katherine Holt, and City Engineer Carla Fischer.

### 3. Public Comment

- Jesse Charles, 1234 Cathedral Point Drive, representing the Verona Historical Society, thanked the City, the CDA, Steve Brown Apartments and the Alexander Company for prioritizing preservation in the Sugar Creek Redevelopment. He also stated that everyone agreed a year ago to put a deed restriction on the property to prevent demolition in the future and that the developer agreed to fill out the paperwork to get the property on the National Register.
- Rye Kimmitt, 692 Aspen Ave., stated that she believes preservation is the top priority in the Sugar Creek Development and that the City should put a deed restriction on the property to prevent demolition. She also added that affordable housing in this downtown area is important.
- Darla Armstrong, 304 W. Verona Ave., stated that she does not support the Sugar Creek Project. She added that the space is not big enough for 232 apartments, 10,000 sq. ft. of commercial space, and 358 parking spaces. Armstrong stated that the project has received multiple exemptions for setbacks, height and density which indicate the project does not fit the neighborhood. The lighting proposed is six times the amount allowed, and they should not be given an exemption for lighting. She stated that the rooftop patio would impact neighbors' privacy and create high noise levels.
- Annette Stratman-Durrer, 303 S. Marietta St., stated that she agreed with Darla Armstrong's comments and is against the setback exemption for the project. There is no curb appeal to a building with a five-foot setback. The Commission should consider something like the Royster Commons building in Madison. She also expressed concerns about lighting, parking, height and density.
- Lora Diloreto, 300 W. Verona Ave., said she shares concerns much like her neighbors. She stated that the Sugar Creek Development project is not congruent to the rest of the neighborhood and very little consideration has been given to the affect it will have on the neighbors.
- Josh Raines, 400 W. Verona Ave., stated that he agrees with his neighbors' comments regarding the Sugar Creek Development, and he does not feel like they were considered.
- Kathy Spahn, 101 West Lawn Ave., stated that her greatest concerns with the Sugar Creek Development are the rooftop patio, the noise, and the lights.
- Kayla Raines, 400 W. Verona Ave., stated that her concerns with the Sugar Creek Development are the easements, the patio, and the potential effects on property values for the residential area across the street.

### 4. Approval Of Minutes From June 7, 2021 Plan Commission Meeting

Motion by Hingle, seconded by Powers to approve the June 7, 2021 Plan Commission minutes. Motion carried 5-0.

### 5. 240 Enterprise Drive

**Public Hearing** – Zoning map amendment to rezone 240 Enterprise Drive from Suburban Office (SO) to Neighborhood Office (NO) and a conditional use permit for a proposed Group Daycare Center, +9 persons

land use.

Sayre stated that all property owners within 200-feet of the property were given notice and a class II notice was published in the newspaper.

Motion by Diaz, seconded by Tucker Long to open the public hearing at 6:54 p.m. Motion carried 5-0.

There were no comments from the public.

Motion by Diaz, seconded by Hingle to close the public hearing at 6:55 p.m. Motion carried 5-0.

a. Discussion & Possible Action – Zoning map amendment to rezone 240 Enterprise Drive from SO to NO.

Holt stated that the 10, 731 sq. ft. daycare could accommodate 145 children and would operate Monday-Friday. The proposed setbacks meet requirements for Neighborhood Office. There are two access points from Enterprise Dr. with a one-way traffic loop. The applicant is proposing 36 parking stalls. Staff recommends that the applicant pull conduit so that a charging station can be installed in the future. All landscaping requirements have been met including native deciduous and evergreen trees and metal and wooden fencing.

Holt stated that with the zoning code changes that were approved in May, a daycare center is no longer permitted on properties zoned Suburban Office, the applicant is requesting a zoning map amendment to rezone the property as Neighborhood Office.

Staff recommends approval of the project with conditions.

Hankard stated that the design of the building contains a lot of roof and could be better designed. He added that even though it is consistent with the buildings in the area, it is not necessarily a good thing. Powers agreed with Hankard and stated that it would be better if the building was consistent with the design of the library. He added that the wooden fence should be extended all the way around behind the playground. Tucker Long agreed with the comments about the roof and echoed Hankard's suggestion about extending the wooden fence.

Motion by Diaz, seconded by Hankard to recommend that the Council approve a zoning map amendment to rezone 240 Enterprise Drive from SO to NO with the following condition: the approval shall become effective upon NVS Properties VII, LLC acquiring the property. Motion carried 5-0.

b. Discussion & Possible Action – Conditional use permit for a group daycare center, +9 persons to be located at 240 Enterprise Drive.

Motion by Powers, seconded by Tucker Long to recommend that the Council approve a conditional use permit for a group daycare center, +9 persons to be located at 240 Enterprise Drive. Motion carried 5-0.

c. Discussion & Possible Action – Site plan to construct an approximately 10,731 square foot daycare center located at 240 Enterprise Drive.

Chris Horney, Murphy Real Estate Services, clarified that the trees and landscaping abutting the rear of the property are existing. He also added that the residential look of the building is intentional. Tucker Long suggested breaking it up to make it look like a couple different houses rather than one large home. Hankard stated that the proposed building is more in a commercial district and should be designed as such.

Motion by Tucker Long, seconded by Hankard to approve the site plan to construct an approximately 10, 731 square foot daycare center located at 240 Enterprise Drive with the following conditions: (1) extend the wooden fence to run along the entire edge of property that abuts the residential neighborhood; and (2) the applicant must work with City staff to improve the design of the building, with final design contingent upon staff approval. Horney stated that he is willing to work with staff and show examples of other buildings they

have done across the country. Sayre suggested that the applicant come back on August 2<sup>nd</sup> with a new design. Motion carried 5-0.

6. Precise Implementation Plan For 420 Church Avenue And 100 South Marietta Street

**Public Hearing** – Precise implementation plan (PIP) for a planned unit development (PUD) submitted by Steve Brown Apartments and Alexander Company that would allow for the construction of a mixed-use building with twenty (20) apartment units and approximately 10,000 square feet of commercial space, three (3) buildings containing a total of 112 apartment units, and five (5) buildings containing a total of 100 apartment units located at 420 Church Avenue, the former school property, and 100 South Marietta Street.

Sayre stated that all property owners within 200-feet of the property were given notice, a class II notice was published in the newspaper, a public hearing notice was posted on the property, and the information was posted on the City's website.

Motion by Diaz, seconded by Tucker Long to open the public hearing at 7:24 p.m. Motion carried 5-0.

- Rye Kimmett, 692 Aspen Ave., stated that she is highly in favor of redeveloping the New Century School into a children's museum.
- Mike Hruska, 104 Westlawn Ave., stated that he thought the development needed more green space.

Motion by Diaz, seconded by Powers to close the public hearing at 7:27 p.m. Motion carried 5-0.

a. **Discussion & Possible Action** – PIP for a PUD submitted by Steve Brown Apartments for the construction of a mixed-use building with twenty (20) apartment units and approximately 10,000 square feet of commercial space and three (3) buildings contains a total of 112 apartment units located at 420 Church Avenue and 100 South Marietta Street.

Sayre stated that the request contains 112 market rate apartments, along with 100 affordable apartments. Building D is in the Central Commercial zoning district, which has no required parking. The applicant is proposing a mix of underground and surface parking for the development. Staff recommends approval with conditions.

Diaz asked how the footcandle lighting requirements were enforced. Sayre stated that the applicant provided an application during initial approval and if there are any complaints, the City has a device that can measure footcandles.

Diaz asked when we would have a better idea of what would go into the New Century School. Dan Seeley, Steve Brown Apartments, stated that they are continuing to work through the park design and part of the design may incorporate the New Century School.

Hingle asked how far Building D was set back from W. Verona Ave. and how that compares to buildings like Avanti's on Main St. Sayre stated that Building D is set back five feet and Avanti's is zero. Sayre stated that the setbacks were approved as part of the General Development Plan (GDP).

Powers expressed concerns over the angled parking and stated that it could cause accidents. Sayre stated that there is a similar parking design at the Fairfield, and it is working for them. He added that as part of the review, staff had the applicant remove two parking spaces.

Hankard stated that the architecture of Building D does not fit in with the character of the neighborhood. Powers suggested changing the façade to match some of the darker brick houses across the street.

Tucker Long stated that she was in favor of the rooftop patio and suggested screening to help keep the noise contained. Powers suggested moving the patio to the south side of the building. Seeley stated that the patio would be used by the commercial tenant. The patio is as far away from Verona Avenue as

possible and is designed to interact with the park portion of the development. Tucker Long suggested enclosing the patio area to make it usable all year and limit noise.

Motion by Diaz, seconded by Powers to recommend that Council approve a PIP for a PUD submitted by Steve Brown Apartments for the construction of a mixed-use building with twenty (20) apartment units and approximately 10,000 square feet of commercial space and three (3) buildings contains a total of 112 apartment units located at 420 Church Avenue and 100 South Marietta Street with the following conditions: (1) light will be a maximum of 0.4 footcandles at the property lines; (2) the PIP shall become effective upon Steve Brown Apartments acquiring the property identified within the PIP; (3) all lighting shall be dimmed by 11 p.m.; (4) a rooftop patio barrier shall be installed to screen the patio from the area to the north and design coordinated with Staff.

Motion by Powers, seconded by Diaz to amend the motion to include the following condition: rooftop patio shall be open from 7 a.m. to 9 p.m. Sunday through Thursday and 7 a.m. to 10 p.m. Friday and Saturday. Motion carried 5-0.

Motion by Hingle, second by Tucker Long to add the following condition: the ground level patio shall be open 7 a.m. to 9 p.m. Sunday through Thursday and 7 a.m. to 10 p.m. Friday and Saturday. Motion carried 5-0.

Tucker Long raised the concern over there only being 10 three-bedroom apartments.

Original motion as amended twice carried 3-2 with Tucker Long and Hankard voting 'no'.

b. Discussion & Possible Action – PIP for a PUD submitted by Alexander Company for the construction of five (5) buildings containing 100 apartment units located at 420 Church Avenue.

Sayre stated this would be two-story building containing workforce affordable apartments. There are garages underneath the apartments. Access would be from Legion Street and Industrial Drive would be extended to the south; Church Avenue would be extended as well. Staff recommends approval with conditions.

Tucker Long asked is the applicant could add more three-bedroom apartments. Colin Cassady, the Alexander Company, stated that they had already submitted their unit plans to the state to get the 4% tax credits for the affordable housing and incorporating the three-bedroom units would require them to have to redesign the buildings.

Motion by Diaz, seconded by Powers to recommend that the Council approve a PIP for a PUD submitted by Alexander Company for the construction of five (5) buildings containing 100 apartment units located at 420 Church Avenue with the following condition: the PIP shall become effective upon the Alexander Company acquiring the property identified within the PIP. Motion carried 5-0.

c. Discussion & Possible Action – Preliminary and final plat to create five (5) lots and one (1) outlot located at 420 Church Avenue, the former elementary school property, and 100 South Marietta Street.

Motion by Tucker Long, seconded by Hingle to recommend that Council approve a preliminary and final plat to create five (5) lots and one (1) outlot located at 420 Church Avenue, the former elementary school property, and 100 South Marietta Street with the following condition: The final plat shall become effective upon the execution of a development agreement for public improvements. Motion carried 5-0.

## 7. Certified Survey Map For 1203 Wild Willow Way

Discussion & Possible Action – Certified survey map to create two (2) lots located at 1203 Wild Willow Way.

Holt explained that the reasoning for the CSM was to construct cluster mailboxes.

Motion by Hingle, second by Hankard to recommend that the Council approve a certified survey map to create two (2) lots located at 1203 Wild Willow Way. Motion carried 5-0.

8. Site Plan For 1120 John P. Livesey Blvd.

Discussion & Possible Action – Site plan review for a proposed 18,560 square foot flex industrial building located at 1120 John P. Livesey Boulevard.

Holt noted that the project meets all the requirements. Access will be from John P Livesey Blvd. The applicant is proposing 71 parking stalls with two electric charging stations.

Motion by Tucker Long, seconded Powers to approve a site plan review for a proposed 18,560 square foot flex industrial building located at 1120 John P. Livesey Boulevard. Motion carried 5-0.

9. Initial Review Located North Of 233 Wildcat Way

Discussion & Possible Action – Initial review for a proposed 2,200 square foot commercial building and a 5,160 square foot commercial building located north of 233 Wildcat Way.

Sayre stated that the applicant plans to construct two building just north of Kwik Trip. The applicant has identified one potential user as Starbucks. They are proposing a drive through in that building and two drive throughs in the other building. Access to the site would be from West End Circle. He stated that it is important that we incorporate safe pedestrian access to the site. The applicant submitted three potential designs for the Starbucks building.

Hingle, Hankard and Tucker Long had concerns with the two drive throughs and accommodating pedestrian traffic.

Hankard stated he preferred palette C. Diaz agreed that C was the best design. Tucker Long stated that she did not like any of the palettes. Powers liked the building rendering palette.

10. Height Requirement

Discussion & Possible Action – Height requirement in the Suburban Industrial (SI) zoning district

Sayre stated that the current ordinance caps height at 45 feet with 11 exemptions. He added that the previous ordinance also included an additional exemption that is not included in the new ordinance: uses may exceed the maximum by 10 feet with the approval of a conditional use permit.

The Plan Commission directed staff to move forward with an ordinance to amend the SI zoning district building height regulations to match the Central Commercial zoning district.

11. Reports And Comments From The Planning Department

There is a Plan Commission meeting on August 2<sup>nd</sup>.

- a. Update on development projects.  
None

12. Adjournment

Motion by Powers, second by Tucker Long to adjourn at 9:24 p.m. Motion carried 5-0.

Respectfully Submitted,

Holly Licht, City Clerk