

Planning Report

City of Verona

Plan Commission 03-02-2020

103 North Franklin Street

Zoning Map Amendment and Conditional Use Permit

Summary: The Applicant has submitted a request for a conditional use permit to allow an office and to make custom wood bats in the existing building at 103 N. Franklin St. This project requires approval of a zoning map amendment from Neighborhood Office to Central Commercial and a conditional use permit.

Property Location: 103 North Franklin Street

Property Owner: Night Owl Wood Studio LLC
103 North Franklin Street
Verona, WI 53593

Applicant: Same as above

| | |
|---------------------------|--|
| Existing Zoning: | Neighborhood Office (NO) |
| Proposed Zoning: | Central Commercial (CC) |
| Existing Land Use: | Quonset hut used for storage |
| Proposed Land Use: | Quonset hut used for office and custom wood bats |

Figure 1 – Location Map



103 North Franklin Street
Zoning Map Amendment and CUP

Site Description:

The Applicant is requesting a conditional use permit (“CUP”) to allow light industrial activities incidental to indoor sales or services land use and a Zoning Map Amendment (“ZMA”) for 103 North Franklin Street (“Property”) depicted in Figure 1. The Property has a Quonset hut, which will remain and improvements will be done to the interior of this building. There are no access points to this property or curb cuts.

South of the property, 202 West Verona Avenue, contains Postal Connections and Klinke Cleaners with two other commercial uses. Capitol Bank, 108 West Verona Avenue, is on the corner of North Franklin Street and West Verona Avenue. Unwin Chiropractic and Wellness Center, 102 North Franklin Street, is located across the street. The previous aforementioned properties are in the CC zoning district as depicted in Figure 4. The property to the north, 107 North Franklin Street, is zoned Neighborhood Residential.

The Applicant is requesting a zoning map amendment to change the existing zoning of Neighborhood Office (NO) to Central Commercial (CC). The proposed light industrial activities incidental to indoor sales or services is not permitted in the NO zone as an accessory land use. This type of land use requires a conditional use permit in the CC zone.

| Use | Neighborhood Office | Central Commercial |
|--|---------------------|--------------------|
| Single-family: 8,000 sf lot | Permitted | Conditional Use |
| Group Day Care Center (9+ children) | Conditional Use | Conditional Use |
| Selective Cutting | Permitted | |
| Lot Line House: 7,200 sf lot | Conditional Use | |
| Village House: 6,000 sf lot | Conditional Use | |
| Twin House/Duplex: 5,000 sf per dwelling unit (du) | Conditional Use | |
| Two-Flat: 4,000 sf per du | Conditional Use | |
| Townhouse: 3,600 sf per du | Conditional Use | |
| Multiplex: 3,600 sf per du | Conditional Use | |
| Apartment: 3,600 sf per du | Conditional Use | |
| Passive Outdoor Public Recreation | Permitted | Permitted |
| Active Outdoor Public Recreation | Permitted | Permitted |
| Indoor Institutional | Permitted | Permitted |
| Public Services/Utilities | Permitted | Permitted |
| Office | Permitted | Permitted |
| Personal/Professional Service | Permitted | Permitted |
| Indoor Sales or Service | Conditional Use | Permitted |
| Indoor Maintenance Service | | Permitted |

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| Use | Neighborhood Office | Central Commercial |
|---|---------------------|--------------------|
| Off-Site Parking Lot | | Permitted |
| Institutional Residential | Conditional Use | Conditional Use |
| Clear Cutting | Conditional Use | |
| Outdoor Institutional | Conditional Use | Conditional Use |
| In-vehicle sales or service | | Conditional Use |
| Indoor Commercial Entertainment | Conditional Use | Conditional Use |
| Commercial Indoor Lodging | Conditional Use | Conditional Use |
| Boarding House | Conditional Use | Conditional Use |
| Land uses as accessory uses | | |
| Commercial Apartment | Conditional Use | Permitted |
| Private Residential Garage or Shed | Permitted | Permitted |
| Company Cafeteria | Permitted | Permitted |
| Home Occupation | Permitted | Permitted |
| Company Provided On-Site Recreation | Conditional Use | Conditional Use |
| In-Vehicle Sales and Service | Conditional Use | Conditional Use |
| Light Industrial Incidental to Indoor Sales | | Conditional Use |
| Outdoor Display Incidental | | Conditional Use |
| Farm Residence | Permitted | |

Planning Review:

The existing building depicted in Figure 3, which will be used, continues to meet all of the setback requirements for the proposed CC zone as well as the height requirements. While not required, the Applicant has agreed to plant trees. The Applicant will add full cutoff lighting near the doors to make the building inviting. A small sign may be added to the building in the future.

Access and Parking:

The Applicant will extend the existing sidewalk shown in Figure 2 from the southern property line to the northern property line. Access to the site will be via a sidewalk to the front door of the building as there currently is no access to this property. The CC zoning district has no parking requirements. The Applicant will parallel park on North Franklin Street similar to neighbors in the area. There are marked parallel parking spaces on

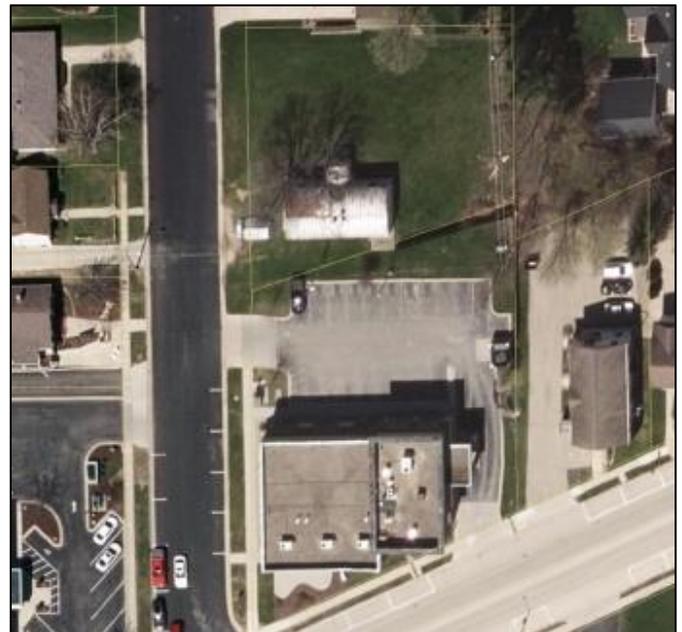


Figure 2 - 2017 Aerial showing existing conditions

103 North Franklin Street
Zoning Map Amendment and CUP

North Franklin Street by 202 West Verona Avenue. Staff has no concerns with parking as there will be a minimal amount of people in this building.

Proposed Use:

The Applicant is requesting a conditional use permit to allow an office, custom engraving, and custom wood bats at 103 North Franklin Street. The Zoning Ordinance allows light industrial activities incidental to indoor sales or service with the insurance of a conditional use permit. The Ordinance requires the request to meet the following conditions:

1. The total area devoted to light industrial activities shall not exceed 15% of the total area of the buildings on the property.
2. The production area shall be physically separated by a wall from other activity areas and shall be soundproofed.

The Applicant is aware of the above Ordinance requirements and has indicated in the submittal the production area will not exceed 195 square feet and will be soundproofed. Staff recommends the above requirements be included as a condition of approval.



Figure 3 - Proposed floor plan and building

Rezoning Findings:

The City's Zoning Ordinance requires the Zoning Administrator review the proposed rezoning to ensure the request is in harmony with the recommendations of the City of Verona Master Plan (Sec. 13-1-362). A summary of this review is below.

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- a. *How does the proposed Official Zoning Map amendment further the purposes of this Chapter as outlined in Section 13-1-5 and the applicable rules and regulations of the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA)?*

The proposed zoning map amendment will accomplish several of the purposes listed in the Zoning Ordinance including the promotion of health and general welfare. Staff finds the proposed rezoning conforms to the requirements of the DNR and FEMA.

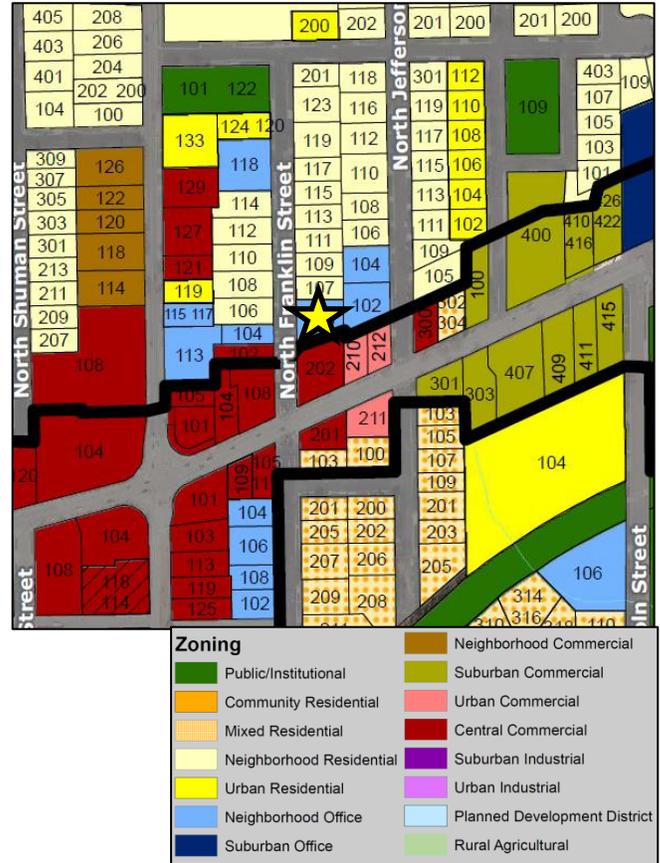


Figure 4 - Zoning Map

- b. *Which of the following factors has arisen that are not properly addressed on the current Official Zoning Map?*

1. *The designations of the Official Zoning Map should be brought into conformity with the Comprehensive Plan;*
2. *A mistake was made in mapping on the Official Zoning Map. (That is, an area is developing in a manner and purpose different from that for which it is mapped.);*
3. *Factors have changed, (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district;*
4. *Growth patterns or rates have changed, thereby creating the need for an Amendment to the Official Zoning Map.*

The current zoning maps needs to be amended due to above number 4. The Applicant is requesting a change to the zone to accommodate light industrial activities incidental to indoor sales or services, which is prohibited in the NO zone.

- c. *How does the proposed amendment to the Official Zoning Map maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?*

The proposed zoning map amendment maintains the desired consistency of land uses, land use intensities, and land use impacts as the neighboring area to the Property is completely built out. The proposed zoning change will allow by right or as a conditional use five (5) land uses that were not previously allowed in the current (NO) zone. The proposed change will also remove ten (10) land uses that were allowed in the NO zone, which are all residential uses. The change in the zoning map will allow this user to utilize the existing building with minimal exterior changes and the lowest impact to neighbors especially since a parking lot will not be added to the Property.

Conditional Use Permit Findings:

The Applicant is requesting a conditional use permit approval for a light industrial activity incidental to indoor sales or services land use, which is an accessory land use as a conditional use in the CC zoning district. The Zoning Ordinance requires all conditional uses to fulfill general standards and specific standards for all conditional use permit requests (Sec. 13-1-363).

General Standards Findings:

- a. *How is the proposed conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the City of Verona Comprehensive Plan, this Chapter, and any other plan, program, or Chapter adopted, or under consideration pursuant to official notice by the City?*

A light industrial activity incidental to indoor sales and services land use allows the Property owner to continue their online sales business and create bays in the rear of the building. The Applicant has noted in the narrative that “this is not a retail establishment and will not increase traffic”. This is not an intensive use and allows the existing building to remain on the Property.

- b. *How is the proposed conditional use (in its specific location) in harmony with the purposes, goals, objectives, policies and standards of the City of Verona Comprehensive Plan, this Chapter, and any other plan, program, or Chapter adopted, or under consideration pursuant to official notice by the City?*

The location of the proposed use is in harmony with the goals and policies of the City in the specific location proposed.

- c. *Does the proposed conditional use, in its proposed location and as depicted on the required site plan [see Subsection (c)(4), above], result in a substantial or undue adverse impact on nearby property, the character of the neighborhood,*

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environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or Chapter adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development?

The proposed use will not add a parking lot to the Property, which will be similar to other residences along North Franklin Street. If additional parking is needed, the Applicant can add a driveway similar to the residences, which is not required in the CC zone. This land use has a low impact to the neighbors as it is a small space for employees. There are no adverse impacts on adjoining properties or the environment.

d. Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

The proposed zoning map amendment maintains the desired consistency of land uses, land use intensities, and land use impacts as the neighboring area is completely built. This use has a low impact as there will only be two (2) employees on-site, which is similar to two (2) people living in a single-family detached home.

e. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

The Applicant will utilize an existing building and will connect or extend existing utilities that are in the right-of-way to this Property. This use will not impose an undue burden on these facilities or services.

f. Do the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use (as identified in Subsections (d)(2)a—e above), after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts?

The proposed land use allows the existing building to be used and does not encroach near the existing neighbor's home. The benefits of the proposed use outweigh any adverse impacts in the neighborhood.

Specific Standards Findings:

1. *The total area devoted to light industrial activity shall not exceed 15% of the total area of the buildings on the property, or 5,000 sf, whichever is less.*

This requirement has been met. The Applicant has an area of 195 square feet to turn wood bats in the 1,300 square foot building. This area is under the 15% of the total building area.

2. *Production area shall be physically separated by a wall from other activity areas and shall be soundproofed to the level required by Section 13-1-288 for all adjacent properties.*

This requirement has been met. The Applicant will have an office in the front of the building that will have a wall separating the woodworking and will be sound proofed.

Community Input:

At the time of writing the staff report, Staff received letters of support and two (2) phone calls inquiring about the public hearing signs that are posted on the Property. The letters that Staff has received to date are attached to the packet. There is support for reutilizing the existing building, supports for a small business in Verona, and discussion of the Applicant's continuing role in volunteering in the Verona community.

Staff Comments:

Staff is supportive of the zoning map amendment to change the property from NO to CC zone. Staff recommended the Applicant to discuss their land use with the neighbors to alleviate any concerns regarding noise from creating bats.

Staff is supportive of the conditional use permit for a light industrial activity incidental to indoor sales and services land use. This will have a low impact to the neighbors while utilizing a unique building in the City of Verona.

Recommendation:

Staff recommends the following Plan Commission actions:

1. Recommend the Common Council approve the zoning map amendment to rezone 103 North Franklin Street from the current classification of Neighborhood Office to Central Commercial.
2. Recommend the Common Council approve the conditional use permit to allow a light industrial activity incidental to indoor sales and services land use at 103 North Franklin Drive with the following conditions:

1. The total area devoted to light industrial activities shall not exceed 15% of the total area of the buildings on the property.

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2. The production area shall be physically separated by a wall from other activity areas and shall be soundproofed.
3. Any noise from the building shall conform to the standards of the City's Ordinances.

Prepared by: Katherine Holt *KH*
Community Development Specialist

Submitted by: Adam Sayre, AICP *AS*
City Administrator

Katherine Holt

Subject: In support of night owl wood studios

From: Tim McRoberts

Sent: Tuesday, February 4, 2020 1:09 PM

To: Adam Sayre

Subject: In support of night owl wood studios

Adam,

My name is Tim McRoberts (Verona resident), and I am in full support of John Dingle and Brad D’Orazio’s need for a rezoning for commercial use of 103 N Franklin Street. Their company “Night Owl Wood Studio” has accelerated growth since inception and expansion outside of a current “garage space” is eminent.

First, the purchase of the aforementioned property this will revitalize the property land and building that has been barren for some time. Second, another small business in Verona that brings more taxes should be a warm welcome. Thirdly, Brad’s local reputation in the community for 17 years (coaching Verona youth and Varsity baseball) should also be a strong factor in understanding his desire to get proper zoning for his commercial needs.

This kind of project and land redevelopment is exactly what Verona needs downtown. Brad is a local resident and has a strong network of influence and community development, we should be proud to offer him a commitment back.

Tim McRoberts

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Tim McRoberts



February 4th, 2020

Attn: Adam Sayre
Adam.sayre@ci.verona.wi.us

Dear Adam,

I am writing on behalf of Night Owl Studio, LLC and their property located at 103 N. Franklin Street in Verona, WI.

They are requesting a zoning text amendment and conditional use permit for their baseball bat making business.

I have personally known Brad D'Orazio for the past 13 years. He has provided so much passion and support for many of the area community facilities. We have served together on the Little League board. We are founders of the shed we built at Stampfl field that have helped thousands of residents in our community, which is a great example of a public/private opportunity.

I have had two sons that have played baseball in Verona including having been coached by Brad and his staff at Verona Area High School. I served at the booster club President and interacted with Brad on a daily basis.

Brad is a very detailed and goal oriented person. Everything he gets involved in he helps make it better. There is no doubt that this venture with Night Owl studio and making wooden bats is going to be a tremendous success.

He has purchased a great location and his efforts will benefit Verona as a whole. I would hope the city would see this the same way as a positive for the community.

Please let me know if you have any questions or further comments.

Sincerely,

Eric S. Lund
CEO

230 Horizon Drive, Suite 102B • Verona, WI 53593

Phone: 608-845-9999 • Fax: 608-845-9929 • Email: info@slhosp.com • Web: www.slhosp.com

RESORT AND HOTEL MANAGEMENT, DEVELOPMENT AND CONSULTING

From: Verona Area Historical Society
Sent: Thursday, February 27, 2020
To: Katherine Holt
Subject: Re: 103 N. Franklin Street

Hello City of Verona staff and representatives. Please allow me to submit an opinion on the proposed use for the Quonset hut at 103 North Franklin Street. I am the president of the Verona Area Historical Society, although these opinions reflect my person thoughts (we have not discussed this issue formally as a group yet).

I support Mr. D'Orazio's proposed plans for this structure. They appear to be a great creative way to give a new and sustainable use to this historically-interesting building.

For background, we have learned from several of our older members that this structure housed George Batker, believed to be Verona's last blacksmith. Mr. Batker previously had a blacksmith shop on South Main Street in the building "Plumbing and Glass" occupies today. At that location he shoed horses and did typical blacksmith work. When he moved to this Quonset hut in the 1940s, he was no longer shoeing horses but still had an anvil and did some traditional blacksmith work along with transitioning to more modern mechanic type work. This transition from horses to cars and machines is historically interesting to Verona as it reflects the local affect of a National trend. Both the Plumbing and Glass building and this hut have a part in telling that story, so it is nice that there is a realistic use that will help keep the hut around and reinvigorated.

Aside from the historical perspective, the baseball bat shop also seems like an interesting and unique thing to have in Verona. Our downtown benefits from uniqueness; it helps set us apart from other communities.

Thank you for your time!
Jesse Charles
Verona Area Historical Society, President
608-577-5525

To: Verona Common Council, Verona Plan Commission, and Verona Planning & Development Staff

From: Night Owl Wood Studio, LLC, Brad D'Orazio & John Dingle, Owners

Summary

Applicant Brad D'Orazio, on behalf of Night Owl Wood Studio LLC, proposes to use the current structure located at 103 N. Franklin Street as an office, for custom laser engraving, and to make custom wood bats. Currently 103 N. Franklin Street is in the Neighborhood Office (NO) District zone. Applicant respectfully requests a zoning text amendment to Central Commercial (CC). Rezoning the property to CC would allow Applicant to apply for a Conditional Use Permit to allow "light industrial activities incidental to indoor sales or services land use." Currently, the property could be used as an office and for custom laser engraving, but making custom wood bats is not allowed in the NO zone.

Background and Current Conditions

The property has not been adequately maintained in years. There are dead trees on the property, large visible holes in the structure, and often there have been inoperable vehicles parked for long periods of time. Raccoons, birds, and other animals have inhabited the building. The building has been an eye sore for years.

Proposed Use

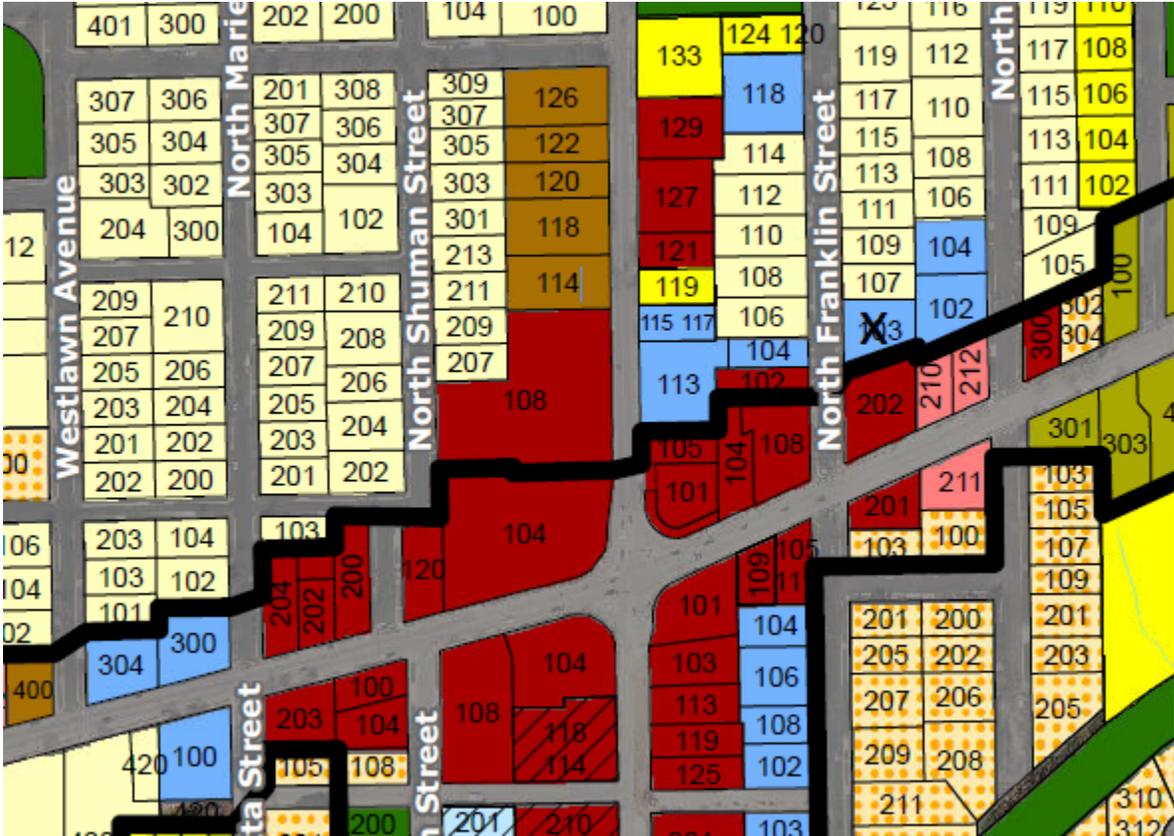
The current structure will remain intact with an upgrade to the existing electrical, plumbing, and heating. A new bathroom will be constructed. The total area devoted to turning wood bats on a lathe (the light industrial activity) will be 195 square feet, which does not exceed 15% of the total area of the building. The area devoted to the light industrial activity will be separated by a wall from the office and will also be sound proofed. Adequate street parking is available. Adding trees, a sidewalk, a small sign on the building, and full cutoff lighting upgrades will make this property an attractive addition to the area.

The proposed use for this property will maintain the integrity of the neighborhood. This is not a retail establishment and will not increase traffic. There will be no negative impact on businesses or residences in the immediate area. Operations will take place indoors.

Zoning in the Area

103 N. Franklin Street shares the south lot line with 200-204 E. Verona Avenue which is currently zoned CC. This address is home to Klinke Cleaners, Summit Credit Union, Cost Cutters, and Postal Connections. There are many other parcels located near 103 N. Franklin that are also zoned CC. See attached for an excerpt of the City of Verona Zoning Map dated September 2019, 103 N. Franklin Street is marked with an "X". There are numerous other parcels in this area zoned Neighborhood Residential (NR) that share lot lines with parcels zoned CC.

Excerpt of the City of Verona Zoning Map dated September 2019



Show search results for 060815...



OUTLOT 3
0.3 ac 106
060815427131

104
060815428710

VERONA ASSESSOR'S PLAT
VERONA INCORPORATE LIMITS

OUTLOT 14
0.2 ac 102
060815428649

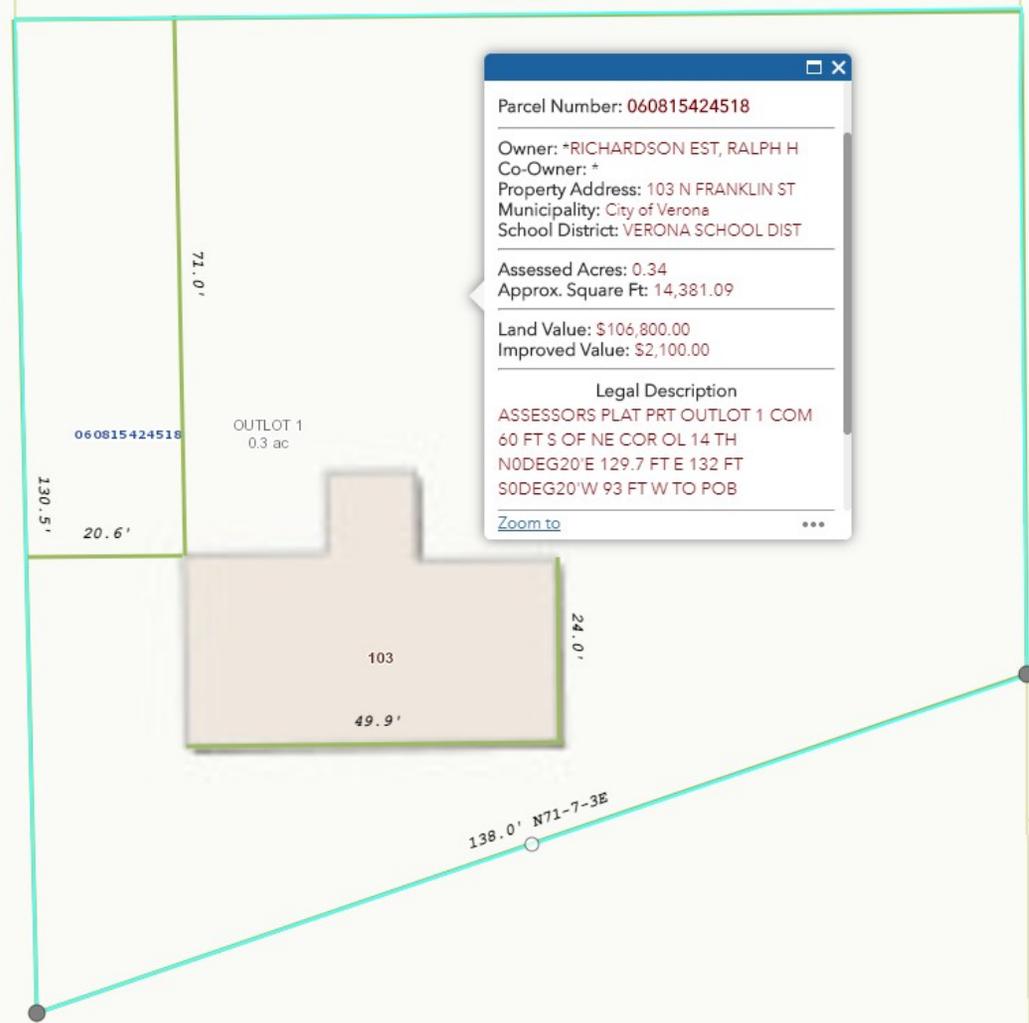
OUTLOT 13
0.5 ac 108
060815428443

20ft

060815424714

OUTLOT 1
0.2 ac

107
132.6'



060815424518

OUTLOT 1
0.3 ac

130.5'

20.6'

71.0'

103

49.9'

24.0'

138.0' N71-7-3E

86.9' S0-28-16E

060815424322

060815428854

OUTLOT 15
0.5 ac

202

OUTLOT 17
0.2 ac

Parcel Number: 060815424518

Owner: *RICHARDSON EST, RALPH H
 Co-Owner: *
 Property Address: 103 N FRANKLIN ST
 Municipality: City of Verona
 School District: VERONA SCHOOL DIST

Assessed Acres: 0.34
 Approx. Square Ft: 14,381.09

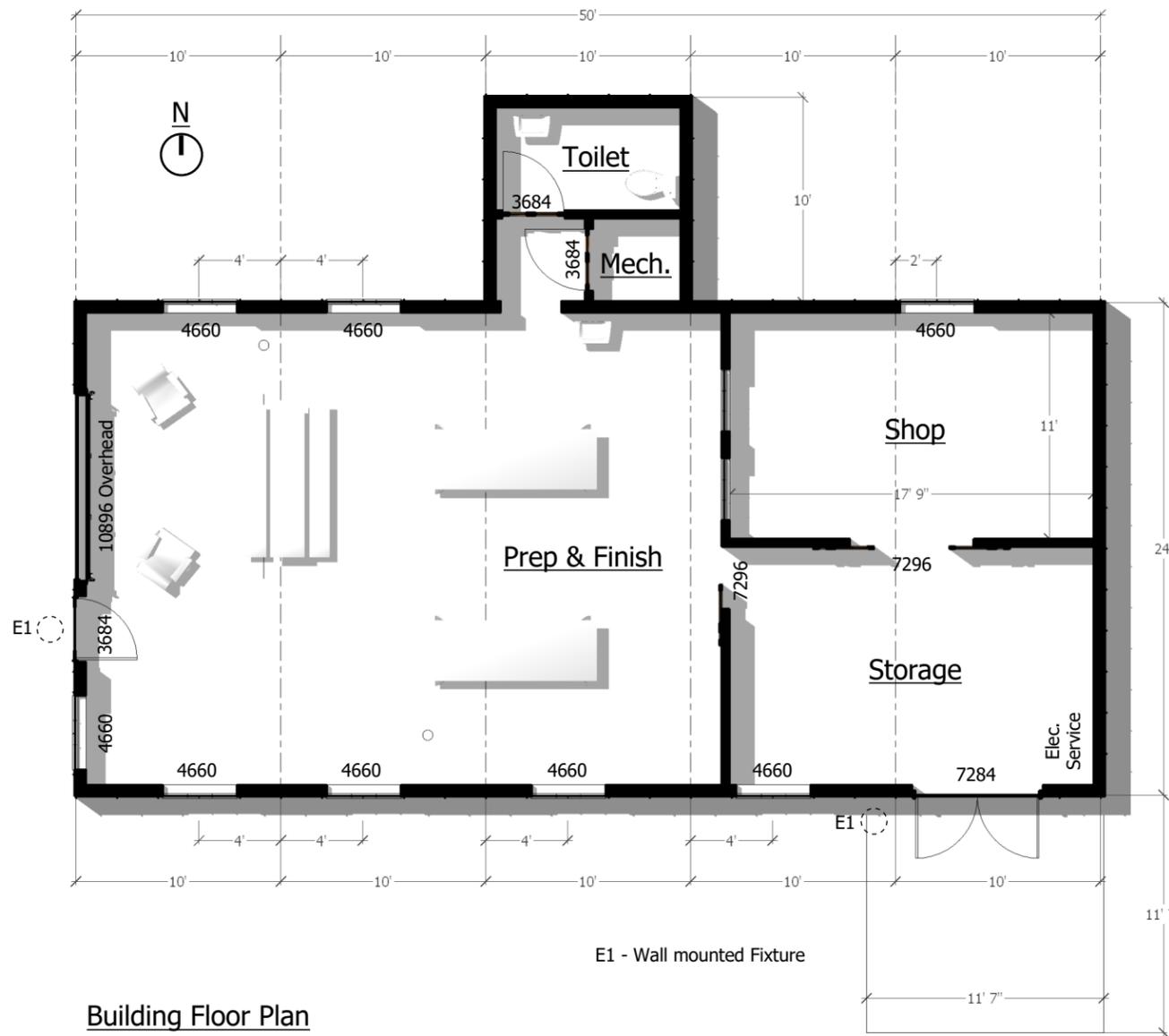
Land Value: \$106,800.00
 Improved Value: \$2,100.00

Legal Description
 ASSESSORS PLAT PRT OUTLOT 1 COM
 60 FT S OF NE COR OL 14 TH
 N0DEG20'E 129.7 FT E 132 FT
 S0DEG20'W 93 FT W TO POB

[Zoom to](#)

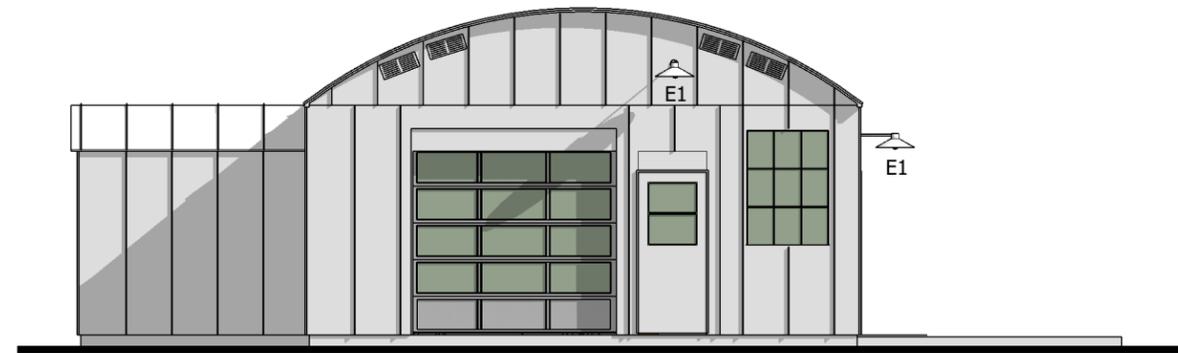
N FRANKLIN ST

N Franklin St

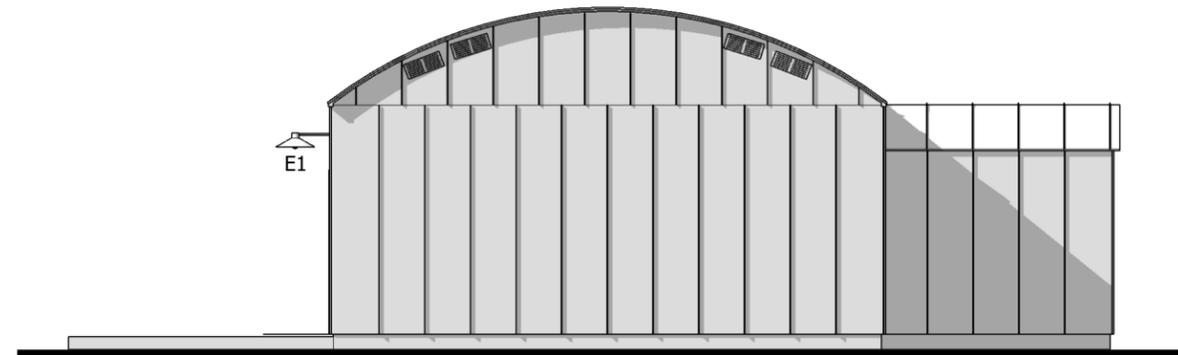


Building Floor Plan

E1 - Wall mounted Fixture



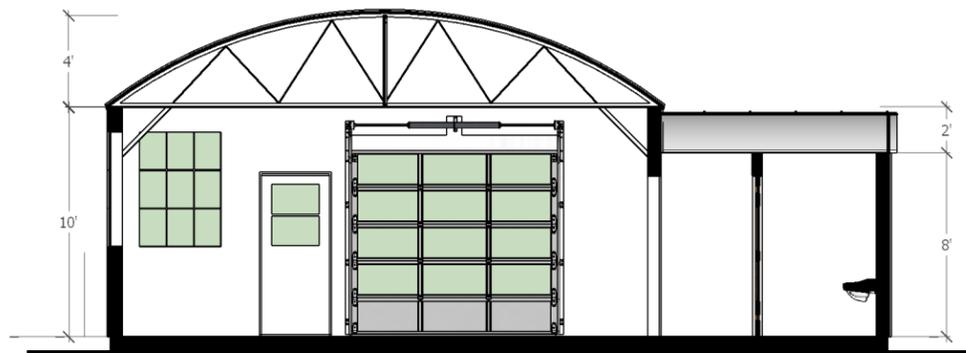
West Elevation



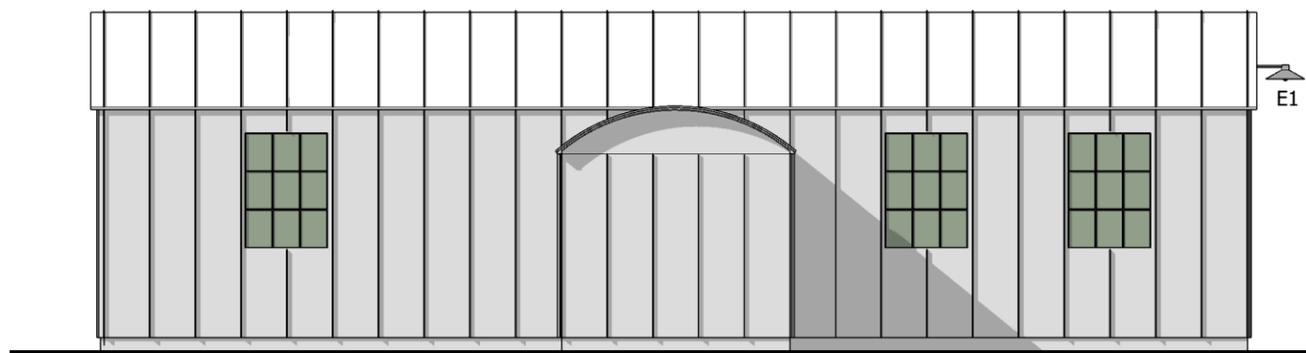
East Elevation



South Elevation



Building Section



North Elevation

