

City of Verona
Minutes
Plan Commission
March 4, 2019

1. **Call to Order:** Luke Diaz called the meeting to order at 6:30 p.m.
2. **Roll Call:** Mike Bare, Luke Diaz, Pat Lytle, and Scott Manley were present. Also present: Adam Sayre, Interim City Administrator/Director of Planning and Development; Katherine Holt, Community Development Specialist; City Engineer Jeff Montpas; AECOM Engineer Carla Fischer; and City Clerk Ellen Clark. Sarah Gaskell will arrive shortly. Steven Heinzen and Beth Tucker Long were absent and excused.
3. **Minutes:** Motion by Manley, seconded by Bare, to approve the February 4, 2019 Plan Commission Minutes. Motion carried 4-0.
4. **Public Hearing – Precise Implementation Plan (PIP) amendment for a Planned Unit Development (PUD), known as Festival Foods, to be located at 660 Hometown Circle that would allow for the construction of a 67,177 square foot grocery store.**

Sayre presented the staff report. This is the last step of the Planned Development Process, where a public hearing is required before the Plan Commission. If approved, the Applicant can obtain building permits and start construction.

Motion by Diaz, seconded by Bare, to open the public hearing at 6:32p.m. Motion carried 4-0.

Curt Mauer, representing Commercial Horizons, was present to answer any questions from the Commission.

Annette Stratman-Durrer, 303 S. Marietta Street, Verona, spoke regarding concerns with the amount and timing of the lighting in this plan. She would also like to see some additional trees within the parking space to replace those that will be taken down

There were no other public comments.

Motion by Lytle, seconded by Bare, to close the public hearing at 6:35 p.m. Motion carried 4-0.

- a. **Discussion and Possible Action – Precise Implementation Plan (PIP) amendment for a Planned Unit Development (PUD), known as Festival Foods, to be located at 660 Hometown Circle that would allow for the construction of a 67,177 square foot grocery store.**

Sayre gave a brief history of this property. The development was approved by the Commission in November 2017. The Applicant is now requesting modifications to the previously approved PIP. The proposed building modifications require an amendment to the previously approved PIP.

The building is slightly smaller than the original plan, and parking has been shifted, but not reduced. The building design has been changed, giving it a more modern look. A bike rack has been added on the west side of the building. Staff has no issues with the building materials or design. Landscaping has been discussed throughout the planning process, and exceeds the minimum ordinance requirements. Staff recommends that the Plan Commission recommend to the Common Council to approve the PIP for Festival Foods.

Diaz asked about the operation of the when the lights will be on and off.

Aaron Aspenson, representing Festival Foods, stated this will be a 24-hour store. The lighting is there for customer safety. The average foot candle reading is just over 3, which is typical of a new development. Shielded lighting will be used, so there will be no uplighting.

Manley asked if the architectural rendering of the building illuminated at night accurately represents what we will see there at night. What is there doesn't strike him as something that will be seen from a distance.

Aspenson replied the lighting on the building is more an architectural accent than for safety or other reasons. They do have enough lighting to cover seeing cars and people in the parking lot.

Diaz asked if it would be possible to plant more trees on the parking lot islands, or if another island or two could be added.

Aspenson replied there are two trees planned for each island. There is potential to add another island toward the south end of the parking lot, but we try to keep those areas open for the purpose of allowing space for snow piles.

Grant Duchac, representing Excel, stated there are canopy trees at every island, except where there are light poles. There is some opportunity to add canopy trees, but too many trees in an island can also prohibit their growth.

Bare asked if the design element adding material to the bottom of the building was put in place.

Sayre replied the Plan Commission was happy with the general design that was shown to them at the last presentation of this project, so no changes were made to the design.

Lytle stated the greater opportunity to add some trees would be to the north of Hometown Circle between Hometown Circle and the proposed parking lot.

Manley appreciates everything the applicant is doing to work with Staff. To his thinking, if someone meets the landscaping requirements of our ordinance we should be satisfied that the requirements are being met, and be fair to all. We may want to look at our landscaping point system if we think we're going to want more landscaping.

Sayre stated they exceed the required points by approximately 1,500 points. Part of that came from working with Staff on landscaping islands and the screening on the north side.

Lytle stated we try to create the highest and best use of the site. We have a site with a lot of existing trees. Maybe a set standard isn't the best thing to use for this site. It's different than if we were just replacing grassland.

Lytle asked about lighting intensity at the property line of the site. The light fixtures shown in the packet seem like they're intended to minimize glaring and glow.

Sayre replied we have minimum and maximum requirements for lighting at the property line. The only place this site does not conform is along the west property line with Farm and Fleet. The design of the lights is mostly downward facing. The LED lights do a better job of casting the light where it is needed versus the light spilling all over.

Motion by Manley, seconded by Bare, to recommend to the Common Council to approve the Precise Implementation Plan (PIP) amendment for a Planned Unit Development (PUD), known as Festival Foods, to be located at 660 Hometown Circle that would allow for the construction of a 67,177 square foot grocery store.

Mayor Diaz stated he has voted in opposition to this plan in the past, and will vote against it tonight for the sake of consistency. However, he wishes the Applicant nothing but success.

Motion carried 3-1, with Mayor Diaz voting no.

5. Public Hearing – Zoning text amendment to repeal and recreate Title 13, Chapter 2 relating to the City’s Floodplain Zoning Ordinance.

Sayre explained that Staff is requesting a change to the ordinance to ensure the City’s compliance with the National Flood Insurance Program (NFIP).

Motion by Diaz, seconded by Manley, to open the public hearing at 6:59 p.m. Motion carried 4-0.

There were no public comments.

Motion by Bare, seconded by Lytle, to close the public hearing at 6:59 p.m. Motion carried 4-0.

a. Discussion and Possible Action – Zoning text amendment to repeal and recreate Title 13, Chapter 2 relating to the City’s Floodplain Zoning Ordinance.

Carla Fischer, AECOM explained that she worked with Staff to follow the state’s model floodplain ordinance. The state has reviewed all of the changes that they’ve made. Where there have been approved changes to the mapping, they have been added. This follows the Department of Natural Resource’s 2017 model ordinance. When the model ordinance changes, so will the City’s. The old ordinance allowed up to a 1/100th of a foot increase in the Regional Flood Elevation (which is the 100-year flood). The new ordinance has a no-rise requirement. It also provides more detail on what data is required to study a waterway, adds an expiration of 180 days to the floodplain permit, and updates the floodplain penalty amount to \$50/day.

Lytle asked if we have an estimate of the number of properties that fall under the floodplain ordinance.

Sayre stated the number directly impacted is probably close to a dozen, but there are more that are indirectly impacted.

Lytle asked if property owners are subject to new requirements in how they use or develop their property.

Fischer replied they are the same areas they would have developed before, so there really are no changes. It does not change the boundaries of the floodplain.

7:05 p.m. – Gaskell now present.

Lytle asked if we are required to notify property owners that this change has been made.

Sayre stated the changes are minor. This will probably be coming back every five years or so. If property owners were to be dramatically impacted, we could notify them.

Manley stated to clarify, the state and federal standards would have to be followed, anyway, so we are not doing anything that state or federal law has not already done.

Motion by Bare, seconded by Manley, to recommend to the Common Council to approve the repeal and recreation of Title 13, Chapter 2 relating to the City’s Floodplain Zoning Ordinance. Motion carried 5-0.

6. Discussion & Possible Action – Initial review of a proposed 7,000 square foot building to be located at 505-507 Bruce Street.

Sayre provided the staff report. This is an initial review of the Applicant's request to construct a 100 by 70 square foot building along Bruce Street. This property is across from Fireman's Park. The Applicant is in the process of making significant improvements to the existing building on the property, and would like to construct a second building behind the existing building. This would require a conditional use permit for group development and site plan approval. Potential tenants for the building are a fitness business and a contractor.

The site boundaries on the northwest side of the lot would be adjusted to combine the parcels into one lot. All of the building setbacks are met, and Staff is comfortable with the building location. A rain garden and bio-retention bed is planned behind the building.

The Applicant has provided 57 parking spaces on the property. The 8,200 square foot building in place at this time requires 28 parking spaces. An additional 7,000 square foot building would require 24 more spaces. Staff is comfortable with the proposed parking at this time, but additional review will be necessary once tenants are known.

This property is located within a floodplain. The Applicant is aware that the building must be built two feet above the floodplain elevation. Staff recommends adding brick or stone to the proposed one-story metal building. Staff also recommends a landscaping plan that provides enough landscaping along the west property line to screen the property from the adjacent home.

Diaz stated this looks like a great project, and he is happy to see people investing in the City.

Manley echoed Diaz's comments. He is generally in favor of a little more architectural flavor. He would be a little less adamant about that with this building, as it is located in the industrial park. If the Applicant gets to the point where the building along Bruce Street would be updated, he would hold that to a higher degree.

Bare believes some design elements that lend a neighborhood feel to blend in with the new splash pad, etc. in that area would be a nice touch.

7. Discussion - Initial concept review for a proposed 95-acre development containing a medical clinic, commercial uses, and multi-family land uses to be located at 7278 Valley Road.

Sayre explained this site is abutted by Valley Road on the south, US Hwy 18/151 on the north, and Paoli Street/State Hwy 69 on the east. The Applicant is looking at a 15-acre piece of property for a medical clinic, 48 acres of commercial lands, and 22 acres for multi-family use. This project requires several approvals. This property has been talked about for development since 2006. Ultimately, the land was brought into the Urban Service Area (USA). This land is also part of the City's Southwest Neighborhood Plan. That plan included commercial land use along ST HWY 69, medical use further west, and residential institutional use on the northwest side. From a planning standpoint, what the applicant is looking at is generally consistent with the text of the Southwest Neighborhood Plan.

Regarding access & connectivity, there is a potential overpass road planned through this site that would ultimately connect to the road that the school district is constructing for their site. The challenge is what happens south of there. The plan was that it would be non-residential, but there has been talk recently of making it residential to the south. The second piece is the connection to ST HWY 69. Two access points are available – Valley Road and Pine Row Road.

The access point would probably have to be moved south of Valley Road. A Traffic Impact Analysis (TIA) would have to take place, as well.

Because the property is within the USA, the application would need to extend utilities to the sight. Staff is open to development occurring on this property. The applicant is in the process of purchasing the property. Staff believes the concept is consistent with the comprehensive plan, and is ready to go for development. There is no action required by the Commission this evening. The applicant is looking for feedback from the Commission.

Gaskell asked if large retail and large-scale hotel are what is currently proposed for the commercial/mixed use area.

Sayre replied in the front half, the site would be retained by SSM and Dean Clinic for medical use. In the 48-acre commercial/mixed use area, there could be a large retail, a grocery store, a large-scale hotel, smaller multi-tenant retail and office uses. The third area is planned for approximately 500 multi-family units.

Gaskell asked if that is the proposed order for development, as well.

Paul Molinaro, representing Welton Enterprises, replied that there is no timeline on what would go in first. They are not at a point yet to know where this project might be going.

Kurt Welton, representing Welton Enterprises, stated they are in a position to purchase from SSM, but they do not want to go forward with that until they know that the City thinks this might be a good idea. There are no deals inked with anyone; only the agreement with SSM that we can acquire this property.

Diaz likes the idea of a medical clinic. He likes the retail in the commercial area of the development, but is against a big box store, as it would draw people out of the city. He would also like to see an office building.

Manley is largely in agreement with the Mayor's comments. He agrees that this is an area that is appropriate for commercial development, but not a big box. He agrees that we need another medical facility, particularly an urgent care clinic. In terms of multi-family, this could be a good location, but he would be concerned about the number of multi-family units. He would rather see a mix of multi and single family in this area. One of the concerns as a Plan Commission member is we are to the point now where we are looking at ¼-acre lots that are selling for a minimum of \$130,000. If there was a larger inventory of single-family lots, we may be able to bring the price down.

Lytle asked how we could increase access to this area over time, and if there is anything we can do to create a western access point.

Sayre replied the overpass that would potentially connect to the high school road would not be an interchange. There could be a certain level of improvements. That will be generated by the TIA. We probably will get a good western access to this development, as the land to the west will not be part of the City. The Town of Verona could have some development in that area, but we do not know the extent of that.

Manley asked about who would be responsible for acquiring the right-of-way necessary for the realignment of Valley Road.

Sayre replied that realignment would have to happen when the land there is redeveloped. Pine Row Road is also a possibility. It would be difficult to just purchase that strip of right-of-way land at this time.

Diaz would like to know if some of the homes could be targeted toward the middle of the market.

Lytle is in general agreement with the other feedback provided tonight. There will likely be some devil in the details when it comes to sequencing of the project. We want to be smart about that. You do not want tenants to be in the middle of a construction site for years.

Weston replied they had not looked at the economics of single-family homes, especially if it were for homes targeted in the middle. He asked if the City would have any kind of TIF assistance available for that.

Sayre replied we do not have anything set up at this time for affordable housing. That is a separate conversation, and would be a decision for the Council. We also have to look at the "but/for" clause for creating a TIF.

Manley stated that given the location of this piece of land, if we should be able to figure out a way to get development in this part of the City without using subsidies.

8. Discussion – Municipal Ordinance amendments relating to mailbox requirements.

Community Development Director Katherine Holt presented the Staff Report. Holt explained that the United States Postal Service (USPS) will no longer be delivering mail to individual mailboxes for single-family residences. Instead, cluster mailbox units with centralized mail delivery will be implemented with new developments. Builders and developers or property owners are responsible for the purchase, installation, maintenance, repair and replacement of mailbox equipment. Cathedral Point and Scenic Ridge currently contain cluster mailboxes, the Cross Point Estates cluster mailbox unit is under construction, and Kettle Creek North is having to retrofit the locations of cluster mailboxes into already approved plans. Currently, the City does not have standard locations or requirements for the placement of cluster mailbox units. Staff has been looking into where to place cluster mailbox units in new subdivisions. They are proposing an Ordinance that would not allow cluster mailbox units in the right-of-way or in terraces, and would require them to be behind the sidewalk. A developer and Staff would have to coordinate with the Postal Service regarding placement of the boxes, as well.

As part of the review of new subdivisions, the Plan Commission will review cluster mailbox units for design, neighborhood character and the creation of an outlot to hold the units. The Plan Commission will not be responsible for the Ordinance amendment, but will have to discuss the cluster mailbox units as part of the review of new developments.

Diaz asked who would own the outlots.

Sayre replied our preference is that the Homeowner's Association (HOA) would own the outlot. It would be privately owned. The mailbox units that we have been putting in place in the past have been working well.

Diaz asked what will happen in areas that don't have an HOA.

Sayre stated this is for new developments, so going forward they will either have to have some kind of maintenance fund, or they will have to pass the hat. It will also depend on whose mailboxes they are.

Manley stated the developers should have to spell out in the deed restrictions who is going to be responsible for the maintenance of these mailboxes. It would be difficult for the city to mandate the formation of homeowners associations.

Diaz wondered if special assessments would be in order to ensure that the mailboxes are paid for.

Sayre said it could be done through the taxing system, though we have not done that in the past.

Bare stated we are already clearing the snow to mailboxes, and homeowners are already paying for their own mailboxes, so maybe we can just continue as we are now.

Gaskell stated the difference is snow clearance. You are not going to get around a cluster box with a plow. She would like to make this as clean as possible, with the City having the least amount of liability.

Lytle stated we are asking neighbors to work together as neighbors. The city should not be the keeper of this process. He is optimistic enough to think that people can live together in the neighborhood and get this taken care of.

9. Discussion & Possible Action – Proposals for the City Zoning and Sign Ordinance Rewrite.

Sayre explained that the City received four proposals for the Zoning and Sign Ordinance rewrite. Staff selected two firms to interview (Graef, and Houseal Lavigne & Ancel Glink). Staff was impressed with the presentation from Houseal Lavigne & Ancel Glink, as they have a solid understanding of the project, strong graphical design skills, and an experienced team. After the recommendation from the Plan Commission, Staff will discuss the project costs with the Finance Committee prior to taking the proposal to the Common Council for approval.

Staff recommends the City accept the Zoning and Sign Ordinance rewrite proposal from Houseal Lavigne & Ancel Glink.

Gaskell asked if the 18-month timeline is reasonable.

Sayre replied that we believe 18 months to two years is reasonable.

Gaskell asked if we can pull out things that we believe are immediately relevant and approve them, or do we have to follow their timeline.

Sayre replied we can go back and have that conversation with them.

Gaskell would like to see Staff participation frontloaded, rather than at the end.

Lytle asked if this is the first time this team has worked together on a project.

Sayre explained that Houseal Lavigne is the design side of the team, and Ancel Glink is the legal side. They work together on all of their projects. We wanted our legal people to be able to work with them just on legal things if they want.

This is a recommendation tonight. The Council would have the ultimate approval after going to the Finance Committee.

Motion by Lytle, seconded by Diaz, that the City accept the Zoning and Sign Ordinance rewrite proposal from Houseal Lavigne & Ancel Glink. Motion carried 5-0.

10. Reports and comments from the Planning Department

a. Update on changes to Section 14-1-80: General Park and Public Land Dedication Requirements.

Sayre stated the City is looking at making some updates to our Parkland Dedication Ordinance. Fees, suitability of land, what gets credit, open space, active vs. passive, etc. would be discussed. They are working with Dave Walker, Parks Director and Casey Dudley, Recreation Director on the updates. We want to have the ability to accept or decline areas based on need, etc.

Diaz hoped that natural areas are being considered as being eligible for parkland dedication.

b. Update on development projects.

None.

11. Reports and comments from the Plan Commissioners

There were no reports or comments from the Plan Commissioners.

12. Adjournment

Motion by Manley, seconded by Gaskell, to adjourn at 8:08 p.m. Motion carried 5-0.