

City of Verona
Minutes
Plan Commission
July 1, 2019

1. **Call to Order:** Luke Diaz called the meeting to order at 6:32 p.m.
2. **Roll Call:** Luke Diaz, Sarah Gaskell, Steven Heinzen, and Beth Tucker Long were present. Also present: Adam Sayre, Interim City Administrator/Director of Planning and Development; Katherine Holt, Community Development Specialist; and AECOM Engineer, Carla Fischer. Mike Bare, Pat Lytle and Scott Manley were absent and excused.
3. **Minutes:** Motion by Gaskell, seconded by Tucker Long, to approve the May 6, 2019 Plan Commission Minutes. Motion carried 4-0.
4. **Public Hearing – Conditional Use Permit for an in-vehicle sales or service located at 723 Half Mile Road that would allow for the construction of an 8,300 square foot convenience store, fuel canopy, and car wash.**

Sayre stated this is a request from Kwik Trip to construct a convenience store, fuel canopy and car wash at the intersection of West End Circle and the future Wildcat Way. This is located north of the new high school now under construction.

Motion by Diaz, seconded by Tucker Long, to open the public hearing at 6:35 p.m. Motion carried 4-0.

Troy Mlezvia, Real Estate Manager for Kwik Trip, 1626 Oak Street, LaCrosse, WI, 54602, offered to answer any questions from the Commission.

Motion by Heinzen, seconded by Tucker Long, to close the public hearing at 6:37 p.m. Motion carried 4-0.

Sayre presented the Staff report. There are three agenda items before the Commission for this project: the Conditional Use Permit, the Site Plan, and a Certified Survey Map (CSM). The gas station would consume approximately 2.5 acres of land. The current owner of this property is the Erbach Trust. The City has an agreement with the Erbach Trust regarding the construction of Wildcat Way, which states that the Trust or any future owner of the property will pay the City \$500,000 when project approvals are granted by the City. Staff recommends that any approvals be contingent upon the Applicant taking ownership of the property.

The property is located within the Downtown Overlay District. Staff has no concerns regarding building setbacks on this location. There are three access points to the site; one onto West End Circle, and two from Wildcat Way. Pedestrian access is available at the southwest corner of the site. Bicycle parking is also available. Thirty surface parking spaces are planned for the site. The building materials and construction are consistent with other Kwik Trip stores in the area. Staff is pleased with the appearance of the buildings.

The CSM will split the property into two parcels. Lot 1 will be used by Kwik Trip for this construction, and Lot 2 will be retained by Kwik Trip for possible sale in the future. The CSM also includes an access easement. Staff recommends approval of the Conditional Use Permit, each with the condition that it becomes effective upon the Applicant acquiring the property.

a. **Discussion and Possible Action – Conditional Use Permit for an in-vehicle sales or service located at 723 Half Mile Road that would allow for the construction of an 8,300 square foot convenience store, fuel canopy, and car wash.**

Gaskell is concerned about the access point onto West End Circle becoming congested and asked if the City can limit that access point.

Sayre replied that it is a public street. If congestion becomes a problem in the future, the City can look into limiting that access point.

Motion by Gaskell, seconded by Tucker Long, to recommend to the Common Council to approve a Conditional Use Permit for an in-vehicle sales or service located at 723 Half Mile Road that would allow for the construction of an 8,300 square foot convenience store, fuel canopy, and car wash with the following condition:

1. The Conditional Use Permit shall become effective upon the Applicant acquiring the property.

Heinzen stated he has reservations about placing a gas station in front of a brand new, \$175 million school. Driving west on Westridge Parkway, the school will be concealed by the Kwik Trip for much of the drive. Because of this, he will not be voting to approve the Conditional Use Permit.

Tucker Long asked how much control the City has over the land use for this property.

Sayre replied when the land for the high school was purchased, there was an insistence from the City that the land along West Verona Avenue remain commercial. Regarding tonight's request, the general findings of facts were met making it difficult to deny the Applicant's request.

Motion carried 3-1, with Heinzen voting no.

b. **Discussion and Possible Action – Site plan review to allow for the construction of a 8,300 square foot convenience store, fuel canopy, and car wash at 723 Half Mile Road.**

Heinzen stated he will not approve the building as it is being presented tonight. If a gas station is going to be placed this close to the school, we should expect the building to be aesthetically more pleasing than what is being proposed. He used the Kwik Trip building in Cottage Grove as an example.

Mlezvia replied that the building in Cottage Grove was an acquisition from the original developer. It was not designed by Kwik Trip. The proposed store has a lot of green building elements built into it along with a metal roof.

Gaskell asked if tying this project to the high school through some branding had been discussed since the last Plan Commission meeting.

Mlezvia replied they have been in discussions with the school regarding incorporating elements of the school logos in their design. Some ideas are using school district colors on the patio umbrellas, creating a way-finding path on the sidewalks using paw prints, and hanging student artwork inside the store.

Gaskell asked if it is anticipated that this store will take customers from the downtown Kwik Trip.

Mlezvia replied it may take some business away initially, but in the long run, as Verona continues to grow, he believes there will be enough opportunity for both stores.

Motion by Diaz, seconded by Gaskell, to approve the site plan to allow for the construction of an 8,300 square foot convenience store, fuel canopy, and car wash at 723 Half Mile Road with the following condition:

1. The site plan approval shall become effective upon the Applicant acquiring the property.

Diaz thanked the Applicant for considering incorporating high school colors and logos in the design plan.

Motion carried 3-1, with Heinzen voting no.

c. Discussion and Possible Action – Certified Survey Map to create two (2) lots at 723 Half Mile Road.

Motion by Gaskell, seconded by Tucker Long, to recommend to the Common Council to approve the Certified Survey Map to create two (2) lots at 723 Half Mile Road with the following condition:

1. The Certified Survey Map shall become effective upon the Applicant acquiring the property.

Motion carried 4-0.

5. Public Hearing – General Development Plan (GDP) for a Planned Unit Development (PUD) and zoning map amendment for the Whispering Coves Subdivision to be located in the North Neighborhood south of County Highway PD, west of County Highway M, and north of Kettle Creek North. The proposed GDP would allow for the construction of 216 single-family detached residential units and 50 condominium residential units on 170 acres. The zoning map amendment would rezone 55.9 acres to Public Institutional (PI), 89.1 acres to Neighborhood residential (NR), 14.1 acres to Suburban Commercial (SC), and 14.2 acres to Urban Residential (UR).

Motion by Diaz, seconded by Tucker Long, to open the public hearing at 7:01 p.m. Motion carried 4-0.

Douglas Buck, 33 E. Main Street, #900, Madison, WI, presented a history of the Whispering Coves Subdivision project. The project first came to the City's attention in 2017, when some workshops were held. It has always been known by the City that this is a closed stormwater basin. Comments from the Plan Commission and Common Council were reviewed by the developer, and the land was annexed into the City. A preliminary plat was submitted by the developer in February 2019, and in May 2019 the preliminary plat was approved by the Plan Commission.

Ron Henshue, representing Forward Development Group, narrated a video featuring the linear park areas of the development plan. The Parks, Recreation and Forestry Commission asked the developer to remove some home lots to allow for a larger park at the center of the development. In the western section of the development is a large green area containing switchbacks, as well as cul-de-sacs containing "pocket parks". The purpose of showing this video is to illustrate that the linear park contains a large amount of green space in addition to that surrounding the path itself.

Buck stated that most of the issues brought forward by City Staff can be dealt with by adding conditions to the development approvals. Access to CTH M from the Dreger and Endres

properties was obtained by the developer, as requested by City Staff. The developer is also agreeable to any necessary annexation. Though there are some of the City's recommendations regarding parkland that the developer would rather not see placed on the property, the recommendations will be followed. Staff's stormwater management concerns can be addressed through conditional approval of the plan. The developer has agreed to delay presentation to the Common Council until July 22, 2019 to give City Staff additional time to study the stormwater engineering on the property. There is no question that Phase 1 contains more than adequate stormwater drainage. He asked that the Plan Commission approve the zoning map amendment and General Development Plan with conditions.

Henshue asked the Plan Commission to approve the zoning map amendment and General Development Plan with conditions. It is important that the project continues to move forward, as Forward Development Group would like to have sites ready for building by October 31, 2019.

Motion by Gaskell, seconded by Tucker Long, to close the public hearing at 7:19 p.m. Motion carried 4-0.

a. Discussion and Possible Action – Final Plat for the Whispering Coves Subdivision to create 222 lots and 22 outlots south of County Highway PD, west of County Highway M, and north of the Kettle Creek North Subdivision.

Sayre presented the Staff report. Staff has concerns with the following items:

- Because the stormwater management plan has not been finalized, Staff is unable to verify that approval of the plan by Department of Natural Resources (DNR), Capital Area Regional Planning Commission (CARPC), or the Public Works/Sewer & Water Committee will be forthcoming, and therefore cannot ensure the stormwater for the final plat is sufficient. The Applicant asked Staff to stop reviewing the plans on June 18, 2019.
- The final plat references cul-de-sac bulbs as parkland, which is an item that the Parks, Recreation and Forestry Commission specifically denied. In addition, the condition for a larger centralized park has not been met.
- Finding "A" of the zoning map amendment has not been met, as the stormwater management plan has not been finalized.
- Outlots need to be added to the final plat to accommodate cluster mailboxes.
- Engineering roadway cross-sections need to be updated to meet the 8-foot minimum terrace width required by the Public Works/Sewer & Water Committee.
- The General Development Plan needs to be updated to reflect the conditions of the Parks, Recreation and Forestry Commission, as well as Staff comments.
- The Applicant has not met the preliminary plat approval condition that land will be dedicated and annexed for the northern half of Stony Ridge Way prior to final plat approval.
- The following conditions of the annexation agreement have not been satisfied:
 - Vehicular access to the property from County Highway M has not been obtained.
 - An approved stormwater plan is not in place.

Staff continues to support the development of this Property but most of the concerns outlined above need to be addressed prior to approval of the final plat, GDP, and zoning map amendments, which should all come before the Plan Commission and the Common Council as final documents and as part of a package for the project including the associated development agreement. In general, Staff is supportive of the zoning map amendments, but cannot support the zoning map amendment until the final plat is finalized and stormwater issues are resolved. Staff cannot support conditionally approving the final plat. The annexation and preliminary plat were conditionally approved and some of the items that still need to be resolved were previously identified in those past approvals as conditions of approval.

The City has conditioned this project every step of the way, but this is the final plat. The intent is for it to be final. Not knowing what will happen with stormwater management on this property is the biggest issue.

Diaz asked if the Applicant was given fair warning notice that Staff would be recommending against approval.

Sayre replied by State Statute, we must act on the final plat within 60 days, or it will be automatically approved. Staff emailed the Applicants last week and gave them two options: asking the Applicants to withdraw the application and push it to a date in September, or taking the application forward with the recommendation from Staff to deny the application.

Diaz asked if the application has a chance to come back if the Plan Commission recommends to the Common Council to deny the application.

Sayre replied yes.

Heinzen asked when the 60th day will be.

Sayre replied there has to be some action on the application at the July 22nd Common Council meeting. If we wait until the August 12th meeting date, it will be past the 60 days.

Heinzen clarified that the Plan Commission may get another chance to act on the application in August, but the Common Council must act on it at their July 22nd meeting.

Sayre explained that tonight the Plan Commission will be making a recommendation to the Common Council to either approve or deny. Because we have a clock ticking, it will move forward to the Common Council no matter what the position is unless the Applicant pulls the application back and gives the City a new timeline. As part of the annexation agreement, the City agreed to allow the developer to begin grading the property prior to approval of the application. A delay of grading is a concern of the Applicant. There is permission to begin grading at the Applicant's own risk.

Heinzen clarified again that if the Common Council does not act on the application at the July 22nd meeting, the application will automatically be approved.

Gaskell suggested that the Applicant pull the application at this point. She does not want the Plan Commission to override the recommendations of City Staff and committees. She will not approve the application until the stormwater management issues are addressed and believe it would be irresponsible to approve the application with conditions. She asked why the Applicant asked the City to stop its review of the stormwater management plans.

Buck replied the Applicant informed City Staff that the stormwater issues should be resolved before the next Common Council meeting, which was scheduled for July 8, 2019.

City Staff stated that they needed more time to review the plans. In response, the Applicant offered to wait until the July 22, 2019 meeting to take the application to the Common Council. He asked Sayre how much time will be needed to review the plans.

AECOM engineer, Carla Fischer, replied that the big thing that changed with the overall stormwater management plan is that they received information that the infiltration rates, particularly in the big basin, are much lower than originally anticipated. They looked at a plan that would convert that basin into a wet basin, and push all the water to the basin to the east of the big basin. However, that is a smaller basin. There will be a solution that works, but that information does change the basis of the design. With the new infiltration information, they will need more time to develop a method that will work in this area. She does not believe they will have an answer in time for the July 22, 2019 Common Council meeting.

Discussion followed regarding the advantages of the Applicant pulling the application at this time versus the Plan Commission tabling or denying the application.

Sayre stated many of these issues have been talked about for a long while. He would prefer seeing the full package done before we get it back, versus putting a date on it, and possibly having it come back incomplete again. He is not sure if 30 days will be enough time to come up with a solution to the stormwater problems.

Motion by Diaz, seconded by Gaskell, to recommend to the Common Council to deny the final plat for the Whispering Coves Subdivision to create 222 lots and 22 outlots south of County Highway PD, west of County Highway M, and north of the Kettle Creek North Subdivision.

Diaz stated he is frustrated because he likes many things about this project. However, the stormwater issues alone are a real concern. He would like to vote yes for this project, but in the condition that it is in now, he has to recommend denial to the Common Council.

Motion carried 4-0.

- b. Discussion and Possible Action – General Development Plan (GDP) for a Planned Unit Development (PUD) to be located in the North Neighborhood south of County Highway PD, west of County Highway M, and north of Kettle Creek North subdivision that would allow for the construction of 216 single-family detached residential units and 50 condominium residential units on 170 acres.**

Motion by Diaz, seconded by Tucker Long, to recommend to the Common Council to deny the General Development Plan (GDP) for a Planned Unit Development (PUD) to be located in the North Neighborhood south of County Highway PD, west of County Highway M, and north of Kettle Creek North subdivision that would allow for the construction of 216 single-family detached residential units and 50 condominium residential units on 170 acres.

Motion carried 4-0.

- c. Discussion and Possible Action – Zoning map amendment for the Whispering Coves Subdivision to rezone 55.9 acres to Public Institutional (PI) and 89.1 acres to Neighborhood Residential (NR) located in the North Neighborhood south of County Highway PD, west of County Highway M, and north of Kettle Creek North subdivision.**

Motion by Diaz, seconded by Gaskell, to recommend to the Common Council to deny a zoning map amendment for the Whispering Coves Subdivision to rezone 55.9 acres to Public Institutional (PI) and 89.1 acres to Neighborhood Residential (NR) located in the

North Neighborhood south of County Highway PD, west of County Highway M, and north of Kettle Creek North subdivision.

Heinzen asked if there is a reason we should not approve the zoning amendments tonight.

Sayre replied Staff is generally comfortable with the zoning amendments; however, the intention is to take the entire application as a package.

Motion carried 4-0.

- d. Discussion and Possible Action – Zoning amendment to rezone 14.2 acres of Block 1, Lot 1 of Whispering Coves Subdivision abutting County Highway M from Rural Agriculture (RA) to Suburban Commercial (SC) and zoning map amendment to rezone 7.5 acres of Block 2, Lot 2 of the Whispering Coves Subdivision from Rural Agriculture (RA) to Urban Residential (UR).**

Motion by Diaz, seconded by Gaskell, to recommend to the Common Council to deny a zoning amendment to rezone 14.2 acres of Block 1, Lot 1 of Whispering Coves Subdivision abutting County Highway M from Rural Agriculture (RA) to Suburban Commercial (SC) and zoning map amendment to rezone 7.5 acres of Block 2, Lot 2 of the Whispering Coves Subdivision from Rural Agriculture (RA) to Urban Residential (UR).

Motion carried 4-0.

- 6. Discussion and Possible Action – Urban Service Area amendment to add approximately 39 acres of land located at the southeast corner of Range Trail and County Highway M located in the Town of Verona.**

Sayre explained that this request is for the Gust property. Staff is looking for a recommendation from the Plan Commission and authorization from the Common Council to move forward with an Urban Service Area amendment. A pre-development agreement for this property was approved by the Common Council at its last meeting, but only a portion of the property is within the City's Urban Service Area. Staff would like a recommendation from the Plan Commission to move forward and bring the rest of the property into the Urban Service Area.

Motion by Heinzen, seconded by Gaskell, to recommend to the Common Council to approve an Urban Service Area amendment to add approximately 39 acres of land located at the southeast corner of Range Trail and County Highway M located in the Town of Verona.

Motion carried 4-0.

- 7. Discussion and Possible Action – Urban Service Area amendment to add approximately 7.5 acres of land located at 1979 Milky Way.**

Sayre explained that this request is for the area adjacent to the existing contractor annex building on the Epic campus. The Applicant is considering building an additional contractor building in this area, and hopes to avoid having to install a septic drain field for the new buildings.

Motion by Tucker Long, seconded by Gaskell, to recommend to the Common Council to approve an Urban Service Area amendment to add approximately 7.5 acres of land located at 1979 Milky Way.

Motion carried 4-0.

8. Reports and comments from the Planning Department

- a. Update on development projects.

Sayre stated the zoning ordinance rewrite is progressing. Upcoming will be some workshops with the community and the Plan Commission. The first workshop is targeted for the September Plan Commission meeting.

9. Reports and comments from the Plan Commissioners

Gaskell thanked Staff for their work on the Whispering Coves project.

Sayre thanked AECOM, Public Works and Planning Department staff for their work as well.

12. Adjournment

Motion by Tucker Long, seconded by Gaskell, to adjourn at 8:10 p.m. Motion carried 4-0.