

City of Verona
Minutes
Plan Commission
June 1, 2020

Due to the COVID-19 pandemic, the Verona Plan Commission held its meeting as a virtual meeting. The Plan Commission did not meet at City Hall, 111 Lincoln Street. Members of the Plan Commission and Staff joined the meeting by using Zoom Webinar. Members of the public were able to join the meeting using Zoom Webinar via a computer, tablet, or smartphone, or by calling into the meeting via phone.

1. **Call to Order:** Luke Diaz called the meeting to order at 6:33 p.m.
2. **Roll Call:** Luke Diaz, Mike Hankard, Steve Heinzen, Katie Kohl, Pat Lytle, Tyler Powers, and Beth Tucker Long were present. Also present: City Administrator Adam Sayre, Community Development Specialist Katherine Holt, and City Engineer Carla Fischer.
3. **Approval of minutes from May 4, 2020 Plan Commission meeting.**
Motion by Kohl, seconded by Powers, to approve the minutes from the May 4, 2020 Plan Commission meetings. Motion carried 7-0. Sayre noted that the agenda mistakenly lists the last meeting date as May 2, 2020. The minutes in the packet are correctly dated.
4. **Discussion & Possible Action – Zoning Ordinance rewrite: Review of draft Article 3 – Establishment of Zoning Districts, Article 4 – Specific Districts, and Article 5 – Specific Use Standards for the Zoning and Sign Code rewrite.**
Sayre introduced Jackie Wells, Houseal Lavigne Associates.

Wells reviewed the proposed revisions to the zoning districts, planned unit developments (PUD), and the zoning map. These items define the district standards.

Article 3 – Establishment of Zoning Districts:

The proposal is to reduce the number of zoning districts in the City of Verona from 15 to 12 by eliminating the Community Residential (CR) District, the Neighborhood Commercial (NC) District, and the Urban Commercial (UC) District, as well as combining districts where appropriate.

Article 4 – Specific Districts:

It is being proposed that lot area minimums in the Neighborhood Residential (NR) District, Urban Residential (UR) District, and Suburban Commercial (SC) District be revised, and that lot widths in all districts be revised.

Diaz asked what public benefit comes from a minimum lot size in a commercial area.

Wells replied it helps to ensure enough land area is available to accommodate parking, landscaping, etc. as well as the building itself.

Side yard and rear yard setbacks would be revised in the NR and UR Districts, and maximum setbacks would be added in the Central Commercial (CC) District.

Regarding bulk and dimensional standards, the proposal eliminates the current building coverage with landscaping ratio, and replaces it with lot coverage standards. Lot coverage would include parking lots, driveways, decks, accessories, landscaping, etc., as well as the building.

Revisions were made in the district use categories to tighten up the definitions, break down some of the broad-use categories and modernize the defined uses.

Sayre pointed out that in the use matrix, an apartment/condominium building is considered a permanent use, while a complex is considered a conditional use.

General Retail uses are broken down by size. Other retail uses are Adult Uses, Outlot Retail, Pawn Shops and thrift stores.

Lytle asked how the Plan Commission or Common Council should indicate in the code that any retail use is prohibited.

Wells replied the use can be listed in the code, but be left blank, which will clearly indicate that the use is prohibited. The use can also be removed from the list at this time, but can be added if the use is permitted at a later date.

Lytle asked if Adult Use is permitted by right.

Wells replied it does have to be permitted somewhere in the City. It can be listed as a permitted use or a conditional use, but listing it as a conditional use can be very cumbersome, as the conditions have to be very detailed and specific. There are separation requirements for adult use, as well, that do not allow that use near a school, for instance.

Sayre stated it is a First Amendment issue. The City does not want any appearance of prohibiting the use, so it is cleaner to have it allowable by right.

Tucker Long asked if the same is true for General Retail over 50,000 square feet.

Wells replied General Retail categories do not have to be permitted by right. It is up to the City to determine whether it is permitted by right or is a conditional use.

Sayre stated it is challenging to deny a conditional use permit for these uses. If the City decides to make General Retail over 50,000 square feet a conditional use, there will have to be some very specific criteria tied directly back to the purpose.

Diaz, Powers, Kohl and Tucker Long expressed they would like the Check Cashing/Payday Loan Store category to be pulled from the Table 4-5(f) Service Uses list.

Lytle stated he would like a clear delineation between a massage parlor, which is listed as undesirable, versus a day spa-type business that also offers massages.

Tucker Long asked how flexible the categories will be as society and consumer interests change.

Wells replied the City is always able to make text amendments to the code as needed. The General Retail category is meant to capture those uses that the City may not be able to define at the moment.

Table 4-5(i) Lodging Uses lists only Bed and Breakfast and Hotel as uses in this category.

Lytle asked where an Airbnb fits into this category.

Wells replied short-term rentals like Airbnb are listed under Accessory Use.

Diaz asked if there are ways to restrict the use of a home as an Airbnb.

Wells replied Wisconsin has a specific limit on the number of days that a house can be rented as a short-term rental.

Sayre stated there are a couple of houses in the City that are rented full-time as Airbnbs. The City would have to determine how those houses would be grandfathered.

Lytle asked if there is a difference between Christmas Tree/Pumpkin Sales and someone selling sweet corn, and if the Farmers Market use could be a permitted use in the Public Institutional District.

Wells stated the category name can be changed to Seasonal Sales to include more items.

Wells, Sayre and Diaz stated that it would make sense for the Farmers Market use to be a permitted use in the Public Institutional District.

Diaz asked for the Christmas Tree/Pumpkin Sales category name to be changed to Seasonal Sales. As it stands, the Christmas Tree/Pumpkin Sales category includes a limited time period for sales, whereas the Farmers Market use could last through the entire season.

Tucker Long asked into what category fireworks sales would fall.

Wells replied fireworks sales could fall into the Seasonal Sales category. It can also be called out separately to be regulated more strictly, if the City chooses to do so.

Article 5 – Specific Use Standards

Wells explained the specific use standards for the following categories:

- Specific Agricultural Use Standards:
 - Community Garden
 - Solar Energy Collection, Farm
 - Urban Agriculture, Outdoor

- Specific Residential Use Standards:
 - Apartment/Condominium, Building

Hankard questioned requiring parking in the back of the building, while at the same time requiring the main entrance to be at the front of the building off the sidewalk.

Wells explained that though people most often enter their living quarters through the garage or the back door, having the main entrance facing the sidewalk at the front of the house creates a pedestrian friendly, neighborly environment. ADA accessibility can be accomplished at the secondary entrance from the parking lot at the rear of the building.

Tucker Long stated she believes this requirement will create many special cases for the Plan Commission to address.

Sayre suggested changing the standard that the main entrance to an apartment or condominium from “shall” face the primary street, to “should” face the primary street; change it from a requirement to an encouragement.

- Apartment/Condominium, Complex
- Cluster Mailbox
- Community Living, all capacities
- Duplex/Townhome, all units
- Senior Housing, Dependent and Independent
- Single Family, Detached

Sayre explained the aesthetic standards for attached garages are a new requirement with this rewrite. They are meant to prevent the garage door from being the focal point of the front of the house.

Tucker Long expressed concern that cutting down on the width of the garage will encourage people to build single-car garages.

Wells replied two-car garages will continue to be built, but builders will be encouraged to place the garages on the side of the building, rather than on the front of the building.

Holt stated when the City wants to encourage something, that item can be added to the neighborhood plan or the comprehensive plan rather than be part of the ordinances.

- Specific Institutional Use Standards:
 - Outdoor Public Recreation, Active
 - Public Service and Utilities
- Specific Retail Use Standards:
 - Adult Uses
 - General Retail, less than 10,000 sq. ft.
 - General Retail, 10,000 – 49,999 sq. ft.
 - General Retail, more than 50,000 sq. ft.
 - Outlot Retail
 - Pawn Shop
 - Thrift Store
- Specific Service Use Standards:
 - Corporate Campus
Diaz asked what type of building material is considered “traditional”. He sees Epic’s corporate campus, utilizing quality building material that would not necessarily be considered “traditional”

Wells replied for this purpose, “traditional” means time and weather tested.

Sayre commented the ordinance verbiage will relate to materials used, not building design.

Diaz prefers “time and weather tested” over “traditional”.

Tucker Long asked if this is an area where underground parking could be encouraged.

Wells replied if the City is interested in encouraging underground parking, that may be another item that can be added to the comprehensive plan, rather than making it a requirement.
 - Commercial Animal Boarding
 - General Service, less than 10,000 sq. ft.
 - General Service, more than 10,000 sq.ft.
 - Personal Storage Facility
- Specific Eating and Drinking Use Standards
 - Coffee/Tea Shop
Lytle asked what determines the difference between a coffee/tea shop and a fast casual restaurant.

Wells replied it depends on the amount of food prepared on-site. Coffee/tea shops often bring in food that is prepared elsewhere.
- Specific Fitness Facility and Entertainment Use Standards
 - Fitness Facility/Entertainment Facility, less than 10,000 sq. ft.
 - Fitness Facility/Entertainment Facility, 10,000 – 49,999 sq. ft.

- Fitness Facility/Entertainment Facility Indoor, more than 50,000 sq. ft.
- Physical Health/Entertainment Facility Outdoor
- Specific Lodging Use Standards
 - Bed and Breakfast
- Specific Vehicle Related Use Standards
 - Fuel Sales

Tucker Long asked if the City can enter into a vacant building agreement with gas stations requiring remediation of any soil contamination upon vacation of the premises.

Sayre replied the newer stations don't generally have soil contamination issues. It is difficult to put vacant building agreements in place. The City could possibly put tighter restrictions on where a gas station would go, or if it should be allowed in the City at all. We could look at the City's wellhead protection ordinance for applicability.
- Specific Industrial Use Standards
 - Artisan Manufacturing
 - Communication Tower
 - Composting Operation
 - Distribution Center
 - Light Industrial
- Specific Transportation Use Standards
 - Airport/Heliport
- Specific Accessory Use Standards
 - Accessory Building
 - Accessory Dwelling Unit
 - Accessory Structure
 - Company Provided On-Site Recreation
 - Drive Through

Lytle asked if the changes to the drive through use standards will give the City the flexibility it has been looking for regarding drive through requirements.

Sayre replied it will solve most of the issues the City has been having in this area.

Wells stated the stacking lane requirements are based on the type of drive through and demand. These are minimum requirements.
 - Home Occupation

Tucker Long asked if local delivery is allowed in this category, if the items are not sold online.

Wells replied limiting home occupations to online sales limits excess traffic generated by having a home occupation. The home occupation should be subordinate to the primary use of the property as a residence.

Tucker Long would like to see phone sales permitted, as well.

Holt stated the occupation should blend into the neighborhood. Phone sales could be added.

Lytle believes home occupation could be expanded, as long as excess traffic is not generated.

- Indoor Sales Incidental to Light Industrial Use
 - Light Industrial Incidental to Indoor Sales
 - On-Site Agricultural Retail
 - Outdoor Activity/Operation, Permanent
- Lytle asked if a tennis or basketball court in a public park would fall under this category.

Wells replied this category is meant to address mainly commercial or industrial uses that might have outdoor activities

- Outdoor Dining, without alcohol
- Outdoor Dining, with alcohol
- Outdoor Display of Merchandise, Permanent
- Outdoor Storage, Permanent
- Solar Energy Collection System, Canopy
- Solar Energy Collection System, Ground Mounted
- Solar Energy Collection System, Roof Mounted
- Urban Garden

Tucker Long asked if urban gardens can be located in residential areas, as well.

Wells replied yes, with certain limitations.

Tucker Long believes the four-foot height requirement may be too restrictive. Tomatoes, for example, are generally over four feet high.

Wells replied there would be no problem with plants over four feet high, as long as they are planted in the rear or side yard in residential areas.

Diaz asked if a raised bed would count as a structure.

Wells replied structures would not include raised beds.

Diaz has some concerns about the four-foot limitation.

Wells replied the limitation is primarily for safety reasons

Tucker Long asked if the same limitation applies to bushes, as well.

Lytle suggested revising the language.

Tucker Long asked if there are such limitations in place currently.

Sayre replied there are vision triangles in place for corner lots. Arbor vitae and similar plantings are used as fences from time to time. This is an item that Staff can discuss and possibly revise.

- Specific Temporary Use Standards
 - Christmas Tree/Pumpkin Sales
This category has been revised to "Seasonal Sales".
 - Outdoor Assembly
 - Outdoor Display of Merchandise, Temporary
 - Portable Outdoor Storage Device
 - Short Term Rental

5. **Adjournment**

Motion by Tucker Long, seconded by Heinzen, to adjourn. Motion carried 7-0. The meeting was adjourned at 8:54 p.m.