



**PLEASE TAKE NOTICE** that there will be a City of Lodi Plan Commission meeting held on Tuesday, April 12<sup>th</sup>, 2022 at 6:30 pm in the Council Room, City Hall, 130 South Main Street, Lodi, WI.

### Plan Commission Minutes

1. Call To Order

*Rich Stevenson called the meeting to order at 6:36 pm.*

2. Virtual Etiquette Announcement  
3. Roll Call

*Commission members present: Peter Tonn, Rich Stevenson, Nick Strasser, Ted Lee, Jennie Larsen*

*Commission members online (no participation): Ken Detmer*

*Commission members excused: Ann Groves Lloyd*

*Staff present: Stephen Tremlett - MSA, Zoning Administrator, Brenda Ayers – City Clerk, Terry Weter – Director of Operations*

4. The Pledge Of Allegiance

5. Public Input

*None.*

6. Approve Minutes from March 12<sup>th</sup>, 2022.

*Motion by Stevenson, seconded by Strasser, to approve the minutes. Motion passed 5-0.*

7. Public Hearing

To consider zoning amendment to Chapter 340-32 C-2 Central Business District Core to change Churches from a conditional use to a permitted use

*No public in attendance so Stevenson opened and closed the public hearing at 6:40pm.*

8. Discuss and consider recommending Common Council approval of a Conditional Use Permit for a mural to be installed on the side wall that faces the public library at 108 Lodi Street (parcel #11246-45).

*Tremlett reviewed the staff report, dated April 6<sup>th</sup>, 2022. Tonn questioned if the Religious Land Use and Institutional Persons Act (RLUIPA) specifically requires these changes proposed by the zoning administrator. Stevenson asked why this is coming up at this time. Ayers stated she saw a church opening up in a storefront on Main Street and questioned if they and the other church in the downtown had requested and received a conditional use permit. Tremlett added that he did review a sign permit for the other church on Portage Street a year or so ago. Tonn clarified that this review was only regarding the sign. Tremlett concurred that he specifically reviewed the sign request only.*

*Strasser felt churches may not be the right use for the downtown. Larsen noted a church is not a business. Stevenson acknowledged there are two churches in the downtown. Tremlett added that he believes all foot traffic is good for the downtown, as it adds activity and potential customers to the downtown. Tonn agreed that foot traffic is good for the downtown, but businesses typically are not open when gatherings are likely at the church.*

*Tonn stated the C-2 zoning district is Central Business District and it's only a couple blocks long. He feels the City should maintain the minimal storefronts for businesses, preserving the business district. Larsen noted the restaurants and shops are not open on Sundays or Wednesday nights, so there would be little impact on increasing sales for the businesses in the downtown. If a few more churches come in the downtown, especially if allowed by right, where would new businesses go. She added that the downtown storefronts are basically full at this time. Tonn stated he would be in favor of moving all assembly uses to conditional use to put a preference to and preserve business uses for the downtown district.*

*Tonn asked what are "civic" uses. Tremlett stated City Hall, public library and other similar uses. Someone else noted American Legion as another. Tonn went back to the need to protect the businesses and the downtown central business district. Stevenson stated that the City should put all the assembly uses in the conditional use list. Strasser asked if there have been any lawsuits related to RLUIPA. Tremlett stated he does not know that answer offhand. Strasser asked if we should get legal interpretation before we make a motion. Ayers agrees it may be beneficial to get the City Attorney's opinion since he would need to defend the City should there be a lawsuit. Larsen agreed the City Attorney should provide his opinion before they make a motion.*

Stevenson asked if churches remain as a conditional use, would the two churches be grandfathered in. Ayers stated they would be in violation of zoning ordinance without a conditional use permit. Tremlett concurred that a grandfather clause is in effect if the City changes the ordinance, allowing existing development to remain a legal non-conforming use; however, that is not the case here.

Stevenson stated it is important to keep most of the downtown as business. Larsen added that a block or two off Main Street is different story, but Main Street should maintain commercial storefronts. All agree that staff should request an opinion from the City Attorney and bring this back next month.

9. Discussion on potential zoning amendments to remove barriers to affordable housing.

Tremlett walked through the staff report, dated April 7<sup>th</sup>, 2022, asking questions pertaining to suggested amendments to the zoning ordinance.

Strasser likes the idea of getting rid of the Traditional Neighborhood overlay; however, he is unsure about the zoning changes for increasing density, especially with how it would fit with the existing neighborhoods. Stevenson likes the idea of removing the overlay, as it can be confusing to which requirements have to be met.

Tonn likes the flexibility and options this gives for developers to building smaller lot sizes with the assumption that small lot sizes provide for more affordable home purchases. He went on to say that this would allow for diversity in the housing stock, while still preserving the R-1 zoned neighborhoods. Strasser asked if properties would all need to be rezoned. Tremlett stated the City would not need to rezone properties, and only comes into play if the property owner wants to request a rezone – otherwise, the property is either meeting zoning or is a legal nonconforming use.

Larsen asked if the narrower lots can be achieved through Planned Unit Development (PUD). Tonn stated these amendments [using conventional zoning vs. PUD] would streamline the process and save costs for the developer and City for review. He discussed how developers look at ordinances and restrictions and select their project based on cost and time to approve their developments. More favorable communities get projects like Veridian and Tierney neighborhoods that are tastefully done with diversity in housing types and lot sizes.

Tonn discussed one scenario that may be concerning in this revised zoning ordinance where someone tears down a single-family home in area zoned R-3 and wants to build a stacked 3-unit structure in its place. Ayers discussed how Dane County has varying densities of single-family zoning districts which are separate from multi-family zoning districts. Tremlett said he would look at this as a possible solution to allow for density, but restrict multi-family development within existing single-family neighborhoods.

There was some discussion on how some of these changes may or may not make development covenants not necessary. Ayers stated this would not remove the need for such covenants.

Tonn wanted to clarify the table within the staff report says residential uses would be permitted as conditional use on the ground floor, and that the discussion was to allow for non-ground floor residential use in the C-2 district. Tremlett stated he had not amended that clause and will do so for our next discussion on this topic next month.

10. Update and Discussion on Zoning Administrator Report (zoning inquires or permits approved since the last meeting, on-going City project updates, and requests for future agenda items).

Tremlett reviewed the staff report, dated April 8<sup>th</sup>. Tonn asked about the requirements on patios. Tremlett stated patios are treated differently than decks and other attached structures with minimal restrictions such as 3 feet from the property line. Stevenson asked about private property planting requirements in the covenants for the Terrace Vista subdivision. Ayers stated the City does not enforce covenants. Tonn added that is on the developer to enforce, but the City does accept the covenants through the approval process. Tremlett added we required the developer to include the landscaping requirements in the City's code.

11. Adjourn

Motion by Lee, seconded by Strasser, to adjourn. Motion passed 5-0, meeting adjourned at 8:00pm.