## NOTICE OF PUBLIC HEARING

# VILLAGE OF DEFOREST PLANNING AND ZONING COMMISSION Tuesday, April 27 ${ }^{\text {th }}$ at 6:00 PM <br> DeForest Municipal Building - via Zoom <br> 120 South Stevenson Street, DeForest, WI 53532 

Join Zoom Meeting
https://zoom.us/j/97742917858? pwd=Q3dXZDBLMIVwUU0yL01BRUYxQUE0QT09
Meeting ID: 97742917858
Passcode: 803310
Phone: 1-312-626-6799

A Public Hearing will be held at the above time and place to consider public input on the following request:

1. A petition for an amended conditional use permit for an expansion to a place of worship within the RN-1, Residential Neighborhood Single-Family Residence District located at 105 Paradise Circle (Parcel \#0910-194-8400-8), Village of DeForest, Dane County, WI.

A copy of the specific proposal to be considered at the public hearing is available for review at the office of the Village of DeForest Zoning Administrator, 120 South Stevenson Street, DeForest, Wisconsin. If you have any questions regarding this public hearing, please contact the DeForest Municipal Office at 846-6751.

Class 2 Notice Published 04/08/2021 and 04/15/2021 in the DeForest Times-Tribune.
POSTED AT: DeForest Municipal Center www.vi.deforest.wi.us
Posted: 04/08/2021

To: Planning and Zoning Commission
FROM: Brand Cooper, Zoning Administrator
Date: April 27, 2021
RE: Amendment to a Conditional Use Permit and approval of a Minor Site plan for an expansion to a place of worship located at 105 Paradise Circle - Lord of Love Church


Requested Approvals: Amendment to a conditional use permit and approval of a minor site plan.
Current Land Use: $5,385 \mathrm{sq}$. ft. place of worship on an approximately 11 -acre lot, plus 101 stall off-street parking lot.
Proposed Use: 1,604 sq. ft. addition for a library, reading room, elevator, conference room and basement storage area. End result would be 6,990 sq. ft. building with the addition of 15 parking stalls.
Current and Proposed Zoning: RN-1, Residential Neighborhood Single-Family Residence, in which Indoor Civic, Cultural \& Institutional uses are conditional uses.

Comprehensive Plan's Future Land Use Designation: Government/Institutional

Surrounding Zoning and Land Use: Residential and Conservancy

Project Background: A conditional use permit was approved to allow a religious use via Resolution 99-89 on November 15, 1999. The original CUP did not account for any future expansion to the building, therefore, an amendment to the original CUP is required. The site plan
 for the expansion requires approval by Planning \& Zoning Commission because it is associated with a simultaneous conditional use permit request.
Recommendation: Following the public hearing, I recommend that the Planning \& Zoning Commission approve Resolution 2021-905, approving the amended conditional use permit and the minor site plan subject to the recommended conditions in that resolution.

| Applicable Review Standard | Evaluation | Comments |
| :---: | :---: | :---: |
| COMPREHENSIVE PLAN |  |  |
| Consistency with Comprehensive Plan's Future Land Use Map designation. | Consistent | The Future Land Use map shows this area for "Government/Institutional" future use, within which institutional uses such as churches are acceptable. |
| Consistency with development design standards (pp. 133-135) | Consistent with standards, recommend modifications for landscaping and pedestrian safety | "High quality landscaping treatment of bufferyards, street frontages, paved areas..." and "Parking lots heavily landscaped with perimeter landscaping and/or landscaped islands, along with screening to block views from streets and residential uses."-Proposed expansion would require removal of six trees planted with the 1999 project, which should be replaced. <br> Landscaping should better screen parking areas, no current landscape islands on existing site, see comments elsewhere. <br> Existing walkway is not elevated from parking surface, see site plan comments below. |
| Consistency with transportation, environmental, economic development, and other standards | Consistent |  |
| Conditional Use Permit Standards |  |  |
| Consistent with zoning code, not adversely affecting public health, safety or welfare | Met, with comments | Site meets most zoning code standards for an existing site. See site plan comments below. Proposed addition would add one more accessible entrance in the back. |
| Not hazardous, harmful or otherwise adverse to environment or to the use/value of nearby properties or the community | Met | No adverse impacts expected to surrounding properties. Both building and parking lot additions are in logical locations, relatively deep on the site. |
| Compatible with existing uses/structures on surrounding properties | Met, with comment | Subject to replacement of removed landscaping and additional plantings in proportion to extent to building of parking expansion. |
| Designed and operated to minimize adverse effects, including visual, on surrounding properties and community | Met, with comment | Parking lots could still be better screened from residential properties, see landscaping comments elsewhere in this report. |
| Adequate ingress and egress to minimize traffic congestion and problems | Met, with comment | Existing site has adequate driveway and aisles for vehicle stacking. I recommend some minor improvements for pedestrian safety, see site plan comments below. Overall the plan provides for adequate access to, from, and within the site. |
| Adequate utilities, access roads, drainage and other site improvements | Met, with comment | No new utilities needed, to staff's knowledge. If water usage exceeds the capacity of the existing services, church will be responsible for any up-sizing needed, in accordance with Village ordinances. Access seems adequate for site as proposed, see comments on parking lot design elsewhere. |


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| :---: | :---: | :---: |
| Compatible with Comprehensive Plan and Neighborhood Plan | Met |  |
| Other applicable requirements for the district | Met | No new signage is proposed. Any new signage will require a sign permit from the Village |
| Site Plan Review, General Standards (Section 15.05(4) And (8) of Zoning Ordinance) |  |  |
| Site plan submittal complete? | Landscaping, grading, and erosion control plans needed | See comments below on landscaping, lighting, erosion, and stormwater. Applicant is currently working with Village Engineer on the erosion and stormwater plans. |
| Adequate provisions made to assure safe and efficient vehicular and pedestrian traffic flow to, from \& within site | Additional improvements recommended | Recommend installing wheel stops to parking stalls abutting existing sidewalk, which is not elevated. |
| Use can be efficiently provided with public utilities \& development according to plan will not create unreasonable burden on public services/utilities | Met | See comments on utilities above, under CUP review. |
| Storm water runoff will not be diverted from existing points of exit from the site \& rates and velocity will not be increased | More information needed | Will be subject to Village Engineer review against local erosion control and stormwater ordinance. See suggested site plan approval conditions for details. This should not affect the overall site layout. |
| Pedestrian areas shall be distinguished from vehicular traffic areas, lighted \& accessible | Changes recommended to improve safety | See above comments on wheel stops. For proposed walkway in front of the addition, site plan should show the location of the ADA-compliant ramp. Additional lighting is recommended for the new parking lot addition. |
| All areas designated as wetlands, flood plains, flood ways or habitats for endangered wildlife will be preserved, or will be properly mitigated | NA | No such features on site. |
| Mature woodlands and mature trees will be preserved, or will be properly mitigated | With comments | It appears that this building and parking lot addition will remove six trees, which were almost certainly planted in conjunction with the 1999 project. These should be replaced in kind, with locations strategically selected to buffer the parking lot and avoid potential future expansion areas to the extent practical. |
| Natural features disruption will be avoided to the greatest extent practicable \& such features will be incorporated into the design to extent feasible | NA | No such features on site. |
| Sufficient access and facilities shall be provided for emergency vehicles and fire protection | Met, with comments | Project will be subject to Fire Inspector review. |
| Trash storage areas, temporary storage for more than 10 vehicles, truck parking, HVAC equipment, flammable liquid or gas storage tanks, and loading docks are screened | Met, with comments | Outdoor dumpster location included on site plan, applicant to supply dumpster details as a condition of approval. |
| For $12+\%$ slopes, adequate engineering measures have been taken to assure stability | Met |  |


| Applicable Review Standard | Evaluation | Comments |
| :---: | :---: | :---: |
| Public facilities meet Village design standards | Standard met | Existing site served by Village sewer and water. There is no existing curb and gutter on the site, recommend waiving this requirement for the addition of the 15 parking stalls for stormwater management purposes. |
| Site development will not unreasonably impair the aesthetic appearance of the property or area, interfere with reasonable use or enjoyment of neighboring properties, significantly impair the value of other properties in the area, impair reasonable pedestrian access and circulation, or result in an unattractive collection of materials | Met, with comments | Additional landscaping will bring site more in line with code standards for a non-residential site. |
| All reasonable measures have been taken to protect safety of occupants, visitors, and public | Met |  |
| Building meets following minimum percentage of exterior walls covered with brick, stone, tinted or textured concrete masonry, or other decorative material approved by Commission: <br> - B-1, B-2, B-3, RM-B, O-R: 35\% <br> - RM-3, RM-4: $25 \%$ <br> - M-1: $20 \%$ <br> - M-2, M-3: $15 \%$ | Met | Current building and proposed addition have all-brick facades. |
| Where zoned B-2/B-3, < $50 \%$ of parking shall be between building \& primary street where possible | NA |  |
| Commercial, industrial, multi-family and mixed use structures with facades $>100$ feet shall be articulated to reduce scale \& uniform appearance | Met |  |
| Other Zoning Ordinance Standards |  |  |
| Large retail establishments (§15.05(9)) | NA |  |
| Landscaping (§15.06) | See comments | Landscaping plan was not provided at time of submittal. A landscape plans showing existing trees, relocation or removal, and new planting to meet the Village landscaping standards must be provided and approved prior to the issuance of a building permit. <br> There is landscaping that will need to be removed to allow for the building addition which will need to be replaced throughout the property. There is one existing parking lot island along the eastern portion of the existing parking lot. <br> Landscape plan should also show snow storage areas and any ground-level mechanicals if any (must be screened with plantings) and should provide a 1-growing-season guarantee. |


| Applicable Review Standard | Evaluation | Comments |
| :---: | :---: | :---: |
| Exterior lighting (§15.065) | See comments | Site is lit by existing pole lights that appear to meet ordinance standards for height and shielding. Approval is conditioned on the applicant providing a lighting plan for any additional parking lot and on-building lighting prior to issuance of a building permit. |
| Parking lot design (§15.07(2)) | Met |  |
| Parking space quantities (§15.07(4) \& (5)) | Met | Site has more than adequate parking within the paved area, by ordinance standards. Based on the type of use (public assembly) and the Fire Inspector's estimated capacity of 227 persons, the minimum parking required is 57 stalls (using ordinance standard of 25 * $227=$ 56.5). Existing paved lot has 101 stalls, including 8 accessible stalls. 15 additional stalls will be added as part of building addition for a total of 116 parking stalls. |
| Loading (§15.07(3)) | N/A | Designated loading space is not needed, based on the standard of 1 loading space per 100,000 sq ft GFA for a public assembly use. |
| Driveways, access, sight distance (§15.07(7)) | Met | No change proposed. |
| Signs (§15.08) | Met | Existing signage is 1 freestanding sign on the northeast corner of the lot. Any new signage will require a sign permit. |
| Zoning District Bulk Standards (Table 15.10B, 15.11B, or 15.12B) | Met | Proposed building would meet all minimum setbacks ( $30^{\prime}$ front or street sides, $10^{\prime}$ interior side, and $10^{\prime}$ rear). Site also has ample green space so exceeds the minimum of $30 \%$. |
| Environmental and performance standards (§15.04(12), §15.12(2)) | Met | No comments at this time-standards for noise, odors, etc will apply as for any other land use. |
| Wellhead protection (\$15.20) | NA |  |
| Review Against Other Village Ordinances |  |  |
| Floodplain (Ch. 21) | NA |  |
| Erosion Control/Stormwater Mgmt. (Ch. 24) | TBD | Addition will require erosion control and stormwater management plan, pending submittal of grading and erosion control details (see comments above). |
| Shoreland-Wetland Zoning (Ch. 25) | NA |  |
| Shoreland Zoning (County code) | NA |  |

## AUTHORIZING AN AMENDMENT TO A CONDITIONAL USE PERMIT AND APPROVAL OF A MINOR SITE PLAN FOR AN EXPANSION TO A PLACE OF WORSHIP WITHIN THE RN-1, RESIDENTIAL NEIGHBORHOOD SINGLE-FAMILY RESIDENCE DISTRICT LOCATED AT 105 PARADISE CIRCLE (PARCEL \#0910-194-8400-8), VILLAGE OF DEFOREST, DANE COUNTY, WI.

WHEREAS, on November 15, 1999 the DeForest Village Board approved a conditional use permit to authorize a religious use for Lord of Love Church at 105 Paradise Circle and current parcel \#0910-194-8400-8 ("subject property"), DeForest, WI, with Resolution 99-89 attached as Exhibit A such authorization; and

WHEREAS, the property owner has applied for an amendment to the conditional use permit and minor site plan approval to allow an approximately 1600 square foot building addition and a parking expansion of fifteen parking stalls on the subject property, with the site plan submittal attached as Exhibit B; and

WHEREAS, the subject property is zoned RN-1, Residential Neighborhood Single-Family Residence, which within this zoning district Indoor Civic, Cultural \& Institutional uses may be authorized as conditional uses; and

WHEREAS, the Village Planning and Zoning Commission held a public hearing on April 27, 2021 to consider the proposed amendment, and finds that the requested conditional use permit per the conditions that follow will be consistent with the conditional use standards in Section 15.16 of the Village Zoning Ordinance, the Village Comprehensive Plan, and the orderly development of the Village.

NOW, THEREFORE, BE IT RESOLVED, that an amendment to the conditional use permit is authorized and approved for an approximately 1600 square foot building addition and an additional parking lot area containing fifteen parking stalls for the subject property, subject to the general layout in Exhibit B.

BE IT FURTHER RESOLVED that a minor site plan is approved for the same building addition and parking lot expansion, subject to the following conditions:

1. The site shall be developed according to the proposed site plan (sheet C2.0), erosion control details (sheet C3.0), miscellaneous site improvement details (sheet C3.1), building elevations (sheets A4.0-A4..3), and ADA details (sheet A8.0), all dated February 5, 2021, except where the conditions that follow require changes or additions to those plans.
2. Prior to any site grading associated with the building expansion, the applicant shall obtain consulting Village Engineer approval of grading, stormwater management, and erosion control plans, and then obtain an Erosion Control and Stormwater Management Permit from the Village.
3. Prior to the issuance of a building permit, the applicant shall submit and have approved by the Zoning Administrator revised plans, including the following additional information:
a. On a revised site plan sheet, locations and dimensions of ADA ramps to new sidewalk, wheel stops at the ends of all parking stalls abutting the existing non-elevated walkway. and location of any additional pole mounted parking lot fixtures.
b. On revised building elevation sheets, proposed locations of all building mounted lighting and mechanical units.
c. Catalog pages for new exterior lighting, meeting applicable zoning ordinance requirements as to shielding, intensity, and fixture height.
d. Detail sheet for screened dumpster enclosure, including opaque fence and gate of 6 feet in height.
e. Address any comments from the Fire Inspector based on his review of the plans against the fire code.
f. Date of revision on all revised plans.
4. Prior to the issuance of a building permit, the applicant shall submit and have approved by the Zoning Administrator a landscape plan, including the following information:
a. Indicate existing landscaping proposed for relocation or removal. Provide, on a one-toone basis, additional landscape plantings of comparable type (e.g., deciduous ornamental tree, etc.) to those being removed.
b. Additional plantings to correspond with the added building and paved area, focused particularly on further buffering the existing and proposed parking lot from Highway CV.
c. Snow storage areas adjacent to the parking lot, avoiding conflicts with planting areas.
d. Any proposed ground-level mechanical units, which must be screened with plantings.
e. Indicate a date of plan preparation.
5. Any new exterior signage, including directional, freestanding and on-building signs, shall require application for and issuance of a sign permit by Village staff prior to installation, and shall meet applicable sign ordinance requirements.

Adopted at a regular meeting this $27^{\text {th }}$ day of April, 2021.

Jim Simpson, Commission Chair
Attest:
Brandi Cooper
Zoning Administrator
Vote: $\qquad$

## RESOLUTION 99-89

## A RESOLUTION TO APPROVE A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A RELIGIOUS USE IN THE A-3 AGRICULTURAL DISTRICT. (LORD OF LOVE LUTHERAN CHURCH).

WHEREAS, on November 9,1999 , the Planning and Zoning Commission reviewed a request to consider a conditional use permit to allow a religious use in the A-3 Agricultural district; and

WHEREAS, the Commission, after due notice and a public hearing, voted to recommend approval of the issuance of a conditional use permit to allow for a religious use; and

WHEREAS, the Village Board finds that the proposed conditional use approval will promote orderly development in the Village and accepts the Commission's recommendation.

NOW, THEREFORE, BE IT RESOLVED that:

1. A conditional use permit is hereby authorized for the property described as Lot One (1), CSM No. 9345 as shown on Exhibit A attached hereto, to allow for the use of the property for a church, synagogue or other place of worship and customary related accessory uses on the condition that no occupancy permit shall be issued until such time as water service is made available to the property.
2. This resolution shall take effect on the day after its publication.

Adopted at a regular Village Board meeting this 15th day of November, 1999.
Respectfully submitted by
Theresa Marty
Chair, Planning and Zoning Commission


Theresa Marty, Village President

Attested:


Date Passed: $11-15.99$ Vote: 7-d








| PROJECT: | SHEET NAME: | REVISION: |  | ADDRESS: | PROJECT NO: |  | SHEET \# |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| BUILDING ADDITION LORD OF LOVE CHURCH | PROPOSED NORTH ELEVATIONS | Revisions | no. | 105 Paradise Circle, DeForest, WI 53532 | 1019-36 | men | A4.1 |
|  |  |  |  |  |  | ²\% = x | Ans |






