



PLEASE TAKE NOTICE that there will be a City of Lodi Plan Commission meeting held on Tuesday, June 14th, 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 6:44 pm.

2. Virtual Etiquette Announcement

3. Roll Call

*Commission members present: Groves Lloyd, Peter Tonn, Rich Stevenson, Nick Strasser
Commission members excused: Ken Detmer, Jennie Clark
Staff present: Stephen Tremlett – MSA, Zoning Administrator, Brenda Ayers – City Clerk*

4. The Pledge Of Allegiance

5. Public Input

None.

6. Approve Minutes from May 10th and May 17th, 2022.

Motion by Groves Lloyd, 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 move assembly uses from a permitted use to a conditional use.

Lon Becher stated he is a Zion Lutheran Church and the church has signed a lease for 216 S Main Street (Unit A) to begin service after renovations. He added there is no existing Lutheran church in the City.

Katy Helmer stated that she former owner of a business in downtown Lodi, Chamber president, library board trustee, and part of the part of the former downtown historic district group. Helmer stated she did not understand why churches are excluded from the downtown. She lives by faith and does not see how a church can hurt the downtown.

Mark Wickham stated he is a member of Zion Lutheran Church. Wickham noted he has discussed this issue with Brenda [City Administrator] and Ann [City Mayor] and do not see how the church won't get approved. He mentioned the zoning administrator's memo discussing a requirement to meet the Religious Land Use And Institutionalized Persons Act (RLUIPA) with the recommendation to move churches to the permitted use list in the C-2 district. Then the City Attorney noted the City could move a bunch of other uses to conditional use list as an alternative option. Wickman felt the first option [by the zoning administrator] would be the easiest direction, and wondering why the City is looking at the other option.

Stevenson closed the public hearing at 6:54pm.

8. Discuss and consider recommending Common Council approval of a zoning amendment to Chapter 340-32 C-2 Central Business District Core to move assembly uses (i.e., civic uses, clubs and associations, schools: SIC 7911, dance studios, schools and halls) from a permitted use to a conditional use.

Tremlett reviewed the staff report, dated June 6th, 2022. Motion by Tonn, seconded by Larsen, recommending Council approve the zoning amendment as outlined in the zoning administrator memo dated June 6th.

Tonn stated he caused this. He asked if the City could consider moving all assembly uses to conditional in the C-2 zoning district to meet RLUIPA. Tonn noted he is also a person of faith – noting that is not necessarily important to say – and this not about a church. His opinion is this protects the business street. He brought up years ago there were a ton of vacancies in the downtown and what if a church, boy scouts, girl scouts and other noncommercial uses filled the spaces in the downtown. There would be no economic activity with limited foot traffic supporting the remaining commercial businesses in the two-block downtown. Tonn stated this amendment still allows for a church to be in the downtown [C-2 zoning district], but this change puts a safety measure to protect space for commercial uses. The zoning district is called the central business district and I derailed the direction with this as an economic concern.

Wickham interjected that church members go have coffee, have breakfast and do other things after service that could provide foot traffic and economic activity in the downtown. He asked if the other church in the downtown has been

approved to be downtown. Tremlett stated they did not obtain a conditional use permit, but have been notified to submit for one to continue church activities at that property. Wickham stated the other church likely will request and receive a waiver of the conditional use permit fee, and he asks the City do the same courtesy for their church application fee.

Tonn emphasized that this amendment has nothing to do with churches. He agrees there could be some additional foot traffic on Sundays, unless there is a putlock held at the church. Tonn restated that this measure is safety check to make sure Main Street does not become a bunch of civic and gathering spaces with no economic activity.

Stevenson stated he has a similar position as Tonn with the conditional use process providing a way to protect the destiny of the downtown.

Groves Lloyd stated her biggest concern is the cost burden this puts on non-profit organizations to pay for a conditional use permit. She believes moving all assembly uses to conditional shutters most non-profits from coming to the downtown. Groves Lloyd added that she supports placing assembly uses as permitted, as she believes the downtown will not get overrun by non-commercial uses.

Stevenson stated that we should charge everyone the same; otherwise, businesses will also want the fee waived. Groves Lloyd replied that she is not suggesting the fee be waived, but rather move churches to a permitted user which requires no CUP fee. Wickham noted that he has worked 14 years with Lodi Challengers 4-H and they would not have the finances to submit such fees.

Tonn stated he does not care of name or mission of the applicant, but rather how the C-2 zoning district will or will not support economic activity and foot traffic in the downtown. Groves Lloyd said we already have the issue with foot traffic with limited business hours in the downtown. Tonn noted they have been working with the downtown businesses to increase the hours.

Larsen stated we have to have some control on non-commercial uses in the downtown. We have only a number of locations in the downtown and its important to have available spaces for businesses and to promote tourism. The hours of businesses, specifically restaurants, had to change to stay viable through the pandemic. In her opinion, church goers are not going to support the downtown businesses. The hours and days with activity at the church are not the hours the businesses are open, and it would not make financial sense to be open just for potential church goers at those times. This amendment [and maintaining churches as conditional] is going to support maintaining commercial businesses in the downtown. Larsen added that the fee is a different topic separate from if assembly uses should be conditional or permitted in the downtown.

Strasser said the C-2 zoning district should protect the downtown commercial district and having guardrails in place to protect the district is important.

Tonn agreed with Larsen that the fee is separate conversation. He also mentioned a previous discussion with a potential tenant passed on a downtown space in Lodi due to the lack of foot traffic, as it would be too risky for their business. Stevenson also agreed that the fee is separate discussion.

Tonn stated he is not saying no to the church project, but maintaining the review and discussion on adding non-commercial into the downtown. Stevenson reminded the group that motion and agenda item is regarding moving other assembly uses to conditional use list [not about amending the church use in C-2 zoning district].

Motion by Tonn, seconded by Larsen, to recommend zoning amendment moving civic uses, clubs and associations, schools: SIC 7911, dance studios, schools and halls from a permitted use to a conditional use. Passed 4-1 with Groves Lloyd opposed.

9. Discussion permit requirements for small sheds and accessory structure distance from principal structures.

Tremlett reviewed the staff report, dated June 8th, 2022. Strasser, Larsen and Groves Lloyd liked excluding sheds with no foundations from zoning review/permit. Several members asked follow up questions including:

- Stevenson asked what is considered a permanent foundation.
- Groves Lloyd asked if review would be required for sheds placed on concrete slabs.
- Stevenson asked about sheds with pins drilled into paver base structure.
- Tonn asked if a structure is defined in the building or zoning ordinance, noting accessory buildings is different than utility sheds.
- Strasser questioned if movable shed is the key word to include.

Tonn stated the easiest clarification is permanent shed structure or exceeding 100 square feet shall require a zoning permit. Larsen questioned if the City could even ask about the use of the shed. Ayers stated building inspector only looks at structure – not use of the structure. Strasser stated building inspection is not needed with movable sheds [under 100 square feet]. Groves Lloyd agreed.

Tonn agreed with the language on page 5 of the memo, but questioned if we need to clarify sheds vs. accessory structures. Larsen noted we will likely see more sheds in the community as costs go up on rental storage facilities. Some discussion on language in subdivision covenants on sheds and lack of enforcement.

Tremlett reiterated that it's in Plan Commission's purview to discuss what's the setback and if a zoning permit is required. Determining if building permit is required would be referral to staff, meaning not an actionable item by Plan Commission. The existing zoning permit – known as the Certificate of Zoning Compliance – is defined under 340-8. Tremlett read what constitute a "development" that would require zoning administrator's review. All agreed that the zoning administrator should come back with a recommended amendment to when a zoning permit [Certificate of Zoning Compliance] is required based on the conversation at this meeting.

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 June 9th, 2022.

11. Adjourn

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

Drafted by: Steve Tremlett, City Zoning Administrator

APPROVED