

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
February 10, 2014

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL
ACTIONS OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION**

Call to order and roll call.

Chairperson Meyer called the meeting of the Plan and Architectural Review Commission to order at 6:00 p.m.

Present: Greg Meyer, Lynn Binnie, Bruce Parker, Cort Hartmann, Kristine Zaballos, Karen Coburn, Donna Henry (Alternate). Absent: Dan Comfort. Others: Wallace McDonell (City Attorney), Latisha Birkeland (City Planner).

Hearing of Citizen Comments. There were no citizen comments.

Approval of the Plan Commission Minutes. Moved by Zaballos and seconded by Binnie to approve the Plan Commission minutes of January 13, 2013 with a couple corrections. Motion approved by unanimous voice vote.

Review proposed new 42 feet by 152 feet self storage building located at E. Sunrise Lane (Tax Key # A3186 00002) for Whitewater Self Storage LLP. (Jeff Seefeldt). (This is a new building, the same type as the existing buildings on the lot.) This item was removed from the agenda prior to the meeting.

Public hearing for consideration of a change of the District Zoning Map for the following area to enact an ordinance to impose the R-O Non-Family Residential Overlay District Zoning classification under Chapter 19.25 of the Zoning Ordinance of the City of Whitewater for the parcels located at 351 S. Wisconsin Street #1 through #16. (The R-O Zoning classification reduces the number of unrelated occupants allowed per residential unit from 3 to 2.) City Planner Latisha Birkeland explained that this development is in a Planned Community Development (PCD) district which has no underlying zoning. There is nothing in their approvals for this PCD to restrict unrelated persons per unit. The process would either be to amend the PCD or do an R-O Overlay Zoning. There are two parcels in this PCD. One with the 16 condos units and the other with the two apartment building condos.

Plan Commission Member Henry voiced concern of: dividing the two parcels to allow for the R-O Overlay on only part of the PCD Zoning area.

City Planner Birkeland gave an example of the PCD in Waters Edge South Subdivision in which they have restrictions for different types of buildings within the subdivision.

City Attorney McDonell explained that this is consistent with how an overlay is done.

Chairperson Meyer opened the public hearing.

Council Member Ken Kidd, the applicant, brought this to the Plan Commission as a Councilmember, but he also has a vested interest. Basically given their current PCD zoning, they would be going from no restriction for unrelated persons to 2 unrelated persons allowed per unit. They had discussed this at the condo board. There was approximately a 50/50 split decision for the apartment condos addressed on E. Clay Street. So they went with just their condos at 351 S. Wisconsin St. Kidd had emails from a couple condo owners who were unavailable to be at the meeting in support of the R-O Overlay District. They were Dan and Lynn Wolf (#3) and Lyle and Dawn Hunter (#12).

Plan Commission members voiced concerns of: does the condo association have their own bylaws that they could incorporate this restriction into?; In the condo bylaws, does it allow for condo owners to rent their condos?; Condo owners for units #8 and #13 did not sign the petition, is there a reason?; who enforces the bylaws? .

City Planner Birkeland stated that the condo association can amend their bylaws to include an occupancy limit, but the City cannot enforce the bylaws for independent associations.

Council Member Kidd stated that units 8 and 13 were owner occupied. He thought they were not opposed. Owner of #13 does not like to sign things. City Attorney McDonnell stated that they could be grandfathered to the original requirements. Kidd also stated that there are three officers that enforce the bylaws by writing letters to the offenders.

Chairperson Meyer opened the meeting to public comment.

Janice Goder, a resident of 351 S. Wisconsin St., explained that this is a dense compact community. The places that are shared by more residents tend to be younger adults. The complex at 351 S. Wisconsin Street is mostly senior citizens. It makes sense to limit to promote the type of living arrangement and community sense they have there now which is very desirable.

Myra Brien, condo #15, supports the R-O Overlay zoning for 351 S. Wisconsin St. She stated that some of the apartment condos have had problems with noise, overflowing tubs, etc.

Chairperson Meyer closed the public hearing.

Chairperson Meyer stated that the R-O Zoning made him nervous. He would prefer to see an amendment to the PCD than an overlay.

Plan Commission Member Binnie stated that even though this proposal could go forward with an amendment to the PCD and/or their bylaws, it is appropriate to grant enforcement by creating this ordinance. Moved by Binnie and seconded by Coburn to recommend to the City Council to enact the ordinance to impose the R-O Non-Family Residential Overlay District Zoning classification under Chapter 19.25 of the Zoning Ordinance of the City of Whitewater for the parcels located at 351 S. Wisconsin Street #1 through #16. Ayes: Binnie, Coburn, Parker, Zaballos, Henry. No: Meyer, Hartmann. Absent: Comfort. Motion approved.

Public hearing to enact amendments to the City of Whitewater Municipal Codes: Chapter 19 Sign Ordinance, specifically Section 19.54.052 Maximum sign sizes, addressing the R-1 (Single Family Residence), R-1X (Single Family Residence), R-2 (One and Two Family Residence), and R-3 (Multifamily Residence), Zoning Districts signage requirements for on premise Identification sign size and Conditional use sign size to allow for the designated sign size (per side) on each side of the signs. City Planner Latisha Birkeland explained that at the last meeting, she was asked to have any more changes for the sign size “per side” brought to the Plan Commission. The last ones that were approved have not gone to Council yet to make sure we have them all so Council will only have to go through the process once. The “per sign” will be added into the itemized boxes next to the size item.

Plan Commission members asked: if the ordinance was going beyond directional signs?; would like some examples of signs in the R-1 through R-2 Zoning Districts.

City Planner Birkeland explained that the ordinance goes beyond directional signs. It would also include conditional use up to 32 sq. ft. per side and identification signs. Some examples for R-1 through R-2 Zoning Districts would be: identification signs such as for a development, address, fraternity signs, apartment building signs, or home occupation signs.

Upon request, City Planner Birkeland listed the zoning districts and the items the “per side” affects. They are: R-1, R-1X, R-2 and R-3 identification and conditional use; R-4 on premise directional; AT, B-1, B-3, and I on premise directional; and M-1, M-2 and WUTP on premise directional.

Chairperson Meyer opened the hearing for public comment. There was none. Meyer closed public comment.

Moved by Binnie and seconded by Parker to recommend to the Common Council to enact the proposed amendments regarding sign size maximums. Ayes: Binnie, Coburn, Parker, Zaballos, Henry, Meyer, Hartmann. No: None. Absent: Comfort. Motion approved.

Discussion concerning Plan Commission procedures, policies, forms, (including but not limited to requirements for site plans) and request for input from the Plan Commissioners regarding the same. City Planner Latisha Birkeland explained that instead of a full blown Plan Commission training (she would like to do the training in May), she wanted to have a discussion about streamlining the planning process. In the process for the applicants, Latisha explained the things that happen before the meeting in order to get the information ready for the Plan Commission and the things that happen after the meeting to finalize a project.

Plan Commission members had concerns of: incomplete information; determining if a proposal would go to Plan Commission or not. Plan Commission meetings are a forum for public input.

City Planner Birkeland explained that she wanted to identify a process for permitted uses only. Should we have administrative review criteria? The current code leaves it open for interpretation. Do we need standards for going to Plan Commission or not? Other cities have administrative review criteria. She handed out an example of performance standards from Lake Mills. It was questioned at a previous meeting, whether the site plan for Sassy Shirts should have come to the

Plan Commission. There are certain things that Plan Commission should review. When can a proposal avoid going to Plan Commission? This can be restricted, but Birkeland would like criteria in order to do so. If we have the criteria (a structured review process), it can be determined when a proposal comes to Plan Commission or stays at staff level. Birkeland could review and report to Plan Commission once a month on the proposals that do not come to Plan Commission.

City Attorney McDonell explained that permitted uses are uses that have been approved by the Council by ordinance (a judgment and policy decision). For example: Indian Mound Subdivision is a single family permitted use area. A proposal for a single family home would not need Plan Commission approval. Likewise, a manufacturing business is a permitted use in the Business Park. The difficult area is, for example, the Sentry grocery store, even if it is a permitted use, it is right next to a residential neighborhood on which it could have a major impact. It comes to Plan Commission to review, notices are sent to neighboring property owners. As a permitted use, the plans can still be tweaked and conditions put on the project. Taking it to Plan Commission can make it a more workable plan. Should the City have more standards? The existing standards were written broadly to allow for staff discretion.

City Planner Birkeland stated that it is beneficial to have standards.

Plan Commission members added that proposals that generate traffic, hours of operation or that might have a negative impact on the public should be considered by the Plan Commission. Plan Commission Member Zaballos would rather look at a process. The standards would protect the Zoning Administrator, not just her decision. The Zoning Administrator could involve the Plan Commission Chair as a resource (a second opinion).

Plan Commission members suggested that if the proposal is next to residential to look closely at it; if design is involved such as the exterior of the building or landscaping, it should be looked at. Site plans need to be detailed enough and easy to read. Plans need to be complete. When a permitted use proposal is being introduced, remind the Plan Commission why the proposal is at Plan Commission and what they are to be reviewing.

It was determined that the application forms would be updated to make it easier to understand how to answer the standards. City Planner Birkeland will also draft performance standards to follow to determine whether a proposal needs to go before the Plan Commission or not (Similar to other cities such as Lake Mills). City Planner Birkeland requested that she be called or emailed with any additional ideas.

Informational Items:

Zoning Rewrite. City Planner Latisha Birkeland explained that the public hearing for the Commercial sections of the Zoning Rewrite is to be held on February 25, 2014. The public hearing for the Residential sections will be held on March 10, 2014 after the two conditional use items on the agenda. Birkeland will be provided the entire zoning rewrite document in black and white with the current code that is proposed to be changed marked with a strike through and the

proposed language marked with a double underline. Notices will be sent to the property owners within the proposed new overlay districts.

Future agenda items. City Planner Birkeland stated that on the next agenda, the Plan Commission will consider two conditional use permit applications prior to the public hearing for the residential sections of the zoning rewrite.

Next regular Plan Commission meeting – March 10, 2014.

Moved by Binnie and seconded by Parker to adjourn the meeting. Motion approved by unanimous voice vote. The meeting adjourned at approximately 7:37 p.m.

Chairperson Greg Meyer