

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
November 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 6:30 p.m.

Present: Greg Meyer, Lynn Binnie, Kristine Zaballos, Bruce Parker, Sherry Stanek, Daniel Comfort, John Tanis (Alternate). Absent: Karen Coburn. Others: Wallace McDonell (City Attorney), Chris Munz-Pritchard (City Planner).

Hearing of Citizen Comments. There were no citizen comments.

Approval of the Plan Commission Minutes. Moved by Binnie and Tanis to approve the minutes of August 11, 2014, September 8, 2014 and September 15, 2014. Motion approved by unanimous voice vote.

Public hearing for conditional use permit (tavern and other places selling alcohol by the drink) for D.R.A. LLC., Daniel Rodriguez, Agent, to serve beer and liquor by the bottle or glass at 214 W. Whitewater Street (for a “Class B” Beer and Liquor License) for the Hawks Nest. City Planner Chris Munz-Pritchard explained that when a liquor license changes hands, the applicant must go through the conditional use process. A neighboring property owner had sent in a letter of concern. Plan Commission members noted that the applicant was not present and in order to address the concerns, suggested that the item be moved back on the agenda, in case the applicant would show up.

The applicant did not show up at the end of the meeting. When asked if the Plan Commission could postpone this item, City Attorney McDonell noted that the City would have to resend notices to neighboring property owners. Moved by Comfort and seconded by Tanis to postpone the hearing to the December meeting. Ayes: Comfort, Tanis, Binnie, Parker, Zaballos, Stanek, Meyer. No: None. Motion approved.

Review proposed certified survey map to combine lots at 123 S. Church Street and 413-417 W. Main Street for First English Lutheran Church. This item is reviewed with the next item.

Public hearing for a conditional use permit for the construction of a 1,040 sq. ft. (40’ x 26’) detached garage and parking lot modifications to be located at 123 S. Church Street and 413-417 W. Main Street for First English Lutheran Church. (This is 240 sq. ft. more than the maximum size (800 sq. ft.) allowed for a detached accessory structure.) Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that the church is removing two non-conforming garages and putting in a new larger garage. There were setback issues, but the church has been to the Board of Zoning Appeals and a variance has been approved. One of the old garages extends into the alley. There are also snow plowing issues for the alley way and tenants have backed into the garage.

Chairperson Meyer opened for public comment.

Chip Leedham, the Engineer of the project, stated that they wanted to raze the two existing garages for safety concerns. One garage encroaches into the public alley and is structurally unsound. They want to consolidate the space into one garage. The new garage will be for storage for the Thrift Shop and one of the church's vehicles. The project will also improve traffic flow in the parking lot. The certified survey map combines two parcels so they will not be building over property lines. The conditional use is for the 1040 sq. ft. accessory structure which is over the maximum 800 sq. ft. allowed by ordinance.

Plan Commission members voiced concerns of: If the new garage will be the same size as the total of the two old garages; parking spaces provided for the Thrift Shop; how to access the Thrift Shop from the parking lot;

Brian Boley, the facility manager, stated that if in the future they would sell the building, they would supply parking. There is parking on the south side of the garage. He stated that they could provide a sidewalk next to the three parking spaces along the alley, provide a connector walk, a 4 foot wide sidewalk. There will be curb stops so the front of the cars will not block the walkway.

Plan Commission Member Zaballos noted that her grandmother, Gladys Moksnes, was one of the four founders of the Thrift Shop in 1964. Zaballos suggested a directional sign to the Thrift Shop entrance because of the change of the traffic pattern.

Chairperson Meyer closed the public comments.

City Planner Munz-Pritchard recommended that an easement be established to access the garage through the parking lot.

Moved by Zaballos and seconded by Stanek to approve the certified survey map to combine lots at 123 S. Church Street and 413-417 W. Main Street for First English Lutheran Church and move to approve the conditional use permit for the construction of a 1040 sq. ft. detached garage and parking lot modifications with the conditions of the City Planner and with the additional sidewalks. The signage not already included in the plan shall be left up to the applicant. (See attached conditional use permit.) Aye: Zaballos, Stanek, Meyer, Binnie, Parker, Comfort, Tanis. No: None. Absent: Coburn. Motion approved.

Discussion of the Zoning Code review information. City Planner Chris Munz-Pritchard explained that at the September Plan Commission meeting, there were concerns over the Zoning Rewrite. She did some research and put together a packet of information for the discussion.

This is just an initial discussion to see where we are all at.

Plan Commission Member Binnie stated that he had done some research, looking at other college cities in the State on the density subject. The lot requirements are equivalent for the multi-family district. He tried to figure out how they calculate lot requirement. It was all over the map. What is the rationale for having a lot requirement in the first place and what is the concern trying to be addressed in terms of density?

- 1) Do we want to try to maintain a suburban appearance, or can more urban buildings be appropriate? We are a city with a large university.
- 2) Is the density intended to address safety? Sprinkler systems abate concern? Have incentives for developers to go beyond what is required in safety issues.
- 3) Concern re: potential nuisances – too much noise, quality of life for residents of the building-should have green space. If there are mostly students in the neighborhood, there is no concern.

The green space on most student rental properties is used mostly for the Homecoming celebration. Once in a while the green space is used for throwing Frisbees or having a picnic. To what extent do we need to regulate density in this area? The lot space is not a necessity for the purpose.

The Plan Commission voiced concerns of: reducing the required lot area if it changes the drainage and Fire Department access; Is the stormwater able to take the density?; Like to see increase in appropriate use of density; incentivizing quality materials and other amenities; better fire protection. With the Zoning Rewrite the increase in density near the university is good. The R-2A area makes no sense as the properties are not near the university. Students don't know the area where they are living.

City Planner Munz-Pritchard stated that if the property has 40 % or more impervious surface, the developer would have to do stormwater mitigation. Redoing infrastructure is costly, but it is needed.

PD (Planned Development District): Plan Commission Members voiced concerns of the PD Zoning District: What would be an appropriate use of the PD?; abused in the past; could have argued appropriately for the PD for the proposal for 1014 W. Main Street if the City hadn't just passed the R-3A; How can we determine the parking to be adequate if the parking summit had not even been started yet; a PD allows for specific projects to come in and fit into the neighborhood; The only reason for the project at 1014 W. Main Street to come to the Plan Commission was density. Large projects with phasing etc. need to be looked at for their long and short term effects on the area and if the project will work. Concerns of the PD include throwing out a lot of regular standards, consequently the maximum occupancy gets thrown out unless specified. PD's should include a list of things that are to be considered. The PD should be like an overlay, think of it as a district. Code should have "higher quality urban design".

City Planner Munz-Pritchard suggested putting in a minimal area for the plan.

Parking and Pavement vs. gravel: City Planner Munz-Pritchard stated that when conditional use applications come to the Plan Commission, pavement is being required. Paving stones need to be maintained. She would like to see mitigation put into place. The house should be included in the area considered as well as the driveway. Another suggestion for parking areas is to add curb stops on rental properties to prevent driving through yards.

Plan Commission members voiced concerns of: People don't realize that gravel is impervious. On the larger projects, larger storm sewers are needed. Driving across the lawn to get to a parking space needs to be prohibited.

City Attorney McDonell stated that it could be enforced as operation of a vehicle in an area not intended for use.

City Planner Munz-Pritchard wanted to remind Plan Commission members of the joint meeting on December 2nd at 6:30 p.m. for the parking study.

Height of the buildings and skyline: Plan Commission Member Parker explained that the skyline exposure plane was put in the code years ago. It was only in the R-3 (Multi-family) Zoning District.

Plan Commission Members voiced concerns of: arbitrary number is too limiting; should consider different skyline exposure for different areas; come to terms of height on code basis; fine with height, concern with access.

City Planner Munz-Pritchard suggested checking with the Fire Department first.

Structures in the front yard setback: If the front yard (street yard) is over a certain amount of square feet, Plan Commission could allow an accessory structure in the street yard area. This would allow the applicant to have approval without going to the Board of Zoning Appeals for a variance. Ordinance does not allow an accessory structure in the street yard area. The City does not regulate bird houses or flags.

When asked about having a gazebo in the front yard, City Attorney McDonell would have to look at the definition.

City Planner Munz-Pritchard recommended adding the following to Chapter 19.15 R-1:

One (1) accessory structure may be located in the front or side yard if the following requirements are met:

1. The total square footage of the front yard is greater than or equal to 43,560 square feet.
2. Minimum front yard setback of the accessory structure must be fifty (50) feet.

3. Minimum side yard setback of the accessory structure must be (10) feet, or corner lot, twenty-five (25) feet.

When the changes for the parking study are made, changes to this section might also be considered.

Projects that have not been completed before requesting new projects/Enforcement consistency: It was suggested that adding fines for extending permits may need to be considered. The problem is in determining how to apply across the board. Sometimes someone is struggling because something happened.

In extreme cases, the owner may need to be told that the use of the property cannot continue because of the expired permit.

It was requested to have a limit of one year to finish paving.

City Planner Munz-Pritchard stated that occupancy is not issued until things are completed. We have to treat everyone equally.

City Attorney McDonell stated that the health and safety items are the major issue. He was going to do some research on if there could be a condition placed on a conditional use permit (or a permitted use permit) that a previous project must be completed.

Information Items: The main item is the joint meeting with the Common Council for the presentation and discussion of the Parking Study on December 2, 2014 at 6:30 p.m.

Future agenda items: City Planner Chris Munz-Pritchard explained that there were no agenda items at this time.

Next regular Plan Commission meeting – December 8, 2014.

Moved by Zaballos and seconded by Tanis to adjourn the meeting. Motion approved by unanimous voice vote. The meeting adjourned at approximately 8:20 p.m.

Chairperson Greg Meyer