

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
March 14, 2016

**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, Bruce Parker, Lynn Binnie, Tom Hinspater, Kristine Zaballos, Sherry Stanek, Daniel Comfort. Absent: None. Others: Wallace McDonell (City Attorney), Chris Munz-Pritchard (City Planner).

Hearing of Citizen Comments. Dave Saalsaa, chair of the Downtown Design Committee, wanted to let the Plan Commission know that they are working on some proposed revisions to the sign ordinance. The sign ordinance is restrictive. They want to make the sign ordinance friendlier and still meet standards. Dave Saalsaa also introduced Courtney Nelson, the new Downtown Whitewater Director, to the Plan Commission.

Approval of the Plan Commission Minutes. Moved by Zaballos and Stanek to approve the minutes of January 11, 2016, and to approve the minutes of February 8, 2016 with corrections. Aye: Zaballos, Stanek, Parker, Binnie, Hinspater, Comfort, Meyer. No: None. Motion approved.

Informational update on the designation of the Starin Park Water Tower as a local Landmark. Alan Lockett, staff representative for the Landmarks Commission, Director of Whitewater Cable Station 990 and works on the City of Whitewater web site, wanted to officially let the Plan Commission know that the Landmarks Commission designated the City of Whitewater Starin Park Water Tower as a local landmark last December. They had the full support of the City. If the Starin Park Water Tower no longer performs as a water tower, as a landmark, the building will be maintained as a part of history. Alan Lockett noted that the Landmarks Commission will have a display of local architecture at the Library during the month of May.

Chairperson Meyer noted that item #7 has been postponed to a later date. That item was to hold a public hearing for consideration of a change of the District Zoning Map for the parcel at 707 W. Walworth Ave. (Tax Parcel # /HA 00001) to enact an ordinance to change from B-1 (Community Business) Zoning District to R-3 (Multi-family Residence) Zoning District classification under Chapter 19.21 of the Zoning Ordinance of the City of Whitewater. The owners of the property are Ronald B. Walenton and Rebecca R. Walenton.

Public hearing for a Conditional Use Permit for a pylon sign to be located at 1184 W. Main Street for Advanced Auto Parts (Dave Herbeck). Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that the actionable item is for a conditional use permit that is required for a pylon sign in the B-1 Zoning District per Municipal Code Chapter 19.54. Chris Munz-Pritchard gave some history on the project. This project has been to the Board of Zoning Appeals for the rear yard setback of the proposed new building. The three curb cuts will go away. It will become a 4 way intersection. There will be a change in the egress from Rocky Rococo. They will need that open to get trucks in and out. The project will improve the intersection. In the B-1 Zoning District, a pylon sign requires Plan Commission approval of a conditional use permit. The sign proposal meets all requirements. The sign face is 75 sq. ft.

The consultant for the sign company was present to answer any questions about the sign.

Plan Commission Member Binnie explained that he is not a fan of the proposal. This sign is identical to the one in Fort Atkinson, which is huge. The bright red makes it more prominent. This would be one of the largest pylon signs in the City. His main concern is that the sign compares to the pylon signs for Wal-Mart and Sentry which are on much larger lots. The proposed pylon sign is bigger than necessary to attract business. It is esthetically not appropriate and not pleasing to the eye. Walgreens does not have a pylon, only a digital sign for specials and the sign on the building. He would prefer to see monument signs.

Plan Commission members voiced concerns of: the sign will be up in the canopy of the trees and people won't be seeing the sign until they are almost there; would like to see a smaller pylon or a monument sign; Plan Commission would have a hard time approving more pylon signs in that area. Would it be possible to downsize the sign to a maximum of 56 sq. ft.?

City Planner Chris Munz-Pritchard explained that her main concern was any blocking of visibility for the intersection. A monument sign would block more area than the post of the pylon sign.

Chairperson Meyer agreed that it is a congested area and signs low on the ground would block views. He stated that the sign needs to be up in the air.

The sign consultant stated that they could probably settle on something smaller, he thought they would be okay with the 56 sq. ft.

Chairperson Meyer closed the public hearing.

Moved by Binnie and seconded by Comfort to approve the conditional use permit for a pylon sign to be located at 1184 W. Main Street for Advanced Auto Parts (Dave Herbeck) with the condition that the square footage of the sign not exceed 56 sq. ft. Aye: Binnie, Comfort, Parker, Stanek, Hinspater, Zaballos, Meyer. No: None. Motion approved.

It was suggested that the Plan Commission might like to see more monument signs than pylon signs. City Planner Chris Munz-Pritchard stated that it needs to be worked out in the sign ordinance as it is being revised.

Public hearing for a Conditional Use Permit to allow for the keeping of horses at 509 S. Franklin Street for Thayer and Anne Coburn. Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that this is a conditional use for the keeping horses in a residential district as an accessory use. The Coburns have 9.2361 acres. They would utilize an existing barn which is next to the north property line. The City would require a permit for a fence for the horses and make sure they are following the requirements according to Wisconsin State Statutes Chapter 90 for the fencing. Plan Commission was given a copy of the ordinance Chapter 19.57.160 Keeping of horses. The keeping of horses is only allowed by conditional use in the R-1 and R-2 Zoning District. This property is zoned R-3 multi-family residential. The City of Whitewater Comprehensive Plan has the future land use of this property as R-1 Single Family Residential. The other concern is to have a manure plan in place. The manure plan must meet criteria to be a certain distance from water. Munz-Pritchard is recommending approval with a limit of three horses.

Anne Coburn stated they are considering two ponies.

Plan Commission members voiced concerns of: livestock not being allowed in the R-3 Residential Zoning; legally do not have the capacity to have horses; rezone or BZA?; there are a lot of R-3 properties that could have horses if it were allowed.

City Planner Chris Munz-Pritchard stated that she is in the process of updating the Comprehensive Plan and changes could be made there. Her main concern is what is happening with the manure.

Anne Coburn explained that they were going to compost it which would be the best environmentally. They will be composting it 75 to 100 feet away from any neighbors and 75 feet away from the water. If it does not work out for them the first time, they have friends that will take the extra manure. She would also like to take the compost to the City Market.

Plan Commission Member Zaballos explained that she lives near Rollie Cooper who has a draft horse "Jim". Jim is 45 years old. Rollie Cooper has an open compost. Zaballos stated that they have never had a problem with the animals or with any odors.

Chairperson Meyer closed the public hearing.

Anne Coburn asked when the zoning of her property was changed to R-3.

City Attorney McDonell explained that in order to change the zoning of the property, 2 week publication is required. As a conditional use, there would be other guidelines imposed by the Plan Commission. McDonell stated that when the zoning changed (thought it was 1982), whatever was there became a legal non-conforming use. When the non-conforming use is not

there for a year or more, it is no longer a legal non-conforming use and is unable to return to that use.

Plan Commission Member Parker recommended the changing of the ordinance to allow the keeping of horses city-wide as a conditional use; can the Plan Commission initiate the change in the ordinance?

City Attorney McDonell stated that the Plan Commission can initiate a change in the ordinance by giving direction to staff.

City Attorney McDonell explained that Thayer and Anne Coburn would need to come back with a conditional use permit request for the keeping of horses on their property once the ordinance is passed. He noted that sometimes the fee is waived due to circumstances. The public hearing for the ordinance change would be held at the April Plan Commission meeting. The public hearing for the conditional use could possibly be held at the May Plan Commission meeting.

Anne Coburn asked if the fact that all the neighbors are in favor of them having horses would affect this outcome.

City Attorney McDonell stated that it would not affect the legal steps. If the legal steps are not taken, it would be declared a void action.

The Plan Commission received the legal opinion not to move forward with this conditional use (item # 6) based on legal requirements.

Moved by Comfort and seconded by Stanek to request City Staff move forward to add keeping of horses to R-3 as a conditional use. Aye: Comfort, Stanek, Binnie, Hinspater, Parker, Zaballos, Meyer. No: None. Motion approved.

Public hearing for a change of the District Zoning Map for the parcel at 707 W. Walworth Ave. (Tax Parcel # /HA 00001) to enact an ordinance to change from B-1 (Community Business) Zoning District to R-3 (Multi-family Residence) Zoning District classification under Chapter 19.21 of the Zoning Ordinance of the City of Whitewater. The owners of the property are Ronald B. Walenton and Rebecca R. Walenton. This item was postponed by the applicant prior to the meeting.

Update in regard to the requirement of common space square footage per person for the R-2A Overlay Zoning – Chris Grady. Chris Grady explained that the Council wanted more information. He explained what had happened to get to this point with this proposed R-2A ordinance amendment. The proposal was for a home to have 75 sq. ft. common space per individual (such as living room, kitchen etc.)

Plan Commission Member Stanek stated that this is an important point. The reason we have the R-2A Residential Overlay Zoning is for those really big old houses that have 5 and 6 bedrooms. Since this zoning was adopted, it has morphed. We need to have clarity. We need to know what

is reasonable, how many unrelated persons can live in a house. We need to have clear guidelines.

City Planner Chris Munz-Pritchard stated that the proposal came back to the Plan Commission for recommendations.

City Attorney McDonell stated that he felt the City Council was uncomfortable with the proposed ordinance. They wanted more input from the Plan Commission and a recommendation. He suggested that the Plan Commission could have a policy for the R-2A requests.

City Planner Munz-Pritchard asked the Plan Commission if they would like a policy. She explained that there is confusion as to what counts as living space/common space. Fire codes are very important. We could ask the Building Inspector to report on what the applicant is using as common space when he visits a property.

Plan Commission Member Binnie stated it would be nice to have something carved in stone. A portion of the City Council has free market ideas that the market should rule. His impression of the Council is “why rezone the properties individually if we could approve them all”. He also thinks the Council is hung up on the sq. ft. per individual.

Plan Commission Member Zaballos explained that the Plan Commission needs rules, not guidelines. Guidelines would need to be specific guidelines, actually part of the ordinance. We don't want to redo this process every time.

City Planner Chris Munz-Pritchard suggested the Plan Commission form a sub-committee to review this process. Sub-committee members would be Chris Grady, Sherry Stanek, Dan Comfort, Greg Meyer and Chris Munz-Pritchard. The meetings would need to be noticed.

Moved by Binnie and seconded by Stanek to approve a sub-committee to come up with ideas for specific guidelines for property owners requesting the R-2A Residential Overlay Zoning. Motion approved by unanimous voice vote.

Information Items:

- a. Possible future agenda items. There were none.
- b. Next regular Plan Commission Meeting – April 11, 2016.

Moved by Zaballos and seconded by Parker to adjourn. The motion was approved by unanimous voice vote. The meeting adjourned at approximately 8:00 p.m.

Chairperson Greg Meyer