

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
September 12, 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, Tom Hinspater, Lynn Binnie, Kristine Zaballos, Sherry Stanek, Bruce Parker, Daniel Comfort. Absent: None. Others: Chris Munz-Pritchard (City Planner), Wallace McDonell (City Attorney).

Hearing of Citizen Comments. No Comments.

Approval of the Plan Commission Minutes. Moved by Stanek and seconded by Comfort to approve the minutes of the June 13, 2016 and July 11, 2016 Plan Commission meetings. Motion approved by unanimous voice vote.

Review proposed changes to the City of Whitewater Comprehensive Plan. Jackie Mich, Vandewalle and Associates, explained what the Comprehensive Plan is and reasons to amend the Comprehensive Plan. The Comprehensive Plan is to reflect the current policy of the City. The City has added new zoning ordinances and has added the R-2A Residential Overlay Zoning Permission Area. Mich went over the proposed amendments for the text (memo).

City Planner Chris Munz-Pritchard explained the changes to the future land use map. It will be a lot of clean up to reflect what is currently going on. The areas will follow section and parcel lines. Examples would be: Fairhaven Prairie Village would be changed from residential to mixed use; Proposed DP Recycling, property E. Main Street would be changed to M; and the former funeral home property on W. Main Street would be changed to multi-family.

Plan Commission Member Binnie explained to Jackie Mich that the City of Whitewater lost their independent grocery store and has been trying to get a grocer to come to Whitewater. It does not look like it will happen in the near future.

Chairperson Meyer opened for public comment.

David Stone stated that the proposed amendments were not on the City of Whitewater web site or at the City Library. He requested that for the future, because this can be controversial, the information be made available on the City web site and at the City Library.

Chairperson Meyer closed the public comment.

City Planner Chris Munz-Pritchard stated that this information is preliminary. It would get put on the web site tomorrow. At this time the joint meeting is planned for some time in November. Notices and other information will be given out 30 days prior to the meeting. Plan Commission Members will be provided a binder with the proposed updated Comprehensive Plan.

Public hearing for consideration for a conditional use permit for an addition to the existing control house located in the electric substation area of LSP Cogeneration property at 111 County Highway U for American Transmission Company. Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that LSP wants to amend the PCD with an expansion of the existing control house which will double the size. She went through her report and recommended conditions of approval.

There were no public comments. Chairperson Meyer closed the public hearing.

A representative of the American Transmission Company stated that it is an expansion and reliability type project. The existing power plant has not been able to run at peak capacity for a long time. They are doing some modifications to improve that.

Moved by Binnie and seconded by Parker to conditionally approve the Conditional Use Permit for an addition to the existing control house located in the electric substation area of LSP Cogeneration property at 111 County Highway U for American Transmission Company. Aye: Binnie, Parker, Zaballos, Hinspater, Stanek, Comfort, Meyer. No: None. Motion approved. (See attached conditional use permit.)

Public hearing for the consideration of an amendment to the PD (Planned Development) of Prairie Village to allow for additions, alterations, or improvements to individual residences and for minor revisions to the site plan related to changes in the location of utilities and a few duplex residences for Fairhaven Corporation. Chairperson Meyer opened the public hearing.

Plan Commission Member Binnie recused himself from this item.

City Planner Chris Munz-Pritchard explained that this is in part for language clarification of the approval in 2007 to allow for porches and sunrooms on individual residences. There are also some minor revisions to the site due to reconfiguration of utilities which in turn caused the movement of some of the buildings. It is important to keep the development consistent. Munz-Pritchard recommended to approve the request to vary from the proposed Planned Development (PD) approved in 2007, subject to three conditions. 1. Any utilities located outside of the road way need to have easements added. There needs to be a clear record as to what are City utilities and what are private. 2. The building must follow the same architectural integrity and landscaping as the Planned Development (PD) approved in 2007. 3. Any other conditions identified by City Staff or the Plan Commission.

Paul Kuenning, Executive Director of Fairhaven Senior Services, explained that the wetland areas encroached in three different areas. They had further encroachment on the south side and

to the west portion of the property. They had to work with DNR and get a permit to fill 10,000 sq. ft. The road is part of that 10,000 sq. ft. They will lose only 1 unit on the west side due to the wetlands.

Chairperson Meyer closed the public hearing.

Moved by Stanek and seconded by Comfort to conditionally approve the amendment to the PD (Planned Development) of Prairie Village to allow for additions, alterations, or improvements to individual residences and for minor revisions to the site plan related to changes in the location of utilities and a few duplex residences for Fairhaven Corporation with the Planner recommendations and with Planner making decisions of minor changes. Aye: Stanek, Comfort, Zaballos, Parker, Hinspater, Meyer. Recused: Binnie. No: None. Motion approved.

Public hearing for consideration of a conditional use permit for a projecting sign above the first floor of the building at 156 W. Whitewater Street. Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that Dennis Knopp had requested a variance on September 24, 2015. He was not granted a variance to install the sign above the first floor. Munz-Pritchard also explained that at the request of Downtown Whitewater Inc., the sign ordinance was amended to allow signs above the first floor with a conditional use permit. The ordinance change was approved by the City Council on July 19, 2016.

Dennis Knopp stated that the sign was installed prior to getting approval.

Downtown Whitewater helped to get the ordinance changed. Dave Saalsaa explained that last year, they started to review the sign ordinance for downtown. They researched other Main Street communities and found that they do allow signs above the first floor. The Downtown Committee looks at everything on a case by case basis. They felt this was a good change to make. They feel this sign is a proper scale and at a good height and recommend that it be approved.

There was no further public comment. Chairperson Meyer closed the public hearing.

City Planner Chris Munz-Pritchard stated that a conditional use is appropriate for signs above the first floor. It will help in preventing sign blight.

Moved by Binnie and seconded by Comfort to approve the conditional use permit to allow a projecting sign above the first floor of the building at 156 W. Whitewater Street for Dennis Knopp with the City Planner conditions with the change in the hours of illumination to one hour before until one hour after business hours. Aye: Binnie, Comfort, Stanek, Zaballos, Parker, Hinspater, Meyer. No: None. Motion approved. (See attached conditional use permit.)

Public hearing and make recommendation to the City Council for a change in the District Zoning Map for the parcel at 426 W. Whitewater Street (Tax Parcel # /OT 00182) to enact an ordinance to impose the R-2A Residential Overlay District zoning classification under

Chapter 19.19 of the Zoning Ordinance of the City of Whitewater for ARKI LLC. (Arthur Stritzel). This item is combined with the following item.

Public hearing for a conditional use permit in an R-2A Residential Overlay Zoning District, to allow for 5 unrelated persons to live in the house located at 426 W. Whitewater Street for ARKI LLC. (Arthur Stritzel). Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that this is a single family home. Art Stritzel would like to have the R-2A Residential Overlay Zoning Classification imposed on his property so he could increase the residents of the home from 3 unrelated to 5 unrelated persons. 1720 sq. ft. of living space is required for 5 unrelated persons to live in a dwelling unit. The home was approximately 1300 sq. ft. prior to the addition, which increased the sq. footage to 1685 sq. ft. Munz-Pritchard is recommending only 4 unrelated persons to live in the home. Four parking stalls would be required. They currently have four unrelated persons living there prior to approval.

Kirsten Stritzel was present to answer questions. She stated that they wanted to rent to a family, but that did not happen. She said the paving is to be done this fall. They are trying to get the blacktopping done as soon as they can. It is a matter of getting a contractor to do the work.

There were no public comments. Chairperson Meyer closed the public hearing.

Plan Commission Member Binnie stated that the Building Inspector Report didn't specify the amount of livable space – what the Building Inspector measured for space that qualifies under the ordinance. The Plan Commission recommended a hard and fast rule for square footage. So in this case, only 4 occupants would be allowed.

Moved by Binnie and seconded by Zaballos to recommend to the City Council to approve the R-2A Residential Overlay Zoning District for the property located at 426 W. Whitewater Street to recommend approval of the conditional use permit based on the City Planner's recommendation to allow four occupants. The applicant is to submit a parking schematic with a landscaping buffer. Aye: Binnie, Zaballos, Stanek, Parker, Hinspater, Comfort, Meyer. No: None. Motion approved.

Hold a public hearing for consideration of a conditional use permit to convert a single family residence into a duplex at 168 N. Tratt Street for Mike Kachel (DLK Enterprises Inc.). Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained her Planner report and recommendations. She had sent the Planner Report to Mike Kachel and he wrote a rebuttal.

The Plan Commission Members discussed the Planner conditions of approval with the rebuttal. #1 was cleared up. #8 looking for buffer area. The rest were meeting expectations, added hedges etc. The extra one foot of frontage is coming from the lot next door (158 N. Tratt Street). Does the second floor need egress windows?

Mike Kachel state that the duplex is a split level with two exits at ground level.

There were no public comments. Chairperson Meyer closed the public hearing.

Moved by Stanek and seconded by Comfort to conditionally approve the conditional use permit to convert a single family residence into a duplex at 168 N. Tratt Street subject to the City Planner recommendations with the changes to #5 (maximum impervious surface allowed in the rear yard is 40%) and #8 (remove second sentence) as discussed. Aye: Stanek, Comfort, Binnie, Hinspater, Zaballos, Parker, Meyer. No: None. Motion approved. (See attached Conditional Use Permit.)

Chairperson Meyer stated that he was happy with the plans that were submitted and appreciated the applicant's rebuttal to the City Planner conditions of approval.

Review and make recommendation to the City Council on the proposed discontinuance of a portion of S. Tripp Street. (The northern portion to become a private drive, the middle section to be removed, and the southern end of Tripp Street becomes a dead end with W. James Street as the outlet). City Planner Chris Munz-Pritchard explained that this is just a preliminary review. The City wants to get some feedback before they spend time and money on it. City Manager Cameron Clapper recommended to take it to the Plan Commission. Munz-Pritchard explained the project and what needed to be done. A water line would need to be abandoned. There would potentially be three benefits: the city would not maintain that area; railroad crossing could be banked to allow for another railroad crossing in another area (for future development); and in theory would reduce truck traffic.

Chairperson Meyer opened the public comment.

Mike Kachel has property along S. Tripp Street with a driveway north of James Street. He has concerns of accessibility to get to their properties on Tripp and Ann Streets. There is a significant amount of traffic on that street.

Mark Lindsey owns a house with an Ann Street address with his garage off James Street. He is concerned about the traffic.

David Stone, 303 W. Ann Street, stated that the street should remain open while street construction stuff is going on.

Chairperson Meyer closed the public comment.

Plan Commission Members voiced concerns of: who is requesting this street discontinuance; if Tripp Street is discontinued, there will be a lot of truck traffic going east and west on James and Ann Streets; Wouldn't the Home Lumber additional building alleviate the issue?; the business was always to leave access on Tripp Street for City residents. The street is City owned and maintained, why become the business owner's property? Hopes the City talks with the Railroad about this discontinuance. The business has property on both sides of the street and should be instructing their vendors to park appropriately.

City Attorney McDonell explained that when the City stops using a street, the property gets divided 50/50 to property owners on either side of the street.

City Attorney McDonell suggested that the Plan Commission to do a poll and give some direction.

Plan Commission Member Zaballos was concerned with reducing one source of traffic and increase another source of traffic. If the City wants to go ahead with this, she would like it quantified.

Plan Commission Member Stanek stated that Ann Street is not a wide street. Truck traffic would not be good there.

Plan Commission Member Parker stated that the purpose of that area has been for pickup and delivery. Trucks have permission for deliveries.

Plan Commission Member Binnie stated that if the business is stating they have some kind of permission for use of the area, they are responsible to produce any documentation.

City Attorney McDonell stated that it would be extra-ordinary if an agreement was perpetual into the future. Most agreements are set up and are not permanent. McDonell stated that Lynn Binnie was correct in that the business is responsible to produce any documentation. He suggested the Plan Commission make a motion giving their input.

Moved by Binnie and seconded by Zaballos to express reservation regarding the proposal to discontinue a portion of S. Tripp Street and to request that if further consideration is to be given to the proposal that more information be brought forward regarding the perceived benefit of doing so, as well as a consideration of the impact of truck traffic onto adjoining streets, including concerns of the potential of trucks backing onto Whitewater Street. Aye: Binnie, Zaballos, Stanek, Hinspater, Comfort, Parker, Meyer. No: None. Motion approved.

Review minor amendment to the conditional use permit to change the three parking spaces to two (one is a handicap parking stall) next to the connector sidewalk along the alley for the First English Lutheran Church (123 S. Church Street & 413-417 W. Main Street. City Planner Chris Munz-Pritchard explained that the conditional use permit that was issued November 10, 2014 needs to be updated. Three parking stalls were required to be installed by the garage and along the alley for Thrift Shop parking. Two of the stalls were made into a handicap accessible parking space. There were to be three curb stops placed one for each stall so the cars will not block the walkway. She would like to have the conditional use permit modified to allow this change.

Moved by Zaballos and Comfort to approve the minor amendment to the conditional use permit to change the three parking spaces to two (one is a handicap parking stall) next to the connector sidewalk along the alley for the First English Lutheran Church (123 S. Church Street & 413-417

W. Main Street). Aye: Zaballos, Comfort, Binnie, Hinspater, Parker, Stanek, Meyer. No: None. Motion approved.

Public hearing and make recommendation to the City Council, to enact the proposed amendments to the City of Whitewater Municipal Code: Chapter 19, specifically by adding chapter 19.52, an Access Standards Ordinance which would provide for vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system. Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that she prepared a power point to show what access standards are, design standards, how it will be applied and who approves, the number of access points. The function of the access standard regulations is to balance traffic movement and access to adjacent land by providing land access compatible with the roadway classification. Munz-Pritchard went through the basic standards.

Plan Commission Members voiced concerns: 19.52.060 (4) Are existing driveways grandfathered in? 19.52.060 (1A), the last sentence should also be eliminated as it is redundant. Binnie was amazed that the City has not had these access standards all along.

City Attorney McDonell stated that non-conforming would be allowed to be replaced. The last sentence in that section should be eliminated after the comma.

There were no public comments. Chairperson Meyer closed the public comment.

Moved by Binnie and seconded by Zaballos to recommend to the City Council the adoption of Section 19.52 with the minor changes as discussed. Aye: Binnie, Zaballos, Stanek, Hinspater, Parker, Comfort, Meyer. No: None. Motion approved.

Information Items:

- a. Possible future agenda items. City Planner Chris Munz-Pritchard stated there was one item so far involving infrastructure in a floodplain area, similar to what went to the last meeting with the boring under wetland.
- b. Next regular Plan Commission Meeting – October 10, 2016.

Moved by Stanek and seconded by Comfort to adjourn. The motion was approved by unanimous voice vote. The meeting adjourned at approximately 8:45 p.m.

Chairperson Greg Meyer