

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
March 9 2020

**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, Tom Miller, David Stone, Andrew Crone, Sherry Stanek, Bruce Parker. Others: Chris Munz-Pritchard (City Planner), Wallace McDonell (City Attorney).

Hearing of Citizen Comments. There were no citizen comments.

Approval of Plan Commission Minutes. Moved by David Stone and seconded by Lynn Binnie to approve the Plan Commission minutes of the November 11, 2019 and December 9, 2019 meetings. Motion approved by unanimous roll call vote.

Consideration of a conditional use permit for a Kwik Trip convenience store with a car wash and fueling pumps, pylon sign, and driveway approach to exceed 24 feet, to be located on 837 S. Janesville Street (Parcel #A2850 00002) for Kwik Trip, Inc. (Leah Berlin).

City Planner Chris Munz-Pritchard stated she spoke with Chair Board Member Meyer regarding whether there was a need to go over the entire Planner's report for this particular Kwik Trip because it echoed the same Planners suggestions as the prior Kwik Trip CUP approval for Elkhorn Rd. Planner Munz-Pritchard stated she will go thru the requirements only. The difference between both locations is that this location on Janesville Street is already zoned B-1. Per regulations of the B-1 District a Conditional Use will be required for the following:

Current Zoning

- 19.27.030 - Conditional uses.
 - (G) Car washes
 - (J) Gasoline service stations
- 19.54.052 - General sign regulations - Pylon sign allowed by conditional use only
- Approval to exceed twenty-four feet driveway.

Planner Munz-Pritchard presented the recommendations for the Conditional Use Permit as follows:

1. Any changes to easements on the lot need to be established and recorded. This includes stormwater, utilities and access easement.

A joint use driveway agreement should be established and recorded with property /A285000001 (885 S Janesville Street). This is part of a Conditional Use Permit approved in April 13, 2015. "An easement for the joint driveway and overlapping parking need to be established." Additionally, the property next door shares parking and is required to have a minimum parking number of 9 stalls for the residential and 29 stalls for commercial space. The design is reducing parking at 885 S Janesville Street, it shall meet the minimum requirements of the April 13, 2015 CUP requirement.

2. When the project is finished, As-built drawings may be required if the site is modified drastically.
3. A Construction Site Erosion Control and Stormwater Management Permit is required. Due to over an acre of land disturbance, Notice of Intent NOI from the DNR maybe required.
4. A Knox box will be placed on the building and approved by the fire department.
5. Plan Commission Grants approval to exceed the twenty-four-foot-wide street right of way. Additionally, a permit to work with state highway right-of-way may be required.
6. A site circulation plan should be created showing the modeling results using a WB-65 or larger semi-truck/trailer.
7. The brick work design on the exterior of the building should be at minimum carried through on the freestanding pylon sign. This is required per pylon sign regulation (the masonry covering). I would recommend not adding evergreen shrubs. Additionally, add brick work on the pillars holding the canopy. This will help bring uniformity to the development.
8. Only one freestanding- pylon sign and one wall sign (per ordinance) can be granted. Any on-premise directional signs can only be a max 9 sq. ft. as of this date.
9. Urban Forestry Committee (UFC) will review and approve the landscaping plans.
10. Per 19.66.070, applicants must commence construction within one year of approval however the applicant has indicated construction will start in March 2021. I am requesting that conditional use permit be valid for construction starting before April of 2021. If construction has not commenced by April of 2021, then the CUP will need to be re-approved.
11. On-site exterior lighting shall meet all the standards of 19.57.150 - Outdoor lighting standards.
12. There is currently a dumpster located for 885 S. Janesville street on this property. This will need to be re-located or a joint use agreement will need to be established. The new location and Kwik Trip dumpster need to meet the minimum yard requirements.
13. The approval of the Conditional Use Permit is only permission for the type of project or use. A building permit is still required.
14. Approval by Engineering, Building Inspector, Fire Inspector and other City departments.
15. Any other conditions identified by City Staff or the Plan Commission.

Chair Member Meyer asked the representative from Kwik Trip to come up to speak. Troy Malazuva Real Estate Development Manager with Kwik Trip, 1626 Oak Street, LaCrosse WI introduced himself. He stated that City Planner Munz-Pritchard had accurately described the convenience store project and that Kwik Trip would be working to address all the conditions which the City would

require. Member Binnie asked what the differences were between the two store sites. Representative Malazuva stated there was not much difference as far as scope, size and scale, with the exception of lot size due to storm water/pond issues. Member Binnie asked about the car wash and the Kwik Trip Representative stated that the Elkhorn Road property has a car wash separate from the convenience store, but this Kwik Trip would have a car wash in back of the store (part of the business envelope) so to speak.

Chair Member Meyer opened it to public discussion. Lisa Dawsey-Smith, 273 N. Fremont St along with Kristin Burton representing the Whitewater Chamber of Commerce read a letter from the Chamber welcoming and encouraging the passage of the conditional use permit for Kwik Trip.

Member Stone stated he is hoping to be able to address the signage issues for Kwik Trip sooner than later. City Planer Munz-Pritchard stated this is currently in discussion. Member Binnie stated the prior Kwik Trip CUP for the Elkhorn Rd store had provisions for the signage and felt that this would need to be part of the conditions for this Kwik Trip store as well. It was asked of the Kwik Trip Representative if he was aware of those conditions for the Elkhorn Rd Kwik Trip and he stated he was not. The representative stated that Kwik Trip would be ok with the one pylon sign for this location however the challenge will be the visibility from the 3 sides of the property. He explained they are in current discussion about sign coverage but have not made any determinations as of yet based on the City codes and ordinances. Planner Munz-Pritchard recommended keeping the one pylon sign on No. 8 but striking the additional sentence pertaining to one wall sign. Member Parker asked the City Planner about parking for 885 Janesville St. and if that may be affected. City Planner Munz-Pritchard stated she had recently checked it and stated it would comply.

Member Stanek motioned to approve the Conditional Use Permit for a Kwik Trip convenience store with a car wash and fueling pumps, pylon sign, and driveway approach to exceed 24 feet, to be located on 837 S. Janesville Street (Parcel #A2850 00002) for Kwik Trip Inc. with the Planner's conditions and also adding the following to condition #8 "permitted signs to be consistent with the sign ordinance in effect as of 7-1-2020". Seconded by Member Parker. AYES: Meyer, Binnie, Miller, Crone, Parker, Stanek, Stone. NOES: None. Motion Passed and CUP approved.

Consideration of a conditional use permit for a change of ownership for auto sales/rental located at 515 E Milwaukee Street (Parcel#A432 00001) for Lee Loveall.

City Planner Munz-Pritchard explained the history of the business site and stated this Conditional Use Permit application is strictly for a change of ownership and will not affect the business parcel at all. She recommended approval with the following conditions:

1. No equipment, tools or car parts shall be stored outdoors.
2. All garbage and scarp materials shall remain in the building or be replaced in an outside dumpster, completely enclosed by an opaque fence or wall, in the rear yard of the property.
3. Only for sale, running vehicles can be kept outside on site. No junk vehicle shall be kept outdoors on the site nor deliberately removed and returned to the site in an attempt to circumvent this requirement.
4. All for sale vehicles are in striped parking spaces and cannot be stacked.

5. Landscaping or fencing shall be provided and installed for parking area located adjacent to residential.
6. All changes in signing will meet the requirements per Sign ordinance 19.54.
7. A Knox box will be placed on the building and approved by the fire department.
8. Approval by Engineering, Building Inspector, Fire Inspector and other City departments.
9. Any other conditions identified by City Staff or the Plan Commission.

The applicant Lee Loveall introduced himself. Member Binnie asked for intentions of the business, and Mr. Loveall explained it is for the same type of auto sales with the potential for possible auto rentals – as on a daily basis. Mr. Loveall stated his other properties offered U-Haul rentals, however since there is a U-Haul dealer close by they would not likely pursue that avenue. Member Binnie asked if the name of the business is changing and Mr. Loveall stated it would stay the same at the present time. Member Stanek asked about the display of autos for sale as far as parking arrangement on the lot and also wondered about the possibility of a U-Haul dealership. She asked the Board if that is something that would have to come back for consideration. City Attorney McDonell stated he would do research on that question. Member Parker stated his concern about Item #4 under the Planner's recommendation, striping of stalls and if it was mandated or suggestion. City Planner Munz-Pritchard stated the reason was due to complaints in the past regarding the parking of vehicles in lots. She was supportive of amending that item number. Applicant Loveall stated he wanted that condition waived if possible. Their intention is to park vehicles around the perimeter of the lot and have the entire middle open. Member Parker asked about curbs and barriers and the applicant stated they are not looking to change anything. Mr. Loveall stated plans to update the exterior of the building with paint and shingles. Member Miller asked what the applicant's intention is with the back part of the property which meets up to the alley. The applicant stated they have no plans at the present time and confirmed no cars would be parked in that area. Chair Member Meyer asked if the wording of Item#4 could say all vehicles would be limited to perimeter parking on the hard surface and the applicant stated he would agree to that. Member Stanek confirmed eliminating the striping conditions. City Attorney McDonell stated that whatever is decided about the renting of vehicles or allowing a U-Haul dealership should be brought as a specific condition for the current approval of the application for the CUP. Board Members discussed the allowed sizes of the moving vans and the applicant Lee Loveall suggested the condition to read moving vans less than 16 ft in size which is primarily the same size as a utility van. The applicant emphasized they would like to appeal to customers with the smaller size moving equipment because of the student population in the community.

Member Lynn Binnie motioned to approve the Conditional Use Permit for change of ownership for auto sales/rental located at 515 E. Milwaukee Street (Parcel #A432 00001) for Lee Loveall with the Planner's recommendations but changing #4 to say all vehicles must be parked on hard surfaces on the perimeter of the lot as well as rental vehicles and trailers will be permitted no longer than a 16 ft box truck. Member Stanek seconded the motion. All in favor: Binnie, Crone, Meyer, Stanek, Stone, Parker, Miller. NOES: None Conditional Use Permit approved.

Review of Site Construction Plans per Conditional Use Permit Conditions for 292 S. Wisconsin Street (Mike Kachel).

Planner Munz-Pritchard stated she reviewed the CUP that was passed at the November 11, 2019 Board meeting with City Attorney McDonell. Planner Munz-Pritchard stated one of the bigger concerns of the Board was the parking issues. She explained the site plan changes which included the garage and parking arrangements along with the extension of the bike path. Mr. Kachel described the garage and parking plans going North/South instead of East/West. Also stated was the relocation of the dumpster area which would benefit both the tenants and the trash company. Board Member Stanek stated her desire to see more parking spaces behind the building and not in front of it. Planner Munz-Pritchard explained since they are using the existing building foundation the slope to the property would prohibit the parking of cars in back of the building. Member Parker asked what are the requirements for R3 parking in front of buildings.

Member Binnie asked about the façade of the building and Mr. Kachel stated their plans for the center of the building which will include a masonry effect in addition to the smart siding. Mr. Kachel explained they will incorporate different shapes and sizes and textures for effect. Chair Member Meyer asked and it was confirmed the area behind the building would be turned into green space.

Mr. Kachel explained they are turning 48000 feet of impervious surface to 21000 feet.

Member Crone asked about the new garage plan and the elevation change. Mr. Kachel stated the elevation was lowered 4 feet overall. Chair Member Meyer opened the discussion up the public. Brienne Brown – 156 N Fremont Street – Ms. Brown stated she iterated this building will be the backdrop to the City and is hoping that all will be considered to the aesthetics of the building. Matt Kuehl – stated that for long term he feels the appearance of the back of the building should be appealing and picturesque. Comments were closed to the public and reopened to the Board members for discussion. Member Parker asked Mr. Kachel if the building would be of brick or wood construction. Mr. Kachel stated it would be all wood construction. Attorney McDonell answered some of the technical questions regarding impervious surface in the R3 Zoning area. Attorney McDonell states according to the code ordinance parking is limited to 6 stalls in front or side of the building, unless change is approved by the Plan Board. Member Stanek asked Mr. Kachel if the public sidewalk location would be changed and he stated not at the present time, however they are looking to extend the terrace area on the east side of the property. Member Binnie stated since the CUP was approved at an earlier date, a motion to accept the revised construction plans as submitted and to approve the provision of nine (9) parking spaces in the front yard. Attorney McDonell also stated the motion to approve the impervious surface plan as well. Member Binnie agreed to add that to the motion. It was seconded by Member Crone. All in favor: Binnie, Crone, Stanek, Meyer, Stone, Parker, Miller. NOES: None Motion Passed

Consideration of an amendment to the Conditional Use Permit for review of the parking lot plan on Scott St. by Land and Water Investments, LLC.

City Planner Munz-Pritchard explained the certain parking areas that are affected by the amendment to the current Conditional Use Permit that was approved on September 11, 2017 for 329 Scott Street.

Munz-Pritchard stated the review by the Plan and Architectural Review Commission had been requested due to the following reasons:

- This project is in an area of the City known to have drainage concerns (Basin15).
- Scott Street was essentially designed as an alley way. Per the September 11, 2017 Conditional

Use Permit for 329 S Scott Street, a joint parking lot is to be constructed for ingress and egress out to Franklin Street. The plans were to be approved within 18 months (March 2019) and the construction to be completed within 18 months (October 2020) after the plans were approved. Parking at 353 S Scott Street is in direct correlation with the joint parking requirements for 329 S Scott Street.

Reminder letters regarding the joint driveway requirements were sent in March, June, and August of 2019. The letters stated, "At this juncture the preliminary plan for the joint parking is approved, however the following will need to be provided:"

- Detailed construction drawings.
- Stormwater management plan to be completed.
- Construction will need to be completed by October 1, 2020. If not completed, per City code 1.29.020 a re-inspection with corresponding fees will be charged per week until the project is complete.

The following are the parcels that would utilize the parking area:

338 S Franklin St, Tax ID /K 00001
330 S Franklin St., Tax ID /K 00002
324 S Franklin St, Tax ID /K 00003
519 and 521 W Scott St, Tax ID /K 00004
523 W Scott St, Tax ID /K 00004A
527, and 531 W Scott St, Tax ID /K 00005A
329 S Scott St., Tax ID /K 00007
345 S Scott Street, Tax ID /K 00008
353 S Scott St, Tax ID /K 00009
361 S Scott St. Tax ID /K 00011

Matt Kuehl of Land and Water Investments LLC spoke and explained after consideration he felt there was a better way to design the parking lot due to egress and ingress and housing needs. He also stated he has always been concerned about the proximity to the railroad tracks and also reiterated the fact of the storm water issues with the property. He stated they would be eliminating 25-35% of the impervious surface with the revision of the parking areas. He was proposing to send more traffic to Franklin St. Member Parker asked about clarification of the driveways to the parking areas. Chair Member Meyer opened up the discussion to the public. No public discussion was presented. Chair Member Meyer opened the discussion back to the Plan Board Members. Member Stanek expressed concern over the lack of landscaping near the properties. Member Stanek stated that it was important in light of the fact of the watershed issues. The representative explained the removal of the trees was in anticipation of starting the proposed parking areas. Member Stanek would like language included for specific landscaping plans. Member Crone stated he felt natural landscaping is effective for water drainage. Member Crone also stated his concern about the garbage in the area. Member Miller stated he was concerned about the existing garage located in the area and asked if it could possibly be moved. Matt Kuehl stated they had in the past tried to get the property owner to move the garage but was met with hesitancy and denial. Member Stanek asked about the boundaries along with curbs and gutters. The representative stated the plans did not include curbs and gutters. Member Binnie asked the representative if the Scott St driveway was primarily for ingress and the curved driveway primarily for egress. The representative stated the wider driveway would be for both

ingress and egress. The curved driveway would be for one or the other as it is too narrow for both. Member Crone asked if they could make that driveway a mandatory right turn only. Member Binnie asked if that would be enforceable and Attorney McDonell stated it could be. Attorney McDonell explained that private signage is enforceable by the City. Member Parker stated he would like to see curb and gutter on the driveway leading to Franklin Street to eliminate other ways to get to Franklin St. Chair Board Member Meyer stated the Conditions would need to have an approved stormwater management plan by a certified engineer. He also stated another condition needs to have a landscape design plan approved by the City for the entire project which would include buffered parking areas along with a complete landscape design. Member Parker asked about the site improvement deposit in the event the construction is not complete and Planner Munz-Pritchard stated in the letters that were sent out, in the event the project is not complete it would be subject to fines. The representative stated for the record their plan is to have this completed before September when the students move back. Member Stanek stated she was hesitant of the completion of the project due to the enormous work that has to be done. Member Binnie expressed his concern of the driveway on the west side of the property which is only a one car width driveway. The representative stated they would be willing to make it either ingress or egress on whatever the Board proposed. Member Parker stated he would like another condition stating at the next meeting to see a comprehensive plan on what was approved. Member Binnie asked about a Planner's report and Planner Munz-Pritchard stated what was brought forth was for the purpose of review only. Attorney McDonell stated the motion would be to approve the parking lot plan along with the conditions talked about. Member Binnie moved to approve the revised submission of the parking plan for 327-329 Scott St., with conditions of: designating the drive to the west on W. Scott St as an ingress only; the east entrance requiring curb and gutter; eliminating the entrance on Franklin Street; eliminating the entrance on S. Scott St; signage to be placed to designate the driveway on the west for ingress only and the driveway on the east for right turn only; along with submitting a revised plan to the City Planner before the next Board meeting. Chair Member Meyer also stated additional conditions of submitting a stormwater management plan approved by a certified engineer; a city approved landscape plan for the full project and a completion date of October 1, 2020 otherwise per City Code fines may be issued. Binnie added those items to the motion. Seconded by Member Miller and taken to vote. AYES: Meyer, Miller, Parker, Crone, Stanek, Binnie, Stone. NOES: None Motion passed.

Housing Affordability Report, WI State Statutes 6.10013.

City Planner Munz-Pritchard stated there were several hand-outs regarding the Affordable Housing Report and welcomed any questions anyone may have after looking at the materials presented. Munz-Pritchard explained that Chair Member Meyer attended the presentation and would be able to answer questions regarding the TID issues.

City Planner Munz-Pritchard also stated she was giving the Sign Ordinance to Vandewalle & Associates and that she was going to determine whether to patch or fix the ordinance.

Future Agenda Items:

It was requested by City Manager Cameron Clapper regarding the Review of Pocket Neighborhoods based on the draft of the overlay district and bring it to the Plan Board. Attorney McDonell asked if this would be a conceptual review and it was stated yes it would be.

Member Crone asked questions regarding the sign ordinance and was told this would be brought up when the sign ordinance review is brought to the Plan Board.

Chair Member Meyer explained the TID presentation and the future changes that will be taking effect.

Moved by Miller and seconded by Parker to adjourn. The motion was approved by unanimous voice vote. The meeting adjourned at approximately 8:07 pm.

Chairperson Greg Meyer