



CITY OF WHITEWATER PLAN AND ARCHITECTURAL REVIEW
COMMISSION

Agenda

May 11, 2015

City of Whitewater Municipal Building
312 W. Whitewater St., Whitewater, Wisconsin
6:30 p.m.

1.	Call to order and Roll Call.
2.	Hearing of Citizen Comments. No formal Plan Commission Action will be taken during this meeting, although issues raised may become a part of a future agenda. Specific items listed on the agenda may not be discussed at this time; however citizens are invited to speak to those specific issues at the time the Plan Commission discusses that particular item.
3.	Review and approve the Plan Commission minutes of April 13, 2015.
4.	Review proposed updated Certified Survey Map to combine three existing lots at 1014 W. Main Street.
5.	Hold a public hearing for consideration of a change in the District Zoning Map to enact an ordinance to impose the B-1 (Community Business District) Zoning classification under Chapter 19.27 of the Zoning Ordinance of the City of Whitewater for a portion of the property located at 896 S. Janesville Street (tax parcel # /WUP 00316E) for Progressing Properties LLC. (Michael Sina).
6.	Hold a public hearing for consideration of a Conditional Use Permit in a B-1 Zoning District, to allow for a trucking shop for truck repair at 896 S. Janesville Street for Luis Islas Martinez.
7.	Discussion of fencing.
8.	Information Items: a. Possible future agenda items. b. Next regular Plan Commission Meeting – June 8, 2015
9.	Adjournment.

Anyone requiring special arrangements is asked to call the Zoning and Planning Office 24 hours prior to the meeting. Those wishing to weigh in on any of the above-mentioned agenda items but unable to attend the meeting are asked to send their comments to c/o Neighborhood Services Director, 312 W. Whitewater Street, Whitewater, WI, 53190 or jwegner@whitewater-wi.gov.
The City of Whitewater website is: whitewater-wi.gov

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
April 13, 2015

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

Call to order and roll call.

Vice-Chairperson Binnie called the meeting of the Plan and Architectural Review Commission to order at 6:30 p.m.

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

Hearing of Citizen Comments. There were no comments.

Approval of the Plan Commission Minutes. Moved by Parker and seconded by Tanis to approve the Plan Commission minutes of March 9, 2015. Aye: Parker, Tanis, Hinspater, Stanek, Binnie. Motion approved.

Review updated Certified Survey Map for a lot line adjustment to accommodate changes to the building at 1173 W. Main Street. City Planner Chris Munz-Pritchard explained that this updated certified survey map was brought back to Plan Commission to be correctly documented. The changes were a “no building” easement and the back lot line was adjusted for the rear stairwell to have a zero lot line.

Moved by Tanis and seconded by Stanek to approve the updated certified survey map for 1173 W. Main Street. Aye: Tanis, Stanek, Parker, Hinspater, Binnie. No: None. Motion approved.

Review Extra-Territorial Certified Survey Map for three lots to create 3 residential building sites on Cold Spring Road for Marcus Tincher. City Planner Chris Munz-Pritchard recommended that the approval be subject to Jefferson County regulations, and that the final certified survey map be reviewed by City Staff and recorded with Jefferson County.

Moved by Parker and seconded by Tanis to approve the extra-territorial certified survey map subject to the City Planner recommendations. Aye: Parker, Tanis, Stanek, Hinspater, Binnie. No: None. Motion approved.

Public hearing for a conditional use permit (tavern and other places selling alcohol by the drink) for Taco Fresco Garret Witterholt, LLC., Garret Witterholt, (Agent), to serve beer by the bottle or glass at 175 W. Main Street (for a Class “B” Beer License).

City Planner Chris Munz-Pritchard explained that this is a request to be able to serve beer at Taco Fresco. The name of the agent is Amador Cortez and not Garret Witterholt. Her

recommendations were that no modifications be made to the site, if the business was going to stay a restaurant, and to establish hours of operation.

Garret Witterholt (owner of the business) and Amador Cortez (chef and general manager) introduced themselves. The business will remain a restaurant. The hours of operation will be from 11:00 a.m. until 9:00 p.m. They would like to serve beer during these hours. They will not serve beer after 9:00 p.m. They also want to be able to serve wine, but will come back to the Plan Commission at the next meeting for that request.

Chairperson Binnie noted that the application form was not completely filled out. They went through the three items to take care of that. The application also needed a signature.

Plan Commission Members asked about alcohol in the sidewalk café. (It would need to be gated off.) City Attorney McDonell stated that would require Council approval. There were also concerns of the café blocking the sidewalk. Business owners must make sure they keep at least 4 feet of sidewalk for pedestrians to pass by. Plan Commission also asked that the sidewalk area be cleaned of all debris at close of the business day.

The owner was asked if he would be extending hours of operation for weekends. The owner responded they wanted to make what they have work. They would not be extending their hours of operation at this time.

Chairperson Binnie opened the public hearing.

Jim Lewein, Owner of the building, stated that the owner of the business runs a nice shop (always clean, owner of building never received a disturbance call etc.) and he highly recommended him.

Moved by Stanek and seconded by Tanis to approve the conditional use permit with conditions of the City Planner and the additional condition of making sure the sidewalk area is cleaned up of debris etc. prior to 8 a.m. every day. (See attached conditional use permit.) Aye: Stanek, Tanis, Parker, Hinspater, Binnie. No: None. Motion approved.

Public hearing for a conditional use permit to allow for a commercial building along with residential apartments, (Proposed Phase 1 includes 5 apartments on the second floor) in a B-1 (Community Business) Zoning District located at 885 S. Janesville Street for Russell Walton. City Planner Chris Munz-Pritchard explained that the Phase 1 is actually 8 apartments on the second floor (3 efficiency, 4 one bedroom, and 1 two bedroom). He will need to have State Approved Plans showing the different phases. ADA compliance will be required for the first floor apartments. The State requires all plans for a project at once. Munz-Pritchard read her recommendations.

The Plan Commission voiced concerns of: When would Phase 2 be started?; light and ventilation for the interior apartment; is it possible to put skylights in?; what about the parking, landscaping and green space?.

City Planner Munz-Pritchard stated that they need 2,800 sq. ft. of usable open space for the proposed upper floor apartments.

Russell Walton explained that Phase 2 would start as soon as approved. They have plenty of work to keep them busy until then. The light and ventilation for the interior apartment can be done with two egresses. It is possible to put skylights in. He stated that there was plenty of green space in the front of the building.

Vice-Chairperson Binnie opened for public comment. There was none. Vice-Chairperson Binnie closed the public comment.

Plan Commission Member Stanek stated that she liked the plan. She liked that there were 2 bedroom units and efficiencies also.

Russell Walton stated that they have young professional people or older college students renting, (low impact renters).

Vice-Chairperson Binnie asked if the Plan Commission should add to the Planner condition for the 2800 sq. ft. of usable open space to be designated in the side or rear yard area.

City Planner Chris Munz-Pritchard stated that there was plenty of room for the usable open space in the side or rear yard area.

Moved by Tanis and seconded by Stanek to approve the conditional use permit with 8 apartments with the City Planner six conditions and 2800 sq. ft of usable open space in the side or rear yard area. (See attached conditional use permit.) Aye: Tanis, Stanek, Parker, Hinspater, Binnie. No: None. Motion approved.

Public hearing for a change in the District Zoning Map to enact an ordinance to impose the R-3A (University Residential Overlay District) Zoning classification under Chapter 19.22 of the Zoning Ordinance of the City of Whitewater at 1014 W. Main Street (tax parcel #'s /WUP 00173, /WUP 00173A, and /WUP 00183B) for Campus Edge Apartments LLC. (Ryan Hughes). Vice-Chairperson Binnie opened the public hearing for this item and the following item to be discussed together.

Public hearing for a conditional use permit in an R-3A Overlay Zoning District, to accommodate Phase 2 of a previous approval for a total of 9 units in a townhouse style residential apartment building at 1014 W. Main Street for Campus Edge Apartments, LLC. (Ryan Hughes). City Planner Chris Munz-Pritchard went through her recommendations. She explained that the R-3A Zoning is less restrictive and allows for higher density. This zoning allows as a permitted use up to 16 units. Munz-Pritchard recommended that the current building be removed and the area filled and graded prior to the start of construction. The first phase of this project was approved as a conditional use in an R-3 Zoning District. Ryan Hughes has since decided to do the overall project which meets the requirements of the R-3A Zoning District. Smaller lot areas are allowed in an R-3A Zoning District.

Ryan Hughes asked the Plan Commission if they would consider landscaping around the detention pond area instead of a fence. He asked if the Plan Commission would allow City Staff to use their discretion if the fence is really needed or not. He is afraid of vandalism on the fence and doesn't want an eye sore. When asked if he had made any changes to the previous plans, Ryan Hughes stated that the building was the same. He did add the stormwater detention area which will drain out within 24 hours. The building is a three story building with a prairie style look. There are 9 units, each with two baths. There is a front door either on Main Street or Prince Street. At the rear, there are either private garages or parking lot. The dumpster will be at the northwest corner of the driveway and parking lot.

Vice-Chairperson Binnie opened for public comment. There were no comments. Vice-Chairperson Binnie closed the public comment.

Plan Commission Members voiced: doing hedging (short enough for visibility) instead of fencing around the detention pond; Possibly install wrought iron fencing; any way to keep the large oak tree?; Planting trees in the W. Main Street yard to break up the elevation of the building.

City Planner Chris Munz-Pritchard explained that Strand Engineering is working with the applicant and that the approval is subject to engineering approval. Munz-Pritchard also asked for one additional tree pending engineering.

Ryan Hughes stated that he looked into keeping the large oak tree. He won't be able to keep it. The insurance company says it is too old and not safe. He says there are three trees in the terrace area along W. Main Street. He isn't sure about putting another tree in the street yard along W. Main Street due to the stormwater drainage. He is open to putting trees on the W. Main Street side of the building if approved by the engineer.

Moved by Tanis and seconded by Stanek to recommend to the City Council to approve the change in the District Zoning Map to enact an ordinance to impose the R-3A University Residential Overlay District Zoning classification under Chapter 19.22 of the Zoning Ordinance of the City of Whitewater at 1014 W. Main Street. Aye: Tanis, Stanek, Parker, Hinspater, Binnie. No: None. Motion approved.

Moved by Tanis and seconded by Stanek to approve the conditional use permit to accommodate Phase 2 of a previous approval for a total of 9 units in a townhouse style residential apartment building at 1014 W. Main Street, subject to City Council granting the R-3A University Residential Overlay Zoning District and subject to the City Planner's 3 conditions for approval with the revision of #3 to allow for the possibility of hedges instead of fences and with the additional condition of planting trees in the Main Street yard subject to Staff review. (See attached conditional use permit). Aye: Tanis, Stanek, Parker, Hinspater, Binnie. No: None. Motion approved.

Public hearing for a change in the District Zoning Map to enact an ordinance to impose the R-3A (University Residential Overlay District) Zoning classification under Chapter 19.22 of the Zoning Ordinance of the City of Whitewater at 527, 531-533, and 601 W. Main

Street (tax parcel #'s /WUP 00242, /WUP 00241, and /WUP 00240) for HIS Rentals LLC. (Robert Freiermuth). City Planner Chris Munz-Pritchard explained that Bob Freiermuth is requesting the R-3A University Residential Overlay Zoning District classification for his properties at 527, 531-533, and 601 W. Main Street. The plans he submitted for the development are conceptual only. Munz-Pritchard is requesting that a pre-development agreement be established between the property owner and the City when the plans for developing the properties are determined. This may include but is not limited to a review by the Plan and Architectural Review Commission.

Bob Freiermuth was requesting the change in the zoning at this time and would come back at a later time with plans more acceptable with the City. Freiermuth stated that he wanted to maximize what was there.

City Attorney McDonell stated that there are some things that are permitted in an R-3A Zoning District, but if the proposal would involve a developer agreement, it would come back to the Plan Commission. When asked if it was possible to amend the zoning of the property without a plan, he stated that a specific plan approval was not required at the time of the zoning change. City Attorney McDonell read the permitted uses in the R-3A Overlay Zoning District which permits up to a 16 unit building.

City Planner Munz-Pritchard asked to have the plans come back as a conditional use permit due to the shared parking and drainage issues. Looking at the 3 lots as a whole is important.

City Attorney McDonell stated that if the Plan Commission wanted to put that as a condition on the rezone, as long as the owner/developer agrees to that, he was comfortable with it. He also stated that by ordinance, the City Planner can request Plan Commission review of any proposal.

Bob Freiermuth was fine with bringing his plans back to the Plan Commission. He stated that things had to be done in a certain sequence and in a certain period of time to make the project function.

Vice-Chairperson Binnie opened for public comment for the recommendation to the City Council for the R-3A Overlay Zoning. There was no public comment. Vice-Chairperson Binnie closed the public comment.

Plan Commission members voiced concerns of: Being more comfortable at approving a zoning change if we had a project to go with it; Is there a maximum number of stalls?;

Bob Freiermuth stated that he is planning a building with 4 units. If the math dictates that he can, he will try for more units. Stormwater is one of the biggest issues. So he is being held to parameters. He just wants to build a building and rent it out. He does not want to try to get away with anything. The engineering for the conceptual plan was engineered for a 100 year event. There is a 4 foot drop that continues down Boone Court. He would be doing grading and have a water detention/rain garden area.

City Planner Munz-Pritchard stated that there is no maximum number of stalls in the ordinance, only minimum number. She also stated that the City would need floor plans of the existing buildings in order to determine the parking and easements. Every option that needs easements, needs to be looked at as a whole. The developer will need to have the proposal engineered.

Bob Friermuth stated there were 9 bedrooms at 601-603, 10 bedrooms at 531-533, and 8 bedrooms at 527 W. Main Street. He will bring everything in the box and bring it forward. He will still come to Plan Commission even if he doesn't have to.

City Attorney McDonell stated that a condition on the zoning promised by the developer is legal. The City cannot promise anything in return.

Moved by Tanis and seconded by Stanek to recommend to the City Council to change the zoning of the properties at 527, 531-533, and 601-603 W. Main Street to R-3A (University Residential Overlay) Zoning District for HIS Rentals LLC. (Robert Friermuth) with the condition that the developer come back to the Plan Commission for approval of the building proposal. Aye: Tanis, Stanek, Parker, Hinspater, Binnie. No: None. Motion approved.

Information Items:

- a. Possible future agenda items. City Planner Munz-Pritchard stated that there would be a rezone and a conditional use in regard to 896 S. Janesville Street. Possibly election of officers for the Plan Commission will occur at the May meeting. Munz-Pritchard explained that she would like to discuss fencing with the Plan Commission in regard to requiring a permit and to look at individual cases with fencing requests.
- b. Next regular Plan Commission Meeting – May 11, 2015.

Moved by Tanis and seconded by Stanek to adjourn. The motion was approved by unanimous voice vote. The meeting adjourned at approximately 7:45 p.m.

Vice Chairperson Lynn Binnie

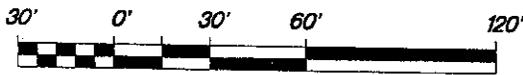
CERTIFIED SURVEY MAP NO. _____

Being a part of Southeast 1/4 of the Northwest 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 5, Town 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin.

OWNER
CAMPUS EDGE APARTMENTS, LLC ZONING: R-3 MULTI FAMILY RESIDENCE
 8820 HOLLYBUSH LANE
 VERONA WI 53593

SURVEYOR
KETTLE MORAIN SURVEYING INC.
 P.O. BOX 357
 EAGLE WI 53119
 (262)594-3484

BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 5-4-15 AND IS ASSUMED TO BEAR S88°02'02"W, NAD 27.



ZONING: R-3 MULTI FAMILY RESIDENCE
 OWNER: DLK FARM SERVICE

ZONING: R-3 MULTI FAMILY RESIDENCE
 OWNER: DLK ENTERPRISES
UNPLATTED LANDS

(WEST) N88°02'02"E
 31.50' (31 1/2)
 (NORTH) S00°16'16"E 80.00'
 (SOUTHEASTERLY) N87°30'56"W 90.74'

ZONING: R-3 MULTI FAMILY RESIDENCE
 OWNER: STARIN PRINCE RENTALS L.L.C.
UNPLATTED LANDS

(WEST) (183') N87°58'32"E 183.00'

149.98'
 12' WIDE W.E.P.CO. EASEMENT PER DOC. #839677

NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 5-4-15
 STATE PLANE COORDINATES
 NORTHING: 309,643.88
 EASTING: 2,336,053.29

EAST LINE OF THE NORTHWEST 1/4 OF SECTION 5-4-15

NORTH PRINCE STREET

DEDICATED FOR PUBLIC ROAD PURPOSES

LOT 1
 38022 SQ. FT.
 0.87 ACRES
 32306 SQ. FT. NET
 0.74 ACRES NET



SCALE 1"=60'

UNPLATTED LANDS
 ZONING: R-3 MULTI FAMILY RESIDENCE
 OWNER: DLK FARM SERVICE INC.

SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 5-4-15
 STATE PLANE COORDINATES
 NORTHING: 306,722.13
 EASTING: 2,333,505.39

CORNER IS OCCUPIED BY MAN HOLE

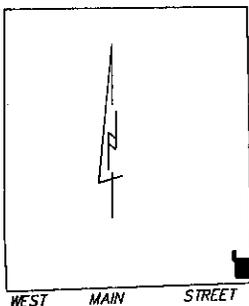
PER TIES
 SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 5-4-15
 STATE PLANE COORDINATES
 NORTHING: 306,811.30
 EASTING: 2,336,102.88

SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 5-4-15

WEST MAIN STREET

LEGEND

- FOUND 6" CONC. MON. W/BRASS CAP
- ⊕ FOUND 6" CONC. MON. W/1/2" PIN
- FOUND 1 1/4" O.D. IRON PIPE
- ⊙ FOUND T BAR STAKE
- ⊗ FOUND 3/4" ROD
- () RECORDED AS DIMENSIONS



LOCATION MAP
 NW 1/4 SEC. 5-4-15
 1"=2000'

TERRANCE E. PISAREK S-1930
 DATED THIS 10TH DAY OF APRIL, 2014

CERTIFIED SURVEY MAP NO. _____

Being a part of Southeast ¼ of the Northwest ¼ and the Southwest ¼ of the Northeast ¼ of Section 5, Town 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin.

SURVEYORS CERTIFICATE

I, Terrance E. Pisarek, registered land surveyor, do hereby certify: That I have surveyed, divided, mapped and dedicated a parcel of land being a part of Southeast ¼ of the Northwest ¼ and the Southwest ¼ of the Northeast ¼ of Section 5, Town 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin, described as follows:

Commencing at the Southwest corner of the Northwest ¼ of said Section 5; thence North 88°02'02" East, along the South line of the Northwest ¼ of said Section 5, 2408.21 feet to a point that is South 88°02'02" West 190.97 feet from the Southeast corner of the Northwest ¼ of said Section 5; thence North 00°09'45" West, 48.02 feet to the North line of West Main Street and the Point of Beginning; thence continuing North 00°09'45" West 143.85 feet; thence North 38°30'56" West, 38.21 feet; thence North 00°11'36" West, 90.74 feet; thence North 88°02'02" East, parallel to the South line of the Northwest ¼ of said Section 5, 31.50 feet; thence South 00°16'16" East, 80.00 feet; thence North 87°58'32" East, 183.00 feet to the center line of North Prince Street; thence South 00°11'09' East, along the center line of said North Prince Street, 173.74 feet; thence South 89°48'51" West, perpendicular to the center line of North Prince Street, 33.00 feet to the West line of said North Prince Street; thence South 46°33'59" West, 19.26 feet to the North line of West Main Street; thence South 88°02'02" West along the North line of said West Main Street and parallel to the South line of the Northwest ¼ of said Section 5, 143.90 feet to the Point of Beginning, dedicating the Westerly 33 feet of North Prince Street as shown on this CSM for public road purposes, containing 0.74 acres of land exclusive of dedicated Right of Way.

That I have made such survey, land division and map by the direction of Campus Edge Apartments LLC, Owner of said land.

That such map is a true representation of all exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and the Land Division Ordinances of the City of Whitewater in surveying, dividing and mapping the same.

Dated this 10th Day of April, 2014

Terrance E. Pisarek, S 1930

OWNERS CERTIFICATE

I, Ryan Hughes as Representative for Campus Edge Apartments LLC, (Owner), do hereby certify that I have caused the land described to be surveyed, divided mapped and dedicated as represented on this map in accordance with the requirements of Chapter 236 of the Wisconsin State Statutes and the City of Whitewater Land Division Ordinance.

I also certify that this Certified Survey Map is required to be approved by the following: City of Whitewater.

DATE: _____, 20__

Ryan Hughes,

STATE OF WISCONSIN)
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__ the above named person to me be known to be the person who signed the foregoing instrument and acknowledged that he executed the same.

My commission expires: _____

Notary Public

CERTIFIED SURVEY MAP NO. _____

Being a part of Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 5, Town 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin.

City of Whitewater approval

Approved by the City of Whitewater on the _____ day of _____, 20____.

Michele Smith, City Clerk

Consent of Mortgagee

First Citizens State bank, a corporation duly organized and existing under and by the virtue of the State of Wisconsin, mortgagee of the foregoing described lands, does hereby consent to the surveying, dividing, mapping and dedicating of the lands described on this map and does hereby consent to the foregoing certificate of Ryan Hughes, Representative for Campus Edge Apartments LLC.

Date:

President

NOTES:

The center line of Prince Street is not the East line of the Northwest $\frac{1}{4}$ of Section 5-4-15. The center line was located by using the monumentation found that was referenced on a Waterman, Fuge & Associates Inc. Survey dated 9-22-1959.

This Certified Survey Map does not create any additional parcels.

Dated this 10th Day of April, 2014

SHEET 3 OF 3

M E M O R A N D U M

To: City of Whitewater Plan and Architectural Review Commission

From: Christine Munz-Pritchard, City Planner

Date: May 11th 2015

Re: **Item # 5** Proposed Zoning Map Amendment for the following parcel to impose the B-1 (Community Business) Zoning District classification under Chapter 19.27 of the zoning ordinance at 896 S Janesville Street Tax ID # /WUP 00316E for Progressing Properties LLC (Michael Sina).

Summary of Request		
Requested Approvals:	Zoning Map Amendment to B-1 (Community Business)	
Location:	896 S Janesville Street	
Current Land Use:	Open Space / Used for parking for the adjacent business	
Proposed Land Use:	Business / Used for parking for the adjacent business	
Current Zoning:	AT Agricultural Transition	
Proposed Zoning:	B-1 (Community Business)	
Comprehensive Plan's Future Land Use:	Community Business	
Surrounding <i>Zoning</i> and Current Land Uses:		
Northwest:	Subject Property	Northeast:
<i>R-1</i> One-Family Residence District / RR ROW		<i>B-1</i> Community Business District
Southwest:	Subject Property	Southeast:
<i>US-12 / WI-59</i>		<i>US-12 / WI-59</i>

Description of the Proposal:

This lot sits north of US-12/ WI-59 bypass. The lot is .7749 acres (Walworth County GIS) and is most likely remnant of 4.80 acres of farmland *AT* Agricultural Transition. The bulk of the 4.80 acres was acquired during the US-12/WI-59 bypass around 2003. The .7749 acreage was never rezoned out of *AT* Agricultural Transition. The lot appears to have been utilized by the adjacent lot most likely after the bypass was built.

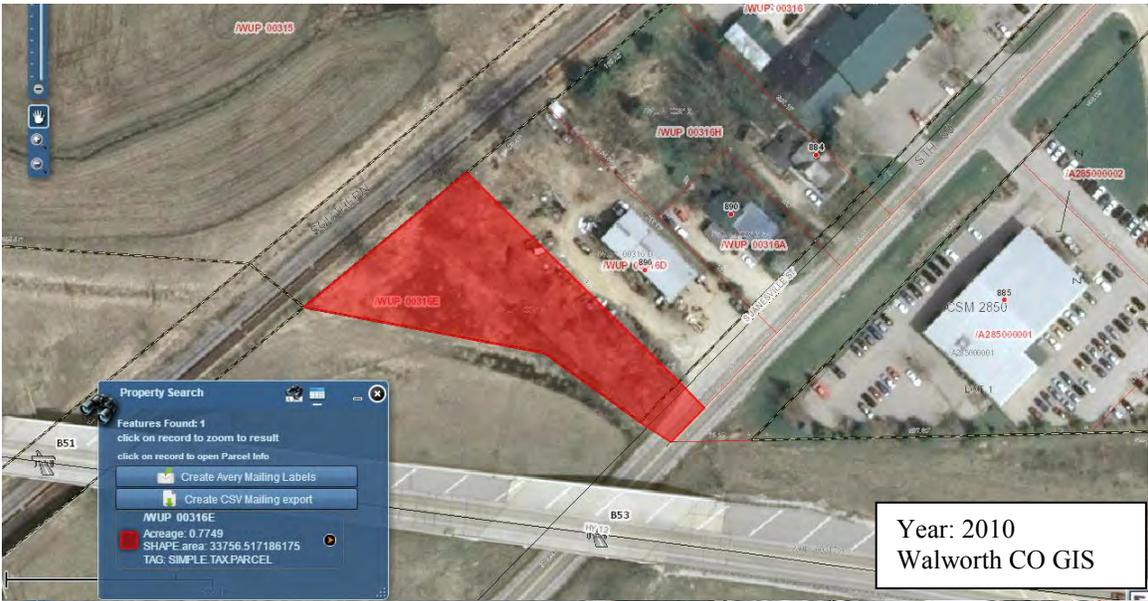
PLANNER’S RECOMMENDATIONS:

I recommend that the Plan and Architectural Review Commission recommend approval of the proposed Zoning Map Amendment to B-1 Community Business, subject to the finding presented below.

SUGGESTED FINDING TO BE MADE BY THE PLAN COMMISSION

1. Any building development on WUP 00316E will need to be reviewed by the City of Whitewater. The lot has a very small building envelope that could be problematic.
2. Any other conditions identified by City Staff or the Plan Commission.

Amendment of Zoning for: Vacant Parcel on S. Janesville St. Parcel # /WUP 00316E		
<i>Amendment to Zoning Standards Chapter 19.63</i>		
STANDARD	EVALUATION	COMMENTS
1. The establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or substantially reduce the values of property.	Yes	This project will involve no exterior building modifications.
2. Adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	Yes	All utilities are adequate.
3. The conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance or through variance.	Yes	No exemptions or variances are being requested.
4. The conditional use conforms to the purpose and intent of the city master (comprehensive) plan.	Yes	The proposal does not change the business use of the property.
5. The conditional use and structures are consistent with sound planning and zoning principles.	Yes	The project is consistent with Comprehensive Plan.



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Plan Commission of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, will consider a change of the District Zoning Map for the following parcel to enact an ordinance to impose the B-1 (Community Business) Zoning District classification under Chapter 19.27 of the Zoning Ordinance of the City of Whitewater on the following area:

<u>Property Address:</u>	<u>Tax ID #:</u>	<u>Property Owner:</u>
896 S. Janesville Street	/WUP 00316E	Progressing Properties LLC. (Michael Sina)

NOTICE IS FURTHER GIVEN that the Plan Commission of the City of Whitewater will hold a public hearing in the Whitewater Municipal Building Community Room, 312 W. Whitewater Street, on Monday, May 11, 2015, at 6:30 p.m. to hear any person for or against said change. Opinions for or against said change may also be filed in writing.

The proposal is on file in the office of the Zoning Administrator, 312 W. Whitewater Street, and may be viewed during office hours of 8:00 a.m. to 5:00 p.m. Monday through Friday.

Michele Smith, City Clerk
By: Jane Wegner, Neighborhood Services Administrative Asst.

Dated: April 13, 2015

Publish: in "Whitewater Register"
on April 16, 2015, and April 23, 2015

TaxKey	Owner1	Owner2	Address1	City	State	Zip
/A285000001	RUSSELL R WALTON		1005 W MAIN ST SUITE C	WHITEWATER	WI	53190
/A285000002	RUSSELL R WALTON	KIM WALTON	1005 W MAIN ST SUITE C	WHITEWATER	WI	53190
/A3739 00004	ROLLIN B COOPER	NANCY H COOPER	1127 W WALWORTH AVE	WHITEWATER	WI	53190
/WUP 00315	KACHEL TRUST		250-3 INDIAN MOUND PKWY	WHITEWATER	WI	53190
/WUP 00316	RUSSELL R WALTON		1005 W MAIN ST SUITE C	WHITEWATER	WI	53190
/WUP 00316A	ENRIQUE RUIZ	ESPERENZA RUIZ	PO BOX 305	PALMYRA	WI	53156
/WUP 00316D	PROGRESSING PROPERTIES LLC		N8660 CONVERSE RD	WHITEWATER	WI	53190
/WUP 00316E	PROGRESSING PROPERTIES LLC		N8660 CONVERSE RD	WHITEWATER	WI	53190
/WUP 00316H	RUSSELL R WALTON		1005 W MAIN ST SUITE C	WHITEWATER	WI	53190
	LUIS ISLAS MARTINEZ		130 S ASH LANE	WHITEWATER	WI	53190

**CITY OF WHITEWATER
PETITION FOR CHANGE OR AMENDMENT OF ZONING**

Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council may, by Ordinance, change the district boundaries or amend, change or supplement the regulations established by the Zoning Ordinance.

A change or amendment may be initiated by the City Council, the Plan Commission, or by a Petition of one or more of the owners, lessees, or authorized agents of the property within the area proposed to be changed.

PROCEDURE

1. File the Petition with the City Clerk. Filed on 4-10-15.
2. Class 2 Notices published in Official Newspaper on 4-16-15 & 4-23-15.
3. Notices of Public Hearing mailed to property owners on 4-27-15.
4. Plan Commission holds PUBLIC HEARING on 5-11-15.
They will hear comments of the Petitioner and comments of property owners. Comments may be made either in person or in writing.
5. At the conclusion of the Public Hearing, the Plan Commission makes a decision on the recommendation they will make to the City Council.
6. City Council consideration of the Plan Commission's recommendation and final decision on adoption of the ordinance making the change.

7. The Ordinance is effective upon passage and publication as provided by law.

PLEASE COMPLETE THE FOLLOWING APPLICATION. If there is more than one applicant for an area to be rezoned, add additional pages with the signatures of the owners, indicate their address and the date of signature.

Refer to Chapter 19.69 of the City of Whitewater Code of Ordinances, entitled CHANGES AND AMENDMENTS, for more information on application and protests of changes.

City of Whitewater
Application for Amendment to Zoning District or Ordinance

IDENTIFICATION AND INFORMATION ON APPLICANT(S):

Applicant's Name: Michael Sina
Applicant's Address: 354 S Prince St
Whitewater WI 53190 Phone # 262-391-3987

Owner of Site, according to current property tax records (as of the date of the application):
Progressing Properties LLC

Street address of property: 896 S Janesville St, Whitewater WI 53190

Legal Description (Name of Subdivision, Block and Lot or other Legal Description):
PT NW 1/4 SEC 8 T4N R15E DESC AS: COM CTR
SEC 8, W ALG E-W 1/4 SEC LN 619.72' TO C/L
HWY 59, N43D35'E 376.90' TO POB, N46D03'
W 324.20' TO S LN RR (TAX KEY /WUP 00316D)

Agent or Representative assisting in the Application (Engineer, Architect, Attorney, etc.)

Name of Individual: _____

Name of Firm: _____

Office Address: _____

Phone: _____

Name of Contractor: _____

Has either the applicant or the owner had any variances issued to them, on any property? YES NO
If YES, please indicate the type of variance issued and indicate whether conditions have been complied with.

EXISTING AND PROPOSED USES:

Current Zoning District or Ordinance to be Amended:

AT

Proposed Zoning District or Ordinance

B1

Zoning District in which property is located: AT

Section of City Zoning Ordinance that identifies the proposed land use in the Zoning District in which the property is located:

PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details, computations and stress diagrams as the building official may require.

PLOT PLAN

When required by the building official, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and the relation to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

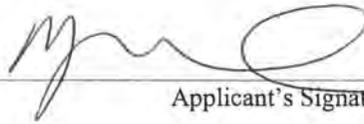
STANDARDS

STANDARD	APPLICANT'S EXPLANATION
A. The proposed amendment for future structure, addition, alteration or use will meet the minimum standards of this title for the district being proposed;	<i>yes</i>
B. The proposed development will be consistent with the adopted city master plan;	<i>yes</i>
C. The proposed development will be compatible with and preserve the important natural features of the site;	<i>yes</i>
D. The proposed use will not create a nuisance for neighboring uses, or unduly reduce the values of an adjoining property;	<i>no</i>

STANDARD	APPLICANT'S EXPLANATION
<p>E. The proposed development will not create traffic circulation or parking problems;</p>	<p><i>not</i></p>
<p>F. The mass, volume, architectural features, materials and/or setback of proposed structures, additions or alterations will appear to be compatible with existing buildings in the immediate area;</p>	<p><i>N/A</i></p>
<p>G. Landmark structures on the National Register of Historic Places will be recognized as products of their own time. Alterations which have no historical basis will not be permitted;</p>	<p><i>N/A</i></p>
<p>H. The proposed structure, addition or alteration will not substantially reduce the availability of sunlight or solar access on adjoining properties.</p>	<p><i>N/A</i></p>

CONDITIONS

The City of Whitewater Zoning Ordinance authorizes the Plan Commission to hold a public hearing and make recommendation to the City Council for the proposed changes (Section 19.69).


Applicant's Signature

4/10/15
Date

APPLICATION FEES:

Fee for Amendment to Zoning or Ordinance: \$200

Date Application Fee Received by City 4-10-15 Receipt No. 6.011731

Received by J. Wegner

TO BE COMPLETED BY CODE ENFORCEMENT/ZONING OFFICE:

Date notice sent to owners of record of opposite & abutting properties: 4-27-15

Date set for public review before Plan & Architectural Review Board: 5-11-15

ACTION TAKEN:

Public Hearing: _____ Recommendation _____ Not Recommended by Plan & Architectural Review Commission.

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:

Signature of Plan Commission Chairman

Date

Tips for Minimizing Your Development Review Costs:

A Guide for Applicants

The City of Whitewater assigns its consultant costs associated with reviewing development proposals to the applicant requesting development approval. These costs can vary based on a number of factors. Many of these factors can at least be partially controlled by the applicant for development review. The City recognizes that we are in a time when the need to control costs is at the forefront of everyone's minds. The following guide is intended to assist applicants for City development approvals understand what they can do to manage and minimize the costs associated with review of their applications. The tips included in this guide will almost always result in a less costly and quicker review of an application.

Meet with Neighborhoods Services Department before submitting an application

If you are planning on submitting an application for development review, one of the first things you should do is have a discussion with the City's Neighborhood Services Department. This can be accomplished either by dropping by the Neighborhood Services Department counter at City Hall, or by making an appointment with the Neighborhood Services Director. Before you make significant investments in your project, the Department can help you understand the feasibility of your proposal, what City plans and ordinances will apply, what type of review process will be required, and how to prepare a complete application.

Submit a complete and thorough application

One of the most important things you can do to make your review process less costly to you is to submit a complete, thorough, and well-organized application in accordance with City ordinance requirements. The City has checklists to help you make sure your application is complete. To help you prepare an application that has the right level of detail and information, assume that the people reviewing the application have never seen your property before, have no prior understanding of what you are proposing, and don't necessarily understand the reasons for your request.

For more complex or technical types of projects, strongly consider working with an experienced professional to help prepare your plans

Experienced professional engineers, land planners, architects, surveyors and landscape architects should be quite familiar with standard development review processes and expectations. They are also generally capable of preparing high-quality plans that will ultimately require less time (i.e., less cost for you) for the City's planning and engineering consultants to review, saving you money in the long run. Any project that includes significant site grading, stormwater management, or utility work; significant landscaping; or significant building remodeling or expansion generally requires professionals in the associated fields to help out.

For simpler projects, submit thorough, legible, and accurate plans

For less complicated proposals, it is certainly acceptable to prepare plans yourself rather than paying to have them prepared by a professional. However, keep in mind that even though the project may be less complex, the City's staff and planning consultant still need to ensure that your proposal meets all City requirements. Therefore, such plans must be prepared with care. Regardless of the complexity, all site, building, and floor plans should:

1. Be drawn to a recognized scale and indicate what the scale is (e.g., 1 inch = 40 feet).
2. Include titles and dates on all submitted documents in case pieces of your application get separated.
3. Include clear and legible labels that identify streets, existing and proposed buildings, parking areas, and other site improvements.
4. Indicate what the property and improvements look like today versus what is being proposed for the future.
5. Accurately represent and label the dimensions of all lot lines, setbacks, pavement/parking areas, building heights, and any other pertinent project features.

6. Indicate the colors and materials of all existing and proposed site/building improvements. Including color photos with your application is one inexpensive and accurate way to show the current condition of the site. Color catalog pages or paint chips can be included to show the appearance of proposed signs, light fixtures, fences, retaining walls, landscaping features, building materials, or other similar improvements.

Submit your application well in advance of the Plan and Architectural Review Commission meeting

The City normally requires that a complete application be submitted four weeks in advance of the Commission meeting when it will be considered. For simple submittals not requiring a public hearing, this may be reduced to two weeks in advance. The further in advance you can submit your application, the better for you and everyone involved in reviewing the project. Additional review time may give the City's planning consultant and staff an opportunity to communicate with you about potential issues with your project or application and allow you time to efficiently address those issues before the Plan and Architectural Review Commission meeting. Be sure to provide reliable contact information on your application form and be available to respond to such questions or requests in a timely manner.

For more complex projects, submit your project for conceptual review

A conceptual review can be accomplished in several ways depending on the nature of your project and your desired outcomes.

1. Preliminary plans may be submitted to City staff and the planning consultant for a quick, informal review. This will allow you to gauge initial reactions to your proposal and help you identify key issues;
2. You may request a sit-down meeting with the Neighborhood Services Director and/or Planning consultant to review and more thoroughly discuss your proposal; and/or
3. You can ask to be placed on a Plan and Architectural Review Commission meeting agenda to present and discuss preliminary plans with the Commission and gauge its reaction before formally submitting your development review application.

Overall, conceptual reviews almost always save time, money, stress, and frustration in the long run for everyone involved. For this reason, the City will absorb up to \$200 in consultant review costs for conceptual review of each project.

Hold a neighborhood meeting for larger and potentially more controversial Projects

If you believe your project falls into one or both of these two categories (City staff can help you decide), one way to help the formal development review process go more smoothly is to host a meeting for the neighbors and any other interested members of the community. This would happen before any Plan and Architectural Review Commission meeting and often before you even submit a formal development review application.

A neighborhood meeting will give you an opportunity to describe your proposal, respond to questions and concerns, and generally address issues in an environment that is less formal and potentially less emotional than a Plan and Architectural Review Commission meeting. Neighborhood meetings can help you build support for your project, understand others' perspectives on your proposals, clarify misunderstandings, and modify the project and alleviate public concerns before the Plan and Architectural Review Commission meetings. Please notify the City Neighborhood Services Director of your neighborhood meeting date, time, and place; make sure all neighbors are fully aware (City staff can provide you a mailing list at no charge); and document the outcomes of the meeting to include with your application.

Typical City Planning Consultant Development Review Costs

The City often utilizes assistance from a planning consultant to analyze requests for land development approvals against City plans and ordinances and assist the City's Plan and Architectural Review Commission and City Council on decision making. Because it is the applicant who is generating the need for the service, the City's policy is to assign most consultant costs associated with such review to the applicant, as opposed to asking general taxpayer to cover these costs.

The development review costs provided below represent the planning consultant's range of costs associated with each particular type of development review. This usually involves some initial analysis of the application well before the public meeting date, communication with the applicant at that time if there are key issues to resolve before the meeting, further analysis and preparation of a written report the week before the meeting, meeting attendance, and sometimes minor follow-up after the meeting. Costs vary depending on a wide range of factors, including the type of application, completeness and clarity of the development application, the size and complexity of the proposed development, the degree of cooperation from the applicant for further information, and the level of community interest. The City has a guide called "Tips for Minimizing Your Development Review Costs" with information on how the applicant can help control costs.

Type of Development Review Being Requested	Planning Consultant Review Cost Range
Minor Site/Building Plan (e.g., minor addition to building, parking lot expansion, small apartment, downtown building alterations)	
When land use is a permitted use in the zoning district, and for minor downtown building alterations	Up to \$600
When use also requires a conditional use permit, and for major downtown building alterations	\$700 to \$1,500
Major Site/Building Plan (e.g., new gas station/convenience store, new restaurant, supermarket, larger apartments, industrial building)	
When land use is a permitted use in the zoning district	\$700 to \$2,000
When land use also requires a conditional use permit	\$1,600 to \$12,000
Conditional Use Permit with no Site Plan Review (e.g., home occupation, sale of liquor request, substitution of use in existing building)	Up to \$600
Rezoning	
To a standard (not PCD) zoning district	\$400 to \$2,000
To Planned Community Development zoning district, assuming complete GDP & SIP application submitted at same time	\$2,100 to \$12,000
Land Division	
Certified Survey Map	Up to \$300
Preliminary Subdivision Plat	\$1,500 to \$3,000
Final Plat (does not include any development agreement time)	\$500 to \$1,500
Annexation	\$200 to \$400
Note on Potential Additional Review Costs: The City also retains a separate engineering consultant, who is typically involved in larger projects requiring stormwater management plans, major utility work, or complex parking or road access plans. Engineering costs are not included above, but will also be assigned to the development review applicant. The consultant planner and engineer closely coordinate their reviews to control costs.	

Cost Recovery Certificate and Agreement

The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the City's review of an application for development review coming before the Plan and Architectural Review Commission, Board of Zoning Appeals, and/or Common Council. In fact, most applications require some level of review by the City's planning consultant. City of Whitewater staff shall retain sole discretion in determining when and to what extent it is necessary to involve a professional consultant in the review of an application.

The submittal of an application or petition for development review by an applicant shall be construed as an agreement to pay for such professional review services associated with the application or petition. The City may apply the charges for these services to the applicant and/or property owner in accordance with this agreement. The City may delay acceptance of an application or petition (considering it incomplete), or may delay final action or approval of the associated proposal, until the applicant pays such fees or the specified percentage thereof. Development review fees that are assigned to the applicant, but that are not actually paid, may then be imposed by the City as a special charge on the affected property.

Section A: Background Information

----- To be filled out by the Applicant/Property Owner -----

Applicant's Information:

Name of Applicant: Michael Sina
Applicant's Mailing Address: 354 S. Prince St
Whitewater WI 53190
Applicant's Phone Number: 262-391-3987
Applicant's Email Address: hilltoptransportllc@gmail.com

Project Information:

Name/Description of Development:

Address of Development Site: 896 S Janesville St, Whitewater WI
53190
Tax Key Number(s) of Site: 1WUP 00316D

Property Owner Information (if different from applicant):

Name of Property Owner: Progressing Properties LLC
Property Owner's Mailing Address: 1002 S Janesville St
Whitewater, WI 53190

Section B: Applicant/Property Owner Cost Obligations

----- To be filled out by the City's Neighborhood Services Director -----

Under this agreement, the applicant shall be responsible for the costs indicated below. In the event the applicant fails to pay such costs, the responsibility shall pass to the property owner, if different. Costs may exceed those agreed to herein only by mutual agreement of the applicant, property owner, and City. If and when the City believes that actual costs incurred will exceed those listed below, for reasons not anticipated at the time of application or under the control of the City administration or consultants, the Neighborhood Services Director or his agent shall notify the applicant and property owner for their approval to exceed such initially agreed costs. If the applicant and property owner do not approve such additional costs, the City may, as permitted by law, consider the application withdrawn and/or suspend or terminate further review and consideration of the development application. In such case, the applicant and property owner shall be responsible for all consultant costs incurred up until that time.

A. Application Fee.....\$ _____

B. Expected Planning Consultant Review Cost\$ _____

C. Total Cost Expected of Applicant (A+B)\$ _____

D. 25% of Total Cost, Due at Time of Application.....\$ _____

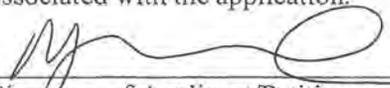
E. Project Likely to Incur Additional Engineering or Other Consultant Review Costs? < Yes < No

The balance of the applicant's costs, not due at time of application, shall be payable upon applicant receipt of one or more itemized invoices from the City. If the application fee plus actual planning and engineering consultant review costs end up being less than the 25% charged to the applicant at the time of application, the City shall refund the difference to the applicant.

Section C: Agreement Execution

----- To be filled out by the Applicant and Property Owner -----

The undersigned applicant and property owner agree to reimburse the City for all costs directly or indirectly associated with the consideration of the applicant's proposal as indicated in this agreement, with 25% of such costs payable at the time of application and the remainder of such costs payable upon receipt of one or more invoices from the City following the execution of development review services associated with the application.



Signature of Applicant/Petitioner

Michael Sina

Printed Name of Applicant/Petitioner

4/10/15

Date of Signature

Signature of Property Owner (if different)

Printed Name of Property Owner (if different)

Date of Signature

M E M O R A N D U M

To: City of Whitewater Plan and Architectural Review Commission
 From: Christine Munz-Pritchard, City Planner
 Date: May 11th 2015
 Re: **Item # 6** Proposed Conditional Use Permit (CUP) for a semi trucking shop for truck repair under Chapter 19.27.030 of the zoning ordinance at 896 S Janesville Street Tax ID # /WUP 00316D and /WUP 00316E for Luis Islas Martinez.

Summary of Request		
Requested Approvals:	A semi truck repair shop.	
Location:	896 S Janesville Street	
Current Land Use:	A Business, currently not active	
Proposed Land Use:	A Business, trucking repair shop.	
Current Zoning:	B-1 (Community Business)	
Proposed Zoning:	Not Changing.	
Comprehensive Plan's Future Land Use:	Community Business	
Surrounding <i>Zoning</i> and Current Land Uses:		
Northwest:	Subject Property	Northeast:
<i>R-1</i> One-Family Residence District / RR ROW		<i>B-1</i> Community Business District
Southwest:	Subject Property	Southeast:
<i>US-12 / WI-59</i>		<i>US-12 / WI-59</i>

Description of the Proposal:

The properties are currently owned by Progressing Properties LLC (Michael Sina). This lots sits north of US-12/ WI-59 bypass. The business will occupy two (2) lots, .7749 acreage on /WUP 00316E and .7300 acreage on /WUP 00316D.

The proposal is a truck repair shop. The repair would be focused on semi trucks and trailers. The trailers would be parked on lot /WUP 00316E adjacent to the railroad tracks in the southwest corner of the lots. The business would focus on engine repair.

PLANNER'S RECOMMENDATIONS:

I recommend that the Plan and Architectural Review Commission approve the proposed Conditional Use Permit (CUP) for a semi trucking shop for truck repair, subject to the findings presented below.

SUGGESTED FINDINGS TO BE MADE BY THE PLAN COMMISSION

1. The business needs to establish reasonable hours of operation.
2. Our records indicate that there is a Well and Private Onsite Wastewater Treatment System (POWTS) located on the premises.
 - a. The Well is out of compliance according to City Code: 16.04.095 (b)-(f).
 - b. If the POWTS system is over 20 years old the system may be showing signs of failing meaning the building is not considered habitable and will need to meet City Code: 16.12.070

The City is requesting that the proper steps be taken to seal the well and connect to the City water and sewage utilities.

3. The Neighborhood Service Department has issued violations of City ordinance 14.05 home/building repairs for this property. The City is requesting that the proper steps be taken to correct the violations.
4. At minimum a driveway apron made of a hard surface such as concrete or asphalt is placed at the entrance of the drive. The apron needs to be six (6) feet from the back of the curb towards the property.
5. Landscaping needs to be placed on the property to better differentiate the lawn from the parking.
6. If the current building expands a Certified Survey Map (CSM) may be required to join the two lots into one.
7. Any other conditions identified by City Staff or the Plan Commission.

Conditional Use Permit for: 869 S. Janesville St.		
<i>Semi Trucking Shop for Truck repair under Chapter 19.27.030</i>		
STANDARD	EVALUATION	COMMENTS
1. The establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or substantially reduce the values of property.	Yes	This project will involve no exterior building modifications.
2. Adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	No	The site needs to connect to City water and sewage utilities.
3. The conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance or through variance.	Yes	No exemptions or variances are being requested.
4. The conditional use conforms to the purpose and intent of the city master (comprehensive) plan.	Yes	The proposal does not change the property use.
5. The conditional use and structures are consistent with sound planning and zoning principles.	Yes	The project is consistent with Comprehensive Plan.





Neighborhood Services Department
*Planning, Zoning, Code Enforcement, GIS
and Building Inspections*

www.whitewater-wi.gov
Telephone: (262) 473-0540

NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

A meeting of the PLAN AND ARCHITECTURAL REVIEW COMMISSION of the City of Whitewater will be held at the Municipal Building, Community Room, located at 312 W. Whitewater Street on the 11th day of May 2015 at 6:30 p.m. to hold a public hearing for a Conditional Use Permit to allow for a Trucking Shop for truck repair in a B-1 (Community Business) Zoning District located at 896 S. Janesville Street for Luis Islas Martinez.

The proposal is on file in the office of the Zoning Administrator at 312 W. Whitewater Street and is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 5:00 p.m.

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED PROJECT MAY BE SUBMITTED IN PERSON OR IN WRITING.

For information, call (262) 473-0540


Chris Munz-Pritchard, Neighborhood Services Director/City Planner



Neighborhood Services Department
Planning, Zoning, GIS, Code Enforcement
and Building Inspections

www.whitewater-wi.gov
(262) 473-0143

CONDITIONAL USE PERMIT APPLICATION

Address of Property: 896 S Janesville St

Owner's Name: _____

Applicant's Name: Luis Islas Martinez

Mailing Address: 130 S Ash Ln Whitewater WI 53190

Phone #: 920-728-1171 Email: Jegatrucking@yahoo.com

Legal Description (Name of Subdivision, Block and Lot of other Legal Descriptions): _____

Existing and Proposed Uses:

Current Use of Property: Trucking ~~Empty~~ Empty

Zoning District: B-1

Proposed Use: Trucking / ~~Shop~~ Shop

NOTICE: The Plan Commission meetings are scheduled on the 2nd Monday of the month. All complete plans must be in by 4:00 p.m. four weeks prior to the meeting.

Conditions

The City of Whitewater Zoning Ordinance authorizes the Plan Commission to place conditions on approved conditional uses. "Conditions" such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, plantation, deed restrictions, highway access restrictions, increased yards or parking requirements may be affected. "Conditional Uses" may be subject to time limits or requirements for periodic review by staff.

APPLICATION REQUIREMENTS

THE FOLLOWING INFORMATION MUST BE SUBMITTED IN ORDER TO CONSIDER THE APPLICATION COMPLETE:

1. Statement of use, including type of business with number of employees by shift.
2. Scaled plot plan with north arrow, showing proposed site and all site dimensions.
3. All buildings and structures: location, height, materials and building elevations.
4. Lighting plan: including location, height, type, orientation of all proposed outdoor lighting – both on poles and on buildings. Photometric plans may be required.
5. Elevation drawings or illustrations indicating the architectural treatment of all proposed buildings and structures.
6. Off-street parking: locations, layout, dimensions, circulation, landscaped areas, total number of stalls, elevation, curb and gutter.
7. Access: pedestrian, vehicular, service. Points of ingress and egress.
8. Loading: location, dimensions, number of spaces, internal circulation.
9. Landscaping: including location, size and type of all proposed planting materials.
10. Floor plans: of all proposed buildings and structures, including square footage.
11. Signage: location, height, dimensions, color, materials, lighting and copy area.
12. Grading /drainage plan of the proposed site.
13. Waste disposal facilities: storage facilities for the storage of trash and waste materials.
14. Outdoor storage, where permitted in the district: type, location, height of screening devices.

****Four (4) full size, Twenty (20) 11x17, and 1 Electronic Copy (include color where possible) site plan copies, drawn to scale and dimensioned.**

STANDARDS FOR REVIEW AND APPROVAL

The Plan and Architectural Commission shall use the following standards when reviewing applications for conditional uses. The applicant is required to fill out the following items and explain how the proposed conditional use will meet the standard for approval.

STANDARD	APPLICANT'S EXPLANATION
A. That the establishment, maintenance, or operation of the Conditional Use will not create a nuisance for neighboring uses or substantially reduce value of other property.	<i>The property will improve the area. Windows will be replace, also the front. Some landscaping.</i>
B. That utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	<i>Yes.</i>
C. That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted by this ordinance.	<i>It is in the right conditions.</i>
D. That the conditional use conforms to the purpose and intent of the city Master Plan.	<i>Yes.</i>

**Refer to Chapter 19.66 of the City of Whitewater Municipal Code, entitled CONDITIONAL USES, for more information.

Applicant's Signature: _____

Date: 4-6-15

Printed: Luis Islas Martinez

TO BE COMPLETED BY THE NEIGHBORHOOD SERVICES DEPARTMENT

- 1) Application was filed and the paid fee at least four weeks prior to the meeting. **\$100.00 fee** filed on 4-13-15. Received by: J. Wegner Receipt #: 6. 011732
- 2) Application is reviewed by staff members.
- 2) Class 1 Notice published in Official Newspaper on 4-28-15.
- 3) Notices of the Public Hearing mailed to property owners on 4-27-15.
- 4) Plan Commission holds the PUBLIC HEARING on 5-11-15. Public comments may also be submitted in person or in writing to City Staff.
- 5) At the conclusion of the Public Hearing, the Plan Commission will make a decision.

ACTION TAKEN:

Condition Use Permit: Granted _____ Not Granted _____ By the Plan and Architectural Review Commission

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:

Signature of Plan Commission Chairperson

Date

Tips for Minimizing Your Development Review Costs: A Guide for

Applicants

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Experienced professional engineers, land planners, architects, surveyors and landscape architects should be quite familiar with standard development review processes and expectations. They are also generally capable of preparing high-quality plans that will ultimately require less time (i.e., less cost for you) for the City's planning and engineering consultants to review, saving you money in the long run. Any project that includes significant site grading, stormwater management, or utility work; significant landscaping; or significant building remodeling or expansion generally requires professionals in the associated fields to help out.

For simpler projects, submit thorough, legible, and accurate plans

For less complicated proposals, it is certainly acceptable to prepare plans yourself rather than paying to have them prepared by a professional. However, keep in mind that even though the project may be less complex, the City's staff and consultants still need to ensure that your proposal meets all City requirements. Therefore, such plans must be prepared with care. Regardless of the complexity, all site, building, and floor plans should:

1. Be drawn to a recognized scale and indicate what the scale is (e.g., 1 inch = 40 feet).
2. Include titles and dates on all submitted documents in case pieces of your application get separated.
3. Include clear and legible labels that identify streets, existing and proposed buildings, parking areas, and other site improvements.
4. Indicate what the property and improvements look like today versus what is being proposed for the future.
5. Accurately represent and label the dimensions of all lot lines, setbacks, pavement/parking areas, building heights, and any other pertinent project features.
6. Indicate the colors and materials of all existing and proposed site/building improvements.
7. Including color photos with your application is one inexpensive and accurate way to show the current condition of the site. Color catalog pages or paint chips can be included to show the appearance of proposed signs, light fixtures, fences, retaining walls, landscaping features, building materials, or other similar improvements.

Submit your application well in advance of the Plan and Architectural Review Commission meeting

The City normally requires that a complete application be submitted four weeks in advance of the Commission meeting when it will be considered. The further in advance you can submit your application, the better for you and everyone involved in reviewing the project. Additional review time may give the City's consultant staff and staff an opportunity to communicate with you about potential issues with your project or application and allow you time to efficiently address those issues before the Plan and Architectural Review Commission meeting. Be sure to provide reliable contact information on your application form and be available to respond to such questions or requests in a timely manner.

For more complex projects, submit your project for conceptual review

A conceptual review can be accomplished in several ways depending on the nature of your project and your desired outcomes.

1. Preliminary plans may be submitted to City staff and/or planning consultant for a quick, informal review. This will allow you to gauge initial reactions to your proposal and help you identify key issues;
2. You may request a sit-down meeting with the Neighborhood Services Manager/ City Planner to review and more thoroughly discuss your proposal; and/or

3. You can ask to be placed on a Plan and Architectural Review Commission meeting agenda to present and discuss preliminary plans with the Commission and gauge its reaction before formally submitting your development review application.

Overall, conceptual reviews almost always save time, money, stress, and frustration in the long run for everyone involved. For this reason, the City will absorb up to \$200 in consultant review costs for conceptual review of each project.

Hold a neighborhood meeting for larger and potentially more controversial Projects

If you believe your project falls into one or both of these two categories (City staff can help you decide), one way to help the formal development review process go more smoothly is to host a meeting for the neighbors and any other interested members of the community. This would happen before any Plan and Architectural Review Commission meeting and often before you even submit a formal development review application.

A neighborhood meeting will give you an opportunity to describe your proposal, respond to questions and concerns, and generally address issues in an environment that is less formal and potentially less emotional than a Plan and Architectural Review Commission meeting. Neighborhood meetings can help you build support for your project, understand others' perspectives on your proposals, clarify misunderstandings, and modify the project and alleviate public concerns before the Plan and Architectural Review Commission meetings. Please notify the Neighborhood Services Manager / City Planner of your neighborhood meeting date, time, and place; make sure all neighbors are fully aware (City staff can provide you a mailing list at no charge); and document the outcomes of the meeting to include with your application.

Typical City Planning Consultant Development Review Costs

The City often utilizes assistance from a planning consultant to analyze requests for land development approvals against City plans and ordinances and assist the City's Plan and Architectural Review Commission and City Council on decision making. Because it is the applicant who is generating the need for the service, the City's policy is to assign most consultant costs associated with such review to the applicant, as opposed to asking the general taxpayer to cover these costs.

The development review costs provided below represent the planning consultant's range of costs associated with each particular type of development review. This usually involves some initial analysis of the application well before the public meeting date, communication with the applicant at that time if there are key issues to resolve before the meeting, further analysis and preparation of a written report the week before the meeting, meeting attendance, and sometimes minor follow-up after the meeting. Costs vary depending on a wide range of factors, including the type of application, completeness and clarity of the development application, the size and complexity of the proposed development, the degree of cooperation from the applicant for further information, and the level of community interest. The City has a guide called "Tips for Minimizing Your Development Review Costs" with information on how the applicant can help control costs.

Type of Development Review Being Requested	Planning Consultant Review Cost Range
Minor Site/Building Plan (e.g., minor addition to building, parking lot expansion, small apartment, downtown building alterations)	
When land use is a permitted use in the zoning district, and for minor downtown building alterations	Up to \$600
When use also requires a conditional use permit, and for major downtown building alterations	\$700 to \$1,500
Major Site/Building Plan (e.g., new gas station/convenience store, new restaurant, supermarket, larger apartments, industrial building)	
When land use is a permitted use in the zoning district	\$700 to \$2,000
When land use also requires a conditional use permit	\$1,600 to \$12,000
Conditional Use Permit with no Site Plan Review (e.g., home occupation, sale of liquor request, substitution of use in existing building)	\$up to \$600
Rezoning	
To a standard (not PCD) zoning district	\$400 to \$2,000
To Planned Community Development zoning district, assuming complete GDP & SIP application submitted at same time	\$2,100 to \$12,000
Land Division	
Certified Survey Map	Up to \$300
Preliminary Subdivision Plat	\$1,500 to \$3,000
Final Plat (does not include any development agreement time)	\$500 to \$1,500
Annexation	\$200 to \$400

**Note: The City also retains a separate engineering consultant, who is typically involved in larger projects requiring stormwater management plans, major utility work, or complex parking or road access plans. Engineering costs are not included above, but will also be assigned to the development review applicant. The consultant planner and engineer closely coordinate their reviews to control costs.

Cost Recovery Certificate and Agreement

The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the City's review of an application for development review coming before the Plan and Architectural Review Commission, Board of Zoning Appeals, and/or Common Council. In fact, most applications require some level of review by the City's planning consultant. City of Whitewater staff shall retain sole discretion in determining when and to what extent it is necessary to involve a professional consultant in the review of an application.

The submittal of an application or petition for development review by an applicant shall be construed as an agreement to pay for such professional review services associated with the application or petition. The City may apply the charges for these services to the applicant and/or property owner in accordance with this agreement. The City may delay acceptance of an application or petition (considering it incomplete), or may delay final action or approval of the associated proposal, until the applicant pays such fees or the specified percentage thereof. Development review fees that are assigned to the applicant, but that are not actually paid, may then be imposed by the City as a special charge on the affected property.

Section A: Background Information

----- To be filled out by the Applicant/Property Owner -----

Name of Applicant: Luis Islas Martinez

Applicant's Mailing Address: 130 S Ash Ln
Whitewater WI 53190

Applicant's Phone Number: 920-728-1171

Applicant's Email Address: Jegatrucking@yahoo.com

Project Information:

Name/Description of Development: N/A

Address of Development Site: 896-S Janesville St

Tax Key Number(s) of Site: _____

Property Owner Information (if different from applicant):
Name of Property Owner: Jorge Islas Martinez

Property Owner's Mailing Address: 565 S Franklin St
Whitewater WI 53190

Section B: Applicant/Property Owner Cost Obligations

----- To be filled out by the Neighborhood Services Department -----

Under this agreement, the applicant shall be responsible for the costs indicated below. In the event the applicant fails to pay such costs, the responsibility shall pass to the property owner, if different. Costs may exceed those agreed to herein only by mutual agreement of the applicant, property owner, and City. If and when the City believes that actual costs incurred will exceed those listed below, for reasons not anticipated at the time of application or under the control of the City administration or consultants, the Neighborhood Services Director or his agent shall notify the applicant and property owner for their approval to exceed such initially agreed costs. If the applicant and property owner do not approve such additional costs, the City may, as permitted by law, consider the application withdrawn and/or suspend or terminate further review and consideration of the development application. In such case, the applicant and property owner shall be responsible for all consultant costs incurred up until that time.

- A. Application Fee.....\$ _____
- B. Expected Planning Consultant Review Cost\$ _____
- C. Total Cost Expected of Applicant (A+B)\$ _____
- D. 25% of Total Cost, Due at Time of Application.....\$ _____
- E. Project Likely to Incur Additional Engineering or Other Consultant Review Costs? < Yes < No

The balance of the applicant's costs, not due at time of application, shall be payable upon applicant receipt of one or more itemized invoices from the City. If the application fee plus actual planning and engineering consultant review costs end up being less than the 25% charged to the applicant at the time of application, the City shall refund the difference to the applicant.

Section C: Agreement Execution

----- To be filled out by the Applicant and Property Owner -----

The undersigned applicant and property owner agree to reimburse the City for all costs directly or indirectly associated with the consideration of the applicant's proposal as indicated in this agreement, with 25% of such costs payable at the time of application and the remainder of such costs payable upon receipt of one or more invoices from the City following the execution of development review services associated with the application.

Signature of Applicant/Petitioner

Luis Islas Martinez

Printed Name of Applicant/Petitioner

4-8-15

Date of Signature

Signature of Property Owner (if different)

Jorge Islas Martinez

Printed Name of Property Owner (if different)

4-8-15

Date of Signature

10



My Map

WALWORTH COUNTY, WISCONSIN

0 15 30 60 90 120
Feet

1 inch = 83 feet

Author:
Map Produced on: 4/6/2015
 Wisconsin State Plane Coordinate System, South Zone
 Horizontal Datum: NAD27

**Walworth County Information Technology Department
 Land Information Division**
 1800 County Trunk N N
 Elkhorn, Wisconsin 53121-1001

DISCLAIMER: THE INFORMATION PROVIDED ON THIS MAP HAS BEEN PROVIDED AS A SERVICE TO THE PUBLIC AND IS NOT GUARANTEED. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION. WALWORTH COUNTY INFORMATION TECHNOLOGY DEPARTMENT IS NOT RESPONSIBLE FOR ANY DAMAGE OR LOSS OF DATA ARISING FROM THE USE OF THIS MAP.



WUP 00315

WUP 00316 H

WUP 00316H

SOUTHERN

890

WUP 00316 A

WUP 00316A

WUP 00316 D

WUP 00316D

WUP 00316E

WUP 00316 E

STANESVILLE ST