



CITY OF WHITEWATER PLAN AND ARCHITECTURAL REVIEW
COMMISSION

Agenda

November 9, 2015

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

***Amended Agenda as of 8:30 a.m. November 6, 2015, added item # 6 Discussion of the revised policy and application for the R-2A rezones.**

1.	Call to order and Roll Call.
2.	<u>Hearing of Citizen Comments.</u> 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 September 14, 2015, and October 12, 2015.
4.	Hold a public hearing for consideration of a change in the District Zoning Map for the following parcel to enact an ordinance to impose the M-1 (General Manufacturing) Zoning District classification under Chapter 19.36 of the Zoning Ordinance of the City of Whitewater for vacant land on E. Main Street (East of 1116 E. Main Street), Tax ID # /A4442 00001 for the City of Whitewater.
5.	Hold a public hearing for the purpose of reviewing and making recommendations to the Common Council concerning amendments to Chapter 19.72 Board of Zoning Appeals in the Zoning Ordinance of the City of Whitewater, concerning the necessary number of votes required by the Board of Zoning Appeals for actions.
*6.	Discussion of the revised policy and application for the R-2A rezones.
7.	Information Items: a. Possible future agenda items. b. Next regular Plan Commission Meeting – December 7, 2015
8.	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



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COMMISSION

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CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
September 14, 2015

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

Call to order and roll call.

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

Present: Greg Meyer, Bruce Parker, Lynn Binnie, Daniel Comfort, Kristine Zaballos, Sherry Stanek, John Tanis (Alternate). Absent: Tom Hinspater. 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 Binnie and seconded by Comfort to approve the minutes of June 8, 2015 and July 13, 2015, and August 10, 2015. Aye: Binnie, Comfort, Parker, Zaballos, Stanek, Tanis, Meyer. No: None. Motion approved.

Public hearing for a Conditional Use Permit (tavern and other places selling alcohol by the drink) for Gus' Pizza Palace LLC., George Christon, (Agent), to serve beer and wine by the bottle or glass at 135-139 W. Main Street (for a Class "B" Beer License and a Class "C" Wine License). Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that this is a conditional use permit request for Gus' Pizza. Gus' Pizza is moving to a new location. This is a transfer of the conditional use to serve beer and wine by the glass (the existing Class "B" Beer License and Class "C" Wine License) to the new location at 135-139 W. Main Street.

Ken Kienbaum, Whitewater citizen, sees no problem with the move. Gus' Pizza has been in business here for 40 years.

Chairperson Meyer closed the public hearing.

Moved by Tanis and seconded by Stanek to approve the conditional use permit for the sale of beer and wine by the bottle or glass at 135-139 W. Main Street for Gus' Pizza LLC., George Christon, (Agent). Aye: Tanis, Stanek, Binnie, Zaballos, Parker, Comfort, Meyer. No: None. Motion approved.

Public hearing for an amendment to the Conditional Use Permit for minor changes to the Specific Implementation Plan for Fairhaven Corporation/Prairie Village Development at Burr Oak Trail/County U and Fremont Street. Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that this is a request to amend their conditional use permit to vary their proposal by adding a grounds building and a community center/outdoor activity space. She recommended that: 1. Any utilities located outside of the roadway need to have easements added; The Grounds Building and Community Center must follow the same architectural integrity and landscaping as the Planned Development (PD) approved in 2007.; The lot line on the Westerly edge of the property will need to be moved to accommodate future buildings on N. Acorn Ridge.; Any other conditions identified by City Staff or the Plan Commission.

Paul Kuening, Executive Director for Fairhaven Corp., explained that they have been able to expand with the improvement of the economy. They should have only three lots available by the end of the year.

Chairperson Meyer closed the public hearing.

The Plan Commission voiced concerns about adjusting the west lot line; and asked about the outdoor activity space.

City Planner Munz-Pritchard stated they would need to adjust the west lot line to accommodate homes to be located on the west side of N. Acorn Ridge. She has told Fairhaven that they could go ahead and prepare a certified survey map for that change.

Paul Kuening stated that the outdoor activity space is for a garden, bocce ball, horse shoe, and a bench enclosed area. He stated that the existing community center is using a future residence. It will become another housing unit when the transfer takes place.

Moved by Comfort and seconded by Tanis to approve the minor changes to the Specific Implementation Plan for Fairhaven Corporation/Prairie Village Development. Aye: Comfort, Tanis, Parker, Zaballos, Stanek, Meyer. Binnie Abstained. No: None. Motion approved.

Public hearing for a Conditional Use Permit for an addition to the building at 617 E. Milwaukee Street (“Beer Here”) for John Cordio. Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that the existing structure is a non-conforming structure. John Cordio wants to expand his building to the west. Expansion of a non-conforming building comes to the Plan Commission. Munz-Pritchard explained that she did not have the applicant submit building plans because she did not want to make him go to that expense if it were not possible for him to build. He will be coming back to the Plan Commission at a later date for the conditional use permit to expand his liquor license area.

Ken Kienbaum, Whitewater citizen, felt there should be no problem with building the addition. It is a good business with a lot of clientele and the addition would be good for that area.

John Cordio, owner, explained that the main reason he wants to expand is to compete with other businesses in the area. He is looking at adding a grill and fryer. On the west end, he would like to add a screen area. Safety is the main reason. He will be adding a kitchen area and expanding seating. The posted seating for the existing building is 49 people.

Pete Weston, Architect, explained that the addition was the most effective way to expand the business. The existing building is 1500 sq. ft.; a big part of it is the old storage garage. The addition will increase the building size to 2300 sq. ft. The net seating for the new building will be 60 people.

Chairperson Meyer closed the public hearing.

Moved by Binnie and seconded by Comfort to approve the conditional use permit for 617 E. Milwaukee Street with the findings suggested by the City Planner. The floor plan is to be approved by the City Planner.

Plan Commission Member Parker expressed concern about not seeing a floor plan and elevation plans. Plan Commission Member Binnie stated that it only needed to come to the Plan Commission because of the setback. Otherwise it is a permitted use. City Planner Chris Munz-Pritchard stated that when the applicant comes back for his conditional use permit to expand the area to serve alcohol, she will provide the plans.

Roll call for motion.

Ayes: Binnie, Comfort, Parker, Zaballos, Stanek, Tanis, Meyer. No: None. Motion approved.

Public hearing and make recommendation to the City Council concerning amendments to Chapter 19.19 R-2A Residential Increased Occupancy Overlay Zoning District in the Zoning Ordinance of the City of Whitewater to provide that when bedrooms are being added as part of interior remodeling or external addition, common space (square footage excluding basements, bedrooms, bathrooms, halls, and closets) must exceed 75 square feet per allowed unrelated resident. Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard suggested that a permit be needed for the building inspector to verify the status of the building prior to the Plan Commission meeting, so it can be verified for discussion at the meeting. Munz-Pritchard also added an example of how to calculate the 75 sq. ft of common space underneath each section, so everyone is figuring it the same way. The example of 604 W. High Street where they wanted to change the den/dining room into a bedroom went to the City Council to receive guidance.

Councilperson Chris Grady, 318 W. North St., explained that the ordinance was for those houses in the R-2A area that had more than 3 bedrooms to allow 1 unrelated person per bedroom. Now people are adding bedrooms to have more people in the homes. If you are adding bedrooms how much living space do you need per person in order to make a quality living place for student rentals. Councilperson Grady proposed amendments to Chapter 19.19 R-2A Residential Increased Occupancy Overlay District.

Richard Helmick, Boone Ct. resident, explained that the neighborhood in general does not support a lot of traffic. There is a need for a traffic study where streets cross Center Street (S. Prairie St. and Boone Ct.). Wanted to bring that to the attention of the Plan Commission to make sure they go forward with that recommendation. Wholesale remodeling to add bedrooms, if this change in the ordinance can in any way slow that down, he is all for it.

Chairperson Meyer closed the public hearing.

Plan Commission Members voiced concerns of: having a traffic study makes sense; shouldn't it be done prior to approval of more R-2A properties; there were hours of discussion on the R-2A overlay; it was to allow the older, larger homes with more bedrooms to be able to rent to the number of persons for which they had bedrooms; the requests for R-2A zoning have morphed to allow things that were not intended; we need a standard to go by; what about "existing" bedrooms?; it is hard to regulate what is considered a bedroom or not a bedroom; there should be a kitchen and common space.

City Planner Chris Munz-Pritchard stated that the traffic study would be warranted in that area. It would determine if 4 way stops are needed.

City Attorney McDonell read the code 19.09.064 for requirements for bedrooms. The Municipal Code and State Code require bedrooms to be at least 10' by 10' for one person. We need to make sure there is enough living space for the number of existing bedrooms – at least 75 sq. ft. McDonell stated that the Plan Commission could recommend to City Council to be approved with the changes as discussed at this meeting or request to have the document brought back to the Plan Commission to see the final document.

Chris Munz-Pritchard clarified that the Plan Commission wanted to keep the language for the 75 sq. ft. and how to calculate it; a reference to the bedroom definition; and to have the building inspector make an inspection and verify bedrooms etc. prior to being presented to Plan Commission. Munz-Pritchard will send the finished document to the Plan Commission.

Moved by Binnie and seconded by Zaballos to recommend the change to 19.19 to the City Council with the suggested revisions which would include: changing "permit" to reference that an inspection must be requested; elaborate exactly what the inspector will be looking for; add in the reference to the definition of bedroom and an example of how the building is calculated. Ayes: Binnie, Zaballos, Comfort, Parker, Stanek, Tanis, Meyer. No: None. Motion approved.

Continuation of the public hearing for a Conditional Use Permit, in an R-2A Overlay Zoning District, to allow for 6 unrelated persons to live in the house located at 531 W. Center Street for RLA Properties LLC. (Randall Aschbrenner). (The current property owners are Gordon and Jill Backman). Chairperson Meyer announced the continuation of the public hearing for consideration of the Conditional Use for 6 unrelated persons to live in the house at 531 W. Center St.

City Planner Chris Munz-Pritchard explained that the City Council has approved the R-2A Zoning contingent upon the Plan Commission approving the conditional use permit. Her recommendations included that the parking requirements need to be met; parking stalls and driveway are to be hard surfaced with concrete or asphalt; the Wisconsin Rental Weatherization Certification needs to be met; an inspection shall be done by the City Building Inspector to confirm the existing 5 bedrooms. Any conversion of an existing room into a bedroom will require a building permit.

There was a long discussion about the parking, impervious surface and the ordinance and how it should be interpreted.

Plan Commission Member Binnie stated his displeasure with the applicant who clearly misstated the number of bedrooms in the house at the last meeting. It was found out at Council, thus the creation of a proposed ordinance to amend the R-2A Zoning Ordinance to include common space. The truth is important. OK with the six bedrooms and six occupants. Binnie thinks the parking cannot be decided at this meeting.

Randall Aschbrenner, the applicant, explained that he wanted the number of parking stalls to match the number of unrelated persons living in the home. The discrepancy in the number of bedrooms was his fault. He had a two unit approved 18 months ago with the same type of plans. He has done 35 to 45% more work on this one.

Ken Kienbaum, Whitewater citizen, would like to see the parking settled for the applicant. The concrete around the house needs to be reduced. The City should change the ordinance as far as parking on the street, especially in a residential area.

Richard Helmick, Boone Ct. resident, was concerned about increasing density in this area. What constitutes a lodging house?

City Planner Chris Munz-Pritchard stated that all R-2A rezoning properties must have the rental weatherization done within two years of the granting of the R-2A Residential Overlay Zoning. City Attorney McDonell stated that this requirement runs with the land and not the owner of the property. If there is a sale, the time line for the weatherization requirement is still the same.

Chairperson Meyer closed the public hearing.

Moved by Binnie and seconded by Comfort to approve the conditional use permit for 531 W. Center Street to allow for 6 unrelated persons to live in the house subject to the City Planner recommendations and contingent upon being able to have six parking stalls installed to code. (Subject to the parking being no more than 6 stalls, but also being in compliance with City Code as interpreted by the City Attorney, City Planner and Building Inspector.) Aye: Binnie, Comfort, Parker, Zaballos, Stanek, Tanis, Meyer. No: None. Motion approved.

Continuation the Public hearing and make recommendation to the City Council for consideration of a change in the District Zoning Map for the following parcel to enact an ordinance to impose the R-2A Residential Overlay District Zoning classification under

Chapter 19.19 of the Zoning Ordinance of the City of Whitewater for 228 S. Church Street, (Tax ID# CL 00116) for Randall Aschbrenner. (The owner of the property is Clarence J. Koslowski.)

Continuation of Public hearing for a Conditional Use Permit, in an R-2A Overlay Zoning District, to allow for 6 unrelated persons to live in the house located at 228 S. Church Street for RLA Properites LLC. (Randall Aschbrenner). (The current property owner is Clarence J. Koslowski.) Chairperson Meyer announced the continuation of opened the public hearing for both the consideration of the R-2A Overlay Zoning and consideration of the Conditional Use for 6 unrelated persons to live in the house at 228 S. Church St.

City Planner Chris Munz-Pritchard explained that this is an existing single family. The applicant is proposing a change to the District Zoning Map for R-2A (Residential Overlay) Zoning District and a conditional use permit request to increase the non-related persons from 3 to 6. The applicant plans to remodel the second floor. If it is unable to be rehabbed, he would like to replace the existing structure. Parking stalls are required to be hard surfaced with concrete or asphalt. Within two years, the owner shall provide certification that the property meets the requirements of the Wisconsin Rental Weatherization Program or a statement by a state-certified rental weatherization inspection that states that it meets the State of Wisconsin rental unit efficiency standard. An inspection by the City Building Inspector will be required to confirm the existing 5 bedrooms. Any conversion of an existing room into a bedroom will require a building permit. The proposal will also be subject to any other conditions identified by City Staff or the Plan Commission.

Plan Commission Members voiced concerns of: the types of plans submitted for the proposal. The existing footprint of the house and the plans don't match, and would like to postpone this item until decent plans are submitted. No elevation plans were submitted. Full floor and site plans and elevation plans for the building need to be submitted. If Plan Commission does not consider any new construction, has there been enough submitted for remodeling?; the contingency is for 5 unrelated persons and not six?

City Planner Chris Munz-Pritchard stated that she met with the applicant. If the structure is staying the same on the interior with upgrades for code reasons, detailed plans may not be necessary. If the applicant will be adjusting walls etc, we will need detailed plans. We also need to know the parking to determine the impervious surface.

Randall Aschbrenner stated that he would submit a revised plan with new parking. He will reduce the driveway approach to 12' in width. He will use the existing envelope. He will remodel, start over from every room. Ashbrenner stated that the L shaped driveway reduces the impervious surface. He plans to have stall 1 and stall 4 be for compact cars only. If he remodels, he plans to move walls around.

Ken Kienbaum, Whitewater citizen, stated that he was okay with redoing the inside of the house, but not the outside of the house. He felt it would deteriorate the value of the neighboring homes.

Chairperson Meyer closed the public hearing.

Plan Commission Member Binnie confirmed that the bedrooms do not exist as shown on the plan submittal. Plan Commission is to determine whether this home is appropriate housing for five unrelated persons.

Moved by Parker and seconded by Meyer to postpone items 9 and 10 so the applicant can come back with detailed plans showing complete removal and replacement with floor plans, elevation plans and site plan or plans showing the complete remodeling of the home with the existing footprint and any alterations to the exterior of the building. The parking off S. Franklin Street is to be 100% on site and meet the ordinance requirements. Aye: Parker, Meyer, Comfort, Stanek, Tanis. No: Binnie, Zaballos. Motion approved.

Information Items:

Chris Munz-Pritchard noted that the joint meeting of the CDA, Plan Commission and the City Council scheduled for Wednesday night had been cancelled.

- a. Possible future agenda items.
Plan Commission Member Parker asked for lawn parking to be put on a future agenda. He wanted to know who was enforcing and if the property owners are notified. Parker was also concerned about the sidewalk cafés that extend into the sidewalk so far that there is not the four foot clearance required for pedestrians to get past the business.
- b. Next regular Plan Commission Meeting – October 12, 2015.

Moved by Comfort and seconded by Stanek to adjourn. The motion was approved by unanimous voice vote. The meeting adjourned at approximately 9:10 p.m.

Chairperson Greg Meyer

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
October 12, 2015

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

Call to order and roll call.

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

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

Hearing of Citizen Comments. There were no comments.

Approval of the Plan Commission Minutes. The minutes of September 14, 2015 were not available for review.

Public hearing for a conditional use permit for an awning sign with 12 inch lettering at 141A W. Whitewater Street, in a B-2 (Community Business) Zoning District for Linda Platner. Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that the City ordinance allows for 8 inch lettering on an awning sign. The lettering could be greater if approved by a conditional use permit.

Linda Platner explained that the sign company suggested that in order to really pop, the lettering needed to be bigger than the (10 inch) Wisconsin Dairy Supply sign on the building.

Plan Commission Member Binnie stated that 12 inches seems rather large, but there is definitely larger lettering on signs in the downtown area. Why does the ordinance have a maximum of 8 inch lettering on an awning?

City Attorney McDonell didn't know why the larger lettering would require a conditional use, but thought there had been some rationale behind it. They could research that.

Moved by Binnie and seconded by Zaballos to approve the conditional use permit to allow an awning sign with 12 inch lettering at 141A W. Whitewater Street. Aye: Binnie, Zaballos, Parker, Stanek, Hinspater, Devitt, Meyer. No: None. Motion Approved.

Public hearing for a Conditional Use Permit for the conversion of a single family home into a duplex at 281 N. Tratt Street, in an R-3 (Multi-family Residence) Zoning District.

Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that the footprint of the building is not changing. The main area of conversion is taking place in the existing basement with the addition of the second unit which includes five bedrooms, two baths, a kitchen and living room. The first floor unit will have an additional bedroom added making it four bedrooms, two baths. Munz-Pritchard is asking for a documented easement for the additional parking. Every bedroom must have a door, egress window and closet. Munz-Pritchard is asking the approval be pending approval of State requirements for fire code.

There was no public comment.

Chairperson Meyer closed the public hearing.

Plan Commission Members voiced concerns of: Off-site parking being shared by 3 properties; State requires egress windows.

City Planner Chris Munz-Pritchard stated that her recommendation asked for verification that the stalls are not allocated for other properties. Parking is to be within 600 feet of the property. She also wants the windows verified by the building and fire inspectors.

Moved by Stanek and seconded by Parker to approve the conditional use permit for the conversion of a single family home into a duplex at 281 N. Tratt Street, in an R-3 (Multi-family Residence) Zoning District with the City Planner's recommendations. Aye: Stanek, Parker, Binnie, Zaballos, Hinspater, Devitt, Meyer. No: None. Motion approved.

Discuss the R-2A application process. City Planner Chris Munz-Pritchard explained that she has updated the R-2A application. She removed the duplication in the application and added a section for the Building Inspector to verify the application. This should make sure that the issues have been taken care of prior to going to the Plan Commission.

Plan Commission Members appreciated the time put into the new application. It will ensure the Plan Commission will have the complete information.

Information Items:

- a. Possible future agenda items.

Plan Commission Member Stanek stated that Karen Coburn had asked her to remind the Plan Commission of the importance of trees and landscaping plans. There is a need for certain species of trees.

City Planner Chris Munz-Pritchard explained that the landscape plans of a project are now being sent to the Urban Forestry Commission for their review and recommendations.

b. Next regular Plan Commission Meeting – November 9, 2015.

Moved by Stanek and seconded by Devitt to adjourn. The motion was approved by unanimous voice vote. The meeting adjourned at approximately 6:55 p.m.

Chairperson Greg Meyer

DRAFT

MEMORANDUM

To: City of Whitewater Plan and Architectural Review Commission
 From: Chris Munz-Pritchard City Planner
 Date: November 9th 2015
 Re: **Item # 4** Proposed Zoning Map change to rezone TP Technology Park to M-1 General Manufacturing per Section 19.69 at Tax ID# A4444200001 & the adjacent cul-de-sac for Cameron Clapper, City Manager, City of Whitewater.

Summary of Request		
Requested Approvals:	Zoning Map change to rezone TP Technology Park to M-1 General Manufacturing District	
Location:	Tax ID# A4444200001 & the adjacent cul-de-sac	
Current Land Use:	Currently Undeveloped, TP Technology Park	
Proposed Land Use:	General Manufacturing	
Current Zoning:	TP Technology Park	
Proposed Zoning:	M-1 General Manufacturing District	
Comprehensive Plan's Future Land Use:	Office / Technology Park	
Surrounding <i>Zoning</i> and Current Land Uses:		
	<i>NORTH</i> M-1 General Manufacturing	
<i>WEST</i> M-1 General Manufacturing	Subject Property	<i>TP</i> Technology Park
	<i>SOUTH</i> M-1 General Manufacturing	

Description of the Proposal:

This proposal involves a request to change the current TP Technology Park to M-1 General Manufacturing Zoning District.

The driveway entrance will be located off of East Main Street, not through the Technology Park. The parcel is surrounded on 3 sides with M-1 General Manufacturing.

Current Zoning: TP Technology Park

Proposed Zoning: M-1 General Manufacturing

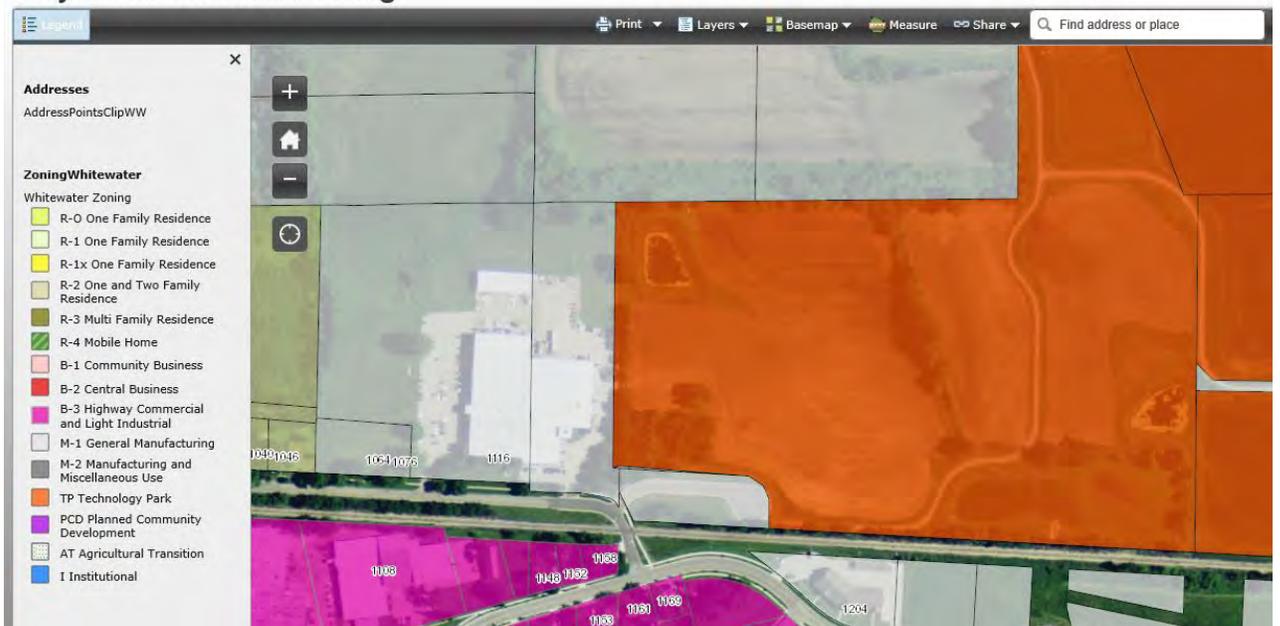
The Plan Commission holds the public hearing on a Zoning Map Change request, and forwards a recommendation to the Common Council.

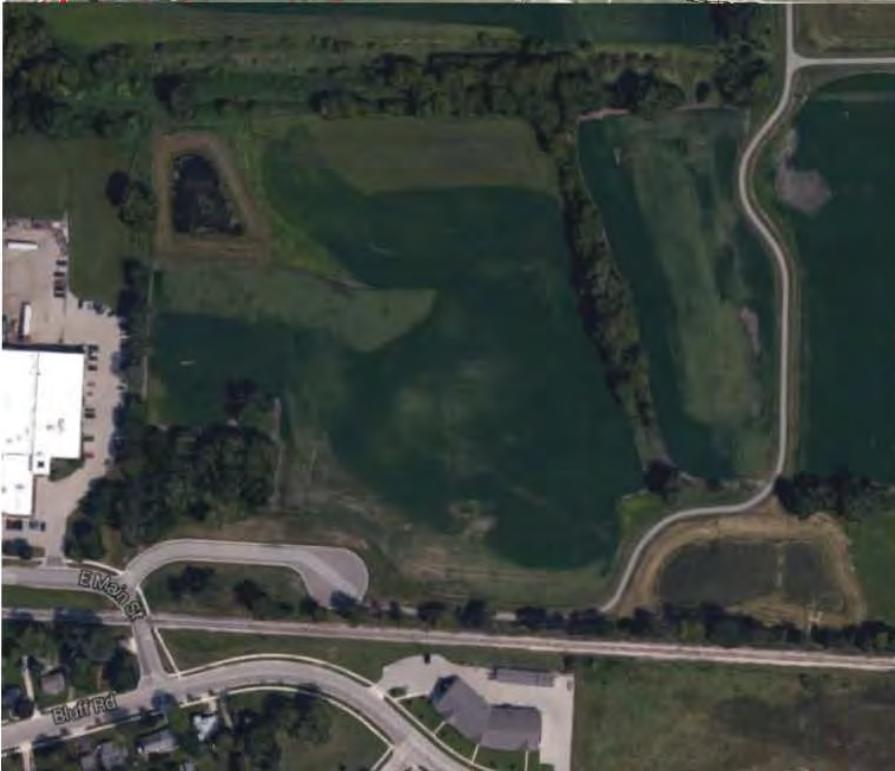
PLANNER’S RECOMMENDATIONS:

I recommend that the Plan and Architectural Review Commission recommend approval of the proposed Zoning Map change to rezone TP Technology Park to M-1 General Manufacturing, subject to the findings presented below.

1. Zoning Map Amendments and other changes to the Zoning Ordinance are addressed by Chapter 19.69.
2. Subsection 19.69.010 enables the Plan Commission to review and recommend, and the City Council to consider amendments to zoning district boundaries whenever the public necessity, general welfare or good zoning practice are accomplished.
3. Any other conditions identified by City Staff or the Plan Commission.

City of Whitewater Zoning





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 M-1 (General Manufacturing) Zoning District classification under Chapter 19.36 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>
E. Main Street (East of 1116 E. Main Street)	/A4442 00001	City of Whitewater

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, November 9, 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: October 13, 2015

Publish: in "Whitewater Register"
on October 22, 2015, and October 29, 2015

1A4442 00001
E. Main St.

TaxKey	Owner1	Owner2	Address1	City	State	Zip
/A312500001	CITY OF WHITEWATER 'PUMP HOUSE'		312 W WHITEWATER ST	WHITEWATER	WI	53190-0000
/A312500002	BLUFF RIDGE APARTMENTS LLC		13502 E TOWNLINE RD	WHITEWATER	WI	53190-0000
/A323600002	COMMUNITY DEVELOPMENT AUTHORITY OF WHITEWATER		PO BOX 688	WHITEWATER	WI	53190-0000
/A323600003	COMMUNITY DEVELOPMENT AUTHORITY OF WHITEWATER		PO BOX 688	WHITEWATER	WI	53190-0000
/A444200001	CITY OF WHITEWATER 'PUMP HOUSE'		312 W WHITEWATER ST	WHITEWATER	WI	53190-0000
/A444200004	CITY OF WHITEWATER 'PUMP HOUSE'		312 W WHITEWATER ST	WHITEWATER	WI	53190-0000
/WUP 00003	WEILER & COMPANY INC		1116 E MAIN ST	WHITEWATER	WI	53190-0000
/WUP 00006A	GLORIA L FLECK		N9157 CONNELLY RD	WHITEWATER	WI	53190-0000
/WUP 00006B	ERIN PECHOUS		1158 E BLUFF ROAD	WHITEWATER	WI	53190-0000
/WUP 00006C	JACQUELINE A HALE		599 S FRANKLIN	WHITEWATER	WI	53190-0000
/WUP 00006D	GALE M BEHRENS		1169 E BLUFF RD	WHITEWATER	WI	53190-0000
/WUP 00006E	DAVID C TRAXLER	DOROTHY L TRAXLER	1161 E BLUFF RD	WHITEWATER	WI	53190-0000
/WUP 00006F	JEREMY C JACOBS		1153 E BLUFF RD	WHITEWATER	WI	53190-0000
/WUP 00008, H.	WEILER & COMPANY INC		1116 E MAIN ST	WHITEWATER	WI	53190-0000
/WUP 00321A	STATE OF WISCONSIN DEPT OF TRANSPORTATION			MADISON	WI	53702-0000
/WUP 00323	CITY OF WHITEWATER		312 W WHITEWATER ST	WHITEWATER	WI	53190-0000
/WUP 00335	STATE OF WISCONSIN DEPT OF TRANSPORTATION			MADISON	WI	53700-0000

**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 10-12-15.
2. Class 2 Notices published in Official Newspaper on 10-22-15 & 10-29-15.
3. Notices of Public Hearing mailed to property owners on 10-23-15.
4. Plan Commission holds PUBLIC HEARING on 11-9-15.
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: Cameron Clapper Phone # 262-473-0500

Applicant's Address: 312 W Whitewater St. Whitewater WI 53190

Owner of Site, according to current property tax records (as of the date of the application):
City of Whitewater WI

Street address of Property: No address currently assigned. Parcel Number: /A444200001 & the adjacent Cul-de-sac.
Legal Description (Name of Subdivision, Block and Lot or other Legal Description):

LOT 1 CERTIFIED SURVEY NO. 4442 AS RECORDED IN VOL 29 OF C.S. ON

PAGE 30 WCR. LOCATED IN NW 1/4 & NE 1/4 SE 1/4 SEC 3 T4N R15E.

477436 SQ FT CITY OF WHITEWATER OMITTS /WUP-333

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:

TP Technology Park (Parcel Number: /A444200001) and No Zoning Assigned for the adjacent Cul-de-sac.

Proposed Zoning District or Ordinance

M-1 General Manufacturing.

The driveway entrance will be located off of East Main Street, not through Technology Park. The parcel is surrounded on 3 sides with M-1 General Manufacturing. This includes a similar type manufacturing building located directly to the West of the proposed development.

Zoning District in which Property is located: TP Technology Park

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;	Yes. Currently there is no structure; however the parcel is surrounded on 3 sides with M-1 General Manufacturing.
B. The Proposed development will be consistent with the adopted city master plan;	Maybe. The area on the Future Land Use Map is showing as Office / Technology Park. However the parcel is surrounded by Business/Industrial Park which is M-1 District, a Working Environment Corridor and Highway Commercial. This isolates this particular parcel from Office / Technology Park on the Future Land Use Map and makes it ideal for a re-zone.
C. The proposed development will be compatible with and preserve the important natural features of the site;	Yes. The driveway entrance will be located off of East Main Street, not through the Technology Park.
D. The proposed use will not create a nuisance for neighboring uses, or unduly reduce the values of an adjoining property;	Yes. The parcel is surrounded on 3 sides with M-1 General Manufacturing. This includes a similar type manufacturing building located directly to the West of the proposed development.

STANDARD	APPLICANT'S EXPLANATION
E. The proposed development will not create traffic circulation or parking problems;	Yes. The driveway entrance will be located off of East Main Street, not through Technology Park. The entrance is located on a cul-de-sac. This is currently the only driveway that is located on the cul-de-sac.
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;	Yes. The parcel is surrounded on 3 sides with M-1 General Manufacturing. This includes a similar type manufacturing building located directly to the West of the proposed development.
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;	NA
H. The proposed structure, addition or alteration will not substantially reduce the availability of sunlight or solar access on adjoining properties.	NA

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

Date

APPLICATION FEES:

Fee for Amendment to Zoning or Ordinance: \$200

Date Application Fee Received by City _____ Receipt No. _____

Received by _____

TO BE COMPLETED BY CODE ENFORCEMENT/ZONING OFFICE:

Date notice sent to owners of record of opposite & abutting properties: 10-23-15

Date set for public review before Plan & Architectural Review Board: 11-9-15

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	
Standard (not PCD) zoning district	\$400 to \$2,000
Planned Community Development zoning district, assuming complete GDP & SIP application submitted at same time	\$2,100 to \$12,000
Land Division	
Ordinance Survey Map	Up to \$300
Ordinary Subdivision Plat	\$1,500 to \$3,000
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: _____

Applicant’s Mailing Address: _____

Applicant’s Phone Number: _____

Applicant’s Email Address: _____

Project Information:

Name/Description of Development: _____

Address of Development Site: _____

Tax Key Number(s) of Site: _____

Property Owner Information (if different from applicant):

Name of Property Owner: _____

Property Owner’s Mailing Address: _____

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

Signature of Property Owner (if different)

Printed Name of Applicant/Petitioner

Printed Name of Property Owner (if different)

Date of Signature

Date of Signature

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Whitewater Plan and Architectural Review Commission will conduct a public hearing for the purpose of reviewing and making recommendations to the Common Council concerning amendments to Chapter 19.72 Board of Zoning Appeals in the Zoning Ordinance of the City of Whitewater, concerning the necessary number of votes required by the Board of Zoning Appeals for actions.

The proposed ordinance is on file in the office of the City Clerk and the document is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 5:00 p.m.

NOTICE IS FURTHER GIVEN that the Plan and Architectural Review Commission of the City of Whitewater will hold the above-referenced public hearing at the Municipal Building Community Room, 312 West Whitewater Street, Whitewater, Wisconsin on Monday, November 9, 2015, at 6:30 p.m., to hear any person wishing to comment on the proposed ordinance. Written comments will also be received.

Dated: October 13, 2015.

Publish: October 22, 2015 and October 29, 2015 (two times).

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

ORDINANCE NO. _____
ORDINANCE AMENDING CHAPTER 19.72
CONCERNING THE NECESSARY NUMBER OF VOTES
REQUIRED BY THE BOARD OF ZONING APPEALS FOR ACTIONS

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do hereby ordain as follows:

Section 1. Whitewater Municipal Code Chapter 19.72, Section 19.72.030 D. is hereby amended to read as follows:

Section 19.72.030 D: The concurring vote of ~~four members~~ the majority of voting members of the board shall be necessary to correct an error, grant a variance, make an interpretation, and permit a utility, temporary, unclassified or substituted use.

Ordinance introduced by Council member _____, who moved its adoption. Seconded by Council member _____,

AYES:

NOES:

ABSENT:

ADOPTED:

Cameron Clapper, City Manager

Michele R. Smith, City Clerk