

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
September 10, 2012

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

Call to order and roll call.

Chairperson Meyer called the meeting of the Plan and Architectural Review Commission to order at 6:00 p.m.

Present: Greg Meyer, Lynn Binnie, Karen Coburn, Bruce Parker, Jacob Henley, Rod Dalee, Donna Henry (Alternate).

Absent: Cort Hartmann.

Others: Wallace McDonell (City Attorney), Scott Harrington (City Planning Consultant/Vandewalle & Associates).

Hearing of Citizen Comments. Peter Underwood presented to the Plan Commission his upcoming proposal for an ordinance amendment to allow 4 to 6 hens, no roosters, with specific regulations, in residential areas. He stated that many communities are adopting ordinances to allow for urban poultry.

Approval of the Plan Commission Minutes of August 13, 2012. Moved by Binnie and seconded by Parker to approve the Plan Commission minutes of August 13, 2012. Motion approved by unanimous voice vote.

Public hearing for consideration of an amendment to the Conditional Use Permit to replace the approved plan for the sign, with the proposed sign to be located at 234 N. Prince Street for The Element Apartments, CatCon Whitewater LLC. City Planning Consultant Harrington explained that the original sign was one sided and faced the street. The new sign is 2 sided, perpendicular to the street to see both sides, with aluminum panels that are compatible to the aluminum on the building. The original sign was approved with the entire project, as part of the conditional use. The new sign is a little taller but the height and area of the sign meet the requirements of the zoning code. If the sign had not been approved as part of the conditional use permit, the new sign could have been approved administratively.

Board Members voiced concerns: if the bronze/dark brown of the sign will match the building; will there be evergreens in the plantings; and the setback of the sign off the sidewalk.

Planning Consultant Harrington stated that there were no plantings shown on the site plan; and that the sign location was not being moved, just rotated 90 degrees.

Chairperson Meyer opened the public hearing for public comment. There were no comments.

Chairperson Meyer closed the public hearing.

Moved by Binnie and seconded by Coburn to amend the conditional use permit to replace the approved plan for the sign, with the proposed sign to be located at 234 N. Prince Street for The Element Apartments, CatCon Whitewater LLC. subject to the three conditions. Ayes: Binnie, Coburn, Dalee, Parker, Henley, Henry, Meyer. Noes: None. Absent: Hartmann. Motion approved. (See attached Conditional Use Permit Approval for conditions).

Conceptual Review of a proposed rezoning of the property located at 160 S. Whiton Street from R-1 (Single Family Residence) District to R-3 (Multifamily Residence) District for Deborah Zaverl. City Planning Consultant Harrington explained that this is a conceptual review, but that the applicant had originally applied for an amendment to zoning to change the zoning of her property from R-1 to R-3. This is a non-binding discussion. It was explained to her that the Zoning Rewrite Committee was looking into some changes. The Comprehensive Plan would also need to be amended in order to proceed with a rezoning of her property. The applicant feels that her property would not be viable as a single family home. The only interest in her property would be from an investor. Immediately south of her property is zoned R-2. Specific language in the Comprehensive Plan, description of the Central Area Neighborhood, recognizes the R-1, R-2 and R-3 Zoning Districts in the area and the transition between owner occupied and student rentals. The Comprehensive Plan indicates that the area should stay this way, to try to keep the mix in balance and maintain it. The request for R-3 directly countered what was in the Comprehensive Plan, thus the need for a Comprehensive Plan amendment. The Zoning Rewrite Committee is considering an overlay zoning district of the R-2 area which could allow the number of occupants of the home to be the same as the number of original bedrooms in the home. The applicant is looking for some direction.

Chairperson Meyer opened for public comment.

Deborah Zaverl explained her situation. She has lived there for 25 years, raised 3 kids there. The home has 4 bedrooms. She gets along with her neighbors. She has called the police only 3 times since she has lived there, but has called the police twice since she has applied for a possible rezoning. (Once someone was passed out in her yard, and the other time someone was unruly and wrecking things in her fenced in back yard.) She does not feel safe in her house anymore. A single family would not get along surrounded by college rentals. This has been the worst year of all the 25 years she has lived there. Zaverl thanked the Plan Commission for their consideration.

Chairperson Meyer closed public comment.

Plan Commission Members asked about: the occupancy of the neighboring homes; what is allowed under R-3 Zoning; the proposed overlay district allowing as many occupants as bedrooms.

City Attorney McDonnell explained that the R-1 and the R-2 Zoning Districts allow up to 3 unrelated persons per unit. R-3 would allow a maximum of 5 unrelated persons per unit.

Planning Consultant Harrington explained that the overlay district would be allowed on a case by case basis by conditional use, in which a lot of things will be considered such as the number of original bedrooms, parking etc. The proposed overlay district comes just to the south of Zaverl's lot. Her lot faces S. Whiton Street. Most of the R-1 properties face W. Conger Street with a couple exceptions. Her property is different in that it does not connect to W. Conger Street, and maybe it should be considered to change to R-2 and for an overlay district. The difference in a property zoning and how the property is being used is two different things. There is a mix of rental and owner occupancy.

Plan Commission Member Coburn did not want to have the single family areas in buffer zones of the public schools to start shrinking. These areas have the more affordable family homes that are within a walking distance to the schools. A lot of the older homes as rentals are not being kept up.

Plan Commission Member Henry wanted to clarify the overlay district, in that a home cannot be chopped up to make more bedrooms in order to have more occupants.

Plan Commission Member Binnie explained that he is concerned with the comments on the livability of the neighborhood. The change to an R-2 Zoning instead of an R-3 seems more appropriate with the property already adjacent to R-2, but that may not easily satisfy the situation. It would probably be better to address through the Zoning Rewrite than to upzone. His concern is that Conger Street is not entirely rental properties. There are single families living there that want to maintain their status in the neighborhood.

Chairperson Meyer, as a member of the Zoning Rewrite Committee, explained that the whole area is being discussed. He feels there should be at least a 2 or 3 block buffer from the schools, keeping the area single family. There is very little R-1 left in the city. He is concerned of the overlay getting into all the single family areas, what he called the "gray zone".

When asked about the city having leverage as far as designating the purpose of a house, City Attorney McDonell stated that the Zoning Ordinance is what the city goes by. The zoning and whether or not it is owner occupied or rental have nothing to do with each other. One advantage to rezoning to R-2 would be to be able to tear down the house and build a duplex, if a duplex could meet all the requirements on that property.

Plan Commission Member Parker stated that maybe going to an R-2 would help. It would be hard to convert depending on the size of the lot, and not being able to meet the code for parking. There would also be drainage issues. Parker was also concerned about neighborhood preservation and wasn't sure that all the property owners within 300 feet were notified.

Plan Commission Members asked about: adequate police protection of the area, maybe ask for special effort in that area; and the lighting in the area. Parker stated that the only lighting in the area is from the street lights.

Chairperson Meyer stated that there was a lot of time left before the Zoning Code Rewrite will be finished.

Plan Commission Member Henry stated that changing the property and an adjacent one to R-3 Zoning is not the solution. There are a lot of things to consider with an investment such as mortgage, insurance, the constraints of space and parking, etc.

City Attorney McDonnell stated that there was to be no decision made by the Plan Commission, that the applicant can use the information given at this meeting to determine how she wants to proceed.

(See the City Planning Consultant Report of September 5, 2012 for more details).

Informational Items:

Zoning Rewrite.

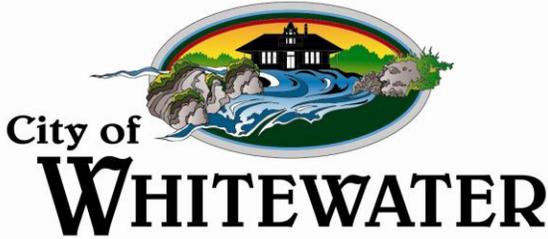
The next meeting of the Zoning Rewrite Steering Committee is scheduled for September 19, 2012 at 6:00 p.m. in the Municipal Building Community Room.

Future agenda items. Possible request for rezone.

Next regular Plan Commission meeting – October 8, 2012.

Moved by Binnie and seconded by Coburn to adjourn the meeting. Ayes: Binnie, Coburn, Dalee, Parker, Henley, Henry, Meyer. Noes: None. Absent: Hartmann. Motion approved. The meeting adjourned at approximately 7:05 p.m.

Chairperson Greg Meyer



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

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CONDITIONAL USE PERMIT

Plan Commission Meeting Date : September 10, 2012
Property Owner: CatCon Whitewater LLC.
Applicant: The Element Apartments, CatCon Whitewater LLC.
Property ID Number: /WUP 00178 (now /A4386 00001)
Property Address: 234 N. Prince Street
Whitewater, WI 53190

REGARDING: An approval for an amendment to the conditional use permit (CUP) to replace the approved plan for the sign, with the proposed sign to be located at 234 N. Prince Street for The Element Apartments, CatCon Whitewater LLC.

Approved subject to the following conditions:

1. There is to be landscaping under the sign that will include some evergreen features.
2. The darker portion of the sign is to be a bronze color to match the overhang of the building.
3. Any modifications to the conditions may be by Staff approval.

This permit was prepared by:

Latisha Birkeland
Neighborhood Services Manager / City Planner