

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
May 14, 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, Rod Dalee, Bruce Parker, Daniel Comfort, Jacob Henley

Absent: Karen Coburn

Others: Wallace McDonell (City Attorney), Latisha Birkeland (Neighborhood Services Manager/City Planner).

Election of Chairperson, Vice-Chairperson, Plan Commission Representative to the Community Development Authority, and Plan Commission Representative to the Urban Forestry Committee. It was moved by Binnie and seconded by Parker to nominate Greg Meyer for the position of Chairperson of the Plan and Architectural Review Commission. AYES: Meyer, Binnie, Dalee, Parker, Comfort, Henley. NOES: None. ABSENT: Coburn.

It was moved by Meyer and seconded by Dalee to nominate Lynn Binnie for the position of Vice Chairperson of the Plan and Architectural Review Commission. AYES: Meyer, Binnie, Dalee, Parker, Comfort, Henley. NOES: None. ABSENT: Coburn.

It was moved by Dalee and seconded by Binnie to nominate Greg Meyer to be the Plan and Architectural Review Commission representative to the Community Development Authority Board. AYES: Meyer, Binnie, Dalee, Parker, Comfort, Henley. NOES: None. ABSENT: Coburn.

It was moved by Parker and seconded by Binnie to nominate Karen Coburn to be the Plan and Architectural Review Commission representative to the Urban Forestry Commission. AYES: Meyer, Binnie, Dalee, Parker, Comfort, Henley. NOES: None. ABSENT: Coburn.

Hearing of Citizen Comments. There were no citizen comments.

Approval of the Plan Commission Minutes of March 12, 2012. Moved by Binnie and seconded by Henley to approve the Plan Commission minutes of March 12, 2012. AYES: Meyer, Binnie, Dalee, Parker, Comfort, Henley. NOES: None. ABSENT: Coburn.

Review extra-territorial one lot survey map for the division of the land with the house and buildings from the agricultural land located on E. Bradley Road for Leota I. Larson.

Birkeland stated that this petition is for 12209 E Bradley Road in Rock County. The property is barely within the 1.5 mile extra-territorial jurisdictional limit of the city, and is outside the city sewer service district. Rock County has reviewed the CSM and saw no issues with it, but made a couple stipulations. According to extra-territorial jurisdictions, this property fits the density requirements of City code for splitting the land with the buildings from the agricultural parcel.

Birkeland indicated that Realtor John Tincher would answer any questions concerning the CSM and added that the City Engineer, Mark Fisher, had reviewed the document and had no comments. Birkeland recommended approval of the CSM with the stipulation that it meets all conditions set by Rock County for their final approval. It was moved by Parker and seconded by Binnie to approve the extra-territorial one-lot certified survey map for the division of the land with the house and buildings located at 12209 E. Bradley Road from the agricultural land adjacent to the home, on the condition that it meets all conditions set by Rock County. AYES: Meyer, Binnie, Dalee, Parker, Comfort, Henley. NOES: None. ABSENT: Coburn.

Review certified survey map for the division of a single family lot, located at 511 N. Tratt Street, into two lots for Arthur Stritzel.

Birkeland stated that the property at 511 N Tratt is one lot with a proposal to split the property into two lots. The property is zoned R-2. As proposed, all the setbacks and lot size requirements do meet City code. If a single family home was to be placed on Lot 1 of the property, it would be possible to obtain a building permit as long as the building met all zoning setbacks and building code requirements. However, since the lot is zoned R-2, if the owner desires to build a duplex he will have to come back to the Plan Commission for a conditional use permit. She made a correction to the staff report in the packet, stating that there is a sidewalk on the property. There is water on Tratt Street, but not sewer. What has been proposed is a private sanitary sewer easement that would go to the property line on Lot 1 and go through Lot 2. The recommendation is to require a joint agreement concerning the sanitary sewer line as it crosses Lot 2. Parker asked whether there are any other utility easements in the area of the proposed easement through Lot 2. Birkeland stated that there are none.

Property owner Arthur Stritzel was present to answer questions. Chairman Meyer opened the meeting for public comment. As there were no comments or questions from the public, Chairman Meyer closed the public hearing. Parker asked if the well on the property had been abandoned, and Comfort asked if there were plans for more than a two-family dwelling on Lot 1. Stritzel replied that the well has been filled and capped, and there were no plans for more than a duplex, unless the zoning of the property changed.

It was moved by Binnie and seconded by Comfort to approve the Certified Survey Map for the division of a single family lot, located at 511 N. Tratt Street, into two lots for Arthur Stritzel, subject to all conditions of the city planner. AYES: Meyer, Binnie, Dalee, Parker, Comfort, Henley. NOES: None. ABSENT: Coburn.

Review certified survey map for the division of a single family lot, located at 434 N. Tratt Street, into two parcels and a lot line adjustment for Lot 2 (410 N. Tratt Street) for John Tincher. Birkeland stated that the changes will move the property line of Lot 2, and create a new lot, Lot 1, while leaving Lot 3 as it is. The current Lot 2 is identified as 410 N. Tratt Street. The new proposed Lot 1 is identified as 422 N. Tratt Street, with Lot 3 being 434 N. Tratt Street. The creation of Lot 1 will allow a single family home to be moved onto the lot, which is zoned R-3. This proposed use of Lot 1 meets all City code requirements. The City engineer has reviewed this proposal. The City will not, at this time, require an extension of the sidewalk. Birkeland recommended approval of the CSM with stipulations of the City Engineer and that the CSM would be recorded before the issuance of adding the single family home to this lot would be allowed.

Binnie asked if this property is in the sanitary sewer district. Birkeland replied that it is planned to be connected to the existing sanitary sewer.

Applicant John Tincher was present to answer questions. Chairman Meyer opened the meeting for public comment. There were no comments or questions from the public. Chairman Meyer closed the public hearing. Parker asked about the future road right-of-way on Tratt Street. Birkeland replied that in talking with DPW Director Dean Fischer, they had come to the conclusion that there was no need to request more right of way than currently exists on this side. Comfort questioned the apparent small size of the lot. Tincher stated that Lot 1 is of sufficient size for a single family dwelling.

It was moved by Binnie and seconded by Parker to approve the Certified Survey map for division of a single family lot, located at 434 N. Tratt Street, into two parcels with a lot line adjustment for Lot 2 (410 N. Tratt Street) per the recommendations of the City Planner. AYES: Meyer, Binnie, Dalee, Parker, Comfort, Henley. NOES: None. ABSENT: Coburn.

Public hearing for a conditional use permit for the proposed three parking stalls to be used for used car sales at 707 E. Milwaukee Street for Charles and Jean Mills at Mills Automotive. Birkeland introduced the item, opening the public hearing by stating that Mills would like to add used car sales as one more aspect of their business, as stated in their letter. One aspect to be clarified is that this space will be for sale of cars and light trucks. The Plan Commission could recommend that these spaces can be used for cars and light trucks, separate from boats or other vehicles. The property at 707 E. Milwaukee Street is in a B-3 Highway and Light Industrial District. This corner is highly visible and the Comprehensive Plan recommends that the City should make efforts to enhance the visual image of the roadway corridor. The corner is up for construction in 2017, which would slightly widen Milwaukee Street at this property. Business hours of operation would not be changed and items required by the State are included in the proposal. There will be no other changes to the site at this time. Dalee asked how many cars they could sell with their used car license from the State. Birkeland stated that the number would be unlimited, with the restriction that if they would apply for a conditional use permit, the conditions would be determined by the City. Only the area containing the three parking stalls would be used for car sales. Dalee asked why they are being restricted. Birkeland answered that this is the limit of the proposal that was submitted. Parker noted that the Department of Transportation (hereafter "DOT") plan shows that the sidewalk would be very

close to the parked cars. Birkeland indicated that the DOT is not showing any private property purchase to complete the 2017 construction. Parker noted that as long as the front of the parking stalls was even with the building, there should not be a problem but that visibility around the corner may be an issue further down the road. Parker asked what type of curb and gutter were planned for the 2017 construction. Birkeland stated that specifics for the construction were not available at this time. Comfort asked if the applicant would need to come back before the Plan Commission if anything were to change as the result of construction. Birkeland confirmed this. Binnie asked if it made a difference which three stalls on the property would be used for car sales. McDonnell suggested that this would depend on the nature of the conditions that the Commission approves. If the stall location is not designated, the applicant would not need to come back before the Commission after construction takes place.

Applicant Jean Mills was present to answer questions. She stated that per State law, a business that sells over five autos a year is required to have a dealer's license. The business will sell more than that but does not want to become a large dealership. She added that the State changes construction plans frequently and it is not possible to tell what will happen in 2017.

Chairman Meyer opened the meeting for public comment. There were no comments or questions from the public. Chairman Meyer closed the public hearing. He asked for any further questions from the Board.

Moved by Comfort and seconded by Dalee to approve the conditional use permit (CUP) to allow three parking stalls to be used for automobile sales (anywhere on the lot).

Approved subject to the following conditions:

1. The conditional use permit shall run with the applicant and not the land. If the business is sold, the new owner/operator must return to the Plan commission for approval to sell used cars.
2. No more than three automobiles (cars, light trucks or vans) at one time may be for sale. No other motorized vehicles i.e. boats, RV's etc. shall be allowed for sale on site.
3. The applicant shall comply with all State of Wisconsin regulations regarding dealerships and the regulations as indicated on the application for first time dealerships.
4. Staff to work with the applicant for future sign approval.

AYES: Meyer, Binnie, Dalee, Parker, Comfort, Henley. NOES: None. ABSENT: Coburn.

Public hearing for a consideration of a conditional use permit for the conversion of a duplex into a 3-unit apartment at 510 W. Walworth Ave. for Matt Kuehl and Bob Freiermuth (Land & Water Investments). Birkeland stated that the application was to create a three unit building from a current two unit building. At a previous time the building did have three units. In 2011 a building permit was requested to change the building so it would have only two units, one upper and one lower. The current request is to add three tenants for a total of 15 in three units, which would require an addition to the building. A variance is needed from the Board of Zoning Appeals to expand a legal non-conforming setback. A recommendation from the Plan Commission concerning the project would be carried forward to the Board of Zoning

Appeals. This property has driveway entrances from both Franklin and Walworth Streets, but carries a Walworth Street address. The front yard setback is a little short at 90 feet for Franklin Street to be the front yard. The side yard parking lot is proposed to be expanded by three stalls for a total of 15. The code requires a minimum of 12 parking spaces. The parking lot is currently fenced and will remain fenced, and the dumpster will be moved to the middle of the north portion of the property. There would be less than three feet from the parking stalls to the lot line. There is a flowering crab tree in the landscaping plan that would have impeded the vision triangle, and as a result, will be planted elsewhere. The driveway will be no more than 24' wide at the curb line. There will be no changes to utilities, and the addition will have State- approved plans. Parker asked how many stalls there are now and Comfort asked if there would be any disabled stalls. Birkeland answered that the State and the building inspector would determine if disabled stalls would be required. There are currently 10 stalls in the parking lot. Comfort questioned the fate of the large trees on the lot. Birkeland answered that diseased and high maintenance trees would be removed and that the property owner has planned for replacement plantings. Henley asked about the screening of the parking lot. The parking lot will go to the property line on the north and fencing has been agreed to around the dumpster and parking. There is no outdoor lighting on the property.

Matt Kuehl and Bob Freiermuth were present to answer questions. Kuehl stated that they want to improve the interior and exterior quality of the building as well as add tenants. The interior items have been addressed and they would like to update the exterior. They feel that the plan they have offered is a huge improvement over the current appearance of the building. Freiermuth stated that he would prefer arborvitae trees to fencing as this would help with snow plowing.

Chairman Meyer opened the meeting to public comments. As there were no comments or questions from the public Chairman Meyer closed the public hearing. In answer to Parker's question, Kuehl indicated that the tree closest to the building is quite large and would probably hang over the addition to the building, creating problems. He stressed that they would save as many trees as they could. Parker stated that the expansion of side yard parking would also need a variance. Birkeland indicated that this could be included in the application to the Board of Zoning Appeals. McDonnell stated that the ordinance allows for less than a 3 foot setback for shared parking areas, for which a zoning permit has been granted. There should be a statement in the permit which reflects this as shared parking with the adjacent lot. If the Plan Commission requested there should be a parking plan filed.

Kuehl stated that ultimately they would like to connect the two lots, although this is not part of the request presented. Freiermuth added that the plantings of arborvitae can be moved in the future if this is required. Parker suggested some shade trees as well as other plantings on the lot. Birkeland stated that city requirements for landscaping have been met.

It was moved by Binnie and seconded by Dalee to approve a conditional use permit for the conversion of a duplex into a 3-unit apartment at 510 W. Walworth Ave. for Matt Kuehl and Bob Freiermuth (Land & Water Investments) contingent on the City Planner's recommendations and contingent on a variance being approved by the Board of Zoning Appeals. AYES: Meyer, Binnie, Dalee, Parker, Comfort, Henley. NOES: None. ABSENT: Coburn.

Review and make recommendation to the City Council for the discontinuance of Executive Court. Birkeland stated that Council had requested the recommendation of the Plan Commission on the discontinuance of Executive Court. The properties involved are located at 736 Executive Drive and 840 Executive Drive. Both properties are owned by Trostel. The request is to vacate this right of way so that Trostel may sell the property at 840 Executive and potentially expand their operation at 736 Executive Drive. Currently Executive Court supplies access to both of these properties. There is one water main under the Street. With vacation of the right-of-way, the City is requesting that there be a 20 foot easement above the water main to allow the City to maintain the main. The now private street would be maintained by the owner. Birkeland had no further information from Trostel to present at the meeting although there have been discussions between Trostel and City staff. Council has discussed the matter and there is a three time publication requirement before they can make the final decision. Parker questioned the covenants determining parking distance from the lot line. Birkeland stated that the side property line will be far enough from the parking. In answer to a question by Dalee, she stated that the land to the north is owned by the CDA. Southbound and Eastbound there will be access to this property. The comprehensive plan does not show any road going through the property to the north at this time. Parker stated that there would be access to the CDA property from Prospect Drive.

Chairman Meyer opened the meeting for public comment. There were no comments or questions from the public. Chairman Meyer closed the public hearing. Henley questioned why Trostel was interested in this change. Birkeland stated that Trostel would have control over the road as a private road and the side setbacks would be shorter on the property. Binnie asked if Trostel would need to maintain the road as it exists currently. Birkeland responded that they would have to provide access at a minimum width. She added that Trostel had already consulted with the Fire Department concerning fire hydrants and width of the road.

It was moved by Parker and seconded by Binnie to recommend the discontinuance of Executive Court to the City Council. AYES: Meyer, Binnie, Dalee, Parker, Comfort, Henley. NOES: None. ABSENT: Coburn.

Informational Items:

Zoning Rewrite.

Latisha Birkeland explained that the last meeting of the Zoning Rewrite Committee was the previous Wednesday. Zoning and mapping items have been discussed and some text changes have been made. There will next be a joint City Council/Plan and Architectural Committee meeting on June 11 which will allow for public comment.

Future agenda items.

None.

Next regular Plan Commission meeting - June 11, 2012. This will be a joint Plan Commission and City Council meeting to update the Plan Commission and City Council on the status of the Zoning Rewrite and get their direction.

Moved by Comfort and seconded by Binnie to adjourn the meeting. Motion was carried by unanimous voice vote. The meeting adjourned at approximately 7:30 p.m.

Vice Chairperson Lynn Binnie