

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
September 8, 2014

**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: Lynn Binnie, Kristine Zaballos, Karen Coburn, Bruce Parker, Daniel Comfort, Sherry Stanek (Alternate) John Tanis (Alternate). Absent: Greg Meyer. Others: Wallace McDonell (City Attorney), Jackie Mich (City Planning Consultant), Chris Munz-Pritchard (City Planner).

Hearing of Citizen Comments. There were no citizen comments.

Approval of the Plan Commission Minutes. No minutes were available at the meeting.

CDA Roll Call: Present: Henry, Kachel, Knight, Winship, Singer, Parker

Community Development Director Pat Cannon explained that the applicant decided everything they needed to do at this meeting could be done in open session. There would be no closed session.

Debra Scheffler and Roger Jensen (Plant Manager) of Lavelle Industries gave some background on the company. They are a 100 year old company and have been in Whitewater since 2001. Their headquarters are in Burlington. They are the last full line of made in U.S.A. products for toilet repair items. They have grown and need more space. They are land locked on their parcel and need more land. They have an accepted offer from the CDA and are asking for approval of proposed Certified Survey Maps.

Joint Plan Commission/CDA Items:

- a. Review a conceptual development plan to accommodate a business expansion in the Whitewater Business Park.**
- b. Review a proposed Certified Survey Map to combine and re-divide city owned vacant land (tax parcel #'s /A3130 00001 and /A3130 00002) located north of Innovation Drive in the Whitewater Business Park; and for the sale of Lot 2 to the Community Development Authority (CDA).**
- c. Review a proposed Certified Survey Map to combine Lot 2 as shown on the certified survey map as created under item #4a of this agenda and Lot 3 of Certified Survey map 2509 (tax parcel # /A2509 00003).**

CDA Director Pat Cannon explained that Lavelle plans to expand on the southwest side of the property adding 2.46 acres. There are two certified survey maps (CSM) required to create the lot. The certified survey maps would include a vacation of the easement across the northern end of the lot. Lavelle plans to add to their existing building. The driveway access will be from Innovation Drive. City Council has approved the conceptual plan. The first CSM reconfigures the lot lines creating 3 lots out of 2 lots. There will be two buildable lots after this sale. If this CSM is approved, the second CSM combines the existing Lavelle lot with the new lot contingent upon their purchase of the property.

Plan Commission voiced concerns of: the driveway being placed so no headlights come into the Innovation Center; number of delivery trucks?; will they be replanting trees they are removing?

CDA Director Pat Cannon stated that there will be a berm along the southern border of the lot. They will have approximately 10 trucks per day.

Roger Jensen stated that they will be moving 2 trees and adding a couple more.

City Attorney McDonell stated that the Plan Commission could give input on the conceptual plan, but would not vote on it.

CDA Members voted. Jeff Knight moved that the CDA approve both certified survey maps (items b. and c.). It was seconded. Motion was unanimously approved.

Plan Commission members voted. Moved by Tanis and seconded by Comfort to approve both certified survey maps (items b. and c.). Aye: Tanis, Comfort, Coburn, Parker, Zaballos, Stanek, Binnie. No: None. Motion approved.

CDA Member Jeff Knight moved to adjourn the CDA meeting. Motion approved by unanimous voice vote.

Vice-Chairperson Binnie thanked Lavelle for expanding in our community.

Public hearing for consideration of a change of 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 on the following area: 250-252 S. Fourth Street (Tax ID # /OT 00175) for Randall Aschbrenner/RLA Properties LLC. Public hearing to be opened with the following item.

Public hearing for consideration of a conditional use permit in an R-2A Overlay Zoning District, to allow for 4 unrelated persons per unit to live in the house located at 250-252 S. Fourth Street for Randall Aschbrenner/RLA Properties LLC. Planning Consultant Jackie Mich explained that they recommended the Plan Commission recommend to the City Council to impose the R-2A Overlay Zoning and conditionally approve the conditional use permit. Mich noted that there were no proposed changes to the house. She also noted that the parking does not

meet the current code. Mich explained that one of their recommended conditions is to pave the parking and that the parking stalls be 20 feet in length.

Randy Aschbrenner explained that he bought the property in December. There are 4 bedrooms in each unit. He wants to put a bike rack and patio behind the building. He does not want to pave the backyard. He will be doing some minor changes to the upstairs unit. He wants to put some type of barrier for the side and back of the driveways.

Vice-Chairperson Binnie opened the public hearing for both proposals. There were no comments. Vice-Chairperson Binnie closed the public hearing.

Randy Aschbrenner went on to explain that the parking area has been that way forever and it works well. There is 54 feet from the inside of the city sidewalk to the stoop. He would like to keep it clean and simple.

City Attorney McDonell explained that the City is working on a parking summit. At this point, there cannot be 4 vehicles in each driveway. The Plan Commission can allow a certain site plan, but cannot allow more vehicles than the Zoning Code allows, which is 3 vehicles per unit in the side and street yard driveway area.

Plan Commission Members voiced concerns of: there are a lot of parking questions prior to the parking summit; appreciates the paving and the clean up; can Plan Commission act on 8 parking spaces?; depth of the paving?; 45 feet or less than 40% impervious surface;

City Attorney McDonell stated that the Plan Commission can approve the site plan, but there are only three vehicles allowed on each side. There are only three other ways to be able to increase the parking which would be by variance, possible non-conforming use, or by a change in the ordinance by the parking summit. This is not an attempt to approve 8 cars.

City Planner Chris Munz-Pritchard stated that her only concern was the impervious surface. Vehicles cannot park on the city sidewalk. She agreed that the driveways be a maximum of 45 feet, but the property must be no more than 40% impervious.

Moved by Tanis and seconded by Coburn to recommend to the City Council to impose the R-2A Overlay Zoning on the property located at 250-252 S Fourth Street. Ayes: Tanis, Coburn, Comfort, Stanek, Zaballos, Parker, Binnie. No: None. Motion approved.

Moved by Stanek and seconded by Comfort to conditionally approve the conditional use permit to allow 4 unrelated persons per unit with the condition that the driveway be paved with asphalt or concrete and the driveways can be no longer than 45' and the property have no more than 40% impervious surface. (The 45 feet for the driveways may be shortened to meet the maximum 40% impervious surface for the total lot.) (See attached conditional use permit.) Ayes: Stanek, Comfort, Zaballos, Parker, Tanis, Coburn, Binnie. No: None. Motion approved.

Public hearing for consideration of a change of 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 on the following area: 255 S. Prairie Street (Tax ID # /CL 00051) for Mark and Lexy Maas. Public hearing to be opened with the following item.

Public hearing for consideration of a conditional use permit in an R-2A Overlay Zoning District, to allow for 5 unrelated persons per unit to live in the house located at 255 S. Prairie Street for Mark and Lexy Maas. Planning Consultant Jackie Mich explained that this is a single family home with 4 bedrooms. They plan to convert space on the first floor for a 5th bedroom. Mich recommended approval of the zoning map amendment. Mich also explained that the driveway was unpaved up to a paved parking area, wide enough to park 3 cars. The most northern one space is shorter.

Plan Commission Member Zaballos asked if it was the applicant's intention to pave the driveway.

Mark Maas stated that the driveway has been gravel for the last 32 years. Michael Maas, Marks's son, stated that their concern is where the run-off is going to go. To the south of the driveway is 6' of grass that slants from the edge of the gravel to the neighbor's property. Mark Maas stated that it does not flood the neighbor's property.

Plan Commission Member Zaballos suggested they put an earth berm in between the driveways.

Vice-Chairperson Binnie opened the public hearing. There was no comment. Vice-Chairperson closed the public hearing.

Plan Commission members voiced concerns of: It seems that so many property owners who are in the area apply for the R-2A Overlay Zoning District; even if there are rentals around, it is still low density; why 5 bedrooms; would like to see the driveway paved.

Mark and Michael Maas explained that there are only two single family homes on Prairie Street from Starin Road to Peck Street, his and Ray Kramer's. They are surrounded by rentals. They want 5 bedrooms because they have an accepted offer on the home contingent upon having 5 unrelated persons in the home. Mark Maas was not against paving the driveway. As far as parking, there is the 2 car garage and the ability to stack the cars in the driveway area. They have had 5 cars there while the kids were growing up.

Moved by Comfort and seconded by Stanek to recommend to the City Council to approve the R-2A Overlay Zoning District for the property at 255 S. Prairie Street. Ayes: Comfort, Stanek, Zaballos, Parker, Tanis, Binnie. No: Coburn. Motion approved.

Moved by Comfort and seconded by Parker to approve the conditional use permit to allow up to 5 unrelated persons at 255 S. Prairie Street contingent upon City Council approval of the R-2A Overlay Zoning; and conditioned upon improving (hard surface-concrete or asphalt) the driveway; and the northern most parking space is to be assigned to a small or compact car only, due to the space not being long enough to meet the requirement of the City Zoning Code. (See

attached conditional use permit.) Ayes: Comfort, Parker, Stanek, Zaballos, Tanis, Binnie. No: Coburn. Motion approved.

Public hearing for consideration of a conditional use permit for the construction of a 3,024 sq. ft. (72' x 42') detached garage to be located at 647 W. Harper Street for Chris Thein. (This is 2,224 sq. ft. more than the maximum size (800 sq. ft.) allowed for a detached accessory structure.)

Jackie Mich explained that this building is for the storage of recreational vehicles. The building would be 72' x 42' with an 18 foot height. It requires a conditional use permit because it is 2.75 times larger than 800 sq. ft., the maximum allowed by City ordinance. A concern is that the building might be used for a home occupation. The applicant would need to follow the zoning requirements for a home occupation. The owner has stated that the building is for recreational storage. The Zoning Code requires an accessory structure to be in the side or rear yard area. The existing driveway is blacktop.

Chris Thein stated that he would blacktop to the shed. The building is strictly for recreational toys. He pays a lot for storage right now. The reason he wanted the building in the street yard area is due to the mature oak trees on the side of the house and the sewer and water behind the house. He plans to move the sliding door on the north end of the building to the east side of the driveway. There would be two sliders on the east side where the larger area of the blacktop drive is. He would start the shed where the grade drops.

Vice-Chairperson Binnie opened the public hearing.

Lynn Cunningham, the closest neighbor, and on behalf of Dick Platner, the other neighbor, stated they were all for the detached structure.

Vice-Chairperson Binnie closed the public hearing.

Jackie Mich (Planning Consultant) read the Planner recommendations.

Plan Commission Members voiced concerns of: masking the building (landscaping etc.); colors should tie in with the house; problems with water and sewer lines; could the building be turned the opposite way?; could the roof be lower?; could the building be moved back toward the house?; Plan Commission could approve this, but not in the street yard location; Overhead doors look nicer and last longer than slider doors; If the building was started at the front of the house and went back, how much room would there be to work with?; What is the easement for the sewer and water?; have significant reservations on the size of the building. In the process of the Zoning Rewrite, they were looking at changing the 800 sq. ft. requirement, but could not come to a consensus for even 1000 sq. ft. Just recently, Plan Commission turned down a structure of less than 2000 sq. ft.; seems out of place, must be moved back; size does impact the area, very hard to say yes to; house is set so far back on the lot, does not allow for this type of building; sad to take down the trees to put up this building, not a good solution; the utility easement may be a wide easement because it is a major interceptor line; the building may get too close to the

floodplain; what is the height comparison to the house?; is there any way to downsize and come back with a new proposal.

Chris Thein explained that there was probably between 40 and 50 feet from the front of the garage to the back of the house. He said he was not opposed to vinyl siding to match the house. The Oak trees are 150 years old. There is a row of trees off the deck parallel with the back of the house. The sewer and the 100 year flood plain are behind the house.

City Attorney McDonell stated that the Plan Commission could approve the building subject to a variance being granted. The zoning regulations for an accessory structure are for it to be in a side or rear yard and not more than 15 feet in height. City Attorney McDonell stated that the Plan Commission either needs to approve, disapprove, or approve with conditions.

Plan Commission Member Comfort asked if Plan Commission could postpone this item to give the applicant time to make changes. City Attorney McDonell stated only with the agreement of the applicant. Can ask the applicant to work with the Planner, reconfigure and address concerns.

Chris Thein did not want to remove trees or change the length of the building. He stated that he was willing to work with whomever to work things out. He asked how small the Plan Commission was thinking, cutting the total square footage in half?

Plan Commission Member Tanis stated that 42' x 36' would be half the building. This would be 1600 sq. ft., double the current code.

Plan Commission Member Binnie asked the City Attorney about what Plan Commission needs to consider, the height, size and placing it in the front yard. McDonell answered that the zoning ordinance, conditional use allows for changes to different dimensions, but cannot locate the accessory building in the front yard. Binnie stated that he could approve a 1600 sq. ft. building if placed on the side of the garage.

Moved by Tanis and seconded by Parker to approve the conditional use permit for a maximum 1600 sq. ft. detached garage, 18 feet in height, to be constructed in the side or rear yard of the lot, with the recommendations of the City Planner that the siding be similar to the house and the metal roof be similar in color to the house roof.

Chris Thein's only concern was that if it did not fit, could he go for a variance?

City Attorney McDonell stated that the Plan Commission should ask the applicant if he wanted a disapproval of the whole plan. Would he would prefer to have this motion or a motion to disapprove the project? If the item is denied, the applicant would have to start over with a new application and fees.

Chris Thein asked to postpone the decision and work with the Planner.

Tanis withdrew his motion, Parker removed his second.

Moved by Comfort and seconded by Zaballos to postpone. Aye: Comfort, Zaballos, Coburn, Parker, Tanis, Stanek, Binnie. No: None. Motion approved.

Public hearing for consideration of a conditional use permit (tavern and other places selling alcohol by the drink) for Kathy Gibbs (Agent) to serve beer and liquor at 204 W. Main Street (for a “Class B” Beer and Liquor License) formerly “The Downstairs Bar”.

Planning Consultant Jackie Mich explained that this is a conditional use permit for a tavern, the bar is changing hands and the applicant is renewing the conditional use permit.

Jeff Schellpfeffer explained that one of the complaints of the place had been for noise. He is taking out the dance floor and adding games and TV’s. They will have 8 to 10 small speakers to spread the sound throughout the business. They will be removing the 4 huge speakers that were on the dance floor. This should help keep the sound from going outside the building. There will be no structural changes to the building. Schellpfeffer plans to have the business open from 8 or 9 p.m. until close (2:30 a.m.) Monday through Saturday. They will be closed on Sunday. The side door will be closed, used only as an emergency exit. There will be nothing outside the building. No drinks will leave the building. No outdoor café.

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

Plan Commission members voiced concerns: If approve with the business plan, is the applicant limited to that; removing Planner recommendation #3(establish maximum hours of operation); who is in charge of taking care of the trash and dumpster; having the property outside the business cleaned up when the business closes; having the side door emergency only; does not want to restrict the business to 6 days.

When asked, Jeff Schellpfeffer stated that he was okay with the side door being for emergency purposes only.

Moved by Tanis and seconded by Comfort to conditionally approve and recommend to the City Council, the conditional use permit for Kathy Gibbs (Agent) to serve beer and liquor at 204 W. Main Street (for a “Class B” Beer and Liquor License) formerly “The Downstairs Bar”, with conditions #1 and #2 of the City Planner’s recommendations and adding condition #3 to install an emergency alarm bar on the side door to the premises; and condition #4 to clean up the adjacent property upon closing the business each day. (See attached conditional use permit.) Aye: Tanis, Comfort, Zaballos, Coburn, Parker, Stanek, Binnie. No: None. Motion approved.

Public hearing for consideration of a conditional use permit to allow for a 5 unit townhouse style residential apartment building in an R-3 (Multi-family) Zoning District in addition to the existing residence located at 1014 W. Main Street for Ryan Hughes. This item was postponed from this meeting.

Discussion of the new Zoning Code. Plan Commission Member Binnie had requested this item be put on the agenda. Since the adoption of the new zoning code, it appears that a few items

need to be revisited, some tweaking is in order. Some of the items he suggested to look at were: the R-3A Zoning Overlay District for the density allowance of 20 % more than the R-3 Zoning District requirements and the R-3A Overlay District in general; the PD Zoning District; height of buildings; the skyline exposure setback (which was removed from the ordinance by the City Council). When asked what the process might be, Binnie stated that possibly the planner(s) do some research regarding issues and make recommendations to be considered. Binnie stated that a Councilperson had suggested that the City Council and Plan Commission have a joint meeting for these discussions. Binnie told the Councilperson that there some concerns had been expressed about the joint meetings that were held for the zoning rewrite. It kind of got muddled as to what the Plan Commission was looking for.

The Plan Commission members voiced concerns of: appreciating the opportunity to have driveways paved; if there was some way to keep gravel driveways clear of grass and weeds so there is a clear delineation; there is also concern of consistent enforcement of the zoning codes; would like to revisit the R-2A and propose a maximum number of residents within close proximity to single family homes; would like to see street yard garages/sheds be able to be approved as a conditional use under certain conditions without the applicant having to get a variance also; lastly, the concern of projects not being completed and the developer comes in with another proposal, can approval be conditioned upon completion of the previous project? City Attorney McDonell stated he would have to research that.

As far as the driveway surfacing, City Planner Munz-Pritchard stated that she and Greg Noll, Building Inspector, suggest to applicants that they install asphalt or concrete driveways when doing their projects.

City Planner Chris Munz-Pritchard stated that she would do some research and get it to the Plan Commission ahead of time. As far as the parking, she is meeting with the consultant next week and could possibly have an outline of how the parking summit would proceed.

Informational Items: There were no informational items.

Future agenda items: Applicants have until September 15, 2014 to submit their applications for the October Plan Commission meeting. There were no submittals at this time.

Next regular Plan Commission meeting – October 13, 2014.

Moved by Stanek and seconded by Parker to adjourn the meeting. Motion approved by unanimous voice vote. The meeting adjourned at approximately 9:10 p.m.

Vice-Chairperson Lynn Binnie