

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
VIRTUAL MEETING

July 12, 2021

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

6 PM

1. Call to Order and Roll Call

The meeting was called to order Chris Bennett – City Neighborhood Director

PRESENT: Binnie, Crone, Miller, Stone, Stanek, Hicks, Brienne Brown CC Alt, and Bruce Parker Alt, Attorney Wally McDonell

ABSENT: None

OTHERS: Cathy Anderson, Cameron Clapper joined at 6:50 PM.

- 2. Elections:** Chairman: Lynn Binnie nominated Andrew Crone, Seconded by Sherry Stanek, Tom Miller nominated Sherry Stanek, seconded by Andrew Crone. Andrew Crone nominated David Stone and David Stone abstained. Verbal Vote was: Stanek: Crone, Hicks: Crone, Crone: Stanek, Parker: Stanek, Binnie: Crone, Stone: Crone, Miller: Stanek Winning Vote: Crone is now Chairperson. Crone now as Chair called for nomination of Vice-Chair. Stone nominated Stanek and it was seconded by Miller. Verbal Vote: Stanek: Abstain, Hicks: Stanek, Crone: Stanek, Parker: Stanek, Stone: Stanek, Miller: Stanek. Stanek elected as Vice-Chair. Discussion was open to other appointments. Urban Forestry Commission: Stanek was nominated and approved. TECH PARK: Crone nominated David Stone, seconded by Stanek. Stone was nominated and approved.

2b. Consideration of amendment to Charter Ordinance #4 and Charter Ordinance #5 as follows:

(i) Charter Ordinance #4, SECTION 1: **Strike** “One of such members shall be a member of the Whitewater Plan and Architectural Commission”.

(ii) Charter Ordinance #5, SECTION 2: **Strike** in its entirety.

Attorney McDonell explained what the Charter Ordinance is, and City Manager Clapper explained that Ordinance change is actually a Common Council action, but the Plan Board can comment or give feed back regarding this action. City Attorney McDonnell stated it would appropriate for the Plan Board if they wanted to make a recommendation, however it is not the Plan Commission’s action to pass or not pass this amendment to the ordinance, due to the fact there are special technical rules for Charter Ordinances.

Member Binnie stated he was aware of the ordinance that states 2 members of the Common Council and one member of the Plan Board be on the 7 - member CDA board. He felt there is no need for a Plan Board member to be on the CDA board but would prefer another citizen

become a member for better insight and interest. Binnie feels that the importance of a Plan Board member never really existed and information between the two boards never really came into play. Again, he stated he would rather see 5 voting eligible citizens on the CDA Board.

Member Stanek stated due to the fact of a new Neighborhood Services Director along with a fairly new admin assistant, that communication is key and is hoping since the Plan Board member would not be appointed, there could potentially be a gap of communication between the Plan and CDA Boards.

City Manager Clapper explained why the proposal came up for the Common Council to change the charter ordinance because of the need for diversity on technically all the Boards and Commissions for the City. They would like to see all sides and types of citizens be part of any Board because of that diversity, interest and their ideas. The Plan Board ordinance changes are only the start of several Boards and Commissions which may change.

Member Stone commented that he felt that having a member of the Plan Board on the CDA Board was important for their proposals and decisions and how possibly these may affect the City Comprehensive Plan and that insight from each Board is invaluable. He would recommend to keep a member from the Plan Board on the CDA Board.

Chair Crone stated despite at this point not having the diversity of the Boards, each meeting is open to the public, therefore maintaining an openness for suggestions and comments for ideas and not only based on the exclusiveness of the Boards. He felt that the effectiveness of citizen ideas and each Boards were successful to the City. He asked City Attorney McDonell is this should just be based on comments or if the Board should take it to a vote. Atty McDonell stated it could be either way.

Chair Crone stated he felt the voice of the Board was important and the Council should take that into consideration.

Member Stanek stated she liked more citizen input and anytime that happens it is welcomed.

Member Miller stated when he was on the CDA Board the appointment of someone of the Plan Board was very important and he does not feel they should do away with that appointment.

Member Parker commented that when the City Manager and Council choose Board members to make sure they fit the job so it will not make the Boards one-sided.

3. Hearing of Citizens Comments

There were no citizens comments at that time.

4. Review and Approval of Minutes from April 12, 2021.

Motion to approve by Member Binnie, and seconded by Member Stanek. Approved by verbal vote.

5. Considerations:

5a. Consider Approval of an Amended Conditional Use Permit to allow for an Impound Lot behind the auto sales/rental located at 515 E Milwaukee St (Parcel #/A432 00001) for Lee Loveall.

Chair Crone opened the discussion to the public:

Neighborhood Director Bennett gave an introduction of what the amendment to the CUP is requesting. Mr. Loveall would like to fence off a part of the blacktop area of his auto lot to use as an impound lot for City and County and that this is not something that is bid by these authorities but merely a rotated list for them to use.

The applicant, Mr. Loveall was asked he if had comments or presentation. Mr. Loveall stated that when checking with the state, an impound lot does need 45 days to hold that vehicle, because in the event the vehicle is there past 30 days, the legal authority will need an additional 15 days to get the vehicle removed.

Since there no other public comments the discussion was opened to the Board members. Member Stanek asked about the City Impound Lot at the garage and wondered if he would be transferring vehicles to the City Garage if he is the tow operator. Mr. Loveall stated he wasn't aware of the City Impound Lot. Mr. Loveall states he would like to see a higher class of tow operations for the City compared to what is out there now. Director Bennett stated he believes it his understanding that the City lot is used for certain incidents which require security measures. Director Bennett also stated that Mr. Loveall would be able to tow those vehicles to the City Impound Lot, but not hold them at his own lot.

Member Stanek is requesting drawings that are to scale. She is wondering how Mr. Loveall would be able to incorporate an impound lot within the paved lot area. Member Stanek is concerned on the impact for the neighbors in that area. Mr. Loveall stated after further discussion with the Neighborhood Services Director and the City Attorney, the area in back of the lot will require much more planning and issues that need to be addressed, which Mr. Loveall stated would take perhaps up to two years of planning. So presently he stated he would like to take an area roughly 75 feet by 125 feet of the grassy area of his property to make the impound lot. Currently he doesn't have many cars maybe perhaps 8 at the most with the economy being what it is. He feels that his business has been very professional and he has done many improvements to the property and has had no complaints since his CUP and business have opened. He further stated he would like to continue to maintain his business under those current standards and professionalism in the future. His current plans will be to utilize the back 20 feet of blacktop surface up to end of the blacktop and fence...then put up a non- see thru

fence, along with a gate for access. That area is where damaged or secured vehicles would be kept out of the view to the public for up to 45 days. Mr. Loveall stated the front part of the paved area which is roughly 65 ft by 120+ square feet. Member Stanek and Member Stone stated there are no measurements that were included in the submission documents. Member Stanek asked to confirm that the impound lot would be between the current existing fence and another new fence on the paved area. Mr. Loveall stated that was correct, and the plans for now until further development according to architectural plans are completed and approved for the grassy area behind the paved lot. When that is possibly done, the fencing would be removed, the new impound lot would be in its entirety behind the paved lot with appropriate fencing for privacy and security purposes. Member Crone asked what the difference was between towing businesses in the City. Mr. Loveall explained what they will do at a tow scene. Member Miller stated he felt that this really has no bearing regarding the issue at hand and that he agreed that better more thorough plans are needed.

There was a discussion on how to handle comments that had come in over the internet and it was deemed unnecessary to read those because of not being able to verify the sender. It was advised by the City Attorney to create a policy specifically for those situations.

Mr. Loveall stated it his intention not to create problems with the neighbors and not to create property values to go down.

Chair Crone stated he agreed that the current provided plans and not adequate and don't meet the standards of the Commission. The Chair closed the Public discussion for this consideration. Member Binnie stated his concern of the current fence which is not opaque in nature. Binnie also stated that for zoning purposes this is a B-1 zoning property and the others around the area are in the B-3 zoning district and there is a distinct difference between the two, therefore the Board needing to recognize that difference. Member Binnie stated that the Zoning Code for District B-1 specifically says no inoperable vehicles are allowed more than 30 days. Because of that fact if this proposal was to go forward, the applicant would need to decide to have those vehicles removed by the 30th day. Member Binnie stated the ordinance also stipulates the outside display and temporary storage of vehicles – where the principal use of the business includes the sale, repair or servicing of vehicles, that this property could not be used where the majority of the business is used for storage or vehicles as opposed to the sale of vehicles. Member Binnie stated that if in the future the majority of the business was for storage of vehicles it probably wouldn't be according to code. Member Binnie also reiterated that the documents provided did not meet the Plan Boards normal standards for approval. He asked if the applicant would be willing to defer this action in order to get the proper documentation necessary for the Board to review and act on. Mr. Loveall addressed Member Binnie regarding the size of the lot and its eventual purpose, the once the back lot is sufficient for the towing business the front lot would be back to the sale of the vehicles as intended on the original CUP. Mr. Loveall also explained they have another facility, therefore in the event of needing to move the vehicle after 30 days it could be done. Mr. Loveall believes that the rules that applied to other towing businesses don't necessarily apply to his request, and he felt he would have to meet a higher standard to operate his towing business. Mr. Loveall explained that if the type of fence which separates the next-door business and the back of his property is of concern, he will certainly remedy that with another type of fence, which would match and connect to the non-see thru fence he would be installing. Member Miller stated his concerns over the maneuvering of vehicles and exactly what kind of fence Mr. Loveall intends to install.

Member Miller states the way the application/proposal appears at the current time he doesn't feel it could pass.

Member Stanek said she appreciated his intentions and work to try to make this business happen, however they as the Board are not able to decide on a vision or things that could happen in the future. She felt that with what was presented to the Board is not specific enough for the Board to decide on his proposal at the present time. Mr. Loveall explained that in prior discussions before the meeting with the Director and City Attorney he felt that the meeting would be the opportunity for comments and desires of the Board and not beforehand. Mr. Loveall once again reiterated that he wants to be a good business neighbor and do everything that is going to be asked to do.

Chair Member Crone asked Mr. Loveall if he wanted the Board to proceed with an action or vote or possibly come back to the next meeting with more details and specifics of what was asked by the Board Members. Mr. Loveall asked if he submitted the requested paperwork the next day would that suffice. Chair Member Crone stated it would need to be presented at the next Board meeting in August. Mr. Loveall proposed that he could explain what he would like to request for approval at today's meeting and what the expectations will be in order for the consideration to pass. Member Miller stated he felt that was no way to know how many cars he may possibly tow and have stored on the lot at this point. Member Stone felt that what was presented with the proposal for an amended CUP is ready for an approval at this point. He agreed with Member Binnie about the need to carefully check the Ordinances in place and what is allowed. Chair Member Crone asked Mr. Loveall if would like to table the proposal for right now until he can get the documentation that has been requested before a decision will be made. Mr. Loveall reacted and stated he really didn't want to postpone it out for an additional 30 days or next Plan Board meeting, however, Chair Member Crone stated this would have to be done at the September meeting since they only meet once a month. Member Stone stated he agreed that certain documentation is needed before the Board can be ready for approval. Member Stone also stated he felt the current Ordinance should be followed especially with the time frame allowances in place. He is also concerned about the fencing proposals around the business. Mr. Loveall stated he felt according to all the Board comments that this will need to be brought back to the Board for approval at the next Plan Board Meeting. A motion to postpone the Amended CUP request along with notification of the Hearing and publication was brought by Member Binnie and seconded by Member Stanek. Since there was no further discussion it was brought to a vote. AYES: Stanek, Hicks, Crone, Binnie, Miller, Stone. NOES: None

5b: Taken off/tabled from the agenda per Chris Bennett, Neighborhood Services Director.

6. Information Items:

Violations Map and Fire Inspection Report.

It was noted by Director Bennett that there was no Fire Inspection Report because the City of Whitewater is currently hiring a Fire Inspector. Member Miller expressed his desire to see a violation report rather than a map. Member Stanek agreed. Chair Member Crone stated he did like the map. Member Stanek would like to see reports that perhaps shows trends and things of that nature. She stated the violation map was not useful. Member Binnie stated the reason for the map was to show the Board and general public that violations were being addressed.

7. Possible Future Agenda Items:

Discussion of the business at Casual Joes.

8. Next Regular Plan Commission Meeting is scheduled for August 9, 2021.

9. Adjournment

Member Stanek made a motion to adjourn the meeting at p.m. and seconded by Member Miller.

AYES: All via Voice Count

NOES: None

Respectfully submitted,

Chris Bennett Neighborhood Services Director