

MEMORANDUM

To: City of Whitewater Plan and Architectural Review

Commission From: Allison Schwark, Zoning Administrator

Date: October 9, 2023

Re: Review and possible approval – Conditional Use Permit application for first floor residential units

Summary of Request	
Requested Approvals:	Review and possible approval of a Conditional use permit for first floor residential units
Location:	Parcel # /A285000001
Current Land Use:	Mixed-Use Commercial
Proposed Land Use:	Mixed-Use Commercial
Current Zoning	Community Business District- B1
Proposed Zoning:	Community Business District- B1
Future Land Use, Comprehensive Plan:	Community Business

Description of the Proposal

The applicant is requesting a Conditional Use Permit to add additional apartment units to an already established building that is currently occupied by mixed use development. There are existing apartment units, along with commercial units on the ground floor. The applicant is requesting to add 8 additional apartment buildings, 4 upstairs, and 4 on the ground floor.

The new apartment units would consist of 3 one-bedroom units, 3 two-bedroom units, and 2 three-bedroom units. The building footprint would not change or expand.

Planner's Recommendations

1. Per 19.27.030 new residential construction or existing residential modification resulting in addition of units or bedrooms must meet the following standards:
 - A limit of four unrelated persons.
 - Three hundred fifty square feet of usable open space shall be required for each dwelling unit for structures with two or more units.
 - Number of parking spaces is determined using the R-3 parking regulations for the residential

units.

2. A first-floor residential unit may be permitted if it meets the following standards:
 - The unit is ADA compliant.
 - Any residential unit access must exit from the rear of the principal structure; or have a main street access which must be through a common entryway used by a nonresidential use.
 - **Not occupy more than fifty percent of the first floor.**

Therefore, the site plan submitted for conditional approval does not meet the City of Whitewater Zoning Ordinances and is not consistent with the Whitewater Comprehensive Plan.

The city recommends site plan and conditional use approval for only the additional upper-level apartment units and denial of additional ground level apartment units, subject to any conditions stipulated by the PARC.

1. Applicant must adhere to city ordinances concerning lighting, landscaping and buffering and work with city staff to ensure compliance.
2. Applicant must include a Knox Box on the outside of the building.
3. Applicant must follow all city ordinances regarding signage.
4. Any dumpsters must be screened from view.
5. Applicant must submit an updated site plan for staff review.
6. Any conditions stipulated by the Plan and Architectural Review Commission.

Site Plan Review for: 885 S Janesville Street		
<i>Plan Review Standards per Section 1919.63.100:</i>		
STANDARD	EVALUATION	COMMENTS
1. The proposed structure, addition, alteration or use will meet the minimum standards of this title for the district in which it is located	No	A Conditional Use Permit for first level residential is allowed in the B-1 zoning district pending it does not occupy more than 50% of the first level. The proposed site plan shows residential units occupying more than 50% of the first level.
2. The proposed development will be consistent with the adopted city comprehensive plan	No	This future land use designation includes commercial and office land uses intended to serve local and some regional shopping and service needs, generally located in relative proximity to residential areas and major traffic routes. Community Business areas may also include new residential uses meeting the standards of the City's R-3 zoning district, when mixed with commercial uses in a unified project. Community Business use areas are depicted on Map 5 along major corridors such as West Main Street, and along parts of the Highway 12/59/89 interchange area, East Milwaukee Street, and Elkhorn Road.
3. The proposed development will be compatible with and preserve the important natural features of the site	Yes	Site natural features would not change or be disturbed.

4. The proposed use will not create a nuisance for neighboring uses, or unduly reduce the values of an adjoining property	Yes	The proposed use would not significantly impact neighboring properties or reduce property values. However, it is not consistent with the comprehensive plan.
5. The proposed development will not create traffic circulation or parking problems	Yes	The project is consistent with the use requirements of the B-1 District and meets all parking requirements.

6. 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 building will fit and augment its surrounding area.
7. 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	N/A	N/A
8. The proposed structure, addition or alteration will not substantially reduce the availability of sunlight or solar access on adjoining properties	Yes	The structure will not affect the sun and light.