

**Print**

**Petition for change or amendment of zoning - Submission #945**

**Date Submitted: 5/20/2024**

**City of Whitewater**

312 W. Whitewater Street

P.O. Box 178

Whitewater, WI 53190

262-473-0540

[www.whitewater-wi.gov](http://www.whitewater-wi.gov)

**City of Whitewater - petition for change or amendment of zoning**

Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council may, by Ordinance, change the district boundaries or amend, change or supplement the regulations established by the Zoning Ordinance.

A change or amendment may be initiated by the City Council, the Plan Commission, or by a Petition of one or more of the owners, lessees, or authorized agents of the property within the area proposed to be changed.

**Procedure**

**File the Petition with the City Clerk. Filed on:**

**Class 2 Notices published in Official Newspaper on:**

Must be filed on two separate dates

**Notices of Public Hearing mailed to property owners on:**

**Plan Commission holds public hearing on:**

It will hear comments of the petitioner and property owners. Comments may be made either in person or in writing.

At the conclusion of the public hearing, the Plan Commission makes a decision on the recommendation it will forward to the City Council.

City Council consideration of the Plan Commission's recommendation and final decision on adoption of the ordinance making the change:

Will occur at the council's next meeting following the Plan Commission, unless circumstances dictate otherwise.

The Ordinance is effective upon passage and publication as provided by law.

Please complete the following application:

If there is more than one applicant for an area to be rezoned, add additional pages with the signatures of the owners, indicate their address and the date of signature.

Refer to Chapter 19.69 of the City of Whitewater Code of Ordinances, entitled CHANGES AND AMENDMENTS, for more information on application and protests of changes.

Applicant identification/information

Name\*

Allison Schwark

Email Address\*

mcodeenforcement@gmail.com

Address\*

P.O. Box 178

City\*

Whitewater

State\*

WI

Zip Code\*

53190

Phone Number\*

262-249-6701

Fax Number

Property information

Address\*

312 W Whitewater Street

City\*

Whitewater

State\*

WI

Zip Code\*

53190

Owner information, according to current property tax records on the date of the application (if different from applicant information)

**Name**

**Email Address**

City of Whitewater

mcodeenforcement@gmail.com

**Address**

312 W Whitewater Street Tax Keys: /OT 00152, /OT 00153, /OT 00154, /OT 00155, /OT 00156, /OT 00159, /OT 00160, /OT 00158

**City**

**State**

**Zip Code**

Whitewater

WI

53190

**Phone Number**

**Fax Number**

262-249-6701

Agent or Representative assisting in the Application (Engineer, Architect, Attorney, etc.) if applicable

**Name**

**Email Address**

**Address**

**City**

**State**

**Zip Code**

**Phone Number**

**Fax Number**

Has either the applicant or the owner had any variances issued to them on any property?\*

No

If YES, please indicate the type of variance issued and indicate whether conditions have been complied with:

Existing and proposed uses

Current Zoning District or Ordinance to be Amended:\*

B-2

Proposed Zoning District or Ordinance:\*

Institutional

Zoning District in which Property is located:\*

B-2

Section of City Zoning Ordinance that identifies the proposed land use in the Zoning District in which the property is located:

Sec 19.48

Plans to accompany application

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details. Computations and stress diagrams as the building official may require.

Plan Upload (if necessary)

Choose File No fi...sen

Plot plan

When required by the building official, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and the relation to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

Plot Plan Upload (if necessary)

Choose File No fi...sen

Standards

The proposed amendment for future structure, addition, alteration or use will meet the minimum standards of this title for the district being proposed. Applicant's explanation:\*

Yes

The Proposed development will be consistent with the adopted city master plan. Applicant's explanation:\*

Yes

The proposed development will be compatible with and preserve the important natural features of the site. Applicant's explanation:\*

Yes

The proposed use will not create a nuisance for neighboring uses, or unduly reduce the values of an adjoining property. Applicant's explanation:\*

Yes

The proposed development will not create traffic circulation or parking problems. Applicant's explanation:\*

Yes

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. Applicant's explanation:\*

Yes

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. Applicant's explanation:\*

N/A

The proposed structure, addition or alteration will not substantially reduce the availability of sunlight or solar access on adjoining properties. Applicant's explanation:\*

N/A

Conditions

The City of Whitewater Zoning Ordinance authorizes the Plan Commission to hold a public hearing and make a recommendation to the City Council for the proposed changes (Section 19.69).

Signature (typed name)\*

Date\*

Allison Schwark

5/20/24

Application fees - fee for amendment to zoning ordinance is \$200

Date application received by city:

Receipt number:

[Empty input field for date]

[Empty input field for receipt number]

Received by:

[Empty input field for received by]

To be completed by code enforcement/zoning office:

Date notice sent to owners of record of opposite & abutting properties:

Date set for public review before Plan & Architectural Review Board:

[Empty input field for date notice sent]

[Empty input field for date set for public review]

Action taken:

Public hearing

- Recommended by Plan & Architectural Review Commission
- Not recommended by Plan & Architectural Review Commission

Conditions placed upon permit by Plan & Architectural Review Commission:

[Empty input field for conditions]

Signature, Plan & Architectural Review Commission Chair

Date

[Empty input field for signature]

[Empty input field for date]

## Tips for Minimizing Development Review Costs - A Guide for Applicants

The City of Whitewater assigns its consultant costs associated with reviewing development proposals to the applicant requesting development approval. These costs can vary based on a number of factors. Many of these factors can at least be partially controlled by the applicant for development review. The City recognizes we are in a time when the need to control costs is at the forefront of everyone's minds. The following guide is intended to assist applicants for City development approvals understand what they can do to manage and minimize the costs associated with review of their applications. The tips included in this guide will almost always result in a less costly and quicker review of an application.

### 1. Meet with Neighborhoods Services Department before submitting an application.

If you are planning on submitting an application for development review, one of the first things you should do is have a discussion with the City's Neighborhood Services Department. This can be accomplished either by dropping by the Neighborhood Services Department counter at City Hall, or by making an appointment with the Neighborhood Services Director. Before you make significant investments in your project, the Department can help you understand the feasibility of your proposal, what City plans and ordinances will apply, what type of review process will be required, and how to prepare a complete application.

### 2. Submit a complete and thorough application

One of the most important things you can do to make your review process less costly to you is to submit a complete, thorough, and well-organized application in accordance with City ordinance requirements. The City has checklists to help you make sure your application is complete. To help you prepare an application that has the right level of detail and information, assume that the people reviewing the application have never seen your property before, have no prior understanding of what you are proposing, and don't necessarily understand the reasons for your request.

### 3. For more complex or technical types of projects, strongly consider working with an experienced professional to help prepare your plans

Experienced professional engineers, land planners, architects, surveyors and landscape architects should be quite familiar with standard development review processes and expectations. They are also generally capable of preparing high-quality plans that will ultimately require less time (i.e., less cost for you) for the City's planning and engineering consultants to review, saving you money in the long run. Any project that includes significant site grading, storm water management, or utility work; significant landscaping; or significant building remodeling or expansion generally requires professionals in the associated fields to help out.

### 4. For simpler projects, submit thorough, legible, and accurate plans

For less complicated proposals, it is certainly acceptable to prepare plans yourself rather than paying to have them prepared by a professional. However, keep in mind that even though the project may be less complex, the City's staff and planning consultant still need to ensure that your proposal meets all City requirements. Therefore, such plans must be prepared with care. Regardless of the complexity, all site, building, and floor plans should:

-- Be drawn to a recognized scale and indicate what the scale is (e.g., 1 inch = 40 feet).

-- Include titles and dates on all submitted documents in case pieces of your application get separated.

-- Include clear and legible labels that identify streets, existing and proposed buildings, parking areas, and other site improvements.

-- Indicate what the property and improvements look like today versus what is being proposed for the future.

-- Accurately represent and label the dimensions of all lot lines, setbacks, pavement/parking areas, building heights, and any other pertinent project features.

-- Indicate the colors and materials of all existing and proposed site/building improvements.

-- Including color photos with your application is one inexpensive and accurate way to show the current condition of the site. Color catalog pages or paint chips can be included to show the appearance of proposed signs, light fixtures, fences, retaining walls, landscaping features, building materials, or other similar improvements.

#### 5. Submit your application well in advance of the Plan & Architectural Review Commission meeting

The City normally requires that a complete application be submitted four weeks in advance of the Commission meeting when it will be considered. For simple submittals not requiring a public hearing, this may be reduced to two weeks in advance. The further in advance you can submit your application, the better for you and everyone involved in reviewing the project. Additional review time may give the City's planning consultant and staff an opportunity to communicate with you about potential issues with your project or application and allow you time to efficiently address those issues before the Plan and Architectural Review Commission meeting. Be sure to provide reliable contact information on your application form and be available to respond to such questions or requests in a timely manner.

#### 6. For more complex projects, submit your project for conceptual review

A conceptual review can be accomplished in several ways depending on the nature of your project and your desired outcomes.

-- Preliminary plans may be submitted to City staff and the planning consultant for a quick, informal review. This will allow you to gauge initial reactions to your proposal and help you identify key issues;

-- You may request a sit-down meeting with the Neighborhood Services Director and/or Planning consultant to review and more thoroughly discuss your proposal; and/or you can ask to be placed on a Plan and Architectural Review Commission meeting agenda to present and discuss preliminary plans with the Commission and gauge its reaction before formally submitting your development review application.

Overall, conceptual reviews almost always save time, money, stress, and frustration in the long run for everyone involved. For this reason, the City will absorb up to \$200 in consultant review costs for conceptual review of each project.

#### 7. Hold a neighborhood meeting for larger and potentially more controversial projects

If you believe your project falls into one or both of these two categories (City staff can help you decide), one way to help the formal development review process go more smoothly is to host a meeting for the neighbors and any other interested members of the community. This would happen before any Plan and Architectural Review Commission meeting and often before you even submit a formal development review application.

A neighborhood meeting will give you an opportunity to describe your proposal, respond to questions and concerns, and generally address issues in an environment that is less formal and potentially less emotional than a Plan and Architectural Review Commission meeting. Neighborhood meetings can help you build support for your project, understand others' perspectives on your proposals, clarify misunderstandings, and modify the project and alleviate public concerns before the Plan and Architectural Review Commission meetings. Please notify the City Neighborhood Services Director of your neighborhood meeting date, time, and place; make sure all neighbors are fully aware (City staff can provide you a mailing list at no charge); and document the outcomes of the meeting to include with your application.

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## Typical City Planning Consultant Development Review Costs

The city often utilizes assistance from a planning consultant to analyze requests for land development approvals against city plans and ordinances and assist the City's Plan & Architectural Review Commission and City Council on decision making. Because it is the applicant who is generating the need for the service, the city's policy is to assign most consultant costs associated with such review to the applicant, as opposed to asking general taxpayer to cover these costs.

The development review costs provided below represent the planning consultant's range of costs associated with each particular type of development review. This usually involves some initial analysis of the application well before the public meeting date, communication with the applicant at that time if there are key issues to resolve before the meeting, further analysis and preparation of a written report the week before the meeting, meeting attendance, and sometimes minor follow-up after the meeting. Costs vary depending on a wide range of factors, including the type of application, completeness and clarity of the development application, the size and complexity of the proposed development, the degree of cooperation from the applicant for further information, and the level of community interest.

### Type of development review being requested and planning consultant review cost range

#### Minor Site/Building Plan (e.g., minor addition to building, parking lot expansion, small apartment, downtown building alterations)

- When land use is a permitted use in the zoning district, and for minor downtown building alterations - up to \$600
- When use also requires a conditional use permit, and for major downtown building alterations - \$700-\$1,500

#### Major Site/Building Plan (e.g., new gas station/convenience store, new restaurant, supermarket, larger apartments, industrial building)

- When land use is a permitted use in the zoning district - \$700-\$2,000
- When land use also requires a conditional use permit - \$1,600-\$12,000

#### Conditional Use Permit with no Site Plan Review (e.g., home occupation, sale of liquor request, substitution of use in existing building)

- Up to \$600

#### Rezoning

- Standard (not PCD) zoning district - \$400-\$2,000
- Planned Community Development zoning district, assuming complete GDP & SIP application submitted at same time - \$2,100-\$12,000

#### Land Division

- Land Survey Map - up to \$300
- Subdivision Plat - \$1,500-\$3,000
- Plat (does not include any development agreement time) - \$50-\$1,500

#### Annexation

- Typically between \$200-\$400

### Note on Potential Additional Review Costs

The City also retains a separate engineering consultant, who is typically involved in larger projects requiring storm water management plans, major utility work, or complex parking or road access plans. Engineering costs are not included above, but will also be assigned to the development review applicant. The consultant planner and engineer closely coordinate their reviews to control costs.

### Cost Recovery Certificate and Agreement

The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the City's review of an application for development review coming before the Plan and Architectural Review Commission, Board of Zoning Appeals, and/or Common Council. In fact, most applications require some level of review by the City's planning consultant. City of Whitewater staff shall retain sole discretion in determining when and to what extent it is necessary to involve a professional consultant in the review of an application.

The submittal of an application or petition for development review by an applicant shall be construed as an agreement to pay for such professional review services associated with the application or petition. The City may apply the charges for these services to the applicant and/or property owner in accordance with this agreement. The City may delay acceptance of an application or petition (considering it incomplete), or may delay final action or approval of the associated proposal, until the applicant pays such fees or the specified percentage thereof. Development review fees that are assigned to the applicant, but that are not actually paid, may then be imposed by the City as a special charge on the affected property.

### Section A: Background Information - to be completed by the Applicant/Property Owner

**Name\***

City of Whitewater

**Email Address\***

mcodeenforcement@gmail.com

**Address\***

312 W Whitewater Street

**City\***

Whitewater

**State\***

WI

**Zip Code\***

53190

**Phone Number\***

262-249-6701

**Fax Number**

### Project information

Name/description of development

Address of Development Site\*

Tax key numbers

Property owner information (if different from applicant)

Name

Email Address

Address

City

State

Zip Code

Phone Number

Fax Number

**Section B: Applicant/Property Owner Cost Obligations - To be completed by the City's Neighborhood Services Director**

Under this agreement, the applicant shall be responsible for the costs indicated below. In the event the applicant fails to pay such costs, the responsibility shall pass to the property owner, if different. Costs may exceed those agreed to herein only by mutual agreement of the applicant, property owner, and City. If and when the City believes that actual costs incurred will exceed those listed below, for reasons not anticipated at the time of application or under the control of the City administration or consultants, the Neighborhood Services Director or his agent shall notify the applicant and property owner for their approval to exceed such initially agreed costs. If the applicant and property owner do not approve such additional costs, the City may, as permitted by law, consider the application withdrawn and/or suspend or terminate further review and consideration of the development application. In such case, the applicant and property owner shall be responsible for all consultant costs incurred up until that time.

A. Application fee

B. Expected planning consultant review cost

C. Total cost expected of application (A+B)

D. 25% of total cost, due at time of application:

**Project likely to incur additional engineering or other consultant review costs?**

-- Select One --

**Balance of costs**

The balance of the applicant's costs, not due at time of application, shall be payable upon applicant receipt of one or more itemized invoices from the City. If the application fee plus actual planning and engineering consultant review costs end up being less than the 25% charged to the applicant at the time of application, the City shall refund the difference to the applicant.

**Section C: Agreement Execution - To be completed by the Applicant and Property Owner**

The undersigned applicant and property owner agree to reimburse the City for all costs directly or indirectly associated with the consideration of the applicant's proposal as indicated in this agreement, with 25% of such costs payable at the time of application and the remainder of such costs payable upon receipt of one or more invoices from the City following the execution of development review services associated with the application.

**Signature of Applicant/Petitioner\***

Allison Schwark

**Signature of Property Owner (if different)**

**Printed Name of Applicant/Petitioner**

**Printed Name of Property Owner**

**Date of Signature\***

5/20/24

**Date of Signature**