

MEMORANDUM

To: City of Whitewater Plan and Architectural Review Commission

From: Allison Schwark, Zoning Administrator

Date: September 9, 2024

Re: Conditional Use Permit

Summary of Request	
Requested Approvals:	Conditional Use Permit for more than 4 multi-family units located in the R-3 zoning district
Location:	Vacant Lot on Moraine View Parkway /WPB 00044
Current Land Use:	Vacant
Proposed Land Use:	8, 16-unit multi-family buildings
Current Zoning:	R-3
Proposed Zoning:	N/A
Future Land Use, Comprehensive Plan:	Higher Density Residential

Introduction

The applicant is requesting a conditional use permit and site plan review for a multi-unit, multi-family development within the City of Whitewater. The development will be comprised of 8, 16-unit buildings on an 11.36-acre parcel.

The parcel more precisely identified as /WPB 00044 is currently zoned R-3 Multi-family Residential.

The proposed development will create 128 market rate, mainstream units over 2 phases.

It is anticipated that one (1) part-time employees will be employed at the property during daytime business hours.

Each unit will have individual trash and recycling bins.

Tenant storage will be restricted to the private garages. Property management storage will occur in the garage portion of the office / garage.



History

In 2016, a Conditional Use Permit application was submitted for this site, by another developer with the request to build 96 units, between 12 buildings, 8 units each. The development included 96 garages, 96 parking stalls in front of the garage, and 78 visitor spaces. This development was approved by the PARC, moved by Binne, seconded by Tanis, to allow for the development of similar nature.

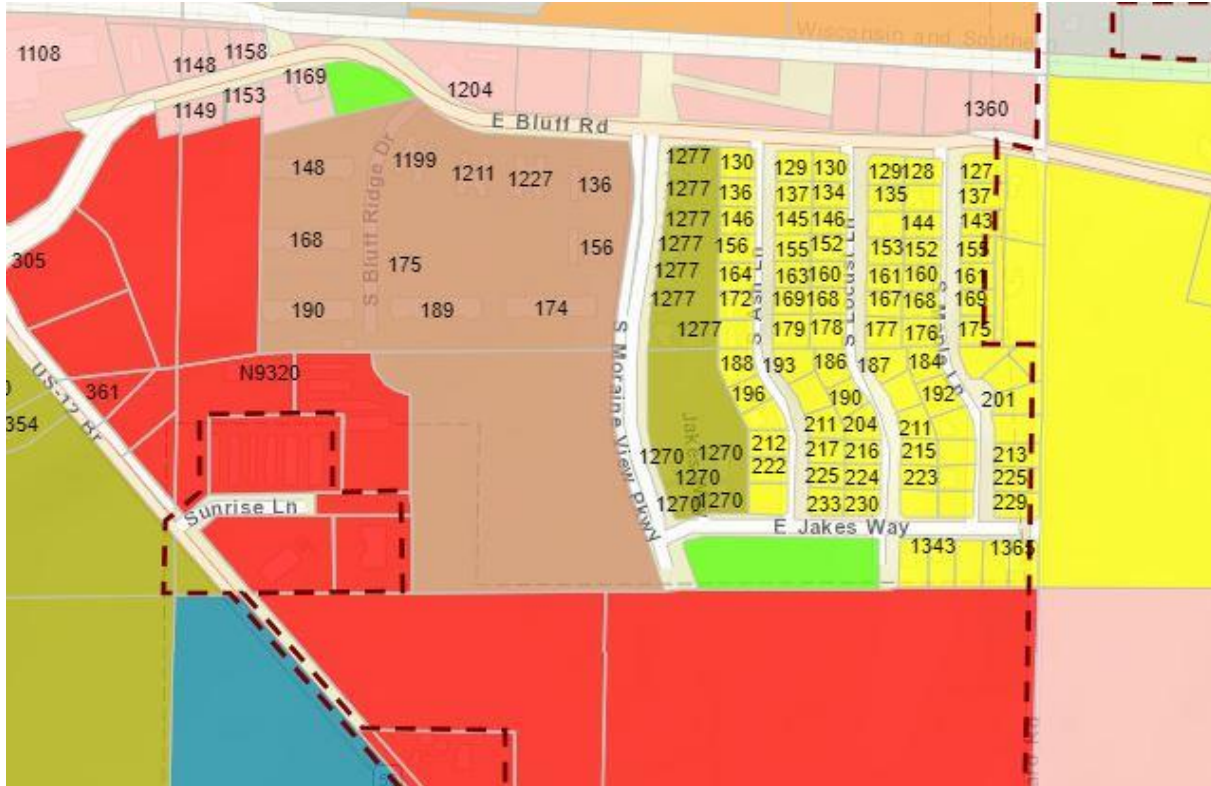
Site Plan and Condition Use Review



The property is currently zoned R-3. The R-3 multifamily residence district is established to provide high-density residential areas, and to allow mixing of certain compatible land uses.

The future land use map depicts the property to become higher density residential.

Description: This future land use designation is intended to accommodate a variety of residential units at higher densities—including rental apartment complexes, condominiums, townhouses, and the continuation of pre-existing single- and two-family residences where desired—all served by sanitary sewer.



According to section 19.21.030 - Conditional uses, Multifamily dwellings and attached dwellings, over four units (new construction only); and two-family attached dwellings (existing construction) require conditional use approval within the R-3 zoning district.

"Conditional uses" means uses of a special nature as to make impractical their complete predetermination as a use in a district.

19.21.040 - Lot area- The minimum requirement for lot area in the R-3 zoning district is based upon a calculation per size of unit:

Type of Unit	Square Feet
Efficiency	2,000
One-bedroom	2,500
Two-bedroom	3,000
Three-bedroom and over	3,500 plus 300 additional square feet (sq ft) for each bedroom over three

Per the calculation the property is in full compliance with required lot area and maximum density.

2 bedroom units= 96

3 bedroom units= 32

$96 * 3,000 = 288,000$

$32 * 3,500 = 112,000$

Total= 400,000

Lot= 11.36 acres which is equivalent to approximately 494,800 square feet, leaving an additional 94,800 square feet.

19.21.050 - Lot width- Multifamily dwellings require one hundred feet, which the lot is in full compliance with currently.

19.21.060 - Yard requirements:

A. Front, thirty feet first floor- *Site plan in full compliance.*

B. Side, fifteen feet; corner lots twenty-five feet- *Site plan in full compliance.*

C. Rear, thirty feet- *Site plan in full compliance.*

D. Shore, seventy-five feet. All shoreland shall be in compliance with Chapter 19.46, and in addition may require DNR approval- *Not applicable to this project.*

19.21.070 - Lot coverage-

A. Three hundred fifty square feet of usable open space shall be required for each dwelling unit for structures with two or more units.

Usable Open Space. Usable open space is that part of the ground level of a zoning lot, other than in a required front or corner side yard, which is unoccupied by driveways, drive aisles, service drives, off-street parking spaces and/or loading berths and is unobstructed to the sky. This space of minimum prescribed dimension shall be available to all occupants of the building and shall be usable for greenery, drying yards, recreational space, gardening and other leisure activities normally carried on outdoors. Where and to the extent prescribed in these regulations, balconies and roof areas, designed and improved for outdoor activities, may also be considered as usable open space. The usable open space shall be planned as an assemblage or singularly designed area that maximizes the size for open space usage.

EXAMPLE: A four-unit building is required to have one thousand four hundred square feet of usable open space.

THIS DEVELOPMENT: 128 units*350= 44,800

44,800 square feet of required open space has been achieved in the included site plans.

Impervious surface requirements, and erosion control and stormwater management policies per section 16.16 and 16.18 have been reviewed by our City engineer, and firm, Strand, and are acceptable with noted comments. Please see enclosed review in your packet.

19.21.080 - Building height- Maximum building height in the R-3 district is forty-five feet, which the buildings depicted in the enclosed packet are in full compliance with.

19.21.090 - Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be recommended by the parks and recreation board and then approved by the common council.

Chapter 19.51 -Traffic, Parking, and Access- The site plan appears to be in compliance with all requirements of section 19.51 including but not limited to parking stall calculations, width, lane width, ingress, egress, landscaping buffer, landscape island requirements, and curbs and barriers.

Planner's Recommendations

1) Staff recommends the PARC **APPROVE** the Conditional Use Permit and Site Plan Review for a multifamily development located on a vacant lot on Moraine View Parkway /WPB 00044 with the following conditions:

- A. The project shall be developed in accordance with the plan of operations, and enclosed site plan. Any deviation from the approved plans shall require zoning administrator and/or Plan Commission approval.
- B. All Engineering Memo comments or conditions be addressed or included.
- C. Applicant shall provide reimbursement to the City of Whitewater, all costs incurred by the City for review of this conditional use including but not limited to engineering, legal and planning review that occurred prior to permit issuance and during the implementation of the plans and construction of the improvements.
- D. Project must begin within one year of the date of approval, or applicant will be required to re-apply for both Conditional Use and Site Plan Review.
- E. The applicant must allow any City employees, or contracted firm, or designee unlimited access to the project site at a reasonable time to investigate the project's constructions, operation, or maintenance.
- F. All exterior lighting shall be in compliance with the City of Whitewater Municipal Ordinances.
- G. Any signage shall be reviewed and approved by the Zoning Administrator.
- H. All police comments or concerns be addressed.
- I. All fire department comments or concerns be addressed.
- J. Sidewalks be added to the site for connections to Moraine Parkway.
- K. Both phases of the development shall be included in this Conditional Use Permit, unless the second phased plan deviates from the plan shown before the PARC on August 12, 2024.