

MEMORANDUM

To: City of Whitewater Plan and Architectural Review

Commission

From: Allison Schwark, Zoning

Administrator

Date: October 14, 2024

Re: Conditional Use Permit

Summary of Request	
Requested Approvals:	Conditional Use Permit for planned residential developments such as townhouses, condominiums and cluster housing.
Location:	Lot 4 Cedar Court /EV 00004
Current Land Use:	Vacant
Proposed Land Use:	2-family duplex
Current Zoning:	R-1, One Family Residence District
Proposed Zoning:	N/A
Future Land Use, Comprehensive Plan:	Higher Density Residential

History:

In 2020 a Conditional Use Permit application was filed and approved for a planned residential development in the City of Whitewater for a 6 unit multi-family development across 3 duplexes, located on the three Cedar Court vacant lots in the City of Whitewater. The development was approved with the following conditions:

I recommend the Commission grant conditional approval of the request to allow for a Conditional Use Permit for a residential development such as townhouses, condominiums and cluster housing conformance with the standards of the R-1 residence district per 19.15.030 (B)

at Tax ID# /EV 00004, /EV 00001, /EV 00002 subject to the following:

1. Currently Lot /EV 0002 has some of lot Tax ID /EV 00003 address 320 Cedar Ct parking lot located on it. There should be an easement in place or the lot line should be adjusted

a. Landscaping or fencing shall be provided and installed for parking areas located adjacent to residential in the event of alterations to the site.

2. A nonfamily household in R-1 shall be limited to three unrelated persons.

3. Urban Forestry Committee (UFC) will review and approve the landscaping plans.

4. A Knox box may be requested by the fire department.

5. Approval by Engineering, Building Inspector, Fire Inspector and other City departments.

6. Any other conditions identified by City Staff or the Plan Commission.

Unfortunately, the development was never completed, and only one eight-unit building remains on Cedar Court. The rest of the parcels remain vacant. The vacant lot on the corner of West Wildwood and Cedar Court has now sold, and the new owner is proposing to construct a side by side duplex.

Site Plan Review:

The applicant is requesting a Conditional Use Permit for Planned residential development. This includes townhouses, condominiums and cluster housing. In order to allow increasing the intensity of use, the plan commission may allow as a conditional use the following variations from the district requirements:

1. In an approved planned residential development, each dwelling structure need not have an individual lot or parcel having the requisite size and dimensions normally required in the districts. However, the size and the entire development parcel divided by the number of dwellings shall be equal to or larger than the minimum lot area for the district where the site is located;

2. The yard requirements between buildings shall be fixed by the plan commission. Building setbacks from the perimeter of the site shall comply with the front yard, rear yard and side yard requirements of the district;

3. Private streets may be approved to serve uses within the site, provided that the site proposed for PD has frontage on a public street.

The proposed site plan appears to be in full compliance with all minimum requirements.

The plan includes a side-by-side duplex with 3 bedrooms, 2 bathrooms, and an attached garage on each side. Access to the property would be provided with two driveways, both off W Wildwood Road.

Minimum yard requirements in the R-1 district are as follows:

- A. Front, twenty-five feet; not more than forty percent of the front yard may be an impervious surface except as a conditional use.
- B. Side, ten feet, corner lot, twenty-five feet;
- C. Rear, thirty feet; not more than forty percent of the rear yard may be an impervious surface except as a conditional use.

The proposed site plan appears to be in full compliance with all minimum requirements.

Additionally, the proposed site plan appears to be in compliance with all requirements of the R-1 zoning district, as well as all driveway and access standards.

Planner's Recommendations

- 1) Staff recommends that Plan Commission review the Conditional Use Permit for a duplex to be considered within an R-1 Zoning District, and determine if it meets the purpose and intent of the R-1 Zoning Ordinance.