

MEMORANDUM

To: City of Whitewater Plan and Architectural Review

Commission

From: Allison Schwark, Zoning

Administrator

Date: January 8, 2024

Re: Conditional Use Permit for Subdivision, Preliminary Plat, Final Plat, and Site Plan Review

| Summary of Request | |
|---|---|
| Requested Approvals: | Site Plan Review, CUP, Preliminary and Final Plat |
| Location: | Meadowview Court |
| Current Land Use: | Vacant Property |
| Proposed Land Use: | Zero Lot Line Townhome Duplex Development |
| Current Zoning: | R-1 |
| Proposed Zoning: | N/A |
| Future Land Use, Comprehensive Plan: | Two Family/Townhouse Residential |

Project Summary

The applicant is requesting a Conditional Use Permit for a multi-unit, zero lot line duplex development within the City of Whitewater. The development includes 38 parcels, 38 units, and 19 buildings with infrastructure already in place. Additionally, the applicant is seeking approval for the preliminary plat, final plat, and site plan review of the duplex development.

Staff Review and Comments

Conditional Use Permit

Planned residential developments such as 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.

Site Plan Review

19.15.040 - Lot area.

Minimum lot area in the R-1 district is ten thousand square feet.

- A. A nonconforming lot that does not meet the minimum lot area above may be considered as a buildable lot if it:
 - a. Meets all other standards including Section 19.60.050.
 - b. Is reviewed and approved by the city plan and architectural review commission.

Site Plan appears to be in full compliance with the following given the requirements of the CUP:

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.

19.15.050 - Lot width.

Minimum lot width in the R-1 district is eighty feet.

Site Plan appears to be in full compliance with the following given the requirements of the CUP:

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. Applicant is proposing lot widths between 21.71-77.34 feet.

19.15.060 - Yard requirements.

Minimum yard requirements for the R-1 district are:

- 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.

Site Plan appears to be in full compliance with the following given the requirements of the CUP:

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. The applicant is requesting zero lot line development in order to divide each duplex and sell the parcels individually. Each building setback will be in full compliance with setback requirements, however there will be a lot line to divide the two living quarters.

19.15.070 - Lot coverage.

- A. Maximum lot coverage (principal and accessory structures) in the R-1 district is thirty percent.

Site Plan appears to be in full compliance with the following.

19.15.080 - Building height.

Maximum building height in the R-1 district is two and one-half stories or thirty-five feet.

Site Plan appears to be in full compliance with the following.

Preliminary Plat

18.04.042 - Procedure—Preliminary plat.

Plan Commission Action: The city plan commission, within sixty days of the date of filing of preliminary plat with the secretary of the plan commission, shall approve, approve conditionally or reject such plat. In the case of rejection, the plan commission shall list reasons for rejection. The time period within which plan commission action is required shall not commence until the city has received all maps, plans, drawings, and related data necessary for review of the latest version of the preliminary plat. Failure of the city plan commission to act within sixty days shall constitute approval, except where such timeframe is extended by written agreement of the subdivider. After plan commission action, the plan commission secretary shall return one copy of the plat to the subdivider with the date and action endorsed thereon, along with a letter setting forth the conditions of approval or the reasons for rejection. One copy each of the plat and letter shall be placed in the city plan commission's permanent file.

Effect of Preliminary Plat Approval: Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within twelve months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in Wisconsin Statutes, Section 236.11(1)(b), the final plat shall be entitled to approval with respect to such layout. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the city plan commission and city council at the time of its submission.

Existing Conditions.

- A. Contours at verticals of not more than one foot for a slope less than five percent and two feet for a slope of five percent or more.

- B. A scaled drawing of the exterior boundaries of the proposed subdivision referenced to a corner established by the U.S. Public Land Survey, and the total acreage encompassed thereby.
- C. Location of existing property lines, buildings, drives, streams and watercourses, dry runs, lakes, marshes, wetlands, floodplains, shoreland zoning areas, rock outcrops, wooded areas (including individual trees with a diameter at breast height of six inches or more), environmental corridors, and other similar significant features within the parcel being subdivided.
- D. Location, right-of-way width and names of any easements or rights-of-way for existing streets, alleys or other public ways, railroads and utilities within or adjacent to the proposed subdivision.
- E. Type, width and elevation of any adjacent existing street pavements, together with any legally established centerline elevations for streets located outside the city limits.
- F. Water elevations of adjoining lakes, streams or drainageways at the date of the survey, and known or determined high and low water elevations and boundaries of the one-hundred-year floodfringe, floodway, and/or general floodplain.
- G. Subsurface soil, rock and water conditions including depth to bedrock and average depth to ground water table. A ten foot deep soil sample shall be required at the center of each building lot and a fifteen foot deep soil sample shall be provided in the street in front of each lot.
- H. Location, size and invert elevation of any existing sanitary and storm sewers, culverts or drain pipes and the location and size of any existing water and gas mains on or adjacent to the plat and proposed for use in the development. If sewers and water mains are not present on or adjacent to the preliminary plat, the distance to the size of those nearest and the invert elevations of sewers shall be indicated.
- I. Location and names of adjacent subdivisions, parks and cemeteries.
- J. Existing land use and zoning adjacent to or within three hundred feet of the proposed subdivision.

Proposed Conditions.

- A. Location, width, and names of all proposed streets and walkways.
- B. Layout and scale dimensions of all lots and proposed lot and block numbers.
- C. Draft of proposed covenants (if any) to be imposed related to compliance with this chapter.
- D. Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, greenways or other public uses or which are to be used for shopping centers, church sites or other non-public uses.
- E. Plans showing the proposed locations for streets, walkways, drainageways and public easements, including planned future extensions for reasonable distance beyond the limits of the proposed subdivision when requested.
- F. Final engineering design plans, approved by the director of public works prior to approval of the preliminary plat. In the event the director of public works waives or postpones this requirement, the city shall require a statement from a licensed engineer representing the project which certifies that the technical requirements of this chapter will be met when final engineering design plans (including plans and profiles for public improvements (e.g., city sanitary sewer and water) and grading erosion control and stormwater management plans) are submitted.
- G. A surface water drainage plan for the plat. The plan shall indicate but not be limited to the following: elevation of streets, existing and proposed topography, proposed drainage swales, proposed yard swales, proposed finished first floor elevation ranges, and indications of the direction of drainage.
- H. Arrows to indicate the direction of drainage swales required for intra-block drainage and the following note: "Arrows indicate direction of drainage swale construction during grading and said swales shall be maintained by the lot owner unless modified with approval of the city's director of

public works."

I. A minimum ten-foot wide drainage easement (five feet on each side of the property line) shown along all joint property lines on the plat. Such easement shall be designated as a stormwater drainage easement and shall conform to the drainage plan.

J. Where a subdivider's subsoil investigation indicates potential for groundwater less than ten feet from the proposed street center line elevation, the subdivider shall so note on the face of the plat and indicate the lots affected.

K. After consultation with the city forester, proposed street tree type, location, and size.

Final Plat

18.04.044 - Procedure—Final plat.

Review by Agencies: The plan commission secretary shall transmit an adequate number of copies to the city plan commission; and copies to all affected city boards, commissions or departments, for their review and recommendations concerning matters within their jurisdiction. For the final plat, the subdivider shall be responsible for making all written requests for approval and findings of no objections of the final plat to the State of Wisconsin, in accordance with Section 236.12, Wisconsin Statutes, unless exempted by other sections of Chapter 236. (4) **Plan Commission Recommendation. The plan commission shall recommend approval, denial or approval with conditions, and transmit that recommendation to the city council.**

Final Plat Requirements: The final plat shall meet all technical requirements of Chapter 236, Wisconsin Statutes. In addition, the city shall require the subdivider furnish the following information with respect to the approved, recorded version of the final plat:

A duplicate reproducible copy of the approved and recorded plat on dimensionally stable polyester film (mylar), a digital format to be determined by the director of public works, and eleven folded baseline copies.

Recording of Final Plat. The surveyor shall record a copy of the approved final plat with the appropriate register of deeds, but only after certificates of city council, surveyor, owner, and other certificates required by Section 236.21, Wisconsin Statutes are placed on the face of the plat.

Planner's Recommendations

- 1) Staff recommends that Plan Commission **APPROVE** the Conditional Use Permit and Site Plan with the following conditions:
 - a) The applicant is responsible for planning, design, and implementation of the grading plan for the site. The City of Whitewater shall not be held responsible for any deficiency in the grading plan.
 - b) The project shall be developed in accordance with the approved site plan, architecture, and landscape plan. Any deviation from the approved plans shall require zoning administrator and/or Plan Commission approval.
 - c) All units shall meet building code requirements, and all requirements of the department of public works.

d) Any conditions stipulated by the PARC.

2) Staff recommends that Plan Commission **APPROVE** the Preliminary Plat and Final Plat with the following conditions:

- a) Location, width, and names of all proposed streets and walkways are listed.
- b) Plat shows layout and scale dimensions of all lots and proposed lot and block numbers.
- c) Plans show the proposed locations for streets, walkways, drainageways and public easements, including planned future extensions for reasonable distance beyond the limits of the proposed subdivision when requested.
- d) Final engineering design plans, approved by the director of public works prior to approval of the preliminary plat. In the event the director of public works waives or postpones this requirement, the city shall require a statement from a licensed engineer representing the project which certifies that the technical requirements of this chapter will be met when final engineering design plans (including plans and profiles for public improvements (e.g., city sanitary sewer and water) and grading erosion control and stormwater management plans) are submitted.
- e) A surface water drainage plan for the plat shall be provided. The plan shall indicate but not be limited to the following: elevation of streets, existing and proposed topography, proposed drainage swales, proposed yard swales, proposed finished first floor elevation ranges, and indications of the direction of drainage.
- f) A surface water drainage plan for the plat. The plan shall indicate but not be limited to the following: elevation of streets, existing and proposed topography, proposed drainage swales, proposed yard swales, proposed finished first floor elevation ranges, and indications of the direction of drainage.
- g) Arrows to indicate the direction of drainage swales required for intra-block drainage and the following note shall be shown: "Arrows indicate direction of drainage swale construction during grading and said swales shall be maintained by the lot owner unless modified with approval of the city's director of public works."
- h) A minimum ten-foot wide drainage easement (five feet on each side of the property line) shown along all joint property lines on the plat. Such easement shall be designated as a stormwater drainage easement and shall conform to the drainage plan.
- i) The surveyor shall record a copy of the approved final plat with the appropriate register of deeds, but only after certificates of city council, surveyor, owner, and other certificates required by Section 236.21, Wisconsin Statutes are placed on the face of the plat.

**Site Plan Review for: Mound Meadows Subdivision
Development**

Plan Review Standards per Section 1919.63.100:

| 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 | Yes | The proposed use is surrounded by residential uses. |
| 2. The proposed development will be consistent with the adopted city comprehensive plan | Yes | Comp plan shows area marked for Two Family/Townhouse Residential |
| 3. The proposed development will be compatible with and preserve the important natural features of the site | Yes | Site contains little in the way of natural features. |
| 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 is consistent with the Comprehensive Plan. |
| 5. The proposed development will not create traffic circulation or parking problems | No | The project is consistent with the use requirements of the R-1 District, |

| | | |
|---|-----|--|
| 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 development 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. |