

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
JOINT MEETING WITH CITY COUNCIL
Whitewater Municipal Building Community Room
March 16, 2009

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL
ACTIONS OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION**

PRESENT:

City Council: Allen, Taylor, Nosek (arrived 6:10 p.m.), Binnie, Singer, Kienbaum, Stewart.

Plan Commission:

Zaballos, Kienbaum, Dalee, Stone, Torres, Comfort, Hartmann. **ABSENT:** Coburn, Miller.

OTHERS: Wallace McDonnell/City Attorney, Mark Roffers/City Planner, Chris

Landerud/Vandewalle and Associates, Bruce Parker/Zoning Administrator, Wegner/Secretary.

HEARING OF CITIZEN COMMENTS. This is a time in the agenda where citizens can voice their concerns. They are given three minutes to talk. No formal Plan Commission Action will be taken during this meeting although issues raised may become a part of a future agenda. Items on the agenda may not be discussed at this time.

There were no concerns at this time.

REPORTS:

a. Report from Community Development Authority Representative. No report.

b. Report from Tree Commission Representative. The Tree Commission meets Thursday, March 19, 2009 at 4:00 p.m.

c. Report from Park and Recreation Board Representative. David Stone reported that the Park and Recreation Board was discussing the designs for a shelter that would replace the beach house at Trippe Lake.

d. Report from City Council Representative. Marilyn Kienbaum reported that the City Council has declared a hiring freeze for the City with the exception of a police officer. The City Council will be meeting Tuesday, March 17, 2009 at 6:30 p.m.

e. Report from the Downtown Whitewater Inc. Board Representative. Tami Brodnicki, Executive Director of Downtown Whitewater Inc. reported they have been working on the sign ordinance and will have it to the Plan Commission next month. They have five façade grant proposals; and their award meeting will be April 9th.

f. Report from staff. Bruce Parker, Zoning Administrator, explained that the two trees that were removed by McDonalds will be replaced with 2 inch honey locust trees by June 1st.

g. Report from chair. No report.

JOINT ITEM WITH CITY COUNCIL FOR CONTINUATION OF THE DISCUSSION OF NEIGHBORHOOD PRESERVATION STRATEGIES. Chairperson Zaballos explained that Chris Welch, who was present at the meeting, from the Jefferson Daily Union has written articles on the Whitewater Housing Zoning Ordinance issues, which provided useful information on neighborhood issues. It was also noted that the League of Women Voters was having a forum with a panel on the issue of zoning and housing on Thursday at 7:00 p.m. at City Hall.

City Planner Mark Roffers started off the discussion by referencing his memo of March 11, 2009 in which he put together a series of potential solutions to preserving neighborhoods. The strategy that is decided, could become an important component of the City Master Plan. He explained there are options such as regulatory approaches or incentive based approaches. As a condition of the amendments to the Central Area Plan, the City was to look at the issue of preserving neighborhoods, with potential approaches or strategies. Mark went through the ideas and possible solutions they had compiled.

1. Define and limit rezonings in “Neighborhood Preservation Areas.” Through public input and research on the conditions in various neighborhoods in the City, the City could designate certain neighborhoods in the City that have a solid single family, owner-occupied housing base as “Neighborhood Preservation Areas.” These designations could be shared with the community for an educational value, and serve as a basis for many of the other approaches for consideration that are listed below.
2. Help convert two-family or multi-family buildings back to single-family homes. Encourage the conversion of homes in “Neighborhood Preservation Areas” that are being used as two-family or multi-family residences back to single-family homes.
3. Offer home buyer assistance. Sponsor or collaborate on low-interest loans and/or down-payment assistance for first-time home buyers to buy and rehabilitate homes in “Neighborhood Preservation Areas” or possibly elsewhere.
4. Encourage conversion of renter-occupied homes to owner-occupancy. Within Neighborhood Preservation Areas, provide incentives for homes formerly being used for rental housing to be upgraded and sold for owner occupancy.
5. Encourage rental properties in designated “Neighborhood Preservation Areas” to be rented to families, or non-student residents. This could potentially also be linked with property owner requested rezonings (to R-3) of properties in other parts of the City.
6. Limit residential density and household size increases in “Neighborhood Preservation Areas.” This could focus on not entertaining “upzoning” of these areas to R-3 or conversions of single family units to duplexes or multiple family units.
7. Consider down-zoning of certain neighborhoods. There are one or two predominately single-family, owner-occupied neighborhoods in the City that nevertheless have been zoned R-3 for a number of years. One approach may be to analyze such areas and consider rezoning all or parts of them to R-1 or R-2, for example. Another approach may be to limit the number of unrelated persons in non-family households to three in R-3 zoned lands that are also in designated “Neighborhood Preservation Areas.”
8. Invest in neighborhood improvements. Improvements in infrastructure, lighting, landscaping/street trees, signage, parks, and trails can help elevate the appearance of a neighborhood, lead to additional private investments in housing, and make the neighborhood more attractive for home owners and buyers.
9. Encourage the establishment of new neighborhood associations and promote the activities of existing associations. The City currently has one neighborhood association called the Historic Starin Park Neighborhood Association (area bounded by Prairie, Main, Fremont and Starin Road) and a second association is in the process of forming for the South Campus Neighborhood (area roughly bounded by Walworth, Janesville, Prairie and Main Streets). Neighborhood associations can strengthen communication between the City and the residents of a neighborhood, increasing the likelihood that issues will be raised and addressed in an organized and effective manner. Neighborhood associations can

also bring residents together to resolve problems, ensure that a higher level of attention is paid to each individual neighborhood in the City, and generally result in better managed and maintained neighborhoods.

10. Work to reduce student housing demand in (significantly) off-campus areas. This approach would likely involve close collaboration with UW-Whitewater, and may involve upgrading and increasing on-campus and near-campus housing. Techniques like significantly increasing the cost and availability of on-campus student parking may also discourage cross-town living of students.
11. Consider various approaches to upgrade homes to make them neighborhood friendly. Encourage aesthetic improvements to homes, or stricter maintenance of homes, through a variety of approaches, regardless of who lives in them. Ideas may include assigning an even higher priority to code enforcement (particularly in Neighborhood Preservation Areas), prohibiting the placement of certain types of furniture intended for indoor use (e.g., couches) outside the house, limiting the conversions of garages to living spaces, or limiting the conversion of backyard spaces for large parking lots or significant building expansions.
12. Modify residential bulk standards to ensure that tear-downs or home additions are consistent with the size and character of the surrounding neighborhood. The City could revise or create bulk standards (e.g., height, setbacks, floor area, lot coverage, or even building volume) for some or all residential zoning districts to ensure that homes that are expanded or rebuilt within existing neighborhoods are not considerably larger than other surrounding homes. A related approach may also involve placing limits on backyard parking lots in certain neighborhoods.
13. Develop a zoning approach to regulate building additions. Additions in which the owner intends to add rooms and spaces that could significantly transform the function of a single-family home, such as installing a second kitchen and/or adding on several more bedrooms, could be more closely regulated. Approaches may include requiring a conditional use permit for certain types of additions or more clearly defining what constitutes a “single-family home” or not.
14. More clearly and obviously present the City’s current non-family household limits in the zoning ordinance. The City’s regulations regarding the maximum size of non-family households (no more than 3 persons in R-1 and R-2 and no more than 5 persons in R-3) are currently located in a somewhat difficult to find section of the zoning ordinance, which means that many property owners may not even be aware of these regulations. This may increase enforcement challenges. Moving or repeating these standards in residential district regulations section of the code could be one strategy for achieving better awareness of these requirements.
15. Distribute notices to the owners of all rental properties in the City reminding them of the City’s requirements on the maximum size of non-family households. The City recently enacted a rental property registration ordinance, which means that the City now has an up-to-date database of all rental properties in Whitewater. Using this list, the City could send a notice to all owners of rental properties reminding them of the regulations governing the maximum size of non-family households in the various residential zoning districts. As mentioned above, ensuring that property owners are aware of these rules may help cut down on enforcement issues.
16. Consider reductions in the number of unrelated people allowed per unit. The City currently allows up to three unrelated individuals to occupy a dwelling unit in the R-1 and R-2 districts, and up to five unrelated individuals to occupy a dwelling unit in the R-3 district. The City could consider reducing these numbers either city-wide, within certain zoning districts, or within certain neighborhoods (Neighborhood Preservation Areas).

No formal action was required at the meeting, but they did want Plan Commission and City Council’s thoughts on what strategies should be researched and pursued further. They have requested that the survey they have provided be filled out and submitted to provide information to allow them to focus on researching approaches that appear to have initial support for possible inclusion in an overall strategy. They requested that the surveys be submitted by April 30, 2009.

Jan Bilgen-Craggs, 178 N. Park Street, explained that the City has initiated activities to inform residents of the regulations (#15). She also stated that the Campus Community Committee is a

broad range of residents who get information out to neighborhoods. They will be holding their next meeting on April 3, 2009.

Richard Ehrenberg, 505 E. Clay Street, stated that he rented an apartment in his home, upstairs, and also 1 room to a student. He suggested adding a #17, that any single family home not be allowed to become student housing, but to allow for it to be an owner occupied rental. Promote owner occupied rentals to students. Limit residential homes with students living in them to be owner occupied.

Roy Nosek, 210 N. Park Street, expressed his gratification by the earnestness and ingenuity of the consultants. He determined that 12 of 16 items had already been discussed by the Ad Hoc Housing Committee. #17 was a good one. He also received two more items to be added to the list. Nosek felt that all 19 items were viable and could all be implemented. He requested that the March 31st deadline on the survey be extended at least 30 days. They have a neighborhood association meeting on April 9th and would like the time to work through them. He felt that this has been in the making for 30 to 35 years and needs time to evolve. #17 owner occupied rental is a potential solution to help move this along.

Max Taylor, 1222 W. Salisbury Lane, 2nd District Representative of the Whitewater City Council, felt that single family residences are important, but students should not be punished. Parking should not be taken away on Campus, there are already parking problems on campus. #5 and #7 should be redone, but the others are good and could help.

Bob Freiermuth, landlord for 20 years, stated that there is no portion of the population he cannot rent to. Rentals are not destroying neighborhoods. Freiermuth stated that the problem has to be isolated, and then direct action toward the problem.

Marilyn Kienbaum, City Council member and Plan Commission member, stated that #5 can't discriminate; and #8 where are the dollars coming from. The Bluff Road apartments were not going to rent to students when they were built. They had a lot of vacancies. If you take students out of all housing, it would create a bad situation.

City Council President Patrick Singer asked about the legality of requiring that an owner limit renters. Items #9 and #15 have already been started and at a very low cost. Neighbors are talking to neighbors.

City Attorney McDonell stated that this is very preliminary. There are serious legal questions and fiscal issues (funding) which are possible routes to be investigated. The City has to be careful of fair housing laws and property rights. There will be certain limitations as to how much restriction there can be. The strategy for neighborhood preservation will dovetail with the comprehensive plan to be complete by the end of the year.

Donna Henry, President of the Rental Association, has lived in Whitewater a long time. There was a time when students rented rooms in houses. They didn't have cars or the dollars to do a lot of things. Her main concern is that it sounds mighty unfriendly. The university brings a lot to Whitewater. There is the proposed Technology Park/ town and gown relationship. The college brings money and culture to Whitewater. Some of the items can be worked out and some are helpful. Donna felt that choosing the neighborhoods to preserve could cause hard feelings. She suggested when the neighborhood groups are selected, everyone should be included and made to

feel welcome. The tone of the whole issue bothers her. She is also concerned about the legalities.

Terry Race, resident of the corner of Starin and Esterly Ave., stated that this is a density issue, not a student issue. The issue is with enforcement, and the unwillingness of the City to enforce. The City has no way of identifying complaints. Until there is an item on the list which tells how to have an effective enforcement system, the list is no good.

The Board voiced that: they appreciated the City Planner compiling the list and the Citizen comments; is interested in a neighborhood association; and #11 is already in effect (household furniture is not allowed outside); it is important to have the university here; and keeping residents informed of City ordinance requirements would help.

Chairperson Zaballos said that about a year ago, Tratt Street was upzoned. Some areas move to greater density on their own. Rezoning is difficult. What is involved and where is downzoning successful?

City Planner Mark Roffers explained that downzoning is difficult. There is need for a lot of public information. Communities have been successful through the planning process, having a basis and backing for recommendations such as a comprehensive plan. Where things don't align, rezoning could be considered. Some communities review their comprehensive plan yearly, including Baraboo, Cudahy, and Beloit. In order to consider downzoning, there must be a basis, backing, why and what implications would be. Zoning and political processes would be used. Mark decided the time frame to submit the survey/questionnaire would be extended to April 30th.

City Manager Kevin Brunner asked everyone to keep in mind that this is part of the comprehensive planning process in which the City has nine months to complete.

City Council Members Taylor and Allen moved to adjourn the Joint meeting with City Council at 7:05 p.m. Motion approved by unanimous voice vote.

MINUTES. Moved by Comfort and Stone to approve the minutes of February 23, 2009. Motion approved by unanimous roll call vote. Moved by Kienbaum and Comfort to approve the minutes of June 16, 2008 with a couple minor corrections. Motion approved by unanimous roll call vote. Moved by Torres and Hartmann to approve the minutes of May 19, 2008 with a few minor corrections. Motion approved by unanimous roll call vote. Moved by Stone and Torres to approve the minutes of April 28, 2008 with a couple minor corrections. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR THE ADOPTION, BY RESOLUTION, OF THE SOUTH WHITEWATER NEIGHBORHOOD DEVELOPMENT PLAN AS PART OF THE CITY OF WHITEWATER MASTER PLAN. Chairperson Zaballos opened the public hearing for consideration of the adoption, by resolution, of the South Whitewater Neighborhood Development Plan as part of the City of Whitewater Master Plan.

City Planner Mark Roffers explained that last July they presented the preliminary version of the map and received a lot of public comment. As directed by the Plan Commission, the City has continued with communication with the Township in enhancing the Plan to work with the Township Master Plan. They have prepared the plan document with the goal of better coordination with the Town. The Town and the City are very close in alignment. They have worked on the text that describes the plan.

Chris Landerud explained that there have been three general updates; the text version of the plan map; the plan map was updated; and meetings with the Town to review of the map and plans. The items they have been looking at are the land uses south of the bypass, key access points, potential park plans, school locations, and changes to allow more flexibility. The U.W. Technology Park has three options for road alignments. There is abundant land use as agricultural preservation. The urban service has been adjusted to meet the Town plan. The City Staff reviewed the plan in January. The proposed plan has been at the Library and on the City Web Site for 6 weeks.

City Planner Mark Roffers explained that turquoise area on the map is the potential future tech park. To the west of that would be either tech park or commercial. The land near Walworth and the bypass would also be tech park or commercial and Taylor Road into Hwy. 59 would also be tech park or commercial. The plan provides flexibility. The plans can be changed, but they should be visionary. The process from here: this could potentially be the final public hearing, in which case the Plan Commission would adopt the plan as a part of the City of Whitewater Master Plan by resolution; it would go to the City Council for certification and would then become a part of the comprehensive plan for the City of Whitewater.

Ron Fero, Town of Whitewater Chairperson, has worked with the City. There are some subtle differences in the plans. The Town is doing what the landowners want. They object to moving Taylor Road- as long as it is in the Township. He felt the Township and the City were 90 % in agreement. He also stated that the Township would like the 1 ½ mile line around the city limits put on the map so the Town knows when they need to get City approvals. He also announced that the Town will be having an open house on March 28 from 10 a.m. to 12 p.m. at the Town Hall to review the plan. His main suggestion to the City is to listen to those who own the land.

John Hoffmann, along with his brother Tom, are primary land owners in the South Whitewater Neighborhood Development Plan. John told the history of the property; the many changes of uses for his property. They have grave concerns of the planning and labeling of their land. They have been told that the plan is just a guideline, general ideas for City progress in the future. When this plan is rolled over into the comprehensive plan, it is no longer a guideline. It becomes the rule. For example, the technology park designation. The City, the University and the Property Owners are involved. There is one potential buyer and one use. If it does not happen, the restrictions make the property unmarketable. John Hoffmann requested the following changes to the proposed plan. All of the land (approximately 200 acres) south of the bypass would be designated as follows “a combination of tech park or commercial, tech park or planned mixed use, business park, and community commercial” with the environmental corridor being eliminated from the Plan and the planned mixed use modified as to not resemble a small village. All land (approximately 67 acres) between east of Indian Mounds Parkway, Walworth Avenue, the high school, and the bypass, be designated a “combination of single family and mixed residential”. All land (approximately 34 acres) between west of Indian Mound Parkway, Walworth Ave., and north of the bypass be designated “Community Commercial”. John Hoffman requested that this draft form of the South Whitewater Neighborhood Plan not be adopted.

Mitch Simon explained that when DOT made their land acquisition from the northwest quadrant piece for the bypass, they imposed an access restriction which required new streets to be 200 to 250 feet away from the bypass intersection with Walworth Ave./Hwy. N.

City Planner Mark Roffers explained that this plan will not be folded verbatim into the comprehensive plan. What goes into the comprehensive plan has not been decided at all. The Smart Growth State Law requires that in 2010, all development needs to be consistent with the plan. It doesn't sub plan the zoning ordinances. Trained community planners consider a lot of things including general assessment, market conditions, the land assessment, and surrounding neighborhoods. The more current plan takes precedence. Future land use, such as the tech park is a vision for the area. All tech parks are not all city or university owned. Some are privately owned and managed. The designation of "Planned Mixed Use" provides more flexibility. It is not the same as a traditional neighborhood. It would include commercial and offices, no requirement for public transit service. There would be more pedestrian travel, but no loss of vehicles. Mark Roffers stated that as a value judgment, he would be supportive of changing the designation of the area "environmental corridor". The proposed road to the west of Indian Mound Parkway was put on the map to try to secure an access in.

Neil Frauenfelder, Senior Planner for Walworth County Land Use and Resource Management Department, explained that 13 towns have joined in the County wide plan to meet the State Smart Growth requirement. He said the most important thing is to get public input. It is a community plan. Involving the community will insure good implementation of the plan. The City and Town plans are about 90% in agreement. He hopes they continue to work together to refine other areas. In regard to the urban reserve south of the City of Whitewater, the Town would consider hooking up to City sewer and water utilities without annexation. Neil also suggested that their could be amendments to the plan by an annual amendment process. As far as the environmental corridor designation, the Southeast Wisconsin Regional Planning Commission determines the environmental corridors. The City could have a field investigation done to determine the resource value which would determine whether it is an environmental corridor or not.

Terry Race, a member of the Town Board, explained that it is very important to have a boundary agreement between the City and the Town. It would determine which types of parcels are annexed and the zoning for the future. The City and the Town would have the same expectations for properties. He recommended to the City to continue to work toward having a boundary agreement. The objective is in the plan (page 11). Chairperson Zaballos stressed that a boundary agreement is a matter between the City Council and the Town Board.

Mitch Simon still had concerns about the flexibility of the comprehensive plan. He doesn't want the language in the text to get too specific that it does not allow any flexibility. If the land is designated to one use, it will not happen.

Ron Fero, Town Chairperson, stated that they would be putting in a 6 month clause, that if a proposed amendment to the comprehensive plan would be of benefit to the Town or the community, the comprehensive plan could be opened up for possible amendment in less than one years time.

City Planner Mark Roffers explained that the Southwest Neighborhood Development Plan is not Smart Growth Comprehensive Plan. The Smart Growth Comprehensive Plan must be written clearly and with less detail so as not to have development boxed in. The City can write an annual review into the plan with the ability to open up more often if there is a clear benefit to the community. The Smart Growth Comprehensive Plan will generalize from the specifics of the Neighborhood Plans. The Comprehensive Plan will not go into as much detail as the Neighborhood Plans unless the Plan Commission wants it to.

Mitch Simon stated that the South Whitewater Neighborhood Development Plan and the other Master Plan documents will continue to exist after the adoption of the Comprehensive Plan. He asked the Plan Commission to not adopt the plan until the issues are looked at and changes made.

Chairperson Zaballos closed the public hearing.

Zoning Administrator Bruce Parker explained that SEWRPC had been scheduled to do a wetland delineation on the Hoffmann property late last fall, but due to the weather their visit was held over until this spring. "Report 94" has the area as a secondary environmental corridor.

City Planner Mark Roffers stated he would support re-designation of the tech park area to "tech park or mixed use". He would also support the removal of the graphic for mixed use centers barring autos. In the area southwest of Walworth Ave. and Indian Mound Parkway he would agree to allow a mixture of housing (single family to multi-family) without designation of where each would be located. The north/south road on the east side allows for lot depth by the high school property. Remove the access off Walworth Ave. west of Indian Mound Parkway. Mark Roffers would also agree to change the purple area (two lots closest to Indian Mound Parkway) to Community Business so that you don't drive through residential area to get to commercial, with more commercial toward Indian Mound Parkway.

Moved by Comfort and Kienbaum to postpone deciding on the plan until the next meeting to take care of the concerns presented. It will be a public hearing. Per the City Attorney, a Class 1 notice will be published. Motion approved by unanimous roll call vote.

City Manager Kevin Brunner, as a member of the Tech Park Board, stated that this corridor is important and this item should be postponed to a date certain.

The next meeting will be April 20, 2009.

PUBLIC HEARING FOR CONSIDERATION ON ADOPTION OF A FLOOD PLAIN ORDINANCE FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT AND INFORMATION TO ASSIST THE PLAN COMMISSION AND THE CITY COUNCIL IN DETERMINING WHETHER OR NOT TO ADOPT A NEW FLOOD PLAIN ZONING ORDINANCE FOR THE CITY OF WHITEWATER. Chairperson Zaballos opened the public hearing for consideration on the adoption of a flood plain ordinance for the purpose of receiving public comment and information to assist the Plan Commission and the City Council in determining whether or not to adopt a new flood plain zoning ordinance for the City of Whitewater.

City Attorney McDonell explained that this ordinance repeals the existing ordinance and enacts a new ordinance. FEMA and DNR instituted new regulations for Zoning and Flood Plain areas. The background on this is that a person when buying a house, in order to get a mortgage if it is in a flood sensitive area, he will be required to have FEMA Insurance. If the City does not adopt a Flood Plain Ordinance by June 2, 2009, everyone in the community would not be able to have FEMA Insurance. The ordinance will regulate areas that are flood sensitive areas as far as uses, prohibited uses, non-conforming uses etc. It is a hybrid of the Zoning Ordinance with heavy regulations by the Federal Government and the State of Wisconsin. It will help Whitewater avoid situations such as Lake Delton.

City Manager Kevin Brunner explained that the City of Whitewater has received the new maps for the Jefferson County portion of the City. This ordinance will include the new Jefferson

County maps and the old Walworth County flood plain maps. When the new Walworth County maps are received, the ordinance will be brought back to the plan commission for a public hearing to amend the ordinance for the new maps. This will be done at a later date. The City did have input into the process. The City Staff would like to expedite the process and request the Plan Commission approve the Flood Plain Zoning Ordinance.

Attorney McDonell stated that the Walworth County maps will be done this year and at that time, the dam analysis will also come to the Plan Commission.

Moved by Stone and Torres to recommend to the City Council to approve the Flood Plain Ordinance. (There will be another public hearing to amend the ordinance when the Walworth County portion of the new mapping is completed.) Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR A CONDITIONAL USE PERMIT APPLICATION FOR A PROPOSED NEW BUILDING (MORE THAN ONE BUILDING ON A LOT) AND TO REDUCE THE SETBACK OF 15' ALONG THE RAILROAD RIGHT OF WAY, TO BE LOCATED AT 624 E. MILWAUKEE STREET FOR FRAWLEY OIL COMPANY (MIKE FRAWLEY). Chairperson Zaballos opened the public hearing for consideration of a conditional use permit application for a proposed new building (more than one building on a lot) and to reduce the setback of 15' along the railroad right of way, to be located at 624 E. Milwaukee Street for Frawley Oil Company (Mike Frawley).

Zoning Administrator Bruce Parker explained that there was a minor correction to the agenda item. They do not need to reduce the building setback to the railroad tracks as they have the required 30 feet. The new complex will house the office and some of the outside tank storage. City Staff and the Consulting Engineer are working on the stormwater for the west side area. There will be brick on the front entrance area with columns on the back to balance the building.

Mike Frawley, owner, and Steve Knudsen, engineer, were present to explain and answer any questions. Mike Frawley explained that his sons, Brian and Phillip, would be taking over the business. The new building will house the offices and the lubricant business. The building will have enough square footage for the business to grow. Mike Frawley gave a little history of the business and the existing building. The existing building will be torn down. The ABF trucking company closed their facility in Whitewater and will no longer need the parking space. The new building will leave very little room for transient truck parking. They have had 7 or 8 large company trucks park there waiting to fill appointments at the business park. No one has parked for an extended term.

Richard Ehrenberg, 505 E. Clay Street, stated that the building was a nice improvement. He was concerned that there was no mention of the removal of two terrace trees in the area where the west driveway entrance is to be located. The large tree near the west entrance is being protected. Ehrenberg requested that they not have the west drive in order to preserve the roots of the big tree. He was also concerned of the shrubbery between the sidewalk and the parking being too big for the space and that when trimmed, they would be trimmed too small. He suggested putting in flowering prairie plants, keeping the clusters of arborvitae. The snow will not hurt the prairie plants. Ehrenberg also suggested that sumac (shrub) be put in the long span in front of the building where grass is proposed. It would add green color to the front of the building.

Tiu Gray-Fow, S. Ridge Street, suggested that, because the building is 24 feet to the eave and the terrace area has power lines, they put a couple fairly tall trees in the landscape area (maple or oak trees). She was also concerned about the noise of the trucks.

Mike Frawley explained that two box elder trees will be removed, one is dying. They will be putting some more hardy plantings behind the building and south of the railroad tracks. There will be loading and unloading of Class B liquids to and from bulk trucks at the loading docks behind the building. The loading of package goods will be at the front docks. He also explained that there will be must less trucks and noise coming from this property. Some of the trucks will idle behind the building. They will be accepting loads two times per week.

Chairperson Zaballos closed the public hearing.

Mike Frawley explained that in order to get the landscaping points value into the plan, he had talked with City Staff and explained that they made a compromise. He would be purchasing trees to put in the E. Main Street yard. There are two existing 150 point trees on the property.

Zoning Administrator Bruce Parker explained that the trees will be placed between E. Main Street and the Railroad right-of-way. Ten trees would cover the space of the project, one every 35 feet.

City Planner Mark Roffers stated he would agree with perennial plantings, one tree on the east side of the project, sumac along the building and the small condenser for air conditioning. Mark Roffers stated it was a great project.

The Board voiced that they liked the project, uniform and looked good, and that the lighting should stay as it was proposed.

Mike Frawley explained that they have 12 lubricant tanks, 6 inside and 6 outside. They have three more gasoline and diesel tanks and will be adding one more petroleum tank.

City Planner Mark Roffers went through his recommendations with the proposed changes as follows.

1. The site shall be developed in accordance with the plans submitted for the March 16, 2009 Plan and Architectural Review Commission meeting, including the Site Plan (sheet C1.1) dated 2/17/09; Landscape Plan (sheet C1.7) dated 3/10/09; South, East, North, and West Elevations (sheet A2.0) dated 3/10/09; Floor Plan (sheet A1.1) dated 2/17/09; Site Plan-Point by Point (sheet PXP) dated 2/17/09, Existing Site and Demolition Plan (sheet C1.0) dated 2/17/09; Grading and Erosion Control Plan (sheet C1.2) dated 2/17/09; Water, Sanitary, and Light Pole Location Plan (sheet C1.3) dated 2/17/09; Storm Sewer Plan (sheet C1.8) dated 2/17/09; Dumpster Plan (sheet A2.1) dated 2/17/09; except as alterations to these plans are required to meet the conditions that follow.
2. Prior to the issuance of a building permit, the applicant shall revise and resubmit the landscaping plan to show 10 large deciduous trees along the south side of the East Main Street frontage, spaced every 35 feet, and of a species and size that is approved by the City Forester and that provides some screening of the building from Main Street in accordance with the landscaping plan dated 3/16/09, landscaping south of the foundation of the building, in general accordance with the landscaping plan dated 2/17/09 and the sumac concept presented at the Planning and Zoning Commission meeting; and landscaping south of the parking lot would be converted at least in part to perennial plantings. One of the deciduous trees east of the building will be converted to oak, red maple or similar canopy tree.
3. Prior to the issuance of a building permit, the applicant shall revise and resubmit the buildings elevations to show a wider vertical band at the southwest corner of the building, wrapping around to both the south and west building facades, along with wall-mounted lighting on each of the brick pillars on the southern façade.
4. Prior to the issuance of a building permit, the applicant shall revise the site plan to show a solid fence south of the loading area on the east side of the building, instead of and same height as the metal guard rail, shall indicate the closure and removal of all driveway openings no longer required on East Milwaukee Street, and shall make other adjustments as are necessary to meet other conditions of approval.
5. Prior to the issuance of a building permit, the City's engineering consultant shall review and approve the Water, Sanitary, and Light Pole Location Plan and the Storm Sewer Plan. If revisions to the versions of these plans dated 2/17/09 are determined to be necessary, the applicant shall revise and resubmit the plans to the City.
6. All exterior lighting shall be installed so that the light fixture extends parallel to the ground surface (not tilt-up) with the Plan Commission finding that halide lighting is required for true color rendition.
7. At the time of site development, the applicant shall close the curb opening located near the west end of the property that is no longer required for access, remove any pavement or gravel, curb Milwaukee Street, and grass the terrace area.
8. The applicant and City shall work to vacate any existing storm sewer/drainage easements that will no longer be in use and record any new easements for similar purposes.
9. Following completion of the project, all existing lubricant bulk oil outdoor storage shall be removed from the exterior locations on the site and there shall be no outdoor storage between the new building and Milwaukee Street. No new outdoor storage of tanks shall be permitted, except the existing location where tanks are currently stored.

10. All roof-mounted mechanical equipment shall be placed in a screened location on the roof of the building, so that it is not visible from property lines. No ground mounted mechanical equipment shall be located between the building and Milwaukee Street except for residential style condenser units.

11. The applicant shall not install any new signage on the property unless and until detailed signage plans have been submitted and approved by City staff.

12. In the event that not all site and landscape improvements are completed before occupancy of this building, the applicant shall provide the City with a site improvement deposit in the amount of \$1,000.

13. Within this project area only, a maximum of two semi-trucks/trailers not serving the business shall be parked or stored at any one time.

Moved by Comfort and Hartman to approve the conditional use permit for a new building to be located at 624 E. Milwaukee Street for the Frawley Oil Company with the conditions set forth. (The Certified Survey Map approved as part of the plan.) Motion approved by unanimous roll call vote.

INFORMATION:

a. Possible future agenda items. The South Whitewater Neighborhood Plan will be first on the agenda for the next meeting. And the proposal for the Wisconsin Street property is ready to come back.

b. Next Plan Commission meeting. The next regularly scheduled Plan Commission meeting will be April 20, 2009 at 6:00 p.m.

Moved by Torres and Kienbaum to adjourn at approximately 10:00 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,

Jane E. Wegner
Secretary