

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
August 17, 2009

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

Chairperson Torres called the meeting to order at 6:00 p.m.

PRESENT: Zaballos, Binnie, Dalee, Stone, Torres, Miller, Coburn. ABSENT: None.
OTHERS: Wallace McDonnell/City Attorney, Mark Roffers/City Planner, Megan
MacGlashan/City Planner, 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 comments.

REPORTS:

- a. Report from Community Development Authority Representative. Tom Miller reported that they have received information for the Technology Park, the drawings look promising. The Economic Development Administration grant is still in the works.
- b. Report from Tree Commission Representative. Dave Stone reported they had not had a meeting. His understanding is that the Tree Commission has been suspended.
- c. Report from Park and Recreation Board Representative. David Stone reported that the Trippe Lake Shelter is coming along very well and they have selected playground equipment for Starin Park and are waiting for Council approval.
- d. Report from City Council Representative. Lynn Binnie reported that the City received a 5 million dollar grant for the upgrades to the wastewater treatment plant. They are hopeful for the grant for the Technology Park. The Council approved a first reading for an amendment to the ordinance for parking on S. Wisconsin Street. The City has signed an agreement with Keller Inc. for an industrial multi-tenant spec building in the Whitewater Business Park.
- e. Report from the Downtown Whitewater Inc. Board Representative. Tami Brodnicki, Executive Director of Downtown Whitewater Inc., reported that the Jim Gage project is complete. There are two new businesses in the downtown, a consultant for taxes, and "Treasure Vault". Phase one of the Tokyo building is complete. There are two grant applications pending, "Quiet Hut Sports" and "Tainted Luv". "R & R Music" will be relocating to 230 E. Milwaukee Street.
- f. Report from staff. No report.
- g. Report from chair. No report.

MINUTES. Moved by Zaballos and Binnie to approve the minutes of June 15, 2009. Motion approved by unanimous roll call vote. The minutes of July 20, 2009 were received by Plan Commission members early Monday a.m., so they will be on the September meeting for approval.

PUBLIC HEARING FOR A CONDITIONAL USE PERMIT FOR A CHANGE IN THE AWNING SIGNS TO BE LOCATED AT 141 W MAIN STREET FOR BARBARA KRAMER. Chairperson Torres opened the public hearing for consideration of a conditional use permit application for a change in the awning signs to be located at 141 W. Main Street for Barbara Kramer.

Zoning Administrator Bruce Parker explained that Barbara Kramer is proposing to replace the existing green awnings with purple awnings on both the front and back of the building with the “Tainted Luv” logo. She also plans to paint the trim on the front of the building black instead of the existing green. The lettering is larger than 8 inches, so a conditional use permit is required. The Sign Ordinance also requires that the lettering not exceed 5 % of the sign. The pictures of the awnings show both the proposed logo, which is 10% of the awning; and the 5% coverage as required in the current Sign Ordinance. The City Planners recommend that the 5% be removed from the Sign Ordinance requirements. In order to do that, we would hold the public hearing for that amendment in September. The City’s recommendation is to have the ordinance amended.

The City Planners recommended the Plan Commission approve the conditional use permit for Tainted Luv, located at 141 W. Main Street, to allow an awning/canopy sign with lettering larger than 8 inches, subject to the following conditions as amended at the meeting:

1. The sign shall be installed consistent with the specifications and photo renderings submitted as part of the applicant’s July 2009 application, with black trim on the window by the canopy on Main Street.
2. Approval of the conditional use permit shall be contingent upon the City Council adoption of amendments to section 19.54.020(D)(7) of the City’s municipal code, removing or appropriately modifying the requirement that lettering/logos on awning/canopy signs cannot exceed 5 percent of the total canopy area, or on the applicant obtaining a variance for the signage as proposed. The applicant may not obtain a sign permit or install the signage represented in the July 2009 application until this condition has been satisfied.

Plan Commission Member Coburn suggested that a darker purple would complement the building.

Barbara Kramer explained that the purple is the college color and also the “Downtown Triangle” color. She is marketing toward the college age person.

Chairperson Torres closed the public hearing.

Moved by Zaballos and Binnie to approve the conditional use permit application for the proposed awning signs to be located at 141 W. Main Street for Barbara Kramer with the City

Planner conditions as amended at the meeting. Motion approved with all ayes except Coburn voted no.

DISCUSSION AND POSSIBLE FURTHER RECOMMENDATION ON PREVIOUSLY-RECOMMENDED AMENDMENTS TO THE SECTIONS 12.48 AND 19.54 (SIGN ORDINANCE) OF THE MUNICIPAL CODE, PARTICULARLY ADDRESSING SIGNAGE REGULATIONS APPLICABLE TO THE B-2 ZONING DISTRICT.

City Planner Mark Roffers explained that this is the Sign Ordinance that was recommended to the City Council by the Plan Commission in June. A question came up about secondary advertising signs for which some clarification was needed. Mark Roffers felt that the June 15, 2009 minutes had now been clarified. The other reason this is back before the Plan Commission is for a possible amendment to Section 19.54.020(D)(8) of the City's Municipal Code, removing or appropriately modifying the requirement that lettering/logos on awning/canopy signs cannot exceed 5 percent of the total canopy area by removing the 5% requirement. Any lettering over 8 inches in height would require a conditional use permit. There is provision in the code for secondary advertising signs for a business on the premise of the business, for example auto dealerships and bars. Secondary signs are allowed in a window advertising a product you sell by conditional use approval. Existing signs are grandfathered and new signs require a conditional use permit.

City Attorney McDonell explained that the conditional use would have the specifics on file, so the City Staff and Plan Commission would know what was approved.

Plan Commission Member Binnie asked if secondary signage is changed, does the business owner need to get approval, for example a beer brand change.

City Planner Mark Roffers explained that past approvals have not been dealt with directly. The sign ordinance has been in existence for 15 to 20 years.

City Attorney McDonell explained that if a sign is approved, it is legal. If the Plan Commission wants to make a policy decision in the future, they would need to recommend to the City Council their interest in controlling what is in the sign if it is not directly related to the name of the business. Future signs will be looked at more carefully.

Plan Commission Member Zaballos stated that the intent of the conditional use permit was that it should be written in a way that it is broadly applied to a product. She would prefer not to encourage a specific location for secondary window signs.

Mark Roffers explained that the ordinance could allow secondary advertising signs for a business with no specification of a certain kind of product line.

Mitch Simon was concerned of the point that until now, inside window signs were not considered signs and were not regulated. Businesses did not have to apply for a conditional use or get a permit. Downtown Whitewater Inc.'s intent was to make signage more user friendly, not name specific. The concept was to avoid plastering the inside of the windows full of signs. Is a conditional use an appropriate mechanism for signs inside the windows? It is not user friendly with the conditional use application fees, Plan Commission meeting, permits etc. Simon understands regulating how much is in the window, but not what they are advertising.

Dave Saalsaa, Design Committee Chair, explained that the purpose was to make the sign ordinance more business friendly, and not to have so much to obscure the windows. They did not care what was put in the windows, just how much was put in the windows.

City Planner Mark Roffers explained that there is now increased types of things that are considered signs. Window signs include outside, inside and within one foot of the inside of the window. If the Plan Commission wants more flexibility, the ordinance can be made more flexible.

The Board voiced concerns about requiring conditional uses for inside window signs or having to approve inside window signage; there should be no conditional use permit required for truly temporary signs. Some businesses have most of their window covered, they put up their sign and never apply for a permit. The 30 % coverage should not count against the sign total.

City Planner Mark Roffers explained that non-window signs, pole and wall signs will require a conditional use permit. Window signs would not be required to have a conditional use permit, but would only be allowed 30 per cent coverage of the window.

Plan Commission Member Binnie suggested that adding another permanent sign would require a conditional use permit. The 30% coverage of window signs, if they are secondary signs would not require a permit. If the sign is in the window, they can do as they please.

Plan Commission Member Zaballos agreed.

Dave Saalsaa explained they are looking for is that secondary signs in the window not be required to have a conditional use permit, but if the window sign is a primary sign, it should be required to have a conditional use permit.

City Attorney McDonell clarified that the current ordinance is a city wide ordinance, not just the B-2 Zoning District.

Moved by Binnie and Coburn to recommend to the City Council to approve the amendments to Sections 12.48 and 19.54 (Sign Ordinance) of the Municipal Code and to remove from Section 19.54.020(D)(7) the 5% rule for awning signs. Motion approved by unanimous roll call vote.

WORK SESSION ON THE COMPREHENSIVE PLAN TO REVIEW DRAFT NEIGHBORHOOD PRESERVATION STRATEGY, FUTURE LAND USE MAP, FUTURE TRANSPORTATION AND COMMUNITY FACILITIES MAP, AND PLAN DOCUMENT DRAFTING ISSUES. City Planner Mark Roffers explained that at this meeting they wanted to take comments on the three items presented which were the draft neighborhood preservation strategy and the two maps, the future land use map and the future transportation and community facilities map. The purpose of the strategy was to recommend approaches for elevating the quality, appearance and function of all neighborhoods in the City. Neighborhood environment has a main part in the plan. This includes landlords and renters, families, elderly, and education. It is not a one size fits all. With this plan we hope to provide some regulations, communication, and education. They have worked with data to determine the areas most appropriate to be targeted for neighborhood preservation. The first group of strategies (on the chart) would include education and communication city-wide. The Plan will also facilitate quality housing for those properties not in neighborhood preservation areas. Some incentives would be to invest in neighborhoods; make funding available; TIF to help people re-invest in neighborhoods close to the downtown; a capital improvement program for neighborhood

preservation goals for trails, lights etc. Other areas of consideration include regulation and enforcement; parking strategies – regulations and potential funding; time devoted to enforcement or help for enforcement – administrative time. On the future land use map, some areas that are R-2 and exclusively single family areas may be better as R-1, for example the Park Crest Subdivision which is all single family homes. In the Caine and Gault Street area which is zoned R-3, there are big and small homes. The question is about considering additions to existing homes to add occupancy, and taking into account the sizes of the neighboring homes.

The Plan Commission appreciated the directions; sensible approach and encouraging neighborhood associations (Area 12 already has one); clarification of Neighborhood 19 only includes properties on N. Prairie Street (not Esterly Ave.); liked the occupancy standards being related to the house size; the parking permitting system for around the university is good; consideration of a barrier to conversions of properties; the ease of buying a house for a rental unit, changing from owner occupancy to rental, and that it is very hard to change back to single family. Property investment has more risk than if the property is owner occupied and should be treated differently.

City Attorney McDonell explained that City Manager Kevin Brunner suggested more strict requirements for example, bedroom and bathroom additions should be considered through a conditional use permit because that type of addition sets up the house to be over crowded (increases the density). The conditional use permit approach might help meet that goal.

City Planner Mark Roffers explained that city-wide we would need to tighten and clarify what determines a single family home. Development of the Tech Park may help jobs grow the demand for owner occupied housing. Most of these ideas need further discussion and determination for inclusion into the comprehensive plan.

Mitch Simon questioned the bullet point for street parking permits close to campus, what is being considered? Is it long term permits for overnight parking and who would be able to park there? It would be a balancing act for owner occupied neighborhoods. Non-owner occupied is not as big a problem.

Richard Helmick, 227 S. Boone Street, who has owner occupied homes in his neighborhood feels like they are second class because their properties are not included in the neighborhood preservation areas.

City Planner Mark Roffers stated that he was glad that Richard Helmick got involved in this process. The residential designations for single family and future single family are in yellow on the Neighborhood Analysis Map, the mixed residential includes the area close to campus such as the R-3 areas of Tratt Street and Carriage Drive. The neighborhoods, like the #8 neighborhood (Richard Helmick's neighborhood), are not areas targeted for rezoning. There is a clear presence of student oriented housing, which they consider campus area neighborhoods. They have the look of single family and need the special attention, greater than other non-designated areas. If someone wanted to convert a property to a greater density, there would be greater expectations than that of, for example, Tratt Street. Plan Commission would not sell neighborhoods down the river.

Jim Winship, 184 N. Franklin Street, was concerned with the connection between Plan Commission, City Council and the residents when a neighborhood association is formed. He felt the Neighborhood Association should be notified as well as the neighboring property owners of things affecting the neighborhood.

City Manager Kevin Brunner thanked Mark and Megan for all their work on this comprehensive plan and the development of the Tech Park. The City needs to work toward a healthy balance. The 2000 census shows Whitewater at 37% owner occupancy and 67% renter occupancy. We need to determine what a healthy balance is. Renter occupied units have concerns. Owner occupied units have vitality in the long term. Some of the things we can do are to reduce the unrelated occupancy standards, such as from 3 persons to 2 persons in the R-1 Zoning District; and to have a parking permit system to have a sustainable practice, kicking off the planning process as a sustainable community. One suggestion for parking is to possibly provide angle parking on Prairie and Prince Streets. Brunner stated that so far in the Comprehensive Planning process we are working on neighborhood preservation, economic development, the tech park and where people live, a UW housing policy as more students are living in the community. This is a good start, but we have a lot of work yet to be done.

City Planner Megan MacGlashan explained that last month the City had the draft existing land use map. At this meeting, the City received the draft future land use map which reflects what the city foresees long term land use for properties. This will be a guide for staff, Plan Commission, and City Council. This draft future land use map reflects the existing neighborhood plans. The other maps include the draft preservation land use map and the existing zoning map. These maps show planned neighborhood categories, future tech park, commercial uses, business park uses and mixed uses. There are campus area neighborhoods, appropriate single family, some two family and specific multi-family areas. The Comprehensive Plan will have specific policies for these areas including esthetics and conversions. Fairhaven will be included in the institutional and care facilities for reasons of neighborhood preservation. For the next meeting, the City Planners will provide the 1st draft of the Comprehensive Plan.

City Planner Mark Roffers explained the Transportation and Community Facilities Map includes existing and planned road ways, trails and schools. There will be a future study for a water tower. There are conceptual routes for future planned roads. Intersections will be looked at for future planning of 5 to 20 years.

The Plan Commission requested feedback from the University on proposed roads to the west; would like to see the Summit and Janesville Street intersection redone. Summit Street and the safe crossing of Main Street have been long time concerns.

Dean Fischer explained that the Summit and Janesville Street intersection is scheduled on the City's Capital Improvement Plan.

City Manager Kevin Brunner informed the Plan Commission that the Starin Road extension is on the Capital Improvement Program, part of it for next year depending on Federal funds.

REVIEW SITE PLAN/PARKING ALTERATIONS TO BE LOCATED AT 133/135 AND 141 S. ELIZABETH STREET FOR ROBERT FREIERMUTH. This item was postponed to the September 21, 2009 Plan Commission meeting.

PUBLIC HEARING FOR CONSIDERATION OF A CHANGE OF THE CITY OF WHITEWATER WALWORTH AND JEFFERSON COUNTIES, DISTRICT ZONING MAP FOR THE FOLLOWING AREA TO BE REZONED FROM R-3 (MULTI-FAMILY RESIDENCE) ZONING DISTRICT TO PCD (PLANNED COMMUNITY DEVELOPMENT) ZONING DISTRICT UNDER CHAPTER 19.39 OF THE ZONING ORDINANCE OF THE CITY OF WHITEWATER:

THE FOLLOWING PARCELS, LOCATED ALONG W. MAIN STREET, AND S. COTTAGE STREET ARE REQUESTED TO CHANGE TO PCD FOR THE EXPANSION AND MODIFICATION OF THE EXISTING ADJACENT PCD ZONING DISTRICT: TAX PARCEL NUMBERS /WUP 00229, /CL 00020, CL 00021, AND /CL00022 CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN.

AND REVIEW PROPOSED SPECIFIC IMPLEMENTATION PLAN FOR SITE ALTERATIONS FOR A 31 UNIT ADDITION (ONE-BEDROOM APARTMENTS) TO 761 W. MAIN STREET AND APPROXIMATELY 38 NEW PARKING STALLS FOR DLK ENTERPRISES INC. ET AL.

Chairperson Torres opened the public hearing for consideration of a change of a change of the City of Whitewater Walworth and Jefferson Counties, District Zoning Map for the following area to be rezoned from R-3 (Multi-family Residence) Zoning District to PCD (Planned Community Development) Zoning District under Chapter 19.39 of the Zoning Ordinance of the City of Whitewater:

The following parcels, located along W. Main Street, and S. Cottage Street are requested to change to PCD for the expansion and modification of the existing adjacent PCD Zoning District: Tax Parcel Numbers /WUP 00229, /CL 00020, CL 00021, and /CL00022 City of Whitewater, Walworth County, Wisconsin.

And review proposed Specific Implementation Plan for site alterations for a 31 unit addition (one-bedroom apartments) to 761 W. Main Street and approximately 38 new parking stalls for DLK Enterprises Inc. et al.

City Planner Megan MacGlashan explained that at the last meeting, the developer was asked to look into the preservation of the mature trees, and show a detail elevation of the entire Main Street frontage of what the building would look like with the proposed 31 unit addition to the Regent Apartments on Main Street. The developer is requesting PCD (Planned Community Development) Zoning for all properties. PCD is a flexible zoning district to be used for unique properties. It is not to be used to skirt existing regulations for zoning, but to allow for unique ones to occur. The first phase is for the General Development Plan (GDP) and the rezoning which requires both Plan Commission and City Council approval. The second phase is the Specific Implementation Plan (SIP) where the applicant provides more detail for the proposal. The proposal did not have enough detail for the Plan Commission to grant either the GDP or the SIP last month. The main differences from last month were the changes to the stormwater management. Last month, the proposal was to manage the stormwater on site with three rain gardens and two bio swales to slow the flow of the stormwater. Now the proposal is to have several swales to channel the stormwater off-site to appropriate stormwater collection areas. The stormwater will still pass over the sidewalk as it leaves the site. City Engineer Mark Fisher recommends a design to go under the sidewalk. There is a discrepancy as to how big the water mains are on Main Street which needs to be worked out. The rain gardens have been removed due to maintenance and appropriateness. The rain garden that was in the Main Street frontage will be replaced with lilac bushes. There is no new proposed landscaping. The hedges are being relocated to screen the parking lot from Cottage Street. The developer has also provided how the mature trees would be preserved with construction fencing. They will be removing one existing Norway Maple.

Attorney Mitch Simon explained that they have provided an exhibit of the bricks which will match the existing building. The infill of one doorway will be filled with matching brick. They have also provided a colored rendition of what the building will look like.

Brad Werginz, Angus Young Associates, Architect for the project, explained that the roof would be black in color and would not be visible from the street.

Plan Commission Member Stone in recognition of the Rhodes letter, requested that the green space be preserved and designated as green space.

Robert Burrows had concerns of the plan as to exactly where the building and parking would be and what area would be left for green space.

City Planner Mark Roffers explained that the parking can be determined by the demand and past parking demand to determine whether it is adequate to meet future parking demand. The Plan Commission can regulate through the PCD. The buffer area can be designated as the City only has the ability to direct and request any changes to the buffer area. There will be 15 to 20 new parking spaces, Main Street will have terrace trees added and the existing parking will be utilized. The four driveway approaches on Main Street will be closed up and turned back into green space areas. Roffers requested that the Plan Commission keep in mind that if there is a need for more student –oriented housing, across the street is better than 1 ½ miles away.

Ben Rhodes, 818 W. Conger Street, explained that his property (which at one time was home to Frank Peyer, a former University President) was adjacent to the PCD. Ben Rhodes sees 4 problems 1) parking and driveway, They are proposing 112 – 119 fewer stalls than the 319 tenants who would be living there. 2) the number of residents living in the units, how many per unit and if there is over occupancy. 3) Rhodes recommends the engineer’s recommendations for storm sewers, parking and lighting; and 4) approving this plan at the same meeting the Plan Commission was discussing preserving neighborhoods. He would like “future parking” deleted from the green space adjacent to his home.

Jean Truesdale, 175 N. Esterly Ave., voiced concerns of the 31 unit addition, a private student development and the loss of green space. She suggested that with the size of the project, that parking could be provided on the bottom floor and preserve the green space and replacing the proposed lilac bushes with Willow Trees which would soak up more water. She was also concerned about the stormwater run-off and safety issues.

Roy Nosek spoke about the Plan Commission’s obligation as the Plan and Architectural Review Commission. He had concerns of the four story addition, the increasing mass of the building, the elevation of the building in comparison to the existing building; what the parameters of the original PCD are and how it relates to this project; what is the rationale for adding the three houses on S. Cottage Street into the PCD area.

City Planner Mark Roffers explained that the developer wants to utilize the existing parking to accommodate the parking demand of the addition and show more green space area. He explained that the area could use an upgrade. The City could negotiate the full importance of the parking lot and striping. The benefit to the City is to improve the parking and provide landscaping in front of the homes on Cottage Street.

Roy Nosek explained that a PCD is to provide unique flexibility for creative and innovative planning. He had concerns of: this legal non-conforming use, didn’t want to see parking in front

of the setback requirement; the landscaping issue, need impervious surface; the existing trees being protected and adhering to the requirements; driveway approaches being abandoned. Nosek felt this was too much building, too many occupants, and too little parking in too small a space. He also was concerned about the terrace trees to be installed and if the developer was going to pay for them.

Harriet Kaluva, citizen sympathetic to both issues, voiced her concerns that we (the City, residents, and developers) need to work together.

Jim Leaver felt that there was not one contribution to the community for this project. All questions should be answered.

Tiu Gray-Fow was concerned about what the community looks like as you come into the community, the first impression. She asked the Plan Commission to vote against the change.

Zoning Administrator Bruce Parker explained that the storm sewer will collect the water runoff. It will go from the parking lots to the corner of Cottage and main Streets. The swales will keep the water off the driveway areas.

Mitch Simon explained that Strand's (city engineer) main areas of concern was the water runoff over the sidewalks. There is less impervious surface with the new plan than what is existing. If the flumes under the sidewalk freeze out, it will be addressed.

Marilyn Kienbaum noted that the University is growing and students need places to stay.

Chairperson Torres closed the public hearing.

Moved by Stone and Coburn that the lawn (future parking area) remain as green space area and be labeled as green space. Ayes: Stone, Coburn, Binnie. No: Zaballos, Torres, Miller, Dalee. Motion failed.

The Board voiced concerns that: the roof line does not fall into the whole building, it is not attractive; concerned about the three houses on Cottage Street; traffic; pedestrian traffic on Main Street; hurting the neighborhood. They expected elevations to be presented of the entire contiguous building; the importance of the landscaping given the size of the façade and the importance of both sides of the property; feel like the developer is giving very little back to the community for this proposal; the engineering issues for the area.

Moved by Stone and Binnie to recommend to the City Council to approve the rezoning of the R-3 parcels located on W. Main street and S. Cottage Street (tax parcel #'s /WUP 00229, /CL 00020, /CL 00021 and /CL 00022 in the City of Whitewater) to PCD (Planned Community Development) Zoning with the City Planners conditions and the engineering issues resolved. Motion approved with all ayes except Coburn voted no.

Plan Commission Member Zaballos stated she was in favor of the rezoning to PCD. In general, the density and reduction of the parking is appropriate. This plan is appropriate for growth.

City Planner Mark Roffers added Condition #15.

Moved by Stone and Binnie to the City Council to approve the General Development Plan with City Planner Mark Roffers conditions. Motion approved with all ayes except Coburn voted no.

Attorney Mitch Simon was concerned that if the GDP was approved by City Council as it stands, if the occupancy restrictions would apply, even if the SIP (Specific Implementation Plan) was not approved.

Mark Roffers stated that the occupancy restrictions would apply.

Moved by Binnie and Stone that the occupancy portion of the General Development Plan recommended to City Council with the agreement that the occupancy restrictions be subject to the SIP approval. Motion approved with all ayes except Coburn voted no.

The City Planners recommended approval of the PCD Zoning and the General Development Plan for Regent Apartments (761, 747 and 741 W. Main, 120, 136, 148, and 158 S. Cottage), subject to the following conditions as amended at the meeting:

1. The project shall be constructed in accordance with the Overall Site Plan (sheet G001) dated 8/12/09, the Overall Existing Site Plan (Sheet C001) dated 8/12/, the Enlarged Area #1 Site Lighting Calculations (sheet C601) dated 8/12/09, Overall Proposed Site Lighting Plan (Sheet C602) dated 8/14/09, the Overall Proposed Landscape Plan (sheet C102) dated 8/12/09, the Overall Proposed Site Plan Pavement Areas (sheet C101) dated 8/12/09, the Enlarged Area #1 Landscape Plan (sheet C205) dated 8/12/09, the Grading and Erosion Control Plan dated 8/11/09, the Existing Impervious Areas Map dated August 2009, the Proposed Impervious Areas Map dated August 2009, the Enlarged Area #1 Site Layout Plan (sheet C201) dated 8/12/09, the Enlarged Area #1 Site Demolition Plan (sheet C200) dated 8/12/09, the Ground Floor, First Floor, Second Floor, and Third Floor plans (sheets A100 through A103) dated 7/16/09, the Covered Bike Rack Elevations, Boulder Detail, and Overland Flow Silt Fence Details (sheet C801) dated 8/12/09, the East, North, West, and South Elevations (sheet A401) dated 8/12/09, and the Supplemental Response and Information in Support of Application for Rezone from R-3 to PCD, Request for Approval of General Development Plan and Request for Approval of Specific Implementation Plan dated 7/16/09, except as any changes to those plans are required to meet the conditions that follow.
2. The operation of this site shall be in full accordance with the document titled Supplemental Response and Information in Support of Application for Rezone from R-3 to PCD, Request for Approval of General Development Plan and Request for Approval of Specific Implementation Plan, dated 8/13/09. Such document shall be attached to the minutes of this meeting.
3. Prior to the issuance of an occupancy permit for the building addition, the applicant shall provide evidence of a recorded cross-use easement for the parking and dumpster area located between the larger combined parcel (815, 761, 747, and 741 W. Main and 120 S. Cottage) and 136 S. Cottage.
4. Prior to the issuance of an occupancy permit for the building addition, the applicant shall prepare and submit for City approval a CSM combining parcels BIRH 00001, BIRH 00006, BIRH 00007, BIRH 00008, BIRH 00009, WUP 00225, WUP 00226, WUP 00227, WUP 00239, and WUP 00230) into one lot.
5. Subject to Zoning Administrator approval, the applicant shall repave and restripe areas of the existing parking lots that are in disrepair at the determination of the Zoning Administrator.

6. Prior to the issuance of a building permit, the applicant shall address all outstanding issues related to stormwater management, grading, erosion control, and utilities, as determined by and to the satisfaction of the Zoning Administrator, in consultation with the City's engineering consultant.
7. Prior to the issuance of a building permit, the applicant shall pay a park improvement fee and a fee-in-lieu of parkland dedication in accordance with City ordinance standards for the additional housing units being added to this property.
8. Prior to the issuance of a building permit, the applicant shall resubmit a revised draft of The Enlarged Area #1 Site Lighting Calculations (Sheet C601) with the rain garden and bio-swale labels removed.
9. 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 \$2000.
10. If there is a desire to change ownership of any of the components of this PCD to any entity other than DLK Enterprises or to which DLK Enterprises is the sole member, such ownership change may only occur following City approval of amendments to this PCD addressing common issues or concerns such as parking and stormwater management.
11. Any and all future signage proposed for this site, including directional signage, shall be subject to City Zoning Administrator approval.
12. The applicant shall enforce in perpetuity the parking permit and allocation system described in the document titled Supplemental Response and Information in Support of Application for Rezone from R-3 to PCD, Request for Approval of General Development Plan and Request for Approval of Specific Implementation Plan, dated 7/16/09, and attached to these conditions.
13. The applicant shall enforce in perpetuity the occupancy restrictions described in the document titled Supplemental Response and Information in Support of Application for Rezone from R-3 to PCD, Request for Approval of General Development Plan and Request for Approval of Specific Implementation Plan, dated 7/16/09, and attached to these conditions. These occupancy restrictions are as follows:
 - Efficiency and one-bedroom units not more than 1 occupant/unit
 - Two-bedroom units not more than 3 occupants/unit
 - Three-bedroom units not more than 3 occupants/unit
 - Four-bedroom unit not more than 4 occupants/unit
 - Five-bedroom unit Not more than 5 occupants/unitOccupancy restrictions shall only apply if and when a Specific Implementation Project for this project is approved.
14. Specific Implementation Plan approval is null and void if the City Council does not approve the rezoning or the General Development Plan. This Specific Implementation Plan is subject to alterations if the City Council approved changes to the General Development Plan.
15. Prior to the issuance of a building permit, the site and all other applicable plans shall be

adjusted to include the following changes

- a. The street terrace trees shall be changed to be indicated as being installed by the developer, with species as approved by the City Forester.
- b. The large green space areas along Conger Street shall be relabeled as “Reserved Parking Area (may only be installed upon City’s request, following a major amendment to the PCD).”
- c. The landscaping plan shall indicate that the proposed Junipers shall be a minimum of 2 feet in height at the time of installation and the proposed lilacs shall be a minimum of 4 feet in height at the time of installation.

Moved by Binnie and Zaballos to postpone the SIP (Specific Implementation Plan) portion of the approval to the next meeting. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR A CONDITIONAL USE PERMIT FOR THE CONVERSION OF A DUPLEX INTO A FRATERNITY HOUSE FOR THE PI KAPPA ALPHA FRATERNITY AT THE UNIVERSITY OF WISCONSIN – WHITEWATER AT 164 N PRAIRIE STREET.

Chairperson Torres opened the public hearing for consideration of a conditional use permit application for the conversion of a duplex into a fraternity house for the PI KAPPA ALPHA Fraternity at the University of Wisconsin – Whitewater at 164 N. Prairie Street.

Zoning Administrator Bruce Parker explained that this property is located on the west side of N. Prairie Street. It is surrounded by the University property on three sides. They will be installing a handicap stall, increase their parking area and install a sign. They have been working on their State approvals to bring the building up to State Code. There will be mostly interior changes. The sign will be located north of the existing sidewalk and facing the street. The fraternity must be recognized by the University.

Jason Wiedenhoft, an alumni of the Fraternity and on the Board of Directors of the owners of the home, explained that they are planning to accomplish four tasks, 1) to improve the safety of the tenants; 2) to house nine tenants; 3) to establish a presence of the fraternity on campus; 4) improve the appearance of the property. For the safety of the tenants, they will be installing a sprinkler fire suppression system, automatic fire alarm system, and more adequate lighted parking. The first floor of the building will be ADA compliant which will include a handicap parking stall on the side of the home and a ramp. They will be installing the rest of the parking at the rear of the property. The sign will be a non-lit sign for the Chapter House. The property is an existing duplex which houses 6 tenants. They do not want to be a nuisance, but want to improve the quality of life for the fraternity. This conversion would provide alternate housing off-campus. Tim Samuels, the contractor for the project, was present to answer any construction related questions.

Jim Leaver, property owner of 180 N. Esterly Avenue, asked if Jason was a member of the organization. He was a member when the fraternity was created in 1998. The Board of Directors are all alumni. They have 500 lifetime members and 52 active members. They have not had any suspensions.

Glenn Hayes, 135 N. Esterly Ave., had asked to clarify the Vandewalle report that the side of N. Prairie Street that is appropriate for future university use is the “west” side of N. Prairie Street. Hayes is also an advisor of fraternity, who bought a home, after a period of time it becomes more difficult to keep up with the property. He hoped that all considerations were for the next seven

generations. Hayes also noted that there is an R-1 neighborhood behind N. Prairie Street with families and small children who have invested a lot into their homes and neighborhood. He hopes that this fraternity will exercise being responsible citizens and neighbors.

Anita White, 255 N. Park Street, offered a challenge to the representatives of the proposed fraternity to not let their house look like the fraternity house on the corner of W. North Street and Park Street.

Chairperson Torres closed the public hearing.

Plan Commission Binnie asked if the applicants could conform to the recommendations in the City Planner report.

Jason Wiedenhoft stated yes. He asked about the sprinkler system and if a 4 inch main from the road would be enough. Jason did not want the house flooded in a minute or two.

Tim Samuels stated that any building with a sprinkler system per City codes would require a 6" main.

Zoning Administrator Bruce Parker and City Planner mark Roffers stated that the City Engineer would review and approve the water service plan.

Board Members voiced concerns of the ADA handicap ramp; the garage removal and resurfacing of the driveway; and the limit of the number of occupants of the building.

Tim Samuels explained that the front slab would be made bigger with the steps moved forward. They will be replacing the pillars and molding leaving the front of the building as is. The parking area will have wheel stops and be striped. They will be installing blacktop.

City Planner Mark Roffers explained that in order to limit the occupancy of the building, he would add another condition that not more than 10 occupants are allowed in house at one time.

The City Planners recommended the following conditions of approval:

1. The applicant should provide details on the design of the retaining walls proposed for the western edge of the parking lot and the side yard. This includes specifications on the type of stone of block to be used and the heights of the different wall sections.
2. The applicant should remove the flood light proposed to be installed in front of the sign. We recommend that signage not be lit because of the proximity of other nearby residences and the fact that other signage in the immediate area is not lit.
3. The site plan should more clearly indicate that the dumpster will be fully enclosed by an opaque fence and gate. The applicant should submit details on the design of the dumpster enclosure (materials, height, type/screening used on gate).
4. The site plan should very clearly show/label the surface of the proposed driveway and parking area (concrete? Blacktop pavement?)
5. Currently, the proposed lighting does not fully conform to the City's outdoor lighting ordinance. All light sources must either be high pressure sodium, low pressure sodium, incandescent, or fluorescent. Metal halide light sources are not permitted. All fixtures must be mounted parallel to the ground (at a 90 degree angle with the pole and not tilted up). The site plan indicates that one of the light fixtures will be mounted 6 feet above the roof, but it is unclear how high the fixture will be mounted above the ground. Maximum height for light

fixtures in an institutional district is 35 feet above the ground. The site plan should be revised to clearly indicate that this light fixture will not exceed this standard.

6. It appears that four mature trees will have to be removed to accommodate the installation of the parking area. To compensate for the loss of these trees and focus new plantings on areas where they will be most visible, the applicant should install new landscaping around the proposed sign (shrubs and other small plantings) and ornamental trees (e.g., flowering crab or redbud) and shrubs around the new ADA ramp. This additional landscaping should be reflected on a revised site plan, with the species and sizes of all plantings indicated and meeting the City's landscaping guidelines.
7. The application should provide details about the current fencing. It is unclear what condition the fence is in and whether or not it needs repair. We are particularly interested on the condition of the fence in the front yard area (i.e., the part of the site that is most visible to the public).

Moved by Binnie and Zaballos to approve the conditional use permit for the conversion of a duplex into a fraternity house for the PI KAPPA ALPHA Fraternity at the University of Wisconsin – Whitewater with the conditions of the City Planners with the added condition of the maximum of 10 persons occupying the building at one time and the water service to be installed as approved by the City Engineer. Motion approved by unanimous roll call vote.

CONCEPTUAL REVIEW OF PROPOSED ZONING DISTRICT AND COVENANTS ASSOCIATED WITH THE WHITEWATER UNIVERSITY TECHNOLOGY PARK.

City Manager Kevin Brunner explained that the City and the University have been working with MSA Associates and North Star to get the Tech Park up and running. This is a conceptual review of the proposed zoning district Whitewater University Technology Park and the covenants associated with the zoning district. They are looking to have the site plan review process outside the Plan Commission review. They would like the Tech Park Board to be more actively involved. They would like to expedite this as soon as possible in order to keep moving on this project. They have hired a firm and a contractor for the Innovation Center. The Tech Park Board and the CDA will be in charge of changes that occur in the proposed Whitewater University Technology Park Zoning District and the Covenants. The Architectural Review Committee for this Zoning District will include one City Council member, the City Manager, the Chancellor of the University of Wisconsin-Whitewater, two members appointed by the Chancellor of the University of Wisconsin-Whitewater, two citizens of the City of Whitewater appointed by the City Council of the City of Whitewater, an appointee from the Plan Commission (which was changed from the Chairperson in order to have consistency and stability) and (also added at the meeting) a CDA (Community Development Authority) member. Any conditional use (broader land use issues) would come back to the Plan Commission. The buildings in the Tech Park will be green sustainable buildings. There will be a special meeting of the Plan Commission on August 31, 2009 to hold the public hearing to review and make recommendation for proposed Whitewater University Technology Park Zoning District and its covenants. They would like to break ground this year.

Plan Commission Member Stone was concerned that these plans are not consistent with the Park and Open Space Plan in consideration of Moraine View Park, soccer fields etc. Stone also voiced concern of the burning of rubbish, if it needed a permit, and the determination whether it is hazardous waste or not.

City Manager Kevin Brunner explained that Moraine View Park is very much a part of the plan. Part of the Federal Grant is to develop soccer fields. The Tech Board has no interest in planning the Moraine View Park. We need to work together for the benefit of the park system.

City Attorney McDonnell suggested adding into the document that the park is an allowed use. The Tech Board and the Park Board want to protect the park. He also noted that any burning of rubbish is regulated by State and Federal requirements.

PUBLIC HEARING FOR THE PROPOSED REVISIONS TO THE PCD (PLANNED COMMUNITY DEVELOPMENT) PLAN FOR WATERS EDGE SOUTH (LOTS ALONG PARKSIDE DRIVE). Chairperson Torres opened the public hearing for the proposed revisions to the PCD (Planned Community Development) Plan for Waters Edge South (Lots along Parkside Drive).

City Planner Mark Roffers explained that the original General Development Plan (GDP) and Specific Implementation Plan (SIP) was approved as zero lot line duplexes. Across the street are two 24-unit apartment buildings. The proposal is to have single family lots. The process would be to determine if this is a major or minor change to the GDP. Roffers stated that he would like to support a plan that would change from duplex to single family, but he can't due to concerns of the lots being 50 feet wide, the garage is thrust forward and the green space would have skinny odd spaces. He suggested changing the lots to 60-65 feet in width and push the garage back to allow for larger usable green space. He recommended the Plan Commission postpone this item to consider widening the lots.

Paul Van Henkelum, from RSV Engineering, explained that the reason they are proposing this change is due to a change in the State Building Code to have a special wall system between the duplex units. The cost of the duplex would increase approximately \$10,000 in order to conform to State Codes. They would like to separate the building to make un-attached condos. All the infrastructure is in. The green space would be the same, but there would be more living area off the back.

Greg Swanson, 625 S. Darcy Lane, asked how the property value would affect other existing homes.

Tony Larson explained that the duplex condo of 1550 sq. ft. would run about \$160,000, \$170,000 for single family. The normal single family home of 1400 to 2200 sq. ft. runs between \$180,000 and \$300,000. There would be 14 feet between the homes. The buildings would be a different color.

Rita Rozelle, 658 S. Waters Edge Drive, thought they looked like little tenement houses which is not a great market and they would end up as rentals.

Zoning Administrator Bruce Parker explained that the new Building Code looks at the condos on two separate lots as two buildings. If there were no lot line, it would be considered a duplex.

City Planner Mark Roffers suggested removing the lot line.

Paul Van Henkelum that if the lot line is removed, it would not be considered a condo. They are proposed for owner occupied first time home buyers. They are considered "step up properties".

The Board had concerns of: the setbacks of the homes on the lots; would like to see the proposal before they would vote on it; whether it is a major or minor change to the GDP and SIP; and if the public had sufficient notice.

City Planner Mark Roffers stated that he felt this was a major change to the GDP and the SIP which would require recommendation to the City Council to amend the GDP and Plan Commission approval of the SIP. Roffers also requested that the types etc. of the landscaping be noted on the plan. He stated (setting aside the lot width and determining whether this is a major or minor alteration, there was a lack of detail provided; there should be changes in design if they continue with this proposal; the porches should be moved forward and the garages moved back; they should provide the proposed colors, detailed landscaping plans with typical, and the grading for the area which will change.

Plan Commission Member Zaballos stated that she liked the un-attached buildings, the porches are more usable. They need to provide more detailed landscaping plans. Zaballos feels this is an appropriate transition and with the right amount of detail would be in favor of this proposal.

The Board determined that the neighbors be should be notified of the change in the plan and the public hearing be continued at the Special Meeting to be held on August 31, 2009.

INFORMATION:

a. Possible future agenda items. The September Plan Commission meeting will include the parking area for 133/135 and 141/143 S. Elizabeth Street.

b. Next Plan Commission meeting. There will be a special Plan Commission meeting held on Monday, August 31, 2009. The next regularly scheduled Plan Commission meeting will be Monday, September 21, 2009 at 6:00 p.m.

Moved by Zaballos and Binnie to adjourn at approximately 11:05 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,

Jane E. Wegner
Secretary