

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
September 21, 2009

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

Chairperson Torres called the meeting of the Plan and Architectural Review Commission to order at 6:00 p.m.

PRESENT: Zaballos, Binnie, Dalee, Stone, Torres, Miller, Coburn. ABSENT: None.
OTHERS: Wally McDonell/City Attorney, Mark Roffers/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 Whitewater received a Federal Grant and will be going forward with the Tech Park concept building.
- b. Report from Tree Commission Representative. Dave Stone reported the Urban Forestry Committee met. They are looking at the ordinances from other communities, such as Stoughton, to see how they handle their Tree Boards. The next meeting will be October 15, 2009.
- c. Report from Park and Recreation Board Representative. David Stone reported that they will have the dedication of the Trippe Lake Shelter on October 4, 2009, at 4 p.m. at Trippe Lake Park.
- d. Report from City Council Representative. Lynn Binnie reported that the ground breaking for the Innovation Center will be on Tuesday, September 29, 2009 at 4:00 p.m. City Council approved the rezone for the Regent property. The City is hopeful to receive a grant and low interest loan for the Whitewater Wastewater Treatment Plant. The Council is in its laborious budget season, which will not be an easy one.
- e. Report from the Downtown Whitewater Inc. Board Representative. John Patterson, President of Downtown Whitewater explained that Tami Brodnicki, Executive Director of Downtown Whitewater had a family situation and could not be at the meeting, but will give an update at the next meeting.
- f. Report from staff. No report.
- g. Report from chair. No report.

MINUTES. Moved by Binnie and Miller to approve the minutes of July 20, 2009 and August 31, 2009. Motion approved by unanimous voice vote. The minutes of August 17 were not available for review.

REVIEW PARKING LOT EXPANSION FOR THE PROPERTIES LOCATED AT 133/135 AND 141 S. ELIZABETH STREET FOR ROBERT FREIERMUTH. Chairperson Torres explained that this item was pulled from the agenda by the applicant.

REVIEW EXTRA-TERRITORIAL TWO LOT CERTIFIED SURVEY MAP FOR THE DIVISION OF THE LAND WITH THE HOUSE AND BUILDINGS FROM THE AGRICULTURAL LAND LOCATED ON WOODWARD ROAD FOR THE RUTH E WOODWARD ESTATE. Zoning Administrator Bruce Parker explained that the lot with the house and out buildings being divided from the farm land is a triangular shaped lot and it is located outside the City of Whitewater sewer service area.

Moved by Miller and Zaballos to approve the extra-territorial two lot certified survey map for the division of the land with the house and buildings from the agricultural land located on Woodward Road for the Ruth E. Woodward Estate. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR AN AMENDMENT TO THE CONDITIONAL USE PERMIT APPLICATION FOR ROBERT A. SWEET TO SERVE BEER AND ALCOHOL BY THE GLASS IN AN OUTDOOR CAFÉ TO BE LOCATED AT 204 W. MAIN STREET.

Chairperson Torres opened the public hearing for the proposed amendment to the conditional use permit application for Robert A. Sweet to serve beer and alcohol by the glass in an outdoor café to be located at 204 W. Main Street.

Zoning Administrator Bruce Parker explained that Bob Sweet wanted to amend his conditional use permit to include the sidewalk area in front of the building on his property. The proposal was approved by the City Council subject to Plan Commission review and approval.

Dave Saalsaa had some letters from neighbors and a tenant, which he read. Rick Fassl wrote that he had concerns about the garbage and vandalism that has occurred and if the Downstairs Bar was allowed to serve alcohol outside, how it would work. He wrote that this needed to be a safe, secure and clean environment and he hoped the Plan Commission would deny this request. Kalee, a tenant, who lives above the Quiet Hut Sports, felt the sidewalk cafe should cater to all citizens, not just for the purpose of serving alcohol outside. Dave Saalsaa explained that the ordinance for an outdoor dining café allows it to be open from 8 a.m. until 8 p.m. He wanted to know the amount of food being served and if it would be allowed to be open up until 11 p.m. on Fridays and Saturdays. Is it really outdoor dining or is it a beer garden? He has concerns of vandalism, to date he has had eleven broken windows. He would like to see the ordinance obeyed as written, food served and not just alcohol.

Citizen Greg Meyer voiced concerns of it being a beer garden. He feels a café with a fence makes it a beer garden. A café should be open with people free to come and go.

John Patterson, President of Downtown Whitewater Inc., expressed that he would like the outdoor dining to have eating as the main thing. That it would follow the guidelines. Excessive hours would be just looking for trouble.

Chairperson Torres closed the public hearing.

When asked for feedback from the City Council, Plan Commission Member/Council Representative Binnie explained that they did not have access to the current sidewalk café ordinance for their meeting, for which Mark Roffers had noted that it should not be open past 11:00 p.m. The City Council tentatively approved 10:00 p.m. without knowing that would be in conflict with the sidewalk ordinance. We also did not have the benefit of the photo depiction we now have. The intent was that the sidewalk café be more than a beer garden, serving a minimum of 20% food.

City Planner Mark Roffers explained that since this proposal is all on private property, the sidewalk café ordinance does not apply, but with the conditional use, the City can impose conditions. This is an important pioneer for sidewalk café on Main Street. With the impending smoking ban, the Plan Commission can expect to see many more requests in the next 6 to 9 months. He recommended approval based on an effort to establish a policy for properties on Main Street. The intent of the fence is to define the area in which food and beverage can be served. The opening is so that all persons can come in from one direction (access control).

City Planner Mark Roffers went through his recommendations that the Plan Commission approve the amendments to the conditional use permit to expand the sale of beer or liquor by the bottle or drink at the Downstairs Bar and Grill, located at 204 W. Main Street, to an outdoor dining/drinking area entirely on private property, subject to the following conditions being met and maintained at all times:

1. The outdoor dining/drinking area shall be located entirely on the applicant's property, and prior to the commencement of operations in that area, the applicant shall provide a survey or other legal evidence that the outdoor dining/drinking area as envisioned is fully on the applicant's property. If the applicant wishes to expand the outdoor dining area into the public right-of-way, he shall be subject to another amendment to this conditional use permit, as well as all provisions of the sidewalk café ordinance.
2. The applicant shall provide and maintain at all times security arrangements for the outdoor dining/drinking area, based on a security plan prepared by the applicant and approved by the Police Chief prior to the commencement of operations in that area.
3. Prior to the opening of the outdoor dining/drinking area, the applicant shall repair or replace all awnings on the building which, in the determination of the Zoning Administrator, are in a state of disrepair. The awnings may be replaced by awnings that are determined comparable by the Zoning Administrator without further action of the Plan and Architectural Review Commission.
4. A full menu of food service shall be available to all patrons seated in the outdoor dining/drinking area at all times that alcohol is being served in this area.
5. The outdoor dining/drinking area shall remain open no later than 10:00 p.m.
6. No service bar, or any other or drink or food preparation area of any kind, shall be located within the outdoor dining/drinking area.
7. Maximum occupancy of the outdoor dining/drinking area shall be no greater than the number of seats provided in that area (excluding "on-the-clock" employees), or the occupancy otherwise permitted by city or state rules, whichever is fewer.

8. The use shall at all times comply with the City's noise ordinance, and may be inspected by the City at any time to ensure such compliance.

9. No amplified music shall be played on or directed to the outdoor dining/drinking area.

10. There is no approved lighting for the outdoor dining/drinking area. Any lighting proposed for the outdoor dining area shall be subject to review and approval by the Zoning Administrator prior to installation, and shall be consistent with the City's lighting ordinance and not advertise the business or any products.

11. All tables located in the outdoor dining/drinking area shall match one another and have compatible chairs/stools. All tables and chairs/stools shall be durable and weather resistant, and shall not advertise the business or any product, whether such product is available at the business or not.

12. All signage within the outdoor dining/drinking area, or on the fence, building wall, or other structure associated with the business, shall be in full compliance with the City's sign ordinance.

13. At the close of business each day, the applicant shall clean the outdoor dining area, adjacent sidewalks, and adjacent terrace areas of all debris.

14. All conditions associated with the granting of a liquor license for the outdoor dining/drinking area shall be met and maintained at all times.

15. If the Zoning Administrator observes that the outdoor dining/drinking area is not being operated in accordance with these conditions of approval or other commitments made by the applicant with the conditional use permit application, the Zoning Administrator may enforce the conditions/commitments in the manner prescribed by the zoning ordinance and/or may refer the matter to the Plan and Architectural Review Commission for potential amendment or revocation of the conditional use permit, following the normal conditional use permit process.

16. The conditional use permit shall run with the business owner and not the land. Any change in ownership will first require approval of a conditional use permit amendment.

The sidewalk café ordinance is for use of the public right of way. Mark Roffers read the definition of the sidewalk café which means an expansion of a full service restaurant creating an outdoor dining facility on part of the public right of way that immediately adjoins the licensed premises for the purpose of consuming food or beverages prepared at the full service restaurant adjacent thereto. "Full service restaurant" shall mean an establishment requiring a State of Wisconsin restaurant license, and whose food sales are greater than twenty (20) percent of its gross receipts. Other things to be considered are umbrellas are to be 6'8" above the sidewalk and made of material manufactured to be fire resistant. Plan Commission might want to add that the food and beverage service is to be in the café area. Patrons are not to get food and beverage inside the restaurant and carry them outside. No alcohol containers on site 8 p.m. to 8 a.m.

City Attorney McDonell explained that City Council allowed for limited alcohol consumption up until 10 p.m. If the Plan Commission wanted to shorten the hours, the establishment would have to comply with the more restrictive hours.

Plan Commission Member Binnie explained that he would not feel he could approve the 10 p.m. closing time, without going back to the City Council for clarification.

Plan Commission Coburn explained that she had talked to the Chief of Police and the Chief said that it would be hard to oversee underage drinking. At bar time, a lot of people collect outside the bar and in the First Citizens Bank parking lot and create a lot of noise.

The Board voiced concerns of: having dialog with the police department before the meeting shows good faith on the part of the applicant; would like to see the dialog with the police department before approval; a security plan is not normally required; in checking into other communities, there were no significant problems with underage or closing problems for sidewalk café's; the licensee is responsible for serving underage persons; a sandwich and drink after a game etc. is nice, but 8 p.m. is too short a time; remember this is private property; implications are still the same whether it is private property or on the public right of way – noise issues etc.

Plan Commission Member Zaballos explained that a conditional use permit is a privilege for the applicant. She was concerned about the quality of the proposal and would encourage it if there were more effort put into the project. This also gives us an opportunity to upgrade for example getting the awnings fixed.

Plan Commission Member Coburn voiced concerns of how to keep the standards we want on the exterior of the building. (The property has not been cared for properly.) It is a privilege to have a sidewalk café and we would like it done well.

Zoning Administrator Bruce Parker explained that even though this sidewalk café is to be on private property, there are many others who will be in the public right-of-way. All applicants for a sidewalk café and wanting to serve beer and alcohol will need to apply for a conditional use permit to amend the licensed establishment. All establishments should have a security system in place. The police department should be able to have one standard to follow. The sidewalk café would allow for 44 persons with the seats at the tables, 5 per round table and 4 per square table. Bob is planning for 40 persons.

Bob Sweet stated that he has been working with Downtown Whitewater on the awnings since August 1, 2009. He wants his place to look nice also. He has had security at his establishment for 10 ½ years and during that time has received one underage ticket. He will make sure he does things to City standards. It would be nice to be able to try it out for the next 1 ½ to 2 months. He teaches his bartenders to bartend and to cook. They clean up the outside debris every day. The tables are heavy. He will have cables around the tables and 4 chairs to keep them in place.

Board Members voiced concerns: if patrons would sit down and someone would bring the food and drink out to them; need to have someone out there to watch things; would like to see a menu for the sidewalk café; need a security plan; can the fence be replaced with a planter. They want to see the same standards on the outside as there are on the inside.

City Planner Mark Roffers stated that what we are looking for is a review from the Chief of Police; and the Plan Commission and the City Council need to coordinate on the hours. Roffers stated that this could be a pleasing place to be; decorative lights, planters, chairs that are comfortable (have backs on them) and a little buffered from the street.

The Board Members suggested: the planter be made out of paving stones (to block from the street) rather than the fence; there are planters that could hook over the fence; they are looking for atmosphere; could there be an outside service station?; and concerned with the possible noise.

Dave Saalsaa was concerned about having the side door of the bar propped open for ventilation, the noise filters out and into the upstairs windows of his building and bothers the tenants. It is difficult to rent apartments when there is a noise problem.

City Attorney McDonell explained that there is a general standard for disturbance, if there is an unreasonable disturbance, and it disturbs residences, it can be taken care of. Residents should notify the police department of the disturbance.

Moved by Zaballos and Coburn to postpone the public hearing for consideration of an amendment to the conditional use permit application for Robert A. Sweet to serve beer and alcohol by the glass in an outdoor cafe to be located at 204 W. Main Street. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR CONSIDERATION OF AN AMENDMENT TO THE CONDITIONAL USE PERMIT APPLICATION FOR GAC ENTERPRISES INC. (PUMPERS & MITCHELL'S) TO SERVE BEER AND ALCOHOL BY THE GLASS OR BOTTLE ON THE BACK PATIO AREA LOCATED AT 158 AND 162 W.

WHITEWATER STREET. Chairperson Torres opened the public hearing for consideration of an amendment to the conditional use permit application for GAC Enterprises Inc. (Pumpers & Mitchell's) to serve beer and alcohol by the glass or bottle on the back patio area located at 158 and 162 W. Whitewater Street.

Zoning Administrator Bruce Parker explained that Greg Condos came back to the Plan Commission for clarification of condition D. He would like to reduce the requirement of the number of security cameras from 4 to 2. Parker explained that in the past there were some noise, trash, and underage problems at this property, but that was under a different owner.

Greg Condos wants to use the back patio area mainly for the person with disabilities. It is much easier for them to get around in that area with wheelchairs etc. and with the smoking ordinance coming out next year, he would like to be able to use the patio. Using the patio will keep the garbage, trash, people and noise out of the streets. He would need to be able to use it on weekdays until 1:30 a.m. and weekends until 2 a.m. His bar business starts at 10 p.m. and he needs to have time to use it. It will be a clean safe operation with approximately 10 to 12 persons out there at a time.

Chairperson Torres closed the public hearing.

The Board voiced concerns about the closing hour for the patio area; adding a short review time of 6 months to be at the discretion of the Zoning Administrator; is the approval forever or until the renewal date?; give him a chance.

City Planner Mark Roffers explained that it makes it difficult to enforce ordinances if closing times vary from one business to another. More and more people are moving into the downtown area, are we creating an inhospitable environment? It is hard to have a policy for individual parcels.

Zoning Administrator Bruce Parker explained that anyone moving into the downtown area realizes that there will be bar noise.

Plan Commission Member Miller stated that everything is covered by the noise ordinance. If there is a problem, they can be closed down.

City Attorney Mc Donell explained that the conditional use is forever for the specific premises where alcohol can be served. Any change in the description can be scrutinized. Each year the City Council decides whether or not to re-issue liquor licenses to establishments. The licenses are issued for specific areas of the building in which alcohol may be served. This time might be a good time to evaluate the situation so the City Council has this information prior to re-issuing a license.

City Planner Mark Roffers explained that the most problems would be in July and August. A condition could be added that within a reasonable period of time and any time in the future if the Zoning Administrator feels that the beer garden is not being operated in accordance with the approval, he may enforce the conditions/commitments in the manner prescribed by the zoning ordinance and/or may refer the matter to the Plan and Architectural Review Commission for potential amendment or revocation of the conditional use permit, following the normal conditional use permit process.

The City Planners recommended the Plan Commission approve the conditional use subject to the following amended conditions of approval for the beer garden for Mitchells/Pumping Station.

1. The conditional use permit shall run with the business owner and not the land. Any change in ownership will first require approval of a conditional use permit amendment.
2. Any future signage installed on either property shall comply with the City's sign ordinance. In addition, backlit, plastic signage shall be prohibited. City staff shall review and approve of all new and replacement signage prior to installation.
3. The operations of the outdoor patio area shared by these bars shall be limited as follows:
 - a. There shall be no amplified music played on or directed to the outdoor patio area.
 - b. The outdoor patio area shall close by normal business closing hours and shall not open until 10:00 a.m.
 - c. No glass containers shall be allowed in the outdoor patio area.
 - d. During all hours it is open, the patio area shall be controlled with at least one security personnel and with security cameras.
 - e. At the close of business each day, the property owner shall clean the patio, sidewalks, terrace areas, and alley of all debris.
 - f. All public access to the patio shall be through both buildings.
4. If the Zoning Administrator observes that the outdoor beer garden is not being operated in accordance with these conditions of approval or other commitments made by the applicant with the conditional use permit application, the Zoning Administrator may enforce the conditions/commitments in the manner prescribed by the zoning ordinance and/or may refer the matter to the Plan and Architectural Review Commission for potential amendment or revocation of the conditional use permit, following the normal conditional use permit process.

Chairperson Torres closed the public hearing.

Moved by Zaballos and Miller to approve the amendment to the conditional use permit for GAC Enterprises Inc. (Pumpers & Mitchell's) to serve beer and alcohol by the glass or bottle on the back patio area located at 158 and 162 W. Whitewater Street with the conditions of the City Planner. Motion approved by unanimous roll call vote.

REVIEW PROPOSED MURAL PARK SITE PLAN. Park and Recreation Director Matt Amundson explained that the City has had numerous problems with the mural parking lot located at the corner of Center and Whitewater Streets which included a locust tree, pet waste (doggy bags have been provided), and smashed bottles and glass in the parking lot. It is also a difficult area to plow in the winter. So the Park Board proposed to remove the parking and provide a better view of and enhance the mural to promote Whitewater. The Staff has worked with Strand Engineering on this project. They do not have detailed landscaping plans at this time. They plan to plant prairie grass in the planter to blend into the mural. Their plan also includes the installation of a 6 to 12 inch curbing at the corner of Center and Whitewater Streets for a planter, for small growing plantings. Two terrace trees remain and they will be trimming the locust tree. Their goal is to increase interest in the mural and upgrade the downtown area. He knows that parking is a concern.

Bonnie Miller spoke against the removal of the parking. The Plan Commission decision will affect the businesses. She also had concerns that the property owners of the area had not been notified of this meeting. Leffingwell's Menswear is gone but is being replaced by Barb Kramer's clothing store; a new business "The Guild on the Triangle" is coming to the area; the quilt shop, the dog spa and the pet store all make use or will make use of this parking lot. When Lisa Berglin was researching for a business location, the off street parking was a huge factor for several reasons which include the fact that dogs do have to eliminate, and the owner can get their dog out of the vehicle safely. Lisa personally removes the dog waste so it does not affect her business. The mural parking lot is also favored by quilters. Contributions from the Art Community are great, but the downtown cannot stand on the arts alone. This parking lot affects all kinds of shoppers. When it is gone, it is gone forever. A lot of people with different needs use these parking spaces.

Geoff Hale, Downtown Whitewater Inc. Board Member for five years, explains that they have had many goals to increase the parking in the downtown area. He is all in favor of enhancing the mural. The City has a small downtown park behind the Main Street Shops that has not been taken care of for many years. The Dental Perfection Team at 117 S. Second Street had sent a letter on August 21st to Dean Fischer in regard to garbage littering the streets in the downtown. The litter has been accumulating for weeks. This is negative for all of Whitewater. Geoff Hale suggested to remove the huge tree from the parcel to increase the view of the mural. The prairie grass that is planted will be taller than any car.

Dawn Hunter, 351 S. Wisconsin Street, has been a resident of the City of Whitewater for 45 years. She was here when the old city hall was on that site. Due to a lack of parking at that time, it was determined to be used as temporary parking until it could be used for a greater purpose. For marketing for businesses in the downtown, it is important that people park their vehicles and walk, which gives them access to businesses they might not have had. According to an economic impact study by Lt. Gov. Barbara Lawton, investment in the Arts generates revenue and employment for thousands and brings vitality to communities. Last year in August over 900 people attended the "Miracles of the Spirit" show, three quarters of those that attended did not come from Whitewater. Dawn Hunter knows this parking lot is a convenience. With all the new spaces that have been created in the downtown area, they did not feel that losing 8 spaces was that detrimental. She explained that when the mural was originally painted in 1980 and when it

was painted 5 years ago, removing the parking was a part of the plan. It was determined that the City was going to be redistributing and increasing the number of parking spaces in the downtown, and at that time, this removal of this parking would be considered. They will be doing the project in two phases. Phase one would be to take out four of the existing parking spaces and install the retaining wall and lighting. The estimated cost for the lighting is \$3,650. By doing it in two phases, they will be able to have time to collect the dollars needed to finish the project. It will also phase out the parking so it isn't all gone at once.

Lisa Berglin, K-9 Hair Care and Dog Wash, explained that the Park and Recreation Board approved this project in August of 2008. It is now September 2009. In the period between she decided to move her business to the downtown area with the criteria that there was available off street parking and green space. She takes care of the pet waste and makes sure others do to. If pet owners do not clean up, and they are caught, they can be ticketed. She also needs to have her vehicle close by in case there is an emergency where she needs to get a dog to a veterinarian. Lisa says that everything is always changing, she just asks that change is considered carefully. Once the parking lot is removed for a park area, it will not go back to parking. She also read the letter from Cheryl Demott, Mirage Hair Studio, who has a lot of elderly clientele who need to park in the near vicinity to her business. She hoped the Plan Commission would take into consideration all the views of those who are involved with this downtown project and work together so we can all enjoy what Whitewater has to offer. Lisa Berglin also explained that she is not against the Arts, they have done great things for the City and the downtown area. She felt that there could be hours where the parking lot be considered an urban park.

Barbara Kramer, purchased 141 W. Main Street, feels that parking is at a premium in the downtown area. There are 8 stalls with 2 hour parking in this lot. The more apartments there are, the more stress there is to find a parking stall. The area can be beautified and still provide parking.

Deborah Blackwell, Studio 84 in the mural building, explained that the City needs to be aware of what that parking brings to the area. Compromise is good. We need to keep a balance.

Claudia Holz, customer of "K-9 Hair Care", says she drops off her dog and walks. Things change, parking is important. We have new stores, and new apartments. Prairie grass will not work very well in the planter against the wall. Prairie grass is a tall weed and needs periodic burning to grow properly. She asked the Plan Commission to be practical, parking is practical. Make the area dog friendly.

Harriet Kaluva commented that there are over 80 new spaces in the downtown area. There are new spaces on North and First Streets, 10 new spaces east of Novak's. She has been handicapped for 10 years and has never been unable to find a parking space. The Arts in Whitewater is for everyone. Know the facts.

John Patterson, President of Downtown Whitewater Inc., explained that the mural is an iconic piece of art and should be highlighted. It can be seen very clearly from the east, coming over the bridge on Main Street. It should be lighted. The tree would not have to be removed as it does not obstruct that view. All the new parking sites in the downtown area are not convenient to this area. This is the booming area, very prime parking should turn over. He suggested that the parking lot be used as park space on an as needed basis. November through March this area would not be used much as a park.

Jonathan Kehn, Woodland Quilts, stated that location is everything. Why give up the parking if you believe in the retailer. You do not have to give up parking because of Urban murals. In Ashland Michigan, murals are part of the City. They co-exist with other things.

Park and Recreation Director Matt Amundson stated that the committee, in late August, decided that the mural should be lit at night. For lighting to shed light correctly, they must be installed in the parking lot area. (They had wanted to install them in the retaining wall to be protected.)

Dawn Hunter explained that the apartment windows in the mural wall are for the kitchen and living room. If the light is installed up above the mural, it would shed intense light into the rooms. If the light shines up from the bottom, it hits the ceiling and washes. They can light the mural with two lights from the parking lot.

It was suggested to replace any spaces removed from the mural parking lot (Parking Lot C). Parking Lot C is a two hour lot, with the exception if you have a parking permit, you can park longer hours. It was suggested to put some of the stalls in the parking lot on the east side of Novak's Restaurant (Parking Lot D) into 2 hour or 4 hour spaces. Other suggestions were to add more angle parking on Whitewater Street.

Park and Recreation Director Matt Amundson stated that the Park and Open Space Plan that was approved in 2008 had this parking lot designated as a park. The first phase will be done with City's resources, the Parks/Street Department. The City Manager was confident that the existing stalls were replaced when the changes were made to the parking in the downtown area to create additional spaces.

The Board voiced concerns: that the park was not necessary; the Fire Department asked not to have angle parking on Whitewater Street; angle parking is scary to back out of; not convinced to lose space and put in impervious space; not in favor of losing any parking spaces; and to save the tree, it is hard to plant trees in the downtown.

Kathy Fincutter noted that there was a lack of handicap accessible parking, no handicap stall. There needs to be handicap stall, van accessible, in order to not be in violation of the State Code.

Plan Commission Member Zaballos requested the City Staff to adjust the parking downtown in Lot D. Make a layout of the remaining 4 stalls in the Mural parking lot with handicap stall, and make an adjustment to the landscaping. When creating a raised bed around the tree, 6 inches would kill the tree.

Chairperson Torres stated he would be voting against the change due to the loss of the four spaces.

Moved by Binnie and Zaballos to refer back to Park Board with the goal of achieving the lighting while retaining 4 spaces, and relocating 4 two hour spaces within the area. Motion approved with all ayes except Torres and Miller voted no.

ARCHITECTURAL REVIEW OF THE PROPOSED EXTERIOR ALTERATIONS TO THE BUILDING AND REVIEW OF THE SITE PLAN FOR 1114 W. MAIN STREET FOR CRAIG POPE. Zoning Administrator Bruce Parker explained that Craig Pope's proposal includes an addition on the north side of the building. They will be installing curb and gutter throughout the project and will install a patio area. The pillars and stone work will come all the way to the corner of the building and across the front of the building. The building is planned to

house two restaurants, Qdoba and Cousins. He did not submit a floor plan for the layout of the building so the required amount of parking cannot be determined. Parking requirements are determined by the amount of primary floor space. There will be a joint bathroom for both restaurants off a common hallway. State approved plans are required. Landscaping and signage plans were not submitted. The Qdoba restaurant would want to serve beer which would require a conditional use permit approval through the Plan Commission and the license granted by the City Council.

Craig Pope stated he had no problems with the City Planner recommendations. They will come back with lighting, landscaping and signage plans hopefully for the October Plan Commission meeting. At this time they do not have a finalized lease agreement. Craig stated that the condition of a beer license would not be applicable if the Qdoba lease is not signed.

The City Planners recommended, pending the applicant bringing additional details on exterior colors and materials to the Commission meeting, that the Plan Commission approve the alterations to the existing site and building located at 1114 W. Main Street (the former KFC/A&W site), subject to the following conditions:

1. The site shall be developed in accordance with the plans submitted for the September 21, 2009 Plan and Architectural Review Commission meeting, including the Site Plan and the South, East, North, and West Elevations, except as alterations to these plans are required to meet the conditions that follow.
2. Prior to building occupancy, the applicant shall submit for Plan Commission approval a landscaping plan consistent with the City's landscaping guidelines and a signage plan consistent with the City's sign ordinance. No signage shall be installed until the signage plan has been approved by the City. Sign placement as shown on the submitted site plan, shall be revisited based on vision triangle standards on major streets. A pole-mounted sign shall require a conditional use permit.
3. Prior to the issuance of a building permit, the applicant shall revise and resubmit the site plan to show the removal of the one-way driveway located at the front of the building and to show curbing around the peninsula on the east side of the lot, immediately south of the Tratt Street access point, and to show revised vision triangle dimensions with such revised plan subject to staff approval. Appropriate landscaping shall be proposed within each of these areas on the landscape plan.
4. Prior to the issuance of a building permit, the applicant shall submit revised floor and lighting plans that are consistent with the approved building elevations, subject to staff approval. All on-building lighting shall be subject to approval by the Zoning Administrator and must be consistent with the City's lighting ordinance. This includes any lighting proposed for the outdoor patio area.
5. Prior to building occupancy, all freestanding parking lot lighting shall be adjusted, as necessary, so that the fixtures are oriented parallel to the ground (not tilted up).
6. The re-paneled dumpster enclosure shall be entirely opaque and include paneling on all four sides, including the gate area.
7. All tables located in the outdoor dining area shall match one another and have compatible chairs/stools. All tables and chairs/stools shall be durable and weather resistant, and shall not advertise the business or any product, whether such product is available at the business or not.

Umbrellas and other decorative material shall be made of treated wood, canvas, cloth, or similar material that is manufactured to be fire resistant.

8. If the owner/operator of either business wishes to sell beer or other forms alcohol by the bottle or drink, the owner/operator must first get a conditional use permit and liquor license from the City.

Greg Meyer, a resident of Whitewater, stated that this would be an improvement. He requested that there be angle parking on the north and west side for larger vehicles.

Craig Pope explained that they have increased the ingress and egress to make it easier to get in and out of the property. They are removing the dining on the west side and compensating for it on the south side of the building. They are still figuring out the floor plan for each of the restaurants. If need be, they will incorporate fake windows. The plan depicts drive through windows which are subject to change.

City Planner Mark Roffers explained that when there is two way in and out, there should be no parallel or angle parking. Parallel or angle parking is good for one way and very dangerous for the other. He also requested to remove the one way drive on the south end of the building.

Moved by Binnie and Zaballos to approve the exterior alterations to the building and the site plan subject to the revised conditions of the City Planners. Motion approved by unanimous roll call vote.

REVIEW PROPOSED EXTERIOR VINYL SIDING FOR THE EAST SECOND FLOOR WALL OF THE BUILDING AND POSSIBLY THE NORTH SECOND FLOOR WALL AT 162 W. MAIN STREET FOR CHRIS HALE. Zoning Administrator Bruce Parker explained that the Main Street Shops building has had water problem, so they installed a new roof and now must get the east wall sealed so water does not get down into the building. The exterior alterations need Plan Commission approval. Parker gave permission to start the project after conferring with Downtown Whitewater Inc. The north wall of the building will be tuck pointed. The east wall will have cement board painted beige to match the brick and stone.

Chris Hale was present to answer questions.

The Board voiced their concerns of: appreciating the tuck pointing for the historic part of the building; the broken window on the front of the building must be repaired (has been broken for months); the north wall graffiti must be addressed.

Chris Hale explained that the broken window will be replaced within the next month. He also understood that the graffiti on the back of the building needed to be addressed.

Dave Saalsaa, of Downtown Whitewater Inc., commended Chris Hale for working with the Downtown to make these improvements. The east wall of the building is not historic. They requested that cement board be used to cover the wall. The original plan was vinyl siding. Downtown Whitewater wanted any color but not vinyl siding. They came to a compromise to use cement board siding on the east wall and the north side of the building will be tuck pointed and the brick maintained.

City Planner Mark Roffers stated that it should be made clear in the approval that there will be no vinyl siding, it will be cement board and on the east elevation only. The north elevation is to be tuck pointed and the brick maintained.

Moved by Binnie and Miller to approve the cement board exterior for the east wall of the building only, and the north wall is to be tuck pointed and the brick maintained; and with the condition that the broken window on the front of the building be replaced within 60 days. Motion approved by unanimous roll call vote.

REVIEW SESSION ON DRAFT 1 OF THE COMPREHENSIVE PLAN. City Planner Mark Roffers explained that he thought it would be best to hold off on the detailed review of the Draft 1 of the Comprehensive Plan until the next meeting. He did want to make a brief presentation on neighborhood preservation strategies to hopefully clear up the misconception. The plan does not identify any university housing beyond the University limits. The plan is to preserve the quality of all neighborhoods in the City of Whitewater. Chapter 2 is about housing and neighborhoods and land use. There is a future land use map and 4 types and policies in the text pages 76 to 84 of the plan document. The four types are single family, higher density, central area (where it is 50/50 owner/renter which allows for unique policies, and planned neighborhoods. A digital copy of the draft is on line, but it is important to note that it is a draft and has not been approved by anyone. They will be meeting with the Parks and Urban Forestry Task Force and will be taking that information into account along with the Plan Commission, City Staff and Public input for the Draft 2 of the Comprehensive Plan. This plan will be reviewed at the November Plan Commission meeting.

Richard Helmick, 227 S. Boone Court, was in favor of the Plan Commission's long range plan use and neighborhood preservation. He had two concerns, one that neighbors were dismayed that they did not know anything about the plan. They are still concerned and need the information for which the website is very important; and two, that the Neighborhood 8, Campus Area Neighborhood, was targeted at less than residential. They petitioned the Plan Commission to reconsider their recommendation of our neighborhood. They presented the petition in consideration that their neighborhood needs to be preserved as any other residential neighborhood.

Harriet Kaluva, Clark Street, is not a home owner, was in favor of this neighborhood being considered a residential neighborhood as it also included the library, churches, and a public park.

The October Plan Commission meeting will start at 6:00 p.m. with the Comprehensive Plan with the remaining items to start at 7:30 p.m. (Notices will reflect the 7:30 start time for those items.) Draft 1 focuses on priorities. Changes will be made after the October meeting and will be ready by the November meeting. The Plan will then be forwarded to the City Council. City Council will hold the public hearing (December 31st deadline) and take action after that.

DISCUSSION AND CONSIDERATION OF THE REQUEST OF THE COMMON COUNCIL THAT PLAN COMMISSION CONSIDER CHANGING ITS MEETING DATE TO THE SECOND MONDAY OF THE MONTH. Plan Commission Member Binnie explained that the City Council was concerned that items that were on the Plan Commission agenda on the third Monday of the month could be passed onto the City Council the next day. There was not enough time for the Council to review the information or for the public to know about the action taking place.

Zoning Administrator Bruce Parker worked it out with the City Planner. The second Monday of the month for Plan Commission meetings would work for them.

Moved by Miller and Coburn to approve the change to the Plan Commission meeting day to the second Monday of the month. Motion approved by unanimous roll call vote.

Information: The next regular Plan Commission meeting will be October 12, 2009. The meeting will start with the Comprehensive Plan from 6:00 p.m. to 7:30 p.m.

Moved by Zaballos and Coburn to adjourn at approximately 9:45 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,

Jane E. Wegner
Secretary