

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
December 13, 2010

**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: Torres, Stone, Binnie, Dalee, Miller, Meyer (Alternate). ABSENT: Zaballos, Coburn. OTHERS: Wallace 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 citizen comments.

**MINUTES.** Moved by Stone and Meyer to approve the Plan Commission minutes of October 11, 2010. Motion approved by unanimous roll call vote.

**PUBLIC HEARING FOR A CHANGE OF THE DISTRICT ZONING MAP FOR THE  
FOLLOWING AREA TO ENACT AN ORDINANCE TO IMPOSE THE R-O NON-  
FAMILY RESIDENTIAL OVERLAY DISTRICT ZONING CLASSIFICATION UNDER  
CHAPTER 19.25 OF THE ZONING ORDINANCE OF THE CITY OF WHITEWATER  
FOR 314 W. NORTH STREET (/WUP 00089), 318 W. NORTH STREET (/WUP 00090),  
326 W. NORTH STREET (/WUP 00091), AND 330 W. NORTH STREET (/WUP 00092).**

Chairperson Torres opened the public hearing for consideration of a change of the District Zoning Map for the following area to enact an ordinance to impose the R-O Non-Family Residential Overlay District Zoning Classification under Chapter 19.25 of the Zoning Ordinance of the City of Whitewater for 314 W. North Street (/WUP 00089), 318 W. North Street (/WUP 00090), 326 W. North Street (/WUP 00091), and 330 W. North Street (/WUP 00092).

Zoning Administrator Bruce Parker explained that the map showed where the proposed properties are located and where the properties are that already have had the overlay zoning done earlier this year.

City Planner Mark Roffers explained that this proposal was evaluated against the City of Whitewater Comprehensive Plan and it was found to be consistent with the documents. Roffers recommended approval and stated that the Plan Commission would make a recommendation to the City Council.

Michael Woller voiced his concern as he had recently purchased the property at 314 W. North Street for a rental property. He was unaware of the possibility of the R-O Overlay Zoning and asked that the Plan Commission remove his property from this proposal.

City Planner Mark Roffers explained that the purpose of the R-O Non-Family Residential Zoning was to help preserve the single family neighborhoods. The properties with the R-O

Overlay Non-Family Residential Zoning designation would be limited to a maximum of 2 unrelated occupants. The R-2 One and Two Family Residence Zoning District allows for 3 unrelated occupants.

City Attorney McDonell explained that a large portion of the neighborhood has the R-O Residential Overlay Zoning. Councilman Winship has petitioned to increase the overlay zoning area to these four properties. The City Council will address this zoning change on December 21<sup>st</sup> at 6:30 p.m. and will give a final decision. He explained that Michael Woller has the right to give input. The R-O Overlay Zoning does not prohibit rentals. The Plan Commission can make a recommendation of the properties to be included.

Chris Grady (owner of 318 W. North Street, next door to 314 W. North Street) stated that it had been intended for these four properties to be included in the original petition. They were attempting to correct the oversight of the original proposal.

Patty Nicks is the owner of 126 N. Fremont Street, which is also next door to 314 W. North Street. She is in favor of the R-O Overlay Zoning, which would limit the number of students renting a property. She stated that they have lived at their address for 11 years. For all of that time, the property at 314 W. North Street has had a family living there.

James Hartwick, 178 N. Franklin Street and President of the Historic Starin Park Neighborhood Association, stated that in the original R-O Residential Overlay Zoning District, these R-2 properties were inadvertently left off the petition. Some neighborhoods are considered ones to be preserved as single family neighborhoods based on the owners of properties in the area. This overlay zoning is consistent with the City of Whitewater Comprehensive Plan.

Plan Commission Member Binnie asked why the Historic Starin Park Neighborhood Association did not go forward to include at least the west side of N. Fremont Street in the R-O Overlay Zoning District.

James Hartwick explained that when the proposal was first drawn up, the R-O Overlay Zoning only applied to R-1 properties. R-2 is similar and buildings in this area are unlikely to be torn down. If it had been clear, they would have asked for the entire area to be included for the overlay zoning. At their last neighborhood meeting they decided to at least get the North Street properties and try to get Fremont Street as well. Fremont Street has a number of existing rentals. The existing properties that have a long status of being a rental to three unrelated persons, can continue to rent to three unrelated persons. They did not want to include Fremont Street until they asked the people who live there.

Chairperson Torres closed the public hearing.

Plan Commission Members Stone, Torres, and Binnie agreed that they would be in favor of dropping the property at 314 W. North Street from the proposed R-O Residential Overlay Zoning. Binnie explained that there will still be a limit of three unrelated persons allowed for that property without the overlay zoning.

Moved by Stone and Binnie that this change in zoning is consistent with the City of Whitewater Comprehensive Plan, and that the Plan Commission recommend to the City Council to impose the R-O Non-Family Residential Overlay District Zoning Classification under Chapter 19.25 of the Zoning Ordinance of the City of Whitewater for 318 W. North Street (/WUP 00090), 326 W. North Street (/WUP 00091), and 330 W. North Street (/WUP 00092). Plan Commission Member Binnie clarified that the City Council can go back to the original proposal including the

314 W. North Street property. Motion approved by unanimous roll call vote.

**PUBLIC HEARING FOR A CONDITIONAL USE PERMIT FOR A “CLASS B” BEER AND A “CLASS C” WINE LICENSE FOR ILMI SHABANI, TO SERVE BEER AND WINE BY THE GLASS AT “JESSICA’S RESTAURANT” LOCATED AT 140 W. MAIN STREET.** Chairperson Torres opened the public hearing for consideration of a conditional use permit for a “Class B” Beer and a “Class C” Wine License for Ilmi Shabani, to serve beer and wine by the glass at “Jessica’s Restaurant” located at 140 W. Main Street.

Zoning Administrator Bruce Parker explained that Jessica’s Restaurant has been approved with minor conditions and will be expanding into the property next door at 138 W. Main Street. They are asking for a beer and wine license, particularly for their banquet hall. A conditional use permit is required to serve beer and wine by the bottle or glass. This area to be licensed will include the addition and possible sidewalk café area. It is recommended to have the sidewalk café as part of the approval as long as it meets the Sidewalk Café Ordinance.

The City Planners recommended that the Plan Commission approve the conditional use permit for Jessica’s Restaurant, located at 138-140 W. Main Street, to allow the sale of alcohol by the bottle or drink within the restaurant and any future sidewalk café area, and further to recommend Council issuance of “Class B” Beer and “Class C” Wine Liquor Licenses, subject to the following conditions:

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. All prior conditions of conditional use permit approval from September 2010 shall continue to apply to the property, if the project is commenced and completed in accordance with that approval.
3. The serving and sale of alcoholic beverages in any sidewalk café area shall adhere to the requirements listed under Section 5.18.070 of the City of Whitewater Municipal Code, including, but not limited to, the requirement that the sidewalk café area within which alcohol is being served shall at all times it is being used be roped off or otherwise enclosed by a freestanding barrier that is at least three feet high. If such project adheres to that section of the Municipal Code, further Commission approval of a site plan or conditional use permit amendment shall not be required.

Chairperson Torres closed the public hearing.

Moved by Binnie and Miller to recommend to the City Council to approve the Conditional Use Permit for a “Class B” Beer and a “Class C” Wine License for Ilmi Shabani to serve beer and wine by the glass at “Jessica’s Restaurant” located at 140 W. Main Street with the conditions of the City Planner. Motion approved by unanimous roll call vote. The applicant agreed to all the conditions.

**PUBLIC HEARING FOR A CHANGE OF THE DISTRICT ZONING MAP TO REZONE 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 AND FOR CONSIDERATION OF A GDP (GENERAL DEVELOPMENT PLAN) AND SIP (SPECIFIC IMPLEMENTATION PLAN) FOR THE PROPOSED STUDENT APARTMENT DEVELOPMENT FOR CATCON WHITEWATER, LLC., WITH THE REZONING, GDP , AND SIP ALL ASSOCIATED WITH THE FOLLOWING PARCELS**

**LOCATED ALONG N. PRINCE STREET AND W. FLORENCE STREET ARE REQUESTED TO CHANGE TO PCD FOR THE DEVELOPMENT OF STUDENT APARTMENTS: TAX PARCEL NUMBERS /WUP 00178C, /WUP 00178, /WUP 00178A, CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN.** Chairperson Torres opened the public hearing for consideration of a change of the District Zoning Map to rezone 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 and for consideration of a GDP (General Development Plan) and SIP (Specific Implementation Plan) for the proposed student apartment development for CatCon Whitewater, LLC., with the rezoning, GDP, and SIP all associated with the following parcels located along N. Prince Street and W. Florence Street are requested to change to PCD for the development of student apartments: Tax Parcel Numbers /WUP 00178C, /WUP 00178, /WUP 00178A, City of Whitewater, Walworth County, Wisconsin.

City Planner Mark Roffers stated that this project has been in the works for about six months. It is a 31 unit student apartment project, a good transition from the public dorms to the private rentals in the community. In order to do this project, rezoning the properties to a PCD (Planned Community Development) is required. The PCD Zoning allows the City to enable modification for standards in exchange for higher requirements. The PCD Zoning would only include the GDP (General Development Plan). If the PCD Zoning and General Development Plan is approved, the Plan Commission can act on the SIP (Specific Implementation Plan) which would be conditioned upon City Council approval of the rezoning. The main criteria is consistent with the City's Comprehensive Plan – future use design. In the rezoning to PCD, there are an additional 5 or 6 criteria to follow. “Do we need this project in Whitewater?” is not a consideration in the criteria. The developer has worked 6 sets of plans with different configurations. There is no longer underground parking. Since the concept plan, the ownership has changed a little. The number of units proposed would not be allowed on the lot in an R-3 Zoning District, but could be allowed in a PCD.

The City Planners recommended the Plan and Architectural Review Commission first find the rezoning of the property from R-3 Multiple Family Residential to PCD and the associated General Development Plan (GDP) for The Element apartment project to be consistent with the City's Comprehensive Plan, then recommend City Council approval of PCD zoning and associated GDP, and then approve the Specific Implementation Plan, all subject to the following conditions:

1. The applicant shall make building and site improvements in accordance with the plans and other supporting documents approved by the Plan and Architectural Review Commission on 12/13/10, and including the following, except as any changes to those plans and supporting documents are required to meet conditions 2-14 that follow:
  - a. Materials dated 10/18/10: Operations and Security Memo
  - b. Materials dated 11/7/10: Agreement to Maintain Stormwater Facilities
  - c. Materials Dated 11/11/10: Attachment D: Letter from Calvary Lutheran Church
  - d. Materials dated 11/12/10: Details Sheet (sheet C1.6); Building Roof Plan (sheet A1.5); Lighting Detail sheet (sheet PXP2); Photo Renderings of building; Attachment A: Operation Plan; Stormwater Management Plan (bound document); Attachment E: Parking Information (includes 4 items: Parking Memorandum, Information and Parking Form, Terms and Rates, and Rules and Regulations)
  - e. Materials dated 12/6/10: Existing Site and Demolition Plan (sheet C1.0); Site Plan (sheet C1.1); Grading and Erosion Control Plan (sheet C1.2); Utilities Plan (sheet C1.3); Details and Specifications (sheet C1.4); Landscape Plan (sheet C1.5); First Floor Plan (sheet A1.1); Second Floor Plan (sheet A1.2); Third Floor Plan (sheet

A1.3); Fourth Floor Plan (sheet A1.4); Elevations (sheets A2.0 and A2.1); Photometric Plan (sheet PXP1)

f. Other Materials with no date: Attachment F: Photos of interior finishes; Catalog Page for retaining wall; Sustainable Design Features list

2. Prior to the issuance of a building permit for this project, the applicant shall:

- a. Address, through plan changes and otherwise, all requested changes in the 12/8/10 email of the Whitewater Fire Inspector over which the applicant has control.
- b. Provide catalog pages for exterior wall-mounted lighting fixtures.
- c. Expand the "Future Parking" label on all plan sheets to indicate that the future parking lot shall be installed only following the approval or direction of the City's Neighborhood Services Director.
- d. Obtain approval of the City Forester of the street terrace tree planting plan and make any adjustments as requested by the City Forester.
- e. Increase the number of 4 inch caliper trees on the site by 10, in higher-impact locations as approved by the Neighborhood Services Director.
- f. Address all outstanding issues related to stormwater management, grading, erosion control, and utilities, as determined by and to the satisfaction of the Neighborhood Services Director, in consultation with the City's engineering consultant.
- g. Pay a park improvement fee and a fee-in-lieu of parkland dedication in accordance with City ordinance standards for the 31 additional housing units being added to this property.
- h. Update and resubmit for City staff approval all plans that are necessary to assure compliance with the above conditions.

3. In the grading and development of the site, in the areas with existing mature trees both on the subject site and off-site that are proposed for retention, the developer shall follow the tree preservation guidelines included within the City of Whitewater Landscaping Guidelines (i.e., protect critical root zone radius) to the extent practical. At least 14 days prior to the commencement of site construction, the applicant shall notify owners of adjoining properties with mature trees that are both proximate to shared lot lines and shown on the Landscape Plan of the intent to grade and develop the subject site in the general areas of such trees. That notification shall include an offer to meet with the adjacent owner(s) to review plans and make provisions to minimize potential root cutting and compaction in the vicinity of those trees. The applicant shall invite the City Neighborhood Services Director and City Forester to attend any such meeting(s).

4. The maximum occupancy of each apartment unit shall be limited to the number of bedrooms in that unit, and the maximum occupancy of each bedroom shall be one tenant.

5. The site shall be operated at all times in full accordance with the October 18, 2010 Operations and Security Narrative and the November 12, 2010 "Operation Plan for The Element," except that the selected management company may change provided that the project maintains, at all times, management by a professional management company with qualifications for managing student oriented apartment developments, in the determination of the Neighborhood Services Director.

6. If the apartment building is developed as planned and approved under this PCD, the church use of the property shall be limited as follows:

- a. Occupancy of no more than one office room.
- b. No more than one church employee on site at any one time.
- c. No on-site services, except for residents of the apartment building.

- d. No on-site parking or shuttle service for church patrons to attend services in another location or for any other purpose, except for those who are also residents of the apartment building.

7. The use and function of the first floor meeting space, media room, game room/lounge, exercise room, and study rooms, as indicated on the approved Floor Plan sheet, shall not be substantially altered as judged by the Neighborhood Services Director, without the prior approval of the City Plan and Architectural Review Commission.

8. The proposed front yard seating area, as represented on the Site Plan sheet, shall be installed no later than one year from the date of initial building occupancy, in accordance with a plan prepared by the applicant and approved by the Neighborhood Services Director.

9. No parking space designated on the site plan shall be used at any time for any other purpose than the parking of operable motor vehicles. No snow storage shall be allowed in parking spaces.

10. Parking permits shall be allocated for tenants of the project, per the "Parking Rules and Regulations" document submitted with the application or any replacement document approved by the Neighborhood Services Director. In no case shall the number of permits that are issued for resident parking exceed the number of spaces available in the off-street parking lots, less 5 spaces to accommodate visitors and the church/office use of the property as limited through the above condition.

11. The applicant shall include with all leases provisions related to the following, with such aspects of the leases subject approval of the Neighborhood Services Director and City Attorney before the leases are utilized:

- a. Limits on occupancy to (i) one tenant for each bedroom and (ii) a number of tenants in each apartment unit not exceeding the number of bedrooms in that unit.
- b. Parking rules and regulations in accordance with this PCD approval, including clear restrictions against vehicular parking in any space that is not a designated parking space on the approved Site Plan for the project.

12. In the event that not all site and landscape improvements are completed before occupancy of this building, the applicant shall provide the City with a site improvement deposit in the amount of \$2,000.

13. Any and all future signage proposed for this site, including directional signage, shall be subject to City Zoning Administrator approval.

14. Specific Implementation Plan approval is null and void if the City Council does not approve the rezoning or the General Development Plan. The Specific Implementation Plan is subject to alterations if the City Council approves changes to the General Development Plan.

Matt Burow, President of the company, gave a history of the project. He has been involved with it for two years. They have been trying to expand campus ministries not sponsored by the Church or the UW. to be owned by private equity members. They have been involved with planning a student housing project on this property for the last 12 months. They have met with city staff. They started with an over 200 bed unit but have reconsidered the plan and reduced it to a 155 to 170 bed unit. Plan Commission was looking for less density and a higher parking ratio. They will have a property manager, BMOC out of Madison. It will be a high performing property, well managed and maintained. This will be a transitional product. They will provide full time activities, full time maintenance, all the amenities you would see in a dorm and a high

level of security.

Engineer Tom Schermerhorn explained that “The Element” will be a transitional use from the UW to the residential area. All units will be fully furnished in an efficient layout. There will be individual bedrooms, two baths in the 4 unit apartments. There will be an on-site manager and program director. If they were to apply for the building to be a LEED building, it would be in the low gold or high silver range. The building will be made in a residential scale and materials, high quality stone and cream city brick. It will be a townhouse style with horizontal and vertical elements. There will be a 50 year warranty on the siding. The trim and accent will be gray and dark brown respectively. The glazing on the windows will not be institutional. The building will be high quality and low maintenance. There will also be a theatre, laundry (looking at putting in each unit) and campus ministry.

William Levy, Manager of BMOC, explained that the building will be operated similar to a dorm with RA, resident life, programming etc.

Marilyn Kienbaum voiced her concern of the cost for kids to live there and if the parents could afford it.

Matt Burow explained that it would probably be the highest cost in Whitewater. It would be competitive, but on the higher end.

Sherry Hoffer, W. Florence Street, stated that her home is a part of this proposed project. She supports the project and wanted to make the Plan Commission aware of the other changes happening in this neighborhood. Ownerships have changed and properties have changed drastically. She urged the Plan Commission to support this project.

Attorney John Olson, representing DLK Enterprises, stated that this proposal should be developed under the R-3 Zoning Ordinance regulations, not a PCD (Planned Community Development). If you go by the Zoning Ordinance, you know what to enforce. This group has hired BMOC (out of Madison) as the project operator (Other names are PMM LLC. and PMM2 LLC.). There are disputes in the Dane County Circuit Court between parents and BMOC, when BMOC took over and backed out of a lease that was to provide 19 meals per week. There is a list of zoning violations and complaints. A building inspection was performed on 1-17-10. It was later revealed (1-22 & 1-27-10) that 3 out of 4 items were not completed. Attorney John Olson wanted to send the message to go forward with this project under R-3 Zoning so that local contractors could compete. It is not safe as a PCD. Atty. Olson stated that he would make the files of the complaints available for Plan Commission inspection.

Russell Walton, a Whitewater developer, was mainly concerned about the parking. They are proposing 81 stalls for 108 students. This does not include the pastor and the meeting room and how many will be coming and taking up parking stalls. In an R-3 Zoning District they must comply with those specific parking requirements. Every kid who comes to school has a car. Walton was also concerned with the 14 foot drop off at the rear of the property to the parking lot, with the possibility of the mature trees being undermined. The building should be designed around adequate parking.

City Planner Mark Roffers stated that a condition of approval could be to not allow outside meetings to take place at this facility.

Bob Freiermuth, a local investor, stated that 8 months of the year there is street parking. The parking gets worse November through March when visitors cannot park on the street.

Attorney Mike Grubb, representing the Whitewater Rental Association, stressed the same concerns as Attorney Olson. The project should be compelled to comply with the R-3 Zoning Ordinance and work within the rules. The rules can be consistently applied. They appreciated that the project has been downsized, but it is not downsized enough. The PCD (Planned Community Development) in the ordinance offers the flexibility of a project in exchange for benefits. It is not to circumvent the ordinance. The developer cannot choose a PCD to get out of R-3 Zoning regulations. The Plan Commission is charged with consistently applying proposals to the ordinances. Why a PCD here? There are 5 areas where variances are needed. The main ones are density and parking. When looking at the density, this site is 2/3's of what it should be. The setbacks are closer to Prince Street by 3 feet. Other concerns are the drop off from the Daniels property; the parking areas are shorter and tighter; how the church works into this mix and how it impacts the parking.

Atty. Grubb brought in a comparison sheet showing how the built project would comply or exceed R-3 Zoning. The Regent project did a lot of cleaning up of the site. They closed up driveway openings on Main Street; fixed the drainage issue along S. Cottage Street. They offered similar parking, but was asked not to do it and have an area held in reserve. The Prince Street project, would require that everything be torn down and start over. The improvement trade makes it necessary to go to a PCD. The trade off is that the rooms in the apartments are smaller; the size of the building requires parking to be cut short. This is not creating a higher quality, better project. Why relax the standards now? Atty. Grubb asked that the Plan Commission consistently apply the standards and approve this project only as an R-3 Zoning proposal.

Levi Wolf, a student who lives at Starin Hall dorm, stated that students are very excited for the potential for new housing in such a great location. He loves the idea and is excited for the project. He also stated that lots of students do not have cars.

Jeff Knight, 405 S. Panther Court, stated that he had been on a Plan Commission for 14 years and has also been a landlord. He did a comparison as far as the standard of living for the tenants. The rooms are 104 to 108 sq. ft. (sizes look substandard). What are the real amenities? These apartments have 2 stove tops (not viewed as a dorm, but viewed as an apartment). As an apartment it is substandard. It is a frame building with 81 parking stalls, possibility of 86 stalls if directed by the city to develop the southeast portion of the site. What happened to the underground parking? Is parking provided for church activities? What is the impact of Starin Hall? What happens if the Church leaves, will it be considered a hardship? What is committed and what is not? Knight urged the Plan Commission to slow down and make sure it is a good project.

Roy Nosek, 210 S. Park Street, a former member of the Plan Commission, felt that the Zoning Ordinance should take precedence over a PUD (Planned Unit Development). He stated that the PCD (Planned Community Development) was adopted in 1980. He has never seen a PCD used for what it was meant to be used for. It is a short cut, a cheat of what the intent was to be. It has never been used in an innovative project. Nosek asked the Plan Commission to watch the PCD proposals. There have been none that have been credible for Plan Commission approval.

Koller Stettler, property manager for Stettler Properties, explained that R-3 Zoning is the standard, the law of the land. It is not right when someone from out of town plays the game to see what they can get away with. Development is not all bad if all play by the same rules.

Matt Burow stated that they intend to use local contractors. They have a 99 year lease with the Church at no cost. The outer ring of the mature trees on the Daniels property will not be affected

by the development. They plan to put up a retaining wall to protect them. They have the opportunity to have a long term lease for 10 to 15 stalls from a retail business about a block away.

Terry Larson, Teronomy Builders, stated that all developers needed to play by the same rules. Density is the main concern on this project. Why special consideration for this development?

Tom Schermerhorn, Excel Engineering, explained that this proposal is to be high density residential for students close to campus. In regard to vacancy rates, the University is looking to lease 300 beds and the University is increasing enrollment every year.

Chairperson Torres closed the public hearing.

City Planner Mark Roffers explained that the Campus Ministry use is confusing and would need understanding. Would the office of the pastor service people in the building only? Parking is only adequate for those living there. A PCD allows for knowing more precisely what to enforce. There is a specific set of plans to follow. The Plan Commission and City Council has the ability to set specific performance standards for a PCD development that we don't have for standard R-3 development. However PCD Zoning does require more vigilance in tracking those standards, but more details can be enforced through PCD Zoning with more specificity as to what the expectations of the City are. The reason why the building was moved closer to Prince Street is that city staff suggested that moving the building closer to Prince Street would be a better alternative than with the proposed full 35 foot setback. With the full 35 foot setback and the current building design, at the rear of the building, parts of the building would have been as close as 3 feet from the parking lot. We felt that was inadequate and if we were going to trade off, it would be a small sacrifice for the added privacy to the apartments in the back. As far as the size of the bedrooms, we would ask for better scale drawings to provide clarity. Regarding the issue of parking and the number of parking stalls per unit, Roffers agreed that without specific controls as to how many parking permits could be issued and the ability to enforce that standard, that .75 spaces per unit would not be an appropriate standard. If your default standard is one space per occupant, without restrictions, you should go with one space per person requirement. The City would be imposing a restriction on how many people they can give permits to park. It would then be the developer's responsibility to see if they could market that. In regard to vacancy rates of apartments, 5 to 10% is fairly typical, fairly common (in Roffers' experience). The requirement of deed restrictions and other measures to make sure that they follow through with promises they commit are important. Other measures include that the property management plan be as promised, their amenities they provide as promised, otherwise they would have to come back to get approval for any change. Addressing the Comprehensive Plan and Zoning tools, we have three residential districts R-1 which is single family only, R-2 which is also single family with some allowances for duplexes, & R-3 which is the multi-family district. We do not have a zoning district for if you want to go higher than that, perhaps an R-4 zoning district. It might be a good idea to look at a zoning for more density as the City has gone toward a new policy for denser than R-3 development close to the University, to the south and now to west. It would be preferable to have a Community discussion and consideration of something beyond the R-3 standard. In regard to "playing by the same rules", R-3 has certain standards, and a PCD allows the achievement of different standards, an opportunity to get density, proximity to transportation, and proximity to the downtown area. It is guided by the Comprehensive Plan. Differently situated properties are different. Roffers recommended approval as the project provides enough amenities.

Plan Commission Members voiced their concerns: Plan Commission Members Dalee, Meyer and Torres felt there should be enough parking stalls to accommodate each student, employees

etc. Plan Commission Member Binnie questioned why parking was not a problem at the Regent Apartments. Why the big concern for this project? The University has a lot of parking across from this project, which may be available. If the parking is not resolved, there will be occupancy problems. Miller disagreed with the density.

Moved by Stone and Meyer to recommend to the City Council to deny the change in the District Zoning Map to rezone from R-3 (Multifamily Residence) Zoning District to PCD (Planned Community Development) Zoning District. Motion approved with all ayes except Binnie voted no.

**REVIEW PROPOSED ONE LOT CERTIFIED SURVEY MAP ASSOCIATED WITH THE DEVELOPMENT OF STUDENT APARTMENTS ON THE NORTHWEST CORNER OF N. PRINCE STREET AND W. FLORENCE STREET FOR CATCON WHITEWATER, LLC.**

City Planner Mark Roffers explained that this certified survey map is associated with the Prince Street project. The City Planners recommended approval subject to four conditions as amended at the meeting.

1. The CSM may not be recorded until after two or more of the existing principal buildings within the CSM area have been demolished.
2. The CSM shall be recorded prior to occupancy of the apartment building authorized through City approval on the same property.
3. All lands within the CSM are shall be in common ownership prior to recording.
4. CSM approval shall be null and void within 6 months of the Plan and Architectural Review Commission approval if the CSM is not recorded in that time frame.

City Attorney McDonell recommended action on the certified survey map, either approval or not approval. The Plan Commission approval of the certified survey map will become null and void if within a certain period of time, the conditions are not met. McDonell asked the developer if they wanted to table the review to the next Plan Commission meeting to allow for Plan Commission review.

Matt Burow stated that he wanted to have the Plan Commission review the CSM now to know what they have to deal with.

Moved by Binnie and Meyer to approve the one lot certified survey map with the four conditions of the City Planners. Motion approved by unanimous roll call vote.

**REVIEW AND OFFER COMMENTS ON THE DRAFT FORMAT FOR THE CITY'S ZONING MAP.** City Planner Mark Roffers presented a draft format for the City's Zoning Map. The City authorized Vandewalle and Associates to redo the Zoning Map to make it clear. It is a digital format with one base map with the zoning districts and one overlay district map. It was brought to the Plan Commission for comments before it is finalized. There were a couple questions. Roffers explained that the wellhead protection zone is a fixed radius around a well. The Plan Commission thanked Mark for all their work on the maps.

**INFORMATION:**

For future agenda items, Lynn Binnie suggested that work be done on a Zoning Ordinance that would facilitate high density residential. He asked that it be put on the next agenda as a

discussion item.

The next regular Plan Commission meeting will be January 10, 2010.

Moved by Miller and Stone to adjourn at approximately 9:00 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,

Jane Wegner  
Secretary