

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
May 10, 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: Zaballos, Binnie, Dalee, Torres, Stone, Coburn, Miller. ABSENT: None.
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.

REPORTS:

a. Report from Community Development Authority Representative. Representative Tom Miller reported that the CDA approved the purchase of properties for the Starin Road extension. They also held a ground breaking for the Innovation Center.

b. Report from Urban Forestry Commission Representative. Representative Tom Miller explained that there will be a meeting on Tuesday in which they will have a presentation on natural grasses, and will work on new guidelines for City Forestry.

c. Report from Park and Recreation Board Representative. David Stone explained that the Park and Recreation Board met tonight. On Saturday, May 22, 2010, the Landmarks Commission is having a tour of parks. They will have guided tours of the Indian Effigy Mounds located on Indian Mounds Parkway from 9 a.m. until noon. There will also be a walking tour of 18 different historical sites.

d. Report from City Council Representative. Council Representative Lynn Binnie reported that the City Council sent the Big Box Ordinance to Plan Commission for review at next months meeting.

e. Report from the Downtown Whitewater Inc. Board Representative. No report.

f. Report from staff. No report.

g. Report from chair. No report.

MINUTES. Moved by Zaballos and Coburn to approve the Plan Commission minutes of the March 8, 2010 meeting. Motion approved by unanimous voice vote. Moved by Binnie and

Stone to approve the Plan Commission minutes of the April 12, 2010 meeting. Motion approved with all ayes except Zaballos abstained.

CONCEPTUAL REVIEW OF THE PROPOSED 29,434± SQ. FT. ADDITION TO THE EXISTING WALMART BUILDING AT 1362 W. MAIN STREET TO CREATE A WALMART SUPERCENTER WITH DEPARTMENT STORE AND GROCERY/FOOD STORE. Zoning Administrator Bruce Parker explained that this is a conceptual review in which Walmart is looking for comments and suggestions. City Staff has met with Walmart and has visited other sites around the state. The City Planners, Vandewalle and Associates, have reviewed the proposal and given information to Walmart; and the City Engineer, Strand Associates Inc. are reviewing the proposal.

The City Planners recommended that the Plan Commission suggest that the applicant revise plans to address the issues they raised in their analysis in their report dated May 5, 2010, in addition to other Commission comments.

Bruce Block, the attorney for Walmart, explained that there had been a staff and neighborhood meeting on April 21, 2010 in which they received positive comments. He stated that they are at this meeting to listen. He also stated that there will be some things they can do and some things they can't do. They are dealing with a tight site and an existing building.

Carrie Hardin, RSV National, stated that they were here to present the conceptual proposal and get feedback. They provided a power point presentation of their proposal. The parking will remain the same. The landscaping will be enhanced and curbed islands will be added. The store will remain open during construction.

Bill Boydon, BRR Architecture, explained the elevations. On the left (west) side of the building, will be the garden center with an outdoor area for live goods. The screened area will have no roof. There will be a raised double planter for large trees between the garden center and tenant spaces, and a second raised double planter to the east of the entrance vestibule. The trees will be 6 inch caliper trees or more at planting. The grocery area will be on the right side of the building. There will be a masonry screened area for compressors for the coolers, freezers etc. Just inside the entrance to the left will be a tenant area, 2 to 3 spaces. The tenants will be determined within 90 to 100 days of completion of the store. The tenants would finish the completion of their space. There will be a large indoor cart storage area with a feed from the outside of the building (a self feed type of arrangement). The cart storage area will have glazed windows.

Carrie Hardin added that the project will not be encroaching on the wetland area. They have pulled the pavement back so they are out of the wetland area. They are working on a pedestrian way. They do have a green space issue. They are working to get to the minimum requirement of 20 %. There will be more landscaping. As this was a conceptual review, they welcomed any comments the Plan Commission might have for this proposal.

Zoning Administrator Bruce Parker explained that the elevations presented were not what was in the packet. The developer needs to work on the stormwater system and green space issues.

Plan Commission Member Binnie stated that he was happy they decided to reuse the building. It is a preferable approach to starting over, even though it presents challenges. He also stated that he agreed with the City Planner that the façade seems sterile/boring and wondered if there were reasons for keeping it so plain.

Bill Boydon explained that the store was not remodeled or added onto. It was an off shoot of their corporate identity study. The approach to the architectural aspects has been all over the board. One thing they learned was that they felt they lost their corporate identity. Walmart has a new logo, Walmart with a spark. The architecture is straight forward and real. Now they have designs that are more simple than they used to be. Boydon explained that they want to meet the green space requirement. They will be adding landscaping. They will have two raised double planters to break up the façade. The vestibule area stands on its own. He felt that the Plan Commission has problems with the flanking areas of the building.

Plan Commission Member Binnie asked if the 20% minimum green space was larger than other cities.

Carrie Hardin stated that the average with expansions is close to the 20 % requirement.

Plan Commission Member Zaballos noted that the green space requirement is 30%, the concession is 20 % depending on the quality of the landscaping.

Plan Commission Member Stone had concerns of the transportation access. It was determined by a traffic study that it is difficult to make a left turn. He is concerned about what might happen at the intersection.

Carrie Hardin stated that a traffic study had been done earlier when the students were here. They will be preparing the documents and will incorporate them into the plan.

City Planner Mark Roffers asked about the tenant space identifying signage and windows in those spaces.

Bill Boydon explained that typically the tenants do not have signage on the outside of the building. They are normally food tenants and advertise on the inside of the building. Food tenants and other retail need the outside wall for storage, high racks etc. Boydon also explained that the old part of the store has a drop ceiling, but the new area will not which would possibly allow for sky lights.

City Planner Mark Roffers explained that if there were windows on the front of the building, it would limit the tenant. If it is a retail operation, they need a place to stock. As far as the signage issue, would the tenant want space on the pole sign.

The Board noted: the enclosure for the plantings has no roof, asked what type of shelving would be used as it is exposed to the elements; there were questions about the parking and the landscaping requirements; possibly providing a pedestrian way or sidewalk on the east side of the property to the building; it was suggested to extend the awning on the front of the building and provide outside seating.

City Planner Mark Roffers explained that there are limitations to the site. 30% is the standard requirement for landscaping. The landscaping requirement could be reduced to 20% if they have really great landscaping. The Planners suggested adding planters and landscape islands, additional landscaping, and making a portion of the roof vegetative. They would have to go to the Board of Zoning Appeals to appeal the 20% for landscaping. They exceed the minimum requirements for parking, 1 stall per 250 to 300 sq. ft. of store space.

Bill Boydon explained that the fencing (4 inches on center) in the open area of the store will be anodized metal which never fades or has to be painted. The Walmart standard for parking is 5 stalls per 1000 sq. ft. based on the public area of the building.

Chairperson Torres noted that he thought the building presented was better than what we have now and better than the bare minimum.

City Planner Mark Roffers explained to look at emphasizing two areas, one to look for ideas for putting sustainability into the building; and the building elevation (which he was glad for the upgrades), entrance, commonalities between the building – additional variation in height and walls protruding and regressing along the front walls. He asked them to continue to think about these things as they are getting to the details.

REVIEW PROPOSED CERTIFIED SURVEY MAP COMBINING PARCELS INTO ONE LOT FOR THE REGENT APARTMENT COMPLEX FOR DLK ENTERPRISES INC. Zoning Administrator Bruce Parker explained that this is basically a housekeeping item, combining the parcels for the existing Regent Apartment Complex. It was a condition of approval for this project.

The City Planners recommended approval of the certified survey map dated 3/2/10 for Regent Apartments. They explained in their comments that “The applicant, DLK Enterprises Inc., has submitted for Plan Commission approval a certified survey map combining parcels into one lot for the Regent Apartment complex at 761 Main Street. The preparation of the certified survey map was required as a condition of approval for both the General Development Plan and the Specific Implementation Plan associated with this property, which were approved in August 2009. We have reviewed the proposed CSM and find it to be free of error and consistent with the applicable condition of approval. Since no public land is being dedicated as part of this CSM, it only requires approval by the Plan Commission, and no further action is required on the part of the Council.”

Moved by Binnie and Zaballos to approve the one lot certified survey map for the Regent apartment complex for DLK Enterprises Inc. Motion approved by unanimous roll call vote.

REVIEW PROPOSED ADDITION TO THE GREENHOUSE LOCATED AT 301 COUNTY HIGHWAY U FOR WHITEWATER GREENHOUSES LLC. Zoning Administrator Bruce Parker explained that the greenhouse is located on Hwy. U west of the LS Power Plant. The owners of the greenhouse were present at the meeting. They want to expand to the west of the building and to the south, more than doubling the size of the original building. The site has been graded and a wetland study was done which found some pocket wetland issues. The owners have addressed all the comments. The City Engineer, Strand and Associates, have found that the proposal meets the standards. Parker recommended approval.

The City Planners recommended approval of the plans to construct an addition onto the existing greenhouse building at 301 County Highway U, subject to the following conditions:

1. The project shall be constructed in accordance with the Greenhouse Elevations (Sheet P1) dated 4/19/10, the Anchor Post Layout Plan (Sheet P2) dated 4/19/10, the Structural Cross Sections and Details (Sheet P3) dated 4/19/10, the Grading/Drainage Plan dated 4/13/10, the Site Development Plan dated 4/13/10, and the Storm Water Management Summary and cover letter dated 4/15/10, except as changes to those plans are required to meet the conditions that follow.

2. Prior to the issuance of a building permit, the Grading/Drainage Plan shall be revised and resubmitted for City staff approval to address the comments listed in the City engineering consultant's report dated 4/26/10.
3. Prior to the issuance of a building permit, the Site Development Plan shall be revised and resubmitted for City staff approval to indicate the addition of five ornamental trees along the County Highway U street frontage, the proposed tree species, and the size of all plantings at the time of installation, all per the City's landscaping guidelines and the planner staff report of 5/4/10.
4. All required ventilation fans or other building mechanicals on the addition that may generate noise shall be directed away from the properties to the west, unless otherwise approved by the Zoning Administrator.
5. 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 \$500.

Finding the proposal for the greenhouse addition appropriate and in compliance with the City of Whitewater Comprehensive Plan, Binnie and Coburn moved to approve the addition to the greenhouse located at 301 County Hwy U for Whitewater Greenhouses LLC. subject to the City Planners recommended conditions. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR A CONDITIONAL USE PERMIT FOR A 25 FOOT CLEAR SPAN BRIDGE TO CROSS THE CREEK ON THE PROPERTY LOCATED AT 1621 S. PEARSON LANE FOR JIM CALDWELL. Chairperson Torres opened the public hearing for consideration of a conditional use permit for a 25 foot clear span bridge to cross the creek on the property located at 1621 S. Pearson Lane for Jim Caldwell.

Zoning Administrator Bruce Parker explained Jim Caldwell would like to install a private bridge over Galloway Creek which is located on the back portion of his property. The DNR has concerns of the height and length of the bridge and if it is high enough to be above the flood plain area. No elevations have been set for the bridge. Strand and Associates is working on the flood plain issues. Parker stated that a conditional use permit approval would be subject to Strand and DNR approvals. They plan to have grass trails that the family could use. The bridge would be put at the narrowest area of the creek.

Chairperson Torres closed the public hearing.

Scott Ehlert was present to represent Jim Caldwell. He stated that a 33 foot bridge would span the wetland in that area.

Moved by Stone and Zaballos to approve the conditional use permit for a 25 foot clear span bridge to cross the creek on the property located at 1621 S. Pearson Lane for Jim Caldwell. Approval is based on the engineering report. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR AN AMENDMENT TO THE CONDITIONAL USE PERMIT TO ALLOW FOR AN ACCESSORY STRUCTURE (SHED) AND A FREESTANDING FRATERNITY SIGN AT 707 W. MAIN STREET FOR WHITEWATER DELTA CHI HOUSING CORPORATION. Chairperson Torres opened the public hearing for consideration of an amendment to the conditional use permit to allow for an accessory structure (shed) and a freestanding fraternity sign at 707 W. Main Street for Whitewater Delta Chi Housing Corporation.

Zoning Administrator Bruce Parker explained that the proposed shed is located on the southwest corner of the site. There are 8 parking stalls. The freestanding sign would be setback by the home. It will eventually be lit. They are also proposing fraternity letters on the second floor area of the front of the home. These are pretty consistent with other fraternities and sororities. All of these items need conditional use approval.

City Planner Mark Roffers explained that the total wall sign is below the maximum allowed per ordinance. They do have some sign space to play with. He recommended approval with his recommended conditions 1,2, and 4. The shed will be painted to match the color treatment of the house. (It was noted that it is an existing shed. It is already there.)

David Cox, treasurer for Whitewater Delta Chi Housing Corporation, explained that they plan to restore the lettering historically. They have had discussions with the Historical Society about the sign over the entryway for local designation of the property with the year and the original owner (Dewitt). If they add this signage, the lettering for the house above the entryway would be reduced in size. It would be a two or three line sign. When asked about plantings for the freestanding sign, Cox stated that there would be plantings and solar lighting for the sign.

City Planners Mark Roffers and Megan MacGlashen recommended approval of the amendments to the conditional use permit to construct a shed in the rear yard of the property located at 707 W. Main Street and install the proposed signage, subject to the following conditions (adding a new #3) as amended at the meeting:

1. The applicant shall make install the approved site improvements in accordance with the plans approved by the Plan and Architectural Review Commission on May 10, 2010, including the Site Plan (titled Plat of Survey) dated 2/22/09, the Proposed Sign Locations photo, the Proposed Yard and Wall Signs sheet, the Proposed Shed, Unfinished Temporary Location photo, and the letter dated 4/10/10, except as changes to such plans are necessary to meet the conditions that follow.
2. Prior to the issuance of a sign permit, the applicant shall paint the shed in a manner that matches the existing house and install two or three additional arborvitae in the western side yard, north of the parking stalls. All arborvitae trees shall be a minimum of 4 feet tall at the time of installation, per the City's landscaping guidelines.
3. Minor modifications to the wall signage can be made subject to approval by the Zoning Administrator.
4. All lighting associated with the freestanding sign shall be shielded, directed upon the sign only, and installed by a licensed electrician.

Moved by Binnie and Coburn to approve the amendment to the conditional use permit to allow for an accessory structure (shed) and a freestanding fraternity sign at 707 W. Main Street for Whitewater Delta Chi Housing Corporation subject to the conditions of the City Planner as amended at the meeting. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR A CHANGE OF THE ZONING ORDINANCE REGULATIONS, TO ENACT PROPOSED AMENDMENTS TO THE CITY OF WHITEWATER MUNICIPAL CODE CHAPTER 19, BY CREATING CHAPTER 19.25,

R-O NON-FAMILY RESIDENTIAL OVERLAY DISTRICT. SAID DISTRICT WILL PROVIDE THE CITY OF WHITEWATER WITH AN OPTION TO IMPOSE A RESTRICTION ON DESIGNATED AREAS OF THE CITY, AFTER A PUBLIC HEARING IS HELD, THAT WILL LIMIT NON-FAMILY HOUSEHOLDS TO 2 OR LESS UNRELATED INDIVIDUALS. Chairperson Torres opened the public hearing for consideration of a change in the Zoning Ordinance Regulations, to enact proposed amendments to the City of Whitewater Municipal Code Chapter 19, by creating Chapter 19.25, R-O Non-Family Residential Overlay District. Said District will provide the City of Whitewater with an option to impose a restriction on designated areas of the City, after a public hearing is held, that will limit non-family households to 2 or less unrelated individuals.

City Attorney McDonell explained that this ordinance does not impose zoning on any area at this time. It gives a new zoning classification for City Council to consider. An overlay district would require a Plan Commission recommendation to the City Council if there should be a zoning amendment on any particular area. If an area is proposed it would come back to Plan Commission to make a recommendation to the City Council. McDonell also noted that an overlay district could be placed anywhere. (City Council Member Jim Winship is proposing an overlay zoning for a particular area, the Historic Starin Park Neighborhood Association area, and only the properties that are zoned R-1).

City Planner Mark Roffers stated that in order to apply an overlay district to any area, you first have to create the tool, then apply the overlay zoning through the zoning process. He explained that it could be for a block area or a multi-block area. He also noted that the proposed ordinance is consistent with the City of Whitewater Comprehensive Plan as neighborhood preservation is a front and center idea of the Comprehensive Plan.

The Board voiced concerns of: possibly limiting this tool for R-1 Zoning areas only; could one person initiate an overlay zoning against an area?; Section 19.25.050 Registration, should the title be registration or non-conforming use; the ordinance doesn't address what happens once someone submits the registration form, should there be a specification for approval.

City Attorney McDonell explained that he had no problem limiting the overlay zoning to R-1 areas.

Zoning Administrator Parker that there are several areas that have significant single family homes that would like to stay single family but they are zoned R-2, R1-x, and an R-1 and PCD mixture.

City Planner Mark Roffers added that the R-2 Zoning District designation is used in a lot of single family neighborhoods.

City Attorney McDonell continued that any property in the City could be subject to an overlay zoning. In order for an overlay zoning to happen, it would require a Class 2 notice to the newspaper; notification to all involved property owners plus property owners within 300 feet of the area. A public hearing would be held by the Plan Commission. The Plan Commission would make a recommendation to the City Council who would make the decision. The process should be used judicially to meet the needs of the area. Once an overlay district is imposed on an area, the non-conforming use properties would be required to register within 60 days of the passing of the ordinance. They would be grandfathered in as long as their non-conforming use continued. If they discontinue their non-conforming use for a year, they would have to abide by the ordinance requirements. McDonell further explained that there are non-conforming use

guidelines in the State Statutes and in the City Ordinances which tell you what you have to do to qualify and maintain a non-conforming use. It is important to have the registration to be able to keep track of and investigate or enforce the zoning. Only the City Council, Plan Commission or petition of property owners can initiate the zoning petition.

Plan Commission Member Zaballos wanted to see a restriction as to how often this overlay zoning could be requested for an area.

James Hartwig, 178 N. Franklin Street, President of the Historic Starin Park Neighborhood Association, thanked the Plan Commission for their service. Hartwig explained that the City has a right to be consistent with the comprehensive plan. Their Neighborhood Association voted at their last meeting, 97% were in favor of this tool. If this ordinance is approved, they plan to have their neighborhood in an overlay zoned area. The issue of limiting overlay zoning requests to one year seems reasonable. They have seen what has happened to Tratt Street. There needs to be transitional zones, and for the City to follow longer range plans to protect and preserve neighborhoods.

Max Taylor, 1380 W. Main Street, representing District #2 in the Whitewater City Council, explained that he did not see where this overlay zoning will hurt the student body. The City must keep in mind areas for student housing also. He doesn't see it as a problem for the University and students. He supports the approval of the overlay zoning.

Dawn Mathews, owner of 162 N. Esterly Ave., bought the property as an investment with the possibility of housing her children if they chose to go to the University of Wisconsin - Whitewater. Their intention was to use the property as a rental. They were aware of the rules and regulations. Currently they rent to three students. They do their homework and are selective in choosing their tenants. They have regular contact/visits with the tenants; drive by two or three times a week; and have met the neighbors and have asked them to contact her if there are any problems. They have had the property for six years and now they have to protect their property. She feels that it is a discrimination, making a hardship for the owners and tenants. She also feels that changing the rules midstream is unfair.

Jim Winship, 184 N. Franklin Street, and author of the legislation, stated that it will not affect the use of her property. As a non-conforming use, it is grandfathered in. It does not affect the three unrelated use.

Plan Commission Member Zaballos stated that it does limit the choices for homeowners, particularly in sales. It provides a burden of regulation.

Chairperson Torres explained that a new owner could not try a property as a single family home and then change to three unrelated.

Jessie Dugan, 254 N. Park Street, chose Whitewater, because she loves the area, and the services it has to offer. She wants to maintain the integrity of where they live and raise their kids.

Jim Nies, 275 N. Esterly Avenue, voiced his concern of rentals becoming more prevalent than ownership. There are some neighborhoods that are worth preserving and it is necessary to take a stand to make it happen.

Bob Freiermuth, who has a vested interest in Whitewater, (lives here, works here, children go to school here) said the terms "target and tools" are pretty scary. They appear to keep government

in control with their use of “target and tools”. These tools need to be used for the people and with the consent of the people. Freiermuth stated that he is in favor of the overlay, but it should be limited. He feels that zoning should be looked at overall. He feels that R-2 Zoning is good. He abides by the rules, but would find it hard to divulge the names of any tenants. It would be a burden annually and he would have a hard time complying.

Chairperson Torres closed the public hearing.

Noting that the proposed ordinance is consistent with the City Comprehensive Plan, it was moved by Binnie and Stone to recommend approval to the City Council, with the possible tweaking of Section 19.25.050 by the City Attorney and adding a provision that a given area not be considered for a change in the zoning for more than one time per year.

Plan Commission Member Zaballos questioned if the Landlord Association had been notified. All parties involved should be at the table.

City Attorney McDonell and Zoning Administrator Bruce Parker had talked with some Landlord Association members, but no official notices had been sent to individuals. The public hearing notice is published in the Whitewater Register two times and the Agenda is also published in the Whitewater Register, on the City of Whitewater web site, and is posted at City Hall, the Library, and the White Building.

Plan Commission Member Coburn explained that not having regulations could cause problems. Once we see how the tool is framed, she felt we would all feel better.

Plan Commission Member Dalee was impressed with the improvement of the neighborhood, more park and family oriented. He feels the overlay is a good idea.

Zaballos felt the tool could be better written. It is the process that is important. People involved in the process should be brought back to the table. Then let the chips fall where they may.

Plan Commission Member Miller stated that the ordinance needs to be fine tuned. There are too many ifs and that he would be voting no.

Aye: Binnie, Stone, Dalee, Coburn. No: Zaballos, Miller, Torres. The motion was approved.

REVIEW AND POTENTIAL ACTION ON REVISED LANDSCAPING GUIDELINES FOR NEW DEVELOPMENT IN THE CITY. City Planner Mark Roffers explained that with the help of Kristine Zaballos and City Forester Chuck Nass, the proposed changes have been made to the Landscaping Guidelines for the City of Whitewater. The changes in the tables of plants were done to enhance the species to promote variety and to note appropriate places to plant or not plant different types of trees or shrubs in different areas. The proposal is to update, enhance, and modernize the landscaping guidelines in order to have a good, working document. The City Planners recommend that the Plan and Architectural Review Commission approve the proposed amendments to the Landscaping Guidelines and re-adopt the Guidelines as amended. Once the Plan Commission adopts the guide, the Planners will revise the guidelines for improved readability and distribution.

Plan Commission Member Stone appreciated the thoroughness of the document. He asked about the B-2 Zoning District.

City Planner Mark Roffers and Zoning Administrator Bruce Parker explained that the B-2 Zoning District is a difficult district for landscape buffers. Projects in the B-2 Zoning District must follow the Parking Ordinance requirements.

Plan Commission Member Coburn asked about the dyes in mulch and if it is harmful.

Plan Commission Member Zaballos didn't know of anything harmful in the dyed mulch. The cost is prohibitive. Zaballos also stated that rock mulch should not be used for planting areas, and when mulch is used, it should be away from the trunk. She was going to check on the numbers, amount and distance for mulch.

Moved by Zaballos and Stone to approve the revised Landscaping Guidelines for new development in the City. Motion approved by unanimous roll call vote.

REVIEW AND MAKE RECOMMENDATION TO THE CITY COUNCIL CONCERNING PROPOSED WHITEWATER ORDINANCE AMENDMENT SECTION 5.19.030(5) CONCERNING HOW A CONDITIONAL USE FOR ALCOHOL SERVING WOULD BE AFFECTED BY CITY COUNCIL APPROVAL OF SIDEWALK CAFÉ.

City Attorney McDonell explained that a conditional use permit is required to serve alcohol by the drink, in which a public hearing is held by the Plan Commission. Plan Commission then makes a recommendation to the City Council. If there is an expansion of the area to serve alcohol, the conditional use permit is then amended through the Plan Commission. If the City Council makes the decision according to the proposed amendment to 5.19.030(5), and they approve the liquor license to include the sidewalk café, the proposal will not have to go to Plan Commission. The City Council would be responsible to notify property owners within 300 feet. The City Council is looking for Plan Commission to make a recommendation. This amendment would take away the Plan Commission role with the conditional use approval of alcohol serving.

Plan Commission wanted to have notice given to owners of properties within 300 feet, business owners and the Plan Commission members. They also request a serving termination time of 10:00 p.m.

Plan Commission Member Stone stated that he did not want to see alcohol on the sidewalk and would be voting against this proposal.

Plan Commission Member Binnie explained that they would like to get at least one prototype in business this summer.

Moved by Binnie and Zaballos to recommend to the City Council to the proposed ordinance amendment, 5.19.030(5) concerning how the conditional use would be affected, with suggestion to notice neighboring property owners within 300 feet, business owners and individually to the Plan Commission Members. Motion approved with all ayes except Stone voted no.

INFORMATION:

- a. **Placement of cows as decorative art for the Guild on the Triangle at 141 W. Whitewater Street.** Zoning Administrator Bruce Parker explained that the "Guild on the Triangle" would like to install cows on the building. City Staff and Planners determined that it would be decoration and not signage, and approved the installation.
- b. **Possible future agenda items.**

- (1) The “Big Box Ordinance” is planned for the June 14th Plan Commission meeting. Plan Commission will hold the public hearing and make recommendation to the City Council.
- (2) There will be a conditional use permit application for a duplex to be constructed on a vacant lot on Harper Street.
- (3) The election of Chair and Vice Chair and representatives to the Community Development Authority, Urban Forestry Commission and Tech Park Board.

c. **Next regular Plan Commission meeting.** The next regular Plan Commission meeting will be June 14, 2010.

Moved by Zaballos and Coburn to adjourn at approximately 9:15 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,

Jane Wegner
Secretary