

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
June 14, 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, Coburn, Miller, Comfort. ABSENT: Stone.
OTHERS: Wallace McDonnell/City Attorney, Mark Roffers/City Planner, Bruce Parker/Zoning Administrator, Wegner/Secretary.

ELECTION OF CHAIRPERSON, VICE CHAIRPERSON AND APPOINTMENTS TO COMMUNITY DEVELOPMENT AUTHORITY, URBAN FORESTRY COMMISSION, AND TECH PARK BOARD. Moved by Plan Commission Member Zaballos to nominate Plan Commission Member **Greg Torres for Chairperson**. There were no other nominations. The motion was approved by unanimous roll call vote. Moved by Plan Commission Member Miller to nominate Plan Commission Member Lynn Binnie for Vice Chairperson. Moved by Plan Commission Alternate Member Comfort to nominate Rod Dalee for Vice Chairperson. Dalee declined. The motion for Plan Commission Member **Lynn Binnie for Vice Chairperson** was approved by unanimous roll call vote. Moved by Plan Commission Member Coburn to nominate Plan Commission Member Dalee for Plan Commission Representative to the CDA. Dalee declined. Moved by Dalee to nominate Plan Commission Member Tom Miller for Plan Commission Representative to the CDA. The nomination for Plan Commission Member **Tom Miller for Plan Commission Representative to the CDA** was approved by unanimous roll call vote. Moved by Zaballos to nominate Plan Commission Member **Tom Miller for Representative to the Urban Forestry Commission**. There were no more nominations. Motion was approved by unanimous roll call vote. Moved by Miller to nominate Plan Commission Member **Rod Dalee for Plan Commission Representative to the Tech Park Board**. There were no more nominations. Motion was approved by unanimous roll call vote.

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 supports "Think Whitewater, Buy Local". They had a presentation on the Walworth County Development and are determining what the City of Whitewater is getting out of it. At the Tech Park, the footings of the Innovation Center are going in. They held a closed session on the performance of the CDA Coordinator. They determined that she is doing a very good job.

b. Report from Urban Forestry Commission Representative. Representative Tom Miller explained that they are discussing two categories of natural lawns. They are holding work sessions to write a new Forestry Handbook.

c. Report from Park and Recreation Board Representative. No report.

d. Report from City Council Representative. Council Representative Lynn Binnie reported that the last property has been acquired for the Starin Road Extension project. City Council approved the ordinance to allow for the R-O Zoning Overlay District so it is now in effect. When asked about the Plan Commission's recommendation to the City Council for the sidewalk café, he said it had been through the final action and is now a part of the Ordinance.

e. Report from Tech Board Representative. Representative Rod Dalee reported that the Innovation Center ground breaking was a well attended event.

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

g. Report from staff. No report.

h. Report from chair. No report.

MINUTES. Moved by Binnie and Zaballos to approve the Plan Commission minutes of the May 10, 2010 meeting. Motion approved by unanimous voice vote.

PUBLIC HEARING FOR A CONDITIONAL USE PERMIT FOR THE TRANSFER OF THE "CLASS B" LIQUOR LICENSE, AND TO REVIEW EXTERIOR BUILDING ALTERATIONS AND A BACK PATIO ADDITION FOR FOOD AND DRINK AT 111 W. WHITEWATER STREET FOR C. CHRISTON LLC. Chairperson Torres opened the public hearing for consideration of a conditional use permit application for the transfer of the "Class B" Liquor License, and to review exterior building alterations and a back patio addition for food and drink at 111 W. Whitewater Street for C. Christon LLC.

Zoning Administrator Bruce Parker explained that this is "Novaks Restaurant" which will be changed to "Whitewater Street Restaurant". The restaurant will be divided up on the interior to make two restaurant areas. There will be a family style restaurant in the front of the building looking out over Whitewater Street and a restaurant/bar area "Lakefront Pub" in the back of the building that will overlook the lake area. The exterior alterations will include removing the canopy, improving the façade, banners along the Whitewater Street side of the building, signage alterations, and installing an outdoor seating area enclosed by a fence in the back of the building. This will be two businesses, a multi-tenant building. Each tenant can have a sign and if there is no freestanding sign, they could have a third wall sign. The signs will have to be worked out with City Staff. The banners would be considered pieces of art to be approved by City Staff. The main entrance will be on the west side of the building, where it is located now. The liquor license area will be changed to include the back patio which will have a 6 foot fence. The patio area will be serviced by "Lakefront Pub". The businesses will share common bathrooms. There will be a banquet/conference room available.

City Planner Mark Roffers went over the conditions for approval.

Ray Britson asked if the outdoor patio was an open area for smoking.

Christ Christon explained that his family has been in the restaurant business for a long time. “Novaks” has been smoke free for two years. Gus’ Pizza has been smoke free since 2004. The outdoor dining facility will have a section for smokers and non-smokers. They will be serving food, it is a dining facility not a beer garden. There will be two diverse menus. They are trying to create a middle ground for restaurants in Whitewater, between the small restaurant, fast food restaurant and a restaurant like “Randy’s”. They will have satellite radio with two or three speakers for the outside patio area. The radio will be controlled from inside the building. The fence around the patio will be from 4 to 6 feet tall. They want the lake to be visible for everyone. The patio will have heavy outdoor furniture and surveillance cameras. The fencing will be black aluminum which looks like wrought iron. The banners on the building will be historical pictures of downtown Whitewater, with the exception of Old Main, keeping local to this area. There was an old blacksmith shop located at Novak’s address. The Esterly Company and Coburn Company were also located in the area at one time. There will be no additional lighting. The Whitewater Street Restaurant will be open from 6 a.m. until about 2 or 3 p.m. The Lakefront Pub area would not open until 10:30 a.m. and go to about 10 p.m. Before 10 a.m., the door between the two businesses would be closed. If there are people at the pub after 10 p.m., it will remain open. If not, they will close. Banquets etc. will still be accommodated after the Whitewater Street Restaurant is closed.

Chairperson Torres closed the public hearing.

City Planners Mark Roffers and Megan MacGlashen recommended approval of the conditional use permit associated with the transfer of a Class B liquor license and the proposed exterior alterations for 111 W. Whitewater Street, subject to the following conditions:

1. The applicant shall install the approved site improvements in accordance with the Floor Plans (sheet A1.0) dated 6/8/10, North Elevations (sheet A2.0) dated 6/8/10, South Elevations (sheet A2.1) dated 6/8/10, East Elevations (sheet A2.2) dated 6/8/10, West Elevations (sheet A2.3) dated 6/8/10, and the written proposal included with the applicant’s submittal, except as changes to such plans are necessary to meet the conditions that follow.
2. Prior to the issuance of any sign permit or the installation of the banners, the applicant shall submit revised plans for City staff approval that include and illustrate the following:
 - a. Indicate that the “rectangular object” shown above the doorway on the west side of the north elevation is an architectural detail and not another sign.
 - b. Indicate that the existing pole-mounted sign that is located in parking area on the west side of the building will remain until exterior renovations are complete, at which time the sign face shall be relocated to the wall of the building and the pylon sign pole and base shall be completely removed.
 - c. Provide details on the appearance of the banners, including all images and text to be printed on the banners and the appearance of the mounting hardware. In no instance shall the banners be used for business identification or advertising purposes. Banners shall be no larger than 12 square feet per side and be installed no lower than 8 ½ feet above the ground.
 - d. Accurately indicate the dimensions of all wall signage to be placed on the building, subject to the City’s sign ordinance. Submit details on the placement, materials, appearance, and illumination of all wall signs. Backlit plastic signage shall not be permitted.

- e. Indicate that the Whitewater Street Restaurant sign located on the west façade be installed flush with the main building wall. It may be relocated closer to Whitewater Street if visibility would otherwise be affected.
 - f. Indicate that all wall signs will be lit with external, down-cast lighting
3. The outdoor patio shall be operated in accordance with the following standards:
- a. The outdoor patio shall be maintained in a neat and orderly manner at all times. Debris and all alcohol containers shall be removed from the patio and surrounding areas as necessary during the day and again at the close of each business day.
 - b. Alcohol may be served on the outdoor patio only under the following conditions:
 - i. The outdoor patio is listed on the alcohol license as being part of the licensed premises, and all conditions associated with the granting of a liquor license for the outdoor patio are met and maintained at all times.
 - ii. Alcohol is served by the licensee or the licensee’s employees in compliance with alcohol beverage laws, ordinances, and regulations.
 - iii. Alcohol is sold and served by the licensee or licensee’s employees and sold or served only to patrons seated at tables in the outdoor patio.
 - iv. The business owner does not allow patrons of the outdoor patio to bring alcohol into the outdoor patio from another location, nor to carry containers of alcohol served in the outdoor patio to areas outside of the outdoor patio area (except into the building).
 - v. The bar from which the alcohol is dispensed is located indoors and is not located on the outdoor patio. No service bar, or any other or drink preparation, storage area, refrigeration apparatus, is located on the outdoor patio.
 - vi. No alcohol is served or consumed on the patio after 12 a.m. or before 10 a.m.
 - c. Maximum occupancy of the outdoor patio (excluding “on-the-clock” employees) shall be no greater than the number of seats provided in that area, or the occupancy otherwise permitted by city or state rules, whichever is fewer.
 - d. All tables located in the outdoor patio 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 are made of treated wood, canvas, cloth, or similar material that is manufactured to be fire-resistant.
4. The uses on the property shall comply at all times with the City’s noise ordinance, and may be inspected by the City at any time to ensure such compliance.
5. The conditional use permit for the sale of alcohol by the bottle or glass shall run with the property owner and not the land.

Moved by Binnie and Coburn to approve the conditional use permit for the transfer of the “Class B” Liquor License and make the recommendation to the City Council; and approve the exterior alterations and a back patio addition for food and drink at 111 W. Whitewater Street for C. Christon LLC. based on the conditions of the City Planners. Motion approved by unanimous roll call vote.

REVIEW PROPOSED DUPLEX TO BE BUILT ON THE VACANT LOT LOCATED ON WEST HARPER STREET (TAX PARCEL # A4205 00002) FOR JIM STREIB. Zoning

Administrator Bruce Parker explained that several years ago the Plan Commission approved a certified survey map for the division of this property into two lots. This property is located in an R-3 (Multi-family) Zoning District. Jim Streib is requesting to build a duplex on this vacant lot. He is acquiring 14 feet from Lot 1 to allow the setback for the structure along the west lot line. The site plan shows an east side driveway with landscaping. The two car garage will face Harper Street. The berm will be maintained and landscaping will be installed on it. The property to the east is single family. There are single family and duplexes in this area. Parker explained that this is being reviewed for site plan and elevations. The Zoning Ordinance allows for a duplex in this area.

City Planner Mark Roffers explained that in an R-3 Zoning, duplexes are consistent with the Comprehensive Plan. There are some site plan issues. He recommends that there be garage parking, and no outside parking be allowed to the front of the building. The landscape plan must meet the City Landscape Guidelines, in that the Maple species selection, Norway, Red or Sugar Maple may not be used.

Fred Kraege, resident of 529 S. Gault Street, expressed his concerns of the changes that have been allowed in his neighborhood. He didn't feel that this property allows for a duplex. Fred Kraege was also concerned about the drainage run off on everyone else's properties.

The Board Voiced concerns of: providing wheel stops for parking; providing roofs or awnings over entrances; if can't build a duplex without taking land from another property, should only be single family; concern of the berm and drainage.

Roffers and Parker explained that wheel stops are not necessary for 4 spaces, and they would not be driving over the berm.

Jim Streib explained that the house has a roof overhang, 6 feet on the back and 4 feet on the front. Streib also explained that a single family home would not work out economically.

Dave Jacobs, 535 S. Gault Street (next door to Jim Streib's apartments) had concerns of if the elevations of the site would change; cars parking over sidewalk; dumpster site on property, especially when students leave (garbage piled high etc.).

Zoning Administrator Bruce Parker explained that the stormwater drains from Harper to Caine Street. As long as there is no blockage along the back of the property, stormwater should drain to the storm sewer. Almost all homes are to be raised about one foot or so. Parker also explained that the berm is mandated to be maintained.

City Planner Mark Roffers explained that this area has been zoned R-3 for many decades. They looked at it when the Comprehensive Plan was in process. In analyzing the neighborhood, it had characteristics that did not fit the profile of an R-1 or R-2 Zoning. It fits into the Central Area Neighborhood Classification which is not a student neighborhood and not all single family. The Subdivision Ordinance allows for lot line adjustments.

Jim Streib agreed to all the City Planner conditions of approval.

City Planner Mark Roffers recommended approval of the proposed duplex to be built on the vacant lot located on W. Harper Street subject to the following conditions:

1. No outdoor parking shall be allowed in the driveway area or to the front (north) of the building.
2. Per the City's Landscaping Guidelines, Maple species shall not be Autumn Blaze, Norway, Red or Sugar.
3. A proper turn-around shall be added to the back yard parking lot to enable cars in the western space to turn around when backing out.
4. If all site improvements are not installed prior to building occupancy, a site improvement deposit shall be paid in the amount of \$200.00.

Moved by Zaballos and Binnie to approve the proposed duplex to be built on the vacant lot located on W. Harper Street (Tax Parcel # A4205 00002) for Jim Streib subject to the four conditions as outlined by City Planner Mark Roffers. Motion approved with all ayes except Comfort voted no.

REVIEW DRIVEWAY/PARKING LOT EXPANSION AT 953 W. SOUTH STREET FOR DLK 953 W SOUTH STREET LLC. Zoning Administrator Bruce Parker explained that any large driveway expansion or parking lot creation such as this one, will be brought to the Plan Commission, and notices will be sent out to the neighborhood. This property is located in an R-2 (One and Two Family Residence) Zoning District. If it is rented to non-family, it is limited to three unrelated occupants. He also explained that a single family residence does not need a dumpster enclosure area. The proposed dumpster enclosure area could be a turn-around for vehicles to back into, space for bicycle storage or a toter storage area.

City Planner Mark Roffers explained that they recommended approval subject to 4 conditions. There was some concern of the exterior lighting and the spill over to other properties. Roffers also explained that the comprehensive plan indicates this as a single family land use area.

Attorney Mitch Simon, representing DLK 953 W South Street LLC., stated that they could eliminate the dumpster enclosure, keeping it as a turn-around. He stated that there was an existing chain link fence along the west property line. They would have no problem with adding four additional arborvitae along the west property line, but it might be a problem for larger vehicle maneuvering. The parking stalls are large enough for handicap stalls.

Ray Britson, owner of the house to the west of this property (961 W. South Street), was concerned about the neighborhood preservation.

City Planner Mark Roffers explained that this area is to continue as single family, predominantly owner occupied. The standards are reasonable; keeping the character of the houses, close to single family flavor; not having a commercial dumpster; the expectation of the lighting levels be kept low; and the requirement of no more than three unrelated occupants.

Lea Britson explained that their view would be of the gravel. She would like to see trees or a six foot full solid fence along the lot line. She stated that the black walnut tree could come down.

City Planner Mark Roffers offered some suggestions such as lower level shrubbery to create a fuller length under the tree done according to the landscaping guidelines. Other options could be a vine growing on the existing fence; or the possibility of adding the newly created overlay zoning that would restrict occupancy from 3 unrelated to 2 unrelated. Roffers suggested that the

owner get together with the neighbors to work out a mutually acceptable solution that meets the City codes.

Attorney Mitch Simon stated they were willing to work with the Britson's. Simon asked about paving.

City Planner Roffers added condition number 5 that the parking area and driveway are to be fully paved.

The Board voiced concerns of: a wooden panel being the better solution for screening, could not see a vegetative solution; questioned the size of the parking stalls (12 feet wide instead of 9 feet); and the three existing night lights being on all night 9 one on the front, the back, and one side of the house.

The City Planners, Mark Roffers and Megan MacGlashen, recommended site plan approval to expand the rear parking lot on the property located at 953 South Street, subject to the conditions that follow as amended at the meeting:

1. The applicant shall make site renovations in accordance with the site plan dated 5/24/10, except that no dumpster or dumpster enclosure shall be permitted.
2. The parking area shall be striped for three parking spaces.
3. The applicant and property owner to the west shall attempt to work toward a mutually agreed upon plan that meets City codes. A plan with additional screening shall be submitted to the City. If a plan cannot be agreed upon, the applicant must come back to City Staff for final approval.
4. All exterior lighting shall meet the requirements of the City of Whitewater Lighting Ordinance.
5. The parking and driveway area are to be fully paved.

Moved by Binnie and Comfort to approve the driveway/parking lot expansion at 953 W. South Street for DLK 953 W South Street, LLC. subject to the five conditions of the City Planners. Motion approved by unanimous roll call vote.

REVIEW CERTIFIED SURVEY MAP FOR THE PROPERTY LOCATED AT 632 E. CRAVATH STREET FOR RAHMIYE VELIU. Zoning Administrator Bruce Parker explained that this certified survey combines the back part of the property of 318 N. Newcomb Street to the property located at 632 E. Cravath Street. The certified survey map is being done to work out some issues and correct a situation.

Moved by Miller and Comfort to approve the certified survey map for the property located at 632 E. Cravath Street for Rahmiye Veliu. Motion approved by unanimous roll call vote.

REVIEW TWO LOT CERTIFIED SURVEY MAP FOR THE PROPERTY LOCATED AT 533/539 S. CAINE STREET FOR GIL-HER LTD. Zoning Administrator Bruce Parker explained that there are two existing buildings on one large lot. Plan Commission approved the third apartment building. They owners found that in order to finance the third building, they needed to have a separate parcel.

City Planner Mark Roffers explained that when the third building was approved, it was considered as one parcel. There are two ways to consider, either restrict the sale of lot 1 or provide common cross access easements. He also noted that the installation of the landscaping that was to be installed by June 1, 2010 was not done. Roffers suggested the third condition that all the landscaping that was approved at the Plan Commission meeting of June 11, 2007 be installed prior to the signing and recording of the certified survey map.

David Behren, representing Gil-Her LTD., explained that it has been a challenging year with the rain. It is their intent to install the landscaping, but they were requesting an extension of 30 days to get the work done.

City Planner Roffers stated that he felt no further extension should be given. They have had three years to install the approved landscaping.

The City Planners, Mark Roffers and Megan MacGlashen, recommended approval of the Certified Survey Map dividing the lot whereon Springbrook Apartments is located, on the south side of Caine Street, subject to the following conditions being met before the City signs the Certified Survey Map and it is recorded:

1. Indicate on the face of the CSM a cross access and shared parking easement(s) that allow residents of all three apartment buildings to have perpetual access to both lots for travel and parking, including an appropriate note or separate agreement for recording indicating the terms of such easement(s).
2. Prepare a written agreement to be recorded by the applicant with the CSM against both lots specifying that even in the event that one or both lots are sold to another party, residents of all three buildings shall continue to be allowed access to all site features and amenities, including, but not necessarily limited to, parking areas, dumpsters, green space areas, the fitness room, and any other common areas and amenities located in any of the three buildings, unless otherwise approved by the City.
3. Prior to the signing and recording of the certified survey map, all landscaping approved at the Plan Commission meeting of June 11, 2007 conditional use approval for the existing two apartment buildings shall be installed.

Moved by Binnie and Zaballos to approve the two lot certified survey map for the property located at 533/539 S. Caine Street for Gil-Her LTD. subject to the three conditions of the City Planners being met before the City signs the Certified Survey Map and it is recorded. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR A CONDITIONAL USE PERMIT APPLICATION FOR THE CONSTRUCTION OF A NEW 8-UNIT APARTMENT BUILDING TO BE LOCATED ON LAND CURRENTLY PART OF 478 W. ANN STREET, PART OF 460 W. ANN STREET, AND PART OF 452 W. ANN STREET FOR WDSC 470 WEST ANN, LLC.

This item was postponed to a future meeting.

PUBLIC HEARING FOR A CHANGE OF THE ZONING ORDINANCE REGULATIONS, TO ENACT PROPOSED AMENDMENTS TO THE CITY OF WHITEWATER MUNICIPAL CODE TITLE 19, BY CREATING CHAPTER 19.485 LARGE RETAIL AND COMMERCIAL SERVICE DEVELOPMENT STANDARDS.

Chairperson Torres opened the public hearing for consideration of a change of the Zoning Ordinance Regulations, to enact proposed amendments to the City of Whitewater Municipal

Code Title 19, by creating Chapter 19.485 Large Retail and Commercial Service Development Standards.

City Planner Mark Roffers went through the standards summarizing the proposed ordinance. Any building 20,000 sq. ft. or larger requires a conditional use permit. Many communities in southern Wisconsin have adopted a set of standards for large retail and commercial service development. A conditional use is subject to standards, including traffic and neighborhood impact. The ordinance is not intended to keep big box retail out of the community.

City Attorney McDonnell explained that the Plan Commission at the direction of the City Council holds the public hearing for the ordinance process. The City Council wanted a comprehensive ordinance and directed Staff to draft the ordinance.

The Board voiced concerns of: if the proposed ordinance would apply to the Walmart proposal; needing more time to digest the proposed ordinance; feeling pressured to get this done; the Plan Commission getting the information in advance of the packet so they have time to work through it; the discussion should be postponed for a month.

Chairperson Torres closed the public hearing.

Plan Commission Member Binnie agreed that it makes sense to postpone. He was concerned about the removal of the requirement that a tear down of the building after 5 years of vacancy. He was not sure there was enough incentive to keep a building nice at least after 3 years, painting of the building and 5 years, removal of the building. Binnie felt this was a good first attempt. He did not want to scare off development.

Plan Commission Member Coburn questioned the maintenance of a lot after the vacation of a building.

Zoning Administrator Bruce Parker explained that the owner of the property would still need to keep the property mowed and landscaping and building(s) maintained. They still need to maintain the fire lanes. Parker suggested requiring the owner to remove the blacktop pavement after three years of vacancy.

Plan Commission Member Zaballos asked for language to be added to discourage big pavement in front of the building. Other issues to look over are the parking lot landscaping; the number of bicycle racks to be provided; more in regard to the stormwater issues, quantity and quality of run-off.

City Planner Mark Roffers explained that larger scale development could place the buildings sideways. There are standards for breaking up the parking lot, such as pods and landscaping. He also noted that the City has a Stormwater Ordinance to handle stormwater issues.

Moved by Comfort and Binnie to postpone any decisions to the next meeting. Motion approved by unanimous roll call vote.

INFORMATION:

- a. Prince Street Apartments.** This proposed apartment building on N. Prince Street is a major development. City Staff has suggested that they hold a neighborhood meeting to inform the neighbors and get feedback. When this comes back it will be as a conceptual review.

- b. **South Neighborhood Plan Amendments.** The adoption of the City of Whitewater Comprehensive Plan is requiring some updates to be done on the South Neighborhood Plan. The amendments will be coming to Plan Commission in the near future.
- c. **City of Whitewater Comprehensive Plan is on the City website.**
- d. **Possible future agenda items.**
 - (1) The “Big Box Ordinance” public hearing will be continued at the July 12th Plan Commission meeting.
 - (2) Walmart will be back.
 - (3) There will be a couple of conditional use applications.
 - (4) Proposed R-O Overlay Zoning District for the N. Park Street/N. Franklin Street/N. Esterly Ave. area.
- e. **Next regular Plan Commission meeting.** The next regular Plan Commission meeting will be July 12, 2010.

Moved by Binnie and Comfort to adjourn at approximately 8:25 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,

Jane Wegner
Secretary