

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
June 9, 2014

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

**Call to order and roll call.**

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

Present: Greg Meyer, Lynn Binnie, Kristine Zaballos (arrived 6:10 p.m.), Karen Coburn, Sherry Stanek (Alternate) John Tanis (Alternate). Absent: Daniel Comfort, Cort Hartmann, Bruce Parker. Others: Wallace McDonell (City Attorney), Scott Harrington (City Planning Consultant substituting for Mike Slavney).

**Hearing of Citizen Comments.** There were no citizen comments.

**Approval of the Plan Commission Minutes.** Moved by Binnie and seconded by Coburn to approve the Plan Commission minutes of May 12, 2014. Motion approved by unanimous voice vote.

**Review proposed Certified Survey Map to combine lots near the corner of N. Prince Street and W. Florence Street to provide a lot for the approved 24 unit multi-family building to be located at 158 N. Prince Street for D.L.K. Enterprises Inc. (Mike Kachel).** Scott Harrington (substituting for City Planner Mike Slavney) explained that this is a consolidation of 7 lots. This is a housekeeping item as part of the apartment building that was approved on March 10, 2014. The certified survey map meets all standards.

Chairperson Meyer opened the item for public comment. There was no public comment.

Moved by Meyer and seconded by Binnie to approve the certified survey map to combine the lots near the corner of N. Prince Street and W. Florence Street to provide a lot for the approved 24 unit multi-family building to be located at 158 N. Prince Street for D.L.K. Enterprises. Aye: Binnie, Coburn, Meyer, Stanek, Tanis. No: None. Absent: Zaballos, Comfort, Hartmann, Parker. Motion approved.

**Public hearing for an amendment to the conditional use permit for WMED, LLC. (Mark Wokasch, Agent) to expand the “Class B” Beer and Liquor License, to serve beer and liquor by the bottle or glass in a proposed outdoor café at 146 W. Main Street, Whitewater, Wisconsin (Fat Jacks).** City Planner Scott Harrington explained that this is a request for a conditional use permit for an outdoor café. The area is currently used for deliveries. The applicant has some slides to show more what it will look like. The City Planner conditions and

questions about this proposal include: the height of the fence (recommended to be 8 foot tall), the fence to be made of solid wood/board on board; the exterior lighting to be limited to 8 foot tall with luminous 100 watt incandescent bulb with cut off fixtures; noise limits per the City requirements; the applicant is to provide a revised site plan for the City Planner & Building Inspector to address; set up hours of operation; inspection of the premise to occur prior to occupancy; clarification of how it will be used – will the customers be allowed to come through the gates or through the bar to the patio.

Mark Wokasch showed some slides of the back of the building, explaining that the existing stairs will be torn down and rebuilt. The current plans have a 4 foot access walkway for the upstairs with a jump platform. The basement will have a locked door at the top of the ramp. Wokasch showed slides of chairs (wicker style) and tables for the outdoor patio.

Plan Commission Members voiced concerns of: customers exiting the outdoor patio through the gate; the number of customers to be in the outdoor patio; fence is 6', would feel better with 8'; what about a compromise with a 6' fence with 2' lattice on top; not sure of an 8 ft. fence, it will not help with noise.

Mark Wokasch stated that the gate will be an emergency exit only. There will be bar staff or security staff in that area at all times. The lighting fixtures are cut off fixtures (60 watt bulbs) and will be screened from the top – down lighting. They plan to have a flood light on a switch behind the bar that they can turn on in the event of an emergency and cameras so the staff can be aware of what is going on. There is a halogen light that lights up the parking area. They will have operational staff at minimum. Security plans include 8 new cameras, 4 to 6 on the patio and 2-4 in the basement. They will have radios for communication. The outdoor patio bar area will have shutter features to close up the area. They will be taking inventory of the alcohol supply on the outdoor patio every day. The outdoor patio area will be 18' x 50'. The fire department will determine the occupancy of the area. They plan to have 6 to 8 tables with 20+ chairs. The fence will be a vinyl privacy fence. The cameras will cover the fence line and the bar area. Wokasch would like to be able to be open until bar time, but will probably close the outdoor patio one hour before. When asked about the hours for Pumpers and Mitchell's outdoor patio, he said he thought they were open until bar time.

City Planner Scott Harrington explained that he has seen an 8 foot fence used successfully in similar situations. It is a lot harder to pop over or toss something out. It does cut down on light and can affect a little bit of noise.

Plan Commission Member Zaballos stated with requiring him to provide these things, we may be setting him up for failure. When things go wrong there are remedies.

Plan Commission Member Binnie suggested going with the 6 foot fence and if there are problems, having the 2 foot lattice installed on the fence.

Mark Wokasch stated that he had no intention of having live music on the patio. The fence will be a wood-look vinyl fence.

It was asked if an easement was needed to a public walkway. City Attorney stated there is to be no physical impediment to the emergency egress and that a structure is not put there. The most practical way to handle this is to make it a condition of the conditional use permit. The easement agreement over the Ketterhagen property was free and clear of structures.

Chairperson Meyer closed the public comment.

Moved by Binnie and seconded by Zaballos for conditional approval of the conditional use permit based on the Planner recommendations except for changing item A to stipulate height of the fence at 6 feet with an option at the discretion of the City Manager or City Planner to require a 2 foot extension in case of issues developing. The easement agreement over the Ketterhagen property is to be free and clear of structures. The hours of operation are to be until bar time. The patio is to be staffed at all times with at least 1 personnel. The gates are only to be used for emergency access or delivery or access for disabled persons. The lighting is to be down-lit cut-off lighting. The flood lighting will be allowed for emergencies. Aye: Binnie, Zaballos, Coburn, Stanek, Tanis, Meyer. No: none. Absent: Comfort, Parker, Hartmann. Motion approved. See attached conditional use permit.

**Public hearing for consideration of a change of the District Zoning Map for the following parcel to enact an ordinance to impose the R-2A Residential Overlay District Zoning classification under Chapter 19.19 of the Zoning Ordinance of the City of Whitewater on the following area: 268 S. Prairie Street (Tax ID# /CL 00064) for Russell and Courtney Walker.** Public hearing to be opened along with the following item.

**Public hearing for a conditional use permit in an R-2A Overlay Zoning District, to allow for 6 unrelated persons to live in the house located at 268 S. Prairie Street for Russell and Courtney Walker.** Chairperson Meyer opened the public hearing for both the change of the District Zoning Map to impose the R-2A Residential Overlay District Zoning classification under Chapter 19.19 of the Zoning Ordinance of the City of Whitewater for the parcel at 268 S. Prairie Street and for a conditional use permit in an R-2A Overlay Zoning District to allow for 6 unrelated persons to live in the house located 268 S. Prairie Street for Russell and Courtney Walker.

City Planner Scott Harrington explained that items #6 and #7 are for the same property. The first request is for the R-2A Overlay Zoning District to be placed on this property and the second request is for a conditional use permit with a specific proposal for the use of the building. In an R-2A, they are proposing to convert the existing home with 3 bedrooms on second floor, 2 bedrooms on the 1<sup>st</sup> floor and another room that could be made into a bedroom with the removal of a pocket door being replaced by a regular door. For the conditional use, they will close the pocket door and add closets to two of the bedrooms to be fully functional. There will be no other real changes except for the parking. A revised map has been submitted. The original plan proposed 6 spaces. In the revised plan, all six vehicles can move independently. Scott read the recommended conditions of approval of the City Planner.

John Tincher stated they are doing very little to the house. The pocket door will be closed up. They can add 3 parking spots now or later. He didn't know if that would be a part of the parking summit. Right now there are 5 drivers and 5 vehicles for this property.

Plan Commission Members voiced concerns of: adding more paving (pervious and impervious areas); will there be landscaping for added parking; one bedroom is small 7' x 15', maybe it should be a study.

John Tincher stated that they could add bushes along the parking.

Courtney Walker stated that they have a family of six living in the house with no issues. Space is no problem. (The Walkers are looking for a family friendly "normal neighborhood".) They have 2 single family residences behind their home. All neighbors in this neighborhood know it is inevitable that properties in this neighborhood will become student rentals and all are moving in that direction.

John Tincher stated that the neighborhood is 66% rentals now. He has been working with college rentals for 40 years. There are a lot around town. The bedrooms are approximately 60 sq. ft. per occupant. They would like to keep the 7' x 15' room a bedroom.

Plan Commission Member Stanek said they would like to see the community move in the direction of decent college housing. There are some that are abandoned and decrepit. The small bedroom is not legally a bedroom without a closet. There is a need for study areas.

Courtney Walker stated that John Tincher is one of the best landlords. He has kept up homes. This home has brand new siding, the landscaping is good, the house is maintained and it is going to good hands.

Chairperson Meyer voiced concern of the 2<sup>nd</sup> floor having 3 bedrooms and 2 full baths, and the 1<sup>st</sup> floor having 3 bedrooms and a ½ bath.

Plan Commission Member Binnie suggested that we let the market decide if they want to buy or not.

John Tincher stated that the market will set the tone. If they need to make a change, they will. He has a good rapport with the student tenants. He appreciated the concern and will address it.

Moved by Binnie and seconded by Zaballos to recommend to the City Council to impose the R-2A Overlay on 268 S. Prairie Street (Tax ID# /CL 00064) for Russell and Courtney Walker. Aye: Binnie, Zaballos, Coburn, Stanek, Tanis, Meyer. No: none. Absent: Comfort, Parker, Hartmann. Motion approved.

Moved by Binnie and seconded by Tanis to approve conditionally the conditional use permit, conditioned on the zoning approval, to allow for 6 unrelated persons to live at 268 S. Prairie Street contingent upon City Council approval of R-2A Zoning and also contingent upon the City

Planner approval of the parking configuration. Aye: Binnie, Tanis, Zaballos, Coburn. No: Meyer, Stanek. Absent: Comfort, Parker, Hartmann. Motion approved.

**Conceptual review and discussion of Campus Edge Apartments Planned Community Development for 1014 W. Main Street (Ryan Hughes). It has been determined that the proposed Campus Edge Apartment project presented at the May 2014 Plan Commission meeting will not meet all of the requirements of the new R-3A Zoning District. Therefore, the applicant has decided to propose the project as a Planned Community Development, and will present the updated plans to the Plan Commission.** Ryan Hughes handed out color renderings of the building and a list of comparisons and responses to the concerns that were raised at the last meeting at the last meeting to the Plan Commission members.

City Planner Scott Harrington stated this is a conceptual review for a proposed PD (Planned Development) Zoning District. The original intent was for an R-3A Zoning District but the proposal did not conform to that zoning. The formal application for the PD District will be held at the July 14, 2014 Plan Commission meeting. Both the GDP (General Development Plan) and SIP will be reviewed at this meeting.

When asked about a PD (Planned Development) or PCD (Planned Community Development), City Attorney stated that as of June 5, 2014, with the adoption of the Zoning Code Rewrite, it is now a PD.

Ryan Hughes brought in color copies of his proposal and the updated lighting plan with more LED lights. Additional updates included: Hughes held a neighborhood meeting to which he invited property owners of 61 surrounding properties, the Landlord Association and the Historic Starin Park Neighborhood. He had 2 attendees at the neighborhood meeting, representatives from both the east and west of the property. Frank Bartlett from the University asked him about accessibility, width of doors, individual unit balconies having enough turn space for wheel chairs. They checked it out and they are accessible (54" and 57"). Hughes is looking into reconfiguring the plans to include three full baths in some of the units. They removed the burning bush; moved the bike racks near the stairs; and confirmed that the ceiling heights were 9 feet. They plan to go to Plan Commission with the formal proposal on July 14<sup>th</sup> and the next day July 15<sup>th</sup>, go to the City Council.

Plan Commission Members voiced concerns: Why the change from R-3A to PD? How does this project compare?

There was one item that made them change from R-3A to the PD and that was the lot area. The ordinance was at 50% reduction and was reduced to 20 %. According to that, he could possibly have 6 units on site. He is proposing 22 units.

Plan Commission Binnie explained that he was frustrated that in the process of doing an overlay for the area that they may not have come up with a standard that was realistic. The Element had extensive criticism using a PCD – PD for their project. With a PCD, the City is supposed to get something in exchange for short changing the standards. Some citizens feel that the City never seems to get an exchange. Secondly, during the process of the overlay, Binnie was one of those who said we should be looking for an R-5 for the area and come up with specific standards

developers can deal with. Progress was made, but they didn't do it. Is the density appropriate? Six units to 22 units seem far off. He thinks we need to go back to the drawing board. Increased density should be possible without going through the PD process. One of the significant objections to the Element was not providing enough parking. That has changed substantially. If we did not change the parking requirements, this project would need another 40+ parking spaces. He has 110 bedrooms and 67 spaces. There is also a concern of what the 4 story building will look like on that property. It falls within the standards, but will be a strong departure from what we have. If the neighbors were single family, there would be more concern.

Plan Commission Members voiced concerns of: the formidable front of the building; only balances with the Fine Arts building; sad to see old oak tree go; cardinal bush – marginally hardy; would like to see more canopy trees in proportion to the façade; likes the ornamental trees; this is a period in Whitewater's growth and we are making a concerted effort to support the University. Whitewater is changing from 40 years ago to Whitewater now, overall improving the cohesiveness of the area. Are there extra storage areas for tenants to store things like bicycles?

Ryan Hughes stated that there was nothing figured in for extra storage right now.

Chairperson Meyer opened for public comment.

Tyler Sailsbery, 208 W. Whitewater Street, wanted to thank Ryan Hughes for all he has done to benefit Whitewater. His character and integrity are great. His proposal is a benefit for the students with proximity and price. It has close proximity, community, and density.

Mike Kachel stated that it was a nice project. The density is extremely high. (More than double that of the Regent proposal of 2010.) There is a stark difference in the rest of the area. The height of the building is too much. Kachel's building on N. Prince Street has a 20 foot soffit on the second floor. This proposal is over 35 feet to the soffit and within 15 feet of the property line. This will reduce the light etc. the neighboring buildings get for a long period of time.

Bob Freiermuth, Whitewater Rental Association, had concerns of the parking for the tenants. The tenants will need to park someplace.

Chairperson Meyer closed the public comment.

Plan Commission Member Binnie stated that in the Element's first proposal, they were criticized for too much density (100 occupants per acre). This proposal has 110 occupants in .74 acres or 149 occupants per acre. Lot coverage is the issue, 20% reduction is too low. Binnie asked the City Planner what kind of standard they have on their big buildings in Madison.

City Planner Scott Harrington stated that this is indicative of what is being built (they are getting higher and higher density to accommodate the area).

Plan Commission Members voiced concerns of: other smaller university communities and how they dealt with these issues; sunlight- shadowing by tall buildings; U.W.W. students have cars and want cars at their apartment.

Plan Commission Member Binnie stated that the sky plane requirement had been removed from the code. Binnie also stated that in reality the neighboring buildings won't be there forever. Larger projects will be proposed there, so it is unfair to compare with what's there right now.

Ryan Hughes will present his formal proposal at the meeting on July 14, 2014.

**Review possible change in the Plan Commission meeting time.** Plan Commission Member Zaballos explained that there was some confusion with the 6:00 p.m. time frame to start the Plan Commission meetings. The meetings formerly started at 7:00 p.m. The time was changed to 6:00 p.m. to have the meetings end earlier. Zaballos works in Madison and stated that 6:30 p.m. would be a better time for her, and the time would correspond to the Council meeting time and be less confusing.

Moved by Binnie and Coburn to have the meetings start at 6:30 p.m. effective as soon as practical per the City Attorney. Aye: Binnie, Coburn, Stanek, Tanis, Zaballos and Meyer. No: None. Absent: Comfort, Parker, Hartmann. Motion approved.

**Informational Items:**

**Future agenda items:** Planner Scott Harrington stated that the formal request for the PD for 1014 W. Main Street will be back at the July meeting. There will also be a change to the Flood Plain District.

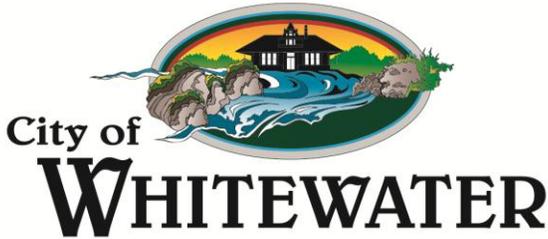
Plan Commission Member Binnie states that the Plan Commission should also consider what documents the applicant needs to submit with an overlay zoning request. City Attorney McDonell thought that with the Zoning update there was an extensive list for the overlay/conditional use information.

**Next regular Plan Commission meeting – July 14, 2014.**

Moved by Stanek and seconded by Tanis to adjourn the meeting. Motion approved by unanimous voice vote. The meeting adjourned at approximately 8:10 p.m.

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Chairperson Greg Meyer



Neighborhood Services Department  
*Planning, Zoning, Code Enforcement, GIS  
and Building Inspections*

[www.whitewater-wi.gov](http://www.whitewater-wi.gov)  
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## CONDITIONAL USE PERMIT

Plan Commission Meeting Date: June 9, 2014  
Property Owner: WMED, LLC.  
Applicant: Fat Jacks (Agent Mark Wokasch)  
Property ID Number: /OT 00007  
Property Address: 146 W. Main Street  
Whitewater, WI 53190

**REGARDING:** Conditional approval for the requested conditional use permit (CUP) for the expanded Class B service area in a new outdoor cafe at 146 W. Main Street (“Fat Jacks”) subject to the following conditions of approval:

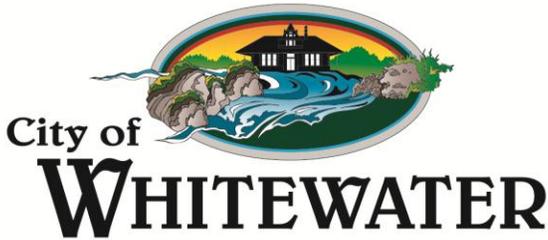
Approved subject to the following conditions:

1. The applicant shall provide an updated Site Plan with the following changes:
  - a. Depict all dimensions, including the approved height of the privacy fencing with a height of 6 feet with an option at the discretion of the City Manager or City Planner to require a 2 foot extension in case of issues developing.
  - b. Depict all approved exterior materials and colors (opaque board-on-board fence with panels on both sides of the fence supports, in natural wood colors. Other exterior materials should complement the color of the fence.
  - c. Limit all exterior lighting fixtures to not exceed the height of the top of the fence wall – (6 feet) and to not exceed the equivalent lumens of an 100 watt incandescent fixture. Full cutoff fixtures shall be used. The lighting is to be down-lit cutoff lighting. The flood lighting will be allowed for emergencies.
  - d. Limit all noise to comply with City requirements.
  - e. The revised Site Plan shall be subject to approval by the City Building Administrator, City Engineer and City Planner.
  - f. Establish maximum hours of operation, as approved by the Plan Commission. Plan Commission approved the hours of operation to be until bar time.

- g. All development shall be consistent with the approved Site Plan, and shall be completed, inspected and approved by appropriate City Staff prior to building occupancy.
- 2. The easement agreement over the Ketterhagen property is to be free and clear of structures.
- 3. The patio is to be staffed at all times with at least 1 personnel.
- 4. The gates are only to be used for emergency access or delivery or access for disabled persons.

\_\_\_\_\_  
City Planner Mike Slavney

\_\_\_\_\_  
Date



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## CONDITIONAL USE PERMIT

Plan Commission Meeting Date: June 9, 2014  
Property Owner: Russell Walker, Courtney Walker  
Applicant: John Tincher  
Property ID Number: /CL 00064  
Property Address: 268 S. Prairie Street  
Whitewater, WI 53190

**REGARDING:** A conditional approval of a conditional use permit (CUP) in an R-2A Overlay Zoning District, to allow for 6 unrelated persons to live in the house located at 268 S. Prairie Street.

Approved subject to the following conditions:

1. Approval contingent upon City Council approval of the R-2A Overlay Zoning.
2. Contingent upon City Planner approval of the parking configuration.

\_\_\_\_\_  
City Planner, Mike Slavney

\_\_\_\_\_  
Date