

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
April 13, 2015

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

Call to order and roll call.

Vice-Chairperson Binnie called the meeting of the Plan and Architectural Review Commission to order at 6:30 p.m.

Present: Bruce Parker, Lynn Binnie, Sherry Stanek, Tom Hinspater, John Tanis (Alternate).
Absent: Daniel Comfort, Kristine Zaballos, Greg Meyer. Others: Wallace McDonell (City Attorney), Chris Munz-Pritchard (City Planner).

Hearing of Citizen Comments. There were no comments.

Approval of the Plan Commission Minutes. Moved by Parker and seconded by Tanis to approve the Plan Commission minutes of March 9, 2015. Aye: Parker, Tanis, Hinspater, Stanek, Binnie. Motion approved.

Review updated Certified Survey Map for a lot line adjustment to accommodate changes to the building at 1173 W. Main Street. City Planner Chris Munz-Pritchard explained that this updated certified survey map was brought back to Plan Commission to be correctly documented. The changes were a “no building” easement and the back lot line was adjusted for the rear stairwell to have a zero lot line.

Moved by Tanis and seconded by Stanek to approve the updated certified survey map for 1173 W. Main Street. Aye: Tanis, Stanek, Parker, Hinspater, Binnie. No: None. Motion approved.

Review Extra-Territorial Certified Survey Map for three lots to create 3 residential building sites on Cold Spring Road for Marcus Tincher. City Planner Chris Munz-Pritchard recommended that the approval be subject to Jefferson County regulations, and that the final certified survey map be reviewed by City Staff and recorded with Jefferson County.

Moved by Parker and seconded by Tanis to approve the extra-territorial certified survey map subject to the City Planner recommendations. Aye: Parker, Tanis, Stanek, Hinspater, Binnie. No: None. Motion approved.

Public hearing for a conditional use permit (tavern and other places selling alcohol by the drink) for Taco Fresco Garret Witterholt, LLC., Garret Witterholt, (Agent), to serve beer by the bottle or glass at 175 W. Main Street (for a Class “B” Beer License).

City Planner Chris Munz-Pritchard explained that this is a request to be able to serve beer at Taco Fresco. The name of the agent is Amador Cortez and not Garret Witterholt. Her

recommendations were that no modifications be made to the site, if the business was going to stay a restaurant, and to establish hours of operation.

Garret Witterholt (owner of the business) and Amador Cortez (chef and general manager) introduced themselves. The business will remain a restaurant. The hours of operation will be from 11:00 a.m. until 9:00 p.m. They would like to serve beer during these hours. They will not serve beer after 9:00 p.m. They also want to be able to serve wine, but will come back to the Plan Commission at the next meeting for that request.

Chairperson Binnie noted that the application form was not completely filled out. They went through the three items to take care of that. The application also needed a signature.

Plan Commission Members asked about alcohol in the sidewalk café. (It would need to be gated off.) City Attorney McDonell stated that would require Council approval. There were also concerns of the café blocking the sidewalk. Business owners must make sure they keep at least 4 feet of sidewalk for pedestrians to pass by. Plan Commission also asked that the sidewalk area be cleaned of all debris at close of the business day.

The owner was asked if he would be extending hours of operation for weekends. The owner responded they wanted to make what they have work. They would not be extending their hours of operation at this time.

Chairperson Binnie opened the public hearing.

Jim Lewein, Owner of the building, stated that the owner of the business runs a nice shop (always clean, owner of building never received a disturbance call etc.) and he highly recommended him.

Moved by Stanek and seconded by Tanis to approve the conditional use permit with conditions of the City Planner and the additional condition of making sure the sidewalk area is cleaned up of debris etc. prior to 8 a.m. every day. (See attached conditional use permit.) Aye: Stanek, Tanis, Parker, Hinspater, Binnie. No: None. Motion approved.

Public hearing for a conditional use permit to allow for a commercial building along with residential apartments, (Proposed Phase 1 includes 5 apartments on the second floor) in a B-1 (Community Business) Zoning District located at 885 S. Janesville Street for Russell Walton. City Planner Chris Munz-Pritchard explained that the Phase 1 is actually 8 apartments on the second floor (3 efficiency, 4 one bedroom, and 1 two bedroom). He will need to have State Approved Plans showing the different phases. ADA compliance will be required for the first floor apartments. The State requires all plans for a project at once. Munz-Pritchard read her recommendations.

The Plan Commission voiced concerns of: When would Phase 2 be started?; light and ventilation for the interior apartment; is it possible to put skylights in?; what about the parking, landscaping and green space?.

City Planner Munz-Pritchard stated that they need 2,800 sq. ft. of usable open space for the proposed upper floor apartments.

Russell Walton explained that Phase 2 would start as soon as approved. They have plenty of work to keep them busy until then. The light and ventilation for the interior apartment can be done with two egresses. It is possible to put skylights in. He stated that there was plenty of green space in the front of the building.

Vice-Chairperson Binnie opened for public comment. There was none. Vice-Chairperson Binnie closed the public comment.

Plan Commission Member Stanek stated that she liked the plan. She liked that there were 2 bedroom units and efficiencies also.

Russell Walton stated that they have young professional people or older college students renting, (low impact renters).

Vice-Chairperson Binnie asked if the Plan Commission should add to the Planner condition for the 2800 sq. ft. of usable open space to be designated in the side or rear yard area.

City Planner Chris Munz-Pritchard stated that there was plenty of room for the usable open space in the side or rear yard area.

Moved by Tanis and seconded by Stanek to approve the conditional use permit with 8 apartments with the City Planner six conditions and 2800 sq. ft of usable open space in the side or rear yard area. (See attached conditional use permit.) Aye: Tanis, Stanek, Parker, Hinspater, Binnie. No: None. Motion approved.

Public hearing for a change in the District Zoning Map to enact an ordinance to impose the R-3A (University Residential Overlay District) Zoning classification under Chapter 19.22 of the Zoning Ordinance of the City of Whitewater at 1014 W. Main Street (tax parcel #'s /WUP 00173, /WUP 00173A, and /WUP 00183B) for Campus Edge Apartments LLC. (Ryan Hughes). Vice-Chairperson Binnie opened the public hearing for this item and the following item to be discussed together.

Public hearing for a conditional use permit in an R-3A Overlay Zoning District, to accommodate Phase 2 of a previous approval for a total of 9 units in a townhouse style residential apartment building at 1014 W. Main Street for Campus Edge Apartments, LLC. (Ryan Hughes). City Planner Chris Munz-Pritchard went through her recommendations. She explained that the R-3A Zoning is less restrictive and allows for higher density. This zoning allows as a permitted use up to 16 units. Munz-Pritchard recommended that the current building be removed and the area filled and graded prior to the start of construction. The first phase of this project was approved as a conditional use in an R-3 Zoning District. Ryan Hughes has since decided to do the overall project which meets the requirements of the R-3A Zoning District. Smaller lot areas are allowed in an R-3A Zoning District.

Ryan Hughes asked the Plan Commission if they would consider landscaping around the detention pond area instead of a fence. He asked if the Plan Commission would allow City Staff to use their discretion if the fence is really needed or not. He is afraid of vandalism on the fence and doesn't want an eye sore. When asked if he had made any changes to the previous plans, Ryan Hughes stated that the building was the same. He did add the stormwater detention area which will drain out within 24 hours. The building is a three story building with a prairie style look. There are 9 units, each with two baths. There is a front door either on Main Street or Prince Street. At the rear, there are either private garages or parking lot. The dumpster will be at the northwest corner of the driveway and parking lot.

Vice-Chairperson Binnie opened for public comment. There were no comments. Vice-Chairperson Binnie closed the public comment.

Plan Commission Members voiced: doing hedging (short enough for visibility) instead of fencing around the detention pond; Possibly install wrought iron fencing; any way to keep the large oak tree?; Planting trees in the W. Main Street yard to break up the elevation of the building.

City Planner Chris Munz-Pritchard explained that Strand Engineering is working with the applicant and that the approval is subject to engineering approval. Munz-Pritchard also asked for one additional tree pending engineering.

Ryan Hughes stated that he looked into keeping the large oak tree. He won't be able to keep it. The insurance company says it is too old and not safe. He says there are three trees in the terrace area along W. Main Street. He isn't sure about putting another tree in the street yard along W. Main Street due to the stormwater drainage. He is open to putting trees on the W. Main Street side of the building if approved by the engineer.

Moved by Tanis and seconded by Stanek to recommend to the City Council to approve the change in the District Zoning Map to enact an ordinance to impose the R-3A University Residential Overlay District Zoning classification under Chapter 19.22 of the Zoning Ordinance of the City of Whitewater at 1014 W. Main Street. Aye: Tanis, Stanek, Parker, Hinspater, Binnie. No: None. Motion approved.

Moved by Tanis and seconded by Stanek to approve the conditional use permit to accommodate Phase 2 of a previous approval for a total of 9 units in a townhouse style residential apartment building at 1014 W. Main Street, subject to City Council granting the R-3A University Residential Overlay Zoning District and subject to the City Planner's 3 conditions for approval with the revision of #3 to allow for the possibility of hedges instead of fences and with the additional condition of planting trees in the Main Street yard subject to Staff review. (See attached conditional use permit). Aye: Tanis, Stanek, Parker, Hinspater, Binnie. No: None. Motion approved.

Public hearing for a change in the District Zoning Map to enact an ordinance to impose the R-3A (University Residential Overlay District) Zoning classification under Chapter 19.22 of the Zoning Ordinance of the City of Whitewater at 527, 531-533, and 601 W. Main

Street (tax parcel #'s /WUP 00242, /WUP 00241, and /WUP 00240) for HIS Rentals LLC. (Robert Freiermuth). City Planner Chris Munz-Pritchard explained that Bob Freiermuth is requesting the R-3A University Residential Overlay Zoning District classification for his properties at 527, 531-533, and 601 W. Main Street. The plans he submitted for the development are conceptual only. Munz-Pritchard is requesting that a pre-development agreement be established between the property owner and the City when the plans for developing the properties are determined. This may include but is not limited to a review by the Plan and Architectural Review Commission.

Bob Freiermuth was requesting the change in the zoning at this time and would come back at a later time with plans more acceptable with the City. Freiermuth stated that he wanted to maximize what was there.

City Attorney McDonell stated that there are some things that are permitted in an R-3A Zoning District, but if the proposal would involve a developer agreement, it would come back to the Plan Commission. When asked if it was possible to amend the zoning of the property without a plan, he stated that a specific plan approval was not required at the time of the zoning change. City Attorney McDonell read the permitted uses in the R-3A Overlay Zoning District which permits up to a 16 unit building.

City Planner Munz-Pritchard asked to have the plans come back as a conditional use permit due to the shared parking and drainage issues. Looking at the 3 lots as a whole is important.

City Attorney McDonell stated that if the Plan Commission wanted to put that as a condition on the rezone, as long as the owner/developer agrees to that, he was comfortable with it. He also stated that by ordinance, the City Planner can request Plan Commission review of any proposal.

Bob Freiermuth was fine with bringing his plans back to the Plan Commission. He stated that things had to be done in a certain sequence and in a certain period of time to make the project function.

Vice-Chairperson Binnie opened for public comment for the recommendation to the City Council for the R-3A Overlay Zoning. There was no public comment. Vice-Chairperson Binnie closed the public comment.

Plan Commission members voiced concerns of: Being more comfortable at approving a zoning change if we had a project to go with it; Is there a maximum number of stalls?;

Bob Freiermuth stated that he is planning a building with 4 units. If the math dictates that he can, he will try for more units. Stormwater is one of the biggest issues. So he is being held to parameters. He just wants to build a building and rent it out. He does not want to try to get away with anything. The engineering for the conceptual plan was engineered for a 100 year event. There is a 4 foot drop that continues down Boone Court. He would be doing grading and have a water detention/rain garden area.

City Planner Munz-Pritchard stated that there is no maximum number of stalls in the ordinance, only minimum number. She also stated that the City would need floor plans of the existing buildings in order to determine the parking and easements. Every option that needs easements, needs to be looked at as a whole. The developer will need to have the proposal engineered.

Bob Freiermuth stated there were 9 bedrooms at 601-603, 10 bedrooms at 531-533, and 8 bedrooms at 527 W. Main Street. He will bring everything in the box and bring it forward. He will still come to Plan Commission even if he doesn't have to.

City Attorney McDonell stated that a condition on the zoning promised by the developer is legal. The City cannot promise anything in return.

Moved by Tanis and seconded by Stanek to recommend to the City Council to change the zoning of the properties at 527, 531-533, and 601-603 W. Main Street to R-3A (University Residential Overlay) Zoning District for HIS Rentals LLC. (Robert Freiermuth) with the condition that the developer come back to the Plan Commission for approval of the building proposal. Aye: Tanis, Stanek, Parker, Hinspater, Binnie. No: None. Motion approved.

Information Items:

- a. Possible future agenda items. City Planner Munz-Pritchard stated that there would be a rezone and a conditional use in regard to 896 S. Janesville Street. Possibly election of officers for the Plan Commission will occur at the May meeting. Munz-Pritchard explained that she would like to discuss fencing with the Plan Commission in regard to requiring a permit and to look at individual cases with fencing requests.
- b. Next regular Plan Commission Meeting – May 11, 2015.

Moved by Tanis and seconded by Stanek to adjourn. The motion was approved by unanimous voice vote. The meeting adjourned at approximately 7:45 p.m.

Vice Chairperson Lynn Binnie