

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
January 11, 2016

**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 6:30 p.m.

Present: Greg Meyer, Bruce Parker, Lynn Binnie, Tom Hinspater, Kristine Zaballos, Sherry Stanek, Daniel Comfort. Absent: None. 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 Zaballos seconded by Binnie to approve the minutes of November 9, 2015. Motion approved by unanimous voice vote.

**Review Landscaping Policy – Chuck Nass.** Chuck Nass is the Parks & Streets Superintendent and the City Forester. He is also the City Staff person on the Urban Forestry Commission. The Urban Forestry Commission will take a look at proposed landscaping plans for a project and will make suggestions. One of the most important things in the Landscaping Guidelines is the use of the term “must” in the document. “Must” reflects the zoning ordinance requirements that are mandatory. On page 2 – Street Frontages.; new development must plant one deciduous tree for each 35 feet along each side of a street right-of-way. If big diameter trees are removed from a property due to new development and they cannot be replaced, the developer can be required to put dollars in a fund to pay for trees to be planted elsewhere. A 4 inch in diameter tree is a nice sized tree. They are well growing established trees, the largest to be able to successfully move. A developer should do whatever they can to keep the existing trees on the property. One large deciduous tree and 60 points of additional landscaping should be planted for each 1,500 square feet of paved area which is about the same amount of space required for five parking spaces plus a driveway. The requirement of 160 points of landscaping for new development is not new. It is the way of what is coming. The plantings help reduce the stormwater runoff.

City Planner Chris Munz-Pritchard stated that she has been taking the landscaping plans to the UFC to get recommendations and it has worked very well.

Plan Commission Member Stanek added that with the UFC reviewing the landscaping plans, it will eliminate invasive species and encourage plants that are native to Wisconsin. There are plant lists available that can help with substituting plants for what is often proposed.

Plan Commission Members voiced concerns of developers getting to the Plan Commission as a last stop, should try whenever possible to handle landscaping plans beforehand as landscaping is

a component of a conditional use permit. Should have conversations about saving existing trees early in the process; if landscaping point system requirements cannot be met, funds should be paid to the forestry fund.

The Forestry Commission meets the 4<sup>th</sup> Tuesday of each month. Chuck Nass stated that he could review a plan if there isn't time to get it to the Urban Forestry Commission prior to the Plan Commission meeting. Chuck Nass would let the Urban Forestry Commission know.

A tracking pad and silt fencing are very important to have in any development. A tracking pad keeps the soil etc. from clinging to tires of vehicles and tracking out into the street areas. The silt fencing keeps the soil from washing away and getting into the storm sewers. Both the tracking pad and the silt fencing must be installed correctly. For the tracking pads, Geotextile fabric goes down first. It separates the gravel from being ground into the soil. Gravel is put on top of the fabric. The silt fencing must have 12 inches of the Geotextile fabric buried in a trench and firmly attached to the post. Fabric is to extend 24 inches above ground. Developers need plans to do things properly.

**Public hearing for consideration of a Conditional Use Permit (tavern and other places selling alcohol by the drink) for Jimmie's Classic Italian Beef, James Migliorisi (Agent), to serve beer (Class "B" Beer License) and wine (Class "C" Wine License by the bottle or glass at 535 E. Milwaukee Street, to include the outdoor café area.** Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that there are no modifications being made to the site. Since she wrote her report, the proposal has been updated to include the outdoor café in the conditional use permit. The hours of operation are from 11 a.m. to 10 p.m. The outdoor area is to be roped.

There were no citizen comments. Chairperson Meyer closed the public hearing.

Plan Commission members voiced concerns of: controlling the alcohol on the patio, it is a pretty open space; there are sidewalk cafés in the downtown area that just have roping to designate the area which the business has people monitoring; are there cameras set up to keep track of this area?

Plan Commission Member Binnie stated that this proposal will go to the Alcohol Licensing Committee prior to going to Council. They review the situation thoroughly and usually require an employee outside when alcohol is being served.

Jim Migliorisi, owner of the business, stated that he does have a surveillance camera for the outdoor area which can be monitored from his office and the employees have a monitor they can watch also.

Moved by Stanek and seconded by Binnie to approve the conditional use permit with the City Planner recommendations. Aye: Stanek, Binnie, Hinspater, Comfort, Zaballos, Parker, Meyer. No: None. Motion approved.

**Review proposed certified survey map to add 65 feet to property line from adjoining property to the west of the Prairie Village Subdivision for Fairhaven Corporation.** City Planner Chris Munz-Pritchard explained that this proposed certified survey map is for a change to the original Planned Development (PD). The plan is to add 65 feet to the west from their existing lot line to accommodate future buildings on the north side of Acorn Ridge. She recommended that any utilities located outside of the road way need to have easements added; and include any other conditions identified by the Plan Commission.

Plan Commission Member Parker asked if that land had been annexed to the City of Whitewater. City Attorney McDonell stated that it had been annexed.

Moved by Parker and seconded by Comfort to approve the certified survey map to add 65 feet from the adjoining property to the west of the Prairie Village Subdivision for Fairhaven Corporation subject to the City Planner conditions. Aye: Parker, Comfort, Hinspater, Zaballos, Stanek, Meyer. No: None. Abstain: Binnie. Motion Approved.

**Review proposed two lot certified survey map for land located along Whitewater Street to divide the land along W. Whitewater Street for Home Lumber (Chris Hale).** The discussion of this item was included with the following item.

**Public hearing for a conditional use permit in a B-3 Zoning District for a cold storage building addition to the existing building at 439 W. Whitewater Street for Home Lumber (Chris Hale). The building addition will be 15 feet from the Railroad Right of Way.** Chairperson Meyer announced the review of the proposed certified survey map and opened the public hearing for consideration of a conditional use permit in a B-3 Zoning District for a cold storage building addition to the existing building at 439 W. Whitewater Street for Home Lumber (Chris Hale). The building addition will be 15 feet from the Railroad Right of Way.

City Planner Chris Munz-Pritchard explained that a conditional use permit is required to have a 15 foot setback to any railroad right-of-way. While lumberyards are considered a permitted use, warehousing is considered a conditional use even though it is something that would be associated with this type of activity. Munz-Pritchard noted that there was an agreement with the city for truck loading and unloading off of Tripp Street. She would like this agreement better documented.

City Planner Munz-Pritchard stated the conditional use permit could be with review of building elevations if that is what the Plan Commission wants.

Plan Commission Member Parker asked about the procedure and if this should have come to the Plan Commission as conceptual review. It is important to have elevations of the building showing windows and doors. It should be done to protect the residents in this area.

Plan Commission Member Binnie stated that a cold storage building (warehouse) was already approved there. This is just an extension of that building. So the only reason to come to Plan

Commission is for the building to be 15 feet from the railroad right-of-way. Binnie had no problem with Chris Munz-Pritchard reviewing the elevations of the proposed building.

Chris Hale explained that the building would be a post frame building. He had no problem making it fit into the City plan. He would upgrade the façade. This addition will upgrade the appearance on Tripp Street; what is outside will now be inside the building.

Plan Commission Member Zaballos asked that when Home Lumber makes an improvement that they keep in mind that this is a main artery to the City and it is a transitional neighborhood.

Russ Rogers, resident of Whitewater Street, asked about 2004 when they wanted to keep the Kitchen and Bath Store, if they kept it, they would be over the maximum size to build on the lot. Is this the case? Will there be other overhead doors on the building? He also voiced concern of looking at a big flat wall.

City Planner Munz-Pritchard stated that the plans will need approval from the City Engineer for stormwater run-off.

Chris Hale stated there would be a small overhead door facing the Kitchen and Bath Store. There will be no driveway other than the loading dock. He will agree to all UFC landscaping recommendations and City Engineer requirements.

Plan Commission Member Parker stated that lot coverage, drainage and railroad visibility should all be looked at.

Chairperson Meyer closed the public hearing.

Plan Commission Members suggested that there be some sort of architectural interest on the façade of the building. With the newly formed Public Arts Board and wanting to do murals, the wall might be a good place for a mural (like the Barn Quilts). The building would play a business and historical role.

Moved by Parker and seconded by Comfort to approve the Certified Survey Map subject to meeting City ordinances. Aye: Parker, Comfort, Binnie, Hinspater, Zaballos, Stanek, Meyer. No: None. Motion approved.

Moved by Parker and seconded by Comfort to postpone #8 the conditional use permit application until the Plan Commission has the appropriate site plan, elevation plans, a landscaping plan for along Whitewater Street until the next meeting so that Chris Hale can have this information and to ensure that the Railroad has a chance to review and approve beforehand. Aye: Parker, Comfort, Binnie, Hinspater, Zaballos, Stanek, Meyer. No: None. Motion approved.

**Public hearing for a change in the District Zoning Map 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 for the property located at 377 S. Janesville Street**

**(tax parcel # CL 00125A) for Lendost Management LLC. (Michael Kachel).** The discussion of this item was included with the following item.

**Public hearing for a conditional use permit in an R-2A Residential Overlay Zoning District, to allow for 4 unrelated persons to live in the house located at 377 S. Janesville Street for Lendost Management LLC. (Michael Kachel).** Chairperson Meyer opened the public hearing for consideration of the change in the District Zoning map 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 for the property located at 377 S. Janesville Street and to hold the public hearing for consideration of a conditional use permit in an R-2A Residential Overlay Zoning District, to allow for 4 unrelated persons to live in the house located at 377 S. Janesville Street for Lendost Management LLC. (Michael Kachel).

City Planner Chris Munz-Pritchard explained that this is the first R-2A requested with the new application. The building inspector inspected the building and everything reflected what was noted. This is a single family dwelling unit. The request is to change the zoning to R-2A and a conditional use permit request to allow a change from 3 to 4 unrelated persons to live in the household. Munz-Pritchard requires 4 parking stalls

There were no public comments.

Chairperson Meyer closed the public hearing.

When asked about alterations to the building, Mike Kachel stated that there are no proposed alterations for the inside or outside of the building. It was originally a four bedroom home. The parking will have two spaces in the garage and two spaces on the concrete to the north of the garage.

Plan Commission Member Binnie stated that this first example of the new application demonstrated great improvement in the process. Having the building inspector go out ahead of time really helps with this new approach. There will be instances where the Plan Commission would need to see architectural plans, particularly when there are alterations to be done to the building that are being considered for the approval.

Moved by Binnie and seconded by Stanek to recommend to the City Council to enact an ordinance for a change in 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 property located at 377 S. Janesville Street (tax parcel #CL 00125A) for Lendost Management LLC. (Mike Kachel). Aye: Binnie, Stanek, Comfort, Hinspater, Zaballos, Parker, Meyer. No: None. Motion approved.

Moved by Binnie and seconded by Stanek to approve the conditional use permit subject to the City Planner recommendations and conditioned upon the City Council approval of the zoning changes. Aye: Binnie, Stanek, Comfort, Hinspater, Zaballos, Parker, Meyer. No: None. Motion approved.

**Review and make recommendation to the Common Council concerning amendments to Chapter 19.72 Board of Zoning Appeals in the Zoning Ordinance of the City of Whitewater, concerning necessary number of votes required by the Board of Zoning Appeals for actions.** City Planner Chris Munz-Pritchard explained that the ordinance concerning the number of votes required by the Board of Zoning Appeals for actions was probably intended to be a majority vote. At this time there are vacancies on the Board; there are three regular members and one alternate. The Board is to consist of five regular members and three alternates. Quorum is four members and a minimum of four votes are required to grant a variance. The Board of Zoning Appeals voted 3 to 1 to send this request to the City Council.

Tom Miller, Chairperson of the Board of Zoning Appeals, stated that at their meeting they voted 3 to 1 (majority vote) to take this to the Council. He thinks this is the only Board in the State that does not vote by majority. It would be appropriate for the Plan Commission to approve this.

Moved by Binnie and seconded by Meyer to recommend to the City Council that the change be made to Chapter 19.72 Board of Zoning Appeals in the Zoning Ordinance of the City of Whitewater, concerning the necessary number of votes required by the Board of Zoning Appeals for actions, to be changed to a majority vote. Aye: Binnie, Meyer, Stanek, Comfort, Hinspater, Zaballos, Parker. No: None. Motion approved.

**Information Items:**

- a. Reminder of Plan Commission Training on Wednesday, January 27, 2016 from 6 p.m. to 8:30 p.m. at the Innovation Center, 1221 Innovation Drive.
- b. Possible future agenda items. Plan Commission Member noted that the City Council requested further consideration of the Plan Commission on the recommendation to impose a requirement of square footage per person for the R-2A Overlay Zoning.
- c. Next regular Plan Commission Meeting – February 8, 2016.

Moved by Stanek and seconded by Comfort to adjourn. The motion was approved by unanimous voice vote. The meeting adjourned at approximately 7:55 p.m.

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Chairperson Greg Meyer